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federal register
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LSA

List of CFR Sections Affected

April 1980

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LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

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The CFR is revised annually according to the following schedule:

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To bring these regulations up to date, consult this LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing at the front of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Martha B. Girard assisted by Ruth C. Pontius, with Loren Myers as Chief Editor. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Ernest J. Galdi, Acting Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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0.15 (b)(3) revised 57926
0.17 Revised 77157
0.19 (a) and (b) revised 58908
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0.33a—0.33c (Subpart F–1) Added *13729
0.39—0.39e (Subpart G–2) Revised *27754
0.40—0.41 (Subpart H) Appendix added 54045
0.45 (b) revised; (i) added 40498
0.50 (a) amended 43468
(h) added 46272
0.51 (b) revised 46272
0.50—0.52 (Subpart J) Appendix amended 53080
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0.53—0.54b (Subpart J–1) Removed *12416
0.55 (f) revised 54045
0.55—0.64–2 (Subpart K) Appendix amended *6541
0.64–2 Added *6541
0.85 (k) removed *22023
0.89a Added *22023
0.131 Revised 43468
0.142 (c) revised 69927
0.160—0.172 (Subpart Y) Appendix amended *20799
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2.11 (e) revised *6381
2.13 (c) revised *6381
2.14 (a)(2)(ii) revised; (b)(2)(iv) added 55004
2.17 (a) revised; interim 58508
(a) revised; final *6380
2.20 Implementation procedures *6379
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2.21 Implementation procedures *6379
2.25 (b) revised; interim 58508
(b) revised; interim *6380
2.26 Revised; interim 58508
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2.40 (a)(11) revised 59528
2.47 Revised *12239
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16.6 (d) removed *20800
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16.21—16.26 (Subpart B) Appendix amended 59904
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16.91 (k) and (l) removed; (m) through (t) redesignated as (k) through (r); (c), (d) introductory text, (e), (f) introductory text, new (m) and new (n) introductory text revised 54046
16.96 Revised *5301
16.100 (a), (b), and (c) removed; (d) and (e) redesignated as (a) and (b) *6780
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32 Appendix added *16181
42.3 Added 77157
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45.735–7 Revised *26326
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50.13 (c) revised 57927
50.18 Added *20800
55 Appendix amended 43719
58 Added; interim *2316
60.3 (a)(3) amended 46459

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542 Added 62250
542.13 (b) revised 76726
544.80—544.82 (Subpart I) Added 62251
549.60—549.66 (Subpart E) Added *23365
551.90 (Subpart I) Added *23366
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14 Revised 57398
24 Added *1836
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40.20 (a)(2) amended; eff. 4–3–80 *14186
40.43 (e) revised 75628
40.202 (a) introductory text revised 72588
40.210 (a) amended 72588
56.51 (a) and (c) revised; (b) and (d) redesignated as (e) and (f); new (b) and (d) added *27416
56.63 (a) and introductory text of (b) revised; (b)(2) through (7) redesignated as (b)(3) through (8); new (b)(2) added; new (b)(3) revised *27416
56.65 (a) revised *27417
56.68 (a)(5) and (6) revised; (b) and (c) redesignated as (c) and (d); new (b) added *27417
56.77 (a) revised *27417
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203 Removed *15157
204 Removed *15157
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207 Added *15157
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208 Added *15158
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208.58 Corrected *28322
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209 Added *15165
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1604 Appendix amended (temporary) 58073
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1613 Comment time extended *25796
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1613.221 (c) revised; (d) redesignated as (e) and revised; new (d) added; interim *24132
1613.231 (a)(3) revised; interim *24132
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1613.233 (a) revised; interim *24132
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1613.281 Revised; interim *24133
1613.602 (c) revised; interim *24133
1613.609 (c) revised; interim *24133
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1613.631 (a) and (b) revised; interim *24133
1613.641 (a) amended; interim *24133
1613.801—1613.806 (Subpart H) Added; interim 50541
1625.11 Added 66799
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1627 Added; regulations transferred from Part 850 38459
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1910.217 (b)(8)(iv), (d)(3), (5), and (9)(i) corrected *8594
1910.1000 Table Z-1 partial stay of effective date rescinded 41427
1910.1025 (a)(2) revised 50338
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1910.1043 (e)(3)(iii), (f)(2)(vi), and (m) revised *12417
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1952.125 Added *6543
1952.152 Authority citation corrected 74819
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1952.214 Heading revised; (p) added *10337
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2200.51 (a) revised 70111
2200.75 Revised 70111
2200.91a Redesignated as 2200.-92 70111
2200.92 Redesignated as 2200.94; new 2200.92 redesignated from 2200.91a 70111
2200.93 Redesignated as 2200.95; new 2200.93 added 70111
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2520.104-47 Added *14034
2520.104-48 Added *24869
2520.104-49 Added; interim *25406
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2618 Added 42185
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2700.55 (a) corrected 41178
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41 Authority citation corrected 52826
43 Authority citation corrected 52826
44 Authority citation corrected 52826
46 Authority citation corrected 52827
48 Authority citation corrected 52827
50.20 (a) amended 52828
50.20-6 Introductory text designated as (a) introductory text and revised; (a) heading and (b) heading removed; (b) introductory text revised; nomenclature change 52828
55 Authority citation revised 48535
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165.510 Added	53745
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165.521 Added (temporary)	47933
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165.707 Added (temporary)	44492
165.709 Added (temporary)	47336
165.710 Added (temporary)	47336
165.711 Added; exp. 6-1-81	61958
165.801 Added (temporary)	57929
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165.1200 Added (temporary)	41178
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174.105 Revised	42195
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175 Authority citation revised; eff. 1-1-81	73024
175.101—175.140 (Subpart C) Added; eff. 1-1-81	73024
175.201 (Subpart D) Added; eff. 8-1-80	73027
183.23 Revised; eff. 8-1-80	*2029
183.25 Revised; eff. 8-1-80	*2029
183.27 Revised; eff. 8-1-80	*2030
183.39 Revised; eff. 8-1-80	*2031
183.41 Revised; eff. 8-1-80	*2030
183.43 Revised; eff. 8-1-80	*2031
183.112 (a) corrected	47934
183.114 Table designation corrected	47934
183.222 (a) corrected	47934
183.322 (a) corrected	47934
183.455 (b) revised	63524
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183.601—183.630 (Subpart K) Added; eff. 8-1-80	73027
183.630 (a) introductory text and (1) corrected	*7544

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204.175 (b)(1) and (3) revised; (b)(5) removed	*13072
204.230 (a) revised	69298
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206.30 Removed	65977
206.35 Removed	65977
206.40 Text revised	65978
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206.93 Republished	65985
207.167 (b)(2) revised	*27755
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207.173 Removed; new 207.173 redesignated from 207.173a and revised	*2317

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207.173a Redesignated as 207.173 and revised *2317
207.184 Revised 42968
207.420 (b)(1), (4)(i) introductory text and (a), (10)(i), (17), and (18) revised; (b)(11) removed 67657
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207.750 (e) revised *24460
208.19 Authority citation added 44157
209.135 (d)(11) revised 51587
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209.340 Revised 50338
222.6 Revised 43469
222.8 Added 55336
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9.4 (a) through (e) and (f) introductory text revised 55865
9.5 (d) revised 55866
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9.11 Technical correction 77161
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10.9 (a) through (d) revised 55866
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51.181 (Subpart C) Removed 75317
53 Removed 75317
57 Removed 75317
59 Removed 75317
60 Revised 75317
61 Authority citation revised 75324
61.1—61.5 (Subpart A) Removed 75324
61.39 Removed 75324
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61.319 Removed 75324
61.331—61.335 (Subpart G) Removed 75324
61.351—61.364 (Subpart H) Removed; regulations transferred to 9.31—9.39 (Subpart B) 75324
61.365 Removed 75324
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251 Authority citation revised 75330
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253.131 (b) amended 56693
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7.45 (e) through (h) added *10353
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922 Added; interim 51587
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1228.50—1228.65 (Subpart D) Added; interim 47025
1228 Appendixes A and B added; final 58091

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1.963 (b) revised; authority citation added 59906
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1.964 (c) amended; authority citation added 59907
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TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

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35.915 (a)(1)(iv) technical correction ---- 39339
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35.925–15 Effective date corrected ---- 39340
35.925–18 (b) effective date corrected to 10–1–79 ---- 39340
35.928–1 (f) designation reserved effective date corrected ---- 39340
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51.322 (a)(1) and (b)(1) revised ---- 65070
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52.226 (b)(3)(iii) and (iv) added ---- 70141
52.233 (k) added ---- *3271
52.269 (b)(1)(ii)(C) and (D) added ---- 70141
52.273 (a)(3)(x) added ---- 70141
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52.620	(c)(11) added	46274
52.672	(d) added	44498
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52.676	(a)(2) and (b) revised; (b) Appendix A added	72120
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52.1166	Added	*2044
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4-1-80
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federal register

Tuesday
April 1, 1980

Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in Reader Aids section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., Los Angeles, Calif., Boston, Mass., New York, N.Y., Salt Lake City, Utah, Seattle, Wash., and Chicago, Ill., see announcement in the Reader Aids section at the end of this issue.

21199 **ORT Centennial Day, 1980** Presidential proclamation

21201 **National Bicycling Day** Presidential proclamation

21303 **Grant Programs** HEW/OE issues proposed regulations setting forth procedures for collection of debts that grantees and contractors own the United States under programs administered by the Education Division, comments by 6-2-80

21600 **Native Latex Research Grants** USDA/SEA will award project grants for research (Part VII of this issue)

21409 **Supervised Release Program Test Design** Justice/NIJ announces competitive research cooperative agreement program; apply by 5-30-80

21552 **Libraries** List of libraries carrying FR and CFR (Part II of this issue)

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Highlights

21211 **Federal Home Loan Bank** FHLBB reduces overall liquidity requirements; effective 4-1-80

21582 **Medicare** HEW/HCFA issues proposed schedule of limits on hospital inpatient general routine operating costs for cost reporting periods beginning on or after July 1, 1980; comments by 6-2-80 (Part IV of this issue)

21210 **Federal Candidate Debates** FEC announces effective date of regulations on funding and sponsorship of nonpartisan candidate debates; effective 4-1-80

21331 **Oil Import** DOE request assistance in developing a plan to reduce U.S. vulnerability to an oil import disruption

21228 **Pension Benefit Guaranty** PBGC issues regulations prescribing interest rates and factors used to value benefits provided under terminating pension plans; effective 4-1-80

21405 **Violent Juvenile Offender Research and Development** Justice/LEAA request comments for proposed guidelines; comments by 5-1-80

21206 **Crude Oil** DOE/ERA issues regulations concerning exempting heavy crude oil from price controls; effective 3-25-80

21211 **Election Campaign** FEC announces the effective date of regulations implementing the 1979 amendments to the Federal Election Campaign Act of 1971; effective 4-1-80

21228 **Community Relations** Defense/Sec'y issues regulations regarding guidance in planning and conduct of community relation activities of the Armed Forces; effective 7-19-79

21434 **Entitlement Period Eleven** Treasury/RSO announces date of final gereral revenue sharing allocations on or about 4-10-80

21436 **Sunshine Act Meetings**

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21560 **Part III, Interior/SMO**
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Title 3—
The President

Proclamation 4740 of March 28, 1980

ORT Centennial Day, 1980

By the President of the United States of America

A Proclamation

The Organization for Rehabilitation through Training was founded by Jews in Czarist Russia on April 10, 1880, to give technical instruction to Russian Jews and allow them to enter the industrial workforce for the first time in their history. In the course of the following century, the Organization gradually expanded its scope to include vocational training and technical education for unskilled men and women of many races and religions on several continents.

On its 100th Anniversary, ORT is the largest voluntary, nongovernmental job training program in the world. By providing training in over 100 trades—including transportation, education, engineering, mining, agriculture, hygiene, public health, and commerce—ORT has helped more than two million people in their efforts to overcome poverty.

The Organization has been a thread of hope even under the harshest of circumstances. It continued to function in the Warsaw ghetto until the very morning of the 1943 uprising. Among its other proud achievements, ORT can count the rehabilitation of survivors of Nazi persecution in the DP camps of postwar Europe as well as its recent collaboration with the Agency for International Development on programs to modernize Third World countries during the Decade of Development.

Today, as ORT celebrates its centennial, its basic educational network extends to 24 countries and serves 100,000 students in 700 schools. It has helped to lay foundations of individual pride and self-sufficiency all over the world, and the consistent quality of its performance has been an inspiration and an indispensable aid to progress.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to join me in observing April 10, 1980, as ORT Centennial Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred and eighty and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-9966
Filed 3-28-80; 2:32 pm]
Billing code 3195-01-M

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Title 3—

The President

Proclamation 4741 of March 28, 1980

National Bicycling Day

By the President of the United States of America

A Proclamation

Bicycling is finally breaking away in this country, making racers and riders out of a hundred million Americans.

Whether they are huffing up mountain roads on vacation or commuting a few miles to work every day, bicycle riders are using their energy to save our energy, while their pumping legs mean pumping hearts and better health. One of the most energy-efficient forms of transportation known to man, bicycle riding is bound to become even more popular in the energy-conscious, health-conscious future.

The Congress, by joint resolution (H.J. Res. 414), has authorized and requested the President to designate the first day of May, 1980, as National Bicycling Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby declare May 1, 1980, National Bicycling Day.

I call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and events.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred and eighty and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-10073
Filed 3-31-80; 11:30 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 64
Tuesday, April 1, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF ENERGY

10 CFR Part 205

Administrative Procedures and Sanctions; 1980 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of interpretations.

SUMMARY: Attached is an interpretation issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period February 1, 1980 through February 29, 1980.

Appendix B identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585 (202) 252–2931.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations depend for their authority on the accuracy of the factual statement used as a basis for the interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them (§ 205.85(c)). An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling (§ 205.85(e)). The interpretation published below is not subject to appeal.

Issued in Washinton, D.C., March 24, 1980.

Merrill F. Hathaway, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings.

Appendix A

Number	To	Date	Category	File No.
1980–4	F. M. Brown's Sons, Inc	February 5	Allocation	A–434

Interpretation 1980–4

To: F. M. Brown's Sons, Inc.
Regulations Interpreted: 10 CFR 211.51; 211.103
Code: GCW–AI–Allocation Levels; Agricultural Production, def.

Facts

F. M. Brown's Sons (Brown's Sons), a firm engaged in the manufacture and distribution of processed animal feeds, is a "wholesale purchaser-consumer" of motor gasoline as that term is defined in 10 CFR 211.51 of the Mandatory Petroleum Allocation Regulations. In collecting and transporting grains from farms to its processing centers and in deliverning grains processed into animal feed directly to its farm customers, Brown's Sons' trucks consume significant quantities of motor gasoline. Because the firm has experienced difficulty in obtaining sufficient motor gasoline to perform these functions, it has filed a request for interpretation seeking a determination under the allocation regulations that it is entitled to first priority allocation status.

Brown's Sons contends that the activities in which the firm is engaged are included within the definition of "agricultural production" contained in 10 CFR 211.51. Under 10 CFR 211.103 wholesale purchaser-consumers of motor gasoline engaged in "agricultural production" are entitled to an allocation of that product for that use equal to 100 percent of their base period use.[1]

Issue

Is the use of motor gasoline for the collection of grains to be processed into animal feed and for the delivery of processed animal feed directly to customers by a firm engaged in the manufacture of animal feed a use properly characterized as "agricultural production" as defined in § 211.51 of the Mandatory Petroleum Allocation Regulations?

Interpretation

For the reasons discussed below, the Department of Energy (DOE) concludes that Brown's Sons' use of motor gasoline for collecting grains for processing into animal feed and for delivering the processed product to customers is not "agricultural production" and therefore does not qualify for a first priority allocation level under 10 CFR 211.103(b)(2). However, depending upon the type of vehicles employed, the use by Brown's Sons of motor gasoline in grain collection and animal feed delivery qualifies either for the first priority allocation level accorded "cargo, freight and mail hauling by truck" under 10 CFR 211.103(b)(8), or for a second priority allocation level accorded "commercial use" under 10 CFR 211.103(c)(2).[2] Furthermore, to the extent that the firm uses motor gasoline directly in the manufacture of animal feed, it is entitled to a first priority allocation level for that use. This result comports with our decision issued on November 30, 1979, in *National Soft Drink Association,* Interpretation 1979–24, 44 FR 72098 (December 13, 1979).

The definition of "agricultural production" at 10 CFR 211.51 provides in relevant part:

"Agricultural production" means all the *activities* classified under the industry code numbers specified in paragraph (a) below as set forth in the Standard Industrial Classification Manual, 1972 edition * * *

* * * * *

[(a)](2) All industry code numbers included in Major Group 20, Food and Kindred Products, of Division D, Manufacturing * * *

* * * * *

[(a)](3) All the following other industry code numbers * * *

* * * * *

4212 Local Trucking Without Storage (Farm to market hauling and log trucking only)
* * *. (Emphasis added.)

Major group 20 of the Standard Industrial Classification (SIC) Manual is entitled "Food and Kindred Products" and includes "establishments manufacturing or processing * * * prepared feeds for animals and

[1] At the time that Brown's Sons submitted its request for interpretation, firms engaged in first priority uses were entitled to an allocation level of 100 percent of total current requirements for that use of motor gasoline. The rule was changed effective August 1, 1979. *See* 44 FR 42545 (July 19, 1979).

[2] A first priority allocation would entitle Brown's Sons to 100 percent of its base period use of motor gasoline for the qualified use. A second priority allocation would entitle Brown's Sons to its base period use of motor gasoline for the qualified use, reduced by application of the appropriate allocation fraction.

fowls."[3] Within this major category, there is under Industry Code Number 2048 a section entitled "Prepared Feeds and Feed Ingredients for Animals and Fowls, Not Elsewhere Classified." This category includes "*[e]stablishments primarily engaged* in manufacturing prepared feeds and feed ingredients and adjuncts, for animals and fowls, not elsewhere classified." (Emphasis added.)[4]

The language of § 211.51 clearly states that "agricultural production" means the *activities* classified under the SIC Manual industry code numbers that are referenced in that definition. As we concluded in *National Soft Drink Association*, agricultural production uses include only those *activities* which are themselves expressly included in the SIC Manual classifications included in the definition of agricultural production, and not all of the other activities in which a firm classified under these SIC Manual categories may be involved. *National Soft Drink Association* at 72099. Therefore, the manufacture of animal feed itself qualifies as "agricultural production" because this *activity* is classified under Industry Code Number 2048, included in Major Group 20 of Division D of the SIC Manual which is explicitly included under clause (a)(2) of the definition of agricultural production. Accordingly, any activities directly related to the actual processing of grains into animal feed qualify for the first priority allocation level for motor gasoline under § 211.103(b)(2). However, other activities of firms primarily engaged in the manufacture of animal feed which are not expressly included in the SIC Manual categories referred to in § 211.51 are not "agricultural production."

While the activities of buying and transporting grain and of delivering processed animal feed directly to customers are classified in the SIC Manual, they are not specifically included in any of the SIC Manual categories listed under the agricultural production definition. Buying and/or marketing grain is included in Division F of the SIC Manual under industry code number 5153.[5] The wholesale distribution of animal feed is also included in Division F under industry code number 5191.[6] Moreover, local trucking with and without storage is included under industry code numbers 4214 and 4212 in Division E of the SIC Manual.[7] Of these activities only log trucking and farm to market hauling without storage under industry code number 4212 are included within the definition of agricultural production.[8] Local trucking for any other purpose is not an agricultural production use. Therefore, we conclude that motor gasoline usage related to the purchase of grains and to the delivery of processed animal feed directly to farm customers is not "agricultural production" and does not qualify for the first priority allocation level accorded to that use under 10 CFR 211.103(b)(2). See *Interstate Brands Corporation*, 1 FEA ¶20,744 (December 20, 1974) at 20,955.

Nevertheless, trucking by Brown's Sons for the purchase and collection of grains and for the distribution of processed animal feed to customers may qualify for the first priority allocation level accorded under 10 CFR 211.103(b)(8) to "cargo, freight and mail hauling by truck." In order to qualify under that provision, the trucking activities must be carried out in vehicles that fit the definition of "truck" set forth in 10 CFR 211.102. *Id.* Section 211.102 states in relevant part:

"Truck" means a motor vehicle with motive power designed primarily for the transportation of property or special purpose equipment and with a gross vehicle weight rating for a single vehicle (the value specified by the manufacturer as the loaded weight of the vehicle) or the equivalent thereof in excess of 20,000 pounds * * *.

If the firm's trucks do not meet this definition, the firm is not entitled to a first priority allocation of motor gasoline for its grain collection and animal feed delivery activities under 10 CFR 211.103(b)(8). However, these uses would qualify for a second priority allocation level accorded under § 211.103(c)(2) for "commercial use," which is defined in § 211.51 as follows:

"Commercial use" means usage by those purchasers engaged primarily in the sale of goods or services and for uses other than those involving industrial activities and electrical generation.

Issued in Washington, D.C., on February 5, 1980.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Appendix B.—*Cases Dismissed*

File No., and requester	Category	Date dismissed
A-401 The Gulf Companies	Price	Feb. 22.
A-389 Cooper Ltd	Price	Feb. 22.
A-414 Santa Clara County Service Station Dealers Association.	Price	Feb. 22.
A-360 California Service Station Association.	Price	Feb. 22.
A-463 San Jose Peace Officer's Association.	Allocation	Feb. 4.

[FR Doc. 80-4770 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

[3] *Standard Industrial Classification Manual* 59 (1972 edition).

[4] *Id.* at 64.

[5] *Id.* at 255.

[6] *Id.* at 256. Retail Trade is classified generally in Division G of the SIC Manual.

[7] *Id.* at 224.

[8] Industry code number 4212 includes "[e]stablishments primarily engaged in furnishing trucking or transfer services *without storage*, in a single municipality, contiguous municipalities, or a municipality and its suburban areas." (Emphasis added.) Brown's Sons conducts its business activities at three locations, each of which serves as a processing and distribution center. Brown's Sons can store animal feed and other products at these facilities. Accordingly, the delivery of animal feed by Brown's Sons is not an activity included within the farm to market hauling without storage classification.

Economic Regulatory Administration

[Docket No. ERA-R-80-06]

10 CFR Part 211

Mandatory Petroleum Allocation Regulations; Entitlements Program Corrective Amendment

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting a technical correction to the domestic crude oil allocation (entitlements) program to correct the definition of "National domestic crude oil supply ratio" by reinserting reference to the issuance of entitlements for imports of middle distillates during the period May 1, 1979 through October 31, 1979. This reference was inadvertently deleted in an unrelated entitlements rulemaking that was issued shortly after the adoption of the rule providing entitlement benefits for imports of middle distillates. The corrective amendment is made effective July 1, 1979, the effective date of the inadvertent deletion. The amendment effects a technical correction only and represents no substantive change in the regulations.

DATES: Effective date: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Sue D. Sheridan (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

SUPPLEMENTARY INFORMATION:

I. Background
II. Amendment Adopted
III. Procedural Requirements

I. Background

On May 24, 1979, the ERA amended the entitlements program to provide entitlements benefits for imports of middle distillates for the months May 1979 through August 1979 (44 FR 31162, May 31, 1979). The regulatory change was implemented by (i) adding a new paragraph at 10 CFR 211.67(a)(6) specifying the terms under which entitlements are issuable for middle distillate imports and by (ii) including a corresponding reference to middle distillate entitlements in the "National domestic crude oil supply ratio" definition set forth at 10 CFR 211.62.[1]

[1] On August 31, 1979, the ERA extended the period during which middle distillate imports were eligible for entitlement benefits through October 31, 1979 (44 FR 52170, September 7, 1979).

On June 10, 1979, in an action unrelated to middle distillate entitlements, the ERA amended the entitlements program effective July 1, 1979 by extending the provisions granting entitlement benefits for imports of residual fuel into the East Coast market or the State of Michigan and reducing entitlement benefits for certain domestically refined residual fuel transported into those markets (44 FR 34468, June 15, 1979). In amending the definition of "National domestic crude oil supply ratio" to effect these changes, the § 211.67(a)(6) middle distillate reference was inadvertently deleted.

II. Amendment Adopted

We are adopting today a corrective amendment to the definition of "National domestic crude oil supply ratio" in § 211.62 to define the numerator of that ratio as the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by the number of barrels of deemed old oil equal to the number of entitlements issuable to small refiners under § 211.67(e) and the number of entitlements issuable under §§ 211.67(a)(4), 211.67(a)(5) and 211.67(a)(6). This amendment adds the reference to § 211.67(a)(6), pertaining to entitlements for middle distillate imports, which was inadvertently deleted in the June 10 rulemaking. The amendment is effective retroactive to the effective date of the omission, July 1, 1979.

III. Procedural Requirements

A. *Section 404 of the DOE Act.*—Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOE Act), we have referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect any of its functions.

B. *Section 7 of the FEA Act.*—Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. section 787 *et seq.*, Pub. L. 93-275 as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment.

A copy of the notice was sent to the EPA Administrator. The Administrator commented that he does not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

C. *National Environmental Policy Act.*—It has been determined that this rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* This amendment to the definition of "National domestic crude oil supply ratio" is technical in nature, and has no effect on the environment. Therefore, an environmental assessment or an environmental impact statement is not required by NEPA or the applicable DOE regulations for compliance with NEPA.

D. *Section 501 of the DOE Act.*—Under section 501(c) of the DOE Act we are not bound by the prior notice and hearing requirements of subsections (b)-(d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of Title 5, United States Code.

This amendment to § 211.62 is technical in nature, and does not raise substantial issues of fact or law. Nor is the rule likely to have a substantial impact on the Nation's economy since it merely corrects the unintended omission of reference to § 211.67(a)(6) in the definition of "National domestic crude oil supply ratio" set forth in § 211.62 and confirms the entitlements calculations already made. For the same reason, the amendment is not likely to have a substantial impact on large numbers of individuals or businesses. Therefore, the amendment shall be promulgated in accordance with section 553 of Title 5 U.S.C., pursuant to section 501(c) of the DOE Act.

E. *Section 553 of the Administrative Procedure Act.*—Section 553(b) of the Administrative Procedure Act requires that general notice of a proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedure thereon is impracticable, unnecessary, or contrary to the public interest. We find that the advance notice and public comment procedures of section 553(b) are unnecessary in this case, since this amendment is being issued solely to correct the unintended omission of reference to § 211.67(a)(6) in the definition of "National domestic crude oil supply ratio" set forth in § 211.62.

Subsection (d)(3) of section 553 requires that the publication of a rule be made at least 30 days before the effective date of the rule, unless the agency for good cause finds otherwise. This rule is being issued to resolve confusion which the inadvertent omission of the reference to § 211.67(a)(6) has caused. This correction, to have its requisite effect, must be made retroactive to the date that the omission was made.

F. *Executive Order 12044.*—Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for advance public comment for a minimum of 60 days. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979). The DOE procedures give as an example of a nonsignificant regulation an amendment designed to correct errors in draftmanship. This amendment fits that description.

(Emergency Petroleum Allocation Act of 1973, (15 U.S.C. 751 *et seq.*), Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, (15 U.S.C. 787 *et seq.*), Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, (42 U.S.C. 6201 *et seq.*), Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*), Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 1, 1979.

Issued in Washington, D.C., March 25, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Section 211.62 is corrected by revising the definition of "National domestic crude oil supply ratio" to read as follows:

§ 211.62 Definitions.

"National domestic crude oil supply ratio" means,

* * * * *

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"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of deemed old oil equal to the number of entitlements issuable to small refiners under § 211.67(e) and the number of entitlements issuable under § 211.67(a)(4), § 211.67(a)(5), and § 211.67(a)(8), divided by the sum of the total volume of the crude oil runs to stills for all refiners for that month and fifty percent (50%) of the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

[FR Doc. 80-9771 Filed 3-31-80; 8:45 am]
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10 CFR Part 212

[Docket No. ERA-R-80-05]

Final Rules Concerning the Exemption of Heavy Crude Oil From Price Controls

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting amendments to conform the crude oil pricing regulations to the President's Executive Orders exempting first sales of heavy crude oil from the ceiling price limitations established by the crude oil pricing regulations. A new section is being added to Part 212 to provide that prices charged in the first sales of crude oil produced from heavy oil properties have not been subject to ceiling price limitations since August 17, 1979. For the period August 17, 1979 through December 20, 1979, a heavy oil property is any property for which the crude oil production had a weighted average gravity of 16.0° API or less during the last month prior to July 1979 in which crude oil was produced and sold from that property. Beginning December 21, 1979, a heavy oil property is any property for which the crude oil production had a weighted gravity of 20.0° API or less during the last month prior to July 1979 in which crude oil was produced and sold from that property.

Also adopted as a final rule is a technical change to the crude oil allocation regulations to make it clear that heavy crude oil, as well as other types of crude oil that are no longer subject to first sale price controls, are subject to the bona fide offer provisions before a supplier/purchaser relationship can be terminated.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4055

William Carson, (Regulations & Emergency Planning), Economic Regulatory Administration, Room 7302-F, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3202

Ben McRae (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6739

SUPPLEMENTARY INFORMATION:

I. Background
II. Exemption of Heavy Crude Oil
III. Technical Amendments to the Crude Oil Pricing and Allocation Regulations
IV. Procedural Requirements
A. Section 404 of the DOE Act
B. Section 7 of the FEA Act
C. National Environmental Policy Act
D. Section 501 of the DOE Act
E. Section 553 of the Administrative Procedures Act
F. Executive Order 12044

I. Background

On August 17, 1979, the President issued Executive Order No. 12153 (the August Order) which exempted first sales of heavy crude oil from the ceiling price limitations established by the crude oil pricing regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended). The August Order defined heavy crude oil as any crude oil produced from a property for which the crude oil production during the last month prior to July 1979 in which crude oil was produced and sold from the property had a weighted average of 16.0 degrees API or less, corrected to 60 degrees Fahrenheit.[1]

Section 1-102 of the August Order directed the Secretary of Energy (the Secretary) to conduct a public inquiry as to what other types of heavy crude oil, if any, should be exempted from the ceiling price limitations. On September 6 and 7, 1979, we held a public hearing in Long Beach, California to consider this issue. We also received written comments through September 12, 1979. After reviewing the record of this inquiry, the Secretary recommended that the President exempt crude oil produced from those properties whose production had a weighted average of 20.0 degrees API or less.

On December 21, 1979, the President issued Executive Order No. 12186 which amended the August Order to change the definition of heavy crude oil to include crude oil from any property for which the crude oil production during the last month prior to July 1979 in which crude oil was produced and sold from that property had a weighted average gravity of 20.0 degrees API or less, corrected to 60.0 degrees Fahrenheit. This amendment to the August Order was intended to have effect only with respect to first sales of crude oil on or after December 21, 1979. On January 16, 1980, Executive Order No. 12189 was issued to clarify that the President's action to broaden the definition of heavy crude oil had no retroactive effect.

II. Exemption of Heavy Crude Oil

In order to conform the crude oil pricing regulations with the President's actions, we are amending Subpart C of Part 212 to include a new section 212.59 which provides that first sales of crude oil from heavy oil properties are exempted from the ceiling price provisions of the pricing regulations. For the period August 17, 1979 through December 20, 1979, a heavy oil property is defined as any property for which the crude oil production had a weighted average gravity of 16.0 degrees API or less during the last month prior to July 1979 in which crude oil was produced and sold from the property. Beginning December 21, 1979, a heavy oil property is defined as any property for which the crude oil production had a weighted average gravity of 20.0 degrees API or less during the last month prior to July 1979 in which crude oil was produced and sold from the property.

Section 212.59 provides that, in most instances, weighted average gravity shall be determined by referring to the gravity determinations used in connection with first sales of crude oil produced and sold from a property during the base month for that property. These determinations normally are reflected in run tickets. In those instances where production from several properties is commingled and sold in a common stream, these determinations

[1] The density or weight of crude oil is indicated by its gravity which normally is measured in degrees on the American Petroleum Institute (API) scale. On this scale, oil with the lowest density has the highest API gravity. The lower the gravity of crude oil, the more tar-like and the more difficult it is to produce. Generally, the higher the API gravity, the greater the value of the oil. Crude oils vary in gravity from a low of less than 0 degrees API to a high of more than 60 degrees API. However, most domestic crude oils range from 27 degrees to 35 degrees API.

can be made by referring to the gravity assigned to the production, based upon the last gravity tests on crude oil produced from that property prior to July 1979. It is important to note that although heavy crude oil production may currently be physically commingled with other production which is subject to first sale ceiling price limitations, the certification requirements which we are adopting today (see Section III below) require a producer to certify its heavy oil production. Thus, heavy oil production must be sold and invoiced as a separate transaction (even where the oil is physically commingled) from other domestic crude oil production.

The regulations adopted today address those properties on which a diluent was injected into the well bore to facilitate crude oil production during the base month. Where a diluent is used, the weighted average gravity of the crude oil "recovered" from the property in the base month may be in excess of 20.0° API, since the diluent typically has a higher gravity than the crude oil found on the property. The crude oil recovered from a property into which a diluent has been injected is a mixture of crude oil actually produced from that property and crude oil produced from another property. Since the exemption for heavy crude oil is made on the basis of crude oil *produced* and sold in the base month, a special procedure must be used to accurately determine the gravity of the crude oil *produced* from a property into which a diluent has been added. Accordingly, for such properties, section 212.59 provides that the weighted average gravity shall be determined by referring to the last gravity test on crude oil produced from that property prior to July 1979 and also prior to the first injection of the diluent.

Any crude oil injected as a diluent and subsequently recovered shall be deemed to retain the character it had prior to its injection and not be eligible for the exemption granted to heavy oil. Thus, although section 212.59 refers to "all" crude oil produced from a property that qualifies as a heavy oil property, that section also makes clear that the term "produced" does not include any oil injected into the property as a diluent.

The exemption of production from a particular property begins on either August 17, 1979 or December 21, 1979. In those situations where it is impracticable in the first month of the exemption to determine what production occurred after the date of the exemption, a producer may pro rate its production for that month. In calculating the amount of heavy oil produced and sold in August 1979 from a property which qualified as a heavy oil property in August 1979 the amount of heavy oil would be 15/31 of the total amount of crude oil produced and sold from that property in August 1979. For a property which qualifies as a heavy oil property for the first time in December 1979, the amount of heavy crude oil produced and sold from that property in December 1979 would be 11/31 of the total amount of crude oil produced and sold from that property in December 1979.

III. Technical Amendments to the Crude Oil Pricing and Allocation Regulations

The President's actions have not exempted heavy crude oil from the Mandatory Crude Oil Allocation Regulations. Thus, crude oil production from a heavy oil property which was subject to a supplier/purchaser relationship prior to the President's actions remains subject to that supplier/purchaser relationship.

An exception permitting termination of a supplier/purchaser relationship is provided explicitly in the case of old, new, and stripper well crude oil pursuant to the "bona fide offer" provision of the supplier/purchaser rule. That provision, section 211.63(d)(1)(iii), states that a producer may terminate a relationship it has with a purchaser for "old, new, or stripper well lease crude oil" if the purchaser refuses, within 15 days, to meet a higher bona fide offer made by another purchaser at a lawful price. Several producers of heavy crude oil have inquired as to whether a supplier/purchaser relationship involving heavy crude oil may be terminated pursuant to the bona fide offer provision, since the provision refers explicitly only to old, new, or stripper well lease crude oil.

The only categories of domestic crude oil production which existed at the time the bona fide offer provision was adopted in June 1976 were old, new, and stripper well crude oil. As subsequent categories of crude oil were created, no changes were made to the explicit language of the bona fide offer provision to add these categories. Indeed, the definition of old oil and new oil in section 212.72 show that all crude oil production from any property is either old oil or new oil regardless of whether that production also fits the definition of another category of crude oil that has been exempted from the lower tier or upper tier ceiling prices. It was never intended to remove any of these categories from the coverage of the bona fide offer provision. Thus, the bona fide offer provison applies to heavy crude oil, as well as all other domestic crude oil, even though this category of crude oil is not listed explicitly in the bona fide offer provision.

In order to make it clear that this provision applies to all types of domestic crude oil, including heavy crude oil, we are adopting a technical amendment to section 211.63(d)(1)(iii) to make explicit that the bona fide offer provision applies to any crude oil subject to a supplier/purchaser relationship.[2]

Although the President has exempted first sales of heavy crude oil from the ceiling price limitations established by the crude oil pricing regulations of Part 212, the other provisions of Part 212 remain applicable to heavy crude oil. Section 212.131 provides for the certification of domestic crude oil sales. We are revising paragraph (a)(4) of this section so that a producer of oil from a heavy oil property will certify in writing once to each purchaser of crude oil from that property that such crude oil is exempt from the ceiling price limitations. The form has been revised on which first purchasers must report specified information concerning the crude oil they purchase to provide that this information be reported separately with respect to heavy crude oil.

With respect to all other provisions of the regulations adopted pursuant to the EPAA, heavy crude oil is to be treated like any other domestic crude oil the first sale of which is exempted from the crude oil ceiling price limitations.

IV. Procedural Requirements

A. *Section 404 of the DOE Act.*—Pursuant to the requirements of Section 404(a) of the Department of Energy Act, we have referred these amendments to the Federal Energy Regulatory Commission (FERC) for a determination whether they would significantly affect any matter within the Commission's jurisdiction. Following an opportunity to review these amendments, the FERC has declined to determine that they may significantly affect any of its functions.

B. *Section 7 of the FEA Act.*—Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended), the requirements of which

[2] In the Further Notice of Proposed Rulemaking Regarding Phased Decontrol of Upper Tier Crude Oil (44 FR 59240, October 15, 1979), we proposed two changes in the supplier/purchaser rule with respect to market level new crude oil. Under the primary proposal, such crude oil would be completely exempted from the supplier/purchaser rule. The alternative proposal would continue to make it subject to the supplier/purchaser freeze but would adopt a technical amendment explicitly treating market level new crude oil as subject to the bona fide offer provision. A final rule has not yet been adopted in that rulemaking regarding this issue. However, the amendment we are adopting today encompasses the alternative proposal.

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remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations or policies on the quality of the environment. Following an opportunity to review the rule, the EPA Administrator notified us that he did not anticipate that this rule would have an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

C. *National Environmental Policy Act.*—It has been determined that these amendments do not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*), and therefore an environmental assessment or an environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance of NEPA. As noted in the preceding paragraph, adoption of these amendments does not change the current treatment of crude oil. Accordingly, we do not believe they constitute a major Federal action significantly affecting the quality of the human environment.

D. *Section 501 of the DOE Act.*—Under section 501(c) of the DOE Act we are not bound by the prior notice and hearing requirements of subsections (b), (c) and (d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of Title 5, United States Code.

The amendments to Part 212 raise no substantial issues of fact or law since they only revise Part 212 to implement actions already taken by the President. The amendment to the bona fide offer provision of § 211.63 does not raise substantial issues of fact or law since it is a technical change merely to clarify the treatment of the several categories of domestic crude oil. For the same reasons, all of these amendments will not have a substantial impact on the Nation's economy or on large numbers of individuals or businesses. Therefore, these amendments shall be promulgated in accordance with section 553 of Title 5, United States Code.

E. *Section 553 of the Administrative Procedures Act.*—Section 553(b) of the Administrative Procedures Act requires that general notice of a proposed rulemaking be published in the Federal Register, except when the agency for good cause finds that notice and public procedure thereon in impracticable, unnecessary, or contrary to the public interest. We find that the notice and public procedures of sections 553(b) are unnecessary, since the purpose and effect of the amendments is either to eliminate any inconsistency between DOE's pricing regulations and the action already taken by the President to exempt heavy crude oil from those regulations, to clarify existing regulations, or to interpret the terms of the Executive Orders.

Subsection (d)(1) of section 553 provides that the required publication of a rule be made at least 30 days before the effective date of the rule, except when the agency for good cause finds that such publication is impracticable, unnecessary, or contrary to the public interest. For the reason stated in the preceding paragraph, we find that the required publication is unnecessary.

F. *Executive Order 12044.*—Executive Order 12044 (43 FR 12861, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979). The DOE implementing procedures define "insignificant" regulations as those which are not expected to affect important policy concerns or to engage much public interest.

As stated in the preceding sections, these amendments are designed solely to eliminate inconsistencies between DOE's pricing regulations and the President's exemption of first sales of heavy crude oil from those regulations, to clarify existing regulations, or to interpret the terms of the Executive Orders. We find, therefore, that these amendments are "insignificant" under the definition set forth in DOE's implementing procedures, and do not invoke the requirements of Executive Order 12044.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, we amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below, effective immediately.

Issued in Washington, March 25, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Section 211.63(d)(1)(iii) is revised to read as follows:

§ 211.63 Domestic crude oil supplier/purchaser relationships.

* * * * *

(d) Termination of supplier/purchaser relationships.

(1) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

* * * * *

(iii) By a producer (as defined in Part 212 of this chapter), if the present purchaser as to any crude oil subject to a supplier/purchaser relationship refuses, within a fifteen day period after receipt of written notice of any bona fide written offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser, to meet that offer.

2. 10 CFR Part 212 is revised by the addition of a new section 212.59 which reads as follows:

§ 212.59 Heavy crude oil.

(a) Prices charged in the first sale of heavy crude oil are exempt from the provisions of this Part.

(b) Heavy crude oil means all crude oil produced from any property during a period when that property qualified as a heavy oil property.

(c) For the period August 17, 1979 through December 20, 1979, heavy oil property means any property from which the crude oil produced and sold during the base month had a weighted average gravity of 16.0° API or less, corrected to 60° Fahrenheit.

(d) On and after December 21, 1979, heavy oil property means any property from which the crude oil produced and sold during the base month had a weighted average gravity of 20.0° API or less, corrected to 60° Fahrenheit.

(e) For purposes of this section, the base month for a particular property is the last month prior to July 1979 in which crude oil was produced and sold from that property.

(f) For purposes of this section, the weighted average gravity for the crude oil produced and sold from a particular property shall be the gravity determinations used in connection with the first sale of crude oil from that property during the base month; provided that, with respect to a property to which a diluent had been injected into the well bores thereon during the base month, the weighted average gravity shall be based on the last gravity test on crude oil produced from that property prior to July 1979 and prior to the first injection of a diluent.

(g) For purposes of this section, the crude oil produced from a property does not include any diluent injected into that property.

3. Section 212.131 is amended by revising paragraph (a)(4) to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)(1) *Stripper well properties.* * * *

(4) *Other domestic crude oils the first sale of which is exempt from this part.* (i) With respect to each sale of crude oil exempt from the provisions of this part, other than crude oil produced from a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property that the first sale of crude oil produced and sold from that property is exempt from the provisions of this part.

(ii) For purposes of this paragraph (a)(4), domestic crude oil the first sale of which is exempt from the provisions of this part includes U.S.-owned petroleum sold by the Secretary of the Navy under the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258) and crude oil produced from a heavy oil property as defined in section 212.59 of this Part; but domestic crude oil the first sale of which is exempt from this part does not include incremental tertiary crude oil or tertiary incentive crude oil determined pursuant to § 212.78.

* * * * *

[FR Doc. 80-9765 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL ELECTION COMMISSION

11 CFR Chapter I

Technical Amendments and Corrections

AGENCY: Federal Election Commission.

ACTION: Final rule: Technical Amendments and Corrections.

SUMMARY: The Commission publishes technical amendments to its regulations (11 CFR, Chapter I) to conform cross references and other material to the 1979 Amendments to the Federal Election Campaign Act (Pub. L. 96–187) and Commission regulations to implement the 1979 Amendments made effective today in a separate notice.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523–4143.

SUPPLEMENTARY INFORMATION: In a separate notice being published today, the Commission makes effective regulations to implement the 1979 Amendments to the Federal Election Campaign Act (Pub. L. 96–187). The text of these regulations was published on March 7, 1980, at 45 FR 15094–15126. The 1979 Amendments also caused numerous changes of citations to Title 2 of the United States Code. The technical amendments published in this notice amend cross-references and other material in Commission regulations to conform with the new regulations prescribed today and the new citations to the U.S. Code. The changes also correct certain typographical errors in the original document and insert the proper designations of new reporting forms required under the new regulations.

Because the amendments published herein are merely technical and nonsubstantive, they are not a substantive rule within the meaning of the Administrative Procedure Act (relating to notice and comment) or 2 U.S.C. 438(d), 26 U.S.C. 9009(c) and 26 U.S.C. 9039(c) (relating to legislative review of Commission regulations). They are therefore made effective upon publication.

The following amendments are made to regulations appearing in 11 CFR, Chapter I:

§ 1.1 [Amended]

1. In 11 CFR 1.1(c): Delete "2 U.S.C. 437g(a)(6)(C)," insert "2 U.S.C. 437g(a)(4)(C)."

§ 1.14 [Amended]

2. In 11 CFR 1.14(a): Delete "2 U.S.C. 437d(a)(10), 438(a)(8)," insert "2 U.S.C. 438(b)"; delete "438(a)(9)", insert "437d(9)"; delete "2 U.S.C. 437g(a)(6)(C)", insert "2 U.S.C. 437g(a)(4)(C)".

§ 3.2 [Amended]

3. In 11 CFR 3.2(a)(1): Delete "2 U.S.C. 437g(a)(3)(B)", insert "2 U.S.C. 437g(a)(12)".

§ 100.7 [Amended]

4. In 11 CFR 100.7(a)(1)(i)(B): Delete "individual" and insert "contributor".

5. In 11 CFR 107(a)(1)(ii): Delete "instrument" and insert "instruments".

6. In 11 CFR 100.7(c): Delete "individuals'" and insert "individual's".

§ 101.1 [Amended]

7. In 11 CFR 101.1(a): After "Form", delete the dash and insert "2".

§ 102.3 [Amended]

8. In 11 CFR 102.3(a): After "termination report on," insert "the appropriate."

§ 102.5 [Amended]

9. In 11 CFR 102.5(a)(2): Delete "11 CFR 102.5(a)(1)", insert "11 CFR 102.5(a)(1)(i)"; delete "11 CFR 102.5(a)(2)", insert "11 CFR 102.5(a)(1)(ii)".

§ 102.14 [Amended]

10. In 11 CFR 102.14(c): Delete "11 CFR 109.4", insert "11 CFR 109.3".

§ 104.2 [Amended]

11. In 11 CFR 104.2(e)(3): After "Form 3–", delete the dash and insert "X".

§ 104.3 [Amended]

12. In 11 CFR 104.3(d): After "Schedule", delete the dash and insert "C or D, as appropriate,".

13. In 11 CFR 104.3(e)(3): In the first sentence: after "amount listed", insert "as a memo entry"; after "line", delete the dash and insert "11(a)".

14. In 11 CFR 104.3(f): After "Form", delete the dash and insert "3–Z".

15. In 11 CFR 104.3(g): Delete all after "reported" and insert "as a memo entry on Schedule A."

16. In 11 CFR 104.3(h): After "report", insert "as a memo entry"; after "Schedule", delete the dash and insert "A".

17. In 11 CFR 104.3: Add the following new subparagraph:

(j) *Earmarked contributions.* Earmarked contributions shall be reported in accordance with 11 CFR 110.6. *See also* 11 CFR 102.8(c).

§ 106.1 [Amended]

18. In 11 CFR 106.1(e): Delete "§ 102.6", insert "11 CFR 102.5".

§ 106.4 [Amended]

19. In 11 CFR 106.4(a): Delete "§ 100.7(b)(2)", insert "11 CFR 100.8(b)(1)".

20. In 11 CFR 106.4(b): Delete "§ 100.4(b)(1)", insert "11 CFR 100.7(b)(1)".

§ 108.4 [Amended]

21. In 11 CFR 108.4: Delete "authorized", insert "unauthorized".

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§ 110.1 [Amended]

22. In 11 CFR 110.1(i)(1): Delete "§ 104.5(e)", insert "11 CFR 104.8(d)".

23. In 11 CFR 110.1(i)(2): Delete "§ 104.5(e)", insert "11 CFR 104.8(d)".

§ 110.2 [Amended]

24. In 11 CFR 110.2(b): Delete "§ 100.14(a)(3)", insert "11 CFR 100.5(e)(3)".

§ 110.3 [Amended]

25. In 11 CFR 110.3(a)(1)(i): Delete "§ 100.14(c)", insert "11 CFR 100.5(g)".

§ 110.7 [Amended]

26. In 11 CFR 110.7(c)(2)(ii): Delete "Part 102", insert "11 CFR 102.2".

§ 110.8 [Amended]

27. In 11 CFR 110.8(c)(2): Delete "§ 100.7(b)(13)", insert "11 CFR 100.8(b)(21)".

§ 110.11 [Amended]

28. In 11 CFR 110.11(a)(1)(ii): Delete "§ 102.2(a)(2)", insert "11 CFR 102.2(a)(1)(ii)".

§ 111.8 [Amended]

29. In 11 CFR 111.8(c): Delete "§ 104.5(a)(1)(i)", and insert "11 CFR 104.5(a)(1)(iii)"; delete "104.5(a)(1)(iii)" and insert "by 104.5(a)(1)(i)".

§ 114.1 [Amended]

30. In 11 CFR 114.1(a)(1): Delete "(except a loan by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)" insert "(except a loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the National Savings and Loan Insurance Corporation, or the National Credit Union Administration, if such loan is made in accordance with 11 CFR 100.7(b)(11))".

31. In 11 CFR 114.1(a)(2)(vi): Delete "of the national committee", insert "of any political committee".

32. In 11 CFR 114.1(a)(2)(vii): Delete "of a candidate or political committee", insert "of an authorized committee of a candidate or any other political committee"; delete "Part 104", insert "11 CFR 104.3(h)".

33. In 11 CFR 114.1(a)(2)(ix): Delete "Part 104", insert "11 CFR 104.3(g)".

§ 114.3 [Amended]

34. In 11 CFR 114.3(b): Delete "§ 100.7(b)(15)", insert "11 CFR 100.8(b)(4)".

§ 114.5 [Amended]

35. In 11 CFR 114.5(e)(2)(i): Delete "§ 100.7(b)(5)", insert "11 CFR 100.8(b)(4)".

§ 114.9 [Amended]

36. In 11 CFR 114.9(a)(2): Delete "§ 100.4(a)(1)(iii)(B)", insert "11 CFR 100.7(a)(1)(iii)(B)".

37. In 11 CFR 114.9(b)(2): Delete "§ 100.4(a)(1)(iii)B)", insert "11 CFR 100.7(a)(1)(iii)(B)".

38. In 11 CFR 114.9(d): Delete "§ 100.4(a)(1)(iii)(B)", insert "11 CFR 100.7(a)(1)(iii)(B)".

§ 114.12 [Amended]

39. In 11 CFR 114.12(a): Delete "§ 100.14", insert "11 CFR 100.5".

40. In 11 CFR 114.12(a): In the second sentence, delete "the chairman and"; delete "remain", insert "remains".

§ 115.1 [Amended]

41. In 11 CFR 115.1(a): Delete "§ 100.13", insert "11 CFR 100.10".

§ 9008.2 [Amended]

42. In 11 CFR 9008.2(e): Delete "(2 U.S.C. 431(k))", insert "(2 USC 431(14))".

§ 9008.6 [Amended]

43. In 11 CFR 9008.6(b)(3): Delete "2 U.S.C. 431(o)", insert "2 USC 431(19)".

§ 9008.7 [Amended]

44. In 11 CFR 9008.7(a)(3): Delete "2 U.S.C. 431(o)", insert "2 USC 431(19)".

§ 9008.8 [Amended]

45. In 11 CFR 9008.8(a)(4): Delete "2 U.S.C. 431(o)", insert "2 USC 431(19)".

§ 9032.4 [Amended]

46. In 11 CFR 9032.4: Delete "11 CFR 100.4", insert "11 CFR 100.7".

§ 9033.1 [Amended]

47. In 11 CFR 9033.1(c): Delete "this disclosure requirements", insert "the disclosure requirements".

§ 9033.9 [Amended]

48. In 11 CFR 9033.9(a): Insert after "candidate", "or his or her authorized committee(s)".

§ 9034.2 [Amended]

49. In 11 CFR 9034.2(a)(3): Delete "principal place of business", insert "name of employer".

§ 9034.3 [Amended]

50. In 11 CFR 9034.3(d): Delete "11 CFR 100.14", insert "11 CFR 100.5".

§ 9036.2 [Amended]

51. In 11 CFR 9036.2(a)(3): Delete "2 U.S.C. 432(c)(2), 434(b)(2) and 11 CFR 102.9(a) (20), 104.2(b)(2)", insert "2 USC 432(c)(3), 434(b)(3)(A), and 11 CFR 102.9(a)(2), 104.3 (a)(4)(i)".

Dated: March 27, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-9678 Filed 3-31-80; 8:45 am]

BILLING CODE 6715-01-M

11 CFR Parts 100, 110, and 114

Funding and Sponsorship of Federal Candidate Debates

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of effective date.

SUMMARY: The Commission announces the effective date of regulations on the funding and sponsorship of nonpartisan candidate debates published on December 27, 1979, at 44 FR 76736.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523-4143.

SUPPLEMENTARY INFORMATION: On December 27, 1979, at 44 FR 76736, the Commission published regulations on the funding and sponsorship of candidate debates. The regulations create an exemption from various provisions of the Federal Election Campaign Act to permit certain nonprofit organizations and news media organizations to stage nonpartisan federal candidate debates.

2 U.S.C. 439(d) (formerly 2 U.S.C. 438(c)) requires that any rule or regulations proposed by the Commission to implement Chapter 14 of Title 2, United States Code, be transmitted to the Speaker of the House and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulation within 30 legislative days after its transmittal, the Commission may finally prescribe the regulation.

The regulations published at 44 FR 76736 were transmitted to Congress on December 20, 1979. 30 legislative days having passed, the Commission announces they will become effective on publication of this notice.

"11 CFR 100.4(b)(16), 100.7(b)(18), 110.13, and 114.4(e), published at 44 FR 76736, are effective as of April 1, 1980."

Dated: March 27, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-9677 Filed 3-31-80; 8:45 am]

BILLING CODE 6715-01-M

11 CFR Parts 100-106, 108-114, 9008

Amendments to Federal Election Campaign Act of 1971

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of effective date.

SUMMARY: On Friday, March 7, 1980, (45 FR 15094-15126) the Commission published the test of regulations to implement the 1979 Amendments to the Federal Election Campaign Act of 1971 (Pub. L. 96-187). The Commission announces these regulations will become effective on (April 1, 1980).

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463 (202) 523-4143.

SUPPLEMENTARY INFORMATION: Pub. L. 96-187, Title III, section 303 required the Commission to transmit to Congress by February 29, 1980, regulations to implement the 1979 Amendments to the FECA and further provided that such regulation could be prescribed by the Commission after they had been before each House of Congress for 15 legislative days. The regulations being made effective by this notice were transmitted to Congress on February 28, 1980. 15 legislative days passed in both the House and Senate as of March 26, 1980.

"The amendments to 11 CFR Parts 100 through 106, 108 through 114, and 9008, published at 45 FR 15094 through 15126, are effective as of April 1, 1980."

Dated: March 27, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-9676 Filed 3-31-80; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 80-201]

Reduction of Liquidity Requirement

March 26, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment reduces the overall liquidity requirement of each Federal Home Loan Bank member from 5½ to 5 percent of its liquidity base and reduces each member's short-term liquidity requirement from 1½ to 1 percent of such base. This action is taken to provide members with greater portfolio flexibility and to expand the ability of individual members to pursue varying strategies designed to improve their earnings.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Marshall A. Kaplan, Deputy Director, Office of Policy and Economic Research, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, telephone number 202-377-6770.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because this amendment relieves restriction, and (2) publication of this amendment for the 30-day notice specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby revises § 523.11(a) of the Regulations for the Federal Home Loan Bank System (12 CFR 523.11(a)) to read as set forth below, effective April 1, 1980.

§ 523.11 Liquidity requirements.

(a) *General.* Except as otherwise provided in paragraphs (b) and (d) of this section, for each calendar month, each member, other than a mutual savings bank with an election under paragraph (e) of this section in effect, shall maintain an average daily balance of liquid assets not less than 5 percent of the average daily balance of its liquidity base during the preceding calendar month, and each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets not less than 1 percent of the average daily balance of its liquidity base during the preceding calendar month.

* * * * *

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 252, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 80-9321 Filed 3-31-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 19939; Amdt. 159-17]

Dulles Airport Access Highway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Carpools of four or more persons will be permitted to use the Dulles Airport Access Highway during the peak commuter hours. The highway had been restricted to airport traffic only. The following ramps will be open to carpools:

	A.M.	P.M.
Reston Ave. Eastbound	6:00-9:00	3:30-7:00
Reston Ave. Westbound	6:00-9:00	3:30-7:00
Trap Road Eastbound	6:00-9:00	(1)
Trap Road Westbound	(1)	4:00-7:00

[1] Closed.

The hours and 4 person limitation will be strictly enforced by the State of Virginia. FAA is relaxing its restrictions on the Dulles Airport Access Highway in order to promote energy efficient ride sharing.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Dexter Davis, Manager Dulles International Airport, P.O. Box 17045, Washington, D.C. 20041, Telephone 471-7596, or Edward Faggen, Legal Counsel, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, D.C. 20001, Telephone 557-8123.

SUPPLEMENTARY INFORMATION: The FAA director of Metropolitan Washington Airports issued a Notice of Proposed Rulemaking on January 9, 1980 (Notice No. 80-1) which was published in the **Federal Register** on January 14, 1980 (45 FR 2661) in which FAA proposed to allow carpools to use the Dulles Airport Access Highway (Access Highway). With certain exceptions, use of the Access Highway is presently restricted to airport users. The proposal was to permit vehicles with four or more persons to have access to the highway in both directions during the peak commuter periods until January 1, 1985. Interested persons have been afforded an opportunity to participate in the making of this final rule. After consideration of comments received in response to the Notice, and after having completed an environmental assessment of the proposal, FAA has determined that the proposed rule should be finalized, as modified below, and made effective.

This amendment is part of the DOT/FAA continuing effort to improve transportation efficiency and to encourage ride sharing and other energy conservation measures. This amendment removes certain restrictions on the use of the Dulles Airport Access Highway and will enhance carpooling as an alternative to the existing modes of transportation for those who commute

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from or to the Dulles Airport Access Highway corridor.

Discussion of Comments

The FAA received approximately 50 comments predominantly from members of the general public who reside or work in the Access Highway corridor. Several comments were submitted by civic organizations on behalf of large numbers of individuals. Comments were also submitted by representatives of local government and by agencies of the Federal Government. Industry organizations such as the Air Transport Association and the American Motorcycle Association also expressed their views on the opening of the Access Highway to carpools.

Airport Access

The majority of the comments by far were in favor of opening the Access Highway to carpools. However, many of the comments expressed concern or sought clarification about the one aspect of the proposal or another. The comments in opposition expressed concern about access for the users of Dulles Airport. The Air Transport Association supports an exclusive airport use policy and objects to deviation from that policy, including the proposed carpool use. The ATA believes that if carpools are allowed, enforcement of the 4 person restriction should be on a full-time basis not on spot check basis. ATA also takes the position that the Highway should revert to the use for which it was authorized and constructed no later than January 1, 1985. Restoration to exclusive airport related use in 1985 should not be conditioned on the adoption of the Metropolitan Washington Airports Policy which appeared in the Federal Register on January 21, 1980. The ATA also expressed concern over the informal exemptions to the "airport only" policy that have developed over the years such as for the Reston Commuter Bus and for patrons of Wolf Trap Farm Park. One other commenter expressed concern about congestion on the Access Highway and was skeptical about FAA's ability to return the road to exclusive airport use.

The FAA's philosophy regarding the Access Highway has not changed. The Dulles Access Highway was built with Federal funds to provide airport users with a free flowing artery to the airport. It was designed to support use of Dulles Airport. The FAA remains committed to preserving the original intent of the Access Highway. The Secretary of Transportation's report to Congress entitled Carpool Access to Dulles Airport Access Road, July, 1979, in which the Department of Transportation recommended opening the Highway to four or more person carpools, clearly acknowledged that free flowing airport access is the overriding purpose of the highway and it recommended that carpools be allowed only until January 1, 1985.

Also, the National Capital Planning Commission specifically endorsed the carpool proposal on the condition that carpool use be terminated in 1985. By that date Dulles Airport traffic is projected to have increased to the point that the carpool and other non-airport users will contribute to congestion on the Access Highway. However, FAA's traffic projections indicate that significant interference to airport patrons will not result before 1985 from implementation of the proposal. FAA's resolve to preserve the Access Highway for its principal purpose was stated in the Notice and is restated here. As congestion increases on the Highway, whether or not it is a result of efforts to promote Dulles Airport, efforts to minimize or eliminate non-airport related traffic will be considered by FAA.

As for informal exemptions, FAA has allowed very few exemptions in the 18 years that the Highway has been open. In addition to carpools, this regulation will give formal recognition to vehicles operated for the purpose of going directly to or from performances of Wolf Trap Farm Park, to buses operated in common carriage for which use of the Access Highway is appropriate, and to buses operated by the Fairfax County School systems.

Enforcement

Several commenters urged that if the carpool proposal is adopted a strong commitment to enforcement is essential to its success. FAA agrees, but has clearly stated from the outset, that enforcement is primarily a local government responsibility inasmuch as local citizens and employees derive the benefit from carpool use. FAA has sought and received the cooperation of the State of Virginia in this regard. FAA and the State have executed a Memorandum of Understanding in which the State has assumed the responsibility for the enforcement of the carpool restrictions. The enforcement plan involves having an attendant on duty on each of the ramps during the carpool operating hours. The attendant will operate the gates to permit entrance to the highway only by vehicles with four or more occupants. State or local police will provide the necessary law enforcement. FAA is taking the necessary steps to confer jurisdiction upon the State to enable the State police to enforce the carpool restriction on the ramps which heretofore have been subject to exclusive Federal jurisdiction. The carpool restriction will be posted on an official sign at the ramps. Violators will be subject to penalty under Virginia Code Sections 46.1–173. A violation is a traffic infraction subject to a fine of not more than one hundred dollars under Virginia code Section 46.1–16.01.

In addition, FAA police will continue to have jurisdiction over these ramp areas. Since this regulation is enacted pursuant to the authority of the FAA granted in the Second Washington Airport Act, 64 Stat 770, violations may be prosecuted as a Federal misdemeanor offense under Section 159.19 and subjected to a fine to be determined by the Federal Court. Operation of a vehicle in violation of an operating sign is also a violation of the regulation under section 159.35(c)(6). If violations become excessive, stricter enforcement measures will be taken. If ineffective enforcement of these restrictions occurs which would jeopardize the primary purpose of the Highway, the FAA will have to consider closing it to carpools.

Hours of Operation

A considerable number of commenters requested FAA to modify the proposed hours for carpool access. As proposed in Notice 80–1, the carpools would be allowed to operate between 6:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 7:00 p.m., Monday through Friday. Many employees at the United States Geological Survey in Reston, Virginia requested that the ramps at Reston Avenue be open at 3:30 p.m. instead of 4:00. FAA has inquired at the Geological Survey and has been advised that more than 2,000 employees complete their work day at 3:30 p.m. and that the vast majority of these employees commute by private automobile. Many carpools already exist and would use the Access Highway westbound in the morning but would be precluded from using them in the afternoon without enduring a half-hour delay that more than offsets the benefits from carpool use of the Access Highway.

FAA agrees that the ramps at Reston can be opened at 3:30 p.m. The State of Virginia has also concurred and will provide law enforcement and an attendant at this hour. Therefore the Reston Avenue ramps will be open in both directions from 6:00–9:00 a.m. and from 3:30–7:00 p.m.

The ramps at Trap Road are not expected to generate as much traffic as Reston Avenue. The Trap Road ramps will be opened in the peak direction only. That is, in the morning the westbound exit ramp from the Access Highway onto Trap Road will be closed. The eastbound entrance ramp onto the Highway will be opened to carpools from 6:00–9:00 a.m. In the afternoon, the eastbound ramp will be closed. Westbound carpool traffic will be able to exit from 4:00–7:00 p.m.

The hours are summarized as follows:

Ramp	A.M.	P.M.
Reston Ave. Eastbound	6:00–9:00	3:30–7:00
Reston Ave. Westbound	6:00–9:00	3:30–7:00
Trap Road Eastbound	6:00–9:00	(1)
Trap Road Westbound	(1)	4:00–7:00

[1] Closed.

Furthermore, FAA wants to keep a degree of flexibility in the hours of operation of the ramps. Therefore, the final regulation will not precribe the hours which would necessitate regulatory action to make even a minor adjustment. Instead, these vehicles may operate in the hours prescribed by the signs posted on the Access Highway. Enforcement action is not dependent on the hours being prescribed by regulation. FAA will, in cooperation with the State of Virginia, see to it that the hours of operation are set forth on a highway sign at each of the ramps. Once posted, the hours will be enforced as any other Access Highway operating sign pursuant to Section 159.35(c)(6). However, the hours of operation may only be changed by order of the Director of the Metropolitan Washington Airports.

Wolf Trap Farm Park

The Department of Interior, National Park Service, which operates Wolf Trap expressed concern about the use of the Trap Road ramps. During the summer month when the park is open, matinee performances are conducted which generate considerable traffic during the early part of the rush hour. To expedite the traffic from the park, the Trap Road is operated in a one way mode south from the park towards the Access Highway for the time necessary to clear the parking lots. Carpools arriving at the Westbound exit ramp of Trap Road at 4:00 p.m on the matinee days may encounter delays up to 30 minutes in exiting the ramp.

FAA does not intend to interfere with the efficient operation of Wolf Trap. Neither does FAA believe that carpooling should be disallowed on the westbound Trap Road ramps or that the hours of operation should differ significantly from the other ramps. FAA has discussed the matter with the Park Service and has decided that the Westbound ramp should be available to carpools from 4:00 to 7:00 p.m. in the afternoon, as proposed. Carpoolers are advised that they may encounter significant delays on matinee performance days during the Wolf Trap performance season.

The Park Service's other principal concern is that the parking lots at Wolf Trap might be used by commuters for carpool formation. FAA does not condone or encourage in any way, the use of Wolf Trap parking lots by commuters. However, the park police, as opposed to FAA or State Police, are in the best position to enforce the Park Service parking policies. Should unanticipated conflicts with Park operations arise, further carpool management action may be undertaken in consultation with the National Park Service. Such action could include, if necessary, changing carpool operating hours at Trap Road or closing the Westbound ramp to carpools during the Park season.

"Backtracking"

Backtracking is the term applied to those commuters who enter on the road, proceed west to the Airport only for the purpose of making a U turn and proceeding back to the east. The maneuver evidently results in some time saving for commuters, its circuitous nature notwithstanding. The practice has become widespread; as many as 3500 cars make U turns at Dulles Airport in a typical peak period. The practice has led to considerable congestion on the Access Highway from Route 28 west to the Airport. Furthermore the practice is not legal as the road is intended to be an "airport only" highway and its use is restricted by regulation. The regulation is, today, clarified in this regard by the addition of the phrase "on airport related business" to 159.35(a). Unless one of the exceptions apply, private vehicles are permitted to use the Access Highway only for the purpose of going to, or leaving, Dulles Airport on Airport related business.

Several commenters were concerned that FAA is cracking down on this illegal use as part of implementing the carpool proposal. This is not the case. FAA will engage in random enforcement of the traffic restrictions on the Access Highway. However, the advent of carpooling does not require or signal any change in the FAA's position on backtracking. Carpooling offers commuters a legal alternative to backtracking and the FAA is hoping that the number of backtrackers will be diminished. This is the only relationship between the carpool proposal and backtracking.

Number of Occupants

A significant percentage of the commenters urged FAA to lower the vehicle occupancy requirement to three or two persons because such carpools are easier to form and could ultimately take more cars off congested alternative routes than four person carpools.

FAA considers it necessary to require carpools to have four or more persons in order in insure the free flow of traffic for airport users. A lower number may indeed attract more cars. It would also create a greater likelihood of congestion and therefore constitute a conflict with the FAA's airport only policy. The four person requirement is consistent with existing and planned carpool strategies for the metropolitan area. Less than four person carpools are not allowed on the I–395 carpool lanes, nor will they be allowed on the I–66 segment inside I–495 (the "Beltway"), nor on the Dulles Access Highway extension to meet I–66 when it is completed. These roads would become overly congested if the four person restrictions were relaxed. When the Access Highway and I–66 are connected, the Access Highway will conform to the traffic restrictions imposed upon I–66 by the Secretary of Transportation. It would not be good transportation policy to provide relaxed carpool requirements for the interim period until the Dulles Access Highway extension and I–66 are completed; this would encourage a commuter practice which will need to be stopped when the new facilities are opened.

Neither does FAA agree with those commenters who urged that carpools be given a pass so that on days when one, or more than one, member is absent, the vehicle and its remaining occupants may continue to use the highway. A pass system, though a convenience for some, is also subject to abuse when absenteeism becomes more the rule than the exception. An increased enforcement effort would be required in order to minimize the violation rate and to be fair to legitimate four-person carpoolers. Neither FAA nor the State is prepared to undertake the administrative tasks associated with issuing passes for the use of the Access Highway and assuring that the passes are not abused.

Motorcycles

Several commenters urged FAA to open the Access Highway to motorcyles on the theory that motorcycles provide an energy efficient form of transportation. FAA, however, is not prepared to allow vehicles onto the Access Highway based upon their passenger miles per gallon of fuel

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consumed. If it did so, the same rationale would have to be extended to fuel efficient automobiles. The result would be a vehicle access plan that is difficult to administer and one that has a greater potential for adding congestion to the Dulles Airport Access Highway as well as to Reston Avenue and to Trap Road. The Department of Transportation and FAA's efforts are directed at promoting carpooling and ride sharing, and relaxing the restrictions on the Access Highway will achieve these objectives. Allowing motorcycles would not promote these objectives.

Metrorail

One citizen association expressed its opposition to the carpool access until such time as the Metrorail system replaces "other ground transportation systems" in the corridor such as the proposed Dulles toll road. FAA does not believe that Metrorail is a realistic short-term alternative to promoting carpooling. Metrorail is planned to serve Vienna, Virginia, and will eventually provide a transportation alternative to the automobile and bus in the area. Also, the median strip of the Access Highway is being preserved by FAA for Metrorail in the eventuality that the Washington Metropolitan Area Transit Authority concludes that an extension of Metrorail to Dulles Airport is feasible and prudent. Moreover, while the Department of Transporation is interested in the issue of Metro service to Dulles, that issue is not properly a subject of FAA rulemaking or one exclusively within FAA's authority.

New Ramps

The Board of Supervisors of Loudoun County, Virginia, endorsed the proposal to allow carpools to use the Access highway and, further, requested FAA to pursue the construction of access ramps at Route 28. At present access to or from Route 28 is permitted only to and from the airport. As a result Route 28 is heavily used by "backtrackers." Loudoun County carpools would have to travel to Reston Avenue to gain lawful access to the Highway. FAA recognizes this as a disincentive to Loudoun County commuters. Nevertheless, the FAA is not prepared to undertake the capital expenditures in excess of $750,000 associated with the new ramp construction. Carpoolers will be allowed to turn around at Dulles Airport, since the number of carpools making the U turn is not anticipated to be so great as to cause significant delay to airport users. This approach will be beneficial to carpools composed of citizens from Loudoun County and from the Herndon area of Fairfax County.

Implementation at Reston, Va.

The Reston Community Association and the Reston Commuter Bus (RCB) organization generally endorsed the proposal and submitted a suggested plan to allow carpools to use the Reston Avenue ramps. These ramps are Federal property but were constructed at the expense of Gulf Reston. They have been used primarily to provide Highway access for Reston's commuter bus service. RCB is concerned that FAA not "arbitrarily assign priority to car and vanpools."

The ramps have served as a convenient transfer point for bus riders and a staging area for the RCB. The compatibility of this practice with automobile use of the ramps concerns the FAA and the State of Virginia from a safety standpoint. Every effort should be made to retain the bus transfer location on the ramps. If that is not tenable, then a location in the immediate vicinity of the ramp will be pursued. FAA and the state have developed a plan for operating the ramp that does not contemplate relocating the bus operation unless operational problems develop that cannot be otherwise resolved. It is currently planned to widen the ramp approximately six feet opposite the bus shelter to allow automobiles to pass the stopped buses. Additional construction and the use of barriers will be considered if found necessary after the ramps are opened. Also, traffic signal lights will be installed at the intersections of the ramps and Reston Avenue. This is expected to moderate the speed of vehicles through the area and safely permit left turns from the westbound exit ramp onto Reston Avenue. After the opening of the ramps, further measures will be taken as needed.

Local Governments and Planning Organizations

Loudoun County and Fairfax County, Virginia have endorsed the proposal. The Council of Governments Transportation Planning Board (COG) and the National Capital Planning Commission (NCPC) have also endorsed the proposal. No opposition has been expressed by any local government or planning agency. NCPC's endorsement was conditioned on development of an acceptable enforcement program, termination of carpool use by January 1, 1985, and development of measures to avoid commuter parking at the Wolf Trap parking lots. The COG staff concurred with NCPC and, in addition, urged completion of the Dulles Access Highway Extension to join I–66.

An adequate enforcement program has been developed by FAA that is in accordance with all of the conditions expressed by NCPC and COG. The FAA does not encourage or condone the use of Wolf Trap for parking and carpool formation. However, enforcement of the no parking retrictions will be the responsibility of the National Park Service.

Environmental Assessment

FAA has prepared and circulated for comment an environmental assessment. A number of comments have been received and on the basis of the study and the comments FAA has concluded that the proposal, if implemented, will not have a significant impact on the human environment.

The principal environmental concerns related to continued growth in western Fairfax County and Loudoun County and to the burden imposed on closer in jurisdictions by measures that encourage, rather than discourage, use of the automobile as means of commuting to the District of Columbia.

The FAA, on behalf of the United States, is a significant landowner and employer in western Fairfax and Loudoun Counties. It has an interest in land use and in planning for the areas surrounding Dulles Airport. Also, FAA has an obligation, when considering how to best use the land entrusted to it, to carefully weigh the impacts of its decisions on its neighbor's land. Therefore, in principle, FAA agrees with those comments that stress the complex interrelationship between certain transportation development projects and land development.

However, FAA does not believe that this carpool proposal is one of those projects. The carpool proposal is a transportation development much smaller in scale with significantly less impact than, for example, the plan for building a Dulles Toll Road. The carpool proposal will not provide increased access for commercial traffic and therefore the commercial growth planned for the Dulles corridor will continue to be restrained as it currently is. The Access Highway/Route 7 corridors are planned for substantial residential development and that development is occurring rapidly and without regard for the outcome of this proposal. Several of the projected carpools that will use the DAH are already formed and are either backtracking at the airport or using alternate routes. As the incentives for carpools increase when the Dulles Extension and I–66 are completed, new carpools will be formed from existing commuters now traveling alone or in two or three passenger carpools. While the increase in carpools will result in some reduction in congestion in traffic on alternate routes, the reductions are not expected to be great enough to attract any significant growth in the corridor. While home/work trips constitute a large share of the through traffic on Route 7, the transportation problems in northwest Fairfax County frequently surface at times other than carpool peak periods such as on weekends, and holidays. The existence of the carpool access for limited weekday periods is not likely to draw any significant volumes of people to western Fairfax County or Loudoun County that would otherwise not relocate there.

Furthermore, this proposal is not expected to significantly change the volume of traffic passing through Arlington County, Virginia and into the District of Columbia. Any change that there is will be towards the reduction in total vehicle trips. There will be no significant secondary impacts on these areas as a result of this proposal.

Access by Handicapped Persons

FAA was requested by an individual to allow handicapped persons who are not in carpools to commute via the Access Highway. An exemption is not warranted. The purpose of the rule is to promote the use of carpools. An exemption for the commuter who is handicapped does not promote the carpool policy, nor is it consistent with the basic FAA policy on commuter use of the Access Highway. Commuters in private vehicles have not been permitted to use the Access Highway and handicapped individuals have not been exempt. The relaxation of the rule to permit carpools does not change the status of the individual commuter.

Editorial Revisions

The reference to "trespass" in section 159.35(a) is deleted as obsolete. Violators of the Access Highway regulation may be charged with a misdemeanor under the Second Washington Airport Act, 64 Stat. 770, and under these regulations, 14 CFR 159.191. The regulation will state that any person who enters upon the Highway for an unauthorized purpose shall be guilty of a criminal offense and subject to a penalty under these regulations.

Access "road" is changed to access "highway".

The phrase "on airport related business" is added to 159.35(a) to further underscore the original intent of the regulation that private vehicles may enter upon the highway only to travel to the airport on airport related business, unless one of the exceptions apply.

Termination

The regulation provides that carpool access will terminate on January 1, 1985. The Agreement between the FAA and the State of Virginia Department of Highways and Transportation providing for enforcement and other responsibilities, also expires on January 1, 1985. Termination of that Agreement may occur prior to that date: (a) if a highway paralleling the Access Highway is completed by the State of Virginia and is open to the public; (b) if FAA determines that enforcement of the carpool restriction is not effectively achieving a high level of compliance; or (c) if FAA determines that the carpool traffic is interfering with Dulles Airport traffic; (d) if the State of Virginia determines that carpool access should be terminated due to a severe decrease in use, the State's inability to staff the ramps, or similar reason.

Termination of the Agreement with the State may cause FAA to amend its regulations to modify carpool access or prohibit carpool use of the access highway. The State has agreed that termination of the Agreement shall be effective only after public notice and an opportunity to comment. FAA regulations would not be amended without appropriate notice and opportunity for comment.

Effective Date

The rule will be effective upon publication in the **Federal Register**. Inasmuch as the rule operates to remove a restriction, the requirement for publication of the rule not less than 30 days before its effective date is inapplicable. 5 U.S.C. Section 553(d).

Adoption of Amendment

Accordingly, § 159.35 of Part 159 of the Federal Aviation Regulations is amended, effective April 1, 1980, to read as follows:

§ 159.35 Use of access highway to Dulles International Airport.

(a) Except in an emergency, and except as provided in paragraph (b) of this section, private vehicles may enter upon the Dulles Airport Access Highway only for the purpose of going to, or leaving, Dulles International Airport on airport related business, or, with the permission of the Airport Manager, to perform work on the Highway. Entry by any person upon the Dulles Airport Access Highway for a purpose not authorized by this section is a criminal offense. Violators are subject to a penalty under these regulations.

(b) *Exceptions.* Any person may enter upon and travel over the Access Highway in the following vehicles:

(1) Vehicles operated for the purpose of going directly to or from performances at the Wolf Trap Farm Park for the Performing Arts.

(2) Buses operated in common carriage of persons by companies holding a certificate of public convenience and necessity for an operation for which use of the highway is appropriate, and buses operated by the Fairfax County School System.

(3) Until January 1, 1985, vehicles occupied by four or more persons. These vehicles may operate as prescribed by signs posted on the Access Highway.

(c) Except in an emergency, no operator of a private vehicle may—

(1) Enter or leave the Access Highway through an entrance or exit road or ramp other than one constructed by the FAA as part of the Access Highway system;

(2) Make a U-turn on the Access Highway;

(3) Enter or cross the median strip of the Access Highway;

(4) Use an exit road or ramp to enter the Access Highway;

(5) Use an entrance road or ramp to leave the Access Highway; or

(6) Operate the vehicle in violation of speed limit signs and other operating signs posted on the Access Highway.

(Secs. 3 and 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (29 U.S.C. 1655))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of the proposal is judged to be minimal and a detailed evaluation is not required.

Issued in Washington, D.C., on March 28, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-9941 Filed 3-31-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 803

Commercial Practices; Transmittal Rules

AGENCY: Federal Trade Commission.

ACTION: Issuance of Commission formal interpretation of the premerger notification rules establishing policy with regard to disclosure of premerger notification materials in certain subsequent actions or proceedings.

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SUMMARY: The Federal Trade Commission, with the concurrence of the assistant Attorney General in charge of the Antitrust Division of the Department of Justice, has issued a formal interpretation establishing their policy with regard to disclosure, in certain subsequent actions or proceedings, of materials filed with either enforcement agency under the premerger notification program. If premerger notification materials are to be placed on the public record in an administrative or judicial action or proceeding, including one unrelated to the original transaction, the staffs of the Commission and the Antitrust Division have been instructed to give the submitting person 10 days' notice, whenever possible, regardless of whether the submitting person is a party to the action or proceeding. In the event that circumstances preclude 10 days' notice, the staffs are instructed to give the submitting person as much notice as possible. The purpose of this notice is to permit the submitting person to seek appropriate protection for confidential materials, should it wish to do so.

This interpretation represents a modification of prior policy as reflected in the Statement of Basis and Purpose to the Premerger Notification Rules published in the Federal Register on July 31, 1978.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a (Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976), requires that certain persons contemplating certain mergers or acquisitions file Notification and Report Forms with the Commission and Assistant Attorney General and wait designated periods before consummation of such transaction. Section 803.30 of the rules implementing the Act authorizes the Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, to issue formal interpretations and to publish a summary of each Commission formal interpretation in the Federal Register.

Copies of the formal interpretation are available in the Public Reference Room of the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Room 130, Washington, D.C. 20580.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Formal Interpretation

In accordance with the provisions of § 803.30 of the Commission's premerger notification rules, 16 CFR 803.30, the Commission, with the concurrence of the Assistant Attorney general in charge of the Antitrust Division of the Department of Justice, issues this formal interpretation.

Section 7A(h) of the Clayton Act, 15 U.S.C. 18a(h), exempts documents or information submitted pursuant to the premerger notification program from Freedom of Information Act disclosure and forbids public disclosure "except as may be relevant to any administrative or judicial action or proceeding." Neither the statue nor the premerger notification rules, 16 CFR 801.1 *et seq.*, require advance notice to the submitting person before premerger submissions are made public in a proceeding, but the Statement of Basis and Purpose to the Premerger Notification Rules states that submitting persons will be given "reasonable notice, when possible," before premerger submissions are placed on the public record in any proceeding to which the submitting person is not a party. 43 FR 33450, 33519 (July 31, 1978).

The Commission and the Assistant Attorney General have determined that a flexible 10 day notice requirement would not hinder the administration of the premerger notification program.

Accordingly, it is hereafter the policy of each agency to instruct its staff to give a submitting person 10 days' notice, whenever possible, before placing on the public record in any administrative or judicial action or proceeding any documents or information submitted pursuant to the Premerger Notification Program, regardless of whether the submitting person is a party to the action or proceeding. In cases where 10 days' notice is not feasible—for example, where a temporary restraining order is being sought—staff is instructed to give the submitting person as much advance notice as reasonably can be given, advise the court or administrative agency that the material was obtained under the premerger notification program, and request that the tribunal receive the material *in camera* for sufficient time to afford the submitting person an opportunity to seek a protective order, if appropriate.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 9983 Filed 3-31-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 0, 1, 2, 3, 157, 284, 375, 376

[Docket No. RM80–45]

Recodification of Rules Reflecting the Establishment of the FERC and Certain Rules Concerning Its Operation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to promulgate permanent rules concerning the Commission, its establishment, organization, mission, and functions and to revoke obsolete provisions promulgated by the FPC. The Commission has relied on many of the FPC rules since its creation, with additional necessary procedural provisions of its own placed in Part 0.

The recodification moves to Subchapter W, and restates many of the provisions basic to the Commission's operation currently contained in Subchapter A. A new Subpart A is added to Part 1 and contains definitions applicable to all Commission rules and regulations.

The changes in this final rule do not alter any legal requirement of the Commission's regulations; the changes only conform the procedures of the Commission to existing law and practice and begin the process of reorganizing the regulations for clarity.

EFFECTIVE DATE: Because this is a rule of agency organization, procedure and practice, it is effective March 28, 1980.

FOR FURTHER INFORMATION CONTACT: MaryJane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8000–E, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357–8455.

March 28, 1980.

I. Background

The Federal Energy Regulatory Commission ("Commission") was created by Title IV of the Department of Energy Organization Act ("DOE Act"). In accordance with that statute the Commission has assumed many of the responsibilities of the Federal Power Commission ("FPC").[1]

Shortly after its creation, interim regulations were promulgated setting forth the functions, powers and duties of the newly created FERC 18 CFR, Part 0. For other operational and internal rules, the Commission has temporarily relied upon FPC rules (*e.g.*, the FERC has used the FPC Sunshine rules.) The purpose of this rule is to promulgate permanent rules concerning the Commission, its establishment, organization, mission, functions and method of operation and to revoke obsolete provisions promulgated by the FPC.

The new regulations are codified in Parts 375 and 376. Part 375 sets forth rules governing the Commission *per se*. Subpart A concerns the establishment of the Commission, custody of records, the official seal, and transcripts, proceedings from other agencies and attendant provisions. Subpart A is essentially a recodification of Subpart O. Subpart B sets forth the procedures for Commission meetings under the Government in the Sunshine Act: it is essentially a recodification of the FPC Sunshine rule set forth in its § 1.3a. Subpart C recodifies the delegations of authority to certain office heads. Those delegations were previously found in § 3.5

Part 376 sets forth the organization, mission, and functions of the Commission and certain provisions concerning operations during emergency conditions. These rules replace provisions previously found in Part 3 of the regulations.

These rules also add a new Subpart A to existing Part 1. This subpart will contain definitions generally applicable to all of the provisions of the Commission codified in Title 18 of the Code of Federal Regulations. Presently it is limited to definitions of the terms in the new Parts 375 and 376. Subpart A also contains rules of construction of terms used in the regulations.

II. Summary

Following is a Cross-reference table. It shows the derivation by old section number, for the new regulations.

[1] It also acquired certain responsibilities from the Interstate Commerce Commission ("ICC") with regard to establishing oil pipeline rates under the Interstate Commerce Act. In addition, the Commission was given responsibility to review certain actions of the Secretary of the Department of Energy. Subsequently Congress has passed additional legislation expanding the responsibilities of the Commission.

Regulation	Derivation (references are to present regulations unless otherwise specified)
Subpart A	
§ 375.101:	
(a)	§ 0.1; § 0.2; § 3.2; Sec. 401(a) DOE Act.
(b)	§ 0.4(a); first sentence of § 1.1(a)(2); § 2.5(a).
(c)	§ 1.1(b).
(d)	Sec. 401(b), DOE Act; § 1.1(c).
(e)	Sec. 401(e) DOE Act; § 1.1(d).
(f)	Sec. 401(f), DOE Act; § 1.1(e).
§ 375.102:	
(a)	§ 1.2(a).
(b)	§ 1.2(b).
§ 375.103	
§ 375.104	§ 0.3.
§ 375.105:	
(a)	§ 0.4(c).
(b)	§ 0.4(b).
(c)	§ 0.4(b), (d), (e), (f), (g), (i); § 1.2(c).
Subpart B	
§ 375.201	None.
§ 375.202:	
(a)(1)	§ 1.3a(a)(2).
(e)(2)	
(a)(3)	§ 1.3a(b).
(a)(4)	§ 1.3a(d).
(b)	§ 1.3a(b)(3).
§ 375.203:	
(a)	§ 1.3a(b)(1).
(b)	§ 1.3a(b).
(c)	§ 1.3a(c).
§ 375.204:	
(a)	§ 1.3a(f)(1).
(b)	§ 1.3a(f)(2) Proviso.
(c)	§ 1.3a(f)(3).
(d)	§ 1.3a(f) (4), (5), and (6).
§ 375.205:	
(a)	§ 1.3a(d)(1).
(b)	§ 1.3a(d)(2).
§ 375.206:	
(a)	§ 1.3a(d)(3)(i).
(b)	§ 1.3a(d)(3)(ii).
(c)	§ 1.3a(d)(3)(iii).
(d)	§ 1.3a(e)(1).
(e)	§ 1.3a(e)(2).
(f)(1)	§ 1.3a(e)(5).
(f)(2)	§ 1.3a(e)(6).
Subpart C	
§ 375.301 through § 375.331	§ 3.5. § 0.5.
Part 376; Subpart A	
§ 376.101	§ 3.1.
§ 376.102	§ 3.2; § 3.4.
§ 376.103	§ 3.3.
§ 376.104	Subpart B of Part 3.
§ 376.105	Sec. 401(c) § 3.4(b).
Subpart B	
§ 376.201	§ 3.7(a).
§ 376.202	§ 3.7(b)(1).
§ 376.203	§ 3.7(b)(2).
§ 376.204:	
(a)	§ 3.7(c)(1).
(b)	§ 3.7(c)(2).
(c)	§ 3.7(c)(4).
§ 376.205	§ 3.7(c)(5).
§ 376.206	§ 3.7(c)(6), (d).
§ 376.207	§ 3.7(e).
§ 376.208	§ 3.7(f).

III. Effective Date

Pursuant to section 553 of Title 5 of the United States Code, this rule is being issued without prior notice and comment because it is a rule of agency organization, procedure and practice. For the same reasons, and because the amendments to the regulations contained in this rule are necessary to conform the Commission's regulations to existing law and practices and to provide the public with essential new provisions respecting Commission practice, the Commission finds good cause to have the amendment of this rule made effective March 28, 1980.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 553 (1977))

In consideration of the foregoing, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. Chapter I is amended by adding a new Subchapter W to read as follows:

SUBCHAPTER W—REVISED GENERAL RULES

PART 375—THE COMMISSION

Subpart A—General Provisions

Sec.
375.101 The Commission.
375.102 Custody and authentication of Commission records.
375.103 Official seal.
375.104 Transfer of proceedings from other agencies to the Commission.
375.105 Filings.

Subpart B—Procedures for Sunshine Meetings

375.201 Purpose.
375.202 Definitions and limitations on definitions.
375.203 Open meetings.
375.204 Notice of meetings.
375.205 Closed meetings.
375.206 Procedures to close meetings.

Subpart C—Delegations

375.301 Purpose.
375.302 Delegations to the Secretary.
375.303 Delegations to the Chief Accountant.
375.304 Delegations to the Chief Administrative Law Judge.
375.305 Delegations to the Solicitor.
375.306 Delegations to the Oil Pipeline Board.
375.307 Delegations to the Director of the Office of Producer and Pipeline Regulation.
375.308 Delegations to the Director of the Office of Electric Power Regulation.
375.309 Delegations to the Director of the Office of Enforcement.
375.310 Delegations to the Director of the Office of Opinions and Review.
375.311 Delegations during emergency conditions.

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Authority: Dept. of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 442 (1978); Administrative Procedure Act (5 U.S.C. 553 (1977))

Subpart A—General Provisions

§ 375.101 The Commission.

(a) *Establishment.* The Federal Energy Regulatory Commission is an independent regulatory commission within the Department of Energy established by section 401 of the DOE Act.

(b) *Offices.* The principal office of the Commission is at 825 North Capitol Street, NE., Washington, D.C. 20426. Regional offices are maintained at Atlanta, Ga., Chicago, Ill., Fort Worth, Texas, New York, N.Y., and San Francisco, Calif.

(c) *Hours.* Unless the Chairman otherwise directs, the offices of the Commission are open each day, except Saturdays, Sundays, and Holidays, from 8:30 a.m. to 5:00 p.m.

(d) *Sessions.* The Commission may meet and exercise its powers at any place in the United States. The time and place of meetings of the Commission are announced in advance as provided in § 375.204.

(e) *Quorum.* A quorum for the transaction of business consists of at least three members present.

(f) *Action by Commissioners or representatives.* The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing, or other inquiry necessary or appropriate to its functions, except that nothing in this paragraph supercedes the provisions of section 556, of Title 5, United States Code relating to Administrative Law Judges.

§ 375.102 Custody and authentication of Commission records.

(a) *Custody of official records.* (1) The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, the transcripts, electronic recordings, or minutes of meetings closed to public observation, its rules and regulations, and its administrative orders.

(2) The Executive Director shall have custody of records of the Commission except records designated in paragraph (a)(1) of this section.

(b) *Authentication of Commission action.* All orders and other actions of the Commission shall be authenticated or signed by the Secretary or the Secretary's designee.

§ 375.103 Official seal.

The Commission hereby prescribes as its official seal, judicial notice of which shall be taken pursuant to section 401(e) of the DOE Act, the imprint illustrated below and described as follows:

A circle, the outside border of which shall consist of two concentric circles enclosing the words "Department of Energy" and "Federal Energy Regulatory Commission." Within the inner circle shall appear a stylized eagle with head facing to its right. Its body shall be in the shape of a tapered shield, widest at the top, consisting of nine vertical stripes. The top of the shield contains five equally-spaced light color stars representing the five members of the Commission appointed by the President under Title IV of the DOE Act. Identical stylized wings appear on either side of the shield, each incorporating twenty stylized feathers protruding from a solid color wing-like shape. Below the eagle shall appear five squares, arranged in a horizontal line. Each of these squares shall contain a circle representing an area of the Commission's responsibility. The first square at the left of the line shall include a stylized representation of a pipeline; the second square shall represent a hydroelectric power facility; the third, and center square, shall represent a natural gas flame; the fourth square shall represent a drilling rig; the fifth square shall represent a stylized lightning bolt.

§ 375.104 Transfer of proceedings from other agencies to the Commission.

(a) *Transfer of pending proceedings.* Pursuant to the authorization provided in section 705(b)(2), and the provisions of section 705(b)(1) of the DOE Act, all proceedings and applications pending at the time such Act took effect, before any department, agency, commission, or component thereof, the functions of which have been transferred to the Commission by the Act, have been transferred in accordance with the joint regulations issued by the Commission and the Secretary of Energy on October 1, 1977. Those joint regulations appear as an appendix to this section.

(b) *Substitution of Commission for other agencies in court proceedings.* Pursuant to section 705(e) of the DOE Act, the Commission authorizes the Solicitor of the Commission to file the appropriate pleadings to substitute the Commission for the Interstate Commerce Commission or the Federal Power Commission as necessary in any pending court litigation, responsibility for which is transferred to the Commission.

§ 375.105 Filings.

(a) *Filings in pending proceedings.* All filings in proceedings referred to in § 375.104 shall be made with the Secretary.

Appendix to § 375.104

PART 1000—TRANSFER OF PROCEEDINGS TO THE SECRETARY OF ENERGY AND THE FEDERAL ENERGY REGULATORY COMMISSION

§ 1000.1 Transfer of proceedings.

(a) *Scope.* This part establishes the transfer of proceedings pending with regard to those functions of various agencies which have been consolidated in the Department of Energy and identifies those proceedings which are transferred into the jurisdiction of the Secretary and those which are transferred into the jurisdiction of the Federal Energy Regulatory Commission.

(b) *Proceedings transferred to the Secretary.* The following proceedings are transferred to the Secretary:

(1) All Notices of Proposed Rulemaking, pending and outstanding, which have been proposed by the Department of Energy;

(2) All Notices of Inquiry which have been issued by the Department of Energy;

(3) All Requests for Interpretations which have been filed pursuant to 10 CFR Part 205, Subpart F, and on which no interpretation has been issued, with the Office of General Counsel of the Department of Energy;

(4) All Applications for Exception Relief which have been filed pursuant to 10 CFR Part 205, Subpart D, and on which no final decision and order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(5) All petitions for special redress, relief or other extraordinary assistance which have been filed pursuant to 10 CFR Part 205, Subpart R, and on which no order has been issued, with the Office of Private Grievances and Redress of the Department of Energy;

(6) All appeals from Remedial Orders, Exception Decisions and Orders, Interpretations issued by the Office of General Counsel, and other agency orders which have been filed pursuant to 10 CFR Part 205, Subpart H, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Department of Energy;

(7) All applications for modification or rescission of any DOE order or interpretation which have been filed pursuant to 10 CFR Part 205, Subpart J, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Federal Energy Administration;

Note.—For a document relating to procedures for natural gas import and export proceedings see 42 FR 61856, Dec. 7, 1977.

(8) All applications for temporary stays and stays which have been filed pursuant to 10 CFR Part 205, Subpart I, and on which no order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(9) All applications which have been filed with the Office of Regulatory Programs of the Department of Energy and on which no final order has been issued;

(10) All investigations which have been instituted and have not been resolved by the Office of Compliance of the Department of Energy;

(11) All Notices of Probable Violation which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(12) All Notices of Proposed Disallowance which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(13) All Prohibition Orders which have been issued pursuant to 10 CFR Part 303 and as to which no Notice of Effectiveness has been issued;

(14) From the Department of the Interior:

(i) The tentative power rate adjustments for the Central Valley Project, California, proposed on September 12, 1977 (42 FR 46619, September 16, 1977).

(15) From the Interstate Commerce Commission:

(i) Ex Parte No. 308 (Sub-No. 1)—Investigation of Common Carrier Pipelines.

(16) From the Federal Power Commission:

(i) Cases:

(A) Northwest Pipeline Corporation, Docket No. CP75–340.

(B) Midwestern Gas Transmission Co., Docket NO. CP77–458, *et al.*

(C) St. Lawrence Gas Company, Docket No. G–17500.

(D) U.S.D.I. Bonneville Power Administration, Docket No. E–9563.

(E) U.S.D.I. Southwestern Power Administration, Docket No. E–7201.

(F) U.S.D.I. Southeastern Power Administration, Docket No. E–8957.

(G) Tenneco InterAmerica, Inc., Docket No. CP77–561.

(ii) Applications:

(A) Maine Public Service Co., Docket No. E–6751, (ERA Docket No. IE–78–1).

(B) Northern States Power Co., Docket No. E–9589, (ERA Docket No. IE–78–2).

(C) Arizona Public Service Co., Docket No. IT–5331, (ERA Docket No. IE–78–3).

(D) Niagara Mohawk Power Corp., Docket No. E–7022, (ERA Docket No. IE–77–6).

(E) Maine Public Service Co., Docket No. IT–6027, (ERA Docket No. PP–12).

(F) Boise Cascade, Docket No. E–7765, (ERA Docket No. PP–52).

(G) Bonneville Power Administration, Docket No. IT–5959, (ERA Docket No. PP–10).

(H) EPR—Oregon (Geothermal Steam Leases).

(I) EPR—Utah (Geothermal Steam Leases).

(J) EPR—Idaho (Geothermal Steam Leases).

(K) EPR—Oregon (Geothermal Steam Leases).

(L) EPR—Idaho (Geothermal Steam Leases).

(iii) Rulemakings:

(A) Implementation of Sections 382(b) and 382(c) of the Energy Policy and Conservation Act of 1975. Docket No. RM77–3.

(B) New Form Nos:
151, Docket No. RM76–19.
153, Docket No. RM76–27.
154, Docket No. RM76–33.
156, Docket No. RM76–32.
157, Docket No. RM76–21.
158, Docket No. RM76–31.
159, Docket No. RM76–23.
160, Docket No. RM76–20.
161, Docket No. RM76–26.
162, Docket No. RM76–34.
155, Docket No. RM76–28.
163, Docket No. RM76–30.
164, Docket No. RM76–25.

(C) Procedures for the Filing of Federal Rate Schedules Docket No. RM77–9.

(iv) Project withdrawals and power site revocations:

(A) Project 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(B) Project Nos. 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(C) Project Nos. 220 and 691—(Wyoming)—Cliff Gold Mining Co. (Applicant for P–691) The Colowyo Gold Mining Co. (Applicant for P–220).

(D) Project No. 1203—(Wyoming)—F. D. Foster (Applicant).

(E) Project No. 1241—(Wyoming)—F. B. Hommel (Applicant).

(F) Project No. 847—(Oregon)—H. L. Vorse (Applicant).

(G) Project No. 907—(Colorado)—S. B. Collins (Applicant).

(H) Project No. 941—(Colorado)—Marian Mining Company (Applicant).

(I) Project Nos. 347 and 418—(Colorado)—Jones Brothers (Applicant for P–347) Frank Gay et al. (Applicant for P–418).

(J) Project Nos. 373, 521, 937, 1024, 1415, 1546, 1547, and 1025—( )—U.S. Forest (Applicant).

(K) Project No. 103—(Colorado)—James F. Meyser and Edward E. Drach (Applicants).

(L) Project Nos. 385, 445, 506, 519, 1220, 1296, 1418, 1519, 1576, 1615, 1616, 1618, 1678, 1682, and 1750—(Colorado)—U.S. Forest Service (Applicant).

(M) DA–117—(Alaska)—Bureau of Land Management (Applicant).

(N) Project No. 114—(Alaska)—Elizabeth H. Graff et al. (Applicant).

(O) DA–222—(Washington)—Bureau of Land Management (Applicant).

(P) DA–562—(Oregon)—U.S. Geological Survey (Applicant).

(Q) DA–601—(Idaho)—Bureau of Land Management (Applicant).

(R) DA–509—(Colorado)—Fed. Highway Admin. (Applicant).

(S) Da–616—(Idaho)—U.S. Forest Service (Applicant).

(T) DA–1—(South Carolina)—U.S. Forest Service (Applicant).

(U) DA–1116—(California)—U.S. Geological Survey (Applicant).

(V) DA–154—(Arizona)—U.S. Geological Survey (Applicant).

(W) DA–1098—(California)—Merced Irrigation District (Applicant).

(c) *Proceedings transferred to the Commission.* There are hereby transferred to the jurisdiction of the Federal Energy Regulatory Commission the following proceedings:

(1) From the Interstate Commerce Commission:

(i) Ex Parte No. 308—Valuation of Common Carrier Pipelines.

(ii) I&S 9164—Trans Alaska Pipeline System—Rate Filings (including I&S 9164 (Sub-No. 1), NOR 36611, NOR 36611 (Sub-No. 1), NOR 36611 (Sub-No. 2), NOR 36611 (Sub-No. 3), NOR 36611 (Sub-No. 4)).

(iii) I&S 9089—General Increase, December 1975, Williams Pipeline Company.

(iv) I&S 9128—Anhydrous Ammonia, Gulf Central Pipeline Company.

(v) NOR 35533 (Sub-No. 3)—Petroleum Products, Southwest & Midwest Williams Pipeline.

(vi) NOR 35794—Northville Dock Pipeline Corp. et al.

(vii) NOR 35895—Inexco Oil Company v. Belle Fourche Pipeline Co. et al.

(viii) NOR 36217—Department of Defense v. Interstate Storage & Pipeline Corp.

(ix) NOR 36423—Petroleum Products Southwest to Midwest Points.

(x) NOR 36520—Williams Pipeline Company—Petroleum Products Midwest.

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(xi) NOR 36553—Kerr-McGee Refining Corporation v. Texoma Pipeline Co.

(xii) Suspension Docket 67124—Williams Pipeline Co.—General Increase.

(xiii) Valuation Docket 1423—Williams Pipeline Company (1971–1974 inclusive).

(2) To remain with the Commission until forwarding to the Secretary:

The following proceedings will continue in effect under the jurisdiction of the Commission until the timely filing of all briefs on and opposing exceptions to the initial decision of the presiding Administrative Law Judge, at which time the Commission shall forward the record of the proceeding to the Secretary for decision on those matters within his jurisdiction:

(i) *El Paso Eastern Co., et al.*, Docket No. CP 77–330, *et al.*

(ii) *Tenneco Atlantic Pipeline Co., et al.*, Docket No. CP 77–100, *et al.*

(iii) *Distrigas of Massachusetts Corp., et al.*, Docket No. CP 70–196, *et al.*

(iv) *Distrigas of Massachusetts Corp., et al.*, Docket No. CP 77–216, *et al.*

(v) *Eascogas LNG, Inc., et al.*, Docket No. CP 73–47, *et al.*

(vi) *Pacific Indonesia LNG Co., et al.*, Docket No. CP74–160, *et al.*, (except as provided in paragraph (c)(3) of this section).

(3) The Amendment to Application of Western LNG Terminal Associates, filed on November 11, 1977, in *Pacific Indonesia LNG Co., et al.*, FPC Docket No. CP74–160, et al., ERA Docket No. 77–001–LNG, is transferred to the jurisdiction of the Commission until timely filing of all briefs on and opposing exceptions to the Initial Decision of the presiding Administrative Law Judge on that Amendment, at which time the Commission shall forward a copy of the record of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction. (If the Commission waives the preparation of an initial decision, the Commission will forward a copy of the record after completion of the hearing, or after the timely filing of any briefs submitted to the Commission, whichever occurs later.)

(d) *Residual clause.* All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) pending with regard to any function of the Department of Energy, the Department of Energy, Department of the Interior, the Department of Commerce, the Department of Housing and Urban Development, the Department of Navy, and the Naval Reactor and Military Applications Programs which is transferred to the Department of Energy (DOE) by the DOE Organization Act, will be conducted by the Secretary. All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) before the Federal Power Commission or Interstate Commerce Commission will be conducted by the Federal Energy Regulatory Commission.

(Department of Energy Organization Act, Pub. L. 95–91; EO 12009, 42 FR 46267)

[42 FR 55534, Oct. 17, 1977, as amended at 43 FR 21434, May 18, 1978; 43 FR 21658, May 19, 1978]

(b) *Filings in connection with functions transferred to the Commission.* All persons required to file periodic or other reports with any agency or commission whose functions are transferred under such Act to the Commission shall file such reports which relate to those transferred functions with the Secretary. The Commission hereby continues in effect all previously-approved forms for making periodic or other reports.

(c) *Where to make filings.* All filings of documents with the Commission shall be made with the Secretary. The address for filings to be made with the Secretary is: Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426. Where a document to be filed with the Secretary is hand-delivered, it shall be submitted to Room 3110, 825 North Capitol Street, NE., Washington, D.C. 20426. Documents received after regular business hours are deemed to have been filed on the next regular business day.

Subpart B—Procedures Under the Government in the Sunshine Act

§ 375.201 Purpose.

The purpose of this subpart is to set forth the Commission procedures for conduct of its official business in accordance with the provisions of 5 U.S.C. 552b. The Commission may waive the provisions set forth in this subpart to the extent authorized by law.

§ 375.202 Definitions and limitations on definitions.

(a) *Definitions.* For purposes of this subpart:

(1) "Meeting" means the deliberations of at least a quorum of the Commission where such deliberations determine or result in the joint conduct of official Commission business, except that such term does not include deliberations to determine whether to conduct a closed meeting.

(2) "Portion of a meeting" means the consideration during a meeting of a particular topic or item separately identified in the notice of Commission meeting described in § 375.204.

(3) "Open" when used in the context of a Commission meeting or a portion thereof, means the public may attend and observe the deliberations of the Commission during such meeting or portion of a meeting consistent with the provisions of § 375.203.

(4) "Closed" when used in the context of a Commission meeting or a portion thereof, means that the public may not attend or observe the deliberations of the Commission during such meeting or portion of such meeting.

(b) *Limitations on other definitions in this chapter.* For purposes of this subpart: (1) Transcripts, minutes and electronic recordings of Commission meetings (whether or not prepared at the direction of the Commission) are not part of the "formal record" as defined in § 1.1(f)(19) of this chapter; and

(2) Transcripts, minutes and electronic recordings of Commission meetings (whether or not prepared at the direction of the Commission) are not part of the "public record" of the Commission as defined in § 1.36(c)(2) of this chapter.

§ 375.203 Open meetings.

(a) *General rule.* Except as provided in § 375.206, meetings of the Commission will be open meetings.

(b) *Public participation in open meetings.* (1) Members of the public are invited to listen and observe at open meetings.

(2)(i) Subject to the provisions of paragraph (b)(2) (ii), (iii), and (iv) of this section, members of the public may record discussions at Commission meetings by means of electronic or other devices (including tape recorders, stenotype, stenomask, or shorthand). The photographing of Commission meetings by still or movie camera, or by video taping without lighting aids, is permitted.

(ii) Due to the limited space of the Commission meeting room, use of recording or photographic equipment which would require the user to move about the room during the meeting is not allowed. Recording and photographic equipment may be set up and used only in the public areas of the Commission meeting room as designated by the Commission.

(iii) Except for portable equipment which is used at an individual's seat in the audience, equipment must be in place and ready to use prior to the start of the meeting or set up during a recess of the meeting. Such equipment may be removed only at the conclusion of the meeting or during a recess. A pre-arranged recess for the set up or removal of equipment may be requested through the Commission's Director of the Division of Public Information.

(iv) No microphones may be placed on the tables used by the Commissioners and Staff.

(c) *Physical arrangements.* The Secretary shall be responsible for seeing that ample space, sufficient visibility, and adequate acoustics are provided for public observation of open meetings.

§ 375.204 Notice of meetings.

(a) *Public announcements of meetings*—(1) *General rule.* Except to the extent that information described in § 375.205(a) (involving closed meetings) is exempt from disclosure, the Secretary shall announce at least one week before each Commission meeting, the time, place, and subject matter of the meeting, whether it is an open meeting or closed meeting, and the name and telephone number of the official designated by the Commission to respond to requests for information about the meeting.

(2) *Abbreviated notice.* If the Commission determines by a majority of its members by a recorded vote that Commission business requires that a Commission meeting be called with less than one week's notice as prescribed in paragraph (a)(1) of this section, the Secretary shall make public announcements of the time, place, and subject matter of such meeting and whether open or closed to the public, at the earliest practicable time.

(3) *Change in the time or place.* If there is a change in time or place of a meeting following the public announcement prescribed in paragraph (a)(1) or (2) of this section the Secretary shall publicly announce such change at the earliest practicable time.

(4) *Change in the subject matter or the determination to open or close a meeting.* The subject matter of a meeting, or the determination of the Commission to open or close a meeting or a portion of a meeting, may be changed following the public announcement prescribed in paragraph (a) (1) or (2) of this section only if:

(i) The Commission determines by a recorded vote by a majority of the membership that Commission business so requires and that no earlier announcement of the change is possible; and

(ii) The Secretary publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(b) *Stricken items.* Notwithstanding the provisions of paragraph (a) of this section, individual items that have been announced for consideration at Commission meetings may be deleted without vote or notice.

(c) *Definitions.* For the purpose of this section, "earliest practicable time", means as soon as practicable, which should in few, if any, instances be later than the commencement of the meeting or portion of the meeting in question.

(d) *Informing public of meeting announcements.* (1) The Secretary shall use reasonable means to assure that the public is fully informed of the public announcements required by this section. For example, such announcements may be posted on the Commission's public notice boards, published in official Commission publications, or sent to the persons on a mailing list maintained for those who want to receive such material.

(2) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in a preceding announcement, and the name and telephone number of the official designated by the Commission to respond to requests for information about the meeting shall also be submitted by the Secretary for publication in the **Federal Register.**

(e) *Issuance of list of Commission actions.* Following each Commission meeting, the Secretary shall issue a list of Commission actions taken which shall become effective as of the date of issuance of the related order (or date designated therein) or other document, which the Secretary shall issue in due course, in the manner prescribed by the Commission.

§ 375.205 Closed meetings.

(a) Meetings will be closed to public observation where the Commission properly determines, according to the procedures set forth in § 375.206, that such meeting or portion of the meeting or disclosure of information to be considered at the meeting is likely to: (1) Disclose matters that are (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and are (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Commission;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): *Provided,* That such statute: (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose the trade secrets and commerical or financial information obtained from a person and privileged or confidential, which may include geological or geophysical information and data, including maps, concerning wells;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, including personnel and medical files and similar files;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures, or;

(vi) Endanger the life or physical safety of law enforcement personnel.

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be:

(i) In the case of an agency which regulates currencies, securities, commodities, or financial institutions, likely to:

(A) Lead to significant financial speculation in currencies, securities, or commodities, or

(B) Significantly endanger the stability of any financial institution; or

(ii) Likely to frustrate significantly implementation of a proposed Commission action, except that paragraph (a)(9)(i) of this section shall not apply where the Commission has already disclosed to the public the content or nature of such proposed action, or where the Commission is required by law to make such disclosure

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on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena, or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Commission of a particular case:

(i) Of formal Commission adjudication pursuant to the procedures in 5 U.S.C. 554; or

(ii) Otherwise involving a determination on the record after opportunity for a hearing.

(b) Commission meetings shall not be closed pursuant to paragraph (a) of this section when the Commission finds that the public interest requires that they be open.

375.206 Procedures to close meetings.

(a) *General rule.* A meeting or a portion of a meeting may be closed only when the Commission votes by a majority of the membership to close the meeting. A separate vote shall be taken with respect to each Commission meeting or portion of a meeting which is proposed to be closed to the public or with respect to any information which is proposed to be withheld. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commission member participating in such vote shall be recorded and no proxies shall be allowed.

(b) *Request for closed meeting.* Whenever any person whose interests may be directly affected by a meeting or a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraphs (a) (5), (6), or (7) of § 375.205, the Commission, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(c) *Release of vote.* Within one day of any vote taken pursuant to paragraph (a) or (b) of this section, the Secretary of the Commission shall make publicly available a written copy of such vote reflecting the vote of each member. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) or (b) of this section, make publicly available a full written explanation of the Commission's action closing the portion together with a list of all persons expected to attend the meeting and their affiliation. The information required by this paragraph shall be disclosed except to the extent that it is exempt from disclosure under the provisions of § 375.205(a).

(d) *Certification.* Prior to a determination that a meeting should be closed pursuant to paragraph (a) or (b) of this section, the General Counsel of the Commission shall publicly certify that, in his opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Secretary of the Commission as part of the transcript, recording, or minutes required by paragraph (e).

(e) *Transcripts, recordings, minutes.* (1) The Secretary shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to § 375.205(a)(8), (9)(i), or (10), the Secretary shall maintain either a transcript or recording, or a set of minutes. Any such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All agenda documents considered in connection with any Commission action shall be identified in such minutes.

(2) The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(f) *Public availability of transcripts, records, minutes.* (1) Within a reasonable time after the adjournment of a meeting closed to the public, the Commission shall make available to the public, in the Division of Public Information of the Commission, Washington, D.C., the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeing, except for such item or items of such discussion or testimony as the Director of Public Information determines may be withheld under § 375.204. Copies of such transcript, or minutes, or a transcription of such recording shall be furnished to any person at the actual cost of duplication or transcription.

(2) The determination of the Director of the Division of Public Information to withhold information pursuant to paragraph (f)(1) of this section may be appealed to the Chairman of the Commission, in accordance with § 1.36 of this chapter.

Subpart C—Delegations

§ 375.301 Purpose.

The purpose of this subpart is to set forth the authorities which the Commission has delegated to staff officials. Any action by a staff official under the authority of this subpart may be appealed to the Commission in accordance with § 1.7(d) of this chapter.

§ 375.311 Delegations during emergency conditions.

For delegations of Commission authority during emergency conditions, see Subpart B of Part 376 of this chapter.

PART 376—ORGANIZATION, MISSION, AND FUNCTIONS; OPERATIONS DURING EMERGENCY CONDITIONS

Subpart A—Organization, Mission, and Functions

Sec.

376.101 Purpose.
376.102 Organization.
376.103 Mission.
376.104 Functions.
376.105 Chairman.

Subpart B—Commission Operation During Emergency Conditions

376.201 Emergency condition defined.
376.202 Authority to move Commission offices.
376.203 Mailing address of Commission during emergency conditions.
376.204 Delegation of Commission authority during emergency conditions.
376.205 Delegation of Chairman's authority during emergency conditions.
376.206 Delegative function of certain Commission staff members.
376.207 Exercise of personnel and fiscal functions.
376.208 Effect on existing Commission requirements.

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, (5 U.S.C. 553 (1977)).

Subpart A—Organization, Mission, and Functions

§ 376.101 Purpose.

This subpart sets forth the organization, mission and functions of the Commission, and its offices and divisions.

§ 376.102 Organization.

The Commission is established as an independent regulatory Commission within the DOE by the DOE Act. The Commission is composed of five members appointed by the President, by and with the advice and consent of the Senate. One of the members is designated by the President as the Chairman. To carry out its mission and functions, the Chairman has organized the Commission into a number of major offices, some of which are further organized into divisions and lower units. The organization of the Commission staff structure may be obtained from the Division of Public Information.

§ 376.103 Mission.

The Commission is responsible for developing, managing, and directing energy regulatory programs and activities assigned to it by statute, executive orders, or by the Secretary, DOE. The Chairman serves as the chief executive officer of the Commission and is responsible for the conduct of all Commission executive and administrative functions. In carrying out its mission, the Commission and its employees are not subject to the supervision or direction of any other official of DOE.

§ 376.104 Functions.

The functions of the Commission include: (a) All functions vested in the Commission under the DOE Act;

(b) All functions delegated to the Commission by the Secretary of Energy in accordance with the DOE Act; and

(c) All functions vested in the Commission by statute.

§ 376.105 Chairman.

(a) *Administrative head of agency.* The Chairman is the administrative head of the Commission.

(b) *Administrative responsibilities.* The Chairman is responsible on behalf of the Commission for the executive and administrative operation of the Commission, including functions of the Commission with respect to—

(1) The appointment and employment of Administrative Law Judges in accordance with the provisions of Title 5, United States Code.

(2) The selection, appointment, and fixing of the compensation of such personnel as he deems necessary, including an Executive Director.

(3) The supervision of personnel employed by or assigned to the Commission, except that each Commissioner may select and supervise personnel for his personal staff.

(4) The distribution of business among personnel and among administrative units of the Commission.

(5) The procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code.

Subpart B—Commission Operation During Emergency Conditions

§ 376.201 Emergency condition defined.

For purposes of this subpart, emergency conditions (a) shall commence (1) at the time of an armed attack upon the United States, or its territories or possessions;

(2) At the time the Commission is officially notified of the likelihood or imminence of such an attack; or

(3) At a time specified by the authority of the President; and

(b) Shall continue until the Commission is officially notified of the end of such conditions.

§ 376.202 Authority to move Commission offices.

The Commission may provide for removal of its headquarters to any location in the United States for the duration of emergency conditions. Consistent with directives of the Chairman, the Commission officer or employee in charge of a regional office of the Commission may move such office to a new location in the United States for the duration of emergency conditions.

§ 376.203 Mailing address of Commission during emergency conditions.

The Chairman may direct that during the continuance of emergency conditions, communications, filings, reports, or other submittals to the Commission shall be addressed to the Federal Energy Regulatory Commission, Official Mail and Messenger Service, United States Postal Service to such or other address as the Commission may designate.

§ 376.204 Delegation of Commission's authority during emergency conditions.

(a) *Delegation of authority to one or two Commissioners.* During emergency conditions, the Commission shall function as usual, if a quorum of the Commission is available and capable of acting. If by reason of such conditions a quorum of the Commission is not available and capable of acting, all functions of the Commission are delegated to the Commissioner or Commissioners who are available and capable of acting.

(b) *Delegation of authority to Commission staff.* (1) When, by reason of emergency conditions, there is no Commissioner available and capable of acting, the functions of the Commission are delegated to the first five members of the Commission staff on the list set forth in paragraph (b)(2) of this section who are available and capable of acting.

(2) The list referred to paragraph (b)(1) of this section is: (i) Executive Director;

(ii) Director, Office of Electric Power Regulation;

(iii) Director, Office of Pipeline and Producer Regulation;

(iv) General Counsel;

(v) Executive Assistant to the Chairman;

(vi) Deputy Director, Office of Electric Power Regulation;

(vii) Deputy Director, Office of Pipeline and Producer Regulation;

(viii) Deputy General Counsel;

(ix) Solicitor;

(x) Assistant Director and Division heads, Office of Electric Power Regulation; Assistant Director and Division heads, Office of Pipeline and Producer Regulation, and Assistant General Counsel; in order of seniority;

(xi) Remaining Commission staff members, in order of seniority;

(3) For purposes of paragraph (b)(2) of this section order of seniority shall be based on the highest grade and longest period of service in that grade but without regard to the particular office or Division to which assigned.

(c) *Reconsideration of staff action taken under delegations.* Action taken pursuant to the delegations provided for in this section shall be subject to reconsideration by the Commission, acting with a quorum, within thirty days after the date upon which public notice is given that a quorum of the Commission has been reconstituted and is functioning.

§ 376.205 Delegation of Chairman's authority during emergency conditions.

When, by reason of emergency conditions, the Chairman is not available and capable of acting, his functions are delegated to the Commissioner available and capable of acting and who is designated by the President. Until such time as the President designates, or if no such Commissioner is designated, such functions are delegated to the Commissioner designated by the Chairman as Acting Chairman, but if such Acting Chairman is not available and capable of acting such functions are

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delegated to the Commissioner who is available and capable of acting and who has the longest tenure as a member of the Commission. If there is no Commissioner available and capable of acting, such functions are delegated to the person on the Commission staff who is available and capable of acting and who is highest on the list set forth in § 376.204(b)(2).

§ 376.206 Delegation of functions of certain Commission staff members.

When, by reason of emergency conditions, the Secretary, Executive Director, Director of any Office or Division, or officer in charge of a regional office, is not available and capable of carrying out his functions, such functions are delegated to staff members designated by the Chairman to perform such functions. If no staff member so designated is available and capable of carrying out his functions, such functions are delegated to the next subordinate employee in the Office or Division of the highest grade and longest period of service in that grade.

§ 376.207 Personnel and fiscal functions.

Subject to modifications or revocation by authority of the Executive Director, during the continuation of emergency conditions authority to effect temporary appointments of such additional officers and employees, to classify and allocate positions to their proper grades, to issue travel orders, and to effect emergency purchases of supplies, equipment and services shall be exercised by the respective Directors of Offices and officials in charge of regional offices, their deputies, or staff in line of succession, as may be required for the discharge of the lawful duties of such organization.

§ 376.208 Effect upon existing Commission requirements.

All outstanding Commission orders, rules and regulations shall remain in force and effect during the continuance of emergency conditions, except to the extent modified in accordance with authority exercised under this subpart.

PART 0—FUNCTIONS, POWERS, AND DUTIES OF THE FEDERAL ENERGY REGULATORY COMMISSION [DELETED]

2. Part 0 is deleted in its entirety.

PART 1—RULES OF PRACTICE AND PROCEDURE

3. Part 1 is amended by deleting paragraphs (a) through (e) of § 1.1 and reserving the same for future use; and by amending the introductory sentence of § 1.1(f) to read as follows:

§ 1.1 The Commission.

(a)–(e) [Reserved]

(f) *Definitions.* The following definitions apply to all provisions of this Part 1, except:

(1) Subpart A; and

(2) As otherwise required by the context of a term.

* * * * *

§§ 1.1, 1.36, 1.38, 1.40 and 1.41 [Amended]

4. Part 1 is further amended in § 1.1(f)(23) by deleting the reference to "§ 3.5" and inserting in lieu thereof the words "Subpart C of Part 375"; in § 1.36(a) by deleting the references to "§§ 1.3 and 1.3a" and inserting in lieu thereof the reference "Subpart B of Part 375"; in § 1.36(c)(14) by deleting the words "§ 1.3a of this Part" and inserting in lieu thereof the reference "Subpart B of Part 375"; in § 1.38(a)(2) and § 1.40(a)(2) by deleting subclauses (i), (ii), and (iii) and by reserving the same for future use; in § 1.41(a)(3)(i) by deleting subclauses (A), (B) and (C) and reserving the same for future use; and by adding at the end of Part 1 a new Subpart A to read as follows:

Subpart A—Definitions and Rules of Construction

Sec.
1.101 Definitions.
1.102 Words denoting number, gender, and so forth.

Authority: Dept. of Energy Organization Act, (42 U.S.C. 7010–7352); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, (5 U.S.C. 553 (1977)).

Subpart A—Definitions and Rules of Construction

§ 1.101 Definitions.

For purposes of this chapter, except as otherwise provided:

(a) "Chairman" means the Chairman of the Federal Energy Regulatory Commission.

(b) "Commission" means the Federal Energy Regulatory Commission.

(c) "Commissioner" and "Member" mean a member of the Commission.

(d) "Secretary" means the Secretary of the Commission.

(e) "Executive Director" means the Executive Director of the Commission.

(f) "General Counsel" means the General Counsel of the Commission.

(g) "DOE Act" means the Department of Energy Organization Act.

(h) "DOE" means the Department of Energy.

§ 1.102 Words denoting number, gender, and so forth.

In determining the meaning of any provision of this chapter, unless the context indicates otherwise:

(a) Words imparting the singular include and apply to several persons, parties, and things;

(b) Words imparting the plural include the singular;

(c) Words used in the present tense include the future as well as the present;

(d) "Oath" includes affirmation and "sworn" includes affirmed; and

(e) Words imparting one gender include the other gender as well.

§ 1.3a [Deleted]

5. Part 1 is further amended by deleting § 1.3a in its entirety.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§ 2.1 [Amended]

6. Section 2.1(a)(1)(xi) is amended in subclause (F) by deleting the reference to "§ 3.5(a)(10)" and inserting in lieu thereof the reference "§ 375.302(j)"; and in subclause (G) by deleting the reference to "§ 3.5(a)(6)" and inserting in lieu thereof the reference "§ 375.302(f)".

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

§ 3.5 [Redesignated as §§ 375.302–375.310]

7. Part 3 of Subchapter A is amended by redesignating paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i) of § 3.5 as § 375.302, § 375.303, § 375.304, § 375.305, § 375.306, § 375.307, § 375.308, § 375.309 and § 375.310 respectively.

§§ 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 [Deleted];

§ 3.4 [Amended]

§§ 3.100—3.102; 3.104—3.106 [Deleted]

§ 3.103 [Amended]

8. Part 3 is further amended by deleting § 3.1, § 3.2, § 3.3, § 3.5, § 3.6 and § 3.7 and reserving the same for future use; by deleting all provisions of § 3.4, except paragraph (d)(14) which is redesignated paragraph "(a)"; by deleting the references to "§ 1.3a" and "§ 1.1(b)" in § 3.8(b) and inserting the references "§ 375.206" and "§ 375.101(c)" respectively in lieu thereof; by deleting the words "Section 1.3a" in § 3.8(j) and inserting the reference "§ 375.206" in lieu thereof; by deleting all provisions of subpart B, except the first two sentences of § 3.103.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§ 157.101 [Amended]

9. Section 157.101(b)(1) of Part 157 is amended by deleting the reference "§ 3.5(f)(1)(iv)" and inserting in lieu thereof the reference "§ 375.307(a)(4)".

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

§ 284.206 [Amended]

10. Section 284.206(c) of Part 284 is amended in clauses (2) and (4)(ii) by deleting the reference "§ 3.5(f)(1)(iv) where it appears and inserting the reference "§ 375.307(a)(4)" in lieu thereof.

PART 375—THE COMMISSION

11. Section 375.302 of Part 375 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); (9) as (i); (10) as (j); (11) as (k); (12) as (l); (13) as (m); (13)(i) as (m)(1); (13)(ii) as (m)(2); (14) as (n); (15) as (o); (16) as (p); (17) as (q); (18) as (r); (19) as (s); (20) as (t); (21) as (u); (22) as (v); (22)(i) as (v)(1); (22)(ii) as (v)(2); and by revising the introductory language of that section to read as follows:

§ 375.302 Delegations to the Secretary.

The Commission authorizes the Secretary, or in the Secretary's absence, the Secretary's designee to:

(a) * * *

* * * * * *

12. Section 375.303 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (5)(i) and (e)(1); (5)(ii) as (e)(2); (6) as (f); (6)(i) as (f)(1); (6)(ii) as (f)(2); (6)(iii) as (f)(3); (6)(iv) as (f)(4); (6)(v) as (f)(5); (6)(vi) as (f)(6); and (7) as (g); and by revising the introductory language of that section to read as follows:

§ 375.303 Delegations to the Chief Accountant.

The Commission authorizes the Chief Accountant, or in the Chief Accountant's absence, the Chief Accountant's designee to:

(a) * * *

* * * * * *

13. Section 375.304 is amended in its introductory language to read as follows:

§ 375.304 Delegations to the Administrative Law Judges.

The Commission authorizes the Chief Administrative Law Judge; * * *

14. Section 375.305 is amended by renumbering paragraphs (1) as (a); (2) as (b); and (3) as (c); and by revising the introductory language of that section to read as follows:

§ 375.305 Delegations to the Solicitor.

The Commission authorizes the Solicitor, or in the Solicitor's absence, the Solicitor's designee to:

(a) * * *

* * * * * *

14. Section 375.306 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); and (9) as (i); and by revising the introductory language of that section to read as follows:

§ 375.306 Delegations to the Oil Pipeline Board.

The Commission authorizes the Oil Pipeline Board to:

(a) * * *

* * * * * *

16. Section 375.307 is amended by renumbering paragraphs (1) as (a); (1)(i) as (a)(1); (1)(ii) as (a)(2); (1)(iii) as (a)(3); (1)(iv) as (a)(4); (1)(v) as (a)(5); (1)(v)(A) as (a)(5)(i); (1)(v)(B) as (a)(5)(ii); (1)(vi) as (a)(6); (1)(vii) as (a)(7); (1)(viii) as (a)(8); (1)(ix) as (a)(9); (1)(x) as (a)(10); (2) as (b); (2)(i) as (b)(1); (2)(ii) as (b)(2); (2)(iii) as (b)(3); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (6)(i) as (f)(1); (6)(ii) as (f)(2); (7) as (g); (8) as (h); (9) as (i); and (10) as (j); by deleting the words "subparagraphs (2)(i) or (2)(ii)" in paragraph (b)(3) and inserting the words "subparagraphs (b)(1) or (2)(ii)" in paragraph (b)(3) and inserting the words "subparagraphs (b)(1) or (b)(2)" in lieu thereof; and by revising the introductory language of that section to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulation.

The Commission authorizes the Director of the Office of Pipeline and Producer Regulation or in the Director's absence, the Director's designee to:

(a) * * *

* * * * * *

17. Section 375.308 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c); (4) as (d); (5) as (e); (6) as (f); (7) as (g); (8) as (h); (9) as (i); (10) as (j); (11) as (k); (12) as (l); (13) as (m); (14) as (n); (15) as (o); (16) as (p); (17) as (q); (18) as (r); (19) as (s); (20) as (t); (21) as (u); (22) as (v); (23) as (w); (24) as (x); (25) as (y); (26) as (z); (26)(i) as (z)(1); (26)(ii) as (z)(2); (26)(ii)(A) as (z)(2)(i); (26)(ii)(B) as (z)(2)(ii); (26)(ii)(C) as (z)(2)(iii); (27) as (aa); (28) as (bb); (29) as (cc); (30) as (dd); (31) as (ee); (32) as (ff); (33) as (gg); (34) as (hh); (35) as (ii); (36) as (jj); and (37) as (kk) and by revising the introductory language of that section to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

The Commission authorizes the Director of the Office of Electric Power Regulations, or in the Director's absence, the Director's designee to:

(a) * * *

* * * * * *

18. Section 375.309 is amended by renumbering paragraphs (1) as (a); (2) as (b); (3) as (c) and (4) as (d); and by revising the introductory language of that section to read as follows:

§ 375.309 Delegations to the Director of the Office of Enforcement.

The Commission authorizes the Director of the Office of Enforcement, or in the Director's absence, the Director's designee to:

(a) * * *

* * * * * *

19. Section 375.310 is amended by renumbering subparagraph (1) as (a); and by revising the introductory language of that section to read as follows:

§ 375.310 Delegations to the Director of the Office of Opinions and Review.

The Commission authorizes the Director of the Office of Opinions and Review, or in the Director's absence, the Director's designee to:

(a) * * *

* * * * * *

[FR Doc. 80-9672 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 14

List of Standing Advisory Committees; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document reissues the agency's list of standing advisory committees. Certain amendments made to the list were in error. This document gives the corrected, current list contained in § 14.100 (21 CFR 14.100).

EFFECTIVE DATE: April 1, 1980.

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FOR FURTHER INFORMATION CONTACT:
Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: Section 14.100 *List of standing advisory committees* (21 CFR 14.100) was revised in the **Federal Register** of April 13, 1979 (44 FR 22316). Subsequent amendments were made to § 14.100 at 44 FR 28321; May 15, 1979 (two amendments), 44 FR 29048; May 18, 1979, 45 FR 8587; February 8, 1980, 45 FR 10332; February 15, 1980. But these amendments were made to the old § 14.100, i.e., the section before the April 13, 1979 revision. The April 13, 1979 revision already incorporated changes made in the amendments in the **Federal Register** of both May 15, 1979 and May 18, 1979. The amendments made in the **Federal Register** of both February 8, 1980 and February 15, 1980 were incorrectly designated. Therefore, § 14.100 is being reissued below.

§ 14.100 List of standing advisory committees.

Standing advisory committees and the dates of their establishment are as follows:

(a) *Office of the Commissioner, Board of Tea Experts.* (1) Date established: March 2, 1897.

(2) Function: Advises on establishment of uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States under 21 U.S.C. 42.

(b) *Bureau of Biologics*—(1) Advisory review panels for biological products, and the dates of their establishment are as follows:

(i) [Reserved]

(ii) *Blood and Blood Derivatives Panel.*—Established August 24, 1973.

(iii) *Vaccines and Related Biological Products Advisory Committee.* (*a*) Date established: December 31, 1979.

(*b*) Function: Reviews and evaluates available data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases.

(2) Function: Review and evaluate available data on the safety and effectiveness of biological products.

(c) *Bureau of Drugs*—(1) *Anesthetic and Life Support Drugs Advisory Committee.* (i) Date established: May 1, 1970.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology and surgery.

(2) *Anti-Infective and Topical Drugs Advisory Committee.* (i) Date established: April 10, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases, dermatological disorders, and ocular disease.

(3) *Arthritis Advisory Committee.* (i) Date established: April 5, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

(4) *Cardiovascular and Renal Drugs Advisory Committee.* (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

(5) *Drug Abuse Advisory Committee:* (i) Date established: May 31, 1978.

(ii) Function: Advises on the scientific and medical evaluation of information gathered by the Department of Health, Education, and Welfare and the Department of Justice on the safety, efficacy, and abuse potential of drugs and recommends actions to be taken on the marketing, investigation, and control of such drugs.

(6) *Endocrinologic and Metabolic Drugs Advisory Committee.* (i) Date established: August 27, 1970.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

(7) *Fertility and Maternal Health Drugs Advisory Committee.* (i) Date established: March 23, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

(8) *Gastrointestinal Drugs Advisory Committee.* (i) Date established: March 3, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

(9) *Oncologic Drugs Advisory Committee.* (i) Date established: September 21, 1978.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

(10) *Peripheral and Central Nervous System Drugs Advisory Committee.* (i) Date established: June 4, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

(11) *Psychopharmocologic Drugs Advisory Committee.* (i) Date established: June 4, 1974.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

(12) *Pulmonary-Allergy Drugs Advisory Committee.* (i) Date established: February 17, 1972.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

(13) *Radiopharmaceutical Drugs Advisory Committee.* (i) Date established: August 30, 1967.

(ii) Function: Reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

(14) *Advisory review panels for over-the-counter (OTC) drugs.* (i) Dates established—(*a*) *Antimicrobial Panel.* Established March 16, 1972;

(*b*) [Reserved]

(*c*) *Miscellaneous Internal Drug Products Panel.* Established July 16, 1973; and

(*d*) *Miscellaneous External Drug Products Panel.* Established July 16, 1973.

(ii) Function: Review and evaluate available data on the safety and effectiveness of nonprescription drug products.

(d) *Bureau of Medical Devices.* (1) Advisory panels for medical devices, and the dates of their establishment are as follows:

(i) *Circulatory Systems Devices Panel.* Established April 28, 1978.

(ii) *Clinical Chemistry and Hematology Devices Panel.* Established April 28, 1978.

(iii) *General Medical Devices Panel.* Established April 28, 1978.

(iv) *Immunology and Microbiology Devices Panel.* Established April 28, 1978.

(v) *Obstetrics-Gynecology and Radiologic Devices Panel.* Established April 28, 1978.

(vi) *Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.* Established April 28, 1978.

(vii) *Respiratory and Nervous System Devices Panel.* Established April 28, 1978.

(viii) *Surgical and Rehabilitation Devices Panel.* Established April 28, 1978.

(2) Function: Review and evaluate available data on the safety and effectiveness of devices currently in use and make recommendations for their regulation.

(3) *Device Good Manufacturing Practice Advisory Committee.* (i) Date established: August 12, 1976.

(ii) Function: Reviews proposed regulations for good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations on the feasibility and reasonableness of the proposed regulations.

(e) *Bureau of Radiological Health*—(1) *Medical Radiation Advisory Committee.* (i) Date established: October 31, 1963.

(ii) Function: Advises on the formulation of policy and development of a coordinated program for the application of ionizing radiation in the healing arts.

(2) *Technical Electronic Product Radiation Safety Standards Committee.* (i) Date established: October 18, 1968.

(ii) Function: Advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation under 42 U.S.C. 263f(f)(1)(A).

(f) *National Center for Toxicological Research, Science Advisory Board.* (i) Date established: June 2, 1973.

(2) Function: Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Effective date. This reissuance is effective April 1, 1980.

Dated: March 26, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9769 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 561

[FAP 8H5186/T54; FRL 1452-2]

Tolerances for Pesticides in Animal Feeds; N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a feed additive regulation related to the experimental use of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal. The renewal was requested by BASF Wyandotte Corp. This rule will permit the marketing of cottonseed meal while further data are collected on the subject pesticide.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 (202) 755–2196.

SUPPLEMENTARY INFORMATION: On September 12, 1978, the EPA announced (43 FR 40456) that in response to a pesticide petition (FAP 8H5186) submitted by BASF Wyandotte Corp., Agricultural Chemicals Div., 100 Cherry Hill Road, Parsippany, NJ 07054, 21 CFR 561.197 was being established to permit residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride to growing cotton in a proposed experimental program with a tolerance limitation of 2 parts per million (ppm) in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). This experimental program expired September 5, 1979.

BASF Wyandotte Corp. has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the plant growth regulator to the growing raw agricultural commodity cotton.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in cottonseed meal from the agricultural use provided for in the experimental use permit, the feed additive regulation should be renewed along with the tolerance limitation. (A related document concerning the renewal of temporary tolerances for residues of the subject pesticide in or on cotton forage; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; eggs; and milk appears elsewhere in today's **Federal Register**.)

Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective April 1, 1980, 21 CFR 561.197 is amended as set forth below.

Part 561, § 561.197 is amended as follows:

§ 561.197 [Amended]

In § 561.197, the date at the end of the last line of paragraph (a) is changed from "September 5, 1979" to "March 25, 1981."

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)).

Dated: March 25, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-9767 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

V 45 / 64 APR 1 80 UMI

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). This valuation is necessary because under section 4041 of the Act, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in annuity markets. This amendment adopts the rates and factors applicable to plans that terminated on or after December 1, 1979, but before March 1, 1980, and will enable the PBGC to value the benefits provided under those plans.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202–254–4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors must be reflective of current annuity market conditions, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before December 1, 1979. (29 CFR 2610 (1979), 44 FR 42180, 58908, 45 FR 2026). The purpose of this amendment is to provide the rates and factors applicable to plans that terminated on or after December 1, 1979, but before March 1, 1980.

The PBGC has derived these rates from several sources. One is the survey of annuity price data obtained from the private insurance industry. This is the data on which rates have been based in the past. In deriving rates for this quarter, the PBGC has also considered both the price of annuities which were actually purchased by terminating pension plans during this period and the value of annuities obtained from liquidating insurance contracts for plans trusteed by PBGC.

On April 16, 1979, after public notice and comment, the PBGC adopted a new procedure of issuing new interest rates and factors in final form without first publishing them in a Notice of Proposed Rulemaking (44 FR 22453 *et seq.*). Because the PBGC cannot value the benefits provided under pension plans that terminated on or after December 1, 1979 and before March 1, 1980 until the new interest rates and factors contained herein are promulgated, and consistent with this new procedure, the PBGC finds that notice of and public comment on this amendment are impracticable and unnecessary. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after December 1, 1979, but before March 1, 1980, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

The PBGC has determined that this amendment to the Valuation of Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 56237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations, is hereby amended by adding a new Table XVII to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Benefits

* * * * *

XVII. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after December 1, 1979, but before March 1, 1980.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 8¼ percent shall be used to value immediate annuities, to compute the quantity "G_y" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.6.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0775$.
(2) $k_2 = 1.065$.
(3) $k_3 = 1.04$.
(4) $n_1 = 7$.
(5) $n_2 = 8$.

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)))

Issued at Washington, D.C., on this 27th day of March 1980.

Ray Marshall,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

Henry Rose,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-9766 Filed 3-31-80; 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 238

[DOD Instruction 5410.19] [1]

Armed Forces Community Relations

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

SUMMARY: This rule supplements Part 237 of this title "Community Relations" to: establish the Armed Forces community relations program policy; prescribe procedures including site, support, sponsor, and funding criteria; and assign responsibilities and authorities. The overall effect of this rule is to provide uniform guidance in the planning and conduct of community relation activities of the Armed Forces.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: LTC R. Egenmaier, Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Community Relations, Washington, D.C. 20301, telephone: 202–695–2709.

SUPPLEMENTARY INFORMATION: In FR Doc. 66–8723, appearing in the Federal Register (31 FR 10681) on August 11, 1966, the Office of the Secretary of Defense published Part 238, effective April 21, 1965. The source document, DoD Directive 5410.19, was revised and reissued November 26, 1968. The Office of the Secretary of Defense has again revised this Part and retitled it, "Armed Forces Community Relations."

Accordingly, 32 CFR Chapter I, is amended by revising Part 238, reading as follows:

PART 238—ARMED FORCES COMMUNITY RELATIONS

Sec.

238.1 Reissuance and Purpose.
238.2 Applicability and Scope.
238.3 Definitions.
238.4 Policy.
238.5 Procedures.
238.6 Guidelines.
238.7 Funding.
238.8 Responsibilities and Authorities.
238.9 Information Requirements.
238.10 Armed Forces Aerial Demonstrations.
238.11 Armed Forces Bands, Troops, and Units in Support of Public Programs.
238.12 Speaking Engagements.
238.13 National Organizations.
238.14 Armed Forces Day.
238.15 Veterans Day Observances and National Conventions of National Veterans Organizations.
238.16 Presidential Wreath-Laying Ceremonies.
238.17 Sports Activities.
238.18 DoD Coordinators.
238.19 Miscellaneous Public Affairs-Related Activities.
Enclosure 1—Format Request for Aerial Demonstration.
Enclosure 2—Request Format for Armed Forces Participation in Public Events.
Enclosure 3—Fact Sheet (Speaking Engagements by DoD Personnel).
Enclosure 4—Speaker Request Format.
Enclosure 5—President's Approved Wreath List.

Authority: The provisions of this Part 238 issued under 5 U.S.C. 22.

§ 238.1 Reissuance and purpose.

This Part is reissued to supplement Part 237 of this title and to provide procedural guidance for the planning and conduct of community relations activities of the Armed Forces.

§ 238.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments (including their National Guard and Reserve Components), the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components"). (As used in this Instruction, the term "Military Services" refers to the Army, Navy, Air Force, and Marine Corps.)

(b) Its provisions encompass all DoD community relations programs regardless of name, program, or sponsorship.

§ 238.3 Definitions.

(a) As used herein the following definitions apply:

(1) *Military Installation.* Any installation owned or operated by the Department of Defense or by a DoD Component such as a base, station, post, reservation, camp, depot, fort, terminal, facility, ship, school, and college.

(2) *Elsewhere.* Any location, other than a military installation, at or on which a community relations program may be conducted.

(3) *Official Federal Government Functions.* Those activities in which officials of the Federal Government are involved in the performance of their official duties.

(4) *Official DoD Functions.* Those activities (including Defense Committees, Joint Civilian Orientation Conference (JCOC), and activities held on military installations, or elsewhere when the appropriate commander certifies that suitable facilities are not available on a military installation) which are sponsored by a Military Service, have as their principal purpose the promotion of esprit de corps, and are conducted primarily for active duty personnel, dependents, and guests.

(5) *Official Civic Functions.* Those activities in which officials of State, county, or municipal governments are involved in the performance of their official duties (for example, inaugurals, dedications of public buildings and projects, the convening of legislative bodies, and ceremonies for officially invited Government visitors).

(b) Other terms used in this Part are defined in Part 237.6 of this title, and §§ 238.10 and 238.12 of this Part.

§ 238.4 Policy.

(a) The policy of the Secretary of Defense governing Armed Forces Community Relations programs is based on public law and executive orders and is set forth in Part 237 of this title. Amplification of basic policy and supplemental guidelines for the planning and conduct of specific categories and types of community relations programs are contained in this part.

(b) The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) been designated as the principal staff assistant to act for and in behalf of the Secretary of Defense in granting any exceptions to basic public affairs policy.

(1) Requests for exceptions to this policy shall be submitted to the ASD(PA) via command channels.

(2) Such requests shall contain, as a minimum, (i) a description of the community relations program contemplated, (ii) a justification for approval of the exception, and (iii) appropriate recommendations.

(3) Exceptions shall be granted on a case-by-case basis.

(c) Policy guidance concerning public affairs relations with business and non-Government organizations representing business is contained in Part 237a of this title.

(d) Policy governing the use of military carriers for public affairs purposes is contained in DoD Instruction 5435.2,[1] "Delegation of Authority to Approve Travel In and Use of Military Carriers for Public Affairs Purposes," April 25, 1975.

§ 238.5 Procedures.

(a) Within basic legal and policy limitations, commanders at all levels who plan or conduct a community relations program shall consider initially:

(1) The interests of the Department of Defense and the community as a whole.

(2) Pertinent operational requirements.

(3) The availability of adequate and appropriate resources.

(b) When a proposed community relations program exceeds local support capability or the scope of local public affairs responsibility, it shall be referred, via command channels, to the appropriate higher echelon. The proposal shall contain, as a minimum:

(1) A description of the program;

(2) A list of support requirements;

(3) A description of the anticipated scope of the program;

[1] See footnote, page 21228.

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(4) Comments concerning expected community reactions; and

(5) Appropriate recommendations.

(c) All DoD Components shall use approved DoD request formats, appended as various enclosures to this Part, in processing requests by civilian sponsors for Armed Forces support of community relations programs. These formats, which may be reproduced locally, provide sufficient information to permit the approving authority to (1) evaluate the appropriate degree of Armed Forces support, and (2) determine compliance with the requirements of this Part.

(d) To ensure that a proposed community relations program conforms to the limitations imposed by public law and by policy contained in Part 237 of this title, the following aspects of the program shall be evaluated (using the criteria set forth in § 238.6.)

(1) The objectives and purposes of the program (*"program criteria"*).

(2) The interests and objectives of the sponsor or sponsoring group (*"sponsor criteria"*).

(3) The nature or character of the location of the program (*"site criteria"*).

(4) The full particulars of DoD support (*"support criteria"*).

§ 238.6 Guidelines.

(a) The Department of Defense authorizes and encourages support of community relations programs when at least one of the conditions listed in each of the following criteria categories (program, sponsor, site, and support) is met:

(1) *Program Criteria.* When the program is:

(i) Specifically authorized or directed by public law, executive order, or the Secretary of Defense.

(ii) An official Federal Government, military, or civil ceremony or function.

(iii) An event or occasion of general interest or benefit to a local, State, regional, or national community, and is available to the community.

(iv) In support of authorized recruiting or personnel procurement programs.

(v) In support of (A) united, federated or joint fund-raising campaigns authorized by DoD Directive 5035.1,[1] "Fund-Raising Within the Department of Defense, April 7, 1978; (B) such fund-raising appeals as the President or the Director of the Office of Personnel Management may authorize; or (C) the Military Service Aid societies. NOTE: DoD support for local fund-raising programs, other than those described above, is authorized only when the fund-raising program is local in nature, is of community-wide interest and benefit, and has the support of endorsement of the local united, federated, or joint campaign officials; or when, in the judgment of the local commander, support of a purely local charitable drive is part of the responsible role of the military installation in the local community. Volunteer fire department, rescue unit, or youth activity fund drives are examples of such local programs.

(vi) In support of fund-raising campaigns solely for the benefit of U.S. teams competing in the Pan American Games or the Olympic Games (see DoD Directive 1330.4,[1] "Participation in Interservice National and International Sports Activities," November 14, 1968).

(vii) Of a patriotic nature; or with the addition of military support, designed to include a patriotic acknowledgement; or the celebration of a Government-recognized local, State, regional, or national holiday.

(2) *Sponsor Criteria.* The sponsor or sponsoring organization does not specifically exclude any person from its membership for reasons of race, creed, color, or national origin. DoD support is authorized for programs sponsored by organizations whose qualification for membership is based on sex or national origin only when the primary benefit and interest are to the community rather than to the organization. DoD support is authorized when the sponsor is:

(i) A local, State, or Federal Government.

(ii) A veteran's, Military Service-related, patriotic, or historical organization or auxiliary.

(iii) An organization (civic, service, youth, professional, educational, business, trade, or labor) whose interests are in support of the community.

(iv) A commercial enterprise *only* when (A) DoD support is patriotic in nature, is incidental to the program, and does not benefit selectively nor appear to benefit selectively the commercial activity of the sponsor; (B) the sponsor's role is clearly civic in nature; and (C) the commercial interest is subordinate to the community interest, and benefit in the program.

(v) A public school, public college, or public university.

Note.—Support is authorized for programs sponsored by nonpublic schools, colleges, or universities only when the program is (A) of a community-wide nature of common interest and benefit, is open to all, and is broadly publicized; or (B) when the program is clearly patriotic or educational in nature or is in support of recruiting programs.

(3) *Site Criteria.* Admission, seating, and all other accommodations and site facilities connected with any public programs are available to all without regard to race, creed, color, national origin, or sex, and the location of the program is:

(i) A military installation.

(ii) A local, State, or Federal Government property, facility or building.

(iii) A bona fide community center.

(iv) A private or commercial building ONLY when DoD support is patriotic in nature, is incidental to the program, and does not benefit selectively nor appear to benefit selectively the owner of the building or the agent.

(v) A religious building or facility ONLY when the program is of a community-wide, nonsectarian nature of common interest and benefit and is broadly publicized.

(vi) A shopping mall or center ONLY when the program is a recruiting program, and:

(A) The support is directly related to the recruiting activities taking place, and the type and amount of support are commensurate with the scope and nature of the recruiting activity.

(B) Community relations support is not advertised, promoted, or presented as an attraction for the center or mall (or for special business activities such as promotional sales).

(C) The support activities are in no way related, nor do they appear to be related, to a particular business or particular group of business establishments within the mall or center. NOTE: Because of the commercial nature of shopping malls and centers, special care must be exercised to avoid the selective benefit of specific business interests. Where two or more such centers or malls are part of a community, support of recruiting activities must be administered in an even-handled manner, with fairness and extreme care.

(4) *Support Criteria.* The Department of Defense authorizes support which (i) can be reasonably expected to bring credit to the individuals involved and to the Armed Forces and is at no additional cost to the Government; or (ii) is specifically authorized to be at Government expense by this Part (§ 238.7), by public law, by executive order, or by the Secretary of Defense.

(b) The Department of Defense does *not* authorize support of community relations programs when any one of the conditions listed in one of the following criteria categories exists.

(1) *Program Criteria.* When the program is:

(i) Intended or appears to endorse, benefit selectively, or favor any private individual, group corporation, religion, sect, ideological movement, political organization candidate, or commercial venture.

(ii) For the purpose of solicitation of votes in a political election.

(iii) A commercially oriented program, such as a Christmas parade, a motion picture premiere, a fashion show, a beauty pageant, or any other event or activity conducted to stimulate sales or increase the flow of business traffic.

(iv) For the purpose of raising funds for causes other than those specified in § 238.6(a)(1)(v).

(v) One in which public confrontation is planned or likely or where the real or apparent purpose is to stage controversy.

(2) *Sponsor Criteria.* The sponsor or sponsoring organizations specifically excludes any person from its membership for reasons of race, creed, color, or national origin.

(i) A commercial enterprise (except as specified in § 238.6(a)(2)(iv)).

(ii) A religious group (except for a school, as specified in § 238.6 (a)(2)(v), sect, or partisan political organization, or ideological movement.

(iii) An organization whose constitution, bylaws, membership qualifications, or ritual is privately held and not available to the general public (e.g., many fraternal organizations).

(3) *Site Criteria.* When:

(i) Admission, seating, and any other accommodation or facility connected with a public program are barred to any person because of race, creed, color, national origin, or sex.

(ii) The location of the program is a private, commercial, or religious facility, a shopping mall or center, or a nonpublic school, college, or university (except as specified in § 238.6(a)(3)).

(4) *Support Criteria.* When DoD support:

(i) Has been determined, by a finding of fact, to interfere with the customary or regular employment of non-DoD persons in their art, trade, or profession.

(ii) Is or could be considered to be the primary or major attraction for which admission is charged, except for:

(A) Athletic events of the Military Service academies;

(B) Performances by aerial demonstration teams;

(C) Concerts by the U.S. Army Band, the U.S. Army Field Band, the U.S. Navy Band, the U.S. Marine Band and the U.S. Air Force Band while on authorized tours.

(iii) Consists wholly or in part of resources, facilities, or services which are otherwise reasonably available from commercial sources.

(iv) Involves the use of military personnel (including members of Guard/Reserve components and ROTC in uniform) outside military reservations as ushers, guards, parking lot attendants, runners, messengers, baggage handlers, for crowd control, or in any other inappropriate capacity.

(v) Interferes with military needs or operational requirements.

§ 238.7 Funding.

(a) The cost of DoD support of community relations programs / authorized in § 238.7(b) shall be the responsibility of the DoD Component(s) involved. Funding requirements for these purposes shall be kept to the minimum necessary to accomplish DoD objectives.

(b) DoD Components shall absorb the costs of supporting those community relations programs that are specifically authorized by public law, executive order, or the Secretary of Defense, and the following types of programs when they are in the primary interest of the Department of Defense:

(1) Official Federal Government functions.

(2) DoD or civic-sponsored observances of United States or host country national holidays.

(3) Official civil ceremonies and functions.

(4) Speaking engagements.

(5) Events considered to be in the national interest or in the professional, scientific, or technical interests of a DoD Component or element, when approved by the Assistant Secretary of Defense (Public Affairs) or the Commander of an overseas Unified or Specified Command, as appropriate.

(6) Direct support of recruiting and personnel procurement activity, when the cost of such support is charged to recruiting or personnel procurement programs funds.

(c) DoD support of community relations programs that are not authorized in § 238.7(b) shall be at no additional cost to the Government.

(d) To adhere to congressional funding limitations, due care must be exercised in the identification of costs of community relations programs. Programming, budgeting, and financing policies are set forth in Part 237 of this title. In general, for purposes of the limitations, the incremental cost of any resource incurred solely for community relations purposes must be identified as a public affairs cost; and costs incurred by a DoD Component in connection with its support of a community relations program, which would not be incurred but for their public affairs aspects, must be identified as public affairs costs. Effective management of a community relations program may require full costing (total direct and indirect costs) of the use of resources when their use benefits or is caused by the program. This information shall be provided to management officials and the OASD(PA) on an "as required" basis.

(e) When routine training flights are used as opportune airlift to transport military personnel, no reimbursement to the providing Component is required. When Military Airlift Command industrially funded transportation facilities are used, the industrial fund must be reimbursed, in accordance with DoD Directive 7410.4,[1] "Regulations Governing Industrial Fund Operations," September 25, 1972.

§ 238.8 Responsibilities and authorities.

(a) Requests for DoD support of community relations programs shall, except as otherwise specified in this Instruction, be evaluated and approved or disapproved at the lowest practicable echelon or command (see § 238.5(a)(2)).

(b) The *Assistant Secretary of Defense (Public Affairs)* is the sole authority for granting any exception to the policy contained in Part 237 of this title and in this Part.

(1) The ASD(PA) is the sole authority for approving all DoD support of community relations programs in the National Capital area (see § 238.11 and § 238.13), except speaking engagements (see § 238.12), and for DoD support of the following programs outside that area:

(2) National and international programs, including national conventions and meetings (except those programs taking place in overseas areas which are solely of internal concern to a Unified or Specified Commander); see §§ 238.11, 13, 14, 15, 16, and 18.

(3) Programs outside the 50 United States which are not within a Unified or Specified Command's area of responsibility.

(4) Programs where the officially designated flight and parachute demonstration teams (Golden Knights, Blue Angels, Thunderbirds) perform, in accordance with § 238.10.

(5) Programs held on a military installation involving an aerial review of more than one Military Service, and programs involving any aerial review, flyover, or aircraft demonstration held elsewhere within the United States or as outlined in § 238.8(b)(2) (except for flyovers for civic-sponsored observances of and official ceremonies for Armed Forces Day, Memorial Day, Independence Day and Veterans Day, authorized by the Secretaries of the

[1] See footnote, page 21228.

[1] See footnote, page 21228.

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Military Departments), in accordance with § 238.10.

(6) Programs that require acting as the sole point of official contact within the Department of Defense for liaison between the Department of Defense and the headquarters and Washington offices of national organizations and other national non-Government groups, except for those organizations representing a specific interest of a single Military Service, e.g., Association of the U.S. Army, Air Force Association, Navy League, Marine Corps League, etc. (see § 238.8(d)).

(7) Programs that provide information to national organizations, including business and industry groups, and call for approving support of the activities of such organizations and groups, in accordance with § 238.13. (See Part 237a of this title.)

(c) The *Unified and Specified Commanders*, except as specified in § 238.8(b), have been and are designated to act for and in behalf of the Secretary of Defense in implementing the provisions of Part 237 of this title and this Part in their overseas area of responsibility (excluding the States of Hawaii and Alaska).

(d) The *Secretaries of the Military Departments*, except as specified in § 238.8(b), are authorized to approve requests for DoD support of community relations programs, and to:

(1) Approve the unofficial use of the official insignia of their Departments, except where such use is prohibited by law.

(2) Conduct direct communication and liaison with organizations representing specific interests of their respective Military Departments. Military Departments which maintain liaison with such organizations are required to carry on their activities in accordance with the letter and the spirit of policies set forth in Parts 237, 91, and 40 of this title, (respectively). ASD(PA) shall be responsible for monitoring the liaison activities between Military Departments and these organizations.

(3) Delegate to local major unit commanders authority to support local programs jointly planned and conducted by border communities in California, Arizona, New Mexico, and Texas, with their counterparts in Mexico.

(i) Local programs are defined as those which center on and are of primary interest in a U.S. or Mexican border community.

(ii) Favorable determinations shall be based on the significance of the program, defense interest, advance consultation, and approval of appropriate U.S. consular officials, coordination with other Federal agencies, as required, and the concurrence of municipal authorities involved.

(e) The *Head of the Interservice Sports Committee* shall act for the ASD(PA) in all matters pertaining to interservice competition and joint military Service participation in national and international sports. See § 238.17.

(f) The *Assistant Secretary of Defense (International Security Affairs)* (ASD(ISA)) shall coordinate DoD support of foreign disaster relief operations, in accordance with § 238.19.

(g) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall be responsible for certain miscellaneous public affairs-related activities, as specified in § 238.19.

§ 238.9 Information requirements.

(a) Records will be maintained and required reports furnished in accordance with section 237.6 of this title.

(b) The additional reporting requirement specified in §238.11 has been assigned Report Control Symbol DDPA(M) 979.

§ 238.10 Armed Forces aerial demonstrations.

(a) *Purpose.* (1) This Part relates to Armed Forces aerial demonstrations in support of community relations programs, including flight team demonstrations, parachute team demonstrations, flyovers, aerial reviews, static displays and other aerial activities.

(2) Attached to this enclosure is the approved DoD "Request for Aerial Demonstration" format.

(b) *Definitions.* As used herein, the following definitions apply:

(1) *Aerial Event.* Any occasion such as an air show, festival, official Federal Government function, or official military and civic functions held on a military installation or elsewhere where an Armed Forces aerial demonstration is either a primary or incidental attraction.

(2) *Aerial Demonstration.* The use or display of DoD military aircraft or personnel in any aerial event, including the following:

(i) *Flight Team Demonstration.* An exhibition of precision aerial maneuvers and techniques flown by an officially designated Service flight demonstration team, such as the U.S. Air Force Thunderbirds and the U.S. Navy Blue Angels.

(ii) *Parachute Team Demonstration.* A demonstration of free-fall and precision-landing techniques by the officially designated unit, the U.S. Army Golden Knights. Other military parachute teams, including individuals or groups, may be specifically authorized for such demonstrations when representing the Department of Defense.

(iii) *Flyover.* A straight and level flight by no more than four military aircraft from a Military Service over a predetermined point on the ground at a specific time and not involving aerobatics or demonstrations.

(iv) *Aerial Review.* A flyover of multiple types of aircraft or aircraft representing more than one Military Service with elements in trail formation and not involving precision maneuvers or demonstrations.

(v) *Static Display.* A ground display of aircraft and its related equipment not involving taxiing or starting of engines while spectators are in the display area.

(vi) *Aerial Activities.* All other aerial demonstrations, not listed in (i) through (vi), above, designed to portray performance techniques by a single aircraft or group of aircraft or personnel. Such demonstrations include but are not limited to air-to-air refueling, helicopter flight techniques, maximum performance takeoff, performance record demonstrations, mass parachute jumps, air delivery of equipment, assault aircraft demonstrations, tactical helicopter troop landings under simulated tactical conditions, air-rescue demonstrations, and rappelling demonstrations.

(c) *Policy.* (1) Armed Forces aerial demonstrations may be authorized at appropriate public programs, on a military installation, or elsewhere which meet basic criteria set forth in this Instruction. Support may include officially designated military flight or parachute demonstration teams, flyovers, aerial reviews, the static displays of aircraft, and other aerial activities.

(2) Any aerial demonstration will be entirely dependent upon the Military Services' capability to provide such resources at the time of an event.

(3) All pertinent safety regulations of the Department of Defense and the Department of Transportation (Federal Aviation Agency) will be rigidly observed, and will take precedence over any or all conditions or circumstances.

(4) Maximum advantage of Armed Forces recruiting will be taken at public events where Armed Forces aerial demonstrations have also been authorized.

(5) During the hours aircraft are actually on display or providing demonstrations before the public, qualified Armed Forces personnel will be available to explain the missions performed and answer spectators' questions.

(6) Armed Forces teams may not compete for prize monies. (See Part 237 of this title.)

(7) Armed Forces aerial demonstrations are usually limited to 2 days in any one aerial event. However, parachute demonstrations may extend over a 3-day period. This provision may be waived when:

(i) Other requests for the time frame have not been authorized.

(ii) Extended participation does not compromise another event because of travel time.

(iii) It is determined that the audience will change each day.

(iv) The event is of national or international nature and participation would be in the best interests of the Department of Defense.

(8) No two aerial demonstration teams of the same type will be approved for a single event. Flyovers may be authorized at an event where a flight or parachute demonstration team will perform, provided they are scheduled on days other than those authorized for the demonstration teams' performance. Static displays and other aerial activities may be authorized in conjunction with any other aerial participation.

(9) Aircraft performance record demonstrations are restricted to aircraft which have been assigned to an operational unit of a Military Service for at least 6 months in demonstrations which imply no competition among the Military Services. They may be conducted periodically in the interest of keeping the public apprised of U.S. engineering-technical capabilities in the development of aircraft altitude, speed, endurance, and individual performance or record demonstrations.

(d) *Procedures.* (1) All nonmilitary sponsors desiring Armed Forces aerial demonstrations should be requested to complete the approved DoD request format (enclosure 1). This format may be reproduced and distributed by the Military Services.

(2) The Department of Defense (OASD(PA)) will host a scheduling conference in mid-December each year to prepare the official flight and parachute demonstration team's performance schedules for the following year.

(i) Nonmilitary sponsors desiring flight and/or parachute demonstration teams must submit an approved DoD request format (enclosure 1) to ASD(PA) no later than September 30 to be considered for inclusion in the approved schedule for the following calendar year.

(ii) Military Departments desiring flight or parachute demonstration team performances will consolidate their requests and forward them to ASD(PA) no later than November 15 to be considered for inclusion in the approved schedule for the following calendar year.

(iii) Following the scheduling conference, a tentative schedule will be prepared by OASD(PA) and submitted to the Military Departments for review and concurrence prior to final approval by the ASD(PA). Precautions will be taken to ensure that sponsors are *not* provided any information concerning the status of their request until final approval and release of the schedule by ASD(PA). Exceptions to this policy may be made only with advance approval of the OASD(PA).

(3) Nonmilitary sponsors desiring aerial demonstrations other than flight and parachute team demonstrations should be requested to submit an approved DoD request form (enclosure 1) to OASD(PA) no later than 30 days, and preferably 60 days, prior to the scheduled event.

(4) DoD Components desiring to conduct aerial reviews involving more than one Military Service on a military installation, or aerial reviews, flyovers, and other aerial activities elsewhere (except as provided in § 238.8(b)(4) of this Part), will forward requests to ASD(PA) as soon as practicable and will include, as a minimum, those criteria contained in § 238.5(a)(2), this Part.

(5) The Military Departments will forward requests for attempts to establish aircraft performance records and to release information relative thereto to the ASD(PA) at least 45 days prior to the date of the proposed attempt. Submissions will include a description of the specific aircraft to be used and full justification for the proposed record attempt, including supporting flight and information plans. ASD(PA) will coordinate the request within the Department of Defense and with other appropriate Government departments or agencies and the National Aeronautic Association of the United States of America.

(e) *Evaluation.* Approvals or disapprovals of requests for aerial demonstrations will be based on the following:

(1) *Program Criteria.* (i) Public events which are appropriate for Armed Forces aerial demonstrations include such activities as dedications of airports and facilities, aviation shows, expositions and fairs, and civic events which contribute to the public knowledge of Armed Forces aviation equipment and capabilities.

(ii) Aerial demonstrations may be authorized for military installations, including those leased by Reserve Components, in accordance with the guidance and direction provided by the ASD(PA) and the Secretaries of the Military Departments. Appearances by the flight and parachute demonstration teams on a military installation will only be approved in support of an official "Open House" program.

(iii) To minimize interference with operations and training of Armed Forces aviation units, flyovers will be approved only for the following occasions.

(A) Those events outlined in (i) and (ii), above.

(B) Civic-sponsored public observances of and official ceremonies for Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

(C) Memorial or funeral services for dignitaries of the Armed Forces and the Federal Government, and for rated/designated aviation personnel of the Armed Forces as determined by appropriate Military Department regulations.

(D) Ceremonies honoring foreign dignitaries, when directed by executive order or the Secretary of Defense.

(E) Occasions primarily designed to encourage the advancement of aviation.

(2) *Sponsor Criteria.* See § 238.6 (a)(2) and (b)(2).

(3) *Site Criteria.* (i) Sponsors are required to obtain a Federal Aviation Agency waiver for any public demonstration by military aircraft or parachutists. The final authorization for such aerial demonstrations hinges upon the sponsor securing this waiver far enough in advance to permit adequate planning (normally no later than 60 days prior to the event).

(ii) Flight or parachute team demonstrations are restricted to appropriate events at airports, over open bodies of water, or over suitable open areas of land where crowd control can be ensured.

(iii) Flight demonstration team aircraft must operate from suitable airfields or the site of the event must be within a reasonable distance of a staging base. In the latter case, performances are seldom authorized since the recruiting potential is significantly reduced.

(iv) For any military aircraft to operate from an airport show site, all operational requirements concerning minimum usable runway lengths and load-bearing capacity must be met.

(v) Mass parachute jumps, aerial delivery of equipment, assault aircraft demonstrations, or tactical helicopter troop landings under simulated tactical conditions will be limited to military installations. These activities, except those scheduled as part of regular

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training programs, are not authorized for public events.

(4) *Support Criteria.* (i) While the Department of Defense does not require the sponsor to provide the Department with a public liability and property damage insurance policy, this should not deter the sponsor from obtaining the insurance he/she feels is necessary for protection.

(ii) Civilian sponsors will be responsible for providing the following:

(A) The standard Military Services allowance for quarters and meals for Armed Forces participants, except for flyovers and other aerial activities not involving landing.

(B) If necessary, transportation, meals, and hotel accommodations for representatives of the requested unit to visit the site prior to the event.

(C) Transportation for Armed Forces participants between the site of the event and hotel and return. Additionally, if required, transportation from home station to the event and return.

(D) Telephone facilities for necessary official communications regarding the event.

(E) A recent aerial photograph, taken vertically from an altitude of 5,000 feet or higher, to the team giving the demonstration.

(F) Availability of suitable aircraft fuel at military contract prices. If fuel is not available at military contract prices, the sponsor must pay any costs over military contract prices, including transportation and handling.

(G) An ambulance and a doctor on the site during flight and parachute team demonstrations and certain other aerial activities, as determined in advance by the Military Services or the OASD(PA).

(H) Mobile firefighting, crash, and ground-to-air communications equipment at the demonstration site.

(I) Security for aircraft that land and are parked at the site during their entire stay.

(J) If necessary, aircraft for use as a jump platform by a parachute team at the location of the event.

(f) *Funding.* (1) Aerial demonstrations at public events, except for flyovers, aerial reviews, and other aerial activities not involving landing, will be provided at no additional cost to the Government.

(i) The sponsor is required to pay the standard per diem for quarters and meals, as prescribed in the Joint Travel Regulations, Volumes 1 and 2, and to provide adequate ground transportation between hotels and the site of the event and other necessary services, as determined by the participating Component and agreed to by the sponsor.

(ii) The sponsor should make the check for the required amount payable to the DoD organization which incurred reimbursable expenses. Usually, this will be the DoD organization to which the demonstration team is assigned. The Defense representative who makes the arrangements for the demonstration will provide the sponsor with the name or other identity of the organization to be cited as payee on the check. The sponsor will present the check to the appropriate demonstration team or aircraft commander upon arrival at the scheduled event. The commander, in turn, will transmit the check, expeditiously, to the accounting and finance office that supports the payee's operations.

(2) All costs are binding after a team or crew personnel have arrived at a show site, even though weather conditions or other unforeseen circumstances force the event to be canceled.

(g) *Responsibility and authority.* (1) The Assistant Secretary of Defense (Public Affairs) shall approve Armed Forces aerial demonstrations in support of community relations programs, as follows:

(i) All official flight team and parachute team demonstrations held on a military installation or elsewhere.

(ii) Flyovers held off a military installation (except as provided in § 238.10(g)(2)(ii), this Part).

(iii) Aerial reviews involving more than one Military Service held on a military installation and all aerial reviews held elsewhere.

(iv) Aerial demonstrations held outside the United States which are not within a Unified or Specified Command area of responsibility.

(v) Other activities held off a military installation (except as provided in § 238.10(g)(2)(v)).

(2) The Secretaries of the Military Departments are authorized to approve aerial demonstrations in support of community relations programs by aircraft of their respective Services, as follows:

(i) Flyovers for events on military installations.

(ii) Flyovers at events off military installations for civic-sponsored observances of Armed Forces Day, Memorial Day, Independence Day and Veterans Day (except in the National Capital area).

(iii) Flyovers provided for military funerals for rated/designated aviation personnel of the Armed Forces.

(iv) Static display of aircraft held on military installations or elsewhere.

(v) Other aerial activities, as follows:

(A) Those held on military installations.

(B) Air-rescue demonstrations, team, or single parachute demonstrations (other than the U.S. Army Golden Knights), Navy Seal Team demonstrations, rappelling demonstrations, and air-to-air refueling demonstrations.

§ 238.11 Armed forces bands, troops, and units in support of public programs.

(a) *Purpose and scope.* This enclosure is intended for use when determining the appropriateness or extent of Armed Forces participation in official Federal Government, military, or civic functions and all other community relation programs conducted in public. It governs all uniformed Armed Forces commands, organizations, units, and personnel appearing in public, including bands, musical groups, individuals, color guards, drill teams, marching units, exhibits or displays, and the loan or use of Armed Forces facilities and material in support of community relations programs.

(b) *Policy.* Armed Forces support of public programs has been developed by the Department of Defense to ensure compliance with public law, to ensure equitable distribution of resources to as many appropriate events as possible, and to avoid excessive disruption of training and operational missions of the Military Services. DoD support of public programs is authorized and encouraged when such support is in the best interest of the Department of Defense and the Armed Services. The Defense Establishment and the Armed Forces belong to the American people and thus the Department should not do for one segment of the society what it cannot do for all.

(c) *Procedures.* (1) *General.* Requests for Armed Forces support of public programs shall be addressed to the nearest military installation, giving full details on the approved DoD request format (enclosure 2), so that a decision, based on program criteria, sponsor criteria, site criteria and support criteria can be made.

(2) *National/International Programs.* Requests for Armed Forces support for programs which, by their nature or because of news media coverage, could be of national or international interest will be forwarded through established command channels to the ASD(PA) for approval. Approval will be based upon program, sponsor, site, and support criteria listed above, or any recommendation or request for exception to policy by the appropriate commander.

(3) *Events in the National Capital Area.* All requests for Armed Forces support of public programs within the National Capital area will be sent to the ASD(PA) for approval. Requests for Military Service bands, musical units, drill teams, color guards, etc., stationed in the Washington, D.C. area, may be made by submitting the attached approved DoD request format through appropriate command channels.

(4) *Local Events.* Local military commanders may authorize support of purely local programs without further authorization from the Department of Defense. The program must be consistent with at least one condition of each of the established criteria groups in § 238.6(a) and be consistent with resource capability, operational commitments and applicable regulations.

(d) *Evaluation.* (1) When evaluating requests for Armed Forces support of public programs, the interests of the Department of Defense, the public at large, operational requirements of the Military Services, and availability of appropriate resources are prime considerations. (See § 238.6 (a) and (b).) Commitment of resources to specific programs must be balanced with the governing factors and guidelines of the basic Instruction and with requests for similar participation received from other sources. DoD support, directly or indirectly, must not (i) endorse or benefit selectively or favor any private individual, group, corporation (whether for profit or nonprofit), sect, quasi-religious or ideological movement, political organization, or commercial venture; or (ii) be associated with the solicitation of votes in a political election. (See § 238.6 (a) and (b).) Such sites as commercial theaters, department stores, churches, or fraternal halls are, generally, inappropriate sites for Armed Forces support. Testimonials to individuals or sectarian religious services are inappropriate programs for Armed Forces support.

(2) Support by the Armed Forces of any program may be authorized only if admission, seating, and all other accommodations and facilities are available to all without regard to race, creed, color, national origin, or sex.

(i) Support of programs sponsored by certain organizations may be authorized when the program is oriented towards the community interests as opposed to the sectarian, fraternal, or national origin aspects or objectives of the organization.

(ii) Participation in nonpublic school events is authorized when the program is clearly patriotic or educational in nature or is in support of recruiting programs.

(iii) No admission charge may be levied on the public solely to see an Armed Forces demonstration, unit, or exhibit. When admission is charged, the Armed Forces activity must not be the sole or primary attraction. (Excludes Navy and Marine Corps Band Tours.)

(3) The term "fund-raising" identifies the avowed or announced purpose of a program which, by any means, seeks to acquire money or material in excess of actual costs for charitable, civic, or other purpose. Support by the Armed Forces in an official capacity in fund-raising programs is restricted to fund-raising activities in support of recognized united, federated, joint, or other authorized campaigns (see 238.6(a)(1)(v)). A required condition of such support will be that the sponsor of an event certifies that all profits accrued will be donated to a united, federated, or joint campaign. In view of the national interest, the Armed Forces may support sports or other public programs held for the sole purpose of raising funds for the U.S. teams competing in the Pan-American and Olympic Games. DoD policies concerning Armed Forces support of fund-raising programs are detailed in Part 237 of this title. Additional information may be found in DoD Directive 5035.1.

(4) When Armed Forces support of a public program is in the mutual interest of the Department of Defense and the sponsor, participation will be authorized at no additional cost to the Government. Additional costs to the Government—travel and transportation of military personnel, meals and quarters or the standard per diem allowance—must be borne by the sponsor.

(5) The duration of support by military units in any single program is limited in the interests of proper utilization and equitable distribution of Armed Forces manpower and resources. While an exhibit may be scheduled for the duration of a program, participation of a unit such as a military band is limited to 3 days.

(6) Armed Forces support of professional sports programs and all postseason bowl games will be authorized at no additional cost to the Government, will emphasize joint Service activity where praticable, and must support recruiting programs. Support of commercially oriented events, such as beauty pageants, Christmas parades, and motion picture premieres is not authorized.

(7) Armed Forces musical units may be authorized to provide certain specified musical presentations for public programs. The performance must not place military musicians in competition with the customary or regular employment of local nonmilitary musicians. Background, dinner, dance, or other social music is not authorized for public programs held away from a military installation. Programs which may be authorized usually include a short (15–20 minute) patriotic presentation. Musical selections consist of a medley of military or patriotic songs, appropriate honors, and music to accompany the presentation of the colors by a color guard.

(e) *Exhibits.* (1) Exhibits are both indoor and outdoor types. The Military Services maintain Armed Forces exhibits which are used in their individual public affairs programs. These exhibits are maintained by the Military Departments and are provided to sponsors of events at no additional cost to the Government.

(2) Most exhibits are displayed during programmed tours which are scheduled 6 to 8 months in advance. Requests for these exhibits should be initiated well in advance of the event.

(3) Requests for Armed Forces exhibits in support of public programs should be forwarded to one of the following addressees, using an approved DoD request format:

U.S. Army

Chief of Public Affairs, Department of the Army, Washington, D.C. 20310.

U.S. Navy

Chief of Information, Department of the Navy, Washington, D.C. 20350.

U.S. Air Force

Commander, USAF Orientation Group, Wright-Patterson AFB, Ohio 45433.

(4) The exhibits used in support of personnel procurement and recruiting are governed by policy established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(f) *Armed Forces personnel, facilities, and materiel.* (1) *General.* (i) Armed Forces (including Guard/Reserve and ROTC) resources, such as bands, troops, drill teams, color guards, installations facilities, and materiel may be effectively used to support community relations programs.

(ii) The use of military personnel as ushers, guards, parking lot attendants, runners, messengers, baggage handlers, crowd control, or other inappropriate capacities in support of public programs conducted off military installations is not authorized.

(2) *Flags.* (i) The loan of official flags of DoD Components will not be authorized without the approval of the

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Secretaries of the Military Departments or Heads of the other Components concerned.

(ii) In public programs for which DoD support has been authorized and at which the display of colors is appropriate, a Joint Armed Forces Color Guard will be employed, when available, using the following composition: Two Army bearers with National and Army colors; one each Marine Corps, Navy, Air Force, and Coast Guard [2] bearer with individual Service colors; and one Army and one Marine Corps rifleman as escorts.

(iii) When a Joint Armed Forces Color Guard, as specified above, cannot be formed, the senior member of the senior Service in the Color Guard will carry the national colors. DoD Components will be guided by the Table of precedence prescribed in DoD Directive 1005.8,[1] "Order of Precedence of Members of Armed Forces of the United States When in Formations," October 31, 1977.

(iv) United States military personnel may carry flags of foreign nations in official civil ceremonies when an official of the nation concerned is present in an official capacity and the official is one for whom honors normally would be rendered. In all other public programs or ceremonies, United States military personnel in uniform and in an official capacity are not authorized to carry flags of foreign nations, veterans groups, or other nonmilitary organizations.

(3) *Loan of Materiel and Facilities.* (i) *Materiel.* Equipment which formerly was available only from the military is now readily available from commercial sources. In considering requests for loan of military materiel, commanders must determine that similar materiel or facilities are not reasonably available from commercial sources before providing the support requested. This is particularly applicable to such items as communications, office, food-handling, and lighting equipment. Also included are construction, earth-moving, or other transportation and field equipment support. Other criteria to be considered are:

(A) The equipment must be locally available in the command, and its use for public affairs purposes must not be permitted to interfere with the military mission of the command.

(B) The public affairs program for which loan support is requested must be one in which the command is actively participating and one within the scope of its community responsibilities.

(ii) *Facilities.* Requests which do not fall within the discussion in this section shall be referred, with the DoD Component's recommendations, to the ASD(PA) for consideration. Further guidance is provided in § 238.19.

(g) *State governors' inaugural ceremonies and parades.* (1) *General.* Support by DoD Components is appropriate in public parades and in inaugural ceremonies subject to the availability of resources. To the greatest extent practicable, Armed Forces support should be joint in nature. In those cases where a Military Service desires to support an inaugural program but has no troops or resources stationed within that State, the circumstances should be reported to the ASD(PA). Bands, troop units, and equipment from outside the local area may be provided only if no additional cost to the Federal Government will be incurred.

(2) *Support Considerations.* (i) Support should be limited in size and scope, bearing in mind the potential demands that may be generated from State to State. Marching units with a combined strength of no more than one platoon from each Military Service and no more than one military band are recommended guidelines. The display of equipment and vehicles in parades is encouraged.

(ii) It is recognized that the State National Guard may be ordered to State duty by appropriate State authority, although Federal funds are not made available. Such service and expenses involved are paid for by other than Federal funds. The governor of a State has the authority to utilize, at no expense to the Federal Government, national guard troop units as required in support of the inaugural parade and ceremonies.

(iii) The duties to be performed by national guardsmen in uniform shall conform to the policies of the Secretary of Defense as set forth in Part 237 of this title and this Part. Use of military personnel as escorts, ushers, doormen, or drivers for nonmilitary guests or local dignitaries is not authorized.

§ 238.12 Speaking engagements.

(a) *Purpose.* This Part which includes a reiteration of pertinent policy statements from Part 237 of this title, contains definitions, policy, procedural, and funding guidance concerning public speaking engagements by DoD personnel.

(b) *Definitions.* (1) *Speaking Engagement.* A prearranged official Federal, State, or Municipal government; organizational; or public event at which a military or civilian member of a DoD Component speaks about a DoD subject within his or her official cognizance. Impromptu remarks by an individual delivered incidentally and simply as a part of his/her attendance at an event does not constitute a speaking engagement within the meaning of this Instruction.

(2) *DoD Speaker.* Any civilian or military member of the Department of Defense at any level and of any rank who speaks in public about a DoD subject within his/her official cognizance.

(c) *Policy.* The Department of Defense encourages qualified civilian and military officials at all levels to accept speaking invitations as an effective means of informing the public about Defense matters. DoD Instruction 5230.13,[1] "Principles of Public Information," October 23, 1973.

(d) *Procedures.* (1) *General Considerations.* The following points should be considered by members of the Department of Defense prior to acceptance of a speaking invitation:

(i) Participation must not interfere with assigned duties.

(ii) Speakers must address their remarks to subjects within their official cognizance.

(iii) Views expressed must not conflict with national policy.

(iv) Speakers may not be provided for partisan political gatherings (see DoD Directive 1344.10,[1] "Political Activities by Members of the Armed Forces," September 23, 1969, or fund-raising events which do not meet basic DoD criteria (see Part 237 of this title and DoD Directive 5035.1, respectively).

(v) A speaker's participation must not lend an air of sponsorship to the statements of others which may be partisan in nature or contrary to national policy.

(vi) Subject matter and text may require review and clearance (see DoD Directive 5230.9,[1] "Clearance of DoD Public Information," December 24, 1966).

(vii) Situations where the real or apparent purpose is to stage controversy will be avoided. The ASD(PA) will be consulted before speakers are provided for events in which public confrontation or debate of national policy matters is planned or likely.

(viii) Department of Defense support is not authorized if the sponsor or sponsoring organization specifically excludes any person from its membership for reasons of race, creed, color, or national origin. However, DoD support is authorized for programs sponsored by organizations whose qualifications for membership is based on national origin or sex, but only when the program so supported is oriented to the community rather than to the national origin or objective of the organization itself, and admission, seating, and all other accommodations and facilities connected with the program are available to all without regard to race, creed, color, national origin, or sex.

(ix) Acceptance of press, radio, and television interviews in conjunction with speaking engagements is encouraged, subject to the provisions of this Instruction and other pertinent public affairs Directives.

(x) Advance distribution of copies of speech texts (embargoed when necessary) may be used to gain wider dissemination of DoD information beyond an intended local audience when media coverage is anticipated. Distribution of speech texts should be made in cooperation with the host organization.

(2) *Level of Acceptance.* Organizations or groups wishing to extend a speaking invitation should be encouraged to correspond directly with the Public Affairs Officer of the nearest installation likely to have someone assigned who is cognizant of the subject matter to be discussed. The Fact Sheet (enclosue 3) and Speaker Request Formats (enclosure 4) may be utilized when replying to queries concerning speakers. DoD Components shall channel speaking invitations to appropriate officials nearest the site of the event.

(3) *Presidential Representatives.* The Department of Defense is sometimes required to furnish a military officer to represent the President of the United States at occasions where "remarks" or "an address" are required. The minimum appropriate grade, in this circumstance, is a general or flag officer unless there are overriding practical considerations precluding general or flag officer availability.

(e) *Funding.* (1) Speaking engagements normally will be at Government expense.

(2) Acceptance of a gratuity as defined in Part 40 of this title, a fee, or an honorarium is prohibited. Reimbursement for necessary travel and living costs may be accepted from the sponsoring organization in lieu of reimbursement by the Government, in accordance with Joint Travel Regulations (Volumes 1 and 2). Consult the local finance or disbursing officer for specifics.

(f) *Reports.* (1) The Office of the Assistant Secretary of Defense (Public Affairs) requires a monthly speakers' report covering a projected 60-day period for all accepted speaking engagements of senior civilian and military representatives of the DoD Components down through Deputy Assistant Secretary and three-star rank. This report is due no later than the 24th day of each month, attention Directorate for Community Relations. The report will include the following information:

(i) Name, rank, and title of speakers

(ii) Date of speaking engagement

(iii) Place of speaking engagement

(iv) Host organization

(2) This reporting requirement has been assigned Report Control Symbol DD-PA(M)979.

(3) From the above information, the Directorate for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs), will publish a monthly speakers' schedule.

§ 238.13 National organizations.

(a) *Policy.* OASD(PA) serves as the primary point of contact within the Department of Defense for all types of national organizations. In addition, on matters relating to the provision of information of DoD policies, programs, budgets, plans, and activities, OASD(PA) is the principal point of contact with business and industry. Establishment of this focal point is designed to avoid duplication and ensure that a coordinated DoD view is expressed when responding to the nontechnical needs of these organizations and the business/industrial community.

(b) *Procedures.* (1) OASD(PA) serves as the principal Department of Defense point of contact for all national organizations (to include their local and regional chapters in the National Capital area) on all matters except:

(i) Requests for information emanating from an organization and bearing directly on an individual DoD Component.

(ii) Requests for speakers.

(iii) Those matters involving contractual or consulting relationships.

(iv) Matters pertaining to scientific and technical information. Scientific and technical information services are administered by the Defense Logistics Agency.

(2) Except in the National Capital area, local and regional chapters of national organizations may deal directly with local commanders as delegated by appropriate authority. In the National Capital area, local and regional chapters shall be referred to OASD(PA) when they request support from the Department of Defense or any of its elements. When appropriate, OASD(PA) will refer the matter to whatever DoD Component can best fulfill the organization's request.

(3) Authority for direct communication and liaison with organizations directly associated with specific interests of a single DoD Component is delegated (see § 238.8(d)(2) of this Part) to that Component. Individual Components which maintain liaison with such organizations are required to carry on their activities in accordance with the letter and the spirit of policies set forth in Parts 237, 91, and 40 of this title, respectively).

(4) OASD(PA) periodically provides to national organizations information concerning policies, programs, budgets, and other activities of the Department of Defense. DoD Components are encouraged to provide informative material to OASD(PA) for inclusion in these periodic mailings. Examples of Component-related material which would be proper for distribution to organizations through OASD(PA) include posture statements, significant congressional testimony, internal publications outlining important programs which will have a wide-ranging impact, and other major policy pronouncements such as speeches.

(5) Policies regarding liaison and communication with the support for organizations representing business or commercial interests are outlined in Part 237a of this title which also covers relationships with businesses, industries, and other commercial enterprises.

§ 238.14 Armed Forces Day.

(a) *Purposes.* This enclosure contains guidelines concerning the annual observance of Armed Forces Day. (See Part 237 of this title.)

(b) *Policy.* (1) By Presidential proclamation, Armed Forces Day is observed on the third Saturday of each May. It provides a special occasion to satisfy public interest in the Defense establishment and to demonstrate the unity and common purpose of the Armed Forces in the fulfillment of our national security requirements.

(2) In keeping with the spirit of unification as set forth in the National Security Act of 1947, as amended, participation by military units in the observance of the birthdays of individual DoD Components or any other day or days of significance to a single Component, its subordinate elements, or auxiliaries will not be undertaken away from military installations without the specific authorization of the Assistant Secretary of Defense (Public Affairs).

(3) The United States Coast Guard is included, where feasible, in observances

[1] See footnote, page 21228.

[2] Pursuant to agreement with the Secretary of Transportation.

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of Armed Forces Day, pursuant to agreement with the Secretary of Transporation.

(c) *Procedures.* (1) The Assistant Secretary of Defense (Public Affairs) is responsible for coordinating Armed Forces Day programs at the national level and for issuing annual guidance for the conduct of each year's observance.

(2) Cooperation with communities and organizations planning observances of Armed Forces Day is encouraged.

(3) DoD Components shall extend hospitality to the general public by hosting "Open House" or similar activities on military installations and ships.

(4) In localities and situations where two or more Military Services are represented, joint participation in community sponsored programs is encouraged.

(5) Armed Forces Day will be treated as a national holiday for purposes of determining support authorized by Part 237 of this title and this Part.

(6) Armed Forces Day will be observed in overseas areas in the manner determined most suitable by the Commander-in-Chief of the Unified or Specified Command concerned. The observance may be held on military installations for U.S. personnel and dependents and may be open to the general public or conducted elsewhere in the host nation. These observances will not be combined with other U.S. or foreign holidays or observances.

(d) *Funding.* DoD Components shall, within their available funds, defray the expenses necessay for the observance of Armed Forces Day within their respective areas of responsibility.

§ 238.15 Veterans Day observances and national conventions of national veterans organizations.

(a) *Policy.* It is DoD policy to provide military support for:

(1) Veterans Day observances at communities designated as regional sites by the Veterans Day National Committee of the U.S. Veterans Administration;

(2) Smaller local observances held in communities not so designated; and

(3) National conventions of national veterans organizations.

(b) *Procedures.* (1) *Veterans Day Observances.* (i) The Administrator of Veterans Affairs is normally designated by Presidential proclamation as the Chairman, Veterans Day National Committee. The objective of this committee, comprised of representatives from major veterans organizations, is to stimulate and perpetuate national public interest in honoring all veterans of all wars on Veterans Day. Each year, this committee designates certain communities as regional sites for the observances of this national holiday. Department of Defense supports these observances by appointing a DoD Coordinator and approving military support.

(ii) Regional sites are designated to ensure that proper priority and an appropriate level of support are available for these major observances.

(2) *National Veterans Organizations Conventions.* Each year the national veterans organizations request military support for their national conventions. The support requested varies with each organization. At conventions with multi-Service support, a DoD Coordinator will be assigned by OASD/PA; while at smaller conventions, one Service project officer may coordinate appropriate Armed Forces support.

§ 238.16 Presidential wreath-laying ceremonies.

(a) *General.* Over the course of years the Office of The Military Assistant to the President has coordinated the annual placement of Presidential Wreaths at the tombs, burial sites, and/or monuments of all former Presidents. The repeated placement of these wreaths through the years led to the development of the "President's Approved Wreath List" (enclosure 5).

(b) *Procedures.* (1) Enclosure 5 contains the President's Approved Wreath List, including name, place, and date for wreath-laying ceremonies for each former President.

(2) Enclosure 5 also contains a list of Military Departments responsible for providing a representative of the President to place each wreath.

(3) The minimum appropriate military grade for this program is general or flag rank, unless overriding considerations preclude the availability of a general or flag officer.

(c) *Responsibilities.* (1) The ASD(PA) is responsible for overall coordination of DoD support for this program.

(2) Secretaries of the Military Departments will designate appropriate Presidential representatives, in accordance with the listing contained in enclosure 5, to place wreaths in honor of former Presidents. The name, rank, title, address, and telephone number of each designated representative will be forwarded to the ASD(PA) at least 60 days in advance of the month of wreath placement.

(3) The Military Assistant to the President will make necessary arrangements to provide each wreath.

(4) Names of designated Presidential representatives will be forwarded, via the Special Assistant to the Secretary of Defense, to the Military Assistant to the President, who will coordinate final details of each ceremony.

(d) *Reports.* The report required in § 238.16(c)(2) is assigned Report Control Symbol DD–PA(AR)1348.

§ 238.17 Sports activities.

(a) *Policy.* (1) DoD Directive 1330.4 establishes the Interservice Sports Committee (ISC) which acts for the ASD(PA) in all matters pertaining to interservice competition and joint Military Service participation in national and international sports. Each Military Service is represented on the committee.

(2) Athletic activities of the Military Service academies that are conducted away from military installations shall be governed by the general policy contained in Part 237 of this title and this Part.

(b) *Responsibilities.* Among other functions, the ISC as Executive Agent, for the DoD shall:

(1) Act for the Department of Defense on matters pertaining to sports involving more than one Military Service.

(2) Plan and conduct all interservice sports championships, and establish and monitor all joint Military Service efforts in support of national and international sports activities.

(3) Coordinate with Department of State, as required by Part 347 of this title, and other Government agencies and national sports organizations on sports tours and clinics in foreign countries which propose to utilize U.S. military personnel.

(4) Provide representation for the Department of Defense on related Government committees.

(5) Coordinate and maintain liaison with national sports governing bodies in matters of mutual interest to the Military Departments.

(6) Secure Department of State approval for military participation in international sports competition, and monitor military sports programs to ensure compliance with the provisions of Part 237 of this title.

(7) Serve as a contact point for the entire Defense establishment on questions pertaining to sports.

§ 238.18 DOD coordinators.

(a) *Purpose.* Some community relations programs involve support by more than one Military Service. Events of this nature include major national veterans conventions, regional Veterans Day observances, major air shows, large civic festivals, inaugurals, etc. The purpose of this enclosure is to provide guidelines for the coordination of such programs.

(b) *Procedures.* (1) When military support of a program sponsored by a civilian organization is furnished by more than one Military Service, and the magnitude of the support warrants DoD coordination, one Military Department will be requested by OASD(PA) to nominate an officer located in the area of the program to serve as the coordinator of DoD support.

(2) After being nominated, the officer will be designated as the DoD Coordinator by OASD(PA). The DoD Coordinator will be responsible for coordinating all military support, including support by National Guard/Reserve components, within the limitations set forth in Part 237 of this title, this Part, and other specific guidelines prepared by OASD(PA) and provided to him/her upon designation as DoD Coordinator. The DoD Coordinator is authorized direct liaison with OASD(PA).

(3) Also, OASD(PA) will request appointment of project officers, normally located within the area of the event, from the Military Departments providing support for the program. These Service project officers will assist the DoD Coordinator.

(c) *Reports.* The DoD Coordinator will prepare an after-action report and forward it to OASD(PA) within 30 days following the program. Report Control Symbol DD–PA(AR)1348 applies.

§ 238.19 Miscellaneous public affairs-related activities.

This Part contains a list of Public Affairs-related activities conducted by certain DoD Components under authority other than that delegated to the ASD(PA).

(a) *Employment of military resources in natural disaster emergencies within the U.S., its territories and possessions.* (1) DoD Directive 3025.1,[1] "Employment of Military Resources in Natural Disaster Emergencies Within the United States, Its Territories and Possessions," August 30, 1971, governs.

(2) The Secretary of the Army is designated as the DoD Executive Agent for military support in disasters.

(3) The ASD(PA) is responsible for associated public affairs activities.

(b) *Foreign disaster relief operations.* (1) DoD Directive 5100.46,[1] "Foreign Disaster Relief," December 4, 1975, governs.

(2) The ASD(ISA) is responsible for overall coordination of DoD support.

(3) The ASD(PA) is responsible for public affairs plans and activities. He is the single point of contact with the Department of State/AID or the International Communications Agency (ICA) on associated public affairs matters.

(c) *Use of DoD facilities or resources for other than public affairs purposes.* (1) The use of any DoD facility or resource to accomplish a community relations objective (see Part 237 of this title) is considered use for a public affairs purpose. Any other use of a DoD facility or resource is not a public affairs matter.

(2) Policies and procedures governing the use of DoD facilities or resources for other than public affairs purposes are the responsibility of the ASD(MRA&L), the Secretaries of the Military Departments, or the Directors/Commanders of other DoD Components.

(d) *Transportation.* (1) Policy governing the use of military carriers for public affairs purposes is contained in DoD Instruction 5435.2.

(2) Travel or transportation for public affairs purposes is defined as any travel or transportation of individuals, groups, or materiel undertaken as a result of a request to or an invitation from and authorized by competent authority in the Department of Defense in the interest of adding to the public understanding of DoD activities. It includes travel or transportation involving individuals or things, military or civilian, Government or non-Government, U.S. or foreign requests. It may be reimbursable.

(3) All other uses of military carriers are governed by policies promulgated by the ASD(MRA&L).

(e) *Organizational relationships.* Direct liaison channels exist between certain organizations and OSD agencies other than OASD(PA) in cases specifically provided for under public law or DoD Directive. Examples are:

(1) *United Service Organization*—ASD(MRA&L)—DoD Directive 1330.12,[1] "United Service Organizations, Inc." April 4, 1979.

(2) *American National Red Cross*—ASD(MRA&L)—DoD Directive 1330.5,[1] "American National Red Cross," August 16, 1969.

(3) *Boy Scouts of America and Girl Scouts of America:*

(i) Nonappropriated fund activities—ASD(MRA&L).

(ii) Where authorized, priorities for travel on military carriers—ASD(MRA&L)—DoD Regulation 4515.13–R,[1] "Air Transportation Eligibility," February 1975.

(iii) Use of military transportation and facilities to include support for International and National Jamborees—ASD(MRA&L).

(4) *United Seamen's Service*—ASD(MRA&L)—DoD Directive 1330.16,[1] "United Seamen's Service (USS)," July 10, 1971.

(5) *Veterans Organizations*

(i) Service Discharge matters—ASD(MRA&L); Military Departments.

(ii) Donation of Surplus Equipment—ASD(MRA&L) DoD Manual 4160.21–M,[1] "Defense Disposal Manual," June 1973.

[1] See footnote, page 21228.

Enclosure 1

Format Request for Aerial Demonstration

This format is used to request Armed Forces aerial demonstrations at public events. The information is required to evaluate the event for appropriateness and compliance with DoD policies and for coordination with units involved. Please complete *all* sections.

Each year, in December, the Department of Defense hosts a flight and parachute demonstration team scheduling conference to prepare the annual schedule for the following calendar year for the U.S. Navy Blue Angels, the U.S. Air Force Thunderbirds, and the U.S. Army Golden Knights. All requests for these demonstration teams must arrive at the Office of the Assistant Secretary of Defense, Public Affairs (OASD/PA), no later than September 30, to be considered at the scheduling conference. Requests for other aerial demonstrations (flyovers, static displays, etc.) must arrive at OASD(PA) a minimum of 30 days in advance of the event and preferably 60 days.

DoD policies require that aerial demonstrations at public events will be provided at no additional cost to the Government. The sponsor is required to pay the standard Military Services allowance for quarters and meals for Armed Forces participants and for certain other services determined in advance by the Military Services and agreed to by the sponsor. All costs are binding after a team or crew personnel have arrived at a show site, even though weather conditions or other unforeseen circumstances force the event to be canceled.

Section A: General

1. Title of event:

_____

2. Town or city: _____ State: _____

3. Place (airport, fairgrounds, etc.):

_____

4. Inclusive dates of event:

_____

5. Sponsoring organization:

_____

6. This request is for: (please circle the appropriate event):

a. U.S. Navy Blue Angels

Performance Dates _____

OR

U.S. Air Force Thunderbirds

(or) _____

(The standard Military Services allowance for quarters and meals for either team will cost $2,100.00 for each day a team is scheduled at your event.)

(or) Alternate Dates _____

b. U.S. Army Golden Knights

Performance Dates ——
(or) ——
(The cost will vary dependent upon travel time to and from the demonstration site, and the number of participants. *See note at bottom of this page for detailed explanation of how costs are computed.*)
(or) Alternate Dates ——
c. Aircraft Flyovers
Performance Dates ——
(No cost to sponsor)
d. Static Display
Performance Dates ——
(The standard Military Services allowance for quarters and meals is $35.00 per day per crewmember.)
e. Other:——
Performance Dates ——

Note.—U.S. Army Golden Knights: Under normal conditions, the team is composed of nine jumpers, three aircraft crewmen, a ground controller, a narrator and information specialist. They are reimbursed by the Government at an average cost of $30.00 per individual per 24-hour day, for each performance day required to support your event (average team cost per performance day: 15 personnel × $30 = $450.00). Travel day reimbursement required to support your event is normally an average of $15.00 per individual per day, for each day of travel to and from Fort Bragg, North Carolina (average team cost per travel day: 15 personnel × $15 = $225.00). The sponsor will be advised by the Golden Knights, in advance, of the exact cost which the Government must be reimbursed.

Section B: Program

1. Purpose of this event:

2. Expected attendance: ——
Previous year's attendance: ——
3. Admission charge: $——
Charge for parking: $——
Charge for seating (if not included in admission charge): $——
a. Will prize monies be given for any purpose at this event? ——
b. Source of prize monies: ——
c. Is this event used to promote funds for any purpose? ——
d. Disposition of profits which may accrue:

4. Will admission, seating and all other accommodations and facilities connected with this event be available to all persons without regard to race, creed, color, sex, or national origin? ——
5. Will sponsor consult with local Military Service recruiters and support, at no charge, military recruiting activities at the site of the event? ——
6. This event (is) (is not) a civic occasion and (does) (does not) have the official backing of the Mayor.
7. Has a demonstration team ever performed at your event before? ——
a. Which team? ——
b. Year of last performance: ——

Section C: Site

1. Flight or parachute team demonstrations are restricted to appropriate events at airports, over open bodies of water, or over suitable open areas of land.
a. Specific location of event:

b. Length of active runway:

2. Flight and parachute team demonstrations must adhere to FAA regulations which specify that spectators are not to be permitted within 1,500 feet of an area over which flight demonstrations take place, or within 250 feet of a jump area over which parachutists are performing.
a. What type of crowd control is planned?

3. Flyovers and flight and parachute team demonstrations require that sponsors secure FAA clearance or waiver.
a. Does the FAA representative in your area agree that your aviation event is feasible for the type of Armed Forces aerial demonstrations requested? ——
b. Will sponsor secure FAA clearance or waiver at least 60 days prior to event?

4. Sponsor agrees to provide to the demonstration flight or parachute team commander, upon request, a recent aerial photograph, taken vertically from an altitude of at least 5,000 feet.

Section D: Support

Indicate that the sponsor understands and will provide the following:

1. Team costs as outlined in section A:

2. The standard Military Services allowance for quarters and meals for Armed Forces participants (if not included in team costs):

3. If required, transportation, meals, and hotel accommodation cost for representatives of the requested unit to visit the site prior to the event:

4. If required, transportation costs from home station to the event and return for all participants:

5. Transportation costs for all participants between site of the event and hotel:

6. Telephone facilities for necessary official communications at the site of the event:

7. Security for aircraft that land and are parked at the site during their entire stay:

8. Mobile firefighting, crash, and ground-to/air communications equipment at the demonstration site for flight and parachute demonstrations and static display aircraft:

9. Suitable aircraft fuel at military contract prices. (Sponsor must pay all costs, including transportation and handling, if necessary, over military contract prices if fuel is not available at such prices):

10. An ambulance and doctor on the site during flight and parachute demonstrations and during certain other types of aerial activities as determined in advance by the Military Services or OASD(PA):

Section E: Sponsor

1. Sponsor (is) (is not) a civic organization.
2. The sponsoring organization (does) (does not) specifically exclude any person from its membership based on race, creed, color, or national origin.
3. *Sponsor's Representative:* (Authorized to complete arrangements for Armed Forces aerial demonstrations and responsible for reimbursing the U.S. Government for accrued expenses when required)
Name:——
Address: ——
City:——State:——Zip:——
Position with sponsoring organization:

Telephone: Office: ( ) ——
Home: ( )
4. Name and address of any Armed Forces representative or Government official with whom you have discussed possible participation:

Certification

I certify that the information provided in sections A. through E. is complete and correct to the best of my knowledge and belief. I understand that representatives of the Military Services will contact me to discuss arrangements and costs involved prior to final commitments.
Signature: ——
(Sponsor's representative)——
Date of Request: ——
Mail to: Directorate for Community Relations, OASD(PA), Room 1E 776, The Pentagon, Washington, D.C. 20301.

Enclosure 2

Request Format—Armed Forces Participation in Public Events

This format is used to request all Armed Forces Band, Troop, and Exhibit participation in public events. The information is required to evaluate the event for appropriateness and compliance with DoD policies and for coordination with the units involved. *Complete section A and only those other sections that apply to your event.*

Section A: General

1. Title of event: ——
Town or City: —— State: ——

Date: —— Time—from: —— to: ——
Place: (Auditorium, convention hall, etc.)

2. Sponsor: ——
3. The sponsor (is) (is not) a civic organization and the event (has) (does not have) the official backing of the mayor.
4. The sponsoring organization (does) (does not) exclude any person from its membership or practice any form of discrimination in its functions based on race, creed, color, or national origin.
5. Sponsor's representative authorized to complete arrangements for Armed Forces participation:
Name:——
Address: ——
City, State: —— Zip: ——
Telephone: (Office) ( ) —— (Home) ( )

6. Purpose of this event (explain fully):

7. Expected attendance: ——
8. Is this event being used to raise funds for any purpose?

9. Admission charge: ——
Charge for seating: ——
10. Disposition of profits which may accrue:

11. Will admission, seating, and all other accommodations and facilities connected with the event be available to all persons without regard to race, creed, color, sex, or national origin?

12. Will the standard Military Services allowance for *quarters* and *meals* be provided by the sponsor for Armed Forces participants?

13. Will transportation at sponsor's expense be provided for Armed Forces participants between the site of the event and hotel?

If required, will transportation be provided from home station to the event and return?

14. Will telephone facilities, at sponsor's expense, be made available for necessary official communications regarding the event?

15. It may be necessary for representatives of the requested unit to visit the site prior to the event. Will transportation, meals, and hotel accommodations be provided by the sponsor?

Section B: Bands and Troops

1. This request is for (check appropriate line(s)):
Music: ——
Troops: ——
Other:——
2. If you desire a certain musical unit, troop unit, or type of equipment, please specify:

Note.—Standard Military Service allowances for quarters and meals—$35.00 per day per person. Bands will have approximately 50 members as a minimum.

3. If a musical unit is requested and an outdoor concert is planned, will there be a bandshell or bandstand?

4. Type of electric current available:
110V —— 220V —— Amps ——

Section C: Exhibits

1. Specify type of exhibit(s) desired:

2. If the event is indoors:
Area available for exhibit is —— feet long and —— feet wide; Ceiling height: ——; Type of floor (wood, concrete) ——; Floor loading capacity: ——; Electric current 110V —— 220V —— Amps ——; Size of doorway through which exhibit can be brought into building: —— feet high; —— feet wide. Size and load limits of freight elevators if event is on other than ground floor: —— feet wide; —— feet high; —— feet deep; load limit: ——.
3. If the event is outdoors:
Area available for exhibit is —— feet long and —— feet wide; Type of surface (sod, paved, gravel) ——; Type of electric current available: 110V —— 220V —— Amps ——; Obstructions to hinder unloading (high curbs, wires, trees):

4. Can forklift, C–2 wrecker or crane be made available for handling exhibits at no additional cost to the Government?

5. Will electric power, necessary services for connections, and other required utilities be provided by the sponsor?

6. Will police escorts through congested areas be required?

7. Will guards be provided for equipment and displays?

8. Is parking space available for tractors and trailers?

9. Name and address of any Armed Forces representative or Government official with whom you have discussed possible participation:

Certification

I certify that the information I have provided here is complete and correct to the best of my knowledge and belief. I understand that representatives of the Military Services will contact me to discuss arrangements and costs involved prior to final commitments.
Signature: (Sponsor's Representative)

Date of Request:

Return this request to:

Enclosure 3

Fact Sheet

(Speaking Engagements by DoD Personnel.)

1. The Department of Defense encourages qualified civilian and military officials at all levels to accept speaking invitations as an effective means of informing the public about Defense matters by developing understanding and stimulating patriotic spirit.
2. DoD personnel may accept speaking invitations provided they adhere to the following guidelines:
a. Participation must not interfere with assigned duties.
b. Speakers must address their remarks to subjects within their official cognizance.
c. Views expressed reflect national policy.
Note.—This requirement exists so that Government employees, when discussing Government business, may accurately explain official policy.
d. Speakers may not participate in partisan political gatherings.
e. DoD speaker participation in fund-raising efforts will be limited to the programs of the Combined Federal Campaign, to such appeals as the President may authorize, and to the Military Service aid societies. Note: Support for local fund-raising programs other than those described above is authorized only when the fund-raising program, is, in fact, *local* in nature and is of community-wide interest and benefit.
f. Their participation must not lend an air of sponsorship to the statements of others which may be partisan in nature and/or contrary to national policy.
g. Situations where the real or apparent purpose is to stage controversy will be avoided.
h. Speakers may not accept invitations when the sponsor or sponsoring organization specifically excludes any person from its membership for reasons of race, creed, color, or national origin. However, DoD support is authorized for programs sponsored by organizations whose qualifications for membership is based on national origin or sex when the program so supported is oriented to the community rather than to the national origin or sex-oriented aspects or objectives of the organization itself; and when admission, seating, and all other accommodations and facilities connected with the program are available to all without regard to race, creed, color, national origin, or sex.
i. Speakers may not accept gratuities, fees, or honoraria. Reimbursement for necessary travel and living costs may be accepted in lieu of reimbursement by the Government.
3. Speaking invitations should be directed to the Public Affairs Officer of the nearest military installation. The Public Affairs Officer would appreciate information of the type outlined on the enclosed speaker request form.
4. Inquiries may also be addressed to Director for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, D.C. 20301.

Enclosure 4

Speaker Request Format

I. Sponsoring Organization(s)

Name(s)——
Person to contact relative to this request (Name, address & telephone number)——

II. Meeting

Time:
Date ——
Meeting will begin at ——
Meeting will end at ——
Place:
City——
Hall or Auditorium ——

III. Speech

Subject of speech ——
Time to be allowed ——
Will there be a question & answer period following speech?——
Time to be allowed for speech ——

IV. Details of the Program

Other Speakers (Please list in order of appearance)
Speaker ——
Subject ——
Length of Speech ——

V. Audience

Anticipated Size ——
Composition of audience (teachers, businessmen, etc., or general public) ——

VI. Publicity

Will the meeting be open to the press? ——

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Will the speech be broadcast? Will it be taped, filmed, or otherwise recorded? ——

VII. Miscellaneous

Would acceptance of this invitation place the DoD speaker in violation of any of the guidelines contained in paragraphs 2.a. through i. of the accompanying Fact Sheet?

Give any other significant information which may be helpful in the selection of an appropriate speaker. If more space is needed use continuation sheets.

Signed ——

Enclosure 5

President's Approved Wreath List

Birth date	Former President	Location	Responsible Military Dept.
Jan. 7	Millard Fillmore	Buffalo, NY	Air Force.
Jan. 29	William McKinley	Canton, OH	Army.
Jan. 30	Franklin D. Roosevelt	Hyde Park, NY	Army.
Feb. 9	William H. Harrison	North Bend, OH	Air Force.
Feb. 12	Abraham Lincoln	Lincoln Memorial	Army.
		Springfield, IL	Army.
3d Monday in February (Official Holiday).	George Washington	Mt. Vernon, VA	Army.
Mar. 15	Andrew Jackson	Nashville, TN	Army.
Mar. 16	James Madison	Montpelier, VA	Navy (U.S. Marine Corps).
Mar. 18	Grover Cleveland	Princeton, NJ	Army.
Mar. 29	John Tyler	Richmond, VA	Army.
Apr. 13	Thomas Jefferson	Jefferson Memorial	Army.
Apr. 23	James Buchanan	Lancaster, PA	Army.
Apr. 27	Ulysses S. Grant	New York, NY	Army.
Apr. 28	James Monroe	Richmond, VA	Army.
May 8	Harry S. Truman	Independence, MO	Army.
May 29	John F. Kennedy	Arlington Cemetery	Army.
July 4	Calvin Coolidge	Plymouth, VT	Army.
July 11	John Quincy Adams	Quincy, MA	Navy.
Aug. 10	Herbert C. Hoover	West Branch, IA	Army.
Aug. 20	Benjamin Harrison	Indianapolis, IN	Army.
Aug. 27	Lyndon B. Johnson	LBJ Ranch, TX	Air Force
Sept. 15	William H. Taft	Arlington Cemetery	Army.
Oct. 4	Rutherford B. Hayes	Freemont, OH	Army.
Oct. 5	Chester A. Arthur	Albany, NY	Air Force.
Oct. 14	Dwight D. Eisenhower	Abilene, KS	Army.
Oct. 27	Theodore Roosevelt	Oyster Bay, NY	Navy.
Oct. 30	John Adams	Quincy, MA	Navy.
Nov. 2	James K. Polk	Nashville, TN	Army.
Nov. 2	Warren G. Harding	Marion, OH	Army.
Nov. 19	James A. Garfield	Cleveland, OH	Army.
Nov. 23	Franklin Pierce	Concord, NH	Army.
Nov. 24	Zachary Taylor	Louisville, KY	Army.
Dec. 5	Martin Van Buren	Kinderhook, NY	Army.
Dec. 28	Woodrow Wilson	Washington Cathedral	Army.
Dec. 29	Andrew Johnson	Greeneville, TN	Army.

March 26, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9820 Filed 3-31-80; 8:45 am]

BILLING CODE 3810-70-M

VETERANS ADMINISTRATION

38 CFR Parts 14, 36

VA Home Loans; Delegation of Authority

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Administrator is revoking the section which provides for the use of recorded powers of attorney in connection with the execution of documents conveying or affecting title to property acquired under the Veterans Administration (VA) home loan program. Henceforth, documents conveying or otherwise affecting title to such property must be executed by only the field station Director, Loan Guaranty Officer, or Assistant Loan Guaranty Officer. Other sections currently delegate to employees occupying those positions the authority to exercise many of the powers of the Administrator under the home loan program including the power to convey or otherwise affect the title to property acquired under this program. The sections which contain this delegation of authority are being amended to require that each field station maintain and keep current a list of all employees of that office who have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. The present policy of using powers of attorney has proven to be quite costly, both in terms of personnel time needed to prepare and process powers of attorney and also in terms of fees paid to record these documents in the local public land records. It is the belief of the VA that the new procedure will reduce Federal paperwork and produce a significant cost savings while still affording title companies, attorneys, and purchasers with assurance that the employees executing the documents possess actual authority.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. James P. Kane, Assistant General Counsel (021), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C 20420, Telephone: (202) 389–2189.

SUPPLEMENTARY INFORMATION: On August 30, 1979, the Veterans Administration (VA) published for comment in the **Federal Register** (44 FR 50864) a proposal to revoke § 14.620, title 38, Code of Federal Regulations, and to amend §§ 36.4221, 36.4342, and 36.4520. A total of 37 comments were received. Of these, 28 voiced support for a change in the procedures, and 11 stated their opposition. Commentators in favor included 11 title company officials, 7 attorneys, 7 officials of bar or title associations, and 1 area counsel of a Federal agency. Unfavorable comments were received from 5 title company officials, 5 attorneys, and 1 bar association official. Fourteen of the favorable comments stated the authors' unqualified support for our initial proposal. Six title company officials wrote that, although they generally supported the proposed change, they recommended that the VA provide a copy of the list of persons occupying the designated positions to title companies. Three commentators (one attorney, one title company official, and one bar association officer) recommended that such a list be recorded or posted at the local courthouses. One title company official recommended that the delegation be by office and not by name. One attorney recommended that the deed include the telephone number of the VA office which could confirm that the person whose name appears on the deed was in fact authorized to execute the document. One attorney recommended that a copy of the regulation granting authority be brought to the closing. Finally, one attorney recommended that some officer be designated who could certify that the person signing was in fact authorized. Three attorneys, four title company officials, and one bar association official objected to the proposed change since they believed the proposed procedure did not comply with State law requirements for delegation of authority and because it would be necessary for title examiners to go outside the land records at the local courthouse to ascertain whether or not the person who executed the deed possessed actual authority.

One attorney and one title company official objected to the proposal, stating that the VA office where the proposed listing would be maintained was a considerable distance from where they ordinarily practiced, and therefore checking this list would impose a considerable hardship. Finally, one attorney objected to the proposal, stating that it would be necessary to obtain written confirmation from the VA on each case that the person who signed the deed was in fact authorized. This, the attorney stated, would increase his workload.

The VA believes the suggestion that the delegation of authority be to positions has merit. The regulations (§§ 36.4221(a), 36.4342(a), and 36.4520(a)) currently delegate authority to persons occupying certain offices, *i.e.*, field station Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer.

The VA believes that a recitation on the deed that the person who executed the document on behalf of the Administrator held a particular position, coupled with a citation to the applicable regulation, should be sufficient indication of authority. To provide an additional measure of certainty for those who desire it, a list of persons who have held the designated offices will be maintained at the field station. For the convenience of title examiners, the VA is adopting the recommendation that the deed contain the telephone number of the field station to which an inquiry may be addressed. Persons who believe it necessary to obtain a certified copy of the list under the VA seal may request it from the field office, subject to payment of the fees (see 38 CFR 1.526). Authority to certify copies of documents has been delegated to the General Counsel and Assistant General Counsel (38 CFR 2.5); thus, the recommendation that someone be designated to certify that the official had authority to act is unnecessary. The comments received indicate that the majority of title examiners will not look behind the statement on the deed that the employee held the office indicated and therefore would not find it necessary to check the list maintained at the field station. The VA notes that §§ 36.4221, 36.4342, and 36.4520 authorize redelegation of the authority granted by those sections to other VA employees with the approval of the Chief Benefits Director. To eliminate any uncertainty that such redelegation might create, the VA has determined that redelegation of the authority to execute deeds will not be authorized. No change to the regulation is believed necessary since redelegation involves an internal VA procedure to be covered in internal manuals.

The VA agrees with the comments that the names of persons authorized to execute deeds should be provided to title companies. Instructions will go out to all VA offices to insure that the names of these officials are made known to title companies and other interested parties.

The VA does not agree, however, with the suggestion that the list of names be recorded at the local courthouses. One of the reasons for eliminating powers of attorney is to save the costs of recording these documents in various courthouses around the Nation. Recording a list at the same courthouses would negate this benefit.

The VA concedes that the procedures suggested may not strictly conform with the formal requirements of the laws of each of the 50 States. However, the courts have recognized that, in the sale of VA-owned properties, the United States as sovereign "cannot be subjected to the vagaries of the various state laws which might otherwise control * * *" *U.S.* v. *Wells*, 403 F.2d 596 (5th Cir. 1968). Based upon the experience of other Federal agencies (*i.e.*, the Department of Housing and Urban Development and the Government National Mortgage Association) and the comments received, the VA believes that title examiners will generally accept title conveyed by a VA employee on behalf of the Administrator of Veterans Affairs through the new delegation procedures.

Accordingly, § 14.620 is hereby revoked, and the proposed regulations, as amended, are hereby adopted and are set forth below.

Approved: March 25, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 14—LEGAL SERVICES, GENERAL COUNSEL

§ 14.620 [Revoked]

1. Section 14.620 is revoked and the center title "Power of Attorney and Delegation of Authority in the Making and the Guaranty and Insurance of Loans" is deleted.

PART 36—LOAN GUARANTY

2. In § 36.4221, paragraph (d) is added to read as follows:

§ 36.4221 Delegation of authority.

* * * * *

(d) Each Regional Office, VA Center, and Medical and Regional Office Center shall maintain and keep current a cumulative list of all employees of that Office or Center who, since May 1, 1980, have occupied the positions of Director, Loan Guaranty Officer and Assistant Loan Guaranty Officer. This list will include each employee's name, title, date the employee assumed the position, and the termination date, if applicable, of the employee's tenure in such position. The list shall be available for public inspection and copying at the Regional Office, or Center, during normal business hours. (38 U.S.C. 210(c)(1), 1820(a)(5))

3. In § 36.4342, paragraph (d) is added to read as follows:

§ 36.4342 Delegation of authority.

* * * * *

(d) Each Regional Office, VA Center, and Medical and Regional Office Center shall maintain and keep current a cumulative list of all employees of that Office or Center who, since May 1, 1980, have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. This list will include each employee's name, title, date the employee assumed the position, and the termination date, if applicable, of the employee's tenure in such position. The list shall be available for public inspection and copying at the Regional Office, or Center, during normal business hours. (38 U.S.C. 210(c)(1), 1820(a)(5))

4. In § 36.4520, paragraph (d) is added to read as follows:

§ 36.4520 Delegation of authority.

* * * * *

(d) Each Regional Office, VA Center, and Medical and Regional Office Center shall maintain and keep current a cumulative list of all employees of that Office or Center who, since May 1, 1980, have occupied the positions of Director, Loan Guaranty Officer, and Assistant Loan Guaranty Officer. This list will include each employee's name, title, date the employee assumed the position, and the termination date, if applicable, of the employee's tenure in such position. The list shall be available for public inspection and copying at the Regional Office, or Center, during

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normal business hours. (38 U.S.C. 210(c)(1), 1820(a)(5))

[FR Doc. 80-9767 Filed 3-31-80; 8:45 am]
BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1450-6]

Designation of Areas for Air Quality Planning Purposes Approval of Section 107 Designations for Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Maryland has revised its list of air quality attainment designations for two counties within the State with respect to ozone (O_3). The State has changed the designation for Garrett and Allegany Counties from nonattainment of primary standards to attainment.

On June 1, 1979, Maryland submitted these revisions to the Environmental Protection Agency, along with supporting information, for promulgation under Section 107(d) of the Clean Air Act.

This notice announces EPA's approval of these changes submitted by Maryland. All other Section 107 designations for the State of Maryland not discussed in this notice remain intact.

EFFECTIVE DATE: April 1, 1980.

ADDRESSES: Copies of the associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, 6th and Walnut Streets, Philadelphia, PA 19106.

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Mykijewycz, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106 (phone) 215/597-8181, Ref: 107MD-2.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d)(1) of the Clean Air Act requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for Maryland for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3) and oxides of nitrogen (NO_2), 43 FR 8962. These designations were effective immediately and public comment was solicited. On September 12, 1978, in response to the comments received, the Administrator revised and amended certain of the original designations, 43 FR 40502. The Act also provides that a State, from time to time, may review and revise its designations list and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Act). The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designations and which are summarized in the **Federal Register** on March 3, 1978, 43 FR 8962, September 11, 1978, 43 FR 40412, and September 12, 1978, 43 FR 40502. Maryland has revised its original designation list and on June 1, 1979 submitted these revisions to EPA.

On October 31, 1979, 44 FR 62545, the Environmental Protection Agency acknowledged receipt of these revised designations and solicited public comments on the acceptability of these changes. During the public comment period, no comments were received.

Change to O_3 Designation

The State of Maryland has revised the O_3 designation for Garrett County and Allegany County from nonattainment of primary standards to attainment. The State submitted air quality data showing no violations of the O_3 standards during eight consecutive quarters (January, 1977 to January, 1979). Therefore, EPA redesignates this area to "better than national standards" in accordance with Maryland's revision.

EPA Actions

This designation is being made effective immediately upon publication of this notice in order to lift the statutory restrictions on construction of major sources of pollution currently applying to nonattainment areas for which no SIP revision has been submitted and approved.

Although this action is being taken as a final rule, EPA will consider comments at any time and make appropriate changes in attainment designations.

All comments should be addressed to: Mr. Howard R. Heim, Jr., Chief (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, 10th Floor, Philadelphia, PA 19106. ATTN: 107MD-2.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sections 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)))

Dated: March 17, 1980.

Douglas M. Costle,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES APPROVAL OF SECTION 107 DESIGNATIONS FOR MARYLAND

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended and § 81.321 is revised to read as follows:

Subpart C—Section 107 Attainment Status Designation

* * * * * * *

§ 81.321 Maryland.

* * * * *

BILLING CODE 6560-01-M

Maryland - O_3

Designated Area	Does Not Meet Primary Standards	Cannot be Classified or Better than National Standards
Central Maryland Intrastate AQCR		X
Metropolitan Baltimore Intrastate AQCR	X	
National Capital Interstate AQCR - Maryland Portion	X	
Southern Maryland Intrastate AQCR		X
Eastern Shore Intrastate AQCR		X
Cumberland-Keyser Interstate AQCR	X	
1. Washington County	X	
2. Garrett County		X
3. Allegany County		X

[FR Doc. 80-9768 Filed 3-31-80; 8:45 am]
BILLING CODE 6560-01-C

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40 CFR Part 120

[FRL 1442-6]

Water Quality Standards; Navigable Waters of the State of North Carolina

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is promulgating a final rule reinstating the State's previous dissolved oxygen criterion for a segment of Welch Creek located in Plymouth, North Carolina. EPA is taking this action because testimony and data received at a public hearing held on EPA's proposed rule failed to justify the State-adopted criterion of zero mg/l for the subject stream segment in accordance with 40 CFR 35.1550(c)(3)(III). However, this information did indicate that the State's previous criterion of a daily average of 5 mg/l, but not less than 4 mg/l could be maintained, with provision that swamp waters may have lower values if caused by natural conditions.

EFFECTIVE DATE: This rule becomes effective May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert F. McGhee, Water Division, Environmental Protection Agency, Region IV, 345 Courtland Ave., Atlanta, Georgia 30308 (404/881-4793).

SUPPLEMENTARY INFORMATION: On October 8, 1976, the Weyerhaeuser Company requested the State to grant an exception to the dissolved oxygen criterion for Welch Creek. Weyerhaeuser's request was based on the asserted cost to the facility to achieve the existing water quality standard for its discharge into Welch Creek. On November 30, 1977, the North Carolina Environmental Management Commission (EMC) held a public hearing to receive comments on the proposal to change the dissolved oxygen criterion of the standard for the lower three miles of Welch Creek (Seaboard Coastline Railroad Bridge to the confluence with the Roanoke River) from 5.0 mg/l average, 4 mg/l minimum (5/4), to zero mg/l. The EMC adopted the proposed revision and submitted its action to EPA, Region 4, for approval on July 5, 1978. EPA concluded that Weyerhaeuser had the less costly option of discharging into the Roanoke River, rather than Welch Creek. This alternative would not require modification of the water quality standards for either body of water. EPA reviewed the action of the EMC for consistency and compliance with the Act and 40 CFR 35.1550 and disapproved the variance on October 4, 1978. The North Carolina Division of Environmental Management submitted additional information to support its action on January 5, 1979. EPA discussed this information with both the State and Weyerhaeuser and concluded that the State had not justified the variance.

On October 16, 1979, EPA proposed a dissolved oxygen criterion for Welch Creek (44 FR 59565). The Agency proposed to nullify the zero dissolved oxygen criterion in the subject segment of Welch Creek and reestablish the State's previous criterion of 5 mg/l average, 4 mg/l minimum (with the provision that swamp waters may have lower values if caused by natural conditions). Today's action makes final the EPA proposal.

Since EPA's proposed rulemaking was published, Weyerhaeuser has withdrawn its request for the dissolved oxygen criterion exception for Welch Creek and expressed their intent to proceed with construction of a pipeline for direct discharge to the Roanoke River.

North Carolina's Division of Environmental Management has advised EPA of its intent to seek reinstatement of the statewide oxygen criterion. Though this action has been intended, it has not been undertaken. In the event that the State amends the criterion variation for Welch Creek, EPA will withdraw its promulgation.

As part of the rulemaking process, EPA held a public hearing on December 6, 1979 in Plymouth, North Carolina, for the purpose of receiving comments on the proposed rule. A summary of the comments received and EPA's response to the issues raised in these comments follows.

Digest of Public Comments on Proposed Rule and EPA's Response

EPA received four comments on the proposed rule, two of which were provided by the same individual. A list of the individuals and/or organizations represented are included in Appendix A.

The general attitude expressed in the comments received was that the zero mg/l dissolved oxygen criterion adopted by the State would be detrimental to aquatic life. In general, the comments were supportive of EPA's proposed rule.

A commercial fisherman provided fish kill investigation reports done by the State's fisheries biologists which noted excessive growths of slime downstream of Weyerhaeuser's plant which were identified as a species of zooplankton which could have caused stress and contributed to the fish kills. Low dissolved oxygen was also found in this area. The fisherman was opposed to rerouting the discharge to the Roanoke River and urged EPA to require Weyerhaeuser to improve the quality of their discharge so that more protection would be provided for both Welch Creek and the Roanoke River. Another commenter also supported EPA's action to overrule the Environmental Management Commission's standards revision but expressed concern about the potential impact on the Roanoke River if the discharge was relocated there.

In response, EPA cites information contained in the State hearing record indicating that rerouting Weyerhaeuser's discharge to the Roanoke River will not adversely affect the Roanoke River and is expected to maintain water quality standards on the Roanoke.

The State expressed concern regarding EPA action that in effect overrules the State's legal authority and responsibility in regard to State water quality standards.

EPA's response to the State's concern is based in the Act at section 303(c)(4)(A) and (B).

Availability of Record

The transcript of the hearings referred to in this preamble as well as written comments and additional technical supporting information relative to today's action are hereby made a part of the record of this rulemaking. The entire administrative record is available for public inspection and copying at the Environmental Protection Agency, Region 4 Office at the address noted above. The hearing transcript and other written comments are available for inspection and copying at the EPA library, 401 M Street, SW, Washington, D.C. 20460, during the Agency's normal business hours of 8:00 a.m. to 4:30 p.m.

Dated: March 21, 1980.

Douglas M. Costle,

Administrator.

Appendix A

North Carolina Department of Natural Resources and Community Development.
Sierra Club
Private citizens: Gilbert Layton

PART 120—WATER QUALITY STANDARDS

Section 120.43 of Part 120 of Chapter I, Title 40 of the Code of Federal Regulations hereby will read as follows:

§ 120.43 North Carolina.

The water quality criteria variance of zero mg/l dissolved oxygen for Welch Creek from the Seaboard Coastline Railroad bridge to the Roanoke River which was approved by the North Carolina Environmental Management Commission on June 8, 1978, is null and void. The Class C dissolved oxygen criterion of not less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l (with the proviso that swamp waters may have lower values if caused by natural conditions) is reinstated as the applicable limitation.

[FR Doc. 80-9724 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1451-6; 60P-17]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide glyphosate on stone fruit at 0.2 part per million (ppm). The regulation was requested by Monsanto Co. This rule establishes a maximum permissible level for residues of glyphosate on stone fruit.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: On February 14, 1979, notice was given (44 FR 9625) that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, had filed a pesticide petition (PP 9F2162) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.364 be amended to establish a tolerance for combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on the crop grouping stone fruit at 0.2 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with a no-observed-effect level (NOEL) of 2,000 ppm; a 90-day dog feeding study with an NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg bw/day (highest dose); a 2-year dog feeding study with an NOEL of 300 ppm; a 3-generation rat reproduction study with an NOEL of 300 ppm (highest level fed), a 2-year rat feeding study with an NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg bw; a dominant lethal (mice) study, negative at 10 mg/kg bw; host-mediated assay (negative); an Ames test (negative); and a rec-assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second mammalian species, a repeat of mutagenicity testing (multi-test evidence), and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data reflecting the required studies.

The acceptable daily intake (ADI) is 0.05 mg/kg bw/day based on the NOEL of 100 ppm (5 mg/kg bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.2 mg/day for a 60-kg man or 6.93 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural commodities. Other approved but unpublished tolerances utilize the ADI to 1.08 percent. The current action utilizes 0.13 percent of the ADI. All tolerances for glyphosate utilize 10.93 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions pending against the pesticide and no RPAR criteria have been exceeded.

Since stone fruits are not feed items, there is no reasonable expectation of residues in meat, milk, poultry, and eggs resulting from this use. Cover crops in orchards are feed items, but secondary residues would be covered by the established liver and kidney tolerances (40 CFR 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood, and an adequate analytical method (gas chromatography using a phosphorus specific flame photometric detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.2 ppm on stone fruit established by amending 40 CFR 180.364 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before May 1, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedurea. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on April 1, 1980, Part 180 is amended as set forth below.

Part 180, Subpart C, § 180.364 is amended by alphabetically inserting stone fruit at 0.2 ppm in the table to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodity:	Parts per million
* * * * *	
Stone fruit	0.2
* * * * *	

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: March 26, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc 80-9726 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5715

[S-5149]

California; Modification of Public Land Order No. 2595

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies PLO No. 2595 by withdrawing a 9.78-acre tract from operation of the mining laws only.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Evelyn Tauber, 202–343–6486

By virtue of the authority contained in the Act of September 5, 1958 (72 Stat. 1722), and pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 2595 of January 27, 1962, which modified Public Land Order No. 2136 of June 22, 1960, to the extent necessary to permit prospecting, location, entry, and purchase under the mining laws of the United States is hereby modified to delete the following "to the extent necessary to permit prospecting, location, entry, and purchase of the following described land under the mining laws of the United States":

Mount Diablo Meridian

T. 3 S., R. 20 E.,
Sec. 18, a parcel of land situated in the S½SW¼ bounded by a line particularly described as follows: Beginning at Corner #1, from which the quarter corner between Sections 17 and 18 of said Township and Range bears N. 60°35'11"E., 4101.2 feet distance; thence N.0°55'15"W., 393.6 feet to Corner #2; thence N. 32°37'30"W., 640.0 feet to Corner #3; thence N. 48°28'W., 174.9 feet to Corner #4; thence S. 12°09'15"W., 921.7 feet to Corner #5; thence S. 77°41'45"E., 692.3 feet to Corner #1, the point of beginning.

The area described aggregates approximately 9.78 acres.

The above described land remains withdrawn from operation of the general mining laws.

Guy R. Martin,
Assistant Secretary of the Interior.
March 21, 1980.
[FR Doc. 80-9841 Filed 3-31-80; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul, & Pacific Railroad Co. at Oshkosh, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Corrected Service Order No. 1436.

SUMMARY: This order authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Oshkosh, Wisconsin, in order to relieve cars trapped by the MILW embargo. The order is being corrected to add an expiration date.

EFFECTIVE DATE: 12:01 a.m., March 14, 1980, and continuing in effect until 11:59 p.m., March 21, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 13, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Oshkosh, Wisconsin, have been included in this embargo. Duwe Concrete Industries has been deprived of essential railroad service because of the inability of the MILW to switch this industry at Oshkosh. The Chicago and North Western Transportation Company (CNW) has agreed to switch this industry in order to relieve cars trapped by the embargo. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring the operation of CNW trains over these tracks of the MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1436 Corrected Service Order No. 1436.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Oshkosh, Wisconsin.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Oshkosh, Wisconsin, for the purpose of switching Duwe Concrete Industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the MILW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective 12:01 a.m., March 14, 1980.

(e) [1] *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 21, 1980, unless otherwise modified, amended or vacated by order of this Commission.
(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

James H. Bayne,
Acting Secretary.
[FR Doc. 80-9882 Filed 3-31-80; 8:48 am]
BILLING CODE 7035-01-M

[1] Corrected.

49 CFR Part 1033

[Revised Service Order No. 1448]

The Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island, Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1448.

SUMMARY: This order authorizes The Denver and Rio Grande Western Railroad Company (DRGW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. From Sandown Junction, Milepost .1 to and including Belt, Milepost 3.9 (junction with DRGW Belt Line), all in the vicinity of Denver, Colorado.

2. From Colorado Springs, Milepost 609.1 to and including Milepost 602.8, including all rail facilities at Colorado Springs and Roswell, all in the vicinity of Colorado Springs, Colorado.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Denver and Rio Grande Western Railroad Company (DRGW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by DRGW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less that thirty days' notice.

It is ordered,

§ 1033.1448 Revised Service Order No. 1448.

(a) The Denver and Rio Grande Western Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee). The Denver and Rio Grande Western Railroad Company (DRGW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

1. From Sandown Junction, Milepost .1 to and including Belt, Milepost 3.9 (junction with DRGW Belt Line), all in the vicinity of Denver, Colorado.

*2. From Colorado Springs, Milepost 609.1 to and including Milepost 602.8, including all rail facilities at Colorado Springs and Roswell, all in the vicinity of Colorado Springs, Colorado.

(b) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) A similar application has been received from Cadillac and Lake City Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the DRGW to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the DRGW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via DRGW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, DRGW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association*" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if DRGW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,
Acting Secretary.
[FR Doc. 80-9804 Filed 3-31-80; 8:45 am]
BILLING CODE 7035-01-M

*Addition.

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V 45 / 64 AP 1 80 UMI

49 CFR Part 1033

[Service Order No. 1454]

Des Moines Union Railway Co. Authorized To Operate Over Tracks Embergoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1454.

SUMMARY: This order authorizes the Des Moines Union Railway Company (DMU) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Des Moines (Milepost 0) and Clive (Milepost 8.5 in the 25th Sub Division of the Illinois-Iowa Division) and between Clive (Milepost 0) and Grimes, Iowa (Milepost 7 in the 27th Sub Division of the Illinois-Iowa Division), a total of 15.5 miles for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 21, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates. A subsequent court order authorized the Trustee to embargo additional lines named in Embargo No. 13–80, effective 11:59 p.m., March 23, 1980.

The lines from Des Moines to Grimes, Iowa are included in this embargo. Des Moines Union Railway Company (DMU) has applied to the Railroad Service Board to operate those lines. MILW has consented to the use of these lines by DMU.

It is the opinion of the Commission that an emergency exists requiring the operation by DMU over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1454 Service Order No. 1454.

(a) *Des Moines Union Railway Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* Des Moines Union Railway Company (DMU) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Des Moines (Milepost 0) and Clive (Milepost 8.5 in the 25th Sub Division of the Illinois-Iowa Division) and between Clive (Milepost 0) and Grimes, Iowa (Milepost 7 in the 27th Sub Division of the Illinois-Iowa Division), a total of 15.5 miles, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation to begin on or about April 1, 1980, will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rates applicable.* Inasmuch as this operation by DMU over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via DMU become effective.

(f) In transporting traffic over these lines, DMU and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if DMU chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9806 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1440]

El Dorado & Wesson Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1440.

SUMMARY: This order authorizes the El Dorado and Wesson Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at El Dorado, Arkansas, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 14, 1980.

The lines of the Chicago, Rock Island and Pacific Railroad Company (RI) at El Dorado, Arkansas are embargoed depriving shippers located between El Dorado and Newell, Arkansas, on the lines of the El Dorado and Wesson Railroad Company (EDW) of essential railroad service. The EDW connects with the RI at El Dorado and has consented to operate over these tracks in order to interchange its traffic with the Missouri Pacific Railroad Company.

It is the opinion of the Commission that an emergency exists requiring the operation of EDW trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1440 Service order No. 1440.

(a) (*El Dorado and Wesson Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee*). El Dorado and Wesson Railroad Company (EDW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at El Dorado, Arkansas for the purpose of interchanging its traffic with the Missouri Pacific Railroad Company and providing continued service to its shippers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation, if any, will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the EDW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via EDW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, EDW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if EDW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9802 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1444]

Fort Worth & Denver Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1444.

SUMMARY: This order authorizes the Fort Worth and Denver Railway Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) including terminal trackage at Amarillo, TX (milepost 754.1 to milepost 766.0) and all yard trackage within these points and including the spur tracks (old Liberal Line) to the Asarco Plant; and Bowie, TX (milepost 543.2) to North Fort Worth, TX (milepost 609.6), for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Fort Worth and Denver Railway Company (FWD) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by FWD over tracks formerly

operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1444 Service Order No. 1444.

(a) *Fort Worth and Denver Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* The Fort Worth and Denver Railway Company (FWD) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed below for the purpose of serving industries located adjacent to such tracks.

(1) Terminal trackage at Amarillo, Texas, (milepost 754.1 to milepost 766.0) including all yard trackage within these points and including the spur tracks (old Liberal Line) to the Asarco Plant.

(2) Bowie, Texas (milepost 543.2) to North Fort Worth, Texas, (milepost 609.6).

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the FWD to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the FWD over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via FWD become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, FWD and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if FWD chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) Effective date. This order shall become effective at 12:01 a.m., March 24, 1980.

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9605 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1450]

Illinois Central Gulf Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1450.

SUMMARY: This order authorizes the Illinois Central Gulf Railroad Company (ICG) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Waterloo, Iowa, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Illinois Central Gulf Railroad Company (ICG) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1450 Service Order No. 1450.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) located at Waterloo, Iowa, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the ICG over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via ICG become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9606 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1439]

The Union Pacific Railroad Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1439.

SUMMARY: This order authorizes the Union Pacific Railroad to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Beatrice, Nebraska; between Colby and Goodland, Kansas; approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to a point approximately 0.3 miles north of Hallam, Nebraska (RI M.P. 581.5) for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Union Pacific Railroad Company (UP) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by UP over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1439 Service Order No. 1439.

(a) *Union Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* The Union Pacific Railroad Company (UP) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

1. Beatrice, Nebraska.

2. Between Colby and Goodland, Kansas.

3. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska to RI Milepost 581.5 North of Hallam, Nebraska.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the UP over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such

traffic when routed via RI, until tariffs naming rates and routes specifically applicable via UP become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, UP and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association*" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if UP chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9807 Filed 3-31-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

[Revised Service Order No. 1439]

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1439.

SUMMARY: This order authorizes the Union Pacific Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Topeka, Kansas, between RI milepost 88.99 and RI milepost 85.25 for the purpose of serving industries located adjacent to such tracks, and provides for continuation of serivce to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Union Pacific Railroad Company (UP) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by UP over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the pubic interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1439 Service Order No. 1439.

(a) *Union Pacific Railroad Company Authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* The Union Pacific Railroad Company (UP) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

1. Beatrice, Nebraska.
2. Between Colby and Goodland, Kansas.
3. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 North of Hallam, Nebraska.
*4. At Topeka, Kansas between former RI milepost 88.99 to former milepost 85.25.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the UP to conduct these temporary operations in the public interest (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the UP over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via UP become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, UP and all other common carriers involved shall proceed even though no

*Addition.

contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organization operating through the Railway Labor Executives' Association*" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if UP chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-9800 Filed 3-31-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

[Third Revised Service Order No. 1439]

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Third Revised Service Order No. 1439.

SUMMARY: This order authorizes the Union Pacific Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Beatrice, Nebraska
2. Between Colby and Goodland, Kansas
3. Approximately 36.5 miles of trackage extending from fairbury, Nebraska, to RI milepost 581.5 north of Hallam, Nebraska
4. Goodland, Kansas and Caruso, Kansas,

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 21, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Union Pacific Railroad Company (UP) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by UP over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1439 Third Revised Service Order No. 1439.

(a) *Union Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* The Union Pacific Railroad Company (UP) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

1. Beatrice, Nebraska
2. Between Colby and Goodland, Kansas
3. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska
4. Goodland, Kansas to Caruso, Kansas.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the UP to conduct these temporary operations in the public interest (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the UP over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via UP become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, UP and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority

conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On march 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if UP chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9801 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Ruby Lake National Wildlife Refuge, Nev.; Public Entry and Use

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening of portions of the Ruby Lake National Wildlife Refuge to the controlled use of boats is compatible with the objective for which the refuge was established and will provide additional recreational opportunity to the public. This document establishes special regulations for the upcoming boating season.

DATES: Effective May 1, 1980 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Forrest Cameron, Refuge Manager, Ruby Lake National Wildlife Refuge, Ruby Valley, NV 89833, telephone (702) 779–2237.

SUPPLEMENTARY INFORMATION: The primary author of this document is Patrick L. O'Halloran.

These special regulations are the same as those issued for the 1979 boating season. The special regulations are the result of two lawsuits (civil actions No. 78–1210 and No. 78–1332 filed in 1978, by the Defenders of Wildlife, et al., in United States District Court, Washington, D.C., against the Secretary of the Interior, Assistant Secretary for Fish and Wildlife and Parks, and the Director, Fish and Wildlife Service). The special regulations reflect the court's order to the Secretary of the Interior to issue regulations "which permit secondary uses of Ruby Lake only insofar as such usages are not inconsistent with the primary purposes for which the refuge was established".

General Conditions: Boating is permitted on national wildlife refuges in accordance with 50 CFR Part 26, all applicable State regulations and the following special regulations.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Ruby Lake National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976, and the Service's Environmental Impact Assessment published in June 1976, public comment received on earlier proposed rules, public comment on the assessment, and the evidence presented during litigation of the court cases cited herein. Funds are available for the administration of the recreational activities permitted by these regulations.

As provided by 50 CFR 26.33, the Service hereby issues the following Special Regulations:

§ 26.34 Special regulations concerning public access, use and recreation for Ruby Lake National Wildlife Refuge, Nev.

Beginning on June 15, 1980, and continuing until December 31, 1980, motorless boats and boats with electric motors will be permitted only on that portion of the Ruby Lake National Wildlife Refuge known as the South Sump. Beginning on August 1, 1980, and continuing until December 31, 1980, boats propelled with a motor or combination of motors in aggregate not to exceed a 10 horsepower rating will also be permitted on the South Sump of the Refuge. Water skiing or the use of jet skis will not be permitted. Boats may be launched only from landings approved and so designated by the Refuge Manager.

Maps depicting the South Sump will be available from the Refuge Manager and will be posted at the boat landings. Copies of the maps can also be obtained from: (1) The Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232; and (2) the Area Manager, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–2740, Sacramento, California 95825.

Dated: March 21, 1980.

William D. Sweeney,

Area Manager, California-Nevada, U.S. Fish and Wildlife Service.

[FR Doc. 80-9873 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 656

Fishery Management Plan for the Mackerel Fishery of the Northwest Atlantic Ocean; Emergency Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Emergency regulations.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has approved, with the exception of one provision, an amendment to the Fishery Management Plan for the Mackerel Fishery of the Northwest Atlantic Ocean (FMP). These regulations implement the management measures contained in the amendment which would (1) establish an initial level of harvest for United States vessels catching Atlantic mackerel and (2) establish a reserve from which mackerel may be distributed to the domestic and foreign fisheries. All regulations governing the foreign fishery for mackerel contained in 50 CFR Part 611 are continued in effect without change. The amendments to Part 656, which include technical changes to the Atlantic mackerel regulations now in effect, are promulgated as emergency regulations.

EFFECTIVE DATES: These emergency regulations are effective on April 1, 1980. They will remain in effect until May 15, 1980, unless they are terminated earlier or extended for an additional 45 days.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) and approved by the Assistant Administrator on July 3, 1979, in accordance with the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act). Final regulations implementing the FMP were published on February 21, 1980, (45 FR 11497). Those regulations establish annual quotas on a fishing year basis (April 1–March 31) for domestic vessels harvesting Atlantic mackerel (*Scomber scombrus*), as well as a mechanism for making in-season reallocations of mackerel between the domestic commercial and recreational fisheries. The FMP was to expire on March 31, 1980.

On March 17, 1980, the Assistant Administrator approved, with one exception, an amendment to the FMP. The approved provisions of the amendment: (1) Extend the FMP through March 31, 1981; (2) increase the optimum yield (OY) from 15,200 to 30,000 metric tons (mt); (3) increase domestic annual harvest capacity (DAH) from 14,000 to 20,000 mt; (4) increase the total allowable level of foreign fishing (TALFF) from 1,200 to 4,000 mt; and (5) establish a reserve of 6,000 mt, which is available for distribution to the domestic and foreign fisheries.

Optimum Yield

The 1979 mackerel stock assessment indicates an Atlantic mackerel stock size of 631,000 mt, a significant increase over the 1978 stock size (515,000 mt). This increase is primarily the result of an abundant 1978 year class. This year class has also helped rebuild the spawning stock size at the beginning of 1980 to a range of 421,000 to 488,000 mt; the size of the spawning stock at the beginning of 1979 was 358,000 mt. Because of the increased abundance of mackerel, the Council raised the OY for fishing year 1980–81 from 15,200 mt to 30,000 mt. The Council selected a conservative OY to assure preservation of the stock and to permit further stock rebuilding.

DAH and TALFF

With an increased abundance of mackerel, the Council expects recreational catches to rise. However, the Council does not have enough information to ascertain whether domestic commercial harvests will also expand. Therefore, the Council has set the domestic annual harvesting capacity (DAH) at 20,000 mt for fishing year 1980–81; this is a 6,000 mt increase over the previous fishing year. Unlike the original DAH, which "allotted" 9,000 mt to the recreational fishery and 5,000 mt to the commercial fishery, there is no distinction in the 20,000 mt DAH between recreational and commercial fisheries. The Council believes that the DAH plus the reserve provides enough mackerel for all domestic fishermen; therefore, apportioning mackerel among domestic recreational and commercial fishermen is unnecessary and would only complicate management and increase management costs.

Because of the increased abundance of mackerel, foreign vessels directing their fishing toward such species as squid are likely to catch greater incidental amounts of mackerel. To prevent restricting these directed foreign fisheries, TALFF has been increased from 1,200 mt to 4,000 mt.

Reserve

The Council's uncertainties as to the exact harvesting capacities of the domestic recreational and commercial fisheries, partially caused by the rapid increase in stock size, and its desire to provide an opportunity for expansion of the commercial mackerel fishery for export, resulted in the Council's establishment of a reserve at 6,000 mt. Should the increased abundance of mackerel allow the domestic fisheries to increase their harvest during the fishing year beyond DAH, mackerel in the reserve are available to the domestic fishery. Mackerel may be allocated from the reserve to TALFF only if projections indicate the fish will not be harvested by domestic recreational and commercial fishermen.

A reserve is used in situations of uncertainty regarding growth in the domestic fisheries. For an allocation procedure from reserve to TALFF to be acceptable, the procedure must allow, in practice, a reasonable opportunity for increasing TALFF and permitting foreign harvest. Otherwise, OY may not be achieved. This amendment's procedure and criteria for allocating mackerel from the reserve to TALFF would have provided for a review of domestic fishing activities after six months of the fishing year had passed. If the Assistant Administrator had determined that the estimated domestic harvest of mackerel for the fishing year would be less than 80 percent of the total of DAH and the reserve, only a portion of the reserve could have been allocated to TALFF.

However, the Assistant Administrator has found that this provision would prevent flexibility in making in-season adjustments to TALFF and allocating the entire reserve, even if domestic harvesters do not reach DAH. He has further determined that this provision is inconsistent with National Standard 1 of the Act, which requires that "Conservation and management measures shall prevent overfishing while achieving on a continuing basis, the optimum yield from each fishery." Consequently, he has disapproved this provision of the amendment. In accordance with Section 304(a) of the Act, he has notified the Council, in writing, of his partial disapproval. The Council has 45 days from the date of notification to resubmit the provision. Proposed regulations concerning the allocation of the Reserve will be published in the near future (see discussion below under "Proposed Regulations").

Proposed Regulations

Proposed amendments to the regulations which would implement the conservation and management measures contained in the amendment will be published in the **Federal Register.** These measures provide that: (1) an optimum yield of mackerel is established at 30,000 mt; (2) an initial level of domestic harvest is set at 20,000 mt; and (3) a reserve of 6,000 mt is established for distribution to the domestic and foreign fisheries as appropriate. In addition, the proposed regulations would revise the criteria for closing the fishery.

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Technical changes to the regulations currently in effect are also reflected in the proposed amendments. These changes are intended to provide uniform language with the regulations implementing other fishery management plans prepared by the Council.

Two sections in the proposed regulations are "Reserved" and will be published in the near future. Section 656.22 ("Allocation") will be promulgated when the Assistant Administrator approves a mechanism which allocates mackerel from the reserve to TALFF in a manner which is consistent with the provisions of the Act. A regulatory procedure for reallocation from the reserve to DAH is unnecessary, since the entire reserve is implicitly available to the domestic fishery, if needed.

Section 656.5(b)(2) ("Domestic mackerel processing capacity"), which will implement a provision of the original FMP, will be promulgated when the National Marine Fisheries Service, after consultation with industry, develops a form and establishes a system to receive reports on capacity from mackerel processors.

One person who commented on the original FMP was concerned that the regulations could be applied to vessels which fish in the Gulf of Mexico. The FMP states that *Scomber scombrus* ranges from Labrador to North Carolina; therefore, these mackerel regulations would apply only to vessels fishing in that geographical area within waters subject to the exclusive fishery management jurisdiction of the United States. In § 656.2, the definition of "Atlantic mackerel or mackerel" has been amended to specify the range of this species.

Emergency Regulations

In accordance with the provisions of Section 305(e) of the Act, the proposed regulations are implemented as emergency measures. The Assistant Administrator has determined that this emergency action is necessary to provide conservation and management measures to govern fishing for mackerel until final regulations to implement the partially approved amendment are promulgated during May, 1980. A gap in the regulatory process during the early part of the 1980–81 fishing year might have jeopardized the credibility, continuity, and effectiveness of the entire management system for this newly regulated fishery.

Executive Order

Executive Order 12044 does not apply to these emergency regulations. The development and implementation to the amendment have been deemed a non-significant federal action which does not affect the quality of the human environment.

(16 U.S.C. 1801 *et seq.*).

Signed at Washington, D.C., this 27th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

1. It is proposed to retain those regulations in Part 611 governing foreign fishing for Atlantic mackerel.

2. Part 50 CFR 656 is amended by emergency regulation as follows:

§ 656.1 [Amended]

Add a new sentence at the end of paragraph (b) as follows: "The Appendix to 50 CFR 611.20 contains the TALFF for Atlantic mackerel."

§ 656.2 [Amended]

1. Add the words "ranging from Labrador to North Carolina." at the end of the definition of *Atlantic mackerel.*

2. Delete the definition of commercial fishing.

3. Delete the definition of recreational fishing.

§ 656.4 [Amended]

1. Delete paragraph (a) and substitute the following:

(a) *General.* Every fishing vessel which fishes for Atlantic mackerel under this Part must have a fishing permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of mackerel per trip.

2. Strike (vii) in paragraph (c)(2) and substitute the following: (vii) The permit number of any current or previous Federal fishery permit issued to the vessel.

§ 656.5 [Amended]

1. Strike paragraph (a)(1)(i) and substitute the following: (i) Maintain on board the vessel an accurate and complete fishing vessel record on forms supplied by the Regional Director.

2. Strike paragraph (a) (3) and substitute the following:

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which mackerel or any other regulated species are caught. The information shall include dates of fishing, type and size of gear used, areas fished, duration of fishing time, time period of tow or gear set, and the estimated weight of each species taken.

3. Strike paragraph (b) and substitute the following:

(b) *Fish dealer and processor reports.* (1) Any person who receives Atlantic mackerel for a commercial purpose from a fishing vessel subject to this Part shall file a weekly report (Sunday through Saturday) within 48 hours of the end of the week in which mackerel is received. This report shall include information on all first purchases of mackerel and all other fish made during the week. Such information shall include date of transaction, name of the vessel from which mackerel was received, and the amount and price paid for mackerel and all other fish received.

4. Add new paragraphs (2), (3) and (4) to paragraph (b).

(2) *Domestic mackerel processing capacity.* [Reserved]

(3) Reports required by § 658(b) shall be made on forms supplied by the Regional Director and submitted to a location designed by him.

(4) Any person required by § 656.5(b) to file reports shall permit an Authorized Officer or an employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, and to inspect or reproduce any records or books relating to information required to be contained in those reports. These inspections may take place at the principal place of business or at the location where these required records are regularly kept.

§ 656.6 [Amended]

1. The last sentence in paragraph (a) reads: "The Official Number is the documentation number issued by the U.S. Coast Guard for documented vessels or the registration number issued by a State of the U.S. Coast Guard for undocumented vessels". The word "of" which appears between "State" and "the" is stricken and the word "or" is substituted.

2. Paragraph (b)(2) is amended by striking the words "painted legibly in" which appears in the first sentence, so the sentence now reads:

"The Official Number shall be permanently affixed to or painted on the vessel and shall be block Arabic numerals in contrasting color."

§ 656.7 [Amended]

1. Delete slash which appears in paragraph (c), substitute the word "or".

2. Capitalize the word "Part" which appears in paragraph (e).

3. Strike the word "or" which appears between the words "control" and "ship" in paragraph (f), and substitute "of".

4. Delete slash between "fish dealer" and "processor reports" in paragraph (i) and substitute the word "or".

§ 656.8 [Amended]

1. Insert quotation marks in paragraph (b)(2) after "you" and before "and".

2. Strike words "Federal Law Enforcement" in subparagraph (c)(4) and substitute "Authorized".

§ 656.21 [Amended]

1. Strike paragraph (a) and substitute the following:

(a) *Harvest levels.* The allowed level of harvest of Atlantic mackerel on a fishing year basis is 30,000 metric tons (mt). The initial level of harvest by vessels of the United States is 20,000 mt.

(b) *Reserve.* A reserve of 6,000 mt is available for adjustments to the initial level of domestic harvest and for allocation to the total allowable level of foreign fishing. Allocations to the initial level of foreign harvest shall be made in accordance with the procedures set forth in § 656.22 of this Part.

2. Renumber (b) as (c)

3. Strike the word "limit" in the first sentence of new paragraph (c) and substitute "restrict".

§ 656.22 Allocation. [Deleted and Reserved]

Strike entire section, retitle "Allocation" [Reserved].

§ 656.23 [Amended]

1. Strike paragraph (b) and substitute the following:

(b) *Decision to close.* The Assistant Administrator shall close the domestic fishery when it has harvested 80 percent of the total of the initial level of domestic harvest plus the part of the reserve which has not been allocated to the initial level of foreign harvest.

2. Strike the words "recreational or commercial" in paragraph (c).

[FR Doc. 80-9875 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-22-M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards, Interim Final Rules Amending Intermediate Price Limitations, Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Rules amending intermediate price and gross-margin limitations, and questions and answers.

SUMMARY: The Council is revising the intermediate price standards to limit the size of increases that companies may implement during the third quarter of the second program year.

DATES: The effective date is March 27, 1980. Comments must be received on or before April 11, 1980.

ADDRESS: Written comments should be addressed to the Office of the General Counsel, Council on Wage and Price Stability, 600 17th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Price Monitoring, Energy, Chemicals, and Rubber, Larry Forest: 456–7747;
Health, Insurance, Regulated Industries, and Services, Arthur Corazzini: 456–7730;
Construction and Construction Materials, Joseph Lackey: 456–7158;
Food, Agriculture, and Trade, Stephen Hiemstra: 456–7740;
Metals, Machinery and Equipment, Eugene Roberts: 456–7784;
Exceptions, Walter Leibowitz/David Wagner: 456–7733;
Office of General Counsel, Alfred M. Wurglitz: 456–6286, George R. Johnson: 456–6286, Charles A. Samuels: 456–6286.

SUPPLEMENTARY INFORMATION: The Council is amending the price standards (Subparts 705A and 705C) to limit the price increases that companies may take during the third quarter of the second program year. The changes are designed to ensure that price increases are phased in gradually over the remainder of the second program year.

Although Section 705.3 imposes intermediate quarterly limitations on price increases during the second program year, the limitation during the third quarter of the second program year is equivalent to the two-year price limitation. Consequently, at the beginning of the third program quarter, a compliance unit technically could have implemented its full two-year allowable. The revised intermediate limitation in § 705.3 limits price increases during the first seven quarters to seven-eights of the two-year allowable increase.

Similar seven-quarter limitations are being added to the gross margin standard for food manufacturing and processing (§ 705.43) and the gross margin standard for petroleum refinery operations (§ 705.44).

An associated Question and Answer says that a compliance unit that can demonstrate that price increases in excess of the 21-month limitation (but no more than the two-year limitation) were implemented during its third program quarter and before March 27, 1980, will not be found out of compliance.

The Council discussed the possibility of imposing these seventh-quarter limitations in the preamble to its interim final price standards for the second program year (44 FR 56900, at 56904). At that time, the Council did not impose different limitations for each quarter of the second program year, and cast the standard as a semi-annual limitation to be met on a quarterly basis. The Council then noted, however, that if price developments "suggest the need for more restrictive quarterly limitations, the third quarter limitation might be adjusted downward." The level of inflation during the last several months demonstrates the need for a tightened standard. Accordingly, the Council is making these changes.

The Council is publishing these materials on an interim final basis since companies need to know these limitations immediately. The Council has provided a 10-day comment period rather than a customary 60-day comment period because of the imminence of the relevant period. These changes are issued in response to an inflation emergency and are therefore exempt from the requirements of Executive Order 12044.

(Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), (12 U.S.C. 1904 note); as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979).

Issued in Washington, D.C., March 28, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Part 705 of Title 6 CFR is amended as set forth below:

1. Section 705.3 is amended to read as follows:

§ 705.3 Intermediate Price Limitations.

(a) A compliance unit complies with the 18-month and 21-month price limitations if the 18-month and 21-month price changes do not exceed three quarters and seven eighths, respectively, of the two-year price limitation. The 18-month price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the base quarter to the second quarter of the second program year. The 21-month price change is the sales-weighted average of the percentage changes of a compliance unit's product prices from the base quarter to the third quarter of the second program year.

(b) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it complies with the 18-month and 21-month price limitations, respectively, if the 18-month price change does not exceed the two-year price limitation less one half of the difference between the two-year price limitation and the price change realized during the first program year, and if the 21-month price change does not exceed the two-year price limitation less one-

quarter of the difference between the two-year price limitation and the price change realized during the first program year.

(c) The sales-weighted average price change from the base quarter to the first quarter of the second program year should not exceed the 18-month price limitation in paragraph (a) of this section or, if applicable, in paragraph (b) of this section. The sales-weighted average price change from the base quarter to the third quarter of the second program year should not exceed the 21-month price limitation in paragraph (a) of this section or, if applicable, in paragraph (b) of this section.

(d) A compliance unit may exceed the intermediate price limitations if it can demonstrate that its price increases

(1) Are justified on grounds of seasonal variations in business operations, business practices, or unusual business conditions, and

(2) Will not prevent compliance with the two-year price limitation by the end of the second program year.

2. Section 705.43 is amended by changing "13.5" in paragraph d(2) to "11.8." As amended, § 705.43(d) reads as follows:

§ 705.43 Gross-Margin Standard for Food Manufacturing and Processing.

* * * * *

(d) *Intermediate gross-margin limitations.* (1) A compliance unit complies with the intermediate gross-margin limitation in the first and second quarters of the second program year if its gross margin in each of those quarters does not exceed its base-quarter gross margin by more than 10 percent plus any positive percentage growth in physical volume over the base-quarter volume.

(2) A compliance unit complies with the intermediate gross-margin limitation in the third quarter of the second program year if its gross margin in that quarter does not exceed its base-quarter margin by more than 11.8 percent plus any positive percentage growth in physical volume over the base-quarter volume.

* * * * *

3. Section 705.44 is amended by changing "13.5" in paragraph (e)(2) to "11.8." As amended, § 705.44(e) reads as follows:

§ 705.44 Gross-Margin Standard for Petroleum-Refinery Operations.

* * * * *

(e) *Intermediate gross-margin limitations.* (1) A refiner complies with the intermediate gross-margin limitation in the first and second quarters of the second program year if its gross margin per barrel in each of those quarters does not exceed its base-quarter gross margin per barrel by more than 10 percent.

(2) A refiner complies with the intermediate gross margin limitation in the third quarter of the second program year if its gross margin per barrel in that quarter does not exceed its base-quarter gross margin per barrel by more than 11.8 percent.

* * * * *

In addition, the Council is adopting the following Q & A, numbered I–E–5, to read as follows:

I–E–5Q. If a compliance unit implemented price increases in excess of the new 21-month intermediate limitation before the effective date of the limitation (March 27, 1980), will that compliance unit be found out of compliance with the new limitation?

A. Not if the compliance unit can demonstrate that it had begun its third program quarter and transactions had in fact occurred at prices in excess of the new intermediate limitation before the effective date of the new limitation.

[FR Doc. 80–10058 Filed 3–31–80; 9:07 am]

BILLING CODE 3175–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Domestic Quarantine Notices; Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Public hearing; corrections of date.

SUMMARY: On March 11, 1980, a document was published in the Federal Register (45 FR 15505–15521) which, among other things, gave notice of a public hearing concerning the quarantining of Illinois and Ohio as emergency measures because of the gypsy moth, and designating certain areas as high-risk areas or low-risk areas within Connecticut, Illinois, Maine, Michigan, New Hampshire, New York, Ohio, Vermont, and Virginia as emergency measures because of the gypsy moth. The document inadvertently stated that the public hearing would be held on March 25, 1980. The document should have stated the public hearing was to be held on April 8, 1980. Accordingly, the public hearing to consider these emergency measures will be held at 10:00 a.m., on April 8, 1980, in the Federal Building, Room 418, 234 Summit, Toledo, Ohio.

FOR FURTHER INFORMATION CONTACT:
Mr. E. E. Crooks, (301) 436–8239.

E. E. Crooks,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 80–10078 Filed 3–31–80; 12:24 pm]

BILLING CODE 3410–34–M

Proposed Rules

Federal Register

Vol. 45, No. 64

Tuesday, April 1, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

United States Standards for Grade of American Upland Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposal would revise the official cotton standards for grades of American upland cotton by amending the regulations under the United States Cotton Standards Act (7 CFR Part 28). This action would eliminate four descriptive cotton grade standards, change one physical grade to a descriptive standard, and revise the working on two descriptive standards. Cotton Standards for the Grade of American upland cotton would then consist of 13 physical and 20 descriptive standards.

DATE: Comments by June 2, 1980.

ADDRESS: Send comments to Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agriculture Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Telephone (202) 447–2167.

SUPPLEMENTARY INFORMATION: The present Official Cotton Standards for the Grade of American upland cotton consist of 14 physical standards and 23 descriptive standards. During the past 6 years there has been only a negligible volume of cotton produced in the grades Good Middling Light Spotted, Good Middling Spotted, Good Middling Light Gray, and Good Middling Gray. A total of only 58 bales has been classed of these grades in the last 6 years. The small volume of cotton produced in these grades does not justify continuance of standards for them.

The proposed revisions in standards will be considered at the 1980 Universal Cotton Standards Conference to be held at Memphis, Tennessee, on May 20–21. All overseas signatories to the Universal Cotton Standards Agreement and all segments of the domestic cotton industry interested in standards have been invited to send representatives to this conference.

The Department proposes to make the revisions in standards effective on July 1, 1981.

In order to effect these changes in standards the following revisions in 7 CFR Part 28, Subpart C are proposed:

1. Change the physical standard for Good Middling Cotton, § 28.402, to a descriptive standard, which would read as follows:

§ 28.402 Good Middling.

Good Middling is American upland cotton which in color, leaf, and preparation is better than Strict Middling.

§ 28.420 [Revoked]

2. Revoke the descriptive standard for Good Middling Light Spotted cotton, § 28.420.

3. Revise the wording for Strict Middling Light Spotted cotton, § 28.421, to read as follows:

§ 28.421 Strict Middling Light Spotted.

Strict Middling Light Spotted is American upland cotton which in color, leaf and preparation is better than Middling Light Spotted.

§ 28.430 [Revoked]

4. Revoke the descriptive standard for Good Middling Spotted cotton, § 28.430.

§ 28.460 [Revoked]

5. Revoke the descriptive standard for Good Middling Light Gray cotton, § 28.460.

6. Revise the wording for Strict Middling Light Gray cotton, to read as follows:

§ 28.461 Strict Middling Light Gray.

Strict Middling Light Gray is American upland cotton which in color is Strict Low Middling and which in leaf and preparation is Strict Middling or better.

§ 28.470 [Revoked]

7. Revoke the descriptive standard for Good Middling Gray cotton, § 28.470.

8. Add a new § 28.482 to read as follows:

§ 28.482 United States Cotton Futures Act.

The cotton standards contained in § 28.301 through § 28.603 of this part shall be effective for purposes of the United States Cotton Futures Act (7 U.S.C. 15b) and the regulations thereunder (7 CFR part 27).

§ 28.525 [Amended]

9. In paragraph (a) of § 28.525, delete the following from the table of Full grade name, Symbol, and Code No. (these deletions include some standards that were revoked effective July 1, 1975, 39 FR 22939).

Full grade name	Symbol	Code No.
* * * * *		
Strict Good Middling	SGM	01
Good Middling Light Spotted	GM Lt Sp	12
Good Middling Spotted	GM Sp	13
Good Middling Tinged	GM Tg	14
Good Middling Yellow Stained	GM YS	15
Good Middling Light Gray	GM Lt Gray	16
Good Middling Gray	GM Gray	17
* * * * *		

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.)

Note.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044, "Improving Government Regulations." A draft impact analysis is available from Harvin Smith, AMS, (202) 447–2167.

Dated: March 26, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80–9819 Filed 3–31–80; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 19

Informal Conference During Inspection; Notice of Proposed Rulemaking

Correction

In FR Doc. 80–9272 appearing on page 1956 in the issue for Wednesday, March 26, 1980, in the second column, the last line, the phone number now reading "301–444–5975" should be corrected to read "301–443–5975".

BILLING CODE 1505–01–M

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Hearings and Review of SBA Size Standard for Federal Timber Sales

AGENCY: Small Business Administration.

ACTION: Notice of Public Hearing.

SUMMARY: Currently the Small Business Size Standard Regulations provide, among other things, that a concern is small for the purpose of bidding on a small business set-aside of Government timber, if that concern has less than 500 employees. The current 500 employee size standard was last reviewed by public hearing in 1975. Questions have arisen as to whether the 500 employee size standard is still appropriate. The SBA has decided to hold three factfinding hearings into the desirability of retaining, raising, or lowering the current size standard.

DATES: The hearings will be held on April 29, May 1 and May 6, 1980, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The hearings will be held at the following locations:

April 29—722 Capitol Mall, Room 1098, Sacramento, California.
May 1—South Auditorium, New Federal Building, 915 Second Avenue, Seattle, Washington.
May 6—L. D. Strom Auditorium, Richard Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia.

Interested parties unable to attend may submit their comments for the record directly to: Kaleel C. Skeirik, Chief, Size Standards Division, Small Business Administration, 1441 L Street, NW., Room 500, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Roland E. Berg, (202) 653–6078 or John D. Whitmore, Jr., (202) 653–6373.

SUPPLEMENTARY INFORMATION: Currently, paragraph 121.3–9(b) of the Small Business Size Standards Regulations (Part 121, Chapter I, Title 13, of the Code of Federal Regulations) provides that a concern is small for the purpose of bidding on a small business set-aside sale of Government timber if it meets the following definitions:

(b) Sales of Government-owned timber.

(1) In connection with sale of Government-owned timber, a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of paragraph (b)(1) of this section, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than 30 percent of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area. The term "sell" includes but is not limited to the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and an indirect transfer such as the sale of the assets of (or a controlling interest in) a concern after it has been awarded one or more set-aside sales of timber. Under the latter circumstances, if, after being awarded a set-aside sale of timber a small business concern merges with or becomes subject to the control of a large business, so much of such timber (or sawlogs therefrom) shall be sold to one or more small businesses as is necessary for compliance with the 30 percent (50 percent in Alaska) restriction.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in paragraph (b)(1) of this section, and

(ii) It agrees that, in manufacturing lumber or timber from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under paragraph (b)(1) of this section as a small business. This provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or is merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self-certifies as a small business concern for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the names, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in the form of sawlogs, but is to be manufactured into lumber or timber by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timber.

Questions have been raised as to whether the 500-employee size standard in the above definition is still appropriate. Some interested parties have claimed that it should be raised, others feel it should be lowered, and some think it should remain the same.

The current 500-employee size standard was last reviewed by public hearings in 1975, prior to the start of the current 5-year share computation period. Because of the length of time since the last review and the number of inquiries regarding the 500-employee size standard, SBA has decided to hold three public hearings. The dates, time, and location of these hearings are as follows:

Place	Date	Time
722 Capitol Mall, Room 1098, Sacramento, California.	April 29, 1980	9 a.m. to 5 p.m.
South Auditorium, New Federal Building, 915 2nd Avenue, Seattle, Washington.	May 1, 1980	9 a.m. to 5 p.m.
L. D. Strom Auditorium, Richard Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia.	May 6, 1980	9 a.m. to 5 p.m.

These hearings are factfinding in nature, thus SBA wishes that statements made at these hearings, address as a minimum, the following issues as they relate to the size standard.

1. The impact of the competitive aspects of the forest products industry to include:

a. Ease of entry.
b. Capital investment.
c. Consolidation/integration/mergers.
d. Specialization.
e. Private land holdings.
f. Changes in industry structure since 1975.

2. The impact of technological changes to include innovations that relate: Labor-intensive vs. capital-intensive actions, material utilization.

3. Impact of energy costs, log exports, and land withdrawal actions.

4. The impact of selling agencies' regulations and procedures upon participating firms.

5. The impact of all Government (Federal, State, and local) regulations on: Employee levels, products and procedures, industry and individual firm structure.

6. The current size standard and the impact upon industry of proposals to raise, lower, or retain the 500-employee level. Should there be more than one size standard and should geographic/regional differences in the industry, if they exist, be recognized?

Interested parties will be given a reasonable time for an oral presentation; however, if a large number of parties desires to make statements, it may be necessary to establish a time limitation on individual presentations.

This is only factfinding, not adversary, thus cross-examination of witnesses will not be permitted. Members of the panel may ask questions of the speaker, however.

Interested parties unable to attend may submit their comments for the record directly to: Kaleel C. Skeirik, Chief, Size Standards Division, Small Business Administration, 1441 L Street NW., Room 500, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Roland E. Berg, (202) 653–6078 or John D. Whitmore, Jr., (202) 653–6373.

Dated: March 26, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-9912 Filed 3-31-80; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 1

Procedures for Predetermination of Wage Rates; Further Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule; Further Extension of Comment Period.

SUMMARY: This document further extends the period for filing comments regarding a proposed rule intended to revise Part 1 of Title 29 of the Code of Federal Regulations (29 CFR Part 1) which concerns Procedures For Predetermination of Wage Rates. This action is taken to permit comments to be made in conjunction with comments on Parts 6 and 8 of this title.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Comments should be sent to Mrs. Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone: 202–523–8333.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 77026) the Department of Labor published a proposed rule intended to revise 29 CFR Part 1 which concerns Procedures for Predetermination of Wage Rates. Interested persons were requested to submit comments on or before February 26, 1980.

In the **Federal Register** of February 15, 1980 (45 FR 10374) the Department of Labor extended this period for comments until March 27, 1980.

To allow comments on proposed Part 1 together with procedural rules in proposed Parts 6 and 8, to be published in the immediate future, the agency believes that it is in the public interest to grant a further extension of the comment period for all interested persons. Therefore, the comment period for the proposed rule, revising 29 CFR Part 1 (Procedure For Predetermination of Wage Rates), is extended to May 27, 1980.

Signed at Washington, D.C., this 27th day of March, 1980.

Donald Elisburg,
Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 80-9904 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-27-M

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts; Further Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule; Further Extension of Comment Period.

SUMMARY: This document further extends the period for filing comments regarding a proposed rule intended to revise Part 4 of Title 29 of the Code of Federal Regulations (29 CFR Part 4) which concerns Labor Standards for Federal Service Contracts. This action is taken to permit comments to be made in conjunction with comments on Parts 6 and 8 of this title.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Comments should be sent to Mrs. Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U. S. Department of Labor, Room S–3502, 200 Constitution Ave., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U. S. Department of Labor, Room S–3502, 200 Constitution Ave., N.W., Washington, D.C., 20210. Telephone: 202–523–8333.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 77036) the Department of Labor published a proposed rule intended to revise 29 CFR Part 4 which concerns Labor Standards for Federal Service Contracts. Interested persons were requested to submit comments on or before February 26, 1980.

In the **Federal Register** of February 15, 1980 (45 FR 10375) the Department of Labor extended this period for comment until March 27, 1980.

Part 4 interrelates with a proposed revision to Part 6 of this title and a new proposed Part 8 of this title, which are to be published in the immediate future. To allow comments on proposed Part 4 together with proposed Parts 6 and 8, the agency believes that it is in the public interest to grant a further extension of the comment period for all interested persons. Therefore, the comment period for the proposed rule, revising 29 CFR Part 4 (Labor Standards for Federal Service Contracts), is extended to May 27, 1980.

Signed at Washington, D.C., this 27th day of March, 1980.

Donald Elisburg,
Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 80-9905 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-27-M

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29 CFR Part 5

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act); Further Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule; Further Extension of Comment Period.

SUMMARY: This document further extends the period for filing comments regarding a proposed rule intended to revise Part 5 of Title 29 of the Code of Federal Regulations (29 CFR Part 5) which concerns Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act). This action is taken to permit comments to be made in conjunction with comments on Parts 6 and 8 of this title.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Comments should be sent to Mrs. Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:
Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., N.W., Washington, D.C., 20210. Telephone: 202-523-8333.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 77080) the Department of Labor published a proposed rule intended to revise 29 CFR Part 5 which concerns Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act). Interested persons were requested to submit comments on or before February 26, 1980.

In the **Federal Register** of February 15, 1980 (45 FR 10275) the Department of Labor extended this period for comment until March 27, 1980.

Part 5 interrelates with a proposed revision to Part 6 of this title and a new proposed Part 8 of this title, which are to be published in the immediate future. To allow comments on proposed Part 5 together with proposed Parts 6 and 8, the agency believes that it is in the public interest to grant a further extension of the comment period for all interested persons. Therefore, the comment period for the proposed rule, revising 29 CFR Part 5 (Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)), is extended to May 27, 1980.

Signed at Washington, D.C., this 27th day of March, 1980.

Donald Elisburg,
Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 80-9866 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-27-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1425

Role of the Mediation Assistance in the Federal Service

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Proposed Rule.

SUMMARY: As directed by Section 7134 of Title VII of the Civil Service Reform Act, Federal Mediation and Conciliation Service proposes the following regulations concerning its role in Federal Sector Labor Relations. These proposed regulation would supersede the existing regulations.

The regulations provide that FMCS may provide its services in negotiation disputes in the Federal Sector on its own motion or at the request of one or both parties. The Service may set time limits on its participation and may make recommendations to the parties for settlement where it determines such procedures to be appropriate. Any recommendations made may be forwarded to the Federal Service Impasses Panel.

The regulations require that the initiating party notify FMCS of negotiations at least 30 days prior to the termination or modification date of an existing agreement. In initial negotiation, the parties must notify FMCS within 30 days after commencing negotiations. These requirements do not apply to mid-term or impact bargaining. The parties have a duty to participate fully and promptly in meetings called by the Service. If the mediation process is unsuccessful, the Service or the parties may request consideration of the matter by the Federal Service Impasses Panel. However, the Service will not refer a case to the FSIP until the mediation process has been completed.

DATES: Comments must be received by June 2, 1980.

ADDRESSES: Send comments to: Office of the General Counsel, Federal Mediation and Conciliation Service, Washington, DC 20427. All comments received may be inspected during normal business hours.

FOR FURTHER INFORMATION CONTACT:
Nancy B. Broff, Assistant General Counsel, Office of the General Counsel, (202) 653-5305.

SUPPLEMENTARY INFORMATION: One purpose of Title VII of the Civil Service Reform Act, (5 U.S.C 7101 et. seq.) is to maximize the ability of the parties to the collective bargaining relationship to conclude an agreement on their own rather than to have it imposed on them from outside. The role of FMCS is to facilitate agreement between the parties.

The Service published an advance notice of proposed rulemaking (44 FR 40354, July 10, 1979) soliciting comment on the following options: (1) Establishing a notice requirement in cases of initial agreement negotiations as well as modification or termination of an existing agreement;

(2) Making explicit the Service's authority to set time limits for its participation and to make recommendations for settlement to the parties where appropriate; and

(3) Stating as FMCS policy that the Service will not refer a case to the Federal Service Impasses Panel until the mediation process has been exhausted. A number of comments were received and have been considered.

In response to the comments, the notice requirement was clarified to exempt mid-term impact bargaining. A number of comments requested this modification because mid-term bargaining occurs frequently, is informal, and often occurs under time constraints.

Another clarification involved the proposal that the Service would not refer cases to the FSIP until mediation had been exhausted. A number of commenters misinterpreted this to mean that the Service would refuse to allow parties to go to the Panel. The intent of the provision was to indicate to the parties that the Service is increasing its efforts to help them achieve a voluntary settlement. The proposal did not attempt to bar the parties from going to the Panel, and the language of the proposed regulation makes this explicit.

The notices required of the parties are intended to assist the Service in carrying out its responsibilities under Title VII. By alerting the Service at an early stage in negotiations, the notices will allow the Service to play a more meaningful role in the process.

By imposing time deadlines, the Service would seek to establish the concentrated bargaining atmosphere frequently necessary for the parties to reach agreement. The proposed regulation would put the parties on notice that the Service may set time limits at the outset or at any time during the mediation process. The time limits could be tailored to each particular dispute.

If the time established were reached without a settlement, the Service could make recommendations for settlement to the parties. If the recommendations were not accepted within time limits set by the Service, the Service could refer the dispute to Federal Service Impasses Panel and could send the recommendations to the FSIP. FMCS has used these techniques in some federal sector cases. Specific language in the regulations would, however, put the parties on express notice of the intent of the Service to use such techniques in appropriate cases.

The possibility of recommendations and their potential transmittal to FSIP would underscore the significance of the deadline imposed by the mediator. The result would be more meaningful bargaining by the parties and a greater number of disputes resolved by the parties themselves.

In order to provide the fullest opportunity for the parties to reach agreement by negotiation, the Service will not refer a case to the Federal Services Impasses Panel until the mediation process has been exhausted.

It is proposed to revise 29 CFR Part 1425 to read as follows:

PART 1425—MEDIATION ASSISTANCE IN THE FEDERAL SERVICE

Sec.
1425.1 Definitions.
1425.2 Notice to the service of agreement negotiations.
1425.3 Functions of the service under Title VII of the Civil Service Reform Act.
1425.4 Duty of parties.
1425.5 Referral to FSIP.
1425.6 Use of third-party mediation assistance.

Authority: 5 U.S.C 7119, 7134.

§ 1425.1 Definitions.

As used in this part:

(a) "The Service" means Federal Mediation and Conciliation Service.

(b) "Party" or "Parties" means (1) any appropriate activity, facility, geographical subdivision, or combination thereof, of an agency as that term is defined in 5 U.S.C. 7103 (3), or (2) a labor organization as that term is defined in 5 U.S.C. 7103(4).

(c) "Third-party mediation assistance" means mediation by persons other than FMCS commissioners.

(d) "Provide its services" means to make the services and facilities of the Service available either on its own motion or upon the special request of one or both of the parties.

§ 1425.2 Notice to the service of agreement negotiations.

In order that the Service may provide assistance to the parties, the party initiating negotiations shall file a notice with the Regional Director of the region in which the negotiation will take place at least thirty (30) days prior to the expiration or modification date of an existing agreement. Parties entering negotiations for an initial agreement shall file such notice within 30 days after commencing negotiations. Parties engaging in mid-term or impact bargaining need not submit a notice. Form, FMCS Form F-53,[1] has been prepared by the Service for use by the parties.

§ 1425.3 Functions of the service under title VII of the Civil Service Reform Act.

(a) The service may provide its assistance in any negotiations dispute when earnest efforts by the parites to reach agreement through direct negotiation have failed to resolve the dispute. When the existence of a negotiation dispute comes to the attention of the Service through a specific request for mediation from one or both of the parties, through notification under the provisions of § 1425.2, or otherwise, the Service will examine the information concerning the dispute. If, in its opinion, the need for mediation exists, the Service will use its best efforts to assist the parties to reach agreement.

(b) The Service may, at the outset of negotiations or at any time in the dispute, set time limits on its participation. If no settlement of the dispute is reached by the expiration of the time limits, the Service may make recommendations to the parties for settlement of the dispute. If recommendations made by the Service are not accepted by the parties within time limits set by the Service, the matter may be referred to the Federal Services Impasses Panel (FSIP). Recommendations made by the Service may be sent to the FSIP.

[1] Filed as part of the original document. Copies of this form are available upon request to any office of the Service.

§ 1425.4 Duty of parties.

It shall be the duty of the parties to participate fully and promptly in any meetings arranged by the Service for the purpose of assisting the settlement of a negotiation dispute.

§ 1425.5 Referral to FSIP.

If the mediation process has been completed and the parties are at a negotiation impasse, the Service or the parties may request consideration of the matter by the Federal Services Impasses Panel. The Service shall not refer a case to FSIP until the mediation process has been exhausted and the parties are at a negotiation impasse.

§ 1425.6 Use of third-party mediation assistance.

If the parties should mutually agree to third-party mediation assistance other than that of the Service, both parties shall immediately inform the Service in writing of this agreement. Such written communication shall be filed with the regional director of the region in which the negotiation is scheduled, and shall state what alternate assistance the parties have agreed to use.

Dated at Washington, D.C., March 26, 1980.

Robert P. Gajdys,
Director of Administration.

[FR Doc. 80-9864 Filed 3-31-80; 8:45 am]
BILLING CODE 6732-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1918, 1926, and 1928

[Docket No. H-117]

Occupational Safety and Health Hazards in Grain Handling Facilities; Extension of the Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Extension of the deadline for the submission of comments and information on the safety and health hazards associated with grain handling.

SUMMARY: This notice extends the comment period for written responses to the questions OSHA presented in the "Occupational Safety and Health Hazards in Grain Handling Facilities; Request for Comments and Information" (45 FR 10732).

DATES: Written responses to the notice must be submitted on or before June 30, 1980.

ADDRESS: The written information should be submitted, in quadruplicate, to the Docket Officer, Docket H–117, Room S6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–7894.

FOR FURTHER INFORMATION CONTACT:

Health. Dr. Flo Ryer, Director, Office of Special Standards Programs, Directorate of Health Standards Programs, Room N3663, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–7174.

Safety. Thomas Seymour, Director, Office of Fire Protection Engineering Standards, Directorate of Safety Standards Programs, Room N3463, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–7216.

SUPPLEMENTARY INFORMATION: On February 15, 1980, OSHA published in the **Federal Register** (45 FR 10732) a "Request for Comments and Information" regarding the safety and health hazards associated with grain handling. In the notice, OSHA requested written responses to questions divided into twelve safety and health categories, and also announced the following schedule for informal public meetings: April 15–17 in Superior, Wisconsin; April 22–24 in Kenner, Louisiana; and April 29–May 1, Kansas City, Missouri. The written responses were to have been received by OSHA by May 5, 1980.

OSHA has received several requests to extend the comment period. In order to ensure that these interested parties have sufficient time to compile data and prepare responses to the issues raised in the notice, OSHA has decided to extend the written comment period to June 30, 1980. The schedule for the informal public meetings has not been changed.

Submission of Written Comments

Written responses to the "Occupational Safety and Health Hazards in Grain Handling Facilities; Request for Comments and Information" must be submitted, in quadruplicate, on or before June 30, 1980. The comments should be sent to the Docket Officer, Docket No. H–117, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6 Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C., this 24th day of March, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–9828 Filed 3–31–80; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1452–5]

North Central Coast Air Basin Nonattainment Area Plan and Revised Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the North Central Coast Air Basin portion of the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to update the rules and regulations, and to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." However, based upon EPA's evaluation of the revisions, this notice proposes to disapprove the North Central Coast Air Basin nonattainment area plan for ozone with respect to the Part D requirements because the plan does not contains an adopted, legally enforceable New Source Review rule.

This notice provides a description of the proposed SIP revisions, summarizes the applicable nonattainment area requirements, compares the revisions to these requirements, identifies major issues in the proposed revisions, and proposes a schedule for correction of plan deficiencies with respect to the Part D requirements.

The EPA invites public comments on these revisions, the identified issues, the suggested corrections and associated proposed deadlines, and whether the revisions should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted up to May 1, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the Proposed Revision/Nonattainment Area Plan and EPA's associated Evaluation Report are contained in document file NAP–CA–14 and are available for public inspection during normal business hours the EPA Region IX Office at the above address and at the following locations:

Association of Monterey Bay Area Governments, 23845 Holman Highway, Suite 227, Monterey, CA 93940

Monterey Bay Unified Air Pollution Control District, 1270 Natividad Road, Salinas, CA 93906

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2938

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act, amended in August 1977, Pub. L. No. 95–95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the attainment status for all areas within the state. The Administrator promulgated these lists with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt and submit to EPA revisions to their SIP, for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

On April 4, 1979 (44 FR 20372) EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38538, 50371, 53761, and 67182). The General Preamble supplements this notice by identifying the major considerations that will guide EPA's evaluation of the plan submittal. EPA's evaluation of the transportation portion of the plan is also guided by the EPA-Department of Transportation (DOT) Transportation-Air Quality Planning Guidelines and EPA's Office of Transportation and Land Use Policy SIP-Transportation Checklist.

The North Central Coast Air Basin is designated nonattainment for ozone. EPA considers the area rural for purposes of plan approvability, as discussed in the ISSUES SECTION below.

Description of Proposed SIP Revisions

On September 12, 1979 the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted the North Central Coast Air Basin Control Strategy for Monterey, Santa Cruz, and San Benito Counties as an SIP revision. Preparation of the proposed SIP revision was coordinated by the Association of Monterey Bay Area Governments, the Monterey Bay Unified Air Pollution Control District, and the ARB. This nonattainment area plan for the North Central Coast consists of the following major components:

—A summary of the pollutant that exceeds the NAAQS, specifying the violations;
—A list of the Federal nonattainment area plan requirements;
—A discussion of the planning process including: How the plan was prepared, the agencies involved in the process, public participation, and intergovernmental consultation;
—A discussion of air quality trends;
—A analysis of the candidate air quality control measures that examines expected emission reductions, costs, resource impacts, social impacts, and enforcement aspects;
—A discussion of the specific strategy for ozone, which includes schedules for reasonable further progress, adopted stationary source control measures, and commitments to adopt additional stationary and mobile source control measures; and
—A discussion of the New Source Review provisions.

The plan demonstrates that attainment of the ozone standard by 1982 is not possible despite the implementation of all reasonably available control measures including:

For the entire North Central Coast Air Basin:
—California's motor vehicle standards for new vehicles;
—A vehicle emission control inspection and maintenance program, assuming the appropriate legal authority will be adopted by the California Legislature;
—A New Source Review program;

For Monterey and Santa Cruz Counties:
—Stationary source control measures; and
—Transportation measures to reduce the use of automobiles, including improved public transit, an area-wide carpool program, and expanded bicycle systems and facilities;

In addition, for Santa Cruz County:
—Preferential parking for carpools;
—Employer programs to encourage transit usage; and
—Controls on extended vehicle idling.

Based on this demonstration, the State requests an extension of the ozone attainment date until no later than December 31, 1987.

This notice includes nonattainment area plan related SIP revisions submitted by the Governor's designee prior to December 31, 1979. These SIP revisions include the September 12, 1979 plan revision and the rule revisions submitted on May 23, and December 17, 1979.

The rules being considered in this notice are listed below.

Monterey Bay Unified Air Pollution Control District

May 23, 1979
Rule 417—Storage of Organic Liquids
December 17, 1979
Rule 418—Transfer of Gasoline into Stationary Storage Containers
Rule 425—Use of Cutback Asphalt
Rule 426—Architectural Coatings

Criteria for Approval

The North Central Coast Air Basin Control Strategy must be evaluated to determine whether it is consistent with Part D of the Clean Air Act. The following list summarizes the Part D requirements for nonattainment area plans:

1. An accurate inventory of existing emissions.
2. A modeling analysis indicating the level of control needed to attain by 1982 and, in the case of an extension request, by 1987.
3. Emission reduction estimates for each adopted control measure.
4. A provision for expeditious attainment of the standards.
5. Provisions for reasonable further progress as defined in Section 171 of the Clean Air Act.
6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.
7. An identification of an emissions growth increment.
8. Provisions for annual reporting with respect to items (5) and (6) above.
9. A permit program for major new or modified sources consistent with Section 173 of the Clean Air Act.
10. An identification of and commitment to the resources necessary to carry out the plan.
11. Evidence of public, local government, and state involvement and consultation.
12. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.
13. For ozone SIP revisions that provide for attainment of the primary standards later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and considerations of environmental and social costs.

b. A provision for implementation of all reasonably available control measures for mobile and transportation sources.

c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs.

d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program.

14. For ozone nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably control technology (RACT) to those volatile organic compound (VOC) stationary sources for which EPA has published a Control Techniques Guideline by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines.

Issues

The paragraph numbers below correspond to the Part D nonattainment area plan requirements discussed in the preceding section, CRITERIA FOR APPROVAL. EPA policy for approval of nonattainment area plans submitted as 1979 SIP revisions differentiates between rural and urban nonattainment areas. EPA's policy including the definition of rural areas is discussed in the General Preamble. Based on the definition or rural areas and the policy, the North Central Coast Air Basin is considered a rural area. As referenced in the General Preamble, EPA's minimum requirements for an approvable 1979 rural ozone nonattainment area plan do not require that all of the fourteen CRITERIA FOR APPROVAL listed above be fully met. Each criteria is discussed in depth below. Where a plan deficiency is identified, recommendations for revision of the plan are specified. The citations in

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the comments which follow refer to Sections 108, 110, and Part D, Sections 171–178, of the Clean Air Act, as amended.

There is one major deficiency with respect to the North Central Coast Air Basin nonattainment area plan for ozone (O_3) that causes the plan to be unapprovable with respect to Part D of the Clean Air Act (the Act). This major deficiency is the absence of an adopted, legally enforceable New Source Review (NSR) rule.

If the State does not submit an adequate, legally enforceable NSR rule, the plan for the North Central Coast Air Basin must be disapproved by EPA with respect to Part D of the Act. This overall plan disapproval would result in the continuation of the prohibition on certain major new source construction or modification as set forth in Section 110(a)(2)(I) of the Act and EPA's Interpretive Rule on Statutory Restriction of New Sources (44 FR 38471, July 2, 1979). In accordance with this statutory provision, certain major new or modified stationary sources are currently prohibited from being constructed in California nonattainment areas. This prohibition on construction will remain in effect in the North Central Coast Air Basin with respect to O_3 until the major deficiency discussed above is corrected and EPA approves the nonattainment area plan pursuant to Part D of the Act in a final rulemaking action.

When the State submits an adequate NSR rule, the major deficiency noted above may be resolved. Upon the State's submittal of this rule, EPA will consider the approval of this regulation as part of the plan for the North Central Coast Air Basin.

A full discussion of the North Central Coast Air Basin plan with respect to EPA's fourteen Criteria for Approval follows. EPA has identified certain portions of the plan that (1) are approvable, (2) contain minor deficiencies which could be remedied under conditions of plan approval subject to assurance by the State that corrections will be made by a specified date, or (3) contain a major deficiency which must be remedied prior to EPA's final approval of the entire plan with respect to Part D of the Act. Based on the approvability of the component parts of the plan, EPA will determine whether the plan as a whole is (1) approvable, (2) conditionally approvable, or (3) disapprovable.

Those portions of the plan which are consistent with Section 110 and/or Part D of the Act are proposed for approval and incorporation into the SIP, regardless of EPA's determination on whether the plan as a whole is ultimately approvable with respect to Part D. In addition, certain portions of the plan are noted as being approved even though they are expected to be refined in future plan updates.

Correction of the minor deficiencies contained in certain portions of the plan could be remedied under conditions of approval of the plan provided that the State provide assurance that the deficiencies will be corrected and submitted as an SIP revision by a specified date. Following the correction of the major deficiency discussed above, the plan could be approved or conditionally approved should minor deficiencies remain. Conditional approval of the plan would mean that the restriction on major new or modified stationary source construction would no longer apply unless the State failed to submit corrections by the specified date, or the submitted corrections were determined to be inadequate. Those portions of the plan which are conditionally approvable are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the overall plan is approvable with respect to Part D.

The NSR portion of the plan, which is deemed to be a major deficiency must be corrected and submitted as an SIP revision in order for EPA to either approve or conditionally approve the entire plan in a final rulemaking action with respect to Part D of the Act.

1. Emission Inventory

The plan includes an emission inventory for total organic gases (hydrocarbons) identifying emission source categories and their estimated emissions for the base year, 1977. This base year inventory includes the necessary emission estimates for stationary, mobile, and area sources. These estimates were based on emission factors cited in *AP–42, EPA compilation of Air Pollutant Emission Factors* as derived from source test data, localized data, actual usage data, computer models, and transportation studies. The inventory is reasonably comprehensive, current and accurate, and EPA proposes to approve it as part of the SIP.

The following technical aspects of the emissions inventory for O_3 must be addressed in the annual reports: Document and include emissions from all military activities in the Air Basin; update pesticide emissions.

2. Modeling

The State utilized the city-specific EKMA model with a design value of 0.14 ppm and a $NMHC/NO_2$ ratio of 9.5 to 1 to calculate the allowable hydocarbon emission level to attain the 0.12 ppm O_3 standard. Based on this modeling, a 40% reduction in hydrocarbon emissions was determined to be necessary to demonstrate attainment of the O_3 standard. EPA proposes to approve the State's use of the EKMA model for purposes of the 1979 SIP revision to determine the allowable hydrocarbon emission level.

3. Emission Reduction Estimates

Annual emission reduction estimates are contained in the plan for each control measure for hydrocarbon reductions for the years 1979 through 1982.

The emission reduction estimate for the inspection and maintenance (I/M) program contained in the plan should be revised using the EPA computer program MOBILE–I method for calculating these emission reductions. The SIP should be revised to include the revised estimate, assuming that I/M is retained as a control measure.

The July 1980 Annual Report submitted to EPA by the State should include refined estimates of emission reductions based upon the annually updated emission inventory, any new analysis of control strategy effectiveness, and actual reductions being achieved through plan implementation.

4. Attainment Provision

The plan demonstrates that the O_3 standard cannot be achieved by December 31, 1982 despite the implementation of all reasonably available control measures. Thus, EPA finds that the requested extension of the attainment date for O_3 is justified and proposes to grant the extension. The submitted plan does not specifically provide for attainment of the O_3 standard by December 1987. However, both the State and the local agencies involved are committed to a reanalysis of the O_3 air quality problem in the Air Basin and are committed to the adoption of any necessary additional measure, needed to attain the O_3 standard based on this reanalysis. EPA finds this approach acceptable for the 1979 SIP revision.

The plan does not contain local commitments to an emission reduction target for O_3 for the transportation sector. Since the emission inventory indicates that a significant portion of the hydrocarbon emissions are from mobile sources, the plan should contain evidence of a policy level commitment to an overall emission reduction target for hydrocarbon emissions from the transportation sector and this commitment should be submitted by the State in the July 1980 Annual Report.

5. Reasonable Further Progress (RFP)

The RFP provision in the plan is acceptable for purposes of the 1979 SIP revision.

Since transportation control measures are contained in the plan, to demonstrate reasonable further progress with respect to the transportation sector, programs to directly monitor and report on the implementation progress and the emission reduction effectiveness of each transportation control measure should be developed, described, and committed to pursuant to the requirement in the EPA/DOT Transportation-Air Quality Planning Guidelines. The Annual Report should describe the contribution of transportation control measures to the incremental emission reductions required for standards attainment. Such a monitoring program should be in place and included in the July 1980 Annual Report.

6. Legally Adopted Measures

The SIP submittal does not indicate that all necessary control measures have been adopted in a legally enforceable form. The plan does not contain an adopted, legally enforceable New Source Review rule. While the plan contains regulations covering the required stationary source categories, EPA believes that one of the regulations does not fully reflect the application of reasonably available control technology (RACT). Additionally, the plan does not include in adopted form a vehicle emission control inspection and maintenance program since the State Legislature has not provided the necessary legal authority. Finally, the plan does not include in adopted form, all reasonably available transportation control measures identified in the plan for implementation, or schedules with commitments for development, adoption, submittal, implementation, and (where appropriate) enforcement of those measures.

New Source Review

The plan must include an adopted legally enforceable New Source Review rule. The lack of such a rule is a major deficiency and must be remedied in order for EPA to approve the plan with respect to Part D of the Act.

RACT

The Clean Air Act requires that minimum levels of control technology be provided for in the nonattainment area plan. For rural ozone nonattainment areas such as the North Central Coast Air Basin, the plan must include adopted, legally enforceable regulations which reflect the application of RACT for those major stationary source categories (i.e., those with over 100 tons/year potential emissions) for which EPA had published a Control Techniques Guideline (CTG) document by January 1978 (i.e., Group I CTGs). In addition, the plan must contain a commitment to adopt RACT regulations for major sources in categories to be addressed by future CTG documents.

The CTGs provide information on available air pollution control techniques and certain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or group of sources. Therefore, the basis for EPA's decision to approve a regulation as satisfying the Act's requirement for RACT consists of the applicable CTG document, any material submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The plan indicates that of the 15 source categories (addressed by the 11 Group I CTG documents) for which adopted regulations are required, only five exist in the nonattainment area. There are not bulk gasoline terminals, petroleum refineries, or surface coating operations for cans, coils, fabric, paper, large appliances, metal furniture, magnet wire, or automobiles. Of the five remaining source categories, there are no major sources in three source categories; Bulk gasoline plants, metal degreasing, and service stations. Thus, RACT regulations would be required for the two remaining sources: fixed-roof tanks and cutback asphalt.

Rule 417, Storage of Petroleum Products, was submitted by the State on May 23, 1979 and Rule 425, Use of Cutback Asphalt, was submitted by the State on December 17, 1979.

EPA has reviewed the submitted rules noted above in relation to the respective CTGs. Based on the information in the CTGs, EPA believes that the submitted rule for fixed and floating roof petroleum storage tanks represents RACT and EPA proposes to approve this regulation for inclusion in the SIP.

EPA proposes to approve under section 110 the submitted rule for cutback asphalt since the rule provides for a greater degree of control than the existing SIP. The rule does satisfy the requirement for RACT and therefore meets the requirements of Part D, based on information contained in the CTG, except for the three deficiencies noted below:

(1) The rule contains an exemption which allows the use of medium cure cutback asphalts during November through March.

(2) The rule does not limit the use of slow cure cutback asphalts.

(3) The rule does not limit the solvent content of emulsified asphalts used to replace the cutback asphalts.

None of these three provisions are supported by information contained in the CTG. While the monthly exemption may be appropriate based on the fact that temperatures typically do not exceed 50° F during these months, information has not been submitted to support this. The plan could be conditionally approved after correction of the NSR deficiency. On of the conditions of plan approval would be the State's submittal of one of the following by July 1, 1980:

(1) Adequate justification that this rule represents RACT,

(2) Amend the regulation to conform with the controls recommended in the CTG, or

(3) Adequate documentation that the regulation will result in emission reductions which are within 5% of the reductions achievable with the controls recommended in the CTG.

The State also submitted Rule 416, "Transfer of Gasoline into Stationary Storage containers," and Rule 426 "Architectural Coatings" on December 17, 1979. These rules implement control measures contained in the plan for which emission reduction credit is claimed. EPA proposes to approve these rules for inclusion in the SIP since they will strengthen the SIP by providing a greater level of control for these source categories than the existing SIP.

The plan contains a commitment to study and adopt, as necessary, all other reasonably available control measures. The plan further indicates that of the 9 "Group II" CTG source categories, one sources category (floating roof tanks) is sufficiently controlled to meet RACT requirements. This commitment is adequate provided the State submits adopted regulations for major sources for the following applicable source categories by July 1, 1980: refinery fugitive leaks, gasoline tank trucks, perchloroethylene dry-cleaning, pharmaceutical manufacture, graphic arts, pneumatic rubber tire manufacture, the surface coating of flatwood paneling, and the surface coating of metal parts and products.

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Transportation Control Measures

Of the 17 transportation control measures identified in Section 108(f) of the Act, the plan contains 3 measures that are adopted. These three measures are (1) improved public transit, (2) bicycle lanes and storage facilities, and (3) areawide carpool programs. In addition, other transportation control measures are identified in the plan for implementation. A detailed schedule and commitment tor implementation and (where appropriate) enforcement of each of these adopted transportation control measures must be submitted in order for these measures to be approved as part of the SIP under Section 110 of the Act.

Inspection and Maintenance

Since the State Legislature has failed to provide the necessary legal authority for the inspection and maintenance (I/M) program included in the plan, EPA cannot approve the I/M program as part of the SIP as specified in 40 CFR 51.11 (Legal Authority).

40 CFR Part 52

In addition to the rulemaking actions discussed in this section, this notice proposes to remove certain Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, which concern (in part) the North Central Coast Air Basin. The following Federally promulgated regulations are proposed to be rescinded or amended because they have been replaced by a revised set of control measures, regulations contained in the plan, and/or they have been invalidated by previous actions:

A. § 52.233 Review of new sources and modifications:

Subparagraphs (d)(3) and (g)(1)(iii) can be rescinded when the State adopts and officially submits approvable New Source Review regulations. Also, subparagraphs (h), (i), and (j) can be rescinded since they have been invalidated by the Clean Air Act Amendments of 1977.

B. Section 52.238 Attainment dates for national standards:

The attainment dates in this Section are proposed to be changed in accordance with the submitted nonattainment area plan.

7. Emissions Growth

The State's proposed New Source Review rule (see Criteria 9, Permit Program, for further discussion) uses emissions offsets to limit emissions growth. This approach is approvable.

8. Annual Reporting

This portion of the plan is approvable since it provides a commitment to provide an annual report containing an evaluation of reasonable further progress, a description of the status of adoption and implementation of control measures, and updated emission inventory data.

To assure that the requirements of Sections 110(a)(3)(D) and 110(c)(5)(B) are met the plan should contain commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs. These basic transportation needs should be met as expeditiously as practicable using Federal grants, State, and local funds to implement public transportation programs. Such commitments with respect to basic transportation needs are not included in the plan. These commitments should be submitted as an SIP revision by the State with the July 1980 Annual Report.

To assure that the requirements of Sections 176(c) and 176(d) of the Act are met, EPA policy requires that the plan contain procedures for the determination of conformity with the SIP of any project, program, or plan. Section 176(c) prohibits the metropolitan planning organization from giving its approval to any project, program or plan that does not conform to the SIP. EPA policy also requires that the plan contain procedures to ensure that priority is given to the implementation of those portions of any plan or program with air quality related transportation consequences that contribute to the attainment and maintenance of the primary NAAQS. Specifically, these procedures should address the granting of priority to projects in the Transportation Improvement Program which contribute to the attainment and maintenance of the primary NAAQS. EPA policy requires that these procedures be submitted with the July 1980 Annual Report.

9. Permit Program

The ARB has submitted its Model New Source Review Rule and two letters from the ARB to local districts (letters dated March 12, 1979 and May 7, 1979) as a draft rule for consideration as part of the North Central Coast Air Basin plan. Thus, the term draft rule used here refers to the model rule as clarified by the two letters. This draft rule is not adopted in a legally enforceable manner. Rather, it is a model upon which an adopted and legally enforceable rule could be based.

The lack of an adopted New Source Review (NSR) rule is a major deficiency which must be corrected before EPA can approve or conditionally approve the plan with respect to Part D of the Act because certain Part D requirements are not met.

At the request of the State, and assuming that an adopted rule equivalent and similar to the draft rule will be submitted, EPA has reviewed the substance of the draft rule against EPA's criteria for a new source permitting program. These criteria are contained in guidelines published in the preamble to EPA's revised Interpretative Ruling (IR) (44 FR 3274, January 16, 1979); EPA's General Preamble for Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas; and in the September 5, 1979 Federal Register (44 FR 51924).

As described in the September 5, 1979 notice, EPA policy generally is to approve any plan that would meet the January 16, 1979 Interpretative Ruling or the criteria set forth in the September 5, 1979 proposal.

EPA's review indicates that the draft rule is more stringent than EPA's criteria in certain respects including certain Lowest Achievable Emission Rate (LAER) and offset source cutoff levels. However, the draft rule deviates from EPA's current criteria by exempting modifications of existing sources under certain circumstances which the EPA criteria do not allow. If a modification were to result in a net increase in emissions of less than 250 pounds/day (46 tons/year), the draft rule would exempt the modification from the LAER requirement of Part D of the Act. EPA's Interpretive Ruling allows a State's rule to include such an exemption for a major modification only if there will be no net increase in emissions, and does not allow any exemption for reconstructions.

EPA's proposed regulations also prohibit any exemptions for reconstructions, and allow exemptions of other major modifications only if the net increase in emissions will be less than "de minimis" (cut-off) levels. The draft rule cut-off level is less stringent than the "de minimis" levels proposed by EPA for hydrocarbons.

Because the above-noted deviations to EPA's existing and proposed regulations are not deemed to be major deficiencies with respect to the Part D requirements of the Act, EPA could conditionally approve the plan when an adopted NSR rule equivalent to the draft rule is submitted in legally enforceable form. The condition of this approval would be that the State must modify the adopted rule so that the above deficiencies are corrected to be consistent with the Clean Air Act and either: (1) The September 5, 1979 proposed regulations, or (2) final EPA regulations based on the September 5, 1979 proposal, or (3) the January 16, 1979 interpretative ruling, and submit it as an SIP revision by March 1, 1981.

(Although not a consideration under Part D of the Act, it should be noted that EPA could not fully approve, with respect to Part C of the Act, an adopted NSR rule containing language equivalent to Section B.3. of Model Rule I. This section would not meet the requirements of Part C because the model rule would not provide regulation of all the pollutants required to be regulated by Part C.)

10. Resources

The plan does not fully identify or commit to the financial and personnel resources necessary to implement and enforce the plan. These commitments should be obtained from each implementing agency. The State should submit, as an SIP revision, these commitments with the July 1980 Annual Report.

Some resource commitments, from certain implementing agencies, are contained in the plan (Appendix N). However, the plan fails to identify the level of resources required to fully implement those measures for which commitments are provided. Thus, these commitments do not provide assurance that the level of resources provided for is sufficient to carry out those portions of the plan.

11. Public and Government Involvement

Although the plan provides evidence of consultation with general purpose local governments, designated organizations of elected officials of local governments, and Federal Land Managers, the plan does not provide specific evidence of coordination with the continuing, cooperative, and comprehensive transportation planning process. However, the involvement by the Association of Monterey Bay Area Governments, the Monterey Transportation Commission, and the Santa Cruz Transportation Commission, who are the principal agencies of this transportation planning process in the development of the plan, would appear to satisfy this requirement.

The plan contains an adequate identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan along with a summary of public comment on those effects and the plan. EPA proposes to approve this portion of the plan.

12. Public Hearing

The plan contains documentation which indicates that the plan was adopted after reasonable notice and public hearing in accordance with 40 CFR 51.4. The plan was adopted by the State through ARB Executive Orders G–81 and G–83. Thus, the requirements of the Act appear to be satisfied and EPA proposes to approve this portion of the plan.

13. Extension Requirements for O_3

14. Extension Requirements for VOC RACT

As referenced in the General Preamble, the 1979 O_3 SIP revision for rural nonattainment areas need not contain a specific demonstration of attainment. Therefore, the extension requirements of Criteria 13 and 14 identified above do not apply to this SIP revision.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. The Regional Administrator hereby issues this notice setting forth the above described revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

This proposal also includes a draft new source review rule which has been adopted as a model rule after public hearing by the State. This model rule has not yet been adopted and submitted to EPA by the State as a legally enforceable rule. However, the State has requested EPA to review the model rule and invite public comment on whether the draft rule meets the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits a rule equivalent to the model rule.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies in the nonattainment area plan. EPA is further interested in receiving comment on the specified dates for the State to submit the corrections, in the event of conditional approval.

Comments received on or before May 1, 1980, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions/scheduled revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comment is adequate because:

(1) The plan has been available for inspection and comment since October 29, 1979.

(2) EPA's notice published in the October 29, 1979 Federal Register (44 FR 61978) indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Secs. 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a))

Dated: February 8, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-9827 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1452-6]

Approval and Promulgation of Implementation Plans; South Coast Air Basin Nonattainment Area Plan and Revised Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the South Coast Air Basin portion of the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to update the rules and regulations, and to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan

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Requirements for Nonattainment Areas." However, based upon EPA's evaluation of the revisions, this notice proposes to disapprove the carbon monoxide and ozone portions of the South Coast Air Basin Nonattainment Area Plan with respect to the Part D requirements, because the plan does not contain the necessary legal authority from the California State Legislature and a specific schedule to implement a vehicle emission control inspection and maintenance program. A plan for a major urban area such as the South Coast Air Basin that cannot demonstrate attainment of the carbon monoxide or ozone standard by 1982, and therefore requests an extension to 1987, must contain the necessary legal authority and a specific schedule to implement a vehicle emission control inspection and maintenance program.

This notice provides a description of the proposed SIP revisions, summarizes the applicable nonattainment area requirements, compares the revisions to these requirements, identifies major issues in the proposed revisions, and suggests corrections with respect to the Part D requirements.

The EPA invites public comments on these revisions, the identified issues, the suggested corrections and associated proposed deadlines, and whether the revisions should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted up to May 1, 1980.

ADDRESSES: Comments may be sent to : Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the Proposed Revision/ Nonattainment Area Plan and EPA's associated Evaluation Report are contained in document file NAP–CA–9 and are available for public inspection during normal business hours at the EPA, Region IX office at the above address and at the following locations:

South Coast Air Quality Management District, 9150 East Flair Drive, El Monte, CA 91731.
Southern California Association of Governments, 600 South Commonwealth Avenue, Suite 100, Los Angeles, CA 90005.
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 095812.
Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, Regulatory Section, Air Techical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2938.

SUPPLEMENTARY INFORMATION:

Background

New Provisions of the Clean Air Act, amended in August 1977, Pub. L. No. 95–95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt, and submit to EPA revisions to their SIP, for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

On April 4, 1979 (44 FR 20372), EPA published a general Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, and 67182). The General Preamble supplements this notice by identifying the major considerations that will guide EPA's evaluation of the plan submittal. EPA's evaluation of the transportation portion of the plan is also guided by the EPA-Department of Transportation (DOT) Transportation-Air Quality Planning Guidelines and the SIP-Transportation Checklist. The EPA–DOT Guidelines describe the acceptable elements that satisfy the Clean Air Act requirements for the transportation portion of an approvable SIP.

The South Coast Air Basin is designated nonattainment for total suspended particulate, nitrogen dioxide, carbon monoxide, and ozone.

Description of Proposed SIP Revision

On July 25, 1979, the Executive Officer of the California Air Resources Board, the Governor's official designee, submitted the South Coast Air Basin Control Strategy as an SIP revision. Preparation of the proposed SIP revision was coordinated by the South Coast Air Quality Management District, Southern California Association of Governments, and the California Air Resources Board, which were designated by the Governor as the air quality planning organizations for the South Coast nonattainment area. This nonattainment area plan for the South Coast Air Basin consists of the following major components:

—A summary of those pollutants that exceed the NAAQS, specifying the violations by pollutant;

—A list of the Federal nonattainment plan requirements and the plan elements fulfilling those requirements;

—A discussion of the planning process including: how the plan was prepared, the agencies involved in the process, public participation, and intergovernmental consultation;

—An examination of air quality trends;

—An analysis of the candidate air quality control measures that examines expected emission reductions, costs, resource impacts, social impacts, and enforcement aspects;

—A discussion of the specific strategies for ozone, carbon monoxide, particulate matter, and nitrogen dioxide which includes schedules for reasonable further progress, adopted stationary source control measures, commitments to adopt additional control measures; and

—A discussion of the commitment to adopt new source review provisions.

The plan demonstrates that attainment of the ozone and carbon monoxide standards by 1982 is not possible despite the implementation of all reasonably available control measures. An extension of the ozone and carbon monoxide attainment dates until no later than December 31, 1987 has been requested. The control measures described in the plan include:

—California's motor vehicle standards for new vehicles;

—A vehicle emission control inspection and maintenance program, assuming the appropriate legal authority will be adopted by the California Legislature;

—Stationary source control measures;

—Transportation measures to reduce the use of automobiles, including modified work schedules, carpool preferential parking, increased bicycle/ pedestrian facilities, employee ridesharing programs, automatic traffic signal control systems, and reduction of nonrecurrent congestion; and

—A new source review program.

Based on this demonstration, the State requests an extension of the ozone and carbon monoxide attainment dates until no later than December 31, 1987.

The plan indicates that the total suspended particulate (TSP) problem is extremely complex. It is caused by industrial sources, windblown dust from both natural sources and human activities, and by the chemical coversion in the atmosphere of certain gaseous pollutants such as sulfur dioxide to small particles called "secondary aerosols." The State and local agencies have determined that a complete, rational control strategy to solve this problem will require extensive additional analysis. The current plan includes implementation of all reasonably available control technology on traditional sources of TSP, a commitment to complete a revised control strategy by the end of 1981, and a commitment to attain the national standard by the end of 1982.

The plan indicates that the nitrogen dioxide problem is caused by industrial sources, such as power plants, and by motor vehicles. The State and local agencies have determined that the problem is very difficult and that additional technical analysis of the problem is necessary to develop a more effective control strategy and to evaluate the effect of nitrogen oxide controls on other pollutant problems. The State has made the commitment that a revised control strategy which contains the necessary analysis, rule implementation schedules, and commitments to achieve the nitrogen dioxide standard by the end of 1982 will be submitted by December 31, 1981.

This notice includes nonattainment area plan related SIP revisions submitted by the Governor's designee prior to November 1, 1979. These SIP revisions include the July 25, 1979 plan revision and the rule revisions submitted on January 2, 1979.

The rules being considered in this notice include new and amended VOC control rules for existing sources.

The rules and the appropriate submittal dates are listed below.

South Coast Air Quality Management District

Rules and Regulations

January 2, 1979:
Rule 462, Organic Liquid Loading.
Rule 481, Spray Coating Operations.
Rule 1104, Wood Flat Stock Coating Lines.
July 25, 1979:
Rule 461, Gasoline Transfer and Dispensing.
Rule 1115, Automobile Assembly Line Coating Operations.
Rule 1126, Magnet Wire Coating Operations.

Criteria for Approval

The South Coast Air Basin Control Strategy must be evaluated to determine whether it is consistent with Part D of the Clean Air Act. The following list summarizes the basic Part D requirements for nonattainment area plans:

1. An accurate inventory of existing emissions.

2. A modeling analysis indicating the level of control needed to be attain by 1982, and in the case of an extension request, by 1987.

3. Emission reduction estimates for each adopted control measure.

4. A provision for expeditious attainment of the standards.

5. Provisions for reasonable further progress, as defined in Section 171 of the Clean Air Act.

6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.

7. An identification of an emissions growth increment.

8. Provisions for annual reporting with respect to items (5) and (6) above.

9. A permit program for major new or modified sources consistent with Section 173 of the Clean Air Act.

10. An identification of and commitment to the resources necessary to carry out the plan.

11. Evidence of public, local government, and State involvement and consultation.

12. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.

13. For carbon monoxide and ozone SIP revisions that provide for attainment of the primary standards later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites, and consideration of environmental and social costs.

b. A provision for implementation of all reasonably available control measures for mobile and transportation sources.

c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs.

d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program.

14. For ozone nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) stationary sources for which EPA has published a Control Techniques Guideline by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines. For rural areas, only large sources (more than 100 tons/year emissions) must be so regulated.

Issues

The paragraph numbers below correspond to the Part D nonattainment area plan requirements discussed in the preceding section. CRITERIA FOR APPROVAL. Where a plan discrepancy is identified, recommendations for revision of the plan are specified. The citations and the comments which follow refer to Sections 108, 110, and Part D, Sections 171 to 178, of the Clean Air Act, as amended.

The most significant issue with respect to the South Coast Nonattainment Area Plan for ozone (O_3) and carbon monoxide (CO) is the lack of legal authority and a specific schedule to implement a motor vehicle inspection and maintenance (I/M) program. The adopted plan sets forth an annual I/M program as a necessary control tactic for the attainment of the National Ambient Air Quality Standards (NAAQS) for O_3 and CO, and contains local agency and California Air Resources Board (ARB) commitments to implement such a program.

Since the State Legislature, as of this date, has failed to authorize the legal authority necessary for implementation of the program, the plan for O_3 and CO cannot be approved with respect to Part D of the Clean Air Act (the Act). The Act requires that nonattainment area plans for areas such as the South Coast, which demonstrate that the NAAQS for O_3 and/or CO cannot be attained by December 1982, despite the implementation of all reasonably available control measures, must establish a specific schedule for implementation of an I/M program (Section 172(b)(11)(B)). A schedule for implementation is not contained in the plan due to the lack of legal authority to implement the I/M program. In addition, the Act requires that all reasonably available control measures be adopted in a legally enforceable manner and implemented as expeditiouly as practicable (Section 172(b)(2) and 172(b)(10)). I/M is a reasonably available control measure but due to the lack of legal authority, the I/M program set forth in the plan has not been adopted in a legally enforceable manner. Moreover, without legislative authorization, the I/M program cannot be implemented as expeditiously as practicable.

If this major deficiency is not remedied by action of the State Legislature to authorize the implementation of an I/M program, the O_3 and CO plans for the South Coast area (as well as for the San Francisco

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Bay area, San Diego area, Sacramento Area, Fresno Area and possibly other areas) by law must be disapproved by EPA with respect to Part D of the Act because certain requirements of Part D are not met. This overall plan disapproval would result in the continuation of the prohibition on construction of certain major new or modified sources in those areas, as set forth in Section 110(a)(2)(I) of the Act and EPA's Interpretive Rule on the Statutory Restriction on New Sources (44 FR 38471, July 2, 1979). In conformance with the Act and the Interpretive Rule, currently, certain major new or modified stationary sources are prohibited from being construced in California nonattainment areas.

At such time as the Legislature provides legal authority to implement an I/M program, and at such time as the State submits a State Implementation Plan (SIP) revision containing (1) certification of such legal authority, (2) a commitment to implement and enforce the I/M program so authorized, (3) a commitment to achieve 25% reductions in both hydrocarbons and carbon monoxide exhaust emissions from light duty vehicles by December 31, 1987, and (4) a specific schedule with milestones of progress toward implementation, the deficiencies noted above may be resolved. Upon the State's submittal of the necessary documentation and assurances as an SIP revision, EPA will consider, and provide for public comment on, the approval of the I/M program for the South Coast nonattainment area.

A full discussion of the South Coast plan with respect to EPA's 14 CRITERIA FOR APPROVAL follows. EPA has identified certain portions of the plan that (1) are approvable, (2) are conditionally approvable subject to assurance by the State that corrections will be made by a specified deadline, or (3) contain major deficiencies which must be remedied prior to EPA's final approval of the plan with respect to Part D of the Act. EPA's evaluation using these three categories will determine whether the plan as a whole is (1) approvable, (2) conditionally approvable, or (3) disapprovable.

Those portions of the plan which are approvable have been determined to be consistent with Section 110 and/or Part D of the Act and are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the plan is ultimately approvable with respect to Part D. In addition, certain technological portions of the plan are noted as being approved even though they are expected to be refined in future plan updates.

Those portions of the plan which are conditionally approvable contain minor deficiencies which can be accepted on the condition that the State provide an assurance that the deficiency will be corrected and submitted as an SIP revision by a specified deadline. Conditional approval of the entire plan will be sufficient to lift the existing prohibition on new source construction described above. Conditional approval of the entire plan would mean that the restriction on new sources would not apply unless the State failed to submit corrections by the specified date, or unless the corrections were ultimately determined to be inadequate. Those portions of the plan which are conditionally approvable are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the overall plan is approvable with respect to Part D.

Those portions of the plan that are deemed to be major deficiencies must be corrected and submitted as SIP revisions in order for EPA to either approve or conditionally approve the entire plan with respect to Part D of the Act. As identified in the discussion which follows, the major deficiencies (with respect to the nonattainment pollutants) are the lack of: an I/M program (CO, O_3), a new source review program (CO, NO_x, O_3 and TSP), and certain volital organic compound regulations (O_3).

1. Emission Inventory

The plan includes an emission inventory for hydrocarbons (HC), CO, total suspended particulates (TSP), and nitrogen oxides (NO_x). The inventory is based on an average summer weekday, and includes a 1976 base year and projected inventories to 1982 and 1987. The plan also contains a summary inventory that includes emission estimates for sources located in Ventura County, which is adjacent to (not within) the South Coast nonattainment area. The emission estimates from Ventura County must be deleted from this inventory. Further, the inventories in the plan present two different base year emission totals. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of the emission inventories correcting the deficiencies noted above by July 1, 1980.

The use of average summer weekday emissions in the inventory is inappropriate for CO (for which the average winter day is more representative of worst case situations), and is inappropriate for NO_x (for which an annual average is more comparable with the NAAQS for NO_x). In addition, the TSP inventory does not categorize or enumerate non-traditional emissions sources. An emission inventory is needed, by source category, for traditional and nontraditional source categories for TSP emission sources. EPA recognizes that a completely comprehensive TSP inventory of this nature will require time to prepare; however, an improved inventory is needed for modeling purposes. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of the needed inventories by October 1, 1980.

The inventories for the base year do not include emission estimates for offshore fugitive hydrocarbon emissions from ballasting or tank cleaning operations. The base year and projected emission inventories do not include estimates for offshore oil production or ship lightering operations. Emission estimates for these sources must be developed and should be submitted to EPA by January 1, 1981.

2. Modeling

Ozone

The plan contains an estimate that attainment of the NAAQS for ozone will require approximately a 75% reduction in emissions of reactive organic gases. However, documentation of the modeling methodology and the procedures used to derive the estimated necessary reduction was not provided. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of this modeling documentation by May 1, 1980.

Carbon Monoxide

The plan uses linear rollback modeling to calculate the emission reductions required to meet the NAAQS for CO. Rollback is considered an acceptable modeling technique for the 1979 SIP revision. Emissions from 1974 were used in the modeling, rather than using 1976 emissions data consistent with the inventory. Nonetheless, modeling using the less severe 1974 emissions data still shows that the NAAQS for CO cannot be attained by 1982.

Total Suspended Particulates

Modified rollback modeling with background TSP values included was used in the plan. Rollback is considered an acceptable modeling technique. However, the emissions input data needs to be improved such that modeling can determine a reasonable estimate of the allowable emissions necessary for attainment. Improvement is needed particularly in terms of data indicative of those portions of reentrained particulate, cleared and disturbed area windblown dust, and secondary aerosols which are contributing to the TSP problem. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of revised modeling results based on improved input data by January 1, 1981.

Nitrogen Dioxide

Linear rollback modeling was used in the plan to determine the percent reduction in emissions needed to demonstrate attainment of the NAAQS for NO_2. This modeling technique is acceptable. The plan provides for utilizing more sophisticated modeling techniques to develop additional emission limitations and further revisions to the NO_x control strategy. An accurate photochemical model is required to assess the interrelationships between O_3 and NO_x.

3. Emission Reduction Estimates

Estimated emission reductions resulting from control tactics in the plan are uncertain for three main reasons. First, because the emission inventory includes emissions from sources within Ventura County, the effectiveness of certain of the plan's control tactics appears to be exaggerated. The estimated emission reductions are obscured further by the ARB's deletion and revision of several control tactics contained in the locally adopted plan in a way that makes recalculation of the emission reductions difficult. Third, many control tactics lack documentation, and sometimes lack apparent feasibility, causing some uncertainty as to the emission reductions which can be expected to result from their implementation.

Annual emission reduction estimates per control tactic are necessary to justify a demonstration of attainment and to serve as a basis for a projection and tracking of reasonable further progress in emission reductions. EPA recognizes that emission reduction estimates may change as measures are more fully analyzed and implemented; as such estimates change, appropriate responses will be required to ensure that the plan remains adequate to provide for attainment and reasonable further progress. EPA also recognizes that resolution of the uncertainties surrounding many of the emission reduction estimates contained in the plan is dependent upon future planning activities for O_3 and CO and to the annual reports and plan refinements for TSP and NO_x.

Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal by July 1, 1980, of estimated annual reductions per pollutant, free from the uncertainties mentioned above, for each tactic / (including the new source review rule) in the plan for which implementation is scheduled to begin prior to July 1, 1982. Also, such estimated reductions for each tactic and must be submitted by the State in annual reports and future plan refinements. Each reduction estimate should be accompanied by the following documentation: (1) The amount and percentage of control that can be achieved under present district regulations (exemptions need to be documented and factored in when making this estimate); (2) the amount and percentage of control that can be achieved under new regulations and/or regulatory provisions that will achieve additional reductions, specifying the sources to be controlled; and (3) the amount and percentage of emissions in a given source category that will not be affected by the above regulations.

4. Attainment Provision

Section 172(a) of the Act requires that the plan shall provide for the attainment of the primary NAAQS for O_3, CO, TSP and NO_2 as expeditiously as practicable but not later than December 31, 1982. Where the State demonstrates that the standards for O_3 and/or CO cannot be attained by December 31, 1982, despite the implementation of all reasonably available control measures, an extension may be granted and the State must demonstrate attainment by no later than December 31, 1987. The plan does not quantitatively demonstrate attainment for any of the four nonattainment pollutants by December 31, 1982, nor does it quantitatively demonstrate attainment for O_3 or CO by December 31, 1987. Rather the plan calls for further study and analysis to provide a more accurate quantitative demonstration of attainment. The approach for each pollutant is discussed in detail below.

Ozone and Carbon Monoxide

The plan addresses the revised NAAQS for O_3 of 0.12 ppm which was promulgated by EPA on February 8, 1979 (44 FR 8202), and addresses the NAAQS for CO of 9.0 ppm. Justification in the plan for an extension beyond the 1982 deadline is based upon a demonstration that the O_3 standard and the CO standard cannot be achieved, despite expeditious implementation of reasonably available control measures.

The plan includes a graph representing aggregate emission reductions necessary to attain the O_3 and CO standards by 1987. The plan does not provide for a quantitative demonstration of such emission reductions necessary to attain the standard. Further air quality analysis and further emission reduction control strategy analysis will be required in order to accurately justify the demonstration of attainment. The plan includes a commitment to prepare the 1982 SIP revision which will provide for the attainment of the O_3 and CO standards by no later than December 1987.

The plan does not include a local commitment to an emission reduction target for the transportation sector. The commitment to such a target is an integral part of a demonstration of attainment. EPA policy requires that the commitment to an emission reduction target be submitted by the State by July 1, 1980, in the annual report.

Several planned highway and freeway projects are included in the plan's projected emission baseline without a demonstration that the emission impact of these projects has been fully considered, i.e., any adverse air quality impacts of the projects would be mitigated to the degree necessary consistent with attainment of the standards. Furthermore, the projects were included in the projected emission baseline in the absence of procedures, mandated by Section 176(c) and Section 176(d), needed to ensure their conformity with the SIP and to give priority to the implementation of plans and programs with air-quality related transportation consequences that contribute to the attainment and maintenance of the primary NAAQS. (See Criterion 13 for additional discussion.) Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be that by July 1, 1980 the State either: (1) Submit in the annual report an analysis of the estimated emissions associated with the projects, and a demonstration that such emissions will be mitigated consistent with attainment, or (2) delete the projects from the plan baseline.

Total Suspended Particulates

The plan demonstrates that despite the application of reasonably available control technology (RACT) to all traditional sources the annual geometric

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mean (AGM) primary TSP standard cannot be attained by December 1982. However, the plan does not include a justification for the use of AGM data over 24-hour data. Since modeling must employ the design value which yields the lowest, most stringent allowable emission level capable of causing both primary standards to be attained, both design values should be included in the plan.

The plan indicates that the control of gaseous precursors of secondary particulates and control of fugitive dust, in addition to the control of traditional sources, will be necessary to attain the standards. In such cases it is EPA policy that the plan contain a commitment and a schedule to study nontraditional source control measures and a commitment to implement those measures necessary to attain the NAAQS by December 31, 1982. The plan contains a commitment to attain the standards by December 31, 1982, and calls for a work program for utilizing appropriate modeling techniques and for revision of the TSP control strategy. However, the plan does not contain a schedule to perform the needed studies. If the necessary schedule, a justification for employing the AGM and/or 24-hour standard, and the referenced work program (providing for the satisfaction of the requirements for modeling identified above in Criterion 2, Modeling, Total Suspended Particulates) were included in the plan, a demonstration of attainment could be approved based on future implementation of nontraditional particulate source control measures and of additional secondary particulate precursor source control measures. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of the schedule and work program by May 1, 1980. The selection of the standard used should be justified by May 1, 1980.

The provisions of 40 CFR 51.31, allowing an extension of up to 18 months (July 1980) for submittal of a plan showing attainment of the secondary TSP standard, appear to be satisfied, since the plan shows that attainment of this standard will require emission reductions greater than those that would result from the expeditious application of RACT.

Nitrogen Dioxide

The plan includes a graph representing aggregate emission reductions necessary to attain the NO_2 standard by 1982. However, further air quality analysis and further emission reduction control strategy analysis will be required in order to more accurately justify this demonstration of attainment. Such further analysis must be based upon the more accurate emission inventory, modeling, and emission reduction estimates per control tactic which are to be performed (see Criteria 1, 2, and 3). Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of (a) complete work programs (providing for the satisfaction of the requirements for modeling identified above in Criteria 2, Modeling, Nitrogen Dioxide) by May 1, 1980 and (b) by July 1, 1980, (1) the results of additional air quality analysis giving a preliminary quantification of the total emission reductions needed to attain the standard, and (2) a schedule for the submittal of results of detailed air quality analyses and quantification of needed total emission reductions.

5. Reasonable Further Progress

Ozone and Carbon Monoxide

Figures 18–1 and 18–2 of the plan represent the annual incremental reductions needed for attainment by 1987 of the ozone and carbon monoxide standards, respectively. This generalized representation is sufficient for the 1979 SIP revision, as it addresses the requirements of Sections 172(b)(3) and 171(1) of the Act with respect to reasonable further progress. The annual report of reasonable further progress to be submitted by the State on July 1 of each succeeding year is expected to refine the estimates of incremental reductions based upon updates of emission inventories, new analysis of control strategy effectiveness, and actual reductions being achieved through plan implementation. EPA policy requires that the July 1980, annual report submitted by the State include refined assessments of annual emission reduction estimates per control tactic to serve as a basis for projecting and tracking reasonable further progress in emission reductions.

To demonstrate reasonable further progress with respect to the transportation sector, programs to directly monitor and report on implementation progress and the emission reduction effectiveness of each transportation control measure must be developed, described, and committed to pursuant to the EPA/DOT Transportation-Air Quality Planning Guidelines, which call for an adequate description of the contribution of transportation source controls to the incremental mobile emission reductions for attainment. EPA policy requires that such a monitoring program be in place and included in the 1980 annual report.

The plan contains a resolution by ARB that wastewater treatment facilities in the South Coast nonattainment area which meet four conditions do not require additional analysis of regional air quality impacts or additional mitigation measures. EPA endorses and encourages the integration of air quality and water quality planning programs to aid in expediting progress toward the goals of each program, and to avoid compromising the needs of one program to the expediency of the other. However, until the details of the intergration policy (of which the four conditions appear to provide at least some foundation) are developed and committed to by the implementing agencies and approved by EPA after public notice and review, the requirements of reasonable further progress with respect to wastewater treatment facilities must be satisfied by current individual project review procedures.

Total Suspended Particulates

The provision of reasonable further progress in the plan appears to be consistent with the intent of Sections 172(b)(3) and 171(1) since the plan provides for regular incremental reductions needed for expeditious attainment based on future implementation of nontraditional and secondary particulate source control measures. Based on work to be performed in accordance with a work program noted above in Criterion 4, the July 1980, annual report submitted by the State must include refined assessments of reasonable further progress.

Nitrogen Dioxide

The provision of reasonable further progress in the plan appears to be consistent with the intent of Sections 172(b)(3) and 171(1) since the plan provides for regular incremental reductions needed for expeditious attainment based on the actions and commitments indicated above in Criterion 4, Attainment Provision, Nitrogen Dioxide, and below in Criterion 6, Legally Adopted Measures/Schedules, Nitrogen Dioxide.

6. Legally Adopted Measures/Schedules

The plan does not indicate that all necessary control measures have been adopted at the State or local level, as required by Sections 172(b)(2), 172(b)(8), and 172(b)(10). Specifically, the plan fails to show adoption in legally enforceable form of the necessary

reasonably available control technology (RACT) for volatile organic compound (VOC) sources, all reasonably available control measures including a motor vehicle emission inspection and a maintenance program and for all other measures, either adopted control strategies or schedules and commitments for strategy development, adoption, and implementation.

Ozone

The plan must include adopted regulations reflecting RACT for all applicable stationary source categories for which EPA had published a Control Techniques Guildine (CTG) document by January 1978. As discussed in detail in Criterion 14, adequately legally enforceable regulations for 9 of the 15 CTG categories have not been submitted by the State. This is a major deficiency and must be remedied in order for EPA to approve the O_3 plan with respect to Part D of the Act.

The plan contains (in Table 18–3) stationary source control measures for several source categories which are not addressed by the CTG documents published by EPA as of January 1978. These control measures are not adopted in legally enforceable form, although the plan contains a commitment that those measures deemed reasonably available will be adopted as rules by the South Coast Air Quality Management District (SCAQMD) and/or the California Air Resources Board (ARB). Upon the correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal by May 1, 1980, of a schedule providing for the adoption and submittal to EPA of all such control measure rules as expeditiously as practicable and not later than July 1, 1982. Such rules must be adopted and submitted in accordance with the schedule, and each annual report must provide a status of adoption of such rules. The plan must include adoption of reasonabley available control measures in legally enforceable form. A motor vehicle emisson inspection and maintenance program is a reasonably available transportation control measure and is provided for in the plan. However, due to the absence of legal authority to implement the I/M program set forth in the plan because of the lack of state authorizing legislation, I/M cannot be considered to be adopted in legally enforceable form. This is a major deficiency and must be remedied in order for EPA to approve the O_3 plan with respect to part D of the Act.

The plan contains 6 transportation control measures that are presently found to be reasonable in the South Coast nonattainment area, and that correspond to 4 of the 18 transportation control measures identified in Section 108(f). However, there is no evidence in the plan that any of the 6 transportation control measures are currently adopted or committed for implementation in legally enforceable form. The requirements of Section 172(b)(10) are not met, since the plan does not include written evidence that the agencies identified as responsible for transportation related measures have formally committed, and where appropriate, have adopted statutes, regulations, ordinances or other legally enforceable documents, to implement and (where appropriate) enforce the necessary transportation control measures, nor have they adequately identified the specific measures to be implemented and established implementation schedules with milestone dates for planning, programming, implementing, operating, enforcing and monitoring each transportation control measure consistent with a demonstration of reasonable further progress. Upon the correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of these commitments and schedules from the implementing agencies by July 1, 1980.

Sections 172(b)(11)(C), 172(b)(2), and 172(b)(10) require the identification and implementation of all other reasonably available control measures (including but not limited to those contained in Section 108(f) of the Act) necessary to provide for attainment. The plan does not contain commitments to implement expeditiously all measures found to be reaonably available after analysis performed in accordance with the schedule required in Criterion 13 below. Upon correction of the major deficiences, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of these commitments from the implementing agencies by July 1, 1980.

Carbon Monoxide

As discussed for O_3, the I/M program cannot be considered to be adopted in legally enforceable form and the CO plan cannot be approved with respect to Part D of the Act. As also discussed for O_3, the transportation control measures in the plan and other measures for further study are not supported by commitments and schedules. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of commitments and schedules by July 1, 1980.

Total Suspended Particulates

The plan lacks written evidence of schedules to study nontraditional and secondary particulate source control measures. Upon correction of the major deficiences, the plan could be conditionally approved; one the the conditions of approval would be the State's submittal of the schedules by May 1, 1980.

The plan contains (in Table 18–3) stationary source control measures for several source categories. These control measures are not adopted in legally enforceable form, although the plan contains a commitment that those measures deemed reasonably available will be adopted as rules by the SCAQMD and/or the ARB. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal by January 1, 1981, of a schedule providing for the adoption and submittal to EPA of all such control measure rules as expeditiously as practicable and not later than December 31, 1981. Such rules must be adopted and submitted in accordance with the schedule, and each annual report must provide a status of adoption of such rules.

Nitrogen Dioxide

The plan includes a commitment by the State to reanalyze the demonstration of attainment and to develop additional control measures necessary to attain the standard by December 31, 1982. This commitment must be supplemented by specific schedules for rule development, adoption, and submittal to EPA. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal by July 1, 1980 of the appropriate schedules to develop, adopt, and submit legally enforceable control measures which provide for attainment of the standard by no later than December 31, 1982.

The plan contains (in Table 18–3) stationary source control measures for several source categories. These control measures are not adopted in legally enforceable form, although the plan contains a commitment that those measures deemed reasonably available will be adopted as rules by the SCAQMD and/or the ARB. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal by July 1, 1980, of a schedule providing for the adoption and submittal to EPA of all such control

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measure rules as expeditiously as practicable and not later than December 31, 1981.

Such rules must be adopted and submitted in accordance with the schedule, and each annual report must provide a status of adoption of such rules.

Supporting Regulations

The State has submitted Rule 481, Spray Coating Operations. EPA believes this regulation should be approved for inclusion in the SIP, since it will strengthen the SIP by implementing control tactics included in the plan.

40 CFR Part 52

In addition to the proposed rulemaking actions discussed in this section, this notice proposes to remove certain Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, which concern (in part) the South Coast nonattainment area. The following Federally promulgated regulations or specified portions are proposed to be rescinded or amended because they have been replaced by the revised set of control measures/regulations contained in this plan and/or they have been invalidated by previous legal action:

A. § 52.233 *Review of new sources and modifications:* Subparagraphs (d)(2) and (g)(1)(ii) can be rescinded when the State adopts and officially submits approvable new source review regulations; also, subparagraphs (h), (i), and (j) should be rescinded since they have been invalidated by the Clean Air Act Amendments of 1977.

B. § 52.238 *Attainment dates for national standards:* The attainment dates in this section are proposed to be changed in accordance with the submitted plan.

C. The sections below should be rescinded in their entirety since they have been invalidated by the court action of *Brown vs. EPA*. 521 F2d 827 (1975):

§ 52.242 *Inspection and maintenance program;*
§ 52.243 *Motorcycle limitation;*
§ 52.244 Oxidizing catalyst retrofit;
§ 52.247 *Definitions for parking management regulations;*
§ 52.251 *Management of parking supply;*
§ 52.257 *Computer carpool matching;*
§ 52.263 *Priority treatment for buses and carpools;*
§ 52.266 *Monitoring transportation mode trends.*

D. § 52.256 *Control of evaporative losses from the filling of vehicular tanks:* This regulation applies throughout the Metropolitan Los Angeles, Sacramento Valley and San Joaquin Valley Intrastate Air Quality Control Regions. The regulations has not, however, been implemented, since final compliance with its provisions was indefinitely deferred on May 31, 1977 (42 FR 27674). The State of California has developed a program for the control of these sources, and district regulations have previously been approved for inclusion in the SIP for some of the areas originally subject the the Federal regulation. It is proposed that Section 52.256 be rescinded, since it is an absolete provision of the State Implementation Plan. No relaxation of emission controls is anticipated as a result of such action.

E. § 52.229 *Control strategy and regulations: Photochemical oxidants (hydrocarbons), Metropolitan Los Angeles Intrastate Region:* Subparagraph (a) should be rescinded due to the revised attainment dates in the plan and in accordance with the Clean Air Act Amendments of 1977.

7. Emissions Growth

The plan must include either (1) an express identification and quantification of an emission growth increment for the construction and operation of major new or modified stationary sources, or (2) provisions to offset the emissions from such sources in a new source review rule. The plan does not contain an express identification and quantification of a reserved increment of emissions growth for major new or modified sources. As an alternative, the requirements of Section 172(b)(5) should be satisfied by the adoption and submittal of a new source review rule which requires emission offsets. (See Criterion 9 below for further discussion.)

8. Annual Reporting

The plan must contain a commitment for annual reporting on (a) the progress toward meeting the schedules discussed in Criterion 6 above, (b) the anticipated increase in emissions from mobile sources, minor new stationary sources, and major new or modified stationary sources, (c) the reduction in emissions from existing sources to provide for reasonable further progress as discussed in Criterion 5 above, and (d) an updated emission inventory. A commitment to submit annual reports of reasonable further progress, including an updated emission inventory, is included in the plan. However, the commitment does not expressly include subjects (a), (b), and (c). EPA policy requires that information on all four subjects be included in each annual report.

9. Permit Program

The ARB has submitted its Model New Source Review Rules and two letters from the ARB to local districts (letters dated March 12, 1979 and May 7, 1979) as draft rules for the purpose of meeting the requirements of Section 173. Thus, the term draft rules used here refers to the model rules as clarified by these two letters. These draft rules are not adopted in a legally enforceable manner as required by Section 172(b)(10) of the Act. Rather they are a model upon which an adopted and legally enforceable rule would be based.

The lack of an adopted new source review (NSR) rule is a major deficiency which must be corrected before EPA can approve the overall plan. The permit program is required by Sections 172(b)(6) and 173 of the Act. Without an approved permit program, the O_3, CO, TSP, and NO_2 plans cannot be approved or conditionally approved with respect to Part D of the Act because certain Part D requirements are not met.

At the request of the State, and assuming that an adopted rule equivalent and similar to the draft rules will be submitted, EPA has reviewed the substance of the draft rules against EPA's criteria for a new source permitting program. These criteria are contained in guidelines as published in the preamble to EPA's revised Interpretative Ruling (IR) (44 FR 3274, January 16, 1979); EPA's General Preamble for Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas; and in the September 5, 1979 Federal Register (44 FR 51924). As described in the September 5, 1979 notice, EPA policy is generally to approve any plan that would meet the January 16, 1979 Interpretative Ruling or the criteria set forth in the September 5, 1979 proposal.

EPA has reviewed the draft rules against both the January 16 and September 5, 1979 criteria. EPA's review indicates that the draft rules are more stringent than EPA's criteria in certain respects including broader application of lowest achievable emission rate (LAER) and offset criteria. However, the draft rules are less stringent than EPA's criteria in several respects:

1. The draft rules deviate from EPA's January 16, 1979 criteria by exempting modifications of existing sources under certain circumstances which EPA criteria would not allow. If a modification were to result in a net increase in emissions of less than 250 pounds/day (46 tons/year), the draft rules would exempt the modification from all Part D NSR requirements. EPA's January 16, 1979 criteria allow such an exemption for a major modification only if there will be no net increase in emissions, and does not allow any exemption for reconstructions.

EPA's September 5, 1979 criteria also rule out any exemptions for reconstructions and allow exemptions of other major modifications only if the net increase in emissions will be less than "de minimis" levels. The draft rules cut-off level is less stringent than the "de minimis" levels contained in the September 5, 1979 criteria for three of the four nonattainment pollutants.

2. The draft rules do not require offsets of SO_x, TSP and CO if modeling shows that the increased emissions will not contribute to any violation of NAAQS. Though this is consistent with the January 16, 1979 criteria, it is not consistent with EPA's September 5, 1979 criteria, which require offsets of emissions from any major sources constructed in nonattainment areas. EPA's September 5, 1979 requirements specify that such offsets should provide a "net air quality benefit," in order to avoid increases in emissions, and to reduce emissions.

3. The draft rules also exempt from LAER and offset criteria sources of CO which will not cause violations of NAAQS. This exemption is less stringent than EPA's September 5, 1979 criteria. The September 5, 1979 criteria provide that all new major CO sources and modifications which will exceed the "de minimis" levels must meet LAER and offset criteria.

4. The draft rules allow offsets to be made anywhere in a large area, without necessarily being upwind or near the source of increased emissions. This weakness results in large part from the definition of "upwind". Both sets of EPA criteria call for offsets to be made in the immediate vicinity of the site of increased emissions, though deviations are possible under some circumstances if modeling demonstrates a net air quality benefit or if the offset ratio is increased.

5. The draft rules allow for offsetting increased emissions of one precursor of a pollutant with another precursor of the same pollutant. Both sets of EPA criteria specify that all offsets must be made for the same pollutant as the increased emissions.

The deficiencies in the draft rules described above are not deemed to be major deficiencies with respect to Part D requirements of the Act. Therefore, EPA could conditionally approve the plan upon submission of an adopted NSR rule equivalent to the draft rules and upon correction of the major deficiencies. A condition would be that the State must modify the adopted rule so that the above deficiencies are corrected to be consistant with the Clean Air Act and either: (1) the September 5, 1979 proposed regulations, or (2) final EPA regulations based on the September 5, 1979 proposal, or (3) the January 16, 1979 interpretative ruling, and submit it as an SIP revision by March 1, 1981. (Although not a consideration under Part D of the Act, it should be noted that EPA could not fully approve—with respect to Part C of the Act—an adopted NSR rule containing language equivalent to Section B.3. of Model Rule I. This section would not meet the requirements of Part C of the Act because the model rule does not require regulation of all the pollutants which Part C requires to be regulated.)

10. Resources

The plan identifies annualized costs of control tactics as a sum of capital, operating, maintenance, administrative, and regulatory costs. The plan also identifies sources of available funding. However, the plan neither specifically identifies the personnel and financial resources to which the implementing agencies must commit, nor provides commitments on the part of all implementing agencies to the resoures necessary for plan implementation. The plan must provide such identifications and commitments to satisfy the requirements of Sections 110(a)(2)(F) and 172(b)(7). Upon correction of the major deficiences, the plan could be conditionally aproved; one of the conditions of approval would be the State's submittal of these identifications and commitments by July 1, 1980.

11. Public and Government Involvement

The plan provides evidence of public, local government, and State involvement and consultation in the planning process, and documents the process used in designating responsible entities for preparing and implementing the plan.

The plan identifies air quality, health, welfare, economic, energy and social effects of the plan provisions. In addition, the plan contains a summary of public comments and the tapes of the ARB hearing held on the plan.

Therefore, the plan meets the requirements of Section 172(b)(9).

12. Public Hearing

The plan meets the requirements of Section 172(b)(1) and 40 CFR 51.4 since it includes evidence that the plan was adopted by the State after reasonable notice and public hearing.

13. Extension Requirements

Since the State has demonstrated that the NAAQS for O_3 and CO cannot be attained by December 1982, despite the application of reasonably available control measures, and has requested an extension of the attainment date beyond December 1982, for O_3 and CO, the plan must meet the requirements of Sections 172(b)(11), 110(a)(3)(D), and 110(c)(5)(B).

Under Section 172(b)(11)(A) the State must submit, in conjunction with the NSR permit program, a procedure and requirement for an analysis of alternative sites, sizes, processes, and controls, which demonstrate that the benefits of a major emitting facility outweigh environmental costs. While the State has adopted a policy that the California Environmental Quality Act (CEQA) procedure is equivalent to that required by Section 172(b)(11)(A) of the Act, official submittal of relevant portions of CEQA as part of the plan is needed to satisfy the requirements of Section 172(b)(11)(A). Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of the relevant portions of CEQA by May 1, 1980.

Under Section 172(b)(11)(B) the plan must establish a specific schedule for the implementation of a vehicle emission control inspection and maintenance program. The requirement of Section 172(b)(11)(B) has not been met since the State Legislature has failed to authorize the legal authority to implement such a program. At such time as the Legislature provides legal authority to implement an I/M program, and at such time as the State submits an SIP revision containing (1) certification of such legal authority, (2) a commitment to implement and enforce the I/M program so authorized, (3) a commitment to achieve 25% reductions in both hydrocarbons and CO exhaust emissions from light duty vehicles by December 31, 1987, and (4) a specific schedule with milestones of progress toward implementation, this requirement would be satisfied. This major deficiency must be remedied in order for EPA to approve the O_3 and CO plans with respect to Part D of the Act.

Sections 110(a)(3)(D) and 110(c)(5)(B) require that the plan contain commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs. These basic transportation needs must be met as expeditiously as practicable using Federal grants, State, and local funds to implement public transportation programs. The plan provides a

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commitment to develop a plan to meet basic public transportation needs in the June 1980 Regional Transportation Improvement Plan update, but does not commit to the use of Federal grants and State and local funds as necessary to meet basic transportation needs. Upon the correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of the needed commitment by January 1, 1981.

Section 172(b)(11)(C) requires that other measures (including but not limited to those listed in Section 108(f) of the Act) that may be necessary to provide for attainment of the NAAQS no later than December 31, 1987, must be identified in the plan. Although the plan identifies a number of measures, no schedules are included for the study of alternative packages of measures. Additionally, several Section 108(f) measures have not been fully analyzed; these should be included in the plan for further study. Specifically these are programs to: Control extended idling of vehicles; convert fleet vehicles to cleaner engines or fuels; institute road user charges, tolls, or differential rates to discourage single occupancy automobile trips; and limit portions of road surfaces or certain sections of the metropolitan area to the use of nonmotorized vehicles or pedestrian use, both as to time and place.

Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of an expanded list of measures, including those specified above, and a schedule for analysis of the alternative packages of measures, by May 1, 1980.

To assure that the requirements of Section 176(c) and 176(d) are met, EPA policy requires that the plan contain procedures for the determination of conformity with the SIP of any project, program, or plan over which the metropolitan planning organization has approval authority, and that the plan contain procedures to ensure that priority is given to the implementation of those portions of any plan or program with air quality related transportation consequences that contribute to the attainment and maintenance of the primary NAAQS. Specifically, these procedures should address the granting of priority to projects in the Transportation Improvement Program which contribute to the attainment and maintenance of the NAAQS. EPA policy requires that these procedures be submitted by July 1, 1980 in the annual report.

The plan appears to reject the prioritization of Federal funds for implementation of transportation control measures as mandated by Section 176(d). Furthermore, the plan includes a policy of programming an equal proportion of "air quality projects" and capital highway projects. These provisions of the plan appear to be in direct conflict with Section 176(d). Upon the correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be that by May 1, 1980, the State either: (1) submit a justification that these plan provisions are consistent with Section 176(d), or (2) delete these provisions from the plan.

14. Extension Requirements for VOC RACT

Since the State has demonstrated that attainment of the 0.12 ppm ozone standard is not possible by December 1982, the plan must contain adopted, legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those stationary source categories of volatile organic compounds (VOC) which exist within the South Coast nonattainment area for which EPA had published a Control Techniques Guideline (CTG) document by January 1978 (i.e., Category I CTGs). In addition, the plan must contain a commitment to adopt RACT regulations for source categories to be covered by future CTG documents.

The CTGs provide information on available air pollution control techniques, and certain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or group of sources. Therefore, the basis for an EPA decision to approve a regulation as satisfying the requirements of the Act for RACT consists of the applicable CTG document, any material submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The plan indicates that all of the 15 source categories (addressed by 11 CTG documents) for which adopted regulations are required exist in the nonattainment area. For 5 of the 15 categories, adopted regulations have been submitted. For 9 of the 15 categories, model rules have been submitted for review in lieu of final adopted rules which are forthcoming. For 1 of the 15 categories, EPA has already approved the regulation as part of the SIP. The following paragraphs discuss these regulations or model rules in detail.

The following regulations contain control requirements for 5 of the 15 categories (service station Stage I gasoline vapor recovery (GVR), bulk gasoline plants, bulk gasoline terminals, automotive coating operations, and magnet wire coating operations):

Rule 462, Organic Liquid Loading (submitted January 2, 1979);
Rule 461, Gasoline Transfer and Dispensing (submitted July 25, 1979);
Rule 1115, Automobile Assembly Line Coating Operations (submitted July 25, 1979);
Rule 1126, Magnet Wire Coating Operations (submitted July 25, 1979).

These regulations have been submitted to EPA for inclusion in the SIP. Based on information contained in the CTGs and on material submitted by the State, EPA believes that the submitted regulations satisfy the requirement for RACT and are approvable, except for the service station Stage I GVR source category. Exemptions contained in Rule 461 for tanks with offset fill pipes and tanks with less than 550 gallons constructed prior to March 1, 1977, are not supported by information in the CTGs, or otherwise available to EPA. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of one of the following by July 1, 1980: an adequate demonstration that the regulations for service station Stage I GVR represents RACT, an amended regulation to be consistent with the CTG, or a demonstration that the regulation (Rule 461) will result in VOC emission reductions which are insignificantly different (within 5 percent of controlled emissions) from the reductions which would be achieved through implementation of the CTG recommendations for service station Stage I GVR sources.

Rule 1115 allows for the use of alternative control methods for automobile assembly-line coating operations. This rule requires that any alternative control methods must provide for emission reductions which are equivalent to those achievable with the categorical emission limits of the rule; that the control methods must be approved by the Executive Officer; and that the source apply for new operating permits. EPA policy for alternative proposals requires that these alternative proposals be submitted by the State as SIP revisions, as discussed in EPA's policy statement, "Recommendations for Alternative Emission Reduction Options within the State Implementation Plans" (44 FR 71780, December 11, 1979). Until these alternative proposals are approved as a revision to the SIP, EPA would continue to enforce the categorical emission limits and compliance Schedules of Rule 1115.

The submitted regulations for bulk gasoline plants apply to sources also regulated by the Federal regulation 40 CFR 52.255, "Gasoline Transfer Vapor Control." Since the submitted District regulations adequately control those sources covered by the Federal regulations, and since compliance is currently required by the District regulations the Federal regulation should be rescinded applicable to these sources. Similarly, the submitted regulations for automobile assembly line and magnet wire coating operations apply to sources regulated by the Federal regulation 40 CFR 52.253, "Metal Surface Coating Thinner and Reducer." Since the submitted regulation for automobile assembly line coating is future effective, the Federal regulation should be retained applicable to this source category until such sources achieve full compliance with the District regulation (Rule 1115). The Federal regulation should be rescinded for sources subject to Rule 1126 (Magnet Wire Coating Operations), since the provisions of Rule 1126 are immediately effective.

The District's regulations for automobile assembly line coating and magnet wire insulation coating (Rules 1115 and 1126) exempt methyl chloroform (1, 1, 1 trichloroethane) and methylene chloride. These compounds, while not appreciably affecting ambient ozone levels, are potentially harmful. Both compounds have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity. EPA does not intend to disapprove the submitted regulations if, after due consideration, the State chooses to retain these exemptions. However, EPA is concerned that this policy not be interpreted as encouraging the increased use of these compounds. Furthermore, state officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install a control system as a consequence of these future regulatory actions.

Regulations have not been submitted for 9 of the 15 applicable source categories (solvent metal cleaning; cutback asphalt; surface coating of cans, coils, paper, and fabric; large appliances; metal furniture; and miscellaneous refinery processes). The absence of such required regulations is considered a major deficiency. However, the State has submitted model rules applicable to each of these categories. The State has requested that EPA regard the ARB model rules as "draft rules" for review for consistency with EPA requirements. The State has indicated that they will submit adopted regulations which are as effective as the model rules. Such adopted and legally enforceable regulations must be submitted before EPA can approve or conditionally approve the O_3 plan with respect to Part D, since these are significant emission sources in the South Coast nonattainment area.

Based on information in the CTGs and on material submitted by the State, EPA believes the 9 ARB model rules contain control requirements sufficient to fulfill the requirement for RACT. One minor problem exists with respect to the model rules. The model rules do not all contain compliance schedules which fulfill the requirements of 40 CFR 51.15. Although the model rules need not contain such schedules, final adopted rules must do so. If the State submits adopted rules (after appropriate public hearings) similar and equivalent to the model rules with this problem corrected, the regulations for the above-mentioned 9 categories would be fully approvable. If the State submits adopted rules similar and equivalent to the model rules without these problems corrected, EPA could conditionally approve the plan with respect to Part D of the Act, upon the correction of the major deficiencies of the plan. One of the conditions of approval would be the State's submittal of fully corrected rules by July 1, 1980. Several of the model rules evaluated have control requirements for sources which are presently subject to the following two Federal regulations: 40 CFR 52.252, "Control of Degreasing Operations" and 40 CFR 52.253, "Metal Surface Coating Thinner and Reducer." If the State submits adequate regulations for sources subject to these regulations, the Federal regulations applicable to such sources would only remain in effect until such time as the newly revised regulations become effective and the source achieves full compliance with their provisions.

For 1 of the 15 categories, fixed roof tanks, the SCAQMD Rule 463, "Storage of Organic Liquids," also contains control requirements sufficient to fulfill the requirement for RACT for floating roof tanks, which is covered by a Category II CTG. This rule has been approved previously by EPA for inclusion in the SIP.

Another Category II CTG source category—wood flat stock coating—is covered by District Rule 1104, "Wood Flat Stock Coating Lines." Rule 1104 contains control requirements which are adequate to fulfill the requirements for RACT for this source category. However, this rule contains both immediate and future effective provisions. Upon correction of the major deficiencies, the plan could be conditionally approved; one of the conditions of approval would be the State's submittal of a revised Rule 1104 providing for compliance schedules in accordance with 40 CFR 51.15, by July 1, 1980.

As stated above, the plan must contain a commitment to adopt RACT regulations of source categories to be covered by future CTG documents. The plan contains a resolution to adopt all other reasonably available control measures needed to attain the standards as expeditiously as practicable. The State must submit adopted regulations by July 1, 1980 for the following 7 applicable source categories (Category II CTGs): refinery fugitive leaks, gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, miscellaneous metal parts and products, graphic arts, and pneumatic rubber tire manufacture.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. This proposal also includes draft volatile organic compound and draft new source review rules which have been adopted as model rules after public hearing by the State. These model rules have not yet been adopted and submitted to EPA by the State as legally enforceable rules. However, the State has requested EPA to review these model rules and invite public comment on whether these draft rules meet the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits rules equivalent to these model rules. The Regional Administrator hereby issues

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this notice setting forth the revisions described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office.

The EPA Region IX office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies in the nonattainment area plan. EPA is further interested in receiving comment on the specified deadlines for the State to submit the corrections, in the event of conditional approval.

Comments received within 30 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions/scheduled revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act, and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comment is adequate because:

(1) The plan has been available for inspection and comment since August 16, 1979;

(2) EPA's notice published in the August 16, 1979 **Federal Register** (44 FR 47959), indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant," and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. § 7410, 7429, 7501, to 7508, and 7601(a)).)

Dated: February 8, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-9842 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1452-7]

Approval and Promulgation of Implementation Plan; San Francisco Bay Area Air Basin Nonattainment Area Plan and Revised Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the San Francisco Bay Area Air Basin portion of the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to update the rules and regulations, and to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." However, bases upon EPA's evaluation of the revisions, this notice proposes to disapprove the San Francisco Bay Area Air Basin nonattainment area plan with respect to the Part D requirements because the plan does not contain the necessary legal authority form the California State Legislature and a specific schedule to implement a vehicle emission control inspection and maintenance program, and the plan does not contain a legally enforceable New Source Review (NSR) rule.

A plan for a major urban area such as the San Francisco Bay Area, that cannot demonstrate attainment of the carbon monoxide or ozone standard by 1982, and therefore requests an extension to 1987, must contain the necessary legal authority and a specific schedule to implement a vehicle emission control inspection and maintenance program. All plans must contain a legally enforceable NSR rule.

This notice provides a description of the proposed SIP revisions, summarizes the applicable nonattainment area requirements, compares the revisions to these requirements, identifies major issues in the proposed revisions, and proposes a schedule for correction of plan deficiencies with respect to the Part D requirements.

The EPA invites public comments on these revisions, the identified issues, the suggested corrections and associated proposed deadlines, and whether the revisions should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted by May 1, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the Proposed Revision/Nonattainment Area Plan and EPA's associated Evaluation Report are contained in document file NAP-CA-01 and are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705.

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812.

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act, enacted in August 1977, Public Law No. 95-95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt, and submit to EPA revisions to their SIP, for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

On April 4, 1979 (44 FR 20372) EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38538, 50371, 53761, and 67182). The General Preamble supplements this notice by identifying

the major considerations that will guide EPA's evaluation of the plan submittal. EPA's evaluation of the transportation portion of the plan is also guided by the EPA-Department of Transportation (DOT) Transportation-Air Quality Planning Guidelines and EPA's Office of Transportation and Land Use Policy SIP Transportation Checklist. The EPA-DOT Guidelines describe the acceptable elements that satisfy the Clean Air Act requirements for the transportation portion of an approvable SIP.

The San Francisco Bay Area is designated nonattainment for ozone and carbon monoxide. For total suspended particulates, Contra Costa, Santa Clara, and San Francisco Counties are designated nonattainment for the secondary standard.

Description of Proposed SIP Revisions

On July 25, 1979 the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted the San Francisco Bay Area Air Basin Control Strategy as an SIP revision. Preparation of the proposed SIP revision was coordinated by the Association of Bay Area Governments and the ARB. This nonattainment area plan for the San Francisco Bay Area consists of the following major components:

—A summary of those pollutants that exceed the NAAQS, specifying the violations by pollutant;
—A list of the Federal nonattainment area plan requirements;
—A discussion of the planning process including: how the plan was prepared, the agencies involved in the process, public participation, and intergovernmental consultation;
—A discussion of air quality trends;
—An analysis of the candidate air quality control measures that examines expected emission reductions, costs, resource impacts, social impacts, and enforcement aspects;
—A discussion of the specific strategies for ozone, carbon monoxide, and particulate matter which includes schedules for reasonable further progress, adopted stationary source control measures, and commitments to adopt additional stationary and mobile source control measures; and
—A discussion of the new source review provisions.

The plan demonstrates that attainment of the ozone and carbon monoxide standards by 1982 is not possible despite the implementation of all reasonably available control measures including:

—California's motor vehicle standards for new vehicles;
—A vehicle emission control inspection and maintenance program, assuming the appropriate legal authority will be adopted by the California Legislature;
—Stationary source control measures;
—Transportation measures to reduce the use of automobiles, including improved public transit, car/vanpooling programs, expanded bicycle systems and facilities, ramp metering, and high occupancy vehicle lanes; and
—A New Source Review program.

Based on this demonstration, the State requests an extension of the ozone and carbon monoxide attainment dates until no later than December 31, 1987.

The plan indicates that past exceedances of the total suspended particulate (TSP) standards were only temporary due to windblown dust from construction in the area of the TSP monitor located in Livermore, Alameda County. A formal request for redesignation of Alameda County to attainment for both the primary and secondary TSP standards was received on August 14, 1979. EPA took final action to approve this redesignation in the December 28, 1979 **Federal Register** (44 FR 76787). In addition, the plan requests an extension to complete a plan for attainment of the secondary TSP standard for San Francisco, Santa Clara, and Contra Costa Counties.

This notice includes nonattainment area plan related SIP revisions submitted by the Governor's designee prior to December 31, 1979. These SIP revisions include the July 25, 1979 nonattainment area plan and the rule revisions submitted on May 7, May 23, and November 6, 1979.

The rules being considered in this notice are listed below and include vapor recovery and other volatile organic compound control rules. The regulations and the appropriate submittal dates are listed below.

Bay Area Air Quality Management District—Rules and Regulations

5/7/79

Regulation 3: Reactive Organic Gas Emissions.
3101.1

5/23/79

Regulation 2: Emissions of Certain Air Contaminants from Incineration, Salvage, Heat Transfer, General Combustion, and General Operations.
1302.2

Regulation 3: Reactive Organic Gas Emissions.
1221, 1224; 3102.1, 3102.2, 3102.3, 3102.4, 3102.11

Regulation 13: Regulations for Control of Organic Compound Emissions from Terminals and Bulk Plants.
100, 101, 110, 111, 112, 113, 114, 115; 200, 201, 202, 202.1, 202.2, 202.3, 202.4, 203, 204, 205, 205.1, 205.2, 206, 207; 300, 301, 302, 303, 304, 305, 306, 307; 400, 401, 401.1, 401.2, 401.3

Regulation 16: For Control of Volatile Organic Compound Emissions from Paper, Fabric and Film Coating Operations.
100, 101, 110, 111, 112, 113, 114, 115, 116; 200, 201, 202, 203, 204, 205, 206; 300, 301, 302

11/6/79

Regulation 3: Reactive Organic Gas Emissions.
1200, 1222, 1223, 1225, 1226, 1227, 1228

Regulation 10: Valves at Petroleum Refinery Complexes.
100, 101, 110, 111, 112; 200, 201, 202, 203, 204, 205, 206, 207, 208; 300, 301, 301.1 301.2, 301.3, 301.4, 301.5; 400, 401, 401.1, 401.2, 401.3, 401.4, 402, 402.1, 402.2, 402.3, 402.4; 500, 501

Regulation 14: For Control of Volatile Organic Compound Emissions from Metal Container and Closure Coating and Coil Coating.
100, 101; 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212; 300, 301, 302, 303, 304, 305, 305.1, 305.2, 305.3, 305.4, 305.5, 305.6, 306; 400, 401, 401.1, 401.2, 401.3

Regulation 17: For Control of Volatile Organic Compound Emissions from Light- and Medium-Duty Motor Vehicle Assembly Plants.
100, 101, 110; 200, 201, 202, 203, 204, 205, 206, 207, 208; 301, 301.1, 301.2, 302, 303, 304, 304.1, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7; 400, 401, 401.1, 401.2, 401.3, 401.4, 401.5, 402, 402.1, 402.2, 402.3, 403, 403.1, 403.2, 403.3

Regulation 18: For the Control of Organic Compound Emissions From a Petroleum Refinery Complex.
100, 101, 110, 111, 112; 200, 201, 202, 203, 204, 205, 206; 300, 301, 302, 303, 304; 400, 401, 401.1, 401.2, 401.3

Regulation 19: Control of Volatile Organic Compound Emissions from Surface Coating of Large Appliances and Metal Furniture.
100, 101, 110, 111, 112; 200, 201, 202, 203, 204, 205, 206, 207, 208, 209; 300, 301, 302, 303; 400, 401, 401.1, 401.2, 401.3

Regulation 20: Control of Cutback Asphalts.
100, 101, 110, 111, 112, 113; 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210; 300, 301, 302, 303

Regulation 21: For Control of Organic Compound Emissions from Solvent Metal Cleaning Operations.

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100, 101, 110, 111, 111.1, 111.2, 111.3, 112; 200, 201, 202, 203, 203.1, 203.2, 203.3, 204, 205, 206, 207; 300, 301, 301.1, 301.2, 301.3, 301.4, 302, 302.1, 302.2, 302.3, 303, 303.1, 303.2, 303.3, 304, 304.1, 304.2, 304.3, 304.4, 304.5, 304.6, 305, 305.1, 305.2, 306, 306.1, 306.2, 306.3, 306.4, 307, 307.1, 307.2, 307.3; 400, 401, 401.1, 401.2, 401.3

Criteria for Approval

The San Francisco Bay Area Basin Control Strategy must be evaluated to determine whether it is consistent with Part D of the Clean Air Act. The following list summarizes the basic Part D requirements for nonattainment area plans:

1. An accurate inventory of existing emissions.

2. A modeling analysis indicating the level of control needed to attain by 1982 and, in the case of and extension request, by 1987.

3. Emission reduction estimates for each adopted control measure.

4. A provision for expeditious attainment of the standards.

5. Provisions for reasonable further progress as defined in Section 171 of the Clean Air Act.

6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.

7. An identification of an emissions growth increment.

8. Provisions for annual reporting with respect to items (5) and (6) above.

9. A permit program for major new or modified sources consistent with Section 173 of the Clean Air Act.

10. An identification of and commitment to the resources necessary to carry out the plan.

11. Evidence of public, local government, and state involvement and consultation.

12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing.

13. For carbon monoxide and ozone SIP revisions that provide for attainment of the primary standard later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and consideration of environmental and social costs.

b. A provision for implementaton of all reasonably available control measures for mobile and transportation sources.

c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs.

d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program.

14. For ozone nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those volatile organic compound stationary sources for which EPA has published a Control Techniques Guidelines by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines. For rural areas, only large sources (more than 100 tons/year potential emissions) must be so regulated.

Issues

The paragraph numbers below correspond to the Part D nonattainment area plan requirements discussed in the preceding section, *Criteria for Approval.* Where a plan deficiency is identified, recommendations for revision of the plan are specified. The citations in the comments which follow refer to Sections 107, 108, 110, and Part D, Sections 171–178, of the Clean Air Act, as amended.

The San Francisco Bay Area nonattainment area plan for ozone (O_3) and carbon monoxide (CO) is unapprovable with respect to Part D since certain Part D requirements are not met. Specifically there are two major deficiencies: (1) lack of legal authority and a specific schedule to implement a motor vehicle emission control inspection and maintenance (I/M) program, and (2) lack of an adopted, legally enforceable New Source Review (NSR) rule.

As discussed in more detail below, EPA proposes either to approve or conditionally approve the emission reduction estimates, the demonstration of attainment, and the demonstration of reasonable further progress for O_3 and CO as meeting EPA requirements. However these criteria and the above major deficiencies are strongly interrelated; the emission reductions claimed and the demonstrations of attainment and reasonable further progress will not be achieved in their current form without correction of the major deficiencies discussed above.

If the lack of legal authority to implement an I/M program is not remedied by the action of the State Legislature to authorize the implementation of an I/M program, and if an adequate, legally enforceable NSR regulation is not submitted by the State, the entire plan for the San Francisco Bay Area must be disapproved by EPA with respect to Part D of the Act since these Part D requirements are not met. This overall plan disapproval would result in the continuation of the prohibition on construction of certain major new or modified sources as set forth in section 110(a)(2)(I) of the Act and EPA's Interpretive Rule on Statutory Restriction of New Sources (44 FR 38471, July 2, 1979). In accordance with the statutory requirement, certain major new or modified stationary sources are currently prohibited from being constructed in California nonattainment areas.

At such time as the Legislature provides legal authority to implement and I/M program, and at such time as the State submits a State Implementation Plan (SIP) revision containing (1) certification of such legal authority, (2) a commitment to implement and enforce an I/M program, (3) a commitment to achieve a 25% reduction in both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles by December 31, 1987, and (4) a specific schedule with milestones of progress toward implementation, the I/M deficiency may be remedied. At such time as the State submits an NSR regulation, this major deficiency may be resolved. Upon the State's submittal of the above, EPA will consider (and provide for public comment) the approval of these elements for the San Francisco Bay Area plan.

A full discussion of the San Franacisco Bay Area plan with respect to EPA's *Criteria for Approval* follows. EPA has identified certain portions of the plan that (1) are approvable, (2) contain minor deficiencies which could be remedied under conditions of plan approval if the State provides an assurance that corrections of the minor deficiencies will be made by a specified date, or (3) are disapprovable due to a major deficiency which must be remedied prior to EPA's final approval of the entire plan. Based on the approvability of the component parts of the plan, EPA will determine whether the plan as a whole is (1) approvable, (2) conditionally approvable, or (3) disapprovable with respect to Part D of the Act.

EPA is proposing to approve and incorporate into the SIP those portions of the plan which are consistent with Section 110 and/or Part D of the Act. The plan, as a whole, can only be approved or conditionally approved

under Part D of the Act when all of the major deficiencies are corrected. In addition, certain portions of the plan are noted as being approved even though they are expected to be refined in future plan updates.

Those portions of the plan which contain minor deficiencies could be remedied under the conditions of plan approval if the State provides an assurance that the deficiencies will be corrected and submitted as an SIP revision by a specified date. Conditional approval of the plan in a final rulemaking action would mean the restriction on major new or modified stationary source construction would not apply unless the State failed to submit corrections by the specified date, or the corrections were determined to be inadequate. Those portions of the plan which are conditionally approvable are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the overall plan is approvable with respect to Part D.

Those portons of the plan deedmed to be major deficiencies must be corrected and submitted as SIP revisions in order for EPA to either approve or conditionally approve the plan with respect to Part D of the Act in a final rulemaking action. Thus, EPA is proposing disapproval of the plan with respect to Part D since certain Part D requirements are not met. The two major deficiencies are the lack of legal authorization for I/M and the lack of an NSR rule.

1. *Emission Inventory*

The plan includes an emission inventory for hydrocarbons (HC), CO, nitrogen oxides (NO_x), sulfur dioxide (SO_2), and total suspended particulates (TSP) identifying emission source categories and their estimated emissions for the base year, 1975. This base year inventory includes the necessary emission estimates for stationary, mobile, and area sources. These estimates were based on factors cited in *AP–42, EPA Compilaton of Air Pollutant Emission Factors* or derived from source test data, localized data, actual usage data, cumputer models, and transportaton studies. The inventory is reasonable compehensive, current, and accurate, and EPA proposes to approve it as part of the SIP.

The following technical aspects of the emission inventories for O_3 and CO must be addressed in the annual reports. For TSP, these technical aspects must be addressed in the July 1980 Annual Report.

—Provide documentation of the emission factors and assumptions used to calculate the emissions
—Use consistent methodologies for computing the base emission inventories and the emission reduction estimates (preferably the trip end-link for the mobile sector)
—Develop CO emission inventories for worst case (winter) conditions
—Provide annual projections of the base year emission inventory
—Include emission inventories for wineries, pesticide applications, and weed oil usage
—Include TSP emission inventories specifically for TSP nonattainment areas (i.e., San Francisco, Santa Clara, and Contra Costa Counties)
—Include TSP emission inventories for nontraditional sources (i.e., unpaved roads, agricultural tilling, reentrainment, construction, etc.)
—Provide TSP emission inventories for stationary sources based on ambient temperatures (not in-stack temperatures).

2. *Modeling*

Ozone

On February 8, 1979, the 0.08 ppm standard for photochemical oxidants was revised by the promulgation of the 0.12 ppm standard for ozone (44 FR 8202). The LIRAQ photochemical dispersion model was utilized to calculate the allowable emission level to attain the former 0.08 ppm standard. Based on this calculation, an allowable emission level to achieve the 0.12 ppm ozone standard was estimated.

EPA proposes to approve the Bay Area's use of the LIRAQ photochemical dispersion model to arrive at an estimate of the allowable emission level for attainment of the ozone standard.

Carbon Monoxide (CO)

The plan utilizes basin-wide rollback modeling to calculate the allowable emission level. EPA proposes to approve the use of the rollback model for the 1979 plan as an acceptable method for estimating required emission reductions.

3. *Emission Reduction Estimates*

Emission reduction estimates are set forth in the plan for each control measure for hydrocarbons (ozone precursors) and carbon monoxide for the years 1985 and 2000. The plan indicates that linear interpolation should be assumed to derive emission reduction estimates for the statutory attainment years of 1982 and 1987.

The plan contains an emission reduction estimate of 32 tons/day in hydrocarbon emissions that will result from emission offsets obtained through the permitting of major new or modified stationary sources (Action 2 of the plan). The plan does not provide adequate documentation and justification for this emission reduction credit. "Banked" emission offsets and permit "denials" cannot be credited as actual, enforceable emission reductions. The plan could be conditionally approved upon correction of the major deficiencies. One of the conditions of approval would be to define and implement by July 1, 1980 a system to track the emission reductions that are being achieved through the permitting of major new and modified stationary sources. This tracking system must assure (1) that emission reductions credited as offsets are not part of the emission reduction credits taken for Action 1 of the plan (Application of Available Control Technology to existing sources), and (2) that the emission offsets credited are actual, enforceable emission reductions.

Annual emission reduction estimates per control tactic are necessary to justify the demonstration of attainment and to serve as a basis for a projection of reasonable further progress. It is recognized that emission reduction estimates may change as measures are more fully analyzed and implemented. As such estimates change, appropriate responses will be required, including the adoption of additional control measures when the original emission reduction estimates are not being achieved, to ensure that the plan remains adequate to provide for attainment and for reasonable further progress. The State must provide EPA with estimated annual reductions per tactic per pollutant. EPA could conditionally approve the plan upon correction of the major deficiencies. One of the conditions of approval would be the State's submittal of such estimated reductions by July 1, 1980.

Additionally, the hydrocarbon emission reduction estimates for the transportation control measures contained in the plan are not consistent. Table 24 indicates that a 7 tons per day emission reduction for hydrocarbons is being attributed to these transporation control measures, while Table 28 indicates that only 5.3 tons per day are attributed to these same controls. This should be clarified in response to the emission reduction target deficiency discussed below under Criteria 4, Attainment Provision.

4. Attainment Provision

Section 172(a) of the Act requires that the plan shall provide for attainment of the National Ambient Air Quality Standards for O_3, CO, and TSP as expeditiously as practicable but not later than December 31, 1982. Where the State demonstrates that the standards

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for O_3 and/or CO cannot be attained by 1982, despite the implementation of all reasonably available control measures, an extension of the attainment date may be granted and the State must demonstrate attainment by no later than December 31, 1987.

The plan demonstrates that the O_3 and CO standards cannot be achieved by December 31, 1982 despite the implementation of all reasonably available control measures. Thus, EPA finds that an extension of the attainment date for O_3 and CO is justified and proposes to grant an extension.

Ozone (O_3) and Carbon Monoxide (CO)

The sumnitted plan provides for attainment of the O_3 and CO standards by the statutory attainment date of December 31, 1987. This provision is consistent with the requirements of the Act, and EPA proposes to approve the attainment demonstration for O_3 and CO.

The plan does not contain local commitments to emission reduction targets for O_3 and CO for the transportation sector. EPA policy requires the plan to contain evidence of policy level commitments to an overall emission reduction target for HC and CO emissions and requires that these commitments to emission reduction targets for the transportaton sector be submitted with the July 1980 Annual Report.

Total Suspended Particulates (TSP)

The plan for the TSP standards contains no control strategy demonstration. The plan includes data which indicate that the primary and secondary TSP standards are now being attained in the nonattainment area (Alameda County). The State, on August 14, 1979, requested EPA to redesignate Alameda County from nonattainment to attainment for both the primary and secondary TSP standards. EPA took final action to approve this redesignation in the December 28, 1979 Federal Register (44 FR 76787).

The plan requests an 18 month extension of the deadline for sumbission of a plan to attain the secondary TSP standard pursuant to 40 CFR 51.31. (San Francisco, Santa Clara, and Contra Costa Counties are currently designated nonattainment for the secondary TSP standard.) 40 CFR 51.31(c) requires that such a request shall show that attainment of the secondary TSP standard will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology to traditional sources. The plan does not contain such a demonstration and EPA cannot grant the 18 month extension request until a demonstration consistent with 40 CFR 51.31(c) is submitted. Since the plan for the secondary TSP standard would be due July 1, 1980, if such a request were granted, this demonstration must be sumitted by the State immediately.

The plan to attain the secondary TSP standard must control traditional sources of TSP (stationary sources) to a level that represents application of reasonably available control technology (RACT) to such sources.

EPA does not consider the present Bay Area Air Quality Management District's (the District) particulate regulations as representing RACT. The plan must contain an adequate demonstration that current regulations represent RACT, or amend the regulations to be consistent with the following:

—EPA could consider the District's currently approved process weight rule, Regulation 2, Section 6112.2, as representing RACT if the regulation applied to a "source" rather than an "emission point".

—EPA would consider the District's currently approved grain loading rule, Regulation 2, Section 6112.3, as representing RACT only if sources are required to comply with both the process weight *and* grain loading rule. Currently, the grain loading rule exempts sources able to meet this regulation from the process weight rule requirements.

5. Reasonable Further Progress (RFP)

Ozone and Carbon Monoxide

The provision of reasonable further progress for O_3 and CO in the plan appears to be consistent with sections 172(b)(3) and 171(1) of the Act since the plan provides for regular incremental reductions needed for expeditious attainment. EPA proposes to approve the RFP demonstration for O_3 and CO contained in the plan.

To demonstrate reasonable further progress with respect to the transportation sector, EPA requires that programs to directly monitor and report on implementation progress and the emission reduction effectiveness of each transportation control measure be developed, described, and committed to pursuant to the requirement in the EPA–DOT Transportation-Air Quality Planning Guidelines that the Annual report describe the contribution of transportation controls to the incremental emission reductions required for standards attainment. EPA policy requires such a monitoring program to be in place and included in the July 1980 Annual Report.

EPA policy requires that the July 1980 Annual Report of reasonable further progress submitted by the State include refined assessments of reasonable further progress based upon updated emission inventories, new analysis of control strategy effectiveness, and actual reductions being achieved through plan implementation.

6. Legally Adopted Measures

The SIP submittal does not indicate that all necessary control measures have been adopted in a legally enforceable form, as required by Sections 172(b)(2), 172(b)(8), and 172(b)(10). Specifically, the plan does not contain an adopted, legally enforceable New Source Review regulation, and the plan does not include adoption, in a legally enforceable form, of all reasonably available control measures, including a vehicle emission control inspection and maintenance program. For all other measures, including reasonably available transportation controls, either adopted measures or schedules and commitments for development, adoption, submittal, and implementation must be provided.

Ozone

The plan contains (Table 29B) stationary source control measures for several source categories which are not addressed by the Control Techniques Guideline (CTG) documents published by EPA as of January 1979. These control measures are not adopted in legally enforceable form, although the plan contains a commitment from the Bay Area Air Quality Management District to adopt regulations for these source categories. EPA could conditionally approve the plan upon correction of the major deficiencies. One of the conditions of approval would be the State's submittal by May 1, 1980 of a detailed schedule providing for adoption and submittal to EPA of these regulations by no later than December 31, 1982.

The plan must include an adopted New Source Review rule. The lack of such a rule is a major deficiency and must be remedied in order for EPA to approve the plan with respect to Part D of the Act.

The plan must include adoption of reasonably available control measures in legally enforceable form. A vehicle emission control inspection and maintenance (I/M) program is a reasonably available control measure and is provided for in the plan. However, due to the lack of State legislation providing the legal authority to implement the program, I/M cannot be considered to be adopted in a legally enforceable form. This is a major deficiency and must be remedied in order for EPA to approve the O_3 with respect to Part D of the Act.

Carbon Monoxide

As discussed for O_3, since the I/M program cannot be considered to be adopted in a legally enforceable form and the plan lacks an adopted, legally enforceable NSR rule; the CO plan cannot be approved with respect to Part D of the Act.

As also discussed for O_3, the transportation control measures in the plan are not supported by commitments and schedules. The plan could be conditionally approved upon correction of the major deficiencies. One of the conditions of approval would be that the above mentioned commitments and schedules from the responsible implementing agencies be submitted by the State as part of the plan by May 1, 1980.

40 CFR Part 52

In addition to the rulemaking actions discussed in this section, this notice proposes to remove certain Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, which concern (in part) the San Francisco Bay Area. The following Federally promulgated regulations or specified portions are proposed to be rescinded or amended because they will be replaced by the revised set of control measures/regulations contained in this plan and/or they have been invalidated by previous legal action.

A. § 52.222 *Extensions:* Revise dates in accordance with the submitted plan.

B. § 52.233 *Review of new sources and modifications:* Rescind subsections (d)(9) and (g)(1)(x) which will be replaced by a revised new source review regulation; additionally rescind subsections (h), (i), and (j) which have been invalidated by the Clean Air Act Amendments of 1977.

C. § 52.238 *Attainment dates for national standards:* Revise dates in accordance with the submitted plan.

D. § 52.242 *Inspection and maintenance program;*
§ 52.243 *Motorcycle limitation;*
§ 52.244 *Oxidizing catalyst retrofit;*
Of the 17 transportation control measures identified in Section 108(f), the plan contains 6 measures (I/M, car/vanpooling, high occupancy vehicle lanes, ramp metering, improved public transit, and improved bicycle systems/facilities) that are identified for implementation at this time. However, there is no evidence in the plan that any of these 6 transportation control measures are currently adopted or committed for implementation in a legally enforceable form. The requirements of Section 172(b)(10) are not met, since the plan does not include written evidence that the agencies identified as responsible for transportation related measures have formally committed, and where appropriate, have adopted statutes, regulations, ordinances, or other legally enforceable documents, to implement and (where appropriate) enforce the necessary transportation control measures, nor have they adequately identified the specific measures to be implemented and established implementation schedules with milestone dates for planning, programming, implementing, operating, enforcing, and monitoring each transportation control measure contained in the plan. The plan could be conditionally approved upon the correction of the major deficiencies. One of the conditions of approval would be that the above mentioned commitments and schedules from the responsible implementing agencies be submitted by the State as part of the plan by May 1, 1980.

§ 52.247 *Definitions for parking management regulations;*
§ 52.251 *Management of parking supply;*
§ 52.257 *Computer carpool matching;*
§ 52.261 *Preferential bus/carpool lanes, San Francisco Bay Area;*
§ 52.262 *Submittal of studies—San Francisco Bay Area;*
§ 52.268 *Monitoring transportation mode trends:* Rescind the above regulations entirely because they have been invalidated by previous court action (*Brown v. EPA*, 521 F2d 827 (1975)).

E. § 52.269 *Control strategy and regulations; Photochemical oxidants (hydrocarbons) and carbon monoxide:* Rescind subparagraph (a) due to the revised attainment dates in the plan and in accordance with the Clean Air Act Amendments of 1977.

7. Emissions Growth

The plan does provide for tracking emissions growth rates through the review and updating of emission projections consistent with the requirements of Sections 172(b) (4) and (5). Specifically, the requirements of Section 172(b)(5) are met through the identification of no net increase in emissions from major new or modified sources for three years (1979–1981), and through the reservation of 25 tons/day in hydrocarbon emissions as a growth allowance to be utilized beginning in 1982 on the condition that three years of reasonable further progress have been demonstrated.

Thus, at least until 1982, the NSR program must include provisions for enforceable emissions offsets for nonattainment pollutants (see Criteria 9, Permit Program, for further discussion). In addition, since a growth allowance is only identified for hydrocarbon emissions, provisions for enforceable emissions offsets must remain in effect after 1982 for the other nonattainment pollutants.

EPA proposes to approve the above identification of emissions growth as meeting the requirements of Section 172(b)(5) of the Act for O_3 and CO.

8. Annual Reporting

The requirements of Sections 110(a)(2)(F) and 172(b)(4) appear to be adequately satisfied since the plan does include a commitment to a Continuing Planning Process that has, as one of its products, the development of an annual report that will include reporting of reasonable further progress (RFP), progress made in the adoption and implementation of control measures contained in the plan, and updated emissions inventory data, including projections. However, the commitment to provide annual updated emissions inventories is not explicit.

EPA proposes to approve this portion of the plan. It is EPA policy that the July 1980 Annual Report contain updated emissions inventory data as well as a detailed commitment outlining the specific content of the Annual Report.

9. Permit Program

The plan does not contain an adopted, legally enforceable New Source Review (NSR) rule for new or modified major stationary sources. The lack of an adopted NSR rule is a major deficiency which must be corrected before EPA can approve the plan. The plan must contain an adopted, legally enforceable NSR rule that meets the requirements of Sections 172(b)(6) and 173 of the Act. Upon receipt of a NSR rule from the State, EPA will review and solicit public comments on whether the NSR rule should be approved for the San Francisco Bay Area.

10. Resources

Cost estimates are included in the plan for both the private and public sectors. These estimates do not satisfy the requirements of Sections 110(a)(2)(F) and 172(b)(7) since there is no evidence that the financial and personnel resources necessary to implement and enforce the plan have been committed by the responsible implementing

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agencies. EPA could conditionally approve the plan upon correction of the major deficiencies. One of the conditions of approval would be that the State submit these commitments by July 1, 1980.

11. *Public and Government Involvement*

The requirements of Section 172(b)(9) are partially met through the description of the process provided for in the plan for consultation and involvement of general purpose local governments, the State, the public, and organizations of elected officials of local governments. This process must provide for the involvement of Federal Land Managers. The requirements of Section 172 concerning public notification and public participation are not specifically addressed in the plan but appear to be generally met through the commitment to the annual report as discussed in Criteria 8.

The plan does contain evidence of coordination with the continuing, cooperative, and comprehensive transportation planning process required by Section 174(b). The plan also contains an adequate identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan along with a summary of public comment on those effects and the plan as required by Section 172(b)(9).

EPA proposes to approve this portion of the plan. However, the state must submit by July 1, 1980 evidence of an amended planning process that includes involvement of Federal Land Managers.

12. *Public Hearing*

The California State Legislature in 1978 added Article 5.5 (commencing with Section 53098) to the Government Code which established the procedure for State adoption of the San Francisco Bay Area Environmental Management Plan of which the Nonattainment Area Plan under Part D of the Act is a part. According to Article 5.5, the Air Resources Board (ARB) shall submit the plan to EPA without change following the adoption of the plan by the Association of Bay Area Governments (ABAG). ABAG held public hearings after reasonable notice and adopted the plan by resolution. The ARB transmitted the plan to EPA without change. While this procedure under state law is unique to the San Francisco Bay Area, the requirements of Section 172(b)(1) appear to be satisfied and EPA proposes to approve this portion of the plan.

13. *Extension Requirements for O_3 and CO*

Since the State has requested extension of the attainment date beyond December 1982 for O_3 and CO, the plan must meet the requirements of sections 172(b)(11), 110(a)(3)(D), and 110(c)(5)(B).

Under Section 172(b)(11)(A) the plan must provide, in conjunction with the NSR program, a procedure and requirement for an analysis of alternative sites, sizes, processes, and controls, which demonstrates that the benefits of a major emitting facility outweight the environmental costs. The plan does not contain procedures for such an analysis. The plan could be conditionally approved upon correction of the major deficiencies. One of the conditions of approval would be the submittal of a procedure and requirement for such analysis by the State by July 1, 1980.

Under section 172b(b)(11)(B) the plan must establish a specific schedule for the implementation of a vehicle emission control inspection and maintenance program. The requirement of Section 172(b)(11)(B) has not been met since the State Legislature has failed to provide the legal authority to implement such a program. Following passage of authorizing legislation, the State must submit an SIP revision containing (1) certification of such legal authority, (2) a commitment to implement and enforce an I/M program, (3) a commitment to achieve a 25% reduction in both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles by December 31, 1987, and (4) a specific schedule with milestones of progress towards implementation. This deficiency must be remedied in order for EPA to approve the O_3 and CO plan with respect to Part D of the Act.

Sections 110(a)(3)(D) and 110(c)(5)(B) require that the plan contain commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs. These basic transportation needs must be met as expeditiously as practicable using Federal grants, State, and local funds to implement public transportation programs. Such commitments, with respect to basic transportation needs, are not included in the plan. EPA could conditionally approve the plan upon correction of the major deficiencies. One of the conditions of approval would be that the State submit such commitments by July 1, 1980.

Section 172(b)(11)(C) requires that other measures (including but not limited to those listed in Section 108(f) of the Act) that may be necessary to provide for attainment of the NAAQS no later than December 31, 1987, must be identified in the plan. The plan does contain a preliminary analysis of a large number of transportation control measures, including most of those measures listed in Section 108(f) of the Act. Several transportation control measures were rejected based on this preliminary analysis. However, this preliminary analysis has failed to establish the technical infeasibility or low emission reduction potential of the measures since the analysis only examined the journey-to-work portion of the total travel occurring in the nonattainment area. the plan could be conditionally approved upon correction of the major deficiencies. One of the conditions of approval would be the submittal by the State, by May 1, 1980, of commitments and schedules to further analyze the Section 108(f) transportation control measures not yet included in the plan as applied to the total transportation system of the nonattainment area, and a commitment to initiate implementation of those measures shown to be reasonably available.

To assure that the requirements of Section 176(c) and 176(d) of the Act are met, EPA policy requires that the plan contain procedures for the determination of conformity with the SIP of any project, program, or plan. Section 176(c) prohibits the metropolitan planning organization from giving its approval to any project program, or plan, that does not conform to the SIP. EPA policy also requires that the plan contain procedures to ensure that priority is given to the implementation of those portions of any plan or program with air quality related transportation consequences that contribute to the attainment and maintenance of the primary NAAQS. Specifically, these procedures should address the granting of priority to projects in the Transportation Improvement Program which contribute to the attainment and maintance of the primary NAAQS. EPA policy requires that these procedures be submitted with the July 1980 Annual Report.

14. *Extension Requirements for VOC RACT*

The ozone nonattainment area plan for the Bay Area indicates that attainment of the 0.12 ppm ozone standard is not possible by December 1982, despite the application of all reasonably available control measures. Therefore, the plan must contain adopted legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those stationary source categories for which EPA had published a Control Techniques Guideline (CTG) by January 1978 (i.e., Group I CTGs). In addition, the plan is required to contain a commitment to adopt RACT regulations for source categories to be covered by future CTG documents.

The CTGs provide information on available air pollution control techniques and certain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or group of sources. Therefore, the basis for EPA's decision to approve a regulation as satisfying the Act's requirement for RACT consists of the applicable CTG document, any material submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The plan indicates that, of the 15 source categories (addressed by 11 CTG documents) for which adopted regulations are required, only 14 exist in the nonattainment area (there are no magnet wire insulators). Regulations have been recently submitted for each of the 13 applicable source categories. The service station Stage I gasoline vapor recovery (GVR) regulations have already been approved as part of the SIP.

EPA has reviewed the regulations submitted on May 7, May 23, and November 6, 1979, listed previously, to determine whether or not they should be approved for inclusion in the SIP. These regulations, along with the previously approved regulations for service stations have also been reviewed in relation to the respective CTG for each of the 14 categories.

EPA proposes to approve the District's regulations submitted by the State with respect to Section 110 of the Act, since they contain control requirements which will strengthen the SIP. Based on the information in the CTGs, and on the material submitted by the State, EPA believes that the submitted regulations, along with the previously approved regulations, satisfy the RACT requirements for the 14 categories noted above and meet the requirements of section 172(b)(3) of the Act, except for the following:

1. The regulations for service station Stage I GVR (Sections 1302.2 through 1302.23 of Regulation 2) contain an exemption for storage containers serviced by bulk plants with daily throughputs less than 25,000 gallons. This exemption is not supported by information contained in the CTGs or by information otherwise available to EPA. The State should either provide an adequate demonstration that these regulations represent RACT, amend the regulations to be consistent with the CTGs and EPA policy guidance, or demonstrate that the regulations will result in emission reductions which differ insignificantly (within 5% of controlled emissions) from the reductions which would be achieved through implementation of the CTG recommended controls. In addition, the Bay Area's Stage I regulation should be revised to require use of the control equipment by fuel deliverers. Without such a requirement, the regulation is not fully enforceable.

2. Regulation 13, *Regulation for Control of Organic Compound Emissions from Terminals and Bulk Plants,* does not contain a compliance schedule for certain bulk plants which are required to comply with the regulations by 1983, and therefore does not fulfill the requirements of 40 CFR 51.15. The State must submit, for inclusion in the SIP, acceptable compliance schedules.

3. Regulation 20, *Control of Cutback Asphalts,* allows the use of medium cure cutback asphalt from November through March. Allowance for the use of medium cure cutback asphalt may be appropriate if the ambient temperatures during those months do not typically exceed 50° F. The State must supply information to justify using cutback asphalt during these months or amend the regulation to prohibit its use.

4. Regulation 14, *Control of Volatile Organic Compound Emissions from Metal Container and Closure Coating and Coil Coating,* allows sources to comply with the regulation by an alternative emission control plan which would reduce emissions to the same level as the categorical emission limits, but which would be calculated on a "Daily Weighted Average" basis. EPA recognizes that such a plan may be desirable for can coating operations due to their unique problems. It has not been demonstrated that such an alternative plan is necessary for coil coating operations. The regulation must be amended to limit the applicability of a "Daily Weighted Average" compliance scheme to can coaters, or the State must justify the necessity for applying such an alternative plan to coil coaters.

5. Regulation 17, *Control of Volatile Organic Compound Emissions from Light- and Medium-Duty Motor Vehicle Assembly Plants,* contains a compliance schedule with interim compliance dates that exceed one year. 40 CFR 51.15 and 51.1(q) require that compliance schedules extending beyond one year be accompanied by additional increments of progress. These increments can take the form of progress reports required to be sent at intervals of 9 months or less.

EPA could conditionally approved the plan upon correction of the major deficiencies. One of the conditions of approval would be that the State submit the following by July 1, 1980: (1) an acceptable compliance schedule for Regulation 13, (2) and adequate demonstation that its Regulation 2 represents RACT for Stage I GVR, or amend the regulation to be consistent with the above comments, (3) a justification for the use of cutback asphalt from November through March, or amend Regulation 20 to prohibit its use, (4) a justification for applying an alternative plan to coil coaters, or amend Regulation 14 to limit applicability of an alternative plan only to can coaters, and (5) a compliance schedule for progress reports be submitted at intervals of 9 months or less.

Regulations 14 and 17 allow for the use of alternative control plans for can, coil, and automobile assemblyline coating operations. These regulations require that alternative control plans must provide for emission reductions which are equivalent to those achievable with the categorical emission limits, and these plans must be approved by the Air Pollution Control Officer. EPA policy for alternative proposals requires that these alternatives proposals be submitted by the State as SIP revisions, as discussed in EPA's policy statement, "Recommendations for Alternative Emission Reduction Options within the State Implementation Plans" (44 FR 71780, December 11, 1979). Until these alternative proposals are approved as revisions to the SIP, EPA would continue to enforce the categorical emission limits and the compliance schedules of the regulations.

Regulation 21, *Control of Organic Compound Emissions from Solvent Metal Cleaning Operations,* applies to sources also regulated under the Federal Regulation 40 CFR 52.252, "Control of Degreasing Operations." The Federal Regulation applies to highly-reactive solvents such as trichloroethlene and requires 85% reduction in emissions. EPA proposes to retain the Federal Regulation since it requires a greater degree of control than the District's Regulation 21, which will only reduce emissions by aproximately 50%.

A number of submitted regulations apply to sources which are currently subject to Federal Regulations. The

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Federal Regulation 40 CFR 52.253, "Metal Surface Coating Thinner and Reducer" applies to sources subject to the District's Regulations 14, 17, and 19, which apply to the surface coating of cans, coils, automobiles, large appliances, and metal furniture. The Federal Regulation 40 CFR 52.254, "Organic Solvent Usage," applies to the same sources subject to 40 CFR 52.253, and also applies to the surface coating of paper, fabric, and film, which is regulated by District Regulation 16. All of the District regulations are future-effective, and should provide for more control of total VOC emissions than the respective Federal Regulations. Since Regulations 14, 16, and 19 (for control of can, coil, paper, fabric, film, large appliances, and metal furniture coaters) are future-effective, EPA proposes that Federal Regulations 40 CFR 52.253 and 52.254 be retained until final compliance with the emission limits contained in Regulations 14, 16, and 19 is achieved.

Regulation 17 applies to automotive coating lines, and contains several interim limits of control. The ultimate emission limits are effective January 1, 1985, and should provide for more control than the 3,000 pound/day emission limit currently in effect under Federal Regulation 40 CFR 52.254. However, it is not clear whether the interim emission limits as stringent as the 3,000 pound/day emission limit. EPA proposes to retain the 3,000 pound/day emission limit contained in 40 CFR 52.254 until final compliance with the ultimate emission limits contained in Regulation 17 is achieved. EPA proposes that Federal Regulation 40 CFR 52.253 and the emission limits other than the 3,000 pound/day limit contained in 40 CFR 52.254 be rescinded for sources subject to Regulation 17, when these sources achieve compliance with the first applicable interim limits of Regulation 17. Rescission of these Federal Regulation requirements should not result in a loss of total VOC control.

As stated above, the plan must contain a commitment to adopt RACT regulations for source categories to be covered by future CTG documents. The plan contains a local resolution to adopt all other reasonably available control measures needed to attain the standards as expeditiously as practicable. The State must submit adopted regulations by July 1, 1980 for the following applicable source categories (Group II CTGs): petroleum refinery leaks, gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, miscellaneous metal parts and products, graphic arts, pneumatic rubber tire manufacture, and flatwood paneling.

One of the Group II CTG source categories, floating roof tanks, is already controlled by the District's Regulation 3, Section 3102.4, *Storage of Organic Liquids*. This regulation provides for a level of control sufficient to fulfill the requirement for RACT for floating roof tanks (as well as for fixed roof tanks). Therefore, no additional control requirements are needed for this source category.

The State also submitted Regulation 3, *Reactive Organic Gas Emissions*, Section 3304 and Regulations 10, *Valves at Petroleum Refinery Complexes*, on November 6, 1979, which implement a control tactic contained in the plan. RACT regulations for this source category (a Group II CTG source category) are required to be submitted by the State by July 1, 1980. While EPA, is proposing to approve these regulations for inclusion in the SIP under Section 110 at this time, the regulations are not adequate to fulfill the requirement for RACT under Part D for refinery fugitive leaks (as contained in the Group II CTG) since these regulations do not contain control requirements for flanges, pumps, and compressors. Additional regulations or amendments to these regulations will need to be submitted to fully meet the RACT requirement for this Group II CTG source category.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. The Regional Administrator hereby issues this notice setting forth the above described revisions, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items identified in this notice as deficiencies in the nonattainment area plan. EPA is further interested in receiving comment on the specified deadlines for the State to submit the corrections, in the event of conditional approval.

Comments received on or before May 1, 1980 will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions/scheduled revisions meet the requirements of Section 110(a)(2) and Part D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes the available period for comments is adequate because:

(1) The plan has been available for inspection and comment since August 16, 1979.

(2) EPA's notice published in the August 16, 1979 **Federal Register** (44 FR 47959) indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sections 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: February 12, 1980.

Paul De Falco, Jr.,

Regional Administrator.

[FR Doc. 80-9874 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1451-6]

Approval and Promulgation of Implementation Plans; Alabama: Proposed Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Reproposed rule.

SUMMARY: Alabama has revised its air pollution control regulations by revoking the provisions for the preconstruction review of complex sources—parking facilities, roads, and airports. These are also known as "indirect" sources since they may indirectly increase emissions by causing increased motor vehicle traffic where they are built. EPA today reproposes approval of this revision.

DATES: To be considered, comments must be received on or before May 1, 1980.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308

In addition, the Alabama revisions may be examined at the offices of the Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104. Comments should be addressed to:

Mr. Roger Pfaff, EPA Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30308

FOR FURTHER INFORMATION:

Mr. Roger Pfaff, EPA Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30308, 404/881-3286 or FTS 257-3286

SUPPLEMENTARY INFORMATION: Pursuant to the decision by the District of Columbia Circuit Court of Appeals in *NRDC* v. *EPA*, 475 F. 2d 968, the Agency on June 18, 1973 (38 FR 15834) promulgated changes in 40 CFR 51.18 requiring State Implementation Plans to provide for preconstruction review of indirect sources of air pollution. Alabama was one of the few States to respond within the deadline set by EPA for the submittal of an indirect source plan. The Alabama plan, set forth as Chapter 10 of the State's air pollution control regulations, was approved by the Administrator, except for inadequate provisions for public comment, on February 25, 1974 (39 FR 7270). Also at that time, a Federal regulation was promulgated for States which had failed to submit an acceptable indirect source plan.

These Federal regulations have never been implemented and were suspended indefinitely in 1975. See 40 CFR 52.22(b)(16)(1978). Consequently, Alabama has never implemented its own indirect source regulations and EPA has not enforced those Alabama regulations. The State believed that these regulations were unnecessary since Part D requirements of the Clean Air Act (concerning the State attainment strategy for nonattainment areas) could be met for vehicle related pollutants by more effective and reliable means. Therefore, on November 27, 1978, Alabama revoked its indirect (complex) source regulations, following public notice in conformity with 40 CFR 51.4. This change was submitted to EPA's Region IV office as a proposed implementation plan revision on December 6, 1978.

In the **Federal Register** of March 15, 1979 (44 FR 15741), EPA announced the revision as proposed rulemaking and solicited public comment on it. One comment was received, supporting the Agency's proposal to approve the revision. In the notice of proposed rulemaking, the Agency stated that it proposed to approve the Alabama revision on the grounds that it is authorized by Section 110(a)(5) of the Clean Air Act; that Alabama is proceeding to revise its SIP to provide for the attainment and maintenance of the National Ambient Air Quality Standards for ozone as required by Part D of Title I of the Act; and that in all other respects the State's ozone plan meets the requirements of Section 110(a) of the Act.

On April 3, 1979, the Alabama Air Pollution Control Commission officially adopted implementation plan revisions designed to assure the attainment of the National Ambient Air Quality Standards for ozone in the five counties officially designated in 40 CFR Part 81 as nonattainment for that pollutant. An advance copy of the revisions was submitted to EPA on April 5, 1979. This contains a control strategy demonstration that the ozone standards will be met by December 1982 through the Federal Motor Vehicle Control Program (FMVCP) and newly adopted regulations representing RACT for stationary sources of volatile organic compounds. There are no nonattainment areas for CO or NO_x (the other motor vehicle-related pollutants for which there are national ambient standards) in Alabama. Recently, the case of *Manchester Environmental Coalition* v. *United States Environmental Protection Agency*, —— F.2d —— (No. 79-4062, 2d Cir. dec. Dec. 6, 1979) was decided. That case involved EPA approval of a State's request to revoke its indirect source review program which was part of the State Implementation Plan (SIP). The Court held that before deciding whether to approve such a revocation EPA must consider whether revocation would render the SIP inadequate to attain and maintain the national ambient air quality standards.

EPA proposed approval of the Part D plan for attaining the ozone standard in Alabama on July 19, 1979 (44 FR 42242). The strategies for attaining the ozone standard were found to represent reasonable further progress toward attainment and to meet the other requirements under Part D. As mentioned, the only public comment submitted was in favor of EPA's proposed approval and this action was finalized on November 28, 1979 (44 FR 67375).

Since EPA has approved the Part B plan for attainment of the ozone standard, use of an additional strategy of indirect source review is not needed to meet attainment requirements of the Clean Air Act. EPA concludes that revocation would not render the SIP inadequate to attain those standards.

The second inquiry is whether revocation would render the SIP inadequate to maintain air quality standards. At the outset, it must be recognized that indirect source review is no longer one of the requisite elements of SIPs in general, under 40 CFR 51.11 (a)(1978). (See 44 FR 15741 [Mar. 15, 1979] and *Manchester Environmental Coalition*, cited earlier in this notice.) Also, the Alabama indirect source review regulations have never been implemented, either by the State or EPA. Therefore, revocation of those regulations cannot adversely affect present air quality in Alabama. Concerning future maintenance of air quality standards, all States, including Alabama, will be required to submit as SIP revisions, additional regulations implementing Prevention of Significant Deterioration (PSD) requirements of Part C of the Clean Air Act (as revised by the 1977 Amendments). Those SIP revisions will have to be submitted in the near future when EPA promulgates new regulations conforming to the directives of the recent decision of *Alabama Power Corp. et al. v. Costle*, —— F.2d —— (No. 78-1006, D.C. Cir. dec. Dec. 14, 1979). If SIP revisions in addition to the new PSD regulations prove to be necessary to maintain air quality standards in Alabama, such revisions will be required by EPA when the necessity becomes evident. For the foregoing reasons, EPA concludes that revocation of the indirect source regulations would not render the Alabama SIP inadequate to maintain national ambient air quality standards.

EPA thus concludes that revocation of the indirect source review would not render the Alabama SIP inadequate to attain and maintain national ambient standards. On this basis, EPA proposes approval of the revocation and solicits comment on that proposal and its basis as described in this notice.

(Section 110(a), Clean Air Act (42 U.S.C. 7410(a)))

Dated: March 14, 1980.

John A. Little,

Acting Regional Administrator.

[FR Doc. 80-9748 Filed 3-31-80; 8:45 am]

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40 CFR Part 52

[FRL 1451-7]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a proposed revision of the State Implementation Plan (SIP) consisting of a Secretarial Order for the Chalk Point Unit #3 Generating Station of the Potomac Electric Power Company (PEPCO) at Prince George's County, Maryland. The revision consists of a relaxation of allowable particulate emissions, relaxation of the no visible emissions requirement, and a waiver of the regulations requiring particulate control equipment.

The revision applies to Chalk Point Unit #3 only and restricts particulate emissions to 0.05 gr./s.c.f.d. (0.10 lbs./MBTU heat input), allows a maximum visible emission of 20% opacity and waives the requirement for particulate control equipment.

DATE: Comments must be submitted on or before May 1, 1980.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets Philadelphia, PA 19106, attn: Ben Mykijewycz

Bureau of Air Quality and Noise Control, State of Maryland, 201 W. Preston St., Baltimore, MD 21201, attn: George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., (Waterside Mall), Washington, D.C. 20460

All comments on the proposed revision submitted within 30 days of the publication of this notice will be considered and should be directed to:

Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, attn: AH017MD

FOR FURTHER INFORMATION CONTACT: Ben Mykijewycz (3AH11), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8181.

SUPPLEMENTARY INFORMATION: On August 13, 1979, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III a proposed revision of Maryland State Implementation Plan. The proposed revision consisted of a Secretarial Order for Chalk Point Unit #3 Generating Station of the Potomac Electric Power Company (PEPCO), Prince George's County, Maryland. In the letter, the State of Maryland certified that the Order was adopted in accordance with the public hearing and notice requirements of 40 CFR, Part 51.4 and all relevant State procedural requirements, and asked that EPA consider the Secretarial Order as a revision of the State Implementation Plan. The Order relaxes the allowable particulate emissions to 0.05 gr./s.c.f.d. (0.10 lbs./10^6 Btu heat input), (COMAR 10.18.05.03B2). The present no visible emission limitation will be relaxed to allow a maximum visible emission limitation of 20% opacity, (COMAR 10.18.05.02A). No particulate control equipment shall be required, thereby waiving COMAR 10.18.05.03B1. Modeling studies submitted by PEPCO demonstrated that air quality standards for both sulfur dioxide and particulate matter will not be violated. Furthermore, the applicable PSD increments will not be exceeded by granting this revision.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland State Implementation Plan.

The public is invited to submit to the address stated above, comments on whether the Chalk Point Secretarial Order should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether it meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401)

Dated: March 19, 1980.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 80-9747 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1451-2]

Approval and Promulgation of Implementation Plans; Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Nevada State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor on September 18, 1979. The SIP revisions consist of one regulation affecting particulate matter, one regulation affecting sulfur dioxide, control strategy revisions, and a variance which affect the Kennecott Copper Corporation copper smelter located at McGill, Nevada. The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. EPA is only taking action on the particulate portions of the revisions. Action on the sulfur dioxide portations will be taken in a separate Federal Register notice. EPA is proposing to disapprove the revisions since they do not provide for the attainment and maintenance of the National Ambient Air Quality Standards. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 2, 1980.

ADDRESSES: Comments may be sent to:

Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105

Copies of the proposed revisions and EPA's evaluation report are contained in document file NV-KCC-2 and are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the follow locations:

Nevada Department of Conservation and Natural Resources, 201 S. Fall Street, Carson City, NV 89710

Public Information Reference Unit, Room 2040 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Wallace Woo, Chief, Engineering Section, Air Technical Branch, Air & Hazardous Materials Divsion, Environmental Protection Agency, Region IX (415) 556-8063

SUPPLEMENTARY INFORMATION:

Background

The Governor submitted the following control strategy revisions, regulations, and variance on September 18, 1979.

Control strategy revisions—Section 5: 5.2.2, Table 5.2 B, and emission inventory;

Nevada Air Quality Regulations (NAQR), Article 7—Particulate Matter: 7.2.7, and Article 14—Allowable Emissions from an Existing Copper Smelter; and

A variance from Articles 7 and 8 of the NAQR and Sections 4 and 5 of the control strategy.

One October 7, 1976, the State of Nevada submitted and SIP revision concerning similar rules. EPA published a Final Rulemaking Notice on the revision in the February 6, 1980 Federal Register (45 FR 8009). Please refer to that notice for background information on past EPA actions concerning the smelter at McGill, Nevada.

Criteria

EPA has reviewed the revisions for compliance with the following criteria as required by Section 110(a)(3) of the Clean Air Act, EPA's implementing regulations in 40 CFR Part 51, and EPA policy:

1. "Each plan shall include * * * a detailed inventory of emissions from point sources and area sources * * *" [40 CFR 51.13(f)(1)(i)].

2. "* * *the plan shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of such national standards * * *." (40 CFR 51.12(a)).

3. "The adequacy of a control strategy shall be demonstrated by means of a proportional model or diffusion model, or other procedure which is shown to be adequate and appropriate for such purpose." (40 CFR 51.13(e)(1).)

4. "The degree of emission limitation required for control of any air pollutant under an applicable implementation plan under this title shall not be affected in any manner by:

(1) So much of the stack height of any source as exceeds good engineering practice * * * or

(2) Any other dispersion technique." (Section 123, Clean Air Act.)

5. "Each plan shall show that the State has legal authority to carry out the plan, including authority to adopt emission standards and limitations, and any other measures necessary for attainment and maintenance of national standards." (40 CFR 51.11(a)(1).)

6. "Each plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources or categories of such sources must be in compliance with any applicable requirement of the plan." (40 CFR 51.15(a)(1).)

"The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing, and that * * * it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard * * *." (Section 110(a)(2)(B), the Clean Air Act.)

Discussion

Control Strategy Revisions

1. The emission inventory does not accurately describe the particulate emissions in the vicinity of the McGill smelter, as required under 40 CFR 51.13(f)(1)(i).

The State has submitted a revised particulate matter emission inventory for the Steptoe Valley, which is presented in summary Table "Emission Inventory, Air Quality Basin, Central Region, Steptoe Valley No. 179." Stack emissions for the McGill smelter are presented in Table "KCC—McGill Stack Emissions" and area source emissions for the McGill smelter are presented in Table "Area Source Emission Estimates—KCC." EPA has reviewed the revised emission inventory, and finds that it contains a number of inconsistencies and other deficiencies.

The solid particulate stack emissions reported for the McGill smelter during 1975 are taken directly from the analysis for the 1972 operating permit (see "KCC—McGill Stack Emissions"). Rather than reporting emissions which were calculated prior to 1972, the State should have recalculated the emissions using more refined methods which have been developed since then.

The emissions from the crushers which are reported for 1975 are also taken from the 1972 permit analysis. The State has neglected to account for the addition of baghouses at the crushing operation between 1972 and 1976. Assuming a baghouse efficiency of 99% (Table 8.20-1 AP-42), and using the maximim production rate allowed in the permit, EPA has calculated the emissions to be 13,140 tons/year less than reported by the State.

In calculating the particulate emissions from the reverberatory furnaces, the State has apparently assumed a 75% control efficiency for the electrostatic precipitator (ESP), which was the rated efficiency when newly installed in 1926. This control efficiency is considered to be too high for calculating the emissions in 1975 because:

1. The State has provided no documentation that the ESP has been maintained in "like new" condition.

2. During a pre-source test survey conducted by EPA at the McGill smelter on November 6, 1979, Kennecott officials estimated that the ESP was operating at 50% removal efficiency, and only recently has been upgraded from 30% removal efficiency.

3. Emission factors in "Compilation of Air Pollution Emission Factors," Third Edition, USEPA, May 1978 ("AP-42") for uncontrolled green feed reverberatory furnaces (such as the McGill smelter) and for the same controlled by an ESP indicate that a control efficiency of approximately 40% can be expected from an ESP.

Using a 40% control efficiency, EPA has calculated the emissions from the reverberatory furnances during 1975 to be an additional 5,900 tons/year at the maximum production rate allowed in the permit.

The particulate emissions from the converters have also been significantly underestimated. Kennecott has estimated the particulate removal efficiency of the multiclones to be 50% in a report presented to EPA entitled, "An Emission Iventory and Assessment of the Particulate Control Strategy for the McGill Operations of Kennecott Copper Corporation, August 7, 1979." Using emission factors for uncontrolled converters found in Table 7.3-2 of AP-42, and the 50% removal efficiency, the emissions are calculated by EPA to be an additional 4,773 tons/year, or a total of 4,888 tons/year at the maximum production rate allowed in the permit.

Smelter fugitive emissions have been reported by the State to be 6,314 tons/year in 1975, and 3,157 tons/year in 1979, and are projected to remain at that level through 1982. A note at the bottom of the Table, "KCC-McGill Stack Emissions," indicates that the smelter fugitive emissions are 721 pounds/hour. This hourly emission rate has apparently been used to calculate the yearly emisions of 3,157 tons. The State has profided no documentation concerning the fugitive emission calculations for 1975 or 1979. Due to the lack of documentation, EPA cannot determine whether fugitive sources such as the reverberatory feed bins have been

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included in this category or neglected entirely.

The emission inventory for particulate emissions from auto exhaust, and fugitive emissions from streets and unpaved roads, showed a slight increase from 1975 to 1979. This appears to conflict with the fact that there has been a 22% decrease in population for the Steptoe Valley since 1974. This significant decrease in population should result in less anthropogenic activity within the Steptoe Valley, and would be expected to be reflected in decreased emissions from such lessened activity. The State should document the reason for this apparent inconsistency.

The emission inventory indicates that particulate emissions from the tailings pond were 8,886 tons/year in 1979, and are projected to be 1,512 tons/year in 1982. Additional information made available to the Agency indicates that a tailings control program has reduced emissions from over 10,000 tons/year to less than half, and when the program is complete, emissions will be reduced to less than a quarter of the 1972 emissions. This implies that the 1979 tailings pond emissions are less than 5,000 tons/year, while the emission inventory in the 1979 SIP revision states that they are almost 9,000 tons/year. These descrepancies cannot be resolved by EPA because the State has not provided sufficient documentation concerning the emission factors and control efficiencies used to develop the emissions from the tailings pond.

In particular, the State has assumed a control efficiency of 93% for deep-furrowing and vegetation which Kennecott has applied to a portion of the tailings pond. The State has provided no documentation that the 93% control efficiency has been achieved. In fact, emission factors for tailings ponds indicate that the best control efficiency that can be expected is 90% when chemical-vegetative stabilization is employed (PEDCo-EPA–450/3–74–036a, "Investigation of Fugitive Dust, Volume I—Sources and Control", June 1974). The State must provide documentation justifying the use of the 93% control efficiency.

In addition, the State has not provided adequate documentation concerning the sizes of the active, inactive, controlled, and uncontrolled areas of the tailings pond. This documentation must be provided before EPA can verify the emission estimates calculated by the State.

Table 5.2(B), "Summary of Control Strategy by Year," indicates that when only manmade emissions are considered for 1975–1977, the allowable emissions for attaining the annual total suspended particulate (TSP) standard are 55,721 tons/year. The same table shows that the allowable manmade emissions in 1978 for attaining the annual TSP standard are 33,147 tons/year. The State has apparently concluded that, since the annual TSP standard was attained in the Steptoe Valley from 1975–1978, (as indicated in the same table), the total manmade emissions actually represent the allowable manmade emissions for those years. Between 1977 and 1978, manmade emissioins in the Steptoe Valley are shown to have decreased by 22,574 tons/year. However, the production of copper actually increased at the McGill smelter from 31,448 tons of copper produced in 1977 to 38,302 tons in 1878 (letter from Dean Kerr, Plant Manager, to Clyde Eller, Director, Enforcement Division, June 11, 1979). Since no additional particulate control equipment was installed at the McGill smelter between 1977 and 1978, the emissions would be expected to increase rather than decrease, as shown by the Nevada emission inventory.

In addition, the emission inventory indicates that the emissions from the tailings pond remained constant from 1975–1979 at 8,886 tons/year. It is therefore not clear what is responsible for the 1977–1978 emission reductions. It appears that the 22,574 tons/year emission reductions from 1977 to 1978 actually occurred from 1974 to 1975, when the McGill smelter reduced production from a two-reverberatory furnace operation to a one-furnace operation. This is reflected in the production figures for tons of copper produced, which decreased from 53,147 tons in 1974 to 21,000 tons in 1975. The production decrease would be expected to produce a sizable reduction in smelter stack and fugitive emissions. The State must clarify the inconsistencies noted.

The net effect of the deficiencies and inconsistencies noted cannot be fully determined by EPA because the State has not adequately documented the emission inventory. In particular, while the reverberatory furnace and converter emissions reported under "Solid Stack Emissions" for 1975 and 1979 are underestimated, it is not certain whether the associated fugitive emissions are accurately reported since they are not documented.

The reductions in stack emissions projected for 1982 do not appear to be real reductions in actual emissions since they represent the difference between the emissions allowed in the 1977 operating permits (listed as 1979 emissions in the emission inventory) and the calculated actual emissions during 1977 (listed as 1982 projected emissions). Since the emission levels projected for 1982 appear to have been achieved in 1977, no actual reductions would occur.

2. The air quality design value used in the control strategy is incorrect, and thus the requirements of 40 CFR 51.12(a) and 51.13(e)(1) are not met.

EPA notes that in the selection process for a "design value," the State has not considered monitoring data from the most recent three years of complete data as required by EPA policy (see "Workshop on Requirements for Nonattainment Area Plans," page 131). A review of Table 5.2(b) in the State's submittal shows that the highest of the second high readings from 1976, 1977, and 1978 occurred on September 22, 1977 (291 ug/m^3 recorded at the McGill School Monitor). EPA has reviewed ambient TSP data from Kennecott's North Flat Monitor and meteorological data from Yelland Field in Ely on this date and finds that ther is no apparent reason for eliminating the 1977 data.

In addition to the data found in Table 5.2(b), EPA has reviewed other ambient TSP data from Kennecott's North Flat Monitor, and the McGill School Monitor. Based on this information, even higher values were excluded from consideration when determining the design value. The State must demonstrate to EPA why these values were not considered in selecting a design value.

Further, the State has not demonstrated that the monitors have been located at the points of predicted maximum impact as required under 40 CFR Part 58 Appendix D.

3. The control strategy calculations of the emission reductions necessary to attain the National Ambient Air Quality Standards (NAAQS) for TSP are unreliable because of the deficiencies noted above in 1 and 2. Valley Modeling performed by Kennecott and verified by EPA, indicates that the allowable emissions predicted by Rollback Modeling are not sufficient to demonstrate attainment of the NAAQS for TSP. The requirements of 40 CFR 51.12(a) and 51.13(e)(1) therefore are not met.

On March 15, 1979 (44 FR 15735), EPA proposed action on the October 7, 1976 Nevada SIP revision. EPA promulgated final action with regard to the total suspended particulate matter portions of the October 7, 1976 SIP revision on February 6, 1980 (45 FR 8009). In the May 10, 1979 comments on this Notice of Proposed Rulemaking, Kennecott suggested a conference with the Administrator and the State to resolve the issues raised in the notice. In response to Kennecott's request, EPA, Region IX, met with representatives of Kennecott on May 31, July 30, August 7, and August 10, 1979, to discuss the deficiencies in the October 7, 1976 SIP revision. During these meetings, Kennecott and the State of Nevada submitted additional information to EPA. Among this information were Valley Modeling results performed by Kennecott at EPA's request. EPA subsequently verified the Valley Modeling results. EPA had specified the use of the Valley Model because of the complex terrain features in the vicinity of the McGill smelter. The use of the Valley Model in this situation is consistent with EPA policy for sources located in complex terrain (see EPA, OAQPS, "Guideline on Air Quality Models," April 1978, and Memorandum from Walter C. Barber to David G. Hawkins entitled, "Complex Terrain Models," June 5, 1979).

Although the Valley Modeling results were not submitted as part of the September 18, 1979 SIP revision, they are discussed below because they provide an independent check on the validity of the State's control strategy.

EPA's computer modeling results using the Valley Model indicate that a stack emission rate of 2100 pounds/hour (the emission rate included in the State's revised NAQR Article 7.2.7) would be sufficient to cause violation of the primary 24-hour standard for TSP on the hills to the east of the smelter. In conjunction with other emissions (smelter fugitive, tailings pond, and background), the stack emission rate of 2100 pounds/hour is also sufficient to cause violations of the 24-hour primary and secondary standards for TSP in the Steptoe Valley as well.

Table 4 of EPA's "Analysis of the Kennecott Copper Corporation, McGill, Nevada, Paraticulate Control Strategy," dated August 20, 1979, is a summary of the Valley Modeling results. When contributions from the smelter stack, smelter fugitive, tailings pond, and background are considered, Table 4 shows that the Valley Model predicts readings as high as 1888 $\mu g/m^3$ of TSP on a 24-hour average on the hills to the east of the smelter, and readings as high as 270 $\mu g/m^3$ in other areas of the Steptoe Valley.

Tables 1–4 show that the main smelter stack emissions account for 93% of the 1888 $\mu g/m^3$, and 74% of the 270 $\mu g/m^3$ Valley Model predicitions. Ambient air quality monitors are currently located in the Steptoe Valley, but not on the hills to the east of the smelter.

A main stack emission rate of 1684 pounds/hour (the emission rate included in the State's control strategy demonstration for 1982 (3,876 + 3,504 = 7,380 tons/year)), would reduce these predicted air quality values to 1514 $\mu g/m^3$ on the hills and 216 $\mu g/m^3$ in the Valley. The results indicate that violations of the primary standard would still occur on the hills to the east of the smelter, and that violations of the secondary standard would still occur in the Steptoe Valley itself. Furthermore, the State has failed to submit any regulations requiring the smelter to operate at a rate of 1684 pounds/hour.

The State has used Rollback Modeling to demonstrate attainment of the 24-hour secondary standard for TSP. A background concentration of 25 $\mu g/m^3$ was assumed, which EPA finds acceptable. The modeling predicts that the 1979 total manmade emissions of 33,147 tons/year must be reduced to a level of 22,540 tons/year to attain the secondary 24-hour TSP standard (the most stringent condition). Although the emissions projected for 1982 are 22,549 tons/year, the control strategy does not demonstrate attainment of the NAAQS for TSP, because the emission inventory is not accurate and an incorrect design value was selected. In addition, dispersion modeling results show that the emission limit of 2100 pounds/hour from the stack in the State's control strategy, is not sufficiently stringent to demonstrate attainment of the NAAQS for TSP.

4. The State has not demonstrated that the 750-foot stack represents good engineering practice as required under Section 123 of the Clean Air Act.

The particulate matter control strategy revision is based on ambient air quality data collected after the McGill smelter began to use its 750-foot stack on October 1, 1974. Section 123 prohibits the degree of emission limitation for a source to be affected by use of a stack in excess of good engineering practice (GEP) that was not in existence before December 31, 1970. Since the data relied on by the State reflect the use of the 750-foot stack (they were collected while Kennecott was discharging from the 750-foot stack), the calculated emission limitations could give improper credit for the effect of this disperson technique.

Kennecott has previously asserted in the comments submitted on EPA's Notice of Proposed Rulemaking concerning the October 7, 1976 SIP revision, that the comments submitted in response to EPA's Notice of Proposed Regulatory Revisions, 1977 Clean Air Act Amendments for Stack Heights (44 FR 2608, January 12, 1979), provide the required demonstration that the 750-foot stack represents GEP. EPA has reviewed Kennecott's comments, and has determined that they do not constitute a demonstration that the 750-foot stack represents GEP (Notice of Proposed Rulemaking, January 12, 1979, 44 FR 2608, and draft "Technical Support Document for Determination of Good Engineering Practice Stack Height," July 1978). The comments lack a field study or a fluid modeling study which must be made if there is terrain influence, as found at the McGill smelter. Therefore, unless the State demonstrates that the 750-foot stack at the McGill smelter represents GEP in accordance with Section 123, a design value must be determined by dispersion modeling using the appropriate GEP stack height.

However, in this particular case it is not necessary to reach a final conclusion as to the stack height credit to which the McGill smelter is entitled. Air quality data and computer modeling results show that NAQR Article 7.2.7, submitted by the State, is insufficient to attain the NAAQS for TSP, even if full credit is given to Kennecott's 750-foot stack.

5. There are no regulatory requirements for the emission reductions claimed for 1982 at the smelter stack or the tailings pond as required under 40 CFR 51.11(a)(1) and Section 110(a)(2)(B) of the Clean Air Act.

The State's control strategy shows that the stack emissions from all sources must be reduced to 4,446 tons/year for attainment of the NAAQS for TSP 1982. The proposed revision to NAQR Article 7.2.7 would limit the "Solid Particulate Emissions" from the smelter stack to 1,300 pounds/hour or 5,694 tons/year. It is evident that even if the State's control strategy is correct, the proposed revision is not sufficiently stringent to produce the required emission reductions for attainment of the NAAQS for TSP.

The proposed revision to NAQR Article 7.2.7 would also limit total particulate emissions from the stack to 2100 pounds/hour or 9,198 tons/year. The State's projected 1982 total stack emissions are the sum of the "Stack Emission Solid" and "Stack Emission Aerosol" (4,446 + 3,504 = 7,950 tons/year). It again appears that the proposed revision is not sufficient to produce the emission reduction which the State's control strategy predicts is required for attainment of the NAAQS for TSP. Therefore, the proposed control measures do not meet the requirements of 40 CFR 51.11(a)(1) and Section 110(a)(2)(B) of the Clean Air Act.

The largest emission reductions claimed by the State are the result of the tailings control program conducted by Kennecott. The State projects that emissions from the tailings pond will be reduced from 8,888 tons/year in 1979 to 1,512 tons/year by 1982. However, the State has proposed no regulations for

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the emission reductions claimed from the tailings control program as required under 40 CFR 51.11(a)(2) and Section 110(a)(2)(B) of the Clean Air Act.

6. The State has submitted no compliance schedules to implement the emission reductions claimed for 1982 at the smelter stack or the tailings pond as required under 40 CFR 51.15(a)(1) and Section 110(a)(2)(B) of the Clean Air Act.

For the reasons discussed above, EPA is proposing to disapprove the control strategy revisions.

NAQR, Article 7.2.7

Article 7.2.7, submitted on September 18, 1979, revises the State's process weight regulation as it applies to the McGill smelter. The revision establishes an emission limit for "Solid Particulate Matter" of 1300 pounds/hour (590 kg/hour) averaged over 24 hours for the McGill smelter. It also establishes an emission limit for "Total Particulate Matter" of 2100 pounds/hour (950 kg/hour) averaged over 24 hours, as measured by EPA Method 5 (40 CFR, Part 60, Appendix A).

Compliance with the emission limitations would be determined by conducting three independent sets of measurements consisting of twelve consecutive two-hour measurements using test procedures approved by the Director of the Nevada Department of Conservation and Natural Resources. The three independent tests must be conducted within a five-day period. The effect of the revised regulation is to relax the applicable SIP particulate emission limitation for the McGill smelter by approximately a factor of 11 with respect to the 1300 pounds/hour limit, and by approximately a factor of 18 with respect to the 2100 pounds/hour limit. Due to the deficiencies previously noted, the control strategy does not demonstrate that this relaxation of the SIP will not interfere with the attainment and maintenance of the NAAQS for TSP.

Thus, the proposed rule revision does not meet criteria 1, 2, 3, 4, and 6 identified earlier in this notice, and is provided to be disapproved.

Further, the 1300 pounds/hour limit pertains only to "Solid Particulate Matter." The regulation does not define "Solid Particulate Matter," or specify a compliance test method. This allows the State unlimited discretion in defining "Solid Particulate Matter," and in selecting a test method. Since the amount of particulate matter measured at the source depends on the definition of "Solid Particulate Matter," and the selection of a test method, the 1300 pounds/hour emission limit is rendered unenforceable by these deficiencies.

The 2100 pounds/hour emission limit applies to "Total Paticulate Matter," and thus includes particulate matter in aerosol form in addition to solid particulate matter. The State has specified EPA Method 5 as the applicable source test method for determining compliance with this emission limit. Method 5 is an appropriate test for use in the measurement of total particulate matter, and can be used as the compliance test procedure. However, the purpose and the need to average emissions over a 24-hour period is unclear. The completion of three such 24-hour tests within five days would require several sampling teams with no apparent increase in test accuracy to be derived. The practical difficulties of conducting such a test are a serious impediment to the collection of reliable data. Further, the specification of three such 24-hour tests within a 5 day period would hamper the use of source testing as a viable enforcement tool. In addition, the State has failed to provide any documentation that the 24-hour test can be adequately performed in place of one or two-hour tests for either the 1300 pounds/hour limit or the 2100 pounds/hour limit.

In summary, neither the 1300 pounds/hour nor the 2100 pounds/hour emission limit has been demonstrated to result in attainment of the NAAQS for TSP (see control strategy discussion), and both limits are rendered unenforceable either by the lack of an appropriate test method, or by a 24-hour averaging period, or both. For the reasons discussed above, EPA is proposing to disapprove Article 7.2.7.

Variance

The September 18, 1979 revisions also included a one year variance to Kennecott Copper Corporation from Articles 7 and 8 of the NAQR and Sections 4 and 5 of the Nevada control strategy portion of the SIP.

As noted earlier, EPA does not propose to take any action regarding emissions of sulfur compounds at this time. Therefore, Article 8 of the NAQR and those portions of Sections 4 and 5 of the Nevada SIP which involve that pollutant are not addressed in this notice.

Section 110(i) of the Clean Air Act (the Act) sets out the mechanisms by which a state can modify any requirement of a SIP with respect to any stationary source. Of those, a state's variance to a source may be allowable if it complies with the requirements for a SIP revision under Section 110(a)(3) of the Act.[1]

Those requirements, which determine the approvability of a variance as a SIP revision, include:

(a) Section 51.4 requires 30 days notice and public hearings on the revision.

(b) Section 51.15(a) requires a compliance schedule with a final compliance date.

(c) Section 51.32(f) provides that a SIP revision may be approved only if the revised SIP continues to provide for attainment and maintenance of the NAAQS. Section 51.13(a) requires the SIP to contain a control strategy for attainment and maintenance of the primary standard for particulate matter and sulfur oxides. Section 51.13(e) requires that there be a demonstration, by proportional model, diffusion model, or other adequate procedure, that the control strategy is adequate for attainment and maintenance of the NAAQS.

The variance is not approvable as a SIP revision because the requirements of 40 CFR 51.13 are not met since there is no demonstration that the SIP, as modified by the variance, will continue to provide for attainment and maintenance of the NAAQS for particulate matter.

(a) The requirement of 40 CFR 51.4 is met since the State indicated in its September 18, 1979 submittal that the notice and hearing requirements had been satisfied.

(b) The requirement of Section 51.15 for a compliance schedule specifying a final compliance date is not met. The only element in the variance resembling a compliance timetable is the recitation

[1] Section 113(d)(1) of the Act authorizes delayed compliance orders (DCO) and sets out the requirements for their approval by EPA under Section 113(d)(2). Any DCO must:

(a) Have been issued after notice and public hearing;

(b) Contain a compliance schedule;

(c) Require compliance with increments of progress leading to ultimate compliance as expeditiously as practicable;

(d) Require the source to use the best practicable system of emissions reduction, and to follow interim requirements to include at a minimum:

(i) Measures to avoid imminent endangerment to health, and;

(ii) The requirement that the source comply with the SIP as best it can;

(e) Require emission monitoring and reporting;

(f) Provide for final compliance with the SIP no later than July 1, 1979 or three years after the final compliance date in the SIP; and

(g) Notify the source (in the case of a major stationary source, in which category the Kennecott smelter falls) of the possibility of noncompliance penalties under Section 120 of the Act.

Nevada's variance, which was not submitted as a DCO under Section 113, does not fulfill any of these criteria.

of its one year duration. Since this is the third Kennecott variance granted by the State of Nevada there is no reason to believe, nor is there any indication expressed, that there will not be another variance after this one has expired. In this regard there is no intention expressed, either in the variance or in the submittal letter, that the source will actually be required to comply with the exempted provisions by a specific date.

The primary standard against which EPA judges the approvability of a state-submitted variance is whether or not it will interfere with the attainment and maintenance of the NAAQS. As discussed above, 40 CFR 51.13(e) requires that the SIP revision be accompanied by a demonstration that the control strategy, as modified by the revision, will continue to provide for attainment and maintenance of the NAAQS.

(c) Nevada's September 18, 1979 SIP revision included a control strategy demonstration. As explained in detail earlier in this notice, the documentation is inadequate to demonstrate that the control strategy, including the Kennecott variance, will provide for attainment and maintenance of the NAAQS for particulate matter, regardless of whether the Article 7 and Sections 4 and 5 revisions are included or not.

Therefore, EPA is proposing to disapprove the variance.

Public Comments

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before June 2, 1980, will be considered.

Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: March 17, 1980.

Paul DeFalco, Jr.,

Regional Administrator.

[FR Doc. 80-9759 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1451-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Imperial County Nonattainment Area Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act, as amended in 1977 (the Act), "Plan Requirements for Nonattainment Areas." This Notice provides a description of the proposed SIP revisions, summarizes the Part D requirements, compares the revisions to these requirements, identifies major issues in the proposed revisions, and suggests corrections.

DATES: Comments may be submitted up to May 1, 1980.

ADDRESSES: Comments may be sent to:

Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4-2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105

Copies of the proposed revision/Nonattainment Area Plan (NAP) and the EPA's associated Evaluation Report are contained in Document File No. NAP-CA-06 and are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Imperial County Board of Supervisors, Imperial County Courthouse, 939 Main Street, El Centro, Calif. 92243.

California Air Resources Board, 1102 "Q" Street, Sacramento, Calif. 95812

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX (415) 556-2938

SUPPLEMENTARY INFORMATION:

Background

New provisions, enacted in August 1977, of the Act, Pub. L. No. 95-95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt, and submit to the EPA revisions to their SIP's for these designated nonattainment areas by January 1, 1979, which revisions meet the requirements of Part D of the Act and provide for the attainment of the NAAQS as expeditiously as practicable.

Imperial County is designated as nonattainment of ozone (O_3).

On April 4, 1979 (44 FR 20372) the EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, the EPA published four Supplements to the General Preamble on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). The General Preamble supplements this proposal by identifying the major considerations that will guide the EPA's evaluation of the submittal. The EPA invites public comments on these revisions, the identified issues, the suggested corrections, and the question of whether the revisions should be approved or disapproved, especially with respect to the requirements of Part D of the Act.

Description of Proposed SIP Revisions

On October 11, 1979 the Governor's designee submitted the NAP for O_3 for Imperial County to EPA as a revision to the California SIP. Preparation of the proposed SIP revision was coordinated by the Imperial County Board of Supervisors which was designated by the California Air Resources Board (ARB) as the lead planning agency for the preparation of the Imperial County NAP. That plan, which is addressed in

this notice, consists of the following major components:

A discussion of governmental involvement, including intergovernmental consultation and the division of responsibility among various agencies.

A general description of Imperial County, including topography, meteorology, population, and economic activity.

A discussion of current air quality, accompanied by an organic gas emission inventory (present and projected) and a description of past and present activities of the Imperial County Air Pollution Control District (APCD).

An identification of some of the possible control strategies, including a brief description and reasons for selecting or rejecting each.

A schedule for adoption of rules, and a statement concerning resources to implement the Plan.

The NAP identifies certain control strategies, as follows:

1. State and Federal controls on motor vehicles. (No action required locally)
2. Architectural coatings rule.

In addition to the October 11, 1979 plan submittal, this notice considers amendments to the Imperial County APCD's rules and regulations submitted to the EPA by the Governor's designee prior to December 1, 1979 as SIP revisions. In order to expedite the EPA's review of the Imperial County NAP, this notice addresses only those District regulations which appear to relate to applicable Part D requirements, and thus support the NAP. Those rules, which were submitted on October 15, 1979, are listed below.

Imperial County Air Pollution Control District Rules

Rule 415.1—Gasoline Loading into Tank Trucks and Trailers.
Rule 424—Architectural Coatings.

Criteria for Approval

The Imperial County control strategy must be evaluated to determine if it is consistent with Part D of the Act. The following list summarizes the basic Part D requirements for nonattainment area plans:

1. An accurate inventory of existing emissions.
2. A modeling analysis indicating the level of control needed to attain by 1982.
3. Emission reduction estimates for each adopted control measure.
4. A provision for expeditious attainment of the standards.
5. Provisions for reasonable further progress as defined in section 171 of the Act.
6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.
7. An identification of an emissions growth increment.
8. Provisions for annual reporting with respect to items (5) and (6) above.
9. A permit program for major new or modified sources consistent with section 173 of the Act.
10. An identification of and commitment to the resources necessary to carry out the plan.
11. Evidence of public, local government, and state involvement and consultation.
12. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.
13. For O_3 SIP revisions that provide for attainment of the primary standards later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and consideration of environmental and social costs.

b. A provision for implementaion of all reasonably available control measures for mobile and transportation sources.

c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs.

d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program.

14. For O_3 nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) stationary sources for which EPA has published a Control Techniques Guideline (CTG) by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines.

Issues

The paragraph numbers below correspond to the Part D NAP requirements discussed in the preceding section, CRITERIA FOR APPROVAL. EPA policy for approval of O_3 nonattainment area plans submitted as 1979 SIP revisions differentiates between rural and urban nonattainment areas. EPA's policy, including the definition of rural areas, is discussed in the General Preamble. Based on the definition of rural areas and the policy, Imperial County is considered a rural area. As referenced in the General Preamble, EPA's minimum requirements for an approvable 1979 rural O_3 nonattainment area plan do not provide that all of the CRITERIA FOR APPROVAL listed above be fully met. Each criterion is discussed in depth below. Where a plan deficiency is identified, recommendations for revision of the plan are specified. The citations in the comments which follow refer to sections 108, 110, and Part D, sections 171–178, of the Act.

There is one major deficiency with respect to the Imperial County NAP for O_3 that causes the plan to be unapprovable with respect to Part D of the Act. The major deficiency is the absence of an adopted, legally enforceable New Source Review (NSR) rule.

If the State does not submit an adequate, legally enforceable NSR rule, the plan for Imperial County must be disapproved by EPA with respect to Part D of the Act. This overall plan disapproval would result in the continuation of the prohibition on certain major new source construction or modification as set forth in section 110(a)(2)(I) of the Act and EPA's Interpretive Rule on Statutory Restriction on New Sources (44 FR 38471, July 2, 1979). In accordance with this statutory provision, certain major new or modified stationary sources are currently prohibited from being constructed in California nonattainment areas. This prohibition on construction will remain in effect in Imperial County with respect to O_3 until the deficiency discussed above is corrected and EPA approves the NAP pursuant to Part D of the Act in a final rulemaking action.

EPA has identified certain portions of the plan that (1) are approvable, (2) contain minor deficiencies which could be remedied under conditions of plan approval, subject to assurance by the State that corrections will be made by a specified date, or (3) contain a major deficiency which must be remedied prior to EPA's final approval of the entire plan with respect to Part D of the Act. EPA's evaluation using these three standards will determine whether the plan as a whole is (1) approvable, (2) conditionally approvable, or (3) disapprovable. Those portions of the plan which are approvable have been determined to be consistent with section 110 and/or Part D of the Act and are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the plan is ultimately

approvable with respect to Part D. In addition, certain technical portions of the plan are noted as being approved even though they are expected to be refined in future plan updates.

Those portions of the plan which are conditionally approvable contain minor deficiencies which can be accepted on the condition that the State provide an assurance that the deficiencies will be corrected and submitted as an SIP revision by a specifed deadline. Conditional approval of the entire plan will be sufficient to lift the existing prohibition on new source construction described above. Conditional approval of the entire plan would mean that the restriction on new sources would not apply unless the State failed to submit corrections by the specified date, or unless the corrections were ultimately determined to be inadequate. These portions of the plan which are conditionally approvable are proposed to be incorporated into the SIP, regardless of EPA's determination on whether the overall plan is approvable with respect to Part D.

The NSR portion of the plan which is deemed to be a major deficiency must be corrected and submitted as an SIP revision in order for EPA to either approve or conditionally approve the entire plan with respect to Part D of the Act.

1. *Emission Inventory.*—The plan includes an emission inventory for hydrocarbons (HC), identifying emission source categories and their estimated emissions for the 1977 base year and projected emissions for 1982 and 1987.

A review of the base year inventory indicates that it includes the necessary emission estimates for stationary, mobile, and area sources. These estimates are based on emission factors listed in EPA's *Compilation of Air Pollutant Emission Factors* (AP–42), localized data, actual usage, computer models, and transportation studies. The inventory is reasonably comprehensive, current, and accurate, and the EPA proposes to approve it as part of the SIP.

Certain technical aspects of the emission inventory for O_3 should be addressed in the July 1980 Annual Report. The State should:

(1) Update pesticide emissions based on the results of studies currently in progress.

(2) Reconcile the estimates of the agricultural burning source category in the Plan with those given by the ARB for the same year.

(3) Include cutback asphalt emissions as a separate subcategory of organic solvent emissions.

2. *Modeling.*—The Plan does not contain an air quality model that allows calculation of emission needed to project attainment of the 0.12 parts per million primary O_3 standard by 1982. However, EPA policy does not require a specific demonstration of attainment by rural areas in the 1979 SIP revisions. Thus, the absence of such a model is not considered a deficiency, and EPA proposes approval of the Imperial County Plan with respect to the Modeling Requirements.

3. *Emission Reduction Estimates.*—Emission reduction estimates are contained in the plan for each control measure for HC reductions. Certain of these estimates are for the years 1976, 1982, and 1987.

The July 1980 Annual Report submitted to EPA by the State should include refined estimates of emissions reductions based upon the annually updated emission inventory, additional control tactics, and actual reductions being achieved through plan implementation.

4. *Attainment Provision.*—The plan does not quantitatively provide for attainment of the primary O_3 standard by the statutory dates. However, EPA policy for rural O_3 plans does not require such a demonstration.

5. *Reasonable Further Progress.*—The plan does not contain a demonstration of reasonable further progress for attainment of the O_3 standard. As referenced in the General Preamble, the 1979 O_3 SIP revision for rural areas need not provide for annual incremental reductions in emissions which would demonstrate reasonable further progress.

6. *Legally Adopted Measures.*—The present SIP submittal does not indicate that all required plan elements have been adopted at either the State or local level. Specifically, these are:

A New Source Review rule.

A VOC RACT rule for Cutback Asphalt.

The plan must include an adopted, legally enforceable NSR rule. The lack of such a rule is a major deficiency which must be remedied in order for EPA to approve the plan with respect to Part D of the Act. This deficiency is discussed in greater detail in Criterion #9, *Permit Program.*

As discussed below, the lack of a cutback asphalt rule is a minor deficiency and the subject of conditional approval. The absence of a cutback asphalt rule is considered a minor deficiency in view of the minimal emission reductions that are likely to occur with the implementation of such a rule in Imperial County.

The plan must also provide for the minimum levels of control technology that are required by the Act. For rural O_3 nonattainment areas such as Imperial County, the plan must include adopted, legally enforceable regulations which reflect the application of RACT for those major stationary source categories (i.e., those with over 100 tons/year potential emissions) for which EPA had published a CTG Document by January, 1978 (i.e., Category I CTG's). In addition, the plan must contain a commitment to adopt RACT regulations for major sources in categories to be addressed by future CTG documents.

The CTG's provide information on available air pollution control techniques, and certain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or group of sources. Therefore, the basis for an EPA decision to approve a regulation as satisfying the requirements of the Act for RACT consists of the applicable CTG document any material submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The plan indicates that of the 15 source categories (addressed by 11 CTG documents) for which adopted regulations are required, only six exist in the nonattainment area. There are no petroleum refineries or surface coating operations for cans, coils, paper, fabric, automobiles, large appliances, metal furniture, or magnet wire. The source categories that do exist in the nonattainment area include service stations, bulk plants, bulk terminals, fixed-roof tanks, degreasing, and cutback asphalt. Major sources do not exist in the area for the following source categories: service stations, bulk plants, and degreasing. Major sources may exist for three of these categories: bulk terminals, fixed-roof tanks, and cutback asphalt.

Rule 415.1, "Gasoline Loading into Tank Trucks and Trailers," was submitted on October 15, 1979, to cover bulk gasoline terminals. Rule 413, "Storage of Petroleum Products," was submitted November 4, 1977, for fixed-roof tanks, and approved for inclusion in the SIP.

Based on information contained in CTG's EPA believes that Rules 415.1 and 413 contain control requirements which are adequate to fulfill the requirement

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for RACT for bulk terminals and fixed-roof tanks.

The State has not submitted a regulation for cutback asphalt, and therefore the plan does not contain regulations sufficient to fulfill the requirement for RACT. The State has developed a model rule for control of this source category, and submitted it to EPA (with the San Diego Nonattainment Area Plan). EPA has evaluated the model rule, and believes it contains control requirements which are adequate to fulfill the requirement for RACT for this source category.

The plan could be conditionally approved upon correction of the major deficiency, the absence of an NSR rule. One of the conditions of approval would be the State's submittal by July 1, 1980 of (1) the certification that there are no major sources of cutback asphalt in Imperial County or (2) an adopted regulation which is similar and equivalent to the model rule.

In addition, the State has submitted Rule 424 for architectural coatings. EPA is recommending approval of Rule 424 for inclusion in the SIP, as it strengthens the SIP, and is consistent with the Act and EPA policy.

As stated earlier, the plan should contain a commitment to adopt regulations that are consistent with future CTG documents.

The plan contains a resolution committing to implement all other reasonable available control measures needed to attain the O_3 standard as expeditiously as possible. This commitment is adequate provided that the State submits adopted regulations by July 1, 1980 for major sources in the following applicable source categories: Petroleum refinery leaks, gasoline tank trucks, perchloroethylene dry cleaning, pharmaceutical manufacture, miscellaneous metal parts and products, graphic arts, pneumatic rubber tire manufacture, flatwood paneling, and floating roof-tanks (i.e., Category II CTG's). If no major sources exist for a particular category, the State must so certify.

In addition to the proposed rulemaking action, the following Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, are proposed to be rescinded or amended because they have been replaced by a revised set of control measures or regulations contained in the plan, and/or they have been invalidated by previous legal action:

A. *52.233 Review of new sources and modifications.* Subparagraphs (h), (i), and (j) have been invalidated by the Clean Air Act amendments of 1977.

B. *52.238 Attainment dates for national standards.* The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

7. *Emmissions Growth.*—The State's proposed NSR Rule (see Criterion #9, *Permit Program*, for further discussion) uses emissions offsets to limit emissions growth. This approach is approvable.

8. *Annual Reporting.*—The plan needs to contain a provision for annual reporting regarding (1) the progress of adoption and implementation of control measures, (2) the status of futher studies that would provide a basis for further action direction towards attainment and maintenance of the national standards, and (3) an updated emission inventory. The first report is due in July, 1980.

9. *Permit Program.*—The ARB has submitted its Model NSR Rule and two letters from the ARB to local districts (letters dated March 12, 1979 and May 7, 1979) as a draft rule for consideration as part of the Imperial County Plan. Thus, the term "draft rule" used here refers to the model rule as clarified by the two letters. This draft rule has not been adopted in a legally enforceable manner. Rather, it is a model upon which an adopted and legally enforceable rule could be based.

The lack of an adoped NSR rule is a major deficiency which must be corrected before EPA can approve or conditionally approve the plan with respect to Part D of the Act, because certain Part D requirements are not met.

At the request of the State, and assuming that an adopted rule equivalent and similar to the draft rule will be submitted, EPA has reviewed the substance of the draft rule against EPA's criteria for a new source permitting program. These criteria are contained in guidelines published in the preamble to EPA's revised Interpretative Ruling (44 FR 3274, January 16, 1979); EPA's General Preamble for Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas; and in the proposed amendments to EPA's regulations for Prevention of Significant Deterioration and Review of New Sources (44 FR 51924, September 5, 1979).

As described in the September 5, 1979 notice, EPA policy generally is to approve any plan that would meet the January 16, 1979 Interpretative Ruling or the criteria set forth in the September 5, 1979 proposal.

EPA's review indicates that the draft rule is more stringent than EPA's criteria in certain respects including certain Lowest Achievable Emission Rate (LAER) and offset source cutoff levels. However, the draft rule deviates from EPA's current criteria by exempting modifications of existing sources under certain circumstances which the EPA criteria do not allow. If a modification were to result in a net increase in emissions of less than 250 pounds/day (46 tons/year), the draft rule would exempt the modification from the LAER requirement of Part D of the Act. EPA's Interpretative Ruling allows a State's rule to include such an exemption for a major modification only if there will be no net increase in emissions, and does not allow any exemption for reconstructions.

EPA's proposed regulations also prohibit any exemptions for reconstructions, and allow exemptions of other major modifications only if the net increase in emissions will be less than "de minimis" (cut-off) levels. The draft rule cut-off level is less stringent than the "de minimis" levels proposed by EPA for HC.

Because the deviations noted above to EPA's existing and proposed regulations are not deemed to be major deficiencies with respect to the Part D requirements of the Act, EPA could conditionally approve the plan when an adopted NSR rule equivalent to the draft rule is submitted in legally enforceable form. The condition of this approval would be that the State must modify the adopted rule so that the above deficiencies are corrected to be consistent with the Clean Air Act and either: (1) The September 5, 1979 proposed regulations, or (2) final EPA regulations based on the September 5th proposal, or (3) the January 16, 1979 Interpretative Ruling, and submit it as a SIP revision by March 1, 1981.

10. *Resources.*—The plan defines the manpower resources of the Imperial County APCD and further states that these should be adequate to implement the adopted stationary source controls. The State should submit a more detailed description of and commitment to the financial resources to implement all individual control measures by the responsible agencies in the July, 1980 Annual Report.

11. *Public and Government Involvement.*—The plan provides evidence of public, local government, and State involvement and consultation in the planning process, and documents the process used in designating responsible entities for preparing and implementing the plan.

The official SIP submittal also identifies air quality, health, welfare, economic, energy and social effects of the plan provisions. In addition, the plan contains a summary of public comments.

EPA proposes to approve this portion of the plan.

12. *Public Hearing.*—The plan meets the requirements of section 172(b)(1) and 40 CFR 51.4, since it includes evidence that the plan was adopted by the local lead agency on October 31, 1978 and by the State on February 21, 1979, after reasonable notice and public hearing.

13. *Extension Requirements for O_3*

14. *Extension Requirements for VOC RACT.*—As referenced in the General Preamble, the 1979 O_3 SIP revision for rural nonattainment areas need not contain a demonstration of attainment. Therefore, the extension requirements of Criteria 13 and 14 identified above do not apply to this SIP revision.

Public Comments

Under section 110 of the Act, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State.

This proposal also includes a draft volatile organic compound regulation and a draft new source review regulation which have been adopted as model rules after public hearing by the State. These model rules have not yet been adopted and submitted to EPA by the State as legally enforceable regulations. However, the State has requested EPA to review these model rules and invite public comment on whether these draft regulations meet the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits regulations equivalent to these model rules. The Regional Administrator hereby issues this notice setting forth the revisions described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether or not to conditionally approve the items identified in this notice as deficiencies in the NAP. The EPA is further interested in receiving comment on specified dates for the State to submit the corrections, in the event of conditional approval.

Comments received on or before May 1, 1980 will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice.

The Administrator's decision to approve, conditionally approve, or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions meet the requirements of section 110(a)(2) and Part D of the Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

The EPA believes the available period for comments is adequate because:

(1) The plan has been available for inspection and comment since December 4, 1979;

(2) The EPA's notice published in the December 4, 1979 **Federal Register** (44 FR 69684) indicated that the comment period would be 30 days; and

(3) The EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Under Executive Order 12044 the EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. The EPA labels these other regulations "specialized". The EPA has received the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Secs. 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: March 4, 1980.

Sheila M. Prindiville

Acting Regional Administrator.

[FR Doc. 80-9798 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 58

[FRL 1448-8]

Montana: Approval and Promulgation of State Implementation Plans; Air Quality Surveillance and Data Reporting

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to Montana's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, Paragraph 58.20, Air quality surveillance; plan content.

DATES: Comments due May 1, 1980.

ADDRESSES: Comments on this modification should be directed to: Kenneth L. Alkema, Coordinator, Air, Pesticides & Solid Waste, Environmental Protection Agency, 301 S. Park, Drawer 10096, Helena, MT 59601.

Copies of the materials submitted by the Governor of Montana and comments received on this proposal may be examined during normal business hours at: Environmental Protection Agency, Montana Office, Room, 292, Federal Building, 301 South Park, Helena, MT 59601.

FOR FURTHER INFORMATION CONTACT: Ken L. Alkema (406) 449-5414.

SUPPLEMENTARY INFORMATION: In a May 10, 1979, **Federal Register** notice, EPA required that by January 1, 1980, states shall adopt a revision to their plan which meets the requirements of 40 CFR Part 58, Subpart C, Paragraph 58.20. On February 21, 1980, the Governor of Montana submitted a revision to the Montana State Implementation Plan concerning compliance with these Federal Monitoring Regulations. EPA has reviewed the State's submittal and finds that it meets the requirements of part 58.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of section 319 of the Clean Air Act as amended.

Dated: March 17, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80-9764 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 58

[FRL 1448-7]

Utah: Approval and Promulgation of State Implementation Plans; Air Quality Surveillance and Data Reporting

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: On November 5, 1979, the Governor of Utah submitted a revision to the State Implementation Plan concerning compliance with the Federal Monitoring Regulations. EPA is proposing to approve revisions to Utah's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, Paragraph 58.20, Air Quality surveillance; plan content.

DATES: Comments due May 1, 1980.

ADDRESSES: Comments on this modification should be directed to:

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Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the materials submitted by the Governor of Utah and comments received on this proposal may be examined during normal business hours at: Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Robert DeSpain, 303–837–3471.

SUPPLEMENTARY INFORMATION: In a May 10, 1079, Federal Register notice, EPA required that by January 1, 1980, states shall adopt a revision to their plan which meets the requirements of 40 CFR Part 58, Subpart C, Paragraph 58.20. On November 5, 1979, the Governor of Utah submitted a revision to the State Implementation Plan concerning compliance with these Federal Monitoring Regulations. EPA has reviewed the State's submittal and finds that it meets the requirements of Part 58.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 319 of the Clean Air Act as amended.

Dated: March 19, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80-9856 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 60

[FRL 1451-4]

Standards of Performance of New Stationary Sources: Adjustment of Opacity Standard for Fossil Fuel Fired Steam Generator

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposed to adjust the NSPS opacity standard applicable to Interstate Power Company's Lansing Unit No. 4, in Lansing, Iowa. The proposal is based on Interstate's demonstration of the conditions that entitle it to such an adjustment under 40 CFR 60.11(e).

DATE: Comments must be received on or before May 1, 1980.

ADDRESSES: Comments should be submitted in writing to Director, Enforcement Division, EPA, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106. Background information and comments on the proposed standard will be available for public inspection and copying (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Peter J. Culver or Henry R. Rompage, Enforcement Division, EPA, Region VII, 324 E. 11th Street, Kansas City, Missouri, 64106, telephone 816/374–2576.

SUPPLEMENTARY INFORMATION: The Standards of Performance for fossil fuel-fired steam generators as promulgated under Subpart D of Part 60 on December 23, 1971 (36 FR 24876) and amended on December 5, 1977 (42 FR 61537) allow emissions of up to 20 percent opacity, except that 27 percent opacity is allowed for one six-minute period in any hour. This standard also requires reporting as excess emissions all hourly periods during which there are two or more six-minute periods when the opacity exceeds 20 percent.

On January 18, 1980, Interstate Power Company of Dubuque, Iowa, petitioned EPA under 40 CFR 60.11(e) to adjust the New Source Performance Standard (NSPS) 20% opacity standard applicable to its Lansing Station Unit No. 4 in Lansing, Iowa. EPA proposes to grant the petition for adjustment, as Interstate has demonstrated the presence at its Landing Station Unit No. 4 of the conditions that entitle it to such relief, as specified in 40 CFR 60.11(2)(3).

On the basis of performance tests conducted on August 15–22, August 30, October 4–5, 1977 and July 25, 1978, EPA determined that Unit No. 4 was in compliance with all applicable new source performance standards except opacity. Opacity readings during the performance testing were as high as 32%. EPA notified Interstate Power Company of the results and the right to petition for adjustment of the opacity standard.

In its petition for adjustment of the opacity standard, Interstate made the following showing: (a) The affected facility and associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance test; (b) the tests were performed under the conditions established by the Administrator, and (c) the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

As described in the March 8, 1974 Federal Register (39 FR 9308), the Agency utilizes opacity standards as a means to ensure proper operation and maintenance of control systems on a day to day basis. Opacity standards are regulatory requirements, just like the concentration/mass standards. They are separate standards and it is not necessary to show a violation of the mass standard to support enforcement of the opacity standard. Where opacity and concentration/mass standards are applicable to the same source, the opacity standard is not more restrictive than the concentration/mass standard. The concentration/mass standard is established at a level which will result in the design, installation, and operation of the best adequately demonstrated system of emission reduction (taking costs into account) for each source.

The control method used by Interstate at Lansing Unit No. 4 is 44 section electrostratic precipitator. Due to continued mechanical and equipment problems the source has been able to operate 43 of the 44 sections of the precipitator. The company completed a technical evaluation of the impact of operating 43 of the 44 units. Using a modified Deutsch equation, the theoretical effect of energizing the 44th section would be to lower the opacity by 1.2 percent. EPA has reviewed and has no disagreement with the company's technical evaluation. Since the facility can meet all NSPS emission limitations except opacity with the current control equipment, it does not appear the requiring of large additional expenditures and control equipment are warranted.

In view of the above, EPA proposes that Interstate's Lansing Station Unit No. 4 be excused from compliance with the 20% opacity standard of 40 CFR 60.42(a)(2). As an alternative, it is proposed that Interstate shall not cause to be discharged into the atmosphere from Lansing Station Unit No. 4 any gases which exhibit greater than 32 percent opacity, except that a maximum of 39 percent opacity shall be permitted for not more than one six-minute period in any hour. The adjustment will not relieve Interstate of its obligation to comply with any other federal, state, or local opacity requirements.

Authority: This amendment is proposed under the authority of Sections 111 and 301(a) of the Clean Air Act, as amended (42 USC 7411 and 7601(a)).

Dated: March 20, 1980.

William Rice,

Acting Regional Administrator.

In consideration of the foregoing, it is proposed to amend Part 60 of 40 CFR Chapter I as follows:

Subpart D—Standards of Performance for Fossil Fuel-Fired Generators

§ 60.42 [Amended]

1. Section 60.42 is amended by adding paragraph (b)(2):

* * * * *

(b) * * *

(2) Interstate Power Company shall not cause to be discharged into the atmosphere from its Lansing Station Unit No. 1 in Lansing, Iowa, any gases which exhibit greater than 32% opacity, except that a maximum of 39% opacity shall be permitted for not more than six minutes in any hour.

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601)).

2. Section 60.45(g)(1) is amended by adding Paragraph (ii) as follows:

§ 60.45 Emission and fuel monitoring.

* * * * *

(g) * * *

(1) * * *

(i) * * *

(ii) For sources subject to the opacity standard of § 60.42(b)(2), excess emissions are defined as any six-minute period during which the average opacity of emissions exceeds 32 percent opacity, except that one six-minute average per hour of up to 39 percent opacity need not be reported.

[FR Doc. 80-9758 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 125

[FRL 1452-3]

Ocean Discharge Criteria; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of Comment Period.

SUMMARY: On February 12, 1980, EPA proposed ocean discharge criteria under Section 403(c) of the Clean Water Act (45 FR 9548–9555). EPA is extending the period for comment on the proposed regulation from March 28, 1980, until April 28, 1980.

DATES: Comments on the proposed ocean discharge criteria must be submitted to EPA by April 28, 1980.

ADDRESS: Send comments to: the Deputy Assistant Administrator (WH–586), Office of Water Planning and Standards, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kenneth Farber, Office of Water Planning and Standards (WH–586), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202–472–5746.

SUPPLEMENTARY INFORMATION: On February 12, 1980, EPA proposed ocean discharge criteria under Section 403(c) of the Clean Water Act (45 FR 9548–9555). Section 403(c) provides that the EPA Administrator is to promulgate "guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans," with reference to seven statutory criteria. The requirements of Section 403 are among those which a discharger into these waters must meet before an NPDES permit will be issued under Section 402(a)(1). The February 12, 1980, proposed regulation stated that the deadline for submitting comments was March 28, 1980. Numerous requests to extend the comment period were submitted to the Agency. These requests primarily sought additional time to evaluate the impact of the regulation on offshore oil and gas operations and coastal power plants. Accordingly, EPA is extending the public comment period an additional 30 days through April 28, 1980. This extension will result in a subsequent delay in publishing final guidelines. Pending final guidelines, the current Agency policy in reviewing, issuing, or denying NPDES permits for discharges to the territorial seas, the contiguous zone, or the oceans in contained in the interim permitting guidelines which were published in the Federal Register on November 15, 1979, (44 FR 65751).

Dated March 26, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-9794 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 100a, 100b

Direct Grant Programs, State-Administered Programs, and General

AGENCY: Education Office, HEW.

ACTION: Notice of proposed regulations.

SUMMARY: The Education Division, HEW, proposes regulations setting forth procedures for the collection of debts that grantees and contractors owe to the United States under programs administered by the Education Division. These proposed regulations are designed to encourage debtors to make prompt and full payment voluntarily. They also describe alternative collection methods that the Education Division may use if a debtor fails to pay voluntarily.

These proposed regulations will be incorporated into the final version of the Education Division General Administrative Regulations (EDGAR), which were published as a notice of proposed rulemaking on May 4, 1979 (44 FR 26308).

DATES: All comments on these proposed regulations must be received on or before June 2, 1980.

ADDRESSES: Comments should be addressed to Mr. William Ward, Director of the Finance Division, U.S. Office of Education, 400 Maryland Avenue, SW. (Room 3105, FOB–6), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. William Ward, telephone: (202) 245–8360.

SUPPLEMENTARY INFORMATION:

A. *Overview.*

The purpose of these proposed regulations is to establish uniform procedures that the Education Division will use for the collection of debts. Some provisions are based on the regulations (Standards for the Administrative Collection of Claims, 4 CFR Parts 101 through 105) issued by the Comptroller General and the Attorney General to implement the Federal Claims Collection Act (31 U.S.C. 952 *et seq.*).

In pursuing collection of Federal funds, officials of the Education Division have found that the current debt collection procedures in 4 CFR Part 101 through 105 are not always adequate. Those regulations fail to prescribe some procedures in sufficient detail, particularly the charging of interest and collection through voluntary and involuntary offset.

The current practice of the Education Division concerning the charging of interest and collection through offset is to treat each debt on a case-by-case basis.

These proposed regulations would expand on the policies contained in 4 CFR Parts 101 through 105 by providing in more detail the methods for the payment and collection of debts. They would address not only debts arising out of audit exceptions, but, also, all debts arising out of programs administered by the Education Division. Furthermore,

they would apply to debts of both contractors and grantees, and to certain debts for which demand for payment has been made prior to the effective date of the proposed regulations.

B. *Summary of the Major Provisions.*

1. *Methods for Collection of a Debt.*—These proposed regulations would provide for direct payment in whole or installments, or, alternatively, payment by offset of funds, either voluntary or involuntary.

Voluntary Offset of Funds

Under § 100a.906 the voluntary offset method of payment would work as follows: A debtor agrees to have the funds provided under a current Federal grant or contract reduced by the amount of the debt. The debtor must also agree to replenish these funds with non-Federal funds or with Federal funds for which the debtor is not accountable to the Federal Government.

Involuntary Offset of Funds

Under §§ 100a.910 and 100a.911 the involuntary offset method of payment would work as follows: If a debtor does not voluntarily pay a debt, the appropriate official of the Education Division may remove the debtor from the letter of credit method of payment or from a payment system under the Departmental Federal Assistance Financing System.

Once the debtor is removed from one of these financing systems, the appropriate official could place the debtor on either a direct advance payment system or a direct reimbursement payment system. Under the direct advance payment system a recipient obtains Federal funding in advance of program expenditures. Under the direct reimbursement payment system a recipient obtains reimbursement for past program expenditures.

Once the debtor is placed on either a direct advance or direct reimbursement payment system, the appropriate official of the Education Division reduces, by the amount of the debt, the payment of funds to which the debtor as a recipient is otherwise entitled.

As under the voluntary offset system of payment, a debtor who is placed on a direct advance payment system would be required to replenish the offset funds with non-Federal funds or with Federal funds for which the debtor is not accountable to the Government.

Under a direct reimbursement payment system, the debtor would not need to replenish the funds that are reduced by an offset since program expenditures would have already been made from non-Federal funds.

A fuller understanding of the terminology in § 100a.910 can be obtained by reading this section in conjunction with the Department-wide regulations on grant payment requirements, Subpart K of 45 CFR Part 74. Part 74 will become applicable to programs administered by the Education Division when EDGAR is published in final form. In the meantime, the reader can look to the applicable grant payment requirements in 45 CFR 100a.60 *et seq.* and 100b.60 *et seq.*

2. *Installment Payments.*—Section 100a.908 would establish a maximum period of three years in which a State educational agency (SEA) could pay a debt in installments. This is the same time limit prescribed by statute for final audit determinations in cases involving Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2385). If the debtor is not an SEA, the appropriate official of the Education Division would have discretion to determine the length of time in which the debt must be paid. Nevertheless, consistent with 4 CFR 102.9, only under extenuating circumstances would the appropriate official permit a non-SEA debtor to pay a debt over a period of more than three years.

If the appropriate official agrees to authorize payment in installments for more than a six-month period, the terms of settlement must be evidenced by a formal written agreement. The appropriate official may also require that the settlement terms be evidenced by a promissory note.

3. *Interest Charges.*—Section 100a.909 would establish a uniform practice of charging interest on all debts under programs administered by the Education Division. If a debt is paid in one lump sum, the interest rate would be the prevailing rate prescribed in Part 6 of the Treasury Fiscal Requirements Manual. (Currently, the rate is ¾ of 1 percent per month.) This manual is published by the Department of the Treasury to guide Federal agencies in fiscal matters.

If a debt is paid in installments, the interest rate would be the rate determined by the Treasury Department in the "Schedule of Certified Interest Rates with Range of Maturities."

To encourage a debtor to make payment within 30 days, § 100a.909 would exempt the debtor from interest charges for a 30-day period from the date of the first demand letter. If, however, the debtor pursues judicial review and files suit before the expiration of the 30-day period, interest would accrue from the date of the filing of the suit.

C. *Incorporation into EDGAR.*

The proposed regulations would apply to both direct grant programs covered under part 100a of EDGAR and State-administered programs covered under part 100b. All but one section will be located in the final subpart of part 100a (Subpart G—"What Procedures Does the Education Division Use To Get Compliance?").

The one section not included in part 100a will be located in the final subpart of part 100b (Subpart H—"What Procedures Does the Commissioner Use To Get Compliance?"). This section will make applicable all the other debt collection provisions in part 100a to programs covered under part 100b.

D. *Invitation To Comment.*

The Education Division invites all interested persons to submit comments concerning these proposed regulations to the address at the beginning of this document.

E. *Citation of Legal Authority.*

These proposed regulations are issued under section 408 (a)(1) of the General Education Provisions Act, as amended (20 U.S.C. 1221e–3(a)(1)), and Section 3 of the Federal Claims Collection Act (31 U.S.C. 952(a)).

Any additional citations authorizing a particular section of the regulations are given in parentheses following that section.

Dated: January 28, 1980.

Peter D. Relic,

Acting Assistant Secretary for Education.

February 13, 1980.

William L. Smith,

Commissioner of Education.

February 6, 1980.

Michael Timpane,

Acting Director of the National Institute of Education.

February 12, 1980.

Lee Kimche,

Director of the Institute of Museum Services.

February 11, 1980.

Approved: March 21, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

The Education Division proposes to amend 45 CFR Part 100a by adding new provisions in Subpart G as follows:

PART 100a—DIRECT GRANT PROGRAMS

Subpart G—What Procedures Does the Education Division Use To Get Compliance?

* * * * *

Debt Collection Procedures

Sec.

100a.904 Applicability of these rules.
100a.905 Other regulations that apply to the collection of debts.
100a.906 Payment by cash or offset.
100a.907 Funds that must be used to pay debt.
100a.908 Payment in installments.
100a.909 Charging of interest.
100a.910 Removal of debtor from system of financing.
100a.911 Collection by involuntary offset.
100a.912 Referral to Comptroller General and Justice Department.
100a.913 Application to pre-existing debts.

Authority: Sec. 408(a)(1) of Pub. L. 90–247, as amended, 88 Stat. 559, 560 (20 U.S.C. 1221e–3(a)(1)) and sec. 3 of Pub. L. 89–506, 80 Stat. 309 (31 U.S.C. 952(a)).

Subpart G—What Procedures Does the Education Division Use To Get Compliance?

* * * * *

§ 100a.904 Applicability of these rules.

Sections 100a.906 through 100a.913 apply to the collection of all debts that contractors and grantees owe to the United States under programs covered by this part.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a))

§ 100a.905 Other regulations that apply to the collection of debts.

In addition to §§ 100a.906 through 100a.913, the following regulations apply to the collection of debts of the United States under programs covered by this part:

(a) 45 CFR 74.95 ("Withholding of Payments").

(a) 45 CFR 100a.64 and 100b.64 ("Withholding of Payments").

(a) 45 CFR Part 30 ("Claims Collection").

(a) 4 CFR Parts 101–105 ("Standards for the Administrative Collection of Claims").

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a))

§ 100a.906 Payment by cash or offset.

(a) A debtor shall pay a debt covered under this part by—

(1) Cash; or

(2) Offset.

(b) To pay the debt by offset, the debtor shall agree to—

(1) Have the funds that are provided under a current grant or contract award from the Education Division reduced by the amount of the debt; and

(2) Use funds described in § 100a.907 in an amount equal to the debt to replenish the funds reduced by the offset.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a); 20 U.S.C. 1226a–1; 4 CFR 102.3)

§ 100a.907 Funds that must be used to pay debt.

A debtor shall use only non-Federal funds or Federal funds for which the debtor is not accountable to the Federal Government to—

(a) Pay a debt in cash; or

(b) Replenish the funds reduced by an offset.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a); 20 U.S.C. 2835)

§ 100a.908 Payment in installments.

(a) A debtor shall pay a debt in a single payment, except as provided in paragraph (b) of this section.

(b) If the debtor submits satisfactory evidence to the appropriate official of the Education Division that it is unable to pay the debt in a single payment, the appropriate official may authorize payment in installments over a period—

(1) Not to exceed three years if the debtor is an SEA; or

(2) To be determined by the appropriate official if the debtor is not an SEA.

(c)(1) If the appropriate official of the Education Division agrees to authorize payment in installments for more than a six-month period, the appropriate official requires that the terms of settlement be evidenced by a formal written agreement signed by the debtor and an authorized official of the Education Division.

(2) The appropriate official may also require that—

(i) The terms of settlement be evidenced by a promissory note; and

(ii) The debtor provide security for the note.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a); 20 U.S.C. 2835; 4 CFR 102.9)

§ 100a.909 Charging of interest.

(a) If a debt is paid in one lump sum, the appropriate official of the Education Division charges interest on the debt at the prevailing rate prescribed by Section 6–8020 of the Treasury Fiscal Requirements Manual, unless a different rate is prescribed by statute, contract, or regulations.

(b) If a debt is paid in installments, the appropriate official of the Education Division—

(1) Charges interest on the debt at the rate determined by the Treasury Department in the monthly "Schedule of Certified Interest Rates with Range of Maturities" in effect at the time the official requests payment in installments; and

(2) Applies the installment payments first to the payment of the accrued interest and then to the principal, unless a different rule is prescribed by statute, contract, or regulations.

(c) Interest begins to accrue 30 days from the date of the first demand letter, except as provided in paragraph (d) of this section.

(d) If a debtor seeks judicial review of a determination that a debt is due, and if the debtor loses that appeal, the appropriate official of the Education Division charges interest on the debt until paid. The interest charge begins to accure on the earlier of the following—

(1) The date the debtor files the suit; or

(2) Thirty days from the date of the first demand letter.

(e) For purposes of this part, "demand letter" means a formal written notice from the delegated collection office demanding that a debtor pay a debt by a given date. Where a debtor pursues an administrative appeal provided by regulation, the demand letter is the first notice issued after the conclusion of the appeal.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a); 4 CFR 102.11)

§ 100a.910 Removal of debtor from system of financing.

(a) If a debtor fails to pay in accordance with the requirements of § 100a.906 and if that debtor is financed by the letter of credit method of payment or a payment system under the Departmental Federal Assistance Financing System, the appropriate official of the Education Division may remove the debtor from one of these financing systems and place the debtor on a—

(1) Direct advance payment system, under which a recipient obtains Federal funding in advance of program expenditures; or

(2) Direct reimbursement payment system, under which a recipient obtains reimbursement for past program expenditures.

(b) If a debtor fails to pay in accordance with the requirements of § 100a.906, and if that debtor is financed under a direct advance payment system, the appropriate official of the Education Division may remove the debtor from that method of financing and place the debtor on a direct reimbursement payment system.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a))

§ 100a.911 Collection by involuntary offset.

(a) If the appropriate official of the Education Division places the debtor on either a direct advance payment system or a direct reimbursement payment system as described in § 100a.910, the

appropriate official recovers the indebtedness by offsetting the amount of the debt against the payment of funds to which the debtor—as a recipient—is otherwise entitled under the appropriate payment system.

(b) In the event of an offset under the direct advance payment system, the debtor shall replenish the funds reduced by the offset in accordance with § 100a.906(b)(2).

(20 U.S.C. 1221e–3(a); 31 U.S.C. 952(a); 20 U.S.C. 1226a.1; 4 CFR 102.3)

§ 100a.912 Referral to Comptroller General and Justice Department.

If all other methods for collecting a debt are unsuccessful, the appropriate official of the Education Division may recommend that the matter be referred to—

(a) The Comptroller General to pursue collection action or to initiate action to bar the debtor from future participation in Federal programs; or

(b) The Department of Justice to initiate suit to recover the debt; or

(c) Both.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a); 4 CFR 105.1; 45 CFR 76.10 (proposed))

§ 100a.913 Application to pre-existing debts.

(a) Except as provided in paragraph (b), §§ 100a.904 through 100a.912 apply to the collection of a debt for which the United States has made demand for payment prior to the effective date of these regulations. These sections apply beginning on the date the debtor receives a new demand letter for payment of that debt.

(b) Sections 100a.904 through 100a.912 do not apply if, prior to the effective date of these sections, the debtor has met one of the following conditions:

(1) Entered into a formal, written agreement with an authorized official of the Education Division to pay the debt.

(2)(i) Entered into negotiations with an authorized official of the Education Division for settlement of the debt; and

(ii) Following the effective date of these sections, the negotiations are successfully concluded within a reasonable time as determined by the appropriate official of the Education Division.

(3) Sought judicial review of a determination that a debt is due.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a))

PART 100b—STATE-ADMINISTERED PROGRAMS

The Education Division proposes to amend 45 CFR Part 100b by adding a new provision in Subpart H as follows:

Subpart H—What Procedures Does the Commissioner Use To Get Compliance?

Sec.

100b.904 Debt collection procedures.

Authority: Sec. 408(a)(1) of Pub. L. 90–247, as amended, 88 Stat. 559, 560 (20 U.S.C. 1221e–3(a)(1)) and sec. 3 of Pub. L. 89–506, 80 Stat. 309 (31 U.S.C. 952(a))

Subpart H—What Procedures Does the Commissioner Use To Get Compliance?

* * * * *

§ 100b.904 Debt collection procedures.

Sections 100a.904 through 100a.913 govern the collection of debts to the United States under programs covered by this part.

(20 U.S.C. 1221e–3(a)(1); 31 U.S.C. 952(a))

[FR Doc. 80-9780 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-02-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22

[CC Docket No. 79–318]

Amending Rules Relative to Cellular Communications Systems; Order Extending Time in Part

AGENCY: Federal Communications Commission.

ACTION: Extension of Comment Period.

SUMMARY: This Order extends the deadline for comments in CC Docket 79–318, concerning rules and standards for Cellular Mobile Communication Systems.

DATE: Comments must be filed on or before May 1, 1980.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael D. Sullivan, Common Carrier Bureau, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry into the use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems, CC Docket No. 79–318, See 45 FR 14074, March 4, 1980.

Adopted March 20, 1980.

Released March 24, 1980.

1. Before the Chief, Common Carrier Bureau, is a motion for extension of time filed by Telocator Network of America. Telocator asks that the time for filing comments in the captioned proceeding be extended from April 1, 1980, to June 2, 1980. Motorola, Inc., has filed comments in support of Telocator's motion.

2. Telocator's reasons for requesting the 62-day extension are: to permit its consultants to complete an analysis of certain statistical and economic data; to complete certain unspecified "extraordinary internal review procedures"; and to make the comment period comparable in length to the period in other proceedings.

3. We are not convinced at this time that an extension of over two months is necessary. In the interest of compiling a full record, however, we are persuaded to extend the comment period by one month. This is in accord with the Commission's clearly stated intent to proceed with this rulemaking expeditiously. *See Notice of Inquiry and Notice of Proposed Rulemaking*, 45 F.R. 2859, 2861 (January 15, 1980); *id.* at 2870 (additional statement of Chairman Ferris; separate statement of Commissioner Fogarty, joined by Commissioners Quello and Jones). We have previously observed that "a *brief* extension of the comment period may be necessary." [1] We will therefore extend the date for filing comments to May 1, 1980. As the Commission has stated in its *Notice*, the date for filing reply comments will be announced after we are able to judge the number and complexity of the comments.

4. Accordingly, pursuant to delegated authority contained in 47 CFR 0.291, it is ordered that Telocator's motion for extension of time is granted to the extent indicated above and is otherwise denied.

5. The Secretary shall cause a copy of this Order to be printed in the Federal Register.

Thomas J. Casey,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 80-9886 Filed 3-31-80; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 49

Termination of Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

[1] Letter from Philip L. Verveer to Larry S. Solomon, Esquire, dated February 25, 1980 (Mimeo 26747) (emphasis added).

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment, a segment of the draft Federal Acquisition Regulation regarding termination of contracts.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before May 30, 1980.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William J. Maraist, Deputy Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395–3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following subparts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 49—TERMINATION OF CONTRACTS

Subpart 59.1—General Principles

This subpart deals with the authority and responsibility of contracting officers to terminate contracts in whole or in part for the convenience of the Government or for default. It also covers the duties of the contractor and the contracting officer after issuance of a notice of termination, general procedures for the settlement of termination contracts and settlement agreements.

Subpart 49.2—Additional Principles for Fixed-Price Contracts Terminated for Convenience

This subpart provides policies and procedures for termination for convenience of fixed price contracts including coverage of the following: profit, adjustments in the amount of settlement when contractor is in a loss situation, sale or retention by contractor of termination inventory, lost or destroyed inventory, disposition of completed end items, submission and content of settlement proposals, limitation on settlements, and equitable adjustment in contract price after partial termination.

Subpart 49.2—Additional Principles for Cost-Reimbursement Contracts Terminated for Convenience

This subpart covers those policies and procedures unique to termination of cost-reimbursement contracts including discontinuance of vouchers, audit of settlement proposals, adjustment of indirect costs, and adjustment of fee.

Subpart 49.4—Termination for Default

This subpart deals with the procedures, rights, and liabilities of the Government and the contractor in default termination cases including reprocurement against the defaulted contractor's accounts, liquidation of liability, and surety-takeover agreements.

Dated: March 27, 1980.

LeRoy J. Haugh,

Budget Management Officer.

[FR Doc. 80-9881 Filed 3-31-80; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Atlantic Butterfish Fishery; Approval of Amendment

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Notice of plan amendment approval; proposed regulation; request for comments.

SUMMARY: The Fishery Management Plan (FMP) for the Butterfish Fishery of the Northwest Atlantic Ocean was prepared by the Mid-Atlantic Fishery Management Council (Council) under authority of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *eq seq.* (the Act). The FMP was published on February 6, 1980 (45 FR 8030). The Assistant Administrator for Fisheries, NOAA, has approved an amendment to the FMP which extends the plan, with no changes, from April 1, 1980, through March 31, 1981.

The proposed regulations to implement the management measures contained in the FMP would provide: (1) annual catch quotas for domestic fishermen; (2) a fishing year for Atlantic butterfish from April 1 through March 31; (3) domestic vessel registration, recordkeeping and reporting requirements; and (4) criteria for reallocating portions of the domestic annual harvest (DAH) to the total allowable level of foreign fishing (TALFF).

All regulations governing the foreign fishery for Atlantic butterfish contained in 50 CFR Part 611 are adopted by reference in the FMP. Those regulations will be retained to implement the FMP. Therefore, these proposed regulations in Part 657 pertain only to the domestic fishery for Atlantic butterfish (*Peprilus triacanthus*) within the fishery conservation zone of the United States (FCZ).

DATE: Comments on the FMP and the amendment, the proposed regulations, and the draft regulatory analysis (RA) relating to this proposed action are invited for a 60-day period. These comments must be submitted, in writing, on or before May 31, 1980.

ADDRESSES: All comments on the FMP, the amendment, and the proposed regulations should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

Mark "Comments on Butterfish FMP" or "Comments on proposed butterfish regulations" on the outside of the envelope.

Copies of the draft RA required under provisions of Executive Order 12044 may be obtained by writing to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

All comments on the draft RA should be sent to the Assistant Administrator for Fisheries at the above address. Mark "Comments on draft RA for butterfish fishery" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries, NOAA, under authority of the Act, approved, with one exception, the FMP for Atlantic Butterfish on November 9, 1979. The FMP covers both the domestic

[1] Filed as part of original document with the office of the Federal Register.

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and foreign butterfish fisheries in the FCZ. When implemented through final regulations, it will supersede that portion of the Preliminary Fishery Management Plan for the Foreign Trawl Fisheries of the Northwest Atlantic (PMP) which has controlled the butterfish fishery conducted by foreign vessels since March 1, 1977.

One provision of the FMP was not approved and will not be implemented. The disapproved portion of the FMP would have prohibited fishing for butterfish in two areas used to dispose of municipal and industrial waste in the Atlantic Ocean. The FMP contains no information demonstrating that the proposed area closures were necessary or appropriate management measures, as required by § 303 of the Act.

The FMP will terminate on April 1, 1980. On March 5, 1980, the Assistant Administrator approved an amendment to the FMP which extended the plan through March 31, 1981, with no other changes. Therefore these proposed regulations will implement the FMP, as amended. That amendment is published below.

A. Optimum Yield, Domestic and Foreign Allocations

The FMP, as amended, sets forth five objectives to be achieved through management of the domestic and foreign butterfish fisheries in the FCZ: (1) to promote the growth of the domestic butterfish export industry; (2) to minimize the costs of harvesting butterfish; (3) to increase employment opportunities for domestic commercial fishermen; (4) to prevent exploitation of butterfish beyond that level which produces the maximum sustainable yield; and (5) to minimize the costs of management and enforcement. In order to achieve these goals, the Council specified an optimum yield (OY) for butterfish of 11,000 metric tons (mt) for the fishing year (April 1–March 31). The Council determined that 7,000 mt of the OY was to be allocated to the domestic fleet and 4,000 mt was to be apportioned to foreign fishermen.

Section 3(18)(B) of the Act requires that OY be based on a fishery's maximum sustainable yield (MSY) "as modified by any relevant economic, social, or ecological factor." To ensure maintenance of the spawning stock, the Council established MSY at 16,000 mt. Experiences in the 1978 Atlantic butterfish fishery under the PMP and in other fisheries, such as tanner crab and Pacific salmon, have indicated that as foreign allocations of fish have decreased, domestic exports have increased. In addition, Japan, the primary market for U.S. exports of butterfish, has been dependent upon imports to keep up with its domestic demand for all species of fish. Since one of the FMP's objectives is to promote the growth of the U.S. butterfish export industry, the Council used this economic information to justify its specification of OY for butterfish at 11,000 mt. By establishing the OY below MSY, it is probable that the mean weight of butterfish and domestic catch per unit of effort will increase while harvesting costs drop.

From this OY, the Council ascertained the domestic harvest of butterfish to be 7,000 mt. Since domestic processors in the New England and Mid-Atlantic regions contacted by the Council indicated plans to enter the export market, the Council determined that the domestic allocation would satisfy domestic food and industrial needs and provide fish for export to the Japanese markets.

Butterfish is caught incidentally to harvesting *Loligo* squid. By setting the total allowable level of foreign fishing (TALFF) at 4,000 mt, foreign nations can catch their full allocations of *Loligo*, yet the amount of butterfish incidentally taken will not drastically hinder the development of the U.S. butterfish export industry.

B. Alternative Optimum Yields

The Council considered an OY of 16,000 mt, a domestic allocation of 7,000 mt, and a TALFF of 9,000 mt. However, the Council believed that it was likely that all or part of the 5,000 mt increase in TALFF would be apportioned to the Japanese fishing fleet. If this were done, the Council felt that there would be no incentive or need for the Japanese to purchase butterfish from domestic processors. Consequently, such levels of fishing would not meet one of the primary objectives of the FMP—promotion of the growth of the U.S. butterfish export industry. In addition, the Council estimated that such allocations would result in a $4.4 million loss in revenues to domestic fishermen.

The Council also examined the effects of lowering the OY to less than 11,000 mt. If the TALFF remained at 4,000 mt and the OY were lowered, U.S. catches would be constrained. If the TALFF were established at a level below 4,000 mt, foreign fleets would be unable to catch their allocations of *Loligo* squid. Therefore the Council rejected this alternative.

The information on which the Council based the OY, domestic allocations, and TALFF is contained in the FMP and the draft Regulatory Analysis.

C. Proposed Regulations

In the FMP, the Council specified conservation and management measures designed to achieve the plan's objectives and be consistent with the National Standards contained in § 301 of the Act. These measures are the bases for the proposed regulations.

Under the proposed regulations, all fishing vessels, including party and charter boats, fishing for butterfish in the FCZ are required to have a permit. Vessels which catch no more than 100 pounds of butterfish per trip, such as private recreational craft and vessels which catch small amounts of butterfish for bait, are exempt from the permit requirement.

The operators of vessels which have permits are required to keep, on a daily basis, accurate and complete fishing vessel records on trips where butterfish or any other species regulated under the Act are caught. The vessel's owner or operator must submit this record to the National Marine Fisheries Service within 48 hours after the end of any fishing week or trip, whichever period is longer.

The regulations require negative reporting (i.e., that no regulated species were taken over the reporting period). Without such a provision, it is impossible to determine whether all permitted vessels are complying with the recordkeeping requirements. Exemptions from negative reporting may be granted for periods of two to ten months for vessels permitted under this Part which are not catching butterfish for that period of time. This exemption is intended to accommodate those vessels catching butterfish on a seasonal basis only, or vessels under repair.

Weekly reports are required to be filed with the National Marine Fisheries Service by fish dealers and processors. These reports must include information on all first transfers, purchases, or receipts of butterfish and all other fish made during that week.

The proposed regulations establish an annual butterfish quota of 7,000 mt for domestic fishermen. The fishing year begins on April 1 and ends on March 31 of the following year.

The proposed regulations establish specific procedures to be followed in reallocating butterfish from the domestic quota to the foreign quota during the fishing year. After reviewing data from the first seven months of the fishing year, the Assistant Administrator for Fisheries may consider a reallocation only of the reported domestic harvest for that period of time is less than 40 percent of the annual domestic quota. No more than 50 percent of the difference between the reported domestic harvest and the annual domestic quota may be reallocated. The public will be afforded an opportunity to comment on the proposed reallocation. The proposed regulations set forth certain criteria that the Assistant Administrator must consider before reallocating butterfish to the foreign quota.

The fishery management plan amendment follows:

Amendment No. 1 to the Atlantic Butterfish Fishery Management Plan

Abbreviations and Definitions Used in This Document

CFR—Code of Federal Regulations
cm—centimeter
DAH—Domestic Annual Harvest—the capacity of US fishermen to harvest butterfish and their intent to use that capacity
DAP—Domestic Annual Processing—the capacity of US processors to process butterfish and their intent to use that capacity
EIS—Environmental Impact Statement
FRG—Federal Republic of Germany
FCMA—Fishery Conservation and Management Act
FCZ—Fishery Conservation Zone
fishing year—the 12 month period beginning April 1
FMP—Fishery Management Plan
fork length—length of a fish as measured from the most anterior point to the end of the median rays of the tail.
g—gram
GDR—German Democratic Republic
GIFA—Governing International Fishery Agreement
ICNAF—International Commission for the Northwest Atlantic Fisheries
kg—kilogram
mm—millimeter
MSY—Maximum Sustainable Yield
mt—metric ton=2204.6 pounds
NMFS—National Marine Fisheries Service
NOAA—National Oceanic and Atmospheric Administration
Nautical mile—approximately 1.15 statute miles
OY—Optimum Yield
PMP—Preliminary Fishery Management Plan
RA—Regulatory Analysis
R/V—Research Vessel
SA—Subarea or Statistical Area
Secretary—Secretary of Commerce
SEIS—Supplemental Environmental Impact Statement
TALFF—Total Allowable Level of Foreign Fishing
U.S.C.—United States Code
USSR—Union of Soviet Socialist Republics
<—less than
≤—less than or equal to
>—greater than
≥—greater than or equal to

The Fishery Management Plan (FMP) for Atlantic Butterfish was approved by the Mid-Atlantic Fishery Management Council on 14 June 1979 and approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA) on 8 November 1979. The FMP is for fishing year 1979–1980 (1 April 1979–31 March 1980). The purpose of Amendment #1 is to extend the FMP through the end of fishing year 1980–1981.

The objectives of the FMP are to: 1. Promote the growth of the US butterfish export industry; 2. Minimize cost of harvesting butterfish; 3. Increase employment opportunities for commercial fishermen; 4. Prevent exploitation of the resource beyond that level producing the maximum sustainable yield; and 5. Minimize costs of enforcement and management of the resource.

The management unit for the FMP is all butterfish under US jurisdiction north of Cape Hatteras.

The following management measures are included in the FMP:

1. The fishing year 1979–1980 Optimum Yield (OY) for butterfish is 11,000 metric tons (mt). US harvesting capacity (estimated Domestic Annual Harvest) (DAH) and US processing capacity (estimated Domestic Annual Processing) (DAP) for butterfish for the 1979–1980 fishing year has been estimated to be 7,000 mt. Foreign fishermen, therefore, have been allocated an initial surplus (Total Allowable Level of Foreign Fishing) (TALFF) of 4,000 mt of butterfish.

2. Any owner/operator of a vessel (foreign or domestic) desiring to catch butterfish within the FCZ (other than individual US fishermen for their own use), or transport or deliver for sale any butterfish caught within the FCZ, must possess a valid registration issued by the NMFS.

3. Foreign fishing for butterfish is governed by part 611 of Title 50, Code of Federal Regulations (the Foreign Fishing Regulations).

4. Weekly catch reports must be filed by domestic fishermen possessing a valid registration for the butterfish fishery, and domestic dealers and processors must submit weekly reports on transactions involving butterfish.

5. Any significant fraction of the US butterfish capacity not harvested by US fishermen may be reallocated to foreign fishermen.

Alternatives for Amendment #1 are:

1. Take No Action At This Time—This alternative would mean that the FMP would lapse at the end of fishing year 1979–1980, unless extended by a Secretarial amendment. The National Marine Fisheries Service (NMFS) could be required to prepare a Preliminary Management Plan (PMP) to regulate the foreign fishery.

2. Continue The Current FMP Through Fishing Year 1980–1981 With No Other Changes—The following values would apply to fishing year 1980–1981: OY=11,000 mt, DAH=DAP—7,000 mt and TALFF mt 4,000.

3. Increase/Decrease Optimum Yield, Domestic Annual Harvest, Domestic Annual Processing, and/or Total Allowable Level of Foreign Fishing—The probable biological consequences of a wide range of OYs are described in Section V–4 of the original FMP [as updated by the most recent butterfish stock assessment (Appendix I of Amendment #1)]. The MSY for this species, given the present mix of fishing gear, both domestic and foreign, is about 16,000 mt. The stock currently appears able to sustain an annual harvest of that magnitude, barring any significant declines in future recruitment. It is recognized that, if the predominant mesh sizes used in the fishery change significantly, the estimate of MSY will probably require adjustment. The estimates of Domestic Annual Harvest and Domestic Annual Processing were reviewed in June of 1979 and are considered reasonable for fishing year 1980–1981.

It is recommended that Alternative 2 be adopted as the preferred management option for Amendment #1. The alternatives are discussed in Section XII of Amendment #1.

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IV. Introduction

This Amendment #1 to the Atlantic Butterfish FMP is designed to extend the

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FMP to the end of fishing year 1980–1981 (31 March 1981). The basic data on the fishery has not changed since the revised FMP was adopted by the Mid-Atlantic Fishery Management Council in June, 1979.

Because the original FMP will be implemented near the end of the fishing year, the Council, recommendation for Amendment #1 is to extend the management regime in the original FMP through fishing year 1980–1981. This will provide time for an evaluation of that regime before any changes are made to it.

V. Description of Stocks

The most recent stock assessment is reproduced as Appendix I to Amendment #1. No data are presented therein which would warrant any changes to this section or to any management measure.

VI. Description of Habitat

No data are available which would necessitate a change to this section of the FMP.

VII. Fishery Management Jurisdiction, Laws, and Policies

No data are available which would necessitate a change to this section of the FMP.

VIII. Description of Fishing Activities

No data are available which would necessitate a change to this section of the FMP.

IX. Description of Economic Characteristics of the Fishery

No data are available which would necessitate a change to this section of the FMP.

X. Description of Businesses, Markets, and Organizations Associated With the Fishery

No data are available which would necessitate a change to this section of the FMP.

XI. Description of Social and Cultural Framework of Domestic Fishermen and Their Communities

No data are available which would necessitate a change to this section of the FMP.

XII. Determination of Optimum Yield

XII–1. Specific Management Objectives

The Mid-Atlantic Council adopted the following objectives to guide management and development of the butterfish fishery in the northwestern Atlantic, They are: 1. Promote the growth of the US butterfish export industry; 2. Minimize cost of harvesting butterfish; 3. Increase employment opportunities for commercial fishermen; 4. Prevent exploitation of the resource beyond that level producing the maximum sustainable yield, and 5. Minimize costs of enforcement and management of the resource.

XI–2. Description of Alternatives and XII–3. Analysis of Beneficial and Adverse Impacts of Potential Management Options

Alternatives for Amendment #1 are:

1. *Take No Action At This Time.*—This alternative would mean that the FMP would lapse at the end of fishing year 1979–1980 unless extended by a Secretarial amendment. If there were no Secretarial amendment, the NMFS would be required to prepare a PMP for this fishery.

A PMP would annually set OY and estimate US capacity and, thus TALFF. A PMP, however, regulates foreign, but not domestic, harvesting. Given the rapdily developing US butterfish fishery, this alternative might benefit US interests in the short-term by allowing free growth of this industry. Within the next few years, however, the US fishery will probably grow if unrestricted to annual levels in excess of the estimated MSY. This would have an adverse impact on US interests in the long-term.

Another effect of reversion to PMP management would be that data on the domestic harvesting and processing industries that would be collected as a result of recordkeeping provisions included in the FMP could not be collected, or could not be collected as effectively. This would seriously limit assessments of the scope and development of the US industry, and would eliminate other fishery and biological information needed to assess optimum yield, US harvesting and processing capacity, condition of the stock, etc.

A reversion to PMP management might also result in relatively large annual reallocations of butterfish to foreign fisheries. The Council believes, for the reasons specified in Section XII–5 of the original FMP, that this would seriously retard the development of the US butterfish (export) fishery.

A Secretarial amendment to extend the FMP would be a reasonable procedure if the Council were to proposing an amendment that would change substantially the management regime for the butterfish fishery. Given the late approval of the basic Butterfish FMP, such a major amendment could not be reviewed and approved prior to the end of the fishing year. Thus, a Secretarial amendment would be required to extend the management regime until the review and approval process could be completed.

2. *Continue The Current FMP Through Fishing Year 1980–1981 With No Other Changes.*—Under this alternative, the values of OY, DAH, DAP, and TALFF would remain the same as those specified in the original FMP (11,000 mt, 7,000 mt, 7,000 mt, and 4,000 mt, respectively). Given the late approval of the basic FMP, this seems to be the only reasonable alternative. It would permit the basic regime to operate for enough time so it could be evaluated before any change is developed. Changing the regime only a few months after implementation would lead to confusion in the fishery by changing the rules almost as soon as fishermen learn what they are.

3. *Increase/Decrease Optimum Yield, Domestic Annual Harvest, Domestic Annual Processing, and/or Total Allowable Level of Foreign Fishing.*—The probable biological consequences of a wide range of OYs are described in Section V–4 of the original FMP (as updated by the most recent butterfish stock assessment, which is Appendix I to this Amendment). The 'practical' MSY for this species (see Section V of the original FMP), given the present mix of fishing gear in this (domestic and foreign) fishery, is about 16,000 mt. The stock currently appears able to sustain an annual harvest of that magnitude, barring any significant declines in future recruitment. It is recognized that if the predominant mesh sizes used in the fishery change significantly in the future, the estimate of MSY will probably require adjustment. The estimates of DAH and DAP were reviewed in June of 1979 and are considered valid for fishing year 1980–1981.

XII–4. Tradeoffs Between the Beneficial and Adverse Impacts of the Preferred Management Option

It is recommended that Alternative 2 be adopted as the preferred management option for fishing year 1980–1981. Since the basic FMP will be implemented close to the end of the current fishing year, the regime in that FMP should operate for enough time to permit an evaluation of its effectiveness before it is amended. It is recognized that, during the public hearing and review process on this draft, additional information may be brought forward that would justify changes to the estimates of DAH and/or DAP. For the butterfish fishery, DAP is defined to include icing and freezing since these are the primary processor functions. Available information from a limited survey of processors indicates that there are no technical constraints on DAP up to the MSY level at this time.

Alternative 2 would have no more impact on foreign nations than the original FMP since the initial TALFF would continue at 4,000 mt and the real location provision of the original FMP would be continued. This provision continues the basic policy of the original FMP to provide a butterfish TALFF of a size adequate to permit the harvest of the probable *Loligo* TALFF.

XII–5 Specification of Optimum Yield

No changes are required to this section as a result of Amendment #1 except to extend for fishing year 1980–1981 the specification of Optimum Yield and the estimates of Domestic Annual Harvest, Domestic Annual Processing, and Total Allowable Level of Foreign Fishing established in the original FMP. Those quantities are set forth in Table 1.

Table 1.—Butterfish MSY, OY, DAH, DAP, and TALFF

	Metric tons
"Theoretical" MSY	21,635
"Practical" MSY[1]	16,000
Optimum yield	11,000
Domestic annual harvest	7,000
Domestic annual processing	7,000
TALFF	4,000

[1] Given the mesh sizes currently in use in the fishery.

XIII. Measures, Requirements, Conditions, or Restrictions Proposed To Attain Management Objectives

XIII–1. Permits and Fees

No changes are required as a result of Amendment #1.

XIII–2. Time and Area Restrictions

No changes are required as a result of Amendment #1.

XIII–3. Catch Limitations

The fishing year for butterfish shall be the twelve (12) month period beginning 1 April.

The initial Total Allowable Level of Foreign Fishing for butterfish for fishing year 1980–1981 is 4,000 mt.

The initial domestic quota for butterfish for fishing year 1980–1981 is 7,000 mt.

No other changes are required to this section as a result of Amendment #1.

XIII–4. Types of Gear

No changes are required to this section as a result of Amendment #1.

XIII–5. Incidental Catch

No changes are required to this section as a result of Amendment #1.

XIII–6. Restrictions

No changes are required to this section as a result of Amendment #1.

XIII–7. Habitat Preservation, Protection, and Restoration

No changes are required to this section as a result of Amendment #1.

XIII–8. Development of Fishery Resources

No changes are required to this section as a result of Amendment #1.

XIII–9. Management Costs and Revenues

It is expected that the costs of implementing the recommended option in Amendment #1 should be essentially the same as the cost of implementing the original FMP.

XIV. Specifications and Sources of Pertinent Fishery Data

No changes are required by Amendment #1.

XV. Relationship of the Recommended Measures to Existing Applicable Laws and Policies

No changes are required as a result of Amendment #1.

XVI. Council Review and Monitoring of the Plan

No changes are required as a result of Amendment #1.

XVII. References

All requests for information upon which this FMP has been based should be directed to the offices of the Mid-Atlantic Fishery Management Council. References in addition to those in the original FMP are:

Mid-Atlantic Fishery Management Council. 1979. Final environmental impact statement/fishery management plan for the butterfish fishery of the northwest Atlantic Ocean. 114 p.

Waring, Gordon T., Status of the northwestern Atlantic butterfish stock, July 1979. NMFS, Northeast Fisheries Center, Woods Hole Lab., Lab. Reference No. 79–33, July 25, 1979 (revised November 20, 1979).

App I: Status of the Northwestern Atlantic Butterfish Stock, July 1979 [1]

Introduction

The NW Atlantic butterfish population was assessed by Murawski and Waring (1978). The assessment indicated good recruitment of the 1978 year-class based on preliminary findings from US-USSR juvenile hake surveys and US commercial catch statistics. Autumn 1977, and spring 1978 survey data indicated that total mortality estimates (Z) had declined from previous years and mean weights of the fish had increased. Preliminary findings did not indicate that the optimum yield (OY) of 11,000 mt should be adjusted.

This paper presents updated survey and commercial catch information reported in Murawski and Waring (1978) as well as new age/length data from US research vessels. The implications of this additional information is discussed.

Survey Abundance Indices

Autumn offshore (>27 m) bottom trawl survey data between Cape Hatteras and Southern New England (Figure 1, Table 1) has been found to provide the most consistent and reliable information on the relative abundance of butterfish (Murawski and Waring, 1978). The linear catch per tow index (in numbers) from the autumn 1978 survey declined 15% from the previous year, and was 29.52% below the 11-year average of 114.32. This is the second consecutive decline (Table 1). Likewise linear weight per tow decreased 33.2% to 4.59 kg/tow. Autumn mean weights per fish were 81.0 g, a 16% decrease from the autumn 1977 mean (73.3g, Figure 2). The retransformed weight per tow index, however, increased 2.16% to 3.31 kg/tow in 1978 (Table 1, Figure 3).

The autumn 1978 catch per tow index in numbers was partitioned into age classes using research vessel age/length keys (Tables 6 & 7). The autumn estimate of age 0+ relative abundance (Table 2) was 48.73 fish/tow, 45% above the 1977 estimate but 43% below the 11-year average of 85.01 and 62% below the high 1976 year class index.

Spring linear catch per tow estimates have been used to assess total mortality of various year classes by regressing log$_e$ catch/tow on age (Murawski and Waring, 1978). The 1979 data is given in Table 3. The decline in the value of Z since the 1976 year class recruited can be attributed to reduced exploitation under FCMA. The spring 1979 catch per tow indices in numbers indicates the abundance of all ages has increased.

Commercial Catch Data

The US commercial harvest of butterfish increased 146.0% from 1977 to 1978, and is the highest observed since 1963 (Table 4). Nominal distant water fleet (DWF) catches, however, declined 69.2% in 1978. The total landings in 1978 of 4,478 mt were the smallest since 1965, and 48.5% below the 16-year average nominal catch of 8,688 mt.

Total distant water fleet catches in 1978 were only 1,324.1 mt, or 33.9% of the total allocation of 3,911 mt (Table 5). Restrictions on by-catch and time and

[1] Waring, Gordon T., NMFS, Northeast Fisheries Center, Woods Hole Lab., Lab. Reference No. 79–33, July 25, 1979 (revised November 20, 1979).

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area of fishing were probably at least in part responsible.

The age composition of the catch was determined by applying US and distant water fleet length frequency data to research vessel age/length keys (Tables 5 & 6). In the US food fishery the harvesting was primarily on age 2 (1976 year class) fish.

The US industrial fishery took mostly age 0 (1978 year class) fish. This is not suprising since the industrial fishery uses a small mesh, 66 mm versus 114 mm mesh, in the food fishery. The DWF's catch consisted mainly of age 1 fish followed by age 2 fish (1977 and 1976 year classes, respectively).

Discussion

The 1978 autumn and 1979 spring survey data do not indicate any trend in butterfish abundance. The current abundance is still within the range of values used earlier to calculate maximum average yield (16,000 tons). The total mortality rate of the population has been drastically reduced. As a result of the decline in fishing mortality in recent years the numbers of age 2+ and 3+ fish have increased (Table 3). The sharp decline in total catches in 1977 and 1978 combined with increasing numbers of older fish should maintain or increase spawning potential.

Table 1.—*Autumn U.S.A. Survey Butterfish Catch Per Tow, Strata 1–12, 61–78, 1968–77*

Year	Catch per tow in numbers			Catch per tow in weight (kg)		
	Linear	Log$_e$	Re-trans-formed	Linear	Log$_e$	Re-trans-formed
1968	121.09	1.99	47.28	10.44	0.06	2.91
1969	76.93	2.18	57.25	5.32	.56	2.72
1970	48.29	1.13	10.74	3.07	.34	1.06
1971	242.17	2.19	112.00	5.45	.39	2.29
1972	88.67	1.38	20.11	3.21	.26	1.16
1973	178.03	2.35	124.08	8.39	.75	3.70
1974	116.32	1.95	77.52	5.12	.65	2.66
1975	52.47	1.69	36.19	2.94	.58	1.80
1976	160.31	2.32	156.60	6.71	.86	4.15
1977	94.59	1.99	89.33	5.67	.70	3.24
1978	80.57	2.16	94.33	4.59	.76	3.31

Table 2.—*Estimates of Relative Juvenile (Age 0 +) Abundance From NMFS Autumn Offshore Bottom Trawl Surveys, and Total 0 + Stock Size for Year Classes 1968–77*

Year class	Autumn catch per tow index (X Number per tow age 0 +)	Estimate off 0 + population size from VPA (×10^6)
1968	48.19	1,584.2
1969	44.81	823.3
1970	30.06	847.5
1971	231.58	1,215.3
1972	79.59	1,975.8
1973	135.02	1,168.6

Table 2.—*Estimates of Relative Juvenile (Age 0 +) Abundance From NMFS Autumn Offshore Bottom Trawl Surveys, and Total 0 + Stock Size for Year Classes 1968–77—Continued*

Year class	Autumn catch per tow index (X Number per tow age 0 +)	Estimate off 0 + population size from VPA (×10^6)
1974	92.02	1,024.0
1975	29.95	368.1
1976	127.50	.....
1977	33.80	.....
1978	48.73	.....

Table 3.—*Calculation of Total Instantaneous Mortality (Z) Utilizing Number per Tow by Age for NMFS Spring Surveys, 1968–78*

	Stratified number per tow at age				Regression coefficients for log$_e$ number per tow versus coded age[1]		
	Class						
	0+	1+	2+	3+	r[2]	a	b (= −Z)
Year:							
1968	11.66	2.96	1.30	20.01	0.980	3.462	−1.097
1969	10.04	2.36	1.24	0.31	0.961	3.322	−1.108
1970	26.38	4.22	8.00	0.33	0.768	4.545	−1.250
1971	313.31	40.17	10.78	0.17	1.000	7.601	−2.054
1972	44.09	9.05	1.59	0.15	0.989	5.745	−1.807
1973	22.12	6.88	1.82	0.52	0.972	4.916	−1.576
1974	162.24	5.12	0.62	0.01	0.981	7.650	−2.785
1975	26.40	5.32	20	0.17	0.913	5.310	−1.936
1976	3.80	2.07	1.85	.....	0.861	1.617	−0.360
1977	4.25	4.26	.....	.....	.....	.....	.....
1978	6.89	.....	.....	.....	.....	.....	.....

[1] Coded Ages A$_i$=1, 2, 3, ...n for Ages O+, 1+, 2+....N+.
[2] Not included in regression.

Table 4.—*Nominal Landings (mt, ICNAF SA 4–6) by Country, and Adjusted Total Catches[a], 1963–78*

Year	U.S.A.	Japan	U.S.S.R.	Poland	Bulgaria	German Democratic Republic	Romania	Others	Nominal total	Adjusted catch
1963	4,513	.....	2,285	.....	.....	.....	.....	.....	6,798	6,798
1964	2,461	.....	748	.....	.....	.....	.....	.....	3,209	3,209
1965	3,340	.....	749	.....	.....	.....	.....	.....	4,089	4,089
1966	2,615	.....	3,865	.....	.....	.....	.....	.....	6,480	6,480
1967	2,452	146	2,170	.....	.....	.....	.....	.....	4,768	4,768
1968	1,804	3,526	1,911	.....	.....	.....	.....	.....	7,241	7,241
1969	2,438	3,930	11,107	.....	36	.....	.....	.....	17,511	17,816
1970	1,869	8,624	404	.....	.....	.....	.....	.....	10,897	14,319
1971	1,570	5,771	486	.....	26	.....	.....	.....	7,853	10,483
1972	819	3,675	1,848	.....	114	34	.....	.....	6,490	13,040
1973	1,557	12,172	2,334	2,804	239	196	152	.....	19,454	33,236
1974	2,528	5,457	1,372	3,508	.....	.....	.....	.....	12,865	17,993
1975	2,088	3,624	789	3,754	298	1	.....	[b]812	11,166	14,852
1976	1,528	7,884	420	1,518	4	3	62	.....	11,419	15,837
1977	1,447	1,750	419	280	.....	.....	16	[c]381	4,293	4,293
1978	3,563	551	14	.....	.....	.....	56	[d]603	.....	.....

[a] Adjusted to account for discards of countries not reporting butterfish catches from the Loligo fishery.
[b] Ireland.
[c] Spain=105, Italy=60, Cuba=111, Canada=105.
[d] Spain=156, Italy=354, Mexico=93.

Table 5.—*Total Reported Landings (Metric Tons) of Butterfish From U.S. Waters and Allocations for 1978*

Country	Catch to date	1978 allocation	Percent taken
Bulgaria	0	0	0
France	0	2	0
FRG	0	166	0
GDR	0	185	0
Italy	354.0	501	70.7
Japan	551.2	572	96.9
Mexico	93.0	1,263	7.4
Poland	0	67	0
Romania	56.0	150	37.3
Spain	156.0	1,053	14.8
U.S.S.R.	14.0	100	14.0
Subtotal	1,324.2	3,911	33.9
U.S.A.	3,563.3	.....	.....
Total	4,887.5	.....	.....

Table 6.—*1978 Spring Age Per Length Key for Butterfish From R/V Data Collected in Southern New England—Mid-Atlantic Sampling Strata (1–12, 61–76)*

Fork length (cm)	Ages				Total
	0+	1+	2+	3+	
1	.....	.....	.....	.....	.....
2	.....	.....	.....	.....	.....
3	.....	.....	.....	.....	.....
4	.....	.....	.....	.....	.....
5	.....	.....	.....	.....	.....
6	.....	.....	.....	.....	.....
7	.....	.....	.....	.....	.....
8	.....	.....	.....	.....	.....
9	2	.....	.....	.....	2
10	10	.....	.....	.....	10
11	14	.....	.....	.....	14
12	18	.....	.....	.....	18
13	13	.....	.....	.....	13
14	9	1	.....	.....	10
15	3	5	.....	.....	8
16	1	18	.....	.....	19
17	1	26	.....	.....	27
18	.....	17	8	.....	25
19	.....	11	3	2	16
20	.....	1	3	.....	4
21	.....	1	2	.....	3
Total	71	80	16	2	169
Average length	12.1	17.2	18.9	19.0	15.2

Table 7.—*1978 Autumn Age Per Length Key for Butterfish From R/V Data Collected in Southern New England—Mid-Atlantic Sampling Strata (1–12, 61–76)*

Fork length (cm)	Ages					Total
	0	1	2	3	4	
1	.....	.....	.....	.....	.....	.....
2	.....	.....	.....	.....	.....	.....
3	1	.....	.....	.....	.....	1
4	12	.....	.....	.....	.....	12
5	12	.....	.....	.....	.....	12
6	23	.....	.....	.....	.....	23
7	22	.....	.....	.....	.....	22
8	26	.....	.....	.....	.....	26
9	21	.....	.....	.....	.....	21
10	55	.....	.....	.....	.....	55
11	41	1	.....	.....	.....	42
12	34	12	.....	.....	.....	46
13	19	21	.....	.....	.....	40
14	9	35	2	.....	.....	46
15	2	57	5	.....	.....	64
16	.....	58	25	.....	.....	83
17	.....	30	65	.....	.....	95
18	.....	24	84	1	.....	109
19	.....	9	52	2	.....	63
20	.....	.....	23	1	.....	24
21	.....	.....	6	1	.....	7
22	.....	.....	2	.....	.....	2
Total	277	247	264	5	.....	793
Average length	9.4	15.4	18.0	19.4	.....	14.2

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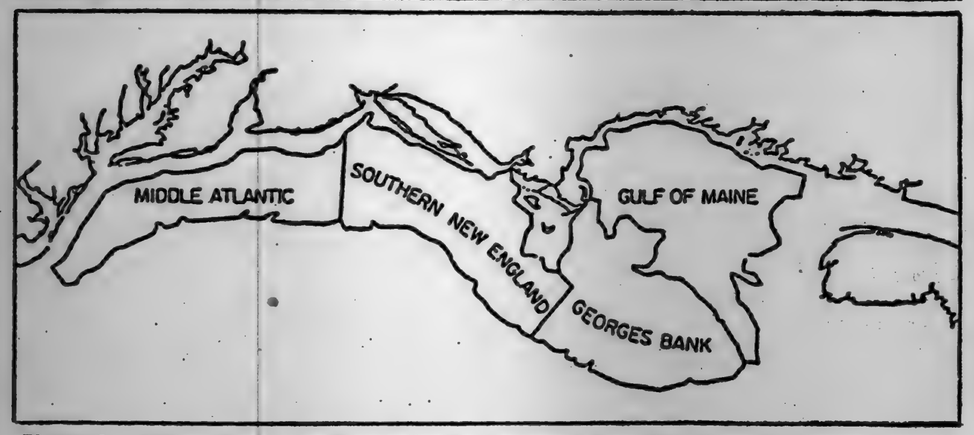

Figure 1. International Commission for the Northwest Atlantic Fisheries (ICNAF) Subareas 4W-5Zw; and Statistical Areas 6A-6C, with USA bottom trawl survey strata (A); and regional designations of strata sets (B).

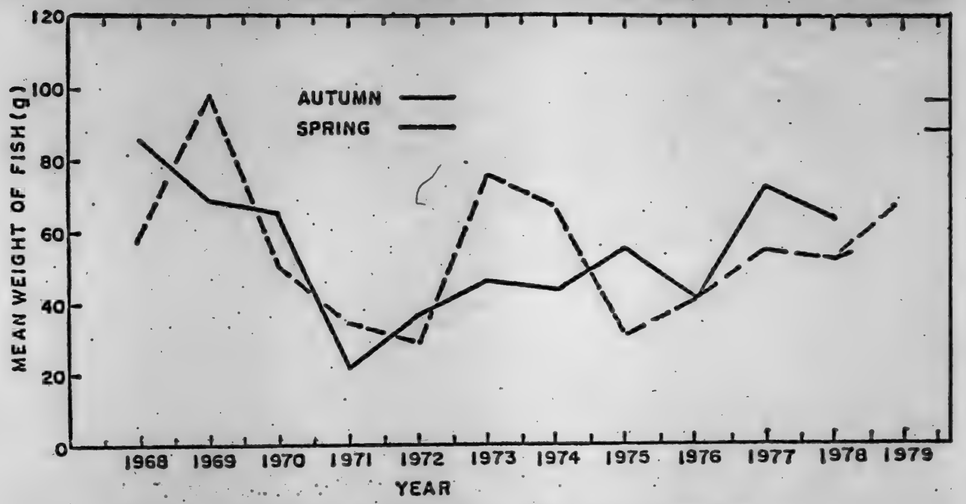

Figure 2. Mean weight of butterfish (g) taken from the Southern New England and Middle Atlantic areas during USA research vessel surveys, 1968-1977.

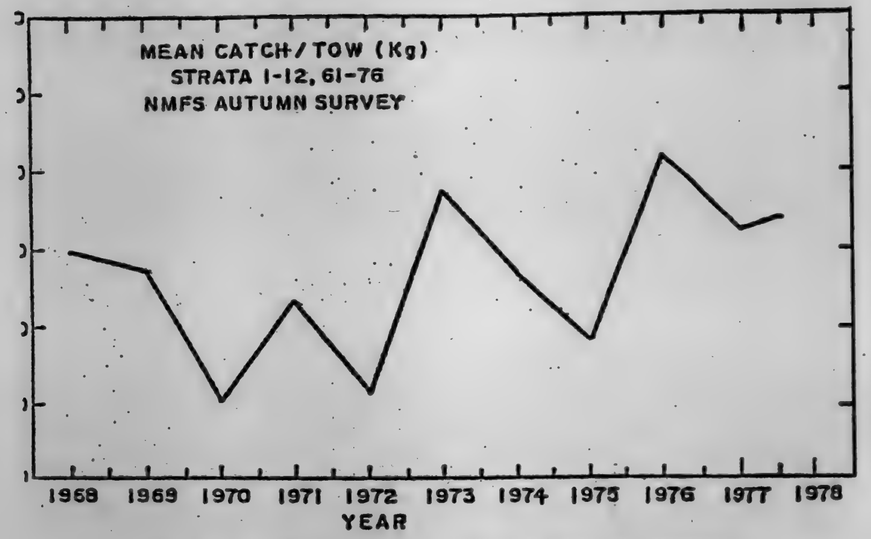

Figure 3. Retransformed catch per tow (kg) from the Southern New England and Middle Atlantic areas during autumn USA research vessel surveys 1968-1977.

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National Environmental Policy Act of 1969 (NEPA)

In accordance with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.* (NEPA), a final Enviromental Impact Statement (EIS) for the original FMP was filed with the Environmental Protection Agency on December 15, 1978.

The Assistant Administrator for Fisheries has determined that the amendment to the FMP will not significantly affect the quality of the human environment. A copy of the Environmental Assessment and the Assistant Administrator's finding of "no significance" may be obtained by writing to the Assistant Administrator at the above address.

Executive Order 12044

The Assistant Administrator has made an initial determination that the proposed regulations are significant under the provisions of NOAA Directive 21–24, which implements Executive Order 12044. The proposed regulations are subject to the RA requirements of the NOAA Directive. A draft RA has been prepared and may be obtained from the Assistant Administrator at the above address. Comments from Federal agencies and from the public are solicited on this draft analysis. A final RA will be prepared and made available to the public upon issuance of the final regulations. Amendment of the Butterfish FMP did not necessitate any changes to the proposed regulations to implement the original FMP.

Signed at Washington, D.C., this 26th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

1. It is proposed to retain those sections of 50 CFR Part 611 which govern foreign fishing for butterfish.

2. It is proposed to add a new Part 657 to 50 CFR to read as follows:

PART 657—ATLANTIC BUTTERFISH FISHERY

Subpart A—General Provisions

Sec.

657.1 Purpose and Scope.
657.2 Definitions.
657.3 Relation to Other Law.
657.4 Vessel Permits and Fees.
657.5 Recordkeeping and Reporting Requirements.
657.6 Vessel Identification.
657.7 Prohibitions.
657.8 Enforcement.
657.9 Penalties.

Subpart B—Management Measures

Sec.

657.20 Fishing Year.
657.21 Allowable Levels of Harvest.
657.22 Reallocation.
657.23 Closure of Fishery.
657.24 Size Restrictions [Reserved].
657.25 Gear/Vessel Equipment Restrictions [Reserved].
657.26 Area/Time Restrictions [Reserved].

Authority. 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 657.1 Purpose and scope.

(a) The regulations in this Part: (1) implement the Fishery Management Plan for the Atlantic Butterfish Fishery of the Northwest Atlantic Ocean, which was prepared and adopted by the Mid-Atlantic Fishery Management Council and approved by the Assistant Administrator; and (2) govern fishing for Atlantic butterfish by fishing vessels of the United States within that portion of the Atlantic Ocean over which the United States exercises exclusive fishery management authority.

(b) The regulations governing fishing for Atlantic butterfish by foreign vessels in the fishery conservation zone are contained in 50 CFR Part 611. The Appendix to § 611.20 contains the total allowable level of foreign fishing for butterfish.

§ 657.2 Definitions.

In addition to the definitions in the Act, the terms used in this part shall have the following meanings:

Act means the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

Assistant Administrator means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, Department of Commerce, or an individual to whom appropriate authority has been delegated.

Atlantic butterfish or *butterfish* means the species *Peprilus triacanthus.*

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the provisions of the Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Catch, take, or harvest includes, but is not limited to, any activity which results in mortality to any butterfish or in bringing any butterfish on board a vessel.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery Management Plan (FMP) means the Fishery Management Plan for the Atlantic Butterfish Fishery of the Northwest Atlantic Ocean.

Fishing includes any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of butterfish;

(b) The attempted catching, taking, or harvesting of butterfish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of butterfish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fishing week means the weekly period beginning 0001 hours Sunday and ending 2400 hours Saturday.

Operator, with respect to any fishing vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any fishing vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charter, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Person who receives Atlantic butterfish for a commercial purpose means any person (excluding governments and governmental entities) engaged in commerce who is the first purchaser of butterfish. This term includes, but is not limited to, dealers, brokers, processors, cooperatives, and fish exchanges. It does not include a person who only transports butterfish between a fishing vessel and a first purchaser.

Regional Director means the Regional Director, Northeast Region, National Marine fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone (617) 281–3600; or a designee.

Regulated species means any species for which fishing by a vessel of the United States is regulated pursuant to the Act.

United States harvested butterfish means butterfish caught, taken, or harvested by vessels of the United States under this Part, whether or not such butterfish is landed in the United States.

Vessel of the United States means:

(a) Any vessel documented or numbered by the United States Coast Guard under United States law; or

(b) Any vessel under five net tons registered under the laws of any State.

§ 657.3 Relation to other law.

(a) Persons affected by these regulations should be aware that other federal and State statutes and regulations may apply to their activities.

(b) All fishing activity, regardless of species sought, is prohibited pursuant to 15 CFR Part 924 on the *U.S.S. Monitor* Marine Sanctuary, which is located off the coast of North Carolina, approximately 15 miles southwest of Cape Hatteras (35°00′23″ N., 75°24′32″ W.).

§ 657.4 Vessel permits and fees.

(a) *General.* Every fishing vessel, including party and charter boats, fishing for Atlantic butterfish under this Part must have a permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of butterfish per trip.

(b) *Eligibility.* [Reserved]

(c) *Application.* (1) An application for a permit under this Part must be submitted and signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all the following information:

(i) The name, mailing address including ZIP code, and telephone number of the owner of the vessel;

(ii) The name of the vessel;

(iii) The vessel's United States Coast Guard documentation number or the vessel's State registration number if the vessel is not required to be documented under Title 46 of the United States Code;

(iv) The home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(v) The engine horsepower of the vessel and year the vessel was built;

(vi) The approximate fish hold capacity of the vessel;

(vii) The type and quantity of fishing gear used by the vessel;

(viii) The average size of the crew, which may be stated in terms of a normal range; and

(ix) Any other information concerning vessel and gear characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (c)(2) of this section shall be submitted by the applicant in writing to the Regional Director within 15 days of the change.

(d) *Fees.* No fee is required for any permit issued under this Part.

(e) *Issuance.* The Regional Director shall issue a permit to the applicant not later than 30 days from the receipt of a completed application.

(f) *Expiration.* A permit shall expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged.

(g) *Duration.* A permit shall continue in effect until it expires or is revoked, suspended, or modified pursuant to 50 CFR Part 621.

(h) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit which has been intentionally altered, erased, or mutilated is invalid.

(i) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator. An application for a replacement permit shall not be considered a new application.

(j) *Transfer.* A permit issued under this Part is not transferable or assignable. A permit shall be valid only for the fishing vessel and owner for which it is issued.

(k) *Display.* A permit issued under this Part must be carried on board the fishing vessel at all times. The operator of a fishing vessel shall present the permit for inspection upon the request of any Authorized Officer.

(l) *Sanctions.* Subpart D of 50 CFR Part 621 (Civil Procedures) governs the imposition of sanctions against a permit issued under this Part. As specified in that Subpart D, a permit may be revoked, modified, or suspended if the permitted fishing vessel is used in the commission of an offense prohibited by the Act or these regulations, or if a civil penalty or criminal fine imposed under the Act is not paid.

§ 657.5 Recordkeeping and reporting requirements.

(a) *Fishing vessel records.* (1) The operator of any fishing vessel issued a permit to fish for butterfish under this Part shall:

(i) Maintain on board the vessel an accurate and complete fishing vessel record on forms supplied by the Regional Director, according to the requirements of § 657.5(a)(2);

(ii) Make the fishing vessel record available for inspection or reproduction by an Authorized Officer, or an employee of the National Marine Fisheries Service designated by the Regional Director to make such inspections, at any time during or after a fishing trip;

(iii) Keep each fishing vessel record for one year after the date of the last entry in the fishing vessel record; and

(iv) Submit fishing vessel records, as specified in § 657.5(a)(2).

(2) The owner or operator of any fishing vessel conducting any fishing operation subject to this Part shall:

(i) Submit a complete fishing vessel record to a location designated by the Regional Director within 48 hours after the end of any fishing week or trip (whichever time period is longer) during which any regulated species were taken; or

(ii) Submit a statement to a location designated by the Regional Director 48 hours after the end of any calendar week, that fishing for any regulated species did not occur during that week.

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which butterfish or any other regulated species are caught, and shall contain information for all fish which are caught.

(4) A request for exemption from the provisions of § 657.5 (a)(2)(ii) of this section shall be submitted, in writing, to

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the Regional Director. Such request shall state the reason for the request and the period of time for which the exemption is to apply. The Regional Director may issue an exemption for a period of greater than two months and less than ten months. If an exemption is issued, the Regional Director must be notified in writing of the operator's intent to resume fishing before fishing may be resumed.

(5) The Assistant Administrator may revoke, modify, or suspend the permit of a fishing vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 CFR Part 621.

(b) *Fish dealer or processor reports.* Any person who receives Atlantic butterfish for a commercial purpose from a fishing vessel subject to this Part shall:

(1) File a weekly report (Sunday through Saturday) to a location designated by the Regional Director on forms supplied by the Regional Director within 48 hours of the end of any week in which butterfish is received. This report shall include information on all first transfers, purchases, or receipts of butterfish and all other fish made during that week; and

(2) Permit an Authorized Officer, or an employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, to inspect or reproduce any records or books relating to any first transfers, purchases, or receipts of butterfish. These inspections may take place at the principal place of business or at the location where these required records regularly are kept.

§ 657.6 Vessel identification.

(a) *Official Number.* Each fishing vessel subject to this Part and over 25 feet in length shall display its Official Number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The Official Number is the documentation number issued by the U.S. Coast Guard for documented vessels or the registration number issued by a State or by the U.S. Coast Guard for undocumented vessels.

(b) *Numerals.* (1) The Official Number shall be at least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels over 25 feet in length.

(2) The Official Number must be in block Arabic numerals in contrasting color to the background.

(3) The Official Number shall be permanently affixed to or painted on the vessel. However, charter or party boats may use non-permanent markings to display the Official Number whenever the vessel is fishing for butterfish.

(c) *Vessel length.* The length of a vessel, for purposes of this section, is that length set forth in U.S. Coast Guard or State records.

(d) *Duties of operator.* The operator of each fishing vessel shall:

(1) Keep the Official Number clearly legible and in good repair; and

(2) Ensure that no part of the fishing vessel, its rigging, or its fishing gear obstructs the view of the Official Number from any enforcement vessel or aircraft.

§ 657.7 Prohibitions.

It is unlawful for any person to:

(a) Use any vessel for the taking, catching, harvesting, or landing of any Atlantic butterfish (except as provided for in § 657.4(a)), unless the vessel has a valid permit issued pursuant to this Part on board the vessel;

(b) Fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel;

(c) Falsify or fail to make, keep, maintain, or submit any fishing vessel record or fish dealer/processor report, or other record or report required by this Part;

(d) Make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, landing, purchase, sale, or transfer of any Atlantic butterfish;

(e) Fail to affix and maintain vessel markings as required by § 657.6;

(f) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land any Atlantic butterfish taken in violation of the Act, this Part, or any other regulation promulgated under the Act;

(g) Fish for, take, catch, or harvest any Atlantic butterfish from the FCZ after the fishery has been closed pursuant to § 657.23;

(h) Transfer directly or indirectly, or attempt to so transfer, any United States harvested butterfish to any foreign fishing vessel, while such vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit, under section 204 of the Act, which authorizes the receipt by such vessel of United States harvested butterfish;

(i) Refuse to permit an Authorized Officer or an employee of the National Marine Fisheries Service designated by the Regional Director to make such inspections, to inspect any fishing vessel record, fish dealer/processor reports, or other records relating to the taking, catching, harvesting, landing, first purchase, or sale of Atlantic butterfish;

(j) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this Part, or any other regulation promulgated under the Act;

(k) Fail to comply immediately with enforcement and boarding procedures specified in § 657.8;

(l) Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with an Authorized Officer in the conduct of any search or inspection under the Act;

(m) Resist a lawful arrest for any act prohibited by this Part;

(n) Interfere with, obstruct, delay, or prevent by any means the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part;

(o) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this Part;

(p) Violate any other provision of this Part, the Act, or any regulation promulgated pursuant thereto.

§ 657.8 Enforcement.

(a) *General.* The operator of any fishing vessel subject to this Part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing vessel record, and catch for purposes of enforcing the Act and this Part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce provisions of the Act, the operator of the fishing vessel shall be alert for communications conveying enforcement instructions. VHF–FM radiotelephone is the normal method of communicating between vessels. Should radiotelephone communication fail, however, other methods of communication, including visual signals, may be employed. The following signals extracted from the International Code of Signals are among those which may be used, and are included here for the safety and information of fishing vessel operators:

(1) "L" meaning "You should stop your vessel instantly;"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you;" and

(3) "AA AA AA etc.," which is the call to an unknown station, to which the signaled vessel shall respond by illuminating the vessel's Official Number required by § 657.6.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his/her party to come aboard;

(2) Provide a safe ladder for the authorized officer and his/her party;

(3) When necessary to facilitate the boarding and/or when requested by an Authorized Officer provide a man rope, safety line, and illumination for the ladder; and

(4) Take such other actions as are necessary to ensure the safety of the Authorized Officer and his/her party to facilitate the boarding.

§ 657.9 Penalties.

Any person or fishing vessel found to be in violation of this Part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act and to 50 CFR Part 620 (Citations) and Part 621 (Civil Procedures).

Subpart B—Management Measures

§ 657.20 Fishing year.

The fishing year for Atlantic butterfish is the 12-month period beginning on April 1 and ending on March 31 of the following year.

§ 657.21 Allowable levels of harvest.

(a) *Catch Quotas.* The allowed level of harvest on a fishing year basis for Atlantic butterfish is 11,000 metric tons (mt). The annual butterfish catch quota for vessels of the United States is 7,000 mt.

(b) *Territorial waters.* These regulations do not limit harvests of Atlantic butterfish in the waters landward of the FCZ. Harvests from these waters, however, shall be subtracted from the annual domestic quota set forth in paragraph (a).

§ 657.22 Reallocation.

(a) *General.* This section establishes a procedure which will be followed to make reallocations to foreign fishing vessels of part of the domestic quota which will not be harvested by domestic fishermen during the fishing year.

(b) *Criteria.* The Assistant Administrator shall determine the domestic harvest of butterfish by reviewing fishing vessel record and fish dealer/processor record data and any other relevant landings statistics for the first seven months of the fishing year (April 1–October 31). If reported domestic harvest (including off-loadings at sea) is equal to or greater than 40 percent of the annual domestic quota of 7,000 mt, no reallocation shall be made. If the reported domestic harvest for the first seven months of the fishing year is less than 40 percent of the annual domestic quota, the Assistant Administrator may reallocate up to one-half the difference between the reported domestic harvest and the annual domestic quota.

(c) *Notice of intent.* If the Assistant Administrator determines that a reallocation may be made, he shall publish in the **Federal Register** a notice of intent to reallocate a specified amount of the unharvested portion of the domestic annual quota to the annual quota established for foreign nations. Notice of an intent to reallocate shall be sent to holders of permits issued under this Part, and to agents of foreign fishing vessels permitted to fish for butterfish under 50 CFR Part 611, on or before the date of publication of the notice in the **Federal Register.**

(d) *Public comment.* The public shall be given no less than 15 days from the date of publication of the notice of intent to submit written comments concerning the amount of Atlantic butterfish to be reallocated. Comments shall be sent to the Regional Director.

(e) *Consultation.* During the 15-day public comment period, the Assistant Administrator or a designee shall consult with the appropriate committee of the Mid-Atlantic Fishery Management Council to assist his determination whether the proposed reallocation of Atlantic butterfish is consistent with the objectives contained in the FMP.

(f) *Final determination.* The Assistant Administrator shall make a final determination of the amount of Atlantic butterfish to be reallocated after taking into account:

(1) The intent and capability of U.S. fishing vessels to harvest Atlantic butterfish during the remainder of the fishing year;

(2) The consistency of any reallocation with the objectives contained in the FMP;

(3) The current harvest of Atlantic butterfish by foreign nations as allowed pursuant to 50 CFR Part 611;

(4) The most current information available concerning the biological status of Atlantic butterfish; and

(5) Any other information determined by the Assistant Administrator to be relevant.

(g) *Publication of reallocations.* The Assistant Administrator shall publish in the **Federal Register** any reallocation of Atlantic butterfish pursuant to paragraph (f) of this section approximately 15 days prior to the effective date of the reallocation. Comments received during the public comment period, all relevant information used by the Assistant Administrator in making a final determination on reallocation, and the most recent catch statistics for domestic and foreign harvest of Atlantic butterfish shall be summarized in the **Federal Register.**

(h) *Effective dates.* Any reallocation of butterfish shall be effective on January 1 and remain in effect to the end of the fishing year on March 31.

§ 657.23 Closure of fishery.

(a) *General.* The Regional Director shall periodically monitor catches and landings of butterfish.

(b) *Decision to close.* When 80 percent of the annual domestic quota specified in § 657.21 has been harvested, the Assistant Administrant shall close the fishery.

(c) *Notice of closure.* If the Assistant Administrator determines that a closure of the butterfish fishery is necessary, he shall:

(1) Notify in advance the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils of the closure;

(2) Mail notifications of the closure to all holders of permits issued under § 657.5, at least 72 hours prior to the effective date of the closure; and

(3) Publish a notice of closure in the **Federal Register.**

(d) *Incidental catch.* During a period of closure, fishing vessels may catch, take, or harvest butterfish incidental to fishing for other species of fish, provided that the amount of butterfish constitutes no more than 10 percent by weight of the total catch of all other fish on board the vessel at the end of any fishing trip.

§ 657.24 Size restrictions. [Reserved]

§ 657.25 Gear/vessel equipment restrictions. [Reserved]

§ 657.26 Area/time restrictions. [Reserved]

[FR Doc. 80-9645 Filed 3-31-80; 8:45 am]
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Notices

Federal Register
Vol. 45, No. 64
Tuesday, April 1, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Federal Employees Part-Time Career Employment Act of 1978; Proposed ACTION Internal Implementation Rules

AGENCY: ACTION.

ACTION: Notice.

SUMMARY: ACTION is proposing internal rules to implement the Federal Employees Part-Time Career Employmet Act of 1978.

COMMENT DATE: Comments will be considered if received on or before June 2, 1980.

ADDRESS: Written comments should be addressed to the Director of Personnel, ACTION, 806 Connecticut Avenue, NW, Room 306, Washington, D.C. 20525.

SUPPLEMENTARY INFORMATION: Pub. L. 95–437; the Federal Employees Part-Time Career Employment Act of 1978, requires Federal agencies to publish proposed internal rules in the Federal Register for public comment. After comments are received, considered, and necessary changes are made, ACTION will adopt these rules as ACTION Order 340.1 of the ACTION Directives System.

Part-Time Career Employment

1. *Purpose.* This order implements Pub. L. 94–427, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in ACTION to provide career part-time employment opportunities.

2. *Background.* The introductory section of this law contains the following statement; "Congress finds that:

a. Many individuals in our society possess great productive potential which goes unused because they cannot meet the requirements of a standard workweek; and

b. Part-time permanent employment:

(1) Provides older individuals with a gradual transition into retirement;

(2) Provides employment opportunities to handicapped individuals or others who require a reduced workweek;

(3) Provides parents opportunities to balance family responsibilities with the need for additional income;

(4) Benefits students who must finance their own education or vocational training;

(5) Benefits the Government, as an employer, by increasing productivity and job satisfaction; while lowering turnover rates and absenteeism, offering management more flexibility in meeting work requirements, and filling shortages in various occupations; and

(6) Benefits society by offering a needed alternative for those individuals who require or prefer shorter hours (despite the reduced income), thus increasing jobs available to reduce unemployment while retaining the skills of individuals who have training and experience.

3. *References:*

a. Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978.

b. 5 U.S.C. 3401–3408

c. 5 CFR, Part 340 and Part 890

4. *Definition of Part-Time Career Employment:*

Part-Time Career Employment is regularly scheduled work of from 16 to 32 hours per week performed by an employee whose career or career-conditioned employment or such part-time basis was effective on or after April 8, 1979. The prearranged schedule may consist of an equal or varied number of hours per day and may pertain to a position which could be part-time without regard to this Order, or one established to allow job-sharing or comparable arrangements. Part-time career employment does not include employment on a temporary or intermittent basis.

5. *Policy:*

It is the policy of ACTION to provide part-time career employment opportunities in GS–1 through GS–15 positions subject to agency resources and mission requirements.

6. *Scope:*

a. All permanent General Schedule positions at grade 15 and below are to be considered for filling by part-time career employment in accordance with guidelines in paragraph 11.

b. Employees holding Foreign Service Unlimited appointments in ACTION support offices are eligible for part-time career employment.

7. *Exceptions*

a. Although part-time career employess may not be appointed to a regular schedule of more than 32 hours a week, the Director of ACTION has the authority to approve part-time schedules of less than 16 hours a week as an exception.

b. An employee on a permanent part-time schedule before April 8, 1979, may work any schedule of less than 40 hours per week so long as the employee remains in that or any other permanent part-time position without a break in part-time service. A detail or temporary promotion to a full-time position does *not* count as a break in part-time service.

8. *Program Coordination*

The Director of Personnel is designated as Part-Time Career Employment Coordinator with responsibility for:

—Overseeing the development and implementation of part-time employment goals and timetables;

—Consulting on the part-time employment program with interested parties, e.g., Equal Employment Opportunity, and Federal Women's Program officials, handicapped program coordinator, representatives of employee unions etc.;

—Responding to requests for advice and assistance on part-time employment with ACTION;

—Maintaining liaison with with groups interested in promoting part-time employment opportunities; and

—Preparing reports on part-time employment for transmittal to the Office of Personnel Management and the Congress.

9. *Part-Time Carrer Employment Goals and Timetables*

The long-range goal for part-time career employment in ACTION is to have at least 5% of the authorized ceiling filled by part-time career employees. The timetable for achieving this goal is to increase the part-time career employment in ACTION at an annual rate of at least 1% of the authorized ceiling for permanent full-time employees.

10. *Evaluation and Reports*

The part-time career employment program shall be reviewed under the regular internal personnel management evaluation process. Reports shall be made by the Director of Personnel to the Office of Personnel Management twice a year (as of March 31 and September 30) on the agency's progress in meeting its part-time career employment goals. These reports shall indicate the extent to which part-time career employment opportunities have been extended to older persons, the handicapped, persons with family responsibilities, and students and shall specify measures taken to overcome any impediments in achieving these goals.

11. *Part-Time Employment Practices*

Implementation of Pub. L. 95–437, imposes certain new requirements on day-to-day personnel management operations:

a. *Reviewing vacant positions.* Each vacant position shall be reviewed by the supervisor for the feasibility of filling the position on a part-time basis. Each "Recruit" SF–52 shall contain a certification in the Remarks section as to whether the review found the position suitable or unsuitable for part-time occupancy, based on the following criteria:

(1) Workload fluctuation—(Do regular or peak workloads lend themselves to part-time schedules?).

(2) Adaptability or flexibility of the work to be performed.

(3) Space and equipment—(Can part-time employment provide adequate utilization?).

(4) Overtime record—(Does it indicated need for part-time employment?).

(5) Affirmative action.

(6) Benefits to employees—(Would part-time employment alleviate child care problems for parents, lessen pressure of full day's work on those with health problems, or allow those near retirement to gradually decrease workload?).

(7) Need for continuity of coverage in the position.

(8) Scarce job skills or monotonous work—(Would part-time employment alleviate these problems?).

b. *Ceiling control.* Effective October 1, 1980, positions filled by part-time career employees shall be counted on the basis of the fractional part of the 40-hour week actually worked, e.g., two 20-hour a week employees shall count as one full-time employee.

c. *Notifying the public of part-time vacancies.* Part-time career employment vacancies shall be publicized in Merit Promotion Program Vacancy Announcements, on the Dial-a-Job recordings, and/or in special notices to the U.S. Employment Service and special interest groups as appropriate.

d. *Conversion of full-time positions to part-time.* Permanent employees may request conversion of their appointment from full-time to part-time in accordance with the provisions of paragraph 13.

e. *Flexibilities of part-time appointments.* As a management prerogative, part-time career employees may be required, as are full-time employees, for short periods of time, to work longer hours than the tour of duty specified on the SF–50, "Notice of Personnel Action." However, any change to fewer hours than scheduled on the Notice of Personnel Action must be handled under adverse action procedures, unless the employee requests such action on a purely voluntary basis. Part-time employees are not eligible for overtime pay until they have been directed to, and actually perform work for more than 8 hours a day or 40 hours a week.

12. *Limitations*

a. The agency shall not abolish any position occupied by an employee in order to make the duties of such position available to be performed on a part-time career employment basis.

b. No person employed by the agency on a full-time basis shall be required to accept part-time employment as a condition of continued employment.

13. *Procedures for Filling Career Part-Time Positions*

Career part-time positions may be filled by any of the following Methods

a. *Request by full-time incumbent for conversion to part-time in current position.* An employee may, at any time, request that his/her appointment be changed from permanent full-time to permament part-time in his/her current position by completing ACTION Form A–1025 and submitting the request to the immediate supervisor. The supervisor shall make a recommendation to the next higher management official and that official must make a decision within 15 calendar days of the date of the employee's request.

Prior to requesting a conversion to part-time, an employee should read paragraph 14 of this Order Effects of Converting from Full-Time Permanent to Career Part-Time Employement.

b. *Vacancy announcements.* Employees interested in part-time positions should apply under the appropriate Merit Promotion Vacancy Announcement. A vacant position may be advertised as part-time, as full-time, or as "Either part-time or full-time." Under vacancy announcements that invite both full-time and part-time applicants, the selecting official is to be provided two lists of candidates from which to choose. Applicants in such cases must specify which type of appointment they are interested in; no candidates may appear on both lists.

c. *Other sources of applicants for part-time positions.* Other sources of applicants for part-time positions include:

(1) Persons within reach on Civil Service Registers;

(2) Persons eligible for reinstatement;

(3) Status employees of other agencies desiring to transfer to a position at no higher grade or promotion potential than their current positions;

(4) Persons who can be hired on direct-hire appointment authorities when such authorities have been granted by OPM; and

(5) Former ACTION and Peace Corps volunteers and former Peace-Corps staff members with non-competitive eligibility.

14. *Effects of Converting From Full-Time Permanent To Career Part-Time Employment*

a. *Tenure.* There is no effect on your protection against removal during or after the probationary period. The probationary period and conversion from Career-Conditional to Career Status are computed on the basis of calendar time, the same as full-time employment. Your Service Computation Date is undisturbed by part-time work. Since part-time employment, you would compete only with other part-time employees during a Reduction in Force (RIF). Therefore, retention status will depend on which competitve level, in the judgement of management, requires a RIF.

b. *Earnings.* The rate of pay is proportionate to the time scheduled to work. Waiting periods for within-grade increases or eligibility for promotion are not affected; they are based on calendar weeks of creditable service.

c. *Crediting experience for promotion weights and factors.* Part-time work is prorated to determine experience for meeting qualification requirements in accordance with Civil Service Handbooks, X–118, Qualification Standards.

d. *Overtime.* Under Title 5 U.S.C., hours of work must be in excess of 40 hours in an administrative workweek or 8 hours in a day to be considered overtime. Under the Fair Labor Standards, Act, overtime begins after you have completed 40 "hours of work" in a week, excluding holidays and paid leave.

e. *Leave.* Annual leave is earned according to the number of hours worked per pay period. For example, a part-time employee with less than 3 years of service would earn 1 hour of annual leave for each *20* hours worked. With from 3 to 14 years of service, the part-time employee would earn 1 hour of annual leave for each *13* hours worked.

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All part-time employees earn 1 hour of sick leave for each *20* hours worked. Any balance in excess of these multiples is carried over to the next pay period. No leave (annual or sick) is earned for hours worked in excess of 80 in a pay period. Other leave categories (e.g., Absence Without Leave, Leave Without Pay, Court Leave, Funeral Leave, Excused Absences) are not affected. For all categories of leave to which part-time employees are eligible, leave is charged only for absences during those hourse the employee is scheduled to work.

f. *Holidays.* If a holiday falls on a day the part-timer is scheduled to work, the employee would be paid for the number of hours he/she was scheduled to work.

g. *Life insurance coverage.* Permanent part-timers are eligible for the Federal Employees Group Life Insurance Program. The actual amount of insurance for which an employee is eligible is based on annual salary, but in any case not less than $10,000. A part-timer's annual salary is the amount of hours scheduled to work times pay rate.

h. *Health insurance coverage.* Permanent part-timers are eligible to participate in the Federal Employee's Health Benefits Program. The coverage is the same as that provided for full-time employees but the employee cost for the premiums is greater for people who became permanent part-time employees on or after April 6, 1979. For these employees the Government contribution is prorated according to the number of hours the part-timer is scheduled to work. For example, a part-timer scheduled for 20 hours a week will pay the employee's share of the premiums *plus* one half the Government's share. Part-timers on board before April, 6, 1979, can continue to received the same Government contributions as full-time employees for as long as they remain part-time without a break in service.

i. *Retirement.* Retirement benefits are computed in the same way for all career employees both full time and part time. Annuities are based on an employee's length of service and the highest average annuity will be affected to the extent earnings were limited in those years.

j. *Returning to full-time duty.* If the position you held immediately before converting to parttime or a different position of equal or lower grade is vacant, and you meet the basic requirements for the job, you can be placed in the job non-competitively if selected by the selecting official and approved by the Director of Personnel. If the position being sought is a promotion or has promotion potential, you must compete with other applicants as well as meet the basic requirements for the job.

k. *Adverse actions.* Part-timers can appeal serious disciplinary actions taken against them including removals, suspensions of more than 30 days, furloughs with pay, and reductions in rank or pay. Specifically included in the list of appealable actions is any involuntary reduction in the scheduled number of hours of duty per week for a part-time employee.

Dated at Washington, D.C., this 26th day of March, 1980.

Robert S. Currie,

Executive Officer, ACTION.

[FR Doc. 80-9775 Filed 3-31-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

White Mountain National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the White Mountain National Forest in Maine and New Hampshire.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources on the White Mountain National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed and data will be collected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to restore renewable resources and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will be released around April 1982. The final land and resource management plan and environmental impact statement will be released approximately 8 months later.

Public participation will be an integral part of the planning process. A response form, meetings, and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations, and individuals. In addition, a scoping session will be held in mid 1980 with State and other Federal agencies to determine the scope and significant issues to be analyzed in depth in the environmental impact statement.

Steve Yurich, Regional Forester of the Eastern Region, is the responsible official and James R. Jordan, Forest Supervisor of the White Mountain National Forest is the person in charge of the project.

Further information about the planning process or written comments on this Notice of Intent should be directed to: Forest Supervisor, White Mountain National Forest, 719 Main St., P.O. Box 638, Laconia, New Hampshire 03246, (603) 524-6450.

James H. Freeman,

Director, Planning Programming and Budgeting

March 19, 1980.

[FR Doc. 80-9639 Filed 3-31-80; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Cajun Electric Power Coop., Inc.; Sam Rayburn G & T, Inc.

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Draft Supplemental Environmental Impact Statement (DSEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with possible financing assistance to Cajun Electric Power Cooperative, Inc., (Cajun), P.O. Box 578, New Roads, Louisiana 70760 and to Sam Rayburn G & T, Inc. (Sam Rayburn), c/o Jasper-Newton Electric Cooperative, Inc., 812 South Margaret Avenue, Kirbyville, Texas 75956.

This possible financing assistance would provide for undivided ownership by Cajun of 30 percent (282 MW) and by Sam Rayburn of 7 percent (66 MW) in the 940 MWe (net) River Bend Nuclear Power Station Unit 1, presently under construction in West Feliciana Parish, Louisiana. Cajun also proposes to own an as yet undetermined portion of the associated transmission facilities.

The U.S. Atomic Energy Commission (currently the Nuclear Regulatory Commission-NRC) issued a Final Environmental Statement (FES) related to the River Bend Nuclear Power Station Units 1 and 2 in September 1974. It is REA's decision to adopt the previously issued NRC–FES and to issue a DSEIS to provide information on certain environmental aspects of the project which are normally addressed by REA but were not included in the NRC–FES. REA's DSEIS also provides information related specifically to the proposed financing assistance to Cajun and Sam Rayburn for participation in Unit 1.

Additional information may be obtained by request submitted to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particulary invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies, having jurisdiction by law or special expertise with respect to any environmental impact, from which comments have not been requested specifically.

Copies of the REA DSEIS have been sent to various Federal, State and local agencies. The DSEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5835, or at, the headquarters of Cajun, Highway 1, New Roads, Louisiana, or Sam Rayburn at the address given above. Limited supplies of the DSEIS and the NRC–FES are available for mailing, upon request to REA.

Comments concerning the environmental impact of the proposed REA financing assistance should be addressed to the Assistant Administrator—Electric, at the address given above. Comments must be received by 45 days from the date the Environmental Protection Agency (EPA) announces availability of the document in accordance with 40 CFR 1506.10 to be considered in connection with the proposed financing assistance.

Any financing assistance which may be made pursuant to this proposal will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda normally considered by REA.

Dated at Washington, D.C. this 20th day of March, 1980.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-9602 Filed 3-31-80; 8:45 am]

BILLING CODE 3410-15-M

Office of the Secretary

Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards.

DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Riley, Jr., Performance Appraisal System Unit, Civil Service Reform Act Implementation Group, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250 (202–447–6905).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c) (1) through (5) requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. These boards shall review and evaluate the initial appraisal of a senior executive's performance; the response, if any, by the senior executive; the review of the initial appraisal by the higher level executive; and recommend the final scale and adjective rating for the performance of the senior executives. These boards will recommend the position coefficient for each SES position and make recommendations concerning retention, rewards, rank or removal of individual senior executives. In addition, the Secretary's Performance Review Board will monitor the recommendations made by the program boards.

Bob Bergland,

Secretary.

March 26, 1980.

The names and membership of the Performance Review Boards are:

I. Secretary's

1. Jim Williams, Deputy Secretary, Chairperson
2. Dale E. Hathaway, Under Secretary, International Affairs and Commodity Programs
3. Alex P. Mercure, Assistant Secretary for Rural Development
4. Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services
5. P. R. Smith, Assistant Secretary for Marketing and Transportation Services
6. M. Rupert Cutler, Assistant Secretary for Natural Resources and Envrionment
7. Joan S. Wallace, Assistant Secretary for Administration
8. Thomas F. McBride, Inspector General
9. Howard W. Hjort, Director of Economics, Policy Analysis and Budget
10. Anson R. Bertrand, Director of Science and Education
11. James C. Webster, Assistant Secretary for Governmental and Public Affairs
12. James H. Starkey, Deputy Under Secretary for International Affairs
13. Sally H. Greenberg, Associate Director, Executive Personnel and Management Development Office, Office of Personnel Management
14. Daniel Marcus, General Counsel
15. Director of Personnel, Executive Secretary

II. Office of the Secretary and Administration

1. Jim Williams, Deputy Secretary, Chairperson
2. Joan S. Wallace, Assistant Secretary for Administration
3. James C. Webster, Assistant Secretary for Governmental and Public Affairs
4. John W. Fossum, Acting Director of Personnel
5. Dean K. Crowther, Director, Office of Operations and Finance
6. James Frazier, Director, Office of Equal Opportunity
7. Daniel Marcus, General Counsel
8. Thomas F. McBride, Inspector General
9. OP Representative, Executive Secretary

III. Economics, Policy Analysis and Budget

1. Susan Sechler, Deputy Director of

Economics, Policy Analysis and Budget, Chairperson
2. Kenneth R. Farrell, Administrator, Economics, Statistics, and Cooperatives Service
3. Stephen B. Dewhurst, Director, Office of Budget, Planning and Evaluation
4. J. Dawson Ahalt, Chairperson, World Food and Agricultural Outlook and Situation Board
5. Jerome A. Miles, Deputy Chief, Administration, Forest Service
6. Dean K. Crowther, Director, Office of Operations and Finance
7. Charles A. Bucy, Deputy Director of Personnel
8. Margaret J. Gates, Deputy Inspector General
9. OP Representative, Executive Secretary

IV. Rural Development

1. Alex P. Mercure, Assistant Secretary for Rural Development, or Henrietta M. Singletary, Deputy Assistant Secretary for Rural Development, Chairperson
2. Gordon Cavanaugh, Administrator, Farmers Home Administration
3. Robert W. Feragen, Administrator, Rural Electrification Administration
4. Weldon Barton, Director, Office of Energy
5. John S. Bottum, Assistant Deputy Director for Community and Rural Development, Science and Education Administration-Extension
6. William T. Cherry, Executive Assistant to the Administrator, Agricultural Stabilization and Conservation Service
7. Richard L. Fowler, Assistant General Counsel, Community Development and Natural Resources
8. Clare I. Harris, Acting Associate Deputy Director, Cooperative Research, Science and Education Administration
9. OP Representative, Executive Secretary

V. Food and Consumer Services

1. Sydney J. Butler, Deputy Assistant Secretary for Food and Consumer Services, Chairperson
2. Donald L. Houston, Administrator, Food Safety and Quality Service
3. Bob Greenstein, Administrator, Food and Nutrition Service
4. John G. Stovall, Director, Commodity Economics Division, Economics, Statistics, and Cooperatives Service
5. Lawrence Wachs, Deputy Director for Program Review, Office of Budget, Planning and Evaluation
6. William T. Manley, Deputy Administrator, Marketing Programs Operations, Agricultural Marketing Service
7. Pierre A. Chaloux, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service
8. David R. Galliart, Deputy Administrator, Program Operations, Federal Grain Inspection Service
9. OP Representative, Executive Secretary

VI. Marketing and Transportation Services

1. Jerry Hill, Deputy Assistant Secretary for Marketing and Transportation Services, Chairperson
2. Barbara L. Schlei, Administrator, Agricultural Marketing Service
3. James O. Lee, Jr., Associate Administrator, Animal and Plant Health Inspection Service
4. Leland E. Bartelt, Administrator, Federal Grain Inspection Service
5. Ronald F. Schrader, Director, Office of Transportation
6. J. B. Penn, Deputy Administrator, Economics, Statistics, and Cooperatives Service
7. Eddie F. Kimbrell, Deputy Administrator, Commodity Services, Food Safety and Quality Service
8. Luverne L. Gast, Deputy Administrator, Compliance, Food Safety and Quality Service
9. OP Representative, Executive Secretary

VII. International Affairs and Commodity Programs

1. James H. Starkey, Deputy Under Secretary for International Affairs, Chairperson
2. James Michael Kelly, Assistant General Counsel, Legislative Litigation, Research and Operations
3. Ray Fitzgerald, Administrator, Agricultural Stabilization and Conservation Service
4. Thomas R. Hughes, Administrator, Foreign Agricultural Service
5. James D. Deal, Manager, Federal Crop Insurance Corporation
6. Kelly M. Harrison, General Sales Manager and Associate Administrator, Foreign Agricultural Service
7. Quentin M. West, Special Assistant for International Scientific and Technical Cooperation and Director, Office of International Cooperation and Development
8. Thomas C. Nelson, Deputy Chief, National Forest System, Forest Service
9. OP Representative, Executive Secretary

VIII. Science and Education

1. Anson R. Bertrand, Director of Science and Education, Chairperson
2. Keith Shea, Associate Deputy Chief for Research, Forest Service
3. Thomas N. Shiflet, Director, Ecological Sciences and Technology Division, SCS
4. Douglas R. Leisz, Associate Chief, Forest Service
5. Melvin Cotner, Director, Natural Resource Economics Division, Economics, Statistics, and Cooperatives Service
6. David G. Unger, Associate Chief, Soil Conservation Service
7. Robert E. Buckman, Deputy Chief, Research, Forest Service
8. Ronello M. Davis, Special Assistant to Under Secretary for International Science and Education
9. OP Representative, Executive Secretary

IX. Natural Resources and Environment

1. Ned D. Bayley, Acting Deputy Assistant Secretary for Natural Resources and Environment, Chairperson
2. James M. Neilson, Deputy Director for Joint Planning and Evaluation, Science and Education Administration
3. R. Max Peterson, Chief, Forest Service
4. Barry Flamm, Director, Office of Environmental Quality
5. Weldon B. Denny, Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service
6. Norman A. Berg, Chief, Soil Conservation Service
7. Ralph J. McCracken, Associate Director of Science and Education
8. Edward L. Hastey, Associate Director, Bureau of Land Management, Department of Interior
9. OP Representative, Executive Secretary

[FR Doc. 80-9887 Filed 3-31-80; 8:45 am]
BILLING CODE 3410-01-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: Joint Council on Food and Agricultural Sciences.

DATES AND TIMES: April 16, 17, 18, 1980: 1 p.m. to 5 p.m. (April 16); 8:30 a.m. to 5 p.m. (April 17); 8:30 a.m. to noon (April 18).

PLACE: Hospitality House, 2000 Jefferson Davis Highway, Arlington, Va.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before and after the meeting with the contact person below.

PURPOSE: Review ongoing activities of various Council committees and work groups, including those concerned with program structure, marketing coordination, manpower, crop losses and others; to formulate actions arising out of recent reports, including the 1979 Annual Report, reports on human nutrition, small farms and areas of emphasis in the food and agricultural sciences for the early 1980's; to conduct an evaluation workshop; and to formulate further plans and actions to foster coordination and planning in public and private research, extension and teaching in food and agricultural science.

CONTACT PERSON: Dr. Alan R. Bird, Acting Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 18th day of March 1980.

John Stovall,
Acting Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80-9884 Filed 3-31-80; 8:45 am]
BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: Executive Committee of the Joint Council on Food and Agricultural Sciences.

DATE AND TIME: April 16, 1980, 8:30 a.m.—12 noon.

PLACE: Hospitality House, 2000 Jefferson Davis Highway, Arlington, Va.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: To conduct ongoing Council business relating to the Quarterly Meeting, to review work group and committee activities and assignments, interrelationships with regional coordinating activities and other thrusts to foster coordination and planning in public and private research, extension and teaching in food and agricultural science.

CONTACT PERSON: Dr. Alan R. Bird, Acting Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room, 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 18th day of March, 1980.

John Stovall
Acting Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80-9885 Filed 3-31-80; 8:45 am]
BILLING CODE 3410-03-M

National Agricultural Research and Extension Users Advisory Board Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: National Agricultural Research and Extension Users Advisory Board.

DATE: April 9-11, 1980.

TIME AND PLACE: April 9, 1980, 8:00 a.m.—5:00 p.m.; April 10, 1980, 8:00 a.m.—3:00 p.m., 7:00 p.m.—8:30 p.m.; April 11, 1980, 8:00 a.m.—12:00 noon; Marriott Inn, 200 Marina Boulevard, Berkeley, California.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: Time will be made for non-member statements on April 10 (12:30—3:00 p.m. and 7:00—8:30 p.m.), or the public may file written comments before or after the meeting with the contact person below.

PURPOSE: On April 10 the Board will hold an open forum to hear statements by food and agriultural research and extension users regarding their priorities and needs for research and extension programs. On April 9 and 11, the Board will be reviewing general program policy and other new issues it intends to inquire about this year. The Board will also be reviewing USDA research and extension plans and the USDA response to its 1979 report as well as discussing non-Federal research and extension programs.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Dr. James Meyers, Executive Secretary of the Users Advisory Board, Science and Education Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3684.

Done at Washington, D.C., this 18th day of March, 1980.

John Stovall,
Acting Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 80-9886 Filed 3-31-80; 8:45 am]
BILLING CODE 3410-03-M

Cooperative Forestry Research Advisory Board and Advisory Committee

Correction

In FR Doc. 80-9307, published at page 20145, on Thursday, March 27, 1980, in the third column on page 20145, the heading and information under **PLACE** should be corrected to read:

PLACE: Hobcaw Barony, Georgetown, South Carolina
Committee and Joint Sessions—Conference Room
Board—Library

BILLING CODE 1505-01-M

Office of the Secretary

Meat Import Limitations; Second Quarterly Estimate

Public Law 88-482, approved August 22, 1964 as amended by the Meat Import Act of 1979 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed by Section 2(c) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates for 1980 are published.

1. The estimated aggregate quantity of meat articles prescribed by Section 2(c) of the Act during the calendar year 1980 is 1,516 million pounds.

2. The estimated aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1980 is 1,571 million pounds.

Since the estimated quantity of imports is less than 110 percent of the estimated quantity prescribed by Section 2(c) of the Act, no limitations for the calendar year 1980 on the importation of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61 and 107.62), are required under the Act.

V 45 / 64 APR 1 80 UMI

Done at Washington, D.C., this 28th day of March 1980.

Tim Williams,

Acting Secretary.

[FR Doc. 80-10071 Filed 3-31-80; 11:30am]

BILLING CODE 3410-09-M

CIVIL AERONAUTICS BOARD

[Docket 37575]

Central Zone—Caracas/Maracaibo, Venezuela Case; Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference scheduled to be heard on March 31, 1980 (45 FR 12859, dated February 27, 1980), is hereby postponed until April 3, 1980, at 9:30 a.m. (local time) in Hearing Room 1003 A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 28, 1980.

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 80-9633 Filed 3-31-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37575]

Central Zone-Caracas/Maracaibo, Venezuela Case; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Marvin H. Morse to Administrative Law Judge Henry M. Switkay.

Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., March 26, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-9634 Filed 3-31-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37931; Order 80-3-169]

Skip-Stop Restriction Removal

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-3-169, Skip-Stop Restriction Removal Subpart Q Proceeding, Docket 37931.

SUMMARY: The Board is proposing to eliminate Conditions (4) and (5) from the certificates of the seven local service carriers—Frontier Airlines, Hughes Airwest, Ozark Air Lines, Piedmont Aviation, Republic Airlines, Texas International Airlines, and USAir—which require them to provide two daily round trips at each intermediate point on their routes. There would continue to be such requirements as Service Incentive Payments (SIP) points, however, for Frontier, Airwest, Ozark, Piedmont, and Republic, which carriers receive Federal subsidy (see Appendix A).

An order making final the tentative findings and conclusions will be issued if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by May 5, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed in Appendix A.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37931, which we have entitled the *Skip-Stop Restriction Removal Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on the parties listed in Appendix A.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-3-169 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-3-169 to that address.

By the Civil Aeronautics Board: March 26, 1980.

Phyllis T. Kaylor,

Secretary.

Appendix.—List of SIP Points

Frontier

Alamosa, Cheyenne, Cody, Cortez, Durango, Farmington, Fayetteville, Ark., Ft. Leonard Wood, Fort Smith, Gallup, Grand Island, Gunnison, Harrison, Hayden, Jackson, Wyo., Joplin, Kalispell, Laramie, Lawton, Liberal, Manhattan, Minot, Montrose, North Platte, Pueblo, Riverton, Rock Springs, Salina, Scottsbluff, Topeka, Vernal.

Airwest

Eureka, Idaho Falls, Kalispell, Klamath Falls, Lewiston, Idaho, Pasco, Pocatello, Redding, Redmond, Twin Falls, Yakima, Grand Canyon.

Ozark

Bloomington, Ill., Burlington, Cape Girardeau, Columbia, Mo., Decatur, Ill., Dubuque, Fort Dodge, Joplin, Marion, Mason City, Mattoon, Mount Vernon, Paducah, Quincy, Rockford, Sioux City.

Piedmont

Beckley, Bluefield, Charlottesville, Florence, Greenbrier, Hickory, Jacksonville, N.C., Kinston, Lynchburg, Myrtle Beach, Staunton, Wilmington, N.C., Winston-Salem.

Republic

Aberdeen, Albany, Ga., Alpena, Anniston, Athens, Bemidji, Benton Harbor, Brainerd, Brookings, Columbus, Miss., Devils Lake, Dothan, Eau Claire, Eglin, Escanaba, Fairmont, Gadsden, Grand Forks, Greenville, Miss., Greenwood, Gulfport, Hibbing, Houghton, Huron, International Falls, Iron Mountain, Ironwood, Jackson, Tenn., Jackson, Mich., Janesville, Kalamazoo, La Crosse, Laurel-Hattiesburg, Manistee, Manitowoc, Mankato, Marquette, Menominee, Meridian, Minot, Mitchell, Monroe, Moultrie, Muscle Shoals, Muskegon, Norfolk, Nebr., Oshkosh, Panama City, Pellston, Pierre, Rhinelander, Sault Ste. Marie, Sioux City, Thief River Falls, Traverse City, Tupelo, Tuscaloosa, University/Oxford, Valdosta, Watertown, Wausau, Worthington, Yankton.

[FR Doc. 80-9632 Filed 3-31-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 36473, 36715; Order 80-3-145]

Qantas Airways, Ltd., Excess Baggage Charges; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March, 1980.

On August 10, 1979, Qantas Airways Limited (Qantas) filed tariff revisions proposing an excess-baggage charge of $6 per piece between Honolulu and San Francisco, effective September 9, 1979.[1] The charge applied solely to passengers making a stopover in Honolulu, an route from Sydney to San Francisco on Qantas. On August 15, the carrier requested special tariff permission to amend that filing on short notice.[2] This

[1] Revisions to Rule 16(v)(3)(h)(1)(iii) of Tariff C.A.B. No. 55, issued by Air Tariffs Corporation, Agent.

[2] The broader, amended rule would have specified that the $6 charge applies between Honolulu and San Francisco in both directions, for passengers traveling on a through Qantas ticket to or from points outside the United States.

request was denied by the Chief, Tariffs Section, under delegated authority, and the original, unamended filing took effect on September 9, 1979. On September 12, Qantas filed a second amendment of the tariff for effectiveness October 12, 1979, making it applicable to Honolulu stopover passengers traveling on a through Qantas ticket to or from any point in Australia, not merely eastbound from Sydney.

Pan American World Airways, Inc. (Pan American) filed a complaint on August 28, 1979, urging the Board to reject or suspend the Qantas filings and set the matter for investigation. The DHL Corporation (DHL) and Qantas submitted answers to the complaint on September 4 and 6, respectively. On September 26, 1979, Pan American filed a complaint against the September 12 tariff filing, and Qantas and DHL filed answers to the complaint on October 4.

In its complaints, Pan American contends that Qantas could use its revised excess baggage provisions to accommodate courier shipments as well as passenger baggage; that Qantas has transported courier shipments between Hawaii and the West Coast in the past, in violation of its foreign air carrier permit; that the movement of courier traffic between U.S. points constitutes cabotage; that Qantas cannot rely on U.S.-flag carriers' tariffs as authority for handling courier shipments between U.S. points; and insofar as the current tariff revisions are intended to authorize such transportation, they are unlawful.

In response, Qantas maintains that transporting excess baggage between U.S. points incident to a *bona fide* journey to or from a foreign point is clearly lawful and does not constitute cabotage; the revised tariff provisions establish a fair and reasonable rate for excess baggage on the Honolulu-West Coast leg of an international trip; there is no way to distinguish between couriers and other passengers with excess baggage who make a stopover in Honolulu en route to or from the West Coast, on a through Qantas ticket; and suspension of Qantas' tariff would not only deny Qantas the right to carry the excess baggage of *bona fide* stopover passengers, but could leave those passengers in the position of paying the full West Coast-Sydney rate for excess baggage carried only on the West Coast-Hawaii leg of the journey.

In support of Qantas' tariff, DHL argues that there are no statutory grounds for suspending Qantas' tariff; that the revisions merely restructure the price of an existing service, and in no way involve cabotage; that a tariff complaint is an inappropriate means for investigating the lawfulness of conduct that might occur in the course of providing service pursuant to a tariff; and that the practice of accepting and transporting courier shipments as baggage is legal, engaged in by Pan American and all other carriers, and necessary to preserve the inherent advantages of air transportation and meet the communication needs of international commerce.

Upon consideration of the pleadings and all relevant facts, we find that the Qantas revised excess-baggage tariff may be unlawful and should be investigated. Since the public will benefit from these lower excess baggage charges pending our investigation, we decided not to suspend the tariff.

The principal issue to be decided is whether the Qantas tariff violates section 1108(b) of the Act.[3] That section provides that foreign air carriers shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States. If the baggage were considered "property" for purposes of § 1108(b), then it would be cabotage when carried by Qantas. However, if the baggage were identified with "passenger" movement, then it would not be cabotage, as Qantas' passengers all move in foreign air transportation. Pan American appears to believe that only a certain type of baggage, *i.e.*, courier shipments, should be considered "property", and that Qantas does not violate section 1108(b) when it carries a passenger's personal property solely between two domestic points. Thus, the primary issue to be resolved is whether the tariff permits air transportation in violation of section 1108(b) of the Act. If the answer to this question is yes, then the Board must decide whether the violation exists only with respect to the carriage of courier shipments.[4]

Since these questions are legal in nature and there do not appear to be any material issues of fact in dispute, we see no reason to convene an oral evidentiary hearing. Therefore, this investigation will be decided on the basis of written pleadings addressed directly to the Board, absent a showing that an oral hearing is necessary. Briefs on the issues described above and any other matters relating to the lawfulness of the Qantas tariff should be filed two months from the date of adoption of this order and reply briefs should be filed one month thereafter. Any person requesting an oral evidentiary hearing should file a motion within 14 days stating in detail why such hearing is considered necessary and what relevant and material facts would be established in such hearing that could not be resolved in written pleadings. The Chief, Legal Division, Bureau of International Aviation, is delegated authority to regulate the course and conduct of the investigation and to resolve all procedural motions and requests.[5]

Accordingly, pursuant to sections 102, 204(a), 403, 404 and 1002 of the Federal Aviation Act of 1958, as amended:

1. We institute an investigation to determine whether the provisions of Revision to Rule 16(v)(3)(h)(1)(iii) of A.T.C. CAB No. 55, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Any interested person may file a brief concerning the lawfulness of the Qantas tariff within 60 days of adoption of this order; reply briefs will be due 30 days thereafter;

3. Motions for an oral evidentiary hearing should be filed within 14 days of adoption of this order;

4. We delegate to the Chief, Legal Division, Bureau of International Aviation, authority to regulate the course and conduct of this investigation and to resolve motions and requests;

5. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., in Dockets 36473 and 36715 are dismissed;

6. Copies of this order shall be filed with the tariff and shall be served on Qantas Airways, Ltd., Pan American World Airways, Inc., and DHL Corporation, which are hereby made parties to the investigation instituted above.

This order will published in the **Federal Register.**

By the Civil Aeronautics Board (all members concurred).

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9635 Filed 3-31-80; 8:45 am]

BILLING CODE 6320-01-M

[3] 72 Stat. 798, 49 U.S.C. 1508.

[4] The $6 charge may be presumed reasonable and will not be placed in issue since it matches the existing excess baggage charges in the market.

[5] Of course motions for an oral evidentiary hearing will be considered by the Board.

V 45 / 64 APR 1 80 UMI

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on April 29, 1980, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is: (1) Introductory remarks by the Director of the Census Bureau; (2) current Bureau activities and legislative situation; (3) review of the status of 1978 Census of Agriculture publications; (4) Standard Industrial Classification (SIC) changes proposed; (5) 1980 census of population—rural and farm demographic characteristics and undercount; (6) 1982 Census of Agriculture plans, including: (a) content and publications, (b) research plans and projects, and (c) concepts; and (7) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Charles E. Rogers, Acting Chief, Agriculture Division, Bureau of the Census, Room 3019, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone (301) 763–5538.

Dated: March 26, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-9797 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79–00458. Applicant: National Radio Astronomy Obaervatory Associated Universities Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Repair of Varian Klystron Type VRB–2112A SN 70299. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended Use of Article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver which is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency (84 gigahertz (GHz) in the range between 80–100 GHz. The National Bureau of Standards advises in its memorandum dated January 16, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9795 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-25-M

University of Florida; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735), Washington, D.C.

Docket Number: 79–00361. Applicant: University of Florida, College of Pharmacy, Box J–4, J. Hillis Miller Health Center, Gainesville, FL 32610. Article: JASCO Model MCD–1B Electromagnet with Power Supply and Accessories. Manufacturer: JASCO, Japan. Intended use of article: The foreign article is intended to be used in two main areas: (a) development of the magnetic circular dichroism technique as an analytical tool and (b) to understand drug macromolecule interactions. A variety of drugs alone and in conjuction with albumin, mucleic acid and other macromolecules will be examined. Application received by Commissioner of Customs: July 27, 1979. Advice submitted by the Department of Health, Education and Welfare: December 5, 1979. Article ordered: May 25, 1979.

Docket Number: 79–00369. Applicant: University of Oregon, Department of Biology, Eugene, Oregon 97403. Article: Camera and Microscope Objectives, Condenser. Manufacturer: Leitz and Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of cell division with stress on the mitotic spindle in order to control e.g., uncontrolled growth (cancer). Application received by Commissioner of Customs: August 9, 1979. Advice submitted by the Department of Health, Education and Welfare: December 5, 1979. Article ordered: May 7, 1979.

Docket Number: 79–00420. Applicant: Purdue University, FREH Bldg., W. Lafayette, IN 47907. Article: Electron Microscope Accessories consisting of Specimen Cooling Holder, Heating Holder and Power Control Unit. Manufacturer: JEOL, Ltd., Japan. Intended use of Article: The article is intended to be used for a wide range of research projects including: the study of crystallographic aspects in solid electrolytes of beta alumina-type compounds, a study related to the understanding and control of the polytypical behavior in a silicon carbide and related materials, studies involving multiply periodic structures of compounds of Magneli phases and materials such as TaS_2, $TaSe_2$, $NbSe_2$, $TiSe_2$ and $LaGe_2$. Other studies involving geological samples include research on sulfide minerals for which transmission electron microscopy would allow the identification of inverison mechanism, twinning faults, analysis of small grain inclusions, and the ability to have sufficient resolution to observe effects of ion omission in minerals. Further geological studies will include the mechanism and kinetics of exsolution in pyroxenes where high analytical capabilities are needed to determine coherent phase boundaries. Application received by Commissioner of Customs: September 27, 1979. Advice submitted by the National Bureau of Standards: December 12, 1979. Article ordered: August 6, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education and Welfare and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9794 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-25-M

Mallory Institute of Pathology Foundation; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5 P.M. at 666 11th Street NW., Room 735, Washington, D.C.

Docket Number: 79–00427. Applicant: Mallory Institute of Pathology Foundation, 784 Massachusetts Avenue, Boston, Mass. 02118. Article: LKB 14800–3 Cryokit complete. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of radioactive lung samples from experimental animals. Samples 1 mm cubed will be frozen and sectioned very thinly for examination in the electron microscope. Experiments will consist of instillation of radioactive drugs into the trachea of hamsters to discover the route of drug absorption and clearance in the trachea and lung. Advice submitted by the Department of Health, Education, and Welfare: January 3, 1980.

Docket Number: 79–00448. Applicant: Washington University School of Medicine, Department of Physiology and Biophysics, 660 South Euclid, St. Louis, Missouri 63110. Article: Goniometer for Model EM 10A Transmission Electron Microscope. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used by several groups of investigators. In general, these involve transmission electron microscopy of thin sections of biological material with the need for high resolution and for the ability to examine material at varying angles of tilt as provided by a goniometer. Research to be conducted will include studies of the following:

(1) Sensory receptors especially muscle spindles.

(2) Fine structure of synapses, of muscle and of epithelial cells in lamprey.

(3) Electron microscopic studies will be carried out in conjunction with research on the mechanisms determining the establishment and maintenance of synapses in sympathetic neurons.

(4) Mechanisms of uptake of lysosomal enzymes by macrophages utilizing ferritin-coupled ^{125}I-ligands as probes for transmission and radioautographic electron microscopy.

Advice submitted by the Department of Health, Education, and Welfare: January 3, 1980.

Docket Number: 79–00457. Applicant: National Radio Astronomy Observatory, Associated University, Inc., 2010 N. Forbes Blvd., Suite 100, Tuscon, Arizona 85705. Article: Two (2) each, Varian VAT–2002 B14 Water Cooled Heat Sink; and Varian VAB–2001 B13 Water Cooled Heat Sink. Manufacturer: Varian Associates Canada, Ltd. Canada. Intended use of article: The articles are accessories to existing klystron systems which are being used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver that is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Advice submitted by the National Bureau of Standards: January 24, 1980.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily

adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9753 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) which will meet to discuss: Fishery Management Plan (FMP) Development for Scallops and Lobster; Silver Hake Allocations; Multispecies Task Force; Georges Bank Workshop on short and long-term monitoring programs; and other committee business.

DATES: The meeting will convene on Wednesday, April 23, 1980, at 10 a.m. and will adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the John F. Kennedy Building, Room 307, Government Center, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, One Newbury Street, Peabody, Massachusetts, Telephone: (671) 535–5450.

Dated: March 26, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9845 Filed 3-31-80; 8:45 am]

BILLING CODE 3510-22-M

COUNCIL ON WAGE AND PRICE STABILITY

Pay Advisory Committee; Change in Meeting Date

Authority of Committee: The Pay Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: On Wednesday, March 19, 1980, the Council on Wage and Price Stability announced that the next meeting of its Pay Advisory Committee would be April 2, 1980, at 2:00 p.m. in Room 2006 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503 (45 FR 17627). The date and time of the meeting have been changed to April 8, 1980, at 10:00 a.m.; the meeting will take place in Room 2008 at the above address.

Purpose of the Meeting: The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

Public Participation: The meeting of the Pay Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: March 28, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-10060 Filed 3-31-80; 9:56 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Notification of Meeting Change

The Wednesday and Thursday portions of the agenda for the Defense Advisory Committee on Women in the Services (DACOWITS) Spring Meeting (21–25 April 1980) as published in the **Federal Register** (Volume 45, No. 59, Tuesday, March 25, 1980, FR Doc 80—p. 19295) have been changed to the following:

Wednesday, 23 April 1980—OSD Conference Room, 1E801, the Pentagon

9:00 a.m. to 9:45 a.m.—Official opening.
10:00 a.m. to 12:00 noon—OSD/Service briefings.
12:00 noon to 1:30—Luncheon (by invitation only).
1:30 p.m. to 4:30 p.m.—Subcommittee meetings.
7:00 p.m. to 10:30 p.m.—Official Department of Defense formal reception and dinner (by invitation only).

Thursday, 24 April 1980—OSD Conference Room, 1E801, the Pentagon and Hotel Washington

9:00 a.m. to 12:00 noon—OSD/Service briefings.
12:00 noon to 1:30 p.m.—"No-Host" luncheon.
1:30 p.m. to 5:00 p.m.—Subcommittee meetings.
7:00 p.m.—Executive Committee and military representatives to DACOWITS meeting.

Dated: March 27, 1980.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-9882 Filed 3-31-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council; Task Group of the Committee on Unconventional Gas Sources

Notice of Meeting

Notice is hereby given that the Committee on Unconventional Gas Sources will meet in April 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Uncoventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the meeting follows:

The second meeting of the Committee on Unconventional Gas Sources will be held on Tuesday, April 8, 1980, starting at 9:00 a.m., Concourse B, Whitehall Hotel, 1700 Smith Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review and discuss three draft volumes for issuance as an interim report:
   - Coal Seams
   - Devonian Shale
   - Geopressured Brines
3. Progress report of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Committee on Unconventional Gas Sources.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 17, 1980.

J. Lisle Reed,

Acting Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

March 17, 1980.

[FR Doc. 80-9737 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

Office of the Assistant Secretary for Policy and Evaluation

Request for Assistance in Developing a Plan to Reduce U.S. Vulnerability to An Oil Import Disruption

AGENCY: Department of Energy.

ACTION: Request for Ideas and Suggestions To Assist in Developing a Plan For Substantially Reducing by 1985 U.S. Vulnerability to an Oil Import Disruption.

In July 1979, the President set a goal of reducing U.S. oil imports by one-half by 1990. The President set a goal of reducing U.S. oil imports by one-half by 1990. The President also initiated major legislative proposals to accomplish this goal.

The President's program included measures to conserve energy, to increase domestic oil production, and to accelerate development of alternative sources of energy including liquids and gas from coal, oil shale, biomass, unconventional gas, and increased use of direct solar energy. Because of the long lead times for implementing many of these proposals, the Department of Energy projects oil imports in 1985, without further action, to be about the same as they are now; the effects of the President's program would come primarily between 1985 and 1990. Thus, the United States will continue to be highly dependent on imported oil for at least the next 5 years.

Among the consequences of the U.S. dependence on imported oil are high prices, uncertainty about the long-run price and availability of oil, and the vulnerability of our economy to supply disruptions. Indeed, the events of the past year have significantly increased the risks of our dependence on large quantities of imported oil from insecure sources.

Secretary of Energy Duncan has asked the Assistant Secretary for Policy and Evaluation in the Department of Energy (DOE) to develop proposals for accelerating the schedule for meeting the President's import reduction goal. DOE will develop a plan for substantially reducing by 1985 our vulnerability to an oil import disruption. The plan would consist of proposed actions which would (1) reduce the overall level of imports by 1985, and (2) provide hedges against the effects of a disruption occurring between now and 1985. This work will extend over several months and will likely provide the foundation for the third National Energy Plan due in March 1981.

The next couple months will be spent consulting widely inside and outside the Government to gather ideas about actions that should be taken to reduce our vulnerability. In this connection, any suggestions about measures we should consider in preparing this plan would be welcome.

The 1979 U.S. energy consumption diagram below highlights several ways in which imports and vulnerability could be reduced. Conservation efforts in the major final demand sectors could reduce oil use directly or could free up other fuels, such as gas, to substitute for oil Reduction in demand for electricity may also result in oil savings. Increased domestic production, both of oil and of other fuels that could substitute for oil (e.g. coal), would reduce imports. In the plan discussed above, we will identify the specific types of energy production and consumption that could be changed in the near term and the specific steps required to make those changes. To design a policy that makes sense, we also need to understand the economic and noneconomic costs of making those changes.

The following formats may be helpful in providing the DOE with sufficient information so that we may analyze the proposals. Please note any information that may be proprietary.

Actions to Reduce Imports by 1985

1. Description of action.
2. Estimated savings in oil imports in 1985 and 1990 with explanation of methodology used to estimate savings.
3. Exoncomic impact of the action with costs compared to economic benefits of the associated import reduction.
4. Evaluation of other factors, including consideration of effects on the environment, income distribution, international relations, etc.
5. Steps and possible schedule for implementation.

Actions that Provide Responses to Counteract Oil Import Disruption

1. Economic cost of the actions compared to the benefits under a supply disruption with the size, length, and probability treated under various assumptions.
2. Evaluation of noneconomic factors.
3. Specific steps needed to acquire the hedge.
4. Additional steps that would be taken during a supply disruption to obtain the benefits of the hedge.

As our work schedule is very tight, please submit written suggestions/ideas by April 30, 1980 to the Assistant Secretary for Policy and Evaluation, Room 7E–068, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585

Dated: March 26, 1980.

William W. Lewis,

Assistant Secretary, Policy and Evaluation, Department of Energy.

BILLING CODE 6450-01-M

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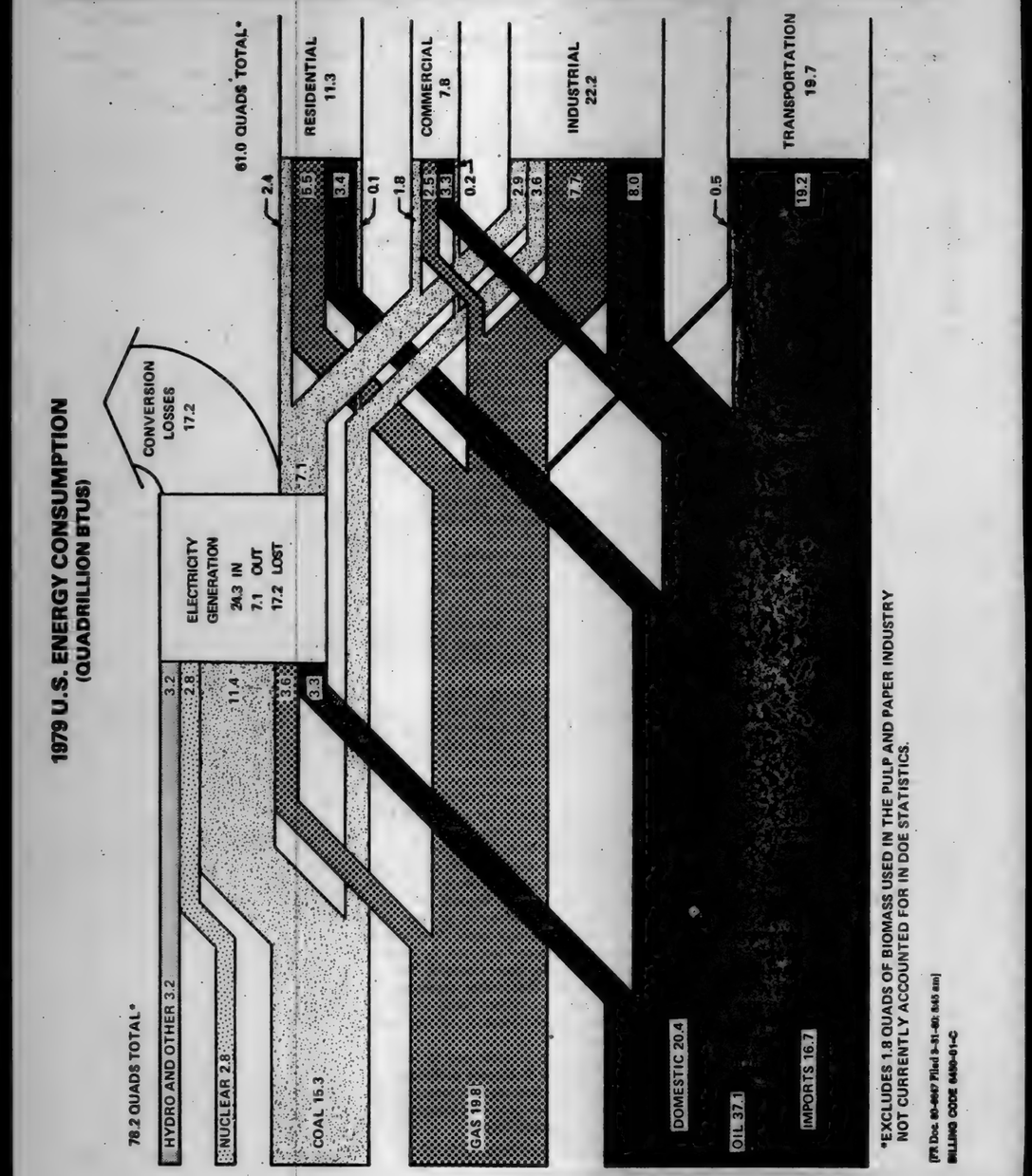

[FR Doc. 80-9847 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-01-C

Office of Conservation and Solar Energy

Automotive Propulsion Research and Development; Fifth International Symposium on Automotive Propulsions Systems; Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Department of Energy will hold the Fifth International Symposium on automotive propulsion systems, and members of the public are hereby invited to attend as observers. Papers solicited from the worldwide technical community will be presented on the current state of research and development on automotive propulsion systems and on alternative fuels.

DATES: April 14–18, 1980, 9 a.m. to 5 p.m.

ADDRESS: Hyatt Regency Dearborn Hotel, Dearborn, Michigan.

FOR FURTHER INFORMATION CONTACT: Ms. Terry M. Levinson, CS–81, U.S. Department of Energy, Mail Station 5H–044, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone (202) 252–8067.

SUPPLEMENTARY INFORMATION: Today's notice follows through on a statement in the notice of proposed regulations (43 FR 31929, (July 24, 1978) under section 304(f) of the Department of Energy Act of 1978—Civilian Applications (Act), 15 U.S.C. 2703(f), in which the Department of Energy (DOE) announced its intention to open meetings to public attendance. Section 304(f) requires the DOE to issue administrative regulations prescribing procedures, standards, and criteria for review and certification of automotive propulsion research and development to be funded by new grants, cooperative agreements, or contracts, or as new DOE or agency projects under the Act. The purpose of the review and certification process is to insure that research and development newly funded under the Act will supplement rather than supplant, duplicate, displace, or lessen the same activities in the private sector.

The final regulations (43 FR 55228, November 24, 1978) provide for notice to the public of proposed research and development and an opportunity to file written objections. To enable the public to avail itself of the opportunity to participate in the review and certification process, the DOE stated in the notice of the proposed regulations that it would give notice of meetings, such as the one announced today, since relevant information is to be presented.

Below is a preliminary agenda:

Date, Topic, and Session

April 14—General Session, morning; Applications and Market Trends, afternoon.

April 15—Automotive Gas Turbine Systems *and* Engine-Fuel Relationships (Concurrent Sessions), morning; Heavy-Duty Gas Turbine Upgrading and Commercialization *and* Data Measurements and Projections (Concurrent Sessions), afternoon.

April 16—Stirling Engine Systems, Part 1, *and* Diesel Advances (Concurrent Sessions), morning; Stirling Engine Systems, Part 2, *and* Advanced Spark Ignition Engines (Concurrent Sessions), afternoon.

April 17—Alternative Fuels, Part 1, *and* Vehicle Systems (Concurrent Sessions), morning; Alternative Fuels, Part 2, *and* Materials Technology (Concurrent Sessions), afternoon.

April 18—Symposium Summary, morning.

Registrants at the meeting pay a $125 registration fee which includes a symposium banquet, refreshments, preprints, and subsequently a copy of the report of the proceedings. Members of the public may register and pay the fee if they wish to avail themselves of these services and materials. However, if they do not, they are free simply to attend meeting sessions and listen to the proceedings. Members of the public intending to respond to this notice are requested to so advise the information contact named above in advance so that appropriate seating arrangements can be made.

Issued in Washington, D.C. March 26, 1980.

Maxine Savitz,

Deputy Assistant Secretary for Conservation, Conservation and Solar Energy.

[FR Doc. 80-9846 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory Petroleum Price and Allocation Regulations. Among other matters, the consenting firms agree to reduce prices for each grade of gasoline to no more than the maximum lawful selling price, make a proper posting as required by law, and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Leon Snead, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, DC 20461, telephone number 202–653–3569.

Issued in Washington, DC on the 25th day of March, 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Station name	Address	Date
NORTHEAST DISTRICT		
Overseas Motors (Mobil).	337 Pleasant St., Belmont, MA.	2-01-80
Quillard Bros. Garage.	75 Tyler St. (Texaco), Pittsfield, MA.	2-01-80
Lavoie's Garage	604 Boston Road, Springfield, MA.	2-06-80
Peterson's Country Store.	G Center St. (Mobil), Canterbury Center, NH.	2-06-80
Bowlby's Gulf Service.	13 So. Broadway, Salem, NH.	2-06-80
Village Market (Texaco).	Main Street, Fremont, NH.	2-06-80
Florian R. Svitak T/A Linthicum Exxon.	Bolla Grove & Old Annapolis Roads, Linthicum, MD 21090.	2-05-80
J. A. Whitelock T/A Whitelock's Exxon.	400 Fitchie Highway, Baltimore, MD 21225.	2-06-80
Texas Gas Station, Nick Tsantis, Pres.	1500 Eastern Avenue, Baltimore, MD.	2-06-80
Edward Hughes T/A Hughes' Texaco.	York & Seminary Avenues, Lutherville, MD 21093.	2-07-80
Lew Shields T/A Cherry Hill Amoco.	2920 Waterview Avenue, Baltimore, MD 21230.	2-07-80
West End Automotive Service, Inc. James Morsy, Pres.	2081 West Street, Annapolis, MD 21401.	2-07-80
Frank Schumaker T/A Schumaker's Exxon.	3529 Annapolis Rd., Baltimore, MD 21227.	2-06-80
Cleodell E. Johnson T/A Johnson's Exxon.	Broad & Christian Sts., Philadelphia, PA 19147.	2-05-80
Cunningham Park Service Station.	79–10 Springfield Blvd., Bayside, NY 11364.	1-30-80
Leslie & Gabor Service Station.	35–15 Queens Boulevard, Long Island City, NY 11101.	12-31-79
Cherry Valley Service Station.	600 Merrick Road, Rockville Centre, NY 11570.	1-31-80
Parkway Auto Service.	3239 Sunrise Highway, Islip Terrace, NY 11752.	2-04-80
Hillside Service Station.	1096 Richmond Road, Staten Island, NY 10314.	2-04-80
B&P Service Station....	104 Franklin Avenue, Valley Stream, NY 11580.	1-21-80
Myrtlewood Service Station.	90–05 Myrtle Avenue, Glendale, NY 11385.	2-04-80
Ted's Service Center..	1276 Hempstead Turnpike, Elmhurst, NY 11003.	1-10-80
Alpat Service Ltd.....	3644 Jerome Avenue, Bronx, NY 10467.	2-05-80

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Station name	Address	Date
NORTHEAST DISTRICT		
Thomas G. Davis	4832 Lake Shore Road, Hamburg, NY 14075.	2-07-80
Anthony R. Cheff Exxon Servicenter.	1202 Hyde Park Blvd., Niagara Falls, NY 14301.	2-07-80
Mangat Auto Care	549 Old Country Road, Westbury, NY 11590.	2-11-80
Annandale Service Station.	6103 Amboy Road, Staten Island, NY 10312.	2-01-80
J&Y Service Station	6202 New Utrecht Avenue, Brooklyn, NY.	1-28-80
Steven Toth, Professional Towing.	3174 Delaware, Kenmore, NY 14217.	2-11-80
South Windsor Automotive.	718 Ellington Road, So. Windsor, CT.	2-14-80
Wyoming Exxon	Route 138, Wyoming, RI.	2-13-80
Ron's Texaco	190 Amherst Street, Nashua, NH.	2-15-80
George's Exxon	1200 Brighton Avenue, Portland, ME.	2-12-80
Pete's Maine Mall	417 Maine Mall Road, So. Portland, ME.	2-12-80
Beardo's Exxon	447 Southern Artery, Quincy, MA.	2-12-80
William's Auto	313 Boston Road, Billerica, MA.	2-12-80
Fred's Friendly Sunoco.	Route 44, Raynham, MA 02767.	2-13-80
Thomas Conway T/A Conway Exxon.	2111 York Road, Timonium, Maryland 21093.	2-21-80
Michael Miron T/A Miron's Mobil.	915 Chesapeake Avenue, Annapolis, MD 21049.	2-21-80
Michael Miron T/A Eastport Shell.	6th Street & Severn Ave., Annapolis, MD 21403.	2-21-80
Laurence L. Stitz T/A Stitz's Exxon.	Waugh Chapel Road and Rt. 3, Gambrills, MD 21054.	2-22-80
George A. Feld T/A Semmary Hill Exxon.	1420 York Road, Lutherville, MD 21093.	2-25-80
Horace E. Pugh T/A Pugh's Arco.	758 N. Dupont Highway, Dover, DE 19901.	2-19-80
Raymond P. Lewis T/A Ray's Texaco.	426 N. Dupont Highway, Dover, DE 19901.	2-19-80
Allen R. Gaines	136 N. Dupont Blvd., Dover, DE 19901.	2-20-80
Robert Jenkins T/A Dover Exxon.	11 N. Dupont Highway, Dover, DE 19901.	2-20-80
Gene Jones T/A Gene's Mobil.	1565 S. Dupont Blvd., Dover, DE 19901.	2-21-80
James Solloway T/A Solloway's Exxon.	Dupont Highway and Memorvia St., Smyrna, DE 19977.	2-22-80
G. E. Rose, T/A Rosey's Exxon.	Rt. 13 & Commerce St., Smyrna, DE 19977.	2-22-80
Quinn's Sunoco	250 Newbury Street, Peabody, MA.	2-20-80
Stanley Street Chevron.	Stanley & Long Streets, New Britain, CT.	2-21-80
College Service Station.	1707 Stanley Street, New Britain, CT.	2-22-80
Five Stop Service Station.	82-32 Queens Boulevard, Long Island City, NY.	2-21-80
Garson Automotive Center.	185-25 No. Conduit Ave., Springfield Gardens, NY 11413.	2-21-80
Parkside Service Station.	340 4th Avenue, Brooklyn, NY 11215.	2-21-80
Harmel Service Station.	270 Sunrise Highway, Valley Stream, NY 11581.	12-26-79
Villas Service Station	6775 Bay Parkway, Brooklyn, NY 11214.	2-25-80
A & M Chevron	275 Glen Street, Glen Cove, NY 11542.	2-25-80
Smith's Service Station.	465 Broad, Kingston, NY 12401.	2-25-80
Edward Yeno Service Station.	Route 22, Dover Plains, NY 12522.	2-25-80
K. N. Cho Co	Grand Central Parkway, Queens, NY.	2-20-80
Phil's Gulf	185 Main Street, Binghamton, NY 13905.	11-26-79
Little Reb Auto Corporation.	117-27 Farmers Boulevard, St. Albans, NY 11412.	2-25-80
Ronjo Service Station	31 Northern Boulevard, Great Neck, NY 11021.	2-26-80
Freda's Service Center.	3260 Broadway, New York, NY 10027.	2-26-80
Four Star Service Station.	26-20 Queens Boulevard, Long Island City, NY 11101.	2-27-80
Creeden Service Station.	Albany Post Road, Hyde Park, NY 12538.	2-28-80
J. R. J. Service Station.	1 Railroad Avenue, Roslyn, NY 11576.	2-25-80
Sabar Service Station.	1810 Utica Avenue, Brooklyn, NY 11234.	2-26-80
H&L Service Station	46-06 Kissena Boulevard, Queens, NY.	2-11-80
WASHINGTON, D.C. METROPOLITAN AREA		
Freestate Exxon	800 2nd Street, Laurel, MD 20810.	2-05-80
Westlawn Citgo	3040 Annandale Road, Falls Church, VA 22042.	2-06-80
Blair Park Exxon	7825 Georgia Avenue, NW, Washington, DC 20012.	2-12-80
Inoss Texaco	1100 Eastern Avenue, NE, Washington, DC 20019.	2-13-80
Wheaton Manor Shell	2201 University Blvd., Wheaton, MD 20902.	2-15-80
Saya, Inc. Exxon	3128 Duke Street, Alexandria, VA 22314.	2-20-80
Merrifield Texaco	8413 Lee Highway, Fairfax, VA 22030.	2-26-80
Chapel Oaks Exxon	5630 Shirriff Road, Chapel Oaks, MD 20007.	2-26-80
SOUTHEAST DISTRICT		
I-10 Chevron Svc. Station.	Rt. 1, Box 723, Grand Bay, AL 36541.	1-15-80
Club Village Service Station.	100 Euclid Avenue, Mountain Brook, AL 35213.	2-08-80
Armstrong Gulf	3101 Cahaba Heights Rd., Birmingham, AL 35243.	2-07-80
Sarrels Texaco	1715-31st Street, Birmingham, AL 35221.	2-14-80
Petry's Texaco	4130 McFarland Blvd., Tuscaloosa, AL 35401.	2-19-80
Crawford's 15th Street Amoco.	1500 McFarland Blvd., Tuscaloosa, AL 35401.	2-19-80
Leo's Fina	315 S. Orange Blossom Trail, Orlando, FL 32805.	2-22-80
Carter's Chevron	P.O. Box V, Dundee, FL 33838.	2-21-80
Doug Carter Shell	Hwy. 27 & Oak St. S., Lake Wales, FL 33853.	2-21-80
George's Union 76	7801 E. Colonial Dr., Orlando, FL 32807.	2-30-80
Lake Wales Mobil	Hwy. 27 & Central Ave., Lake Wales, FL	2-21-80
T&S Amoco	5730 Johnson Street, Hollywood, FL 33021.	1-15-80
Mike's Fina	401 S. Dale Hwy., Clearwater, FL 33707.	2-19-80
Miller's Gulf Service	4360 Henderson Blvd., Tampa, FL 33609.	2-13-80
Hughes & West Shell	2000 Drew Street, Clearwater, FL 33515.	2-14-80
Sunset Point Chevron	1900 U.S. Hwy. 19 W., Clearwater, FL 33515.	2-14-80
Kendrick Shell Service	1920 U.S. 19 N., Clearwater, FL 33515.	2-14-80
Bill's Amoco	3304 S. Florida Avenue, Lakeland, FL 33803.	2-12-80
Harter's Texaco	198 U.S. 19 N., Clearwater, FL 33515.	2-14-80
Dale Mabry Standard	1001 S. Dale Mabry, Tampa, FL 33609.	2-13-80
Russ Thatcher's Chevron.	3320 Cortez Road W., Bradenton, FL 33505.	2-15-80
Circus World Shell	I-4 and U.S. 27, Davenport, FL 33837.	2-21-80
Paxou Amoco	3157 W. 5th Street, Jacksonville, FL 32205.	2-13-80
Arlingwood Exxon Service.	8237 Arlington Expressway, Jacksonville, FL 32211.	2-12-80
Howard's Exxon	840 Stockton Street, Jacksonville, FL 32204.	2-12-80
Ed Gela Exxon Service.	3460 Maudlee Avenue, Bradenton, FL 33505.	2-15-80
Bob & John's Union	4607-14th Street W, Bradenton, FL 33507.	2-15-80
East Bay Exxon	15970 US Hwy 19 S., Clearwater, FL 33516.	2-14-80
Bill's 434 Mobil	Rt. 2 Box 589, Longwood, FL 32750.	2-30-80
Florida & Beacon Gulf	2101 S. Florida Ave., Lakeland, FL 33803.	2-12-80
Scotty's Standard Service.	1305 S. Florida Avenue, Lakeland, FL 33803.	2-12-80
Foley's Amoco Food Store.	Hwy 17/92 & Button Road, Casselberry, FL 32707.	2-15-80
Bradenburg's Amoco	1147 S. Federal Hwy., Boynton Beach, FL 33435.	1-18-80
Bouds Chevron	6013 E. Buffalo Avenue, Tampa, FL 33610.	1-16-80
P&W Standard Service.	1001 S. 78th Street, Tampa, FL 33619.	1-16-80
Drake Shell Service	9941 Fourth Street, St. Petersburg, FL 33702.	1-35-80
Excel Oil Company	8781 Sunset Drive, Miami, FL 33173.	2-08-80
Friendly Sunoco	3495 Dixie Hwy, Miami, FL 33135.	1-35-80
Western Trail Auto	6908 SW 8th Street, Miami, FL 33144.	1-36-80
Apple Service Center, Inc.	202 N. Federal Highway, Hollywood, FL 33020.	1-15-80

Station name	Address	Date
SOUTHEAST DISTRICT		
Pod Shell	1125 E. Michigan Avenue, Orlando, FL 32806.	1-29-80
Jax American Truck Plaza.	5912 New Kings Road, Jacksonville, FL 32254.	2-13-80
Park Plaza Exxon	7400-49th Street North, Pinellas Park, FL 33565.	1-37-80
Merl's Sunoco	802 E. Hillsboro Avenue, Tampa, FL 33604.	1-16-80
Canal's Mobil	901 E. Sligh Avenue, Tampa, FL 33617.	1-15-80
Sotolongo Mobil	2030 N. Nebraska Avenue, Tampa, FL 33603.	1-16-80
Weeks Standard	802 E. Buffalo Avenue, Tampa, FL 33603.	1-15-80
Jul's Triangle Amoco	3905-4th Street North, St. Petersburg, FL 33702.	1-16-80
N.C. Service Station	12100 NW 2nd Avenue, Miami, FL 33169.	1-21-80
North Dade Shell	19101 NW 3rd Avenue, Miami, FL 33169.	1-22-80
Dean's Shell Service	1525 E. Colonial Drive, Orlando, FL 32803.	1-23-80
Mullins Service Station.	215 E. Princeton Avenue, Orlando, FL 32804.	1-22-80
Jack's Amoco	2401 Pembroke Road, Hollywood, FL 33020.	1-15-80
Tony's Union 76	901 W. Sunrise Blvd., Ft. Lauderdale, FL 33311.	1-15-80
Sunrise Gulf	2025 E. Sunrise, Ft. Lauderdale, FL 33324.	1-17-80
Cappy's Shell	1605 S. Semoran, Orlando, FL 32807.	1-22-80
Conway Circle Shell	5106 S. Conway Road, Orlando, FL 32809.	1-23-80
Colonial Plaza Shell	2900 E. Colonial Drive, Orlando, FL 32803.	1-25-80
Dove Shores Shell	4316 Curry Ford Road, Orlando, FL 32807.	1-22-80
Palacios Shell Servicenter.	780 N. Federal Highway, Hallandale, FL 33009.	1-17-80
City Hall Shell	2525 Hollywood Blvd., Hollywood, FL 33020.	1-17-80
Pinecastle Shell	7101 S. Orange, Orlando, FL 32809.	1-22-80
Doni's Little Market	RR 2, Hiram, GA 30141.	2-15-80
Hatcher's Chevron	I-75 & Twin Lakes Exit, Lake Park, GA 31636.	2-15-80
Kings Shell Service	4905 Buford Highway, Atlanta, GA 30341.	1-24-80
Emory Shell Service	1271 Clairmont Road, Decatur, GA 30033.	1-26-80
Williamsburg Shell	1823 Clairmon Road, Decatur, GA 30033.	1-25-80
Peachtree Phipps Shell.	3637 Peachtree Road, Atlanta, GA 30319.	1-25-80
Gay's Service Station	3387 Peachtree Road, Atlanta, GA 30326.	1-23-80
Shallowford Shell	2825 Shallowford Road, Atlanta, GA 30345.	1-23-80
Gary Mesh Chevron	2124 Johnson Ferry Road, Atlanta, GA 30318.	1-28-80
Florella Shell	3755 Clairmont Road, Atlanta, GA 30329.	1-25-80
Ashburn Shell	Route 2, Ashburn, GA 31714.	2-15-80
Watson's Exxon	P.O. Box 84, Cordele, GA.	2-15-80
Midway Standard	RR 4, Box 280, Somerset, KY 42501.	1-07-80
Coomer's Gulf Service	South Hwy 27, Somerset, KY 42501.	1-08-80
London Inn Shell	Route 1, Box 119, London, KY 40741.	1-08-80
Estepp's Bluegrass Shell.	1951 Stanton Way, Lexington, KY 40511.	1-09-80
Speaks Chevron Service.	1900 Newtown Pike, Lexington, KY 40511.	1-11-80
Van Meter Chevron	I-64 and Van Meter Road, Winchester, KY 40391.	1-11-80
Fords Standard Service.	Route 7, Box 92, Gulfport, MS 39501.	1-20-80
South of the Border	P.O. Box 30, Dillon, SC 29536.	1-31-80
Corner Grocery	5705 Stage Road, Memphis, TN 38134.	2-13-80
Whaley's Exxon Service Center.	3230 Austin Peay Highway, Memphis, TN 38128.	2-13-80
Mathis Garage & Body Shop.	710 N. Parkway, Memphis, TN 38105.	2-13-80
Rye's Summer Shell	3181 Summer Avenue, Memphis, TN 38112.	2-14-80
Raleigh Springs Texaco.	3480 Covington Pike, Memphis, TN 38128.	2-13-80
Brook Hill Shell	3000 Chamberayne Avenue, Richmond, VA 23222.	1-28-80
Brown's 66 Auto Service.	2516 Jefferson Avenue, Richmond, VA 23223.	1-23-80
T&S Amoco	5730 Johnson Street, Hollywood, FL 33021.	1-15-80
Lakeside Auto Service	1250 Lakeside Drive, Lynchburg, VA 24501.	1-16-80
West Main Exxon	326 W. Main Street, Danville, VA 24541.	1-21-80
CENTRAL DISTRICT		
Paul Shell Service	4002 W. Chicago Ave., Chicago, IL 60651.	1-21-80
Holiday Rent-A-Car System.	1221 S. Harlem Ave., Berwyn, IL 60402.	1-21-80
Richard White Texaco	163rd & Harlem, Tinley Park, IL 60477.	1-30-80
David Short Shell	22 W. 411 North Avenue, Glen Ellyn, IL 60137.	2-01-80
Louie C. Smith Shell	1758 S. Wabash, Chicago, IL 60616.	2-05-80
Mancip Susumtasak Mobil.	2801 W. Diversey, Chicago, IL 60647.	2-05-80
Jim Devine Standard	900 Grove, Evanston, IL 60201.	2-05-80
Joe Graco Union 76	301 W. Indian Trail Road, Aurora, IL 60506.	2-05-80
Lakeshore Sunoco	7719 Lakeshore Boulevard, Mantor, OH 44060.	2-13-80
Cedar Green Shell	14473 Cedar Road, South Euclid, OH 44121.	2-12-80
Shell Wash & Fill	951 East 200th Street, Euclid, OH 44119.	2-22-80
Larry's Gulf	11459 Euclid Avenue, Cleveland, OH 44106.	2-22-80
Macon's Sunoco	5715 Cedar Avenue, Cleveland, OH 44106.	2-22-80
Jackson's Gulf	11850 Bellaire Avenue, Lindale, OH 44135.	2-22-80
Inland Marine, Inc	Old Waterworks Road, Evansville, IN 47714.	2-01-80
CENTRAL DISTRICT		
Mike's Gulf	1898 Taylor Road, Cleveland Heights, OH 44118.	1-30-80
Jack K. Mallory Exxon	1899 West State Street, Alliance, OH 44601.	1-23-80
Joe-Ken Union 76	1106 West Main Street, Alliance, OH 44601.	1-25-80
Larry Sam's Ashland	305 North Union Street, Alliance, OH 44601.	1-25-80
Bailey's Arco	6700 Ridge Road, Cleveland, OH 44144.	2-06-80
Frank's Schio	484 Richmond, Richmond Heights, OH 44143.	2-06-80
Great Northern Shell	25189 Lorain Road, North Olmstead, OH 44070.	2-07-80
Detroit Avenue Servicecenter.	15111 Detroit Avenue, Lakewood, OH 44107.	2-08-80
Jimmies Schio	14700 Detroit Avenue, Lakewood, OH 44107.	2-06-80
Samuel Palmerino's Exxon Service.	800 West State Street, Alliance, OH 44601.	2-07-80
Frank Migala Amoco	1237 West State Street, Alliance, OH 44601.	2-05-80
Joe Genelin's Gulf Service.	4420 Union Avenue, NE, Homeworth, OH 44634.	2-05-80
Ruth Brogan Miffy's Corner Amoco.	Rd. #3, 91 Union Avenue, SE, Minerva, OH 44657.	2-05-80
Frank's Gulf	3000 Kinsman, Cleveland, OH 44104.	1-04-80
Homewood Exxon	1221 East 42nd Street, Lorain, OH 44055.	2-12-80
Jimmy's Sunoco	12581 Superior Avenue, East Cleveland, OH 44112.	2-12-80
Raymond Gore Union 76.	2136 Atlantic Boulevard, NE, Canton, OH 44705.	2-14-80
John Myer Amoco	1730 Goodyear Boulevard Akron, OH 44305.	2-12-80
Dupont's Sunoco Service.	2001 Lincoln Avenue, Evansville, IN 47714.	2-14-80
Johnnie's Union 76	6961 Cleveland, Columbus, OH 43229.	2-19-80
Mac Kenzie Shell	5344 S. Harlem, Summit, IL 60501.	2-05-80
Patric Bartel Standard.	550 E. North Avenue, Carol Stream, IL 60187.	2-06-80
Glenwood Shell, Inc	1829 Dempster Avenue, Evanston, IL 60201.	2-12-80
Joe's Shell Service	1902 S. Ashland Avenue, Chicago, IL 60621.	2-12-80
Courtesy 66	Highway 25 & Hankes Ave., Aurora, IL 60504.	2-12-80
John Reynolds Arco	260 North Lake Street, Aurora, IL 60506.	2-12-80
C. Butler Amoco	8120 S. Lake Park, Chicago, IL 60615.	2-12-80
Rich Kenan Amoco	444 New York Street, Aurora, IL 60505.	2-14-80
Donald Mourray Union 76.	102 S. Lincolnway, North Aurora, IL 60542.	2-14-80
Jack Seidler Shell	10100 S. Western, Chicago, IL 60643.	2-15-80
Cal-Touhy Service	3741 W. Touhy, Chicago, IL 60645.	2-26-80
Ken Kibble Texaco	165 E. U.S. Highway 6, Valparaiso, IN 46383.	2-26-80

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CENTRAL DISTRICT

Arlington Dundee Mobil.	1200 W. Dundee Road, Buffalo Grove, IL 60090.	2-27-80
Collins Goodson Amoco.	3939 Martin L. King Drive, Chicago, IL 60616.	2-26-80
James Reed Shell	801 N. Cicero, Chicago, IL 60651.	2-15-80
Mack's Shell Service	4650 S. Cottage Grove, Chicago, IL 60625.	2-18-80
Joe's Skelly	I-74 and Rolle 51, Bloomington, IL 61701.	2-19-80
Art Volrin Amoco	12 Hills Avenue, Aurora, IL 60505.	2-21-80
Arman Covell Arco	287 S. Broadway, Aurora, IL 60506.	2-21-80
Stewart's & Clayton's Amoco.	101 S. Lincolnway, North Aurora, IL 60547.	2-22-80
Willie Anderson Clark	3156 W. Chicago Avenue, Chicago, IL 60622.	2-25-80
W. Barnes Shell	8000 W. 111th, Palos Hills, IL 60465.	2-26-80
Virgil Sunoco	410 East Boulevard, Pontiac, MI 48056.	1-03-80
Main & Logan Shell	801 South Logan, Lansing, MI 48915.	2-02-80
Bridgeport Shell	6364 Dixie Highway, Bridgeport, MI 48722.	2-05-80
Alpine 76-Auto/Truck Plaza.	6364 Dixie Highway, Bridgeport, MI 48722.	2-05-80
Oster Drive-Hayes Shell Service.	10600 Hayes Avenue, Detroit, MI 48111.	2-11-80
Zimmer's Texaco Service.	50 South Street, Belleville, MI 48111.	2-04-80
Ray's Sterling Hts. Standard.	39025 Van Dyke, Sterling Hts., MI 48078.	2-05-80
Fenton—Hill Shell	G-6010 Fenton Road, Flint, MI 48507.	2-15-80
Brentwood Auto Service Shell.	8901 Manchester Road, St. Louis, MO 63144.	2-12-80
Woodsmill Texaco	141 and Clayton Road, Manchester, MO 63011.	2-12-80
Rimsick Shell	1116 N. Florissant, Ferguson, MO 63135.	2-15-80
Butler Shell	2892 Telegraph Road, Lemay, MO 63125.	2-21-80
O'Dell Morgan	4501 Troost, Kansas City, MO 64110.	2-01-80
Allinder's Service, Inc.	900 E. Alton, Independence, MO 64050.	1-17-80

SOUTHWEST DISTRICT

Old Town Shell	5707 E. Lovers Lane; Dallas, TX 75206.	1-14-80
Hillcrest Mobil	8901 Hillcrest, Dallas, TX 75205.	1-14-80
Wayne's Exxon	901 E. Main, Grand Prairie, TX 75050.	2-12-80
Bill Lundy Mobil	1302 S. Shiloh Road, Garland, TX 75042.	2-22-80
Glenndale Exxon	4404 S. Marsalis, Dallas, TX 75216.	2-19-80
Summers Exxon	1440 W. Belt Line, Richardson, TX.	1-25-80
Hunnefield Exxon	3430 Forest Lane, Garland, TX 75040.	1-25-80
Tucker Exxon	4322 Saturn Road, Garland, TX 75040.	2-05-80
Willie S. Pullen Exxon.	3035 Broadway, Garland, TX 75042.	1-25-80
Puckett Exxon	1921 Plano Road, Garland, TX 75042.	1-29-80
Von Grantham's Texaco.	2923 N. Fitzhugh, Dallas, TX 75204.	2-06-80
Riley Shell Service Center.	1300 W. Davis, Dallas, TX 75208.	2-06-80
Woody's Shell	3310 Forest Avenue, Dallas, TX 75215.	2-06-80

SOUTHWEST DISTRICT

Winslow Shell	5606 East R. L. Thornton, Dallas, TX 75223.	1-23-80
McNeely's Exxon	2009 S. Harwood, Dallas, TX 75228.	1-29-80
Dorothy Pullen Exxon	3847 Highway 67, Mesquite, TX 75150.	2-05-80
Howard Jones Exxon	10444 Garland Road, Dallas, TX 75218.	2-01-80
William's Exxon	8222 Carpenter Freeway, Dallas, TX 75247.	2-05-80
Castleberry's Exxon	200 S. Marsalis, Dallas, TX 75203.	1-28-80
Haggin's Exxon	226 W. Ledbetter, Dallas, TX 75224.	2-05-80
Beigg's Exxon	1294 E. Ledbetter, Dallas, TX 75216.	2-06-80
Chavoya's Exxon	2549 N. Central Expressway, Dallas, TX 75204.	2-06-80
Moody Shell	3225 W. Seventh, Fort Worth, TX 76107.	1-28-80
Cratzer Shell	1513 Brown Trail, Bedford, TX 76021.	2-05-80
Cliff's Exxon	708 S. Virginia, Terrell, TX 75160.	2-15-80
Troy Price Shell	I-30 and Hwy. 205, Rockwall, TX 75087.	1-22-80
Rayard Exxon	815 I-30, Greenville, TX 75401.	2-14-80
Quinlan Service Center.	P.O. Box 816, Quinlan, TX 75474.	2-22-80
Morgan Texaco	I-30 and Highway 69, Greenville, TX 75401.	2-22-80
Morgan Exxon	I-30 and Highway 69, Greenville, TX 75401.	2-22-80
Andrews Shell	3512 S. Stonewall, Greenville, TX 75401.	2-20-80
White Stores, Inc.	3900 Callfield Road, Wichita Falls, TX 76306.	2-25-80
Wafkoviak Exxon	6001 North Freeway, Houston, TX 77076.	2-19-80
Varcados Shell	8602 Memorial, Houston, TX 77024.	2-19-80
Fletcher Exxon Product Service Station.	402 South Richey, Houston, TX 77587.	2-27-80
Hall Exxon	902 W. Pasadena Freeway, Pasadena, TX 77502.	2-27-80
Jeffy's Exxon	8015 East Freeway, Houston, TX 77029.	2-27-80
Steve Saligbas Exxon	12303 Chimney Rock, Houston, TX 77035.	2-19-80
John E. Aydan Exxon	2264 W. Holcombe, Houston, TX 77025.	2-06-80
Cegielski Exxon	219 First Street, Humble, TX 77338.	2-07-80
Gray's Shell Service Station.	7555 Scott, Houston, TX 77021.	2-19-80
Elsaadi Megid Exxon	9002 Kirby Drive, Houston, TX 77054.	2-05-80
Fuqua Exxon	4330 W. Fuqua Blvd., Houston, TX 77045.	2-21-80
Kyusungcho Texaco	5503 Loch Lomond, Houston, TX 77096.	2-21-80
Teddy Koullanos Texaco.	10202 Westheimer Houston, TX 77042.	1-16-80
Oswald's Service Station.	330 N. Velasco, Angleton, TX 77515.	2-20-80
Smith Texaco	1696 Franklin Blvd., Beaumont, TX 77701.	2-07-80
Marina Ventura, Inc.	1900 St. James Blvd., Houston, TX 77058.	10-30-79
Turano's Gulf	1002 Montrose, Houston, TX 77019.	2-29-80
Holstein Automotive & Tire.	7203 S. Loop East, Houston, TX 77087.	2-06-80
Gipson's Exxon	2401 E. Missouri, El Paso, TX 79903.	2-06-80
Skyline Exxon	9430 McCombs El Paso, TX 79924.	2-06-80

SOUTHWEST DISTRICT

Wayne's Exxon	1701 34th Street, Lubbock, TX 79404.	2-13-80
19th Street Shell	2143 19th Street, Lubbock, TX 79401.	1-19-80
Abel Silva Chevron	801 S. Main, Anthony, TX 88021.	2-07-80
Carlisle Chevron	2929 Carlisle, NE, Albuquerque, NM 87110.	2-22-80
Northdale Chevron	6795 4th Street, NW, Albuquerque, NM 87107.	2-15-80
Roland L. Sheets, Mensuf Service.	1125 Menaul Blvd., Albuquerque, NM 87107.	2-15-80
Grubleich Texaco	1301 E. 66 Avenue, Gallup, NM 87301.	2-15-80
Belaire Exxon	2228 N. Dallas, Hobbs, NM 88240.	2-21-80
Sterling's Exxon	1500 W. Park Avenue, Houma, LA 70360.	1-31-80
Kern's Car Care Center.	5920 Veterans Memorial Blvd., Metairie, LA 70003.	2-04-80
LaPlace Shell	2012 Airline Highway, La Place, LA 70068.	2-11-80
Stanley's Gulf	927 East Airline Highway, Kenner, LA 70062.	2-20-80
Cooktown Exxon	I-20 at Cooktown Road, Roston, LA 71270.	9-30-80
Cherokee Standard	RR No. 1, Calumet, OK 73014.	2-27-80

ROCKY MOUNTAIN DISTRICT

Southwest Texaco	5201 E. Yale Avenue, Denver, CO 80222.	2-12-80

WESTERN DISTRICT

Berj Exxon	1195 S. State College Blvd., Anaheim, CA 92806.	1-31-80
Morriss Service Center.	6739 W. Olympic Blvd., Los Angeles, CA.	2-04-80
Weiner's Service Center.	8489 W. Beverly Blvd., Los Angeles, CA.	2-04-80
Harold's Service Center.	15053 Ventura Blvd., Sherman Oaks, CA 91403.	2-04-80
Garcia's Mobil Service	104 Foothill Blvd., Rialto, CA 92376.	2-04-80
Clint's Auto Service Center.	5166 Lankershim Blvd., North Hollywood, CA 91601.	2-05-80
Overland National Service.	10511 National, Los Angeles, CA.	2-05-80
Paul's Auto Electric 76.	4069 N. Lakewood Blvd., Long Beach, CA.	2-07-80
Harrison Shell #1	11761 E. Carson, Lakewood, CA.	2-07-80
Harrison Shell #2	1650 Artesia Blvd., Redondo Beach, CA.	2-07-80
Jerry's Encino Shell	16801 Ventura Blvd., Encino, CA 91316.	2-07-80
Bob's Arco Service	16076 Ventura Blvd., Encino, CA 91316.	2-07-80
Pedro Veronese Exxon.	1201 E. Yorba Linda Blvd., Placentia, CA 92670.	2-07-80
Laguna Beach Texaco	1833 S. Coast Hwy., Laguna Beach, CA 92651.	2-06-80
A&A Tire & Service Center.	5390 Santa Monica Blvd., Los Angeles, CA 90069.	2-06-80
Dick's Service Center	5404 Laurel Canyon, North Hollywood, CA 91607.	2-06-80
Starr Harkins Chevron	10340 E. Rosecrans, Bellflower, CA.	2-06-80
Seko's Arco	50 E. Baldwin, Sierra Madre, CA 91024.	2-06-80

WESTERN DISTRICT

Kim's Union 76 Station.	11607 Carson Street, Hawaiian Gardens, CA 90716.	2-08-80
Mobil Westlake Automotive.	942 Westlake Blvd., Westlake Village, CA 91361.	2-11-80
Miranda Chevron	101 N. Azusa, Azusa, CA 91702.	2-12-80
Howard Beatty Mobil	1351 Dyer Road, Costa Mesa, CA 92705.	2-12-80
Al's Union 76	10964 Riverside Drive, North Hollywood, CA.	2-14-80
Moe Blumin Shell Service, Inc.	20800 Ventura Blvd., Woodland Hills, CA 91364.	2-14-80
Salvador Sandoval Chevron Service.	5791 Rodeo Road, Los Angeles, CA.	2-15-80
Lee's Union 76	4176 Venice Blvd., Los Angeles, CA.	2-15-80
Encino Union Service Center.	16910 Ventura Blvd., Encino, CA 91316.	2-15-80
Jim Tice Chevron	2360 Newport Blvd., Costa Mesa, CA 92627.	2-15-80
Mike Haus Shell	195 E. 17th Street, Costa Mesa, CA 92626.	2-15-80
Charles Manterfan	300 E. 17th Street, Costa Mesa, CA 92626.	2-15-80
Ises Shell	8089 Glenoaks Blvd., Sun Valley, CA 91352.	2-19-80
Bill Burnett's Texaco	11250 Los Alamitos, Los Alamitos, CA 90720.	2-19-80
Kerr Insta Tune	5501 Bell Road, Cypress, CA 90630.	2-19-80
Jack Newkoff (Union)	4654 Laurel Cyn. Blvd., North Hollywood, CA 91607.	2-19-80
Wes Graham Chevron Service.	1030 Foothill Blvd., La Canada, CA 91011.	2-20-80
Adly's Chevron	10329 Palms Blvd., Los Angeles, CA.	2-20-80
Dick Puffs & Chevron Service.	311 N. La Brea, Inglewood, CA.	2-20-80
Dale's Tarzana Shell Service.	18500 Ventura Blvd., Tarzana, CA 91356.	2-20-80
Gary's Chevron	8900 Glenoaks Blvd., Sun Valley, CA 91352.	2-21-80
Hasanjan Bros. Texaco.	6407 Sunset Blvd., Los Angeles, CA.	2-21-80
Gay's Chevron Service.	418 E. Glenoaks Blvd., Glendale, CA 91207.	2-21-80
Keith Van Hoesen	590 N. Magnolia, Anaheim, CA 92824.	2-21-80
Keith Van Hoesen	1068 W. Ball Rd., Anaheim, CA.	2-21-80
Keith Van Hoesen	5902 Westminster Ave., Westminster, CA.	2-21-80
Fernando's Chevron	12460 Victory Blvd., North Hollywood, CA 91606.	2-25-80
Ray's Chevron Service.	9735 Glenoaks, Sun Valley, CA 91352.	2-26-80
Mardiros Tavilian Chevron Service.	2201 W. Lincoln, Anaheim, CA 92801.	2-25-80
J. Nasch Texaco	9659 Atlantic, South Gate, CA.	2-27-80
Phil Ellison Arco	12650 Sherman Way, North Hollywood, CA 91605.	2-27-80
Airport Union 76	503 N. Sepulveda Blvd., El Segundo, CA 90245.	2-28-80
Jerry's Shell Service	1850 Springs Road, Vallejo, CA 94590.	2-28-80
Chin's Arco Service	1451 Solano Avenue, Albany, CA.	2-15-80
Bob's Marine Shell	200 Mare Street, Vallejo, CA 94590.	2-21-80
Hodge Enterprises, Inc. #1.	1604 Skaggs Point Road, Vallejo, CA 94590.	2-04-80

WESTERN DISTRICT

Hodge Enterprises, Inc. #2.	880 Tennessee Street, Vallejo, CA 94590.	2-04-80
Wilsonville Exxon	30100 SW Parkway, Wilsonville, OR 97070.	2-12-80
Frank Seeman's d/b/a Tex's Service.	850 Portal Way, Ferndale, WA 98248.	2-01-80
Reggie's Chevron	160 Olson, Pullman, WA 99163.	2-25-80

[FR Doc. 80-9736 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of January 1980. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager, Southeast District, Department of Energy, Office of Enforcement, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm Name, Address, and Audit Date

Calvin J. Warbington, 2624 Chamblee Tucker Rd., Chamblee, Ga. 1-2-80.
35th & Broadway Chevron Oil, 3610 W. Broadway, Louisville, Ky. 1-2-80.
3rd & Broadway Chevron Oil, 300 W. Broadway, Louisville, Ky. 1-2-80.
Brook & Jefferson Chevron, 132 E. Jefferson Street, Louisville, Ky. 1-3-80.
Jack Kelley, 174 Edgewood Avenue, Atlanta, Ga 30303, 1-3-80.
Kenneth Orr, P.O. Box 2035, Newnan, Ga 30264, 1-4-80.
Gene Claunch, RR 1 Box 296, Somerset, Ky 42501, 1-7-80.
Tommy Bourne, 302 Main Street, Stanford, Ky, 1-7-80.
Gene Jones, I-75 & 192, London, Kentucky 40741, 1-8-80.
Jessie R. Gossett, S. Hwy 27, Somerset, Ky 42501 1-8-80.
Dennis Greer, U.S. 27, Somerset, Ky 42501, 1-8-80.
Lamar Crowder, 3109 Poplar Ave, Memphis, Tn 38111, 1-8-80.
Joe Coomer, U.S. 27, Somerset, Ky 42501, 1-8-80.
Robert R. Little, 1608 White Station Rd, Memphis, Tn 38117, 1-8-80.
Steve Estepp, 1951 Newtown Pike & I-75, Lexington, Ky 40511, 1-9-80.
Creowell Covington, I-75 & Barnes Mill Rd., Richmond, Ky 40475, 1-9-80.
Booker's Sunoco, 8105 S. Laburnum Ave., Richmond, Va 23231, 1-9-80.
Horace Womack, 3625 Buford Hwy, Doraville, Ga 30040, 1-10-80.
Horace King, 4905 Buford Hwy., Chamblee, Ga 30341, 1-10-80.
Union City Chevron, 4520 Jonesboro Rd., Union City, Ga 30291, 1-11-80.
George D. Shuman, I-64 & Vanmeter Rd, Winchester, Ky 40391, 1-11-80.
T. S. Speaks, 1900 Newtown Pike, Lexington, KY 40511, 1-11-80.
Cliff Sparks, 301 Robinson Drive, Birmingham, Al 35215, 1-14-80.
Yorkmont Exxon, 4923 York Rd, Charlotte, NC 28210, 1-14-80.
Beaman Texaco, 101 Woodlawn Rd, Charlotte, NC 28210, 1-14-80.
Barry W. Greene, 350 Cox Road, Gastonia, NC 28052 1-14-80.
D. L. Miller, 4440 N. Graham Street, Charlotte, NC 28206 1-14-80.
Roger D. Galloway, 3840 Statesville Avenue, Charlotte, NC 28206, 1-15-80.
Conrad Kies, 7070 W. Flagler Street, Miami, Fl 33144, 1-15-80.
Priority Properties, Inc., 1255 Palmetto Park Rd, Boca Raton, Fl 33432, 1-15-80.
Woodlawn Road Exxon, 125 Woodlawn Road, Charlotte, NC 28210, 1-15-80.
I-10 Chevron Service Sta, Route 1, Box 723, Grand Bay, Al 36541, 1-15-80.
Cross Roads Exxon, 1 W. Wilkinson Blvd. & N. Central Ave, Belmont, NC 28012, 1-15-80.
W. B. "Bill" Smith, 7536 N. Tryon Street, Charlotte, NC 28213, 1-15-80.
Bentley's Exxon, 5711 South Blvd, Charlotte, NC 28201, 1-15-80.
Jose Estruch, 6690 W. Flagler Street, Miami, Fl 33144, 1-15-80.
Warren G. Drum, Drum, Inc., 29601 S. Federal Hwy, Homestead, Fl 33030, 1-15-80.

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Everglades Store, 38005 Ingraham, Hwy 27, Florida City, Fl 33034, 1–15–80.
Canal's Mobil, 501 E. Sligh Ave, Tampa, Fl 33617, 1–15–80.
Weeks Standard, 802 E. Buffalo Ave., Tampa, Fl 33603, 1–15–80.
Jack's Amoco, 2401 Pembroke Road, Hollywood, Fl 33020, 1–15–80.
Tony's Union, 301 W. Sunrise Blvd, Ft Lauderdale, Fl 33311, 1–15–80.
Apple Serv Ctr, 202 N. Federal Highway, Hollywood, Fl 33020 1–15–80.
T & S Amoco, 5730 Johnson Street, Hollywood, Fl 33021, 1–15–80.
Tuckers Ser Station, 8641 South Blvd, Charlotte, NC 28210, 1–16–80.
Samuel Patillo, 2120 Beatties Ford Road, Charlotte, NC 28208, 1–16–80.
Floyd Bankhead, 1601 Remount Road, Charlotte, NC 28208, 1–16–80.
E. L. Lee, 1601 N. Tryon Street, Charlotte NC 28206, 1–16–80.
Stadium Exxon, 125 E. Independence Blvd, Charlotte, NC 28204, 1–16–80.
Bob Beach's Exxon, 4700 Pineville Rd, Charlotte, NC, 1–16–80.
Vern's Sunoco, 902 E. Hillsboro Ave, Tampa, Fl 33604, 1–16–80.
Johnson's American Serv Sta, 486 Ponce de Leon Ave, Atlanta, Ga 30308, 1–16–80.
Lakeside Autom Service, 1200 Lakeside Drive, Lynchburg, Va 24501, 1–16–80.
Sotolongo Mobil, 3930 N. Nebraska Avenue, Tampa, Fl 33603, 1–16–80.
Bonds Chevron, 6013 E. Buffalo Avenue, Tampa, Fl 33619, 1–16–80.
P & W Paschall, 1001 South 78, Tampa, Fl 33619, 1–16–80.
Queens Texaco, 915 Providence Rd, Charlotte, NC 28207, 1–16–80.
Emicel Ana, 433 N.W. Lejeune Road, Miami, Fl 33126, 1–16–80.
Dale Collinsworth, 1733 S. Congress, W. Palm Beach, Fl 33406, 1–16–80.
Hassan & Hassan, Inc, 10 N.E. 167th Street, Miami, Fl 33162, 1–16–80.
Felix Tirse, 1055 N.W. 27th Avenue, Miami, Fl 33125, 1–17–80.
Denny's Chevron, 2024 N. Military Trail, West Palm Beach, Fl 33401, 1–17–80.
Gary Stallings, 5230 Rozzells Ferry Road, Charlotte, NC 28216, 1–17–80.
Sidney Smith, 1740 W. Trade Street, Charlotte, NC 28216, 1–17–80.
Baker's Texaco, 3529 E. Independence Blvd, Charlotte, NC 28205, 1–17–80.
Bob Spivey, 3701 Freedom Drive, Charlotte, NC 28208, 1–17–80.
D.P. Lloyd, 2939 The Plaza Road, Charlotte, NC 28205, 1–17–80.
Jimmy Flowers, 3201 The Plaza Rd., Charlotte, NC 28205, 1–17–80.
Bobby Jack Cain, 3223 The Plaza, Charlotte, NC 28205, 1–17–80.
Palacios Shell, 700 N. Federal Highway, Hallandale, Fl 33009, 1–17–80.
Sunrise Gulf, 2025 E. Sunrise Blvd, Ft Lauderdale, Fl 33304, 1–17–80.
City Hall Shell, 2635 Hollywood Blvd, Hollywood, Fl 33020, 1–17–80.
Park Plaza Exxon, 7400 49th St North, Pinellas Park, Fl 33565, 1–17–80.
Celso Martinez, 1060 N.W. 27th Avenue, Miami, Fl 33125, 1–17–80.
Pinebrook Shell, 3849 Airport Blvd, Mobile, Al 36608, 1–17–80.
Roberto Fernandez, 9691 S.W. 72nd Street, Miami, Fl 33173, 1–17–80.
I–95 Exxon, 1850 Okeechobee Blvd, West Palm Beach, Fl 33409, 1–17–80.
Palm Beach Gardens Chevrons, 4109 North Lake Blvd, Palm Beach Gardens, Fl 33403, 1–17–80.
Charlies Standard, 1921 Okeechobee Blvd, West Palm Beach, Fl 33401, 1–17–80.
Haigler Exxon, 2000 E. Seventh, Charlotte, NC 28209, 1–18–80.
Idlewild Shell, 5601 E. Independence Blvd., Charlotte, NC 28212, 1–18–80.
Bill Jarrell's Texaco, 2452 Park Rd., Charlotte, NC 28203, 1–18–80.
Sarah Aycock, 932 E. Independence Blvd., Charlotte, NC 28204, 1–18–80.
Jim's Triangle Amoco, 9900 4th Street North, St. Petersburg, Fl 33702, 1–18–80.
Airport Texaco, 2721 N.W. 42 Avenue, Miami, Fl 33142, 1–18–80.
Brandenburgs Amoco, 1147 S. Federal Hwy, Boynton Beach, Fl 33435, 1–18–80.
Angeles Balasis, 2360 N. Federal Hwy, Boynton Beach, Fl 33435, 1–18–80.
Nathan Swartz, 18100 N.W. 2nd Avenue, Miami, Fl 33169, 1–21–80.
Pinecastle Shell, 7101 S. Orange Ave, Orlando, Fl 32809, 1–22–80.
Mullins Service Station, 235 E. Princeton Ave, Orlando, Fl 32804, 1–22–80.
Cappys Shell, 1605 S. Semoran, Orlando, Fl 32807, 1–22–80.
Joseph Delvalle, 19101 N.W. 2nd Avenue, Miami, Fl 33169, 1–22–80.
Donald W. Dogoli, 5000 Chamberlayne Avenue, Richmond, Va 23222, 1–22–80.
Dover Shore Shell, 4316 East Curryford Rd, Orlando, Fl 32807, 1–23–80.
Brown's 66 Auto Serv, 2314 Jefferson Ave, Richmond, Va 23223, 1–23–80.
Conway Circle Shell, 5106 S. Conway Rd, Orlando, Fl 32809, 1–23–80.
Gay's Service Station, 3387 Peachtree St., N.E., Atlanta, Ga 30326, 1–23–80.
Peachtree Phipps Shell, 3037 Peachtree Rd, Atlanta, Ga 30319, 1–23–80.
Poole Shell, 1125 E. Michigan Ave, Orlando, Fl 32806, 1–23–80.
Shallowford Shell, 2625 Shallowford Rd, Atlanta, Ga 30345, 1–23–80.
Colonial & Fern Creek Shell, 1525 E. Colonial Dr, Orlando, Fl 32806, 1–23–80.
Kings Shell Service, 4905 Buford Highway, Atlanta, Ga 30341, 1–24–80.
Floretta Shell Service Station, 2755 Clairmont Rd, Atlanta, Ga 30329, 1–25–80.
Ramon DeGuzman, 3498 S. Dixie Highway, Miami, Fl 33133, 1–25–80.
Colonial Plaza Shell, 2800 East Colonial Dr, Orlando, Fl 32806, 1–25–80.
Drake Shell Service Inc, 8841 4th Street N, St. Petersburg, Fl 33702, 1–25–80.
Gary Mesh Chevron, 2124 Johnson Ferry Rd, Atlanta, Ga 30319, 1–26–80.
Western Trail Auto, 6688 S.W. 8th Street, Miami, Fl 33144, 1–28–80.
Emory Shell Service, 1271 Clairmont Rd, Decatur, Ga 30033, 1–28–80.
Williamsburg Shell, 1923 Clairmont Rd, Decatur, Ga 30033, 1–28–80.
Robardi Inc, P.O. 30, Dillon, SC 29536, 1–31–80.
Poor Boy's Texaco, 6116 Papermill Rd, Knoxville, Tn 37917, 12–1–79.
I–10 Chevron Service Sta, Route 1, Box 723, Grand Bay, Al 36541, 1–15–80.
Idlewild Exxon, 5541 E. Independence, Charlotte, NC 28212, 1–23–80.
West Main Exxon, 595 Main Exxon, Danville, Va, 1–22–80.
Ford's Standard Service, Route 7, Box 92, Gulfport, Ms 39501, 1–20–80.

Issued in Atlanta, Georgia, on the 17th day of March, 1980.

James C. Easterday,
District Manager.

Concurrence:

Leonard, F. Bittner,
Chief Enforcement Counsel.

[FR Doc. 80–9651 Filed 3–31–80; 8:45 am]
BILLING CODE 6450–01–M

[ERA Docket No. 79–CERT–117]

Nabisco, Inc.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

Nabisco, Incorporated (Nabisco) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Minneapolis Cream of Wheat plant located in Minneapolis, Minnesota with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on December 13, 1979. Notice of that application was published in the **Federal Register** (45 FR 2362, January 11, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication.

Comments were received from the Northern Illinois Gas Company (NI–Gas), a customer of two of the transporting pipelines under this application, the Natural Gas Pipeline Company of America and the Northern Natural Gas Company. NI–Gas has no objection to the grant of a certification of eligible use to Nabisco, provided the grant is conditioned to make the transportation interruptible when required to meet the needs of the transporting pipelines for transportation of general system supplies. NI–Gas also wanted it clarified that the transportation of the certified gas is interruptible whenever the transporting pipeline's capacity is needed to transport gas of a distributor customer of that pipeline in order to offset curtailments within that distributors' existing contract demand from the pipeline.

The ERA has carefully reviewed Nabisco's application and the above comments in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). Under 10 CFR Part 595, ERA certifies only that the purchase of the gas which is to be transported is for an eligible use (i.e., fuel oil displacement). The transportation of the fuel oil displacement gas is authorized by the Federal Energy Regulatory Commission's (Commission) procedures in 18 CFR Part 284, Subpart F. Therefore, the imposition of conditions on the transportation of this gas is within the jurisdiction of the Commission.

The ERA has determined that Nabisco's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on March 19, 1980.

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

Department of Energy,
Washington, D.C., March 19, 1980.

Re: ERA Certification of Eligible Use, ERA Docket No. 79–CERT–117, Nabisco, Incorporated.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Enclosed are comments received on Nabisco's application from the Northern Illinois Gas Company requesting that certain conditions be placed on the transportation of this fuel oil displacement gas. Also enclosed is Nabisco's response to those comments.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653–3859. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–117.

Sincerely,

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by Nabisco, Inc.

ERA Docket No. 79–CERT–117

Application for Certification

Pursuant to 10 CFR Part 595, Nabisco, Incorporated (Nabisco) filed an application for certification of an eligible use of 125 Mcf of natural gas per day at its Minneapolis Cream of Wheat plant located in Minneapolis, Minnesota with the Administrator of the Economic Regulatory Administration (ERA) on Dec. 13, 1979. The application states that the eligible sellers of the gas are Edwin L. Cox, Sam P. Bennett, Alfred Lamson and Dow Chemical U.S.A. (Dow Chemical), and that the gas will be transported by the Southern Natural Gas Company, the Gas Gathering Corporation, the Transcontinental Gas Pipe Line, the Natural Gas Pipeline Company of America, the Northern Natural Gas Company, and the Minneapolis Gas Company. The application and supplemental information indicate that the use of this natural gas is estimated to displace 80,000 gallons of No. 2 fuel oil (0.5 percent maximum sulfur) between December 1, 1979 and March 31, 1980. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of 125 Mcf of natural gas per day at Nabisco's Minneapolis Cream of Wheat plant purchased from Edwin Cox, Sam Bennett, Alfred Lamson, and Dow Chemical is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible sellers.

Issued in Washington, D.C., on March 19, 1980.

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–9649 Filed 3–31–80; 8:45 am]
BILLING CODE 6450–01–M

Panhandle Eastern Pipe Line Co. Through its Subsidiary Anadarko Production Co.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On February 8, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company is an appropriate resolution of the compliance proceedings described in the Notice published on February 8, 1980, and hereby gives Notice that the Consent Order is made effective by

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written notice to Anadarko Production Company on this date.

Issued in Kansas City, Missouri on this 12th day of March, 1980.

William D. Miller,

District Manager Central Enforcement District.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 80-9682 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of the Mandatory Petroleum Price Regulations.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Leon Snead, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 25th day of March, 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Firm name & address	Audit date	Violation amount	Highest cents per gallon violation
Northeast district:			
Roome's Service Center, 291 Jefferson Road, Rochester, NY 14623	3-20-80	$3,106.00	10.8
Kingsland Service Station, 51 Kingsland Avenue, Brooklyn, NY 11211	3-22-80	5,250.00	12.4
Central district:			
Long's Texaco, 612 N. Hamilton, Peoria, IL 61603	10-01-79	819.92	4.8
17th & Harrison Motel Service, 1701 Harrison, Maywood, IL 60153	2-05-80	1,132.19	4.6
Brandtville Texaco Service, P.O. Box 87, Bloomington, IL 61701	2-22-80	4,597.86	3.3
Clark Super 100, 38 E. Irving Park Road, Roselle, IL 60172	2-25-80	2,462.48	5.3
Phil's Clark, 3080 N. Pulaski Road, Chicago, IL 60641	9-13-80	478.31	1.5
Bloomingdale Service, 102 E. Lake Street, Bloomingdale, IL 60108	3-19-80	4,245.52	7.8
Western district:			
Don Mundy Chevron Service, 3070 Rubidoux Blvd., Rubidoux, CA	2-28-80	2,218.51	3.5
Sunset Blvd. Car Wash (Chevron), 7936 Sunset Blvd., Los Angeles, CA 90046	2-29-80	20,207.04	10.8

Concurrence:

Dated: March 21, 1980.

Leon Snead,

Program Manager for Product Retailers, Enforcement Program Operations Division, Economic Regulatory Administration.

Dated: March 24, 1980.

Robert G. Heiss,

Assistant General Counsel for Enforcement.

[FR Doc. 80-9650 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

Union Texas Petroleum Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: March 6, 1980. Comments by: May 1, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767-7745.

SUPPLEMENTARY INFORMATION: On March 6, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Union Texas Petroleum Corporation (Union Texas) of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Union Texas, with its office located in Houston, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Union Texas, entered into a Consent Order, the significant terms of which are as follows:

II. Disposition of Refunded Overcharges

In this Consent Order, Union Texas agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $2,100,000.00 within six months after the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on UNION TEXAS Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on ———. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of March 1980.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District, Economic Regulatory Administration.

I, Thomas A. Fry, III, Chief Enforcement Attorney, Southwest District Enforcement, concur in the issuance of the Consent Order to Union Texas Petroleum Corporation, and in the Notice prepared for publication in the **Federal Register.**

Dated: March 17, 1980.

Thomas A. Fry III,

Chief Enforcement Attorney, Southwest District.

[FR Doc. 80-9653 Filed 3-31-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-115]

Salt River Project Agricultural Improvement and Power District; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Salt River Project Agricultural Improvement and Power District (Salt River Project) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Agua Fria Steam Plant in Glendale, Arizona, and its Kyrene Steam Plant in Tempe, Arizona, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on December 3, 1979 as amended on December 21, 1979. Notice of that application was published in the **Federal Register** (45 FR 10842, February 19, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No adverse comments were received.

The ERA has carefully reviewed Salt River Project's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the Salt River Project's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on March 21, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy,
Washington, D.C., March 21, 1980.

Re ERA Certification of Eligible Use, ERA Docket No. 79-CERT-115, Salt River Project Agricultural Improvement and Power District.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, NW., Room 4126, Washington, D.C. 20461, telephone (202) 653-3659. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-115.

Sincerely,

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Salt River Project Agricultural Improvement and Power District

[ERA Docket No. 79-CERT-115]

Application for Certification

Pursuant to 10 CFR Part 595, Salt River Project Agricultural Improvement and Power District (Salt River Project) filed an application for certification of an eligible use of approximately 19,000,000 Mcf of natural gas at its Agua Fria and Kyrene Steam Plants in Glendale and Tempe, Arizona, with the Administrator of the Economic Regulatory Administration (ERA) on December 3, 1979, as amended on December 21, 1979. The application, as amended, states that the eligible sellers of the gas are the Delhi Gas Pipeline Corporaton (Delhi) and the Consumers Power Company (Consumers) and that the gas will be transported by the El Paso Natural Gas Company, the Panhandle Eastern Pipeline Company, the Trunkline Pipeline Company, and the Northern Natural Gas Company. The application and supplemental information indicate that the use of this natural gas is estimated to displace 2,844,000 barrels of residual fuel oil (0.9 percent sulfur) and 254,000 barrels of distillate fuel oil (0.5 percent sulfur) per year. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other informaton available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of approximately 19,000,000 Mcf of natural gas at Salt River Project's Agua Fria Steam Plant and Kyrene Steam Plant purchased from Dehli and Consumers is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible sellers.

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Issued in Washington, D.C., on March 21, 1980.

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-9048 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-01-M

Imported Crude Oil Transfer Pricing Program

AGENCY: Department of Energy (DOE), Economic Regulatory Administration.

ACTION: Publication of representative and maximum prices for certain imported crude oils for the period January 1979 through June 1979.

SUMMARY: Notice is hereby given of representative and maximum prices as determined by DOE pursuant to 10 CFR 212.84 for certain crude oils when imported pursuant to a transaction between affiliated entities for the months of January 1979 through June 1979. The prices, set out in the tables attached to this notice, will be used to determine whether the transfer prices reported by refiners to DOE should be disallowed. DOE will accept comments concerning this notice, if submitted on or before May 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Leslie Wm. Adams, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Mail Stop 2140, Washington, D.C. 20461 (202) 633-8292.
William H. Harrison, Director, Transfer Pricing, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Mail Stop 2140, Washington, D.C. 20461 (202) 633-9161.

SUPPLEMENTAL INFORMATION:

Background

Pursuant to 10 CFR 212.84(f), the Transfer Pricing Program Office in the Office of the Special Counsel for Compliance is publishing maximum and representative prices for the months January through June 1979. These prices, calculated in accordance with § 212.84 and as discussed below, will be used to determine whether the transfer prices reported by refiners which imported crude oil in interaffiliate transactions should be disallowed.

By a management directive dated October 8, 1979, the Administrator, Economic Regulatory Administration, assigned the responsibility for the operational aspects of the transfer pricing program, beginning with January 1979, to the Manager of the transfer Pricing Program in the Office of Special Counsel. Since the issuance of that directive, the transfer pricing program office has been collecting and editing the data received from the Transfer Pricing Report (Form ERA-51) and performing the related functions necessary to the publication of the maximum and representative prices for the six month period January–June 1979. Disallowances will be determined and Notices issued, as appropriate. Further, maximum and representative prices for subsequent months will be computed and published.

Determination of Prices

10 CFR 212.84 sets out the procedures for the selection of reference crude oils and the determination of maximum and representative prices. Section 212.84(f) provides that the reference crude oil shall be any crude oil which is traded substantially or which is used as a pricing standard by the host government and by refiners which purchase the oil.

Maximum and representative prices are determined as prescribed by § 212.84(e):

(1) The representative price for a reference crude oil shall be the lowest price at which fifty percent or more (as measured by volume) of arms-length transactions in that reference crude oil and (at adjusted prices) related crude oils, loaded during a month of measurement and reported to FEA, take place. Reference and related crude oils will be designated pursuant to paragraph (f) of this section.

(2) The maximum price for a reference crude oil for each month of measurement shall be the higher of

(i) the representative price in the month of measurement plus 10 cents per barrel, or

(ii) the lowest price at which 65 percent or more (as measured by volume) of the arms-length transactions, in that reference and related crude oils, loaded during that month of measurement and reported to FEA, take place.

(3) In determining the representative and maximum prices for a reference crude oil, FEA will consider all transactions reported to FEA for the reference and related crude oils loaded during the month of measurement, except as provided in paragraph (e)(4) of this section. For purposes of determining representative and maximum prices for a reference crude oil, the prices of a related crude oil shall be adjusted to the equivalent price of the related reference crude oil on the basis of the difference in the posted prices, tax-reference prices or other official selling prices, as established by the host government for those two crude oils.

We have determined that changes in the reported transactions of a number of crude oils as well as the designation of posted or official selling prices for various crude oils have made changes in the designation of a number of reference crude oils appropriate. The reference crude oils set out in the appendix to this notice were selected because of the volume in transactions in those particular crudes, independent of the volumes in "related" crude oil transactions. Consideration was also given to the designation of official selling prices for the reference crudes by the host governments, and to the availability of information with regard to those crudes in trade publications. Changes in reference crude designations have been made for: Algeria (Saharan Blend, AG–025); Egypt (Gulf of Suez, EG–058); Iraq (Kirkuk, IZ–101); Libya (Sarir, LY–130); Neutral Zone (Khafji, IY–136); Nigeria (Bonny Light, NI–150).

In Venezuela, marketing practices changed following nationalization in 1977. We are designating reference crude oils which are widely traded and for which official minimum selling prices are available: Boscan, VE–220; Leona Mix, VE–221; and Ceuta, VE–225. In calculating adjustments between these reference and related crude oils, discussed further below, we have utilized the official minimum selling prices rather than the sulphur premiums and gravity adjustments previously described by the Venezuelan tax export values. *See,* 40 FR 27058 (June 26, 1975); 42 FR 22190 (May 2, 1977).

In addition, a number of countries with crudes not previously traded now have sufficient volumes to support the designation of a reference crude oil: Norway: Ekofisk, NO–158; United Kingdom: Forties, UK–403, Mexico: Isthmus, MX–280, Oman, MU–160. In Indonesia, the maximum price for the two reference crudes: Sumatra Light, ID–070 and Attaka, ID–072, has been the official selling price. We have, however, calculated a maximum and representative price for them in recognition of open trading in Indonesia since 1978. Similar treatment is under consideration for Canadian crude oils. Finally, we are maintaining two reference crude oils in the United Arab Emirates in recognition of the different royalty and tax treatments applicable among the Trucial States and the volume of reported transactions. *See,* 44 FR 30721 (May 29, 1979).

Related crude oils, produced in countries where a reference crude oil has been designated, are adjusted to the equivalent price of the reference crude most similar in quality on the basis of the difference in official selling prices pursuant to § 212.84(e), quoted above. Where official selling prices existed for some but not all crude oils, an official selling price equivalent was determined by extrapolating from the given official prices. This was done to assure that only prices equivalent to the reference crude oil price were used in determining maximum and representative prices.

Where a price change in mid-month altered the relationship between crudes, an average of the two prices, weighted by the portion of the month each was in effect, was used. Furthermore, the gravity plans reported by the host government, in contracts with the host government or from published trade journal sources, were used to correct variations from the standard gravity in the reported gravity for a particular crude.

The regulations, at § 212.84(f) provide that DOE may choose not to designate a reference crude oil whenever (i) the total volume in a month is less than 600,000 barrels, (ii) the number of arms-length transactions of at least 100,000 barrels is less than four, or (iii) more than 35 percent of the transactions by volume are pursuant to a single contract. In three instances, Saudi Arabian Medium, SA–182, in February and June, and in Indonesian Attaka, ID–072, in May it appears that transactions representing marginally more than 35 percent of the reported transactions were pursuant to individual contracts. After examining the prices in these transactions and finding them not unrepresentative of other reported transactions, we have determined to publish these prices.

Pursuant to § 212.84(e)(6), for a crude oil from a country in which no reference crude oil is available in a given month, a "parity" pricing calculation is made by adjusting the price of a reference crude oil most nearly similar in quality in the same geographical region as that crude oil. The procedures used to make "parity" pricing calculations were published in a Notice dated June 20, 1975 (40 FR 27058, June 26, 1975). We are in the process of determining the clean product premium and the sulphur premium to be applied in the parity calculations. We anticipate the continued use of $1.25 per barrel for each percent of sulphur for the low sulphur premium and $2.00 per barrel in calculating the clean product premium. However, to the extent that the two crude oils subject to comparison have divergent transportation characteristics, DOE may order an amendment to the transportation adjustment pursuant to § 212.84(e)(7).

As an alternative to the three adjustments currently utilized in making the price parity calculation, that is the clean product premium in lieu of the gravity adjustment, the low sulphur premium, and the transportation adjustment, we are considering alternatives. We may order, pursuant to § 212.84(e)(7), a single adjustment to replace the three part calculation now required. It has been suggested that the parity calculation be based on the relative values of the crude oils using a "three-cut" procedure based upon a true boiling point (TBP) curve of the crude oils. Valuations for the three fractions or "cuts" would be determined by using monthly postings derived from published data on regional markets. A third possibility would be to compare the official selling prices of similar crudes, recognizing that traditional value relationships among crude oils have been distorted by non-qualitative considerations. Comments on these options would be particularly welcome.

Refiners whose transfer prices are subject to disallowance by comparison to a maximum price based on a parity calculation will be notified of the adjustments utilized. Similarly, transfer prices for crude oils not listed in the appendix remain subject to disallowance. Companies subject to disallowance will be notified of the basis for that determination.

Comments Permitted

We will accept comments on the reference crude oils, the maximum prices, the proposed parity calculations alternative or any other matters discussed in this notice. Comments should be provided to Mr. Adams at the address indicated above. We are providing this opportunity to gather information with a view towards review of the factual bases and calculations utilized in determining these and future maximum and representative prices. We request that persons interested in submitting comments do so within 30 days of this publication to allow contemporaneous consideration. Any information furnished which is considered confidential must be so identified, and a copy of the submission with such information deleted must be furnished. *See,* 10 C.F.R. § 205.9(f).

Issued in Washington, D.C., March 28, 1980, by the Economic Regulatory Administration.

Hazel R. Rollins,
Administrator, Economic Regulatory Administration.

Table I.—*Maximum Prices*

Reference crude	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	Jun. 1979
Algeria (AG–025)	14.85	14.87	14.88	18.60	20.87	21.07
Angola (AO–030)	(1)	(1)	(1)	(1)	(1)	(1)
Indonesia:						
(ID–070)	14.00	14.00	14.07	16.75	18.40	18.47
(ID–072)	15.27	15.16	15.05	17.10	18.09	27.14
Iraq (IZ–101)	15.53	14.43	22.50	15.97	19.67	19.06
Kuwait (KU–110)	12.89	12.87	14.07	15.82	16.37	19.10
Libya (LY–130)	14.36	14.77	15.74	18.26	15.96	21.46
Oman (MU–160)	(1)	(1)	(1)	(1)	(1)	(1)
Mexico (MX–280)	14.13	14.13	14.13	17.12	17.12	17.12
Nigeria (NI–150)	15.30	15.21	15.22	18.44	21.07	30.21
Norway (NO–156)	15.95	16.50	16.00	18.70	19.65	21.16
Qatar (QA–170)	14.10	15.00	(2)	(2)	(2)	(2)
Saudi Arabia:						
(SA–160)	13.52	13.61	13.60	14.65	14.65	16.03
(SA–181)	12.76	12.79	12.79	13.75	13.75	17.27
(SA–182)	13.19	13.18	13.14	14.15	14.15	17.64
United Arab Emirates:						
(TC–010)	14.13	14.19	15.15	17.12	17.81	17.91
(TC–015)	(1)	(1)	18.97	19.03	19.33	(1)
United Kingdom (UK–403)	15.55	15.44	15.48	18.40	18.25	20.76
Venezuela:						
(VE–225)	14.09	14.22	14.07	16.82	17.10	17.33
(VE–221)	13.25	13.26	13.54	15.68	16.54	16.22
(VE–220)	9.90	9.87	9.86	11.06	11.06	11.06

[1] Less than three sellers. Data treated as proprietary.
[2] Does not meet requirements of 212.84(f)(1). Figures will be based on comparison to most similar crude in same geographic region.

Table II.—*Representative Prices*

Reference crude	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	Jun. 1979
Algeria (AG–025)	14.75	14.77	14.76	18.50	18.60	20.97
Angola (AO–030)	(1)	(1)	(1)	(1)	(1)	(1)
Indonesia:						
(ID–070)	13.90	13.90	13.90	15.65	16.15	16.16
(ID–072)	15.17	14.95	14.95	17.00	17.99	21.04
Iraq (IZ–101)	15.13	13.79	15.07	15.87	16.57	19.04
Kuwait (KU–110)	12.79	12.77	13.97	15.72	16.27	19.00
Libya (LY–130)	14.15	14.43	15.51	17.76	18.64	20.83
Oman (MU–160)	(1)	(1)	(1)	(1)	(1)	(1)
Mexico (MX–280)	14.03	14.03	14.03	17.02	17.02	17.02
Nigeria (NI–150)	15.20	15.07	15.12	18.72	20.94	21.59
Norway (NO–159)	15.85	16.00	15.85	18.60	18.60	21.06
Qatar (QA–170)	14.00	14.25	(1)	(1)	(1)	(1)
Saudi Arabia:						
(SA–160)	13.42	13.51	13.50	14.55	14.55	17.93
(SA–181)	12.66	12.69	12.69	13.65	13.65	17.17

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Table II.—*Representative Prices—Continued*

Reference crude	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	Jun. 1979
(SA–182)	13.03	13.08	13.04	14.05	14.05	17.54
United Arab Emirates:						
(TC–010)	14.03	14.04	15.05	17.02	17.10	17.81
(TC–015)	(2)	(2)	17.42	16.84	16.23	(2)
United Kingdom (UK–403)	15.45	14.97	15.38	18.30	18.10	20.86
Venezuela:						
(VE–225)	13.98	14.12	13.97	16.72	16.93	17.09
(VE–221)	13.15	13.16	13.17	15.54	16.14	16.12
(VE–220)	9.79	9.77	9.78	10.96	10.96	10.96

[1] Less than three sellers. Data treated as proprietary.
[2] Does not meet requirements of 212.84(l)(1). Figures will be based on comparison to most similar crude in same geographic region.

[FR Doc. 80-10008 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CI77-789, et al.]

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

March 25, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at this hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
CI77–789, C, Jan. 21, 1980	Mobil Oil Exploration and Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corporation, Block 68, Ship Shoal Area and Block 9, South Pelto Area, Offshore Louisiana.	(1)	15.025
CI80–15, C, Mar. 3, 1980	Amerada Hess Corporation, 1200 Milam, 6th Floor, Houston, Tex. 77002.	United Gas Pipe Line Company, Block A–475, High Island Area, Offshore Texas.	(2)	14.65
CI80–203, A, Feb. 19, 1980	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Southern Natural Gas Company, Block 150, Mississippi Canyon, Offshore Louisiana.	(3)	15.025
CI80–206 (CI78–416), Feb. 19, 1980 [4]	Tenneco Oil Company, P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Company, Sec. 7–T13N–R24W, Roger Mills County, Oklahoma.	(5)	14.65
CI80–245, E, Mar. 17, 1980	Sohio Petroleum Company (Operator), (Succ. in interest to Webb Resources Inc.), 50 Penn Place, Suite 1100, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe line Company, Totem Field, Adams County, Colorado.	(6)	14.65
CI80–246, A, Mar. 19, 1980	Pioneer Production Corporation, (Operator), P.O. Box 2542, Amarillo, Tex. 79189.	Northern Natural Gas Company, Jarvis Unit "B" #1, Section 136, J. Calk Survey, Hemphill County, Tex.	(7)	14.65
CI80–247, A, Mar. 18, 1980	Ocean Production Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Company, West Cameron Blocks 537, 551 and 552, Gulf of Mexico, Offshore Louisiana.	(8)	15.025
CI80–248, A, Mar. 20, 1980	Exxon Corporation, P.O. Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Company, Bradford Field, Lipscomb County, Texas.	(9)	14.65

[1] Applicant is filing under Gas Sales Contract dated 8–25–77, amended by Amendment dated 10–23–79.
[2] Applicant is filing under Gas Purchase Contract dated 9–6–79, amended by Amendatory Agreement dated 1–15–80.
[3] Applicant is filing under Contract dated 1–23–80.
[4] Conversion of interest from overriding royalty to working interest. Gas previously dedicated to interstate commerce under Sun Oil Company's certificate in Docket No. CI78–416.
[5] Applicant is filing under Contract dated 12–1–79.
[6] Pursuant to Merger Agreement dated 12–11–79, between Webb Resources, Inc., Newco Exploration Company and Sohio Petroleum Company, among other things, Sohio Petroleum Company, as the surviving corporation acquired the oil and gas leases which are the properties committed to the performance of the Gas Purchase and Sales Agreement dated 5–6–71, as amended. Applicant respectfully requests the Commission to issue it a Certificate of Public Convenience and Necessity effective 12–11–79, authorizing Sohio to continue the sale and delivery of natural gas now being made as described in said Application, designating Sohio as Operator.
[7] Applicant is filing under Gas Purchase Contract dated 2–18–71.
[8] Applicant is filing under Gas Sales Contract dated 2–26–80.
[9] Applicant is filing under Contract dated 2–11–80.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-9980 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-85-M

Office of Energy Research

Conservation Panel of the Energy Research Advisory Board; Open Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act [Pub. L. 92–463, 86 Stat. 770)
Date and time: April 14 and 15, 1980—9:00 a.m.–4:30 p.m.
Place: Department of Energy, Forrestal Building, Room 6A–110, 1000 Independence Avenue, S.W., Washington, D.C. 20585
Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, Room GE–216, 1000 Independence Avenue, S.W., Washington, D.C. 20585, telephone 202/252–8933
Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department. The Conservation Panel will make recommendations to the parent Board.
Tentative agenda:

Presentation of DOE Conservation Programs
- Program Analysis and Objectives
- Building Programs
- Industrial Programs
- Transportation Programs
- Storage Programs
- State and Local Programs
- Discussion of DOE Conservation Programs
- Discussion on Selection of Topics for Panel

Public Participation: The meeting is open to the public. Written statements may be filed with the panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.
Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA–152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 14, 1980.

Edward A. Frieman,
Director of Energy Research.

[FR Doc. 80-9738 Filed 3-31-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1450–7]

Availability of Coal Use Information and Further Comment Period Extension Under Section 125 of the Clean Air Act

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Notice of availability of industry coal use projections and further public comment period extension on EPA's proposed determination under subsection 125(a) of the Clean Air Act.

SUMMARY: On September 6, 1979 (44 FR 52030) EPA proposed to determine under subsection 125(a) of the Clean Air Act, 42 U.S.C. 7425(a) that projected local and regional economic and unemployment impacts that would occur if certain Ohio utilities proceeded with plans to switch from high sulfur coal to low sulfur coal to comply with sulfur dioxide emission limitations would not be sufficiently significant to necessitate action under subsections 125 (b) and (c) of the Act. A public hearing was held in St. Clairsville, Ohio on November 20, 1979. A public comment period was established and scheduled to close December 20, 1979 (44 FR 59287, October 15, 1979).

On January 15, 1980 (45 FR 2893) EPA extended the comment period to allow time for the Agency to acquire and analyze up-to-date coal use information from certain utilities and industrial facilities in Ohio and to allow public inspection of this information. This information has been received and that portion on which a business confidentiality claim has not been asserted is available for public inspection and copying at the locations designated as repositories for the Ohio section 125 proceedings (44 FR 52030, September 6, 1979).

EPA will make a final determination as to what portion, if any, of the information on which business confidentiality is claimed will be made available for public inspection after the

firms asserting confidentiality have had an opportunity to substantiate their claims in accordance with EPA's Freedom of Information Act regulations (40 CFR Part 2).

In order to permit public inspection of coal use information now released, to allow time for the firms to substantiate their confidentiality claims and to permit public inspection of any additional material determined by EPA to be releasable to the public for inspection, EPA is extending the public comment period on the subsection 125(a) reproposed determination period to April 20, 1980. EPA will publish a **Federal Register** notice indicating the availability of any additional data determined to be releasable for public inspection.

DATES: The public comment period for the reproposed determination under subsection 125(a) of the Act will remain open until April 20, 1980.

ADDRESSES: The new coal use data and information now released is available for public inspection and copying during regular business hours at the Ohio section 125 record repositories. Public comments or requests for further information should continue to be directed to F. J. Biros, Office of Enforcement, EN–335, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone: 202–426–8710.

(Sec. 125 of the Clean Air Act as amended, August 7, 1977, 42 USC 7425)

Issued in Washington, D.C. on March 13, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-9723 Filed 3-31-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1452-4]

Conoco Chemicals Co.; Approval of NESHAPS Application

Notice is hereby given that on January 28, 1980, the Environmental Protection Agency approved the application submitted by Conoco Chemicals Company to construct another polyvinyl chloride (PVC) reactor and dryer train at its PVC facility in Oklahoma City, Oklahoma. This approval has been issued under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Subparts A and F, applicable to the construction of new vinyl chloride sources. Approval of the application is subject to the following conditions:

1. An applicable leak detection and elimination program is to be submitted for EPA approval prior to start up.

2. Any revision to approved plans and specifications which may affect the amount of vinyl chloride emitted to the outside air, or any planned deviation from the specific equipment identified in the regulations must receive prior EPA approval.

This Approval to Construct does not relieve Conoco Chemicals Company of the legal responsibility to comply with the NESHAPS regulations applicable to vinyl chloride sources, 40 CFR 61, Subpart A and F, or to comply with other laws and regulations, federal, state or local, which may be applicable.

Approval of this application is reviewable under Section 307(b)(1) of the Clean Air Act only in the U.S. Court of Appeals for the Tenth Circuit. A petition for review must be filed on or before June 2, 1980.

Copies of the Approval to Construct are available for public inspection upon request at the following locations:

Air Enforcement Branch, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270; and

John W. Gallion, Chief, Air Quality Service, Oklahoma State Department of Health, NE. 10th and Stonewall, Oklahoma City, Oklahoma 73105.

Dated: March 12, 1980.

Frances E. Phillips,
Acting Regional Administrator, Environmental Protection Agency, Region 6.

[FR Doc. 80-9785 Filed 3-31-80; 8:45 am]
BILLING CODE 6560-01-M

[Docket No. ECAO-HA-79-3; FRL 1451-3]

Health Assessment Document for Tetrachloroethylene (Perchloroethylene); Extension of Comment Period for the Second External Review Draft

EPA will extend the comment period deadline for the second external review draft of Health Assessment Document for Tetrachloroethylene (Perchloroethylene) from April 4, 1980 (45 FR 9766), to May 12, 1988.

Address all written requests for copies to Ms. Diane Chappell, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. To place a telephone request dial (919) 541–3746.

Direct comments to Mr. Mark M. Greenberg at the address given above.

Stephen J. Gage,
Assistant Administrator for Research & Development.

March 20, 1980.

[FR Doc. 80-9725 Filed 3-31-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1451-5]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Alaska Petrochemical Company, 601 West 5th Avenue, Anchorage, Alaska 99501.

The permit issued on March 21, 1980 constitutes approval to construct an oil refinery and marine loading terminal at Valdez, Alaska, subject to certain conditions, including:

Approval Conditions

1. Emission of sulfur dioxide (SO_2), particulate matter (PM), nitrogen oxides (NO_x), carbon monoxide (CO) and hydrocarbons (HC) shall not exceed the following limits:

Facility	Pollutant	Emission limitation kg/hour (lb/hour)	Concentration or emission factor limitation
Combustion devices (total)	SO_2	85 (187)	NOTE 1.
	NO_x	90 (198)	70 ppm at 3 percent O_2 34.4 ng/J (80 lbs/10^6 BTU).
	PM		5 percent opacity.
Refinery fuel gas (NOTE 2)	SO_2		60 mg/dscm H_{2S} (0.035 gr/dscf).
Flexicoker fuel gas	SO_2		155 mg/dscm total sulfur (0.067 gr/dscf).
Fluid catalytic cracker (FCCU)	SO_2	5 (11)	12 ppm.
	PM	20 (44)	0.75 kg/1000 kg coke burnoff. 20 percent opacity. NOTE 3.
	CO	96 (212)	500 ppm
Sulfur recovery (SRU)	SO_2	7.1 (15.6)	0.015 percent by volume at 0 percent O_2 dry basis.
Flexicoker SRU vent	SO_2	0.8 (1.8)	
Gas turbines	SO_2	3.2 (7.1)	
	NO_x	94 (207)	(0.0075E)+F percent by volume at 15 percent O_2, NOTE 4.
Solid waste incinerator	SO_2	1.25 (2.8)	
	PM	0.04 (0.09)	70 mg/dscm (0.03 gr/dscf) 10 percent opacity.
Storage tank (total)	HC	58 (128)	Based on the equipment standard and operation practices below:
			Pressure tanks shall be used for liquids with a TVP greater than 76.6kPa. Internal floating roofs with double seals or equivalent shall be used for liquids with TVP greater than 10.3 but less than 76.6kPa.
Product loading terminal	HC		The following equipment standard and operating practice shall be substitutes for an emission standard: A vapor recovery system shall be installed and operated to collect and incinerate the HC emissions treater during vessel loading. The design efficiency of the incinerator must exceed 99 percent.
Process fugitives	HC		The following equipment standard and operating practice shall be substituted for an emission standard: Specification for valves, pumps and compressors must include the optimum sealing techniques available from the manufacturers. Process drains must be trapped. Oil/water seperators must be covered. A HC monitoring and maintenance plan must be submitted to EPA for approval one year prior to projected refinery startup.

NOTE 1. The average SO_2 emission factor for the combined refinery gas/flexicoker gas is 24.3 ng/J (56.6 lbs/10^6 BTU).
NOTE 2. Includes fuel gas to combustion devices and gas turbines.
NOTE 3. Particulate concentration is about 79 mg/dscm or 0.03 gr/dscf.
NOTE 4. Based on the use of refinery gas as fuel

$$E = \frac{14.4 \text{kg/watt.hr}}{\text{actual ISO heat rate}}$$

F	Fuel Bound Nitrogen=N
0	N 0.015
0.04 (N)	0.015 N 0.1
0.004+0.0067 (N−0.1)	0.1 N 0.25
0.005	N 0.25

2. Only the above listed sources shall be permitted for emissions of air pollutants to the atmosphere. Additional sources or design changes which result in an increase in emissions will require formal permit modification in accordance with Section 52.21.

3. The solid waste incinerator final design shall include a control device, capable of 90% removal efficiency for SO_2.

4. Compliance testing shall be conducted within 60 days after achieving the maximum production rate at which the refinery will be operated, but not later than 180 days after initial startup of the refinery. The test methods and procedures described in 40 CFR 60.106 shall be followed for determining compliance with the emission limitations for the refinery fuel gas system, the Claus sulfur recovery unit, and the FCC regenerator. In addition, EPA Method 6 (40 CFR 60; Appendix A) shall be used to determine compliance with the FCC regenerator SO_2 limitations. EPA Method 15 shall be used to determine compliance with the total sulfur emission limitation for the flexicoker gas system. EPA Method 7 shall be used to determine compliance with the NO_x emission limitation for the combustion devices. Only one combustion device of each type needs to be tested. The Company shall submit a plan for EPA approval proposing which combustion devices to test. The test methods and procedures described in 40 CFR 60.335 shall be followed for determining compliance of the gas turbines with the NO_x emission limitations.

5. Compliance Monitoring—The emission monitoring requirements of 40 CFR 60.105 and 60.334 shall be followed. In addition, continuous oxygen or carbon monoxide monitoring instruments shall be installed to record the excess oxygen or carbon monoxide in the combustion devices. A continuous SO_2 monitor shall be installed on the FCC regenerator stack unless the Company can demonstrate that sufficient process monitoring data will be recorded to determine the SO_2 emissions. All continuous monitoring instruments must meet the requirements contained in 40 CFR 60.13. Process monitors shall be installed to record pressure drop across the scrubber, liquid flow rate and any other process variable necessary to insure proper operation of the scrubber on the solid waste incinerator. The thermal incinerator for the product loading terminal shall be equipped with instruments to continuously monitor the incinerator temperature and to determine the residence time within the combustion zone.

6. All reasonable measures shall be taken to prevent and reduce emissions of air pollutants to the atmosphere during the period of construction. This shall include but not be limited to activities to prevent particulate matter from becoming air-borne from roadways or arising from traffic activities in and about the construction site.

7. The refinery throughput shall not exceed 150,000 barrels per day feed stock.

8. ALPETCO shall notify the Alaska Department of Environmental Conservation (ADEC), in writing of any occurrence of emissions in excess of limits specified above; notification shall be forwarded to ADEC in writing in a timely fashion and in each instance, no later than ten (10) days from the date of such occurrence. The notification shall include an estimate of the resultant emissions and narrative report of the cause, duration and steps taken to correct the problem and avoid a recurrence. ALPETCO shall contemporaneously send a copy of all such reports to EPA.

9. This approval shall become void if on-site construction is not commenced within eighteen (18) months after receipt of the approval or if on-site construction once initially commenced is discontinued for a period of eighteen (18) months.

10. As approved and conditioned by this permit, any construction, modification or operation of the

proposed facility shall be in accordance with the application which resulted in this permit. Moreover, any such activity which is undertaken in a manner inconsistent with this permit shall be subject to EPA enforcement action under the Clean Air Act.

11. This permit in no way constitutes a waiver which relieves ALPETCO from its obligations to meet requirements under other parts of the Clean Air Act, including Section III, New Source Performance Standards, or from other obligations as a result of permits required by other Federal or State laws.

12. EPA and ADEC shall be notified of the commencement of construction date and the start up date not later than within thirty (30) days before the date these events begin.

13. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006 and consolidated cases) which will have significant impact on the EPA PSD program. The applicant is hereby advised that this permit may be subject to reevaluation and/or modification as a result of the final court decision and its ultimate effect.

14. Access to the source by EPA or State regulatory personnel shall be permitted upon request for the purpose of compliance assurance inspections. Failure to allow such access is grounds for revocation of this permit.

The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before (60 days from date of this publication).

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 20, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-9278 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1450-8]

National Ambient Air Quality Standards; Risk Assessment Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: EPA's Office of Air Quality Planning and Standards is conducting a meeting with several research groups who will be developing, under contract, alternative conceptual approaches to assessing health risks in connection with setting national ambient air quality standards under Section 109 of the Clean Air Act. The meeting will be from 9:00 a.m. to 5:30 p.m. on both Wednesday, April 16, and Thursday, April 17, 1980. It will be held in Room 529A of the Humphrey Building, 200 Independence Avenue, Washington, D.C. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Thomas McCurdy (919) 541–5355/(FTS 629–5355) or Harvey Richmond (919) 541–5231/(FTS 629–5231) of the Ambient Standards Branch, Strategies and Air Standards Division, Office of Air Quality Planning and Standards. Their mailing address is: Ambient Standards Branch (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

SUPPLEMENTAL INFORMATION: The Office of Air Quality Planning and Standards in coordination with other EPA offices is undertaking a two-year program to improve its health risk assessment procedures for purposes of setting national ambient air quality standards (NAAQS). The aim of this program is to develop one or more analytic methods suitable for use in that context.

EPA's Science Advisory Board (SAB) Subcommittee on Health Risk Assessment recommended that EPA undertake such an effort. This Subcommittee is continuing to provide EPA with advice on the conduct and content of the risk assessment program.

The first major milestone in the overall program is a two-day public meeting. The meeting will launch a research effort to develop conceptual, or generic, approaches to assessing health risks associated with exposures to ambient air pollutants which are or may be listed under Section 108 of the Clean Air Act. At the conclusion of this effort, each research team will describe its integrated risk assessment approach in a report to be published by EPA. EPA will then evaluate these approaches and choose one or more of them for further development and possible application.

The first day of the public meeting will consist of formal presentations by EPA staff and the research teams. EPA staff will describe (1) the overall risk assessment program; (2) the Agency's ambient air standard-setting process in general, and how it currently reviews and revises air standards; and (3) some preliminary EPA staff thinking on regulatory risk assessment. The researchers will then describe their initial thoughts on how they will approach the problem and discuss issues associated with estimating risk for ambient air pollutants.

The second day will consist of an informal discussion of the issues involved in conducting risk assessments in connection with the setting of NAAQS. This session will be open for public comment, and time will be set aside for that purpose. Anyone wishing to speak at the second session should contact one of the persons listed above under "For Further Information." Written statements can also be sent to either person.

Dated: March 25, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-9722 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1453-1]

Management Advisory Group to the Municipal Construction Division; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at the Capital Yacht Club, 1000 Water Street, Washington, DC, on April 22–23–24–, 1980. The meeting will begin at a.m. on April 22, 1980.

The purpose of the meeting is to discuss and review the following: The 1990 Construction Grants Strategy Study; RCRA Regulations and Impact on the Construction Grants Program; Sludge Management Rules, Regulations and Strategy, Pretreatment Regulations; Marine Waiver Applications; Minority Business Enterprise and Women Business Enterprise; Public Participation; Environmental Concerns; Advanced Waste Treatment; National Municipal Policy and Strategy; Model Procurement Ordinance and Handbook; Industrial Cost Recovery; and Pending Legislation. There will also be MAG Sub-Committee Task Force Meetings on various aspects of the Construction Grants Program.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202–426–8986.

Eckardt C. Beck,

Assistance Administrator for Water and Waste Management.

March 26, 1980.

[FR Doc. 80-9784 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1452-1; PP 8G2022/T230]

Renewal of Temporary Tolerances N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the renewal of temporary tolerances for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on cotton forage at 1.5 parts per million (ppm); the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and in eggs and milk at 0.05 ppm. The request was submitted by BASF Wyandotte Corp., The renewal will permit the marketing of the above raw ageicultural commodities while further data are collected on the subject pesticide.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–755–2196).

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp. Agricultural Chemicals Div., 100 Cherry Hill Road, Parsippany, NJ 07054, has submitted a pesticide petition (PP 8G2022) to EPA. This petition requested that temporary tolerances be renewed for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the raw agricultural commodities cotton forage at 1.5 ppm; cottonseed at 1 ppm; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and in eggs and milk at 0.05 ppm. (A related document concerning the renewal of a feed additive regulation for residues of *N,N*-dimethylpiperidinium chloride in cottonseed meal appears elsewhere in today's **Federal Register.**)

Renewal of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (7969–EUP–9) that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. BASF Wyandotte Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire March 25, 1981. Residues not in excess of 1.5 ppm remaining in or on cotton forage; 1 ppm remaining in or on cottonseed; 0.1 ppm remaining in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.05 ppm remaining in eggs and milk after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Robert Taylor at the above address.

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))

Dated: March 25, 1980.

Douglas D. Compt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9786 Filed 3-31-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, April 21, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–3066–1.

Filing party: Leslie E. Still, Jr., Senior Deputy City Attorney, Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T–3066–1, between the City of Long Beach, California (City) and Standard Fruit & Steamship Company (Standard), modifies the parties' basic agreement providing for Standard's lease of a private banana terminal facility. The purpose of the modification is to provide for a renewal option for a second additional term of 5 years, with compensation to be determined prior to renewal. Standard further agrees to possible liability for property taxes, and waives any rights to relocation assistance upon termination of the lease.

Agreement No. 5660–28.

Filing Party: John R. Attanasio, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D. C. 20006.

Summary: Agreement No. 5660–28, entered into by the member lines of the Marseilles North Atlantic U.S.A. Freight Conference, would amend Article I of the conference agreement to provide that each member shall have the right, on fifteen calendar days' written notice to the Secretary, to establish for itself any ocean freight rate or rates. This right of independent action shall automatically terminate 180 days from the date of approval provided, however, that the members may vote to extend said right for a maximum period of 180 days.

Agreement No. 10383.

Filing party: Sandra Brown, President, The Irwin Brown Company, 210–212 Chartes Street, P.O. Box 2428, New Orleans, Louisiana 70176.

Summary: Agreement No. 10383, between the Irwin Brown Company (Brown) and Dorf International (Dorf) both of whom are licensed ocean freight forwarders with the Federal Maritime Commission, provides that Brown will receive 70 percent of Dorf's net profit for operating their customhouse and forwarding business in New Orleans. Brown handles Dorf's business on an agency basis to provide Dorf's clients with an efficient and expeditious service that would not otherwise be possible. Brown is able to deal directly

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with personnel in New Orleans. The agreement is subject to termination by either party giving 180 days' notice to the other or intent to terminate. Mrs. Sandra Brown, President of Brown, shall become Vice-President of Dorf during the term of the agreement, but her appointment shall not prevent Brown from operating its own business in competition with Dorf, except that during the term of the agreement, Brown shall not solicit for its account and benefit, the Dorf accounts.

By Order of the Federal Maritime Commission.

Dated: March 28, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-9726 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Correction

Agreement No. 6190-34.

Filing Party: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 6190-33, appeared in the **Federal Register** on March 24, 1980 (45 FR 19051) and was listed incorrectly. It should have read "Agreement No. 6190-34."

By Order of the Federal Maritime Commission.

Dated: March 26, 1980.

Francis C. Hurney,

Secretary

[FR Doc. 80-9727 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1217]

Asiatic Trans-Pacific, Inc.; Order of Revocation

On March 20, 1980, Asiatic Trans-Pacific, Inc., P.O. Box 6600, Tamuning, Guam 96911, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1217 effective March 31, 1980.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1217 issued to Asiatic Trans-Pacific, Inc., be and is hereby revoked effective March 31, 1980.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Asiatic Trans-Pacific, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-9729 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2063]

WTC Air Freight; Order of Revocation

On March 24, 1980, WTC Air Freight, 23740 Hawthorne Blvd., Torrance, California 90505, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2063 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2063 issued to WTC Air Freight, be and is hereby revoked effective March 24, 1980.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon WTC Air Freight.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-9730 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-16]

Daiichi Chuo Kaisen Kaisha, Toko Kaiun Kaisha, Ltd., and Atlantic Lines and Navigation Company, Inc., v., Pacific Maritime Association; Filing of Complaint

Notice is hereby given that a complaint filed by Daiichi Chuo Kaisen Kaisha, Toko Kaiun Kaisha, Ltd., and Atlantic Lines and Navigation Company, Inc. against the Pacific Maritime Association (PMA) was served March 26, 1980. The complaint alleges that certain actions taken by PMA pursuant to collective bargaining arrangements between PMA and the International Longshoreman's and Warehouseman's Union have resulted in violations of sections 15, 16 and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before September 26, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80-9809 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-18; Agreement No. 8370]

Port of New York Ocean Freight Forwarders' Conference Agreement; Order To Show Cause

FMC Agreement No. 8370 is between several independent ocean freight forwarders doing business in the New York City area. It was approved on September 26, 1957, pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), and permits its members to agree upon minima or maxima charges to be assessed shippers for forwarding services performed with respect to cargoes moving through the New York port area and to prescribe rules and regulations pertaining to freight forwarding practices generally. The agreement further requires that copies "* * * of all minutes (of meetings) and true and complete records of all affirmative and negative actions of the parties pursuant to or giving effect to this agreement * * * be furnished promptly to (the Commission)."

According to the Commission's records, the last meeting of the Agreement No. 8370 parties was held on October 22, 1958. Last summer, the parties were requested to furnish a report on the status of their Agreement. They replied by letter dated October 17, 1979 to the effect that no concerted activities had ever been conducted under the Agreement. Because Agreement No. 8370 has been dormant since 1958 and apparently never resulted in substantive actions by the parties, it shall be cancelled unless its proponents can show cause why it should be given continued approval.

Agreement No. 8370 permits its participants to agree upon charges for freight forwarding services and is therefore *per se* violative of the anti-trust laws. Because it was approved in September, 1957, the Agreement was not analyzed under the standards currently applicable to price fixing agreements for which section 15 approval is sought. Such agreements are deemed contrary to the public interest unless required by a serious transportation need, necessary to secure important public benefits, or in furtherance of a valid regulatory purpose of the Shipping Act. *Federal Maritime Commission* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Port of New York Ocean Freight Forwarders' Conference and the independent ocean freight forwarders listed in the Attachment are named Respondents in this proceeding; and

It is further ordered, That Respondents show cause why Agreement No. 8370 should not be cancelled as inactive, contrary to the public interest, or both; and

It is further ordered, That this proceeding be limited to the submission of affidavits of fact and memoranda of law and replies thereto. Should any party believe an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit. Affidavits of fact and memoranda of law shall be filed by Respondents and served upon all nonrespondent parties of record no later than the close of business on April 30, 1980. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel no later than the close of business on May 16, 1980. Intervenors shall submit their case at the same time as the party they support. Oral argument may be scheduled if deemed necessary by the Commission.

It is further ordered, That this Order be published in the **Federal Register** and a copy served upon each Respondent at the address listed in the Attachment; and

It is further ordered, That any person desiring to intervene in this proceeding file a petition establishing the qualifications specified in § 502.72 of the Commission's rules of practice and procedure (46 CFR 502.72); and

It is further ordered, That all documents submitted by any party of record in this proceeding be filed in accordance with § 502.118 of the Commission's rules of practice and procedure (46 CFR 502.118) and mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Attachment

Members Licensed

Atlas Forwarding Co. Inc., 45 John St., New York, New York 10038.

Terramar Shipping Company, Inc., Suite 1551, One World Trade Center, New York, New York 10048.

Pitt & Scott Corporation, 115 Broadway, New York, New York 10006.

Leyden Shipping Corp., One World Trade Center, #2861, New York, New York 10048.

H. W. St. John Company, 33 Rector Street, New York, New York 10006

G. A. Lopez Forwarding & Shipping Co., 30 Vesey St., New York, New York 10007.

Brauner International Corp., Suite 2109, One World Trade Center, New York, New York 10048.

Inter Americas Shipping Co., 127 North Broadway, Hicksville, New York 11801.

O. W. Lochner, Inc., Suite 1413, One World Trade Center, New York, New York 10048.

J. B. Wood Shipping Co., Inc., 175 W. Broadway, New York, New York 10013.

Port of New York Ocean Freight Forwarders Conference

Colony Shipping Co., Inc., Suite 1361, One World Trade Center, New York, New York 10048.

Exporters Forwarding Co., Inc., Suite 8519, One World Trade Center, New York, New York 10048.

Mohegan International Corp., 61 Broadway, New York, New York 10006.

Latina-Macor Shipping Company, Ltd., 236 Main St., Ridgefield Park, New Jersey 07660.

American Union Transport, Inc., 15 E. 26th St., New York, New York 10010.

Major Forwarding Company, Inc., 44 Trinity Place, New York, New York 10006.

J. E. Tomkins & Son, Inc., One Whitehall St., New York, New York 10006.

Beacon Shipping Co., Inc., 7 Dey St., New York, New York 10007.

Rohner, Gehrig & Co., Inc., One Whitehall St., New York, New York 10004.

Almac Shipping Co., Inc., Suite 1171, One World Trade Center, New York, New York 10048.

Unsworth & Co., Inc., 30 Vesey St., New York, New York 10007.

J. Mas International Corp., 350 Broadway, New York, New York 10013.

[FR Doc. 80-9811 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-17]

Wescot International, Inc. v. Sea-Land Service, Inc.; Filing of Complaint

Notice is given that a complaint filed by Wescot International, Inc. against Sea-Land Service, Inc. was served March 26 1980. The complaint alleges that respondent has collected greater compensation for transportation of property than specified in its tariffs, in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before September 26, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80-9810 Filed 3-31-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens Bancorp, Inc.; Formation of Bank Holding Company

Citizens Bancorp, Inc., Glasgow, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(i)) to become a bank holding company by acquiring 80.1 per cent of the voting shares of Citizens Bank and Trust Company, Glasgow, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 15, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9763 Filed 3-31-80; 8:45 am]

BILLING CODE 6210-01-M

First Des Plaines Corp.; Formation of Bank Holding Company

First Des Plaines Corporation, Des Plaines, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Des Plaines, Des Plaines, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 26, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9730 Filed 3-31-80; 8:45 am]
BILLING CODE 6210-01-M

First Oklahoma Bancorp., Inc.; Proposed Acquisition of American Mortgage and Investment Co.

First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of American Mortgage and Investment Company, Oklahoma City, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking. These activities would be performed from offices of Applicant's subsidiary in Oklahoma City, Midwest City, Tulsa, Lawton, Enid, Yukon, Shawnee, Moore, Norman, and Pauls Valley, Oklahoma, and the geographic areas to be served are those cities as well as Edmond, Piedmont, Mustang, Del City, Choctaw, Harrah, Owasso, Sand Springs, Broken Arrow, Bixby, Claremore, Waukomis, Garber, Tecumseh, Ada, and Ardmore, Oklahoma, and the counties of Cleveland and McClain, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 17, 1980.

Board of Governors of the Federal Reserve System, March 25, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9791 Filed 3-31-80; 8:45 am]
BILLING CODE 6210-01-M

Landmark Bancshares Corp.; Acquisition of Bank

Landmark Bancshares Corporation, Clayton, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Harvester National Bank, Harvester (an unincorporated area of St. Charles County), Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 28, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9792 Filed 3-31-80; 8:45 am]
BILLING CODE 6210-01-M

Security Pacific Corp. et al., Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 25, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Security Pacific Corporation, Los Angeles, California (finance activities; Texas): to engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp., located at Southland Center, 400 North Olive, Dallas, Texas 75201, serving the State of Texas.

2. Security Pacific Corporation, Los Angeles, California (finance activities; California): to engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp., located at 10 South Lake Avenue, Suite 201, Pasadena, California 91101, serving the State of California.

3. Security Pacific Corporation, Los Angeles, California (finance activities; California): to engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp. located at 10103 Carroll Canyon Road, San Diego, California 92131, serving the State of California.

4. Security Pacific Corporation, Los Angeles, California (finance activities: California): to engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp. located at 505 Sansome Street, San Francisco, California 94111, serving the State of California.

5. Security Pacific Corporation, Los Angeles, California (escrow activities; Washington): to engage through its subsidiary, Security Pacific Escrow, Inc. (formerly Kassler Escrow, Inc.), in acting as escrow agent for the purchase and sale of real property and the execution of all documents and disbursal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office of Security Pacific Escrow, Inc. located in Bellevue, Washington, serving the State of Washington.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 26, 1980.
William N. McDonough,
Assistant Secretary of the Board.
[FR Doc. 80-9789 Filed 3-31-80; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Preemptive Effect of Magnuson-Moss Act on State Law

AGENCY: Federal Trade Commission.

ACTION: Notice of establishment of rebuttal period for written comments on the Commission's interpretation of section 111 of the act.

SUMMARY: On September 6, 1979, the Commission published a request in the **Federal Register** (44 FR 52036) calling for written comments concerning the Commission's interpretation of Section 111 and the effect of the Magnuson-Moss Warranty Act on state law. In response to a number of requests following that notice, the Commission published, on November 9, 1979, a notice in the **Federal Register** (44 FR 65186) extending the comment period to January 4, 1980, and delegating to the Director of the Bureau of Consumer Protection authority in this proceeding over the establishment of a reasonable rebuttal period. The Director hereby establishes a rebuttal period of 30 days, beginning today.

One commentor sugested, as an adjunct to this proceeding, amending Rule 701 (16 CFR Part 701). Rebuttal comments are appropriate to any issue raised in the comments regarding the present Rule 701 or Section 111 of he Magnuson-Moss Warranty Act; however, the Commission will not be considering the amendment of Rule 701 at this time.

Copies of submissions are available from Shirley Short at the address and telephone number listed below.

ADDRESS: Send written rebuttal comments to: Secretary, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Shirley Short (202) 523-0425, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

DATES: Rebuttal Comments must be received by May 1, 1980.

Approved:
Albert H. Kramer,
Director, Bureau of Consumer Protection.
[FR Doc. 80-9804 Filed 3-31-80; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10 (a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: April 21–22, 1980—Public Hearings—9:00 a.m.–5:00 p.m.

ADDRESS: Public hearings will be held at the Anaheim Convention Center, Anaheim, CA. For further information contact: Dr. Gloria Becerra, Office of Bilingual Education, Reporters Building, Room 421, Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202–447–9227).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b–11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

On *April 21–22, 1980,* in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics:

(1) Title VII Rules and Regulations,
(2) 1982 Legislation,
(3) Funding,
(4) Parental Involvement,
(5) President's Commission on Foreign Languages and International Education, and
(6) Bilingual Education in General.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis;

(2) Witnesses shall limit their testimony to fifteen minutes: ten minutes of formal presentation followed by five of questioning from Council members;

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(3) Two or more persons from the same organization shall designate one person to speak for the group;

(4) Witnesses shall present an oral synopsis of their written testimony. Witnesses who do not provide such a testimony will be heard after all who have written testimony are heard;

(5) Witnesses shall provide fifteen copies of their written testimony;

(6) Witnesses may address the Council in either English or in their native language. The written testimony must be submitted in English;

(7) All testimony shall be tape recorded; and

(8) Exceptions to the aforementioned procedures shall be at the discretion of the Chairman of the Program Resource and Coordination Committee.

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, S.W., Washington, D.C. 20202. In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on March 26, 1980.

Josué M. González,

Director, Office of Bilingual Education.

[FR Doc. 80-9762 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-02-M

National Advisory Council on Extension and Continuing Education; Committee Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedules and proposed agenda of a meeting of the Ad Hoc Committee on the Media in Continuing Education of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2). This document is intended to notify the general public of their opportunity to attend the meeting.

DATE: April 24–25, 1980.

ADDRESS: Convention Complex, Denver, Colorado.

FOR FURTHER INFORMATION: Richard F. McCarthy, Associate Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, NW; Suite 529, Washington, DC 20004, Telephone: 202/376–8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I, (HEA), including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW of Part B (Lifelong Learning activities) of the title.

Meetings of the Council are open to the public. However, because of incomplete meeting arrangements, those interested in attending the meeting of the Committee on the Media in Continuing Education are asked to call the Council's office beforehand. The committee will meet intermittently on the mornings of April 24 and 25.

The committee was established by the Council to investigate the issue of education technology and its application to helping to meet the learning needs of the American adult population. The committee was asked to prepare a report for the Council on the subject, which it would then use as the basis for submission of testimony to Congressional committees and a report to the White House.

The members of the committee will attend and participate in the 1980 convention of the Association for Educational Communications and Technology, which meets in Denver during the week of April 21–25 at the Denver Convention Center. The convention is focusing on many of the issues of importance to the committee.

In addition to participating in workshops and seminars and meeting with experts in the field of education technology, the committee has invited a number of prominent individuals to meet with the committee to discuss the central concern of the committee's work: the implications for Federal education policy of the application of education technology to adult learners.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, NW, Washington, D.C.

Dated: March 27, 1980.

Richard F. McCarthy,

Associate Director.

[FR Doc. 80-9786 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-02-M

Food and Drug Administration

[Docket No. 80M-0059]

Heyer-Schulte Corp., Premarket Approval of Angelchik Anti-Reflux Prosthesis

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Angelchik Anti-Reflux Prosthesis sponsored by Heyer-Schulte Corp., Goleta, CA. After reviewing the recommendation of the Gastroenterology-Urology Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 1, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith Lusted, Bureau of Medical Devices (HFK–402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–6162.

SUPPLEMENTARY INFORMATION: The sponsor, Heyer-Schulte Corp., Goleta, CA, submitted an application for premarket approval for the Angelchik Anti-Reflux Prosthesis to FDA on February 5, 1979. The device is used in the treatment of esophageal reflux (backward flow of stomach contents into the esophagus) and hiatal hernia. The application was reviewed by the Gastroenterology-Urology Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 23, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

A summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (address above). Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition must be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before May 1, 1980 file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: March 25, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9717 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0060]

U.S. Packaging, Inc.; Premarket Approval of Gonodecten® Test Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Gonodecten® Test Kit sponsored by U.S. Packaging, Inc., LaPorte, IN. After reviewing the Immunology and Microbiology Device Classification Panel's recommendation, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for a use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 1, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith Lusted, Bureau of Medical Devices (HFK–402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–6162.

SUPPLEMENTARY INFORMATION: The sponsor, U.S. Packaging, Inc., LaPorte, IN, submitted an application for premarket approval of the Gonodecten® Test Kit to FDA on December 21, 1977. The device is a presumptive test for the presence of gonorrheal infection in males. The application was reviewed by the Immunology and Microbiology Device Classification Panel, an FDA advisory committee, which recommended approval of the application. On April 11, 1979, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

A summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (address above). Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of the FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition must be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before May 1, 1980 file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: March 25, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9718 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

National Advisory Council on Nurse Training; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1980:

Name: National Advisory Council on Nurse Training

Date and Time: May 19–21, 1980, 10:30 a.m.

Place: Conference Room 7–32, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

Open May 19, 10:30 a.m.—12:00 noon. Closed remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of

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minutes of previous meeting; discuss future meeting dates; and administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications for Federal assistance, and will therefore be closed to the public in accordance with provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact DR. MARY S. HILL, Bureau of Health Professions, Health Resources Administration, Room 3-50 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6681.

Agenda items are subject to change as priorities dictate.

Dated: March 26, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80-9720 Filed 3-31-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Reassumption of Jurisdiction—Confederated Tribes of the Colville Indian Reservation

March 20, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the confederated Tribes of the Colville Indian Reservation, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Colville Agency Office, Bureau of Indian Affairs, Nespelem, Washington.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-9940 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

BLM Opens Public Comment Period for Intensive Wilderness Inventory in Nevada; Summarizes Inventory Progress to Date

The Bureau of Land Management in Nevada announces the proposed decision on the intensive inventory of public lands in Nevada for wilderness characteristics and is presenting for public comment its recommendations on which of the intensive inventory units should be designated wilderness study areas and which areas should be dropped from further wilderness consideration based upon the presence or absence of wilderness characteristics in the area.

BLM Nevada State Director Ed Spang said the inventory and his proposed decisions are directed by Section 603 of the Federal Land Policy and Management Act of 1976 and Section 2(c) of the Wilderness Act of 1964. These laws require the inventory of all public lands in Nevada for wilderness characteristics identified by Congress: size, naturalness, outstanding opportunities for solitude or a primitive and unconfined type of recreation, and supplemental values.

The Bureau's approach to this task was to conduct the total inventory in two phases. The first phase, called the initial inventory, was conducted to identify areas that obviously and clearly did not possess wilderness characteristics based upon existing information and areas that possibly contained wilderness characteristics and should be intensively inventoried, including field examinations. The initial inventory was completed in Nevada on Sept. 27, 1979, following a 90-day public comment period on the proposed decisions. Notice of those final decisions was published in the Sept. 27, 1979 **Federal Register** on pages 55667 through 55668. That notice also announced the beginning of the intensive inventory phase in Nevada on areas that possibly possessed wilderness characteristics. The Bureau's recommendations on the remaining intensive inventory acreage was promised on April 1980.

The intensive inventory covered 14,379,969 acres of public lands. The Bureau's recommendation is that 11,416,471 acres be dropped from further wilderness consideration because they lack wilderness characteristics identified by Congress; the remaining 2,963,498 acres were found to possess wilderness characteristics in the Bureau's opinion and should be designated wilderness study areas. The Bureau's recommendations are open for public comment from April 1, 1980 until June 30, 1980. An intensive inventory summary book with public involvement guidelines, an overview of the wilderness effort in BLM, and area by area descriptions of the 405 units covered in the intensive inventory is available from BLM offices throughout Nevada. Copies can be obtained by writing to Bureau of Land Management, P.O. Box 12000, Reno, Nevada, 89520. This book clearly explains what type of public input is requested, how it should be submitted, and how it will be utilized by BLM.

To facilitate public comments, the Bureau is holding open houses in each of its six district offices to discuss local district findings between April 14 and April 22. These meetings are outlined below. In addition, to help those interested in a statewide view of all 405 units regardless of district boundary, six-statewide summary open houses are planned between April 30 and May 20. Times and dates of these meetings are also noted below.

District Open Houses: (covering only information for that general area)

April 14—Elko—Convention center—1 p.m.-6 p.m.
April 15—Gerlach—Gerlach High School Library—7 p.m.-10 p.m.
April 15—Alamo—Pahranagat High School—7 p.m.-9 p.m.
April 15—Battle Mountain—BLM District Office—1 p.m.-4:30 p.m. and 7 p.m.-9 p.m.
April 16—Las Vegas—BLM District Office—2 p.m.-4:30 p.m., 7 p.m.-10 p.m.
April 16—Eureka—Eureka Courthouse—1 p.m.-4:30 p.m., 7 p.m.-9 p.m.
April 17—Winnemucca—BLM District Office—7 p.m.-10 p.m.
April 17—Goldfield—County Courthouse—7 p.m.-9 p.m.
April 17—Carson City—Ormsby Public Library—7 p.m.-9 p.m.
April 17—Ely—Convention center—6 p.m.-9 p.m.
April 17—Tonopah—BLM Area Office—1 p.m.-4:30 p.m., Cenvention center—7 p.m.-9 p.m.
April 22—Lovelock—County Courthouse, conference room—7 p.m.-10 p.m.

Statewide Open Houses:

April 28—Reno—Pioneer Hotel Room D—3 p.m.-5 p.m. & 7 p.m.-9 p.m.
April 30—Las Vegas—BLM District Office—7 p.m.-9 p.m.
May 14—Battle Mountain—BLM District Office conference room 7 p.m.-9 p.m.
May 15—Tonopah—Convention center—7 p.m.-9 p.m.
May 19—Elko Convention center, Turquoise Room—3 p.m.-5 p.m. & 7 p.m.-9 p.m.
May 20—Eureka—Courthouse—7 p.m.-9 p.m.

In addition to this **Federal Register** notice, the Bureau is attempting to inform the public through numerous news media announcements, direct mail to more than 2,000 people who have indicated an interest in the Bureau's inventory process in Nevada and handouts to interested persons who write or drop by BLM offices throughout Nevada.

The following chart illustrates the Bureau's wilderness inventory efforts in Nevada to date:

Inventory process	Total acres	Acres eliminated	(Areas)	Existing WSA acres	(Areas)
Initial	25,140,136	25,140,136	(1,010)	0	(0)
Accelerated	8,335,689	7,008,909	(224)	1,326,780	(81)
Intensive	[1] 14,379,969	[2] Not complete		[4] Not complete	
Totals	[3] 47,855,794	32,149,045	(1,234)	1,326,780	(81)

[1] Includes all public land in interstate units. (California, Oregon, Idaho, Utah.)
[2] Doesn't include public lands in Nevada managed by Susanville, California, BLM District and Boise, Idaho, BLM District.
[3] Contains 11,416,471 Acres recommended to be dropped from further wilderness study.
[4] Contains 2,963,498 acres recommended for WSAs.

Accelerated inventories were site specific inventories completed to expedite planning and program decisions for important public land projects or systems. A summary of the accelerated inventory conclusions is provided below.

Name of special accelerated inventory	Total Acreage	Acres dropped	Acres WSA
Oil and gas lease lands	1,871,470	1,855,640	15,830
Rip Rap site (highway department)	11,200	11,200	
Sierra Pacific powerline	255,434	255,434	
Valmy power	92,500	92,500	
Gund Ranch transfer	102,300	102,300	
Dolly Varden/Victoria	62,720	62,720	
Mineral Hill	13,640	13,640	
Intermountain Power project No. 1	2,877,980	2,268,358	609,622
Intermountain Power project No. 2	101,000	50,300	50,700
Mount Wheeler powerline	82,000	82,000	
Oil well drilling permit	116,900	116,900	
Ely Prison site	16,000	16,000	
Las Vegas Prison site	48,900	48,900	
Mormon Mesa drilling permit	81,200	81,200	
American Selco et al	379,920	379,920	
San Antonio molybdenum	88,200	88,200	
Hickison molybdenum	23,400	23,400	
Overthrust belt	2,096,665	1,446,637	650,028
Pueblo mountains	10,160	9,560	600
Total	8,395,689	7,008,909	1,326,780

During the intensive inventory, 405 units were individually studied by BLM. The unit numbers, names, total public land acreage, and acreage recommendations for the intensive inventory are listed below:

Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
Elko District				
NV-010-002	Maverick Springs	84,840	84,840	0
NV-010-002-A	Maverick Springs	6,360	6,360	0
NV-010-002-B	Maverick Springs	5,760	5,760	0
NV-010-002-C	Maverick Springs	7,040	7,040	0
NV-010-002-D	Maverick Springs	7,700	7,700	0
NV-010-002-E	Maverick Springs	5,800	5,800	0
NV-010-002-F	Maverick Springs	31,360	31,360	0
NV-010-002-G	Maverick Springs	10,900	10,900	0
NV-010-002-J	Maverick Springs	7,700	7,700	0
NV-010-004	High Bald Peak	31,560	31,560	0
NV-010-004B	High Bald Peak	16,000	16,000	0
NV-010-016	Spruce Mountain	35,960	35,960	0
NV-010-016B	Spruce Mountain	8,150	8,150	0
NV-010-017	Spruce Ridge	46,600	46,600	0
NV-010-017C	Spruce Ridge	6,500	6,500	0
NV-010-022	Hogan	15,460	15,460	0
NV-010-023	Collar and Elbow	10,000	10,000	0
NV-010-023A	Collar and Elbow	8,300	8,300	0
NV-010-025	Leppy Peak	10,840	10,840	0
NV-010-027	Bluebell	66,130	2,980	63,150
NV-010-032	Morgan Basin	12,160	12,160	0
NV-010-033	Goshute Peak	101,340	12,900	88,440
NV-010-035	South Pequop	46,660	46,660	0
NV-010-035-B	South Pequop	6,100	6,100	0
NV-010-036	Boone Springs	8,320	8,320	0
NV-010-037	Brush Creek	13,320	13,320	0
NV-010-044	Antelope	33,020	33,020	0
NV-010-045	Currie Hills	27,640	27,640	0
NV-010-045-A	Currie Hills	7,760	7,760	0
NV-010-045-B	Currie Hills	5,200	5,200	0
NV-010-047	Kingsley	21,800	21,800	0
NV-010-047-D	Kingsley	8,160	8,160	0
NV-010-049	Sugarloaf	17,600	17,600	0
NV-010-050	Ferguson Mountain	6,960	6,960	0
NV-010-052	Lead Mine Hills	11,520	11,520	0
NV-010-053	Dead Cedar Wash	13,340	13,340	0

Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
NV-010-054/UT-020-044	Ferber Wash	10,240	10,240	0
NV-010-058	Dead Horse	10,800	10,800	0
NV-010-060	White Sage Flat	19,540	19,540	0
NV-010-061/UT-020-050	Ferber Flat	10,240	10,240	0
NV-010-062/UT-020-048	Utah Peak	7,040	7,040	0
NV-010-070	Cortez	33,280	33,280	0
NV-010-074	Florio	12,100	12,100	0
NV-010-081	Smith Creek Mountains	20,850	20,850	0
NV-010-085	Diamond Hills	58,320	58,320	0
NV-010-102/ID-12-56A	Little Owyhee	57,589	57,589	0
NV-010-102-A	Little Owyhee	5,800	5,800	0
NV-010-103/ID-19-63	Devil's Corral	12,060	12,060	0
NV-010-103-A/ID-19-63	Devil's Corral	55,740	5,200	50,540
NV-010-104	Hat Peak	49,800	49,800	0
NV-010-105	Forkitt	17,280	17,280	0
NV-010-106	Owyhee Canyon	17,520	350	17,170
NV-010-106-A	Owyhee Canyon	7,360	7,360	0
NV-010-106-B	Owyhee Canyon	43,520	43,520	0
NV-010-107	Airstrip No. 1	42,240	42,240	0
NV-010-108	Star Valley Cabin	32,000	32,000	0
NV-010-109	Silver Lake	41,470	41,470	0
NV-010-109-A	Silver Lake	43,650	43,650	0
NV-010-110	Milligan Creek	121,360	121,360	0
NV-010-111	Winter Creek	59,780	59,780	0
NV-010-112	Bullhead	55,150	55,150	0
NV-010-113	Burner Hill	16,770	16,770	0
NV-010-114	Cornucopia	28,760	28,760	0
NV-010-115	Big Cottonwood Canyon	56,140	56,140	0
NV-010-116	Sutter	15,000	15,000	0
NV-010-129	Six Mile Hill	42,880	42,880	0
NV-010-130	Rock Creek	37,080	37,080	0
NV-010-131	Snowstorm	12,130	12,130	0
NV-010-132	Little Humboldt River	96,320	56,220	40,100
NV-010-133	Three Mile Creek	28,440	28,440	0
NV-010-134	Chino Creek	9,680	9,680	0
NV-010-135	Bull Run	8,700	8,700	0
NV-010-143	Adobe	11,230	11,230	0
NV-010-147	Double Mountain	36,740	36,740	0
NV-010-148	Beaver Creek	22,240	22,240	0
NV-010-149	Lookout Mountain	44,960	44,960	0
NV-010-150	Table Mountain	47,300	47,300	0
NV-010-151	Rough Hills	6,300	6,300	0
NV-010-152	Charleston Reservoir	5,120	5,120	0
NV-010-153	Mahala Creek	10,240	10,240	0
NV-010-160/UT-020-009, 011, 012.	Wagon Box Pass	21,300	21,300	0
NV-010-160-B	Wagon Box Pass	5,000	5,000	0
NV-010-161	Bald Mountain	18,620	19,600	0
NV-010-162	Tee Pee Rock No. 2	11,000	11,000	0
NV-010-164/ID-202-1/UT-020-021.	Little Goose Creek No. 1	11,350	11,350	0
NV-010-167	Little Goose Creek No. 4	5,300	5,300	0
NV-010-167-B	Little Goose Creek No. 4	6,100	6,100	0
NV-010-170	Bedke Well	26,880	26,880	0
NV-010-171	Delano	7,400	7,400	0
NV-010-171-A	Delano	10,450	10,450	0
NV-010-171-B	Delano	10,540	10,540	0
NV-010-174	Ninemile	21,120	21,120	0
NV-010-177	Tijuana John	12,840	12,840	0
NV-010-177-B	Tijuana John	12,990	12,990	0
NV-010-177-F	Tijuana John	6,560	6,560	0
NV-010-177-J	Tijuana John	6,320	6,320	0
NV-010-177-L	Tijuana John	14,400	14,400	0
NV-010-178	Granite	8,300	8,300	0
NV-010-178-A	Granite	15,420	15,420	0
NV-010-178-C	Granite	9,900	9,900	0
NV-010-178-F	Granite	7,900	7,900	0
NV-010-179/ID-107-26/ID-17-26.	Cottonwood-Salmon Falls	17,767	17,767	0
NV-010-181	Ellen and Dee	6,010	6,010	0
NV-010-181-C	Ellen and Dee	6,000	6,000	0
NV-010-181-E	Ellen and Dee	5,340	5,340	0
NV-010-183	Fort Yoho	12,350	12,350	0
NV-010-184	Bad Lands	72,480	63,480	9,000
NV-010-185	Canyon Creek	35,760	35,760	0
NV-010-187	Cottonwood	15,490	15,490	0
NV-010-188	Beaver Ponds	17,320	17,320	0
NV-010-193	Anderson Creek	8,920	8,920	0
NV-010-197	Hank's Creek	37,640	37,640	0
NV-010-198	Coyote	9,580	9,580	0
NV-010-199	Stag Mountain	40,240	40,240	0
Winnemucca District				
NV-020-001/CA-020-819	Tennille Spring	11,470	11,470	0
NV-020-004/CA-020-813-A&B	Hog Ranch Mountain	9,980	9,980	0
NV-020-006/CA-020-814-A	Warm Springs Canyon	85,360	85,360	0
NV-020-006-A/CA-020-814	East Fork High Rock Canyon	53,920	0	53,920
NV-020-007	High Rock Lake	73,696	73,696	0
NV-020-008/CA-020-813	Little High Rock Canyon	53,573	1,430	52,143
NV-020-009/CA-020-823	Leadville	27,023	27,023	0
NV-020-010/CA-020-818/CA-020-821/CA-020-820.	Crutcher	52,745	52,745	0

Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
NV-020-012/CA-020-821, 818	Poodle Mountain	137,160	5,331	127,829
NV-020-014	Fox Mountain Range	81,424	10,481	70,943
NV-020-018	Division Peak	27,927	27,927	0
NV-020-019	Calico Mountains	67,931	2,070	65,861
NV-020-021/CA-020-822-A&B/CA-020-823.	No Name	5,230	5,230	0
NV-020-200	Selenite Mountain	34,731	0	34,731
NV-020-201	Mt. Limbo	24,512	386	24,126
NV-020-204	Nightingales	58,549	58,549	0
NV-020-209	Razorback	67,467	67,467	0
NV-020-212	Lava Beds	69,605	69,605	0
NV-020-216	South Shawave Mtns	20,541	20,541	0
NV-020-217	Shawave Mountains	65,757	65,757	0
NV-020-222	Blue Wing Mountains	43,711	43,711	0
NV-020-235	North Lava Bed	67,747	67,747	0
NV-020-406	Tobin Range	86,872	86,872	0
NV-020-408	Jersey Valley	55,710	55,710	0
NV-020-410	Table Mountain	64,518	64,518	0
NV-020-436	Granite Mountain	20,269	20,269	0
NV-020-600	Blue Lakes	31,969	14,469	17,500
NV-020-601	Alder Creek	30,467	30,467	0
NV-020-602	Mahogany Mountains	26,115	26,115	0
NV-020-603	South Jackson Mtns	89,314	7,606	81,708
NV-020-604	Trident Peak	89,718	89,718	0
NV-020-605	North Jackson Mtns	28,423	643	25,780
NV-020-609/OR-2-80	Maggie Creek	35,584	35,584	0
NV-020-610	Sentinel Peak	28,080	28,080	0
NV-020-612	Bilk Creek	21,072	21,072	0
NV-020-615	Wood Canyon	7,936	7,936	0
NV-020-617	Middle Spring	11,480	11,480	0
NV-020-618	Texas Springs	10,853	10,853	0
NV-020-620	Black Rock Desert	550,000	216,889	333,111
NV-020-821	Pahute Peak	55,472	55,472	0
NV-020-821-A	Pahute Peak	32,240	32,240	0
NV-020-822	North Black Rock Range	94,356	64,411	29,945
NV-020-837	McGee Mountain	25,406	0	25,406
NV-020-841	Paiute Meadows	16,348	16,348	0
NV-020-800	Long Ridge	12,430	12,430	0
NV-020-810/OR-3-191	Carin "C"	11,880	11,880	0
NV-020-811/OR-3-159/ID-106-70-E.	Tent Creek	46,520	46,520	0
NV-020-827	North Fork Little Humboldt	114,021	32,701	81,320
NV-020-830	Sugar Loaf Hill	35,901	35,901	0
NV-020-835	Forks Ranch	21,998	21,998	0
NV-020-836	Little Owyhee	34,883	34,883	0
NV-020-838	Lone Willow	24,597	24,597	0
NV-020-839	Calico Ranch	34,366	34,366	0
NV-020-840	No Springs	11,174	11,174	0
NV-020-843	Raven Creek	21,436	21,436	0
NV-020-859/OR-3-153/OR-2-76	Disaster Peak	58,905	25,550	33,355
Carson City District				
NV-030-102	Clan Alpine Mountain	257,000	63,480	193,520
NV-030-104	Stillwater Range	113,310	3,177	110,133
NV-030-105	New Pass Range	61,500	61,500	0
NV-030-106	Shoshone Meadows	53,000	53,000	0
NV-030-108	Augusta Mountains	96,000	96,000	0
NV-030-110/NV-060-286	Desatoya Mountains	76,800	28,650	48,150
NV-030-117	Diamond Canyon	65,000	65,000	0
NV-030-118	Desatoya South	27,850	27,850	0
NV-030-125	Desatoya North	54,750	54,750	0
NV-030-127	Job Peak	115,120	22,780	92,340
NV-030-136	Mount Annie	18,500	18,500	0
NV-030-323	Wassuk Range	82,000	82,000	0
NV-030-402	Gillis Range North	51,580	51,580	0
NV-030-407	Gabbs Valley Range	81,120	3,790	77,330
NV-030-409	Stewart Valley Hills	44,410	44,410	0
NV-030-425	Excelsior Mountains	66,850	66,850	0
NV-030-430	Teels Marsh	52,700	26,660	26,040
NV-030-432	Hontons Mine	2,570	1,000	1,570
NV-030-435	Truman Meadows	7,560	7,560	0
NV-030-436	Queen Valley North	7,640	7,640	0
NV-030-437	Queen Valley Ranch	610	610	0
NV-030-439	Orchard Spring	760	760	0
NV-030-517	Rawe Peak	49,480	49,480	0
NV-030-520	Lyon Peak	36,000	36,000	0
NV-030-525	East Pine Nuts	39,185	39,185	0
NV-030-525-A	Burbank Canyons	14,490	14,490	0
NV-030-531/CA-010-105	Slinkard	5,440	0	5,440
NV-030-532	Carson-Iceberg	550	0	550
NV-030-803/CA-020-403	Fort Sage Mountain	52,990	22,990	0
NV-030-805	Virginia Mountains	89,275	89,275	0
NV-030-810	Peterson Mountain	17,170	17,170	0
Ely District				
NV-040-001	Northeast Corner	27,400	27,400	0
NV-040-004	Chin Creek	16,000	16,000	0

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Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
NV-040-007	Lehman Creek	17,300	17,300	0
NV-040-007-A	Lehman Creek	7,700	7,700	0
NV-040-008	Antelope Range	13,100	13,100	0
NV-040-009	Warm Springs	18,400	18,400	0
NV-040-015	Goshute Canyon	190,680	159,680	31,000
NV-040-016	Willow Spring	19,200	19,200	0
NV-040-019	Egan Basin	20,900	20,900	0
NV-040-021	Buttle Mountains	47,860	47,860	0
NV-040-021-A	Buttle Mountains	33,460	33,460	0
NV-040-034	Buck Mountain	41,180	41,180	0
NV-040-042	Maple Syrup Well	20,400	20,400	0
NV-040-043	Robber's Roost	48,400	48,400	0
NV-040-047	Frank's Well	20,500	20,500	0
NV-040-048	Toner Spring	20,900	20,900	0
NV-040-048-A	Hauser Mountain	32,940	32,940	0
NV-040-048-B	Toner Spring	6,700	6,700	0
NV-040-049	Telegraph Canyon	20,020	20,020	0
NV-040-050	Hot Springs	8,900	8,900	0
NV-040-065	Golden Springs	16,200	16,200	0
NV-040-070	Red Hills	12,800	12,800	0
NV-040-078	Grass Valley Reservoir	11,100	11,100	0
NV-040-079	Kern Mountains	35,400	35,400	0
NV-040-079-A	Kern Mountains	7,300	7,300	0
NV-040-081	White Cloud Basin	25,100	25,100	0
NV-040-081-A	White Cloud Basin	17,800	17,800	0
NV-040-085	Yelland Ranch	9,900	9,900	0
NV-040-089	Granite Spring	119,500	100,100	19,400
NV-040-100	Cabinsaltz Gulch	36,200	36,200	0
NV-040-100-C	John's Wash	3,000	3,000	0
NV-040-107	Kious Spring	2,900	2,900	0
NV-040-109	Snake Creek Cave	2,400	2,400	0
NV-040-110	Big Wash	1,000	1,000	0
NV-040-123	Martin Spring	24,800	24,800	0
NV-040-129	Copper Flat	42,600	42,600	0
NV-040-130-A	Deadman Gulch	9,800	9,800	0
NV-040-130-AA	Deadman Gulch	8,200	8,200	0
NV-040-130-AB	Deadman Gulch	11,900	11,900	0
NV-040-153	West Pancakes	317,620	317,620	0
NV-040-154	Park Range	50,600	8,300	42,300
NV-040-155	South Pancakes	140,400	140,400	0
NV-040-159	Manzone Well	30,000	30,000	0
NV-040-159-A	Manzone Well	9,100	9,100	0
NV-040-159-B	Manzone Well	8,240	8,240	0
NV-040-166	Riordan's Well	190,700	136,300	54,400
NV-040-184	Big Spring Wash	12,500	12,500	0
NV-040-185	Lexington Creek	4,900	4,900	0
NV-040-197	Table Mountain	57,260	23,460	33,800
NV-040-202/UT-040-21E	White Rock Range	89,800	20,700	19,100
NV-040-203	Burnt Canyon	7,860	7,860	0
NV-040-204	Camp Valley	16,000	16,000	0
NV-040-217	Black Cone	24,100	24,100	0
NV-040-226	Gap Mountain	9,800	9,800	0
NV-040-229	Scofield	10,200	10,200	0
NV-040-231	Bruno Creek	4,500	4,500	0
NV-040-234-A	South Badger Gulch	440	440	0
NV-040-235	Barton Spring	13,460	13,460	0
NV-040-241	Griswold	23,900	23,900	0
NV-040-241-A	Griswold	31,880	31,880	0
NV-040-242	Worthington Mine	56,300	56,300	0
NV-040-243	Garden Valley Reservoir	99,580	99,580	0
NV-040-245	Weepah Spring	191,700	122,300	69,400
NV-040-247	Fossil Peak	88,900	88,900	0
NV-040-249	North Pahranagat Range	55,900	55,900	0
NV-040-249-A	North Pahranagat Range	21,500	21,500	0
NV-040-250	Southpaw	34,900	34,900	0
Las Vegas District				
NV-050-0106	Quinn Canyon	12,810	12,810	0
NV-050-0107	North Pahroc	28,847	28,847	0
NV-050-0108	Nesbitt	20,931	20,931	0
NV-050-0109	Seep Springs	15,149	15,149	0
NV-050-0112	Timpahute Range	52,800	52,800	0
NV-050-0113	Pahroc Summit Pass	61,737	61,737	0
NV-050-0114	Pahroc Spring	15,950	15,950	0
NV-050-0116	Chief Mountain	12,673	12,673	0
NV-050-0127	Swirl Cake Rock	8,690	8,690	0
NV-050-0131	East Pahranagat	152,458	136,258	16,200
NV-050-0132	South Pahroc/Hiko	71,055	42,455	28,600
NV-050-0134	Medeger Pass	11,462	0	11,462
NV-050-0169	Lower Pahranagat Lake	3,350	0	3,350
NV-050-0302	Cedar Mountain	10,577	10,577	0
NV-050-0304	Reley Station	23,378	23,378	0
NV-050-0305	Far North	11,905	11,905	0
NV-050-0306	Pilot Peak	59,274	59,274	0
NV-050-0308	Monte	7,837	7,837	0
NV-050-0311	Devils Gate	96,332	96,332	0
NV-050-0312	Rock Hill	41,392	41,392	0
NV-050-0317	Lone Mountain	98,239	98,239	0
NV-050-0319	Montezuma Valley	12,047	12,047	0
NV-050-0320	Weepah Hills	89,153	29,153	0

Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
NV-050-0323	Emigrant Peak	25,337	25,337	0
NV-050-0324	Volcanic Hills	25,444	25,444	0
NV-050-0325	Pinchot Creek	15,254	15,254	0
NV-050-0327	The Sump	30,693	30,693	0
NV-050-0326	Emigrant Pass	30,563	30,563	0
NV-050-0330/NV-050-0330-A	Monocline	20,150	20,150	0
NV-050-0331	The Choice	23,676	23,676	0
NV-050-0335	Misplaced	49,040	49,040	0
NV-050-0336	Clayton Ridge	106,593	106,593	0
NV-050-0337	Company Spring South	25,206	25,206	0
NV-050-0337-A	Company Spring North	10,980	10,980	0
NV-050-0338	Silver Peak Range North	72,779	72,779	0
NV-050-0338-A	Silver Peak Range South	54,845	54,845	0
NV-050-0339	Alkali	1,279	1,279	0
NV-050-0340	Red Mountain Triangle	33	33	0
NV-050-0341	Furnace Creek	1,050	1,050	0
NV-050-0342	Palmetto Mountains	30,165	30,165	0
NV-050-0344	Mount Jackson North	33,720	33,720	0
NV-050-0344-A	Mount Jackson South	6,184	6,184	0
NV-050-0345/NV-050-0345-A	Crispa Hills	30,589	30,589	0
NV-050-0349	Magruder Mountain	19,651	19,651	0
NV-050-0350	Pigeon Spring	6,977	2,227	4,750
NV-050-0351	Uncle Sam	24,223	24,223	0
NV-050-0352	Slate Ridge West	28,874	28,874	0
NV-050-0352-A	Slate Ridge East	8,813	8,813	0
NV-050-0353	Hell's Gate	19,596	19,596	0
NV-050-0354	Queer Mountain	58,729	31,379	27,350
NV-050-0355	Bonnie Claire Flat	51,776	10,526	41,250
NV-050-0358	Can You Believe	32,327	32,327	0
NV-050-0366	Porter Mine	6,689	600	6,089
NV-050-0369	Amargosa	12,526	73	12,453
NV-050-0370	Nothing Flats	12,055	2,545	9,510
NV-050-0372	Crater Flat	37,242	37,242	0
NV-050-0373	Black Marble	28,864	28,864	0
NV-050-0375	Big Dune	21,900	21,900	0
NV-050-0376	Dry Well	21,732	21,732	0
NV-050-0377	Johnsville	4,625	4,625	0
NV-050-0386	Claw	820	820	0
NV-050-0387	Old McNett Ranch	23,661	23,661	0
NV-050-03R-11-A	Fish Lake Valley	165	165	0
NV-050-03R-12	Pinto Hill	16,712	16,712	0
NV-050-03R-15-A	Lida Valley	852	852	0
NV-050-03R-22	Gem	2,193	40	2,153
NV-050-03R-23	Von Schmidt	2,786	2,786	0
NV-050-0401	Mount Stirling	203,000	132,000	71,000
NV-050-0406	Lost Cabin Spring	88,421	88,421	0
NV-050-0410	Shoemaker Spring	82,917	82,917	0
NV-050-0414	Pine Creek	34,761	10,761	24,000
NV-050-0416	Wheeler	7,282	7,282	0
NV-050-0421	Clark Canyon	7,880	7,880	0
NV-050-0450	Striped Hills	20,696	20,696	0
NV-050-0451	Specter Range	34,340	34,340	0
NV-050-0457	Mount Montgomery	45,193	45,193	0
NV-050-0459	Ash Meadows	9,770	9,770	0
NV-050-0460	Resting Springs Range	21,058	17,208	3,850
NV-050-0461	Last Chance Range	27,079	27,079	0
NV-050-0462	High Peak	10,672	10,672	0
NV-050-0463	Grown	7,064	7,064	0
NV-050-04R-03-AB&C	Pahrump	10,958	10,958	0
NV-050-CDCA276	Dead Mountains	750	750	0
Battle Mountain District				
NV-060-019	Kawich	39,000	11,440	27,560
NV-060-059	Rawhide Mountain	75,400	11,030	64,370
NV-060-069	Empire Canyon	17,620	17,620	0
NV-060-078	Stone Cabin	24,000	24,000	0
NV-060-079	Hot Creek	45,970	45,970	0
NV-060-086	Monarch	11,700	11,700	0
NV-060-089	Woods Canyon	25,900	25,900	0
NV-060-112	South Reveille	114,500	8,300	106,200
NV-060-113	Quinn Canyon	105,570	105,570	0
NV-060-120	East Kawich	18,100	18,100	0
NV-060-130	Castle Rock	22,300	22,300	0
NV-060-132	North Reveille	95,000	95,000	0
NV-060-136	Quinn Range	23,703	23,703	0
NV-060-142/162	Palisade Mesa	117,000	17,450	99,550
NV-060-158/199	Blue Eagle	72,900	14,100	58,800
NV-060-163	The Wall	43,300	5,300	38,000
NV-060-166	Grant Range	7,200	650	6,550
NV-060-174	Black Rock	25,500	25,500	0
NV-060-176	Big Round Valley	6,200	6,200	0
NV-060-183	North Pancake I	17,200	17,200	0
NV-060-184	North Pancake III	19,200	19,200	0
NV-060-188	Morgan	9,000	9,000	0
NV-060-190	Fandango	48,600	48,600	0
NV-060-191	Morey	29,700	9,580	20,120
NV-060-192	Stanley Buttes	23,900	23,900	0

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Unit No.	Unit name	Total public acres	Acres recommended for release from further wilderness consideration	Acres recommended for WSA
NV-060-194	North Pancake II	26,400	26,400	0
NV-060-201/211	Sonnie	12,800	12,800	0
NV-060-212	Rhyolite Hills	34,300	34,300	0
NV-060-213	Red Ring Mountain	5,200	5,200	0
NV-060-219	Milton Ranch	9,300	9,300	0
NV-060-231/241	Antelope	148,300	43,600	104,700
NV-060-256	Buzzards	10,900	10,900	0
NV-060-278	Haypress	2,900	2,900	0
NV-060-279	White Rock	26,400	26,400	0
NV-060-347	Diana's Punchbowl	14,700	14,700	0
NV-060-407	Bates Mountain	77,930	77,930	0
NV-060-415	Callaghan	79,300	79,300	0
NV-060-422	White Sage	16,400	16,400	0
NV-060-429	Simpson Park	113,400	113,400	0
NV-060-432	Willow Creek	35,300	35,300	0
NV-060-433	Manhattan Mountain	31,300	31,300	0
NV-060-442	Sage	10,900	10,900	0
NV-060-459	Rocky Hills	57,360	57,360	0
NV-060-461	South Fish Creek	104,500	104,500	0
NV-060-464	Elephant Head	44,200	44,200	0
NV-060-466	Carico Ranch	8,000	8,000	0
NV-060-467	Francis Cabin	5,700	5,700	0
NV-060-474	Red Rock	14,100	14,100	0
NV-060-478	Caetano Ranch	9,560	9,560	0
NV-060-482	North Fish Creek	52,400	52,400	0
NV-060-504	Diamond Mountains	73,470	73,470	0
NV-060-530	Rutabaga Creek	13,800	13,800	0
NV-060-531	Henderson	12,700	12,700	0
NV-060-541	Roberts	57,800	42,710	15,090
NV-060-554	North Diamond	43,800	43,800	0
District totals:				
Elko (010)		2,675,966	2,407,566	268,400
Winnemucca (020)		2,936,122	1,898,444	1,037,678
Carson City (030)		1,592,210	1,037,147	555,063
Ely (040)		2,586,060	2,316,660	269,400
Las Vegas (050)		2,427,188	2,135,171	292,017
Battle Mountain (060)		2,162,393	1,621,443	540,940
State total		14,379,959	11,416,471	2,963,498

Some of these units contain designated natural areas that were given special attention by Congress. The natural areas within these intensive inventory units are outlined below along with the recommendations concerning those units. Natural area designation will remain, on these areas no matter what the final outcome of the wilderness review.

Natural Areas Remaining in Intensive Inventory

District	Natural area	Within unit No.	Unit recommendations
Winnemucca	Lahontan-Cutthroat Trout	NV-020-622	A portion (29,945 acres) of the unit is recommended as WSA including a part of the natural area.
Ely	Bristlecone Pine	NV-040-048A	Unit recommended to be dropped from further consideration.
Ely	Goshute Canyon	NV-040-015	A portion (31,000 acres) of the unit is recommended as a WSA, including a part of the natural area.
Las Vegas	Pine Creek Canyon	NV-050-0414	A portion (24,000 acres) of the unit is recommended as a WSA, including the entire natural area.
Las Vegas	Pinyon-Joshua Tree Transition	NV-050-0337 and NV-050-0338A	Both units are recommended to be dropped from further wilderness consideration.

During the comment period and once the comment period closes, the State Director and district staff will be evaluating all incoming comments and doing field verification checks where necessary. These comments and evaluations will be utilized in making the final intensive inventory decisions and selecting areas to be designated wilderness study areas and areas to be dropped from further wilderness consideration based on the presence or absence of wilderness characteristics. The State Director's decisions are scheduled to be announced in September, 1980.

Dated: March 18, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80-9421 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to import frozen serum and semen and fixed blood smears of cheetah (*Acinonyx jubatus*) from South Africa for scientific research and propagation purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6400. Interested persons may comment on this application on or before May 1, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 27, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-9752 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 21, 1980. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by April 16, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Bradshaw House*, 2154 Highland Ave.

Lauderdale County

Florence, *Southall Drugs*, 201 N. Court St.
Florence, *Water Tower*, Seymore St.

Russell County

Pittsview vicinity, *Glenn-Thompson Plantation*, S of Pittsview on U.S. 431.

ALASKA

Bristol Bay Division

Dillingham, *Hull No. AK7258 (Bristol Bay Double Ender)* Dillingham Small Boat Harbor.

Fairbanks Division

Fairbanks, *Joslin, Falcon, House*, 413 Cowles St.

Kuskokwim Division

Anvik, *Christ Church Mission.*

Upper Yukon Division

Eagle vicinity, *New North Fork Washington-Alaska Military Cable and Telegraph System Relay Station.*
Eagle vicinity, *Steel Creek Roadhouse*, Fortymile Resource Area.

ARKANSAS

Monroe County

Holly Grove, *Walls, James A., House*, Off AR 17.

Washington County

Fayetteville, *Washington-Willow Historic District*, Roughly bounded by College and Walnut Aves., Rebecca and Spring Sts.

CALIFORNIA

Marin County

Marin City vicinity, *Muir Beach Archeological Site*, W of Marin City.

Riverside County

Blythe vicinity, *McCoy Spring Petroglyphs*, NW of Blythe.
Desert Center vicinity, *Corn Springs Petroglyph Site.*
Hayfield vicinity, *Hayfield Rock Art District.*

San Bernardino County

Cadiz vicinity, *Iron Mountain Divisional Camp.*
Needles vicinity, *Von Schmidt State Boundary Monument*, 11 mi. N of Needles.

COLORADO

Garfield County

Rifle vicinity, *Havemeyer-Willcox Canal Pumphouse and Forebay*, W of Rifle.

Montrose County

Uravan vicinity, *Hanging Flume*, 5.7 mi. NW of Uravan on CO 141.

Rio Blanco County

Rangely vicinity, *Whiskey Creek Trestle*, W of Rangely.

DISTRICT OF COLUMBIA

Washington

President's Park South, Constitution Ave.

FLORIDA

Orange County

Orlando, *First Church of Christ Scientist*, 24 N. Rosalind Ave.

GEORGIA

Fulton County

Atlanta, *Academy of Medicine*, 875 W. Peachtree St., NE.

ILLINOIS

Coles County

Charleston, *Briggs, Alexander, House*, 210 Jackson St.
Chicago, *Building at 14—16 East Person Street.*
Chicago, *Buildings at 860—880 Lake Shore Drive.*
Chicago, *Drake Hotel*, 140 E. Walton St.
Chicago, *Ludington Building*, 1104 S. Wabash Ave.
Chicago, *Sacred Heart Mission Church*, 11652 S. Church St.
Chicago, *Story-Camp Rowhouses*, 1528—1528 W. Monroe St.

Montgomery County

Hillsboro, *Hayward-Hill House*, 540 S. Main St.

Winnebogo County

Rockford, *Herrick Cobblestone*, 2127 Broadway.

KANSAS

Crawford County

Pittsburg, *Hotel Stilwell*, 707 Broadway

Shawnee County

Topeka, *Old German-American State Bank*, 435 Kansas Ave.

LOUISIANA

Lafayette Parish

Lafayette, *Mouton, Charles H., House*, 338 N. Sterling St.

MARYLAND

Harford County

Fallston, *Little Falls Meetinghouse*, Fallston Rd.

MICHIGAN

Wayne County

Detroit, *Trinity Episcopal Church*, 1519 Myrtle St.

MISSISSIPPI

Adams County

Natchez, *Van Court Town House*, 510 Washington St.

MISSOURI

Jackson County

Kansas City, *Peck, George B., Dry Goods Company Building,* 1044 Main St.

Jasper County

Carthage, *Carthage Courthouse Square Historic District,* Roughly bounded by E. Central Ave., S. Maple, Lincoln, and W. 5th Sts.

MONTANA

Lake County

Polson, *Polson Feed Mill,* 501 Main St.

NEW HAMPSHIRE

Belknap County

Laconia, *Endicott Rock,* Weirs Channel
Tilton vicinity, *Lochmere and Silver Lake Archeological District.*

Carroll County

Eaton Center vicinity, *White Meetinghouse,* S of Eaton Center on Towle Hill Rd.

Cheshire County

Keene *Sawyer Tavern,* 63 Arch St.

Hillsborough County

Goffstown vicinity, *Parker's Store (Neighborly Club)* W of Goffstown on NH 114.
Weare vicinity, *Whittaker, Caleb, Place,* S of Weare on Perkins Pond Rd.
Wilton vicinity, *Cragin, Daniel, Mill,* W of Wilton at Davisville Rd. and Burton Hwy.

Merrimack County

Bow, *Eddy, Mary Baker, Birthplace Site,* U.S. 3A.
Concord, *Upham, Nathaniel G., House (Walker House)* 18 Park St.

NEW JERSEY

Morris County

Boonton, *Boonton Historic District, Main,* Church, Birch, Cornelia and Cedar Sts.

NEW MEXICO

Otero County

Oro Grande vicinity, *Rattlesnake Hill Archeological District,* S of Ore Grande.

Valencia County

Encinal, *Village of Encinal Day School.*

NORTH CAROLINA

Buncombe County

Asheville, *Breese, William E., Sr., House,* 674 Biltmore Ave.

Chowan County

Edenton, *Strawberry Hill,* Church St.
Edenton vicinity, *Athol,* SE of Edenton on SR 1114.

Guilford County

Greensboro, *Central Fire Station,* 318 N. Greene St.

Person County

Concord vicinity, *Burleigh,* NW of Concord on NC 57.

Wilkes County

Traphill, *Traphill Historic District,* SR 1002 and SR 1749.

NORTH DAKOTA

Billings County

Medora vicinity, *Myers School Timbered Lodge.*

Burleigh County

Bismarck, *Cathedral Area Historic District,* Roughly bounded by Hannifin and N. 1st Sts., Aves. C and A West.

Foster County

Carrington, *Lincoln Building,* Off U.S. 281.

Grant County

Carson, *Carson Roller Mill.*

Ward County

Deering vicinity, *Wood, F. B., Farm,* SW of Deering.

OREGON

Lake County

Lakeview, *Heryford Brothers Building,* 524 Center St.
Lakeview, *Heryford, William P., House,* 108 S. F St.

PENNSYLVANIA

York County

Hanover vicinity, *Swigart's Mill,* N of Hanover on Berlin Rd.

TENNESSEE

Campbell County

Jellico, *U.S. Post Office and Mine Rescue Station,* Main and 2nd Sts.

Hamblen County

Morristown, *U.S. Post Office,* N. Henry and W. 1st Sts.

Hamilton County

Chattanooga, *East Tennessee Iron Manufacturing Company Blast Furnace,* Walnut St.
Chattanooga, *Market Square-Patten Parkway,* Roughly bounded by E. 8th and E. 9th Sts., Georgia and Lindsay Aves.
Chattanooga, *Tennessee Valley Railroad Museum Rolling Stock,* 2202 N. Chamberlain Ave.

Montgomery County

Clarksville, *Dog Hill Architectural District,* Munford Ave., 1st, Union, Madison, and 2nd Sts.

Obion County

Union City, *U.S. Post Office,* 114 Washington St.

Putnam County

Cookeville, *U.S. Post Office,* 9 E. Broad St.

Shelby County

Memphis, *U.S. Post Office,* 1 N. Front St.

Tipton County

Brighton vicinity, *Rhodes House,* SE of Brighton on Clopton-Gainsville Rd.

TEXAS

Bexar County

San Antonio, *Elmendorf, Emil, House,* 509 Burleson St.

Burnett County

Grantsburg, *Burnett County Abstract Company,* 214 N. Oak St.

Dane County

Madison, *Plouth Inn,* 3402 Monroe St.
Madison, *Thorstrand,* 1–2 Thorstrand Rd.
Madison vicinity, *McCoy Farmhouse,* S of Madison at 2925 Syene Rd.

Dodge County

Richwood, *St. Joseph's Roman Catholic Church,* WI Q and Rich Rd.

Milwaukee County

Wauwatosa, *Sunnyhill Home,* 8000 W. Milwaukee Ave.

Sawyer County

Hayward, *North Wisconsin Lumber Company Office,* Florida Ave.

WYOMING

Albany County

Centennial vicinity, *Knight, S. H., Science Camp,* 9 mi. W of Centennial on WY 130.
Laramie, *Conley, John D., House,* 718 Ivinson St.
Laramie, *East Side School,* Off U.S. 30.
Laramie, *Fort Sanders Guardhouse,* Kiowa St.

Crook County

New Haven vicinity, *Bush-Bunger Site.*

Goshen County

Torrington, *Stevens, E. E., Murals,* 23rd and W. C Sts.

Laramie County

Cheyenne, *Whipple-Lacey House,* 300 E. 17th St.

Natrona County

Casper vicinity, *Cow Spring Butte Site.*

Park County

Cody vicinity, *Valley School,* SW of Cody

Sweetwater County

Eden vicinity, *Finley Site.*
Rock Springs, *City Hall,* 4th and B Sts.

Teton County

Moran vicinity, *Rosencrans Cabin Historic District,* 9 mi. E of Moran.

[FR Doc. 80-9433 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

[INT DES 80-16]

Public Hearing, Wilderness Study and Availability, Draft Wilderness Study Report and Draft Supplement to Final Environmental Impact Statement Fire Island National Seashore, New York State

Pursuant to Section 3(d)(1)(B) of the Wilderness Act of September 3, 1964, (Pub. L. 88–577; 78 Stat. 892 (16 U.S.C. 459(e) et seq.)) and in accordance with Departmental Procedures as identified in 43 CFR 19.5 public hearings will be held at the following locations and times for the purpose of receiving comments and suggestions as to the suitability of lands within Fire Island National Seashore for designation as wilderness.

May 2, 1980, at 7:30 p.m., Saxton Street Middle School, Saxton Street, Patchogue, New York 11772.

Should response dictate the need to schedule a second meeting, it will be announced locally and held within two weeks of the scheduled Public Hearing.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft supplement environmental impact statement to its final environmental impact statement on the General Management Plan for Fire Island National Seashore. This supplement evaluates the impacts of the wilderness proposal and alternatives.

A packet containing the draft wilderness study report and draft supplement to the final environmental impact statement for the General Management Plan may be obtained from the Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772 (516) 289–4810 or from the Regional Director, North Atlantic Region, National Park Service, 15 State Street, Boston, MA (617) 223–2296.

A map of the areas studied for their suitability or non-suitability as wilderness is available for review at the locations noted above and in Room 1210 of the Department of the Interior Building at 18th and C Streets, N.W., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer by April 29, 1980, of their desire to appear. Those not wishing to appear in person may submit their written statement on the wilderness study report to the Hearing Officer for inclusion in the official record which will be held open for written statements until June 2, 1980. The Hearing Officer may be reached by writing or telephoning the Superintendent, Fire Island National Seashore.

Comments are requested on the draft supplement environmental impact statement, separate from the wilderness study report. These separate environmental statement comments should be submitted in writing to the Superintendent, Fire Island National Seashore (address above) by June 2, 1980.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement that may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record. However, all materials presented at the hearing shall be subject to a determination by the Hearing Officer that they are appropriate for inclusion in the hearing record. To the extent time is available presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the preliminary wilderness study report and the General Management Plan by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State of a representative.

(2) Members of Congress.

(3) Members of the State Legislature.

(4) Official representatives of the counties in which the National Seashore is located.

(5) Officials of other Federal agencies or public bodies.

(6) Organizations in alphabetical order.

(7) Individuals in alphabetical order.

(8) Others not giving advance notice, to the extent there is remaining time.

Dated: March 26, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-9638 Filed 3-31-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Corrections to Notice of Availability for Public Review of Proposed Modification to a Coal Mining and Reclamation Plan, Westmoreland Resources, Inc., Absaloka Mine, Big Horn County, Crow Indian-Ceded Area, Montana

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Corrections to Notice of Availability for Public Review of Proposed Modification to a Coal Mining and Reclamation Plan.

SUMMARY: This document corrects the notice that begins on page 75734 of the **Federal Register** on Friday, December 21, 1979. Pursuant to Part 211 of Title 30 of Section 1500.2 of Title 40, Code of Federal Regulations, the Department's notice is given that the Office of Surface Mining has received a modification to an existing mining and reclamation plan. The proposed modification is described below:

Location of Lands To Be Affected

Applicant: Westmoreland Resources, Inc.
Mine Name: Absaloka.
State: Montana.
County: Big Horn, Crow Indian-Ceded Area.
Township, Range, Section: T.1N, R.38E: 30; T.1N, R.37E: 24, 25.
Office of Surface Mining Reference Number: MT–0007.

The mine is located approximately 26 miles east of Hardin, Montana, and immediately north of the Crow Indian Reservation. The proposed modification involves mining and associated disturbance on 825 acres of the total lease area of 14,746 acres in Tract III. The mine is proposed to continue as a multiple (two) seam, dragline operation removing Indian-owned coal. The coal is shipped, via railroad, to power stations in the Midwest. The proposed modification would allow the company to continue mining at the current rate of production of five million tons per year through 1984. The proposed modification would extend mining activities northward and eastward from the presently mined area. The multiple seam operation would include the extraction of coal from two primary seams, the Rosebud-McKay and Robinson seams. The area scheduled for mining under the proposed modification is within the boundaries of the 20-year mine plan which was approved by the Department on August 15, 1977. However, the proposed modification would involve a number of changes in the approved 20-year mine plan.

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The Absaloka Mine was the subject of site-specific analyses of impacts, mitigation measures and alternatives in two Environmental Impact Statements. The Final Environmental Impact Statement (74–8) was issued by the Bureau of Indian Affairs in 1974, and another Final Environmental Impact Statement (77–17), which addressed the 20-year mining plan approval, was issued by the U.S. Geological Survey on May 31, 1977.

This notice is issued at this time for the convenience of the public. The Office of Surface Mining (Region V) and the Bureau of Indian Affairs (Billings, Montana), have not yet determined whether the proposed modification is technically adequate. It is possible that the Department will request additional information from the company during the ongoing technical review. Any further information so obtained is available for public review.

No action with respect to approval of the proposed coal mining and reclamation plan shall be taken by the Department for a period of 30 days after the original publication of this Notice of Availability in the **Federal Register**. The Regional Director of the Office of Surface Mining has determined that a Notice of Pending Decision pursuant to Section 211.5(c)(2) of Title 30, Code of Federal Regulations is not necessary in this specific case. Notice will be published in the newspapers of local and nationwide circulation of action by the Regional Director on the modificaion to the mining and reclamation plan for the Absaloka Mine. This notice will specify the outcome of the decision.

The mine plan modification submitted by Westmoreland Resources, Inc., for the Absaloka Mine is available for public review during normal working hours in the Library, Office of Surface Mining, Regions V, Brooks Towers, 1020 15th Street, Denver, Colorado, the Bureau of Indian Affairs, Crow Agency, Montana, and the Crow Tribal Council, Crow Agency, Montana. Comments on the proposed modification may be submitted during the 30-day period after the original publication of this notice to the Regional Director, Office of Surface Mining, at the same address.

FOR FURTHER INFORMATION CONTACT:
Dan Kimball or John Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Donald A. Crane,
Regional Director.

[FR Doc. 80-9736 Filed 3-31-80; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisditional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Substitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly

reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before May 1, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before May 1, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 48

Decided: February 8, 1980.

By the Commission Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 1824 (Sub-110F), filed October 22, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Building, 918 Sixteenth Street NW., Washington, DC 20006. Over Regular routes transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne and Decatur, IN, over U.S. Hwy 33 serving no intermediate points. (Hearing site: Washington, DC.)

MC 3854 (Sub-55F), filed October 30, 1979. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, NC 27703. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Transporting (1)(a) *air conditioning, air filtration, refrigeration, and humidifying equipment,* and (2) *materials, supplies, and tools* used in the installation of the commodities in (1)(a), from Winston-Salem, NC, to points in FL, KY, IN, IL, OH, MI, and LA; and (2)(a) *used air conditioning, air filtration, refrigeration, and humidifying equipment,* (b) *materials, supplies, and tools* used in the installation of the commodities in (2)(a), and (c) *materials, supplies and equipment* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), from points in FL, KY, IN, IL, OH, MI, LA, SC, GA, AL, TN, VA, WV, MD, PA, NY, CT, MA, RI, DE, NJ, AR, TX, ME, VT, NH, and DC, to Winston-Salem, NC. (Hearing site: Winston-Salem, NC, Raleigh, NC.)

MC 8535 (Sub-102F), filed October 29, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Transporting *iron and steel articles,* from the facilities used by Weirton Steel Company, at or near Morrisville, PA, to points in CT, MA, and RI. (Hearing site: Washington, DC.)

MC 30844 (Sub-664F), filed October 28, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *paper cores and tubes and pulpboard cores and tubes,* and *materials and supplies* used in the manufacture of paper cores and tubes, between the facilities of Sononco Products Co., at or near Boone, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, SD, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 60014 (Sub-153F), filed October 29, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *railway car wheels and axles and locomotive wheels and axles,* from the facilities of Griffin Wheel Company, Div. of AMSTED Industries, Inc., at (a) Kansas City, KS, and (b) Keokuk, IA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 60014 (Sub-160F), filed October 30, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (a) *pipe, pipe fittings, valves, fire hydrants, firebrick, sewage treatment plants, and aerators, and* (b) *accessories* used in the installation of the commodities in (a) above, from the facilities of Clow Corporation, at (a) Coshocton and Parral, OH, (b) Columbia, MO, (c) Richwood, KY, and (d) Buckhannon, WV, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 67234 (Sub-26F), filed October 31, 1979. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *Materials and supplies* used in the manufacture of computer power systems, from Minneapolis, MN, and Oshkosh, WI, to the ports of entry on the international boundary line between the United States and Canada located in MI and NY, and (2) *computer power systems* from the ports of entry on the international boundary line between the United States and Canada located in MI and NY to points in Sullivan and Washington Counties, TN, Hennepin and Ramsey Counties, MN, Cerro Gordo County, IA, Santa Clara and Orange County, CA, Salt Lake City County, UT, Cook County, IL and Winnebago County, WI. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 7555 (Sub-73F), filed October 30, 1979. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. Transporting *foodstuffs* (except commodities in bulk), from Fredonia, NY, to points in AL. Note: Dual operations may be involved. (Hearing site: Washington, DC.)

MC 94265 (Sub-324F), filed October 22, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 720434, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *toilet preparations,* (1) from Detroit, MI, to points in AL, GA, NC, VA, WV, MD, DE, SC, those in TN east of Interstate Hwy 65, and Philadelphia, PA, and (2) from Pulaski and Falmouth, VA, and Irwin, TN, to Detroit, MI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 107295 (Sub-946F), filed October 30, 1979. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting (1) *iron and steel articles,* and *fabricated metal articles,* from Meridian, MS, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, and (2) *materials, equipment and supplies* used in the fabrication and distribution of the

commodities in (1) above (except commodities in bulk), from points in AL, AR, CT, DE, WI, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and DC, to Meridian, MS. (Hearing site: Jackson, MS.)

MC 111434 (Sub-104F), filed October 29, 1979. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Susan B. Price, 1700 Western Federal Bldg., Denver, CO 80202. Transporting *industrial sand*, from points in CO, to points in MT, WY, UT, NE, KS, NM, OK, and TX. (Hearing site: Denver, CO.)

MC 111545 (Sub-296F), filed October 22, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). Transporting *mag-coke*, in drums, from the facilities of American Cast Iron Pipe, at or near Birmingham, AL, to Silvis, IL, East Chicago, IN, and St. Paul, MN. (Hearing site: Birmingham, AL, Atlanta, GA.)

MC 114604 (Sub-87F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. Transporting (1) *bananas* and (2) *pineapples*, in mixed loads with bananas, from Tampa, FL, Charleston, SC, and Mobile, AL, to points in GA, AL, TN, MS, NC, SC, KY, FL, PA, MD, DE, VA, WV, OH, IN, MI, WI, IL, and DC. (Hearing site: Atlanta, GA.)

MC 115654 (Sub-183F), filed October 30, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Ave., 425 13th Street, N.W., Washington, DC 20004. Transporting *lard, edible tallow, shortening, margarine, cooking oils, salad oils, and vegetable oils* (except commodities in bulk), from the facilities of Swift & Company, at Chattanooga, TN, to points in AL, GA, NC, SC, VA, WV, KY, and MS. (Hearing site: Nashville, TN.)

MC 116544 (Sub-193F), filed October 31, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *frozen fruits and frozen vegetables*, from points in CA, to points in MI. (Hearing site: San Francisco, CA.)

MC 119634 (Sub-43F), filed October 22, 1979. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT. 59101. In foreign commerce only, transporting *animal feed* and *feed ingredients*, (1) between points in MT, on the one hand, and, on the other, ports of entry on the international boundary line, between the United States and Canada, and (2) from points in MN to the ports of entry on the international boundary line between the United States and Canada located in MT.) (Hearing site: Great Falls or Billings, MT.)

MC 119634 (Sub-44F), filed October 30, 1979. Applicant: JOE GERBASE, 100 Transwestern Building, Billings, MT. Representative: Dick Irvin, Inc., 218 12th Avenue North, P.O. Box P, Shelby, MT 59474. Transporting *steel bins, steel buildings, and grain handling equipment*, from Houghton, Atlantic, and Sheffield, IA, Laycygne, Hutchinson, and Silver Lake, KS, Carson City, NV, Clay Center, Waverly, Kearney, Grand Island, and Columbus, NE, Aurora, CO, Oklahoma City, OK, Madison, WI, Mattoon, Sterling, and Mackinaw, IL, Fargo and Minot, ND, Homer City, PA, and Lafayette, LA, to points in MT. (Hearing site: Great Falls or Billings, MT.)

MC 1237744 (Sub-68F), filed October 30, 1979. Applicant: BUTLER TRUCKING CO., A corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *refractories and materials and supplies* used in the manufacture of refractories, from those points in the Unted States in and east of ND, SD, NE, KS, OK, and TX, to points in PA. (Hearing site: Washington, DC.)

MC 125335 (Sub-89F), filed October 30, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *frozen foods*, (1) from the facilities of Pet Incorporated, Frozen Foods Division, at or near Allentown and Chambersburg, PA, to points in AR, CT, DE, KS, ME, MD, MA, MS, MO, NH, NJ, NY, ND, OK, RI, SD, TX, VT, VA, and DC, (2) from the facilities of Pet Incorporated, Frozen Foods Division, at or near Benton Harbor, Frankfort, and Hart, MI, to points in AL, FL, GA, IL, IA, KY, MN, MS, NC, ND, SC, SD, TN, and WI, and (3) from the facilities of Pet Incorporated, Frozen Foods Division, at or near South Bend, IN, to Allentown and Chambersburg, PA. (Hearing site: St. Louis, MO, or Harrisburg, PA.)

MC 133655 (Sub-192F), filed October 30, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fiberglas and fiberglas products, between Dallas, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Dallas, TX.)

MC 134035 (Sub-40F), filed October 29, 1979. Applicant: DOUGLAS TRUCKING CO., P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *small arms ammunition* and *materials and supplies* used in the manufacture of small arms ammunition, (except commodities in bulk), between Lewiston, ID, on the one hand, and, on the other, points in the United States (except AK and HI), and (2)(a) *tools, hardware, and scales*, and (b) *materials and supplies* used in the manufacture of the commodities in (2)(a), (except commodities in bulk) between Oroville, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 134105 (Sub-73F), filed October 22, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *foodstuffs* (except commodities in bulk), (1) between the facilities of M & M/Mars, Snack Master Division at (a) Albany, GA, (b) Jacksonville, FL, and (c) Elizabeth, NJ, and (2) from the facilities named in (1) above, to points in CA, CO, FL, GA, IL, IN, MD, MI, MN, MO, NJ, NC, OH, OR, TN, TX, and UT, restricted in (2) to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Atlanta, GA, or Miami, FL.)

MC 134105 (Sub-74F), filed October 22, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *bananas*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526 (a)(6), when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, CO, ID, KS, NE, NM, OK, OR, SD, TX, UT, WA, and WY, restricted to the transportation of traffic

having a prior movement by water. (Hearing site: Miami, or Jacksonville, FL.)

MC 134134 (Sub-52F), filed October 30, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *alcoholic beverages*, from points in IN, KY, MD, NJ, and NY, to Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 134484 (Sub-27F), filed October 22, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting (1) *Bananas*, (2) *Commodities* otherwise exempt from economic regulation pursuant to the provisions of 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at or near Port Hueneme, CA, to points in OR, WA, ID, MT, WY, UT, NV, AZ, and CO. (Hearing site: Boise, ID, or Miami, FL.)

MC 134755 (Sub-212F), filed October 22, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Chicago, IL, to Philadelphia, PA, Los Angeles, CA, Denver, CO, Dallas, Houston and San Antonio, TX, Seattle, WA, San Francisco and Atlanta, GA, Portland, OR, and New York, NY, and (2) from Philadelphia, PA, to Chicago, IL, Los Angeles, and San Francisco, CA, Denver, CO, Dallas, Houston, and San Antonio, TX; Seattle, WA, Atlanta, GA, Portland, OR. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 135524 (Sub-75F), filed October 22, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *non-alcoholic carbonated beverages, fountain syrups, fruit juices*, from Columbus, OH, to points in MI, IN, KY, WV, PA, and NY. (Hearing site: Columbus, OH, or San Francisco, CA.)

MC 135524 (Sub-80F), filed October 22, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *steel sheets* and *steel coils* from the facilities of Feralloy Corporation, Southern Division, at Birmingham, AL, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Columbus, OH, or Birmingham, AL.)

MC 135895 (Sub-71F), filed October 30, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *foodstuffs*, and *equipment, materials, and supplies* used in the manufacture, distribution, and sale of foodstuffs (except commodities in bulk and those requiring special equipment), between points in AL, AR, FL, GA, LA, MS, MO, NC, OK, SC, TN, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Uncle Ben's, Inc. (Hearing site: Houston, TX; Greenville, and Jackson, MS.)

MC 135945 (Sub-7F), filed October 22, 1979. Applicant: BOB HILDEBRANDT, Prescott, WI 54021. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting *feed and feed ingredients*, from Mankato and Minneapolis, MN, to points in WI. (Hearing site: Minneapolis, MN.)

MC 136315 (Sub-93F), filed October 22, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting *plywood and paneling*, from the facilities used by Pacific Wood Products Company in (a) Orleans Parish, LA and (b) Galveston County, TX, to points in AL, AR, GA, IL, MO, IN, KS, KY, LA, MI, MN, MS, NE, ND, OK, SD, TN, TX, and WI. (Hearing site: San Francisco, CA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-95F), filed October 30, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *furfural residue*, (except in bulk), from the facilities of Grinding and Sizing Company, Inc., at or near Lufkin, TX, to points in AL, AR, FL, GA, LA, MS, MO, NC, OK, SC, TN, VA, and WV. (Hearing site: Houston, TX, or Washington, DC.)

Note.—Dual operation may be involved.

MC 136605 (Sub-138F), filed October 22, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Donald F. Walters, P.O. Box 8058, Missoula, MT 59807. Transporting *precast concrete units, Accessories for precast concrete units, steel products*, and *joint filler products*, from the facilities of Reservco, Inc., at or near Fort Morgan and Denver, CO, to points in CA, OR, WA, NM, UT, KS, MT, IA, ID, WY, ND, TX, AR, and OK. (Hearing site: Denver, CO.)

MC 138104 (Sub-89F), filed October 30, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting (1) *trailers* (other than those designed to be drawn by passenger automobiles) in initial movements, (a) from the facilities of Great Dane Trailers Indiana, Inc., at or near Brazil, IN, to points in the United States (including AK, but excluding HI), (b) from the facilities of Great Dane Trailers Tennessee, Inc., at or near Memphis, TN, to points in the United States (including AK, but excluding HI), and (c) from the facilities of Great Dane Trailers, Inc., at or near Savannah, GA, to points in the United States (including AK, but excluding HI), and (2) *trailers* (other than those designed to be drawn by passenger automobiles), in secondary movements, between points in the United States (including AK, but excluding HI), restricted in (2) above to the transportation of traffic originating at or destined to the facilities of Great Dane Trailers, Inc., Great Dane Trailers Tennessee, Inc., Great Dane Trailers Indiana, Inc., and their dealers. (Hearing site: Dallas, TX, or Savannah, GA.)

MC 138875 (Sub-248F), filed October 30, 1979. Applicant: SHOEMAKER TRUCKING CO., an Idaho corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *such commodities* as are dealt in by drug and discount stores (except drugs and commodities in bulk), between the facilities of Valu-Rite Pharmacies, Inc., a subidiary of Foremost-McKesson, Inc. at (a) Los Angeles, CA, (b) Denver, CO, (c) Smyrna, GA, (d) Bedford Park, IL, (e) Albany, NY, (f) Grand Prairie, TX, and (g) Portland, OR, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at and destined to the indicated points. (Hearing site: San Francisco, CA, or Boise, ID.)

MC 139555 (Sub-11F), filed October 30, 1979. Applicant: MODULAR TRANSPORTATION CO., a corporation, P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *iron and steel*

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articles, and *materials, equipment, and supplies* used in the manufacture of iron and steel articles, between Grand Rapids and Detroit, MI, Chicago, IL, Cleveland, OH, and the facilities used by Penn-Dixie Steel Corporation, Penn-Dixie Steel Industries, Inc., and Stevens Spring, Inc., at or near (a) Lansing, MI, (b) Joliet and Blue Island, IL, (c) Kokomo and Ft. Wayne, IN, (d) Centerville, IA, (e) Jackson, MS, and (f) Columbus and Toledo, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Lansing or Grand Rapids, MI.)

MC 140435 (Sub-5F), filed October 30, 1979. Applicant: ADOBE INTERNATIONAL, INC., 1100 Western United Life Bldg., Midland, TX 79701. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in dump vehicles, (1) between points in Butler, Lawrence, Mercer, and Venango Counties, PA, and (2) from points in Butler, Lawrence, Mercer, and Venango Counties, PA, to points in Ashtabula and Cuyahoga Counties, OH, under continuing contract(s) in (1) and (2) with Pengrove Coal Company, a Division of Adobe Mining Company. (Hearing site: Pittsburgh, PA.)

MC 140645 (Sub-11F), filed October 22, 1979. Applicant: UNITED TRUCKING, INC., 100 Stoffel Dr., Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery houses, retail chain department stores, and drug stores, from the facilities of Colgate-Palmolive Company, Inc., at or near Jeffersonville, IN, to Atlanta, GA, Birmingham, AL, and Jacksonville, FL, under continuing contract(s) with Colgate-Palmolive Company, Inc. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 140484 (Sub-62F), filed October 22, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *meats*, in boxes, in vehicles, equipped with mechanical refrigeration, from the facilities of the Standard Meat Company, at or near Ft. Worth, TX, to points in FL, GA, and VA. (Hearing site: Dallas, TX, or Washington, DC.)

MC 140484 (Sub-65F), filed October 22, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *roofing*, (except commodities in bulk) from Tuscaloosa, AL, to points in FL. (Hearing site: Tuscaloosa, AL, or Washington, D.C.)

MC 140665 (Sub-71F), filed October 29, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *lawn and garden care equipment, plastic articles, and iron and steel articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Tarrant County, TX, on the one hand, and, on the other, points in the United States (except AK, HI and TX). (Hearing site: Washington, DC, or Dallas, TX.)

MC 141774 (Sub-32F), filed October 31, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *fuel wood and compressed logs*, from Pocahontas, AR, and Memphis, TN, to points in AL, GA, MS, TN, AR, and FL. (Hearing site: Memphis, TN, or Birmingham, AL.)

Note.—Dual operations may be involved.

MC 145764 (Sub-2F), filed October 22, 1979. Applicant: C & E TRANSPORT, INC., 1600 Morton, Elkhart, IN 46514. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *salt*, from the facilities of Domtar Industries, Inc., Sifto Salt Division, at (a) Chicago, IL, (b) St. Joseph, MI, (c) Toledo, OH, (d) Burns Harbor, IN, and (e) St. Joseph County, IN, to points in IN and MI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145904 (Sub-22F), filed October 29, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach & Sons, at Chicago, IL, to points in IA and MO, and those in KS within the Kansas City, KS-MO, commercial zone, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 146574 (Sub-2F), filed October 30, 1979. Applicant: ORIN GRAY TRUCKING CO., P.O. Box 223, Lake City, MI 49651. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *raw forgings*, from the facilities of Lake City Manufacturing Co., at or near Lake City, MI, to Allentown, PA, Louisville, KY, and Fort Wayne and Mishawaka, IN; (2) *steel*, from Cleveland and Canton, OH, Lackawanna and Buffalo, NY, Gary, IN, and Johnstown, PA, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) (1) and (2) with Lake City Manufacturing Co., of Lake City, MI; and (3) *steel*, from the facilities of Republic Steel Corporation at or near (a) Buffalo, NY, (b) Canton, Cleveland, and Youngstown, OH, (c) Chicago, IL, and (b) Gary, IN, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) with Republic Steel Corporation, of Cleveland, OH. (Hearing site: Lansing, MI.)

MC 147275 (Sub-2F), filed October 22, 1979. Applicant: K-W EXPRESS, INC., 6576 Belding Rd., Belding, MI 48809. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *new electrical and gas appliances, and* (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between the facilities of White Consolidated Industries, Inc., at or near Belding, Greenville, and Grand Rapids, MI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 147995 (Sub-2F), filed October 22, 1979. Applicant: C. R. RUDD & SONS, INC., 1532 Washington Ave., New Hyde Park, NY 11040. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wire rope, and fittings* and *reels for wire rope, between Kenosha, WI, on the one hand, and, on the other, Atlanta, GA, Memphis, TN, Newark, NJ, New Orleans, LA, Philadelphia and Pittsburgh, PA, Portland, OR, Seattle, WA, and points in CO, IL, IN, KY, OH, and WY, under continuing contract(s) with Macwhyte Company, of Kenosha, WI. (Hearing site: Milwaukee, WI.)*

MC 148634F, filed October 22, 1979. Applicant: COMPASS TRANSPORTATION COMPANY, a corporation, "C" Street, San Diego, CA 92101. Representative: William R. Daly, 4340 Vandever Avenue, Suite "S", P.O. Box 20521, San Diego, CA 92120. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning, washing, and scouring compounds*, from Los Angeles, CA, to Phoenix and Tempe, AZ, under continuing contracts with International Distributing Company, of San Diego, CA.

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Decided: February 28, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 8535 (Sub-101F), filed October 29, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Transporting *iron and steel articles* (except in dump vehicles), from Cumberland, MD, to points in IL and IN. (Hearing site: Washington, D.C.)

MC 30045 (Sub-8F), filed October 26, 1979. Applicant: KITCHELL TRUCK LINE, INC., Ipswich, SD 57451. Representative: James T. Flescher, 1745 University Ave., St. Paul, MN 55104. Transporting *petroleum products* in containers, (except in bulk), from the facilities of Mobil Oil Corporation, at or near Omaha, NE, to points in IA and WY. (Hearing site: St. Paul, MN.)

MC 45764 (Sub-34F), filed October 26, 1979. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (a) *iron and steel articles*, from the facilities of Lehigh Structural Steel Co., at or near Allentown, PA, and Lancaster, SC, to points in the US (except AK and HI); and (b) *equipment, materials, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 53965 (Sub-167F), filed October 26, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Over regular routes transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) Between Wichita, KS, and Coffeyville, KS, from Wichita over Interstate Hwy 35 to junction KS Hwy 196, then over KS Hwy 196 to junction US Hwy 54, then over US Hwy 54 to junction US Hwy 71, then over US Hwy 71 to junction US Hwy 66, then over US Hwy 66 to junction US Hwy 166, then over US Hwy 166 to Coffeyville, and return over the same route, serving Ft. Scott and Iola, KS, and Nevada, Carthage and Joplin, MO, as intermediate points, and (b) from Wichita, over US Hwy 81 to junction US Hwy 160, then over US Hwy 160 to junction US Hwy 77, then over US Hwy 77 to junction US Hwy 166, then over US Hwy 166 to Coffeyville, and return over the same route, serving all intermediate points, (2) between Wichita, KS and Tulsa, OK; from Wichita over KS Hwy 15 to junction US Hwy 77, then over US Hwy 77 to junction US Hwy 160, then over US Hwy 160 to junction Interstate Hwy 44, then over Interstate Hwy 44 to Tulsa, and return over the same route, serving all intermediate points in KS, and Springfield and Joplin, MO, as intermediate points, and serving the junction of US Hwy 69 and Interstate Hwy 44 near Big Cabin, OK, as point of joinder only; (3) between junction KS Hwy 99 and US Hwy 160 and junction KS Hwy 99 and US Hwy 166, over KS Hwy 99 serving no intermediate points, (4) between junction US Hwy 75 and US Hwy 160 and junction US Hwy 75 and US Hwy 166, over US Hwy 75 serving all intermediate points; (5) between Pittsburg, KS and Joplin, MO, from Pittsburg over KS Hwy 57 to junction MO Hwy 171, then over MO Hwy 171 to junction MO Hwy 43, then over MO Hwy 43 to Joplin and return over the same route, serving no intermediate points; (6) between Ponca City, OK, and Arkansas City, KS; over US Hwy 77 serving no intermediate points; (7) between Dallas, TX and Pittsburg, KS; from Dallas over US Hwy 75 to junction US Hwy 69, then over US Hwy 69 to junction Interstate Hwy 44 near Big Cabin, OK, then over Interstate Hwy 44 to junction OK Hwy 10, then over OK Hwy 10 to junction US Hwy 66, then over US Hwy 66 to junction KS Hwy 26, then over KS Hwy 26 to junction US Hwy 69, then over US Hwy 69 to Pittsburg and return over the same route, serving no intermediate points, and serving junction US Hwy 69 and Interstate Hwy 44 near Big Cabin, OK as point of joinder only. (Hearing site: Wichita, KS and Springfield, MO.)

Note.—Applicant intends to tack above authority with present authority.

MC 60014 (Sub-156F), filed October 26, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *nonferrous metals*, from the facilities of U.S. Reduction Co., at Fontana, CA, Henrietta, MO, and Russellville, Anniston, and Sheffield, AL, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 95084 (Sub-151F), filed October 25, 1979. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, 1501 E. Main, Ottumwa, IA 52501. Transporting (1) *household washers and dryers*, from Webster City and Fort Dodge, IA, to points in the US (except AK and HI) and (2) *materials, equipment and supplies* used in the manufacture and distribution of (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 105045 (Sub-124F), filed October 26, 1979. Application: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Transporting *iron and steel articles*, from the facilities of Tennessee Forging Steel Corp., at or near Harriman, TN, to points in CT, DE, NC, NJ, NY, and SC. (Hearing site: Washington, D.C.)

MC 106074 (Sub-138F), filed October 26, 1979. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylor, SC 29687. Transporting *general commodities* (except in bulk), between Houston and Pasadena, TX, Kansas City, KS, and Seneca, Spartanburg, and Startex, SC, on the one hand, and, on the other, points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillip Products Company, Inc. (Hearing site: Dallas, TX, or Washington, D.C.)

MC 106074 (Sub-139F), filed October 29, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Muscatine and Iowa City, IA, Fremont and Toledo, OH, Holland, MI, and Pittsburgh, PA, to points in GA, NC, SC, TN on and east of Interstate Highway 65, and Jacksonville, FL, restricted to the transportation of traffic originating at the named facilities and destined to the named points. (Hearing site: Pittsburgh, PA, or Washington, D.C.)

MC 106194 (Sub-38F), filed October 23, 1979. Applicant: HORN TRANSPORTATION, INC., 3008 East 4th St., P.O. Box 1172, Pueblo, CO 81001.

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Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *drilling mud, mud additives, cottonseed hulls, bentonite, lignite coal, demulsifiers, inhibitors, corrosives, surfactants, oxygen scavengers and anti-foulants,* between points in MT, WY, AR, OK, UT, KS, NE, SD, TX, ND, LA, CO, NV, NM, AZ, MO, IL, IN, and MI. (Hearing site: Denver, CO, or Dallas, TX.)

MC 107295 (Sub-944F), filed October 23, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *materials, accessories, and supplies* used in the manufacture of plumbing goods, from Pomona, CA, to Abingdon and Robinson, IL. (Hearing site: Tampa, FL.)

MC 107295 (Sub-945F), filed October 23, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting (1) *adhesives, adhesive cement, fabricated and shaped metal articles, building materials, polyurethane, and plastic articles, and* (2) *materials, equipment and supplies* used in the manufacture and distributing of the commodities in (1) between the facilities of Kinkead Industries, Inc., at or near Pittsburg, KS and Kewanee, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted against the transportation of commodities in bulk, in tank vehicles, and commodities which by reason of size or weight require the use of special equipment and further restricted to the transportation of traffic originating at or destined to the facilities of Kinkead Industries, Inc. (Hearing site: Chicago, IL.)

MC 107934 (Sub-35F), filed October 25, 1979. Applicant: BYRD MOTOR LINE, INC., Hargrave Road, P.O. Box 787, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *soybean oil* (except commodities in bulk, in tank vehicles), from Louisville, KY, to Lexington, NC. (Hearing site: Washington, DC or Charlotte, NC.)

MC 107934 (Sub-36F), filed October 25, 1979. Applicant: BYRD MOTOR LINE, INC., Hargrave Road, P.O. Box 787, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *paper forming tubes,* from Donalds, SC, and Minerva, OH, to Lexington, NC. (Hearing site: Washington, DC or Charlotte, NC.)

MC 110525 (Sub-1316F), filed October 24, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from points in AL, to points in U.S. (except AK and HI). (Hearing site: Mobile, AL.)

MC 114334 (Sub-68F), filed October 28, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis TN 38103. Transporting *aluminum ingots and aluminum products,* from Gum Springs and Jones Mills, AR, to points in AL, GA, and FL. (Hearing site: Memphis, TN.)

MC 114334 (Sub-69F), filed October 28, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis TN 38103. Transporting *iron and steel articles* from (1) Guntersville, AL, to points in AL, FL, GA, KY, MS, and TN and (2) the facilities of United States Steel Corporation at or near Gary, IN, and South Chicago, Joliet and Waukegan IL, to points in AR, KY, MS, MO, and TN. (Hearing site: Chicago, IL.)

MC 115554 (Sub-23F), filed October 24, 1979. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *telephones, telephone sets,* and *telephone equipment,* and (2) *materials, equipment,* and *supplies* used in the manufacture, distribution, installation or operation of the commodities in (1) (except commodities in bulk), (a) from Shreveport, LA, to Goddard, KS, and (b) from Goddard, KS, to Dallas and Houston, TX, restricted to the transportation of traffic originating at or destined to the facilities of Western Electric Company, Inc., at or near the named origins and destinations in (a) and (b). (Hearing site: New Orleans, LA.)

MC 115654 (Sub-173F), filed October 26, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 Thirteenth St., N.W., Washington, DC 20004. Transporting *paper and paper products,* from Naheola, AL, to points in IN, IL, and OH. (Hearing site: Nashville, TN.)

MC 115654 (Sub-174F), filed October 26, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., N.W., Washington, DC 20004. To transport over irregular routes *foodstuffs,* chilled or frozen, from Nashville, TN, to points in AR, IL, IN, KY, and OH. (Hearing site: Nashville, TN.)

MC 124144 (Sub-23F), filed October 24, 1979. Applicant: ROBERT N. TOOMEY TRUCKING CO., a Corporation, 1516 South George St., York, PA 17403. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier,* transporting *refractory brick and refractory products,* from York, PA, to those points in the US in and west of MN, IA, MO, AR, and LA, under continuing contract(s) with Dolomite Brick Corporation of America, of York, PA. (Hearing site: York, PA.)

Note.—Dual operations may be involved.

MC 124154 (Sub-97F), filed October 23, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate (same address as applicant). Transporting *Agricultural chemicals and materials, supplies and equipment used in their manufacture,* between points in US (except AK and HI), restricted to the transportation of traffic originating at or destined to Olin Corporation's facilities. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 124984 (Sub-54F), filed October 15, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* transporting *foodstuffs,* from Lakeland, FL, to points in IL, MI, NJ, NY, OH, and PA, under continuing contract(s) with Borden Foods, Division of Borden, Inc., of Columbus, OH. (Hearing site: Jacksonville, FL, or Columbus, OH.)

MC 125335 (Sub-86F), filed October 23, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs,* from the facilities of Pepperidge Farm, Incorporated, at or near Downingtown, New Holland, Fogelsville, and Philadelphia, PA, Baltimore, MD, and Milford, DE, to points in AR, IL, KS, LA, OK, and TX. (Hearing site: Norwalk, CT, or Harrisburg, PA.)

MC 125335 (Sub-88F), filed October 25, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE

68501. Transporting (1) *Bananas,* and (2) *agricultural commodities,* the transportation of which is otherwise exempt from economic regulation, in mixed loads with bananas, from New York, NY, Philadelphia, PA, Wilmington, DE, Mobile, AL, Tampa, FL, and Charleston, SC, to those points in the US in and east of IS, KS, MN, NE, OK, and TX. (Hearing site: Miami, FL, or Harrisburg, PA.)

MC 128115 (Sub-3F), filed October 29, 1979. Applicant: KEITH EMHOFF, d.b.a. EMHOFF TRUCKING, Route 1, Sheffield, IA 50475. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Contract carrier,* transporting *liquid fertilizer,* in bulk, from Mason City, Clear Lake, Des Moines and Clinton, IA, to points in MN and WI, under continuing contract(s) with Land O'Lakes, Inc., of Fort Dodge, IA. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 129645 (Sub-78F), filed October 25, 1979. Applicant: SMEESTER BROS., INC., 1330 South Jackson St., Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation, at Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Allenport and Monesen, PA, and Beech Bottom, Benwood, Follansbee, and Wheeling, WV, to points in IL, MI, MN, and WI. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

MC 134105 (Sub-76F), filed October 28, 1979. Applicant: Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *Roasted peanuts and peanut products* (except in bulk, in tank vehicles), and (2) *peanuts, when transported in mixed loads with roasted peanuts or peanut products,* from the facilities of Seabrook Blanching Corporation, at Sylvester, GA, and Edenton, NC, to those points in the US in and east of ND, SD, NE, CO and NM, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Atlanta, GA, or Nashville, TN.)

MC 134105 (Sub-79F), filed October 24, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *floor coverings and equipment, materials and supplies used in the installation of floor coverings* (except in bulk) from points in Bartow, Murray, and Whitfield Counties, GA, and Winchester, TN, to points in the US (except AK and HI), and (2) *equipment, materials and supplies used in the manufacture of the commodities in (1)* (except in bulk), in the reverse direction. (Hearing site: Atlanta, GA, or Nashville, TN.)

MC 134404 (Sub-57F), filed October 15, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *such commodities* as are dealt in or used by a manufacturer or distributor of medical equipment, chemicals, toilet preparations and drugs, between those points in the US in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Miles Laboratories, Inc., of Elkhart, IN. (Hearing site: New York, NY.)

MC 135455 (Sub-3F), filed October 23, 1979. Applicant: LESLIE G. BOOMGARDEN d.b.a. SQUARE DEAL TRUCKING, 1931 Dean Street, Des Plaines, IL 60018. Representative: Margie Market, 305 Van Buren Street, Marengo, IL 60152. *Contract carrier,* transporting *such commodities* as are used by banks, between the facilities of Diebold, Inc., at or near Chicago, IL, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 135524 (Sub-76F), filed October 26, 1979. Applicant: G. F. TRUCKING CO., a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *iron and steel articles,* and (2) *material, equipment and supplies used in the manufacture of iron and steel articles* between Warren, OH on the one hand, and, on the other, points in CT, WV, DE, GA, IN, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, and DC. (Hearing site: Columbus, OH, or Cleveland, OH.)

MC 136315 (Sub-94F), filed October 25, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *wood fibreboard and accessories and supplies used in the installation of wood fibreboard,* from the facilities of Masonite Corporation, at or near Laurel, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NC, OH, OK, PA, TN, TX, WV and WI. Note: Dual operations may be involved. (Hearing site: Jackson, MS, or Washington, DC.)

MC 140635 (Sub-21F), filed October 26, 1979. Applicant: ADAMS LINES, INC., 2619 N. Street, Omaha, NE 68107. Representative: John L. Hornung, 2619 N. Street, Omaha, NE 68107. Transporting (1) *Chemicals, chemical compounds, anti-freeze, plastics and plastic products* (except in bulk); and (2) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between the facilities of Northern Petro Chemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, Chicago, Morris, Mapleton, IL, on the one hand, and on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 140665 (Sub-70F), filed October 29, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *foodstuffs, and materials and supplies* used in the distribution of foodstuffs (except commodities in bulk), from points in CA, to those points in the US in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 141804 (Sub-286F), filed October 29, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC. P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting *plastic articles,* (1) From City of Industry, CA, to those points in the US in and west of ND, SD, NE, KS, OK and TX (except AL and HI) and (2) from Rockaway and Kearney, NJ, to points in the US (except AL and HI). (Hearing site: Los Angeles, CA).

MC 142335 (Sub-11F), filed October 26, 1979. Applicant: C & E TRUCKING CO., INC., 11910 Greenstone Avenue, Santa Fe Springs, CA 90670. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Transporting (1) *copper and aluminum wire and cable* from points in Orange and Los Angeles Counties, CA, to points in AZ, and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) in the reverse direction. (Hearing site: Los Angeles, CA)

MC 145935 (Sub-4F), filed October 12, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Forth Worth TX 76112. Transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as

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described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Swift & Company, at or near Clovis, NM, Guymon, OK, and Cactus, TX, to points in AL, GA, FL, TN, NC, SC, NY, NJ, PA, ME, MD, MA, NH, DE, RI, CT, VA, VT, WV, MS, AR, LA and DC, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Chicago, IL, or Fort Worth, TX).

MC 147284 (Sub-3F), filed October 16, 1979. Applicant: JAT EXPRESS, INC., R.R.1, Box 405, Muncie, IN 47302. Representative: Jack W. Tapy (same address as applicant). Transporting *meats, meat products and meat byproducts* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities used by Farmland Foods, at or near Garden City, KS, to points in the US (except AK and HI), restricted to the transportation of traffic originating at the facilities of Farmland Foods, and destined to the indicated destinations. (Hearing site: Kansas City, MO, or Chicago, IL)

MC 147645 (Sub-2F), filed October 15, 1979. Applicant: DOTY TRUCKING, INC., R. R. No. 2, Box 310, Columbus, IN 47201. Representative: Stephen M. Gentry, 1500Main Street, Speedway, IN 46224. *Contract carrier*, transporting (1) *Air conditioners, heating equipment*, and *household appliances;* and (2) *materials* and *supplies* used in the manufacture and distribution of commodities in (1)(A) from points in IL, IN, OH, WI, Hartsville, TN, and Cory, PA, to the facilities of Carrier Corporation, Carlyle Compressor Company, Carrier Air Conditioning Company, Carrier International Corp., and Carrier Transicold Co., at or near Syracuse, NY; (B) from the facilities of Carrier Corporation, Carlyle Compressor Company, Carrier Air Conditioning Company, Carrier Inernational Corp., and Carrier Transicold Co., at or near Syracuse, NY, to Melrose Park, IL, Indianapolis, IN, Jeffersntown, KY and St. Louis, MO, and (C) From the facilities of Carrier Corporation, BDP Company, and Jenn-Air Corp., at or near Indianapolis, IN to Melrose Park, IL, Troy and Madison Height, MI, Cincinati, OH, and New Berlin and Milwaukee, WI, under continuing contract(s) with Carrier Corporation, of Syracuse, NY. (Hearing site: Indianapolis, IN)

MC 148014 (Sub-2F), filed October 23, 1979. Applicant: DARRELL L. WALLBERG d.b.a. D & D TRUCKING, 1545 West 7525 South, West Jordan, UT 84084. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. *Contract carrier*, transporting *lumber*, from the facilities of Boise Cascade Corporation, at Emmett, ID, to the facilities of Economy Builders Supply Co. in Salt Lake County, UT, under continuing contract(s) with Economy Builders Supply Co., of Salt Lake City, UT. (Hearing site: Salt Lake City, UT)

MC 148305 (Sub-1F), filed October 12, 1979. Applicant: A. J. NINNEMAN, TRUCKING, Rural Route 1, Denton, NE 68339. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *Self-propelled vehicles under 5,000 pounds lawn and garden care commodities, and trailers, accessories, attachments and parts*, from the facilities of Outboard Marine Corporation, at Lincoln, NE, to points in the US (except AK, HI and NE), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) from points in the US (except AK, HI and NE), to Lincoln, NE. (Hearing site: Lincoln, NE)

MC 148415 (Sub-1F), filed October 11, 1979. Applicant: TRI-LAKES TRANSPORT, INC., P.O. Box 1093, Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Over regular routes transporting *passengers, baggage, and express* moving in the same vehicle with passengers, in special and charter operations, between Oxford, MS, and Memphis, TN: from Oxford over MS Hwy 6 to Batesville, MS, then over US Hwy 51 and Interstate 55 to Memphis and return over the same route, serving all intermediate points. (Hearing site: Oxford, Memphis, TN, and Jackson, MS)

MC 148525 (Sub-1F), filed October 26, 1979. Applicant: THE PEERLESS TRANSPORTATION CO., a corporation, 214 South Perry Street, Dayton, OH 45402. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. *Contract carrier*, transporting (1) *Foundry products*, from the facilities of G.H.R. Division of Dayton Malleable Iron, Inc. at Dayton, OH, to points in IN, KY, MI, MS, and TN, and (2) *materials and supplies* used in the manufacture of foundry products (except commodities in bulk) in the reverse direction, under continuing contract(s) with G.H.R. Division of Dayton Malleable Iron, Inc., of Dayton, OH. (Hearing site: Columbus, OH).

MC 148555F, filed October 12, 1979. Applicant: J. T. & S. TRANSFER, INC., Route No. 4, Circle Creek Drive, Stockbridge, GA 30281. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *plywood, Lumber, Wood building materials and Veneer products*, between the facilities of Woodcraft, Incorporated, at or near Madison and Greenville, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, IN, IL, KY, LA, MD, MI, MS, NC, OH, PA, SC, TN, TX, VA, WI, and WV. (Hearing site: Atlanta, GA)

MC 148594F, filed October 15, 1979. Applicant: WESTERN CARGO CARRIERS, INC. 2345 Grand Avenue, P.O. Box 23428, Kansas City, Mo. 65141. Representative: Frank W. Taylor, 1221 Baltimore Street, Suite 600, Kansas City, MO 64105. *Contract carrier*, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between the facilities of Hallmark Cards, Inc., at Kansas City, MO, on the one hand, and on the other, points in CA, under continuing contract(s) with Hallmark Cards, Inc., of Kansas City, MO. (Hearing site: Kansas City, MO)

MC 148595F, filed October 16, 1979. Applicant: VAN HANDEL TRANSIT, INC., Route 1, Kaukauna, WI 54130. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Contract carrier*, transporting (1) *Pork, pork belly, and pork products*, between points in IA, Anniston, AL, Bloomington and Champaign, IL, Ft. Wayne, IN, Frontenac, KS, Hopkins, MN, Indianola, MS, Bismarck and Fargo, ND, Dayton, Washington Courthouse, and Xenia, OH, Cudahy, Green Bay, and Milwaukee, WI, under contract(s) with World Wide Sales, Inc., of Plymouth, WI, (2) *Cheese*, from Fremont, WI, to the facilities of Merrywood Farms at Rosemont, IL, under continuing contract(s) with Merrywood Farms of Chicago, IL, (3) *Cheese*, from Fergus Falls and Zumbrota, MN, to Plymouth, WI, under continuing contract(s) with Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ, and (4) *Cheese*, from Bongards and Winsted, MN, to Monroe, Mosinee, Green Bay, Waupaca, Manitowoc, and Mayville, WI, and *Cheese*, from Pine Island, MN, to points in WI, under continuing contract(s) with Purity Cheese of Green Bay, WI. (Hearing site: Milwaukee, WI and Chicago, IL.)

MC 148624F, filed October 26, 1979. Applicant: BOB'S TRANSFER & STORAGE CO., INC., 7081 Oakland Mills Road, Columbia, MD 21046. Representative: Ronald K. Kolins, Suite 202, 333 North Fairfax Street, Alexandria, VA 22314. Transporting *such commodities dealt in by grocery stores*, between points in MD, on the one hand, and, on the other hand, points in DE, NJ, NY, PA, VA, WA, WV, and DC. (Hearing site: Washington, DC)

MC 148635F, filed October 26, 1979. Applicant: FALCON TRUCKING, INC., P.O. Box 4, Branchton, PA 16021. Representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. *Contract carrier*, transporting *lime and limestone*, between the facilities of Mercer Lime and Stone Company, Inc., at Branchton, Slippery Rock Township, PA, on the one hand, and on he other, points in OH, IN, MI, IL, KY, VA, WV, MD, and NY, under continuing contract(s) with Mercer Lime and Stone Company, Inc., of Banchton, PA. (Hearing site: Pittsburgh, PA, or Washington, DC)

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Decided: Feb. 12, 1980.
By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2934 (Sub-55F), filed November 13, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Transporting *new furniture*, from Appomattox, VA, to points in CT, DE, IL, IN, TN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, and DC. (Hearing site: Indianapolis, IN.)

MC 2934 (Sub-56F), filed November 13, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Transporting *floral foam* and *floral accessories*, from Kent, OH, to points in the US (except AK and HI). (Hearing site: Indianapolis, IN.)

MC 4024 (Sub-12F), filed November 9, 1979. Applicant: HORN TRUCKING CO., a corporation, 300 Schmetter Road, Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting *aluminum and aluminum products*, between the facilities of Consolidated Aluminum Corporation, in Murphysboro, IL, on the one hand, and, on the other hand, points in MO, IN, WI, OH, IA, TN, and KY. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 4024 (Sub-13F), filed November 9, 1979. Applicant: HORN TRUCKING CO., a corporation, 300 Schmetter Road, Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting (1) *foodstuffs* (except in bulk), between the facilities used by Sunmark, Inc., at and between St. Louis, MO, and Chicago, IL, and on the one hand, and, on the other points in IL, IN, MO, WI, and MI, (2) *malt beverages and beer coolers*, between St. Louis, MO, on the one hand, and, on the other, points in IN, MI, OK, AR, AL, MS, KY and TN, (3) *malt beverages*, between St. Louis, MO, on the one hand, and, on the other, points in IL, IA, WI, and MN, and (4) *confectionery*, between the facilities used by Switzer Candy Co., at St. Louis, MO, on the one hand, and, on the other, points in IL, IN, MI, and WI. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 8515 (Sub-33F), filed November 12, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Transporting *agricultural machine parts* (except tractor parts), *tractor parts*, and *materials, equipment, and supplies* used in manufacturing and maintenance of tractors and agricultural machinery, between Canton, and Rock Island, IL, and points in MN, IN, MO, OH, KY, KS, IA, MI, and WI. (Hearing site: Chicago, IL.)

MC 30045 (Sub-9F), filed November 12, 1979. Applicant: KITCHELL TRUCK LINES, INC., Ispwich, SD 57541. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *agricultural machinery, agricultural implements and attachments for agricultural machinery and agricultural implements*, from Rock island and East Moline, IL, to points in MN, ND, and SD. (Hearing site: St. Paul, MN.)

MC 30844 (Sub-665F), filed November 13, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *toilet preparations*, (except in bulk), from Lakewood, NJ, to Davenport, Iowa City, and Cedar Rapids, IA, restricted to the transportation of traffic originating at or destined to the facilities used by Procter & Gamble. (Hearing site: Chicago, IL.)

MC 30844 (Sub-672F), filed November 9, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *such commodities* as are used in the manufacturing and distribution of veterinary supplies, animal drugs, feeds, and supplemental powders in vehicles equipped with mechanical refrigeration, from Charleston, SC, and from points in MA, NY, NJ, MD, PA, VA, and WV, to Charles City, IA. (Hearing site: Chicago, IL.)

MC 52574 (Sub-80F), filed November 9, 1979. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th St., Irvington, NJ 07111. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. *Contract carrier*, transporting *bakery products*, from Frederick, MD, to those points in MI on and south of MI Hwy. 55 (except Pontiac, Farmington, Inkster, Mt. Clemens, Detroit, Ann Arbor and Ypsilanti), under a continuing contract(s) with S.B. Thomas, Inc., of Totowa, NJ. (Hearing site: New York, NY.)

MC 52704 (Sub-258F), filed November 9, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *plastic articles*, and *materials, equipment and supplies* used in the manufacture or distribution of plastic articles, (except in bulk), between the facilities of Terminal Paper Bag Co., Inc., at or near Yulee, FL, on the one hand, and, on the other, those points in the US in and east of MN, IA, MO, OK, and TX. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-162F), filed November 8, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1)(a) *lumber and* (b) *building materials* (except lumber) and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, between the facilities of Union Camp Corporation, in AL, on the one hand, and, on the other, those points in the US east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 95084 (Sub-153F), filed November 8, 1979. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural implements and machinery*, and (2) *parts and attachments* for the commodities named in (1), from Armstrong, IA, to points in the United

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States (except AK and HI). (Hearing site: Omaha, NE, or Minneapolis, MN.)

MC 105045 (Sub-128F), filed November 8, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *aluminum articles,* from the facilities of Alumax, Inc., in Berkeley County, SC, to points in the US (except AK and HI), and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 105045 (Sub-127F), filed November 9, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *iron and steel articles* (a) from the facilities of (1) Atlantic Steel Company, at or near Atlanta and Cartersville, GA, and (2) Atlantic Steel Building Systems, at or near Tallapoosa, GA, to the facilities of Atlantic Steel Building Systems, at or near Hannibal, MO, and (b) from the facilities of Atlantic Steel Building Systems, at or near Hannibal, MO, to points in AL, AR, GA, IA, IL, IN, KY, LA, MI, MN, MS, OH, OK, TN, TX, WI, and WV. (Hearing site: Washington, DC.)

MC 105045 (Sub-128F), filed November 9, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *iron and steel articles* and *protection control equipment,* from the facilities of Shelby Steel Fabricators, in Shelby County, AL, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 106674 (Sub-443F), filed November 9, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as above). Transporting *glass containers* and *materials and supplies* used in the manufacture of glass containers, between the facilities of Chattanooga Glass Company, at or near (a) Keyster, WV (b) Chattanooga, TN, (c) Mt. Vernon, OH, (d). Corsicana, TX, (e) Gulfport, MS, and (f) Mineral Wells, MS, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-444F), filed November 9, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as above). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109124 (Sub-97F), filed November 9, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *iron and steel articles,* between points in IN, and OH, restricted to the transportation of traffic originating at or destined to the facilities of National Can Corp. (Hearing site: Chicago, IL.)

MC 109584 (Sub-205F), filed November 8, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *sodium hydrosulfite,* in bulk, in tank vehicles, from Los Angeles, CA, to Phoenix and Sahuarita, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 110525 (Sub-1317F), filed November 9, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O. Brien (same address as applicant). Transporting (1) *sulphur trioxide,* in bulk, in tank vehicles, from the facilities of E. I. du Pont de Nemours & Co., at (a) East Chicago, IN, to points in IL, OH, AR, LA, SC, MO, MN, and TN and (b) Columbia Park, OH, to points in IL, AR, LA, MO, MI, and TN, and (c) Wurtland, KY, to points in AR, LA, and TX, and (2) *chemicals,* in bulk, tn tank vehicles, from Orange and Beaumont, TX, to points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 112304 (Sub-223F), filed November 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *concrete products,* from Devault, PA, to points in DE, WV, MD, NJ, NY, VA, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC112304 (Sub-224F), filed November 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *iron and steel articles,* from Baytown, TX, to points in AL, FL, GA, and TN. (Hearing site: Houston, TX, or Washington, DC.)

MC113434 (Sub-152F), filed November 13, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Ave., Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *paper and paper products,* and *equipment, materials and supplies used in the manufacture and distribution of paper and paper products,* between points in IA, IL, IN, KY, MI, MO, OH, PA, WI, and WV. (Hearing site: Chicago, IL, or Detroit, MI.)

MC114045 (Sub-555F), filed November 9, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as above). Transporting *foodstuffs,* (except in bulk), from Carnegie, PA, to points in TX. (Hearing site: Pittsburgh, PA.)

MC119774 (Sub-108F), filed November 8, 1979. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting *compressors, and compressor parts,* from the facilities of Arkla Equipment Company, at or near Shreveport, LA, to points in OH, MI, and PA. (Hearing site: Dallas, TX, or Shreveport, LA.)

MC119875 (Sub-12F), filed November 12, 1979. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. 3, P.O. Box 92–A, Allentown, PA 18104. Representative: Walter K. Swartzkopf, Jr., 407 North Front St., Harrisburg, PA 17101. Transporting *confectionery and confectionery products, and materials and supplies used in the manufacturing and distribution of confectionery and confectionery products,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of (1) M&M/Mars Division of Mars, Inc., (a) Hackettstown, NJ, to points in CT west of Rt. 5, to points in MA west of Rt. 5, to points in RI (excluding Providence), to points in PA west of the Susquehanna River, to points in ME, NH, VT, KY and DC, and to points in the Chicago, IL, commercial zone, (b) Elizabethtown, PA, to points in and points in CT, ME, MA, NJ, NH, NY, RI, VT, KY and DC, and points in Chicago, IL, and (c) in Chicago, IL, to points in CT, ME, MC, MA, NH, NJ, NY, PA, RI, VT and DC. (2)(a) Michael Warehousing Corp, in Cockeysville, MD, to points in NY, NJ and PA; (e)(b) East Coast Warehouse and Distribution Corp., in Elizabeth, NJ, to points in MD, MA and PA. (c) Foxboro Terminals Co., Inc., in Foxboro, MA, to points in MD, NJ, PA, and DC, and (d) John Jeffrey Corp., in Gloucester City, NJ, to points in PA and MD. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 123405 (Sub-74F), filed November 12, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *frozen foods,* from the facilities used by Pet Incorporated, Frozen Foods Division, at or near (a) Fogelsville and Waynesboro, PA, (b) Winchester, VA, and (c) Martinsburg and Ranson, WV, to points in AL, FL, GA, KY, LA, MS, NC, OK, SC, TN, VA, and WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 123405 (Sub-75F), filed November 13, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from York, Hellam, Thomasville, Lancaster, Lebanon and Elizabethtown, PA, to points in FL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 123405 (Sub-76F), filed November 13, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *aquariums household pet cages and aquarium accessories, supplies and equipment,* from Elmwood Park and Newark, NJ, to points in WA, OR, CA, NV, AZ, NM, CO, UT, ID, MT, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 124154 (Sub-101F), filed November 12, 1979. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31702. Transporting (1) *chemicals* and (2) *materials, supplies and equipment used in the manufacture of chemicals* (except in bulk), between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Velsicol Chemical Company. (Hearing site: Chicago, IL, or Washington, DC.)

MC 124154 (Sub-102F), filed November 13, 1979. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate (same address as applicant). Transporting (1) *ores,* (2) *copper, iron and zinc concentrates,* (3) *chemicals* (except those described in (2) above, *copper pig, and copper slab,* and (4) *materials, equipment and supplies* used in the manufacture of the commodities described in (2) and (3) above, between Copperhill, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 128205 (Sub-89F), filed November 12, 1979. Applicant: BULKMATIC TRANSPORT CO., (a corporation), 12000 South Doty Ave., Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle, Chicago, IL 60601. Transporting *starch,* in bulk, from Clinton, IA, and Chicago, IL, to points in KY and MO. (Hearing site: Chicago, IL.)

MC 129124 (Sub-28F), filed November 8, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) *coal,* in bulk in dump vehicles, from points in Centre and Jefferson Counties, PA, to points in MD, and (2) *fly ash,* in bulk in dump vehicles, from points in MD, to points in Centre, Clearfield, and Jefferson Counties, PA. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 13309 (Sub-281F), filed November 13, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses* except hides and commodities in bulk) from the facilities of Vernon Calhoun Packing Company, at or near Palestine, TX, to points in the US (except AK, HI, ID, MT, ND, OR, SD, UT, WA, and WY). (Hearing site: Dallas, TX.)

MC 133095 (Sub-283F), filed November 15, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities used by John Morrell and Co., at or near Shreveport, LA, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas, TX.)

MC 135524 (Sub-84F), filed November 13, 1979. Applicant: G. F. TRUCKING CO. (a corporation), P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *iron and steel articles,* between Elk Point, SD on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Columbus, OH, or Pierre, SD.)

MC 135824 (Sub-3F), filed November 13, 1979. Applicant: J. BERNARD KLAPEC, R. D. 1, 673 North Seneca St., Oil City, PA 16301. Representative: Robert Y. Daniels, 314 West Park St., Franklin, PA 16323. Transporting *iron and steel articles,* and *supplies, materials and equipment* used in the manufacture and distribution of iron and steel articles, between facilities of Electralloy Corporation, at Oil City, PA, on the one hand, and, on the other, points in AL, AZ, CA, CT, DE, FL, IL, IN, KY, LA, MD, MA, MI, NY, OH, PA, TN, TX, WA, WV, and WI. (Hearing site: Pittsburgh, PA.)

MC 138144 (Sub-54F), filed November 9, 1979. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle St., Suite #1600, Chicago, IL 60603. Transporting *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation at (a) Canfield, Nartins Ferry, Mingo Junction, Steubenville, and Yorkville, OH; (b) Allenport and Monessen, PA; and (c) Beech Bottom, Benwood, Follansbee, and Wheeling, WV, to points in IL, MI, MN, and WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 138635 (Sub-99F), filed November 13, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Castonia, NC 28052. Representative: George W. Clapp (same address as applicant). Transporting *printed matter,* from Gallatin, TN, to points in AZ, CA, CT, DE, GA, ID, MD, NV, NJ, NY, NC, OR, PA, SC, UT, VA, WA, and DC. Note: Dual operations may be involved. (Hearing site: Nashville, TN, or Charlotte, NC.)

MC 140444 (Sub-3F), filed November 13, 1979. Applicant: HIGHLAND TOURS, INC., 8550 B—Atlantic Blvd.,

V. 45 / 64 / A P. 1. 80 UMI

Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32316. Transporting *passengers* and *express* and *baggage*, in the same vehicle, with passengers, in round-trip charter operations, beginning and ending at Jacksonville, FL, and extending to points in Camden County, GA. (Hearing site: Jacksonville, FL.)

MC 141804 (Sub-291F), filed November 13, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *televisions, television parts,* and *accessories,* from Forrest City, AR, to Oak Grove Village, IL. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-292F), filed November 13, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *television chasses,* and *electronic components, and parts, for television sets and chasses,* from (1) points in CA, to McAllen, TX, and (a) from McAllen, TX, to Chicago, IL. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-319F), filed November 12, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *welders,* and *parts for welders,* from Appleton, WI, to points in AZ, CA, NV, OR, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-320F), filed November 12, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *bicycles, motorcycles,* and *outboard motors,* and (2) *parts and accessories* for the commodities combined in (1) above, between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities of U.S. Suzuki Motor Corp., and Suzuki International, U.S.A. and their dealers and distributors. (Hearing site: Los Angeles, CA.)

MC 143394 (Sub-1F), filed November 13, 1979. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *Contract Carrier,* transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near (a) Emporia and Wichita, KS, and (b) Dakota City, NE, to points in GA, MS, LA, AL, and FL, under a continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Omaha, NE or Kansas City, KS.)

MC 143995 (Sub-24F), filed November 8, 1979. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier, transporting malt beverages,* from the facilities of Anhueser-Busch, Inc., at Columbus, OH, to Clinton and Dubuque, IA, under continuing contract(s) with Kirchhoff Distributing Co., of Dubuque, IA. (Hearing site: Davenport, IA).

MC 144945 (Sub-2F), filed November 9, 1979. Applicant: ALLEN LEE, d.b.a. A & L TRANSPORT, 11722 S. Halsted St., Chicago, IL 60628. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting (1) *fibre drums,* and *parts, materials, and supplies* used in the manufacture of fibre drums (except in bulk), between Chicago, IL, on the one hand, and, on the other, points in OH and KY, restricted to the transportation of traffic originating at the facilities of Grief Bros. Corporation, (2) *plastic products* and *chemicals* (except in bulk), between Joliet, IL, on the one hand, and, on the other, points in IN, IA, MI, MO, OH, KY, and WI, and (3) *auto and machine parts and accessories,* between Chicago, IL, on the one hand, and, on the other, points in IA, WI, MI, IN, OH, KY, and TN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145914 (Sub-5F), filed November 8, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. *Contract carrier,* transporting *such commodities as are dealt in and used by grocery and food business houses (except frozen commodities and commodities in bulk),* between the facilities of The Clorox Company, at Jersey City, and in Hudson County, NJ, to points in NY and CT, under continuing contract(s) with The Clorox Company, of Oklahoma, CA. (Hearing site: Newark, NJ, or New York, NY.)

MC 148654F, filed November 13, 1979. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Kerri Lane, Spring, Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Transporting (1) *alcoholic beverages,* and (2) *empty beverage containers,* between points in NY and NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 149294F, filed November 13, 1979. Applicant: JERRY C. ELDRIDGE, d.b.a. Q-CITY ROAD RUNNER BUS SERVICE, 1015 North 12th St., Quincy, IL 62301. Representative: Jerry C. Eldridge (same address as applicant). Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Adams, Hancock, Brown, Pike, Scott, Schuyler, and McDonough Counties, IL, and extending to points in the United States (including AK but excluding HI). (Hearing site: Quincy or Springfield, IL.)

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Decided: February 22, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 5987 (Sub-4F), filed December 10, 1979. Applicant: KULB TRUCKING, INC., 789 Rambler Rd., Warminster, PA 18974. Representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, PA 19102. Transporting (1) *metal furniture,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of metal furniture (except commodities in bulk), between the facilities of Metalstand Company, in Philadelphia, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 11207 (Sub-514F), filed December 10, 1979. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting: (1) *machinery and machinery parts,* and (2) *materials and supplies* used in the manufacture of (1) above between Dallas, Irving, and McGregor, TX, on the one hand, and, on the other, points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing sites: Dallas, TX; Washington, DC.)

MC 26396 (Sub-320F), filed December 11, 1979. Applicant: THE WAGGONERS TRUCKING, (a corporation), P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting: (1) *mausoleum crypts* and *precast concrete,* (a) from Bluffton, OH, to points in IN, KY, MI, PA, TN and VA, and (b) from Laurel, MD, to points in DE, NC, NY, NJ, PA, SC, VA and WV; and (2) *precast concrete products,* from Oshkosh, WI, to points in the United States (except AK and HI). (Hearing sites: Madison, WI, or Billings, MT.)

MC 28956 (Sub-24F), filed December 10, 1979. Applicant: McKAY'S TRUCK LINE, INC., 908 North Pacific Hwy, P.O. Box 634, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210. Transporting *radioactive waste material,* between points in OR, on the one hand, and, on the other, points in WA and NV. (Hearing site: Portland, OR.)

MC 42537 (Sub-63F), filed December 14, 1979. Applicant: CASSENS TRANSPORT COMPANY (a corporation), P.O. Box 468, Edwardsville, IN 62025. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *Motor vehicles,* in secondary movements, in truckaway service, from Chicago, IL to points in WI. (Hearing site: Washington, DC.)

MC 45656 (Sub-25F), filed December 10, 1979. Applicant: ANDERSON TRUCK LINE, INC., Hwy 321 S., P.O. Box 1196, Lenoir, NC 28645. Representative: Dan E. Anderson (same address as applicant). Transporting *new furniture and new furniture parts,* from Sumter, SC, to points in Caldwell and Catawba Counties, NC. (Hearing site: Charlotte, NC.)

Note.—Applicant seeks to tack this authority to its present operating authority.

MC 51146 (Sub-794F), filed December 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities as are dealt in, or used by, manufacturers and distributors of magnetic, electronic, and industrial controls* from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Allen-Bradley Company at points in WI. (Hearing site: Chicago IL.)

MC 51146 (Sub-795F), filed December 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *plastic resin, and* (2) *materials and supplies* used in the manufacture and distribution of plastic products, from points in the United States (except AK and HI), to Portage, WI; and (3) *vinyl plastic,* from Winchester, VA, and Lebanon, PA, to Green Bay, WI. (Hearing site: Chicago, IL.)

MC 55896 (Sub-129F), filed December 13, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Rd, Taylor, MI 48180. Representative: George E. Batty (address same as applicant). Transporting *materials, equipment and supplies* used in the manufacture of automobiles (except commodities in bulk, in tank vehicles), from Vienna, WV, to Janesville, WI. (Hearing site: Detroit, MI.)

MC 59726 (Sub-3F), filed December 14, 1979. Applicant: MERLINE ZILLMER, d.b.a. ZILLMER TRANSFER, R.R. #4, Sparta, WI 54656. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Black River Falls, WI and junction of WI Hwy 108 and U.S. Hwy 16; from Black River Falls, WI over U.S. Hwy 54 to Melrose, WI, then over WI Hwy 108 to junction with U.S. Hwy 16, serving all intermediate points (also over U.S. Hwy 54 to Melrose, WI, then over WI Hwy 108 to north junction with unnumbered Hwy then over unnumbered Hwy to south junction with WI Hwy 108, serving Mindoro, WI as off-route point) and return over the same route, (2) between North Bend, WI and Melrose, WI, over WI Hwy 54, and (3) between North Bend, WI, and junction of unnumbered Hwy and WI Hwy 108, north of Mindoro, WI, over unnumbered Hwys. *Alternate Routes for Operating Convenience Only:* (1) between junction of WI Hwys 54 and 71 to junction WI Hwys 27 and 71, over WI Hwy 71; and (2) between junction WI Hwys 162 and 71 and junction of U.S. Hwy 16 and WI Hwy 162, over WI Hwy 162. (Hearing site: La Crosse, WI, or Madison, WI.)

MC 69116 (Sub-253F), filed December 10, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Prentiss, MS, as an off-route point in connection with carrier's regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack this authority with its existing authority.

MC 78687 (Sub-97F), filed December 13, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting *foodstuffs,* and *materials, equipment and supplies* used in the production of foodstuffs (except commodities in bulk), between Millsboro, DE, on the one hand, and, on the other, points in NY, PA, NJ, VA, MD, WV, CT, RI, MS, NH, VT, and ME. (Hearing site: Washington, DC.)

MC 108676 (Sub-155F), filed December 12, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicagauga Ave., Knoxville, TN 37917. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Transporting *flat glass,* from the facilities of Guardian Industries Corporation, at or near Corsicana, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Detroit, MI.)

MC 110567 (Sub-20F), filed December 12, 1979. Applicant: SOONER TRANSPORT CORP., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *bauxite alumina,* in bulk, from Fort Smith, AR, to points in CA, CO, KS, LA, MS, MT, NM, OK, TX, UT, and WY. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 110567 (Sub-21F), filed December 12, 1979. Applicant: SOONER TRANSPORT CORP., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *petroleum products,* in bulk, (a) from points in KS, to points in OK, TX, AR, MO, and LA, and (b) from Smackover, AR, to Midway, CO. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 114457 (Sub-556F), filed December 10, 1979. Applicant: DART TRANSIT CO., 2102 University Ave, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Ave, St. Paul, MN 55114. Transporting *such commodities as are dealt in by department stores* (except commodities in bulk), from those points in the United States in and east of MN, IA, NE, CO, OK, and TX, to the facilities of Venture Stores, Division of the May Company, at points in IL, IN, IA, KS, MI, and MO. (Hearing site: St. Louis, MO, or St. Paul, MN.)

MC 114457 (Sub-557F), filed December 10, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills, 2102 University Ave., St. Paul, MN 55114. *General commodities* (except commodities in bulk, those requiring special equipment, and classes A and B

explosives), from the facilities of Visual Graphics Corporation, at Tamarac, FL, to Chicago, IL, Clifton, NJ, Los Angeles, CA, and Dallas, TX. (Hearing site: Jacksonville, FL, or St. Paul, MN.)

MC 114606 (Sub-11F), filed December 14, 1979. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First S.W., New Brighton, MN 55551. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting: (1) *sugar*, from the facilities of American Crystal Sugar Company, at Moorhead, East Grand Forks and Crookston, MN, and Drayton, ND, to points in IA, also to those points in WI on and west and north of a line beginning at the MI–WI state line and extending along Interstate Hwy 51 to Portage, WI, then along Interstate Hwy 16 to the MN–WI state line, and (2) *materials, equipment and supplies* used in the manufacture and distribution of sugar, from points in MN, to Drayton, ND. (Hearing site: Minneapolis or St. Paul, MN.)

MC 117686 (Sub-280F), filed December 11, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. Transporting *papper bags*, from the facilities of Westvaco at New Orleans, LA, to points in AL, AR, IA, IL, KS, KY, MN, MO, MS, NE, TN and WI. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 118776 (Sub-44F), filed December 10, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Transporting *scrap paper*, from AR, IN, IA, KS, KY, MI, MN, MO, NE, OH, SD, TN, and WI, to Quincy, IL. (Hearing site: St. Louis or Jefferson City, MO.)

MC 123407 (Sub-628F), filed December 10, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *asphalt roofing compound* from Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 123556 (Sub-10F), filed December 13, 1979. Applicant: RAHIER TRUCKING, INC., 1822 South 1st St., P.O. Box 3148, Yakima, WA 98901. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *fruit juice*, in containers, (1) from points in Yakima County, WA, to points in NV, NM, OR, and UT, and El Paso, TX, and (2) from points in Chelan County, WA, to points in AZ, CA, NV, NM, OR, and UT, and El Paso, TX, restricted in (1) and (2) to the transportation of traffic originating at the facilities of Treetop, Inc. (Hearing site: Yakima or Seattle, WA.)

MC 125777 (Sub-263F), filed December 13, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *pig iron*, in dump vehicles, from New Boston, OH, to points in AL, AR, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NC, NJ, NY, PA, RI, SC, TN, VT, VA, and WV. (Hearing site: Chicago, IL.)

MC 125777 (Sub-264F), filed December 13, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *copper concentrates* and *copper ores*, in bulk, from Beaumont, CA, to points in AZ, CO, NM, and TX; and (2) *silica sand* and *silica sand products*, in bulk, from Oceanside, CA, to points in AZ, NM, NV, and UT. (Hearing site: Chicago, IL.)

MC 125777 (Sub-265F), filed December 14, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *refractory products* and *materials* used in the manufacture of refractory products, in bulk, in dump vehicles, between points in AL and IN, on the one hand, and, on the other, points in the United States in and east of MN, NE, SD, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 128746 (Sub-80F), filed December 11, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Transporting (1) *malt beverages*, in containers, and (2) *materials, supplies*, and *equipment* used in the manufacture, sale and distribution of malt beverages and returned *malt beverage containers*, between the plantsite and facilities of the Miller Brewing Co., at or near Fulton, NY and Eden, NC, on the one hand, and, on the other, points in OH and MI. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 134477 (Sub-395F), filed December 10, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *materials, equipment, and supplies* used in the manufacture of personal floatation devices, and outer protective clothing (except commodities in bulk), from points in AL, DE, IL, KY, ME, MD, MI, MS, NH, NC, VT, VA, and WV to St. Cloud, MN. (Hearing site: St. Paul MN.)

MC 134477 (Sub-396F), filed December 10, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mandota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *chemicals* (except in bulk), from points in CT, DE, KY, ME, MD, MA, NJ, NY, PA, RI, TN, VA, and WV to points in OH. Restricted to traffic originating at points in the named origin States and destined to the facilities of Van Waters & Rogers, Division of Univar at points in the named destination States. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-397F), filed December 10, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *confectionery products* (except in bulk), from the facilities of Deran Confectionery-Division of Borden, Inc. at or near Boston, MA to points in AL, AR, DE, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC. (Hearing site: St Paul, MN.)

MC 134477 (Sub-398F), filed December 10, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *pasta and pasta products* (except in bulk), from the facilities of The Pillsbury Company at or near Kansas City, KS, to points in IA, MN, NE, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135197 (Sub-25F), filed December 10, 1979. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Transporting *coal* from points in Brown County IL, to points in IA and MO. (Hearing site: St. Louis or Jefferson City, MO.)

MC 135797 (Sub-294F), filed December 10, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *foodstuffs*, from Oconto, WI, Denver, CO, Lewisville, TX, and Portales, NM, to points in AL, AZ, AR, CA, CO, FL, GA, IL, KS, LA, MS, MO, NM, OK, TN, TX, and WI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, in the reverse direction.

(Hearing site: Dallas, TX, or Washington, DC.)

MC 135936 (Sub-26F), filed December 12, 1979. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (1) Cedar Rapids, IA, to points in IL, IN, and MO and (2) Omaha, NE, to points in IL, IN. IA and MO, restricted to traffic originating at the named origins and destined to named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 135936 (Sub-27F), filed December 12, 1979. Applicant: C & K TRANSPORT INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Cherokee, IA, to points in IL and IN, restricted to traffic originating at the named origin point and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 136786 (Sub-192F), filed December 10, 1979. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50206. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *paint, varnish, solvents, and applicators* for paint products, from Chicago and Wheeling, IL, to Portland, OR, and Seattle, WA, and Carson, CA. (Hearing site: Chicago, IL.)

MC 136786 (Sub-193F), filed December 13, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *wine, spirits, vermouth, champagnes, sparkling wines, and brandy*, (1) from San Jose, CA, to points in IL, IN, KS, MN, MO, OH, and WI, and (2) from points in CA, to Minneapolis/St. Paul, MN. (Hearing site: Minneapolis, MN, or San Francisco, CA.)

MC 136786 (Sub-194F), filed December 17, 1979. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *cheese, cheese foods, and cheese spreads*, from La Crosse, WI, to Richmond, CA, Santa Fe Springs, CA, Carthage, MO, Garland and Houston, TX, Denver, CO, Landover, MD, and Bellevue, MD. (Hearing site: Chicago, IL.)

MC 136786 (Sub-196F), filed December 10, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd. Suite 411, Edina, MN 55435. Transporting *such commodities* as are dealt in by wholesale and retail drug department and food business houses (except in bulk), moving in vehicles equipped with mechanical refrigeration, from Waxdale and Racine, WI, to points in OR and WA. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 143127 (Sub-64F), filed December 12, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo, (same address as applicant). Transporting *malt beverages*, from Jacksonville, FL, Merrimack, NH, and Williamsburg, VA to Rochester, NY. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

MC 143696 (Sub-16F), filed December 3, 1979. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Contract carrier, transporting *terminal tractors, materials, and equipment* used in the maintenance and restoring of terminal tractors, between points in the United States (except AK and HI), under continuing contract(s) with Smith Leasing Company, of Mansfield, OH. (Hearing site: Dallas, TX.)

MC 144547 (Sub-6F), filed December 19, 1979. Applicant: DURA-VENT TRANSPORT CORPORATION, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th St., N.W., Washington, DC 20006. Contract carrier, transporting *truck parts and accessories*, from points in the United States (except AK and HI), under continuing contract(s) with Universal Filter Supply, Inc., of Fremont, CA. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 145227 (Sub-3F), filed December 11, 1979. Applicant: ROGERS TRANSPORTATION COMPANY, INC., 1315 So. Blout St., Raleigh, NC 27611. Representative: David H. Permar, P.O. Box 527, Raleigh, NC 27602. Contract carrier, transporting *petroleum and petroleum products* (in bulk in tank vehicles), from points in NC, to points in Southampton, Brunswick, Lunenburg, Mecklenburg, Sussex, and Charlotte Counties, VA, and Richmond, Emporia and Greenville, VA, under continuing contract(s) with Rogers Oil Company, Inc., of Raleigh, NC. (Hearing site: Raleigh, NC.)

MC 145577 (Sub-20F), filed December 13, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting (1) *castings, molds, machine parts and clay parts* used in the manufacture or production of glass containers from points in OH, IN, and PA on and west of U.S. Highway 219 to points in the United States (except AL and HI); (2) *glass containers*, between points in CT, GA, MS, PA on and west of U.S. Highway 219, TN, AND TX, on the one hand, and, on the other, points in CA; (3) *materials, equipment, supplies and parts* (except commodities in bulk) used in the manufacture or productions of glass containers, between points in CA, CT, GA, MS, PA on and west of U.S. Highway 219, TX, IN and OH; and (4) *paint*, from Washington, PA to Madera, CA, restricted in (2) and (3) above to the transportation of traffic originating at or destined to the facilities of Glass Containers Corporation. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145516 (Sub-7F), filed December 12, 1979. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 6100 East Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant). Transporting (1) *such commodities* as are dealt in by wholesale, retail and chain business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 145867 (Sub-1F), filed December 13, 1979. Applicant: TRANSPORT PLANNING AND SERVICE, INC., 53 Evelyn St., North Dartmouth, MA 02747. Representative: Ronald Shapss, 450 Seventh Ave., New York, NY 10001. *Contract carrier*, transporting (1) *latex*, between Lawrence, MA, on the one hand, and, on the other, Calhoun, GA, Pedricktown, NJ, Bristol and Croyden,

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PA, and the port of entry on the international boundary line between the United States and Canada at or near Niagara Falls, NY, under continuing contract(s) with Malden Mills, Inc., and (2) *latex calcium carbonate clay, slurries, aluminum hydrate, and fillers,* between Sharon, MA, on the one hand, and, on the other, Charlotte, NC, Belvedere, and Pedricktown, NJ, Allanspoint, CT, and Huber, GA, under continuing contract(s) with Walsh Chemical (North), Inc. (Hearing site: Boston, MA.)

MC 146017 (Sub-2F), filed December 10, 1979. Applicant: SMART FORWARDING AND DISTRIBUTION, INC., P.O. Box 3421, Hickory, NC 28601. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *furniture parts,* from Los Angeles, CA, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC. (Hearing site: Charlotte, NC, or Los Angeles, CA.)

MC 146046 (Sub-1F), filed December 28, 1979. Applicant: INTERCOASTAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* transporting *Paper and paper articles,* from the facilities of Automatic Data Processing, Inc. in Clifton, NJ, to Santa Clara and La Palma, CA., under a continuing contract(s) with Automatic Data Processing, Inc. (Hearing site: New York, NY.)

MC 146187 (Sub-16F), filed December 12, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank, II, P.O. Box 1004, 805 So. Garden St., Columbia, TN 38401. Transporting *metal and plastic egg, bread and milk trays, steel forging rough and wood furniture,* between Jackson, MS, Collierville, TN, Clarendon, AR, and Salt Lake City, UT, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at and destined to the facilities of Piper Industries, in Jackson, MS, Collierville, TN, Clarendon, AR, and Salt Lake City, UT. (Hearing site: Nashville, TN, or Jackson, MS.)

MC 146187 (Sub-17F), filed December 14, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank, II, P.O. Box 1004, 805 So. Garden St., Columbia, TN 38401. Transporting *wood, aluminum stepladders,* from the facilities of the Davidson Mfg. Corp., at Nashville, TN, to points in CA, OR, and WA, restricted to traffic originating at the above named origin and destined to the above named destination points. (Hearing site: Nashville, or Knoxville, TN.)

MC 146206 (Sub-1F), filed December 11, 1979. Applicant: RBR CORPORATION, d.b.a. CASINO LIMOUSINE, 2490 Terminal Way, Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *passengers and their baggage,* in the same vehicle with passengers in special and charter operations, (1) between the Reno, NV, International Airport, Reno, NV, and South Lake Tahoe, CA, and (2) between Reno, Sparks, Zephyr Cove, Stateline, and Incline, NV, and the facilities of the Cal-Neva Club and the Chrystal Bay Club, in Washoe County, NV, on the one hand, and, on the other, points in El Dorado and Placer Counties, CA, restricted to operations in vehicles with seating capacity of 25 passengers or less. (Hearing site: Reno, NV.)

MC 146616 (Sub-9F), filed December 12, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st St., Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Contract carrier, transporting (1) *bolts and nuts,* and (2) *materials and supplies* used in the production of bolts and nuts, between the facilities of Modulus Corporation, at Gary, IN, and Mt. Pleasant, PA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Modulus Corporation. (Hearing site: Tulsa, OK.)

MC 146646 (Sub-67F), filed December 13, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *non-alcoholic beverages* (except in bulk), from the facilities of Shasta Beverages, Inc., at or near Birmingham, AL, to points in GA, FL, LA, MS, and TN. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: San Francisco, CA, or Birmingham, AL.)

MC 146757 (Sub-2F), filed December 10, 1979. Applicant: PORTER TRUCK SERVICE, INC., P.O. Box 866, Sioux Falls, SD 57101. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. Contract carrier, transporting (1) *asphalt roofing materials, insulating materials, cement-asbestos pipe, steel toilet partitions, plastic pipe, and prefabricated chimneys* (except commodities in bulk, in tank vehicles), from Sioux Falls, SD, Minneapolis and St. Paul, MN, to points in IN, MN, NE, ND, SD, MT, and WY, (2) *asphalt roofing materials* (except in bulk, in tank vehicles), from cody, WY, to points in IA, MN, MT, NE, ND, and SD, (3) *asphalt roofing materials* (except in bulk, in tank vehicles), from Phillipsburg, KS, to points in SD, MN, IA, and NE, and (4) *plastic pipe,* from Ulysses, KS, to points in SD, MN, and IA, under continuing contract(s) in (1), (2), (3) and (4) above with Mac Arthur Company, Inc., of Sioux Falls, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 147247 (Sub-2F), filed December 10, 1979. Applicant: AAA TRUCKING & DISTRIBUTION COMPANY, INC., 12605 East Freeway, Suite 106, Houston, TX 77015. Representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Transporting *chemicals,* in containers, from Beaumont, TX, to Houston, TX, restricted to traffic originating at the above origin, and restricted to traffic having subsequent movement by water. (Hearing site: Dallas, TX.)

MC 147886 (Sub-5F), filed December 7, 1979. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. Transporting (1) *lawn and garden equipment,* (2) *lawn and garden products* in containers and (3) *agricultural insecticides and fungicides* in containers, from the facilities of O. M. Scott and Sons, Inc. at or near Marysville, Vermillion and Columbus, OH to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Louisville, KY.)

MC 148427 (Sub-2F), filed December 13, 1979. Applicant: EXPRESS TRANSPORT, INC., 128 Louisiana St., San Antonio, TX 78210. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting *hides,* between points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI). (Hearing site: San Francisco, CA.)

MC 149067F, filed December 10, 1979. Applicant: WILLIAM Y. BARRY AND FRANK A. VASSALLO, d.b.a. SUN VALLEY TRUCKING, a Partnership, 231 Franklin St., Oakland, CA 94607. Representative: James H. Gulseth, 100 Bush St., 21st floor, San Francisco, CA 94104. Transporting (1) *chilled or frozen vegetables, and chocolate products,* and (2) *commodities exempt from economic regulations* when moving in mixed loads with commodities in (1) above, between Oakland and Salinas, CA, on the one hand, and, on the other, points in OR, WA, and NV. (Hearing site: San Francisco, CA.)

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Decided: Feb. 26, 1980.
By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 11207 (Sub-520F), filed January 30, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010,.7101 Wisconsin Ave, Washington, DC 20014. Transporting *building materials* (except in bulk) from Galveston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX; Washington, DC.)

MC 11207 (Sub-521F), filed January 30, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave, Washington, DC 20014. Transporting *iron and steel articles,* from points in Kaufman and Tarrant Counties, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 211866 (Sub-136F), filed January 14, 1980. Applicant: WEST MOTOR FREIGHT, INC., 470 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *general commodities* (except those of unusual value, commodities which require special equipment, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), from the facilities of Boyertown Packaging Service Corp., at or near Boyertown and Harrisburg, PA, to points in the United States (except AK and HI), and (2) *materials* used in the manufacture or distribution of polyethylene, cellophane, and paper wrappers, polyethlene bags, and cellophane bags, (except in bulk), in the reverse direction. (Hearing site: Washington, DC, or Philadelphia, Pa.)

MC 42266 (Sub-4F), filed January 29, 1980. Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., R. D. #2, Box 208, Elizabethtown, PA 17022. Representative: James W. Hagar, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. Transporting (1) *cocoa beans, cocoa butter, cocoa press cake, chocolate liquor,* in blocks and in bags, and *cocoa crumb,* in bags, from Philadelphia, PA, to Elizabethtown, Camp Hill, and Mechanicsburg, PA, and (2) *confectionery* (except in bulk) (a) from Elizabethtown, PA, to Philadelphia, PA, and points in MD, NJ, VA, and DC, and (b) from Hackettstown and Elizabeth, NJ, to points in MD, NJ, PA, VA, and DC, restricted to (A) traffic originating at or destined to the facilities of Mars, Inc., at Hackettstown *and* Elizabeth, NJ, and Elizabethtown, Camp Hill, and Mechanicsburg, PA, or (B) traffic orignating at Philadelphia, PA, and destined to the facilities of Hershey Foods Corporation at Camp Hill and Mechanicsburg, PA. (Hearing site: Washington, DC.)

MC 51146 (Sub-810F), filed January 24, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *alcoholic liquors, and equipment, materials, and supplies* used in their manufacture and distribution (except in bulk, in tank vehicles) between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, and Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL.)

MC 51146 (Sub-812F), filed January 28, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *tires, wheels, and machine parts (iron or steel), and* (2) *lawn and garden and recreation equipment and parts,* from points in IN to points in IL, IA, KY, MN, OH, TN, and WI. (Hearing site: Chicago, IL.)

MC 63417 (Sub-266F), filed January 28, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *zinc, zinc alloys, zinc slabs, zinc dust, zinc oxide, and titanium dioxide,* from the facilities of New Jersey Zinc Division at (a) Palmerton, PA, and (b) Gloucester City, NJ, to points in VA, NC, SC, GA, FL, AL, LA, KY, and TN. (Hearing site: Washington, DC.)

MC 69116 (Sub-258F), filed January 17, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *railway car wheels and locomotive wheels.* from Keokuk, IA, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX (except OH, PA, and WV). (Hearing site: Chicago, IL.)

MC 69116 (Sub-259F), filed January 17, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *hydraulic hoists (dumping vehicle body) and material, equipment and supplies* used in their manufacture and distribution between Centerville, TN, on the one hand, and, on the other, points in CT, GA, IL, IN, KS, MD, MA, MI, MN, MS, MO, NY, NJ, NC, OH, OK, PA, SC, TX, VA, and WI. (Hearing site: Chicago, IL.)

MC 69116 (Sub-260F), filed January 17, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *meats and packinghouse products* from Tama, IA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 91306 (Sub-23F), filed January 16, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th. Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting (1)(a),*electrical wiring plugs and receptacles, extension cords, power supply cords, copper wire, and* (b) *materials and supplies used in the manufacture thereof,* between South Attleboro, MA, and points in RI, on the one hand, and, on the other, Morgantown and West Jefferson, NC, and (2) *plastic materials (other than expanded),* from North Tonawanda and Buffalo, NY, to South Attleboro, MA, Morgantown and West Jefferson, NC, and points in RI. (Hearing site: New York, NY.)

MC 91306 (Sub-24F), filed January 16, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th. Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *toilet paper* from Greenwich, NY, to points in MD, VA, NC, SC, and DC. (Hearing site: New York, NY.)

MC 95876 (Sub-336F), filed January 17, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same

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address as applicant). Transporting *knocked down steel buildings and parts thereof*, from Houston, TX, to points in CT, DE, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV. (Hearing site: Houston, or Dallas, TX.)

MC 95876 (Sub-340F), filed January 24, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *plastic articles*, (2) *plastic pipe and connections*, and (3) *materials, equipment and supplies* used in the manufacture and installation of commodities in (1) and (2) above, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Robintech, Inc. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 100666 (Sub-521F), filed January 14, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *lumber and wooden mining props*, from points in Butte, Custer, Lawrence, Meade, and Pennington Counties, SD, to points in AZ, CO, and NM. (Hearing site: Albuquerque, NM.)

MC 100666 (Sub-524F), filed January 15, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *metal and metal articles*, from Vicksburg, MS, to points in the United States (except AK and HI). (Hearing site: Shreveport, LA.)

MC 105656 (Sub-15F), filed January 17, 1980. Applicant: TOM PASQUALE, d.b.a. PASQUALE TRUCKING, P.O. Box 295, Logansport, IN 46947. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Logansport, IN, to points in IA, MN and MO, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas, MO.)

MC 112617 (Sub-467F), filed January 28, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid pitch*, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation at Augusta, KS, to Columbia, TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 115116 (Sub-33F), filed January 29, 1980. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset St., New Brunswick, NJ 08901. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Over regular routes, transporting *passengers and their baggage and express* and *newspapers* in the same vehicle with passengers, (1) between Hillsborough and Manville, NJ: From the junction of U.S. Hwy 206 and Somerset County Hwy 514 (Amwell Road) in Hillsborough Township, NJ, over U.S. Hwy 206 to junction of Brooks Blvd., then over Brooks Blvd. to Manville, and return over the same routes, serving all intermediate points; (2) between Millstone and Manville, NJ: From the junction of Somerset County Hwy 514 (Amwell Rd.) and Millstone River Rd. in the Borough of Millstone, NJ, then over Millstone River Rd. to Manville, and return over the same routes, serving all intermediate points; (3) between the junction of John F. Kennedy Blvd. and Winston Drive in Franklin Township, NJ, and to the junction of County Hwy 527 (Easton Ave.) in Franklin Township, NJ over John F. Kennedy Blvd., and return over the same routes, serving all intermediate points; (4) between Franklin Township, NJ, and New York, NY: From the junction of Weston Canal Rd. and access roads to Interstate Hwy 287 in Franklin Township, then over access roads and Interstate Hwy 287 to the junction of Interstate Hwy 287 and the access roads of the NJ Turnpike at Interchange 10 in Edison, NJ, then over the access roads and the NJ Turnpike to the access roads at the NJ Turnpike Interchange 16E in Secaucus, NJ, then over the access roads and Interstate Hwy 495 (also known as NJ 3 and the Depressed Hwy) to the Lincoln Tunnel, then through the Lincoln Tunnel to New York, and return over the same routes, serving the intermediate points for purposes of joinder only; (5) between the junction of Easton Avenue and access roads to Interstate Hwy 287 in Franklin Township, NJ, and Interstate Hwy 287, over access roads in Franklin Township, and return over the same route, serving the intermediate points for purposes of joinder only; (6) between Manville, NJ, and South Bound Brook, NJ: From Manville over Finderne Ave. to the junction of Main St. in Bridgewater Township, NJ, then over Main St. and Talmadge Ave. to the junction of Columbus Place in the Borough of Bound Brook, NJ, then over Columbus Place to the junction of Main St., then over Main St. to the junction of South Main St., then over South Main St. to the junction of County Hwy 527 (Main St.) in the Borough of South Bound Brook, and return from the junction of County Hwy 527 and South Main St. in the Borough of South Bound Brook, over South Main St. to the junction of Main St., Bound Brook, then over Main St. to the junction of Main St. and East High St., then over East High St. to the junction of East High St. and East St., then over East St. to the junction of East St. and Main St., then over the aforesaid route to Manville, serving all intermediate points; and (7) between Somerville, NJ, and Bridgewater Township, NJ: From the junction of Middaugh St. and Somerset St. in Somerville, over Somerset St. to junction West Main St., then over West Main St., East Main St., and Main St. to the junction of Finderne Ave. in Bridgewater Township, and return over the same routes, serving all intermediate points. (Hearing site: New Brunswick or Somerville, NJ.)

MC 116457 (Sub-50F), filed January 14, 1980. Applicant: GENERAL TRANSPORTATION, INC., 1804 S. 27th Avenue (P.O. BOX 6484), Phoenix, AZ 85005. Representative: D. Parker Crosby (same address as applicant.) (1) *Gypsum products, plaster products*, and (2) *tools, equipment, and supplies used in their installation (except commodities in bulk in tank vehicles)*, from points in AZ to points in CA. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 117416 (Sub-67F), filed January 31, 1980. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, TN. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *Limestone* and *alumina trihydrate*, in bags, from the facilities of A. B. Wood Chemical Co., Inc., at or near Campobello, SC, to points in IN and OH. (Hearing site: Washington, DC.)

MC 117676 (Sub-20F), filed January 14, 1980. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *wooden furniture*, from the facilities of Neptune International Corporation at Dorchester, MA, to those points in the United States east of the western boundaries of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 120257 (Sub-50F), filed January 14, 1980. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting *pipe*, as described in *Mercer Extension Oil Field Commodities* 74 M.C.C. 459, from points in Morris County, TX, to points in the United States (except AK, CO, CT, DE, FL, GA, HI, KS, LA, ME, MD, MA, MT, NH, NJ, NY, NC, OK, RI, SC, TX, UT, VA, and WY. (Hearing site: Dallas or Ft. Worth, TX.)

MC 120737 (Sub-61F), filed January 14, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles*, from Chicago, IL, to points in MN, IA, MO, IL, KY, TN, WI, IN, OH, and MI. (Hearing site: Chicago, IL.)

MC 121677 (Sub-1F), filed date January 25, 1980. Applicant: WARREN COUNTY FREIGHT LINE, INC., 601 Red Road, McMinnville, TN 37110. Representative: Val Sanford, P.O. Box 2757, Nashville, TN 37219. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between Nashville, TN, and Cookeville, TN: (a) from Nashville over Interstate Hwy 24 to Manchester, TN, then over TN Hwy 55 to McMinnville, TN, then over U.S. Hwy 70S to Sparta, TN, then over TN Hwy 111 to Cookeville, and return over the same route, and (b) from Nashville over U.S. Hwy 70S to Sparta, TN, then over TN Hwy 111 to Cookeville, and return over the same route, on both routes serving all intermediate points in White and Putnam Counties, TN, and serving all other points in White and Putnam Counties, TN, as off-route points, and (c) from Nashville over Interstate Hwy 40 to Cookeville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Cookeville, TN.)

MC 123407 (Sub-630F), filed January 14, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting (1) *steel products*, and (2) *materials, equipment, and supplies used in the production of steel products* (a) from Roseboro, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (b) from points in OH to Roseboro, NC. (Hearing site: Washington, DC.)

MC 124306 (Sub-79F), filed January 30, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th Street, N.W., Washington, DC 20036. Transporting *antifreeze and cleaning compounds*, in bulk, in tank vehicles, (1) from Salem, VA, to points in the United States (except AK and HI), and (2) from Ashland and Catlettsburg, KY to points in VA. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 125916 (Sub-17F), filed January 18, 1980. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. Transporting *ore* and *ore concentrates*, in bulk, between points in AZ, CO, ID, MT, NV, NM, UT, and WY. (Hearing site: Salt Lake City, UT, Boise, ID, or Denver, CO.)

MC 133566 (Sub-154F), filed January 14, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *meats, meat products, meat by-products* and *articles distributed by meat-packing houses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Marshall, MO, to points in CT, DE, IL, IN, IA, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 133666 (Sub-31F), filed January 10, 1980. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Contract carrier, transporting *road asphalt, road oils*, and *fuel oils*, in bulk, in tank vehicles, (1) between points in WY and MT, and (2) from Dickinson, ND., to points in MT, under continuing contract(s) with Duininck Bros. and Gilchrist, of Prinsburg, MN. (Hearing site: Minneapolis-St. Paul, MN.)

Note.—Dual operations may be involved.

MC 135797 (Sub-297F), filed January 14, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of feed, feed ingredients, and feed products, between points in AR, CA, CO, ID, IA, IL, KS, MN, MO, NE, NM, NV, OK, OR, TN, TX, UT, WA, and WY. (Hearing site: Denver, CO, or Washington, DC.)

MC 135797 (Sub-304F), filed January 28, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *such commodities* as are dealt in or used by automotive supply and household appliance stores, (except commodities in bulk), (1) between those points in the United States in and east of MN, IA, NE, KS, OK and TX, and (2) between those points in the United States in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, points in CA, OR, and WA, restricted in (1) and (2) above to traffic originating at or destined to the facilities of Western Auto Supply Company. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 135936 (Sub-28F), filed January 14, 1980. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A & C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk) (1) from the facilities of Dubuque Packing Co., at Le Mars, IA, to points in MN, NE, and SD, and (2) from the facilities of Farmland Foods at (a) Denison, Iowa Falls, Cherokee, Carroll, Fort Dodge, Sioux City and Des Moines, IA, and (b) Crete, Lincoln and Omaha, NE, to points in AR, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, OK, SD, TN, TX, and WI, restricted in parts (1) and (2) to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE, or Minneapolis, MN.)

MC 136366 (Sub-5F), filed January 17, 1980. Applicant: BEE LINE, INC., 17 Commerce Road, Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *railway car, locomotive, and automotive equipment*, and (2) *materials, equipment, and supplies* used in their manufacture and sale (except commodities in bulk), between Totowa and Parsippany, NJ, on the one hand, and, on the other, points in the United States (except AK and HI).

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(Hearing site: New York, NY, or Washington, DC.)

MC 136377 (Sub-1F), filed January 14, 1980. Applicant: DYNE & LENIHAN TRUCKING, INC., 38 Campbell St., Waldwick, NJ 17463. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract carrier, transporting (1) *railway car brake shoes*, from Meadowlands, PA, to New York, NY, and (2) *iron and steel scrap*, from New York, NY to Meadowlands, PA, under continuing contract(s) with the Abex Corporation, of New York, NY. (Hearing site: New York, NY, or Washington, DC.)

MC 136886 (Sub-5F), filed January 3, 1980. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Avenue, West, Warren, PA 16365. Representatives: Ronald W. Malin and Bankers Trust Building, Jamestown, NY 14701. Contract carrier, transporting (1) *such merchandise* as is dealt in by mail order houses and (2) *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between those points in the United States west of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in Warren County, PA, under continuing contract(s) with New Process Company, of Warren County, PA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 138157 (Sub-219F), filed January 17, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). (1) *Chemicals* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of chemicals, from points in AL, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, NY, NC, OH, PA, SD, SC, TN, TX, WV, WI, and WY, to points in AZ, CA, CO, OR, and WA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-220F), filed January 25, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *such commodities* as are dealt in and distributed and sold by retail drug stores (except in bulk), between Omaha, NE and points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138206 (Sub-17F), filed January 14, 1980. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Grant S. Truman (same address as applicant). Transporting *building materials*, between points in Clark County, NV, on the one hand, and, on the other, points in CA, CO, UT, NM, and NE. (Hearing site: Las Vegas, NV.)

MC 138687 (Sub-4F), filed January 14, 1980. Applicant: BYNUM TRANSPORT, INC., 4609 Highway 92, East, Lakeland, FL 33801. Representative: Thomas F. Panebianco, Post Office Box 1200, Tallahassee, FL 32302. Transporting *dried citrus pulp and citrus pulp pellets*, in dump vehicles, (1) from points in Indian River, St. Lucie, Martin, Highlands, Glades and Hendry Counties, FL, to Tampa, FL, and (2) from points in Manatee, Lake, Orange, Pasco, Polk, Indian River, St. Lucie, Martin, Highlands, Glades and Hendry Counties, FL, to Port Manatee, FL. (Hearing site: Tampa, FL.)

MC 138796 (Sub-1F), filed January 21, 1980. Applicant: NELSON, INC., Box 38, Deerwood, MN 56444. Representative: Hubert Nelson (same address as applicant). *Contract carrier*, transporting *wood crating, pallets, and lumber*, from Aitkin, MN, to Port Washington, Madison, Milwaukee, and Racine, WI, Galesburg, Moline, Marion, and Chicago, IL, Newton, Des Moines, Amana, Webster City, and Marshalltown, IA, Grand Rapids and Greenville, MI, Lincoln, NE, Fargo, ND, and points in IN, under continuing contract(s) Burns Manufacturing Company, of Aitkin, MN. (Hearing site: Brainerd or St. Paul, MN.)

MC 139206 (Sub-70F), filed January 23, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). *Contract carrier*, transporting *paper and paper products*, from the facilities of Sangamon Co., at or near Taylorville, IL, to Visalia, CA, Noonan, GA, Ft. Wayne, IN, Lawrence, KS, Plymouth, MI, Sparks, NV, and Fairless Hills, PA, under continuing contract(s) with Sangamon Co., of Taylorville, IL. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 139457 (Sub-25F), filed January 25, 1980. Applicant: G. L. SKIDMORE, d.b.a., JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Contract carrier*, transporting *canned and preserved foodstuffs and canned and packaged animal food*, from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to points in IL, IA, KY, and TN (except Memphis), under continuing contract(s) with Campbell Soup (Texas) Inc., of Paris, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 139917 (Sub-14F), filed January 28, 1980. Applicant: SEARAIL, INC., P.O. Box 909, Mobile, AL 36601. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, and commodities in bulk), between Meridian and Jackson, MS, on the one hand, and, on the other, points in AL, LA, MS, and those in FL west of the Apalachicola River, restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Jackson, MS, or Mobile, AL.)

MC 141187 (Sub-10F), filed January 10, 1980. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. *Contract carrier*, transporting (1)(a) *plastic film, plastic bags, boneguard cloth and aluminum packaging clips*, and (b) *materials, equipment and supplies* used in their manufacture and distribution, between Iowa Park, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Cryovac Division of W. R. Grace & Co., of Duncan, SC, (2) *chemicals, and materials, equipment and supplies* used in their manufacture and distribution (except in bulk), between the facilities of Jefferson Chemical Co., Inc., at Austin, Port Neches and Youens, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Jefferson Chemical Co., Inc., of Bellaire, TX, and (3) *proprietary antifreeze preparation, and materials, equipment and supplies* used in its manufacture and distribution (except bulk), between Houston, TX, Memphis, TN, and Wilmington, DE, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Jefferson Chemical Co., Inc., of Bellaire, TX. (Hearing site: Memphis, TN.)

MC 143276 (Sub-29F), filed January 16, 1980. Applicant: WEAVER TRANSPORTATION COMPANY, a corporation, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. Transporting (1) *roofing materials and* (2) *materials, equipment, and supplies used in the installation, manufacture, and packaging of roofing materials* (a) between the facilities of Owens-Corning Fiberglas Corporation, at Atlanta, GA, on the one hand, and, on the other, points in AL, NC, SC, TN, FL, VA, AR, and MS, and (b) between the facilities of Owens-Corning Fiberglas Corporation, at or near Jacksonville, Ft. Lauderdale, and Miami, FL, on the one hand, and, other the other, points in MS, VA, AR, and GA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 145726 (Sub-10F), filed January 14, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence St., Montgomery, AL 36104. Transporting *meats, meat products*, and *meat by-products*, and *articles distributed by meat-packing houses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Duffey Foods, Inc., at or near Sylacauga, AL, to those points in the United States in and east of MS, TN, KY, IN, and MI. (Hearing site: Montgomery or Birmingham, AL.)

Note.—Dual operations may be involved.

MC 146817 (Sub-6F), filed January 14, 1980. Applicant: GEORGE CAVES, P.O. Box 144, Benedict, NE 68316. Representative: George Caves (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Carroll, Cherokee, Ft. Dodge, Denison, Des Moines, Iowa Falls, and Sioux City, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in AL, AR, KS, LA, MS, MO, OK, TN, and TX. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 147087 (Sub-7F), filed January 14, 1980. Applicant: W. L. GOOD TRUCKING, INC., Mingo, IA 50168. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *feed ingredients*, in bags, from the facilities of International Distributing Corporation at or near (a) Belvidere, IL, and (b) Marshalltown, IA, to Sioux Falls, SD, and points in IA, MN, and NE. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 148767 (Sub-2F), filed January 17, 1980. Applicant: F. J. SCHILLING, INC., 2105 North Clairemont Avenue, Eau Claire, WI 54701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *liquid petroleum products*, in bulk, between points in WI, on the one hand, and, on the other, points in Upper Peninsula of MI and MN. (Hearing site: St. Paul, MN.)

MC 149206F, filed January 24, 1980. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same address as applicant). Transporting *iron and steel articles*, from the facilities of LaBarge, Inc. at (a) Wagner, OK, (b) Memphis, TN, (c) St. Louis, MO, and (d) Bellevue, OH, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

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Decided: March 14, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 2229 (Sub-235F), filed December 26, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as application). Transporting (1) *pipe, pipe fittings, and polyvinyl chloride, building materials*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of Certainteed Corporation at or near Eads, TN, to points in the United States (except AK and HI). (Hearing site: Memphis, TN or Dallas, TX.)

MC 3468 (Sub-176F), filed December 19, 1979. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *automobiles, trucks, and buses*, as described in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from the facilities of General Motors Corporation at (a) Linden, NJ, and (b) Wilmington, DE, to points in IL, IN, MI, OH, and WI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 25399 (Sub-15F), filed December 19, 1979. Applicant: A-P-A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between North Bergen, NJ, Canton, MA, Philadelphia, PA, and Meriden, CT, on the one hand, and, on the other, points in NH, MA, RI, CT, NY, NJ, PA, DE and MD, (2) between Detroit, MI, on the one hand, and, on the other, points in St. Clair, Genesee, Lapeer, Macomb, Oakland, Livingston, Wayne, Washtenaw, Monroe, and Lenawee Counties, MI and Lucas County, OH, (3) between Cleveland, OH, on the one hand, and, on the other, points in Ashtabula, Lake, Cuyahoga, Lorain, Erie, Trumbull, Portage, Summit, Medina, Huron, Mahoning, Stark, Wayne, Ashland, and Geauga Counties, OH, (4) between Chicago, IL, on the one hand, and, on the other, points in Lake, McHenry, Cook, Kane, DuPage, Will, Kendall, Grundy, and Kankakee Counties, IL, LaPorte, Porter, and Lake Counties, IN, and Kenosha County, WI, (5) between Columbus, OH, on the one hand, and, on the other, points in Knox, Morrow, Marion, Logan, Union, Delaware, Licking, Muskingum, Franklin, Madison, Champaign, Clark, Fayette, Pickaway, Fairfield, Perry, Hocking, and Ross Counties, OH, (6) between Cincinnati, OH, on the one hand, and, on the other, points in Preble, Montgomery, Greene, Butler, Warren, Clinton, Hamilton, Clermont, Brown, and Highland Counties, OH, Union, Franklin, Ripley, Dearborn, Ohio, Jefferson, and Switzerland Counties, IN, and Boone, Kenton, Campbell, Gallatin, Pendleton, Grant, Bracken, Carrol, and Owen Counties, KY, (7) between Indianapolis, IN, on the one hand, and, on the other, points in Grant, Howard, Tippecanoe, Delaware, Madison, Tipton, Clinton, Henry, Hamilton, Boone, Montgomery, Wayne, Fayette, Rush, Hancock, Marion, Henricks, Putnam, Shelby, Johnson, Morgan, Decatur, Bartholomew, Brown, Monroe, Owen, and Jennings Counties, IN, (8) between Louisville, KY, on the one hand, and, on the other, points in Trimble, Henry, Oldham, Franklin, Shelby, Jefferson, Anderson, Spencer, Bullitt, Meade, Nelson, Washington, Hardin, Breckinridge, Marion, and La Rue Counties, KY, and Jackson, Scott, Washington, Orange, Clark, Floyd, Harrison, Crawford, and Perry Counties, IN, and (9) between St. Louis, MO, on the one hand, and, on the other, points in Lincoln, St. Charles, Warren, St. Louis, Franklin, Jefferson, St. Francois, and Ste. Genevieve Counties, MO, and Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Clinton, St. Clair, Washington, Monroe, Perry, and Randolph Counties, IL. (Hearing site: Albany, New York, NY, Boston, MA, Washington, DC, Detroit, MI, Chicago, IL, Columbus, OH, Louisville, KY, St. Louis, MO.)

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MC 29079 (Sub-165F), filed December 19, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 300, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *refractories and refractory products*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between points in Audrain, Callaway, and Montgomery Counties, MO, Goose Lake, IL, Bessemer and Kimberly, AL, Macon, GA, Woodbridge, NJ, East Greenville, Jackson, and Oak Hill, OH, and Climax, Philadelphia, Tarentum, and Vanport, PA, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, the Lower Peninsula of MI, and DC. (Hearing site: Washington, DC.)

MC 81908 (Sub-12F), filed December 21, 1979. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting (1) *fertilizer and fertilizer ingredients*, (except commodities in bulk), and (2) *animal feed, and animal feed ingredients*, between the facilities of The Andersons at or near Maumee, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, WV, and those in PA on and west of U.S. Hwy 15. (Hearing site: Columbus, OH, or Washington, DC.)

MC 107818 (Sub-103F), filed December 20, 1979. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 N.W. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Toledo, OH.)

MC 107839 (Sub-184F), filed December 28, 1979. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Ave., Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, from Plainview and Amarillo, TX, to points in AL, FL, GA, LA, MS, NC, SC and TN. (Hearing site: Denver, CO, or Amarillo, TX.)

MC 107839 (Sub-185F), filed December 28, 1979. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *steel office furniture and fixtures*, from Dickson, TN, to Denver, CO.

MC 108119 (Sub-219F), filed December 28, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *air cleaning, heating, cooling, humidfying, dehumidifying, and moving equipment*, (2) *parts* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), between the facilities of Industrial Sheet & Mechanical Corporation, at or near Rockingham, NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charlotte or Raleigh, NC.)

MC 109238 (Sub-21F), filed October 22, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64-70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *cleaning, scouring, washing, and disinfecting compounds, fabric or textile softeners, lube oils and greases, plastic bags, filters, and paint*, (except commodities in bulk, in tank vehicles), from Avenel, NJ, to points in NC and SC. (Hearing site: Charlotte NC or Washington, DC.)

MC 113528 (Sub-50F), filed December 20, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson, (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Monsanto Company at or near Gonzalez and Pensacola, FL, on the one hand, and, on the other, points in GA. (Hearing site: Mobile, AL or Pensacola, FL.)

MC 114569 (Sub-362F), filed December 19, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *canned and preserved foodstuffs*, from Wenatchee, WA, to the facilities of Heinz USA, Division of H. J. Heinz Company, at or near (a) Grand Prairie, TX, (b) Greenville, SC, (c) Harrison, NJ, (d) Iowa City, IA, (e) Jacksonville, FL, (f) Mechanicsburg and Pittsburgh, PA, and (g) Toledo, OH, restricted to the transportation of traffic originating at the named origin and destined to the named facilities. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 114569 (Sub-363F), filed December 19, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Packers Cold Storage, Inc., at or near Laramie, WY, on the one hand, and, on the other, points in AL, GA, IA, IN, IL, KS, MD, MI, MN, NE, OH, PA, TX, and WI. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 116519 (Sub-61F), filed December 28, 1979. Applicant: FREDERICK TRANSPORT LIMITED, R.R.6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, 1511 K Street, NW., Washington, DC 20005. Transporting in foreign commerce only, (1) *paper and paper products, woodpulp, and printed matter*, and (2) *materials, supplies and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above, between the ports of entry on the international boundary line between the United States and Canada located in MI, NY, VT and ME, on the one hand, and, on the other, points in the United States (except AK, AR, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 117119 (Sub-803F), filed December 28, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from Rahway, NJ, Elkton, VA, and Riverside, PA, to Chicago, IL, and St. Louis, MO.

MC 117589 (Sub-70F), filed December 20, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Seattle, WA, to points in CO. (Hearing site: Seattle, WA.)

MC 118318 (Sub-49F), filed December 19, 1979. Applicant: IDA-CAL FREIGHT LINES, INC., P.O Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting: *Such commodities* as are dealt in by grocery and food business houses, from the facilities of International Paper Co., at or near Turlock, CA, to points in ID and UT. (Hearing site: Boise, ID.)

MC 118318 (Sub-50F), filed December 19, 1979. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting: *Meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of appendix I to the report in *descriptions in motor carrier certificates*, 61 M.C.C. 209 and 766, from points in WA to points in CA, ID, MT, NV, and UT. (Hearing site: Boise, ID.)

MC 119789 (Sub-660F), filed December 20, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same as applicant). Transporting *fertilizer and seed distributors* from Vermillion, OH, to points in CA, CO, FL, GA, MO, NE, OR, TX, and WA. (Hearing site: Columbus, OH.)

MC 119789 (Sub-661F), filed December 19, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant). Transporting *foodstuffs* (except frozen and in bulk), from Vacaville, CA, to points in OK and TX. (Hearing site: New York, NY.)

MC 120279 (Sub-11F), filed December 17, 1979. Applicant: MCFARLAND & HULLINGER, a Partnership, 915 North Main Street, Tooele, UT 84074. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *salt*, in bulk, from the facilities of Texas Gulf, Inc., at Potash, UT, to points in AZ and CO. (Hearing site: Washington, DC.)

MC 125689 (Sub-13F), filed December 20, 1979. Applicant: BEATTYVILLE TRANSPORT, INC., Box 357, Catlettsburg, KY 41129. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, DC 20037. Transporting *petroleum products*, in bulk, in tank vehicles, from Ironton, OH, to points in KY and WV. (Hearing site: Charleston, WV.)

MC 126118 (Sub-207F), filed December 17, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers, retailers, and distributors of carpets, between points in Los Angeles and orange Counties, CA, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 126898 (Sub-12F), filed December 17, 1979. Applicant: BULLDOG HIWAY EXPRESS, a corporation, P.O. Box 506, Charleston, SC 29402. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Transporting *aluminum, aluminum products, and supplies, materials, and equipment* used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbia, SC, Charlotte, NC, or Washington, DC.)

MC 133689 (Sub-323F), filed December 17, 1979. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.W., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *confectionery*, from the facilities of Luden's Inc., at Reading, PA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, VA, WA, and WI. (Hearing site: St. Paul, MN.)

MC 135078 (Sub-64F), filed December 26, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from New York, NY, to Chicago, IL, and Denver, CO. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 136818 (Sub-102F), filed December 17, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, from Phoenix, AZ, to points in AR, CA, CO, KS, LA, MS, MO, NV, NM, OK, OR, TX, UT, and WA. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136818 (Sub-103F), filed December 17, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *foodstuffs* and *canned goods*, from the facilities of Skyland Food Corp., at or near Delta, CO, to points in AZ, CA, KS, NM, UT, MO, OK, and TX (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136818 (Sub-104F), filed December 26, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *foodstuffs*, from the facilities of Texsun Corporation at or near Weslaco, TX, to points in OK, AR, MO, KS, IA, NE, MN, WI, and IL. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136818 (Sub-105F), filed December 26, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *scrap paper*, from points in AZ to points in CA. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136308 (Sub-99F), filed December 26, 1979. Applicant: KLM, INC, Old Highway 49 South (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), on the one hand, and, on the other, the facilities of the Richardson Company located in CA, CT, FL, GA, IL, OH, MO, OK, SC, TX, MS, TN, MN, MI, NJ, IN, NY, and VA. (Hearing site: Melrose Park, IL, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 136308 (Sub-100F), filed December 26, 1979. Applicant: KLM, INC, Old Highway 49 South (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting

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foodstuffs and materials and supplies used in the manufacture and distribution of foodstuff, (except commodities in bulk), between points in AZ, CA, CO, FL, GA, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, OR, PA, TN, UT, WI, KY, AL, VA, NY, and WA, restricted to the transportation of traffic originating at or destined to the facilities of M&M/MARS, Snack-Master Division. (Hearing site: Albany, GA or Jackson, MS.)

Note.—Dual operations may be involved.

MC 138328 (Sub-110F), filed December 19, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *alcoholic beverages*, from Houston and Galveston, TX, and New Orleans, LA, to Omaha, NE. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 138328 (Sub-111F), filed December 19, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, I–80 and Highway 50, P.O. Box 37205, Omaha, NE 68137. Transporting (1) *charcoal and charcoal briquets*, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk), from the facilities of Husky Industries, Inc., at or near (a) Branson, MO, (b) White City, OR, (c) Isanti, MN, (d) Waupaca, WI, (e) Dickinson, ND, and (f) Marion, OH, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 139248 (Sub-4F), filed December 19, 1979. Applicant: CONTRACT CARRIERS, INC., 1006 East 11th, Ellensburg, WA 98926. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *feed and feed ingredients*, in bulk, between points in WA, OR, and ID. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 140028 (Sub-9F), filed December 17, 1979. Applicant: MOULDEN & SONS, INC., P.O. Box 18, 200 Second Street, Enumclaw, WA 98022. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting in foreign commerce only, *silica sand*, from Ravensdale, WA, to the ports of entry on the international boundary line between the United States and Canada at or near Lynden and Sumas, WA. (Hearing site: Seattle, WA, or Portland, OR.)

MC 140829 (Sub-335F), filed December 20, 1979. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *chemicals, cleaning compounds, offset printing plate, rubber coated fabric, sealing and packing compounds, conveyor belts, gaskets, and battery boxes, covers, and vents, and (2) materials, equipment, and supplies* used in the manufacture, installation, distribution and sale of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by The Richardson Company. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 141459 (Sub-14F), filed December 26, 1979. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Boulevard, Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *wood burning stoves and agricultural implements*, from Litchfield, IL, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 141898 (Sub-3F), filed December 19, 1979. Applicant: ROBERTS CARTAGE OF OHIO, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), moving in express service, between points in Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull and Tuscarawas Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, NY, PA, and the lower Peninsula of MI, restricted to the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day (except with regard to traffic having a prior or subsquent movement by air). (Hearing site: Columbus or Cleveland, OH.)

MC 142059 (Sub-111F), filed December 17, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *calcined magnesite*, in containers, from the facilities of Glasrock Products, Inc., near Tuscumbia, AL, to points in the United States (except AK and HI). (Hearing site: Memphis, TN, or Washington, DC.)

MC 142508 (Sub-130F), filed December 26, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting (1) *foodstuffs, pet foods, and animal feeds*, and (2) *equipment, materials, and supplies* used in the manufacturing, sale, or distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating or destined to the facilities of The Carnation Company. (Hearing site: Los Angeles, CA, or Omaha, NE.)

MC 142559 (Sub-139F), filed December 17, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *commercial, household, and institutional appliances;* and (2) *materials, equipment, and supplies* used in the manufacture and disribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Speed Queen Company. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142559 (Sub-142F), filed December 26, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *personal care products, chewing gum, cough drops, and candies*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Warner-Lambert Company. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144858 (Sub-27F), filed December 20, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72219. Representative: Harvey K. Thompson (same address as applicant). Transporting (1) *such commodities* as are dealt in by mail order food and gift business (except frozen), and (2) *plants and bulbs*, in mixed loads with the commodities in (1) above, from the facilities of Harry and David at or near Medford, OR, to points in the United States (except AK and HI). (Hearing site: Portland, OR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 148158 (Sub-5F), filed December 26, 1979. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Patricia M. Schnegg, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the United States (except AK and HI) to the facilities of Gibson Product Co., in UT. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 148179 (Sub-3F), filed December 26, 1979. Applicant: V S ENTERPRISES, INC., P.O. Box 3834, St. Louis, MO 63122. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *beer*, from the facilities of Anheuser-Busch, Inc., at St. Louis, MO, to Centralia, Decatur, and Macomb, IL, and French Lick, Evansville, and Attica, IN. (Hearing site: St. Louis, MO.)

MC 148199 (Sub-3F), filed December 21, 1979. Applicant: T. G. & J. C. GARLAND, a partnership, d.b.a. AQUARIAN LINES, Rt. 1, Box 261, Van Alstyne, TX 75095. Representative: T. G. Garland (same address as applicant). Transporting over regular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, OK, and Wichita Falls, TX, over U.S. Hwy 277, serving no intermediate points. (Hearing site: Wichita Falls or Fort Worth, TX.)

MC 148618 (Sub-1F), filed December 19, 1979. Applicant: CORNELIUS VAN DRUNEN d.b.a. VAN'S MOBILE HOME SERVICE, RD No. 1, Rehoboth Beach, DE 19971. Representative: Eugene D. Anderson, 910 Seventeenth St. NW., Suite 428, Washington, DC 20006. Transporting (1) *trailers designed to be drawn by passengers automobiles*, and (2) *buildings*, in sections, mounted on wheeled undercarriages, from Leola, Epharata, and Schaefferstown, PA, to Dover and Rehoboth, DE, and (3) *materials* used in the manufacture of the commodities in (1) and (2) above, from Rehoboth, DE to Leola, Ephrata, and Schaefferstown, PA. (Hearing site: Lancaster, PA, or Washington, DC.)

MC 148809 (Sub-2F), filed December 20, 1979. Applicant: DAVE PHILLIPS, d.b.a. DAVE PHILLIPS CONSTRUCTION COMPANY, 2780 S.E. Three Lake Road, Albany, OR 97321. Representative: John A. Anderson, Suite 1440, 200 S.W. Market Street, Portland, OR 97201. Transporting *animal feed*, in bulk, between points in OR and WA. (Hearing site: Portland, OR.)

MC 149029 (Sub-1F), filed December 17, 1979. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk), from North Tonawanda and Buffalo, NY, Farmers Valley, Emlenton, and North Warren, PA, and Congo and Saint Marys, WV, to points in PA, OH, NY, IN, MI, WV, WI, IL, KY, VA, MD, DE, NJ, CT, and DC, and (2) *materials and supplies* used in the production or distribution of petroleum and petroleum products (except commodities in bulk), in the reverse direction

Agatha L. Mergenovich

Secretary

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[Volume No. 6]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission on or before May 1, 1980, with a copy being furnished the applicant. Protests to these applications will be *rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 80277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 1005 (M1–F), (Notice of filing of petition to modify the territorial description), filed September 28, 1979. Petitioner: SERV-ALL MOTOR FREIGHT, INC., 53 Liberty St., Passaic, NJ 07055. Representative: George A Olsen, P.O. Box 357, Gladston, NJ 07934. Petitioner holds *common carrier* authority in MC–1005, served April 2, 1964, which authorizes over irregular routes, the transportation of *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, on the one

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hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, Morris, Mercer, and Warren Counties, NJ:

By the instant petition, petitioner seeks to modify the territorial description to read: "Between New York, NY, on the one hand, and, on the other, points in NJ."

MC 8744 (M2-F) (Notice of filing of petition to modify the certificate), filed September 7, 1979. Petitioner: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant St., P.O. Box 1160, Bluefield, WV 24701. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Petitioner holds *common carrier* authority in MC 8744, served April 27, 1954, which authorizes, as pertinent, the transportation, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between North Tazewell, VA, on the one hand, and, on the other, points in those parts of VA and WV located within 50 miles of North Tazewell. By the instant petition, petitioner seeks to modify the above authority to read: *"general commodities* (except those of unusual values, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities, which because of their size or weight require the use of special equipment), between Tazewell, VA, on the one hand, and, on the other, points in Tazewell, Buchannan, Russell, Dickenson, Washington, Giles, Pulaski, Carroll, Grayson, Smyth, Bland, and Wythe Counties, VA, and points in Logan, Mingo, McDowell, Wyoming, Boone, Raleigh, Mercer, Summers, and Monroe Counties, WV."

MC 8973 (Sub-52(M1F)) (Notice of filing of petition to modify certificate), filed September 17, 1979. Petitioner: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in MC–8973 Sub 52 issued September 27, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting in paragraph (2) . . . *aluminum articles, aluminum products, building materials,* and *materials, equipment, and supplies* used in the manufacture, sale, processing, distribution and installation of the commodities listed in (2) above (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (Except AK and HI). By the instant petition, petitioner seeks to modify the authority as follows: add *wire and cable* to the commodity description following building material.

MC 107515 (Sub-611 and 917G, and E-263 (M1F)) (Notice of filing of petition to modify the commodity descriptions), filed August 24, 1979. Petitioner: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Representative: Marc A. Pearl, Suite 520, Lenox Towers, S., 3390 Peachtree Road, Atlanta, GA 30326. (A) Petitioner holds motor *common carrier* certificate in MC 107515 (Sub-No. 611) issued December 11, 1969, authorizing transportation over irregular routes of (1) *food, food preparations, and foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, and (2) *gift shop and curio shop merchandise:* when moving in mixed loads with the commodities specified in (1) above. From points in Cook, DuPage, Lake and Will Counties, IL, and Lake County, IN, to points in AL, GA, KY, NC, SC, and TN (except Memphis, TN, and points within the Memphis, TN Commercial Zone as defined by the Commission), restricted against the transportation of shipments destined to points in FL. (B) Petitioner holds motor *common carrier* Certificate in MC–107515 (Sub-No. E–263) issued December 19, 1974, authorizing transportation over irregular routes of *foodstuffs:* (except commodities in bulk), in vehicles equipped with mechanical refrigeration. From Cook, DuPage, Lake and Will Counties, IL, and Lake County, IN, to Memphis, TN, and points in Clark, Floyd, Harrison, Perry and Spencer Counties, IN, MS, that part of WV on and south of a line beginning at the KY–WV State line, then along Interstate Hwy 64 to Charleston, then along U.S. Hwy 60 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction WV Hwy 41, then along WV Hwy 41 to junction WV Hwy 15, then along WV Hwy 15 to junction U.S. Hwy 219, then along U.S. Hwy 219 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction WV Hwy 28, then along WV Hwy 28 to junction U.S. Hwy 33, then along U.S. Hwy 33 to the VA-WV State line, and that part of VA on and south of a line beginning at the VA-WV State line, then along U.S. Hwy 33 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 28, then along U.S. Hwy 28 to junction VA Hwy 29, then along VA Hwy 29 to junction VA Hwy 7, then along VA Hwy 7 to the Potomac River. Petitioner also holds motor *common carrier* Certificate in MC–107515 Sub 917G, issued July 23, 1975, authorizing transportation over irregular routes, the transportation of *foodstuffs,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Cook, DuPage, Lake and Will Counties, IL, and Lake County, IN, to points in VA and OH, Memphis, TN, and Charleston and Parkersburg, WV. By the instant petition, petitioner seeks to modify the above certificates and E-letter notice by deleting the requirement that the transportation authorized be performed "in mechanically-refrigerated equipment".

MC 123274 (M1F), notice of filing of petition to modify the certificate, filed October 8, 1979. Petitioner: MARSHALL SERVICE, INC., Pearl St., Newfield, NJ 08344. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds *common carrier* authority in MC–123274, served January 16, 1961, which authorizes, over irregular routes, the transportation of (1) *benzol and petroleum products,* in tank vehicles, (a) between Philadelphia, Marcus Hook and Chester, PA, Paulsboro, NJ, and Claymont, DE, on the one hand, and, on the other, Baltimore, MD, Wilmington, DE, Frenchtown, and Phillipsburg, NJ, and points in NJ on and south of NJ Hwy 33, and (b) between Sewaren, Bayonne, Carteret, Bayway, and Paulsboro, NJ, and Claymont, DE, on the one hand, and, on the other, points in that part of PA on and south of a line beginning at the Delaware Water Gap, PA, and extending along U.S. Hwy 611 to Stroudsburg, PA, and then along U.S. Hwy 209 to Millersburg, PA, and on and east of a line beginning at Millersburg, PA, and extending west to a point directly across the Susquehanna River on U.S. Hwy 15, then south along U.S. Hwy 15 to Harrisburg, PA, and then along U.S. Hwy 111 to the PA–MD State line; and (2) *petroleum lubricating oil,* in bulk, in tank vehicles, from Marcus Hook and Philadelphia, PA, to points in that part of NY east and south of a line beginning at Port Jervis, NY, and extending north along NY Hwy 42 to Woodbourne, NY, then east along NY Hwy 52 via Newburgh, Beacon and Stormville, NY, to Carmel, NY, and then along U.S. Hwy 6 to the NY–CT State line, and points in that part of CT south of U.S. Hwy 6 and west of CT Hwy 25, including points on the indicated portions of the highways specified, to Bridgeport, CT. The separate authorities contained in MC–123274 shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service. By the instant petition, petitioner seeks to modify the entire certificate to read: *"Benzol and petroleum products,* in tank vehicles, between Philadelphia, PA, Bayonne, and Sewaren, NJ, on the one hand, and, on the other, points in NJ, PA, MD, CT, NY, and DE."

MC 136023 Sub-1 (M1F) (Notice of filing of petition to modify permit), filed August 20, 1979. Petitioner: CIRCLE S TRUCKING, INC., 1308 SW. Gamma Court, Pendleton, OR 97801. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Petitioner holds a motor *contract carrier* permit in MC–136023 Sub 1, issued April 2, 1976, to operate over irregular routes, in interstate or foreign commerce, transporting *wood residuals,* from the facilities of Blue Mountain Forest Products in points in Grand and Umatilla Counties, OR, to points in Walla Walla County, WA, with no transportation for compensation on return except as otherwise authorized, under continuing contract(s) with Blue Mountain Products Company of Long Creek, OR. By the instant petition, petitioner seeks to add Boise Cascade Corporation as an additional contract shipper.

MC 136109 (M1F) (Notice of filing of petition to modify permit), filed February 5, 1980. Petitioner: HETEM BROS., INC., 601 Commerce Road, Linden, NJ 07036. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Petitioner holds motor *contract* carrier permit in MC–136109 Sub 1 issued August 3, 1979, authorizing transportation over irregular routes, of *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Exxon Chemical Company, U.S.A., an operating division of Exxon Chemical Company, a division of Exxon Corp., located at or near Bayonne, Carteret, and Linden, NJ, to points in CT, NJ, DE, MD, and those points in that part of NY on, south, and east of a line beginning at the Massachusetts-New York State line, then east along New York State Hwy 7 to its junction with Interstate Hwy 87, then northerly over Interstate Hwy 87 to Saratoga Springs, NY, then west along New York State Hwy 29 to Gloversville, NY, then south along New York State Hwy 30A to junction with New York State Hwy 7, then south and west along New York State Hwy 7 to Binghamton, NY, then south along U.S. Hwy 11 to the New York-Pennsylvania State line, and that part of PA on and east of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Hwy 11 to Harrisburg, PA, then south along Interstate Hwy 83 to the Pennsylvania-Maryland State line, under continuing contract(s) with Exxon Chemical Company, U.S.A., an operating Division of Exxon Chemical Company, a division of Exxon Corp. By the instant petition, petitioner seeks to modify the Permit by adding to the destination points those portions of NY and PA not included in the present permit, and points, in ME, MA, NH, RI, VT, VA, WV, OH, and DC.

MC 140375 (Sub-M1F), Notice of filing of petition to modity the territorial description, filed September 26, 1979. Petitioner: JANSEN TRANSPORTATION CO., INC., 13327 E. Temple Ave., La Puente, CA 91746. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Petitioner holds a motor *contract carrier* permit in MC 140375, issued February 23, 1978, authorizing transportation over irregular routes of: *Corrugated containers,* from the facilities of Fruit Growers Supply Company in the City of Industry, CA to points in Yuma County, AZ, restricted to service performed under contract with said shipper: Petitioner seeks to change the origin point from City of Industry, CA to Ontario, CA by reason of the pending change of the shipping facility of shipper, and to add Maricopa County, AZ so that the Permit, as modified but subject to the same restriction, will read: "From the facilities of the Fruit Growers Supply Company in the City of Ontario, CA, to points in Maricopa and Yuma Counties, AZ."

MC 14314 (Sub-M1F), filed May 22, 1979. Republication of the notice of filing of petition to modity the certificate, previously noticed in the **Federal Register** issue of October 31, 1979. Petitioner: DUFF TRUCK LINE, INC., Broadway & Vine Streets, P.O. Box 359, Lima, OH 45802. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Petitioner holds a *common carrier* certificate in MC 14314 (Sub-20), issued April 22, 1977, authorizing transportation, as pertinent, over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk, and commodities which require special equipment), (1) between Evansville, IN, and Greenville, KY, serving all intermediate points (except points between Evansville, IN, and Anthoston, KY): from Evansville over U.S. Hwy 41 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Greenville, and return over the same route; (2) between junction U.S. Hwys 41 and 62 and Princeton, KY, serving all intermediate points: from junction U.S. Hwys 41 and 62 over U.S. Hwy 62 to Princeton, and return over the same route; (3) between Princeton, KY, and Evansville, IN, for operating convenience only, serving no intermediate points: from Princeton over KY Hwy 293 to Providence, KY, then over KY Hwy 120 to junction alternate U.S. Hwy 41, then over alternate U.S. Hwy 41 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 41 then over U.S. Hwy 41 to Evansville, and return over the same route. Restriction: Service authorized under the commodity description immediately above is subject to the following conditions: (a) Said operations are restricted against the handling of traffic originating at or destined to points east of the OH–PA state line, east of the OH–WV state line, east of the KY–WV state line, east of the KY–VA state line, and north of the VA–NC state line; and (b) Service at Dawson Springs, Madisonville, and Princeton, KY, and their respective commercial zones, as defined by the Commission is restricted against the handling of traffic originating at, destined to, or interchanged at Evansville, IN, or Louisville, KY, and their respective commercial zones, as defined by the Commission. By the instant petition, petitioner seeks to (A) remove the following restrictions: (i) in paragraph (1) above, delete "(except points between Evansville, IN, and Anthoston, KY)", and (ii) delete both parts, (a) and (b), of the above-stated restriction, and (B) serve Providence, KY as an off-route point in connection with its authorized regular route operations.

Note.—This republication indicates the correct docket number and adds (B) above.

Republications of Grants of Operating Rights Authority Prior to Certification—Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before May 1, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's

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representative, or carrier if no representative is named.

MC 142559 (Sub-76F), (Republication), filed December 13, 1978, published in the Federal Register issue of February 1, 1979, and republished this issue. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. A decision of the Commission, Review Board Number 2, decided October 18, 1979, and served November 1, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *scales, power transmission machinery, motors, motor controllers, elevators, escalators, food processing equipment, and telecommunications equipment*, and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), (a) between Cleveland, OH, and Lawrenceburg, KY, on the one hand, and, on the other, Mishawaka, IN, Greenville and Spartanburg, SC, and Rogersville, TN, and points in CA, GA, KS, ME, NE, NV, NJ, NY, NC, OR, PA, TX, and WA, (b) from Mishawaka, IN, to Greenville, SC, and (c) from Columbiana, OH, to points in GA; restricted against the transportation of commodities which because of size or weight require the use of special equipment, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Permanent Authority Decisions—Decision-Notice

Substitution Applications—Single-Line Service for Existing Joint-Line Service

Decided: March 18, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 1, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 1, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before May 1, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 8771 (Sub-52F), filed May 25, 1979, and previously noticed in Federal Register issue of November 27, 1979. Applicant: SAW MILL SUPPLY, INC., 101 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, machinery parts, contractor's equipment, commodities which because of size and weight require the use of special equipment*, and *self-propelled vehicles* weighing more than 15,000 pounds each, from points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, VA, VT, and DC, to points in AL, AR, AZ, CA, FL, GA, IL, IN, KS, KY, LA, MI, MO, MS, NC, NM, OH, OK, SC, TN, TX, WI, and WV.

Note.—This republication shows NM as a destination State in lieu of MN. Also this application is to substitute single-line for joint-line service. (Hearing site: Washington, DC.)

MC 71652 (Sub-44F), filed February 20, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, 4669 Crater Lake Hwy, Medford, OR 97501. Representative: David J. Stewart (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic sheet* and *articles used with or in the installations of plastic sheet*, from the facilities of Reichhold Chemical Corporation, at or near San Diego, CA, to points in OR and WA.

Note.—The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Medford, OR, or San Diego, CA.)

MC 143483 (Sub-3F), filed January 28, 1980. Applicant: QUIK-HAUL, INC., P.O. Box 699, League City, TX 77573. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipeline, including the stringing and picking up thereof, between points in TX, on the one hand, and, on the other, points in LA. (Hearing site: Houston or Dallas, TX.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Permanent Authority Decisions; Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 17, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 1, 1980.

Petitions for intervention without leave (i.e., automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replace (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in resonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 1, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United Stated Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before May 1, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Hill, and Fortier.

MC 130775F, filed January 22, 1980. Applicant: SCENIC TRAVEL, INC. Box 453, Byron, MN 55920. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To engage in operations, in interstate or foreign commerce, as a *broker*, at Byron, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Goodhue, Wabasha, Dodge, and Olmsted Counties, MN, and extending to points in the United States (including AK but excluding HI.) (Hearing site: Minneapolis, MN.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc.*,

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Extension—New York, N.Y., 54 M.C.C. 291 (1952).

MC 130784F, filed December 27, 1979. Applicant: COSMOPOLITAN TRAVEL SERVICE, INC., P.O. Box 489, Waynesboro, VA 22980. Representative: John Downing, 1000—16th St., NW, Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a *broker*, at Waynesboro and Staunton, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at Waynesboro, VA, and extending to points in the United States (including AK but excluding HI.) (Hearing site: Waynesboro or Charlottesville, VA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Touck Tours, Inc., Extension*—New York, N.Y., 54 M.C.C. 291 (1952).

MC 130792F, filed January 14, 1980. Applicant: PANDA TOURS, INC., 486 Colonial Ave., Union, NJ 07083. Representative: Charles K. Kurebanas, 622 Bloomfield Ave, Bloomfield, NJ 07003. To engage in operations, in interstate or foreign commerce, as a *broker* at Union, NJ, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in NY and NJ, and extending to points in the United States (excluding AK and HI.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.*, 54 M.C.C. 291 (1952).

Permanent Property Broker Authority Decisions; Decision-Notice

Decided: March 17, 1980.

The following applications are governed by 49 CFR 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (except household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 FR 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission on or before May 1, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or latter which will be served on each party of record.

Findings:

With the exception of those applications involving duly noted problems e.g., unresolved fitness questions), we find, preliminarily, that each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Hill, and Fortier.

MC 130744F, filed December 14, 1979. Applicant's name and address are MURPHY WAREHOUSE COMPANY, 701 24th Ave., SE, Minneapolis, MN 55414. The name under which operations will be performed is Murphy Warehouse Company. Applicant is represented by Andrew R. Clark in this proceeding whose address is 1000 First National Bank Bldg., Minneapolis, MN 55402. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal holders, with their appropriate titles: Richard T. Murphy, President and Treasurer, 701 24th ave., SE, Minneapolis, MN 55414, John Solum, Executive Vice President, and Lynn F. Ehlers, Secretary. All of the officers have the same address as the president. The principal shareholders are Richard T. Murphy and Edward L. Murphy, Jr. The daily operations will be managed by John Solum whose business address is the same as the president's. Applicant is affiliated with the following shipper or warehouse: N/A.

MC 130765F, filed December 20, 1979. Applicant's name and address are MICHAEL L. RICHMOND, 2209A Lakeside Dr., Bannockburn, IL, 60015. The name under which operations will be performed is Richmond Transportation Services, Inc. Applicant is represented himself. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Michael L. Richmond, President and Treasurer, and Judith C. Richmond, Vice President and Secretary, and Richard A. Giangiorgi, Director. All have the same address as the applicant. Michael L. Richmond is the sole shareholder. The daily operations will be managed by Michael L. Richmond, whose business address is the same as the applicant's. Applicant is affiliated with the following shipper or warehouse: N/A.

MC 130774F, filed January 24, 1980. Applicant's name and address are DISTRIBUTION SERVICES, INC., 300 Ivywood Ave., Haddonfield, NJ, 08033. The name under which operations will be performed is Distribution Services, Inc. Applicant is represented by Robert B. Einhorn, in this proceeding whose address is 3220 P.S.F.S. Building, 12 South 12th St., Philadelphia, PA, 19107. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Thomas L. Viguers, Jr., Director and President, and principal shareholder, 300 Ivywood Ave., Haddonfield, NJ 08033, and William J. Farrell, Jr., Director and Secretary/Treasurer, and principal shareholder, 1517 Plymouth Blvd., Norristown, PA, 19401. The daily operations will be managed by Thomas L. Viguers, Jr., whose address is stated above. Applicant is affiliated with the following shipper or warehouse: None.

MC 130793F, filed February 25, 1980. Applicant's name and address are TRUCKERS EXCHANGE, INC., I 20 & 49 Truck Plaza, P.O. Box 5809, Jackson, MS 39208. The name under which operations will be performed is TRUCKERS EXCHANGE, INC. Applicant is represented by Guy L. Britt in this proceeding whose address is P.O. Box 1896, 2027 W. Memorial Boulevard, Lakeland, FL 33802. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Wayne W. Miller, President and shareholder, and Shirley W. Miller, Secretary-Treasury and shareholder. The business address of the above officers and shareholders is I 20 & 49 Truck Plaza, Jackson, MS 39208. The daily operations will be managed by Hector M. Hinjos, Ron Casey, Robert Haliburton, Guy L. Britt, Robert E. Phebus, and Jim Gordon, whose business addresses are Border Produce Terminal, P.O. Box 2252, Nogales, AZ 85621, 11C Pointer Trail, P.O. Box 1271, Van Buren, AR 72956, 195 E. Valley Blvd., Rialto, CA 92376, 2027 W. Memorial Blvd., Lakeland, FL 33802, I 29 & 49 Truck Plaza, Jackson, MS 39208, and 707 Truck Plaza, Blue Springs, MO 64015. Applicant is affiliated with the following shipper or warehouse: none.

MC 130795F, filed February 25, 1980. Applicant's name and address are WEST COAST DISTRIBUTING CO., INC., 2100 Alaskan Way, Seattle, WA 98121. The name under which operations will be performed is West Coast Distributing Co., Inc. Applicant is represented by Virginia Collman in this proceeding whose address is 539 No. 170th Place, Seattle, WA 98133. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Harry Collman, Director and President, 539 N. 170th Place, Seattle, WA 98133, Harry Giltner, Director and Vice President, 628 Giltner Lane, Edmonds, WA, 98020 and Virginia Collman, Director and Secretary Treasurer, whose address is stated in the second paragraph. The daily operations will be managed by Virginia Collman, whose business address is the same as the applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130808F, filed December 28, 1979. Applicant's name and address are L & D ASSOCIATED, INC., 41 Heatherwood Dr., R.R. #5, Lockport, IL 60441. The name under which operations will be performed is L & D ASSOCIATES, INC. Applicant is represented by Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 in this proceeding. The following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donald W. Blary, President, sole director and sole shareholder, same address as applicant, Nancy L. Blary, Secretary, same address as applicant. The daily operations will be managed by Donald W. Blary, same address as applicant. Applicant is not affiliated with any shipper or warehouse.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 11, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 104896 (Sub-E3), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Glass bottles*, from Salem and Cumberland Counties, NJ, to points in NY bounded by a line beginning at the NY-PA State line extending along NY Hwy 16 to junction NY Hwy 39, then along NY Hwy 39 to junction NY Hwy 98, then along NY Hwy 98 to junction NY Hwy 18, then along NY Hwy 18 to the NY State line. (Gateway eliminated: Brockway, PA.)

MC 104896 (Sub-E6), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Prepared food products* (A) between points in MD on and west of US Hwy 81, on the one hand, and, on the other, Clearfield, St. Marys, and Smethport, PA, and points in PA north of US Hwy 422 and west of US Hwy 219. (B) between points in MD east of US Hwy 81, on the one hand, and, on the other, points in PA on and north of US Hwy 422, and on and west of US Hwy 219. (Gateway eliminated: Ebensburg, PA.)

MC 104896 (Sub-E7), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Plastic containers*, from New Castle, PA, to points in NJ, and points in NY on and east of a line beginning at the NY–PA State line extending along NY Hwy 16 to junction NY Hwy 39, then along NY Hwy 39 to junction NY Hwy 98, then along NY Hwy 98 to junction NY Hwy 18, then along NY Hwy 18 to Lake Ontario. (Gateway eliminated: Brockway, PA.)

MC 104896 (Sub-E8), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Glass products* (except flat glass), from Cumberland, MD, and Keyser, WV, to points in the Lower Peninsula of MI. (Gateway eliminated: Washington, PA.)

MC 104896 (Sub-E9), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Glass containers and closures*, from Zanesville, OH, to points in ME, NH, VT, MA, CT, RI, NJ, and points in NY east of a line beginning at Oswego extending along NY Hwy 57 to Syracuse, then along U.S. Hwy 11 to the PA–NY State line. (Gateway eliminated: points in PA.)

MC 104896 (Sub-E10), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Glass bottles*, (A) from Cumberland, MD, and Keyser, WV, to points in NY on and west of a line beginning at the NY–PA State line extending along NY Hwy 19 to junction NY Hwy 17, then along NY Hwy 17 to junction NY Hwy 21, then along NY Hwy 21 to junction NY Hwy 70, then along NY Hwy 70 to junction NY Hwy 15, then along NY Hwy 15 to junction NY Hwy 54, then along NY Hwy 54 to junction NY Hwy 14, then along NY Hwy 14 to junction U.S. Hwy 104, then along U.S. Hwy 104 to Lake Ontario. (B) from points in NJ on and north of a line beginning at Camden extending along NJ Hwy 38 to junction NJ Hwy 37, then along NJ Hwy 37 to the Atlantic Ocean, and points to NY on and west of a line

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beginning at the NY–PA State line extending along NY Hwy 7 to junction NY Hwy 12, then along NY Hwy 12 to junction NY Hwy 49, then along NY Hwy 49 to Oswego, NY, to Pittsburgh, PA. (Gateway eliminated: Brockway, PA.)

MC 104896 (Sub-E11), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). (A) *Glass products, closers and rubber rings* for glass containers, and *wooden and paper cases and labels,* for use in connection with the sale and distribution of glass products, from Glenshaw and Pittsburgh, PA, to Bloomington, Chicago, Evanston, and Peoria, IL; Indianapolis and Lawrenceburg, IN; Covington, Latonia and Lexington, KY; and points in MD bounded by a line beginning at the PA–MD State line extending along U.S. Hwy 83 to junction U.S. Hwy 95, then along U.S. Hwy 95 to the District of Columbia, and west of U.S. Hwy 522; Lower Peninsula of MI; NJ; points in NY east of a line beginning at the NY–PA State line extending along U.S. Hwy 11 to junction NY Hwy 57, then along NY Hwy 57 to Oswego; points in OH west of a line beginning at Marietta extending along U.S. Hwy 77 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction OH Hwy 146, then along OH Hwy 146 to junction OH Hwy 586, then along OH Hwy 586 to junction OH Hwy 13, then along OH Hwy 13 to junction U.S. Hwy 250, then along U.S. Hwy 250 to Sandusky; points in VA west and north of a line beginning at the NC–VA State line extending along U.S. Hwy 29 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 360, then along U.S. Hwy 360 to the Chesapeake Bay; and points in WV. (B) *Glass products, closers and rubber* rings for glass containers, and *wooden and paper cases and labels,* for use in connection with the sale and distribution of glass products, from Glenshaw and Pittsburgh, PA, to points in DE, ME, NH, VT, MA, CT, RI, WV, points in NY on and east of a line beginning at Oswego extending along NY Hwy 57 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the NY–PA State line. (Gateways eliminated: Pittsburgh and Washington, PA.)

MC 104896 (Sub-E13), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). *Canned goods and frozen foods,* (A) from points in Erie, Genesee, Monroe, Niagara, and Orleans Counties, NY, to points in MD and WV bounded by a line beginning at Hancock, MD, extending along US Hwy 522 to junction US Hwy 50, then along US Hwy 50 to junction US Hwy 19, then along US Hwy 19 to the PA State line. (B) from points in NY (except those counties named in (A) above) on and west of a line beginning at Oswego extending along NY Hwy 57 to Syracuse, then along NY Hwy 5 to junction NY Hwy 20, then along NY Hwy 20 to junction US Hwy Alt. 20, then along US Hwy Alt. 20 to junction US Hwy 15; then along US Hwy 15 to junction NY Hwy 401, then along NY Hwy 401 to junction NY Hwy 36, then along NY Hwy 36 to junction NY Hwy 21, then along NY Hwy 21 to junction NY Hwy 17, then along NY Hwy 17 to Ceres; points in WV on west and north of a line beginning at the WV–PA State line extending along WV Hwy 28 to junction US Hwy 50, then along US Hwy 50 to junction US Hwy 19, then along US Hwy 19 to junction WV Hwy 7, then along WV Hwy 7 to the PA State line. (Gateways eliminated: Altoona, Bedford, Ebensburg, Indiana, Kittanning, and Butler, PA.)

MC 104896 (Sub-E14), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). (A) *Glass products, and supplies and equipment* used or useful in the production and sale of such products (except bulk raw materials), between Evanston and Peoria, IL, Indianapolis, IN, Covington, KY, Zanesville, OH, and Washington, PA, on the one hand, and, on the other, points in NY, ME, NH, VT, MA, CT and RI. (B) *Plate glass, window glass and wire glass,* from Butler, Dunbar, Floreffe and New Kensington, PA, to points in DE (except Dover and Wilmington); NJ; NY; ME; NH; VT; MD (except Baltimore); MA; CT; RI; DC; Chicago, Peoria, Evanston and Bloomington, IL; Indianapolis, IN; points in OH north and west of a line created by connecting US Hwy 40, 22 and 23; WV north and west of US Hwys 19 and 50; Latonia, KY; and VA north and west of US Hwys 29, 60 and 360. (C) *Glass bottles,* from Chicago, Peoria, Evanston, IL; Indianapolis, IN; and points in OH on and north of US Hwys 71 and 70, to points in ME; NH; VT; MA; CT; RI; DE; and MD. (Gateways eliminated: (A) New Castle, Oil City, Kane, Brockway, Washington or Pittsburgh, PA; (B) Washington, PA; and (C) Brockway, New Castle or Washington, PA.)

MC 104896 (Sub-E15), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). (A) *Canned and preserved foodstuffs,* from Pittsburgh, PA, to points in NJ; MD; Albany, Schenectady and Troy, NY; points in NY on and west of a line beginning at the NY–PA State line extending along I Hwy 81 to junction NY Hwy 12, then along NY Hwy 12 to the St. Lawrence River. (Gateway eliminated: facilities of H.J. Heinz Company at Pittsburgh, PA) (B) *Food products* in containers from Dayton, Marysville, Medina, Orrville and Salem, OH, to points in MD east of US Hwy 40; points in PA bounded by a line beginning at the PA–MD State line extending along US Hwy 219 to junction US Hwy 422, then along Hwy 422 to junction PA Hwy 8, then along PA Hwy 8 to junction US Hwy 62, then along US Hwy 62 to junction PA Hwy 257, then along PA Hwy 257 to junction US Hwy 322, then along US Hwy 322 to junction PA Hwy 66, then along PA Hwy 66 to junction PA Hwy 321, then along PA Hwy 321 to junction US Hwy 219, then along US Hwy 219 to junction PA Hwy 255, then along PA Hwy 255 to junction PA Hwy 120, then along PA Hwy 120 to junction US Hwy 220, then along US Hwy 220 to junction PA Hwy 144, then along PA Hwy 144 to junction US Hwy 322, then along US Hwy 322 to junction US Hwy 522, then along US Hwy 522 to junction US Hwy 15, then along US Hwy 15 to junction PA Hwy 35, then along PA Hwy 35 to junction US Hwy 522, then along US Hwy 522 to the MD–PA State line; and points in NJ. (Gateway eliminated: New Castle, Pittsburgh, or Washington, PA.)

MC 104896 (Sub-E16), filed June 4, 1974. Applicant: WOMELDORF, INC., P.O. Box G, Knox, PA 16232. Representative: Robert L. Womeldorf (same as above). (1)(a) *Plate glass* from Clarksburg, WV, to points in MA, RI, and CT and (b) *glass* from Clarksburg, WV, to points in ME, NH, and VT. (2) *Glass containers,* from Clarksburg, WV, to points in CT, ME, MA, NH, RI, and VT. (Gateways eliminated: (1) Cumberland, MD, Washington, PA. (2) Brockway and Washington, PA.)

MC 124211 (Sub-E123), filed September 7, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). *Junk and scrap meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) between points in NE on, east and north of a line beginning at the IA-NE State line extending along US Hwy 275 to junction US Hwy 30, then along US Hwy 30 to junction NE Hwy 15, then along NE Hwy 15 to junction US Hwy 275, then along US Hwy 275 to junction US Hwy 81, then along US Hwy 81 to the NE-SD State line, on the one hand, and, on the other, points in the US on and south of US Hwy 60, and (b) between points in NE on and north of US Hwy 34, on the one hand, and, on the other, points in the US on and south of US Hwy 60 and east of the western boundaries of KY, TN and MS. (Gateway eliminated: points in NE in the Council Bluffs, IA, commercial zone.)

MC 124211 (Sub-E124), filed September 7, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). *Junk and scrap meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) between points in CA on and south of US Hwy 60, on the one hand, and, on the other, points in ME, NH, NC, SC, and VT (Points in NE in the Council Bluffs, IA, commercial zone*); (b) between points in CA on and south of US Hwy 60 (except points in Imperial County), on the one hand, and, on the other, points in the US on, east and north of an imaginary line beginning at the US-CD Boundary line extending along US Hwy 281 to Topeka, KS, then to Savannah, GA, restricted against the transportation of scrap meats (points in NE in the Council Bluffs, IA, commercial zone); and (c) from points in CA on and south of US Hwy 60 (except points in Imperial County), to points in IL, IN, IA, MI, MN, OH, and WI (points in Ne in the Council Bluffs, IA, commercial zone, and points in Saunders County, NE*). (Gateways eliminated: asterisked.)

MC 125777 (Sub-E8), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gray, IN 46403. Representative: J. S. Gray, Jr. (same as above). *Scrap metal,* in dump vehicles, between points in MT, WY, CO, AZ, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, IL, KY (except Marshall County), VA, TN, NC, SC, GA, AL, MS, and FL. (Gateways eliminated: points in KY, IL, IA, MO.)

MC 125777 (Sub-E14) (correction), filed June 4, 1974, published in the **Federal Register** June 13, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gray, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). *Haydite, materialite, shale and cinders,* in bulk, in dump trucks, from Brooklyn, IN, to points in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, Berrian, and Wayne Counties, MI. (The purpose of this filing is to eliminate the gateway of Ft. Wayne, and Michigan City, IN.) (Purpose of republication: correct destination points.)

MC 125777 (Sub-E15), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gray, IN 46403. Representative: J. S. Gray, Jr. (same as above). *Lime and limestone products,* from Thornton, IL, to points in PA and NY. (Gateway eliminated: River Rouge, MI.)

MC 125777 (Sub-E23), filed June 4, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gray, IN 46403. Representative: J. S. Gray, Jr. (same as above). *Stone, marble, granite and gravel,* in bulk, in dump vehicles, from points in WI, MN, IA, SD, ND, NE, CO, WY, MT, AZ and UT, to points in IN. (Gateways eliminated: Champaign and Chicago, IL.)

MC 125777 (Sub-E25), filed June 4, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gray, IN 46403. Representative: J. S. Gray, Jr. (same as above). *Stone, marble, granite and gravel,* in bulk, in dump vehicles, from points in WI, MN, IA, SD, ND, NE, WY, MT and UT to points in FL. (Gateways eliminated: Champaign and Chicago, IL.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9774 Filed 3-31-80; 8:45 am]
BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

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In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before May 1, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC F–14221F, filed November 19, 1979. MCCARTY TRUCK LINE, INC. (McCarty) (17th & Harris Avenue, Trenton, MO 64683)–Purchase (Portion)–NEBRASKA IOWA MISSOURI EXPRESS, INC. (Nebraska) (1501 Norton, Trenton, MO 64683) and KRUSE TRANSPORTATION CO., INC. (Kruse) (712 Washington Street, Chillicothe, MO 64601). James M. McCarty, who controls McCarty through majority of stock ownership, also acquiring control. Representative: James M. McCarty, 17th & Harris Avenue, Trenton, MO 64683. McCarty is purchasing the operating rights of (1) Nebraska evidenced by a Certificate of Public Convenience and necessity in MC 139003 authorizing the transportation as a common carrier over irregular routes, in interstate or foreign commerce of *general commodities* (usual exceptions), between points in Buchanan County, MO, on the one hand, and, on the other, points in MO on and north of U.S. Hwy 36 and on and west of U.S. Hwy 69, those points in IA on and south of IA Hwy 2 and on and east of U.S. Hwy 69, and Nebraska City, NE, and (2) Kruse evidenced by a Certificate of Registration issued in MC 121586, issued by the Nebraska State Railway Commission, in M–11501, issued May 19, 1965, authorizing the transportation as a motor common carrier of *general commodities* (except those of unusual value), over irregular routes, from points within a 25-mile radius of Waterloo, NE, to and from Omaha, NE, and occasionally to various points within a 150 mile radius of Waterloo, NE. Also from Yutan and vicinity to and from Omaha, operations limited to and from various points within a 50 mile radius of Yutan. McCarty is authorized to operate as a motor common carrier pursuant to certificate in No. MC 1263 and subs thereunder.

Notes.—(1) Application has been filed for temporary authority under 49 U.S.C. 11349. (2) A directly related application seeking a conversion of the Certificate of Registration in MC 121586 into a Certificate of Public Convenience and Necessity has been filed in No. MC 1263 (Sub-34F), published in this same Federal Register issue. (3) A directly related application seeking elimination of a gateway, joinder point would be Nebraska City, NE, has been filed in MC 1263 (Sub-35F), published in this same Federal Register issue. (4) An additional $700 filing fee will be required. The two applications will be handled on a consolidated basis. MC F–14332 will be assigned to McCarty Truck Line, Inc.,–Purchase (Portion)–Kruse Transportation. (5) These cases will be handled with MC F–14162 and 14196. (Hearing site: Kansas City, MO.)

MC F–14275F, filed December 21, 1979. U.S. BUS, INC. (U.S. Bus) (95 State Street, Springfield, MA 01103)—PURCHASE (PORTION)—GREYHOUND LINES, INC. (Greyhound) (Greyhound Tower, Phoenix, AZ 85077). Representatives: Owen B. Katzman, 1800 M Street, NW, Suite 800 South, Washington, DC 20036, and L. C. Major, Jr., 6121 Lincolnia Road, Suite 400, Overlook Bldg., Alexandria, VA 22312. U.S. Bus seeks to purchase a portion of the interstate operating rights and property of Greyhound. Louis Gautier (4 Weymouth Road, Enfield, CT 06082), Louis Magnano (602 North Barry Street, Olean, NY 14760), and Peter Picknelly (1776 Main Street, Springfield, MA 01103), who control U.S. Bus through equal stock ownership, seek to acquire control of said rights and property through the transaction. Operating rights sought to be purchased are contained (A) in Certificate MC 1501 (Sub-92) (renumbered MC 1515 (Sub-8) but not yet reissued) and authorize the transportation as a motor common carrier, over regular routes, of *passengers and their baggage* and *express newspapers*, and *mail* in the same vehicle with passengers, (1) between Baltimore, MD, and Washington, DC over U.S. Hwy 1, serving all intermediate points, subject to the following restriction: No traffic shall be transported which moves over the entire length of the route between Baltimore and Washington; and (2) between Baltimore, MD and junction U.S. Hwy 1 and Alternate U.S. Hwy 1, near Cedar Heights, MD, serving all intermediate points: From Baltimore, MD, over new U.S. Hwy 1 to junction Alternate U.S. Hwy 1, near Cedar Heights, MD, and return over the same route. Note: The restriction above is presently not part of seller's authority but is to be imposed on the authority being transferred to buyer so as to protect seller's through operations between Baltimore, MD and Washington, DC; and (B) in Certificate No. 1501 (Sub-110) (renumbered MC 1515 (Sub-8) but not yet reissued), and authorize the transportation as a motor common carrier, over regular routes, of *passengers and their baggage* and *express, mail, and newspapers* in the same vehicle with passengers, between Frederick, MD and Washington, DC, serving all intermediate points: From Frederick, MD over U.S Hwy 240 to junction MD Hwy 355 (formerly Alternate U.S. Hwy 240), thence over MD Hwy 355 to junction U.S. Hwy 240, and thence over U.S. Hwy 240 to Washington, and return over the same route. Note: Because of a redesignation of a portion of the above-described route, notice of which seller furnished the Interstate Commerce Commission on October 16, 1975 and copy of which is attached, the above described authority, when purchased by and transferred to buyer, should be corrected to read as follows: Between Frederick, MD and Washington, DC serving all intermediate points: From Frederick, MD over MD Hwy 355 to Washington, DC and return over the same route. Louis Magnano controls Blue Bird Coach Lines, Inc., a motor common carrier pursuant to MC 108531 and sub-numbers thereunder, and Blue Bird Cab Co., Inc., a motor contract carrier pursuant to MC 117633 and sub-numbers thereunder. Peter Picknelly controls Peter Pan Bus Lines, Inc., a motor common carrier pursuant to MC 61016 and sub-numbers thereunder, and Springfield School Bus Co., Inc., a motor common carrier pursuant to MC 147777 and sub-numbers thereunder. Also, as Trustee of the Estate of Peter Picknelly, Sr., he has control of Peter Pan World Travel, Inc., which is a broker pursuant to authority in MC 130223. Condition: Authorization and approval of this transaction is conditioned upon the modification of Greyhound's retained certificate in MC 1501 (Sub-92), issued July 16, 1956, at page 17, as follows: (1) between Laurel, MD, and the junction of MD Hwy 198 (formerly MD Hwy 602) and the Baltimore-Washington Expressway, over MD Hwy 198; and (2) between Laurel, MD, and the junction MD Hwy 197 and Baltimore-Washington Expressway, over MD Hwy 197, restricted in (1) and (2) above against the transportation of traffic which originates at Laurel, MD, on the one hand, and is destined to Washington, DC, or Baltimore, MD, on the other. (Hearing site: Washington, DC.)

Notes.—(1) Application for temporary authority has been filed. (2) There are two directly related extension applications filed, one by U.S. Bus, Inc., in MC 149076F, and one by Greyhound Lines, Inc., in MC 1515 (Sub-286F), both published in this same Federal Register issue. (3) Dual operations may be involved.

MC F–14316F, filed February 11, 1980. SHEANS FREIGHT LINES, INC. (Sheans) (75 Locust St., Medford, MA 02155)—PURCHASE—KALEEL's EXPRESS, INC., (Kaleel) (North Haven, CT 06473). Representative: For Transferee—Joseph M. Klements, 84 State Street, Boston, MA 02109. For Transferor—Thomas W. Murrett, 342 No. Main Street, W. Hartford, CT 06117. Sheans seeks to purchase a portion of the operating rights to Kaleel. Frank S. Ingrassia who controls Sheans through ownership of all capital stock, seeks to acquire control of said rights through this transaction. The interstate operating rights to be acquired by Sheans are contained in Kaleel's certificate of registration, MC 56819 (Sub-1) which authorizes the transportation of *general commodities* (other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment) for hire as a motor common carrier over regular routes within Connecticut as follows: Route 1: Between Winchester and New Haven, via Torrington, Thomaston and Waterbury. Serving: Winchester, Torrington, Thomaston, Waterbury, Hamden, East Haven, West Haven and New Haven. Restriction: No freight destined for New Haven, East Haven, West Haven and Hamden will be picked up in Waterbury and no freight destined for Waterbury will be picked up in New Haven, East Haven, West Haven and Hamden. Route 2: Between North Canaan and Waterbury, via New Hartford, Farmington and Plymouth, via Cornwall, Litchfield and Watertown and via Torrington. Serving: North Canaan, Norfolk, Colebrook, Riverton, Winchester, New Hartford, Canton, Burlington, Farmington, Plymouth, Salisbury, Sharon, Canaan, Cornwall, Goshen, Litchfield, Watertown, Waterbury, Thomaston and Torrington. Route 3: Between Waterbury and Glastonbury, via Southington, Meriden, Berlin, Middletown and Hartford and via Thomaston, New Britian and Newington. Serving: Southington, Meriden, Berlin, Middletown, Rocky Hill, Hartford, East Hartford, Glastonbury, Waterbury, Plymouth, Thomaston, Bristol, Plainville, New Britain, Newington and West Hartford. Route 4: Between Waterbury and Litchfield via Watertown and via Woodbury. Serving: Watertown, and Woodbury. General commodities (other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment) for hire as a motor common carrier from its headquarters in Torrington, and, upon call received at its headquarters, between any points within this state, * * * over such routes and highways within this state as may be necessary in the performance of its common carrier service, subject to such regulations and conditions as the commission may from time to time prescribe with respect to the conduct of its business. Sheans holds authority as a motor common carrier in MC 15936. (Hearing site: Boston, MA, or Hartford, CT.)

Notes.—(1) A directly related conversion application has been filed in MC 15936 (Sub-3F), published in this same Federal Register issue. (2) An application for temporary authority has been filed.

Decided: March 19, 1980

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (Member Taylor dissents in MC F–14275F, stating that the proposed division of rights, and the resulting restriction on the authority sought in the two related proceedings, appear to be designed to minimize competition rather than increase it, which is now the overriding Commission policy. Therefore, applicants in the various proceedings have failed to show that the proposed transfer is consistent with the public interest, or that any need for the new authority exists. There is nothing of record to show why Greyhound should be allowed to discontinue local service to the public on routes over which it proposes to continue to operate.)

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission on or before May 1, 1980 with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after April 1, 1980.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the

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service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 1283 (Sub-34F), filed November 19, 1979. Applicant: McCARTY TRUCK LINES, INC., 17th & Harris Avenue, Trenton, MO 64683. Representative: James M. McCarty (same address as applicant). Conversion of Certificate of Registration No. MC-139003, into a Certificate of Public Convenience and Necessity authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Waterloo, NE, and points within 150 miles of Waterloo, to Omaha, NE, and (2) from Yutan, NE, and points within 50 miles of Yutan to Omaha, NE. (Hearing site: Kansas City, MO.)

Note.—This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14221F, published in this same Federal Register issue.

MC 1283 (Sub-35F), filed November 19, 1979. Applicant: McCARTY TRUCK LINES, INC., 17th & Harris Avenue, Trenton, MO 64683. Representative: James M. McCarty (same address as applicant). To operate as a *common carrier*, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Buchanan County, MO, on the one hand, and, on the other, points within 150 miles of Waterloo, NE. (Hearing site: Kansas City, MO.)

Notes.—(1) The purupose of this application is to eliminate the gateways of Nebraska City, NE, in order to provide a through service. (2) This proceding is directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC F–14221F, published in this same Federal Register issue.

MC 1515 (Sub-286F), filed December 21, 1979. Applicant: GREYHOUND LINES, INC.—Extension, Greyhound Tower, Phoenix, Arizona 85077. Representative: Anthony P. Carr (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Washington, DC, and Rockville, MD, serving no intermediate points, and serving Rockville, MD for purpose of joinder only: From Washington, DC, over MD Hwy 190 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 270 spur, then over Interstate Hwy 270 spur to junction Interstate Hwy 270, then over Interstate Hwy 270 to Rockville, MD, and return over the same route; (2) between Frederick, MD, and junction MD Hwys 85 and 355, just south of Frederick, MD, serving no intermediate points: From Frederick, MD over MD Hwy 355 to junction MD Hwy 85, and return over the same route. (Hearing site: Washington, DC.)

Note.—This application is directly related to the application in Docket No. MC F–14275F whereby U.S. Bus, Inc., is seeking authority to purchase Greyhound's local service operating rights between Washington, DC and Baltimore, MD primarily via U.S. Highway 1 and between Washington, DC and Frederick, MD primarily via Maryland Highway 355 and is required to permit Greyhound to continue to provide overhead service between Washington, DC and Frederick, MD, and to points beyond.

MC 149076F, filed December 21, 1979. Applicant: U.S. BUS, INC., 05 State Street, Suite 909, Springfield, MA 01103—Extension. Representative: Owen B. Katzman, 1800 M. Street, Suite 800 South, Washington, DC 20036. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (a) between Washington, DC, and Laurel, MD, serving all intermediate points, from Washington over the Baltimore-Washington Parkway to its junction with MD Hwy 197, then over MD Hwy 197 to Laurel, and return over the same route; and (b) between junction US Hwy 1 and Interstate Hwy 95 and the junction of Interstate Hwy 95 and the Baltimore-Washington Parkway, over Interstate Hwy 95, subject to the following: The operations authorized in (a) and (b) above are restricted against the transportation of any passenger whose entire ride is between Washington, DC, and Baltimore, MD. (Hearing site: Washington, DC).

Note.—This application is filed in conjunction with Docket No. MC–F–14275F whereby U.S. Bus, Inc., is seeking to purchase the local service operating rights of Greyhound Lines, Inc., between Washington, DC and Baltimore, MD, primarily via U.S. Hwy 1 and between Washington, DC and Frederick, MD, primarily via MD Hwy 355 and the authority applied for is required to permit applicant to continue to provide local commuter services between Washington, DC, and Laurel, MD, while Greyhound retains overhead service beyond the named.

MC 15936 (Sub-3F), filed February 11, 1980. Applicant: SHEANS FREIGHT LINES, INC.—CONVERSION, 75 Locust Street, Medford, MA 02155. Representative: Joseph M. Klements, 84 State Street, Boston, MA 02109. Conversion of Certificate of Registration No. MC–56819 (Sub-No. 1) into a Certificate of Public Convenience and Necessity authorizing the transportation as a common carrier, by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT. (Hearing site: Boston, MA, or Hartford, CT.)

Note.—(1) Applicant only seeks conversion of the irregular route authority. The regular route operations between limited points in CT will be surrendered for cancellation. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC F–14316F, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9776 Filed 3-31-80; 8:45 am]

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[Finance Docket No. 29249]

Genesee and Wyoming Industries, Inc., Control of North Country Railroad Corp.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption:

SUMMARY: Genesee and Wyoming Industries, Inc., (G&W) owns the outstanding stock of Genesee and Wyoming Railroad Company, a class II rail carrier which operates over a 12.2 mile line of track between Griegsville and Caledonia, NY. G&W proposes to become a one-half owner of North Country Railroad Corporation, a newly formed corporation which shall enter into an agreement with St. Lawrence Pulp and Paper Corporation (St. Lawrence) to become designated operator of a line of railroad track running a distance of approximately 20 miles between De Kalb junction and Ogdensburg, NY, pursuant to the provisions of Section 304 of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976. St. Lawrence leases the 20 mile line of track from St. Lawrence County, NY, which in turn leases this track from Penn Central Corporation. Because the proposed transaction thus would give G&W, control of two railroads, it filed a petition on January 24, 1980, for an exemption from 49 U.S.C. 11343 which requires prior consideration and approval of the transaction from the Interstate Commerce Commission. G&W is seeking an exemption from this section under 49 U.S.C. 10505, on the basis that approval of this transaction (1) is not necessary to carry out the national transportation policy; (2) would be an unreasonable burden upon the parties, and (3) would serve little or no useful public purpose.

DATES: Comments must be received on or before: May 1, 1980.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th St. and Constitution Ave., N.W., Washington, D.C. 20423. All written statements will be available for public inspection during regular business hours at the same address. Comments should make reference to the docket number (Finance Docket No. 29249).

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275–7245.

SUPPLEMENTARY INFORMATION: By petition filed January 24, 1980, Genesee and Wyoming Industries, Inc. (G&W), requests an exemption pursuant to 49 U.S.C. 10505 from the provisions of 49 U.S.C. 11343, with respect to its control of North Country Railroad Corporation (N. Co. Rail), a proposed designated operator over a line of railroad track. The involved trackage is leased by St. Lawrence Pulp and Paper Corporation (St. Lawrence) from St. Lawrence County which in turn leases the track from Penn Central Corporation. G&W presently owns the Genesee and Wyoming Railroad Company (GW Rail). This proposed transaction would give G&W control of two railroads. The railroads are located some 200 miles apart in New York State, and combined involved a total of 32.2 miles of lightly used main line tracks.

Over 90 percent of the traffic moved by GW Rail is rock salt. Over 95 percent of the traffic anticipated to be moved by N. Co. Rail will be for St. Lawrence. Accordingly, the two rail operations involved will have different kinds of commodity traffic, as well as very short trackage segments separated by approximately 200 miles.

The Exemption

The acquisition of control of two carriers by a person that is not a carrier requires approval and authority of the Commission under 49 U.S.C. 11343. To seek Commission approval, an application must be filed in compliance with the ICC Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures, 49 C.F.R. Part 1111 (1978). G&W, has requested an exemption from 49 U.S.C. 11343 to avoid the procedural steps, time, and expense required by the statute and implementing regulations. G&W states that the proposed transaction is the type Congress intended the Commission to exempt from detailed regulation when it enacted 49 U.S.C. 10505 in 1976, and that the designated operator provision of section 304(b) of the Regional Rail Reorganization Act of 1973, is a part of that expression.

The petitioner states that prior approval of the transaction is not necessry to protect the public interest and that no useful public purpose would be served by an application under section 11343, because the annual number of carloads involved (only 2,423 carloads anticipated for 1980) would have a *de minimus* impact on interstate commerce and because there are no adverse parties involved in the transaction. Rather, G&W argues, the transaction involves the cooperation of a local government, a new business enterprise and a new transportation company in an effort to promote local industrial growth in northern New York State. Pursuing a formal application process would place an unreasonable and unnecessary burden on the parties.

Any exemption, were it granted in this proceeding, would be limited solely to the required filing of an application under 49 U.S.C. 11343. After consummation of control, the Commission would retain full jurisdiction over the carriers involved. N. Co. Rail, as a designated operator, would be expected to comply with the procedures set forth in the Notice, served March 8, 1976, and entitled Information Concerning the Implementation of Section 304 (c) and (d) of Regional Rail Reorganization Act of 1973 (45 U.S.C. 744), as amended by the Railroad Revitilization and Regulatory Reform Act of 1976, P.L. 94–210 (45 U.S.C. 801), Enacted on February 5, 1976 (Continuation of Rail Service Under Subsidy by Designated Operator).

Before granting an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the requested exemption of the proposed transaction is that opportunity. In paticular, we invite comments pertaining to the propriety of imposing provisions for the protection of employees of carriers mandated under 49 U.S.C. 11347. All comments filed in response to this notice, along with the petition of G&W, will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted (in whole or in part).

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553,559.

This proceeding is not a major federal action significantly affecting energy consumption or the quality of the human environment.

Dated: March 21, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9778 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

[Application No. MC–1508]

Jetco, Inc.; Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates, Application No. MC–1508.

SUMMARY: Jetco, Inc., MC–65475, seeks authority to establish and maintain released rates on tin subject to a released valuation not to exceed $5,000.00 per ton of 2,000 pounds when released as to value by shipper.

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ADDRESSES: Anyone seeking copies of this application should contact: Mr. J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275–7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730 and 11707.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9776 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 39F)]

Seaboard Coast Line Railroad Co. Abandonment Between Vanderbilt Beach and Naples, Fla.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 22, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and *further* that Seaboard Coast Line Railroad Company (SCL) shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of a line of railroad known as the Fort Myers Subdivision, Tampa Division, extending from railroad milepost AX 1001.24, at Naples, FL, a distance of 11.07 miles, in Collier County, FL. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than April 16, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication (May 16, 1980).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9777 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: March 25, 1980.

In our decisions of February 26, March 4, 11, and 18, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.4 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. No changes will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor in the 5.0-percent surcharge for the bus carriers, or the 1.3-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It Is Ordered:

This decision shall become effective Friday, 12:01 a.m., March 28, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)

January 1, 1979 ..... 63.5¢.

Date of Current Price Measurement and Price Per Gallon (Including Tax)

March 24, 1980 ..... 113.9¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)	(3)	(4)
From transportation performed by owner-operators.	Other.	Bus Carriers...	UPS.
(Apply to all truckload rated traffic.	(Including less-than-truckload traffic).		
16.8%	2.0% .	6.3%	3.3%

Percent Surcharge Developed

13.4%	2.3% .	5.0%	[1]2.1%.

Percent Surcharge Allowed

13%	2.3% .	5.0%	[2]1.3%.

[1]The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[2]The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-9775 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[731-TA-18/24 (Preliminary)]

Certain Carbon Steel Products From Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, The Netherlands, and the United Kingdom; Institution of Preliminary Antidumping Investigations and Scheduling of Conference

Investigations instituted. Following receipt of petitions on March 21, 1980, filed on behalf of United States Steel Corp., the Commission on March 28, 1980, instituted preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the following articles of iron or steel, other than alloys of iron or steel,[1] which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value:

Plate, provided for in TSUS items 607.66, 607.83, 607.94, 608.07, and 608.11,

[1]The articles descriptions in the petitions were derived from the Tariff Schedules of the United States Annotated (1978) (TSUS). This notice provides for identical coverage in terms of the TSUS (1980).

Hot-rolled sheet, provided for in TSUS items 607.67 and 607.83,

Cold-rolled sheet, provided for in TSUS item 607.83,

Sheet, coated or plated with zinc, provided for in TSUS items 608.07 and 608.13, and

Angles, shapes, and sections, having a maximum cross-sectional dimension of 3 inches or more, provided for in TSUS item 609.60,

all of the foregoing articles the products of Belgium (Inv. No. 731–TA–18), the Federal Republic of Germany (Inv. No. 731–TA–19), France (Inv. No. 731–TA–20), Italy (Inv. No. 731–TA–21), Luxembourg (angles, shapes, and sections only—Inv. No. 731–TA–22), The Netherlands (except angles, shapes, and sections—Inv. No. 731–TA–23), and the United Kingdom (Inv. No. 731–TA–24).

These investigations will be subject to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457) and, particularly, Subpart B thereof, effective January 1, 1980.

Written Submissions. Any person may submit to the Commission on or before April 23, 1980, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All the written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with the investigations for 10 a.m., e.s.t., on Thursday, April 17, 1980, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone (202–523–1376). It is anticipated that parties in support of the petition for antidumping duties will be allocated three hours within which to make an oral presentation at the conference and parties opposed to such petition will be collectively allocated four hours. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of petitions. The petitions filed in these cases are available for public inspection at the Office of Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: March 27, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9740 Filed 3-31-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Request for Comments on the Proposed LEAA Guideline: Violent Juvenile Offender Research and Development Program

AGENCY: Law Enforcement Assistance Administration (LEAA), Justice.

ACTION: Request for Public Comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et seq., proposes to issue an addition to the National Priority Program and Discretionary Program Announcement, published in the **Federal Register** on February 15, 1980. It will not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting interested persons to comment on the proposed guideline and will consider all such written comments before the final publication of this guideline. The period for public comment on this proposed guideline is 30 days. This 30 day external review period was approved by Homer F. Broome, Acting Administrator of LEAA, because it is deemed in the best interest of the public to provide for award of the cooperative agreement before October 1, 1980. When the National Coordinator has developed the draft request for proposals and it has been approved by OJJDP, OJJDP will release the proposed guidelines in the **Federal Register** for an additional public comment period. After development of the final guideline, which is expected to be published in the **Federal Register** in Spring 1980, it is anticipated that interested persons will have approximately 60 days to develop applications.

This notice and opportunity to submit written views and comments is provided pursuant to Executive Order No. 12044, Improving Government Regulations, to ensure that interested organizations, agencies and individuals have an opportunity to review the proposed guideline. Interested persons are invited to submit written comments or suggestions to Douglas C. Dodge, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Room 442, Washington, D.C. 20531, on or before May 1, 1980. Mr. Dodge's telephone number is 202–724–7755.

The text of the guideline follows:

Office of Juvenile Justice and Delinquency Prevention Program Announcement; Violent Juvenile Offender Research and Development Program

Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Law Enforcement Assistance Administration (LEAA), pursuant to Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, is sponsoring a Violent Juvenile Offender Research and Development (R&D) Program.

A. Background

Development work for this program has been underway since early 1979. The Juvenile Justice System Assessment Center has completed an extensive survey of theoretical and empirical literature in serious juvenile crime, and of programs focused on this population. (A draft of the background paper summarizing the results of this review to guide the R&D program is available for potential applicants from the OJJDP).

A major finding from the analyses of the Uniform Crime Report arrest data and LEAA Victimization data indicates that, contrary to popular belief, serious juvenile crime appears to be stable or on the decline since 1975. Other significant findings include:

- In 1977 persons under 18 arrested for Index property crimes comprised 34.0% of the total juvenile arrests, and persons under 18 arrested for Index violent crimes accounted for 3.7% of the total juvenile arrests.
- In 1977, juveniles arrested for violent crime was approximately 1% of the *total arrests* for persons of all ages.
- In 1977, the modal age for arrest for index offenses of persons under 18 was 16. The modal age for arrests of persons

under 18 for index property offenses was 16 and for violent offenses was 17.

• Serious/violent crime appears to be primarily committed by males (81.5%). White juvenile offenders are arrested more frequently then others for property offenses; while black juvenile offenders are arrested more frequently than others for violent offenses.

• The risk of being victimized by juveniles is greatest among other juveniles.

• Data on the geographic distribution of offenses indicates that index crimes occur primarily in urban centers.

The Assessment Center's review and other research and programming efforts highlighted the need for research into the nature and extent of serious/violent crime, for the development of an adequate juvenile justice system response to this population, and for systematic assessment of the impact of services and treatment models for these offenders.

In light of the lack of agreement concerning definitional, policy and programming issues, OJJDP organized a Special National Workshop on the Serious Juvenile Offender in Arlington, Virginia on January 15, 16, 1980, consisting of 30 researchers, lawyers, public interest group representatives and practitioners in the field. The purpose of the workshop was to discuss issues related to the development of a serious, violent juvenile offender program and obtain recommendations on program strategies.

The Working Group recommended that OJJDP; (1) restrict the program to violent juveniles; (2) focus the initiative on reintegration of violet offenders and develop a second efforts on the prevention of violent crime in communities where there is a high incidence of juvenile violent crime; and (3) undertake a public education initiative in an effort to clarify misconceptions about violent juvenile crime.*

OJJDP has therefore decided to implement a research and development program focused on the violent juvenile offender and violent juvenile crime. This dual focus is based on the following rationale:

1. *Violent Juvenile Offender*—

(a) Violent juvenile offenders are disproportionately involved in the juvenile justice system, i.e., although their number is very small, they account for a significant proportion of arrests for violent offenses. Their crimes also tend to generate most negative public reaction and call for harsher treatment for all juvenile offenders.

(b) Given lack of knowledge of effective approaches for prevention and treatment of juvenile violence and the small amount of available funds, resources should be concentrated on testing strategies for prevention of violent juvenile criminality and reintegration of violent juvenile offenders.

2. *Prevention of Violent Crime*—

The focus on prevention of violent juvenile crime in communities is based on the following rationale:

(a) Since the violent juvenile crime occurs largely in major urban centers, it is important to test projects that hold promise for prevention of violent crime in these communities.

(b) Indigenous community groups have considerable potential for reaching youth who commit the largest portion of violent juvenile crime in urban communities.

To provide for additional developmental work required on the initiative and to implement the initiative, OJJDP will establish a two part effort.

Part One focuses on the violent juvenile offender and will be implemented through this solicitation. A cooperative agreement will be awarded to a National Coordinator who, in cooperation with OJJDP, will identify and document the most promising models for the screening, prosecution, treatment and reintegration of violent juvenile offenders into their communities which can be tested in this research and development effort. The National Coordinator will also, in cooperation with and subject to prior OJJDP approval, develop a Request for Proposals (RFP); recommend to OJJDP for approval selected contractors who will implement specific models; award the contracts; and manage the contracts after they are awarded.

Part Two, which will focus on prevention of violent juvenile crime in communities which experience a high incidence of violent juvenile crime, will be implemented simultaneously through a contract with an 8–A contractor (Small Business Administration-designated minority-owned firm). The selected 8–A contractor will assist OJJDP in the identification and documentation of the most promising indigenous community group prevention models; recommend a funding strategy and guideline requirements; develop criteria and procedures for the selection process and manage the subcontracts after they are awarded. Four-hundred thousand dollars ($400,000) will be available for this contract and $2.5 million will be allocated in fiscal year 1981 to fund models in specific sites.

B. Objectives for the Part One Violent Juvenile Offender Research and Development Program

The major objectives of the Violent Juvenile Offender Research and Development program are:

1. To test program models for treatment and reintegration that are designed to reduce violent crimes committed by youth in the program.

2. To test strategies for increasing the capacity of the juvenile justice system to handle violent juvenile offenders, fairly, efficiently, and effectively.

This solicitation is intended to result in a cooperative agreement for a National Coordinator. The OJJDP, the National Coordinator and the National Evaluator (See Par. J.) will develop jointly a Violent Juvenile Offender Research and Development program. The following tasks will be performed under the cooperative agreement.

1. The National Coordinator, in consultation with OJJDP, will identify and document the most promising models for dealing with screening, prosecution, treatment and reintegration of violent juvenile offenders.

2. The National Coordinator will recommend models to OJJDP for approval.

3. The National Coordinator in consultation with OJJDP, will develop and issue an RFP, subject to OJJDP approval prior to issuance.

4. The National Coordinator, in conjunction with the National Evaluator and OJJDP will develop the selection process for subcontractors, who will implement specific models and submit it for OJJDP approval.

5. The National Coordinator will implement the violent juvenile offender program. OJJDP will maintain substantial operation involvement and will jointly monitor the contracts for implementation of the models within the National Coordinator.

C. Results Sought

1. The development of effective models for the screening, prosecution, treatment, and reintegration of violent juvenile offenders.

2. An increased concentration of juvenile justice system resources on the screening, prosecution, treatment and reintegration of violent juvenile offenders.

3. A reduction in the incidence of violent juvenile crimes committed by participating youth.

* This third recommendation has been accepted by OJJDP and is being implemented under auspices outside the R&D program described herein.

D. Dollar Range, Number and Duration of Awards

One cooperative agreement will be awarded to a public or private non-profit agency or organization to assist in completing the development of a violent juvenile offender program, managing the project seletion process and managing the contracts to implement the models in selected sites. Funds in the amount up to $400,000 will be available for the development of program models, site testing of models, program monitoring and management of the cooperative agreement funded activities. This agreement will be for two years with the potential for an additional 18 month grant based on satisfactory performance. In addition, the cooperative agreement will include $4,489,601 for exclusive use and award, on a competitive basis, to contractors who will implement program components. These contracts will initially be for eighteen (18) months, with the potential for an additional 18 months support for sucessful projects, subject also to the availability of funds. It is expected that approximately five sites will be selected to implement models, and the amount of funds available for each site will be approximately $900,000 for 18 months.

E. Submission and Processing Procedures

The Violent Juvenile Offender Development and Implementation Project has been determined to be of national scope and a cooperative agreement will be awarded directly to the successful applicant.

Applications should be submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in accordance with the form outlined in the application kits available on request from OJJDP (contact Douglas C. Dodge at (202) 724–7755). Applicants must also submit applications to appropriate A–95 Clearinghouses and Criminal Justice Councils (CJC) in accordance with A–95 and CJC requirements. Letters of verification indicating appropriate contacts with Criminal Justice Councils and A–95 Clearinghouses must be included in the applications.

F. Eligibility

Applications are invited from national public or private not-for-profit agencies and organizations that have experience in administering juvenile justice programs and that meet the specific requirements of Paragraph I.

G. Deadline for Submission of Applications

One (1) original and two (2) copies of the application must be mailed or hand delivered to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), LEAA, Room 442, 633 Indiana Avenue, NW., Washington, D.C. 20531, by 5:30 p.m. on June 30, 1980. Applications sent by mail will be considered to be received on time if sent by registered or certified mail not later than June 30, 1980, as evidenced by the U.S. Postal Service postmark on the original receipt from the U.S. Postal Service.

H. Application Requirements

These requirements are to be used in lieu of the Part D—Program Narrative instructions in the Standard Federal Assistance Form 424. In order to be considered for funding, applications must include the following:

1. *Project Goals and Objectives.* Translate the objectives outlined in Paragraph B of this solicitation into the goals and objectives for your application. Establish a workplan which is broken down into: (1) A six (6) month segment for planning, development of the RFP and funding of the contractors who will implement the program and, (2) a thirty-six (36) month period for management of the contracts. Discuss in detail the tasks necessary to accomplish the objectives outlined in the solicitation. State the goals, objectives and tasks necessary to complete each specific milestone or timeframe.

2. *Problem Definition*—

(a) Based on the background materials provided by OJJDP and any other materials, discuss your understanding: (1) Of the nature and extent of violent juvenile crime (using the definition of violent crime in paragraph K. 1); (2) of legislative activities related to violent juvenile crime; and (3) of promising screening, prosecution, treatment and reintegration approaches.

(b) Discuss the anticipated major difficulties and problem areas in assisting with development of the violent offender initiative, management of the selection process, management of the program and coordination with the national evaluation, together with potential or recommended approaches for their solutions.

(c) Proposals must address the following points regarding qualifications and experience of the applicant, and where applicable for the subcontractors.

(1) Describe experience with similar or related projects completed or now underway.

(2) Key personnel should be designated, along with their responsibilities and the approximate percentage of time and duration each will be available for this program. Resumes which indicate relevant education and experience are required. Recommended key staff, e.g. project director will have to be approved by OJJDP.

(3) *Program Methodology*—

Provide a plan and program design to accomplish the following administrative and development tasks:

(a) Administration

(1) Propose an administrative, management and fiscal structure. This structure should reflect the relationship between contractors who will implement the program models and the applicant organization and the relationship between the National Coordinator and OJJDP.

(2) Provide an implementation plan which includes a schedule, management policies and organizational chart to show provisions for quality control and compliance with Federal requirements.

(b) The plan for developing the final guidelines and awarding contracts for the Violent Juvenile Offenders Program.

(1) Describe a cooperative process with OJJDP for identifying and documenting effective project models for implementation which can be recommended to OJJDP for approval.

(2) Describe a cooperative process with OJJDP for developing recommendations for program guidelines to be submitted to OJJDP for final approval.

(3) Outline a plan for processing applications and selecting the most qualified applicants. This plan should include, arrangement for a peer panel review of the applications, computerized forms and computerized weighted system for tabulating the peer panelists scores. The final plan, to be developed after award in cooperation with OJJDP, must be submitted to OJJDP for final approval.

(4) Outline a technical assistance plan for assisting applicants with the development of their applications. This should focus on cluster conferences in several areas of the country, where applications development issues can be addressed. The final will be developed during the program development period, and submitted to OJJDP for final approval.

(5) Outline a plan for the management of all contracts. This plan should include (a) procedures for assuring the contractors compliance with OJJDP/LEAA program and fiscal requirements; (b) a plan for joint site monitoring to be coordinated with OJJDP; (c) a plan for

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assuring that all contractors meet quarterly program and fiscal reporting requirements; (d) a discussion of how the grantee will coordinate with the National Alternative to Incarceration Technical Assistance Contractor in the effort to provide technical assistance to the contractors, and a discussion of the cooperative relationship with the National Evaluation Contractor. The final detailed plan for management, will be worked out in cooperation with and subject to the final approval of OJJDP.

I. *Selection Criteria*

Applicants will be evaluated on experience methodology and management capability as evidenced by the submitted documentation.

1. *Applicant Capability*—Applicants must evidence the following qualifications and experience: (40 points)

(a) Diversified experiences in working with issues related to the juvenile justice system handling of violent or chronic serious juvenile offenders and the treatment and control of these offenders in institutions and community based alternatives. (15 Points).

(b) Ability to establish effective relationships with the juvenile justice system and alternative service providers. (5 points)

(c) Availability of key staff and consultants experienced in providing diverse populations with technical expertise in substantive topics related to the development of the projects. (10 points)

(d) Capability and expertise in maintaining and managing contracts where diverse projects will be implementing selected models. (10 points)

2. *Understanding of proposed methodology.* Applicants must evidence an understanding of the following: (20 points)

(a) Provide a clear and concise discussion of violent juvenile crime, its causes and consequences, and the variety of methods which might be used to overcome these problems. (10 points)

(b) The required steps in the development of promising models, recommended program guidelines, technical assistance to potential contractors in the application process and management of the subcontracts, including the necessary OJJDP approval at each decision point. (10 points)

3. *Management Capability* (30 points)

Applicants must evidence management capability as follows:

(a) The completeness of the plan with respect to organization, models identification, guideline recommendation, management of the project selection process, and management of the subcontracts. (10 points)

(b) The feasibility of the workplan with respect to milestones, time frames and costs. (5 points)

(c) The understanding of research and data requirements and the ability to coordinate with the National Evaluator. (5 points)

(d) The completeness of the plan for assuring compliance with LEAA, administrative and fiscal requiements. (10 points)

J. *Evaluation Requirements*

A separate award will be made by the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) for the evaluation of both parts of the Violent Offender Initiative. The National Coordinator and all subcontractors will be required to work jointly with the National Evaluator to ensure that action projects meet the R&D design requirements.

K. *Definitions*

1. *Violent Juvenile Offender* is a person under 18 who is adjudicated and found involved (guilty) in one or more violent offenses (murder, forcible sexual intercourse, armed robbery, kidnapping, aggravated assault, robbery—with injury requiring professional medical treatment, or arson—of an occupied dwelling).

2. *Adjudication* is the process of determining guilt or innocence in juvenile court proceedings by either a counseled plea of guilty or a formal fact-finding hearing.

3. *Disposition* is that procedure in the juvenile court process which results in the imposition of a sentence, e.g., probation or commitment.

4. *Delinquency* is the behavior of a juvenile, in violation of a statute or ordinance in a jurisdiction, which would constitute a crime if committed by an adult.

5. *Jurisdiction* is any unit of general local government such as a city, county, township, borough, parish, village or combination of such units.

6. *Juvenile* is a child or youth, defined as such by state or local law, who by such definition is subject to the jurisdiction of the juvenile court.

7. *Juvenile Justice System* refers to official structures, agencies and institutions with which juveniles may become involved including, but not limited to, juvenile courts, law enforcement agencies, probation, aftercare, detention facilities, and correctional institutions.

8. *Private Not-For-Profit Agency* is any agency, organization, or institution with two years experience in dealing with youth, designated tax exempt by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code.

9. *Program* refers to the national initiative to establish projects supported by OJJDP and the overall activities related to implementing the projects.

10. *Project* refers to the specific set of activities at given site(s) designed to achieve the overall goal of reducing violent delinquent behavior through the implementation of selected/approved methods.

11. *An 8–A organization* is a firm which is designated as minority owned by the Small Business Administration.

12. *National agency or organization* is a public or private agency or organization that has a national office and/or offices and has experience in the development, coordination of management of national scope programs.

L. *Civil Rights Compliance*

1. All recipients of LEAA assistance must comply with:

(a) Section 815(c) of the Justice System Improvements Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, *et seq.;*

(b) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, *et seq.;*

(c) Section 504 of the Rehabilitation Act of 1973, as amended; and its implementing regulations;

(d) The Age Discrimination Act of 1975, as amended, and its implementing regulations; and

(e) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of federal financial assistance to take appropriate affirmative action in support of women's busines enterprise.

2. Each recipient of LEAA assistance within the criminal justice system that has 50 or more employees and that has received grants or subgrants totaling $25,000 or more since the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and that has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an Equal Employmnent Opportunity Program (EEOP). Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3%, such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the award. An applicant for LEAA assistance for $500,000 or more must submit its EEOP with the application. *The EEOP must be approved by OJARS' Office of Civil Rights Compliance prior to award.* Failure to address this requirement will result in rejection of the proposal.

3. Applicants that do not meet any of the criteria in (2) above, educational institutions and private not-for-profit organizations shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other receipient or contracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights complaince obligations under any grant award.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-9731 Filed 3-31-80; 8:45 am]

BILLING CODE 4410-18-M

National Institute of Justice

Solicitation; Supervised Release Program Test Design

The National Institute of Justice announces a competitive research cooperative agreement program to conduct an evaluation of the Supervised Release Program Test Design of the National Institute. The evaluation will be a comparative assessment of the impact of the program design on three Criminal Justice operating agencies.

The solicitation asks for the submission of preliminary proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than midnight, May 30, 1980.

The cooperative agreement award is planned for July 1, 1980 with funding support not to exceed $300,000 or 24 months duration. To maximize competition for this award, both profit-making and non-profit making organizations are eligible to apply, but no fee can be charged. Organizations which have actively participated in this program as primary contractor, sub-contractor or grantee are ineligible to bid on this solicitation.

Further information and copies of the solicitation can be obtained by contacting Frank J. Vaccarella or Joyce Cason, Office of Program Evaluation, NIJ, 633 Indiana Avenue, N.W., Washington, D.C., 20531, or by phone (301) 492–9085.

Dated: March 20, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-9719 Filed 3-31-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

Uniroyal Merchandising Co., Inc., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 24th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Uniroyal Merchandising Company, Inc. (company).	Houston, Texas	2/25/80	2/20/80	TA-W-7,399	Automobile tire, sales.
Westinghouse Electric Corp. (IBEW)	Richmond Kentucky	2/15/80	2/8/80	TA-W-7,400	Miniature lamps for automobiles.
Springfield Machine & Stamping, Inc. (workers).	Warren, Michigan	2/20/80	2/13/80	TA-W-7,401	Automotive body side molding.
Reed Plating Company (UAW)	Centerline, Michigan	2/28/80	2/25/80	TA-W-7,402	Polishing, buffing, nickel and chrome plating.
Whitaker Cable Corp. (IBEW)	St. Joseph, Missouri	3/3/80	2/25/80	TA-W-7,403	Cable manufacturing for Chrysler and Ford.
Patapsco & Back River Railroad *Company (U.T.U.).	Sparrows Point, Maryland	3/28/80	2/25/80	TA-W-7,404	Rail transportation.
Mickey Madann Handbags (International Leather Goods, Plastic & Novelty Workers Union).	New Bedford, Mass.	3/3/80	2/26/80	TA-W-7,405	Man made handbags.
Essex Group, Inc., Automotive Products Division (IAM & AW).	Carey, Ohio	2/28/80	2/25/80	TA-W-7,406	Water pumps, ignition kits, battery cables, booster cables.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ford Aerospace & Communications Corp. (IUE).	Bedford, Indiana	2/29/80	2/11/80	TA-W-7,407	Windshield washer pump, electronic fuel senders, purge control valves, hose and harness assemblies and central fuel injection pumps.
Union Carbide, Metals Div. (USWA)	Sheffield, Alabama	3/5/80	2/29/80	TA-W-7,408	Ferro alloys.
Marcy Sportswear (company)	Newark, New Jersey	3/4/80	2/25/80	TA-W-7,409	Ladies' outerwear.
Carole Manufacturing (ILGWU)	East Newark, New Jersey	3/4/80	2/25/80	TA-W-7,410	Contractor of ladies' coats.
Utah International (workers)	Cedar City, Utah	3/4/80	2/27/80	TA-W-7,411	Mine raw iron ore.
Camp International, Inc. (ILGWU)	Warrior, Alabama	3/4/80	2/29/80	TA-W-7,412	Mastectomy bars, private label girdles and brassieres.
Weinbrenner Shoe Company (United Food & Commercial Workers Union.	Merrill, Wisconsin	3/5/80	2/1/80	TA-W-7,413	Work and safety shoes, outdoor boots.
Ameri-Tex Industries (company)	Skowhegan, Maine	3/5/80	2/26/80	TA-W-7,414	Soles and heels for shoes.
Strausbaugh Dodge, Inc. (workers)	Youngstown, Ohio	3/10/80	2/29/80	TA-W-7,415	Car sales.
Farwell Manufacturing, Inc. (company)	Farwell, Michigan	3/11/80	3/6/80	TA-W-7,416	Rear Window molding.
Beiberling Latex Products, Inc. (URW)	Oklahoma City, Oklahoma	3/12/80	3/7/80	TA-W-7,417	Latex gloves, also breathing bags.
Ligia Fashions, Inc. (ILGWU)	Newark, New Jersey	3/4/80	2/28/80	TA-W-7,418	Contractor of ladies' blazers.
Olympic Juniors, Inc. (ILGWU)	Newark, New Jersey	3/4/80	2/28/80	TA-W-7,419	Ladies' sportswear and suits.
N.J. Ladies' Coats (ILGWU)	Newark, New Jersey	3/4/80	2/28/80	TA-W-7,420	Ladies' jackets.
General Foods Corp., Maxwell House Coffee Division (Amalgamated Food & Allied Workers of America).	Hoboken, New Jersey	3/5/80	2/25/80	TA-W-7,421	Coffee in all forms.
Frank Seitz & sons, Inc. (workers)	New York, New York	2/29/80	2/27/80	TA-W-7,422	Men's suits.
Sherman Oaks Industries, Inc. (company)	Coldwell, New Jersey	2/28/80	2/25/80	TA-W-7,423	Knitted and woven fabrics.
Central Foundry Company (workers)	Holt, Alabama	3/5/80	2/22/80	TA-W-7,424	Cast iron pipes and fittings.
Bluestone Coal Corporation, Keystone Strip Mine (UMWA).	McDowell County, West Virginia	2/29/80	2/27/80	TA-W-7,425	Metallurgical coal.
Chicago Pneumatic Tool Company (IAM & AW).	Franklin, Pennsylvania	3/13/80	3/10/80	TA-W-7,426	Portable and stationary air compressors also, rotary drill rigs and gas Booster compressor.
Lear Seigler (Seating Division) (UAW)	Ferguson, Kentucky	2/25/80	2/20/80	TA-W-7,427	Automobile seat frames, also compressor housing.
Arvin Automotive Distribution Center (Carpenters & Joiners of America).	Indianapolis, Indiana	2/27/80	2/18/80	TA-W-7,428	Warehousing and distribution of automotive exhaust systems.
Maranda Dress (ILGWU)	Saugerties, New York	3/7/80	3/3/80	TA-W-7,429	Women's dresses and sportswear.
La Moda Fashions (ILGWU)	Garfield, New Jersey	3/10/80	3/6/80	TA-W-7,430	Women's coats.
Acme Optical Manufacturing Company, Inc. (company).	Providence, Rhode Island	3/11/80	3/4/80	TA-W-7,431	Metal eyeglass frames.
Thornton Polishing & Buffing Company (workers).	Clawson, Michigan	3/5/80	2/27/80	TA-W-7,432	Automotive parts, Bumper guards and trim grills.
P.C. Fashions (formerly Marleather Fashions) (workers).	Passaic, New Jersey	2/29/80	2/28/80	TA-W-7,433	Men's and women's Leather coats and jackets.
Herwood Manufacturing Company, Marion Plant, Shipping Department, (workers).	Marion, Virginia	2/10/80	1/29/80	TA-W-7,434	Shipping of robes, pajamas, and men's and boys' shorts to the customers.
Tack's Greenhouse's (company)	Salinas, California	2/29/80	2/28/80	TA-W-7,435	Propegation and cutting of carnations.
The Richton Jewelry Company, Inc. (Amalgamated Jewelry Workers Union).	Providence, Rhode Island	2/21/80	2/15/80	TA-W-7,436	Costume Jewelry.

[FR Doc. 80-9813 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6314]

M and M Valley Sportswear; Revised Determination on Reconsideration

On March 7, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of M and M Valley Sportswear, Holsopple, Pennsylvania. This determination was published in the **Federal Register** on March 14, 1980 (45 FR 16651).

The petitioner claims that workers at M and M Valley Sportswear, a contractor, were denied trade adjustment assistance while their manufacturer was importing children's outerwear.

The Department's review revealed that workers of M and M Valley Sportswear, whose major product was children's snow pants, were denied because they did not meet the "contributed importantly" test of the Trade Act of 1974. The denial was based on a customer survey.

The Department found in its reconsideration investigation that workers at Tidy Products, Columbia, Pennsylvania, which was the sole manufacturer for M and M Valley Sportswear, were certified eligible for trade adjustment assistance, TA-W-6453, on the basis that its selling arm, Tidykins, had increased its own imports of infants' and children's outerwear in 1979 compared to 1978. Tidykins' imports had not been reported on the original survey.

M and M Valley Sportswear shut down its Holsopple, Pennsylvania, plant on August 31, 1979.

U.S. imports of women's, misses' and children's slacks and shorts (which includes snow pants) increased in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of women's and children's outerwear and sportswear contributed importantly to the total or partial separation of workers and former workers at M and M Valley Sportswear, Holsopple, Pennsylvania. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers engaged in the production of women's and children's outerwear and sportswear at M and M Valley Sportswear, Holsopple, Pennsylvania, who became totally or partially separated from employment on or after May 15, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-9814 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6391, 6392 and 6393]

Babcock and Wilcox, Tubular Products Division, Beaver Falls Works; Affirmative Determination Regarding Application for Reconsideration

On February 29, 1980, the petitioner supported by the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers producing steel tubing and fittings at the Beaver Falls, Ambridge and Koppel, Pennsylvania, plants of Babcock and Wilcox. This determination was published in the **Federal Register** on February 12, 1980, (45 FR 9399).

The petitioner and company officials, in a meeting in Washington, D.C., on March 20, 1980, provided the Department with tables showing increased imports of the products which the Beaver Works produces since they claim that the Department's import data did not represent their products. The company officials also supplied a new list of customers that they think are importing.

Conclusion

After review of the application, I conclude that the claim of the petitioner is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 21st day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foregin Economic Research.

[FR Doc. 80-9815 Filed 3-31-80; 8:45 am]
BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-15; Exemption Application No. D-156]

Exemption From the Prohibitions for Certain Transactions Involving the Mead Retirement Auxiliary Trust Located in Dayton, Ohio

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption retroactively permits the involvement of the Mead Retirement Auxiliary Trust (the Trust) in the construction of an office building (the Building) in Dayton, Ohio and retroactively and prospectively permits the involvement of the Trust in the financing and operation of the Building. The exemption also retroactively and prospectively permits the leasing of the Building to Mead Corporation (Mead), the sponsoring employer of the Mead Retirement Plan.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Office of fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 6, 1979, notice was published in the **Federal Register** (44 FR 64154) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the involvement of the Trust, through a partnership, in the construction, financing and operation of the Building and the subsequent lease of such Building to Mead. A correction with respect to the notice was published on November 16, 1979 (44 FR 66103). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirement for notification to all interested persons contained in the notice of pendency of the proposed exemption.

Four comments were received by the Department regarding the proposed exemption. One commentator supported the exemption and felt no public hearing was needed with respect to the exemption. Two comments indicated that the notice of pendency was not received in sufficient time to enable comment prior to the expiration of the comment period. For these individuals the comment period was extended for another thirty days; however, no further comment was received from either commentator. The fourth commentator objected to the granting of the proposed exemption and requested that a public hearing be scheduled so that formal objections could be presented. Because this commentator did not indicate the basis for his objection to the transactions that are the subject of this exemption, the Department requested that the commentator specify the nature of his objection to the proposed exemption. This request for clarification was communicated to the commentator who was afforded an additional period of time to elaborate upon his initial objection. The elaboration by the commentator did not object to any specific aspect of the transactions nor challenge any of the representations that had been made by the applicant. The commentator did however object to the "concept of investing pension funds for future benefits of its members in interests of the employer."

While the Act does recognize the possibility for abuse when company pension funds are used or invested in projects that benefit the sponsoring employer, the administrative exemption procedure provides the Department the opportunity to review such transactions to ensure that the criteria pursuant to which relief from the prohibited transaction rules of the Act and the Code have been satisfied. The Department does not believe that there is sufficient evidence to indicate that a public hearing would be useful in determining whether the criteria for an administrative exemption have been satisfied with respect to the subject transactions. Accordingly, the Department has reviewed the application and supporting documentation and has determined to grant the proposed exemption.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act,

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which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly, the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective January 1, 1975 to the Trust's participation, through a partnership, in transactions relating to the construction, financing, leasing and operation of the Building.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 26th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-9760 Filed 3-31-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–1644]

Proposed Exemption for Certain Transactions Involving the Young Electric Sign Co. Employee Profit Sharing Plan Located in Salt Lake City, Utah

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code (the Code). The proposed exemption would exempt proposed loans of funds by the Young Electric Sign Company Employee Profit Sharing Plan (the Plan) to the Young Electric Sign Company (the Employer), the Plan sponsor. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 6, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1644. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander, of the Department of Labor, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer and the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan with approximately 235 participants. Mr. Henry Schutte (Schutte) and Mr. Thomas Young, Jr. (Young) are the trustees of the Plan and jointly maintain sole responsibility for the investment decisions of the Plan. Schutte is an officer and director of the Employer, and Young is the president, a director, and the principal shareholder of the Employer. As of June 30, 1979, the Plan had net assets of approximately $1,970,079. Prior to July 1, 1974, it had been a customary practice for the Plan to loan funds secured by equipment (the Pre-Act Loans) to the Employer. As of June 30, 1979, the Plan had outstanding loan balances due from the Employer amounting to $172,940. This amount represents approximately nine percent (9%) of the Plan's net assets as of June 30, 1979.

2. The Employer is a manufacturer, installer, maintainer and lessor of electrical advertising signs and billboards. As of December 31, 1978, the Employer had a net worth of approximately $4,457,000.

3. It is proposed that the Plan loan funds (the loans) to the Employer for the purchase by the Employer of equipment to be used in its business. The Loans will not exceed an amount equal to twenty-one percent (21%) of the Plan's net assets. This percentage figure will include the outstanding balance due the Plan from the Pre-Act loans. As the Pre-Act Loans are retired by the Employer the Plan may enter into Loans provided that the total aggregate outstanding balance from the Pre-Act Loans and the Loans do not exceed an amount equal to twenty-one percent (21%) of the Plan's net assets. The Loans will only be made by the Plan for three years from the date of the grant of the final exemption involving the Loans.

4. Before a Loan is made by the Plan, the Plan will obtain a written statement from a local bank that such bank would provide financing to the Employer for the specific item of equipment the Plan proposes to finance and will set forth the terms of such financing. Each Loan will be represented by a cognovit promissory note bearing an interest rate at least one quarter of one percent (¼%) above the interest rate the local bank would charge the Employer for financing the specific item of equipment the Plan proposes to finance. In no event will a Loan bear a rate of interest less than twelve percent (12%) per annum. The Loans will be repaid by the Employer in equal monthly installments. The term of any Loan will not exceed a period of five years.

5. Each Loan will be secured by equipment to be purchased by the Employer (the Collateral). The Collateral will consist of: (a) diesel-powered, over-the-road three axle tractors; (b) gasoline-powered heavy duty trucks; (c) heavy duty booms and cranes capable of installation upon tractors and trucks; (d) production equipment such as metal lathes, sheet metal forming equipment and heavy duty hydraulic presses; (e) a six-place propeller driven aircraft; and (f) light duty transportation equipment such as pickup trucks, vans and automobiles. The Plan will have a perfected first security interest in the Collateral through the execution and filing by the Employer of security agreements on behalf of the Plan. The Employer will warrant title to the Collateral and warrant to maintain such title in the Collateral during the term of a Loan. The Collateral will be kept fully insured at the Employer's expense against fire, theft, or other casualty, and the Plan will be the named insured. If the Collateral is damaged and its value diminished, the Loan will be repaid pursuant to the Rule of 78.

6. The value of the Collateral will at all times during the term of each Loan be worth at least 150 percent of the outstanding Loan balance. Spano Crane Sales & Service Corporation located in Long Beach, California, and Servis-Likens Truck Company, Inc. located in Paramount, California, sellers and dealers of specific items of the Collateral, have stated that the market value of the Collateral is not expected to decrease appreciably over the term of a Loan, and that the Collateral is marketable if it is to be resold.

7. The Commercial Security Bank in Salt Lake City, Utah, (the Bank) which is independent of the Plan and the Employer, other than maintaining a payroll account for the Employer, will serve as the collection agent for the Plan with respect to the Loans. The Bank will have responsibility to pursue collection procedures in the event the Employer defaults with respect to a Loan. The Bank will represent annually to the trustees that the value of Collateral will at all times during the term of each Loan be worth at least 150 percent of the outstanding Loan balance.

8. The Employer will execute a corporate guarantee with respect to the Loans. Additionally, Young will personally guarantee that he will immediately repay to the Plan the outstanding balance and accrued interest due on a Loan if a Loan is more than thirty (30) days in arrears or if the Employer fails to comply with any conditions or terms of a Loan. Young has a personal net worth in excess of $1,000,000.

9. In summary, the applicants represent that the Loans will satisfy the criteria of section 408(a) of the Act because (a) the Plan trustees represent that the Loans are in the best interests of the Plan; (b) the Loans will enable the Plan to realize a rate of return greater than that which could be realized from investments with unrelated third parties; (c) the Loans when aggregated with the outstanding balances from the Pre-Act Loans will not exceed twenty-one percent of the Plan's net assets; (d) an independent party, the Bank, will serve as the collection agent for the Plan and will completely monitor the transactions; (e) the Plan will have a perfected first security interest in insured collateral which will have a fair market value at all times at least equal to 150 percent of the outstanding Loan balances; (f) the Employer will execute a corporate guarantee with respect to the Loans and the Employer's principal shareholder, Young, will personally guarantee the repayment of any Loan; (g) the Loans will only be made within a period of three years from the date of the final exemption, if granted; and (h) the term of any Loan will not exceed a period of five years.

Notice to Interested Persons

Within five days after its publication in the **Federal Register** a copy of this notice of proposed exemption will be mailed directly to all participants and beneficiaries of the Plan, and employees of the Employer. Such notice shall inform these persons of their right to comment on or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the Employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application

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for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and Section 4975(c)(2) of the Code in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the loan of funds by the Plan to the Employer as described above.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of March, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-9701 Filed 3-31-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–1346]

Proposed Exemption for Certain Transactions Involving Prevue Products, Inc. Retirement Plan and Prevue Products, Inc. Pension Plan Located in Manchester, N.H.

AGENCY: Department of Labor.

ACTION: Extension of Time for Comments and Hearing Requests for a Proposed Exemption.

1. On Tuesday, January 8, 1980, the Department of Labor (the Department) published in the **Federal Register** (45 FR 1707), a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, and from certain taxes imposed by the Internal Revenue Code of 1954. The proposed exemption dealt with an application filed on behalf of the Prevue Products, Inc. Retirement Plan and the Prevue Products, Inc. Pension Plan (collectively, the Plans).

2. In the Summary of Facts and Representations portion of the proposed exemption, it was represented that the redemption of Zvi Cohen's and the Plans' shares of Prevue Products, Inc. (Prevue) first preferred stock would not be consummated until an exemption was granted.

3. By letter dated February 15, 1980, the Plans informed the Department that except for the Plans' shares, all of the shares of Prevue first preferred stock, including Zvi Cohen's, had already been redeemed. Therefore, a retroactive exemption is now requested for the redemption of Zvi Cohen's shares of first preferred stock.

4. The Department believes that this change in circumstances from what was represented in the proposed exemption, warrants an extension of time for comments and hearing requests from interested persons.

5. Therefore, the time period for receipt of comments and/or requests for a public hearing on the proposed exemption is hereby extended to May 10, 1980, so that interested persons may have the opportunity of commenting on the proposed exemption in its modified form.

6. All interested persons who were previously given notice of the proposed exemption will again be notified within ten days of the publication of this notice in the **Federal Register**. The notice will contain a copy of the January 8, 1980, proposed exemption and a copy of this notice. The notice will also specifically inform each recipient of his/her right to comment on and/or request a hearing within the period set forth in this notice. Employees of Prevue will be notified by posting the notice on the employees' bulletin board. All other persons will be notified by first class mail.

7. All written comments and requests for a public hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D–1346.

Signed at Washington, D.C., this 26th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-9702 Filed 3-31-80; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts

March 27, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services of Northeastern Wisconsin in Green Bay, Wisconsin, to serve Adams, Green Lake, Marquette, Ozaukee, Sheboygan, Washington and Waushara Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9781 Filed 3-31-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 27, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Western Wisconsin Legal Services in LaCrosse, Wisconsin, to serve Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, Lafayette, Richland, and Sauk Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9780 Filed 3-31-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

March 27, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Wisconsin Judicare in Wausau, Wisconsin, to serve Clark and Waupaca Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-9740 Filed 3-31-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80–21)]

NASA Advisory Council (NAC); Meeting

The NASA Advisory Council's Informal *Ad Hoc* Advisory Subcommittee for the New Directions Symposium will meet on April 23 to 25, 1980, in room 7002, Federal Building 6, 400 Maryland Avenue, SW, Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (about 60 persons, including subcommittee members and other participants). Visitors will be requested to sign a visitor's register.

The Informal *Ad Hoc* Advisory Subcommittee for the New Directions Symposium was established under the NASA Advisory Council to organize and conduct a one week symposium aimed at exploring promising new directions for future space activities. The specific areas to be studied are Human Role in Space, Life Sciences, Applications, and Solar Physics and Solar-Terrestrial Applications. Other promising opportunities will also be examined, and the subcommittee will report its findings to the Council and to NASA. The chairperson of the subcommittee is Dr. John E. Naugle and the subcommittee is composed of seven other members of the Council who will meet with other invited symposium participants to complete final plans for the symposium. The agenda for this meeting is given below. For further information, contact the executive secretary, Mr. Nathaniel B. Cohen, Area Code 202–755–8383, NASA Headquarters, Washington, DC 20546.

Agenda

April 23, 1980

8:45 a.m.—Introductory Remarks
9:00 a.m.—NASA Program Background Briefings
Space Science
Life Sciences
Space and Terrestrial Applications
Space Technology; Energy Programs
Space Transportation Systems
Space Tracking and Data Services
4:00 p.m.—Review of 1979 Innovation Study
5:00 p.m.—Adjourn

April 24, 1980

8:30 a.m.—Introduction of Symposium Topics
8:45 a.m.—Discussion of Topic "Human Role in Space"
11:00 a.m.—Discussion of Topic "Other Opportunities"
2:30 p.m.—Discussion of Topic "Applications"
5:00 p.m.—Adjourn

April 25, 1980

8:30 a.m.—Discussion of Topic "Solar Physics and Solar-Terrestrial Interactions"
11:00 a.m.—Discussion of Topic "Life Sciences"
2:30 p.m.—Closing Discussion
4:00 p.m.—Adjourn

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 25, 1980.

[FR Doc. 80-9721 Filed 3-31-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) notice is hereby given that the National Commission for Employment Policy will hold its nineteenth formal meeting on April 25, 1980, in the Mount Vernon Room of the Sheraton Carlton Hotel, 16th and K Streets NW. The meeting will begin at 9 a.m. and adjourn at 4 p.m.

The National Commission for Employment Policy was established pursuant to Title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524). The Act charges the Commission with the broad responsibility of advising the President, and the Congress, as well as Federal agency administrators on national employment issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's employment and training policies and programs.

The Agenda will be concerned with possible recommendations on responses to the current economic situation and updates on the staff's work on the labor market status of women and on the linkage between economic development and employment.

The business meetings are open to the general public. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Acting Director not later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Acting Director of the Commission three days before the meeting. This application shall identify the following: the name and address of the applicant, the subject of his or her presentation and its relationship to the agenda, the amount of time requested, the individual's qualifications to speak on the subject matter, and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection at the Commission's headquarters located at 1522 K Street NW., Suite 300, Washington, D.C.

Signed at Washington, D.C., this twenty-fifth day of March 1980.

Ralph E. Smith,

Acting Director, National Commission for Employment Policy.

[FR Doc. 80-9812 Filed 3-31-80; 8:45 am]

BILLING CODE 4510-30-M

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NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Committee Management; Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, it is hereby determined that the renewal of the Alan T. Waterman Award Committee is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration, pursuant to Section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

Authority for the Alan T. Waterman Award Committee shall expire on April 13, 1982, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Dated: March 27, 1980.

Richard C. Atkinson,

Director.

[FR Doc. 80-9629 Filed 3-31-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Applied Physical, Mathematical, and Biological Sciences and Engineering of the Advisory Committee for Engineering and Applied Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Applied Physical, Mathematical, and Biological Sciences and Engineering Sciences of the Advisory Committee for Engineering and Applied Science.

Date and Time: April 21–22, 1980—9 a.m. to 5 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Type of meeting: Closed.

Contact Person: Dr. L. Vaughn Blankenship, Director, Division of Applied Research, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone (202) 634–6260.

Purpose of Subcommittee: To provide advice and recommendations concerning support for applied research in the applied physical, mathematical, and biological sciences and engineering.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 27, 1980.

[FR Doc. 80-9627 Filed 3-31-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Applied Social and Behavioral Sciences of the Advisory Committee for Engineering and Applied Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Applied Social and Behavioral Sciences of the Advisory Committee for Engineering and Applied Science.

Date and Time: April 24–25, 1980—9 a.m. to 5 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. L. Vaughn Blankenship, Director, Division of Applied Research, Rm. 1126, NSF, Washington, D.C. 20550. Telephone 202/634–6260.

Purpose of Subcommittee: To provide advice and recommendations concerning support for applied research in the social and behavioral sciences.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 27, 1980.

[FR Doc. 80-9626 Filed 3-31-80; 8:45 am]

BILLING CODE 7555-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16696; SR-Amex-79-12]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 26, 1980.

On August 21, 1979, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which deletes Amex Rules 921.05, 921.06, regarding options third party discretionary accounts, and investment partnership and investment club accounts; and Rule 924.01 regarding options discretionary accounts.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16151, August 30, 1979) and by publication in the **Federal Register** (44 FR 53825, September 17, 1979). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9671 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11101; 812-4532]

Beneficial National Life Insurance Co., et al.; Application

March 25, 1980.

In the matter of Beneficial National Life Insurance Company, the Dreyfus Rainbow Annuity Variable Account A, Two Park Avenue, New York, NY 10016; and Dreyfus Liquid Assets, Inc., Dreyfus A Bonds Plus, Inc., 767 Fifth Avenue, New York, NY 10022.

Notice is hereby given that Beneficial National Life Insurance Company ("Beneficial"), a stock life insurance company organized under the laws of the State of New York, The Dreyfus Rainbow Annuity Variable Account A (the "Separate Account"), a separate account of Beneficial's registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, Dreyfus Liquid Assets, Inc. ("DLA") and Dreyfus A Bonds Plus, Inc. ("A Bonds") (collectively referred to as the "Funds"), diversified, open-end management companies registered under the Act (hereinafter Beneficial, the Separate Account and the Funds are collectively referred to as "Applicants"), filed an application on September 6, 1979, and amendments thereto on November 13, November 26, and December 7, 1979, and March 3, and March 21, 1980, pursuant to Section 11 of the Act for an order approving certain offers of exchange, and pursuant to Section 6(c) of the Act for an order of exemption from Sections 26(a)(2)(C) and 27(c)(2) of the Act.

The Separate Account was established by Beneficial pursuant to the laws of the State of New York in connection with the issuance of individual, single purchase payment, variable annuity contracts (the "Contracts") offered by Beneficial. Contract owners make purchase payments to Beneficial which are invested in one or both of the underlying Funds.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any principal underwriter therefor to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to permit shareholders of the Funds to exchange their shares for the Contracts. Such shareholders will be notified of the offer of exchange and will be permitted to make such an exchange without payment of a fee, sales load or transfer charge. Only purchase payments for the Contracts in the form of shares of DLA will be invested by the Separate Account in DLA. Purchase payments for the Contracts in the form of cash or shares of A Bonds will be invested by the Separate Account in A Bonds. In addition, Contract owners who have DLA as the investment underlying their Contracts may reallocate such underlying investment to A Bonds. However, Contract owners who have A Bonds as the investment underlying their Contracts may not reallocate such underlying investment to DLA. Applicants state that the exchange privilege is proposed to be so limited because of a recent regulation of the Federal Reserve Board placing reserve requirements on any increase in average assets of money market funds subsequent to March 14, 1980. As a result of this regulation, the Board of Directors of DLA has decided to limit future sales of additional shares of DLA.

Applicants submit that the proposed exchange privilege allowing Fund shareholders to exchange their shares for Contracts is consistent with the policy of Section 11 of the Act since any exchange would be made at net asset value and would not be subject to a fee, sales load or transfer charge. Applicants state that any such exchange would be solely at the election of existing shareholders of the Funds. Applicants further state that such an exchange privilege will permit Fund shareholders to add annuity features to their financial plans while retaining the investment orientation they already possess. In addition, DLA shareholders may change their investment orientation while adding the annuity features. Similarly, Applicants believe that it is in the best interest of Contract owners to permit the investments underlying their contracts to be reallocated from DLA to A Bonds. Such an exchange privilege would be of benefit to those Contract owners whose changing personal economic needs make it desirable for them to change their investment vehicle.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian. Section 26(a)(2)(C) provides that a payment to the depositor shall not be allowed as an expense to the custodian of a unit investment trust except for the payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services, of a character normally performed by the trustee or custodian itself. Section 27(c)(2) applies the same restrictions to periodic payment plan certificates.

Applicants have requested an exemption pursuant to Section 6(c) of the Act from Sections 26(a)(2)(C) and 27(c)(2) of the Act to permit the custodian, Bradford Trust Company of Boston (the "Custodian"), to be allowed as an expense payments to the Company (A) to reimburse the Company for Development Allowances advanced by the Company to the Custodian (B) for Contract Expense Reimbursement, and (C) for insurance commissions indirectly paid by Contract owners.

Reimbursement of Advances to Custodian

Beneficial will advance $55,000 to the Custodian to reimburse the Custodian for expenses ("Development Allowance") in developing computer systems and making operational preparations associated with the annuity program. The Custodian will repay this amount to Beneficial, without interest, in stages as Contracts are issued with the full amount to be repaid after 50,000 Contracts have been issued. This amount will be repaid to Beneficial out of the Custodian's share of the Contract Administrative Charge. In the event the Custodian has not reimbursed Beneficial for the full amount of the Development Allowance by December 31, 1980, Beneficial will treat the unreimbursed amount as an expense to which the Contract Expense Reimbursement (described below) applies. Any Development Allowance thereafter repaid by the Custodian will be credited against the Contract Expense Reimbursement.

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Contract Expense Reimbursement

Applicants state that on December 31 of each year each Contract then in effect for at least 60 days will be charged a pro rata portion (based on the total number of such Contracts in effect on December 31 of such year) of Beneficial's accumulated expenses for performing services through such date which are not covered by the Contract Administrative Charge (currently $30 a year). The maximum amount of this "Contract Expense Reimbursement" for any year is $5.00 per Contract. To the extent any actual expenses are not reimbursed during any year or years as a result of the $5.00 limitation, these expenses will be carried over to the next year or years. The types of expenses for which reimbursement will be made include start-up and maintenance costs which Beneficial has and will incur in establishing and maintaining the Dreyfus annuity program; annual regulatory costs, and outside legal, actuarial, accounting and other outside professional costs in establishing and maintaining the Dreyfus annuity program; compensation and fringe benefits to Beneficial's employees whose duties are limited to performing services relating to the variable annuity program; and all other out-of-pocket costs directly allocable to the Dreyfus annuity program. Beneficial will be entitled to reimbursement only for expenses which are verified by its independent accountants. Beneficial will not be entitled to reimbursement for distribution expenses. The Contract Expense Reimbursement will be deducted by the Custodian from the Contract values of the respective Contracts, and will be paid by the Custodian to Beneficial.

Insurance Commissions

Applicants state that the Contracts will be distributed through Dreyfus Service Organization, Inc., ("DSO"), which is affiliated with the investment adviser for the Funds. Beneficial has agreed to pay insurance commissions to DSO for its services as an insurance general agent in distributing the Contracts. The insurance commissions payable to DSO range between zero and .675% of annuity business in force on each anniversary of the effective date of the offering.

Contract owners pay no sales load upon purchase of the Contracts. However, Beneficial will deduct from the Separate Account an amount which is equal on an annual basis to 1% of the daily net asset value of the Separate Account. The 1% amount is an insurance charge and will be retained by Beneficial to compensate it for mortality risks which inhere in the annuity tables forming a part of the Contracts, and to provide a profit to Beneficial. Beneficial will profit from the insurance premium to the extent that actual mortality experience is more favorable than expected and to the extent that it is not required to bear unreimbursed expenses. Since Beneficial will not be reimbursed for insurance commissions paid to DSO, its profit will be reduced to the extent of these commissions.

Applicants state that Beneficial will pay insurance commissions out of its general funds, and not directly, "out of" the insurance premium. To the extent that Beneficial's unreimbursed expenses and mortality experience are such that it realizes a profit from the 1% insurance premium, this profit will increase the pool of general company surplus which is available to pay commissions. Such profit may not in fact occur, in which case Beneficial must still pay the commissions and represents that it will not seek reimbursement from the Contract owners. In order to remove any possible uncertainty that the Custodian is, in effect, being allowed as an expense amounts which are indirectly paid towards distribution expenses, Applicants seek an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit such payments. Applicants acknowledge the Commission policy against investment companies bearing distribution expenses. However, Applicants submit that the Contract charges are consistent with the industry norm and argue that charging an additional sales load would not be in the best interest of the Contract owners.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security of transaction, or any class or classes thereof, from any provision of the Act or its Rules and Regulations, if and to the extent necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have consented that any order granting the requested exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the Act be made subject to the conditions that (1) the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges. In addition, Applicants agree that if the requested exemptions are granted, the exemptive order shall remain in effect only so long as there is no increase in the Contract Administrative Charge.

Notice is further given that any interested person may, not later than April 21, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any of fact or law proposed to be controverted, or that person may request notification if the Commission should order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9741 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11100; 812-4426]

Centennial Capital Cash Management Trust; Application

March 24, 1980.

Notice is hereby given that Centennial Capital Cash Management Trust ("Applicant"), One New York Plaza, New York, New York 10004, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified management investment company, filed an application on November 2, 1979, and an amendment thereto on March 11, 1980, for an order of the Commission pursuant to Section 6(c) of the Act Amending in the manner described below a prior order (the "Prior Order") which exempted Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its price per share for the purposes of sales and redemptions of its shares to the nearest one cent on a share value of one dollar. The Prior Order was issued in Investment Company Act Release No. 10777 (July 13, 1979). Applicant represents that in all other respects its portfolio securities are valued in accordance with Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money-market" fund whose investment objective is seeking the best obtainable yields on "money-market" securities consistent with low capital risk and that its portfolio may, as a matter of fundamental investment policy, be invested only in U.S. government or agency obligations, bank obligations and instruments secured thereby, commercial paper and certain debt obligations and certain other obligations meeting specified tests; all portfolio securities must mature in twelve months or less from the date of purchase or be subject to repurchase agreements so maturing.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to current market value for portfolio securities with respect to which market quotations are readily available and for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC-9786, the Commission issued an interpretation of rule 2a–4 expressing its view that it was inconsistent with Rule 2a–4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a–4.

In the application for the Prior Order, Applicant represented that, to the extent necessary, its Trustees (who perform the functions of a board of directors of a corporation) would consider the advisability of temporarily suspending the payment of dividends or making a capital gains distribution (if and to the extent that capital gains have not been reflected in prior dividends) to maintain a $1.00 price per share if the net asset value per share declined to a value below $0.997 or rose to a value of above $1.003, respectively; such representation is repeated as part of this application. Applicant also, in such prior application, consented that in order to attempt to assure the stability of its net asset value per share, it would adhere to the following conditions (which are set forth in the Prior Order):

(1) Applicant's Trustees, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00;

(2) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and Applicant will not purchase a portfolio security unless it matures in twelve months or less from the date of purchase or is subject to a repurchase agreement so maturing, or has been called for redemption within twelve months where Applicant's investment adviser shall have determined that the risk that such redemption will not take place is minimal; nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days; and

(3) Applicant will invest only in obligations issued or guaranteed by the U.S. government or its agencies or instrumentalities; bank time deposits, certificates of deposit, bankers acceptances and other bank obligations; high-grade commercial paper and other debt obligations rated A–1 by Standard & Poor's Corporation or Prime–1 by Moody's Investors Service, Inc. or issued by companies having an outstanding debt issue rated at least "AA" by Standard & Poor's Corporation or at least "Aa" by Moody's Investors Service, Inc.; other obligations accompanied by a guarantee of principal and interest issued by a bank or corporation whose certificates of deposit or commercial paper may otherwise be purchased; such obligations and guarantees must be due within twelve months or less from the date of purchase; and repurchase agreements for the obligations of the types listed above. Investments in bank time deposits, certificates of deposit, bankers acceptances, and other bank obligations are limited to domestic banks or savings and loan associations subject to regulation by the U.S. government having in excess of U.S. $1 billion in total assets. Investments in repurchase agreements are limited to transactions with a financial institution believed by Applicant's investment adviser to present minimal credit risks.

Applicant requests that the Commission issue an order amending the Prior Order by deleting condition (3) of the Prior Order as set forth above and substituting in place thereof the following condition (3):

(3) Applicant will limit its portfolio investments, including repurchase agreements, to those instruments which are denominated in U.S. dollars and which the Trustees of Applicant determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

Applicant submits that the detailed "quality" restrictions of condition (3) of the Prior Order are not necessary if there is substituted therefor the responsibility for quality determinations by the Trustees of Applicant as set forth above in the proposed new condition (3). Applicant also submits that the quality control restrictions which are contained in condition (3) of the Prior Order in substance embody the present fundamental policies of Applicant (except to the extent that the conditions, but not the policies, prohibit investment in the obligations of foreign banks or in the obligations of domestic banks having total assets of less than U.S. $1 billion) and that, because of the Prior Order, the shareholders of Applicant are unable to change many fundamental policies of Applicant, as they are entitled to do under Section 13(a)(3) of the Act, without the possibility of loss of the exemption contained in the Prior Order. Applicant further submits that

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exemption orders issued by the Commission in related areas after the issuance of the Prior Order (for example, Investment Company Act Release No. 10824, August 8, 1979) have contained quality restrictions similar to that applied for rather than the detailed quality restrictions contained in the Prior Order.

Section 6(c) of the Act provides, in part, that the Commission, may upon application, exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 18, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notied if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9742 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16696; File Nos. SR-CBOE-79-9, SR-Amex-79-11, SR-MSE-79-18, SR-PSE-79-13, SR-Phlx-79-7, and SR-NYSE-79-45]

Chicago Board Options Exchange, Inc., et al.; Order Approving Proposed Rule Changes

March 26, 1980.

In the Matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603; Pacific Stock Exchange Incorporated, 301 Pine Street, San Francisco, California 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103; and New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

The self-regulatory organizations ("SROs") listed above have each filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of proposed rule changes to amend their rules in response to certain recommendation of the Commission's Special Study of the Options Markets.[1]

Notice of each proposed rule change together with the terms of substance of each proposed rule change was given by publication of a Commission release and by publication in the **Federal Register.**[2]

All written statements with respect to the proposed rule changes which were filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the PSE and NYSE rule proposals prior to the thirtieth day after the date of publication of the final amendments thereto since those amendments are substantially identical to amendments filed by the other SROs noted above which were published for public comment for the requisite period of time. In addition, the Commission believes that simultaneous approval of all of the SROs proposals is necessary and appropriate in order to achieve a consistent and equal regulatory scheme for standardized options.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9699 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[1] The proposed rule changes were filed and amended on the following dates: (1) Chicago Board Options Exchange, Incorporated ("CBOE"), filed August 16, 1979, amended December 19, 1979; (2) American Stock Exchange, Inc. ("Amex"), filed August 27, 1979, amended January 7, 1980; (3) Midwest Stock Exchange, Incorporated ("MSE"), filed September 4, 1979, amended September 19, 1979, September 28, 1979, October 2, 1979, November 28, 1979, January 21, 1980, February 4, 1980, and February 13, 1980; (4) Pacific Stock Exchange Incorporated ("PSE"), filed September 11, 1979, amended December 12, 1979, and March 5, 1980; (5) Philadelphia Stock Exchange, Inc. ("Phlx"), filed September 13, 1979, amended October 25, 1979, January 21, 1980, and January 25, 1980; and (6) New York Stock Exchange, Inc. ("NYSE"), filed November 2, 1979, amended March 11, 1980.

[2] Notice of each proposed rule change and amendments thereto was given by publication of a Commission release and by publication in the **Federal Register,** as follows: (1) CBOE, original filing published in Securities Exchange Act Release No. 34–16127, August 21, 1979, 44 FR 50111, amendment published in Securities Exchange Act Release No. 34–16466, January 3, 1980, 45 FR 2122; (2) Amex, original filing published in Securities Exchange Act Release No. 34–16145, August 29, 1979, 44 FR 52763, amendment published in Securities Exchange Act Release No. 34–16477, January 7, 1980, 45 FR 8407; (3) MSE, original filing published in Securities Exchange Act Release No. 34–16245, October 5, 1979, 44 FR 59874, amendments published in Securities Exchange Act Release No. 34–16577, February 14, 1980, 45 FR 11642; (4) PSE, original filing published in Securities Exchange Act Release No. 34–16234, October 2, 1979, 44 FR 57543, amendments published in Securities Exchange Act Release No. 34–16667, March 17, 1980; (5) Phlx, original filing published in Securities Exchange Act Release No. 34–16253, October 5, 1979, 44 FR 59092, amendments published in Securities Exchange Act Release No. 34–16538, January 28, 1980, 45 FR 7661; and (6) NYSE, original filing published in Securities Exchange Act Release No. 34–16359, November 21, 1979, 44 FR 66388, amendment published in Securities Exchange Act Release No. 34–16676, March 18, 1980.

[Rel. No. 21490; 70–6431]

Eastern Utilities Associates, EUA Service Co., et al.; Request for Exception From the Consolidated Tax Allocation Provisions

March 25, 1980.

In the matter of Eastern Utilities Associates, EUA Service Company, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865; Eastern Edison Company, 36 Main Street, Brockton, Massachusetts 02403; and Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiaries Blackstone Valley Electric Company ("Blackstone"), Eastern Edison Company ("Eastern Edison") and Montaup Electric Company ("Montaup"), together with its service company subsidiary EUA Service Corporation ("Service Company"), have filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

EUA and its subsidiaries join annually in the filing of consolidated federal income tax returns. The consolidated federal income tax liabilities are allocable among the members of the consolidated group in accordance with the provisions of Section 1552 of the Internal Revenue Code of 1954 ("Code") and other applicable requirements of Rule 45(b)(6) under the Act, subject to modification for years subsequent to 1962 as authorized by Commission order dated May 28, 1963 (HCAR No. 14880). Under Section 1552(a)(1) of the Code, as modified by said order, (i) the tax and surtax (46%) on consolidated taxable income is apportioned in accordance with the ratio which that portion of the consolidated taxable income attributable to each member of the group having taxable income bears to the consolidated taxable income, and (ii) each of the subsidiaries included in the consolidated tax return is given the full investment credit that it contributes to the total investment credit allowed on the consolidated return. It is stated that under the circumstances hereinafter described, certain inequities and distortions will result if the allocation of the group's consolidated federal income tax liabilities for 1979 is effected pursuant to the provisions of Rule 45(b)(6) set forth above.

The estimated 1979 separate taxable income and losses (i.e., income or loss as determined solely for the purpose of computing federal income tax liability, and not for purposes of financial reporting) of the members of the EUA system (adjusted to take into account the consolidation and, thus, comprising in the aggregate the consolidated net taxable income) are as follows:

Company	Estimated taxable income (loss)
EUA	$(2,629,456)
Service company	—
Blackstone	(949,200)
Eastern Edison	4,518,305
Montaup Consolidated	(1,297,323)
Total	($357,684)

The estimated consolidated federal income tax refund before investment tax credits is $171,688. In order to allocate such consolidated tax refund equitably, declarants request the following exception from the provisions of Rule 45(b)(6) for the tax year 1979:

(i) that the reduction in the consolidated tax liabilities arising from the net operating losses contributed to the consolidated tax return by Blackstone and Montaup be allocated in their entirety to Blackstone and Montaup (but that each other operating company be allowed to offset its liability to Blackstone and Montaup by its full investment credits earned); and

(ii) that in years in which Blackstone and Montaup have taxable income and may be entitled to tax credits under the operating loss carryback and carryover provisions of Section 172(b) of the Code, in order to comply with the separate return limitations of Rule 45(b)(6), any tax credits remitted to Blackstone and Montaup as a result of the exception from said rule herein requested shall be applied to reduce any credits in future years to which Blackstone and Montaup may otherwise be entitled under any separate return limitations of Rule 45(b)(6).

The proposed method of allocation would continue to be subject to the provision of Rule 45(b)(6)(ii) that the aggregate tax liability allocated to each subsidiary should not exceed the amount of such subsidiary's tax based upon a separate return computed as if such subsidiary had always filed its tax return on a separate return basis.

A comparison of the taxes allocated under the method prescribed by Rule 45(b)(6) and under the proposed method is as follows (all figures before investment tax credits):

Company	Under rule 45	Under proposed method
EUA	—	—
Service Company	—	—
Blackstone	—	($566,622)
Eastern Edison	($171,688)	1,035,315
Montaup	—	(640,401)
Total	(171,688)	(171,688)

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,500, including legal fees at $1,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9743 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21489; 70-6362]

Indiana & Michigan Electric Co.; Proposed Changes in Short-Term Borrowing Authorization

March 25, 1980.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility

subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 6(b) of the Act and Rules 50(a)(2) and 50 (a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By prior order in this proceeding (HCAR No. 21247, October 12, 1979), I&M was authorized to issue and sell notes to banks and commercial paper to a dealer in an aggregate amount not to exceed $150,000,000, such notes and commercial paper maturing no later than June 30, 1981. By supplemental order in this proceeding (HCAR No. 21444, February 21, 1980), I&M was authorized to (1) add the Marine Midland Bank, New York, N.Y. as one of the banks which is extending to I&M a line of credit; (2) increase the line of credit at Mellon Bank, N.A., Pittsburgh, PA. from $9,000,000 to $20,000,000 and (3) change its credit arrangements to total $329,655,000 with 43 banks. The previously ordered limit of $150,000,000 on outstanding notes was not changed.

By post-effective amendment I&M proposes to amend its application by: (1) increasing its credit arrangements with 43 banks to total $334,655,000; (2) increasing the line of credit at Irving Trust Company from $10,000,000 to $25,000,000; and (3) incurring short-term indebtedness in an aggregate amount not to exceed $200,000,000. It is stated that the authorization for an increase in the maximum amount of short-term debt outstanding from $150,000,000 to $200,000,000 is necessary because it appears that Kentucky Power Company, an affiliate of I&M, will not be authorized to acquire an interest in the Rockport Plant before the end of 1980 (see File No. 70–6198). An increase in the maximum amount of short-term debt outstanding will allow for greater financing flexibility.

For purposes of borrowing, the 43 banks are of three classes. Each note to be issued to a Class I bank will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable at any time without penalty. I&M's credit arrangements with these banks require it to maintain compensating balances equal to a percentage of the line of credit made available by the bank plus a percentage of any amount actually borrowed, generally not in excess of 10 percent of the line of credit and 10 percent of the amount borrowed. Borrowings from a Class I bank would generally bear interest at an annual rate not greater than the bank's prime commercial rate in effect from time to time.

Each note to be issued to a Class II bank will mature not more than 270 days after the date of issuance or renewal thereof, and will be prepayable by I&M at any time without premium or penalty. I&M's credit arrangements with these banks require it to maintain compensating balances of 5 percent of the line of credit and to pay a fee, which is equal to 4 percent of the bank's prime commercial rate then in effect times the size of the line. The combination of 5 percent compensating balances and the fee is generally equivalent to compensating balances not in excess of 10 percent of the line of credit made available. In addition, I&M must pay interest on the borrowings at the rate of up to 108.5 percent of the bank's prime commercial rate then in effect. In the case of one bank, borrowings may be made in Eurodollars; the interest rate on such borrowings will be a designated percent of the London Interbank Offering Rate. The total cost of borrowings from Class II banks would not be greater than the effective rate for borrowings bearing interest at the prime rate with compensating balances equal to 10 percent of the line of credit and 10 percent of the amount borrowed. It is stated that if the balances maintained and the fees paid by I&M with and to the Class I and II banks were maintained and paid solely to fulfill requirements for borrowings by I&M, the effective annual interest cost under either such arrangements, assuming full use of the line of credit, would not exceed 125 percent of the prime commercial rate in effect from time to time, or not more than 23.75 percent on the basis of a prime commercial rate of 19 percent.

With respect to the Class III banks, I&M has money market facilities at each of two named banks in an aggregate amount of $20,000,000. These money market facilities do not represent a formal commitment or engagement by these banks to I&M, but represent merely the ability of I&M to request unsecured borrowings in the form of promissory notes, on a case-by-case basis. These money market facilities are available for unsecured borrowings in domestic dollars and/or in Eurodollars for periods of up to 180 days after the date of issuance, and any such borrowings will be prepayable by I&M at any time without premium or penalty. No compensating balances are required. The interest rate which is presently to be negotiated on a case-by-case basis (using a 360 day year), is pegged to either the London Interbank Offering Rate plus a designated percent, if the borrowings are made in Eurodollars, or to a designated percent of the bank's prime rate, if the borrowings are made in domestic dollars. It is stated that interest rates on these notes will be lower than the effective interest rates for bank borrowings made from Class I and II banks, including the effect of any compensating balances and fees paid.

I&M also proposed to issue commercial paper, in the form of promissory notes, in denominations of not less than $50,000 nor more than $5,000,000, of varying maturities, with no maturity more than 270 days after the date of issue; such notes will not be prepayable prior to maturity. The commercial paper notes will be sold directly by I&M to Lehman Commercial Paper Incorporated (the "Dealer") at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper will be issued having a maturity of more than 90 days if such commercial paper would have an effective interest cost which exceeds the effective interest cost at which I&M could borrow from commercial banks. The Dealer will reoffer the commercial paper notes to not more than 200 of the Dealer's customers identified and designated in a nonpublic list prepared by the Dealer in advance, at a discount rate of ⅛ of 1% less than the discount rate at which such notes were purchased from I&M. It is expected that such customers will hold such commercial paper notes to maturity, but if any such customer wishes to resell such commercial paper prior to maturity, the Dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper and reoffer it to other customers on its nonpublic list.

I&M claims exemption from competitive bidding requirements of Rule 50 for the proposed issuance of notes to banks pursuant to paragraph (a)(2) thereof and requests exemption from such requirements for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5)(ii) thereof.

The fees and expenses to be incurred in connection with the proposed transaction will not exceed $100. No state commission and no federal commission, other than this

Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9744 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16695; SR-NYSE-80-4]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

On February 20, 1980, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change rescinding NYSE Rules 318(a) and 318.22 requiring that the primary purpose of every NYSE member organization be the transaction of business as a broker or dealer of securities and presumes that the "primary purpose" test is met only if at least 50 percent of a member organization's gross income is derived from such activities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16612 (Feb. 27, 1980), 19 SEC Docket 763 (March 11, 1980)) and by publication in the **Federal Register** (45 FR 14734 (March 6, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9865 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11099; 812–4425]

Oppenheimer Monetary Bridge, Inc.; Application

March 24, 1980.

Notice is hereby given, that Oppenheimer Monetary Bridge, Inc. ("Applicant"), One New York Plaza, New York, N.Y. 10004, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified management investment company, filed an application on November 2, 1979 and an amendment thereto on March 11, 1980, for an order of the Commission pursuant to Section 6(c) of the Act amending in the manner described below a prior order (the "Prior Order") which exempted Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its price per share for the purposes of sales and redemptions of its shares to the nearest one cent on a share value of one dollar. The Prior Order was issued in Investment Company Act Release No. 10776 (July 13, 1979). Applicant represents that in all other respects its portfolio securities are valued in accordance with Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment objective is seeking the maximum current income that is consistent with stability of principal and that its portfolio may, as a matter of fundamental investment policy, be invested only in bank or corporate debt obligations, commercial paper, U.S. treasury bills and other short-term debt instruments issued by the U.S. government or its agencies, maturing in or called for redemption in one year or less.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to current market value for portfolio securities with respect to which market quotations are readily available and for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC–9786, the Commission issued an interpretation of Rule 2a–4 expressing its view that it was inconsistent with Rule 2a–4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a–4.

In the application for the Prior Order, Applicant represented that, to the extent necessary, its Board of Directors would consider the advisability of temporarily suspending the payment of dividends or making a capital gains distribution (if and to the extent that capital gains have not been reflected in prior dividends) to maintain a $1.00 price per share if the net asset value per share declined to a value below $0.997 or rose to a value of above $1.003, respectively; such representation is repeated as part of this application. Applicant also, in such prior

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application, consented that in order to attempt to assure the stability of its net asset value per share, it would adhere to the following conditions (which are set forth in the Prior Order):

(1) Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00;

(2) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and Applicant will not purchase a portfolio security unless it matures in one year or less or is subject to a repurchase agreement, the delivery under which does not exceed one year, or has been called for redemption within one year where Applicant's investment adviser shall have determined that the risk that such redemption will not take place is minimal; nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days; and

(3) Applicant will invest only in debt obligations payable in dollars issued or guaranteed by the federal government, federal governmental agencies, or certain banks, savings and loan associations, and corporations. Investments in banking obligations will be limited to certificates of deposit issued by domestic banks or savings and loan associations which have total assets in excess of $1 billion and bankers acceptances or letters of credit guaranteed by U.S. commercial banks having total assets in excess of $1 billion. The commercial paper purchased by Applicant shall be (i) rated Prime-1 or Prime-2 by Moody's Investors Service, Inc., or A-1 or A-2 by Standard & Poor's Corporation, or (ii) issued by companies having an outstanding debt issue rated at least Aa by Moody's Investors Service, Inc. or at least AA by Standard & Poor's Corporation. Other obligations purchased by Applicant will be either debt instruments issued by domestic corporations rated Aa or better by Moody's Investor Services, Inc., or AA or better by Standard & Poor's Corporation or obligations issued by other entities accompanied by a guarantee or principal and interest by a bank or corporation whose certificates of deposit or commercial paper may otherwise by purchased by Applicant. Investments in repurchase agreements will be limited to transactions with a financial institution believed by Applicant's investment adviser to present minimal credit risks.

Applicant requests that the Commission issue an order amending the Prior Order by deleting condition (3) of the Prior Order as set forth above and substituting in place thereof the following condition (3):

(3) Applicant will limit its portfolio investments, including repurchase agreements, to those instruments which are denominated in U.S. dollars and which the Board of Directors of Applicant determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

Applicant submits that the detailed "quality" restrictions of condition (3) of the Prior Order are not necessary if there is substituted therefor the responsibility for quality determinations by the Board of Directors of Applicant as set forth above in the proposed new condition (3). Applicant also submits that the quality control restrictions which are contained in condition (3) of the Prior Order in substance embody the present fundamental policies of Applicant except that the conditions, but not the policies, prohibit investment in the obligations of foreign banks or in the obligations of domestic banks having total assets of less than U.S. $1 billion while the policies permit investment in the obligation of domestic or foreign banks having total assets in excess of U.S. $500 million and that, because of the Prior Order, the shareholders of Applicant are unable to change many fundamental policies of Applicant, as they are entitled to do under Section 13(a)(3) of the Act, without the possibility of loss of the exemption contained in the Prior Order. Applicant further submits that exemption orders issued by the Commission in related areas after the issuance of the Prior Order (for example, Investment Company Act Release No. 10824, August 8, 1979) have contained quality restrictions similar to that applied for rather than the detailed quality restrictions contained in the Prior Order.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 18, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9745 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16699; SR-PCC-80-1]

Pacific Clearing Corporation ("PCC"); Order Approving Proposed Rule Change

March 26, 1980.

On February 12, 1980 PCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change changing the definition of "block delivery," from securities having an aggregate value of $50,000 or more, to securities having an aggregate value of $25,000 or more.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16579, February 14, 1980) and by publication in the **Federal Register** (45 FR 11649, February 21, 1980). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9668 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16694; File No. SR-PHLX-80-6]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on March 24, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), hereby proposes to amend Rule 1014 ("Obligations and Restrictions Applicable to Specialists and Registered Options Traders") as follows: (brackets indicate deletions; italics indicate words to be added)

RULE 1014

. . . Commentary

.01 An ROT electing to engage in Exchange options transactions is designated as a specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him *on the floor* in his capacity as an ROT. *For purposes of this commentary, the term "transactions initiated and effected on the floor" shall not include transactions initiated by an ROT off the floor, but which are considered "on-floor" pursuant to Commentaries .07 and .08 of Rule 1014.*

.15 An ROT may not initiate orders from off the floor as a market maker in reliance upon the market maker exemption contained in Section 11(a)(1) of the Securities Exchange Act of 1934.

PHLX's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The proposed amendment to Commentary .01, which the Securities and Exchange Commission ("Commission") has requested the PHLX to adopt, limits the scope of this commentary to transactions initiated and effected on the Exchange floor. The amendment further makes it clear that, regardless of whether or not an ROT transaction is considered "on-floor" for purposes of Rule 1014, such transaction must actually be initiated on the floor if the ROT is to qualify for the specialist exemptions from the net capital rule,[1] Regulation T and Section 11(a) of the Act.

The proposed new Commentary .15, which the Commission has also requested the Exchange to adopt, provides that an ROT's orders, initiated off the floor, may not be made in reliance on the market maker exemption contained in Section 11(a) of the Act.

The proposed rule change is being made at the specific request of Commission staff, apparently on the basis that it is consistent with Section 6(d) of the Act and enhances the Exchange's ability to enforce compliance with the Act.

No comments were solicited or received.

The proposed amendment may impose burdens on competition which, in view of the Commission's position, appear to be justified by the regulatory purposes of the Act.

On or before May 6, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 22, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 25, 1980.

[FR Doc. 80-9666 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

[1] It is PHLX's understanding, however, that consistent with the provisions of the net capital rule, an ROT who engages in an occasional non-specialist transaction will not thereby lose his specialist exemption from the net capital rule.

[Rel. No. 16697; SR-Phlx-79-8]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 26, 1980.

On October 25, 1979, the Philadelphia Stock Exchange, Inc. ("Phlx"), 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which deletes Phlx Rules 1024.04, 1024.05, 1024.06, regarding options fiduciary accounts, third party discretionary accounts; and investment partnership and investment club accounts; and Rule 1027.01, regarding options discretionary accounts.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16349, November 16, 1979) and by publication in the **Federal Register** (44 FR 67260, November 23, 1979). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9670 Filed 3-31-80; 8:45 am]

BILLING CODE 8010-01-M

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[Release No. 16701/March 26, 1980]

Termination of the Options Moratorium

AGENCY: Securities and Exchange Commission.

ACTION: Policy Statement.

SUMMARY: The Commission announces its determination to terminate the voluntary options moratorium and discusses general policies regarding further expansion of the standardized options market.

DATES: Not applicable.

ADDRESSES: Interested persons are invited to provide written comments regarding this policy statement and the issues discussed herein. Commentators should file six copies of their submissions with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7–772 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gene E. Carasick, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Room 346, 500 North Capitol Street, Washington, D.C. 20549 (202) 272–2409.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Securities and Exchange Commission ("Commission") today announced its determination to terminate the voluntary options moratorium and to begin to permit further expansion of the standardized options markets. In order to provide guidance to those self-regulatory organizations ("SROs") which currently trade, or contemplate trading, standardized options regarding the manner in which the Commission plans to permit expansion of the options markets following termination of the moratorium, the Commission is issuing this general statement of policy regarding the listing of additional put and call options classes, the expansion of multiple trading [1] and the filing of expansionary rule proposals.

II. Background

Pursuant to Section 9(b) of the Securities Exchange Act of 1934 ("Act"), the Commission has been granted plenary authority to regulate all aspects of options trading on exchanges and to assure that such trading occurs in a manner calculated to eliminate the manipulative and fraudulent uses of options.[2] In 1973, the Commission adopted former Securities Exchange Act Rule 9b–1,[3] which athorized establishment of pilot programs for exchange trading of standardized options [4] and granted the application of the Chicago Board Options Exchange, Incorporated ("CBOE") to register as a national securities exchange in order to permit the CBOE to "test the market" for listed options "within a controlled environment."[5] The Commission noted in its approval order that it intended "to maintain a close surveillance over the progress of the CBOE's 'pilot program' " and to "maintain flexibility in regulating this new type of exchange market." The Commission emphasized the particular need for close surveillance of pilot options programs, which the Commission stated "may involve complex problems and special risks to investors and to the integrity of the marketplace." Subsequently, the Commission approved pilot options trading programs for the American Stock Exchange, Inc. ("Amex"),[6] the Philadelphia Stock Exchange, Inc. ("Phlx"),[7] the Pacific Stock Exchange Incorporated ("PSE") [8] and the Midwest Stock Exchange, Incorporated ("MSE").[9]

The rapid growth in standardized options trading volume after 1973 and the appearance of abuses in the trading and selling of standardized options generated Commission concern about the adequacy of the regulatory framework within which standardized options trading occurred. Consequently, in July, 1977, the Commission requested each national securities exchange that listed options (the "options exchanges") to refrain voluntarily from listing any options classes in addition to those listed on July 15, 1977, and announced it would commence a general review of standardized options trading. At that time, the Commission also announced that it did not expect to approve any SRO rule proposals designed to initiate new programs for the trading of standardized options or to expand existing programs.[10]

Subsequently, the Commission announced the commencement of its comprehensive investigation and study of the standardized options markets (the "Options Study"), in order to "determine whether standardized options trading is occurring in a manner and in an environment which is consistent with fair and orderly markets, the public interest, the protection of investors, and other objectives of the Act," and to ascertain "what, if any, additional action is necessary and proper to aid in the enforcement of the Act and the rule thereunder to protect investors and to ensure fair dealing in the trading of standardized options and their underlying securities." [11] In announcing

[1] Multiple trading refers to the trading of the same security in more than one marketplace.

[2] See H.R. Rep. No. 1383, 73d Cong., 2nd Sess. 15 (1934). Section 9 of the Act prohibits the trading of options by use of any facility of a national securities exchange "in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors." 15 U.S.C. 78i(b)

Section 9 of the Act was enacted in large part as a result of widespread manipulative and fraudulent practices in the securities industry involving the concurrent trading of options and their underlying securities, exposed by a series of Congressional and private studies in the early 1930's. *See, e.g.*, Senate Comm. on Banking and Currency, "Stock Exchange Practices," S. Rep. No. 1455, 73d Cong., 2d Sess. (1934).

[3] 17 CFR 240.9b–1 (1974). Rule 9b–1 prohibited transactions in options through the facilities of national securities exchanges except in accordance with plans filed by the exchanges and approved by the Commission, designed to regulate such transactions. Rule 9b–1 was rescinded by the Commission upon adoption of Rule 19b–4 under the Act (17 CFR 240.19b–4), which provides procedures for Commission review of rule proposals filed by self-regulatory organizations pursuant to Section 19(b) of the Act (15 U.S.C. 78s(b)). *See* Securities Exchange Act Release No. 11804 (August 19, 1975), 40 FR 40512.

[4] Securities Exchange Act Release No. 10552 (December 13, 1973), 38 FR 34665.

[5] Securities Exchange Act Release No. 9985 (February 1, 1973), 1 SEC Docket 11 (February 13, 1973).

[6] Securities Exchange Act Release No. 11144 (December 19, 1974), 40 FR 3258.

[7] Securities Exchange Act Release No. 11423 (May 15, 1975), 6 SEC Docket 804 (May 28, 1975).

[8] Securities Exchange Act Release No. 12283 (March 30, 1976), 41 FR 14454.

[9] Securities Exchange Act Release No. 13045 (December 8, 1976), 41 FR 54783.

[10] *See* Securities Exchange Act Release No. 13760 (July 18, 1977), 42 FR 38035. In addition to the options exchanges, the SROs participating in the voluntary moratorium included the New York Stock Exchange, Inc. ("NYSE") and the National Association of Securities Dealers, Inc. ("NASD"). *See also* Securities Exchange Act Release Nos. 14878 (June 22, 1978), 43 FR 35770, and 15028 (August 3, 1978), 43 FR 35772.

[11] Securities Exchange Act Release No. 14056 (October 17, 1977), 42 FR 56706. The Commission also announced and invited comment on proposed Rule 9b–1(T), which, if adopted, would have deferred temporarily the expansion of existing standardized options trading programs and the initiation of new programs. Commission action on the proposed rule was deferred pending implementation of the recommendations of the Options Study. The Commission also announced at that time the initiation of a disapproval proceeding for all expansionary rule proposals relating to standardized options, including proposals by the NYSE and the NASD to initiate programs for the trading of standardized options. (*See* Securities Exchange Act Release No. 14057, October 17, 1977; 42 FR 56706). The expansionary proposals subsequently were withdrawn at the Commission's

Footnotes continued on next page

the Options Study, the Commission expressed concerns regarding, among other things, (1) the ability of SRO surveillance systems to detect and prevent fraudulent, deceptive, and manipulative activity, both in options and in underlying securities; (2) the adequacy of existing Commission and SRO rules to prevent fraudulent, deceptive and manipulative acts, practices, devices and contrivances in connection with options trading; and (3) the development of the standardized options markets in a manner which is consistent with the public interest and the perfection of the mechanisms of a national market system.

The Options Study Report was released to the public on February 15, 1979.[12] In general, the Options Study found that

> [T]o those who understand * * * (options, they may offer an alternative to short term stock trading at lower commission costs and a smaller commitment of capital * * * (and) also provide a means for shifting the risk of unfavorable short term stock price movements from owners of stock who have, but do not wish to bear, those risks, to others who are willing to assume such risks in anticipation of possible rewards from favorable price movements.[13]

The Options Study also concluded, however, that the purchase and sale of standardized options involves a high degree of financial risk, and that only investors who understand the risks and are able to sustain the costs and financial losses associated with options should trade in standardized options. In this regard, the Options Study found that too often public investors had been encouraged to use standardized options without regard to the suitability of options for their investment needs. The Options Study also found other regulatory inadequacies in the options markets. Accordingly, the Options Study recommended certain steps that the SROs, their members and the Commission should take to improve the regulatory framework within which standardized options trading occurs and to increase the protection of investors.

On February 22, 1979, the Commission issued a release announcing its plan for implementing certain of the Options Study recommendations and for terminating the options expansion moratorium.[14] In that release, the Commission requested the SROs to address the Options Study recommendations contained in Category I of the release before the Commission would permit further expansion of the standardized options markets. The Category I recommendations generally called either for SRO rule proposals or for improvements in SRO compliance and surveillance procedures. In addition, those recommendations called for Commission inspections of the SRO's compliance and surveillance programs.

The Commission today has approved rule change proposals submitted by each of the options exchanges and the NYSE which are designed to address most of the Category I Options Study recommendations.[15] The Commission has determined that, for the most part, the proposals responsibly address the objectives of the Category I Options Study recommendations that called for SRO rule proposals and, to the extent the new rules are adhered to by the broker-dealer community and enforced by the SROs, should provide significant additional protections for public investors.[16]

The Commission also has received undertakings from the options exchanges to revise their broker-dealer examination and compliance procedures in response to the Options Study recommendations. The Commission's review of these responses indicates that the options exchanges have undertaken to implement procedures generally responsive to the Options Study recommendations. The Commission intends later this year to inspect each options exchange to verify that these procedural enhancements have been implemented. Finally, the Commission has conducted oversight inspections of the surveillance system of each of the options exchanges and has concluded that, if effectively utilized by each options exchange and if systems improvements are made in the normal course of business or in response to requests from the Commission's staff, these surveillance systems will be adequate to detect most currently recognized trading abuses involving options.[17]

The Commission believes that the regulatory framework that has been established in response to the Options Study recommendations improves the likelihood that effective regulation can be achieved for the options markets. Of course, in order to achieve effective regulations, the SROs must rigorously enforce their rules and fully utilize their surveillance systems and compliance and examination procedures, as well as continuously enhance these systems and procedures in order to provide the most effective means available for fulfilling their regulatory responsibilities. Similarly, broker-dealer firms must establish and exercise adequate internal controls over the activities of their employees.

In summary, the Commission believes that the major regulatory deficiencies identified by the Options Study have been addressed responsibly by the SROs. The Commission therefore has determined that it is appropriate at this time to terminate the voluntary options moratorium and to begin to permit further expansion of the standardized options markets. In connection with this determination, the Commission is issuing the following general statement of policy regarding the listing of additional put and call options classes, the expansion of multiple trading and the filing of expansionary rule proposals. In general, the Commission believes it would be appropriate for the existing options exchanges to begin to list additional put and call options classes in an orderly manner, taking into consideration each exchange's operational and surveillance capabilities, as well as the capacity of member firm back offices to accommodate the increased options trading volume associated with the additional of new put and call classes. The Commission also has determined to defer any expansion of multiple trading at this time for the reasons set forth below.

III. Puts Expansion

In 1977, the Commission authorized each of the options exchanges to list and trade put options on five underlying securities. At that time, the Commission indicated that it would consider further expansion of puts trading after reviewing the options exchanges' experience with puts trading and the exchanges' progress in resolving the

Footnotes continued from last page

request, and the disapproval proceeding was dismissed. (*See* Securities Exchange Act Release No. 15027, August 3, 1978; 43 FR 35760).

[12] Report of the Special Study of the Options Markets to the Securities and Exchange Commission, 96th Cong., 1st Sess. (Comm. Print 1978). ("Options Study Report").

[13] Options Study Report, *supra* note 12, at 1.

[14] Securities Exchange Act Release No. 15575, (February 22, 1979), 44 FR 11676.

[15] Securities Exchange Act Release No. 16606 (March 26, 1980). The filing of corresponding rule change proposals by the NASD has not been completed. The Commission expects to consider the NASD proposals in due course.

[16] With regard to those few recommendations which, in the Commission's view, have not been addressed adequately by the options exchange, the Commission intends to initiate formal rulemaking proceedings to determine whether Commission rules mandating compliance with such recommendations would be appropriate.

[17] Additional work also is necessary to reduce the number of position adjustments at the Options Clearing Corporation and to assure adequate surveillance of such adjustments by the SROs.

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Commission's concerns regarding their options surveillance and regulatory efforts.[15] As a result of the moratorium, each options exchange has been limited since mid-1977 to the listing and trading of five put classes.

The Commission has not identified any surveillance or compliance problems unique to puts trading and perceives certain benefits with respect to the listing of puts and calls on the same underlying security. The Commission believes the expansion of listed puts will provide investors with an additional investment vehicle to complement call options in the formulation of trading strategies. In addition, simultaneous listing may improve the markets for both the puts and calls, since market professionals will be able to utilize both puts and calls concurrently in hedging and arbitrage transactions and may also reduce the need for options marketmakers to use underlying securities in connection with hedging strategies. Accordingly, the Commission believes that the options exchanges, limited only by their operational and surveillance capabilities and the ability of member firm back office operations to handle the increased volume resulting from listing additional puts, should be permitted to list puts on securities underlying their respective call classes, including those few multiply traded call classes.[16]

In order to assure that puts expansion occurs in an orderly manner, with due regard for exchange operational and surveillance capabilities and member firm back office capacity, the Commission is requesting each options exchange to furnish the Commission with a proposed schedule for its puts expansion program. Concurrently, or at a subsequent date, each exchange should file rule proposals pursuant to Section 19(b) of the Act to increase the number of its authorized puts classes in accordance with that schedule. In the absence of significant operational or surveillance problems encountered by the filing exchange or back office difficulties experienced by the member firms in handling current or anticipated trading volume, the Commission anticipates giving expedited treatment to puts expansion submissions made by the options exchanges.

[15] Securities Exchange Act Release No. 13401 (March 23, 1977), 42 FR 17547.

[16] While the Commission recognizes that its intention to permit exchanges to list puts on multiply traded call classes will result in some expansion of multiple trading, the Commission believes that the benefits derived from puts trading on those securities outweigh the marginal fragmentation and fair competition concerns arising from that action. *See* discussion *infra* accompanying notes 43–48.

IV. Call Expansion

As discussed in more detail below,[20] the Commission has reserved for further consideration a decision on general expansion of multiple trading. Nonetheless, the Commission believes that it is appropriate at this time to permit the options exchanges to begin to list additional call options classes. However, in view of the continuing restriction on multiple trading expansion and in view of the limited number of attractive new stocks which the Commission understands meet the current options listing standards,[21] a fair method of allocating additional call options among the existing options exchanges must be formulated. The Commission, therefore, requests the options exchanges to formulate and jointly submit to the Commission an appropriate plan to allocate additional call options.

In this regard, the Commission already has received a proposal from the options exchange, other than the Amex, which, in the absence of additional multiple trading, would provide for a lottery to select additional call listings.[22] The proposal provides that each existing options exchange [23] would participate in the lottery. The proposal also provides that, if an options exchange voluntarily delists an options class, the exchange could participate in a second lottery in order to replace the delisted class.[24] While the Commission believes that the formulation of this plan is a positive step towards an acceptable call allocation plan, for the reasons set forth below the plan does not meet certain of the Commission's concerns.

First, the plan has not been agreed to by all of the options exchanges. Second, in view of the sixteen additional call classes that the CBOE will list as a result of the combination of its options program with that of the MSE,[25] the Commission has concluded that, in order to assure fair and equitable treatment for all the options exchanges,[26] those MSE classes must be taken into account in formulating the call expansion plan by deferring CBOE participation in the selection process until the other options exchanges have each selected sixteen additional call listings. Thus, the Commission believes that an appropriate call expansion plan must be agreed to by all the options exchanges and must provide for the equitable allocation of the limited number of new call options among the existing options exchanges, including accounting for the sixteen call classes the CBOE will list as a result of the MSE combination as the CBOE's initial sixteen selections. The plan should also provide that, in order for an exchange to retain the right to list options allocated pursuant to the plan, trading must commence within a specified period of time.

Since the plan currently before the Commission appears to be inadequate, the Commission does not intend to consider permitting any of the options exchanges to list new call classes (including CBOE listing of the MSE's classes), until the options exchanges formulate and submit jointly an appropriate call expansion plan to the Commission. Provided the Commission is satisfied that such plan is fair and equitable, the Commission, as it has in the past, will consider rule proposals by the options exchanges, pursuant to Section 19(b) of the Act, to increase the number of authorized call classes to accommodate the additional classes. The Commission also will consider at that time a CBOE rule proposal to increase the number of its authorized call classes in order to consummate the combination and accommodate the MSE classes. The Commission intends to consider the call expansion rule proposals of all of the options exchanges together and to give them expedited treatment. As with put expansion, call expansion would be limited only by SRO operational and surveillance capabilities and the ability of member firm back office operations to handle the increased volume resulting from the additional call classes.

[20] *See* discussion *infra*, accompanying notes 41–53.

[21] *See, e.g.*, letter dated August 8, 1979, to Chairman Harold M. Williams, SEC, from Walter E. Auch, Chairman and Chief Executive Officer, CBOE, at 2, contained in File No. S7–772.

[22] "Each participating SRO would be assigned, by lot or another random selection method, a number of 1 through 4. The SROs would then select qualified underlying securities in the order of 1-2-3-4-4-3-2-1-2-3-4-1-1-4-3-2-3-4-1-2-3-1-4-3-4-1-2-3-3-2-1-4. At that point those SROs which had voluntarily delisted one or more classes of options would have the right, in an order to be chosen by lot, to select next." *Id.*

[23] Due to the combination of the CBOE and MSE options programs, described in note 25 *infra*, these two exchanges would participate in the proposed lottery as one exchange.

[24] Since the Commission does not propose to place a ceiling on the number of call classes each options exchange may select, it does not believe it is necessary to conduct the second phase of the lottery, as proposed.

[25] On April 24, 1979, the Commission approved the combination of the options markets of the CBOE and the MSE to be consummated upon the termination of the moratorium (Securities Exchange Act Release No. 15762 (April 24, 1979), 44 FR 25538). Upon consummation of the combination, the MSE would cease to provide a market for those options listed on the MSE, and the CBOE would list the previously listed MSE classes. The consummation of the combination was delayed by the Commission pending termination of the moratorium because the Commission determined that it was not appropriate to permit the CBOE to obtain the additional MSE options listings which would result from the consummation of the combination at a time when the other options exchanges were precluded by the moratorium from listing additional classes. The Commission, however, permitted the MSE to relocate its options trading floor to the CBOE floor in order to alleviate certain cost burdens, but the MSE options program remains a separate entity until consummation of the combination. The relocation was effected in May, 1979.

[26] MSE volume in its current sixteen call classes, in 1979, accounted for more than 3% of the total volume of calls traded on the options exchanges.

While the NYSE and the NASD have filed proposals to initiate standardized options trading programs,[27] the call expansion plan outlined above does not contemplate their participation. The initiation of standardized options trading programs by either the NYSE or the NASD raises certain discrete issues that must be resolved before such programs may be permitted. The Commission does not believe that expansion of current standardized options trading programs should be delayed pending resolution of these issues, some of which are discussed below.

The NYSE's standardized options plan, submitted to the Commission in 1977, provided that no option would be traded in the same room as its underlying security.[28] The plan did not, however, restrict physical access by NYSE options marketmakers and NYSE stock specialists, or by their affiliates, to the other trading floor, which was to be physically adjacent under the NYSE plan.[29] Thus, the proposal raised the prospect of having options trading in close physical proximity to the trading of the underlying stock in the market center which is the "primary market" for that stock. The Commission is concerned that such market integration may raise significant questions regarding, among other things, misuse of market information and potential for stock/options manipulation. Moreover, the Commission is concerned about the ability of both the NYSE and the Commission to conduct adequate trading surveillance in such an environment.[30]

In addition, the NYSE has stated its intention to trade options classes already traded on other options exchanges. Because of the NYSE's dominant market position in trading stocks eligible for options trading, the issue of NYSE entry into the options market presents the Commission with a number of special concerns in carrying out its statutory responsibility to assure the "maintenance of fair and orderly markets" for listed options, including, particularly, assuring "fair competition" among exchange markets for those securities.[31] These concerns may extend beyond those raised by a general expansion of multiple trading in the absence of NYSE entry.[32] In view of these unresolved questions, the Commision believes it is premature to permit the NYSE to participate in the call allocation process contemplated above.

The NASD proposal contemplated the trading of standardized options in the NASDAQ system, which would establish an over-the-counter market for standardized options trading. The NASD proposed to trade standardized options with respect to both underlying securities traded exclusively in the over-the-counter markets and underlying securities listed on the stock exchanges. In addition, the NASD proposed to allow registered NASDAQ marketmakers to make simultaneous markets in NASDAQ options and their underlying securities. Accordingly, the NASD proposal to trade standardized options raises significant internalization, market information and market surveillance questions, in addition to those posed by options trading on exchanges, which must be resolved before the NASD could initiate a standardized options trading program.[33]

V. Multiple Trading—Introduction and Background

The Commission's determination to end the voluntary options moratorium and permit limited expansion of the trading of put and call options raises certain fundamental market structures issues which were addressed, but not resolved, by the Options Study. In particular, the Commission must consider whether to continue its current policy of restricting multiple trading in exchange-traded options or whether to permit a more unfettered competitive environment in which an options exchange would be free to trade any eligible options class, subject to the adequacy of its surveillance and other self-regulatory capabilities.[34]

The Securities Acts Amendments of 1975 ("1975 Amendments") [35] charged the Commission "with an explicit and pervasive obligation to eliminate all present and future competitive restraints that [can]not be justified by the purposes of the Exchange Act," [36] and directed the Commission "to remove existing burdens on competition and to refrain from imposing, or permitting to be imposed, any new regulatory burden on competition 'not necessary or appropriate in furtherance of the purposes' of the Exchange Act." [37] However, while the Congress recognized the benefits which might result from increased competition in the securities markets, it did not choose to elevate competition above the other goals or purposes of the Act. To the contrary, while the Congress has explicitly required the Commission to consider the competitive effects of its regulatory policies, the Congress has also indicated that competition would not thereby become "paramount to the great purposes of the Exchange Act," [38] such as the protection of investors and the maintenance of fair and orderly markets.

Moreover, despite the pervasive changes made in the Act directing the Commission to consider the competitive consequences of its actions, the 1975 Amendments do not require adoption of the least anti-competitive alternative available.[39] Rather, the legislative history of the 1975 Amendments describes the interaction of the statutory purposes as follows:

[27] These proposals were withdrawn at the Commission's request pending termination of the moratorium.

[28] Options Study Report, *supra* note 12, at 985.

[29] In addition, it should be noted that a contemporaneous NYSE rule filing would have eliminated current NYSE prohibitions on specialist options trading and would have permitted NYSE stock specialists to trade options on their specialty stocks.

[30] For a detailed discussion of these concerns, *see* Options Study Report, *supra* note 12, at 983–1028.

[31] *See, e.g.*, Sections 3(a)(36), 11(a)(2), 11A(a)(1)(C)(ii), 11A(c)(1)(F), 15(c)(5), and 17A(a)(2), [15 U.S.C. 78c(a)(36), k(a)(2), k-1(a)(1)(C)(ii), k-1(c)(1)(F), o(c)(5)]. *See also* discussion *infra* accompanying notes 43–48.

[32] Options Study Report, *supra* note 12, at 991–1007.

[33] *Id.* at 945–972. In addition, the absence of real-time reporting in underlying securities traded exclusively in the OTC market raises other concerns. *Id.* at 930–945.

[34] There has been limited experience, to date, with multiple trading of options. In February, 1976, the CBOE became the first options exchange to permit trading in an options class which was already traded on another exchange. Subsequently, other options exchanges engaged in multiple trading. However, in aggregate only 22 classes have been traded simultaneously on more than one options exchange and, at present, only 15 options classes are multiply traded.

[35] Pub. L. No. 94–29, 89 Stat. 97 (June 4, 1975).

[36] Senate Comm. on Banking, Housing & Urban Affairs, *Report to Accompany S. 249*, S. Rep. No. 94–75, 94th Cong., 1st Sess. 13 (Comm. Print 1975) ("Senate Report"), reprinted in (1975) U.S. Code Cong. & Ad. News 179, 191.

[37] Committee of Conference, H. Conference Rep. No. 94–229, H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 94 (1975) ("Conference Report") reprinted in (1975) U.S. Code Cong. & Ad. News 321, 324.

[38] Senate Report, *supra* note 36, at 14, (1975) U.S. Code Cong. & Ad. News at 192.

[39] In this connection, it should be noted that the 1975 Amendments do not require the Commission to pursue competition *per se*, but instead stress the need to assure "*fair* competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets." Section 11A(a)(1)(C)(ii) (15 U.S.C. 78k-1(a)(1)(C)(ii)) (emphasis added).

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This explicit obligation to balance, against other regulatory criteria and considerations, the competitive implications of self-regulatory and Commission action should not be viewed as requiring the Commission to justify that such actions be the least anti-competitive manner of achieving a regulatory objective. Rather, the Commission's obligation is to weigh competitive impact in reaching regulatory conclusions.[40]

Thus, in considering whether to permit an expansion of multiple trading in the options markets, the Commission must balance the benefits of increased competition against any adverse consequences, including any deterioration of competition in the options markets over the long term, which might result from that action.

Discussion

The Commission believes that multiple trading may have a number of positive effects on the options markets. Data gathered by the Options Study suggests that multiple trading may improve the quality of the markets for multiply-traded options classes, at least in the short term.[41] Moreover while the Commission recognizes that multiple trading in options often does not reflect direct competition for orders on the basis of securities price, the existence of alternate marketplaces has to a limited extent operated to discipline the quotations of marketmakers on the primary market and has contributed to the depth and liquidity of the market for a particular options class.

The Options Study also noted a number of additional concrete benefits resulting from multiple trading. Specifically, the Options Study found that multiple trading resulted in increased competition among options exchanges in the types of services offered to the brokerage and investor community. For example, multiple trading occasionally resulted in options floor members reducing their brokerage charges to attract more orders. Similarly, a desire to attract order flow in multiply-traded options classes has encouraged the CBOE to make certain enhancements to its floor operations and both the CBOE and Amex to develop automated systems intended to reduce the costs of executing orders on their exchanges.[42]

In summary, the Commission believes that an expansion of multiple trading in options may be beneficial to public investors and market professionals. In addition to the direct effects of intermarket competition in terms of increased depth and liquidity, multiple markets provide brokers and dealers with alternative markets in which to execute orders for a particular options class, thereby assuring that securities market participants are given an effective means of influencing market centers to provide more efficient pricing, execution and clearing services. Moreover, without the discipline provided through competition among marketmakers and among market centers resulting from multiple trading, the Commission would have to assume an undesirable oversight role in the allocation of securities to particular markets.

Notwithstanding the possible benefits that may be obtained from multiple trading, the Commission recognizes that the expansion of options multiple trading in the current market environment may have certain adverse effects. Specifically, to the extent that an expansion of multiple trading results in a significant dispersion of order flow among competing options exchanges, it may raise concerns regarding market fragmentation and may create difficulties for brokers attempting to route their customer orders to the best available market. For example, options prices in a fragmented market may be less likely to reflect a complete assessment of all buying and selling interest than would be possible if all orders for a given option were brought together and permitted to interact. Furthermore, because the mix of buy and sell orders in a particular market may differ significantly from the mix in other markets, multiple trading may result in pricing disparities among markets trading the same options class, particularly at the opening, which may create difficulties for brokers in obtaining the best execution for their orders.[43]

Perhaps even more significantly, expansion of multiple trading, in the present environment, may impede "fair competition" among market centers and among marketmakers. Most large brokerage firms do not route orders on an individual basis to the market displaying the best quotation. Instead, these firms use their order routing systems to automatically transmit small customer orders to a designated market center. Although the factors on which designation is based may vary from firm to firm, the Options Study found that a principal factor that firms consider is the volume of orders which are executed on each exchange.[44] Because of the importance placed on volume by many firms,[45] the designation decisions of a few large firms may cause virtually all retail order flow to be routed to a single exchange.[46] Accordingly, the Commission is concerned that, in the current market environment, meaningful competition among market centers resulting from an expansion of multiple trading may be, at best, a transitory phenomenon lasting only until one exchange is designated as the "primary market" for a particular options class.[47]

[40] Senate Report, *supra* note 36, at 13, (1975) U.S. Code Cong. & Ad. News at 191.

[41] Options Study Report, *supra* note 12, at 809–824.

[42] Options Study Report, *supra* note 12, at 805.

[43] For example, on September 1, 1978, a number of Bally option series opened on the CBOE and Amex at widely disparate prices. *See*, Options Study Report, *supra* note 12, at 840–841. However, despite these few instances of significant pricing disparities resulting from unusual market conditions on one, or both, competing exchanges and more frequent (but still unusual) limited pricing disparities in the normal course of trading (particularly at the opening), the Commission believes that the markets for multiply-traded options classes have generally been fair and orderly. Accordingly, the Commission does not believe, on the basis of existing information, that the potential for pricing disparities alone is sufficient to outweigh the benefits which would be obtained from an expansion of multiple trading.

[44] As the Options Study noted * * * the exchange with the most volume in multiply traded class will receive all automatically routed customer orders and more volume. As a result, exchanges other then the exchange designated as primary are effectively precluded from competing for automatically routed customer orders. Without exposure to customer orders it may be unlikely that an exchange will be able to improve the quality of its market and thereby to attract more orders in the future. Such improvements may be unlikely because marketmakers on the secondary exchanges will not be able to assess accurately the supply of and demand for, or to adjust their positions easily with respect to, multiply traded classes if they do not have an opportunity to be exposed to, and trade with, customer orders. Options Study Report, *supra* note 12, at 854.

[45] The Options Study found that brokerage firms also consider, albeit to a lesser extent, (i) the experience of their traders regarding the depth and liquidity of the competing markets, (ii) the speed with which executions can be otained and reported in each market center and (iii) the operational efficiency at each exchange. *Id.* at 831.

[46] Brokerage firm automated order routing techniques have had a dramatic effect on the ability of other options exchanges to compete with the primary market for order flow in multiply-traded option classes. Data generated by the Options Study indicated that the PSE, Phlx and MSE have been unable to maintain any continuous market in classes which are traded both on their floors and by either the CBOE or Amex. While at least some option classes which are multiply-traded on CBOE and Amex remain actively traded in both markets, in each case, either the CBOE or Amex has emerged as clearly predominant in a particular multiply-traded option class. While the remaining exchange may continue to be successful in attracting some firm proprietary and institutional orders which are individually routed by the firm's "upstairs" trading desk, it has been unable to attract a significant percentage of the automatically routed retail order flow. *See* Options Study Report, *supra* note 12, at 829–836 and Table 12.

[47] It should also be noted that, to the extent that the profitability of the Phlx and PSE is significantly related to their options programs, an expansion of multiple trading, under present market conditions, might adversely affect, to a material degree, the financial condition of these regional exchages. While the Commission has consistently stated that the preservation of any particular market cannot

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Moreover, this phenomenon may only be exacerbated in the event the NYSE were permitted to multiply trade options.[48]

While the Commission remains concerned over the fragmentation and fair competition concerns discussed above, it presently is of the view that, under appropriate circumstances, the benefits of expansion of multiple trading appear to outweigh any adverse consequences. To the extent that fragmentation and fair competition concerns are exacerbated by an expansion of multiple trading, Congress has indicated that the solution should lie not in centralizing all trading of a particular options class in one market center,[49] but instead, to the extent possible, in the development and implementation of communications and data processing equipment to create a single "integrated [securities trading] system."[50]

In this regard, the Commission believes that certain of the concerns arising from expanded options multiple trading might be alleviated through the development of technical facilities to integrate the options markets ("market integration facilities"). Accordingly, while the Commission, at this time, is inclined toward expansion of multiple trading, it believes that the near term development of market integration facilities might create a fairer, more efficient market structure within which multiple trading would occur. As a result, the Commission is deferring further action on the general expansion of multiple trading at this time [51] in order to afford the SROs an opportunity to consider whether, and to what extent, the development of market integration facilities would minimize concerns regarding market fragmentation and maximize competitive opportunities in the options markets. The Commission requests that the SROs jointly discuss the desirability of implementing these types of facilities in connection with multiple trading expansion. If the SROs determine that the development of market integration facilities for the options markets may alleviate such concerns, the Commission requests the SROs to submit within six months of the date of this release [52] a description of the facilities needed and a plan (including projected timetable) for the implementation of these facilities.[53] Thereafter, the Commission will consider what further action should be taken, in light of the SRO response and any comments received on this release, with respect to the expansion of multiple trading.

Market Integration Facilities

In order to expedite the deliberations of the SROs, the Commission believes that it would be useful to provide a preliminary discussion regarding possible market integration facilities or systems for the options markets. As a conceptual matter, the Commission believes that the perceived adverse effects of multiple trading in the options markets might be ameliorated by three complementary or alternative approaches. First, a market linkage system similar to the Intermarket Trading System ("ITS") [54] implemented by various stock exchanges might be developed which would provide a prompt and efficient means of sending and receiving orders to purchase or sell multiply-traded options among all market centers that permit the trading of those options. Second, brokerage firms handling retail options order flow might route those orders on an individual basis to the market center disseminating the best quotation accompanied by a quotation size equalling or exceeding the order in question. Finally, an order exposure system for options public limit orders might be developed which would provide for simultaneous representation of public limit orders in all options exchanges and give floor participants on those exchanges access to these public limit orders.

While either of the first two approaches (an intermarket linkage system or the individualized routing of retail orders) might theoretically ameliorate certain of the concerns raised by multiple trading, commentary submitted by various options exchanges raises questions as to whether either approach is feasible at this time. The successful implementation of either a market linkage system or individualized routing of retail orders is virtually entirely dependent upon the quality and reliability of quotation information disseminated by each market center (i.e., the extent to which published quotations from options exchanges can be considered "firm"). However, the Commission has received significant commentary that a firm quotation rule (such as that currently in place for stocks) could not be applied to options.[55] First, it has been argued that, because options are derivative securities, a change in the price of the underlying stock may require adjustments in quotations for some, if not all, of the options series related to the stock. Accordingly, the argument has been made that it would be physically impossible for a marketmaker on an options exchange floor to monitor the market in the underlying stock and numerous related options series in order to update quotations in these options on

Footnotes continued from last page

alone be considered the controlling factor in weighing the competitive consequences of any particular action, the Commission is nevertheless concerned that immediate expansion of multiple trading might jeopardize the ability of those regional exchanges to participate as meaningful competitors in the continuing development of a national market system for stocks. *See* Options Study Report, *supra* note 12, at 864–870.

[48] *See* discussion *supra* accompanying notes 43–46.

[49] In an analogous situation, Congress specifically refused to resolve concerns regarding fragmentation in the stock market by requiring all trading for a security to occur in one market. The Senate Committee on Banking and Currency perhaps best explained this position two years prior to the passage of the 1975 Amendments when it stated * * * There appears to be general agreement that the success and quality of an auction market depend on a concentratioin of public buying and selling orders in the market * * *. Therefore, looking at (the question) solely from this point of view any "diversion" of orders away from the primary market would be inimical to the public interest. It does not, however, follow from this that all orders should be "brought back" to the NYSE. What does follow is that all steps possible should be taken to develop promptly a national market system within which the full interplay of supply and demand can properly be reflected. Report of the Senate Committee on Banking and Currency Pursuant to S. Res. 109, 92nd Congress, 2nd Sess. at 44. *See also* Conference Report, *supra* note 37, at 92, (1975) U.S. Code Cong. & Ad. News at 323.

[50] Conference Report, *supra* note 37, at 92, (1975) U.S. Code Cong. & Ad. News at 323.

[51] The Commission has determined, however, to permit options exchanges to list (and multiply trade) puts on securities which underlie those few existing multiply-traded call classes. *See* discussion *supra*, accompanying notes 18–19.

[52] If the SROs determine that implementation of such facilities is unnecessary, not feasible or otherwise inappropriate, the Commission requests the SROs to so advise the Commission, together with the reasons therefor.

[53] Any submission made by the SROs should contain more than a generalized policy discussion of the issues raised by the development of market integration facilities for the options markets.

[54] The ITS was developed jointly by several exchanges and is designed to permit orders for the purchase and sale of multiply-traded securities to be routed among market centers. The Commission in 1979 extended its approval of ITS for an additional three years to permit observation of the effects of that system on the markets and to better evaluate the possible role of ITS in a national market system for stocks. *See* Securities Exchange Release No. 16214 (September 21, 1979), 44 FR 56069.

[55] In addition to concerns raised by the accuracy and reliability of options quotations, a market linkage system such as the ITS might prove too slow and cumbersome a mechanism to provide for coordinated openings among options market centers. Because options are derivative securities, the price at which an options series should be opened cannot be determined until the underlying stock has opened. Since only one series at a time may be traded at the opening, coordinated openings for all related options series would have to be accomplished very quickly in order to avoid significant delays in the commencement of open trading of all options series. Thus, any market linkage system which, like ITS, depends on the sending of administrative messages among market centers might cause unacceptable delays in completing a coordinated opening rotation.

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a timely basis.[56] Second, the competing marketmaker system currently employed by the CBOE, MSE and PSE results in substantially larger trading crowds for options than in stocks. Accordingly, the CBOE has strenuously argued that a firm quotation rule would create extreme operational problems on its floor since it would be difficult to quickly and accurately report all quotation changes in price and size. Finally, the CBOE has argued that enforcement of a firm quotation rule would be problematic because of the difficulties in identifying the particular member of a large crowd who was responsible for a displayed quotation.[57]

In summary, it would appear that, if a firm quotation rule similar to the one currently applicable to stocks were applied to the options markets, it might impede the orderliness of the market, significantly increase risks for options marketmakers and create unwarranted disincentives to the continued maintenance of competing marketmaker systems. Moreover, if a firm quotation rule were devised which would not subject options marketmakers to inappropriate risks, perhaps by providing an exception to firmness for a period of time after a change in the price of the underlying stock long enough to permit options marketmakers to revise, where needed, their options quotations, the additional exceptions to firmness might effectively emasculate the rule.

Thus, the Commission has serious concerns whether a market linkage system such as the ITS[58] or individualized order routing of retail orders will, due to the dependence of each alternative on accurate quotation information, provide a basis for alleviating the problems arising from options multiple trading. However, as a preliminary matter, an order exposure system would not appear to have similar limitations.[59] An order exposure system would not be dependent on the accuracy and reliability of quotation information. Instead, the system's effectiveness would be based on the display of public limit orders which are, by their nature, revised less often than quotations and therefore may be considered firm until actually withdrawn from the system.[60] Moreover, while a market linkage system and individualized routing of retail orders force users, because of exceptions to firmness and relatively long response time, to assume risks if the quotation sought to be executed against is no longer available by the time an order is routed to it, an order exposure system does not require users to assume similar risks because floor members on each options exchange would be able to automatically execute against orders contained in the system.[61] Accordingly, the Commission believes that, in an options trading environment, an order exposure system may have certain operational advantages over other types of market integration facilities.[62]

The Commission also believes that the concerns which have been raised over the proposal of analogous facilities for stocks [63] (namely that the preference for public limit orders contained in such a facility would create disincentives to marketmaking and would force virtually all trading to be centralized in that facility) [64] may not be equally applicable to an order exposure system for options. First, three of the five existing options exchanges currently permit only public orders on their books and generally provide those orders with a preference

[56] *See* letter to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, from Joseph W. Sullivan, President, CBOE, dated August 1, 1977 at 4–5.

[57] *Id.* at 3–4.

[58] The Commission recognizes that an intermarket linkage system, perhaps modeled after ITS, might prove useful even if no firmness requirement for options quotations were in place. For example, in cases in which substantial pricing disparities exist between two exchanges trading the same options class, floor members on one exchange might more easily engage in arbitrage activity by routing orders to the second exchange, and by so doing reduce the pricing disparities between the two exchanges. Similarly, in cases where there is an imbalance of supply and demand for a particular multiply-traded options series on one exchange, a linkage system which provided a prompt and efficient means for marketmakers to "lay-off" that imbalance on another exchange might enhance the price continuity and liquidity of the options markets. However, the implementation of such a system without firm quotations would do little to enable brokers to execute their customers' orders in the best market and may therefore be ineffectual in achieving best execution of customer orders or in achieving a fair field of competition.

[59] The Commission anticipates that an order exposure system would consist of an electronic facility which (1) permits brokers to directly enter and retrieve public limit orders from the system from either an exchange floor or from the brokers' upstairs offices; (2) queues those orders for execution on the basis of price and, with respect to orders at the same price, on the basis of time; (3) provides a display summary of those orders on each options exchange; (4) provides floor members on each options exchange an equal opportunity to automatically execute against orders contained in the system; and (5) provides the floor member executing against the limit order and the broker who inserted the order an immediate report of the execution obtained.

The Commission believes that, in order to minimize any disruptive effects an order exposure system may have on the manner in which options are currently traded, only public limit orders should be included in the system. However, there would appear to be no technical impediments to also including other types of orders in the system and therefore the Commission believes that the SROs should consider whether it would be more desirable to include all limit orders in an order exposure system.

[60] The Commission would anticipate that the options exchanges would each adopt rules which would provide, with no exceptions, that all public limit orders contained in the system may be executed against by any floor member on any options exchange until they are executed or cancelled.

[61] In addition, due to the short response time of an order exposure system, it would appear that it might be an efficient mechanism for providing openings among all markets that permit the trading of an options class.

[62] The CBOE is presently implementing, on a phased basis, an order support system ("OSS") which when completed will consist of an automated limit order book and order routing system for its options market. The OSS will, among other things, provide CBOE member firms with the ability to electronically route public limit orders to, and retrieve those orders from, an automated book. In addition, when a transaction occurs involving a public limit order, the OSS will automatically provide a report of that execution to the member firm. Because the characteristics of OSS appear to correspond to the minimum characteristics necessary for an order exposure system, it may be that OSS, or a similar system, could be adapted to serve as an order exposure system.

The Commission recognizes, however, that the adaptation of OSS to an order exposure system would, in certain respects, change the manner of trading on the floor. Under current CBOE rules, which would continue to apply even after full implementation of OSS as presently contemplated, an execution involving the book occurs the moment a floor participant indicates to the Order Book Official that he wants to execute against a particular limit order. If an order exposure system were implemented, however, it would be necessary to provide all competing market centers with an equal opportunity to execute against limit orders contained in that system. Accordingly, all executions against booked public limit orders would have to occur within the system with marketmakers on any exchange required to wait for an execution report before being assured that their transaction was effected.

[63] On January 26, 1978, the Commission issued a policy statement which set forth its views as to those steps which it believed should be taken to facilitate development of a national market system for stocks. Among the steps proposed by the Commission in that statement was the development of a central limit order file ("Central File") into which public limit orders could be entered, queued for execution by price and, with respect to orders at the same price, by time, and providing a preference for those orders over all other orders at the same price. Securities Exchange Act Release No. 14416 (January 26, 1978), 43 FR 4354. *But see* Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360.

[64] A number of commentators argued that the existence of a central depository for limit orders, accessible to all markets, as well as the proposed preference provided public limit orders through the Central File, would provide a major trading advantage for those orders which would result in investors almost exclusively employing limit orders. In their views, as the percentage of public orders routed directly to the Central File increased, the incentives for marketmaking on an exchange floor would correspondingly decrease, resulting in many exchange specialists relinquishing their exchange membership and choosing instead to make markets upstairs. As a result, commentators argued that the final result of a Central File for stocks would be elimination of traditional exchange markets and an inexorable movement to an automated trading system. *See* letters from Richard B. Walbert, President, MSE, to George A. Fitzsimmons, Secretary, SEC (May 30, 1978) at 34–38 and from James E. Buck, Secretary, NYSE, to George A. Fitzsimmons, Secretary, SEC (May 31, 1978), contained in File No. S7–735–A.

over other orders (with certain exceptions). Despite the "trading advantages" currently provided public limit orders on these options exchanges, the Commission has observed no tendency for all or most orders routed to those exchanges to be designated as limit orders. The Commission believes that this result is caused, at least in part, by the fact that a significant percentage of public trading activity in options involves spreads and other combination orders which cannot be readily entered into the limit order book.

Second, because the order exposure system could be limited to public orders, there should continue to be substantial professional trading on option exchanges. This professional trading in options involves a larger percentage of total transactions than is the case in stocks because of the heavy reliance by options marketmakers on spreading strategies to reduce their marketmaking risks and because of the large professional trading crowds which exist on most options exchanges.

For these reasons, the Commission believes that an order exposure system could be implemented by the options exchanges without the potential for unnecessary disruptive effects on the current options markets.[65]

The foregoing discussion is not intended as a Commission mandate for implementation of any order exposure system or to indicate a Commission judgment that other types of market integration facilities would not be appropriate for the options markets. To the contrary, it may be feasible for the SROs to develop more traditional market linkages, similar to the ITS. However, in the event that the SROs determine that market integration facilites should be developed which are, in large part, dependent on the reliability of displayed options quotation information, the SROs should specifically discuss in their submission the manner in which they would establish firm quotations for options.

[65] If the SROs remain concerned, however, over the effects that an order exposure system might have on the trading environment, they might wish to consider providing public limit orders placed in that system with only nation-wide price protection rather than a preference over other orders at the same price. Limiting the "trading advantages" of public limit orders might eliminate any disincentive to marketmaking stemming from the creation of an order exposure system and might further assure that a substantial percentage of public order flow continues to be routed to the floors of the various exchanges. The Commission is concerned, however, that a determination to only require inter-market price protection for options public limit orders held in the order exposure system would probably cause those options exchanges presently providing a trading preference in their own market to public limit orders to eliminate that preference. Accordingly, if the SROs choose not to grant public limit orders inserted into the system a trading preference, they should specifically discuss in their submission to the Commission the basis for their decision.

VI. Expansionary Rule Filings

In connection with the termination of the moratorium, the Commission has determined to begin to consider, pursuant to Section 19(b) of the Act, expansionary SRO rule proposals relating to options, including the NYSE and NASD proposals to initiate standardized options trading programs if the NYSE and NASD wish to resubmit those proposals. Expansionary options rule proposals will be considered by the Commission on a case-by-case basis. In view of the Commission's limited resources, however, the Commission requests the SROs to stagger the filing of such rule proposals and, to the extent feasible and appropriate, to establish priorities jointly with the Commission.

VII. Solicitation of Comment

The Commission solicits comments on any of the issues associated with matters addressed in this release. Commentators should file six copies of their submission with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7–772. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, NW, Washington, D.C.

By the Commission.

Dated: March 26, 1980.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-9667 Filed 3-31-80; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region I Advisory Council Executive Board; Public Meeting

The Small Business Administration Region I Advisory Council Executive Board will hold a public meeting from 1:00 p.m. to 4:00 p.m. on Wednesday, June 11, 1980, in the Conference Room, 60 Batterymarch Street, 10th Floor, Boston, Massachusetts, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Edward F. Jesser, U.S. Small Business Administration, 60 Batterymarch Street, Boston, Massachusetts 02110—(627) 223–0408.

Dated: March 26, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-9735 Filed 3-31-80; 8:45 am]
BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, will hold a public meeting at 9:00 a.m. (CST), Wednesday, April 23, 1980, at the Research and Development Tower Building, 7th Floor Conference Room, 3825 Ridgewood Road, Jackson, Mississippi, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Sid Spiro, Acting District Director, U.S. Small Business Administration, Suite 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201–(601) 969–4363.

Dated: March 25, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-9732 Filed 3-31-80; 8:45 am]
BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Des Moines, Iowa, will hold a public meeting at 9:30 a.m., Thursday, May 1, 1980, at the Savery Hotel, 4th & Locust, Des Moines, Iowa, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut Street, Des Moines, Iowa 50309—(515) 284–4567.

Dated: March 25, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-9734 Filed 3-31-80; 8:45 am]
BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Sioux Falls, South Dakota, will hold a public meeting from 9:00 a.m. to 3:30 p.m., Friday, April 25, 1980, at the Community Room, First National Bank in Sioux Falls, 100 South

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Phillips, Sioux Falls, South Dakota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call E. George Peterson III, Acting District Director, U.S. Small Business Administration, Security Building, Suite 101, 101 South Main, Sioux Falls, South Dakota 57102—(605) 336–2980, Ext. 231.

Dated: March 25, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9733 Filed 3-31-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. It should be emphasized that the comments may apply to any tax form issued by IRS. The hearings will be held in 4 separate cities on Thursday, May 1, 1980. The hearings will be held in Atlanta, Georgia, Omaha, Nebraska, Burlington, Vermont, and Seattle, Washington, beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Attention: Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as well as the hearing locations, are listed below:

Atlanta

Internal Revenue Service, 275 Peachtree St., N.E., Room 512, Atlanta, Georgia, 30303; phone 404–221–4501.
Hearing location: Internal Revenue Service, 275 Peachtree St., N.E., Room 556, Atlanta, Georgia.

Omaha

Internal Revenue Service, Attn: Public Affairs, P.O. Box 1052, Omaha, Nebraska, 68101; phone 402–221–3504.
Hearing location: Civic Center, Legislative Chamber, 1819 Farnam Omaha, Nebraska.

Burlington

Internal Revenue Service, 11 Elmwood Ave., Burlington, VT 05401; phone 802–951–6354.
Hearing location: City Hall, Contois Auditorium, Church Street, Burlington, VT.

Seattle

Internal Revenue Service, Public Affairs Office, P.O. Box 854, Seattle, Washington, 9811; phone 206–442–5515.
Hearing location: Internal Revenue Service, 915 2nd Ave., North Auditorium, Seattle, Washington.

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is April 22, 1980. However, if there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made because of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, it is requested that written submissions be made on or before June 1, 1980.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Further information concerning this notice may be obtained by calling 202–566–6254.

Dated: March 17, 1980.

Gerald G. Portney,

Assistant Commissioner (Technical).

[FR Doc. 80-9042 Filed 3-31-80; 8:45 am]

BILLING CODE 4830-01-M

Office of Revenue Sharing

Final Revenue Sharing Allocations for Entitlement Period Eleven

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice announces the date of the final general revenue sharing allocations for Entitlement Period Eleven (October 1, 1979–September 30, 1980).

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, telephone 202–634–5166.

SUPPLEMENTAL INFORMATION: Pursuant to § 51.23(a) of the revenue sharing regulations (31 CFR 51.23(a)) published in the **Federal Register** on September 22, 1977 (42 FR 47997), final allocations applicable to Entitlement Period Eleven (October 1, 1979–September 30, 1980) will be computed on or about April 10, 1980. The final allocation for Entitlement Period Eleven reflects changes made in the data factors since the initial Entitlement Period Eleven allocations. Any difference between the initial and final allocations for Entitlement Period Eleven for most State and local governments will be added to or subtracted from their last quarterly payment for Entitlement Period Eleven in October, 1980. In other cases, where the amount of a negative adjustment exceeds the projected October payment, the adjustment first will be subtracted from the recipient government's July, 1980 payment. Governments will be requested to refund any additional amounts due.

Section 102(b) of the State and Local Fiscal Assistance Act of 1972, as amended, (31 U.S.C. 1221) provides that for entitlement periods beginning after December 31, 1976, no adjustment shall be made in a government's general revenue sharing payments for an entitlement period unless a demand for adjustment has been made by either the recipient government or the Secretary of the Treasury, within one year after the end of that entitlement period. A demand by the Director or the Deputy Director of the Office of Revenue Sharing will be treated as a demand for adjustment by the Secretary of the Treasury. A demand by a recipient government must be made in writing and contain evidence and documentation to fully justify the proposed data corrections. Any adjustments after the final allocations will affect only the recipient governments for which a demand for adjustment has been made. For Entitlement Period Eleven, all demands for adjustment must be received by September 30, 1981.

Dated: March 27, 1980.

Kent Peterson,

Acting Director, Office of Revenue Sharing.

[FR Doc. 80-9809 Filed 3-31-80; 8:45 am]

BILLING CODE 4810-26-M

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 64
Tuesday, April 1, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: VOL. 45, NO. 59; TUESDAY, MARCH 25, 1980, P. 19422.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:45 am, Friday, March 28, 1980.

CHANGES IN THE MEETING: Enforcement Matters—Canceled.

[S-648-80 Filed 3-27-80; 4:18 pm]
BILLING CODE 6351-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19116; March 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 26, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

CP-6—CP80-93 and CP80-75 (phase I), Border Gas, Inc.; CP80-89, Texas Eastern Transmission Corp.; Florida Gas Transmission Co.; Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. and Transcontinental Gas Pipe Line Corp.; CP80-90, Texas Eastern Transmission Corp.; CP80-91, Florida Gas Transmission Co.; CP80-92, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; ST80-12, La Vaca Gathering Co.; SA80-51, Border Gas, Inc.; and SA80-52, Texas Eastern Transmission Corp.

Lois D. Cashell,
Acting Secretary

[S-647-80 Filed 3-27-80; 4:51 pm]
BILLING CODE 6450-85-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

March 28, 1980.

TIME AND DATE: 2:30 p.m., March 28, 1980.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Published Alternate Fuel Prices for Phase I, Incremental Pricing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb. Secretary, telephone (202) 357-8400.

[S-651-80 Filed 3-28-80; 2:47 pm]
BILLING CODE 6450-85-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

March 28, 1980.

TIME AND DATE: 10 a.m., Tuesday, April 1, 1980.

PLACE: Hearing room A, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will meet to discuss with principal staff matters of general concern as they affect the Commission's oil, natural gas, and electric power jurisdictional responsibilities.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

[S-652-80 Filed 3-28-80; 2:47 pm]
BILLING CODE 6450-85-M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 4, 1980.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED: Regulation on Electronic Fund Transfers.

No. 331, March 28, 1980.

[S-654-80 Filed 3-28-80; 3:05 pm]
BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR, p. 20618; March 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 2, 1980.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting: Application to Acquire Control of—First Savings and Loan Association of Midland, Midland, Texas BY Southern Union Company AND Southern Union Financial Corporation, Dallas, Texas.

Announcement is being made at the earliest practicable time.

No. 330, March 28, 1980.

[S-657-80 Filed 3-28-80; 3:59 pm]
BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 28, 1980; 45 FR 20619.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., April 3, 1980.

CHANGE IN THE MEETING: Withdrawal of the following item from the open session:

4. Special Docket No. 683: Application of Flomerca Line for the Benefit of U.S. Department of Agriculture, A.S.C.S. Commodity Officer—Review of Settlement Officer's decision.

[S-656-80 Filed 3-28-80; 3:05 pm]
BILLING CODE 6730-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 25, 1980.

TIME AND DATE: 10 a.m., Wednesday, April 2, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Old Ben Coal Company, Docket No. VINC 75-267, IBMA 76-21.
2. Co-Op Mining Company, Docket No. DENV 75-207; etc., IBMA 77-30.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-6820-12 Filed 3-28-80; 10:12 am]
BILLING CODE 6820-12-M

9

NATIONAL CREDIT UNION ADMINISTRATION

NOTICE OF CHANGE IN TIME.

The previously announced open meeting of the National Credit Union Administration Board, scheduled for Monday, March 31, 1980 at 2 p.m. has been changed to 11 a.m. the same day.

The meeting will be held in the agency's board room at 1776 G Street NW., Washington, D.C. seventh floor.

Information regarding this meeting may be obtained from Beatrix Fields, Acting Secretary of the Board, (202) 357-1030.

[S-655-80 Filed 3-28-80; 3:05 pm]
BILLING CODE 7535-01-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, April 2, 1980.

PLACE: Commissioners conference room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

2 p.m.

1. Briefing by AIF on Review of NRC Action Plan (approximately 1½ hours, public meeting).
2. Affirmation Session (approximately 10 minutes, public meeting).
   a. Accident Considerations Under NEPA.
   b. Review of Delegation of Authority to Director, ADM.
   c. Reporting of Misadministration of Byproduct Material.
3. Time Reserved for Discussion and Vote on Affirmation Items (approximately 15 minutes public meeting) (if required).
4. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 1½ hours, closed—Ex. 2 and 6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

Roger M. Tweed,
Office of the Secretary.

March 26, 1980.

[S-650-80 Filed 3-28-80; 11:12 am]
BILLING CODE 7590-01-M

11

POSTAL RATE COMMISSION.

TIME AND DATE: 2 p.m., Monday, March 31, 1980.

PLACE: Conference room, room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO CONSIDERED:

1. Docket No. MC76-5.
2. Docket No. MC79-2 (Express Mail Metro Service) (Closed pursuant to 5 U.S.C. § 552b(c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, room 500, 2000 L Street NW., Washington, D.C. 20268, telephone (202) 254-5614.

[S-649-80 Filed 3-28-80; 10:12 am]
BILLING CODE 7715-01-M

12

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION.

Proposed agenda for meeting of the Board of Trustees, Monday, April 14, 1980, 10 a.m., 712 Jackson Place NW., Washington, D.C. 20006.

1. The call to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 10, 1979 meeting.
4. Report of the Chairman:
   a. Status of the meeting of the Truman Library Institute on Saturday, May 3, 1980 and Awards Ceremony for 1980 Truman Scholars on Sunday, May 4, 1980 at Harry S. Truman Library, Independence, Missouri.
   b. Comments on results of 1980 Regional Review Panels and progress of scholarship program.
   c. Discussion of ETS.
   d. Discussion of Doremus.
   e. Discussion of proposed date of next Board of Trustees meeting, Monday, September 8, 1980.
   f. Resolution to empower the Chairman to renew contracts and conclude other Foundation agreements and business.
5. Report of the Executive Secretary
   a. Statistical overview of the scholarship program.
   b. 1980 Regional Review Panel results.
   c. Report on work-experience program.
   d. Update on ETS and Doremus.
   e. Foundation operations.
6. Discussion of Awards Ceremony.
7. Selection of Truman Scholars, 1980-81.
8. New business.
9. Set a date for next Board meeting in September 1980.
10. Adjournment.

[S-653-80 Filed 3-28-80; 2:47 pm]
BILLING CODE 6115-02-M

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federal register

Tuesday
April 1, 1980

Part II

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Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254-2551

Gadsden:
Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547-1611

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Bureau of Land Management Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Wainwright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

ARIZONA

Phoenix:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—Documents
12 E. McDowell Road
Phoenix, AZ 85004
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Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Searcy:
Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268-6161

CALIFORNIA

Arcata:
Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342-2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

Long Beach:
Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:
Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:
Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

Redwood City:
San Mateo County Superintendent of Schools Office
Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364-5600

Riverside:
Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506

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Regional Solicitor, Law Library
U.S. Department of the Interior
Room E-2753
2800 Cottage Way
Sacramento, CA 95825

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U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102

University of California
Hastings College of the Law Library
198 McAllister Street
San Francisco, CA 94102

Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644-5601

COLORADO

Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclamation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office Library
National Park Service
655 Parfect Street
P.O. Box 25287
Denver, CO 80225

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Lakewood:
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455 South Pierce Street
Lakewood, CO 80226
(303) 936-7407

CONNECTICUT

Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Danielson:
Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774-1130

Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566-2198

Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457

Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702

Wethersfield:
Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

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Room 525
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Washington, DC 20240

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1100 L Street, N.W.
Room 8301
Washington, DC 20408

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The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955-4228

Tampa:
Tampa-Hillsborough County Public Library
900 North Ashley Street
Tamba, FL 33602
(813) 223-8969

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Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

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U.S. Department of the Interior
Samuel Elbert Building
Elberton, GA 30635

Office of the General Counsel
Law Library
Southeastern Power Administration
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

IDAHO

Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:
The Library
Idaho State University
Pocatello, ID 83209

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Chicago:
Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269-3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996-2716/996-2738

Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838-0500

Normal:
Milner Library
Illinois State University
Normal, IL 61761

Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965-6731

Springfield:
Energy Information Library*
Illinois Institute of Natural Resources, Room 300
325 W. Adams Street
Springfield, IL 62706

INDIANA

Fort Wayne:
The Public Library of Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424-7241

IOWA

Ames:
Library—Government Publications Department
Iowa State University
Ames, IA 50010
(515) 294-2834

Des Moines:
State Library Commission of Iowa Law Library
Capitol Building
Des Moines, IA 50319
(515) 281-5125

State Library Commission of Iowa
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East 12th & Grand
Des Moines, IA 50319

Dubuque:
Whalert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Pittsburg:
Library
Pittsburg State University
Pittsburg, KS 66762

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Bowling Green:
Western Kentucky University
Helm-Cravens Library
Bowling Green, KY 42101

Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564-2480

Louisville:
University of Louisville
The Library
Louisville, KY 40208

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
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U.S. Court of Appeals Library
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New Orleans, LA 70130
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246 Deering Avenue
Portland, ME 04102
(207) 780–4350

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Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E–2100
Aberdeen Proving Ground, MD 21010
Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401
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400 Cathedral Street
Baltimore, MD 21201
Oakland:
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323 East Oak Street
Oakland, MD 21550
(301) 334–4200
Rockville:
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Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

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Boston:
Government Documents Department
Boston Public Library
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Boston, MA 02117
Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 308
1 Gateway Center
Newton Corner, MA 02156
Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103
Woburn:
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Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935–4000

MICHIGAN
Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973–3300
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Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City–County Building
Detroit, MI 48226
East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824
Flint:
Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232–7111
Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469–5300
Mt. Pleasant:
Library – Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774–3414
Pontiac:
Adams–Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054
Rochester:
Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377–2476
University Center:
Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA
Blaine:
Anoka County Library
707 Highway 10
Blaine, MN 55434
Edina:
Southdale–Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830–4900
Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331–5571
St. Paul:
Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292–6178
Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

MISSISSIPPI
Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864–5161 ext. 336

MISSOURI
Jefferson City:
Federal Documents Department
Missouri State Library
P.O. Box 387
303 E. High Street
Jefferson City, MO 65102
St. Louis:
Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772–7600

Thomas Jefferson Library
University of Missouri–St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453–5954
Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301
Springfield:
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831–1561

MONTANA
Billings:
Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA
Lincoln:
University of Nebraska–Lincoln Libraries
Lincoln, NE 68588

NEVADA
Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

NEW HAMPSHIRE
Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271–3777
New London:
Fernald Library
Colby–Sawyer College
New London, NH 03257

NEW JERSEY
Elmer:
Arthur P. Schalick High School
Elmer–Centerton Road
R.D. 1
Elmer, NJ 08318
Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601
Jersey City:
Hudson Health Systems Agency Library
871 Berger Avenue
Jersey City, NJ 07306
Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430
Pomona:
Stockton State College
Pomona, NJ 08240
(609) 652–1776, ext. 266
Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255–4000 ext. 385
Trenton:
New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292–6230

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Albuquerque:
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P.O. Box 1696
Albuquerque, NM 87103

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Albuquerque, NM 87131
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Santa Fe:
Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

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Albany:
The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230
Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294–8700 ext. 7345
Greenvale:
C. W. Post Center—Long Island University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548
Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278–8113
Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305
Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475–8458
Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292–8920

NORTH CAROLINA
Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629–3329
Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607
Charlotte:
Public Library of Charlotte and Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374–2540
Gastonia:
Gaston County Public Library*
Headquarters: Gaston–Lincoln Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865–3418

NORTH DAKOTA
Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224–2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical Center
3315 South Airport Road
Bismarck, ND 58501

OHIO
Cincinnati:
Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208–20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684–3831
Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781–6600 ext. 219
Cleveland Heights:
Cleveland Heights—University Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932–3600

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SOUTH CAROLINA—Continued
South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:
South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

TENNESSEE

Clarksville:
Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648–7346

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741–2451

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H–4393, Herring Plaza
Amarillo, TX 79101

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Victoria:
University of Houston†
Victoria Campus
2302–C Red River
Victoria, TX 77901
(512) 575–7436

UTAH

Cedar City:
Southern Utah State College Library
Cedar City, UT 84720

Ephraim:
Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:
Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:
Weber State College Library
Ogden, UT 84403

Provo:
Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602

Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:
Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VIRGINIA

Arlington:
Office of Hearings and Appeals Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Fairfax:
Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691–2741

Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:
U.S. Geological Survey Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community College
P.O. Box 12084
Richmond, VA 23241
(804) 264–3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219

Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

Williamsburg:
Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

OHIO—Continued
Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466–2694

Findlay:
Marathon Oil Company
Law Library, Room 854–M
539 South Main Street
Findlay, OH 45840
(419) 422–2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422–8313

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387–0992

Toledo:
Toledo–Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242–7361 ext. 241

Wooster:
Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Oklahoma City:
Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521–2502

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624–6546

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3158
Tulsa, OK 74101

OREGON

Salem:
Oregon State Library
State Library Building
Salem, OR 97310
(503) 378–4276

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375–7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787–7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454–2961/454–0244

Loretto:
Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872–5411 ext. 552, 542

Philadelphia:
Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4–7900

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228–6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436–2869

Wilkes–Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes–Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792–2802

Providence:
Brown University Library
Documents Department
Providence, RI 02912
(401) 863–2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521–7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274–4900 ext. 331

Warwick:
Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739–5440

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

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WASHINGTON

Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676–3075

Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359–2475

Olympia:
Washington State Law Library
Temple of Justice
Olympia, WA 98504

Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442–5554

Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA

Beckley:
National Mine Health and Safety Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801

Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

WISCONSIN

Appleton:
Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734–7171

Kenosha:
Library/Learning Center
University of Wisconsin–Parkside
Wood Road
Kenosha, WI 53141

Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

WYOMING

Laramie:
Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766–2174

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federal register

Tuesday
April 1, 1980

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Conditional Approval of the Permanent Program Submission From the State of Montana Under the Surface Mining Control and Reclamation Act of 1977

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Conditional Approval of the Permanent Program Submission From the State of Montana Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Final rule implementing conditional approval of Montana's permanent regulatory program.

SUMMARY: On August 3, 1979, the State of Montana submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and the capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII.

After providing opportunities for public comment and a thorough review of the program submission, the Secretary of the Interior has determined that the Montana program meets the minimum requirements of SMCRA and the Federal permanent program regulations, except for minor deficiencies discussed below under "Supplementary Information." Accordingly, the Secretary of the Interior has conditionally approved the Montana program.

A new Part 926 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This conditional approval is effective April 1, 1980. This conditional approval will terminate as specified in 30 CFR 926.11, adopted below, unless the deficiences identified below have been corrected in accord with 30 CFR 926.11.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-4225.

ADDRESSES: Copies of the Montana program and the administrative record on the Montana program, including the letter from the Montana Department of State Lands agreeing to correct the deficiencies which resulted in the conditional approval, are available for public inspection and copying during business hours at:

Montana Department of State Lands, 1625 Eleventh Avenue, Capitol Station, Helena, Montana 59601, Telephone: (406) 449-2074.

Montana Department of State Lands, Field Office, 1245 North 29th Street, Billings, Montana 59101, Telephone: (406) 657-2217.

Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, Telephone: (303) 837-5421.

Office of Surface Mining, Room 135, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone: (202) 343-4728.

SUPPLEMENTARY INFORMATION:

General Background on the Permanent Program

The environmental protection provisions of SMCRA are being enacted in two phases—the initial program and the permanent program—in accordance with Sections 501-503 of SMCRA, 30 U.S.C. 1251-1253. The initial program has been in effect since December 13, 1977, when the Secretary of the Interior promulgated interim program rules, 30 CFR Parts 710-725 and 795, 42 FR 62639 *et seq.*

The permanent program will become effective in each State upon the approval of a State program by the Secretary of the Interior or implementation of a Federal program within the State. If a State program is approved, the State, rather than the Federal government, will be the primary regulator of activities subject to SMCRA.

The Federal rules for the permanent program, including procedures for States to follow in submitting State programs and minimum standards and procedures the State programs must include to be eligible for approval, are found in 30 CFR Parts 700-707 and 730-865. Part 705 was published October 20, 1977 (42 FR 56064), Parts 795 and 865 (originally Part 860) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15312-15463 (March 13, 1979). Corrections were published at 44 FR 15485 (March 14, 1979), 44 FR 49673-49687 (August 24, 1979), 44 FR 53507-53509 (September 14, 1979) and 44 FR 66195 (November 19, 1979). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 75303 (December 19, 1979), 44 FR 77440-77447 (December 31, 1979) and 45 FR 2626-2629 (January 11, 1980). Portions of these rules have been suspended, pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447-77454 (December 31, 1979) and 45 FR 6913 (January 30, 1980).

General Background on State Program Approval Process

Any State wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The Federal rules governing State program submissions are found at 30 CFR Parts 730-732. After review of the submission by OSM and other agencies, an opportunity for the State to make additions or modifications to the program, and an opportunity for public comment, the Secretary may either approve the program unconditionally, approved it conditioned upon minor deficiencies being corrected in accordance with a specified timetable, or disapprove the program in whole or in part. If the program is disapproved, the State may submit a revision of the program to correct the items which needed change to meet the requirement of SMCRA and the applicable Federal regulations. If this revised program is also disapproved, SMCRA requires the Secretary of the Interior to establish a Federal program in that State. The State may again request approval to assume primary jurisdiction after the Federal program is implemented.

The Secretary, in reviewing State programs, is complying with the provisions of Section 503 of SMCRA, 30 U.S.C. 1253, and 30 CFR 732.15. With respect to the Montana program, the Secretary has used as criteria the Federal rules as corrected, amended, and suspended in the Federal Register notices cited above under "General Background on the Permanent Program."

State programs must contain provisions which regulate coal mining in accordance with the requirements of SMCRA and consistent with the Secretary's regulations. The requirements under SMCRA and 30 CFR Chapter VII for special bituminous coal mines in Wyoming and anthracite mines in Pennsylvania are inapplicable in Montana.

With respect to suspended regulations, the following standards are being applied in reviewing State program submissions:

1. A State program need not contain provisions to implement a suspended regulation and no State program will be disapproved for failure to contain a suspended regulation.

2. A State program must be able to implement all provisions of SMCRA which are part of the regulation of coal mining during the permanent program, including those provisions of SMCRA upon which the suspended regulations were based.

3. A State program may not contain any provision which is inconsistent with a provision of SMCRA. A State program may not include provisions implementing a suspended regulation if that regulation was suspended because it was inconsistent with the Surface Mining Act. There were two such suspensions, relating to 30 CFR 805.13(d) and 808.12(c).

4. Subject to public comment and agency analysis in the context of a particular State program, it would appear that any other suspended provision, if included in a State program, could probably be characterized as more stringent than the Secretary's remaining rules. Accordingly, its inclusion in the State program could not ordinarily be grounds for disapproval under Section 503 of the Surface Mining Act, 30 U.S.C. 1253. Alternatively, a State may delete or suspend its corresponding regulation as long as standard 2 is met.

5. Upon promulgation of new regulations to replace those which have been suspended, the Secretary will afford States which do not have approved programs a reasonable opportunity to amend their programs, as appropriate. In general, we expect that the provisions of 30 CFR 732.17 will govern this process for States with approved programs.

After the Secretary published the Federal regulations for the permanent program, they were challenged in a lawsuit brought in the United States District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation*, No. 79-1144 (D.D.C. February 26, 1980)). Because of the large number of regulations being challenged the Court decided to hear the case in two rounds. Approximately half the issues were briefed in the first round and argued at a hearing held on November 16, 1979. The remaining issues were briefed and argued in the second round, which followed behind the first round schedule by approximately two months.

On February 26, 1980, the court ruled on the regulations challenged in the first round. The court upheld most of the challenged regulations, but did remand the following regulations to the Secretary for further consideration and rulemaking:

1. 30 CFR 732.15(b)(7) and 840.13(a)—These sections state that State programs must be consistent with 30 CFR Part 845 which establishes a point system for assessing civil penalties; the court held that the Secretary could not require the States to establish a point system for penalty assessment;

2. 30 CFR 761.5(a)(2)(i)—This definition of "valid existing rights" requires that all permits necessary for mining must have been obtained before August 3, 1977, if an operation is to be eligible to mine in those areas where mining is prohibited under Section 522(e) of SMCRA; the court held that it is only necessary for the operator to establish that a "good faith" effort was made to acquire the necessary permits before August 3, 1977;

3. Those provisions of 30 CFR Parts 779, 780, 783, and 784 which require information for the "mine plan area" and the definition of that term set forth in § 701.5—These provisions require information in the permit application and reclamation plan for areas which will not be in the permit area under the current application but which will be in future permit areas; the court held that the informational requirements of 30 CFR Parts 779, 780, 783 and 784 should be limited to the permit area unless otherwise required by the Act;

4. 30 CFR 779.20 and 780.16—These regulations require that each permit application and reclamation plan contain detailed information on fish and wildlife resources, but the court held that there was no statutory authority for requiring this information;

5. 30 CFR 779.21 and 783.21—These sections require permit applications to include soil survey information where the lands do not qualify as prime farmlands; the court concluded that, under the Act, soil surveys can only be required for prime farmland;

6. 30 CFR 807.11(e)—This section was remanded because it does not provide that, in informal hearings on bond release, the regulatory authority may arrange for citizens to accompany an inspector on a mine site inspection;

7. 30 CFR 808.14(b)—This section allows forfeiture of the entire bond amount, even if this amount will exceed the cost of reclamation; but the court ruled that bond forfeitures should be limited to the amount needed to cover reclamation costs;

8. 30 CFR 785.19(d)(2) (iii) and (iv)—These paragraphs require one year of hydrologic data and water quality analyses for alluvial valley floors, but the court held that such data can be provided for a shorter period of time or on the basis of extrapolations from existing information rather than requiring one year of data in all cases;

9. 30 CFR 785.19(e)(2)—This paragraph defines as a "significant" effect on farming any mining on an alluvial valley floor which removes from production, over the life of the mine, sufficient acreage to decrease the farm's income from agricultural activity; the court held that the Act authorized permit approval when the mining activity will have a "negligible impact" on farm productivity;

10. 30 CFR 785.19(e)(1)—This section prohibits mining on alluvial valley floors if it will cause hydrologic damage to undeveloped range land or small farm land areas; instead, the court ruled that this regulation should incorporate the statutory exemption of section 510(b)(5)(A) to allow mining in such areas;

11. 30 CFR 816.115, 817.115, 823.11(c), 823.15 (b) and (c)—These sections were remanded because they require that, after mining and before bond release, the land must actually be used for grazing or cropland as a measure of the success of revegetation; the court held that there was no statutory basis for such an actual use standard;

12. 30 CFR 817.116(b) and 816.116(b)—These sections were remanded because they require the operator to be responsible for revegetation for five years beginning with the achievement of required vegetative cover, rather than beginning with the last year of augmented seeding and fertilizing;

13. 30 CFR 816.133(c)(4), (c)(9) and 817.113(c)(4), (c)(9)—These sections require that, before certain postmining land uses can be approved, the operator must provide written commitments of financing or management to the regulatory authority; the court held that only a reasonable likelihood of postmining land use is required by the Act and that letters of commitment should not be required.

The Montana program was submitted to the Department before the court's decision and contains provisions based on these remanded regulations. After the Secretary has had an opportunity to review the court's opinion in depth, he will determine what action to take while pursuing an appeal of the decision, if any is taken, or while reconsidering the remanded rules. To the extent any of the rules listed above are suspended or modified pending appeal or reconsideration, Montana will be given opportunity to amend its program to reflect the changes adopted by the Department.

To codify decisions on State programs, Federal programs, and other matters affecting individual States, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Montana will be found in 30 CFR Part 926.

Background on the Montana Program Submission

On August 3, 1979, OSM received a proposed regulatory program from the State of Montana. The program was submitted by the Montana Department of State Lands, the agency which will be the primary regulatory authority under the Montana permanent program. Notice of receipt of the submission initiating the program review was published in the August 13, 1979, **Federal Register** (44 FR 47414–47415) and in newspapers of general circulation within the State. The announcement noted information for public participation in the initial phase of the review process relating to the Regional Director's determination of whether the submission was complete.

On September 12, 1979, a public review meeting on the program and its completeness was held by the Regional Director in Helena, Montana. September 12, 1979, was also the close of the public comment period on completeness, which had begun August 13, 1979.

On October 5, 1979, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be complete (44 FR 57851). The notice specified that the submission included all elements required by 30 CFR 731.14(c).

On November 13, 1979, the Montana Department of State Lands submitted amendments to the August 3, 1979, Montana program submission which contained:

1. A revision of the text portion of the Montana permanent program submission.

2. Additional supporting documentation to be placed in Appendix D (forms used by the Department of State Lands).

3. An errata sheet for the section-by-section comparison of the Montana Act and regulations to SMCRA and permanent program rules (Appendix C, C–1, C–2).

4. Responses to questions raised during the Regional Director's review of the Montana program submission which were presented to the Montana Department of State Lands during a meeting on October 18, 1979.

The revisions and clarifying information submitted by the Montana Department of State Lands addressed a number of substantive and non-substantive modifications.

On November 20, 1979, the Regional Director published notice in the **Federal Register** (44 FR 66761–66764) and in newspapers of general circulation within the State that the revisions to the Montana permanent program submission were available for public review and comment. The notice set forth procedures for the public hearing and comment period on the substance of the Montana program.

On December 20, 1979, the Regional Director held a public hearing on the Montana submission in Billings, Montana. The public comment period on the Montana permanent regulatory program ended on December 24, 1979.

Subsequent to the close of the public comment period on December 24, 1979, the Montana Department of State Lands submitted policy memoranda, clarifying information and changes to the Montana State permanent regulatory program in response to comments received during the public comment period, at the public hearing and during meetings between OSM and the Montana Department of State Lands. The following documents were provided:

1. January 4, 1980, memoradum from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Brace Hayden, John North and Dennis Hemmer regarding the penalty policy for the Coal and Uranium Bureau;

2. January 9, 1980, memorandum from Dennis Hemmer, Chief, Coal and Uranium Bureau, Montana Department of State Lands to Donald Crane, Regional Director, OSM, regarding typographical errors in Montana's rules;

3. January 10, 1980, letter from John F. North, Chief Legal Counsel, Montana Department of State Lands to Donald A. Crane, Regional Director, OSM, concerning 30 CFR 776.14(a);

4. January 10, 1980, letter from Brace Hayden, Administrator Reclamation Division, Montana Department of State Lands to Donald A. Crane, Regional Director, OSM, regarding cultural resource protection provisions in Montana's State program;

5. January 12, 1980, letter from Brace Hayden, Administrator, Reclamation Division, Montana Department of State Lands, to Donald A. Crane, Regional Director, OSM, regarding endangered species and habitats of endangered species; and

6. Janauary 13, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Donald A. Crane, Regional Director, OSM, concerning public notice of decisions on State surface mining permit applications.

On January 13, 1980, the Regional Director submitted to the Director of OSM his recommendation that the Montana program be conditionally approved, together with copies of the transcript of the public meeting and the public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the administrative record.

On January 28 and 29, 1980, OSM and the Montana Department of State Lands met in Washington, D.C. to discuss issues raised during the Regional Director's and Director's reviews of the Montana permanent program submission. This meeting was open to the public. Prior to and following the meeting, the Montana Department of State Lands submitted the following clarifications and modifications to the Montana permanent program submission:

1. January 4, 1980, letter from John F. North, Chief Legal Counsel, Montana Department of State Lands to Harriet B. Marple, Chief, Division of Enforcement, OSM, regarding penalty assessments;

2. January 30, 1980, memorandum from Dennis Hemmer, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding marcasite and pyrite analyses;

3. January 30, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding State inspections;

4. January 30, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding engineer certification of Class I roads;

5. January 30, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding bonding of political subdivisions of the State;

6. January 30, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding renewal of permits;

7. January 30, 1980, letter from Leo Berry, Jr., Commissioner, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, regarding notification of local governmental officials;

8. February 1, 1980, letter from John F. North, Chief Legal Counsel and Special Assistant Attorney General, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, presenting an opinion on Montana Rule XXIV(1), authority to enter a mine site to inspect without a search warrant, authority to require interim steps, interpretation of Article II, Section 9 of the Montana Constitution, Montana 82–4–215(2), bonding regulations and Montana 82–4–23, authority to require certification of design and construction or reconstruction of roads by a qualified certified professional engineer and Montana Rule III; and

9. February 1, 1980, letter from John F. North, Chief Legal Counsel, Montana Department of State Lands to Paul Reeves, Deputy Director, OSM, describing the Montana civil penalty assessment system.

On January 30, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Montana program.

On February 1, 1980, the Director published notice in the **Federal Register**, reopening until February 6, 1980, the public comment period on the Montana program to enable the public to review and comment on the amendments submitted by the Montana Department of State Lands and on summaries of the January 28 and 29, 1980, meeting between OSM and Montana on these amendments (45 FR 7320).

On February 13, 1980, the Director of OSM published in the **Federal Register** a notice of the availability of the views on the Montana program submitted by the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other Federal Agencies (45 FR 9800–9801).

On February 20, 1980, John F. North, Chief Legal Counsel and Special Assistant Attorney General, Montana Department of State Lands, in a letter to Paul Reeves, Deputy Director, OSM, provided comments and clarifying information on the issues raised by the Public Lands Institute and Environmental Policy Institute during the reopened comment period which closed on February 6, 1980.

On February 25, 1980, the Director published notice in the **Federal Register**, reopening the period for review and comment on portions of the Montana regulatory program until March 3, 1980. The new comment period provided opportunity for the public to review and comment on supplemental information submitted by the Montana Department of State Lands after the close of the public comment period on February 6, 1980 (45 FR 12366–12367).

On March 17, 1980, the Director recommended to the Secretary that the Montana program be conditionally approved.

Secretary's Findings

1. In accordance with Section 503(a) of SMCRA, the Secretary finds that Montana has, subject to the exception in finding 4(1), 4(h)(i), 4(h)(iii), 4(o), 4(j)(vi), and 4(g)(i) below, the capability to carry out the provisions of SMCRA and to meet its purposes in the following ways:

(a) The Montana Strip and Underground Reclamation Act (Montana SURA) and the regulations adopted thereunder provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Montana in accordance with SMCRA;

(b) The Montana SURA provides sanctions for violations of Montana laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Montana Department of State Lands or its inspectors;

(c) The Montana Department of State Lands has sufficient administrative and technical personnel and sufficient funds to enable Montana to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA;

(d) Montana law provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Montana;

(e) Montana has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA, 30 U.S.C. 1272;

(f) Montana has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations;

(g) Montana has fully enacted regulations consistent with regulations issued pursuant to SMCRA, subject to the exceptions discussed below in findings 4(l), 4(h)(i), 4(h)(iii), 4(o), 4(j)(vi), and 4(g)(i);

2. As required by Section 503(b) (1)–(3) of SMCRA, 30 U.S.C. 1253(b) (1)–(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM:

(a) Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed Montana program;

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Montana program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, 33 U.S.C. 1151–1175, and the Clean Air Act, 42 U.S.C. 7401 *et seq.*; and

(c) Held a public review meeting in Helena, Montana, on September 12, 1979, to discuss the Montana program submission and its completeness and held a public hearing in Billings, Montana, on December 20, 1979, on the substance of the Montana program submission;

3. In accordance with Section 503(b)(4) of SMCRA, 30 U.S.C. 1253(b)(4), the Secretary finds that the State of Montana has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

4. In accordance with 30 CFR 732.15, the Secretary finds, on the basis of information in the Montana program submission, including the section-by-section comparison of the Montana law and regulations with SMCRA and 30 CFR Chapter VII, public comments, testimony and written presentations at the public hearings, and other relevant information, that:

(a) The Montana program provides for Montana to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII.

(b) Montana has proposed the following alternate approaches to the requirements of 30 CFR Chapter VII pursuant to 30 CFR 731.13:

(i) Civil Penalty System—Montana has proposed an alternative to the Federal civil penalty system, 30 CFR Part 845. Under the Montana proposal, there would be no formal point system, but Montana would assess penalties equal to or greater than those that would be assessed by OSM under the point system contained in 30 CFR Part 845. In light of the District Court's decision on February 26, 1980, the Montana proposal can be approved because it meets the requirements of Section 518 of SMCRA without requiring that civil penalties be assessed through a point system.

Also, Montana's law and regulations omit time limits for certain portions of its penalty assessment process, but Montana would commit to abide by the stated time limits set forth in a memorandum from John North to Richard H. Hall, dated February 1, 1980.

In reviewing this alternative the Secretary considered the circumstances unique to Montana. Montana has a very small number of producing mines at present (11), and does not expect any significant increase in this figure in the

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next 10 years. A number of the mines in Montana are quite large (over 200 acres). Montana intends to inspect these mines more frequently than is required under the permanent program. Montana's statute authorizes fines of up to $5,000 per day, which is the same as the fines authorized under Section 518(a) of SMCRA. Montana always assesses a penalty, whereas OSM does not in approximately one-third of its cases. Finally, Montana uses the same four criteria as OSM in determining what penalty to assess.

Montana was asked to establish that it has assessed and will continue to assess penalties in a range comparable to OSM's or higher. The State sent OSM a statement concerning its past assessment practices for the most typical violations in four categories:

Category I—Minimal or no damage, no negligence, no previous violations of that type, and good faith points earned.

Category II—Low damage, low negligence, one or two previous violations of that type, and good faith points earned.

Category III—Moderate damage, moderate negligence, two or three previous violations of that type, and good faith points earned.

Category IV—Serious to high damage, gross to willful negligence, 3 or more previous violations of that type, and negative good faith points awarded.

The violations considered were typical, common violations: contamination or burying of topsoil, failure to pass all sediment through a sediment pond, disturbance off the permit area, and failure to reclaim in a timely manner.

Also, the State sent, and OSM reviewed, copies of its files on all of its enforcement and assessment actions taken during the past two years, except a group of cases involving very minor violations for which a penalty would not be issued under OSM's system. It was found that in most cases the Montana civil penalty assessed was at least as high as OSM's would have been. The remaining cases were discussed with the State on January 24, 1980, and it was found that in all cases except one, when more facts were provided by the State, Montana's assessment resulted in a civil penalty at least as high as that of OSM.

The Secretary finds that the Montana statement concerning its past assessment practices as amended by a memorandum explaining the workings of the State assessment system provides an acceptable basis for implementing Section 518 of SMCRA. The State has also provided explanations as to how Montana will assess violations under its new statutory scheme as opposed to its past practice, how violations involving an obstruction of an inspection are to be assessed, and that the term "negligence" includes both recklessness and willfulness in determining the degree of fault to be considered in assessing a civil penalty.

In accordance with 30 CFR 731.13, it is determined that:

(A) The proposed alternative contained in the Montana program is in accordance with Section 518 of SMCRA because the State system results in civil penalties which are at least as stringent as those of OSM; and

(B) The proposed alternative is necessary because of local requirements. Montana has a small number of large mines which are inspected twice per month.

(ii) Analysis of Pyrite and Marcasite—30 CFR 779.14(b)(v) and 783.14(a)(2)(iv) require an analysis of the sulfur, pyrite and marcasite content of the coal seam. The purpose of this requirement is to identify the principal forms of inorganic sulfur in the coal that may be subject to oxidation when exposed to air and water and which may lead to acid drainage from the mined areas. The differentiation between marcasite and pyrite (organic forms of sulfur) is useful to identify areas where the theoretically faster oxidized marcasite predominates and where acid drainage conditions may thus be more likely.

Montana 82–4–222 requires an analysis of sulfur content, but not of pyrite and marcasite. Montana has submitted evidence that its coal is low in sulfur content and thus that identification of total sulfur is a sufficient measure of the potential for acid mine drainage. Montana maintains that a sulfur content higher than that normally encountered would alert the State to a potential acid mine drainage problem even though the sulfur content would not be considered out of the ordinary for a "higher sulfur" area. If above normal sulfur is encountered, Montana does have the ability under Rule II(3)(g) to require a further breakdown of the sulfur analysis (i.e., marcasite and pyrite).

Acid mine drainage usually comes from (1) oxidation of sulfur from the coal remaining in the rooms and pillars of an underground mine, or (2) industrial wastes from coal processing plants which contain sulfide minerals such as pyrite and marcasite. Montana has one underground coal mine and no coal processing facilities.

Montana does require chemical and physical analyses of any material that may be acid producing. The Montana program also reiterates the Federal requirements to conduct all activities to minimize disturbances to the hydrologic balance, selectively to place and seal acid- and toxic-forming materials, to avoid drainage from acid- and toxic-forming spoil, to backfill material to minimize adverse effects on ground water, to cover acid- and toxic-forming material with a minimum of eight feet of non-toxic and non-combustible material, to backfill to prevent leaching, to keep acid- and toxic-forming materials out of drainage channels, and to design mines to prevent acid mine drainage. Thus any acid-forming coal materials which might be encountered would have to be addressed in the context of complying with these protective measures included in the Montana program.

In accord with 30 CFR 731.13, it is determined that:

(A) The proposed alternative contained in the Montana law and Montana program is in accordance with Section 515 and 516 of the SMCRA and consistent with 30 CFR Part 779 and 30 CFR Part 783; and,

(B) The proposed alternative is necessary because of the local environmental condition that Montana's coal is low in sulfur. Furthermore, there is only one underground mine and no coal processing plants, and if a potentially acid producing area were encountered Montana has the ability to require a separate pyrite and marcasite analysis.

(iii) Reclamation of Mined Land—Montana proposed that its statutory requirement to reclaim mined lands to native range as applied to the reclamation of marginal farmlands be considered under 30 CFR 731.13. The State was concerned that an interpretation of the Federal postmining land use rule, 30 CFR 816.133, could provide a basis for operators to argue that marginal farmland contained in mine operations should be reclaimed to that same status, which is a condition less stringent than the basic Montana statutory requirement. Upon review of the proposal, the Secretary finds that the Montana provision is a more stringent requirement, rather than an alternative approach, and therefore is consistent with 30 CFR 816.133 and Section 505 of SMCRA. An analysis of the proposal is contained in finding 4(c)(v) below.

(c) The Montana Department of State Lands has the authority under Montana laws and regulations to implement, administer, and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K, and the Montana program includes provisions to do so. The Montana law and regulations on performance standards are consistent with SMCRA and 30 CFR Chapter VII, Subchapter K. Special

performance standards for mountaintop removal and operations on steep slopes are not included in the Montana law or regulations because these types of mining are specifically prohibited under Montana law or regulations. Approval is based on the following representations made by Montana concerning Montana law and regulations on performance standards:

(i) Montana statute 82–4–203 and 221 and Rule II cover coal processing and loading facilities at or near the mine site to the same extent they are covered in SMCRA Section 701(28) and 30 CFR 827.

(ii) Montana statutes and regulations do not specifically require that the design and construction or reconstruction of Class I type roads be certified by a registered qualified professional engineer in accordance with 30 CFR 816.150(d)(1) and 30 CFR 817.150(d)(1). However, as stated in a policy letter dated January 30, 1980, Montana shall require all Class I type roads to be designed and certified by a registered qualified professional engineer under authority of Section 82–4–222(2)(m) of its law which provides that the Department of State Lands may request any permit information that it requires.

(iii) The analyses of the coal seam for sulfur, pyrite and marcasite required by 30 CFR 779.14(b)(v) and 30 CFR 783.14(a)(2)(iv), shall be performed under a 30 CFR 731.13 "State window" procedure as set forth above in paragraph 4(b)(ii).

(iv) 30 CFR 816.53 requires that both the operator and the surface owner request transfer of ownership of an exploratory or monitoring well in order to use it as a water well. Montana law does not specifically state that a request from the surface owner is required . However, under Rule VII(14)(c), Montana requires the surface owner to assume primary liability for the well, including bonding. Such assumption of liability shall be in writing.

(v) Montana statute 82–4–233(1)(a) mandates that mined land be returned to native rangeland capable of supporting livestock grazing and wildlife habitats; a use which is considered higher than marginal farmland. This mandate is compared to 30 CFR 816.133 which allows reclamation to a condition capable of supporting uses prior to mining. Montana believes the Federal regulations could result in marginal farmland being reclaimed to marginal farmland.

Eastern Montana coal fields have considerable acreage of such marginal land. This land has historically been cultivated during periods when grain prices are high and abandoned and allowed to revert to range. During the long reversion process such lands are without adequate protective vegetative cover and have suffered a decrease in their productive capabilities as a result of wind and water erosion. Substantial Federal funds have been expended over the last decades on the range restoration of such marginal farmlands.

By requiring that land be reclaimed to rangeland, Montana believes that the land will be productive regardless of the agricultural economics at the time of bond release. By restricting non-rangeland reclamation to only those areas approved in accordance with Montana's alternate revegetation provisions in Rule XVI, the Department of State Lands can assure that such areas will be capable of maintaining the alternate use over the long-term.

Montana maintains that grazing and wildlife habitat requirements for revegetation are more stringent than other postmining land uses. Wildlife and grazing habitats must be established as diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land affected. These habitats are more complex than crop, residential, and other postmining land uses, because they form communities which are in equilibrium with the environment and are not maintained artificially by man. (Whittaker, R. H., *Communities and Ecosystems*, Ontario, Macmillan Co., 1970, page 158.)

Montana Rule IX provides that a seeding or planting program for rangeland must incorporate a timing schedule, mulching procedures, and a selection of plant species suited for the community and its components. Grazing and wildlife habitats must be developed that allow managed grazing on a sustained yield basis.

Alternate non-rangeland reclamation only shall be approved in accordance with Montana's alternate revegetation provisions contained in Rule XVI. These provisions assure that such areas shall be capable of maintaining the alternate use over the long term. Part 1 of Rule XVI requires specific plans showing: (a) The nature of the alternate reclamation; (b) how use of the alternate reclamation allows a postmining land use which is consistent with the purposes of Montana law; (c) why the results are not attainable by use of nonalternate reclamation methods; (d) that the alternate reclamation is more or at least as environmentally protective, during and after the proposed strip or underground mining operations, as non-alternate reclamation methods, and will not reduce the protection afforded public health and safety below that provided by non-alternate reclamation methods; (e) that the applicant will conduct appropriate special monitoring, as determined by the Montana Department of State Lands, during the bonding period designed to identify, as soon as possible, potential risks to the environment and public health and safety from use of the alternate reclamation; (f) the reclamation methods which will be implemented in the event the objective of the alternate reclamation plan is not attained; and (g) for areas proposed for alternate revegetation, the area(s) of undisturbed land to which the mined and reclaimed land shall be compared for bond release purposes.

Part 2 of Rule XVI provides for public notice, review and comments. Notice will also be given to OSM.

Part 3 of Rule XVI establishes the criteria for approval of such proposals, including: (a) The plan meets the requirements of Part 1 above; (b) the plan is based on a clearly defined set of objectives which can reasonably be expected to be achieved; and (c) The permit contains conditions that specifically limit the alternate reclamation authorized to that granted by the Montana Department of State Lands, impose enforceable environmental protection standards, and require the permittee to conduct the periodic monitoring and reporting program set forth in the plan.

Part 3 also specifies that the Montana Department of State Lands must find, in writing, that the criteria are met as part of any decision to approve the reclamation plan.

Part 4 of Rule XVI establishes review procedures including consultation with OSM and specifically directs the Montana Department of State Lands to issue notices of modification or changes to ensure full protection of the environment and public health and safety.

Part 5 of Rule XVI establishes general and specific criteria for qualifying a postmining land use alternate to the Montana program requirement to return lands to native range. These criteria are substantial and are consistent with those of Section 515(c)(3) of SMCRA and 30 CFR 816.133.

Rule XVI(1) mandates that the alternative reclamation practice will be granted only if it is necessary for the approved alternative postmining land use. It also mandates notice to OSM and accommodation of OSM findings on each request for use of Rule XVI prior to a decision. It is the finding of the Secretary that the Montana provisions as described are more stringent than SMCRA and 30 CFR Part 816.

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(d) The Montana Department of State Lands has the authority under Montana laws and regulations and the Montana program includes provisions to implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G. The Montana program includes no requirements for mountain-top removal and operations on steep slopes. These permit requirements are not applicable to Montana because these types of mining are specifically prohibited under Montana law or regulation. In addition, there are no provisions for experimental practices because Montana law and regulations do not allow experimental practices. Section 82-4-221(1) of the Montana SURA provides the authority for Montana to prohibit surface coal mining and reclamation operations without a permit issued by the Montana Department of State Lands. Approval is based on the following representations made by Montana concerning Montana law and regulations on permit requirements:

(i) 30 CFR Chapter VII contains numerous references to the availability of information to the Public. Article II, Section 9 of Montana's Constitution states that "No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of State government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure." Montana maintains that this constitutional provision has been interpreted very broadly in favor of public disclosure. The 1972 Montana Constitutional Convention indicated that the exception applies only to personnel matters, litigation, tax and welfare records, jury deliberations, court deliberations, and attorney-client communications. Recent case law has held that the right of privacy was unavailable to a corporation. Thus, there are types of information which could be protected under SMCRA but which could not be kept private under Montana law, and Montana's provisions are therefore determined to be more stringent than Federal law.

(ii) Under Section 514 of SMCRA, 30 U.S.C. 1264(a), and 30 CFR 786.23(b)(1)(ii), if an informal conference on a permit application is held, a decision shall be made by the regulatory authority within 60 days of the conference. Montana law or regulation does not provide such a time limit, but does require a decision on a permit application within 240 days after the receipt of a complete application. Montana maintains that not requiring a decision within 60 days of an informal conference allows a conference to be held earlier in the permit review and analysis process and thus is more meaningful to the public as well as to the State. This is more stringent than the 60 day Federal requirement. Montana's provisions regarding informal conferences are consistent with 30 CFR 786.23.

(iii) 30 CFR 786.23(f) requires the regulatory authority to notify local government officials in the local / political subdivisions in which the area of land to be affected is located when a permit has been issued. Montana regulations do not contain this provision, but Montana maintains that since mining is conducted only in six counties and because the issuance of a permit entities the county to share in the severence tax, local officials are well informed regarding mining activities. Additionally, Montana has stated that as a matter of policy the Montana Department of State Lands will notify the local government officials in the local political subdivision within ten days after granting a mining or test pit prospecting permit. Therefore, Montana's provisions for notice to local officials are consistent with SMCRA and 30 CFR 786.23(f).

(iv) Section 82-4-221(1) of the Montana law requires that an operator apply for a permit renewal at least 30, but no more than 60, days prior to the permit expiration date. In order to meet the public disclosure and comment period provided by 30 CFR 786.11-14 and 30 CFR 788.14, additional time is necessary. Montana maintains that because the provision in its regulations protects the State from receiving applications far in advance of the necessary renewal date, the Montana Department of State Lands has the authority to extend the period during which renewal applications may be received and thus provide opportunities for public comment. Based on the revised State policy providing for a minimum 75 day review period as set forth in Montana Rule III, the Montana law and regulations are consistent with 30 CFR Parts 786 and 788.

(e) Section 82-4-226 of the Montana SURA provides the Montana Department of State Lands with the authority to regulate coal exploration consistent with 30 CFR Parts 776 and 815 and to prohibit coal exploration that does not comply with 30 CFR Parts 776 and 815, and the Montana program includes provisions to do so;

(f) Montana laws and the Montana program do not provide an exemption for coal extraction incidental to government-financed construction. Thus, the Montana program is more stringent than SMCRA and 30 CFR Part 707;

(g) The Montana Department of State Lands has the authority under Section 82-4-205 and 82-4-221 of the Montana SURA and Rule XXIV of the Montana regulations to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal land within Montana. Approval of this program is based on the following representations made by Montana concerning Montana law and regulations on the ability to enter, inspect, and monitor:

(i) Montana Rule XXIV(1) requires that the Montana Department of State Lands inspect to ensure "substantial" compliance with Montana law and regulations. The Secretary is concerned that "substantial" compliance might be interpreted to mean something less than complete compliance. Montana has stated that this rule does not relieve the operator of the duty to comply completely with Montana law and regulations; that Sections 82-4-231 to 235 require complete compliance with the reclamation plan and performance standards; that Section 82-4-251 requires issuance of a notice of violation or suspension order for every violation; and that Section 82-4-254 requires a penalty to be assessed for every violation. Therefore, Montana maintains, complete compliance with the program is required. Additionally, while Montana Rule XXIV requires at least the minimum number of inspections in accordance with 30 CFR Part 840, Montana interprets the rule to require the Montana Department of State Lands to make additional inspections if necessary to ensure substantial compliance with the Montana law and regulations. However, Montana has agreed as a condition of program approval to clarify its policy by removing the word "substantial" from Rule XXIV(1).

(ii) 30 CFR 840.11 describes "partial" and "complete" inspections and requires them to be on-site reviews of permit conditions. The Montana Department of State Lands interprets Montana Rule XXIV to require that partial and complete inspections be on-site, on-the-ground inspections. Furthermore, in Montana a complete inspection is an inspection of the entire permit area for complete compliance with all applicable requirements of Montana law and regulations. Therefore, Montana's inspection provisions are determined to be in compliance with 30 CFR Part 840.

(iii) 30 CFR 840.12 requires the regulatory authority to be able to inspect without a search warrant. This item is not specifically addressed in Montana law or regulation. The State submitted an Attorney General opinion dated February 1, 1980 which declares that Montana has the power to inspect without a search warrant. Montana maintains that the coal industry in Montana has been a closely regulated industry since passage of the first Montana reclamation act in the late 1960's. Since that time, the Montana Department of State Lands has conducted frequent and detailed inspections without search warrants to enforce the reclamation act. This practice has never been challenged. No other Montana rule or statute requires the Department of State Lands to obtain a search warrant. Therefore, Montana is able to conduct inspections without warrants, and complies with 30 CFR Part 840.

(h) The Montana Department of State Lands has the authority under Montana laws and the Montana program includes provisions to implement, administer, and enforce a system of performance bonds and liability insurance, or other equivalent guarantees, consistent with 30 CFR Chapter VII, Subchapter J. The performance bond and liability insurance provisions of Sections 507(f), 509, 510, and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J are incorporated in Sections 82-4-221, 222, 223, 232, and 235 of the Montana SURA and in Rule XIX and XX of the Montana regulations. Approval of the Montana regulatory program is based on the following representations made by Montana concerning performance bonds:

(i) Section 524 of SMCRA, 30 USC 1274, provides that political subdivisions which engage in surface coal mining operations are subject to the full requirements of SMCRA. Montana SURA 82-4-223 gives the Department of State Lands discretion in requiring a bond from a political subdivision. The Montana Department of State Lands will, by policy dated January 30, 1980, require a bond for any mining operation operated by a political subdivision of the State in the same manner as required of all other operators.

In order to comply with Section 524 of SMCRA, Montana must revise its regulations to specify that a political subdivision must obtain a bond if it is directly conducting a coal mining operation. However, since at present no political subdivision is conducting such an operation, it is determined the Department of State Lands' policy statement is sufficient until the agreed date by which Montana will have changed its regulations.

(ii) 30 CFR 806.12 require bonds to be non-cancellable, with an exception for that portion which covers lands not disturbed. Terms and conditions contained in Montana's bond form allow cancellation of bond only for undisturbed areas. Because this form is not a rule, the question arose as to the legal relationship of the form to Montana law and regulations. Montana has stated that the bond form has in the past been a rule, but that recently the Montana Secretary of State, who publishes the Administrative Rules of Montana (ARM) and has authority over format, has prohibited the promulgation of forms as rules. Section 82-4-23 of the Montana SURA directs the Montana Department of State Lands to require a bond which guarantees faithful performance of the permanent program. Montana maintains that this statutory provision does not allow the Montana Department of State Lands to accept a bond which permits cancellation as to disturbed areas. Therefore, the Montana provision and bond form are in compliance with 30 CFR 806.

(iii) 44 FR 67943 (November 27, 1979) suspended portions of 30 CFR 805.13(d) (concerning the revegetation requirements when a long term agricultural land use is involved) and 30 CFR 808.12(c) (concerning a limitation on the areal liability under a bond) as being inconsistent with the SMCRA. Montana Rule XX(3)(b) corresponds to 30 CFR 805.13(d), but also references Rules XVI (Alternate Reclamation) and thereby avoids the inconsistent language of 30 CFR 805.13(d). In 30 CFR 808.12(c), the phrase "with respect to protection of the hydrologic balance" was suspended. Montana Rule XX(13)(b)(ii) contains provisions that mirror the suspended Federal regulation. As such, Montana Rule XX(13)(b)(ii) is determined to be inconsistent with SMCRA. Montana has agreed to amend its regulations to remove the suspended phrase.

(i) The Montana Department of State Lands has the authority under Sections 82-4-254 and 45-3-312 of the Montana SURA, and the Montana program includes provisions to provide for civil and criminal sanctions for violation of Montana law, regulations, conditions of permits and exploration approvals including civil and criminal penalties in accordance with Section 518 of SMCRA, 30 U.S.C. 1268. Approval of the Montana regulatory program is based on the following representations made by Montana concerning providing for civil and criminal sanctions for violations of Montana law, regulations and permit conditions and exploration approvals, including civil and criminal penalties in accordance with Section 518 of SMCRA:

(i) Montana maintains that it interprets Section 82-4-254(1) of the Montana SURA to operate so that the $750 per day mandatory minimum daily penalty applies to the permittee from his failure to abate within the time specified in the notice of abatement until the actual abatement of the violation, unless a court or an administrative body grants temporary relief or otherwise suspends the permittee's obligation to abate. Since the State asserts that Montana 82-4-254(1) is precisely the same as SMCRA Section 518(b) in this regard, the Montana SURA provides the necessary civil penalty authority for failure-to-abate violations.

(ii) Montana's civil penalty assessment criteria are not listed in any of its statutes or regulations, but are found in a January 4, 1980, policy memorandum. The Department of State Lands maintains that Montana case law provides that agency action, such as the determination of the size of civil penalty, will not be overturned by its courts except in the case of abuse of agency discretion. The Montana program submission provides the necessary civil penalty assessment criteria.

(iii) 30 CFR 843.15(a) states, in part, that, "Expiration of a notice or order shall not affect the Director's right to assess civil penalties for the violations mentioned in the notice of order." The Montana rules contain no comparable statement. However, under Section 82-4-254(1) of the Montana SURA, the Department of State Lands is required to assess a civil penalty for every violation that is detected. The Montana provision is more stringent than the Federal regulation.

(iv) Montana provides in Section 82-4-254(2) of the Montana SURA that the assessed penalty must be placed in escrow after the administrative adjudicatory hearing and before judicial review. The Federal scheme requires the penalty to be placed in escrow before the administrative hearing. 30 CFR 845.18, however, gives an alleged violator the right to an assessment conference prior to his placing the alleged penalty in escrow. Montana provides for no such assessment conference. The Secretary believes that a violator is entitled to one hearing, whether formal or informal, prior to having to place the assessed penalty in escrow in order to further contest the fact of the violation or the amount of the penalty. Since the Montana program entitles a violator to one hearing, and

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that hearing is a formal hearing, prior to having to place the assessed penalty in escrow in order to further contest the fact of the violation or the amount of the penalty, it is determined that Section 82–4–254(2) of the Montana SURA provides an escrow provision which is consistent with Section 518 of SMCRA.

(v) Montana has chosen to utilize an alternate civil penalty assessment system under the criteria provided in 30 CFR 731.13. The Montana provisions are discussed in detail above in finding 4(b)(i). Montana maintains that State case law provides that agency action such as a determination of the size of penalty will not be overturned by State courts except in the case of abuse of agency discretion; thus, the fact that Montana's criteria for setting the amount of the civil penalties are not contained in its laws or regulations will not hamper the Department of State Lands in successfully assessing penalties as high as under Section 518(a) of SMCRA. Based on these representations by Montana, the Montana provisions for assessment of civil penalties are in compliance with Section 518(a) of SMCRA.

(j) The Montana Department of State Lands has the authority under Montana laws, and the Montana program contains provisions, to issue, modify, terminate and enforce notices of violation, cessation orders and show-cause orders in accordance with Section 521 of SMCRA, 30 U.S.C. 1271, and with 30 CFR Chapter VII, Subchapter L, including the same or similar procedural requirements, except for the provision discussed in (vi) below. The enforcement authorities in Section 521 of SMCRA and the applicable provisions of 30 CFR Chapter VII, Subchapter L are contained in Sections 82–4–205, 221, 251, and 254 of the Montana SURA and in Rule XXIV of the Montana regulations. Approval of the Montana regulatory program is based on the following representations made by Montana concerning issuing, modifying, terminating, and enforcing notices of violation, cessation orders, and show-cause orders:

(i) 30 CFR Part 842 provides for a citizen's right of informal review of a decision not to inspect or enforce and the adequacy and completeness of inspections in general. Montana maintains that because of the small population and the availability of the Commissioner of the Montana Department of State Lands to the public, no formal rules on this matter are necessary. As a matter of policy, after an inspection to investigate a citizen's complaint or a decision not to so inspect, the Montana Department of State Lands routinely sends a letter to the citizen stating the findings of the inspection, and the Commissioner personally reviews each such compliant. The letter also explains that if the citizen disagrees with the findings, he or she may consult with the Commissioner. In addition, the State will handle informal review of completeness and adequacy of inspections in the same manner as review of a decision not to inspect or enforce. This procedure provides the necessary guarantee of citizen rights consistent with 30 CFR Part 842.

(ii) 30 CFR Part 843 requires the regulatory authority to have the authority to require interim remedial steps in notices of violation. Montana maintains that Section 82–4–251(2) of the Montana SURA requires the Commissioner of the Montana Department of State Lands or his authorized representative to issue an order requiring abatement and that the authority to require complete abatement includes the authority to require interim steps necessary to achieve complete abatement. The Commissioner and his authorized representatives have authority to require interim steps in the notice of violation. This Montana procedure for requiring interim abatement steps is in compliance with 30 CFR Part 843.

(iii) 30 CFR 843.12(c) provides that the total abatement time under a notice of violation, including all extensions, will not exceed 90 days. Section 82–4–251(2) of the Montana SURA provides that the Department of State Lands must fix a reasonable time, not exceeding 90 days, for abatement. The next sentence in the Montana SURA begins: "If, upon expiration of the period of time originally fixed *or subsequently extended* * * *," (emphasis added). The question has arisen that the underlined language could be construed as allowing an extension beyond 90 days. Montana maintains that the sentence setting forth the 90-day requirement is the only one dealing with the setting of a time frame and that the next sentence, partially quoted above, does not authorize extensions, but merely refers to extensions authorized by the previous sentence. Montana holds that the original time for abatement and any extention, when added together, cannot exceed 90 days. Based on this representation, the Montana provision complies with 30 CFR 843.12(c).

(iv) Montana maintains that Section 82–4–254(3) of the Montana SURA requires the Montana Attorney General to bring suit if requested to do so by the Commissioner, Department of State Lands. Montana contends that its law is more stringent than Section 521(c) of SMCRA, which merely authorizes the Secretary of the Interior to request suit by the Attorney General, and does not require the Attorney General to bring the suit. Montana also notes that in the event of the refusal of an operator to permit inspection of monitoring equipment, Montana law empowers the Commissioner to request the Attorney General and the Attorney General, under general law, is empowered to bring an injunction action in support of the Commissioner for such a violation. Based on this representation, Montana has the necessary authority to request civil relief in circumstances which are consistent with SMCRA Section 521(d) and 30 CFR 843.19.

(v) 30 CFR 843.13(a)(1) states, in part, that, "violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they are acts of deliberate sabotage." Montana maintains that as a matter of agency law, the permittee is already liable for the acts of his agents and employees on the mine site. The question of deliberate sabotage has never arisen in Montana and has never been addressed by the State. Based on this representation, Montana law adequately provides that violations are attributable to the permittee.

(vi) 30 CFR 843.11(a)(2) provides that if a cessation order will not completely abate the imminent danger or harm in the "most expeditious manner physically possible," affirmative obligations shall be imposed by the authorized representative of the regulatory authority. Furthermore, the affirmative obligation may require the use of existing or additional personnel and equipment without consideration of cost (44 FR 15301). Montana SURA and regulations do not explicitly contain these provisions. Montana maintains that abatement of imminent danger or of a significant environmental harm provided in Montana 82–4–251(1) would require complete abatement in order to eliminate the danger or harm. Furthermore, complete abatement would have to be as expeditious as possible and would require the use of additional personnel or equipment without regard to cost in order for the State to avoid action under its common law of mandamus. The Secretary believes that the abatement of imminent dangers or harm in an expeditious manner is an important item to be addressed in a State regulatory program. While Montana feels that it has the necessary authority and as a matter of policy would require abatement in accord with 30 CFR 843.11(a)(2), the Secretary believes that this procedure must be set forth in Montana law or regulation. The State has agreed to revise its regulations.

(k) The Montana Department of State Lands has the authority under Section 82–4–227 of the Montana SURA, Rule XXII and XXIII and the Montana program contains provisions to designate areas as unsuitable for surface coal mining consistent with 30 CFR Chapter VII, Chapter F. It should be noted that Montana Rule XXII(4), which specifies procedures for processing mine applications which might involve areas where mining is prohibited or limited, does not provide for immediate administrative review, but offers review through the permitting process.

Under 30 CFR Chapter VII, a determination of valid existing rights as a part of a permit application is subject to administrative or judicial review under 30 CFR 787.11 and 12. A hearing is required within 30 days of a request for a hearing on the reasons for a final decision. The Montana program does not discuss review in Rule XXII(1) on valid existing rights. However, the Montana program contains an administrative review procedure in Rule III(7) which mirrors the requirements of 30 CFR Part 787. Therefore, the Montana law and regulations are in compliance with 30 CFR Chapter VII, Subchapter F.

(l) The Montana Department of State Lands has the authority under Montana's Administrative Procedures Act, SURA Section 82–4–252, and Rule III and the Montana program contains provisions for public participation in the development and revision of Montana regulations. Montana also has the authority to provide for public participation in the permitting process and in the enforcement of its laws and regulations, with one exception.

The Montana program does not provide for award of costs in administrative proceedings, including attorneys fees, in accordance with Sections 520 and 525 of SMCRA and 43 CFR 4.1290 *et seq.* Although Montana has enacted the basic authority for the award of costs and expenses, SMCRA and 30 CFR Chapter VII require that a State program include the regulations which detail such matters as who may file, contents of a petition, and who may receive an award. The preamble to the Federal rules, 44 FR 15297, states in part,

> The Office believes that a State program must meet the following minimum criteria with respect to citizen participation: * * * (3) It must authorize award of costs and expenses in administrative and judicial proceedings provided under Section 520 (d) and (f) and 525(e) of the Act and 43 CFR 4.

In light of this language, the Secretary believes that a State program must include provisions similar to 43 CFR 4.1290 *et seq.* The Montana SURA does not make provision for such awards consistent with 43 CFR 4.1280. Montana has agreed to make the necessary revision.

Montana's provision for the award of attorney fees in judicial proceedings, SURA Section 82–4–252(5), is identical to Section 520(d) of SMCRA. There are no Federal regulations implementing Section 520(d). However, as is discussed in the response to comment 50, the Secretary believes that Montana's provision is intended to require that attorney fees may be awarded against citizen groups only where they act in bad faith.

Approval of this program is based on the following representations made by Montana concerning Montana law and regulations on public participation:

(i) Montana SURA 82–4–252(1) requires that a person who believes that the Montana SURA is not being enforced must file a written statement with the Department of State Lands. Such a statement must be under oath, and knowingly making a false statement or charge subjects the affiant to penalties. Montana has stated that Sections 45–7–202 and 45–7–203 of its statutes provide a misdemeanor charge for making a false statement or report regardless of whether a statement is made under oath and penalties under each Section are the same. Under 18 U.S.C. 1001, submission of a false report to OSM is a felony. Therefore, Montana's provisions are consistent with Federal provisions regarding penalties for making a false report, and the requirement that statements be under oath does not create any more of a chilling effect on the exercise of citizen suit rights than does 18 U.S.C. 1001.

(ii) Section 520 of SMCRA provides that after 60 days from filing a notice of intent to sue with the regulatory authority, the plaintiff may file suit against the State. Montana SURA 82–4–252(2) provides that, after an "unreasonable time" following notification, a person may sue. Montana has stated in an Attorney General opinion that any delay beyond 60 days would be "unreasonable," especially since Montana requires inspections approximately every two weeks. Furthermore, Montana notes that in cases of an imminent threat to the health or safety of the plaintiff, an immediate response by the Department of State Lands would be deemed essential. In such a situation, a citizen could bring suit immediately after notification of the Department of State Lands. The Secretary believes that the Montana program provides the same requirements as Section 520 of SMCRA in that an "unreasonable time" to respond to a notice of intent to sue is anytime beyond 60 days, and that a citizen may bring an immediate action in cases of an imminent threat to health or safety.

(iii) Section 520(a) of SMCRA sets forth the causes for which a suit may be filed against the governmental agencies and other persons and Section 525(e) provides for the award of attorney fees in administrative proceedings. Montana SURA 82–4–252 contains essentially the same language except that the Montana statute refers to "part" rather than the SMCRA reference to "the Act." A Montana Attorney General opinion dated February 20, 1980, confirms that "part" under the Montana statutory structure refers to the Montana SURA. Therefore, Montana's provision is in compliance with Section 520(a) and 525(e) of SMCRA.

(iv) Montana explains that Article II Section 9 of the State Constitution has been interpreted very broadly in favor of public disclosure. It protects personnel records, and the right of privacy under case law is unavailable to a corporation. Montana has provided an Attorney General's opinion to this effect. Thus, the State provision is more stringent since there are types of information which could be protected under SMCRA which could not be kept private under Montana law. Therefore, Montana provides public disclosure of documents consistent with SMCRA and the Federal regulations.

(m) The Montana Department of State Lands has the authority under Montana laws and the Montana program includes provisions to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Montana Department of State Lands and the Montana Board of Land Commissioners consistent with 30 CFR Part 705. The prohibitions against financial interests in coal mining operations are contained in Rule XXVII of the Montana regulations.

(n) The Montana Department of State Lands has the authority under Montana regulations to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. Montana has no regulations on the

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training, examination, and certification of persons engaged in blasting because 30 CFR 732.15(b)(12) does not require a State to implement regulations governing certification and training of persons engaged in blasting until six months after Federal regulations for these provisions have been promulgated. The Federal regulations have not been promulgated at this time.

(o) The Montana Department of State Lands has the authority under Montana laws and the Montana program contains provisions in Rule XXVI to provide small operator assistance. However, Montana 82–4–222 implements the small operator assistance program only to the extent that the State has received Federal funds for this purpose. Such a limitation is not consistent with Section 705(c) of the SMCRA. Montana maintains that it has only approximately six operators eligible for assistance at present. The Federal funds currently available to Montana for small operator assistance are sufficient to meet the present needs of Montana. However, this may not be the case in the future and thus it is determined that the Montana law and regulations concerning small operator assistance do not fully comply with Section 705(c) of SMCRA and 30 CFR Part 795. Montana has agreed to remove the restrictive provision from its law and regulations.

(p) The Montana Department of State Lands has the authority under Section 82–4–254(7) of the Montana SURA and the Montana program contains provisions to provide protection of employees of the Montana Department of State Lands in accordance with the protection afforded Federal employees under Section 704 of SMCRA.

(q) Montana has the authority under its laws and the Montana program contains provisions for administrative and judicial review of State program actions in accordance with Section 525 of SMCRA and 30 CFR Chapter VII, Subchapter L. Authority is found in Montana Section 82–4–251 of ARM Title 2, Chapter 4, Parts 6 and 7, and Rules XXIV and XXV. The basic administrative review provision is 82–4–251(6). It is noted that the second line of this section refers to an "order of abatement," rather than a cessation order, and that lines 3, 4, and 5 of the section refer only to orders, and not notices. Montana maintains that:

The deficiency pointed out is the result of undetected typographical errors. The department intends to interpret the statute as applying to both notices of violation and cessation. It is the opinion of the department's legal staff that a court would arrive at a similar interpretation. The department will propose introduction of legislation into the 1981 Legislature to correct this error. (Item 22, Montana's Reponse to the initial OSM Review (October 18, 1979) of Montana's Permanent Program Submission, submitted as part of the revisions to the program submission, November 13, 1979.)

These errors do not affect the State's authority in this area. The authority to issue cessation orders is clearly established in 82–4–251(1). Because the State intends to afford administrative review for cessation orders, no deficiency exists. Similarly, 82–4–251(6) refers to notices elsewhere in the subsection, and the omission noted above would not affect administrative review of notices of violation.

Montana chose not to adopt an analogue to section 525(c) which allows temporary relief from a notice or order pending completion of administrative review. This omission is consistent with the SMCRA since the result is more stringent than SMCRA.

(r) The Montana Department of State Lands has the authority under Montana law and the Montana program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. The provisions for cooperation, coordination, and provision of documents are contained in Rule III and Rule V of the Montana regulations. Additionally, Article II, Section 9 of the Montana Constitution provides for public examination of documents relating to government decisions.

(s) The following laws and regulations of Montana affecting its regulatory program, with the exceptions discussed below, do not contain provisions which would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII: The Montana SURA and regulations adopted thereunder; the Montana Strip and Underground Mine Siting Act; the Montana Coal Conservation Act; the Montana Department of State Lands' Rules and Regulations adopted pursuant to the Montana Strip and Underground Mine Reclamation Act (Administrative Regulations of Montana (ARM), Title 26, Chapter 10, Subchapter 10); the Montana Department of State Lands' Rules and Regulations adopted pursuant to the Montana Strip and Underground Mine Siting Act (ARM, Title 26, Chapter 10, Subchapter 18); the Montana Department of State Lands Rules and Regulations adopted pursuant to the Montana Coal Conservation Act (ARM, Title 26, Chapter 10, Subchapter 14); Article II of the Montana Constitution; Section 1–1–204 MCA—General provisions for use of Montana Codes—Terms denoting state of mind; Section 1–1–302 MCA—General laws and definitions of Montana Codes—Computation of time; Title 27, Chapter 19, Part 3 MCA—Provisions for injunctions; Section 76–1–113 MCA—Preventing a planning board from zoning against mining;

Section 76–2–209 MCA—Preventing County Commissioners from zoning against mining; Section 77–2–313 MCA—Designating certain state lands subject to taxation; Section 77–2–231 MCA—Allowing the sale of state lands; Section 45–12–213 MCA—Accountability for conduct of a corporation; Title 82, Chapter 4, Part 4 MCA—Montana Opencut Mining Act; Title 82, Chapter 4, Part 3, MCA—Montana Hard Rock Mining Act; Title 2, Chapter 15, Part 32 MCA—Formation of the Department of State Lands; Title 75, Chapter 2 MCA—The Clean Air Act of Montana; Title 75, Chapter 5 MCA—The Montana Water Quality Act; Title 2, Chapter 4, Part 6 MCA—Contested cases; Title 2, Chapter 4, Part 7 MCA—Judicial review; ARM Title 16, Chapter 14, Subchapter 10—The Montana Department of Health and Environmental Sciences rules adopted pursuant to the Montana Water Quality Act; ARM Title 16, Chapter 14, Subchapter 1—The Montana Department of Health and Environmental Sciences rules adopted pursuant to the Clean Air Act of Montana; and other laws and regulations of Montana.

As discussed in 4(h)(iii), Montana has agreed to remove the phrase in its Rule XX(13)(b)(ii) that was suspended from 30 CFR 808.12(c) in 44 FR 67943 (November 27, 1979), and to revise its statute 82–4–222 that implements the small operator assistance program only to the extent that the State has received Federal funds for this purpose. There are no Montana laws inconsistent with SMCRA which are being set aside in this approval.

The 1979 Montana Legislature passed three bills amending the Montana Strip and Underground Mine Reclamation Act (Montana SURA):

House Bill 739 (Chapter 196, Laws of 1979)
House Bill 406 (Chapter 172, Laws of 1979)
Senate Bill 515 (Chapter 550, Laws of 1979)

The first two of these laws became effective on July 1, 1979. Chapter 550 becomes effective upon approval of Montana's permanent regulatory program by the Secretary. The Montana Coal Conservation Act was made part of the Montana SURA as a result of the passage of Chapter 550. On July 16, 1979, the Montana Department of State Lands adopted rules pursuant to the SURA and Chapter 550.

(t) The Montana Department of State Lands and other agencies having a role in the program have sufficient legal, technical, and administrative personnel and sufficient funds to implement, administer and enforce the provisions of the program, the requirements of 30 CFR 732.15(b), and other applicable State and Federal laws.

Disposition of Comments

The comments received on the Montana program during the public comment periods further described under "Background on the Montana Program Submission" raised several issues. The Secretary considered these comments in evaluating Montana's program, as indicated below.

1. The National Park Service (NPS) commented that a NPS official should have the opportunity to accompany State inspectors on visits to coal mines which may affect resources on NPS land. It asked for advance notice of such inspections and for copies of inspection reports. However, the Secretary's regulations do not require the States to have such arrangements, and he lacks authority to require a State to do more than the Federal regulations require.

2. The Environmental Protection Agency (EPA) was concerned by the lack of a definition of "complete inspection." The Environmental Policy Institute (EPI) also expressed the concern that there needs to be a definition of partial inspection such that it is connected with a review of compliance with selected permit conditions in Montana Rule XXIV(1), and that a complete inspection must be defined as a review of all permit conditions. They believe a change in Montana Rule XXIV is the best method of resolving this concern.

Montana amended its program on January 30, 1980 to clarify that inspections referred to in Rule XXIV are on-site, on-the-ground inspections and provided a definition of a complete inspection which states that "a complete inspection is an inspection of the entire permit area for complete compliance with all applicable requirements of the law and rules." The Secretary has found this clarification acceptable and no rule change has been requested (see Finding 4(g)(ii)).

3. EPA also pointed out Montana's lack of a point system similar to 30 CFR Part 845 for determining the amount of civil penalties. However, as discussed in the Finding 4(b)(i), the Secretary has found Montana's system for determining the amount of civil penalties to satisfy the requirements of Section 518 of SMCRA.

4. EPA also pointed out that Montana has no public participation in enforcement provisions as required by 30 CFR 840.15. However, this rule requires that States have provisions consistent with 30 CFR Parts 842, 843, and 845 and 43 CFR Part 4, Subchapter L. Montana has such provisions in its counterparts to these regulations, except for the provision discussed in Finding 4(1).

5. The Forest Service (FS), the Department of Energy (DOE), and NPS felt that the program for designating areas unsuitable for mining is not described in sufficient detail or is not a finalized plan. However, Montana's statute 82–4–227 and Rule XXIII closely parallel the Federal regulations, and the Secretary's review of Montana's budget and staffing indicates that the State's designation process is satisfactory.

6. NPS characterized Montana's designation procedure as "restricted to development by a computerized data base" and stated that decisions should not be made by machines. Most of the information in the data base for the computer comes from experience and on-site analysis. Information from the data base will be utilized by the Department of State Lands in making designation decisions.

7. NPS commented that it should be involved in the establishment of buffer zones around NPS land under the definitions of "fragile lands" contained in 30 CFR 762.5. The Secretary believes that Montana's system is designed so that all agencies may have an input into unsuitability designations.

8. The Heritage Conservation and Recreation Service (HCRS) stated that Montana's budget for development of the unsuitability program is inadequate. The Secretary believes that the first year budget will be adequate for initiation of the program. If it proves inadequate, the State can re-budget for later years.

9. HCRS also advanced recommendations for Montana to consider in developing its unsuitability program. HCRS comments have been forwarded to Montana.

10. The Soil Conservation Service (SCS) stated that the entire profile of the soil consisting of A, B and C horizons in Montana's Rule XV (Prime Farmland) needs to be fully explained and segregated. The Secretary believes that this question is adequately addressed under Rule XV(2)(a)(i), which states that "At a minimum, the operator shall segregate surface soil horizons from subsurface soil horizons in topsoil salvage operations as specified in Rule VIII(1)."

11. SCS objected to Montana's revegetation regulation, Rule IX(15)(b)(v), which allows the use of introduced species as up to 49 percent of seeded mixture, and suggested several alternative provisions: The seed should be either all native or all introduced, or a smaller percentage of introduced species should be allowed. Montana's Rule IX(2) requires that the permanent, diverse vegetative cover must be "predominantly" made up of native species, and further defines "predominantly" to mean a minimum of 51% native species. The Secretary believes that Montana's rule complies with the Federal rule 30 CFR 816.112 concerning use of introduced species for revegetation. The requirements of 30 CFR 816.112(a), (b) and (d) are met by Montana's Rule IX(2). The requirement of 30 CFR 816.112(c) that the introduced species be compatible with the local plant and animal species is met by Rule IX(5) with regard to animals; with regard to plants, the compatibility requirement is met by the diversity requirement which is the measure of success of revegetation.

12. SCS expressed the concern that Montana's Rule IX speaks of revegetation to a "good or better range condition." Since the only range condition better than "good" is "excellent," the commenter feels that it would be better to say "good or excellent range condition." The Secretary believes that this is a minor word change, and that Montana's language is satisfactory.

13. SCS objected to Montana's Rule IX, which provides that the success of revegetation for operations of less than 100 acres may be based on approved USDA or USDI Technical Guides. The commenter suggested that the 100 acre limitation be dropped, since the Federal rules do not have such a limitation. However, the Secretary considers the Montana rule to be more stringent than the Federal standard in 30 CFR 816.116(a) for measuring success of revegetation. The Federal rule allows the operator to use either the USDA or USDI Technical Guides or reference areas, while the State allows only the former alternative.

14. The SCS objected to the lack of a definition of "topsoil" in Montana's program, suggesting that it should be defined as the A horizon layer of the three major soil horizons. However, the Montana SURA 82–4–203 defines "topsoil" in a broader manner than the Federal definition. Montana Rule VIII(1) concerning topsoil removal further restricts this definition by stating that the operator shall segregate surface soil material (A and possibly portions of underlying B and C horizons) from

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subsurface soil material (B and C horizons) in the salvage, stockpiling and redistribution of topsoil.

15. The Fish and Wildlife Service (FWS) argued that Montana should be more specific concerning coordination with Federal fish and wildlife laws. However, under Montana statute 82-4-227(2), mining is prohibited in areas where threatened or endangered species or critical habitat are identified. The Secretary believes that the State statute provides sufficient protection and that formal citing of the many Federal laws is unnecessary.

16. FWS suggested that the wording used in 30 CFR 776.13(b)(2) regarding protection of threatened and endangered fish and wildlife and their critical habitat be used in the State submission relating to 30 CFR 776.11 and 776.13. FWS also suggested that Montana's provisions for a fish and wildlife plan should more clearly define the species and habitat to be covered. The Secretary believes that the State requires protection of fish and wildlife, including threatened and endangered species and their habitat, prior to all mining and exploration under Section 82-4-227(2) of the Montana SURA, Rule II(3)(1) and Rule III(1)(e).

17. FWS argued that Montana's submission concerning compliance with Federal statutes and regulations in diverting stream channels should "provide an avenue" for this compliance. FWS noted that the Fish and Wildlife Coordination Act would apply to such diversions. However, Montana Rule VII(5)(b)(ii) mirrors the Federal rule, 30 CFR 816.44(a)(3), in requiring compliance with Federal statutes and rules. The Secretary believes that more specificity is neither necessary nor required by the Federal rules.

18. FWS also questioned the adequacy of Montana's program in the manner in which it deals with prevention of harm to ground water, fish and wildlife by in situ processing. The Secretary believes that proper protection of these resources is provided in the hydrologic balance section in Montana Rule XVIII(2)(a).

19. EPA commented that Montana has no apparent provisions for temporary storage, handling, or transportation of coal processing waste and that there are no provisions concerning the use of coal processing waste in temporary dams and impoundments. However, Montana Rule IV (1)(h) requires that coal processing waste be buried under at least eight feet of plant growth material and does not allow storage as waste banks or dams. Montana's statute covers temporary storage and protection of the waste stockpile under Sections 82-4-231(3)(g), 82-4-222(2)(g), and 82-4-231(2). EPA also stated that there is no apparent provision for disposal of coal processing wastes from outside the permit area. Under 30 CFR 816.81(b), these materials may be disposed of in the permit area only if approved by the regulatory authority based on a showing that it will not harm water or vegetation, create a public health hazard, or cause instability in the disposal areas. Montana's Rule IV(1)(h) meets these protective requirements.

20. EPA commented that Montana's Rule II(3)(o)(i)(E) specifies that the permit application must show the location of gas and oil wells within 1,000 feet of the permit area but does not require, as does 30 CFR 779.25(j), that their depth if available be shown. However, under Montana statute 82-4-222, the Department of State Lands has authority to request this information, and it has stated that it will do so in a letter of January 14, 1980, from Leo Berry, Commissioner, DSL to Roger Williams, Regional Administrator, EPA. The information involved is also on file with the State Oil and Gas Commission and available to the Department of State Lands if required.

21. EPA also stated that Montana does not require that the permit application contain information on known uses of ground water, as in 30 CFR 779.15(a)(3) and 783.15(a)(3). However, Montana's Rule II(3)(e)(i) requires this information because it requires that the applicant's hydrologic report include a list of all known or readily discoverable wells and springs located within certain distances.

22. EPA stated that Montana does not require as a permit condition that the permittee specifically warn persons whose health or safety are in imminent danger due to noncompliance with the terms of the permit, as 30 CFR 786.29(a)(3) requires. However, Montana statute 82-4-251(1) allows the DSL to impose affirmative obligations on operators to take whatever steps it considers necessary to abate the problem. Thus, the DSL has authority to require warnings, as in the Federal regulation, and it has stated that it will so exercise its authority in a letter of January 14, 1980, from Leo Barry, Commissioner, DSL to Roger Williams, Regional Administrator, EPA.

23. EPA pointed out a typographical error in Montana's Rule VII(3)(a). The Secretary is satisfied through correspondence with Montana that this error will be corrected in the next printing. See letter of January 14, 1980, from Leo Berry, Commissioner, DSL to Roger Williams, Regional Administrator, EPA.

24. The Northern Plains Resource Council (NPRC) stated that at one time it had reservations about Montana's alternative reclamation provisions, 82-4-232 (7) and (8). The Council stated that Montana's program would be legally stronger if some of the regulations implementing Rule XVI had been incorporated into the statute. The Council was also concerned that although Montana's provision was acceptable, it would set a bad precedent if regarded as a general variance provision. However, the Secretary believes that Montana's rule is adequately authorized by the statute and neither the Secretary nor Montana interprets it as a general variance. Furthermore, as the Council itself noted, the absence of a requirement that approved alternatives not be larger or more numerous than necessary does not render Montana's provision less stringent than the Federal regulations, since Rule XVI is analogous to the Federal alternative postmining land use provisions rather than to the experimental practices provision.

25. The Western Energy Company (WEC) objected to the lack of safeguards for protection of confidentiality of certain proprietary information required by the State. The State constitution, Article II, Section 9, requires that all such information be made public unless the need for individual privacy clearly exceeds the merits of public disclosure. The State's program provides at least as much disclosure as do the Federal requirements, and the Secretary is not empowered to require the State to do more to protect proprietary information.

26. NPS expressed its concern that the natural flora of NPS lands could be harmed by more competitive species introduced for reclamation purposes. However, Montana's Rule IX(2) contains protective provisions to ensure that this harm does not occur.

27. SCS objected to the requirement in Montana's alternative revegetation section, Rule XVI(b)(a)(ii), that an area be leveled to slope gradients of no greater than 5 percent. SCS argued that with proper conservation practices, cropland could have a larger slope gradient. However, Montana's requirement is more stringent than the Federal requirement, since it requires a smaller slope gradient. The Secretary lacks authority to require the State to allow a greater slope.

28. Four commenters, EPA, NPS, FWS, and the Bureau of Land Management (BLM), expressed concern over the informality of the DSL's system for consulting with other State and Federal agencies under 30 CFR 731.14(g)(10).

They recommended that formal cooperative agreements or memoranda of understanding should specify the cooperation between these agencies. Montana provisions for consultation with other agencies have been found to be acceptable. No formal agreement is required by the Federal Act or regulations.

29. EPA argued that Montana's program should cite all State regulations which might affect surface mining and that any conflicts which might weaken Montana's surface mining regulations should be addressed by the State's Attorney General. Under 30 CFR 732.15(c), the Secretary must find that the State laws and regulations do not contain provisions which would weaken the provisions of the SMCRA and the Federal regulations. The Secretary has determined, based upon the list of other State laws and regulations directly affecting surface mining regulations on page 2 of Montana's program narrative and Appendix B of their program, that no such conflicts exist.

30. NPS objected to the lack of a provision in Montana's program for informing the public and agencies of permit decisions. Under 30 CFR 786.23(e)(1)(i), the regulatory authority must give a copy of its decision to any person or government official who filed a written objection or comment on the permit application. As stated in a letter of January 30, 1980, from DSL Commissioner Leo Berry, Jr., to Paul Reeves, Deputy Director, OSM, it is DSL's policy to give such notice.

31. FWS suggested that Montana should require operators to consult with State and Federal fish and wildlife management agencies during preliminary surveys and mine plan preparation. However, the Federal regulations 30 CFR 779.20 and 30 CFR 786.17(a)(2) require only that the regulatory authority consult with such agencies in determining the level of detail and area of fish and wildlife studies which the permit applicant must prepare and that the regulatory authority must consult with these agencies in determining the adequacy of the plan. Montana's Rules II(3)(1) and III(1)(e)(i)(B) include these requirements. The Secretary believes that these provisions are adequate to fulfill applicable consultation requirements. Moreover, due to the District Court's decision of February 26, 1980, remanding § 779.20, the Montana rules may now be more stringent than the Federal requirements. Once amended Federal regulations have been promulgated, Montana may amend its corresponding rules if it wishes.

32. The Geological Survey (GS) recommended that the State be informed of the responsibilities of GS, OSM, and BLM under the Memorandum of Agreement between these agencies in order to avoid confusion, delay in processing exploration plans on Federal land, and duplication of Federal effort. A copy of the Memorandum of Agreement has been sent to the State.

33. The Department of Energy (DOE) criticized Montana's public participation requirements as unclear and suggested that the low level of public comment on the proposed modifications to the State's rule raises a question as to the extent to which public participation is actively solicited. The Secretary believes that the public participation requirements of the Federal regulations are adequately met by Montana's submission, as discussed in his findings.

34. DOE recommended that Montana's submission identify its staffing and budget in terms of the levels of effort necessary to process the anticipated number of permits and perform the expected number of inspections. Montana has submitted revised figures for staffing and budgeting which show the level to be more than adequate.

35. The Forest Service (FS) suggested that the list of resources entitled "Technical and Professional Personnel Available from Other Agencies" on page 71 of Montana's submission should include the Montana State Department of Natural Resources as a source of technical and professional personnel and the Montana State Foresters Office as a source of trees and shrubs needed for reclamation. FS also suggested that it could provide the State with information which would be helpful in determining suitability for mining. FS comments have been forwarded to Montana.

36. HCRS suggested that it be added to Montana's Table 1 entitled "Resource Categories and Data Sources to be Inventoried for Montana's Designation Program" as a data source under the archaeologic resource category. HCRS comments have been forwarded to Montana.

37. NPS suggested that it be added to Table 1 as a data source in the recreational and scenic categories. NPS comments have been forwarded to Montana.

38. NPS argued that Montana fails to state who is the final authority on designation of archaeological, historical, ethnological, and cultural values and significant or unique scenic or geologic formations or sites under Rule II(3)(b). It suggested that the State should clarify that DSL is the final authority and that it must consult with and preferably obtain concurrence from the agency managing the resources. However, the Secretary believes that under Rule II(3)(b) the DSL is the final authority. Concurrence is not required under 30 CFR 779.12(b) and 786.19(e), and Montana is committed to consultation as required by 30 CFR 731.14(g)(10).

39. HCRS pointed out that the reference on page 31 of Montana's submission to 30 CFR is incorrect and that the correct reference should be to Section 106 of the National Historic Preservation Act of 1966. The Secretary agrees that this is the intended reference.

40. The Advisory Council on Historic Preservation (ACHP) maintained that Montana should require on-site cultural surveys in situations where existing information is not adequate in identifying properties eligible for inclusion in the National Register of Historic Places. The Secretary believes that the State does require such surveys in Rule II(3)(b) and in Montana statute 82-4-227.

41. HCRS commented that State Rule XXIII(5)(d)(i) should provide for withholding from public disclosure specific locations of certain types of areas, such as archaeological sites and declining species sites, for the protection of these sites. The Federal rules upon which the Secretary must make his decision at this time contain no such requirement. The Secretary notes, however, that changes to the present regulations will be required to comply with the Archaeological Resources Protection Act of 1979 and that a revision to the Montana program may then be necessary.

42. NPS suggested that it should receive a copy of each notice of a permit application so that it can decide which mines might affect NPS resources and comment before the State decides on permit approval or disapproval. It also asked that it receive copies of prospecting permits. The Secretary is satisfied that under its Rule III(1)(a)(ii) Montana will notify the NPS of all permit applications.

43. BLM expressed concern that the Montana program would require Federal coal prospecting to be permitted by the State and that this would increase duality of administration and unnecessary complications. It suggested that Federal agencies should be exempt where Federally-owned surface or subsurface are involved. In addition, BLM argued that the requirement of a State permit for all surface mining would allow Montana to refuse to issue a permit for Federal coal that BLM has planned to lease. This would, in effect, allow the State to declare Federal coal unsuitable for mining. It suggested that

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the State program should provide that State permits to mine leased Federal coal cannot be denied without the concurrence of the Secretary of the Interior. However, the Secretary believes that the SMCRA is intended to allow States to regulate surface coal mining on Federal land through cooperative agreements between the Secretary and the State. The Secretary retains authority to approve or disapprove mine plans on Federal land, and the State has no power to deny such mining (30 U.S.C. 1273(c)). Thus BLM's fear that the DSL would deny a permit to mine on other than the approved programmatic basis is groundless.

44. The ACHP suggested additional language for Montana to consider including in its program. The language was suggested as a means for the State to comply with Section 106 of the National Historic Preservation Act (NHPA). The proposed language would: (1) Provide for a system for consulting with State and Federal agencies having responsibility for the protection or management of historic, cultural, and archaeological resources; (2) provide for coordination of review of permits with the applicable requirements of NHPA; and (3) provide procedures and criteria for identifying and protecting properties under the provisions of NHPA. Adoption of the suggested language by the State of Montana is not required at this time. However, once the Secretary promulgates new rules to replace regulations concerning historic preservation suspended November 27, 1979 (44 FR 67942), Montana will have an opportunity to amend its program to be consistent with these new rules.

45. EPA commented that there is no apparent provision for treating mine drainage in underground sumps. Under 30 CFR 817.45(h), the operator must use appropriate sediment control measures using the best technology currently available to treat such drainage. However, Montana's Rule VII(3)(a) requires that all surface drainage from the disturbed areas be passed through sediment ponds and that the DSL may require additional treatment facilities. Further, under Rule VII(6)(b), sediment control measures include "but are not limited to" a specified list. Under these rules, the DSL has authority to require treatment of mine drainage in underground sumps.

46. The U.S. Army Corps of Engineers (COE) commented that the Montana program was deficient to some extent in compliance with 30 CFR 816.93, concerning coal processing wastes used in the construction of dams and embankments. This appears to be a misinterpretation of the Montana program. Montana statute 82-4-231 and Rule IV(1)(h) prohibit the surface disposition of coal processing wastes. All such wastes must be buried under at least eight feet of non-toxic and non-combustible material. No wastes will be used in dams or embankments.

47. The COE commented that the proposed Montana program was deficient to some extent concerning the discharge of dredged or fill material into waters of the United States. The Secretary believes that Montana regulations involving protection of the hydrologic balance (Rule VII), disposal of excess spoil (Rule IV), coal processing wastes (Rule IV and statute 82-4-231), alluvial valley floors (Rule XIV and statute 82-4-227), and the Montana Water Quality Act adequately address the discharge of material into waters of the United States.

48. PLI and EPI object to the requirement of Montana's 82-4-252(1) that persons wishing to exercise mandamus to force the State to enforce or implement the program must make a written statement of the facts under oath and subject to a perjury penalty. They argued that this will have a chilling effect on the exercise of citizens suits rights. In addition, they stated that the provision is contrary to Congress' intentions, pointing out that Congress deleted a similar provision in the Federal Act. Montana SURA Section 82-4-252 subjects the person to a misdemeanor charge of "making a false swearing" under Section 45-7-202 of the Montana Code. Under this section, a person who knows he or she is making a false statement may be subject to a penalty of six months and/or a fine of up to $500. The Montana Code also provides, in Section 45-7-203, a penalty for a person "making a false report." Similar penalties to those under 45-7-202 apply under this section. These penalties would apply when a statement is not made under oath, thus, the current provisions of the State program should have no more of a chilling effect than would exist if the citizen was not required to make a statement under oath. It should be noted that under 18 USC 1001, submission of a false report to OSM is a felony with more severe penalties than would exist under the proposed Montana State Program. Thus, any chilling effect that may result from the Montana provision is less severe than under existing Federal criminal law.

49. PLI and EPI objected to the absence of a provision allowing the award of attorney fees against the State. Under Montana laws of mandamus, the right to collect attorney fees from the State goes with any mandamus action against the State. This conclusion is based on the State common law, and reflects a number of consistent cases for approximately 75 years. The State references *Kadillak* vs. *Anaconda Company, et. al* (602 P.2d 147). This case specifically relates to the Department of the State Lands. The Secretary believes that the State program adequately provides for the award of attorney fees against the State.

50. PLI and EPI object to the fact that SURA Section 82-4-252 does not mandate "one-way" attorney fees. They argue that it should require that attorney fees may be awarded against citizen groups only when they act in bad faith. They state that Sections 520 and 525 of SMCRA allow the award of attorney fees against citizen groups only if such groups act in bad faith.

The Secretary agrees that under 30 CFR 840.15 and 43 CFR 4.1294 costs may be awarded against citizen groups in administrative proceedings only if such groups act in bad faith. As discussed in Finding 4(1), Montana has agreed to change its regulations to conform to 43 CFR 4.1290 *et seq.*

In the case of judicial proceedings Section 520(d) does not specifically address the standards to be applied to the various parties in citizen suits, however, the legislative history of SMCRA, S. Rep. No. 128, 95th Cong., 1st Sess. 59 (1977), makes clear the Congressional intent that attorney fees be "one way." A stated purpose of the amendment of the Montana SURA was to bring it into compliance with SMCRA. For this reason the secretary believes that State courts will interpret this provision in a manner consistent with the parallel provision of SMCRA and award attorney fees against citizen groups only when they act in bad faith.

51. PLI and EPI question whether the standing requirements under Montana's Statute 82-4-252 are as liberal as those under Federal case law. They argue that Montana must affirmatively show that access to State courts is equivalent to the access to Federal courts under SMCRA. Montana SURA Section 82-4-252(2) allows a "resident or person having an interest which is or may be adversely affected" to bring a mandamus action; 82-2-252(3) allows "any person having an interest that is or may be adversely affected" to sue to compel compliance with Montana's laws; and 82-4-252(4) allows "any person who is injured in his person or property" by a violation to sue for damages. This is the same standing language as appears in Sections 520 (a) and (f) of SMCRA. The Secretary does not believe he is authorized to require the State to demonstrate that State courts will interpret the language in the same way as would Federal courts. In view of the stated purpose of Montana SURA Section 82-4-202(2) to meet the State program requirements of SMCRA, the Secretary believes that Montana's standing provision is clearly intended to be equivalent to the Federal provision.

52. PLI and EPI challenge Montana's deletion of the requirement in Section 520(b) that the State respond to a notice of intent to sue the State within 60 days. Montana SURA Section 82-4-252(2) provides instead that if the designated public officer or employee fails to enforce or implement the law for "an unreasonable time", the complaining person may bring a mandamus action. The commenters argue that this vague time requirement abridges citizens' rights. In addition, PLI and EPI object to Montana's lack of a provision similar to the SMCRA Section 520(b)(2) provision waiving the 60-day time limit where the violation or order complained of presents an immediate threat to the plaintiff's health or safety or would immediately affect the plaintiff's legal interest. The Montana provision for a response within a "reasonable" time is based on the State law as it existed before the amendments were made to comply with SMCRA. The State requires inspections approximately every two weeks under its program, and a delay of more than 30 days would likely be judged unreasonable. An Attorney General's opinion dated February 20, 1980 indicates that to replace the "reasonable time" requirement with the 60 day requirement would weaken the Montana Act. SMCRA section 520(b)(2) does not provide for waiver of the requirement for notice before a citizen suit is filed in the case of an imminent threat to the health or safety of the plaintiff. Rather, SMCRA permits the filing of a suit to commence immediately after such notification. The Montana Attorney General opinion referenced above notes that under Montana's standard of "reasonable," an immediate response to the notice of intent to sue would be deemed essential if an imminent threat was involved. The Secretary believes the State program contains essentially the same requirements as and is consistent with SMCRA and 30 CFR Chapter VII.

53. PLI and EPI commented that it is unclear whether Montana's Statute 82-4-252 (2) and (3) envisions the same causes of actions as under Section 520(a) of SMCRA and that the State's Attorney General should issue an opinion clarifying the matter. Under Section 520(b) of SMCRA, two causes of action exist: one for "violation of the provisions of this Act or of any rule, regulation, order or permit," and one for failure of the Secretary or the State regulatory authority to "perform any act or duty under this Act which is not discretionary . . . ." Under the Montana law, there are also two causes of action, one for failure by a public officer or employee to enforce or implement the requirement or rule, 82-4-252 (1) and (2), and one for violation of the statute, rule, order, or permit, 82-4-252(3). The language is essentially the same except that Section 82-4-252 of the Montana statute refers to "part" rather than "the Act." "Part" under the State statutory structure refers to the Montana SURA. The Secretary, therefore, concludes that the scope of the causes of action in the Montana SURA is as broad as those in SMCRA. See Attorney General opinion dated February 20, 1980.

54. PLI and EPA also commented at length on Montana's administrative review provisions. First, they argued that the Montana Administrative Procedures Act does not appear to provide as much citizen access to administrative proceedings as under the Federal intervention regulation, 43 CFR 4.1110, which is explained at 43 FR 34378 (August 3, 1978). Under Section 2-4-102(7) of the Montana Administrative Procedures Act.

"Party" means any person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party, but nothing herein shall be construed to prevent an agency from admitting any person as a party for limited purposes.

Subsection (c)(1) of the Federal rule allows intervention of those who had a statutory right to initiate the proceeding. Subsection (c)(2) grants the right to intervene to those having an interest which is or may be adversely affected. These persons have a non-statutory right to intervene. Those persons who have a right to intervene under (c) also have the right to intervene under the Montana language which states that a party is a person "properly seeking and entitled as a right to be admitted as a party * * *". Subsection (d) also grants OSM the authority to allow intervention of parties who do not have a right to intervene. The Department of State Lands can also allow this type of intervention under the language providing that a party is "any person named or admitted as a party." Thus, the scope of intervention under Federal regulations and the Montana Administrative Procedures Act is the same.

55. PLI and EPI also criticize as "unclear" Montana's submission concerning citizens' discovery rights in administrative proceedings. During the past year the Attorney General of Montana has adopted model rules for implementation of the Montana Administrative Procedures Act. Model Rule 13 provides that Rule 2b and Rules 28 through 37 (except Rule 37(b)(1) and 37(b)(2)(d)) of the Montana Rules of Civil Procedures are in effect for administrative hearings. The Department of State Lands has adopted the model rules and is compelled to give the same rights of discovery as would apply in State court. Rule 13 gives the same four rights of discovery found in the Federal regulations plus a fifth right related to "physical and mental examination."

56. PLI and EPI also commented that the State must have a provision for attorney fees in administrative proceedings similar to 43 CFR 4.1290-.1296. The Secretary agrees that Montana must provide, as in 43 CFR 4.1294, that attorneys fees may be awarded against citizens only when the action is brought in bad faith. (See response to question 50 and Secretary's Finding 4(1).)

57. PLI and EPI also described Montana's attorney fees provision as unclear regarding whether attorneys fees can be awarded in informal administrative proceedings, such as permit hearings and designation proceedings, as well as formal proceedings. They stated that Section 525(e) of SMCRA clearly envisions that attorneys fees can be awarded in these informal administrative proceedings. The Montana provision related to the award of fees contains the same language as SMCRA. Attorney fees can be provided for any proceedings under the Montana SURA.

58. PLI and EPI also criticized Montana's lack of a counterpart to Section 517(h) of SMCRA, which provides for informal review of the adequacy and completeness of inspections and of agency decisions not to inspect or take enforcement action, 30 CFR 842.12(d)(3), 842.14 and 842.15. They argue that the absence of equivalent provisions in Montana's program violates the public participation requirements of 30 CFR 732.15(b)(10). Montana has submitted a statement that anyone who wishes such informal review may see the Commissioner of the DSL, but these commenters consider the statement inadequate for two reasons. First, the commenters argue that such a policy statement provides none of the procedural requirements of a written decision with a statement of reasons subject to specific time frames. Second,

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these commenters argue that under the settlement in *Council of the Southern Mountains, Inc., et al. vs. Andrus*, C.A. No. 77-1521 (D.D.C., 1979), there is now a Federal right to impartial, formal administrative review of the agency's informal review decisions. The Secretary finds Montana's informal review process to be consistent with the Federal program because of the small population of both the State and the regulated community. Citizen complaints in Montana are rare, and access to public officials is relatively simple, thus making a structured informal review process unnecessary. Additionally, the Commissioner personally reviews all such complaints so another layer of review is not required (see Finding 4(j)(i)).

59. PLI and EPI criticized several aspects of Montana's inspection provisions. They argued that under Montana's statute, 82-4-221 and 82-4-203(4) and (19), DSL lacks jurisdiction over off-site processing or loading facilities as under Section 701(28) of SMCRA. Although Montana argues that it has this authority, these commenters believe that the Montana statute should be amended to specifically provide the authority. The Secretary finds the February 1, 1980, explanation of the Attorney General acceptable, and has not conditioned approval of the Montana program on statutory change to include specific language covering off-site processing and loading facilities. (See Finding 4(c)(i).)

60. PLI and EPI also criticized the language of Montana Rule XXIV(1), which states that DSL shall conduct inspections as necessary "to ensure substantial compliance" with the statute, rules, and permit conditions. Although Montana submitted an Attorney General's opinion dated February 1, 1980, stating that this rule does not relieve the operator from his duty to comply with all legal requirements, these commenters argue that the opinion fails to assert that the inspector has a duty to see that the operator is in complete compliance pursuant to 30 CFR 840.11. They also disagree with Montana's concern that such a requirement would subject the State to strict liability where an inspector fails to observe a violation, arguing that the State would not be liable as long as the inspections are diligent and all observed violations are cited. This comment concludes by stating that Montana must inspect for complete compliance. As discussed in Finding 4(g)(i), the Secretary agrees that the word "substantial" must be removed and Montana has agreed to change its regulations.

61. EPI and PLI made several comments on Montana's submission concerning civil penalties. They criticized Montana statute 82-4-254(2) for not requiring that the proposed penalty be placed in escrow before administrative review, as in Section 518(c) of SMCRA, 30 CFR 840.13 and 30 CFR Part 845. However, the Secretary considers the Montana provisions consistent with the Federal requirements as discussed in Finding 4(i)(iv). Montana does not have informal conferences prior to the adjudicatory hearing.

62. EPI and PLI commented that Montana should allow citizens to attend and participate in any informal conferences or meetings which the State plans to conduct concerning civil penalties. The Federal rule, 30 CFR 845.18(b)(2), provides that any person may attend and participate in the informal conference. However, Montana does not provide for informal conferences, so the Federal citizen participation provision is inapplicable.

63. EPI and PLI commented that the record does not show how Montana's consideration of the four civil penalty criteria leads to assessment of specific levels of civil penalties. However, as discussed in Finding 4(b)(i), the Secretary has determined that Montana's system will result in penalties at least as high as under the Federal system.

64. EPI and PLI challenged as "vague" and "nonsensical" the language of Montana SURA Section 82-4-254(1) concerning when the $750 daily non-abatement fine begins to run when the operator challenges the abatement requirements. These commenters argued that Montana's language could be interpreted contrary to Section 518(h) of SMCRA and 30 CFR 845.15. However, Montana has stated that its statute has the same meaning (meeting of January 28 and 29, 1980) as the Federal provisions, and in view of the stated purpose of Montana's law to comply with SMCRA and the Federal regulations, the Secretary does not believe a statutory change is necessary (see Finding 4(i)(i)).

65. PLI and EPI also criticized Montana's enforcement provisions in several respects. They point out that the Montana program does not provide for a minimum mandatory suspension of a permit for at least three days as in 43 CFR 4.1194. The only reference to 43 CFR Part 4 in the enforcement sections of the Federal regulations is in 30 CFR 840.15 which states that, "Each State program shall provide for public participation in enforcement of the State program consistent with 30 CFR Parts 842, 843 and 845 and 43 CFR Part 4." Thus, all provisions of 43 CFR not addressing public participation are not required to be a part of a State program. It is not necessary for a State to have every procedural rule that is contained in the Federal program. Therefore, the Secretary finds the Montana statute and rules to be consistent with those of the Federal regulations regarding a pattern of violations.

66. PLI and EPI describe as "unclear" the Montana counterparts to 30 CFR 843.13(c) and 43 CFR 4.1194(a), which require, as explained at 44 FR 15303, that a permit must be suspended or revoked after a finding that there has been a pattern of violations. Since the Montana provisions, Section 82-4-251(3) and Rule XXV, are the same as the Federal provisions, SMCRA Section 521(a)(4) and 525(d) and 30 CFR 843.13, the Secretary finds the Montana program to be consistent with the Federal program regarding automatic permit suspension or revocation, and rejects this comment.

67. PLI and EPI stated that Montana does not clearly limit the total abatement period for notices of violation, including extensions, to 90 days, as under 30 CFR 843.12(c). Montana submitted an Attorney General's opinion dated February 1, 1980, stating that Montana SURA Section 82-4-251(2) does not allow over 90 days for abatement. These commenters believe that a regulation change is necessary, since an Attorney General opinion is not "binding" on the courts. However, the Secretary considers the Attorney General opinion to be adequate. It is not intended to bind the State courts; rather, an Attorney General opinion is designed to serve as an accurate prediction of how the State courts would interpret the statutory language.

68. PLI and EPI also objected to Montana's lack of a counterpart to 30 CFR 843.12, which provides that a notice of violation may prescribe remedial action, including interim steps. Montana submitted an Attorney General's opinion dated February 1, 1980, stating that Montana SURA Section 82-4-251(2), which requires the DSL to require complete abatement, authorizes the DSL to require interim steps. They recommend that the Secretary impose that DSL seek a statutory amendment to include "interim step" provisions in the Montana SURA. The Attorney General states that Montana SURA 82-4-251(2) requires that the Commissioner or his authorized representative issue an order requiring abatement, and that the authority to require such abatement includes the authority to impose interim steps necessary to achieve complete abatement. The Secretary has found the explanation of the Attorney General acceptable and has not conditioned approval of the Montana program on a statutory change to specifically indicate that interim steps may be imposed (see Finding 4(j)(ii)). The Secretary further believes that Montana's authority to impose interim steps necessarily includes authority to enforce the implementation of these steps.

69. EPI and PLI question whether Montana SURA Section 82-4-251(2) requires that inspectors issue notice of violation in the field. Section 82-4-251(2) of the Montana SURA authorizes the Commissioner or his authorized representative to issue cessation orders. SMCRA in the counterpart section uses the term "Secretary." Montana law and administrative organization are comparable to Federal law and organization in that it is generally assumed that the Commissioner will carry out his responsibility through representatives. Montana has stated in a November 13, 1979 letter that it intends to have notices of violation issued in the field by authorized inspectors.

70. PLI raises several concerns regarding Montana's imposition of affirmative obligations on a violator who has been issued a cessation order. PLI states that Montana (1) has deleted the phrase "in the most expeditious manner physically possible," (2) does not empower the authorized representative to require, if necessary, the use of existing or additional personnel or equipment, (3) has not made it clear whether cost may be considered, and (4) in the SURA seemingly authorizes only the Commissioner, and not his authorized representative, to determine the steps necessary to abate a violation in the most expeditious manner physically possible. The Secretary believes that the abatement of imminent dangers or harm in an expeditious manner is an important item to be addressed in a State regulatory program. While Montana has stated in an Attorney General opinion dated February 20, 1980, that it has the necessary authority and as a matter of policy would require abatement in accord with 30 CFR 843.11(a)(2), the Secretary believes that this procedure must be set forth in Montana law or rules and has conditioned approval of the Montana program on a regulation change. See Finding 4(j)(vi).

71. EPI expresses a broad concern regarding the use of Attorney General opinions and policy statements to resolve issues in the Montana program. EPI wished to know whether these statements and Attorney General opinions are binding on the State; whether the opinions of Mr. John North, Monana Special Assistant Attorney General, are considered as Attorney General opinions; whether these submissions are legally enforceable; whether they are part of the approved program; what is their legal standing in courts and administrative proceedings; and what legal authority exists for use of these kinds of submissions. The Secretary believes that all parts of the State's submission are binding upon the State, and that policy statements submitted as part of the State program have standing with the State's statute and regulations. Where the State has submitted statements that it will exercise its discretion in a particular way, the Secretary has stated in his findings that his approval of the program is based upon Montana's assurances that it will operate in accordance with these statements. Because these policy statements are incorporated in the Secretary's findings, they are binding upon the State and, if not followed, may result in withdrawal of program approval. Consequently, these policy statements are legally enforceable and are a part of the Montana program, once approved, and are subject to the program amendment procedures of 30 CFR 732.17. This result is provided by 30 CFR 732.15, which states that the Secretary shall not approve a program unless he finds, "on the basis of information contained in the program submission, comments, testimony and written presentations at the public hearings, and other relevant information," that the listed criteria are met. The Attorney General opinions are equally a part of the State's submission. Their status is different from policy statements in that they are, by their nature, not binding promises or statements of fact, but legal opinions concerning the interpretation of the State's constitution, statutes and regulations by the State courts. As such, they are predictions rather than promises. The State Attorney General is familiar with the State's case law and with the legislative history of its statute, and the Secretary regards Attorney General opinions as a valuable aid to his understanding of how the State courts would interpret the State statute and regulations.

72. EPI also questions the Secretary's authority for the "substitution" of policy statements and Attorney General opinions for "statutory and regulatory obligations." The Secretary does not believe that the policy statements and Attorney General opinions have been used as substitutes for such obligations. Under Section 503(A) of SMCRA, it is the "State program" which must demonstrate the State's capability of carrying out the provisions of SMCRA. Policy statements and Attorney General opinions have been used merely to fill in some details in a strong statutory and regulatory program. The Secretary has not accepted policy statements of Attorney General opinions where the State lacks the requisite authority to carry out the promises in its policy statement, or where he felt that the statute or regulation was clear on its face. The Secretary believes that Mr. John North, a Special Assistant Attorney General and Chief Legal Counsel for the DSL, is authorized to render legal opinions concerning the Montana Strip and Underground Mine Reclamation Act, and that Mr. North's opinion of February 1, 1980, has the same standing as an Attorney General's opinion. This is in accordance with 30 CFR 731.14(c) as explained in the preamble, 44 FR 14954, which states that, "the required legal opinion may be prepared by either the Attorney General or the regulatory authority's chief legal officer."

73. EPI believes that Montana should clarify its warrantless inspection capability in an Attorney General opinion and also urges that warrantless entry be an explicitly stated condition of mining permits issued by DSL. They state that inclusion of this condition in the permit will diminish the chances of potential litigation over this power of the DSL. An Attorney General opinion dated February 1, 1980, indicates that the coal industry in Montana has been a closely regulated industry since passage of the first reclamation act in the late 1960's. Since that time DSL has conducted frequent and detailed inspections without search warrants to enforce the reclamation act. No rule or statute in the interim or permanent programs requires DSL to obtain a search warrant. The Attorney General concludes that DSL may inspect coal prospecting or mining operations for compliance with the permanent program without a search warrant. The Secretary found this clarification acceptable and has chosen not to require additional permit conditions (see Finding 4(g)(iii)).

74. EPI strongly urges that a regulatory or statutory amendment be added comparable to 30 CFR 843.19(g) to avoid ambiguities that may occur in the field concerning inspection of monitoring

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equipment. EPI maintains that the ability of an inspector to assert what is in his jurisdiction is enhanced when such authority is firmly established in the surface mining statute and regulations rather than in the body of "general law." The Montana statute tracks the language in Section 521(c) of SMCRA, and Montana has provided sufficient information to indicate that the DSL can take all necessary action should an operator accept or refuse inspection of monitoring equipment. The Secretary has not required additional documentation on this matter (see Finding 4(j)(iv)).

75. While EPI concurs with the Attorney General opinion that Article II Section 9 of the State constitution is a broad-based provision for public disclosure, EPI calls attention to the fact that the court decision holding that only natural persons and not corporations have the right of privacy is a lower court decision and questions the weight to be accorded to a transcript of the Constitutional convention on the exceptions to the privacy rule. Barring Montana's desire to incorporate explicit regulatory disclosure provisions such as 30 CFR 842.12(e) and 843.14(d), EPI believes the burden of responsibility is left unresolved. EPI requests a policy statement addressing this question for all of the OSM regulatory provisions concerning availability of information. The Secretary has no basis for questioning the validity of the Attorney General opinion on the interpretation of Article II Section 9 of the Montana Constitution. Further, the State has represented that the information required by 30 CFR 842.12(e) and 843.14(d) would be provided, and that under the Montana Constitution nothing which is required to be disclosed to the public under the Federal rules can be kept confidential under the Montana provisions. The Secretary has found the Montana program no less stringent than the Federal regulations (see Findings 4(d)(i), 4(l)(iv), and 4(r)).

76. EPI maintains that the language of SMCRA 507(c) is clear in its requirements for financial assistance from the regulatory authority for small operators and point out that Montana law 82-4-222(3) makes this assistance contingent upon DSL's receipt of Federal funds to cover the costs of SOAP. The Secretary agrees with this concern and has conditioned approval of the Montana program on deleting the limitation on SOAP funding from the Montana statute (see Finding 4(o)).

77. EPI finds that the discretionary authority of Montana SURA 82-4-223(2), allowing DSL to require a bond of a political subdivision, is sufficient when interpreted in light of the January 30, 1980 policy statement on this subject but believes that a change in the regulations to limit the exception from bonding to coal exploration should be required. The Secretary agrees with EPI's analysis and has conditioned approval of the Montana program on promulgating a regulation limiting the discretion of the Board to exempt State and local agencies from bonding requirements (see Finding 4(h)(i)).

78. EPI considers the January 30, 1980 policy statement by DSL that notice required by 30 CFR 786.23(f) would be provided to local governmental officials to be adequate. However, EPI would like the DSL to incorporate this concern in a "housekeeping" regulation change. The Secretary has found that the policy statement by DSL meets Federal requirements and has not required the State to initiate a regulation change. Should the DSL decide to incorporate this provision in regulations at some future time, the Secretary would support this action (see Finding 4(d)(iii)).

79. EPI maintains that, although the State only "requests" government agencies to submit boundary information for unsuitability determinations within 30 days of DSL's request, this voluntary provision is adequate. They point out that since OSM itself has no authority to compel an agency to comply with this timetable, the choice of words is largely one of semantics than substance. EPI would like to see a policy statement on the procedure that would be followed by DSL, that is, how the DSL would estimate the proper boundary and allow for a margin of safety between the estimated boundary and the permit boundaries, subject to revision when more accurate data would be on hand. The Secretary agrees that this issue is largely one of semantics and has not requested additional information from the State.

80. EPI finds Montana's interim terms and conditions of bond in the bond form and not in the regulations to be unacceptable and suggests the State should promulgate these terms and conditions as regulations. EPI questions whether the form will provide adequate protection if these terms should be challenged by a company or if another administration in Montana decides to draw up new bond forms with less stringent requirements. The terms and conditions included in the Montana bond form meet all applicable Federal requirements. The State has provided, in a February 1, 1980 Attorney General opinion, an explanation for not including these provisions in the Montana rules. The Secretary finds the inclusion of the provisions as a part of the bond form rather than as rules to meet all applicable requirements. The Secretary is approving the State program which includes the bond forms; should the State wish to change these provisions the program must be amended following the procedures outlined in 30 CFR 732.17 (see Finding 4(h)(ii)).

Conditional Approval

As indicated above under Secretary's finding 4(l), 4(o), 4(h)(i), 4(h)(iii), 4(j)(vi), and 4(g)(i), there are six minor deficiencies which the Secretary requires be corrected. In all other respects, the Montana program meets the criteria for approval.

The first deficiency, as indicated in finding 4(l), is the absence of regulatory provisions providing for recovery of costs and expenses, including attorneys fees, in accordance with 43 CFR 4.1290–4.1290.

The second deficiency, as indicated in finding 4(o), is the Montana statutory provision that the Department of State Lands will implement the Small Operator Assistance Program only to the extent that it has received Federal funds for this purpose. Montana currently has only approximately six operators eligible for assistance and receives Federal funds adequate to cover this requirement.

The third deficiency, as indicated in finding 4(h)(i), concerns the lack of a State regulation requiring a political subdivision to file a bond in the event it directly undertakes coal mining. Montana currently has no political subdivision engaging in coal mining and maintains that if any did so in the future, the political subdivision would probably do so through a contractor. The contractor would be fully liable for a bond.

The fourth deficiency, as indicated in finding 4(h)(iii), concerns Montana's inclusion in its regulations of a phrase from Federal regulations relating to bonding that was determined to be inconsistent with the SMCRA. Montana has agreed to remove the phrase.

The fifth deficiency, as indicated in finding 4(j)(vi), concerns the need for Montana to revise its regulations on imposing affirmative obligations to abate an imminent danger or harm.

The sixth deficiency, as indicated in finding 4(g)(i), concerns the need for Montana to revise its regulations to remove the word "substantial" in reference to ensuring compliance with Montana law and regulations.

Given the nature of these deficiencies and their magnitude in relation to all the other provisions of the Montana program, the Secretary of the Interior has concluded they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(i), because:

1. The deficiencies are of such a size and nature as to render no part of the Montana program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII and these deficiencies, which will be promptly corrected, will not directly affect environmental performance at coal mines;

2. Montana has initiated and is actively proceeding with steps to correct the deficiencies; and

3. Montana has agreed, by letter dated March 20, 1980, to correct the regulation deficiencies by November 1, 1980, and statutory deficiency by July 1, 1981.

Accordingly, the Secretary is conditionally approving the Montana program. This approval shall terminate if regulations correcting the five deficiencies are not enacted by November 1, 1980 or if State legislation correcting the statutory deficiency is not enacted by July 1, 1981.

This conditional approval is effective April 1, 1980. Beginning on that date, the Montana Department of State Lands shall be deemed the regulatory authority in Montana and all Montana surface coal mining and reclamation operations on non-Federal and non-Indian lands and all coal exploration on non-Federal and non-Indian lands in Montana shall be subject to the permanent regulatory program.

On non-Federal and non-Indian lands in Montana, the permanent regulatory program consists of the State program approved by the Secretary.

On Federal lands, the permanent regulatory program consists of the Federal rules made applicable under 30 CFR Chapter VII, Subchapter D—Parts 740–745. In addition, in accordance with Section 523(a) of SMCRA, 30 U.S.C. 1273(a), the Federal lands program in Montana shall include the requirements of the approved Montana permanent regulatory program. The approved Federal/State Cooperative Agreement contained in 30 CFR Part 211 (44 FR 33640, June 11, 1979) will terminate within 120 days of this approval of the Montana regulatory program. Montana and the Department of the Interior will have the opportunity to enter into a revised Cooperative Agreement to include the requirements of the approved Montana permanent regulatory program.

The Secretary's approval of the Montana program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV under SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Montana may submit a State Reclamation Plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this conditional approval.

Note.—The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: March 26, 1980.

Cecil D. Andrus,

Secretary of the Interior.

A new Part, 30 CFR Part 926, is adopted to read as follows:

PART 926—MONTANA

Sec.

926.1 Scope. [Reserved]

926.10 State program approval.

926.11 Conditions of State program approval.

Authority: Pub. L. 95–87, 30 U.S.C. 503.

§ 926.1 Scope. [Reserved]

§ 926.10 State program approval.

The Montana State program, as submitted on August 3, 1979 and amended and clarified on November 13, 1979, January 4, January 9, January 10, January 12, January 13, January 30, February 1, and February 20, 1980, is conditionally approved, effective April 1, 1980. Copies of the approved program together with copies of the letter of the Montana Department of State Lands agreeing to the conditions in 30 CFR 926.11, are available at:

(a) Montana Department of State Lands, 1625 Eleventh Avenue, Capitol Station, Helena, Montana 59601, Telephone: (406) 449–2074

(b) Montana Department of State Lands, Field Office, 1245 North 29th Street, Billings, Montana 59101, Telephone: (406) 657–2217

(c) Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, Telephone: (303) 837–5421

(d) Office of Surface Mining, Room 135, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–4728.

926.11 Conditions of State program approval.

The approval of the State program is subject to the following conditions:

(a) The approval found in § 926.10 will terminate on November 1, 1980 unless Montana submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 43 CFR 4.1290–4.1296, relating to the award of costs, including attorneys fees, in administrative proceedings, or otherwise amends its program to accomplish the same result;

(b) The approval found in § 926.10 will terminate on November 1, 1980, unless Montana submits to the Secretary by that date, copies of fully enacted regulations narrowing the discretion found in Montana 82–4–223 which states that "a political subdivision or agency of the State need not file a bond unless required to do so by the board" so that this provision is applied in a same or similar manner as Section 524 of Pub. L. 95–87, or otherwise amends its program to accomplish the same result;

(c) The approval found in § 926.10 will terminate on July 1, 1981, unless Montana submits copies of fully enacted legislation and, if necessary, regulations removing the present limitation in Montana 82–4–222(3) providing that the small operator assistance program will be implemented "to the extent that it has received Federal funds for this purpose", or otherwise amends its program to accomplish the same result;

(d) The approval found in § 926.10 will terminate on November 1, 1980 unless Montana submits to the Secretary by that date, copies of fully enacted regulations removing from Rule XX(13)(b)(ii) the phrase "with respect to protection of the hydrologic balance", or otherwise amends its program to accomplish the same result;

(e) The approval found in Section 926.10 will terminate on November 1, 1980 unless Montana submits to the Secretary by that date, copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 843.11(a)(2) relating to: (1) Imposing affirmative obligations if a cessation order will not completely abate the imminent danger or harm in the "most expeditious manner physically possible" and (2) an affirmative obligation may require the use of additional personnel or equipment without regard to cost, or otherwise amends its program to accomplish the same result; and

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(f) The approval found in § 926.10 will terminate on November 1, 1980 unless Montana submits to the Secretary by that date, copies of fully enacted regulations removing from Rule XXIV(1) the word "substantial" in reference to ensuring compliance with Montana law and regulations, or otherwise amends its program to accomplish the same result.

[FR Doc. 80-9790 Filed 3-31-80; 8:45 am]
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federal register

Tuesday
April 1, 1980

Part IV

Department of Health, Education, and Welfare

Health Care Financing Administration

Medicare Program; Proposed Schedule of Limits on Hospital Inpatient General Routine Operating Costs for Cost Reporting Periods Beginning on and After July 1, 1980

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

Medicare Program; Proposed Schedule of Limits on Hospital Inpatient General Routine Operating Costs for Cost Reporting Periods Beginning on or After July 1, 1980

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed Notice.

SUMMARY: This notice sets forth a proposed schedule of limits on hospital inpatient general routine operating costs that may be reimbursed under Medicare for cost reporting periods beginning on or after July 1, 1980. The notice explains several proposed changes in our methodology for computing the limits.

This is an annual update of the schedule, and would replace the interim schedule published in the Federal Register on August 9, 1979 (44 FR 46949). The proposed schedule of limits would cover total inpatient general routine operating cost, and would apply to the entire cost reporting period of a hospital whose cost reporting period begins on or after July 1, 1980. It would not apply to the costs of special care units or ancillary services, to capital-related costs, or to the costs a provider allocates to approved medical education programs.

DATE: To assure consideration, comments should be received by: June 2, 1980.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17073, Baltimore, Md. 21235.

If you prefer, you may deliver your comments to: Room 5220, Switzer Building, 330 C Street, SW., Washington, D.C.; or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Md.

Please refer to File Code BPP–26–PN.

Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Room 5220 of the Department's offices at 330 C Street, SW., in Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202 245–0950).

FOR FURTHER INFORMATION, CONTACT: Carl Slutter, (301) 594–9344.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) as amended by section 223 (Limitation on Coverage of Costs) of Pub. L. 92–603, the Social Security Amendments of 1972, authorizes the Secretary to set prospective limits on the costs that are reimbursed under Medicare. These limits may be applied to the direct or indirect overall costs or to costs incurred for specific items or services furnished by a Medicare provider, and may be based on estimates of the cost necessary in the efficient delivery of needed health services.

Regulations implementing this authority are set forth at 42 CFR 405.460. Under this authority, limits on hospital inpatient general routine service costs were published annually from 1974 through 1978.

On June 1, 1979, we published in the Federal Register (44 FR 31806) a schedule of limits on hospital inpatient general routine operating costs applicable to cost reporting periods beginning on or after July 1, 1979. In that notice, we explained the ways in which the methodology used to derive that schedule differed from the methodology used to derive previous schedules.

On August 9, 1979, we published an interim schedule of limits that replaced the June 1 schedule (44 FR 46949). The methodology we used to derive the interim schedule was exactly the same as the methodology set forth in the June 1 publication except that, in deriving the interim schedule, we set the limits for each comparison group of hospitals at the 80th percentile of the group costs rather than at 115 percent of the mean of those costs. In the August 9 notice, we also specifically requested public comment on the single issue of whether the limits should be set at 115 percent of the group mean, at the 80th percentile of group costs, or at some other level.

In response to the notice of August 9, 1979, we received approximately 125 comments from representatives of national, State, and individual provider organizations. We considered all of those comments in developing the methodology we used to derive the proposed schedule of limits set forth below, on which we are now requesting public comment. We have made several further refinements in the methodology used for the August 9, 1979 schedule, as explained below.

Summary of Proposed Changes

The proposed new schedule would provide for:

1. *Separate treatment of labor-related and non-labor components of per diem costs.*

In the notice published on August 9, 1979, we established, for each hospital comparison group, a single basic limit set at the 80th percentile of group costs. Each hospital's individual limit was computed by multiplying a constant portion (60.04 percent) of the group basic limit by the wage index for the hospital's location, and adding the non-wage portion of the group limit to arrive at a wage-adjusted limit. The cost-of-living adjustment (for hospitals in Alaska and Hawaii), covered days of care adjustment (if applicable) and the cost reporting year adjustment (if applicable) were then applied to the hospital's wage-adjusted limit to determine the individual limit for the particular hospital.

In developing the proposed schedule, we have used mean-based rather than percentile-based limits, have increased the percentage of per diem costs subject to adjustment by the wage index, and also have provided an adjustment for increased routine per diem costs generated by approved medical education programs. These proposed changes are described in items 2, 3 and 4 below. In addition, we have used a new method to compute the individual limits for hospitals in each comparison group.

Under the proposed method, we would obtain actual hospital inpatient general routine per diem operating cost data for hospitals in each comparison group, increase those data for inflation and adjust the data to remove the effect of cost differences due only to differences in hospital levels of teaching activity. We would then separate each hospital's per diem cost into labor-related and non-labor portions, and divide the labor-related portion by the wage index for the hospital's location. However, the non-labor and labor-adjusted portions of per diem cost would not be recombined to arrive at a single basic limit for each group, as was done in deriving the June 1, 1979, and August 9, 1979, schedules. Instead, separate group means would be computed for the labor-related and non-labor components of per diem cost. Each group mean would then be multiplied by 112 percent. For each group, the resulting amounts are shown in Tables I and II.

To arrive at an individual hospital's limit, the labor-related component for the group would be multiplied by the wage index for the hospital's location. The resulting amount then would be added to the non-labor component for the group to arrive at a labor-adjusted limit. This limit would then be adjusted by the cost-of-living adjustment (for hospitals in Alaska and Hawaii), education adjustment, days-of-care adjustment, and the adjustment for the cost reporting year, as applicable, in order to arrive at the individual limit for each hospital.

We have made this change in our methodology in order to improve the accuracy with which individual hospitals' limits are computed. Under our previous methodology, a constant percentage of each hospital's per diem cost was divided by the wage index in deriving each group basic limit. The same percentage of each group limit was multiplied by the wage index to arrive at a wage-adjusted individual hospital limit. However, use of a wage index which has an average value of other than 1.0 to adjust the per diem cost data will increase or decrease the ratio of wages to non-wage costs in the group limit. This is avoided if separate means are computed for labor-related and non-labor costs, and the wage index is applied to 112 percent of the mean labor-related cost.

2. *Limits set at 112 percent of the mean labor-related and mean non-labor costs of each comparison group.* The majority of commenters on our August 9, 1979, notice proposed that we set the limits at the 80th percentile plus 10 percent of the group median as was done in deriving previous schedules. Other commenters suggested various other levels at which to set the limit, e.g., at the 80th percentile, at the 80th percentile plus 20 percent of the group median, at the 90th percentile, at the 90th percentile plus 10 percent of the group median, at 120 percent of the group mean, or at 125 percent of the group mean.

As explained in the August 9 notice, we believe that setting the limit at a percentage of the mean rather than at the 80th percentile or some other percentile is preferable because use of percentile-based limits implies that a certain percentage of the hospitals in each group would be judged inefficient, even where actual cost variations in the group are relatively minor. Therefore, we decided not to adopt the comments suggesting that we return to the use of percentile-based limits.

Prior to the interim cost limit schedule published on August 9, 1979, in establishing percentile-based cost limits, we used an explicit margin factor of 10 percent of the group median to account for variations in costs that our classification system did not recognize. Our exclusion from the interim limits of capital-related costs and costs allocated to approved medical education programs, together with the direct adjustment of the wage portion of the group limits by use of the wage index, made such an explicit margin factor unnecessary. The interim schedule did, however, reflect an implicit margin in that the limits were set at the 80th percentile rather than the median (50th percentile) of costs of the group.

Under our proposed limits, we have increased the percentage of per diem costs subject to adjustment by the wage index and also have provided an adjustment for increased routine per diem costs generated by approved medical education programs. We believe these refinements to our methodology for deriving and adjusting the limits significantly improve the precision with which individual hospitals' limits can be determined, and thereby justify use of an implicit margin factor that is smaller than the 15 percent allowance we used in establishing the mean-based limits we published on June 1, 1979. Despite these refinements, we still believe that a margin concept is appropriate to take account of any remaining variations in costs not recognized under the classification system and limit adjustment methodologies. Therefore, we are proposing that the limits be set at 112 percent, rather than at the group mean. We believe the 12 percent allowance above mean costs is a reasonable margin factor and that adopting suggestions to set limits at a higher percent of the group mean would defeat the purpose of limits by allowing reimbursement of costs due to inefficiency.

3. *Application of the hospital wage index to employee benefits, professional fees, costs of business services, and other miscellaneous expenses.* In developing the schedules published on June 1 and August 9, we used a hospital wage index to account for area wage differences. We applied the wage index to the wage component of each hospital's per diem inpatient routine operating costs (estimated at 60.04 percent) based on the national average wage component in the market basket (see Table III). We then added the adjusted wage portion of cost to the non-wage cost for each hospital to obtain a wage-adjusted per diem cost and to calculate the group basic limit.

To obtain a hospital's limit, we instructed intermediaries to multiply the wage portion of the applicable group basic limit (60.04 percent) by the wage index for the hospital's location, and add the non-wage portion of the limit. These calculations were needed to arrive at a wage-adjusted limit for each hospital.

In response to previous notices, several commenters have stated that the wage index adjustment is inadequate in that it applies only to wages, and not to other labor-related hospital costs. In the proposed schedule, we have provided an adjustment that applies to five categories of labor-related costs: wages, employee benefits, professional fees, business service costs, and other miscellaneous costs.

For purposes of the adjustment, employee benefits include such items as FICA tax, health insurance, life insurance, hospital contributions to employee retirement funds, and all other compensation a hospital records in the "employee health and welfare" cost center on its Medicare cost report. (The Medicare Provider Reimbursement Manual (HIM–15), Chapter 4, and the instructions to the HCFA cost reporting forms describe the types of costs that are to be recorded in that cost center.) Professional fees include payments for consulting, auditing, legal, and other professional services furnished by independent contractors. Business services costs include costs of banking, contract laundry, telephone, and other services hospitals purchase at retail from outside suppliers. Other miscellaneous costs include various types of routine operating costs not allocated to any other category of the market basket (Table III).

By including these additional categories, we propose to apply the wage index to the total portion of cost (79.53 percent) attributable to wages, fringe benefits, professional fees, business service costs, and other miscellaneous expenses, rather than to the wage portion (60.04 percent) only.

We are proposing this change because our analysis of the data we used to develop the limits shows that area variations in routine per diem costs are closely correlated with area variations in prevailing wage levels. We believe that applying the wage index to the other categories of labor-related costs specified above, rather than to wages only, will result in individual limits that are more appropriate to each hospital's actual market environment.

We developed the current hospital wage index from data supplied by the Bureau of Labor Statistics (BLS). The data used are those for the "hospital industry", a standard BLS reporting category. The hospital wage index is based on data for the year 1978, and is the latest available data. Data for 1979 will not be available until late in 1980.

To develop the hospital wage index we first computed the national Standard Metropolitan Statistical Area (SMSA), or New England County Metropolitan Area (NECMA) average hospital wage. We then divided this average into the

average hospital wage for each SMSA (or NECMA). The result is expressed as an index number, which is used to adjust the labor-related component. For non-SMSA areas, we developed the index by computing the national non-SMSA average hospital wage and dividing this average into the average hospital wage for all non-SMSA counties in a State. The index then applies to all non-SMSA counties in the State.

4. *An adjustment to the limits for increased costs due to approved medical education programs. In deriving the schedules published on June 1, August 9, and this proposed schedule, we excluded the education program costs that hospitals normally record in the interns and residents (in approved programs) and nursing school accounts on their Medicare cost reports. (The Medicare Provider Reimbursement Manual (HIM–15), Chapter 4, and the instructions to the HCFA cost reporting forms describe the types of costs that are to be recorded in those cost centers.) Thus, those education program costs would not be subject to the proposed limits.*

Our analysis of the data we used to derive the proposed limits shows that, even after education program costs have been removed, there is a high degree of correlation between a hospital's level of general inpatient routine operating costs and the extent of its teaching activity. Generally, hospitals with approved graduate medical education programs incur higher per diem operating costs than non-teaching hospitals of similar bed size and geographic location. Among teaching hospitals of similar size and location, costs increase in direct proportion to the number of interns and residents (in approved programs) the hospital employs to furnish services to its patients.

We believe these increases in per diem cost occur because the provision of graduate medical education causes increases in certain types of costs that are only indirectly related to education programs. For example, a hospital with an approved medical education program may be required, for training purposes, to maintain more detailed and complete medical records than a non-teaching hospital. However, medical records costs are not considered educational expenses, and, therefore, are not excluded from the costs subject to limitation under the current schedule.

To prevent a disproportionate number of teaching hospitals from being adversely affected by the limits, we have, in the proposed schedule, provided an automatic adjustment for the costs generated by approved medical education programs. Based on the data we used to derive the proposed limits, we have estimated that a hospital's general inpatient routine operating costs may be expected to increase by a factor of .047 for each increase of .1 (above zero) in the ratio of its full-time equivalent (FTE) interns and residents (in approved programs) to its number of beds. In deriving the proposed limits, we adjusted each hospital's routine per diem cost to account for cost variations due only to differences in various hospitals' levels of teaching activity. We made this adjustment before the wage index adjustment.

Specifically, this adjustment was made by dividing each hospital's intern-and-resident to bed ratio by .1, and multiplying the result by the teaching adjustment factor (.047). We then added 1.0 to the product of that calculation, and divided each hospital's routine per diem operating cost by the resulting amount.

In applying the limits, we propose to increase each hospital's otherwise applicable limit by this teaching adjustment factor (.047) for each increase of .1 (above zero) in that ratio.

To obtain this adjustment, a teaching hospital would not be required to identify explicitly the costs for which the adjustment is being made. Instead, the hospital would be required only to report to its Medicare intermediary, 30 days before the beginning of each cost reporting period, the total full-time equivalent (FTE) interns and residents (in approved programs) it will employ on the first day of the period. (For purposes of this report, the hospital would be allowed to count only interns and residents in teaching programs approved under 42 CFR 405.421 who are employed at the hospital. Interns and residents in unapproved programs and those who are on the hospital's payroll but furnish services at another site would not be taken into account in making this adjustment.) The intermediary would then compute the ratio of FTE interns and residents to beds, determine the percentage amount of the adjustment the hospital is entitled to, and increase the hospital's limit by that percentage.

Use of Market Basket Index and Covered Days of Care Adjustment

In deriving the limits published on June 1, 1979, August 9, 1979, and proposed limits, we used what we call a "market basket" of goods and services typically used by a hospital and a "market basket index" for adjusting cost data and cost limits in accordance with increases in the costs of these goods and services. The market basket comprises the most commonly used categories of hospital routine operating expenses. The categories we used are based on those currently used by the American Hospital Association (AHA) in its analysis of costs, by the U.S. Department of Commerce in publishing price indexes by industry, and by HCFA in its cost reports. These categories are listed in Table III below.

The categories of expenses are weighted according to the estimated proportion of hospital routine operating costs attributable to each category. These weights are based on surveys by the AHA, on the Department of Commerce's input-output studies, and on our analysis of Medicare cost reports. Column 2 of Table III below specifies the weights for each category.

Our next step in developing the market basket index was to obtain historical and projected rates of increase in the resource prices for each category. The table, in columns 3 and 4, specifies the price variables and sources of the forecasts used in this process. Based on the rate of increase for each category and the weights assigned to each category, we developed estimates of the overall rates of increase in hospital inpatient general routine operating expenses for periods after June 30, 1979. The resulting rates of increase are shown in the description of our cost limit methodology below (see item 1—*Data*). As explained in that item, the projected rate of increase in the market basket index will be adjusted to actual if the actual rate of the increase is more than .3 of 1 percentage point above the estimated rate.

In the cost limit schedules we published on June 1, 1979, and August 9, 1979, we included a "covered days of care" adjustment. We have also included this adjustment in the proposed schedule. This adjustment increases the otherwise applicable limits for hospitals in certain parts of the country that have shorter lengths of stay that are alleged to result from higher intensity of routine services. We decided to continue to use this adjustment in order to prevent any disadvantage to hospitals in States with below average utilization due to more intensive routine services. The States for which a covered days of care adjustment will be made, and the adjustment factors that will be used, are set forth in Table V below.

These features of our methodology, which have been summarized here for the convenience of the reader, do not represent changes from the methodology we used to derive the June 1, 1979, and August 9, 1979 schedules. For more detailed information on the derivation and use of the market basket index and covered days of care adjustment, the reader should refer to the notices published on March 1, 1979 (44 FR 11612) and June 1, 1979 (44 FR 31806).

Methodology for Determining Per Diem Routine Operating Cost Limit.

1. *Data.* The limits have been determined by using actual hospital inpatient general routine operating cost data obtained from the latest Medicare cost reports available as of July 18, 1979. In determining the limits, we excluded capital-related costs and the costs allocated to approved medical and nursing education programs.

These cost report data were projected from the midpoint of the cost report period used in the data collection to July 1, 1979. The market basket index data were used to project from July 1, 1979, to the midpoint of the first cost reporting period to which the limits will apply.

The percentage increases over the previous year which were used for this projection are:

	Percent
1977	10.0
1978	10.0
1979 (½ to ⁹⁄₁₀)	10.5
1979 market basket (½ to ¹⁰⁄₁₀)	[1]9.3
1980 market basket	[1]10.1
1981 market basket	[1][2]9.6

[1] Estimated percentage; to be adjusted to actual percentage as soon as necessary data are available.
[2] Based on hospital industry wages.

The projected rate of increase in the market basket index will be adjusted to actual if the actual rate of the increase is more than .3 of 1 percentage point above the estimated rate. The actual rate of increase will be published in the **Federal Register** and will be used to adjust a hospital's cost limit at time of final settlement.

2. *Adjustment for Education Costs.* After each hospital's per diem routine operating cost is adjusted for inflation, the per diem cost is divided by 1.0 plus the product of the education adjustment factor (.047) and the individual hospital's adjusted intern-and-resident to bed ratio. That adjusted ratio is determined by dividing the number of full-time equivalent interns and residents for the cost reporting period to which the per diem cost applies by the hospital's bed size for that period to obtain the hospital's intern-and-resident to bed ratio, and dividing that ratio by .1.

3. *Use of Wage Index to Adjust Cost Data.* Each hospital's adjusted per diem routine operating costs were then divided into labor-related and non-labor portions. The labor-related portion of costs was determined by using the 79.53 percent factor from the market basket. This portion of per diem cost was divided by the wage index applicable to the hospital's location (see Table IV) to arrive at an adjusted labor-related portion of routine cost.

4. *Group Means.* Separate means of routine labor-related and non-labor operating costs were calculated for each group established in accordance with the hospitals' urban/non-urban location and bed size.

5. *Components of Limit.* For each group the mean labor-related and mean non-labor costs were multiplied by 112 percent (see Tables I and II.)

6. *Adjustment of Labor-Related Component by Wage Index.* To arrive at a labor-adjusted limit for each hospital, the labor-related component for the hospital's group is multiplied by the wage index developed from the wage levels for hospital workers in the area in which the hospital is located. (See Table IV.) The adjusted limit which would apply to any hospital will be the sum of the non-labor component, plus the adjusted labor-related component, unless the hospital qualifies for one or more of the adjustments described in steps 7, 8, and 9 below.

Example—Calculation of Adjusted Limit for a 686-bed Hospital Located in Los Angeles, California.
Non-Labor Component—$29.19 (published in Table I).
Labor-related Component—$99.32 (published in Table I).
SMSA Wage Index—1.2920 (published in Table IV A).
Computation of Adjusted Limit
$99.32×1.2920 (Wage index)=$128.32—Adjusted Labor Component.
$128.32+$29.19=$157.51—Adjusted limit.

The wage indices for each SMSA/NECMA and for the non-SMSA areas of each State are published in Tables IVA and IVB.

7. *Adjustment for Covered Days of Care.* If a hospital is located in a State which is entitled to a covered day of care adjustment (See Table V) the limit will be computed as follows. Determine the adjusted limit for the hospital and multiply that limit by the applicable factor from Table V.

Example—A hospital in California has an adjusted limit of $157.51. The adjustment factor from Table V is .07015.
Adjusted limit $157.51×Adjustment factor .07015=$11.05.
$157.51+$11.05=$168.56 which is the hospital's limit after application of the covered days of care adjustment.

8. *Education Cost Adjustment.* If a hospital has a graduate medical education program approved under 42 CFR 405.421, the hospital's limit as computed under steps 1–6 will be increased by .047 for each .1 increase (above zero) in the hospital's ratio of full-time equivalent (FTE) interns and residents (in approved programs) to its bed size. The hospital will report to its fiscal intermediary, 30 days before the start of each cost reporting year, the number of full-time equivalent interns and residents it will employ on the first day of that year. An adjustment will be made at final settlement if, for a cost reporting year, a hospital actually employed more or fewer FTE interns and residents than it reported it would employ.

Example—A 686-bed hospital has an adjusted limit of $157.51. The hospital employs 77 FTE interns and residents in approved teaching programs.
77÷686=.1122 Ratio of FTE Interns and Residents to Beds.
Ratio .1122÷.1=1.122 Adjusted ratio.
The Education Adjustment Factor is .047.
Adjusted limit $157.51 x [1 + (education adjustment factor .047 x adjusted ratio 1.122)] = $157.51 x 1.0527 = $165.81 Education—adjusted limit.

9. *Adjustment for Cost Reporting Year.* If a hospital has a cost reporting period beginning on or after August 1, 1980, the published limit will be revised upward by a factor of .8167 percent for each elapsed month between July 1, 1980, and the month in which the hospital's cost reporting period starts. This factor represents the monthly rate that was derived from the projected annual increase in the market basket index and is used to account for inflation in costs which will occur after the date on which the limits become effective.

Example—Hospital A's cost reporting period begins January 1, 1981.
The otherwise applicable limit for the hospital is $140.
Computation of Revised Hospital Limit
Individual Hospital Adjusted Limit—$140.
Plus Adjustment for 6-month period.
6 x .8167 percent = 4.9 percent
1.049 x $140 = $146.86
Revised limit applicable to hospital A for cost reporting period beginning January 1, 1981, $146.86.

If a hospital uses a cost reporting period which is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period and the factor of .8167 percent is based on an assumed 12 month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. The hospital's intermediary will obtain this adjustment factor from HCFA.

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Schedule of Limits

Under the authority of section 1861(v) of the Social Security Act, the following per diem limits, when published in final form, would apply to hospital inpatient general routine operating costs (including the inpatient routine nursing salary differential) for cost reporting periods beginning on or after July 1, 1980. The adjusted limits (using the wage index published in Table IV) would be computed by the fiscal intermediaries and each hospital would be notified of its applicable limit.

Table I.—*Hospitals Located in SMSA (NECMA)*[1]

Bed size	Labor related component	Nonlabor component
Less than 100	$96.20	$28.62
100 to 404	97.19	27.12
405 to 684	94.49	26.47
685 and above	90.32	29.19

Table II.—*Hospitals Located in Non-SMSA (non-NECMA) Areas*[1]

Bed size	Labor related component	Nonlabor component
Less than 100	$93.95	$22.66
100 to 169	93.16	22.72
170 and above	90.07	22.36

[1] Limits for hospitals located in States of Alaska and Hawaii will be increased by the following cost-of-living adjustments:

	Percent
Alaska	25
Hawaii (island):	
Oahu	15
Kauai	17.5
Molokai	15
Mau and Lanai	12.5
Hawaii	15

Table III.—*Derivation of "Market Basket" Index for Routine Inpatient Hospital Operating Costs*

Category of costs	Routine cost weight (percent)[1]	Forecaster,[2] percent changes 1979–80	"Price" variable used
1. Wages and salaries	60.04	DRI–CFS	A. For the period calendar year 1979: Percentage change in average hourly earnings of service industry workers. Source: U.S. Department of Labor, Bureau of Labor Statistics, "Employment and Earnings," (monthly) Table C–2.
		DRI–CFR	B. For the period calendar year 1980 and thereafter: Percentage change in average hourly earnings of hospital industry workers (sic 806). Source: U.S. Department of Labor, Bureau of Labor Statistics, "Employment and Earnings," (monthly) Table C–2.
2. Employee benefits	7.86	DRI–MM	Percentage changes in supplements to wages and salaries per worker in nonagricultural establishments. Sources: For supplements to wages and salaries—U.S. Department of Commerce, Bureau of Economic Analysis, "Survey of Current Business" (monthly) table 7 (1.12) July issue has detailed components. For total employment—U.S. Dept. of Labor, Bureau of Labor Statistics "Employment and Earnings," (monthly) table B–4.
3. Professional fees, other (legal, auditing, consulting, etc.)[3]	.80	DRI–MM	Percentage changes in hourly earnings index for production or nonsupervisory workers on private nonagricultural payrolls, total private. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," (monthly), table 18.
4. Malpractice insurance premiums	1.86	HEW, HCFA	Percentage changes in hospital malpractice insurance premiums per hospital. Data obtained from the American Hospital Association for the period 1967–1978. HEW, Health Care Financing Administration projected this data for 1979–1982.
5. Food	5.90	DRI–MM	A. Percentage changes in food and beverages component of consumer price index, all urban (weight, 2.95). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 27.
		DRI–MM	B. Percentage changes in processed foods and feeds component of producer price index (weight 2.95). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 26.
6. Fuel and other utilities	3.06	DRI–MM	A. Percentage changes in implicit price deflator—consumption of fuel oil and coal (derived from fuel oil component of consumer price index) (weight 1.20). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis "Survey of Current Business," (monthly) table 26 (7.11).
		DRI–MM	B. Percentage changes in implicit price deflator—consumption of electricity (derived from electricity component of consumer price index) (weight 0.85). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis Unpublished data provided to Data Resources Inc. by the Bureau of Economic Analysis. Historical time series data are available from the Health Care Financing Administration or the Bureau of Economic Analysis.
		DRI–MM	C. Percentage changes in implicit price deflator for natural gas (derived from utility (piped) gas component of consumer price index) (weight 0.54). Source: Same as electricity above.
		DRI–CFS	D. Percentage changes in water and sewerage maintenance component of consumer price index (weight 0.39). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 23.
7. Drugs	1.30	DRI–CFS	Percentage changes in pharmaceutical preparations, ethical component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Producer Prices and Price Indexes" (monthly), table 6.
8. Chemicals and cleaning products	2.61	DRI–MM	Percentage changes in chemicals and allied products component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 26.
9. Surgical and medical instruments and supplies	1.22	DRI–CFS	Percentage changes in special industry machinery and equipment component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 26.
10. Rubber and miscellaneous plastics	1.10	DRI–MM	Percentage changes in rubber and plastic products component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 26.
11. Business travel and motor freight	1.48	DRI–CFS	Percentage changes in Transportation component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 23.

Table III.—*Derivation of "Market Basket" Index for Routine Inpatient Hospital Operating Costs*—Continued

Category of costs	Routine cost weight (percent)[1]	Forecaster,[2] percent changes 1979–80	"Price" variable used
12. Apparel and textiles	1.86	DRI–MM	Percentage changes in Textile products and apparel component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 25.
13. Business services	3.67	DRI–MM	Percentage changes in services component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 23.
14. All other miscellaneous expenses[4]	7.24	DRI–MM	Percentage changes of consumer price index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, "Monthly Labor Review," table 23.
Total	100.00		

[1] Routine operating cost weights for 1977 were derived from special studies by the Health Care Financing Administration using primarily data from the American Hospital Association and data from HCFA Medicare cost reports. A laspeyres price index was constructed using 1977 weights and "price" variables indicated in this table. In calendar 1977 each "price" variable has an index value of 100.00. The relative routine operating cost weights change each period in accordance with "price" changes for each "price" variable. Cost categories with relatively higher "price" increases get relatively higher cost weights and vice versa.

[2] DRI–CFS—Data Resources, Inc., Cost Forecasting Service, 1750 K Street, NW., Washington, D.C. 20006, (Forecast: CFS 793) DRI–MM—Data Resources, Inc., Macro Model, 29 Hartwell Avenue, Lexington, Massachusetts 02173, (Forecast: Control 112179) HEW–HCFA—Dept. of Health, Education, and Welfare, Health Care Financing Administration, 330 "C" Street, SW., Washington, D.C. 20201.

[3] Medical professional fees are included as part of nonroutine costs.

[4] This is a residual category of routine operating costs not included in the 13 specific categories above. It consists primarily of miscellaneous and unallocated items.

Table IV A.—*Wage Index for Urban Areas*

SMSA area	Wage index
Abilene, TX	.8481
Akron, OH	1.0320
Albany, GA	.7842
Albany-Scenectady-Troy, NY	1.0334
Albuquerque, NM	1.1020
Alexander, LA	1.0370
Allentown-Bethlehem-Easton, PA–NJ	1.0505
Altoona, PA	1.0696
Amarillo, TX	.9902
Anaheim-Santa Ana-Garden Grove, CA	1.1640
Anchorage, AK	1.5154
Anderson, IN	.8279
Ann Arbor, MI	1.2504
Anniston, AL	.7965
Appleton-Oshkosh, WI	.9052
Asheville, NC	1.1131
Atlanta, GA	.9283
Atlantic City, NJ	1.0029
Augusta, GA–SC	1.0763
Austin, TX	.8090
Bakersfield, CA	1.0756
Baltimore, MD	1.1347
Baton Rouge, LA	.9252
Battle Creek, MI	1.2281
Bay City, MI	1.0451
Beaumont-Fort Arthur-Orange, TX	.8823
Billings, MT	.8598
Biloxi-Gulfport, MS	1.0586
Binghamton, NY–PA	.9257
Birmingham, AL	.9081
Bismarck, ND	.9145
Bloomington, IN	.9596
Bloomington-Normal, IL	.8299
Boise City, ID	1.0646
Boston-Lowell-Brockton-Lawrence-Haverhill, MA–NH	1.1350
Bradenton, FL	.8447
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1199
Brownsville-Harlingen-San Benito, TX	.8067
Bryan-College Station, TX	.7831
Buffalo, NY	.9071
Burlington, NC	.8821
Canton, OH	.9152
Cedar Rapids, IA	.8940
Champaign-Urbana-Rantoul, IL	1.0668
Charleston-North Charleston, SC	1.0164
Charleston, WV	1.0340
Charlotte-Gastonia, NC	.9270
Chattanooga, TN–GA	.9598
Chicago, IL	1.2160
Cincinnati, OH–KY–IN	1.0909
Clarksville-Hopkinsville, TN–KY	.8271
Cleveland, OH	1.1715
Colorado Springs, CO	.9160
Columbia, MO	1.2111
Columbia, SC	.9038
Columbus, GA–AL	.8541
Columbus, OH	1.0265
Corpus Christi, TX	.9116
Dallas-Fort Worth, TX	.9446
Davenport-Rock Island-Moline, IA–IL	.9182
Dayton, OH	1.1527
Daytona Beach, FL	.9472
Decatur, IL	.9068
Denver-Boulder, CO	1.1153
Des Moines, IA	1.0833
Detroit, MI	1.1782
Dubuque, IA	.8012
Duluth-Superior, MN–WI	.8756
Eau Claire, WI	.8429
El Paso, TX	.8056
Elkhart, IN	.7974
Elmira, NY	.8019
Enid, OK	.8322
Erie, PA	.9712
Eugene-Springfield, OR	.9602
Evansville, IN–KY	1.0215
Fargo-Moorhead, ND–MN	1.0060
Fayetteville, NC	1.1280
Fayetteville-Springdale, AR	.8744
Flint, MI	1.1327
Florence, AL	.7965
Fort Collins, CO	.8230
Fort Lauderdale-Hollywood, FL	1.1340
Fort Myers, FL	.9622
Fort Smith, AR–OK	.8411
Fort Wayne, IN	.9039
Fresno, CA	1.1467
Gadsden, AL	.8998
Gainesville, FL	1.1184
Galveston-Texas City, TX	.9947
Gary-Hammond-East Chicago, IN	1.1593
Grand Forks, ND–MN	.8749
Grand Rapids, MI	.9099
Great Falls, MT	.8998
Greeley, CO	.8225
Green Bay, WI	.9409
Greensboro-Winston-Salem-High Point, NC	.8985
Greenville-Spartanburg, SC	.8575
Hamilton-Middleton, OH	1.0662
Harrisburg, PA	1.0532
Hartford-New Britain-Bristol, CT	1.0732
Honolulu, HI	1.1081
Houston, TX	1.0320
Huntington-Ashland, WV–KY–OH	.9518
Huntsville, AL	.8290
Indianapolis, IN	1.0495
Iowa City, IA	1.3027
Jackson, MI	.9639
Jackson, MS	.9091
Jacksonville, FL	.9335
Janesville-Beloit, WI	.8381
Jersey City, NJ	1.0724
Johnson City-Kingsport-Bristol, TN–VA	.9529
Johnstown, PA	.9069
Kalamazoo-Portage, MI	1.1365
Kankakee, IL	.9602
Kansas City, MO–KS	.9669
Kenosha, WI	1.0454
Killen-Temple, TX	1.0601
Knoxville, TN	.8515
Kokomo, IN	.8341
La Crosse, WI	.8542
Lafayette, LA	.8531
Lafayette-West Lafayette, IN	.8917
Lake Charles, LA	.8536
Lakeland-Winter Haven, FL	.8486
Lancaster, PA	1.0422
Lansing-East Lansing, MI	1.0600
Laredo, TX	.8362
Las Cruces, NM	.7616
Las Vegas, NV	1.1650
Lawrence, KS	.8366
Lawton, OK	.8750
Lewiston-Auburn, ME	.8734
Lexington-Fayette, KY	1.0328
Lima, OH	.9432
Lincoln, NE	1.0119
Little Rock-North Little Rock, AR	1.1028
Long Branch-Asbury Park, NJ	1.0597
Longview, TX	.7931
Lorain-Elyria, OH	.9661
Los Angeles-Long Beach, CA	1.2020
Louisville, KY–IN	1.0122
Lubbock, TX	.8444
Lynchburg, VA	.8621
Macon, GA	.9181
Madison, WI	1.0250
Manchester-Nashua, NH	.8709
Mansfield, OH	.8718
Mcallen-Pharr-Edinburg, TX	.7634
Melbourne-Titusville-Cocoa, FL	.9061
Memphis, TN–AR–MS	1.0524
Miami, FL	1.1277
Midland, TX	.8628
Milwaukee, WI	1.0186
Minneapolis-St. Paul, MN–WI	.8747
Mobile, AL	.8621
Modesto, CA	.9538
Monroe, LA	.9033
Montgomery, AL	.9934
Muncie, IN	.9159
Muskegon-Norton Shores-Muskegon Heights, MI	.8648
Nashville-Davidson, TN	1.0588
Nassau-Suffolk, NY	1.3094
New Bedford-Fall River, MA	.9578
New Brunswick-Perth Amboy-Sayreville, NJ	1.0660
New Haven-Waterbury-Meriden, CT	1.1502
New London-Norwich, CT	1.0970
New Orleans, LA	.9040
New York, NY–NJ	1.4468
Newark, NJ	1.2600
Newport News-Hampton, VA	1.0437
Norfolk-Virginia Beach-Portsmouth, VA–NC	.9572
Northeast Pennsylvania	1.1036
Odessa, TX	.8798
Oklahoma City, OK	.9317

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Table IV A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Omaha, NE-IA	.9560
Orlando, FL	.9118
Owensboro, KY	.7243
Oxnard-Simi Valley-Ventura, CA	1.4000
Panama City, FL	.8832
Parkersburg-Marietta, WV-OH	.9588
Pascagoula-Moss Point, MS	1.1302
Paterson-Clifton-Passaic, NJ	1.0854
Pensacola, FL	.9142
Peoria, IL	1.0533
Petersburg-Colonial Heights-Hopewell, VA	.8419
Philadelphia, PA-NJ	1.1630
Phoenix, AZ	1.0619
Pine Bluff, AR	.7258
Pittsburg, PA	1.1298
Pittsfield, MA	1.0255
Portland, ME	.9351
Portland, OR-WA	1.1297
Poughkeepsie, NY	1.2018
Providence-Warwick-Pawtucket, RI	1.0095
Provo-Orem, UT	.8980
Pueblo, CO	.9622
Racine, WI	.8256
Raleigh-Durham, NC	1.0090
Rapid City, SD	1.1310
Reading, PA	.9030
Reno, NV	1.2480
Richland-Kennewick, WA	.9665
Richmond, VA	.9549
Riverside-San Bernardino-Ontario, CA	1.1704
Roanoke, VA	1.1018
Rochester, MN	.8405
Rochester, NY	1.0831
Rockford, IL	1.0755
Sacramento, CA	1.2026
Saginaw, MI	1.1488
St. Cloud, MN	.9109
St. Joseph, MO	.9109
St. Louis, MO-IL	.9778
Salem, OR	1.0722
Salinas-Seaside-Monterey, CA	1.2117
Salt Lake City-Ogden, UT	.9525
San Angelo, TX	.8063
San Antonio, TX	1.0295
San Diego, CA	1.1256
San Francisco-Oakland, CA	1.3521
San Jose, CA	1.3774
Santa Barbara-Santa Maria-Lompoc, CA	1.0288
Santa Cruz, CA	1.0607
Santa Rosa, CA	1.3227
Sarasota, FL	.8919
Savannah, GA	.9052
Seattle-Everett, WA	1.0098
Sherman-Denison, TX	.7783
Shreveport, LA	1.0906
Sioux City, IA-NE	.9232
Sioux Falls, SD	.8507
South Bend, IN	.9521
Spokane, WA	1.0589
Springfield, IL	1.0571
Springfield, MO	.9478
Springfield, OH	.9557
Springfield-Chicopee-Holyoke, MA	1.0354
Steubenville-Weirton, OH-WV	.9834
Stockton, CA	1.3009
Syracuse, NY	1.2022
Tacoma, WA	1.0409
Tallahassee, FL	.8504
Tampa-St. Petersburg, FL	1.0288
Terre Haute, IN	.9819
Texarkana-TX-Texarkana, AR	1.0377
Toledo, OH-MI	1.0988
Topeka, KS	1.1352
Trenton, NJ	1.1308
Tucson, AZ	1.0737
Tulsa, OK	.9254
Tuscaloosa, AL	1.0316
Tyler, TX	.9152
Utica-Rome, NY	.8673
Vallejo-Fairfield-Napa, CA	1.5360
Vineland-Millville-Bridgeton, NJ	.9381
Waco, TX	1.1777
Washington, DC-MD-VA	1.2764
Waterloo-Cedar Falls, IA	.8488
West Palm Beach-Boca Raton, FL	.9385
Wheeling, WV-OH	.9012
Wichita, KS	1.0365
Wichita Falls, TX	.8074
Williamsport, PA	.9180
Wilmington, DE-NJ-MD	1.1078

Table IV A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Wilmington, NC	.8780
Worcester-Fitchburg-Leominster, MA	.9525
Yakima, WA	.9957
York, PA	.9584
Youngstown-Warren, OH	1.0804

Table IV B.—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	.8144
Alaska	1.4942
Arizona	1.0643
Arkansas	.8203
California	1.2024
Colorado	1.0463
Connecticut	1.1102
Delaware	1.0193
Florida	.8796
Georgia	.9378
Hawaii	1.3793
Idaho	.9042
Illinois	.8755
Indiana	1.0010
Iowa	.8995
Kansas	.8945
Kentucky	.8548
Louisiana	.8788
Maine	1.0240
Maryland	1.0410
Massachusetts	1.1564
Michigan	1.0677
Minnesota	.7706
Mississippi	.8294
Missouri	.9579
Montana	.9685
Nebraska	.7967
Nevada	1.0372
New Hampshire	1.0555
New Jersey	1.0775
New Mexico	1.0176
New York	.9876
North Carolina	.9697
North Dakota	.8823
Ohio	1.0106
Oklahoma	.9193
Oregon	1.0651
Pennsylvania	1.1259
Rhode Island	1.5469
South Carolina	.8848
South Dakota	.7896
Tennessee	.8295
Texas	.8988
Utah	.7999
Vermont	1.0208
Virginia	.9215
Washington	1.0130
West Virginia	1.1276
Wisconsin	.8949
Wyoming	1.0827

Table V.—*Adjustment to Limits Based on Areas With Covered Days of Care Per 1,000 HI Enrollees Less Than the National Average (1977 Data)*

State or area	Adjustment to limit (percent)
Alaska	12.505
Arizona	4.880
California	7.015
Colorado	1.222
Connecticut	3.645
Delaware	.980
District of Columbia	.517
Florida	2.911
Georgia	2.739
Hawaii	13.782
Idaho	6.932
Louisiana	.481
Maine	1.307
Maryland	.279
Montana	3.021
Nevada	3.501
New Hampshire	2.148
New Mexico	7.549
North Carolina	.077

Table V.—*Adjustment to Limits Based on Areas With Covered Days of Care Per 1,000 HI Enrollees Less Than the National Average (1977 Data)*—Continued

State or area	Adjustment to limit (percent)
Oklahoma	1.287
Oregon	11.981
Rhode Island	3.066
South Carolina	2.847
Utah	17.350
Washington	13.099
Wisconsin	.736
Wyoming	2.161

Source: HCFA, Office of Research, Demonstrations and Statistics Current Utilization Tabulations as of December 26, 1979—Table AA4A—Total Number of Bills, Days of Care, Amount of Covered Charges, and Reimbursement by Period Expense Incurred and Place of Residence.

The published limit would be adjusted by the index so that hospitals in States with low utilization per 1,000 beneficiaries would receive higher per diem limits.

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance.)

Dated: March 26, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

Approved: March 27, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-9783 Filed 3-31-80; 8:45 am]

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federal register

Tuesday
April 1, 1980

Part V

Environmental Protection Agency

Conformity of Federal Actions to State Implementation Plans

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 52 and 59

[FRL 1408-4]

Conformity of Federal Actions to State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking invites public participation in the Environmental Protection Agency's (EPA) selection of a course of action to ensure the conformity of all relevant federal actions in areas subject to the provisions of a state implementation plan (SIP) approved, conditionally approved or promulgated by EPA. A SIP contains measures to achieve the national ambient air quality standards (NAAQS) in areas which have not yet attained these standards. A SIP also includes measures for the prevention of significant deterioration (PSD) of air quality in clean air areas. Section 176(c) of the 1977 amendments to the Clean Air Act (Pub. L. No. 95–95) requires all federal projects, licenses, permits, financial assistance and other activites to conform to EPA approved or promulgated SIPs. EPA is considering two types of regulations to carry out the intent of the 1977 amendments:

- Regulations requiring state and local review of the conformity findings of federal departments.
- Regulations requiring other federal departments to establish a process for determining the conformity of their actions with SIPs.

Recommendations of alternatives to these types of regulations are also requested. Upon consideration of available data, comments, and recommended courses of action received in response to this notice, EPA will issue a notice of proposed rulemaking or other alternative action.

Prior to the completion of the rulemaking discussed in this notice or an alternative course of action, EPA intends to use the existing National Environmental Policy Act procedures and its authority pursuant to section 309 of the Clean Air Act to monitor the compliance of other federal departments with the section 176(c) requirements. EPA encourages each federal department to make a conformity determination consistent with the criteria described in this notice in each environmental assessment, environmental impact statement (EIS) and finding of no significant impact (FONSI) that it prepares.

DATE: Comments must be received on or before June 2, 1980.

ADDRESS: Comments should be addressed to Cary B. Hinton, Office of Transportation and Land Use Policy (ANR–445), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Cary B. Hinton, Office of Transportation and Land Use Policy, Environmental Protection Agency; telephone (202) 755–0570.

SUPPLEMENTARY INFORMATION: Section 176(c) of the Clean Air Act, as amended, (Pub. L. No. 95–95), provides that no federal department "shall (1) engage in, (2) support in any way or provide financial assistance for, (3) license or permit, or (4) approve, any activity which does not conform to a plan (SIP) after it has been approved or promulgated." Section 176(c) further requires that "no metropolitan planning organization (MPO) designated under 23 U.S.C. 134 shall give its approval to any project, program, or plan which does not conform" to an approved or promulgated SIP. MPOs are responsible for carrying out the transportation planning process for urban areas, under programs administered by the U.S. Department of Transportation.

The Part D provisions of the Clean Air Act require each state to submit SIP revisions by January 1, 1979 for those areas where any of the applicable NAAQS have not been attained. The SIP revisions are to provide for attainment of the NAAQS as expeditiously as practicable. Primary standards to protect public health must be attained no later than December 1982 or no later than December 1987 for areas with particularly difficult ozone or carbon monoxide problems. States have submitted or are now submitting adopted SIP revisions for nonattainment areas to EPA for approval.

The fundamental requirements for approval of Part D SIP revisions are set out in Title I of the Clean Air Act and in EPA's 40 CFR Part 51 regulations. On February 24, 1978 the Administrator for EPA issued a memorandum summarizing the elements that an approved SIP must contain to satisfy the Act's requirements for nonattainment areas (43 FR 21673, May 18, 1978; see also General Preamble for Proposed Rulemaking, 44 FR 20371, April 4, 1979 and Supplements, 44 FR 38583, July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761, September 17, 1979; and 44 FR 67182, November 23, 1979).

The Clean Air Act amendments also included new SIP requirements for PSD areas. In 1978 EPA promulgated final regulations (40 CFR 51.24) to assist states in preparing SIP revisions meeting the new PSD requirements. Each state was to have submitted a SIP revision to EPA by March 19, 1979. Two states have had their SIP revisions for PSD areas approved by EPA. Several other states are now submitting SIP revisions for PSD areas to EPA for approval.

On September 5, 1979, EPA proposed (44 FR 51924) to amend its PSD regulations in response to the decision of the United States Court of Appeals for the District of Columbia in *Alabama Power Company v. Costle* which overturned major portions of those regulations. In that notice, EPA proposed to find SIP revisions for PSD areas to be approvable if they meet the minimum requirements of either the existing PSD regulations or the newly proposed PSD regulations. EPA will provide a later opportunity to revise SIPs for PSD areas to come into compliance with EPA's revised PSD regulations.

EPA believes that the Congressional intent of section 176(c) was that federal actions should not be allowed to cause a delay in the attainment or maintenance of the NAAQS in any state or violate the PSD requirements in areas with air cleaner than the NAAQS. In accordance with Clean Air Act requirements for SIPs in nonattainment and PSD areas, EPA intends to establish criteria and procedures to help ensure that federal actions will conform to each SIP. The conformity of a federal action to the SIP includes a requirement that it will be consistent with the state's approach for demonstrating reasonable further progress during the period prior to the attainment of the NAAQS. EPA believes that the increased emissions from all federal actions must be accommodated in the SIP emissions growth increment for a nonattainment or PSD area.

EPA finds that the requirements of section 176(c) augment the restrictions imposed by Executive Order 12088 (October 13, 1978) which had the primary objective of ensuring compliance with section 118 of the Clean Air Act. Executive Order 12088 provides that the head of each federal department is responsible for the compliance of its facilities with all federal, state, interstate and local air pollution control standards and procedures. Each federal department is also required by Executive Order 12088 to cooperative and consult with the Administrator of the EPA and with the appropriate estate, interstate and local agencies concerning the prevention, control and abatement of air pollution. Section 176(c) requires that any increase in the emission of air pollutants from mobile or stationary sources that result directly or indirectly from the construction and operation of a federal facility must conform to the SIP.

Section 176(c) of the Clean Air Act provides that "the assurance of conformity" of a federal action to a SIP is the "affirmative responsibility of the head of such department." EPA intends to provide opportunities for consultation between the federal department and the state and local agencies with significant SIP responsibilities in the determination of an action's conformity to the SIP. Such agencies include those certified by governors pursuant to section 174 of the Clean Air Act, and where appropriate, the MPO. Significant SIP responsibilities include SIP development, implementation, and enforcement.

EPA proposes to revise the 40 CFR Part 51 regulations to require each state to revise its SIP to establish criteria and procedures that will help assure that federal actions are in conformity with the SIP. In addition, EPA proposes to publish, concurrent with the proposal to amend the Part 51 regulations, model criteria and procedures for use by the States. This model will also serve as the basis for amending 40 CFR Part 52 regulations where states fail to adopt acceptable SIP revisions which comply with the new Part 51 regulations and necessitate EPA promulgation.

In order to ensure the effectiveness of the SIPs, EPA intends to encourage the establishment of consistent national procedures by which other federal departments will make a conformity determination. To achieve these goals, EPA proposes to promulgate new 40 CFR Part 59 regulations to require the establishment and publication of criteria and procedures by which other federal departments make an affirmative finding of the conformity of their activities to approved or promulgated SIPs. Following the competion of the Part 59 regulations, EPA intends to monitor the compliance of other federal departments through the review of published conformity determination criteria and procedures and through the Agency's existing review of the potential environmental effects of federal actions. The promulgation of the Part 59 regulations will in no manner limit EPA's review authority pursuant to section 309 of the Clean Air Act.

EPA intends to emphasize and support the use of existing notification and review procedures, such as the review of environmental assessments, EISs, and FONSIs developed to meet the NEPA requirements. Most federal departments should be able to incorporate the conformity determination process into their procedures for implementing the NEPA requirements. In most cases, environmental assessments, EISs and FONSIs will provide an appropriate opportunity to address conformity issues, as well as to disseminate conformity determinations for inter-agency and public information purposes. Furthermore, the scoping the tiering procedures in the Council on Environmental Quality's (CEQ) revised NEPA regulations (43 FR 55978) are specifically designed to incorporate emerging environmental obligations.

A conformity determination process for many of EPA's activities has been included in the recently promulgated regulations for implementing the procedural provisions of NEPA (40 CFR Part 6, 44 FR 64174, November 6, 1979). Those EPA actions that are not currently subject to the revised NEPA regulations are being reviewed to determine what additional procedures are necessary for EPA to meet the requirements of section 176(c).

REQUEST FOR COMMENT: EPA is aware that the language of section 176(c) does not specify the nature of the roles to be played either by the states or the Agency itself in the process of determining federal conformity to SIPs. EPA also recognizes, however, the practical need both for coordination by a federal agency with expertise in air quality issues and for consideration of federal actions by the states which have developed the SIPs and are responsible for their implementation. Therefore, at this time EPA is requesting comment on the nature of the role of states and federal departments in the section 176(c) conformity determination process.

Specifically, EPA requests comment on whether or not the Agency should amend 40 CFR Part 51 to require states to adopt specific regulations for participation in the conformity determination process. EPA also request comment on whether or not the Agency should promulgate regulations under 40 CFR Part 59 requiring other federal departments to adopt conformity determination procedures. If EPA does promulgate the Part 59 regulations, the Agency requests comment on whether they should include procedures which require federal departments to submit their conformity determinations to the states for review. And, if EPA does not promulgate the Part 51, 52 and 59 regulations, the Agency requests comment on what alternatives should be utilized to ensure the effective and consistent implementation of the section 176(c) requirements.

To provide a basis for more specific comments, potential elements of a conformity determination and review process are described below. A diagram is included to show the timing of steps in the process. The timing sequence is designed to be compatible with the EIS review process established by CEQ's revised NEPA regulations.

Potential Federal Conformity Determination and Review Procedures

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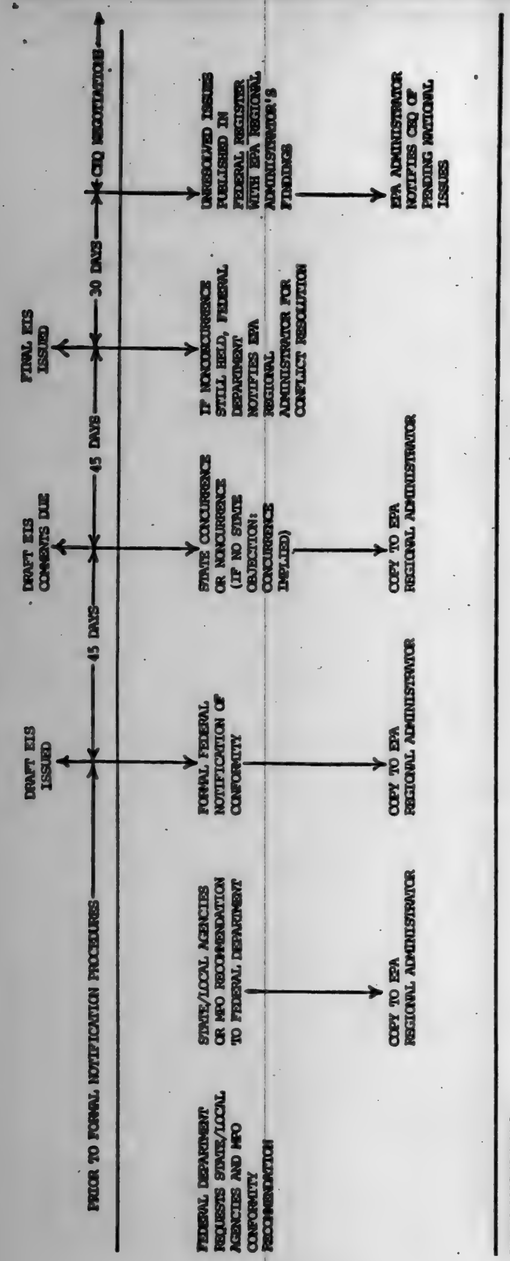

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Applicable Actions. All activities (1) engaged in, (2) supported or financially assisted, (3) licensed or permitted or (4) approved by, any department, agency, or instrumentality of the federal government which have potential effects on air quality, including new or modified development projects, federally licensed and permitted activities, federally prepared or approved plans, leases of federal lands, federal grant assistance for state or local activities or other federal grants and contracts, are subject to the conformity determination requirement.

Exemptions. In some instances a federal department will have taken actions that should be exempt from the conformity determination requirement. An automatic exemption would apply when the federal action has received final approval prior to the date that EPA completed rulemaking to approve a SIP revision, pursuant to the requirements of section 110 of the Clean Air Act, for an area in which the project would be located. This exemption would apply to (1) any federal development project that has commenced construction, with the exception of those sequential components of a project that require separate federal approval; (2) the original authorization period of any previously approved federal license or permit; (3) any previously approved federal lease for surface or subsurface lands or rights; (4) any plan in receipt of federal approval, with the exception of projects in the plan that require individual federal approval; or (5) any previously authorized federal grant or contract.

Any applicable federal action which directly results in increased emissions or indirectly induces increased emissions in a nonattainment or PSD area which is subject to the requirements of an EPA approved or promulgated SIP will require a conformity determination. Each federal department will be required to publish in the **Federal Register** criteria and procedures for determining which actions will not result in an increase of direct or indirect emissions and are, therefore, exempt from the conformity determination process. The **Federal Register** publication of a department's conformity determination criteria and procedures should be accompanied by a listing of which actions have been found to be exempt from the conformity determination process due to the absence of a potential to increase emissions.

Notification Responsibility. The federal department proposing an action or receiving a license, permit or funding application will be responsible for providing notice of its conformity determination to EPA and the appropriate state and local air quality agencies. Such state and local air quality agencies shall include those designated by the governor under section 174 of the Clean Air Act and, where appropriate, the MPOs.

Notification Procedure. Federal departments will be encouraged to provide an informal notification of a proposed action to the designated state and local air quality agencies, MPOs and to EPA. The informal notification may request a recommendation as to the conformity of the proposed action with the SIP. A copy of any state, local, or MPO conformity recommendation should be provided to the EPA Regional Administrator.

Federal departments also should provide formal conformity determinations by using existing notification procedures [e.g. reviews of environmental assessments, EISs and FONSIs]. In those cases where it is found that the existing notification procedures are not adequate for this purpose or not applicable, such as when a federal action would increase emissions but would not require the preparation of an environmental assessment, EIS or FONSI, the federal department should submit its conformity determinations to the designated state air quality agency at a minimum of 90 days prior to the approval of the action. In addition, to notifying the applicable state and local agencies and MPOs, the federal department should also submit a copy of the formal conformity determination document or certification to the EPA Regional Administrator.

Determination Requirements. The responsible federal department's formal conformity determination should verify that (1) all necessary state and federal air quality permits have been obtained for the activity, or if a state variance has been issued, it is in conformity with the requirements of the Clean Air Act; (2) all population projections provided in the supporting data base for the action are consistent with the population projections used in the SIP; (3) the stationary, area and mobile source emission growth rates that are provided in the supporting data base for the action are consistent with the emission growth rates used in the SIP; (4) the increased emissions resulting from the action do not conflict with the emission reduction requirements of the SIP; (5) the increased emissions resulting from the action do not exceed the PSD increment for the area; (6) the increased emissions resulting from the action do not contribute to the violation of any NAAQS; (7) the action is consistent with the transportation control measures that are provided for in the SIP; and (8) the action complies with all other special provisions and requirements of the SIP.

State Concurrence. The federal department should provide a 45 day period for the designated state air quality agency to concur or nonconcur with the formal conformity determination. There should be a presumption of state concurrence if a notification of nonconcurrence is not received by the federal department within that period. All state notifications of concurrence with the federal conformity determination should include a record of consultation with the appropriate local air quality agency and MPO. A copy of the state concurrence notification should be submitted to the EPA Regional Administrator. EPA retains its right under section 309 of the Clean Air Act to review the impacts of a federal action and disagree with a state's concurrence of conformity.

State Nonconcurrence. The federal department should not approve an action following a notification of nonconcurrence by the state agency with primary responsibility for the SIP until the objections have been resolved. A copy of the state notification of nonconcurrence should be submitted to the EPA Regional Administrator.

Administrative Conflict Resolution. If the state's objections have not been resolved within 45 days of the notification of nonconcurrence, the federal department should bring any remaining unresolved issues to the attention of the EPA Regional Administrator. The Regional Administrator will then attempt to resolve the issues arising from the state's notification of nonconcurrence with the federal department. If the state's nonconcurrence cannot be resolved within 30 days of the request for administrative conflict resolution, then EPA will publish the Regional Administrator's findings in the **Federal Register.**

A finding by the Regional Administrator that the state's nonconcurrence is unjustified will be accompanied by a verification that the proposed federal action is in conformance with the SIP. If the Regional Administrator finds that the proposed federal action is not in conformance with the SIP, then an EPA verification of conformity may not be concluded. EPA will then use the procedures developed pursuant to section 309 of the Clean Air Act to notify the Council on Environmental Quality for the purpose of resolving the

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remaining issues of national concern and to request that the proposed federal action not be implemented until the issues are resolved.

Authority. This advance notice of proposed rulemaking is based on the authority of section 176(c), section 301(a)(1) and section 309 of the Clean Air Act, as amended (42 U.S.C. 7476(c), 7601(a)(1), and 7609).

Dated: March 21, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

[FR Doc. 80-9489 Filed 3-31-80; 8:45 am]

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federal register

Tuesday
April 1, 1980

Part VI

Department of Agriculture

Federal Grain Inspection Service

Expansion of Permissive Grain Inspection Criteria

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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Expansion of Permissive Grain Inspection Criteria

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final notice.

SUMMARY: This Notice prescribes the expansion of permissive grain inspection under "official criteria" to provide for the testing of *all* classes of wheat for protein content except Mixed and Unclassed wheat, effective May 1, 1980. On that date, each official agency must be prepared to provide requested protein testing services unless an exemption has been obtained from or a temporary waiver granted by FGIS. For export lots of wheat shipped from export port locations, delegated States and FGIS shall continue to use only FGIS-approved near-infrared reflectance (NIR) equipment for official protein testing. For all other lots, including export lots from inland locations, official agencies may use any FGIS-approved protein testing method.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: L. E. Malone, Assistant Deputy Administrator, Program Operations (Staff), USDA, FGIS, Room 1627 South Agriculture Building, 1400 Independence Ave., SW., Washington, D.C. 20250; (202) 447-9166.

SUPPLEMENTARY INFORMATION: Section 7(b) of the United States Grain Standards Act (7 U.S.C. 79(b)), as amended (hereinafter referenced as the Act), authorizes the Administrator of the Federal Grain Inspection Service (FGIS) to cause grain to be officially inspected and certificated either under:

1. The Official United States Standards for Grain as provided for in Section 4 of the Act (7 U.S.C. 76); or
2. "Official criteria" (criteria other than the test and factor information included in the Official United States Standards for Grain) approved by the Administrator whenever, in his judgment, the providing of such service will effectuate any of the objectives stated in Section 2 of the Act (7 U.S.C. 74).

On the basis of these authorities, the FGIS Administrator, in the March 30, 1978, issue of the **Federal Register** (43 FR 13406):

—Authorized, upon request, official protein testing and subsequent certification thereof for the classes Hard Red Winter (HRW) and Hard Red Spring (HRS) wheat, effective May 1, 1978;

—Required FGIS and delegated States to use only FGIS-approved NIR equipment for determining the protein content of export shipments from export port locations;

—Permitted the use of any FGIS-approved method, including the Kjeldahl method, for officially testing for protein content in domestically-marketed HRW and HRS wheat including inbound shipments at export port locations; and

—Prohibited, effective May 1, 1978, official agencies from performing protein testing on HRW and HRS wheat on an unofficial basis.

The FGIS Administrator, in the March 8, 1979, issue of the **Federal Register** (44 FR 12720):

—Announced that the permissive grain inspection criteria established under Section 7 of the Act (7 U.S.C. 79) would be further expanded to provide, when requested, official protein testing of all classes of wheat except Mixed and Unclassed wheat;

—Announced that the action described above would become effective on August 15, 1979;

—Announced that, pursuant to existing regulations and effective August 15, 1979, all official agencies would be required to provide official protein testing services using an FGIS-approved method;

—Proposed that, effective May 1, 1981, only the NIR method be used for official protein testing of wheat;

—Provided for the exemption of any official agency from the above-mentioned requirements if the agency could demonstrate, to the satisfaction of FGIS, that no substantial demand existed for protein testing in the agency's assigned area of responsibility;

—Restated information regarding the prohibition of unofficial protein testing on HRW and HRS, and announced that, effective August 15, 1979, official agencies would be prohibited from performing protein testing on Soft Red Winter (SRW), Durum, and White wheat on an unofficial basis; and

—Afforded the public 30 days in which to comment on the intentions outlined.

FGIS received 13 letters of comment on the March 8, 1979, Notice. To allow FGIS more time to fully consider the comments, the Administrator of FGIS in the September 20, 1979, issue of the **Federal Register** (44 FR 54519–54520) postponed the August 15, 1979, effective date, and announced that final decisions regarding the official protein testing program would be published in the **Federal Register** on or before May 1, 1980.

Need for Protein Testing in Soft Wheat

Most of the commentors questioned the need for establishing protein testing services under the Act for SRW wheat and other "soft wheats." They argued that:

—Thus far, there have been few, if any, requests for protein determinations in SRW wheat and an increase in requests appears to be unlikely;

—As a general rule, soft wheats are not sold or offered for sale on the basis of protein content, and there is no premium or discount scale in general trade use that takes into account the protein content of soft wheats; and

—Major millers in SRW producing areas are equipped to conduct their own protein analyses.

Finally, one commentor expressed concern that merchandisers might purchase and store large quantities of soft wheats in a location where protein testing is not performed, and sell the inventory in an area where official protein testing services are used, thereby, causing a possible disruption of the orderly marketing process.

Section 2 of the Act requires FGIS to establish an integrated, nationwide system of grain inspection so that marketing of grain may be conducted in an orderly and timely manner and trading in grain may be facilitated. Such a system requires the uniform application of (1) all official grain grading standards and (2) all permissive grain inspection, under "official criteria", that has been approved by the Administrator.

The expansion of protein testing to include SRW, Durum, and White wheat will enable merchandisers, for the first time, to market all classes of wheat except Mixed and Unclassed wheat on the basis of an officially determined protein content. Since protein content has been proven to be a reliable indicator of end-use quality for wheat, marketing on the basis of percent protein occupies an increasingly critical role in the trading of wheat. The expansion of testing to all classes of wheat, except Mixed and Unclassed wheat, will facilitate trading in wheat by eliminating burdens associated with such trade. Further, in providing official protein testing for these additional classes of wheat, to objective of FGIS, as in the case of HRW and HRS wheat, is to assure (1) the employment of national uniform testing procedures (using only approved and calibrated equipment) and, (2) the achievement of consistent, uniform inter and intramarket results.

Advances in cereal technology, agronomy, and marketing techniques may lead to an increase in the number of requests for protein analyses of SRW, Durum, and White wheat. Requests for protein testing of soft wheat are already increasing in some Rocky Mountain and West Coast areas. Furthermore, historically, when the protein level in certain soft wheats is high, foreign purchasers have required a protein determination as a condition for sale.

Therefore, based on the above considerations, FGIS is expanding permissive grain inspection under "official criteria" to provide for the testing of all classes of wheat for protein content except Mixed and Unclassed wheat.

FGIS officials stress the voluntary (permissive) nature of protein services under the Act. Official protein testing will be provided strictly on a request basis; buyers and sellers of wheat, both in interstate and foreign commerce, are entirely free to choose whether or not to use official protein testing services. If, in a particular area, there is no substantial demand for official protein testing services, the official agency performing official inspection functions in the area can request an exemption from the requirements that it possess the approved equipment and make such services available. Exempted official agencies will not be responsible for providing official protein testing services if occasional requests for such service arise in their geopgraphic area. Requests for official protein testing services received by an exempted agency will be consigned, with the permission of the appropriate FGIS Field Office, to official agencies capable of providing the service. No person requesting official protein testing services shall be denied or deprived of such services by reason of the official agency providing official inspection in the geographic area being exempted from the requirement that it provide official protein testing service.

NIR Equipment

A number of commentors contended that there should be a delay in the promulgation of the requirement that, effective May 1, 1981, only FGIS-approved NIR equipment be used for the official protein testing of wheat under the Act. They commented that:

—Available NIR equipment tends to drift, and requires frequent correction;

—There is an insufficient data base for requiring the use of NIR equipment for classes of wheat other than HRW and HRS wheat; and

—Since the Kjeldahl method has been used for many years by agencies and laboratories providing protein testing services, and is used by FGIS as a means for calibrating the "master" NIR piece of equipment which thereafter is used to standardize all NIR equipment used in official protein testing, disallowing its use after May 1, 1981, seemed to be unwarranted.

They also argued that the Kjeldahl method should continue to be an officially-approved method because many agencies already providing protein testing services do so by means of the Kjeldahl method. Requiring such agencies to purchase and use NIR equipment would impose an undue economic burden on them.

Currently, the only protein testing method suitable for providing official protein testing services on export grain shipped from export port locations is the NIR method. Such method is the only one capable of providing the rapid and accurate results needed to facilitate the loading of export grain at export port locations. Since loading at export port locations is conducted on a sublot basis, the prompt determination of results is critical.

To establish a uniform, nationwide system for protein testing, FGIS proposed that, effective May 1, 1981, all official protein testing be conducted solely by means of the NIR method; thus assuring that differences in official protein results between locations (i.e., domestic and export port locations) would not be attributable to differences in protein testing methods. However, although FGIS is committed to the continued development of a uniform, nationwide system of grain inspection, it recognizes the economic hardship placed on an official agency that would be required to obtain the equipment needed to install and operate the NIR method. In some instances, this would have necessitated replacement of a Kjeldahl system then being used. Further, FGIS recognizes that, although the Kjeldahl method is not capable of providing the rapid analysis available with the NIR method, the Kjeldahl method has proven to be reliable and adequate when rapid results are not required, and the results obtained with the Kjeldahl method closely approximate results obtained with the NIR method. Therefore, based on the determination that, at this time, differences in official protein results between locations using FGIS-approved protein testing methods will not appreciably affect the official protein testing program and trading in wheat, FGIS rescinds the proposal that as of May 1, 1981, all official testing be conducted using the NIR method. FGIS Notice 80–7 dated January 10, 1980 also noted this action. A copy of FGIS Notice 80–7 may be obtained from Lewis Lebakken, Jr., Director, Issuance & Coordination Staff, USDA, FGIS, Room 1127 Auditors Bldg., 1400 Independence Ave., SW., Washington, DC 20250, (202) 447–3910.

A survey conducted by FGIS prior to this action indicates that, in those areas where protein testing services are likely to be requested, most of the official agencies currently possess FGIS-approved protein testing methods. Also, by reason of the exemption available hereunder, the effect, if any, upon official agencies in other areas is expected to be minimal.

Expansion of Permissive Grain Inspection Criteria

Based on the above-cited considerations, the Administrator hereby:

A. Expands, effective May 1, 1980, the permissive grain inspection criteria established under Section 7(b) of the Act (7 U.S.C. 79(b)) to include protein content in all classes of wheat except Mixed and Unclassed wheat. Consequently, starting May 1, 1980, official protein testing services will be available to all interested parties requesting such services, thereby permitting, for the first time, grain to be traded on the basis of offical protein results.

B. Directs that, effective May 1, 1980, each official agency authorized to inspect grain under the Act shall, unless otherwise exempted as provided in paragraph C below:

1. Possess an FGIS-approved protein testing method, and,
2. Provide, upon request, official protein testing services using only an approved protein testing method required for the service.

FGIS and delegated States providing protein testing services on export lots of wheat shipped from export port locations shall continue to use only FGIS-approved NIR equipment for such service. Official agencies providing official protein testing services on all other lots, including export lots from inland locations may use any FGIS-approved protein testing device for such services.

Official agencies with more than one specified service point in its area of responsibility need only equip one such point with an approved protein testing method. For the purposes of this Notice, a specified service point is a city, town, or other location specified by an agency for the conduct of all or specified official functions and where one or more of its official licensed inspectors or weighers is located.

However, arrangements shall be made to ensure that official certificates stating official protein testing results are issued within the time limits prescribed by the regulations under the Act. If it is found that official certificates are not being issued within the time limits prescribed in the regulations, the Administrator may require that additional specified service points in an agency's area of responsibility be equipped with FGIS-approved protein testing equipment.

To avoid public confusion, after May 1, 1980, no official agency shall perform protein testing on HRW, HRS, SRW, Durum, or White Wheat on an unofficial basis, but shall perform the analysis only on an official basis under the Act.

C. Provides for an exemption from the above-described requirements. To be exempted, an official agency must demonstrate to the satisfaction of FGIS, that a substantial need for official protein testing services does not exist in its assigned area of responsibility.

Requests for exemptions must be submitted to the supervising FGIS field office, in writing, by April 10, 1980. Each request should be accompanied by the results of a survey of the applicants for official inspection services in the agency's area to determine the level of industry interest in receiving official protein testing services. Each request must also contain the following information:

1. Whether the agency currently provides unofficial protein testing services on SRW, Durum, or White Wheats;
2. The number of requests for protein testing services received by the agency within the past year;
3. The number of requests for protein testing or samples for protein testing which the agency has referred to some other party (e.g., private laboratory, trade organization, a State or local Governmental agency, or FGIS) within the past year;
4. The classes of wheat officially inspected by the agency;
5. Whether wheat moves through the area assigned to the agency on a seasonal or a year-round basis;
6. Whether wheat moving into or out of the local market is normally merchandised on protein.

FGIS reserves the right to reevaluate each exemption to determine whether merchandising practices in the area have changed to an extent that there is a substantial need for official protein testing services. If such a finding is made, upon notice, the exemption shall terminate and the agency shall be required to provide requested official protein testing services and to possess the FGIS-approved equipment necessary to do so.

Official agencies applying for but not receiving an exemption will be notified in writing and will be permitted 6 months from the effective date, May 1, 1980, to procure FGIS-approved protein testing equipment. Requests for official protein testing services during this 6-month temporary waiver shall be referred to and handled by the supervising FGIS field office.

This final Notice has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An approved Final Impact Statement is available from Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, Room 1127, Auditors Building, 1400 Independence Ave., SW., Washington, D.C. 20250; (202) 447-3910.

(Secs. 2, 5, and 6, Pub. L. 94-582, 90 Stat. 2867, 2869, and 2870 (7 U.S.C. 74, 76, and 79))

Done in Washington, D.C., on March 27, 1980.

L. E. Malone,
Acting Administrator.

[FR Doc. 80-9661 Filed 3-31-80; 8:45 am]
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federal register

Tuesday
April 1, 1980

Part VII

Department of Agriculture

Science and Education Administration

Native Latex Research Grants Program for Fiscal Year 1980; Solicitation of Applications

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DEPARTMENT OF AGRICULTURE

Science and Education Administration

Native Latex Research Grants Program for Fiscal Year 1980; Solicitation of Applications

Notice is hereby given that pursuant to the authority of Section 9 of the Native Latex Commercialization and Economic Development Act of 1978, Pub. L. 95–592 (7 U.S.C. 178(g)), SEA will award project grants for research in the following area which is further described in Appendix I.

Guayule (Native Latex) Research.....$630,500

Proposals submitted in response to this notice will be evaluated in competition with proposals from other eligible institutions. Eligible institutions submitting research proposals selected by SEA utilizing recommendations of Peer Panels will be awarded grants from funds appropriated for Fiscal Year FY 1980 (Oct. 1, 1979 to Sept. 30, 1980) for projects planned to cover periods of 1 to 4 years.

The grant shall become effective and shall constitute an obligation of Federal funds in the amount and for the purposes stated in the grant agreement, at the time of execution of the grant agreement by the SEA grant award official.

When an original grant award includes a provision for more than one budget period within the project period, SEA presumes that continuation grants for the subsequent budget periods will be awarded, subject to availability of funds and SEA priorities, as determined by the Director, if the grantee:

(1) Has demonstrated satisfactory performance during all previous budget periods; and

(2) Submits no later than 90 days prior to the end of the budget period a continuation application which includes a detailed progress report; a financial statement for the current budget period, including an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the term of the prior grant; a budget for the new budget period; an updated work plan revised to account for actual progress accomplished during the current budget period; and any other reports as may be required by the grant agreement.

Review of continuation applications will be conducted expeditiously. Generally, no extramural review will be required.

Costs incurred after the end of the previous budget period may be allowed under the continuation grant provided that no longer than 30 days has elapsed between the end of the budget period and the execution of the continuation grant agreement.

Neither the approval of a project nor the award of any grant shall commit or obligate the United States to award any continuation grant or enter into any grant amendment, including grant increases to cover cost overruns, with respect to any approved project or portion thereof.

Application Procedures

1. Eligible Institutions

Grants under Section 9 of Pub. L. 95–592, may be made to States, education institutions, scientific organizations, and Indian tribes as defined in Pub. L. 93–638 (25 U.S.C. 450).

2. Cooperation with Mexico

The U.S. and Mexico entered an agreement dated February 16, 1979 providing for cooperation in native latex research. Grant recipients whose projects appear to be mutually beneficial to the U.S. and Mexico may be requested to participate in the cooperative program. Upon the mutual agreement of SEA and the recipients concerned, appropriate changes to the grant instrument will be negotiated in order to provide for the following:

Cooperation with Mexican scientists designated, jointly, by the National Council on Science and Technology of Mexico (CONACYT) and SEA in the conduct of research.

Sharing of any plant materials collected or produced from plant breeding experiments in accordance with agreements reached with Mexico under the U.S.-Mexico Scientific and Technological Agreement.

Attendance at one joint U.S.-Mexico international meeting per year, funds for which will be budgeted in the project if it is selected for cooperation.

Making available one or more research positions funded by the project to qualified visiting scientists from Mexico for periods of up to one year consistent with employment requirements of the sponsoring institution or organization.

Project proposals should be submitted, initially, without regard to the possibility of the project being included in the cooperative program with Mexico. If the project is selected for cooperation, appropriate adjustments will be made in the budget by SEA Officials in consultation with the Recipient Institution.

3. Proposal Submission

Submit nine copies of each proposal to: Grants Administrative Management Office, Attention: Native Latex Grants Program, U.S. Department of Agriculture, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209.

A. To be considered for award, proposals must be prepared in the format prescribed in Appendix II and must be received in the SEA Grants Administrative Management Office by the close of business on May 19, 1980. Proposals should not exceed 10 pages (single spaced) excluding the title page, budget, listing of literature citations and vitae appendices. When proposals exceed 10 pages in total, only the first 10 pages, excluding the title page, budget, listing of literature citations and vitae appendices, will be evaluated.

B. Title Page. Format—Appendix III is the format for the title page. An original title page with all relevant signatures must be included with the original proposal. All copies of the proposal should also have a title page.

C. Proposal source Document. Appendix IV is the format for the Proposal Source Document. Only one copy of this document is required to be submitted. This should be a separate document and not attached to the research proposal. The Proposal Source Document provides the SEA Grants Administrative Management Office staff with data for compiling information requested by Government agencies, the Congress, and the grantee community. The items are self-explanatory for the most part.

Please note the following: (a) the Performing Organization is the Organization of the Principal Investigator where the work will be done, and it may be the same or different from the organization which receives the grant; and (b) the Authorized Organizational Representative should be the same as the one given on the Title Page.

D. Special Consideration, Assurance, Certification, and Acceptance (Appendix V). Research Involving Special Consideration. Part I of Appendix V summarizes a number of research situations which require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the Proposal Source Document should so indicate. Since some types of research targeted for SEA support have a high probability of involving either recombinant deoxyribonucleic acid (DNA) or human subjects, special instructions follow:

Recombinant DNA. Principal Investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (See NIH "Guidelines for Research Involving Recombinant DNA Molecules" (43 FR 60108–60131) and subsequent revisions). A Memorandum of Understanding, Agreement, and approval by the Institutional Biosafety Committee (IBC) must be provided before a grant can be awarded.

Human Subjects. Safeguarding the rights and welfare of human subjects used in research supported by SEA grants is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Public Law 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR Part 46).

If the project involves human subjects at risk, the grantee must furnish SEA with a statement that the research plan has been reviewed and approved by the appropriate Institutional Review Board at the grantee organization that the grantee is in compliance with Department of Health, Education, and Welfare (DHEW) policies, as amended, regarding the use of human subjects.

E. If your institution has not previously submitted a proposal to the Grants Administrative Management Office, you must furnish the organizational information and assurances contained in Part II of Appendix V with your proposal. This information should be submitted with your proposal.

4. Selection of Proposals for Funding

A. Selection Criteria. A panel of peer scientists will evaluate the proposals utilizing selection criteria listed in Appendix VI. The peer panel, when appropriate, can recommend a reduced level of funding for a proposal or that the research be confined to certain objectives for proposals under review. Utilizing the recommendations of peer panels, SEA will select the proposals to be funded within the amount available for each area of specific inquiry.

B. When the peer panel recommends that the amount of award be reduced below the amount proposed for the proposal or where the panel recommends that only research dealing with selected objectives be funded, these changes will be discussed with the submitting institution. If the institution elects not to make these changes as a condition of the award, the proposal will be dropped from the list of proposals to be funded for a specific area of inquiry and another proposal selected from those recommended by the peer panel will be funded.

After the grants are awarded, one copy of unfunded proposals will be retained on file for 5 years, the remaining copies will be destroyed. A copy of the summary evaluation made by the peer panel will be provided for unfunded proposal.

5. Points of Contact

For information concerning Administrative guidelines for the awarding of grants, contact the SEA Grants Administrative Management Office, Arlington, Virginia. Telephone number: (703) 235–2680.

For information concerning Program guidelines for special areas of inquiry, contact Edward C. Miller, Assistant Deputy Director, Cooperative Research, Science and Education Administration, Washington, D.C. Telephone number: (202) 447–6050.

6. Budget and Reporting Requirements

The following items apply only to those proposals that are selected for funding:

A. the grant will be awarded on the basis of all financial support, from any source, that is shown in the proposal budget (Appendix VII).

B. Annual financial reports (Standard Form 269) will be required.

C. An annual progress report not to exceed 5 pages, will be required in addition to a shorter summary for insertion into a computerized research information service. Annual reports will be organized around the objective and research timetable as specified in the project proposal.

D. A comprehensive (performance and financial) final report must be submitted to SEA within 90 days after the termination date of the grant.

E. For continuation grants the above listed reports must be submitted no later than 90 days prior to the end of the budget period. This includes a detailed progress report, a financial statement for the current budget period, including an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the term of the prior grant, a budget for the new budget period, and updated work plan revised to account for actual progress accomplished during the current budget period, and any other reports as may be required by the grant agreement.

7. Terms and Conditions

A. The general provisions for grants and cooperative agreements (SEA Form 638, May 1979) applies to these grants with the exception of Clause 20, Inventions and Patents. Pursuant to Section 12 of Pub. L. 95–592, title to and licensing of inventions shall be governed by the provisions of Sections 9 and 10 of the Federal Non-Nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908–9). A copy is available upon request to the SEA Grants Administrative Management Officer.

B. An approved final Impact Analysis Statement is available from the: Grants Administrative Management Office, Science and Education Administration, U.S. Department of Agriculture, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209.

The Notice has not been determined significant under USDA criteria implementing Executive Order 12044.

It has been determined that, because of the need to implement this program so that research relating to plant production can be initiated in the Spring of 1980, compliance with the Notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and in accordance with E.O. 12044, that it is not possible to publish Notice in proposed form and allow 60 days for public comment.

Done at Washington, D.C., this day 27th of March.

Anson R. Bertrand,

Director, Science and Education.

Appendix I—Subject Matter Guidelines for Fiscal Year 1980 Grants Under Section 9 of Public Law 95–592; Specific Areas of Inquiry

1.0 Guayule (Native Latex) ($630,500 have been made available for fiscal year 1980 funds). Breeding and selection and agronomics projects, consistent with the listing of high priority research objectives below, on Parthenium Argentatum or related varieties of rubber producing plants will be funded. Grant awards will be limited to a maximum of $75,000 per year for a maximum period of 4 years.

Projects that inquire into the following high priority areas will be funded.

1.1 Breeding and selection including, but not limited to the following objectives (in declining order of priority):

Optimized rubber yields.
Improve disease resistance.
Determine or improve herbicide tolerance.
Improve salt tolerance.
Improve efficiency in water utilization.
Expand the range of drought or cold tolerance.
Improve seed germination or define the cause of dormancy.

1.2 Agronomics practices including, but not limited to the following objectives (of equal priority):

Determine optimum transplanting methods.
Determine optimum seeding methods.
Determine optimum irrigation methods and water requirements.
Identification and control of weeds.
Identification and control of insect pests.
Identification and control of nematodes and diseases.

Develop pesticide residue data as required for registration.
Define the mycorrhizae function and its importance.
Define the effects of bioregulators.
Seed selection, treatment of seed, and improvement of germination.
Mechanization for direct seeding, transplanting, or seed harvesting.

Multi-disciplinary projects, investigating as broad a range of specific areas of inquiry as can be meaningfully integrated are encouraged.

Appendix II—Format for Research Proposal

1. Title Page (See Appendix III)

A. Title. A brief, clear, specific designation of the subject of the research. The title (80 characters maximum) will be used for the USDA Current Research Information System (CRIS), for information to Congress and for press releases. Therefore, it should not contain highly technical words. Phrases such as "Investigation of" or "Research on" should not be used. Other items of the title page are self-explanatory.

B. Approval Signatures of Appropriate Officials. All proposals from a University, College, or Institution must be signed by an authorized official.

2. Objectives. A clear, concise, complete, and logically arranged statement of the specific aims of the research.

3. Procedures. A statement of the essential working plans and methods to be used in attaining each of the stated objectives. Procedures should correspond to the objectives and follow the same order. Procedures should include items such as: The sampling plan, experimental design, and analyses anticipated. The statement must be time-phased, showing plans, methods, and procedures for each year of the project.

4. Justification. This should describe: (1) The importance of the problem to the needs of the Department of Agriculture and to the States or region, being sure to include estimates of the magnitude of the problem; (2) The importance of starting the work now; and (3) Reasons for the work being performed in your particular institution.

5. Literature Review. A summary of pertinent publications with emphasis on their relationship to the research. Cite important and recent publications from other institutions, as well as your own institution. Citations should be accurate and complete. The listing of Literature citations should be appended to the proposal and are not included in the 10 page limit.

6. Current Research. Describe the relevancy of the proposed research to on-going and as yet unpublished research at your own and at other institutions. This section may be combined with the Literature Review, if convenient to do so.

7. Facilities and Equipment. The location of the work and the facilities and equipment needed and available should be clearly indicated. This section may be combined with Section 3, Procedures, but the combination must clearly show needed and available facilities and equipment.

8. Research Timetable. Show all important research phases as a function of time.

9. Personnel Support. Identify clearly all personnel who will be involved in the research. For each scientist involved include: (1) An estimate of the time commitments necessary; (2) Vitae of the principal investigator, senior associates, and other professional personnel should be provided to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae of all key persons who will work on the project, whether or not Federal funds are sought for their support. The vitae can also be provided as an Appendix and will not be included in the 10 page limit.

10. Budget. A detailed budget is required for each year of the proposed project. Copies of Appendix VII must be used. Cost sharing for Native Latex grants, Section 9 of Public Law 95-592, will be established in accordance with the guidelines of FMC 73-3 and administered in accordance with OMB Circular A-110, Attachment E, as applicable. Instructions follow for the items to be inserted in the format illustrated in Appendix VII. Use a separate page for each year. Remarks and justification should be included on separate pages following the budget.

A. Salaries and Wages. Salaries of the principal investigator and other personnel associated directly with the research should constitute appropriate direct costs in proportion to their effort devoted to the research. Charges by academic institutions for work performed by faculty members during the summer months or other periods outside the base salary period are to be at a monthly rate not in excess of that which would be applicable under the base salary and to other provisions of Section J.6 to the cost principles for educational institutions (OMB Circular A-21). Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for consulting or other time in addition to a regular full-time salary covering the same general period of employment.

The submitting organization may request that senior personnel salary data not be released to persons outside the Government. In this case, the item for senior personnel salaries in the formal proposal may be expressed as a single figure and the work-months represented by that amount omitted. If this option is exercised, however, senior personnel salaries and work-months must be itemized in a separate statement, two copies of which should accompany the proposal. This statement must include all of the information requested in Appendix V for each person involved. The detailed information will not be forwarded to reviewers and will be held privileged to the extent permitted by law.

For research associates and other professional personnel, each position must be listed, with the number of full-time equivalent work-months and rate of pay (hourly, monthly or annually) indicated. For other personnel (graduate students, technical, clerical, etc.) only the total number of persons and total amount of salaries per year in each category are required. Salaries requested must be consistent with the regular practices of the institution.

B. Fringe Benefits. If the usual accounting practices of the performing organization provide that the organizational contributions to employee "benefits" (social security, retirement, etc.) be treated as direct costs, grant funds may be requested to defray such expenses as a direct cost.

C. Total Salaries and Benefits.

D. Nonexpendable Equipment. Nonexpendable equipment is defined as an item of property which has an acquisition cost of $500 or more per unit, an expected service life of 2 years or more, and does not lose its identity when joined or made a part of another piece of equipment. Organizations performing research with the support of a SEA grant are expected to have appropriate facilities, suitably furnished and equipped. Only under very unusual circumstances may grant funds be requested for office equipment and furnishing, air-conditioning, automatic data processing equipment (ADPE), or other "general purpose" equipment which is usable for other than research purposes. This type of equipment requires special justification and arrangement with the Grants Administrative Management Office.

Items of needed scientific equipment or instrumentation should be individually listed by description and estimated cost and adequately justified.

Allowable items ordinarily will be limited to scientific equipment and apparatus which is not already available to conduct the work.

If purchases or lease of expensive, special-purpose equipment having a unit acquisition cost exceeding $10,000 is planned, the proposal must contain a certification that the equipment (a) is essential and not reasonably available or accessible to the proposed project, and (b) will be subject to reasonable inventory controls, maintenance procedures, and organizational policies designed to enhance multiple or shared use on other projects if such use will not interfere with the project for which the equipment is being acquired. Title to any nonexpendable equipment authorized to the procured under a grant will be held by the grantee institutions of higher education or other nonprofit organizations.

E. Material and Supplies. The types of expendable materials and supplies required should be indicated in general terms with estimated costs. Where substantial funds are requested, there should be a more detailed breakdown.

F. Travel. The type and extent of travel and its relationship to the research should be briefly specified. Funds may be requested for field work or for travel to scientific meetings.

Travel in Canada, Puerto Rico, the United States or its possessions is considered domestic travel. All other travel is considered foreign. If foreign travel is planned in connection with the research, the proposal should include relevant information (including countries to be visited) and justification. Travel and subsistence should be in accordance with organization policy.

Irrespective of the organization policy, allowances for airfare will not normally exceed round trip jet economy air accommodations. Persons traveling under Federal grants must travel by U.S. flag air carriers, if available, unless:

The travelers, while enroute has to wait 6 hours or more and no U.S. flag air carrier is available during this period; and

The flight by a U.S. flag air carrier takes 12 or more hours longer than a foreign air carrier.

Air freight must also be under U.S. flag air carriers.

G. Publication Costs. Costs of preparing and publishing the results of research conducted under the grants, including cost of reports, reprints, page charges or other journal costs, and necessary illustrations may be included.

H. Computer (ADPE) Costs. The cost of computer services, including computer based retrieval of scientific and technical information may be requested. A justification based on the established computer service rates at the proposing institution should be provided. Reasonable costs of leasing automatic data processing equipment may be requested, if justified.

I. All Other Direct Costs. Other anticipated direct costs not included above should be itemized. Examples are: space rental at research establishments away from the performing organization, minor alternations, and service charges. Reference books and periodicals may be charged to the grant only if they are related specifically to the research project. Proposed subawards should be disclosed in the proposal so that the grant instrument may contain prior approval, if appropriate. None of the research effort under a SEA grant may be contracted or transferred to another organization without prior Grants Administrative Management Office approval.

Consultant services should be included in this section. Grantees normally are expected to utilize the service of their own staff to the maximum extent in managing and performing the activities supported by grants. Where it is necessary for a grantee to contract for the services of persons who are not its officials or employees, payment shall not exceed the daily equivalent of the current maximum rate paid to a GS-18 (exclusive of indirect cost, travel, per diem, clinical services, vacation, fringe benefits, and supplies.)

If the need for consultant services is anticipated, the proposal narrative should provide appropriate rationale and the Proposal Budget should estimate the amount of funds which may be required for this purpose. To the extent possible, consultant rates should show separate amounts for actual services and each of the components of the rate.

J. Total Direct Costs.

K. Indirect Costs. The indirect cost rate(s) negotiated by the grantee organization with the cognizant Federal negotiating agency cannot be exceeded in computing indirect cost for a research proposal. Determination of the appropriate indirect cost rate(s) is dependent upon a combination of factors including but not limited to physical location of the work. The proposal official responsible for Federal business relations should review this part of the proposal to see that it properly describes any particular factor which may have a bearing upon the indirect cost rate(s) applicable to the project. Normally, the rate in effect on the date the proposal is recommended for award by the SEA-Cooperative Research Program Manager will be used.

If an organization has no established indirect cost rate and wishes to take indirect costs in should consult the Grants Administrative Management Officer, Grants Administrative Management Office, who will establish liaison with the cognizant Federal negotiating agency for developing an acceptable indirect cost rate for the grantee.

L. Total Direct and Indirect Costs (J plus K).

M. Cost Sharing. The institution is encouraged to contribute to the cost of carrying out the proposed research. Cost participation may be accomplished by contributing to any of the cost elements either direct or indirect, provided such costs are allowable in accordance with cost principles applicable to the research agreement. The institution may elect to cost share their allowable negotiated indirect costs. If this option is selected this should be indicated on the proposal budget (Appendix V).

Appendix III—Title Page for Research Proposal; Science and Education Administration

USDA

For Consideration by _____
(Name of Program)

Title _____
(60 characters or less including spaces and punctuation, see instruction)

Proposed amount _____

Proposed Effective date _____

Proposed Duration months _____

Principal Investigator (PI) Name

Address of Principal Investigator:

Name Co-Principal Investigator

Submitting Institution

Address of Submitting Institution:

Name Co-Principal Investigator

If principal or co-principal investigator(s) have participated in previous SEA grants involving similar subject matter, give previous Special Grant No. _____

Make grant to _____
(Legal Name of Institution or Organization to which Grant should be made)

Internal Revenue Service Number _____

Congressional District Number _____

Endorsements:

Principal Investigator

Name _____

Title _____

Phone No. _____

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Date ———
Signature ———
Authorized Organizational Representative
Name ———
Title ———
Phone No. ———
Date ———
Signature ———
Other, if required by submitting organization:
Name ———
Title ———
Phone No. ———
Date ———
Signature ———

Appendix IV—Proposal Source Document

Principal Investigator(s) (PI) Names

	First	Middle	Last
PI #1	———	———	———
PI #2	———	———	———
PI #3	———	———	———

Proposal No. (SEA use)
Program (SEA use)
PI #1 ———
City
PI #1 ———
State 2-letter abbr.
PI #1 ———
ZIP code
PI #1 ———
Department or street address (35 characters)
PI #1 ———
Phone + area code
PI #1 ———
Duration of proposal in months
PI #1 ———
Total requested (Direct and indirect)
PI #1 ———
Institute or subdivision of performing organization (35 characters)
PI #———
Name of performing organization (35 Characters)
Authorized Organizational Representative
(SEA use)
First name
Middle name
Last name
Phone + area code
Department or Organizational Unit (35 Characters)
City
State (2-letter abbr.)
Zip code
(SEA use)
Date Received (SEA use)
Grantee Organization (35 Characters)
Title of Proposal (maximum 80 Characters)

PROGRAM CODE (Information to be supplied by principal investigator.) Grants Administrative Management Office

A In which area of the Special grants program do you want this proposal considered? Select one program *only*. (Cooperative Research may move it to another area, if appropriate.)

———1.1 Breeding and Selection
———1.2 Agronomic Practice

PROPOSALS CODE

B Which of the following best describes the performing organization of the first principal investigator? Check one choice *only*.

1.———USDA/SEA Laboratory
2.———Other Federal Research Laboratory
3.———State Agricultural Experiment Station (SAES)
4.———Land Grant University, 1862
5.———Land Grant University, 1890 or Tuskegee Institute
6.———Public University or College (Non-land grant)
7.———Private University or College
8.———Private Profit Making Organization
9.———Private Non-Profit Organization
10.———State or Local Organization
11.———Indian Tribes

B. Has the first principal investigator completed the most advanced degree within the last 3 years?

1.———Yes 2.———No

C. Will the work in this proposal deal with recombinant DNA or with human subjects?

1.———Netither 2.———DNA
3.———Human Subjects

D. Congressional District of the grantee organization———.

SUPPORT CODE

Has this proposal been sent to another granting agency?
If so, indicate.
.1———None
.2———Other USDA units
.3———NSF
.4———NIH
.5———Others (Describe)

Appendix V

Part I—Special Considerations

Check appropriate statements. Supply additional information when necessary.

———"This project does not involve human subjects."

———"This project involves human subjects. It was approved by the Institutional Review Board on (date) ———, (is scheduled for review by the Institutional Review Board on (date) ———)." See DHEW regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.

———"This project does not involve recombinant DNA research."

———"This project involves recombinant DNA research. It was approved by the institutional Committee on (date) ———. (Supply appropriate documents as required by NIH "Guidelines for Research Involving Recombinant DNA Molecules" (43 FR 60108–60131 and subsequent revisions.)

Part II—Organizational Information and Assurances

A. *Prospective Grantee Organizational Information*

The following information is to be submitted:

a. Organization Affiliations. Describe relationship of the organization to a parent organization or to subsidiaries or other affiliates. If the organization is a successor in interest to a predecessor or if changes in organization affiliation are anticipated, describe briefly.

b. Statement of Purposes and Powers. Enclose an official or published statement of the major purposes of the organization and certify as required in c below as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants (e.g., articles of incorporation, terms of reference, or by-laws):

1. Chief Executive;
2. Authorized Organizational Representative; and
3. Business Officer.

c. Affiliations of Key Officials. If the organization is other than a college or university or a State or local government, indicate whether or not each official listed in (b) above is affiliated with any Federal, State, or local agency or with any college or university. If so, describe such affiliation.

d. Whether or not the organization currently is a grantee or contractor of any component of the U.S. Department of Health, Education, and Welfare. (Note: This information will assist in implementing certain interagency procedures for which DHEW is the lead agency.)

e. If other than a college or university or a State or local government, also submit the following:

1. A certified statement of financial conditions (usually by Certified Public Accountant) covering at least the preceding 2 years; and
2. Bank or other references.

B. *Required Certifications*

SEA requires that a prospective grantee organization submit a certification signed by the Chief Executive Officer or authorized organizational representative substantially as follows:

a. I certify that (name of institution or organization) has legal authority to accept grants as evidenced by the attached (describe document), and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management, procurement, and property management, which meet those described in Attachments F, N, and O to OMB Circular A–110. (Note: In the event this is not the case, list exceptions and provide a realistic estimate of when such standards might be met.)

b. Each proposal to the SEA Grants Administrative Management Office will be consistent with the policies and goals of proposed grantee and will be submitted in accordance with its procedures and pursuant to appropriate authority.

c. In the event that a grant is awarded as a result of any such proposal, I agree that proposed grantee organization will:

1. Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed.
2. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the grant.

3. Comply with all applicable laws and regulations.

Not Required if Previously Submitted to the SEA Grants Administrative Management Office

Assurance of Compliance With the Department of Agriculture Regulations Under Title VI of the Civil Rights Act of 1964 (As Amended)

Legal name or proposed grantee———

(hereinafter called the "Applicant") HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department of Agriculture; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated ———

Authorized Organizational Representative

(Grantee's Mailing Address)

Appendix VI

A. Peer Panel Scoring Form

Proposal Identification No. ———
Institution and Project Title: ———

I. Basic Requirement—
Proposal falls within guidelines?———
yes———no
If no, explain why proposal does not meet guidelines under comment section of this form.

II. Selection Criteria—

	Score 1–10	Weight factor	Score X weight factor	Comments
1. Scientific and technical quality of the idea	———	8	———	———
2. Scientific and technological quality of the approach	———	8	———	———
3. Relevance and importance of proposed research to solution of specific areas of inquiry	———	6	———	———
4. Feasibility of attaining objectives during life of proposed research	———	5	———	———
5. Adequacy of professional training or research experience of research team in essential disciplines needed to conduct the proposed research	———	5	———	———
6. Adequacy of facilities, equipment, and related program support	———	5	———	———
Total Score				

Summary Comments:

B. Evaluation of Proposals

The peer panel will determine whether a proposal falls within the guidelines. If the proposal does not meet the guidelines the proposal will be eliminated from competition and returned to the institution submitting the proposal. Proposals not meeting the guidelines will not be scored on selection criteria by the peer panel.

Proposals satisfactorily meeting the guidelines will be evaluated and scored by the peer panel for each criteria utilizing a scale of 1 to 10. A score of one is low for the selection criteria. A score of 10 is high for the selection criteria. A weighting factor is used for each criteria.

BILLING CODE 3410-22-M

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APPENDIX VII

U.S. DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION ADMINISTRATION

36

PROPOSAL BUDGET

FORM APPROVED OMB NO. 046-R4063

ORGANIZATION AND ADDRESS

PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)

	DURATION PROPOSED	SEA USE ONLY
	Months: _____ FUNDS REQUESTED BY PROPOSER	Months: _____ FUNDS APPROVED BY SEA (If different)

A. Salaries and Wages	SEA FUNDED WORK MONTHS				
	Calender	Academic	Summer		
1. No. of Senior Personnel					
a. ___(Co)-PI(s)/PD(s)				$	$
b. ___ Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___Research Associates-Postdoctorate					
b. ___Other Professionals					
c. ___Graduate Students					
d. ___Pre-Baccalaureate Students					
e. ___Secretarial-Clerical					
f. ___ Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits (A plus B) ►					
D. Nonexpendable Equipment (Attach supporting data. List items and dollar amounts for each item.)					
E. Materials and Supplies					
F. Travel					
1. Domestic (Including Canada)					
2. Foreign (List destination and amount for each trip.)					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs (Attach supporting data. List items and dollar amounts. Details of subcontracts, including work statements and budget, should be explained in full in proposal.)					
J. Total Direct Costs (C through I) ►					
K. Indirect Costs (Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)					
L. Total Direct and Indirect Costs (J plus K) ►					
M. Less Residual Funds (If applicable) ►					
N. TOTAL AMOUNT of this REQUEST (L minus M) ►				$	$
O. COST SHARING ►	$				

NOTE: Signatures required only for Revised Budget — This is Revision No. ►

NAME AND TITLE (Type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form SEA-56 (Oct 79) Previous edition is obsolete. USDA-SEA

[FR Doc. 80-9860 Filed 3-31-80; 8:45 am]

BILLING CODE 3410-22-C

Reader Aids

Federal Register
Vol. 45, No. 64
Tuesday, April 1, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5236	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, APRIL

21189-21606.....1

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1980

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 16	May 1	May 16	June 2	June 30
April 2	April 17	May 2	May 19	June 2	July 1
April 3	April 18	May 5	May 19	June 2	July 2
April 4	April 21	May 5	May 19	June 3	July 3
April 7	April 22	May 7	May 22	June 6	July 7
April 8	April 23	May 8	May 23	June 9	July 7
April 9	April 24	May 9	May 27	June 9	July 8
April 10	April 25	May 12	May 27	June 9	July 9
April 11	April 28	May 12	May 27	June 10	July 10
April 14	April 29	May 14	May 29	June 13	July 14
April 15	April 30	May 15	May 30	June 16	July 14
April 16	May 1	May 16	June 2	June 16	July 15
April 17	May 2	May 19	June 2	June 16	July 16
April 18	May 5	May 19	June 2	June 17	July 17
April 21	May 6	May 21	June 5	June 20	July 21
April 22	May 7	May 22	June 6	June 23	July 21
April 23	May 8	May 23	June 9	June 23	July 22
April 24	May 9	May 27	June 9	June 23	July 23
April 25	May 12	May 27	June 9	June 24	July 24
April 28	May 13	May 28	June 12	June 27	July 28
April 29	May 14	May 29	June 13	June 30	July 28
April 30	May 15	May 30	June 16	June 30	July 29

CFR CHECKLIST; 1979/1980 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1979/1980. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $450 domestic, $115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1980):

Title	Price
1	$4.50
4	6.50
6	3.75
9 Parts:	
1–199	7.00
13	7.00
14 Parts:	
1200–end	6.00
16 Parts:	
0–149	7.00
150–999	6.00
CFR Index	8.50

CFR Unit (Rev. as of Apr. 1, 1979):

17	12.00
18 Parts:	
0–149	6.50
150–end	7.00
19	7.50
20 Parts:	
1–399	5.50
400–499	7.00
500–end	6.50
21 Parts:	
1–99	5.50
100–199	7.50
200–299	4.00
300–499	7.00
500–599	7.00
600–1299	6.00
1300–end	4.25
1300–end—1308 Table	4.25
22	7.00
23	6.50
24 Parts:	
0–499	8.00
500–1699	7.50
1700–end	6.00
25	7.00
26 Parts:	
1 (§§ 1.0–1.169)	8.00
1 (§§ 1.170–1.300)	6.50
1 (§§ 1.301–1.400)	5.50
1 (§§ 1.401–1.500)	6.00
1 (§§ 1.501–1.640)	6.00
1 (§§ 1.641–1.850)	6.50
1 (§§ 1.851–1.1200)	7.50
1 (§§ 1.1201–end)	8.50
2–29	6.00
30–39	6.00
40–299	7.00
300–499	6.00
600–end	4.25
27	11.00

CFR Unit (Rev. as of July 1, 1979):

28	6.50
29 Parts:	
0–499	8.00
500–1899	9.00
1900–1919	11.00
1920–end	7.50
30	13.00
31	8.50
32 Parts:	
1–39 (Vol. I)	8.50
1–39 (Vol. II)	11.00
1–39 (Vol. III)	8.50
40–399	8.50
400–699	8.50
700–799	7.50
800–999	7.50
1000–end	6.00
32A	5.50
33 Parts:	
1–199	8.50
200–end	7.00
36	7.00
37	5.50
38	9.00
39	6.00
40 Parts:	
0–49	6.50
50–59	12.00
60–80	6.50
81–99	7.00
100–399	8.00
400–end	12.00
41 Chapters:	
1–2	9.00
3–6	7.50
7	4.00
8	4.00
9	7.00
10–17	6.50
18 (Pts. 1–52 SUPP.)	3.00
19–100	6.00
101–end	12.00
CFR Index	8.50

CFR Unit (Rev. as of Oct. 1, 1979):

42 Parts:	
1–399	8.00
400–end	8.00
43 Parts:	
1–999	5.50
1000–end	9.00
45 Parts:	
1–99	6.50
100–149	7.00
150–199	7.00
200–499	5.00
500–1199	7.00
1200–end	6.50
46 Parts:	
1–29	4.25
30–40	4.50
41–69	6.50
70–89	4.75
90–109	4.75
110–139	4.25
140–155	5.50
156–165	5.50
166–199	5.25
200–end	8.50
47 Parts:	
0–19	6.50
20–69	8.00
70–79	7.00
48 [Reserved]	
49 Parts:	
1–99	4.75
100–177	7.00
178–199	7.00
200–399	7.00
400–999	7.00
1000–1199	7.00
1200–1299	9.00
1300–end	6.00

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PROJECTED 1980 CFR ISSUANCES
First and Second Quarter

This list is a reader aid being introduced in this **Federal Register** issue. It projects the Office of the Federal Register's publication plans for issuing CFR volumes during the first two quarters of 1980. A projected schedule for the third quarter (July—Titles 28 through 41) will appear in the July 1, 1980 **Federal Register** immediately after the CFR Checklist.

The list has been developed in response to numerous requests from CFR subscribers and other members of the public for a pre-publication schedule that would indicate the planned content and revision date for each CFR volume being issued by the OFR. The listing will assist persons interested in ordering specific CFR volumes, or who need to know when volumes will be revised.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16 — January 1
Titles 17–27 — April 1
Titles 28–41 — July 1
Titles 42–50 — October 1

With the exception of Title 11—Federal Elections, whose revision date has been postponed until April 1, 1980, in order to include major revisions published in March, all other CFR volumes are adhering to the regular schedule dates.

With two other exceptions, all volumes are completely revised and supersede any previous edition. The exceptions are Title 7 (Parts 2800–2851) and Title 21 (Parts 1300–end—1308 Table). There have been no further amendments published during the revision period and, therefore, a cover only will be issued for those volumes indicating that the last revised editions published January 1, 1978 and April 1, 1979, respectively, should be retained.

Since these are projected issuances, pricing information is not available at this time on all volumes. Individual announcements of the actual release of CFR volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR Checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Titles to be revised as of January 1, 1980, unless otherwise noted:

Title
1–2
3 Compilation
4
5
6
7 Parts:
0–52
53–209
210–299
300–399
400–699
700–899
900–944
945–980
981–999
1000–1059
1060–1119
1120–1499
1500–1899
1900–2799
2800–2851 (Cover only)
2852
2853–end
8
9 Parts:
1–99
200–end
10 Parts:
0–199
200–499
500–end
11 (Revised as of April 1, 1980)
12 Parts:
1–199
200–299
300–end
13
14 Parts:
1–59
60–199
200–1199
1200–end
15
16 Parts:
0–149
150–999
1000–end
CFR Index

Titles to be revised as of April 1, 1980:

Title
17 Parts:
0–239
240–end
18 Parts:
1–149
150–end
19
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22
23
24 Parts:
0–499
500–1699
1700–end
25
26 Parts:
1 (§§ 1.0–1.169)
1 (§§ 1.170–1.300)
1 (§§ 1.301–1.400)
1 (§§ 1.401–1.500)
1 (§§ 1.501–1.640)
1 (§§ 1.641–1.850)
1 (§§ 1.851–1.1200)
1 (§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599
600–end
27 Parts:
1–199
200–end

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department
AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department
BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department
AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DCPA Defense Civil Preparedness Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department
APA Alaska Power Administration
BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SOLAR Conservation and Solar Energy Office
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department
ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department
CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO/HUD Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department
BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMO Surface Mining Office
WPRS Water and Power Resource Service

JUSTICE Justice Department
DEA Drug Enforcement Administration
BJS Bureau of Justice Statistics
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission

LABOR Labor Department
BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration

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OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department
AID Agency for International Development
FSGB Foreign Service Grievance Board

DOT Transportation Department
CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department
ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies
AC Aging, Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
IDCA International Development Cooperation Agency
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MBDA Minority Business Development Agency
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
Trade Trade Representative, Office of United States
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL RESERVE SYSTEM
17924 3–19–80 / Reserves of member banks; marginal reserve requirements

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Government National Mortgage Association—
14026 3–4–80 / List of attorneys-in-fact; update

LABOR DEPARTMENT
Employment and Training Administration—
14180 3–4–80 / Housing for agricultural workers
14185 3–4–80 / Farm Labor Contractor Registration and housing for agricultural workers; cross reference updated
Pension and Welfare Benefit Programs Office—
14029 3–4–80 / Summary plan descriptions; reporting and disclosure regulations

VETERANS ADMINISTRATION
14045 3–4–80 / Construction contracts; amendments to provisions

List of Public Laws

Last Listing March 31, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 2222 / Pub. L. 96–217 To extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status. (Mar. 27, 1980; 94 Stat. 126) Price $1.00.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Center, 617–223–7121.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions).
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemallo, 212–264–3514.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m.
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; at 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m.
WHERE: Room 204A, Dirksen Federal Bldg.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

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Advance Orders are now Being Accepted for Delivery in About 6 Weeks

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 945 to 980)	$5.50	$_____
_____	Title 8—Aliens and Nationality	5.50	_____
_____	Title 10—Energy (Parts 0 to 199)	7.50	_____
_____	Title 13—Business Credit and Assistance	7.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

PLEASE DO NOT DETACH

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Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

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4-2-80
Vol. 45 No. 65
Pages 21607-22008

federal register

Wednesday
April 2, 1980

Highlights

21607 **Import Quota for Upland Cotton** Presidential proclamation

21612 **1980 Summer Olympics** Commerce/ITA establishes licensing requirements for export goods to U.S.S.R.; effective 3-28-80; comments by 5-27-80

21652 **Schedule III, IV and V Controlled Substances** Justice/DEA proposes to permit the transfer of refill information between pharmacies; comments by 6-2-80

21755 **Alternative Education Program** Justice/LEAA solicits applicants to conduct an evaluation component on the prevention of delinquency; apply by 6-4-80

21755 **Violent Juvenile Offender** Justice/LEAA announces solicitation for applications to conduct an evaluation of the Research and Development Program; apply by 6-9-80

21657 **Organizational Processes in Education** HEW/NIE proposes to permit the award of funds for research in the area of postsecondary education; comments by 5-19-80

21653 **Veterans Education** VA proposes to make payments of educational assistance to veterans and eligible persons more equitable; comments by 6-2-80

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Highlights

21663 **Voluntary Citizen Participation Program** ACTION sets forth guidelines under which applications for new or continuation program grants will be accepted; effective 5–19–80; letters of intent by new applicants 1–31 and applications by 3–31 of the year funds are requested

21998 **Food Stamps** USDA/FNS issues a final emergency rule regarding the changed provisions of procedures for reducing, suspending or cancelling benefits; effective 4–2–80 (Part VI of this issue)

21715 **Social Security** HEW/SSA sets the contribution and benefit base at $25,900 for 1980 and $29,700 for 1981

21712 **Medical Reimbursement** HEW/PHS and HSA approves inpatient and outpatient rates for medical care in facilities operated by the Health Services Administration

21836 **Audits: State and Local Governments** OMB transmits single audit guide; effective 3–17–80 (Part III of this issue)

21988 **Savings Notes** Treasury/FS issues rule to show improvements in investment yield and to grant a second 10-year extended maturity period to outstanding notes; effective 6–1–79 (Part V of this issue)

21880 **Series E Bonds** Treasury/FS revises offering circular for U.S. savings bonds; effective 6–1–79 (Part IV of this issue)

21711 **Travel Expenses** GSA furnishes report to Congress on the cost of travel and operation of privately owned vehicles

21655 **Conventional Pollutants** EPA publishes petition to add ammonia and sulfide to list; comments by 6–2–80

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21761 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4742 of March 31, 1980

Establishment of a Special Limited Global Import Quota for Upland Cotton

By the President of the United States of America

A Proclamation

1. Section 103(f)(1) of the Agricultural Act of 1949, as added by section 602 of the Food and Agriculture Act of 1977 (91 Stat. 913, 934; 7 U.S.C. 1444(f)(1)), provides that whenever the Secretary of Agriculture determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (microaire 3.5 through 4.9), hereinafter referred to as "Strict Low Middling cotton," in the designated spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton. The amount of such quota is to be equal to twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available and is to remain in effect for a ninety-day period.

2. The Secretary of Agriculture has informed me that he has determined that the average price of Strict Low Middling cotton in the designated spot markets for the month of February 1980 has exceeded 130 per centum of the average price of such cotton in such markets for the preceding 36 months. The Secretary's determination was based upon the following data:

(a) The average price of Strict Low Middling cotton in the designated spot markets for the month of February 1980 was 80.66 cents per pound.

(b) The average price of Strict Low Middling cotton in the designated spot markets for the 36 months preceding the month of February 1980 (February 1977 through January 1980) was 60.34 cents per pound.

3. Twenty-one days of domestic mill consumption of upland cotton, which is any variety of the Gossypium hirsutum species of cotton, at the seasonally adjusted rate of the most recent three months for which data are available (November 1979–January 1980) is 244,030,605 pounds.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and Statutes of the United States of America, including section 103(f)(1) of the Agricultural Act of 1949, as added by section 602 of the Food and Agriculture Act of 1977, and in order to establish a special ninety-day limited global import quota for 244,030,605 pounds of upland cotton, do proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is hereby modified by inserting in numerical sequence the following temporary provision:

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"Item	Article	Quota quantity (in pounds)
955.07	Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that cotton is a variety of the Gossypium hirsutum species of cotton, may be entered during the 90-day period April 3, 1980 through July 2, 1980	244,030,605 pounds".

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-10123
Filed 3-31-80; 3:36 pm]
Billing code 3195-01-M

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflation Price Standards; Corrections to Questions and Answers Related to Standards for Providers of Insurance

AGENCY: Council on Wage and Price Stability.

ACTION: Corrections to question and answer relating to standards for providers of insurance.

SUMMARY: In FR Doc. 80-7086 published on March 7, 1980 (45 FR 14840), the Council published Questions and Answers related to standards for providers of insurance. The Council has discovered a typographical error in Question 2 which it hereby corrects: in Question 2, change "Section 706.48(b)" to "Section 705.48(b)."

FOR FURTHER INFORMATION CONTACT: Arthur Corazzini (202) 456-7730.

Issued in Washington, D.C., March 27, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

[FR Doc. 80-10074 Filed 4-1-80; 8:45 am]
BILLING CODE 3175-01-M

6 CFR Part 706

Procedural Rules; Questions and Answers; Correction

AGENCY: Council on Wage and Price Stability.

ACTION: Correction to question and answer.

SUMMARY: In FR Doc. 80-8843 published on March 21, 1980 (45 FR 18365), the Council published Question and Answer III-C-13 concerning the self-administration of exceptions. Upon reviewing this material, the Council discovered an error, which is corrected below.

FOR FURTHER INFORMATION CONTACT: Alfred Wurglitz (202) 456-6286.

SUPPLEMENTARY INFORMATION: The correction is as follows: The phrase "a hardship exception" in the Question should read "an exception". In addition, the word "company" in the Question and Answer is corrected to read "compliance unit." As corrected, Q & A III-C-13 should read as follows:

Q13. Notwithstanding Q & A III-C-7, if a compliance unit self-administered an exception when it was not required to obtain advance approval, and it is now requested to obtain approval under amended § 706.31(a), should it seek ratification of the exception?

A. No. However, the compliance unit should notify the Council that it has self-administered an exception and maintain supporting documentation to be made available to the Council on request.

Issued in Washington, D.C., March 27, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

[FR Doc. 80-10075 Filed 4-1-80; 8:45 am]
BILLING CODE 3175-01-M

6 CFR Parts 706 and 707

Interim Final Procedural Rules and Data Requests Relating to Providers of Insurance; Corrections

AGENCY: Council on Wage and Price Stability.

ACTION: Interim Final Rule; Corrections.

SUMMARY: In FR Doc. 80-7113 published on March 7, 1980 (45 FR 14840), the Council published Interim Final Procedural Rules and Data Requests relating to providers of insurance. Upon reviewing these rules, the Council discovered several typographical errors which are corrected below:

FOR FURTHER INFORMATION CONTACT: Arthur Corazzini (202) 456-7730

SUPPLEMENTARY INFORMATION: The corrections are as follows:

1. Page 14840, in the Summary, third column, line 2: change "Sections 706.48 and 706.49" to "Sections 705.48 and 705.49".

2. Page 14841, column one, in Section 706.31(c): change "Section 706.48(b)" to "Section 705.48(b)".

3. Page 14841, column one, in Section 707.11, paragraph (a): change "705.48(a)(ii)(B)" to "705.48(a)(3)(ii)(B)".

Issued in Washington, D.C., March 27, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

[FR Doc. 80-10076 Filed 4-1-80; 8:45 am]
BILLING CODE 3175-01-M

6 CFR Parts 706 and 707

Procedural Rules and Data Requests Relating to Interim Final Pay Standard; Corrections

AGENCY: Council and Wage and Price Stability.

ACTION: Interim rules; corrections.

SUMMARY: In FR Doc. 80-8262 published on March 18, 1980 (45 FR 17125), the Council published its interim final pay standard, including amendments to its procedural rules and data requests. Upon reviewing these materials, the Council discovered several typographical errors which are corrected below.

FOR FURTHER INFORMATION CONTACT: Daniel Duff (202) 456-6210 or Jane Campana (202) 456-6210.

SUPPLEMENTARY INFORMATION: The corrections are as follows:

1. Page 17128, middle column, seven lines from the bottom, in amendatory language change "Section 706.24" to "Section 706.26".

2. Page 17128, middle column, five lines from the bottom, change "Section 706.24" to "Section 706.26".

3. Page 17128, third column, Section 706.32, change "Sections 705.13" to "Sections 705.18".

4. Page 17129, first column, ninth line from the top, change "intra-firm inequities" to "inter-firm inequities".

Issued in Washington, D.C., March 27, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

[FR Doc. 80-10077 Filed 4-1-80; 8:45 am]
BILLING CODE 3175-01-M

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Delegations of Authority by the Secretary of Agriculture and General Officers of the Department; Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority for the Secretary and general officers to reflect a transfer of certain personnel functions from the Director of Personnel to the Director, Office of Operations and Finance. This change will improve the responsiveness of management services needs to all the organizations serviced by the Personnel Division, Office of Operations and Finance.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Richard T. Certo, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3937.

Accordingly, 7 CFR Part 2 is amended as follows:

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

1. Section 2.75 is amended by adding paragraph (a)(19) as follows:

§ 2.75 Director, Office of Operations and Finance.

(a) *Delegations.* * * *

(19) Provide personnel services, as listed in 2.25(e)(10), and organizational support services, with authority to take actions required by law or regulation for:

(i) The Office of Governmental and Public Affairs;

(ii) The Office of the General Counsel;

(iii) The Office of Budget, Planning and Evaluation; and

(iv) The offices and agencies reporting to the Assistant Secretary for Administration.

2. Section 2.78 is amended by revising paragraph (a)(13) as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* * * *

(13) Provide personnel services, as listed in 2.78(a)(10), and organizational support services, with authority to take actions required by law or regulation for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department, except for:

(A) The Assistant Secretary for Governmental and Public Affairs,

(B) The General Counsel,

(C) The Director of Science and Education, and

(D) The Inspector General; and

(iii) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department not included in paragraph (a)(13)(i) thru (iv) of this section.

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: March 27, 1980.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 80-10011 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-01-M

7 CFR Part 2

Delegations of Authority by the Secretary of Agriculture and General Officers of the Department; Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority in the area of departmental personnel actions. The changes give agency personnel offices increased authority to handle internal personnel matters.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Ernest Toth, Office of Personnel, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6104.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.25 is amended by revoking and reserving paragraphs (e)(9)(xv) and (e)(9)(xix) and revising paragraph (e)(9)(xiv) as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(e) *Related to personnel* * * *

(9) * * *

(xiv) Authorize all employment actions (except nondisciplinary separations and LWOP) and classification actions for GS–16–18 and equivalent positions including Senior Executive Service positions and special authority professional and scientific positions responsible for carrying out research and development functions.

(xv) [Revoked and reserved]

* * * * *

(xix) [Revoked and reserved]

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subpart C:

Dated: March 28, 1980.

Bob Bergland,

Secretary of Agriculture.

For Subpart J:

Dated: March 28, 1980.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 80-10012 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 299

Service Forms; Current Edition Dates and Purchase Information

Correction

In FR Doc. 80–2831 appearing on page 6776 in the issue of Wednesday, January 30, 1980, make the following correction:

On page 6777, in the third column, the first line, the Section heading "**§ 299.2 Lawful admission for permanent residence**" should read "**§ 299.2 Distribution of Service forms.**"

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 8]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is delegating authority to District Directors to authorize acceptance of disaster loan applications after the expiration of a disaster declaration. This change is intended to ensure the most effective, prompt delivery of the disaster program service.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Lee Waugh, Paperwork Management Branch, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416. Telephone (202) 653–6399.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. Accordingly, pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101 Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

§ 101.3–2 [Amended]

Section 101.3–2 is amended by adding paragraph (b) to Part II, Section A, 6.

Part II—Disaster Program * * *

Section A—Disaster Loan Authority

* * * * *

6. *Late filing.* To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Regional Administrator

b. District Director

* * * * *

Dated: March 25, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-9981 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 309

Scope of the Nonrelocation Prohibition

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Interim rule.

SUMMARY: This amendment makes a minor revision to the regulation which sets forth the statutory prohibition against extending assistance to establishments relocating from one area to another. As set forth in the current regulation, EDA has interpreted the statutory prohibition to prevent EDA from assisting establishments in the highly mobile and intensely competitive industries, such as the apparel and garment trades within the textile industry. Since Congress has recently indicated that EDA's interpretation is unnecessarily restrictive, this interim rule deletes that provision of the regulation which categorically prohibits EDA from assisting establishments in the apparel and garment trades.

DATES: Effective date: April 2, 1980. Comments by: June 2, 1980.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: James F. Marten, Assistant Chief Counsel for Field Operations, 202–377–5441.

SUPPLEMENTARY INFORMATION: The Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*) (PWEDA), authorizes EDA to provide assistance for projects which will create or retain employment opportunities in economically distressed areas. Types of assistance which EDA may extend include public works grants to public and quasi-public bodies, loans and guarantees to private enterprises, and grants for planning and technical assistance. In order to ensure that the EDA assistance creates or retains jobs in a distressed area and does not result in merely transferring jobs from one area to another, section 202(b)(1) of PWEDA prohibits EDA from extending any assistance which would aid establishments in relocating from one area to another.

Section 309.3 of EDA's regulations (13 CFR 309.3) implements the nonrelocation prohibition of section 202(b)(1) of PWEDA. Subsection (f) of § 309.3 states that EDA will not extend financial assistance for programs, projects, facilities, or purchases which will be used by or for "highly mobile, intensely competitive industries, such as the apparel or garment trades within the textile industry." Because of the requirement of § 309.3(f), any project involving the garment or apparel trades is ineligible for consideration for funding. With respect to other types of projects, involving other types of establishments, EDA determines whether the project will comply with section 202(b)(1) of PWEDA on a case-by-case basis.

Congress has recently indicated that EDA's interpretation of the nonrelocation prohibition is overbroad, at least insofar as it makes projects involving the apparel and garment trades ineligible for funding simply because they involve those trades. The Chairman of the House Committee on Public Works and Transportation has requested EDA to delete this categorical prohibition of any assistance which would aid the apparel and garment trades. The Chairman of the House Subcommittee on Economic Development also noted during the debate regarding amendments to PWEDA that EDA's interpretation is no longer necessary (Cong. Rec. H 10673, November 14, 1979). The Chairman of the Subcommittee requested EDA to review projects involving the apparel and garment trades in the same manner as other projects in order that EDA may retain the flexibility provided by PWEDA to fund projects which will save or generate jobs in economically distressed areas.

This interim rule deletes subsection (f) of § 309.3 for the reasons noted above. As a result of this deletion, projects involving the apparel and garment trades will no longer be categorically ineligible for assistance. Proposals involving such projects will be considered for funding in a manner similar to that for any other proposal. EDA will henceforth determine whether such projects violate the nonrelocation prohibition of section 202(b)(1) of PWEDA on a case-by-case basis.

EDA has reviewed this revision of § 309.3 with respect to the requirements of Executive Order 12044 regarding improving government regulations. Under the criteria of that order for determining the "significance" of a regulation, EDA has determined that this rule is not "significant" for the following reasons:

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1. This rule does not involve a major policy issue;

2. This rule is not anticipated to be of great public interest or a matter of controversy inasfar as it will affect only a very small number of projects and provides only that certain projects will not be categorically denied;

3. This rule will not affect many businesses or other organizations;

4. The rule does not otherwise meet the criteria for determining the "significance" of regulations.

For these reasons, this regulation is not a "significant regulation" and is not subject to the procedural requirements imposed on issuing significant regulations. EDA is publishing this rule in interim form in order to provide interested organizations and individuals an opportunity to comment on the regulation. EDA will not publish the rule in final for at least 60 days and encourages interested organizations and individuals to comment in writing to the Assistant Secretary at the above address.

Accordingly, EDA amends 13 CFR 309.3 by deleting paragraph (f):

§ 309.3 Nonrelocation.

* * * * *

(f) [Deleted]

* * * * *

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended))

Dated: March 27, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-9982 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-24-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR–166; Amdt. No. 99]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Releasing Audits to Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Director, Bureau of Carrier Accounts and Audits, the authority to release audit reports to the respective carriers in order to obtain a more complete record supporting financial evaluations.

DATES: Adopted: March 14, 1980. Effective: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5270.

SUPPLEMENTARY INFORMATION: Eligible cities are guaranteed essential air transportation by section 419 of the Federal Aviation Act of 1958, which was added by the Airline Deregulation Act of 1978, Pub. L. 95–504. When an air carrier decides to terminate, suspend, or reduce air transportation to an eligible point below the level of essential air transportation established by the Board, the Board must find a reliable replacement carrier to provide essential air service there.

In order to determine if potential replacement carriers are fit to provide essential air service, the Board's Bureau of Carrier Accounts and Audits conducts the audit necessary to evaluate the financial aspects of their operations. The Board relies on these audits in selecting carriers to provide essential air service and in determining what, if any, compensation the designated carrier should receive for its services.

The Board also relies on carrier audits in other proceedings, including certification and enforcement cases. The Bureau of Carrier Accounts and Audits routinely reviews carriers' financial conditions in these proceedings.

We have decided that we can obtain a more complete record supporting the financial evaluations by allowing carriers to review their audits and to respond to them. This process would enable carriers to cite any factual errors and to challenge our conclusions on their fitness if they disagree with them.

In order to accomplish this process as expeditiously as possible, we are delegating to the Director, Bureau of Carrier Accounts and Audits, the authority to release financial audit reports and selected data to carriers for their review. This delegation does not obligate the Director to release financial audits or other information in all cases but merely gives him discretion to do so. The Bureau may send a copy of a carrier's audit report to the carrier as soon after the completion of the audit as possible. The carrier will be given a brief period to respond to the report.

Since this is a rule of agency procedure and practice, the Board finds that notice and comment are unnecessary and that it may be effective immediately.

Accordingly, the Civil Aeronautics Board adds a new paragraph (i) to section 385.17 of 14 CFR Part 385, *Delegations and Review of Action Under Delegation, Nonhearing Matters,* to read:

§ 385.17 Delegation to the Director, Bureau of Carrier Accounts and Audits.

The Board Delegates to the Director, Bureau of Carrier Accounts and Audits, the authority to:

* * * * *

(i) Release to the carrier that is the subject of a financial audit the audit report and other information developed during the audit.

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324(note))

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10002 Filed 4-1-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 379, 385, and 399

Controls on the Export to the U.S.S.R. of Goods and Technology for Use Related to the 1980 Summer Olympics, and on Related Payments and Transactions

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim rule.

SUMMARY: These regulations establish a validated licensing requirement for the export to the U.S.S.R. of goods or technology by any person subject to the jurisdiction of the United States, (except for medicine and medical supplies) for any use directly in preparation for, in conduct of, in support of, or visually indentified with the 1980 Olympic Games scheduled to commence in Moscow on July 19, 1980. These regulations also prohibit payments or transactions which are in any way related to arrangements involving or requiring such exports, where such payments or transactions could provide financial support for such games. These actions will prohibit such exports, payments, and transactions in accordance with the President's decision that the United States will not participate in the 1980 Summer Olympic Games. This action is taken under the authority of Sections 6 and 15 of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*) (the Act) to further U.S. foreign policy.

DATES: These rules are effective 12:01 a.m. EST, March 28, 1980. Comments must be received by the Department of COB May 27, 1980. However, these regulations may be revised before the close of the comment period.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTAL INFORMATION: On March 28, 1980, the President issued the following directive to the Secretary of Commerce:

By the authority vested in me as President by the Constitution and statutes of the United States, including the Export Administration Act of 1979, 50 U.S.C.A. app. sec. 2401 *et seq.*, and for the purpose of carrying out my decision against any United States participation in or aid to the 1980 Summer Olympic Games in Moscow, I hereby direct the Secretary of Commerce, by appropriate regulations and to the extent he deems appropriate to carry out the purposes of this directive, to prohibit the export to the U.S.S.R. directly or indirectly of any goods or technology by any person subject to the jurisdiction of the United States which are in connection with such Games, and to prohibit payments or transactions which are in any way related to arrangements involving or requiring such exports, where such payments or transactions could provide financial support for such Games. I am taking this action in the foreign policy interests of the United States, and I hereby determine in accordance with the Export Administration Act of 1979 that the absence of the export controls imposed by this Order would be detrimental to the foreign policy interests of the United States and that reasonable efforts have been made to achieve the purposes of such controls through alternative means.

All powers and authorities conferred upon me by the Export Administration Act of 1979 to impose foreign policy controls are hereby delegated to the Secretary of Commerce or any person, agency or instrumentality designated by him to carry out the purposes of this directive.

In carrying out his functions and responsibilities under this Order, the Secretary of Commerce shall consult, as appropriate, with other government agencies and private persons.

This issuance reflects the directives contained in the President's memorandum.

Regulatory Changes

Effective 12:01 a.m. EST, March 28, 1980, a validated license shall be required for the export to the U.S.S.R. of any goods or technology by any person subject to the jurisdiction of the United States (except medicines or medical supplies), for any use related to the 1980 Summer Olympic Games scheduled to commence in Moscow on July 19, 1980. The term "any use related to" means any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympics in Moscow. For purposes of these restrictions the term "person subject to the jurisdiction of the United States" means (i) any individual who is a citizen or resident of the United States, wherever located, (ii) any partnership, corporation, company, association or other entity organized under the laws of the United States or any jurisdiction therein, and (iii) any permanent establishment in the United States of any foreign partnership, organization, company, association or other entity. A person subject to the jurisdiction of the United States who actually authorizes, arranges, directs or actually participates in the authorization, arrangement or direction of a particular export transaction may be considered to have performed that transaction, but no person will be deemed to have so participated solely by reason of having an ownership or financial interest in or position with another person.

Circumstances which may provide reason to know that goods or technology are for a use related to the 1980 Summer Olympics in Moscow include the indentity of the ordering entity, delivery timing, special product markings or features and quantities.

Goods and technology will not be deemed to be for a use related to the Olympics simply because in the course of its ordinary use it is reasonable to expect that there also will be some incidental use associated with the Olympics.

This rule announces the Department's general policy to deny all applications for licenses to export or requests for authorization to reexport such goods or technology to the U.S.S.R. and to disapprove all related payments and transactions.

Saving Clause

Shipments of goods and technology that are removed from General License by this rule that were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 12:01 A.M. EST, March 28, 1980, may be exported under General License. All such shipments for export which have not actually departed the United States as of 12:01 A.M. EST, March 30, 1980, will require a validated license. This saving clause does not apply to related payments or transactions.

Rulemaking Requirements

Section 13(a) of the Act exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedures Act. Because they relate to a foreign affairs function of the United States, it has also been determined that these regulations are not subject to the Department of Commerce Administrative Order 218–7 (44 FR 2082, January 9, 1979) and the Industry and Trade Administration, Administrative Instruction 1–6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations."

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. Under section 9.06 of Administrative Order 218–7 the Department is required to provide a comment period of at least sixty days. However, these regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close on May 27, 1980. No comments received after the close of the comment period will be accepted or considered by the Department in the development of final regulations which may be issued. Business data which any party desires to submit in confidence shall be submitted on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that the information is exempted from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. Any request for confidential treatment must be accompanied at the time of filing by a statement justifying nondisclosure and referring to the specific legal authority claimed. However, the Office of Export Administration may refuse to accept as "confidential" any information which, in its discretion, it deems is not intended to be protected under the law. Any information which the Office of Export Administration refuses to accept as "confidential" and returns to the commenter may be submitted as

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nonconfidential, or may be withdrawn and will not be considered.

All public comments to be considered in any revision to these regulations, except those submitted on a confidential basis as described above, will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Enforcement

Exporters are reminded that any action taken by any person with regard to an export and any related payment or transaction subject to the Export Administration Regulations with the knowledge that a violation has occurred, is about to occur, or is intended to occur is prohibited by the Regulations (15 CFR 387.4). Thus, an unauthorized shipment of commodities or technical data, or any payment or transaction related thereto, made by a person who knew or should have known that such commodities, data, payments, or transactions would be in connection with the 1980 Summer Olympics would constitute a violation of the provisions of these regulations.

Furthermore, exporters are placed on notice that pursuant to § 379.1(g) of the Export Administration Regulations the export of technical data includes circumstances where personal knowledge or technical experience acquired in the United States is applied to situations abroad.

Exporters are further placed on notice that any violations of the regulations announced herein will be subject to the civil, criminal and administrative penalties authorized by Section 11 of the Export Administration Act of 1979 and the provisions of Section 387 of the Export Administration Regulations. Such sanctions may include suspension of export privileges, fines up to 5 times the value of the export or $100,000, whichever is greater, imprisonment for not more than 10 years, or all three.

Accordingly, the Export Administration Regulations (15 CFR Part 368 *et seq.*) are amended as follows:

PART 371—GENERAL LICENSES

1. Section 371.2 is amended by deleting the word "or" at the end of paragraph (c)(11), replacing the period at the end of paragraph (c)(12) with a semicolon followed by the word "or" and adding a new paragraph (c)(13) to read as follows:

§ 371.2 General provisions.

* * * * *

(c) * * *

(13) The exporter knows or has reason to know that the commodities (except medicines and medical supplies) are for use, direct or indirect, in preparations for, conduct of or in any way associated with the 1980 Moscow Summer Olympic Games, including commodities used for purposes of servicing any of the above, unless authorized under the provisions of General Licenses Baggage, Ship Stores, Plane Stores, Crew, GUS, GTF–US, GIFT, GATS, GTDA, or GIT.

* * * * *

PART 374—TECHNICAL DATA

2. Section 379.4 is amended by adding a new paragraph (g) to read as follows:

§ 379.4 General license GTDR: technical data under restriction.

* * * * *

(g) *Restrictions applicable to 1980 Summer Olympics in the U.S.S.R.* No technical data may be exported or reexported to the U.S.S:R. under this General License GTDR where the exporter or reexporter knows or has reason to know that the data for use, directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Moscow Summer Olympic Games.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

3. Section 385.2 is amended by adding a new paragraph (d) to read as follows:

§ 385.2 Country Groups Q, W, and Y; U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

* * * * *

(d)(1) In order to further significantly U.S. foreign policy interests, a validated license or reexport authorization is required for the export or reexport of any commodities and technical data exported or reexported by a person subject to the jurisdiction of the United States, where the exporter or reexporter knows or has reason to know that any goods or technology are exported for any use, direct or indirect, in preparation for, in conduct of, or in any other way related to the 1980 Summer Olympic Games scheduled to commence in Moscow on July 19, 1980, (See §§ 71.2 and 379.4.) Any reference in these Regulations to the 1980 Summer Olympic Games in Moscow shall be deemed to include any other international athletic event in the U.S.S.R. held without International Olympic Committee sanction which purports to be the 1980 Summer Olympic Games or a substitute for them. This foreign policy control is also applicable to commodities and technology subject to controls for national security reasons if they are associated with the 1980 Summer Olympics. It shall be the policy of the Department of Commerce to permit no such export which is significant in terms of its contribution to the success of or symbolism associated with the 1980 Moscow Summer Olympic Games.

(2) Except as licensed under this part, any direct or indirect payment or transaction involving any persons subject to the jurisdiction of the United States, pursuant to a contract, agreement or understanding with, or for the benefit of or on behalf of, the Soviet Union, any Soviet national or any other person or body within the Soviet Union, is prohibited if such payment or transaction is consideration for any acquisition of commercial or proprietary rights concerning the 1980 Moscow Olympics and if the acquisition or exploitation of such rights involves the export of goods or technology to the Soviet Union by a person subject to the jurisdiction of the United States. The policy of the Department of Commerce is to deny any license hereunder with respect to such contracts, including contracts relating to television broadcasting rights.

(3) For the purpose of this § 385.2(d) only, the term "person subject to the jurisdiction of the United States" includes: (i) Any individual who is a citizen or resident of the United States, (ii) any partnership, corporation, company, association or other entity organized under the laws of the United States or any jurisdiction therein, and (iii) any permanent establishment in the United States of any foreign partnership, organization, company, association or other entity. A person subject to the jurisdiction of the United States who actually authorizes, arranges, directs or actually participates in the authorization, arrangement or direction of a particular export transaction may be considered to have performed that transaction, but no person will be deemed to have so participated solely by reason of having an ownership or financial interest in or position with another person.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

4. The Commodity Control List, incorporated by reference at 15 CFR 399.1, is revised by adding a footnote to entries 6099G, 6199G, 6299G, 6399G, 5460F, 6460F, 6490F, 6499G, 6599G, 6699G, 6799G, 6899G, 6998F, and 6999G to indicate that commodities (except medicines and medical supplies) otherwise eligible for export to the U.S.S.R. under General License G–DEST (See Part 371) will require a validated license if the exporter or reexporter knows or has reason to know they are for any use, directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games scheduled to commence in Moscow on July 19, 1980.

Footnote: A validated license is also required for export or reexport to the U.S.S.R. if the exporter knows or has reason to know the commodity is for any use directly in preparation for, in conduct of, in support of, or visually identified with the 1980 Summer Olympic Games scheduled to commence in Moscow on July 19, 1980. These commodities are subject to controls under the authority of the foreign policy provisions contained in Section 6 of the Export Administration Act of 1979. This commodity control list entry as well as the other entries in this Group are subject to controls on the basis of the above criteria.

Drafting Information:

The principal authors of these rules are Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration (FTS 377–4159 or (202) 377–4159) and Philip L. Ray, Jr., Attorney-Advisor, Office of the Assistant General Counsel for International Trade (FTS 377–5128 or (202) 377–5128).

(Sec. 4(e), 5, 6, 13, 15, and 21, Pub. L. 96–72 to be codified at 50 U.S.C. app. 2401 et seq., Department Organization Order 10–3, dated January 3, 1980, 45 FR 6141 (January 25, 1980); Department Organization Order 41–1, effective January 30, 1980, 45 FR 11862 (February 22, 1980))

Dated: March 28, 1980.

Abraham Katz,

Acting Under Secretary for International Trade.

[FR Doc. 80–10009 Filed 3–28–80; 5:07 pm]

BILLING CODE 3510–25–M

15 CFR Part 377

Licensing of Exports of Unprocessed Western Red Cedar

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim Rule with Invitation to Comment.

SUMMARY: These regulations establish a validated licensing requirement for the export of unprocessed western red cedar and make exports of these commodities when harvested from state or federal lands, other than in Alaska, subject to quota restrictions, as required by section 7(i) of the Export Administration Act of 1979. The regulations further establish a procedure for applying to participate in the allocation of the statutory quotas and prescribe the documentation which must accompany a license application.

DATES: These rules are effective March 28, 1980, but may be further revised after comments are received. Comments must be received by the Department by June 2, 1980.

ADDRESS: Written comments (three copies) should be sent to: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT:

Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044 (202) 377–3984.

SUPPLEMENTARY INFORMATION:

I. Statutory Provisions

Section 7(i) of the Export Administration Act of 1979 (Pub. L. 96–72 to be codified at 50 U.S.C. App. 2401 et seq.) provides as follows:

(i) Unprocessed Red Cedar.—(1) The Secretary shall require a validated license, under the authority contained in subsection (a) of this section, for the export of unprocessed western red cedar (Thuja plicata) logs, harvested from State or Federal lands. The Secretary shall impose quantitative restrictions upon the export of unprocessed western red cedar logs during the 3-year period beginning on the effective date of this Act as follows:

(A) Not more than thirty million board feet scribner of such logs may be exported during the first year of such 3-year period.

(B) Not more than fifteen million board feet scribner of such logs may be exported during the second year of such period.

(C) Not more than five million board feet scribner of such logs may be exported during the third year of such period.

After the end of such 3-year period, no unprocessed western red cedar logs may be exported from the United States.

(2) The Secretary shall allocate export licenses to exporters pursuant to this subsection on the basis of a prior history of exportation by such exporters and such other factors as the Secretary considers necessary and appropriate to minimize any hardship to the producers of western red cedar and to further the foreign policy of the United States.

(3) Unprocessed western red cedar logs shall not be considered an agricultural commodity for purposes of subsection (g) of this section.

(4) As used in this subsection, the term "unprocessed western red cedar" means red cedar timber which has not been processed into—

(A) Lumber without wane;

(B) Chips, pulp, and pulp products;

(C) Veneer and plywood;

(D) Poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; or

(E) Shakes and shingles.

Section 308 of the Department of Interior Appropriations Act for 1980 (Pub. L. 96–126) provides as follows:

Notwithstanding the provisions of any other law the State of Alaska is exempted from application of provisions of section 7(i) of the Export Administration Act of 1979 (Public Law 96–72).

II. Comments in Response to Notice of Proposed Rulemaking

By notice published in the **Federal Register** on October 22, 1979 (44 FR 60753) the Department provided advance notice of rulemaking and requested public comments by November 9, 1979 to assist the Department in developing and promulgating regulations to implement section 7(i).

Fourteen comments were received in response to the advance notice of rulemaking and request for comments. In addition, five comments on Section

7(i) of the Export Administration Act of 1979 were received prior to publication of that notice. Discussion of these latter comments is included in the review below of all major comments received. Those comments which revealed a misunderstanding or misinterpretation of certain of the provisions of Section 7(i), and those which raised issues not germane to or outside the scope of the invitation to comment are excluded from the following discussion. However, all comments received are available for public inspection. Where practicable either specific suggestions contained in the comments or the substance of those comments have been incorporated in the regulations. The principal comments received, including those which have been accepted in whole or in part by the Department, are discussed below.

(1) Treatment of Prior Contracts. Nine commentors expressed the view that western red cedar, including stumpage for future harvesting, which was subject to a harvesting contract entered into prior to the October 1, 1979 effective date of the statute, should be exempt from the provisions of Section 7(i) and permitted to be freely exported. The Department is of the opinion that there is no authority contained in the statute which would permit contracts entered into prior to the effective date of the statute to be excluded from the restrictions imposed on exports by Section 7(i). The language of the statute clearly requires the Secretary to impose a validated licensing requirement on the export of unprocessed western red cedar harvested from state or federal lands, and requires that the quantitative restrictions placed upon the exports begin "on the effective date of the Act." An interpretation which would allow for timber purchased prior to the effective date of the statute to be excluded from the quantitative restrictions if not exported until after the statute's effective date would circumvent what the Department believes to be the clear statutory language disallowing such a practice.

Two commentors recommended that the quotas be distributed either solely or first to persons who had made pre-October 1 purchases. This suggestion was accepted in part by the Department and provisions for allocating a portion of the quotas to pre-October 1 purchasers of either unprocessed western red cedar logs or stumpage have been incorporated in the regulations.

One commentor proposed that compensation be paid to those persons who had entered into pre-October 1 contracts and who suffer financial losses as a result of the regulations implementing Section 7(i). This suggestion cannot be accepted since the statute does not authorize such compensation and the Department has no funds available for this purpose.

(2) Base Period. One commentor suggested that the base period for allocating quotas to historical exporters should be the last year prior to the effective date of the statute: i.e., October 1978–September 1979, while a second commentor recommended that the years 1976–1979 be used as the historical base period. The regulations provide for an April 1, 1978–September 30, 1979 base period which has been determined to be the most representative base period.

(3) Allocation and Use of Quotas. Several commentors suggested that the quotas should be distributed among the states and/or federal agencies which sell timber affected by the quotas, either on the basis of relative proportion of total unprocessed western red cedar sales or exports from lands administered by those entities, and that administration of the statutory provisions either be delegated to those agencies or that the agencies be authorized to designate, in future timber sales, the quantities of western red cedar eligible for export. These suggestions could not be accepted by the Department, which is required under section 7(i) to regulate exports of unprocessed western red cedar and to do so through validated licenses.

Three commentors suggested that quotas should be freely transferable and one recommended that licenses be issued to timber owners not exporters. While the regulations which follow do not incorporate either of these suggestions as made, they do provide for a degree of flexibility in the use of quotas by permitting quota holders to transfer their quotas with the sale of unprocessed western red cedar. Furthermore, the regulations provide for the allocation of quota shares to those persons who owned inventories of unprocessed western red cedar on October 1, 1979. (See "Eligibility for Quota Allocation" below.)

Other commentors suggested the allocation of annual quotas, while one recommended that an identical percentage share of the annual quotas be allocated to the same person in each of the three years for which statutory quotas have been established. The Department does not consider that it would be equitable to automatically carry over to subsequent quota periods whatever percentages are found to be appropriate for the first quota period. As previously noted, the regulations provide for the allocation of quotas to several categories of applicants and the basic facts applicable to these different categories may vary significantly from year to year. Accordingly this suggestion was not accepted.

One commentor proposed that allocations based on historic export levels be verified by comparison with Shipper's Export Declarations. In appropriate cases the Department plans to do this.

(4) Eligibility for Quota Allocation. Evidently addressing the questions of eligibility to participate in the quotas, one commentor suggested that either the state timber sale purchasers or the federal and state agencies making the sales should be considered the "exporters of record." Another commentor recommended that the "Japanese trading companies" should not be considered exporters and should not be granted export licenses. In the absence of special circumstances, the Department has long considered the "exporter of record" to be that person who is responsible for sending the commodities outside of the United States and who is shown as the exporter on the Shipper's Export Declaration. It sees no basis for excluding the "exporter of record" from quota participation. The statute provides that quotas be allocated "on the basis of a prior history of exportation . . . and such other factors as the Secretary considers necessary and appropriate to minimize any hardship to the producers of western red cedar." Accordingly the regulations have been drafted so as to permit appropriate consideration in the allocation of quotas to those persons who, as of October 1, 1979, held inventories of unprocessed western red cedar of state or federal land origin which was destined for export, to those persons who had contractual obligations to harvest western red cedar from state or federal lands as of October 1, as well as to the historical exporters (i.e., exporters of record).

(5) Hardship Cases. One commentor suggested a minimum hardship quota of 500,000 board feet be allocated for those persons who purchased logs subject to the quota prior to October 1. The substance of this comment has been accepted by providing for participation in the statutory quotas both by persons who, as of October 1, 1979, held inventories of unprocessed western red cedar and by persons who experience a unique hardship as a result of these regulations.

(6) Lumber Without Wane. Six commentors suggested that the term "lumber without wane" be interpreted so as to adopt current lumber grading standards, which allow limited amounts of wane, arguing that to produce lumber totally devoid of wane would substantially reduce the volume and value of products produced from a cedar log. In view of the specific language contained in the statute, the Department has concluded that such an interpretation cannot be sustained and this recommendation has accordingly not been accepted. Were this interpretation to be accepted, the statutory provision would not change the specifications of lumber originating from certain state and federal lands which has heretofore been permitted to be exported. Thus the phrase "lumber without wane" would be without meaning and would not give full effect to the purposes for which Section 7(i) was enacted.

(7) Alaska. Two commentors suggested that Alaskan western red cedar be exempted from the provisions of section 7(i). As previously noted, this has been done by legislation. Another commentor recommended that, if cants are not considered to constitute primary manufacture, they then be included as part of Alaska's historical export level. Unless cants have been processed to eliminate all wane, they would be classifiable as unprocessed western red cedar and, if produced from logs harvested on state or federal lands as defined in the regulations, they would be subject to the export quotas.

(8) Miscellaneous. One commentor suggested that in implementing the statute, the Department adopt, where practicable, the Forest Service rules with regard to exports. Another recommended that western red cedar from private lands be exempted from the regulations. The Department does not consider either of these proposals to be practicable and did not adopt them. Unlike the Forest Service rules, the statutory provision contains no exceptions for low value sales, for timber declared "surplus," or for certain dimensions of partially processed lumber whether or not it contains wane. Moreover, Section 7(i) requires exports to be authorized by means of validated licenses, thus presupposing controls at the point of export, under the Export Administration Regulations, rather than at the point of harvest. Finally, the Department believes that validated licensing, without quantitative restriction, of western red cedar harvested from private lands is necessary for the effective administration of the statutory quotas applicable to western red cedar harvested from state or federal lands and to guard against circumvention of the quota restrictions either directly or through "substitution."

One commentor suggested that the regulations require that western red cedar from state or federal lands be kept physically segregated from point of harvest to point of export. The Department has not adopted this suggestion as a mandatory requirement, believing that it might be burdensome on some harvesters and exporters. Nevertheless, while the regulations promulgated herewith do not mandate such physical segregation they may, in fact, encourage it as a means of facilitating compliance with the documentation requirements.

Another commentor recommended a two to three month grace period following publication of the regulations before they enter into effect. In view of the fact that section 7(i) became effective on October 1, the Department believes that a grace period at this time could not be justified. However, a saving clause in this issuance defers the validated licensing requirement for a seven day period after publication, and provides another seven days to complete the export of commodities which were in process of being exported seven days following publication.

One commentor suggested that the exporter not be required to determine the origin of logs going into export while another suggested that the Department not attempt to trace the origin of such logs. In view of the fact that the statutory quotas apply to unprocessed western red cedar harvested from state or federal lands only, the Department must establish the origin of such commodities destined for export in order effectively and equitably to administer the statute. The suggestions were accordingly not accepted.

All comments considered in the development of these regulations are available for public inspection and copying in the Department's Freedom of Information Records Inspection Facility, as discussed below.

In addition to inviting public comments, to assist in the development of the regulations which follow, the Department also sent the Director of the Office of Export Administration's Short Supply Division and the Deputy Assistant General Counsel for Domestic Commerce on a fact finding mission to the States of Washington, Oregon, and Alaska. During the period October 17 through October 29 they met with representative industry groups and with appropriate state and federal agencies in Seattle, Tacoma, Aberdeen, Portland, Salem, and Juneau. A list of these meetings is also available for public inspection and copying in the Department's Freedom of Information Records Inspection Facility. Information developed during this fact finding mission together with the public comments received were utilized in developing these regulations.

III. Rulemaking Procedures and Further Invitation to Comment

The promulgation of these regulations is exempt from Administrative Procedure Act rulemaking procedures. Furthermore, it has been determined that the regulations are not subject to the provisions of Department of Commerce Administrative Order 218–7 (44 FR 2082 et seq., January 9, 1979) and Industry and Trade Administration Administrative Instruction 1–6 (44 FR 2093 et seq., January 9, 1979), which implement Executive Order 12044 (43 FR 12661 et seq., March 23, 1978), "Improving Government Regulations." Pursuant to section 2.02(e) of Administrative Order 218–7 and section 2.02(e) of Industry and Trade Administration Instruction 1–6, regulations issued in response to short term statutory deadlines are exempted from these provisions. Because the Act provided no grace period after its effective date for the implementation of the relevant provisions of section 7, it has been determined that the foregoing exemption applies to these regulations.

However, because of the importance and complexity of the issues involved, written comments on the regulations announced herein are invited to assist the Department in developing and promulgating final regulations. Interested persons are encouraged to submit written comments, views, or data concerning these interim regulations at the earliest practicable date and, in no event later than 5 p.m., EST June 2, 1980. Comments received after that time will not be considered and will be returned to the applicant. Public comments which are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations.

All public comments to be considered in the development of the final regulations will be a matter of public record and will be available for public inspection and copying. This procedure does not, however, apply to communications from agencies or officials of the United States or from foreign governments. Written comments concerning these interim regulations

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should be submitted in triplicate by June 25, 1980 and should be addressed to:

Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

The public record concerning these regulations will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012 Main Building, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information regarding the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202/377-3031.

IV. Description of the Regulations

(a) General Description. The regulations which follow establish a validated licensing system applicable to *all* exports from the United States of western red cedar logs, timber and rough, dressed or worked lumber which still contains wane, without regard to whether these commodities were produced from private, Indian, federal or state lands, including such lands in the State of Alaska. The term state or federal lands, as defined in these regulations, excludes both Indian lands and lands in the State of Alaska. Applicants for validated licenses who establish to the satisfaction of the Office of Export Administration that the commodities to be exported were not harvested from, or produced from commodities harvested from, state or federal lands and that they did not become available for export as a result of substitution or western red cedar commodities so harvested or produced, and who otherwise meet the documentation requirements, will be issued licenses without quantitative restriction. All other applications will be subject to the statutory quotas.

(b) Reporting of Exports Made Since October 1, 1979. Each person, whether or not an applicant for a quota allocation or an export license, who exported unprocessed western red cedar commodities as defined in the regulations between October 1, 1979 and April 16, 1980 is required to report such exports to the Office of Export Administration and, where applicable, to submit documentation establishing (1) those quantities of the exported commodities which were not harvested from, or produced from logs or timber harvested from, state or federal lands, and (2) that the exported commodities did not become available for export through substitution (as defined in the regulations) of commodities produced from state or federal lands. These reports will be compared with copies of Shipper's Export Declarations obtained directly from the Census Bureau. All quantities of the covered commodities exported during this period, which are not clearly shown to be excludable from the statutory quota, will be aggregated and deducted from the overall statutory quota of 30 million board feet scribner which became effective October 1, 1979. The remaining quota will be allocated among persons applying for a quota share.

(c) Categories of Quota Holders. Four different categories of applicants for quota shares are allowed: (1) Historical exporters applying on the basis of a past history of exports; (2) Persons who owned inventories of unprocessed western red cedar commodities destined for export as of October 1, 1979; (3) Persons who, as of October 1, 1979, were contractually obligated to harvest from state or federal lands, western red cedar intended for export in unprocessed form; and (4) Persons who are able to demonstrate that they are experiencing a unique hardship or exceptional circumstances which were caused by these regulations and for which the only practicable relief is the granting of an export quota. The regulations prescribe the documentation to be submitted by persons applying for a quota share under each of these categories.

(d) Allocation of Quotas. After reviewing all applications for a quota share, the Office of Export Administration will determine the share of the statutory quota, less quantities subject to quota which have already been exported, to be allocated to each of the four categories. Following this initial allocation, successful applicants within each of the first three categories will be allocated a proportionate share of the total for that category. Allocations under the hardship and exceptions category will only be made after a review of each application and a determination of the merits of the application. Quota shares will be allocated without limitation as to country of destination or a particular unprocessed western red cedar commodity, and applications for licenses chargeable to such quota shares will be considered for any of the commodities listed in Supplement No. 4 to Part 377, and for any destination other than one to which exports are restricted for foreign policy reasons as set forth in Part 385 of the Export Administration Regulations. The initial quota shares will be allocated for the period October 1, 1979–September 30, 1980. Subsequent allocations will be made for each of the two following fiscal years. All quantities of unprocessed western red cedar commodities exported since October 1 by a person receiving a quota share will be deducted from that person's quota share(s) before any licenses to be charged to that quota share are issued.

(e) Applications for Validated Licenses. An applicant for a validated license must submit (1) an affidavit establishing whether the unprocessed western red cedar commodities to be exported were harvested from state or federal lands or became available for export by substitution of commodities harvested from such state or federal lands, and (2) a certificate of inspection issued by a recognized log scaling and grading bureau specifying the quantity and each different brand, tag and/or paint marking appearing on any log in the export consignment or on those logs from which the commodities in the export shipment were produced. If the commodities to be exported were not harvested or produced from commodities harvested on state or federal lands and did not become available for export through substitution of commodities so harvested or produced, the applicant must submit an affidavit to that effect. If, on the other hand, the commodities to be exported were harvested from state or federal lands, were produced from commodities so harvested, or became available for export through substitution of such commodities, the applicant must submit a letter from a person holding a quota share, who is either the applicant himself or a person who now holds or previously held title to the particular commodities to be exported, consenting to the debiting of his quota share by the quantity of unprocessed western red cedar commodities to be exported. Each license issued will be valid for a period of 90 days and a shipping tolerance of 5 percent of the unshipped balance on the license is permitted.

(f) Penalties. The regulations also place exporters and others on notice of the administrative sanctions and civil and criminal penalties to which violators of these regulations are subject.

(g) Saving Clause. Shipments of commodities removed from general license as a result of the regulations set forth in this notice which, as of 12:01 a.m. EST April 9, 1980 were: (a) On dock, in the water, in a raft, or on lighter for lading aboard an exporting carrier which had already entered the port, or (b) In transit to a port of export which the exporting carrier had already entered, may be exported under the previous general license provisions providing the exporting carrier departs the United States within 7 calendar days thereafter. Shipments which were laden aboard an exporting carrier, on dock, in the water, in a raft, or on lighter for lading aboard an exporting carrier or in transit to a port of export as of 12:01 a.m. EST April 9, 1980, which have not actually departed the United States prior to 12:01 a.m. EST April 16, 1980, together with all other shipments of commodities subject to the regulations promulgated herein, require a validated license for export.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et. seq.) are amended as follows:

(1) A new § 377.7 is established to read as follows:

§ 377.7 Unprocessed western red cedar.

(a) *General.* The export from the United States to any destination, including Canada, of unprocessed western red cedar as defined below is prohibited except pursuant to a validated export license issued by the Office of Export Administration.

(b) *Definitions.* When used in this section, the following terms have the meanings indicated.

(1) *Unprocessed western red cedar.* Western red cedar (thuja plicata) timber, logs, cants, flitches, and processed lumber containing wane on one or more sides, as listed in Supplement No. 4 to this Part 377, but excluding:

(i) Lumber without wane;

(ii) Chips, pulp, and pulp products;

(iii) Veneer and plywood;

(iv) Poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; and

(v) Shakes and shingles.

Commodities excluded above are referred to as "processed western red cedar".

(2) *Federal and state lands.* Federal and state lands excluding lands in the State of Alaska and lands held in trust by any federal or state official or agency for a recognized Indian tribe or for any member of such tribe.

(3) *Substitution.* Any act, including but not limited to the sale, harvesting, transfer, or use of unprocessed western red cedar, which would replace direct or indirectly unprocessed western red cedar harvested from federal or state lands with western red cedar harvested from any other lands in order to evade quota restrictions imposed under this section.

(4) *Contract harvester.* Any person who, on October 1, 1979, had an outstanding contractual commitment to harvest western red cedar timber from state or federal lands and who can show by his previous business practice or other means that he intended to export or to sell into or for export in unprocessed form all or part of the commodities to be harvested.

(5) *Inventory owner.* Any person who, on October 1, 1979, held title to an inventory of unprocessed western red cedar harvested from state or federal lands and can show that it was under contract to be exported or destined to be sold for or into export.

(6) *Producer.* Any person engaged in a process which transforms an unprocessed western red cedar commodity into another unprocessed western red cedar commodity (e.g., a saw mill operator).

(7) *Exporter.* Any person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities out of the United States.

(c) *Export quotas.* Annual quotas for the export of unprocessed western red cedar harvested from state and federal lands, produced from commodities so harvested, or which became available for export through substitution for such commodities, are established as follows:

(1) For the fiscal year October 1, 1979–September 30, 1980: 30 MMBF (million board feet scribner);

(2) For the fiscal year October 1, 1980–September 30, 1981: 15 MMBF (million board feet scribner);

(3) For the fiscal year October 1, 1981–September 30, 1982: 5 MMBF (million board feet scribner).

Thereafter the export of unprocessed western red cedar harvested from state and federal lands is prohibited.

Unprocessed western red cedar harvested from private lands, including Indian lands, or in Alaska, or produced from commodities so harvested, is subject to validated licensing but is exempt from the foregoing quota restrictions. Processed western red cedar irrespective of its origin is exempt from both quota restriction and validated licensing.

(d) Reporting of unprocessed western red cedar exported on or after October 1, 1979.

Each person who exported from the United States any quantity of unprocessed western red cedar during the period October 1, 1979 through April 16, 1980 is required to submit a report of such exports. This report must be submitted whether or not the exporter intends to apply for a share of export quotas or a validated license pursuant to the provisions of this section. Such reports should be submitted on Form DIB–669P, Past Participation Statement, in duplicate, to the Office of Export Administration, Short Supply Division, P. O. Box 7138, Ben Franklin Station, Washington, D.C. 20044. These reports must be received by the Office of Export Administration not later than 5 p.m. EST April 23, 1980. Each Form DIB–669P submitted pursuant to this subsection must show all quantities of unprocessed western red cedar exported by the submitter during the period October 1, 1979–April 16, 1980, broken down by country of destination and month of export. Attached to each Form DIB–669P must be a statement, in affidavit format, listing each separate export shipment of unprocessed western red cedar commodities made during the stated time period and must show the following information with respect to each such shipment: exporter, consignee, quantity, in board feet scribner, of each separate commodity listed in supplement No. 4 to Part 377 and whether the commodity was harvested from state or federal lands. Where the exporter was not the harvester or the producer of the commodity exported, the affidavit must state who the harvester or producer was or, alternatively, from whom the exporter purchased the commodities. Each such report must be accompanied by a copy of the Shipper's Export Declaration filed upon export of the commodity together with both an affidavit from the harvester or producer of the commodity which was exported, identifying its harvesting origin with sufficient specificity to enable the Office of Export Administration to determine whether it was harvested from federal or state lands, and a certification from a recognized log scaling and grading bureau showing the quantity in board feet scribner of the commodity which was exported, and each separate brand, tag and/or paint marking which appeared on any log in such export shipment. In the event one or more of these documents cannot be obtained, the exporter should file an affidavit providing a full explanation as to why the particular document is not available and alternative evidence which establishes to the satisfaction of the Office of Export Administration the harvesting origin of the commodities exported or those from which the exported commodities were produced.

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Where the exporter is unable to establish to the satisfaction of the Office of Export Administration that the exported commodities were not harvested from, or produced from timber harvested from, state or federal lands, the quantities exported will be presumed to be subject to the export quotas and will be charged against such quotas and any allocations thereunder which the exporter or other person who previously held title to the exported commodities may subsequently receive.

(e) Applications to participate in the allocation of export quotas.

To participate in the export quota to be allocated for the period October 1, 1979–September 30, 1980, each applicant must file either the documentation concerning prior exports required under (d) above or an affidavit stating that he has made no exports since October 1, 1979 of the unprocessed western red cedar commodities listed in Supplement No. 4 to Part 377. In addition, he must file an application for a quota share under one or more of the categories listed below specifying under which category or categories he is applying. Such application must actually be received by the Office of Export Administration no later than 5 p.m. EST April 23, 1980. Applications received subsequent to 5 p.m. EST April 23, 1980, will not be considered for participation in the export quota to be allocated for the period October 1, 1979–September 30, 1980. Applications to participate in the export quotas to be allocated for the period October 1, 1980–September 30, 1981, and for the period October 1, 1981–September 30, 1982, must be submitted no later than July 31, 1980, or July 31, 1981, respectively.

(1) *Past participation in exports.* Each applicant seeking a share of the export quota to be allocated for the twelve-month period commencing October 1, 1979 on the basis of a prior history of exports must submit Form DIB–669P, Past Participation Statement, in duplicate, listing his exports of unprocessed western red cedar commodities by commodity, country of destination, and month of export during the eighteen-month period April 1, 1978–September 30, 1979. If the applicant is already required to submit Form DIB–669P pursuant to subsection (d) above because he exported unprocessed western red cedar during the period October 1, 1979 through April 16, 1980, he should not combine the two reports but should submit a separate Form DIB–669P, in duplicate, to claim a quota share based on his past participation in exports. Exporters are advised that the Office of Export Administration intends to compare the aggregates of all Past Participation Statements received with the official Bureau of the Census export statistics for the commodities, months, and countries of destination and, in appropriate cases, to require exporters to submit for audit documentation substantiating the exports claimed on their Past Participation Statements. Exporters should accordingly have in their possession documentation such as copies of Shipper's Export Declarations, bills of lading, letters of credit, commercial invoices, and similar material which will substantiate there claimed history of exports.

(2) *Ownership of inventories of unprocessed western red cedar.* Inventory owners who seek a share of the export quota for unprocessed red cedar to be allocated for the twelve-month period commencing October 1, 1979, must submit the following documentation in duplicate:

(i) An affidavit listing separately by commodity and in board feet scribner all inventories of unprocessed western red cedar harvested from, or produced from commodities harvested from, state or federal lands and destined for export to which they had title as of October 1, 1979. The affidavit should exclude all stocks of unprocessed western red cedar which were not harvested from state or federal lands. In those instances where the applicant was neither the harvester nor the producer of the commodities, the affidavit should identify the harvester(s) and/or producer(s) of the commodities and the quantities in board feet scribner allocable to each, and should be accompanied by similar affidavit(s) as to origin from such harvesters and/or producers;

(ii) A certificate of inspection by a log scaling and grading bureau recognized by the state or federal agency having jurisdiction over the land where the timber was harvested, stating the volume of the cedar in board feet scribner and listing each different brand, tag or paint marking appearing on any log in the export-committed inventory on which his application for a quota share is based, or on any log from which the unprocessed western red cedar commodities were produced; and

(iii) A copy of the signed export sales contract(s) committing the unprocessed western red cedar for or into export.

(3) Contractual obligations to harvest western red cedar from state or federal lands.

A contract harvester who seeks a share of the export quota to be allocated for the twelve-month period commencing October 1, 1979, on the basis of having entered into a contract, prior to October 1, 1979, to harvest western red cedar from state or federal lands with the intention of selling it for or into export must submit the following documentation:

(i) An affidavit listing, by federal or state agency with which the contract has been entered into, the following: (A) Each of the applicant's separate harvesting contracts which was valid as of October 1, 1979; (B) The estimated volume, in board feet scribner, of unharvested western red cedar stumpage remaining under each contract as of October 1, 1979; (C) The volume of such western red cedar stumpage which on October 1, 1979 the applicant intended to sell for or into export; (D) The date on which the contract was entered into; (E) The date it expires; and (F) The volume of cedar stumpage under that contract which the applicant expects to harvest during the fiscal year which began October 1, 1979 and ends September 30, 1980, and during each of the next two succeeding fiscal years;

(ii) A copy of each harvesting contract listed under (i) above; and

(iii) A copy of each export sales contract entered into prior to October 1, 1979 committing his then unharvested stumpage into export, or alternative evidence of his intent to export that stumpage (e.g. an affidavit specifying the quantity in board feet scribner of western red cedar harvested by the applicant from state or federal lands and the proportion thereof which the applicant sold for or into export during each of the two preceding fiscal years (i.e., October 1–September 30)).

(4) *Hardship and exceptions applications.* (i) Each applicant for a share of the export quota to be allocated for the period October 1, 1979 through September 30, 1980, on the grounds of unique hardship or other exceptional circumstances must file a request therefor, which must be physically received in the Short Supply Division, Office of Export Administration no later than April 23, 1980. Such request must be accompanied by a full statement, in affidavit format, of the precise nature of the unique hardship or exceptional circumstances experienced. The affidavit must state how the hardship or exceptional circumstances were caused by these regulations, and demonstrate that there is no practicable alternative to the relief requested, i.e., the granting of a share of the quota for the export of unprocessed western red cedar. In addition to the general criteria for unique hardship set forth in § 377.3, the Office of Export Administration will consider the extent to which the unprocessed western red cedar covered by the application has been subjected to primary manufacture.

(ii) Hardship and exceptions applications received after April 23, 1980, will not be considered in the allocation of the quota for the period October 1, 1979–September 30, 1980, but will be returned to the applicant. Applications for a share in the quotas to be established for fiscal years 1981 and 1982 will be accepted if received by September 1, 1980 and September 1, 1981, respectively.

(5) *Alternate Documentation.* Where any document required under subsection (e) (1), (2), (3) or (4) above is not available or cannot be furnished, the applicant may submit in lieu thereof the best alternate evidence available, together with an affidavit describing the special circumstances in particularity. After reviewing such alternate evidence and explanation, the Office of Export Administration will consider the extent to which such alternate evidence may be accepted as a basis for allocating a quota share.

(f) *Allocation of export quotas.* (1) In allocating the statutory quota(s), the Office of Export Administration will first aggregate all quantities of western red cedar commodities listed in Supplement No. 4 to this Part 377 which were exported between October 1, 1979 and April 16, 1980. From that aggregate will be deducted those quantities determined by the Office of Export Administration, after reviewing the reports and evidence submitted under (d) above, to have been harvested from lands other than federal or state lands. The remainder will then be subtracted from the overall statutory quota of thirty million board feet scribner for the period October 1, 1979–September 30, 1980. The Office of Export Administration will then review the applications submitted under (e) above for a share in the export quota and, based on that review, will determine what proportion of the remainder of the first year's quota to allot to each of the four categories set forth under § 377.7(e) above.

Similar determinations will be made with respect to the quotas to be allocated for each of the two succeeding fiscal years after reviewing all applications for a share of the export quota for each of these periods recieved by the Office of Export Administration by the respective dates set forth under subsection (e) above. After determining the quantity to be allocated to each of these four categories set forth in subsection (e) quota shares will be allocated to successful applicants within each of the first three categories on a proportionate basis and written notification thereof will be mailed as soon as possible to each person receiving a quota share. Quota shares under the hardship and exceptions category will be allocated after a case by case review of each presentation and in accordance with the merits of each case. Persons applying under the hardship and exceptions category will also be notified in writing as to whether their applications have been successful.

(2) Quota allocations will be made without restriction as to the particular unprocessed western red cedar commodity involved and will entitle the allocation holders to apply for licenses to export to any destination other than one to which exports generally are restricted under other provisions of these regulations.

(3) All quantities of western red cedar subject to quota restriction exported between October 1, 1979 and (two weeks following publication) will be charged against the overall quota(s) and the applicable person's quota share(s), if any, before further allocations are made.

(4) Requests by quota holders to extend the validity of their annual quotas beyond the fiscal year to which they relate will not be considered. Any portion of a quota share remaining unlicensed as of close of business on September 30, each year will expire and be lost.

(g) *Issuance of export licenses.* An application for a validated license to export unprocessed western red cedar will be considered by the Office of Export Administration as set forth below. However, no application will be considered prior to receipt from the applicant of either the documentation reporting prior exports required under subsection (d) above or an affidavit stating that no such exports were made.

(1) *Unprocessed western red cedar harvested from private lands or in Alaska.* An application for a validated license to export an unprocessed western red cedar commodity listed in Supplement No. 4 to this Part 377 which was harvested from lands other than federal or state lands will be considered for approval without quantitative limitation if submitted with supporting documentation as required by § 377.7(h) (1) or (3) below.

(2) *Unprocessed western red cedar harvested from state or federal lands.* An application for a validated license to export an unprocessed western red cedar commodity listed in Supplement No. 4 to Part 377 will be considered, subject to quota limitation, if submitted with supporting documentation as required by § 377.7(h) (2) or (3) below. Each license issued will be charged against the quota allocation of the exporter or of another person or persons who hold(s) a quota allocation. A quota allocation may only be so charged with the written consent of the quota holder and only if the quota holder now holds or previously held title to, the particular commodities to be exported. Where necessary to cover an entire shipment, portions of that shipment may be charged to more than one quota allocation.

(h) *Documentation.* An application for a validated license to export an unprocessed western red cedar commodity listed in Supplement No. 4 to Part 377 must be submitted on Form ITA–622P, Application for Export License, and be accompanied by the documentation listed below. Where more than one affidavit is required these affidavits may be combined in a single document.

(1) *Unprocessed western red cedar harvested from lands other than federal or state lands.* (i) A sworn affidavit by the applicant stating that the commodities listed on the application were not harvested from state or federal lands, were not produced from commodities harvested from state or federal lands, and did not become available for export through substitution of commodities so harvested or produced. If the applicant is not the harvester or producer of the commodities to be exported, the affidavit must identify the harvester or producer and must be accompanied by an identical affidavit from the harvester or producer, and from each intermediate party or parties who held title to the commodities between harvesting and purchase by the applicant.

(ii) A certificate of inspection issued by a log scaling and grading bureau recognized by both the United States Forest Service and the state within which the cedar was harvested which—

(A) Specifies the quantity in board feet scribner of each separate unprocessed western red cedar commodity listed on the application; and

(B) Lists each different brand, tag and/or paint marking which appears on any log or unprocessed lumber in the export shipment or, alternatively, on the logs from which the unprocessed lumber was produced.

Where necessary to cover the entire shipment, more than one certificate of inspection may be submitted.

(2) *Unprocessed western red cedar commodities harvested from state or federal lands.* (i) A certificate of inspection issued by a log scaling and grading bureau recognized by both the United States Forest Service and the state within which the cedar was harvested which—

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(A) Specifies the quantity in board feet scribner of each separate unprocessed western red cedar commodity listed on the application; and

(B) Lists each different brand, tag and/or paint marking which appears on any log or unprocessed lumber in the export shipment or, alternatively, on the logs from which the unprocessed lumber was produced.

Where necessary to cover the entire shipment, more than one certificate of inspection may be submitted.

(ii) A letter signed by either the applicant or a person who previously held title to the commodities to be exported stating that the signer, if not the applicant, previously held title to the commodities, and requesting that the quantity of the commodities to be exported be charged against the signer's quota share. Where necessary to cover the entire shipment, more than one such letter may be submitted. However, a letter from any person other than the applicant or a person who previously held title to the commodities to be exported will not satisfy this requirement.

(3) Exception for established trade practices or other reasons for non-availability of particular documentation.

Where any document required under (h) (1) or (2) above is not available or cannot be furnished, the applicant may submit in lieu thereof the best alternate evidence available together with an affidavit describing the special circumstances in particularity. The Office of Export Administration will consider the submission and will then either waive the particular documentation requirement and process the application without it, return the application without action suggestion alternate documentation to satisfy the documentation requirement, or deny the application.

(i) *Validity period.* Each license issued pursuant to this section will expire 90 days from the date on which it is issued. Requests for extension of the validity period of such a license will normally not be entertained.

(j) *Recrediting of unused quota shares.* In the event that a validated license cannot be fully utilized, the Office of Export Administration will consider recrediting an individual quota share with the unused quantity of such quota share against which the license was charged, but only during the fiscal year in which the quota share was originally issued. A request for such recrediting should contain an explanation as to why the license was not fully used and should be accompanied by the license, with the reverse thereof properly annotated and certified to show all shipments made against that license.

(k) *Shipping tolerance.* A shipping tolerance of five percent in board feet scribner is allowed over the unshipped balance of a commodity listed on a validated export license. This tolerance applies only to the quantity remaining unshipped on a license against which more than one shipment is made and not to the original quantity authorized by such license. However, the tolerance would apply to the entire quantity authorized by a license against which only one shipment is made. (See Section 386.7)

(l) *Confidentiality.* Any documentation required and submitted under this section is deemed confidential information under section 12(c) of the Export Administration Act of 1979.

(m) *Enforcement.* All persons subject to the provisions of this § 377.7 are placed on notice that any violations of the provisions of this section will be subject to the civil, criminal, and administrative penalties authorized by section 11 of the Export Administration Act of 1979 and section 387 of the Export Administration Regulations. Such sanctions include suspension of export privileges; fines up to five times the value of the exports involved or $50,000 whichever is greater; imprisonment for not more than five years; or all three. All persons subject to the provisions of this section are further advised that the Office of Export Administration intends to check compliance with the provisions of this section by comparing the accuracy of documentation submitted under this section with copies of Shipper's Export Declarations for the controlled commodities filed on and after October 1, 1979, with the official export statistics of the Bureau of the Census, by on-site inspections at ports and log yards, and by such other means as may be deemed appropriate.

(2) A new supplement No. 4 to Part 377 is established to read as follows:

Supplement No. 4 to Part 377

Unprocessed Western Red Cedar Commodities Subject To Validated Licensing [1]

Schedule B No.	Commodity description	Unit
200.3516	Western red cedar (Thuja Plicata) logs and timber.	MBF
202.2620	Western red cedar lumber; rough, containing wane.	MBF
202.2540	Western red cedar lumber; dressed or worked, containing wane.	MBF

[1] Commodity description, not Schedule B Number, is determinative of the commodity subject to validated licensing.

(3) The Commodity Control List incorporated by reference at 15 CFR 399.1 is revised to add a new entry to read as follows:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits T	V	Q
4998B Western red cedar (Thuja Plicata) logs and timber, and rough, dressed, and worked lumber containing wane listed in Supplement No. 4 to Part 377.	MBF	SS	OSTVWYZ and Canada	0	0	0

DRAFTING INFORMATION: The principal authors of these rules are Converse Hettinger, Director, Short Supply Division, Office of Export Administration; Roman Slonlewsky, Deputy Assistant General Counsel for Domestic Commerce; and Pete M. Dalmut, Attorney-Adviser, Office of General Counsel, Department of Commerce.

Authority: Secs. 7, 15 and 21, Pub. L. 96-72, to be codified at 50 U.S.C. App. 2401 et seq.; EO 12002, 42 FR 35623 (1977); Department Organization Order 10-3, 45 FR 6141 (January 25, 1980); Department Organization Order 41-1, 45 FR 11862 (February 22, 1980).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-9987 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Parts 2, 3

Requests To Reopen and Modify Final Orders

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This amends the Commission's rules of practice to spell out certain procedures governing requests to reopen and modify final orders.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3487.

SUPPLEMENTARY INFORMATION:

The Commission has amended §§ 2.51 and 3.72(b)(1) of its rules of practice to make clear that when it determines to grant a request to reopen and modify a final order, it need not issue an order to show cause pursuant to § 3.72(b)(1), but may, in its discretion, issue an order reopening and modifying the final order as requested. In addition, § 2.51 is amended to provide that requests filed under the rule will be placed on the public record, and, unless earlier action is deemed necessary, remain there for 30 days to allow the public to comment thereon.

As rules of agency practice, the amendments are not subject to the requirements of 5 U.S.C. 553 for notice and opportunity for public comment. Accordingly, and pursuant to 15 U.S.C. 46(g), the Commission amends 16 CFR Chapter I, Subchapter A as set forth below.

PART 2—NONADJUDICATIVE PROCEDURES

The following sentences are added to the end of § 2.51:

§ 2.51 Requests to reopen.

* * * The request shall be placed on the public record. Unless the Commission determines that earlier disposition is necessary, the request shall remain on the public record for thirty (30) days. During this period, the public is invited to comment on the request. Thereafter the Commission may, in its discretion, issue an order reopening the proceeding and modifying the order as requested.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Section 3.72(b)(1) is amended to read as follows:

§ 3.72 Reopening.

* * * * *

(b) *After decision has become final.* (1) Whenever the Commission is of the opinion that changed conditions of fact or law or the public interest may require that a Commission decision containing a rule or order which has become effective, or an order to cease and desist which has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for review having been filed, or a Commission decision containing an order dismissing a proceeding, should be altered, modified, or set aside in whole or in part, the Commission will, except as provided in § 2.51, serve upon each person subject to such decision (in the case of proceedings instituted under § 3.13, such service may be by publication in the **Federal Register**) an order to show cause, stating the changes it proposes to make in the decision and the reasons they are deemed necessary. Within thirty (30) days after service of such order to show cause, any person served may file an answer thereto. Any person not responding to the order within the time allowed may be deemed to have consented to the proposed changes.

By direction of the Commission, dated January 15, 1980.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9988 Filed 4-1-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3, 141, and 260

[Docket No. RM80-17; Order No. 74]

Order Revising Monthly Statements

Issued March 28, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby revises Form No. 5, Monthly Statement of Electric Operating Revenue and Income (18 CFR 141.25) and Form No. 11, Natural Gas Pipeline Company Monthly Statement (18 CFR 260.3). The revisions delete certain information requirements because they are no longer needed by the Commission. The changes in these forms reflect the results of an ongoing form validation program of the Commission, the purpose of which is to reduce reporting burdens placed on companies that are subject to the jurisdiction of the Commission.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: James Kitchen, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3408 North Building, Washington, D.C. 20426, (202) 357-9212.

I. Background

On December 21, 1979, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (45 FR 48 January 2, 1980). This rulemaking proposed to revise Form No. 5, Monthly Statement of Electric Operating Revenue and Income, and Form No. 11, Natural Gas Pipeline Company Monthly Statement, to reflect the results of the Commission's ongoing validation program,[1] the purpose of which is to reduce the reporting burden on the industries regulated by the Commission.

II. Summary of Comments

In response to the proposed rulemaking, the Commission received comments from 49 respondents. These included three industry associations, 31 electric utilities (representing 45 jurisdictional operating companies), 14 jurisdictional natural gas companies, and one individual. The general reaction to the proposed rulemaking was very favorable. Some changes were suggested and a few requests for clarification were made.

Among the changes proposed by the Commission to Form No. 5, was the elimination of the requirement to report previous year data, since this information can be obtained from prior filings. Items related primarily to income and expenses were also proposed for deletion because the Commission no longer needed this information.

The Commission also proposed to raise the revenue limit used to a $2.5 million [2] to a $100 million minimum. The Commission felt that a valid statistical frame for regulatory purposes could still be obtained at the $100 million level.[3]

A section was proposed to be added to page 2 of Form No. 5 for footnotes by responding companies and the form title would be changed to "Electric Utility Company Monthly Statement."

The Commission also proposed to eliminate certain data items from Form No. 11 which the Commission no longer needs. A separate page for footnotes by responding companies would also be added.

Finally, the Commission proposed to shorten the reporting period for both forms from 40 days to 20 days. According to the published statistics from them, the shortened period would be desirable in light of reduced reporting burdens and would permit the Administration to publish more current statistical data.

[1] See also Order No. 53, Docket No. RM79-38, issued October 23, 1979.

[2] "[A]ll class A electric utilities, both privately and publicly owned." 18 CFR 141.25; *see* 18 CFR 101.

[3] Certain other utilities specifically designated in Form No. 5 would also be required to file, so representative data concerning energy sales could be collected from all states.

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In addition to the statement of proposed revisions in the Notice, the Commission posed three specific questions to the public. These asked whether the revisions affected any Commission or State regulatory function, whether there was any reason known for continued collection of data proposed for elimination, and whether the proposed twenty-day filing deadline was practical.

Nine of the electric and eight of the natural gas respondents commented that they did not believe the revisions of required data would affect any Commission or State regulatory functions. Eight of the electric and eight of the natural gas respondents replied they did not know of any other Federal agency that needed the data proposed for elimination.

Forty-nine of the respondents stated that the proposed twenty day filing period is impractical and unrealistic. Alternatives using 25, 30, 35, or 40-day period were suggested. The respondents indicated that the reduction in data did not correspondingly reduce the time needed to prepare and make a filing.

Some of the specific complaints against the 20-day filing deadline were as follows:

(1) Jurisdictional companies frequently would be unable to close their books before the end of the twenty day period. The companies would, therefore, be unable to provide the requested information on a timely basis. Although the Commission suggested that respondents file "estimates subject to later revision" in order to meet the 20-day deadline, commenters noted that the practice would only create extra paperwork and increase the possibility for error in reporting.

(2) In several instances, financial information required by the Commission would have to be approved by a Board of Directors before it is released to the public. If the 20-day deadline occurred before the date of a Board meeting, a reporting company would be faced with an unreasonable disclosure conflict.

(3) Parties using computers to collect the required information from large geographic areas would be unable to receive and tabulate the data in time for the deadline.

(4) Some companies would have to increase their work force or impose overtime hours on a regular basis in order to make a timely filing. The extra costs involved would eventually be passed to the consumer.

(5) One commenter noted that the present 40-day reporting period was established because of the difficulty in meeting a 30-day period earlier in effect.

We agree with respondents that the 20-day reporting period originally proposed by the Commission would place an unreasonable burden on the respondent companies. Further, the accuracy of information, which is essential to our regulatory needs, would suffer to an undesirable extent. With this in mind, we intend to retain the 40-day reporting period.

A few respondents raised two questions in connection with four data items proposed to be gathered on our forms for the Department of Commerce. They wished to know first, how the Department of Commerce uses the data, and second, whether the data should reflect "total company" operations instead of only that information related to operations subject to the Commission's jurisdiction.

With respect to the first question, the Bureau of Economic Analysis (BEA) and the Bureau of Census (BC) of the Department of Commerce have used selected data from Forms No. 5 and 11 for some time.

BEA uses data from lines 13, 14, and 15 of Form No. 5 and from lines 20, 25 and 27 of Form No. 11 in conjunction with similar data from other industries to derive the estimates of the corporate profits component of the gross national product. Similar data are also collected by other government agencies from regulated industries to determine gross profits (before income taxes) and to estimate allowances for funds during construction. This information was previously determined after sifting through the massive amounts of data collected from the old Forms No. 5 and 11.

Since 1974, BC has been using data from line 16 of Form No. 5 and from line 32 of Form No. 11 as components to derive monthly and annual estimates of the value of construction put in place in the United States.[4]

With respect to the second question, and pursuant to requests for clarification, both Forms have been revised to reflect "total company operations" for the four line items of data being gathered for the Department of Commerce. The information which is collected from companies which the Commission does not utilize for jurisdictional purposes is nevertheless used by BEA in compiling its statistical reports.

A number of comments were filed concerning clarification and format of the statements and instructions. For example, the suggestions to eliminate a "Date Prepared" block, and to round figures to the nearest thousand in accord with other tables, were accommodated.

A few recommendations were not adopted, however, such as a request to define "significant" in the requirement to disclose "any adjustments significantly affecting this monthly statement." The Commission determined that the term involves a value judgment and is not subject to definition.

One commenter suggested that the line items pertaining to the monthly and cumulative amounts collected which are subject to refund (proposed table 3, lines 6 and 8) duplicated the reporting requirements of 18 CFR 154.67(c), *Reports.*[5]

Section 154.67(c) requires annual reporting for each rate proceeding in a specific docket, categorized by purchaser and billing period. Form No. 11, on the other hand, requires reporting in aggregate amounts, not in the detail prescribed in § 154.67(c), of all rates or charges collected which are subject to refund. The aggregated reporting in Form No. 11 has been, and will continue to be, a data requirement of the Commission.

Finally, a correction is made to § 3.142 (Approved forms, etc.) to revise the title of Form No. 5 of subsection (31).

III. Public Procedures and Effective Date

The Commission has complied with 5 U.S.C. § 553 by having provided public notice and an opportunity to participate in this rulemaking. Immediate adoption of the revisions to Forms No. 5 and 11 will promote an expeditious reduction of unnecessary reporting burdens. Therefore, under 5 U.S.C. § 553(d) the Commission is making these changes effective immediately for reports to be filed for the month beginning March 1, 1980.

(Natural Gas Act, as amended, 15 U.S.C. §§ 717–717w; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3432; Federal Power Act, as amended, 16 U.S.C. §§ 792–828c; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; E.O. 12009, 3 C.F.R. 142(1978).)

For the foregoing reasons, FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations, and FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations are revised by the Commission as set forth in Attachments A and B, hereto.

[4] Details regarding use of this data may be found in Department of Commerce, Bureau of Census Construction Reports—Series C 30–745, "Value of Construction Put in Place; 1947–1974."

[5] Commission Order No. 47, issued September 10, 1979 (Docket No. 77–22).

In addition to the foregoing, Parts 3,141 and 260 of Chapter I, Title 18 of the Code of Federal Regulations are amended by the Commission as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. Section 3.142 is amended in paragraph (a) to read as follows:

PART 3—ORGANIZATION; OPERATION: INFORMATION REQUESTS

§ 3.142 Approved forms, etc.

(a) * * *

(31) Form No. 5, electric utility company monthly statement (§ 141.25 of this chapter).

* * * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

2. Section 141.25 is amended to read as follows:

§ 141.25 FERC Form No. 5, Electric utility company monthly statement.

(a) This form, which is applicable to the electric utility companies designated therein, is designed to obtain on a monthly basis information concerning sales of electric energy and certain other selected items of income and plant.

(b)(1) *Who must file.* Each privately and publicly owned electric utility, as designated in the FERC Form No. 5, shall prepare and file with the Commission for the month beginning March 1, 1980 and for each month thereafter an original and 2 copies of the FERC Form NO. 5.

(2) *When to file.* Such reports shall be filed within 40 days after the end of the reported month and shall be signed by the person authorized to sign such report, but are not required to be filed under oath.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

3. Section 260.3 is amended to read as follows:

§ 260.3 FERC Form No. 11, Natural gas pipeline company monthly statement.

(a) This form, which is applicable to natural gas companies designated therein, is designed to obtain on a monthly basis information concerning selected revenues, income statements, and other items, as well as details of operation and maintenance expenses.

(b) (1) *Who must file.* Each natural gas company, as defined in the Natural Gas Act, whose combined gas sold for resale and gas transported or stored for a fee exceeded 50 million Mcf at 14.73 psia (60 F) in the previous calendar year, shall prepare and file with the Commission for the month beginning March 1, 1980 and for each month thereafter an original and 2 copies of the FERC Form No. 11.

(2) *When to file.* Such reports shall be filed within 40 days after the end of the reported month and shall be signed by the person authorized to sign such report, but are not required to be filed under oath.

BILLING CODE 6450-85-M

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Attachment A
Form Approved
OMB No. 038—R0318

U.S. DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
Washington, D.C. 20426

FERC FORM NO. 5: ELECTRIC UTILITY COMPANY MONTHLY STATEMENT

Company Code Number

Month Being Reported 19___

This report is mandatory under the authority granted by Section 4, 304, 309 and 311 and sanctions provided by Section 315 of the Federal Power Act. Failure to report may result in criminal fines, civil penalties and other sanctions as provided by law.

PART I: IDENTIFICATION

1. Name of Company

2. Address of Company (*Number, Street, City, State and Zip Code*)

3. Signature of Person Authorized to Sign This Report

4. Phone Number (Including Area Code)

PART II: ELECTRIC ENERGY INFORMATION

Line No. (a)	Items (b)	Revenues (*In thousands of dollars*) (c)	Sales (*In megawatt-hours*) (d)	Number of Customers (e)	Footnote (f)
5	Sales of Electric Energy: Residential, including space heating (440)				
6	Smaller or Commercial (See note A of Account 442)				
7	Larger or Industrial (See note A of Account 442)				
8	Other Sales to Ultimate Consumers (444-446, 448)				
9	Total Sales to Ultimate Consumers (Enter total of lines 5 thru 8.)				
10	Sales for Resale (447)				
11	Total Sales of Electric Energy (Enter total of lines 9 and 10)				
12	Other Electric Revenues (450, 451, 453-456)				
13	Depreciation and Amortization of Property, Plant and Equipment (403-407)				
14	Allowance for all Funds Used During Construction (419.1, 432)				
15	Net Income (433) Before Extraordinary Items (434, 435) Income Taxes (409.1, 409.2, 409.3, 410.1, 410.2, 411.1, 411.2), and Investment Tax Credits (411.4, 411.5, 420)				
16	Gross Additions to Construction Work in Progress (107) for This Month Being Reported				

PART III: FOOTNOTES

Line No.	Column Alpha	Explanation

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
EQUAL OPPORTUNITY EMPLOYEE

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION

U.S. MAIL

Energy Information Administration (EI-414)
Mail Station: BG-086 Forrestal
U.S. Department of Energy
Washington, D.C. 20585

INSTRUCTIONS FOR FILING FERC FORM NO. 5 (18 CFR SECTION 141.25)

General Information

1. This form is designed to obtain information concerning sales of electric energy and certain other selected items of income and the plant.
2. All privately or publicly owned electric utilities listed below must submit the FERC Form No. 5.
3. Submit this report within 40 days after the end of each month being reported. For example, the report for the month of February is due April 9.
4. Submit an original and two (2) copies of FERC Form No. 5 to the address printed above. This form is a self-mailer and may be used as such.

General Instructions

1. Report the sales of electric energy as outlined in accounts 440 through 456 of the Uniform System of Accounts for Public Utilities and Licenses (U.S. of A.) (18 CFR Part 101).
2. Report amounts related to unbilled revenues in with the class of sales giving rise to the unbilled revenues (accounts 440 to 448). Do not report unbilled revenues as a separate line item.
3. Indicate negative amounts by enclosing the figures in parenthesis ( ).
4. Provide, by footnotes, a brief description of any adjustments significantly affecting this report. Mark an "x" in Footnote Column (f) to indicate a footnote has been entered in Part III of the form.
5. Estimates subject to later revision are permissible, provided such revisions are highlighted by footnote. Identify in a footnote revisions to data reported one year prior to the month being reported. For example, you may revise data reported in February, 1979, by footnoting the corresponding data reported for February, 1980.

Specific Instructions

Line No.	Instruction
1 to 14, 16	Report the items as described and in accordance with the U.S. of A. (Reference Account Numbers to the U.S. of A. are provided in parenthesis beside the data items in Part II.)
15	Report Net Income (433) before extraordinary items (434, 435), Income taxes (409.1, 409.2, 409.3), provisions for deferred income taxes (410.1, 410.2, 411.1, 411.2) and investment tax credits (411.4, 411.5, 420).

WHO MUST SUBMIT FERC FORM NO. 5

1. All privately owned electric utilities with annual electric operating revenues of $100,000,000 or more, and in addition the following utilities:

Alaska Electric Light and Power Company
Central Vermont Public Service Corporation
Cheyenne Light, Fuel and Power Company
Northwestern Public Service Company
Otter Tail Power Company

2. The following selected publicly owned electric utilities:

Jacksonville Electric Authority, Florida
City of Lincoln Electric System, Nebraska
Los Angeles, Department of Water and Power, Power System of City, California
Nebraska Public Power District, Nebraska
Omaha Public Power District, Nebraska
Orlando Utilities Commission, Florida
Power Authority, State of New York
Salt River Project, Arizona
City Public Service Board of San Antonio, Texas
Department of Lighting, City of Seattle, Washington
Tacoma, Light Division, Department of Public Utilities, Washington

3. Other selected electric utilities:

Chugach Electric Association, Inc.
Golden Valley Electric Association, Inc.
Tennessee Valley Authority

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Attachment B

Form Approved
OMB No. 038-R0322

U.S. DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
Washington, D.C. 20426

INSTRUCTIONS FOR FILING
FERC FORM NO. 11: NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT

GENERAL INFORMATION

I. Purpose

This form is designed to obtain information concerning selected revenues, income statement and other items, as well as details of operation and maintenance expenses.

II. Who Must Submit

Each natural gas company whose combined gas sold for resale and gas transported or stored for a fee that exceeded 50 million mcf at 14.73 psia (60°F) in the previous calendar year must submit this Form. (See the reverse side of this page.)

III. When to Submit

Submit this report within 40 days after the end of each month being reported. For example, the report for the month of February is due April 9.

IV. What and Where to Submit

Submit an original and two (2) copies of this form to:

Energy Information Administration (EI-414)
Mail Station: BG-086 Forrestal
U.S. Department of Energy
Washington, D.C. 20585

GENERAL INSTRUCTIONS

I. Report data as outlined in the Uniform System of Accounts for Natural Gas Companies (U.S. of A.) (18 CFR Part 201).

II. Indicate negative amounts by enclosing the figures in parenthesis, ( ), except where otherwise noted (debit or credit).

III. Round the dollar entries to the nearest thousandth.

IV. Provide, by footnotes, a brief description of any adjustments significantly affecting this report. Mark an "X" in the Footnote Column to indicate a footnote has been entered in Part VI.

V. Estimates subject to later revision are permissible, provided such revisions are highlighted by footnotes. Previous years estimates now being revised should also be footnoted in Part VI.

SPECIFIC INSTRUCTIONS

Line No.	Instruction
All	Refer to the form and/or Uniform System of Accounts (U.S. of A.) For Natural Gas Companies (18 CFR Part 201). Reference account numbers to the U.S. of A. are provided in parenthesis beside applicable data.
22	Report total gas operating expenses (401, 402, 403-407, 408.1, 409.1, 410.1, 411.1, 411.4) relating to gas operations.
24	Report total gas utility operating income which is the result of Line 23 Net Gas Operating Revenues, minus 412-414, the remaining balances of accounts 408.1 and 409.1 not reported as part of Line 22, and 411.6 and 411.7.
27	Report Net Income (433) excluding extraordinary items (434, 435), Federal income taxes and other income taxes (409.1, 409.2, 409.3), provision for deferred income taxes (410.1, 410.2, 411.1, 411.2), and investment tax credits (411.4, 411.5, 420).
38 to 40 Columns (e) and (f)	For 700 to 742 only, state manufactured gas in 1035 BTU per cubic foot, or footnote the utility natural gas average in Part VI.

DEFINITIONS

I. Imports: Gas receipts into the United States of America from a foreign country.

II. Firm Gas Sales To Industrial Customers: Those sales made under schedules or contracts which anticipate no interruption.

III. Off-Peak Gas Sales To Industrial Customers: Those sales made under schedules or contracts on a firm basis for periods specified for other than times of seller's peak requirements.

IV. Interruptible Gas Sales To Industrial Customers: Those sales made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

WHO MUST SUBMIT

Major Natural Gas Interstate Pipeline Companies are identified below by an asterisk.

FERC CODE	CLASS	NAME OF COMPANY
0040	A	Alabama-Tennessee Natural Gas Co.
0050	A*	Algonquin Gas Transmission Co.
0330	A	Arkansas Louisiana Gas Co.
0352	A	Arkansas Oklahoma Gas Corp.
0355	A	Associated Natural Gas
0491	C	Black Marlin Pipeline Co.
0492	C	Blue Dolphin Pipe Line Co.
0500	B	Bluefield Gas Co.
0573	C	C. B. Gas Gathering Inc.
0675	C	Caprock Pipeline Co.
0690	A	Carnegie Natural Gas Co.
0802	B	Chandeleur Pipeline Co.
0835	B	Cimarron Transmission Co.
0840	A*	Cities Service Gas Co.
0930	A*	Colorado Interstate Corp.
1000	A	Columbia LNG Corp.
1005	A*	Columbia Gas Transmission Corp.
1010	A*	Columbia Gulf Transmission Co.
1060	C	Commercial Pipeline Co., Inc.
1075	A*	Consolidated Gas Supply Corp.
1080	A	Consolidated Systems LNG Co.
1324	B	Distrigas of Mass. Corp.
1450	A	East Tennessee Natural Gas Co.
1457	A	Eastern Shore Natural Gas Co.
1470	A*	El Paso Natural Gas Co.
1515	C	Emmitsburg Gas Co.
1637	A	Enserch Corporation
1650	A	Equitable Gas Co.
1675	D	Farmland Industries Inc.
1705	A*	Florida Gas Transmission Co.
1830	B	Gas Transport, Inc.
1907	B	Granite States Gas Transmission Co.
1913	A*	Great Lakes Gas Transmission Co.
1915	B	Great Plains Natural Gas Co.
1960	C	Gulf Energy Development Corp.
2020	B	Hampshire Gas Co.
2153	B	Honeoye Storage Corp.
2380	C	Indiana Utilities Corp.
2385		Industrial Gas Corp.
2395	A	Inland Gas Co., Inc.
2415	A	Inter-City Minnesota Pipelines Ltd. Inc.
2435	A	Interstate Power Co.
2440	A	Iowa-Illinois Gas and Electric Co.
2450	A	Iowa Public Service Co.
2465	C	Jupiter Corp.
2520	A*	Kansas-Nebraska Natural Gas Co., Inc.
2570	A	Kentucky-West Virginia Gas Co.
2737	B	Lawrenceburg Gas Transmission Corp.
2980	B	Louisiana Nevada Transit Co.
3220	C	Marengo Corp.
3125	A	McCulloch Interstate Gas Corp
3250	A*	Michigan Gas Storage Co.
3320	A*	Michigan Wisconsin Pipe Line Co.
3332	A*	Mid Louisiana Gas Co.
3360	A*	Midwestern Gas Transmission Co.
3382	A*	Mississippi River Transmission Corp.
3410	A	Montana-Dakota Utilities Co.
3500	A	Mountain Fuel Supply Co.
3505	B	Mountain Fuel Resources, Inc.
3535	A	National Fuel Gas Distribution Corp.
3540	A*	National Fuel Gas Supply Co.
3620	A*	Natural Gas Pipeline Co. of America
3770	A	North Penn Gas Co.
3800	A*	Northern Natural Gas Co.
3830	A	Northern Utilities, Inc.
3835	A*	Northwest Pipeline Corp.
4000	A	Ohio River Pipeline Corp.
4045	A	Oklahoma Natural Gas Gathering Corp.
4090	A	Orange & Rockland Utilities, Inc.
4135	A*	Pacific Gas Transmission Co.
4138	B	Pacific Interstate Transmission Co.
4160	A*	Panhandle Eastern Pipeline Co.
4330	A	Pennsylvania and Southern Gas Co.
4670	C	Ratan Natural Gas Co.
4720	D	Regis Gas System, Inc.
4818	B*	Sabine Pipe Line Co.
4875	A*	Sea Robin Pipeline Co.
5020	B	Shenandoah Gas Co.
5165	A	Southern Energy Co. (LNG)
5170	C	South County Gas Co.
5180	A	South Georgia Natural Gas Co.
5260	A	South Texas Natural Gas Gather
5340	A*	Southern Natural Gas Co.
5450	A	Southwest Gas Corp.
5590	C	Standard Pacific Gas Line, Inc.
5715	A*	Stingray Pipeline Co.
5900	D	Tennessee Gas Pipe Line Co.
5902	A*	Tenneco Inc.
5930	A	Tennessee Natural Gas Lines, Inc.
6090	A*	Texas Eastern Transmission
6150	A	Texas Gas Pipeline Corp.
6210	A*	Texas Gas Transmission Corp.
6405	B	Tidal Transmission Co.
6412	A	Transco Gas Supply Company
6420	A*	Transcontinental Gas Pipe Line Co.
6425	A*	Transwestern Pipeline Co.
6450	A*	Trunkline Gas Co.
6520	A	Union Light, Heat and Power Co.
6630	A*	United Gas Pipe Line Co.
6585		United Energy Resources Inc.
6780	D	Urbana Pipe Line Co.
6825	A	Valley Gas Transmission, Inc.
6900	A	Washington Gas Light Co
6945	A*	West Texas Gathering Co.
6953	A	Western Gas Interstate Co.
6965	C	Western Transmission Corp.
6990	C	Wheeler Gas Co.
7125	C	Zenith Natural Gas Co.

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U.S. DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
Washington, D.C. 20426

Form Approved, OMB No. 038-R0322

FERC FORM NO. 11: NATURAL GAS PIPELINE COMPANY MONTHLY STATEMENT

This report is mandatory under the authority granted by Sections 10 and 16 and sanctions provided by Section 21(b) of the Natural Gas Act. Failure to report may result in criminal fines, civil penalties and other sanctions as provided by law.

Company Code Number

Month Being Reported
19___

PART I: IDENTIFICATION

1. Name of Company

2. Address of Company
(1) Number and Street (2) City (3) State (4) Zip Code

3. Person Authorized To Sign This Report
(1) Signature (2) Phone Number (Including area code)

PART II: REVENUE DATA

Line No. (a)	Item (b)	Revenues (In thousands of dollars) Current Year (c)	Revenues (In thousands of dollars) Previous Year (d)	Sales (In millions of cubic feet) Current Year (e)	Sales (In millions of cubic feet) Previous Year (f)	Footnote (g)
4	Sales of Natural Gas					
5	Firm Industrial					
6	Off-peak Industrial					
7	Interruptible Industrial					
8	TOTAL INDUSTRIAL (Enter total of lines 5, 6 and 7)					
9	Other Ultimate Consumers					
10	TOTAL SALES TO ULTIMATE CONSUMERS (Enter total of lines 8 and 9)					
11	Sales For Resale (483)					
12	Total to Major Gas Pipelines (Those companies identified by asterisk under "Who Must Submit" in instructions)					
13	Total to All Other Pipelines and Gas Utilities (Those companies not identified by asterisk under "Who Must Submit" and all other applicable pipelines and gas utilities.)					
14	Provision For Pending Regulatory Issues – (This item is optional. Report provisions made for possible refund in sales for resale in dollar amounts only.)					
15	TOTAL SALES FOR RESALE (Enter the result of (line 12 plus 13) minus line 14)					
16	TOTAL SALES OF NATURAL GAS (Enter total of item 10 and 15)					
17	Revenues From Transportation of Gas of Others (489)			(Enter volume of gas transported)		

Company Code Number | Month and Year Being Reported

PART III: INCOME DATA

Line No. (a)	Item (b)	Current Year (In thousands of dollars) (c)	Previous Year (In thousands of dollars) (d)	Footnote (e)
18	Gas Operating Revenues (400)			
19	Operation and Maintenance Expense (401, 402)			
20	Depreciation, Depletion and Amortization Expense (403-407)			
21	Taxes Other Than Income Taxes, Utility Operating Income (408.1)			
22	Total Gas Operating Expenses (401, 402, 403-407, 408.1, 409.1, 410.1, 411.1, 411.4)			
23	Net Gas Operating Revenues (Enter the result of lines 18 minus 22)			
24	Total Gas Utility Operating Income (Refer to specific instruction for line 24.)			
25	Allowance For All Funds Used During Construction – Credit (419.1, 432)			
26	Total Income Before Interest Charges (427-432) and Extraordinary Items (409.3, 434, 435)			
27	Net Income (433) Before Extraordinary Items (434, 435), Income Taxes (409.1, 409.2, 409.3, 410.1, 410.2, 411.1, 411.2), and Investment Tax Credits (411.4, 411.5, 420)			
28	Net Income (Monthly Amount Related to 433.)			

PART IV: OTHER SELECTED DATA

Line No. (a)	Item (b)	Current Year (In thousands of dollars) (c)	Previous Year (In thousands of dollars) (d)	Footnote (e)
29	Gas Utility Plant in Service (101)			
30	Accumulated Provision For Depreciation, Depletion, and Amortization of Gas Utility Plant (108, 111)			
31	Gas Plant Construction Work In Progress (107)			
32	Gross Additions To Construction Work In Progress (107) For This Month Being Reported			
33	Amount Collected Which Is Subject To Refund During This Month Being Reported			
34	Cumulative Amount Collected Since January 1 This Year Subject To Refund, At End Of This Month Being Reported			
35	Monthly Amount Subject To Refund Actually Refunded During This Month Being Reported			
36	Cumulative Amount Subject To Refund Refunded Since January 1 This Year, To The End Of This Month Being Reported			

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Company Code Number	Month and Year Being Reported

PART V: OPERATION AND MAINTENANCE EXPENSE DATA

Line No. (a)	Item (b)	Amount (In thousands of dollars) Current Year (c)	Amount (In thousands of dollars) Previous Year (d)	Gas Volume (In millions of cubic feet) Current Year (e)	Gas Volume (In millions of cubic feet) Previous Year (f)	Footnote (g)
37	Manufactured Gas Production					
38	Liquefied Petroleum Gas					
39	Other Manufactured Gas					
40	TOTAL (Enter total of lines 38 and 39)					
41	Natural Gas Production					
42	Production and Gathering (750-769)					
43	Products Extraction (770-791)			(Enter thousands of gallons)		
44	Exploration and Development (795-798)					
45	Purchased Natural Gas From					
46	Producers (800-802)					
47	Imports					
48	Major Gas Pipelines (800-803) (Those companies identified by asterisk under "Who Must Submit" in instructions.)					
49	Other Pipelines (800-803) (All other companies listed under "Who Must Submit".)					
50	Other Gas Purchases (804, 805, 805.1 minus line 68 -71)					
51	TOTAL (Enter total of lines 46 to 50)					
52	Natural Gas Produced					
53	Exchange Gas - In (806)					
54	Exchange Gas - Out (806)					
55	Purchased Gas Expenses (807.1-807.5)					
56	Gas Withdrawn From Underground Storage - Debit (808.1, 809.1)					
57	Gas Delivered To Underground Storage - Credit (808.2, 809.2)					
58	Gas Used For Compressor Station Fuel - Credit (810)					
59	Gas Used For Products Extraction - Credit (811)					
60	Gas Used For Other Utility Operations - Credit (812)					
61	Other Gas Supply Expenses (813)					
62	TOTAL GAS PRODUCTION (Enter total of lines 40, 42, 43, 44, 51, 53 to 61)					
63	Storage Expenses (814-843.9)					
64	LNG Terminating and Processing Expenses (844.1-847.8)					
65	Transmission Expenses (850-867)					
66	Distribution Expenses (870-894)					
67	Other Gas Purchased and Produced (Entries here should not be included under any other item in this part.)					
68	Liquefied Natural Gas (804.1)					
69	Gasified Coal					
70	Synthetic Gas [Reformed (gasified) liquid hydrocarbons.]					
71	TOTAL (Enter total of lines 68 to 70)					
72	All Other Operating and Maintenance Expenses (901-905, 907-916, 920-932)					
73	TOTAL OPERATING AND MAINTENANCE EXPENSES (Enter total of lines 62, 63, 64, 65, 66, 71, 72)					

Company Code Number	Month and Year Being Reported

PART VI: FOOTNOTES

Line No.	Column Alpha	Explanation

[FR Doc. 80-10015 Filed 4-1-80; 8:45 am]
BILLING CODE 6450-85-C

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SELECTIVE SERVICE SYSTEM

32 CFR Part 1700

Reconciliation Service; Revocation

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: The Selective Service System amends its regulations by revoking 32 CFR Part 1700 relating to reconciliation service. Part 1700 is obsolete because action can no longer be taken under its authority.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, 600 E Street NW., Washington, D.C. 20435, whose telephone number is (202) 724–0433.

SUPPLEMENTARY INFORMATION: Executive Order 11804 directed the Director of Selective Service to establish a program of reconciliation service as part of the clemency program established by the President by Proclamation 4313. Regulations for the reconciliation service program appeared in 32 CFR Part 1700. The reconciliation service program has been completed: no person is now enrolled in it and no person can enroll in it. The regulation for the reconciliation service have served their purpose; therefore,

PART 1700—RECONCILIATION SERVICE [REVOKED]

32 CFR Part 1700 is revoked.

March 28, 1980.

Bernard Rostker,

Director of Selective Service.

[FR Doc. 80-10008 Filed 4-1-80; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1442-5]

Approval and Promulgation of State Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to promulgate deadlines by which certain revisions must be made to the New York State Implementation Plan (SIP) for four upstate areas, generally identified as the Capital District and Town of Catskill, Rochester, Syracuse, and Southern Tier.

On February 5, 1980 the Environmental Protection Agency (EPA) published in the **Federal Register** at 45 FR 7803 a notice of final rulemaking conditionally approving the New York SIP for four upstate areas. On the same date EPA published in the **Federal Register** at 45 FR 7821, a notice of proposed rulemaking which specified deadlines for the correction of certain deficiencies indicated in the conditional approval. These deadlines are the subject of this notice of final rulemaking.

No comments were received. EPA is promulgating the deadlines unchanged from its proposed rulemaking notice.

EFFECTIVE DATE: This action is effective April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Alex Salpeter, Region II (212) 264–2517.

SUPPLEMENTARY INFORMATION: The deficiencies in the New York State Implementation Plan as discussed in the **Federal Register** on February 5, 1980 at FR 7803 and the dates by which they must be corrected as promulgated today are as follows:

(1) On or before April 1, 1980 the State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

(2) On or before August 1, 1980 the State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

(3) On or before May 1, 1981 the State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: March 25, 1980.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Code of Federal Regulations is revised as follows:

Subpart HH—New York

1. Section 52.1674, paragraphs (a)(1), (d)(2), and (d)(3) are revised to read as follows:

§ 52.1674 Part D—Conditions on approval.

* * * * *

(a) * * *

(1) On or before May 1, 1981 the State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

* * * * *

(d) * * *

(2) On or before April 1, 1980 the State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

(3) On or before August 1, 1980 the State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

[FR Doc. 80-9983 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1454-3]

Amendment to Final Rulemaking to Disapprove the Colorado State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Amendment to final rulemaking.

SUMMARY: On March 14, 1980 (45 FR 16486), the Environmental Protection Agency (EPA) published a final rule disapproving the carbon monoxide and ozone portions of the Colorado State Implementation Plan, thereby invoking the restrictions on construction of major new or modified stationary sources required by Section 110(a)(2)(I) of the Clean Air Act. In that rule, EPA also announced that it would begin exercising its authority under Sections 176(a) and 316 of the Act to withhold certain Federal assistance from the affected nonattainment areas.

These actions were based on the State of Colorado's failure to satisfy a condition of approval, i.e., failure to submit evidence of adequate legal authority to implement and enforce an acceptable automobile exhaust emissions control program by March 1, 1980. *See* 44 FR 57401 (October 5, 1979) and 45 FR 7801 (February 5, 1980). The final rule was to be effective on March 14, 1980.

On March 13, 1980, the United States Court of Appeals for the Tenth Circuit ordered that "enforcement by the EPA of all sanctions against the State of Colorado is stayed to and including May 1, 1980." Therefore, this amendment to the final rule responds to the Court order, and stays the effective date of the action published on March 14, 1980, to May 2, 1980.

Under Executive Order, 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of 12044.

EFFECTIVE DATE: The effective date of the final rule published on March 14, 1980, is May 2, 1980.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3711.

This notice of final rulemaking is issued under the authority of Section 110, 172, 176(a), (301 and 316 of the Clean Air Act, as amended.

Dated: March 26, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-9994 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Parts 122 and 125

[FRL 1440-8]

National Pollutant Discharge Elimination System (NPDES); NPDES Best Management Practices Guidance Document and Regulations

Correction

In FR Doc. 80-8577, appearing on page 17997, in the issue for Thursday, March 20, 1980, in the "DATES" paragraph, the comments closing date should read "May 5, 1980".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 221

Amendment of Charges for Processing Certain Applications

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the schedule of fees charged by the Maritime Administration for foreign transfer services. The fees are being increased for all services. Fees for transfer of vessels are now based on two categories of vessel tonnage, vessels of at least 3,000 gross tons and those of less than 3,000 gross tons.

The fees are being increased after a review by the agency disclosed that existing fees do not recover the full cost of rendering the services. By law (31 U.S.C. 483a), any benefit or service provided to or for any person by a Federal Agency is required to be self-sustaining to the fullest extent possible.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Virginia J. O'Brien, Office of Ship Operations, Maritime Administration, Washington, D.C. 20230. Tel. 202–377–3214.

SUPPLEMENTARY INFORMATION: On August 8, 1979, at 44 FR 46492, the Maritime Administration published a Notice of Proposed Rulemaking in which fees for foreign transfer services were proposed to be increased. The fee schedule currently in force was revised in 1974.

One public comment was received after the closing date in the Notice. This comment suggested a careful reconsideration of the fee schedule, especially with respect to the increase in the fee for charters of vessels to aliens. The commenter stated that the fee increases would be inflationary, and referred to the Federal guidelines on wages and prices.

The statute under which these increases are proposed, 31 U.S.C. 483a, requires that fees be fair and equitable and reflect as nearly as possible the cost of providing the service to the applicant. The method of determining costs for processing foreign transfer applications is set forth in the Office of Management and Budget Circular No. A–25. Prior to publication of the proposed new fee schedule, the applicability of the Federal wage and price guidelines was considered. It was determined that these guidelines do not apply to the user charges programs required by law. The agency believes that the new fee schedule fairly reflects the current cost of providing the services to which they relate.

Based on a review of the criteria that have been established pursuant to Executive Order 12044 (43 FR 12661) and implementing procedures of the Department of Commerce and Maritime Administration, a determination has been made that a regulatory analysis is not required.

Accordingly, the proposed increased fees as set forth in our Notice of Proposed Rulemaking at 44 FR 46492, August 8, 1979, and restated below, are adopted without any substantive change.

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Part 221.14 of Title 46, Code of Federal Regulations, is amended to read:

§ 221.14 Charges for processing certain applications.

(a) An application for approval of any of the following actions, pursuant to Section 9 or 37, or both, of the Shipping Act, 1916, as amended, shall be accompanied by a fee in the sum as set forth below:

	Per vessel
(1) Sale and delivery to an alien, and transfer to foreign registry of newly constructed and existing vessels:	
(i) Vessel of 3,000 gross tons and over	$325
(ii) Vessel of less than 3,000 gross tons	170
(2) Mortgage of a vessel or transfer of any interest in a vessel to an alien	250
(3) Charter of a vessel to an alien	250
(4) Sale or transfer to an alien of a shipyard, drydock, shipbuilding or ship repairing plant or facility, or any interest therein, having a capacity to accommodate:	
(i) Vessels of 3,000 gross tons and over	325
(ii) Vessels of less than 3,000 gross tons	170
(5) Sale or transfer of stock in a corporation organized under the laws of the United States, or of any state, territory, district, or possession thereof, and owning any vessel, shipyard, drydock, or shipbuilding or ship repairing plant or facility, if by such sale or transfer the controlling interest or a majority of the voting power of the corporation is vested in, or for the benefit of, any person not a citizen of the United States	325
(6) An application for appointment of a qualified bank or trust company to act as trustee for an indebtedness secured by a mortgage on a vessel, or on a vessel under construction, or on a shipyard, drydock, or shipbuilding or ship repairing plant or facility and all annual supplemental applications	215

(b) An application for approval of any of the following actions pursuant to certain Maritime Administration contracts covering vessels transferred to a foreign ownership or registry, or both, shall be accompanied by a fee in the sum as set forth below:

(1) Transfer of ownership or registry of a vessel or both	260
(2) Sale or transfer to an alien of stock in the foreign corporate owner of a vessel	235
(3) Charter of a vessel to an alien	240

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(c) An application for modification of any approval covered by paragraph (a) or (b) of this section shall be accompanied by the fee established for the original application.

(d) All fees set forth in this section will be retained to recover the cost of processing the applications.

(e) Application forms as required by this section may be obtained from and shall be submitted to: Foreign Transfer Officer, Office of Ship Operations, Maritime Administration, Washington, D.C. 20230.

(Sec. 43, Shipping Act, 1916, as amended, 46 U.S.C. 841a); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 1840), as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973)

Dated: March 27, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-10087 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-15-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-188; RM-3048]

FM Broadcast Stations in Poplar Bluff and Thayer, Mo.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns FM Channel 244A to Poplar Bluff, Missouri, as a third FM assignment in response to a petition filed by Raymond McCullough. A change in the Class A channel assignment at Thayer, Missouri, was also necessary. Although Poplar Bluff was entitled to only two channels under our population guidelines, an exception was made based on the efficiency of this particular FM assignment.

EFFECTIVE DATE: May 5, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792 or Ira H. Smart, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 13, 1980.

Released: March 28, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted June 26, 1978, 43 FR 29592, proposing the assignment of FM Channel 244A to Poplar Bluff, Missouri, and the substitution of Channel 285A for Channel 244A at Thayer, Missouri. The proceeding was instituted on the basis of a petition filed by Raymond McCullough ("petitioner"). Supporting comments were filed by petitioner reaffirming his intention to file an application for the channel, if assigned. Comments were also filed by Wayne County Broadcasting Company, Inc., Don M. Lidenton ("KLID"), licensee of Station KLID(AM), Poplar Bluff; and Farr Communications, Inc. ("FCI"), licensee of Station KJEZ(FM), also assigned to Poplar Bluff. Reply comments were filed by petitioner and FCI filed a late "Supplement to Comments".[1]

2. Poplar Bluff (16,653),[2] seat of Butler County (pop. 33,529), is located 210 kilometers (130 miles) south of St. Louis, Missouri. Local service to Poplar Bluff is provided by Class C FM Stations KPBM-FM (Channel 233), and KJEZ (Channel 238); and fulltime AM Stations KLID and KWOC.

3. Assignment of Channel 244A to Poplar Bluff would cause preclusion on the co-channel only, affecting three communities of over 1,000 population.[3] Of the precluded communities, only Piedmont is without an FM assignment, but it does have a daytime-only AM station. Petitioner has shown that alternative channels are available for assignment at Piedmont.

4. In opposition, KLID and FCI argued that Poplar Bluff is already adequately served and could not support another radio station. In this regard, it points to the deterioration of City Hall and to businesses that have discontinued or declined in recent years. We have not detailed these arguments because they concern the economic impact of a competing outlet and, in accordance with Commission policy, this issue can be more adequately resolved within the context of the application process. *Carroll Broadcasting Co.* v. *F.C.C.*, 258 F 2d 440 (D.C. Cir. 1958), *Adrian, Michigan*, 37 F.C.C. 2d 1021 (1972). Further consideration shall be deferred until that stage.

5. A legitimate concern raised by FCI involves the Commission's population criteria which would be exceeded by the addition of a third channel assignment to this community of under 50,000 persons. FCI cites *Hattiesburg, Miss.*, Dkt. 12887, 27 F.C.C. 2d 844 (1971), where a third FM assignment was denied to a community of 38,277 and *Bangor, Maine*, 29 F.C.C. 2d 476, where a third FM channel was also denied to 33,168 persons. KLID asserts, in this regard, that there is no need for a third FM assignment at Poplar Bluff since the community already has four (4) local radio services (2 AM and 2 FM).

6. In its reply, petitioner distinguishes the case of *Hattiesburg, Miss.*, and *Bangor, Maine*, so as not to apply here to limit Poplar Bluff to two channel assignments. In *Hattiesburg, Miss.*, petitioner notes that the requested channel would have precluded the assignment for Collings, Miss., and Hattiesburg already had seven aural outlets. In *Bangor, Maine*, it appeared to petitioner that the assignment was sought merely to avoid a comparative hearing on applications for a different Bangor channel. Furthermore, petitioner points out that significant preclusion would have resulted. Petitioner cited *Presque Isle, Maine*, Dkt. 21197, 42 Fed. Reg. 44989, 41 RR 2d 561 (1977); *Palm Springs, Cal.*, Dkt. 21174, 42 Fed. Reg. 39982, 41 RR 2d 1476 (1977); *Augusta, Maine*, Dkt. 20782, 42 Fed. Reg. 29875 (1977), and more recently in *Conway, Ark.*, Dkt. 78-220 and *Grand Island, Neb.*, Dkt. 78-115. In those cases, the lack of significant preclusion was said to be an important factor.

7. We have carefully considered the record in this proceeding, and conclude that it would be in the public interest to make the requested assignment so as to provide Poplar Bluff with its third FM assignment. The arguments in opposition to the assignment appear to be concerned with the competitive impact of another station in the market, and as stated before, that is not an issue we need to consider here.

8. Under normal circumstances the Commission's FM assignment criteria would suggest limiting the number of assignments to a community of the size of Poplar Bluff to two channels. However, as petitioner notes, these criteria are used as guidelines and are based on considerations of equitable distribution of available frequencies. In this case, the use of Channel 244A at Poplar Bluff would not result in significant preclusion elsewhere because alternate channels are available. Also, as to intermixing a Class A channel with Class C channels, exceptions have been made where, as here, petitioner is aware of this situation and has indicated that it is willing to take the risk of operating such a station. *Key West, Fla.*, 45 F.C.C. 2d 142 (1974).

9. In the cited case of *Hattiesburg, Miss., supra*, we agree with petitioner that additional factors were involved. As noted, a significant area, including the city of Collins, Mississippi, which had no local service, would have been precluded. In addition, Hattiesburg already had seven aural outlets. The factor of preclusion was principally important in our opinion because the following year a different channel number was assigned causing less preclusion (Dkt. 19413, 37 F.C.C. 2d 52 (1972)). In that case, the preclusive impact of the Hattiesburg assignment was described as minimal. In the present case, the preclusive impact is equally insignificant in our opinion and the particular channel requested would represent an efficient use of available frequencies. In fact, it is doubtful that Channel 244A would be used at all if not assigned to Poplar Bluff since the precluded communities either already have a channel assigned (Doniphan, Channel 249A, Station KOEA, and Thayer, Channel 244A, unoccupied) or have a pending proposal for an assignment (Piedmont, Channel 285A, RM-3542). Similarly, in the cited case of *Bangor, Maine, supra*, as was noted by petitioner, the proponent for a Bangor assignment sought to avoid a comparative hearing. Thus, special circumstances were needed to overcome the population guidelines that are used. On the other hand, petitioner has provided ample precedent for its request, such as *Presque Isle*,[4] *supra*, where a third FM assignment was granted to a population of 11,452 and the preclusion was described as insignificant (see *Notice*, 42 FR 20152 (1977)). The use of Channel 244A at Poplar Bluff is an efficient use of available frequencies, a factor that has, in the past, overridden population concerns. See *Tallahassee, Fla.*, Dkt. 21393, 43 FR 30799 (1978); *El Dorado, Ark.*, Dkt. 78-143, 45 FR 5304 (1980); and *North Platte, Neb.*, 44 FR 67666 (1979). Therefore, we find that the addition of a third FM channel to Poplar Bluff is warranted.

10. The assignment of Channel 244A to Poplar Bluff will comply with the Commission's mileage separation requirements, provided a site is selected at least 6.4 kilometers (4 miles) west of the community. In addition, as stated before, Channel 244A at Thayer must be replaced. Although we previously proposed to substitute Channel 285A, that channel has been requested at Piedmont (RM-3542). We have determined that Channel 296A can be assigned to Thayer instead as a substitute with a site restriction of 5 kilometers (3.1 miles) northwest of the community.

11. Accordingly, it is ordered, That effective May 5, 1980, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as follows:

City	Channel No.
Poplar Bluff, Missouri	233, 238, 244A
Thayer, Missouri	296A

12. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

13. It is further ordered, that this proceeding is terminated.

14. For further information concerning this proceeding, contact Ira H. Smart, Broadcast Bureau, (202) 632-7792, or Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-9936 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

[1] These supplemental comments concern the decline of business and industry in Poplar Bluff. We deal with this issue in paragraph 4, *infra*.

[2] Population figures are taken from the 1970 U.S. Census.

[3] *Missour*: Piedmont (1,908), Doniphan (1,850), and Thayer (2,260).

[4] Of the cases cited by petitioner, we do not agree that *Augusta, Maine, supra*, and *Conway, Ark., supra*, apply. In each case, the new assignment represented a second FM channel for the community. The third channel was in use at another community pursuant to Section 73.203(b) of the Commission's Rules.

47 CFR Part 73

[BC Docket No. 79-260; RM-3372]

FM Broadcast Stations in Coffeyville, Kans. and Nowata, Okla.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns FM Channel 221A to Coffeyville, Kansas, and reassigns Channel 232A from Coffeyville, Kansas, to Nowata, Oklahoma, to reflect its actual use in that community, in response to a petition filed by Montgomery County Broadcasters. The assigned channel to Coffeyville will provide that community with its first local aural broadcast service.

EFFECTIVE DATE: May 5, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 18, 1980.

Released: March 27, 1980.

By the Chief, Policy and Rules Division.

1. On October 1, 1979, the Commission issued a *Notice of Proposed Rule Making*, 44 Fed. Reg. 58762, in the above-entitled matter proposing the assignment of Channel 221A to Coffeyville, Kansas, and the reassignment of Channel 232A from Coffeyville, Kansas, to Nowata, Oklahoma, to reflect its use in that community. The *Notice* was issued in response to a petition filed by Montgomery County Broadcasters ("petitioner"). Supporting comments were filed by petitioner and Midwest Broadcasting Company, licensee of AM Station KGGF, Coffeyville, Kansas. Both parties stated they would apply for the channel, if assigned.

2. Coffeyville (pop. 15,116),[1] in Montgomery County (pop. 39,949), is located in southeastern Kansas, approximately 97 kilometers (60 miles) north of Tulsa, Oklahoma. It is served by fulltime AM Station KGGF.

3. Information concerning Coffeyville and its need for a first FM assignment was set forth in the *Notice* and is sufficient to support the request.

4. We believe it would be in the public interest to assign Channel 221A to Coffeyville, Kansas. There is a demand for its use to provide the community with an opportunity to institute a first local aural broadcast service. We shall also reassign Channel 232A from Coffeyville, Kansas, to Nowata, Oklahoma, to reflect its current use in that community.

5. In view of the foregoing, IT IS ORDERED, That effective May 5, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules IS AMENDED to read as follows:

City	Channel No.
Coffeyville, Kansas	221A
Nowata, Oklahoma	232A

6. Authority for the adoption of the amendments contained herein appears in Section 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[1] Population figures are taken from the 1970 U.S. Census.

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Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-9938 Filed 4-1-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[Docket No. 21513; RM-2882]

FM Broadcast Station in Freeport, Tex.; Changes Made in Table of Assignments; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns Class C FM Channel 273 to Freeport, Texas as its first channel assignment, in response to a petition filed by Weymar, Inc. The assignment will provide for a first fulltime local aural service to Freeport. In order to meet spacing requirements the transmitter sites for a new Yoakum, Texas, station and an existing Houston, Texas, station have been restricted.

EFFECTIVE DATE: May 5, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 13, 1980.

Released: March 28, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration (1) a *Notice of Proposed Rule Making*, 43 Fed. Reg. 1511, released January 4, 1978, proposing the assignment of FM Channel 273 to Freeport, Texas, as its first FM assignment; and (2) a *Request for Supplemental Information*, 43 Fed. Reg. 47576, released October 12, 1978, seeking reasonable assurance of the availability of an appropriate site for such an assignment. A petition filed by Weymar, Inc. ("Weymar") initiated this proceeding and Weymar subsequently filed supporting comments reaffirming its intention to apply for the channel, if assigned. Coastal Broadcasting, Inc. ("Coastal"), licensee of Stations KBRZ(AM), Freeport and KGOL(FM), Lake Jackson, and Amaturo Group, Inc. ("Amaturo"), licensee of Station KMJQ/FM, Houston, Texas, filed comments and related pleadings, and Weymar filed various responsive pleadings.[1]

2. Freeport (pop. 11,997),[2] in Brazoria County (pop. 109,020), is located on the Gulf of Mexico approximately 80 kilometers (50 miles) south of Houston, Texas. The city has a daytime-only AM station (KBRZ) and receives service as well from a number of Houston and Galveston stations and from a Class C FM station at Lake Jackson, approximately 24 kilometers (15 miles) northwest of Freeport. According to Weymar, Freeport is the largest of several communities collectively referred to as "Brazosport."[3] Further, we are told, the population of Brazoria County increased by 42.1% between 1960 and 1970, in large part because of the development of these communities as industrial and recreational centers.

3. The proposed Channel 273 assignment would have no preclusive impact on the co-channel or adjacent channels, as all are already precluded by existing FM assignments. And, while a Class A channel would ordinarily be our choice for a community of Freeport's size, Weymar has established that Channel 273 is the only suitable assignment.[4]

4. Locating the transmitter of a Channel 273 operation at Freeport raises problems which are addressed in the Coastal and Amaturo comments. To begin with the Coastal pleadings, only one site—in the San Bernard National Wildlife Refuge—would comply with both our minimum separation and city grade coverage requirements. The United States Fish and Wildlife Service, which operates the Refuge, has declined to allow a radio tower on its land. Hence, short-spacing with the reference for unoccupied Channel 272A at Yoakum, Texas, is unavoidable. This difficulty can be eliminated by restricting the siting of a Yoakum transmitter to a location west of the city, and both Weymar's engineering statement and our staff study reveal no allocation constraints prohibiting such a course. Two pending applications for a Channel 272A license in Yoakum specify transmitter sites of 6.9 kilometers (4.3 miles) and 4.5 kilometers (2.8 miles) northwest of the city reference. Both of these would permit siting of a Channel 273 transmitter to serve Freeport from an area outside the Wildlife Refuge.[5]

5. Turning to Amaturo's pleading,[6] it complains that the proposed assignment would restrict selection of a new site for its FM station (KMJQ) in Houston. According to Amaturo, construction of a tall new building in close proximity to its present antenna system will create a substantial arc of "shadow" in its coverage area. A new site has been selected, the licensee continues, but its use would be precluded by a Channel 273 assignment at Freeport. Assuming this to be true, Amaturo has failed to show that its preferred new site is the only suitable site available. Thus, it is not clear that the licensee must move its antenna to comply with any Commission requirements nor certain, that if a move is necessary, it cannot be done in such a way as to avoid precluding the provision of a first FM station at Freeport. In other words, such conflict as exists between the Channel 273 proposal and Station KMJQ's relocation plans appears to rest on Amaturo's preferences rather than on any technical or other constraints. Under these circumstances, we do not believe that the licensee's concerns are of sufficient weight to justify denying Freeport a first local FM service. Therefore, we find no obstacles to the assignment of Channel 273 to Freeport which is the only available channel to provide Freeport with a first FM station.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, It is ordered, That effective May 5, 1980, the FM Table of Assignments (Section 73.202(b) of the Rules), is amended with respect to the following community:

City	Channel No.
Freeport, Texas	273

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[1] Most of the pleadings filed in this proceeding have been repetitious and many have been mooted by subsequent events. Hence, we have not described the various filings in detail.

[2] Population data are taken from the 1970 U.S. Census.

[3] The other communities are Lake Jackson, Oyster Creek, Jones Creek, Clute and Richmond.

[4] While Amaturo suggests that Channel 252A could be assigned to Freeport, its engineering statement and our staff study all agree that a Class A facility from the sites available would not provide a city-grade signal over the entire community.

[5] Accordingly, we need not act on Weymar's alternative suggestion, deleting Channel 272A from Yoakum, Texas, which is in any event beyond the scope of this stage of the proceeding.

[6] We have considered the Amaturo comments, although late, as the licensee filed them as soon as its interest in this proceeding became apparent. Moreover, as Weymar could and did file a responsive pleading, no prejudice will occur from our considering the comments on the merits.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80-9939 Filed 4-1-80; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Directed Service Order No. 1456]

St. Louis Southwestern Railway Co.—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Memphis, Tenn., and Fordyce, Ark.

Decided: March 25, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1456.

SUMMARY: Pursuant to 49 U.S.C. 11125, the Commission is authorizing St. Louis Southwestern Railway Company (SSW) to provide service as a "directed rail carrier" (DRC)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over certain lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI").

The involved RI line extends between Memphis, TN, and Fordyce, AR (via Little rock, AR), including the branch line between Haskell, Malvern, and Hot Springs, AR (collectively, referred to as the "Memphis/Fordyce Line").[1]

This unsubsidized directed service order is necessitated by the continuing economic crisis on the Rock Island and the expiration of subsidized directed service under Directed Service Order No. 1398 (and subs thereunder), on March 23, 1980. See *Kansas City Term, Ry. Co.—Chicago, R.I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733, and 45 FR 14578 (1979–80).

DATES: *Effective date:* Directed Service Order No. 1456 shall be effective on the service date of this decision. SSW shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration date: Unless otherwise modified by the Commission, DSO No. 1456 will expire at 11:59 p.m. (central time) on May 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Richard J. Schiefelbein (202) 275-0826
or
Joel E. Burns (202) 275-7849

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

The Rock Island has been in reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205) since March 1975. In September 1979 RI's cash flow position became so severe as to prevent RI from continuing normal rail operations. See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289, 290–92. Accordingly, we issued Directed Service No. 1398 authorizing the Kansas City Terminal Railway Company (KCT), under 49 U.S.C. 11125, to provide service as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system.

In November 1979, SSW filed two documents with us expressing an interest in operating RI's line between Memphis, TN, and Fordyce, AR (via Little Rock, AR) "without government compensation under either 49 U.S.C. 11123 or 11125." In a subsequent pleading, SSW also offered to operate RI's branch line between Haskell, Malvern, and Hot Springs, AR, without any subsidization. Further, SSW offered to operate the following RI lines on a cost-compensation basis under 49 U.S.C. 11125(b)(5), but waiving its 6-percent profit option under 49 CFR Part 1126: (1) Fordyce, AR, to Alexandria, LA; and (2) Tinsman to Crossett, AR.

On March 14, 1980, we served Service Order No. 1415 authorizing SSW to operate all the foregoing RI lines without any government subsidization under 49 U.S.C. 11123. See *St. Louis S.W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 729 (1980). The service order became effective at 12:01 a.m. (central time) on March 24, 1980. Pursuant to Supplemental Order No. 1 (decided and served March 21, 1980), SSW notified us that—while it was willing to operate the Memphis/Fordyce line (including the Haskell/Hot Springs/Malvern branch line) without government subsidization under 49 U.S.C. 11123—it was unwilling to operate the Fordyce/Alexandria line and the Tinsman/Crossett branch line without compensation. Accordingly, operations over the Memphis/Fordyce line segment began on March 24, 1980, pursuant to Service Order No. 1415. However, certain jurisdictional difficulties persuade us to reconsider the statutory basis for authorizing operations over the Memphis/Fordyce line.

On December 7, 1979, we issued Service Order No. 1411 authorizing SSW to provide temporary service over RI's Tucumcari Line (between Santa Rosa, NM, and St. Louis, MO), pursuant to 49 U.S.C. 11123. *St. Louis S.W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 539 (1979). On March 20, 1980, however, the U.S. Court of Appeals for the Seventh Circuit reversed and remanded Service Order No. 1411, finding its jurisdictional basis under 49 U.S.C. 11123 defective. *See* Nos. 79-2461 and 79-2478, *Atchison, Topeka & Santa Fe Railway Company v. United States of America*. Although we are considering seeking review of the Court's ruling on Service Order No. 1411, SSW has expressed reservations about continuing operations under Service Order No. 1415 unless its jurisdictional basis is clarified.

KCT's subsidized directed service operations over the RI system terminated on March 23, 1980, due to a lack of funds as discussed in DSO No. 1398 (Sub-No. 2). *KCT—Operate—CRI&P, supra*, 360 I.C.C. 718. The RI Trustee indicates that he is unable to resume service after KCT's directed service ends. Unless we reaffirm SSW's authority to operate RI's Memphis/Fordyce Line, there will be a significant disruption in service with corresponding adverse economic effects on shippers and localities affected by the Memphis/Fordyce Line.

Accordingly, we have decided to authorize SSW to operate the Memphis/Fordyce Line under the authority of an uncompensated directed service order issued pursuant to 49 U.S.C. 11125.

Discussion and Conclusions

The jurisdictional factors supporting the issuance of Directed Service Order No. 1398 also support the issuance of this unsubsidized directed service order. As we found in DSO No. 1398 (and subs thereunder), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 290–92. Since the issuance of the KCT directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight. Accordingly, the RI emergency continues to exist and our jurisdiction to issue a directed service order remains intact.

[1] SSW does not wish to operate the following branch lines adjacent to the Memphis/Fordyce main line due to lack of shipper need and revenue potential: (1) Between Mesa, Des Arc, and Stuttgart, AR; and (2) between Malvern and Sparkman, AR. However, SSW has recently requested that the RI line between Little Rock and Perry, AR, be deemed a part of the Memphis/Fordyce Line for purposes of this decision. We grant SSW's requests.

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Moreover, the need for service which warranted service Order No. 1415 still exists. Recent data indicate that shippers along the Memphis/Fordyce Line—particularly shippers of wood and paper products—still require significant rail service. A cessation of service after the expiration of DSO No. 1398 on March 23, 1980, would disrupt local traffic all along the Memphis/Fordyce Line.

In view of the urgent need for continued service over RI's Memphis/Fordyce Line pending the implementation of long-range solutions, we consider it imperative to authorize some form of interim service.

While the Commission lacks funds to order subsidized directed service after March 23, 1980, we find no impediment to authorizing unsubsidized directed service by SSW for the remainder of the maximum 240-day directed service period which began October 5, 1979. Due to the emergency nature of the situation and the need for immediate action, we exercise our authority under 49 U.S.C. 11125(a) to waive advance public notice and hearings in this matter.

The terms and conditions of this directed service order are described below.

Terms and Conditions

Effective Date.—DSO No. 1456 shall be effective on the service date of this decision. SSW shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1456 will expire at 11:59 p.m. (central time) on the 240th day after directed service operations over the RI system first began on October 5, 1979, (*i.e.*, 11:59 p.m., May 31, 1980). The Commission lacks jurisdiction to extend directed service beyond that date.

Waiver of Compensation—SSW's authority under DSO No. 1456 is expressly conditioned upon its waiver of all compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126 (1978).

Track Safety—In accordance with 49 U.S.C. 11125(b)(2)(A), SSW need not operate over any RI line segments certified by the Federal Railroad Administration (FRA) as being below Class I track safety standards. *See* 49 CFR Part 213 (1979).

However, with regard to any line segments below Class I condition, SSW may either; (1) Rehabilitate the line; (2) petition FRA for a waiver authorizing limited rail operations over the line; or (3) implement ancillary rerouting under 49 U.S.C. 11124.

Cars and Operating Equipment—In operating RI's Memphis/Fordyce Line, SSW shall use its own cars and operating equipment wherever possible. However, SSW may use RI cars and operating equipment to the extent authorized in any subsequent orders of the Commission or its Railroad Service Board.

Employees—In providing service under this directed service order, SSW shall afford affected RI employees the protection provided by the negotiated labor protection agreement signed by SSW and RI employee representatives March 4, 1980 (entitled *Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives Association).*

We interpret this negotiated labor protection agreement as satisfying the employee protection requirements of the Interstate Commerce Act—including the provisions of 49 U.S.C. 11125(b)(4)—for purposes of interim operations over the Rock Island and Milwaukee Railroads.

Preservation of RI Estate—During the period of its operation of RI's Memphis/Fordyce Line, SSW shall be responsible for preserving the value of that line to the RI estate. SSW shall thus have an affirmative duty to perform that degree of maintenance necessary to avoid deterioration of the line and related facilities. SSW and the RI Trustee shall negotiate regarding terms of compensation regarding use of the line and related facilities. In the event of a failure to reach agreement, we reserve the right to set reasonable compensation terms.

Rates—SSW is authorized to act on behalf of RI in all matters concerning rates and charges applicable to the RI Memphis/Fordyce Line.

SSW may seek changes in existing RI rates and charges regarding the line. All such charges shall accrue to SSW's account during the effective period of this order, and shall not constitute assets of the RI estate.

SSW's Liability for Expenses—Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole liability of SSW, and shall not in any way be deemed a liability of the United States Government.

Operational Difficulties—Any operational difficulties associated with the authorized operations shall be resolved by SSW and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Permissive Nature of Order—In view of the particular circumstances surrounding this proceeding, our order shall be permissive rather than mandatory. Thus, SSW may elect whether or not to commence the authorized operations.

We believe SSW should have an opportunity to review the conditions contained herein before commencing operations. Since this directed service order is predicated upon a waiver of compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126, SSW should have an opportunity to weigh the costs and benefits of operating the line before commencing operations. Finally, a permissive order ensures that SSW is not compelled to provide service which could impair its financial or operational viability.

Reporting Requirements—To assist us in monitoring SSW's operation of the line, we shall require SSW to file that data regarding the line which RI would have otherwise filed.

Traffic Reports—SSW shall file with the Commission, on a monthly basis, a traffic report identifying: (a) The number of carloads transported over the Memphis/Fordyce Line daily; (b) the total gross revenue for those carloads; and (c) RI's normal portion of the total gross revenue. These traffic reports shall be submitted to the Commission once a month at the end of each calendar month.

We find:

(1) RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

(2) In order to prevent severe transportation and economical disruptions, it is necessary for the Commission to authorize SSW to operate RI's Memphis/Fordyce line under 49 U.S.C. 11125 with a waiver of any compensation.

(3) Our action in this decision will not cause SSW to operate in violation of 45 U.S.C. 421. *See* 49 U.S.C. 11125(b)(2)(A).

(4) Our action in this decision will not substantially impair the ability of SSW to serve its own patrons adequately, or to meet its outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B).

(5) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

§ 1033.1456 St. Louis Southwestern Railway Company—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Memphis, TN, and Fordyce, AR.

It is ordered:

(1) *Entry*—SSW is authorized to enter upon and operate RI's Memphis/Fordyce line pursuant to this unsubsidized directed service order under 49 U.S.C. 11125.

(a) The entry may occur on this decision's service date and shall continue no later than 11:59 p.m. (central time) on May 31, 1980.

(b) SSW shall immediately notify the Commission and the parties to this proceeding, in writing, of the date it commences operations under this order.

(2) *Other Matters*—Operations under this order shall conform with the directions prescribed above.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1456" and be sent to the following Commission offices in the Commission's headquarters at 12th and Constitution Avenue, NW., Washington, DC 20423:

• Office of the Secretary (Room 2215) (original)

• Section of Finance (Room 5417) Office of Proceedings (3 copies)

• Section of Rail Service Planning (Room 7375) Office of Policy and Analysis (3 copies)

• Railroad Service Board (Room 7115) Bureau of Operations (3 copies)

• Bureau of Accounts (Room 6133) (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign commerce.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Service on Parties*—This decision shall be served on all parties in DSO No. 1398 and Finance Docket No. 29202/Service Order No. 1415, who shall be made parties to this proceeding. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Car Service Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(7) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) Depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) filing a copy with the Director, Office of the Federal Register.

(8) *Effective Date*—This decision and order shall be effective on this decision's service date.

(9) *Expiration Date*—Unless otherwise modified by the Commission, this decision and order will expire at 11:59 p.m. (central time) May 31, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9035 Filed 4-1-80; 8:45 am]

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49 CFR Part 1033

[Directed Service Order No. 1437]

Regional Transportation Authority—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Over Chicago Commuter Line

Decided: March 20, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1437.

SUMMARY: Pursuant to 49 U.S.C. § 11125, the Commission is granting the request of the Illinois Regional Transportation Authority (RTA) to provide service as a "directed rail carrier" (DRC)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over the Chicago-Joliet, IL, commuter line owned by the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI").

This unsubsidized directed service order is necessitated by the continuing economic crisis on the Rock Island and the approaching expiration of subsidized directed service under Directed Service Order No. 1398 (and subs thereunder), on March 23, 1980. See *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733 and 45 FR 14578 (1979–80).

DATES: *Effective Date*—Directed Service Order No. 1437 shall be effective at 12:01 a.m. (central time) March 24, 1980. RTA shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1437 will expire at 11:59 p.m. (central time) May 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Richard J. Schiefelbein (202) 275–0826
or
Joel E. Burns (202) 275–7849

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

Under Directed Service Order No. 1398 (and subs thereunder), we authorized the Kansas City Terminal Railway Company (KCT) to provide service as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system. *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733, and 45 FR 14578 (1979–80).

Subsidized directed service operations by KCT–DRC commenced October 5, 1979. These operations will terminate on March 23, 1980. As we noted in DSO No. 1398 (Sub-No. 2), the Commission lacks funds to order subsidized directed service over the RI system beyond March 23, 1980. *KCT—Operate—CRI&P, supra*, 360 I.C.C. 718.

The RI Trustee has indicated that he is unable to resume service after directed service expires. As we found in DSO No. 1398 (and subs thereunder), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 290–92. Since the issuance of our directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight.

A cessation of service over RI's Chicago-Joliet commuter line would cause significant economic, transportation and environmental disruptions.[1] RTA states that the commuter service is relied upon by approximately 14,000 daily riders for access to employment, education, recreation and health services. RTA studies indicate that, without the RI commuter service, 6,000 riders could face major problems in finding alternative modes of transportation. As many as 8,000 riders may be forced back to private automobiles, causing a major adverse impact on vehicular traffic levels and fuel consumption. RTA estimates that the reversion to private automobiles caused by a cessation of the RI commuter service would consume 4.5 to 5 million additional gallons of gasoline per year.

In a telegram dated March 7, 1980, RTA seeks an unsubsidized directed service order (effective March 24, 1980) authorizing it—either directly or through

[1] RI's Chicago commuter line extends between the LaSalle Street Station in Chicago and Joliet, IL (Milepost 40.6).

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a service provider of its choice—to continue all RI commuter services between Chicago and Joliet. The requested order would authorize RTA to operate over all RI property (or property available to RI use) on the line, to use all RI facilities necessary to the movement of the commuter trains, and to provide all services incidental to or in support of the commuter operations. RTA notes that a good deal of locomotive power and rolling stock is owned by RTA and is available to continue service over RI's commuter line. RTA waives "any claim for compensation of any kind from the Commission for the maintenance of the contemplated service." RTA apparently prefers directed service authority under 49 U.S.C. 11125 over an emergency service order under 49 U.S.C. 11123 due to an inability to negotiate mutually satisfactory compensation terms with the RI Trustee.

Discussion and Conclusions

In view of the urgent need for continued service over RI's Chicago-Joliet commuter line pending the outcome of continuing negotiations to purchase the line, we consider it imperative to authorize some form of interim service after subsidized directed service by KCT–DRC ends on March 23, 1980.

As we have frequently stated, we have jurisdiction to grant such authority to rail carriers in emergency situations under both 49 U.S.C. 11123 and 11125. While the Commission lacks funds to order subsidized directed service after March 23, 1980, we find no impediment to authorizing unsubsidized directed service by RTA (or its agent) for the remainder of the 240-day directed service period which began October 5, 1979. Due to the emergency nature of the situation and the need for immediate action, we exercise our authority under 49 U.S.C. § 11125(a) to waive advance public notice and hearings in this matter.

The terms and conditions of this directed service order are described below.

Terms and Conditions

Effective Date—DSO No. 1437 shall be effective at 12:01 a.m. (central time) March 24, 1980. RTA shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1437 will expire at 11:59 p.m. (central time) on the 240th day after directed service operations over the RI system first began on October 5, 1979 (*i.e.*, 11:59 p.m., May 31, 1980). The Commission lacks jurisdiction to extend directed service beyond that date.

Waiver of Compensation—RTA's authority under DSO No. 1437 is expressly conditioned upon its waiver of all compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126 (1978).

Track Safety—In accordance with 49 U.S.C. 11125(b)(2)(A), RTA need not operate over any RI line segments certified by the Federal Railroad Administration (FRA) as being below Class 1 track safety standards. *See* 49 CFR Part 213 (1979).

However, with regard to any line segments below Class 1 condition, RTA may either rehabilitate the line or petition FRA for a waiver authorizing limited rail operations over the line.

Cars and Operating Equipment—In operating RI's Chicago-Joliet commuter line, RTA shall use its own cars and operating equipment wherever possible. Under appropriate orders of the Commission's Railroad Service Board, RTA may use any RI equipment and facilities necessary to the provision of the service authorized by this decision.

Employees—Under 49 U.S.C. 11125(b)(4), RTA must hire RI employees necessary to provide the authorized service and assume RI's existing employment obligations and practices respecting those employees for the directed service period.

In complying with section 11125(b)(4), RTA may either utilize the employee protection procedures established in DSO No. 1398, *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 300–303, or negotiate new employee protection terms with the affected RI employees.

Preservation of RI Estate—During the period of its operation of RI's Chicago commuter line, RTA shall be responsible for preserving the value of that line to the RI estate. RTA shall thus have an affirmative duty to perform that degree of maintenance necessary to avoid deterioration of the line and related facilities. RTA and RI Trustee shall negotiate regarding use of the line and related facilities. In the event of a failure to reach agreement, we may set reasonable compensation terms.

Rates and Fares—RTA is authorized to act on behalf of RI in all matters concerning rates and charges applicable to the RI commuter service.

RTA may seek changes in existing RI rates, fares and charges regarding the Chicago-Joliet commuter service. All such charges shall accrue to RTA's account during the effective period of this order, and shall not constitute assets of the RI estate.

RTA's Liability for Expenses—Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole liability of RTA, and shall not in any way be deemed a liability of the United States Government.

Operational Difficulties—Any operational difficulties associated with the authorized operations shall be resolved by RTA and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Permissive Nature of Order—In view of the particular circumstances surrounding this proceeding, our order shall be permissive rather than mandatory. Thus, RTA may elect whether or not to commence the authorized operations.

This approach is warranted by several factors. We believe RTA should have an opportunity to review the conditions contained herein before commencing operations. Since this directed service order is predicated upon a waiver of compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126, RTA should have an opportunity to weigh the costs and benefits of operating the line before commencing operations. Finally, a permissive order ensures that RTA is not compelled to provide service which could impair its financial or operational viability.

Reporting Requirements.—To assist us in monitoring RTA's operation of the line, we shall require RTA to file that data regarding the line which RI would have otherwise filed.

We find:

(1) RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

(2) In order to prevent severe transportation and economical disruptions, it is necessary for the commission to authorize RTA to operate RI's Chicago-Joliet, IL, commuter line under 49 U.S.C. 11125 with a waiver of any compensation.

(3) Our action in this decision will not cause RTA to operate in violation of 45 U.S.C. 421. *See* 49 U.S.C. 11125(b)(2)(A).

(4) Our action in this decision will not substantially impair the ability of RTA to serve its own patrons adequately, or to meet its outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B).

(5) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

49 CFR 1033.1437, *Regional Transportation Authority—directed service—Chicago, Rock Island & Pacific Railroad Company, debtor (William M. Gibbons, trustee) over Chicago Commuter Line.*

It is ordered:

(1) *Entry*—RTA (or its agent) is authorized to enter upon and operate RI's Chicago commuter line pursuant to this unsubsidized directed service order under 49 U.S.C. § 11125.

(a) The entry may occur no earlier than 12:01 a.m. (central time) on March 24, 1980 and shall continue no later than 11:59 p.m. (central time) on May 31, 1980.

(b) RTA shall immediately notify the Commission and the parties to this proceeding, in writing, of the date it commences operations under this order.

(2) *Other Matters*—Operations under this order shall conform with the directions prescribed above.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1437" and be sent to the following Commission offices in the Commission's headquarters at 12th and Constitution Avenue, NW., Washington, DC 20423:

•Office of the Secretary (Room 2215) (original)

•Section of Finance (Room 5417) Office of Proceedings (3 copies)

•Section of Rail Services Planning (Room 7375) Office of Policy and Analysis (3 copies)

•Railroad Service Board (Room 7115) Bureau of Operations (3 copies)

•Bureau of Accounts (Room 6133) (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to commuter service only.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Service on Parties*—This decision shall be served on all the parties in DSO No. 1398, who shall be made parties to this proceeding. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Car Service Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(7) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) filing a copy with the Director, Office of the Federal Register.

(8) *Effective Date*—This decision and order shall be effective at 12:01 a.m. (central time) March 24, 1980.

(9) *Expiration Date*—Unless otherwise modified by the Commission, DSO No. 1437 will expire at 11:59 p.m. (central time) May 31, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Chairman Gaskins absent and not participating.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9999 Filed 4-1-80; 8:45 am]

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49 CFR Part 1033

[Directed Service Order No. 1453]

St. Louis Southwestern Railway Co.—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Santa Rosa, NM, and St. Louis, MO

Decided: March 21, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1453.

SUMMARY: Pursuant to 49 U.S.C. 11125, the Commission is authorizing St. Louis Southwestern Railway Company (SSW) to provide service as a "directed rail carrier" (DRC)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over the "Tucumcari Line" of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI").

RI's Tucumcari Line extends from Santa Rosa, NM, to St. Louis, MO (via Kansas City, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles.[1]

This unsubsidized directed service order is necessitated by the continuing economic crisis on the Rock Island and the approaching expiration of subsidized directed service under Directed Service Order No. 1398 (and subs thereunder), on March 23, 1980. See *Kansas City Term. Ry. Co.—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 716 (1979–80; 44 FR 56343, 70733, and 45 FR 14578 (1979–80).

DATES: Effective Date: Directed Service Order No. 1453 shall be effective at 12:01 a.m. (central time) on March 24, 1980. SSW shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date: Unless otherwise modified by the Commission, DSO No. 1453 will expire at 11:59 p.m. (central time) on May 31, 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Schiefelbein (202) 275–0826, or Joel E. Burns (202) 275–7849.

SUPPLEMENTAL INFORMATION:

Decision of the Commission

Background

The Rock Island has been in reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205) since March 1975. In September 1979 RI's cash flow position became so severe as to prevent RI from continuing normal rail operations. See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289, 290–92. Accordingly, we issued Directed Service Order No. 1398 authorizing the Kansas City Terminal Railway Company (KCT), under 49 U.S.C. 11125, to provide service as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system.

On September 22, 1979, SSW filed a petition seeking temporary authority to operate RI's Tucumcari Line without government subsidization. We noted that SSW has a genuine interest in preserving the viability of the Tucumcari Line, by virtue of its pending application in Finance Docket No. 28799 to purchase that line. We further noted that a grant of SSW's request for temporary operating authority would reduce the enormous costs to the Federal Treasury of subsidized directed service by KCT–DRC. Accordingly, we granted SSW its requested authority under 49 U.S.C. 11123 in Service Order No. 1411. See *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago R. I. & P.*, 360 I.C.C. 539 (1979), 44 FR 72261 (December 13, 1979) *(Service Order No. 1411).*

A number of interested carriers challenged Service Order No. 1411 in the U.S. Court of Appeals for the Seventh Circuit. In Nos. 79–2461 and 79–2478, the appeals court recently reversed and remanded Service Order No. 1411, finding its jurisdictional basis under 49 U.S.C. 11123 defective.

KCT's subsidized directed service operations over the RI system will terminate on March 23, 1980, due to the lack of funds discussed in DSO No. 1398 (Sub-No. 2). *KCT—Operate—CRI&P, supra*, 360 I.C.C. 716. The RI Trustee indicates that he is unable to resume service after KCT's directed service ends. Unless SSW is authorized to operate RI's Tucumcari Line after KCT's directed service ends, there will be a

[1] We consider N. Topeka, KS, to be within the Topeka switching limits, and thus a part of the Tucumcari Line.

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disruption in service with corresponding adverse economic effects on shippers and localities affected by the Tucumcari Line.

Accordingly, we have decided to authorize SSW to operate the Tucumcari Line under an uncompensated directed service order issued pursuant to 49 U.S.C. 11125.

Discussion and Conclusions

The jurisdictional factors supporting the issuance of Directed Service Order No. 1398 also support the issuance of this unsubsidized directed service order. As we found in DSO No. 1398 (and subs thereunder), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 290–92. Since the issuance of the KCT directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight. Accordingly, the RI emergency continues to exist and our jurisdiction to issue a directed service order remains intact.

Moreover, the need for service which warranted Service Order No. 1411 still exists. Recent data indicate that the grain elevators along the Tucumcari Line still require significant rail service. These elevators are currently filled with grain from the fall harvest and will soon receive winter harvest grain. Furthermore, a cessation of service after DSO No. 1398 expires on March 23, 1980, would disrupt local traffic all along the Tucumcari Line. The Appendix to this decision presents a more complete description of current traffic needs and patterns on the line.

In view of the urgent need for continued service over RI's Tucumcari Line pending the outcome of SSW's application to purchase the line in Finance Docket No. 28799, we consider it imperative to authorize some form of interim service after subsidized directed service by KCT–DRC ends on March 23, 1980.

While the Commission lacks funds to order subsidized directed service after March 23, 1980, we find no impediment to authorizing unsubsidized directed service by SSW for the remainder of the maximum 240-day directed service period which began October 5, 1979. Due to the emergency nature of the situation and the need for immediate action, we exercise our authority under 49 U.S.C. 11125(a) to waive advance public notice and hearings in this matter.

The terms and conditions of this directed service order are described below.

Terms and Conditions

Effective Date—DSO No. 1453 shall be effective at 12:01 a.m. (central time) March 24, 1980. SSW shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1453 will expire at 11:59 p.m. (central time) on the 240th day after directed service operations over the RI system first began on October 5, 1979, (*i.e.*, 11:59 p.m., May 31, 1980). The Commission lacks jurisdiction to extend directed service beyond that date.

Waiver of Compensation—SSW's authority under DSO No. 1453 is expressly conditioned upon its waiver of all compensation under 49 U.S.C. 11125(b)(5) and 49 CFR 1126 (1978).

Track Safety—In accordance with 49 U.S.C. 11125(b)(2)(A), SSW need not operate over any RI line segments certified by the Federal Railroad Administration (FRA) as being below Class I track safety standards. *See* 49 CFR Part 213 (1979).

However, with regard to any line segments below Class 1 condition, SSW may either: (1) rehabilitate the line; (2) petition FRA for a waiver authorizing limited rail operations over the line; or (3) implement ancillary rerouting under 49 U.S.C. 11124.

Cars and Operating Equipment—In operating RI's Tucumcari Line, SSW shall use its own cars and operating equipment wherever possible. However, SSW may use RI cars and operating equipment to the extent authorized in Service Order No. 1411 (and supplemental orders thereunder), and to the extent authorized in any subsequent orders of the Commission or its Railroad Service Board.

Employees—In providing service under this directed service order, SSW shall afford affected RI employees the protection provided by the negotiated labor protection agreement signed by SSW and RI employee representatives March 4, 1980 (entitled *Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives Association).*

We interpret this negotiated labor protection agreement as satisfying the employee protection requirements of the Interstate Commerce Act—including the provisions of 49 U.S.C. 11125(b)(4)—for purposes of interim operations over the Rock Island and Milwaukee Railroads.

Preservation of RI Estate—During the period of its operation of RI's Tucumcari Line, SSW shall be responsible for preserving the value of that line to the RI estate. SSW shall thus have an affirmative duty to perform that degree of maintenance necessary to avoid deterioration of the line and related facilities. In addition, SSW and the RI Trustee shall negotiate terms of compensation for use of the line and facilities. In the event they are unable to reach agreement, we reserve the right to set terms of reasonable compensation.

Rates—SSW is authorized to act on behalf of RI in all matters concerning rates and charges applicable to the RI Tucumcari Line.

SSW may seek changes in existing RI rates and charges regarding the line. All such charges shall accrue to SSW's account during the effective period of this order, and shall not constitute assets of the RI estate.

SSW's Liability for Expenses—Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole liability of SSW, and shall not in any way be deemed a liability of the United States Government.

Operational Difficulties—Any operational difficulties associated with the authorized operations shall be resolved by SSW and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Permissive Nature of Order—In view of the particular circumstances surrounding this proceeding, our order shall be permissive rather than mandatory. Thus, SSW may elect whether or not to commence the authorized operations.

This approach is warranted by several factors. We believe SSW should have an opportunity to review the conditions contained herein before commencing operations. Since this directed service order is predicated upon a waiver of compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126, SSW should have an opportunity to weigh the costs and benefits of operating the line before commencing operations. Finally, a permissive order ensures that SSW is not compelled to provide service which could impair its financial or operational viability.

Reporting Requirements—To assist us in monitoring SSW's operation of the line, we shall require SSW to file that data regarding the line which RI would have otherwise filed.

Traffic Reports—SSW shall file with the Commission, on a monthly basis, a traffic report identifying: (a) the number of carloads transported over the Tucumcari line daily; (b) the total gross revenue for those carloads; and (c) RI's normal portion of the total gross revenue. These traffic reports shall be submitted to the Commission once a month at the end of each calendar month.

We find: (1) RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

(2) In order to prevent severe transportation and economic disruptions, it is necessary for the Commission to authorize SSW to operate RI's Tucumcari line under 49 U.S.C. 11125 with a waiver of any compensation.

(3) Our action in this decision will not cause SSW to operate in violation of 45 U.S.C. 421. *See* 49 U.S.C. 11125(b)(2)(A).

(4) Our action in this decision will not substantially impair the ability of SSW to serve its own patrons adequately, or to meet its outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B).

(5) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108, (1978).

49 CFR 1033.1453, St. Louis Southwestern Railway Company—directed service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Santa Rosa, NM, and St. Louis, Mo.

It is ordered: (1) *Entry*—SSW is authorized to enter upon and operate RI's Tucumcari line pursuant to this unsubsidized directed service order under 49 U.S.C. 11125.

(a) The entry may occur no earlier than 12:01 a.m. (central time) on March 24, 1980 and shall continue no later than 11:59 p.m. (central time) on May 31, 1980.

(b) SSW shall immediately notify the Commission and the parties to this proceeding, in writing, of the date it commences operations under this order.

(2) *Other Matters*—Operations under this order shall conform with the directions prescribed above.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1453" and be sent to the following Commission offices in the Commission's headquarters at 12th and Constitution Avenue, N.W., Washington, DC 20423:

- Office of the Secretary (Room 2215) (original)
- Section of Finance (Room 5417) Office of Proceedings (3 copies)
- Section of Rail Service Planning (Room 7375) Office of Policy and Analysis (3 copies)
- Railroad Service Board (Room 7115) Bureau of Operations (3 copies)
- Bureau of Accounts (Room 6133) (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign commerce.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Service on Parties*—This decision shall be served on all the parties in DSO No. 1398 and Finance Docket No. 29144/ Service Order No. 1411, who shall be made parties to this proceeding. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Car Service Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(7) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) filing a copy with the Director, Office of the Federal Register.

(8) *Effective Date*—This decision and order shall be effective at 12:01 a.m. (central time) March 24, 1980.

(9) *Expiration Date*—Unless otherwise modified by the Commission, this decision and order will expire at 11:59 p.m. (central time) May 31, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford Concurring, Commissioner Trantum dissenting.

James H. Bayne,

Acting Secretary.

Appendix—Tucumcari Line—Traffic Patterns*

Tucumcari, NM/Dalhart, TX

Average of 1 train per day (each way)

Dalhart, TX

100 cars interchange per day (on average) Still loading grain at Dalhart

Liberal, KS

1 train per day (on average) Could handle 450–500 cars per month

Pratt, KS

1 train per day Still loading grain

Hutchinson, KS

Originated in 2/80: 1,014 cars, terminated in 2/80: 12 cars; originated in 1/80: 380 cars, terminated in 1/80: 102 cars

Topeka, KS

Originated in 2/80: 745 cars, terminated in 2/80: 158 cars; originated in 1/80: 566 cars, terminated in 1/80: 192 cars

Herington, KS

Originated in 2/80: 52 cars, terminated in 2/80: 10 cars originated in 1/80: 125 cars, terminated in 1/80: 7 cars. 1 train per day (on average) each way on Tucumcari Line

*Source: ICC Bureau of Operations

Commissioner Stafford (Concurring:)

The majority would now enter a directed service order to effect what it could not legally accomplish through the now discredited grant of temporary authority, S.O. No. 1411. This temporary authority D.S.O. No. 1453, by whatever name it is called is still temporary authority. While Tucumcari line after March 23, 1980, it is clear that in the atmosphere created by S.O. 1411 no other person had the opportunity or incentive to proffer a reasonable alternative solution. Thus, due process of law was largely ignored to meet desired ends. Moreover, it seems inequitable to allow a potential purchaser of that line to be given temporary operating authority, thus further solidifying its plans to purchase the line. The operation by SSW over Rock Island trackage rights between Topeka and Kansas City further complicates the situation. I believe other legally acceptable alternatives were available and should have been explored.

Note.—Commissioner Trantum dissented to the allocation of any RI rolling stock to the SSW.

[FR Doc. 80-10000 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts (611 and 655

Atlantic Squid Fisher; Emergency Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Promulgation of emergency regulations.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has approved with the exception of one provision, an amendment to the Fishery Management Plan for the Squid Fishery of the Northwest Atlantic Ocean (FMP). The regulations to implement the management measures contained in the amendments to the Plan would (1) establish an initial level of harvest for United States vessels catching Atlantic squid *(Illex illecebrosus* and *Loligo pealei)*; and (2) establish a reserve from which squid be may distributed to the domestic and foreign fisheries.

All regulations governing the foreign

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fishery for squid contained in 50 CFR Part 611 are continued in effect without change.

The text of the regulation which also serves as the proposed rule, will be published for public comment in the proposed rules section of a future issue of the Federal Register.

EFFECTIVE DATE: The emergency regulations are effective on April 1, 1980. They will remain in effect until May 15, 1980, unless they are terminated earlier or extended for an additional 45 days.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council), and approved by the Assistant Administrator on June 6, 1979, in accordance with the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act). Final regulations implementing the FMP were published on December 31, 1979 (44 FR 77174). Those regulations established annual quotas on a fishing year basis (April 1—March 31) domestic vessels havesting *Illex illecebrosus (Illex)* or *Loligo pealei (Loligo)*. The FMP was to expire on March 31, 1980.

On Mrach 19, 1980, the Assistant Administrator approved, with one exception, an amendment to the FMP. The approved provisions of the amendment: (1) extend the FMP indefinitely; (2) maintain the optimum yield (OY) for *Illex* at 30,000 metric tons (mt) and the OY for *Loligo* at 44,000 mt; (3) reduce the domestic annual harvest (DAH) of *Illex* from 10,000 mt to 5,000 mt and the total allowable level of foreign fishing (TALFF) of *Illex* from 20,000 mt to 12,000 mt; (4) reduce the DAH of *Loligo* from 14,000 to 7,000 mt and of *Loligo* from 30,000 mt to 18,000 mt; and (5) establish a reserve of *Illex* at 13,000 mt and a reserve of *Loligo* at 19,000 mt, which are available for distribution to the domestic and foreign fisheries.

Optimum Yield

Based upon the 1979 squid stock assessment, the Council has determined that the OY for *Loligo* should be maintained at 44,000 mt, and the OY for *Illex* be maintained at 30,000 mt. The OY for *Loligo* is equal to the maximum sustainable yield (MSY). The OY for *Illex* is 10,000 mt less than the MSY because scientific information for *Illex* is much less complete tha for *Loligo*. The Council's approach to *Loligo* is consistent with sound conservation and management principles and continues a cautious development of this fisher until biological and ecological information is developed further.

DAH, Reserve and TALFF

The Council has set the domestic annual harvest (DAH) at 5,000 mt for *Illex* and 7,000 mt for *Loligo*. These levels of DAH take into account not only past performance of U.S. fisherman in this fishery, but also changes in traditional fishing patterns and practicies which the Council anticipates will take place. Because of the uncertainties concerning these changes, the Council believes that the most reasonable approach is to set a DAH which is as realistic as possible, and to establish reserves for the potential growth in the domestic fisheries.

With the creation of the reserves, the Council reduced the TALFF's for *Illex* from 20,000 mt to 12,000 mt and for *Loligo* from 30,000 mt to 18,000 mt. The Council recognizes that these reduced TALFF's could adversely impact foreign fishing. However, foreign nations can receive squid from the reserves during the fishing year to the extent that the domestic fisheries do not use the reserves.

The uncertainies as to the exact harvesting capacity of the domestic commercial fleet, the availability of foreign markets to domestic fishermen, and the Council's desire to provide an opportunity for expansion of the commercial squid fishery for export, resulted in establishment of reserves of 13,000 mt for *Illex* and 19,000 mt for *Loligo*. Should the domestic fisheries harvest beyond the DAH during the fishing year, squid in the reserves are available to it. Squid may be allocated from the reserves to TALFF only to the extent that the reserves will not be harvested by the domestic fishermen.

An allocation procedure from reserve to TALFF must contain criteria which allow for use of the entire reserve, through absorption by DAH or transfer to TALFF. The Council's proposed procedures for reallocation from the reserve to TALFF for either species would have provided for a review of domestic fishing activites after six months of the fishing year had passed. If the Assistant Administrator had determined that the estimated harvest of either species for the fishing year would be less than 80 percent of the sum of its DAH and reserve, a portion of the reserve could have been allocated to TALFF.

The Assistant Administrator has reviewed the provision of the amendment which sets the criteria and procedures for the allocation of squid from the reserve to TALFF.

He has found that this provision would prevent: (1) timely In-season adjustments to TALFF; and (2) allocation of the entire reserve even if domestic harvesters are not likely to reach DAH. The Assistant Administrator has further determined that this provision is inconsistent with National Standard 1 of the Act, which requires that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery." Consequently, he has disapproved this provision of the amendment. In accordance with Section 304(a) of the Act, he has notified the Council, in writing, of his partial disapproal. The Council has 45 days from the date of notificaiton to resubmit the provision. The regulatory section on allocation of the reserve will be proposed in the near future (see discussion below under "Proposed Regulations").

Proposed Regulations

The proposed amendments to the regulations to be published in the **Federal Register**, would implement the conservation and management measures contained in the amendment. An allowable harvest of squid on a fishing year basis would be established at 30,000 mt for *Illex* and 44,000 mt for *Loligo*. Initial levels of domestic harvest would be set at 5,000 mt for *Illex* and 7,000 mt for *Loligo*. Reserves of 13,000 mt for *Illex* and 19,000 mt for *Loligo* would be established and would be potentially available for distribution to the domestic and foreign fisheries. In addition, the proposed regulations would revise the criteria for closing the fishery.

Technical changes to the regulations currently in effect are also reflected in the proposed regulations. These changes are designed to establish uniformity in language among the regulations implementing fishery management plans proposed by the Council.

Two sections in the proposed regulations are "Reserved" and will be completed in the near future. Section 655.22 ("Allocation") will be proposed when the Assistant Administrator approves a mechanism which allocates squid from the reserve to TALFF in a manner which is consistent with the provisions of the Act. A regulatory procedure for reallocation from the reserve to DAH is unnecessary, since any portion of the reserve unallocated to TALFF is available to the domestic fishery.

Section 655.5(b)(2) ("Domestic squid processing capacity"), which will implement a provision of the original FMP, will be promulgated when the National Marine Fisheries Service, after consultation with industry, develops a report form and establishes a system for receiving reports on capacity from squid processors.

Emergency Regulations

In accordance with Section 305(e) of the Act, these regulations are implemented as emergency measures. The Assistant Administrator has determined that an emergency involving a fishery resource exists and that this action is necessary to provide conservation and management measures to govern fishing for squid until final regulations to implement the partially approved amendment are promulgated during May, 1980. A gap in the regulatory process during the early part of the 1980–1981 fishing year could jeopardize the credibility, continuity, and effectiveness of the entire management system for this newly regulated fishery.

Executive Order 12044

Executive Order 12044 does not apply to these emergency regulations. The Administrator has made an intitial determination that the amendment does not constitute a significant change to the regulations. The creation of reserves, which allow additional flexibility in the regulations so that optimum yield can be achieved, is considered a refinement but not a material or significnant change to the regulations.

Signed at Washington, D.C., this 28 day of March, 1980.

Authority: 16 U.S.C. 1801 *et seq.*

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

1. It is proposed to retain those regulations in Part 611 governing foreign fishing for Atlantic squid.

PART 655—SQUID FISHERY OF THE NORTHWEST ATLANTIC

2. 50 CFR Part § 655 is amended by emergency regulation as follows:

§ 655.1 [Amended]

Section 655.1(b) is amended by adding the following sentence at the end of the paragraph: "The Appendix to 50 CFR § 611.20 contains the TALFF for squid."

§ 655.2 [Amended]

1. Revise the definition of "Atlantic squid" to read as follows:

"*Atlantic squid* or *squid* means the species *Illex illecebrosus* (short-finned or summer squid) and *Loligo pealei* (long-finned or bone squid)."

2. Add the following definitions, in alphabetical sequence:

"*Charter or party boat* means any vessel which carries passengers for hire to engage in fishing."

"*Fishing week*" means the weekly period beginning 0001 hours Sunday and ending 2400 hours Saturday."

"*Illex* means the species *Illex illecebrosus.*"

"*Loligo* means the species *Loligo pealei.*"

3. Revise the definition of "Vessel of the United States" to read as follows:

"*Vessel of the United States* means:

(a) Any vessel documented or numbered by the United States Coast Guard under United States law; or

(b) Any vessel under five net tons which is registered under the laws of any State."

§ 655.3 [Amended]

Section 655.3 (a) is amended to read as follows: "Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities."

§ 655.4 [Amended]

1. Revise paragraph (a) to read as follows:

(a) General. Every fishing vessel which fishes for Atlantic squid under this Part must have a fishing permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of squid per trip.

2. Revise the first sentence of subparagraph (c)(1) by inserting "fishing" before "permit".

3. Amend subparagraph (c)(2) by deleting subparagraphs (vi) through (ix) and by substituting the following:

(vi) The type of construction, type of propulsion, and type of echo sounder of the vessel;

(vii) The permit number of any current or previous Federal fishing permit issued to the vessel;

(viii) The approximate fish hold capacity of the vessel;

(ix) The type and quantity of fishing gear used by the vessel;

(x) The average size of the crew, which may be stated in terms of a normal range; and

(xi) Any other information concerning vessel and gear characteristics requested by the Regional Director.

4. Revise subparagraph (c)(3) to read as follows:

Any change in the information specified in paragraph (c)(2) of this section shall be submitted in writing to the Regional Director by the owner within 15 days of any such change.

5. Revise paragraph (g) to read as follows:

(g) *Duration.* A permit shall continue in effect until it expires or is revoked, suspended, or modified pursuant to 50 CFR Part 621.

6. Revise paragraph (i) to read as follows:

(i) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit shall not be considered a new application.

§ 655.5 [Amended]

1. Revise subparagraph (a)(1)(i) to read as follows:

Maintain on board the vessel and accurate and complete fishing vessel record on forms supplied by the Regional Director.

2. Revise subparagraph (a)(3) to read as follows:

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which squid or any other regulated species are caught.

(i) The information shall include dates of fishing, type and size of gear used, areas fished, duration of fishing time, period of tow or gear set, and the estimated weight of each species taken.

(ii) Information on squid catches shall be provided separately for *Illex* and *Loligo.*

4. Revise paragraph (b) to read as follows:

(b) *Fish dealer or processor reports.*

(1) Any person who receives Atlantic squid for a commercial purpose from a fishing vessel subject to this Part shall file a weekly report (Sunday through Saturday) within 48 hours of the end of any week in which squid is received. The report shall include information on all first purchases of squid (listing *Illex* and *Loligo* separatly) and all other fish made during that week. Such information shall include date of transaction, name of the vessel from which Atlantic squid is received, and the amount and prices paid for squid and other fish received.

2. *Domestic squid processor capacity.* [Reserved]

(3) Reports required by § 655.5(b) shall be made on forms supplied by the Regional Director and at a location designated by him.

(4) Any person required by § 655.5(b) to file reports shall permit an Authorized Officer or an employee of the National Marine Fisheries Service designated by

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the Regional Director to make inspections, and to inspect or reproduce any records or books relating to information required to be contained in these reports. These inspections may take place at the principal place of business or at the location where these required records regularly are kept."

§ 655.6 [Amended]

1. In the second sentence of paragraph (a), insert "U.S." before "Coast Guard" wherever it appears.

2. Revise subparagraph (b)(2) to read as follows:

(2) The Official Number shall be permanently affixed to or painted on the vessel and shall be block Arabic numerals in constrasting color. However, charter or party boats may use nonpermanent markings to display the Official Number whenever the vessel is fishing for squid.

3. Delete subparagraph (b)(3).

§ 655.7 [Amended]

1. In paragraph (c) changes "fish dealer/processor report" to "fish dealer or processor report."

2. In paragraph (f), delete "or" following "control" and in its place insert "of".

3. In paragraph (f), delete "this" before "Act" and in its place insert "the".

4. In paragraph (i), change "fish dealer/processor report" to "fish dealer or processor report."

§ 655.21 [Amended]

1. Revise paragraphs (a) redesignate present paragraph (b) as new paragraph (c) and add a new paragraph (b) to read as follows:

(a) *Levels of harvest.* The allowed levels of harvest of Atlantic squid on a fishing-year basis are 30,000 mt of *Illex* and 44,000 mt of *Loligo*. The initial levels of harvest by vessels of the United States are 5,000 mt of *Illex* and 7,000 mt of *Loligo*.

(b) *Reserves.* A reserve of 13,000 mt for *Illex* and 19,000 mt for *Loligo* is available for adjustments to the initial level of foreign harvest.

§ 655.22 [Amended]

Amend as follows: "Allocation. [Reserved]"

§ 655.23 [Amended]

Revise to read as follows:

(a) *General.* The Regional Director shall periodically monitor catches of Atlantic squid.

(b) *Decision to close.* The Assistant Administrator shall close the domestic fishery for either species when the domestic harvest for that species has reached 80 percent of the total of the initial level of domestic harvest plus the part of the reserve which has not been allocated to the initial level of foreign harvest."

"(c) *Notice of closure.* If the Assistant Administrator determines that a closure of either the *Illex* or the *Loligo* domestic fishery is necessary, the Assistant Administrator shall:

* * * * *"

[FR Doc. 80-10094 Filed 4-1-80; 8:37 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 65
Wednesday, April 2, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Definition of Small Business for the Purpose of Government Procurement for Naval Architecture and Marine Engineering

AGENCY: Small Business Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: On October 22, 1979, this Agency published in the Federal Register (44 FR 60746) a proposal to change the size standard for naval architecture and marine engineering services from $9.0 million in average annual receipts to 1,000 employees or less.

During this time, however, the Agency had underway a review of all size standards, which included a review of the naval architecture and marine engineering services. This overall study of size standards is now completed and a proposal of new size standards for all industries will be published in the **Federal Register** in the very near future. Since the new size standard for naval architecture and marine engineering, which is included in the overall study, is considerably different than the size standard proposed on October 22, 1979, the October 22, 1979 proposal is hereby withdrawn.

DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: John D. Whitmore, Jr. (202) 653–6373.

Dated: March 27, 1980.

William H. Mauk, Jr.,
Acting Administrator.

[FR Doc. 80-10088 Filed 4-1-80; 8:45 am]
BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3114]

Terrance D. Lesko, M.D.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a medical doctor affiliated with two California firms engaged in the sale of hair replacement services, to cease soliciting, selling or performing hair implants; or misrepresenting, in advertising or otherwise, the safety or effectiveness of the hair implant process in the treatment of baldness. Should Dr. Lesko engage in any future hair replacement business during period specified in the order, he would be required to expend at least $8,000 on corrective advertising warning consumers that "Hair Implants Are Unsafe." The order would also require that the Commission notify past hair implant customers that the process is unsafe and that they should seek prompt medical attention.

DATE: Comments must be received on or before June 2, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Carleton Eastlake, Acting Director, Los Angeles Regional Office, 7R, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Calif. 90024. (213) 824–7575.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the matter of Terrance D. Lesko, M.D., an individual.

File No. 792 3114—Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Terrance D. Lesko, M.D., an individual and it now appearing that Terrance D. Lesko, M.D., an individual, hereinafter sometimes referred to as "respondent," is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Terrance D. Lesko, M.D., an individual, and counsel for the Federal Trade Commission that:

1. Proposed respondent Terrance D. Lesko, M.D., is an individual and medical doctor who was affiliated with Hair Extension of Beverly Hills, Inc., 8383 Wilshire Boulevard, Beverly Hills, California and Hair Extension, Inc., 16152 Beach Boulevard, Huntington Beach, California. His address is 1737 Clarion Loop, Cannon Air Force Base, New Mexico 88101.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is

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accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing that he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. Proposed respondent understands that the Commission may notify each of his hair implant patients who were also customers of Hair Extension of Beverly Hills, Inc. or Hair Extension, Inc. regarding the risks and problems involved in the Hair Implant Process. Such notice shall be substantially similar to the following letter:

Dear ———: Hair Extension told us that you came to their office for hair implants. The FTC believes that the hair implant process is not safe or effective at the present time. There is no medically safe way to do hair implants. Therefore, it's not surprising that many of their customers have developed scalp infections. Hair Extension has promised the Federal Trade Commission that they will not do any more hair implants until the Food and Drug Administration approves a safe and effective procedure that protects future customers. However, we thought we should contact former customers to let them know the problems they could have with their implants.

Some people get infections right away. For others, an infection may develop months later. A few may never have a problem. Many people report severe symptoms—pain, noticeable scarring, hairs breaking off, scalp soreness, redness and swelling. However, others have only a minor problem. A problem may not be too noticeable now but could develop into a more serious problem if not treated.

Therefore, for your own safety, you may want to see a doctor for an examination of your scalp and implants. If you do have any of these symptoms, you should go see a doctor immediately. The agreement which Hair Extension signed does not provide refunds or money for your doctor bills. However, you might want to contact an attorney to find out whether Hair Extension may be liable for any costs or injury you have suffered.

Sincerely yours,

George E. Schulman,

Attorney.

Anne B. Roberts,

Attorney.

Order

For the purpose of this order, the following definition shall apply:

The "Hair Implant Process" refers to any hair replacement product, process, operation or surgical procedure which involves the insertion or placement of (1) synthetic fibers or filaments which simulate hair or (2) non-living human hairs, into or under the scalp of a patient.

I

It is ordered that Terrance D. Lesko, M.D., an individual, his agents, representatives, employees and persons under respondent's control, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale and sale of the Hair Implant Process, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Disseminating, or causing or permitting the dissemination of any advertisement or other representation or claim, express or implied, that the Hair Implant Process is safe or effective in the treatment of baldness, thinning hair or loss of hair, or for the replacement of lost hair.

2. Soliciting, recommending, promoting, offering for sale, selling, arranging for or performing the Hair Implant Process.

Provided, however, that nothing shall prevent respondent from filing with the Commission a petition to modify this order, provided that respondent is able to demonstrate to the satisfaction of the Commission by competent and reliable scientific tests that:

1. The Hair Implant Process is safe and effective (and affirmative approval by the Food and Drug Administration that the process is safe and effective shall be deemed sufficient proof of compliance with this provision), and

2. The Hair Implant Process will be performed by respondent (or by persons recommended by or under the control of respondent) in a safe and effective manner (and affirmative approval by the Food and Drug Administration that named respondent will perform the Hair Implant Process in a safe and effective manner shall be deemed sufficient proof of compliance with this provision.)

Provided, however, that if the Commission determines, upon proper application of respondent, that the Hair Implant Process is safe and effective and that the Hair Implant Process will be performed by respondent (or by persons recommended by or under the control of respondent) in a safe and effective manner, and such determination shall be based upon respondent's proof of compliance with the provisions set forth in the preceding paragraph, and if the Commission determines that further relief is necessary in the public interest, the Commission may require respondent to provide further relief. Said further relief may include, but is not limited to: (1) affirmative disclosures that there is a high probability of discomfort and pain and a high risk of infection, skin disease and scarring; that continuing special care is necessary to minimize the probabilities and risks referred to herein; and that such care may involve additional costs for medications and assistance; (2) a cooling-off period, following execution of contracts for services; and (3) a recommended consultation with an independent duly-licensed physician before undergoing the Hair Implant Process.

II

It is further ordered that if Terrance D. Lesko, M.D., an individual, his agents, representatives, employees and persons under respondent's control, directly or through any corporation, subsidiary, division or other device, are engaged in or affiliated with any business which offers methods of treating baldness, loss of hair or thinning hair, or the replacement of lost hair, and if such business advertises in any media during a one year period commencing thirty (30) days after this order becomes final, then respondent shall disclose in such advertising during that one year period, clearly and conspicuously, in type no smaller than the smallest type otherwise in the advertising or 10 point type, whichever is larger, the following notice:

Warning

Hair implants, using artificial hair or human hair, are medically unsafe. We do not use this procedure.

III

It is further ordered that if Terrance D. Lesko, M.D., an individual, his agents, representatives, employees and persons under respondent's control, directly or through any corporation, subsidiary, division or other device, are engaged in any business which offers methods of treating baldness, loss of hair or thinning hair, or the replacement of lost hair, during a one year period commencing thirty (30) days after this order becomes final, respondent shall place the following advertisement in the *Los Angeles Times*, the *Santa Ana Register*, the *Los Angeles Herald Examiner* and *Los Angeles Magazine*.

Hair Implants Are Unsafe

Hair implants, the inserting of synthetic hairs or human hairs into the scalp, are medically unsafe.

Many hair implant patients have developed scalp infections, noticeable scarring *and* have lost the implanted hair.

The *Federal Trade Commission* advises anyone considering a hair implant—or any other "cure" for baldness—to see a doctor. If you had a hair implant and have developed any problems, you should to see a doctor immediately.

This notice was prepared by the FTC and placed at the expense of Terrance D. Lesko, M.D., as part of a recent consent agreement between him and the FTC.

Federal Trade Commission Los Angeles Regional Office.

A. The placement of the advertisement in the newspapers shall be as follows:

1. Said advertisements shall appear at least once per month in each and every newspaper and magazine identified above, for six consecutive months commencing thirty (30) days after the date this order becomes final.

2. Said advertisement shall appear in the Sunday edition of each above-identified newspaper.

3. Respondent shall request placement of the advertisements in the Sports section of each newspaper.

B. The size of the advertisement shall be as follows:

1. The advertisement to be placed in the *Los Angeles Magazine* shall be equal to or larger than one column in width and the full length of the page.

2. The advertisement to be placed in the *Los Angeles Times, Santa Ana Register* and *Herald Examiner* shall be equal to or larger than two columns in width and four inches in length.

C. Respondent shall endeavor to obtain bulk rates for placing said advertisements at the lowest possible rates. Respondent shall spend no less than $8,000.00 for placing the advertisement required by this section.

D. The format, type size and type face of the advertisement shall be subject to the approval by the Commission or its representative prior to its use by respondent.

IV

It is further ordered that for a period of five (5) years from the effective date of this order, respondent shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment which is engaged, during the time of such employment or affiliation, in methods of treating baldness, thinning hair, loss of hair or the replacement of lost hair. Such notice shall contain respondent's current business address, a statement of the nature of the business or employment in which the respondent is newly engaged and a description of the respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered that respondent shall, within sixty (60) days after service upon him of this order, and within thirty (30) days after termination of the advertising required by Section III of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed order from Dr. Terrance D. Lesko, a physician.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that respondent represented that hair implants are a safe and effective treatment for baldness, are approved by doctors, and will not lead to infection or other medical complications.

In fact, the complaint alleges, hair implants both in general and as performed by respondent, are not a safe and effective treatment for baldness. In addition the complaint alleges:

—Patients receiving hair implants run a high risk of infection and other medical complications. Those complications endanger the health of the patient.

—Hair implants are recognized by the medical profession as unsafe and ineffective in the treatment of baldness.

In addition to prohibiting Dr. Lesko from advertising or arranging for hair implants, the FTC's order also requires that:

—If respondent advertises any other hair replacement treatment within a one year period following 30 days after the order becomes final, he must place a warning notice in his advertisements stating that hair implants are medically unsafe.

—If respondent engages in any hair replacement business during the same one year period, he must place at least $8,000 worth of corrective advertising in print advertisements in the Los Angeles area. The corrective ads will warn consumers that "Hair Implants Are Unsafe."

—The FTC will notify all of respondent's past customers that hair implants are unsafe and recommend that customers seek prompt medical attention.

The order does provide that respondent may apply to the FTC for permission to advertise and perform implants if the Food and Drug Administration finds that the hair implant process is safe and effective and that respondent will perform hair implants in a safe and effective manner.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

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the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-10013 Filed 4-1-80; 8:45 am]

BILLING CODE 4750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

Transfer of Prescription Information for Schedule III, IV and V Controlled Substances

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a notice of proposed rulemaking to permit the transfer of prescription refill information for Schedule III, IV and V controlled substances between pharmacies. These new regulations, if issued, would allow for the transfer of a prescription between two pharmacies where acceptable under state law.

The Drug Enforcement Administration responding to a request by the National Association of Boards of Pharmacy (NABP) provided the NABP with a draft of the transfer procedures for their review and comment. The DEA subsequently reviewed and evaluated the NABP model regulations endorsed by the NAPB and agrees that regulations should be issued permitting the implementation of procedures allowing for the transfer of prescription information for Schedule III, IV and V controlled substances between pharmacies for refill purposes.

DATES: Comments and objections should be received on or before June 2, 1980.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, Northwest, Washington, D.C. 20537. Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Ronald W. Buzzeo, Chief Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, Northwest—Room 518, Washington, D.C. 20537, Telephone (202) 633–1091.

SUPPLEMENTARY INFORMATION: DEA recognizes that a uniform, nationwide approach to prescription information transfer for refills is of benefit to the consumer and is in the public interest provided that certain safeguards are taken to assure that the patient will receive only the medication intended by the prescriber. The proposed procedures will facilitate the transfer of prescriptions between pharmacies for controlled substances which are lawfully refillable and do not require an original or new prescription from a prescriber. Substantial discusion regarding this proposal has taken place among professional groups including the National Association of Chain Drug Stores, National Association of Retail Druggists, American Pharmaceutical Association, National Association of Boards of Pharmacy and the American Society of Consultant Pharmacists.

These various professional groups have brought to DEA's attention that the duplication of prescriptions is a potential diversion problem and by allowing the transfer of prescription information, the number of duplication prescriptions would be substantially reduced, resulting in a corresponding decrease in the number of prescriptions available for diversion or misuse.

There have been differences of opinion between and among the various pharmaceutical groups concerning the number of times a prescription may be transferred.

The NACDS strongly urged that multiple transfers be permitted up to the number of refills remaining on the original prescription. The DEA feels that this would be unworkable and that the regulations as proposed would accommodate a vast majority of the situations where transfers are needed and at the same time avoid multiple transfers which would minimize the effectiveness and place a serious burden upon State and Federal investigative personnel. Certain situations which would be served by these regulations were brought forth by pharmaceutical groups. Two examples are: (1) An individual has a prescription filled at a pharmacy near a hospital where he was recently discharged; however, the patient prefers to have the prescription refilled at his local pharmacy. Under the new regulations, the prescription information can be transferred to a pharmacy of the patient's choice for refill. (2) An individual on vacation finds that he has forgotten his medication at home.

The prescription information may be transferred from the original pharmacy to the "out-of-town" pharmacy and then retransferred to the original pharmacy when the patient returns home. The DEA realizes that there may be unique situations which cannot be accommodated by this new regulation; however, it is felt that these regulations can provide for a majority of the situations necessitating transfer.

Under the authority vested in him by the Comprehensive Drug Abuse and Control Act of 1970 (CSA) and by Department of Justice regulations, the Administrator of the Drug Enforcement Administration hereby proposes that Part 1306 of Title 21 of the Code of Federal Regulations be amended by adding a new § 1306.26 as follows:

§ 1306.26 Transfer between pharmacies of prescription information for Schedule III, IV and V controlled substances for refill purposes.

(a) The transfer of original prescription information for a controlled substance listed in Schedule III, IV or V for the purpose of refill dispensing is permissible between pharmacies on a one time basis (except as provided for in paragraph (d) of this section) subject to the following requirements:

(1) The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

(i) Write the word "VOID" on the face of the invalidated prescription.

(ii) Record on the reverse of the invalidated prescription the name and address of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information.

(iii) Record the date of the transfer and the name of the pharmacist transferring the information.

(b) The pharmacist receiving the transferred prescription information shall reduce to writing the following:

(1) Write the word "transfer" on the face of the transfered prescription record.

(2) Provide all information required to be on a prescription pursuant to 21 CFR 1306.05 and include:

(i) Date of issuance of original prescription;

(ii) Original number of refills authorized on original prescription;

(iii) Date of original dispensing;

(iv) Number of valid refills remaining;

(v) Pharmacy's name, address, DEA registration number and original prescription number from which the prescription information was transferred;

(vi) Name of transferor pharmacist.

(3) Both the original and transferred prescription must be maintained for a period of two years from the date of last refill.

(c) Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

(d) Prescription information may only be retransferred to the originating pharmacy on a one time basis: *Provided,* That the procedures allowing for the original transfer are followed.

(e) The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing state or other applicable law.

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be hear. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative. All such submissions must be received on or before June 2, 1980.

In the event that an interested party submits objections to these proposals which present reasonable grounds for these rules not to be finalized and requests a hearing in accordance with 21 CFR 1316.41 and 1316.67, the party will be notified by registered mail of the time and place that the hearing will be held. If any objections which are submitted do not present reasonable grounds, the party will be so advised by registered mail.

Dated: March 26, 1980.

Frederick A. Rody Jr.,

Acting Administrator.

[FR Doc. 80-9984 Filed 4-1-80; 8:45 am]

BILLING CODE 4410-09-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Independent Study

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: The proposed regulation is intended to make the criteria used for measuring courses involving independent study clearer and more uniform, and thus make payments of educational assistance to veterans and eligible persons more equitable.

The law provides different rates of payment of educational assistance which depend in part upon whether the veteran or eligible person is pursuing a program of education by independent study, residence training or a combination of the two. Educational institutions and State approving agencies, however, do not always define these terms in the same way, so that two students with the same attendance schedule might be paid different educational assistance. The amendment rectifies this situation.

DATE: Comments must be received on or before June 2, 1980.

It is proposed to make this amendment effective the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until June 12, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 34977 through 34979 of the **Federal Register** of June 18, 1979 there was published a notice of intent to amend part 21 to make the criteria used for measuring courses involving independent study clearer and more uniform. Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposal.

The Veterans Administration received 17 letters containing comments and suggestions. Several of the letters were written by one person in his capacity as a member of several different organizations. As a result of the comments received, and internal analysis, the Veterans Administration has decided to withdraw the proposal which was published on June 18, 1979, and to publish a new proposal for further comment. The suggestions received are discussed below, so that the public may see how they were used in formulating the new proposal.

Several suggestions led directly to the changes in the new proposal.

One person supported the idea of considering work on a graduate thesis, dissertation or similar treatise to be resident training. He suggested rewording § 21.4280(b)(1)(v) so that educational institutions have more say in determining what a similar treatise is. The Veterans Administration has accepted this suggestion. Section 21.4280(b)(1)(v) is reworded in the manner suggested by the commenter.

One person was confused as to whether the lists in § 21.4280 (a) and (b)(3) are meant to be cumulative. She suggested adding the proper conjunction to these paragraphs. The Veterans Administration has followed this suggestion in the new proposal. The word "and" is added to § 21.4280 (a)(2) and (b)(3)(iii).

This person also suggested that the word "major" in the proposed § 21.4280(e) was difficult to understand. Consideration of how this difficulty could be eliminated has led the Veterans Administration to propose changing the entire paragraph. The new, simplified method will allow the Veterans Administration to reduce the amount of information it requires from schools, will be easier to administer, and will be easier for the public to understand. In no case will anyone's monthly rate of educational assistance allowance be reduced. In some cases it may be increased.

Other comments and suggestions were considered, but were not adopted for the new proposal.

Two persons suggested that work on certain undergraduate theses should be considered resident training even if no classes are held. The Veterans Administration appreciates this point of view, but believes that such a policy, if adopted, would be too easily subject to abuse. Therefore, this suggestion was not adopted for the new proposal. If a student took such a course along with other resident training, as is often the case, his or her educational assistance would not be lowered.

One person objected to the requirement that a graduate course has to have regularly scheduled class sessions before the Veterans Administration will measure it as resident training. He suggested that a graduate course which has any class sessions at all should be measured as resident training. Any independent study course may have an occasional class session. It would be difficult, if not impossible, to differentiate the two types of courses if the suggestion were adopted. Therefore, this suggestion is not adopted for the new proposal.

Thirteen letters contained objections to the reference to class sessions per week found in § 21.4280(e). Generally, those commenting believed that this policy is too controversial to include in this section. This section, as proposed, states the provisions of § 21.4272(d) are to be applied where appropriate in measuring the course loads of veterans and eligible persons.

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The Veterans Administration believes it has the authority to promulgate § 21.4272(d). At present it is the agency's policy to enforce that paragraph. It would not be equitable to apply the provisions of that paragraph when measuring the training of a veteran who, for example, was enrolled in 12 credit hours of resident training, but not to apply it when measuring the training of a veteran enrolled in 12 credit hours of resident training and one additional hour of independent study. In order to avoid this inequity this suggestion was not accepted in formulating the new proposal.

One person suggested that all practcal training (e.g., a social work student spending a semester in a mental health clinic) should be considered to be resident training. The law (38 U.S.C. 1682) defines cooperative training and provides a rate of payment which is lower than that of resident training. Cooperative training is defined in a way which encompasses much practical training. The Veterans Administration cannot, therefore, accept this suggestion. However, it should be pointed out that practical training may be considered to be resident training if it has weekly class sessions and meets the requirements of § 21.4265(f).

One commenter stated that the concept of combined independent study and resident training is too burdensome. In a similar vein another person stated that the concept when applied to one course, is to difficult. In many educational institutions students may enroll in courses which allow them to work at home in independent study for most of quarter or semester. Then the students attend class for 1 or 2 weeks. The Veterans Administration must have a method for measuring all types of enrollment, so that veterans and eligible persons may be paid their proper educational assistance. Accordingly, the Veterans Administration has decided to retain this concept in order to measure these courses.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until June 12, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 26, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Section 21.4280 is revised to read as follows:

§ 21.4280 Independent study leading to a standard college degree.

(a) *General.* An eligible veteran or person may receive an educational assistance allowance for pursuit of an independent study course of subject or for an independent study-resident course of subject under the following conditions:

(1) The course or subject leads to or is fully creditable toward a standard college degree;

(2) The course or subject meets the definition of independent study or independent study-resident training and found in paragraph (b) of this section; and

(3) The course or subject is approved as independent study or independent study-resident training by the State approving agency

(38 U.S.C. 1682(e))

(b) *Definitions.* For the purposes of measurement and payment of educational assistance whether an eligible veteran or person is pursuing a course of subject entirely by independent study shall depend upon the type of course or subject in which the eligible veteran or person is enrolled and in certain instances, defined by the subparagraphs of this paragraph, upon the frequency of class attendance.

(1) A veteran or eligible person is in resident training when he or she:

(i) Is enrolled under chapter 34 title 38, United States Code, in a flight training course (this subdivision refers to veterans only);

(ii) Is enrolled in a course or subject not leading to a standard college degree offered solely through regularly scheduled, weekly conventional classroom or laboratory sessions;

(iii) Is enrolled in an undergraduate course or subject leading to a standard college degree offered through regularly scheduled, weekly conventional classroom or laboratory sessions, and/or flight training;

(iv) Is a student teacher;

(v) Is enrolled in a graduate, advanced professional or law course or subject leading to a standard college degree that either:

(A) Is offered through regularly scheduled, conventional classroom or laboratory sessions, or

(B) Consists of research necessary for the preparation of the student's master's thesis, doctoral dissertation, or a similar treatise which is a prerequisite to the conferring of the degree the student is pursuing.

(38 U.S.C. 1682, 1732)

(2) A veteran or eligible person is pursuing research in absentia when he or she is a graduate student pursuing research off the campus of the college which has all the characteristics of the course or subject described in paragraph (b)(1)(v)(*B*) of this section. When a student is registered at a school for research in absentia, the research shall be treated as a resident course or subject. See § 21.4273(b).

(38 U.S.C. 1682, 1732)

(3) No veteran or eligible person is in independent study for the purpose of this section when he or she is enrolled in either a cooperative course as defined in § 21.4233(a), a farm cooperative course, a course approved as a correspondence course, a course meeting the requirements of paragraph (b)(1) or (2) of this section or a course offered by open-circuit television. A veteran or eligible person enrolled in any other course or subject is in independent study for Veterans administration payment purposes only when the course or subject in which he or she is enrolled:

(i) Leads to or is fully creditable toward a standard college degree;

(ii) Consists of a prescribed program of study with provision for interaction either by mail, telephone, or personally between the student and the regularly employed faculty of the university or college;

(iii) Is approved as independent study by the State approving agency; and

(iv) Is offered without any regularly scheduled, conventional classroom or laboratory sessions.

(38 U.S.C. 1682, 1732)

(4) A veteran is in independent study-resident training if he or she:

(i) Is enrolled concurrently in one or more courses or subjects offered by resident training as defined by paragraph (b)(1) or (2) of this section and one or more courses or subjects offered by independent study as defined by paragraph (b)(3) of this section; or

(ii) Is enrolled in one or more undergraduate subjects which are offered by resident training as defined by paragraph (b)(1) or (2) of this section for part of a term, quarter or semester; and which are offered by independent study as defined by paragraph (b)(3) of this section for the remainder of the term, quarter or semester; or

(iii) Is enrolled in a subject which includes resident training as defined in paragraph (b)(1) of this section occurring at the same time as independent study as defined in paragraph (b)(3) of this section.

(38 U.S.C. 1682, 1732)

(c) *Measurement of independent study.* A course of subject offered solely by independent study shall be measured as less than half-time training as follows:

(1) If the institution of higher learning evaluates the course or subject in semester or quarter hours of credit and prescribes a period for completion, the course shall be measured as less than one-half but more than one-quarter time when the semester hours per semester or equivalent, are 4 or more, and measured as one-quarter time or less for 1 through 3 semester hours per semester, or equivalent.

(2) If the institution of higher learning does not evaluate the independent study program in standard semester or quarter hours or the equivalent, independent study shall be measured as less than one-half but more than one-quarter time training.

(38 U.S.C. 1682(e), 1732(c))

(d) *Payment for independent study.* A veteran or eligible person who is pursuing only independent study under chapter 34 or chapter 35, title 38, United States Code, shall be paid an educational assistance allowance based on the training time determined in paragraph (c) of this section at the institutional rate prescribed in § 21.4136(a).

(38 U.S.C. 1682(e), 1732(c))

(e) *Independent study-resident training.* For the purpose of this paragraph a course or subject described in paragraph (b)(4)(ii) of this section shall be treated as independent study during any week in which no classroom or laboratory sessions are scheduled and as resident training during any week in which classroom or laboratory sessions are scheduled. For the purpose of this paragraph the number of weekly conventional classroom sessions in a course or subject described in paragraph (b)(4)(iii) of this section will be converted to credit hours on a 1 to 1 basis, and the number of laboratory sessions in a course or subject described in paragraph (b)(4)(iii) of this section will be converted to credit hours on a 2 to 1 basis. The remainder of the credit hours assigned by the school will be considered to be independent study. Such a course or subject will be treated as two courses or subjects for payment purposes, one resident training and one independent study. In all cases when the resident training portion of undergraduate independent study-resident training does not have sufficient supporting conventional classroom or laboratory sessions as required by § 21.4272(d), the credit hours pursued in residence will be adjusted in accordance with § 21.4272(d) before the independent study-resident training is measured.

(38 U.S.C. 1682(e), 1732(c))

(1) If independent study and resident training are pursued concurrently by a veteran or eligible person under chapter 34 or 35, title 38, United States Code, and both are measured on a credit-hour basis, the Veterans Administration shall determine the allowable rate as follows:

(i) If the independent study credit hours the veteran or eligible person is pursuing would equal half-time or more, the Veterans Administration shall convert them to the highest number of credit hours consistent with less than half-time training. If they already would equal less than half-time, they will not be converted.

(ii) The Veterans Administration will add the number of independent study hours as calculated in paragraph (e)(1)(i) of this section to the number of credit hours of resident training the veteran is pursuing.

(iii) The total obtained in paragraph (e)(1)(ii) of this section will be used to determine the training time of the veteran or eligible person based upon the measurement criteria found in § 21.4270(b).

(2) When measurement of courses being pursued by a veteran or eligible person under chapter 34 or chapter 35, title 38, United States Code, is different (i.e. class attendance on a credit hour basis and independent study under paragraph (c)(2) of this section, the Veterans Administration shall determine the appropriate rate for each part and pay the combined rates, but not to exceed the full-time institutional allowance rate.

(38 U.S.C. 1682(e), 1732(c))

[FR Doc. 80-9959 Filed 4-1-80; 8:45 am]

BILLING CODE 3320-01-M

40 CFR Part 401

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1454-4]

Petition To Add Ammonia and Sulfide to the List of Conventional Pollutants Published Pursuant to Section 304(a) of the Clean Water Act

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Request for public comment on a petition from the American Iron and Steel Institute to add ammonia and sulfide to the list of conventional pullutants under Section 304(a) of the Clean Water Act.

SUMMARY: This notice invites public comment on a petition from the American Iron and Steel Institute requesting the listing of ammonia and sulfide as conventional pollutants. The EPA is making available for public comment all information supplied by the American Iron and Steel Institute to support the petition. It should be noted that EPA has proposed that ammonia be designated a toxic pollutant and is currently receiving public comment on that proposal. EPA will review all comments in response to this proposal before deciding on its response to the American Iron and Steel petition.

DATES: Public comment on this petition is accepted until June 2, 1980.

FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS CONTACT: Mr. Joseph Krivak, Acting Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, Environmental Protection Agency, 401 M St. S.W. Washington, D.C. 20460 (202-755-0100).

SUPPLEMENTAL INFORMATION: On October 15, 1979, the American Iron and Steel Institute requested that the EPA classify ammonia and sulfide as conventional pollutants as defined under section 304(a) of the Clean Water Act.

Under the Clean Water Act there are now effectively three classes of pollutants for purposes of effluent limitations guidelines:

Toxic pollutants identified pursuant to section 307(a) of the Act;

Conventional pollutants identified pursuant to section 304(a)(4); and

The remaining class of non-conventional pollutants, which are all pollutants not classified as toxic or conventional.

While dischargers of toxic and non-conventional pollutants must, by July 1, 1984, meet effluent limitations representing "best available technology economically achievable" ("BAT"),

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limitations on conventional pollutants are to be based on "best conventional pollutant control technology" ("BCT"). Pursuant to section 304(b)(4)(B), BCT is set only after application of a "cost reasonableness" assessment. On August 29, 1979, EPA published a methodology for performing this assessment (44 FR 50732).

Section 304(a)(4) of the Act requires that

> The Administrator shall, within 90 days after the date of enactment of the Clean Water Act of 1977 and from time to time thereafter, publish and revise as appropriate information identifying conventional pollutants, including but not limited to, pollutants classified as biological oxygen demanding, suspended solids, fecal coliform, and pH. The thermal component of any discharge shall not be identified as a conventional pollutant under this paragraph.

On July 28, 1978, EPA published a notice designating biochemical oxygen demand, total suspended solids, fecal coliform and pH as conventional pollutants. In this notice the Agency identified two criteria for selection of conventional pollutants. First, conventional pullutants are generally those pollutants which are naturally occurring, biodegradable, oxygen demanding materials, and solids and which have characteristics similar to naturally ocurring biodegradable substances. Second, conventional pollutants include those classes of pollutants which traditionally have been the primary focus of wastewater control. Based on these criteria, EPA concluded that conventional pollutants may include suspended solids, oxygen demanding substances and nutrients. On July 30, 1978, EPA designated oil and grease as a conventional pollutant and codified the list as 40 CFR 201.16.

The American Iron and Steel Institute now asserts that both ammonia and sulfide meet these criteria and has submitted a petition requesting their designation as conventional pollutants. Little information was provided with this petition, and EPA is publishing this notice to solicit comments on the propriety of such a designation for either ammonia or sulfide.

It should be noted that EPA has proposed that ammonia be designated a toxic pollutant pursuant to Section 307(a)(1) of the Clean Water Act. (45 FR 803 (January 3, 1980)). In that proposal EPA identified data relating to the toxicity of ammonia, its fate in aquatic systems and production and discharge patterns which may warrant its designation as a toxic pollutant. Comments are still being received on this proposal.

EPA has recognized that a pollutant may have both conventional and toxic properties, and, in its notice listing the initial four conventional pollutants, stated:

> If a pollutant meets the criteria for conventional pollutants and incidentally is toxic, the Agency believes that it has the flexibility to weigh the pollutant's toxic properties against its conventional properties and assign the pollutants to the list (conventional pollutant list or toxic list) which the Agency deems more appropriate.

43 FR 32858

EPA may be required to make such a judgment in evaluating the proper classification of ammonia.

EPA will review all comments submitted in response to this notice and all data submitted in response to the proposal to designate ammonia as a toxic pollutant before deciding on its response to the accompanying petition to list ammonia or sulfide as conventional pollutants. Commenters need not resubmit data provided to the Agency in connection with the ammonia proposal.

Dated: March 25, 1980.

Eckardt C. Beck,

Assistant Administrator, for Water and Waste Management (WH–585).

Before the Administrator of the United States Environmental Protection Agency

Re: Identification of Ammonia and Sulfide as Conventional Pollutants

Petition for Issuance of a Rule

Pursuant to the Administrative Procedure Act, 5 U.S.C. Sec. 553(e), Petitioners, American Iron and Steel Institute, Bethlehem Steel Corporation, Inland Steel Company, Jones and Laughlin Steel Corporation, National Steel Corporation, Sharon Steel Corporation, United States Steel Corporation, and Wheeling-Pittsburgh Steel Corporation, request the Administrator of the United States Environmental Protection Agency to issue a rule identifying ammonia and sulfide as conventional pollutants in accordance with Section 304(a)(4) of the Clean Water Act, 33 U.S.C. Sec. 1314.

Conventional Pollutants and "Best Conventional Pollutant Control Technology"

The Clean Water Act of 1977 established three categories of pollutants for the development of technology-based effluent limitations. Effluent limitations for toxic and non-conventional pollutants are to be based upon the application of "Best Available Technology Economically Achieveable" ("BAT"). 33 U.S.C. Sec. 1311(b)(2)(A). Effluent limitations for conventional pollutants are to reflect the application of "Best Conventional Pollutant Control Technology" ("BCT"). 33 U.S.C. Sec. 1311(b)(2)(E).

The Administrator is required to, "within 90 days after December 27, 1977 and from time to time thereafter, publish and revise as appropriate information identifying conventional pollutants, including but not limited to, pollutants classified as biological oxygen demanding, suspended solids, fecal coliform, and pH." 33 U.S.C. 1314(a)(4). The thermal component of a discharge is precluded from being identified as a conventional pollutant. *Ibid.* In assessing BCT for classes or categories of point sources, the Administrator is required to consider the following cost-benefit analysis: "(T)he reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources." 33 U.S.C. Sec. 1314(b)(4)(B). In addition, the following factors must also be taken into account: "(T)he age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and such other factors as the Administrator deems appropriate." *Ibid.*

Identification of Conventional Pollutants

On Friday, July 28, 1978, a list of the four statutorily identified conventional pollutants was published. 43 FR 32857, July 28, 1979. That same publication announced the criteria to be utilized in identifying other conventional pollutants and proposed that chemical oxygen demand, phosphorous, and oil and grease be identified as conventional pollutants. *Ibid.* Subsequently, a final rule was published identifying oil and grease as a conventional pollutant but withdrawing the proposal to identify chemical oxygen demand and phosphorus. 44 FR 44501, July 30, 1979.

Criteria for Identifying Conventional Pollutants

The July 30, 1979 publication confirmed the use of the following previously announced criteria to identify conventional pollutants:

1. Those pollutants which are naturally occurring, biodegradable, oxygen demanding materials, and solids and which have similar characteristics to naturally occurring biodegradable substances.
2. Those classes of pollutants that traditionally have been the primary focus of wastewater control. Based upon the application of these criteria, the following classes of conventional pollutants were identified: oxygen demanding substances, solids, and nutrients. 43 FR 32857.

Identification of Ammonia and Sulfide

Petitioners assert that ammonia and sulfide meet the criteria noted above and, therefore, should be identified as conventional pollutants.

As to ammonia

1. It is an oxygen demanding substance;
2. It is naturally occurring;
3. It is biodegradable;
4. It is a nutrient; and
5. It has traditionally been a primary focus of wastewater control.

As to sulfide:

1. It is an oxygen demanding substance;
2. It is naturally occurring;
3. It is biodegradable;
4. It has traditionally been a primary focus of wastewater control.

Relief Requested by the Petition

Petitioners request that a rulemaking proceeding be initiated for the issuance of a rule identifying ammonia and sulfide as conventional pollutants. BAT and BCT effluent limitation guidelines affecting Bethlehem Steel Corporation, Inland Steel Company, Jones and Laughlin Steel Corporation, National Steel Corporation, Sharon Steel Corporation, United States Steel Corporation, Wheeling-Pittsburgh Steel Corporation, and the other member companies of AISI currently are being developed. Since it is anticipated that the discharage of one or both of the above referenced pollutants will be limited under those guidelines, it is imperative that the identification of ammonia and sulfide as conventional pollutants be accomplished promptly.

Respectively submitted,

American Iron and Steel Institute, Bethlehem Steel Corporation, Inland Steel Company, Jones and Laughlin Steel Corporation, National Steel Corporation, Sharon Steel Corporation, United States Steel Corporation, Wheeling-Pittsburgh Steel Corporation.

Barton C. Green.

[FR Doc. 80-9993 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 460

Professional Standards Review Organization (PSRO); Area Designations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: This regulation would clarify HCFA's authority to redesignate PSRO areas to increase administrative efficiency. The regulation would eliminate the State and county area designations from the Code of Federal Regulations. Instead, area designations would be published by notice in the **Federal Register** in order to simplify and expedite the redesignation process. These changes are policy significant. A regulatory analysis is not planned.

FOR FURTHER INFORMATION, CONTACT: Anthony J. Colotta, Division of PSRO Program Operations, Office of Professional Standards Review Organizations, Health Care Financing Administration, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, (301) 594–5033.

Dated: March 13, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 80-9957 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-35-M

National Institute of Education

45 CFR Part 1480

Program of Research Grants on Organization Processes in Education

AGENCY: National Institute of Education (NIE), Department of Health, Education, and Welfare.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Acting Director of NIE proposes to amend the regulation governing the Program of Research Grants on Organizational Processes in Education, 45 CFR Part 1480, to permit the award of funds for research in the area of postsecondary education. The intended effect is to broaden the opportunity for the research community to explore new areas in the field of postsecondary education. The Acting Director also proposes to increase the maximum amount of a small grant and make technical corrections.

DATES: Comments must be received on or before May 19, 1980. The comment period is set at 45 days instead of 60 days because the changes being made to the existing regulation are considered technical.

ADDRESS: Comments should be addressed to Mr. John Wirt, Postsecondary Organization and Management Studies Team, Mail Stop 16, National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208, Telephone [202] 254–5555.

FOR FURTHER INFORMATION CONTACT: Mr. John Wirt, Team Leader, at the address and telephone number shown in the preceding paragraph.

SUPPLEMENTARY INFORMATION: In 1977, NIE established a program of scientific inquiry on elementary and secondary schools as organizations. The final regulation for the Program of Research Grants on Organizational Processes in Education, 45 CFR Part 1480, was published in the **Federal Register** on November 22, 1977, 42 FR 59848. During the last three years, the Program has considered 650 proposals and funded 60 research projects representing a wide range of academic disciplines.

Since the beginning of the Program, it has received several hundred inquiries from the educational community concerning the possibility of submitting grant applications for research on postsecondary education, which is not covered by the existing regulation. Extensive consultation with experts, practitioners as well as researchers, has led to the conclusion that there is a substantial need for research in the postsecondary area. Further, the research topics of greatest concern in postsecondary education are identical to those described in the regulation for the elementary and secondary levels.

These considerations led to the decision to propose amendments to the existing regulation in order to allow the award of funds for research on postsecondary education. Most of the proposed amendments simply add the words "and postsecondary institutions" to the phrase "elementary and secondary schools." Another change increases the maximum amount of a small grant from $7,500 to $15,000 to reflect the impact of inflation and current NIE practice. Finally, two technical corrections are made to bring the regulation into conformity with current HEW procedures.

Under the amended regulation, two components of the Program of Research Grants on Organizational Processes in Education will run parallel. The Acting Director has included funds for a separate grants competition for postsecondary education in the NIE budget for FY 1980, in addition to the funds allocated for the elementary and secondary research grants competition. It is anticipated that the postsecondary competition will result in the award of 4 to 6 major grants and 4 to 6 small grants for a total of $600,000 in FY 1980.

A. Background

Postsecondary education has experienced major changes over the last three decades. The years from 1950 to 1970 witnessed a tremendous expansion of enrollment in higher education, and it became important to a much broader segment of the population. In the course of this development, several concerns gained wide attention: The uneven access to postsecondary education of diverse population groups; the emergence of a wide range of institutions that have produced varied impacts on students and highly divergent outcomes; and the occurrence of various difficulties in the management and governance of institutions during the course of expansion.

These problems continue to topics of concern but recent developments have lent urgency to the examination of additional issues in postsecondary education. The approaching decline in size of the traditional college-age population and the constriction of

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funding sources pose questions about the likelihood and means of survival of various types of postsecondary institutions and present problems they must confront. Among these issues are the maintenance and enhancement of educational quality; more efficient management of institutions and their resources; adaptation to a shrinking academic labor market; continuity of institutional capacity to meet research and other national needs; improved retention of diverse student populations; and modification of institutional forms to meet the needs of non-traditional students. There is wide agreement on the need for research on these issues to provide the foundation for the formulation and implementation of policy during the coming years.

B. Program Objectives

The immediate goal of the postsecondary component of the Program of Research Grants on Organizational Processes in Education is to support research on processes or conditions relevant to understanding postsecondary organizations and their context. The long-range objective is the accumulation and dissemination to policymakers and practitioners of knowledge that will provide the basis for increasing equity in the recruitment, retention, and education of different student populations; maintaining diversity in the forms of postsecondary education; developing and improving strategies of institutional governance and management in changing circumstances; and strengthening the partnership between collegiate institutions and government in the production and transmission of knowledge.

C. Education Division General Administrative Regulations

In the event that the Education Division General Administrative Regulations (EDGAR) take effect after the publication of this Notice of Proposed Rulemaking, appropriate changes will be made in the final regulation for this program before it is published. Invitation to comment: Interested persons are invited to submit comments, suggestions, and recommendations regarding the proposed regulation. Comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before May 19, 1980, will be considered in the development of the final rules.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development)

Dated: January 28, 1980.

Michael Timpane,

Acting Director, National Institute of Education.

Approved: March 27, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV a revised Part 1480, reading as follows:

PART 1480—PROGRAM OF RESEARCH GRANTS ON ORGANIZATIONAL PROCESSES IN EDUCATION

Sec.

1480.1 Scope.
1480.2 Purpose.
1480.3 Definitions.
1480.4 Applicant eligibility.
1480.5 Eligible research projects.
1480.6 Ineligible projects.
1480.7 Grants; small grants.
1480.8 Application requirements.
1480.9 Review procedures and evaluation criteria.
1480.10 Project duration and budget.

Authority: Sec. 405, General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1480.1 Scope.

(a) This part establishes rules governing the submission and review of applications for funds under the Program of Research Grants on Organizational Processes in Education, conducted by the National Institute of Education with funds authorized by Section 405 of the General Education Provisions Act.

(b) Recipients shall administer funds according to applicable provisions of Subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1480.2 Purpose.

The purpose of the Program of Research Grants on Organizational Processes in Education is to support studies of how educational organizations, including elementary and secondary schools, school districts, and postsecondary institutions, carry out the essential tasks of any organization, such as setting goals, finding resources, assigning work, monitoring performance, identifying and solving problems, and adapting to changing times.

§ 1480.3 Definitions.

As used in this part:

"Research" includes any activity designed to increase or synthesize basic knowledge about one or more processes or conditions relevant to understanding educational organizations and their context.

§ 1480.4 Applicant eligibility.

A college, university, state or local education agency, other public or private agency, organization, group, or individual is an eligible applicant.

§ 1480.5 Eligible research projects.

(a) Research funded under this part must be designed to increase or synthesize basic knowledge about one or more organizational processes, or the barriers which impede or prevent these processes, within or related to educational organizations. Organizational processes include the means by which an elementary or secondary school, postsecondary institution, or larger administrative unit makes basic policy choices, sets goals, recruits and assigns personnel, chooses and implements courses of action, allocates resources, establishes organizational forms and structures, gathers and processes information on performance, and takes corrective action based on such evaluation. Interaction among personnel and among organizational units, and changes in processes and interactions within the organization over time, are included.

(b) Research funded under this part must be designed to advance knowledge of basic organizational processes, such as those examples given in paragraph (a) of this section, which appear especially important to understanding elementary and secondary schools and postsecondary institutions. Studies supported under this program may have potential relevance to other kinds of organizations, but must aim to build a body of data and theory particularly useful in designing and managing educational organizations.

(c) Increased understanding of organizational processes related to elementary and secondary schools and postsecondary institutions may require study of other organizations such as school districts, state or Federal agencies, community groups, and professional associations. Studies supported under this program may include examination of other relevant organizations, to the extent necessary to carry out the main purpose of advancing knowledge about elementary and secondary schools and postsecondary institutions.

(d) A research project may be carried out using any research process or approach consistent with the provisions of this section.

§ 1480.6 Ineligible projects.

A project whose primary purpose is the operation, development, demonstration, or evaluation of specific programs or materials is not eligible for support under this part. Examples of ineligible projects include:

(a) Operation of an educational program in any elementary or secondary school, postsecondary institution, or other setting or agency.

(b) Improvement of an educational program through the implementation of a new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(c) Course development through the production of a new curriculum or the improvement of an existing curriculum, including the preparation of new instructional material or the modification of instructional material already in existence.

(d) Development or adaptation in an operational setting of any new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(e) Demonstration of a project which shows, exhibits, describes, or explains to others, either in person or through various other communication media, the procedure, technique and/or material which must be employed in the execution of a new or modified instructional task, educational program, or administrative or management process.

(f) Development of a new test or other instrument, either for research or use in educational practice.

(g) Evaluation of the effectiveness of a specific program, curriculum, practice, administrative or management activity, or piece of equipment.

§ 1480.7 Grants; small grants.

(a) *General.* Grants and small grants will be awarded under this part. The same topic areas for investigation, eligibility standards, and evaluation criteria apply to all awards under this part. A simplified application procedure is provided for an application for a small grant, as provided in § 1480.8, and the duration of a small grant award is limited to twelve months, as provided in § 1480.10.

(b) *Small grants.* (1) A small grant is for an amount not to exceed $15,000 plus indirect costs (except in the case of an individual applicant not affiliated with any institution, in which case the NIE will not award indirect costs but will reimburse reasonable general and administrative expenses associated with and directly related to the administration of the small grant).

(2) While no restriction exists as to type of project eligible for small grant support, the following are examples of possible projects within the general rules for the program: Initial development and testing of a research concept, metaphor, or procedure before design of a larger or longer study; review and synthesis of research findings, methods, trends, or philosophies; summary or secondary analysis of a concluded program of research; projects by investigators who have not proviously had any type of research support.

(c) *Grants (other than small grants).* A grant other than a small grant is for an amount in excess of $15,000 of direct costs.

§ 1480.8 Application requirements.

(a) *General.* A grant under this part will be awarded only upon a grant application submitted to the Director. An eligible applicant must file an application specifically directed to either the grant or small grants segment of the Program of Research Grants on Organizational Processes in Education.

(b) *Grants (other than small grants).* An applicant for a grant (other than a small grant) shall comply with the requirements set forth in this paragraph.

(1) *Preliminary proposal.* An applicant shall submit a preliminary proposal for initial review.

(2) *Preliminary proposal format.* The preliminary proposal must include:

(i) A cover sheet executed by the principal investigator, and by an individual authorized to execute grant applications for the institution, indicating (A) that the preliminary proposal is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) A statement preferably not exceeding five typewritten pages summarizing the proposed project, including:

(A) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American Education, and the importance of its expected addition to knowledge

(B) *Procedures.* A description of the procedures to be followed in carrying out the research including where appropriate such concerns as sampling, data acquisition, instrumentation and data analyses.

(iii) A description of the facilities and arrangements available to the investigator for conducting the research, including access to suitable organizations for study purposes.

(iv) A vita for each principal investigator, including education, applicable experience, and a list of major publications.

(v) An estimated budget covering direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(3) *Full proposal.* A full proposal may only be submitted by an applicant who has submitted a preliminary proposal in the required format, and whose preliminary proposal has been reviewed by NIE. Information concerning the strengths and weaknesses of the preliminary proposal, and its standing relative to others reviewed, will be returned to the applicant, and may be used in preparation of the full proposal.

(4) *Full proposal format.* Full proposals must include the following elements. Discussion of objectives and design, as described under paragraphs (b)(4) (iv) and (v) of this section may not exceed 40 pages.

(i) A cover sheet executed by the principal investigator and by an individual authorized to execute grant applications for the institution, indicating (A) that the application is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) An abstract of approximately 200–250 words stating clearly the objectives and plans of the proposed research.

(iii) A table of contents.

(iv) A statement of research objectives, including identification of the problem or issue the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and specific questions the research will address.

(v) A research design, clearly linked to the questions the study will try to answer. The scientific or technical work of the project and methods for its accomplishment must be stated clearly. A discussion of related research with appropriate citations must be included to show that the investigators are thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used upon that data must be explained.

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(vi) An organization and management plan, presenting (A) the arrangements intended for direction, coordination, and control of the project; (B) the roles, responsibilities, and project time-commitments of proposed staff; (C) a schedule for major portions of multi-year projects; (D) explanation of any subcontract arrangements.

(vii) A description of facilities and arrangements available for the research. If new data are proposed to be collected, the proposal must give evidence of access to suitable organizations for study purposes. Letters of agreement to participate must be included, showing that relevant authorities in educational or education-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study which could place special burdens on parts of the education community may require joint planning and management of the entire project. A proposal for such a study must give detailed information to allow reviewers to judge the adequacy of the arrangement.

(viii) A plan for the dissemination of the research findings, including methods for reaching researchers, theorists, and practicing educators.

(ix) A vita and bibliography for each professional staff person, including professional background and employment as well as education, a chronological list of publications, and a listing of prior and current research support for each individual including requests now being considered regardless of source.

(x) An estimate of expenses proposed to be charged against the grant, including direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs. The proposed budget shall include all other details and explanations, and shall be arranged in such a form, as the Director may request, to allow the cost analyses and other reviews called for by Departmental grant administration polices.

(c) *Small grant applications.* An applicant for a small grant shall submit a proposal including all the elements listed in paragraph (b)(4) of this section. Discussion of objectives and design, as described in paragraphs (b)(4)(iv) and (b)(4)(v) of this section, may not exceed eight pages.

(d) *Submission of applications.* All types of applications for support under this part (preliminary and full grant proposals, and small grant proposals) must be submitted in the number of copies to be prescribed by the Director to the address and at the times the Director shall prescribe.

§ 1480.9 Review procedures and evaluation criteria.

(a) *Review cycle.* Applications will be accepted throughout the fiscal year. Applications will be reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review will be published in the **Federal Register.** An application for a grant (other than a small grant) which has been disapproved for funding in one review may be revised and submitted for consideration in any later cycle, without submission of another preliminary proposal. Funds available to the program in a fiscal year will be tentatively allocated to each review cycle. But the amount of funds awarded in any particular review cycle may vary depending on the quality of applications received and the amount of funds requested by the most meritorious applications.

(b) *Review procedures.* The Director will evaluate each application through officers and employees of the Institute and, when considered advisable by the Director, by experts or consultants the Director determines are specifically qualified in the areas of research involved in the project. In deciding whether or not to fund an application, the Director may take into account not only the rating of the application's contents by officers or employees of the Institute and by experts or consultants, but also any other information and views within the Institute or provided to the Institute by other Federal, state, or local officials or the public which bear upon the evaluation criteria described in paragraph (d) of this section or which are expressly required or permitted to be taken into account by statute, executive order, or other applicable regulation. Only the Director, or a designee who shall be directly responsible to the Director, shall take final action on an application.

(c) *Review of preliminary proposals.* The Director will review each preliminary proposal using the criteria listed in paragraph (d) of this section. The Director will notify each applicant of the approximate ranking of the preliminary proposal among those reviewed, and any strength or weakness found during the review. An applicant whose preliminary proposal addresses a topic outside the area of this program, as described in § 1480.5, or involves an ineligible research procedure as described in § 1480.6, will be notified after the initial review, and may submit a full proposal with corrections. Information provided from the first stage of review is intended to assist in preparation of a full research proposal, which must be reviewed on its own merits in the second stage. Furnishing of comments from the initial review shall not constitute a commitment by the Director to award funds to a project even if each indicated weakness is addressed.

(d) *Evaluation criteria.* The Director shall use the following criteria to evaluate each preliminary, full, and small grant proposal:

(1) Significance of the proposed research for American education, including (i) importance of the research topic from the standpoint of basic knowledge or problems of American education; (ii) likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including (i) adequacy of the design, methodology, and instrumentation where appropriate; (ii) likelihood of success of the project; and (iii) extent to which the application exhibits through knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the proposed principal investigator and other professional personnel as evidenced by: (i) Experience and previous research productivity; and (ii) quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study, including evidence of access to necessary organizations, groups, and individuals for study purposes and the willingness of study populations to participate in the proposed research.

(5) Reasonableness of the budget for the work to be done and for the anticipated results.

(6) Whether funding the proposed project would contribute to (i) a diversity of projects under the overall program which collectively address a variety of research needs in the area of organizational processes in education; (ii) other research efforts of NIE; or (iii) the educational needs and interests of other Federal agencies.

(e) *Inapplicable criteria.* General criteria in § 1403.10 of this chapter do not apply to applications submitted under this part.

(f) *Disposition of applications.* Following the review of an application, the Director shall either (1) approve the application in whole or in part, for the amount of funds and subject to the conditions the Director finds appropriate for the completion of the approved project; (2) disapprove the application; or (3) defer action on the application.

§ 1480.10 Project duration and budget.

(a) A project supported by a grant under this part (other than a small grant) may be up to three years in duration.

(b) A project supported by a small grant under this part may be up to twelve months in duration.

(c) An application for a grant (other than a small grant) which proposes a multi-year project shall be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain these objectives in any proposed subsequent years.

(d) If the application for a grant (other than a small grant) demonstrates to the Director's satisfaction that multi-year support is needed to carry out the proposed project, the Director may in the initial notification of award for the project (which may be for up to a twelve-month period) indicate an intention to assist the project on an appropriate multi-year basis through continuation awards.

(e) A continuation award may be made to a project described in paragraph (d) of this section, subject to the availability of funds.

(f) An application for a continuation award is reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with award terms and conditions, the General Education Provisions Act, and any applicable regulation; and

(2) The project's effectiveness to date, and any constructive changes proposed as a result of project evaluation.

[FR Doc. 80-9056 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-39-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81 and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Allocating Spectrum for an Automated Inland Waterways Communications Systems (IWCS) Along the Mississippi River and Connecting Waterways; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: This action extends the time for submission of comments and reply comments in GEN Docket 80-1. This docket is concerned with the selection of the appropriate frequency band for operation of an Automated Inland Waterways Communications Systems. Additional time has been requested to prepare comments on matters concerning this subject.

DATES: Comments must be received on or before April 7, 1980, and reply comments must be received on or before May 7, 1980.

ADDRESSES: Send comments to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung or Walter E. Weaver, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: March 20, 1980.

Released: March 25, 1980. (*See* 45 FR 17042)

In the matter of amendment of Parts 2, 81 and 83 of the Commission's Rules to Allocate Spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and Connecting Waterways and, Maritime Mobile Radio Services: Improvement in Service Through Provision for Automated VHF Common Carrier Systems and, VHF Frequency Assignments To The Maritime Radio Services in the New Orleans and Lower Mississippi River Areas and on the coastlines of the contiguous states.

1. In the above-captioned matter, the Commission has received a Motion for Extension of Time requesting an additional period of 30 days within which to file comments on behalf of RKO General, Inc. The Commission has also received two letter requests by Peter A. Bakal and by Ship to Shore Telephone Company, dated February 22, 1980 and February 14, 1980 respectively, which ask for "and enlargement of time to avail all interested parties of an opportunity to respond to the Commission's action". These two requests are being treated procedurally as motions for extension of time pursuant to Section 1.46 of the Commission's rules. All of these requests were opposed by Waterway Communications Systems, Inc. (WATERCOM).

2. The requests of Peter A. Bakal and Ship to Shore Telephone Company make no showing why they need more time. RKO General asserts that the additional time requested is necessary to permit its engineering consultant to complete an analysis of the potential of our proposal for interference to the reception of TV Channel 13.

3. Section 1.46 of the Commission's rules provides that motions for extensions of time will not be routinely granted. In this proceeding the Commission has provided ten weeks for comments and 30 days for replies, which is more time than is routinely provided. There is also no showing why the time permitted was not adequate to permit RKO to prepare and submit its comments on time.

4. All the foregoing notwithstanding, however, we feel that some extension of time is warranted. RKO General points out the Commission's proposals are complex. The Commission is also inquiring into new and novel areas in this inquiry and, accodingly, should have the fullest possible information available to it in arriving at any conclusions.

5. WATERCOM argues that it would be inequitable to extend time because it has expended "substantial energies and resources, including overtime effort," in order to meet the date for filing comments. However, we feel it is in the Commission's and the public's interest to obtain all available information in this proceeding. We feel, however, that two weeks should be amply time for RKO's consultant to complete his analysis. Also, because of the importance of the issues in this proceeding, the Commission should attempt to resolve them expeditiously. Consequently, an additional 14 day period will be allowed for the filing of comments.

6. Accordingly, IT IS ORDERED, That the time within which comments may be filed in the above-captioned proceeding IS EXTENDED to April 7, 1980, and the time for filing reply comments is extended to May 7, 1980. Authority for this action is delegated to the Chief of the Private Radio Bureau by Section 0.331 of the Commission's rules.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 80-9040 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-121; RM-3284]

Denying Petition for Rule Making and Terminating Proceeding

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action denies a request filed by Tesoro Broadcasting Company, to exchange Channel 48 at McAllen, Texas and Channel 23 at Brownsville,

Texas and to modify Tesoro's permit to specify the requested channel. Tesoro was unable to provide sufficient justification for the exchange in view of the fact that the Brownsville channel is applied for and the sites involved offered no additional public benefits.

EFFECTIVE DATE: Non-Applicable.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 13, 1980.
Released: March 27, 1980.

By the Chief, Policy and Rules Division: 1. The Commission has before it the *Notice of Proposed Rule Making*, adopted May 16, 1979, 44 FR 30129, in response to a petition filed by Tesoro Broadcasting Company ("petitioner"). The petition requested the exchange of UHF television Channels 23 and 48, assigned to Brownsville and McAllen, Texas, respectively, and the modification of petitioner's construction permit for Channel 48 at McAllen to specify Channel 23. Comments in opposition were filed by Tierra del Sol Broadcasting Corporation ("Tierra"). Petitioner filed a letter requesting expedited processing because it is a minority applicant. Tierra submitted comments on this request.

2. McAllen (pop. 37,636)[1] in Hidalgo County (pop. 181,535), is located in southern Texas, approximately 85 kilometers (53 miles) west of Brownsville. Channel 48, for which petitioner has a construction permit, is the only television channel currently assigned to McAllen. Brownsville (pop. 52,522), seat of Cameron County (pop. 140,368), is located at the extreme southern tip of Texas. Channel 23 is the only television channel currently assigned to Brownsville. An application for this channel was tendered for filing by Tierra on October 29, 1979 (File No. 791029KH).

3. The *Notice* indicated petitioner's reason for requesting this change is its desire for the lowest possible channel. Ordinarily, assignments are not changed on the basis of a permittee's preference for a lower channel. However, we considered petitioner's proposal because of public benefits which could result therefrom. Petitoner had been granted a waiver because it was short-spaced to a vacant noncommercial assignment, Channel *44, in Harlingen, Texas. Changing petitioner's channel to 23 would eliminate this short-spacing. However, when we considered this proposal, no expression of interest for use of Channel 23 at Brownsville had been made. An application has since been tendered for filing by Tierra. Tierra's proposed site, if it were to be used for Channel 48, would result in a similar degree of short-spacing.

5. Tierra contends that an applicant for Channel 48 at either McAllen or Brownsville would have to locate its transmitter facilities at or near LaFeria, Texas, in order to reach the market area comprised of McAllen, Brownsville, Harlingen, and Weslaco. So the short-spacing will exist whether Channel 48 is assigned to Brownsville or not.

6. The Commission has verified Tierra's contentions. We have found that, based on the proposed and existing sites of Tierra and Tesoro, respectively, short-spacing to the vacant Channel *44 assignment at Harlingen, Texas, will occur whether Channel 48 is assigned to Brownsville or McAllen. In fact, should the Tierra Channel 23 Brownsville application be amended to Channel 48, a short-spacing to the Channel *44 Harlingen assignment would increase slightly over that already permitted for the McAllen station. Therefore, since we can find no corresponding benefit to the requested exchange of channels, particularly where, as here, the lower UHF channel has been applied for, we shall deny the request.

7. Accordingly, it is ordered, That the petition filed by Tesoro Broadcasting Company, requesting the substitution of UHF television Channel 23 for Channel 48 in McAllen, Texas and Channel 23 for Channel 48 at Brownsville, Texas, IS DENIED.

8. It is further ordered, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-9937 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1307 and 1310

[Ex Parte No. MC-88]

Detention of Motor Vehicles—Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to conduct a review.

SUMMARY: Numerous petitions, replies and letters have been received since the date the detention rules became effective (August 20, 1978). Many problems have been brought to our attention. Both carriers and shippers have sought either clarification of, exemption from or modification of many of the rules.

The purpose of this notice is to inform all interested persons that we intend to conduct a comprehensive review of the subject. We will reopen the proceeding to consider a number of options for dealing with these problems. These options may range from repealing the rules in whole or in part to modifying them to correct particularly serious problem areas (e.g., palletization, free time).

The Commission is not asking for public comment at this time, but will request such comment when the proceeding is formally reopened.

FOR FURTHER INFORMATION CONTACT: Richard Felder, telephone (202) 275–7693.

Decided: March 7, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10007 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 65
Wednesday, April 2, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Final Notice of Guidelines for State Office of Voluntary Citizen Participation (S/OVCP Program Grants)

AGENCY: ACTION.

ACTION: Final Notice of Guidelines for State Office of Voluntary Citizen Participation (S/OVCP Program Grants).

SUMMARY: The following notice sets forth the final guidelines under which applications for new or continuation S/OVCP program grants will be accepted and reviewed commencing in fiscal year 1980. The notice describes the program purposes, applicant eligibility, grant scope, selection criteria, S/OVCP functions and application review process and criteria for S/OVCP grants.

In accordance with ACTION's response to Executive Order 12044, Improving Government Regulations, a working group met on March 30, 1979 and determined that a regulation was not necessary to accomplish the purposes of this notice, but that guidelines were sufficient to award funds for grants in FY '79.

In addition, because the group determined that the guidelines affected an important agency program (S/OVCP) and imposed substantial compliance and reporting requirements, it was decided that the notice was significant and, therefore, would be published in proposed form for a 60-day period during which written comments would be accepted and regional meetings held for public discussion, if requested, prior to award of any FY '80 funds.

Written comments were received from nine (9) individuals and groups, including five State Governor's offices and the organization representing the State Offices of Voluntary Citizen Participation. These comments were reviewed by the ACTION OVCP as well as by the working group at a December 18, 1979 meeting.

The final guidelines incorporating those comments, are described below. They comprise the final notice of the S/OVCP grant process.

These guidelines shall be effective May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Peter A. Bender, OVCP, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525; telephone toll-free 800–424–8867.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority contained in section 123 of the Domestic Volunteer Service Action of 1973, as amended, Pub. L. 93–113 (42 U.S.C. section 4993), applications will be accepted from Governors' offices wishing to apply for grants to develop, create, and/or support State Voluntary Citizen Participation Offices (S/OVCP).

A. *Program Purpose.* S/OVCP grants are made to stimulate new active citizen initiatives and to support projects to resolve local human need problems, particularly those related to poverty, through voluntary action; and to promote and coordinate voluntary participation in government and local public and private organizations by developing, creating, and/or supporting "Voluntary Citizen Participation" offices at the state level.

B. *Eligibility.* Applicants for S/OVCP grants must be State Governors' offices. Preference will be given in the following order: (1) States which utilized ACTION S/OVCP Program funds during the previous fiscal year; (2) States which have never received funds under ACTION's S/OVCP Program; (3) States which have received funds under ACTION's S/OVCP Program in the past, but whose State Office of Voluntary Citizen Participation has been closed for a minimum of 1 year. (No related activity emanataing from Governor's Office for 1 year).

C. *Scope of Grant.* 1. Approximately $500,000 is available in fiscal year 1980 to fund approximately 6–8 new and/or continuation grants. ACTION provides project grants for periods of up to 5 years (for a consecutive period of 60 months) to support the establishment and operation of the office. ACTION requires that new offices be called the "(name of state) Office of Voluntary Citizen Participation". Only offices applying for funds are subject to this requirement. For new applicants, letters of intent must be submitted by January 31, and applications by March 31 of the year for which funds are requested. Applicants must submit a completed application for Federal Assistance which itemizes total program costs, including salaries and operating expenses for each period of program operation. For continuation grants, applications must be submitted 115 days prior to end of grant period. Late applications may be rejected due to lack of funds.

2. ACTION grant awards for the first year will not exceed $100,000. There is no required contribution by the grantee in the first year.

3. Second year grant awards will be subject to ACTION's appraisal of grantee performance the first year, approval of the second year continuation application, and Congressional appropriations. Grant awards for the second year will not exceed 90% of the total program budget or $100,000, whichever is less. The minimum contribution by the grantee is 10% of the total grant cost and can be cash, or in-kind, or a combination. The in-kind contribution cannot exceed $10,000.

4. Third year grant award will be subject to ACTION's appraisal of grantee performance the second year, approval of the third year continuation application and Congressional appropriations. Grant awards for the third year will not exceed 75% of the total program budget or $100,000, whichever is less. The minimum contribution for the grantee is 25%, and can be either cash, or in-kind, or a combination. The in-kind contribution cannot exceed $10,000.

5. Fourth year grant awards will be subject to ACTION's appraisal of grantee performance the third year, approval of the fourth year continuation application, and Congressional appropriations. It is expected that at least two professional and one clerical full-time core staff positions will be fully funded by the fourth year. Grant awards for the fourth year will not exceed 60% of the total program budget, or $100,000, whichever is less. The minimum contribution for the grantee is 40% and can be either cash, or in-kind or a combination. The in-kind contribution cannot exceed $10,000.

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6. Fifth year grant awards will be subject to ACTION's appraisal of grantee performance the fourth year, approval of the fifth year continuation application, and Congressional appropriations. Grant awards for the fifth year will not exceed 50% of the total program budget, or $100,000, whichever is less. The minimum contribution for the grants is 50%, and can be either cash, or in-kind, or a combination. The in-kind contribution cannot exceed $10,000.

7. When not prohibited by Federal law, Federal funds received from sources other than ACTION may be considered as a part of the grantee's in-kind contribution only.

8. Continued financial support of the program beyond the fifth year will be the responsibility of the grantee.

9. An S/OVCP grant will cover those costs of operating the project that are allowable under Federal Management Circular 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

10. Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amounts of funds available, or any part thereof.

D. *Functions of State Offices of Voluntary Citizen Participation.* Listed below are the required functions of State Offices of Voluntary Citizen Participation.

1. Organize and support a state coalition of the leadership of volunteer service organizations in order to be able to mobilize their membership to address a specific statewide need, as appropriate.

2. Develop, implement, and maintain a comprehensive system to disseminate information collected on voluntary action and citizen participation.

3. The grantee (in conjunction with its Advisory Committee) shall prepare at least one publication or brochure which should be useful to both the private and public sector. This publication should include the year's achievements, and a "State of the Art" section on volunteer activities in the state developed in the first year and updated each subsequent year. Grantees are also encouraged to include recommendations, trends, highlights, and problems. The publication or brochure should be given broad distribution throughout the state.

4. Develop, implement, and maintain a state plan for public recognition of voluntary action and citizen participation efforts.

After the first year of program operation, grantees will be required each year to:

5. Assist government agencies and non-profit organizations at state and local levels to expand or develop citizen participation and voluntary action activities to meet basic human needs. One major effort shall be identified (based on state needs) and implemented annually.

Applications must address all three (3) of the following functions over the possible five year grant period. However, only one (1) function need be identified and implemented annually.

6. Development of an organization of citizen volunteers to support state government human service initiatives or programs.

7. Develop and/or strengthen programs, activities, or organizations of former Peace Corps and VISTA Volunteers.

8. Assist in the development of voluntary action and/or citizen participation offices in city and county government.

During the entire program period, grantees are encouraged to:

9. Serve as advocates for effective volunteer involvement and citizen participation in government and non-profit organizations.

10. Provide or arrange for the provision of training and technical assistance to public and private non-profit organizations involved in such areas as grantsmanship, resource development, volunteer management, the development of advisory groups, citizen participation, and voluntary action.

11. Promote communication and collaboration among volunteer organizations and government agencies by providing statewide and local public forums, such as conferences, workshops, and seminars for exchange of information.

12. Provide leadership in developing legislation, regulations and systems supportive of voluntary action and citizen participation.

13. Assist in the development and support of community based self-help voluntary action initiatives.

14. Serve as liaison with national, civic and volunteer organizations, including the Office of ACTION's State Program Director and ACTION's Office of Voluntary Citizen Participation.

15. Carry out activities in Consultation and cooperation with other State agencies and officials.

E. Applicant must submit with the grant application, a plan for development of an Advisory Committee to the State Office of Voluntary Citizen Participation.

1. The responsibility of the Advisory Committee shall be clearly outlined in the plan.

2. The plan shall specify how and from which groups representatives of different segments of the population with expertise and skills that will contribute to the success of the office will be chosen to serve on the Advisory Committee. The Advisory Committee should include representatives of major volunteer service and private voluntary organizations in the state, state organizations of citizen and consumer groups, the business community, local decision-makers, the poor and the elderly. It is intended that this Advisory Committee shall be representative of the population of the state. ACTION's domestic legislation requires that the beneficiaries of volunteer efforts be involved to the maximum extent possible in the planning and policy stages at the local level. If possible, individuals should be identified at the time of application.

3. The plan shall also specify the length of terms of members and the methods of selection of the chairperson of the Advisory Committee.

4. The Advisory Committee must meet a minimum of four times a year.

5. The Advisory Committee should begin functioning no later than 3 months after grant award.

6. The grantee, in cooperation with the Advisory Committee, shall submit with the third year grant application a plan for continued funding of the State Office of Voluntary Citizen Participation at the conclusion of ACTION funding.

F. *Reporting Requirements.* 1. The grantee is responsible for following the grant management recording requirements (in accordance with ACTION Handbook 2650.2) and other ACTION grantee reports and submitting required reports to the appropriate ACTION office.

G. *Application Review Process.* Letters of inquiry by the Governors' Offices should be sent to the appropriate ACTION State Office so that applicants may receive the S/OVCP program package containing model budget information, samples of required reports, and other pertinent information.

Applications submitted to ACTION State Offices will be evaluated at the State and Regional level using ACTION's procedures for Project Review Boards (PRB). Following this review, applications will be sent to ACTION's Office of Voluntary Citizen Participation for final approval.

The final selection of S/OVCP grantees will be made by the Director of ACTION's Office of Voluntary Citizen Participation in accordance with the purposes of the Act, OVCP policies, and the availability of funds.

Each notice of grant award (NGA) will be made by the cognizant ACTION Regional Grants and contracts Officer. The NGA sets forth in writing such items as the amount of funds granted, the terms and conditions of the grant award, the effective date of award, the performance period and the negotiated budget. The ACTION State Program Director in each state will concur in the appointment of the S/OVCP director.

H. *Application Review Criteria.* Merit ratings are assigned to grant applications on the basis of (a) completeness of application, (b) OVCP Application Committee Review, and (c) on-site visits. The various categories and ranges of numerical ratings which can be assigned are listed below:

1. Evidence of need for the program and of program goals. (0–10 points)

2. Program Objectives and Operations

a. Clarity of stated objectives and relevance to program goals. (0–5 points)

b. Demonstrated or potential ability to implement objectives within established time frames. (0–5 points)

c. Completeness and appropriateness of plans for day-to-day operations and commitment of proposed staff. (0–5 points).

3. Program Methods—adequacy and appropriateness of proposed method to conduct program activities and extent of creativity employed in program development. (0–15 points)

4. Advisory Committee—scope of functions and adequacy of project representation. (0–10 points)

5. Funds—adequacy of non-federal support for the total project period for which federal funds are sought, grantee contribution in first year when not required; extra grantee cash contributions in subsequent years; concreteness of plans for self-support. (0–10 points)

6. Other Supporting Data—level of local support and commitment for the development or continuation of a State Office of voluntary citizen participation. (0–20 points)

7a. *For First Year Applicants Only.* Evidence of written documentation that the Heads of State departments or agencies support the S/OVCP, and have designated a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning volunteer activities and citizen participation. (0–20-points)

7b. *For Second Through Fifth Year Applicants Only.* Extent to which prior year plans were effectively implemented. (0–20 points)

A maximum of 100 points can be scored for a S/OVCP proposal.

I. *Availability of Forms.* To be eligible for consideration an application must be prepared and submitted on standard Form SF 424 (Application for Federal Assistance) available from each ACTION State Office. In response to letters of inquiry sent to ACTION State Offices, at any time, forms, instructions, and program guidelines will be provided.

J. *Application submission.* One signed original and two (2) copies of each completed application must be submitted to the appropriate ACTION State Office.

Applications which do not conform to this announcement, or are incomplete, will not be accepted for review.

Issued in Washington, D.C., on March 24, 1980.

Sam Brown,

Director, ACTION Agency.

[FR Doc. 80-9982 Filed 4-1-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Nez Perce National Forest Grazing Advisory Board; Meeting

The Nez Perce National Forest Grazing Advisory Board will meet at 8:00 a.m., May 14, 1980, at Harry Robinson's place, White Bird, Idaho. The purpose of this meeting is to examine the Pittsburg allotment to gain first hand knowledge of the allotment.

Public participation is welcome, however, participants will be responsible for their own transportation.

Dated: March 24, 1980.

Don Biddison,

Forest Supervisor.

[FR Doc. 80-10029 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-11-M

Pacific Crest National Scenic Trail Advisory Council; Meeting

San Francisco—The Pacific Crest National Scenic Trail Advisory Council will meet on May 15–17, 1980, at Griswold's Inn in Claremont, California. The meeting will begin on May 15, at 8:30 a.m. with a field trip to view the desert, mountain, and ownership issues linked with the trail. The business session will begin at 3:00 p.m. at Griswold's.

The purpose of the meeting is to provide orientation to the Council members and to receive Council recommendations. The meeting will include a review of trail status through council and agency reports, discussion of trail support facilities, review of planning progress, review of Pacific Crest Trail Guide for Location, Design, and Management and criteria for use in rights-of-way acquisition.

The meeting will be open to the public. Person who wish additional information should contact Alan Lamb, Recreation Staff Director, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111. Phone (415) 556–6983.

Dated: March 21, 1980.

Robert W. Cermak,

Acting Regional Forester, Pacific Southwest Region.

[FR Doc. 80-10028 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

National Plant Genetic Resources Board; Renewal

The Department of Agriculture has renewed the National Plant Genetic Resources Board for a 2-year period.

This Board was originally established in July 1975 by the Secretary and was reestablished on February 23, 1978.

The purpose of the Board is to advise the Secretary of Agriculture and officers of the National Association of State Universities and Land Grant Colleges in order to assess national needs and identify high priority programs for conserving and utilizing plant genetic resources, including such things as collection, maintenance and description of genetic stocks, and utilization of the stocks in plant improvement programs.

The Secretary has determined that continuation of the Board is necessary and in the public interest in order to assure adequate supplies of food, feed, and fiber by minimizing the genetic vulnerability of crops.

This notice is given in compliance with Pub. L. 92–463.

Done at Washington, D.C., this 27th day of March 1980.

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 80-10010 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-22-M

Section 22 Import Fees; Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on

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a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the second calendar quarter of 1980.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then is effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the second calendar quarter of 1980 has been calculated to be 21.18 cents per pound. This results in a fee of 0.00 cents per pound for item 956.15, since the sum of the 21.18 cents average spot price +0.6125 cents duty +.90 cents attributed costs is greater than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the first calendar quarter of 1980 is 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the second calendar quarter of 1980 shall be as follows:

Item and fee

956.05, 0.52 cents per lb.
956.15, 0.00 cents per lb.
957.15, 0.52 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C., On March 28, 1980.

Bob Bergland,
Secretary of Agriculture.

[FR Doc. 80-9985 Filed 4-1-80; 8:45 am]
BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

March 26, 1980.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 37607, from Allstates Air Cargo, Inc., 35 Fenwick Street, P.O. Box 2128, Newark, N.J. 07114, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before April 23, 1980. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-9987 Filed 4-1-80; 8:45 am]
BILLING CODE 6320-01-M

[Order 80-3-160; Docket Nos. 23080-2 and 37294]

Reconsideration and Fixing Final Mail

AGENCY. Civil Aeronautics Board

ACTION: Order 80–3–160 on Reconsideration and Fixing Final Mail Rates, Dockets 23080–2 and 37294

SUMMARY: The Board established final domestic service mail rates for the last half of 1979 and proposed final rates for the first quarter of 1980. The U.S. Postal Service filed a petition which the Board denied. The Board also made minor corrections to the rates.

DATES: Adopted: March 25, 1980.

PERSON TO CONTACT: Julien R. Schrenk and James E. Gardner, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428, (202) 673–5298 or 673–5391.

SUPPLEMENTARY INFORMATION: By Orders 79–12–128 and 79–12–129, served December 28, 1979, the Board established final domestic service mail rates for the list half of 1979 and proposed final rates for the first quarter of 1980. The United States Postal Service filed a petition for reconsideration of Order 79–12–128 and notice of objection and answer to order 79–12–129. Several parties have filed answers opposing the Postal Service's petition for reconsideration.

The Postal Service has filed identical pleadings in both instances objecting to the use of a fuel cost escalation factor based on a price-per-gallon comparison rather than a cost-per-available-ton-mile comparison proposed by it. Since both pleadings are identical, we will afford them simultaneous treatment.

The Postal Service has not actually presented any new matter of substance in support of its methodology that has not already been raised and fully considered by the Board. It attempts to rebut the determination made by the Board in Order 79–12–128, which responded to the same arguments made by the Postal Service in its answer filed August 22, 1979, to our Order to Show Cause 79–7–95, and even fails to show that it will benefit from such a change in methodology or that the rates produced by our methodology are unjust or unreasonable. We will, therefore, deny its petition for reconsideration.

Our review of Order 79–12–128 reveals that we did not state properly our intent with regard to the fuel cost increase methodology. The next to last sentence on page five of that order erroneously stated that"* * * only data for fuel used in scheduled domestic operations by the ten domestic trunk carriers and Flying Tiger shall be used." The word "scheduled" should not have been used. While the effect of this change is *de minimis*, we will apply this methodology prospectively to all rate computations effective on and after January 1, 1980. Accordingly, we have revised the rates proposed in Order 79–12–129 and attached revised appendices to reflect this adjustment.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We deny the petition for reconsideration of the United States Postal Service.

2. The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation of that mail described in Order 79–7–16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra*, the facilities used and useful therefor, and the services connected therewith, for the period January 1 through March 31, 1980, are the rates set forth in the attached revised Appendix A.

3. We amend Order 79–7–16, ordering paragraph 3(g), by adding the following thereto:

	Standard container (cents)	Daylight container (cents)
January 1, 1980 through March 31, 1980	3.477	5.449

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in domestic sérvice for the period April 1, 1980, until further Board order are the rates established by this order as final rates for the period January 1 through March 31, 1980.

5. The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79–7–16.

The complete text of Order 80–3–160 is available from our distribution section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for order 80–3–160 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 25, 1980

Phyllis T. Kaylor,
Secretary.

Appendix A.—*Final domestic service mail rates*

[Jan. 1, through Mar. 31, 1980]

	Calendar year 1974 rates [1](cents)	Escalation factor [2] (percent)	Final rates Jan. 1 thru Mar. 31, 1980 (cents)
Linehaul charge per billing ton-mile:			
Sack	11.49	99.06	22.94
PAL	6.50		12.98
Standard container.	8.79		17.55
Daylight container	7.05		14.08
Terminal charge per pound originated capacity:			
Tier:			
Sack	0.991	99.56	1.979
PAL	0.728		1.454
Standard container.	0.979		1.955
Daylight container.	0.973		1.943
Departure:			
Sack	1.186	29.41	1.535
PAL	0.873		1.130
Standard container	1.176		1.522
Daylight container	1.164		1.506
Nonscapacity:			
Sack	6.064	65.12	10.013
PAL	6.052		9.993
Standard container	1.746		2.883
Daylight container	1.747		2.885
Total terminal charge per pound originated:			
Sack	8.241		13.527
PAL	7.653		12.577
Standard container	3.901		6.360
Daylight container	3.884		6.334

[1] Order 78–11–80, appendix F.
[2] Appendix B (Revised).

[FR Doc. 80-10002 Filed 4-1-80; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 8:00 a.m. and will end at 2:00 p.m., on April 21, 1980, at the Midwestern Regional Office of the Commission, Conference Room, 230 South Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contract the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is the Housing Committee of the Illinois SAC will work on the draft proposal for housing project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 28, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-9986 Filed 4-1-80; 8:45 am]
BILLING CODE 6335-01-M

Tennessee Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Tennessee Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 6:00 p.m., on April 24, 1980, and will convene at 8:30 a.m. and will end at 3:00 p.m., on April 25, 1980, at the TVA Auditorium, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is a factfinding meeting on affirmative action.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-9984 Filed 4-1-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Criteria for the 1980 Urbanized Area Definition

Correction

In FR Doc. 80–8978 appearing at page 19283 in the issue for Tuesday, March 25, 1980, on page 19284, second column,

second line from the bottom, "June 23, 1980" should read "May 27, 1980".

BILLING CODE 1505-01-M

Economic Development Administration

High Plains-Ogallala Aquifer Regional Study, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas; Scoping Meetings

Notice is hereby given that, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and § 1501.7 of the Council on Environmental Quality's regulations, the Economic Development Administration (EDA) of the U.S. Department of Commerce will hold a series of scoping meetings for the Environmental Impact Statement (EIS) on the High Plains-Ogallala Aquifer Regional Study authorized by section 193 of Pub. L. 94-587. The High Plains-Ogallala Aquifer covers portions of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

The objectives of the study are to assure adequate water supplies to the area, promote economic vitality of the High Plains region, develop plans to increase water supplies in the area, and assure continued growth and vitality to the region. A major element of the study will be alternatives consideration. The EIS will address the potential impacts of major alternatives and otherwise assist in developing any decisions on the study for future courses of action.

To assist in the determination of the scopes of issues to be addressed in the EIS and to identify the significant issues related to the proposed action, EDA will conduct several scoping meetings to inform interested parties and to solicit their comments. These meetings also will serve as part of the public outreach program of the study. The meetings are scheduled for:

Denver Central Library, 1357 Broadway, Denver, Colorado 80203 (Wyer Auditorium), 1:00 p.m. to 4:00 p.m., April 10

U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230 (Auditorium), 9:00 a.m., April 15

U.S. Federal Building, Omaha, Nebraska (2nd Floor Conference Room), 7:00 p.m., April 16

Requests to speak at the meeting should be directed to: Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, Attn: Mr. Andrew E. Kauders.

Dated: March 28, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-10033 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Subcommittee on Export Administration of the President's Export Council; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council (PEC) will be held on Thursday, April 17, 1980, at 9:30 a.m., in room 6802 of the Department of Commerce, Washington, D.C.

The Subcommittee on Export Administration was initially established on June 1, 1976. On April 5, 1979, the Assistant Secretary for Administration approved the recharter and extension through December 31, 1980, of the Subcommittee, pursuant to the provisions of Executive Order 11753, as amended and extended by Executive Orders 11827, 11948, and 12110. Executive Order 12131 of May 4, 1979, which reconstituted the President's Export Council and revoked Executive Order 11753, provides that nothing in Executive Order 12131 shall be deemed to require new charters for subcommittees of the Council which were current immediately prior to the issuance of Executive Order 12131.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979, that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The agenda for the meeting is as follows:

1. Review of past Subcommittee work (February 12, 1980 meeting).
2. Report on March 3, 1979 meeting of the Executive Committee of the President's Export Council.
3. Reports from the Chairman of the three working groups.

A limited number of seats at the meeting will be available to the public on a first-come basis. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Jan Grover, Office of Export Administration, International Trade Administration, U.S. Department of Commerce Washington, D.C. 20230, telephone 202-377-4188.

For further information, contact Mrs. Jan Grover, either in writing or by telephone, at the address or number shown above.

Dated: March 27, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 80-10057 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

Robert B. Brigham Hospital and University of Notre Dame; Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00402. Applicant: Robert B. Brigham Hospital, A Division of the Affiliated Hospital Center, Inc., 125 Park Hill Avenue, Boston, MA 02120. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the examination of biological materials including: human tissues and blood cells; the human parasites, *Schistosoma mansoni, ishmania donovani, malaria, Trypansoma cruzi, Burghia malayii* and *Trichinella spiralis;* and a variety of rat tissues including kidneys and knee joints. The studies will include the ultrastructure of various parasites and their interactions with human cells in immune mediated reactions, immuno-chemical localization of molecules in parasites and in animal tissues, monitoring of subcellular fractionation, and determination of the morphological changes occurring in arthritic rat knees. Advice submitted by the Department of Health, Education and Welfare: January 2, 1980. Article Ordered: July 16, 1979.

Docket No. 79-00428. Applicant: University of Notre Dame, South Bend Center for Medical Education, 22 Hagger Hall, Notre Dame, IN 46556. Article: Ultramicrotome, Model LKB 2128-010

and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological animal central nervous system tissues as well as normal and pathological fish gills. Investigations will also include studies of the development and regeneration of the nervous system and the localization of biochemical events by means of ultrastructural autoradiography. The subcellular changes in cells of the nervous system induced by changes in their biochemical and physical environments will also be studied. In addition, the article will be used from time to time in the training of graduate and medical students in the use and application of electron microscopy and ultramicrotomy to anatomical and biochemical research problems. Advice submitted by the Department of Health, Education and Welfare: January 3, 1980. Article order: June 21, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article provides knife state rotation from −45 to +45 degrees (°) and specimen adjustment up to 45° on either side of the specimen arm. The Department notes that the MT 5000 ultramicrotome, manufactured domestically by the Du Pont/Sorvall Division of the Du Pont Company (Sorvall), became available on April 24, 1979. Its universal arc specimen holder became available August 1, 1979, as an optional accessory. However, at the time each foreign article was ordered, the Model MT 5000 provided knife stage notation −6 to +30° and specimen adjustment up to 20° on either side of the specimen arm. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda, that the differences cited above between the domestic instrument and the foreign article are pertinent to each applicant's intended uses, and the domestic instrument is not of equivalent scientific value to the foreign articles for each applicant's intended use. The Department concurs and finds that at the time of order the Sorvall Model MT 5000 was not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to either of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9980 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

State University of New York—Binghamton; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00406. Applicant: SUNY—Binghamton—Department of Biological Sciences, Vestal Parkway, East Binghamton, New York 13901. Article: Type 225-2B-SS Infrared Gas Analyzer and Accessories. Manufacturer: Analytical Development Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used for research on plants; specifically determining changes in photosynthesis and respiration in response to changing environmental conditions. The article will also be used in the course Advanced Plant Ecology which includes physiological plant ecology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a sensitivity of 0-50 ppm absolute and 0 to 25 ppm differential. The Department of Health, Education and Welfare advises in its memorandum dated January 2, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-9989 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

University of New Mexico; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00287. Applicant: University of New Mexico, Cancer Research and Treatment Center, 900 Camino de Salud, N.E., Albuquerque, New Mexico 87131. Article: Ultrasonic Imaging Unit. Manufacturer: Ausonics Pty. Limited, Australia. Intended use of article: Research will be conducted to evaluate the unique characteristics of this ultrasonic scanning system as applied to specific organs systems. Comparison with alternative imaging techniques will be carried out, specifically ultrasonic imaging of the neonatal brain will be compared with the CTT imaging. The efficiency of computerized ultrasound images versus CTT scans for radiation treatment planning in the abdomen and pelvis will be evaluated. The objectives of these investigations are improved medical diagnosis and therapy. The results of the research investigations will, in themselves, be educational.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

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Reasons: The foreign article provides a large field of view that permits taking images of the whole neonatal brain. The Department of Health, Education and Welfare advises in its memorandum dated December 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Stautory Import Programs Staff.

[FR Doc. 80-9088 filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

Advisory Committee on East-West Trade; Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, April 16, 1980 at 9:30 a.m., in Room 6802, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 21 members.

The Committee meeting agenda has two parts:

General Session, Room 6802

Morning 9:30 a.m.–12:30 p.m.

(1) Welcome and Opening Remarks by Chairman Ottmar.

(2) Introductory Remarks.

(3) Review of Developments in East-West Trade.

(4) Update on Preparations for U.S.-China National Exhibition.

(5) Review of U.S. Export Control Policy and Examination of the Implications for East Europe.

(6) Impact of Recent Events on Commerce Department Trade Promotion Activities.

(7) Review of Trade Promotion Events Schedule and Solicitation of Committee Recommendations for FY 81.

(8) Report on Development of U.S.-China Commercial and Educational Exchanges.

(9) Discussion of Transfer of Technology from East Europe to the West.

Executive Session, Room 4830

Afternoon 2:00 p.m.–3:30 p.m.

(10) Committee Views on Proposed Changes in U.S. Export Control Policies vis-a-vis the Soviet Union in Light of Recent Events.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

With respect to agenda item (10), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 20, 1980 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed under agenda item (10) should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because it will be concerned with matters listed in 5 U.S.C. 552b(c)(9)(B); i.e., premature disclosure would be likely to significantly frustrate implementation of a proposed agency action.

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting by contacting Ms. Deborah Lamb, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5896.

The complete Notice of Determination to close the aforementioned portion of the April 16 meeting of the Advisory Committee on East-West Trade is hereby published.

Dated: March 28, 1980.

J. Michael George,

Acting Deputy Assistant Secretary for East-West Trade.

Advisory Committee on East-West Trade

Notice of Determination

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. § 1–15 (1976). In December 1978, with the concurrence of the General Services Administration, the Committee's charter was renewed until December 5, 1980. Authorized membership of the Committee is approximately 20, with a current membership of 21.

The Committee provides advice on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade or expand existing trade programs and activities; advise on problems encountered by U.S. business in pursuing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. § 1–15 (1976), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, provides among other things, that the meetings of advisory committees are to be open to the public and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c). 5 U.S.C. 552b(c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where the premature disclosure of information discussed at such meetings is likely to significantly frustrate implementation of a proposed agency action.

Portions of the September 28, 1977, September 27, 1978, December 13, 1978, April 18, 1979, June 27, 1979, October 10, 1979, and January 9, 1980 meetings have previously been closed to the public in accordance with 5 U.S.C. 552b(c)(9)(B) to discuss U.S. Government negotiating positions on (1) the CSCE review of Basket II provisions of the Helsinki Final Act, (2) future U.S.-Soviet trade in light of validated licensing controls imposed on exports of oil and gas-related equipment to the U.S.S.R., (3) U.S.-P.R.C. trade and economic agreements, (4) U.S.-Soviet commercial relations, (5) policy for U.S. commercial relations with the U.S.S.R. and P.R.C. in 1980, and (6) development of U.S. negotiating positions for U.S.-East European commercial commission meetings.

The U.S. Government is continuing to reformulate its economic policy vis-a-vis the Soviet Union, particularly in the area of export controls, in light of the continued presence of Soviet troops in Afghanistan. In order for the Advisory Committee on East-West Trade to provide advice to the Department under the terms of its charter, the Department, on April 16, 1980, from 2:00 p.m. to 3:30 p.m., will present the Committee with a status report on the interagency review of U.S. export policy vis-a-vis the Soviet Union and will request the Committee to make recommendations on and suggest alternatives to any proposed changes in such policy. The inter-agency policy review and subsequent discussion of the outcome of that review with Western allies may not be finalized by the date of the meeting. Premature public disclosure of the information presented to the Committee would be likely to significantly frustrate formulation and implementation of new U.S. Government policy with respect to the U.S.S.R.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of Government in the Sunshine Act, Pub. L. 94–409, that the portion of the Committee meeting scheduled from 2:00 p.m.–3:30 p.m. on April 16, 1980 which will address matters discussed in the preceding paragraph, shall be exempt from the provisions of Section 10(a)(1) and (a)(3) relating to open meetings and public participation therein, because the aforementioned Committee discussions will be concerned with information listed in 5 U.S.C. 552b(c)(9)(B) in that the premature disclosure of this information would be likely to significantly frustrate effective implementation of a proposed agency action.

Remaining portions of the meeting will be open to the public.

Dated: March 20, 1980.

Guy Chamberlin,

Assistant Secretary for Administration.

Dated: March 18, 1980.

Alfred Meisner,

Assistant General Counsel for Administration.

[FR Doc. 80-9083 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

Certain Textiles and Textile Mill Products From India; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration U.S. Department of Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to inform the public that a countervailing duty investigation is being initiated in order to determine if the Government of India has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool and manmade fibers. Unless the case is extended, a preliminary determination will be made not later than June 26, 1980.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202–566–8256).

SUPPLEMENTARY INFORMATION: On November 16, 1978, a negative "Final Countervailing Duty Determination" with respect to certain textiles and textile mill products from India was published in the **Federal Register** (43 Fed. Reg. 54526).

That investigation had been initiated by the Department of the Treasury in response to a petition filed on November 7, 1977, by the Amalgamated Clothing and Textile Workers' Union alleging that the Government of India (GOI) administered a number of programs which bestow bounties or grants upon the manufacture, production or exportation of certain textiles and textile mill products within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act").

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and manmade fibers, as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) item numbers set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 Fed. Reg. 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above cited **Federal Register** notice.

One of the programs subject to investigation involved the payment of cash rebates to exporters of the goods covered by the investigation. With respect to that program, the final negative determination stated the following:

> Exporters of textiles and textile products subject to this investigation receive cash rebates upon export varying from 6.5 percent to 15 percent of the f.o.b. value of the exported products. The Government of India has certified information submitted regarding the incidence of indirect taxes which are not otherwise rebated upon export and which are borne by the various products under investigation. These taxes include national sales taxes, municipal taxes and excise taxes assessed on the product or its component parts . . . Based upon the information submitted, it has been determined that with respect to the products covered by the investigation, the indirect taxes borne by the products exceed the cash rebates received upon export and that therefore this program does not operate to confer a "bounty or grant" within the meaning of the Act. (43 FR 54526).

The granting of offsets as cited above was consistent with the policy of the Treasury Department in calculating the amount of "net" bounties or grants under the Act. On January 1, 1980, Title I of the Trade Agreements Act of 1979 (93 Stat. 150) (hereinafter referred to as "TAA") went into effect. The TAA superceded section 303 of the Act for those countries determined to be a "country under the Agreement" as defined in section 701(b) of the Act (93 Stat. 151, 19 U.S.C. 1671(b)) and amended section 303 of the Act (19 U.S.C. 1303) for those countries not determined to be a "country under the Agreement." India is not presently considered to be a "country under the Agreement" and is therefore governed

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by section 303 of the Act, as amended by section 103(b) of the TAA (93 Stat. 190, 19 U.S.C. 1303(b)).

Section 771(6) of the Act (93 Stat. 176, 19 U.S.C. 1677(6)) sets out those items which may now be deducted in the process of calculating the amount of a net subsidy. On February 26, 1980, a letter was filed by the Amalgamated Clothing and Textile Workers Union requesting that the Commerce Department review its treatment of the Indian export cash rebate program in light of the new statutory definition of net subsidy contained in section 771(6).

Pursuant to this request, the Commerce Department has reviewed the provisions of section 771(6) as well as the legislative history pertaining to this provision and has determined that previous offset policy may no longer be consistent with the new statutory requirements which went into effect on January 1, 1980, and that a formal review of the Indian cash rebate program is warranted. In light of the information already available to the Commerce Department as the result of its previous investigation, and the expressed interest of the Union in pursuing this issue, it has been determined that an investigation be initiated. Since India is not a "country under the Agreement" and none of the items covered by the petition enter the U.S. duty free, the Commerce Department need not have evidence of material injury or likelihood of material injury to a domestic industry before self-initiating a case nor must the case be referred to the U.S. International Trade Commission for a 45-day preliminary injury review.

Pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the TAA, (93 Stat. 190, 19 U.S.C. 1303(b)), a preliminary determination as to whether a bounty or grant is being paid or bestowed on the manufacture, production or exportation of certain textiles and textile mill products from India as a result of the operation of the export cash rebate program will be made not later than June 26, 1980, unless otherwise extended.

This notice is being published pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the TAA (19 U.S.C. 1303).

Stanley Marcuss,

Acting Assistant Secretary for Trade Administration.

March 24, 1980.

[FR Doc. 80-9910 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Request for Removal Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to 46 CFR 221.28, that Marine Midland Bank, N.A., with offices at 250 Park Avenue, New York, New York, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Marine Midland Bank, N.A., certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: March 25, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-10010 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Receipt of Applications for General Permits and Modification of General Permits

Notice is hereby given that the following applications have been received to take marine mammals incidentally in the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations promulgated thereunder.

Mr. Douglas Chipman, Rte 2, Box 26 Seal Rock, Oregon 97376 has applied for the following general permits:

Category 1, "Towed or Dragged Gear";
Category 3, "Encircling Gear, Purse Seining Not Involving the Intentional Taking of Marine Mammals";
Category 4, "Stationary Gear"; and
Category 5, "Other Gear."

The Pacific Coast Federation of Fisherman's Associations, Inc. (PCFFA), P.O. Box 1626, Sausalito, California has applied for the following permits.

Category 1, "Towed or Dragged Gear";
Category 3, "Encircling Gear, Purse Seining Not Involving the International Taking of Marine Mammals";
Category 4, "Stationary Gear"; and
Category 5, "Other Gear."

The National Marine Fisheries Service has received the Report of the Workshop on Stock Assessment and Incidental Take of Marine Mammals involved in commercial Fishing Operations. This Report will be available to the public on April 14, 1980.

A Notice of Availability will be published in the **Federal Register** at that time and a thirty day public comment period on the above applications will follow.

Additionally the General Permits held by the PCFFA for Categories 1, 3, 4, and 5 issued on June 20, 1979 (44 FR 37327) and modified on January 16, 1980 (45 FR 3092) are hereby modified by deleting Section 5 in each permit and substituting therefore the following:

"5. This permit shall be valid for the interim period between March 31, 1980 and the date of issuance of a permit based on the application now undergoing the public review prescribed by 50 CFR 216.24."

Documents submitted in connection with the above applications are available for review. Interested parties may submit written views on the applications within 30 days after the publication of the Notice of Availability of the Workshop Report. Comments may be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: March 28, 1980.

Robert K. Crowell

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9931 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Groundfish Advisory Subpanel (AP) of the Pacific Fishery Management Council has changed its meeting dates from April 15-16, 1980, to April 21-22, 1980; convening at 9 a.m. on April 21, 8 a.m. on April 22, and adjourning at 5 p.m. on both days (FR Vol. 45, No. 57, Friday, March 21, 1980, page 18420).

FOR FURTHER INFORMATION CONTACT:
Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, telephone: (503) 221-6352.

Dated: March 28, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10001 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Cotton Textile Products from the Republic of the Philippines

AGENCY: Committee for the Implementaion of Textile Agreements.

ACTION: Controlling cotton gloves and mittens in Category 331, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1980, at a level of 585,051 dozen pairs.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Category 331, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT:
Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76574) a letter dated December 19, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 331 during that same period.

Accordingly, in the letter of March 28, 1979 published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton textile products in Category 331, produced or manufactured in the Philippines, in excess of 585,051 dozen pairs. The levels of restraint has not been adjusted to account for any imports after December 31, 1979. Imports in the category during the period which began on January 1, 1980 and extended through January 31, 1980 amounted to 266 dozen pairs and will be charged. When the data becomes available, further imports charges will be made for the period which began on February 1, 1980 and extends through March 31, 1980.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 28, 1980.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1979 by the Chairman, Committee for the Implementation of Textile Agreement, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 3, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 331, produced or manufactured in the Philippines, in excess of the following level of restraint:

Category and Twelve-Month Level of Restraint [1]
331—585,051 dozen pairs.

Cotton textile products in Category 331 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Cotton textile products in category 331 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-9997 Filed 4-1-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979. Imports during January 1980 amounted to 266 dozen pairs.

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Notice of Deletions/Addition of Systems of Records

AGENCY: Department of the Army, DOD.

SUMMARY: The Department of the Army has consolidated information now contained in five system notices into a single comprehensive system notice to be "added" to the Army's inventory as A1012.04hDAMO, NDU Student Data Files. The "added" system notice will result in deleting five system notices now describing segments of the National Defense University's student data files formerly identified under the Industrial College of the Armed Forces (ICAF). The intended effect of this action provides a service to present and former students of the University and facilitates internal administration of the Privacy Act.

DATES: Proposed actions shall be effective May 2, 1980, unless public comments result in a contrary determination requiring republication for further comments.

ADDRESS: Written public comments are invited and may be submitted to the Department of the Army, ATTN: DAAG-AMR-R, 1000 Independence Avenue, SW, Washington, DC 20314, prior to May 2, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Cyrus H. Fraker, Office of The

Adjutant General, Department of the Army, 1000 Independence Avenue, SW, Washington, DC 20314; telephone: 202/693–0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records have been problished in the Annual Compilation at 44 FR 73729, December 17, 1979.

The system of records being added is not deemed to be within the purview of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of an altered system report pursuant to Office of Management and Budget guidance set forth in the **Federal Register** 940 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer Washington Headquarters Services Department of Defense.

March 28, 1980.

Deletions

A1012.04cDAPE

System name:

1012.04 Correspondence School Academic Data Files (44 FR 73965), December 17, 1979.

Reason:

Records are described in proposed new system A1012.04hDAMO, NDU Student Data Files, published herein.

A1012.04dDAPE

System name:

1012.04 Resident Student Electives Assignment File (44 FR 73965), December 18, 1979.

Reason:

Records are described in proposed new system A1012.04hDAMO, NDU Student Data Files, published herein.

A1012.04eDAPE

System name:

1012.04 Resident Student Evaluation System File (44 FR 73966), December 17, 1979.

Reason:

Records are described in proposed new system A1012.04hDAMO, NDU Student Data Files, published herein.

A1012.04fDAPE

System name:

1012.04 Resident Student Biographical Data Base (44 FR 73966), December 17, 1979.

Reason:

Records are described in proposed new system A1012.04hDAMO, NDU Student Data Files, published herein.

A1012.04gDAPE

System name:

1012.04 Resident Section Assignment File (44 FR 73966), December 17, 1979.

Reason:

Records are described in proposed new system A1012.04hDAMO, NDU Student Data Files, published herein.

Addition

A1012.04hDAPE

System name:

1012.04 NDU Student Data Files.

SYSTEM LOCATION:

National Defense University (NDU), Ft Leslie J. McNair, Washington, DC 20319.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident/non-resident students enrolled at courses of instruction at NDU including the Industrial College of the Armed Forces (ICAF) and the National War College (NWC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, date of birth, social security number (SSN), student number, grade/rank, branch of service or civilian agency, years of Federal service, biographical data, course/section assignment, prior education, and academic and other related management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NDU officials: To confirm attendance eligibility; to monitor student progress; to produce record of grades and achievements; to prepare assignment rosters; to provide management and statistical summaries and reports; and the compile class yearbooks.

Student transcripts may be disclosed to other educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and printouts.

RETRIEVABILITY:

By SSN or student identification number.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated records employ software passwords; magnetic tapes are protected by user identification and manual controls. Computer room is controlled by card key system requiring positive identification and authorization.

RETENTION AND DISPOSAL:

Individual and class academic records are destroyed after 40 years. Records pertaining to extension courses are held indefinitely before being retired to the National Personnel Records Center, St. Louis, MO. Individual training records are destroyed annually; management reports are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

President, National Defense University, Ft Leslie J. McNair, Washington, DC 20319.

NOTIFICATION PROCEDURE:

Students may apply to the National Defense University, Ft Leslie J. McNair, Washington, DC 20319; telephone: Area Code 202/693–8475.

RECORD ACCESS PROCEDURES:

Written requests should contain requester's full name, current address, social security number, and date of enrollment and/or completion/graduation.

Personal visits may be made to the National Defense University at Ft Leslie J. McNair. Indificuals must provide personal identification such as a valid driver's license or military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Applications for enrollment and biographical resumes from applicants, faculty evaluations and reports, and transcripts from educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–10014 Filed 4–1–80; 8:45 am]

BILLING CODE 3710–08–M

Board of Visitors, U.S. Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.
Dates of Meeting: 25–26 April 1980.
Place of Meeting: West Point, New York.

(All meetings on 25 April will be in the Superintendent's Conference Room, Bldg. 600): Time: 1000–1100, 25 April, Organizational Meeting; 1100–1200, 25 April, Briefings by Academy Officials; 1300–1345, 25 April, Admissions Update; 1345–1445, 25 April, Cadet Separations/Attrition Update; 1515–1700, 25 April, Board Discussions.

(All meetings on 26 April will be in the Commandant's Conference Room, on the 4th Floor, Washington Hall): 0830–0930, 26 April, Cadet Nutrition Program; 0930–1030, 26 April, Specialty Assignments; 1030–1200, 26 April, Board Discussions.

Proposed Agenda: Inquiry into the general state of health of Academy programs, admissions, cadet separations, nutrition, specialty assignments and other matters relating to the Military Academy that the Board decides to consider.

All proceedings are open. For further information, contact LTC Kermit M. Henninger, United States Military Academy, West Point, New York, telephone 914–938–2785/4723.

Dated: March 27, 1980.

For the Board of Visitors.

Kermit M. Henninger,

LTC, GS, Executive Secretary, 1980 Board of Visitors.

[FR Doc. 80–9693 Filed 4–1–80; 8:45 am]

BILLING CODE 3710–08–M

Coastal Engineering Research Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Coastal Engineering Research Board on April 29–30 and May 1, 1980.

The meeting will be held in the conference room of the Sheraton Hopkins Hotel, 5300 Riverside Drive, Cleveland, Ohio, from 8 to 11:15 a.m. on April 29 and from 8 to 11:30 a.m. on April 30. The meeting on May 1 will be held in the conference room of the Holiday Inn, 18 W. 18th Street, Erie, PA, from 8 a.m. to noon.

The morning session on April 29 will be devoted to Action Items from the last meeting; a presentation on the Use of Dolossee for Cleveland Harbor East Breakwater Rehabilitation and the Lakeview Park Beach Erosion Control Project by the Buffalo District of the Corps of Engineers; and a prefield trip briefing. The afternoon will be spent on a field trip by bus to inspect the Lakeview Park Erosion Control Project and Cleveland Harbor Boat inspection.

The morning session of April 30 will be devoted to a discussion of the field inspection trip; Section 111 Beach Nourishment Program, the Saginaw Dike Disposal Wave Data Acquisition Program, a briefing on the Shoreline Erosion Control Demonstration program and the Presque Isle Nourishment Phase I, GDM model study, Protype Breakwaters. The afternoon of April 30 will be a field trip by helicopter to projects along the coast from Cleveland to Erie, PA, and a site inspection by bus of Presque Isle State Park.

The morning session on May 1 will be devoted to Public Comment; the North Central Division's Research Needs; the Coastal Engineering Research Center Fiscal Years 81–82 program; a report on the "Year of the Coast" and Coastal Engineering Research Board recommendations.

Participation by the public is scheduled for 8:30 a.m. on May 1, 1980.

The meeting is open to the public subject to the following:

1. Since seating capacity of the meeting rooms at the Sheraton Hopkins Hotel and Holiday Inn are limited, advance notice of intent to attend, although not required, is requested in orfer to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Ted E. Bishop, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, Virginia 22060.

Dated: February 26, 1980.

Marian G. Spittle,

Army Liaison Officer with the Federal Register.

[FR Doc. 80–9692 Filed 4–1–80; 8:45 am]

BILLING CODE 3710–08–M

U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medical Chemistry; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92463), announcement is made of the following Committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medicinal Chemistry.
Date of meeting: April 25, 1980.
Time and place: 0900 hours, Room 3082, Walter Reed Army Institute of Research, Washington, DC.
Proposed agenda:

This meeting will be open to the public from 0900–1000 hrs to discuss the scientific research program of the Medicinal Chemistry Branch, Walter Reed Army Institute of Research and from 1630–1700 for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 25, 1980 from 1000–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Room 1111, Building 40, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members, and substantive program information.
For the commander:

Richard. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 80–9694 Filed 4–1–80; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

National Hydropower Study; Announcement of Workshop; Open Meeting

A one-day workshop on the National Hydropower Study (NHS) policy studies will be held April 29, 1980, at the Holiday Inn, 1489 Jefferson Davis Highway (Crystal City area), Arlington, Virginia. The workshop will be conducted from 8:30 a.m. to 5:30 p.m.

The workshop, which is open to the public, will be of particular interest to national trade, professional and public interest organizations in the following fields: Engineering, the environment, natural resources, conservation, electric power generation and deliver, electric power equipment manufacturing, business and industry, government policy, government regulation, government development and operations, labor, agriculture, water resources development and delivery,

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economics, biological science, physical science, forestry, fish and wildlife, recreation, and residential consumption. The workshop is designed to inform participants of the policy studies and the major issues to be resolved and to obtain comments on the issues as they have been identified and developed *to date* for each policy study.

The four NHS policy studies address: (1) environmental impacts, (2) legal and institutional aspects, (3) economic evaluation procedures, and (4) marketing and transmission.

The preliminary workshop agenda is as follows:

- Registration
- Welcome and introductory remarks
- Explanation of the agenda
- Overview of the NHS
- Small-group discussions of the four policy studies
- Lunch
- Small group discussion of the four policy studies
- Reports of small group discussion to full group

Additional information may be obtained from Mr. Tom Ballentine, U.S. Army Corps of Engineers, Water Resources, Support Center, Institute for Water Resources, Kingman Building, Ft. Belvoir, Virginia 22060, Telephone (202) 325–0478.

Dated: March 27, 1980.

Maximilian Imhoff,

Colonel, Corps of Engineers, Commander and Director, Water Resources Support Center.

[FR Doc. 80-9881 Filed 4-1-80; 8:45 am]

BILLING CODE 3710-CS-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session April 28, 1980 at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1, 10(D)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense

March 27, 1980.

[FR Doc. 80-9027 Filed 4-1-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Cruise Missiles; Advisory Committee Meeting

The Defense Science Board Task Force on Cruise Missiles will meet in closed session on May 8 and 9, 1980 at National Security Agency, Fort Meade, Maryland.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the major issues concerning cruise missile navigation and testing.

In accordance with 5 U.S.C. App. I 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 28, 1980.

[FR Doc. 80-9028 Filed 4-1-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on ECM; Advisory Committee Meeting

The Defense Science Board Task Force on ECM will meet in closed session May 1–2, 1980 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will discuss potential technical solutions to several current problems in electronic counter-measure.

In accordance with 5 U.S.C. App I 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 28, 1980.

[FR Doc. 80-9029 Filed 4-1-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Surry Steam Generator Project Environmental Assessment

AGENCY: Department of Energy.

ACTION: Notice of availability and finding of no significant impact.

SUMMARY: The Department of Energy (DOE) announces the availability of an environmental assessment (EA) on the proposed Surry Steam Generator Project. The project involves the transport by truck and barge of the Surry II steam generator from the Virginia Electric Power Company (VEPCO) nuclear powerplant site to the DOE Hanford Reservation, near Richland, Washington, for the conduct of a research and testing program on the retired generator. DOE has determined, based on the findings of this EA, that the proposed DOE action does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* Therefore, an environmental impact statement (EIS) will not be prepared and a finding of no significant impact, pursuant to the Council on Environmental Quality regulations for compliance with NEPA, is hereby issued.

ADDRESSES: Single copies of the EA may be obtained from: Harold E. Ransom, Richland Operations Office, U.S. Department of Energy, P.O. Box 550, Richland, Washington 99352.

FOR FURTHER INFORMATION CONTACT: NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Attn: Carol Borgstram, Forrestal Bldg., Room 4G–064, Washington, D.C. 20585, 202–252–4600.

SUPPLEMENTAL INFORMATION: The Surry Steam Generator Project is a proposed research and testing program which involves the extensive investigation of a defective steam generator from a commercial nuclear powerplant. This testing program, to be performed by DOE and funded by the Nuclear Regulatory Commission (NRC), will provide timely and valuable information related to pressurized water reactor primary system integrity and degradation with time. This information has been unavailable, due largely to inability to obtain a suitable out-of-service steam generator specimen. The Surry II generator, which was removed from its reactor containment on May 5, 1979, and now is in a storage vault at the VEPCO site, is a suitable subject for the research program.

The actions proposed to be taken by DOE include (1) the transportation of a defective steam generator by ocean-going barge from the VEPCO Surry Nuclear Power Station in Virginia to the DOE Hanford site near Richland, Washington; (2) the construction of a temporary storage facility for the generator and a steam generator examination facility (SGEF); and (3) the performance of various research operations on the steam generator to determine the causes of its failure while in service.

The transportation phase of the proposed action involves removal of the generator from the storage vault at Surry and transport overland to a loading dock on the James River at the Surry site. Once the generator is loaded on an ocean-going barge, the barge will be routed down the James River to the Atlantic Ocean. The proposed route continues down the East Coast to the Panama Canal via the Windward Passage. Once through the canal, the barge will proceed northward along the West Coast to the Columbia River and upriver to the Port of Benton near Richland, Washington, where it will be transported overland to the DOE Hanford site.

The construction phase involves the building of an interim storage facility to house the generator temporarily and the construction of the SGEF. While the interim storage facility is basically a concrete slab, the SGEF will consist of a 1156-sq. ft. (107-sq.m.) structure, 71-ft. (22-m.) high (including a basement), which will house the steam generator. Attached to this structure will be a 952 sq. ft. (88-sq.m.) building housing changing rooms and a loading bay.

The research phase includes both non-destructive and destructive examination of the steam generator. The non-destructive examination will create a map of defects in the generator. Based on a statistical analysis of the defect map, the destructive examination will be initiated to open the generator and remove specimens for further examination. The destructive assay of specimens will allow confirmation of the non-destructive examination results and provide needed input to the NRC regarding steam generator tube integrity and degradation.

Based on the analyses provided in the EA, DOE has determined that there will be no significant environmental impacts due to the implementation of the Surry Steam Generator Project for the following reasons:

Transportation

- Although the generator is massive (approximately 220 tons), its total radioactive inventory is expected to be in the range of 120 to 180 curies. The external surfaces of the generator have been decontaminated, and all openings have been sealed. During the routine transportation of the generator from Surry to Hanford, the radiation dose to the bystanding public along the route will be negligible or nonexistent.
- The probabilities of an accident occurring during transport of the generator that would cause the release of radioactivity are extremely small.
- The consequences (radiation dose exposure to the transport crew and to bystanders) due to any accident occurring along the route during transport are minor. This is due to the fact that the amount of radioactivity in the generator that could be released to the environment is relatively small—a maximum of 120–180 curies. This compares with typical loadings of greater than 5,000 curies of cobalt-60 in hospital irradiators, which are shipped regularly throughout the U.S.
- Contingency plans to handle any accident along the transportation route will minimize any potential danger to the transport crew and the bystanding public.
- Shipment of large volume, high weight radioactive components such as reactor pressure vessels and pumps by water and land transport has been accomplished safely a number of times in the past; therefore, the proposed shipment of the Surry steam generator is not without precedent.

Construction

- Minor temporary impacts will occur locally to the Hanford site during the construction of the interim facility and the SGEF.
- Noise levels, dust and particulate emissions during construction will not exceed Federal emission standards.
- Resource commitments will have no measurable effect on the availability of materials in the region.

Research

- Routine SGEF operations will generate small amounts of liquid, gaseous, and solid radioactive and non-radioactive wastes—less than a 0.28% increase in current waste volumes handled at Hanford. The impacts of the gaseous emissions and solid wastes, both radioactive and non-radioactive, are well below those in the EIS on the waste management operations at Hanford (ERDA–1538—Waste Management Operations/Hanford Reservation.)
- The exposure of operational personnel to direct radiation during the research phase will be controlled to within limits contained in applicable DOE standards and guides.

Since the proposed action includes the shipment of a used nuclear steam generator by ocean-going barge from Virginia through the Panama Canal to the DOE Hanford site near Richland, Washington, DOE has considered the applicability of Executive Order 12114—Environmental Effects Abroad of Major Federal Actions. DOE has determined that the Surry proposal is exempt from the mandatory environmental review requirements of that Order since it does not involve the export of nuclear production, utilization, or waste management facilities, nor, based on the findings of the EA, will the transport of the steam generator have a significant effect on the global commons.

Alternatives discussed in the EA include not taking the action, delaying the action, performing the research at other locations besides the Hanford site (Government laboratories and private sites) and utilizing alternate means of transport for the generator.

Dated at Washington this 27th day of March 1980 for the U.S. Department of Energy.

Lynda L. Brothers,

Acting Assistant Secretary for Environment.

[FR Doc. 80-10094 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

[DOE/EIS-0048-FS-1

Availability of a Final Environmental Impact Statement on the Boardman Coal-Fired Generating Plant Wheeling Contract and of Decision to Adopt a Final Environmental Impact Statement

The Bonneville Power Administration (BPA) hereby gives public notice of the availability of a Final Environmental

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Impact Statement on its proposal to wheel the output of the Boardman coal-fired generating plant. BPA has adopted the Rural Electrification Administration's FEIS on the Boardman Coal Plant and Associated Transmission (USDA–REA–EIS–77–4F) as permitted by Council on Environmental Quality Regulation 40 CFR 1506.3 The impacts of BPA's proposal to sign a wheeling contract arise from the operation of the generating plant. No new Federal facilities are proposed. BPA has analyzed the REA FEIS and concluded that it adequately describes the impacts of the operation of the plant, and the site specific impacts of the plant and transmission facilities.

The REA environmental statement proposed use of REA financing by Pacific Northwest Generating Company for a 10 percent share of the Boardman Coal Plant and associated transmission and support facilities. The Boardman Plant, a 550 MW coal-fired, steam-electric generating station, is located near the town of Boardman in Morrow County, Oregon. The construction and operation of the plant, including a 17-mile, 500-kV transmission line to the C. J. Slatt Substation, are adressed. Alternative, including the no action alternative, were considered.

Copies of the adopted Final EIS will be circulated to those agencies that have previously commented, to BPA's standard list of commentors, and will be available for public inspection at designated Federal depositories and at Department of Energy Public Document Rooms located at:

Library, FOI—Public Reading Room GA–152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.;
BPA, Washington, D.C., Office, Federal Building, Room 3352, 12th & Pennsylvania Avenue NW., Washington, D.C.;
Library, BPA Headquarters, 1002 NE. Holladay Street, Portland, Oregon;

and in the following BPA Area Office:

Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington.

Single copies are available upon request; contact the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, or the BPA Area Office listed above.

Dated at Portland, Oregon, this 1st day of February 1980.

Ray Foleen,

Acting Administrator.

[FR Doc. 80-10040 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Okanogan Area, Service, Final Facility Location Supplement to Fiscal Year 1976 Proposed Program Environmental Statement Notice of Availability of Final Environmental Statement

Notice is hereby given that Bonneville Power Administration (BPA), in compliance with the National Environmental Policy Act of 1969, has prepared and is distributing the Final Facility Location Supplement, Okanogan Area Service, to its Fiscal Year 1976 Proposed Program Environmental Impact Statement (EIS). This document assesses potential environmental impacts associated with construction of proposed new transmission facilities to serve load growth in the Okanogan Valley of Washington State.

Because there is no practicable alternative, the proposed new transmission line will be partly located within the floodplains of the Columbia and Okanogan Rivers. A map of the proposed transmission route is in the final EIS supplement.

Copies of the final environmental impact statement supplement are available for public inspection at designated Federal depositories (for locations, contact the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208) and at Department of Energy public document rooms located at:

Library, FOI—Public Reading Room GA152, Forrestal Building, 1000 Independence Ave. SW., Washington, D.C.
BPA, Washington, D.C., Office, Federal Building, Room 3352, 12th & Pennsylvania Ave. NW., Washington, D.C.
Library, BPA Headquarters, 1002 NE. Holladay Street, Portland, Oregon

And in the following BPA Area and District Offices:

Spokane Area Office, U.S. Court House, Room 561, W. 920 Riverside Avenue, Spokane, Washington
Wenatchee District Office, U.S. Federal Building, Room 314, 301 Yakima Street, Wenatchee, Washington

Copies of this document have also been furnished to those who commented on the draft statement.

Single copies are available upon request; contact the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, or one of the BPA Area or District Offices listed above.

Dated at Portland, Oregon, this 14th day of February 1980.

Ray Foleen,

Acting Administrator.

[FR Doc. 80-10041 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Role of the Bonneville Power Administration (BPA) in the Pacific Northwest Power Supply System, Including Its Participation in a Hydro-Thermal Power Program; Availability of Revised Draft Environmental Impact Statement

Notice is hereby given that the Bonneville Power Administration (BPA), Department of Energy (DOE), has issued a revised Draft Environmental Impact Statement (DEIS): The Role of the Bonneville Power Administration in the Pacific Northwest Power Supply System, including Its Participation in a Hydro-Thermal Power Program. This DEIS assesses the generic and cumulative impacts expected from BPA's proposed role in the development of the Pacific Northwest electric power supply system through 1998.

Copies of the revised DEIS are available for public inspection at designated Federal depositories (for location, contact the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208) and at DOE public document rooms located at:

Library, FOI—Public Reading Room GA–152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.;
BPA, Washington, D.C., Office, Room 3352, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C.;
Library, BPA Headquarters, 1002 NE. Holladay Street, Portland, Oregon;

and in the following BPA Area and District Offices:

Eugene District Office, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon;
Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho;
Kalispell District Office, Highway 2 (East of Kalispell), Kalispell, Montana;
Portland Area Office, Room 288, Plaza Building, 1500 NE. Irving, Portland, Oregon;
Seattle Area Office, Room 250, 415 First Avenue North, Seattle, Washington;
Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington;
Walla Walla Area Office, West 101 Popular, Walla Walla, Washington;
Wenatchee District Office, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington.

The revised Draft EIS is being furnished to various Federal, State, and local agencies with environmental expertise, or which are otherwise likely to be interested in, or affected by, the proposed program. Copies of the document are also being furnished to State and local clearinghouses and to other interested groups and individuals.

A limited number of single copies are available from the Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, or the BPA Area and District Offices listed above.

Dated at Portland, Oregon, this 21st day of March, 1980.

Sterling Munro,

Administrator.

[FR Doc. 80-10042 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Getty Oil Co. Petition for Permission to Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of petition and request for comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that, on March 21, 1980, Getty Oil Company (Getty), in accordance with the provisions of 10 CFR 205.90 *et seq.* and § 211.10(b), filed a petition for permission to use a separate allocation fraction for the sale of motor gasoline by Mohawk Petroleum Company, a division of Getty Refining and Marketing Company. Mohawk markets motor gasoline in California, Arizona and Nevada.

A copy of Getty's application, with proprietary materials deleted, may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street, N.W., Washington, D.C. 20461.

DATE: Interested firms may submit comments on Getty's petition to the following address until the close of business April 16, 1980.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 653–3431

Joel M. Yudson, Office of the General Counsel, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252–8744

Issued in Washington, D.C. on the 27th day of March 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10043 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Consolidated Gas Supply Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATE: March 17, 1980. Comments on or before May 2, 1980.

ADDRESS: Send comments to Edward F. Momorella, Acting District Manager, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 1421 Cherry Street, Philadelphia, Pa. 19102, Telephone (215) 597–2633.

SUPPLEMENTARY INFORMATION: On March 17, 1980 the Office of Enforcement of the ERA executed a proposed Consent Order with Consolidated Gas Supply Corporation of Clarksburg, West Virginia. Under 10 C.F.R. Section 205.199J(b), a proposed Consent Order, which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. The ERA has signed and tentatively accepted the proposed Consent Order. However, after consideration of the comments it received, or for any reason, the ERA may withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

THE CONSENT ORDER: Consolidated Gas Supply Corporation (Consolidated) has its headquarters in Clarksburg, West Virginia, and is engaged in the fractionation and sale of NGL products, therefore Consolidated is and has been subject to the provisions of the Cost of Living Council (CLC) Phase IV Price Regulations, 6 C.F.R., Part 150 and the DOE Petroleum Allocation and Price Regulations at 10 C.F.R., Parts 210, 211 and 212. To resolve certain civil action which could be brought by the Office of Enforcement of the ERA as a result of its audit of Consolidated, the ERA Office of Enforcement and Consolidated entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Consolidated's books and records and reviewed all pertinent matters relating to Consolidated's compliance with the CLC and DOE petroleum price regulations in effect during the period from September 1, 1973 through July 31, 1976. All civil actions that could be brought by the Office of Enforcement with regard to Consolidated's compliance with the petroleum price regulations and prices charged by Consolidated in sales of NGL products during the period September 1, 1973 through July 31, 1976 are resolved by this Consent Order. In addition, the Consent Order determines Consolidated's class of purchaser structure, May 15, 1973 selling prices and formulas which shall be used by Consolidated to calculate maximum lawful selling prices under Subpart K of the DOE price regulations on and after February 1, 1980.

2. Throughout 1980 Consolidated expects to serve essentially the same customers which were served by it during the audit period with approximately the same volumes as in the audit period. Accordingly, Consolidated agrees to accomplish a total prospective revenue reduction of $5.025 million by reducing its propane prices below the lower of its maximum lawful selling price or the prevailing market price. The amount of this price reduction is determined by a formula stated in the Consent Order and will be available to any current customer which submits an acceptable plan to DOE for the pass through of the prospective revenue reduction to end-users and/or other distribution thereof in accordance with the terms of the Order. Customers who fail to agree to acceptable pass-through plans will have their volumes reapportioned among the customers who do so agree. The price reduction period is expected to last until November 15, 1980, but may be extended through March 31, 1981. Any portion of the prospective revenue reduction which has not been achieved by March 31, 1981 will be paid to the DOE for deposit in a suitable account for subsequent distribution in a just and equitable manner to persons making valid claims. During the period of prospective price reduction Consolidated will supply its eligible customers with approximately the same annual volumes of propane sold to these customers during the audit period. This volume limitation ensures

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that the price reduction will not adversely affect competition.

3. Consolidated has requested its propane customers to agree in writing to pass through all of the prospective price reductions to their customers as promptly as possible following receipt thereof from Consolidated. Each customer was requested to submit or subscribe to a plan to accomplish the passthrough to its customers. Final approval of the Consent Order is conditioned upon the receipt of acceptable passthrough plans with respect to two-thirds of the propane volumes that will be subject to prospective price reduction.

4. The prospective price reduction is considered to be in the public interest because Consolidated expects to serve the same customers in 1980 which were served by it during the audit period. Furthermore, a survey of ten customers who purchase 73 percent of Consolidate's propane demonstrates that a substantial faction of their sales are made directly to end-users. In particular, the survey showed that the ten companies sell 76 percent of their propane to residential and agricultural end-users; that nine of the ten companies sell 83 percent of their propane to residential and agricultural end-users; and that the tenth company sells 94 percent of its propane to end-users of all kinds, including 51 percent to agricultural and residential end-users.

5. Consolidated gas supply corporation current propane customers.

1. Agway Petroleum Corporation
2. American Propane Corporation
3. Amerigas, Incorporated
4. Blue Flame Gas Co., Inc.
5. Braxton Oil Company
6. Buckeye Gas Products Co. (formerly Williams Energy or Daugherty Propane Co.)
7. C. M. Dining, Inc.
8. Commonwealth Propane Co.
9. Country Gas Service, Inc.
10. General L. P. Gas Inc.
11. H. H. Cupp Co.
12. Home Gas Corporation
13. Kelgas, Inc.
14. L. P. Gas Co.
15. Lewiston Bottled Gas Co.
16. Main Gas & Appliance Inc.
17. Northern Propane Gas Co.
18. Parco Distributor
19. Pargas, Inc.
20. Petrolane, Inc.
21. Pyrofax Gas Corp.
22. Quaker State Oil Refining Corp.
23. Robinson LP Gas Co.
24. Rod Steinheiser Bottled Gas
25. Southern States Coop. Inc.
26. Stevens Gas Service, Inc.
27. Suburban Propane Gas Corp.
28. Union Texas Petroleum
29. Utilgas Service Co.
30. Wanstreet Supply Co.

6. Consolidated will pay, by certified check made payable to the U.S. Department of Energy, the sum of $50,000 in compromise of civil penalties within 30 days of the effective date of this Consent Order.

7. Execution of the Consent Order constitutes neither an admission by Consolidated nor a finding by DOE that Consolidated has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

8. The provisions of 10 C.F.R. Section 205.199J, including those concerning publication of this Notice, are applicable to this Consent Order and are incorporated by reference in this Notice.

Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Send comments to Edward F. Momorella, Acting District Manager, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 1421 Cherry Street, Philadelphia, Pa. 19102, Telephone (215) 597–2633.

You should identify your comments on the outside of your envelope, and on any documents you submit, with the designation, "Comments on Consolidated Consent Order." DOE will consider alll comments we receive on or before April, 1980. You should identify any information or date which, in your opinion, is confidential and submit it in accordance with the procedures in 10 C.F.R. Section 205.9(f).

Issued in Philadelphia, Pennsylvania on the 16th day of March, 1980.

Edward F. Momorella,

Acting District Manager, Northeast District Enforcement.

[FR Doc. 80–9911 Filed 4–1–80; 8:45 am]

BILLING CODE 6950–01–M

Federal Energy Regulatory Commission

[Docket No. PV–1456]

Owensboro-Ashland Co.; Basic Tentative Valuation

March 28, 1980.

Notice is hereby served that the Federal Energy Regulatory Commission is considering a basic tentative valuation, effective December 31, 1974, for Owensboro-Ashland Company, an interstate oil pipeline, 1409 Winchester Avenue, Ashland, Kentucky 41101.

On or before April 30, 1980, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act may file with the Federal Energy Regulatory Commission, pursuant to rule 70 of the Interstate Commerce Commission's "Genral Rules of Practice" (49 CFR 1100.70), an original and three copies of petitions for leave to intervene in this proceeding. The petitioner shall attach to the petition a certificate of service as prescribed in rule 20 (49 CFR 1100.20).

If the petition for leave to intervene is granted, the petitioner is elegible to protest the valuation. Persons designated in Section 19a(h) of the Act may protest without filing a petition.

Francis J. Connor,

Administration Officer, Oil Pipeline Board.

[FR Doc. 80–9919 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. RP76–10, et al.]

Arkansas Louisiana Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 27, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 11, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
3/10/80	Arkansas Louisiana Gas Co.	RP76–10	Report.
3/14/80	Tennessee Gas Pipeline Co.	RP75–91	Report.
3/14/80	Tennessee Gas Pipeline Co.	RP77–62	Report.
3/17/80	Northwest Pipeline Corp.	RP78–50	Report.
3/19/80	Algonquin Gas Transmission Co.	RP76–15	Report.

[FR Doc. 80–10045 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA80–2–43 (PGA80–2 and IPR80–2)]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

March 27, 1980.

Take notice that Cities Service Gas Company (Cities Service) on March 21, 1980, tendered for filing Seventh Revised Sheet No. 6 and First Revised Sheet Nos. 6A and 6B to its FERC Gas Tariff, Original Volume No. 1. Cities Service states that pursuant to the Purchased Gas Adjustment in Article 21 and the Incremental Pricing Provision in Article 24 of its FERC Gas Tariff, it proposes to increase its rates effective April 23, 1980, to reflect:

(1) an increase in the Cumulative Rate Adjustment due to increases in Cities Service's natural gas supplier rates, including increased rates attributable to the Natural Gas Policy Act of 1978 (NGPA);

(2) a reduction in Gas Acquisition Cost by Estimated Incremental Pricing Surcharges; and

(3) an increased Surcharge Adjustment to amortize the Deferred Purchased Gas Cost Account balance.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP 79–76.

Any person desiring to be heard or to protest said filing should file a petition to interevene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10046 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3025 and Project No. 3039]

Hydro Resources Corp. and New Hampshire Water Resources Board; Applications for Preliminary Permit

March 27, 1980.

Take notice that Hydro Resources Corporation and New Hampshire Water Resources Board, filed on January 22, 1980, and February 11, 1980, respectively, competing applications [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for preliminary permits for proposed hydroelectric projects, each to be known as the Kelley's Falls Project, FERC Projects Nos. 3025 and 3039, respectively, that would be located at the existing Kelley's Falls Dam owned by the State of New Hampshire on the Piscataquog River, in Hillsborough County, near Manchester, New Hampshire. Correspondence with Hydro Resources Corp. should be addressed to: Mr. Irvin Tolles, Hydro Resources Corp., P.O. Box 240, Manchester, New Hampshire 03105. Correspondence with New Hampshire Water Resources Board should be addressed to: Mr. George M. McGee, New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

Purpose of Project—Both Applicants propose to sell project energy to Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies under Permit—Hydro Resources Corp. seeks issuance of a preliminary permit for a period of 18 months, while New Hampshire Water Resources Board seeks a three year preliminary permit. Each Applicant proposes that it would perform surveys, geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Hydro Resources Corp. and New Hampshire Water Resources Board estimate that cost of studies under the permit would be approximately $42,000 and $100,000, respectively.

Project Description—The project as proposed by each Applicant would operate run-of-the-river and would consist of: (1) the existing Kelley's Falls Dam, a 210 foot-long overflow structure approximately 50 feet high; (2) a reservoir with a surface area of 129 acres and a gross storage capacity of 1,000 acre-feet at a normal maximum surface elevation of 160.75 feet; (3) an existing east abutment ogee spillway, 192 feet long and 21 feet high adjoining the overflow structure at a right angle; (4) an existing reinforced concrete penstock, 11 feet in diameter and 9 x 9 feet square; and (6) a new 500-kW turbine-generator unit operating under a head of 22 feet. Each Applicant estimates the annual energy output would average 2,030,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for a preliminary permit. [A copy of each of the applications may be obtained directly from the respective Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission on or before *May 28, 1980*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 28, 1980*. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended 44 FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

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Rules. Any comment, protest, or petition to intervene must be filed on or before *May 28, 1980.* The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10047 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3061]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

March 27, 1980.

Take notice that on February 28, 1980, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed an application for preliminary permit pursuant to the Federal Power Act (Act) 16 U.S.C. 791(a)–825(r), for proposed Project No. 3061 to be known as the Millers River Project in Franklin County, Massachusetts. The project would consist of five run-of-the-river developments utilizing existing sites which were once used for water power and whose dams are now breached. The dams would be reconstructed in approximately the same locations as the original structures. Correspondence with the Applicant should be addressed to: Mr. Phillip Otness, General Manager, MMWEC, P.O. Box 426, Ludlow, Massachusetts 01056.

Purpose of the Project—Power generated by the project would be sold by the applicant to its member towns and cities.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $93,000.

Project Description—The Millers River Project would consist of the following five developments:

(A) The Millers One development located in the towns of Erving and Montagne and originally owned by Millers Tool Company would consist of: (1) a 151-foot long, 20-foot high concrete dam; (2) an existing 20-foot wide, 6 to 8-foot deep 2,000-foot long masonry and earth canal; (3) a reservoir with a storage capacity of 20 acre-feet; (4) a new powerhouse containing turbine/generators with a total rated capacity of from 1 to 2 MW; (5) an existing turbine/generator with a total rated capacity of 150 KW located in a factory building on the canal; (6) a 10,500-foot long, 13.8-KV transmission line; and (7) appurtenant facilities. The Millers One development would generate up to 6,000 MWh annually.

(B) The Millers Two development located 0.6 miles upstream from the Millers One development in the town of Erving and originally owned by the Millers Falls Paper Company, would consist of: (1) a 180-foot long, 45 to 50-foot high concrete dam; (2) a reservoir with a storage capacity of 120 acre-feet; (3) the existing powerhouse which may be reconditioned or a new powerhouse, either structure containing turbine/generating units with a total rated capacity of from 1 to 2 MW; (4) a 12,000-foot long, 13.8-KV transmission line; and (5) appurtenant facilities. The Millers Two development would generate up to 6,000 MWh annually.

(C) The Millers Three development located 0.3 miles upstream from the Millers Two development in the town of Erving, and originally part of the Farley Paper Mill, would consist of: (1) a 20 to 22-foot high, 100-foot long dam (material used to be determined); (2) a reservoir with a storage capacity of 9 acre-feet; (3) a powerhouse with turbine/generating units with a total rated capacity of from 1.0 to 1.3 MW; (4) a 5,280 to 15,000-foot long, 13.8-KV transmission line; and (5) appurtenant facilities. The Millers Three development would generate up to 4,000 MWh annually.

(D) The Millers Four development located two miles upstream from the Millers Three development and owned by the Erving Paper Mill, would consist of: (1) a 15-foot high, 150-foot long dam (material used to be determined); (2) a reservoir with a storage capacity of 22 acre-feet; (3) the existing powerhouse which may be reconditioned or a new powerhouse, either structure containing two turbine/generating units with a total rated capacity of 1.8 MW; (4) a 4,000-foot long, 13.8-KV transmission line; and (5) appurtenant facilities. The Millers Four development would generate up to 7,000 MWh annually.

(E) The Millers Five development located 500 feet upstream of the Millers Four developoment, in Wendall Depot and owned by Massachusetts Electric Company would consist of: (1) a 20 to 22-foot high, 200-foot long concrete dam; (2) a reservoir with a storage capacity of 50 acre-feet; (3) a powerhouse containing turbine/generator units with a total rated capacity of 2 MW; (4) a 2,500-foot long, 13.8 KV transmission line; and (5) appurtenant facilities. The Millers Five development would generate up to 7,000 MWh annually.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. The Applicant seeks a permit for a period of 36-months.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 1, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 1, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 1, 1980. The Commission's address is: 825 North Captiol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10048 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

March 25, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

California Department of Conservation, Division of Oil and Gas

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15999/79-6-0066
2. 04-113-20512-0000
3. 102 000 000
4. Nahama & Weagant Inc
5. Chevron Cache Basin No 4
6. Cache Basin
7. Yolo CA
8. 100.0 million cubic feet
9. February 19, 1980
10.

1. 80-16000/79-6-0067
2. 04-113-20565-0000
3. 102 000 000
4. Nahama & Weagant Inc
5. Chevron Cache Basin No 8
6. Cache Basin
7. Yolo CA
8. 100.0 million cubic feet
9. February 19, 1980
10.

Kansas Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15782/K-79-1116
2. 15-081-20116-0000
3. 103 000 000
4. Cities Service Co
5. Green C No 2
6. Panoma
7. Haskell KS
8. 10.8 million cubic feet
9. February 15, 1980
10. Colorado Interstate Gas Co

1. 80-16001/K-79-1075
2. 15-033-20272-0000
3. 103 000 000
4. Worldwide Energy Corp
5. McMoran No 2
6. Yellowstone
7. Comanche KS
8. 100.0 million cubic feet
9. February 19, 1980
10. Cities Service Gas Co

Montana Board of Oil and Gas Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15773/1-80-4
2. 25-005-22080-0000
3. 103 000 000
4. J Burns Brown
5. Peterson 30-33-18
6. Lohman
7. Blaine MT
8. 72.0 million cubic feet
9. February 14, 1980
10. Northern Natural Gas Co

1. 80-15774/1-80-5
2. 25-005-22083-0000
3. 103 000 000
4. J Burns Brown
5. Ramberg 25-32-18
6. Black Coulee
7. Blaine MT
8. 150.0 million cubic feet
9. February 14, 1980
10. Northern Natural Gas Co

1. 80-15775/1-80-6
2. 25-005-22091-0000
3. 103 000 000
4. J Burns Brown
5. March 26-32-18
6. Wildcat
7. Blaine MT
8. 300.0 million cubic feet
9. February 14, 1980
10. Northern Natural Gas Co

1. 80-15776/1-80-7
2. 25-005-22088-0000
3. 103 000 000
4. J Burns Brown
5. Bressler 20-32-19
6. Black Coulee
7. Blaine MT
8. 18.0 million cubic feet
9. February 14, 1980
10. Northern Natural Gas Co

1. 80-15777/1-80-8
2. 25-041-22116-0000
3. 103 000 000
4. J Burns Brown
5. First Trust 7-33-17B
6. Coal Coulee
7. Hill MT
8. 50.0 million cubic feet
9. February 14, 1980
10. Northern Natural Gas Co

1. 80-16002/1-80-9
2. 25-091-21198-0000
3. 102 000 000
4. Patrick Petroleum Co
5. Butler-Spaulding No 1
6. Colored Canyon
7. Sheridan MT
8. 60.0 million cubic feet
9. February 19, 1980
10. True Oil Co

1. 80-16003/1-80-10
2. 25-091-21285-0000
3. 102 000 000
4. Patrick Petroleum Co
5. Olsen No 1-20
6. South Colored Canyon
7. Sheridan MT
8. 55.0 million cubic feet
9. February 19, 1980
10. True Oil Co

1. 80-16004/1-80-13
2. 25-073-21361-0000
3. 102 000 000
4. Century Oil & Gas Corp
5. Dignin 23-30
6. Williams
7. Pondera MT
8. 100.0 million cubic feet
9. February 12, 1980
10. Montana Power Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15778
2. 30-015-00000-0000
3. 108 000 000
4. Southland Royalty Co
5. New Mexico Y State #3
6. Shugart
7. Eddy NM
8. .3 million cubic feet
9. February 14, 1980
10. Phillips Petroleum Co

1. 80-15779
2. 30-015-00000-0000
3. 108 000 000
4. Southland Royalty Co
5. New Mexico Y State #1
6. Shugart
7. Eddy NM
8. .3 million cubic feet
9. February 14, 1980
10. Phillips Petroleum Co

1. 80-15780
2. 30-025-00000-0000
3. 108 000 000

V45/65 APR 2 80 UMI

4. Southland Royalty Co
5. Huston Com #1
6. Eumont
7. Lea NM
8. 14.9 million cubic feet
9. February 14, 1980
10. El Paso Natural Gas Co

1. 80–15781
2. 30–025–02923–0000
3. 108 000 000
4. Phillips Petroleum Co
5. E Vacuum GB/SA Unit TR 2805 #002
6. Vacuum GB/SA
7. Lea NM
8. 2.0 million cubic feet
9. February 14, 1980
10. El Paso Natural Gas Co

1. 80–15783
2. 30–045–09570–0000
3. 108 000 000
4. Energy Reserves Group Inc
5. Farnsworth Gas Com A #1
6. Basin Dakota
7. San Juan NM
8. 6.7 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15784
2. 30–015–00000–0000
3. 102 000 000
4. McClellan Oil Corp
5. State AR No 1 L–1605
6. Wildcat (ABO)
7. Eddy NM
8. 54.7 million cubic feet
9. February 15, 1980
10. Northern Natural Gas Co

1. 80–15785
2. 30–025–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. Robinson Unit TR 3 Sec 31 #11
6. Maljamar
7. Lea NM
8. .9 million cubic feet
9. February 15, 1980
10. Phillips Petroleum Co

1. 80–15786
2. 30–015–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. Dale H Parke C #2Y
6. Grayburg Jackson
7. Eddy NM
8. .2 million cubic feet
9. February 15, 1980
10. Continental Oil Co

1. 80–15787
2. 30–015–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. New Mexico Y State #5
6. Shugart
7. Eddy NM
8. .4 million cubic feet
9. February 15, 1980
10. Phillips Petroleum Co

1. 80–15788
2. 30–015–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. New Mexico Y State #4
6. Shugart
7. Eddy NM
8. .1 million cubic feet
9. February 15, 1980
10. Phillips Petroleum Co

1. 80–15789
2. 30–045–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. State 575 #1
6. Ballard Pictured Cliffs
7. San Juan NM
8. 18.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15790
2. 30–038–20892–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–6 Unit #189
6. Blanco South-Pictured Cliffs
7. Rio Arriba NM
8. 12.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15791
2. 30–045–06004–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfanito Unit #17
6. Ballard-pictured Cliffs Gas
7. San Juan NM
8. 11.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15792
2. 30–045–10000–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Moncrief Com A #2
6. Basin-Dakota Gas
7. San Juan NM
8. 15.3 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15793
2. 30–005–60602–0000
3. 103 000 000
4. Yates Petroleum Corp
5. Grynberg LZ State No 1
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. February 15, 1980
10.

1. 80–15794
2. 30–005–60602–0000
3. 103 000 000
4. Yates Petroleum Corp
5. Grynberg LZ State No 1
6. Wildcat
7. Chaves NM
8. .0 million cubic feet
9. February 15, 1980
10.

1. 80–15795
2. 30—015–23025–0000
3. 103 000 000
4. Yates Petroleum Corp
5. Metcalf LT Com No 1
6. Penasco Draw SA–YESO
7. Eddy County NM
8. .0 million cubic feet
9. February 15, 1980
10. Transwestern Pipeline Co

1. 80–15796
2. 30–045–23560–0000
3. 103 000 000
4. Amoco Production Co
5. Archuleta Gas Com A #3E
6. Basin Dakota
7. San Juan NM
8. 178.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15797
2. 30–025–26420–0000
3. 103 000 000
4. Phillips Petroleum Co
5. Leamex No 19
6. Maljamar Grayburg/San Anderes
7. Lea NM
8. 8.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15798
2. 30–025–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. Carter #1
6. Eumont
7. Lea NM
8. 19.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15799
2. 30–025–00000–0000
3. 108 000 000
4. Southland Royalty Co
5. Epperson #3
6. Inbe-Permo
7. Lea NM
8. 3.3 million cubic feet
9. February 15, 1980
10. Warren Petroleum Co

1. 80–15800
2. 30–025–00000–0000
3. 108 000 000
4. Apollo Oil Co
5. NM C ST NCT–1 #1
6. Eumont Yates Seven Rivers
7. Lea NM
8. .0 million cubic feet
9. February 15, 1980
10. Warren Petroleum Co

1. 80–15801
2. 30–038–20980–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #271
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 21.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15802
2. 30–045–20751–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Heaton #27
6. Aztec Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15803
2. 30–045–23566–0000
3. 103 000 000
4. Amoco Production Co
5. Sullivan Gas Com C #1E
6. Basin Dakota
7. San Juan NM
8. 108.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15804
2. 30–025–00000–0000
3. 108 000 000
4. Coquina Oil Corp
5. Janda State #2
6. Langlie-Mattix
7. Lea NM
8. 3.0 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–15805
2. 30–025–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. F Turner Jr A #8
6. Skaggs
7. Lea NM
8. 4.2 million cubic feet
9. February 15, 1980
10. Warren Petroleum Co

1. 80–15806
2. 30–025–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. E W Walden #3
6. Eunice
7. Lea NM
8. 1.4 million cubic feet
9. February 15, 1980
10. Northern Natural Gas Co

1. 80–15807
2. 30–025–00000–0000
3. 108 000 000
4. Amerada Hess Corp
5. Langlie Mattix Woolworth UT #104
6. Langlie Mattix
7. Lea NM
8. 1.2 million cubic feet
9. February 15, 1980
10. El Paso Natural Gas Co

1. 80–16005
2. 30–045–21081–0000
3. 106 000 000
4. Amoco Production Co.
5. Sammons Gas Com E #1
6. Blanco
7. San Juan NM
8. 17.4 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co.

1. 80–16006
2. 30–045–23787–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #292
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 144.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16007
2. 30–045–23789–0000
3. 103 000 000
4. Energy Reserves Group Inc.
5. Gallegos Canyon Unit PC #294
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 71.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16008

2. 30–045–23788–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #293
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 108.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16009
2. 30–045–23854–0000
3. 103 000 000
4. Energy Reserves Group Inc.
5. Gallegos Canyon Unit PC #284
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 63.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16010
2. 30–015–22308–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Ringer Federal Com #2
6. White City Penn (ATOKA)
7. Eddy NM
8. 72.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–160011
2. 30–045–23956–0000
3. 103 000 000
4. Energy Reserves Group
5. Gallegos Canyon Unit PC #305
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 44.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16012
2. 30–015–23007–0000
3. 103 000 000
4. Hondo Oil & Gas Co (ARCO)
5. State BV #2
6.
7. Eddy NM
8. 3600.0 million cubic feet
9. February 19, 1980
10.

1. 80–16013
2. 30–045–23793–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #283
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 108.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16014
2. 30–045–23939–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #304
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 47.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16015
2. 30–045–23938–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #302
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 44.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16016
2. 30–045–23655
3. 103 000 000
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #286
6. Kutz West Pictured Cliffs
7. San Juan NM
8. 108.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16017
2. 30–039–07239–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–5 Unit #2
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 21.2 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16018
2. 30–045–23299–0000
3. 103 000 000
4. El Paso Natural Gas Co
5. Epng Com C #4A
6. Blanco Mesaverde
7. San Juan NM
8. 150.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16019
2. 30–025–26534–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. State 157 D #12
6. Drinkard
7. Lea NM
8. 60.0 million cubic feet
9. February 19, 1980
10. Warren Petroleum Co

1. 80–16020
2. 30–045–23008–0000
3. 103 000 000
4. Consolidated Oil & Gas Inc
5. Montoya 1–M
6. Basin Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16021
2. 30–025–26523–0000
3. 103 000 000
4. Getty Oil Co
5. Mexico J Well No 26
6. Dollarhide Fusselman
7. Lea NM
8. 17.5 million cubic feet
9. February 19, 1980
10. El Paso Natural Gas Co

1. 80–16022
2. 30–025–0000–0000
3. 108 000 000
4. Harper Oil Co
5. Sarkeys 3 (ABO)
6. Wantz Abo
7. Lea NM
8. 1.0 million cubic feet
9. February 19, 1980
10. Warren Petroleum Co (Gulf Oil Corp)

1. 80–13403 (Revised)

V 45 / 65 AP 80 UMI

2. 30-025-02828-0000
3. 108 000 000
4. Phillips Petroleum Company
5. E Vac GB/SA Unit TR 1904 No 001
6. Vacuum Grayburg/San Andres
7. Lea NM
8. 6.0 million cubic feet
9. January 24, 1980
10. El Paso Natural Gas Co

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-15823
2. 33-03-00061-0000
3. 102 000 000
4. Gas Producing Enterprises Inc
5. GPE-Alaq 36-143-103 Stat #1 (E ELK
6. Beaver Creek
7. Golden Valley ND
8. 147.0 million cubic feet
9. February 19, 1980
10. Koch Hydrocarbon Co

1. 80-15824/207
2. 33-053-00876-0000
3. 102 000 000
4. Gas Producing Enterprises Inc
5. GPE-ALAQ 5-146-103 BN #1
6. Poker Jim
7. McKenzie ND
8. 30.0 million cubic feet
9. February 19, 1980
10. Montana Dakota Utilities

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15816
2. 47-043-21625-0000
3. 108 000 000
4. Franklin Adkins
5. Messenger #2
6. Sheridan District
7. Lincoln WV
8. 10.5 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80-15817
2. 47-007-20371-0000
3. 108 000 000
4. R & S Gas Co
5. C Daquino #1
6. Salt Lick District
7. Braxton WV
8. 3.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80-15818
2. 47-099-21672-0000
3. 103 000 000
4. Franklin Adkins
5. Meade 2-B
6. Lincoln
7. Wayne WV
8. 17.4 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80-15819
2. 47-099-21668-0000
3. 103 000 000
4. Franklin Adkins
5. Crum #3
6. Lincoln
7. Wayne WV
8. 17.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80-15820
2. 47-099-21622-0000
3. 103 000 000
4. Franklin Adkins
5. Meade 1-B
6. Lincoln District
7. Wayne WV
8. 18.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80-15821
2. 47-007-00958-0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Perry Hall #2
6. Burnsville (Birch District)
7. Braxton WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Harry C Boggs

1. 80-15822
2. 47-007-00953-0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Perry Hall #1
6. Burnsville (Birch District)
7. Braxton WV
8. .9 million cubic feet
9. February 19, 1980
10. Harry C Boggs

1. 80-15823
2. 47-041-01899-0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Charles Kemper #1
6. Freemans Creek District
7. Lewis WV
8. 4.4 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15824
2. 47-041-01944-0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Judson Bailey #2
6. G Lick (Freeman Creek District)
7. Lewis WV
8. 10.2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15825
2. 47-041-01931-0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Doyle Butcher #3
6. Freemans Creek
7. Lewis WV
8. 15.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15826
2. 47-043-21615-0000
3. 106 000 000
4. Franklin Adkins
5. Midkiff #2
6. Sheridan District
7. Lincoln WV
8. 10.4 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15827
2. 47-043-21626-0000
3. 108 000 000
4. Franklin Adkins
5. Kerry Parsons #1
6. Sheridan District
7. Lincoln WV
8. 10.7 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15828
2. 47-043-21619-0000
3. 108 000 000
4. Franklin Adkins
5. Messenger #1
6. Sheridan District
7. Lincoln WV
8. 10.6 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15829
2. 47-099-21600-0000
3. 103 000 000
4. Franklin Adkins
5. Asbury 1-A
6. Lincoln
7. Wayne WV
8. 20.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15830
2. 47-043-01614-0000
3. 108 000 000
4. Franklin Adkins
5. Midkiff #1
6. Sheridan District
7. Lincoln WV
8. 10.9 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15831
2. 47-021-23218-0000
3. 103 000 000
4. Franklin Adkins
5. Gainer #3
6. Dekalb
7. Gilmer WV
8. 19.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15832
2. 47-085-22221-0000
3. 108 000 000
4. Franklin Adkins
5. Conrad #1
6. Murphy
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15833

2. 47-085-22640-0000
3. 108 000 000
4. W A Deem
5. Hall #2
6. Ella Hall Farm
7. Ritchie WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15834
2. 47-085-22736-0000
3. 108 000 000
4. WA Deem
5. Stull #1
6. B Blankenship Farm
7. Ritchie WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15835
2. 47-085-22898-0000
3. 108 000 000
4. W A Deem
5. Goff #1
6. French Goff Farm
7. Ritchie WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15836
2. 47-095-20360-0000
3. 108 000 000
4. W H Mossor
5. Martin Seese #1
6. Martin Seese
7. Tyler WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80-15837
2. 47-021-21150-0000
3. 108 000 000
4. W H Mossor
5. Garrett #1
6. Earl Garrett
7. Gilmer WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15838
2. 47-021-21213-0000
3. 108 000 000
4. W H Mossor
5. Marshall #1
6. T M Marshall Farm
7. Gilmer WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15839
2. 47-017-21361-0000
3. 108 000 000
4. W H Mossor
5. Dye
6. Dye Oil and Gas Co
7. Doddridge WV
8. 3.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15840
2. 47-041-20872-0000
3. 108 000 000
4. W H Mossor
5. Lieber #1
6. Mary Brady
7. Lewis WV
8. .2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15841
2. 47-041-21017-0000
3. 108 000 000
4. W H Mossor
5. John Tyson #1
6. Marion Tyson Farm
7. Lewis WV
8. .2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15842
2. 47-085-20349-0000
3. 108 000 000
4. W H Mossor
5. Jones #1
6. Minnie Jones
7. Ritchie WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15843
2. 47-085-20380-0000
3. 108 000 000
4. W H Mossor
5. Goff #2
6. G L Goff
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15844
2. 47-085-21851-0000
3. 108 000 000
4. W H Mossor
5. Stoka #1
6. N L Goff
7. Ritchie WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15845
2. 47-085-22048-0000
3. 108 000 000
4. W H Mossor
5. Wellings #1
6. J E Wellings Farm
7. Ritchie WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15846
2. 47-085-22144-0000
3. 108 000 000
4. W H Mossor
5. Andy Bird #1
6. Andy Bird
7. Ritchie WV
8. 1.2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15847
2. 47-085-23287-0000
3. 108 000 000
4. W H. Mossor
5. Wilson #1
6. A B Wilson
7. Ritchie WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15848
2. 47-085-23757-0000
3. 108 000 000
4. W H Mossor
5. Barker #1
6. Roy Barker
7. Ritchie WV
8. 8.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15849
2. 47-085-21899-0000
3. 108 000 000
4. W A Deem
5. Iams Gas #1
6. Dale Iams Farm
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co

1. 80-15850
2. 47-085-22541-0000
3. 108 000 000
4. Lenore Deem
5. Double Four Investment Club
6. Elcee
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15851
2. 47-041-20967-0000
3. 108 000 000
4. W H Mossor
5. Lovell #1
6. Lovell Oil and Gas Co
7. Lewis WV
8. .2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15852
2. 47-041-00922-0000
3. 108 000 000
4. Coffman Oil & Gas Co
5. Esta R Fallon
6. Vadis
7. Lewis WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80-15853
2. 47-085-21862-0000
3. 108 000 000
4. W A Deem
5. Keith #1
6. Charles Keith Farm
7. Ritchie WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consumers Gas Utility Co

1. 80-15854
2. 47-085-23326-0000
3. 108 000 000
4. W H Mossor
5. Lindsay #1
6. Denzil Prather Farm
7. Ritchie WV
8. .3 million cubic feet
9. February 19, 1980
10. Consumers Gas Utility Co

1. 80-15855
2. 47-041-00923-0000
3. 108 000 000
4. Coffman Oil & Gas Co
5. John T Fallon #1
6. Vadis

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7. Lewis WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Co
1. 80-15656
2. 47-085-21545-0000
3. 108 000 000
4. Lenore Deem
5. Tate #1
6. Elder Gas Co
7. Ritchie WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15657
2. 47-085-21552-0000
3. 108 000 000
4. Lenore Deem
5. Wilson #1
6. Arden Wilson
7. Ritchie WV
8. 1.2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15658
2. 47-085-22355-0000
3. 108 000 000
4. Lenore Deem
5. McNeill #1
6. W K McNeill
7. Ritchie WV
8. .1 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15659
2. 47-085-22449-0000
3. 108 000 000
4. Lenore Deem
5. Blain #1
6. Blain Smith
7. Ritchie WV
8. 3.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15660
2. 47-085-22490-0000
3. 108 000 000
4. Lenore Deem
5. Hazelgreen Oil & Gas Co
6. Falls Church
7. Ritchie WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15661
2. 47-085-23012-0000
3. 108 000 000
4. W A Deem
5. Baker #1
6. G R Baker Farm
7. Ritchie WV
8. .4 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15662
2. 47-085-22514-0000
3. 108 000 000
4. Lenore Deem
5. Hazelgreen Oil & Gas Co
6. Smith
7. Ritchie WV
8. 5.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Co
1. 80-15663
2. 47-085-22592-0000
3. 108 000 000
4. Lenore Deem
5. Hazelgreen Oil & Gas Co
6. Rosslyn
7. Ritchie WV
8. 4.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15664
2. 47-085-21705-0000
3. 108 000 000
4. W A Deem
5. Hardbarger #1
6. Herbert Hardbarger Farm
7. Ritchie WV
8. 1.2 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15665
2. 47-085-21751-0000
3. 108 000 000
4. W A Deem
5. Cox #1
6. A R Cox
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15666
2. 47-085-21802-0000
3. 108 000 000
4. W A Deem
5. Houghton #1
6. F M Houghton
7. Ritchie WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15667
2. 47-085-23511-0000
3. 108 000 000
4. H M Deem
5. Capitol #1
6. Capitol Oil & Gas Co
7. Ritchie WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15668
2. 47-085-23518-0000
3. 108 000 000
4. H M Deem
5. Tri-Crude #1
6. Tri-Crude Oil & Gas Co
7. Ritchie WV
8. 10.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15669
2. 47-085-21620-0000
3. 108 000 000
4. W A Deem
5. Clayton #1
6. Ora Clayton
7. Ritchie WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15670
2. 47-085-21651-0000
3. 108 000 000
4. W A Deem
5. Summers #1
6. Forest Summers Farm
7. Ritchie WV
8. .8 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15671
2. 47-085-21673-0000
3. 108 000 000
4. W A Deem
5. Bollinger #1
6. Bollinger Farm
7. Ritchie WV
8. 3.2 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15672
2. 47-085-22814-0000
3. 108 000 000
4. W A Deem
5. Cutright #3
6. Sylvia Osbourn Farm
7. Ritchie WV
8. 3.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15673
2. 47-085-22967-0000
3. 108 000 000
4. W A Deem
5. McDonald #1
6. Blain McDonald Farm
7. Ritchie WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Co
1. 80-15674
2. 47-021-01325-0000
3. 108 000 000
4. Bowers & Weeks
5. Martha Gainer Heirs #1
6. Tanner Field
7. Gilmer WV
8. 6.2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15675
2. 47-021-01337-0000
3. 108 000 000
4. Bowers & Weeks
5. R L Selmon #2
6. Tanner field
7. Gilmer WV
8. 2.8 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15676
2. 47-021-02401-0000
3. 108 000 000
4. Bowers and Weeks
5. R L Selmon #3
6. Tanner field
7. Gilmer WV
8. 2.8 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15677
2. 47-043-00150-0000
3. 108 000 000
4. Southeastern Gas Co
5. Mary Slone #201
6. Sheridan
7. Lincoln WV
8. 2.6 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15678

2. 47-043-00258-0000
3. 108 000 000
4. Southeastern Gas Co
5. Davis Heirs #Q-24
6. Duval
7. Lincoln WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15879
2. 47-043-00323-0000
3. 108 000 000
4. Southeastern Gas Co
5. A L Mullins #Q-25
6. Jefferson
7. Lincoln WV
8. 2.4 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15880
2. 47-043-00352-0000
3. 108 000 000
4. Southeastern Gas Co
5. T M Chandler #178
6. Jefferson
7. Lincoln WV
8. 6.5 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15881
2. 47-043-00123-0000
3. 108 000 000
4. Southeastern Gas Co
5. S V Mullins #Q-26-
6. Jefferson
7. Lincoln WV
8. 2.4 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15882
2. 47-043-00367-0000
3. 108 000 000
4. Southeastern Gas Co
5. Spencer Hill et al #161
6. Jefferson
7. Lincoln WV
8. 2.2 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15883
2. 47-043-00513-0000
3. 108 000 000
4. Southeastern Gas Company
5. E D Holly Heirs #119
6. Carroll
7. Lincoln WV
8. 5.7 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15884
2. 47-043-00697-0000
3. 108 000 000
4. Southeastern Gas Company
5. E D Holly Heirs #120
6. Carroll
7. Lincoln WV
8. 5.7 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15885
2. 47-045-00038-0000
3. 108 000 000
4. Southeastern Gas Company
5. G W Mitchell #788
6. Logan
7. Logan WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Pennzoil Company
1. 80-15886
2. 47-017-01001-0000
3. 108 000 000
4. George Jackson
5. J H Lowther Hrs #6
6. New Milton District
7. Doddridge WV
8. 1.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15887
2. 47-017-01033-0000
3. 108 000 000
4. George Jackson
5. Denver Cox #4
6. New Milton District
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15888
2. 47-017-01223-0000
3. 108 000 000
4. George Jackson
5. Carl Fox #1
6. Grant District
7. Doddridge WV
8. 13.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15889
2. 47-017-01034-0000
3. 108 000 000
4. George Jackson
5. Denver Cox #5
6. New Milton District
7. Doddridge WV
8. .0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15890
2. 47-017-01035-0000
3. 108 000 000
4. George Jackson
5. Denver W Cox #6
6. New Milton District
7. Doddridge WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15891
2. 47-017-01077-0000
3. 108 000 000
4. George Jackson
5. Iva Windon et al #2
6. New Milton District
7. Doddridge WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15892
2. 47-017-01555-0000
3. 108 000 000
4. George Jackson
5. J W Smith 22-2
6. West Union District
7. Doddridge WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15893
2. 47-017-01556-0000
3. 108 000 000
4. George Jackson
5. J W Smith 23
6. West Union District
7. Doddridge WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15894
2. 47-017-01621-0000
3. 108 000 000
4. George Jackson
5. J A Polan Hrs #1
6. New Milton District
7. Doddridge WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15895
2. 47-021-00520-0000
3. 108 000 000
4. George Jackson
5. Charley Black et al #1
6. Glenville District
7. Gilmer WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15896
2. 47-021-02077-0000
3. 108 000 000
4. George Jackson
5. C A Collins #2
6. Center District
7. Gilmer WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15897
2. 47-021-02095-0000
3. 108 000 000
4. George Jackson
5. Boyd Collins #1
6. Center District
7. Gilmer WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp
1. 80-15898
2. 47-097-00716-0000
3. 108 000 000
4. George Jackson
5. Buckhannon River Coal Co #1
6. Meade District
7. Upshur WV
8. 4.2 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp.
1. 80-15899
2. 47-097-00819-0000
3. 108 000 000
4. George Jackson
5. Buckhannon River Coal Co #1-Ser #1
6. Buckhannon District
7. Upshur WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp
1. 80-15900
2. 47-097-00929-0000
3. 108 000 000
4. George Jackson
5. Buckhannon River Coal Co #2 1-B
6. Buckhannon District

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7. Upshur WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80–15901
2. 47–017–00026–0000
3. 108 000 000
4. George Jackson
5. Leeman Maxwell 1473
6. Southwest District
7. Doddridge WV
8. 6.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15902
2. 47–017–01481–0000
3. 108 000 000
4. George Jackson
5. Shannon #1
6. West Union District
7. Doddridge WV
8. 2.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15903
2. 47–017–01499–0000
3. 108 000 000
4. George Jackson
5. E E Ritter et al #2
6. New Milton District
7. Doddridge WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15904
2. 47–017–01520–0000
3. 108 000 000
4. George Jackson
5. B F Jones Jr #1
6. West Union District
7. Doddridge WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15905
2. 47–017–01523–0000
3. 108 000 000
4. George Jackson
5. A G Blake #1
6. New Milton District
7. Doddridge WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15906
2. 47–017–01542–0000
3. 108 000 000
4. George Jackson
5. B F Jones Jr #3 – Serial #2
6. West Union District
7. Doddridge WV
8. 10.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15907
2. 47–017–01581–0000
3. 108 000 000
4. George Jackson
5. Jones-Blair #5
6. West Union District
7. Doddridge WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15908
2. 47–017–01588–0000
3. 108 000 000
4. George Jackson
5. Tula Charter #3
6. West Union District
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15909
2. 47–017–01566–0000
3. 108 000 000
4. George Jackson
5. W D Watson #1
6. Union District
7. Ritchie WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15910
2. 47–085–01624–0000
3. 108 000 000
4. George Jackson
5. W D Watson #2
6. Union District
7. Ritchie WV
8. 3.5 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15911
2. 47–017–21777–0000
3. 108 000 000
4. Hugh Spencer
5. U G Prunty #1
6. McClellan District
7. Doddridge WV
8. .3 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15912
2. 47–017–01462–0000
3. 108 000 000
4. Robert Weeks
5. Burton Well #2
6. Auburn
7. Doddridge WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Equitable Gas Supply Corp

1. 80–15913
2. 47–017–01525–0000
3. 108 000 000
4. Robert Weeks
5. Williams Well #1
6. Auburn
7. Doddridge WV
8. 1.5 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–15914
2. 47–085–03034–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #1
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Supply Corp

1. 80–15915
2. 47–085–03065–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #2
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Corp

1. 80–15916
2. 47–085–03103–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #3
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 28, 1979
10. Equitable Gas Co

1. 80–15917
2. 47–085–03112–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #6
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15918
2. 47–085–03124–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #5
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Corp

1. 80–15919
2. 47–085–03142–0000
3. 108 000 000
4. Robert Weeks
5. Mason Well #7
6. Auburn
7. Ritchie WV
8. 3.1 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15920
2. 47–017–01467–0000
3. 108 000 000
4. Robert Weeks
5. Cox Well #1
6. Auburn
7. Doddridge WV
8. 1.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15921
2. 47–017–01475–0000
3. 108 000 000
4. Robert Weeks
5. Cox Well #3
6. Auburn
7. Doddridge WV
8. 1.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15922
2. 47–017–01488–0000
3. 108 000 000
4. Robert Weeks
5. Cox Well #4
6. Auburn
7. Doddridge WV
8. 1.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15923

2. 47–059–20933–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #9
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15924
2. 47–059–20932–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #2
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15925
2. 47–059–20931–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #1
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15926
2. 47–059–20047–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #6
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15927
2. 47–059–20132–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #19
6. Harvey
7. Mingo WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15928
2. 47–059–20156–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #21
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15929
2. 47–059–20167–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #22
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15930
2. 47–059–20239–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #23
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15931
2. 47–059–20349–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #27
6. Harvey
7. Mingo WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15932
2. 47–059–20630–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #31
6. Harvey
7. Mingo WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15933
2. 47–059–20868–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #5
6. Harvey
7. Mingo WV
8. .8 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15934
2. 47–079–20534–0000
3. 108 000 000
4. Boyd Oil & Gas Inc
5. Boyd O & G Inc #X–49–7271
6. Poca
7. Putnam WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corporation

1. 80–15935
2. 47–033–20553–0000
3. 108 000 000
4. Rockey Drilling Co
5. Guy Lawson # 1
6. Elk District
7. Harrison WV
8. 7.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15936
2. 47–033–20596–0000
3. 108 000 000
4. Rockey Drilling Co
5. Guy Lawson #3
6. Elk District
7. Harrison WV
8. 7.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15937
2. 47–001–20099–0000
3. 108 000 000
4. Rockey Drilling Co
5. Paul S Martin #1
6. Union District
7. Barbour WV
8. 5.4 million cubic feet
9. February 19, 1980
10. Cumberland & Allegheny Gas Co

1. 80–15938
2. 47–097–21270–0000
3. 108 000 000
4. Rockey Drilling Co
5. Orth Gould #1
6. Buckhannon District
7. Upshur WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Cumberland & Allegheny Gas Co

1. 80–15939
2. 47–097–20857–0000
3. 108 000 000
4. Rockey Drilling Co
5. Leona Koon #1
6. Buckhannon District
7. Upshur WV
8. 3.8 million cubic feet
9. February 19, 1980
10. Cumberland & Allegheny Gas Co

1. 80–15940
2. 47–033–20567–0000
3. 108 000 000
4. Rockey Drilling Co
5. Guy Lawson #2
6. Elk District
7. Harrison WV
8. 7.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15941
2. 47–109–00590–0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Crouch #10
6. Oceana
7. Wyoming WV
8. 6.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15942
2. 47–041–20579–0000
3. 108 000 000
4. St Clair Oil Co
5. A Gould No 2
6. Hackers Creek
7. Lewis WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15943
2. 47–041–21445–0000
3. 108 000 000
4. St Clair Oil Co
5. Blanche Francis No 1
6. Skin Creek
7. Lewis WV
8. 12.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15944
2. 47–041–21478–0000
3. 108 000 000
4. St Clair Oil Co
5. Lola Horner No 1
6. Collins Settlement
7. Lewis WV
8. 18.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15945
2. 47–041–21516–0000
3. 108 000 000
4. St Clair Oil Co
5. Charles G Bennett No 1
6. Skin Creek

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7. Lewis WV
8. 6.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15948
2. 47–041–21521–0000
3. 108 000 000
4. St Clair Oil Co
5. L R Simons No 1
6. Collins Settlement
7. Lewis WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15947
2. 47–041–21539–0000
3. 108 000 000
4. St Clair Oil Co
5. Robert Simons No 2
6. Collins Settlement
7. Lewis WV
8. 6.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15945
2. 47–041–21573–0000
3. 108 000 000
4. St Clair Oil Co
5. Clyde Watson No 1
6. Collins Settlement
7. Lewis WV
8. 9.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15949
2. 47–041–21593–0000
3. 108 000 000
4. St Clair Oil Co
5. J L Marsh 60 A No 1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15950
2. 47–041–21601–0000
3. 108 000 000
4. St Clair Oil Co
5. Mary Hull No 1 155 A
6. Collins Settlement
7. Lewis WV
8. 4.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15951
2. 47–041–21617–0000
3. 108 000 000
4. St Clair Oil Co
5. Mary Hull No 2 155 A
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15952
2. 47–041–21618–0000
3. 108 000 000
4. St Clair Oil Co
5. H M Bennett No 1
6. Collins Settlement
7. Lewis WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15953
2. 47–041–21624–0000
3. 108 000 000
4. St Clair Oil Co
5. Mary Hull No 2 114A
6. Collins Settlement
7. Lewis WV
8. 10.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15954
2. 47–041–20173–0000
3. 108 000 000
4. St Clair Oil Co
5. George I Davisson No 3
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15955
2. 47–041–21765–0000
3. 108 000 000
4. St Clair Oil Co
5. Russell Dennison No. 1
6. Collins Settlement
7. Lewis WV
8. 11.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15956
2. 47–041–21775–0000
3. 108 000 000
4. St Clair Oil Co
5. Grace Kellerman No. 1
6. Collins Settlement
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15957
2. 47–039–01712–0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dickinson #6
6. Kelly Creek Dist
7. Kanawha WV
8. 7.5 million cubic feet
9. February 19, 1980
10. Industrial Gas Corporation

1. 80–15958
2. 47–039–01743–0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dickinson #7
6. Kelly Creek Dist
7. Kanawha WV
8. 7.5 million cubic feet
9. February 19, 1980
10. Industrial Gas Corp

1. 80–15959
2. 47–039–01749–0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dickinson #8
6. Kelly Creek Dist
7. Kanawha WV
8. 7.5 million cubic feet
9. February 19, 1980
10. Industrial Gas Corporation

1. 80–15960
2. 47–039–01711–0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dickinson #5
6. Kelly Creek Dist
7. Kanawha WV
8. 7.5 million cubic feet
9. February 19, 1980
10. Industrial Gas Corporation

1. 80–15961
2. 47–097–21765–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. U Ballard #1
6. Meade
7. Upshur WV
8. 19.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–15962
2. 47–097–21763–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. W Z Hinkle #2
6. Meade
7. Upshur WV
8. 19.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

1. 80–15963
2. 47–041–20611–0000
3. 108 000 000
4. St Clair Oil Co
5. E C Boram No 1
6. Hackers Creek
7. Lewis WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15964
2. 47–041–20612–0000
3. 108 000 000
4. St Clair Oil Co
5. B Rollyson No 1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15965
2. 47–041–21305–0000–
3. 108 000 000
4. St Clair Oil Co
5. E S Miller No 1
6. Skin Creek
7. Lewis WV
8. 10.0 Million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15966
2. 47–041–21325–0000–
3. 108 000 000
4. St Clair Oil Co
5. O P Cumberledge No 1
6. Skin Creek
7. Lewis WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15967
2. 47–039–01790–0000–
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dickinson No 9
6. Kelly Creek Dist
7. Kanawha WV
8. 7.5 million cubic feet
9. February 19, 1980
10. Industrial Gas Corp

1. 80–15968

2. 47–039–01793–0000–
3. 108 000 000
4. P & S Oil and Gas Corp
5. A Boyd Pritchard No 1
6. Kelly Creek Dist
7. Kanawha WV
8. 4.9 million cubic feet
9. February 19, 1980
10. Industrial Gas Corporation

1. 80–15969
2. 47–059–20192–0000–
3. 105 000 000
4. Smith-Pace Oil and Gas Corp
5. Williamson Mining No 1
6. Williamson
7. Mingo WV
8. 5.6 million cubic feet
9. February 19, 1980
10. Columbia Gas Transmission Corp

1. 80–15970
2. 47–033–20290–0000–
3. 108 000 000
4. St Clair Oil Co
5. R L Bishop No 1
6. Elk
7. Harrison WV
8. 2.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15971
2. 47–041–20410–0000–
3. 108 000 000
4. St Clair Oil Co
5. William H West No 1
6. Skin Creek
7. Lewis WV
8. 3.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15972
2. 47–039–01677–0000–
3. 108 000 000
4. P & S Oil and Gas Corp
5. Summers No 1
6. Kelly Creek Dist
7. Kanawha WV
8. 3.8 million cubic feet
9. February 19, 1980
10. Industrial Gas Corp

1. 80–15973
2. 47–011–20555–0000–
3. 108 000 000
4. Franklin Adkins
5. Adkins No 1
6. McComas District
7. Cabell WV
8. 5.7 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15974
2. 47–011–20554–0000–
3. 108 000 000
4. Franklin Adkins
5. Thompson No 1
6. McComas District
7. Cabell County WV
8. 5.7 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15975
2. 47–011–20553–0000–
3. 108 000 000
4. Franklin Adkins
5. Harless No 1
6. McComas District
7. Cabell WV
8. 5.2 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15976
2. 47–011–20550–0000–
3. 108 000 000
4. Franklin Adkins
5. Hatfield No 1
6. McComas District
7. Cabell WV
8. 3.7 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15977
2. 47–011–20549–0000–
3. 108 000 000
4. Franklin Adkins
5. Childers No 1
6. McComas District
7. Cabell County WV
8. 5.1 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15978
2. 47–041–22149–0000–
3. 108 000 000
4. St Clair Oil Co
5. R N White No 1
6. Collins Settlement
7. Lewis WV
8. 50.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Company

1. 80–15979
2. 47–021–02309–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. J F Woodford No 3
6. Sinking Creek (De-Kalb District)
7. Gilmer WV
8. .2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15980
2. 47–021–02231–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. H G Woodford No 3
6. Sinking Creek (De-Kalb District)
7. Gilmer WV
8. 2.9 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15981
2. 47–021–02556–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Thara Kelley (M–2)
6. Spruce Run (Center District)
7. Gilmer WV
8. 5.8 million cubic feet
9. February 19, 1980
10. Carnegie Natural Gas Company

1. 80–15982
2. 47–013–01338–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Arthur Offutt No 2
6. Lee District
7. Calhoun WV
8. .7 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15983
2. 47–007–00987–0000–
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Calvin Wright No 3
6. Burnsville (Birch District)
7. Braxton WV
8. .4 million cubic feet
9. February 19, 1980
10. Harry C Boggs

1. 80–15984
2. 47–011–20560–0000–
3. 108 000 000
4. Franklin Adkins
5. T Cremeans No 1
6. McComas District
7. Cabell WV
8. 10.7 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15985
2. 47–011–20557–0000–
3. 108 000 000
4. Franklin Adkins
5. Tripplett No 1
6. McComas District
7. Cabell WV
8. 10.6 million cubic feet
9. February 19, 1980
10. Columbia Gas Trans Corp

1. 80–15986
2. 47–021–21901–0000–
3. 108 000 000
4. Franklin Adkins
5. Snyder No 1
6. Glenville
7. Gilmer WV
8. 2.6 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15987
2. 47–021–21826–0000–
3. 108 000 000
4. Franklin Adkins
5. Varner No 3
6. Glenville
7. Gilmer WV
8. 12.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15988
2. 47–021–21803–0000–
3. 108 000 000
4. Franklin Adkins
5. Varner No 2
6. Glenville
7. Gilmer WV
8. 12.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15989
2. 47–021–21767–0000–
3. 108 000 000
4. Franklin Adkins
5. Varner No 1
6. Glenville Dist
7. Gilmer WV
8. 12.0 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15990
2. 47–021–22318–0000–
3. 108 000 000
4. Franklin Adkins
5. Bennett No 9
6. Center

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7. Gilmer WV
8. 1.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15991
2. 47–021–21478–0000–
3. 108 000 000
4. Franklin Adkins
5. Stalnaker No 2
6. DeKalb
7. Gilmer WV
8. 1.1 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15992
2. 47–013–22495–0000–
3. 108 000 000
4. Franklin Adkins
5. Bennett No 6
6. Washington
7. Calhoun WV
8. 12.8 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15993
2. 47–021–22051–0000–
3. 108 000 000
4. Franklin Adkins
5. Marshall No 2
6. Glenville District
7. Gilmer WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15994
2. 47–021–21961–0000–
3. 108 000 000
4. Franklin Adkins
5. Marshall No 1
6. Glenville
7. Gilmer WV
8. 2.3 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15995
2. 47–087–02027–0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. A J Waggoner #9
6. Clover (Spencer District)
7. Roane WV
8. 2.2 million cubic feet
9. February 19, 1980
10. Pennzoil

1. 80–15996
2. 47–087–02029–0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. A J Waggoner #10
6. Clover (Spencer District)
7. Roane WV
8. 2.2 million cubic feet
9. February 19, 1980
10. Pennzoil

1. 80–15997
2. 47–041–01976–0000
3. 108 000 000
4. Cooperative Oil Investments Inc
5. Judson Baily #3
6. Freeman Creek District
7. Lewis WV
8. 21.2 million cubic feet
9. February 19, 1980
10. Consolidated Gas Supply Corp

1. 80–15998
2. 47–041–21617–0000
3. 108 000 000
4. St Clair Oil Co
5. George L Bennett No 1
6. Collins Settlement
7. Lewis WV
8. 7.0 million cubic feet
9. February 19, 1980
10. Equitable Gas Co

United States Geological Survey Metairie, Louisiana

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15727/G9–962
2. 17–701–40046–COD 3–0
3. 102 000 000
4. Mobil Oil Expl & Prod SE Inc
5. West Cameron Block 352 A–10B
6. West Cameron
7. 352
8. 730.0 million cubic feet
9. February 12, 1980
10. Northern Natural Gas Co Sea Robin Pipeline Co

1. 80–15728/G9–964
2. 17–702–40544–00S1–0
3. 102 000 000
4. Exxon Corp
5. OCS–G 2560 No A–7
6. West Cameron
7. Parish LA
8. 4000.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp Northern Natural Gas Co Trunkline Gas Co Natural Gas Pipe Co of America

1. 80–15729/G91010
2. 17–712–40146–COS2–0
3. 102 000 000 Denied
4. CNG Producing Co
5. A–14S2
6. Ship Shoal
7. 246
8. 1460.0 million cubic feet
9. February 12, 1980
10. Consolidated Gas Supply Corp Transcontinental Gas Pipeline Corp Tennessee Gas Pipeline Co

1. 80–15808/G9–907
2. 17–715–07729–0100–0
3. 102 000 000
4. Shell Oil Co
5. A–11
6. South Timbalier
7. 176
8. 1095.0 million cubic feet
9. February 19, 1980
10. Trunkline Gas Co

1. 80–15809/G9–910
2. 17–708–40259–00S2–0
3. 102 000 000
4. Mesa Petroleum Co
5. S Marsh IS Blk 146 #A–7A
6. South Marsh Island
7. 146
8. 1095.0 million cubic feet
9. February 19, 1980
10. Tennessee Gas Pipeline Co Michigan Wisconsin Pipeline Co Columbia Gas Transmission Corp Transcontinental Gas Pipeline Corp

1. 80–15814/G9–1005
2. 17–704–40416–0000–0
3. 102 000 000
4. Marathon Oil Co
5. E Cameron Blk 294–#A–4
6. East Cameron South Addition
7. 294
8. 2796.0 million cubic feet
9. February 19, 1980
10. Texas Eastern Transmission Corp

1. 80–15815/G9–1018
2. 17–723–40037–0000–0
3. 102 000 000
4. Shell Oil Co
5. C–25
6. South Pass
7. 61
8. 21.0 million cubic feet
9. February 19, 1980
10. Southern Natural Gas Co

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15730/G9–1016
2. 42–711–40434–COS1–0
3. 102 000 000
4. Exxon Corp
5. OCS–G 2741 No A–19
6. High Island
7. Parish TX
8. 5000.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp Truckline Gas Co Natural Gas Pipeline Co of America

1. 80–15731/G9–1027
2. 42–711–40328–00S1–0
3. 102 000 000
4. Exxon Corp
5. OCS–G 2740 No B–2
6. High Island
7. Parish TX
8. 4000.0 million cubic feet
9. February 12, 1980
10. Columbia Gas Trans Corp Truckline Gas Co Natural Gas Pipeline Co of America

1. 80–15810/G9–922
2. 42–709–40247–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. B–15
6. High Island East Addition
7. A–382
8. 255.5 million cubic feet
9. February 19, 1980
10. Natural Gas Pipeline Co of America Texas Gas Transmission Corp Michigan Wisconsin Pipeline Co Transcontinental Gas Pipeline Corp

1. 80–15811/G9–924
2. 42–709–40255–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. B–13

6. High Island East Addition
7. A–382
8. 730.0 million cubic feet
9. February 19, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Corp Texas Gas Transmission Corp Michigan Wisconsin Pipeline Co

1. 80–15812/G9–925
2. 42–709–40227–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. B–12
6. High Island South Addition
7. A–573
8. 255.5 million cubic feet
9. February 19, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Corp Texas Gas Transmission Corp Michigan Wisconsin Pipeline Co

1. 80–15813/G9–926
2. 42–709–40178–0000–0
3. 102 000 000
4. Mobil Oil Corp
5. B–7
6. High Island South Addition
7. A–573
8. 109.5 million cubic feet
9. February 19, 1980
10. Natural Gas Pipeline Co of America Transcontinental Gas Pipeline Corp Texas Gas Transmission Corp Michigan Wisconsin Pipeline Co

U.S. Geological Survey, Albuquerque, New Mex.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15757/COA–4838–79A
2. 05–067–06260–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 well 10–32 (MV)
6. Ignacio–Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. 80–15758/COA–4838–79B
2. 05–067–06260–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 well 10–32 (PC)
6. Ignacio–Blanco PC
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. 80–15759/COA–4839–79A
2. 05–067–06259–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 well 11–32 (MV)
6. Ignacio–Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. 80–15760/COA–4839–79B
2. 05–067–06259–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 10 well 11–32 (PC)
6. Ignacio–Blanco PC
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. 80–15761/COA–4840–79A
2. 05–067–06255–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 7 well 7–16 (MV)
6. Ignacio–Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. 80–15762/COA–4840–79B
2. 05–067–06255–0000–0
3. 103 000 000
4. Murchison Brothers
5. Block 7 well 7–16 (PC)
6. Ignacio–Blanco
7. La Plata Co
8. .0 million cubic feet
9. February 13, 1980
10. Western Slope Gas Co

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–15732/NM 4543–79A
2. 30–045–22994–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Atlantic B No. 6A
6. Blanco Mesaverde
7. San Juan, NM
8. 180.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15733/NM 4547–79A
2. 30–045–23156–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Kelly B. No. 1A
6. Blanco Mesaverde
7. San Juan, NM
8. 180.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15734/NM 4558–79
2. 30–045–23509–0000–0
3. 103 000 000
4. Dugan Production Corp
5. KR No. 10
6. WAW
7. San Juan, NM
8. 23.5 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15735/NM 4759–79
2. 30–045–23510–0000–0
3. 103 000 000
4. Dugan Production Corp
5. Thomas Jefferson No. 3
6. WAW
7. San Juan, NM
8. 10.5 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15736/NM 4760–79
2. 30–045–21853–0000–0
3. 103 000 000
4. Dugan Production Corp
5. Old Hickory No. 2
6. WAW
7. San Juan, NM
8. 50.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15737/NM 4764–79
2. 30–045–23521–0000–0
3. 103 000 000
4. Union Texas Petroleum
5. Johnston Federal No. 16
6. Blanco-Area 5
7. San Juan, NM
8. 548.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15738/NM 4765–79
2. 30–015–22788–0000–0
3. 103 000 000
4. HNG Oil Co
5. Golden Lane 36 Fed No 1 NM 17425
6. Golden Lane (ATOKA)
7. Eddy, NM
8. 621.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15739/NM 4783–79
2. 30–045–23278–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Atlantic No. 15
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 130.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15740/NM 4784–79
2. 30–045–23279–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Atlantic No. 16
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 100.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15741/NM 4788–79
2. 30–045–23429–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Bolack D No. 1
6. Basin Dakota
7. San Juan, NM
8. 500.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co

1. 80–15742/NM 4790–79
2. 30–043–20422–0000–0
3. 103 000 000
4. Odessa Natural Corp
5. Chacon Jicarilla No. D–13
6. Chacon Dakota
7. Sandoval NM

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8. .0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15743/NM 4791–79
2. 30–039–22008–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla Apache JV 5–1
6. Chacon Dakota
7. Rio Arriba, NM
8. 395.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15744/NM 4792–79
2. 30–039–22012–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla Apache JV 5–3
6. Chacon Dakota
7. Rio Arriba, NM
8. 246.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15745/NM 4793–79
2. 30–039–22013–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla Apache JV 5–2
6. Chacon Dakota
7. Rio Arriba, NM
8. 397.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15746/NM 4802–79
2. 30–045–20281–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Roelofs No. 4
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15747/NM 4803–79
2. 30–039–06874–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Rincon Unit No. 38
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.2 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15748/NM 4804–79
2. 30–045–11364–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 32–9 Unit X No. 70
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15749/NM 4805–79
2. 30–039–07124–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–7 Unit No. 66 PC & MV
6. Blanco South-Pictured Cliffs & Blan
7. Rio Arriba, NM
8. 18.3 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15750/NM 4806–79
2. 30–045–20818–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano Unit No. 217
6. Basin-Dakota Gas
7. San Juan, NM
8. 20.1 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15751/NM–4807–79
2. 30–045–07461–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Tapp #2
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15752/NM–4808–79
2. 30–045–20336–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Howell #8
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 17.9 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15753/NM–4809–79
2. 30–045–06338–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lodewick #6
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 17.5 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15754/NM–4810–79
2. 30–045–12074–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Pierce #4
6. Blancho-Pictured Cliffs Gas
7. San Juan, NM
8. 16.8 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15755/NM–4834–79
2. 30–015–22303–0000–0
3. 108 000 000
4. Yates Petroleum Corp
5. Moisa Lg Federal No 1
6. Wildcat
7. Eddy, NM
8. .0 million cubic feet
9. February 13, 1980
10.
1. 80–15756/NM–4837–79
2. 30–039–22014–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla Apache JV5–4
6. Chacon-Dakota
7. Rio Arriba, NM
8. 259.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15763/NM–4850–79
2. 30–025–26310–0000–0
3. 103 000 000
4. Petroleum Development Corp
5. Pedco Gulf Federal Comm #2
6. Undesignated North Lusk Morrow
7. Lea, NM
8. 365.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15764/NM–4853–79
2. 30–045–23546–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Florance #80–R (PC)
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 250.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15765/NM–4853–79B
2. 30–045–23546–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Florance #80–R (Fruitland)
6. Blanco Fruitland
7. San Juan, NM
8. 250.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15766/NM–4854–79A
2. 30–045–23364–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Florance 115 (PC)
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 250.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15767/NM–4854–79B
2. 30–045–23364–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Florance #115 (Fruitland)
6. Blanco Fruitland
7. San Juan, NM
8. 250.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15768/NM–4855–79
2. 30–045–23369–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Gartner #2
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 250.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15769/NM–4856–79
2. 30–045–23585–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Fletcher #2
6. Basin Dakota
7. San Juan, NM
8. 500.0 million cubic feet
9. February 13, 1980
10. El Paso Natural Gas Co
1. 80–15770/NM–4857–79
2. 30–045–23533–0000–0
3. 103 000 000
4. Supron Energy Corp
5. Largo Federal 2
6. Aztec Pictured Cliffs
7. San Juan, NM
8. .0 million cubic feet
9. February 13, 1980
10. Southern Union Gathering Co
1. 80–15771/NM–4860–79A

2. 30–045–23564–0000–0
3. 103 000 000
4. Supron Energy Corp
5. Albright 2–J (PC)
6. Aztec PC & Bloomfield Chacra
7. San Juan, NM
8. .0 million cubic feet
9. February 13, 1980
10. Southern Union Gathering Co
1. 80–15772/NM–4860–79B
2. 30–045–23564–0000–0
3. 102 103 000
4. Supron Energy Corp
5. Albright 2–J (Chacra)
6. Aztec PC & Bloomfield Chacra
7. San Juan, NM
8. .0 million cubic feet
9. February 13, 1980
10. Southern Union Gathering Co
1. 80–13385/NM–4330–79
2. 30–025–26247–0000–0
3. 103 000 000 (Revised)
4. Hng Oil Company
5. Wilson 8 Federal #1 ID# NM 18644
6. Sioux Yates
7. Lea, NM
8. 5.0 million cubic feet
9. January 24, 1980
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 17, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7493 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 2016]

City of Tacoma; Application for Approval of Revised Exhibit R

March 27, 1980.

Take notice that an application was filed on June 13, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)–825(r), by the City of Tacoma for approval of a revised Exhibit R for its licensed Cowlitz River Project No. 2016. The project is located on the Cowlitz River in Lewis County, Washington. Correspondence with the Applicant on this matter should be addressed to: Mr. Paul J. Nolan, Director of Utilities, Tacoma Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411.

Applicant proposes to provide recreational facilities as follows: *Phase I* (to be completed, at a cost of $800,000, within three years of approval of the revised Exhibit R): Mossyrock Park—60 campsites, two restrooms, and 50 picnic units; Mossyrock Island Retreat—one boat dock; Mossyrock Dam Viewpoint—a $25,000 contribution to a joint fund to provide highway access, parking, restroom, an interpretive center, picnic sites and access to a fishing platform. *Phase II* (to be completed by 1990 at a cost of $293,000): Riffe Boat Camp—20 campsites, two restrooms and two docks; Mossyrock Park—one restroom, 50 picnic units and one boat launching lane. *Phase III* (to be completed by 2000 at a cost of $372,000): Mossyrock Park—50 campsites and one restroom.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 12, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10055 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA80–91]

Mesa Petroleum Co; Application for Adjustment

March 27, 1980.

On March 17, 1980, Mesa Petroleum Co., Mesa Square, P.O. Box 2009, Amarillo, Texas 97189, as operator for Tema Oil Company, filed with the Federal Energy Regulatory Commission an application for an adjustment under § 1.41 of the Commission's Rules and Regulations from the requirements of § 273.304(a), wherein Mesa Petroleum Co. sought to collect retroactively the maximum lawful price for which the gas produced and sold from certain wells is finally determined to be eligible. Such collections shall apply to deliveries made on or after the date deliveries from said wells commenced or if such date was prior to December 1, 1978 from December 1, 1978. Applicant states that an adjustment is necessary since the applications for the requisite jurisdictional agency determinations were not filed until after April 1, 1979 and after deliveries were commenced from the wells. The amount of collections in question is approximately $135,464.00. The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–100–49 Filed 4–1–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–81]

National Gas Storage Corp.; Filing of FERC Gas Tariff, Original Volume No. 1, Including Initial Rate Schedule for Underground Storage Service

March 27, 1980.

Take notice that on March 20, 1980, National Gas Storage Corporation, 10 Lafayette Square, Buffalo, New York 14203 ("Storage Corporation") tendered for filing Original Sheet Nos. 1 through 61 of its FERC Gas Tariff, Original Volume No. 1 containing an initial rate schedule for underground storage service, designated Rate Schedule SS-1, which would make storage service available by Storage Corporation to any person who has executed a service agreement with Storage Corporation for storage of specified quantities of natural gas, has arranged for necessary transportation, and has made satisfactory provision for base gas required for development of facilities. The storage service would be made at the rate and under the terms and conditions set forth in Rate Schedule SS-1. The tariff sheets are proposed to become effective on April 1, 1980.

Storage Corporation states that it is a new corporation which proposes to begin rendering storage service to specified customers pursuant to

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authorizations already received and now pending in Docket Nos. CP76-492, *et al.*, and CP79-212. It further states that the filing of Storage Corporation's FERC Gas Tariff, Original Volume No. 1 including initial Rate Schedule SS-1 is required to commence rendering such underground storage service. Storage Corporation states that the underground storage service rate of $1.0753 per Mcf per year is calculated on the basis of methodology utilized by Staff in proceedings in Docket No. CP76-492, *et al.*, modified and updated to reflect revised estimates of costs of facilities and revised service schedules. Storage Corporation further states that the rates are to be applicable during the two-year development period beginning April 1, 1980 and that, by basing rates on the total volumes available for top gas storage in the period, Condition of Grant No. 5 in Docket No. CP76-492, *et al.*, requiring Storage Corporation to "assume the risk of any shortfall in sales of available capacity" in the period is satisfied. The filing includes a form of service agreement for the underground storage service to be rendered.

It is stated that copies of the filing were served by Storage Corporation upon the company's proposed jurisdictional customers and state public utility regulatory commissions in each jurisdiction served by such customers.

Any person desiring to be heard or to make any protest with reference to said filing should on or before Apr. 11, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10060 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-264 et al.]

Northern Natural Gas Co. et al.; Informal Settlement Conference

In the matter of Northern Natural Gas Company, [Docket No. CP79-264], Florida Gas Transmission Company and Southern Natural Gas Company [Docket No. CP79-484].

March 27, 1980.

Take notice that on April 15, 1980, at 10:00 a.m. an informal conference will be held in the above-captioned cases. Said conference will be held in room 8402 of the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, and will consist of a discussion of the technical aspects of the above-captioned dockets, and the possibility of resolving the same through settlement and compromise. Any interested person may attend, but mere attendance will not serve to make any person formally a party to this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10061 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. E-7777 (Phase II)]

Pacific Gas and Electric Co.; Extension of Time

March 28, 1980.

On March 18 and March 21, 1980, motions were filed by Pacific Gas and Electric Company and Southern California Edison Company requesting additional time to answer the Motion for Extraordinary Relief filed by the Northern California Power Agency (NCPA) on March 11, 1980. The motions state that the additional time is required because of the length NCPA's motion and counsels' involvement in ongoing hearings in this proceeding. Staff filed an answer on March 21, 1980, objecting to any extension beyond two weeks.

Upon consideration, notice is hereby given that an extension of time for filing answer to NCPA's motion is granted to and including April 10, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10056 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-16]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 27, 1980.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on March 18, 1980 tendered for filing the following substitute revised sheets to its FERC Gas Tariff, Original Volume No. 1. These substitute revised sheets contain language changes and Commission Regulation requirements resulting from Commission Orders in Docket Nos. RM79-14, RP78-62 (Phase II) and RM77-22.

First Substitute Seventh Revised Sheet No. 43-2
First Substitute Original Sheet No. 43-2.1
First Substitute Eighth Revised Sheet No. 43-3
First Substitute Ninth Revised Sheet No. 43-4
Second Substitute Second Revised Sheet No. 43-4.1

As effective date of December 1, 1979 is proposed.

Panhandle states that such changes are necessary to incorporate all the revisions resulting from the above approved dockets. These changes implement Incremental Pricing Surcharge pursuant to Docket No. RM79-14 and 282.601 of the Commission Regulations, Stipulation and Agreement provisions in Docket No. RP78-62 (Phase II) and methodology requirements for computing carrying charges consistent with Order Nos. 47 and 47-A in Docket No. RM77-22.

Copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10062 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-92]

Panhandle Producing Co., et al.; Notice of Application for Adjustment

March 27, 1980.

On March 17th, 1980, Panhandle Producing Company, Crocker National Bank and Richard W. Sprague, Trustees, Elizabeth Smith McAnney, First National Bank of South Jersey, Trustee, Frank J. Robinson, William S. Robinson, Walter Stout, Diana Stout Hamner, Julian W. Glass, Jr., Individually and as Trustee for Mrs. Ernest Frances Bradfield, Ernest Frances Bradfield, Jean McG. Robinson and William E. Johnson, Jr., Trustee, ("the Henderson Owners"), by its attorney Rex H. White, Jr., Dickstein, Shapiro and Morin, 2101 L Street, N.W., Washington, D.C. 20037, filed with the Federal Energy Regulatory Commission an application for an adjustment under §§ 1.41, 270.202(d), and 271.1106 of the Commission's Rules and Regulations, wherein the Henderson Owners sought an adjustment to permit collection of an allowance pursuant to the otherwise applicable maximum lawful price for certain gathering, compression and dehydration services. The Henderson Owners are small producers producing and purchasing natural gas for ultimate sale to Colorado Interstate Gas Company. The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979.

Henderson Owners request an adjustment in order to be permitted to collect said allowance from the date of their application as well as from December 1, 1978 for deliveries before the date of their application. Finally, Henderson Owners request an adjustment pursuant to § 1.41(m) to be permitted to collect said allowance on an interim basis pending a determination on their application.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10063 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2790]

Proprietors of the Locks and Canals and Boott Mills; Joint Applicants and Dismissing Petition To Intervene

March 27, 1980.

On August 10, 1979, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed a petition to intervene with respect to the Proprietors of Locks and Canals and Boott Mills (Boott Mills) application for license for the Pawtucket Project No. 2790. The redeveloped project located on the Merrimack River in Lowel, Massachusetts.

In its petition MMWEC stated that it had a letter agreement with Boott Mills for joint development of the project. MMWEC further stated that it had learned that Boott Mills had approached another utility about joint development of the project. MMWEC claimed that the project would be more economic if it was one of the joint developers.

On December 17, 1979, MMWEC and Boott Mills filed a joint motion to include MMWEC as a joint applicant for Project No. 2790. This action renders MMWEC's petition to intervene as moot.

It is ordered that:

(A) The petition to intervene filed by the Massachusetts Municipal Wholesale Electric Company is dismissed.

(B) The Massachusetts Municipal Wholesale Electric Company is designated as joint applicant for Project No. 2790.

Kenneth F. Plum,

Secretary.

[FR Doc. 80-10064 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board
Date and Time: May 1-2, 1980—9:00 a.m. to 5:00 p.m.
Place: Department of Energy, Forrestal Building, Room 4A104, 1000 Independence Avenue, S.W., Washington, D.C. 20585
Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Forrestal Building—Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, telephone: 202-252-5157
Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda

- Status Report and Discussion
—Conservation Panel
—Awards Panel
—Biomass Panel
—R&D Panel
—Geopressure Subpanel of Geothermal Panel
—GRI Study Group
—Hot Dry Rock Study Group
—Fusion Study Group
- Discussion of Draft Gasohol Report
- Discussion of ERAB Summer Study
- Organizational Matters
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: available approximately 30 days following the meeting from the advisory Committee Management Office.

Issued at Washington, D.C. on March 27, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-10038 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel
Date and time: Tuesday, May 6, 1980—9:00 a.m. to 6:00 p.m. Wednesday, May 7, 1980—9:00 a.m. to 4:00 p.m.
Place: Department of Energy, Room A-410, Germantown, Maryland
Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J-309, Washington, D.C. 20545, telephone: 301-353-3367
Purpose of committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

- Discussions of the FY 1980 and FY 1981 DOE and NSF budgets for High Energy Physics
- Discussion of the GAO report on High Energy Physics
- Discussion on US/Europe Cooperation, the health of the US-HEP program, and the "Woods Hole" Comprehensive Review of the US-HEP program
- Discussion of the report of the HEPAP Subpanel on Long-Range Accelerator R&D
- Status reports on Physics at the Positron Electron Storage Ring Project (SLAC) and Cornell Electron Storage Ring Project (Cornell)
- Status reports on superconducting magnets for Energy Saver (Fermilab) and ISABELLE (Brookhaven National Laboratory)
- Report on March 5-6 Superconducting Magnet Workshop and March 7 Coordinating Meeting
- Discussion of interest in electron proton colliding beams
- Discussion of US/Japan and US/PRC Cooperative Programs

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- Discussion of a proposed Cosmic Ray Air Shower Workshop
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, Except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management office.

Issued at Washington, D.C. on March 27, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-10037 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel, Subpanel on Accelerator R. & D.; Open Meeting

Notice is hereby given of the following meeting:

Name: Subpanel on Accelerator R&D of the High Energy Physics Advisory Panel (HEPAP). The HEPAP is a committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770)

Date and time: April 18, 1980—9:00 a.m. to 5:00 p.m. April 19, 1980—9:00 a.m. to 3:00 p.m.

Place: Orange Room, Central Laboratory, Stanford Linear Accelerator Center (SLAC), Stanford, California

Contact: Dr. David F. Sutter, Secretary, HEPAP Subpanel on Accelerator R&D, Department of Energy—J-309, Washington, D.C. 20545, Telephone: 301-353-3367

Purpose of committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda: Discuss, edit, and finalize draft report to HEPAP on long range accelerator R&D for the U.S. High Energy Physics Program.

Public participation: The meeting is open to the public. The Chairperson of the Subpanel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subpanel will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Dr. Sutter at the address or telephone number above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Aveune, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 27, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-10038 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Title: Environmental Advisory Committee

Date and time: Thursday, April 24, 1980—9:00 a.m. to 5:00 p.m. Friday, April 25, 1980—9:00 a.m. to 5:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building—Room 4A096, Washington, D.C. 20585

Contact: Rhoda Shechtel, Department of Energy, Forrestal Building—Mail Station 4G085, 1000 Independence Avenue, S.W., Washington, D.C. 20585, telephone: 202-252-4616

Purpose of committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative Agenda

Thursday, April 24, 1980—9:00 a.m. to 12:00 noon

- Opening Remarks by Chairman
- Remarks by Ruth Clusen, Assistant Secretary of Environment
- Report of Nominating Committee
- Report of Subcommittees

1:30 p.m. to 5:00 p.m.

- Briefing and Committee discussion on DOE Research Program on Health Effects of Low Doses of Ionizing Radiation
- Public Comment (10 minute rule)

Friday, April 25, 1980—9:00 a.m. to 12:00 noon

- Vote on Officers
- Briefing and discussion on Prevention of Significant Deterioration issues
- Briefing and discussion of DOE Land Withdrawal Task Force
- Committee Business

1:30 p.m. to 5:00 p.m.

- Approval of Resolutions and Recommendations/Discussion with Ruth Clusen, Assistant Secretary of Environment
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairman.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on March 28, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-10039 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Nuclear Energy

State Planning Council on Radioactive Waste Management; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: The State Planning Council on Radioactive Waste Management

Date and time: Saturday, April 19, 1980 — 8:00 a.m. Sunday, April 20, 1980 — 9:00 a.m.

Place: Arlington Hyatt Hotel, 1325 Wilson Boulevard, Arlington, Virginia

Contact: Raymond G. Romatowski, Deputy Director, Office of Nuclear Waste Management, Office of Nuclear, Energy, Washington, D.C. 20545, telephone: 301-353-3999

Tentative agenda: Meetings will be devoted primarily to review and discussion of materials (Background Book) provided by DOE at the last meeting. This may thus include matters specific to the management and disposal of high-level wastes, spent fuel and low-level wastes as well as more general matters concerning appropriate involvement of state and local bodies and the development of a detailed, comprehensive national waste management plan. Discussions may also include matters of administration of the Council including such items as: operating procedures for the Council, staff requirements and provisions, and the setting of a general agenda for subsequent meetings. A more detailed agenda should be available by April 14, 1980. Contact Mr. Romatowski at the above number for further information.

Purpose of Council: The State Planning Coucil on Radioactive Waste management was established by Executive Order 12192 dated February 12, 1980, to provide advice and recommendations to the President and the Secretary of Energy on nuclear waste management (including interim management of spent fuel).

Public participation: The meeting is open to the public. The Chairperson of the Council is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office

Issued at Washington, D.C. on March 28, 1980.

Georgia Heldreth,

Director, Advisory Committee Management.

[FR Doc. 80-10035 Filed 4-1-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51045; FRL 1454-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:
PMN 80-49, May 6, 1980,
PMN 80-52, May 9, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Notice Manager, Ann Radosevich, PMN No. 80-49, 80-52, telephone 202-426-2601
Mail Address for Notice Managers: Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding

these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51065]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: March 27, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-49

Close of Review Period. June 4, 1980.

Manufacturer's Identity. Claimed confidential.

Chemical Identity. Claimed confidential. Generic name provided: Alkyl Salicylaldoxime.

Data: The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Metal extractant.
Production volume. Claimed confidential.
Toxicology Tests.
Acute oral LD_{50} (rats): 1.22 g/kg moderately toxic.
Acute dermal LD_{50} (rabbits): >20 g/kg non-toxic.
Primary skin irritant (rabbits): Severely irritating and may cause skin tissue damage on the base of its primary skin irritation coefficient (6.50).
Ocular irritation (rabbits): Moderately irritating.

Chemical/Physical Tests

Chemical state: semi-solid viscuous liquid.
Density: 1.0044 g/cm³ at 25°C.
Flash point: 250+ °F.
Viscosity: 515 poise at 25°C.
Water solubility: Mean of 6.33 ppm at 23°C.
Exposure. The manufacturer claims that dermal exposure may occur accidentally only, the number of exposed employees 2-4 at manufacturing site, unknown number at mine sites.
Disposal. No deliberate or planned disposal at manufacturing site; submitter states no material will require disposal at mine sites.

PMN 80-52

Close of Review Period. June 7, 1980.

Manufacturer's Identity. Claimed confidential.

Chemical Identity. Claimed confidential. Generic name provided: Alkyl salicylaldehyde.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. The manufacturer proposes to use this chemical as an isolated intermediate in the preparation of alkyl salicylaldoxime.

Production volume. Claimed confidential.
Test data. No toxicological data has been developed for this product.
Physical/Chemical Properties. Claimed confidential.
Byproducts: Organic Tars (Distillation Bottoms) Sodium Sulfate/Chloride Salt Cake.
Exposure: Occupational.
Route: Dermal.
Number of Person Exposed: 2 to 4.
Maximum Duration of Exposure: Accidental only.
Preparation and storage and alkyl salicylaldehyde is limited to the manufacturing site. Employee and environmental exposure is possible only in the event of an accident.

[FR Doc. 80-9996 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1454-1]

Issuance of PSD Permit

Notice is hereby given that the Environmental Protection Agency (EPA) has issued a Prevention of Significant Deterioration (PSD) permit, under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52) regulations.

Source: Tesoro Petroleum Corporation, 8700 Tesoro Drive, San Antonio, Texas 78286.

The permit issued on March 10, 1980 constitutes aproval to modify the existing Tesoro-Alaska Petroleum Company refinery located in Kenai, Alaska, subject to certain conditions, including:

Approval Conditions

1. Emissions of oxides of nitrogen (NO_x) shall not exceed the following:
Source: Process Heaters and Boiler
Emission Pollutant: NO_x
Limitations kg/day: 225 (Total)
Emission Factor: 35 ng/J (0.08 lb/10^6 BTU)
2. With the exception of NO_x and SO_2, potential emissions of any pollutant regulated under the Clean Air Act will be less than 100 tons per year.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before June 2, 1980.

Copies of the permit are available for public inspection upon request at the following location:

EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: March 31, 1980.

Donald P. Dubois,

Regional Administrator, Region 10.

[FR Doc. 80-9997 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1453-7]

Science Advisory Board, Subcommittee on Health Risk Assessment; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Subcommittee on Health Risk Assessment of the Science Advisory Board will be held on April 18, 1980 in Conference Room 703-05, Hubert H. Humphrey Building, Independence Avenue, Southwest, Washington, D.C. The meeting will start at 9:00 a.m. Conference Room 703-05 is located on the seventh floor.

The purpose of the meeting will be to brief the Subcommittee on health risk assessment activities in various parts of the Agency and to discuss future plans for the Subcommittee.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 14, 1980. Please ask for Mr. Kenneth Goggin. The telephone number is (202) 472-9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

March 26, 1980.

[FR Doc. 80-9998 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1454-6]

Community Health and Environmental Surveillance System (CHESS); Availability of Addendum to 1974 CHESS; Sulfur Oxides Monograph

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: In 1974, EPA published a monograph which reported certain epidemiologic studies on the human health effects of sulfur oxides which were carried out under the Community Health and Environmental Surveillance System ("CHESS"). Pursuant to Congressional direction, EPA has published an addendum to the 1974 monograph. Copies may be obtained as specified below.

FOR COPIES OF THE ADDENDUM: Write "ORD Publications, EPA/CERI, Cincinnati, Ohio 45268", and reference the "CHESS Monograph Addendum, EPA 600/1-80-021."

SUPPLEMENTARY INFORMATION: In 1974, EPA published a monograph which reported on certain community (epidemiology) studies, "Health Consequences of Sulfur Oxides: A Report from CHESS, 1970-1971" (EPA-650/1-74-004). Both the monograph and the CHESS program itself have since been the subject of considerable controversy. In 1976, two subcommittees of the House Committee on Science and Technology released an evaluative report on the sulfur oxides monograph, as well as EPA's air pollution research programs generally, entitled "The Environmental Protection Agency's Research Program With Primary Emphasis On The Community Health and Environmental Surveillance System (CHESS): An Investigative Report" ["the Brown Committee Report"]. In 1977, Congress directed EPA to implement the recommendations of the Brown Committee Report, unless certain determinations were made. Environmental Research, Development, and Demonstration Authorization Act of 1978 ("ERDDAA"), Pub. L. 95-155, November 8, 1977, Section 10 (42 U.S.C. 4361b).

EPA is required to report on its implementation of the Brown Committee recommendations in each annual report made to Congress on the Agency's five-year plan for research and development. ERDDAA Section 10. EPA's Science Advisory Board* was also directed to review and report to Congress on the Brown Committee's findings and recommendations. ERDDAA Section 8(d).

Recommendation 3(c) of the Brown Committee Report is that EPA publish an addendum to its 1974 monograph, containing at a minimum chapters IV, V, and VI, and Appendix A of the report. This notice announces the availability of such an addendum. The purpose of the addendum is to help inform the public of qualifications necessary in any use of the monograph, such as the fact that research of varying degrees of reliability is reported in the monograph, and that interpretations should not be based solely on monograph data. Part 1 of the addendum contains the entire Brown Committee Report. Part 2 of the addendum contains appendices from EPA's "Research Outlook" reports for 1978 and 1979. The Research Outlooks are annual reports to Congress on the Agency's five-year plan for research and development. The appendices included in the addendum are EPA reports on the status of the Agency's implementation of the Brown Committee recommendations. Part 3 of the addendum contains the February, 1979, report to Congress by the Science Advisory Board's Health Effects Research Review Group, which evaluates EPA's health effects research and the Agency's implementation of the Brown Committee recommendations.

In addition to being made available upon request, the addendum will also be entered in public dockets which are established by EPA as part of any regulatory or other activity, as appropriate. Such dockets would include any which are established for the purpose of developing a health effects document or proposed national ambient air quality standards, where the 1974 monograph, CHESS studies cited in the monograph, or other CHESS studies, are proposed to be cited or referenced. The addendum will also accompany any copies of the external review draft of Air Quality criteria for Particulate Matter and Sulfur Oxides, which will shortly be made available for public review and comment.

Dated: March 27, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-9992 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1454-7]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method

Notice is hereby given that on February 28, 1980, the Environmental Protection Agency received an application from Meloy Laboratories, Inc., Springfield, Virginia, to determine if its Model SA 700 Fluorescence Sulfur Dioxide Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-9991 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

*The science Advisory Board, a chartered advisory committee, was established by EPA in 1974 in order to provided advice to the Administrator on scientific and technical aspects of environmental regulation. Congress established a statutory basis for the SAB in Section 8(a) of ERDDAA, and in so doing specified the Board's status, scope and responsibilities.

[OPP-40007; FRL 1436-2]

Department of Agriculture Federal Agency Plan; Certification of Applicators of Restricted Use Pesticides

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Intent to approve Federal agency plan for the certification of applicators of restricted use pesticides; notice of opportunity to comment.

SUMMARY: In accordance with terms of the **Federal Register** Notice of August 19, 1977 [42 FR 41907], the Department of Agriculture has submitted a Federal Agency Plan for the certification of its employees to apply restricted use pesticides in the performance of their duties.

The Administrator has reviewed this plan and finds that it complies with the terms of the August 19, 1977 **Federal Register** Notice. Accordingly, notice is hereby given of the intention of the Administrator to approve the Department of Agriculture plan.

COMMENTS: Interested persons are invited to submit written comments on the proposed Federal Agency Plan for the Department of Agriculture to the U.S. Environmental Protection Agency, Office of Pesticide Programs (TS-770-M), 499 South Capitol Street, S.W., 3rd Floor, Marfair Bldg., Washington, D.C. 20460, ATTN: Mr. John MacDonald, Phone: 202-472-9407.

DATE: Comments must be received on or before May 19, 1980.

ADDRESSES: A summary of this plan follows. The entire plan, together with attachments, may be examined during business hours at the following locations:

U.S. Department of Agriculture, Office of General Counsel, South Agriculture Bldg., Room 2421, 14th Street & Independence Ave. SW., Washington, D.C. 20250, Phone: 202-447-5533, Attn: Joseph D. Cummings
U.S. Environmental Protection Agency, Office of Pesticide Programs (TS-770-M), 3rd Floor, Marfair Building, 499 South Capitol Street SW., Washington, D.C. 20460, Phone: 202-472-9407
U.S. Environmental Protection Agency, Region I, John F. Kennedy Bldg., Boston, Massachusetts 02203, Phone: 617-223-5126
U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, Phone: 212-264-8359
U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: 215-597-9869
U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308, Phone: 404-881-[illegible]621

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U.S. Environmental Protection Agency, Region V, Federal Office Building, 230 South Dearborn Street, Chicago, Illinois 60604. Phone: 312–353–2192
U.S.Environmental Protection Agency, Region VI, 1201 Elm Street, 1st International Building, Dallas, Texas 75270, Phone: 214–676–2739
U.S.Environmental Protection Agency, Region VII, 324 11th Street, Kansas City, Missouri 64106, Phone: 816–374–3036
U.S.Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colorado 80295, Phone: 303–837–3926
U.S.Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105, Phone: 415–556–3352
U.S.Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Washington 98101, Phone: 206–442–1090

The Plan is also available for inspection at selected Department of Agriculture installations throughout the country. Interested persons desiring the location of the installation in their State should contact the Department of agriculture at the address given above.

SUPPLEMENTARY INFORMATION:

Summary of Federal Agency Plan

The U.S. Department of Agriculture Certification Plan will be administered by three separate agencies: (1) Animal and Plant Health Inspection Service [APHIS]; (2) Science and Education Administration, Agriculture Research [SEA, AR] and (3) Forest Service [FS]. A summary of each agency's section of the U.S. Department of Agriculture Plan follows.

Summary of APHIS Section

Federal employees are considered by EPA to be commercial applicators. APHIS has proposed certification of its employees in only one commercial applicator category, Regulatory Pest Control, as defined in 40 CFR 171.3.

The Plan requires APHIS personnel to complete a training program followed by a written certification test meeting the standards of competency described in 400 CFR 171.4(b), 171.4(c)(9), and 171.6.

Certification is valid for a period not to exceed three years. Recertification will consist of passing a written test which meets all the requirements of the original written exam. Throughout the period of certification, applicators will continue to be trained to assure that they keep abreast of changing technology.

Certified applicators will be issued a certificate and wallet-size identification card to be carried when applying restricted use pesticides or supervising their application. These documents will identify the certified applicator, the category in which the applicator is certified, the date of issuance, expiration date, and issuing authority. An example of this document is contained in the Plan.

Restricted use pesticides will be applied either by a certified applicator or by a person under the direct supervision of a certified applicator. The certified applicator will retain responsibility for the actions of the non-certified applicator and will be available if and when required.

The Plan provides for the hiring of non-USDA employees for pest control operations. Such persons must be certified commercial applicators, or under the direct supervision of a certified commercial applicator, holding certification valid in the State or territory where the services are performed.

Authority for denying, suspending and revoking APHIS certification rests with the officials responsible for carrying out the Plan. Any applicator who falsifies records or who violates any provision of the Federal Insecticide, Fungicide, and Rodenticide Act, including the prohibition against misuse of pesticides, may have the applicator's certificate suspended or revoked. Also, in the event of criminal conviction or imposition of civil penalty for violations of FIFRA, the appropriate authority will review the certification for possible suspension or revocation.

Records regarding the kinds, amounts, uses, dates and places of use of restricted use pesticides will be maintained for two years from the date of application of the restricted use pesticides. Such records will be available for inspection and copying by Federal and State pesticide officials.

Incidents of pesticide misuse and record falsification by any persons will be reported to the appropriate EPA or State authority. EPA and State enforcement personnel will have access to APHIS property at reasonable times for sampling, inspection and observation, provided that they comply with APHIS procedures necessary to prevent the spread of plant diseases or pests.

The APHIS Plan requires APHIS personnel to comply with substantive State standards for pesticide regulation which are more stringent than, or are in addition to standards established in the APHIS Plan, as required by E.O. 11752. In cases where a State decides its substantive standards are more stringent than APHIS, it may notify the Director of APHIS and request compliance. In any case where the Director and the State disagree as to the need for APHIS employees to comply with a State standard, the Administrator of EPA will arbitrate the dispute.

Annual reports will be submitted by APHIS to the Administrator, EPA. The report will contain information as outlined in 40 CFR 171.7(d)(1), such as, numbers of applicators certified, changes in commercial subcategories, summary of enforcement actions and significant proposed changes in standards of competency. Other reports will be submitted as required by 40 CFR 171.7(d)(2).

Summary of Science and Education Administration, Agriculture Research Section

The SEA, AR section of the USDA Plan is substantially similar to the APHIS section except for the following:

(1) SEA, AR will provide certification only in the Research and Demonstration category as defined in 40 CFR 171.3(j). SEA, AR personnel certified by SEA, AR must pass a written examination meeting the standards of 40 CFR 171.4(b), 171.4(b)(10) and 171.6.

(2) SEA, AR intends to have the State or EPA certify its personnel, whenever feasible. Cases where SEA, AR anticipates certification under this Plan are:

(a) applicator serving in several States (even in this instance applicators may be certified by a State, if reciprocity exists between appropriate States) and (b) certification of personnel who conduct research on federal property where the State has no jurisdiction.

(3) Where SEA, AR certification is provided under this Plan, personnel may be trained by a State Cooperative Extension Service or another federal agency with an approved EPA Certification Plan. However, the SEA, AR examination will be administered to prospective SEA, AR applicators by SEA, AR personnel.

Summary of the Forest Service Section

The summary given for the APHIS section applies to this section except for the following:

(1) FS will provide certification in the following categories as defined in 40 CFR 171.3: Agriculture Pest Control; Forest Pest Control; Ornamental and Turf Pest Control; Seed Treatment; Aquatic Pest Control; Right-of-way Pest Control; Industrial, Institutional, Structural and Health Related Pest Control; and Demonstration and Research Pest Control. FS personnel certified by FS must pass a written examination meeting the standards of 171.4(b) and 171.6 and the appropriate categorry standards under 171.4(c).

(2) FS will certify the majority of its employees using this Plan. However, FS applicators certified by States with approved Certification Plans or by EPA will not be required to obtain FS certification. In these cases, however, each applicator must limit his or her activities to those States where the certificate is valid.

(3) FS may also utilize State Cooperative Extension Services or other federal agencies with EPA approved Certification Plans for training of FS-certified personnel.:

(Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (Pub. L. 95-396; 92 Stat. 827))

Dated: March 21, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-9995 Filed 4-1-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 364]

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Feb. 20, 1980.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				590 kHz					
CKEY	Toronto, Ontario, N. 43°36'33", W. 79°23'20" (Operating night pattern only until December 31, 1980).	10	DA-2	U	III	.....	.....	.....	
				690 kHz					
CBF	Montreal, Quebec, N. 45°25'42", W. 73°26'58" (Now in operation at new site) (Sectionalized tower, shared with CBM).	50	ND-D-254.6 ND-D-26.3#	U	I-A	675	120	182-600	
				780 kHz					
CKMW	Brampton, Ontario, N. 43°35'20", W. 79°52'54" (Change of call letters from CHIC).	5	DA-2	U	III	.....	.....	.....	
				850 kHz					
CFYQ	Gander, Newfoundland, N. 48°58'30", W. 54°36'47" (Delete) (Present operation continues on 1350 kHz).	5D/1N	ND-180	U	II	190	120	283	
				850 kHz					
New	St. John's, Newfoundland, N. 47°36'00", W. 52°49'55" (Delete).	25	DA-2	U	II	.....	.....	.....	
				940 kHz					
CISL	Richmond, British Columbia, N. 49°08'42", W. 123°03'09" (Assignment of call letters. Under construction) (Reduced Q=6.87 mV/m).	2.5	DA-1	U	II	.....	.....	.....	February 20, 1981.
				940 kHz					
CBM	Montreal, Quebec, N. 45°25'42", W. 73°26'58" (Now in operation at new site).	50	DA-1	U	I-B	.....	.....	.....	
				980 kHz					
CBV	Quebec, Quebec, N. 46°41'06", W. 71°23'55" (Now in operation at new site with 50kW).	50	DA-1	U	III	.....	.....	.....	
				1290 kHz					
CFRW	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29" (Now in operation on new frequency).	10	DA-2	U	III	.....	.....	.....	
				1340 kHz					
CIOK-1	Grand Centre, Alberta, N. 54°24'45", W. 110°07'40" (Assignment of call letters).	0.25	ND-184	U	IV	150	120	294	May 8, 1980.
				1360 kHz					
New	Moncton, New Brunswick, N. 46°03'57", W. 64°51'46" (This proposal conflicts with a proposal for a new station in Moncton on 1400 kHz. Only one of the two will be authorized for construction.)	10	DA-1	U	III	.....	.....	.....	Feb. 20, 1981.
				1400 kHz					
New	Moncton, New Brunswick, N. 46°03'85", W. 64°53'02" (This proposal conflicts with a proposal for a new station in Moncton on 1360 kHz. Only one of the two will be authorized for construction.)	10	DA-2	U	IV	.....	.....	.....	Feb. 20, 1981.
				1450 kHz					
CHRT	St. Eleuthere, Quebec, N. 47°26'36", W. 68°16'14" (Now in operation with increased day-time power).	1D/0.25N	ND-185	U	IV	140	120	271 ave	

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CFRW	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29" (Delete).	10	DA-1	*1470 kHz* U	III	.....	.....	.....	
CKPB	*Ville de la Baie*, Quebec, N. 48°21'44", W. 70°55'49" (Change of town name from Bagotville).	1	DA-1	*1470 kHz* U	III	.....	.....	.....	
New	Cornwall, Ontario, N. 45°02'53", W. 74°37'32" (This proposal conflicts with a proposal for a new station in Cornwall on 1600 kHz. Only one of the two will be authorized for construction.)	10D/2.5N	DA-1	*1590 kHz* U	III	.....	.....	.....	Feb. 20, 1981.

Richard J. Shiben,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-9021 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

[Docket Nos. 80-124—80-129; File Nos. BPH-10,631 etc.]

Cypress Communications, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 14, 1980.

Released: March 31, 1980.

In re applications of Cypress Communications, Incorporated, Monterey, California, Req: 92.7 MHz, Channel 224, 0.82 kW (H&V), 572 feet, BC Docket No. 80-124, File No. BPH-10,631; Edwards Broadcasting Company, Inc., Monterey, California, Req: 92.7 MHz, Channel 224, 0.92 kW (H&V), 501 feet, BC Docket No. 80-125, File No. BPH-10,882; Clintell Cornelius Porter, Marina, California, Req: 92.7 MHz, Channel 224, 0.89 kW (H&V), 567 feet, BC Docket No. 80-126, File No. BPH-10,888; Christian Broadcasting Fellowship, Marina, California, Req: 92.7 MHz, Channel 224, 0.83 kW (H&V), 567 feet, BC Docket No. 80-127, File No. BPH-10,892; Peninsula Broadcasting, Corporation, Monterey, California, Req: 92.7 MHz, Channel 224, 0.83 kW (H&V), 567 feet, BC Docket No. 80-128, File No. BPH-10,893; George B. Green and Richard L. Strong, d/b/a Seven Cities Media, Monterey, California, Req: 92.7 MHz, Channel 224, 0.88 kW (H&V), 573 feet, BC Docket No. 80-129, File No. BPH-10,894; for construction permits for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned applications; (b) petitions to specify issues filed by Christian Broadcasting Fellowship, and Cypress Communications, Inc.; and (c) related pleadings thereto.

2. *Cypress Communications, Inc. (Cypress).* In its compositional study, Cypress determined that blacks comprise 6.7% of the population of Monterey. However, it is not apparent from Cypress' survey of community leaders that any leaders of the black community were interviewed. Therefore, a limited ascertainment issue will be specified.

3. *Clintell Cornelius Porter (Porter).* Cypress and Christian Broadcasting Fellowship (Christian) have requested a financial issue as to Porter. Analysis of the financial data submitted by Porter reveals that $34,592.95 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment lease (five months)	$4,802.95
Building	500.00
Miscellaneous	22,000.00
Operating expenses (three months)	7,290.00
Total	$34,592.95

To meet this requirement, Porter intends to rely on $1,000 cash on hand, and the proceeds from the sale of his two houses. If the houses are sold at their appraised values of $56,000 and $45,000, the equity obtained therefrom would total $41,204. Thus, Porter would have $42,204 to cover expenses totalling $34,592.95, leaving a reserve of $7,611.05.

4. However, it is not apparent from the application that Porter has included in his estimated return on the sale of his two houses his selling costs, or that Porter has ready buyers willing to buy at the houses' appraised values. Given that selling costs for two houses worth $101,000 combined could total seven thousand dollars or more, Porter would have no margin to sell his houses for less than their appraised values, and still meet his anticipated costs. A general financial issue will be specified.

5. *Christian Broadcasting Fellowship (Christian).* Analysis of the financial data submitted by Christian reveals that $35,481 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment down payment	$10,610
Equipment payments (three months)	2,971
Building	3,500
Loan repayments (three months)	900
Miscellaneous	17,500
Total	$35,481

To meet these expenses, Christian intends to rely on $15,000 in donations solicited during the first three months of operation, and $45,000 in loans from five individuals, four of whom are members of the governing board of Christian.

6. As to Christian's first source of revenue, the possibility of future income from donations solicited on-the-air during the first three months of operation is too speculative to be relied upon. Commission policy requires that donations be supported by a signed statement of the donor (and a balance sheet if the donation is $1200 or more) in order to be accepted as a reliable source of funding. Christian's second source, individual loans of $45,000, has not been shown to be available. From the information contained in the balance sheets of each of the lenders, it is not apparent that any one of them has sufficient net liquid assets to meet their commitments to Christian. A general financial issue will be specified.

7. Christian will not be able to provide a 3.16 mV/m signal to the entire city of Marina as required by § 73.315(a) of the Commission's Rules. Christian has asked for a waiver of this provision. We will not rule on the request at this juncture. Rather, a city coverage issue will be specified so that the matter may be explored in hearing.

8. According to its engineering statement, Porter will be able to provide a 3.16 mV/m signal to the entire city of Marina. However, according to Christian Broadcasting Fellowship's engineering statement, Christian, using the same site, antenna height, and virtually the same power, will not be able to provide city coverage to Marina. The discrepancy between the two statements is apparently due to a difference in the city boundaries of Marina as charted by each applicant. Therefore, a question as to Porter's city coverage also arises, and an issue will be specified.

9. *Other matters.* On December 17, 1979, Edwards Broadcasting Company (Edwards) filed an amendment to its application. It stated, "(I)n the event that the Commission grants the application filed by the applicant, Edwards Broadcasting Company will sell its AM station, KRML, licensed to Carmel, California." Thereafter, Seven Cities Media (Seven Cities) submitted a petition to return Edwards' amendment on the ground that it was filed after the last date for filing amendments as of right—May 30, 1979—and that the amendment was directed at improving Edwards' comparative posture. Edwards responded by referring to precedent which it states supports acceptance of its amendment.

10. We agree with Seven Cities that Edward's amendment should not be accepted. The precedent to which Edwards refers involves a case in which the applicant had stated its commitment to divest itself of a broadcast property prior to the time that amendments as of right were cut-off and thereafter simply reported the fact that divestiture had taken place. *Town and Country Radio, Inc.*, FCC 77M-1485, 41 RR 2d 627 (1977). Here, we have no actual change in Edwards' holdings, and therefore, we are not faced with setting up the type of legal fiction that the Administrative Law Judge in *Town and Country Radio* wanted to avoid, nor do we have a divestiture to which the applicant had committed itself before the amendment cut-off date. All that is presented is a promise to divest sometime in the future. Therefore, we hold to the rule that an applicant may not improve its comparative position after the time for amendment as of right has passed, and Edwards' petition for leave to amend will be denied.

11. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

13. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1.0 mV/m or greater in the case of FM) from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether Cypress interviewed leaders of blacks in connection with its ascertainment effort.

3. To determine whether Porter is financially qualified to construct and operate the proposed station.

4. To determine whether the proposal of Porter would provide coverage of the city sought to be served, as required by § 73.315(a) of the Commission's rules, and, if not, whether circumstances exist which warrant a waiver of that section.

5. To determine whether Christian is financially qualified to construct and operate the proposed station.

6. To determine whether the proposal of Christian would provide coverage of the city sought to be served, as required by § 73.315(a) of the Commission's rules, and, if not, whether circumstances exist which warrant a waiver of that Section.

7. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

14. It is further ordered, That the petitions to specify issues filed by Cypress and Christian are granted to the extent indicated above and are denied in all other respects.

15. It is further ordered, That the petition for leave to amend filed by Edwards is denied, and the petition for leave to amend filed by Peninsula Broadcasting, Inc. is granted, and the corresponding amendment is accepted.

16. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 80-9025 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

V 45 / 65 AP 2 80 UMI

[Mexican List No. 282]

Mexican Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

November 1, 1979.

Call letters	Location	Power watts	Antenna radiation mv/m/1w	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
(New)	Barra D. Navidad, Jal, N. 19°11'01", W. 104°42'00" (Delete).	.250	ND-D-175	800 kHz D	III	246	120	459	
XEMA	Fresnillo, Zac., N. 23°10'58", W. 102°53'46" (Vale 1340 kHz) (Shares antenna with XEQS, 1470 kHz).	5.000D/ .250ON	ND-U-186	890 kHz U	II	357	110	357	May 1, 1980.
XEX	Leon, Gto., N. 21°07'28", W. 101°41'01" (Delete).	10.000D/ 10.000N	ND-U-190	730 kHz U	II	347	120	347	
(New)	CD Cuauhtemoc, Chic., N. 28°24'25", W. 106°51'13".	5.000D/ .250N	ND-U-190	740 kHz U	II	333	120	333	May 1, 1980.
XEKV	Villahermosa, Tab., N. 17°58'02", W. 92°57'30" (PO 1360 kHz).	1.000D/ .250N	ND-U-175	740 kHz U	II	299	90	299	
XELTZ	Loreto, Zac, N. 22°16'16", W. 101°58'56" (PO 1280 kHz).	5.000D/ .250N	ND-U-175	740 kHz U	II	306	120	253	
XEKON	Las Cruces, Gro., N. 16°52'30", W. 99°50'55" (PO 1360 kHz).	5.000	ND-D-190	750 kHz D	II	328	120	328	
(New)	Loma Bonita, Oax., N. 18°05'06", W. 95°54'37".	5.000	DA-D	750 kHz D	II	.....	.....	.....	May 1, 1980.
XEPLA	Pabellon, Ags., N. 22°09'16", W. 102°16'16" (PO 1/KW/D).	4.000D/ 1.000N	ND-D-175, DA-N	860 kHz U	II	230	120	240	
XEAMO	Irapuato, GTO., N. 20°37'58", W. 101°21'49".	1.000	DA-D	870 kHz D	II	.....	.....	.....	May 1, 1980.
XEYR	Teapa, Tab., N. 17°33'07", W. 92°57'18" (PO 1340 kHz).	5.000	ND-D-175	880 kHz D	II	280	90	230	
XEIU	Oaxaca, Oax., N. 17°03'43", W. 96°43'16" (PO 1160 kHz).	1.000D/ .250N	ND-U-175	890 kHz U	II	256	120	170	
XEKD	Cd Acuna, Coah., N. 29°18'16", W. 100°55'33".	.500D/ .250N	ND-U-182	1010 kHz U	II	220	90	346	Immediately.
XEID	Alamo, Ver., N. 20°55'00", W. 97°40'00" (Change to 1220 kHz).	.500	DA-D	1020 kHz D	II	.....	.....	.....	
XECX	Zapopan, Jal., N. 20°37'57", W. 103°25'24".	5.000	DA-D	1040 kHz D	II	.....	.....	.....	May 1, 1980.
XEOB	Pichucalco, Chis., N. 17°32'21", W. 93°06'39" (PO 1440 kHz).	1.500D/ .150N	ND-U-175	1060 kHz U	II	197	120	173	
XEBV	Moroleon, Gto., N. 20°06'01", W. 101°11'13".	.500	ND-D-186	1100 kHz D	II	255	120	213	Immediately.
XELEO	Leon, Gto., N. 21°08'00", W. 101°40'00" (PO 5/kw/D).	5.000D/ 5.000N	ND-D-184, DA-N	1110 kHz U	II	221	90	221	
XEIU	Oaxaca, Oax., N. 17°03'43", W. 96°43'16" (Change to 890 kHz).	.500	ND-D-175	1160 kHz D	II	170	120	170	
XEID	Alamo, Ver., N. 20°55'00", W. 97°40'00" (PO 1020 kHz).	.250D/ .250N	ND-U-174	1250 kHz U	IV	200	120	156	
XEF	San Blas, Sin., N. 26°02'10", W. 108°49'30".	1.000D/ .025N	ND-U-187	1240 kHz U	IV	187	120	187	May 1, 1980.
XECAL	Tijuana, BCN, N. 32°32'20", W. 117°02'40".	.500D/ .500N	ND-U-191	1270 kHz U	III	194	120	187	Immediately.
XENX	Mazatlan, Sin., N. 23°11'55", W. 106°25'20" (Delete).	3.000D/ .250N	ND-U-175	1270 kHz U	III	175	90	175	
XEMW	San Luis Rio C, Son., N. 32°29'15", W. 114°46'50" (PO 1/kw/D) (Shares antenna with XECB, 1450 kHz).	1.000D/ 1.000N	ND-D-193, DA-N	1270 kHz U	III	205	120	205	
XENX	Mazatlan, Sin., N. 23°11'55", W. 106°25'20".	10.000D/ .250N	ND-U-175	1290 kHz U	III	175	90	175	May 1, 1980.
XEXV	San Fco Del R, Gto., N. 21°01'03", W. 101°51'55" (PO 1/kw/D, ND-D-182, 187 120 184).	10.000D/ 1.100N	DA-1	1300 kHz U	III	.....	.....	.....	
XESR	Santa Rosalia, BCS, N. 27°18'39", W. 112°17'03".	.500D/.250N	ND-U-175	1320 kHz U	III	186	120	110	May 1, 1980.
XECY	Huejutla, Hgo., N. 21°07'45", W. 98°25'14".	1.000D/ .250N	ND-U-190	1320 kHz U	III	186	120	186	Immediately.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
XESY	Magdalena, Son., N. 30°37'45", W. 111°03'42".	.200	ND-U-190	1320 kHz U	III	186	120	186	May 1, 1980.
XEYR	Teapa, Tab., N. 17°33'07", W. 92°57'18" (Change to 880 kHz).	.500D/ .150N	ND-U-150	1340 kHz U	IV	208	90	197	
XEBY	Tuxpan, Ver., N. 20°56'59", W. 97°25'45".	.250/ .150N	ND-U-173	1340 kHz U	IV	184	90	148	Immediately.
XEMA	Fresnillo, Zac., N. 23°10'26", W. 102°52'58" (Delete).	1.000D/ .250N	ND-U-193	1340 kHz U	IV	197	120	197	
XELIL	San Luis Rio C, Son., N. 32°28'48", W. 114°46'24" (PO 0.500/KW/D).	.500D/ 1.000N	ND-D-178, DA-N	1350 kHz U	III	170	120	148	
XEZO	Cd Camargo, Tam., N. 26°18'34", W. 98°50'45".	.250D/ .250N	ND-U-185	1350 kHz U	III	171	120	171	Immediately.
XEVU	Mazatlan, Sin., N. 23°11'48", W. 106°25'29" (PO 1520 kHz).	.850D/ .125N	ND-U-175	1350 kHz U	III	138	120	136	
XEUL	Progreso, Yuc., N. 21°17'15", W. 89°40'00" (PO 0.500/KW/D 0.125/KW/N).	.500D/ .250W	ND-U-184	1350 kHz U	III	180	90	180	
XEKV	Villahermosa, Tab., N. 17°58'02", W. 92°57'30" (Change to 740 kHz).	1.000D/ .500N	ND-U-175	1360 kHz U	III	161	90	161	
XEYB	Cosamaloapan, Ver., N. 18°21'46", W. 95°48'32".	1.000D/ 1.000N	ND-D-175, DA-N	1360 kHz U	III	154	120	135	May 1, 1980.
XERW	Leon, Gto., N. 21°07'12", W. 101°40'38".	10.000D/ .250N	ND-U-139	1360 kHz U	III	177	120	177	Immediately.
XEZG	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05" (PO 0.500/KW/D).	.700	ND-D-175	1360 kHz D	III	177	90	148	
XEPF	Ensenada, BCN, N. 31°52'52", W. 116°35'22" (Shares antenna with XEHC, 1580 kHz).	.250D/ .250N	ND-U-174	1400 kHz U	IV	161	120	125	
XEKB	Atamajac Del V, Jal., N. 20°43'31", W. 103°18'34" (PO 5/KW/D, 0.150/KW/N, ND-U-184).	8.000D/ .150N	ND-U-175	1410 kHz U	III	177	90	142	
XEOB	Pichucalco, Chis, N. 17°32'21", W. 93°06'39" (Change to 1080 kHz).	1.000D/ .150N	ND-U-178	1440 kHz U	III	197	90	131	
XERAL	Tonala, Jal., N. 20°37'25", W. 103°15'49" (PO 1560 kHz).	5.000	DA-D	1440 kHz U	III	.....	.....	.....	
New	Tianchinol, Hgo., N. 20°56'41", W. 98°36'04".	1.000	ND-D-190	1470 kHz D	III	167	120	167	May 1, 1980.
XEMS	Matamoros, Tam., N. 25°51'26", W. 97°34'09" (PO 0.250/KW/U).	1.000D/ .25N	ND-U-190	1490 kHz U	IV	167	120	157	
XEVU	Mazatlan, Sin., N. 23°11'48", W. 106°25'29" (Change to 1350 kHz).	.500	ND-D-175	1520 kHz D	II	138	120	52	
XEGO	Los Reyes, Mich., N. 19°35'00", W. 102°28'00".	1.000	ND-D-190	1530 kHz D	II	161	120	161	Immediately.
New	Coyuca De B, Gro., N. 17°02'24", W. 100°09'26".	5.000	ND-D-175	1540 kHz D	II	148	120	121	May 1, 1980.
XEYK	Motul, Yuc., N. 21°06'00", W. 89°17'30".	1.000D/ .100N	ND-U-175	1540 kHz U	II	148	120	121	May 1, 1980.
XERAL	Arandas, Jal., N. 20°42'36", W. 102°21'06" (Change to 1440 kHz).	.250	ND-D-190	1560 kHz D	II	158	120	158	May 1, 1980.
XEVIP	San R Chamapa, Mex., N. 19°26'03", W. 99°15'22" (PO 10/KW/U, ND-D-224, DA-N 164 120 184).	50.000D/ 10.000N	DA-2	1580 kHz U	II	.....	.....	.....	
XEOEC	Panzacola, Tlax, N. 19°08'30", W. 98°12'00" (Delete).	1.000	DA-D	1580 kHz D	II	.....	.....	.....	
XEVAB	Valle De Bravo, Mex., N. 19°11'28", W. 100°08'03".	.250	ND-D-190	1580 kHz D	II	157	120	157	Immediately.
XEHC	Ensenada, BCN, N. 31°52'52", W. 116°35'22" (Shares antenna with XEPF, 1400 kHz).	1.000D/ 1.000N	ND-U-182	1580 kHz U	III	161	120	125	May 1, 1980.
Xearl	Zacatepec, Mor., N. 18°39'12", W. 99°11'36".	1.000D/ 1.000N	DA-1	1580 kHz U	III	.....	.....	.....	May 1, 1980.

Richard J. Shiben,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-9822 Filed 4-1-80; 8:45 am]

BILLING CODE 6712-01-M

V 45 / 65 AP 2 80 UMI

[Report No. 1217]

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed; Correction

March 26, 1980.

A letter filed for Coral Television Corporation (WCIX–TV), on February 14, 1980, in BC Docket 78–207 was inadvertently listed as a Petition for Reconsideration of Commission Action in a Rulemaking Proceeding (Public Notice 26597, Report No. 1217, released February 26, 1980). It was also included in the Federal Register of March 7, 1980 (45 FR 14926). The filing is not a petition for reconsideration and should not have been listed as one.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–9828 Filed 4–1–80; 8:45 am]

BILLING CODE 6712–01–M

[Report A–6]

TV Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: March 27, 1980.

Cutoff Date: May 21, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after May 21, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 21, 1980 which involves a conflict necessitating a hearing with any application of this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than May 21, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 21, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–790428KE (New), Canton, Ohio. Ray A. Rogers, Channel 67, ERP: Vis. 69.8 kW; HAAT: 292 feet.

BPCT–790830KF (New), Mobile, Alabama, Hess Broadcasting Corporation, Channel 15, ERP: Vis. 2754 kW; HAAT: 1240 feet.

BPCT–790920KG (New), Stockton, California, William H. Schuyler Company, Inc., Channel 58, ERP: Vis. 5000 kW; HAAT: 1800 feet.

BPCT–791002KG (New), Marion, Virginia, Blue Ridge ETV Association, Channel 52, ERP: Vis. 740 kW; HAAT: 1460 feet.

BPCT–791012KE (New), Utica, New York, Broadcast Facilities Company, Channel 33, ERP: Vis. 53.5 kW; HAAT: −125 feet.

BPCT–791022KE (New), Syracuse, New York, The Great Onondaga County Telecasting Corp., Channel 62, ERP: Vis. 1000 kW; HAAT: 882 feet.

BPCT–791030KE (WHNS(TV)), Asheville, North Carolina, Pappas Telecasting, Inc., Channel 21, Change site; change ERP Vis. to 2950 kW; change HAAT to 2745 feet.

BPCT–791031KG (New), Alexandria, Louisiana, Cypress Communications Corp., Channel 31, ERP: Vis. 1327 kW; HAAT: 1357 feet.

BPCT–791115LE (New), Hartford, Connecticut, Arch Communications Corp., Channel 61, ERP: Vis. 5000 kW; HAAT: 638 feet.

BPCT–791228KF (New), Hartford, Connecticut, Great Hartford County Telecasting Corp., Channel 61, ERP: Vis. 2158 kW; HAAT: 1542 feet.

BPCT–791127LG (New), Beattyville, Kentucky, Hour of Harvest, Inc., Channel 65, ERP: Vis. 18.6 kW; HAAT: 422 feet.

BPCT–791129KO (New), Pembina, North Dakota, Satellite Television Service, Inc., Channel 12, ERP: Vis. 316 kW; HAAT: 825 feet.

BPCT–791210KG (New), Birmingham, Alabama, Quality Media Corporation, Channel 66, ERP: Vis. 1432 kW; HAAT: 666 feet.

BPCT–791227KE (New), Lakeland, Florida, Lakeland Telecasters, Inc., Channel 32, ERP: Vis. 208 kW; HAAT: 260 feet.

BPCT–791231KE (New), Florence, Alabama, Channel 28, Inc., Channel 20, ERP: Vis. 1076 kW; HAAT: 931 feet.

BPCT–800122KG (New), Richmond, Virginia, CBN continental Broadcasting Network, Channel 63, ERP: Vis. 1660 kW; HAAT: 681 feet.

[FR Doc. 80–9823 Filed 4–1–80; 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–4]

TV Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: March 26, 1980.

Cutoff Date: May 19, 1980.

Notice is hereby given that the applications listed below are accepted for filing. Because the applications listed below are in conflict with applications which were accepted for filing and listed previously as subject to a cutoff date for conflicting applications, no application which would be in conflict with any application listed below will be accepted for filing.

Petitions to deny the applications listed below and minor amendments thereto must be on file with the Commission not later than the close of business on May 19, 1980. Any application previously accepted for filing and in conflict with any application listed below may also be amended as a matter of right not later than the close of business on May 19, 1980. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–790504KE Eugene, Oregon, Community Vision Systems, Inc., Channel 16, ERP: Vis. 2052 kW; HAAT: 2424 feet.

BPCT–790507KK Springfield, Oregon, Springfield Broadcasting Associates, Channel 16, ERP: Vis. 1450 kW; HAAT: 1520 feet.

BPCT–790507KJ Eugene, Oregon, Willamette Broadcasting Corp., Channel 16, ERP: Vis. 1854 kW; HAAT: 1685 feet.

BPCT–790507KF Greensboro, North Carolina, Greensboro Telecasting Corporation, Channel 48, ERP: Vis. 1109 kW; HAAT: 1695 feet.

BPCT–790507KH Greensboro, North Carolina, James Thrash, Channel 48, ERP: Vis. 1000 kW; HAAT: 1695 feet.

BPCT–790815KR Lansing, Michigan, F & S Comm/News, Inc., Channel 36, ERP: Vis. 1380 kW; HAAT: 1090 feet.

BPCT–790815KS Lansing, Michigan, Kare-Kim Broadcasting Company, Inc., Channel 36, ERP: Vis. 3630 kW; HAAT: 380 feet.

BPCT–790815KP Chico, California, The Far West Broadcasting Co., Inc., Channel 24, ERP: Vis. 5000 kW; HAAT: 1757 feet.

BPCT–790815KQ Chico, California, Southwest Television, Ltd., Channel 24, ERP: Vis. 5000 kW; HAAT: 1763 feet.

BPCT–781010KE Albuquerque, New Mexico, Galaxy Broadcasting, Inc., Channel 14, ERP: Vis. 1413 kW; HAAT: 4188 feet.

[FR Doc. 80–9824 Filed 4–1–80; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

[E–80–7]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving tariff rate classification schedules.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Mexico Public Service Commission involving the application of the Southwestern Public Service Company for cancellation of special military tariff rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 20, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80–10027 Filed 4–1–80; 8:45 am]

BILLING CODE 6820–AM–M

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

The Travel Expense Amendments Act of 1975 (Pub. L. 94–22) requires the periodic investigation of the cost to employees of travel and of operating privately owned automobiles, motorcycles, and airplanes while engaged on official business. Further, the Act requires that the results of these investigations be reported to Congress and published in the Federal Register.

Publication of the following report is in compliance with the requirements of the Act.

Dated: March 24, 1980.

R. G. Freeman III,

Administrator of General Services.

Report to Congress

The General Services Administration has concluded the investigations of the cost of travel and the cost of operating privately owned automobiles, airplanes and motorcycles. Based on the results of the investigations, I am reporting our determination that it would be necessary to establish a per diem allowance of $48 to adequately compensate Government travelers. However, no administrative action can be taken to increase the per diem rate since the current allowance is already at the statutory maximum of $35.

The investigations also reveal that an additional 49 localities (enclosure 1) qualify for designation as high rate geographical areas, where travel expenses are reimbursed on an actual-expense basis subject to a statutory maximum of $50 per day. This brings to 150 the total number of high rate areas within the conterminous United States. I will issue the regulations necessary to so designate these additional localities and to change the amounts allowed in 56 localities (enclosure 2) already designated as high rate areas. The investigations further reveal that the current $50 statutory maximum is no longer adequate to cover travel expenses incurred in 45 of these 150 high rate areas.

With respect to privately owned vehicles used on official Government business, our investigations reveal that the average cost per mile for operating an automobile (based on a weighted average for standard, compact, and subcompact automobiles) is 21.5 cents, for a motorcycle is 19.5 cents, and for an airplane is 47 cents. I will issue regulations to increase the automobile milage rate to 20 cents, which is the current statutory maximum. This administrative increase will provide partial relief to employees operating their privately owned automobiles on official Government business but will not provide for a level of reimbursement that fully covers the costs revealed in our investigations. Moreover, the current allowances for motorcycles (11¢ per mile) and airplanes (24¢ per mile) are already at the statutory maximums, and cannot be increased administratively.

From the results of these cost investigations, it is more evident than ever that there is an increasingly urgent need to amend the current law to increase the maximums for both travel and privately owned vehicle reimbursements. These statutory maximums—in effect since May of 1975—are no longer adequate due to rapidly escalating travel expenses and vehicle operating costs, and Government employees are being forced to pay expenses in excess of these maximums from their own funds.

For these reasons, on December 12, 1979, I forwarded for the consideration of the Congress a draft bill to increase the maximum rates for per diem and actual subsistence expenses of Government employees. Then on December 26, 1979, I forwarded to the Congress a draft bill that similarly addresses privately owned vehicle reimbursement levels. Legislative review of these and similar proposals is now under way. I urge the Congress to expedite passage of legislation that will fulfill the Government's obligations to employees who of necessity travel or operate their vehicles on official government business.

The regulations prescribing any new travel allowances required will be amended within 30 days.

Additional Areas Qualifying for Designation as High Rate Geographical Areas (HRG's)

HRGA's	Proposed maximum rate
1. Annapolis, MD	$50
2. Annapolis, MI	50
3. Bath, ME	47
4. Beaumont, TX	49
5. Boulder, CO	48
6. Brunswick, ME	47
7. Camden, NJ	50
8. Carson City, NV	50
9. Chesterfield County, VA	49
10. Covington, KY	50
11. Dinwiddie County, VA	49
12. Dugway Proving Grounds, UT	49
13. Edison, NJ	50
14. Evendale, OH	50
15. Ft. Myers, FL	50
16. Fort Walton Beach, FL	50
17. Ft. Washington, PA	50
18. Gainesville, FL	44
19. Groton, CT	50
20. Gulfport, MS	44
21. Henrico County, VA	49
22. Mechanicsburg, PA	50
23. Marquette, MI	49
24. Monroeville, PA	50
25. New London, CT	50
26. Newport, RI	50
27. Palm Springs, CA	50
28. Panama City, FL	50
29. Pensacola, FL	49
30. Petersburg, VA	49
31. Prince George County, VA	49
32. Princeton, NJ	48
33. Reno, NV	50
34. San Bernardino, CA	50
35. Santa Cruz, CA	50
36. Santa Fe, NM	49
37. Sparks, NV	50
38. Topsham, ME	47
39. Vail, CO	50
40. Warren, MI	48
41. West Point Military Reservation, NY	49
42. Williamsburg, VA	50
43. York County, VA	49
44 Albany, GA	49
45. Charlotte, NC	49
46. Huntsville, AL	49

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Additional Areas Qualifying for Designation as High Rate Geographical Areas (HRG's)—Continued

HRGA's	Proposed maximum rate
47. Jackson, MS	44
48. Sioux Falls, SD	43
49. Springfield, MO	42

High Rate Geographical Area (HRGA) Allowance Changes

HRGA	Current Rate	Current Cost	Proposed rate
1. Akron, OH	$42	$48	$46
2. Albany, NY	47	54	[1]50
3. Albuquerque, NM	43	49	49
4. Amarillo, TX	40	44	44
5. Asheville, NC	42	47	47
6. Atlanta, GA	47	56	[1]50
7. Austin, TX	46	52	[1]50
8. Baton Rouge, LA	42	49	49
9. Birmingham, AL	42	46	46
10. Boise, ID	41	46	46
11. Bridgeport, CT	48	53	[1]50
12. Buffalo, NY	49	54	[1]50
13. Burlington, VT	45	46	46
14. Casper, WY	44	46	46
15. Charleston, SC	41	49	49
16. Charleston, WV	47	51	[1]50
17. Cheyenne, WY	44	50	[1]50
18. Cincinnati, OH	46	53	[1]50
19. Columbus, OH	45	54	[1]50
20. Dayton, OH	44	46	46
21. Denver, CO	46	53	[1]50
22. Des Moines, IA	40	46	46
23. Dover, NJ	45	49	49
24. Eastown, NJ	46	52	[1]50
25. El Paso, TX	43	47	47
26. Fresno, CA	43	46	46
27. Harrisburg, PA	45	50	[1]50
28. Indianapolis, IN	47	53	[1]50
29. Jacksonville, FL	42	44	44
30. Kalamazoo, MI	42	46	46
31. Kansas City, MO/KS	46	50	[1]50
32. Lexington, KY	44	49	49
33. Louisville, KY	45	49	49
34. Memphis, TN	45	49	49
35. Monterey, CA	43	47	47
36. New Haven, CT	45	50	50
37. Portsmouth, NH	46	50	50
38. Rochester, NY	45	52	[1]50
39. Sacramento, CA	45	52	[1]50
40. St. Louis, MO	46	55	[1]50
41. San Antonio, TX	41	47	47
42. San Jose, CA	44	51	[1]50
43. San Mateo, CA	43	47	47
44. Seattle, WA	49	56	[1]50
45. Spokane, WA	42	50	50
46. Springfield, IL	39	46	46
47. Springfield, MA	41	47	47
48. Syracuse, NY	43	50	50
49. Tampa, FL	42	50	50
50. Toledo, OH	43	47	47
51. Tucson, AZ	48	55	[1]50
52. Tulsa, OK	40	43	43
53. Wichita, KS	44	48	48
54. Wilmington, DE	47	50	[1]50
55. Worcester, MA	44	50	50
56. York, PA	41	45	45

[1] Although the subsistence costs exceed $50 per day, the daily allowance cannot exceed the statutory maximum rate of $50.

[FR Doc. 80-10026 Filed 4-1-80; 8:45 am]
BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1980:

Name: Graduate Medical Education National Advisory Committee.
Date and Time: May 19-20, 1980, 8:30 a.m.
Place: Room 525-A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.
Open for entire meeting.
Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; (3) the impact of various activities which influence speciality distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.
Agenda: A discussion of GMENAC Modeling work on a specialty-specific basis and a continuing review of educational environment, geographic, nonphysician and financing issues.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information, should write to or contact Ms. Edna Simon, Office of Graduate Medical Education, Health Resources Administration, Room 10-30, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6430.

Agenda items are subject to change as priorities dictate.

Date: March 27, 1980.

James A. Walsh,
Associate Administrator for Operations and Management.

[FR Doc. 80-9990 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-83-M

Health Services Administration

Medical Reimbursement Rates for Fiscal Year 1980; Inpatient and Outpatient Medical Care

Notice is given that the Assistant Secretary for Health and Surgeon General, under authority of Section 321 of the Public Health Service Act (42 U.S.C. 248 (a)), has approved the following reimbursement rates for inpatient and outpatient medical care in facilities operated by the Health Services Administration for fiscal year 1980:

Emergency Non-Beneficiaries, Foreign Seafarers, Beneficiaries of Other Federal Agencies, Medicare & Medicaid Beneficiaries

Inpatient Services per day $196.
Outpatient Services per visit $41.

Dated: March 18, 1980.

George I. Lythcott,
Administrator.

Dated: March 25, 1980.
Approved:

Julius B. Richmond,
Assistant Secretary for Health and Surgeon General.

[FR Doc. 80-10022 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-84-M

Office of Education

Community Education Advisory Council; Meeting

AGENCY: Office of Education, HEW, Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda for the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under 5 U.S.C. Appendix I of the Federal Advisory Committee Act, Pub. L. 92-463. This document is intended to notify the general public of their opportunity to attend.

DATES: MEETING: April 21 and 22, 1980.

ADDRESS: U.S. Office of Education, 400 Maryland Avenue, S.W., Federal Office Building No. Six, Room 4003, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret Beavan, Office of Education, Department of Health, Education, and Welfare, 7th and D Streets, S.W., Regional Office Building Three, Room 5622, Washington, D.C. 20202. Telephone: (202) 245-0691.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 95-561. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. All sessions of this meeting are open to the public. The meeting will begin each day at 9:00 a.m. and end at 4:30 p.m.

The National Community Education Advisory Council hosted a National Forum on School-Community-Home Relationships on March 10-11, 1980 in Washington, D.C. The Forum brought together individuals of the educational establishment, the community and the home to make recommendations for change in Federal policy or develop new Federal policy that would strengthen school-community-home relationships.

At this meeting, the Council will review the Forum proceedings and complete policy recommendations concerning an effective and appropriate Federal role relative to the relationship of school-community-home. These recommendations will be delivered by the Council to the Commissioner, and subsequently to the Secretary of Education. Other proposed agenda items include: interaction with other Federal Advisory Council representatives; discussion and review of Council's management plan; and, orientation for newly appointed Council members.

Records shall be kept of all Council proceedings and shall be available for public inspection in Regional Office Building Three, Room 5622, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C., on March 27, 1980.

Ron Castaldi,
Acting Director, Community Education Program.

[FR Doc. 80-10004 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-02-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On July 31, 1979, the Director of the Office of Health Maintenance Organizations (OHMO) determined that Group Health Plan of New Jersey, Inc. (GHP), 501 70th Street, Guttenberg, New Jersey 07093, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would have (1) a fiscally sound operation and (2) satisfactory administrative and managerial arrangements. On January 25, 1980, the Director of OHMO notified GHP that he was revoking GHP's Federal qualification. Accordingly, GHP is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). By letter of September 21, 1979, OHMO directed that GHP initiate and carry out corrective action as necessary to bring GHP into compliance with the assurances that it would have a fiscally sound operation and satisfactory administrative and managerial arrangements. GHP is in receivership under New Jersey State law and is no longer providing health services. OHMO notified GHP by letter of January 25, 1980, that its qualification was revoked. The basis for the revocation of Federal qualification was that GHP failed to carry out the corrective action as directed by OHMO. The revocation of qualification was effective five working days after GHP received the January 25 letter.

The effect of the revocation of GHP's Federal qualification is as follows: (1) GHP may not seek inclusion in employees' health benefit plans under section 1310 of the Act; (2) with respect to employers including GHP in the health benefits plan offered their employees, GHP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of GHP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) GHP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: March 24, 1980.

John O'Rourke,
Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9986 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance.

SUMMARY: On June 22, 1979, the Director of the Office of Health Maintenance Organizations determined that Florida Health Care Plan, Inc., (FHCP), 350 North Clyde Morris Boulevard, Daytona Beach, Florida 32014, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain a fiscally sound operation, and satisfactory administrative and managerial arrangements. The determination of noncompliance does not itself affect the status of (FHCP) as a federally qualified HMO. Rather, (FHCP) has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under Section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determinaiton in the **Federal Register.**

Dated: March 24, 1980.

John O'Rourke,
Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9987 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On September 11, 1979, the Director of the Office of Health Maintenance Organizations (OHMO) determined that ChoiceCare Health Services (ChoiceCare), 1235 Riverside, Fort Collins, Colorado 80521, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would have a fiscally sound operation. On January 15, 1980, the Director of OHMO

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notified ChoiceCare that he was revoking ChoiceCare's Federal qualification. Accordingly, ChoiceCare is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of September 11, 1979, gave ChoiceCare an opportunity to initiate corrective action to bring it into compliance with the assurance that it would have a fiscally sound operation. ChoiceCare is in conservatorship under Colorado State law and is no longer providing health services. OHMO notified ChoiceCare by letter of January 15, 1980, that its qualification was being revoked. The basis for the revocation of Federal qualification was that ChoiceCare was incapable of carrying out the corrective action necessary to return to compliance. The revocation of qualification was effective five working days after ChoiceCare received the January 15 letter.

The effect of the revocation of ChoiceCare's Federal qualification is as follows: (1) ChoiceCare may not seek inclusion in employees' health benefit plans under section 1310 of the Act; (2) with respect to employers including ChoiceCare in the health benefits plan offered their employees, ChoiceCare is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of ChoiceCare in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) ChoiceCare is not qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: March 24, 1980.

John O'Rourke,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9888 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On November 15, 1979, the Director of the Office of Health Maintenance Organizations (OHMO) determined that Gem Health Association, Inc. (GEM), P.O. Box 4177, 6565 Emerald Street, Boise, Idaho 83704, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would have a fiscally sound operation. On January 23, 1980, the Director of OHMO notified GEM that he was revoking GEM's Federal qualification. Accordingly, GEM is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurance it provided to the Secretary under section 1310(d)(1). The notice of November 15, 1979, gave GEM an opportunity to initiate corrective action to bring it into compliance with the assurance that it would have a fiscally sound operation. GEM is in receivership under Idaho State law and is no longer providing health services. OHMO notified GEM by letter of January 23, 1980, that its qualification was being revoked. The basis for the revocation of Federal qualification was that GEM was incapable of carrying out the corrective action necessary to return to compliance. The revocation of qualification was effective five working days after GEM received the January 23 letter.

The effect of the revocation of GEM's Federal qualification is as follows: (1) GEM may not seek inclusion in employees' health benefit plans under section 1310 of the Act; (2) with respect to employers including GEM in the health benefits plan offered their employees, GEM is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of GEM in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) GEM is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: March 24, 1980.

John O'Rourke,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9889 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance.

SUMMARY: On August 3, 1979, the Director of the Office of Health Maintenance Organizations determined that Cooperative Health Plan of Greater Spokane (CHP), North 120 Stevens, Spokane, Washington 99201, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of CHP as a federally qualified HMO. Rather, CHP has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300a-11(b)(1)) (the Act), if the Secretary makes a determination under Section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

Dated: March 24, 1980.

John O'Rourke

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9900 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-85-M

Social Security Administration

1980 Contribution and Benefit Base Under Pre-1977 Amendment Law

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Determination of the "Old-Law" Social Security Contribution and Benefit Base.

SUMMARY: The Social Security Amendments of 1977 set the contribution and benefit base at $25,900 for 1980 and $29,700 for 1981. After 1981, the base will increase as average wage levels rise. The contribution and benefit base is the maximum annual amount of earnings that is subject to social security taxes and is creditable toward social security benefits. The 1977 amendments also provide for separate annual determinations of the contribution and benefit base that would have been in effect under old law (pre-1977 law). This "old-law" base is used only for certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA) and for computing special minimum social security benefits for workers with many years of low earnings. This notice specifies that the amount for 1980 under pre-1977 law is $20,400.

FOR FURTHER INFORMATION CONTACT: Harry Ballantyne, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland, 21235, telephone 301-594-2466.

SUPPLEMENTARY INFORMATION: The Social Security Amendments of 1977 (Pub. L. 95-216) changed the contribution and benefit base, which is the maximum annual amount of earnings on which social security taxes are paid and a person's social security benefits are figured. Section 230(c) of the Social Security Act specifies that the amount of this contribution and benefit base is $25,900 for 1980. We published this information in the **Federal Register** on November 1, 1979 (44 FR 62956).

"Old-Law" Contribution and Benefit Base

The "old-law" contribution and benefit base is the base that would have been effective in each year after 1977 under the Social Security Act before the enactment of the 1977 amendments. This "old-law" base is used:

(1) For certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA); and

(2) To compute special minimum social security benefits for certain workers with many years of low earnings.

The base is computed under section 230 of the Social Security Act as it read prior to the 1977 amendments.

Computation

Under section 230 of the Social Security Act as in effect before the 1977 amendments, we would determine the contribution and benefit base for 1980 by multiplying the "old-law" 1979 base by the ratio of average wages reported for 1978, $10,556.03, to average wages reported for 1977, $9,779.44, or 1.0794105. We previously explained in the **Federal Register** how we computed these averages (44 FR 62956, November 1, 1979). Multiplying the "old-law" 1979 contribution and benefit base of $18,900 by the above ratio results in the amount of $20,400.86, which must be rounded to the nearest multiple of $300. Therefore, we determine that "old-law" base for 1980 to be $20,400.

Railroad Retirement Uses

The railroad retirement program will use the $20,400 base to determine:

(1) Employer tax liability under section 3221(a) of the Internal Revenue Code of 1954;

(2) The portion of the employee representative tax liability under section 3211(a) of the Internal Revenue Code of 1954 which results from the application of the 9.5 percent rate specified in that section; and

(3) Average monthly compensation under section 3(j) of the Railroad Retirement Act of 1974, but not annuity amounts determined under sections 3(a), or 3(f)(3) of that act.

These uses are stated in section 230(c) of the Social Security Act.

Employee Retirement Income Security Act (ERISA) Use

Under section 230(d) of the Social Security Act, ERISA will use the 1980 "old-law" base of $20,400 to determine the maximum pension benefit guaranteed by the Pension Benefit Guaranty Corporation for pension benefit plans terminating in 1980.

Social Security Use

Special minimum social security benefits are payable to workers with many years of low earnings. If, in 1980, a worker's earnings amount to at least 25 percent of the "old-law" base of $20,400, we will credit the worker with a "year of coverage" for 1980. Years of coverage are used to compute the special minimum benefit payable under section 215(a) of the Social Security Act.

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security—Retirement Insurance; 57.001, Social Security Insurance for Railroad Workers)

Dated: March 27, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

[FR Doc. 80-9918 Filed 4-1-80; 8:45 am]

BILLING CODE 4110-07-M

Privacy Act of 1974; Report of New System of Records

AGENCY: Social Security Administration (SSA), DHEW.

ACTION: Notification of new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Quality Review of Hearing Process, HEW/SSA/OHA, 09-60-0213. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system will permit the analysis of the handling of social security cases at the hearing level in order to improve the quality of the hearing process. We invite public comments on these proposals.

DATES: We filed a report of new system with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on March 17, 1980. The system will become effective May 16, 1980. The proposed routine uses will become effective without further notice on May 5, 1980, or May 16, 1980, whichever is later, unless we receive comments which would result in a contrary determination.

ADDRESS: Address comments to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. We will make comments received available for public inspection in Room 4212, West High Rise Building, at the above address.

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FOR FURTHER INFORMATION CONTACT:
Mr. Jack Camilleri, Director, Division of Appraisal, Office of Hearings and Appeals, 3833 North Fairfax Drive, Arlington, Virginia 22203, telephone (703) 235–1808.

SUPPLEMENTARY INFORMATION: We are proposing to establish this system in order to measure the procedural and substantive quality of dispositions (i.e., decisions on and dismissals of requests for hearings) by Administrative Law Judges (ALJ's) of the SSA, Office of Hearings and Appeals (OHA). The system is not, however, designed or intended to measure the performance of individual ALJ's nor will we use it for that purpose. The purpose of quality review is to assess how the entire hearing system is working, not specific ALJ's. OHA will review a random sample of ALJ dispositions. In addition, OHA will review all ALJ decisions which the appropriate component of SSA determines it is unable to effectuate.

The Privacy Act allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes which are compatible with the purposes for which we collected the information. We published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on April 10, 1979, which sets out the criteria under which we will disclose information pursuant to "routine uses." Accordingly, we are establishing two routine uses of information in this system. These routine uses provide for disclosure in response to congressional inquiries made at the request of any individual included in the system of records and to the Department of Justice to defend an employee or component of DHEW who may be involved in litigation that is likely to directly affect the operations of DHEW, provided the disclosures are compatible with the purposes for which we collected the information.

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's ADP *System Manual*, "Part 6, ADP System Security." SSA employees may access data elements which will be included in this system only on a "need-to-know" basis. We will maintain magnetic tape and disk records in an enclosure attended by security guards. Anyone entering or leaving the area must have a special badge which we issue only to authorized personnel. The Privacy Act prescribes specific penalties for unauthorized disclosures and these provisions have been explained to all individuals working with the records.

Since we propose to establish this system in accordance with the requirements and principles of the Privacy Act, we anticipate no untoward effect on the privacy or other personal rights of individuals.

Dated: March 17, 1980.

William J. Driver,
Commissioner of Social Security.

09–60–0213

SYSTEM NAME:

Quality Review of Hearing Process HEW/SSA/OHA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Hearings and Appeals, 3833 North Fairfax Drive, Arlington, Virginia 22203.

Computer Data is stored on tape at: Office of Data Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system: Claimants/Applicants for Social Security and Black Lung benefits and Supplemental Security Income, Administrative Law Judges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social security number, name of claimant, claim type, hearing type administrative law judge code, case processing locations and dates, administrative law judge and Appeals Council actions, claimant demographic and diagnostic information, aspects of case handling, identifiers which determine to what sample the case belongs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 221(c) of the Social Security Act, Section 205 (a) and (b), 702, 1631(d)(1) and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disks, paper and card records.

RETRIEVABILITY:

By social security number or name of the claimant/applicant; by administrative law judge code.

Social security employees will use the quality review system to analyze the handling of cases at the hearing level and in the preparation of studies and reports in order to improve the hearing process.

SAFEGUARDS:

SSA will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's ADP *System Manual*, "Part 6, ADP System Security." SSA employees will be able to access data elements only on a "need-to-know" basis. We will maintain magnetic tape and disks records in an enclosure attended by security guards. Anyone entering or leaving the area will have to have a special badge which we issue only to personnel authorized to enter the area.

RETENTION AND DISPOSAL:

We will maintain automated records for a period of 10 years and then erase them. Retention periods for the paper and card records (including source documents) are:

(1) cases with no defects—6 months after we issue the quarterly report;

(2) cases with nonserious defects, and/or involving protests by SSA components—18 months after we issue the quarterly report; and

(3) cases with serious defects, and/or involving protests by SSA components—5 years after we issue the quarterly report.

We destroy paper records by shredding when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner for Hearings and Appeals, Office of Hearings and Appeals, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Director, Division of Appraisal, Office of Hearings and Appeals, SSA, 3833 North Fairfax Drive, Arlington, Virginia 22203.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative discretion. Contact should occur between the designated individual and the official at the address shown under notification procedures. Individuals who request notification of records other than medical records should also write to that address.

RECORD ACCESS PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably specify the record contents sought. If access is being sought to medical records, a responsible representative must be designated as indicated under notification procedures above. In requesting access, it would be helpful if the individual furnishes his/her social security number (SSN), which is the only unique identifier for each record. However, disclosure of the SSN is voluntary on the part of the individual and if he or she is unable or unwilling to supply the SSN, SSA will request the following information in lieu of the SSN: claimant's name and date of birth, name of the Administrative Law Judge who issued the disposition or the location of the Administrative Law Judge's hearing office, and the date and type of disposition rendered by the Administrative Law Judge.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information being contested.

RECORD SOURCE CATEGORIES:

The main source of data in the Quality Review System will be from information in the system of records titled Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Benefits, HEW/SSA/OCO, 09–60–0089. Another source of data will be from information furnished by claimants/applicants under the retirement, survivors insurance, disability insurance, the supplementary security income, and black lung programs, representatives of such individuals (where appropriate), social security offices, and other Federal, State, and local agencies. Data will also come from private sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-10124 Filed 4-1-80; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 12641]

Alabama; Ordering Providing for Limited Opening of Public Lands

Under Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, 16 U.S.C. 818 (1964), in Docket No. DA–15–Alabama, the Federal Power Commission determined on April 13, 1977, that the disposal of the following described lands would not be inconsistent with the objectives of the license for Project No. 2165, provided that project interests are protected, and that the power value of the land withdrawn in Project No. 2165 will not be injured or destroyed by its restoration to the William B. Bankhead National Forest under the appropriate public land laws, subject to the provisions of Section 24 of the Federal Power Act:

Huntsville Meridian, Alabama

T. 11 S., R. 6 W.
Sec. 5, SW¼SE¼;
Sec. 7, NW¼NW¼;
Sec. 11, NW¼NE¼;
Sec. 21, SE¼NE¼;
Sec. 22, NE¼NW¼, E½SW¼.;
Sec. 23, SE¼SE¼;
Sec. 24, N½SE¼;
Sec. 25, N½NW¼;
Sec. 27, SW¼NE¼, NE¼NW¼;
Sec. 32, SW¼NW¼.
T. 12 S., R. 6 W.
Sec. 2, NE¼SE¼.
T. 11 S., R. 7 W.
Sec. 12, W½SW¼;
Sec. 14, SE¼SE¼;
Sec. 22, NE¼SW¼;
Sec. 23, NW¼SE¼.
T. 12 S., R. 7 W.
Sec. 18, NE¼SE¼.
T. 12 S., R. 7 W.
Sec. 13, SE¼SE¼.

These lands aggregate 891.74 acres in Winston County, Albama, and were withdrawn from the public domain by Proclamation No. 2178 of June 19, 1936 (49 Stat. 3526), for Black Warrior National Forest, whose name was changed to William B. Bankhead National Forest by the Act of June 6, 1942 (56 Stat. 327); and

Huntsville Meridian, Alabama

T. 12 S., R. 6 W.
Sec. 7, SW¼NE¼;
Sec. 8, SW¼.
T. 11 S., R. 7 W.
Sec. 1, SW¼NE¼, S½SW¼;
Sec. 10, SW¼SW¼;
Sec. 14, NW¼NE¼;
Sec. 22, NW¼SE¼.
T. 12 S., R. 7 W.
Sec. 1, NW¼NW¼;
Sec. 2, NE¼NE¼, S½NW¼NW¼;
Sec. 13, NW¼NW¼, SE¼NW¼, NE¼SW¼.
T. 12 S., R. 6 W.
Sec. 13, SE¼NE¼SW¼, W½SW¼.

These lands aggregate 791.61 acres in Winston County, Alabama and were acquired lands under the Act of March 1, 1911 (36 Stat. 961), withdrawn by Proclamation No. 2178 of June 19, 1936 (49 Stat. 3526), for Black Warrior National Forest, whose name was changed to William B. Bankhead National Forest by the Act of June 6, 1942 (56 Stat. 327).

The total area described aggregates 1,683.35 acres. These lands are hereby restored to the William B. Bankhead National Forest.

At 10 a.m. on (30 days from date of publication), the above described lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, and subject to the provisions of Section 24 of the Federal Power Act, supra, and to the right of the licensee for Project No. 2165, its successors and assigns, to occupy and use the project lands for project purposes.

This opening is further limited by the following conditions: (1) non project use (i.e., any use not authorized by Federal Power Commission (FPC) or Federal Energy Regulatory Commission (FERC) License for Project No. 2165) of the lands below the 522 foot elevation contour line without the consent of the FERC or its delegate, is prohibited; and (2) any person who acquires title or any lesser interest in any portion of the land described herein shall, prior to the time of construction of any improvement, establish and permanently mark the location of the 522 foot contour line (project boundary) in the vicinity of the proposed improvement to assure that such improvement is not placed within the project boundary unless approved pursuant to (1) above.

Inquiries concerning the land or the restoration should be addressed to the Director, Eastern States Office, Bureau

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of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Pieter J. Van Zanden,
Director, Eastern States.

[FR Doc. 80-9880 Filed 4-1-80; 8:45 am]
BILLING CODE 4310-84-M

[INT DES 80-17]

Royal Gorge Grazing Management; Availability of Draft Environmental Impact Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental impact statement on grazing management in the Royal Gorge Resource Area. The proposal includes implementing 76 new grazing plans or allotment management plans (AMPs), and continuing present management on 1 AMP. Less intensive grazing management would be applied to 278 units and livestock grazing would be eliminated on 13 additional units.

The environmental impact statement analyzes the impacts that would result from management of livestock grazing and additional range improvement projects such as fences, livestock watering facilities, and vegetation treatment. The proposal is scheduled for implementation over a 5-year period.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Room 2063, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240;
Bureau of Land Management, Room 700, Colorado State Bank Building 1600 Broadway, Denver, Colorado 80202 (Phone: 303-837-4481);
Bureau of Land Management, Canon City District Office, 3080 E. Main, Canon City, Colorado 81212 (Phone: 303-275-7494);
Bureau of Land Management, Royal Gorge Resource Area, 9th and Royal Gorge Boulevard, Canon City, Colorado 81212 (Phone 303-275-7578)

Public Libraries

Conservation Library, Denver Public Library, 2357 Broadway, Denver, Colorado;
Canon City Library, 516 Macon Avenue, Canon City, Colorado;
Pueblo Regional Library, 100 E. Abriendo Avenue, Pueblo, Colorado;
Penrose Public Library, 20 N. Cascade, Colorado Springs, Colorado.

County Courthouses

Fremont County Courthouse, 6th and Macon, Canon City, Colorado;
Chaffee County Courthouse, Salida, Colorado;
Park County Courthouse, Fairplay, Colorado;
Teller County Courthouse, Cripple Creek, Colorado;
Huerfano County Courthouse, Walsenburg, Colorado;
Lake County Courthouse, Leadville, Colorado;
Custer County Courthouse, Westcliffe, Colorado.

Single copies of the draft statement can be obtained from the District Manager, Canon City District Office; or the State Director, Colorado State Office, at the addressess listed above.

Public hearings will be held on May 6, 1980, at 1:00 p.m. and 7:00 p.m. in the Auditorium of the Fremont County Courthouse, 6th and Macon Streets, Canon City, Colorado to receive public comments and concern on the adequacy of the draft environmental impact statement.

Written comments on the adequacy of the draft environmental impact statement should be submitted by May 27, 1980, to the District Manager, Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212.

Dated: March 28, 1980

Ed Hastey,
Associate Director.

[FR Doc. 80-10005 Filed 4-1-80; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Call for Expressions of Leasing Interest in Coal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice calling for expressions of leasing interest in Federal coal.

SUMMARY: This call for expressions of coal leasing interest is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in one part of the Casper District of Wyoming. The data received from this call, along with the data from the Bureau of Land Management (BLM), will be used to delineate preliminary tracts in the Highlight Review Area which will be considered for possible leasing. An additional call for expressions of coal leasing interest will be made in the Gillette Review Area after completion of the land use planning in July 1980.

DATES: Responses to this notice will be accepted until June 2, 1980.

ADDRESSES: Responses should be sent to:

State Director, Wyoming, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001, and;
M. L. Milligate, Area Geologist, Geological Survey, P.O. Box 2373, Casper, Wyoming 82602.

FOR FURTHER INFORMATION CONTACT:
J. Stan McKee or Ron Moore, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001, (307) 778-2220, Ext. 2413, FTS 328-2413.

SUPPLEMENTARY INFORMATION: Pursuant to the action of the Powder River Federal-State Regional Coal Team, this notice is to advise the public that the official call for expressions of leasing interest in the areas acceptable for further consideration for coal leasing on the Highlight Review Area of the Eastern Powder River Basin Management Framework Plan (MFP), Casper District, is now in effect. Maps and other detailed information on the areas within the Highlight Review Area found acceptable for further consideration for coal leasing may be obtained from the BLM Wyoming State Office at the address given above. Additional expressions of interest will be sought in July 1980 on the Gillette Review Area of the MFP once land use planning is competed and areas are identified as acceptable for further consideration for leasing.

This call for expressions of interest is the first step in activity planning in the Highlight Review Area under the Federal coal management program (43 CFR 3420.4-2). It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the land use planning process which includes application of the final unsuitability criteria. The results of this call will provide significant information that will be used to delineate preliminary tracts within the Highlight Review Area that might be offered for sale.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses.

Accordingly, a major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the tracts which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call as well as from its own site-specific analyses to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The sale and/or location of a proposed tract as indicated by an expression of interest may be modified or changed by the BLM/GS tract delineation team or the regional coal team if there is sufficient reason to do so. The proposed tracts delineated as a result of this call will be ranked and selected by the regional coal team in accordance with the provisions of 43 CFR 3420.4.

These expressions of leasing interest should include the following data (where applicable):

1. Quantity needs (total tonnage, average tons per year, and year during which production would (commence) for both coal producers and users.
2. Quality needs (types and grades of coal) for both producers and users.
3. Location.
   a. Tracts desired by mining companies (narrative description with a diagram on a surface minerals management map which is available for purchase from the BLM State Office).
   b. Public and private industry user facilities in the region.
   c. If no location is indicated, but other specific data are provided, the expression will still be considered. In such cases, the joint BLM/GS delineation team will locate the tract.
4. Type of mine.
   a. Surface or underground.
   b. Technique of mining (i.e., longwall, room and pillar, dragline, etc.).
5. Proposed uses of coal.
   a. By mining companies.
   b. By public and private industries.
6. Where coal would be consumed (include extra-regional markets, plant output, and location).
   a. Within the Powder River Coal Region.
      (1) Electric power plant.
      (2) Synfuels plant.
      (3) Other (specify).
   b. Outside the Powder River Coal Region.
      (1) Electric power plant.
      (2) Synfuels plant.
      (3) Other (specify).
7. Transportation needs (i.e., railroads, pipelines, etc.).
   a. Existing facilities.
   b. Contingency or other sources.
8. Information relating to mineral ownership.
   a. Information on surface owner consents previously granted (e.g., a description of the location of the property, whether consents are transferable, etc.).
   b. Commitments from fee coal owners or commitments for associated non-Federal coal.

Entities submitting expressions of interest under the small business or public body provisions described above should state that the submissions are for possible small business or public body set-asides and also supply proof of small business or public body status. An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

Dated: March 26, 1980.

Arnold E. Petty,
Acting Associate Director.

[FR Doc. 80-9886 Filed 4-1-80; 8:45 am]
BILLING CODE 4310-84-M

[N-24735]

Nevada; Realty Action—Noncompetitive Sale, Public Lands in Humboldt County, Nev.

March 24, 1980.

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian

T. 35 N., R. 43 E.,
Sec. 20, all;
Sec. 28, NW¼NE¼, NE¼NW¼, W½W½;
Sec. 32, E½NE¼.

The above-described land, comprising 960 acres, is being offered by direct sale to Sierra Pacific Power Company at fair market value.

The lands are isolated tracts intermingled with non-federal lands. They are needed to protect the integrity of the power generating facilities, well field, and other developments necessary for the operation of the North Valmy Power Plant. Sierra Pacific Power Company has acquired title to all non-Federal lands withing the power site complex and they are in a better position than the federal government to manage and develop the subject lands. Sierra Pacific Power Company is presently authorized use of the subject lands through a right-of-way grant. However, they prefer to have fee title to the lands on which they are making such a substantial financial investment.

The lands are not needed for any resource program. This sale is consistent with the Bureau's planning system.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The sale of these lands will be subject to all valid existing rights.

Detailed information concerning the sale is available for review at the Nevada State Office, 300 Booth Street, Reno, Nevada.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, BLM-320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,
Chief, Division of Technical Services.

[FR Doc. 80-10030 Filed 4-1-80; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 358-F]

Change of Policy, Railroad Contract Rates

Decided February 21, 1980.

This statement is issued as a clarification and amplification of our prior statements served November 9, 1978 and April 10, 1979 in Ex Parte No. 358-F. In those prior statements, we expressed our view that rates established in contracts between rail carriers and shippers are not unlawful *per se* under the Interstate Commerce Act and that in certain circumstances such rates should be encouraged.

In several subsequent cases in which carriers proposed rate changes, however, we declined to consider claims by shippers that the change was in excess of previously executed contracts with the shippers.[1] Instead, we determined the reasonableness of the changes under ordinary standards and stated that disputes concerning the existence and legal significance of alleged contracts should be resolved by the courts. We also expressed the view that the alleged contracts in those cases were not legally binding because they

[1] Docket No. 36970, *Annual Volume Rates on Coal-Wyoming to Flint Creek, Arkansas* and consolidated cases (decisions served May 3, 1979 and May 25, 1979); and Docket No. I & S 9198, *Unit Train Rates on Coal-Burlington Northern, Inc.*, and consolidated cases (decision served July 13, 1978).

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were entered into before we issued our policy statement in Ex Parte No. 358–F. We have determined that reconsideration of our treatment of alleged contracts in those cases, which are currently pending before the Commission on petitions for administrative review, is warranted.

In order to implement our views in Ex Parte No. 358–F, we have concluded that it is appropriate, in cases in which rate changes are proposed, for the Commission to consider claims by shippers that the rate change is in excess of a contract between the carrier and the shipper. We believe that it may also be appropriate in some cases in which we find the shippers' claims to have merit, to suspend the rate change and/or ultimately to find that the filing of the change is unreasonable and unlawful and to prescribe a rate that conforms to the contract.

Our conclusions are based on both legal and policy considerations. As a legal matter, in cases in which a carrier files a rate change that is approved by the Commission but that is in violation of the carrier's contract with a shipper, we believe that courts are without legal authority to provide shippers with a meaningful remedy for the breach of contract. Thus, it is well settled that courts may not award damages to shippers that would have the effect of reducing their transportation charges below the rate on file with the Commission. See, *e.g. Montana-Dakota Co.* v. *Northwestern Public Service Co.*, 341 U.S. 246, 251 (1951); *Georgia* v. *Pennsylvania R. Co.*, 324 U.S. 439, 453 (1945); *Lowden* v. *Simonds-Shields-Lonsdale Grain Co.*, 306 U.S. 516, 520 (1939); *Farley Terminal Co., Inc.* v. *Atchison, T. & S.F. Ry. Co.*, 522 F.2d 1095, 1098 (9th Cir. 1975). It is also well established that a court has no power to suspend or enjoin the effectiveness of a rate on file with the Commission. See, *e.g., Seaboard Allied Milling Corp.* v. *Southern Ry. Co.*, 99 S. Ct. 2388 (1979); *United States* v. *SCRAP*, 412 U.S. 669 (1973); *Arrow Transportation Co.* v. *Southern Ry.*, 372 U.S. 658 (1963). The principle of those cases would also preclude courts from ordering a carrier to file a superceding tariff with the Commission in accordance with its contract because such an order would have the same effect as suspending a rate on file with the Commission. In light of these authorities, the Commission has concluded that if it declines to give any consideration to contracts between shippers and carriers when assessing the reasonableness of a rate increase, shippers would be without an effective remedy and the result would significantly undermine the Commission's policy in Ex Parte No. 358–F.

The foregoing legal considerations are reinforced by considerations of sound regulatory and transportation policy. Consideration of the weight to be given to contracts by the Commission rather than by many different federal and state courts will ensure national uniformity in the standards to be applied to rate matters, which is a fundamental purpose of the Interstate Commerce Act. See *United States* v. *Radio Corporation of America*, 358 U.S. 334, 346–348 (1959); *Texas and Pacific R. Co.* v. *Abilene Cotton Oil Co.*, 204 U.S. 426, 440 (1907). Such consideration by the Commission facilitates implementation of federal transportation and regulatory policies in a consistent manner.

Accordingly, the Commission will now consider rate contract allegations when raised in Commission proceedings. In regard to contracts entered into *after* issuance of the Commission's November 9, 1978 policy statement in Ex Parte No. 358–F, we will view the existence of such a contract as creating a presumption that a proposed rate change in excess of the contract rate is unreasonable in violation of the Interstate Commerce Act. However, there may be unusual and compelling circumstances which would rebut this presumption and warrant our upholding a rate change in excess of a contract rate. For example, the Commission might determine that a contract rate should not be enforced if it failed to contribute to the ongoing concern value of the carrier as required by 49 U.S.C. 10701(b) or is likely to imperil the carrier's ability to provide essential rail service to the public. *Cf. FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348, 355 (1956).

The Commission intends shortly to institute a rulemaking that will propose several specific substantive and procedural requirements for contract rates and will propose to define more precisely the types of circumstances that might warrant Commission approval of a rate change that departs from the one agreed to in a valid contract. In the meantime, pending more specific rules, carriers and shippers should assume that the Commission will give recognition to contractual agreements concerning rates, in the absence of compelling circumstances indicating that enforcement of the agreed rate would be detrimental to the public interest.

The Commission has further concluded that the fact that particular agreements were negotiated prior to the issuance of its 1978 Ex Parte No. 358–F policy statement, is not an appropriate reason for giving them no consideration. It is true that the lawfulness of such contracts was somewhat uncertain when the parties entered into them, although in our 1978 policy statement we concluded that they had never been unlawful *per se*. In any event, as we noted in the subsequently decided cases (see note 1, *supra*), permitting a carrier to file rate increases in excess of its contract with a shipper may often result in substantial hardship and unfairness to the shipper, particularly if the shipper made substantial capital expenditures in reasonable reliance on the agreed upon rates. Accordingly, the Commission will consider whether, or to what extent, to enforce such pre-Ex Parte 358–F contracts on a case-by-case basis in determining whether a proposed rate increase is unreasonable under the Act. Such alleged contracts will be considered and will be given great weight if the shipper demonstrates (1) that the parties intended to be legally bound by the agreement; (2) that the shipper reasonably relied on the contract to its substantial detriment (*e.g.* by making large capital investments that it would not otherwise have made); and (3) that public interest considerations warrant holding the carrier to the agreement. In sum, with respect to agreements entered into before our 1978 policy statement, the Commission will weigh the alleged agreement, together with all other factors bearing on the reasonableness of the proposed rate. Consideration of these factors may lead us to prescribe or approve a rate within a range from the contract rate to the maximum reasonable rate that would apply in the absence of a contract.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Commissioner Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9675 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

March 28, 1980.

These applications for long-and-short-haul relief have been filled with the I.C.C.

Protests are due at the I.C.C. on or before April 17, 1980.

No. 43809, Southwestern Freight Bureau, Agent No. B–56, on wheat flour cereal food preparations from, to and between points in Colorado-Utah-Wyoming Committee.

Illinois Rate Committee, Southwestern Freight Bureau and Western Truck Line Committee Territories, to be published in ICC SWFB 4023 issued by Southwestern Freight Bureau, and other tariffs issued by the above named Bureaus, and individual tariffs. Grounds for relief—origin and destination rate relationships.

No. 43810, Far Eastern Shipping Company, No. 17, general commodities in marine type trailers or containers between rail carrier terminals on the U.S. Atlantic coast and foreign ports of call in Japan, Hong Kong, Australia, the Philippines, Singapore, Thailand and West Malaysia by way of ports on the west coast of the U.S. in its tariff ICC FACU 660, effective April 25, 1980. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9676 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 18]

March 21, 1980.

MC 1824 (Sub-117TA), filed February 1, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., Suite 700, 918 16th St., N.W., Washington, DC 20006. *Common;* regular: *General commodities, except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment* Between the junction of US Hwy 24 and US Hwy 23, on the one hand, and, on the other, Wooster, OH, from junction US Hwys 24 and 23 over US Hwy 23 to junction OH Hwy 25, then over OH Hwy 25 to junction I–75, then over I–75 to junction OH Hwy 15, then over OH Hwy 15 to junction US Hwy 23, then over US Hwy 23 to junction US Hwy 30, then over US Hwy 30 to Wooster, OH, and return over the same route, serving all intermediate points, and as off-route points, those points located in Wood, Hancock, Seneca, Wyandot, Crawford, Richland and Ashland Counties, OH, for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline and to tack this authority with authority it presently holds in MC–1824 and subs thereunder. Supporting shipper(s): There are 27 supporting shippers. Their statements may be examined at the office listed below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 2934 (Sub-62TA), filed January 16, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *New furniture,* from Borden and Jasper, IN and Fordsville, KY to AL, DC, FL, GA, IL, IN, KY, KS, LA, MI, MO, NC, NY (except Bronx, New York City, Queens, Kings, Richmond, Nassau and Suffolk Counties), OH, OK, PA (except Lancaster, Berks, Chester, Philadelphia, Montgomery, Bucks, LeHigh, Monroe and Pike Counties), RI, SC, TN, TX, VA, VT, WI and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kimball International, P.O. Box 460, Jasper, IN 47546. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 2934 (Sub-63TA), filed January 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Picnic tables,* from Birmingham, AL to Paris, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unarco-Rohn, Box 6537, Birmingham, AL 35217. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 2934 (Sub-65TA), filed November 30, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Store fixtures, cabinets, display racks, and parts thereof* from the plantsite and facilities of Hercules Plastics, at or near Flushing, NY, and the plantsite and facilities of Columbia Woodworking at or near Brooklyn, NY to points and places in the United States east of ND, SD, WY, CO, and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hercules Plastics, 128–56 Northern Boulevard, Flushing, NY 11368. Send protests to: ICC, 1252 Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 2934 (Sub-66TA), filed November 30, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Floral foam and related floral accessories* from Kent, OH to points and places in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Smithers Oasis, 919 Marvin, Kent, OH 44240. Send protests to: ICC, 1252 Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 2934 (Sub-67TA), filed November 30, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *New furniture and accessories* from the plantsite and facilities of Duralite Company, at or near Passaic, NJ to points and places in the States of AL, AR, IA, KS, KY, LA, MI, MN, MO, OH, OK, PA, IN, TX and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Duralite Company, Barboun Avenue, Passaic, NJ. Send protests to: ICC, 1252 Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 2934 (Sub-68TA), filed November 30, 1979. Applicant: AERO

MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *New furniture* from the facilities of Thomasville Furniture in the State of VA, to points and places in the States of CT, DC, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thomasville Furniture, P.O. Box 339, Thomasville, NC 27360. Send protests to: ICC, 1252 Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 4484 (Sub-17TA), filed December 12, 1979. Applicant: CROWN TRANSPORT, INC., R.D. 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Commodities, the transportation of which, because of size or weight, requires special handling or the use of special equipment, self-propelled articles, each weighing 15,000 pounds or more (when transported on trailers) and related construction equipment, and materials and supplies when used in the transportation thereof is incidental to the transportation of commodities which, because of size or weight, require the use of special equipment and the self-propelled articles each weighing 15,000 pounds or more,* (1) between North East Barkeyville and Smithton, PA, on the one hand and on the other, IL, MI, IN, and KY; (2) between CT, RI, MA, NJ, NY, DE, MD and points in PA and east of US Hwy. 15 on the one hand and North East, Barkeyville, Smithton, PA on the other; service at North East, Barkeyville and Smithton is restricted to joinder only with authority otherwise held by applicant, for 180 days. Applicant intends to tack this authority with authority it presently holds in MC 4484. Supporting shipper(s): Applicant's statement of facts. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 30844 (Sub-678TA), filed December 28, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000. Waterloo, IA 50704. *Such merchandise as is dealt in by wholesale and retail gift stores* (1) from Addison, TX, to Oklahoma City and Tulsa, OK; Kansas City, MO, and its commercial zone; St. Louis, MO; Louisville, KY; Memphis, TN; Little Rock, AR; Atlanta, GA; and DC; and (2) from New York, NY, and its commercial zone; Boston, MA; Baltimore, MD; and Blanchard, OH, to Addison, TX, for 180 days, restricted to shipments originating at or destined to the facilities of Tuesday Morning, Inc. at the named origins and destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tuesday Morning, Inc., 14621 Inwood Rd., Addison, TX 75240. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 30844 (Sub-679TA), filed November 30, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Air cleaners and filters used in internal combustion engines, mufflers, tail pipes, and parts and accessories therefore* from Quincy, IL, to points in the U.S. (except AK and HI), for 180 days, restricted to shipments originating at the facilities of Donaldson Co., Inc. at the named origin point. An underlying ETA seeks 90 days authority. Supporting shipper(s): Donaldson Co., Inc., 1400 W. 94th St., Minneapolis, MN 55431. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 52704 (Sub-288TA), filed September 7, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: John P. Tucker, Jr., & Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *(1) Glass containers and container closures,* from the facilities of Chattanooga Glass Company located at or near Corsicana, TX, to points in AL, AR, FL, GA, KY, LA, MO, MS, NC, OK, SC, TN, VA, and WV; and *(2) materials, equipment and supplies used in the manufacture of glass containers and container closures* (except commodities in bulk), from points in the states named in (1) above to the facilities of Chattanooga Glass Company located at or near Corsicana, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chattanooga Glass Company, 400 West 45th Street, Chattanooga, TN 37410. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 69834 (Sub-19TA), filed January 11, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *General Commodities* restricted to the transportation of traffic contained in top of flat car trailers having an immediate, prior or subsequent movement by rail in interstate traffic for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Binney & Smith, Inc., P.O. Box 546, Winfield, KS 67156. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 95084 (Sub-261TA), filed December 21, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Agricultural machinery and equipment, industrial mchinery and equipment, and parts, attachments, and accessories for agricultural machinery and equipment and industrial machinery and equipment* from Allenton, WI, to points in MS, TN, VT, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kasten Mfg. Corp., P.O. Box 328, Allenton, WI 53002. Sent protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 97394 (Sub-26TA), filed January 22, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY. 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Fabric, tire cord, in boxes, bales or rolls, from the plantsite of The Firestone Textiles Co., Div. of Firestone Tire & Rubber Co., at Bowling Green, KY to the Dayton Tire & Rubber Co., at Dayton OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John S. Murawski, T/M, Firestone Textiles Co., P.O. Box 1278, Gastonia, NC 28052. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 97394 (Sub-27TA), filed January 8, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY. 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. General Commodities, with usual exceptions, between Nashville, TN, and Henderson, KY, and points in their commercial zones, serving no intermediate points; from Nashville, TN, over US Hwy. 41 to Henderson, KY, and return over same route, between Henderson, KY and Owensboro, KY, and points in their commercial zones, serving all intermediate points, from Henderson, KY, over US Hwy 60 to Owensboro, KY and return over the same route. Restricted against traffic moving between Nashville, TN and Owensboro, KY, for 180 days. Applicant requests authority to interline at Nashville, Louisville, Henderson and Owensboro and to tack this authority with authority it presently holds in No. MC–97394 and subs. Supporting shipper(s): Approximately 18 supporting shippers. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 97394 (Sub-28TA), filed January 8, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY. 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Common Carrier—over regular routes, transporting General Commodities, with the usual exceptions, between Bowling Green, KY and Franklin, KY, and points in their respective commercial zones, serving all intermediate points from Bowling Green over US Hwy. 31W to Franklin, KY, and return over the same route. Restricted against the handling of traffic originating at, destined to, or interchanged at Nashville, TN, and points in its commercial zone, for 180 days. Applicant requests authority to interline at Bowling Green, Owensboro, Louisville and Cincinnati and to tack this authority it presently holds in No. MC–97394 and subs. Supporting shipper(s): 11 supporting shippers. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 98614 (Sub-16TA), filed January 31, 1980. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Alcohol, in bulk, in tank vehicles* from Atchison, KS and its commercial zone to Little Rock, AR and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Ozark, Inc., P.O. Box 1503, Fayetteville, AR 72701. Sent protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 104104 (Sub-21TA), filed November 27, 1979. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, NJ 07882. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park NJ 08904. *Insulating materials in bags and bales.* From Spring Hope, NC to CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spring Hope Rockwool, Inc., P.O. Box 880, Spring Hope, NC 27882. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 104104 (Sub-22TA), filed January 17, 1980. Applicant: GEORGE A. FETZER, INC., RD1 Newton-Sussex Road, Augusta, NJ 07882. Representative: Robert B. Pepper, 160 Woodbridge Avenue, Highland Park NJ 08904. *Glass containers, closures, materials used in the manufacture of glass.* From Elmira, NY to Trenton, NJ, for 180 days. Supporting shipper(s): Thatcher Glass Manufacturing Co., Division of Dart Industries, P.O. Box 265, Elmira, NY 14902. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 106074 (Sub-144TA), filed January 4, 1980. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* between points in NC, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, NE and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fast Food Merchandisers, Inc., P.O. Box 1241, Rocky Mount, NC 27801. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 106074 (Sub-146TA), filed January 7, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *(1) Chemicals, esters, fatty alcohol, coconut oil, softeners textiles, cleaning and washing compounds (liquid), lubricating oils, wax and fireproofing compounds (except in bulk) and (2) materials and supplies used in the manufacture and sale of the commodities in (1) (except in bulk)* between Mauldin, SC; Lock Haven, PA; Linden, NJ; and Santa Fe Springs, CA and points in their commercial zones on the one hand, and, on the other, points in the U.S., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Emery Industries, Inc., P.O. Box 628, Mauldin, SC 29662. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 106074 (Sub-147TA), filed December 27, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Highway 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30342. *Synthetic staple fiber* from the facilities of American Cyanamid Company at or near Pace, FL to Kinston, Rockingham, Mount Holly, Whiteville, Hildebran, Charlotte, Shelby, Eden, Ranlo, Gastonia, Kings Mountain, Landis, Maiden, and Mayondan, NC; Cheraw and Sumter, SC and Fries, Va, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Wayne, NJ 07470. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 106674 (Sub-468TA), filed December 20, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (address same as applicant). *Lumber and untreated cross ties* from Williamson and Cheatham Co., TN to Winslow, IN for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Reid & Oakley Co., 614 Fatherland St., Nashville, TN 37206. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 106674 (Sub-469TA), filed January 25, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. *Chemicals in containers* from (1) Springfield, OH to Leesburg, AL; Coldwater and Detroit, MI; and (2) Omaha, NE to Syracuse, NY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Sobin Chemicals, Inc., 1900 Prudential Tower, Boston, MA 02199. Send protests to: Transportation Assistant, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 107934 (Sub-38TA), filed January 25, 1980. Applicant: BYRD MOTOR LINE, INC., Hargrave Rd., Lexington, NC 27292. Representative: Melvin L. Byrd (same as above). *(1) Machines and machinery and (2) products used in the manufacturing, packings, and distributing of machines and machinery* (1) from the facilities of Proctor-Swartz, Inc., Lexington, NC to AL, SC, GA, NC, TN, VA, MO, KY, FL, LA, MS, AR, OH, MI, IN, IL, WI, MD, IA, WV, KS and (2) from these states to facilities of Proctor-Swartz, Inc., Lexington, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Proctor-Schwartz, Inc., P.O. Box 458, Lexington, NC. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 111594 (Sub-95TA), filed December 28, 1979. Applicant: CW TRANSPORT, 610 High St., Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.)* (1) between Belpre, OH and Saint Marys, WV from Belpre, OH, over U.S. Hwy. 50

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to Junction WV Hwy. 2, *then over* WV Hwy 2 to Saint Marys, WV, and return over the same route and (2) between Marietta, OH and Parkersburg, WV from Marietta, OH over OH Hwy. 550 to Junction Interstate Hwy. 77, then over Interstate Hwy. 77 to Junction WV Hwy. 14, then over WV Hwy. 14 to Parkersburg, WV, and return over the same route. Serving in connection with the above routes, all points in Pleasants and Wood Counties, WV, as intermediate and off-route points for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to interline at Chicago, IL; Indianapolis, IN; Louisville, KY; St. Paul, MN; St. Louis, MO; and Cincinnati, Cleveland, Columbus and Marietta, OH and to tack this authority with authority it presently holds in No. MC–111594 and subs. Supporting shipper(s): (Twenty four supporting shippers.) Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 13024 (Sub-166TA), filed January 31, 1980. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract; irregular: Toilet preparations* from St. Rafael & Redding, CA, on the one hand, and to Dover, DE on the other for the account of International Playtex, Inc. for 180 days. Supporting shipper(s): International Playtex, Inc., P.O. Box 631, Dover, DE 19901. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 113024 (Sub-167TA), filed January 31, 1980. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract; irregular: Clothing & dry goods, drugs, medicines, toilet preparations and articles, diaper liners, and materials and supplies (except liquid commodities in tank vehicles) used in the manufacture and distribution thereof* from Dover, DE to points in FL for account of International Playtex, Inc., for 180 days. Supporting shipper(s): International Playtex, Inc., P.O. Box 631, Dover, DE 19901. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 114045 (Sub-559TA), filed January 15, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuary, P.O. Box 61228, Dallas, TX 75261. *Chemicals in Drums, Proprietary anti-freez preparations in drums or packages* from the plantsite of Jefferson Chemical Co., Inc. at Austin, TX, Youens, TX, Port Neches, TX and from facilities utilized by Jefferson Chemical Co. in the Commercial Zone of Houston, TX to all points in the U.S. except AK and HI for 180 days. Supporting shipper(s): Jefferson Chemical Co., Inc., P.O. Box 430, Bellaire, TX 77041. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 114334 (Sub-71TA), filed January 29, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 920 Memphis Bank Building, Memphis, TN 38103. *Steel pipe,* from the plant site or facilities of Republic Steel at or near Counce, TN to points in TX and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corporation, 224 East 131st Street, Cleveland, OH 44108. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 114334 (Sub-72TA), filed February 1, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Precast and prestressed concrete products,* from Memphis, TN to points in MO and Urbana, IL, for 180 days. Common, irregular. An underlying ETA grants 90 days authority. Supporting shipper(s): FeatherLite Pre-Cast Corp., P.O. Box 13202, Memphis, TN 38113. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 114334 (Sub-73TA), filed January 22, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Wallboard, gypsum wallboard and accessories used in the installation thereto,* from West Memphis, AR to points in AL, IL, IN, KY, MS, MO and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Temple Industries, Inc., 540 E. Barton, West Memphis, AR 72301. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 114604 (Sub-110TA), filed January 24, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, 3384 Peachtree Road, NE., Suite 713, Atlanta, GA 30326. *Canned and bottled foodstuffs, and pepper pulp in drums,* from the facilities of Bruce Foods Corporation at or near Cade and Lozes, LA to points in AL, FL, GA, NC, SC, TN and MS for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, LA 70560. Send protest to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Suite 300, Atlanta, GA 30309.

MC 114604 (Sub-111TA), filed January 22, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Malt beverages and related advertising material, except in bulk,* from Philadelphia, PA to the facilities of Thomas Beverage Co. in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton, Haralson and Rockdale Counties, GA. Restricted to the transportation of traffic destined to the facilities of Thomas Beverage Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thomas Beverage Company, 2235 DeFoor Hills Rd., N.W., Atlanta, GA 30318. Send protest to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 116254 (Sub-309TA), filed September 8, 1979. Applicant: CHEM HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Mr. M. D. Miller (same address as applicant). *Chemicals,* in bulk, in tank vehicles, from the facilities of Witco Chemical Corporation (Argus Division) to AL, AR, DE, FL, GA, IL, IN, KY, MA, MI, MS, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, for 180 days. Supporting shipper(s): Argus Chemical Corp, a wholly owned subsidiary. of Witco Chem. Corp., P.O. Box 308, Gretna, LA 70054. Send protest to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 116544 (Sub-203TA), filed January 8, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *The transportation of meats, meat products, meat by-products and articles distributed by meat packing houses,* as defined in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) moving in mechanically refrigerated equipment; from and to the following points or areas: between the facilities of Lauridsen Foods, Inc. at or near Britt, IA and/or facilities of Armour & Co. at Mason City, IA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IL, IN KY, LA, MA, MN, MS, MO, NE, NC, NV, NJ, NM, NY, OK, OR, PA, RI, SC, TX, WA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Armour & Company and/or Lauridsen Foods, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amour & Co., Greyhound Tower, Phoenix, AZ 85077. Send protest to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 117574 (Sub-347TA), filed December 14, 1979. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr., (same address as applicant). (1) *Commodities, the transportation of which because of size or weight, require the use of special equipment, and related materials, supplies, and parts of such commodities when their transportation is incidental, thereto;* (2) *self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith; and* (3) *iron, steel and aluminum articles,* between points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 36 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protest to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 119654 (Sub-86TA), filed December 26, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 W. 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Boxes, pulpboard and fiberboard, corrugated,* from the facilities of Alton Box Board Company at Highland, IL to Louisville, KY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Alton Box Board Co., 401 Alton St., Alton, IL 62002. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119654 (Sub-87TA), filed January 25, 1980. Applicant: HI-WAY DISPATCH, INC., 1401 W. 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Malt beverages* (s) from Detroit, MI to South Bend, IN, and (b) from Columbus, OH to South Bend, IN, and (2) *Empty malt beverage containers* (s) from South Bend, IN to Detroit, MI, and (b) from South Bend, IN to Columbus, OH for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): United Beverage Company, 840 Prairie Avenue, South Bend, IN 46621. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 121664 (Sub-96TA), filed January 29, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue, South, Birmingham, AL 35233. *Plywood and wood products,* from facilities at Galveston Wharves in Galveston, TX, to points in and east of ND, SD, NE, CO, and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Board of Trustees of the Galveston Wharves, P.O. Box 328, Galveston, TX 77553. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 123844 (Sub-10TA), filed January 31, 1980. Applicant: P. SALDUTTI & SON, 513 Raymond Boulevard, P.O. Box 389, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Polyester resins, in bulk, and tank vehicles, from Newark, NJ to Bow, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ashland Chemical Co., P.O. Box 1063, Columbus, OH 43216. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 124154 (Sub-103TA), filed October 3, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Agricultural chemicals and materials and supplies used in the manufacture of agricultural chemicals, except commodities in bulk* between Valdosta, GA, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NB, ND, OH, OK, SD, and WI, restricted to traffic originating at or destined to the facilities of Griffin Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical Company, Box 1632, Midland, MI 48640. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124174 (Sub-169TA), filed December 26, 1979. Applicant: MOMSEN TRUCKING CO., 13611 L Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Sinks or tubs in cartons or crates* from Nashua, NH to Union City, IN; Morristown, TN; Elizabeth City, NC; Dade and Broward Counties, FL; and McDermott, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marblcraft Products, Inc., Richard L. Labliberte, President, P.O. Box 1063, Nashua, NH 03061. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124174 (Sub-170TA), filed January 14, 1980. Applicant: MOMSEN TRUCKING CO., 13611 L Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Iron and steel articles* from Lake, Cook and Will counties, IL and Lake and Porter counties, IN to the facilities of Deere & Company located in Dubuque County, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Dubuque Works, R. F. Krayer, Traffic Manager, P.O. Box 538, Dubuque, IA 52001. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124774 (Sub-128TA), filed December 13, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Iron and steel articles* from Mahwah, NJ to the facilities of Sperry-Vickers Division of Sperry Corporation at Joplin, MO and Searcy, AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sperry-Vickers, Division of Sperry Corporation, Leonard Frederick, Transporation Manager, 6600 North 72nd Street, Omaha, NE 68122. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 12774 (Sub-129TA), filed December 20, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such merchandise as is dealt in by wholesale and retail department and discount stores* (except commodities in bulk in tank vehicles) from points in IL, MN, MO, NY, OH, PA and TN to the facilities of Rubin Distributing Company, Inc. at Omaha NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubin Distributing Company, Inc., Elliot Rubin, President, 1101 Harney Street, Omaha, NE 68102. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 125844 (Sub-24TA), filed January 30, 1980. Applicant: BIO–MED–HU, INC., 1901 Outer Loop, Louisville, KY 40219. Representative: John M. Nader, Attorney, 1600 Citizens Plaza, Louisville, KY 40202. *Material, equipment, and supplies used with placentae, derivatives of placentae, placentae*

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compounds, blood, derivatives of blood, cells, tissues, organs, cellular secretions, tissue and cellular culture and media, interferon, enzymes, antiserum, immunosuppressants, immunovaccine, antigens, and antibodies, between points in UT, TX, OK, NM, NE, AZ, CO, IL, IN, IA, KS, CT, DE, MA, MD, MO, NJ, NY, OH, PA, RI, WI, MI, WV, and DC, on the one hand, and, on the other, points in KY, VA, AR, CA, TN, NC, SC, GA, AL, MS, MN, LA, FL, NV, OR, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 6 supporting shippers hereto. Send protests to Ms. Clara L. Eyl, T/A, ICC 426 Post Office Bldg., Louisville, KY 40202.

MC 126514 (Sub-67TA), filed January 31, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Pharmaceuticals, toilet preparations, materials, equipment and supplies used in the manufacture and distribution thereof* (except commodities in bulk), *between the facilities of American Home Products located at or near Atlanta, GA, Andover, MA, Baltimore, MD, Buena Park, CA, Chicago, IL, Cleveland, OH, Dallas, TX, Kansas City, MO, Kent, WA, Lenexa, KS, Los Angeles, CA, Memphis, TN, Rouses Point, NY, Seattle, WA, Secaucus, NJ, S. Plainfield, NJ, St. Paul, MN, Strongsville, OH and Whiteland Township, PA, for 180 days. Supporting shipper: Ayerst Laboratories Division American Home Products Corp., 685 Third Ave., New York, NY 10017. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025*

MC 126514 (Sub-68TA), filed January 31, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Foodstuffs,* from the facilities of Ragu Foods, Inc., at Merced, CA to points in the states of NM, AZ and El Paso, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ragu Foods, Inc., 33 Benedict Pl., Greenwich, CT 06830. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 126644 (Sub-86TA), filed January 17, 1980. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. *Malt beverages,* (except in bulk) and related advertising material. From the facilities of Van Munching Company at or near the New York City commercial zone to points in IA, IL, IN, KS, KY, MN, MO, NE, OH, MI, and WI for 180 days. Supporting shipper(s): Van Munching Company, 51 W. 51 Street, New York, NY 10019. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 126844 (Sub-92TA), filed January 22, 1980. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Food and food products (except commodities in bulk) Between points in Cumberland County, NJ on the one hand and on the other, points in DE, FL, IL, IN, KS, MD, NY, PA, for 180 days. Supporting shipper(s): Safeway Freezers, Inc., North Mill Road, Vineland, NJ. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 126844 (Sub-93TA), filed January 17, 1980. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Cleaning compounds, bleach, mops and brooms, mop parts. From Chicago, IL to Syracuse, NY; East Stroudsburg, PA; Saylesville, RI; St. Paul, MN; St. Louis, MO; Philadelphia, PA; Kansas City, MO; Elizabeth, NJ; Dallas, TX; Atlanta, GA; Denver, CO; Hanover, PA; Jacksonville, FL; Memphis, TN; Peoria, IL; Pittsburgh, PA; Urbana, OH and Detroit, MI, for 180 days. Supporting shipper(s): The Drackett Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: District Supervisor Latarewicz, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 128404 (Sub-15TA), filed January 21, 1980. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., P.O. Box 3037, Knoxville, TN 37917. Representative: Wayne R. Whaley, Jr., (same address as applicant). *Iron and Steel and Iron and Steel Articles,* from the plantsite of Glazer Steel Company in Knoxville, TN; Baton Rouge & New Orleans, LA to points in AL, AR, GA, IL, IN, KY, LA, MD, MS, MO, NY, NC, PA, VA, WV, for 180 days. Supporting shipper(s): Glazer Steel Corporation, 2501 Ailor Ave., Knoxville, TN 37916. Send protests to: Glenda Kuss, TA, ICC, A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 129415 (Sub-6TA), filed October 25, 1979. Applicant: ROBERT N. DRAKE, d.b.a. AEROLITE TRUCKING COMPANY, 6440 N. Broadway, Wichita, KS 67219. Representative: Glaves, Weil & Evans, 900 Olive Garvey Bldg., 200 West Douglas, Wichita, KS 67202. *Animal and poultry feeds and feed ingredients and sanitation and health products used in raising animals and poultry,* in mixed loads, between Kansas City, MO, Wichita, and McPherson, KS, and points in OK & TX; for 180 days, common, irregular; Supporting shipper: Ralston Purina Co., 414 E. 18th, Wichita, KS; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 133604 (Sub-9TA), filed December 4, 1979. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* from Tucker, GA, to Austin, MN, for 180 days. An underlying ETA seeds 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg, Des Moines, IA 50309.

MC 133655 (Sub-211TA), filed January 10, 1980. Applicant: TRANS–NATIONAL TRUCK, INC., 4601 Langland Road, P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay WI 54306. *Sodium bicarbonate, in packages, and phosphates, in packages, when moving in mixed loads with sodium bicarbonate, in packages* from the facilities of Stauffer Chemical Company at Chicago Heights, IL to points in CT, DE, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 133655 (Sub-212TA), filed January 21, 1980. Applicant: TRANS–NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in, or used by, department, retail, discount, and variety stores* (1) from points in NJ and NC to Amarillo and Lubbock, TX; and (2) from points in NJ, NC, and Lubbock, TX to Amarillo, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ponder Traffic Service, 617 Avenue G, Lubbock, TX 79402. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 134064 (Sub-34TA), filed August 30, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 126 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Foodstuffs,* (except in bulk), form the facilities of J. H. Filbert, Inc., at or near Baltimore, MD and Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, to points in PA, OH, WV, GA, IN, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 134134 (Sub-62TA), filed January 17, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Alcoholic beverages including wine* from the facilities of Consolidated distilled Products, Inc., at Chicago, IL to the facilities of the Iowa Liquor Control Commission at or near Camp Dodge (Grimes), IA and Des Moines, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Distilled Products, Inc., Kenneth Klinsky, Controlled States Manager, 3247 South Kedzie, Chicago, IL 60623. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134134 (Sub-63TA), filed December 7, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., P.O. Box 7439, Omaha, NE 68107. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 South 14th St.; Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Canned goods* from the facilities of Federal Warehouse Company at or near East Peoria, IL to points in IA, KS, MN, MO and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Warehouse Company, J. W. Peacock, Traffic Manager, 200 National Road, East Peoria, IL 61611. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134134 (Sub-64TA), filed December 20, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Candy, confectionery and confectionery products* from the facilities of Just Born, Inc. at or near Bethlehem, PA to points in CO, NE, MN, IA, MO, WI, IL, MI, IN, OH and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Just Born, Inc., Earl Schappell, General Traffic Manager, 1300 Stefko Blvd., Bethlehem, PA 18017. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134134 (Sub-65TA), filed January 2, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Alcoholic beverages, including wine* from the facilities of Heublein, Inc. at or near Paducah, KY to Denver, CO; St. Joseph, MO; Camp Dodge at or near Grimes, IA; and Chicago, IL and points in their commerical zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heublein, Inc., David F. Tucker, Transportation Manager-Spirits, 330 New Park Avenue, Hartford, CT 06101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 135944 (Sub-4TA), filed October 29, 1979. Applicant: RODGERS EXPRESS, INC., 1310 South West Street, Indianapolis, IN 46225. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Fruit flavored beverages and dry beverage preparation, and materials and supplies used in the manufacture and distribution of fruit flavored beverages and dry beverage preparation* between the facilities of Penny Product, Inc. at Trafalger, IN, on the one hand, and on the other, Champaign, Eldorado, Urbana, East Peoria and Peoria, IL for 180 days. Supporting shipper: Penny Products, Inc., Red Gold Dr., Trafalger, IN 46181. Send protests to: Beverly J. Williams, Transportation Assistant, 429 Federal Bldg., 46 E. Ohio St., IN 46204.

MC 136144 (Sub-3TA), filed October 29, 1979. Applicant: ACME TRANSFER AND STORAGE CO., INC., 2500 Kennedy Street, NE, Minneapolis, MN 55413. Representative: Ronald N. Colbert, Esquire, 1730 M Street, NW, Suite 501, Washington, DC 20036. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between the facilities utilized by Minnesota Inter-Modal Shippers Association, Inc. at or near Minneapolis, MN, on the one hand, and, on the other, points in commercial zones of Denver, CO, Atlanta, GA, Chicago, IL, Detroit, MI, New York, NY, Philadelphia, PA, Providence, RI, Dallas and Houston, TX, and Durand, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Minnesota Inter-Modal Shippers Assn., Inc., 2500 Kennedy St., NE, Minneapolis, MN 55413. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 136234 (Sub-4TA), filed Jan. 21, 1980. Applicant: BURKHART ENTERPRISES, INC., P.O. Box 6007, Asbury Rd., Knoxville, TN 37914. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. *Ores and ore concentrates* from the facilities of New Jersey Zinc Division of Gulf + Western Industries, Inc., at or near Austinville (Wythe County), VA to Knoxville, TN, for 180 days. Restriction: Restricted to transportation having a subsequent movement by water. An underlying ETA seeks 90 days authority. Supporting shipper(s): New Jersey Zinc Division, Gulf + Western Industries, Inc., 2200 First American Center, Nashville, TN 37238. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 136645 (Sub-5TA), filed January 16, 1980. Applicant: DIME DELIVERY LIMITED, 5936 Valley Way, Niagara Falls, Ontario L2E 1Y1. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* between ports of entry on the International Boundary line between the United States and Canada on the Niagara River, on the one hand, and, on the other, points in Erie and Niagara Counties, NY. Restricted (1) to the transportation of traffic originating at or destined to points in Canada and (2) against the transportation of packages or articles weighing in the aggregate of 5,000 pounds or more from one consignor to one consignee on any one day, for 180 days. An underlying ETA seeks 90 days authority. Applicant does intend to interline. Supporting shipper(s): There are 5 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 136104 (Sub-91TA), filed January 7, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Iron and Steel Articles and pipe* from the facilities of Fort Worth Pipe and Supply

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Co., at or near Conroe, TX to points in AR, CO, KS, LA, MS, NE, NM, OK and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Worth Pipe and Supply Co., P.O. Box 2108, Fort Worth, TX 76101. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 138505 (Sub-12TA), filed January 17, 1980. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 9225 Katy Freeway, Suite 110, Houston, TX 77024. Representative: Wilford H. Hairell, 9225 Katy Freeway, Suite 110, Houston, TX 77024. Contract Irregular: *New furniture and appliances*, from Kansas City, MO to points in Kansas, serving a seventy-five mile radius, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stix, Baer & Fuller, 601 Washington, St. Louis, MO 63101. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 138885 (Sub-5TA), filed February 1, 1980. Applicant: BALDWIN LEASING CO., INC., 801 Industrial Blvd., Bay Minette, AL 36507. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Paper and paper products, corrugated sheets, and boxes*, between Mobile and Baldwin counties, Alabama, on the one hand, and, on the other, points in LA, MS, AL, TN, GA, FL, NC, SC, WI, TX, MI, VA, MD and PA, for 180 days. Supporting shipper(s): Port City Box, Inc., P.O. Box 7244, Mobile, AL 36607; Unijax, 3200 Crichton St., Mobile, AL 36607; Stone Container, Corp., P.O. Box 7395, Mobile, AL 36607. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 139555 (Sub-14TA), filed January 25, 1980. Applicant: MODULAR TRANSPORTATION CO., P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, MI 48933. (1) *Iron and steel articles;* (2) *Equipment, materials and supplies used in the manufacture and distribution of iron and steel articles* (1) from North Star Steel Company at or near Monroe, MI to IN, IL, OH, PA, KY, WV, MI; (2) from points in IN, IL, OH, PA, KY, WV, MI to North Star Steel Company at or near Monroe, MI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): North Star Steel Company, P.O. Box 43189, 1678 Red Rock Road, St. Paul, MN 55164. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 140484 (Sub-75TA), filed January 22, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Meats, meat products and articles distributed by meat packinghouses* as described in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Swift and Company at Rochelle, St. Charles, Bradley, and Chicago, IL, to points in MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140484 (Sub-76TA), filed January 23, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Meats, meat products and articles distributed by meat packinghouses* as described in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Swift and Company at East St. Louis, IL, to MI, OH, PA, NJ, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140914 (Sub-6TA), filed December 27, 1979. Applicant: DOBSON TRUCKING, INC., P.O. Box 498, Dobson, NC 27017. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Fertilizer, fertilizer products and fertilizer materials (except in pneumatic vehicles)* between points in SC and NC, on the one hand, and, on the other, points in VA, WV, TN, NC and SC, for 180 days. Supporting shipper(s): W. R. Grace & Co., Agricultural Chemicals Group, P.O. Box 368, Wilmington, NC 28402; International Minerals and Chemical Corp., 421 East Holly St., Mundelein, IL 60060. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 141804 (Sub-346TA), filed January 30, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Such commodities as are dealt in or used by retail stores, (except in bulk);* (1) From points in CT, MD, IL, IN, MA, MO, NJ, NY, OH, PA, TN & TX, to points in AZ, MN, CO, MT, MI. OR, UT, WA, WY, OH, SD, ND, MO, FL, (2) From points in CA to points in AZ, CO, MT, MN, OR, UT, WA, WY, MI, OH, SD, ND, MO, FL. Restricted to traffic destined to the facilities of Modern Merchandising, Inc., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Modern Merchandising, Inc., P.O. Box 900, Hopkins, MN 55343. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-347TA), filed February 1, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Wood tile*, from Melbourne, AR to Humboldt, TX, Forest Park, IL, Jessup, MD and Carson, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Color tile Supermart, Inc., 1400 No. Two Tandy Tower, Ft. Worth, TX 76113. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-348TA), filed January 22, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address). *Rolls and sheets of plastic and plastic articles*, from Newark and Nixon, NJ, Kensington, CT, Newcomerstown, OH, and Mt. Vernon, IN to Los Angeles, Santa Ana, and San Francisco, CA, and Seattle, WA, and their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Transparent Products Corp., Sales Representative, 3410 South La Cienega Boulevard, Los Angeles, CA 90016. Send protests to : Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-349TA), filed January 16, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Motor vehicle parts and accessories*, from Chicago, IL to Salt Lake City, UT and their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): C. F. Niehoff, 4925 W. Lawrence Ave., Chicago, IL 60630. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-350TA), filed January 17, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Chemicals and products used in the manufacture of chemicals and related items, resins, plasticizers, drugs, compounds, oils and products manufactured from grain and flour*, between points in the U.S. Restricted to traffic originating at or destined to the facilities of Henkel Corp., and its vendors, for 180 days. Supporting shipper(s): Henkel Corporation, 4620 W. 77th St., Minneapolis, MN 55435. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-351TA), filed January 16, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Synthetic fiber yarn*, from Fresno, CA and its commercial zone to Miami, FL and its commercial zone, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Allied Chemical Corp., 1411 Broadway, New York, NY 10018. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-352TA), filed January 15, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Hair and skin care products, health and beauty aids and commodities used in the manufacture, sale and distribution thereof*, from Burbank, and Goleta, CA and their commercial zone, to points in AZ, ID, NM, NV, OR, TX, UT and WA, and Cincinnati, OH and its commercial zone. Restricted to traffic originating at or destined to the facilities utilitzed by the Andrew Jergens Company, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Andrew Jergens Company, 99 W. Verdugo Avenue, Burbank, CA 91502. Send protest to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-352TA), filed January 8, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same address as above). *Disposable respiratory care article, intervaneous equipment and hospital equipment and supplies*, from the facilities of Airlife Incorporated at Upland, CA to Salt Lake City, UT and points in the U.S. on and east of U.S. Highway 85, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Airlife Incorporated, Production Manager, 161 N. Mountain Avenue, Upland, CA 91786. Send protest to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 N. Los Angeles St., Los Angeles, CA 90012.

MC 141804 (Sub-371TA), filed January 3, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same address as above). *Foodstuffs*, from Chicago, IL and its commercial zone to Phoenix, AZ, Chattanooga, TN, Lodi and Stockton, CA and Dallas, TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): General Mills, Inc., Manager of Truck, TOFC & Air Freight, 9200 Wayzata Blvd., Minneapolis, MN 55440. Send protest to: Irene Carlos, TA, ICC, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, CA 90012.

MC 142135 (Sub-3TA), filed October 29, 1979. Applicant: PRIORITY DISPATCH, INC., 123 East Liberty St., Cincinnati, OH 45210. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. *Baggage, luggage, and such personal property usually carried by airline passengers*, between the Dayton, OH Municipal Airport, at or near Dayton, OH, on the one hand, and on the other, points in Union, Franklin, Fayette, and Wayne Counties, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Air Lines, Dayton, OH; TWA, Dayton, OH. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 142714 (Sub-3TA), filed January 31, 1980. Applicant: HAWKEYE BUILDING SUPPLY TRANSPORTATION CO., 204 Iowa Street, P.O. Box 1343, Sioux City, IA 51102. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam Street, Omaha, NE 68102. Contract carrier, irregular routes: *Such commodities as are dealt in by building materials dealers (except commodities in bulk)* from Libby, MT and Bingen, WA to Longmont, CO for 180 days. Restricted to a transportation service to be performed under a continuing contract(s) with Hawkeye Building Supply Co. of Sioux City, IA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hawkeye Building Supply Co., Thomas Burke, President, 204 Iowa St., Box 1343, Sioux City, IA 51102. Send protest to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143394 (Sub-4TA), filed January 25, 1980. Applicant: GENIE TRUCKING LINE, INC., P.O. Box 840, 70 Carlisle Springs Rd. Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the facilities of West Coast Shippers Association, Philadelphia, PA to Atlanta, GA; Jacksonville, Orlando, Tampa and Miami, FL and New Orleans, LA and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Shippers Assoc., 2000 S. 71st St., Philadelphia, PA 19142. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 143775 (Sub-145TA), filed January 31, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ—85301. Representative: Michael R. Burke (same address as applicant). *Meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix 1 to the Report in Description in Motor Carrier certificate 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from Phoenix, AZ and points in its commercial zone to Los Angeles, CA, Hartford and Plainfield, CT, Jacksonville, FL, Chicago, IL, New Orleans, LA, Boston, MA, New York, NY and Houston, TX, and points in their respective commercial zones, for 180 days. Supporting shipper: Golden West Meat Co., 410 S. 59th Ave., Phoenix, AZ. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Golden West Meat Co., 410 S. 59th Ave., Phoenix, AZ. Send protests to: Ronald R. Mau. District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144434 (Sub-1TA), filed November 15, 1979. Applicant: APOLLO TRUCKING, INC., 2712 Bertwynn Dr., Dayton, OH 45439. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. *Corn germ, dry, in bulk, in dump vehicles*, from Dayton, OH to Decatur, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill, Inc., Box 1400A, 3201 Needmore Rd., Dayton, OH 45414. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 144484 (Sub-10TA), filed January 31, 1980. Applicant: FREIGHTWAYS, INC., 412 East Second St., Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *(1) electric motors, (2) electric motors*

with blowers, (3) materials and supplies (except commodities in bulk used in the manufacture and distribution of the commodities in (1) and (2); and (4) iron and steel articles between Elkton, MO on the one hand, and, on the other, points in the US in and East of ND, SD, NE, KS, OK, and TX (except points in AL, AR, GA, IL, IA, IN, KS, MI, MS, NE, NY, OH, OK, PA, TN, and WI for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Fasco Industries, Inc., Eldon, MO 65026. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 144524 (Sub-6TA), filed November 13, 1979. Applicant: GK TRUCKING CORPORATION, 411 West Putnam Avenue, Greenwich, CT 06830. Representative: Morton E. Kiel and Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, New York 10048. *Contract carrier:* irregular routes: *telephone and communications equipment, and materials, equipment and supplies, used in the manufacture and distribution thereof* (except commodities in bulk and those which because of size or weight require the use of special equipment) (1) between Northlake, IL and Huntsville, AL; (2) from Huntsville, AL and Northlake, IL to Garland, TX; Pomona, CA; Everett, WA; Youngstown, OH; Kansas City, MO; Richmond, VA and Tampa, FL; and (3) from Northlake, IL to Campbellsville and Lexington, KY; Sun Prairie, WI; Muskegon, MI and Fort Wayne, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): GTE Automatic Electric, division of GTE, 401 North Wolf Road, Northlake, IL 60164. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 145054 (Sub-33TA), filed December 4, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. *Canned tuna and pet food,* from Terminal Island, CA to points in Denver, CO, St. Louis, MO and Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90831. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 145274 (Sub-5TA), filed January 23, 1980. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. *Carbonated beverages, containers, and material and supplies used in the manufacture and distribution of carbonated beverages,* between Collierville, TN, on the one hand, and, on the other, points in AR, MS, AL, GA, KY, IL, LA & OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miss-Ark-Tenn Packaging Corporation, 112 S. Byhalia Rd., Collierville, TN 38017. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 145384 (Sub-48TA), filed December 31, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Ctr. Des Moines, IA 50309. *Ferrous and non-ferrous metals and plastics* from the facilities of Ryerson & Sons, Inc. at Chicago, IL, to Emeryville and Vernon, CA, and Seattle and Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ryerson & Sons, Inc., 2621 West 16th Place, Chicago, IL 60608. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-49TA), filed December 13, 1979. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Pulleys, shafting and power transmission machinery* from the facilities of Van Gorp Corporation at Pella, IA, to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Gorp Corporation, West Washington St., Pella, IA 50219. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-50TA), filed December 13, 1979. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Iron and steel articles* from the facilities of Caine Steel at East Chicago, IN, to points in IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Caine Steel, 4500 Euclid Ave., East Chicago, IN 46312. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-51TA), filed November 30, 1979. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from Chicago, IL, and points in its commercial zone to Marshalltown, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lennox Industries, Inc., P.O. Box 400450, Dallas, TX 75240. Send protests to: Herbert W. Allen, DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-52TA), filed December 4, 1979. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Steel coils* from the facilities of Worthington Steel at Franklin Park, IL, to points in IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Worthington Steel, 3434 North Powell, Franklin Park, IL 60131. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145904 (Sub-26TA), filed November 30, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman (same address as applicant). *Building materials, as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209,* from Chicago, IL, and points in its commercial zone to Cedar Rapids, IA, for 180 days, restricted to shipments originating at the named origin and destined to the facilities of Menard Cashway Lumber at Cedar Rapids, IA. An underlying ETA seeks 90 days authority. Supporting shipper: Menard Cashway Lumber, 4601—1st Ave., S.E., Cedar Rapids, IA 52402. Send protests to: Herbert W. Allen, DS ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145904 (Sub-27TA), filed December 28, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704 Representative: Roger D. Herman (same address as applicant). *Such merchandise as is dealt in by retail and wholesale business houses and consumer goods requiring protective service against heat and cold* from Chicago, IL, and points in its commercial zone to points in IA and NE, restricted to shipments originating at the facilities of Crooks Terminal Warehouses, Inc. at the named origin and destined to the name states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Crooks Terminal Warehouses, Inc., 9441 West Fullerton Ave., Franklin Park, IL 60131. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IL 50309.

MC 146724 (Sub-5TA), filed September 10, 1979. Applicant: DEAN RAPPLEYE, INC., P.O. Box 204, West Jordan, UT 84084. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068.

Food, food products, food ornamentals, plants and books and commodities exempt from regulation under Section 10526(a)(6) of the Interstate Commerce Act when transported in mixed loads with the above named commodities (except in bulk), from points in CA to port of entry points located on the International Boundary between the United States and Canada in the states of ID and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Scott National Company, Ltd., P.O. Box 4340, Station C, Calgary, Alberta, Canada T2T5P2. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 146814 (Sub-8TA), filed January 30, 1980. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Insulation and insulating materials* from Orange City, IA and St. Anne, IL to points in CO, IA, KS, MN, NE, ND, OK, SD and WY for 180 days. Restricted to traffic originating at the named origins and destined to the named destinations. An underlying ETA seeks 90 days authority. Supporting shipper: DeGroot, Inc., Kenneth VanGrouw, Production Manager, 304 Eighth St., Orange City, IA 51041. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 146844 (Sub-5TA), filed January 11, 1980. Applicant: NATIONAL TRUCK-BROKERAGE, INC., d.b.a. Hicks Motor Lines, 219 West Main, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Foodstuffs,* (except commodities in bulk), between the facilities of J. Hungerford-Smith—Division of Hunt-Wesson Foods, Inc. at Humboldt, TN, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: Restricted to the handling of traffic moving in mechanically refrigerated van trailers, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: J. Hungerford-Smith, Div. of Hunt-Wesson Foods, 1500 N. Central Ave., Humboldt, TN 38343. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 146894 (Sub-1TA), filed January 18, 1980. Applicant: GLEN DYER, an individual, d.b.a. DYER'S TRUCKING SERVICE, 1000 South Lawrence Street, Mobile, AL 36603. Representative: Stephen R. Windom, Attorney-at-Law, McDermott, Slepian, Windom & Reed, 211 North Conception Street, Mobile, AL 36601. *Silico manganese,* in bulk in dump vehicles, from the facilities of Autlan Metals International in Mobile County, AL, to Houston and Dangerfield, TX, for 180 days. Supporting shipper: Autlan Metals International Co., 4710 Bellaire Blvd #120, Bellaire, TX 77401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 147074 (Sub-11TA), filed January 28, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Ft. of East 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Electric fans, electric blades, air heaters, air blowers and components from Cranford, NJ to points in the U.S. east of the Mississippi River for 180 days. Supporting shipper: The Wing Company, 125 Moen Avenue, Cranford, NJ 07106. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 147074 (Sub-12TA), filed January 28, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Ft. of East 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Printing plates and printing ink, and cleaning compounds, except in bulk from Carlstadt, NJ to points in the United States east of the Mississippi River for 180 days. Supporting shipper(s): Howson-Algraphy, Incorporated, 480 Meadow Lane, Carlstadt, NJ 07072. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 147394 (Sub-8TA), filed January 17, 1980. Applicant: COASTAL REFRIGERATED SERVICE, INC., 34 Market Street, Room #30, Everett, MA 02149. Representative: Robert N. Hayford, 34 Market Street, Room #30, Everett, MA 02149. Contract, Irregular: *Candy and Confectionery Products* (except in bulk) between Boston, MA, to Arizona, California, Colorado, Idaho, Louisiana, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Deran Confectionery Co. Inc., Cambridge, MA 02141. Send protests to: John B. Thomas, D/S I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 147644 (Sub-4TA), filed January 22, 1980. Applicant: J.M.C. TRANSPORT, INC., P.O. Box 11507, Louisville, KY 40211. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Alcoholic Beverages* (except in bulk) from Bardstown and Paducah, KY and their respective commercial zones to Columbia, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Harvey Belson, VP & GM, Ben Arnold Company, Inc., 700 Gervais St., Columbia SC 29201. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 14404 (Sub-2TA), filed January 18, 1980. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 LaMonde, Hacienda Heights, CA 91745. Representative: Jack R. Cobb (same address as above). (1) *Sheet steel cookware, display stands, racks and accessories,* from Terre Haute, IN to points in AZ, CA, OR, TX, and WA. (2) *Advertising matter, magazines periodicals, equipment, materials and supplies used in the printing and publishing business,* from Dayton, OH to points in AZ, CA, CO, IA, MT, NV, NM, OR, TX, WA, WY, LA, OK, AR and MS. (3) *Alcoholic beverages,* from Lawrenceburg, IN, Louisville and Owensboro, KY to Seattle, WA, for 180 days. Supporting shipper(s): General Housewares Corp., Traffic Manager, P.O. Box 4066, Terre Haute, IN 47804. Dayton Press, Inc., Traffic Manager, 2219 McCall Street, P.O. Box 700, Dayton, OH 45401. Alaska Distributors Co., Purchasing & Traffic, 4601 Sixth Avenue South, Seattle, WA 98108. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148564 (Sub-2TA), filed December 21, 1979. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Malt beverages (except in bulk)* from Omaha, NE to Hutchinson, KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Blick Sales Company, Richard R. Blick, Owner, 526 West First St., Hutchinson, KS 67501. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 148564 (Sub-3TA), filed December 7, 1979. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Waste paper* from points in NE and IA to the facilities of Packaging Corporation of America at or near Hutchinson, KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Packaging Corporation of America, Herbert A. Reece, Director of Traffic & Transportation, 1603 Orrington Avenue, Evanston, IL 60204. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

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MC 148754 (Sub-1TA), filed January 11, 1980. Applicant: EDWARD A. JOYNER, JR. AND VELMA D. JOYNER, d.b.a. JPJ ENTERPRISES, P.O. Box 510, Lakeland, FL 33802. Representative: Gregory A. Presnell, Akerman, Senterfitt & Eidson, P.O. Box 231, Orlando, FL 32802. *Chemicals, compounds, solvents, paints, lacquer, varnish, gum, resins, plastic liquids, plastic sheeting, defoaming compounds, ink, pallets, containers and equipment and machinery used in the production or distribution of the aforementioned commodities* except commodities in bulk) restricted to the utilization of equipment with mechanical refrigeration, (1) between points in Orange County, CA, on the one hand, and on the other, Elmhurst, IL, Indianapolis and Terre Haute, IN, Charlotte and Matthews, NC, Kearny, NJ, Farmingdale and Long Island, NY, South Hadley Falls and Woburn, MA, and Moss Point, MS, and (2) from Moss Point, MS, to Charlotte and Matthews, NC and South Hadley Falls, MA, and (3) from Woburn, MA to Herndon, VA, Elmhurst, IL, and Casselberry, FL, and (4) between Herndon, VA and Casselberry, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thiokol/Cynachem Corporation, 2631 Michelle Dr., Tustin, CA 92680. Send protests to: Donna M. Jones, T/A, ICC, BOp., Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 148764 (Sub-2TA), filed January 17, 1980. Applicant: MAR PAT TRANSPORTATION CORP., 2445 Allen Avenue, Niagara Falls, NY 14303. Representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, NY 14202. *Coke, in bulk, in dump vehicles,* from the facility of Koppers Company, Inc., at or near Erie, PA, to Syracuse, Owego, Auburn and Friendship, NY. Returned, refused and rejected shipments in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 148864 (Sub-1TA), filed December 17, 1979. Applicant: CHARTER COACHES, INC., 144 32nd St. Drive, S.E., Cedar Rapids, IA 52406. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment)* between Cedar Rapids, IA, and Moline, IL, and points in their respective commercial zones, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Emery Air Freight Corporation, 2222 Camden Court, Oakbrook, IL 60521. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148894 (Sub-2TA), filed January 25, 1980. Applicant: DISPATCH DISTRIBUTION SERVICES, INC., 1285 William Street, Buffalo, NY 14206. Representative: Roy D. Pinsky, Esq., Suite 1020, State Tower Bldg., Syracuse, NY 13202. Contract carrier—irregular routes. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment except refrigerated equipment,* between the facilities of the customers of Thruway Terminals, Inc. in the States of NY, MD, MA, NJ, PA, OH and IL and the facilities of Thruway Terminals, Inc. in Erie, Onondaga and Albany Counties, NY. Between the facilities of Thruway Terminals Inc. in the counties of Erie, Onondaga and Albany, NY. Restricted to shipments under a continuing contract with Thruway Terminals, Inc. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thruway Terminals, Inc., 1285 William St., Buffalo, NY 14206. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 148894 (Sub-1TA), filed December 27, 1979. Applicant: MICHAEL W. AMABILE d.b.a. TRIPLE AAA TRUCKING, 8016 Red Arrow Hwy. E., Paw Paw, MI 49079. Representative: (same). *Contract carrier:* irregular routes: 1. Plastic or rubber articles, o/t expanded, viz; container, packaging HOI, nested, with or without lids, having liquid capacity not exceeding 16 oz. in boxes . . . also those exceeding 16 oz. but not exceeding 64 oz. in boxes. 2. Plastic bowls, cups with handles, dishes or plates in boxes, without filler (Item 156655). 3. Plastic cups w/o handles or tumblers w/o filler, nested, liquid capacity not exceeding 16 oz. fluid ounces with or without lids. 4. Caps, covers, discs, ends, bands, rings or tops, NOI, plastic, for bottles, cans, cups, collapsible tubes, glasses, jars or jugs, in pkgs.: Density of over 4# per cubic foot other than screw-thread type. 5. Plastic or rubber articles, other than foam, cellular, expanded or sponge articles NOI: Density less than 2# per cubic foot. Density over 2# but less than 4# PCF. Density over 4# but less than 6# PCF. Density over 6# but less than 12# PCF. Density over 12# but less than 15# PCF. Density over 15# Per Cubic Foot. 6. Plastic or rubber articles, other than foam, cellular, expanded or sponge articles NOI: a. Forms, interior packaging, or packaging trays; vacuum or heat formed from plastic film or sheeting, nested, in boxes having a density of: less than 10# PCF. b. Forms, interior packaging, or packaging trays; vacuum or heat formed from plastic film or sheeting, nested, in boxes having a density of: 10# PCF or greater. c. Sheeting-NOI-o/t cellulose—not printed, Not Embossed, in sheets not further processed than cut to size, in lengths of not l/t 100 ft. rolled at a dia, not l/t 3"—Density over 15# PCF from Kalamazoo, MI to points in FL, GA and PA; 7. Plastic materials o/t expanded group flakes NOI, granules, lumps, pellets, powder or solid mass. 8. Other materials, equipment and supplies (except commodities in bulk) used in the manufacturing, production, processing and distribution of the commodities named in (1) through (8) above from points in FL, GA and PA to Kalamazoo, MI under a continuing contract with Fabri-Kal Corporation, located at Kalamazoo, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fabri-Cal Corp., 3303 E. Coch St., Kalamazoo, MI 49001. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149004 (Sub-3TA), filed January 31, 1980. Applicant: WHITE BROS., INC., RR No. 1, Box 566, Oakwood Station, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Contract carrier, irregular routes, *(a) synthetic rubber compounds and chemicals used in the production thereof, in containers,* from Muscatine, IA to Hannibal, MO; *(b) synthetic rubber crude,* from Lake Ponchartrain, LA and Port Neches, TX to Hannibal, MO; *(c) chemicals used in the production of synthetic rubber compounds, in containers,* from Chicago, IL and its commercial zone to Hannibal, MO; *(d) synthetic rubber compounds* between Hannibal, MO and Portland, OR; *(e) natural rubber, rubber products and materials, and metal hardware, machinery and pallets used in the production and distribution of synthetic rubber compounds* from Portland, OR to Hannibal, MO all under a continuing contract with the Huntington Rubber Company of Hannibal, MO, for 180 days. An underlying ETA seeks 90 days sought. Supporting shipper: Huntington Rubber Company, P.O. Box 998, 5151 Industrial Drive, Hannibal, MO 63401. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 149004 (Sub-4TA), filed January 14, 1980. Applicant: WHITE BROS., INC., R.R. #1, Box 566, Oakwood Station, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Synthetic rubber crude* from Camden, AR to Hannibal, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Huntington, Rubber Company, P.O. Box 998, Hannibal, MO 63401. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149014 (Sub-1TA), filed January 16, 1980. Applicant: EAGLE LINES, INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy (same address as applicant). *Stoves, parts and accessories,* from points in IN to points in CT, from points in NH to points in OH, and from points in PA to points in the United States east of the Mississippi River, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Devault Fab-Weld & Piping, P.O. Box 98, Devault, PA 19432, Garrison Stove Works, Box 412, Claremont, NH 03743, J & D Associates, Inc., 2978 Brown Ave., Manchester, NH 03103. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon, Rd., Concord, NH 03301.

MC 149034 (Sub-1TA), filed January 17, 1980. Applicant: DIXIE TRANSPORTATION AIDES, 11501 Allecingie Parkway, Richmond, VA 23235. Representative: Richard J. Lee, 700 E. Main St., Richmond, VA 23219. Contract carrier, irregular routes: *Assemblies, smoke flue or chimney; doors; building construction wall sections, with insulation, and materials, supplies and equipment used in the manufacture, distribution and installation thereof,* between facilities of General Products Co., Inc., at or near Fredericksburg, VA, on the one hand, and, on the other, Versailles, CT; Atlanta, GA; Chicago and Itasca, IL; Billerica, Boston, and Lawrence, MA; New York & Victor, NY; N. Wilksboro, NC; Cincinnati, Cleveland, Columbus, and Marietta, OH, Eighty Four, Philadelphia, Pittsburgh, and Wampum, PA; Knoxville, TN; Norfolk, VA; and Parkersburg, WV, for 180 days, under continuing contract(s) with General Products Co., Inc. An underlying ETA seeks 90 days authority. Supporting shipper: General Products Co., Inc., P.O. Box 887, Fredericksburg, VA 22401. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room, 620, Philadelphia, PA 19106.

MC 149124(Sub-1TA), filed January 30, 1980. Applicant: HEDRICK SALES AND ENGINEERING, INC., 3415 Ridge Road, Cheyenne, WY 82001. Representative: Herman J. Hedrick (same address as applicant). Contract carrier, irregular routes, transporting *Foods, Prepared Foods, Foodstuffs, and Food Products,* including frozen commodities and raw commodities as dealt in by Tortilla Manufacturing and Supply, Inc., between points in the United States excluding AK and HI restricted to service for Tortilla Manufacturing and Supply, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Tortilla Manufacturing and Supply, Inc., 515 Greeley Hwy., Cheyenne WY 82001. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Bldg. & Crt. House, 111 South Wolcott, Casper, WY 82601.

MC 149134 (Sub-1TA), filed December 26, 1979. Applicant: DONALD B. ROBBINS d.b.a. HORIZONS UNLIMITED, 235 Walnut St., Statesville, NC 28677. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, D.C. 20005. *Passengers and baggage in special or charter operations* beginning and ending at points in Iredell, Davie, Mecklenburg, Forsyth, Catawba and Guilford Counties, NC and extending to points in and east of TX, OK, KS, NE, SD and ND, limited to transportation vehicles with a seating capacity not exceeding 24 passengers, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are 12 supporting shippers. Their statements may be examined at the office listed below or Headquarters. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 149144 (Sub-2TA), filed December 31, 1979. Applicant: Schierding Trucking Co., 3690 West Clay, St. Charles, MO 63301. Representative: James Schierding (address same as applicant). *Malt beverages, in containers* from Milwaukee, WI; Perry, Ga; Ft. Wayne, IN and St. Louis, MO to St. Charles, Union and St. Louis, MO, and Peoria, IL and points in their respective commercial zones, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper: RMW, Inc. d.b.a. Best Beers, 5121 Manchester, St. Louis, Mo 63110. Jim's Distributing Co., 201 Franklin Ave., Union, MO 63084, Ed. Windler & Sons, Inc., 1865 Scherer Parkway, St. Charles, MO 63301. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 149154 (Sub-1TA), filed January 14, 1980. Applicant: H. W. (PETE) PARKER, INDIVIDUAL (HAROLD W. PARKER), 8357 Roseway Drive, El Paso, Texas 79907. *Millwork, Wood & Steel doors, lumber & related hardware items, fireplaces but not bulk commodities in tank vehicles or any type of explosives* between Port of Entry at El Paso, TX and points in TX, NM, CO, AR, OK, KS, AZ, MO, LA, and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ponderosa Products Inc., 3725 Montana, P.O. Box 5231, El Paso, TX. Send protests to: Mariarme Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149164 (Sub-1TA), filed December 31, 1979. Applicant: GENE'S, INC., 6975 Brookville-Salem Rd., Brookville, OH 45309. Representative: John Alden, 1396 W. 5 Ave., Columbus, OH 43212. *Oil absorbent, and equipment, materials and supplies used in the conduct of the chemical business, except commodities in bulk,* between Paris, TN; Olmstead, IL, and Bloomfield, MO, on the one hand, and, on the other, Dayton, Columbus, and Middletown, OH and Butler, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dayton Chemical Corp., 3106 N. Gettysburg Ave., Dayton, OH 45401. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 149164 (Sub-2TA), filed December 31, 1979. Applicant: GENE'S, INC., 6975 Brookville-Salem Rd., Brookville, OH 45309. Representative: John Alden, 1396 W. 5 Ave., Columbus, OH 43212. *Floor coverings and floor covering adhesives, and equipment, materials, and supplies used in the conduct of the carpet business, except commodities in bulk,* between Chicago, IL; Salem, NJ; Dalton and Columbus, GA; and Ft. Wayne, IN; on the one hand, and, on the other, Columbus, and Cincinnati, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CDC Distributors, 850 Redna Terrace, Cincinnati, OH 45215. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 149194 (Sub-1TA), filed January 18, 1980. Applicant: K & R TRANSPORT, LTD., 5212 101st Avenue, Edmonton, AB, CD T6A OG8. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Paint and related paint products* from Spokane, WA to the International Boundary line between the U.S. and Canada at or near ports of entry at Eastport, ID and Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Coatings, Inc., 69 La Belle Crescent, St.

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Albert, AB, CD T6N 1A1. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149204 (Sub-1TA), filed January 22, 1980. Applicant: JASPER LATNEY ROGERS, SR., d.b.a. J. L. ROGERS TRUCKING, Rt. 4, Box 61, Wake Forest, NC 27587. Representative: Jasper Latney Rogers, Sr., Rt. 4, Box 61, Wake Forest, NC 27587. *Contract carrier*—Irregular routes; *Chemicals in containers and materials, supplies and equipment used in the sale, manufacture and distribution of chemicals* between Franklinton and Wilson, NC, on the one hand, and, on the other, points in AL, CA, CO, GA, IL, IN, KY, MD, MI, NJ, NC, OH, PA, TX, VA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Novo Biochemical Industries, Inc., P.O. Box 576, Franklinton, NC 27525. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm. CC516, Charlotte, NC 28205.

MC 149284 (Sub-1TA), filed January 9, 1980. Applicant: MARION D. DAY d.b.a. DAY'S EXPRESS, 1942 7th St., Columbus, IN 47201. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. *Such merchandise as is dealt in by retail department stores and hardware stores* from the facilities of Lear Siegler, Inc. at or near Seymour, IN and the facilities of Raaco Corporation at or near Columbus, IN to points in AZ, CA, CO, ID, NJ, NV, NY, OR, UT, WA and ports of entry in MI located on the International Boundary line between the United States and Canada for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Lear Siegler, Inc., 9th & Chestnut Streets, Seymoud, IN; Raaco Corporation, P. O. Box 1377, Columbus, IN 47201. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149304 (Sub-1TA), filed January 30, 1980. Applicant: J H R CORPORATION, 105 East Kiowa Street, Suite 200, Colorado Springs, CO 80903. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., Denver, CO 80264. Contract: Irregular: *Coal,* from facilities of Chimney Rock Coal located in Archuleta County, CO, to the railhead at or near South Fork, CO, points in NM located on and north of U.S. Hwy 60, points in AZ located on, north and east of a line beginning at the AZ-NM State line and extending along U.S. Hwy 60 to junction AZ Hwy 77, then along AZ Hwy 77 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction U.S. Hwy 89, then along U.S. Hwy 89, then along U.S. Hwy 89 to the AZ-UT State line, and points in Grand and San Juan Counties, UT, under a continuing contract or contracts with Chimney Rock Coal, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chimney Rock Coal, Star Route 3, Box 52A, Pagosa Springs, CO 81147. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 149344 (Sub-1TA), filed February 1, 1980. Applicant: WHITE, CROSS AND STOTTS REFRIGERATED FREIGHT LINES, 329 E. 157th St., Gardena, CA 90247. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. *Contract:* Irregular: Such commodities as are used in fixing, cleansing, coloring, grooming, curling, styling and general hair care; hair conditioning concentrate in drums; fibreboard cartons for packaging or re-packaging, knocked down flat in bundles, in mixed shipments; from Gardena, CA and the commercial zone thereof to Philadelphia, PA, for 180 days. Supporting shipper(s): Best Way, 329 E. 157th St., Gardena, CA 90247. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 149345 (Sub-1TA), filed January 28, 1980. Applicant: CHILD TRUCK LINE, INC., 711 S. Third St., Chowcilla, CA 93610. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518. *Paper and Paper Products;* Between points in OR and WA, on the one hand, and points in AZ, CA, and NV on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach, 1500 S.W. First Ave., Portland, OR 97201. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 149364TA, filed December 21, 1979. Applicant: DOUDELL TRUCKING CO., 555 E. Capitol Ave., Milpitas, CA 95305. Representative: R. C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111. Contract carrier; irregular routes: *Office and School Supplies* from the facilities of H. S. Crocker, Co., Inc. at Sparks, NV to Sacramento, San Bruno, San Leandro, San Jose and San Francisco, CA under a continuing contract(s) with H. S. Crocker Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. S. Crocker Co., Inc., 1000 San Mateo Ave., San Bruno, CA 94066. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 149365 (Sub-1TA), filed December 28, 1979. Applicant: WOOD DALE LEASING & TRUCKING CO., 212 Frederick Place, Wood Dale, IL 60191. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. (1) *Molten aluminum, aluminum ingots, processed scrap copper and scrap iron and steel* from the facilities of Lissner Corporation at Chicago, IL to points in IN, OH, MI, WI, MN, IA, MO, KY and PA and (2) *scrap wire, scrap cable, scrap iron and steel and scrap metals (except commodities in bulk)* from points in IN, OH, MI, WI, MN, IA, MO, KY and PA to the facilities of Lissner Corporation at Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lissner Corp., 1000 N. North Branch, Chicago, IL 60622. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149374TA, filed September 28, 1979. Applicant: JUNIOR LEE MULLENS d.b.a. J. L. MULLENS TRUCKING, Commercial Ave., Richwood, WV 26261. Representative: Junior Lee Mullens (same as applicant). *Contract;* regular; *coal* from Sewell Coal Co. mine on Gauley River, WV, over private road to WV State Rt. 20 at Lowland, WV, thence over State Rt. 20 to Charmco, WV; thence on U.S. Rt. 60 to I–64 at Sam Black Church, thence over I–64 to Westvaco Papermill at Covington, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sewell Coal Co., Netti, WV 26681. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 141804 (Sub-300TA), filed December 3, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *General commodities (except those of unusual value, household goods as described by the Commission, commodities in bulk, frozen foods and those requiring special equipment),* from Seattle, WA to points in and east of ND, SD, NE, KS, OK & TX, restricted to traffic originating at the facilities used by Bostrum-Warren, Inc. (shipments are made to any point as the shipper is a consolidation of both import and domestic freight), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bostrum-Warren, Inc., Director of Transportation, 920 2nd Avenue, Suite 406, Seattle, WA 98104. Send protest to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 117304 (Sub-41TA), filed January 3, 1980. Applicant: DON PAFFILE, d.b.a. PAFFILE TRUCK LINES, 5735 N & S Hwy, Lewiston, ID 83501. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Such commodities as are dealt in by grocery, food and hardware stores,* (1) between points in CA and Box Elder, Cache, Davis, Utah, Weaver, Morgan, Salt Lake and Toole counties, UT on the one hand, and points in OR, WA, ID and that part of MT west of a line extending in a northerly direction from Monida Pass, MT to the U.S.-Canada boundary line near Bab, MT on the other hand; (2) between points in CA on the one hand, and points in Box Elder, Cache, Davis, Utah, Weaver, Salt Lake, Morgan, Toole counties, UT on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with other carriers at Los Angeles and San Francisco, CA, at Missoula, Billings, Helena and Great Falls, MT, and Salt Lake City, UT. Send protest to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 133735 (Sub-13TA), filed December 5, 1979. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Liquid fertilizer, in bulk, in tank vehicles,* from the facilities of First Miss, Inc. at or near Ft. Madison, IA, to points in IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI, for 180 days. Supporting shipper(s): First Miss, Inc., P.O. Box 328, Ft. Madison, IA 52627. Send protest to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 133805 (Sub-41TA), filed November 19, 1979, and published in the FR February 13, 1980, and republished as corrected this issue. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Attorney, Suite 115, 5001 Brentwood Stair Rd., Forth Worth, TX 76112. *Truck side frames, truck bolsters, steel center plates, railway car couplers and yokes, railway car doors and door parts, and railway car parts (except commodities requiring special equipment)* from St. Louis, MO; Depew, NY; Granite City, IL; Pittsburgh, PA; Youngstown, OH; Fort Worth, TX; and Waco, TX to the facilities of F.M.C. Corporation at or near Portland, OR for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): FMC MRED, 470 N.W. Front St., Portland, OR. Send protest to: Marianne Minnich, TCS, ICC, Rm. 9A27B Federal Bldg., 819 Taylor St., Fort Worth, TX 76102. The purpose of this Republication is to reflect the correct origin and destination point.

MC 142864 (Sub-23TA), filed July 30, 1979, and published in the Federal Register issue of October 29, 1979, and republished as corrected this issue. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio. Representative: Jerry B. Sellman, MULDOON, PEMBERTON & FERRIS, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) containers, container ends and closures; (2) commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures (except in bulk), (a) between Leetsdale, PA, on the one hand, and on the other, points in IN, MI, NJ, OH, MN and WI, and between Solon, OH, on the one hand, and on the other, points in IN, MI, PA, MN, IL, NJ and WI. Restricted to movements originating at or destined to the facilities of Davies Can Co., Division of Van Dorn Company, located at Leetsdale, PA and Solon, OH; (b) between Cranbury and Elizabeth, NJ, on the one hand, and on the other, points in PA, IN, MI, OH, MN, IL and KY. Restricted to movements originating at or destined to the facilities of Milton Can Company, Division of Van Dorn Company, located at Cranbury and Elizabeth, NJ, for 180 days. Supporting shippers: Davies Can Co., Division of Van Dorn Company, P.O. Box 6936, Cleveland, OH 44101; and Milton Can Company, Division of Van Dorn Company, P.O. box 6936, Cleveland, OH 44101. Send protests to: Barbara Brooks, Interstate Commerce Commission, Room 620, Federal Reserve Bank Building, 101 North Seventh Street, Philadelphia, PA 19106. The purpose of this republication is to show the correct route description.

MC 148465 (Sub-1TA), filed October 23, 1979, and published in the Federal Register issue of December 17, 1979, and republished as corrected this issue. Applicant: ASSOCIATED CARRIERS COMPANY, 1759 East Grand Ave., Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Motor vehicles, in truckaway service, (1) between Des Moines, IA, on the one hand, and, on the other, points in CO, IL, ID, MN, MO, NE, OK,and WI; (2) between the Chicago, IL commercial zone, on the one hand, and, on the other, points in CO, IA, ID, MN, MO, NE, OR, OK, WA, UT, WI and WY; and (3) between Pennsauken, NJ, on the one hand, and on the other, points in CO, IA, IL, ID, MN, MO, NE, OR, OK, UT, WA, WI, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309. The purpose of this republication is to show IA as a destination state in lieu of IA, which was inadvertently shown.

MC 146764 (Sub-1TA), filed April 5, 1979, and published in the Federal Register issue June 1, 1979, and republished as corrected this issue. Applicant: S & T TRUCKLOAD, INC., 2527 N.E. 28th Street, Fort Worth, TX 76106. Representative: S & T Truckload, Inc., 2412 Continental Life Bldg., Fort Worth, TX 76102. Contract Carrier: Irregular Routes: Plastic articles and articles used in the manufacture and distribution of the foregoing commodities, between the facilities of Thompson Industries, Inc. located at Phoenix, AZ, Tinton Falls, NJ, Alexandria, VA, City of Industry, CA, Des Plaines, IL Fort Worth, TX, Higginsville, MO, Milford, NH, Monroeville, OH, Mt. Sterling, OH, Renton, WA, Shreveport, LA, and Stone Mountain, GA, and between the facilities of Thompson Industries, Inc. located at the above points and points in the U.S. except AK and HI, for the account of Thompson Industries, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thompson Industries, Inc., P.O. box 20466, Phoenix, AZ 84034. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A26 Federal Building, 819 Taylor St., Fort Worth, TX 76102. The purpose of this republication is to reflect the correct route description.

[Notice No. F–14]

The following applications were filed in Region 1: Send protests to: Complaint Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 70585 (Sub-1–1TA), filed February 26, 1980. Applicant: TANNEY'S MOTOR TRANSPORTATION, INC., 10 Northway Lane, P.O. Box 610, Latham, NY 12110. Representatives: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *(1) Aluminum and/or wooden lawn, pool and patio and indoor furniture and (2) Equipment, materials and supplies used in the manufacture of such furniture,* between Granville, Washington, County, NY, on the one hand, and, on the other, Albany, NY. *Restricted* to traffic originating at or destined to the facilities of The Telescope Folding Furniture Co. Supporting shipper: The Telescope Folding Furniture Co., Inc., Granville, NY.

MC 144524 (Sub-1–4TA), filed February 21, 1980. Applicant: GK TRUCKING CORP., 411 West Putnam

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Avenue, Greenwich, CT 06830. Representatives: Morton E. Kiel and Eugene M. Malkin, 2 World Trade Center, Suite 1832, New York, NY 10048. *Contract carrier,* irregular routes: *Such commodities as are dealt in by a manufacturer of hose, flexible tubing and ductwork, and materials, supplies and equipment used in the conduct of such business (except in bulk),* (1) in between the facilities of Automation Industries, Inc., Flexible Tubing Division at or near La Mirada, CA and Abeville, SC, (2) from the facilities of Automation Industries, Inc., Flexible Tubing Division at or near La Mirada, CA to Salt Lake City, UT, Denver, CO, Phoenix, AZ, Seattle, WA and Dallas and Houston, TX and points in their respective commercial zone; (3) from Norwalk, CT and Yardville and Woodridge, NJ to the facilities of Automation Industries, Inc., Flexible Tubing Division, at or near La Mirada, CA (4) from the facilities of Automation Industries, Inc., Flexible Tubing Division at or near Abbeville, SC to Bloomfield, CT, Milwaukee, WI, Kansas City, MO, Akron, OH, Cadillac, MI, Woburn, MA, Wiliamsport, PA, Harahan, LA, Toledo, OH, Indianapolis, IN, Oklahoma City and Tulsa, OK, and New York, NY, Chicago, IL, Detroit, MI, Dallas, TX, Houston, TX, and points in their respective commercial zones; and (5) from Norwalk, CT, Niles, MI, Worcester, MA, Waukegan, IL, Yardville and Berlin, NJ, MT. Vernon, NY, Brownsville, TN, Pawtucket, RI, Orange, TX, Kansas City, MO, Sunnyvale, CA, Newark, OH and Buena Vista, VA to the facilities of Automation Industries, Inc., Flexible Tubing Division at or near Abbeville, SC. Supporting shipper(s): Automation Industries, Inc., Flexible Tubing Division, P.O. Box 5698, Greenville, SC 29606.

MC 140006 (Sub-1–1TA), filed February 26, 1980. Applicant: JOHN W. GEORGE, d.b.a. HEPNER'S TRUCKING CO., 1810 East Washington Avenue, Vineland, NJ 08360. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Floor covering and materials and supplies used in the installation and manufacturing thereof, except in bulk,* Between Vineland, NJ and Philadephia, PA, on the one hand, and, on the other, Atlanta, Dalton, and Rome GA, and Chattanooga, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: The Carpet Shop, 92 North Delsea Drive, Vineland, NJ 08360 and Aspen Wholesale Carpets, Inc., 7025 Colonial Highway, Pennsauken, NJ 08109.

MC 144524 (Sub-1–5TA), filed February 21, 1980. Applicant: GK TRUCKING CORP., 411 West Putnam Avenue, Greenwich, CT 06830. Representative: Morton E. Kiel and Eugene M. Malkin, 2 World Trade Center, Suite 1832, New York, NY 10048. *Contract carrier,* irregular routes: *Such commodities as are dealt in by a manufacturer of boilers and heating equipment, and materials, supplies and equipment used in the conduct of such business (except in bulk),* (1) between the facilities of Hydrotherm, Inc. at or near Northvale, NJ and Baltimore, MD. (2) From Columbiana, OH and Hamburg, PA to the facilities of Hydrotherm, Inc. at or near Northvale, NJ and Baltimore, MD; (3) from the facilities of Hydrotherm, Inc. at or near Northvale, NJ to Lakewook, CO, Washington, DC, Chicago and Joliet, IL, Boston and Medford, MA, Cleveland, OH, and Wausau, WI; and (4) from the facilities of Hydrotherm Electric, Inc. at or near Baltimore, MD to Bangor, Jay and Portland, ME, Wareham, MA, Detroit and Ann Arbor, MI, Manchester, NH, Buffalo, NY, Providence, RI, Cleveland and Bedford Heights, OH and Wausau, WI. Supporting shipper(s): Hydrotherm, Inc., 411 West Putnam Avenue, Greenwich, CT 06830.

MC 112694, (Sub-1–1TA), filed February 27, 1980. Applicant: JAMES J. GALLERY, INC., 555 Pleasant St., Watertown, MA 02172. Representative: Joseph M. Klements, Richardson & Tyler, 84 State St., Boston, MA 02109. *Frozen foods and foodstuffs moving under refrigeration* from Watertown, Boston and Gloucester, MA to points in ME, NH, VT, RI, CT and NY. Supporting shipper: Quincy Market Cold Storage & Whse. Co., 555 Pleasant St., Watertown, MA 02172.

MC 115353 (Sub-1–1TA), filed February 26, 1980. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract, Irregular: *Wire rod,* from Perth Amboy, NJ to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Wire Products Corporation, Fischer Road & Pennsylvania RR, Baltimore, MD 21222.

MC 1117 (Sub-1–1TA), filed February 25, 1980. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Such commodities as are dealt in or used by manufacturers of lamps and lamp parts,* between Greensboro, NC, on the one hand, and, on the other, points in CT, DE, NJ, NY, PA and RI, for 180 days. Supporting shippers: Dunning Industries, Inc., P.O. Box 11393, 6001 W. Market Street, Greensboro, NC 27409.

MC 150162 (Sub-1–1TA), filed February 25, 1980. Applicant: LACKIE BROS. LIMITED 10 Centennial Road, P.O. Box 1238, Kitchener, Ontario, Canada N2G 4G8. Representative: William J. Hirsch P.C., 43 Court Street, Suite 1125, Buffalo, New York 14202. *Light Rail Vehicles,* between ports of entry on the International Boundary line between the United States and Canada located in New York, on the one hand, and, on the other, Newton, MA.

MC 150145 (Sub-1–1TA), filed February 25, 1980. Applicant: RALPH L. NORTON, Route 15, P.O. Box 27, Jericho, VT 05465. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. *Paper, printing paper, NOI and materials, equipment and supplies used in the manufacture thereof,* between Gilman, VT, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 141122 (Sub-1–2TA), filed February 21, 1980. Applicant: SENTRY TRUCKING CO., INC., P.O. Box 901, Union, NJ 07083. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract,* irregular: *empty imprinted plastic bottles,* from: Clifton, NJ to: St. Paul, MN and Andover, MA under a continuing contract or contracts with Permanent Label Corp. of Clifton, NJ. For 180 days. Supporting shipper: Permanent Label Corp of Clifton, NJ.

MC 2359 (Sub-1–3TA), filed March 6, 1980. Applicant: DAMBO TRUCKING, INC., 568 Central Avenue, Bridgewater, NJ 08807. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract: irregular: *Talc,* in bulk, from West Windsor, VT to Port Jervis, NY. Supporting shipper(s): Johnson & Johnson Baby Products Co., 240 Centennial Avenue, Piscataway, NJ 08854.

MC 150013 (Sub-1–2TA), filed February 26, 1980. Applicant: PURITAN NATIONAL CORP., Ten Emerson Place, #22C, Boston, MA 02114. Representative: Irwin M. Heller, Esq. or Stanley A. Twarog, Esq., Suite 600, One Center Plaza, Boston, MA 02108. *Contract carrier,* irregular routes, *plastic articles and materials, equipment and supplies used in the manufacture, sale or distribution thereof, except commodities in bulk,* (1) from the facilities utilized by Sweetheart Plastics, Inc. at or near Wilmington, MA, to the facilities utilized by Sweetheart Plastics, Inc. at Conyers, GA, and to Atlanta, GA, and its commercial zone, and (2) from the facilities utilized by Sweetheart Plastics, Inc. at Conyers, GA, to the facilities utilized by Sweetheart Plastics, Inc. at or near Wilmington, MA, under continuing contract(s) with Sweetheart Plastics, Inc., of Wilmington, MA.

MC 146440 (Sub-3TA), filed February 27, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *General commodities, with the usual exceptions* from points in Middlesex County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY for 180 days. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A. Feinberg, 220 Lowell Street, Peabody, MA 00960.

MC 146440 (Sub-4TA), filed February 27, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *General commodities, with the usual exceptions* from points in Worcester County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY for 180 days. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A. Feinberg, 220 Lowell Street, Peabody, MA 00960.

MC 128698 (Sub-1–1TA), filed February 27, 1980. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. *Vinyl siding and materials and supplies used in the manufacture and distribution of vinyl siding (except commodities in bulk),* between Bridgeport, NJ, on the one hand, and on the other, points in MA, CT, PA, NY, MD, DE, VA, DC and NC. Supporting shipper(s): Anaconda Industries—ALSCO, 501 Sharptown Road, Pure Land Industrial Park, P.O. Box 113, Bridgeport, NJ 08014.

MC 71593 (Sub-1–2TA), filed February 27, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in CA, on the one hand, and, on the other, points in AL, FL, GA, MS, NC, and SC, restricted to the transportation of shipments moving on freight forwarder bills of lading.

MC 2835 (Sub-1–1TA), filed February 26, 1980. Applicant: ADIRONDACK TRANSIT LINES, INC., 18 Pine Grove Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Edward G. Villalon, Woods, Villalon, Hollengreen & Lindeman, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20001. *Common carrier,* regular routes, *passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between junction of Interstate Hwy 287 and Interstate Hwy 87 near Suffern, NY and Freeport, NY, serving all intermediate points for joinder purposes, as follows: From junction of Interstate Hwy 287 and Interstate Hwy 87 over Interstate Hwy 287 to the junction of Interstate Hwy 287 and New York State Hwy 119, thence over New York Hwy 119 to White Plains, NY, thence over New York Hwy 119 to Interstate Hwy 287, thence over Interstate Hwy 287 to Interstate Hwy 95 near Port Chester, NY, thence over Interstate Hwy 95 to New Rochelle, NY, thence over Interstate Hwy 95 to Interstate Hwy 295, thence over Interstate Hwy 295 to New York State Hwy 25, thence over New York State Hwy 25 to New York State Hwy 25B, thence over New York State Hwy 25B to Mineola, NY, thence over Mineola boulevard and Franklin Avenue to Hempstead, NY, thence over Henry Street, Greenwich Street, Nassau Road, and Main Street to Freeport, NY, and return over the same route.

MC 120193 (Sub-1–1TA), filed February 25, 1980. Applicant: C & M TRUCKING, INC., Castle Island Marine Terminal, South Boston, MA 02127. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Common carrier:* irregular routes: *Motor vehicles,* in truckaway service, from Albany, NY to points in MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Volkswagen of America, Inc., 818 Sylvan Ave., Englewood Cliffs, NY 07632.

MC 144524 (Sub-1–3TA), filed February 21, 1980. Applicant: GK TRUCKING CORP., 411 West Putnam Avenue, Greenwich, CT 06830. Representative: Morton E. Kiel and Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: *Telephone and communications equipment, and materials, equipment and supplies, used in the manufacture and distribution thereof (except commodities in bulk and those which because of size or weight require the use of special equipment);* Between Salt Lake City, UT on the one hand, and, on the other, Huntsville, AL, Northlake, IL, Garland, TX, Pomona, CA, Everett, WA, Youngstown, OH, Kansas City, MO, Richmond, VA and Tampa, FL, under a continuing contract(s) with GTE Automatic Electric Division of GTE, for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper(s): GTE Automatic Electric, Division of GTE, 401 North Wolf Road, Northlake, IL 60164.

MC 30508 (Sub-1–1), filed February 21, 1980. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, New Hampshire 03833. Representative: Robert L. Cope, Esquire, Suite 501, 1730 M Street NW., Washington, DC 20036. *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring special equipment),* serving Cheshire, Hillsborough, Sullivan, Belknap and Merrimack Counties in NH as off-route points in connection with carrier's authorized regular operations. (The statements of 24 shippers accompanying the application may be reviewed at the Boston offices of the Interstate Commerce Commission.)

MC 119752 (Sub-1–1TA), filed March 21, 1980. Applicant: G. & G. HAULAGE CO., INC., 215 Henderson Street, Jersey City, NJ 07302. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. (1) *Roofing felt* from Stratford, CT, Phillipsdale, RI, Finksburg, MD, York and Philadelphia, PA to Jersey City, NJ, and (2) *cement, in bags,* from Howes Cave and Glens Falls, NY to points in CT, NJ, and PA. Supporting shipper: The Flintkote Company, P.O. Box 800, Dallas, TX 75221.

MC 143246 (Sub-1–1TA), filed March 19, 1980. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract Carrier,* irregular routes transporting *such commodities as are sold in drug, chain, discount and department stores and materials, supplies and equipment used in the manufacture, sale or distribution of same* (except commodities in bulk, in tank vehicles) between the facilities of

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Child World, Inc., located in MA, OH and MO, on the one hand, and on the other, points in the United States in and east of MN, IA, MO, KS, OK, TX and Los Angeles, CA and its Commercial Zone. Restriction: The authority granted herein is limited to transportation services to be performed under a continuing contract with Child World, Inc. of Avon, Massachusetts.

MC 56344 (Sub-1-1TA), filed March 19, 1980. Applicant: ALERT MOTOR FREIGHT, INC., P.O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Concrete products,* and on return materials, equipment, and supplies used in the manufacturing and sale therof, except in bulk, from Tullytown, PA to points in CT, ME, MA, NH, NJ, NY, NC, OH, RI, VT, VA, and WV for 180 days. Supporting Shipper: Atlantic Concrete Products, 675 Main Street, Tullytown, PA 19007.

MC 114896 (Sub-1-2TA), filed March 19, 1980. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). *Contract carrier,* irregular routes, transporting: *Gold, Silver, and Alloys derived from Gold and Silver, Sweeps, and Refining Bars;* from El Monte, CA to Fairfield, CT. Supporting shipper: Handy & Harmon, 4140 Gibson Road, El Monte, CA 91731.

MC 114896 (Sub-1-1TA), filed March 19, 1980. Applicant: PUROLATOR ARMORED, INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). *Contract carrier,* irregular routes, *Precious Metals;* From Hamburg, PA to New York, NY. A corresponding application for Permanent Authority will be filed within the next four weeks. Supporting shipper: Andy Mueller, Jr., 4th & State Streets, Hamburg, PA.

Federal Register Caption Summary

MC 143127 (Sub-1-4TA), filed March 18, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). (1) *Beverages* (except alcoholic beverages and commodities in bulk), and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of commodities in (1) (except commodities in bulk), between points in the United States in and east of ND, SD, NE, CO, OK, and TX. Restricted to traffic originating at or destined to the facilities of Faygo Beverages, Inc. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 144029 (Sub-1-1TA), filed March 11, 1980. Applicant: CUMBERLAND TRANSPORTATION CORP., 5950 Fisher Road, P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract,* irregular: Such commodities as are used in or dealt by a manufacturer and distributor of paper and plastic products, and materials, supplies and equipment used in the manufacture of paper and plastic products (except commodities in bulk), between the facilities of St. Regis Paper Co., Inc. at Buffalo, NY on the one hand, and, on the other, points in PA (except Bradford) and points in OH (except Toledo). Supporting shipper(s): St. Regis Paper Company, Inc., Seven Parkway Center—875 Greentree Rd., Pittsburgh, PA 15220.

MC 2860 (Sub-1-3TA), filed March 19, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Aluminum and metal containers* between Houston & Longview, Texas on the one hand; and on the other, Jackson, Clinton, & Ellisville, MS; Little Rock, Ark.; and Tulsa, OK. Supporting shipper: Continental Group Inc., Houston, TX 77001.

MC 2860 (Sub-1-4TA), filed March 19, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Tin plate and can ends* from West Mifflin, PA. to Derry N.H. Supporting shipper: Continental Group, Inc., 145 Route 46, Wayne, New Jersey 07470.

MC 2860 (Sub-1-3TA), filed March 19, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Aluminum and metal containers* between Huston & Longview, Texas on the one hand; and on the other, Jackson, Clinton, & Ellisville, MS; Little Rock, AR.; and Tulsa, OK. Supporting Shipper: Continental Group, Inc; Houston, TX 77001.

MC 87997F (Sub-1-1TA), filed March 19, 1980. Applicant: TEXTILE MOTOR EXPRESS, INC., One McLean Boulevard, Paterson, NJ 07509. Representative: Ronald I. Shapss, ESQ., 450 Seventh Avenue, New York, NY 10001. *Textiles, textile products, plastics, raw materials, supplies and machinery used in the manufacture of textiles.* Between points in CT, MA, and RI. Supporting Shipper: Fashion House, Inc., 327 Barton Street, Pawtucket, RI.

MC 144122 (Sub-1-2TA), filed March 19, 1980. Applicant: CARRETTA TRUCKING, INC., S 160 Route 17, Paramus, NJ 07652. Representative: Joseph Carretta, President, S 160 Route 17, Paramus, NJ 07652. *Electric door openers, metal doors and windows and merchandise equipment and supplies used in the sale, distribution and manufacture thereof,* except commodities in bulk. From the facilities of Chamberlain, Mfg. Company at Alsip, IL to points in MD, PA, NJ, NY, CT., MA, RI and DC. Supporting Shipper: Chamberlain Mfg. Company, 845 Larch Avenue, Elmhurst, IL 60126.

MC 78276 (Sub-1-1TA), filed March 20, 1980. Applicant: MAZZEO & SONS EXPRESS, P.O. Box. 691, Hackensack, NJ 07602. Representative: Joseph Mazzeo, president (same address as above). *Such commodities as are dealt in by retail department stores (including garments on hangers) (except commodities in bulk).* (1) Between: Philadelphia, PA; Hackensack, NJ (Terminal Site of Mazzeo & Sons Express) on the one hand, and on the other, Atlanta and Stone Mountain, Ga, Greenville and Spartanburg, SC (2) between Hialeah and Miami, FL; on the one hand, and on the other, Atlanta and Stone Mountain, GA. Supporting Shipper(s): Rich's Inc., 4401 Sarr Pkway., Stone Mountain, GA.

MC 142452 (Sub-1-4TA), filed March 18, 1980. Applicant: RIMAR TRANSPORT, INC., 850 Curie Road, North Brunswick, NJ 08902. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Aluminum insulating panels,* from Monmouth Jct., NJ, to Indiantown and West Palm Beach, FL, under continuing contract(s) with TPCO, Inc., Monmouth Jct., NJ. Supporting Shipper: TPCO, Inc., Stouts Lane, Monmouth Jct., NJ 08852.

MC 2860 (Sub-1-2TA), filed March 19, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Metal containers* with or without their equipment of ends and tops from Derry, NH to points in CT, DE, DC, and MD. Supporting shipper: Continental Group, Inc., 145 Route 46, Wayne, NJ 07470.

MC 2860 (Sub-1-1TA), filed March 19, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Metal empty containers* from Hurlock, MD to Lake Jem and Winter Garden, FL. Supporting shipper: Continental Group, Inc., 145 Route 46, Wayne, NJ 07470.

MC 147717 (Sub-1-2TA), filed March 17, 1980. Applicant: S.M.D. INDUSTRIES, INC., 46 Skiff St., Hamden, CT 06517. Representative: Walter L. Weart, Registered Practitioner, 548 Anita St., Des Plaines, IL 60016. *Such commodities as are dealt in by retail food and grocery houses except commodities in bulk;* from points in the states of: NY, NJ, PA, OH, IN, IL, MI and WI to N. Billerica, MA; *restricted* to shipments destined to the facilities of Purity Supreme Co., located at or near N. Billerica, MA. Supporting shipper: Purity Supreme Co., 90 Salem Road, North Billerica, MA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 144026 (Sub-3-2TA), filed March 13, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, Webster, Johnston & McGeorge, 2550 M Street, NW., Suite 520, Washington, DC, 20037. Irregular routes, *contract carrier,* (1) *iron and steel articles* between the facilities of Nucor Steel at or near Darlington, SC, and points in the states of AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MO, MN, MS, NH, NJ, NY, NC, OH, PA, RI, TN VT, VA, WV, WI and DC under continuing contract with Nucor Steel. Supporting shipper: Nucor Steel, P.O. Box 525, Darlington, SC 29532.

No. 144026 (Sub-3-3TA), filed March 13, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, Webster, Johnston & McGeorge, 2550 M St., NW., Suite 520, Washington, DC 20037. Irregular routes, *contract carrier, waste paper* from points in the states of FL, GA, KY, MD, NJ, NY, NC, OH, PA, TN, VA, WV and DC to the facilities of Sonoco Products Company at Hartsville, SC under a continuing contract with Sonoco Products Company. Supporting shipper: Sonoco Products Co., 1 North Second St., Hartsville, SC 29550.

MC 2421 (Sub-3-1TA), filed March 10, 1980. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Greer Circle, Lenoir, North Carolina 28645. Representative: Charles H. Keller, Greer Circle, Lenoir, North Carolina 28645. *New furniture and furniture parts* from (1) The facilities of Drexel Heritage Furnishings Inc., located in Drexel, NC, Marion, NC, Shelby, NC, Mocksville, NC, Hildebran, NC, and High Point, NC, to points in: IN, KY, OH, WV, and (2) from Morganton, NC, to points in KY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Two certifications of support are attached. Supporting shipper: Drexel Heritage Furnishings, Inc., Drexel, NC 28619; Henredon Furniture Ind., Inc., P.O. Box 70, Morganton, NC 28655.

MC 107818 (Sub-3-1TA), filed March 10, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *General commodities* (except articles of unusual value, classes A & B explosives, household goods, commodities in bulk, and those requiring special equipment) from the facilities of Economics Laboratory, Inc., at Avenel, NJ and Joliet, IL, to points in SC, NC, GA and FL. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102.

MC 114552 (Sub-3-2TA), filed March 14, 1980. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., Attorney at Law, 707 Security Federal Building, Columbia, SC 29201. *Iron and steel articles and equipment, material and supplies used in the manufacture, distribution and sales of the above commodities* between Perth Amboy, NJ on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR and LA. Supporting shipper: Raritan River Steel Co., 225 Elm St., P.O. Box 309, Perth Amboy, NJ 08862.

MC 150284 (Sub-3-1TA), filed March 13, 1980. Applicant: DAWN'S-WAY, INC., 507 San Sebastian Prado, Altamonte Springs, FL 32701. Representative: Elbert Brown, Jr., Registered Practitioner, P.O. Box 1378, Altamonte Springs, FL 32701. *Contract carrier, irregular routes,* in the transportation of *Bathroom fixtures, other than porcelain, Putty in cans and/or Cleaning Compound, Compressed Gas, NOS, Flammable Compressed Gas, Red Label applied, Materials and Supplies used in the manufacture and marketing of these commodities,* between points in the States of OH, KY, WV, VA, NC, SC, TN, GA, AL, and FL, restricted to shipments originating at or destined to the facilities of GO–JO Industries, Inc. Supporting shipper: GO–JO Industries, 144 Cuyahoga St., Akron, OH 44309.

Docket 150328 (Sub-3-1TA), filed March 10, 1980. Applicant: SHAFER TRUCKING COMPANY, INC., 4726 Ballcamp Pike, Knoxville, Tennessee 37921. Representative: John J. Duncan, Jr., Suite 350, City and County Bank, One Regency Square, Knoxville, Tennessee 37915. *Concrete pipe, conduits, and manholes* from the facilities utilized by the Hermitage Concrete Pipe Co. at or near Knoxville, TN, and from the facilities utilized by the Knoxville Concrete Pipe and Products Company at or near Knoxville, TN, to points in GA, KY, NC, SC, TN, VA, and WV. Supporting shippers: Hermitage Concrete Pipe Co., 3411 Huron, Knoxville, TN 37917 and Knoxville Concrete Pipe and Products Co., 6209 Old Rutledge Pike, Knoxville, TN 37914.

MC 145738 (Sub-3-1TA), filed March 17, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., Post Office Box 607, Selmer Tennessee 38375. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Road, N.E., Atlanta, Georgia 30326. *Ores* and *Chemicals* (except in bulk), from facilities of Climax Molybdenum Company, a Division of AMAX, Inc., at or near Ft. Madison, IA, to points in CA and LA. Supporting shipper: AMAX, Inc., Greenwich, CT 06830.

MC 111045 (Sub-3-1TA), filed March 17, 1980. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Florida 33601. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Chemicals, in bulk, in tank vehicles,* from Childersburg, AL to all points in the United States (except AK and HI). Supporting shipper: Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, AL 36507.

MC 146646 (Sub-3-3TA), filed March 17, 1980. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Containers and container ends* from Salisbury, NC and Bristol, VA to the facilities of Shasta Beverages located at or near Birmingham, AL. Supporting shipper: Shasta Beverages, P.O. Box 6347, Birmingham, AL 35217.

MC 111201 (Sub-3-1TA), filed March 17, 1980. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 91247, East Point, GA 30364. Representatives: Archie B. Culbreth and John P. Tucker, Jr., Archie B. Culbreth, P.C., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Metal containers, container ends and closures,* from the facilities of Armstrong Container, Inc., at or near Atlanta, GA, to points in Orange and Hillsborough Counties, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armstrong Container, Inc., 1166 Logan Circle, Atlanta, GA 30318.

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MC 116300 (Sub-3–2TA), filed March 19, 1980. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Fertilizer and Fertilizer Ingredients,* from Jackson, MS to points in AL, AR, LA, TN and TX. Supporting shipper: Southeastern Chemical, Inc., 7 Lakeland Circle/Suite 600, Jackson, Mississippi 39216.

MC 149409 (Sub-3–1TA), filed March 19, 1980. Applicant: CGR TRUCK LINES, INC., 8456 Glenbrae Cove, Germantown, TN 38188. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Caustic soda, sulfuric acid, and solvents, in bulk, in tank vehicles* (1) from Memphis, TN to points, in AR, MS, LA and MO, and (2) from points in TX and LA to Memphis, TN. An underlying ETA seeks 90 day authority. Supporting shippers: Thompson-Hayward Chemical Co., 1585 Harbor Avenue, Memphis, TN, and Ideal Chemical & Supply Co., 4025 Air Park, Memphis, TN 38118.

MC 143988 (Sub-3–1TA), filed March 19, 1980. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, 2995 Sanbrook, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar, Memphis, TN 38137. *Cheese,* from the facilities of Pilgrim Dairy Service, Inc. at or near Supervior, NB to Jackson, TN. An underlying ETA seeks 90 days authority. Supporting shipper: Pilgrim Dairy Service, Inc., 49 Pleasant Street, South Weymouth, MA 10219.

MC 150291 (Sub-3–1TA), filed March 13, 1980. Applicant: PEE DEE TRANSPORT CO., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, Webster, Johnston, & McGeorge, 2550 M Street, NW, Suite 520, Washington, DC 20037. *Bulk petroleum products in tank trailers,* between Charlotte, NC, Wilmington, NC, Greensboro, NC, and Fayetteville, NC to points in SC. Supporting shippers: Hartsville Fuel Co./W M Timberlake, P.O. Box 489, Hartsville, SC 28550.

MC 94201 (Sub-3–2TA), filed March 13, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Georgia 30316. Representative: Sam Cerniglia, Bowman Transportation, Inc., P.O. Box 17744, Atlanta, Georgia 30316. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodites in bulk, and those requiring special equipment), from the facilities of Monsanto Company, at or near Decartur, Alabama to London, Kentucky. Supporting shippers: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166.

MC 42146 (Sub-3–1TA), filed February 19, 1980. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, 1812 West Morehead Street, Charlotte, NC 28266. Representative: Floyd C. Hartsell, P.O. Box 668126, 1812 West Morehead Street, Charlotte, NC 28266. *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, equipment, materials and supplies used in the conduct of such business* for the account of Rainbo Baking Company over irregular routes between points in Mecklenburg County, NC, and Washington County, TN on the one hand, and, on the other, to points in AR, IL, IA, KS, LA, MO, and OK. Shipper: Rainbo Baking Company, 4825 Hovis Road, Charlotte, NC 28208.

MC 42146 (Sub-3–2TA), filed February 25, 1980. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, 1812 West Morehead Street, Charlotte, NC 28266. Representative: Floyd C. Hartsell, P.O. Box 668126, 1812 West Morehead Street, Charlotte, NC 28266. *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, equipment, materials and supplies used in the conduct of such business for the account of National Fruit Products Company* over irregular routes between points in Lincoln County, NC, and Winchester, VA on the one hand, and, on the other, to points in VA, NC, SC, GA, AL, and FL. Shipper: National Fruit Products Company, P.O. Box 2040, Winchester, VA 22601.

MC 124887 (Sub-3–4TA), filed March 13, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Iron and Steel articles* and *pipe,* and (2) *material, equipment and supplies* used in the production of iron and steel articles and pipe, between points in Bay County, FL on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Underlying ETA seeks authority for 90 days. Supporting shipper: PAFCO, Inc., P.O. Box 31, Panama City, FL 32401.

MC 138815 (Sub-3–1TA), filed March 13, 1980. Applicant: MERCHANTS DELIVERY, INC., 1027 Elm Hill Pike, Nashville, TN 37210. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier,* over irregular routes, transporting *merchandise, equipment and supplies, sold, used, or distributed by manufacturers of cosmetics,* from Nashville, TN, to points in TN, on and west of U.S. Hwy 27 (except points in Stewart, Montgomery, Robertson, Sumner, Macon, Trousdale, Smith, Wilson, Humphreys, Dickson, Cheatham, Davidson, Cannon, Rutherford, Williamson, Hickman, Perry, Decatur, Wayne, Lawrence, Giles, Maury, Marshall, Lincoln, Bedford, Coffee, Franklin, Lewis, Moore and Houston Counties, TN), under a continuing contract(s) with Avon Products, Inc., for 180 days. Supporting shipper(s): Avon Products, Inc., P.O. Box 4667, Atlanta, GA, 30302.

MC 128555 (Sub-3–2TA), filed March 13, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. *Contract carrier:* irregular routes: *scrap metal and finished metals,* between points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NY, NC, OH, OK, PA, SC, TN, VA, and WI, under continuing contract(s) with Teller Metal Co., Inc., of St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Teller Metal Co., Inc., 42115 Lackland Road, Suite 219, St. Louis, MO 63141.

MC 140845 (Sub-3–1TA), filed March 13, 1980. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, Georgia 30176. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, Georgia 30328. (1) *Containers and container ends,* and (2) *machinery, materials, and supplies used in the manufacture and distribution of containers and container ends* between Arden, NC, on the one hand, and on the other, points in AL, FL, GA, IN, IL, LA, MI, MD, MS, NJ, NY, OH, PA, SC, VA and WV for 180 days. The operations authorized herein are limited to a transportation service to be performed under contract, or continuing contracts, with Southern Can Company. Supporting shipper: Southern Can Company, 100 Stoffel Drive, Tallapoosa, Georgia 30176.

MC 126305 (Sub-3–3TA), filed March 13, 1980. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., RFD 1, Box 18, Clayton, Alabama 36016. Representative: George A. Olsen, PA, Transportation Consultant, P.O. Box 357, Gladstone, New Jersey 07934. Supporting shipper: Conesco Industries, LTD., 214 Gates Road, Little Ferry, New Jersey 07643. *Custom Concrete Forming Equipment and Accessories (Iron and Steel Articles)* Between: Wilkes-Barre, Pa.; Huntington, W. Va.; Laredo, Texas; Uniontown, Pa.; Milwaukee, Wis.; Little Ferry, New Jersey; and Port of New Orleans, New Orleans, Louisiana, for Export.

MC 107515 (Sub-3–6TA), filed March 13, 1980. Applicant: Refrigerated Transport Co., Inc., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Industrial Hose and Couplings* from Compton, CA to the facilities of King Productions at or near Dallas, TX, for 180 days. Supporting shipper: King Productions, 2623 Manana, Dallas, TX 75220.

MC 146293 (Sub-3–3TA), filed March 13, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree RD, NE, 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Musical Instruments* from the facilities of Yamaha International Corporation at or near Thomaston, GA to points in the U.S. (except AK and HI) for 180 days. Supporting shipper: Yamaha International Corporation, 6600 Orangethorpe AV, Buena Park, CA 90620.

MC 111548 (Sub-3–2TA), Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. *Foodstuffs (except in bulk and frozen), textile softener, liquid starch and cleaning compounds (except in bulk)* from the facilities of A. E. Staley Mfg. Co. in Chicago, IL, commercial zone to Forest Park, GA. Supporting shipper: A. E. Staley Consumer Products Division, 2222 Kensington Court, Oak Brook, IL 60521.

MC 148976 (3–1TA), filed March 12, 1980. Applicant: H & W Transfer and Cartage Service, Inc., 611 S. Main Street, Cedartown, Georgia 30125. Representative: Bruce E. Mitchell, Esquire, Suite 520, Lenox Towers South, 3390 Peachtree Road, NW., Atlanta, Georgia 30326. *General commodities, except those of unusual value, classes A and B explosives household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading* between points in Polk and Floyd Counties, GA, on the one hand, and on the other, points in GA, Chattanooga, TN and Gadsden and Anniston, AL, restricted to the transportation of traffic having an immediate prior or subsequent movement via rail. Supporting shippers: Eagle-Picer Industries, Inc. and Trend Carpets.

MC 138157 (Sub-3–9TA), filed March 12, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. (1) *Paperboard products,* From Chattanooga, TN to points in the United States in and east of NM, CO, WY & MT. (2) *Materials, equipment and supplies used in the manufacture, production and distribution of paperboard products,* From points in the United States in and east of NM, CO, WY & MT to Chattanooga, TN. Restrictions: Restricted against the transportation of commodities in bulk and restricted to traffic originating at or destined to the facilities of Southern Champion Tray Co. Supporting shipper: Southern Champion tray Co., P.O. Box 4066, Chattanooga, TN 37405.

Note.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore, dual operations may be involved.

MC 142835 (Sub-3–1TA), filed March 12, 1980. Applicant: CARSON MOTOR LINES, INC., Post Office Box 337, Auburndale, Florida 33823. Representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. *Bananas,* from Tampa, FL to points in DE, KY, MD, NJ, NY, OH, TN and VA, for 180 days. Supporting shipper: Turbana Banana, 2701 Lejune Road, Suite 407, Coral Gables, FL.

MC 56679 (Sub-3–5TA), filed March 12, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *Agricultural fertilizers and chemicals; and products, supplies and materials used in the manufacture, distribution and sale of agricultural fertilizers and chemicals,* between points in AL, AR, AZ, FL, GA, CA, LA, MD, MO, NC, NY, NJ, OK, PA, SC, TN, KY, TX, VA, WV, IA, KS, MO, IN, SD, ND, WA, WI, OH and NE. Restricted to traffic moving from, to, or between facilities of Helena Chemical Co. Supporting shipper: Helena Chemical Co., 5100 Poplar Avenue, Memphis, TN 38137.

MC 148392 (Sub-3–1TA), filed March 13, 1980. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, Tennessee 38501. Representative: James Clarence Evans, Attorney, 1800 Third National Bank Building, Nashville, Tennessee 37219. Temporary Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities,* with the exception of household goods, classes A and B explosives, commodities in bulk, and those requiring specialized equipment, over the following described routes, all of which are to be used in conjunction with each other and with other authority which applicant may hold: (a) Between Crab Orchard, Tennessee and Memphis, Tennessee via Interstate Hwy. 40, and serving all intermediate points between Crab Orchard and the junction of Interstate Hwy. 40 and TN Hwy. 56, and serving Nashville, Tennessee for the purpose of joinder only (b) Between Cookeville, Tennessee and Jamestown, Tennessee over the following described route: From Cookeville, TN via TN Hwy. 42 to the junction of TN Hwy. 52, thence TN Hwy. 52 to Jamestown and return over the same route, serving all intermediate points. (c) Between Monterey, Tennessee and Livingston, Tennessee, via TN Hwy. 84, serving all intermediate points. (d) Between Crossville, Tennessee and Jamestown, Tennessee, via U.S. Hwy. 127, serving all intermediate points. (e) Between Monterey, Tennessee and Clarkrange, Tennessee, via TN Hwy. 62, serving all intermediate points. (f) Between Crab Orchard, Tennessee and Cookeville, Tennessee over the following described route: From Crab Orchard, TN to Crossville, TN via U.S. Hwy. 70, thence via U.S. Hwy. 70N to Cookeville and return over the same route, serving all intermediate points (g) Between Spencer, Tennessee and Cookeville, Tennessee, via TN Hwy. 111, serving all intermediate points. (h) Between Fall Creek Falls State Park and the junction of TN Hwy. 30 and U.S. Hwy. 70S, near McMinnville, TN, via TN Hwy. 30, serving all intermeidate points. (i) Between Sparta, Tennessee and McMinnville, Tennessee, via U.S. Hwy. 70S, serving all intermediate points. (k) Between McMinnville, Tennessee and the junction of TN Hwy. 56 and Interstate Hwy. 40, via TN Hwy. 56, serving no intermediate points and serving the said junction for joinder only. (l) Between McMinnville, Tennessee and Nashville, Tennessee over the following described route: From McMinnville via TN Hwy. 55 to its junction with Interstate Hwy. 24, thence via Interstate Hwy. 24 to Nashville and return over the same route, serving all intermediate points between McMinnville and Morrison, Tennessee, including Morrison, and serving Nashville for the purpose of joinder only. The authority sought includes all of the commercial zones of all points, irrespective of the states in which a portion thereof might lie. All the

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foregoing shall include authority to tack or join any of these aforesaid routes, or portions thereof, at intersections betweeen any of them, and also authority over any convenient streets and highways any point on Interstate Hwy. 40 and any point at which service is otherwise authorized, but with no authority to serve any intermediate point along such streets and highways unless otherwise authorized. Authority includes authority to interline, for 180 days. Supporting shippers: There are 38 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 116947 (Sub-3-5TA), filed March 14, 1980. Applicant: SCOTT TRANSFER CO., INC., 1190 Sylvan Road, Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, GA 30342. *Paint and paint products,* between East Point, GA on the one hand, and, on the other, points in DE, NC, PA, TN, TX, and WI. Contracting Shipper: P P G Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222.

MC 150200 (Sub-3-2TA), filed March 14, 1980. Applicant: BRAVE TRANSPORT, INC. 3181 Bankhead Highway, Room 100, Atlanta, GA 30318. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Contract: *Iron and steel, and iron and steel articles* from facilities utilized by Atlantic Steel Co. at or near Tallapoosa, GA to points in the US on and east of US Hwy 85 and points in CA, UT, NV, and CO for 180 days. Supporting shipper: Atlantic Steel Co., P.O. Box 1714, Atlanta, GA 30301.

MC 146868 (Sub-3-1TA), filed March 14, 1980. Applicant: B & W GRAIN & FEED SERVICE, INC., P.O. Box 475, Oakboro, NC 28129. Representative: J. Ruffin Bailey, Bailey, Dixon, Wooten, McDonald & Fountain, P.O. Box 2246, Raleigh, NC 27602. *Feed Ingredients.* Over irregular routes between points in NC, SC, and VA. Supporting shippers: Siler City Mills, Inc., Siler City, NC.; Cargil, Inc., Fayetteville, NC; Ralston Purina Company, Charlotte, NC, and Statesville Flour Mills Co., Statesville, NC.

MC 146293 (Sub-3-4TA), filed March 13, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Fluorescent lighting fixtures and parts and accessories for fluorescent lighting fixtures* (except commodities in bulk) (1) from facilities utilized by Keystone Lighting Corporation at or near Kingston, NY to points in WA, OR, CA, NV, AZ, UT, ID, WY, CO, NM, MT, OK, TX, AR, LA, MS, TN, AL, GA, FL, NC, and SC, and to facilities of Keystone Lighting Corporation in Bucks and Philadelphia Counties, PA; and (2) from Blytheville, AR; Chicago, IL; and Mendenhall, MS to facilities utilized by Keystone Lighting Corporation at or near Kingston, NY, for 180 days. Supporting shipper(s): Keystone Lighting Corporation, Route 13, Beaver Rd., Bristol, PA 19007.

MC 11302 (Sub-3-1TA), filed February 7, 1980. Republication—originally published in **Federal Register** of February 27, 1980, pg. 12928, Vol. 45, No. 40. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Peterson (same address as above). *Liquid chemicals, in bulk, in tank vehicles,* (1) From Greenville, SC, to points in AL, CT, FL, GA, IL, IN, KY, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, TN, TX, VA, WI and Delaware City, DE, Cranston, RI and Kansas City, KS and (2) from Augusta and Savannah, GA; Chicago, Juliet and Mapleton, IL; Whiting, IN; Louisville, KY; Baton Rouge, Geismar, New Orleans, Placquemine and Taft, LA; Bayonne and Kearney, NJ; Cincinnati, OH; Lock Haven and Philadelphia, PA; Houston, Pt. Neches and Texas City, TX; Franklin and Portsmouth, VA; and Charleston, WV to Greenville, SC. Supporting shipper: Mauldin Mfg., Emery Industries, Inc., P.O. Box 628, Mauldin, SC 29662.

The following application was filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 143868 (Sub-4-3TA), filed Febuary 13, 1980. Applicant: R.E.T.E.N.O. CARRIERS, INC., P.O. Box 1438, Willmar, MN 56201. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, Wisconsin 53703. *Contract, irregular,* transporting: *Fabricated steel and materials, equipment, and supplies* used in the manufacture and distribution of fabricated steel between the town of Lakeland, Barron County, WI, on the one hand, and, on the other, points in Big Horn and Rosebud Counties, MT and MN, Authority sought for 180 days. Supporting shipper: Jack C. Baker d.b.a. Baker Welding, P.O. Box 625, Cumberland, WI 54829.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 2229 (Sub-5-2TA), filed March 20, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). *Cement, in bags,* from Gifford Hill Chemical, at Dallas, TX to all points in the states of AZ and NM. Supporting Shipper: Gifford Hill Chemical, 4930 River Oaks Road, Dallas, TX 75216.

MC 34027 (Sub-5-1TA), filed March 21, 1980. Applicant: GEETINGS, INC., P.O. Box 82, Pella, Iowa 50219. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. (1) *Wood windows, sliding glass doors, wood folding doors, partitions, and lumber, and* (2) *materials and supplies (except commodities in bulk) used in the manufacture, sale or distribution of the commodities in (1).* Between Pella, Iowa, on the one hand, and on the other, points in the United States in and west of MT, WY, CO, and NM (except AK and HI). Supporting shipper: Pellas Rolscreen Company, Pella, Iowa 50219.

MC 60271 (Sub-5-2TA), filed March 20, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monore, LA 71201. Representative: Sherri L. Roberts, P.O. Box 288, Monroe, LA 71201. *Specific Commodities, plywood, building materials.* Points and places in LA to Vidalia and/or Lake Providence, LA or Natchez and/or Vicksburg, MS for further transportation by water to other cities in US or foreign countries by barge. Supporting shipper: Western Rivers Forwarders, 1417 Park Bldg., Pittsburgh, PA 15222.

MC 106398 (Sub-5-8TA), filed March 21, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Iron, steel and rubber products* from the facilities of the Port of Muskogee, Oklahoma to points in OK, TX, AR, LA, KS, MO, NE, CO, IA, IL and NM supporting shipper: Willbros Terminal Company, R.R. #6, Port #50, Muskogee, Oklahoma, 74401, O. M. (Mike) Bice, Port Superintendent.

MC 106400 (Sub-5-3TA), filed March 14, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8525, Sugar Creek, MO 64054. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Crude Oil,* from Johnson and Franklin Counties, KS to ARCO Pipeline Terminal at or near Humboldt, KS. Supporting shipper: LaJet, Inc., Suite 200, Bank of Commerce Building, Abilene, TX 79605.

MC 107498 (Sub-5-7TA), filed March 20, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Weed Killing Compound, in bulk, in tank vehicles,* from the plantsite of American Cyanimid Company at or near South River, MO to points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MN, MS, NE, OH, TN, TX, and WI. Supporting shipper: American Cyanamid Company, P.O. Box 400 Princeton, NJ 08540.

MC 113362 (Sub-5-2TA), filed March 14, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eight Avenue NE., P.O. Box 429, Austin, MN 55912. *Paper and paper articles, woodpulp, plastic and plastic articles, and materials, supplies, and equipment used in the manufacture of paper and plastic articles (except in bulk).* Between the facilities utilized by International Paper Company on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: International Paper Company, 220 East 42nd Street, New York, NY 10017.

MC 114274 (Sub-5-1TA), filed March 11, 1980. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, Iowa 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Coffee and coffee products (except in bulk),* from the facilities of the Procter & Gamble Distributing Company, at or near Sherman, TX to points in IL, KS, MN and MO. Supporting shipper: The Procter & Gamble Distributing Co., P.O. Box 599, Cincinnati, OH 45201.

MC 117815 (Sub-5-3TA), filed March 20, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 SE., 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *(1) Canned goods,* from the facilities of Lakeside Packing Company, Michigan Fruit Canners, Baker Canning Co., Inc., Shurfine-Central Corporation, Leininger & Co., Inc., and Friday Canning Corporation located in WI and at Coloma, Lawrence and Traverse City, MI and Plainview, MN, and points in their commercial zones, to points in OK and TX; and *(2) frozen foods,* from the facilities of Leininger & Co., Inc., at Belgium, Green Bay and Random Lake, WI, to points in OK and TX. There are six shippers supporting this application.

MC 118089 (Sub-5-2TA), filed March 19, 1980. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Representative: Robert Heath (same as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from the facilities on John Morrell & Co., at or near Lubbock, TX to points in CO. Suporting shipper: Curt Y. Hopkins, Manager of Transportation, John Morrell & Co.; 208 South LaSalle Street, Chicago, IL 60604.

MC 118130 (Sub-5-3TA), filed March 20, 1980. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Frozen potatoes and potato products,* from Plover, WI to points in the US (except AK & HI). Supporting shipper: Basic American Food Company, P.O. Box 140, Vacaville, CA 95681.

MC 119489 (Sub-5-5-1TA), filed March 21, 1980. Applicant: CENTRAL TRANSPORTATION CO., INC., P.O. Box 249, Norfolk, NE 68701. Representative: Dennis L. Hardt, 1331 South 33rd Street, Suite F, Lincoln, NE 68510. *Liquid fertilizer solutions in tank vehicles* from the facilities of Chevron Chemical Co. at or near Friend, KS to CO, NE, OK, TX and NM. Supporting shipper: Chevron Chemical Co., Friend, KS 67845.

MC 119789 (Sub-5-7TA), filed March 20, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Transformers and parts (except commodities which because of size and weight require the use of special equipment)* from Pine Bluff, AR to points in CT, KY, MD, MA, NH, NY, OH, PA, TX, VT, VA, and WV. Supporting shipper: Central Moloney, Division of Colt Industries, Inc., P.O. Box 6608, Pine Bluff, AR 71601.

MC 120761 (Sub-5-1TA), filed March 19, 1980. Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. *Plastic fence posts,* from the facilities of Sunbelt Plastics, Inc., at or near Dallas, TX to points in the United States (except AK and HI). Supporting shipper: Sunbelt Plastics, Inc., Suite 300, North Dallas Bank Bldg., 12900 Preston Road, Dallas, TX 75230.

MC 124141 (Sub-5-3TA), filed March 14, 1980. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 W., Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *glues, adhesives, caulks, specialty chemicals and empty plastic caps and containers, in vehicles equipped with mechanical refrigeration (except commodities in bulk)* from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH, to points in the United States, and (2) *materials, equipment, and supplies used in the manufacture of the commodities in* (1) *above (except commodities in bulk),* in the reverse direction. Supporting shipper: Franklin Chemical Industries, Inc., 2020 Bruck Street, Columbus, OH 43207.

MC 124174 (Sub-5-3TA), filed March 21, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Terrazzo and clay tile,* from Roma and Laredo, TX to Washington, DC, and MD, VA, WV, and NC. Supporting shipper(s): Tile Gallary Corporation, 703 North Carolina Ave., S.E., Washington, DC 20003.

MC 124774 (Sub-5-1TA), filed March 20, 1980. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Canned and cooked fish and exempt commodities when moving in mixed loads with canned and cooked fish.* From the facilities of Stinson Canning Company at Bath, Belfast, Prospect Harbor, Rockland, and Southwest Harbor, ME to points in AR, CO, IL, IN, KS, KY, MA, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, TX and WI. Supporting shipper: Stinson Canning Company, Prospect Harbor, ME 04669.

MC 126118 (Sub-5-8TA), filed March 21, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Skin care products, cosmetics and toilet preparations (except chemicals and commodities in bulk, in tank vehicles),* from Murray, KY and its commercial zone to the facilities of Pacific World Products, Inc. at Laguna Hills, CA. Supporting shipper: Pacific World Products, Inc., Robert Leathers, President, 23341 Del Lago, Laguna Hills, CA 92653.

MC 126822 (Sub-5-8TA), filed March 20, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. Transporting *(1) air conditioning and heating ducts and registers and (2) equipment, materials, and supplies used in the installation of the commodities in*

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(1) above from points in the United States (except AK and HI) to the facilities of Goodman Manufacturing Corporation, at or near Houston, TX. Supporting shipper: Goodman Manufacturing Corporation, 1020 W. Loop North, Houston, TX 77055.

MC 126822 (Sub-5–9TA), filed March 21, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. *(1) Plastics, plastic articles, plastic pipe, tubing, fittings and connections; and (2) materials, supplies and accessories used in the manufacture and installation thereof (except in bulk, in tank vehicles)* between points in the United States (except AK and HI), restricted to the transportation of shipments from, to, or between the facilities of Robintech, Inc. Supporting shipper: Robintech, Inc., P.O. Box 2342, Fort Worth, Texas 76101.

MC 133655 (Sub-5–3TA), filed March 19, 1980. Applicant: TRANS–NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Boxed cookies* from Abilene, TX to Pensacola, FL; Macon, GA; and Montgomery, AL. Supporting shipper: Sunbeam Cookies, Inc., 6803 Anson Hwy., Abilene, TX 79604.

MC 134501 (Sub-5–2TA), filed March 20, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Texas 75061. Representative: T. M. Brown, Morgan Brown & Schneider, P.O. Box 1540, Edmond, Oklahoma 73034. *New furniture,* from Swainsboro, GA to points in AL, CT, DE, DC, FL, IL, IN, IA (except points in that part of IA on and west of Interstate Hwy. 35), KY, LA, ME, MA, MI, MN (except points in that part of MN on, north, and west of a line beginning at the MN–WI State Line extending along U.S. Hwy. 12 to St. Paul, then along Interstate Hwy. 35 to the MN–IA State Line), MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN (except points in Shelby County, TN), TX (except points in Dallas County, TX and points in that part of TX on, north, and west of line beginning at the AR–TX State Line extending along U.S. Hwy. 67 to Dallas, then along U.S. Hwy. 77 to Waco, then along Interstate Hwy. 35 to junction U.S. Hwy. 57, then along U.S. Hwy. 57 to the United States–Mexico International Boundary Line), VT, VA, WV, WI, and MD. Supporting shipper: Life Line Industries, Inc., Hwy. 80 East, Swainsboro, GA 30401.

MC 134501 (Sub-5–3TA), filed March 21, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Windows, window parts, doors, glass, fixtures and supplies,* from Stevens Point, WI, to points in the United States (except AK and HI). Supporting shipper: Vetter Manufacturing Co., 2116 Wood St. 228, Stevens Points, WI 54481.

MC 138104 (Sub-5–2TA), filed March 20, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. (1)(a) *Trailers, and trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, in truckaway service, (b) bodies, hoists, and containers,* from the facilities of Heil Company, at or near Athens, TN, Lancaster, PA, Milwaukee, WI and Tishomingo, MS to points in the United States (including AK but excluding HI); and (2) *commodities used in the manufacture of the commodities named in (1) above,* from points in the United States (including AK, but excluding HI), to the facilities of Heil Company at points named in (1) above. (3) *Trailers, and trailer chassis (except those designed to be drawn by passenger automobiles) and trailer converter dollies, in secondary movements,* between points in the United States (including AK but excluding HI), Restricted to the transportation of shipments originating at or destined to the facilities and distributorships of Heil Company. Supporting shipper: The Heil Company, P.O. Box 160, Athens, TN 37303.

MC 138198 (Sub-5–1TA), filed February 6, 1980. Applicant: SPD TRUCK LINE, INC., 401 Cottage St., Abilene, KS 67410. Representative: William B. Barker, P.O. Box 1979, 641 Harrison St., Topeka, KS 66601. *Contract, Irregular,* (1) *Such commodities as are dealt in or used by wholesale or retail discount or variety stores, under a continuing contract or contracts with Duckwall Stores, Inc.,* (a) From points in AR, CO, IL, IA, KS, MN, MO, NE, NM, OK, SD, TX and WY to points in ND. (b) From points in ND to points in CO, IA, KS, MN, NE, NM, SD, TX and WY. (2) *Household goods as defined by the Commission.* Between points in ND, on the one hand, and on the other, points in AR, CO, IL, IA, KS, MN, MO, NE, NM, OK, SD, TX and WY under continuing contract(s) with Duckwall-Alco Stores, Inc., of Abilene, KS. Supporting shipper: Duckwall-Alco Stores, Inc., 401 Cottage St., Abilene, KS 67410.

MC 139299 (Common) (Sub-5–1TA), filed March 20, 1980. Applicant: UNRUH GRAIN, INC., P.O. Box 95, Copeland, KS 67837. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Part 1—*Dry feed and dry feed supplements,* from the facilities of Ralston-Purina Co. at or near Liberal, KS to our feed lot located near Rolla, OK. Supporting shipper: CRI Feeders, Inc., P.O. Box 1303, Guymon, OK 73942. Part 2—*Dry animal and dry poultry feed, dry feed supplements and animal health products,* from the facilities of Ralston Purina Co at or near Liberal, KS and at or near Wichita, KS to points in OK. Supporting shipper: Ralston-Purina Co, P.O. Box 1840, Wichita, KS 67201.

MC 140829 (Sub-5–7TA), filed March 20, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Soap products and toilet preparations, and materials, equipment and supplies used in the manufacture and distribution thereof, (except commodities in bulk in tank vehicles),* between those points in the United States in and east of MT, WY, CO and NM; restricted to traffic originating at or destined to the facilities utilized by Minnetonka, Inc. Supporting shipper(s): Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.

MC 142364 (Sub-5–4TA), filed March 21, 1980. Applicant: KENNETH SAGELY, d.b.a. Sagely Produce, Post Office Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting: *Such commodities as are dealt in or used by discount and variety stores*—from points in AL, GA, IL, IN, KS, KY, MI, NJ, NY, OH, PA, TN and WI—to the facilities of Wal-Mart Stores, Inc., at or near Bentonville and Searcy, AR; and, Palestine, TX. Supporting shipper: Wal-Mart Stores, Inc., Post Office Box 116, Bentonville, AR 72712.

MC 144844 (Sub-5–1TA), filed February 29, 1980. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. (1) *Rough steel forgings,* and (2) *materials, equipment and supplies used in the manufacture and distribution of rough steel forgings,* between the facilities of Missouri Forge, Inc. at Donaphin, MO, on the one hand, and, on the other, Rockford, Crestwood, Chicago and East Alton, IL and East Chicago, IN. Supporting shipper: Missouri Forge, Inc., East Old Highway 142, Donaphin, MO 63935.

MC 144858 (Sub-5–2TA), filed March 21, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Foodstuffs (except in bulk),* from Independence, MO, to points in the states of FL, GA, IL, KY, LA, MN, NJ, NC, OH, TN, TX, and WI. Restriction: Restricted to traffic originating at the facilities of or used by Thomas J. Lipton, Inc. at or near Independence, MO. Supporting shipper: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, NJ 07632.

MC 145950 (Sub-5–3TA), filed March 21, 1980. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: David C. Venable, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Earthenware (except in bulk),* from Harrison County, OH, to points in MO, OK, TX, LA, AR and MS (St. Louis, St. Joseph and Kansas City, MO; Tulsa, Oklahoma City, OK; Dallas, El Paso, Ft. Worth, Houston, TX; Opelousas, New Orleans and Shreveport, LA; Little Rock, Ft. Smith and Jonesboro, AR; and Jackson and Biloxi, MS). Supporting shipper: Scio Pottery Co., P.O. Box 565, Scio, OH 43988.

MC 146078 (Sub-5–3TA), filed March 21, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Metal cans and the ends,* from the facilities of the Continental Can Company—U.S.A. at Longview, TX and Houston, TX, to all points and places in OK, AR, KS, and MS. Supporting shipper: Continental Can Company—U.S.A., 46155 Post Oak Place, P.O. Box 1557, Houston, TX 77000.

MC 147218 (Sub-5–1TA), filed March 21, 1980. Applicant: AMERICAN CHOICE TRANSPORT, INC., 614 East Main Street, Lewisville, Texas 75067. Representative: Ralph W. Pulley, Jr., Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, Texas 75202. *Contract;* Irregular. *Foodstuffs (except in bulk),* between the facilities of Portales Valley Mills, Inc., American Nut Corporation and Choice Products, Inc., at or near (a) Lewisville, TX and (b) Portales, NM on the one hand, and on the other, CA, AZ, NM, CO, TX, OK, KS, MO, IL, WI, AR, LA, MS, TN, AL, GA, and FL. Supporting shippers: Portales Valley Mills, Inc., 1355 North Chicago Avenue, Portales, NM 88130; Choice Products, Inc., P.O. Box 357. Celina, TX 75009; American Nut Corporation, 614 East Main, Lewisville, TX 75067.

MC 150308 (Sub-5–1TA), filed March 21, 1980. Applicant: SUPERIOR TRANSFER SERVICE, INC., 401 East 20th Street, Kansas City, Missouri 64108. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. *Paper Bags and materials and supplies used in the manufacture of paper products* from the Commercial Zone of Kansas City, MO, to the Commerical Zone of Crete, NE; and between the Commercial Zones of Kansas City, MO, and Omaha, NE. Supporting shipper: St. Regis Paper Company, 100 South Wacker Drive, Room 1125, Chicago, IL 60606.

MC 150311 (Sub-5–1TA), filed March 20, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Medicines, drugs and related medical supplies,* (1) from Michigan City, IN to Atlanta, GA; LaMirada, CA; Houston, TX; Mission City, KS and Somerset, NJ; and (2) between Bridgewater and New Brunswick, NJ, on the one hand, and , on the other, Greensboro and Kenly, NC and Morrow, GA. Supporting shipper: E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, NJ 08903.

MC 150340 (Sub-5–1TA), filed March 19, 1980. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: L. J. Celmins, Senior Commerce Attorney, 111 West Clarendon Avenue, Phoenix, AZ 85077. *Contract;* Irregular. *Meats, meat products, meat by-products, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, B, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk)* between the plant site and storage facilities utilized by Armour and Company at or near Nampa, ID and points in AZ and UT under contract(s) with Armour and Company, Phoenix, Arizona. Supporting shipper: Armour and Company, Greyhound Tower, 111 West Clarendon Avenue, Phoenix, AZ 85077.

MC 150364 (Sub-5–1TA), filed March 21, 1980. Applicant: BURCO BROS. TRUCKING, LTD., Rural Route 1, Independence, IA 50644. Representative: Richard P. Moore, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. *Contract;* Irregular *(1) Custom thermoformed plastic parts and (2) raw materials used in the manufacture of custom thermoformed plastic parts,* (1) from Winthrop and Oelwein, IA to Moline and Chicago, IL; Horicon and Portage, WI; Lincoln, NE; Hopkins, MN; and Lenexa, KS, and (2) from points in (1) above to Winthrop and Oelwein, IA. Supporting shippers: Superior Plastics Inc., Industrial Park Road, Oelwein, IA 50662 and Triangle Plastics, Inc., East Madison Street, Winthrop, IA 50682.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9677 Filed 4-1-80; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 176]

Assignment of Hearings

March 27, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135070 (Sub-45F) Jay Lines, Inc., now assigned for hearing on April 29, 1980 (1 day) at Fort Worth, Tx will be held in Hearing room 4th Floor, Neil P. Anderson Building, 411 West 7th Street.

MC 124692 (Sub-279F), Sammons Trucking, No. MC–83539 (Sub-No. 535F), C & H Transportation Co., Inc., Now assigned for hearing on April 30, 1980 (3 days) at Fort Worth, Tx will be held in Hearing room 4th Floor, Neil P. Anderson Building, 411 West 7th Street.

MC 2253 (Sub-96F), Carolina Freight Carriers Corp., now assigned for hearing on july 8, 1980 (1 day) at Jacksonville, Fl, in a hearing room to be later disignated.

MC 124887 (Sub-71F), Shelton Trucking Service, Inc., now assigned for hearing on July 10, 1980 (2 days) at Jacksonville, Fl in a hearing room to be later disignated.

MC 107403 (Sub-1219F), Matlack, Inc., now being assigned for hearing on May 22, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 146856F, Transportation Services, Inc., now assigned for hearing on April 16, 1980 (3 days) at Reno, NV is canceled.

MC 115703 (Sub-17F), Kreitz Motor Express, Inc., now being assigned for hearing on May 19, 1980 (1 week) at Philadelphia, PA location of hearing room will be designated later.

MC 58549 (Sub-29F), General Motor Lines, Inc., now assigned for hearing on May 12, 1980 (1 week) at Roanoke, VA in Court Room 236, Third Floor, Richard H. Poff

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Building, U.S. Courthouse & Federal Bldg., 310 Franklin Road.

No. 37292, Erie Western Railway Company V. Chicago & Indiana Railroad Company, now being assigned for hearing on May 13, 1980 (2 days) at Fort Wayne, IN in Room 259, Federal Building, 1300 S. Harrison Street.

No. 113963, (M1F), Heavy & Specialized Haulers, Inc., now being assigned for hearing on April 22, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 67866 (Sub-36F), Film Transit, Inc., now being assigned for hearing on June 10, 1980 at Little Rock, AR location of hearing room will be deisgnated later.

MC 136285 (Sub-3 M2 F), Southern Intermodal Logistics, Inc., now assigned for hearing on July 14, 1980 (5 days) at Jacksonville, FL in a hearing room to be later designated.

No. AB-19 (Sub-42F), Baltimore and Ohio Railroad Company Allegheny and Western Railway Company Buffalo, Rochester & Pittsburgh Railway Company & The Pittsburgh & Western Railroad Company Abandonment & Discontinuance of Service Between New Castle Branch, Big Run Branch and Marquis Spur, PA, now assigned for continued hearing on April 16, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 102567 (Sub-226F), McNair Transport, Inc., now being assigned for hearing on June 17, 1980 at Houston, TX, location of hearing room will be designated later.

MC 31389 (Sub-278F), Mclean Trucking Company, now being assigned for hearing on June 17, 1980 at Atlanta, GA, location of hearing room will be designated later.

MC 8958 (Sub-33F), The Youngstown Cartage CO., now being assigned for hearing on June 17, 1980 at Cincinnati, OH, location of hearing room will be designated later.

MC 2754 (Sub-30F), Neuendorf Transportation Co., now being assigned for hearing on June 2, 1980 (9 days) at Madison, WI location of hearing room will be designated later.

MC 133689 (Sub-275F), Overland Express, Inc., now being assigned for hearing on June 10, 1980 at New York, NY location of hearing room will be designated later.

MC 125777 (Sub-243F), Jack Gray Transport, Inc., now assigned for hearing on May 2, 1980 (1 day) at Atlanta, GA is postponed indefinitely.

MC 143433 (Sub-10F), B. L. Gilbert d/b/a Gilbert Trucking Co., now being assigned for Prehearing Conference on May 6, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106397 (Sub-462F), Tri-State Motor Transit, Co., now being assigned for Prehearing Conference on May 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 7840 (Sub-13F), St. Lawrence Freightways, Inc., now being assigned for hearing on May 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 116400 (Sub-7F), Lawrence Transfer & Storage Corporation, now being assigned for hearing on May 6, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124211 (Sub-357F), Hilt Truck Line, Inc., now being assigned for hearing on May 20, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142559 (Sub-92F), Brooks Transportation, Inc., now being assigned for hearing on May 8, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145516 (Sub-4F), T. G. Stegall Trucking Co., Inc., now being assigned for hearing on May 20, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111375 (Sub-104F), Pirkle Refrigerated Freight Lines, Inc., now being assigned for hearing on June 9, 1980 (1 Week), at Los Angeles, CA. in a hearing room to be designated later.

MC 35320 (Sub-303F), T.I.M.E.-DC, Inc., transferred to Modified Procedure.

MC 115826 (Sub-450F), W. J. Digby, Inc., transferred to Modified Procedure.

MC 55896 (Sub-105F), R-W Service System, Inc., now assigned for continued hearing on April 8, 1980 at Detroit, MI, May 8, 1980 at Washington, DC, June 9, 1980 at Detroit, MI, June 30, 1980 at St. Louis, MO, August 4, 1980 at Denver, CO, and September 16, 1980 at Atlanta, GA, is postponed to June 3, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 4484 (Sub-8F), Crown Transport, Inc., now assigned for hearing on March 26, 1980 at Philadelphia, PA, is canceled and trasferred to Modified Procedure.

MC 143698 (Sub-2F), Cast North American LTD, now being assigned for hearing on June 10, 1980 (9 Days), at Detroit, MI., in a hearing room to be designated later.

MC 136786 (Sub-159F), Robco Transportation, Inc., now being assigned for hearing on June 18, 1980 (1 Day), at Boston, MA., in a hearing room to be designated later.

MC 102816 (Sub-993F), Coastal Tank Lines, Inc., now being assigned for hearing on May 28, 1980 (1 Day), at New Orleans, LA., in a hearing room to be designated later.

MC 145526 (Sub-1F), CTC Transportation, Inc., now being assigned for hearing on May 29, 1980 (2 Days), at New Orleans, LA., in a hearing room to be designated later.

MC 134405 (Sub-56F), Bacon Transport Company, now being assigned for hearing on June 2, 1980 (5 Days), at Forth Worth, TX., in a hearing room to be designated later.

MC 138106 (Sub-1F), Gulf States Trucking Service, Inc., now assigned for hearing on March 13, 1980 is postponed indefinitely and transferred to Modified Procedure.

MC 120427 (Sub-10F), Williams Transfer, Inc., now being assigned for hearing on June 4, 1980 (3 Days), at Lincoln, NE., in a hearing room to be designated later.

MC 141804 (Sub-167F), Western Express, Division of Interstate Rental, Inc., now being assigned for hearing on June 3, 1980 (1 Day), at Los Angeles, CA., in a hearing room to be designated later.

MC 124211 (Sub-297M1F), Hilt Truck Line, Inc., now being assigned for hearing on June 4, 1980 (3 Days), at Los Angeles, CA., in a hearing room to be designated later.

MC 110325 (Sub-93F), Transcon Lines, now assigned for continued hearing on May 19, 1980 (5 Days), at Louisville, KY., in a hearing room to be designated later.

MC 44605 (Sub-50F), Milne Truck Lines, Inc., now being assigned for hearing on June 10, 1980 (9 Days), at Las Vegas, NV., in a hearing room to be designated later.

MC 136376 (Sub-8F), Mont R. Lynch d.b.a. Lynch Trucking, now assigned for hearing on April 9, 1980 will be held in Room No. 401-4th Floor, 1776 Building, 1776 Peachtree Street, NW., Atlanta, GA.

MC 109533 (Sub-106F), Overnight Transportation Company, A Corporation, now assigned for hearing on April 15, 1980 will be held at the Sheraton West Hotel, 2544 Executive Drive, Indianapolis, IN.

MC 125708 (Sub-167F), Thunderbird Motor Freight Lines, Inc., now assigned for hearing on April 15, 1980 will be held in Hearing Room 4th Floor, Neil P. Anderson Building, 411 West 7th Street, Fort Worth, TX.

MC 111545 (Sub-270F), Home Transportation Company, Inc., now assigned for hearing on April 16, 1980 will be held in Hearing Room 4th Floor, Neil P. Anderson Building, 411 West 7th Street, Fort Worth, TX.

MC 31462 (Sub-26F), Paramount Movers, Inc., now assigned for hearing on April 21, 1980 will be held in Hearing Room 4th Floor, Neil P. Anderson Building, 411 West 7th Street, Fort Worth, TX.

MC 39249 (Sub-21F), Marty's Express, Inc., now being assigned for hearing on May 5, 1980 (1 Week), at Philadelphia, PA., in a hearing room to be designated later.

MC 108587 (Sub-26F), Schuster Express, Inc., now being assigned for hearing on June 3, 1980 (9 Days), at Boston, MA. in a hearing room to be designated later.

MC 112801 (Sub-223F), Transport Service Company, now assigned for hearing on April 22, 25, 1980, will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL., and on April 28, 1980 to May 2, 1980 will be held in Room No. 350, 230 South Dearborn Street, Chicago, IL.

MC 145454 (Sub-3F), Southern Refrigerated Transportation Company, Inc., now assigned for hearing on April 8, 1980 will be held in Room 3855A, 230 South Dearborn Street, Chicago, IL.

MC 138550 (Sub-1F), W. Smith Cartage Company, Inc., now assigned for hearing on April 9, 1980 will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 2253 (Sub-93F), Carolina Freight Carriers Corporation, now assigned for hearing on April 14, 1980 will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 76677 (Sub-13F), Hallamore Motor Transportation, Inc., now assigned for hearing on June 18, 1980 at Boston, MA., is canceled and transferred to Modified Procedure.

MC 123272 (Sub-31F), Fast Freight, Inc., transferred to Modified Procedure.

MC 124154 (Sub-75F), Wingate Trucking Company, Inc., now assigned for hearing on May 5, 1980 at Atlanta, GA., is canceled and reassigned for hearing on May 5, 1980 (5 Days), at Albany, GA., in a hearing room to be designated later.

MC 144092 (Sub-1), Transportation Enterprises, Inc., now being assigned for hearing on July 22, 1980 (9 Days), at Fort Worth, TX., in a hearing room to be designated later.

MC 65802 (Sub-66F), Lynden Transport, Inc., now being assigned for hearing on June 5, 1980 (2 Days), at Seattle, WA., in a hearing room to be designated later.

MC 145384 (Sub-32F), Rose-Way, Inc., now being assigned for hearing on June 9, 1980 (1 Week), at Portland, OR., in a hearing room to be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9672 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1437; Authorization Order No. 1]

Car Service; Regional Transportation Authority—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided March 21, 1980

Under Directed Service Order No. 1437 (served March 20, 1980), published elsewhere in this issue, the Commission directed the Regional Transportation Authority (RTA) to provide service as a "directed rail carrier" (DRC)—without Federal subsidization under 49 U.S.C. § 11125(b)(5)—over the Chicago-Joliet commuter line of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or RI").

To conduct such operations it is necessary that RTA has available to it all coaches, equipment, fuel, fuel allocations, materials and supplies owned or under lease to RI (including 30 passenger coaches; repair, maintenance and rehabilitation equipment; inspection equipment; switching equipment and repair facilities).

Directed Service Order No. 1437 stated that "in operating RI's Chicago-Joliet commuter line, RTA shall use its own cars and operating equipment wherever possible. Under appropriate orders of the Commission's Railroad Service Board, RTA may use any RI equipment and facilities necessary to the provision of the service authorized by this decision."

The RTA submitted an urgent request to the Commission asking that the RI Trustee be directed to make available to RTA all coaches, equipment, fuel, fuel allocations, materials and supplies owned by or under lease to RI (including 30 car coaches, repair, maintenance, and rehabilitation equipment, inspection equipment, switching equipment and repair facility) necessary to the provision of service authorized by D.S.O. 1437.

1. We find that this action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

(1) It is ordered that the RI Trustee is directed to make available to the RTA all coaches, equipment, fuel, fuel allocations; materials and supplies owned by or under lease to RI including 30 car coaches; repair, maintenance, and rehabilitation equipment; inspection equipment; switching equipment; repair facility, and other facilities necessary to the provision of service authorized by D.S.O. 1437, and the RTA is authorized to use this equipment and these facilities as necessary to operate the Chicago-Joliet commuter service as authorized by D.S.O. No. 1437.

(2) This order is effective at 12:01 a.m., March 24, 1980.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9671 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

Released Rates Applications

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. MC-1495.

SUMMARY: National Motor Freight Traffic Association, Inc., Agent for and on behalf of the participants in the National Motor Freight Classification seeks authority to further amend Released Rates Order No. MC-296, applicable on "Engines, internal combustion, NOI", to extend its authority to exception ratings and commodity rates. The released provisions would be established and maintained in tariffs of the participants and in tariffs of the participants' tariff publishing agents. The authority would also extend to amendments and reissue to these publications.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, N.M.F.T.A., 1616 "P" Street, NW, Washington, DC 20036, telephone (202) 797-5310

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, telephone: (202) 275-7447

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Sections 20(11), 219 and 413 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9674 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29144; Service Order No. 1411; Supplemental Order No. 4]

St. Louis Southwestern Railway Co.; Operational Agreement

Finance Docket No. 29144, St. Louis Southwestern Railway Company—Temporary Authority—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Santa Rosa, NM, and St. Louis, Mo.; Service Order No. 1411, St. Louis Southwestern Railway Company—Authority to operate over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Santa Rosa, NM, and St. Louis, Mo.; Supplemental Order No. 4.

This decision clarifies certain operational problems associated with Service Order No. 1411 by approving (with modifications) an operational agreement negotiated by SSW and KCT.

Decided: March 19, 1980.

In Supplemental Order No. 3 (decided and served March 14, 1980), [45 FR 19673, March 26, 1980] we noted that certain operational problems may be encountered by St. Louis Southwestern Railway Company (SSW) in implementing Service Order No. 1422, and we encouraged SSW to seek negotiated solutions to such difficulties.

SSW has been negotiating an agreement to resolve these operational and liability matters with Kansas City Terminal Railway Company (KCT), the "directed rail carrier" (DRC) under Directed Service Order No. 1398 (and subs thereunder). *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979-80); 44 FR 56343, 70733 and 45 FR 14578 (1979-80). SSW and KCT-DRC have now submitted their proposed agreement for our approval (see the Appendix to this decision).

We have reviewed the terms of the draft agreement and find that it fairly resolves several operational and liability questions related to Service Order No. 1411. Accordingly, we shall generally approve the parties' negotiated solution. However, we believe certain modifications to the draft agreement are necessary.

As we noted in Supplemental Order No. 3, SSW and KCT-DRC were unable to agree on three significant areas (vacation indemnification, employee

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protection, and line rehabilitation) and requested us to resolve these matters by order. Accordingly, we imposed terms governing these matters in Supplemental Order No. 3. We shall now modify certain provisions of the draft agreement, so that they will conform to our earlier decision.

As to vacation indemnification, we stated that KCT–DRC should not reimburse SSW with federal funds for 1981 vacation costs associated with Service Order No. 1411. To make the draft agreement conform with this decision, we shall condition our approval of the agreement on the deletion of Section 13.

Similarly, with respect to employee protection, we rejected SSW's request that KCT–DRC indemnify SSW for labor claims filed by employees hired by SSW to perform work for KCT–DRC. Section 20 of the draft agreement should be modified accordingly. Therefore, we will condition our approval of the proposed agreement of the insertion of the following language at the end of Section 20:

Provided further, That KCT–DRC shall not be liable for any claims for labor protection filed against SSW.

Finally, as to line rehabilitation, we stated our unwillingness to furnish SSW with federal funds, through the medium of KCT–DRC, to rehabilitate the line for SSW's exclusive benefit. In view of this position, we shall require that all but the first sentence of Section 18 of the proposed agreement be deleted.

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

(2) Costs associated with implementation of the agreement, as approved, are properly reimbursable costs of directed service to KCT–DRC under 49 U.S.C. 11125(b)(5).

It is ordered: (1) The agreement negotiated by SSW and KCT–DRC to implement Service Order No. 1411 is approved as modified below: (a) Delete Section 13; (b) insert the following language at the end of Section 20: "*Provided, further,* That KCT–DRC shall not be liable for any claims for labor protection filed against SSW"; and (c) delete all but first sentence of Section 15.

(2) KCT–DRC may be reimbursed for costs associated with implementation of the agreement, as approved, under 49 U.S.C. 11125(b)(5).

(3) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford dissenting with a separate expression.

James H. Bayne,

Acting Secretary.

Commissioner Stafford, Dissenting:

My position, as expressed in prior actions on this matter, is that the grant of temporary operating authority to SSW is not sanctioned by the law, irrespective of any orders by this Commission to that effect. Entry by SSW onto the property of the Rock Island and operation of the Tucumcari Line may well be a condemnation governed by the provisions of the Fifth Amendment to the U.S. Constitution. Accordingly, entry and operation of the line by SSW could bind the Federal Government for damages unforseen at this time.

Appendix—Proposed Agreement

This Agreement is made and entered into this —— day of March, 1980, between the Kansas City Terminal Railway Company, a Missouri corporation, acting as the Directed Rail Carrier of the Chicago, Rock Island and Pacific Railroad Company, pursuant to Interstate Commerce Commission Emergency Directed Service Orders Nos. 1398 and 1398 (Sub-No. 1), as modified, and the St. Louis Southwestern Railway Company, a Missouri corporation, acting as the Temporary Authority Operator of the line of the Chicago, Rock Island and Pacific Railroad Company between Santa Rosa, New Mexico, and St. Louis, Missouri, pursuant to Interstate Commerce Commission Emergency Service Order No. 1411, as modified.

Definitions

1. The Chicago, Rock Island and Pacific Railroad Company shall be referred to as the "Rock Island".

2. The Kansas City Terminal Railway Company as Directed Rail Carrier shall be referred to as "KCT–DRC".

3. The St. Louis Southwestern Railway Company shall be referred to as "SSW".

4. The line between Santa Rosa, New Mexico and St. Louis, Missouri, via Kansas City, including the Herington maintenance-of-way equipment shop, the industries within the switching limits at all common points of SSW's temporary authority and the directed service of the KCT–DRC, and the wheelshop and associated facilities as referred to in Exhibit C–1 of the Agreement dated June 21, 1978, between the Rock Island Trustee and SSW, shall be referred to as the "Tucumcari line."

5. The Trustee of the Properties of Chicago, Rock Island and Pacific Railroad Company, Debtor in Reorganization in Bankruptcy, shall be referred to as the "Trustee".

6. The Interstate Commerce Commission shall be referred to as the "ICC".

7. The day SSW enters on the Tucumcari line pursuant to I.C.C. Service Order No. 1411, as modified, shall be referred to as the "Date of Entry".

Recitals

1. Whereas, KCT–DRC pursuant to Service Orders 1398 and 1398 (Sub-No, 1), as modified, has operated certain Rock Island lines, including portions of the Tucumcari line;

2. Whereas, KCT–DRC's operations shall terminate as of 11:59 p.m., CST, on March 23, 1980, unless extended by the ICC or an Act of Congress;

3. Whereas, SSW pursuant to Service Order No. 1411, as modified, has the right to assume the temporary operation of the Tucumcari line at its option after December 6, 1979;

4. Whereas, SSW proposes to assume temporary operation of the Tucumcari line on the Date of Entry, after having first given its 7-day notice of entry on the line, as required by Emergency Service Order No. 1411, as modified.

Now, therefore, KCT–DRC and SSW enter into this agreement to facilitate a smooth transition between KCT–DRC's operation and SSW's operation of the Tucumcari line and to identify and provide for the services to be performed by each for the other followng SSW's assumption of temporary operation of the Tucumcari line, as detailed herein.

Convenants

1. KCT–DRC, prior to SSW's Date of Entry, will refrain from storing cars or other equipment on the Tucumcari line which would impair or hinder SSW's immediate operation of the line.

2. SSW will be the sole operator of the Tucumcari line as of the Date of Entry; provided, however, that KCT–DRC retains the right, at its option, to operate its own trains between Kansas City and Herington under the provisions of Service Order Nos. 1398 and 1398 (Sub-No. 1), as modified.

3. SSW will participate with KCT–DRC in the physical inventory of all material and supplies on the Tucumcari line. Said inventory commenced on February 11, 1980, under the supervision of KCT–DRC's Purchasing and Stores Department. In the event the Date of Entry is later than March 10, 1980, acceptance of physical inventory will depend upon joint SSW and KCT–DRC review of post-inventory control and accounting of material used subsequent to physical count.

a. KCT–DRC and SSW will jointly make computer report verifications and field checks to determine the final rolling stock inventory on the Tucumcari line. Said joint verifications and checks will commence as soon as possible after the Date of Entry.

b. KCT–DRC and SSW will jointly inventory all the maintenance-of-way and maintenance-of-equipment had tools, fixed machinery, automobiles and trucks on the Tucumcari lines as soon as possible after the Date of Entry.

c. Upon termination of KCT–DRC service over or SSW's Date of Entry upon the Tucumcari line, whichever is sooner, KCT–DRC will release to the Trustee all inventory of materials, supplies and equipment on the Tucumcari line.

4. Effective upon the Date of Entry, SSW will, in conjunction with KCT–DRC, issue certain exceptions to KCT–DRC's embargo No. 6–80, dated February 7, 1980, as amended, involving points on the Tucumcari line.

5. SSW will provide its own security force for the Tucumcari line, effective on the Date of Entry.

6. KCT–DRC will transfer utilities on the Tucumcari line to SSW, effective on the Date of Entry, Bills will be pro-rated according to each parties' possession of the property during the term covered by the bill.

7. KCT–DRC will make reasonable efforts to leave a 15-day supply of diesel fuel at each fueling station upon the Tucumcari line or the maximum amount of fuel which can be stored at any such fueling station if the existing storage facilities cannot accommodate a 15-day supply.

a. SSW will compensate KCT–DRC for said diesel fuel at the current price on the Date of Entry.

b. SSW will furnish diesel fuel to KCT–DRC at common points for its operations at the current average price.

8. a. All serviceable Rock Island owned or leased rolling stock and other equipment left on the Tucumcari line on the Date of Entry will be held for the Trustee and not be the responsibility of KCT–DRC to move after the Date of Entry. The disposition of said equipment will be the subject of an agreement between the Trustee and SSW.

b. If the Date of Entry precedes termination of KCT–DRC operations, during the interim period of operations, KCT–DRC will release to the Trustee SSW's share of jumbo covered hopper cars as detailed in aforementioned Service Order No. 1411, as modified. With the approval of the Trustee, KCT–DRC will deliver such cars to SSW for service on the Tucumcari line.

9. KCT–DRC will issue job abolishment notices covering all positions, including officers, employed upon the Tucumcari line to be effective at 11:59 p.m. on the day preceding the Date of Entry. SSW will recognize KCT–DRC's need for 5 full working day termination notices.

a. KCT–DRC will provide SSW with copies of necessary seniority rosters encompassing seniority districts and working agreements.

b. KCT–DRC's Labor Relations Officer will give SSW a list of jobs abolished.

10. KCT–DRC shall dispatch for SSW on the Tucumcari line so long as KCT–DRC maintains a dispatching force at El Reno, Oklahoma. KCT–DRC shall bill SSW for this service based upon the ratio of mileage of the Tucumcari line to the total mileage dispatched at El Reno.

11. SSW will cooperate with KCT–DRC in picking up and/or making ready for movement any wrecked or damaged rolling stock or equipment located on the Tucumcari line disabled during the period of directed service. SSW shall dispose of the item as directed by KCT–DRC. SSW shall bill KCT–DRC the cost so incurred, including applicable General Managers' Association (GMA) additives.

12. KCT–DRC, effective the Date of Entry, shall rescind all adoption notices of Rock Island tariffs applicable to operations undertaken by SSW on the Tucumcari line. Effective the Date of Entry, SSW shall issue adoption notices for applicable Rock Island tariffs to be used on the Tucumcari line.

13. KCT–DRC and SSW shall pro-rate the 1981 vacation costs of former KCT–DRC employees employed upon the Tucumcari line hired by SSW, who accrued 1981 vacation time by their employment in 1980. Said pro-ration shall be based upon the number of days of employment by KCT–DRC to the total number of days worked in 1980.

14. SSW shall perform all the accounting functions necessary for operation of the Tucumcari line except payroll and car accounting.

a. Upon request of SSW, KCT–DRC shall provide SSW use of its On-Line Computer System and shall perform payroll and car accounting services for SSW through the end of the period of directed service, provided such services can be performed without retaining additional personnel over that required to perform KCT–DRC's own accounting functions.

b. KCT–DRC shall bill SSW the actual cost incurred in providing said services, including GMA additives.

c. The provisions relating to use of the On-Line Computer System may be extended by agreement, subject to authorization by the ICC after the termination date of directed rail service operations by the KCT–DRC.

15. Upon approval by the Trustee, KCT–DRC shall provide SSW with copies of all leases, contracts, licenses, etc. pertaining to the Tucumcari line.

16. SSW shall, to the extent SSW's work force and daily operations permit, handle cars on behalf of KCT–DRC during its operation of Rock Island lines of railroad connecting with the Tucumcari line.

a. SSW shall bill KCT–DRC at the rate of 90 cents per car mile for road haul movement, whether loaded or empty, as provided by the Association of American Railroad's Standard Detour Agreement.

b. While in the possession of SSW, said cars will remain in KCT–DRC's account and shall be received by SSW or returned to KCT–DRC or designated other carrier at the nearest appropriate junction point designated by KCT–DRC: St. Louis, Missouri; Kansas City, Kansas/Missouri; Topeka, McFarland, Herington or Liberal, Kansas; and Tucumcari, New Mexico.

c. SSW shall, in addition, make delivery to other carriers at interchange points of cars to be interchanged by KCT–DRC to such other carriers. Applicable tariff charges shall apply, except as to cars moving under I.C.C. car service or re-route orders and/or AAR car service rules.

d. All other cars handled by KCT–DRC originating, terminating or passing through yards operated by SSW, shall by charged $15 per car, loaded or empty, by SSW as compensation for any and all switching, car inspection, locomotive and caboose handling and other services provided by SSW.

e. Said $15 per car charge does not cover fuel and supplies or repairs made by SSW to KCT–DRC cars, locomotives or cabooses. With the exception of fuel (see paragraph 7 above), all other charges shall be billed at actual cost, including applicable GMA additives.

f. If KCT–DRC has surplus power and SSW needs same between Kansas City and Herington, KCT–DRC will furnish locomotives under same terms and conditions as provided in an agreement between Rock Island and Southern Pacific Company dated October 31, 1968.

g. With respect to the Herington maintenance-of-way equipment shop and the wheelshop and associated facilities at Kansas City, it is the intention of SSW not to operate these facilities at this time. KCT–DRC shall have access without any obligation to pay rent to SSW for such facilities until March 23, 1980, or any extended period of directed service, for use as necessary to provide directed service utilizing KCT–DRC employees exclusively, upon undertaking to provide for the maintenance and security of such facilities during any such period of use by KCT–DRC.

17. SSW shall, to the extent SSW's agency force and daily operations permit, perform on behalf of KCT–DRC continuing agency work at open stations on the Tucumcari line.

a. Said continuing agency work shall not extend beyond 60 days after the Date of Entry.

b. Said continuing agency work necessary to close out KCT–DRC's period of operations shall include, but not be limited to, the preparation of documents, collection and remittance of funds, maintenance of documents and all other normal agency functions.

c. SSW shall bill KCT–DRC on a "document-count basis" in accordance with customary agency procedures.

d. At the end of the 60-day period, SSW shall dispose of documents as directed by KCT–DRC at the sole expense of KCT–DRC.

18. SSW shall accept the Tucumcari line in the condition existent on the Date of Entry. KCT–DRC shall be responsible for and shall promptly pay all reasonable expenses incurred for repairing or restoring any facilities on the Tucumcari line, which are destroyed or damaged during the period of the KCT–DRC's operation of the line.

19. KCT–DRC shall continue to be responsible for claims of third parties, including, but not limited to personal injuries, loss or damage, freight claims, etc., which were incurred during its operation and/or arising out of KCT–DRC's "clean up" of the Tucumcari line.

20. KCT–DRC shall indemnify SSW, and SSW shall indemnify KCT–DRC, from and against any and all claims, liabilities, losses, damages and expenses whatsoever which arise from the performance of their respective services for the other under this Agreement: *Provided, however,* SSW shall not be liable for any loss or damage to cars, or contents of cars, handled by SSW for the account of KCT–DRC hereunder.

21. Any and all work performed by KCT–DRC for SSW or by SSW for KCT–DRC shall be performed exclusively by the employees of the party performing such work, acting as an independent contractor for the other and such employees shall not be deemed to be joint employees.

22. KCT–DRC and SSW will cooperate to insure the proper distribution of revenue through regular accounting functions from the settling carriers on interline freight traffic.

23. This Agreement shall be effective only upon approval by the I.C.C., and upon entry

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of an appropriate order by the I.C.C., the substance of which shall be satisfactory to KCT–DRC, finding and ordering that all expenses and liability incurred by KCT–DRC under or as a result of this Agreement shall be compensable costs of directed service under 49 U.S.C. Section 11125.

Kansas City Terminal Railway Company as Directed Rail Carrier of the Chicago, Rock Island and Pacific Railroad

By: _____

President

St. Louis Southwestern Railway Company

By: _____

[FR Doc. 80-9873 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket Nos. 29202; Service Order No. 1415]

St. Louis Southwestern Railway Co.; Correction

Dated: March 21, 1980.

Finance Docket No. 29202, St. Louis Southwestern Railway Company—temporary authority—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) between Memphis, TN, and Alexandria, La.; Service Order No. 1415, St. Louis Southwestern Railway Company—Authority to operate over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) between Memphis, TN, and Alexander, La.

This notice is being issued to correct an error which appeared in *St. Louis S.W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 729, 738–39 (1980). (45 FR 18134, March 20, 1980)

The final paragraph on page 738 of the decision (extending to the top of page 739) (45 FR 18137, 2nd column, 2nd paragraph) was mistakenly incorporated in the decision and should be deleted.

Please revise your copies of the decisions to delete this paragraph.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9879 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29202; Service Order No. 1415, Supplemental Order No. 1]

St. Louis Southwestern Railway Co.

Decided: March 21, 1980.

Finance Docket No. 29202, St. Louis Southwestern Railway Company—temporary authority—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Memphis, TN and Alexandria, La; service order No. 1415. St. Louis Southwestern Railway Company—authority to operate over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Memphis, TN, and Alexandria, La; Supplemental Order No. 1.

The St. Louis Southwestern Railway Company (SSW or Cotton Belt) was authorized temporarily to operate over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) between Memphis, TN and Alexandria, La., including certain branch lines, on an uncompensated basis at the end of directed service by the Kansas City Terminal Railway Company (KCT). See *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 729 (1980) (Service Order No. 1415) (45 FR 18134, March 20, 1980)

SSW volunteered to serve the line between Memphis, TN and Fordyce, AR without compensation and between Fordyce, AR and Alexandria, LA with federal compensation but without 6 percent profit. We authorized SSW to operate Memphis-Alexandria without compensation.

The purpose in granting SSW this authority is to maintain essential rail service over the line at no government expense by a viable carrier economically motivated to run the line efficiently. *Id.* at 736. SSW is required to enter upon and operate the Rock Island lines as soon as practicable after the effective date. It must also notify us of the date it intends to commence operations.

Velsicol Chemical Corporation (Velsicol) filed a petition on March 19, 1980 seek modification of Service Order No. 1415. Velsicol, located approximately 8 miles south of El Dorado, AR, produces bromine and methyl bromine from liquid chlorine. Liquid chlorine can only be transported by rail because the Chlorine Institute will not authorize the transportation of this hazardous material by motor vehicle. Velsicol believes that SSW will not serve its portion of the Rock Island line. In order to continue operations, Velsicol requests that the Service Order be modified to eliminate the 10 day period SSW has to commence operations, or permit competing service order requests. Without this, Velsicol must halt operations.

Directed service is scheduled to end March 23, 1980. Under Service Order No. 1415, we would not be notified of SSW's intent not to serve Velsicol until April 2, 1980. At that time, Velsicol would have to make arrangements for rail service, further delaying its resumption.

We are faced with a unique situation. although we consider SSW the best choice to serve the entire Memphis-Alexandria line, the uncertainty of service to a rail dependent company like Velsicol involved in handling hazardous materials which would result in a cessation of Velsicol's operations requires our urgent attention.

The following requirements will resolve this problem:

1. SSW will notify Velsicol and ourselves whether and when it intends to serve Velsicol without compensation by 5:00 p.m. (Eastern Standard Time) on March 21, 1980;

2. This notice of intent will be considered binding on SSW;

3. Rail carriers, other than SSW, are authorized and encouraged to file competing service order requests to serve Velsicol without compensation if SSW does not intend to provide such service; and

4. The Railroad Service board is authorized to approve competing service order requests, if SSW does not intend to serve Velsicol.

We are modifying the Service Order to this extent because of the unique situation of Velsicol.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered: 1. Velsicol's petition is granted to the extent set forth in this decision.

2. SSW shall file a copy of its binding notice of intent to serve Velsicol on Velsicol and the Commission offices listed in Service Order No. 1415 (Secretary's Office, Section of Finance, Rail Planning Services, and Railroad Service Board) by 5:00 p.m. (Eastern Standard Time), March 21, 1980.

3. This decision shall be effective on the date of service.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-9880 Filed 4-1-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Wednesday, April 16, 1980, at 9:00 a.m. at the Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

The Commission will consider goals and objectives that it should undertake, procedures for interaction with the Department of the Interior, applications for international trade in species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other business.

For further information contact Dr. William Y. Brown, Acting Executive Secretary, International Convention Advisory Commission, Room 3348, 18th & C Streets, NW., Washington, D.C. 20240, telephone 202–343–7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., April 11, 1980.

Jane H. Yarn,

Chairman, International Convention Advisory Commission.

[FR Doc. 80-9980 Filed 4-1-80; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–69]

Airtight, Cast-Iron Stoves; Termination

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is ordering the termination of investigation No. 337–TA–69, Certain Airtight Cast-Iron Stoves, as to respondents Radke Imports, Inc. and Tetro Imports by granting the Motion (Motion Docket No. 69–7) by the Commission investigative attorney to terminate this investigation as to those two respondents. The motion to terminate was unopposed by the complainants, Jotul, Inc. and Kristia Associates.

The order is effective as of March 26, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Order and Commissioners' Opinion(s). Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's Action and Order, the Commissioners' Opinion(s), and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 "E" Street, N.W., Washington, D.C. 20436, telephone (202) 523–0161.

Notice of the institution of this investigation was published in the **Federal Register** of July 12, 1979 (44 F.R. 4073233).

Issued: March 26, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9805 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–70]

Certain Coat Hanger Rings; Commission Request for Public Comments Concerning Recommended Determination Based on Settlement Agreement

Introduction

In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain coat hanger rings in the United States, the presiding officer recommended on December 31, 1979, that the Commission grant a joint motion to terminate the investigation (Motion Docket No. 70–2) as to all issues and parties involved. The motion was supported by a settlement agreement signed by all parties. No finding was made as to whether there is a present violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommended determination may be obtained by interested persons by contacting the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

The text of the settlement agreement is as follows:

Settlement Agreement

This Agreement is entered into as of the 31st day of October, 1979 between International Coat Hanger Company, a company having offices at 11785 Cardinal Circle, Garden Grove, California 92642, wherein it conducts a business as "Pacific Coat Hanger Manufacturing Co." (hereinafter referred to as "Complainant") on one hand, and Beverly Coat Hanger Company, a company having offices at 500 Indiana Street, San Francisco, California 94107 (hereinafter referred to as "Beverly"), Nagel Manufacturing Company, a company having offices at 9100 United Drive, Austin, Texas 78757 (hereinafter referred to as "Nagel"), and Consolidated Automotive, a company having offices at 205 E. St. Elmo Road, Austin, Texas 78745 (hereinafter referred to as "Consolidated") (Beverly, Nagel and Consolidated being referred to in combination hereinafter as "Respondents") on the other hand.

Witnesseth

Whereas, Complainant filed a complaint with the International Trade Commission (hereinafter the "ITC") resulting in the ITC initiating Investigation No. 337–TA–70 titled "In the Matter of certain coat hanger rings" (hereinafter the "Investigation"); and,

Whereas, by the Investigation, the Complainant is seeking to have certain coat hanger rings as now imported by Respondents barred from further importation by Respondents based on an alleged violation of Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. 1337) based on an alleged infringement of Complainant's United States Patent No. 3,208,708 (hereinafter "the patent"); and,

Whereas, without thereby or in any way admitting either the validity of the patent or acts of infringement by the Respondents jointly or severally, the Respondents are willing to voluntarily change their structural design of coat hanger rings alleged by Complainant to be in violation of the patent to a structural design admitted by the Complainant to be outside the scope of the claims of the patent in order to terminate the investigation in the quickest and least costly fashion possible,

Now therefore, the parties to this Agreement do agree as follows:

I. Joint Motion to Terminate

As soon as practical following the execution of this Agreement, the parties agree, by and through their respective attorneys, to enter a Joint Motion to Terminate the Investigation.

II. Structural Design Changes

2.1 Respondents agree to no long import, obtain from a domestic or foreign source, manufacture, or sell, for the duration of the patent—being until September 29, 1982, coat hanger rings of the type shown in the patent and covered by the claims thereof.

2.2 Nagel and Consolidated anticipate replacing the accused infringing rings as presently imported and sold by them by a design of the type shown in the now expired United States Patent No. 2,998,142 of Reed, a copy of which is attached hereto as Exhibit A. [A copy of this exhibit may be obtained from the Office of the Secretary at the Commission.] Complainant agrees that such design is not covered by the claims of United States Patent No. 3,208,708.

2.3 Beverly anticipates replacing the accused infringing rings as presently imported and sold by them by a design as set forth in the drawing attached hereto as Exhibit B. [A copy of this

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exhibit may be obtained from the Office of the Secretary at the Commission.] Complainant agrees that such design is not covered by the claims of United States Patent No. 3,208,708.

III. Previously Manufactured Rings

In consideration of Respondents voluntarily agreeing to change the design of their coat hanger rings, Complainant agrees to allow Respondents to dispose of reasonable quantities of previously manufactured rings or rings ordered and in transit which are of Respondents' old design as evidenced by physical samples filed with the Complaint in USITC Investigation No. 337–TA–70 (hereinafter "stock on hand"). To this end, Complainant hereby grants to Respondents, and each of them, a paid-up royalty-free license under United States Patent No. 3,208,708 with respect to any and all coat hanger rings sold on or before sixty (60) days from the effective date of this Agreement. For any stock on hand sold thereafter, Respondents agree to pay and Complainant agrees to accept a royalty of five dollars per one thousand rings ($5.00/1000 rings).

IV. Records, Royalty Payments, and Inspection

(a) Respondents shall keep accurate records showing the number and dates when and if stock on hand is sold so that any royalties due under this Agreement can be determined. Within thirty (30) days following the end of any calendar quarter in which stock on hand is sold for which a royalty is due the one of Respondents making such sale shall forward a statement to Complainant showing the number sold along with payment for the royalty due.

(b) Respondents agree that they will on reasonable notice during regular business hours permit an independent certified public account employed by Complainant to have access to their records pertaining to the sale of stock on hand to audit and verify the accuracy of the royalty statements submitted by Respondents pursuant to this Agreement. The cost of any such audit shall be borne by Complainant, and only one such audit shall be made in any one fiscal year. Any information obtained from an audit shall be used only for the purposed of determining the accuracy of such royalty reports and for enforcing payment of royalties due and payable to Complainant.

V. Quiet Enjoyment

So long as any one of the Respondents is abiding by the terms of this Agreement, Complainant agrees to file no legal complaints based on rights under United States Patent No. 3,208,708 against any one of Respondents which is abiding by the terms of this Agreement.

VI. Assignability

This Agreement is binding upon and shall inure to the benefit of the parties, their heirs and assigns.

VII. Applicable Law

This Agreement shall be interpreted in accordance with the law of the State of California and shall be binding on each of the legal representatives of the parties hereto.

VIII. Complete Agreement

This Agreement constitutes the complete agreement between the parties and no modifications shall be binding upon the party against whom enforcement of such modification is sought unless it is made in writing referring to this Agreement and is signed on behalf of such party by one of its officers, or related principal.

In witness whereof, the parties hereto have hereunto affixed their corporate seal and subscribed their names.

Beverly Coat Hanger Co., International Coat Hanger Co., Nagel Manufacturing Co., and Consolidated Automotive.

Procedure for Consideration of the Public Interest

Requests for oral argument and oral presentations. At present, no oral argument or oral presentations are planned with respect to the public-interest factors raised by the recommended determination of the presiding officer. However, the Commission will consider requests for an oral argument or oral presentations if they are received by the Secretary to the Commission on or before April 22, 1980.

Written submissions on the recommended determination. Written submissions from the parties, other interested persons, government agencies and departments, governments, or the public with respect to the public interest will be considered by the Commission if received on or before April 22, 1980.

Additional information. The original and 19 copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence, must request *in camera* treatment. Such request should be directed to the Secretary of the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept such submission in confidence or return the submission. All nonconfidential written submissions will be open to public inspection at the Office of the Secretary.

Notice of the Commission's investigation was published in the **Federal Register** of July 18, 1979 (44 FR 41971).

Issued: March 26, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9804 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–81]

Certain Hollow Fiber Artificial Kidneys; Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 6, 1980, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Cordis Dow Corp., 999 Brickell Avenue, P.O. Box 450990, Miami, Florida 33145, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of hollow fiber artificial kidneys, or in their sale, (i) because such hollow fiber artificial kidneys are allegedly covered by claims 17, 18, 19 and 27 of U.S. Letters Patent No. 3,228,876; and (ii) because the proposed respondents breached an agreement not to infringe the '876 patent.

The complaint alleges that the effect or tendency of the unfair methods of competition and unfair acts is to substantially injure an industry, efficiently and economically operated in the United States. The relief sought by the complaint is the temporary exclusion of the proposed respondents' artificial kidneys after an expedited hearing and their permanent exclusion after a full investigation. The complaint also requests that the Commission grant all other appropriate relief.

Having considered the complaint, the Commission on March 1980, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of this section, in the unauthorized importation of hollow fiber artificial kidneys into the United States, or in their sale, because such hollow fiber artificial kidneys are allegedly covered by claims 17, 18, 19 and 27 of U.S. Letters Patent No. 3,228,876, the effect or tendency of which is substantially to injure an industry, efficiently and economically operated in the United States;

(2) That portion of the complaint alleging a breach of contract, as set forth in (ii) above, is not part of this investigation. The Commission determined that this portion of the complaint was not clearly distinguishable from the allegation of patent infringement and, therefore, should not be treated as a separate count. This ruling should not be construed to prevent complainant from amending its complaint by alleging more specifically the factual basis and legal theories underlying the alleged breach of contract which would fall within the Commission's jurisdiction. The Commission may, in its discretion, entertain a subsequent motion to amend this notice of investigation pursuant to sections 210.20(d) and 210.22 of the Commission Rules;

(3) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Cordis Dow Corp., 999 Brickell Avenue, P.O. Box 450990, Miami, Florida 33145.

(b) The respondents are the following companies alleged to be involved in the unauthorized importation of certain hollow fiber artificial kidneys into the United States, or in their sale, and are parties upon whom the complaint shall be served:

Terumo America, Inc., 2811 E. Ana, Compton, California 90221.
Terumo Kabushiki Kaisha, 44–1, 2-chome, Hatagaya, Shibuya-ku, Tokyo, Japan.

(c) Robert M. M. Seto, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extentions of time for submitting a response will not be granted unless good and sufficient cause is shown.

Failure of a respondent to file a timely response to each allegation in the complaint as limited by this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint as limited by this notice, and to authorize the presiding officer and the Commission, without further notice to the respondents, to find the facts to be as alleged in the complaint as limited by this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for the confidential information contained therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York Office, 6 World Trade Center, New York, N.Y. 10048.

Issued: March 26, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9806 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701–TA–9 (Final)]

Malleable Pipe Fittings From Japan; Termination of Investigation and Cancellation of Hearing

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal of the petitioners of the petition upon the basis of which investigation No. 701–TA–9 (Final) was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Trade Act of 1930.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523–1376.

SUPPLEMENTARY INFORMATION: By notice issued January 10, 1980, and published in the **Federal Register** of January 17, 1980 (45 FR 3400), the Commission instituted the subject investigation to determine whether with respect to the articles involved an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the subsidized imported merchandise. A public hearing was scheduled, on a tentative basis, to be held at the International Trade Commission Building, on April 7, 1980.

The legal authority for a request to withdraw a petition for the countervailing duty investigation and the legal authority for the Commission to terminate an investigation in response to a request to withdraw the petition are found in section 704 of the Tariff Act of 1930. Since a preliminary determination has already been made by the predecessor of the Commerce Department, the only applicable restriction on the Commission's authority to terminate is that all parties to the investigation be notified of the termination. In the instant case no requests for appearances before the Commission have been received. For these reasons the Commission is granting the request and terminating this investigation. The Commission is notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: March 25, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9807 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[TA–201–43]

Mushrooms; Investigation and Hearing

Investigation instituted. Following receipt of a petition on March 14, 1980, filed on behalf of the American Mushroom Institute, a trade association of the U.S. mushroom canning industry, the United States International Trade Commission on March 24, 1980, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether mushrooms, prepared or preserved (provided for in item 144.20 of the Tariff Schedules of the United States (TSUS)), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436 beginning at 10:00 a.m., e.d.t. on Monday, June 9, 1980. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C. not later than noon, June 2, 1980.

Suggested prehearing procedures. To facilitate the hearing process, it is

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requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary of the Commission no later than the close of business Friday, May 30, 1980. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission or prepared statements in accordance with section 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 C.F.R. 201.12(d)), it would be unnecessay to submit such a statement if a prehearing brief is submitted instead. Any prepared statements submitted will be made a part of the transcript. Oral presentations, should, to the extent possible, be limited to issues raised in the prehearing briefs.

Prehearing conferences will be held on Friday, May 16, 1980, at 10:00 a.m. e.d.t. and Thursday, June 5, 1980, at 10:00 a.m. e.d.t. in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission and at the New York City Office of the U.S. International Trade Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: March 25, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9900 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-12 (Final)]

Portable Electric Typewriters; Scheduling of Hearing

AGENCY: International Trade Commission.

ACTION: Notice hereby given that:

(a) Public hearing date confirmed, viz, for 9:00 a.m., e.s.t., Thursday, April 10, 1980, in the Commission's Hearing Room 701 E Street, N.W., Washington, D.C.,

(b) Prehearing staff report will be available to the parties on Monday, March 24, 1980.

(c) Prehearing conference will be held beginning at 10 a.m., e.s.t., Thursday, April 3, 1980, and

(d) Prehearing statements are due from parties by Thursday, April 8, 1980.

FOR FURTHER INFORMATION CONTACT: Bruce Cates, the supervisory investigator assigned by the Commission to this investigation. Telephone (202) 523-0368.

SUPPLEMENTARY INFORMATION: The Commission instituted investigation 731-TA-12 (Final) concerning portable electric typewriters from Japan effective January 1, 1980 (45 FR 3401, January 17, 1980) pursuant to section 102(b) of the Trade Agreements Act of 1979. That notice incorporated a tentative hearing date.

By order of the Commission.

Issued: March 27, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9906 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-7 (Final)]

Weighing Machinery and Scales From Japan; Change of Date of Hearing

Notice is hereby given that the hearing in this investigation will be held beginning at 10 a.m., e.s.t., Monday, April 14, 1980, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. A tentative hearing date of April 4, 1980, had previously been announced in the Commission's notice of institution of the investigation as published in the **Federal Register** of January 17, 1980 (45 FR 3400).

The Commission will prepare and place on the record by March 24, 1980, a staff report containing preliminary findings of fact. The Commission will serve the public portion of the staff report on the parties no later than March 24, 1980. Parties to the investigation will submit to the Commission a prehearing statement no later than April 8, 1980. Prehearing statements proferred after the close of business, April 8, 1980, will not be accepted. Each prehearing statement should include the following:

(a) Exceptions, if any, to the preliminary findings of fact contained in the staff report:

(b) Any additional or proposed alternative findings of fact;

(c) Proposed conclusions of law; and

(d) Any other information and arguments which the party believes relevant to the Commission's determination in this investigation.

The Commission has waived Commission rule 201.12(d) as amended, "Submission of prepared statements" in connection with this investigation. This rule stated that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with sections 201.6 and 201.8 of this subpart." It is nevertheless the Commission's request that parties submit copies of witnesses' prepared testimony as early as practicable before the hearing in order to permit Commission review.

By order of the Commission.

Issued: March 26, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9903 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation Nos. 731-TA-13, 731-TA-14 & 731-TA-16 (Finals)]

Melamine in Crystal Form; Correction

On March 17, 1980, the U.S. International Trade Commission issued in the **Federal Register** a notice of an "Institution of Final Antidumping Investigation and Scheduling of Hearings." (45 FR 17096). The portion of the notice entitled "ACTION" should have read: ACTION: Institution of a final antidumping investigation under section 735(b) of the Tariff Act of 1930 to determine whether with respect to melamine in crystal form (provided for in TSUS item 425.10) from the Netherlands an industry in the United States is materially injured, or is threatened with material injury or the establishment of an industry in the United States is materially retarded by reason of imports of the merchandise sold at less than fair value.

Issued: March 27, 1980.

By Order of the Secretary.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10096 Filed 4-1-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Notice to the Public of Relocation of the Washington District Office

Notice is hereby given that the Washington District Office, Immigration and Naturalization Service, presently located at 1025 Vermont Avenue, N.W., Washington, DC 20538, will relocate to 25 E Street, N.W., Washington, DC 20538. During the move the district office will be open for official business at its present Vermont Avenue location from April 16, 1980 to April 18, 1980. Official business will resume at the new 25 E Street location at 8:00 a.m. on April 21, 1980. The public information telephone numbers, 724-7796 for District of Columbia and Virginia callers, and 301-962-2065 or 2120 for Maryland callers will remain the same for the new district office location.

Dated: March 28, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-9895 Filed 4-1-80; 8:45 am]

BILLING CODE 4410-10-M

Law Enforcement Assistance Administration

Solicitation for Applicants to Conduct the Evaluation Component of the Office of Juvenile Justice and Delinquency Prevention, Violent Juvenile Offender Research and Development Program

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring the evaluation component of the OJJDP Violent Juvenile Offender Research and Development (R&D) Program. The two part program is designed to test selected program models for handling the violent juvenile offender and for preventing violent crime by juveniles in communities experiencing high crime rates. Up to $400,000 is available for the first twelve months of a three to four year evaluation.

The solicitation outlines the scope of the evaluation and provides the necessary background instuctional materials to prepare a formal application. Public and private agencies are eligible to apply. The deadline for submission of applications is June 9, 1980.

Copies of the solicitation can be obtained by writing to the NIJJDP, OJJDP, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or by calling (202) 724-5893.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-10025 Filed 4-1-80; 8:45 am]

BILLING CODE 4410-18-M

Announcement of a Solicitation for Applications To Conduct the Evaluation Component of the Office of Juvenile Justice and Delinquency Prevention's Prevention of Delinquency Through Alternative Education Program

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring the evaluation component of the OJJDP Prevention of Delinquency Through Alternative Education Program. The program is designed to prevent juvenile delinquency through the development and implementation of projects designed to keep students in schools, to prevent unwarranted and arbitrary suspensions and expulsions, dropouts, pushouts and truancy. Up to $350,000 is available for the first twelve months of a three to four year evaluation.

The solicitation outlines the scope of the evaluation and provides the necessary background instructional materials. Public and private agencies are eligible to apply. The deadline for submission of applications is June 4, 1980.

Copies of the solicitation can be obtained by writing to the National Institute for Juvenile Justice and Delinquency Prevention, Ofice of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, D.C. 20531, or by calling (202) 724-5894.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-10024 Filed 4-1-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Notice of Meeting

March 24, 1980.

The National Commission on Social Security will hold a public meeting in the Charles Suite of the Lowes L'Enfant Plaza Hotel at 480 L'Enfant Plaza East, S.W., Washington, D.C. on April 25 and 26, 1980. The purpose of the meeting is to make tentative recommendations relating to the old-age and survivors insurance program benefits.

The meeting will begin each day at 9:00 a.m. and continue until Commission business is completed, but no later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 125—Pension Building, 440 G Street NW., Washington, D.C. 20218. Phone: (202) 376-2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 80-10017 Filed 4-1-80; 8:45 am]

BILLING CODE 6820-AC-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 & 2; Supplemental Director's Decision Under 10 CFR 2.206

On October 12, 1979, the Acting Director of Nuclear Reactor Regulation issued a decision under 10 CFR 2.206 which denied a petition of the Georgians Against Nuclear Energy (GANE). Georgia Power Company (Alvin W. Vogtle Nuclear Plant, Units 1 & 2), DD-79-18, 10 NRC 617 (1979). This decision denied GANE's request that an earlier denial under 10 CFR 2.206 regarding the Vogtle units, DD-79-4, NRC 582 (1979), be reconsidered and that construction of the facility be suspended and the need for power from the facility be reexamined.

While the October 12th decision was pending before the Commission for its discretionary review under 10 CFR 2.206(c), the staff was informed that new information had become available which might bear on the staff's consideration of GANE's petition. The staff then asked the Commission to postpone its decision whether to review the Director's denials until the staff had received the information from the licensee and had evaluated it in a supplemental decision. Accordingly, the Commission extended in an Order of October 31, 1979, the time within which it may act to review the April 13th and October 12th denials until twenty (20) days after issuance of a supplemental decision discussing the licensee's new information.

After consideration of the new information submitted by the licensee on November 27, 1979, and of comments on this information submitted by GANE in letters of January 30, and February 14, 1980, I have determined that there have been no major changes in facts which would alter the October 12, 1979 denial of the GANE petition. Consequently, the request to suspend the license and institute a new proceeding is denied.

A copy of the decision will be placed in the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555 and in the local public document room for the Alvin W. Vogtle

Plant, Unit Nos. 1 and 2, located at the Burke County Library, 4th Street, Waynesboro, Georgia 30830.

Dated at Bethesda, Maryland this 26th day of March, 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-9918 Filed 4-1-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-281]

Virginia Electric and Power Co., Surry Power Station, Unit No. 2

Order

I

The Virginia Electric and Power Company (the license) is the holder of Facility Operating License No. DPR-37 which authorizes operation of the Surry Power Station, Unit No. 2 at power levels up to 2441 megawatts thermal (rated power). The facility, which is located at the licensee's site in Surry County, Virginia, is a pressurized water reactor used for the commercial generation of electricity.

II

Because certain safety related piping systems at the facility had been designed and analyzed with a computer code which summed earthquake loads algebraically, the potential existed for compromising the basic defense-in-depth provided by redundant safety systems in the event of an earthquake. This potential compromising resulted from the possibility that an earthquake of the type for which the plant must be designed could cause a pipe rupture as well as degrade the emergency cooling system designed to mitigate such an accident. Therefore, by Order of the Director of Nuclear Reactor Regulation (the Director) for the Nuclear Regulatory Commission (NRC), dated March 13, 1979 (44 FR 16512, March 19, 1979), the licensee was ordered to show cause:

(1) Why the licensee should not reanalyze the facility piping systems for seismic loads on all potentially affected safety systems using an appropriate piping analysis computer code which does not combine loads algebraically;

(2) Why the licensee should not make any modifications to the facility piping systems indicated by such reanalysis to be necessary; and

(3) Why facility operation should not be suspended pending such reanalysis and completion of any required modifications.

In view of the importance to safety of this matter, the Order was made immediately effective and the facility was required to be placed in the cold shutdown condition and remain in that mode until futher Order of the Commission.

III

The facility is currently in the cold shutdown condition. Pursuant to the March 13, 1979 Order, the licensee filed a written answer to the Order by letter dated April 2, 1979. In this response the licensee stated that it is reanalyzing all potentially affected safety systems for seismic loads using an appropriate method which does not sum loads algebraically.

By letters dated February 22 and March 21, 1980, the licensee requested the startup of Surry Power Station, Unit 2. This request is based on the completion of all pipe stress reanalysis and all resulting modifications installed prior to startup for all stress problems originally run on the SHOCK 2 computer program.

Technical Support for these conclusions is provided in the "Report of the Reanalysis of Safety-Related Piping Systems, Surry Power Station, Unit 2" dated February 22, 1980 and the references contained therein.

The licensee's analyses were performed using the NUPIPE computer code, which combines stresses in a manner acceptable to the NRC staff. The reanalyses resulted in the calculation of some stresses above allowable. In these cases, the licensee recalculated the stresses using soil structure interaction (SSI) methodology with a 50 percent increase in the inertia forces which the staff required to be applied to each pipe run after computer calculation of stress and support loads. This methodology with a 50 percent increase was approved by the NRC staff in its letter dated May 25, 1979. In those cases when stresses on the piping from the calculations using SSI indicated that support loadings were above original design values, the licensee was required to reanalyze the support.

The licensee reanalyzed 62 pipe stress problems which required reanalysis as a result of the March 13, 1979 Show Cause Order. Seventeen problems required hardware modifications. Of these 17 problems, seven required modifications to supports as a result of seismic overstresses. Other modifications were required because of vertification of "as-built" condictions, thermal stresses, and modeling differences. The licensee has also evaluated 482 pipe supports inside containment. Of these supports, 166 required modifications, and about half of these modifications were because of significant load increases. The other modifications resulted from as-built conditions.

The NRC staff has reviewed the licensee's submittals. This review included, among other things, an evaluation of the code which compute pipe stresses resulting from the facility's response to an earthquake. The means by which piping responses are combined in the codes that are currently a basis for the facility design are summarized below:

NUPIPE

This code combines intramodal* responses by a modified the square root of the sum of the squares (SRSS) and combines intermodal * responses by SRSS or absolute sum for closely spaced modes.

The NRC staff has determined that an algebraic summation of responses was not incorporated into the NUPIPE code. The NRC staff has further concluded that this code provides an acceptable basis for analyzing the facility piping design.

Based on the attached NRC Staff's Safety Evaluation, the staff finds the piping affected by the March 13, 1979 Show Cause Order and all piping supports inside containment have been acceptably reanalyzed.

Out of a total of 220 supports outside containment, all have been evaluated. Of these 220 supports, 81 require modification. All modifications will be completed prior to startup.

The licensee will have completed the actions required by the Order to Show Cause dated March 13, 1979 prior to startup and this Order supercedes the March 13, 1979 Order.

The licensee's answer to the Order did not request a hearing nor did any other person request a hearing.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is determined that: The public health, interest or safety does not require the continued shutdown of the facility, and it is hereby ordered that:

1. Effective this date the suspension of facility operation required by the Order to Show Cause of March 13, 1979 is lifted.

2. All modificatiuons to correct piping system overstress shall be completed prior to startup.

* Modes are defined as dynamic piping deflections at a given frequency. Intramodal responses are the components of force, moment and deflection within a mode. Intermodal responses are the components of force, moment and deflection of all modes.

Dated at Bethesda, Maryland, this 26th day of March 1980.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director Office of Nuclear Reactor Regulation.

[FR Doc. 80-9917 Filed 4-1-80; 8:45 am]

BILLING CODE 7590-01-M

Three Mile Island; Determination of Extraordinary Nuclear Occurrence

The Commission hereby extends the time in which to determine whether the accident at Three Mile Island constitutes an "extraordinary nuclear occurrence" until April 16, 1980.

Dated this 27th day of March, 1980, at Washington, D.C.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-9955 Filed 4-1-80; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. A80-6; Order No. 323]

Carlisle, Miss. 39049 (Mr. and Mrs. William McCaleb, et al. Petitioners; Order Dismissing Docket in Accordance With Petitioners' Requests To Withdraw Their Appeals

March 28, 1980.

On February 11, 1980, the Commission received a letter from Mr. and Mrs. William McCaleb appealing the Postal Service's decision to consolidate the post office at Carlisle, Mississippi. The Commission docketed the appeal as A80-6. On March 3, 1980, the last day for intervention in this case, the Commission received a letter from Mr. William H. Byrnes, appealing the Postal Service's decision in this case.

On March 21, 1980, the Postal Service filed a Motion for Dismissal of Appeal. The Postal Service attached to this motion letters from all Petitioners withdrawing their appeals. The Postal Service's motion explained that the Petitioners freely withdrew their appeals after Postal Service employees gave them further explanations concerning the proposed consolidation.

The Commission believes that retention of this case in its docket would serve no useful purpose. In appeals that the Commission has dismissed as moot, the Petitioners have been given 10 days to file any objection. We do not believe that a period for objection is appropriate in this case because the Commission is merely granting the requests of all the Petitioners that they be allowed to withdraw their appeals.

The Commission orders:

That, in accordance with Petitioners' requests, the proceedings in *Carlisle, Mississippi*, Docket No. A80-6, are dismissed.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 80-9946 Filed 4-1-80; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A80-5; Order No. 322]

Leckrone, Pa. 15454 (Hazel Anderson, et al., Petitioners); Order Dismissing Docket No. A80-5

March 28, 1980.

On February 11, 1980, the Commission received a letter from Hazel Anderson appealing the Postal Service's determination to close the Leckrone, PA post office. The Commission subsequently received other appeal letters. The case was assigned Docket No. A80-5.

On March 12, 1980, the Postal Service filed a "Notice of Withdrawal of Opposition of Appeal," stating the Postal Service no longer opposed the appeal and that action consistent with the procedure required following the return of a determination for further consideration had been taken.[1]

Because of the withdrawal of opposition by the Postal Service, it appears that we should dismiss Docket No. A80-5 as moot. The petitioners, however, have 10 days from the issuing of this order to file a motion showing cause why the case should not be dismissed as moot. This order does not preclude the Postal Service from making a new determinatiбn to close the post office nor does it preclude patrons from appealing any new determination.

The Commission Orders:

Docket No. A80-5 be dismissed as moot if no mention showing cause why the case should not be dismissed is filed by petitioners within 10 days of the issuing of this order.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 80-9945 Filed 4-1-80; 8:45 am]

BILLING CODE 7715-01-M

[1] The regulation governing the procedure states: If the Commission returns the matter for further consideration, the Senior Assistant Postmaster General, Operations Group shall direct either that notice be provided in accordance with § 247.02 that the proposed discontinuance has been determined not to be warranted, or shall direct that the matter be returned to an appropriate stage under these regulations for further consideration according to such instructions as he may provide. 39 CFR 247.74(b).

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5251]

Lasung Investment and Finance Co.; Issuance of a License To Operate as a Small Business Investment Company

On November 28, 1979, a notice was published in the **Federal Register** (44 FR 68055) stating that Lasung Investment and Finance Company, 3121 W. Olympic Boulevard, Los Angeles, California 90006, had filed an application with the Small Business Administration, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company under the provisions of § 107.301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.)

Interested persons were given until the close of business on December 13, 1979, to submit written comments on the application to the SBA.

Notice is hereby given that no written comments were received and, having considered the application and all other pertinent information, the SBA approved the issuance of License No. 09/09-5251 on March 7, 1980, to Lasung Investment and Finance Company pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 26, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-9934 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Omaha, Nebraska, will hold a public meeting from 9:30 to 2:00 p.m., on Monday, April 28, 1980, in the Conference Room, Omaha District Office, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Rick Budd, District Director, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska 68102, (402) 221-3620.

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Dated: March 26, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-9832 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 06/06-0228]

Retail Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102(1979)), under the name of Retail Capital Corp., 13403 Northwest Freeway, Houston, Texas 77040, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The Applicant, a Texas corporation, was incorporated under the name of WNS Capital Corp. It is in the process of amending its charter to show the new name, Retail Capital Corp.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

Harold R. Otto, Chairman of the Board, Director, 26615 Sycamore Circle, Magnolia, Texas 77355.
William J. Boschma, President, Director, 13923 Britoak, Houston, Texas 77079.
John W. Jones, Vice President, Director, 12719 Rocky Hill Drive, Houston, Texas 77066.
Paul Klatsky, Secretary, Treasurer, Director, 8138 Vintage Creek Drive, Spring, Texas 77380.
Wicks "N" Sticks, Inc., Sole shareholder, 13403 Northwest Freeway Houston, Texas 77040.

The only ten-or-more percent shareholders of Wicks "N" Sticks, Inc. are Harold R. Otto, Gunwyn Ventures (Princeton, N.J.), and John A Kilgore and Company (Houston).

There will be one class of stock authorized: 100,000 shares of common stock. Initially only 51,000 shares will be issued with a resultant private capital of $510,000. Applicant proposes to conduct its operations principally in the State of Texas.

Wicks "N" Sticks, Inc., is a Texas Corporation with 155 candle shop outlets in 36 states. Approximately three quarters of the candle shops operating under the Wicks "N" Sticks name are owned and operated by inependent franchisees.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 26, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-9833 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5382]

Eastern Venture Funding Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Eastern Venture Funding Corp. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

Harold Lazar, 611 East 81st Street, Brooklyn, New York 11236; President, Director, 100% Stockholder
Steven Lazar, 2791 Judith Court, Bellmore, New York 11710; Vice President, Director
Shirley Lazar, 611 East 81st Street, Brooklyn, New York 11236; Secretary, Treasurer, Director

The applicant, a New York Corporation, with its principal place of business at 849 East 94th Street, Brooklyn, New York 11236, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 5000 shares of common stock.

The applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns associated with the jewelry industry.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before April 17, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 27, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10020 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5388]

Transportation SBIC, Inc.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Transportation SBIC, Inc. (applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

Melvin L. Hirsch, Chairman of Board of Directors, President, 122 E 42nd Street, New York, New York 10017; 60.4 percent Stockholder.
Dorothy T. Hirsch, Secretary, Treasurer, 34 Wenwood Drive, Glen Head, New York 11545.
Paul M. Thorner, Vice President, Director, 1420 Beacon Street, Newton, Mass. 02168; 9.9 percent Stockholder.
Jack Taxier, Director, 22 Sheridon Avenue, Mt. Vernon, New York 10552; 2 percent Stockholder.

There will be four other stockholders, none of which will own 10 or more percent of the stock.

The applicant, a New York corporation, with its principal place of business at 34 Wenwood Drive, Glen Head, New York 11545, will begin operations with $506,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of New York. As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before April 17, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Glen Head, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 27, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10019 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5371]

Watchung Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 30, 1979, a notice was published in the **Federal Register** (44 FR 62387), stating that Watchung Capital Corporation, located at 80-19 Broadway, Elmhurst, New York, 11373, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on November 14, 1979, and no significant comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5371 to Watchung Capital Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 28, 1980

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10018 Filed 4-1-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 709]

Privacy Act of 1974; Adoption of System of Records

On November 28, 1979, the Department published in the **Federal Register**, Public Notice No. 694 (44 FR 68056) setting forth the proposed establishment of a new system of records entitled "Parking Permit and Car Pool Records—STATE-52." The notice invited interested persons to submit their comments in writing to the Information and Privacy Coordinator, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, N.W., Washington. D.C. 20520 by January 28, 1980. Since no comments were received, the Department of State adopts the "Parking Permit and Car Pool Records—STATE-52" as previously published. This action is effective March 5, 1980.

March 5, 1980:

For the Secretary of State.

Ben H. Read,

Under Secretary for Management.

[FR Doc. 80-10059 Filed 4-1-80; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that meetings will be held in Washington on April 29 and 30, 1980 of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee
Public Securities Association U.S. Government and Federal Agencies Securities Committee

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on April 29 and a report to the Secretary of the Treasury and Treasury staff on April 20.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on April 29 and a report to the Secretary of the Treasury and the Treasury staff on April 30.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (May 16, 1979), I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c) (4) and (9) (A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt

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management advisory committee activities concern matters which fall within the exemption covered by section 552(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. of 552b.

Dated: March 27, 1980.

Roger C. Altman,

Assistant Secretary (Domestic Finance).

[FR Doc. 80-9861 Filed 4-1-80; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, April 23, 1980, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs in order to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam War.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may only direct questions in writing to the Chairman, Paul A. L. Haber, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the committee members may be obtained from the Vice-Chairman, Gerrit W. H. Schepers, M.D., Medical Service (111), Department of Medicine and Surgery, Veterans Administration, Washington, DC, 20420 (Phone 202-389-2550).

Dated: March 27, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-9913 Filed 4-1-80; 8:45 am]

BILLING CODE 8320-01-M

NUCLEAR REGULATORY COMMISSION

Availability of Addendum No. 2 to the Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere

Pursuant to the National Environmental Policy Act and the U.S Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that Addendum No. 2 to a draft NRC staff report entitled "Environmental Assessment for Decontamination of Three Mile Island Unit 2 Reactor Building Atmosphere" (NUREG-0662) prepared by the Commission's Office of Nuclear Reactor Regulation related to the decontamination of the reactor building atmosphere at the Three Mile Island Nuclear Station Unit No. 2 is available for comment. A Notice of Availability of NUREG-0662 and Addendum No. 1 (NUREG-0662 ADD. 1) was published on March 27, 1980 (45 FR 20265). This Addendum considers a variation in the previously recommended method for decontaminating the reactor building atmosphere by purging to the environment. This variation in the purging alternative would involve more rapid purging and would be permitted only under meterological conditions favorable to atmosphere dispersion. This Addendum recommends that the reactor building atmosphere be decontaminated by puging to the environment on a more rapid basis by use of reactor building purge system in conjunction with the building's hydrogen control sytem. Based on its estimate of doses to the public from releases during the decontamination of the reactor building atmosphere by purging through the reactor building purging system in conjunction with the building's hydrogen control system, and its estimate of occupational dose, it was concluded that this action does not constitute a significant environmental impact and, accordingly, the staff does not propose to prepare a separate Environmental Impact Statement on this action.

The Addendum is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the TMI-2 Local Public Document Room at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg Pennsylvania 17126. Copies of the Addendum have ben circulated for comment to other federal agencies, to the Commonwealth of Pennsylvania and to local and municipal governments in the Three Mile Island area. Comments are due by April 17, 1980.

Requests for single copies of the Addendum should be addressed in writing to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments on the Addendum should be addressed to the attention Richard H. Vollmer, Director, Three Mile Island Support, NRR, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. After analysis of the comments, the staff will update the Environmental Assessment and brief the Commission. The Commission will then determine the appropriate action to be taken.

Dated at Bethesda, Maryland, this 31st day of March 1980.

For the Nuclear Regulatory Commission.

Richard H. Vollmer,

Director, Three Mile Island Support.

[FR Doc. 80-10155 Filed 4-1-80; 11:01 am]

BILLING CODE 7590-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 65
Wednesday, April 2, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., April 11,1980.

PLACE: 2033 K Street NW., Washington, D.C. eigth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-672-80 Filed 3-31-80; 4:13 pm]

BILLING CODE 6351-01-M

2

COUNCIL ON ENVIRONMENTAL QUALITY.

March 11, 1980.

TIME AND DATE: 11:30 a.m., Thursday, April 10, 1980.

PLACE: Conference room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old business.
2. Report on status of Interagency Committee handbooks on Federal housing programs and on Federal water/sewer programs.
3. Briefing on status of agencies' NEPA procedures.

CONTACT PERSON FOR MORE INFORMATION: John P. Shea III, (202) 395-4616.

[S-670-80 Filed 3-31-80; 3:10 pm]

BILLING CODE 3125-01-M

3

FEDERAL MARITIME COMMISSION "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 28, 1980, 45 FR 20619.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 3, 1980, 10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the open session:

6. Docket No. 79-104: Specific Commodity Rates of Far East Shipping Company in the Philippines/U.S. Pacific Coast Trade—Motion for Order of Confidentiality.

Addition of the following item to the closed session:

1. Docket No. 79-75: Interpool, Ltd., Itel Corporation (Container Division), Trans Ocean Leasing Corporation v. Pacific Westbound Conference, Far East Conference, and Member Lines—Review of the record.

[S-659-80 Filed 3-31-80; 8:34 am]

BILLING CODE 6730-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

March 26, 1980.

TIME AND DATE: 10 a.m., Wednesday, April 2, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will also consider and act upon the following:

3. Little Block Coal Company, BARB 78-500-P.
4. V & B Coal Company, BARB 79-196-P.
5. Melanie Coal Company, BARB 78-440-P & BARB 78-483-P.
6. Trent Coal Company, BARB 79-195-P.
7. Sugar Rock Coal Co., Inc., BARB 79-36-P.
8. Eastern Fuel Co., Inc., BARB 78-585-P & BARB 78-586-P.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-658-80 Filed 3-28-80; 4:59 pm]

BILLING CODE 6820-12-M

5

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10 a.m., Monday, April 7, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated March 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-664-80 Filed 3-31-80; 11:14 am]

BILLING CODE 6210-01-M

6

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., April 28, 1980.

PLACE: On board MV *Mississippi* at Foot of Eighth Street, Cairo, Ill.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by the president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

[S-666-80 Filed 3-31-80; 9:03 am]

BILLING CODE 3710-GX-M

7

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., April 29, 1980.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, Tenn.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by the president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

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CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–667–80 Filed 3–31–80; 3:03 pm]
BILLING CODE 3710–GX–M

8

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 3:30 p.m., April 30, 1980.

PLACE: On board NV *Mississippi* at City Front, Foot of Crawford Street, Vicksburg, Miss.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by the president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control. Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. rodger D. Harris, telephone 601–634–5766.

[S–668–80 Filed 3–31–80; 3:03 pm]
BILLING CODE 3710–GX–M

9

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., 2 May 1980.

PLACE: On board NV *Mississippi* at Foot of Prytania Street, New Orleans, La.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by the president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–669–80 Filed 3–31–80; 3:03 pm]
BILLING CODE 3710–GX–M

10

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in time.

The previously anounced open meeting of the National Credit Union Administration Board, scheduled for Monday, March 31, 1980 at 11 a.m. has been changed to 2:30 p.m. the same day.

The meeting will be held in the agency's board Room at 1776 G Street NW., Washington, D.C. 7th Floor.

Information regarding this meeting may be obtained from Beatrix D. Fields, Acting Secretary of the Board (202) 357–1100.

[S–663–80 Filed 3–31–80; 10:30 am]
BILLING CODE 7535–01–M

11

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 9 a.m., Monday, March 31, 1980.

PLACE: 1776 G Street NW., Washington, D.C., seventh floor Board Room.

STATUS: Closed.

MATTERS CONSIDERED:

1. Reports to Congress.
2. Special assistance under section 208 of the Federal Credit Union Act.

Background

The Board unanimously voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions 2, 9(B), 8, 9(A)(ii). The General Counsel certified that the meeting could be closed under these exemptions.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357–1030.

[S–665–80 Filed 3—31–80; 2:17 pm]
BILLING CODE 7535–01–M

12

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 31, 1980 (revised).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C., Room 550, 4350 East West Highway, Bethesda, Md. (March 31 only).

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, March 31 (room 550, East-West Towers):

10 a.m.

1. Briefing on Two Approaches to the Treatment of Inventory Differences in Nuclear Material Accounting (approximately 1 hour, public meeting) (as announced).
2. Briefing on Physical Protection of Irradiated Reactor Fuel In Transit (approximately 1 hour, public meeting).

Tuesday, April 1 (Commissioners conference room):

2:30 p.m.

1. Briefing on Low Power License for North Anna (approximately 1½ hours, as announced) (public meeting).

Wednesday, April 2 (Commissioners conference room):

10 a.m.

1. Discussion of Indian Point (approximately 1½ hours, closed—Ex—10).

2 p.m.

1. Briefing by AIF on Review of NRC Action Plan (approximately 1½ hours, as announced) (public meeting).
2. Affirmation Session (approximately 10 minutes, public meeting).
   a. Review of Delegation of Authority to Director, ADM.
   b. Reporting of Misadministration of Byproduct Material.
3. Time Reserved for Discussion and Vote on Affirmation Items (approximately 15 minutes, public meeting).
4. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 1½ hours, (closed—Ex. 2 and 6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498.

March 28, 1980.

Roger M. Tweed,
Office of the Secretary.

[S–671–80 Filed 3–31–80; 4:13 pm]
BILLING CODE 7590–01–M

13

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m. on April 11, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: March 27, 1980.

[S–660–80 Filed 3–31–80; 9:35 am]
BILLING CODE 7600–01–M

14

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., April 30, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: March 27, 1980.

[S–661–80 Filed 3–31–80; 9:37 am]
BILLING CODE 7600–01–M

15

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on April 17, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: March 27, 1980.

[S–662–80 Filed 3–31–80; 9:30 am]
BILLING CODE 7600–01–M

V 45 / 65 APR 2 80 UMI

V 45 / 65 AP 2 80 UMI

federal register

Wednesday
April 2, 1980

Part II

Department of the Interior

Fish and Wildlife Service

Listing as Endangered With Critical Habitat for the Plymouth Red-Bellied Turtle in Massachusetts

V 45 / 65 APR 2 80 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing as Endangered With Critical Habitat for the Plymouth Red-Bellied Turtle in Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Plymouth red-bellied turtle (*Chrysemys rubriventris bangsi*) to be an Endangered species and determines the Critical Habitat of the species. The turtle is only known from Plymouth and Dukes Counties in Massachusetts. This action is being taken because the number of this species is low, the habitat of the species is subject to alteration, turtles have been reported as being harassed by people, and predation could be a negative factor in the continued survival of the species. This rule provides the full protection of the Endangered Species Act of 1973, as amended, to this species.

DATES: This rule becomes effective on May 2, 1980.

ADDRESSES: Questions concerning this action may be addressed to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to the rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771) or the Endangered Species Staff, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617/965–5100 ext. 316).

SUPPLEMENTARY INFORMATION:

Background

On June 6, 1977, the Fish and Wildlife Service published a notice in the **Federal Register** (42 FR 28903–28904) to the effect that a review of the status of 12 species of turtles, including *Chrysemys rubriventris*, was being conducted.

In response to the notice, comments were received from a number of biologists as to the precarious status of this species. In addition, literature records were checked and the results of the studies of Dr. Terry Graham of Worcester State College were reviewed. As a consequence of this review, the Service proposed that the Plymouth red-bellied turtle be listed as Endangered under provisions of the Act, and proposed 11 ponds as Critical Habitat, in the **Federal Register** of May 19, 1978 (43 FR 21702–21705). The comments from the Notice of Review were summarized in this document (also see the June, 1978, *Endangered Species Technical Bulletin* for details of this proposal). Before final action could be taken on the proposal, however, Congress passed the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat.

On March 6, 1979, the Service withdrew all proposed Critical Habitats until such time as they could be reproposed in accordance with the 1978 amendments (see the **Federal Register**, 44 FR 12382–12384). On September 13, 1979, the Service reproposed Critical Habitat to include an area of approximately 7000 acres in Plymouth County. This expanded Critical Habitat was suggested by Dr. James D. Lazell, Jr., because of the turtle's tendency to wander, especially when searching for a suitable nesting site. See the **Federal Register** of September 13, 1979 (44 FR 53422–53424) and the October, 1979, *Endangered Species Technical Bulletin* for details.

In conjunction with the reproposal for Critical Habitat, the Service held a public meeting and hearing on October 17, 1979, in Plymouth, Massachusetts, to explain the proposal, answer public questions, and to solicit additional information on the biology of the turtle and the economic effects of a Critical Habitat designation on federally authorized and funded projects in the area. In response to several requests, the Service also held an evening public meeting on January 15, 1980, and an evening hearing on January 29, 1980. All public comment periods were closed on February 13, 1980.

The biology of the turtle was reviewed in the original proposal as well as the reproposal of Critical Habitat for this species. Persons who desire to review these data should consult these documents. The Plymouth red-bellied turtle was originally reported in the literature based on a specimen collected in 1869 from near Sparrow Hill about a half mile north of Billington Sea. In 1937, Dr. Harold Babcock designated the turtle as a distinct subspecies on the basis of its greater shell height to length proportion. In 1978, Dr. Terry Graham corroborated Babcock's designation when he completed an in-depth analysis of the shell dimensions of both subspecies of *Chrysemys rubriventris* concluding *bangsi* as morphometrically distinct from *rubriventris*. Dr. Graham has continued working on the ecology of this subspecies, marking and releasing turtles in Hoyts, Gunners Exchange, Island, Crooked, and an unnamed pond northwest of Island pond. Only 41 animals have been captured despite intensive survey. Dr. Graham's work is continuing under grants from the U.S. Fish and Wildlife Service; his data form the basis for the final Critical Habitat included in this rule.

One additional item needs to be mentioned. There is considerable controversy among turtle biologists with regard to the generic name of fresh water turtles, that is, whether the name should be *Chrysemys* or *Pseudemys*. Both names are found in current literature, although there is considerable evidence suggesting the name *Chrysemys* should be limited to painted turtles (*Chrysemys picta*). The Service will continue to use *Chrysemys* until the taxonomic work is published on this generic separation. However, the table in #17.11 in which the species is listed will be published as *Chrysemys* (=*Pseudemys*) *rubriventris bangsi* to eliminate any future confusion in names.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any species to the list of Endangered and Threatened Wildlife.

In the May 19, 1978, **Federal Register** proposed rule (43 FR 21702–21705) to list this species as Endangered, and the September 13, 1979 reproposal of Critical Habitat (44 FR 53422–53424), the June 13, 1978 and September 18, 1979 Press Releases on these proposals, the June, 1978 and October, 1979 *Endangered Species Technical Bulletins*, and the various public meetings and hearings (see "Background" section), all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rule.

All public comment submitted between May 19, 1978 and July 18, 1978, September 13, 1979 and November 16, 1979, and January 10, 1980 and February 13, 1980, were considered.

In the reproposal of Critical Habitat published in the **Federal Register** of September 13, 1979, all comments that were received in response to the original proposal were summarized and will not be repeated here. Persons interested in reviewing these comments should consult that **Federal Register** document (44 FR 53422–53424).

A total of 66 comments were received in writing by the Service to the reproposal of Critical Habitat. In addition, 14 comments were presented at the public hearing of October 17, 1979, and 15 comments at the public hearing of January 29, 1980. Three petitions were received in support of the reproposal of Critical Habitat; these contained 134 signatures. Of the comments, 49 supported and 4 opposed the proposal but added no new information of a biological or other nature to that contained in the original two proposals for this species. One individual discussed the problems of rising land values and taxes and expressed concern about the designation of Critical Habitat although it is not clear from her letter whether she supported or opposed the proposed listing.

There were nine comments which supported the proposal and added new or additional information:

Mr. Tony Baker, the owner of "Negro Pond", noted that the name of the pond is now "Ingalls Pond".

Dr. Gordon Thurow advocated what he terms a "bullseye natural drainage system approach" to protection whereby there would be a central or core area of prime habitat for which people are largely excluded and the boundaries could be natural drainage divides. There would also be an outer ring area where people could live with various legal protections, also defined by drainage divides. In this way, a buffer zone could be presented around the most critical areas needed by the species, and artificial boundaries could be avoided.

Mr. Steve Chumra (Commissioner, Department of Fisheries, Wildlife and Recreational Vehicles for the State of Massachusetts) states:

> Biologists within our Division of Fisheries and Wildlife have reviewed all known biological data pertaining to this turtle and have kept in close touch with research underway to help improve our understanding of the life history of this unique member of the Commonwealth's fauna. Based on all available data, it is our opinion that the Plymouth Red-bellied Turtle is very likely on the verge of extinction and that the remaining population will likely disappear without special conservation efforts. The Division of Fisheries and Wildlife, which recently entered into a Cooperative Endangered Species Agreement with the Service, intends to undertake a research and management program on this unique reptile, stressing continued scientific research, public education and conservation.
>
> Division biologists, who testified at the public meeting and hearing held by your agency in Plymouth, on October 17, 1979, have also reviewed the environmental and economic assessment proposed by the Service and believe that the proposal will provide a useful means to assure that federal agency actions will not disrupt or destroy requisite biological factors associated with the turtle, and at the same, not bring any major economic loss or hardship within the Town of Plymouth. It is our belief that the Critical Habitat proposal represents a conscientious effort on the part of your agency to balance the demands placed upon the turtle's habitat.
>
> In conclusion, this Department is interested in taking all reasonable measures that will aid in the conservation of the Plymouth Red-bellied Turtle. We believe that since this turtle is known to wander extensively over land, the 7,000 acre designation as Critical Habitat is an appropriate action. We are appreciative and supportive of the Service's efforts to foster conservation of this rare and scientifically invaluable resource. Under the Division's recently signed Agreement with your agency, we are confident that any land use conflicts between man and the turtle that should arise in the future, will be successfully resolved or mitigated.

Mr. Richard E. Kendall (Commissioner, Department of Environmental Management in Massachusetts) included the following in his letter:

> Dr. Terry Graham, a professor at Worcester State College who has devoted many years of study to these turtles, believes there are several reasons for its current endangered status. The race has a very limited range; ten out of the eleven ponds in which they have been found are within a 1500 acre area. The other pond, Billington Sea, has already been highly modified by development. Female Plymouth red-bellied turtles have been found to have very low fertility rates. They lay their eggs on land and during the nesting season tend to wander extensively, sometimes up to ½ mile away from any pond. This behavior accentuates the need to designate the surrounding land as well as the ponds as critical habitat. In addition, these reptiles are very easily frightened and are often disturbed by human activity such as boating and hunting.

Mr. Theodore Steinway makes a number of points:

1. Mr. Steinway has examined a number of maps, including some as old as the 1850's, and can't find reference to a "Duck" Pond.
2. The pond mentioned as unnamed in the proposal appears as "Little" Pond in the 1903 Atlas of Massachusetts and on the 1936 map of Myles Standish State Forest.
3. "Hallfield" Pond is a repeated misnomer (including the USGS map) and should be "Hillfield" Pond.

Mr. Steinway also noted that Dr. Frederick Lucas' specimen of 1869 came from Sparrow Hill, a good ways north of Billington Sea and that his aunt picked up a specimen in the 1930's three miles from the nearest known habitat. He recommended keeping the Critical Habitat large.

Mr. Dix Leeson, Jr. (Nature Conservancy) states the following concerning the statements made at the public hearing of October 17, 1979:

> Most of the negative testimony which was orally presented in the two public sessions related to expected limitations on future private use of land in the proposed critical habitat. Your record should show that this modest amount of negative testimony was accompanied (and perhaps induced) by quite inaccurate reporting of your habitat proposal in one of the Boston Metropolitan newspapers. Even a cursory review of the clippings in October of 1979 will show the blatant inaccuracies concerning the intent and effect of this proposal.
>
> There is, however, unavoidable uncertainty about the effects of designating these 7000 acres as critical habitat. Federal agencies providing either funds or permits for projects in the area will have to consult with your agency. It is obviously not possible to pinpoint at this time the particular activity which might not be allowed because of its effect on the few remaining turtles.
>
> On the other hand, it is possible to examine the land uses currently allowed in this portion of Plymouth (residential) and compare them with the presently known needs of this species. The comparison shows no apparent conflict between most types of residential (including some shoreline) development and the turtles. In fact, the pond containing the largest number of turtles (approximately *half* of the known individuals!) has one of the most densely developed shorelines of any in the proposed critical habitat. In summary, I see no significant impact of the proposed habitat on the uses which the town has already specified are appropriate for this area.
>
> I would also like to point out that considering the species' very low numbers (less than 50 individuals in the world, of which fewer than one dozen are females) the proposed habitat and the limitations it imposes offer only minimal protection. The restraint called for on the part of those persons proposing to disturb Massachusetts' only endemic turtle seems to us to be a small and reasonable cost indeed.

One person submitted a long letter questioning whether the Town of Plymouth and State of Massachusetts regulatory agencies have been effective in controlling growth around the ponds in Plymouth. He noted that improper development procedures have led to pond pollution to within 300 feet of his private well, and he believes that future generations have a right to come and observe Plymouth red-bellied turtles in their natural habitat.

Two persons stated that they believe that the turtle needs the avoidance of disturbance to survive and that there has been shooting of turtles (possibly) on Boot Pond. They believe the area should be left as it is so that the

ecosystem may be preserved. The only letter opposing the listing was submitted by the Plymouth Area Chamber of Commerce. They state:

The 7,000 acres affected lies in the heart of the town and immediately adjoins (on two sides) areas presently seeing substantial growth. Real estate is of prime value and such designation would seriously limit most future growth in years ahead. Population figures by the Mass. Census project Plymouth as a major economic development growth area in the South Shore. Federal limitation imposed by this designation would substantially alter or limit our options.

The long term productivity of this turtle would be in conflict with this changing community's environment. In 1970 the population was 18,000. Today it stands at 33,000.

Since the turtle has migrated great distances since it was first reported, as the population has apparently not decreased since 1969 and as Chamber members have recollected citing the turtle in the Myles Standish State Park and, further, since the present environment's uniquness [sic] cannot be identified, we do not think the turtle is dependent on his existing location. The sand turtle in Muscatine, Iowa was relocated. Once believed to be an endangered species, they are now thriving. We, therefore, propose that this be seriously considered for the red-bellied turtle in Plymouth.

Mr. William J. Devine requested that the Service prepare an Environmental Impact Statement and provided extensive comment on the Environmental Assessment prepared by the Service in connection with the 1978 proposal. Among his points are:

1. He notes that some authors have questioned the subspecific status of the turtle and believes this should be resolved prior to acceptance of the Assessment.

2. He believes each pond should be examined for the presence of the turtle to determine an accurate population size.

3. The assessment does not identify the exact number of ponds or amount of species found in each pond.

4. The assessment does not take into consideration the new concentrations of population in the area of proposed Critical Habitat.

5. In the section *Environmental Impacts of the Proposed Action*, the positive and negative effects on man's health, welfare, and surroundings is not addressed. Instead, the status improvement of the species is discussed.

6. The land acquisition section is inadequate because it fails to take into account the Nature Conservancy's acquisition on Gunner's Exchange Pond and the effect of land transfer if the turtle is not listed as Endangered.

7. He states:

The Assessment states there is no way of knowing at this point which such actions would be affected. There has been a recent experience in Houston where a large section of land was held up in the development stage because of a rare toad which was placed on the endangered species list. As it turned out the toad was not so rare, but it took the developer almost three years to prove his point in court.

The Housing industry as you can well understand is quite dependent on Federal funds. The area of the proposed critical habitat in the future will want to take advantage of these Federal monies in various housing programs such as the Farmer's Home program under the Department of Agriculture. This Assessment in no way has taken the interfacing of these programs with their economic impact for the future.

8. Finally, he questions the *Alternatives* section:

If you take the quote from the Assessment The Weight [sic] of available data indicate that the two turtles are likely to become extinct, this Assessment in no way provides enough information to substantiate the listing of the red-bellied turtle as endangered. There is no proof that the red-bellied turtle will decline in population unless protective measures are taken.

Of the 14 comments presented at the October 17, 1979 public hearing, two were requests for additional hearings at night when more people could attend, five opposed the designation of Critical Habitat, five favored the proposal, one presented the written statement of another individual, and one presented a talk entitled "Dr. Reed's Legacy to Plymouth" in which he talked about Dr. Lawrence B. Reed whom, according to the commentor, used to go to North Carolina and bring back red-bellied turtles and release them into Crooked Pond. This release took place in the early 1920's. The commentor also mentions overpopulation of turtles in one pond and the possibility of trapping and releasing turtles in other areas. The Commentor concluded that Dr. Reed's legacy was leaving Plymouth with a red-bellied turtle controversy.

As stated previously, 15 comments were presented at the public hearing of January 29, 1980. Six spoke in favor of the proposal, six against it, one commented on the Environmental Assessment, one was an observer from Congressman Studds office and made no comment, and one was undecided. Three commentors (one on behalf of the Plymouth Area Chamber of Commerce) submitted comments in writing and these have already been summarized. The major opposition stemmed from anticipated impacts of the designation of Critical Habitat on the use of land and a general feeling of more government control. Those in favor of the proposal generally expressed concern for the survival of the turtle and the maintenance of its ecosystem.

Discussion and Conclusions

Many of those who spoke in opposition to the proposal did not seriously question the status of the Plymouth red-bellied turtle and the potential for the decline of this subspecies. Instead, they voiced concern at the impact of the designation of Critical Habitat on their activities and future development around Plymouth Township. Actually, there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect the species. Indeed, no activity is automatically excluded. This point is still not well understood by much of the public. There is widespread and erroneous belief that a Critical Habitat designation is somewhat akin to the establishment of a wildlife refuge and automatically closes an area to most human uses. A Critical Habitat designation applies only to Federal agencies, and is an official notification to these agencies that their responsibilities under Section 7 of the Act are applicable in a certain area.

The Service recognizes that there may be some name changes with regard to ponds within the designated Critical Habitat and thanks Mr. Baker and Mr. Steinway for pointing these out. Future discussions of the names of these ponds will include their use of names.

Dr. Thurow's idea of using natural boundaries is good and the Service tries to use such boundaries whenever possible. However, there are occasions when it is not possible to give the best definition of the Critical Habitat solely by using natural boundaries. The Service believes that the boundaries included in this final rule best define the area of critical survival importance to the Plymouth red-bellied turtle based on the work of Dr. Terry Graham. The Act provides no legal means of prohibiting the activities of private landowners, such as excluding people from the Critical Habitat, which are not involved in direct take of the species. Indeed, the vigilance and cooperation of private landowners, such as many of those who supported the proposal, is a positive and absolutely necessary step to insure the continued survival of the turtle. The Service especially thanks Mr. Ryder, Ms. O'Brien, and Mr. Hauthaway for their long letters and protection of this species in the Plymouth area. The service also acknowledges the support of the Massachusetts Department of Fisheries, Wildlife, and Recreational Vehicles, the Massachusetts Department of Environmental Management, and Mr. Leeson of the Nature Conservancy in Boston for the information presented in their letters.

With regard to the comments of the Plymouth Area Chamber of Commerce, the Service will work in close cooperation with any agency to minimize impacts on future development in the Plymouth area. No automatic limitations are imposed by a designation of Critical Habitat. It does, however, require that federal agencies insure that their actions are not likely to jeopardize the continued existence of the species.

During the extensive public comment period and associated meetings and hearings, no federal activities were pinpointed which would be affected by such a designation. In addition, federal agencies which were contacted were unable to identify any adverse impacts. The Service believes that both the turtle and people residing in the area can coexist with minimum adverse impact on future growth.

Since the turtle is only known to occur in limited areas in Plymouth (and perhaps Dukes) County, such areas are indeed unique, even if every facet of the turtle's environment cannot be appreciated or understood by human observers. The turtle is dependent on the maintenance of its environment in these areas since it is well known that the subspecies *bangsi* occurs nowhere else. The "sand turtle in Muscatine, Iowa" is presently proposed as an Endangered species. An attempt to establish the turtle in another area in Iowa has in no way diminished the problems faced by this species throughout its range. This species, *Kinosternon flavescens spooneri*, is today only found in significant numbers in one location. The subspecies throughout its range is not thriving. The artificial movement of an animal from an area where known to occur to a different area is a risky and often biologically unsound practice. For many of the reasons cited by Mr. Kendall, such is not likely to be feasible with regard to the Plymouth red-bellied turtle.

Mr. William Devine provided extensive comment on the Environmental Impact Assessment prepared by the Service in conjunction with the original proposal to list this turtle as Endangered. The E.I.A. was prepared in early 1978, however, when some actions, such as the Nature Conservancy acquisition, had not yet been proposed. The Service makes the following points:

1. With regard to taxonomic status, the morphometric work completed by Terry Graham validates the original subspecific description given by Babcock. Therefore, the Service believes that the taxonomic question has been resolved. Indeed, Roger Conant, who originally questioned Babcock's data, now fully supports listing under the name *bangsi*.

2. Surveys have been conducted by Dr. Graham and state officials on the ponds in the Plymouth area. However, because of the duration of looking (over 10 years) for Plymouth red-bellied turtles in southeastern Massachusetts, it is unlikely any new significant populations will be discovered. Indeed, in some ponds known to be inhabited by these turtles (see "Background"), only 41 individuals have been found.

3. The Service acknowledges that future population growth was not incorporated into the original assessment. This oversight has been corrected in the final assessment based on figures submitted by the Old Colony Planning Council. These figures show a projected growth of 48,300 people by 1995 in the Plymouth area. In the final assessment, additional information on housing requirements, employment projections, and industrial development have been incorporated to insure that full consideration is given to the effect of the listing and Critical Habitat designation on man's health, welfare, and surroundings.

4. The Service acknowledges that if the turtle is not listed, the transfer of land from the Nature Conservancy to the Service cannot take place as planned. This section has been revised in the final assessment.

5. No land was held up from development in Houston, Texas, because of the listing of the Houston toad in 1970 or its proposed designation of Critical Habitat in 1977. No court case has been filed with regard to this species.

6. At the time the original assessment was written (April, 1978), there were no requirements to take economic considerations into account during the listing process. Because of the 1978 amendments to the Act, the Service does now consider these factors. The Service contracted the Old Colony Planning Council and several federal agencies to determine the possible economic effects of a Critical Habitat designation in the proposed area. This information has been incorporated into the assessment. However, the Service agrees with the OCPC's conclusion: "Designation of the various ponds as Critical Habitat is not likely to cause any negative impacts in the expected and desired pattern of land use and growth." The Service acknowledges that there may be some minor impact on future development in the designated Critical Habitat. However, it is not likely that undue adverse economic impacts will result because of this rule.

7. The information which discussed the decline of the turtle was presented in the original proposal of May 19, 1978 (Federal Register, 43 FR 21702–21705) as required by the Act. This proposal was attached to the Environmental Impact Assessment as Appendix I. Contrary to Mr. Devine's assertion, the best available consensus among scientists who have worked on the turtle and understand its ecological requirements is that it will decline unless afforded protection. However, the Service acknowledges that there is no "proof" that it will decline unless protective measures are taken. Indeed, it may continue to decline in spite of protective measures.

Finally, with regard to the potential for the presence of *C. rubriventris* in Massachusetts resulting from the introduction of red-bellied turtles from North Carolina, the first red-bellies reported in Southeastern Massachusetts were in 1869, considerably prior to the early 1920's reported by Mr. Tracy. The statistically significant morphological differences reported by Dr. Graham preclude, in the opinion of the Service, the Plymouth turtles as being entirely of North Carolina origin.

After a thorough review and consideration of all the information available, the Director has determined that (1) the Plymouth red-bellied turtle is threatened with becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act, as specified in the proposal of May 19, 1978 (43 FR 21702–21705), and (2) listing this species as Endangered with the specified Critical Habitat will provide it with necessary protections to ensure its survival.

The Critical Habitat in this final rule is smaller than the original 7000 acres proposed. The final area is approximately 3269 acres and is based on the studies of the needs and ecological requirements of the Plymouth red-bellied turtle by Dr. Terry Graham during the spring and summer of 1979. This final area contains, as far as can be determined, sufficient area for the population of turtles to survive and reproduce successfully.

Critical Habitat

The Act defines "critical habitat" as:

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the

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species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain ponds and adjacent land areas within the geographical area occupied by the species under consideration should be designated as Critical Habitat.

This species has an extremely limited range and is highly susceptible to changes in its habitat. Since physical or chemical changes in the waters occupied by this species, as well as alteration of basking, nesting and overwintering sites, may result in extinction, designation of Critical Habitat is essential for this turtle's conservation. The physical and biological features of this habitat are such as to require special management considerations and protection.

Section 4 (b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. The Service has prepared an impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this action.

Effects of This Rule

Section 7(a) of the Act provides:

"(1) The Secretary shall review other programs administered by him and utilize such programs in furtherence of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

"(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded or carried out by such agency (hereinafter in this section referred to as an 'agency action') is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section * * *"

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. This rule now requires Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the Plymouth red-bellied turtle, but also to insure that their actions do not result in the destruction or adverse modification of this critical habitat.

Section 4(f)(4) of the Act requires, to the maximum extent practicable that any rule which determines critical habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Director, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for this species.

1. With regard to the Plymouth red-bellied turtle, a major threat to the continued existence of this species is the adverse modification of the water quality and levels of the ponds on which it depends. Any significant alteration of the water levels, as by groundwater pumping, or reduction in water quality which would reduce or eliminate vegetation and aquatic prey items of this turtle could adversely modify Critical Habitat since aquatic vegetation serves as both food and shelter to the turtle. Siltation resulting from land clearing adjacent to ponds or pollution of the groundwater could eliminate vegetation and aquatic invertebrates.

2. Because this species uses wetlands adjacent to the ponds, the draining of wetlands within the Critical Habitat could adversely affect the species.

3. Shoreline modification, filling, and dredging for beaches, dikes, real estate development or similar types of activity could be considered to adversely affect Critical Habitat since they could affect water quality, levels of shoreline, and nesting and overwintering sites for the species.

As explained above, the Service believes there are no significant economic impacts on such activities as a result of this action in the foreseeable future.

Endangered species regulations published in title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to endangered species, are found at § 17.21 of title 50, and are summarized below.

With respect to the Plymouth red-bellied turtle, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the Federal Register of September 26, 1975 (40 FR 44412), codified at 50 CFR 17.22 and 17.23, provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Effect Internationally

The Service will review the status of the Plymouth red-bellied turtle to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendix to that Convention, and whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

National Environmental Policy Act

A final environmental assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author to this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (703/235–1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under executive order 12044 and 43 CFR Part 14.

Regulations Promulgation

Accordingly, Part 17, Subparts B and I, Title 50 of the Code of Federal Regulations are amended as set forth below:

1. Section 17.11 is amended by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

List of Endangered and Threatened Wildlife (§ 17.11)

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Turtle, Plymouth red-bellied.	*Chrysemys (=Pseudemys) rubriventris bangsi*	U.S.A. Massachusetts	Entire	E		17.95(c)	NA

2. Section 17.95(c) is amended by adding the following Critical Habitat description after the Critical Habitat description for the leatherback sea turtle:

§ 17.95 Critical habitat—Fish and wildlife.

* * * * *

(c) Reptiles

Plymouth red-bellied turtle

(Chrysemys rubriventris bangsi)

Massachusetts (Plymouth County)

An area including Briggs Reservoir, Cooks Pond, Little South Pond, South Triangle Pond, Great South Pond, Powderhorn Pond, Boat Pond, Hoyte Pond, Gunners Exchange Pond, Crooked Pond and Island Pond as follows: Beginning at the intersection of the centerline of the right-of-way of the Boston Edison and New Bedford Gas and Edison Light Company transmission lines and the westerly right-of-way line of Long Pond Road, thence southeasterly, along the westerly right-of-way line of Long Pond Road, 10,370 feet to the intersection of the said right-of-way line and the boundary line of the Myles Standish State Forest; thence southerly and westerly, along the boundary line of the Myles Standish State Forest, crossing and re-crossing Snake Hill Road, 11,200 feet, more or less; thence westerly, leaving the boundary line of the State Forest, 1,550 feet, more or less, to the boundary line of the Myles Standish State Forest; thence westerly, along the boundary line of the Myles Standish State Forest, 9,180 feet, more or less, to the intersection of the boundary of the said State Forest and the easterly right-of-way line of the Algonquin Gas Transmission Company pipeline; thence northerly, along the easterly right-of-way line of the said pipeline, 6,223 feet, more or less, to the intersection of the easterly right-of-way line of the said pipeline and the northerly right-of-way line of Kings Pond Plain Road; thence northeasterly, along the northerly right-of-way line of said road 3,100 feet to a point; thence northerly, 800 feet, more or less, to the sourtherly right-or-way line of the Boston Edison and new Bedford Gas and Edison Light Company transmission lines; thence northwesterly, along the southerly right-of-way base of the said transmission lines, 4,150 feet, more or less, to the intersection of the southerly right-of-way line of the said transmission lines and the easterly right-of-way line of the Algonquin Gas Transmission Company pipeline; thence northerly, along the easterly right-of-way line of the said pipeline, 2,500 feet, more or less, to the intersection of the easterly right-of-way line of the said pipeline and the southerly right-of-way line of Black Cat Road; thence southeasterly, along the southerly right-of-way line of said road, crossing South Pond road and continuing southeasterly, along the southerly right-of-way line of an unnamed road, 10,370 feet, more or less, to a point; thence southerly 2,300 feet, more or less, to the northerly right-of-way line of the Boston Edison and New Bedford Gas and Edison Light Company transmission lines, thence easterly, along the northerly right-of-way line of the said transmission lines, 1,300 feet, more or less, to the intersection of the northerly right-of-way line of the said transmission lines and the westerly right-of-way line of Long Pond Road; thence southerly, along the westerly right-of-way line of said road, 100 feet, more or less, the place of beginning.

Dated: March 24, 1980.

Warren T. Olds, Jr.,

Acting Director, Fish and Wildlife Service.

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federal register

Wednesday
April 2, 1980

Part III

Office of Management and Budget

Circular A-102: Uniform Requirements for Grants to State and Local Governments

V 45 / 65 AP 2 80 UMI

OFFICE OF MANAGEMENT AND BUDGET

Circular A-102: Uniform Requirements for Grants to State and Local Governments

AGENCY: Office of Management and Budget.

ACTION: Final policy.

SUMMARY: This notice transmits a "single audit" guide for use in audits of State and local governments. The guide was called for by Circular A-102, "Uniform requirements for grants to State and local governments." It replaces almost a hundred individual guides that were previously in use.

In October 1979 a new Attachment P, "Audit Requirements," to Circular A-102 was issued. The attachment resulted from the Administration's program to streamline Federal aid, and is part of OMB's system of guidance for federally assisted programs. The attachment set forth new audit rules for State and local governments (and Indian tribal governments) receiving Federal assistance. It provided for independent audits of financial operations, including compliance with certain provisions of Federal law and regulation, to be made in accordance with a standard audit guide.

The General Accounting Office developed the standard audit guide in cooperation with OMB, the grantmaking agencies, State and local governments, intergovernmental audit forums, and others. Its purpose is to provide a uniform approach to audits of federally assisted programs. It is intended to meet the needs of each Federal, State, and local funding agency for audited financial information.

EFFECTIVE DATE: This audit guide becomes effective March 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Jack Sheehan, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503 (202) 395-3993.

George L. Egan, Associate Director, General Accounting Office, Washington, D.C. 20548 (202) 633-6987.

John J. Lordan,

Chief, Financial Management Branch.

Note.—Copies of this guide will also be available for sale by the Superintendent of Documents in April 1980 (stock number 020-000-00181-0)

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GUIDELINES FOR FINANCIAL AND COMPLIANCE AUDITS OF FEDERALLY ASSISTED PROGRAMS

UNITED STATES
GENERAL ACCOUNTING OFFICE

FEBRUARY 1980

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FOREWORD

This guide is for use in auditing federally assisted programs. It replaces almost a hundred individual program guides that were previously in use. It is issued as part of an overall program of improving government accountability.

The 1960s saw a substantial increase both in the number and dollar amounts of Federal assistance programs. These programs were aimed at improving Americans' daily lives. Major steps were taken to broaden elementary, secondary, and higher educational opportunities; to promote development in economically depressed areas; to help finance health services and medical care for the indigent; to launch a war on poverty; and to attempt a comprehensive physical, social and economic program to transform slum and blight-ridden cities into model neighborhoods.

During the 1970s, the establishment of new grant-in-aid programs slowed considerably. Also, legislation was enacted consolidating a number of existing categorical programs into broader purpose block programs. However, during this period, the dollar amount of Federal assistance continued to grow.

Today 52 Federal agencies administer nearly 1,100 Federal assistance programs. About half of these programs account for almost $90 billion that goes to the governments of all 50 States, 3,000 counties and nearly 90,000 local jurisdictions. In addition, numerous other entities, such as hospitals, universities, and nonprofit organizations benefit from this funding. Most recipients receive funds from several Federal agencies or under several federally assisted programs.

This increase in Federal programs brought with it an increased demand for full accountability by those entrusted with the responsibility for administering the programs. Auditing is an integral element of this accountability, and each agency that provides Federal money is responsible for ensuring that appropriate audits are made of the recipient's records or activities. These audits are performed by Federal auditors, State and local auditors, or by certified public accountants.

A major problem in auditing Federal assistance programs is that the agencies usually restrict their audits to recipient records and financial controls relating to their own programs without concern for other Federal programs administered by the recipient. They do not completely evaluate the recipient's financial controls and pay little attention to how a recipient's management practices affect other agencies' programs. This approach to auditing Federal assistance programs provides little assurance that Federal funds are properly safeguarded and causes duplication of effort.

Ideally, auditing of Federal assistance programs should be accomplished during an organization-wide audit of the recipient's financial operations. Such an audit should assure that the organization's financial records and controls are adequate and should test to determine whether it is in conformance with significant compliance requirements that can have a material effect upon its financial position.

One of the barriers which has inhibited the accomplishment of an organization-wide audit is the multiplicity of audit guides which Federal agencies have prepared for use in auditing their federally assisted programs. In addition, the absence of a standard audit guide which could be used during an organization-wide audit has been an inhibiting factor. For these reasons, the General Accounting Office, the Office of Management and Budget and the Intergovernmental Audit Forum have developed this guide to be used in a comprehensive, organization-wide financial and compliance audit of recipients of Federal assistance programs.

Elmer B. Staats
Comptroller General
of the United States

James T. McIntyre, Jr.
Director
Office of Management and Budget

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ABBREVIATIONS

AICPA	American Institute of Certified Public Accountants
EDP	electronic data processing
OMB	Office of Management and Budget

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CHAPTER 1

INTRODUCTION

Federal financial assistance to State and local governmental and other non-Federal domestic organizations has increased from $3 billion in fiscal year 1955 to $90 billion for fiscal year 1980. This assistance is provided through a network of over 1,100 programs administered by 52 Federal departments, agencies, and commissions. The programs are carried out by 50 States, 3,000 counties, nearly 90,000 local governments, and innumerable nongovernmental organizations.

When State or local governments accept funds under federally assisted programs, they assume the responsibility of carrying out the programs efficiently, economically, and effectively. This includes the responsibility of auditing the programs with the same thoroughness that State and local programs are audited. Attachment P to Office of Management and Budget (OMB) Circular A-102 (included as app. III to this guide) calls for an organizationwide audit of grantee financial operations. The audits must include, at a minimum, an examination of the systems of internal control systems established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipient organizations.

Similarly, Federal agencies which fund such programs are also responsible for auditing them. To avoid duplicate audits, the Office of Management and Budget established a Government-wide policy requiring Federal agencies to rely on audits made by non-Federal auditors to the maximum extent practicable. OMB Circular A-73 provides that:

> "Reports prepared by non-Federal auditors will be used in lieu of Federal audits if the reports and supporting workpapers are available for review by the Federal agencies, if testing by Federal agencies indicates the audits are performed in accordance with generally accepted auditing standards (including the audit standards issued by the Comptroller General), and if the audits otherwise meet the requirements of the Federal agencies."

To maximize use of State and local audits, the Federal funding agencies usually provide guidelines on the areas to be covered in the audit of a federally assisted program. Because of the divergence of audit approaches contained in the

guidelines issued by the various departments and agencies, several State and local auditors have experienced difficulty in responding to the audit requirements of the Federal agencies. Furthermore, many grantee organizations receive funds from several Federal agencies and under a multitude of programs. Thus, the auditor may find himself auditing several federally assisted programs within an organization and being required to use a different audit guide for each program.

This audit guide is to provide a uniform audit approach and uniform documentation procedures for financial and compliance audits of organizations receiving funds from several Federal agencies or under several federally assisted programs so that the needs of each Federal, State, and local funding agency for audited financial information are satisfied. This will conserve staffing, promote efficiency, and minimize the impact of audits on the auditee's operations.

This guide has been developed primarily for use in audits of State and local governmental organizations. It provides consistent audit practices and documentation procedures, which should increase the potential for coordination of audit efforts at all levels of government. However, it is also appropriate for audits of certain nongovernmental grantee organizations. It is to be used for audits whose scope is limited to financial operations, including compliance with laws and regulations materially affecting financial operation.

CHAPTER 2

GENERAL COMMENTS

For beneficial audits of organizations receiving Federal funds, auditors must use generally accepted auditing standards.

AUDIT STANDARDS TO BE APPLIED

To serve the needs of Federal departments and agencies, financial examinations should be made in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants (AICPA) and incorporated in "Standards for Audit of Governmental Organizations, Programs, Activities & Functions" issued by the Comptroller General in 1972.

If State and local government audits of federally assisted programs meet these standards, the Federal Government should be able to rely on them and thus eliminate the duplicate audit coverage that results when Federal, State, and local auditors independently audit programs and activities without regard to the needs of the other levels of government.

AUDIT PROCEDURES TO BE FOLLOWED

This guide includes mandatory audit objectives, illustrative audit procedures, and documentation guides for audits of general financial activities by the various types of grantees, such as State and local government agencies. The procedures are designed primarily for use in auditing grantee organizations administering multiple programs or activities, including one or more federally assisted programs. The auditor, in addition to this guide, may refer to publications by the AICPA and the Municipal Finance Officers Association, "Industry Audit Guide--Audits of State and Local Governmental Units" and "Governmental Accounting, Auditing, and Financial Reporting."

The material presented relates to the planning of an audit, documentation of audit procedures, the study of internal controls, and the effect of this study on other audit procedures.

AUDIT REPORT TO BE PREPARED

Auditors reporting on the financial statements of organizations administering federally assisted programs encounter transactions funded, in whole or in part, by the Federal Government. For example, an auditor engaged to do a financial

audit of the various funds of a county government would expect to encounter some transactions which involve Federal funds. Such transactions are, in most cases, subject to the same degree of audit scrutiny by the county's auditors as are county funds.

The audit report should contain the overall financial statements of the grantee organization and schedules identifying individual projects for each Federal and State agency. The audit report should also include a statement of scope, opinion, and compliance.

Scope

The scope of the audit should identify the period covered by the audit and the various grants and contracts under which the audited organization received Federal funds. It should include a statement that the examination was made in accordance with generally accepted auditing standards, including the audit standards issued by the Comptroller General.

Opinion

The report should contain an opinion on the financial statements of the organization, including the financial data and related audit results. If an unqualified opinion cannot be expressed, the nature of the qualification should be clearly presented. The auditor's opinion on the financial statements of the organization will satisfy the needs of the Federal funding agencies for audited information. The auditor need not provide a separate opinion on the individual Federal programs the organization operates.

Compliance

The report should contain a statement that the operations of the grantee are in conformance with the compliance requirements which could have a material effect on the financial position of the grantee. The report should indicate the compliance items tested, the nature of the tests performed, the extent of the tests, and the results.

Statements

The audit report should contain such detailed financial statements on the grantees' operations as the grantee prepares. Such statement might include the following.

--Balance sheet:
  All funds
  General fund

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Federal grant fund
State grant fund
Other special revenue fund

--Analysis of changes in fund balance--general fund

--Statement of revenue--general fund

--Statement of appropriations, expenditures, and encumbrances--general fund

--Statement of cash receipts and disbursements:
Federal grant fund
State grant fund
Other special revenue fund

--Schedule of questioned costs

Examples of these statements are included as appendix II.

It is not expected that all of the statements be available for every audit engagement. However, they are presented to show how a comprehensive set of financial statements that cover all facets of a grantee's operation can be constructed to meet the needs of all users--grantees, grantors, and the public. As such, these statements serve as a guide for developing required financial statements for multiple-funded organizations.

There is no need to present all of the above listed statements (e.g., for grantees which administer a single Federal grant.) For those grantees it is suggested that the following be presented:

--Balance sheet.

--Statement of appropriations, expenditures, and encumbrances.

--Schedule of questioned costs.

CHAPTER 3

PLANNING THE AUDIT

MULTIPURPOSE AUDITS

Generally accepted auditing standards for fieldwork require that: "The work is to be adequately planned and assistants, if any, are to be properly supervised."

One of the objectives of Federal audit policy is to make one audit satisfy as many Federal and non-Federal needs as possible and practicable. Federal grants are administered in partnership with non-Federal organizations in which the grants represent all or a part of an organization's activities.

The audit approach described in this guide suggests procedures to be employed when one audit is to be made covering all activities, including Federal grant programs, within an audit universe, such as a State department of human resources. The approach presented would also be usable on audits of organizations administering a single audit grant program.

A multipurpose audit requires thorough preliminary planning to insure that audit work is adequately coordinated to achieve the desired results. Such preliminary planning requires that the auditor (1) survey the organization to determine the components of the audit universe by functional area, such as purchasing, payroll, and disbursing, and (2) design supplemental audit steps to test aspects of individual program transactions which may be selected in samples drawn from the total universe of the organization's transactions. Specific approaches to the study of internal control are discussed in a separate chapter.

PRELIMINARY PROCEDURES

Before starting the examination, the auditor should obtain and review key reference material. The types of material which are pertinent will vary, depending on the circumstances, but in general will include:

1. Financial reports issued during the period.

2. Charters, bylaws, incorporation documents, minutes of meetings of the board of trustees or directors, and bank account authorizations.

3. Audit reoprts issued within the past 2 years, including those prepared by internal or external auditors.

4. An executed copy of the grant agreement for each program included within the scope of the audit.

5. The approved budget for each program.

6. Copies of program instructions, agency regulations, and applicable circulars. (See app. IV for a list of Office of Management and Budget circulars.)

7. All major contracts, such as leases, employment agreements, and major purchase commitments, entered into by the organization.

8. The Government-wide cost allocation plan applicable to State and local governments and relevant negotiated indirect cost proposals and agreements (including indirect cost rates and data for educational and nonprofit organizations.)

The auditor should make copies or extracts of those documents he considers necessary for retention in the audit workpapers. Items of audit importance in the above documents should be investigated and documented in the working papers.

In some circumstances, such as audits where there is a large volume of individual grant awards, it may not be practicable or appropriate to review all grant award and budget documents before starting work. In situations of this type, the auditor may choose to:

1. Review grant agreement, approved budget, program instructions, and individual grant financial reports for several material grants (if any) during the preliminary phase of the audit before starting the internal control review.

2. Review the organization's practices and policies relative to administering the grants selected in item 1 above during the study of internal control systems.

3. Determine whether the grant administration practices and policies are applied to all grant programs.

4. Select representative transactions and review the grant award and related compliance requirements for individual grants and programs represented by the transactions.

CHAPTER 4

AUDIT WORKPAPERS

The GAO standards for governmental auditing provide:

"Sufficient, competent, and relevant evidence is to be obtained to afford a reasonable basis for the auditor's opinions, judgments, conclusions, and recommendations."

This standard places upon the auditor the responsibility for accumulating sufficient evidence to provide an appropriate factual basis for his opinions, conclusions, judgments, and recommendations.

Guidance pertaining to workpaper documentation is provided in the audit guide chapters dealing with the study of internal control and tests of account balances.

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CHAPTER 5

COMPLIANCE WITH LEGAL AND REGULATORY REQUIREMENTS

GAO's third examination and evaluation standard for governmental auditing is: "A review is to be made of compliance with legal and regulatory requirements." In governmental auditing, compliance with pertinent laws and regulations is particularly important because government organizations, functions, programs, or activities are subject to laws and have more specific rules and regulations than are usually applicable to private organizations.

The auditor is responsible for determining whether the organization, program, function, or activity under audit has complied with laws and regulations which may have a material effect on the grantee's financial position.

Thus, during the financial audit, the auditor is to test the transactions and operations of the audited organization, program, function, or activity, to determine whether that entity is in conformance with significant compliance requirements that can have a material effect upon the grantee's financial position. Specifically, the auditor should establish that the audited entity has not incurred important unrecorded liabilities--contingent or actual--through failure to comply with, or through violation of, pertinent laws and regulations. Three of the most important requirements are recipient eligibility, coverage of services, and matching requirements. If funds are used to provide services to ineligible recipients and/or to provide services not included in the grant award, or if matching requirements are not met, the total amount of the award may have to be returned to the grantor agency.

While these requirements may not cover all significant compliance requirements, they do include some of the most important ones and their verification at least would indicate that funds were used for their intended purpose and matching funds were provided. Other requirements that may be applicable include maintenance of effort, indirect cost rate determination and allocation, and cost principles. Eligibility and matching requirements for all Federal grants can be found in the "Catalog of Federal Domestic Assistance," which is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. The catalog is updated semiannually. Test procedures for auditing costs and expenses (direct and indirect) are included in this guide starting on page 32.

To assure that important unrecorded liabilities do not exist, the auditor should (1) ascertain the significant compliance requirements for each material grant, (2) determine that the grantee has established a system to ensure that those requirments are complied with, and (3) test individual transactions to determine whether the system is working as designed.

CHAPTER 6

STUDY OF INTERNAL CONTROL

GENERAL CONSIDERATIONS

The GAO standards for governmental auditing provide:

> "An evaluation is to be made of the system of internal control to assess the extent it can be relied upon to ensure accurate information, to ensure compliance with law and regulations, and to provide for efficient and effective operations."

This standard makes the auditor responsible for determining how much reliance can be placed on the audited entity's internal controls to ensure accurate information, ensure compliance with applicable laws and regulations, promote efficiency and economy, and produce effective results. This review will help him determine the extent of detailed examination work that must be performed to achieve the objectives of the audit.

The study of internal control normally has two phases. The AICPA Statement on Auditing Standards No. 1, describes these phases as:

1. Review of the system, which "is primarily the process of obtaining information about the organization and the procedures prescribed and is intended to serve as the basis for tests of compliance and for evaluation of the system."

2. Tests of compliance, which are made "to provide reasonable assurance that the accounting control procedures are being applied as prescribed."

Effect of the method of data processing on the study

In studying internal control, the auditor must consider the method used for processing financial data. Using a computer for processing and recording financial data is widespread and continues to grow. Computer capabilities and applications can be generally categorized as:

1. Simple calculating and compiling operations which produce a hard-copy audit trail.

2. Those systems and applications where the hard copy does not indicate the internal processing that transpired within the machine.

In the later situation, the auditor must consider using tests and review procedures which go beyond traditional audit techniques. Accordingly, it is expected that auditors undertaking engagements in a sophisticated data processing environment will review the system of data processing and apply appropriate test procedures. However, the auditors must be adequately trained for such work.

The AICPA Statement on Auditing Standards No. 3 describes the impact of electronic data processing (EDP) on the auditor's study of internal control and provides general guidance for the study of internal control in an EDP environment.

Testing methods

In a multipurpose audit of an organization, one of the auditor's objectives is to limit detailed testing of the various programs and activities by reviewing tests of the organization's systems as a whole. It is recommended that the auditor, to draw objective conclusions on the functioning of the system as a whole, use statistical sampling procedures, where possible, in testing compliance with accounting control procedures. Sections 320A (.01 to .24) and 320B (.01 to .24) of the AICPA Statement on Auditing Standards No.1 provide guidance for these procedures.

The foregoing does not preclude the use of judgmental sampling methods on multipurpose engagements but rather recognizes the potential value of statistical measurement on this type of audit.

REVIEW OF THE SYSTEM

During this phase of the study, it is necessary to determine first what controls are present and then make a preliminary evaluation as to the appropriateness of the controls. After completing the preliminary evaluation, the auditor is able to determine how much reliance will be placed on internal controls, subject to tests of transactions, to verify the effectiveness of controls.

It is recommended that the review of internal controls be documented by:

1. Either a written narrative or a flow chart describing the workings of the various accounting-system applications and such other information--types of reports

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and reconciliations prepared and the frequency of preparation and authorization limits for various types of transactions--which the auditor may need to accumulate to test the various accounting-system applications.

2. The auditor's preliminary evaluation of internal controls. This should include reference to the system's strengths and weaknesses and the auditor's preliminary judgment on the system's potential effectiveness or ineffectiveness. The evaluation should also indicate those aspects of internal control on which the auditor intends to rely, subject to tests of compliance with the system, for limiting tests of account balances.

Regardless of the format used, the documentation of the review should at least indicate (1) the major operating procedures being followed, (2) key accounting documents processed by the system, (3) the flow of information from the initiation of the transaction through the posting of accounting records, (4) the separation of duties within the system's application, (5) the authorization limits for various transactions, such as limited purchase-order approval, and (6) the adequacy of the system for ensuring adherence to Federal cost principles.

A general purpose questionnaire to assist in the review of internal controls is provided as appendix I. The questionnaire is intended to serve as a reminder list to insure coverage of various aspects of internal controls. It does not cover qualitative aspects of controls. The auditor is expected to judge the adequacy of controls on the basis of his evaluations of the circumstances.

TESTS OF RECORDED TRANSACTIONS FOR COMPLIANCE WITH THE SYSTEM OF INTERNAL CONTROLS

The AICPA Statement on Auditing Standards No. 1 describes the rationale for tests of compliance with the system of internal control, as follows:

> "The purpose of tests of compliance is to provide reasonable assurance that the accounting control procedures are being applied as prescribed. Such tests are necessary if the prescribed procedures are to be relied upon in determining the nature, timing, or extent of substantive tests of particular classes of transactions or balances, but are not necessary if the procedures are not to be relied upon for that purpose."

This section contains general guidelines covering the testing of accounting applications at grantee organizations. It should be noted that not all system applications will be present on each audit engagement. In addition, tests of system compliance may not be appropriate where the system is not intended to be relied on as a basis for limiting other audit procedures.

Documentation of recorded transaction tests

The audit workpapers should clearly show the work done in reviewing and evaluating the organization's system of internal control. The AICPA Statement on Auditing Standards No. 1 states that:

> "Although the quantity, type, and content of working papers will vary with the circumstances, they generally would include or show * * * that the [organization's] system of internal control had been reviewed and evaluated in determining the extent of tests to which auditing procedures were restricted* * *."

The statement indicates that the factors which affect the auditor's judgment of the quantity, type, and content of workpapers include:

> "(a) the nature of the auditor's report, (b) the nature of the financial statements, schedules, or other information upon which the auditor is reporting, (c) the nature and condition of the (organization's) records and internal controls, and (d) the needs in the particular circumstances for supervision and review of the work performed by any assistants."

The Federal Government's stated audit policy is to achieve the efficient use of audit resources through better coordinated audit efforts. The full implementation of this policy requires that the audit work have at least common reference points which can be looked at by all potential users when one audit is made to meet the varying needs of different groups. For audit workpapers, that reference point should be guidelines that have been agreed to for documenting audit tests.

Apply the following guidelines or documentation tests of transactions to audits of organizations administering federally assisted programs.

Transactions test objectives are related to the auditor's plans for relying on internal controls for limiting account balance tests. The objectives will vary from audit to audit, depending on the circumstances.

1. Describe transaction test objectives in terms of what the test is designed to establish as to the functioning of specific controls. Also describe types of possible errors that may be found in the test. For example, in describing objectives of an accounts payable test, the auditor would state the control features to be tested (e.g., invoice matching and independent check of extensions) and the types of possible errors (e.g., quantity on invoice does not agree with quantity on receiving report and extensions on invoice are incorrect).

2. Describe the universe for tests using judgmental or statistical sampling, including (a) the types of items in the universe, (b) the period over which the items were accumulated, (c) the size of the universe, (d) the activities or funds covered by the system, and (e) the similiarity of items constituting the universe. For example, in a test of cash disbursements, the auditor could include a description having (a) checks drawn on the organization's bank account from July 1, 1973, through June 30, 1974, (b) the checks used during the period were 1,456 through 2,851, or 1,395 checks, (c) the cash disbursement system processed checks covering the organization's general fund and two Federal programs (describe the programs), and (d) the universe includes all checks drawn by the organization.

3. When employing statistical sampling, the workpapers should include a sampling plan containing the sample size, precision, confidence levels, and estimated error rates.

4. Describe the method of selecting the sample.

5. Record the test steps applied to sample transactions. A detailed audit program or annotations on audit test papers would serve this purpose.

6. Record the results of tests, including lists of errors and exceptions; followup actions; and, in the case of statistical tests, the results, including precision.

7. The final piece of documentation is the auditor's conclusions on the effect of test results on other auditing procedures (substantive tests) to be used in the balance of the audit.

The documentation guidelines provide a reference point for Federal auditors and non-Federal auditors. These guidelines do not deal with the form of workpapers but rather provide a broad methodology which should result in workpapers with common general characteristics.

ILLUSTRATIVE PROGRAMS FOR TESTS OF RECORDED TRANSACTIONS

Transaction test objectives are related to the auditor's plans for relying on aspects of internal controls to limit tests of account balances. If the auditor wishes to rely on various functions and aspects of internal controls, he should establish objectives to cover those functions and aspects.

The test procedures for the transaction tests vary, depending on the circumstances. For example, if the auditor plans little or no reliance on internal controls within a particular accounting application, then he will have to expand his testing of the transaction but perform little or no audit procedures during his study of the internal control system. There are other factors affecting the selection of audit procedures, documents, and records. The auditor must use his own judgment in determining test objectives and appropriate audit procedures.

Listed below are illustrative audit procedures and test objectives for tests of compliance with accounting system applications.

Cash receipts

Audit objectives

Test objectives of cash receipts are to establish that:

1. Cash which should have been received is, in fact, received.

2. Cash received is deposited promptly and intact.

3. Cash drawn by check or letter of credit, funded by the Federal Government, is not in excess of immediate requirements.

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4. Cash receipts are accurately recorded in the accounting records.

5. The accounting records for cash receipts agree with bank records of receipts.

Illustrative test procedures

1. Review the cash receipts records and the general ledger cash accounts for unusual items, such as large amounts or entries from other than cash journals.

2. Test footings and crossfootings of the cash receipts records.

3. Compare remittance advices with the postings to cash receipts and receivable records.

4. Test for agreement of entries on bank statements with the daily cash receipts amounts contained in cash receipts records.

5. Test the posting of cash receipts' records to the general ledger cash account and receivable detail records.

6. If cash receipts for federally assisted programs are commingled with other cash, then test for the posting of credits to applicable fund control accounts.

7. Test the postings of undeposited cash receipts to receivable records.

8. Test the recording of miscellaneous receipts, such as the proceeds from sales of property and equipment.

9. Compute the average daily cashbook balance for funds drawn under Federal letters of credit or advance payments for several random months during the audited period.

Cash disbursements

Audit objectives

Test objectives for cash disbursements are to establish that:

1. Disbursements are authorized. This objective is achieved either as part of the cash disbursement test or as part of the accounts payable test, depending on whether transactions are controlled by a voucher register. If a voucher register is used to control accounts payables, then the objectives are achieved as part of the accounts payable list. If not, the objectives are achieved as part of cash disbursements.

2. The amount of the disbursement is proper.

3. Disbursements are properly recorded, i.e., correct payee, amount, date, and account distribution, in the accounting records.

4. Disbursements are adequately supported by documentation and made for the purposes intended.

Illustrative test procedures

General tests

1. Examine the cash disbursements journal for unusual items, such as large amounts and checks drawn to cash. Investigate items noted.

2. Test the footings and crossfootings of the cash disbursements journal.

3. Account for the numerical sequence of checks for a test period.

4. Test postings of cash disbursements from the cash disbursements journal to the general ledger, and if applicable, to the voucher register and subsidiary ledgers.

5. Test petty cash reimbursement vouchers for support and approval.

Test of sample disbursement transactions

For each item selected:

1. Test paid checks to the cash disbursements journal and to supporting documents and determine that payees, amounts, and dates agree.

2. Determine that documents in support of disbursements were canceled to prevent their reuse.

3. Test signatures on paid checks against a list of authorized signers.

4. Compare endorsements with indicated payees. Investigate any double endorsements.

Purchasing, receiving, and accounts payable

Audit objectives

The objectives of purchasing, receiving, and accounts payable tests are to establish that:

1. Purchases of goods and services were properly authorized.

2. Purchases were made in accordance with established policies and procedures.

3. Purchase transactions were properly recorded in the accounting records on the dates transactions were completed.

4. Charges to federally assisted programs arising from purchase transactions conform to (a) cost principles prescribed under pertinent Federal circulars, (b) the terms of the grant or loan documents, and (c) the established policies of the organization. 1/ (See app. IV for a list of circulars.)

Illustrative test procedures

Preface

1. The sample program presented below assumes that purchase transactions are recorded in a voucher register. If the organization is on a cash basis or controls payables through a payable or accrual listing prepared at period end only, the review of charges for goods and services can be done as part of the cash disbursements test.

2. To achieve objectives 2 and 4 above, relating to transactions incurred under federally assisted programs, the audit program must be sufficiently detailed to cover specific program criteria. The audit program should be referenced to applicable

1/When there is a conflict, categories (a) and (b) take precedence over category (c).

Federal circulars which establish principles for determining allowable costs of the organization. In addition, the program should be modified to include applicable provisions of the grant or loan and agency regulations dealing with allowable costs.

Program steps

General tests

1. Review the general ledger accounts for accounts payable and accrued expense and the voucher register for unusual items or entries, such as large amounts. Investigate items noted.

2. Review files of unmatched invoices, receiving reports, purchase orders, and shipping documents, to determine whether such items are current.

3. Test the numerical sequence of purchase orders.

4. Test footings and crossfootings of the voucher register and trace postings to the general ledger and subsidiary ledgers.

5. Review indirect cost categories in the cost allocation plan against the cost categories for indirect cost on the trial balance.

Test of sample purchase transactions

For each purchase transaction sample item selected:

1. Test each purchase order against requisitions:

   a. Inspect competitive bids to see if the amount of purchase meets the minimum requirements for this procedure.

   b. When possible, verify prices using vendor catalogs or price lists.

2. Test each vendor invoice as follows:

   a. Compare amounts and terms of invoice to purchase order.

   b. Compare items and quantities listed on the invoice to receiving report or evidence of receipt of services.

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c. Trace items listed in the voucher register, such as amount, transaction date, distribution of charges, program charge code, to the invoice.

d. Test invoice footings and extensions.

3. For each sample item representing a charge to a federally assisted program:

a. Determine whether expenditure is contemplated in approved budget.

b. Determine whether prior approval of the granting agency was obtained for those purchases subject to that requirement. (Refer to grant agreement and applicable federal circular.)

c. Determine whether classification of direct or indirect charges is in accord with cost allocation plan or grant agreement.

d. Test the types of expenditures selected for sample against standards for selected items of cost set forth in applicable Federal circulars, agency regulations, or grant terms. List as exceptions those items not meeting the prescribed standards.

Payroll

Audit objectives

The objectives of the payroll tests are to establish that:

1. Employees shown on the payroll records are authorized and hired in accordance with the organization's administrative requirements.

2. Payrolls are accurately calculated on the basis of authorized rates of pay.

3. Payroll deductions are made in accordance with existing legal requirements and contractual agreements.

4. Payroll transactions are accurately recorded in the accounting records.

5. Employees charged to federally assisted programs are authorized by the approved budget.

6. Fringe benefit arrangements affecting Federal grant programs are consistently applied to all the organization's operations, including non-Federal activities.

Illustrative test procedures

General tests

1. Test footings and crossfootings of payroll registers and trace posting to the general ledger and subsidiary ledgers.

2. Compare payroll charges in the general ledger to budget categories and investigate discrepancies.

3. Witness the distribution of payroll checks on a surprise basis.

4. Review charges to the various categories of fringe benefits and determine whether the benefits:

a. Are authorized in the organization's personnel policies.

b. Are generally considered under the category of fringe benefits and not profit-sharing arrangements.

Test of sample payroll transactions

For each payroll sample item selected for test:

1. Trace hours paid to appropriate time records--clock cards and timesheets.

2. Review individual hiring record or employment contract and determine whether rate of pay is authorized.

3. Inspect authorization or approval for overtime payments.

4. Test deductions from pay for authorization.

5. Test payroll distribution to supporting evidence, such as department rosters and approved time allocation sheets.

6. Test computation of gross and net payment.

7. Compare endorsement on payroll check with signature on W-4 form.

The following are additional steps for payments charged to federally assisted programs.

1. Compare the position description for which payment was made to the approved grant budget.

2. Test payment rate:

a. For compliance with Federal minimum wage.

b. To determine whether rate of pay is consistent for similar work in other activities of the organization.

c. For compliance with the terms of the grant if the position is specifically covered in the agreement.

3. If the organization has developed a fringe benefit rate, review for reasonableness and equitable application to all payroll costs. Also determine that no elements making up the fringe benefit pool have been included in direct labor charges.

Billings and receivables

Audit objectives

Test objectives of billings and receivables are to establish that:

1. Billings represent valid claims for goods shipped or services received and are based on established pricing policies.

2. Billings and related receivables are recorded on the date when the transaction is completed.

3. Noncash credits to receivable accounts are appropriately authorized and supported and are made in accordance with the organization's established policies.

4. Billings and receivables are accurately recorded in the accounting records.

Illustrative test procedures

General tests

1. Test footings and crossfootings of billing registers and test postings to the general ledger and subsidiary ledgers.

2. Test the cutoff in processing and recording billings and noncash credits to receivables.

3. Test the numerical sequence of a series of completed invoices and shipping documents (bills of lading).

4. Test footings and extensions of aged trial balance of receivables. Trace totals to general ledger balances and test aging against subsidiary ledgers.

5. Test the records of goods ordered and services requested to shipping and service records.

6. Test shipping document files and the records of services peformed to determine whether billings were prepared.

7. Test noncash credits to receivables by reviewing support and authorizations.

Detailed tests

Select a sample of billings and:

1. Test pricing to price lists, contracts, or other authorizations.

2. Test the shipment quantities or descriptions of services to shipping or service records. Note lags between dates of shipment or rendering of services and the billing dates.

3. Test the footings and extensions on the billing.

4. Test the recording of billings to the billing register and subsidiary ledgers. Test for posting of names, dates, amounts, and account distributions.

Property and equipment

Internal control tests over property and equipment can be made in conjunction with property and equipment account balance tests.

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Audit objectives

The objectives of control tests over property and equipment are to establish that:

1. Recorded property and equipment exists and is being used in the operation or programs for which they were acquired or to which they are charged.

2. Property and equipment acquisitions and disposals have been properly authorized, approved, and recorded.

3. Charges to grant programs for depreciation or use allowances were properly computed in accordance with applicable Federal cost principles and the terms of the grant agreements.

Sample test procedures

1. Obtain a summary of charges to grant program accounts representing asset acquisition, depreciation, or use allowances.

   a. Test mathematical accuracy of the schedule.

   b. Trace totals to general ledger accounts.

   c. Trace opening figures to prior audit papers, if available.

2. Test selected items to determine whether the expenditures or charges for depreciation or use were contemplated by the approved budget.

3. For acquisitions of property and equipment:

   a. Review purchase orders for required approvals.

   b. Determine whether requirements for competitive bidding, if applicable, were met.

4. Test the calculation of depreciation or use allowances.

   a. Verify mathematical accuracy of the depreciation calculation.

   b. Determine whether the depreciation or use charge was based on acquisition costs or a reasonable estimate of same.

   c. Determine whether the method of computing depreciation has been consistently applied to similar assets for all Federal programs the organization administered.

   d. Compare use allowance rates claimed with the limitations for such allowances contained in Federal regulations.

5. On a selected basis verify the physical presence of assets charged to programs or activities. Determine whether the programs or activities charged with the assets or depreciations are benefiting from the assets. (Are the assets being used for programs other than the one charged?)

Evaluation of test results

As previously stated, the auditor's study and evaluation of internal control is to determine the extent to which other audit procedures can be restricted.

After completing the tests of accounting system applications, the auditor should evaluate the test results and draw final conclusions on internal controls. The evaluation should lead the auditor to confirm or reject the preliminary evaluation of internal controls. The conclusions should be shown in the selection of audit procedures for the account balance tests that will follow.

The final evaluation of internal controls should be referenced to (1) preliminary evaluation of controls, (2) test of transaction workpapers, and (3) the audit program procedures to be followed in testing account balances.

Concerning item 3 above, the auditor is expected to indicate the basis for selecting procedures by way of a note to the audit program or in a memorandum accompanying the sections of workpapers dealing with account balance tests.

CHAPTER 7

TESTS OF ACCOUNT BALANCES AND OTHER AUDIT PROCEDURES

INTRODUCTION

The balance of the procedures used in determining the fairness of the financial statements and/or the allowability of costs depends on the materiality of transactions and balances, the auditor's evaluation of internal controls, and the nature and scope of the audit report issued.

The material which follows deals with approaches to testing account balances. For each account or type of account, there is a listing of illustrative audit procedures and a discussion of the potential impact of internal control conditions in selecting procedures.

GENERAL PROCEDURES

The auditor should:

1. Obtain a working trial balance of the general ledger balances and verify them with the general ledger accounts.

2. Trace balances from the working trial balance to grant report.

3. Obtain approved budgets covering the operation, including those applicable to federally assisted programs administered by the organization. Determine whether the expenditures proposed in the budget are authorized by line item for the various programs and activities.

4. Compare the expenditure accounts from the general ledger trial balance with the approved budget and determine if budget authorizations were exceeded.

BALANCE SHEET ACCOUNTS

The balance sheet accounts, for which illustrative audit procedures have been provided, are not all inclusive of the types of accounts which may be encountered in an audit of a particular grantee organization. The section of AICPA's "Industry Audit Guide--Audits of State and Local Governmental Units" dealing with audit procedures for certain asset, liability, and fund balance accounts describes other accounts which may be present at non-Federal governmental organizations. This material, which describes the general workings

of certain accounts and types of procedures that the auditor should consider, should be reviewed in connection with examination of governmental units.

Cash balances

The objective of the examination of cash balances is to determine whether such balances are owned and are either on hand or on deposit in a banking institution.

Illustrative test procedures

1. Obtain a schedule of cash balances.

2. Count cash funds on hand and confirm bank balances. The confirmation should request information from the bank related to loans, letters of credit, contingencies, guarantees, and collection items.

3. Review bank reconciliations at period end and obtain and review cutoff bank statement after the audit period.

4. Review cutoffs of cash disbursements and cash receipts.

5. Count petty cash.

Discussion

When drafting the audit program for use in examining cash, the auditor should consider the evaluation of internal controls over the processing of cash receipts and disbursements.

If the internal controls over cash are evaluated as weak, the procedures used should reflect little or no reliance on the organization's poor practices. For example, the auditor may prepare the bank reconciliation rather than use review procedures. The auditor might also examine bank reconciliations for periods before and after the financial statement date. If controls over the posting of cash records are evaluated as weak, the auditor should consider extending cutoff tests and possibly reconciling the cash-book balances against the bank statements.

If internal controls over cash are evaluated as strong, the auditor could limit tests of cash funds to confirmation of bank balances, review of the organization's bank reconciliation, and performance of limited cutoff procedures.

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Receivable balances

The objectives of examining receivable balances are to determine that such balances are properly recorded and reflect valid claims in amounts deemed to be collectible.

Illustrative test procedures

1. Obtain aged listing of receivable balances (retain copy of summary for the working papers).
2. Verify the mathematical accuracy of the listing and test individual items to the customer's ledgers, and trace the listing total to the general ledger account.
3. Confirm receivable balances.
4. If applicable, examine notes evidencing indebtedness and inspect collateral.
5. Verify the amount of any interest accrual.
6. Determine the adequacy of reserves for uncollectible receivables. Consider such items as age of receivables, credit reports, and collection actions taken to date.
7. Review noncash credits to receivables, such as allowances and bad debt writeoffs. Determine if such reductions of receivables were properly authorized and adequately supported.
8. Perform cutoff procedures on billings and noncash credits to receivables.

Discussion

When drafting the audit program for use in examining receivables, the auditor should consider the evaluation of internal controls over the processing of billings and cash receipts and the maintenance and administration of receivable records. In addition to the general illustrative procedures described below, auditors of non-Federal governmental organizations should consider using the procedures listed on pages 58 to 60 of AICPA's "Industry Audit Guide--Audits of State and Local Governmental Units." The material discusses procedures for auditing various types of receivables found in governmental organizations.

Some of the illustrative procedures listed above, such as confirmation of receivable balances, may be performed at a point before the close of the financial period under audit. If this is the case, the auditor must consider how to update this work at the close of the period. The auditor should also consider the materiality of transactions during the intervening period as well as his evaluation of internal controls.

The auditor may choose to restrict the account balance work on noncash credits to receivables if these transactions were adequately tested in the internal control study phase. The account balance work in that case may be limited to cutoff procedures and review of comparative or budgeted balances.

In selecting the confirmation procedures the auditor needs to evaluate a number of factors, including:

1. The type and materiality of account balances.
2. The prospects of debtors' response.
3. Available alternatives for nonresponses.

Investments

The objectives of examining investments are to determine:

1. The existence and ownership of recorded investments.
2. That the carrying value of investments is not permanently impaired by a reduction in market value.
3. That income from the investment is properly accrued and recorded.

Illustrative test procedures

1. Obtain a schedule showing (a) investment activity during the audit period--opening balances, purchases, sales, and ending balances--and (b) investment income, including accruals, for accrual basis statements.
2. Verify the mathematical accuracy of the schedule and trace the investment and income balances to the general ledger.
3. Confirm or count and inspect investment securities.
4. Test advices or invoices supporting the purchase and sale of investments.

5. Review the organization's charter or bylaws to determine that the types of investments made are in accordance with those provisions.
6. Determine that investment purchases and sales are properly authorized and approved.
7. Obtain market value information on investments held at the end of the period. Consider need for writing down investments which appear to have sustained a permanent reduction from carrying value.
8. Test investment income through calculation or by reviewing published information for dividends.

Discussion

The materiality of transactions and balances together with internal controls related to receipts and disbursements will determine the extent of investment and income tests.

Before examining investments, the auditor should become familiar with legal restrictions and regulations affecting the organization's investments. Certain types of investments may be prohibited by statute, charter, or bylaws. In addition, there may be restrictions on retaining investment income, as is the case when advances of Federal categorical grant funds are invested by a unit of local government.

Accounts payable and accrued expenses

The objectives of the examination of accounts payable and accrued expenses are to determine that:

1. Recorded liabilities and accruals represent valid obligations for the period under audit.
2. All valid obligations are recorded.

Illustrative test procedures

1. Obtain a listing of accounts payable and accrued liabilities and test the mathematical accuracy of the listings.
2. Trace the totals of the listings to the general ledger accounts.
3. Test vendor invoices and examine calculations and other support for payable and accrual items.

4. Test payments of payables and accruals after the audit date.
5. Consider confirming payable and accrual items.
6. Compare accrual items to prior period balances and investigate major differences.
7. Review the accrual for payroll and fringe benefits.
8. Perform a test for unrecorded liabilities by reviewing
   a. the cash disbursement journal and voucher register transactions after the audit date and
   b. unentered invoices, unmatched purchase orders, and receiving reports.

Discussion

The internal controls over cash disbursements, payroll, purchasing, accounts payable, and receiving, together with the materiality of transactions and balances should be considered in drafting the liability and accrual program. The auditor should consider confirmation of creditors when internal controls are evaluated as weak or when the accounts payable consists of few balances of relatively large amounts.

Applicable internal control procedures should result in reducing the amount of work needed to establish the reasonableness of the accounts payable and accrual balances. However, regardless of the strength of internal controls, some work should be done to establish that a proper cutoff was made in recording payables and accruals.

COSTS AND EXPENSES

The types of costs and expenses found in grantee organization audits vary, depending on the types of programs the organization administers. Criteria for allowability of costs are contained in OMB circulars and in the applicable program regulations, which were reviewed during the internal control study phase of the audit.

The examination of cost and expense balances is related to and affected by other work done previously, including:

1. The internal control study of cash disbursements, accounts payable, purchasing, and receiving.

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2. The review of contract terms and budget versus actual comparisons.

3. The review of certain asset and liability account balances.

Other factors affecting the audit program for examining costs and expenses are the materiality of transactions and balances and the degree of restriction contemplated by the various grant programs. For example, grant programs with relatively broad categories of allowable costs and little or no restrictions as to transfers between budget categories require less detailed examinations than do grant programs with more restrictive provisions.

The test should cover costs charged directly to the program, together with those costs which are, in part, allocated to the program, such as indirect costs.

The degree of additional examination of individual cost and expense transactions will vary according to the impact of the items discussed above. If, for instance, internal controls were evaluated as weak in the approval of transactions and appropriateness of costs and expenses incurred, the auditor might extend tests to cover a large part of these costs. If, however, internal controls were evaluted as strong, the auditor might limit the remaining work to (1) examining only a small number of material transactions, (2) if applicable, reviewing limitations on the maximum amount of indirect costs chargeable to a program, and (3) a line item comparing budget to actual expenditures with followup on overruns, if applicable, and major underruns.

PROGRAM FUNDING

Review grant terms and program regulations to determine the basis for calculating the Federal share.

1. The test of Federal and non-Federal contributions to the program should be made after completing audit tests and preparing audit adjustments for program expenditures. Adjustments may be required for such items as cutoff errors (expenditures of funds prior to receipt of grant award) and those costs which the auditee agrees are clearly unallowable. The auditor should prepare a dual calculation of Federal contributions in those instances where the auditee does not agree with the auditor's proposed adjustments. The calculations should be based on (a) the auditee's program costs and questioned costs and (b) program costs with questioned costs removed.

2. Some grant programs provide for Federal funding at different rates for different costs categories. The auditor should be alert to such requirements and should test the matching share on the prescribed basis.

3. The requirements of the source and type of matching funds to be provided as the non-Federal share varies among the programs. As part of the test to determine the organization's compliance with matching-share requirements, the auditor should determine the rules applicable to the programs under audit. If the grant program provides that funds obtained from other Federal programs not be used for matching on the program under audit, then the auditor must determine the source of the organization's funds. In-kind contributions should be tested against the criteria contained in applicable Federal circulars and granting-agency regulations.

INDIRECT COSTS

Where the organization has an approved indirect cost allocation plan, the auditor should examine the costs charged to the indirect expense pool and determine that:

1. The indirect costs accumulated in the expense pool are in conformity with the approved plan.

2. The indirect costs accumulated in this expense pool are not also charged directly to some projects.

3. The indirect cost rate applied by the grantee organization agrees with the rate negotiated under the approved plan.

If the grantee does not have an approved indirect cost allocation plan, the auditor should examine the supporting documentation for indirect costs charged to grants and determine whether:

1. The indirect costs can be reconciled to financial statements or books of account.

2. The methods of allocating expenses are in accord with generally accepted accounting practices.

3. Costs incurred for the same purpose are not treated as indirect costs and also charged to projects.

4. The data (e.g., square footage, population, and salaries) included in the proposed bases is current and accurate.

5. The expense is reasonable and properly allocable.

6. The indirect expense pool contains only items that are consistent with the applicable cost principles.

7. The proposed expenses were incurred within the period under review.

APPENDIX I

INTERNAL CONTROL REVIEW QUESTIONNAIRE

AND DOCUMENTATION GUIDE

The material which follows was designed as an aid in reviewing internal controls. It consists of controls and suggestions for items which should be documented in the workpapers. The documentation items are in parentheses following certain questions. For the most part, the suggested documentation items have been recommended because auditors may wish to verify the related control aspects or procedures in the internal control-testing phase, if they intend to rely on the particular aspect in limiting the tests of account balances.

The questionnaire and documentation material does not purport to cover all aspects of internal control present at a particular organization. The material is designed to provide basic coverage, and the auditor should select those questions and documentation procedures most applicable to the system of internal control being audited.

The material does not address controls that may be present in an EDP environment nor compliance aspects which may be required under a particular categorical grant or loan program. Accordingly, the questionnaire and documentation material should be expanded to provide appropriate coverage of these areas.

The questionnaire should be retained in the workpapers. The auditor may choose to use this material only as a checklist and to document the review through memorandums, analysis papers, and flow charts.

GENERAL

The following questions relate to the internal accounting controls of the overall organization.

1. Are duties for key employees of the organization defined?

2. Is there an organization chart which sets forth the actual lines of responsibility?

3. Are written procedures maintained covering the recording of transactions?

   a. Covering an accounting manual?

   b. Covering a chart of accounts?

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4. Do the procedures, chart of accounts, etc., provide for identifying receipts and expenditures of program funds separately for each grant?

5. Does the accounting system provide for accumulating and recording expenditures by grant and cost category shown in the approved budget?

6. Does the organization maintain a policy manual covering

   a. approval authority for financial transactions and

   b. guidelines for controlling expenditures, such as purchasing requirements and travel authorizations?

7. Are there procedures governing the maintenance of accounting records?

   a. Are subsidiary records for accounts payable, accounts receivable, etc., balanced with control accounts on a regular basis? (List the types of records and the timing of reconciliation procedures.)

   b. Are journal entries approved and explained or supported?

   c. Do accrual accounts provide adequate control over income and expense?

   d. Are accounting records and valuables secured in limited-access areas?

8. Are duties separated so that no one individual has complete authority over an entire financial transaction? (Document the segregation of duties or lack thereof affecting accounting system applications.)

9. Does the organization use an operating budget to control funds by activity?

10. Are there controls to prevent expenditure of funds in excess of approved, budgeted amounts? For example, are purchase requisitions reviewed against remaining amount in budget category?

11. Has any aspect of the organization's activities been audited within the past 2 years by another governmental agency or independent public accountant? 1/

12. Has the organization obtained fidelity bond coverage for responsible officials? (Indicate the officials covered and the amounts of coverage.)

13. Has the organization obtained fidelity bond coverge in the amounts required by statutes or organization policy?

14. Are grant financial reports prepared for required accounting periods within the time imposed by the agencies? (Indicate the types of reports and the due dates.)

15. Does the organization have an indirect cost allocation plan or a negotiated indirect cost rate?

CASH RECEIPTS

The following conditions are indicative of satisfactory control over cash receipts.

1. The individual responsible for the cash receipts function does not sign checks or reconcile the bank accounts and is not responsible for noncash, accounting records, such as accounts receivable, the general ledger, or the general journal.

2. Receipts are deposited promptly and intact.

3. Current receipts are controlled by registers.

4. The organization has established procedures to minimize the time elapsing between the transfer of funds from the Federal Government and their disbursement.

The material which follows is designed to assist the auditor in reviewing and documenting the cash receipts function.

1/Pertinent prior audit reports, together with the organization's replies to audit comments, should be reviewed in connection with the current examination. The current workpapers should indicate key findings from this review.

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1. Incoming mail:

   a. Are remittances listed on a control sheet for comparison with the bank deposit ticket?

   b. Are the check remittances restrictively endorsed by the person opening the mail?

2. Are all receipts required to be recorded promptly and deposited intact daily or at appropriate regular intervals? (Describe the practice followed.)

3. Does the cashier prepare duplicate deposit tickets so that one copy can be signed by the bank and returned for checking against the cash receipts record by another person?

4. Is the person receiving cash without authority to sign checks and reconcile bank accounts and without access to accounting records other than cash receipts?

5. Are currency receipts controlled by cash registers, vending machines, or controlled prenumbered receipt forms?

PROGRAM RECEIPTS FROM THE FEDERAL GOVERNMENT

1. Does the organization have grant agreements providing for funding under requests for advance payments or letters of credit? (Describe the method of funding.)

2. Does the organization have procedures, including cash requirement projections, minimizing the time between the transfer of funds from the Federal Government and their disbursements?

3. Are Federal funds deposited in a separate bank account or accounted for through grant-loan fund control accounts?

4. Does the organization's calculation of Federal funds required consider updated estimates of allowable program costs?

BILLING AND RECEIVABLES

The following conditions are indicative of satisfactory control over billing and receivables.

1. There are controls to insure that all goods shipped and services performed are billed and recorded.

2. Billing is by serially numbered invoices.

3. All documents supporting billings, such as shipping orders and service tickets, are also serially numbered.

4. Price lists or contractual terms covering goods and services are used for computing billing amounts. Exceptions to price list amounts are approved by an organization official.

5. Detailed receivable records are periodically balanced with the general ledger control accounts.

6. Noncash credits to receivables are approved by an organization official.

7. An aged trial balance of receivables is periodically prepared and followup action is taken on overdue balances.

8. Duties are adequately separated so that the individual responsible for maintaining the receivable records does not have access to cash, approve credit to customers, authorize noncash credits to receivables, or authorize shipments of goods or performance of services.

BILLINGS

The material which follows is designed to assist the auditor in reviewing and documenting the billing and receivable functions.

1. Is the billing department notified of charges to be billed (a) for merchandise shipments, by receiving a copy of the shipping documents directly from the shipping department or (b) for services performed, by receiving a copy of the record of services performed directly from the individual or group performing the services? (Describe the practice followed.)

2. Are shipping documents and services records prenumbered and correlated with billing invoices?

3. Are billing invoices prenumbered and accounted for?

4. Are billing prices based on standard price lists or contractual agreements? (Describe procedure.)

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5. If billing amounts are not based on standard price lists or contracts, are amounts approved by an official outside the billing department?

6. Are prices and extensions on billings independently verified?

7. Is a copy of the billing invoice sent directly to the accounts receivable departments?

8. Are there procedures to control the issuance of free merchandise and services? (Describe controls.)

9. Are there procedures to control the receipt of funds for miscellaneous transactions, such as (a) the sale or rental of property and equipment and (b) income from investments? (Describe procedures.)

RECEIVABLES

1. Are receivables detail ledgers periodically balanced with general ledger control accounts? (Describe practice.)

2. Are statements of account periodically prepared and mailed to debtors?

3. Are aged trial balances of receivables periodically prepared and reviewed by the credit department or some designated employee not responsible for billings, cash, or receivables? (Describe procedures.)

4. Are notes receivable approved by an official before they are accepted by the organization?

5. Are notes and collateral periodically inspected by someone other than the custodian?

6. Is there control over followup action on delinquent accounts? (Describe the control procedures.)

7. Are noncash reductions of receivables approved by an organization official?

8. Are there controls over advances to and receivables from employees?

PURCHASING, RECEIVING, AND ACCOUNTS PAYABLE

The following conditions are indicative of satisfactory control over purchasing, receiving, and accounts payable.

1. Prenumbered purchase orders are used for all items of cost and expense.

2. There are procedures to insure procurement at competitive prices.

3. Receiving reports are used to control the receipt of merchandise.

4. There is effective review by a responsible official following prescribed procedures for program coding, pricing, and extending vendors' invoices.

5. Invoices are matched with purchase orders and receiving reports.

6. Costs are reviewed for charges to direct and indirect cost centers in accordance with applicable grant agreements and applicable Federal Management Circulars pertaining to cost principles.

7. When accrual accounting is required, the organization has adequate controls, such as checklists for statement-closing procedures, to insure that open invoices and uninvolved amounts for goods and services received are properly accrued or recorded in the books or controlled through worksheet entries.

8. There is adequate segregation of duties in that different individuals are responsible for (a) purchase (b) receipt of merchandise or services, and (c) voucher approval.

The following questions are designed to assist the auditor in reviewing and documenting the purchasing, receiving, and accounts payable functions.

PURCHASING

1. Is the purchasing function separate from accounting and receiving?

2. Does the organization obtain competitive bids for items, such as rental or service agreements, over specified amounts? (Indicate the amounts.)

3. Is the purchasing agent required to obtain additional approval on purchase orders above a stated amount? (Indicate the amount.)

4. Are there procedures to obtain the best possible price for items not subject to competitive-bidding requirements, such as approved vendor lists and supply item catalogs? (Describe the procedures.)

5. Are purchase orders required for purchasing all equipment and services?

6. Are purchase orders controlled and accounted for, by prenumbering and keeping a logbook? (Describe method.)

7. Do grant-loan agreements or related regulations impose requirements which differ from the organization's normal policies, such as competitive-bid requirements? (List exceptions.)

8. Is the purchasing department required to maintain control over items or dollar amounts requiring the contracting officer's advance approval? (If yes, describe controlling factors.)

9. Under the terms of OMB Circular 74-4, certain costs and expenditures incurred by units of State and local governments are allowable only upon specific prior approval of the grantor Federal agency. Determine whether the grantee organization has established policies and procedures governing the prior approval of expenditures in the following categories.

   a. Automatic data processing costs.

   b. Building space rental costs.

   c. Costs related to the maintenance and operation of the organization's facilities.

   d. Costs related to the rearrangement and alteration of the organization's facilities.

   e. Allowances for depreciation and use of publicly owned buildings.

   f. The cost of space procured under a rental-purchase or a lease-with-option-to-purchase agreement.

   g. Capital expenditures.

   h. Insurance and indemnification expenses.

   i. The cost of management studies.

   j. Preagreement costs.

   k. Professional services costs.

   l. Proposal costs.

10. Under the terms of OMB Circular 74-4, certain costs incurred by units of State and local governments are not allowable as charges to Federal agency grants. Determine whether the grantee organization has established policies and procedures to preclude charging Federal grant programs with the following types of costs.

   a. Bad debt expenses.

   b. Contingencies.

   c. Contribution and donation expenditures.

   d. Entertainment expenses.

   e. Fines and penalties.

   f. Interest and other financial costs.

   g. Legislative expenses.

   h. Charges representing the nonrecovery of costs under grant agreements.

   i. The expenses of a State Governor or chief executive of a political subdivision.

RECEIVING

1. Does the organization have a receiving function to handle receipt of all materials and equipment?

2. Are supplies and equipment inspected and counted before acceptance for use?

3. Are quantities and descriptions of supplies and equipment checked by the receiving department against a copy of the purchase order or some other form of notification?

4. Is a logbook or permanent copy of the receiving ticket kept in the receiving department?

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ACCOUNTS PAYABLE

1. Is control established over incoming vendor invoices?
2. Are receiving reports matched to the vendor invoices and purchase orders, and are all of these documents kept in accessible files?
3. Are charges for services required to be supported by evidence of performance by individuals other than the ones who incurred the obligations?
4. Are extensions on invoices and applicable freight charges checked by accounts payable personnel?
5. Is the program to be charged entered on the invoice and checked against the purchase order and approved budget?
6. Is there an auditor of disbursements who reviews each voucher to see that proper procedures have been followed?
7. Are checks adequately cross-referenced to vouchers?
8. Are there individuals responsible for accounts payable other than those responsible for cash receipts?
9. Are accrual accounts kept for items which are not invoiced or paid on a regular basis?
10. Are unpaid vouchers totaled and compared with the general ledger on a monthly basis? (If not, indicate when the procedure is done.)

CASH DISBURSEMENTS

The following conditions are indicative of satisfactory controls over cash disbursements.

1. Duties are adequately separated, different persons prepare checks, sign checks, reconcile bank accounts, and have access to cash receipts.
2. All disbursements are properly supported by evidence of receipt and approval of the related goods and services.
3. Blank checks are not signed.
4. Unissued checks are kept in a secure area.

5. Bank accounts are reconciled monthly.
6. Bank accounts and check signers are authorized by the board of directors or trustees.
7. Petty cash vouchers are required for each fund disbursement.
8. The petty cash fund is kept on an imprest basis.

The following material is designed to assist the auditor in reviewing and documenting cash disbursements.

1. Are checks controlled and accounted for with safeguards over unused, returned, and voided checks?
2. Is the drawing of checks to cash or bearer prohibited?
3. Do supporting documents, such as invoices, purchase orders, and receiving reports, accompany checks for the check signers' review?
4. Are vouchers and supporting documents appropriately canceled (stamped or perforated) to prevent duplicate payments?
5. If check-signing plates are used, are they adequately controlled (i.e., maintained by a responsible official who reviews and accounts for prepared checks)?
6. Are two signatures required on all checks or on checks over stated amounts? (Document the procedure followed.)
7. Are check signers responsible officials or employees of the organization? (Obtain a list of authorized signers for the workpapers.)
8. Is the person who prepares the check or initiates the voucher other than the person who mails the check?
9. Are bank accounts reconciled monthly and are differences resolved? (If not, what are the procedures?)
10. Concerning petty cash disbursements:
    a. Is petty cash reimbursed by check and are disbursements reviewed at that time?

    b. Is there a maximum amount, reasonable in the circumstances, for payments made in cash? (Indicate the amount.)
    c. Are petty cash vouchers written in ink to prevent alteration?
    d. Are petty cash vouchers canceled upon reimbursement of the fund to prevent their reuse?

PAYROLL

The following conditions are indicative of satisfactory controls over payroll.

1. Written authorizations are on file for all employees, covering rates of pay, withholdings, and deductions.
2. The organization has written personnel policies covering job descriptions, hiring procedures, promotions, and dismissals.
3. Distribution of payroll charges is based on documentation prepared outside the payroll department.
4. Payroll charges are reviewed against program budgets, and deviations are reported to management for follow-up action.
5. Adequate timekeeping procedures, including the use of timeclocks or attendance sheets and supervisory review and approval, are employed for controlling paid time.
6. Payroll checks are prepared and distributed by individuals independent of each other.
7. Other key payroll and personnel duties, such as timekeeping, salary authorization, and personnel administration, are adequately separated.

The material which follows is designed to assist the auditor in reviewing and documenting the payroll function.

1. Are personnel policies in writing?
2. Are payroll and personnel policies governing compensation in accordance with the requirements of grant agreements?

3. Are there procedures to control time and attendance reporting?
    a. Are timecards or attendance sheets used? (Indicate the method.)
    b. Is supervisory approval of time and attendance reports required?
4. Are there procedures to insure that employees are paid in accordance with approved wage and salary rates?
5. Is the distribution of payroll charges checked by a second person and are aggregate amounts compared to the approved budget?
6. Are authorizations on file covering rates of pay, withholdings, and deductions?
7. Are wages paid at or above the Federal minimum wage?
8. Are procedures adequate for controlling (a) overtime wages, (b) overtime work authorization, and (c) supervisory approval of overtime?
9. Are payroll checks distributed by persons not responsible for preparing the checks?

PROPERTY AND EQUIPMENT

The following conditions are indicative of satisfactory control over property and equipment.

1. There is an effective system of authorization and approval of capital equipment expenditures.
2. Accounting practices for recording capital assets are reduced to writing.
3. Detailed records of individual capital assets are kept and periodically balanced with the general ledger accounts.
4. There are effective procedures for authorizing and accounting for disposals.
5. Property and equipment is stored in a secure place.

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The following questions are designed to assist the auditor in reviewing and documenting the system of control over property and equipment.

1. Are executive authorizations and approvals required for originating expenditures for capital items?
2. Are expenditures for capital items reviewed for grantor approval before funds are committed?
3. Are supplemental authorizations, including those of the grantor agency, required for expenditures in excess of originally approved amounts?
4. Does the organization have established policies covering capitalization and depreciation? (Describe policies.)
5. Does the organization charge depreciation or use allowances on property and equipment against any grant programs which it administers?
6. Is historical cost the basis for computing depreciation or use allowances?
7. Are the organization's depreciation policies or methods of computing use allowances in accord with the standards outlined in Federal circulars or agency regulations?
8. Are there detailed records showing the asset values of individual units of property and equipment?
9. Are detailed property records periodically balanced to the general ledger?
10. Are detailed property records periodically checked by physical inventory?
11. Are differences between book records and physical counts reconciled and are the records adjusted to reflect shortages?
12. Are there procedures governing the disposition of property and equipment? (Describe procedures.)
13. Is the estimated salvage value noted on the authorization order relative to disposition of property and equipment?

14. Are periodic reports submitted showing obsolete equipment, equipment needing repair, or equipment no longer useful to the organization? (Describe reports.)

INDIRECT COSTS

1. Does the organization have an indirect cost allocation plan or a negotiated indirect cost rate? (Paragraph F, Attachment A, Circular 74-4.)
2. Is the plan prepared in accordance with the provisions of OMB Circular 74-4?
3. Has audit cognizance for the plan been established and are the rates accepted by all participating Federal and State agencies?
4. Does the organization have procedures which provide assurance that consistent treatment is applied in the distribution of charges as direct or indirect costs to all grants?

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
BALANCE SHEET--ALL FUNDS 1/
JUNE 30, 1976

	General fund	Federal grant funds	State grant funds	Other special revenue funds	General fixed assets
ASSETS					
Cash in treasury	$202,878	$ 181,523	$10,664	$15,036	$ -
Cash in interest bearing bank deposits	200,000	-	-	-	-
Due from other agencies:					
Federal	-	865,710	-	-	-
State	-	-	40,253	-	-
Local	-	-	-	-	-
Other	-	-	4,516	24,964	-
Grant authorized and unexpended:					
Federal	-	1,013,873	-	-	-
State	-	-	32,090	-	-
Local	-	-	-	-	-
Other	-	-	11,500	1,681	-
Due from other funds	26,883	-	-	-	-
Working capital advances	105,689	-	-	-	-
Equipment	-	-	-	-	29,183
Total assets	$535,350	$2,061,106	$99,023	$41,681	$29,183
LIABILITIES					
Working capital advances					
General fund	$ -	$ 84,654	$10,555	$10,400	$ -
Accrued payroll	9,810	18,491	-	4,587	-
Due to general fund	-	20,154	-	4,259	-
Total liabilities	$ 9,810	$ 123,299	$10,555	$19,246	-
RESERVES AND FUND BALANCE					
Continuing appropriations	-	1,124,821	18,853	12,235	-
Reserve for prior years encumbrances	3,913	-	-	-	-
Reserve for current year encumbrances	83,005	812,886	71,815	10,200	-
Investment in fixed assets	-	-	-	-	29,183
Fund balance:					
Restricted	13,770	-	-	-	-
Unrestricted	424,852	-	-	-	-
Total reserves and fund balance	525,540	1,937,887	88,888	22,435	29,183
Total liabilities and reserves and fund balance	$535,350	$2,061,106	$99,821	$41,681	$29,183

1/Statements prepared in accord with "Governmental Accounting and Financial Reporting Principles" developed by the National Council on Governmental Accounting may be substituted for these statements, if they provide similar information.

ANYWHERE USA
METROPOLITAN REGIONAL PLANNING COUNCIL
GENERAL FUND BALANCE SHEET
JUNE 30, 1976

ASSETS

Cash in treasury	$202,878
Cash in interest bearing bank deposits	200,000
Due from other funds	26,863
Working capital advances	105,609
Total assets	$535,350

LIABILITIES

Accrued payroll	9,810

RESERVES AND FUND BALANCE

Reserve for prior years encumbrances (sch. 1-A)	3,913
Reserve for current year encumbrances (sch. 1-C)	83,005
Fund balance (sch. 1-A):	
Restricted	13,770
Unrestricted	424,852
Total reserves and fund balance	525,540
Total liabilites and reserves and fund balance	$535,350

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APPENDIX II

APPENDIX II
Schedule 1-A

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
GENERAL FUND
ANALYSIS OF CHANGES IN FUND BALANCE
YEAR ENDED JUNE 30, 1976

Fund balance at July 1, 1975		$357,316
Appropriations (sch. 1-C)	$1,016,053	
Less: Estimated revenue (sch. 1-B)	991,551	
Appropriated from fund balance		24,502
Fund balance unappropriated		332,814
Add:		
Fund balance adjustments applicable to Prior years:		
Prior years reserves:	86,994	
Less: Expenditure $80,175		
Prior years encumbrances (sch. 1)	3,913	-84,088
Prior years encumbrances cancelled		2,906
Current year net addition to fund balance:		
Revenue over budget estimate (sch. 1-B)	50,163	
Appropriations over expenditures (sch. 1-C)	52,739	
Net addition		102,902
Fund balance		438,622
Less restricted for equipment purchase		13,770
FUND BALANCE AT JUNE 30, 1976 (Schedule 1)		$424,852

APPENDIX II

APPENDIX II
Schedule 1-B

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
GENERAL FUND
STATEMENT OF REVENUE
YEAR ENDED JUNE 30, 1976

	Budget estimate	Revenue	Revenue over or (under) estimate
Local government assessments	$393,474	$394,747	$ -
Interest:			
Interest on bank deposits	-	41,620	41,620
Interest on investments	-	2,738	2,738
Other interest and dividends	-	2,178	2,178
TOTAL INTEREST	-	46,536	46,536
Reimbursements from other funds	-	8,676	8,676
Services to other funds	597,077	555,674	(41,403)
Transfer of prior year local contributions from grant programs	-	28,357	28,357
Transfer of State subvention from grant programs	-	5,215	5,215
Unallocated State subvention	-	1,975	1,975
Other revenue	-	807	807
Total general fund revenue (sch. 1-A)	$991,551	$1,041,714	$50,163

APPENDIX II

APPENDIX II
Schedule 1-C

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
GENERAL FUND
STATEMENT OF APPROPRIATIONS, EXPENDITURES AND ENCUMBRANCES
YEAR ENDED JUNE 30, 1976

	Appropriations	Expenditures	Encumbrances	Unencumbered balance
ADMINISTRATION & GENERAL EXPENSE:				
Salaries and wages	$ 187,155	$169,564	$ -	$17,591
Fringe benefits	19,324	16,921	915	1,488
Office space rental	123,000	119,761	-	3,239
Office equipment rental	37,184	33,141	-	4,043
Legal fees	10,000	3,208	3,491	3,301
Other contractual services	30,000	18,505	10,390	1,105
Office supplies	28,750	22,493	1,000	5,257
Telephone	18,000	17,637	-	363
Postage	13,780	10,123	-	3,657
Travel	18,883	18,911	1,120	(1,148)
Transportation allowance	9,221	6,396	450	2,375
Special departmental expense	10,000	9,434	704	(138)
Rental of automotive	7,324	4,705	350	2,269
Photocopy equipment rental	25,800	22,124	945	2,731
Memberships	5,025	5,045	-	(20)
Fidelity and general insurance	2,026	2,887	-	(861)
Report printing	2,400	2,909	300	(809)
Miscellaneous	9,040	9,318	880	(1,158)
Total administration & general expense	556,912	493,082	20,545	43,285
Equipment outlay	7,617	7,379	714	(476)
Board expense	25,000	19,748	-	5,252
Unallocated reserve	51,400	47,400	625	3,375
Subtotals	640,929	567,609	21,884	51,436
Accrued fringe benefits for grant programs	-	(57,905)	57,905	-
Local contribution to grant programs	375,124	370,605	3,216	1,303
Total general fund (sch. 1-A)	$1,016,053	$880,309	83,005	$52,739

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ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
FEDERAL GRANT FUNDS
BALANCE SHEET
JUNE 30, 1976

		Department of Housing and Urban Development		Department of Transportation					Environmental Protection Agency
				UMTA		FAA	FHWA		
	Total	Grant No. 1 1974-75 Urban Planning Assistance Fund	Grant No. 2 1975-76 Urban Planning Assistance Fund	Grant No. 3 1974-75 Urban Mass Technical Study Fund	Grant No. 4 1975-76 Urban Mass Technical Study Fund	Grant No. 5 S.D. Plan for Air Transportation Fund	Grant No. 6 1974-75 Transportation Planning 1/2% Fund	Grant No. 7 1974-75 Transportation Planning 1/2% Fund	Grant No. 8 Area Waste Treatment Planning Program Fund
Assets									
Cash (Sch. 2-A)	$ 181,523	$ 6,580	$ -	$ 55,316	$ -	$ 36,247	$ 29,276	$ 22,935	$ 31,169
Due from other agencies:									
Federal	865,710	-	48,815	-	150,767	45,197	23,420	7,177	590,334
Local	-	-	-	-	-	-	-	-	-
Grants authorized and unexpended:									
Federal	1,013,873	-	25,497	99,425	144,151	-	-	129,782	615,018
Local	-	-	-	-	-	-	-	-	-
Total assets	2,061,106	6,580	74,312	154,741	294,918	81,444	52,696	159,894	1,236,521
Liabilities									
Working capital advances--general fund (Sch. 2-A)	84,654	-	20,705	-	63,949	-	-	-	-
Accrued payroll (Sch. 2-A)	18,491	-	3,208	-	11,536	-	-	1,464	2,283
Due to general fund (Sch. 2-A)	20,154	-	3,496	-	12,574	-	-	1,595	2,489
Total liabilities	123,299	-	27,409	-	88,059	-	-	3,059	4,772
Reserves									
Continuing appropriation	1,124,821	644	38,246	124,249	180,189	11,000	-	155,455	615,018
Reserve for encumbrances	812,986	5,916	8,657	30,492	26,670	70,444	52,696	1,380	616,731
Total reserves	1,937,807	6,580	46,903	154,741	206,859	81,444	52,696	156,835	1,231,749
Total liabilities and reserves	$2,061,106	$ 6,580	$74,312	$154,741	$294,918	$81,444	$52,696	$159,894	$1,236,521

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
FEDERAL GRANT FUNDS
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
YEAR ENDED JUNE 30, 1976

		Department of Housing & Urban Development		Department of Transportation					Environmental Protection Agency
				UMTA		FAA	FHWA		
	Total	Grant No.1 1974-75 Urban Planning Assistance Fund	Grant No.2 1975-76 Urban Planning Assistance Fund	Grant No.3 1974-75 Urban Mass Technical Study Fund	Grant No.4 1975-76 Urban Mass Technical Study Fund	Grant No.5 S.D.Plan For Air Transportation Fund	Grant No.6 1974-75 Transportation Planning 1/2% Fund	Grant No.7 1975-76 Transportation Planning 1/2% Fund	Grant No.8 Area Waste Treatment Planning Program Fund
Cash available July 1, 1975--$	31,469	$ -	$ -	$ -	$ -	$31,469	$ -	$ -	$ -
Cash receipts:									
Federal grant contributions-	1,331,675	86,643	165,688	300,525	405,082	-	108,268	131,541	133,928
State subvention	118,388	-	25,966	-	59,100	-	-	33,322	-
Local contributions:									
Prior years assessments----	40,000	-	-	-	-	40,000	-	-	-
Current year assessment----	243,737	-	94,034	-	115,900	-	-	33,803	-
In-kind contribution-------	-	-	-	-	-	-	-	-	-
Working capital advances-general fund (Sch. 2)------	84,654	-	20,705	-	63,949	-	-	-	-
Total available	$1,849,923	$86,643	$306,393	$300,525	$644,031	$71,469	$108,268	$198,666	$133,928
Cash disbursements:									
Direct costs----------	$1,127,230	$54,729	$200,363	$143,192	$435,423	35,222	$62,445	$118,988	$ 76,868
Indirect costs----------	479,322	14,460	112,734	17,806	232,718	-	11,139	59,802	30,663
Total project disbursements----------	1,606,552	69,189	313,097	160,998	668,141	35,222	73,584	178,790	107,531
Accrued payroll--June 30, 1975----------	11,005	955	-	8,896	-	-	1,154	-	-
Accrued payroll--June 30, 1976 (Sch. 2)----------	(18,491)	-	(3,208)	-	(11,536)	-	-	(1,464)	(2,283)
Due to general fund (Sch. 2)----------	(20,154)	-	(3,496)	-	(12,574)	-	-	(1,595)	(2,489)
Net project disbursements----------	1,578,912	70,144	306,393	169,894	644,031	35,222	74,738	175,731	102,759
Working capital advance reimbursements----------	89,488	9,919	-	75,315	-	-	4,254	-	-
Total disbursements------	1,668,400	80,063	306,393	245,209	644,031	35,222	78,992	175,731	102,759
Cash available June 30, 1976 (Sch. 2)----------	$ 181,523	$ 6,580	$ -	$ 55,316	$ -	$36,247	$29,276	$ 22,935	$ 31,169

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APPENDIX II

APPENDIX II
Schedule 3

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
STATE GRANT FUNDS
BALANCE SHEET
JUNE 30, 1976

	Total	Office of Planning and Research: Grant No. 9 1974-75 Technical Assistance Interagency Coordination Fund	Office of Planning and Research: Grant No. 10 Airport Noise Study Fund	Office of Planning and Research: Grant No. 11 University Work Study Fund	Department of Transportation: Grant No. 12 1974-75 Transit Implementation Program Fund	Department of Transportation: Grant No. 13 Air Transportation and Airport Study Fund	Department of Transportation: Grant No. 14 Regional Carpool Program Fund
ASSETS							
Cash in Treasury (sch. 3-A)	$10,664	$ -	$ 4,232	$ -	$ -	$6,432	$ -
Due from other agencies:							
State	40,253	-	-	27,085	-	-	13,168
Other	4,516	-	-	4,516	-	-	-
Grants authorized and unexpended:							
State	32,090	-	27,934	-	-	-	4,156
Other	11,500	-	11,500	-	-	-	-
Total assets	$99,023	$ -	$43,666	$31,601	$ -	$6,432	$17,324
LIABILITIES							
Working capital advances--general fund (sch. 3-A)	$10,555	$ -	$ -	$ 3,153	$ -	$ -	$ 7,402
Total liabilities	$10,555	$ -	$ -	$ 3,153	$ -	$ -	$ 7,402
RESERVES							
Continuing appropriation	$16,653	$ -	$11,500	$ -	$ -	$ 481	$ 4,672
Reserve for encumbrances	71,815	-	32,166	28,448	-	5,951	5,250
Total reserves	$88,468	$ -	$43,666	$28,448	$ -	$6,432	$ 9,922
Total liabilities and reserves	$99,023	$ -	$43,666	$31,601	$ -	$6,432	$17,324

APPENDIX II

APPENDIX II
Schedule 3-A

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
STATE GRANT FUNDS
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
YEAR ENDED JUNE 30, 1976

	Total	Office of Planning and Research: Grant No. 9 1974-75 Technical Assistance Interagency Coordination Fund	Office of Planning and Research: Grant No. 10 Airport Noise Study Fund	Office of Planning and Research: Grant No. 11 University Work Study Fund	Department of Transportation: Grant No. 12 1974-75 Transit Implementation Program Fund	Department of Transportation: Grant No. 13 Air Transportation and Airport Study Fund	Department of Transportation: Grant No. 14 Regional Carpool Program Fund
Cash available July 1, 1975	$ 16,216	$ 7,085	$ -	$ -	$ -	$9,131	$ -
Cash receipts:							
State grant contributions	107,439	4,688	5,066	12,815	58,619	-	26,151
State subvention	-	-	-	-	-	-	-
Federal grant	10,288	-	-	-	10,288	-	-
In-kind contributions--other agencies	15,484		-	15,484	-	-	-
Local contributions	10,625		5,000	-	-	-	5,625
Working capital advances--general fund (sch. 3)	10,555	-	-	3,153	-	-	7,402
Total available	170,607	11,773	10,066	31,552	68,907	9,131	39,178
Cash disbursements:							
Project disbursements:							
Direct costs	79,482	520	5,834	31,552	2,832	2,066	36,678
Indirect costs	4,319	-	-	-	1,186	633	2,500
Total project disbursements	83,801	520	5,834	31,552	4,018	2,699	39,178
Accrued payroll: June 30, 1975	443	65	-	-	378	-	-
Net project disbursements	84,244	585	5,834	31,552	4,396	2,699	39,178
Transfers to general fund	11,188	11,188	-	-	-	-	-
Returned to grantor	-	-	-	-	-	-	-
Working capital advance reimbursement	64,511	-	-	-	64,511	-	-
Total disbursements	159,943	11,773	5,834	31,552	68,907	2,699	39,178
Cash available June 30, 1976 (sch. 3)	$ 10,664	$ -	$4,232	$ -	$ -	$6,432	$ -

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APPENDIX II

APPENDIX II
Schedule 4

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
OTHER SPECIAL REVENUE FUNDS
BALANCE SHEET
JUNE 30, 1976

	Total	Grant No. 15 Local Transportation Administration Fund	Grant No. 16 Transit Implementation Program Fund	Grant No. 17 Open Space Plan Fund	Grant No. 18 Environmental Impact Study Fund	Grant No. 19 Comprehensive Planning Fund	Grant No. 20 Member Assessment Special Study Fund
ASSETS							
Cash in Treasury (sch. 4-A)	$15,036	$ -	$10,555	$ -	$ -	$ -	$4,481
Due from other agencies--other	24,964	19,792	-	-	-	5,172	-
Grants authorized and unexpended--other	1,681	-	-	-	-	1,681	-
Total assets	$41,681	$19,792	$10,555	$ -	$ -	$6,853	$4,481
LIABILITIES							
Working capital advances--general fund (sch. 4-A)	$10,400	$ 5,572	$ -	$ -	$ -	$4,828	$ -
Accrued payroll (sch. 4-A)	4,587	1,923	-	-	-	345	2,319
Due to general fund (sch. 4-A)	4,259	2,097	-	-	-	-	2,162
Total liabilities	$19,246	$ 9,592	$ -	$ -	$ -	$5,173	$4,481
RESERVES							
Continuing appropriation	12,235	-	10,555	-	-	1,680	-
Reserve for encumbrances	10,200	10,200	-	-	-	-	-
Total reserves	22,435	10,200	10,555	-	-	1,680	-
Total liabilities and reserves	$41,681	$19,792	$10,555	$ -	$ -	$6,853	$4,481

APPENDIX II

APPENDIX II
Schedule 4-A

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
OTHER SPECIAL REVENUE FUNDS
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
YEAR ENDED JUNE 30, 1976

	Total	Grant No. 15 Local Transportation Administration Fund	Grant No. 16 Transit Implementation Program Fund	Grant No. 17 Open Space Plan Fund	Grant No. 18 Environmental Impact Study Fund	Grant No. 19 Comprehensive Planning Fund	Grant No. 20 Member Assessment Special Study Fund
Cash available July 1, 1975	$ 34,348	$ -	$ 14,496	$ 9,684	$ 10,168	$ -	$ -
Cash receipts:							
Contributions from other agencies	142,829	75,302	-	-	-	38,557	28,970
Local contributions	-	-	-	-	-	-	-
Working capital advances--general fund (sch. 4)	10,400	5,572	-	-	-	4,828	-
State subvention	276	-	-	-	-	-	276
Total available	187,853	80,874	14,496	9,684	10,168	43,385	29,246
Cash disbursements:							
Direct costs	118,863	58,613	3,241	3,434	437	34,574	18,564
Indirect costs	29,987	18,469	556	-	280	-	10,682
Total project disbursements	148,850	77,082	3,797	3,434	717	34,574	29,246
Accrued payroll--June 30, 1975	1,431	315	144	-	-	972	-
Accrued payroll--June 30, 1976 (sch. 4)	(4,587)	(1,923)	-	-	-	(345)	(2,319)
Due to general fund (sch. 4)	(4,259)	(2,097)	-	-	-	-	(2,162)
Net project disbursements:	141,435	73,377	3,941	3,434	717	35,201	24,765
Transfers to general fund	15,701	-	-	6,250	9,451	-	-
Working capital advance reimbursements	15,681	7,497	-	-	-	8,184	-
Total disbursements	172,817	80,874	3,941	9,684	10,168	43,385	24,765
CASH AVAILABLE JUNE 30, 1976 (sch. 4)	$ 15,036	$ -	$ 10,555	$ -	$ -	$ -	$ 4,481

APPENDIX II

APPENDIX II
Schedule 5

ANYWHERE USA
METROPOLITAN AREA REGIONAL PLANNING COUNCIL
STATEMENT OF QUESTIONED COSTS
FISCAL YEAR ENDED JUNE 30, 1976

Grant number and name		Questioned costs
1.	Urban Planning Assistance	$ 843
2.	Urban Planning Assistance	5,545
3.	Urban Mass Tech. Study	1,038
4.	Urban Mass Tech. Study	11,740
6.	Transportation Planning	649
7.	Transportation Planning	1,337
8.	Area Waste Treatment Planning	1,787
12.	Transit Implementation Program	414
13.	Air Transportation & Airport Study	636
14.	Regional Carpool Program	145
15.	Local Transportation Administration	1,077
16.	Transit Implementation Program	933
18.	Environmental Impact Study	816
20.	Member Assessment Special Study	694
		$27,654

Note: The report should contain an explanation of the questioned costs.

APPENDIX III

APPENDIX III

OFFICE OF MANAGEMENT AND BUDGET

Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"

AGENCY: Office of Management and Budget.

ACTION: Final Policy.

SUMMARY: This notice revises OMB Circular A-102 by replacing paragraph 2h, Attachment G, with a new Attachment P entitled, "Audit Requirements." The revision originated from a Presidential initiative to streamline Federal aid, and is another part of OMB's system of guidance for federally assisted programs.

One area the President highlighted as having a substantial need for improvement was audit of federally assisted programs. He directed Federal departments and agencies to improve audit coordination, and to increase their reliance on audits made by State or local governments. This revision sets forth the audit requirements for State and local governments and Indian tribal governments receiving Federal assistance. It provides for independent audits of financial operations including compliance with certain provisions of Federal law and regulation. The requirements are established to insure that audits are made on an organization-wide basis rather than a grant-by-grant basis.

EFFECTIVE DATE: This revision becomes effective October 22, 1979.

FOR FURTHER INFORMATION CONTACT: John J. Lordan, Chief, Financial Management Branch, Office of Management of Budget, Washington, D.C. 20503, (202) 395-6823.

SUPPLEMENTARY INFORMATION: On July 11, 1979, a notice was published in the **Federal Register** (44 FR 40824-25) to amend Circular A-102. Interested persons were invited to submit written comments by September 11, 1979. About fifty comments were received from Federal agencies, State and local governments, professional associations, and others. The comments were considered in developing these final regulations. Although almost all commenters agreed with the concept of a single audit, some raised questions or made suggestions for clarifying changes. The more significant comments received, and OMB's responses to them are discussed below.

Changes in Final Regulation

Set forth below are changes that have been adopted in the final regulations. The paragraphs are keyed to the proposed regulations published on July 11, 1979.

1. Paragraph 1 has been amended to make the Attachment applicable to Indian tribal governments. This paragraph was also changed to make it clear that one of the objectives of the audit was to determine if financial reports to the Federal Government contain accurate and reliable data.

2. Paragraph 2. The definition of "cognizant agency" was added to this paragraph, and is now used uniformly throughout the Attachment.

3. Paragraph 3 was amended to provide that contracts awarded by recipients for audit services shall include a reference to this Attachment. Also, the paragraph was further divided into two separate paragraphs for clarity.

4. Paragraph 5. A clause was added to make it clear that the auditor should make a determination that the financial statements are presented fairly and in accordance with generally accepted accounting principles.

5. Paragraph 7. The phrase "at scheduled intervals" was deleted for clarity.

6. Paragraph 8 was changed to make it clear that, in the event irregularities are found, management officials above the level of involvement should be notified.

7. Paragraph 9 was restructured and reworded to clarify its intent. Also, a change was made to make it clear that auditors need express a positive assurance only with respect to items tested.

8. Paragraph 10 was amended to require cognizant agencies to notify auditors in writing when the three-year retention period for workpapers needs to be extended.

9. Paragraph 13. A sentence was added to make it clear that auditors are responsible for distributing audit reports to their program officials.

10. Paragraph 14. Changes were made to make it clear that this paragraph covered only State and local governments and Indian tribal governments. Also, the recipient's responsibilities with respect to subrecipient audits are more clearly delineated.

Suggested Changes Not Considered Necessary

Comment. Several commenters felt that there were conflicts between Attachment P and audit guidelines issued by the General Accounting Office.

Response. The GAO guidelines are currently being reviewed to assure consistence of policy.

Comment. Several commenters were concerned with the provisions of the Attachment requiring comments on the accuracy of financial reports. This requirement, they said, would require the examination of every transaction processed by a governmental entity.

Response. It was never intended that a hundred per cent examination would be routinely required. We believe this is clear from other provisions of the Attachment.

Comment. One commenter said it was not clear whether an auditor should automatically expand the scope of audit and secure additional data to support the disclosure of irregularities in the audit report.

Response. The Attachment does not provide for automatically expanding the scope of audit work. This is a matter that would have to be worked out between the auditor, the cognizant agency, and the recipient.

Comment. Several commenters recommended that the Attachment contain a definition of the term "independent."

Response. The Attachment incorporates by reference the *Standards for Audit of Governmental Organizations, Programs, Acitivities, and Functions* published by the General Accounting Office. Chapter 3 of these standards discusses the standard of independence in some detail.

Comment. Several commenters said that additional audit costs would be incurred to achieve full compliance with the Circular. They suggested that the mechanism for funding these audits be addressed in the Attachment.

Response. Circular 74-4, "Cost principles for grants to State and local governments," establishes rules for determining allowable costs. This Circular provides that the cost of audits is allowable.

Comment. One commenter suggested that each grant application should contain a certification that arrangements will be made for the audits prescribed by the Circular. Failure to furnish an acceptable audit as determined by the cognizant agency could be a basis for denial of Federal funds.

Response. The grant application forms prescribed by Circular A-102 now contain an assurance that the applicant will comply with all the provisions of the Circular. We do not believe it is necessary to single out the audit requirements for a separate certification.

Comment. One commenter said the Attachment requires an audit every two years, and asked whether that meant

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APPENDIX III

that only every other year's transactions should be audited.

Response. It is the intent of the Circular that audits cover the period since the previous audit. If this is a two-year period, the audit should cover both years.

James T. McIntyre, Jr.,
Director.

Circular A-102

Attachment P—Audit Requirements

1. This Attachment establishes audit requirements for State and local governments, and Indian tribal governments that receive Federal assistance. It provides for independent audits of financial operations, including compliance with certain provisions of Federal law and regulation. The requirements are established to insue that audits are made on an organization-wide basis, rather than on a grant-by-grant basis. Such audits are to determine whether (a) financial operations are conducted properly, (b) the financial statements are presented fairly, (c) the organization has complied with laws and regulations affecting the expenditure of Federal funds, (d) internal procedures have been established to meet the objectives of federally assisted programs, and (e) financial reports to the Federal Government contain accurate and reliable information. Except where specifically required by law, no additional requirements for audit will be imposed unless approved by the Office of Management and Budget.

2. Definitions: "Cognizant agency" means the Federal agency that is assigned audit responsibility for a particular recipient organization by the Office of Management and Budget.

"Recipient organization" means a State department, a local government, an Indian tribal government, or a subdivision of such entities, that receives Federal assistance. It does not include State and local institutions of higher education or hospitals, which are covered by Circular A-110.

3. State and local governments and Indian tribal governments shall use their own procedures to arrange for independent audits, and to prescribe the scope of audits, provided that the audits comply with the requirements set forth below. Where contracts are awarded for audit services, the contracts shall include a reference to this Attachment.

4. The provisions of this Attachment do not limit the authority of Federal agencies to make audits of recipient organizations. However, if independent audits arranged for by recipients meet the requirements prescribed below, all Federal agencies shall rely on them, and any additional audit work shall build upon the work already done.

5. Audits shall be made in accordance with the General Accounting Office *Standards for Audit of Governmental Organizations, Programs, Activities & Functions*, the *Guidelines for Financial and Compliance Audits of Federally Assisted Programs*, any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

6. Audits will include, at a minimum, an examination of the systems of internal control, systems established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipient organizations.

These examinations are to determine whether:

a. There is effective control over and proper accounting for revenues, expenditures, assets, and liabilities.

b. The financial statements are presented fairly in accordance with generally accepted accounting principles.

c. The Federal financial reports (including Financial Status Reports, Cash Reports, and claims for advances and reimbursements) contain accurate and reliable financial data; and are presented in accordance with the terms of applicable agreements, and in accordance with Attachment H of this Circular.

d. Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

7. In order to accomplish the purposes set forth above, a representative number of charges to Federal awards shall be tested. The test shall be representative of (1) the universe of Federal awards received, and (2) all cost categories that materially affect the award. The test is to determine whether the charges:

a. Are necessary and reasonable for the proper administration of the program.

b. Conform to any limitations or exclusions in the award.

c. Were given consistent accounting treatment and applied uniformly to both federally assisted and other activities of the recipient.

d. Were net of applicable credits.

e. Did not include costs properly chargeable to other federally assisted programs.

f. Were properly recorded (i.e., correct amount, date) and supported by source documentation.

g. Were approved in advance, if subject to prior approval in accordance with Circular 74-4.

h. Were incurred in accordance with competitive purchasing procedures, if covered by Attachment O of this Circular.

i. Were allocated equitably to benefiting activities, including non-Federal activities.

8. Audits usually will be made annually, but not less frequently than every two years.

9. If the auditor becomes aware of irregularities in the recipient organization, the auditor shall promptly notify the cognizant agency and recipient management officials above the level of involvement. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

10. The audit report shall include:

a. Financial statements, including footnotes, of the recipient organization.

b. The auditors' comments on the financial statements which should:

(1) Identify the statements examined, and the period covered.

(2) Identify the various programs under which the organization received Federal funds, and the amount of the awards received.

(3) State that the audit was done in accordance with the standards in paragraph 5.

(4) Express an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.

c. The auditors' comments on compliance and internal control which should:

(1) Include comments on weaknesses in and noncompliance with the systems of internal control, separately identifying material weaknesses.

(2) Identify the nature and impact of any noted instances of noncompliance with the terms of agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements and reports.

(3) Contain an expression of positive assurance with respect to compliance with requirements for tested items, and negative assurance for untested items.

d. Comments on the accuracy and completeness of financial reports and claims for advances or reimbursement to Federal agencies.

APPENDIX III

e. Comments on corrective action taken or planned by the recipient.

11. Work papers and reports shall be retained for a minimum of three years from the date of the audit report unless the auditor is notified in writing by the cognizant agency of the need to extend the retention period. The audit workpapers shall be made available upon request to the cognizant agency or its designees and the General Accounting Office or its designees.

12. The Office of Management and Budget will work with Federal agencies and State and local governments to assure that recipient audits are made in accordance with the standards set forth in paragraph 5.

13. The Office of Management and Budget will designate cognizant agencies for major recipient organizations.

14. The cognizant agency shall have the following responsibilities:

a. Obtain or make quality assessment reviews of the work of non-Federal audit organizations, and provide the results to other interested audit agencies. (If a non-Federal audit organization is responsible for audits of recipients that have different cognizant audit agencies, a single quality assessment review should be arranged.)

b. Assure that all audit reports of recipients that affect federally assisted programs are received, reviewed, and distributed to appropriate Federal audit officials. These officials will be responsible for distributing audit reports to their program officials.

c. Whenever significant inadequacies in an audit are disclosed, the recipient organization will be advised and the auditor will be called upon to take corrective action. If corrective action is not taken, the cognizant agency shall notify the recipient organization and Federal awarding agencies of the facts and its recommendation. Major inadequacies or repetitive substandard performance of independent auditors shall be referred to appropriate professional bodies.

d. Assure that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of this attachment.

e. Provide technical advice and act as a liaison between Federal agencies, independent auditors, and recipient organizations.

f. Maintain a followup system on audit findings and investigative matters to assure that audit findings are resolved.

g. Inform other affected audit agencies of irregularities uncovered. The audit agencies, in turn, shall inform all appropriate officials in their agencies. State or local government law enforcement and prosecuting authorities shall also be informed of irregularities within their jurisdiction.

15. Recipients shall require subrecipients that are State and local governments or Indian tribal governments to adopt the requirements in paragraph 1. through 11. above. The recipient shall ensure that the subrecipient audit reports are received as required, and shall submit the reports to the cognizant agency. The cognizant agency will have the responsibility for these reports described in paragraph 14.

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APPENDIX IV

APPENDIX IV

OFFICE OF MANAGEMENT AND BUDGET CIRCULARS

Circular A-102, "Uniform administrative requirements for grants-in-aid to State and local governments"

Circular A-110, "Grants and agreements with institutions of higher education, hospitals and other non-profit organizations"

Circular 74-4, "Cost principles applicable to grants and contracts with State and local governments"

Circular A-21, "Cost principles for educational institutions"

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federal register

Wednesday
April 2, 1980

Part IV

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Bonds, Series E Department Circular No 653, 10th Revision

V 45 / 65 APR 2 80 UMI

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 316

Offering of U.S. Savings Bonds, Series E

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This Tenth Revision of Department of the Treasury Circular No. 653, the offering circular for United States Savings Bonds of Series E, reflects (1) improvements in the investment yields of such bonds, (2) extensions granted for bonds not redeemed, and (3) changes in the terms necessitated by the termination of the offering. A notice in the Federal Register of December 31, 1979, announced that the sale of Series E savings bonds over-the-counter was terminated as of December 31, 1979, and that their issuance through payroll sales will terminate no later than June 30, 1980. They are being replaced by United States Savings Bonds of Series EE.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTAL INFORMATION: This revision of the offering circular for Series E bonds effectuates two separate improvements in their investment yield. On May 10, 1979, the Secretary announced that the interest rate paid on these bonds would be increased, effective June 1, 1979, to 6.5 percent per annum, compounded semiannually. On December 12, 1979, he announced that Series E bonds would also receive an additional ½ of 1 percent bonus, if held for 11 years from the date of the first semiannual interest period that begins on or after January 1, 1980. Tables of redemption values and investment yields reflecting the improvements have been made a part of the circular.

The revision provides that the improvements in yield will be applied as follows:

Interest Rate Increase To 6.5 Percent

(1) Series E bonds bearing issue dates on or after June 1, 1979, will provide an investment yield of 6.5 percent, compounded semiannually, if held to original maturity, i.e., five years from issue date. The increase will be included as part of the redemption value of the bond as a one-time bonus at original maturity. If a bond is redeemed before original maturity, the yield will be less than 6.5 percent.

(2) Series E bonds bearing issue dates from December 1, 1974, through May 1, 1979, will reach original maturity from December 1, 1979, through May 1, 1984, five years after their respective issue dates. The ½ of 1 percent increase will apply to the remaining period to original maturity, effective with the first semiannual interest accrual period that begins on or after June 1, 1979. It will be included as part of the redemption value of the bond as a one-time bonus at original maturity. The bond will not receive the increase if it is redeemed earlier.

(3) Series E bonds bearing issue dates from May 1, 1941, through November 1, 1974, will receive the ½ of 1 percent increase in yield effective with the first semiannual interest accrual period that begins on or after June 1, 1979. All of these bonds had entered an extended maturity period prior to December 1, 1979.

11-Year Bonus

Series E bonds that have not reached final maturity will also receive a one-time bonus of ½ of 1 percent, compounded semiannually, if they are held for 11 years from the first semiannual interest period that begins on or after January 1, 1980. The bonus will be added to the redemption value of outstanding bonds as of the first semiannual interest period that begins on or after January 1, 1991. A bond that is redeemed or reaches final maturity prior to completion of the 11-year period will receive the benefit of the 6.5 percent rate described above, but will not receive the additional bonus of ½ of 1 percent.

Other changes incorporated in the revision include the following:

Termination of offering. Section 316.1 provides that the offering of Series E bonds will terminate on December 31, 1979, except for bonds purchased through payroll savings plans, in which case the offering will terminate no later than June 30, 1980. This additional period for payroll savings plans is provided to allow employers operating such plans adequate time to convert their systems to the new Series EE bonds which were placed on sale as of January 1, 1980.

Extended maturities. Section 316.8, relating to the extended maturity periods granted to Series E bonds, is being revised. The term "extended maturity period" refers to one or more 10-year periods during which outstanding Series E bonds continue to accrue interest after the end of their original maturity period. In accordance with the Secretary's announcement of January 10, 1979, Series E bonds bearing issue dates of May 1, 1941, through April 1, 1952, will not be extended again. This group of bonds will thus reach final maturity exactly 40 years from their respective issue dates and will cease to earn interest at that time. All Series E bonds issued after April 1, 1952, are being granted an additional 10-year extension.

Miscellaneous. Several minor changes are being made to the offering to update addresses being used in connection with Series E bond transactions.

* * * * *

Accordingly, Department of the Treasury Circular No. 653, Ninth Revision, dated April 23, 1974, as amended and supplemented, including the tables incorporated therein (31 CFR, Part 316), is hereby revised and amended and reissued as Department of the Treasury Circular No. 653, Tenth Revision, effective as of June 1, 1979.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Since this revision involves the fiscal policy of the United States and does not meet the Department's criteria for significant regulations, it has been determined that notice and public procedures thereon are unnecessary.

Dated: March 10, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Sec.
316.1 Offering of bonds.
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316.3 Governing regulations.
316.4 Registration.
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316.14 Reservations as to terms of offer.
Tables of redemption values and investment yields.
Appendix.

Authority: Section 22, Second Liberty Bond Act, as amended, 49 Stat. 21; 31 U.S.C. 757c and 5 U.S.C. 301.

§ 316.1 Offering of bonds.

The Secretary of the Treasury hereby offers for sale to the people of the United States, United States Savings Bonds of Series E, hereinafter generally referred to as "Series E bonds" or "bonds". This offer, containing revised terms effective as of June 1, 1979, will terminate as of December 31, 1979, except that, as to bonds purchased under payroll savings plans and employee plans, the offer will terminate no later than June 30, 1980.

§ 316.2 Description of bonds.

(a) *General.* Series E bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Department of the Treasury. They are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series E bonds are issued on a discount basis. The denominations and issue prices are:

Denomination:	Issue price
$25	$18.75
$50	37.50
$75	56.25
$100	75.00
$200	150.00
$500	375.00
$1,000	750.00
$10,000	7,500.00
$100,000 [1]	75,000.00

[1] The $100,000 denomination was available only for purchase by trustees of employees' savings and savings and vacation plans (see Sec. 316.5(b)).

(c) *Inscription and issue.* At the time of issue the issuing agent will (1) inscribe on the face of each bond the name, social security number [2] and address of the owner, and the name of the beneficiary, if any, or the name, social security number and address of the first-named coowner and the name of the other coowner, (2) enter the issue date in the upper right-hand portion of the bond, and (3) imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. A bond shall be valid only if an authorized issuing agent receives payment therefor and duly inscribes, dates and stamps it.

(d) *Term.* A Series E bond shall be dated as of the first day of the month in which payment of the purchase price is received by an agent authorized to issue the bonds. This date is the issue date and the bond will mature and be payable at the maturity value, as shown in Table 174 hereof, 5 years from the issue date. The bond may not be called for redemption by the Secretary of the Treasury prior to maturity or the end of any extended maturity period (see § 316.8(a)(1)). The bond may be redeemed at the owner's option at any time after 2 months from issue date at fixed redemption values.

[2] If the bond is being purchased as a gift or award and the owner's social security number is *not known*, the purchaser's social security number or employer identification number must be furnished. In this event, the issuing agent will inscribe the word "GIFT" and the purchaser's number on the bond.

(e) *Investment yield (interest).*—(1) *General.* The investment yield (interest) on a Series E bond will be approximately 6.5 percent per annum, compounded semiannually, if the bond is held to maturity, but the yield will be less if the bond is redeemed prior thereto. Beginning in the third month from such issue date, a bond will increase in redemption value on the first day of each month up to and including the thirtieth month from issue date so as to provide for such period an investment yield of no less than 4 percent per annum, compounded semiannually. Thereafter, its redemption value will increase at the beginning of each successive half-year period. The interest will be paid as part of the redemption value. See Table 174.

(2) *Additional bonus.* A bonus of ½ of 1 percent, compounded semiannually, will be added to the redemption value of any outstanding and unmatured Series E bond for the 11-year period commencing with the first semiannual interest accrual period beginning on or after January 1, 1980, but only if the bond is held to the end of such 11-year period.

§ 316.3 Governing regulations.

Series E bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Saving Bonds of Series A, B, C, D, E, F, G, H, J and K, contained in Department of the Treasury Circular No. 530, current revision (31 CFR, Part 315).[3]

§ 316.4 Registration.

(a) *General.* Generally, only residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and citizens of the United States temporarily residing abroad are eligible to be named as owners of Series E bonds. The bonds may be registered in the names of natural persons in their own right, as provided in paragraph (b) of this section, and in the names and titles or capacities of fiduciaries and organizations, as provided in paragraph (c) of this section. Full information regarding authorized forms of registration and restrictions with respect thereto are found in the governing regulations.

(b) *Natural persons in their own right.* The bonds may be registered in the names of natural persons (whether adults or minors) in their own right, in single ownership, coownership, and beneficiary forms.

[3] Copies may be obtained from any Federal Reserve Bank or Branch, from the Bureau of the Public Debt, Washington, D.C. 20226, or the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

(c) *Others.* The bonds may be registered in single ownership form in the names of fiduciaries and private and public organizations, as follows:

(1) *Fiduciaries.* In the names of and showing the titles or capacities of any persons or organizations, public or private, as fiduciaries (including trustees, legal guardians or similar representatives, and certain custodians), but not where the fiduciary would hold the bonds merely or principally as security for the performance of a duty, obligation or service.

(2) *Private and public organizations.* In the names of private or public organizations (including private corporations, partnerships, and unincorporated associations, and States, counties, public corporations, and other public bodies) in their own right, but not in the names of commercial banks. [4]

§ 316.5 Limitation on holdings.

The amount of Series E bonds originally issued during any one calendar year that may be held by any one person, at any one time, computed in accordance with the governing regulations, is limited as follows:

(a) *General limitation.* $10,000 (face amount) for any one calendar year.

(b) *Special limitation for employees' savings plans.* $2,000 (face amount) multiplied by the highest number of participants in any employees' savings plan, as defined in paragraph (b)(1) of this section, at any time during the year in which the bonds are issued. [5]

(1) *Definition of plan and conditions of eligibility.* (i) The employees' savings plan must have been established by the employer for the exclusive and irrevocable benefit of employees or their beneficiaries, afford employees the means of making regular savings from their wages through payroll deduction, and provide for employer contributions to be added to such savings.

(ii) The entire assets thereof must be credited to the individual accounts of participating employees and the assets so credited may be distributed only to them or their beneficiaries, except as otherwise provided herein.

(iii) Series E bonds may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is

[4] For this purpose, commercial banks (as defined in Sec. 315.7, Department of the Treasury Circular No. 530, current revision) are those accepting demand deposits.

[5] Savings and vacation plans may be eligible for this special limitation. Questions concerning eligibility of such plans should be addressed to the Bureau of the Public Debt, Washington, D.C. 20226, or the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amount corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a Series E bond in the denomination of $10,000 (face amount) is purchased in December 1978 and registered in the name and title of the trustee, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a Series E bond in the denomination of $50 (face amount) bearing issue date of December 1, 1978.

(iv) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee all assets credited to his or her account or the value thereof, if he or she so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan. However, a plan will not be deemed to be inconsistent herewith if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than 60 calendar months succeeding the month for which the employer's contribution is made.

(v) Upon the death of an employee, his or her beneficiary shall have the absolute and unconditional right to demand and receive from the trustee all assets credited to the account of the employee, or the value thereof, if he or she so prefers.

(vi) When settlement is made with an employee or his or her beneficiary with respect to any bond registered in the name and title of the trustee in which the employee has a share (see paragraphs (b)(1) (ii) and (iii) of this section), the bond must be submitted for redemption or reissue to the extent of such share. If an employee or his or her beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee to the extent to which he or she is entitled, in any authorized form of registration, upon the request and certification of the trustee in accordance with the governing regulations.

(2) *Definitions of terms used in this subsection—related provisions.* (i) The term "savings plan" includes any regulations issued under the plan with regard to Series E bonds. A trustee desiring to purchase bonds in excess of the general limitation in any calendar year should submit to the Federal Reserve Bank of the district, a copy of (a) the plan, (b) any such regulations, and (c) the trust agreement, all certified to be true copies, in order to establish eligibility.

(ii) The term "assets" means all funds, including the employees' contributions and employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this subsection, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, Series E bonds may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(iii) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his or her death of the estate of the employee, and the term "distributee" means the employee or his or her beneficiary.

§ 316.6 Purchase of bonds.

Series E bonds may be purchased, as follows:

(a) *Over-the-counter for cash.*—(1) *Bonds registered in names of natural persons in their own right only.* At such incorporated banks, trust companies, and other agencies as have been duly qualified as issuing agents.

(2) *Bonds registered in names of trustees of employees' savings plans.* At such incorporated bank, trust company, or other agency, duly qualified as an issuing agent, provided the agent is trustee of an approved employees' savings plan eligible for the special limitation in § 316.5(b) and prior approval to issue the bonds is obtained from the Federal Reserve Bank of the agent's district.

(3) *Bonds registered in all authorized forms.* At Federal Reserve Banks and Branches and at the Department of the Treasury, Washington, D.C. 20226.

(b) *On mail order.* By mail upon application to any Federal Reserve Bank or Branch or to the Department of the Treasury, accompanied by a remittance to cover the issue price. Any form of exchange, including personal checks, will be accepted subject to collection. Checks or other forms of exchange should be drawn to the order of the Federal Reserve Bank or the United States Treasury, as the case may be. Checks payable by endorsement are not acceptable. Any depositary qualified pursuant to the provisions of Department of the Treasury Circular No. 92, current revision (31 CFR, Part 203), will be permitted to make payment by credit for bonds applied for on behalf of its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

(c) *Savings stamps.* The sale of United States Savings Stamps was terminated effective June 30, 1970. However, outstanding stamps affixed in fully or partially completed albums may be used to purchase Series E bonds at banks or other financial institutions authorized to issue such bonds. Stamps may also be redeemed for cash at post offices.

§ 316.7 Delivery of bonds.

Issuing agents are authorized to deliver Series E bonds either over-the-counter in person, or by mail at the risk and expense of the United States, to the address given by the purchaser, but only within the United States, its territories and possessions, and the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Extended maturity periods.*—(1) *General.* The terms "extended maturity period", "second extended maturity period", and "third extended maturity period", when used herein, refer to 10-year intervals after the original maturity dates during which owners may retain their bonds and continue to earn interest on the maturity values or the extended maturity values.[6] No special action is required of owners desiring to take advantage of any extensions heretofore or herein granted.[7]

(2) *Bonds with issue dates from May 1, 1941, through April 1, 1952.* Series E bonds with issue dates from May 1, 1941, through April 1, 1952, will reach final maturity 40 years from their respective issue dates.

[6] The redemption value of any bond at the original and each extended maturity date is the base, in each instance, upon which interest will accrue during the period following.

[7] The tables incorporated herein, arranged according to issue dates, show current redemption values and investment yields.

(3) *Bonds with issue dates from May 1, 1952, through November 1, 1965.* Owners of Series E bonds with issue dates from May 1, 1952, through November 1, 1965, may retain their bonds for a third extended maturity period of 10 years.

(4) *Bonds with issue dates from December 1, 1965, through June 1, 1980.* Owners of Series E bonds with issue dates from December 1, 1965, through June 1, 1980, may retain their bonds for a second extended maturity period of 10 years.

(b) *Improved yields[8]—Outstanding bonds.* The investment yield on all oustanding Series E bonds is hereby increased as follows:

(1) *Bonds reaching original maturity on or after December 1, 1979.* By approximately ⅛ of 1 percent per annum, compounded semiannually, to original maturity, on or after December 1, 1979, but only if the bonds are held to their respective maturity dates. The increase will be effective with the first interest accrual period starting on or after June 1, 1979.

(2) *Bonds which entered an extended maturity period prior to December 1, 1979.* By approximately ⅛ of 1 percent per annum, compounded semiannually, for the remaining period to their next maturity dates. The increase will be effective with the first interest accrual period starting on or after June 1, 1979.

(3) *Future extensions.* The investment yield for any future authorized extensions, other than as set forth in paragraphs b (1) or (2) of this section, will be at the rate of 6.5 percent per annum, compounded semiannually, unless such rate is changed prior to the commencement of the future extension period.

(4) *11-year bonus.* In addition to the improved yields specified above, a bonus of ½ of 1 percent per annum, compounded semiannually, will be paid for the 11-year period from the first semiannual interest period beginning on or after January 1, 1980, to the first semiannual interest period beginning on or after January 1, 1991, on all bonds which have not been redeemed or reached final maturity prior to completion of the 11-year period. Payment of the bonus will be made as part of the redemption value.

§ 316.9 Taxation.

(a) *General.* For the purpose of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid for Series E bonds and the redemption value received therefor shall be considered as interest. Such interest is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(b) *Federal income tax on bonds.* An owner of Series E bonds who is a cash basis taxpayer may use either of two methods of reporting the increase in the redemption value of the bonds for Federal income tax purposes as follows:

(1) Defer reporting the increase to the year of final maturity, actual redemption, or other disposition, whichever is earlier; or

(2) Elect to report the increases each year as they accrue, in which case the election will apply to all Series E bonds then owned and to those thereafter acquired, as well as to any other similar obligations sold on a discount basis.

If the method in paragraph (b)(1) of this section is used, the taxpayer may change to the method in paragraph (b)(2) of this section without obtaining permission from the Internal Revenue Service. However, once the election to use the method in paragraph (b)(2) of this section is made, the taxpayer may not change the method of reporting unless he or she obtains permission to do so from the Internal Revenue Service. For further information on Federal taxes, consult the Service Center Director, or District Director, of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224.

§ 316.10 Payment or redemption.

(a) *General.* A Series E bond may be redeemed in accordance with its terms at the appropriate redemption value shown in the applicable table hereof. The redemption values of bonds in the denomination of $100,000 [9] are not shown in the tables. However, the redemption value of a bond in that denomination will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates. A bond in a denomination higher than $25 (face amount) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof.

(b) *Federal Reserve Banks and Branches and United States Treasury.* Owners of Series E bonds may obtain payment upon presentation and surrender of the bonds to a Federal Reserve Bank or Branch or to the Department of the Treasury with the request for payment on the bonds duly executed and certified in accordance with the governing regulations.

(c) *Incorporated banks, trust companies and other financial institutions.* An individual (natural person) whose name is inscribed on a Series E bond either as owner or coowner in his or her own right may present such bond to any incorporated bank or trust company or other financial institution which is qualified as a paying agent under Department of the Treasury Circular No. 750, current revision (31 CFR, Part 321). If such bond is in order for payment by the paying agent, the owner or coowner, upon establishing his or her identity to the satisfaction of the agent and upon signing the request for payment and adding his or her home or business address, may receive payment of its current redemption value.

§ 316.11 Reservation as to issue of bonds.

The Secretary of the Treasury reserves the right to reject any application for Series E bonds, in whole or in part, and to refuse to issue or permit to be issued hereunder any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

§ 316.12 Preservation of rights.

Nothing contained herein shall limit or restrict rights which owners of Series E bonds heretofore issued have acquired under offers previously in force.

§ 316.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, and payment of Series E bonds.

§ 316.14 Reservations as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds, or of any amendments or supplements thereto.

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[8] See Appendix for summary of investment yields to the original and each extended maturity date under regulations heretofore and herein prescribed.

[9] See footnote 1. to Sec. 316.2.

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TABLE 1

BONDS BEARING ISSUE DATE MAY 1, 1941

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/ (11/1/79)	$81.40	$163.80	$327.60	$1638.00	$3276.00	5.82	6.50	6.50
9-0 TO 9-6 (5/1/80)	84.58	169.12	338.24	1691.20	3382.40	5.84	6.50	6.50
9-6 TO10-0 (11/1/80)	87.31	174.62	349.24	1746.20	3492.40	5.89	6.51	6.51
10-0 2/ (5/1/81)	90.15	180.30	360.60	1803.00	3606.00	5.92 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1941 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 3.96 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 2

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1941

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/ (6/1/79)	$80.53	$161.06	$322.12	$1610.60	$3221.20	5.84	6.51	6.50
8-6 TO 9-0 (12/1/79)	83.15	166.30	332.60	1663.00	3326.00	5.88	6.49	6.50
9-0 TO 9-6 (6/1/80)	85.85	171.70	343.40	1717.00	3434.00	5.92	6.50	6.50
9-6 TO10-0 (12/1/80)	88.64	177.28	354.56	1772.80	3545.60	5.95	6.50	6.50
10-0 2/ (6/1/81)	91.52	183.04	366.08	1830.40	3660.80	5.97 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1941 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.00 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 3

BONDS BEARING ISSUE DATES FROM DEC. 1, 1941 THROUGH APR. 1, 1942

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/ 6/1/79)	$79.26	$158.52	$317.04	$1585.20	$3170.40	5.87	6.51	6.50
8-0 TO 8-6 (12/1/79)	81.84	163.68	327.36	1636.80	3273.60	5.91	6.50	6.49
8-6 TO 9-0 (6/1/80)	84.50	169.00	338.00	1690.00	3380.00	5.94	6.49	6.49
9-0 TO 9-6 (12/1/80)	87.24	174.48	348.96	1744.80	3489.60	5.97	6.51	6.50
9-6 TO10-0 (6/1/81)	90.08	180.16	360.32	1801.60	3603.20	6.00	6.48	6.48
10-0 2/ (12/1/81)	93.00	186.00	372.00	1860.00	3720.00	6.02 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1941 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.04 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 4

BONDS BEARING ISSUE DATE MAY 1, 1942

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/ (11/1/79)	$79.86	$159.72	$319.44	$1597.20	$3194.40	5.87	6.51	6.50
8-0 TO 8-6 (5/1/80)	82.46	164.92	329.84	1649.20	3298.40	5.91	6.50	6.50
8-6 TO 9-0 (11/1/80)	85.14	170.28	340.56	1702.80	3405.60	5.94	6.48	6.50
9-0 TO 9-6 (5/1/81)	87.90	175.80	351.60	1758.00	3516.00	5.97	6.51	6.50
9-6 TO10-0 (11/1/81)	90.76	181.52	363.04	1815.20	3630.40	6.00	6.50	6.50
10-0 2/ (5/1/82)	93.71	187.42	374.84	1874.20	3748.40	6.02 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1942 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.06 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 5

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1942

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/79)	$78.52	$157.04	$314.08	$1570.40	$3140.80	5.89	6.50	6.50
7-6 TO 8-0 (12/1/79)	81.07	162.14	324.28	1621.40	3242.80	5.93	6.51	6.50
8-0 TO 8-6 (6/1/80)	83.71	167.42	334.84	1674.20	3348.40	5.97	6.50	6.50
8-6 TO 9-0 (12/1/80)	86.43	172.86	345.72	1728.60	3457.20	6.00	6.50	6.50
9-0 TO 9-6 (6/1/81)	89.24	178.48	356.96	1784.80	3569.60	6.03	6.50	6.49
9-6 TO10-0 (12/1/81)	92.14	184.28	368.56	1842.80	3685.60	6.05	6.49	6.49
10-0 2/ (6/1/82)	95.13	190.26	380.52	1902.60	3805.20	6.07 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1942 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.10 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 6

BONDS BEARING ISSUE DATES FROM DEC. 1, 1942 THROUGH MAY 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(6/1/79)	$77.25	$154.50	$309.00	$1545.00	$3090.00	5.92	6.50	6.50
7-0 TO 7-6 (12/1/79)	79.76	159.52	319.04	1595.20	3190.40	5.96	6.49	6.50
7-6 TO 8-0 (6/1/80)	82.35	164.70	329.40	1647.00	3294.00	6.00	6.51	6.50
8-0 TO 8-6 (12/1/80)	85.03	170.06	340.12	1700.60	3401.20	6.03	6.49	6.50
8-6 TO 9-0 (6/1/81)	87.79	175.58	351.16	1758.80	3511.60	6.06	6.52	6.50
9-0 TO 9-6 (12/1/81)	90.65	181.30	362.60	1813.00	3626.00	6.08	6.49	6.49
9-6 TO10-0 (6/1/82)	93.59	187.18	374.36	1871.80	3743.60	6.10	6.50	6.50
10-0 2/ (12/1/82)	96.63	193.26	386.52	1932.60	3865.20	6.12 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1942 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.14 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 7

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(6/1/79)	$75.98	$151.96	$303.92	$1519.60	$3039.20	5.96	6.50	6.50
6-6 TO 7-0 (12/1/79)	78.45	156.90	313.80	1569.00	3138.00	6.00	6.50	6.50
7-0 TO 7-6 (6/1/80)	81.00	162.00	324.00	1620.00	3240.00	6.04	6.49	6.50
7-6 TO 8-0 (12/1/80)	83.63	167.26	334.52	1672.60	3345.20	6.07	6.50	6.50
8-0 TO 8-6 (6/1/81)	86.35	172.70	345.40	1727.00	3454.00	6.09	6.51	6.50
8-6 TO 9-0 (12/1/81)	89.16	178.32	356.64	1781.20	3564.40	6.12	6.48	6.49
9-0 TO 9-6 (6/1/82)	92.05	184.10	368.20	1841.00	3682.00	6.14	6.52	6.50
9-6 TO10-0 (12/1/82)	95.05	190.10	380.20	1901.00	3802.00	6.16	6.48	6.49
10-0 2/ (6/1/83)	98.13	196.26	392.52	1962.60	3925.20	6.17 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1943 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.18 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 8

BONDS BEARING ISSUE DATES FROM DEC. 1, 1943 THROUGH MAY 1, 1944

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(6/1/79)	$74.73	$149.46	$298.92	$1494.60	$2989.20	6.00	6.50	6.50
6-0 TO 6-6 (12/1/79)	77.16	154.32	308.64	1543.20	3086.40	6.04	6.51	6.50
6-6 TO 7-0 (6/1/80)	79.67	159.34	318.68	1593.40	3186.80	6.08	6.50	6.50
7-0 TO 7-6 (12/1/80)	82.26	164.52	329.04	1645.20	3290.40	6.11	6.49	6.50
7-6 TO 8-0 (6/1/81)	84.93	169.86	339.72	1698.60	3397.20	6.13	6.50	6.50
8-0 TO 8-6 (12/1/81)	87.69	175.38	350.76	1753.80	3507.60	6.16	6.50	6.50
8-6 TO 9-0 (6/1/82)	90.54	181.08	362.16	1810.80	3621.60	6.18	6.49	6.50
9-0 TO 9-6 (12/1/82)	93.48	186.96	373.92	1869.60	3739.20	6.19	6.50	6.51
9-6 TO10-0 (6/1/83)	96.52	193.04	386.08	1928.40	3860.80	6.21	6.51	6.51
10-0 2/ (12/1/83)	99.66	199.32	398.64	1993.20	3956.40	6.22 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1943 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.22 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 9

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1944

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
	THIRD EXTENDED MATURITY PERIOD								
							PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(6/1/79)	$29.39	$73.47	$146.94	$293.88	$1469.40	$2938.80	6.00	6.51	6.50
5-6 TO 6-0 (12/1/79)	30.34	75.86	151.72	303.44	1517.20	3034.40	6.05	6.49	6.50
6-0 TO 6-6 (6/1/80)	31.33	78.32	156.64	313.28	1566.40	3132.80	6.08	6.51	6.50
6-6 TO 7-0 (12/1/80)	32.35	80.87	161.74	323.48	1617.40	3234.80	6.12	6.50	6.50
7-0 TO 7-6 (6/1/81)	33.40	83.50	167.00	334.00	1670.00	3340.00	6.14	6.49	6.50
7-6 TO 8-0 (12/1/81)	34.48	86.21	172.42	344.84	1724.20	3448.40	6.17	6.50	6.50
8-0 TO 8-6 (6/1/82)	35.60	89.01	178.02	356.04	1780.20	3560.40	6.19	6.52	6.50
8-6 TO 9-0 (12/1/82)	36.76	91.91	183.82	367.64	1838.20	3676.40	6.21	6.48	6.50
9-0 TO 9-6 (6/1/83)	37.96	94.89	189.78	379.56	1897.80	3795.60	6.22	6.51	6.50
9-6 TO10-0 (12/1/83)	39.19	97.98	195.96	391.92	1959.60	3919.20	6.24	6.49	6.49
10-0 2/ (6/1/84)	40.46	101.16	202.32	404.64	2023.20	4046.40	6.25 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1944 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.26 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 10

BONDS BEARING ISSUE DATES FROM DEC. 1, 1944 THROUGH MAY 1, 1945

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
	THIRD EXTENDED MATURITY PERIOD								
							PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(6/1/79)	$28.91	$72.28	$144.56	$289.12	$1445.60	$2891.20	6.00	6.50	6.50
5-0 TO 5-6 (12/1/79)	29.85	74.63	149.26	298.52	1492.60	2985.20	6.05	6.49	6.50
5-6 TO 6-0 (6/1/80)	30.82	77.05	154.10	308.20	1541.00	3082.00	6.09	6.52	6.50
6-0 TO 6-6 (12/1/80)	31.82	79.56	159.12	318.24	1591.20	3182.40	6.12	6.49	6.50
6-6 TO 7-0 (6/1/81)	32.86	82.16	164.28	328.56	1642.80	3285.60	6.15	6.50	6.50
7-0 TO 7-6 (12/1/81)	33.92	84.81	169.62	339.24	1696.20	3392.40	6.18	6.51	6.50
7-6 TO 8-0 (6/1/82)	35.03	87.57	175.14	350.28	1751.40	3502.80	6.20	6.51	6.50
8-0 TO 8-6 (12/1/82)	36.17	90.42	180.84	361.68	1808.40	3616.80	6.22	6.50	6.50
8-6 TO 9-0 (6/1/83)	37.34	93.36	186.72	373.44	1867.20	3734.40	6.24	6.49	6.50
9-0 TO 9-6 (12/1/83)	38.56	96.39	192.78	385.56	1927.80	3855.60	6.25	6.49	6.50
9-6 TO10-0 (6/1/84)	39.81	99.52	199.04	398.08	1990.40	3980.80	6.26	6.51	6.51
10-0 2/ (12/1/84)	41.10	102.76	205.52	411.04	2055.20	4110.40	6.27 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1944 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.30 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 11

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1945

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
	THIRD EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(6/1/79)	$28.45	$71.13	$142.26	$284.52	$569.04	$1422.60	$2845.20	6.00	6.50	6.50
4-6 TO 5-0 (12/1/79)	29.38	73.44	146.88	293.76	587.52	1468.80	2937.60	6.06	6.51	6.50
5-0 TO 5-6 (6/1/80)	30.33	75.83	151.66	303.32	606.64	1516.60	3033.20	6.10	6.49	6.50
5-6 TO 6-0 (12/1/80)	31.32	78.29	156.58	313.16	626.32	1565.80	3131.60	6.14	6.51	6.50
6-0 TO 6-6 (6/1/81)	32.34	80.84	161.68	323.36	646.72	1616.80	3233.60	6.17	6.48	6.50
6-6 TO 7-0 (12/1/81)	33.38	83.46	166.92	333.84	667.68	1669.20	3338.40	6.19	6.52	6.50
7-0 TO 7-6 (6/1/82)	34.47	86.18	172.36	344.72	689.44	1723.60	3447.20	6.21	6.50	6.50
7-6 TO 8-0 (12/1/82)	35.58	88.98	177.96	355.92	711.84	1779.60	3559.20	6.23	6.50	6.50
8-0 TO 8-6 (6/1/83)	36.75	91.87	183.74	367.48	734.96	1837.40	3674.80	6.25	6.51	6.50
8-6 TO 9-0 (12/1/83)	37.94	94.86	189.72	379.44	758.88	1897.20	3794.40	6.27	6.49	6.50
9-0 TO 9-6 (6/1/84)	39.18	97.94	195.88	391.76	783.52	1958.80	3917.60	6.28	6.49	6.50
9-6 TO10-0 (12/1/84)	40.45	101.12	202.24	404.48	808.96	2022.40	4044.80	6.29	6.51	6.51
10-0 2/ (6/1/85)	41.76	104.41	208.82	417.64	835.28	2088.20	4176.40	6.30 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1945 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.34 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 12

BONDS BEARING ISSUE DATES FROM DEC. 1, 1945 THROUGH MAY 1, 1946

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
	THIRD EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(6/1/79)	$28.24	$70.61	$141.22	$282.44	$564.88	$1412.20	$2824.40	6.00	6.49	6.50
4-0 TO 4-6 (12/1/79)	29.16	72.90	145.80	291.60	583.20	1458.00	2916.00	6.06	6.50	6.50
4-6 TO 5-0 (6/1/80)	30.11	75.27	150.54	301.08	602.16	1505.40	3010.80	6.11	6.51	6.50
5-0 TO 5-6 (12/1/80)	31.09	77.72	155.44	310.88	621.76	1554.40	3108.80	6.15	6.51	6.50
5-6 TO 6-0 (6/1/81)	32.10	80.25	160.50	321.00	642.00	1605.00	3210.00	6.18	6.48	6.50
6-0 TO 6-6 (12/1/81)	33.14	82.85	165.70	331.40	662.80	1657.00	3314.00	6.21	6.52	6.50
6-6 TO 7-0 (6/1/82)	34.22	85.55	171.10	342.20	684.40	1711.00	3422.00	6.23	6.50	6.50
7-0 TO 7-6 (12/1/82)	35.33	88.33	176.66	353.32	706.64	1766.60	3533.20	6.25	6.50	6.50
7-6 TO 8-0 (6/1/83)	36.48	91.20	182.40	364.80	729.60	1824.00	3648.00	6.27	6.49	6.50
8-0 TO 8-6 (12/1/83)	37.66	94.16	188.32	376.64	753.28	1883.20	3766.40	6.28	6.50	6.50
8-6 TO 9-0 (6/1/84)	38.89	97.22	194.44	388.88	777.76	1944.40	3888.80	6.29	6.50	6.50
9-0 TO 9-6 (12/1/84)	40.15	100.38	200.76	401.52	803.04	2007.60	4015.20	6.31	6.50	6.50
9-6 TO10-0 (6/1/85)	41.46	103.64	207.28	414.56	829.12	2072.80	4145.60	6.32	6.50	6.50
10-0 2/ (12/1/85)	42.80	107.01	214.02	428.04	856.08	2140.20	4280.40	6.32 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1945 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.40 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 13

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1946

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(6/1/79)	$27.78	$69.45	$138.90	$277.80	$555.60	$1389.00	$2778.00	6.00	6.51	6.50
3-6 TO 4-0 (12/1/79)	28.88	71.71	143.42	286.84	573.68	1434.20	2868.40	6.07	6.50	6.50
4-0 TO 4-6 (6/1/80)	29.62	74.04	148.08	296.16	592.32	1480.80	2961.60	6.13	6.48	6.50
4-6 TO 5-0 (12/1/80)	30.58	76.44	152.88	305.76	611.52	1528.80	3057.60	6.17	6.51	6.50
5-0 TO 5-6 (6/1/81)	31.57	78.93	157.86	315.72	631.44	1578.60	3157.20	6.20	6.49	6.50
5-6 TO 6-0 (12/1/81)	32.60	81.49	162.98	325.96	651.92	1629.80	3259.60	6.23	6.50	6.50
6-0 TO 6-6 (6/1/82)	33.66	84.14	168.28	336.56	673.12	1682.80	3365.60	6.25	6.51	6.50
6-6 TO 7-0 (12/1/82)	34.75	86.87	173.74	347.48	695.04	1737.60	3475.20	6.27	6.49	6.50
7-0 TO 7-6 (6/1/83)	35.88	89.69	179.38	358.76	717.60	1794.00	3588.00	6.29	6.51	6.50
7-6 TO 8-0 (12/1/83)	37.05	92.62	185.24	370.48	740.96	1852.40	3704.80	6.30	6.50	6.50
8-0 TO 8-6 (6/1/84)	38.25	95.63	191.26	382.52	765.04	1912.60	3825.20	6.31	6.48	6.50
8-6 TO 9-0 (12/1/84)	39.49	98.73	197.46	394.92	789.84	1974.60	3949.20	6.32	6.50	6.50
9-0 TO 9-6 (6/1/85)	40.78	101.94	203.88	407.76	815.52	2038.80	4077.60	6.33	6.51	6.51
9-6 TO10-0 (12/1/85)	42.10	105.26	210.52	421.04	842.08	2105.20	4210.40	6.34	6.50	6.50
10-0 2/ (6/1/86)	43.47	108.68	217.36	434.72	869.44	2173.60	4347.20	6.35 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1946 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.44 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 14

BONDS BEARING ISSUE DATES FROM DEC. 1, 1946 THROUGH MAY 1, 1947

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(6/1/79)	$27.34	$68.35	$136.70	$273.40	$546.80	$1367.00	$2734.00	6.00	6.50	6.50
3-0 TO 3-6 (12/1/79)	28.23	70.57	141.14	282.28	564.56	1411.40	2822.80	6.08	6.49	6.50
3-6 TO 4-0 (6/1/80)	29.14	72.86	145.72	291.44	582.88	1457.20	2914.40	6.14	6.51	6.50
4-0 TO 4-6 (12/1/80)	30.09	75.23	150.46	300.92	601.84	1504.60	3009.20	6.19	6.51	6.50
4-6 TO 5-0 (6/1/81)	31.07	77.68	155.36	310.72	621.44	1553.60	3107.20	6.22	6.49	6.50
5-0 TO 5-6 (12/1/81)	32.08	80.20	160.40	320.80	641.60	1604.00	3208.00	6.25	6.51	6.50
5-6 TO 6-0 (6/1/82)	33.12	82.81	165.62	331.24	662.48	1656.20	3312.40	6.27	6.50	6.50
6-0 TO 6-6 (12/1/82)	34.20	85.50	171.00	342.00	684.00	1710.00	3420.00	6.29	6.50	6.50
6-6 TO 7-0 (6/1/83)	35.31	88.28	176.56	353.12	706.24	1765.60	3531.20	6.31	6.50	6.50
7-0 TO 7-6 (12/1/83)	36.46	91.15	182.30	364.60	729.20	1823.00	3646.00	6.32	6.49	6.50
7-6 TO 8-0 (6/1/84)	37.64	94.11	188.22	376.44	752.88	1882.20	3764.40	6.33	6.50	6.50
8-0 TO 8-6 (12/1/84)	38.87	97.17	194.34	388.68	777.36	1943.40	3886.80	6.34	6.50	6.50
8-6 TO 9-0 (6/1/85)	40.13	100.33	200.66	401.32	802.64	2006.60	4013.20	6.35	6.50	6.50
9-0 TO 9-6 (12/1/85)	41.44	103.59	207.18	414.36	828.72	2071.80	4143.60	6.36	6.49	6.50
9-6 TO10-0 (6/1/86)	42.78	106.95	213.90	427.80	855.60	2139.00	4278.00	6.37	6.51	6.51
10-0 2/ (12/1/86)	44.17	110.43	220.85	441.72	883.44	2208.60	4417.20	6.37 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1946 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.48 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 15

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1947

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(6/1/79)	$26.90	$67.26	$134.52	$269.04	$538.08	$1345.20	$2690.40	6.00	6.51	6.50
2-6 TO 3-0 (12/1/79)	27.78	69.45	138.90	277.80	555.60	1389.00	2778.00	6.10	6.48	6.50
3-0 TO 3-6 (6/1/80)	28.68	71.70	143.40	286.80	573.60	1434.00	2868.00	6.16	6.50	6.50
3-6 TO 4-0 (12/1/80)	29.61	74.03	148.06	296.12	592.24	1480.60	2961.20	6.21	6.51	6.50
4-0 TO 4-6 (6/1/81)	30.58	76.44	152.88	305.76	611.52	1528.80	3057.60	6.25	6.49	6.50
4-6 TO 5-0 (12/1/81)	31.57	78.92	157.84	315.68	631.36	1578.40	3156.80	6.28	6.51	6.50
5-0 TO 5-6 (6/1/82)	32.60	81.49	162.98	325.96	651.92	1629.80	3259.60	6.30	6.50	6.50
5-6 TO 6-0 (12/1/82)	33.66	84.14	168.28	336.56	673.12	1682.80	3365.60	6.32	6.49	6.50
6-0 TO 6-6 (6/1/83)	34.75	86.87	173.74	347.48	694.96	1737.40	3474.80	6.33	6.49	6.50
6-6 TO 7-0 (12/1/83)	35.88	89.69	179.38	358.76	717.52	1792.80	3585.60	6.35	6.51	6.50
7-0 TO 7-6 (6/1/84)	37.04	92.61	185.22	370.44	740.88	1852.20	3704.40	6.36	6.50	6.50
7-6 TO 8-0 (12/1/84)	38.25	95.62	191.24	382.48	764.96	1912.40	3824.80	6.37	6.50	6.50
8-0 TO 8-6 (6/1/85)	39.49	98.73	197.46	394.92	789.84	1974.60	3949.20	6.38	6.50	6.50
8-6 TO 9-0 (12/1/85)	40.78	101.94	203.88	407.76	815.52	2038.80	4077.60	6.38	6.49	6.50
9-0 TO 9-6 (6/1/86)	42.10	105.25	210.50	421.00	842.00	2105.00	4210.00	6.39	6.50	6.50
9-6 TO10-0 (12/1/86)	43.47	108.67	217.34	434.68	869.36	2173.40	4346.80	6.39	6.50	6.50
10-0 2/ (6/1/87)	44.88	112.20	224.40	448.80	897.60	2244.00	4488.00	6.40 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1947 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.52 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 16

BONDS BEARING ISSUE DATES FROM DEC. 1, 1947 THROUGH MAY 1, 1948

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(6/1/79)	$26.47	$66.18	$132.36	$264.72	$529.44	$1323.60	$2647.20	6.00	6.50	6.50
2-0 TO 2-6 (12/1/79)	27.33	68.33	136.66	273.32	546.64	1366.60	2733.20	6.13	6.50	6.50
2-6 TO 3-0 (6/1/80)	28.22	70.55	141.10	282.20	564.40	1411.00	2822.00	6.20	6.48	6.50
3-0 TO 3-6 (12/1/80)	29.14	72.84	145.68	291.36	582.72	1456.80	2913.60	6.25	6.51	6.50
3-6 TO 4-0 (6/1/81)	30.08	75.21	150.42	300.84	601.68	1504.20	3008.40	6.29	6.52	6.50
4-0 TO 4-6 (12/1/81)	31.06	77.66	155.32	310.64	621.28	1553.20	3106.40	6.32	6.49	6.50
4-6 TO 5-0 (6/1/82)	32.07	80.18	160.36	320.72	641.44	1603.60	3207.20	6.33	6.51	6.50
5-0 TO 5-6 (12/1/82)	33.12	82.79	165.58	331.16	662.32	1655.80	3311.60	6.35	6.50	6.50
5-6 TO 6-0 (6/1/83)	34.19	85.48	170.96	341.92	683.84	1709.60	3419.20	6.37	6.49	6.50
6-0 TO 6-6 (12/1/83)	35.30	88.25	176.50	353.00	706.00	1765.00	3530.00	6.38	6.50	6.50
6-6 TO 7-0 (6/1/84)	36.45	91.12	182.24	364.48	728.96	1822.40	3644.80	6.39	6.50	6.50
7-0 TO 7-6 (12/1/84)	37.63	94.08	188.16	376.32	752.64	1881.60	3763.20	6.39	6.51	6.50
7-6 TO 8-0 (6/1/85)	38.86	97.14	194.28	388.56	777.12	1942.80	3885.60	6.40	6.51	6.50
8-0 TO 8-6 (12/1/85)	40.12	100.30	200.60	401.20	802.40	2006.00	4012.00	6.41	6.50	6.50
8-6 TO 9-0 (6/1/86)	41.42	103.56	207.12	414.24	828.48	2071.20	4142.40	6.41	6.49	6.50
9-0 TO 9-6 (12/1/86)	42.77	106.92	213.84	427.68	855.36	2138.40	4276.80	6.42	6.51	6.51
9-6 TO10-0 (6/1/87)	44.16	110.40	220.81	441.60	883.20	2208.00	4416.00	6.42	6.50	6.50
10-0 2/ (12/1/87)	45.60	113.99	227.98	455.96	911.92	2279.80	4559.60	6.43 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1947 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.56 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 17

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1948

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/ (6/1/79)	$26.06	$65.16	$130.28	$260.56	$521.12	$1302.80	$2605.60	0.00	6.51	6.50
1-6 TO 2-0 (12/1/79)	26.90	67.28	134.52	269.04	538.08	1345.20	2690.40	6.17	6.48	6.50
2-0 TO 2-6 (6/1/80)	27.78	69.48	138.88	277.76	555.52	1388.80	2777.60	6.25	6.51	6.50
2-6 TO 3-0 (12/1/80)	28.68	71.70	143.40	286.80	573.60	1434.00	2868.00	6.30	6.50	6.50
3-0 TO 3-6 (6/1/81)	29.61	74.03	148.06	296.12	592.24	1480.60	2961.20	6.33	6.51	6.50
3-6 TO 4-0 (12/1/81)	30.58	76.44	152.88	305.76	611.52	1528.80	3057.60	6.36	6.49	6.50
4-0 TO 4-6 (6/1/82)	31.57	78.92	157.84	315.68	631.36	1578.40	3156.80	6.38	6.51	6.50
4-6 TO 5-0 (12/1/82)	32.60	81.49	162.98	325.96	651.92	1629.80	3259.60	6.39	6.48	6.50
5-0 TO 5-6 (6/1/83)	33.65	84.13	168.26	336.52	673.04	1682.60	3365.20	6.40	6.51	6.50
5-6 TO 6-0 (12/1/83)	34.75	86.87	173.74	347.48	694.96	1737.40	3474.80	6.41	6.49	6.50
6-0 TO 6-6 (6/1/84)	35.88	89.69	179.38	358.76	717.52	1793.80	3587.60	6.42	6.51	6.50
6-6 TO 7-0 (12/1/84)	37.04	92.61	185.22	370.44	740.88	1852.20	3704.40	6.42	6.50	6.50
7-0 TO 7-6 (6/1/85)	38.25	95.62	191.24	382.48	764.96	1912.40	3824.80	6.43	6.48	6.50
7-6 TO 8-0 (12/1/85)	39.49	98.72	197.44	394.88	789.76	1974.40	3948.80	6.43	6.50	6.50
8-0 TO 8-6 (6/1/86)	40.77	101.93	203.86	407.72	815.44	2038.60	4077.20	6.44	6.49	6.50
8-6 TO 9-0 (12/1/86)	42.10	105.24	210.48	420.96	841.92	2104.80	4209.60	6.44	6.50	6.50
9-0 TO 9-6 (6/1/87)	43.46	108.66	217.32	434.64	869.28	2173.20	4346.40	6.44	6.52	6.50
9-6 TO10-0 (12/1/87)	44.88	112.20	224.40	448.80	897.60	2244.00	4488.00	6.45	6.49	6.49
10-0 2/ (6/1/88)	46.34	115.84	231.68	463.36	926.72	2316.80	4633.60	6.45 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1948 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.60 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 18

BONDS BEARING ISSUE DATES FROM DEC. 1, 1948 THROUGH MAY 1, 1949

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/ (6/1/79)	$25.64	$64.11	$128.22	$256.44	$512.88	$1282.20	$2564.40	6.01	6.49	6.50
1-0 TO 1-6 (12/1/79)	26.48	66.19	132.38	264.76	529.52	1323.80	2647.60	6.25	6.50	6.50
1-6 TO 2-0 (6/1/80)	27.34	68.34	136.68	273.36	546.72	1366.80	2733.60	6.33	6.53	6.50
2-0 TO 2-6 (12/1/80)	28.23	70.57	141.14	282.28	564.56	1411.40	2822.80	6.38	6.49	6.50
2-6 TO 3-0 (6/1/81)	29.14	72.86	145.72	291.44	582.88	1457.20	2914.40	6.40	6.51	6.50
3-0 TO 3-6 (12/1/81)	30.09	75.23	150.46	300.92	601.84	1504.60	3009.20	6.42	6.49	6.50
3-6 TO 4-0 (6/1/82)	31.07	77.67	155.34	310.68	621.36	1553.40	3106.80	6.43	6.51	6.50
4-0 TO 4-6 (12/1/82)	32.08	80.20	160.40	320.80	641.60	1604.00	3208.00	6.44	6.48	6.50
4-6 TO 5-0 (6/1/83)	33.12	82.80	165.60	331.20	662.40	1656.00	3312.00	6.44	6.50	6.50
5-0 TO 5-6 (12/1/83)	34.20	85.49	170.98	341.96	683.92	1709.80	3419.60	6.45	6.50	6.50
5-6 TO 6-0 (6/1/84)	35.31	88.27	176.54	353.08	706.16	1765.40	3530.80	6.45	6.50	6.50
6-0 TO 6-6 (12/1/84)	36.46	91.14	182.28	364.56	729.12	1822.80	3645.60	6.46	6.50	6.50
6-6 TO 7-0 (6/1/85)	37.64	94.10	188.20	376.40	752.80	1882.00	3764.00	6.46	6.50	6.50
7-0 TO 7-6 (12/1/85)	38.86	97.16	194.32	388.64	777.28	1943.20	3886.40	6.46	6.50	6.50
7-6 TO 8-0 (6/1/86)	40.13	100.32	200.64	401.28	802.56	2006.40	4012.80	6.47	6.50	6.50
8-0 TO 8-6 (12/1/86)	41.43	103.58	207.16	414.32	828.64	2071.60	4143.20	6.47	6.51	6.50
8-6 TO 9-0 (6/1/87)	42.78	106.95	213.90	427.80	855.60	2139.00	4278.00	6.47	6.49	6.50
9-0 TO 9-6 (12/1/87)	44.17	110.42	220.84	441.68	883.36	2208.40	4416.80	6.47	6.50	6.51
9-6 TO10-0 (6/1/88)	45.60	114.01	228.02	456.04	912.08	2280.20	4560.40	6.47	6.51	6.51
10-0 2/ (12/1/88)	47.09	117.72	235.44	470.88	941.76	2354.40	4708.80	6.48 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1948 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.65 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 19

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1949

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/ (6/1/79)	$25.88	$64.71	$129.42	$258.84	$517.68	$1294.20	$2588.40	——	6.49	6.50
0-6 TO 1-0 (12/1/79)	26.72	66.81	133.62	267.24	534.48	1336.20	2672.40	6.49	6.50	6.50
1-0 TO 1-6 (6/1/80)	27.59	68.98	137.96	275.92	551.84	1379.60	2759.20	6.49	6.52	6.50
1-6 TO 2-0 (12/1/80)	28.48	71.23	142.46	284.92	569.84	1424.60	2849.20	6.50	6.49	6.50
2-0 TO 2-6 (6/1/81)	29.42	73.54	147.08	294.16	588.32	1470.80	2941.60	6.50	6.50	6.50
2-6 TO 3-0 (12/1/81)	30.37	75.93	151.86	303.72	607.44	1518.60	3037.20	6.50	6.51	6.50
3-0 TO 3-6 (6/1/82)	31.36	78.40	156.80	313.60	627.20	1568.00	3136.00	6.50	6.51	6.50
3-6 TO 4-0 (12/1/82)	32.38	80.95	161.90	323.80	647.60	1619.00	3238.00	6.50	6.50	6.50
4-0 TO 4-6 (6/1/83)	33.43	83.58	167.16	334.32	668.64	1671.60	3343.20	6.50	6.48	6.50
4-6 TO 5-0 (12/1/83)	34.52	86.29	172.58	345.16	690.32	1725.80	3451.60	6.50	6.51	6.50
5-0 TO 5-6 (6/1/84)	35.64	89.10	178.20	356.40	712.80	1782.00	3564.00	6.50	6.49	6.50
5-6 TO 6-0 (12/1/84)	36.80	91.99	183.98	367.96	735.92	1839.80	3679.60	6.50	6.50	6.50
6-0 TO 6-6 (6/1/85)	37.99	94.96	189.96	379.92	759.84	1899.60	3799.20	6.50	6.51	6.50
6-6 TO 7-0 (12/1/85)	39.23	98.07	196.14	392.28	784.56	1961.40	3922.80	6.50	6.51	6.50
7-0 TO 7-6 (6/1/86)	40.50	101.26	202.52	405.04	810.08	2025.20	4050.40	6.50	6.50	6.50
7-6 TO 8-0 (12/1/86)	41.82	104.55	209.10	418.20	836.40	2091.00	4182.00	6.50	6.50	6.50
8-0 TO 8-6 (6/1/87)	43.18	107.95	215.90	431.80	863.60	2159.00	4318.00	6.50	6.50	6.50
8-6 TO 9-0 (12/1/87)	44.58	111.46	222.92	445.84	891.68	2229.20	4458.40	6.50	6.50	6.50
9-0 TO 9-6 (6/1/88)	46.03	115.08	230.16	460.32	920.64	2301.60	4603.20	6.50	6.50	6.50
9-6 TO10-0 (12/1/88)	47.53	118.82	237.64	475.28	950.56	2376.40	4752.80	6.50	6.50	6.50
10-0 2/ (6/1/89)	49.07	122.68	245.36	490.72	981.44	2453.60	4907.20	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1949 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.75 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 20

BONDS BEARING ISSUE DATES FROM DEC. 1, 1949 THROUGH MAY 1, 1950

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY DATE
								PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/ (6/1/79)	$25.39	$63.47	$126.94	$253.88	$507.76	$1269.40	$2538.80	5.76	6.49	——
10-0 2/ (12/1/79)	26.21	65.53	131.06	262.12	524.24	1310.60	2621.20	5.80 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO 3RD EXTENDED MATURITY
0-0 TO 0-6 (12/1/79)	$26.21	$65.53	$131.06	$262.12	$524.24	$1310.60	$2621.20	——	6.50	6.50
0-6 TO 1-0 (6/1/80)	27.04	67.66	135.32	270.64	541.28	1353.20	2704.40	6.50	6.50	6.50
1-0 TO 1-6 (12/1/80)	27.94	69.86	139.72	279.44	558.88	1397.20	2794.40	6.50	6.50	6.50
1-6 TO 2-0 (6/1/81)	28.85	72.13	144.26	288.52	577.04	1442.60	2885.20	6.50	6.49	6.50
2-0 TO 2-6 (12/1/81)	29.79	74.47	148.94	297.88	595.76	1489.40	2978.80	6.50	6.50	6.50
2-6 TO 3-0 (6/1/82)	30.76	76.89	153.78	307.56	615.12	1537.80	3075.60	6.50	6.50	6.50
3-0 TO 3-6 (12/1/82)	31.76	79.39	158.78	317.56	635.12	1587.80	3175.60	6.50	6.50	6.50
3-6 TO 4-0 (6/1/83)	32.79	81.97	163.94	327.88	655.76	1639.40	3278.80	6.50	6.51	6.50
4-0 TO 4-6 (12/1/83)	33.86	84.64	169.28	338.56	677.12	1692.80	3385.60	6.50	6.50	6.50
4-6 TO 5-0 (6/1/84)	34.96	87.39	174.78	349.56	699.12	1747.80	3495.60	6.50	6.50	6.50
5-0 TO 5-6 (12/1/84)	36.09	90.23	180.46	360.92	721.84	1804.60	3609.20	6.50	6.49	6.50
5-6 TO 6-0 (6/1/85)	37.26	93.16	186.32	372.64	745.28	1863.20	3726.40	6.50	6.50	6.50
6-0 TO 6-6 (12/1/85)	38.48	96.19	192.38	384.76	769.52	1923.80	3847.60	6.50	6.49	6.50
6-6 TO 7-0 (6/1/86)	39.72	99.31	198.62	397.24	794.48	1986.20	3972.40	6.50	6.50	6.50
7-0 TO 7-6 (12/1/86)	41.02	102.54	205.08	410.16	820.32	2050.80	4101.60	6.50	6.50	6.50
7-6 TO 8-0 (6/1/87)	42.35	105.87	211.74	423.48	846.96	2117.40	4234.80	6.50	6.52	6.50
8-0 TO 8-6 (12/1/87)	43.73	109.32	218.64	437.28	874.56	2186.40	4372.80	6.50	6.49	6.50
8-6 TO 9-0 (6/1/88)	45.15	112.87	225.74	451.48	902.96	2257.40	4514.80	6.50	6.50	6.50
9-0 TO 9-6 (12/1/88)	46.62	116.54	233.08	466.16	932.32	2330.80	4661.60	6.50	6.49	6.49
9-6 TO10-0 (6/1/89)	48.13	120.32	240.64	481.28	962.56	2406.40	4812.80	6.50	6.50	6.50
10-0 4/ (12/1/89)	49.69	124.23	248.46	496.92	993.84	2484.60	4969.20	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1949 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.21 PERCENT; TO 3RD EXTENDED MATURITY DATE IS 4.78 PERCENT.
4/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 AP 2 80 MM

TABLE 21

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1950

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD					
9-0 TO 9-6 1/(6/1/79)	$62.31	$124.62	$249.24	$498.48	$1246.20	$2492.40
9-6 TO10-0 (12/1/79)	64.34	128.68	257.36	514.72	1286.80	2573.60
10-0 2/ (6/1/80)	66.43	132.86	265.72	531.44	1328.60	2657.20

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(6/1/79)	5.80	6.52	6.51
9-6 TO10-0 (12/1/79)	5.84	6.50	6.50
10-0 2/ (6/1/80)	5.87 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**						(8)TO 3RD EXTENDED MATURITY
0-0 TO 0-6 1/(6/1/80)	$66.43	$132.86	$265.72	$531.44	$1328.60	$2657.20	6.50
0-6 TO 1-0 (12/1/80)	68.59	137.18	274.36	548.72	1371.80	2743.60	6.50
1-0 TO 1-6 (6/1/81)	70.82	141.64	283.28	566.56	1416.40	2832.80	6.50
1-6 TO 2-0 (12/1/81)	73.12	146.24	292.48	584.96	1462.40	2924.80	6.51
2-0 TO 2-6 (6/1/82)	75.50	151.00	302.00	604.00	1510.00	3020.00	6.50
2-6 TO 3-0 (12/1/82)	77.95	155.90	311.80	623.60	1559.00	3118.00	6.49
3-0 TO 3-6 (6/1/83)	80.48	160.96	321.92	643.84	1609.60	3219.20	6.50
3-6 TO 4-0 (12/1/83)	83.10	166.20	332.40	664.80	1662.00	3324.00	6.50
4-0 TO 4-6 (6/1/84)	85.80	171.60	343.20	686.40	1716.00	3432.00	6.50
4-6 TO 5-0 (12/1/84)	88.59	177.18	354.38	708.72	1771.80	3543.60	6.50
5-0 TO 5-6 (6/1/85)	91.47	182.94	365.88	731.76	1829.40	3658.80	6.49
5-6 TO 6-0 (12/1/85)	94.44	188.88	377.76	755.52	1888.80	3777.60	6.50
6-0 TO 6-6 (6/1/86)	97.51	195.02	390.04	780.08	1950.20	3900.40	6.50
6-6 TO 7-0 (12/1/86)	100.68	201.36	402.72	805.44	2013.60	4027.20	6.50
7-0 TO 7-6 (6/1/87)	103.95	207.90	415.80	831.60	2079.00	4158.00	6.50
7-6 TO 8-0 (12/1/87)	107.33	214.66	429.32	858.64	2146.60	4293.20	6.50
8-0 TO 8-6 (6/1/88)	110.82	221.64	443.28	886.56	2215.40	4432.80	6.50
8-6 TO 9-0 (12/1/88)	114.42	228.84	457.68	915.36	2288.40	4576.80	6.50
9-0 TO 9-6 (6/1/89)	118.14	236.28	472.56	945.12	2362.80	4725.60	6.50
9-6 TO10-0 (12/1/89)	121.98	243.96	487.92	975.84	2439.60	4879.20	6.49
10-0 4/ (6/1/90)	125.94	251.88	503.76	1007.52	2518.80	5037.60	6.50 3/

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1950 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.26 PERCENT; TO 3RD EXTENDED MATURITY DATE IS 4.82 PERCENT.
4/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 22

BONDS BEARING ISSUE DATE DEC. 1, 1950

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD					
8-6 TO 9-0 1/(6/1/79)	$61.25	$122.50	$245.00	$490.00	$1225.00	$2450.00
9-0 TO 9-6 (12/1/79)	63.24	126.48	252.96	505.92	1264.80	2529.60
9-6 TO10-0 (6/1/80)	65.30	130.60	261.20	522.40	1306.00	2612.00
10-0 2/ (12/1/80)	67.42	134.84	269.68	539.36	1348.40	2696.80

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(6/1/79)	5.82	6.50	6.50
9-0 TO 9-6 (12/1/79)	5.86	6.51	6.50
9-6 TO10-0 (6/1/80)	5.90	6.49	6.49
10-0 2/ (12/1/80)	5.93 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**						(8)TO 3RD EXTENDED MATURITY
0-0 TO 0-6 1/(12/1/80)	$67.42	$134.84	$269.68	$539.36	$1348.40	$2696.80	——
0-6 TO 1-0 (6/1/81)	69.61	139.22	278.44	556.88	1392.20	2784.40	6.50
1-0 TO 1-6 (12/1/81)	71.87	143.74	287.48	574.96	1437.40	2874.80	6.49
1-6 TO 2-0 (6/1/82)	74.21	148.42	296.84	593.68	1484.20	2968.40	6.50
2-0 TO 2-6 (12/1/82)	76.62	153.24	306.48	612.96	1532.40	3064.80	6.50
2-6 TO 3-0 (6/1/83)	79.11	158.22	316.44	632.88	1582.20	3164.40	6.50
3-0 TO 3-6 (12/1/83)	81.68	163.36	326.72	653.44	1633.60	3267.20	6.50
3-6 TO 4-0 (6/1/84)	84.34	168.68	337.36	674.72	1686.80	3373.60	6.50
4-0 TO 4-6 (12/1/84)	87.08	174.16	348.32	696.64	1741.60	3483.20	6.50
4-6 TO 5-0 (6/1/85)	89.91	179.82	359.64	719.28	1798.20	3596.40	6.50
5-0 TO 5-6 (12/1/85)	92.83	185.66	371.32	742.64	1856.60	3713.20	6.50
5-6 TO 6-0 (6/1/86)	95.85	191.70	383.40	766.80	1917.00	3834.00	6.50
6-0 TO 6-6 (12/1/86)	98.96	197.92	395.84	791.68	1979.20	3958.40	6.50
6-6 TO 7-0 (6/1/87)	102.18	204.36	408.72	817.44	2043.60	4087.20	6.50
7-0 TO 7-6 (12/1/87)	105.50	211.00	422.00	844.00	2110.00	4220.00	6.50
7-6 TO 8-0 (6/1/88)	108.93	217.86	435.72	871.44	2178.60	4357.20	6.50
8-0 TO 8-6 (12/1/88)	112.47	224.94	449.88	899.76	2249.40	4498.80	6.50
8-6 TO 9-0 (6/1/89)	116.12	232.24	464.48	928.96	2322.40	4644.80	6.50
9-0 TO 9-6 (12/1/89)	119.90	239.80	479.60	959.20	2398.00	4796.00	6.50
9-6 TO10-0 (6/1/90)	123.79	247.58	495.16	990.32	2475.80	4951.60	6.50
10-0 4/ (12/1/90)	127.82	255.64	511.28	1022.56	2556.40	5112.80	6.50 3/

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1950 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.31 PERCENT; TO 3RD EXTENDED MATURITY DATE IS 4.86 PERCENT.
4/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 23

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1951

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD					
8-6 TO 9-0 1/(7/1/79)	$61.25	$122.50	$245.00	$490.00	$1225.00	$2450.00
9-0 TO 9-6 (1/1/80)	63.24	126.48	252.96	505.92	1264.80	2529.60
9-6 TO10-0 (7/1/80)	65.30	130.60	261.20	522.40	1306.00	2612.00
10-0 2/ (1/1/81)	67.42	134.84	269.68	539.36	1348.40	2696.80

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(7/1/79)	5.82	6.50	6.50
9-0 TO 9-6 (1/1/80)	5.86	6.51	6.50
9-6 TO10-0 (7/1/80)	5.90	6.49	6.49
10-0 2/ (1/1/81)	5.93 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/81)	$67.42	$134.84	$269.68	$539.36	$1348.40	$2696.80	——
0-6 TO 1-0 (1/1/82)	69.61	139.22	278.44	556.88	1392.20	2784.40	6.50
1-0 TO 1-6 (7/1/82)	71.87	143.74	287.48	574.96	1437.40	2874.80	6.49
1-6 TO 2-0 (1/1/83)	74.21	148.42	296.84	593.68	1484.20	2968.40	6.50
2-0 TO 2-6 (7/1/83)	76.62	153.24	306.48	612.96	1532.40	3064.80	6.50
2-6 TO 3-0 (1/1/84)	79.11	158.22	316.44	632.88	1582.20	3164.40	6.50
3-0 TO 3-6 (7/1/84)	81.68	163.36	326.72	653.44	1633.60	3267.20	6.50
3-6 TO 4-0 (1/1/85)	84.34	168.68	337.36	674.72	1686.80	3373.60	6.50
4-0 TO 4-6 (7/1/85)	87.08	174.16	348.32	696.64	1741.60	3483.20	6.50
4-6 TO 5-0 (1/1/86)	89.91	179.82	359.64	719.28	1798.20	3596.40	6.50
5-0 TO 5-6 (7/1/86)	92.83	185.66	371.32	742.64	1856.60	3713.20	6.50
5-6 TO 6-0 (1/1/87)	95.85	191.70	383.40	766.80	1917.00	3834.00	6.50
6-0 TO 6-6 (7/1/87)	98.96	197.92	395.84	791.68	1979.20	3958.40	6.50
6-6 TO 7-0 (1/1/88)	102.18	204.36	408.72	817.44	2043.60	4087.20	6.50
7-0 TO 7-6 (7/1/88)	105.50	211.00	422.00	844.00	2110.00	4220.00	6.50
7-6 TO 8-0 (1/1/89)	108.93	217.86	435.72	871.44	2178.60	4357.20	6.50
8-0 TO 8-6 (7/1/89)	112.47	224.94	449.88	899.76	2249.40	4498.80	6.50
8-6 TO 9-0 (1/1/90)	116.12	232.24	464.48	928.96	2322.40	4644.80	6.50
9-0 TO 9-6 (7/1/90)	119.90	239.80	479.60	959.20	2398.00	4796.00	6.50
9-6 TO10-0 (1/1/91)	123.79	247.58	495.16	990.32	2475.80	4951.60	6.50
10-0 4/ (7/1/91)	127.82	255.64	511.28	1022.56	2556.40	5112.80	6.50 3/

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1951 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.31 PERCENT; TO DATE OF BONUS PAYMENT IS 4.99 PERCENT.
4/ BONUS IS PAID AT 40 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 24

BONDS BEARING ISSUE DATE JUNE 1, 1951

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD					
8-0 TO 8-6 1/(6/1/79)	$60.20	$120.40	$240.80	$481.60	$1204.00	$2408.00
8-6 TO 9-0 (12/1/79)	62.16	124.32	248.64	497.28	1243.20	2486.40
9-0 TO 9-6 (6/1/80)	64.18	128.36	256.72	513.44	1283.60	2567.20
9-6 TO10-0 (12/1/80)	66.24	132.52	265.04	530.08	1325.20	2650.40
10-0 2/ (6/1/81)	68.42	136.84	273.68	547.36	1368.40	2736.80

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(6/1/79)	5.84	6.51	6.50
8-6 TO 9-0 (12/1/79)	5.88	6.50	6.50
9-0 TO 9-6 (6/1/80)	5.92	6.49	6.50
9-6 TO10-0 (12/1/80)	5.95	6.52	6.52
10-0 2/ (6/1/81)	5.98 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/81)	$68.42	$136.84	$273.68	$547.36	$1368.40	$2736.80	——
0-6 TO 1-0 (12/1/81)	70.64	141.28	282.56	565.12	1412.80	2825.60	6.49
1-0 TO 1-6 (6/1/82)	72.94	145.88	291.76	583.52	1458.80	2917.60	6.50
1-6 TO 2-0 (12/1/82)	75.31	150.62	301.24	602.48	1506.20	3012.40	6.50
2-0 TO 2-6 (6/1/83)	77.76	155.52	311.04	622.08	1555.20	3110.40	6.50
2-6 TO 3-0 (12/1/83)	80.28	160.56	321.12	642.24	1605.60	3211.20	6.50
3-0 TO 3-6 (6/1/84)	82.89	165.78	331.56	663.12	1657.80	3315.60	6.50
3-6 TO 4-0 (12/1/84)	85.59	171.18	342.36	684.72	1711.80	3423.60	6.50
4-0 TO 4-6 (6/1/85)	88.37	176.74	353.48	706.96	1767.40	3534.80	6.50
4-6 TO 5-0 (12/1/85)	91.24	182.48	364.96	729.92	1824.80	3649.60	6.50
5-0 TO 5-6 (6/1/86)	94.21	188.42	376.84	753.68	1884.20	3768.40	6.50
5-6 TO 6-0 (12/1/86)	97.27	194.54	389.08	778.16	1945.40	3890.80	6.50
6-0 TO 6-6 (6/1/87)	100.43	200.86	401.72	803.44	2008.60	4017.20	6.50
6-6 TO 7-0 (12/1/87)	103.68	207.36	414.76	829.52	2073.80	4147.60	6.50
7-0 TO 7-6 (6/1/88)	107.06	214.12	428.24	856.48	2141.20	4282.40	6.50
7-6 TO 8-0 (12/1/88)	110.54	221.08	442.16	884.32	2210.80	4421.60	6.50
8-0 TO 8-6 (6/1/89)	114.14	228.28	456.56	913.12	2282.80	4565.60	6.50
8-6 TO 9-0 (12/1/89)	117.85	235.70	471.40	942.80	2357.00	4714.00	6.50
9-0 TO 9-6 (6/1/90)	121.68	243.36	486.72	973.44	2433.60	4867.20	6.50
9-6 TO10-0 (12/1/90)	125.63	251.26	502.52	1005.04	2512.60	5025.20	6.50
10-0 4/ (6/1/91)	136.80	273.60	547.20	1094.40	2736.00	5472.00	7.05 3/

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1951 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.36 PERCENT; TO DATE OF BONUS PAYMENT IS 5.03 PERCENT.
4/ BONUS IS PAID AT 40 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 25

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1951

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD						PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/ 7/1/79	$60.20	$120.40	$240.80	$481.60	$1204.00	$2408.00	5.84	6.51	6.50
0-6 TO 1-0 (1/1/80)	62.16	124.32	248.64	497.28	1243.20	2486.40	5.88	6.50	6.50
1-0 TO 1-6 (7/1/80)	64.18	128.36	256.72	513.44	1283.60	2567.20	5.93	6.48	6.50
1-6 TO 2-0 (1/1/81)	66.26	132.52	265.04	530.08	1325.20	2650.40	5.95	6.52	6.52
2-0 TO 2-6 (7/1/81)	68.42	136.84	273.68	547.36	1368.40	2736.80	5.98 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/ 7/1/81)	$68.42	$136.84	$273.68	$547.36	$1368.40	$2736.80	——	6.49	7.08
0-6 TO 1-0 (1/1/82)	70.44	141.28	282.56	565.12	1412.80	2825.60	6.48	6.51	7.11
1-0 TO 1-6 (7/1/82)	72.54	145.08	291.76	583.52	1458.80	2917.60	6.50	6.50	7.15
1-6 TO 2-0 (1/1/83)	75.31	150.62	301.24	602.48	1506.20	3012.40	6.50	6.51	7.19
2-0 TO 2-6 (7/1/83)	77.78	155.52	311.04	622.08	1555.20	3110.40	6.50	6.48	7.23
2-6 TO 3-0 (1/1/84)	80.28	160.56	321.12	642.24	1605.60	3211.20	6.50	6.50	7.29
3-0 TO 3-6 (7/1/84)	82.89	165.78	331.56	663.12	1657.80	3315.60	6.50	6.51	7.35
3-6 TO 4-0 (1/1/85)	85.59	171.18	342.36	684.72	1711.80	3423.60	6.50	6.50	7.42
4-0 TO 4-6 (7/1/85)	88.37	176.74	353.48	706.96	1767.40	3534.80	6.50	6.50	7.50
4-6 TO 5-0 (1/1/86)	91.24	182.48	364.96	729.92	1824.80	3649.60	6.50	6.51	7.60
5-0 TO 5-6 (7/1/86)	94.21	188.42	376.84	753.68	1884.20	3768.40	6.50	6.50	7.72
5-6 TO 6-0 (1/1/87)	97.27	194.54	389.08	778.16	1945.40	3890.80	6.50	6.50	7.84
6-0 TO 6-6 (7/1/87)	100.43	200.86	401.72	803.44	2008.60	4017.20	6.50	6.49	8.08
6-6 TO 7-0 (1/1/88)	103.69	207.38	414.76	829.52	2073.80	4147.60	6.50	6.50	8.34
7-0 TO 7-6 (7/1/88)	107.06	214.12	428.24	856.48	2141.20	4282.40	6.50	6.50	8.71
7-6 TO 8-0 (1/1/89)	110.54	221.08	442.16	884.32	2210.80	4421.60	6.50	6.51	9.27
8-0 TO 8-6 (7/1/89)	114.14	228.28	456.56	913.12	2282.80	4565.60	6.50	6.50	10.20
8-6 TO 9-0 (1/1/90)	117.85	235.70	471.40	942.80	2357.00	4714.00	6.50	6.50	12.07
9-0 TO 9-6 (7/1/90)	121.68	243.36	486.72	973.44	2433.60	4867.20	6.50	17.78	17.78
9-6 4/ (1/1/91)	132.50	265.00	530.00	1060.00	2650.00	5300.00	7.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1951 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.34 PERCENT; TO DATE OF BONUS PAYMENT IS 5.01 PERCENT.
4/ BONUS IS PAID AT 39 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 24

BONDS BEARING ISSUE DATE DEC. 1, 1951

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/79)	$59.15	$118.30	$236.60	$473.20	$1183.00	$2366.00	5.87	6.49	6.50
8-0 TO 8-6 (12/1/79)	61.07	122.14	244.28	488.56	1221.40	2442.80	5.90	6.52	6.50
8-6 TO 9-0 (6/1/80)	63.06	126.12	252.24	504.48	1261.20	2522.40	5.94	6.50	6.50
9-0 TO 9-6 (12/1/80)	65.11	130.22	260.44	520.88	1302.20	2604.40	5.97	6.48	6.50
9-6 TO10-0 (6/1/81)	67.22	134.44	268.88	537.76	1344.40	2688.80	6.00	6.52	6.52
10-0 2/ (12/1/81)	69.41	138.82	277.64	555.28	1388.20	2776.40	6.02 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/81)	$69.41	$138.82	$277.64	$555.28	$1388.20	$2776.40	——	6.51	7.08
0-6 TO 1-0 (6/1/82)	71.67	143.34	286.68	573.36	1433.40	2866.80	6.51	6.47	7.11
1-0 TO 1-6 (12/1/82)	73.99	147.98	295.96	591.92	1479.80	2959.60	6.49	6.51	7.15
1-6 TO 2-0 (6/1/83)	76.40	152.80	305.60	611.20	1528.00	3056.00	6.50	6.49	7.19
2-0 TO 2-6 (12/1/83)	78.88	157.76	315.52	631.04	1577.60	3155.20	6.50	6.52	7.23
2-6 TO 3-0 (6/1/84)	81.45	162.90	325.80	651.60	1629.00	3258.00	6.50	6.48	7.29
3-0 TO 3-6 (12/1/84)	84.09	168.18	336.36	672.72	1681.80	3363.60	6.50	6.52	7.35
3-6 TO 4-0 (6/1/85)	86.83	173.66	347.32	694.64	1736.60	3473.20	6.50	6.50	7.42
4-0 TO 4-6 (12/1/85)	89.65	179.30	358.60	717.20	1793.00	3586.00	6.50	6.49	7.50
4-6 TO 5-0 (6/1/86)	92.56	185.12	370.24	740.48	1851.20	3702.40	6.50	6.50	7.60
5-0 TO 5-6 (12/1/86)	95.57	191.14	382.28	764.56	1911.40	3822.80	6.50	6.50	7.72
5-6 TO 6-0 (6/1/87)	98.68	197.36	394.72	789.44	1973.60	3947.20	6.50	6.49	7.86
6-0 TO 6-6 (12/1/87)	101.88	203.76	407.52	815.04	2037.60	4075.20	6.50	6.50	8.08
6-6 TO 7-0 (6/1/88)	105.19	210.38	420.76	841.52	2103.80	4207.60	6.50	6.50	8.34
7-0 TO 7-6 (12/1/88)	108.61	217.22	434.44	868.88	2172.20	4344.40	6.50	6.51	8.71
7-6 TO 8-0 (6/1/89)	112.14	224.28	448.56	897.12	2242.80	4485.60	6.50	6.49	9.27
8-0 TO 8-6 (12/1/89)	115.79	231.58	463.16	926.32	2315.80	4631.60	6.50	6.49	10.19
8-6 TO 9-0 (6/1/90)	119.55	239.10	478.20	956.40	2391.00	4782.00	6.50	6.51	12.07
9-0 TO 9-6 (12/1/90)	123.44	246.88	493.76	987.52	2468.80	4937.60	6.50	17.77	17.77
9-6 4/ (6/1/91)	134.41	268.82	537.64	1075.28	2689.20	5378.40	7.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1951 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.41 PERCENT; TO DATE OF BONUS PAYMENT IS 5.09 PERCENT.
4/ BONUS IS PAID AT 39 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 27

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(7/1/79)	$59.15	$118.30	$236.60	$473.20	$1183.00	$2366.00	5.87	6.49	6.50
8-0 TO 8-6 (1/1/80)	61.07	122.14	244.28	488.56	1221.40	2442.80	5.90	6.52	6.50
8-6 TO 9-0 (7/1/80)	63.06	126.12	252.24	504.48	1261.20	2522.40	5.94	6.50	6.50
9-0 TO 9-6 (1/1/81)	65.11	130.22	260.44	520.88	1302.20	2604.40	5.97	6.48	6.50
9-6 TO10-0 (7/1/81)	67.22	134.44	268.88	537.76	1344.40	2688.80	6.00	6.52	6.52
10-0 2/ (1/1/82)	69.41	138.82	277.64	555.28	1388.20	2776.40	6.02 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/82)	$69.41	$138.82	$277.64	$555.28	$1388.20	$2776.40	——	6.51	7.11
0-6 TO 1-0 (7/1/82)	71.67	143.34	286.68	573.36	1433.40	2866.80	6.51	6.47	7.15
1-0 TO 1-6 (1/1/83)	73.99	147.98	295.96	591.92	1479.80	2959.60	6.49	6.51	7.19
1-6 TO 2-0 (7/1/83)	76.40	152.80	305.60	611.20	1528.00	3056.00	6.50	6.49	7.23
2-0 TO 2-6 (1/1/84)	78.88	157.76	315.52	631.04	1577.60	3155.20	6.50	6.52	7.29
2-6 TO 3-0 (7/1/84)	81.45	162.90	325.80	651.60	1629.00	3258.00	6.50	6.48	7.35
3-0 TO 3-6 (1/1/85)	84.09	168.18	336.36	672.72	1681.80	3363.60	6.50	6.52	7.42
3-6 TO 4-0 (7/1/85)	86.83	173.66	347.32	694.64	1736.60	3473.20	6.50	6.50	7.50
4-0 TO 4-6 (1/1/86)	89.65	179.30	358.60	717.20	1793.00	3586.00	6.50	6.49	7.60
4-6 TO 5-0 (7/1/86)	92.56	185.12	370.24	740.48	1851.20	3702.40	6.50	6.50	7.73
5-0 TO 5-6 (1/1/87)	95.57	191.14	382.28	764.56	1911.40	3822.80	6.50	6.51	7.86
5-6 TO 6-0 (7/1/87)	98.68	197.36	394.72	789.44	1973.60	3947.20	6.50	6.49	8.08
6-0 TO 6-6 (1/1/88)	101.88	203.76	407.52	815.04	2037.60	4075.20	6.50	6.50	8.34
6-6 TO 7-0 (7/1/88)	105.19	210.38	420.76	841.52	2103.80	4207.60	6.50	6.50	8.71
7-0 TO 7-6 (1/1/89)	108.61	217.22	434.44	868.88	2172.20	4344.40	6.50	6.50	9.27
7-6 TO 8-0 (7/1/89)	112.14	224.28	448.56	897.12	2242.80	4485.60	6.50	6.51	10.20
8-0 TO 8-6 (1/1/90)	115.79	231.58	463.16	926.32	2315.80	4631.60	6.50	6.49	12.07
8-6 TO 9-0 (7/1/90)	119.55	239.10	478.20	956.40	2391.00	4782.00	6.50	17.78	17.78
9-0 4/ (1/1/91)	130.19	260.38	520.76	1041.52	2603.80	5207.60	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.41 PERCENT; TO DATE OF BONUS PAYMENT IS 5.03 PERCENT.
4/ BONUS IS PAID AT 39 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 26

BONDS BEARING ISSUE DATE MAY 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(7/1/79)	$58.92	$117.84	$235.68	$471.36	$1178.40	$2356.80	$23568.	5.87	6.48	6.50
8-0 TO 8-6 (1/1/80)	60.83	121.66	243.32	486.64	1216.60	2433.20	24332.	5.90	6.51	6.51
8-6 TO 9-0 (7/1/80)	62.81	125.62	251.24	502.48	1256.20	2512.40	25124.	5.94	6.50	6.50
9-0 TO 9-6 (1/1/81)	64.85	129.70	259.40	518.80	1297.00	2594.00	25940.	5.97	6.51	6.51
9-6 TO10-0 (7/1/81)	66.96	133.92	267.84	535.68	1339.20	2678.40	26784.	6.00	6.51	6.51
10-0 2/ (1/1/82)	69.14	138.28	276.56	553.12	1382.80	2765.60	27656.	6.02 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/82)	$69.14	$138.28	$276.56	$553.12	$1382.80	$2765.60	$27656.	——	6.51	7.11
0-6 TO 1-0 (7/1/82)	71.39	142.78	285.56	571.12	1427.80	2855.60	28556.	6.51	6.50	7.15
1-0 TO 1-6 (1/1/83)	73.71	147.42	294.84	589.68	1474.20	2948.40	29484.	6.50	6.48	7.19
1-6 TO 2-0 (7/1/83)	76.10	152.20	304.40	608.80	1522.00	3044.00	30440.	6.50	6.52	7.23
2-0 TO 2-6 (1/1/84)	78.58	157.16	314.32	628.64	1571.60	3143.20	31432.	6.50	6.49	7.29
2-6 TO 3-0 (7/1/84)	81.13	162.26	324.52	649.04	1622.60	3245.20	32452.	6.50	6.51	7.35
3-0 TO 3-6 (1/1/85)	83.77	167.54	335.08	670.16	1675.40	3350.80	33508.	6.50	6.49	7.42
3-6 TO 4-0 (7/1/85)	86.49	172.98	345.96	691.92	1729.80	3459.60	34596.	6.50	6.50	7.50
4-0 TO 4-6 (1/1/86)	89.30	178.60	357.20	714.40	1786.00	3572.00	35720.	6.50	6.49	7.60
4-6 TO 5-0 (7/1/86)	92.20	184.40	368.80	737.60	1844.00	3688.00	36880.	6.50	6.51	7.73
5-0 TO 5-6 (1/1/87)	95.20	190.40	380.80	761.60	1904.00	3808.00	38080.	6.50	6.49	7.86
5-6 TO 6-0 (7/1/87)	98.29	196.58	393.16	786.32	1965.80	3931.60	39316.	6.50	6.51	8.08
6-0 TO 6-6 (1/1/88)	101.49	202.98	405.96	811.92	2029.80	4059.60	40596.	6.50	6.50	8.34
6-6 TO 7-0 (7/1/88)	104.79	209.58	419.16	838.32	2095.80	4191.60	41916.	6.50	6.49	8.71
7-0 TO 7-6 (1/1/89)	108.19	216.38	432.76	865.52	2163.80	4327.60	43276.	6.50	6.51	9.27
7-6 TO 8-0 (7/1/89)	111.71	223.42	446.84	893.68	2234.20	4468.40	44684.	6.50	6.50	10.20
8-0 TO 8-6 (1/1/90)	115.34	230.68	461.36	922.72	2306.80	4613.60	46136.	6.50	6.49	12.07
8-6 TO 9-0 (7/1/90)	119.09	238.18	476.36	952.72	2381.80	4763.60	47636.	6.50	17.78	17.78
9-0 4/ (1/1/91)	129.68	259.36	518.72	1037.44	2593.60	5187.20	51872.	7.11 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.45 PERCENT; TO DATE OF BONUS PAYMENT IS 5.06 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 29

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEP. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	900.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/79)	$59.06	$118.12	$236.24	$472.48	$1181.20	$2362.40	$23624.	5.87	6.50	6.50
8-0 TO 8-6 (2/1/80)	60.98	121.96	243.92	487.84	1219.60	2439.20	24392.	5.91	6.49	6.50
8-6 TO 9-0 (8/1/80)	62.96	125.92	251.84	503.68	1259.20	2518.40	25184.	5.94	6.51	6.50
9-0 TO 9-6 (2/1/81)	65.01	130.02	260.04	520.08	1300.20	2600.40	26004.	5.97	6.49	6.49
9-6 TO10-0 (8/1/81)	67.12	134.24	268.48	536.96	1342.40	2684.80	26848.	6.00	6.50	6.50
10-0 2/ (2/1/82)	69.30	138.60	277.20	554.40	1386.00	2772.00	27720.	6.02 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (2/1/82)	$69.30	$138.60	$277.20	$554.40	$1386.00	$2772.00	$27720.	——	6.49	7.11
0-6 TO 1-0 (8/1/82)	71.55	143.10	286.20	572.40	1431.00	2862.00	28620.	6.49	6.51	7.15
1-0 TO 1-6 (2/1/83)	73.98	147.96	295.92	591.84	1477.60	2955.20	29552.	6.50	6.50	7.19
1-6 TO 2-0 (8/1/83)	76.28	152.56	305.12	610.24	1525.60	3051.20	30512.	6.50	6.50	7.23
2-0 TO 2-6 (2/1/84)	78.76	157.52	315.04	630.08	1575.20	3150.40	31504.	6.50	6.50	7.29
2-6 TO 3-0 (8/1/84)	81.32	162.64	325.28	650.56	1626.40	3252.80	32528.	6.50	6.49	7.35
3-0 TO 3-6 (2/1/85)	83.96	167.92	335.84	671.68	1679.20	3358.40	33584.	6.50	6.50	7.42
3-6 TO 4-0 (8/1/85)	86.69	173.38	346.76	693.52	1733.80	3467.60	34676.	6.50	6.51	7.50
4-0 TO 4-6 (2/1/86)	89.51	179.02	358.04	716.08	1790.20	3580.40	35804.	6.50	6.50	7.60
4-6 TO 5-0 (8/1/86)	92.42	184.84	369.68	739.36	1848.40	3696.80	36968.	6.50	6.49	7.72
5-0 TO 5-6 (2/1/87)	95.42	190.84	381.68	763.36	1908.40	3816.80	38168.	6.50	6.50	7.88
5-6 TO 6-0 (8/1/87)	98.52	197.04	394.08	788.16	1970.40	3940.80	39408.	6.50	6.50	8.08
6-0 TO 6-6 (2/1/88)	101.72	203.44	406.88	813.76	2034.40	4068.80	40688.	6.50	6.51	8.34
6-6 TO 7-0 (8/1/88)	105.03	210.06	420.12	840.24	2100.60	4201.20	42012.	6.50	6.49	8.71
7-0 TO 7-6 (2/1/89)	108.44	216.88	433.76	867.52	2168.80	4337.60	43376.	6.50	6.51	9.27
7-6 TO 8-0 (8/1/89)	111.97	223.94	447.88	895.76	2239.40	4478.80	44788.	6.50	6.48	10.19
8-0 TO 8-6 (2/1/90)	115.60	231.20	462.40	924.80	2312.00	4624.00	46240.	6.50	6.51	12.07
8-6 TO 9-0 (8/1/90)	119.36	238.72	477.44	954.88	2387.20	4774.40	47744.	6.50	17.79	17.79
9-0 4/ (2/1/91)	120.98	259.96	519.92	1039.84	2599.60	5199.20	51992.	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.46 PERCENT; TO DATE OF BONUS PAYMENT IS 5.07 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.
* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 30

BONDS BEARING ISSUE DATE OCT. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	900.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/79)	$57.92	$115.84	$231.68	$463.36	$1158.40	$2316.80	$23168.	5.89	6.49	6.50
7-6 TO 8-0 (12/1/79)	59.80	119.60	239.20	478.40	1196.00	2392.00	23920.	5.93	6.52	6.50
8-0 TO 8-6 (6/1/80)	61.75	123.50	247.00	494.00	1235.00	2470.00	24700.	5.97	6.48	6.49
8-6 TO 9-0 (12/1/80)	63.75	127.50	255.00	510.00	1275.00	2550.00	25500.	6.00	6.50	6.50
9-0 TO 9-6 (6/1/81)	65.82	131.64	263.28	526.56	1316.40	2632.80	26320.	6.03	6.50	6.50
9-6 TO10-0 (12/1/81)	67.96	135.92	271.84	543.68	1359.20	2718.40	27184.	6.05	6.50	6.50
10-0 2/ (6/1/82)	70.17	140.34	280.68	561.36	1403.40	2806.80	28068.	6.07 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/82)	$70.17	$140.34	$280.68	$561.36	$1403.40	$2806.80	$28068.	——	6.50	7.11
0-6 TO 1-0 (12/1/82)	72.45	144.90	289.80	579.60	1449.00	2898.00	28980.	6.50	6.50	7.15
1-0 TO 1-6 (6/1/83)	74.81	149.62	299.24	598.48	1496.20	2992.40	29924.	6.50	6.50	7.19
1-6 TO 2-0 (12/1/83)	77.24	154.48	308.96	617.92	1544.80	3089.60	30896.	6.50	6.50	7.23
2-0 TO 2-6 (6/1/84)	79.75	159.50	319.00	638.00	1595.00	3190.00	31900.	6.50	6.50	7.29
2-6 TO 3-0 (12/1/84)	82.34	164.68	329.36	658.72	1646.80	3293.60	32936.	6.50	6.50	7.35
3-0 TO 3-6 (6/1/85)	85.01	170.02	340.04	680.08	1700.20	3400.40	34004.	6.50	6.49	7.42
3-6 TO 4-0 (12/1/85)	87.78	175.56	351.12	702.24	1755.60	3511.20	35112.	6.50	6.52	7.50
4-0 TO 4-6 (6/1/86)	90.63	181.26	362.52	725.04	1812.60	3625.20	36252.	6.50	6.49	7.60
4-6 TO 5-0 (12/1/86)	93.58	187.16	374.32	748.64	1871.60	3743.20	37432.	6.50	6.50	7.73
5-0 TO 5-6 (6/1/87)	96.62	193.24	386.48	772.96	1932.40	3864.80	38648.	6.50	6.50	7.88
5-6 TO 6-0 (12/1/87)	99.76	199.52	399.04	798.08	1995.20	3990.40	39904.	6.50	6.50	8.08
6-0 TO 6-6 (6/1/88)	103.00	206.00	412.00	824.00	2060.00	4120.00	41200.	6.50	6.50	8.34
6-6 TO 7-0 (12/1/88)	106.35	212.70	425.40	850.80	2127.00	4254.00	42540.	6.50	6.49	8.71
7-0 TO 7-6 (6/1/89)	109.80	219.60	439.20	878.40	2196.00	4392.00	43920.	6.50	6.50	9.27
7-6 TO 8-0 (12/1/89)	113.37	226.74	453.48	906.96	2267.40	4534.80	45348.	6.50	6.51	10.21
8-0 TO 8-6 (6/1/90)	117.06	234.12	468.24	936.48	2341.20	4682.40	46824.	6.50	17.77	17.77
8-6 4/ (12/1/90)	120.86	241.72	483.44	966.88	2417.20	4834.40	48344.	6.50	17.81	17.81
9-0 4/ (6/1/91)	131.62	263.24	526.48	1052.96	2632.40	5264.80	52648.	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.50 PERCENT; TO DATE OF BONUS PAYMENT IS 5.10 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.
* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 31

BONDS BEARING ISSUE DATE NOV. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	900.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/79)	$57.92	$115.84	$231.68	$463.36	$1158.40	$2316.80	$23168.	5.89	6.49	6.50
7-6 TO 8-0 (1/1/80)	59.83	119.60	239.20	478.40	1196.00	2392.00	23920.	5.93	6.52	6.50
8-0 TO 8-6 (7/1/80)	61.75	123.50	247.00	494.00	1235.00	2470.00	24700.	5.97	6.48	6.49
8-6 TO 9-0 (1/1/81)	63.75	127.50	255.00	510.00	1275.00	2550.00	25500.	6.00	6.49	6.50
9-0 TO 9-6 (7/1/81)	65.82	131.64	263.28	526.56	1316.40	2632.80	26328.	6.03	6.50	6.50
9-6 TO10-0 (1/1/82)	67.96	135.92	271.84	543.68	1359.20	2718.40	27184.	6.05	6.50	6.50
10-0 2/ (7/1/82)	70.17	140.34	280.68	561.36	1403.40	2806.80	28068.	6.07 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/82)	$70.17	$140.34	$280.68	$561.36	$1403.40	$2806.80	$28068.	——	6.50	7.15
0-6 TO 1-0 (1/1/83)	72.45	144.90	289.80	579.60	1449.00	2898.00	28980.	6.50	6.51	7.19
1-0 TO 1-6 (7/1/83)	74.81	149.62	299.24	598.48	1496.20	2992.40	29924.	6.51	6.50	7.23
1-6 TO 2-0 (1/1/84)	77.24	154.48	308.96	617.92	1544.80	3089.60	30896.	6.50	6.50	7.29
2-0 TO 2-6 (7/1/84)	79.75	159.50	319.00	638.00	1595.00	3190.00	31900.	6.50	6.50	7.35
2-6 TO 3-0 (1/1/85)	82.34	164.68	329.36	658.72	1646.80	3293.60	32936.	6.50	6.49	7.42
3-0 TO 3-6 (7/1/85)	85.01	170.02	340.04	680.08	1700.20	3400.40	34004.	6.50	6.52	7.50
3-6 TO 4-0 (1/1/86)	87.78	175.56	351.12	702.24	1755.60	3511.20	35112.	6.50	6.49	7.60
4-0 TO 4-6 (7/1/86)	90.63	181.26	362.52	725.04	1812.60	3625.20	36252.	6.50	6.51	7.72
4-6 TO 5-0 (1/1/87)	93.58	187.16	374.32	748.64	1871.60	3743.20	37432.	6.50	6.50	7.88
5-0 TO 5-6 (7/1/87)	96.62	193.24	386.48	772.96	1932.40	3864.80	38648.	6.50	6.50	8.08
5-6 TO 6-0 (1/1/88)	99.76	199.52	399.04	798.08	1995.20	3990.40	39904.	6.50	6.50	8.34
6-0 TO 6-6 (7/1/88)	103.00	206.00	412.00	824.00	2060.00	4120.00	41200.	6.50	6.50	8.71
6-6 TO 7-0 (1/1/89)	106.35	212.70	425.40	850.80	2127.00	4254.00	42540.	6.50	6.49	9.26
7-0 TO 7-6 (7/1/89)	109.80	219.60	439.20	878.40	2196.00	4392.00	43920.	6.50	6.50	10.19
7-6 TO 8-0 (1/1/90)	113.37	226.74	453.48	906.96	2267.40	4534.80	45348.	6.50	6.51	12.06
8-0 TO 8-6 (7/1/90)	117.06	234.12	468.24	936.48	2341.20	4682.40	46824.	6.50	17.77	17.77
8-6 4/ (1/1/91)	127.46	254.92	509.84	1019.68	2549.20	5098.40	50984.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.50 PERCENT; TO DATE OF BONUS PAYMENT IS 5.09 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.
* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 32

BONDS BEARING ISSUE DATES FROM DEC. 1, 1952 THROUGH MAR. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	900.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(8/1/79)	$58.07	$116.14	$232.28	$464.56	$1161.40	$2322.80	$23228.	5.89	6.51	6.50
7-6 TO 8-0 (2/1/80)	59.96	119.92	239.84	479.68	1199.20	2398.40	23984.	5.93	6.50	6.50
8-0 TO 8-6 (8/1/80)	61.91	123.82	247.64	495.28	1238.20	2476.40	24764.	5.97	6.49	6.49
8-6 TO 9-0 (2/1/81)	63.92	127.84	255.68	511.36	1278.40	2556.80	25568.	6.00	6.51	6.49
9-0 TO 9-6 (8/1/81)	66.00	132.00	264.00	528.00	1320.00	2640.00	26400.	6.03	6.48	6.49
9-6 TO10-0 (2/1/82)	68.14	136.28	272.58	545.12	1362.80	2725.60	27256.	6.05	6.49	6.49
10-0 2/ (8/1/82)	70.35	140.70	281.40	562.80	1407.00	2814.00	28140.	6.07 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (8/1/82)	$70.35	$140.70	$281.40	$562.80	$1407.00	$2814.00	$28140.	——	6.51	7.15
0-6 TO 1-0 (2/1/83)	72.64	145.28	290.56	581.12	1452.80	2905.60	29056.	6.51	6.50	7.19
1-0 TO 1-6 (8/1/83)	75.00	150.00	300.00	600.00	1500.00	3000.00	30000.	6.50	6.48	7.24
1-6 TO 2-0 (2/1/84)	77.43	154.86	309.72	619.44	1549.60	3097.20	30972.	6.50	6.51	7.29
2-0 TO 2-6 (8/1/84)	79.95	159.90	319.80	639.60	1599.00	3198.00	31980.	6.50	6.50	7.35
2-6 TO 3-0 (2/1/85)	82.55	165.10	330.20	660.40	1651.00	3302.00	33020.	6.50	6.49	7.42
3-0 TO 3-6 (8/1/85)	85.23	170.46	340.92	681.84	1704.60	3409.20	34092.	6.50	6.50	7.50
3-6 TO 4-0 (2/1/86)	88.00	176.00	352.00	704.00	1760.00	3520.00	35200.	6.50	6.51	7.61
4-0 TO 4-6 (8/1/86)	90.86	181.72	363.44	726.88	1817.20	3634.40	36344.	6.50	6.52	7.73
4-6 TO 5-0 (2/1/87)	93.82	187.64	375.28	750.56	1876.40	3752.80	37528.	6.50	6.48	7.88
5-0 TO 5-6 (8/1/87)	96.86	193.72	387.44	774.88	1937.20	3874.40	38744.	6.50	6.50	8.08
5-6 TO 6-0 (2/1/88)	100.01	200.02	400.04	800.08	2000.20	4000.40	40004.	6.50	6.50	8.35
6-0 TO 6-6 (8/1/88)	103.26	206.52	413.04	826.08	2065.20	4130.40	41304.	6.50	6.51	8.72
6-6 TO 7-0 (2/1/89)	106.62	213.24	426.48	852.96	2132.40	4264.80	42648.	6.50	6.49	9.27
7-0 TO 7-6 (8/1/89)	110.08	220.16	440.32	880.64	2201.60	4403.20	44032.	6.50	6.50	10.21
7-6 TO 8-0 (2/1/90)	113.66	227.32	454.64	909.28	2273.20	4546.40	45464.	6.50	6.51	12.08
8-0 TO 8-6 (8/1/90)	117.36	234.72	469.44	938.88	2347.20	4694.40	46944.	6.50	17.81	17.81
8-6 4/ (2/1/91)	127.81	255.62	511.24	1022.48	2556.20	5112.40	51124.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.51 PERCENT; TO DATE OF BONUS PAYMENT IS 5.09 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.
* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 33

BONDS BEARING ISSUE DATE APR. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(6/1/79)	$56.93	$113.86	$227.72	$455.44	$1138.60	$2277.20	$22772.	5.92	6.50	6.50
7-0 TO 7-6	(12/1/79)	58.78	117.56	235.12	470.24	1175.60	2351.20	23512.	5.96	6.50	6.50
7-6 TO 8-0	(6/1/80)	60.69	121.38	242.76	485.52	1213.80	2427.60	24276.	6.00	6.49	6.50
8-0 TO 8-6	(12/1/80)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	6.03	6.51	6.51
8-6 TO 9-0	(6/1/81)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	6.06	6.49	6.50
9-0 TO 9-6	(12/1/81)	66.80	133.60	267.20	534.40	1336.00	2672.00	26720.	6.08	6.50	6.51
9-6 TO10-0	(6/1/82)	68.97	137.94	275.88	551.76	1379.40	2758.80	27588.	6.10	6.52	6.52
10-0 2/	(12/1/82)	71.22	142.44	284.88	569.76	1424.40	2848.80	28488.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/82)	$71.22	$142.44	$284.88	$569.76	$1424.40	$2848.80	$28488.	——	6.49	7.15
0-6 TO 1-0	(6/1/83)	73.53	147.06	294.12	588.24	1470.60	2941.20	29412.	6.49	6.50	7.19
1-0 TO 1-6	(12/1/83)	75.92	151.84	303.68	607.36	1518.40	3036.80	30368.	6.49	6.51	7.23
1-6 TO 2-0	(6/1/84)	78.39	156.78	313.56	627.12	1567.80	3135.60	31356.	6.50	6.51	7.29
2-0 TO 2-6	(12/1/84)	80.94	161.88	323.76	647.52	1618.80	3237.60	32376.	6.50	6.50	7.35
2-6 TO 3-0	(6/1/85)	83.57	167.14	334.28	668.56	1671.40	3342.80	33428.	6.50	6.51	7.42
3-0 TO 3-6	(12/1/85)	86.29	172.58	345.16	690.32	1725.80	3451.60	34516.	6.50	6.49	7.50
3-6 TO 4-0	(6/1/86)	89.09	178.18	356.36	712.72	1781.80	3563.60	35636.	6.50	6.51	7.60
4-0 TO 4-6	(12/1/86)	91.99	183.98	367.96	735.92	1839.80	3679.60	36796.	6.50	6.50	7.72
4-6 TO 5-0	(6/1/87)	94.98	189.96	379.92	759.84	1899.60	3799.20	37992.	6.50	6.49	7.86
5-0 TO 5-6	(12/1/87)	98.06	196.12	392.24	784.48	1961.20	3922.40	39224.	6.50	6.51	8.04
5-6 TO 6-0	(6/1/88)	101.25	202.50	405.00	810.00	2025.00	4050.00	40500.	6.50	6.50	8.24
6-0 TO 6-6	(12/1/88)	104.54	209.08	418.16	836.32	2090.80	4181.60	41816.	6.50	6.50	8.47
6-6 TO 7-0	(6/1/89)	107.94	215.88	431.76	863.52	2158.80	4317.60	43176.	6.50	6.50	8.71
7-0 TO 7-6	(12/1/89)	111.45	222.90	445.80	891.60	2229.00	4458.00	44580.	6.50	6.50	10.19
7-6 TO 8-0	(6/1/90)	115.07	230.14	460.28	920.56	2301.40	4602.80	46028.	6.50	6.50	12.06
8-0 TO 8-6	(12/1/90)	118.81	237.62	475.24	950.48	2376.20	4752.40	47524.	6.50	17.78	17.79
8-6 4/	(6/1/91)	129.37	258.74	517.48	1034.96	2587.40	5174.80	51748.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.55 PERCENT; TO DATE OF BONUS PAYMENT IS 5.13 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 34

BONDS BEARING ISSUE DATE MAY 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(7/1/79)	$56.93	$113.86	$227.72	$455.44	$1138.60	$2277.20	$22772.	5.92	6.50	6.50
7-0 TO 7-6	(1/1/80)	58.78	117.56	235.12	470.24	1175.60	2351.20	23512.	5.96	6.50	6.50
7-6 TO 8-0	(7/1/80)	60.69	121.38	242.76	485.52	1213.80	2427.60	24276.	6.00	6.49	6.50
8-0 TO 8-6	(1/1/81)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	6.03	6.51	6.51
8-6 TO 9-0	(7/1/81)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	6.06	6.49	6.50
9-0 TO 9-6	(1/1/82)	66.80	133.60	267.20	534.40	1336.00	2672.00	26720.	6.08	6.50	6.51
9-6 TO10-0	(7/1/82)	68.97	137.94	275.88	551.76	1379.40	2758.80	27588.	6.10	6.52	6.52
10-0 2/	(1/1/83)	71.22	142.44	284.88	569.76	1424.40	2848.80	28488.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/83)	$71.22	$142.44	$284.88	$569.76	$1424.40	$2848.80	$28488.	——	6.49	7.19
0-6 TO 1-0	(7/1/83)	73.53	147.06	294.12	588.24	1470.60	2941.20	29412.	6.49	6.50	7.23
1-0 TO 1-6	(1/1/84)	75.92	151.84	303.68	607.36	1518.40	3036.80	30368.	6.49	6.51	7.29
1-6 TO 2-0	(7/1/84)	78.39	156.78	313.56	627.12	1567.80	3135.60	31356.	6.50	6.51	7.35
2-0 TO 2-6	(1/1/85)	80.94	161.88	323.76	647.52	1618.80	3237.60	32376.	6.50	6.50	7.42
2-6 TO 3-0	(7/1/85)	83.57	167.14	334.28	668.56	1671.40	3342.80	33428.	6.50	6.51	7.50
3-0 TO 3-6	(1/1/86)	86.29	172.58	345.16	690.32	1725.80	3451.60	34516.	6.50	6.49	7.60
3-6 TO 4-0	(7/1/86)	89.09	178.18	356.36	712.72	1781.80	3563.60	35636.	6.50	6.51	7.72
4-0 TO 4-6	(1/1/87)	91.99	183.98	367.96	735.92	1839.80	3679.60	36796.	6.50	6.50	7.86
4-6 TO 5-0	(7/1/87)	94.98	189.96	379.92	759.84	1899.60	3799.20	37992.	6.50	6.49	8.04
5-0 TO 5-6	(1/1/88)	98.06	196.12	392.24	784.48	1961.20	3922.40	39224.	6.50	6.51	8.24
5-6 TO 6-0	(7/1/88)	101.25	202.50	405.00	810.00	2025.00	4050.00	40500.	6.50	6.50	8.47
6-0 TO 6-6	(1/1/89)	104.54	209.08	418.16	836.32	2090.80	4181.60	41816.	6.50	6.50	8.71
6-6 TO 7-0	(7/1/89)	107.94	215.88	431.76	863.52	2158.80	4317.60	43176.	6.50	6.50	10.19
7-0 TO 7-6	(1/1/90)	111.45	222.90	445.80	891.60	2229.00	4458.00	44580.	6.50	6.50	12.06
7-6 TO 8-0	(7/1/90)	115.07	230.14	460.28	920.56	2301.40	4602.80	46028.	6.50	17.78	17.79
8-0 4/	(1/1/91)	126.30	252.60	505.20	1010.40	2526.00	5052.80	50528.	7.19 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.55 PERCENT; TO DATE OF BONUS PAYMENT IS 5.11 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 35

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEP. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(6/1/79)	$56.93	$113.86	$227.72	$455.44	$1138.60	$2277.20	$22772.	5.92	6.50	6.50
7-0 TO 7-6	(12/1/79)	58.78	117.56	235.12	470.24	1175.60	2351.20	23512.	5.96	6.50	6.50
7-6 TO 8-0	(6/1/80)	60.69	121.38	242.76	485.52	1213.80	2427.60	24276.	6.00	6.49	6.50
8-0 TO 8-6	(12/1/80)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	6.03	6.51	6.51
8-6 TO 9-0	(6/1/81)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	6.06	6.49	6.50
9-0 TO 9-6	(12/1/81)	66.80	133.60	267.20	534.40	1336.00	2672.00	26720.	6.08	6.50	6.51
9-6 TO10-0	(6/1/82)	68.97	137.94	275.88	551.76	1379.40	2758.80	27588.	6.10	6.52	6.52
10-0 2/	(12/1/82)	71.22	142.44	284.88	569.76	1424.40	2848.80	28488.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/82)	$71.22	$142.44	$284.88	$569.76	$1424.40	$2848.80	$28488.	——	6.49	7.15
0-6 TO 1-0	(6/1/83)	73.53	147.06	294.12	588.24	1470.60	2941.20	29412.	6.49	6.50	7.19
1-0 TO 1-6	(12/1/83)	75.92	151.84	303.68	607.36	1518.40	3036.80	30368.	6.49	6.51	7.23
1-6 TO 2-0	(6/1/84)	78.39	156.78	313.56	627.12	1567.80	3135.60	31356.	6.50	6.51	7.29
2-0 TO 2-6	(12/1/84)	80.94	161.88	323.76	647.52	1618.80	3237.60	32376.	6.50	6.50	7.35
2-6 TO 3-0	(6/1/85)	83.57	167.14	334.28	668.56	1671.40	3342.80	33428.	6.50	6.51	7.42
3-0 TO 3-6	(12/1/85)	86.29	172.58	345.16	690.32	1725.80	3451.60	34516.	6.50	6.49	7.50
3-6 TO 4-0	(6/1/86)	89.09	178.18	356.36	712.72	1781.80	3563.60	35636.	6.50	6.51	7.60
4-0 TO 4-6	(12/1/86)	91.99	183.98	367.96	735.92	1839.80	3679.60	36796.	6.50	6.50	7.72
4-6 TO 5-0	(6/1/87)	94.98	189.96	379.92	759.84	1899.60	3799.20	37992.	6.50	6.49	7.86
5-0 TO 5-6	(12/1/87)	98.06	196.12	392.24	784.48	1961.20	3922.40	39224.	6.50	6.51	8.04
5-6 TO 6-0	(6/1/88)	101.25	202.50	405.00	810.00	2025.00	4050.00	40500.	6.50	6.50	8.24
6-0 TO 6-6	(12/1/88)	104.54	209.08	418.16	836.32	2090.80	4181.60	41816.	6.50	6.50	8.47
6-6 TO 7-0	(6/1/89)	107.94	215.88	431.76	863.52	2158.80	4317.60	43176.	6.50	6.50	8.71
7-0 TO 7-6	(12/1/89)	111.45	222.90	445.80	891.60	2229.00	4458.00	44580.	6.50	6.50	10.19
7-6 TO 8-0	(6/1/90)	115.07	230.14	460.28	920.56	2301.40	4602.80	46028.	6.50	6.50	12.06
8-0 TO 8-6	(12/1/90)	118.81	237.62	475.24	950.48	2376.20	4752.40	47524.	6.50	17.78	17.79
8-6 4/	(6/1/91)	129.37	258.74	517.48	1034.96	2587.40	5174.80	51748.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1953 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.56 PERCENT; TO DATE OF BONUS PAYMENT IS 5.11 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 36

BONDS BEARING ISSUE DATE OCT. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(6/1/79)	$55.97	$111.94	$223.88	$447.76	$1119.40	$2238.80	$22388.	5.96	6.50	6.50
6-6 TO 7-0	(12/1/79)	57.79	115.58	231.16	462.32	1195.80	2311.60	23116.	6.00	6.51	6.50
7-0 TO 7-6	(6/1/80)	59.67	119.34	238.68	477.36	1193.40	2386.80	23868.	6.04	6.50	6.50
7-6 TO 8-0	(12/1/80)	61.61	123.22	246.44	492.88	1232.20	2464.40	24644.	6.07	6.49	6.50
8-0 TO 8-6	(6/1/81)	63.61	127.22	254.44	508.88	1272.20	2544.40	25444.	6.09	6.51	6.50
8-6 TO 9-0	(12/1/81)	65.68	131.36	262.72	525.44	1313.60	2627.20	26272.	6.12	6.49	6.50
9-0 TO 9-6	(6/1/82)	67.81	135.62	271.24	542.48	1356.20	2712.40	27124.	6.14	6.49	6.50
9-6 TO10-0	(12/1/82)	70.01	140.02	280.04	560.08	1400.20	2800.40	28004.	6.16	6.51	6.51
10-0 2/	(6/1/83)	72.29	144.58	289.16	578.32	1445.80	2891.60	28916.	6.18 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/83)	$72.29	$144.58	$289.16	$578.32	$1445.80	$2891.60	$28916.	——	6.50	7.19
0-6 TO 1-0	(12/1/83)	74.64	149.28	298.56	597.12	1492.80	2985.60	29856.	6.50	6.51	7.23
1-0 TO 1-6	(6/1/84)	77.07	154.14	308.28	616.56	1541.40	3082.80	30828.	6.50	6.49	7.29
1-6 TO 2-0	(12/1/84)	79.57	159.14	318.28	636.56	1591.40	3182.80	31828.	6.50	6.51	7.35
2-0 TO 2-6	(6/1/85)	82.14	164.32	328.64	657.28	1643.20	3286.40	32864.	6.50	6.50	7.42
2-6 TO 3-0	(12/1/85)	84.83	169.68	339.32	678.64	1696.60	3393.20	33932.	6.50	6.49	7.50
3-0 TO 3-6	(6/1/86)	87.58	175.16	350.32	700.64	1751.60	3503.20	35032.	6.50	6.51	7.60
3-6 TO 4-0	(12/1/86)	90.43	180.86	361.72	723.44	1808.60	3617.20	36172.	6.50	6.50	7.73
4-0 TO 4-6	(6/1/87)	93.37	186.74	373.48	746.96	1867.40	3734.80	37348.	6.50	6.49	7.86
4-6 TO 5-0	(12/1/87)	96.40	192.80	385.60	771.20	1928.00	3856.00	38560.	6.50	6.51	8.04
5-0 TO 5-6	(6/1/88)	99.54	199.08	398.16	796.32	1990.80	3981.60	39816.	6.50	6.49	8.24
5-6 TO 6-0	(12/1/88)	102.77	205.54	411.08	822.16	2055.40	4110.80	41108.	6.50	6.50	8.47
6-0 TO 6-6	(6/1/89)	106.11	212.22	424.44	848.88	2122.20	4244.40	42444.	6.50	6.50	8.71
6-6 TO 7-0	(12/1/89)	109.56	219.12	438.24	876.48	2191.20	4382.40	43824.	6.50	6.50	10.20
7-0 TO 7-6	(6/1/90)	113.12	226.24	452.48	904.96	2262.40	4524.80	45248.	6.50	6.51	12.07
7-6 TO 8-0	(12/1/90)	116.80	233.60	467.20	934.40	2336.00	4672.00	46720.	6.50	17.79	17.79
8-0 4/	(6/1/91)	127.19	254.38	508.76	1017.52	2543.80	5087.60	50876.	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.60 PERCENT; TO DATE OF BONUS PAYMENT IS 5.15 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 37

BONDS BEARING ISSUE DATE NOV. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
6-0 TO 6-6 1/(7/1/79)	$55.97	$111.94	$223.88	$447.76	$1119.40	$2238.80	$22388.	5.96	6.50	6.50
6-6 TO 7-0 (1/1/80)	57.79	115.58	231.16	462.32	1155.80	2311.60	23116.	6.00	6.51	6.50
7-0 TO 7-6 (6/1/80)	59.67	119.34	238.68	477.36	1193.40	2386.80	23868.	6.04	6.50	6.50
7-6 TO 8-0 (1/1/81)	61.61	123.22	246.44	492.88	1232.20	2464.40	24644.	6.07	6.49	6.50
8-0 TO 8-6 (6/1/81)	63.61	127.22	254.44	508.88	1272.20	2544.40	25444.	6.09	6.51	6.50
8-6 TO 9-0 (1/1/82)	65.65	131.30	262.72	525.44	1313.60	2627.20	26272.	6.12	6.49	6.50
9-0 TO 9-6 (6/1/82)	67.79	135.58	271.16	542.32	1355.80	2712.40	27124.	6.14	6.49	6.50
9-6 TO10-0 (1/1/83)	70.01	140.02	280.04	560.08	1400.20	2800.40	28004.	6.16	6.51	6.51
10-0 2/ (6/1/83)	72.29	144.58	289.16	578.32	1445.80	2891.60	28916.	6.18 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/83)	$72.29	$144.58	$289.16	$578.32	$1445.80	$2891.60	$28916.	——	6.50	7.23
0-6 TO 1-0 (1/1/84)	74.64	149.28	298.56	597.12	1492.80	2985.60	29856.	6.56	6.51	7.29
1-0 TO 1-6 (6/1/84)	77.07	154.14	308.28	616.56	1541.40	3082.80	30828.	6.51	6.49	7.35
1-6 TO 2-0 (1/1/85)	79.57	159.14	318.28	636.56	1591.40	3182.80	31828.	6.50	6.51	7.42
2-0 TO 2-6 (7/1/85)	82.16	164.32	328.64	657.28	1643.20	3286.40	32864.	6.50	6.49	7.50
2-6 TO 3-0 (1/1/86)	84.83	169.66	339.32	678.64	1696.60	3393.20	33932.	6.50	6.49	7.60
3-0 TO 3-6 (7/1/86)	87.58	175.16	350.32	700.64	1751.60	3503.20	35032.	6.50	6.51	7.73
3-6 TO 4-0 (1/1/87)	90.43	180.86	361.72	723.44	1808.60	3617.20	36172.	6.50	6.49	7.88
4-0 TO 4-6 (7/1/87)	93.37	186.74	373.48	746.96	1867.40	3734.80	37348.	6.50	6.52	8.08
4-6 TO 5-0 (1/1/88)	96.42	192.80	385.60	771.20	1928.00	3856.00	38560.	6.50	6.51	8.34
5-0 TO 5-6 (7/1/88)	99.54	199.08	398.16	796.32	1990.80	3981.60	39816.	6.50	6.49	8.71
5-6 TO 6-0 (1/1/89)	102.77	205.54	411.08	822.16	2058.40	4110.80	41108.	6.50	6.50	9.27
6-0 TO 6-6 (7/1/89)	106.11	212.22	424.44	848.88	2122.20	4244.40	42444.	6.50	6.50	10.20
6-6 TO 7-0 (1/1/90)	109.56	219.12	438.24	876.48	2191.20	4382.40	43824.	6.50	6.50	12.07
7-0 TO 7-6 (7/1/90)	113.12	226.24	452.48	904.96	2262.40	4524.80	45248.	6.50	17.79	17.79
7-6 4/ (1/1/91)	123.18	246.36	492.72	985.44	2463.60	4927.20	49272.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.60 PERCENT; TO DATE OF BONUS PAYMENT IS 5.13 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 38

BONDS BEARING ISSUE DATES FROM DEC. 1, 1953 THROUGH MAR. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
6-0 TO 6-6 1/(8/1/79)	$56.12	$112.24	$224.48	$448.96	$1122.40	$2244.80	$22448.	5.96	6.49	6.50
6-6 TO 7-0 (2/1/80)	57.94	115.88	231.76	463.52	1158.80	2317.60	23176.	6.00	6.52	6.50
7-0 TO 7-6 (8/1/80)	59.83	119.66	239.32	478.64	1196.60	2393.20	23932.	6.04	6.49	6.50
7-6 TO 8-0 (2/1/81)	61.77	123.54	247.08	494.16	1235.40	2470.80	24708.	6.07	6.51	6.50
8-0 TO 8-6 (8/1/81)	63.78	127.56	255.12	510.24	1275.60	2551.20	25512.	6.09	6.49	6.50
8-6 TO 9-0 (2/1/82)	65.85	131.70	263.40	526.80	1317.00	2634.00	26340.	6.12	6.50	6.50
9-0 TO 9-6 (8/1/82)	67.99	135.98	271.96	543.92	1359.80	2719.60	27196.	6.14	6.50	6.50
9-6 TO10-0 (2/1/83)	70.20	140.40	280.80	561.60	1404.00	2808.00	28080.	6.16	6.50	6.50
10-0 2/ (8/1/83)	72.48	144.96	289.92	579.84	1449.60	2899.20	28992.	6.17 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (8/1/83)	$72.48	$144.96	$289.92	$579.84	$1449.60	$2899.20	$28992.	——	6.51	7.23
0-6 TO 1-0 (2/1/84)	74.84	149.68	299.36	598.72	1498.80	2993.60	29936.	6.51	6.49	7.29
1-0 TO 1-6 (8/1/84)	77.27	154.54	309.08	618.16	1545.40	3090.80	30908.	6.50	6.50	7.35
1-6 TO 2-0 (2/1/85)	79.78	159.56	319.12	638.24	1595.60	3191.20	31912.	6.50	6.49	7.42
2-0 TO 2-6 (8/1/85)	82.37	164.74	329.48	658.96	1647.40	3294.80	32948.	6.50	6.51	7.50
2-6 TO 3-0 (2/1/86)	85.05	170.10	340.20	680.40	1701.00	3402.00	34020.	6.50	6.49	7.60
3-0 TO 3-6 (8/1/86)	87.81	175.62	351.24	702.48	1756.20	3512.40	35124.	6.50	6.51	7.72
3-6 TO 4-0 (2/1/87)	90.67	181.34	362.68	725.36	1813.40	3626.80	36268.	6.50	6.49	7.88
4-0 TO 4-6 (8/1/87)	93.61	187.22	374.44	748.88	1872.20	3744.40	37444.	6.50	6.52	8.08
4-6 TO 5-0 (2/1/88)	96.66	193.32	386.64	773.28	1933.20	3866.40	38664.	6.50	6.50	8.34
5-0 TO 5-6 (8/1/88)	99.80	199.60	399.20	798.40	1996.00	3992.00	39920.	6.50	6.49	8.71
5-6 TO 6-0 (2/1/89)	103.04	206.08	412.16	824.32	2060.80	4121.60	41216.	6.50	6.50	9.26
6-0 TO 6-6 (8/1/89)	106.39	212.78	425.56	851.12	2127.80	4255.60	42556.	6.50	6.50	10.19
6-6 TO 7-0 (2/1/90)	109.85	219.70	439.40	878.80	2197.00	4394.00	43940.	6.50	6.50	12.06
7-0 TO 7-6 (8/1/90)	113.42	226.84	453.68	907.36	2268.40	4536.80	45368.	6.50	17.77	17.77
7-6 4/ (2/1/91)	123.50	247.00	494.00	988.00	2470.00	4940.00	49400.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1953 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.61 PERCENT; TO DATE OF BONUS PAYMENT IS 5.14 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 39

BONDS BEARING ISSUE DATE APR. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
5-6 TO 6-0 1/(6/1/79)	$55.05	$110.10	$220.20	$440.40	$1101.00	$2202.00	$22020.	6.00	6.50	6.50
6-0 TO 6-6 (12/1/79)	56.84	113.68	227.36	454.72	1136.80	2273.60	22736.	6.04	6.51	6.50
6-6 TO 7-0 (6/1/80)	58.69	117.38	234.76	469.52	1173.80	2347.60	23476.	6.08	6.47	6.50
7-0 TO 7-6 (12/1/80)	60.59	121.18	242.36	484.72	1211.80	2423.60	24236.	6.11	6.50	6.50
7-6 TO 8-0 (6/1/81)	62.56	125.12	250.24	500.48	1251.20	2502.40	25024.	6.13	6.52	6.50
8-0 TO 8-6 (12/1/81)	64.60	129.20	258.40	516.80	1292.00	2584.00	25840.	6.16	6.50	6.50
8-6 TO 9-0 (6/1/82)	66.70	133.40	266.80	533.60	1334.00	2668.00	26680.	6.18	6.48	6.49
9-0 TO 9-6 (12/1/82)	68.86	137.72	275.44	550.88	1377.20	2754.40	27544.	6.19	6.51	6.50
9-6 TO10-0 (6/1/83)	71.10	142.20	284.40	568.80	1422.00	2844.00	28440.	6.21	6.50	6.50
10-0 2/ (12/1/83)	73.41	146.82	293.64	587.28	1468.20	2936.40	29364.	6.22 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/83)	$73.41	$146.82	$293.64	$587.28	$1468.20	$2936.40	$29364.	——	6.51	7.24
0-6 TO 1-0 (6/1/84)	75.80	151.60	303.20	606.40	1516.00	3032.00	30320.	6.51	6.49	7.29
1-0 TO 1-6 (12/1/84)	78.24	156.52	313.04	626.08	1565.20	3130.40	31304.	6.50	6.49	7.35
1-6 TO 2-0 (6/1/85)	80.80	161.60	323.20	646.40	1616.00	3232.00	32320.	6.50	6.51	7.42
2-0 TO 2-6 (12/1/85)	83.43	166.86	333.72	667.44	1668.60	3337.20	33372.	6.50	6.50	7.50
2-6 TO 3-0 (6/1/86)	86.14	172.28	344.56	689.12	1722.80	3445.60	34456.	6.50	6.50	7.73
3-0 TO 3-6 (12/1/86)	88.94	177.88	355.76	711.52	1778.80	3557.60	35576.	6.50	6.50	7.88
3-6 TO 4-0 (6/1/87)	91.83	183.66	367.32	734.64	1836.60	3673.20	36732.	6.50	6.49	8.08
4-0 TO 4-6 (12/1/87)	94.81	189.62	379.24	758.48	1896.20	3792.40	37924.	6.50	6.52	8.34
4-6 TO 5-0 (6/1/88)	97.90	195.80	391.60	783.20	1958.00	3916.00	39160.	6.50	6.50	8.71
5-0 TO 5-6 (12/1/88)	101.08	202.16	404.32	808.64	2021.60	4043.20	40432.	6.50	6.49	9.27
5-6 TO 6-0 (6/1/89)	104.36	208.72	417.44	834.88	2087.20	4174.40	41744.	6.50	6.50	10.20
6-0 TO 6-6 (12/1/89)	107.75	215.50	431.00	862.00	2155.00	4310.00	43100.	6.50	6.52	12.06
6-6 TO 7-0 (6/1/90)	111.26	222.52	445.04	890.08	2225.20	4450.40	44504.	6.50	6.49	12.07
7-0 TO 7-6 (12/1/90)	114.87	229.74	459.48	918.96	2297.40	4594.80	45948.	6.50	17.81	17.81
7-6 4/ (6/1/91)	125.10	250.20	500.40	1000.80	2502.00	5004.00	50040.	7.24 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1954 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.65 PERCENT; TO DATE OF BONUS PAYMENT IS 5.17 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 40

BONDS BEARING ISSUE DATE MAY 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
5-6 TO 6-0 1/(7/1/79)	$55.05	$110.10	$220.20	$440.40	$1101.00	$2202.00	$22020.	6.00	6.50	6.50
6-0 TO 6-6 (1/1/80)	56.84	113.68	227.36	454.72	1136.80	2273.60	22736.	6.04	6.51	6.50
6-6 TO 7-0 (7/1/80)	58.69	117.38	234.76	469.52	1173.80	2347.60	23476.	6.08	6.47	6.50
7-0 TO 7-6 (1/1/81)	60.59	121.18	242.36	484.72	1211.80	2423.60	24236.	6.11	6.50	6.50
7-6 TO 8-0 (7/1/81)	62.56	125.12	250.24	500.48	1251.20	2502.40	25024.	6.13	6.52	6.50
8-0 TO 8-6 (1/1/82)	64.60	129.20	258.40	516.80	1292.00	2584.00	25840.	6.16	6.50	6.50
8-6 TO 9-0 (7/1/82)	66.70	133.40	266.80	533.60	1334.00	2668.00	26680.	6.18	6.48	6.49
9-0 TO 9-6 (1/1/83)	68.86	137.72	275.44	550.88	1377.20	2754.40	27544.	6.19	6.51	6.50
9-6 TO10-0 (7/1/83)	71.10	142.20	284.40	568.80	1422.00	2844.00	28440.	6.21	6.50	6.50
10-0 2/ (1/1/84)	73.41	146.82	293.64	587.28	1468.20	2936.40	29364.	6.22 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/84)	$73.41	$146.82	$293.64	$587.28	$1468.20	$2936.40	$29364.	——	6.51	7.29
0-6 TO 1-0 (7/1/84)	75.80	151.60	303.20	606.40	1516.00	3032.00	30320.	6.51	6.49	7.35
1-0 TO 1-6 (1/1/85)	78.24	156.52	313.04	626.08	1565.20	3130.40	31304.	6.50	6.49	7.42
1-6 TO 2-0 (7/1/85)	80.80	161.60	323.20	646.40	1616.00	3232.00	32320.	6.50	6.51	7.50
2-0 TO 2-6 (1/1/86)	83.43	166.86	333.72	667.44	1668.60	3337.20	33372.	6.50	6.50	7.60
2-6 TO 3-0 (7/1/86)	86.14	172.28	344.56	689.12	1722.80	3445.60	34456.	6.50	6.50	7.73
3-0 TO 3-6 (1/1/87)	88.94	177.88	355.76	711.52	1778.80	3557.60	35576.	6.50	6.50	7.88
3-6 TO 4-0 (7/1/87)	91.83	183.66	367.32	734.64	1836.60	3673.20	36732.	6.50	6.49	8.08
4-0 TO 4-6 (1/1/88)	94.81	189.62	379.24	758.48	1896.20	3792.40	37924.	6.50	6.52	8.34
4-6 TO 5-0 (7/1/88)	97.90	195.80	391.60	783.20	1958.00	3916.00	39160.	6.50	6.50	8.71
5-0 TO 5-6 (1/1/89)	101.08	202.16	404.32	808.64	2021.60	4043.20	40432.	6.50	6.49	9.27
5-6 TO 6-0 (7/1/89)	104.36	208.72	417.44	834.88	2087.20	4174.40	41744.	6.50	6.50	10.20
6-0 TO 6-6 (1/1/90)	107.75	215.50	431.00	862.00	2155.00	4310.00	43100.	6.50	6.52	12.06
6-6 TO 7-0 (7/1/90)	111.26	222.52	445.04	890.08	2225.20	4450.40	44504.	6.50	17.80	17.80
7-0 4/ (1/1/91)	121.16	242.32	484.64	969.28	2423.20	4846.40	48464.	7.29 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1954 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.65 PERCENT; TO DATE OF BONUS PAYMENT IS 5.15 PERCENT.
4/ BONUS IS PAID AT 36 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V45\65A AP280 UMI

TABLE 41

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEP. 1, 1954

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.
	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)						

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/ (6/1/79)	$85.19	$110.38	$220.76	$441.52	$1103.80	$2207.60	$22076.	6.00	6.49	6.50
5-6 TO 6-0 (12/1/79)	86.98	112.96	225.92	451.84	1129.60	2259.20	22592.	6.04	6.53	6.50
6-0 TO 6-6 (6/1/80)	88.84	115.48	230.96	461.92	1154.80	2309.60	23096.	6.08	6.49	6.50
6-6 TO 7-0 (12/1/80)	90.75	117.98	235.96	470.72	1176.80	2353.60	23536.	6.08	6.49	6.50
7-0 TO 7-6 (6/1/81)	92.63	120.42	240.84	480.00	1200.00	2399.60	23996.	6.08	6.49	6.50
7-6 TO 8-0 (12/1/81)	94.56	122.92	245.84	490.00	1225.00	2449.60	24496.	6.08	6.49	6.50
8-0 TO 8-6 (6/1/82)	96.53	125.44	250.88	501.76	1254.40	2508.80	25088.	6.13	6.51	6.50
8-6 TO 9-0 (12/1/82)	98.49	127.92	255.84	510.96	1279.20	2559.60	25594.	6.16	6.52	6.50
9-0 TO 9-6 (6/1/83)	100.47	130.58	261.16	522.32	1305.80	2611.60	26116.	6.18	6.49	6.50
9-6 TO10-0 (12/1/83)	102.48	133.14	266.28	532.56	1331.40	2662.80	26628.	6.19	6.49	6.50
10-0 2/ (6/1/84)	104.53	135.80	271.60	543.20	1358.00	2716.00	27160.	6.20	6.49	6.50
10-6 TO11-0 (12/1/84)	106.62	138.52	277.04	554.08	1385.20	2770.40	27704.	6.20	6.49	6.50
11-0 TO11-6 (6/1/85)	108.75	141.24	282.48	564.96	1412.40	2824.80	28248.	6.20	6.49	6.50
11-6 TO12-0 (12/1/85)	110.92	144.04	288.08	576.16	1440.40	2880.80	28808.	6.20	6.49	6.50
12-0 TO12-6 (6/1/86)	113.13	146.92	293.84	587.68	1469.20	2938.40	29384.	6.20	6.49	6.50
12-6 TO13-0 (12/1/86)	115.38	149.84	299.68	599.36	1498.40	2996.80	29968.	6.20	6.49	6.50
13-0 TO13-6 (6/1/87)	117.66	152.80	305.60	611.20	1528.00	3056.00	30560.	6.20	6.49	6.50
13-6 TO14-0 (12/1/87)	119.99	155.82	311.64	623.28	1558.20	3116.40	31164.	6.20	6.49	6.50
14-0 TO14-6 (6/1/88)	122.36	158.88	317.76	635.52	1588.80	3177.60	31776.	6.20	6.49	6.50
14-6 TO15-0 (12/1/88)	124.77	162.00	324.00	648.00	1620.00	3240.00	32400.	6.20	6.49	6.50
15-0 TO15-6 (6/1/89)	127.22	165.18	330.36	660.72	1651.80	3303.60	33036.	6.20	6.49	6.50
15-6 TO16-0 (12/1/89)	129.72	168.42	336.84	673.68	1684.20	3368.40	33684.	6.20	6.49	6.50
16-0 TO16-6 (6/1/90)	132.26	171.72	343.44	686.88	1717.20	3434.40	34344.	6.20	6.49	6.50
16-6 TO17-0 (12/1/90)	134.85	175.08	350.16	700.32	1750.80	3501.60	35016.	6.20	6.49	6.50
17-0 TO17-6 (6/1/91)	137.49	178.50	357.00	714.00	1785.00	3570.00	35700.	6.20	6.49	6.50
17-6 TO18-0 (12/1/91)	140.17	181.98	363.96	727.92	1819.80	3639.60	36396.	6.20	6.49	6.50
18-0 TO18-6 (6/1/92)	142.90	185.52	371.04	742.08	1855.20	3710.40	37104.	6.20	6.49	6.50
18-6 TO19-0 (12/1/92)	145.68	189.12	378.24	756.48	1891.20	3782.40	37824.	6.20	6.49	6.50
19-0 TO19-6 (6/1/93)	148.50	192.78	385.56	771.12	1927.80	3855.60	38556.	6.20	6.49	6.50
19-6 TO20-0 (12/1/93)	151.38	196.52	393.04	786.08	1965.20	3930.40	39304.	6.20	6.49	6.50
20-0 TO20-6 (6/1/94)	154.31	200.32	400.64	801.28	2003.20	4006.40	40064.	6.20	6.49	6.50
20-6 TO21-0 (12/1/94)	157.29	204.18	408.36	816.72	2041.80	4083.60	40836.	6.20	6.49	6.50
21-0 TO21-6 (6/1/95)	160.32	208.12	416.24	832.48	2081.20	4162.40	41624.	6.20	6.49	6.50
21-6 TO22-0 (12/1/95)	163.41	212.12	424.24	848.48	2121.20	4242.40	42424.	6.20	6.49	6.50
22-0 TO22-6 (6/1/96)	166.55	216.18	432.36	864.72	2161.80	4323.60	43236.	6.20	6.49	6.50
22-6 TO23-0 (12/1/96)	169.74	220.32	440.64	881.28	2203.20	4406.40	44064.	6.20	6.49	6.50
23-0 TO23-6 (6/1/97)	172.98	224.52	449.04	898.08	2245.20	4490.40	44904.	6.20	6.49	6.50
23-6 TO24-0 (12/1/97)	176.28	228.80	457.60	915.20	2288.00	4576.00	45760.	6.20	6.49	6.50
24-0 TO24-6 (6/1/98)	179.63	233.14	466.28	932.56	2331.40	4662.80	46628.	6.20	6.49	6.50
24-6 TO25-0 (12/1/98)	183.04	237.56	475.12	950.24	2375.60	4751.20	47512.	6.20	6.49	6.50
25-0 TO25-6 (6/1/99)	186.51	242.06	484.12	968.24	2420.60	4841.20	48412.	6.20	6.49	6.50
25-6 TO26-0 (12/1/99)	190.04	246.64	493.28	986.56	2466.40	4932.80	49328.	6.20	6.49	6.50
26-0 TO26-6 (6/1/00)	193.63	251.30	502.60	1005.20	2513.00	5026.00	50260.	6.20	6.49	6.50
26-6 TO27-0 (12/1/00)	197.29	256.04	512.08	1024.16	2560.40	5120.80	51208.	6.20	6.49	6.50
27-0 TO27-6 (6/1/01)	201.01	260.86	521.72	1043.44	2608.60	5217.20	52172.	6.20	6.49	6.50
27-6 TO28-0 (12/1/01)	204.80	265.76	531.52	1063.04	2657.60	5315.20	53152.	6.20	6.49	6.50
28-0 TO28-6 (6/1/02)	208.66	270.74	541.48	1082.96	2707.40	5414.80	54148.	6.20	6.49	6.50
28-6 TO29-0 (12/1/02)	212.59	275.80	551.60	1103.20	2758.00	5516.00	55160.	6.20	6.49	6.50
29-0 TO29-6 (6/1/03)	216.59	280.94	561.88	1123.76	2809.40	5618.80	56188.	6.20	6.49	6.50
29-6 TO30-0 (12/1/03)	220.67	286.16	572.32	1144.64	2861.60	5723.20	57232.	6.20	6.49	6.50
30-0 TO30-6 (6/1/04)	224.82	291.56	583.12	1166.24	2915.60	5831.20	58312.	6.20	6.49	6.50
30-6 TO31-0 (12/1/04)	229.05	297.04	594.08	1188.16	2970.40	5940.80	59408.	6.20	6.49	6.50
31-0 TO31-6 (6/1/05)	233.36	302.62	605.24	1210.48	3026.20	6052.40	60524.	6.20	6.49	6.50
31-6 TO32-0 (12/1/05)	237.75	308.30	616.60	1233.20	3083.00	6166.00	61660.	6.20	6.49	6.50
32-0 TO32-6 (6/1/06)	242.22	314.06	628.12	1256.24	3140.60	6281.20	62812.	6.20	6.49	6.50
32-6 TO33-0 (12/1/06)	246.77	319.92	639.84	1279.68	3199.20	6398.40	63984.	6.20	6.49	6.50
33-0 TO33-6 (6/1/07)	251.41	325.88	651.76	1303.52	3258.80	6517.60	65176.	6.20	6.49	6.50
33-6 TO34-0 (12/1/07)	256.14	331.94	663.88	1327.76	3319.40	6638.80	66388.	6.20	6.49	6.50
34-0 TO34-6 (6/1/08)	260.96	338.10	676.20	1352.40	3381.00	6762.00	67620.	6.20	6.49	6.50
34-6 TO35-0 (12/1/08)	265.87	344.38	688.76	1377.52	3443.80	6887.60	68876.	6.20	6.49	6.50
35-0 TO35-6 (6/1/09)	270.88	350.76	701.52	1403.04	3507.60	7015.20	70152.	6.20	6.49	6.50
35-6 TO36-0 (12/1/09)	275.98	357.26	714.52	1429.04	3572.60	7145.20	71452.	6.20	6.49	6.50
36-0 TO36-6 (6/1/10)	281.18	363.88	727.76	1455.52	3638.80	7277.60	72776.	6.20	6.49	6.50
36-6 TO37-0 (12/1/10)	286.48	370.62	741.24	1482.48	3706.20	7412.40	74124.	6.20	6.49	6.50
37-0 TO37-6 (6/1/11)	291.89	377.48	754.96	1509.92	3774.80	7549.60	75496.	6.20	6.49	6.50
37-6 TO38-0 (12/1/11)	297.40	384.48	768.96	1537.92	3844.80	7689.60	76896.	6.20	6.49	6.50
38-0 TO38-6 (6/1/12)	303.02	391.60	783.20	1566.40	3916.00	7832.00	78320.	6.20	6.49	6.50
38-6 TO39-0 (12/1/12)	308.75	398.86	797.72	1595.44	3988.60	7977.20	79772.	6.20	6.49	6.50
39-0 TO39-6 (6/1/13)	314.60	406.26	812.52	1625.04	4062.60	8125.20	81252.	6.20	6.49	6.50
39-6 TO40-0 (12/1/13)	320.57	413.80	827.60	1655.20	4138.00	8276.00	82760.	6.20	6.49	6.50
40-0 TO40-6 (6/1/14)	326.66	421.50	843.00	1686.00	4215.00	8430.00	84300.	6.20	6.49	6.50
40-6 TO41-0 (12/1/14)	332.87	429.36	858.72	1717.44	4293.60	8587.20	85872.	6.20	6.49	6.50
41-0 TO41-6 (6/1/15)	339.21	437.38	874.76	1749.52	4373.80	8747.60	87476.	6.20	6.49	6.50
41-6 TO42-0 (12/1/15)	345.68	445.56	891.12	1782.24	4455.60	8911.20	89112.	6.20	6.49	6.50
42-0 TO42-6 (6/1/16)	352.28	453.92	907.84	1815.68	4539.20	9078.40	90784.	6.20	6.49	6.50
42-6 TO43-0 (12/1/16)	359.02	462.46	924.92	1849.84	4624.60	9249.20	92492.	6.20	6.49	6.50
43-0 TO43-6 (6/1/17)	365.91	471.18	942.36	1884.72	4711.80	9423.60	94236.	6.20	6.49	6.50
43-6 TO44-0 (12/1/17)	372.94	480.08	960.16	1920.32	4800.80	9601.60	96016.	6.20	6.49	6.50
44-0 TO44-6 (6/1/18)	380.13	489.18	978.36	1956.72	4891.80	9783.60	97836.	6.20	6.49	6.50
44-6 TO45-0 (12/1/18)	387.48	498.48	996.96	1993.92	4984.80	9969.60	99696.	6.20	6.49	6.50
45-0 TO45-6 (6/1/19)	394.98	507.98	1015.96	2031.92	5079.80	10159.60	101596.	6.20	6.49	6.50
45-6 TO46-0 (12/1/19)	402.65	517.82	1035.64	2071.28	5178.20	10356.40	103564.	6.20	6.49	6.50
46-0 TO46-6 (6/1/20)	410.48	527.90	1055.80	2111.60	5279.00	10558.00	105580.	6.20	6.49	6.50
46-6 TO47-0 (12/1/20)	418.48	538.20	1076.40	2152.80	5382.00	10764.00	107640.	6.20	6.49	6.50
47-0 TO47-6 (6/1/21)	426.66	548.74	1097.48	2194.96	5487.40	10974.80	109748.	6.20	6.49	6.50
47-6 TO48-0 (12/1/21)	435.01	559.52	1119.04	2238.08	5595.20	11190.40	111904.	6.20	6.49	6.50
48-0 TO48-6 (6/1/22)	443.54	570.52	1141.04	2282.08	5705.20	11410.40	114104.	6.20	6.49	6.50
48-6 TO49-0 (12/1/22)	452.24	581.76	1163.52	2327.04	5817.60	11635.20	116352.	6.20	6.49	6.50
49-0 TO49-6 (6/1/23)	461.13	593.24	1186.48	2372.96	5932.40	11864.80	118648.	6.20	6.49	6.50
49-6 TO50-0 (12/1/23)	470.20	604.96	1209.92	2419.84	6049.60	12099.20	120992.	6.20	6.49	6.50
50-0 TO50-6 (6/1/24)	479.46	616.92	1233.84	2467.68	6169.20	12338.40	123384.	6.20	6.49	6.50
50-6 TO51-0 (12/1/24)	488.91	629.14	1258.28	2516.56	6291.40	12582.80	125828.	6.20	6.49	6.50
51-0 TO51-6 (6/1/25)	498.56	641.62	1283.24	2566.48	6416.20	12832.40	128324.	6.20	6.49	6.50
51-6 TO52-0 (12/1/25)	508.41	654.36	1308.72	2617.44	6543.60	13087.20	130872.	6.20	6.49	6.50
52-0 TO52-6 (6/1/26)	518.47	667.38	1334.76	2669.52	6673.80	13347.60	133476.	6.20	6.49	6.50
52-6 TO53-0 (12/1/26)	528.74	680.68	1361.36	2722.72	6806.80	13613.60	136136.	6.20	6.49	6.50
53-0 TO53-6 (6/1/27)	539.23	694.26	1388.52	2777.04	6942.60	13885.20	138852.	6.20	6.49	6.50
53-6 TO54-0 (12/1/27)	549.94	708.14	1416.28	2832.56	7081.40	14162.80	141628.	6.20	6.49	6.50
54-0 TO54-6 (6/1/28)	560.88	722.32	1444.64	2889.28	7223.20	14446.40	144464.	6.20	6.49	6.50
54-6 TO55-0 (12/1/28)	572.06	736.80	1473.60	2947.20	7368.00	14736.00	147360.	6.20	6.49	6.50
55-0 TO55-6 (6/1/29)	583.48	751.60	1503.20	3006.40	7516.00	15032.00	150320.	6.20	6.49	6.50
55-6 TO56-0 (12/1/29)	595.15	766.70	1533.40	3066.80	7667.00	15334.00	153340.	6.20	6.49	6.50
56-0 TO56-6 (6/1/30)	607.06	782.12	1564.24	3128.48	7821.20	15642.40	156424.	6.20	6.49	6.50
56-6 TO57-0 (12/1/30)	619.24	797.84	1595.68	3191.36	7978.40	15956.80	159568.	6.20	6.49	6.50
57-0 TO57-6 (6/1/31)	631.67	813.88	1627.76	3255.52	8138.80	16277.60	162776.	6.20	6.49	6.50
57-6 TO58-0 (12/1/31)	644.36	830.24	1660.48	3320.96	8302.40	16604.80	166048.	6.20	6.49	6.50
58-0 TO58-6 (6/1/32)	657.31	846.92	1693.84	3387.68	8469.20	16938.40	169384.	6.20	6.49	6.50
58-6 TO59-0 (12/1/32)	670.53	863.94	1727.88	3455.76	8639.40	17278.80	172788.	6.20	6.49	6.50
59-0 TO59-6 (6/1/33)	684.02	881.30	1762.60	3525.20	8813.00	17626.00	176260.	6.20	6.49	6.50
59-6 TO60-0 (12/1/33)	697.78	899.02	1798.04	3596.08	8990.20	17980.40	179804.	6.20	6.49	6.50
60-0 TO60-6 (6/1/34)	711.83	917.10	1834.20	3668.40	9171.00	18342.00	183420.	6.20	6.49	6.50
60-6 TO61-0 (12/1/34)	726.17	935.56	1871.12	3742.24	9355.60	18711.20	187112.	6.20	6.49	6.50
61-0 TO61-6 (6/1/35)	740.80	954.40	1908.80	3817.60	9544.00	19088.00	190880.	6.20	6.49	6.50
61-6 TO62-0 (12/1/35)	755.73	973.62	1947.24	3894.48	9736.20	19472.40	194724.	6.20	6.49	6.50
62-0 TO62-6 (6/1/36)	770.96	993.24	1986.48	3972.96	9932.40	19864.80	198648.	6.20	6.49	6.50
62-6 TO63-0 (12/1/36)	786.49	1013.26	2026.52	4053.04	10132.60	20265.20	202652.	6.20	6.49	6.50
63-0 TO63-6 (6/1/37)	802.33	1033.68	2067.36	4134.72	10336.80	20673.60	206736.	6.20	6.49	6.50
63-6 TO64-0 (12/1/37)	818.48	1054.52	2109.04	4218.08	10545.20	21090.40	210904.	6.20	6.49	6.50
64-0 TO64-6 (6/1/38)	834.95	1075.78	2151.56	4303.12	10757.80	21515.60	215156.	6.20	6.49	6.50
64-6 TO65-0 (12/1/38)	851.73	1097.48	2194.96	4389.92	10974.80	21949.60	219496.	6.20	6.49	6.50
65-0 TO65-6 (6/1/39)	868.84	1119.62	2239.24	4478.48	11196.20	22392.40	223924.	6.20	6.49	6.50
65-6 TO66-0 (12/1/39)	886.28	1142.20	2284.40	4568.80	11422.00	22844.00	228440.	6.20	6.49	6.50
66-0 TO66-6 (6/1/40)	904.05	1165.24	2330.48	4660.96	11652.40	23304.80	233048.	6.20	6.49	6.50
66-6 TO67-0 (12/1/40)	922.17	1188.76	2377.52	4755.04	11887.60	23775.20	237752.	6.20	6.49	6.50
67-0 TO67-6 (6/1/41)	940.64	1212.76	2425.52	4851.04	12127.60	24255.20	242552.	6.20	6.49	6.50
67-6 TO68-0 (12/1/41)	959.45	1237.24	2474.48	4948.96	12372.40	24744.80	247448.	6.20	6.49	6.50
68-0 TO68-6 (6/1/42)	978.64	1262.22	2524.44	5048.88	12622.20	25244.40	252444.	6.20	6.49	6.50
68-6 TO69-0 (12/1/42)	998.21	1287.72	2575.44	5150.88	12877.20	25754.40	257544.	6.20	6.49	6.50
69-0 TO69-6 (6/1/43)	1018.17	1313.74	2627.48	5254.96	13137.40	26274.80	262748.	6.20	6.49	6.50
69-6 TO70-0 (12/1/43)	1038.53	1340.28	2680.56	5361.12	13402.80	26805.60	268056.	6.20	6.49	6.50
70-0 TO70-6 (6/1/44)	1059.30	1367.36	2734.72	5469.44	13673.60	27347.20	273472.	6.20	6.49	6.50
70-6 TO71-0 (12/1/44)	1080.49	1394.98	2789.96	5579.92	13949.80	27899.60	278996.	6.20	6.49	6.50
71-0 TO71-6 (6/1/45)	1102.10	1423.16	2846.32	5692.64	14231.60	28463.20	284632.	6.20	6.49	6.50
71-6 TO72-0 (12/1/45)	1124.14	1451.88	2903.76	5807.52	14518.80	29037.60	290376.	6.20	6.49	6.50
72-0 TO72-6 (6/1/46)	1146.62	1481.16	2962.32	5924.64	14811.60	29623.20	296232.	6.20	6.49	6.50
72-6 TO73-0 (12/1/46)	1169.55	1511.00	3022.00	6044.00	15110.00	30220.00	302200.	6.20	6.49	6.50
73-0 TO73-6 (6/1/47)	1192.94	1541.40	3082.80	6165.60	15414.00	30828.00	308280.	6.20	6.49	6.50
73-6 TO74-0 (12/1/47)	1216.80	1572.36	3144.72	6289.44	15723.60	31447.20	314472.	6.20	6.49	6.50
74-0 TO74-6 (6/1/48)	1241.14	1603.90	3207.80	6415.60	16039.00	32078.00	320780.	6.20	6.49	6.50
74-6 TO75-0 (12/1/48)	1265.96	1636.02	3272.04	6544.08	16360.20	32720.40	327204.	6.20	6.49	6.50
75-0 TO75-6 (6/1/49)	1291.28	1668.74	3337.48	6675.00	16687.40	33374.80	333748.	6.20	6.49	6.50
75-6 TO76-0 (12/1/49)	1317.11	1702.08	3404.16	6808.32	17020.80	34041.60	340416.	6.20	6.49	6.50
76-0 TO76-6 (6/1/50)	1343.45	1736.04	3472.08	6944.16	17360.40	34720.80	347208.	6.20	6.49	6.50
76-6 TO77-0 (12/1/50)	1370.32	1770.64	3541.28	7082.56	17706.40	35412.80	354128.	6.20	6.49	6.50
77-0 TO77-6 (6/1/51)	1397.73	1805.88	3611.76	7223.52	18058.80	36117.60	361176.	6.20	6.49	6.50
77-6 TO78-0 (12/1/51)	1425.68	1841.78	3683.56	7367.12	18417.80	36835.60	368356.	6.20	6.49	6.50
78-0 TO78-6 (6/1/52)	1454.19	1878.34	3756.68	7513.36	18783.40	37566.80	375668.	6.20	6.49	6.50
78-6 TO79-0 (12/1/52)	1483.27	1915.58	3831.16	7662.32	19155.80	38311.60	383116.	6.20	6.49	6.50
79-0 TO79-6 (6/1/53)	1512.93	1953.50	3907.00	7814.00	19535.00	39070.00	390700.	6.20	6.49	6.50
79-6 TO80-0 (12/1/53)	1543.19	1992.12	3984.24	7968.48	19921.20	39842.40	398424.	6.20	6.49	6.50
80-0 TO80-6 (6/1/54)	1574.05	2031.46	4062.92	8125.84	20314.60	40629.20	406292.	6.20	6.49	6.50
80-6 TO81-0 (12/1/54)	1605.53	2071.52	4143.04	8286.08	20715.20	41430.40	414304.	6.20	6.49	6.50
81-0 TO81-6 (6/1/55)	1637.64	2112.32	4224.64	8449.28	21123.20	42246.40	422464.	6.20	6.49	6.50
81-6 TO82-0 (12/1/55)	1670.39	2154.86	4309.72	8619.44	21548.60	43097.20	430972.	6.20	6.49	6.50
82-0 TO82-6 (6/1/56)	1703.80	2198.16	4396.32	8792.64	21981.60	43963.20	439632.	6.20	6.49	6.50
82-6 TO83-0 (12/1/56)	1737.88	2242.24	4484.48	8968.96	22422.40	44844.80	448448.	6.20	6.49	6.50
83-0 TO83-6 (6/1/57)	1772.64	2287.12	4574.24	9148.48	22871.20	45742.40	457424.	6.20	6.49	6.50
83-6 TO84-0 (12/1/57)	1808.09	2332.82	4665.64	9331.28	23328.20	46656.40	466564.	6.20	6.49	6.50
84-0 TO84-6 (6/1/58)	1844.25	2379.38	4758.76	9517.52	23794.00	47588.00	475880.	6.20	6.49	6.50
84-6 TO85-0 (12/1/58)	1881.13	2426.80	4853.60	9707.20	24268.00	48536.00	485360.	6.20	6.49	6.50
85-0 TO85-6 (6/1/59)	1918.75	2475.10	4950.20	9900.40	24751.00	49502.00	495020.	6.20	6.49	6.50
85-6 TO86-0 (12/1/59)	1957.12	2524.30	5048.60	10097.20	25243.00	50486.00	504860.	6.20	6.49	6.50
86-0 TO86-6 (6/1/60)	1996.26	2574.40	5148.80	10297.60	25744.00	51488.00	514880.	6.20	6.49	6.50
86-6 TO87-0 (12/1/60)	2036.18	2625.40	5250.80	10501.60	26254.00	52508.00	525080.	6.20	6.49	6.50
87-0 TO87-6 (6/1/61)	2076.90	2677.32	5354.64	10709.28	26773.20	53546.40	535464.	6.20	6.49	6.50
87-6 TO88-0 (12/1/61)	2118.44	2730.18	5460.36	10920.72	27301.80	54603.60	546036.	6.20	6.49	6.50
88-0 TO88-6 (6/1/62)	2160.81	2783.98	5567.96	11135.92	27839.80	55679.60	556796.	6.20	6.49	6.50
88-6 TO89-0 (12/1/62)	2204.03	2838.74	5677.48	11354.96	28387.40	56774.80	567748.	6.20	6.49	6.50
89-0 TO89-6 (6/1/63)	2248.11	2894.46	5788.92	11577.84	28944.60	57889.20	578892.	6.20	6.49	6.50
89-6 TO90-0 (12/1/63)	2293.07	2951.16	5902.32	11804.64	29511.60	59023.20	590232.	6.20	6.49	6.50
90-0 TO90-6 (6/1/64)	2338.93	3008.86	6017.72	12035.44	30088.60	60177.20	601772.	6.20	6.49	6.50
90-6 TO91-0 (12/1/64)	2385.71	3067.56	6135.12	12270.24	30675.60	61351.20	613512.	6.20	6.49	6.50
91-0 TO91-6 (6/1/65)	2433.42	3127.30	6254.60	12509.20	31273.00	62546.00	625460.	6.20	6.49	6.50
91-6 TO92-0 (12/1/65)	2482.09	3188.08	6376.16	12752.32	31880.80	63761.60	637616.	6.20	6.49	6.50
92-0 TO92-6 (6/1/66)	2531.73	3249.92	6499.84	12999.68	32499.20	64998.40	649984.	6.20	6.49	6.50
92-6 TO93-0 (12/1/66)	2582.36	3312.82	6625.64	13251.28	33128.20	66256.40	662564.	6.20	6.49	6.50
93-0 TO93-6 (6/1/67)	2633.99	3376.80	6753.60	13507.20	33768.00	67536.00	675360.	6.20	6.49	6.50
93-6 TO94-0 (12/1/67)	2686.67	3441.86	6883.72	13767.44	34418.60	68837.20	688372.	6.20	6.49	6.50
94-0 TO94-6 (6/1/68)	2740.40	3508.02	7016.

TABLE 45

BONDS BEARING ISSUE DATE APR. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(6/1/79)	$53.36	$106.52	$213.04	$426.08	$1065.20	$2130.40	$21304.	6.00	6.50	6.50
5-0 TO 5-6 (12/1/79)	54.99	109.98	219.96	439.92	1099.80	2199.60	21996.	6.05	6.51	6.50
5-6 TO 6-0 (6/1/80)	56.78	113.56	227.12	454.24	1135.60	2271.20	22712.	6.09	6.48	6.50
6-0 TO 6-6 (12/1/80)	58.62	117.24	234.48	468.96	1172.40	2344.80	23448.	6.12	6.52	6.50
6-6 TO 7-0 (6/1/81)	60.53	121.06	242.12	484.24	1210.60	2421.20	24212.	6.15	6.51	6.50
7-0 TO 7-6 (12/1/81)	62.50	125.00	250.00	500.00	1250.00	2500.00	25000.	6.18	6.50	6.50
7-6 TO 8-0 (6/1/82)	64.53	129.06	258.12	516.24	1290.60	2581.20	25812.	6.20	6.48	6.50
8-0 TO 8-6 (12/1/82)	66.62	133.24	266.48	532.96	1332.40	2664.80	26648.	6.22	6.51	6.51
8-6 TO 9-0 (6/1/83)	68.79	137.58	275.16	550.32	1375.80	2751.60	27516.	6.24	6.51	6.50
9-0 TO 9-6 (12/1/83)	71.03	142.06	284.12	568.24	1420.60	2841.20	28412.	6.25	6.48	6.50
9-6 TO10-0 (6/1/84)	73.33	146.66	293.32	586.64	1466.60	2933.20	29332.	6.26	6.52	6.52
10-0 2/ (12/1/84)	75.72	151.44	302.88	605.76	1514.40	3028.80	30288.	6.28 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/84)	$75.72	$151.44	$302.88	$605.76	$1514.40	$3028.80	$30288.	——	6.50	7.35
0-6 TO 1-0 (6/1/85)	78.18	156.36	312.72	625.44	1563.60	3127.20	31272.	6.50	6.50	7.42
1-0 TO 1-6 (12/1/85)	80.72	161.44	322.88	645.76	1614.40	3228.80	32288.	6.50	6.52	7.50
1-6 TO 2-0 (6/1/86)	83.35	166.70	333.40	666.80	1667.00	3334.00	33340.	6.50	6.48	7.60
2-0 TO 2-6 (12/1/86)	86.05	172.10	344.20	688.40	1721.00	3442.00	34420.	6.50	6.51	7.72
2-6 TO 3-0 (6/1/87)	88.85	177.70	355.40	710.80	1777.00	3554.00	35540.	6.50	6.51	7.88
3-0 TO 3-6 (12/1/87)	91.74	183.48	366.96	733.92	1834.80	3669.60	36696.	6.50	6.50	8.04
3-6 TO 4-0 (6/1/88)	94.72	189.44	378.88	757.76	1894.40	3788.80	37888.	6.50	6.50	8.34
4-0 TO 4-6 (12/1/88)	97.80	195.60	391.20	782.40	1956.00	3912.00	39120.	6.50	6.50	8.71
4-6 TO 5-0 (6/1/89)	100.98	201.96	403.92	807.84	2019.60	4039.20	40392.	6.50	6.50	9.26
5-0 TO 5-6 (12/1/89)	104.26	208.52	417.04	834.08	2085.20	4170.40	41704.	6.50	6.50	10.19
5-6 TO 6-0 (6/1/90)	107.65	215.30	430.60	861.20	2153.00	4306.00	43060.	6.50	6.50	12.07
6-0 TO 6-6 (12/1/90)	111.15	222.30	444.60	889.20	2223.00	4446.00	44460.	6.50	17.78	17.78
6-6 4/ (6/1/91)	121.03	242.06	484.12	968.24	2420.60	4841.20	48412.	7.35 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.76 PERCENT; TO DATE OF BONUS PAYMENT IS 5.22 PERCENT.
4/ BONUS IS PAID AT 36 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 46

BONDS BEARING ISSUE DATE MAY 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(7/1/79)	$53.36	$106.52	$213.04	$426.08	$1065.20	$2130.40	$21304.	6.00	6.50	6.50
5-0 TO 5-6 (1/1/80)	54.99	109.98	219.96	439.92	1099.80	2199.60	21996.	6.05	6.51	6.50
5-6 TO 6-0 (7/1/80)	56.78	113.56	227.12	454.24	1135.60	2271.20	22712.	6.09	6.48	6.50
6-0 TO 6-6 (1/1/81)	58.62	117.24	234.48	468.96	1172.40	2344.80	23448.	6.12	6.52	6.50
6-6 TO 7-0 (7/1/81)	60.53	121.06	242.12	484.24	1210.60	2421.20	24212.	6.15	6.51	6.50
7-0 TO 7-6 (1/1/82)	62.50	125.00	250.00	500.00	1250.00	2500.00	25000.	6.18	6.50	6.50
7-6 TO 8-0 (7/1/82)	64.53	129.06	258.12	516.24	1290.60	2581.20	25812.	6.20	6.48	6.50
8-0 TO 8-6 (1/1/83)	66.62	133.24	266.48	532.96	1332.40	2664.80	26648.	6.22	6.51	6.51
8-6 TO 9-0 (7/1/83)	68.79	137.58	275.16	550.32	1375.80	2751.60	27516.	6.24	6.51	6.50
9-0 TO 9-6 (1/1/84)	71.03	142.06	284.12	568.24	1420.60	2841.20	28412.	6.25	6.48	6.50
9-6 TO10-0 (7/1/84)	73.33	146.66	293.32	586.64	1466.60	2933.20	29332.	6.26	6.52	6.52
10-0 2/ (1/1/85)	75.72	151.44	302.88	605.76	1514.40	3028.80	30288.	6.28 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/85)	$75.72	$151.44	$302.88	$605.76	$1514.40	$3028.80	$30288.	——	6.50	7.42
0-6 TO 1-0 (7/1/85)	78.18	156.36	312.72	625.44	1563.60	3127.20	31272.	6.50	6.50	7.42
1-0 TO 1-6 (1/1/86)	80.72	161.44	322.88	645.76	1614.40	3228.80	32288.	6.50	6.52	7.50
1-6 TO 2-0 (7/1/86)	83.35	166.70	333.40	666.80	1667.00	3334.00	33340.	6.50	6.48	7.60
2-0 TO 2-6 (1/1/87)	86.05	172.10	344.20	688.40	1721.00	3442.00	34420.	6.50	6.51	7.72
2-6 TO 3-0 (7/1/87)	88.85	177.70	355.40	710.80	1777.00	3554.00	35540.	6.50	6.51	7.88
3-0 TO 3-6 (1/1/88)	91.74	183.48	366.96	733.92	1834.80	3669.60	36696.	6.50	6.50	8.04
3-6 TO 4-0 (7/1/88)	94.72	189.44	378.88	757.76	1894.40	3788.80	37888.	6.50	6.50	8.34
4-0 TO 4-6 (1/1/89)	97.80	195.60	391.20	782.40	1956.00	3912.00	39120.	6.50	6.50	8.71
4-6 TO 5-0 (7/1/89)	100.98	201.96	403.92	807.84	2019.60	4039.20	40392.	6.50	6.50	9.26
5-0 TO 5-6 (1/1/90)	104.26	208.52	417.04	834.08	2085.20	4170.40	41704.	6.50	6.50	10.19
5-6 TO 6-0 (7/1/90)	107.65	215.30	430.60	861.20	2153.00	4306.00	43060.	6.50	6.50	12.07
6-0 TO 6-6 (1/1/91)	111.15	222.30	444.60	889.20	2223.00	4446.00	44460.	6.50	17.78	17.78
6-6 4/ (7/1/91)	121.03	242.06	484.12	968.24	2420.60	4841.20	48412.	7.42 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.76 PERCENT; TO DATE OF BONUS PAYMENT IS 5.21 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 47

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEP. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(8/1/79)	$53.36	$106.72	$213.80	$427.20	$1068.00	$2136.00	$21360.	6.00	6.52	6.50
5-0 TO 5-6 (2/1/80)	55.14	110.28	220.56	441.12	1102.80	2205.60	22056.	6.05	6.49	6.50
5-6 TO 6-0 (8/1/80)	56.93	113.86	227.72	455.44	1138.60	2277.20	22772.	6.09	6.50	6.50
6-0 TO 6-6 (2/1/81)	58.78	117.56	235.12	470.24	1175.60	2351.20	23512.	6.12	6.50	6.50
6-6 TO 7-0 (8/1/81)	60.69	121.38	242.76	485.52	1213.80	2427.60	24276.	6.15	6.49	6.50
7-0 TO 7-6 (2/1/82)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	6.18	6.51	6.50
7-6 TO 8-0 (8/1/82)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	6.20	6.49	6.50
8-0 TO 8-6 (2/1/83)	66.80	133.60	267.20	534.40	1336.00	2672.00	26720.	6.22	6.50	6.50
8-6 TO 9-0 (8/1/83)	68.97	137.94	275.88	551.76	1379.40	2758.80	27588.	6.23	6.50	6.50
9-0 TO 9-6 (2/1/84)	71.21	142.42	284.84	569.68	1424.20	2848.40	28484.	6.25	6.52	6.51
9-6 TO10-0 (8/1/84)	73.53	147.06	294.12	588.24	1470.60	2941.20	29412.	6.26	6.50	6.50
10-0 2/ (2/1/85)	75.92	151.84	303.68	607.36	1518.40	3036.80	30368.	6.27 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (2/1/85)	$75.92	$151.84	$303.68	$607.36	$1518.40	$3036.80	$30368.	——	6.51	7.42
0-6 TO 1-0 (8/1/85)	78.39	156.78	313.56	627.12	1567.80	3135.60	31356.	6.51	6.48	7.50
1-0 TO 1-6 (2/1/86)	80.93	161.86	323.72	647.44	1618.60	3237.20	32372.	6.49	6.52	7.60
1-6 TO 2-0 (8/1/86)	83.57	167.14	334.28	668.56	1671.40	3342.80	33428.	6.50	6.49	7.72
2-0 TO 2-6 (2/1/87)	86.28	172.56	345.12	690.24	1725.60	3451.20	34512.	6.50	6.51	7.88
2-6 TO 3-0 (8/1/87)	89.09	178.18	356.36	712.72	1781.80	3563.60	35636.	6.50	6.49	8.04
3-0 TO 3-6 (2/1/88)	91.98	183.96	367.92	735.84	1839.60	3679.20	36792.	6.50	6.50	8.34
3-6 TO 4-0 (8/1/88)	94.97	189.94	379.88	759.76	1899.40	3798.80	37988.	6.50	6.51	8.71
4-0 TO 4-6 (2/1/89)	98.06	196.12	392.24	784.48	1961.20	3922.40	39224.	6.50	6.49	9.26
4-6 TO 5-0 (8/1/89)	101.24	202.48	404.96	809.92	2024.80	4049.60	40496.	6.50	6.50	10.20
5-0 TO 5-6 (2/1/90)	104.53	209.06	418.12	836.24	2090.60	4181.20	41812.	6.50	6.51	12.07
5-6 TO 6-0 (8/1/90)	107.93	215.86	431.72	863.44	2158.60	4317.20	43172.	6.50	17.79	17.79
6-0 4/ (2/1/91)	117.53	235.06	470.12	940.24	2350.60	4701.20	47012.	7.42 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1955 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.77 PERCENT; TO DATE OF BONUS PAYMENT IS 5.21 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 48

BONDS BEARING ISSUE DATE OCT. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(8/1/79)	$52.42	$104.84	$209.68	$419.36	$1048.40	$2096.80	$20968.	6.00	6.49	6.50
4-6 TO 5-0 (12/1/79)	54.12	108.24	216.48	432.96	1081.40	2164.80	21648.	6.05	6.50	6.50
5-0 TO 5-6 (6/1/80)	55.88	111.76	223.52	447.04	1117.60	2235.20	22352.	6.10	6.51	6.50
5-6 TO 6-0 (12/1/80)	57.70	115.40	230.80	461.60	1154.00	2308.00	23080.	6.14	6.48	6.50
6-0 TO 6-6 (6/1/81)	59.57	119.14	238.28	476.56	1191.40	2382.80	23828.	6.17	6.51	6.50
6-6 TO 7-0 (12/1/81)	61.51	123.02	246.04	492.08	1230.20	2460.40	24604.	6.19	6.50	6.50
7-0 TO 7-6 (6/1/82)	63.51	127.02	254.04	508.08	1270.20	2540.40	25404.	6.21	6.49	6.50
7-6 TO 8-0 (12/1/82)	65.57	131.14	262.28	524.56	1311.40	2622.80	26228.	6.23	6.50	6.50
8-0 TO 8-6 (6/1/83)	67.70	135.40	270.80	541.60	1354.00	2708.00	27080.	6.25	6.50	6.50
8-6 TO 9-0 (12/1/83)	69.90	139.80	279.60	559.20	1398.00	2796.00	27960.	6.26	6.52	6.50
9-0 TO 9-6 (6/1/84)	72.18	144.36	288.72	577.44	1443.60	2887.20	28872.	6.28	6.48	6.49
9-6 TO10-0 (12/1/84)	74.52	149.04	298.08	596.16	1490.40	2980.80	29808.	6.29	6.49	6.49
10-0 2/ (6/1/85)	76.94	153.88	307.76	615.52	1538.80	3077.60	30776.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/85)	$76.94	$153.88	$307.76	$615.52	$1538.80	$3077.60	$30776.	——	6.50	7.42
0-6 TO 1-0 (12/1/85)	79.44	158.88	317.76	635.52	1588.80	3177.60	31776.	6.50	6.50	7.50
1-0 TO 1-6 (6/1/86)	82.02	164.04	328.08	656.16	1640.40	3280.80	32808.	6.50	6.51	7.60
1-6 TO 2-0 (12/1/86)	84.69	169.38	338.76	677.52	1693.80	3387.60	33876.	6.50	6.49	7.72
2-0 TO 2-6 (6/1/87)	87.44	174.88	349.76	699.52	1748.80	3497.60	34976.	6.50	6.50	7.88
2-6 TO 3-0 (12/1/87)	90.26	180.54	361.12	722.24	1805.40	3611.20	36112.	6.50	6.51	8.04
3-0 TO 3-6 (6/1/88)	93.22	186.44	372.88	745.76	1864.40	3728.80	37288.	6.50	6.50	8.34
3-6 TO 4-0 (12/1/88)	96.25	192.50	385.00	770.00	1925.00	3850.00	38500.	6.50	6.48	8.71
4-0 TO 4-6 (6/1/89)	99.37	198.74	397.48	794.96	1987.40	3974.80	39748.	6.50	6.50	9.27
4-6 TO 5-0 (12/1/89)	102.60	205.20	410.40	820.80	2052.00	4104.00	41040.	6.50	6.51	10.20
5-0 TO 5-6 (6/1/90)	105.94	211.88	423.76	847.52	2118.80	4237.60	42376.	6.50	6.49	12.07
5-6 TO 6-0 (12/1/90)	109.38	218.76	437.52	875.04	2187.60	4375.20	43752.	6.50	17.79	17.79
6-0 4/ (6/1/91)	119.11	238.22	476.44	952.88	2382.20	4764.40	47644.	7.42 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.82 PERCENT; TO DATE OF BONUS PAYMENT IS 5.25 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 49

BONDS BEARING ISSUE DATE NOV. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(7/1/79)	$52.42	$104.84	$209.68	$419.36	$1048.40	$2096.80	$20968.	6.00	6.49	6.50
4-6 TO 5-0 (1/1/80)	54.12	108.24	216.48	432.96	1082.40	2164.80	21648.	6.09	6.50	6.50
5-0 TO 5-6 (7/1/80)	55.88	111.76	223.52	447.04	1117.60	2235.20	22352.	6.10	6.51	6.50
5-6 TO 6-0 (1/1/81)	57.70	115.40	230.80	461.60	1154.00	2308.00	23080.	6.14	6.48	6.50
6-0 TO 6-6 (7/1/81)	59.57	119.14	238.28	476.56	1191.40	2382.80	23828.	6.17	6.51	6.50
6-6 TO 7-0 (1/1/82)	61.51	123.02	246.04	492.08	1230.20	2460.40	24604.	6.19	6.50	6.50
7-0 TO 7-6 (7/1/82)	63.51	127.02	254.04	508.08	1270.20	2540.40	25404.	6.21	6.49	6.50
7-6 TO 8-0 (1/1/83)	65.57	131.14	262.28	524.56	1311.40	2622.80	26228.	6.23	6.50	6.50
8-0 TO 8-6 (7/1/83)	67.70	135.40	270.80	541.60	1354.00	2708.00	27080.	6.25	6.50	6.50
8-6 TO 9-0 (1/1/84)	69.90	139.80	279.60	559.20	1398.00	2796.00	27960.	6.26	6.52	6.51
9-0 TO 9-6 (7/1/84)	72.18	144.36	288.72	577.44	1443.60	2887.20	28872.	6.28	6.48	6.49
9-6 TO10-0 (1/1/85)	74.52	149.04	298.08	596.16	1490.40	2980.80	29808.	6.29	6.49	6.49
10-0 2/ (7/1/85)	76.94	153.88	307.76	615.52	1538.80	3077.60	30776.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/85)	$76.94	$153.88	$307.76	$615.52	$1538.80	$3077.60	$30776.	——	6.50	7.50
0-6 TO 1-0 (1/1/86)	79.44	158.88	317.76	635.52	1588.80	3177.60	31776.	6.50	6.50	7.60
1-0 TO 1-6 (7/1/86)	82.02	164.04	328.08	656.16	1640.40	3280.80	32808.	6.50	6.51	7.73
1-6 TO 2-0 (1/1/87)	84.69	169.38	338.76	677.52	1693.80	3387.60	33876.	6.50	6.49	7.88
2-0 TO 2-6 (7/1/87)	87.44	174.88	349.76	699.52	1748.80	3497.60	34976.	6.50	6.50	8.08
2-6 TO 3-0 (1/1/88)	90.28	180.56	361.12	722.24	1805.60	3611.20	36112.	6.50	6.51	8.34
3-0 TO 3-6 (7/1/88)	93.22	186.44	372.88	745.76	1864.40	3728.80	37288.	6.50	6.50	8.71
3-6 TO 4-0 (1/1/89)	96.25	192.50	385.00	770.00	1925.00	3850.00	38500.	6.50	6.48	9.26
4-0 TO 4-6 (7/1/89)	99.37	198.74	397.48	794.96	1987.40	3974.80	39748.	6.50	6.50	10.20
4-6 TO 5-0 (1/1/90)	102.60	205.20	410.40	820.80	2053.00	4106.00	41060.	6.51	6.50	12.07
5-0 TO 5-6 (7/1/90)	105.94	211.88	423.76	847.52	2118.80	4237.60	42376.	6.50	17.78	17.78
5-6 4/ (1/1/91)	115.36	230.72	461.44	922.88	2307.20	4614.40	46144.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.82 PERCENT; TO DATE OF BONUS PAYMENT IS 5.23 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 50

BONDS BEARING ISSUE DATES FROM DEC. 1, 1955 THROUGH MAR. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(8/1/79)	$52.55	$105.10	$210.20	$420.40	$1051.00	$2102.00	$21020.	6.00	6.51	6.50
4-6 TO 5-0 (2/1/80)	54.26	108.52	217.04	434.08	1085.20	2170.40	21704.	6.06	6.49	6.50
5-0 TO 5-6 (8/1/80)	56.02	112.04	224.08	448.16	1120.40	2240.80	22408.	6.10	6.50	6.50
5-6 TO 6-0 (2/1/81)	57.84	115.68	231.36	462.72	1156.80	2313.60	23136.	6.14	6.50	6.50
6-0 TO 6-6 (8/1/81)	59.72	119.44	238.88	477.76	1194.40	2388.80	23888.	6.17	6.50	6.50
6-6 TO 7-0 (2/1/82)	61.66	123.32	246.64	493.28	1233.20	2466.40	24664.	6.19	6.52	6.50
7-0 TO 7-6 (8/1/82)	63.67	127.34	254.68	509.36	1273.40	2546.80	25468.	6.22	6.50	6.50
7-6 TO 8-0 (2/1/83)	65.74	131.48	262.96	525.92	1314.80	2629.60	26296.	6.24	6.48	6.50
8-0 TO 8-6 (8/1/83)	67.87	135.74	271.48	542.96	1357.40	2714.80	27148.	6.25	6.51	6.50
8-6 TO 9-0 (2/1/84)	70.08	140.16	280.32	560.64	1401.60	2803.20	28032.	6.27	6.51	6.50
9-0 TO 9-6 (8/1/84)	72.36	144.72	289.44	578.88	1447.20	2894.40	28944.	6.28	6.50	6.50
9-6 TO10-0 (2/1/85)	74.71	149.42	298.84	597.68	1494.20	2988.40	29884.	6.29	6.51	6.51
10-0 2/ (8/1/85)	77.14	154.28	308.56	617.12	1542.80	3085.60	30856.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (8/1/85)	$77.14	$154.28	$308.56	$617.12	$1542.80	$3085.60	$30856.	——	6.51	7.50
0-6 TO 1-0 (2/1/86)	79.65	159.30	318.60	637.20	1593.00	3186.00	31860.	6.51	6.50	7.60
1-0 TO 1-6 (8/1/86)	82.24	164.48	328.96	657.92	1644.80	3289.60	32896.	6.51	6.49	7.72
1-6 TO 2-0 (2/1/87)	84.91	169.82	339.64	679.28	1698.20	3396.40	33964.	6.50	6.50	7.88
2-0 TO 2-6 (8/1/87)	87.67	175.34	350.68	701.36	1753.40	3506.80	35068.	6.50	6.50	8.08
2-6 TO 3-0 (2/1/88)	90.52	181.04	362.08	724.16	1810.40	3620.80	36208.	6.50	6.50	8.34
3-0 TO 3-6 (8/1/88)	93.46	186.92	373.84	747.68	1869.20	3738.40	37384.	6.50	6.51	8.71
3-6 TO 4-0 (2/1/89)	96.50	193.00	386.00	772.00	1930.00	3860.00	38600.	6.50	6.49	9.26
4-0 TO 4-6 (8/1/89)	99.63	199.26	398.52	797.04	1992.60	3985.20	39852.	6.50	6.50	10.20
4-6 TO 5-0 (2/1/90)	102.87	205.74	411.48	822.96	2057.40	4114.80	41148.	6.50	6.49	12.07
5-0 TO 5-6 (8/1/90)	106.21	212.42	424.84	849.68	2124.20	4248.40	42484.	6.50	17.79	17.79
5-6 4/ (2/1/91)	115.66	231.32	462.64	925.28	2313.20	4626.40	46264.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1955 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.83 PERCENT; TO DATE OF BONUS PAYMENT IS 5.24 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 51

BONDS BEARING ISSUE DATE APR. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(6/1/79)	$52.32	$104.64	$209.28	$418.56	$1046.40	$2092.80	$20928.	6.00	6.50	6.50
4-0 TO 4-6 (12/1/79)	54.02	108.04	216.08	432.16	1080.40	2160.80	21608.	6.06	6.52	6.50
4-6 TO 5-0 (6/1/80)	55.78	111.56	223.12	446.24	1115.60	2231.20	22312.	6.11	6.49	6.50
5-0 TO 5-6 (12/1/80)	57.59	115.18	230.36	460.72	1151.80	2303.60	23036.	6.15	6.49	6.50
5-6 TO 6-0 (6/1/81)	59.46	118.92	237.84	475.68	1189.20	2378.40	23784.	6.18	6.49	6.50
6-0 TO 6-6 (12/1/81)	61.39	122.78	245.56	491.12	1227.80	2455.60	24556.	6.21	6.52	6.50
6-6 TO 7-0 (6/1/82)	63.39	126.78	253.56	507.12	1267.80	2535.60	25356.	6.23	6.50	6.50
7-0 TO 7-6 (12/1/82)	65.45	130.90	261.80	523.60	1309.00	2618.00	26180.	6.25	6.51	6.50
7-6 TO 8-0 (6/1/83)	67.58	135.16	270.32	540.64	1351.60	2703.20	27032.	6.27	6.48	6.50
8-0 TO 8-6 (12/1/83)	69.77	139.54	279.08	558.16	1395.40	2790.80	27908.	6.28	6.51	6.50
8-6 TO 9-0 (6/1/84)	72.04	144.08	288.16	576.32	1440.80	2881.60	28816.	6.29	6.50	6.50
9-0 TO 9-6 (12/1/84)	74.38	148.76	297.52	595.04	1487.60	2975.20	29752.	6.31	6.51	6.50
9-6 TO10-0 (6/1/85)	76.80	153.60	307.20	614.40	1536.00	3072.00	30720.	6.32	6.48	6.48
10-0 2/ (12/1/85)	79.29	158.58	317.16	634.32	1585.80	3171.60	31716.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/85)	$79.29	$158.58	$317.16	$634.32	$1585.80	$3171.60	$31716.	——	6.51	7.50
0-6 TO 1-0 (6/1/86)	81.87	163.74	327.48	654.96	1637.40	3274.80	32748.	6.51	6.50	7.60
1-0 TO 1-6 (12/1/86)	84.53	169.06	338.12	676.24	1690.60	3381.20	33812.	6.50	6.48	7.73
1-6 TO 2-0 (6/1/87)	87.27	174.54	349.08	698.16	1745.40	3490.80	34908.	6.50	6.51	7.88
2-0 TO 2-6 (12/1/87)	90.11	180.22	360.44	720.88	1802.20	3604.40	36044.	6.50	6.50	8.08
2-6 TO 3-0 (6/1/88)	93.04	186.08	372.16	744.32	1860.80	3721.60	37216.	6.50	6.49	8.34
3-0 TO 3-6 (12/1/88)	96.08	192.12	384.24	768.48	1921.20	3842.40	38424.	6.50	6.52	8.72
3-6 TO 4-0 (6/1/89)	99.19	198.38	396.76	793.52	1983.80	3967.60	39676.	6.50	6.49	9.27
4-0 TO 4-6 (12/1/89)	102.41	204.82	409.64	819.28	2048.20	4096.40	40964.	6.50	6.50	10.21
4-6 TO 5-0 (6/1/90)	105.74	211.48	422.96	845.92	2114.80	4229.60	42296.	6.50	6.49	12.08
5-0 TO 5-6 (12/1/90)	109.17	218.34	436.68	873.36	2183.40	4366.80	43668.	6.50	17.83	17.83
5-6 4/ (6/1/91)	118.90	237.80	475.60	951.20	2378.00	4756.00	47560.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.82 PERCENT; TO DATE OF BONUS PAYMENT IS 5.32 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 52

BONDS BEARING ISSUE DATE MAY 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(7/1/79)	$52.32	$104.64	$209.28	$418.56	$1046.40	$2092.80	$20928.	6.00	6.50	6.50
4-0 TO 4-6 (1/1/80)	54.02	108.04	216.08	432.16	1080.40	2160.80	21608.	6.06	6.52	6.50
4-6 TO 5-0 (7/1/80)	55.78	111.56	223.12	446.24	1115.60	2231.20	22312.	6.11	6.49	6.50
5-0 TO 5-6 (1/1/81)	57.59	115.18	230.36	460.72	1151.80	2303.60	23036.	6.15	6.49	6.50
5-6 TO 6-0 (7/1/81)	59.46	118.92	237.84	475.68	1189.20	2378.40	23784.	6.18	6.49	6.50
6-0 TO 6-6 (1/1/82)	61.39	122.78	245.56	491.12	1227.80	2455.60	24556.	6.21	6.52	6.50
6-6 TO 7-0 (7/1/82)	63.39	126.78	253.56	507.12	1267.80	2535.60	25356.	6.23	6.50	6.50
7-0 TO 7-6 (1/1/83)	65.45	130.90	261.80	523.60	1309.00	2618.00	26180.	6.25	6.51	6.50
7-6 TO 8-0 (7/1/83)	67.58	135.16	270.32	540.64	1351.60	2703.20	27032.	6.27	6.48	6.50
8-0 TO 8-6 (1/1/84)	69.77	139.54	279.08	558.16	1395.40	2790.80	27908.	6.28	6.51	6.50
8-6 TO 9-0 (7/1/84)	72.04	144.08	288.16	576.32	1440.80	2881.60	28816.	6.29	6.50	6.50
9-0 TO 9-6 (1/1/85)	74.38	148.76	297.52	595.04	1487.60	2975.20	29752.	6.31	6.51	6.50
9-6 TO10-0 (7/1/85)	76.80	153.60	307.20	614.40	1536.00	3072.00	30720.	6.32	6.48	6.48
10-0 2/ (1/1/86)	79.29	158.58	317.16	634.32	1585.80	3171.60	31716.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/86)	$79.29	$158.58	$317.16	$634.32	$1585.80	$3171.60	$31716.	——	6.51	7.50
0-6 TO 1-0 (7/1/86)	81.87	163.74	327.48	654.96	1637.40	3274.80	32748.	6.51	6.50	7.72
1-0 TO 1-6 (1/1/87)	84.53	169.06	338.12	676.24	1690.60	3381.20	33812.	6.50	6.48	7.88
1-6 TO 2-0 (7/1/87)	87.27	174.54	349.08	698.16	1745.40	3490.80	34908.	6.50	6.51	8.08
2-0 TO 2-6 (1/1/88)	90.11	180.22	360.44	720.88	1802.20	3604.40	36044.	6.50	6.50	8.34
2-6 TO 3-0 (7/1/88)	93.04	186.08	372.16	744.32	1860.80	3721.60	37216.	6.50	6.49	8.71
3-0 TO 3-6 (1/1/89)	96.06	192.12	384.24	768.48	1921.20	3842.40	38424.	6.50	6.52	9.27
3-6 TO 4-0 (7/1/89)	99.19	198.38	396.76	793.52	1983.80	3967.60	39676.	6.50	6.49	10.19
4-0 TO 4-6 (1/1/90)	102.41	204.82	409.64	819.28	2048.20	4096.40	40964.	6.50	6.50	12.09
4-6 TO 5-0 (7/1/90)	105.74	211.48	422.96	845.92	2114.80	4229.60	42296.	6.50	17.78	17.78
5-0 4/ (1/1/91)	115.14	230.28	460.56	921.12	2302.80	4605.60	46056.	7.50 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.82 PERCENT; TO DATE OF BONUS PAYMENT IS 5.30 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 53

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEP. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/ (8/1/79)	$52.44	$104.88	$209.76	$419.52	$1048.80	$2097.60	$20976.	6.00	6.48	6.50
4-0 TO 4-6 (2/1/80)	54.14	108.28	216.56	433.12	1082.80	2165.60	21656.	5.06	6.50	6.50
4-6 TO 5-0 (8/1/80)	55.90	111.80	223.60	447.20	1118.00	2236.00	22360.	6.11	6.51	6.50
5-0 TO 5-6 (2/1/81)	57.72	115.46	230.88	461.76	1154.40	2308.80	23088.	6.15	6.51	6.50
5-6 TO 6-0 (8/1/81)	59.60	119.20	238.40	476.80	1192.00	2384.00	23840.	6.18	6.48	6.50
6-0 TO 6-6 (2/1/82)	61.53	123.06	246.12	492.24	1230.60	2461.20	24612.	6.21	6.50	6.50
6-6 TO 7-0 (8/1/82)	63.53	127.06	254.12	508.24	1270.60	2541.20	25412.	6.23	6.52	6.50
7-0 TO 7-6 (2/1/83)	65.60	131.20	262.40	524.80	1312.00	2624.00	26240.	6.25	6.49	6.50
7-6 TO 8-0 (8/1/83)	67.73	135.46	270.92	541.84	1354.60	2709.20	27092.	6.27	6.50	6.50
8-0 TO 8-6 (2/1/84)	69.93	139.86	279.72	559.44	1398.60	2797.20	27972.	6.28	6.49	6.50
8-6 TO 9-0 (8/1/84)	72.20	144.40	288.80	577.60	1446.00	2888.00	28880.	6.29	6.51	6.50
9-0 TO 9-6 (2/1/85)	74.54	149.10	298.20	596.40	1491.00	2982.00	29820.	6.30	6.49	6.51
9-6 TO10-0 (8/1/85)	76.97	153.94	307.88	615.76	1539.40	3078.80	30780.	6.31	6.52	6.52
10-0 2/ (2/1/86)	79.48	158.96	317.92	635.84	1589.60	3179.20	31792.	6.33 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (2/1/86)	$79.48	$158.96	$317.92	$635.84	$1589.60	$3179.20	$31792.	——	6.49	7.60
0-6 TO 1-0 (8/1/86)	82.06	164.12	328.24	656.48	1641.20	3282.40	32824.	6.49	6.51	7.73
1-0 TO 1-6 (2/1/87)	84.73	169.46	338.92	677.84	1694.60	3389.20	33892.	6.50	6.49	7.88
1-6 TO 2-0 (8/1/87)	87.48	174.96	349.92	699.84	1749.60	3499.20	34992.	6.50	6.52	8.08
2-0 TO 2-6 (2/1/88)	90.33	180.66	361.32	722.64	1806.60	3613.20	36132.	6.50	6.49	8.34
2-6 TO 3-0 (8/1/88)	93.26	186.52	373.04	746.08	1865.20	3730.40	37304.	6.50	6.50	8.71
3-0 TO 3-6 (2/1/89)	96.29	192.58	385.16	770.32	1925.80	3851.60	38516.	6.50	6.50	9.27
3-6 TO 4-0 (8/1/89)	99.42	198.84	397.68	795.36	1988.40	3976.80	39768.	6.50	6.50	10.20
4-0 TO 4-6 (2/1/90)	102.65	205.30	410.60	821.20	2053.00	4106.00	41060.	6.50	6.51	12.08
4-6 TO 5-0 (8/1/90)	105.99	211.98	423.96	847.92	2119.80	4239.60	42396.	6.51	17.79	17.79
5-0 4/ (2/1/91)	115.42	230.84	461.68	923.36	2309.40	4618.80	46168.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1956 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.93 PERCENT; TO DATE OF BONUS PAYMENT IS 5.31 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 54

BONDS BEARING ISSUE DATE OCT. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(6/1/79)	$51.38	$102.76	$205.52	$411.04	$1027.60	$2055.20	$20552.	6.00	6.48	6.50
3-6 TO 4-0 (12/1/79)	53.05	106.10	212.20	424.40	1061.00	2122.00	21220.	6.07	6.48	6.50
4-0 TO 4-6 (6/1/80)	54.77	109.54	219.08	438.16	1095.40	2190.80	21908.	6.12	6.50	6.50
4-6 TO 5-0 (12/1/80)	56.55	113.10	226.20	452.40	1131.00	2262.00	22620.	6.16	6.51	6.50
5-0 TO 5-6 (6/1/81)	58.39	116.78	233.56	467.12	1167.80	2335.60	23356.	6.20	6.51	6.50
5-6 TO 6-0 (12/1/81)	60.29	120.58	241.16	482.32	1205.80	2411.60	24116.	6.23	6.50	6.50
6-0 TO 6-6 (6/1/82)	62.25	124.50	249.00	498.00	1245.00	2490.00	24900.	6.25	6.49	6.50
6-6 TO 7-0 (12/1/82)	64.27	128.54	257.08	514.16	1285.40	2570.80	25708.	6.27	6.50	6.50
7-0 TO 7-6 (6/1/83)	66.36	132.72	265.44	530.88	1327.20	2654.40	26544.	6.29	6.51	6.50
7-6 TO 8-0 (12/1/83)	68.52	137.04	274.08	548.16	1370.40	2740.80	27408.	6.30	6.49	6.50
8-0 TO 8-6 (6/1/84)	70.74	141.48	282.96	565.92	1414.80	2829.60	28296.	6.31	6.50	6.50
8-6 TO 9-0 (12/1/84)	73.04	146.08	292.16	584.32	1460.80	2921.60	29216.	6.32	6.52	6.50
9-0 TO 9-6 (6/1/85)	75.42	150.84	301.68	603.36	1508.40	3016.80	30168.	6.33	6.50	6.50
9-6 TO10-0 (12/1/85)	77.87	155.74	311.48	622.96	1557.40	3114.80	31148.	6.34	6.50	6.50
10-0 2/ (6/1/86)	80.40	160.80	321.60	643.20	1608.00	3216.00	32160.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/86)	$80.40	$160.80	$321.60	$643.20	$1608.00	$3216.00	$32160.	——	6.49	7.60
0-6 TO 1-0 (12/1/86)	83.01	166.02	332.04	664.08	1660.20	3320.40	33204.	6.49	6.51	7.72
1-0 TO 1-6 (6/1/87)	85.71	171.42	342.84	685.68	1714.20	3428.40	34284.	6.50	6.51	7.88
1-6 TO 2-0 (12/1/87)	88.50	177.00	354.00	708.00	1770.00	3540.00	35400.	6.50	6.49	8.07
2-0 TO 2-6 (6/1/88)	91.37	182.74	365.48	730.96	1827.40	3654.80	36548.	6.50	6.50	8.34
2-6 TO 3-0 (12/1/88)	94.34	188.68	377.36	754.72	1886.80	3773.60	37736.	6.50	6.51	8.71
3-0 TO 3-6 (6/1/89)	97.41	194.82	389.64	779.28	1948.20	3896.40	38964.	6.50	6.49	9.26
3-6 TO 4-0 (12/1/89)	100.57	201.14	402.28	804.56	2011.40	4022.80	40228.	6.50	6.50	10.20
4-0 TO 4-6 (6/1/90)	103.84	207.68	415.36	830.72	2076.80	4153.60	41536.	6.50	6.51	12.07
4-6 TO 5-0 (12/1/90)	107.22	214.44	428.88	857.76	2144.40	4288.80	42888.	6.51	17.78	17.78
5-0 4/ (6/1/91)	116.75	233.50	467.00	934.00	2335.00	4670.00	46700.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.97 PERCENT; TO DATE OF BONUS PAYMENT IS 5.35 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 55

BONDS BEARING ISSUE DATE NOV. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(7/1/79)	$51.38	$102.76	$205.52	$411.04	$1027.60	$2055.20	$20552.	6.00	6.50	6.50
3-6 TO 4-0 (1/1/80)	53.05	106.10	212.20	424.40	1061.00	2122.00	21220.	6.07	6.48	6.50
4-0 TO 4-6 (7/1/80)	54.77	109.54	219.08	438.16	1095.40	2190.80	21908.	6.12	6.50	6.50
4-6 TO 5-0 (1/1/81)	56.55	113.10	226.20	452.40	1131.00	2262.00	22620.	6.16	6.51	6.50
5-0 TO 5-6 (7/1/81)	58.39	116.78	233.56	467.12	1167.80	2335.60	23356.	6.20	6.51	6.50
5-6 TO 6-0 (1/1/82)	60.29	120.58	241.16	482.32	1205.80	2411.60	24116.	6.23	6.50	6.50
6-0 TO 6-6 (7/1/82)	62.25	124.50	249.00	498.00	1245.00	2490.00	24900.	6.25	6.49	6.50
6-6 TO 7-0 (1/1/83)	64.27	128.54	257.08	514.16	1285.40	2570.80	25708.	6.27	6.50	6.50
7-0 TO 7-6 (7/1/83)	66.36	132.72	265.44	530.88	1327.20	2654.40	26544.	6.29	6.51	6.50
7-6 TO 8-0 (1/1/84)	68.52	137.04	274.08	548.16	1370.40	2740.80	27408.	6.30	6.49	6.50
8-0 TO 8-6 (7/1/84)	70.74	141.48	282.96	565.92	1414.80	2829.60	28296.	6.31	6.50	6.50
8-6 TO 9-0 (1/1/85)	73.04	146.08	292.16	584.32	1460.80	2921.60	29216.	6.32	6.52	6.50
9-0 TO 9-6 (7/1/85)	75.42	150.84	301.68	603.36	1508.40	3016.80	30168.	6.33	6.50	6.50
9-6 TO10-0 (1/1/86)	77.87	155.74	311.48	622.96	1557.40	3114.80	31148.	6.34	6.50	6.50
10-0 2/ (7/1/86)	80.40	160.80	321.60	643.20	1608.00	3216.00	32160.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/86)	$80.40	$160.80	$321.60	$643.20	$1608.00	$3216.00	$32160.	——	6.49	7.73
0-6 TO 1-0 (1/1/87)	83.01	166.02	332.04	664.08	1660.20	3320.40	33204.	6.49	6.51	7.88
1-0 TO 1-6 (7/1/87)	85.71	171.42	342.84	685.68	1714.20	3428.40	34284.	6.50	6.51	8.08
1-6 TO 2-0 (1/1/88)	88.50	177.00	354.00	708.00	1770.00	3540.00	35400.	6.50	6.50	8.34
2-0 TO 2-6 (7/1/88)	91.37	182.74	365.48	730.96	1827.40	3654.80	36548.	6.50	6.50	8.71
2-6 TO 3-0 (1/1/89)	94.34	188.68	377.36	754.72	1886.80	3773.60	37736.	6.50	6.51	9.27
3-0 TO 3-6 (7/1/89)	97.41	194.82	389.64	779.28	1948.20	3896.40	38964.	6.50	6.49	10.20
3-6 TO 4-0 (1/1/90)	100.57	201.14	402.28	804.56	2011.40	4022.80	40228.	6.50	6.50	12.07
4-0 TO 4-6 (7/1/90)	103.84	207.68	415.36	830.72	2076.80	4153.60	41536.	6.50	6.49	12.09
4-6 TO 5-0 (1/1/91)	113.08	226.16	452.32	904.64	2261.60	4523.20	45232.	7.73 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.97 PERCENT; TO DATE OF BONUS PAYMENT IS 5.33 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 56

BONDS BEARING ISSUE DATE DEC. 1, 1956 OR JAN. 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(8/1/79)	$51.67	$103.34	$206.68	$413.36	$1033.40	$2066.80	$20668.	6.00	6.50	6.50
3-6 TO 4-0 (2/1/80)	53.35	106.70	213.40	426.80	1067.00	2134.00	21340.	6.07	6.49	6.50
4-0 TO 4-6 (8/1/80)	55.08	110.16	220.32	440.64	1101.60	2203.20	22032.	6.13	6.50	6.50
4-6 TO 5-0 (2/1/81)	56.87	113.74	227.48	454.96	1137.40	2274.80	22748.	6.17	6.51	6.50
5-0 TO 5-6 (8/1/81)	58.72	117.44	234.88	469.76	1174.40	2348.80	23488.	6.20	6.51	6.50
5-6 TO 6-0 (2/1/82)	60.63	121.26	242.52	485.04	1212.60	2425.20	24252.	6.23	6.50	6.50
6-0 TO 6-6 (8/1/82)	62.60	125.20	250.40	500.80	1253.00	2504.00	25040.	6.25	6.52	6.50
6-6 TO 7-0 (2/1/83)	64.64	129.28	258.56	517.12	1292.80	2585.60	25856.	6.27	6.50	6.50
7-0 TO 7-6 (8/1/83)	66.74	133.48	266.96	533.92	1334.80	2669.60	26696.	6.29	6.47	6.50
7-6 TO 8-0 (2/1/84)	68.90	137.80	275.60	551.20	1378.00	2756.00	27560.	6.30	6.50	6.50
8-0 TO 8-6 (8/1/84)	71.14	142.28	284.56	569.12	1422.80	2845.60	28456.	6.31	6.52	6.50
8-6 TO 9-0 (2/1/85)	73.46	146.92	293.84	587.68	1469.20	2938.40	29384.	6.32	6.48	6.49
9-0 TO 9-6 (8/1/85)	75.84	151.68	303.36	606.72	1516.80	3033.60	30336.	6.33	6.51	6.50
9-6 TO10-0 (2/1/86)	78.31	156.62	313.24	626.48	1566.20	3132.40	31324.	6.34	6.49	6.49
10-0 2/ (8/1/86)	80.85	161.70	323.40	646.80	1617.00	3234.00	32340.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (8/1/86)	$80.85	$161.70	$323.40	$646.80	$1617.00	$3234.00	$32340.	——	6.51	7.73
0-6 TO 1-0 (2/1/87)	83.48	166.96	333.92	667.84	1669.60	3339.20	33392.	6.51	6.49	7.88
1-0 TO 1-6 (8/1/87)	86.19	172.38	344.76	689.52	1723.80	3447.60	34476.	6.50	6.51	8.08
1-6 TO 2-0 (2/1/88)	88.99	177.98	355.96	711.92	1779.80	3559.60	35596.	6.50	6.50	8.34
2-0 TO 2-6 (8/1/88)	91.88	183.76	367.52	735.04	1837.60	3675.20	36752.	6.50	6.51	8.71
2-6 TO 3-0 (2/1/89)	94.87	189.74	379.48	758.96	1897.40	3794.80	37948.	6.51	6.49	9.27
3-0 TO 3-6 (8/1/89)	97.95	195.90	391.80	783.60	1959.00	3918.00	39180.	6.50	6.51	10.20
3-6 TO 4-0 (2/1/90)	101.14	202.28	404.56	809.12	2022.80	4045.60	40456.	6.50	6.49	12.09
4-0 TO 4-6 (8/1/90)	104.42	208.84	417.68	835.36	2088.40	4176.80	41768.	6.51	17.81	17.81
4-6 4/ (2/1/91)	113.72	227.44	454.88	909.76	2274.40	4548.80	45498.	7.73 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1956 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1957, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.99 PERCENT; TO DATE OF BONUS PAYMENT IS 5.35 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 57

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(7/1/79)	$52.38	$104.76	$209.52	$419.04	$1047.60	$2095.20	$20952.	6.00	6.49	6.50
4-0 TO 4-6 (1/1/80)	54.08	108.16	216.32	432.64	1081.60	2163.20	21632.	6.04	6.51	6.50
4-6 TO 5-0 (7/1/80)	55.84	111.68	223.36	446.72	1116.80	2233.60	22336.	6.11	6.48	6.50
5-0 TO 5-6 (1/1/81)	57.65	115.30	230.60	461.20	1153.00	2306.00	23060.	6.15	6.52	6.50
5-6 TO 6-0 (7/1/81)	59.53	119.06	238.12	476.24	1190.60	2381.20	23812.	6.18	6.48	6.50
6-0 TO 6-6 (1/1/82)	61.46	122.92	245.84	491.68	1229.20	2458.40	24584.	6.21	6.51	6.50
6-6 TO 7-0 (7/1/82)	63.46	126.92	253.84	507.68	1269.20	2538.40	25384.	6.23	6.49	6.50
7-0 TO 7-6 (1/1/83)	65.52	131.04	262.08	524.16	1310.40	2620.80	26208.	6.25	6.50	6.50
7-6 TO 8-0 (7/1/83)	67.65	135.30	270.60	541.20	1353.00	2706.00	27060.	6.27	6.50	6.50
8-0 TO 8-6 (1/1/84)	69.85	139.70	279.40	558.80	1397.00	2794.00	27940.	6.28	6.50	6.50
8-6 TO 9-0 (7/1/84)	72.12	144.24	288.48	576.96	1442.40	2884.80	28848.	6.29	6.52	6.50
9-0 TO 9-6 (1/1/85)	74.47	148.94	297.88	595.76	1489.40	2978.80	29788.	6.31	6.50	6.49
9-6 TO10-0 (7/1/85)	76.89	153.78	307.56	615.12	1537.80	3075.60	30756.	6.32	6.48	6.48
10-0 2/ (1/1/86)	79.39	158.76	317.52	635.04	1587.60	3175.20	31752.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/86)	$79.38	$158.76	$317.52	$635.04	$1587.60	$3175.20	$31752.	——	6.50	7.60
0-6 TO 1-0 (7/1/86)	81.95	163.92	327.84	655.68	1639.20	3278.40	32784.	6.50	6.49	7.72
1-0 TO 1-6 (1/1/87)	84.62	169.24	338.48	676.96	1692.40	3384.80	33848.	6.50	6.50	7.88
1-6 TO 2-0 (7/1/87)	87.37	174.74	349.48	698.96	1747.40	3494.80	34948.	6.50	6.50	8.08
2-0 TO 2-6 (1/1/88)	90.21	180.42	360.84	721.68	1804.20	3608.40	36084.	6.50	6.52	8.34
2-6 TO 3-0 (7/1/88)	93.15	186.30	372.60	745.20	1863.00	3726.00	37260.	6.50	6.48	8.71
3-0 TO 3-6 (1/1/89)	96.17	192.34	384.68	769.36	1923.40	3846.80	38468.	6.50	6.51	9.27
3-6 TO 4-0 (7/1/89)	99.30	198.60	397.20	794.40	1986.00	3972.00	39720.	6.50	6.51	10.19
4-0 TO 4-6 (1/1/90)	102.53	205.06	410.12	820.24	2050.60	4101.20	41012.	6.50	6.50	12.06
4-6 TO 5-0 (7/1/90)	105.86	211.72	423.44	846.88	2117.20	4234.40	42344.	6.50	17.78	17.78
5-0 4/ (1/1/91)	115.27	230.54	461.08	922.16	2305.40	4610.80	46108.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1957 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.05 PERCENT; TO DATE OF BONUS PAYMENT IS 5.43 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 58

BONDS BEARING ISSUE DATE JUNE 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(11/1/79)	$52.61	$105.22	$210.44	$420.88	$1052.20	$2104.40	$21044.	6.00	6.50	6.50
4-0 TO 4-6 (5/1/80)	54.33	108.64	217.28	434.56	1086.40	2172.80	21728.	6.06	6.52	6.50
4-6 TO 5-0 (11/1/80)	56.09	112.18	224.36	448.72	1121.80	2243.60	22436.	6.11	6.49	6.50
5-0 TO 5-6 (5/1/81)	57.91	115.82	231.64	463.28	1158.20	2316.40	23164.	6.15	6.49	6.50
5-6 TO 6-0 (11/1/81)	59.79	119.58	239.16	478.32	1195.80	2391.60	23916.	6.18	6.49	6.50
6-0 TO 6-6 (5/1/82)	61.73	123.46	246.92	493.84	1234.60	2469.20	24692.	6.21	6.51	6.50
6-6 TO 7-0 (11/1/82)	63.74	127.48	254.96	509.92	1274.80	2549.60	25496.	6.23	6.50	6.50
7-0 TO 7-6 (5/1/83)	65.81	131.62	263.24	526.48	1316.20	2632.40	26324.	6.25	6.50	6.50
7-6 TO 8-0 (11/1/83)	67.95	135.90	271.80	543.60	1359.00	2718.00	27180.	6.27	6.50	6.50
8-0 TO 8-6 (5/1/84)	70.16	140.32	280.64	561.28	1403.20	2806.40	28064.	6.28	6.50	6.50
8-6 TO 9-0 (11/1/84)	72.44	144.88	289.76	579.52	1448.80	2897.60	28976.	6.29	6.49	6.50
9-0 TO 9-6 (5/1/85)	74.79	149.58	299.16	598.32	1495.80	2991.60	29916.	6.30	6.50	6.50
9-6 TO10-0 (11/1/85)	77.22	154.44	308.88	617.76	1544.40	3088.80	30888.	6.31	6.50	6.50
10-0 2/ (5/1/86)	79.73	159.46	318.92	637.84	1594.60	3189.20	31892.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (5/1/86)	$79.73	$159.46	$318.92	$637.84	$1594.60	$3189.20	$31892.	——	6.50	7.60
0-6 TO 1-0 (11/1/86)	82.32	164.64	329.28	658.56	1646.40	3292.80	32928.	6.50	6.51	7.72
1-0 TO 1-6 (5/1/87)	85.00	170.00	340.00	680.00	1700.00	3400.00	34000.	6.50	6.49	7.88
1-6 TO 2-0 (11/1/87)	87.76	175.52	351.04	702.08	1755.20	3510.40	35104.	6.50	6.49	8.08
2-0 TO 2-6 (5/1/88)	90.61	181.22	362.44	724.88	1812.20	3624.40	36244.	6.50	6.51	8.34
2-6 TO 3-0 (11/1/88)	93.56	187.12	374.24	748.48	1871.20	3742.40	37424.	6.50	6.50	8.71
3-0 TO 3-6 (5/1/89)	96.60	193.20	386.40	772.80	1932.00	3864.00	38640.	6.50	6.50	9.26
3-6 TO 4-0 (11/1/89)	99.74	199.48	398.96	797.92	1994.80	3989.60	39896.	6.50	6.51	10.19
4-0 TO 4-6 (5/1/90)	102.98	205.96	411.92	823.84	2059.60	4119.20	41192.	6.50	6.49	12.07
4-6 TO 5-0 (11/1/90)	106.32	212.64	425.28	850.56	2126.40	4252.80	42528.	6.50	17.80	17.80
5-0 4/ (5/1/91)	115.78	231.56	463.12	926.24	2315.60	4631.20	46312.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1957 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.07 PERCENT; TO DATE OF BONUS PAYMENT IS 5.44 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 59

BONDS BEARING ISSUE DATE JUL. 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(6/1/79)	$51.54	$103.08	$206.16	$412.32	$1030.80	$2061.60	$20616.	6.00	6.52	6.50
3-6 TO 4-0 (12/1/79)	53.32	106.64	213.28	425.76	1064.40	2128.80	21288.	6.08	6.46	6.50
4-0 TO 4-6 (6/1/80)	54.94	109.88	219.76	439.52	1098.80	2197.60	21976.	6.13	6.52	6.50
4-6 TO 5-0 (12/1/80)	56.73	113.46	226.92	453.84	1134.60	2269.20	22692.	6.17	6.49	6.50
5-0 TO 5-6 (6/1/81)	58.57	117.14	234.28	468.56	1171.40	2342.80	23428.	6.20	6.52	6.50
5-6 TO 6-0 (12/1/81)	60.48	120.96	241.92	483.84	1209.60	2419.20	24192.	6.23	6.48	6.50
6-0 TO 6-6 (6/1/82)	62.44	124.88	249.76	499.52	1248.80	2497.60	24976.	6.25	6.51	6.50
6-6 TO 7-0 (12/1/82)	64.47	128.94	257.88	515.76	1289.40	2578.80	25788.	6.27	6.51	6.50
7-0 TO 7-6 (6/1/83)	66.57	133.14	266.28	532.56	1331.40	2662.80	26628.	6.29	6.49	6.50
7-6 TO 8-0 (12/1/83)	68.73	137.46	274.92	549.84	1374.60	2749.20	27492.	6.30	6.52	6.50
8-0 TO 8-6 (6/1/84)	70.97	141.94	283.88	567.76	1419.40	2839.80	28398.	6.31	6.48	6.50
8-6 TO 9-0 (12/1/84)	73.27	146.54	293.08	586.16	1465.40	2930.80	29308.	6.32	6.50	6.50
9-0 TO 9-6 (6/1/85)	75.65	151.30	302.60	605.20	1513.00	3026.00	30260.	6.33	6.50	6.50
9-6 TO10-0 (12/1/85)	78.11	156.22	312.44	624.88	1562.20	3124.40	31244.	6.34	6.50	6.50
10-0 2/ (6/1/86)	80.65	161.30	322.60	645.20	1613.00	3226.00	32260.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/86)	$80.65	$161.30	$322.60	$645.20	$1613.00	$3226.00	$32260.	——	6.50	7.60
0-6 TO 1-0 (12/1/86)	83.27	166.54	333.08	666.16	1665.40	3330.80	33308.	6.50	6.51	7.73
1-0 TO 1-6 (6/1/87)	85.98	171.96	343.92	687.84	1719.60	3439.20	34392.	6.50	6.49	7.88
1-6 TO 2-0 (12/1/87)	88.77	177.54	355.08	710.16	1775.40	3550.80	35508.	6.50	6.51	8.08
2-0 TO 2-6 (6/1/88)	91.66	183.32	366.64	733.28	1833.20	3666.40	36644.	6.50	6.50	8.34
2-6 TO 3-0 (12/1/88)	94.64	189.28	378.56	757.12	1892.80	3785.60	37856.	6.50	6.49	8.71
3-0 TO 3-6 (6/1/89)	97.71	195.42	390.84	781.68	1954.20	3908.40	39084.	6.50	6.51	9.27
3-6 TO 4-0 (12/1/89)	100.89	201.78	403.56	807.12	2017.80	4035.60	40356.	6.50	6.50	10.20
4-0 TO 4-6 (6/1/90)	104.17	208.34	416.68	833.36	2083.40	4166.80	41668.	6.50	6.49	12.07
4-6 TO 5-0 (12/1/90)	107.55	215.10	430.20	860.40	2151.00	4302.00	43020.	6.50	17.80	17.80
5-0 4/ (6/1/91)	117.12	234.24	468.48	936.96	2342.80	4684.80	46848.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1957 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.11 PERCENT; TO DATE OF BONUS PAYMENT IS 5.48 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 60

BONDS BEARING ISSUE DATES FROM AUG. 1 THROUGH NOV. 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(7/1/79)	$51.54	$103.08	$206.16	$412.32	$1030.80	$2061.60	$20616.	6.00	6.52	6.50
3-6 TO 4-0 (1/1/80)	53.32	106.64	212.98	425.76	1064.40	2128.80	21288.	6.08	6.46	6.50
4-0 TO 4-6 (7/1/80)	54.94	109.88	219.76	439.52	1098.80	2197.60	21976.	6.13	6.52	6.50
4-6 TO 5-0 (1/1/81)	56.73	113.46	226.92	453.84	1134.60	2269.20	22692.	6.17	6.49	6.50
5-0 TO 5-6 (7/1/81)	58.57	117.14	234.28	468.56	1171.40	2342.80	23428.	6.20	6.52	6.50
5-6 TO 6-0 (1/1/82)	60.48	120.96	241.92	483.84	1209.60	2419.20	24192.	6.23	6.48	6.50
6-0 TO 6-6 (7/1/82)	62.44	124.88	249.76	499.52	1248.80	2497.60	24976.	6.25	6.50	6.50
6-6 TO 7-0 (1/1/83)	64.47	128.94	257.88	515.76	1289.40	2578.80	25788.	6.27	6.51	6.50
7-0 TO 7-6 (7/1/83)	66.57	133.14	266.28	532.56	1331.40	2662.80	26628.	6.29	6.49	6.50
7-6 TO 8-0 (1/1/84)	68.73	137.46	274.92	549.84	1374.60	2749.20	27492.	6.30	6.52	6.50
8-0 TO 8-6 (7/1/84)	70.97	141.94	283.88	567.76	1419.40	2839.80	28398.	6.31	6.48	6.50
8-6 TO 9-0 (1/1/85)	73.27	146.54	293.08	586.16	1465.40	2930.80	29308.	6.32	6.50	6.50
9-0 TO 9-6 (7/1/85)	75.65	151.30	302.60	605.20	1513.00	3026.00	30260.	6.33	6.50	6.50
9-6 TO10-0 (1/1/86)	78.11	156.22	312.44	624.88	1562.20	3124.40	31244.	6.34	6.50	6.50
10-0 2/ (7/1/86)	80.65	161.30	322.60	645.20	1613.00	3226.00	32260.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/86)	$80.65	$161.30	$322.60	$645.20	$1613.00	$3226.00	$32260.	——	6.50	7.73
0-6 TO 1-0 (1/1/87)	83.27	166.54	333.08	666.16	1665.40	3330.80	33308.	6.50	6.51	7.88
1-0 TO 1-6 (7/1/87)	85.98	171.96	343.92	687.84	1719.60	3439.20	34392.	6.50	6.49	8.08
1-6 TO 2-0 (1/1/88)	88.77	177.54	355.08	710.16	1775.40	3550.80	35508.	6.50	6.51	8.34
2-0 TO 2-6 (7/1/88)	91.66	183.32	366.64	733.28	1833.20	3666.40	36644.	6.50	6.50	8.71
2-6 TO 3-0 (1/1/89)	94.64	189.28	378.56	757.12	1892.80	3785.60	37856.	6.50	6.49	9.27
3-0 TO 3-6 (7/1/89)	97.71	195.42	390.84	781.68	1954.20	3908.40	39084.	6.50	6.51	10.20
3-6 TO 4-0 (1/1/90)	100.89	201.78	403.56	807.12	2017.80	4035.60	40356.	6.50	6.50	12.07
4-0 TO 4-6 (7/1/90)	104.17	208.34	416.68	833.36	2083.40	4166.80	41668.	6.50	17.80	17.80
4-6 TO 5-0 (1/1/91)	113.44	226.88	453.76	907.52	2268.80	4537.60	45376.	7.73 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1957 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.11 PERCENT; TO DATE OF BONUS PAYMENT IS 5.48 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 61

BONDS BEARING ISSUE DATE DEC. 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 10 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* BEGINNING EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
3-0 TO 3-6 1/	(11/1/79)	$51.76	$103.52	$207.04	$414.08	$1035.20	$2070.40	$20704.	PERCENT 6.00	PERCENT 6.49	PERCENT 6.50
3-6 TO 4-0	(5/1/80)	52.44	104.88	213.76	427.52	1068.80	2137.60	21376.	6.07	6.51	6.50
4-0 TO 4-6	(11/1/80)	55.18	110.36	220.72	441.44	1103.60	2207.20	22072.	6.12	6.49	6.50
4-6 TO 5-0	(5/1/81)	56.97	113.94	227.88	455.76	1139.40	2278.80	22788.	6.16	6.49	6.50
5-0 TO 5-6	(11/1/81)	58.82	117.64	235.28	470.56	1176.40	2352.80	23528.	6.20	6.53	6.56
5-6 TO 6-0	(5/1/82)	60.74	121.48	242.96	485.92	1214.80	2429.60	24296.	6.23	6.49	6.50
6-0 TO 6-6	(11/1/82)	62.71	125.42	250.84	501.68	1254.20	2508.40	25084.	6.25	6.51	6.50
6-6 TO 7-0	(5/1/83)	64.75	129.50	259.00	518.00	1295.00	2590.00	25900.	6.27	6.49	6.50
7-0 TO 7-6	(11/1/83)	66.85	133.70	267.40	534.80	1337.00	2674.00	26740.	6.28	6.49	6.50
7-6 TO 8-0	(5/1/84)	69.02	138.04	276.08	552.16	1380.40	2760.80	27608.	6.30	6.52	6.50
8-0 TO 8-6	(11/1/84)	71.27	142.54	285.08	570.16	1425.40	2850.80	28536.	6.31	6.48	6.50
8-6 TO 9-0	(5/1/85)	73.58	147.16	294.32	588.64	1471.60	2943.20	29432.	6.32	6.52	6.50
9-0 TO 9-6	(11/1/85)	75.98	151.96	303.92	607.84	1519.60	3039.20	30392.	6.33	6.48	6.49
9-6 TO10-0	(5/1/86)	78.44	156.88	313.76	627.52	1568.80	3137.60	31376.	6.34	6.00	6.50
10-0 2/	(11/1/86)	80.99	161.98	323.96	647.92	1619.80	3239.60	32396.	6.35 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(11/1/86)	$80.99	$161.98	$323.96	$647.92	$1619.80	$3239.60	$32396.	——	6.49	7.73
0-6 TO 1-0	(5/1/87)	82.63	167.24	334.48	668.96	1672.40	3344.80	33448.	6.49	6.51	7.99
1-0 TO 1-6	(11/1/87)	84.34	172.68	345.36	690.72	1726.80	3453.60	34536.	6.50	6.51	8.08
1-6 TO 2-0	(5/1/88)	89.15	178.30	356.60	713.20	1783.00	3566.00	35660.	6.50	6.48	8.34
2-0 TO 2-6	(11/1/88)	92.04	184.08	368.16	736.32	1840.80	3681.60	36816.	6.50	6.51	8.71
2-6 TO 3-0	(5/1/89)	95.03	190.06	380.12	760.24	1900.60	3801.20	38012.	6.50	6.50	9.27
3-0 TO 3-6	(11/1/89)	98.12	196.24	392.48	784.96	1962.40	3924.80	39248.	6.50	6.50	10.20
3-6 TO 4-0	(5/1/90)	101.31	202.62	405.24	810.48	2026.20	4052.40	40524.	6.50	6.49	12.07
4-0 TO 4-6	(11/1/90)	104.60	209.20	418.40	836.80	2092.00	4184.00	41840.	6.50	17.80	17.80
4-6 4/	(5/1/91)	113.91	227.82	455.64	911.28	2278.20	4556.40	45564.	7.73 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1957 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.12 PERCENT; TO DATE OF BONUS PAYMENT IS 5.47 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 62

BONDS BEARING ISSUE DATE JAN. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 10 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
2-6 TO 3-0 1/	(6/1/79)	$50.72	$101.44	$202.88	$405.76	$1014.40	$2028.80	$20288.	PERCENT 6.00	PERCENT 6.51	PERCENT 6.50
3-0 TO 3-6	(12/1/79)	52.37	104.74	209.48	418.96	1047.40	2094.80	20948.	6.09	6.49	6.50
3-6 TO 4-0	(6/1/80)	54.07	108.14	216.28	432.56	1081.40	2162.80	21628.	6.14	6.51	6.50
4-0 TO 4-6	(12/1/80)	55.83	111.66	223.32	446.64	1116.60	2233.20	22332.	6.19	6.48	6.50
4-6 TO 5-0	(6/1/81)	57.64	115.28	230.56	461.12	1152.80	2305.60	23056.	6.22	6.52	6.50
5-0 TO 5-6	(12/1/81)	59.52	119.04	238.08	476.16	1190.40	2380.80	23808.	6.25	6.49	6.50
5-6 TO 6-0	(6/1/82)	61.45	122.90	245.80	491.60	1229.00	2458.00	24580.	6.27	6.51	6.50
6-0 TO 6-6	(12/1/82)	63.45	126.90	253.80	507.60	1269.00	2538.00	25380.	6.29	6.49	6.50
6-6 TO 7-0	(6/1/83)	65.51	131.02	262.04	524.08	1310.20	2620.40	26204.	6.31	6.52	6.50
7-0 TO 7-6	(12/1/83)	67.64	135.28	270.56	541.12	1352.80	2705.60	27056.	6.32	6.51	6.50
7-6 TO 8-0	(6/1/84)	69.84	139.68	279.36	558.72	1396.80	2793.60	27936.	6.33	6.50	6.50
8-0 TO 8-6	(12/1/84)	72.11	144.22	288.44	576.88	1442.20	2884.40	28844.	6.34	6.49	6.50
8-6 TO 9-0	(6/1/85)	74.45	148.90	297.80	595.60	1489.00	2978.00	29780.	6.35	6.50	6.50
9-0 TO 9-6	(12/1/85)	76.87	153.74	307.48	614.96	1537.40	3074.80	30748.	6.36	6.50	6.50
9-6 TO10-0	(6/1/86)	79.37	158.74	317.48	634.96	1587.40	3174.80	31748.	6.37	6.50	6.50
10-0 2/	(12/1/86)	81.95	163.90	327.80	655.60	1639.00	3278.00	32780.	6.38 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/86)	$81.95	$163.90	$327.80	$655.60	$1639.00	$3278.00	$32780.	——	6.49	7.72
0-6 TO 1-0	(6/1/87)	84.61	169.22	338.44	676.88	1692.20	3384.40	33844.	6.49	6.50	7.99
1-0 TO 1-6	(12/1/87)	87.36	174.72	349.44	698.88	1747.20	3494.40	34944.	6.50	6.50	8.07
1-6 TO 2-0	(6/1/88)	90.20	180.40	360.80	721.60	1804.00	3608.00	36080.	6.50	6.50	8.34
2-0 TO 2-6	(12/1/88)	93.13	186.26	372.52	745.04	1862.60	3725.20	37252.	6.50	6.51	8.71
2-6 TO 3-0	(6/1/89)	96.16	192.32	384.64	769.28	1923.20	3846.40	38464.	6.50	6.51	9.26
3-0 TO 3-6	(12/1/89)	99.29	198.58	397.16	794.32	1985.80	3971.60	39716.	6.50	6.49	10.19
3-6 TO 4-0	(6/1/90)	102.51	205.02	410.04	820.08	2050.20	4100.40	41004.	6.50	6.50	12.06
4-0 TO 4-6	(12/1/90)	105.84	211.68	423.36	846.72	2116.80	4233.60	42336.	6.50	17.78	17.78
4-6 4/	(6/1/91)	115.25	230.50	461.00	922.00	2305.00	4610.00	46100.	7.72 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1958 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.17 PERCENT; TO DATE OF BONUS PAYMENT IS 5.51 PERCENT.
4/ BONUS IS PAID AT 33 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 63

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 10 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
2-6 TO 3-0 1/	(7/1/79)	$50.72	$101.44	$202.88	$405.76	$1014.40	$2028.80	$20288.	PERCENT 6.00	PERCENT 6.51	PERCENT 6.50
3-0 TO 3-6	(1/1/80)	52.37	104.74	209.48	418.96	1047.40	2094.80	20948.	6.09	6.49	6.50
3-6 TO 4-0	(7/1/80)	54.07	108.14	216.28	432.56	1081.40	2162.80	21628.	6.14	6.51	6.50
4-0 TO 4-6	(1/1/81)	55.83	111.66	223.32	446.64	1116.60	2233.20	22332.	6.19	6.48	6.50
4-6 TO 5-0	(7/1/81)	57.64	115.28	230.56	461.12	1152.80	2305.60	23056.	6.22	6.52	6.50
5-0 TO 5-6	(1/1/82)	59.52	119.04	238.08	476.16	1190.40	2380.80	23808.	6.25	6.49	6.50
5-6 TO 6-0	(7/1/82)	61.45	122.90	245.80	491.60	1229.00	2458.00	24580.	6.27	6.51	6.50
6-0 TO 6-6	(1/1/83)	63.45	126.90	253.80	507.60	1269.00	2538.00	25380.	6.29	6.49	6.50
6-6 TO 7-0	(7/1/83)	65.51	131.02	262.04	524.08	1310.20	2620.40	26204.	6.31	6.52	6.50
7-0 TO 7-6	(1/1/84)	67.64	135.28	270.56	541.12	1352.80	2705.60	27056.	6.32	6.51	6.50
7-6 TO 8-0	(7/1/84)	69.84	139.68	279.36	558.72	1396.80	2793.60	27936.	6.33	6.50	6.50
8-0 TO 8-6	(1/1/85)	72.11	144.22	288.44	576.88	1442.20	2884.40	28844.	6.34	6.49	6.50
8-6 TO 9-0	(7/1/85)	74.45	148.90	297.80	595.60	1489.00	2978.00	29780.	6.35	6.50	6.50
9-0 TO 9-6	(1/1/86)	76.87	153.74	307.48	614.96	1537.40	3074.80	30748.	6.36	6.50	6.50
9-6 TO10-0	(7/1/86)	79.37	158.74	317.48	634.96	1587.40	3174.80	31748.	6.37	6.50	6.50
10-0 2/	(1/1/87)	81.95	163.90	327.80	655.60	1639.00	3278.00	32780.	6.38 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/87)	$81.95	$163.90	$327.80	$655.60	$1639.00	$3278.00	$32780.	——	6.49	7.58
0-6 TO 1-0	(7/1/87)	84.61	169.22	338.44	676.88	1692.20	3384.40	33844.	6.49	6.50	8.06
1-0 TO 1-6	(1/1/88)	87.36	174.72	349.44	698.88	1747.20	3494.40	34944.	6.50	6.50	8.34
1-6 TO 2-0	(7/1/88)	90.20	180.40	360.80	721.60	1804.00	3608.00	36080.	6.50	6.50	8.71
2-0 TO 2-6	(1/1/89)	93.13	186.26	372.52	745.04	1862.60	3725.20	37252.	6.50	6.51	9.27
2-6 TO 3-0	(7/1/89)	96.16	192.32	384.64	769.28	1923.20	3846.40	38464.	6.50	6.51	10.20
3-0 TO 3-6	(1/1/90)	99.29	198.58	397.16	794.32	1985.80	3971.60	39716.	6.50	6.49	12.06
3-6 TO 4-0	(7/1/90)	102.51	205.02	410.04	820.08	2050.20	4100.40	41004.	6.50	17.79	17.79
4-0 4/	(1/1/91)	111.63	223.26	446.52	893.04	2232.60	4465.20	44652.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1958 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.17 PERCENT; TO DATE OF BONUS PAYMENT IS 5.49 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 64

BONDS BEARING ISSUE DATE JUNE 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 10 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
2-6 TO 3-0 1/	(11/1/79)	$50.94	$101.88	$203.76	$407.52	$1019.80	$2037.60	$20376.	PERCENT 6.00	PERCENT 6.52	PERCENT 6.50
3-0 TO 3-6	(5/1/80)	52.61	105.20	210.40	420.80	1052.00	2104.00	21040.	6.09	6.49	6.50
3-6 TO 4-0	(11/1/80)	54.30	108.60	217.20	434.40	1086.00	2172.00	21720.	6.14	6.52	6.50
4-0 TO 4-6	(5/1/81)	56.07	112.14	224.28	448.56	1121.40	2242.80	22428.	6.19	6.49	6.50
4-6 TO 5-0	(11/1/81)	57.89	115.78	231.56	463.12	1157.80	2315.60	23156.	6.22	6.50	6.50
5-0 TO 5-6	(5/1/82)	59.77	119.54	239.08	478.16	1195.40	2390.80	23908.	6.25	6.53	6.50
5-6 TO 6-0	(11/1/82)	61.72	123.44	246.88	493.76	1234.40	2468.80	24688.	6.27	6.48	6.50
6-0 TO 6-6	(5/1/83)	63.72	127.44	254.88	509.76	1274.40	2548.80	25488.	6.29	6.50	6.50
6-6 TO 7-0	(11/1/83)	65.79	131.58	263.16	526.32	1315.80	2631.60	26316.	6.31	6.51	6.50
7-0 TO 7-6	(5/1/84)	67.93	135.86	271.72	543.44	1358.60	2717.20	27172.	6.32	6.51	6.50
7-6 TO 8-0	(11/1/84)	70.14	140.28	280.56	561.12	1402.80	2805.60	28056.	6.33	6.50	6.50
8-0 TO 8-6	(5/1/85)	72.42	144.84	289.68	579.36	1448.40	2896.80	28968.	6.34	6.49	6.50
8-6 TO 9-0	(11/1/85)	74.77	149.54	299.08	598.16	1495.40	2990.80	29908.	6.35	6.50	6.50
9-0 TO 9-6	(5/1/86)	77.20	154.40	308.80	617.60	1544.00	3088.00	30888.	6.36	6.50	6.50
9-6 TO10-0	(11/1/86)	79.71	159.42	318.84	637.68	1594.20	3188.40	31884.	6.37	6.50	6.50
10-0 2/	(5/1/87)	82.30	164.60	329.20	658.40	1646.00	3292.00	32920.	6.37 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(5/1/87)	$82.30	$164.60	$329.20	$658.40	$1646.00	$3292.00	$32920.	——	6.49	7.88
0-6 TO 1-0	(11/1/87)	84.97	169.94	339.88	679.76	1699.40	3398.80	33988.	6.49	6.52	8.06
1-0 TO 1-6	(5/1/88)	87.74	175.48	350.96	701.92	1754.80	3509.60	35096.	6.50	6.53	8.34
1-6 TO 2-0	(11/1/88)	90.59	181.18	362.36	724.72	1811.80	3623.60	36236.	6.50	6.49	8.71
2-0 TO 2-6	(5/1/89)	93.52	187.04	374.12	748.24	1870.60	3741.20	37412.	6.50	6.50	9.27
2-6 TO 3-0	(11/1/89)	96.57	193.14	386.28	772.56	1931.40	3862.80	38628.	6.50	6.50	10.21
3-0 TO 3-6	(5/1/90)	99.71	199.42	398.84	797.68	1994.20	3988.40	39884.	6.50	6.50	12.08
3-6 TO 4-0	(11/1/90)	103.95	205.90	411.80	823.60	2054.00	4110.00	41180.	6.50	17.81	17.81
4-0 4/	(5/1/91)	112.12	224.24	448.48	896.96	2242.40	4484.80	44848.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1958 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.18 PERCENT; TO DATE OF BONUS PAYMENT IS 5.51 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE #5

BONDS BEARING ISSUE DATE JUL. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(6/1/79)	$49.91	$ 99.82	$199.64	$399.28	$ 998.20	$1996.40	$19964.	6.01	6.49	6.50
2-6 TO 3-0	(12/1/79)	51.53	103.06	206.12	412.24	1030.60	2061.20	20612.	6.18	6.52	6.50
3-0 TO 3-6	(6/1/80)	53.21	106.42	212.84	425.68	1064.20	2128.40	21284.	6.17	6.50	6.50
3-6 TO 4-0	(12/1/80)	54.94	109.88	219.76	439.52	1098.80	2197.60	21976.	6.22	6.48	6.50
4-0 TO 4-6	(6/1/81)	56.72	113.44	226.88	453.76	1134.40	2268.80	22688.	6.25	6.49	6.50
4-6 TO 5-0	(12/1/81)	58.56	117.12	234.24	468.48	1171.20	2342.40	23424.	6.28	6.52	6.50
5-0 TO 5-6	(6/1/82)	60.47	120.94	241.88	483.76	1209.40	2418.80	24188.	6.31	6.48	6.50
5-6 TO 6-0	(12/1/82)	62.43	124.86	249.72	499.44	1248.60	2497.20	24972.	6.33	6.50	6.50
6-0 TO 6-6	(6/1/83)	64.46	128.92	257.84	515.68	1289.20	2578.40	25784.	6.33	6.52	6.50
6-6 TO 7-0	(12/1/83)	66.56	133.12	266.24	532.48	1331.20	2662.40	26624.	6.35	6.49	6.50
7-0 TO 7-6	(6/1/84)	68.72	137.44	274.88	549.76	1374.40	2748.80	27488.	6.34	6.49	6.50
7-6 TO 8-0	(12/1/84)	70.95	141.90	283.80	567.60	1419.00	2838.00	28380.	6.37	6.51	6.50
8-0 TO 8-6	(6/1/85)	73.26	146.52	293.04	586.08	1465.20	2930.40	29304.	6.38	6.50	6.50
8-6 TO 9-0	(12/1/85)	75.64	151.28	302.56	605.12	1512.80	3025.60	30256.	6.38	6.50	6.50
9-0 TO 9-6	(6/1/86)	78.10	156.20	312.40	624.80	1562.00	3124.00	31240.	6.39	6.50	6.50
9-6 TO10-0	(12/1/86)	80.64	161.28	322.56	645.12	1612.80	3225.60	32256.	6.40	6.50	6.50
10-0 2/	(6/1/87)	83.26	166.52	333.04	666.08	1665.20	3330.40	33304.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/87)	$83.26	$166.52	$333.04	$666.08	$1665.20	$3330.40	$33304.	——	6.51	7.88
0-6 TO 1-0	(12/1/87)	85.97	171.94	343.88	687.76	1719.40	3438.80	34388.	6.51	6.49	8.08
1-0 TO 1-6	(6/1/88)	88.76	177.52	355.04	710.08	1775.20	3550.40	35504.	6.50	6.49	8.34
1-6 TO 2-0	(12/1/88)	91.64	183.28	366.56	733.12	1832.80	3665.60	36656.	6.50	6.50	8.71
2-0 TO 2-6	(6/1/89)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	6.50	6.51	9.27
2-6 TO 3-0	(12/1/89)	97.70	195.40	390.80	781.60	1954.00	3908.00	39080.	6.50	6.49	10.20
3-0 TO 3-6	(6/1/90)	100.87	201.74	403.48	806.96	2017.40	4034.80	40348.	6.50	6.50	12.08
3-6 TO 4-0	(12/1/90)	104.15	208.30	416.60	833.20	2083.00	4166.00	41660.	6.50	17.80	17.80
4-0 4/	(6/1/91)	113.42	226.84	453.68	907.36	2268.40	4536.80	45368.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1958 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.22 PERCENT; TO DATE OF BONUS PAYMENT IS 5.54 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 66

BONDS BEARING ISSUE DATES FROM AUG. 1 THROUGH NOV. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(7/1/79)	$49.91	$ 99.82	$199.64	$399.28	$ 998.20	$1996.40	$19964.	6.01	6.49	6.50
2-6 TO 3-0	(1/1/80)	51.53	103.06	206.12	412.24	1030.60	2061.20	20612.	6.18	6.52	6.50
3-0 TO 3-6	(7/1/80)	53.21	106.42	212.84	425.68	1064.20	2128.40	21284.	6.17	6.50	6.50
3-6 TO 4-0	(1/1/81)	54.94	109.88	219.76	439.52	1098.80	2197.60	21976.	6.22	6.48	6.50
4-0 TO 4-6	(7/1/81)	56.72	113.44	226.88	453.76	1134.40	2268.80	22688.	6.25	6.49	6.50
4-6 TO 5-0	(1/1/82)	58.56	117.12	234.24	468.48	1171.20	2342.40	23424.	6.28	6.52	6.50
5-0 TO 5-6	(7/1/82)	60.47	120.94	241.88	483.76	1209.40	2418.80	24188.	6.31	6.48	6.50
5-6 TO 6-0	(1/1/83)	62.43	124.86	249.72	499.44	1248.60	2497.20	24972.	6.33	6.50	6.50
6-0 TO 6-6	(7/1/83)	64.46	128.92	257.84	515.68	1289.20	2578.40	25784.	6.33	6.52	6.50
6-6 TO 7-0	(1/1/84)	66.56	133.12	266.24	532.48	1331.20	2662.40	26624.	6.35	6.49	6.50
7-0 TO 7-6	(7/1/84)	68.72	137.44	274.88	549.76	1374.40	2748.80	27488.	6.34	6.49	6.50
7-6 TO 8-0	(1/1/85)	70.95	141.90	283.80	567.60	1419.00	2838.00	28380.	6.37	6.51	6.50
8-0 TO 8-6	(7/1/85)	73.26	146.52	293.04	586.08	1465.20	2930.40	29304.	6.38	6.50	6.50
8-6 TO 9-0	(1/1/86)	75.64	151.28	302.56	605.12	1512.80	3025.60	30256.	6.38	6.50	6.50
9-0 TO 9-6	(7/1/86)	78.10	156.20	312.40	624.80	1562.00	3124.00	31240.	6.39	6.50	6.50
9-6 TO10-0	(1/1/87)	80.64	161.28	322.56	645.12	1612.80	3225.60	32256.	6.40	6.50	6.50
10-0 2/	(7/1/87)	83.26	166.52	333.04	666.08	1665.20	3330.40	33304.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/87)	$83.26	$166.52	$333.04	$666.08	$1665.20	$3330.40	$33304.	——	6.51	8.07
0-6 TO 1-0	(1/1/88)	85.97	171.94	343.88	687.76	1719.40	3438.80	34388.	6.51	6.49	8.34
1-0 TO 1-6	(7/1/88)	88.76	177.52	355.04	710.08	1775.20	3550.40	35504.	6.50	6.49	8.71
1-6 TO 2-0	(1/1/89)	91.64	183.28	366.56	733.12	1832.80	3665.60	36656.	6.50	6.50	9.27
2-0 TO 2-6	(7/1/89)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	6.50	6.51	10.20
2-6 TO 3-0	(1/1/90)	97.70	195.40	390.80	781.60	1954.00	3908.00	39080.	6.50	6.49	12.06
3-0 TO 3-6	(7/1/90)	100.87	201.74	403.48	806.96	2017.40	4034.80	40348.	6.50	17.79	17.79
3-6 4/	(1/1/91)	109.84	219.68	439.36	878.72	2196.80	4393.60	43936.	8.07 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1958 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.22 PERCENT; TO DATE OF BONUS PAYMENT IS 5.53 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 67

BONDS BEARING ISSUE DATE DEC. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(11/1/79)	$50.13	$100.26	$200.52	$401.04	$1002.60	$2005.20	$20052.	6.00	6.50	6.50
2-6 TO 3-0	(5/1/80)	51.76	103.52	207.04	414.08	1035.20	2070.40	20704.	6.10	6.49	6.50
3-0 TO 3-6	(11/1/80)	53.44	106.88	213.76	427.52	1068.80	2137.60	21376.	6.17	6.51	6.50
3-6 TO 4-0	(5/1/81)	55.18	110.36	220.72	441.44	1103.60	2207.20	22072.	6.21	6.49	6.50
4-0 TO 4-6	(11/1/81)	56.97	113.94	227.88	455.76	1139.40	2278.80	22788.	6.25	6.49	6.50
4-6 TO 5-0	(5/1/82)	58.82	117.64	235.28	470.56	1176.40	2352.80	23528.	6.28	6.49	6.50
5-0 TO 5-6	(11/1/82)	60.73	121.46	242.92	485.84	1214.60	2429.20	24292.	6.30	6.52	6.50
5-6 TO 6-0	(5/1/83)	62.71	125.42	250.84	501.68	1254.20	2508.40	25084.	6.32	6.51	6.50
6-0 TO 6-6	(11/1/83)	64.75	129.50	259.00	518.00	1295.00	2590.00	25900.	6.33	6.49	6.50
6-6 TO 7-0	(5/1/84)	66.85	133.70	267.40	534.80	1337.00	2674.00	26740.	6.35	6.49	6.50
7-0 TO 7-6	(11/1/84)	69.03	138.04	276.08	552.16	1380.40	2760.80	27608.	6.36	6.52	6.50
7-6 TO 8-0	(5/1/85)	71.27	142.54	285.08	570.16	1425.40	2850.80	28508.	6.37	6.48	6.50
8-0 TO 8-6	(11/1/85)	73.58	147.16	294.32	588.64	1471.60	2943.20	29432.	6.37	6.50	6.51
8-6 TO 9-0	(5/1/86)	75.97	151.94	303.88	607.76	1519.40	3038.80	30388.	6.38	6.50	6.51
9-0 TO 9-6	(11/1/86)	78.44	156.88	313.76	627.52	1568.80	3137.60	31376.	6.39	6.50	6.51
9-6 TO10-0	(5/1/87)	80.99	161.98	323.96	647.92	1619.80	3239.60	32396.	6.39	6.52	6.52
10-0 2/	(11/1/87)	83.61	167.26	334.52	669.04	1672.60	3345.20	33452.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(11/1/87)	$83.61	$167.26	$334.52	$669.04	$1672.60	$3345.20	$33452.	——	6.50	8.08
0-6 TO 1-0	(5/1/88)	86.34	172.70	345.40	690.80	1727.00	3454.00	34540.	6.50	6.49	8.34
1-0 TO 1-6	(11/1/88)	89.15	178.30	356.60	713.20	1783.00	3566.00	35660.	6.50	6.51	8.71
1-6 TO 2-0	(5/1/89)	92.05	184.10	368.20	736.40	1841.00	3682.00	36820.	6.50	6.50	9.27
2-0 TO 2-6	(11/1/89)	95.04	190.08	380.16	760.32	1900.80	3801.60	38016.	6.50	6.50	10.20
2-6 TO 3-0	(5/1/90)	98.13	196.26	392.52	785.04	1962.60	3925.20	39252.	6.50	6.50	12.07
3-0 TO 3-6	(11/1/90)	101.32	202.64	405.28	810.56	2026.40	4052.80	40528.	6.50	17.79	17.79
3-6 4/	(5/1/91)	110.33	220.66	441.32	882.64	2206.60	4413.20	44132.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1958 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.24 PERCENT; TO DATE OF BONUS PAYMENT IS 5.54 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 68

BONDS BEARING ISSUE DATE JAN. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0	1/(6/1/79)	$49.12	$ 98.24	$196.48	$392.96	$ 982.40	$1964.80	$19648.	6.38	6.51	6.50
2-0 TO 2-6	(12/1/79)	50.72	101.44	202.88	405.76	1014.40	2028.80	20288.	6.13	6.47	6.50
2-6 TO 3-0	(6/1/80)	52.36	104.72	209.44	418.88	1047.20	2094.40	20944.	6.20	6.53	6.50
3-0 TO 3-6	(12/1/80)	54.07	108.14	216.28	432.56	1081.40	2162.80	21628.	6.25	6.47	6.50
3-6 TO 4-0	(6/1/81)	55.82	111.64	223.28	446.56	1116.40	2232.80	22328.	6.28	6.52	6.50
4-0 TO 4-6	(12/1/81)	57.64	115.28	230.56	461.12	1152.80	2305.60	23056.	6.31	6.49	6.50
4-6 TO 5-0	(6/1/82)	59.51	119.02	238.04	476.08	1190.20	2380.40	23804.	6.33	6.52	6.50
5-0 TO 5-6	(12/1/82)	61.45	122.90	245.80	491.60	1229.00	2458.00	24580.	6.35	6.48	6.50
5-6 TO 6-0	(6/1/83)	63.44	126.88	253.76	507.52	1268.80	2537.60	25376.	6.36	6.49	6.50
6-0 TO 6-6	(12/1/83)	65.50	131.00	262.00	524.00	1310.00	2620.00	26200.	6.37	6.50	6.50
6-6 TO 7-0	(6/1/84)	67.63	135.26	270.52	541.04	1352.60	2705.20	27052.	6.38	6.51	6.50
7-0 TO 7-6	(12/1/84)	69.83	139.66	279.32	558.64	1396.60	2793.20	27932.	6.39	6.50	6.50
7-6 TO 8-0	(6/1/85)	72.10	144.20	288.40	576.80	1442.00	2884.00	28840.	6.40	6.49	6.50
8-0 TO 8-6	(12/1/85)	74.44	148.88	297.76	595.52	1488.80	2977.60	29776.	6.41	6.50	6.50
8-6 TO 9-0	(6/1/86)	76.86	153.72	307.44	614.88	1537.20	3074.40	30744.	6.41	6.51	6.50
9-0 TO 9-6	(12/1/86)	79.36	158.72	317.44	634.88	1587.20	3174.40	31744.	6.42	6.50	6.50
9-6 TO10-0	(6/1/87)	81.94	163.88	327.76	655.52	1638.80	3277.60	32776.	6.42	6.49	6.49
10-0 2/	(12/1/87)	84.60	169.20	338.40	676.80	1692.00	3384.00	33840.	6.42 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/87)	$84.60	$169.20	$338.40	$676.80	$1692.00	$3384.00	$33840.	——	6.50	8.08
0-6 TO 1-0	(6/1/88)	87.35	174.70	349.40	698.80	1747.00	3494.00	34940.	6.50	6.50	8.34
1-0 TO 1-6	(12/1/88)	90.19	180.38	360.76	721.52	1803.80	3607.60	36076.	6.50	6.50	8.71
1-6 TO 2-0	(6/1/89)	93.12	186.24	372.48	744.96	1862.40	3724.80	37248.	6.50	6.51	9.28
2-0 TO 2-6	(12/1/89)	96.15	192.30	384.60	769.20	1923.00	3846.00	38460.	6.50	6.49	10.19
2-6 TO 3-0	(6/1/90)	99.27	198.54	397.08	794.16	1995.40	3970.80	39708.	6.50	6.51	12.07
3-0 TO 3-6	(12/1/90)	102.50	205.00	410.00	820.00	2050.00	4100.00	41000.	6.50	17.78	17.78
3-6 4/	(6/1/91)	111.61	223.22	446.44	892.88	2232.20	4464.40	44644.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1959 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.29 PERCENT; TO DATE OF BONUS PAYMENT IS 5.58 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 69

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(7/1/79)	$48.12	$ 98.24	$196.48	$392.96	$ 982.40	$1964.80	$19648.	6.00	6.51	6.50
2-0 TO 2-6 (1/1/80)	50.72	101.44	202.88	405.76	1014.40	2028.80	20288.	6.13	6.47	6.50
2-6 TO 3-0 (7/1/80)	52.36	104.72	209.44	418.88	1047.20	2094.40	20944.	6.20	6.53	6.50
3-0 TO 3-6 (1/1/81)	54.07	108.14	216.28	432.56	1081.40	2162.80	21628.	6.25	6.47	6.50
3-6 TO 4-0 (7/1/81)	55.82	111.64	223.28	446.56	1116.40	2232.80	22328.	6.28	6.52	6.50
4-0 TO 4-6 (1/1/82)	57.64	115.28	230.56	461.12	1152.80	2305.60	23056.	6.31	6.49	6.50
4-6 TO 5-0 (7/1/82)	59.51	119.02	238.04	476.08	1190.20	2380.40	23804.	6.33	6.52	6.50
5-0 TO 5-6 (1/1/83)	61.45	122.90	245.80	491.60	1229.00	2458.00	24580.	6.35	6.48	6.50
5-6 TO 6-0 (7/1/83)	63.44	126.88	253.76	507.52	1268.80	2537.60	25376.	6.36	6.49	6.50
6-0 TO 6-6 (1/1/84)	65.50	131.00	262.00	524.00	1310.00	2620.00	26200.	6.37	6.50	6.50
6-6 TO 7-0 (7/1/84)	67.63	135.26	270.52	541.04	1352.60	2705.20	27052.	6.38	6.51	6.50
7-0 TO 7-6 (1/1/85)	69.83	139.66	279.32	558.64	1396.60	2793.20	27932.	6.39	6.50	6.50
7-6 TO 8-0 (7/1/85)	72.10	144.20	288.40	576.80	1442.00	2884.00	28840.	6.40	6.49	6.50
8-0 TO 8-6 (1/1/86)	74.44	148.88	297.76	595.52	1488.80	2977.60	29776.	6.41	6.50	6.50
8-6 TO 9-0 (7/1/86)	76.86	153.72	307.44	614.88	1537.20	3074.40	30744.	6.41	6.51	6.50
9-0 TO 9-6 (1/1/87)	79.36	158.72	317.44	634.88	1587.20	3174.40	31744.	6.42	6.50	6.50
9-6 TO10-0 (7/1/87)	81.94	163.88	327.76	655.52	1638.80	3277.60	32776.	6.42	6.49	6.49
10-0 2/ (1/1/88)	84.60	169.20	338.40	676.80	1692.00	3384.00	33840.	6.42 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/88)	$84.60	$169.20	$338.40	$676.80	$1692.00	$3384.00	$33840.	——	6.50	8.34
0-6 TO 1-0 (7/1/88)	87.35	174.70	349.40	698.80	1747.00	3494.00	34940.	6.50	6.50	8.71
1-0 TO 1-6 (1/1/89)	90.19	180.38	360.76	721.52	1803.80	3607.60	36076.	6.50	6.50	9.27
1-6 TO 2-0 (7/1/89)	93.12	186.24	372.48	744.96	1862.40	3724.80	37248.	6.50	6.51	10.20
2-0 TO 2-6 (1/1/90)	96.15	192.30	384.60	769.20	1923.00	3846.00	38460.	6.50	6.49	12.07
2-6 TO 3-0 (7/1/90)	99.27	198.54	397.08	794.16	1985.40	3970.80	39708.	6.50	17.81	17.81
3-0 4/ (1/1/91)	108.11	216.22	432.44	864.88	2162.20	4324.40	43244.	8.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1959 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.28 PERCENT; TO DATE OF BONUS PAYMENT IS 5.57 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 70

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(9/1/79)	$48.98	$ 97.96	$195.92	$391.84	$ 979.60	$1959.20	$19592.	A.00	6.49	6.50
3-0 TO 3-6 (3/1/80)	50.57	101.14	202.28	404.56	1011.40	2022.80	20228.	6.08	6.53	6.50
3-6 TO 4-0 (9/1/80)	52.22	104.44	208.88	417.76	1044.40	2088.80	20888.	6.15	6.47	6.50
4-0 TO 4-6 (3/1/81)	53.91	107.82	215.64	431.28	1078.20	2156.40	21564.	6.19	6.49	6.50
4-6 TO 5-0 (9/1/81)	55.66	111.32	222.64	445.28	1113.20	2226.40	22264.	6.22	6.50	6.50
5-0 TO 5-6 (3/1/82)	57.47	114.94	229.88	459.76	1149.40	2298.80	22988.	6.25	6.51	6.50
5-6 TO 6-0 (9/1/82)	59.34	118.68	237.36	474.72	1186.80	2373.60	23736.	6.27	6.50	6.50
6-0 TO 6-6 (3/1/83)	61.27	122.54	245.08	490.16	1225.40	2450.80	24508.	6.29	6.50	6.50
6-6 TO 7-0 (9/1/83)	63.26	126.52	253.04	506.08	1265.20	2530.40	25304.	6.31	6.51	6.50
7-0 TO 7-6 (3/1/84)	65.32	130.64	261.28	522.56	1306.40	2612.80	26128.	6.32	6.49	6.50
7-6 TO 8-0 (9/1/84)	67.44	134.88	269.76	539.52	1348.80	2697.60	26976.	6.33	6.49	6.50
8-0 TO 8-6 (3/1/85)	69.63	139.26	278.52	557.04	1392.60	2785.20	27852.	6.34	6.52	6.50
8-6 TO 9-0 (9/1/85)	71.90	143.80	287.60	575.20	1438.00	2876.00	28760.	6.35	6.48	6.50
9-0 TO 9-6 (3/1/86)	74.23	148.46	296.92	593.84	1484.60	2969.20	29692.	6.36	6.49	6.51
9-6 TO10-0 (9/1/86)	76.64	153.28	306.56	613.12	1532.80	3065.60	30656.	6.37	6.52	6.52
10-0 2/ (3/1/87)	79.14	158.28	316.56	633.12	1582.80	3165.60	31656.	6.38 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (3/1/87)	$79.14	$158.28	$316.56	$633.12	$1582.80	$3165.60	$31656.	——	6.49	7.89
0-6 TO 1-0 (9/1/87)	81.71	163.42	326.84	653.68	1634.20	3268.40	32684.	6.49	6.51	8.08
1-0 TO 1-6 (3/1/88)	84.37	168.74	337.48	674.96	1687.40	3374.80	33748.	6.50	6.50	8.34
1-6 TO 2-0 (9/1/88)	87.11	174.22	348.44	696.88	1742.20	3484.40	34844.	6.50	6.50	8.71
2-0 TO 2-6 (3/1/89)	89.94	179.88	359.76	719.52	1798.80	3597.60	35976.	6.50	6.49	9.27
2-6 TO 3-0 (9/1/89)	92.86	185.72	371.44	742.88	1857.20	3714.40	37144.	6.50	6.50	10.20
3-0 TO 3-6 (3/1/90)	95.88	191.76	383.52	767.04	1917.60	3835.20	38352.	6.50	6.51	12.08
3-6 TO 4-0 (9/1/90)	99.00	198.00	396.00	792.00	1980.00	3960.00	39600.	6.50	17.80	17.80
4-0 4/ (3/1/91)	107.81	215.62	431.24	862.48	2156.20	4312.40	43124.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1959 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.26 PERCENT; TO DATE OF BONUS PAYMENT IS 5.59 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 71

BONDS BEARING ISSUE DATE SEP. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(6/1/79)	$47.97	$ 95.94	$191.88	$383.76	$ 959.40	$1918.80	$19188.	6.00	6.50	6.50
2-6 TO 3-0 (12/1/79)	49.53	99.06	198.12	396.24	990.60	1981.20	19812.	6.10	6.50	6.50
3-0 TO 3-6 (6/1/80)	51.14	102.28	204.56	409.12	1022.80	2045.60	20456.	6.17	6.49	6.50
3-6 TO 4-0 (12/1/80)	52.80	105.60	211.20	422.40	1056.00	2112.00	21120.	6.21	6.52	6.50
4-0 TO 4-6 (6/1/81)	54.52	109.04	218.08	436.16	1090.40	2180.80	21808.	6.25	6.49	6.50
4-6 TO 5-0 (12/1/81)	56.29	112.58	225.16	450.32	1125.80	2251.60	22516.	6.28	6.50	6.50
5-0 TO 5-6 (6/1/82)	58.12	116.24	232.48	464.96	1162.40	2324.80	23248.	6.30	6.50	6.50
5-6 TO 6-0 (12/1/82)	60.01	120.02	240.04	480.08	1200.20	2400.40	24004.	6.32	6.50	6.50
6-0 TO 6-6 (6/1/83)	61.96	123.92	247.84	495.68	1239.20	2478.40	24784.	6.33	6.49	6.50
6-6 TO 7-0 (12/1/83)	63.97	127.94	255.88	511.76	1279.40	2558.80	25588.	6.35	6.50	6.50
7-0 TO 7-6 (6/1/84)	66.05	132.10	264.20	528.40	1321.00	2642.00	26420.	6.36	6.51	6.50
7-6 TO 8-0 (12/1/84)	68.20	136.40	272.80	545.60	1364.00	2728.00	27280.	6.37	6.49	6.50
8-0 TO 8-6 (6/1/85)	70.41	140.82	281.64	563.28	1408.20	2816.40	28164.	6.37	6.50	6.50
8-6 TO 9-0 (12/1/85)	72.70	145.40	290.80	581.60	1454.00	2908.00	29080.	6.38	6.49	6.50
9-0 TO 9-6 (6/1/86)	75.06	150.12	300.24	600.48	1501.20	3002.40	30024.	6.38	6.50	6.50
9-6 TO10-0 (12/1/86)	77.50	155.00	310.00	620.00	1550.00	3100.00	31000.	6.39	6.50	6.50
10-0 2/ (6/1/87)	80.02	160.04	320.08	640.16	1600.40	3200.80	32008.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/87)	$80.02	$160.04	$320.08	$640.16	$1600.40	$3200.80	$32008.	——	6.50	7.98
0-6 TO 1-0 (12/1/87)	82.62	165.24	330.48	660.96	1652.40	3304.80	33048.	6.50	6.51	8.08
1-0 TO 1-6 (6/1/88)	85.31	170.62	341.24	682.48	1706.20	3412.40	34124.	6.51	6.49	8.34
1-6 TO 2-0 (12/1/88)	88.08	176.16	352.32	704.64	1761.60	3523.20	35232.	6.50	6.49	8.71
2-0 TO 2-6 (6/1/89)	90.94	181.88	363.76	727.52	1818.80	3637.60	36376.	6.50	6.51	9.27
2-6 TO 3-0 (12/1/89)	93.90	187.80	375.60	751.20	1878.00	3756.00	37560.	6.50	6.50	10.20
3-0 TO 3-6 (6/1/90)	96.95	193.90	387.80	775.60	1939.00	3878.00	38780.	6.50	6.50	12.07
3-6 TO 4-0 (12/1/90)	100.10	200.20	400.40	800.80	2002.00	4004.00	40040.	6.50	17.80	17.80
4-0 4/ (6/1/91)	107.01	218.02	436.04	872.08	2180.20	4360.40	43604.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1959 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.30 PERCENT; TO DATE OF BONUS PAYMENT IS 5.62 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 72

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(7/1/79)	$47.97	$ 95.94	$191.88	$383.76	$ 959.40	$1918.80	$19188.	6.00	6.50	6.50
2-6 TO 3-0 (1/1/80)	49.53	99.06	198.12	396.24	990.60	1981.20	19812.	6.10	6.50	6.50
3-0 TO 3-6 (7/1/80)	51.14	102.28	204.56	409.12	1022.80	2045.60	20456.	6.17	6.49	6.50
3-6 TO 4-0 (1/1/81)	52.80	105.60	211.20	422.40	1056.00	2112.00	21120.	6.21	6.52	6.50
4-0 TO 4-6 (7/1/81)	54.52	109.04	218.08	436.16	1090.40	2180.80	21808.	6.25	6.49	6.50
4-6 TO 5-0 (1/1/82)	56.29	112.58	225.16	450.32	1125.80	2251.60	22516.	6.28	6.50	6.50
5-0 TO 5-6 (7/1/82)	58.12	116.24	232.48	464.96	1162.40	2324.80	23248.	6.30	6.50	6.50
5-6 TO 6-0 (1/1/83)	60.01	120.02	240.04	480.08	1200.20	2400.40	24004.	6.32	6.50	6.50
6-0 TO 6-6 (7/1/83)	61.96	123.92	247.84	495.68	1239.20	2478.40	24784.	6.33	6.49	6.50
6-6 TO 7-0 (1/1/84)	63.97	127.94	255.88	511.76	1279.40	2558.80	25588.	6.35	6.50	6.50
7-0 TO 7-6 (7/1/84)	66.05	132.10	264.20	528.40	1321.00	2642.00	26420.	6.36	6.51	6.50
7-6 TO 8-0 (1/1/85)	68.20	136.40	272.80	545.60	1364.00	2728.00	27280.	6.37	6.49	6.50
8-0 TO 8-6 (7/1/85)	70.41	140.82	281.64	563.28	1408.20	2816.40	28164.	6.37	6.50	6.50
8-6 TO 9-0 (1/1/86)	72.70	145.40	290.80	581.60	1454.00	2908.00	29080.	6.38	6.49	6.50
9-0 TO 9-6 (7/1/86)	75.06	150.12	300.24	600.48	1501.20	3002.40	30024.	6.38	6.50	6.50
9-6 TO10-0 (1/1/87)	77.50	155.00	310.00	620.00	1550.00	3100.00	31000.	6.39	6.50	6.50
10-0 2/ (7/1/87)	80.02	160.04	320.08	640.16	1600.40	3200.80	32008.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/87)	$80.02	$160.04	$320.08	$640.16	$1600.40	$3200.80	$32008.	——	6.50	7.98
0-6 TO 1-0 (1/1/88)	82.62	165.24	330.48	660.96	1652.40	3304.80	33048.	6.50	6.51	8.08
1-0 TO 1-6 (7/1/88)	85.31	170.62	341.24	682.48	1706.20	3412.40	34124.	6.51	6.49	8.34
1-6 TO 2-0 (1/1/89)	88.08	176.16	352.32	704.64	1761.60	3523.20	35232.	6.50	6.49	8.71
2-0 TO 2-6 (7/1/89)	90.94	181.88	363.76	727.52	1818.80	3637.60	36376.	6.50	6.51	9.27
2-6 TO 3-0 (1/1/90)	93.90	187.80	375.60	751.20	1878.00	3756.00	37560.	6.50	6.50	10.20
3-0 TO 3-6 (7/1/90)	96.95	193.90	387.80	775.60	1939.00	3878.00	38780.	6.50	6.50	12.06
3-6 TO 4-0 (1/1/91)	105.57	211.14	422.28	844.56	2111.40	4222.80	42228.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1959 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1959, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.30 PERCENT; TO DATE OF BONUS PAYMENT IS 5.61 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 73

BONDS BEARING ISSUE DATES FROM DEC. 1, 1959 THROUGH FEB. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(9/1/79)	$48.08	$ 96.16	$192.32	$384.64	$ 961.60	$1923.20	$19232.	6.00	6.49	6.50
2-6 TO 3-0 (3/1/80)	49.64	99.28	198.56	397.12	992.80	1985.60	19856.	6.10	6.53	6.50
3-0 TO 3-6 (9/1/80)	51.24	102.52	205.04	410.08	1025.20	2050.40	20504.	6.17	6.48	6.50
3-6 TO 4-0 (3/1/81)	52.92	105.84	211.68	423.36	1058.40	2116.80	21168.	6.21	6.50	6.50
4-0 TO 4-6 (9/1/81)	54.64	109.28	218.56	437.12	1092.80	2185.60	21856.	6.25	6.52	6.50
4-6 TO 5-0 (3/1/82)	56.42	112.84	225.68	451.36	1128.40	2256.80	22568.	6.28	6.49	6.50
5-0 TO 5-6 (9/1/82)	58.25	116.50	233.00	466.00	1165.00	2330.00	23300.	6.30	6.49	6.50
5-6 TO 6-0 (3/1/83)	60.14	120.28	240.56	481.12	1202.80	2405.60	24056.	6.32	6.52	6.50
6-0 TO 6-6 (9/1/83)	62.10	124.20	248.40	496.80	1242.00	2484.00	24840.	6.33	6.51	6.50
6-6 TO 7-0 (3/1/84)	64.12	128.24	256.48	512.96	1282.40	2564.80	25648.	6.35	6.49	6.50
7-0 TO 7-6 (9/1/84)	66.20	132.40	264.80	529.60	1324.00	2648.00	26480.	6.36	6.50	6.50
7-6 TO 8-0 (3/1/85)	68.35	136.70	273.40	546.80	1367.00	2734.00	27340.	6.37	6.50	6.50
8-0 TO 8-6 (9/1/85)	70.57	141.14	282.28	564.56	1411.40	2822.80	28228.	6.37	6.52	6.51
8-6 TO 9-0 (3/1/86)	72.87	145.74	291.48	582.96	1457.40	2914.80	29148.	6.38	6.50	6.50
9-0 TO 9-6 (9/1/86)	75.24	150.48	300.96	601.92	1504.80	3009.60	30096.	6.39	6.49	6.50
9-6 TO10-0 (3/1/87)	77.68	155.36	310.72	621.44	1553.60	3107.20	31072.	6.39	6.51	6.51
10-0 2/ (9/1/87)	80.21	160.42	320.84	641.68	1604.20	3208.40	32084.	6.40 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (9/1/87)	$80.21	$160.42	$320.84	$641.68	$1604.20	$3208.40	$32084.	——	6.51	8.08
0-6 TO 1-0 (3/1/88)	82.82	165.64	331.28	662.56	1656.40	3312.80	33128.	6.51	6.53	8.34
1-0 TO 1-6 (9/1/88)	85.51	171.02	342.04	684.08	1710.20	3420.40	34204.	6.50	6.50	8.71
1-6 TO 2-0 (3/1/89)	88.29	176.58	353.16	706.32	1765.80	3531.60	35316.	6.50	6.50	9.26
2-0 TO 2-6 (9/1/89)	91.16	182.32	364.64	729.28	1823.20	3646.40	36464.	6.50	6.49	10.19
2-6 TO 3-0 (3/1/90)	94.12	188.24	376.48	752.96	1882.40	3764.80	37648.	6.50	6.50	12.07
3-0 TO 3-6 (9/1/90)	97.18	194.36	388.72	777.44	1943.60	3887.20	38872.	6.50	17.78	17.78
3-6 4/ (3/1/91)	105.42	211.84	423.28	846.56	2116.40	4232.80	42328.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1959 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.31 PERCENT; TO DATE OF BONUS PAYMENT IS 8.42 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 74

BONDS BEARING ISSUE DATE MAR. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(6/1/79)	$47.10	$ 94.20	$188.40	$376.80	$ 942.00	$1884.00	$18840.	6.01	6.50	6.50
2-0 TO 2-6 (12/1/79)	48.53	97.26	194.52	389.04	972.60	1945.20	19452.	6.13	6.50	6.50
2-6 TO 3-0 (6/1/80)	50.21	100.42	200.84	401.68	1004.20	2008.40	20084.	6.20	6.49	6.50
3-0 TO 3-6 (12/1/80)	51.84	103.68	207.36	414.72	1036.80	2073.60	20736.	6.25	6.52	6.50
3-6 TO 4-0 (6/1/81)	53.53	107.06	214.12	428.24	1070.60	2141.20	21412.	6.29	6.50	6.50
4-0 TO 4-6 (12/1/81)	55.27	110.54	221.08	442.16	1105.40	2210.80	22108.	6.32	6.48	6.50
4-6 TO 5-0 (6/1/82)	57.06	114.12	228.24	456.48	1141.20	2282.40	22824.	6.33	6.52	6.50
5-0 TO 5-6 (12/1/82)	58.92	117.84	235.68	471.36	1178.40	2356.80	23568.	6.35	6.48	6.50
5-6 TO 6-0 (6/1/83)	60.83	121.66	243.32	486.64	1216.60	2433.20	24332.	6.36	6.51	6.50
6-0 TO 6-6 (12/1/83)	62.81	125.62	251.24	502.48	1256.20	2512.40	25124.	6.38	6.50	6.50
6-6 TO 7-0 (6/1/84)	64.85	129.70	259.40	518.80	1297.00	2594.00	25940.	6.39	6.49	6.50
7-0 TO 7-6 (12/1/84)	66.96	133.92	267.84	535.68	1339.20	2678.40	26784.	6.39	6.50	6.50
7-6 TO 8-0 (6/1/85)	69.14	138.28	276.56	553.12	1383.80	2765.60	27656.	6.40	6.50	6.50
8-0 TO 8-6 (12/1/85)	71.38	142.76	285.52	571.04	1427.60	2855.20	28552.	6.41	6.50	6.50
8-6 TO 9-0 (6/1/86)	73.70	147.40	294.80	589.60	1474.00	2948.00	29480.	6.41	6.51	6.50
9-0 TO 9-6 (12/1/86)	76.10	152.20	304.40	608.80	1522.00	3044.00	30440.	6.42	6.49	6.49
9-6 TO10-0 (6/1/87)	78.57	157.14	314.28	628.56	1571.40	3142.80	31428.	6.42	6.49	6.49
10-0 2/ (12/1/87)	81.12	162.24	324.48	648.96	1622.40	3244.80	32448.	6.43 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/87)	$81.12	$162.24	$324.48	$648.96	$1622.40	$3244.80	$32448.	——	6.51	8.08
0-6 TO 1-0 (6/1/88)	83.76	167.52	335.04	670.08	1675.20	3350.40	33504.	6.51	6.53	8.34
1-0 TO 1-6 (12/1/88)	86.48	172.96	345.92	691.84	1729.60	3459.20	34592.	6.50	6.50	8.71
1-6 TO 2-0 (6/1/89)	89.29	178.58	357.16	714.32	1785.80	3571.60	35716.	6.50	6.50	9.26
2-0 TO 2-6 (12/1/89)	92.19	184.38	368.76	737.52	1843.80	3687.60	36876.	6.50	6.49	10.20
2-6 TO 3-0 (6/1/90)	95.19	190.38	380.76	761.52	1903.80	3807.60	38076.	6.50	6.50	12.07
3-0 TO 3-6 (12/1/90)	98.28	196.56	393.12	786.24	1965.60	3931.20	39312.	6.50	17.79	17.79
3-6 4/ (6/1/91)	107.02	214.04	428.08	856.16	2140.40	4280.80	42808.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1960 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.35 PERCENT; TO DATE OF BONUS PAYMENT IS 5.65 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 75

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(7/1/79)	$47.10	$ 94.20	$188.40	$376.80	$ 942.00	$1884.00	$18840.	6.01	6.50	6.50
2-0 TO 2-6 (1/1/80)	48.63	97.26	194.52	389.04	972.60	1945.20	19452.	6.13	6.50	6.50
2-6 TO 3-0 (7/1/80)	50.21	100.42	200.84	401.68	1004.20	2008.40	20084.	6.20	6.49	6.50
3-0 TO 3-6 (1/1/81)	51.84	103.68	207.36	414.72	1036.80	2073.60	20736.	6.25	6.52	6.50
3-6 TO 4-0 (7/1/81)	53.53	107.06	214.12	428.24	1070.60	2141.20	21412.	6.29	6.50	6.50
4-0 TO 4-6 (1/1/82)	55.27	110.54	221.08	442.16	1105.40	2210.80	22108.	6.32	6.48	6.50
4-6 TO 5-0 (7/1/82)	57.06	114.12	228.24	456.48	1141.20	2282.40	22824.	6.33	6.52	6.50
5-0 TO 5-6 (1/1/83)	58.92	117.84	235.68	471.36	1178.40	2356.80	23568.	6.35	6.48	6.50
5-6 TO 6-0 (7/1/83)	60.83	121.66	243.32	486.64	1216.60	2433.20	24332.	6.36	6.51	6.50
6-0 TO 6-6 (1/1/84)	62.81	125.62	251.24	502.48	1256.20	2512.40	25124.	6.38	6.50	6.50
6-6 TO 7-0 (7/1/84)	64.85	129.70	259.40	518.80	1297.00	2594.00	25940.	6.39	6.51	6.50
7-0 TO 7-6 (1/1/85)	66.96	133.92	267.84	535.68	1339.20	2678.40	26784.	6.39	6.51	6.50
7-6 TO 8-0 (7/1/85)	69.14	138.28	276.56	553.12	1383.80	2765.60	27656.	6.40	6.48	6.50
8-0 TO 8-6 (1/1/86)	71.38	142.76	285.52	571.04	1427.60	2855.20	28552.	6.41	6.50	6.50
8-6 TO 9-0 (7/1/86)	73.70	147.40	294.80	589.60	1474.00	2948.00	29480.	6.41	6.51	6.50
9-0 TO 9-6 (1/1/87)	76.10	152.20	304.40	608.80	1522.00	3044.00	30440.	6.42	6.49	6.49
9-6 TO10-0 (7/1/87)	78.57	157.14	314.28	628.56	1571.40	3142.80	31428.	6.42	6.49	6.49
10-0 2/ (1/1/88)	81.12	162.24	324.48	648.96	1622.40	3244.80	32448.	6.43 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/88)	$81.12	$162.24	$324.48	$648.96	$1622.40	$3244.80	$32448.	——	6.51	8.34
0-6 TO 1-0 (7/1/88)	83.76	167.52	335.04	670.08	1675.20	3350.40	33504.	6.51	6.49	8.71
1-0 TO 1-6 (1/1/89)	86.48	172.96	345.92	691.84	1729.60	3459.20	34592.	6.50	6.50	9.27
1-6 TO 2-0 (7/1/89)	89.29	178.58	357.16	714.32	1785.80	3571.60	35716.	6.50	6.50	10.20
2-0 TO 2-6 (1/1/90)	92.19	184.38	368.76	737.52	1843.80	3687.60	36876.	6.50	6.51	12.08
2-6 TO 3-0 (7/1/90)	95.19	190.38	380.76	761.52	1903.80	3807.60	38076.	6.50	17.80	17.80
3-0 4/ (1/1/91)	103.84	207.32	414.64	829.28	2073.20	4146.40	41464.	8.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1960, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.35 PERCENT; TO DATE OF BONUS PAYMENT IS 5.64 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 76

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(9/1/79)	$47.18	$ 94.36	$188.72	$377.44	$ 943.60	$1887.20	$18872.	5.99	6.49	6.50
2-0 TO 2-6 (3/1/80)	48.71	97.42	194.84	389.68	974.20	1948.40	19484.	6.12	6.53	6.50
2-6 TO 3-0 (9/1/80)	50.30	100.60	201.20	402.40	1006.00	2012.00	20120.	6.20	6.48	6.50
3-0 TO 3-6 (3/1/81)	51.93	103.86	207.72	415.44	1038.60	2077.20	20772.	6.25	6.51	6.50
3-6 TO 4-0 (9/1/81)	53.62	107.24	214.48	428.96	1072.40	2144.80	21448.	6.28	6.49	6.50
4-0 TO 4-6 (3/1/82)	55.36	110.72	221.44	442.88	1107.20	2214.40	22144.	6.31	6.50	6.50
4-6 TO 5-0 (9/1/82)	57.16	114.32	228.64	457.28	1143.20	2286.40	22864.	6.33	6.51	6.50
5-0 TO 5-6 (3/1/83)	59.02	118.04	236.08	472.16	1180.40	2360.80	23608.	6.35	6.51	6.50
5-6 TO 6-0 (9/1/83)	60.94	121.88	243.76	487.52	1218.80	2437.60	24376.	6.36	6.50	6.50
6-0 TO 6-6 (3/1/84)	62.92	125.84	251.68	503.36	1258.40	2516.80	25168.	6.37	6.48	6.50
6-6 TO 7-0 (9/1/84)	64.96	129.92	259.84	519.68	1299.20	2598.40	25984.	6.38	6.50	6.50
7-0 TO 7-6 (3/1/85)	67.07	134.14	268.28	536.56	1341.40	2682.80	26828.	6.39	6.50	6.50
7-6 TO 8-0 (9/1/85)	69.23	138.50	277.00	554.00	1385.00	2770.00	27700.	6.40	6.50	6.50
8-0 TO 8-6 (3/1/86)	71.50	143.00	286.00	572.00	1430.00	2860.00	28600.	6.40	6.52	6.50
8-6 TO 9-0 (9/1/86)	73.83	147.66	295.32	590.64	1476.60	2953.20	29532.	6.41	6.50	6.50
9-0 TO 9-6 (3/1/87)	76.23	152.46	304.92	609.84	1524.60	3049.20	30492.	6.42	6.49	6.49
9-6 TO10-0 (9/1/87)	78.70	157.40	314.80	629.60	1574.00	3148.00	31480.	6.42	6.49	6.49
10-0 2/ (3/1/88)	81.26	162.52	325.04	650.08	1625.20	3250.40	32504.	6.42 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (3/1/88)	$81.26	$162.52	$325.04	$650.08	$1625.20	$3250.40	$32504.	——	6.50	8.34
0-6 TO 1-0 (9/1/88)	83.90	167.80	335.60	671.20	1678.00	3356.00	33560.	6.50	6.51	8.71
1-0 TO 1-6 (3/1/89)	86.63	173.26	346.52	693.04	1732.60	3465.20	34652.	6.50	6.49	9.26
1-6 TO 2-0 (9/1/89)	89.44	178.88	357.76	715.52	1788.80	3577.60	35776.	6.50	6.51	10.20
2-0 TO 2-6 (3/1/90)	92.35	184.70	369.40	738.80	1847.00	3694.00	36940.	6.50	6.50	12.07
2-6 TO 3-0 (9/1/90)	95.35	190.70	381.40	762.80	1907.00	3814.00	38140.	6.50	17.79	17.79
3-0 4/ (3/1/91)	103.83	207.66	415.32	830.64	2076.60	4153.20	41532.	9.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1960 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.35 PERCENT; TO DATE OF BONUS PAYMENT IS 5.64 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 77

BONDS BEARING ISSUE DATE SEP. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(7/1/79)	$46.22	$ 92.44	$184.88	$369.76	$ 924.40	$1848.80	$18485.	5.99	6.49	6.50
1-6 TO 2-0	(12/1/79)	47.72	95.44	190.88	381.76	954.40	1908.80	19088.	6.16	6.50	6.50
2-0 TO 2-6	(6/1/80)	49.27	98.54	197.08	394.16	985.40	1970.80	19708.	6.24	6.49	6.50
2-6 TO 3-0	(12/1/80)	50.87	101.74	203.48	406.96	1017.40	2034.80	20348.	6.29	6.53	6.50
3-0 TO 3-6	(6/1/81)	52.53	105.06	210.12	420.24	1050.60	2101.20	21012.	6.33	6.51	6.50
3-6 TO 4-0	(12/1/81)	54.24	108.48	216.96	433.92	1084.80	2169.60	21696.	6.36	6.49	6.50
4-0 TO 4-6	(6/1/82)	56.00	112.00	224.00	448.00	1120.00	2240.00	22400.	6.37	6.48	6.50
4-6 TO 5-0	(12/1/82)	57.82	115.64	231.28	462.56	1156.40	2312.80	23128.	6.39	6.50	6.50
5-0 TO 5-6	(6/1/83)	59.70	119.40	238.80	477.60	1194.00	2388.00	23880.	6.40	6.50	6.50
5-6 TO 6-0	(12/1/83)	61.64	123.28	246.56	493.12	1232.80	2465.60	24656.	6.41	6.49	6.50
6-0 TO 6-6	(6/1/84)	63.64	127.28	254.56	509.12	1272.80	2545.60	25456.	6.42	6.51	6.50
6-6 TO 7-0	(12/1/84)	65.71	131.42	262.84	525.68	1314.20	2628.40	26284.	6.42	6.48	6.50
7-0 TO 7-6	(6/1/85)	67.84	135.68	271.36	542.72	1358.80	2713.60	27136.	6.43	6.52	6.50
7-6 TO 8-0	(12/1/85)	70.05	140.10	280.20	560.40	1401.00	2802.00	28020.	6.43	6.51	6.50
8-0 TO 8-6	(6/1/86)	72.33	144.66	289.32	578.64	1446.60	2893.20	28932.	6.44	6.50	6.50
8-6 TO 9-0	(12/1/86)	74.68	149.36	298.72	597.44	1493.80	2987.20	29872.	6.44	6.48	6.50
9-0 TO 9-6	(6/1/87)	77.10	154.20	308.40	616.80	1542.00	3084.00	30840.	6.44	6.51	6.51
9-6 TO10-0	(12/1/87)	79.61	159.22	318.44	636.88	1592.20	3184.40	31844.	6.45	6.51	6.51
10-0 2/	(6/1/88)	82.20	164.40	328.80	657.60	1644.00	3288.00	32880.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/88)	$82.20	$164.40	$328.80	$657.60	$1644.00	$3288.00	$32880.	——	6.50	8.34
0-6 TO 1-0	(12/1/88)	84.87	169.74	339.48	678.96	1697.40	3394.80	33948.	6.50	6.50	8.71
1-0 TO 1-6	(6/1/89)	87.63	175.26	350.52	701.04	1752.60	3505.20	35052.	6.50	6.50	9.26
1-6 TO 2-0	(12/1/89)	90.48	180.96	361.92	723.84	1809.60	3619.20	36192.	6.50	6.50	10.19
2-0 TO 2-6	(6/1/90)	93.42	186.84	373.68	747.36	1868.40	3736.80	37368.	6.50	6.49	12.06
2-6 TO 3-0	(12/1/90)	96.45	192.90	385.80	771.60	1929.00	3858.00	38580.	6.50	6.50	17.80
3-0 4/	(6/1/91)	101.03	210.06	420.12	840.24	2100.60	4201.20	42012.	8.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1960 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 9.40 PERCENT; TO DATE OF BONUS PAYMENT IS 5.68 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 78

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(7/1/79)	$46.22	$ 92.44	$184.88	$369.76	$ 924.40	$1848.80	$18485.	5.99	6.49	6.50
1-6 TO 2-0	(1/1/80)	47.72	95.44	190.88	381.76	954.40	1908.80	19088.	6.16	6.50	6.50
2-0 TO 2-6	(7/1/80)	49.27	98.54	197.08	394.16	985.40	1970.80	19708.	6.24	6.49	6.50
2-6 TO 3-0	(1/1/81)	50.87	101.74	203.48	406.96	1017.40	2034.80	20348.	6.29	6.53	6.50
3-0 TO 3-6	(7/1/81)	52.53	105.06	210.12	420.24	1050.60	2101.20	21012.	6.33	6.51	6.50
3-6 TO 4-0	(1/1/82)	54.24	108.48	216.96	433.92	1084.80	2169.60	21696.	6.36	6.49	6.50
4-0 TO 4-6	(7/1/82)	56.00	112.00	224.00	448.00	1120.00	2240.00	22400.	6.37	6.48	6.50
4-6 TO 5-0	(1/1/83)	57.82	115.64	231.28	462.56	1156.40	2312.80	23128.	6.39	6.50	6.50
5-0 TO 5-6	(7/1/83)	59.70	119.40	238.80	477.60	1194.00	2388.00	23880.	6.40	6.50	6.50
5-6 TO 6-0	(1/1/84)	61.64	123.28	246.56	493.12	1232.80	2465.60	24656.	6.41	6.49	6.50
6-0 TO 6-6	(7/1/84)	63.64	127.28	254.56	509.12	1272.80	2545.60	25456.	6.42	6.51	6.50
6-6 TO 7-0	(1/1/85)	65.71	131.42	262.84	525.68	1314.20	2628.40	26284.	6.42	6.48	6.50
7-0 TO 7-6	(7/1/85)	67.84	135.68	271.36	542.72	1358.80	2713.60	27136.	6.43	6.52	6.50
7-6 TO 8-0	(1/1/86)	70.05	140.10	280.20	560.40	1401.00	2802.00	28020.	6.43	6.51	6.50
8-0 TO 8-6	(7/1/86)	72.33	144.66	289.32	578.64	1446.60	2893.20	28932.	6.44	6.50	6.50
8-6 TO 9-0	(1/1/87)	74.68	149.36	298.72	597.44	1493.80	2987.20	29872.	6.44	6.48	6.50
9-0 TO 9-6	(7/1/87)	77.10	154.20	308.40	616.80	1542.00	3084.00	30840.	6.44	6.51	6.51
9-6 TO10-0	(1/1/88)	79.61	159.22	318.44	636.88	1592.20	3184.40	31844.	6.45	6.51	6.51
10-0 2/	(7/1/88)	82.20	164.40	328.80	657.60	1644.00	3288.00	32880.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/88)	$82.20	$164.40	$328.80	$657.60	$1644.00	$3288.00	$32880.	——	6.50	8.71
0-6 TO 1-0	(1/1/89)	84.87	169.74	339.48	678.96	1697.40	3394.80	33948.	6.50	6.50	9.26
1-0 TO 1-6	(7/1/89)	87.63	175.26	350.52	701.04	1752.60	3505.20	35052.	6.50	6.50	10.19
1-6 TO 2-0	(1/1/90)	90.48	180.96	361.92	723.84	1809.60	3619.20	36192.	6.50	6.50	12.06
2-0 TO 2-6	(7/1/90)	93.42	186.84	373.68	747.36	1868.40	3736.80	37368.	6.50	6.50	17.80
2-6 4/	(1/1/91)	101.72	203.44	406.88	813.76	2034.40	4068.80	40698.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1960, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 9.40 PERCENT; TO DATE OF BONUS PAYMENT IS 5.67 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 79

BONDS BEARING ISSUE DATES FROM DEC. 1, 1960 THROUGH FEB. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(9/1/79)	$46.31	$ 92.62	$185.24	$370.48	$ 926.20	$1852.40	$18524.	6.00	6.52	6.50
1-6 TO 2-0	(3/1/80)	47.82	95.64	191.28	382.56	956.40	1912.80	19128.	6.18	6.48	6.50
2-0 TO 2-6	(9/1/80)	49.37	98.74	197.48	394.96	987.40	1974.80	19748.	6.25	6.48	6.50
2-6 TO 3-0	(3/1/81)	50.97	101.94	203.88	407.76	1019.40	2038.80	20388.	6.30	6.51	6.50
3-0 TO 3-6	(9/1/81)	52.63	105.26	210.52	421.04	1052.60	2105.20	21052.	6.33	6.50	6.50
3-6 TO 4-0	(3/1/82)	54.34	108.68	217.36	434.72	1086.80	2173.60	21736.	6.36	6.51	6.50
4-0 TO 4-6	(9/1/82)	56.11	112.22	224.44	448.88	1122.20	2244.40	22444.	6.38	6.49	6.50
4-6 TO 5-0	(3/1/83)	57.93	115.86	231.72	463.44	1158.60	2317.20	23172.	6.39	6.49	6.50
5-0 TO 5-6	(9/1/83)	59.81	119.62	239.24	478.48	1196.20	2392.40	23924.	6.40	6.52	6.50
5-6 TO 6-0	(3/1/84)	61.76	123.52	247.04	494.08	1235.20	2470.40	24704.	6.41	6.48	6.50
6-0 TO 6-6	(9/1/84)	63.76	127.52	255.04	510.08	1275.20	2550.40	25504.	6.42	6.52	6.50
6-6 TO 7-0	(3/1/85)	65.84	131.68	263.36	526.72	1316.80	2633.60	26336.	6.42	6.50	6.50
7-0 TO 7-6	(9/1/85)	67.98	135.96	271.92	543.84	1359.80	2719.20	27192.	6.43	6.50	6.50
7-6 TO 8-0	(3/1/86)	70.19	140.38	280.76	561.52	1403.80	2807.60	28076.	6.43	6.50	6.50
8-0 TO 8-6	(9/1/86)	72.47	144.94	289.88	579.76	1449.40	2898.80	28988.	6.44	6.49	6.50
8-6 TO 9-0	(3/1/87)	74.82	149.64	299.28	598.56	1496.40	2992.80	29928.	6.44	6.50	6.50
9-0 TO 9-6	(9/1/87)	77.25	154.50	309.00	618.00	1545.00	3090.00	30900.	6.44	6.50	6.51
9-6 TO10-0	(3/1/88)	79.76	159.52	319.04	638.08	1595.20	3190.40	31904.	6.45	6.52	6.52
10-0 2/	(9/1/88)	82.36	164.72	329.44	658.88	1647.20	3294.40	32944.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(9/1/88)	$82.36	$164.72	$329.44	$658.88	$1647.20	$3294.40	$32944.	——	6.51	8.71
0-6 TO 1-0	(3/1/89)	85.04	170.08	340.16	680.32	1700.80	3401.60	34016.	6.51	6.49	9.27
1-0 TO 1-6	(9/1/89)	87.80	175.60	351.20	702.40	1756.00	3512.00	35120.	6.50	6.49	10.20
1-6 TO 2-0	(3/1/90)	90.65	181.30	362.60	725.20	1813.00	3626.00	36260.	6.50	6.51	12.08
2-0 TO 2-6	(9/1/90)	93.60	187.20	374.40	748.80	1872.00	3744.00	37440.	6.50	17.80	17.80
2-6 4/	(3/1/91)	101.93	203.86	407.72	815.44	2038.60	4077.20	40772.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1960 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 9.40 PERCENT; TO DATE OF BONUS PAYMENT IS 5.68 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 80

BONDS BEARING ISSUE DATE MAR. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(6/1/79)	$45.37	$ 90.74	$181.48	$362.96	$ 907.40	$1814.80	$18148.	5.99	6.48	6.50
1-0 TO 1-6	(12/1/79)	46.84	93.68	187.36	374.72	936.80	1873.60	18736.	6.24	6.53	6.50
1-6 TO 2-0	(6/1/80)	48.37	96.74	193.48	386.96	967.40	1934.80	19348.	6.34	6.49	6.50
2-0 TO 2-6	(12/1/80)	49.94	99.88	199.76	399.52	998.80	1997.60	19976.	6.37	6.49	6.50
2-6 TO 3-0	(6/1/81)	51.56	103.12	206.24	412.48	1031.20	2062.40	20624.	6.40	6.52	6.50
3-0 TO 3-6	(12/1/81)	53.24	106.48	212.96	425.92	1064.80	2129.60	21296.	6.42	6.50	6.50
3-6 TO 4-0	(6/1/82)	54.97	109.94	219.88	439.76	1099.40	2198.80	21988.	6.43	6.48	6.50
4-0 TO 4-6	(12/1/82)	56.75	113.50	227.00	454.00	1135.00	2270.00	22700.	6.43	6.52	6.50
4-6 TO 5-0	(6/1/83)	58.60	117.20	234.40	468.80	1172.00	2344.00	23440.	6.44	6.48	6.50
5-0 TO 5-6	(12/1/83)	60.50	121.00	242.00	484.00	1210.00	2420.00	24200.	6.45	6.51	6.50
5-6 TO 6-0	(6/1/84)	62.47	124.94	249.88	499.76	1249.40	2498.80	24988.	6.45	6.50	6.50
6-0 TO 6-6	(12/1/84)	64.50	129.00	258.00	516.00	1293.00	2586.00	25870.	6.46	6.51	6.50
6-6 TO 7-0	(6/1/85)	66.60	133.20	266.40	532.80	1332.00	2664.00	26640.	6.46	6.49	6.50
7-0 TO 7-6	(12/1/85)	68.74	137.52	275.04	550.08	1375.20	2750.40	27504.	6.46	6.52	6.50
7-6 TO 8-0	(6/1/86)	71.00	142.00	284.00	568.00	1420.00	2840.00	28400.	6.47	6.48	6.50
8-0 TO 8-6	(12/1/86)	73.30	146.60	293.20	586.40	1466.00	2932.00	29320.	6.47	6.49	6.50
8-6 TO 9-0	(6/1/87)	75.68	151.36	302.72	605.44	1513.60	3027.20	30272.	6.47	6.50	6.51
9-0 TO 9-6	(12/1/87)	78.14	156.28	312.56	625.12	1562.80	3125.60	31256.	6.47	6.50	6.51
9-6 TO10-0	(6/1/88)	80.68	161.36	322.72	645.44	1613.60	3227.20	32272.	6.47	6.52	6.52
10-0 2/	(12/1/88)	83.31	166.62	333.24	666.48	1666.20	3332.40	33324.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/88)	$83.31	$166.62	$333.24	$666.48	$1666.20	$3332.40	$33324.	——	6.51	8.71
0-6 TO 1-0	(6/1/89)	86.02	172.04	344.08	688.16	1720.40	3440.80	34408.	6.51	6.49	9.26
1-0 TO 1-6	(12/1/89)	88.81	177.62	355.24	710.48	1776.20	3552.40	35524.	6.50	6.51	10.20
1-6 TO 2-0	(6/1/90)	91.70	183.40	366.80	733.60	1834.00	3668.00	36680.	6.50	6.50	12.07
2-0 TO 2-6	(12/1/90)	94.68	189.36	378.72	757.44	1893.60	3787.20	37872.	6.50	17.79	17.79
2-6 4/	(6/1/91)	103.10	206.20	412.40	824.80	2062.00	4124.00	41240.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1961 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 9.45 PERCENT; TO DATE OF BONUS PAYMENT IS 5.71 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 AP 2 80 UMI

TABLE 81

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1961

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(7/1/79)	$45.37	$ 90.74	$181.48	$362.96	$ 907.40	$1814.80	$18148.	5.90	6.48	6.50
1-0 TO 1-6 (1/1/80)	46.94	93.88	187.76	374.72	936.80	1873.60	18736.	6.24	6.51	6.50
1-6 TO 2-0 (7/1/80)	48.37	96.74	193.48	386.96	967.40	1934.80	19348.	6.34	6.49	6.50
2-0 TO 2-6 (1/1/81)	49.94	99.88	199.76	399.52	998.80	1997.60	19976.	6.37	6.49	6.48
2-6 TO 3-0 (7/1/81)	51.58	103.12	206.24	412.48	1031.20	2062.40	20624.	6.48	6.52	6.50
3-0 TO 3-6 (1/1/82)	53.24	106.48	212.96	425.92	1064.80	2129.60	21296.	6.42	6.50	6.48
3-6 TO 4-0 (7/1/82)	54.97	109.94	219.88	439.76	1099.40	2198.80	21980.	6.43	6.48	6.50
4-0 TO 4-6 (1/1/83)	56.75	113.50	227.00	454.00	1135.00	2270.00	22700.	6.43	6.52	6.50
4-6 TO 5-0 (7/1/83)	58.60	117.20	234.40	468.80	1172.00	2344.00	23440.	6.44	6.48	6.50
5-0 TO 5-6 (1/1/84)	60.50	121.00	242.00	484.00	1210.00	2420.00	24200.	6.45	6.51	6.50
5-6 TO 6-0 (7/1/84)	62.47	124.94	249.88	499.76	1249.40	2498.80	24988.	6.45	6.50	6.50
6-0 TO 6-6 (1/1/85)	64.50	129.00	258.00	516.00	1290.00	2580.00	25800.	6.46	6.51	6.50
6-6 TO 7-0 (7/1/85)	66.60	133.20	266.40	532.80	1332.00	2664.00	26640.	6.46	6.49	6.50
7-0 TO 7-6 (1/1/86)	68.76	137.52	275.04	550.08	1375.20	2750.40	27504.	6.46	6.51	6.50
7-6 TO 8-0 (7/1/86)	71.00	142.00	284.00	568.00	1420.00	2840.00	28400.	6.47	6.48	6.50
8-0 TO 8-6 (1/1/87)	73.30	146.60	293.20	586.40	1466.00	2932.00	29320.	6.47	6.49	6.50
8-6 TO 9-0 (7/1/87)	75.68	151.36	302.72	605.44	1513.60	3027.20	30272.	6.47	6.50	6.50
9-0 TO 9-6 (1/1/88)	78.14	156.28	312.56	625.12	1562.80	3125.60	31256.	6.47	6.50	6.50
9-6 TO10-0 (7/1/88)	80.68	161.36	322.72	645.44	1613.60	3227.20	32272.	6.47	6.52	6.50
10-0 2/ (1/1/89)	83.31	166.62	333.24	666.48	1666.20	3332.40	33324.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/89)	$83.31	$166.62	$333.24	$666.48	$1666.20	$3332.40	$33324.	——	6.51	9.26
0-6 TO 1-0 (7/1/89)	86.02	172.04	344.08	688.16	1720.40	3440.80	34408.	6.51	6.49	10.19
1-0 TO 1-6 (1/1/90)	88.81	177.62	355.24	710.48	1776.20	3552.40	35524.	6.50	6.51	12.07
1-6 TO 2-0 (7/1/90)	91.70	183.40	366.80	733.60	1834.00	3668.00	36680.	6.50	17.78	17.78
2-0 4/ (1/1/91)	99.85	199.70	399.40	798.80	1997.00	3994.00	39940.	9.26 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1961, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.45 PERCENT; TO DATE OF BONUS PAYMENT IS 9.10 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 82

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1961

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(9/1/79)	$45.50	$ 91.00	$182.00	$364.00	$ 910.00	$1820.00	$18200.	6.02	6.51	6.50
1-0 TO 1-6 (3/1/80)	46.98	93.96	187.92	375.84	939.60	1879.20	18792.	6.26	6.51	6.50
1-6 TO 2-0 (9/1/80)	48.51	97.02	194.04	388.08	970.20	1940.40	19404.	6.34	6.47	6.50
2-0 TO 2-6 (3/1/81)	50.08	100.16	200.32	400.64	1001.60	2003.20	20032.	6.38	6.51	6.50
2-6 TO 3-0 (9/1/81)	51.71	103.42	206.84	413.68	1034.20	2068.40	20684.	6.40	6.50	6.50
3-0 TO 3-6 (3/1/82)	53.39	106.78	213.56	427.12	1067.80	2135.60	21356.	6.42	6.52	6.50
3-6 TO 4-0 (9/1/82)	55.13	110.26	220.52	441.04	1102.60	2205.20	22052.	6.43	6.49	6.50
4-0 TO 4-6 (3/1/83)	56.92	113.84	227.68	455.36	1138.40	2276.80	22768.	6.44	6.50	6.50
4-6 TO 5-0 (9/1/83)	58.77	117.54	235.08	470.16	1175.40	2350.80	23508.	6.45	6.50	6.50
5-0 TO 5-6 (3/1/84)	60.68	121.36	242.72	485.44	1213.60	2427.20	24272.	6.45	6.49	6.50
5-6 TO 6-0 (9/1/84)	62.65	125.30	250.60	501.20	1253.00	2506.00	25060.	6.46	6.48	6.50
6-0 TO 6-6 (3/1/85)	64.68	129.36	258.72	517.44	1293.60	2587.20	25872.	6.46	6.52	6.50
6-6 TO 7-0 (9/1/85)	66.79	133.58	267.16	534.32	1335.80	2671.60	26716.	6.46	6.50	6.50
7-0 TO 7-6 (3/1/86)	68.96	137.92	275.84	551.68	1379.20	2758.40	27584.	6.47	6.50	6.50
7-6 TO 8-0 (9/1/86)	71.20	142.40	284.80	569.60	1424.00	2848.00	28480.	6.47	6.49	6.50
8-0 TO 8-6 (3/1/87)	73.51	147.02	294.04	588.08	1470.20	2940.40	29404.	6.47	6.50	6.50
8-6 TO 9-0 (9/1/87)	75.90	151.80	303.60	607.20	1518.00	3036.00	30360.	6.47	6.51	6.51
9-0 TO 9-6 (3/1/88)	78.37	156.74	313.48	626.96	1567.40	3134.80	31348.	6.47	6.51	6.50*
9-6 TO10-0 (9/1/88)	80.92	161.84	323.68	647.36	1618.40	3236.80	32368.	6.48	6.50	6.50
10-0 2/ (3/1/89)	83.55	167.10	334.20	668.40	1671.00	3342.00	33420.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (3/1/89)	$83.55	$167.10	$334.20	$668.40	$1671.00	$3342.00	$33420.	——	6.51	9.26
0-6 TO 1-0 (9/1/89)	86.27	172.54	345.08	690.16	1725.40	3450.80	34508.	6.51	6.49	10.19
1-0 TO 1-6 (3/1/90)	89.07	178.14	356.28	712.56	1781.40	3562.80	35628.	6.50	6.49	12.06
1-6 TO 2-0 (9/1/90)	91.96	183.92	367.84	735.68	1839.20	3678.40	36784.	6.50	17.79	17.79
2-0 4/ (3/1/91)	100.14	200.28	400.56	801.12	2002.80	4005.60	40056.	9.26 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1961 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.46 PERCENT; TO DATE OF BONUS PAYMENT IS 9.21 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 83

BONDS BEARING ISSUE DATE SEP. 1, 1961

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(6/1/79)	$44.36	$ 89.12	$178.24	$356.48	$ 891.20	$1782.40	$17824.	——	6.51	6.50
0-6 TO 1-0 (12/1/79)	46.01	92.02	184.04	368.08	920.20	1840.40	18404.	6.51	6.48	6.50
1-0 TO 1-6 (6/1/80)	47.50	95.00	190.00	380.00	950.00	1900.00	19000.	6.49	6.53	6.50
1-6 TO 2-0 (12/1/80)	49.05	98.10	196.20	392.40	981.00	1962.00	19620.	6.50	6.48	6.50
2-0 TO 2-6 (6/1/81)	50.64	101.28	202.56	405.12	1012.80	2025.60	20256.	6.50	6.52	6.50
2-6 TO 3-0 (12/1/81)	52.29	104.58	209.16	418.32	1045.80	2091.60	20916.	6.50	6.50	6.50
3-0 TO 3-6 (6/1/82)	53.99	107.98	215.96	431.92	1079.80	2159.60	21596.	6.50	6.48	6.50
3-6 TO 4-0 (12/1/82)	55.74	111.48	222.96	445.92	1114.80	2229.60	22296.	6.50	6.49	6.50
4-0 TO 4-6 (6/1/83)	57.55	115.10	230.20	460.40	1151.00	2302.00	23020.	6.50	6.50	6.50
4-6 TO 5-0 (12/1/83)	59.42	118.84	237.68	475.36	1188.40	2376.80	23768.	6.50	6.50	6.50
5-0 TO 5-6 (6/1/84)	61.35	122.70	245.40	490.80	1227.00	2454.00	24540.	6.50	6.52	6.50
5-6 TO 6-0 (12/1/84)	63.35	126.70	253.40	506.80	1267.00	2534.00	25340.	6.50	6.50	6.50
6-0 TO 6-6 (6/1/85)	65.41	130.82	261.64	523.28	1308.20	2616.40	26164.	6.50	6.48	6.50
6-6 TO 7-0 (12/1/85)	67.53	135.06	270.12	540.24	1350.60	2701.20	27012.	6.50	6.50	6.50
7-0 TO 7-6 (6/1/86)	69.73	139.46	278.92	557.84	1394.60	2789.20	27892.	6.50	6.48	6.50
7-6 TO 8-0 (12/1/86)	71.99	143.98	287.96	575.92	1439.80	2879.60	28796.	6.50	6.50	6.50
8-0 TO 8-6 (6/1/87)	74.33	148.66	297.32	594.64	1486.60	2973.20	29732.	6.50	6.51	6.50
8-6 TO 9-0 (12/1/87)	76.75	153.50	307.00	614.00	1535.00	3070.00	30700.	6.50	6.49	6.50
9-0 TO 9-6 (6/1/88)	79.24	158.48	316.96	633.92	1584.80	3169.60	31696.	6.50	6.51	6.50
9-6 TO10-0 (12/1/88)	81.82	163.64	327.28	654.56	1636.40	3272.80	32728.	6.50	6.50	6.50
10-0 2/ (6/1/89)	84.48	168.96	337.92	675.84	1689.60	3379.20	33792.	6.50 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/89)	$84.48	$168.96	$337.92	$675.84	$1689.60	$3379.20	$33792.	——	6.51	9.27
0-6 TO 1-0 (12/1/89)	87.23	174.46	348.92	697.84	1744.60	3489.20	34892.	6.51	6.49	10.19
1-0 TO 1-6 (6/1/90)	90.06	180.12	360.24	720.48	1801.20	3602.40	36024.	6.50	6.51	12.07
1-6 TO 2-0 (12/1/90)	92.99	185.98	371.96	743.92	1859.80	3719.60	37196.	6.50	17.79	17.79
2-0 4/ (6/1/91)	101.26	202.52	405.04	810.08	2025.20	4050.40	40504.	9.27 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1961 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.50 PERCENT; TO DATE OF BONUS PAYMENT IS 5.75 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 84

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1961

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(7/1/79)	$44.36	$ 89.12	$178.24	$356.48	$ 891.20	$1782.40	$17824.	——	6.51	6.50
0-6 TO 1-0 (1/1/80)	46.01	92.02	184.04	368.08	920.20	1840.40	18404.	6.51	6.48	6.50
1-0 TO 1-6 (7/1/80)	47.50	95.00	190.00	380.00	950.00	1900.00	19000.	6.49	6.53	6.50
1-6 TO 2-0 (1/1/81)	49.05	98.10	196.20	392.40	981.00	1962.00	19620.	6.50	6.48	6.50
2-0 TO 2-6 (7/1/81)	50.64	101.28	202.56	405.12	1012.80	2025.60	20256.	6.50	6.52	6.50
2-6 TO 3-0 (1/1/82)	52.29	104.58	209.16	418.32	1045.80	2091.60	20916.	6.50	6.50	6.50
3-0 TO 3-6 (7/1/82)	53.99	107.98	215.96	431.92	1079.80	2159.60	21596.	6.50	6.48	6.50
3-6 TO 4-0 (1/1/83)	55.74	111.48	222.96	445.92	1114.80	2229.60	22296.	6.50	6.49	6.50
4-0 TO 4-6 (7/1/83)	57.55	115.10	230.20	460.40	1151.00	2302.00	23020.	6.50	6.50	6.50
4-6 TO 5-0 (1/1/84)	59.42	118.84	237.68	475.36	1188.40	2376.80	23768.	6.50	6.50	6.50
5-0 TO 5-6 (7/1/84)	61.35	122.70	245.40	490.80	1227.00	2454.00	24540.	6.50	6.52	6.50
5-6 TO 6-0 (1/1/85)	63.35	126.70	253.40	506.80	1267.00	2534.00	25340.	6.50	6.50	6.50
6-0 TO 6-6 (7/1/85)	65.41	130.82	261.64	523.28	1308.20	2616.40	26164.	6.50	6.48	6.50
6-6 TO 7-0 (1/1/86)	67.53	135.06	270.12	540.24	1350.60	2701.20	27012.	6.50	6.50	6.50
7-0 TO 7-6 (7/1/86)	69.73	139.46	278.92	557.84	1394.60	2789.20	27892.	6.50	6.48	6.50
7-6 TO 8-0 (1/1/87)	71.99	143.98	287.96	575.92	1439.80	2879.60	28796.	6.50	6.50	6.50
8-0 TO 8-6 (7/1/87)	74.33	148.66	297.32	594.64	1486.60	2973.20	29732.	6.50	6.51	6.50
8-6 TO 9-0 (1/1/88)	76.75	153.50	307.00	614.00	1535.00	3070.00	30700.	6.50	6.49	6.50
9-0 TO 9-6 (7/1/88)	79.24	158.48	316.96	633.92	1584.80	3169.60	31696.	6.50	6.51	6.51
9-6 TO10-0 (12/1/88)	81.82	163.64	327.28	654.56	1636.40	3272.80	32728.	6.50	6.50	6.50
10-0 2/ (7/1/89)	84.48	168.96	337.92	675.84	1689.60	3379.20	33792.	6.50 3/	——	——

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/89)	$84.48	$168.96	$337.92	$675.84	$1689.60	$3379.20	$33792.	——	6.51	10.28
0-6 TO 1-0 (1/1/90)	87.23	174.46	348.92	697.84	1744.60	3489.20	34892.	6.51	6.49	12.06
1-0 TO 1-6 (7/1/90)	90.06	180.12	360.24	720.48	1801.20	3602.40	36024.	6.50	17.79	17.79
1-6 4/ (1/1/91)	98.07	196.14	392.28	784.56	1961.40	3922.80	39228.	10.20 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1961, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.50 PERCENT; TO DATE OF BONUS PAYMENT IS 5.74 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 85

BONDS BEARING ISSUE DATES FROM DEC. 1, 1961 THROUGH FEB. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	9/1/79)	$44.68	$ 89.36	$178.76	$357.52	$ 893.80	$1787.60	$17876.	----	6.49	6.50
0-6 TO 1-0	(3/1/80)	46.14	92.28	184.56	369.12	922.80	1845.60	18456.	6.49	6.50	6.50
1-0 TO 1-6	(9/1/80)	47.64	95.28	190.56	381.12	952.80	1905.60	19056.	6.50	6.51	6.50
1-6 TO 2-0	(3/1/81)	49.19	98.38	196.76	393.52	983.80	1967.60	19676.	6.50	6.51	6.50
2-0 TO 2-6	(9/1/81)	50.79	101.58	203.16	406.32	1015.80	2031.60	20316.	6.50	6.50	6.50
2-6 TO 3-0	(3/1/82)	52.44	104.88	209.76	419.52	1048.80	2097.60	20976.	6.50	6.48	6.50
3-0 TO 3-6	(9/1/82)	54.14	108.28	216.56	433.12	1082.80	2165.60	21656.	6.50	6.50	6.50
3-6 TO 4-0	(3/1/83)	55.90	111.80	223.60	447.20	1118.00	2236.00	22360.	6.50	6.51	6.50
4-0 TO 4-6	(9/1/83)	57.72	115.44	230.88	461.76	1154.40	2308.80	23088.	6.50	6.51	6.50
4-6 TO 5-0	(3/1/84)	59.60	119.20	238.40	476.80	1192.00	2384.00	23840.	6.50	6.48	6.50
5-0 TO 5-6	(9/1/84)	61.53	123.06	246.12	492.24	1230.60	2461.20	24612.	6.50	6.50	6.50
5-6 TO 6-0	(3/1/85)	63.53	127.06	254.12	508.24	1270.60	2541.20	25412.	6.50	6.52	6.50
6-0 TO 6-6	(9/1/85)	65.60	131.20	262.40	524.80	1312.00	2624.00	26240.	6.50	6.49	6.50
6-6 TO 7-0	(3/1/86)	67.73	135.46	270.92	541.84	1354.60	2709.20	27092.	6.50	6.50	6.50
7-0 TO 7-6	(9/1/86)	69.93	139.86	279.72	559.44	1398.60	2797.20	27972.	6.50	6.49	6.50
7-6 TO 8-0	(3/1/87)	72.20	144.40	288.80	577.60	1444.00	2888.00	28880.	6.50	6.51	6.50
8-0 TO 8-6	(9/1/87)	74.55	149.10	298.20	596.40	1491.00	2982.00	29820.	6.50	6.49	6.50
8-6 TO 9-0	(3/1/88)	76.97	153.94	307.88	615.76	1539.40	3078.80	30788.	6.50	6.52	6.50
9-0 TO 9-6	(9/1/88)	79.48	158.96	317.92	635.84	1589.60	3179.20	31792.	6.50	6.49	6.50
9-6 TO10-0	(3/1/89)	82.06	164.12	328.24	656.48	1641.20	3282.40	32824.	6.50	6.48	6.48
10-0 2/	(9/1/89)	84.72	169.44	338.88	677.76	1694.40	3388.80	33888.	6.50 3/	----	----

(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**							(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(9/1/89)	$84.72	$169.44	$338.88	$677.76	$1694.40	$3388.80	$33888.	10.21
0-6 TO 1-0	(3/1/90)	87.47	174.94	349.85	699.76	1749.40	3498.80	34988.	12.07
1-0 TO 1-6	(9/1/90)	90.32	180.64	361.25	722.56	1806.40	3612.80	36128.	17.78
1-6 4/	(3/1/91)	98.35	196.70	393.40	786.80	1967.00	3934.00	39340.	10.20 3/

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1961 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.51 PERCENT; TO DATE OF BONUS PAYMENT IS 5.75 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 86

BONDS BEARING ISSUE DATE MAR. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(6/1/79)	$43.59	$ 87.18	$174.36	$348.72	$ 871.80	$1743.60	$17436.	5.76	6.52	6.52
10-0 2/	(12/1/79)	45.01	90.02	180.04	360.08	900.20	1800.40	18004.	5.80 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(8)TO 2ND EXTENDED MATURITY
0-0 TO 0-6	(12/1/79)	$45.01	$ 90.02	$180.04	$360.08	$ 900.20	$1800.40	$18004.	----	6.49	6.50
0-6 TO 1-0	(6/1/80)	46.47	92.94	185.88	371.76	929.40	1858.80	18588.	6.49	6.50	6.50
1-0 TO 1-6	(12/1/80)	47.98	95.96	191.92	383.84	959.60	1919.20	19192.	6.49	6.50	6.50
1-6 TO 2-0	(6/1/81)	49.54	99.08	198.16	396.32	990.80	1981.60	19816.	6.50	6.50	6.50
2-0 TO 2-6	(12/1/81)	51.15	102.30	204.60	409.20	1023.00	2046.00	20460.	6.50	6.53	6.50
2-6 TO 3-0	(6/1/82)	52.82	105.64	211.28	422.56	1056.40	2112.80	21128.	6.50	6.47	6.50
3-0 TO 3-6	(12/1/82)	54.53	109.06	218.12	436.24	1090.60	2181.20	21812.	6.50	6.49	6.50
3-6 TO 4-0	(6/1/83)	56.30	112.60	225.20	450.40	1126.00	2252.00	22520.	6.50	6.50	6.50
4-0 TO 4-6	(12/1/83)	58.13	116.26	232.52	465.04	1162.60	2325.20	23252.	6.50	6.50	6.50
4-6 TO 5-0	(6/1/84)	60.02	120.04	240.08	480.16	1200.40	2400.80	24008.	6.50	6.50	6.50
5-0 TO 5-6	(12/1/84)	61.97	123.94	247.88	495.76	1239.40	2478.80	24788.	6.50	6.52	6.50
5-6 TO 6-0	(6/1/85)	63.99	127.98	255.96	511.92	1279.80	2559.60	25596.	6.50	6.50	6.50
6-0 TO 6-6	(12/1/85)	66.07	132.14	264.28	528.56	1321.40	2642.80	26428.	6.50	6.48	6.50
6-6 TO 7-0	(6/1/86)	68.21	136.42	272.84	545.68	1364.20	2728.40	27284.	6.50	6.51	6.50
7-0 TO 7-6	(12/1/86)	70.43	140.86	281.72	563.44	1409.60	2817.20	28172.	6.50	6.50	6.50
7-6 TO 8-0	(6/1/87)	72.72	145.44	290.88	581.76	1454.40	2908.80	29088.	6.50	6.49	6.50
8-0 TO 8-6	(12/1/87)	75.08	150.16	300.32	600.64	1501.60	3003.20	30032.	6.50	6.50	6.50
8-6 TO 9-0	(6/1/88)	77.52	155.04	310.08	620.16	1550.40	3100.80	31008.	6.50	6.50	6.50
9-0 TO 9-6	(12/1/88)	80.04	160.08	320.16	640.32	1600.80	3201.60	32016.	6.50	6.52	6.50
9-6 TO10-0	(6/1/89)	82.65	165.30	330.60	661.20	1653.00	3306.00	33060.	6.50	6.49	6.49
10-0 4/	(12/1/89)	85.33	170.66	341.32	682.64	1706.60	3413.20	34132.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1962 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 4.99 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.54 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 86-A

BONDS BEARING ISSUE DATE MAR. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	THIRD EXTENDED MATURITY PERIOD**							PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(12/1/89)	$85.33	$170.66	$341.32	$682.64	$1706.60	$3413.20	$34132.	----	6.49	10.19
0-6 TO 1-0	(6/1/90)	88.10	176.20	352.40	704.80	1762.00	3524.00	35240.	6.49	6.52	12.07
1-0 TO 1-6	(12/1/90)	90.97	181.94	363.88	727.76	1819.40	3638.80	36398.	6.50	17.76	17.76
1-6 2/	(6/1/91)	99.05	198.10	396.20	792.40	1981.00	3962.00	39620.	10.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1962 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 29 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.77 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 87

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(7/1/79)	$43.59	$ 87.18	$174.36	$348.72	$ 871.80	$1743.60	$17436.	5.76	6.52	6.52
10-0 2/	(1/1/80)	45.01	90.02	180.04	360.08	900.20	1800.40	18004.	5.80 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(8)TO 2ND EXTENDED MATURITY
0-0 TO 0-6	(1/1/80)	$45.01	$ 90.02	$180.04	$360.08	$ 900.20	$1800.40	$18004.	----	6.49	6.50
0-6 TO 1-0	(7/1/80)	46.47	92.94	185.88	371.76	929.40	1858.80	18588.	6.49	6.50	6.50
1-0 TO 1-6	(1/1/81)	47.98	95.96	191.92	383.84	959.60	1919.20	19192.	6.49	6.50	6.50
1-6 TO 2-0	(7/1/81)	49.54	99.08	198.16	396.32	990.80	1981.60	19816.	6.50	6.50	6.50
2-0 TO 2-6	(1/1/82)	51.15	102.30	204.60	409.20	1023.00	2046.00	20460.	6.50	6.53	6.50
2-6 TO 3-0	(7/1/82)	52.82	105.64	211.28	422.56	1056.40	2112.80	21128.	6.50	6.47	6.50
3-0 TO 3-6	(1/1/83)	54.53	109.06	218.12	436.24	1090.60	2181.20	21812.	6.50	6.49	6.50
3-6 TO 4-0	(7/1/83)	56.30	112.60	225.20	450.40	1126.00	2252.00	22520.	6.50	6.50	6.50
4-0 TO 4-6	(1/1/84)	58.13	116.26	232.52	465.04	1162.60	2325.20	23252.	6.50	6.50	6.50
4-6 TO 5-0	(7/1/84)	60.02	120.04	240.08	480.16	1200.40	2400.80	24008.	6.50	6.50	6.50
5-0 TO 5-6	(1/1/85)	61.97	123.94	247.88	495.76	1239.40	2478.80	24788.	6.50	6.52	6.50
5-6 TO 6-0	(7/1/85)	63.99	127.98	255.96	511.92	1279.80	2559.60	25596.	6.50	6.50	6.50
6-0 TO 6-6	(1/1/86)	66.07	132.14	264.28	528.56	1321.40	2642.80	26428.	6.50	6.48	6.50
6-6 TO 7-0	(7/1/86)	68.21	136.42	272.84	545.68	1364.20	2728.40	27284.	6.50	6.51	6.50
7-0 TO 7-6	(1/1/87)	70.43	140.86	281.72	563.44	1409.60	2817.20	28172.	6.50	6.50	6.50
7-6 TO 8-0	(7/1/87)	72.72	145.44	290.88	581.76	1454.40	2908.80	29088.	6.50	6.49	6.50
8-0 TO 8-6	(1/1/88)	75.08	150.16	300.32	600.64	1501.60	3003.20	30032.	6.50	6.50	6.50
8-6 TO 9-0	(7/1/88)	77.52	155.04	310.08	620.16	1550.40	3100.80	31008.	6.50	6.50	6.50
9-0 TO 9-6	(1/1/89)	80.04	160.08	320.16	640.32	1600.80	3201.60	32016.	6.50	6.52	6.50
9-6 TO10-0	(7/1/89)	82.65	165.30	330.60	661.20	1653.00	3306.00	33060.	6.50	6.49	6.49
10-0 4/	(1/1/90)	85.33	170.66	341.32	682.64	1706.60	3413.20	34132.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1962, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 4.99 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.54 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 87-A

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/ (1/1/90)	$85.33	$170.66	$341.32	$682.64	$1706.60	$3413.20	$34132.	——	6.49	12.07
0-6 TO 1-0 (7/1/90)	88.10	176.20	352.40	704.80	1762.00	3524.00	35240.	6.49	17.80	17.80
1-0 2/ (1/1/91)	95.96	191.88	383.76	767.52	1918.80	3837.60	38376.	12.07 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1962, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.76 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 88

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO10-0 1/(9/1/79)	$43.70	$ 87.40	$174.80	$349.60	$ 874.00	$1748.00	$17480.	5.76	6.50	6.50
10-0 2/ (3/1/80)	45.12	90.24	180.48	360.96	902.40	1804.80	18048.	5.80 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO 2ND EXTENDED MATURITY
0-0 TO 0-6 (3/1/80)	$45.12	$ 90.24	$180.48	$360.96	$ 902.40	$1804.80	$18048.	——	6.52	6.50
0-6 TO 1-0 (9/1/80)	46.59	93.18	186.36	372.72	931.80	1863.60	18636.	6.52	6.48	6.50
1-0 TO 1-6 (3/1/81)	48.10	96.20	192.40	384.80	962.00	1924.00	19240.	6.50	6.49	6.50
1-6 TO 2-0 (9/1/81)	49.66	99.32	198.64	397.28	993.20	1986.40	19864.	6.49	6.52	6.50
2-0 TO 2-6 (3/1/82)	51.28	102.56	205.12	410.24	1025.60	2051.20	20512.	6.50	6.47	6.50
2-6 TO 3-0 (9/1/82)	52.94	105.88	211.76	423.52	1058.80	2117.60	21176.	6.50	6.54	6.50
3-0 TO 3-6 (3/1/83)	54.67	109.34	218.68	437.36	1093.40	2186.80	21868.	6.50	6.48	6.50
3-6 TO 4-0 (9/1/83)	56.44	112.88	225.76	451.52	1128.80	2257.60	22576.	6.50	6.52	6.50
4-0 TO 4-6 (3/1/84)	58.28	116.56	233.12	466.24	1165.60	2331.20	23312.	6.50	6.49	6.50
4-6 TO 5-0 (9/1/84)	60.17	120.34	240.68	481.36	1203.40	2406.80	24068.	6.50	6.51	6.50
5-0 TO 5-6 (3/1/85)	62.13	124.26	248.52	497.04	1242.60	2485.20	24852.	6.50	6.47	6.50
5-6 TO 6-0 (9/1/85)	64.14	128.28	256.56	513.12	1282.80	2565.60	25656.	6.50	6.52	6.50
6-0 TO 6-6 (3/1/86)	66.23	132.46	264.92	529.84	1324.60	2649.20	26492.	6.50	6.49	6.50
6-6 TO 7-0 (9/1/86)	68.38	136.76	273.52	547.04	1367.60	2735.20	27352.	6.50	6.49	6.50
7-0 TO 7-6 (3/1/87)	70.60	141.20	282.40	564.80	1412.00	2824.00	28240.	6.50	6.52	6.50
7-6 TO 8-0 (9/1/87)	72.90	145.80	291.60	583.20	1458.00	2916.00	29160.	6.50	6.50	6.50
8-0 TO 8-6 (3/1/88)	75.27	150.54	301.08	602.16	1505.40	3010.80	30108.	6.50	6.49	6.50
8-6 TO 9-0 (9/1/88)	77.71	155.42	310.84	621.68	1554.20	3108.40	31084.	6.50	6.51	6.50
9-0 TO 9-6 (3/1/89)	80.24	160.48	320.96	641.92	1604.80	3209.60	32096.	6.50	6.51	6.50
9-6 TO10-0 (9/1/89)	82.85	165.70	331.40	662.80	1657.00	3314.00	33140.	6.50	6.49	6.50
10-0 4/ (3/1/90)	85.54	171.08	342.16	684.32	1710.80	3421.60	34216.	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1962 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.01 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.54 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 88-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(3/1/90)	$85.54	$171.08	$342.16	$684.32	$1710.80	$3421.60	$34216.	——	6.50	12.06
0-6 TO 1-0 (9/1/90)	88.32	176.64	353.28	706.56	1766.40	3532.80	35328.	6.50	17.78	17.78
1-0 2/ (3/1/91)	96.17	192.34	384.68	769.36	1923.40	3846.80	38468.	12.06 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1962 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.77 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 89

BONDS BEARING ISSUE DATE SEP. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(6/1/79)	$42.62	$ 85.24	$170.48	$340.96	$ 852.40	$1704.80	$17048.	5.80	6.52	6.51
0-6 TO10-0 (12/1/79)	44.01	88.02	176.04	352.08	880.20	1760.40	17604.	5.84	6.50	6.50
10-0 2/ (6/1/80)	45.44	90.88	181.76	363.52	908.80	1817.60	18176.	5.87 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO 2ND EXTENDED MATURITY
0-0 TO 0-6 (6/1/80)	$45.44	$ 90.88	$181.76	$363.52	$ 908.80	$1817.60	$18176.	——	6.51	6.50
0-6 TO 1-0 (12/1/80)	46.92	93.84	187.68	375.36	938.40	1876.80	18768.	6.51	6.48	6.50
1-0 TO 1-6 (6/1/81)	48.44	96.88	193.76	387.52	968.80	1937.60	19376.	6.50	6.52	6.50
1-6 TO 2-0 (12/1/81)	50.02	100.04	200.08	400.16	1000.40	2000.80	20008.	6.51	6.48	6.50
2-0 TO 2-6 (6/1/82)	51.64	103.28	206.56	413.12	1032.80	2065.60	20656.	6.50	6.51	6.50
2-6 TO 3-0 (12/1/82)	53.32	106.64	213.28	426.56	1066.40	2132.80	21328.	6.50	6.49	6.50
3-0 TO 3-6 (6/1/83)	55.05	110.10	220.20	440.40	1101.00	2202.00	22020.	6.50	6.50	6.50
3-6 TO 4-0 (12/1/83)	56.84	113.68	227.36	454.72	1136.80	2273.60	22736.	6.50	6.51	6.50
4-0 TO 4-6 (6/1/84)	58.69	117.38	234.76	469.52	1173.80	2347.60	23476.	6.50	6.51	6.50
4-6 TO 5-0 (12/1/84)	60.61	121.20	242.40	484.80	1212.00	2424.00	24240.	6.50	6.50	6.50
5-0 TO 5-6 (6/1/85)	62.57	125.14	250.28	500.56	1251.40	2502.80	25028.	6.50	6.49	6.50
5-6 TO 6-0 (12/1/85)	64.60	129.20	258.40	516.80	1292.00	2584.00	25840.	6.50	6.50	6.50
6-0 TO 6-6 (6/1/86)	66.70	133.40	266.80	533.60	1334.00	2668.00	26690.	6.50	6.51	6.50
6-6 TO 7-0 (12/1/86)	68.87	137.74	275.48	550.96	1377.40	2754.80	27548.	6.50	6.49	6.50
7-0 TO 7-6 (6/1/87)	71.10	142.20	284.40	568.80	1422.00	2844.00	28440.	6.50	6.53	6.50
7-6 TO 8-0 (12/1/87)	73.42	146.84	293.68	587.36	1468.40	2936.80	29368.	6.50	6.48	6.50
8-0 TO 8-6 (6/1/88)	75.80	151.60	303.20	606.40	1516.00	3032.00	30320.	6.50	6.52	6.50
8-6 TO 9-0 (12/1/88)	78.27	156.54	313.08	626.16	1565.40	3130.80	31308.	6.50	6.49	6.50
9-0 TO 9-6 (6/1/89)	80.81	161.62	323.24	646.48	1616.20	3232.40	32324.	6.50	6.51	6.50
9-6 TO10-0 (12/1/89)	83.44	166.88	333.76	667.52	1668.80	3337.60	33376.	6.50	6.50	6.50
10-0 4/ (6/1/90)	86.15	172.30	344.60	689.20	1723.00	3446.00	34460.	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1962 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.05 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.57 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 89-A

BONDS BEARING ISSUE DATE SEP. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/ (6/1/90)	$86.15	$172.30	$344.60	$689.20	$1723.00	$3446.00	$34460.	----	6.50	12.07
0-6 TO 1-0 (12/1/90)	88.95	177.90	355.80	711.60	1779.00	3558.00	35580.	6.50	17.79	17.79
1-0 2/ (6/1/91)	96.86	193.72	387.44	774.88	1937.20	3874.40	38744.	12.07 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1962 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.79 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 90

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-0 TO 9-6 1/ (7/1/79)	$42.62	$ 85.24	$170.48	$340.96	$ 852.40	$1704.80	$17048.	5.80	6.52	6.51
9-6 TO10-0 (1/1/80)	44.01	88.02	176.04	352.09	880.20	1760.40	17604.	5.84	6.50	6.50
10-0 2/ (7/1/80)	45.44	90.89	181.76	363.52	908.80	1817.60	18176.	5.87 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO 2ND EXTENDED MATURITY
0-0 TO 0-6 (7/1/80)	$45.44	$ 90.89	$181.76	$363.52	$ 908.80	$1817.60	$18176.	----	6.51	6.50
0-6 TO 1-0 (1/1/81)	46.93	93.84	187.68	375.35	938.40	1876.80	18768.	6.51	6.48	6.50
1-0 TO 1-6 (7/1/81)	48.44	96.88	193.76	387.52	968.80	1937.60	19376.	6.50	6.52	6.50
1-6 TO 2-0 (1/1/82)	50.02	100.04	200.08	400.16	1000.40	2000.80	20008.	6.51	6.48	6.50
2-0 TO 2-6 (7/1/82)	51.64	103.28	206.56	413.12	1032.80	2065.60	20656.	6.50	6.51	6.50
2-6 TO 3-0 (1/1/83)	53.32	106.64	213.28	426.56	1066.40	2132.80	21328.	6.50	6.49	6.50
3-0 TO 3-6 (7/1/83)	55.05	110.10	220.20	440.40	1101.00	2202.00	22020.	6.50	6.50	6.50
3-6 TO 4-0 (1/1/84)	56.84	113.68	227.36	454.72	1136.80	2273.60	22736.	6.50	6.51	6.50
4-0 TO 4-6 (7/1/84)	58.69	117.38	234.76	469.52	1173.80	2347.60	23476.	6.50	6.51	6.50
4-6 TO 5-0 (1/1/85)	60.60	121.20	242.40	484.80	1212.00	2424.00	24240.	6.50	6.50	6.50
5-0 TO 5-6 (7/1/85)	62.57	125.14	250.28	500.56	1251.40	2502.80	25028.	6.50	6.49	6.50
5-6 TO 6-0 (1/1/86)	64.60	129.20	258.40	516.80	1292.00	2584.00	25840.	6.50	6.50	6.50
6-0 TO 6-6 (7/1/86)	66.70	133.40	266.80	533.60	1334.00	2668.00	26680.	6.50	6.51	6.50
6-6 TO 7-0 (1/1/87)	68.87	137.74	275.48	550.96	1377.40	2754.80	27548.	6.50	6.48	6.50
7-0 TO 7-6 (7/1/87)	71.10	142.20	284.40	568.80	1422.00	2844.00	28440.	6.50	6.53	6.50
7-6 TO 8-0 (1/1/88)	73.42	146.84	293.68	587.36	1468.40	2936.80	29368.	6.50	6.48	6.50
8-0 TO 8-6 (7/1/88)	75.80	151.60	303.20	606.40	1516.00	3032.00	30320.	6.50	6.52	6.50
8-6 TO 9-0 (1/1/89)	78.27	156.54	313.08	626.16	1565.40	3130.80	31308.	6.50	6.49	6.50
9-0 TO 9-6 (7/1/89)	80.81	161.62	323.24	646.48	1616.20	3232.40	32324.	6.50	6.51	6.50
9-6 TO10-0 (1/1/90)	83.44	166.88	333.76	667.52	1668.80	3337.60	33376.	6.50	6.50	6.50
10-0 4/ (7/1/90)	86.15	172.30	344.60	689.20	1723.00	3446.00	34460.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1962, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.05 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.57 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 90-A

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/ (7/1/90)	$86.15	$172.30	$344.60	$689.20	$1723.00	$3446.00	$34460.	----	17.78	17.78
0-6 2/ (1/1/91)	93.81	187.62	375.24	750.48	1876.20	3752.40	37524.	17.79 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1962, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.78 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 91

BONDS BEARING ISSUE DATES FROM DEC. 1, 1962 THROUGH FEB. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/ (9/1/79)	$42.80	$ 85.60	$171.20	$342.40	$ 856.00	$1712.00	$17120.	5.81	6.50	6.51
9-6 TO10-0 (3/1/80)	44.19	88.38	176.76	353.52	883.80	1767.60	17676.	5.84	6.52	6.52
10-0 2/ (9/1/80)	45.63	91.26	182.52	365.04	912.60	1825.20	18252.	5.88 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO 2ND EXTENDED MATURITY
0-0 TO 0-6 (9/1/80)	$45.63	$ 91.26	$182.52	$365.04	$ 912.60	$1825.20	$18252.	----	6.49	6.50
0-6 TO 1-0 (3/1/81)	47.11	94.22	188.44	376.88	942.20	1884.40	18844.	6.49	6.50	6.50
1-0 TO 1-6 (9/1/81)	48.64	97.28	194.56	389.12	972.80	1945.60	19456.	6.49	6.54	6.50
1-6 TO 2-0 (3/1/82)	50.23	100.48	200.96	401.92	1004.80	2009.60	20092.	6.51	6.49	6.50
2-0 TO 2-6 (9/1/82)	51.86	103.72	207.44	414.88	1037.20	2074.40	20744.	6.50	6.48	6.50
2-6 TO 3-0 (3/1/83)	53.54	107.08	214.16	428.32	1070.80	2141.60	21416.	6.50	6.50	6.50
3-0 TO 3-6 (9/1/83)	55.28	110.56	221.12	442.24	1105.60	2211.20	22112.	6.50	6.51	6.50
3-6 TO 4-0 (3/1/84)	57.08	114.16	228.32	456.64	1141.60	2283.20	22832.	6.50	6.48	6.50
4-0 TO 4-6 (9/1/84)	58.93	117.86	235.72	471.44	1178.60	2357.20	23572.	6.50	6.52	6.50
4-6 TO 5-0 (3/1/85)	60.85	121.70	243.40	486.80	1217.00	2434.00	24340.	6.50	6.51	6.50
5-0 TO 5-6 (9/1/85)	62.81	125.56	251.32	502.64	1256.60	2513.20	25132.	6.50	6.49	6.50
5-6 TO 6-0 (3/1/86)	64.87	129.74	259.48	518.96	1297.40	2594.80	25948.	6.50	6.51	6.50
6-0 TO 6-6 (9/1/86)	66.98	133.96	267.92	535.84	1339.60	2679.20	26792.	6.50	6.48	6.50
6-6 TO 7-0 (3/1/87)	69.15	138.30	276.60	553.20	1383.00	2766.00	27660.	6.50	6.51	6.50
7-0 TO 7-6 (9/1/87)	71.40	142.80	285.60	571.20	1428.00	2856.00	28560.	6.50	6.50	6.50
7-6 TO 8-0 (3/1/88)	73.72	147.44	294.88	589.76	1474.40	2948.80	29488.	6.50	6.51	6.50
8-0 TO 8-6 (9/1/88)	76.12	152.24	304.48	608.96	1522.40	3044.80	30448.	6.50	6.49	6.50
8-6 TO 9-0 (3/1/89)	78.59	157.18	314.36	628.72	1571.80	3143.60	31436.	6.50	6.51	6.50
9-0 TO 9-6 (9/1/89)	81.15	162.30	324.60	649.20	1623.00	3246.00	32460.	6.50	6.48	6.50
9-6 TO10-0 (3/1/90)	83.78	167.56	335.12	670.24	1675.60	3351.20	33512.	6.50	6.52	6.52
10-0 4/ (9/1/90)	86.51	173.02	346.04	692.08	1730.20	3460.40	34604.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1962 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.07 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.59 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 91-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1962 THROUGH FEB. 1, 1963

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD (YEARS AND MONTHS AFTER BEGINNING EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/ (6/1/90)	$86.51	$173.02	$346.04	$692.08	$1730.20	$3460.40	$34604.	PERCENT	PERCENT	PERCENT
0-6 2/ (3/1/91)	94.20	188.40	376.80	753.60	1884.00	3768.00	37680.	17.78 3/	17.78	17.78

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1962 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.80 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 92

BONDS BEARING ISSUE DATE MAR. 1, 1963

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
8-6 TO 9-0 1/(6/1/79)	$41.65	$ 83.30	$166.60	$333.20	$ 833.00	$1666.00	$16660.	PERCENT	PERCENT	PERCENT
9-0 TO 9-6 (12/1/79)	43.00	86.00	172.00	344.00	860.00	1720.00	17200.	5.86	6.51	6.50
9-6 TO10-0 (6/1/80)	44.40	88.80	177.60	355.20	888.00	1776.00	17760.	5.89	6.49	6.49
10-0 2/ (12/1/80)	45.84	91.68	183.36	366.72	916.80	1833.60	18336.	5.92 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO 2ND EXTENDED MATURITY
0-0 TO 0-6 (12/1/80)	$45.84	$ 91.68	$183.36	$366.72	$ 916.80	$1833.60	$18336.	——	6.50	6.50
0-6 TO 1-0 (6/1/81)	47.33	94.66	189.32	378.64	946.60	1893.20	18932.	6.50	6.51	6.50
1-0 TO 1-6 (12/1/81)	48.87	97.74	195.48	390.96	977.40	1954.80	19548.	6.50	6.51	6.50
1-6 TO 2-0 (6/1/82)	50.46	100.92	201.84	403.68	1009.20	2018.40	20184.	6.51	6.50	6.50
2-0 TO 2-6 (12/1/82)	52.10	104.20	208.40	416.80	1042.00	2084.00	20840.	6.50	6.49	6.50
2-6 TO 3-0 (6/1/83)	53.79	107.58	215.16	430.32	1075.80	2151.60	21516.	6.50	6.51	6.50
3-0 TO 3-6 (12/1/83)	55.54	111.08	222.16	444.32	1110.80	2221.60	22216.	6.50	6.48	6.50
3-6 TO 4-0 (6/1/84)	57.34	114.68	229.36	458.72	1146.80	2293.60	22936.	6.50	6.52	6.50
4-0 TO 4-6 (12/1/84)	59.21	118.42	236.84	473.68	1184.20	2368.40	23684.	6.50	6.49	6.50
4-6 TO 5-0 (6/1/85)	61.13	122.26	244.52	489.04	1222.60	2445.20	24452.	6.51	6.51	6.50
5-0 TO 5-6 (12/1/85)	63.12	126.24	252.48	504.96	1262.40	2524.80	25248.	6.50	6.50	6.50
5-6 TO 6-0 (6/1/86)	65.17	130.34	260.68	521.36	1303.40	2606.80	26068.	6.50	6.51	6.50
6-0 TO 6-6 (12/1/86)	67.29	134.58	269.16	538.32	1345.80	2691.60	26916.	6.50	6.50	6.50
6-6 TO 7-0 (6/1/87)	69.47	138.94	277.88	555.76	1389.40	2778.80	27788.	6.50	6.51	6.50
7-0 TO 7-6 (12/1/87)	71.73	143.46	286.92	573.84	1434.60	2869.20	28692.	6.50	6.50	6.50
7-6 TO 8-0 (6/1/88)	74.06	148.12	296.24	592.48	1481.20	2962.40	29624.	6.50	6.51	6.50
8-0 TO 8-6 (12/1/88)	76.47	152.94	305.88	611.76	1529.40	3058.80	30588.	6.50	6.49	6.50
8-6 TO 9-0 (6/1/89)	78.95	157.90	315.80	631.60	1579.00	3158.00	31580.	6.50	6.51	6.51
9-0 TO 9-6 (12/1/89)	81.52	163.04	326.08	652.16	1630.40	3260.80	32608.	6.50	6.50	6.51
9-6 TO10-0 (6/1/90)	84.17	168.34	336.68	673.36	1683.40	3366.80	33668.	6.50	6.51	6.51
10-0 4/ (12/1/90)	86.91	173.82	347.64	695.28	1738.20	3476.40	34764.	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1963 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.10 PERCENT; TO 2ND EXTENDED MATURITY DATE IS 5.80 PERCENT.
4/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 92-A

BONDS BEARING ISSUE DATE MAR. 1, 1963

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD (YEARS AND MONTHS AFTER BEGINNING EXTENDED MATURITY AT 27 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD**							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/90)	$86.91	$173.82	$347.64	$695.28	$1738.20	$3476.40	$34764.	PERCENT	PERCENT	PERCENT
0-6 2/ (6/1/91)	94.64	189.28	378.56	757.12	1892.80	3785.60	37856.	17.79 3/	17.79	17.79

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1963 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 28 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.81 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 93

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1963

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
8-6 TO 9-0 1/(7/1/79)	$41.65	$ 83.30	$166.60	$333.20	$ 833.00	$1666.00	$16660.	PERCENT	PERCENT	PERCENT
9-0 TO 9-6 (1/1/80)	43.00	86.00	172.00	344.00	860.00	1720.00	17200.	5.86	6.51	6.50
9-6 TO10-0 (7/1/80)	44.40	88.80	177.60	355.20	888.00	1776.00	17760.	5.89	6.49	6.49
10-0 2/ (1/1/81)	45.84	91.68	183.36	366.72	916.80	1833.60	18336.	5.92 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/81)	$45.84	$ 91.68	$183.36	$366.72	$ 916.80	$1833.60	$18336.	——	6.50	7.05
0-6 TO 1-0 (7/1/81)	47.33	94.66	189.32	378.64	946.60	1893.20	18932.	6.50	6.51	7.08
1-0 TO 1-6 (1/1/82)	48.87	97.74	195.48	390.96	977.40	1954.80	19548.	6.50	6.51	7.11
1-6 TO 2-0 (7/1/82)	50.46	100.92	201.84	403.68	1009.20	2018.40	20184.	6.51	6.50	7.15
2-0 TO 2-6 (1/1/83)	52.10	104.20	208.40	416.80	1042.00	2084.00	20840.	6.50	6.49	7.19
2-6 TO 3-0 (7/1/83)	53.79	107.58	215.16	430.32	1075.80	2151.60	21516.	6.50	6.51	7.23
3-0 TO 3-6 (1/1/84)	55.54	111.08	222.16	444.32	1110.80	2221.60	22216.	6.50	6.48	7.29
3-6 TO 4-0 (7/1/84)	57.34	114.68	229.36	458.72	1146.80	2293.60	22936.	6.50	6.52	7.35
4-0 TO 4-6 (1/1/85)	59.21	118.42	236.84	473.68	1184.20	2368.40	23684.	6.50	6.49	7.42
4-6 TO 5-0 (7/1/85)	61.13	122.26	244.52	489.04	1222.60	2445.20	24452.	6.51	6.51	7.50
5-0 TO 5-6 (1/1/86)	63.12	126.24	252.48	504.96	1262.40	2524.80	25248.	6.50	6.50	7.60
5-6 TO 6-0 (7/1/86)	65.17	130.34	260.68	521.36	1303.40	2606.80	26068.	6.50	6.51	7.73
6-0 TO 6-6 (1/1/87)	67.29	134.58	269.16	538.32	1345.80	2691.60	26916.	6.50	6.50	7.98
6-6 TO 7-0 (7/1/87)	69.47	138.94	277.88	555.76	1389.40	2778.80	27788.	6.50	6.51	8.08
7-0 TO 7-6 (1/1/88)	71.73	143.46	286.92	573.84	1434.60	2869.20	28692.	6.50	6.50	8.34
7-6 TO 8-0 (7/1/88)	74.06	148.12	296.24	592.48	1481.20	2962.40	29624.	6.50	6.51	8.71
8-0 TO 8-6 (1/1/89)	76.47	152.94	305.88	611.76	1529.40	3058.80	30588.	6.50	6.49	9.27
8-6 TO 9-0 (7/1/89)	78.95	157.90	315.80	631.60	1579.00	3158.00	31580.	6.50	6.51	10.20
9-0 TO 9-6 (1/1/90)	81.52	163.04	326.08	652.16	1630.40	3260.80	32608.	6.50	6.50	12.07
9-6 TO10-0 (7/1/90)	84.17	168.34	336.68	673.36	1683.40	3366.80	33668.	6.50	17.80	17.80
10-0 4/ (1/1/91)	91.66	183.32	366.64	733.28	1833.20	3666.40	36664.	7.05 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1963, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.10 PERCENT; TO DATE OF BONUS PAYMENT IS 5.80 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 AP 2 80 UMI

TABLE 94

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(9/1/79)	$41.96	$ 83.92	$167.84	$335.68	$ 839.20	$1678.40	$16784.	5.82	6.48	6.51
9-0 TO 9-6 (3/1/80)	43.32	86.64	173.28	346.56	866.40	1732.80	17328.	5.86	6.51	6.52
9-6 TO10-0 (9/1/80)	44.73	89.46	178.92	357.84	894.60	1789.20	17892.	5.89	6.53	6.53
10-0 2/ (3/1/81)	46.19	92.39	184.78	369.52	923.80	1847.60	18476.	5.93 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED) MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (3/1/81)	$46.19	$ 92.38	$184.76	$369.52	$ 923.80	$1847.60	$18476.	----	6.49	7.05
0-6 TO 1-0 (9/1/81)	47.69	95.34	190.76	381.52	953.80	1907.60	19076.	6.49	6.50	7.08
1-0 TO 1-6 (3/1/82)	49.24	98.48	196.96	393.92	984.80	1969.60	19696.	6.50	6.50	7.11
1-6 TO 2-0 (9/1/82)	50.84	101.68	203.36	406.72	1016.80	2033.60	20336.	6.50	6.49	7.15
2-0 TO 2-6 (3/1/83)	52.49	104.98	209.96	419.92	1049.80	2099.60	20996.	6.50	6.52	7.19
2-6 TO 3-0 (9/1/83)	54.20	108.40	216.80	433.60	1084.00	2168.00	21680.	6.50	6.49	7.23
3-0 TO 3-6 (3/1/84)	55.96	111.92	223.84	447.68	1119.20	2238.40	22384.	6.50	6.50	7.29
3-6 TO 4-0 (9/1/84)	57.78	115.56	231.12	462.24	1155.60	2311.20	23112.	6.50	6.51	7.35
4-0 TO 4-6 (3/1/85)	59.66	119.32	238.64	477.28	1193.20	2386.40	23864.	6.50	6.50	7.42
4-6 TO 5-0 (9/1/85)	61.60	123.20	246.40	492.80	1232.00	2464.00	24640.	6.50	6.49	7.50
5-0 TO 5-6 (3/1/86)	63.60	127.20	254.40	508.80	1272.00	2544.00	25440.	6.50	6.51	7.60
5-6 TO 6-0 (9/1/86)	65.67	131.34	262.68	525.36	1313.40	2626.80	26268.	6.50	6.49	7.72
6-0 TO 6-6 (3/1/87)	67.80	135.60	271.20	542.40	1356.00	2712.00	27120.	6.50	6.49	7.80
6-6 TO 7-0 ● 9/1/87)	70.00	140.00	280.00	560.00	1400.00	2800.00	28000.	6.50	6.51	8.08
7-0 TO 7-6 (3/1/88)	72.28	144.56	289.12	578.24	1445.60	2891.20	28912.	6.50	6.50	8.34
7-6 TO 8-0 (9/1/88)	74.63	149.26	298.52	597.04	1492.60	2985.20	29852.	6.50	6.49	8.71
8-0 TO 8-6 (3/1/89)	77.08	154.10	308.20	616.40	1541.00	3082.00	30820.	6.50	6.52	9.27
8-6 TO 9-0 (9/1/89)	79.54	159.12	318.24	636.48	1591.20	3182.40	31824.	6.50	6.49	10.20
9-0 TO 9-6 (3/1/90)	82.14	164.28	328.56	657.12	1642.80	3285.60	32856.	6.50	6.50	12.08
9-6 TO10-0 (9/1/90)	84.81	169.62	339.24	678.48	1696.20	3392.40	33924.	6.50	17.80	17.80
10-0 4/ (3/1/91)	92.36	184.72	369.44	738.88	1847.20	3694.40	36944.	7.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1963 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.14 PERCENT; TO DATE OF BONUS PAYMENT IS 5.83 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

● FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
●● THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 95

BONDS BEARING ISSUE DATE SEP. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(9/1/79)	$40.84	$ 81.68	$163.36	$326.72	$ 816.80	$1633.60	$16336.	5.84	6.52	6.50
9-0 TO 9-6 (3/1/80)	42.17	84.34	168.68	337.36	843.40	1686.80	16868.	5.88	6.46	6.50
9-6 TO10-0 (9/1/80)	43.54	87.08	174.16	348.32	870.80	1741.60	17416.	5.92	6.53	6.51
10-0 2/ (3/1/81)	44.95	89.90	179.80	359.60	899.00	1798.00	17980.	5.95	6.50	6.50
10-0 2/ (9/1/81)	46.41	92.82	185.64	371.28	928.20	1856.40	18564.	5.97 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED) MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (9/1/81)	$46.41	$ 92.82	$185.64	$371.28	$ 928.20	$1856.40	$18564.	----	6.51	7.05
0-6 TO 1-0 (3/1/82)	47.92	95.84	191.68	383.36	958.40	1916.80	19168.	6.51	6.51	7.08
1-0 TO 1-6 (9/1/82)	49.48	98.96	197.92	395.84	989.60	1979.20	19792.	6.51	6.47	7.11
1-6 TO 2-0 (3/1/83)	51.09	102.18	204.36	408.72	1021.80	2043.60	20436.	6.50	6.52	7.15
2-0 TO 2-6 (9/1/83)	52.74	105.48	210.96	421.92	1054.80	2109.60	21096.	6.50	6.49	7.19
2-6 TO 3-0 (3/1/84)	54.44	108.92	217.84	435.68	1089.20	2178.40	21784.	6.50	6.50	7.23
3-0 TO 3-6 (9/1/84)	56.21	112.46	224.92	449.84	1124.60	2249.20	22492.	6.50	6.51	7.29
3-6 TO 4-0 (3/1/85)	58.06	116.12	232.24	464.48	1161.20	2322.40	23224.	6.50	6.48	7.35
4-0 TO 4-6 (9/1/85)	59.94	119.88	239.76	479.52	1198.80	2397.60	23976.	6.50	6.51	7.42
4-6 TO 5-0 (3/1/86)	61.89	123.78	247.56	495.12	1237.80	2475.60	24756.	6.50	6.50	7.50
5-0 TO 5-6 (9/1/86)	63.90	127.80	255.60	511.20	1278.00	2556.00	25560.	6.50	6.51	7.61
5-6 TO 6-0 (3/1/87)	65.98	131.96	263.92	527.84	1319.60	2639.20	26392.	6.50	6.49	7.73
6-0 TO 6-6 (9/1/87)	68.12	136.24	272.48	544.96	1362.40	2724.80	27248.	6.50	6.52	7.88
6-6 TO 7-0 (3/1/88)	70.34	140.68	281.36	562.72	1406.80	2813.60	28136.	6.50	6.48	8.08
7-0 TO 7-6 (9/1/88)	72.62	145.24	290.48	580.96	1452.40	2904.80	29048.	6.50	6.50	8.35
7-6 TO 8-0 (3/1/89)	74.98	149.96	299.92	599.84	1499.60	2999.20	29992.	6.50	6.51	8.72
8-0 TO 8-6 (9/1/89)	77.42	154.84	309.68	619.36	1548.40	3096.80	30968.	6.50	6.49	9.27
8-6 TO 9-0 (3/1/90)	79.94	159.88	319.76	639.52	1598.80	3197.60	31976.	6.50	6.48	10.20
9-0 TO 9-6 (9/1/90)	82.53	165.06	330.12	660.24	1650.60	3301.20	33012.	6.50	6.53	12.09
9-6 TO10-0 (3/1/91)	85.22	170.44	340.88	681.76	1704.40	3408.80	34088.	6.50	17.81	17.81
10-0 4/ (9/1/91)	92.81	185.62	371.24	742.48	1856.20	3712.40	37124.	7.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1963 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.17 PERCENT; TO DATE OF BONUS PAYMENT IS 5.85 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

● FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
●● THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 96

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED) MATURITY PERIOD							PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(7/1/79)	$40.74	$ 81.48	$163.36	$326.72	$ 816.80	$1633.60	$16336.	5.84	6.51	6.50
8-6 TO 9-0 (1/1/80)	42.17	84.34	168.68	337.36	843.40	1686.80	16868.	5.88	6.50	6.49
9-0 TO 9-6 (7/1/80)	43.54	87.08	174.16	348.32	870.80	1741.60	17416.	5.92	6.48	6.49
9-6 TO10-0 (1/1/81)	44.95	89.90	179.80	359.60	899.00	1798.00	17980.	5.95	6.50	6.50
10-0 2/ (7/1/81)	46.41	92.82	185.64	371.28	928.20	1856.40	18564.	5.97 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED) MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/81)	$46.41	$ 92.82	$185.64	$371.28	$ 928.20	$1856.40	$18564.	----	6.51	7.08
0-6 TO 1-0 (1/1/82)	47.92	95.84	191.68	383.36	958.40	1916.80	19168.	6.51	6.51	7.11
1-0 TO 1-6 (7/1/82)	49.48	98.96	197.92	395.84	989.60	1979.20	19792.	6.51	6.47	7.15
1-6 TO 2-0 (1/1/83)	51.08	102.16	204.32	408.64	1021.60	2043.20	20432.	6.50	6.50	7.19
2-0 TO 2-6 (7/1/83)	52.74	105.48	210.96	421.92	1054.80	2109.60	21096.	6.50	6.52	7.24
2-6 TO 3-0 (1/1/84)	54.46	108.92	217.84	435.68	1089.20	2178.40	21784.	6.50	6.50	7.29
3-0 TO 3-6 (7/1/84)	56.23	112.46	224.92	449.84	1124.60	2249.20	22492.	6.50	6.51	7.35
3-6 TO 4-0 (1/1/85)	58.06	116.12	232.24	464.48	1161.20	2322.40	23224.	6.50	6.48	7.42
4-0 TO 4-6 (7/1/85)	59.94	119.88	239.76	479.52	1198.80	2397.60	23976.	6.50	6.51	7.51
4-6 TO 5-0 (1/1/86)	61.89	123.78	247.56	495.12	1237.80	2475.60	24756.	6.50	6.50	7.61
5-0 TO 5-6 (7/1/86)	63.90	127.80	255.60	511.20	1278.00	2556.00	25560.	6.50	6.51	7.73
5-6 TO 6-0 (1/1/87)	65.98	131.96	263.92	527.84	1319.60	2639.20	26392.	6.50	6.49	7.88
6-0 TO 6-6 (7/1/87)	68.12	136.24	272.48	544.96	1362.40	2724.80	27248.	6.50	6.52	8.08
6-6 TO 7-0 (1/1/88)	70.34	140.68	281.36	562.72	1406.80	2813.60	28136.	6.50	6.48	8.34
7-0 TO 7-6 (7/1/88)	72.62	145.24	290.48	580.96	1452.40	2904.80	29048.	6.50	6.50	8.72
7-6 TO 8-0 (1/1/89)	74.98	149.96	299.92	599.84	1499.60	2999.20	29992.	6.50	6.51	9.28
8-0 TO 8-6 (7/1/89)	77.42	154.84	309.68	619.36	1548.40	3096.80	30968.	6.50	6.51	10.21
8-6 TO 9-0 (1/1/90)	79.94	159.88	319.76	639.52	1598.80	3197.60	31976.	6.50	6.48	12.08
9-0 TO 9-6 (7/1/90)	82.53	165.06	330.12	660.24	1650.60	3301.20	33012.	6.50	17.84	17.84
9-6 4/ (1/1/91)	89.89	179.78	359.56	719.12	1797.80	3595.60	35956.	7.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1963, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.17 PERCENT; TO DATE OF BONUS PAYMENT IS 5.84 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

● FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
●● THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 97

BONDS BEARING ISSUE DATES FROM DEC. 1, 1963 THROUGH FEB. 1, 1964

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(9/1/79)	$41.09	$ 82.18	$123.27	$164.36	$328.72	$ 821.80	$1643.60	$16436.	5.84	6.52	6.50
8-6 TO 9-0 (3/1/80)	42.43	84.86	127.29	169.72	339.44	848.60	1697.20	16972.	5.88	6.46	6.50
9-0 TO 9-6 (9/1/80)	43.80	87.60	131.40	175.20	350.40	876.00	1752.00	17520.	5.91	6.53	6.51
9-6 TO10-0 (3/1/81)	45.23	90.46	135.69	180.92	361.84	904.60	1809.20	18092.	5.95	6.50	6.50
10-0 2/ (9/1/81)	46.70	93.40	140.10	186.80	373.60	934.00	1868.00	18680.	5.97 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED) MATURITY PERIOD**									(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (9/1/81)	$46.70	$ 93.40	$140.10	$186.80	$373.60	$ 934.00	$1868.00	$18680.	----	6.51
0-6 TO 1-0 (3/1/82)	48.22	96.44	144.66	192.88	385.76	964.40	1928.80	19288.	6.51	6.47
1-0 TO 1-6 (9/1/82)	49.78	99.56	149.34	199.12	398.24	995.60	1991.20	19912.	6.49	6.51
1-6 TO 2-0 (3/1/83)	51.40	102.80	154.20	205.60	411.20	1028.00	2056.00	20560.	6.50	6.50
2-0 TO 2-6 (9/1/83)	53.07	106.14	159.21	212.28	424.56	1061.40	2122.80	21228.	6.50	6.52
2-6 TO 3-0 (3/1/84)	54.80	109.60	164.40	219.20	438.40	1096.00	2192.00	21920.	6.50	6.50
3-0 TO 3-6 (9/1/84)	56.58	113.16	169.74	226.32	452.64	1131.60	2263.20	22632.	6.50	6.50
3-6 TO 4-0 (3/1/85)	58.42	116.84	175.26	233.68	467.36	1168.40	2336.80	23368.	6.50	6.50
4-0 TO 4-6 (9/1/85)	60.32	120.64	180.96	241.28	482.56	1206.40	2412.80	24128.	6.50	6.50
4-6 TO 5-0 (3/1/86)	62.28	124.56	186.84	249.12	498.24	1245.60	2491.20	24912.	6.50	6.49
5-0 TO 5-6 (9/1/86)	64.30	128.60	192.90	257.20	514.40	1286.00	2572.00	25720.	6.50	6.50
5-6 TO 6-0 (3/1/87)	66.39	132.78	199.17	265.56	531.12	1327.80	2655.60	26556.	6.50	6.51
6-0 TO 6-6 (9/1/87)	68.55	137.10	205.65	274.20	548.40	1371.00	2742.00	27420.	6.50	6.51
6-6 TO 7-0 (3/1/88)	70.78	141.56	212.34	283.12	566.24	1415.60	2831.20	28312.	6.50	6.50
7-0 TO 7-6 (9/1/88)	73.08	146.16	219.24	292.32	584.64	1461.60	2923.20	29232.	6.50	6.49
7-6 TO 8-0 (3/1/89)	75.45	150.90	226.35	301.80	603.60	1509.00	3018.00	30180.	6.50	6.49
8-0 TO 8-6 (9/1/89)	77.90	155.80	233.70	311.60	623.20	1558.00	3116.00	31160.	6.50	6.52
8-6 TO 9-0 (3/1/90)	80.44	160.88	241.32	321.76	643.52	1608.80	3217.60	32176.	6.50	6.49
9-0 TO 9-6 (9/1/90)	83.05	166.10	249.15	332.20	664.40	1661.00	3322.00	33220.	6.50	17.80
9-6 4/ (3/1/91)	90.44	180.88	271.32	361.76	723.52	1808.80	3617.60	36176.	7.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1963 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.21 PERCENT; TO DATE OF BONUS PAYMENT IS 5.86 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

● FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
●● THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 98

BONDS BEARING ISSUE DATE MAR. 1, 1964

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/79)	$39.99	$ 79.98	$119.97	$159.96	$319.92	$ 799.80	$1599.60	$15996.	5.87	6.50	6.50
8-0 TO 8-6 (12/1/79)	41.29	82.58	123.87	165.16	330.32	825.80	1651.60	16516.	5.91	6.49	6.49
8-6 TO 9-0 (6/1/80)	42.63	85.26	127.89	170.52	341.04	852.60	1705.20	17052.	5.94	6.52	6.50
9-0 TO 9-6 (12/1/80)	44.02	88.04	132.06	176.08	352.16	880.40	1760.80	17608.	5.97	6.52	6.50
9-6 TO10-0 (6/1/81)	45.45	90.90	136.35	181.80	363.60	909.00	1818.00	18180.	6.00	6.47	6.48
10-0 2/ (12/1/82)	46.92	93.84	140.76	187.68	375.36	938.40	1876.80	18768.	6.02 3/	——	6.47

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/81)	$46.92	$ 93.84	$140.76	$187.68	$375.36	$ 938.40	$1876.80	$18768.	——	6.48	7.38
0-6 TO 1-0	(6/1/82)	48.44	96.88	145.32	193.76	387.52	968.80	1937.60	19376.	6.48	6.52	7.11
1-0 TO 1-6	(12/1/82)	50.02	100.04	150.06	200.08	400.16	1000.40	2000.80	20008.	6.50	6.48	7.15
1-6 TO 2-0	(6/1/83)	51.64	103.28	154.92	206.56	413.12	1032.80	2065.60	20656.	6.49	6.51	7.19
2-0 TO 2-6	(12/1/83)	53.32	106.64	159.96	213.28	426.56	1066.40	2132.80	21328.	6.50	6.53	7.24
2-6 TO 3-0	(6/1/84)	55.06	110.12	165.18	220.24	440.48	1101.20	2202.40	22024.	6.50	6.50	7.29
3-0 TO 3-6	(12/1/84)	56.85	113.70	170.55	227.40	454.80	1137.00	2274.00	22740.	6.50	6.47	7.35
3-6 TO 4-0	(6/1/85)	58.69	117.38	176.07	234.76	469.52	1173.80	2347.60	23476.	6.50	6.47	7.42
4-0 TO 4-6	(12/1/85)	60.60	121.20	181.80	242.40	484.80	1212.00	2424.00	24240.	6.50	6.50	7.50
4-6 TO 5-0	(6/1/86)	62.57	125.14	187.71	250.28	500.56	1251.40	2502.80	25028.	6.50	6.51	7.60
5-0 TO 5-6	(12/1/86)	64.60	129.20	193.80	258.40	516.80	1292.00	2584.00	25840.	6.50	6.49	7.73
5-6 TO 6-0	(6/1/87)	66.70	133.40	200.10	266.80	533.60	1334.00	2668.00	26680.	6.50	6.51	7.88
6-0 TO 6-6	(12/1/87)	68.87	137.74	206.61	275.48	550.96	1377.40	2754.80	27548.	6.50	6.51	8.08
6-6 TO 7-0	(6/1/88)	71.11	142.22	213.33	284.44	568.88	1422.20	2844.40	28444.	6.50	6.50	8.34
7-0 TO 7-6	(12/1/88)	73.42	146.84	220.26	293.68	587.36	1468.40	2936.80	29368.	6.50	6.51	8.71
7-6 TO 8-0	(6/1/89)	75.81	151.62	227.43	303.24	606.48	1516.20	3032.40	30324.	6.50	6.49	9.27
8-0 TO 8-6	(12/1/89)	78.27	156.54	234.81	313.08	626.16	1565.40	3130.80	31308.	6.50	6.49	10.20
8-6 TO 9-0	(6/1/90)	80.81	161.62	242.43	323.24	646.48	1616.20	3232.40	32324.	6.50	6.51	12.08
9-0 4/	(12/1/90)	83.44	166.88	250.32	333.76	667.52	1668.80	3337.60	33376.	6.50	17.84	17.84
9-6 4/	(6/1/91)	86.17	172.34	258.51	345.02	690.04	1725.10	3450.20	34502.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1964 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.88 PERCENT; TO DATE OF BONUS PAYMENT IS 5.88 PERCENT.
4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 99

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1964

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(7/1/79)	$39.98	$ 79.96	$119.97	$159.96	$319.92	$ 799.80	$1599.60	$15996.	5.87	6.50	6.50
8-0 TO 8-6 (1/1/80)	41.29	82.58	123.87	165.16	330.32	825.80	1651.60	16516.	5.91	6.49	6.49
8-6 TO 9-0 (7/1/80)	42.63	85.26	127.89	170.52	341.04	852.60	1705.20	17052.	5.94	6.52	6.50
9-0 TO 9-6 (1/1/81)	44.02	88.04	132.06	176.08	352.16	880.40	1760.80	17608.	5.97	6.52	6.50
9-6 TO10-0 (7/1/81)	45.45	90.90	136.35	181.80	363.60	909.00	1818.00	18180.	6.00	6.47	6.48
10-0 2/ (1/1/82)	46.92	93.84	140.76	187.68	375.36	938.40	1876.80	18768.	6.02 3/	——	6.47

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/82)	$46.92	$ 93.84	$140.76	$187.68	$375.36	$ 938.40	$1876.80	$18768.	——	6.48	7.38
0-6 TO 1-0	(7/1/82)	48.44	96.88	145.32	193.76	387.52	968.80	1937.60	19376.	6.48	6.52	7.15
1-0 TO 1-6	(1/1/83)	50.02	100.04	150.06	200.08	400.16	1000.40	2000.80	20008.	6.50	6.48	7.19
1-6 TO 2-0	(7/1/83)	51.64	103.28	154.92	206.56	413.12	1032.80	2065.60	20656.	6.49	6.51	7.24
2-0 TO 2-6	(1/1/84)	53.32	106.64	159.96	213.28	426.56	1066.40	2132.80	21328.	6.50	6.53	7.29
2-6 TO 3-0	(7/1/84)	55.06	110.12	165.18	220.24	440.48	1101.20	2202.40	22024.	6.50	6.50	7.35
3-0 TO 3-6	(1/1/85)	56.85	113.70	170.55	227.40	454.80	1137.00	2274.00	22740.	6.50	6.47	7.42
3-6 TO 4-0	(7/1/85)	58.69	117.38	176.07	234.76	469.52	1173.80	2347.60	23476.	6.50	6.47	7.50
4-0 TO 4-6	(1/1/86)	60.60	121.20	181.80	242.40	484.80	1212.00	2424.00	24240.	6.50	6.50	7.60
4-6 TO 5-0	(7/1/86)	62.57	125.14	187.71	250.28	500.56	1251.40	2502.80	25028.	6.50	6.51	7.73
5-0 TO 5-6	(1/1/87)	64.60	129.20	193.80	258.40	516.80	1292.00	2584.00	25840.	6.50	6.49	7.88
5-6 TO 6-0	(7/1/87)	66.70	133.40	200.10	266.80	533.60	1334.00	2668.00	26680.	6.50	6.51	8.08
6-0 TO 6-6	(1/1/88)	68.87	137.74	206.61	275.48	550.96	1377.40	2754.80	27548.	6.50	6.51	8.34
6-6 TO 7-0	(7/1/88)	71.11	142.22	213.33	284.44	568.88	1422.20	2844.40	28444.	6.50	6.50	8.71
7-0 TO 7-6	(1/1/89)	73.42	146.84	220.26	293.68	587.36	1468.40	2936.80	29368.	6.50	6.51	9.27
7-6 TO 8-0	(7/1/89)	75.81	151.62	227.43	303.24	606.48	1516.20	3032.40	30324.	6.50	6.49	10.20
8-0 TO 8-6	(1/1/90)	78.27	156.54	234.81	313.08	626.16	1565.40	3130.80	31308.	6.50	6.49	12.08
8-6 TO 9-0	(7/1/90)	80.81	161.62	242.43	323.24	646.48	1616.20	3232.40	32324.	6.50	6.51	12.08
9-0 4/	(1/1/91)	83.44	166.88	250.32	333.76	667.52	1668.80	3337.60	33376.	6.50	17.84	17.84
9-6 4/	(7/1/91)	86.17	172.34	258.51	345.02	690.04	1725.10	3450.20	34502.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1964, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.88 PERCENT; TO DATE OF BONUS PAYMENT IS 5.88 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 100

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1964

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-0 TO 8-0 1/(9/1/79)	$40.25	$ 80.50	$120.75	$161.00	$322.00	$ 805.00	$1610.00	$16100.	5.87	6.50	6.50
8-0 TO 8-6 (3/1/80)	41.56	83.12	124.68	166.24	332.48	831.20	1662.40	16624.	5.91	6.49	6.50
8-6 TO 9-0 (9/1/80)	42.91	85.82	128.73	171.64	343.28	858.20	1716.40	17164.	5.94	6.48	6.50
9-0 TO 9-6 (3/1/81)	44.30	88.60	132.90	177.20	354.40	886.00	1772.00	17720.	5.97	6.50	6.50
9-6 TO10-0 (9/1/81)	45.74	91.48	137.22	182.96	365.92	914.80	1829.60	18296.	6.00	6.52	6.52
10-0 2/ (3/1/82)	47.23	94.46	141.69	188.92	377.84	944.60	1889.20	18892.	6.02 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(3/1/82)	$47.23	$ 94.46	$141.69	$188.92	$377.84	$ 944.60	$1889.20	$18892.	——	6.48	7.11
0-6 TO 1-0	(9/1/82)	48.76	97.52	146.28	195.04	390.08	975.20	1950.40	19504.	6.48	6.52	7.15
1-0 TO 1-6	(3/1/83)	50.35	100.70	151.05	201.40	402.80	1007.00	2014.00	20140.	6.50	6.51	7.19
1-6 TO 2-0	(9/1/83)	51.99	103.98	155.97	207.96	415.92	1039.80	2079.60	20796.	6.51	6.50	7.23
2-0 TO 2-6	(3/1/84)	53.68	107.36	161.04	214.72	429.44	1073.60	2147.20	21472.	6.50	6.48	7.29
2-6 TO 3-0	(9/1/84)	55.42	110.84	166.26	221.68	443.36	1108.40	2216.80	22168.	6.50	6.50	7.35
3-0 TO 3-6	(3/1/85)	57.22	114.44	171.66	228.88	457.76	1144.40	2288.80	22888.	6.50	6.50	7.42
3-6 TO 4-0	(9/1/85)	59.08	118.16	177.24	236.32	472.64	1181.60	2363.20	23632.	6.50	6.50	7.50
4-0 TO 4-6	(3/1/86)	61.00	122.00	183.00	244.00	488.00	1220.00	2440.00	24400.	6.50	6.49	7.60
4-6 TO 5-0	(9/1/86)	62.98	125.96	188.94	251.92	503.84	1259.60	2519.20	25192.	6.50	6.51	7.73
5-0 TO 5-6	(3/1/87)	65.03	130.06	195.09	260.12	520.24	1300.60	2601.20	26012.	6.50	6.49	7.88
5-6 TO 6-0	(9/1/87)	67.14	134.28	201.42	268.56	537.12	1342.80	2685.60	26856.	6.50	6.52	8.08
6-0 TO 6-6	(3/1/88)	69.33	138.66	207.99	277.32	554.64	1386.60	2773.20	27732.	6.50	6.49	8.34
6-6 TO 7-0	(9/1/88)	71.58	143.16	214.74	286.32	572.64	1431.60	2863.20	28632.	6.50	6.51	8.71
7-0 TO 7-6	(3/1/89)	73.91	147.82	221.73	295.64	591.28	1478.20	2956.40	29564.	6.50	6.49	9.27
7-6 TO 8-0	(9/1/89)	76.31	152.62	228.93	305.24	610.48	1524.20	3052.40	30524.	6.50	6.50	10.20
8-0 TO 8-6	(3/1/90)	78.79	157.58	236.37	315.16	630.32	1575.80	3151.60	31516.	6.50	6.50	12.07
8-6 TO 9-0	(9/1/90)	81.35	162.70	244.05	325.40	650.80	1627.00	3254.00	32540.	6.50	17.80	17.80
9-0 4/	(3/1/91)	83.99	167.98	252.00	336.02	672.04	1680.10	3360.20	33602.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1964 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.87 PERCENT; TO DATE OF BONUS PAYMENT IS 5.87 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 101

BONDS BEARING ISSUE DATE SEP. 1, 1964

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/79)	$39.17	$ 78.34	$117.51	$156.68	$313.36	$ 783.40	$1566.80	$15668.	5.89	6.48	6.50
7-6 TO 8-0 (12/1/79)	40.44	80.88	121.32	161.76	323.52	808.80	1617.60	16176.	5.93	6.53	6.51
8-0 TO 8-6 (6/1/80)	41.76	83.52	125.28	167.04	334.08	835.20	1670.40	16704.	5.97	6.47	6.50
8-6 TO 9-0 (12/1/80)	43.11	86.22	129.33	172.44	344.88	862.20	1724.40	17244.	6.00	6.54	6.51
9-0 TO 9-6 (6/1/81)	44.52	89.04	133.56	178.08	356.16	890.40	1780.80	17808.	6.03	6.47	6.50
9-6 TO10-0 (12/1/81)	45.96	91.92	137.88	183.84	367.68	919.20	1838.40	18384.	6.05	6.53	6.53
10-0 2/ (6/1/82)	47.46	94.92	142.38	189.84	379.68	949.20	1898.40	18984.	6.07 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/82)	$47.46	$ 94.92	$142.38	$189.84	$379.68	$ 949.20	$1898.40	$18984.	——	6.49	7.11
0-6 TO 1-0	(12/1/82)	49.00	98.00	147.00	196.00	392.00	980.00	1960.00	19600.	6.49	6.53	7.15
1-0 TO 1-6	(6/1/83)	50.60	101.20	151.80	202.40	404.80	1012.00	2024.00	20240.	6.51	6.48	7.19
1-6 TO 2-0	(12/1/83)	52.24	104.48	156.72	208.96	417.92	1044.80	2089.60	20884.	6.50	6.51	7.23
2-0 TO 2-6	(6/1/84)	53.94	107.88	161.82	215.76	431.52	1078.80	2157.60	21576.	6.50	6.49	7.28
2-6 TO 3-0	(12/1/84)	55.69	111.38	167.07	222.76	445.52	1113.80	2227.60	22276.	6.50	6.50	7.35
3-0 TO 3-6	(6/1/85)	57.52	115.04	172.50	230.00	460.00	1150.00	2300.00	23002.	6.50	6.50	7.42
3-6 TO 4-0	(12/1/85)	59.37	118.74	178.11	237.48	474.96	1187.40	2374.80	23748.	6.50	6.50	7.50
4-0 TO 4-6	(6/1/86)	61.30	122.60	183.90	245.20	490.40	1226.00	2452.00	24520.	6.50	6.49	7.60
4-6 TO 5-0	(12/1/86)	63.29	126.58	189.87	253.16	506.32	1265.80	2531.60	25316.	6.50	6.51	7.72
5-0 TO 5-6	(6/1/87)	65.35	130.70	196.05	261.40	522.80	1307.00	2614.00	26140.	6.50	6.49	7.88
5-6 TO 6-0	(12/1/87)	67.47	134.94	202.41	269.88	539.76	1349.40	2698.80	26988.	6.50	6.49	8.07
6-0 TO 6-6	(6/1/88)	69.66	139.32	208.98	278.64	557.28	1393.20	2786.40	27864.	6.50	6.52	8.34
6-6 TO 7-0	(12/1/88)	71.93	143.86	215.79	287.72	575.44	1438.60	2877.20	28772.	6.50	6.51	8.71
7-0 TO 7-6	(6/1/89)	74.27	148.54	222.81	297.08	594.16	1485.40	2970.80	29708.	6.50	6.49	9.26
7-6 TO 8-0	(12/1/89)	76.68	153.36	230.04	306.72	613.44	1533.60	3067.20	30672.	6.50	6.49	10.19
8-0 TO 8-6	(6/1/90)	79.17	158.34	237.51	316.68	633.36	1583.40	3166.80	31668.	6.50	6.49	12.07
8-6 TO 9-0	(12/1/90)	81.74	163.48	245.22	326.96	653.92	1634.80	3269.60	32696.	6.50	17.79	17.79
9-0 4/	(6/1/91)	84.41	168.82	253.23	337.64	675.28	1688.20	3376.40	33764.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1964 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.90 PERCENT; TO DATE OF BONUS PAYMENT IS 5.91 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 102

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1964

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/79)	$39.17	$ 78.34	$117.51	$156.68	$313.36	$ 783.40	$1566.80	$15668.	5.86	6.48	6.50
7-6 TO 8-0 (1/1/80)	40.44	80.88	121.32	161.76	323.52	808.80	1617.60	16176.	5.93	6.53	6.51
8-0 TO 8-6 (7/1/80)	41.76	83.52	125.28	167.04	334.08	835.20	1670.40	16704.	5.97	6.47	6.50
8-6 TO 9-0 (1/1/81)	43.11	86.22	129.33	172.44	344.88	862.20	1724.40	17244.	6.00	6.54	6.51
9-0 TO 9-6 (7/1/81)	44.52	89.04	133.56	178.08	356.16	890.40	1780.80	17808.	6.03	6.47	6.50
9-6 TO10-0 (1/1/82)	45.96	91.92	137.88	183.84	367.68	919.20	1838.40	18384.	6.05	6.53	6.51
10-0 2/ (7/1/82)	47.46	94.92	142.38	189.84	379.68	949.20	1898.40	18984.	6.07 3/	———	———

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/82)	$47.46	$ 94.92	$142.38	$189.84	$379.68	$ 949.20	$1898.40	$18984.	———	6.49	7.15
0-6 TO 1-0	(1/1/83)	49.00	98.00	147.00	196.00	392.00	980.00	1960.00	19600.	6.49	6.53	7.19
1-0 TO 1-6	(7/1/83)	50.60	101.20	151.80	202.40	404.80	1012.00	2024.00	20240.	6.51	6.48	7.23
1-6 TO 2-0	(1/1/84)	52.24	104.48	156.72	208.96	417.92	1044.80	2089.60	20896.	6.50	6.51	7.29
2-0 TO 2-6	(7/1/84)	53.94	107.88	161.82	215.76	431.52	1078.80	2157.60	21576.	6.50	6.49	7.35
2-6 TO 3-0	(1/1/85)	55.69	111.38	167.07	222.76	445.52	1113.80	2227.60	22276.	6.50	6.50	7.42
3-0 TO 3-6	(7/1/85)	57.50	115.00	172.50	230.00	460.00	1150.00	2300.00	23000.	6.50	6.50	7.50
3-6 TO 4-0	(1/1/86)	59.37	118.74	178.11	237.48	474.96	1187.40	2374.80	23748.	6.50	6.50	7.60
4-0 TO 4-6	(7/1/86)	61.30	122.60	183.90	245.20	490.40	1226.00	2452.00	24520.	6.50	6.49	7.72
4-6 TO 5-0	(1/1/87)	63.29	126.58	189.87	253.16	506.32	1265.80	2531.60	25316.	6.50	6.51	7.88
5-0 TO 5-6	(7/1/87)	65.35	130.70	196.05	261.40	522.80	1307.00	2614.00	26140.	6.50	6.49	8.07
5-6 TO 6-0	(1/1/88)	67.47	134.94	202.41	269.88	539.76	1349.40	2698.80	26988.	6.50	6.49	8.34
6-0 TO 6-6	(7/1/88)	69.66	139.32	208.98	278.64	557.28	1393.20	2786.40	27864.	6.50	6.52	8.71
6-6 TO 7-0	(1/1/89)	71.93	143.86	215.79	287.72	575.44	1438.60	2877.20	28772.	6.50	6.51	9.28
7-0 TO 7-6	(7/1/89)	74.27	148.54	222.81	297.08	594.16	1485.40	2970.80	29708.	6.50	6.49	10.19
7-6 TO 8-0	(1/1/90)	76.68	153.36	230.04	306.72	613.44	1533.60	3067.20	30672.	6.50	6.49	12.06
8-0 TO 8-6	(7/1/90)	79.17	158.34	237.51	316.68	633.36	1583.40	3166.80	31668.	6.50	17.78	17.78
8-6 4/	(1/1/91)	84.21	172.42	258.63	344.84	689.68	1724.20	3448.40	34484.	7.15 3/	———	———

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1964, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.30 PERCENT; TO DATE OF BONUS PAYMENT IS 5.93 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 103

BONDS BEARING ISSUE DATES FROM DEC. 1, 1964 THROUGH FEB. 1, 1965

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(9/1/79)	$39.42	$ 78.84	$118.26	$157.68	$315.36	$ 788.40	$1576.80	$15768.	5.89	6.49	6.50
7-6 TO 8-0 (3/1/80)	40.70	81.40	122.10	162.80	325.60	814.00	1628.00	16280.	5.93	6.49	6.50
8-0 TO 8-6 (9/1/80)	42.02	84.04	126.06	168.08	336.16	840.40	1680.80	16808.	5.97	6.52	6.51
8-6 TO 9-0 (3/1/81)	43.39	86.78	130.17	173.56	347.12	867.80	1735.60	17356.	6.00	6.50	6.50
9-0 TO 9-6 (9/1/81)	44.80	89.60	134.40	179.20	358.40	896.00	1792.00	17920.	6.03	6.52	6.50
9-6 TO10-0 (3/1/82)	46.26	92.52	138.78	185.04	370.08	925.20	1850.40	18504.	6.05	6.49	6.49
10-0 2/ (9/1/82)	47.76	95.52	143.28	191.04	382.08	955.20	1910.40	19104.	6.08 3/	———	———

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(9/1/82)	$47.76	$ 95.52	$143.28	$191.04	$382.08	$ 955.20	$1910.40	$19104.	———	6.49	7.15
0-6 TO 1-0	(3/1/83)	49.31	98.62	147.93	197.24	394.48	986.20	1972.40	19724.	6.49	6.49	7.19
1-0 TO 1-6	(9/1/83)	50.91	101.82	152.73	203.64	407.28	1018.20	2036.40	20364.	6.49	6.51	7.24
1-6 TO 2-0	(3/1/84)	52.57	105.14	157.71	210.28	420.56	1051.40	2102.80	21028.	6.50	6.51	7.29
2-0 TO 2-6	(9/1/84)	54.28	108.56	162.84	217.12	434.24	1085.60	2171.20	21712.	6.50	6.48	7.35
2-6 TO 3-0	(3/1/85)	56.04	112.08	168.12	224.16	448.32	1120.80	2241.60	22416.	6.50	6.50	7.42
3-0 TO 3-6	(9/1/85)	57.86	115.72	173.58	231.44	462.88	1157.20	2314.40	23144.	6.50	6.50	7.50
3-6 TO 4-0	(3/1/86)	59.74	119.48	179.22	238.96	477.92	1194.80	2389.60	23898.	6.50	6.51	7.60
4-0 TO 4-6	(9/1/86)	61.69	123.38	185.07	246.76	493.52	1233.80	2467.60	24676.	6.50	6.48	7.72
4-6 TO 5-0	(3/1/87)	63.69	127.38	191.07	254.76	509.52	1273.80	2547.60	25476.	6.50	6.50	7.88
5-0 TO 5-6	(9/1/87)	65.76	131.52	197.28	263.04	526.08	1315.20	2630.40	26304.	6.50	6.51	8.08
5-6 TO 6-0	(3/1/88)	67.90	135.80	203.70	271.60	543.20	1358.00	2714.00	27160.	6.50	6.48	8.34
6-0 TO 6-6	(9/1/88)	70.10	140.20	210.30	280.40	560.80	1402.00	2804.00	28040.	6.50	6.50	8.71
6-6 TO 7-0	(3/1/89)	72.38	144.76	217.14	289.52	579.04	1447.60	2895.20	28952.	6.50	6.52	9.27
7-0 TO 7-6	(9/1/89)	74.74	149.48	224.22	298.96	597.92	1494.80	2989.60	29896.	6.50	6.48	10.19
7-6 TO 8-0	(3/1/90)	77.16	154.32	231.48	308.64	617.28	1543.20	3086.40	30864.	6.50	6.51	12.08
8-0 TO 8-6	(9/1/90)	79.67	159.34	239.01	318.68	637.36	1593.40	3186.80	31868.	6.50	17.80	17.80
8-6 4/	(3/1/91)	84.76	173.52	260.28	347.04	694.08	1735.20	3470.40	34704.	7.15 3/	———	———

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1964 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.34 PERCENT; TO DATE OF BONUS PAYMENT IS 5.92 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 104

BONDS BEARING ISSUE DATE MAR. 1, 1965

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(7/1/79)	$38.36	$ 76.72	$115.08	$153.44	$306.88	$ 767.20	$1534.40	$15344.	5.92	6.52	6.50
7-0 TO 7-6 (12/1/79)	39.61	79.22	118.83	158.44	316.88	792.20	1584.40	15844.	5.96	6.46	6.50
7-6 TO 8-0 (6/1/80)	40.89	81.78	122.67	163.56	327.12	817.80	1635.60	16356.	6.00	6.51	6.51
8-0 TO 8-6 (12/1/80)	42.22	84.44	126.66	168.88	337.76	844.40	1688.80	16888.	6.03	6.54	6.51
8-6 TO 9-0 (6/1/81)	43.60	87.20	130.80	174.40	348.80	872.00	1744.00	17440.	6.06	6.47	6.50
9-0 TO 9-6 (12/1/81)	45.01	90.02	135.03	180.04	360.08	900.20	1800.40	18004.	6.08	6.49	6.51
9-6 TO10-0 (6/1/82)	46.47	92.94	139.41	185.88	371.76	929.40	1856.80	18588.	6.10	6.54	6.54
10-0 2/ (12/1/82)	47.99	95.98	143.97	191.96	383.92	959.80	1919.60	19196.	6.13 3/	———	———

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/82)	$47.99	$ 95.98	$143.97	$191.96	$383.92	$ 959.80	$1919.60	$19196.	———	6.50	7.15
0-6 TO 1-0	(6/1/83)	49.55	99.10	148.65	198.20	396.40	991.00	1982.00	19820.	6.50	6.50	7.19
1-0 TO 1-6	(12/1/83)	51.16	102.32	153.48	204.64	409.28	1023.20	2046.40	20464.	6.50	6.49	7.23
1-6 TO 2-0	(6/1/84)	52.82	105.64	158.46	211.28	422.56	1056.40	2112.80	21128.	6.50	6.51	7.29
2-0 TO 2-6	(12/1/84)	54.54	109.08	163.62	218.16	436.32	1090.80	2181.60	21816.	6.50	6.49	7.35
2-6 TO 3-0	(6/1/85)	56.31	112.62	168.93	225.24	450.48	1126.20	2252.40	22524.	6.50	6.50	7.42
3-0 TO 3-6	(12/1/85)	58.14	116.28	174.42	232.56	465.12	1162.80	2325.60	23256.	6.50	6.50	7.50
3-6 TO 4-0	(6/1/86)	60.03	120.06	180.09	240.12	480.24	1200.60	2401.20	24012.	6.50	6.50	7.60
4-0 TO 4-6	(12/1/86)	61.98	123.96	185.94	247.92	495.84	1239.60	2479.20	24792.	6.50	6.52	7.72
4-6 TO 5-0	(6/1/87)	64.00	128.00	192.00	256.00	512.00	1280.00	2560.00	25600.	6.50	6.50	7.88
5-0 TO 5-6	(12/1/87)	66.08	132.16	198.24	264.32	528.64	1321.60	2643.20	26432.	6.50	6.48	8.08
5-6 TO 6-0	(6/1/88)	68.22	136.44	204.66	272.88	545.76	1364.40	2728.80	27288.	6.50	6.51	8.34
6-0 TO 6-6	(12/1/88)	70.44	140.88	211.32	281.76	563.52	1408.80	2817.60	28176.	6.50	6.50	8.71
6-6 TO 7-0	(6/1/89)	72.73	145.46	218.19	290.92	581.84	1454.60	2909.20	29092.	6.50	6.52	9.27
7-0 TO 7-6	(12/1/89)	75.10	150.20	225.30	300.40	600.80	1502.00	3004.00	30040.	6.50	6.50	10.19
7-6 TO 8-0	(6/1/90)	77.54	155.08	232.62	310.16	620.32	1550.80	3101.60	31016.	6.50	6.50	12.06
8-0 TO 8-6	(12/1/90)	80.06	160.12	240.18	320.24	640.48	1601.20	3202.40	32024.	6.50	17.79	17.79
8-6 4/	(6/1/91)	87.18	174.36	261.54	348.72	697.44	1743.60	3487.20	34872.	7.15 3/	———	———

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1965 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.37 PERCENT; TO DATE OF BONUS PAYMENT IS 5.94 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 105

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1965

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(7/1/79)	$38.36	$ 76.72	$115.08	$153.44	$306.88	$ 767.20	$1534.40	$15344.	5.92	6.52	6.50
7-0 TO 7-6 (1/1/80)	39.61	79.22	118.83	158.44	316.88	792.20	1584.40	15844.	5.96	6.46	6.50
7-6 TO 8-0 (7/1/80)	40.89	81.78	122.67	163.56	327.12	817.80	1635.60	16356.	6.00	6.51	6.51
8-0 TO 8-6 (1/1/81)	42.22	84.44	126.66	168.88	337.76	844.40	1688.80	16888.	6.03	6.54	6.51
8-6 TO 9-0 (7/1/81)	43.60	87.20	130.80	174.40	348.80	872.00	1744.00	17440.	6.06	6.47	6.50
9-0 TO 9-6 (1/1/82)	45.01	90.02	135.03	180.04	360.08	900.20	1800.40	18004.	6.08	6.49	6.51
9-6 TO10-0 (7/1/82)	46.47	92.94	139.41	185.88	371.76	929.40	1856.80	18588.	6.10	6.54	6.54
10-0 2/ (1/1/83)	47.99	95.98	143.97	191.96	383.92	959.80	1919.60	19196.	6.13 3/	———	———

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/83)	$47.99	$ 95.98	$143.97	$191.96	$383.92	$ 959.80	$1919.60	$19196.	———	6.50	7.19
0-6 TO 1-0	(7/1/83)	49.55	99.10	148.65	198.20	396.40	991.00	1982.00	19820.	6.50	6.50	7.23
1-0 TO 1-6	(1/1/84)	51.16	102.32	153.48	204.64	409.28	1023.20	2046.40	20464.	6.50	6.49	7.29
1-6 TO 2-0	(7/1/84)	52.82	105.64	158.46	211.28	422.56	1056.40	2112.80	21128.	6.50	6.51	7.35
2-0 TO 2-6	(1/1/85)	54.54	109.08	163.62	218.16	436.32	1090.80	2181.60	21816.	6.50	6.49	7.42
2-6 TO 3-0	(7/1/85)	56.31	112.62	168.93	225.24	450.48	1126.20	2252.40	22524.	6.50	6.50	7.50
3-0 TO 3-6	(1/1/86)	58.14	116.28	174.42	232.56	465.12	1162.80	2325.60	23256.	6.50	6.50	7.60
3-6 TO 4-0	(7/1/86)	60.03	120.06	180.09	240.12	480.24	1200.60	2401.20	24012.	6.50	6.50	7.72
4-0 TO 4-6	(1/1/87)	61.98	123.96	185.94	247.92	495.84	1239.60	2479.20	24792.	6.50	6.52	7.88
4-6 TO 5-0	(7/1/87)	64.00	128.00	192.00	256.00	512.00	1280.00	2560.00	25600.	6.50	6.50	8.07
5-0 TO 5-6	(1/1/88)	66.08	132.16	198.24	264.32	528.64	1321.60	2643.20	26432.	6.50	6.48	8.34
5-6 TO 6-0	(7/1/88)	68.22	136.44	204.66	272.88	545.76	1364.40	2728.80	27288.	6.50	6.51	8.71
6-0 TO 6-6	(1/1/89)	70.44	140.88	211.32	281.76	563.52	1408.80	2817.60	28176.	6.50	6.50	9.27
6-6 TO 7-0	(7/1/89)	72.73	145.46	218.19	290.92	581.84	1454.60	2909.20	29092.	6.50	6.52	10.20
7-0 TO 7-6	(1/1/90)	75.10	150.20	225.30	300.40	600.80	1502.00	3004.00	30040.	6.50	6.50	12.06
7-6 TO 8-0	(7/1/90)	77.54	155.08	232.62	310.16	620.32	1550.80	3101.60	31016.	6.50	17.77	17.77
8-0 4/	(1/1/91)	84.43	168.86	253.29	337.72	675.44	1688.60	3377.20	33772.	7.19 3/	———	———

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1965 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1965, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.37 PERCENT; TO DATE OF BONUS PAYMENT IS 5.93 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 106

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
6-6 TO 7-0 1/(6/1/79)	$38.58	$ 77.16	$115.74	$154.32	$308.64	$ 771.60	$1543.20	$15432.	PERCENT 5.92	PERCENT 6.48	PERCENT 6.50
7-0 TO 7-6 (1/1/80)	39.83	79.66	119.49	159.32	318.64	796.60	1593.20	15932.	5.96	6.53	6.50
7-6 TO 8-0 (7/1/80)	41.13	82.26	123.39	164.52	329.04	822.60	1645.20	16452.	6.00	6.52	6.50
8-0 TO 8-6 (1/1/81)	42.47	84.94	127.41	169.88	339.76	849.40	1698.80	16988.	6.02	6.50	6.49
8-6 TO 9-0 (7/1/81)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	6.06	6.48	6.49
9-0 TO 9-6 (1/1/82)	45.27	90.54	135.81	181.08	362.16	905.40	1810.80	18108.	6.08	6.49	6.50
9-6 TO10-0 (7/1/82)	46.74	93.48	140.22	186.96	373.92	934.80	1869.60	18696.	6.10	6.50	6.50
10-0 2/ (1/1/83)	48.26	96.52	144.78	193.04	386.08	965.20	1930.40	19304.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/83)	$48.26	$ 96.52	$144.78	$193.04	$386.08	$ 965.20	$1930.40	$19304.	——	6.51	7.19
0-6 TO 1-0 (7/1/83)	49.83	99.66	149.49	199.32	398.64	996.60	1993.20	19932.	6.51	6.50	7.23
1-0 TO 1-6 (1/1/84)	51.45	102.90	154.35	205.80	411.60	1029.00	2058.00	20580.	6.50	6.49	7.29
1-6 TO 2-0 (7/1/84)	53.12	106.24	159.36	212.48	424.96	1062.40	2124.80	21248.	6.50	6.51	7.35
2-0 TO 2-6 (1/1/85)	54.85	109.70	164.55	219.40	438.80	1097.00	2194.00	21940.	6.50	6.49	7.42
2-6 TO 3-0 (7/1/85)	56.63	113.26	169.89	226.52	453.04	1132.60	2265.20	22652.	6.50	6.50	7.50
3-0 TO 3-6 (1/1/86)	58.47	116.94	175.41	233.88	467.76	1169.40	2338.80	23388.	6.50	6.50	7.60
3-6 TO 4-0 (7/1/86)	60.37	120.74	181.11	241.48	482.94	1207.40	2414.80	24148.	6.50	6.49	7.73
4-0 TO 4-6 (1/1/87)	62.33	124.66	186.99	249.32	498.64	1246.60	2493.20	24932.	6.50	6.51	7.88
4-6 TO 5-0 (7/1/87)	64.36	128.72	193.08	257.44	514.88	1287.20	2574.40	25744.	6.50	6.49	8.08
5-0 TO 5-6 (1/1/88)	66.45	132.90	199.35	265.80	531.60	1329.00	2658.00	26580.	6.50	6.50	8.34
5-6 TO 6-0 (7/1/88)	68.61	137.22	205.83	274.44	548.88	1372.20	2744.40	27444.	6.50	6.50	8.71
6-0 TO 6-6 (1/1/89)	70.84	141.68	212.52	283.36	566.72	1416.80	2833.60	28336.	6.50	6.49	9.27
6-6 TO 7-0 (7/1/89)	73.14	146.28	219.42	292.56	585.12	1462.80	2925.60	29256.	6.50	6.51	10.20
7-0 TO 7-6 (1/1/90)	75.52	151.04	226.56	302.08	604.16	1510.40	3020.80	30208.	6.50	6.49	12.07
7-6 TO 8-0 (7/1/90)	77.97	155.94	233.91	311.88	623.76	1559.40	3118.80	31188.	6.50	17.80	17.80
8-0 4/ (1/1/91)	84.91	169.82	254.73	339.64	679.28	1699.20	3396.40	33964.	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1965 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE-MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.40 PERCENT; TO DATE OF BONUS PAYMENT IS 5.95 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 107

BONDS BEARING ISSUE DATE SEP. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
6-0 TO 6-6 1/(6/1/79)	$37.55	$ 75.10	$112.65	$150.20	$300.40	$ 751.00	$1502.00	$15020.	PERCENT 5.96	PERCENT 6.50	PERCENT 6.53
6-6 TO 7-0 (12/1/79)	38.77	77.54	116.31	155.08	310.16	775.40	1550.80	15508.	6.00	6.50	6.50
7-0 TO 7-6 (6/1/80)	40.03	80.06	120.09	160.12	320.24	800.60	1601.20	16012.	6.04	6.52	6.50
7-6 TO 8-0 (12/1/80)	41.33	82.66	123.99	165.32	330.64	826.60	1653.20	16532.	6.07	6.49	6.50
8-0 TO 8-6 (6/1/81)	42.67	85.34	128.01	170.68	341.36	853.40	1706.80	17068.	6.09	6.52	6.51
8-6 TO 9-0 (12/1/81)	44.06	88.12	132.18	176.24	352.48	881.20	1762.40	17624.	6.12	6.49	6.50
9-0 TO 9-6 (6/1/82)	45.49	90.98	136.47	181.96	363.92	909.80	1819.60	18196.	6.14	6.51	6.51
9-6 TO10-0 (12/1/82)	46.97	93.94	140.91	187.88	375.76	939.40	1878.80	18788.	6.16	6.51	6.51
10-0 2/ (6/1/83)	48.50	97.00	145.50	194.00	388.00	970.00	1940.00	19400.	6.18 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/83)	$48.50	$ 97.00	$145.50	$194.00	$388.00	$ 970.00	$1940.00	$19400.	——	6.52	7.19
0-6 TO 1-0 (12/1/83)	50.08	100.16	150.24	200.32	400.64	1001.60	2003.20	20032.	6.52	6.47	7.23
1-0 TO 1-6 (6/1/84)	51.70	103.40	155.10	206.80	413.60	1034.00	2068.00	20680.	6.49	6.50	7.29
1-6 TO 2-0 (12/1/84)	53.38	106.76	160.14	213.52	427.04	1067.60	2135.20	21352.	6.49	6.52	7.35
2-0 TO 2-6 (6/1/85)	55.12	110.24	165.36	220.48	440.96	1102.40	2204.80	22048.	6.50	6.49	7.42
2-6 TO 3-0 (12/1/85)	56.91	113.82	170.73	227.64	455.28	1138.20	2276.40	22764.	6.50	6.50	7.50
3-0 TO 3-6 (6/1/86)	58.76	117.52	176.28	235.04	470.08	1175.20	2350.40	23504.	6.50	6.50	7.60
3-6 TO 4-0 (12/1/86)	60.67	121.34	182.01	242.68	485.36	1213.40	2426.80	24268.	6.50	6.49	7.73
4-0 TO 4-6 (6/1/87)	62.64	125.28	187.92	250.56	501.12	1252.80	2505.60	25056.	6.50	6.51	7.88
4-6 TO 5-0 (12/1/87)	64.68	129.36	194.04	258.72	517.44	1293.60	2587.20	25872.	6.50	6.49	8.08
5-0 TO 5-6 (6/1/88)	66.78	133.56	200.34	267.12	534.24	1335.60	2671.20	26712.	6.50	6.50	8.34
5-6 TO 6-0 (12/1/88)	68.95	137.90	206.85	275.80	551.60	1379.00	2758.00	27580.	6.50	6.50	8.71
6-0 TO 6-6 (6/1/89)	71.19	142.38	213.57	284.76	569.52	1423.80	2847.60	28476.	6.50	6.49	9.27
6-6 TO 7-0 (12/1/89)	73.50	147.00	220.50	294.00	588.00	1470.00	2940.00	29400.	6.50	6.50	12.07
7-0 TO 7-6 (6/1/90)	75.89	151.78	227.67	303.56	607.12	1517.80	3035.60	30356.	6.50	6.51	12.07
7-6 TO 8-0 (12/1/90)	78.36	156.72	235.08	313.44	626.88	1567.20	3134.40	31344.	6.50	17.79	17.79
8-0 4/ (6/1/91)	85.33	170.66	255.99	341.32	682.64	1706.60	3413.20	34132.	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1965 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.43 PERCENT; TO DATE OF BONUS PAYMENT IS 5.97 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 108

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
6-0 TO 6-6 1/(7/1/79)	$37.55	$ 75.10	$112.65	$150.20	$300.40	$ 751.00	$1502.00	$15020.	PERCENT 5.96	PERCENT 6.50	PERCENT 6.50
6-6 TO 7-0 (1/1/80)	38.77	77.54	116.31	155.08	310.16	775.40	1550.80	15508.	6.00	6.50	6.50
7-0 TO 7-6 (7/1/80)	40.03	80.06	120.09	160.12	320.24	800.60	1601.20	16012.	6.04	6.50	6.50
7-6 TO 8-0 (1/1/81)	41.33	82.66	123.99	165.32	330.64	826.60	1653.20	16532.	6.07	6.48	6.50
8-0 TO 8-6 (7/1/81)	42.67	85.34	128.01	170.68	341.36	853.40	1706.80	17068.	6.09	6.52	6.51
8-6 TO 9-0 (1/1/82)	44.06	88.12	132.18	176.24	352.48	881.20	1762.40	17624.	6.12	6.49	6.50
9-0 TO 9-6 (7/1/82)	45.49	90.98	136.47	181.96	363.92	909.80	1819.60	18196.	6.14	6.51	6.51
9-6 TO10-0 (1/1/83)	46.97	93.94	140.91	187.88	375.76	939.40	1878.80	18788.	6.16	6.51	6.51
10-0 2/ (7/1/83)	48.50	97.00	145.50	194.00	388.00	970.00	1940.00	19400.	6.18 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/83)	$48.50	$ 97.00	$145.50	$194.00	$388.00	$ 970.00	$1940.00	$19400.	——	6.52	7.23
0-6 TO 1-0 (1/1/84)	50.08	100.16	150.24	200.32	400.64	1001.60	2003.20	20032.	6.52	6.47	7.28
1-0 TO 1-6 (7/1/84)	51.70	103.40	155.10	206.80	413.60	1034.00	2068.00	20680.	6.49	6.50	7.35
1-6 TO 2-0 (1/1/85)	53.38	106.76	160.14	213.52	427.04	1067.60	2135.20	21352.	6.49	6.52	7.42
2-0 TO 2-6 (7/1/85)	55.12	110.24	165.36	220.48	440.96	1102.40	2204.80	22048.	6.50	6.49	7.50
2-6 TO 3-0 (1/1/86)	56.91	113.82	170.73	227.64	455.28	1138.20	2276.40	22764.	6.50	6.50	7.60
3-0 TO 3-6 (7/1/86)	58.76	117.52	176.28	235.04	470.08	1175.20	2350.40	23504.	6.50	6.50	7.73
3-6 TO 4-0 (1/1/87)	60.67	121.34	182.01	242.68	485.36	1213.40	2426.80	24268.	6.50	6.49	7.88
4-0 TO 4-6 (7/1/87)	62.64	125.28	187.92	250.56	501.12	1252.80	2505.60	25056.	6.50	6.51	8.08
4-6 TO 5-0 (1/1/88)	64.68	129.36	194.04	258.72	517.44	1293.60	2587.20	25872.	6.50	6.49	8.34
5-0 TO 5-6 (7/1/88)	66.78	133.56	200.34	267.12	534.24	1335.60	2671.20	26712.	6.50	6.50	8.71
5-6 TO 6-0 (1/1/89)	68.95	137.90	206.85	275.80	551.60	1379.00	2758.00	27580.	6.50	6.50	9.26
6-0 TO 6-6 (7/1/89)	71.19	142.38	213.57	284.76	569.52	1423.80	2847.60	28476.	6.50	6.49	10.19
6-6 TO 7-0 (1/1/90)	73.50	147.00	220.50	294.00	588.00	1470.00	2940.00	29400.	6.50	6.50	12.07
7-0 TO 7-6 (7/1/90)	75.89	151.78	227.67	303.56	607.12	1517.80	3035.60	30356.	6.50	17.79	17.79
7-6 TO 8-0 (1/1/91)	82.84	165.68	247.92	330.56	661.12	1652.80	3305.60	33056.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1965 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1965, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.43 PERCENT; TO DATE OF BONUS PAYMENT IS 5.96 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 109

BONDS BEARING ISSUE DATE DEC. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
6-6 TO 7-0 1/(6/1/79)	$37.67	$ 75.34	$113.01	$150.68	$301.36	$ 753.40	$1504.80	$15068.	PERCENT 5.92	PERCENT 6.48	PERCENT 6.50
7-0 TO 7-6 (12/1/79)	38.88	77.78	116.67	155.56	311.12	777.80	1555.60	15556.	5.96	6.53	6.50
7-6 TO 8-0 (6/1/80)	40.16	80.32	120.48	160.64	321.28	803.20	1606.40	16064.	6.00	6.47	6.50
8-0 TO 8-6 (12/1/80)	41.46	82.92	124.38	165.84	331.68	829.20	1658.40	16584.	6.03	6.51	6.50
8-6 TO 9-0 (6/1/81)	42.81	85.62	128.43	171.24	342.48	856.20	1712.40	17124.	6.08	6.49	6.50
9-0 TO 9-6 (12/1/81)	44.20	88.40	132.60	176.80	353.60	884.00	1768.00	17680.	6.08	6.52	6.50
9-6 TO10-0 (6/1/82)	45.64	91.28	136.92	182.56	365.12	912.80	1825.60	18256.	6.10	6.49	6.49
10-0 2/ (12/1/82)	47.12	94.24	141.36	188.48	376.96	942.40	1884.80	18848.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/82)	$47.12	$ 94.24	$141.36	$188.48	$376.96	$ 942.40	$1884.80	$18848.	——	6.49	7.15
0-6 TO 1-0 (6/1/83)	48.65	97.30	145.95	194.60	389.20	973.00	1946.00	19460.	6.49	6.50	7.19
1-0 TO 1-6 (12/1/83)	50.23	100.46	150.69	200.92	401.84	1004.60	2009.20	20092.	6.49	6.53	7.24
1-6 TO 2-0 (6/1/84)	51.87	103.74	155.61	207.48	414.96	1037.40	2074.80	20748.	6.51	6.48	7.29
2-0 TO 2-6 (12/1/84)	53.56	107.10	160.65	214.20	428.40	1071.00	2142.00	21420.	6.50	6.50	7.35
2-6 TO 3-0 (6/1/85)	55.29	110.58	165.87	221.16	442.32	1105.80	2211.60	22116.	6.50	6.51	7.42
3-0 TO 3-6 (12/1/85)	57.09	114.18	171.27	228.36	456.72	1141.80	2283.60	22836.	6.50	6.48	7.50
3-6 TO 4-0 (6/1/86)	58.94	117.88	176.82	235.76	471.52	1178.80	2357.60	23576.	6.50	6.52	7.60
4-0 TO 4-6 (12/1/86)	60.86	121.72	182.58	243.44	486.88	1217.20	2434.40	24344.	6.50	6.51	7.73
4-6 TO 5-0 (6/1/87)	62.84	125.68	188.52	251.36	502.72	1256.80	2513.60	25136.	6.50	6.49	7.88
5-0 TO 5-6 (12/1/87)	64.88	129.76	194.64	259.52	519.04	1297.60	2595.20	25952.	6.50	6.50	8.08
5-6 TO 6-0 (6/1/88)	66.99	133.98	200.97	267.96	535.92	1339.80	2679.60	26796.	6.50	6.48	8.34
6-0 TO 6-6 (12/1/88)	69.16	138.32	207.48	276.64	553.28	1383.20	2766.40	27664.	6.50	6.51	8.72
6-6 TO 7-0 (6/1/89)	71.41	142.82	214.23	285.64	571.28	1428.20	2856.40	28564.	6.50	6.50	9.27
7-0 TO 7-6 (12/1/89)	73.73	147.46	221.19	294.92	589.84	1474.60	2949.20	29492.	6.50	6.51	10.20
7-6 TO 8-0 (6/1/90)	76.13	152.26	228.39	304.52	609.04	1522.60	3045.20	30452.	6.50	6.49	12.07
8-0 TO 8-6 (12/1/90)	78.60	157.20	235.80	314.40	628.80	1572.00	3144.00	31440.	6.50	17.81	17.81
8-6 4/ (6/1/91)	85.60	171.20	256.80	342.40	684.80	1712.00	3424.00	34240.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1965 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.49 PERCENT; TO DATE OF BONUS PAYMENT IS 6.04 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 110

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(7/1/79)	$37.67	$ 75.34	$113.01	$150.68	$301.36	$ 753.40	$1506.80	$15068.	5.92	6.48	6.50
6-6 TO 7-0 (1/1/80)	38.80	77.59	116.39	155.18	310.36	775.90	1551.80	15518.	5.96	6.52	6.50
7-0 TO 7-6 (7/1/80)	40.14	80.32	120.48	160.64	321.28	803.20	1605.40	16064.	6.00	6.47	6.50
7-6 TO 8-0 (1/1/81)	41.44	82.92	124.38	165.84	331.68	829.20	1658.40	16584.	6.03	6.51	6.50
8-0 TO 8-6 (7/1/81)	42.81	85.62	128.43	171.24	342.48	856.20	1712.40	17124.	6.06	6.49	6.50
8-6 TO 9-0 (1/1/82)	44.20	88.40	132.60	176.80	353.60	884.00	1769.20	17680.	6.08	6.52	6.50
9-0 TO10-0 (1/1/83)	45.64	91.28	136.92	182.56	365.12	912.80	1825.60	18256.	6.10	6.49	6.49
10-0 2/ (1/1/83)	47.12	94.24	141.36	188.48	376.96	942.40	1884.80	18849.	6.12 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/83)	$47.12	$ 94.24	$141.36	$188.48	$376.96	$ 942.40	$1884.80	$18845.	——	6.49	7.19
0-6 TO 1-0	(1/1/84)	48.65	97.30	145.95	194.60	389.20	973.00	1946.00	19460.	6.49	6.50	7.23
1-0 TO 1-6	(7/1/84)	50.23	100.46	150.69	200.92	401.84	1004.60	2009.20	20092.	6.49	6.51	7.29
1-6 TO 2-0	(1/1/85)	51.87	103.74	155.61	207.48	414.96	1037.40	2074.80	20748.	6.51	6.48	7.35
2-0 TO 2-6	(7/1/85)	53.55	107.10	160.65	214.20	428.40	1071.00	2142.00	21420.	6.50	6.50	7.42
2-6 TO 3-0	(1/1/86)	55.29	110.58	165.87	221.16	442.32	1105.80	2211.60	22116.	6.50	6.51	7.50
3-0 TO 3-6	(7/1/86)	57.09	114.18	171.27	228.36	456.72	1141.80	2283.60	22836.	6.50	6.48	7.60
3-6 TO 4-0	(1/1/87)	58.94	117.88	176.82	235.76	471.52	1178.80	2357.60	23576.	6.50	6.52	7.73
4-0 TO 4-6	(7/1/87)	60.86	121.72	182.58	243.44	486.88	1217.20	2434.40	24344.	6.50	6.51	7.88
4-6 TO 5-0	(1/1/88)	62.84	125.68	188.52	251.36	502.72	1256.80	2513.60	25136.	6.50	6.49	8.07
5-0 TO 5-6	(7/1/88)	64.88	129.76	194.64	259.52	519.04	1297.60	2595.20	25952.	6.50	6.50	8.34
5-6 TO 6-0	(1/1/89)	66.99	133.98	200.97	267.96	535.92	1339.80	2679.60	26796.	6.50	6.48	8.71
6-0 TO 6-6	(7/1/89)	69.16	138.32	207.48	276.64	553.28	1383.20	2766.40	27664.	6.50	6.51	9.27
6-6 TO 7-0	(1/1/90)	71.41	142.82	214.23	285.64	571.28	1428.20	2856.40	28564.	6.50	6.50	10.20
7-0 TO 7-6	(7/1/90)	73.73	147.46	221.19	294.92	589.84	1474.60	2949.20	29492.	6.50	6.51	12.07
7-6 TO 8-0	(1/1/91)	76.13	152.26	228.39	304.52	609.04	1522.60	3045.20	30452.	6.50	17.79	17.79
8-0 4/	(1/1/91)	82.45	165.05	247.70	330.40	660.80	1652.00	3304.00	33040.	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1966 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.49 PERCENT; TO DATE OF BONUS PAYMENT IS 6.04 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 111

BONDS BEARING ISSUE DATE JUNE 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(6/1/79)	$36.86	$ 73.72	$110.58	$147.44	$294.88	$ 737.20	$1474.40	$14744.	5.96	6.51	6.50
6-6 TO 7-0 (12/1/79)	37.96	75.92	113.88	151.84	303.68	759.20	1518.40	15224.	6.00	6.48	6.50
7-0 TO 7-6 (6/1/80)	39.20	78.38	117.57	156.76	313.52	783.80	1567.60	15716.	6.03	6.52	6.51
7-6 TO 8-0 (12/1/80)	40.57	81.14	121.71	162.28	324.56	811.40	1622.80	16228.	6.06	6.51	6.50
8-0 TO 8-6 (6/1/81)	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	6.09	6.49	6.50
8-6 TO 9-0 (12/1/81)	43.25	86.50	129.75	173.00	346.00	865.00	1730.00	17300.	6.11	6.52	6.51
9-0 TO 9-6 (6/1/82)	44.66	89.32	133.98	178.64	357.28	893.20	1786.40	17864.	6.14	6.49	6.50
9-6 TO10-0 (12/1/82)	46.11	92.22	138.33	184.44	368.88	922.20	1844.40	18444.	6.16	6.51	6.51
10-0 2/ (6/1/83)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.17 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/83)	$47.61	$ 95.22	$142.83	$190.44	$380.88	$ 952.20	$1904.40	$19044.	——	6.51	7.19
0-6 TO 1-0	(12/1/83)	49.16	98.32	147.48	196.64	393.28	983.20	1966.40	19664.	6.51	6.47	7.23
1-0 TO 1-6	(6/1/84)	50.75	101.50	152.25	203.00	406.00	1015.00	2030.00	20300.	6.49	6.50	7.29
1-6 TO 2-0	(12/1/84)	52.40	104.80	157.20	209.60	419.20	1048.00	2096.00	20960.	6.49	6.53	7.35
2-0 TO 2-6	(6/1/85)	54.11	108.22	162.33	216.44	432.88	1082.20	2164.40	21644.	6.50	6.51	7.42
2-6 TO 3-0	(12/1/85)	55.87	111.74	167.61	223.48	446.96	1117.40	2234.80	22348.	6.50	6.48	7.50
3-0 TO 3-6	(6/1/86)	57.68	115.36	173.04	230.72	461.44	1153.60	2307.20	23072.	6.50	6.52	7.60
3-6 TO 4-0	(12/1/86)	59.56	119.12	178.68	238.24	476.48	1191.20	2382.40	23824.	6.50	6.48	7.72
4-0 TO 4-6	(6/1/87)	61.49	122.98	184.47	245.96	491.92	1229.80	2459.60	24596.	6.50	6.51	7.88
4-6 TO 5-0	(12/1/87)	63.49	126.98	190.47	253.96	507.92	1269.80	2539.60	25396.	6.50	6.49	8.08
5-0 TO 5-6	(6/1/88)	65.55	131.10	196.65	262.20	524.40	1311.00	2622.00	26220.	6.50	6.50	8.34
5-6 TO 6-0	(12/1/88)	67.68	135.36	203.04	270.72	541.44	1353.60	2707.20	27072.	6.50	6.48	8.71
6-0 TO 6-6	(6/1/89)	69.86	139.72	209.58	279.44	558.88	1397.20	2794.40	27944.	6.50	6.51	9.27
6-6 TO 7-0	(12/1/89)	72.16	144.32	216.48	288.64	577.28	1443.20	2886.40	28864.	6.50	6.49	10.19
7-0 TO 7-6	(6/1/90)	74.50	149.00	223.50	298.00	596.00	1490.00	2980.00	29800.	6.50	6.50	12.07
7-6 TO 8-0	(12/1/90)	76.92	153.84	230.76	307.68	615.36	1538.40	3076.80	30768.	6.50	17.78	17.78
8-0 4/	(6/1/91)	83.76	167.52	251.28	335.04	670.08	1675.20	3350.40	33504.	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.08 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 112

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(7/1/79)	$36.86	$ 73.72	$110.58	$147.44	$294.88	$ 737.20	$1474.40	$14744.	5.96	6.51	6.50
6-6 TO 7-0 (1/1/80)	38.06	76.12	114.18	152.24	304.48	761.20	1522.40	15224.	6.00	6.46	6.50
7-0 TO 7-6 (7/1/80)	39.29	78.58	117.87	157.16	314.32	785.80	1571.60	15716.	6.03	6.52	6.51
7-6 TO 8-0 (1/1/81)	40.57	81.14	121.71	162.28	324.56	811.40	1622.80	16228.	6.06	6.51	6.50
8-0 TO 8-6 (7/1/81)	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	6.09	6.49	6.50
8-6 TO 9-0 (1/1/82)	43.25	86.50	129.75	173.00	346.00	865.00	1730.00	17300.	6.11	6.52	6.51
9-0 TO 9-6 (7/1/82)	44.66	89.32	133.98	178.64	357.28	893.20	1786.40	17864.	6.14	6.49	6.50
9-6 TO10-0 (1/1/83)	46.11	92.22	138.33	184.44	368.88	922.20	1844.40	18444.	6.16	6.51	6.51
10-0 2/ (7/1/83)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.17 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/83)	$47.61	$ 95.22	$142.83	$190.44	$380.88	$ 952.20	$1904.40	$19044.	——	6.51	7.23
0-6 TO 1-0	(1/1/84)	49.16	98.32	147.48	196.64	393.28	983.20	1966.40	19664.	6.51	6.47	7.29
1-0 TO 1-6	(7/1/84)	50.75	101.50	152.25	203.00	406.00	1015.00	2030.00	20300.	6.49	6.50	7.35
1-6 TO 2-0	(1/1/85)	52.40	104.80	157.20	209.60	419.20	1048.00	2096.00	20960.	6.49	6.53	7.42
2-0 TO 2-6	(7/1/85)	54.11	108.22	162.33	216.44	432.88	1082.20	2164.40	21644.	6.50	6.51	7.50
2-6 TO 3-0	(1/1/86)	55.87	111.74	167.61	223.48	446.96	1117.40	2234.80	22348.	6.50	6.48	7.60
3-0 TO 3-6	(7/1/86)	57.68	115.36	173.04	230.72	461.44	1153.60	2307.20	23072.	6.50	6.52	7.73
3-6 TO 4-0	(1/1/87)	59.56	119.12	178.68	238.24	476.48	1191.20	2382.40	23824.	6.50	6.48	7.88
4-0 TO 4-6	(7/1/87)	61.49	122.98	184.47	245.96	491.92	1229.80	2459.60	24596.	6.50	6.51	8.08
4-6 TO 5-0	(1/1/88)	63.49	126.98	190.47	253.96	507.92	1269.80	2539.60	25396.	6.50	6.49	8.34
5-0 TO 5-6	(7/1/88)	65.55	131.10	196.65	262.20	524.40	1311.00	2622.00	26220.	6.50	6.50	8.71
5-6 TO 6-0	(1/1/89)	67.68	135.36	203.04	270.72	541.44	1353.60	2707.20	27072.	6.50	6.48	9.27
6-0 TO 6-6	(7/1/89)	69.86	139.72	209.58	279.44	558.88	1397.20	2794.40	27944.	6.50	6.51	10.19
6-6 TO 7-0	(1/1/90)	72.16	144.32	216.48	288.64	577.28	1443.20	2886.40	28864.	6.50	6.49	12.07
7-0 TO 7-6	(7/1/90)	74.50	149.00	223.50	298.00	596.00	1490.00	2980.00	29800.	6.50	17.80	17.80
7-6 4/	(7/1/91)	81.13	162.26	243.39	324.52	649.04	1622.60	3245.20	32452.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1966 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.07 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 113

BONDS BEARING ISSUE DATE DEC. 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(6/1/79)	$36.09	$ 72.18	$108.27	$144.36	$288.72	$ 721.80	$1443.60	$14436.	5.00	6.49	6.50
6-0 TO 6-6 (12/1/79)	37.26	74.52	111.78	149.04	298.08	745.20	1490.40	14904.	6.04	6.49	6.50
6-6 TO 7-0 (6/1/80)	38.47	76.94	115.41	153.88	307.76	769.40	1538.80	15388.	4.08	6.50	6.50
7-0 TO 7-6 (12/1/80)	39.72	79.44	119.16	158.88	317.76	794.40	1588.80	15888.	6.11	6.55	6.51
7-6 TO 8-0 (6/1/81)	41.02	82.04	123.04	164.08	328.16	820.40	1640.80	16408.	6.14	6.48	6.50
8-0 TO 8-6 (12/1/81)	42.35	84.70	127.05	169.40	338.80	847.00	1694.00	16940.	6.16	6.47	6.50
8-6 TO 9-0 (6/1/82)	43.72	87.44	131.16	174.88	349.76	874.40	1748.80	17488.	6.18	6.54	6.51
9-0 TO 9-6 (12/1/82)	45.15	90.30	135.45	180.60	361.20	903.00	1806.00	18060.	6.20	6.47	6.49
9-6 TO10-0 (6/1/83)	46.61	93.22	139.83	186.44	372.88	932.20	1864.40	18644.	6.21	6.52	6.52
10-0 2/ (12/1/83)	48.13	96.26	144.39	192.52	385.04	962.60	1925.20	19252.	6.23 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/83)	$48.13	$ 96.26	$144.39	$192.52	$385.04	$ 962.60	$1925.20	$19252.	——	6.48	7.23
0-6 TO 1-0	(6/1/84)	49.69	99.38	149.07	198.76	397.52	993.80	1987.60	19876.	6.48	6.52	7.29
1-0 TO 1-6	(12/1/84)	51.31	102.62	153.93	205.24	410.48	1026.20	2052.40	20524.	6.50	6.51	7.35
1-6 TO 2-0	(6/1/85)	52.98	105.96	158.94	211.92	423.84	1059.60	2119.20	21192.	6.50	6.49	7.42
2-0 TO 2-6	(12/1/85)	54.70	109.40	164.10	218.80	437.60	1094.00	2188.00	21880.	6.50	6.51	7.50
2-6 TO 3-0	(6/1/86)	56.48	112.96	169.44	225.92	451.84	1129.60	2259.20	22592.	6.50	6.48	7.60
3-0 TO 3-6	(12/1/86)	58.31	116.62	174.93	233.24	466.48	1166.20	2332.40	23324.	6.50	6.52	7.72
3-6 TO 4-0	(6/1/87)	60.21	120.42	180.63	240.84	481.68	1204.20	2408.40	24084.	6.50	6.48	7.88
4-0 TO 4-6	(12/1/87)	62.16	124.32	186.48	248.64	497.28	1243.20	2486.40	24864.	6.50	6.50	8.08
4-6 TO 5-0	(6/1/88)	64.18	128.36	192.54	256.72	513.44	1283.60	2567.20	25672.	6.50	6.51	8.34
5-0 TO 5-6	(12/1/88)	66.27	132.54	198.81	265.08	530.16	1325.40	2650.80	26508.	6.50	6.49	8.71
5-6 TO 6-0	(6/1/89)	68.42	136.84	205.26	273.68	547.36	1368.40	2736.80	27368.	6.50	6.52	9.27
6-0 TO 6-6	(12/1/89)	70.65	141.30	211.95	282.60	565.20	1413.00	2826.00	28260.	6.50	6.48	10.19
6-6 TO 7-0	(6/1/90)	72.94	145.88	218.82	291.76	583.52	1458.80	2917.60	29176.	6.50	6.50	12.07
7-0 TO 7-6	(12/1/90)	75.31	150.62	225.93	301.24	602.48	1506.20	3012.40	30124.	6.50	17.79	17.79
7-6 4/	(6/1/91)	82.01	164.02	246.03	328.04	656.08	1640.20	3280.40	32804.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.62 PERCENT; TO DATE OF BONUS PAYMENT IS 6.11 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 114

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1967

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(7/1/79)	$36.09	$ 72.18	$108.27	$144.36	$288.72	$ 721.80	$1443.60	$14436.	6.00	6.48	6.50
5-6 TO 6-0	(1/1/80)	37.26	74.52	111.78	149.04	298.08	745.20	1490.40	14904.	6.06	6.49	6.50
6-0 TO 6-6	(7/1/80)	37.69	75.38	113.07	150.76	301.52	753.80	1507.60	15076.	6.09	6.50	6.50
6-6 TO 7-0	(1/1/81)	38.47	76.94	115.41	153.88	307.76	769.40	1538.80	15388.	6.11	6.55	6.55
7-0 TO 7-6	(7/1/81)	39.72	79.44	119.16	158.88	317.76	794.40	1588.80	15888.	6.11	6.55	6.55
7-6 TO 8-0	(1/1/81)	41.02	82.04	123.06	164.08	328.16	820.40	1640.80	16408.	6.14	6.48	6.50
8-0 TO 8-6	(7/1/82)	42.35	84.70	127.05	169.40	338.80	847.00	1694.00	16940.	6.16	6.47	6.50
8-6 TO 9-0	(1/1/82)	43.72	87.44	131.16	174.88	349.76	874.40	1748.80	17488.	6.18	6.54	6.55
9-0 TO 9-6	(7/1/83)	45.15	90.30	135.45	180.60	361.20	903.00	1806.00	18060.	6.20	6.47	6.49
9-6 TO10-0	(1/1/83)	46.61	93.22	139.83	186.44	372.88	932.20	1864.40	18644.	6.21	6.52	6.52
10-0 2/	(1/1/84)	48.13	96.26	144.39	192.52	385.04	962.60	1925.20	19252.	6.23 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/84)	$48.13	$ 96.26	$144.39	$192.52	$385.04	$ 962.60	$1925.20	$19252.	----	6.48	7.29
0-6 TO 1-0	(7/1/84)	49.69	99.38	149.07	198.76	397.52	993.80	1987.60	19876.	6.48	6.52	7.35
1-0 TO 1-6	(1/1/85)	51.31	102.62	153.93	205.24	410.48	1026.20	2052.40	20524.	6.50	6.51	7.42
1-6 TO 2-0	(7/1/85)	52.98	105.96	158.94	211.92	423.84	1059.60	2119.20	21192.	6.50	6.49	7.50
2-0 TO 2-6	(1/1/86)	54.70	109.40	164.10	218.80	437.60	1094.00	2188.00	21880.	6.50	6.51	7.60
2-6 TO 3-0	(7/1/86)	56.48	112.96	169.44	225.92	451.84	1129.60	2259.20	22592.	6.50	6.48	7.72
3-0 TO 3-6	(1/1/87)	58.31	116.62	174.93	233.24	466.48	1166.20	2332.40	23324.	6.50	6.52	7.88
3-6 TO 4-0	(7/1/87)	60.21	120.42	180.63	240.84	481.68	1204.20	2408.40	24084.	6.50	6.48	8.07
4-0 TO 4-6	(1/1/88)	62.16	124.32	186.48	248.64	497.28	1243.20	2486.40	24864.	6.50	6.50	8.34
4-6 TO 5-0	(7/1/88)	64.18	128.36	192.54	256.72	513.44	1283.60	2567.20	25672.	6.50	6.51	8.71
5-0 TO 5-6	(1/1/89)	66.27	132.54	198.81	265.08	530.16	1325.40	2650.80	26508.	6.50	6.49	9.27
5-6 TO 6-0	(7/1/89)	68.42	136.84	205.26	273.68	547.36	1368.40	2736.80	27368.	6.50	6.52	10.20
6-0 TO 6-6	(1/1/90)	70.65	141.30	211.95	282.60	565.20	1413.00	2826.00	28260.	6.50	6.48	12.06
6-6 TO 7-0	(7/1/90)	72.94	145.88	218.82	291.76	583.52	1458.80	2917.60	29176.	6.50	17.80	17.80
7-0 4/	(1/1/91)	79.43	158.86	238.29	317.72	635.44	1588.60	3177.20	31772.	7.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.62 PERCENT; TO DATE OF BONUS PAYMENT IS 6.11 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 115

BONDS BEARING ISSUE DATE JUNE 1, 1967

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(6/1/79)	$35.35	$ 70.70	$106.05	$141.40	$282.80	$ 707.00	$1414.00	$14140.	6.00	6.51	6.50
5-6 TO 6-0	(12/1/79)	36.50	73.00	109.50	146.00	292.00	730.00	1460.00	14600.	6.05	6.52	6.50
6-0 TO 6-6	(6/1/80)	37.69	75.38	113.07	150.76	301.52	753.80	1507.60	15076.	6.09	6.50	6.50
6-6 TO 7-0	(12/1/80)	38.91	77.82	116.73	155.64	311.28	778.20	1556.40	15564.	6.12	6.55	6.55
7-0 TO 7-6	(6/1/81)	40.17	80.34	120.51	160.68	321.36	803.40	1606.80	16068.	6.14	6.52	6.50
7-6 TO 8-0	(12/1/81)	41.48	82.96	124.44	165.92	331.84	829.60	1659.20	16592.	6.17	6.51	6.50
8-0 TO 8-6	(6/1/82)	42.83	85.66	128.49	171.32	342.64	856.60	1713.20	17132.	6.19	6.49	6.49
8-6 TO 9-0	(12/1/82)	44.22	88.44	132.66	176.88	353.76	884.40	1768.80	17688.	6.21	6.51	6.50
9-0 TO 9-6	(6/1/83)	45.66	91.32	136.98	182.64	365.28	913.20	1826.40	18264.	6.22	6.48	6.49
9-6 TO10-0	(12/1/83)	47.14	94.28	141.42	188.56	377.12	942.80	1885.60	18856.	6.24	6.49	6.49
10-0 2/	(6/1/84)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	6.25 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/84)	$48.67	$ 97.34	$146.01	$194.68	$389.36	$ 973.40	$1946.80	$19468.	----	6.49	7.29
0-6 TO 1-0	(12/1/84)	49.26	98.52	147.78	197.04	394.08	985.20	1970.40	19704.	----	6.50	7.35
1-0 TO 1-6	(6/1/85)	50.86	101.72	152.58	203.44	406.88	1017.20	2034.40	20344.	6.50	6.49	7.42
1-6 TO 2-0	(12/1/85)	52.51	105.02	157.53	210.04	420.08	1050.20	2100.40	21004.	6.49	6.51	7.50
2-0 TO 2-6	(6/1/86)	54.22	108.44	162.66	216.88	433.76	1084.40	2168.80	21688.	6.50	6.49	7.60
2-6 TO 3-0	(12/1/86)	55.98	111.96	167.94	223.92	447.84	1119.60	2239.20	22392.	6.50	6.50	7.73
3-0 TO 3-6	(6/1/87)	57.80	115.60	173.40	231.20	462.40	1156.00	2312.00	23120.	6.50	6.51	7.88
3-6 TO 4-0	(12/1/87)	59.68	119.36	179.04	238.72	477.44	1193.60	2387.20	23872.	6.50	6.50	8.08
4-0 TO 4-6	(6/1/88)	61.62	123.24	184.86	246.48	492.96	1232.40	2464.80	24648.	6.50	6.49	8.34
4-6 TO 5-0	(12/1/88)	63.62	127.24	190.86	254.48	508.96	1272.40	2544.80	25448.	6.50	6.51	8.71
5-0 TO 5-6	(6/1/89)	65.69	131.38	197.07	262.76	525.52	1313.80	2627.60	26276.	6.50	6.52	9.27
5-6 TO 6-0	(12/1/89)	67.83	135.66	203.49	271.32	542.64	1356.60	2713.20	27132.	6.50	6.49	10.19
6-0 TO 6-6	(6/1/90)	70.03	140.06	210.09	280.12	560.24	1400.60	2801.20	28012.	6.50	6.51	12.07
6-6 TO 7-0	(12/1/90)	72.31	144.62	216.93	289.24	578.48	1446.20	2892.40	28924.	6.50	17.78	17.78
7-0 4/	(6/1/91)	78.74	157.48	236.22	314.96	629.92	1574.80	3149.60	31496.	7.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.69 PERCENT; TO DATE OF BONUS PAYMENT IS 6.18 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 116

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1967

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(7/1/79)	$35.35	$ 70.70	$106.05	$141.40	$282.80	$ 707.00	$1414.00	$14140.	6.00	6.51	6.50
5-6 TO 6-0	(1/1/80)	36.50	73.00	109.50	146.00	292.00	730.00	1460.00	14600.	6.05	6.52	6.50
6-0 TO 6-6	(7/1/80)	37.69	75.38	113.07	150.76	301.52	753.80	1507.60	15076.	6.09	6.47	6.49
6-6 TO 7-0	(1/1/81)	38.91	77.82	116.73	155.64	311.28	779.20	1556.40	15564.	6.12	6.48	6.50
7-0 TO 7-6	(7/1/81)	40.17	80.34	120.51	160.68	321.36	803.40	1606.80	16068.	6.14	6.52	6.50
7-6 TO 8-0	(1/1/82)	41.48	82.96	124.44	165.92	331.84	829.60	1659.20	16592.	6.17	6.51	6.50
8-0 TO 8-6	(7/1/82)	42.83	85.66	128.49	171.32	342.64	856.60	1713.20	17132.	6.19	6.49	6.49
8-6 TO 9-0	(1/1/83)	44.22	88.44	132.66	176.88	353.76	884.40	1768.80	17688.	6.21	6.51	6.50
9-0 TO 9-6	(7/1/83)	45.66	91.32	136.98	182.64	365.28	913.20	1826.40	18264.	6.22	6.48	6.49
9-6 TO10-0	(1/1/84)	47.14	94.28	141.42	188.56	377.12	942.80	1885.60	18856.	6.24	6.49	6.49
10-0 2/	(7/1/84)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	6.25 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/84)	$48.67	$ 97.34	$146.01	$194.68	$389.36	$ 973.40	$1946.80	$19468.	----	6.49	7.35
0-6 TO 1-0	(1/1/85)	50.25	100.50	150.75	201.00	402.00	1005.00	2010.00	20100.	6.49	6.49	7.42
1-0 TO 1-6	(7/1/85)	51.88	103.76	155.64	207.52	415.04	1037.60	2075.20	20752.	6.49	6.52	7.50
1-6 TO 2-0	(1/1/86)	53.57	107.14	160.71	214.28	428.56	1071.40	2142.80	21428.	6.50	6.50	7.60
2-0 TO 2-6	(7/1/86)	55.31	110.62	165.93	221.24	442.48	1106.20	2212.40	22124.	6.50	6.51	7.73
2-6 TO 3-0	(1/1/87)	57.11	114.22	171.33	228.44	456.88	1142.20	2284.40	22844.	6.50	6.51	7.88
3-0 TO 3-6	(7/1/87)	58.97	117.94	176.91	235.88	471.76	1179.40	2358.80	23588.	6.50	6.48	8.08
3-6 TO 4-0	(1/1/88)	60.88	121.76	182.64	243.52	487.04	1217.60	2435.20	24352.	6.50	6.50	8.34
4-0 TO 4-6	(7/1/88)	62.84	125.72	188.58	251.44	502.88	1257.20	2514.40	25144.	6.50	6.49	8.71
4-6 TO 5-0	(1/1/89)	64.90	129.80	194.70	259.60	519.20	1298.00	2596.00	25960.	6.50	6.50	9.27
5-0 TO 5-6	(7/1/89)	67.01	134.02	201.03	268.04	536.08	1340.20	2680.40	26804.	6.50	6.51	10.21
5-6 TO 6-0	(1/1/90)	69.19	138.38	207.57	276.76	553.52	1383.80	2767.60	27676.	6.50	6.50	12.08
6-0 TO 6-6	(7/1/90)	71.44	142.88	214.32	285.76	571.52	1428.80	2857.60	28576.	6.50	17.81	17.81
6-6 4/	(1/1/91)	77.88	155.80	233.40	311.20	622.40	1556.00	3112.00	31120.	7.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.69 PERCENT; TO DATE OF BONUS PAYMENT IS 6.15 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 117

BONDS BEARING ISSUE DATE DEC. 1, 1967

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(6/1/79)	$34.65	$ 69.30	$103.95	$138.60	$277.20	$ 693.00	$1386.00	$13860.	8.00	6.52	6.50
5-0 TO 5-6	(12/1/79)	35.78	71.56	107.34	143.12	286.24	715.60	1431.20	14312.	6.05	6.48	6.50
5-6 TO 6-0	(6/1/80)	36.94	73.88	110.82	147.76	295.52	738.80	1477.60	14776.	6.09	6.50	6.50
6-0 TO 6-6	(12/1/80)	38.14	76.28	114.42	152.56	305.12	762.80	1525.60	15256.	6.12	6.50	6.50
6-6 TO 7-0	(6/1/81)	39.38	78.76	118.14	157.52	315.04	787.60	1575.20	15752.	6.15	6.50	6.50
7-0 TO 7-6	(12/1/81)	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	6.18	6.49	6.50
7-6 TO 8-0	(6/1/82)	41.98	83.96	125.94	167.92	335.84	839.60	1679.20	16792.	6.20	6.48	6.50
8-0 TO 8-6	(12/1/82)	43.34	86.68	130.02	173.36	346.72	866.80	1733.60	17336.	6.22	6.51	6.51
8-6 TO 9-0	(6/1/83)	44.75	89.50	134.25	179.00	358.00	895.00	1790.00	17900.	6.23	6.53	6.50
9-0 TO 9-6	(12/1/83)	46.21	92.42	138.63	184.84	369.68	924.20	1848.40	18486.	6.25	6.49	6.49
9-6 TO10-0	(6/1/84)	47.71	95.42	143.13	190.84	381.68	954.20	1908.40	19084.	6.26	6.50	6.50
10-0 2/	(12/1/84)	49.26	98.52	147.78	197.04	394.08	985.20	1970.40	19704.	6.27 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/84)	$49.26	$ 98.52	$147.78	$197.04	$394.08	$ 985.20	$1970.40	$19704.	----	6.50	7.35
0-6 TO 1-0	(6/1/85)	50.86	101.72	152.58	203.44	406.88	1017.20	2034.40	20344.	6.50	6.49	7.42
1-0 TO 1-6	(12/1/85)	52.51	105.02	157.53	210.04	420.08	1050.20	2100.40	21004.	6.49	6.51	7.50
1-6 TO 2-0	(6/1/86)	54.22	108.44	162.66	216.88	433.76	1084.40	2168.80	21688.	6.50	6.49	7.60
2-0 TO 2-6	(12/1/86)	55.98	111.96	167.94	223.92	447.84	1119.60	2239.20	22392.	6.50	6.50	7.73
2-6 TO 3-0	(6/1/87)	57.80	115.60	173.40	231.20	462.40	1156.00	2312.00	23120.	6.50	6.51	7.88
3-0 TO 3-6	(12/1/87)	59.68	119.36	179.04	238.72	477.44	1193.60	2387.20	23872.	6.50	6.50	8.08
3-6 TO 4-0	(6/1/88)	61.62	123.24	184.86	246.48	492.96	1232.40	2464.80	24648.	6.50	6.49	8.34
4-0 TO 4-6	(12/1/88)	63.62	127.24	190.86	254.48	508.96	1272.40	2544.80	25448.	6.50	6.51	8.71
4-6 TO 5-0	(6/1/89)	65.69	131.38	197.07	262.76	525.52	1313.80	2627.60	26276.	6.50	6.52	9.27
5-0 TO 5-6	(12/1/89)	67.83	135.66	203.49	271.32	542.64	1356.60	2713.20	27132.	6.50	6.49	10.19
5-6 TO 6-0	(6/1/90)	70.03	140.06	210.09	280.12	560.24	1400.60	2801.20	28012.	6.50	6.51	12.07
6-0 TO 6-6	(12/1/90)	72.31	144.62	216.93	289.24	578.48	1446.20	2892.40	28924.	6.50	17.78	17.78
6-6 4/	(6/1/91)	78.74	157.48	236.22	314.96	629.92	1574.80	3149.60	31496.	7.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.76 PERCENT; TO DATE OF BONUS PAYMENT IS 6.20 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 118

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1968

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/ (6/1/79)	$34.65	$ 69.30	$103.95	$138.60	$277.20	$ 693.00	$1386.00	$13860.	6.00	6.52	6.50
5-0 TO 5-6 (1/1/80)	35.78	71.56	107.34	143.12	286.24	715.40	1431.20	14312.	6.09	6.48	6.50
5-6 TO 6-0 (7/1/80)	36.94	73.88	110.82	147.76	295.52	738.80	1477.60	14776.	6.09	6.50	6.50
6-0 TO 6-6 (1/1/81)	38.14	76.28	114.42	152.56	305.12	762.80	1525.60	15256.	6.12	6.50	6.50
6-6 TO 7-0 (7/1/81)	39.38	78.76	118.14	157.52	315.04	787.60	1575.20	15752.	6.15	6.50	6.50
7-0 TO 7-6 (1/1/82)	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	6.18	6.49	6.50
7-6 TO 8-0 (7/1/82)	41.98	83.96	125.94	167.92	335.84	839.60	1679.20	16792.	6.20	6.48	6.50
8-0 TO 8-6 (1/1/83)	43.34	86.68	130.02	173.36	346.72	866.80	1733.60	17336.	6.22	6.51	6.51
8-6 TO 9-0 (7/1/83)	44.75	89.50	134.25	179.00	358.00	895.00	1790.00	17900.	6.23	6.53	6.50
9-0 TO 9-6 (1/1/84)	46.21	92.42	138.63	184.84	369.68	924.20	1848.40	18484.	6.25	6.49	6.50
9-6 TO10-0 (7/1/84)	47.71	95.42	143.13	190.84	381.68	954.20	1908.40	19084.	6.26	6.50	6.50
10-0 2/ (1/1/85)	49.26	98.52	147.78	197.04	394.08	985.20	1970.40	19704.	6.27 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/85)	$49.26	$ 98.52	$147.78	$197.04	$394.08	$ 985.20	$1970.40	$19704.	——	6.50	7.42
0-6 TO 1-0	(7/1/85)	50.86	101.72	152.58	203.44	406.88	1017.20	2034.40	20344.	6.38	6.49	7.50
1-0 TO 1-6	(1/1/86)	52.51	105.02	157.53	210.04	420.08	1050.20	2100.40	21004.	6.49	6.51	7.61
1-6 TO 2-0	(7/1/86)	54.22	108.44	162.66	216.88	433.76	1084.40	2168.80	21688.	6.50	6.49	7.73
2-0 TO 2-6	(1/1/87)	55.98	111.96	167.94	223.92	447.84	1119.60	2239.20	22392.	6.50	6.50	7.88
2-6 TO 3-0	(7/1/87)	57.80	115.60	173.40	231.20	462.40	1156.00	2312.00	23120.	6.50	5.51	8.08
3-0 TO 3-6	(1/1/88)	59.68	119.36	179.04	238.72	477.44	1193.60	2387.20	23872.	6.50	6.50	8.35
3-6 TO 4-0	(7/1/88)	61.62	123.24	184.86	246.48	492.96	1232.40	2464.80	24648.	6.50	6.49	8.72
4-0 TO 4-6	(1/1/89)	63.62	127.24	190.86	254.48	508.96	1272.40	2544.80	25448.	6.50	6.51	9.28
4-6 TO 5-0	(7/1/89)	65.69	131.38	197.07	262.76	525.52	1313.80	2627.60	26276.	6.50	6.52	10.21
5-0 TO 5-6	(1/1/90)	67.83	135.66	203.49	271.32	542.64	1356.60	2713.20	27132.	6.50	6.49	12.08
5-6 TO 6-0	(7/1/90)	70.03	140.06	210.09	280.12	560.24	1400.60	2801.20	28012.	6.50	17.82	17.82
6-0 4/	(1/1/91)	72.27	144.54	216.81	289.08	578.16	1445.40	2890.80	28908.	7.42 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.76 PERCENT; TO DATE OF BONUS PAYMENT IS 6.19 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 119

BONDS BEARING ISSUE DATE JUNE 1, 1968

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/ (6/1/79)	$33.96	$ 67.92	$101.88	$135.84	$271.68	$ 679.20	$1358.40	$13584.	6.00	6.48	6.50
4-6 TO 5-0 (12/1/79)	35.06	70.12	105.18	140.24	280.48	701.20	1402.40	14024.	6.05	6.50	6.50
5-0 TO 5-6 (6/1/80)	36.20	72.40	108.60	144.80	289.60	724.00	1448.00	14480.	6.10	6.52	6.50
5-6 TO 6-0 (12/1/80)	37.38	74.76	112.14	149.52	299.04	747.60	1495.20	14952.	6.14	6.47	6.50
6-0 TO 6-6 (6/1/81)	38.59	77.18	115.77	154.36	308.72	771.80	1543.60	15436.	6.16	6.53	6.50
6-6 TO 7-0 (12/1/81)	39.85	79.70	119.55	159.40	318.80	797.00	1594.00	15940.	6.19	6.47	6.50
7-0 TO 7-6 (6/1/82)	41.14	82.28	123.42	164.56	329.12	822.80	1645.60	16456.	6.21	6.51	6.50
7-6 TO 8-0 (12/1/82)	42.48	84.96	127.44	169.92	339.84	849.60	1699.20	16992.	6.23	6.50	6.50
8-0 TO 8-6 (6/1/83)	43.86	87.72	131.58	175.44	350.88	877.20	1754.40	17544.	6.25	6.52	6.50
8-6 TO 9-0 (12/1/83)	45.29	90.58	135.87	181.16	362.32	905.80	1811.60	18116.	6.26	6.49	6.50
9-0 TO 9-6 (6/1/84)	46.76	93.52	140.28	187.04	374.08	935.20	1870.40	18704.	6.28	6.50	6.50
9-6 TO10-0 (12/1/84)	48.28	96.56	144.84	193.12	386.24	965.60	1931.20	19312.	6.29	6.50	6.50
10-0 2/ (6/1/85)	49.85	99.70	149.55	199.40	398.80	997.00	1994.00	19940.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/85)	$49.85	$ 99.70	$149.55	$199.40	$398.80	$ 997.00	$1994.00	$19940.	——	6.50	7.42
0-6 TO 1-0	(12/1/85)	51.47	102.94	154.41	205.88	411.76	1029.40	2058.80	20588.	6.50	6.49	7.50
1-0 TO 1-6	(6/1/86)	53.14	106.28	159.42	212.56	425.12	1062.80	2125.60	21256.	6.49	6.51	7.60
1-6 TO 2-0	(12/1/86)	54.87	109.74	164.61	219.48	438.96	1097.40	2194.80	21948.	6.50	6.49	7.72
2-0 TO 2-6	(6/1/87)	56.65	113.30	169.95	226.60	453.20	1133.00	2266.00	22660.	6.50	6.50	7.88
2-6 TO 3-0	(12/1/87)	58.49	116.98	175.47	233.96	467.92	1169.80	2339.60	23396.	6.50	6.53	8.08
3-0 TO 3-6	(6/1/88)	60.40	120.80	181.20	241.60	483.20	1208.00	2416.00	24160.	6.50	6.49	8.34
3-6 TO 4-0	(12/1/88)	62.36	124.72	187.08	249.44	498.88	1247.20	2494.40	24944.	6.50	6.51	8.71
4-0 TO 4-6	(6/1/89)	64.39	128.78	193.17	257.56	515.12	1287.80	2575.60	25756.	6.50	6.49	9.26
4-6 TO 5-0	(12/1/89)	66.48	132.96	199.44	265.92	531.84	1329.60	2659.20	26592.	6.50	6.50	10.19
5-0 TO 5-6	(6/1/90)	68.64	137.28	205.92	274.56	549.12	1372.80	2745.60	27456.	6.50	17.77	17.77
5-6 TO 6-0	(12/1/90)	70.87	141.74	212.61	283.48	566.96	1417.40	2834.80	28340.	6.50	17.78	17.78
6-0 4/	(6/1/91)	73.17	146.34	219.51	292.68	585.36	1463.40	2926.80	29268.	7.42 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.94 PERCENT; TO DATE OF BONUS PAYMENT IS 6.25 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 120

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1968

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/ (7/1/79)	$33.96	$ 67.92	$101.88	$135.84	$271.68	$ 679.20	$1358.40	$13584.	6.00	6.48	6.50
4-6 TO 5-0 (1/1/80)	35.06	70.12	105.18	140.24	280.48	701.20	1402.40	14024.	6.05	6.50	6.50
5-0 TO 5-6 (7/1/80)	36.20	72.40	108.60	144.80	289.60	724.00	1448.00	14480.	6.10	6.52	6.50
5-6 TO 6-0 (1/1/81)	37.38	74.76	112.14	149.52	299.04	747.60	1495.20	14952.	6.14	6.47	6.50
6-0 TO 6-6 (7/1/81)	38.59	77.18	115.77	154.36	308.72	771.80	1543.60	15436.	6.16	6.53	6.50
6-6 TO 7-0 (1/1/82)	39.85	79.70	119.55	159.40	318.80	797.00	1594.00	15940.	6.19	6.47	6.50
7-0 TO 7-6 (7/1/82)	41.14	82.28	123.42	164.56	329.12	822.80	1645.60	16456.	6.21	6.51	6.50
7-6 TO 8-0 (1/1/83)	42.48	84.96	127.44	169.92	339.84	849.60	1699.20	16992.	6.23	6.50	6.50
8-0 TO 8-6 (12/1/83)	44.46	88.92	133.38	177.84	355.68	889.20	1778.40	17784.	6.28	6.52	6.50
8-6 TO 9-0 (6/1/84)	45.91	91.82	137.73	183.64	367.28	918.20	1836.40	18364.	6.29	6.49	6.50
9-0 TO 9-6 (12/1/84)	47.40	94.80	142.20	189.60	379.20	948.00	1896.00	18960.	6.31	6.50	6.50
9-6 TO10-0 (6/1/85)	48.94	97.88	146.82	195.76	391.52	978.80	1957.60	19576.	6.32	6.50	6.50
10-0 2/ (12/1/85)	50.53	101.06	151.59	202.12	404.24	1010.60	2021.20	20212.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/85)	$50.53	$101.06	$151.59	$202.12	$404.24	$1010.60	$2021.20	$20212.	——	6.49	7.50
0-6 TO 1-0	(6/1/86)	52.17	104.34	156.51	208.68	417.36	1043.40	2086.80	20868.	6.49	6.52	7.60
1-0 TO 1-6	(12/1/86)	53.87	107.74	161.61	215.48	430.96	1077.40	2154.80	21548.	6.50	6.50	7.73
1-6 TO 2-0	(6/1/87)	55.62	111.24	166.86	222.48	444.96	1112.40	2224.80	22248.	6.50	6.51	7.88
2-0 TO 2-6	(12/1/87)	57.43	114.86	172.29	229.72	459.44	1148.60	2297.20	22972.	6.50	6.48	8.08
2-6 TO 3-0	(6/1/88)	59.29	118.58	177.87	237.16	474.32	1185.80	2371.60	23716.	6.50	6.51	8.34
3-0 TO 3-6	(12/1/88)	61.22	122.44	183.66	244.88	489.76	1224.40	2448.80	24488.	6.50	6.50	8.71
3-6 TO 4-0	(6/1/89)	63.21	126.42	189.63	252.84	505.68	1264.20	2528.40	25284.	6.50	6.49	9.27
4-0 TO 4-6	(12/1/89)	65.26	130.52	195.78	261.04	522.08	1305.20	2610.40	26104.	6.50	6.50	10.21
4-6 TO 5-0	(6/1/90)	67.38	134.76	202.14	269.52	539.04	1347.60	2695.20	26952.	6.50	6.50	12.09
5-0 TO 5-6	(12/1/90)	69.57	139.14	208.71	278.28	556.56	1391.40	2782.80	27828.	6.50	17.77	17.77
5-6 4/	(6/1/91)	74.74	149.48	224.22	298.96	597.92	1494.80	2989.60	29896.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.84 PERCENT; TO DATE OF BONUS PAYMENT IS 6.24 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 121

BONDS BEARING ISSUE DATE DEC. 1, 1968

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/ (6/1/79)	$33.34	$ 66.68	$100.02	$133.36	$266.72	$ 666.80	$1333.60	$13336.	6.00	6.48	6.50
4-0 TO 4-6 (12/1/79)	34.42	68.84	103.26	137.68	275.36	688.40	1376.80	13768.	6.06	6.51	6.50
4-6 TO 5-0 (6/1/80)	35.54	71.08	106.62	142.16	284.32	710.80	1421.60	14216.	6.11	6.53	6.50
5-0 TO 5-6 (12/1/80)	36.70	73.40	110.10	146.80	293.60	734.00	1468.00	14680.	6.15	6.49	6.50
5-6 TO 6-0 (6/1/81)	37.89	75.78	113.67	151.56	303.12	757.80	1515.60	15156.	6.18	6.49	6.50
6-0 TO 6-6 (12/1/81)	39.12	78.24	117.36	156.48	312.96	782.40	1564.80	15648.	6.21	6.49	6.50
6-6 TO 7-0 (6/1/82)	40.39	80.78	121.17	161.56	323.12	807.80	1615.60	16156.	6.23	6.54	6.50
7-0 TO 7-6 (12/1/82)	41.71	83.42	125.13	166.84	333.68	834.20	1668.40	16684.	6.25	6.47	6.50
7-6 TO 8-0 (6/1/83)	43.08	86.12	129.18	172.24	344.48	861.20	1722.40	17224.	6.27	6.50	6.50
8-0 TO 8-6 (12/1/83)	44.46	88.92	133.38	177.84	355.68	889.20	1778.40	17784.	6.28	6.52	6.50
8-6 TO 9-0 (6/1/84)	45.91	91.82	137.73	183.64	367.28	918.20	1836.40	18364.	6.29	6.49	6.50
9-0 TO 9-6 (12/1/84)	47.40	94.80	142.20	189.60	379.20	948.00	1896.00	18960.	6.31	6.50	6.50
9-6 TO10-0 (6/1/85)	48.94	97.88	146.82	195.76	391.52	978.80	1957.60	19576.	6.32	6.50	6.50
10-0 2/ (12/1/85)	50.53	101.06	151.59	202.12	404.24	1010.60	2021.20	20212.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/85)	$50.53	$101.06	$151.59	$202.12	$404.24	$1010.60	$2021.20	$20212.	——	6.49	7.50
0-6 TO 1-0	(6/1/86)	52.17	104.34	156.51	208.68	417.36	1043.40	2086.80	20868.	6.49	6.52	7.60
1-0 TO 1-6	(12/1/86)	53.87	107.74	161.61	215.48	430.96	1077.40	2154.80	21548.	6.50	6.50	7.73
1-6 TO 2-0	(6/1/87)	55.62	111.24	166.86	222.48	444.96	1112.40	2224.80	22248.	6.50	6.51	7.88
2-0 TO 2-6	(12/1/87)	57.43	114.86	172.29	229.72	459.44	1148.60	2297.20	22972.	6.50	6.48	8.08
2-6 TO 3-0	(6/1/88)	59.29	118.58	177.87	237.16	474.32	1185.80	2371.60	23716.	6.50	6.51	8.34
3-0 TO 3-6	(12/1/88)	61.22	122.44	183.66	244.88	489.76	1224.40	2448.80	24488.	6.50	6.50	8.71
3-6 TO 4-0	(6/1/89)	63.21	126.42	189.63	252.84	505.68	1264.20	2528.40	25284.	6.50	6.49	9.27
4-0 TO 4-6	(12/1/89)	65.26	130.52	195.78	261.04	522.08	1305.20	2610.40	26104.	6.50	6.50	10.21
4-6 TO 5-0	(6/1/90)	67.38	134.76	202.14	269.52	539.04	1347.60	2695.20	26952.	6.50	6.50	12.09
5-0 TO 5-6	(12/1/90)	69.57	139.14	208.71	278.28	556.56	1391.40	2782.80	27828.	6.50	17.77	17.77
5-6 4/	(6/1/91)	74.74	149.48	224.22	298.96	597.92	1494.80	2989.60	29896.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.92 PERCENT; TO DATE OF BONUS PAYMENT IS 6.30 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 122

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1969

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/	(7/1/79)	$33.34	$ 66.68	$100.02	$133.36	$266.72	$ 666.80	$1333.60	11336.	6.00	6.48	6.50
8-0 TO 8-6	(1/1/80)	34.42	68.84	103.25	137.68	275.36	688.40	1376.80	13768.	6.06	6.51	6.50
8-6 TO 9-0	(7/1/80)	35.54	71.08	106.62	142.16	284.32	710.80	1421.60	14216.	6.11	6.53	6.50
9-0 TO 9-6	(1/1/81)	36.70	73.40	110.10	146.80	293.60	734.00	1468.00	14680.	6.15	6.49	6.50
9-6 TO 10-0	(7/1/81)	37.89	75.78	113.67	151.56	303.12	757.80	1515.60	15156.	6.18	6.49	6.50
10-0 TO 10-6	(1/1/82)	39.12	78.24	117.36	156.48	312.96	782.40	1564.80	15648.	6.21	6.49	6.50
10-6 TO 11-0	(7/1/82)	40.39	80.78	121.17	161.56	323.12	807.80	1615.60	16156.	6.23	6.54	6.50
11-0 TO 11-6	(1/1/83)	41.71	83.42	125.13	166.84	333.68	834.20	1668.40	16684.	6.25	6.47	6.50
11-6 TO 12-0	(7/1/83)	43.06	86.12	129.18	172.24	344.48	861.20	1722.40	17224.	6.27	6.50	6.50
12-0 TO 12-6	(1/1/84)	44.46	88.92	133.38	177.84	355.68	889.20	1778.40	17784.	6.28	6.52	6.50
12-6 TO 13-0	(7/1/84)	45.91	91.82	137.73	183.64	367.28	918.20	1836.40	18364.	6.29	6.49	6.50
13-0 TO 13-6	(1/1/85)	47.40	94.80	142.20	189.60	379.20	948.00	1896.00	18960.	6.31	6.50	6.50
13-6 TO 14-0	(7/1/85)	48.94	97.88	146.82	195.76	391.52	978.80	1957.60	19576.	6.32	6.50	6.50
14-0 2/	(1/1/86)	50.53	101.06	151.59	202.12	404.24	1010.60	2021.20	20212.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
									PERCENT
0-0 TO 0-6	(1/1/86)	$50.53	$101.06	$151.59	$202.12	$404.24	$1010.60	$2021.20	20212.	——	6.49	7.60
0-6 TO 1-0	(7/1/86)	52.17	104.34	156.51	208.68	417.36	1043.40	2086.80	20868.	6.49	6.52	7.72
1-0 TO 1-6	(1/1/87)	53.87	107.74	161.61	215.48	430.96	1077.40	2154.80	21548.	6.50	6.50	7.87
1-6 TO 2-0	(7/1/87)	55.62	111.24	166.86	222.48	444.96	1112.40	2224.80	22248.	6.50	6.51	8.07
2-0 TO 2-6	(1/1/88)	57.43	114.86	172.29	229.72	459.44	1148.60	2297.20	22972.	6.50	6.48	8.33
2-6 TO 3-0	(7/1/88)	59.29	118.58	177.87	237.16	474.32	1185.80	2371.60	23716.	6.50	6.51	8.71
3-0 TO 3-6	(1/1/89)	61.22	122.44	183.66	244.88	489.76	1224.40	2448.80	24488.	6.50	6.50	9.26
3-6 TO 4-0	(7/1/89)	63.21	126.42	189.63	252.84	505.68	1264.20	2528.40	25284.	6.50	6.49	10.19
4-0 TO 4-6	(1/1/90)	65.26	130.52	195.78	261.04	522.08	1305.20	2610.40	26104.	6.50	6.50	12.06
4-6 TO 5-0	(7/1/90)	67.38	134.76	202.14	269.52	539.04	1347.60	2695.20	26952.	6.50	17.78	17.78
5-0 4/	(1/1/91)	73.37	146.74	220.11	293.48	586.96	1467.40	2934.80	29348.	7.60 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.92 PERCENT; TO DATE OF BONUS PAYMENT IS 5.92 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 123

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1969

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(10/1/79)	$33.62	$ 67.24	$100.86	$134.48	$268.96	$ 672.40	$1344.80	13448.	6.00	6.48	6.50
5-0 TO 5-6	(4/1/80)	34.71	69.42	104.13	138.84	277.68	694.20	1388.40	13884.	6.05	6.51	6.50
5-6 TO 6-0	(10/1/80)	35.84	71.68	107.52	143.36	286.72	716.80	1433.60	14336.	6.09	6.53	6.50
6-0 TO 6-6	(4/1/81)	37.01	74.02	111.03	148.04	296.08	740.20	1480.40	14804.	6.12	6.48	6.50
6-6 TO 7-0	(10/1/81)	38.21	76.42	114.63	152.84	305.68	764.20	1528.40	15284.	6.15	6.49	6.50
7-0 TO 7-6	(4/1/82)	39.45	78.90	118.35	157.80	315.60	789.00	1578.00	15780.	6.18	6.49	6.50
7-6 TO 8-0	(10/1/82)	40.73	81.46	122.19	162.92	325.84	814.60	1629.20	16292.	6.20	6.53	6.51
8-0 TO 8-6	(4/1/83)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	6.22	6.47	6.50
8-6 TO 9-0	(10/1/83)	43.42	86.84	130.26	173.68	347.36	868.40	1736.80	17368.	6.23	6.49	6.51
9-0 TO 9-6	(4/1/84)	44.83	89.66	134.49	179.32	358.64	896.60	1793.20	17932.	6.25	6.51	6.52
9-6 TO10-0	(10/1/84)	46.29	92.58	138.87	185.16	370.32	925.80	1851.60	18516.	6.26	6.52	6.52
10-0 2/	(4/1/85)	47.80	95.60	143.40	191.20	382.40	956.00	1912.00	19120.	6.27 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
									PERCENT
0-0 TO 0-6	(4/1/85)	$47.80	$ 95.60	$143.40	$191.20	$382.40	$ 956.00	$1912.00	19120.	——	6.49	7.42
0-6 TO 1-0	(10/1/85)	49.35	98.70	148.05	197.40	394.80	987.00	1974.00	19740.	6.49	6.52	7.50
1-0 TO 1-6	(4/1/86)	50.96	101.92	152.88	203.84	407.68	1019.20	2038.40	20384.	6.51	6.48	7.60
1-6 TO 2-0	(10/1/86)	52.61	105.22	157.83	210.44	420.88	1052.20	2104.40	21044.	6.50	6.50	7.72
2-0 TO 2-6	(4/1/87)	54.32	108.64	162.96	217.28	434.56	1086.40	2172.80	21728.	6.50	6.52	7.88
2-6 TO 3-0	(10/1/87)	56.09	112.18	168.27	224.36	448.72	1121.80	2243.60	22436.	6.50	6.49	8.07
3-0 TO 3-6	(4/1/88)	57.91	115.82	173.73	231.64	463.28	1158.20	2316.40	23164.	6.50	6.49	8.34
3-6 TO 4-0	(10/1/88)	59.79	119.58	179.37	239.16	478.32	1195.80	2391.60	23916.	6.50	6.52	8.71
4-0 TO 4-6	(4/1/89)	61.72	123.44	185.16	246.88	493.76	1234.40	2468.80	24688.	6.50	6.48	9.26
4-6 TO 5-0	(10/1/89)	63.74	127.48	191.22	254.96	509.92	1274.80	2549.60	25496.	6.50	6.53	10.19
5-0 TO 5-6	(4/1/90)	65.82	131.64	197.46	263.28	526.56	1316.40	2632.80	26328.	6.50	6.47	12.05
5-6 TO 6-0	(10/1/90)	67.95	135.90	203.85	271.80	543.60	1359.00	2718.00	27180.	6.50	17.78	17.78
6-0 4/	(4/1/91)	73.98	147.98	221.97	295.96	591.92	1479.80	2959.60	29596.	7.62 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1969 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1969, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.00 PERCENT; TO DATE OF BONUS PAYMENT IS 6.10 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 124

BONDS BEARING ISSUE DATE AUG. 1, 1969

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(6/1/79)	$32.64	$ 65.28	$ 97.92	$130.56	$261.12	$ 652.80	$1305.60	13056.	6.00	6.50	6.50
4-6 TO 5-0	(12/1/79)	33.70	67.40	101.10	134.80	269.60	674.00	1348.00	13480.	6.05	6.53	6.50
5-0 TO 5-6	(6/1/80)	34.80	69.60	104.40	139.20	278.40	696.00	1392.00	13920.	6.10	6.49	6.50
5-6 TO 6-0	(12/1/80)	35.93	71.86	107.79	143.72	287.44	718.60	1437.20	14372.	6.14	6.46	6.50
6-0 TO 6-6	(6/1/81)	37.09	74.18	111.27	148.36	296.72	741.80	1483.60	14836.	6.16	6.52	6.50
6-6 TO 7-0	(12/1/81)	38.30	76.60	114.90	153.20	306.40	766.00	1532.00	15320.	6.19	6.48	6.50
7-0 TO 7-6	(6/1/82)	39.54	79.08	118.62	158.16	316.32	790.80	1581.60	15816.	6.21	6.53	6.50
7-6 TO 8-0	(12/1/82)	40.83	81.66	122.49	163.32	326.64	816.60	1633.20	16332.	6.23	6.51	6.50
8-0 TO 8-6	(6/1/83)	42.16	84.32	126.48	168.64	337.28	843.20	1686.40	16864.	6.25	6.50	6.50
8-6 TO 9-0	(6/1/84)	43.53	87.06	130.59	174.12	348.24	870.60	1741.20	17412.	6.26	6.48	6.49
9-0 TO 9-6	(6/1/84)	44.94	89.88	134.82	179.76	359.52	898.80	1797.60	17976.	6.28	6.50	6.50
9-6 TO10-0	(12/1/84)	46.40	92.80	139.20	185.60	371.20	928.00	1856.00	18560.	6.29	6.51	6.51
10-0 2/	(6/1/85)	47.91	95.82	143.73	191.64	383.28	958.20	1916.40	19164.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
									PERCENT
0-0 TO 0-6	(6/1/85)	$47.91	$ 95.82	$143.73	$191.64	$383.28	$ 958.20	$1916.40	19164.	——	6.51	7.42
0-6 TO 1-0	(12/1/85)	49.47	98.94	148.41	197.88	395.76	989.40	1978.80	19788.	6.51	6.47	7.50
1-0 TO 1-6	(6/1/86)	51.07	102.14	153.21	204.28	408.56	1021.40	2042.80	20428.	6.49	6.50	7.61
1-6 TO 2-0	(12/1/86)	52.73	105.46	158.19	210.92	421.84	1054.60	2109.20	21092.	6.49	6.52	7.73
2-0 TO 2-6	(6/1/87)	54.45	108.90	163.35	217.80	435.60	1089.00	2178.00	21780.	6.50	6.50	8.07
2-6 TO 3-0	(12/1/87)	56.22	112.44	168.66	224.88	449.76	1124.40	2248.80	22488.	6.50	6.51	8.08
3-0 TO 3-6	(6/1/88)	58.05	116.10	174.15	232.20	464.40	1161.00	2322.00	23220.	6.50	6.48	8.34
3-6 TO 4-0	(12/1/88)	59.93	119.86	179.79	239.72	479.44	1199.60	2397.20	23972.	6.50	6.51	8.72
4-0 TO 4-6	(6/1/89)	61.88	123.76	185.64	247.52	495.04	1237.60	2475.20	24752.	6.50	6.50	9.27
4-6 TO 5-0	(12/1/89)	63.89	127.78	191.67	255.56	511.12	1277.80	2555.60	25556.	6.50	6.51	10.21
5-0 TO 5-6	(6/1/90)	65.97	131.94	197.91	263.88	527.76	1319.40	2638.80	26388.	6.50	6.49	12.08
5-6 TO 6-0	(12/1/90)	68.11	136.22	204.33	272.44	544.88	1362.20	2724.40	27244.	6.50	17.82	17.82
6-0 4/	(6/1/91)	74.18	148.36	222.54	296.72	593.44	1483.60	2967.20	29672.	7.42 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.01 PERCENT; TO DATE OF BONUS PAYMENT IS 6.40 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 125

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1969

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(7/1/79)	$32.64	$ 65.28	$ 97.92	$130.56	$261.12	$ 652.80	$1305.60	13056.	6.00	6.50	6.50
4-6 TO 5-0	(1/1/80)	33.70	67.40	101.10	134.80	269.60	674.00	1348.00	13480.	6.05	6.53	6.50
5-0 TO 5-6	(7/1/80)	34.80	69.60	104.40	139.20	278.40	696.00	1392.00	13920.	6.10	6.49	6.50
5-6 TO 6-0	(1/1/81)	35.93	71.86	107.79	143.72	287.44	718.60	1437.20	14372.	6.14	6.46	6.50
6-0 TO 6-6	(7/1/81)	37.09	74.18	111.27	148.36	296.72	741.80	1483.60	14836.	6.16	6.52	6.50
6-6 TO 7-0	(1/1/82)	38.30	76.60	114.90	153.20	306.40	766.00	1532.00	15320.	6.19	6.48	6.50
7-0 TO 7-6	(7/1/82)	39.54	79.08	118.62	158.16	316.32	790.80	1581.60	15816.	6.21	6.53	6.50
7-6 TO 8-0	(1/1/83)	40.83	81.66	122.49	163.32	326.64	816.60	1633.20	16332.	6.23	6.51	6.50
8-0 TO 8-6	(7/1/83)	42.16	84.32	126.48	168.64	337.28	843.20	1686.40	16864.	6.25	6.50	6.50
8-6 TO 9-0	(1/1/84)	43.53	87.06	130.59	174.12	348.24	870.60	1741.20	17412.	6.26	6.48	6.49
9-0 TO 9-6	(7/1/84)	44.94	89.88	134.82	179.76	359.52	898.80	1797.60	17976.	6.28	6.50	6.50
9-6 TO10-0	(1/1/85)	46.40	92.80	139.20	185.60	371.20	928.00	1856.00	18560.	6.29	6.51	6.51
10-0 2/	(7/1/85)	47.91	95.82	143.73	191.64	383.28	958.20	1916.40	19164.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
									PERCENT
0-0 TO 0-6	(7/1/85)	$47.91	$ 95.82	$143.73	$191.64	$383.28	$ 958.20	$1916.40	19164.	——	6.51	7.50
0-6 TO 1-0	(1/1/86)	49.47	98.94	148.41	197.88	395.76	989.40	1978.80	19788.	6.51	6.47	7.60
1-0 TO 1-6	(7/1/86)	51.07	102.14	153.21	204.28	408.56	1021.40	2042.80	20428.	6.49	6.50	7.73
1-6 TO 2-0	(1/1/87)	52.73	105.46	158.19	210.92	421.84	1054.60	2109.20	21092.	6.49	6.52	7.88
2-0 TO 2-6	(7/1/87)	54.45	108.90	163.35	217.80	435.60	1089.00	2178.00	21780.	6.50	6.50	8.07
2-6 TO 3-0	(1/1/88)	56.22	112.44	168.66	224.88	449.76	1124.40	2248.80	22488.	6.50	6.51	8.24
3-0 TO 3-6	(7/1/88)	58.05	116.10	174.15	232.20	464.40	1161.00	2322.00	23220.	6.50	6.48	8.70
3-6 TO 4-0	(1/1/89)	59.93	119.86	179.79	239.72	479.44	1199.60	2397.20	23972.	6.50	6.51	9.26
4-0 TO 4-6	(7/1/89)	61.88	123.76	185.64	247.52	495.04	1237.60	2475.20	24752.	6.50	6.50	10.19
4-6 TO 5-0	(1/1/90)	63.89	127.78	191.67	255.56	511.12	1277.80	2555.60	25556.	6.50	6.51	12.06
5-0 TO 5-6	(7/1/90)	65.97	131.94	197.91	263.88	527.76	1319.40	2638.80	26388.	6.50	17.77	17.77
5-6 4/	(1/1/91)	71.83	143.66	215.49	287.32	574.64	1436.60	2873.20	28732.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.01 PERCENT; TO DATE OF BONUS PAYMENT IS 6.40 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 126

BONDS BEARING ISSUE DATE DEC. 1, 1969 OR JAN. 1, 1970

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6	1/(10/1/79)	$32.81	$ 65.62	$ 98.43	$131.24	$262.48	$ 656.20	$1312.40	$13124.	6.00	6.52	6.50
4-6 TO 5-0	(4/1/80)	33.08	67.76	101.64	135.52	271.04	677.60	1355.20	13552.	6.06	6.49	6.50
5-0 TO 5-6	(10/1/80)	34.98	69.96	104.94	139.92	279.84	699.60	1399.20	13992.	6.10	6.46	6.50
5-6 TO 6-0	(4/1/81)	36.11	72.22	108.33	144.44	288.88	722.20	1444.40	14444.	6.13	6.54	6.50
6-0 TO 6-6	(10/1/81)	37.29	74.58	111.87	149.16	298.32	745.80	1491.60	14916.	6.17	6.49	6.50
6-6 TO 7-0	(4/1/82)	38.50	77.00	115.50	154.00	308.00	770.00	1540.00	15400.	6.19	6.49	6.50
7-0 TO 7-6	(10/1/82)	39.75	79.50	119.25	159.00	318.00	795.00	1590.00	15900.	6.21	6.49	6.50
7-6 TO 8-0	(4/1/83)	41.04	82.08	123.12	164.16	328.32	820.80	1641.60	16416.	6.23	6.53	6.50
8-0 TO 8-6	(10/1/83)	42.38	84.76	127.14	169.52	339.04	847.60	1695.20	16952.	6.25	6.47	6.50
8-6 TO 9-0	(4/1/84)	43.75	87.50	131.25	175.00	350.00	875.00	1750.00	17500.	6.26	6.54	6.51
9-0 TO 9-6	(10/1/84)	45.18	90.36	135.54	180.72	361.44	903.60	1807.20	18072.	6.28	6.46	6.49
9-6 TO10-0	(4/1/85)	46.64	93.28	139.92	186.56	373.12	932.80	1865.60	18656.	6.29	6.52	6.52
10-0 2/	(1/1/86)	48.16	96.32	144.48	192.64	385.28	963.20	1926.40	19264.	6.30 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(10/1/85)	$48.16	$ 96.32	$144.48	$192.64	$385.28	$ 963.20	$1926.40	$19264.	7.50
0-6 TO 1-0	(4/1/86)	49.73	99.46	149.19	198.92	397.84	994.60	1989.20	19892.	6.52	6.47	7.60
1-0 TO 1-6	(10/1/86)	51.34	102.68	154.02	205.36	410.72	1026.80	2053.60	20536.	6.50	6.51	7.73
1-6 TO 2-0	(4/1/87)	53.01	106.02	159.03	212.04	424.08	1060.20	2120.40	21204.	6.50	6.49	7.88
2-0 TO 2-6	(10/1/87)	54.73	109.46	164.19	218.92	437.84	1094.60	2189.20	21892.	6.50	6.50	8.06
2-6 TO 3-0	(4/1/88)	56.51	113.02	169.53	226.04	452.08	1130.20	2260.40	22604.	6.50	6.51	8.25
2-6 TO 3-6	(10/1/88)	58.35	116.70	175.05	233.40	466.80	1167.00	2333.60	23340.	6.50	6.48	8.71
3-6 TO 4-0	(4/1/89)	60.24	120.48	180.72	240.96	481.92	1204.80	2409.60	24096.	6.50	6.51	9.28
4-0 TO 4-6	(10/1/89)	62.20	124.40	186.60	248.80	497.60	1244.00	2488.00	24880.	6.50	6.50	10.21
4-6 TO 5-0	(4/1/90)	64.22	128.44	192.66	256.88	513.76	1284.40	2568.80	25688.	6.50	6.51	12.09
5-0 TO 5-6	(10/1/90)	66.31	132.62	198.93	265.24	530.48	1326.20	2652.40	26524.	6.50	17.83	17.83
5-6 4/	(4/1/91)	72.32	144.64	216.96	289.28	577.76	1444.40	2888.80	28888.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1969 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1970, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.05 PERCENT; TO DATE OF BONUS PAYMENT IS 6.42 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 127

BONDS BEARING ISSUE DATE FEB. 1, 1970

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(6/1/79)	$31.85	$ 63.70	$ 95.55	$127.40	$254.80	$ 637.00	$1274.00	$12740.	6.00	6.53	6.50
4-0 TO 4-6	(12/1/79)	32.09	65.78	98.67	131.56	263.12	657.80	1315.60	13156.	6.06	6.45	6.50
4-6 TO 5-0	(6/1/80)	33.95	67.90	101.85	135.80	271.60	679.00	1358.00	13580.	6.10	6.46	6.50
5-0 TO 5-6	(12/1/80)	35.06	70.12	105.18	140.24	280.48	701.20	1402.40	14024.	6.13	6.50	6.50
5-6 TO 6-0	(6/1/81)	36.20	72.40	108.60	144.80	289.60	724.00	1448.00	14480.	6.17	6.46	6.50
6-0 TO 6-6	(12/1/81)	37.37	74.74	112.11	149.48	298.96	747.40	1494.80	14948.	6.20	6.53	6.50
6-6 TO 7-0	(6/1/82)	38.59	77.18	115.77	154.36	308.72	771.80	1543.60	15436.	6.23	6.48	6.50
7-0 TO 7-6	(12/1/82)	39.84	79.68	119.52	159.36	318.72	796.80	1593.60	15936.	6.25	6.53	6.50
7-6 TO 8-0	(6/1/83)	41.14	82.28	123.42	164.56	329.12	822.80	1645.60	16456.	6.27	6.50	6.50
8-0 TO 8-6	(12/1/83)	42.47	84.94	127.41	169.88	339.76	849.40	1698.80	16988.	6.28	6.50	6.50
8-6 TO 9-0	(6/1/84)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	6.29	6.52	6.51
9-0 TO 9-6	(12/1/84)	45.28	90.56	135.84	181.12	362.24	905.60	1811.20	18112.	6.30	6.49	6.50
9-6 TO10-0	(6/1/85)	46.75	93.50	140.25	187.00	374.00	935.00	1870.00	18700.	6.31	6.50	6.50
10-0 2/	(12/1/85)	48.27	96.54	144.81	193.08	386.16	965.40	1930.80	19308.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/85)	$48.27	$ 96.54	$144.81	$193.08	$386.16	$ 965.40	$1930.80	$19308.	——	6.51	7.50
0-6 TO 1-0	(6/1/86)	49.84	99.68	149.52	199.36	398.72	996.80	1993.60	19936.	6.51	6.50	7.60
1-0 TO 1-6	(12/1/86)	51.46	102.92	154.38	205.84	411.68	1029.20	2058.40	20584.	6.50	6.49	7.72
1-6 TO 2-0	(6/1/87)	53.13	106.26	159.39	212.52	425.04	1062.60	2125.20	21252.	6.50	6.51	7.88
2-0 TO 2-6	(12/1/87)	54.86	109.72	164.58	219.44	438.88	1097.20	2194.40	21944.	6.50	6.49	8.07
2-6 TO 3-0	(6/1/88)	56.64	113.28	169.92	226.56	453.12	1132.80	2265.60	22656.	6.50	6.50	8.34
2-6 TO 3-6	(12/1/88)	58.48	116.96	175.44	233.92	467.84	1169.60	2339.20	23392.	6.50	6.50	8.71
3-6 TO 4-0	(6/1/89)	60.38	120.76	181.14	241.52	483.04	1207.60	2415.20	24152.	6.50	6.49	9.27
4-0 TO 4-6	(12/1/89)	62.34	124.68	187.02	249.36	498.72	1245.80	2491.60	24936.	6.50	6.51	10.20
4-6 TO 5-0	(6/1/90)	64.37	128.74	193.11	257.48	514.96	1287.40	2574.80	25748.	6.50	6.49	12.06
5-0 TO 5-6	(12/1/90)	66.46	132.92	199.38	265.84	531.68	1329.20	2658.40	26584.	6.50	17.79	17.79
5-6 4/	(6/1/91)	72.37	144.74	217.11	289.48	578.96	1447.40	2894.80	28948.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.06 PERCENT; TO DATE OF BONUS PAYMENT IS 6.43 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 128

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1970

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(7/1/79)	$31.85	$ 63.70	$ 95.55	$127.40	$254.80	$ 637.00	$1274.00	$12740.	6.00	6.53	6.50
4-0 TO 4-6	(1/1/80)	32.89	65.78	98.67	131.56	263.12	657.80	1315.60	13156.	6.06	6.45	6.50
4-6 TO 5-0	(7/1/80)	33.95	67.90	101.85	135.80	271.60	679.00	1358.00	13580.	6.11	6.54	6.50
5-0 TO 5-6	(1/1/81)	35.06	70.12	105.18	140.24	280.48	701.20	1402.40	14024.	6.15	6.50	6.50
5-6 TO 6-0	(7/1/81)	36.20	72.40	108.60	144.80	289.60	724.00	1448.00	14480.	6.18	6.46	6.50
6-0 TO 6-6	(1/1/82)	37.37	74.74	112.11	149.48	298.96	747.40	1494.80	14948.	6.20	6.53	6.50
6-6 TO 7-0	(7/1/82)	38.59	77.18	115.77	154.36	308.72	771.80	1543.60	15436.	6.23	6.48	6.50
7-0 TO 7-6	(1/1/83)	39.84	79.68	119.52	159.36	318.72	796.80	1593.60	15936.	6.25	6.53	6.50
7-6 TO 8-0	(7/1/83)	41.14	82.28	123.42	164.56	329.12	822.80	1645.60	16456.	6.27	6.47	6.50
8-0 TO 8-6	(1/1/84)	42.47	84.94	127.41	169.88	339.76	849.40	1698.80	16988.	6.28	6.50	6.50
8-6 TO 9-0	(7/1/84)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	6.29	6.52	6.51
9-0 TO 9-6	(1/1/85)	45.28	90.56	135.84	181.12	362.24	905.60	1811.20	18112.	6.30	6.49	6.50
9-6 TO10-0	(7/1/85)	46.75	93.50	140.25	187.00	374.00	935.00	1870.00	18700.	6.31	6.50	6.50
10-0 2/	(1/1/86)	48.27	96.54	144.81	193.08	386.16	965.40	1930.80	19308.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/86)	$48.27	$ 96.54	$144.81	$193.08	$386.16	$ 965.40	$1930.80	$19308.	——	6.51	7.61
0-6 TO 1-0	(7/1/86)	49.84	99.68	149.52	199.36	398.72	996.80	1993.60	19936.	6.51	6.50	7.73
1-0 TO 1-6	(1/1/87)	51.46	102.92	154.38	205.84	411.68	1029.20	2058.40	20584.	6.50	6.49	7.88
1-6 TO 2-0	(7/1/87)	53.13	106.26	159.39	212.52	425.04	1062.60	2125.20	21252.	6.50	6.51	8.08
2-0 TO 2-6	(1/1/88)	54.86	109.72	164.58	219.44	438.88	1097.20	2194.40	21944.	6.50	6.49	8.25
2-6 TO 3-0	(7/1/88)	56.64	113.28	169.92	226.56	453.12	1132.80	2265.60	22656.	6.50	6.50	8.72
3-0 TO 3-6	(10/1/88)	58.48	116.96	175.44	233.92	467.84	1169.60	2339.20	23392.	6.50	6.50	9.28
3-6 TO 4-0	(4/1/89)	60.38	120.76	181.14	241.52	483.04	1207.60	2415.20	24152.	6.50	6.49	10.21
4-0 TO 4-6	(10/1/89)	62.34	124.68	187.02	249.36	498.72	1245.80	2491.60	24936.	6.50	6.51	12.10
4-6 TO 5-0	(4/1/90)	64.37	128.74	193.11	257.48	514.96	1287.40	2574.80	25748.	6.50	17.83	17.83
5-0 4/	(4/1/91)	70.11	140.22	210.33	280.44	560.88	1402.20	2804.40	28044.	7.61 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.06 PERCENT; TO DATE OF BONUS PAYMENT IS 6.43 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 129

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1970

ISSUE PRICE	18.75	37.50	56.25	75.00	150.00	375.00	750.00	7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(10/1/79)	$31.85	$ 64.00	$ 96.00	$128.00	$256.00	$ 640.00	$1280.00	$12800.	6.00	6.50	6.50
4-0 TO 4-6	(4/1/80)	33.04	66.08	99.12	132.16	264.32	660.80	1321.60	13216.	6.08	6.48	6.50
4-6 TO 5-0	(10/1/80)	34.11	68.22	102.33	136.44	272.88	682.20	1364.40	13644.	6.11	6.51	6.50
5-0 TO 5-6	(4/1/81)	35.22	70.44	105.66	140.88	281.76	704.40	1408.80	14088.	6.15	6.53	6.50
5-6 TO 6-0	(10/1/81)	36.37	72.74	109.11	145.48	290.96	727.40	1454.80	14548.	6.18	6.49	6.50
6-0 TO 6-6	(4/1/82)	37.55	75.10	112.65	150.20	300.40	751.00	1502.00	15020.	6.21	6.50	6.50
6-6 TO 7-0	(10/1/82)	38.77	77.54	116.31	155.08	310.16	775.40	1550.80	15508.	6.23	6.50	6.50
7-0 TO 7-6	(4/1/83)	40.03	80.06	120.09	160.12	320.24	800.60	1601.20	16012.	6.25	6.50	6.50
7-6 TO 8-0	(10/1/83)	41.33	82.66	123.99	165.32	330.64	826.60	1653.20	16532.	6.27	6.48	6.50
8-0 TO 8-6	(4/1/84)	42.67	85.34	128.01	170.68	341.36	853.40	1706.80	17068.	6.28	6.52	6.51
8-6 TO 9-0	(10/1/84)	44.06	88.12	132.18	176.24	352.48	881.20	1762.40	17624.	6.29	6.49	6.50
9-0 TO 9-6	(4/1/85)	45.49	90.98	136.47	181.96	363.92	909.80	1819.60	18196.	6.30	6.51	6.51
9-6 TO10-0	(10/1/85)	46.97	93.94	140.91	187.88	375.76	939.40	1878.80	18788.	6.31	6.51	6.51
10-0 2/	(4/1/86)	48.50	97.00	145.50	194.00	388.00	970.00	1940.00	19400.	6.32 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(4/1/86)	$48.50	$ 97.00	$145.50	$194.00	$388.00	$ 970.00	$1940.00	$19400.	——	6.52	7.60
0-6 TO 1-0	(10/1/86)	50.08	100.16	150.24	200.32	400.64	1001.60	2003.20	20032.	6.52	6.47	7.72
1-0 TO 1-6	(4/1/87)	51.70	103.40	155.10	206.80	413.60	1034.00	2068.00	20680.	6.49	6.50	7.88
1-6 TO 2-0	(10/1/87)	53.38	106.76	160.14	213.52	427.04	1067.60	2135.20	21352.	6.49	6.52	8.08
2-0 TO 2-6	(4/1/88)	55.12	110.24	165.36	220.48	440.96	1102.40	2204.80	22048.	6.50	6.49	8.24
2-6 TO 3-0	(10/1/88)	56.91	113.82	170.73	227.64	455.28	1138.20	2276.40	22764.	6.50	6.50	8.71
3-0 TO 3-6	(4/1/89)	58.76	117.52	176.28	235.04	470.08	1175.20	2350.40	23504.	6.50	6.50	9.27
3-6 TO 4-0	(10/1/89)	60.67	121.34	182.01	242.68	485.36	1213.40	2426.80	24268.	6.50	6.49	10.23
4-0 TO 4-6	(4/1/90)	62.64	125.28	187.92	250.56	501.12	1252.80	2505.60	25056.	6.50	6.51	12.07
4-6 TO 5-0	(10/1/90)	64.68	129.36	194.04	258.72	517.44	1293.60	2587.20	25872.	6.50	17.78	17.78
5-0 4/	(4/1/91)	70.43	140.86	211.29	281.72	563.44	1408.60	2817.20	28172.	7.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1970 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1970, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.09 PERCENT; TO DATE OF BONUS PAYMENT IS 6.45 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 130

BONDS BEARING ISSUE DATE AUG. 1, 1970

ISSUE PRICE	18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(6/1/79)	$31.07	$ 62.14	$ 93.21	$124.28	$248.56	$ 621.40	$1242.80	$12428.	6.00	6.50
3-6 TO 4-0	(12/1/79)	32.08	64.16	96.24	128.32	256.64	641.60	1283.20	12832.	6.07	6.48
4-0 TO 4-6	(6/1/80)	33.12	66.24	99.36	132.48	264.96	662.40	1324.80	13248.	6.12	6.52
4-6 TO 5-0	(12/1/80)	34.20	68.40	102.60	136.80	273.60	684.00	1368.00	13680.	6.17	6.49
5-0 TO 5-6	(6/1/81)	35.31	70.62	105.93	141.24	282.48	706.20	1412.40	14124.	6.20	6.51
5-6 TO 6-0	(12/1/81)	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584.	6.23	6.47
6-0 TO 6-6	(6/1/82)	37.64	75.28	112.92	150.56	301.12	752.80	1505.60	15056.	6.25	6.54
6-6 TO 7-0	(12/1/82)	38.87	77.74	116.61	155.48	310.96	777.40	1554.80	15548.	6.27	6.48
7-0 TO 7-6	(6/1/83)	40.13	80.26	120.39	160.52	321.04	802.60	1605.20	16052.	6.29	6.48
7-6 TO 8-0	(12/1/83)	41.43	82.86	124.29	165.72	331.44	828.60	1657.20	16572.	6.30	6.52
8-0 TO 8-6	(6/1/84)	42.78	85.56	128.34	171.12	342.24	855.60	1711.20	17112.	6.31	6.50
8-6 TO 9-0	(12/1/84)	44.17	88.34	132.51	176.68	353.36	883.40	1766.80	17668.	6.32	6.52
9-0 TO 9-6	(6/1/85)	45.61	91.22	136.83	182.44	364.88	912.20	1824.40	18244.	6.33	6.49
9-6 TO10-0	(12/1/85)	47.09	94.18	141.27	188.36	376.72	941.80	1883.60	18836.	6.34	6.50
10-0 2/	(6/1/86)	48.62	97.24	145.86	194.48	388.96	972.40	1944.80	19448.	6.35 3/	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/86)	$48.62	$ 97.24	$145.86	$194.48	$388.96	$ 972.40	$1944.80	$19448.	----	6.50	7.60
0-6 TO 1-0	(12/1/86)	50.20	100.40	150.60	200.80	401.60	1004.00	2008.00	20080.	6.50	6.48	7.72
1-0 TO 1-6	(6/1/87)	51.83	103.66	155.49	207.32	414.64	1036.60	2073.20	20732.	6.50	6.52	7.88
1-6 TO 2-0	(12/1/87)	53.52	107.04	160.56	214.08	428.16	1070.40	2140.80	21408.	6.50	6.50	8.07
2-0 TO 2-6	(6/1/88)	55.26	110.52	165.78	221.04	442.08	1105.20	2210.40	22104.	6.50	6.48	8.34
2-6 TO 3-0	(12/1/88)	57.05	114.10	171.15	228.20	456.40	1141.00	2282.00	22820.	6.50	6.52	8.71
3-0 TO 3-6	(6/1/89)	58.91	117.82	176.73	235.64	471.28	1178.20	2356.40	23564.	6.50	6.48	9.26
3-6 TO 4-0	(12/1/89)	60.83	121.64	182.46	243.28	486.56	1216.40	2432.80	24328.	6.50	6.51	10.19
4-0 TO 4-6	(6/1/90)	62.80	125.60	188.40	251.20	502.40	1256.00	2512.00	25120.	6.50	6.50	12.06
4-6 TO 5-0	(12/1/90)	64.84	129.68	194.52	259.36	518.72	1296.80	2593.60	25936.	6.50	17.77	17.77
5-0 4/	(6/1/91)	70.60	141.20	211.80	282.40	564.80	1412.00	2824.00	28240.	7.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.11 PERCENT; TO DATE OF BONUS PAYMENT IS 6.47 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 131

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1970

ISSUE PRICE	18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(6/1/79)	$31.07	$ 62.14	$ 93.21	$124.28	$248.56	$ 621.40	$1242.80	$12428.	6.00	6.50
3-6 TO 4-0	(12/1/80)	32.08	64.16	96.24	128.32	256.64	641.60	1283.20	12832.	6.07	6.48
4-0 TO 4-6	(6/1/80)	33.12	66.24	99.36	132.48	264.96	662.40	1324.80	13248.	6.12	6.52
4-6 TO 5-0	(12/1/80)	34.20	68.40	102.60	136.80	273.60	684.00	1368.00	13680.	6.17	6.49
5-0 TO 5-6	(6/1/81)	35.31	70.62	105.93	141.24	282.48	706.20	1412.40	14124.	6.20	6.51
5-6 TO 6-0	(12/1/81)	36.46	72.92	109.38	145.84	291.68	729.20	1458.40	14584.	6.23	6.47
6-0 TO 6-6	(6/1/82)	37.64	75.28	112.92	150.56	301.12	752.80	1505.60	15056.	6.25	6.54
6-6 TO 7-0	(12/1/82)	38.87	77.74	116.61	155.48	310.96	777.40	1554.80	15548.	6.27	6.48
7-0 TO 7-6	(6/1/83)	40.13	80.26	120.39	160.52	321.04	802.60	1605.20	16052.	6.29	6.48
7-6 TO 8-0	(12/1/83)	41.43	82.86	124.29	165.72	331.44	828.60	1657.20	16572.	6.30	6.52
8-0 TO 8-6	(6/1/84)	42.78	85.56	128.34	171.12	342.24	855.60	1711.20	17112.	6.31	6.50
8-6 TO 9-0	(12/1/84)	44.17	88.34	132.51	176.68	353.36	883.40	1766.80	17668.	6.32	6.52
9-0 TO 9-6	(6/1/85)	45.61	91.22	136.83	182.44	364.88	912.20	1824.40	18244.	6.33	6.49
9-6 TO10-0	(12/1/85)	47.09	94.18	141.27	188.36	376.72	941.80	1883.60	18836.	6.34	6.50
10-0 2/	(6/1/86)	48.62	97.24	145.86	194.48	388.96	972.40	1944.80	19448.	6.35 3/	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/86)	$48.62	$ 97.24	$145.86	$194.48	$388.96	$ 972.40	$1944.80	$19448.	----	6.50	7.72
0-6 TO 1-0	(1/1/87)	50.20	100.40	150.60	200.80	401.60	1004.00	2008.00	20080.	6.50	6.49	7.88
1-0 TO 1-6	(7/1/87)	51.83	103.66	155.49	207.32	414.64	1036.60	2073.20	20732.	6.50	6.52	8.08
1-6 TO 2-0	(1/1/88)	53.52	107.04	160.56	214.08	428.16	1070.40	2140.80	21408.	6.50	5.50	8.34
2-0 TO 2-6	(7/1/88)	55.26	110.52	165.78	221.04	442.08	1105.20	2210.40	22104.	6.50	6.48	8.71
2-6 TO 3-0	(1/1/89)	57.05	114.10	171.15	228.20	456.40	1141.00	2282.00	22820.	6.50	6.52	9.27
3-0 TO 3-6	(7/1/89)	58.91	117.82	176.73	235.64	471.28	1178.20	2356.40	23564.	6.50	6.48	10.19
3-6 TO 4-0	(1/1/90)	60.83	121.64	182.46	243.28	486.56	1216.40	2432.80	24328.	6.50	6.51	12.07
4-0 TO 4-6	(7/1/90)	62.80	125.60	188.40	251.20	502.40	1256.00	2512.00	25120.	6.50	17.77	17.77
4-6 4/	(1/1/91)	88.38	136.76	209.14	273.52	547.04	1367.60	2730.20	27352.	7.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.11 PERCENT; TO DATE OF BONUS PAYMENT IS 6.47 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 132

BONDS BEARING ISSUE DATE DEC. 1, 1970 OR JAN. 1, 1971

ISSUE PRICE	18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(10/1/79)	$31.14	$ 62.28	$ 93.42	$124.56	$249.12	$ 622.80	$1245.60	$12456.	6.00	6.49
3-6 TO 4-0	(4/1/80)	32.15	64.30	96.45	128.60	257.20	643.00	1286.00	12860.	6.07	6.53
4-0 TO 4-6	(10/1/80)	33.20	66.40	99.60	132.80	265.60	664.00	1328.00	13280.	6.13	6.51
4-6 TO 5-0	(4/1/81)	34.28	68.56	102.84	137.12	274.24	685.60	1371.20	13712.	6.17	6.48
5-0 TO 5-6	(10/1/81)	35.39	70.78	106.17	141.56	283.12	707.80	1415.60	14156.	6.20	6.50
5-6 TO 6-0	(4/1/82)	36.54	73.08	109.62	146.16	292.32	730.80	1461.60	14616.	6.23	6.51
6-0 TO 6-6	(10/1/82)	37.73	75.46	113.19	150.92	301.84	754.60	1509.20	15092.	6.25	6.47
6-6 TO 7-0	(4/1/83)	38.95	77.90	116.85	155.80	311.60	779.00	1558.00	15580.	6.27	6.52
7-0 TO 7-6	(10/1/83)	40.21	80.42	120.63	160.84	321.68	804.20	1608.40	16084.	6.29	6.51
7-6 TO 8-0	(4/1/84)*	41.53	83.06	124.59	166.12	332.24	830.60	1661.20	16612.	6.30	6.50
8-0 TO 8-6	(10/1/84)	42.88	85.76	128.64	171.52	343.04	857.60	1715.20	17152.	6.31	6.50
8-6 TO 9-0	(4/1/85)	44.27	88.54	132.81	177.08	354.16	885.40	1770.80	17708.	6.32	6.51
9-0 TO 9-6	(10/1/85)	45.71	91.42	137.13	182.84	365.68	914.20	1828.40	18284.	6.33	6.48
9-6 TO10-0	(4/1/86)	47.19	94.38	141.57	188.76	377.52	943.80	1887.60	18876.	6.34	6.53
10-0 2/	(10/1/86)	48.73	97.46	146.19	194.92	389.84	974.60	1949.20	19402.	6.35 3/	----

(YEARS AND MONTHS AFTEN 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(10/1/86)	$48.73	$ 97.46	$146.19	$194.92	$389.84	$ 974.60	$1949.20	$19492.	----	6.48	7.72
0-6 TO 1-0	(4/1/87)	50.31	100.62	150.93	201.24	402.48	1006.20	2012.40	20124.	6.48	6.52	7.88
1-0 TO 1-6	(10/1/87)	51.95	103.90	155.85	207.80	415.60	1039.00	2078.00	20780.	6.50	6.51	8.07
1-6 TO 2-0	(4/1/88)	53.64	107.28	160.92	214.56	429.12	1072.80	2145.60	21456.	6.50	6.49	8.33
2-0 TO 2-6	(10/1/88)	55.38	110.76	166.14	221.52	443.04	1107.60	2215.20	22152.	6.50	6.50	8.71
2-6 TO 3-0	(4/1/89)	57.18	114.36	171.54	228.72	457.44	1143.60	2287.20	22872.	6.50	6.51	9.26
3-0 TO 3-6	(10/1/89)	59.04	118.08	177.12	236.16	472.32	1180.80	2361.60	23616.	6.50	6.50	10.19
3-6 TO 4-0	(4/1/90)	60.96	121.92	182.88	243.84	487.68	1219.20	2438.40	24384.	6.50	6.50	12.05
4-0 TO 4-6	(10/1/90)	62.94	125.88	188.82	251.76	503.52	1258.80	2517.60	25176.	6.50	17.76	17.76
4-6 4/	(4/1/91)	68.53	137.06	205.59	274.12	548.24	1370.60	2741.20	27412.	7.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1970 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1971, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.12 PERCENT; TO DATE OF BONUS PAYMENT IS 6.48 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 133

BONDS BEARING ISSUE DATE FEB. 1, 1971

ISSUE PRICE	18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(6/1/79)	$30.23	$ 60.46	$ 90.69	$120.92	$241.84	$ 604.60	$1209.20	$12092.	5.99	6.48	6.50
3-0 TO 3-6	(12/1/79)	31.21	62.42	93.63	124.84	249.68	624.20	1248.40	12484.	6.08	6.54	6.50
3-6 TO 4-0	(6/1/80)	32.23	64.46	96.69	128.92	257.84	644.60	1289.20	12892.	6.14	6.45	6.50
4-0 TO 4-6	(12/1/80)	33.27	66.54	99.81	133.08	266.16	665.40	1330.80	13308.	6.18	6.55	6.50
4-6 TO 5-0	(6/1/81)	34.36	68.72	103.08	137.44	274.88	687.20	1374.40	13744.	6.21	6.46	6.50
5-0 TO 5-6	(12/1/81)	35.47	70.94	106.41	141.88	283.76	709.40	1418.80	14188.	6.25	6.54	6.50
5-6 TO 6-0	(6/1/82)	36.63	73.26	109.89	146.52	293.04	732.60	1465.20	14652.	6.27	6.50	6.50
6-0 TO 6-6	(12/1/82)	37.82	75.64	113.46	151.28	302.56	756.40	1512.80	15128.	6.29	6.45	6.50
6-6 TO 7-0	(6/1/83)	39.04	78.08	117.12	156.16	312.32	780.80	1561.60	15616.	6.30	6.51	6.50
7-0 TO 7-6	(12/1/83)	40.31	80.62	120.93	161.24	322.48	806.20	1612.40	16124.	6.32	6.50	6.50
7-6 TO 8-0	(6/1/84)	41.62	83.24	124.86	166.48	332.96	832.40	1664.80	16648.	6.33	6.54	6.50
8-0 TO 8-6	(12/1/84)	42.98	85.96	128.94	171.92	343.84	859.60	1719.20	17192.	6.34	6.47	6.49
8-6 TO 9-0	(6/1/85)	44.37	88.74	133.11	177.48	354.96	887.40	1774.80	17748.	6.35	6.54	6.50
9-0 TO 9-6	(12/1/85)	45.82	91.64	137.46	183.28	366.56	916.40	1832.80	18328.	6.36	6.48	6.49
9-6 TO10-0	(6/1/86)	47.30	94.60	141.90	189.20	378.40	946.00	1892.00	18920.	6.37	6.51	6.51
10-0 2/	(12/1/86)	48.84	97.68	146.52	195.36	390.72	976.80	1953.60	19536.	6.37 3/	----	----

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/86)	$48.84	$ 97.68	$146.52	$195.36	$390.72	$ 976.80	$1953.60	$19536.	----	6.51	7.73
0-6 TO 1-0	(6/1/87)	50.43	100.86	151.29	201.72	403.44	1008.60	2017.20	20172.	6.51	6.50	7.88
1-0 TO 1-6	(12/1/87)	52.07	104.14	156.21	208.28	416.56	1041.40	2082.80	20828.	6.51	6.49	8.08
1-6 TO 2-0	(6/1/88)	53.76	107.52	161.28	215.04	430.08	1075.20	2150.40	21504.	6.50	6.51	8.34
2-0 TO 2-6	(12/1/88)	55.51	111.02	166.53	222.04	444.08	1110.20	2220.40	22204.	6.50	6.49	8.71
2-6 TO 3-0	(6/1/89)	57.31	114.62	171.93	229.24	458.48	1146.20	2292.40	22924.	6.50	6.49	9.27
3-0 TO 3-6	(12/1/89)	59.17	118.34	177.51	236.68	473.36	1183.40	2366.80	23688.	6.50	6.52	10.21
3-6 TO 4-0	(6/1/90)	61.08	122.20	183.30	244.40	488.80	1222.00	2444.00	24440.	6.50	6.48	12.07
4-0 TO 4-6	(12/1/90)	63.08	126.16	189.24	252.32	504.64	1261.60	2523.20	25232.	6.50	17.82	17.82
4-6 4/	(6/1/91)	68.78	137.40	206.10	274.80	549.60	1374.00	2748.00	27480.	7.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1971 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.14 PERCENT; TO DATE OF BONUS PAYMENT IS 6.49 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 134

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(7/1/79)	$30.23	$ 60.46	$ 90.69	$120.92	$241.84	$ 604.60	$1209.20	$12092.	5.99	6.48	6.50
3-0 TO 3-6	(1/1/80)	31.21	62.42	93.63	124.84	249.68	624.20	1248.40	12484.	6.08	6.54	6.50
3-6 TO 4-0	(7/1/80)	32.23	64.46	96.69	128.92	257.84	644.60	1289.20	12892.	6.14	6.45	6.50
4-0 TO 4-6	(1/1/81)	33.27	66.54	99.81	133.08	266.16	665.40	1330.80	13308.	6.18	6.55	6.50
4-6 TO 5-0	(7/1/81)	34.36	68.72	103.08	137.44	274.88	687.20	1374.40	13744.	6.22	6.46	6.50
5-0 TO 5-6	(1/1/82)	35.47	70.94	106.41	141.88	283.76	709.40	1418.80	14188.	6.25	6.54	6.50
5-6 TO 6-0	(7/1/82)	36.63	73.26	109.89	146.52	293.04	732.60	1465.20	14652.	6.27	6.50	6.50
6-0 TO 6-6	(1/1/83)	37.82	75.64	113.46	151.28	302.56	756.40	1512.80	15128.	6.29	6.45	6.50
6-6 TO 7-0	(7/1/83)	39.04	78.08	117.12	156.16	312.32	780.80	1561.60	15616.	6.30	5.51	6.50
7-0 TO 7-6	(1/1/84)	40.31	80.62	120.93	161.24	322.48	806.20	1612.40	16124.	6.32	6.50	6.50
7-6 TO 8-0	(7/1/84)	41.62	83.24	124.86	166.48	332.96	832.40	1664.80	16648.	6.33	6.54	6.50
8-0 TO 8-6	(1/1/85)	42.98	85.96	128.94	171.92	343.84	859.60	1719.20	17192.	6.34	6.47	6.49
8-6 TO 9-0	(7/1/85)	44.37	88.74	133.11	177.48	354.96	887.40	1774.80	17748.	6.35	6.54	6.50
9-0 TO 9-6	(1/1/86)	45.82	91.64	137.46	183.28	366.56	916.40	1832.80	18328.	6.36	6.46	6.49
9-6 TO10-0	(7/1/86)	47.30	94.60	141.90	189.20	378.40	946.00	1892.00	18920.	6.37	6.51	6.51
10-0 2/	(1/1/87)	48.84	97.68	146.52	195.36	390.72	976.80	1953.60	19536.	6.37 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/87)	$48.84	$ 97.68	$146.52	$195.36	$390.72	$ 976.80	$1953.60	$19536.	——	6.51	7.88
0-6 TO 1-0	(7/1/87)	50.43	100.86	151.29	201.72	403.44	1008.60	2017.20	20172.	6.51	6.50	8.07
1-0 TO 1-6	(1/1/88)	52.07	104.14	156.21	208.28	416.56	1041.40	2082.80	20828.	6.51	6.49	8.34
1-6 TO 2-0	(7/1/88)	53.76	107.52	161.28	215.04	430.08	1075.20	2150.40	21504.	6.50	6.51	8.71
2-0 TO 2-6	(1/1/89)	55.51	111.02	166.53	222.04	444.08	1110.20	2220.40	22204.	6.50	6.49	9.26
2-6 TO 3-0	(7/1/89)	57.31	114.62	171.93	229.24	458.48	1146.20	2292.40	22924.	6.50	6.49	10.20
3-0 TO 3-6	(1/1/90)	59.17	118.34	177.51	236.68	473.36	1183.40	2366.80	23668.	6.50	6.52	12.07
3-6 TO 4-0	(7/1/90)	61.10	122.20	183.30	244.40	488.80	1222.00	2444.00	24440.	6.50	17.77	17.77
4-0 4/	(1/1/91)	63.53	133.06	199.59	266.12	532.24	1330.60	2661.20	26612.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1971 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.14 PERCENT; TO DATE OF BONUS PAYMENT IS 6.49 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 135

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1971

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(10/1/79)	$30.32	$ 60.64	$ 90.96	$121.28	$242.56	$ 606.40	$1212.80	$12128.	6.01	6.53	6.50
3-0 TO 3-6	(4/1/80)	31.31	62.62	93.93	125.24	250.48	626.20	1252.40	12524.	6.09	6.45	6.50
3-6 TO 4-0	(10/1/80)	32.32	64.64	96.96	129.28	258.56	646.40	1292.80	12928.	6.14	6.50	6.50
4-0 TO 4-6	(4/1/81)	33.37	66.74	100.11	133.48	266.96	667.40	1334.80	13348.	6.19	6.53	6.50
4-6 TO 5-0	(10/1/81)	34.46	68.92	103.38	137.84	275.68	689.20	1378.40	13784.	6.23	6.50	6.50
5-0 TO 5-6	(4/1/82)	35.58	71.16	106.74	142.32	284.64	711.60	1423.20	14232.	6.25	6.46	6.50
5-6 TO 6-0	(10/1/82)	36.73	73.46	110.19	146.92	293.84	734.60	1469.20	14692.	6.27	6.53	6.50
6-0 TO 6-6	(4/1/83)	37.93	75.86	113.79	151.72	303.44	758.60	1517.20	15172.	6.30	6.49	6.50
6-6 TO 7-0	(10/1/83)	39.16	78.32	117.48	156.64	313.28	783.20	1566.40	15664.	6.31	6.49	6.50
7-0 TO 7-6	(4/1/84)	40.43	80.86	121.29	161.72	323.44	808.60	1617.20	16172.	6.32	6.51	6.51
7-6 TO 8-0	(10/1/84)	41.75	83.50	125.25	167.00	334.00	835.00	1670.00	16700.	6.34	6.47	6.50
8-0 TO 8-6	(4/1/85)	43.10	86.20	129.30	172.40	344.80	862.00	1724.00	17240.	6.34	6.54	6.51
8-6 TO 9-0	(10/1/85)	44.51	89.02	133.53	178.04	356.08	890.20	1780.40	17804.	6.36	6.47	6.50
9-0 TO 9-6	(4/1/86)	45.96	91.90	137.85	183.80	367.60	919.00	1838.00	18376.	6.36	6.49	6.51
9-6 TO10-0	(10/1/86)	47.44	94.88	142.32	189.76	379.52	948.80	1897.60	18976.	6.37	6.53	6.53
10-0 2/	(4/1/87)	48.99	97.98	146.97	195.96	391.92	979.80	1959.60	19596.	6.38 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(4/1/87)	$48.99	$ 97.98	$146.97	$195.96	$391.92	$ 979.80	$1959.60	$19596.	——	6.49	7.88
0-6 TO 1-0	(10/1/87)	50.58	101.16	151.74	202.32	404.64	1011.60	2023.20	20232.	6.49	8.52	8.08
1-0 TO 1-6	(4/1/88)	52.23	104.46	156.69	208.92	417.84	1044.60	2089.20	20892.	6.51	6.47	8.34
1-6 TO 2-0	(10/1/88)	53.92	107.84	161.76	215.68	431.36	1078.40	2156.80	21568.	6.50	6.53	8.71
2-0 TO 2-6	(4/1/89)	55.68	111.36	167.04	222.72	445.44	1113.60	2227.20	22272.	6.50	6.50	9.27
2-6 TO 3-0	(10/1/89)	57.49	114.98	172.47	229.96	459.92	1149.80	2299.60	22996.	6.50	6.47	10.20
3-0 TO 3-6	(4/1/90)	59.35	118.70	178.05	237.40	474.80	1187.00	2374.00	23740.	6.50	6.50	12.09
3-6 TO 4-0	(10/1/90)	61.28	122.56	183.84	245.12	490.24	1225.60	2451.20	24512.	6.50	17.82	17.82
4-0 4/	(4/1/91)	63.74	133.48	200.22	266.96	533.92	1334.80	2669.60	26696.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1971 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1971, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.16 PERCENT; TO DATE OF BONUS PAYMENT IS 6.50 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 136

BONDS BEARING ISSUE DATE AUG. 1, 1971

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(6/1/79)	$39.43	$ 58.86	$ 88.29	$117.72	$235.44	$ 588.60	$1177.20	$11772.	6.00	6.52	6.50
2-6 TO 3-0	(12/1/79)	30.38	60.78	91.17	121.56	243.12	607.80	1215.60	12156.	6.10	6.45	6.50
3-0 TO 3-6	(6/1/80)	31.37	62.74	94.11	125.48	250.96	627.40	1254.80	12548.	6.16	6.50	6.50
3-6 TO 4-0	(12/1/80)	32.39	64.78	97.17	129.56	259.12	647.80	1295.60	12956.	6.21	6.55	6.50
4-0 TO 4-6	(6/1/81)	33.45	66.90	100.35	133.80	267.60	669.00	1338.00	13380.	6.25	6.46	6.50
4-6 TO 5-0	(12/1/81)	34.53	69.06	103.59	138.12	276.24	690.60	1381.20	13812.	6.27	6.55	6.50
5-0 TO 5-6	(6/1/82)	35.66	71.32	106.98	142.64	285.28	713.20	1426.40	14264.	6.30	6.45	6.50
5-6 TO 6-0	(12/1/82)	36.81	73.62	110.43	147.24	294.48	736.20	1472.40	14724.	6.31	6.52	6.50
6-0 TO 6-6	(6/1/83)	38.01	76.02	114.03	152.04	304.08	760.20	1520.40	15204.	6.33	6.52	6.50
6-6 TO 7-0	(12/1/83)	39.25	78.50	117.75	157.00	314.00	785.00	1570.00	15700.	6.35	6.47	6.49
7-0 TO 7-6	(6/1/84)	40.52	81.04	121.56	162.08	324.16	810.40	1620.80	16208.	6.36	6.52	6.50
7-6 TO 8-0	(12/1/84)	41.84	83.68	125.52	167.36	334.72	836.80	1673.60	16736.	6.37	6.50	6.50
8-0 TO 8-6	(6/1/85)	43.20	86.40	129.60	172.80	345.60	864.00	1728.00	17280.	6.37	6.48	6.49
8-6 TO 9-0	(12/1/85)	44.60	89.20	133.80	178.40	356.80	892.00	1784.00	17840.	6.38	6.50	6.50
9-0 TO 9-6	(6/1/86)	46.05	92.10	138.15	184.20	368.40	921.00	1842.00	18420.	6.39	6.51	6.50
9-6 TO10-0	(12/1/86)	47.55	95.10	142.65	190.20	380.40	951.00	1902.00	19020.	6.39	6.48	6.48
10-0 2/	(6/1/87)	49.09	98.18	147.27	196.36	392.72	981.80	1963.60	19636.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATUNITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/87)	$49.09	$ 98.18	$147.27	$196.36	$392.72	$ 981.80	$1963.60	$19636.	——	6.52	7.88
0-6 TO 1-0	(12/1/87)	50.69	101.38	152.07	202.76	405.52	1013.80	2027.60	20276.	6.52	6.47	8.07
1-0 TO 1-6	(6/1/88)	52.33	104.66	156.99	209.32	418.64	1046.60	2093.20	20932.	6.49	6.50	8.34
1-6 TO 2-0	(12/1/88)	54.03	108.06	162.09	216.12	432.24	1080.60	2161.20	21612.	6.50	6.51	8.71
2-0 TO 2-6	(6/1/89)	55.78	111.56	167.34	223.16	446.32	1115.80	2231.60	22316.	6.50	6.49	9.27
2-6 TO 3-0	(12/1/89)	57.60	115.20	172.80	230.40	460.80	1152.00	2304.00	23040.	6.50	6.49	10.20
3-0 TO 3-6	(6/1/90)	59.47	118.94	178.41	237.88	475.76	1189.40	2378.80	23788.	6.50	6.52	12.08
3-6 TO 4-0	(12/1/90)	61.41	122.82	184.23	245.64	491.28	1228.20	2456.40	24564.	6.50	17.78	17.78
4-0 4/	(6/1/91)	63.87	133.74	200.61	267.48	534.96	1337.40	2674.80	26748.	7.88 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1971 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.17 PERCENT; TO DATE OF BONUS PAYMENT IS 6.52 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 137

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1971

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(7/1/79)	$29.43	$ 58.86	$ 88.29	$117.72	$235.44	$ 588.60	$1177.20	$11772.	6.00	6.52	6.50
2-6 TO 3-0	(1/1/80)	30.39	60.78	91.17	121.56	243.12	607.80	1215.60	12156.	6.10	6.45	6.50
3-0 TO 3-6	(7/1/80)	31.37	62.74	94.11	125.48	250.96	627.40	1254.80	12548.	6.16	6.50	6.50
3-6 TO 4-0	(1/1/81)	32.39	64.78	97.17	129.56	259.12	647.80	1295.60	12956.	6.21	6.55	6.50
4-0 TO 4-6	(7/1/81)	33.45	66.90	100.35	133.80	267.60	669.00	1338.00	13380.	6.25	6.46	6.50
4-6 TO 5-0	(1/1/82)	34.53	69.06	103.59	138.12	276.24	690.60	1381.20	13812.	6.27	6.55	6.50
5-0 TO 5-6	(7/1/82)	35.66	71.32	106.98	142.64	285.28	713.20	1426.40	14264.	6.30	6.45	6.50
5-6 TO 6-0	(1/1/83)	36.81	73.62	110.43	147.24	294.48	736.20	1472.40	14724.	6.31	6.52	6.50
6-0 TO 6-6	(7/1/83)	38.01	76.02	114.03	152.04	304.08	760.20	1520.40	15204.	6.33	6.52	6.50
6-6 TO 7-0	(1/1/84)	39.25	78.50	117.75	157.00	314.00	785.00	1570.00	15700.	6.35	6.47	6.49
7-0 TO 7-6	(7/1/84)	40.52	81.04	121.56	162.08	324.16	810.40	1620.80	16208.	6.36	6.52	6.50
7-6 TO 8-0	(1/1/85)	41.84	83.68	125.52	167.36	334.72	836.80	1673.60	16736.	6.37	6.50	6.50
8-0 TO 8-6	(7/1/85)	43.20	86.40	129.60	172.80	345.60	864.00	1728.00	17280.	6.37	6.48	6.49
8-6 TO 9-0	(1/1/86)	44.60	89.20	133.80	178.40	356.80	892.00	1784.00	17840.	6.38	6.50	6.50
9-0 TO 9-6	(7/1/86)	46.05	92.10	138.15	184.20	368.40	921.00	1842.00	18420.	6.39	6.51	6.50
9-6 TO10-0	(1/1/87)	47.55	95.10	142.65	190.20	380.40	951.00	1902.00	19020.	6.39	6.48	6.48
10-0 2/	(7/1/87)	49.09	98.18	147.27	196.36	392.72	981.80	1963.60	19636.	6.40 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/87)	$49.09	$ 98.18	$147.27	$196.36	$392.72	$ 981.80	$1963.60	$19636.	——	6.52	7.88
0-6 TO 1-0	(1/1/88)	50.69	101.38	152.07	202.76	405.52	1013.80	2027.60	20276.	6.52	6.47	8.07
1-0 TO 1-6	(7/1/88)	52.33	104.66	156.99	209.32	418.64	1046.60	2093.20	20932.	6.49	6.50	8.34
1-6 TO 2-0	(1/1/89)	54.03	108.06	162.09	216.12	432.24	1080.60	2161.20	21612.	6.50	6.51	8.71
2-0 TO 2-6	(7/1/89)	55.78	111.56	167.34	223.16	446.32	1115.80	2231.60	22316.	6.50	6.49	9.28
2-6 TO 3-0	(1/1/90)	57.60	115.20	172.80	230.40	460.80	1152.00	2304.00	23040.	6.50	6.49	10.21
3-0 TO 3-6	(7/1/90)	59.47	118.94	178.41	237.88	475.76	1189.40	2378.80	23788.	6.50	17.86	17.86
3-6 4/	(1/1/91)	64.78	129.56	194.34	259.12	518.24	1295.60	2591.20	25912.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1971 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.17 PERCENT; TO DATE OF BONUS PAYMENT IS 6.52 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 138

BONDS BEARING ISSUE DATE DEC. 1, 1971 OR JAN. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(10/1/79)	$29.50	$ 58.00	$ 88.50	$118.00	$236.00	$ 590.00	$1180.00	$11800.	6.00	6.51	6.50
2-6 TO 3-0	(4/1/80)	30.46	60.92	91.38	121.84	243.68	609.20	1218.40	12184.	6.10	6.50	6.50
3-0 TO 3-6	(10/1/80)	31.45	62.90	94.35	125.80	251.60	629.00	1258.00	12580.	6.17	6.49	6.50
3-6 TO 4-0	(4/1/81)	32.47	64.94	97.41	129.88	259.76	649.40	1298.80	12988.	6.21	6.53	6.50
4-0 TO 4-6	(10/1/81)	33.53	67.06	100.59	134.12	268.24	670.60	1341.20	13412.	6.25	6.50	6.50
4-6 TO 5-0	(4/1/82)	34.62	69.24	103.86	138.48	276.96	692.40	1384.80	13848.	6.28	6.47	6.50
5-0 TO 5-6	(10/1/82)	35.74	71.48	107.22	142.96	285.92	714.80	1428.60	14296.	6.32	6.49	6.50
5-6 TO 6-0	(4/1/83)	36.90	73.80	110.70	147.60	295.20	738.00	1476.00	14760.	6.32	6.50	6.50
6-0 TO 6-6	(10/1/83)	38.10	76.20	114.30	152.40	304.80	762.00	1524.00	15240.	6.33	6.51	6.50
6-6 TO 7-0	(4/1/84)	39.34	78.68	118.02	157.36	314.72	786.80	1573.60	15734.	6.35	6.51	6.50
7-0 TO 7-6	(10/1/84)	40.63	81.24	121.86	162.48	324.96	812.40	1624.80	16248.	6.36	6.50	6.50
7-6 TO 8-0	(4/1/85)	41.94	83.88	125.82	167.76	335.52	838.80	1677.60	16776.	6.37	6.49	6.50
8-0 TO 8-6	(10/1/85)	43.30	86.60	129.90	173.20	346.40	866.00	1732.00	17320.	6.37	6.51	6.50
8-6 TO 9-0	(4/1/86)	44.71	89.42	134.13	178.84	357.68	894.20	1788.40	17884.	6.38	6.49	6.50
9-0 TO 9-6	(10/1/86)	46.16	92.32	138.48	184.64	369.28	923.20	1846.40	18464.	6.39	6.50	6.50
9-6 TO10-0	(4/1/87)	47.66	95.32	142.98	190.64	381.28	953.20	1906.40	19064.	6.39	6.50	6.50
10-0 2/	(10/1/87)	49.21	98.42	147.63	196.84	393.68	984.20	1968.40	19684.	6.40 3/	——	——

YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(10/1/87)	$49.21	$ 98.42	$147.63	$196.84	$393.68	$ 984.20	$1968.40	$19684.	——	6.50	8.08
0-6 TO 1-0	(4/1/88)	50.81	101.62	152.43	203.24	406.48	1016.20	2032.40	20324.	6.50	6.49	8.34
1-0 TO 1-6	(10/1/88)	52.46	104.92	157.38	209.84	419.68	1049.20	2098.40	20984.	6.50	6.52	8.71
1-6 TO 2-0	(4/1/89)	54.17	108.34	162.51	216.68	433.36	1083.40	2166.80	21668.	6.51	6.50	9.27
2-0 TO 2-6	(10/1/89)	55.93	111.86	167.79	223.72	447.44	1118.60	2237.20	22372.	6.50	6.47	10.20
2-6 TO 3-0	(4/1/90)	57.74	115.48	173.22	230.96	461.92	1154.80	2309.60	23096.	6.50	6.51	12.09
3-0 TO 3-6	(10/1/90)	59.62	119.24	178.86	238.48	476.96	1192.40	2384.80	23848.	6.50	6.53	12.08
3-6 4/	(4/1/91)	64.93	129.86	194.79	259.72	519.44	1298.60	2597.20	25972.	8.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1971 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1972, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.19 PERCENT; TO DATE OF BONUS PAYMENT IS 6.53 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 139

BONDS BEARING ISSUE DATE FEB. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$379.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(6/1/79)	$28.64	$ 57.28	$ 85.92	$114.56	$229.12	$ 572.80	$1145.60	$11456.	6.01	6.49	6.50
2-0 TO 2-6	(12/1/79)	29.57	59.14	88.71	118.28	236.56	591.40	1182.80	11828.	6.12	6.49	6.50
2-6 TO 3-0	(6/1/80)	30.53	61.06	91.59	122.12	244.24	610.60	1224.20	12212.	6.20	6.49	6.50
3-0 TO 3-6	(12/1/80)	31.52	63.04	94.56	126.08	252.16	630.40	1260.80	12608.	6.24	6.54	6.50
3-6 TO 4-0	(6/1/81)	32.55	65.10	97.65	130.20	260.40	651.00	1303.00	13020.	6.29	6.51	6.50
4-0 TO 4-6	(12/1/81)	33.61	67.22	100.83	134.44	268.88	672.20	1344.40	13444.	6.31	6.49	6.50
4-6 TO 5-0	(6/1/82)	34.70	69.40	104.10	138.80	277.60	694.00	1388.00	13880.	6.33	6.51	6.50
5-0 TO 5-6	(12/1/82)	35.83	71.66	107.49	143.32	286.64	716.60	1433.20	14332.	6.35	6.48	6.50
5-6 TO 6-0	(6/1/83)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.36	6.49	6.50
6-0 TO 6-6	(12/1/83)	38.19	76.38	114.57	152.76	305.52	763.80	1527.60	15276.	6.37	6.49	6.50
6-6 TO 7-0	(6/1/84)	39.43	78.86	118.29	157.72	315.44	788.60	1577.20	15772.	6.38	6.54	6.50
7-0 TO 7-6	(12/1/84)	40.72	81.44	122.16	162.88	325.76	814.40	1628.80	16288.	6.39	6.48	6.50
7-6 TO 8-0	(6/1/85)	42.04	84.08	126.12	168.16	336.32	840.80	1681.60	16816.	6.40	6.52	6.50
8-0 TO 8-6	(12/1/85)	43.41	86.82	130.23	173.64	347.28	868.20	1736.40	17364.	6.41	6.50	6.50
8-6 TO 9-0	(6/1/86)	44.82	89.64	134.46	179.28	358.56	896.40	1792.80	17928.	6.41	6.47	6.50
9-0 TO 9-6	(12/1/86)	46.27	92.54	138.81	185.08	370.16	925.40	1850.80	18508.	6.42	6.53	6.51
9-6 TO10-0	(6/1/87)	47.76	95.52	143.34	191.12	382.24	955.60	1911.20	19112.	6.42	6.49	6.49
10-0 2/	(12/1/87)	49.33	98.66	147.99	197.32	394.64	986.60	1973.20	19732.	6.42 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/87)	$49.33	$ 98.66	$147.99	$197.32	$394.64	$ 986.60	$1973.20	$19732.	——	6.49	8.08
0-6 TO 1-0	(6/1/88)	50.93	101.86	152.79	203.72	407.44	1018.60	2037.20	20372.	6.49	6.52	8.34
1-0 TO 1-6	(12/1/88)	52.59	105.18	157.77	210.36	420.72	1051.80	2103.60	21036.	6.50	6.50	8.71
1-6 TO 2-0	(6/1/89)	54.30	108.60	162.90	217.20	434.40	1086.00	2172.00	21720.	6.50	6.48	9.26
2-0 TO 2-6	(12/1/89)	56.06	112.12	168.18	224.24	448.48	1121.20	2242.40	22424.	6.50	6.49	10.20
2-6 TO 3-0	(6/1/90)	57.88	115.76	173.64	231.52	463.04	1157.60	2315.20	23152.	6.50	6.53	12.08
3-0 TO 3-6	(12/1/90)	59.77	119.54	179.31	239.08	478.16	1195.40	2390.80	23908.	6.50	17.77	17.77
3-6 4/	(6/1/91)	65.08	130.16	195.24	260.32	520.64	1301.60	2603.20	26032.	9.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1972 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.20 PERCENT; TO DATE OF BONUS PAYMENT IS 6.54 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 140

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(7/1/79)	$28.64	$ 57.28	$ 85.92	$114.56	$229.12	$ 572.80	$1145.60	$11456.	6.00	6.49	6.50
2-0 TO 2-6	(1/1/80)	29.57	59.14	88.71	118.28	236.56	591.40	1182.80	11828.	6.12	6.49	6.50
2-6 TO 3-0	(7/1/80)	30.53	61.06	91.59	122.12	244.24	610.60	1221.20	12212.	6.20	6.49	6.50
3-0 TO 3-6	(1/1/81)	31.52	63.04	94.56	126.08	252.16	630.40	1260.80	12608.	6.24	6.54	6.50
3-6 TO 4-0	(7/1/81)	32.55	65.10	97.65	130.20	260.40	651.00	1302.00	13020.	6.29	6.51	6.50
4-0 TO 4-6	(1/1/82)	33.61	67.22	100.83	134.44	268.88	672.20	1344.40	13444.	6.31	6.49	6.50
4-6 TO 5-0	(7/1/82)	34.70	69.40	104.10	138.80	277.60	694.00	1388.00	13880.	6.33	6.51	6.50
5-0 TO 5-6	(10/1/82)	35.83	71.66	107.49	143.32	286.64	716.60	1433.20	14332.	6.35	6.48	6.50
5-6 TO 6-0	(7/1/83)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.36	6.49	6.50
6-0 TO 6-6	(1/1/84)	38.19	76.38	114.57	152.76	305.52	763.80	1527.60	15276.	6.37	6.49	6.50
6-6 TO 7-0	(7/1/84)	39.43	78.86	118.29	157.72	315.44	788.60	1577.20	15772.	6.38	6.54	6.50
7-0 TO 7-6	(1/1/85)	40.72	81.44	122.16	162.88	325.76	814.40	1628.80	16288.	6.39	6.48	6.50
7-6 TO 8-0	(7/1/85)	42.04	84.08	126.12	168.16	336.32	840.80	1681.60	16816.	6.40	6.52	6.50
8-0 TO 8-6	(1/1/86)	43.41	86.82	130.23	173.64	347.28	868.20	1736.40	17364.	6.41	6.50	6.50
8-6 TO 9-0	(7/1/86)	44.82	89.64	134.46	179.28	358.56	896.40	1792.80	17928.	6.41	6.47	6.50
9-0 TO 9-6	(1/1/87)	46.27	92.54	138.81	185.08	370.16	925.40	1850.80	18508.	6.42	6.53	6.51
9-6 TO10-0	(7/1/87)	47.76	95.52	143.34	191.12	382.24	955.60	1911.20	19112.	6.42	6.49	6.49
10-0 2/	(1/1/88)	49.33	98.66	147.99	197.32	394.64	986.60	1973.20	19732.	6.42 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/88)	$49.33	$ 98.66	$147.99	$197.32	$394.64	$ 986.60	$1973.20	$19732.	——	6.49	8.34
0-6 TO 1-0	(7/1/88)	50.93	101.86	152.79	203.72	407.44	1018.60	2037.20	20372.	6.49	6.52	8.72
1-0 TO 1-6	(1/1/89)	52.59	105.18	157.77	210.36	420.72	1051.80	2103.60	21036.	6.50	6.50	9.27
1-6 TO 2-0	(7/1/89)	54.30	108.60	162.90	217.20	434.40	1086.00	2172.00	21720.	6.50	6.48	10.20
2-0 TO 2-6	(1/1/90)	56.06	112.12	168.18	224.24	448.48	1121.20	2242.40	22424.	6.50	6.49	12.09
2-6 TO 3-0	(7/1/90)	57.88	115.76	173.64	231.52	463.04	1157.60	2315.20	23152.	6.50	17.83	17.83
3-0 4/	(1/1/91)	63.04	126.08	189.12	252.16	504.32	1260.80	2521.60	25216.	8.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1972 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.20 PERCENT; TO DATE OF BONUS PAYMENT IS 6.54 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 141

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(10/1/79)	$28.72	$ 57.44	$ 86.16	$114.88	$229.76	$ 574.40	$1148.80	$11488.	6.01	6.49	6.50
2-0 TO 2-6	(4/1/80)	29.65	59.30	88.95	118.60	237.20	593.00	1186.00	11860.	6.12	6.54	6.50
2-6 TO 3-0	(10/1/80)	30.62	61.24	91.86	122.48	244.96	612.40	1224.80	12248.	6.21	6.47	6.50
3-0 TO 3-6	(4/1/81)	31.61	63.22	94.83	126.44	252.88	632.20	1264.40	12644.	6.25	6.52	6.50
3-6 TO 4-0	(10/1/81)	32.64	65.28	97.92	130.56	261.12	652.80	1305.60	13056.	6.29	6.50	6.50
4-0 TO 4-6	(4/1/82)	33.70	67.40	101.10	134.80	269.60	674.00	1348.00	13480.	6.31	6.53	6.50
4-6 TO 5-0	(10/1/82)	34.80	69.60	104.40	139.20	278.40	696.00	1392.00	13920.	6.34	6.49	6.50
5-0 TO 5-6	(4/1/83)	35.93	71.86	107.79	143.72	287.44	718.60	1437.20	14372.	6.35	6.46	6.50
5-6 TO 6-0	(10/1/83)	37.09	74.18	111.27	148.36	296.72	741.80	1483.60	14836.	6.36	6.52	6.50
6-0 TO 6-6	(4/1/84)	38.30	76.60	114.90	153.20	306.40	766.00	1532.00	15320.	6.38	6.48	6.50
6-6 TO 7-0	(10/1/84)	39.54	79.08	118.62	158.16	316.32	790.80	1581.60	15816.	6.38	6.53	6.51
7-0 TO 7-6	(4/1/85)	40.83	81.66	122.49	163.32	326.64	816.60	1633.20	16332.	6.39	6.51	6.50
7-6 TO 8-0	(10/1/85)	42.16	84.32	126.48	168.64	337.28	843.20	1686.40	16864.	6.40	6.50	6.50
8-0 TO 8-6	(4/1/86)	43.53	87.06	130.59	174.12	348.24	870.60	1741.20	17412.	6.41	6.48	6.50
8-6 TO 9-0	(10/1/86)	44.94	89.88	134.82	179.76	359.52	898.80	1797.60	17976.	6.41	6.50	6.51
9-0 TO 9-6	(4/1/87)	46.40	92.80	139.20	185.60	371.20	928.00	1856.00	18560.	6.42	6.51	6.51
9-6 TO10-0	(10/1/87)	47.91	95.82	143.73	191.64	383.28	958.20	1916.40	19164.	6.42	6.51	6.51
10-0 2/	(4/1/88)	49.47	98.94	148.41	197.88	395.76	989.40	1978.80	19788.	6.43 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(4/1/88)	$49.47	$ 98.94	$148.41	$197.88	$395.76	$ 989.40	$1978.80	$19788.	——	6.51	8.34
0-6 TO 1-0	(10/1/88)	51.08	102.16	153.24	204.32	408.64	1021.60	2043.20	20432.	6.51	6.50	8.71
1-0 TO 1-6	(4/1/89)	52.74	105.48	158.22	210.96	421.92	1054.80	2109.60	21096.	6.50	6.48	9.27
1-6 TO 2-0	(10/1/89)	54.45	108.90	163.35	217.80	435.60	1089.00	2178.00	21780.	6.50	6.50	10.21
2-0 TO 2-6	(4/1/90)	56.22	112.44	168.66	224.88	449.76	1124.40	2249.80	22488.	6.50	6.51	12.09
2-6 TO 3-0	(10/1/90)	58.05	116.10	174.15	232.20	464.40	1161.00	2322.00	23220.	6.50	17.81	17.81
3-0 4/	(4/1/91)	63.22	126.44	189.66	252.88	505.76	1264.40	2526.80	25288.	8.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1972 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1972, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.22 PERCENT; TO DATE OF BONUS PAYMENT IS 6.56 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 AP 2 80 UMI

TABLE 142

BONDS BEARING ISSUE DATE AUG. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6	1/(6/1/79)	$27.88	$ 55.76	$ 83.64	$111.52	$223.04	$ 557.60	$1115.20	$11152.	8.00	6.53	6.50
1-6 TO 2-0	(12/1/79)	28.78	57.58	86.37	115.16	230.32	575.80	1151.60	11516.	6.17	6.48	6.50
2-0 TO 2-6	(6/1/80)	29.72	59.44	89.16	118.88	237.76	594.40	1188.80	11888.	6.25	6.53	6.50
2-6 TO 3-0	(12/1/80)	30.69	61.38	92.07	122.76	245.52	613.80	1227.60	12276.	6.30	6.45	6.50
3-0 TO 3-6	(6/1/81)	31.68	63.36	95.04	126.72	253.44	633.60	1267.20	12672.	6.33	6.50	6.50
3-6 TO 4-0	(12/1/81)	32.71	65.42	98.13	130.84	261.68	654.20	1308.40	13084.	6.35	6.54	6.50
4-0 TO 4-6	(6/1/82)	33.78	67.56	101.34	135.12	270.24	675.60	1351.20	13512.	6.38	6.51	6.50
4-6 TO 5-0	(12/1/82)	34.88	69.76	104.64	139.52	279.04	697.60	1395.20	13952.	6.39	6.48	6.50
5-0 TO 5-6	(6/1/83)	36.01	72.02	108.03	144.04	288.08	720.20	1440.40	14404.	6.40	6.50	6.50
5-6 TO 6-0	(12/1/83)	37.18	74.36	111.54	148.72	297.44	743.60	1487.20	14872.	6.41	6.51	6.50
6-0 TO 6-6	(6/1/84)	38.39	76.78	115.17	153.56	307.12	767.80	1535.60	15356.	6.42	6.51	6.50
6-6 TO 7-0	(12/1/84)	39.64	79.28	118.92	158.56	317.12	792.80	1585.60	15856.	6.42	6.46	6.50
7-0 TO 7-6	(6/1/85)	40.92	81.84	122.76	163.68	327.36	818.40	1636.80	16368.	6.43	6.50	6.50
7-6 TO 8-0	(12/1/85)	42.25	84.50	126.75	169.00	338.00	845.00	1690.00	16900.	6.43	6.53	6.50
8-0 TO 8-6	(6/1/86)	43.63	87.26	130.89	174.52	349.04	872.60	1745.20	17452.	6.44	6.46	6.50
8-6 TO 9-0	(12/1/86)	45.04	90.08	135.12	180.16	360.32	900.80	1801.60	18016.	6.44	6.53	6.51
9-0 TO 9-6	(6/1/87)	46.51	93.02	139.53	186.04	372.08	930.20	1860.40	18604.	6.44	6.49	6.50
9-6 TO10-0	(12/1/87)	48.02	96.04	144.06	192.08	384.16	960.40	1920.80	19208.	6.45	6.50	6.50
10-0 2/	(6/1/88)	49.58	99.16	148.74	198.32	396.64	991.60	1983.20	19832.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/88)	$49.58	$ 99.16	$148.74	$198.32	$396.64	$ 991.60	$1983.20	$19832.	——	6.49	8.34
0-6 TO 1-0	(12/1/88)	51.19	102.38	153.57	204.76	409.52	1023.80	2047.60	20476.	6.49	6.52	8.71
1-0 TO 1-6	(6/1/89)	52.86	105.72	158.58	211.44	422.88	1057.20	2114.40	21144.	6.51	6.47	9.26
1-6 TO 2-0	(12/1/89)	54.57	109.14	163.71	218.28	436.56	1091.40	2182.80	21828.	6.50	6.52	10.20
2-0 TO 2-6	(6/1/90)	56.35	112.70	169.05	225.40	450.80	1127.00	2254.00	22540.	6.50	6.50	12.06
2-6 TO 3-0	(12/1/90)	58.18	116.36	174.54	232.72	465.44	1163.60	2327.20	23272.	6.50	17.77	17.77
3-0 4/	(6/1/91)	60.07	120.14	180.21	240.28	480.56	1201.40	2402.80	24028.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1972 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.24 PERCENT; TO DATE OF BONUS PAYMENT IS 6.57 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 143

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6	1/(7/1/79)	$27.88	$ 55.76	$ 83.64	$111.52	$223.04	$ 557.60	$1115.20	$11152.	8.00	6.53	6.50
1-6 TO 2-0	(1/1/80)	28.78	57.58	86.37	115.16	230.32	575.80	1151.60	11516.	6.17	6.48	6.50
2-0 TO 2-6	(7/1/80)	29.72	59.44	89.16	118.88	237.76	594.40	1188.80	11888.	6.25	6.53	6.50
2-6 TO 3-0	(1/1/81)	30.69	61.38	92.07	122.76	245.52	613.80	1227.60	12276.	6.30	6.45	6.50
3-0 TO 3-6	(7/1/81)	31.68	63.36	95.04	126.72	253.44	633.60	1267.20	12672.	6.33	6.50	6.50
3-6 TO 4-0	(1/1/82)	32.71	65.42	98.13	130.84	261.68	654.20	1308.40	13084.	6.35	6.54	6.50
4-0 TO 4-6	(7/1/82)	33.78	67.56	101.34	135.12	270.24	675.60	1351.20	13512.	6.38	6.51	6.50
4-6 TO 5-0	(1/1/83)	34.88	69.76	104.64	139.52	279.04	697.60	1395.20	13952.	6.39	6.48	6.50
5-0 TO 5-6	(7/1/83)	36.01	72.02	108.03	144.04	288.08	720.20	1440.40	14404.	6.40	6.50	6.50
5-6 TO 6-0	(12/1/83)	37.18	74.36	111.54	148.72	297.44	743.60	1487.20	14872.	6.41	6.51	6.50
6-0 TO 6-6	(6/1/84)	38.39	76.78	115.17	153.56	307.12	767.80	1535.60	15356.	6.42	6.51	6.50
6-6 TO 7-0	(12/1/84)	39.64	79.28	118.92	158.56	317.12	792.80	1585.60	15856.	6.42	6.46	6.50
7-0 TO 7-6	(6/1/85)	40.92	81.84	122.76	163.68	327.36	818.40	1636.80	16368.	6.43	6.50	6.50
7-6 TO 8-0	(12/1/85)	42.25	84.50	126.75	169.00	338.00	845.00	1690.00	16900.	6.43	6.53	6.50
8-0 TO 8-6	(6/1/86)	43.63	87.26	130.89	174.52	349.04	872.60	1745.20	17452.	6.44	6.46	6.50
8-6 TO 9-0	(1/1/87)	45.04	90.08	135.12	180.16	360.32	900.80	1801.60	18016.	6.44	6.53	6.51
9-0 TO 9-6	(7/1/87)	46.51	93.02	139.53	186.04	372.08	930.20	1860.40	18604.	6.44	6.49	6.50
9-6 TO10-0	(12/1/87)	48.02	96.04	144.06	192.08	384.16	960.40	1920.80	19208.	6.45	6.50	6.50
10-0 2/	(7/1/88)	49.58	99.16	148.74	198.32	396.64	991.60	1983.20	19832.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/88)	$49.58	$ 99.16	$148.74	$198.32	$396.64	$ 991.60	$1983.20	$19832.	——	6.49	8.72
0-6 TO 1-0	(1/1/89)	51.19	102.38	153.57	204.76	409.52	1023.80	2047.60	20476.	6.49	6.52	9.28
1-0 TO 1-6	(7/1/89)	52.86	105.72	158.58	211.44	422.88	1057.20	2114.40	21144.	6.51	6.47	10.20
1-6 TO 2-0	(1/1/90)	54.57	109.14	163.71	218.28	436.56	1091.40	2182.80	21828.	6.50	6.52	12.10
2-0 TO 2-6	(7/1/90)	56.35	112.70	169.05	225.40	450.80	1127.00	2254.00	22540.	6.50	17.82	17.82
2-6 4/	(1/1/91)	58.17	122.74	184.11	245.48	490.96	1227.40	2454.80	24540.	8.72 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1972 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.24 PERCENT; TO DATE OF BONUS PAYMENT IS 6.57 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 144

BONDS BEARING ISSUE DATE DEC. 1, 1972 OR JAN. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6	1/(10/1/79)	$27.94	$ 55.88	$ 83.82	$111.76	$223.52	$ 558.80	$1117.60	$11176.	5.95	6.51	6.50
1-6 TO 2-0	(4/1/80)	28.85	57.70	86.55	115.40	230.80	577.00	1154.00	11540.	6.16	6.52	6.50
2-0 TO 2-6	(10/1/80)	29.79	59.58	89.37	119.16	238.32	595.80	1191.60	11916.	6.25	6.45	6.50
2-6 TO 3-0	(4/1/81)	30.75	61.50	92.25	123.00	246.00	615.00	1230.00	12300.	6.29	6.50	6.50
3-0 TO 3-6	(10/1/81)	31.75	63.50	95.25	127.00	254.00	635.00	1270.00	12700.	6.32	6.55	6.50
3-6 TO 4-0	(4/1/82)	32.79	65.58	98.37	131.16	262.32	655.80	1311.60	13116.	6.36	6.47	6.50
4-0 TO 4-6	(10/1/82)	33.85	67.70	101.55	135.40	270.80	677.00	1354.00	13540.	6.37	6.50	6.50
4-6 TO 5-0	(4/1/83)	34.95	69.90	104.85	139.80	279.60	699.00	1398.00	13980.	6.38	6.52	6.50
5-0 TO 5-6	(10/1/83)	36.09	72.18	108.27	144.36	288.72	721.80	1443.60	14436.	6.40	6.48	6.50
5-6 TO 6-0	(4/1/84)	37.26	74.52	111.78	149.04	298.08	745.20	1490.40	14904.	6.41	6.49	6.50
6-0 TO 6-6	(10/1/84)	38.47	76.94	115.41	153.88	307.76	769.40	1538.80	15388.	6.41	6.50	6.50
6-6 TO 7-0	(4/1/85)	39.72	79.44	119.16	158.88	317.76	794.40	1588.80	15888.	6.42	6.50	6.50
7-0 TO 7-6	(10/1/85)	41.01	82.02	123.03	164.04	328.08	820.20	1640.40	16404.	6.43	6.49	6.50
7-6 TO 8-0	(4/1/86)	42.34	84.68	127.02	169.36	338.72	846.80	1693.60	16936.	6.43	6.52	6.51
8-0 TO 8-6	(10/1/86)	43.72	87.44	131.16	174.88	349.76	874.40	1748.80	17489.	6.44	6.50	6.50
8-6 TO 9-0	(4/1/87)	45.14	90.28	135.42	180.56	361.12	902.80	1805.60	18056.	6.44	6.51	6.51
9-0 TO 9-6	(10/1/87)	46.61	93.22	139.83	186.44	372.88	932.20	1864.40	18644.	6.44	6.48	6.50
9-6 TO10-0	(4/1/88)	48.12	96.24	144.36	192.48	384.96	962.40	1924.80	19248.	6.44	6.53	6.53
10-0 2/	(10/1/88)	49.69	99.38	149.07	198.76	397.52	993.80	1987.60	19876.	6.45 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(10/1/88)	$49.69	$ 99.38	$149.07	$198.76	$397.52	$ 993.80	$1987.60	$19876.	——	6.48	8.71
0-6 TO 1-0	(4/1/89)	51.30	102.60	153.90	205.20	410.40	1026.00	2052.00	20520.	6.48	6.51	9.28
1-0 TO 1-6	(10/1/89)	52.97	105.94	158.91	211.88	423.76	1059.40	2118.80	21188.	6.50	6.49	10.21
1-6 TO 2-0	(4/1/90)	54.69	109.38	164.07	218.76	437.52	1093.80	2187.60	21876.	6.50	6.51	12.09
2-0 TO 2-6	(10/1/90)	56.47	112.94	169.41	225.88	451.76	1129.40	2258.80	22588.	6.50	17.81	17.81
2-6 4/	(4/1/91)	61.50	123.00	184.50	246.00	492.00	1230.00	2460.00	24600.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1972 ENTER EACH PERIOD, FOR ISSUES OF JAN. 1, 1973, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.25 PERCENT; TO DATE OF BONUS PAYMENT IS 6.59 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 145

BONDS BEARING ISSUE DATE FEB. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
0-6 TO 1-0	1/(6/1/79)	$27.13	$ 54.26	$ 81.39	$108.52	$217.04	$ 542.60	$1085.20	$10852.	8.00	6.49	6.50
1-0 TO 1-6	(12/1/79)	28.01	56.02	84.03	112.04	224.08	560.20	1120.40	11204.	6.24	6.50	6.50
1-6 TO 2-0	(6/1/80)	28.92	57.84	86.76	115.68	231.36	578.40	1156.80	11568.	6.33	6.50	6.50
2-0 TO 2-6	(12/1/80)	29.86	59.72	89.58	119.44	238.88	597.20	1194.40	11944.	6.37	6.50	6.50
2-6 TO 3-0	(6/1/81)	30.83	61.66	92.49	123.32	246.64	616.60	1233.20	12332.	6.40	6.49	6.50
3-0 TO 3-6	(12/1/81)	31.83	63.66	95.49	127.32	254.64	636.60	1273.20	12732.	6.41	6.53	6.50
3-6 TO 4-0	(6/1/82)	32.87	65.74	98.61	131.48	262.96	657.40	1314.80	13148.	6.43	6.51	6.50
4-0 TO 4-6	(12/1/82)	33.94	67.88	101.82	135.76	271.52	678.80	1357.60	13576.	6.44	6.48	6.50
4-6 TO 5-0	(6/1/83)	35.04	70.08	105.12	140.16	280.32	700.80	1401.60	14016.	6.44	6.51	6.50
5-0 TO 5-6	(12/1/83)	36.18	72.36	108.54	144.72	289.44	723.60	1447.20	14472.	6.45	6.52	6.50
5-6 TO 6-0	(6/1/84)	37.36	74.72	112.08	149.44	298.88	747.20	1494.40	14944.	6.46	6.48	6.50
6-0 TO 6-6	(12/1/84)	38.57	77.14	115.71	154.28	308.56	771.40	1542.80	15428.	6.46	6.48	6.50
6-6 TO 7-0	(6/1/85)	39.82	79.64	119.46	159.28	318.56	796.40	1592.80	15928.	6.46	6.53	6.50
7-0 TO 7-6	(12/1/85)	41.12	82.24	123.36	164.48	328.96	822.40	1644.80	16448.	6.47	6.47	6.50
7-6 TO 8-0	(6/1/86)	42.45	84.90	127.35	169.80	339.60	849.00	1698.00	16980.	6.47	6.50	6.51
8-0 TO 8-6	(12/1/86)	43.83	87.66	131.49	175.32	350.64	876.60	1753.20	17532.	6.47	6.53	6.51
8-6 TO 9-0	(6/1/87)	45.26	90.52	135.78	181.04	362.08	905.20	1810.40	18104.	6.47	6.50	6.50
9-0 TO 9-6	(12/1/87)	46.73	93.46	140.19	186.92	373.84	934.60	1868.20	18692.	6.47	6.51	6.51
9-6 TO10-0	(6/1/88)	48.25	96.50	144.75	193.00	386.00	965.00	1930.00	19300.	6.47	6.51	6.51
10-0 2/	(12/1/88)	49.82	99.64	149.46	199.28	398.56	996.40	1992.80	19928.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/88)	$49.82	$ 99.64	$149.46	$199.28	$398.56	$ 996.40	$1992.80	$19928.	——	6.50	8.71
0-6 TO 1-0	(6/1/89)	51.44	102.90	154.32	205.76	411.52	1028.80	2057.60	20576.	6.50	6.49	9.26
1-0 TO 1-6	(12/1/89)	53.11	106.22	159.33	212.44	424.88	1062.20	2124.40	21244.	6.50	6.51	10.19
1-6 TO 2-0	(6/1/90)	54.84	109.68	164.52	219.36	438.72	1096.80	2193.60	21936.	6.50	6.49	12.05
2-0 TO 2-6	(12/1/90)	56.62	113.24	169.86	226.48	452.96	1133.40	2266.80	22648.	6.50	17.77	17.77
2-6 4/	(6/1/91)	61.65	123.30	184.95	246.60	493.20	1231.00	2466.00	24660.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1973 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 19 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.27 PERCENT; TO DATE OF BONUS PAYMENT IS 6.60 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 146

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(7/1/79)	$27.13	$ 54.26	$ 81.39	$108.52	$217.04	$ 542.60	$1085.20	$10852.	5.00	6.49	6.50
1-0 TO 1-6	(1/1/80)	28.01	56.02	84.03	112.04	224.08	560.20	1120.40	11204.	6.24	5.50	6.50
1-6 TO 2-0	(7/1/80)	28.92	57.84	86.76	115.68	231.36	578.40	1156.80	11568.	6.33	6.50	6.50
2-0 TO 2-6	(1/1/81)	29.86	59.72	89.58	119.44	238.88	597.20	1194.40	11944.	6.37	6.50	6.50
2-6 TO 3-0	(7/1/81)	30.83	61.66	92.49	123.32	246.64	616.60	1233.20	12332.	6.40	6.49	6.50
3-0 TO 3-6	(1/1/82)	31.83	63.66	95.49	127.32	254.64	636.60	1273.20	12732.	6.41	6.53	6.50
3-6 TO 4-0	(7/1/82)	32.87	65.74	98.61	131.48	262.96	657.40	1314.80	13148.	6.43	6.51	6.50
4-0 TO 4-6	(1/1/83)	33.94	67.88	101.82	135.76	271.52	678.80	1357.60	13576.	6.44	6.48	6.50
4-6 TO 5-0	(7/1/83)	35.04	70.08	105.12	140.16	280.32	700.80	1401.60	14016.	6.44	6.51	6.50
5-0 TO 5-6	(1/1/84)	36.18	72.36	108.54	144.72	289.44	723.60	1447.20	14472.	6.45	6.52	6.50
5-6 TO 6-0	(7/1/84)	37.36	74.72	112.08	149.44	298.88	747.20	1494.40	14944.	6.46	6.48	6.50
6-0 TO 6-6	(1/1/85)	38.57	77.14	115.71	154.28	308.56	771.40	1542.80	15428.	6.46	6.48	8.50
6-6 TO 7-0	(7/1/85)	39.82	79.64	119.46	159.28	318.56	796.40	1592.80	15928.	6.46	6.53	8.50
7-0 TO 7-6	(1/1/86)	41.12	82.24	123.36	164.48	328.96	822.40	1644.80	16448.	6.47	6.47	6.50
7-6 TO 8-0	(7/1/86)	42.45	84.90	127.35	169.80	339.60	849.00	1698.00	16980.	6.47	6.50	6.51
8-0 TO 8-6	(1/1/87)	43.83	87.66	131.49	175.32	350.64	876.60	1753.20	17532.	6.47	6.53	6.51
8-6 TO 9-0	(7/1/87)	45.26	90.52	135.78	181.04	362.08	905.20	1810.40	18104.	6.47	6.50	8.50
9-0 TO 9-6	(1/1/88)	46.73	93.46	140.19	186.92	373.84	934.60	1869.20	18692.	6.47	6.51	6.51
9-6 TO10-0	(7/1/88)	48.25	96.50	144.75	193.00	386.00	965.00	1930.00	19300.	6.47	6.51	6.51
10-0 2/	(1/1/89)	49.82	99.64	149.46	199.28	398.56	996.40	1992.80	19928.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/89)	$49.82	$ 99.64	$149.46	$199.28	$398.56	$ 996.40	$1992.80	$19928.	——	6.50	9.26
0-6 TO 1-0	(7/1/89)	51.44	102.88	154.32	205.76	411.52	1028.80	2057.60	20576.	6.50	6.49	10.19
1-0 TO 1-6	(1/1/90)	53.11	106.22	159.33	212.44	424.88	1062.20	2124.40	21244.	6.50	6.51	12.06
1-6 TO 2-0	(7/1/90)	54.84	109.68	164.52	219.36	438.72	1096.80	2193.60	21936.	6.50	17.76	17.76
2-0 4/	(1/1/91)	59.71	119.42	179.13	238.84	477.68	1194.20	2388.40	23884.	9.26 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1973 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.27 PERCENT; TO DATE OF BONUS PAYMENT IS 6.60 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 147

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(10/1/79)	$27.19	$ 54.38	$ 81.57	$108.76	$217.52	$ 543.80	$1087.60	$10876.	4.99	6.47	6.50
1-0 TO 1-6	(4/1/80)	28.07	56.14	84.21	112.28	224.56	561.40	1122.80	11228.	6.23	6.56	6.50
1-6 TO 2-0	(10/1/80)	28.99	57.98	86.97	115.96	231.92	579.80	1159.60	11596.	6.34	6.48	6.50
2-0 TO 2-6	(4/1/81)	29.93	59.86	89.79	119.72	239.44	598.60	1197.20	11972.	6.37	6.48	6.50
2-6 TO 3-0	(10/1/81)	30.90	61.80	92.70	123.60	247.20	618.00	1236.00	12360.	6.40	6.54	6.50
3-0 TO 3-6	(4/1/82)	31.91	63.82	95.73	127.64	255.28	638.20	1276.40	12764.	6.42	6.46	6.50
3-6 TO 4-0	(10/1/82)	32.94	65.88	98.82	131.76	263.52	658.80	1317.60	13176.	6.42	6.50	6.50
4-0 TO 4-6	(4/1/83)	34.01	68.02	102.03	136.04	272.08	680.20	1360.40	13604.	6.43	6.53	6.50
4-6 TO 5-0	(10/1/83)	35.12	70.24	105.36	140.48	280.96	702.40	1404.80	14048.	6.44	6.49	6.50
5-0 TO 5-6	(4/1/84)	36.26	72.52	108.78	145.04	290.08	725.20	1450.40	14504.	6.45	6.51	6.50
5-6 TO 6-0	(10/1/84)	37.44	74.88	112.32	149.76	299.52	748.80	1497.60	14976.	6.45	6.46	6.50
6-0 TO 6-6	(4/1/85)	38.65	77.30	115.95	154.60	309.20	773.00	1546.00	15460.	6.46	6.52	6.51
6-6 TO 7-0	(10/1/85)	39.91	79.82	119.73	159.64	319.28	798.20	1596.40	15964.	6.46	6.51	8.50
7-0 TO 7-6	(4/1/86)	41.21	82.42	123.63	164.84	329.68	824.20	1648.40	16484.	6.46	6.50	8.50
7-6 TO 8-0	(10/1/86)	42.55	85.10	127.65	170.20	340.40	851.00	1702.00	17020.	6.47	6.49	8.50
8-0 TO 8-6	(4/1/87)	43.93	87.86	131.79	175.72	351.44	878.60	1757.20	17572.	6.47	6.51	8.50
8-6 TO 9-0	(10/1/87)	45.34	90.72	136.08	181.44	362.88	907.20	1814.40	18144.	6.47	6.48	6.50
9-0 TO 9-6	(4/1/88)	46.83	93.66	140.49	187.32	374.64	936.60	1873.20	18732.	6.47	6.49	6.51
9-6 TO10-0	(10/1/88)	48.35	96.70	145.05	193.40	386.80	967.00	1934.00	19340.	6.47	6.54	6.54
10-0 2/	(4/1/89)	49.93	99.86	149.79	199.72	399.44	998.60	1997.20	19972.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(4/1/89)	$49.93	$ 99.86	$149.79	$199.72	$399.44	$ 998.60	$1997.20	$19972.	——	6.49	9.26
0-6 TO 1-0	(10/1/89)	51.55	103.10	154.65	206.20	412.40	1031.00	2062.00	20620.	6.49	6.52	10.19
1-0 TO 1-6	(4/1/90)	53.23	106.46	159.69	212.92	425.84	1064.60	2129.20	21292.	6.50	6.50	12.05
1-6 TO 2-0	(10/1/90)	54.96	109.92	164.88	219.84	439.68	1099.20	2199.40	21984.	6.50	17.76	17.76
2-0 4/	(4/1/91)	59.84	119.68	179.52	239.36	478.72	1196.80	2393.60	23936.	9.26 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1973 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 4973, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.28 PERCENT; TO DATE OF BONUS PAYMENT IS 6.61 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 148

BONDS BEARING ISSUE DATE AUG. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(6/1/79)	$24.40	$ 52.80	$ 79.20	$105.60	$211.20	$ 528.00	$1056.00	$10560.	——	6.52	6.50
0-6 TO 1-0	(12/1/79)	27.26	54.52	81.78	109.04	218.08	545.20	1090.40	10904.	6.52	6.46	6.50
1-0 TO 1-6	(6/1/80)	28.14	56.28	84.42	112.56	225.12	563.40	1125.60	11256.	6.49	6.54	6.50
1-6 TO 2-0	(12/1/80)	29.06	58.12	87.18	116.24	232.48	581.20	1162.40	11424.	6.50	6.47	6.50
2-0 TO 2-6	(6/1/81)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	6.49	6.53	6.50
2-6 TO 3-0	(12/1/81)	30.98	61.96	92.94	123.92	247.84	619.60	1239.20	12392.	6.50	6.46	8.50
3-0 TO 3-6	(6/1/82)	31.98	63.96	95.94	127.92	255.84	639.60	1279.20	12792.	6.49	6.50	8.50
3-6 TO 4-0	(12/1/82)	33.02	66.04	99.06	132.08	264.16	660.40	1320.80	13208.	6.50	6.54	6.50
4-0 TO 4-6	(6/1/83)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.50	6.51	6.50
4-6 TO 5-0	(12/1/83)	35.21	70.42	105.63	140.84	281.68	704.20	1408.40	14084.	6.50	8.48	6.50
5-0 TO 5-6	(6/1/84)	36.35	72.70	109.05	145.40	290.80	727.00	1454.00	14540.	6.50	6.49	8.50
5-6 TO 6-0	(12/1/84)	37.53	75.06	112.59	150.12	300.24	750.60	1501.20	15012.	6.50	6.50	8.50
6-0 TO 6-6	(6/1/85)	38.75	77.50	116.25	155.00	310.00	775.00	1550.00	15500.	6.50	6.50	8.50
6-6 TO 7-0	(12/1/85)	40.01	80.02	120.03	160.04	320.08	800.20	1600.40	16004.	6.50	6.50	8.50
7-0 TO 7-6	(6/1/86)	41.31	82.62	123.93	165.24	330.48	826.20	1652.40	16524.	6.50	6.49	8.50
7-6 TO 8-0	(12/1/86)	42.65	85.30	127.95	170.60	341.20	853.00	1706.00	17060.	6.50	6.52	8.50
8-0 TO 8-6	(6/1/87)	44.04	88.08	132.12	176.16	352.32	880.80	1761.60	17616.	6.50	6.50	8.50
8-6 TO 9-0	(12/1/87)	45.47	90.94	136.41	181.88	363.76	909.40	1818.80	18188.	6.50	6.51	8.50
9-0 TO 9-6	(6/1/88)	46.95	93.90	140.85	187.80	375.60	939.00	1878.00	18780.	6.50	6.47	6.50
9-6 TO10-0	(12/1/88)	48.47	96.94	145.41	193.88	387.76	969.40	1938.80	19388.	6.50	6.52	6.52
10-0 2/	(6/1/89)	50.05	100.10	150.15	200.20	400.40	1001.00	2002.00	20020.	6.50 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(6/1/89)	$50.05	$100.10	$150.15	$200.20	$400.40	$1001.00	$2002.00	$20020.	——	6.51	9.27
0-6 TO 1-0	(12/1/89)	51.68	103.36	155.04	206.72	413.44	1033.60	2067.20	20672.	6.51	6.50	10.19
1-0 TO 1-6	(6/1/90)	53.36	106.72	160.08	213.44	426.88	1067.20	2134.40	21344.	6.51	6.48	12.06
1-6 TO 2-0	(12/1/90)	55.08	110.18	165.27	220.36	440.72	1101.80	2203.60	22036.	6.50	17.79	17.79
2-0 4/	(6/1/91)	59.99	119.98	179.97	239.96	479.92	1199.80	2399.60	23996.	9.27 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1973 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.30 PERCENT; TO DATE OF BONUS PAYMENT IS 6.63 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 149

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD										
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(7/1/79)	$24.40	$ 52.80	$ 79.20	$105.60	$211.20	$ 528.00	$1056.00	$10560.	——	6.52	6.50
0-6 TO 1-0	(1/1/80)	27.26	54.52	81.78	109.04	218.08	545.20	1090.40	10904.	6.52	6.46	6.50
1-0 TO 1-6	(7/1/80)	28.14	56.28	84.42	112.56	225.12	563.40	1125.60	11256.	6.49	6.54	6.50
1-6 TO 2-0	(1/1/81)	29.06	58.12	87.18	116.24	232.48	581.20	1162.40	11624.	6.50	6.47	6.50
2-0 TO 2-6	(7/1/81)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	6.49	6.53	6.50
2-6 TO 3-0	(1/1/82)	30.98	61.96	92.94	123.92	247.84	619.60	1239.20	12392.	6.50	6.46	8.50
3-0 TO 3-6	(7/1/82)	31.98	63.96	95.94	127.92	255.84	639.60	1279.20	12792.	6.49	6.50	8.50
3-6 TO 4-0	(1/1/83)	33.02	66.04	99.06	132.08	264.16	660.40	1320.80	13208.	6.50	6.54	6.50
4-0 TO 4-6	(7/1/83)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.50	6.51	6.50
4-6 TO 5-0	(1/1/84)	35.21	70.42	105.63	140.84	281.68	704.20	1408.40	14084.	6.50	8.48	6.50
5-0 TO 5-6	(7/1/84)	36.35	72.70	109.05	145.40	290.80	727.00	1454.00	14540.	6.50	6.49	8.50
5-6 TO 6-0	(1/1/85)	37.53	75.06	112.59	150.12	300.24	750.60	1501.20	15012.	6.50	6.50	8.50
6-0 TO 6-6	(7/1/85)	38.75	77.50	116.25	155.00	310.00	775.00	1550.00	15500.	6.50	6.50	8.50
6-6 TO 7-0	(1/1/86)	40.01	80.02	120.03	160.04	320.08	800.20	1600.40	16004.	6.50	6.50	8.50
7-0 TO 7-6	(7/1/86)	41.31	82.62	123.93	165.24	330.48	826.20	1652.40	16524.	6.50	6.49	8.50
7-6 TO 8-0	(1/1/87)	42.65	85.30	127.95	170.60	341.20	853.00	1706.00	17060.	6.50	6.52	8.50
8-0 TO 8-6	(7/1/87)	44.04	88.08	132.12	176.16	352.32	880.80	1761.60	17616.	6.50	6.50	8.50
8-6 TO 9-0	(1/1/88)	45.47	90.94	136.41	181.88	363.76	909.40	1818.80	18188.	6.50	6.51	8.50
9-0 TO 9-6	(7/1/88)	46.95	93.90	140.85	187.80	375.60	939.00	1878.00	18780.	6.50	6.47	6.50
9-6 TO10-0	(1/1/89)	48.47	96.94	145.41	193.88	387.76	969.40	1938.80	19388.	6.50	6.52	6.52
10-0 2/	(7/1/89)	50.05	100.10	150.15	200.20	400.40	1001.00	2002.00	20020.	6.50 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(7/1/89)	$50.05	$100.10	$150.15	$200.20	$400.40	$1001.00	$2002.00	$20020.	——	6.51	10.21
0-6 TO 1-0	(1/1/90)	51.68	103.36	155.04	206.72	413.44	1033.60	2067.20	20672.	6.51	6.50	12.08
1-0 TO 1-6	(7/1/90)	53.36	106.72	160.08	213.44	426.88	1067.20	2134.40	21344.	6.51	17.80	17.80
1-6 4/	(1/1/91)	58.11	116.22	174.33	232.44	464.88	1162.20	2324.40	23244.	10.21 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1973 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.30 PERCENT; TO DATE OF BONUS PAYMENT IS 6.63 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V45/65A P280 UMI

TABLE 150

BONDS BEARING ISSUE DATE DEC. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
0-6 TO 1-0 1/	(6/1/79)	$25.96	$ 51.92	$ 77.88	$103.84	$207.68	$ 519.20	$1038.40	$10384.	PERCENT 6.03	PERCENT 6.47	PERCENT 6.50
1-0 TO 1-6	(12/1/79)	26.80	53.60	80.40	107.20	214.40	536.00	1072.00	10720.	6.25	6.49	6.50
1-6 TO 2-0	(6/1/80)	27.67	55.34	83.01	110.68	221.36	553.40	1106.80	11068.	6.33	6.51	6.50
2-0 TO 2-6	(12/1/80)	28.57	57.14	85.71	114.28	228.56	571.40	1142.80	11428.	6.38	6.51	6.50
2-6 TO 3-0	(6/1/81)	29.50	59.00	88.50	118.00	236.00	590.00	1180.00	11800.	6.40	6.51	6.50
3-0 TO 3-6	(12/1/81)	30.46	60.92	91.38	121.84	243.68	609.20	1218.40	12184.	6.42	6.50	6.50
3-6 TO 4-0	(6/1/82)	31.45	62.90	94.35	125.80	251.60	629.00	1258.00	12580.	6.43	6.49	6.50
4-0 TO 4-6	(12/1/82)	32.47	64.94	97.41	129.88	259.76	649.40	1298.80	12988.	6.44	6.53	6.50
4-6 TO 5-0	(6/1/83)	33.53	67.06	100.59	134.12	268.24	670.60	1341.20	13412.	6.45	6.50	6.50
5-0 TO 5-6	(12/1/83)	34.62	69.24	103.86	138.48	276.96	692.40	1384.80	13848.	6.45	6.47	6.50
5-6 TO 6-0	(6/1/84)	35.74	71.48	107.22	142.96	285.92	714.80	1429.60	14296.	6.46	6.55	6.50
6-0 TO 6-6	(12/1/84)	36.91	73.82	110.73	147.64	295.28	738.20	1476.40	14764.	6.46	6.50	6.50
6-6 TO 7-0	(6/1/85)	38.11	76.22	114.33	152.44	304.88	762.20	1524.40	15244.	6.47	6.45	6.50
7-0 TO 7-6	(12/1/85)	39.34	78.68	118.02	157.36	314.72	786.80	1573.60	15736.	6.47	6.51	6.51
7-6 TO 8-0	(6/1/86)	40.62	81.24	121.86	162.48	324.96	812.40	1624.80	16248.	6.47	6.50	6.51
8-0 TO 8-6	(12/1/86)	41.94	83.88	125.82	167.76	335.52	838.80	1677.60	16776.	6.47	6.53	6.51
8-6 TO 9-0	(6/1/87)	43.31	86.62	129.93	173.24	346.48	866.20	1732.40	17324.	6.47	6.47	6.50
9-0 TO 9-6	(12/1/87)	44.71	89.42	134.13	178.84	357.68	894.20	1788.40	17884.	6.47	6.53	6.51
9-6 TO10-0	(6/1/88)	46.17	92.34	138.51	184.68	369.36	923.40	1846.80	18468.	6.48	6.50	6.50
10-0 2/	(12/1/88)	47.67	95.34	143.01	190.68	381.36	953.40	1906.80	19068.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(12/1/88)	$47.67	$ 95.34	$143.01	$190.68	$381.36	$ 953.40	$1906.80	$19068.	——	8.71
0-6 TO 1-0	(6/1/89)	49.22	98.44	147.66	196.88	393.76	984.40	1968.80	19688.	8.58	8.90	9.27
1-0 TO 1-6	(12/1/89)	50.82	101.64	152.46	203.28	406.56	1016.40	2032.80	20328.	6.50	6.49	10.20
1-6 TO 2-0	(6/1/90)	52.47	104.94	157.41	209.88	419.76	1049.40	2098.80	20988.	6.50	6.52	12.08
2-0 TO 2-6	(12/1/90)	54.18	108.36	162.54	216.72	433.44	1083.60	2167.20	21672.	8.50	17.79	17.79
2-6 4/	(6/1/91)	59.00	118.00	177.00	236.00	472.00	1180.00	2360.00	23600.	8.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1973 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.32 PERCENT; TO DATE OF BONUS PAYMENT IS 8.56 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 151

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 1ST EXTENDED MATURITY
0-6 TO 1-0 1/(| 7/1/79)	$25.96	$ 51.92	$ 77.88	$103.84	$207.68	$ 519.20	$1038.40	$10384.	PERCENT 6.03	PERCENT 6.47	PERCENT 6.50
1-0 TO 1-6	(1/1/80)	26.80	53.60	80.40	107.20	214.40	536.00	1072.00	10720.	6.25	6.49	6.50
1-6 TO 2-0	(7/1/80)	27.67	55.34	83.01	110.68	221.36	553.40	1106.80	11068.	6.33	6.51	6.50
2-0 TO 2-6	(1/1/81)	28.57	57.14	85.71	114.28	228.56	571.40	1142.80	11428.	6.38	6.51	6.50
2-6 TO 3-0	(7/1/81)	29.50	59.00	88.50	118.00	236.00	590.00	1180.00	11800.	6.40	6.51	6.50
3-0 TO 3-6	(1/1/82)	30.46	60.92	91.38	121.84	243.68	609.20	1218.40	12184.	6.42	6.50	6.50
3-6 TO 4-0	(7/1/82)	31.45	62.90	94.35	125.80	251.60	629.00	1258.00	12580.	6.43	6.49	6.50
4-0 TO 4-6	(1/1/83)	32.47	64.94	97.41	129.88	259.76	649.40	1298.80	12988.	6.44	6.53	6.50
4-6 TO 5-0	(7/1/83)	33.53	67.06	100.59	134.12	268.24	670.60	1341.20	13412.	6.45	6.50	6.50
5-0 TO 5-6	(1/1/84)	34.62	69.24	103.86	138.48	276.96	692.40	1384.80	13848.	6.45	6.47	6.50
5-6 TO 6-0	(7/1/84)	35.74	71.48	107.22	142.96	285.92	714.80	1429.60	14296.	6.46	6.55	6.50
6-0 TO 6-6	(1/1/85)	36.91	73.82	110.73	147.64	295.28	738.20	1476.40	14764.	6.46	6.50	6.50
6-6 TO 7-0	(7/1/85)	38.11	76.22	114.33	152.44	304.88	762.20	1524.40	15244.	6.47	6.45	6.50
7-0 TO 7-6	(1/1/86)	39.34	78.68	118.02	157.36	314.72	786.80	1573.60	15736.	6.47	6.51	6.51
7-6 TO 8-0	(7/1/86)	40.62	81.24	121.86	162.48	324.96	812.40	1624.80	16248.	6.47	6.50	6.51
8-0 TO 8-6	(1/1/87)	41.94	83.88	125.82	167.76	335.52	838.80	1677.60	16776.	6.47	6.53	6.51
8-6 TO 9-0	(7/1/87)	43.31	86.62	129.93	173.24	346.48	866.20	1732.40	17324.	6.47	6.47	6.50
9-0 TO 9-6	(1/1/88)	44.71	89.42	134.13	178.84	357.68	894.20	1788.40	17884.	6.47	6.53	6.51
9-6 TO10-0	(7/1/88)	46.17	92.34	138.51	184.68	369.36	923.40	1846.80	18468.	6.48	6.50	6.50
10-0 2/	(1/1/89)	47.67	95.34	143.01	190.68	381.36	953.40	1906.80	19068.	6.48 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	(1/1/89)	$47.67	$ 95.34	$143.01	$190.68	$381.36	$ 953.40	$1906.80	$19068.	——	8.59	9.27
0-6 TO 1-0	(7/1/89)	49.22	98.44	147.66	196.88	393.76	984.40	1968.80	19688.	8.50	8.90	10.20
1-0 TO 1-6	(1/1/90)	50.82	101.64	152.46	203.28	406.56	1016.40	2032.80	20328.	6.50	6.49	12.07
1-6 TO 2-0	(7/1/90)	52.47	104.94	157.41	209.88	419.76	1049.40	2098.80	20988.	6.50	17.80	17.80
2-0 4/	(1/1/91)	57.14	114.28	171.42	228.56	457.12	1142.80	2285.60	22856.	9.27 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1974 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, AND THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.32 PERCENT; TO DATE OF BONUS PAYMENT IS 8.98 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 152

BONDS BEARING ISSUE DATE JUNE 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
5-0 2/	1/(6/1/79)	$25.20	$ 50.40	$ 75.60	$150.80	$201.60	$ 504.00	$1008.00	$10080.	PERCENT 6.00	PERCENT ——	PERCENT ——
0-0 TO 0-6	(6/1/79)	$25.30	$ 50.40	$ 75.60	$100.80	$201.60	$ 504.00	$1008.00	$10080.	——	6.51	6.50
0-6 TO 1-0	(12/1/79)	26.02	52.04	78.06	104.08	208.16	520.40	1040.80	10408.	6.51	6.46	6.50
1-0 TO 1-6	(6/1/80)	26.86	53.72	80.58	107.44	214.88	537.20	1074.40	10744.	6.48	6.55	6.50
1-6 TO 2-0	(12/1/80)	27.74	55.48	83.22	110.96	221.92	554.80	1109.60	11096.	6.51	6.49	6.50
2-0 TO 2-6	(6/1/81)	28.64	57.28	85.92	114.56	229.12	572.80	1145.60	11456.	6.50	6.49	6.50
2-6 TO 3-0	(12/1/81)	29.57	59.14	88.71	118.28	236.56	591.40	1182.80	11828.	6.50	6.49	6.50
3-0 TO 3-6	(6/1/82)	30.53	61.06	91.59	122.12	244.24	610.60	1221.20	12212.	6.50	6.49	6.50
3-6 TO 4-0	(12/1/82)	31.52	63.04	94.56	126.08	252.16	630.40	1260.80	12608.	6.50	6.54	6.50
4-0 TO 4-6	(6/1/83)	32.55	65.10	97.65	130.20	260.40	651.00	1302.00	13020.	6.50	6.51	6.50
4-6 TO 5-0	(12/1/83)	33.61	67.22	100.83	134.44	268.88	672.20	1344.40	13440.	6.50	6.49	6.50
5-0 TO 5-6	(6/1/84)	34.70	69.40	104.10	138.80	277.60	694.00	1388.00	13880.	6.50	6.51	6.50
5-6 TO 6-0	(12/1/84)	35.83	71.66	107.49	143.32	286.64	716.60	1433.20	14332.	6.50	6.48	6.50
6-0 TO 6-6	(6/1/85)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.50	6.49	6.50
6-6 TO 7-0	(12/1/85)	38.19	76.38	114.57	152.76	305.52	763.80	1527.60	15276.	6.50	6.49	6.50
7-0 TO 7-6	(6/1/86)	39.43	78.86	118.29	157.72	315.44	788.60	1577.20	15772.	6.50	6.49	6.51
7-6 TO 8-0	(12/1/86)	40.71	81.42	122.13	162.84	325.68	814.20	1628.40	16284.	6.50	6.53	6.51
8-0 TO 8-6	(6/1/87)	42.04	84.08	126.12	168.16	336.32	840.80	1681.60	16816.	6.50	6.47	6.50
8-6 TO 9-0	(12/1/87)	43.40	86.80	130.20	173.60	347.20	868.00	1736.00	17360.	6.50	6.50	6.51
9-0 TO 9-6	(6/1/88)	44.81	89.62	134.43	179.24	358.48	896.20	1792.40	17924.	6.50	6.52	6.52
9-6 TO10-0	(12/1/88)	46.27	92.54	138.81	185.08	370.16	925.40	1850.80	18508.	6.50	6.53	6.53
10-0 4/	(6/1/89)	47.78	95.56	143.34	191.12	382.24	955.60	1911.20	19112.	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1974 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.33 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 152-A

BONDS BEARING ISSUE DATE JUNE 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(6/1/89)	$47.78	$ 95.56	$143.34	$191.12	$382.24	$ 955.60	$1911.20	$19112.	PERCENT ——	PERCENT 6.49	PERCENT 9.27
0-6 TO 1-0	(12/1/89)	49.33	98.66	147.99	197.32	394.64	986.60	1973.20	19732.	6.49	6.53	10.20
1-0 TO 1-6	(6/1/90)	50.94	101.88	152.82	203.76	407.52	1018.80	2037.60	20376.	6.51	6.48	12.06
1-6 TO 2-0	(12/1/90)	52.59	105.18	157.77	210.36	420.72	1051.80	2103.60	21036.	6.50	17.80	17.80
2-0 2/	(6/1/91)	57.27	114.54	171.81	229.08	458.16	1145.40	2290.80	22908.	9.27 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1974 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.68 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 153

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
5-0 2/	1/(7/1/79)	$25.20	$ 50.40	$ 75.60	$100.80	$201.60	$ 504.00	$1008.00	$10080.	4.00	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**											(B)TO EXTENDED MATURITY
0-0 TO 0-6	(7/1/79)	$25.20	$ 50.40	$ 75.60	$100.80	$201.60	$ 504.00	$1008.00	$10080.	----	6.51	6.50
0-6 TO 1-0	(1/1/80)	26.82	52.64	78.96	104.08	208.16	520.40	1040.80	10408.	6.51	6.46	6.50
1-0 TO 1-6	(7/1/80)	26.86	53.72	80.58	107.44	214.88	537.20	1074.40	10744.	6.48	6.55	6.50
1-6 TO 2-0	(1/1/81)	27.74	55.48	83.22	110.96	221.92	554.80	1109.60	11096.	6.51	6.49	6.50
2-0 TO 2-6	(7/1/81)	28.64	57.28	85.92	114.58	229.12	572.80	1145.60	11456.	6.50	6.49	6.50
2-6 TO 3-0	(1/1/82)	29.57	59.14	88.71	118.28	236.56	591.40	1182.80	11828.	6.50	6.49	6.50
3-0 TO 3-6	(7/1/82)	30.53	61.06	91.59	122.12	244.24	610.60	1221.20	12212.	6.50	6.49	6.50
3-6 TO 4-0	(1/1/83)	31.52	63.04	94.56	126.08	252.16	630.40	1260.80	12608.	6.50	6.54	6.50
4-0 TO 4-6	(7/1/83)	32.55	65.10	97.65	130.20	260.40	651.00	1302.00	13020.	6.50	6.51	6.50
4-6 TO 5-0	(1/1/84)	33.61	67.22	100.83	134.44	268.88	672.20	1344.40	13444.	6.50	6.49	6.50
5-0 TO 5-6	(7/1/84)	34.70	69.40	104.10	138.80	277.60	694.00	1388.00	13880.	6.50	6.51	6.50
5-6 TO 6-0	(1/1/85)	35.83	71.66	107.49	143.32	286.64	716.60	1433.20	14332.	6.50	6.48	6.50
6-0 TO 6-6	(7/1/85)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.50	6.49	6.50
6-6 TO 7-0	(1/1/86)	38.19	76.38	114.57	152.76	305.52	763.80	1527.60	15276.	6.50	6.49	6.50
7-0 TO 7-6	(7/1/86)	39.43	78.86	118.29	157.72	315.44	788.60	1577.20	15772.	6.50	6.49	6.51
7-6 TO 8-0	(1/1/87)	40.71	81.42	122.13	162.84	325.68	814.20	1628.40	16284.	6.50	6.53	6.51
8-0 TO 8-6	(7/1/87)	42.04	84.08	126.12	168.16	336.32	840.80	1681.60	16816.	6.50	6.47	6.50
8-6 TO 9-0	(1/1/88)	43.40	86.80	130.20	173.60	347.20	868.00	1736.00	17360.	6.50	6.50	6.51
9-0 TO 9-6	(7/1/88)	44.81	89.62	134.43	179.24	358.48	896.20	1792.40	17924.	6.50	6.52	6.52
9-6 TO10-0	(1/1/89)	46.27	92.54	138.81	185.08	370.16	925.40	1850.80	18508.	6.50	6.53	6.53
10-0 4/	(7/1/89)	47.78	95.56	143.34	191.12	382.24	955.60	1911.20	19112.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1974 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.33 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 153-A

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(7/1/89)	$47.78	$ 95.56	$143.34	$191.12	$382.24	$ 955.60	$1911.20	$19112.	----	6.49	10.19
0-6 TO 1-0	(1/1/90)	49.33	98.66	147.99	197.32	394.64	986.60	1973.20	19732.	6.49	6.53	12.06
1-0 TO 1-6	(7/1/90)	50.94	101.88	152.82	203.76	407.52	1018.80	2037.60	20376.	6.51	17.75	17.75
1-6 2/	(1/1/91)	55.46	110.92	166.38	221.84	443.68	1109.20	2218.40	22184.	10.19 3/	----	----
	SECOND EXTENDED MATURITY PERIOD**											

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1974 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 16 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.68 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1990 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 154

BONDS BEARING ISSUE DATE DEC. 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0	1/(6/1/79)	$23.67	$ 47.34	$ 71.01	$ 94.68	$189.36	$ 473.40	$ 946.80	$ 9468.	5.25	13.43	13.43
5-0 2/	(12/1/79)	25.26	50.52	75.78	101.04	202.08	505.20	1010.40	10104.	6.05	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**											(B)TO EXTENDED MATURITY
0-0 TO 0-6	(12/1/79)	$25.26	$ 50.52	$ 75.78	$101.04	$202.08	$ 505.20	$1010.40	$10104.	----	6.49	6.50
0-6 TO 1-0	(6/1/80)	26.08	52.16	78.24	104.32	208.64	521.60	1043.20	10432.	6.49	6.52	6.50
1-0 TO 1-6	(12/1/80)	26.93	53.86	80.79	107.72	215.44	538.60	1077.20	10772.	6.51	6.46	6.50
1-6 TO 2-0	(6/1/81)	27.80	55.60	83.40	111.20	222.40	556.00	1112.00	11120.	6.49	6.55	6.50
2-0 TO 2-6	(12/1/81)	28.71	57.42	86.13	114.84	229.68	574.20	1148.40	11484.	6.50	6.48	6.50
2-6 TO 3-0	(6/1/82)	29.64	59.28	88.92	118.56	237.12	592.80	1185.60	11856.	6.50	6.48	6.50
3-0 TO 3-6	(12/1/82)	30.56	61.20	91.80	122.40	244.80	612.00	1224.00	12240.	6.50	6.54	6.50
3-6 TO 4-0	(6/1/83)	31.60	63.20	94.80	126.40	252.80	632.00	1264.00	12640.	6.50	6.52	6.50
4-0 TO 4-6	(12/1/83)	32.63	65.26	97.89	130.52	261.04	652.60	1305.20	13052.	6.50	6.50	6.50
4-6 TO 5-0	(6/1/84)	33.69	67.38	101.07	134.76	269.52	673.80	1347.60	13476.	6.50	6.47	6.50
5-0 TO 5-6	(12/1/84)	34.78	69.56	104.34	139.12	278.24	695.60	1391.20	13912.	6.50	6.50	6.50
5-6 TO 6-0	(6/1/85)	35.91	71.82	107.73	143.64	287.28	718.20	1436.40	14364.	6.50	6.52	6.50
6-0 TO 6-6	(12/1/85)	37.08	74.16	111.24	148.32	296.64	741.60	1483.20	14832.	6.50	6.47	6.50
6-6 TO 7-0	(6/1/86)	38.28	76.56	114.84	153.12	306.24	765.60	1531.20	15312.	6.50	6.53	6.50
7-0 TO 7-6	(12/1/86)	39.53	79.06	118.59	158.12	316.24	790.60	1581.20	15812.	6.50	6.48	6.50
7-6 TO 8-0	(6/1/87)	40.81	81.62	122.43	163.24	326.48	816.20	1632.40	16324.	6.50	6.52	6.50
8-0 TO 8-6	(12/1/87)	42.14	84.28	126.42	168.56	337.12	842.80	1685.60	16856.	6.50	6.50	6.50
8-6 TO 9-0	(6/1/88)	43.51	87.02	130.53	174.04	348.08	870.20	1740.40	17404.	6.50	6.48	6.50
9-0 TO 9-6	(12/1/88)	44.92	89.84	134.76	179.68	359.36	898.40	1796.80	17968.	6.50	6.50	6.51
9-6 TO10-0	(6/1/89)	46.38	92.76	139.14	185.52	371.04	927.60	1855.20	18552.	6.50	6.51	6.51
10-0 4/	(12/1/89)	47.89	95.78	143.67	191.56	383.12	957.80	1915.60	19156.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1974 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.35 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 154-A

BONDS BEARING ISSUE DATE DEC. 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(12/1/89)	$47.89	$ 95.78	$143.67	$191.56	$383.12	$ 957.80	$1915.60	$19156.	----	6.51	10.19
0-6 TO 1-0	(6/1/90)	49.45	98.90	148.35	197.80	395.60	989.00	1978.00	19780.	6.51	6.47	12.05
1-0 TO 1-6	(12/1/90)	51.05	102.10	153.15	204.20	408.40	1021.00	2042.00	20420.	6.49	17.79	17.79
1-6 2/	(6/1/91)	55.59	111.18	166.77	222.36	444.72	1111.80	2223.60	22236.	10.19 3/	----	----
	SECOND EXTENDED MATURITY PERIOD**											

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1974 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 16 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.70 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1990 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 155

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1975

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
4-0 TO 5-0 1/	(7/1/79)	$23.67	$ 47.34	$ 71.01	$ 94.68	$189.36	$ 473.40	$ 946.80	$ 9468.	5.25	13.43	13.43
5-0 2/	(1/1/80)	25.28	50.52	75.79	101.04	202.08	505.20	1010.40	10104.	6.05	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**											(B)TO EXTENDED MATURITY
0-0 TO 0-6	(1/1/80)	$25.24	$ 50.52	$ 75.78	$101.04	$202.08	$ 505.20	$1010.40	$10104.	----	6.49	6.50
0-6 TO 1-0	(7/1/80)	26.08	52.16	78.24	104.32	208.64	521.60	1043.20	10432.	6.49	6.52	6.50
1-0 TO 1-6	(1/1/81)	26.93	53.86	80.79	107.72	215.44	538.60	1077.20	10772.	6.51	6.46	6.50
1-6 TO 2-0	(7/1/81)	27.80	55.60	83.40	111.20	222.40	556.00	1112.00	11120.	6.49	6.55	6.50
2-0 TO 2-6	(1/1/82)	28.71	57.42	86.13	114.84	229.68	574.20	1148.40	11484.	6.50	6.48	6.50
2-6 TO 3-0	(7/1/82)	29.64	59.28	88.92	118.56	237.12	592.80	1185.60	11856.	6.50	6.48	6.50
3-0 TO 3-6	(1/1/83)	30.60	61.20	91.80	122.40	244.80	612.00	1224.00	12240.	6.50	6.54	6.50
3-6 TO 4-0	(7/1/83)	31.60	63.20	94.80	126.40	252.80	632.00	1264.00	12640.	6.50	6.52	6.50
4-0 TO 4-6	(1/1/84)	32.63	65.26	97.89	130.52	261.04	652.60	1305.20	13052.	6.50	6.50	6.50
4-6 TO 5-0	(7/1/84)	33.69	67.38	101.07	134.76	269.52	673.80	1347.60	13476.	6.50	6.47	6.50
5-0 TO 5-6	(1/1/85)	34.78	69.56	104.34	139.12	278.24	695.60	1391.20	13912.	6.50	6.50	6.50
5-6 TO 6-0	(7/1/85)	35.91	71.82	107.73	143.64	287.28	718.20	1436.40	14364.	6.50	6.52	6.50
6-0 TO 6-6	(1/1/86)	37.08	74.16	111.24	148.32	296.64	741.60	1483.20	14832.	6.50	6.47	6.50
6-6 TO 7-0	(7/1/86)	38.28	76.56	114.84	153.12	306.24	765.60	1531.20	15312.	6.50	6.53	6.50
7-0 TO 7-6	(1/1/87)	39.53	79.06	118.59	158.12	316.24	790.60	1581.20	15812.	6.50	6.48	6.50
7-6 TO 8-0	(7/1/87)	40.81	81.62	122.43	163.24	326.48	816.20	1632.40	16324.	6.50	6.52	6.50
8-0 TO 8-6	(1/1/88)	42.14	84.28	126.42	168.56	337.12	842.80	1685.60	16856.	6.50	6.50	6.50
8-6 TO 9-0	(7/1/88)	43.51	87.02	130.53	174.04	348.08	870.20	1740.40	17404.	6.50	6.48	6.50
9-0 TO 9-6	(1/1/89)	44.92	89.84	134.76	179.68	359.36	898.40	1796.80	17968.	6.50	6.51	6.51
9-6 TO10-0	(7/1/89)	46.38	92.76	139.14	185.52	371.04	927.60	1855.20	18552.	6.50	6.51	6.51
10-0 4/	(1/1/90)	47.89	95.78	143.67	191.56	383.12	957.80	1915.60	19156.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.35 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 155-A

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1975

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	SECOND EXTENDED MATURITY PERIOD**								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(1/1/90)	$47.89	$ 95.78	$143.67	$191.56	$383.12	$ 957.80	$1915.60	$19156.	----	6.51	12.06
0-6 TO 1-0	(7/1/90)	49.45	98.90	148.35	197.80	395.60	989.00	1978.00	19780.	6.51	17.76	17.76
1-0 2/	(1/1/91)	53.84	107.68	161.52	215.36	430.72	1076.80	2153.60	21536.	12.06 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 16 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.70 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 156

BONDS BEARING ISSUE DATE JUNE 1, 1975

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(6/1/79)	$22.97	$ 45.94	$ 68.91	$ 91.88	$183.76	$ 459.40	$ 918.80	$ 9188.	5.14	8.09	9.98
4-6 TO 5-0	(12/1/79)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	13.94	13.94
5-0 2/	(6/1/80)	25.32	50.64	75.96	101.28	202.56	506.40	1012.80	10128.	6.10	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**											(B)TO EXTENDED MATURITY
0-0 TO 0-6	(6/1/80)	$25.32	$ 50.64	$ 75.96	$101.28	$202.56	$ 506.40	$1012.80	$10128.	----	6.48	6.50
0-6 TO 1-0	(12/1/80)	26.14	52.28	78.42	104.58	209.16	522.90	1045.80	10456.	6.48	6.50	6.50
1-0 TO 1-6	(6/1/81)	26.99	53.98	80.97	107.96	215.92	539.80	1079.60	10796.	6.49	6.52	6.50
1-6 TO 2-0	(12/1/81)	27.87	55.74	83.61	111.48	222.96	557.40	1114.80	11148.	6.50	6.53	6.50
2-0 TO 2-6	(6/1/82)	28.78	57.56	86.34	115.12	230.24	575.60	1151.20	11512.	6.51	6.48	6.50
2-6 TO 3-0	(12/1/82)	29.71	59.42	89.13	118.84	237.68	594.20	1188.40	11884.	6.50	6.53	6.50
3-0 TO 3-6	(6/1/83)	30.68	61.36	92.04	122.72	245.44	613.60	1227.20	12272.	6.50	6.45	6.50
3-6 TO 4-0	(12/1/83)	31.67	63.34	95.01	126.68	253.36	633.40	1266.80	12668.	6.50	6.50	6.50
4-0 TO 4-6	(6/1/84)	32.70	65.40	98.10	130.80	261.60	654.00	1308.00	13080.	6.50	6.54	6.50
4-6 TO 5-0	(12/1/84)	33.77	67.54	101.31	135.08	270.16	675.40	1350.80	13508.	6.50	6.46	6.50
5-0 TO 5-6	(6/1/85)	34.86	69.72	104.58	139.44	278.88	697.20	1394.40	13944.	6.50	6.54	6.50
5-6 TO 6-0	(12/1/85)	36.00	72.00	108.00	144.00	288.00	720.00	1440.00	14400.	6.50	6.50	6.50
6-0 TO 6-6	(6/1/86)	37.17	74.34	111.51	148.68	297.36	743.40	1486.80	14868.	6.50	6.48	6.50
6-6 TO 7-0	(12/1/86)	38.37	76.74	115.11	153.48	306.96	767.40	1534.80	15348.	6.50	6.52	6.50
7-0 TO 7-6	(6/1/87)	39.62	79.24	118.86	158.48	316.96	792.40	1584.80	15848.	6.50	6.51	6.50
7-6 TO 8-0	(12/1/87)	40.91	81.82	122.73	163.64	327.28	818.20	1636.40	16364.	6.50	6.50	6.50
8-0 TO 8-6	(6/1/88)	42.24	84.48	126.72	168.96	337.92	844.80	1689.60	16896.	6.50	6.49	6.49
8-6 TO 9-0	(12/1/88)	43.61	87.22	130.83	174.44	348.88	872.20	1744.40	17444.	6.50	6.51	6.50
9-0 TO 9-6	(6/1/89)	45.03	90.06	135.09	180.12	360.24	900.60	1801.20	18012.	6.50	6.48	6.49
9-6 TO10-0	(12/1/89)	46.49	92.98	139.47	185.96	371.92	929.80	1859.60	18596.	6.50	6.50	6.50
10-0 4/	(6/1/90)	48.00	96.00	144.00	192.00	384.00	960.00	1920.00	19200.	6.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1975 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.37 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 156-A

BONDS BEARING ISSUE DATE JUNE 1, 1975

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	SECOND EXTENDED MATURITY PERIOD**								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(6/1/90)	$48.00	$ 96.00	$144.00	$192.00	$384.00	$ 960.00	$1920.00	$19200.	----	8.58	12.07
0-6 TO 1-0	(12/1/90)	49.56	99.12	148.68	198.24	396.48	991.20	1982.40	19824.	8.58	17.80	17.80
1-0 2/	(6/1/91)	53.97	107.94	161.91	215.88	431.76	1079.40	2158.80	21588.	12.07 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1975 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 16 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.72 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 157

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1975

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF MATURITY
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(7/1/79)	$22.97	$ 45.94	$ 68.91	$ 91.88	$183.76	$ 459.40	$ 918.80	$ 9188.	5.14	6.09	9.98
4-6 TO 5-0	(1/1/80)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	13.94	13.94
5-0 2/	(7/1/80)	25.32	50.64	75.96	101.28	202.56	506.40	1012.80	10128.	5.10	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**								(B)TO EXTENDED MATURITY
0-0 TO 0-6	(7/1/80)	$25.32	$ 50.64	$ 75.96	$101.28	$202.56	$ 506.40	$1012.80	$10128.	——	6.48	6.50
0-6 TO 1-0	(1/1/81)	26.14	52.28	78.42	104.56	209.12	522.80	1045.60	10456.	8.48	6.50	6.50
1-0 TO 1-6	(7/1/81)	26.99	53.98	80.97	107.96	215.92	539.80	1079.60	10796.	6.49	6.52	6.50
1-6 TO 2-0	(1/1/82)	27.87	55.74	83.61	111.48	222.96	557.40	1114.80	11148.	6.50	6.53	6.50
2-0 TO 2-6	(7/1/82)	28.78	57.56	86.34	115.12	230.24	575.60	1151.20	11512.	6.51	6.46	6.50
2-6 TO 3-0	(1/1/83)	29.71	59.42	89.13	118.84	237.68	594.20	1188.40	11884.	6.50	6.53	6.50
3-0 TO 3-6	(7/1/83)	30.68	61.36	92.04	122.72	245.44	613.60	1227.20	12272.	6.50	6.65	6.50
3-6 TO 4-0	(1/1/84)	31.67	63.34	95.01	126.68	253.36	633.40	1266.80	12668.	6.50	6.50	6.50
4-0 TO 4-6	(7/1/84)	32.70	65.40	98.10	130.80	261.60	654.00	1308.00	13080.	6.50	6.54	6.50
4-6 TO 5-0	(1/1/85)	33.77	67.54	101.31	135.08	270.16	675.40	1350.80	13508.	6.50	6.46	6.50
5-0 TO 5-6	(7/1/85)	34.86	69.72	104.58	139.44	278.88	697.20	1394.40	13944.	6.50	6.56	6.50
5-6 TO 6-0	(1/1/86)	36.00	72.00	108.00	144.00	288.00	720.00	1440.00	14400.	6.50	6.50	8.50
6-0 TO 6-6	(7/1/86)	37.17	74.34	111.51	148.68	297.36	743.40	1486.80	14868.	8.50	6.46	6.50
6-6 TO 7-0	(1/1/87)	38.37	76.74	115.11	153.48	306.96	767.40	1534.80	15348.	6.50	6.52	6.50
7-0 TO 7-6	(7/1/87)	39.62	79.24	118.86	158.48	316.96	792.40	1584.80	15848.	6.50	6.51	6.50
7-6 TO 8-0	(1/1/88)	40.91	81.82	122.73	163.64	327.28	818.20	1636.40	16364.	6.50	6.50	6.50
8-0 TO 8-6	(7/1/88)	42.24	84.48	126.72	168.96	337.92	844.80	1689.60	16896.	6.50	6.49	6.49
8-6 TO 9-0	(1/1/89)	43.61	87.22	130.83	174.44	348.88	872.20	1744.40	17444.	6.50	6.51	6.50
9-0 TO 9-6	(7/1/89)	45.03	90.06	135.09	180.12	360.24	900.60	1801.20	18012.	6.50	6.48	6.49
9-6 TO10-0	(1/1/90)	46.49	92.98	139.47	185.96	371.92	929.80	1859.60	18596.	6.50	6.50	6.50
10-0 4/	(7/1/90)	49.00	98.00	144.00	192.00	384.00	960.00	1920.00	19200.	6.50 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.37 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 157-A

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1975

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	SECOND EXTENDED MATURITY PERIOD**								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(7/1/90)	$48.00	$ 96.00	$144.00	$192.00	$384.00	$ 960.00	$1920.00	$19200.	——	17.75	17.75
0-6 2/	(1/1/91)	52.26	104.52	156.78	209.04	418.08	1045.20	2090.40	20904.	17.75 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 15 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.72 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.33%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 158

BONDS BEARING ISSUE DATE DEC. 1, 1975

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/	(6/1/79)	$22.31	$ 44.62	$ 66.93	$ 89.24	$178.48	$ 446.20	$ 892.40	$ 8924.	5.32	5.92	8.74
4-0 TO 4-6	(12/1/79)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.23
4-6 TO 5-0	(6/1/80)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	14.45	14.45
5-0 2/	(12/1/80)	25.38	50.76	76.14	101.52	203.04	507.60	1015.20	10152.	6.15	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**								(B)TO EXTENDED MATURITY
0-0 TO 0-6	(12/1/80)	$25.38	$ 50.76	$ 76.14	$101.52	$203.04	$ 507.60	$1015.20	$10152.	——	6.46	6.50
0-6 TO 1-0	(6/1/81)	26.20	52.40	78.60	104.80	209.60	524.00	1048.00	10480.	8.48	6.56	6.50
1-0 TO 1-6	(12/1/81)	27.06	54.12	81.18	108.24	216.48	541.20	1082.40	10824.	6.51	6.50	6.50
1-6 TO 2-0	(6/1/82)	27.94	55.88	83.82	111.76	223.52	558.80	1117.60	11176.	6.51	6.50	6.50
2-0 TO 2-6	(12/1/82)	28.84	57.68	86.52	115.36	230.72	576.80	1153.60	11536.	6.49	6.44	6.50
2-6 TO 3-0	(6/1/83)	29.78	59.56	89.34	119.12	238.24	595.60	1191.20	11912.	6.52	6.52	6.50
3-0 TO 3-6	(12/1/83)	30.75	61.50	92.25	123.00	246.00	615.00	1230.00	12300.	6.50	6.51	6.50
3-6 TO 4-0	(6/1/84)	31.75	63.50	95.25	127.00	254.00	635.00	1270.00	12700.	6.50	6.50	6.50
4-0 TO 4-6	(12/1/84)	32.78	65.56	98.34	131.12	262.24	655.60	1311.20	13112.	6.50	6.49	6.50
4-6 TO 5-0	(6/1/85)	33.85	67.70	101.55	135.40	270.80	677.00	1354.00	13540.	6.50	6.53	6.50
5-0 TO 5-6	(12/1/85)	34.95	69.90	104.85	139.80	279.60	699.00	1398.00	13980.	6.50	6.56	6.50
5-6 TO 6-0	(6/1/86)	36.08	72.16	108.24	144.32	288.64	721.60	1443.20	14432.	6.51	6.47	6.50
6-0 TO 6-6	(12/1/86)	37.25	74.50	111.75	149.00	298.00	745.00	1490.00	14900.	8.50	6.49	6.50
6-6 TO 7-0	(6/1/87)	38.46	76.92	115.38	153.84	307.68	769.20	1538.40	15384.	6.50	6.50	6.50
7-0 TO 7-6	(12/1/87)	39.71	79.42	119.13	158.84	317.68	794.20	1588.40	15884.	6.50	6.50	6.51
7-6 TO 8-0	(6/1/88)	41.01	82.02	123.03	164.04	328.08	820.20	1640.40	16404.	6.50	6.55	6.51
8-0 TO 8-6	(12/1/88)	42.34	84.68	127.02	169.36	338.72	846.80	1693.60	16936.	6.50	6.49	6.50
8-6 TO 9-0	(6/1/89)	43.71	87.42	131.13	174.84	349.68	874.20	1748.40	17484.	6.50	6.47	6.50
9-0 TO 9-6	(12/1/89)	45.13	90.26	135.39	180.52	361.04	902.60	1805.20	18052.	6.50	6.50	6.50
9-6 TO10-0	(6/1/90)	46.60	93.20	139.80	186.40	372.80	932.00	1864.00	18640.	6.50	6.51	6.51
10-0 4/	(12/1/90)	48.12	96.24	144.36	192.48	384.96	962.40	1924.80	19248.	6.50 3/	6.52	6.52

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1975 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY DATE IS 6.38 PERCENT.
4/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 158-A

BONDS BEARING ISSUE DATE DEC. 1, 1975

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 15 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	SECOND EXTENDED MATURITY PERIOD**								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(12/1/90)	$48.12	$ 96.24	$144.36	$192.48	$384.96	$ 962.40	$1924.80	$19248.	——	17.75	17.75
0-6 2/	(6/1/91)	52.39	104.78	157.17	209.56	419.12	1047.80	2095.60	20956.	17.75 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1975 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 15 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.74 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.35%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 159

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1976

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/	(7/1/79)	$22.31	$ 44.62	$ 66.93	$ 89.24	$178.48	$ 446.20	$ 892.40	$ 9824.	5.03	5.92	5.78
4-0 TO 4-6	(1/1/80)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.23
4-6 TO 5-0	(7/1/80)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	14.45	14.45
5-0 2/	(1/1/81)	25.38	50.76	76.14	101.52	203.04	507.60	1015.20	10152.	6.15	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT
0-0 TO 0-6	(1/1/81)	$25.38	$ 50.76	$ 76.14	$101.52	$203.04	$ 507.60	$1015.20	$10152.	——	6.46	7.05
0-6 TO 1-0	(7/1/81)	26.20	52.40	78.60	104.80	209.60	524.00	1044.00	10480.	6.46	6.56	7.08
1-0 TO 1-6	(1/1/82)	27.06	54.12	81.19	108.26	216.48	541.20	1082.40	10824.	6.51	6.50	7.11
1-6 TO 2-0	(7/1/82)	27.94	55.88	83.82	111.76	223.52	559.00	1117.90	11176.	6.51	6.44	7.15
2-0 TO 2-6	(1/1/83)	28.84	57.68	86.52	115.36	230.72	576.80	1153.60	11536.	6.49	6.52	7.19
2-6 TO 3-0	(7/1/83)	29.78	59.56	89.34	119.12	238.24	595.60	1191.20	11912.	6.50	6.51	7.24
3-0 TO 3-6	(1/1/84)	30.75	61.50	92.25	123.00	246.00	615.00	1230.00	12300.	6.50	6.50	7.29
3-6 TO 4-0	(7/1/84)	31.75	63.50	95.25	127.00	254.00	635.00	1270.00	12700.	6.50	6.49	7.35
4-0 TO 4-6	(1/1/85)	32.78	65.56	98.34	131.12	262.24	655.60	1311.20	13112.	6.50	6.53	7.42
4-6 TO 5-0	(7/1/85)	33.83	67.66	101.49	135.32	270.64	677.00	1354.00	13540.	6.50	6.50	7.50
5-0 TO 5-6	(1/1/86)	34.95	69.90	104.85	139.80	279.60	699.00	1398.00	13980.	6.50	6.47	7.60
5-6 TO 6-0	(7/1/86)	36.08	72.16	108.24	144.32	288.64	721.60	1443.20	14432.	6.50	6.49	7.73
6-0 TO 6-6	(1/1/87)	37.25	74.50	111.75	149.00	298.00	745.00	1490.00	14900.	6.50	6.50	7.88
6-6 TO 7-0	(7/1/87)	38.45	76.92	115.38	153.84	307.68	769.20	1538.40	15384.	6.50	6.50	8.08
7-0 TO 7-6	(1/1/88)	39.71	79.42	119.13	158.84	317.68	794.20	1588.40	15884.	6.50	6.49	8.35
7-6 TO 8-0	(7/1/88)	41.01	82.02	123.03	164.04	328.08	820.20	1640.40	16404.	6.50	6.49	8.71
8-0 TO 8-6	(1/1/89)	42.34	84.68	127.02	169.36	338.72	846.80	1693.60	16936.	6.50	6.47	9.27
8-6 TO 9-0	(7/1/89)	43.71	87.42	131.13	174.84	349.68	874.20	1748.40	17484.	6.50	6.50	10.21
9-0 TO 9-6	(1/1/90)	45.13	90.26	135.39	180.52	361.04	902.60	1805.20	18052.	6.50	6.51	12.09
9-6 TO10-0	(7/1/90)	46.60	93.20	139.80	186.40	372.80	932.00	1864.00	18640.	6.50	17.81	17.81
10-0 4/	(1/1/91)	50.75	101.50	152.25	203.00	406.00	1015.00	2030.00	20300.	7.05 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1976 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.75 PERCENT.

4/ BONUS PAYMENT IS MADE AT 15 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.34%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 160

BONDS BEARING ISSUE DATE JUNE 1, 1976

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(6/1/79)	$21.71	$ 43.42	$ 65.13	$ 86.84	$173.68	$ 434.20	$ 868.40	$ 8684.	4.95	5.53	8.23
3-6 TO 4-0	(12/1/79)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.14
4-0 TO 4-6	(6/1/80)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.77
4-6 TO 5-0	(12/1/80)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	14.96	15.55
5-0 2/	(6/1/81)	25.44	50.88	76.32	101.76	203.52	508.80	1017.60	10176.	6.20	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT
0-0 TO 0-6	(6/1/81)	$25.44	$ 50.88	$ 76.32	$101.76	$203.52	$ 508.80	$1017.60	$10176.	——	6.53	7.05
0-6 TO 1-0	(12/1/81)	26.27	52.54	78.81	105.08	210.16	525.40	1050.80	10508.	6.53	6.47	7.08
1-0 TO 1-6	(6/1/82)	27.12	54.24	81.36	108.48	216.96	542.40	1084.80	10848.	6.50	6.49	7.11
1-6 TO 2-0	(12/1/82)	28.01	56.02	84.03	112.02	224.04	560.10	1120.20	11202.	6.50	6.50	7.15
2-0 TO 2-6	(6/1/83)	28.91	57.82	86.73	115.64	231.28	578.20	1156.40	11564.	6.50	6.50	7.19
2-6 TO 3-0	(12/1/83)	29.86	59.70	89.55	119.40	238.80	597.00	1194.00	11940.	6.50	6.50	7.23
3-0 TO 3-6	(6/1/84)	30.83	61.64	92.46	123.28	246.56	616.40	1232.80	12328.	6.50	6.49	7.29
3-6 TO 4-0	(12/1/84)	31.82	63.64	95.46	127.28	254.56	636.40	1272.80	12728.	6.50	6.54	7.35
4-0 TO 4-6	(6/1/85)	32.86	65.72	98.58	131.44	262.88	657.20	1314.40	13144.	6.50	6.51	7.41
4-6 TO 5-0	(12/1/85)	33.93	67.86	101.79	135.72	271.44	678.60	1357.20	13572.	6.50	6.48	7.50
5-0 TO 5-6	(6/1/86)	35.03	70.06	105.09	140.12	280.24	700.60	1401.20	14012.	6.50	6.50	7.60
5-6 TO 6-0	(12/1/86)	36.17	72.34	108.51	144.68	289.36	723.40	1446.80	14468.	6.50	6.47	7.72
6-0 TO 6-6	(6/1/87)	37.34	74.68	112.02	149.36	298.72	746.80	1493.60	14936.	6.50	6.53	7.88
6-6 TO 7-0	(12/1/87)	38.54	77.12	115.68	154.24	308.48	771.20	1542.40	15424.	6.50	6.48	8.07
7-0 TO 7-6	(6/1/88)	39.81	79.62	119.43	159.24	318.48	796.20	1592.40	15924.	6.50	6.48	8.33
7-6 TO 8-0	(12/1/88)	41.10	82.20	123.30	164.40	328.80	822.00	1644.00	16440.	6.50	6.52	8.71
8-0 TO 8-6	(6/1/89)	42.44	84.88	127.32	169.76	339.52	848.80	1697.60	16976.	6.50	6.50	9.26
8-6 TO 9-0	(12/1/89)	43.82	87.64	131.46	175.28	350.56	876.40	1752.80	17528.	6.50	6.50	10.18
9-0 TO 9-6	(6/1/90)	45.24	90.48	135.72	180.96	361.92	904.80	1809.60	18096.	6.50	6.48	12.06
9-6 TO10-0	(12/1/90)	46.71	93.42	140.13	186.84	373.68	934.20	1868.40	18684.	6.50	17.77	17.77
10-0 4/	(6/1/91)	50.86	101.72	152.58	203.44	406.88	1017.20	2034.40	20344.	7.05 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1976 ENTER EACH PERIOD.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.76 PERCENT.

4/ BONUS PAYMENT IS MADE AT 15 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.36%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 161

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1976

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(7/1/79)	$21.71	$ 43.42	$ 65.13	$ 86.84	$173.68	$ 434.20	$ 868.40	$ 8684.	4.95	5.53	8.09
3-6 TO 4-0	(1/1/80)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	8.95
4-0 TO 4-6	(7/1/80)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.48
4-6 TO 5-0	(1/1/81)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	14.96	14.96
5-0 2/	(7/1/81)	25.44	50.88	76.32	101.76	203.52	508.80	1017.60	10176.	6.20	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT
0-0 TO 0-6	(7/1/81)	$25.44	$ 50.88	$ 76.32	$101.76	$203.52	$ 508.80	$1017.60	$10176.	——	6.53	7.08
0-6 TO 1-0	(1/1/82)	26.27	52.54	78.81	105.08	210.16	525.40	1050.80	10508.	6.53	6.47	7.11
1-0 TO 1-6	(7/1/82)	27.12	54.24	81.36	108.48	216.96	542.40	1084.80	10848.	6.50	6.49	7.15
1-6 TO 2-0	(1/1/83)	28.00	56.00	84.00	112.00	224.00	560.00	1120.00	11200.	6.50	6.50	7.19
2-0 TO 2-6	(7/1/83)	28.91	57.82	86.73	115.64	231.28	578.20	1156.40	11564.	6.50	6.50	7.23
2-6 TO 3-0	(1/1/84)	29.85	59.70	89.55	119.40	238.80	597.00	1194.00	11940.	6.50	6.50	7.29
3-0 TO 3-6	(7/1/84)	30.82	61.64	92.46	123.28	246.56	616.40	1232.80	12328.	6.50	6.49	7.35
3-6 TO 4-0	(1/1/85)	31.82	63.64	95.46	127.28	254.56	636.40	1272.80	12728.	6.50	6.54	7.42
4-0 TO 4-6	(7/1/85)	32.86	65.72	98.58	131.44	262.88	657.20	1314.40	13144.	6.50	6.51	7.50
4-6 TO 5-0	(1/1/86)	33.93	67.86	101.79	135.72	271.44	678.60	1357.20	13572.	6.50	6.48	7.60
5-0 TO 5-6	(7/1/86)	35.03	70.06	105.09	140.12	280.24	700.60	1401.20	14012.	6.50	6.50	7.73
5-6 TO 6-0	(1/1/87)	36.17	72.34	108.51	144.68	289.36	723.40	1446.80	14468.	6.50	6.47	7.87
6-0 TO 6-6	(7/1/87)	37.34	74.68	112.02	149.36	298.72	746.80	1493.60	14936.	6.50	6.53	8.07
6-6 TO 7-0	(1/1/88)	38.54	77.12	115.68	154.24	308.48	771.20	1542.40	15424.	6.50	6.48	8.34
7-0 TO 7-6	(7/1/88)	39.81	79.62	119.43	159.24	318.48	796.20	1592.40	15924.	6.50	6.48	8.70
7-6 TO 8-0	(1/1/89)	41.10	82.20	123.30	164.40	328.80	822.00	1644.00	16440.	6.50	6.52	9.26
8-0 TO 8-6	(7/1/89)	42.44	84.88	127.32	169.76	339.52	848.80	1697.60	16976.	6.50	6.50	10.19
8-6 TO 9-0	(1/1/90)	43.82	87.64	131.46	175.28	350.56	876.40	1752.80	17528.	6.50	6.48	12.05
9-0 TO 9-6	(7/1/90)	45.24	90.48	135.72	180.96	361.92	904.80	1809.60	18096.	6.50	17.77	17.77
9-6 4/	(1/1/91)	49.26	98.52	147.78	197.04	394.08	985.20	1970.40	19704.	7.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1976 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.77 PERCENT.

4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.33%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 162

BONDS BEARING ISSUE DATE DEC. 1, 1976

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.

APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(6/1/79)	$21.14	$ 42.28	$ 63.42	$ 84.56	$169.12	$ 422.80	$ 845.60	$ 8456.	4.84	5.39	7.66
3-0 TO 3-6	(12/1/79)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.23
3-6 TO 4-0	(6/1/80)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.14
4-0 TO 4-6	(12/1/80)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.77
4-6 TO 5-0	(6/1/81)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	15.55	15.55
5-0 2/	(12/1/81)	25.51	51.02	76.53	102.04	204.08	510.20	1020.40	10204.	6.25	——	——

(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT
0-0 TO 0-6	(12/1/81)	$25.51	$ 51.02	$ 76.53	$102.04	$204.08	$ 510.20	$1020.40	$10204.	——	6.51	7.08
0-6 TO 1-0	(6/1/82)	26.34	52.68	79.02	105.36	210.72	526.80	1053.60	10536.	6.51	6.53	7.11
1-0 TO 1-6	(12/1/82)	27.20	54.40	81.60	108.80	217.60	544.00	1088.00	10880.	6.52	6.47	7.15
1-6 TO 2-0	(6/1/83)	28.08	56.16	84.24	112.32	224.64	561.60	1123.20	11232.	6.50	6.48	7.19
2-0 TO 2-6	(12/1/83)	28.99	57.98	86.97	115.96	231.92	579.80	1159.60	11596.	6.50	6.48	7.23
2-6 TO 3-0	(6/1/84)	29.93	59.86	89.79	119.72	239.44	598.60	1197.20	11972.	6.49	6.55	7.29
3-0 TO 3-6	(12/1/84)	30.91	61.82	92.73	123.64	247.28	618.20	1236.40	12364.	6.50	6.47	7.35
3-6 TO 4-0	(6/1/85)	31.91	63.82	95.73	127.64	255.28	638.20	1276.40	12764.	6.50	6.52	7.42
4-0 TO 4-6	(12/1/85)	32.95	65.90	98.85	131.80	263.60	659.00	1318.00	13180.	6.50	6.49	7.50
4-6 TO 5-0	(6/1/86)	34.02	68.04	102.06	136.08	272.16	680.40	1360.80	13608.	6.50	6.47	7.60
5-0 TO 5-6	(12/1/86)	35.12	70.24	105.36	140.48	280.96	702.40	1404.80	14048.	6.50	6.55	7.73
5-6 TO 6-0	(6/1/87)	36.27	72.54	108.81	145.08	290.16	725.40	1450.80	14508.	6.50	6.49	7.88
6-0 TO 6-6	(12/1/87)	37.44	74.88	112.32	149.76	299.52	748.80	1497.60	14976.	6.50	6.52	8.08
6-6 TO 7-0	(6/1/88)	38.66	77.32	115.98	154.64	309.28	773.20	1546.40	15464.	6.50	6.52	8.34
7-0 TO 7-6	(12/1/88)	39.92	79.84	119.76	159.68	319.36	798.40	1596.80	15968.	6.50	6.51	8.71
7-6 TO 8-0	(6/1/89)	41.22	82.44	123.66	164.88	329.76	824.40	1648.80	16488.	6.50	6.50	9.26
8-0 TO 8-6	(12/1/89)	42.56	85.12	127.68	170.24	340.48	851.20	1702.40	17024.	6.50	6.48	10.19
8-6 TO 9-0	(6/1/90)	43.94	87.88	131.82	175.76	351.52	879.40	1757.60	17576.	6.50	6.51	12.06
9-0 TO 9-6	(12/1/90)	45.37	90.74	136.11	181.48	362.96	907.40	1814.80	18148.	6.56	17.77	17.77
9-6 4/	(6/1/91)	49.45	98.90	148.35	197.80	395.20	988.00	1976.00	19760.	7.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1976 ENTER EACH PERIOD.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.79 PERCENT.

4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.36%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 163

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
2- 1 TO 2- 2	1/(2/1/79)	$20.69	$ 41.38	$ 62.07	$ 82.76	$165.52	$ 413.80	$ 827.60	$ 8276.	4.78	5.28	7.31
2- 2 TO 2- 3	(3/1/79)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.37
2- 3 TO 2- 4	(4/1/79)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.44
2- 4 TO 2- 5	(5/1/79)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.50
2- 5 TO 2- 6	(6/1/79)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.58
2- 6 TO 3- 0	(7/1/79)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.66
3- 0 TO 3- 6	(1/1/80)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.23
3- 6 TO 4- 0	(7/1/80)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.14
4- 0 TO 4- 6	(1/1/81)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	10.77
4- 6 TO 5- 0	(7/1/81)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	16.05	15.55
5-0 2/	(1/1/82)	25.51	51.02	76.53	102.04	204.08	510.20	1020.40	10204.	6.25	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 163-A

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(1/1/42)	$25.51	$ 51.02	$ 76.53	$102.04	$204.08	$ 510.20	$1020.40	$10204.	——	6.51	7.11
0- 6 TO 1- 0	(7/1/42)	26.34	52.68	79.02	105.36	210.72	526.80	1053.60	10536.	6.51	6.53	7.15
1- 0 TO 1- 6	(1/1/43)	27.20	54.40	81.60	108.80	217.60	544.00	1088.00	10880.	6.52	6.47	7.19
1- 6 TO 2- 0	(7/1/43)	28.08	56.16	84.24	112.32	224.64	561.60	1123.20	11232.	6.50	6.48	7.23
2- 0 TO 2- 6	(1/1/44)	28.99	57.99	86.97	115.96	231.92	579.80	1159.60	11596.	6.50	6.48	7.29
2- 6 TO 3- 0	(7/1/44)	29.93	59.86	89.79	119.72	239.44	598.60	1197.20	11972.	6.49	6.55	7.35
3- 0 TO 3- 6	(1/1/45)	30.91	61.82	92.73	123.64	247.28	618.20	1236.40	12364.	6.50	6.47	7.42
3- 6 TO 4- 0	(7/1/45)	31.91	63.82	95.73	127.64	295.28	638.20	1276.40	12764.	6.50	6.52	7.50
4- 0 TO 4- 6	(1/1/46)	32.95	65.90	98.85	131.80	263.60	659.00	1318.00	13180.	6.50	6.49	7.60
4- 6 TO 5- 0	(7/1/46)	34.02	68.04	102.06	136.08	272.16	680.40	1360.80	13608.	6.50	6.47	7.73
5- 0 TO 5- 6	(1/1/47)	35.12	70.24	105.36	140.48	280.96	702.40	1404.80	14048.	6.50	6.55	7.88
5- 6 TO 6- 0	(7/1/47)	36.27	72.54	108.81	145.08	290.16	725.40	1450.80	14508.	6.50	6.45	8.08
6- 0 TO 6- 6	(1/1/48)	37.44	74.88	112.32	149.76	299.52	748.80	1497.60	14976.	6.50	6.52	8.35
6- 6 TO 7- 0	(7/1/48)	38.66	77.32	115.98	154.64	309.28	773.20	1546.40	15464.	6.50	6.52	8.72
7- 0 TO 7- 6	(1/1/49)	39.92	79.84	119.76	159.68	319.36	798.40	1598.80	15968.	6.50	6.51	9.27
7- 6 TO 8- 0	(7/1/49)	41.22	82.44	123.66	164.88	329.76	824.40	1648.80	16488.	6.50	6.50	10.19
8- 0 TO 8- 6	(1/1/50)	42.56	85.12	127.68	170.24	340.48	851.20	1702.40	17024.	6.50	6.48	12.07
8- 6 TO 9- 0	(7/1/50)	43.94	87.88	131.82	175.76	351.52	878.80	1757.60	17576.	6.50	17.80	17.80
9-0 2/	(1/1/51)	47.85	95.70	143.55	191.40	382.80	957.00	1914.00	19140.	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 14 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.81 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.32%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 164

BONDS BEARING ISSUE DATE JUNE 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
2- 0 TO 2- 1	1/(6/1/79)	$20.60	$ 41.20	$ 61.80	$ 82.40	$164.80	$ 412.00	$ 824.00	$ 8240.	4.76	5.30	7.36
2- 1 TO 2- 2	(7/1/79)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.39
2- 2 TO 2- 3	(8/1/79)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.46
2- 3 TO 2- 4	(9/1/79)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.52
2- 4 TO 2- 5	(10/1/79)	20.96	41.92	62.89	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.60
2- 5 TO 2- 6	(11/1/79)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.67
2- 6 TO 3- 0	(12/1/79)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.76
3- 0 TO 3- 6	(6/1/80)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.35
3- 6 TO 4- 0	(12/1/80)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.30
4- 0 TO 4- 6	(6/1/81)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.02
4- 6 TO 5- 0	(12/1/81)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	16.05	16.05
5-0 2/	(6/1/82)	25.57	51.14	76.71	102.28	204.56	511.40	1022.80	10228.	6.30	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 164-A

BONDS BEARING ISSUE DATE JUNE 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(6/1/82)	$25.57	$ 51.14	$ 76.71	$102.28	$204.56	$ 511.40	$1022.80	$10228.	——	6.49	7.11
0- 6 TO 1- 0	(12/1/82)	26.40	52.80	79.20	105.60	211.20	528.00	1056.00	10560.	6.49	6.52	7.15
1- 0 TO 1- 6	(6/1/83)	27.26	54.52	81.78	109.04	218.08	545.20	1090.40	10904.	6.50	6.48	7.19
1- 6 TO 2- 0	(12/1/83)	28.14	56.28	84.42	112.56	225.12	563.00	1125.60	11256.	6.49	6.54	7.23
2- 0 TO 2- 6	(6/1/84)	29.06	58.12	87.18	116.24	232.48	581.20	1162.40	11624.	6.50	6.47	7.28
2- 6 TO 3- 0	(12/1/84)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	6.49	6.53	7.35
3- 0 TO 3- 6	(6/1/85)	30.98	61.96	92.94	123.92	247.84	619.60	1239.20	12392.	6.48	6.52	7.41
3- 6 TO 4- 0	(12/1/85)	31.99	63.98	95.97	127.96	255.92	639.80	1279.60	12796.	6.50	6.50	7.50
4- 0 TO 4- 6	(6/1/86)	33.03	66.06	99.09	132.12	264.24	660.60	1321.20	13212.	6.50	6.48	7.60
4- 6 TO 5- 0	(12/1/86)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.50	6.51	7.72
5- 0 TO 5- 6	(6/1/87)	35.21	70.42	105.63	140.84	281.68	704.20	1408.40	14084.	6.50	6.48	7.87
5- 6 TO 6- 0	(12/1/87)	36.35	72.70	109.05	145.40	290.80	727.00	1454.00	14540.	6.50	6.49	8.07
6- 0 TO 6- 6	(6/1/88)	37.53	75.06	112.59	150.12	300.24	750.60	1501.20	15012.	6.50	6.50	8.34
6- 6 TO 7- 0	(12/1/88)	38.75	77.50	116.25	155.00	310.00	775.00	1550.00	15500.	6.50	6.50	8.71
7- 0 TO 7- 6	(6/1/89)	40.01	80.02	120.03	160.04	320.08	800.20	1600.40	16004.	6.50	6.50	9.26
7- 6 TO 8- 0	(12/1/89)	41.31	82.62	123.93	165.24	330.48	826.20	1652.40	16524.	6.50	6.54	10.19
8- 0 TO 8- 6	(6/1/90)	42.66	85.32	127.98	170.64	341.28	853.20	1706.40	17064.	6.50	6.47	12.04
8- 6 TO 9- 0	(12/1/90)	44.04	88.08	132.12	176.16	352.32	880.80	1761.60	17616.	6.50	17.76	17.76
9-0 2/	(6/1/91)	47.95	95.90	143.85	191.80	383.60	959.00	1918.00	19180.	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1977 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 14 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.82 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.33%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 165

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
1- 7 TO 1- 8	1/(2/1/79)	$20.18	$ 40.36	$ 60.54	$ 80.72	$161.44	$ 403.60	$ 807.20	$ 8072.	4.70	5.41	7.05
1- 8 TO 1- 9	(3/1/79)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.09
1- 9 TO 1-10	(4/1/79)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.15
1-10 TO 1-11	(5/1/79)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	4.72	7.21
1-11 TO 2- 0	(6/1/79)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.26
2- 0 TO 2- 1	(7/1/79)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.34
2- 1 TO 2- 2	(8/1/79)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.39
2- 2 TO 2- 3	(9/1/79)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.46
2- 3 TO 2- 4	(10/1/79)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.52
2- 4 TO 2- 5	(11/1/79)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.60
2- 5 TO 2- 6	(12/1/79)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.67
2- 6 TO 3- 0	(1/1/80)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.85
3- 0 TO 3- 6	(7/1/80)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.35
3- 6 TO 4- 0	(1/1/81)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.30
4- 0 TO 4- 6	(7/1/81)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.02
4- 6 TO 5- 0	(1/1/82)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	16.56	16.56
5-0 2/	(7/1/82)	25.57	51.14	76.71	102.28	204.56	511.40	1022.80	10228.	6.30	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 165-A

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(7/1/82)	$25.57	$ 51.14	$ 76.71	$102.28	$204.56	$ 511.40	$1022.80	$10228.	——	6.49	7.15
0- 6 TO 1- 0	(1/1/83)	26.40	52.80	79.20	105.60	211.20	528.00	1056.00	10560.	6.48	6.52	7.19
1- 0 TO 1- 6	(7/1/83)	27.26	54.52	81.78	109.04	218.08	545.20	1090.40	10904.	6.50	6.46	7.23
1- 6 TO 2- 0	(1/1/84)	28.14	56.28	84.42	112.50	225.12	562.80	1125.60	11256.	6.49	6.54	7.29
2- 0 TO 2- 6	(7/1/84)	29.06	58.12	87.18	116.24	232.48	581.20	1162.40	11624.	6.50	6.47	7.34
2- 6 TO 3- 0	(1/1/85)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	6.49	6.53	7.42
3- 0 TO 3- 6	(7/1/85)	30.98	61.96	92.94	123.92	247.84	619.60	1239.20	12392.	6.50	6.52	7.50
3- 6 TO 4- 0	(1/1/86)	31.99	63.98	95.97	127.96	255.92	639.80	1279.60	12794.	6.50	6.50	7.60
4- 0 TO 4- 6	(7/1/86)	33.03	66.06	99.09	132.12	264.24	660.60	1321.20	13212.	6.50	6.48	7.72
4- 6 TO 5- 0	(1/1/87)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.50	6.51	7.87
5- 0 TO 5- 6	(7/1/87)	35.21	70.42	105.63	140.84	281.68	704.20	1408.40	14084.	6.50	6.49	8.07
5- 6 TO 6- 0	(1/1/88)	36.35	72.70	109.05	145.40	290.80	727.00	1454.00	14540.	6.50	6.49	8.33
6- 0 TO 6- 6	(7/1/88)	37.53	75.06	112.59	150.12	300.24	750.60	1501.20	15012.	6.50	6.50	8.70
6- 6 TO 7- 0	(1/1/89)	38.75	77.50	116.25	155.00	310.00	775.00	1550.00	15500.	6.50	6.50	9.26
7- 0 TO 7- 6	(7/1/89)	40.01	80.02	120.03	160.04	320.08	800.20	1600.40	16004.	6.50	6.50	10.19
7- 6 TO 8- 0	(1/1/90)	41.31	82.62	123.93	165.24	330.48	826.20	1652.40	16524.	6.50	6.54	12.05
8- 0 TO 8- 6	(7/1/90)	42.66	85.32	127.98	170.64	341.28	853.20	1706.40	17064.	6.50	17.72	17.72
8-6 2/	(1/1/91)	46.44	92.88	139.32	185.76	371.52	928.80	1857.60	18576.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 13 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.83 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.28%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 166

BONDS BEARING ISSUE DATE DEC. 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
1- 6 TO 1- 7	1/(6/1/79)	$20.10	$ 40.20	$ 60.30	$ 80.40	$160.80	$ 402.00	$ 804.00	$ 8040.	4.69	4.82	7.07
1- 7 TO 1- 8	(7/1/79)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.12
1- 8 TO 1- 9	(8/1/79)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.16
1- 9 TO 1-10	(9/1/79)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.23
1-10 TO 1-11	(10/1/79)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	4.74	7.29
1-11 TO 2- 0	(11/1/79)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.34
2- 0 TO 2- 1	(12/1/79)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.42
2- 1 TO 2- 2	(1/1/80)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.48
2- 2 TO 2- 3	(2/1/80)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.54
2- 3 TO 2- 4	(3/1/80)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.61
2- 4 TO 2- 5	(4/1/80)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.69
2- 5 TO 2- 6	(5/1/80)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.77
2- 6 TO 3- 0	(6/1/80)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.85
3- 0 TO 3- 6	(12/1/80)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.47
3- 6 TO 4- 0	(6/1/81)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.47
4- 0 TO 4- 6	(12/1/81)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.26
4- 6 TO 5- 0	(6/1/82)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	16.56	16.56
5-0 2/	(12/1/82)	25.63	51.25	76.89	102.52	205.04	512.60	1025.20	10252.	8.35	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 166-A

BONDS BEARING ISSUE DATE DEC. 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(12/1/82)	$25.63	$ 51.25	$ 76.89	$102.52	$205.04	$ 512.60	$1025.20	$10252.	——	6.48	7.15
0- 6 TO 1- 0	(6/1/83)	26.46	52.92	79.38	105.84	211.68	529.20	1058.40	10584.	6.48	6.50	7.19
1- 0 TO 1- 6	(12/1/83)	27.32	54.64	81.96	109.28	218.56	546.40	1092.80	10928.	6.49	6.52	7.23
1- 6 TO 2- 0	(6/1/84)	28.21	56.42	84.63	112.84	225.68	564.20	1128.40	11284.	6.50	6.52	7.28
2- 0 TO 2- 6	(12/1/84)	29.13	58.26	87.39	116.52	233.04	582.60	1165.20	11652.	6.50	6.45	7.34
2- 6 TO 3- 0	(6/1/85)	30.07	60.14	90.21	120.28	240.56	601.40	1202.80	12028.	6.49	6.52	7.42
3- 0 TO 3- 6	(12/1/85)	31.05	62.10	93.15	124.20	248.40	621.00	1242.00	12420.	6.50	6.51	7.50
3- 6 TO 4- 0	(6/1/86)	32.06	64.12	96.18	128.24	256.48	641.20	1282.40	12824.	6.50	6.49	7.60
4- 0 TO 4- 6	(12/1/86)	33.10	66.20	99.30	132.40	264.80	662.00	1324.00	13240.	6.50	6.53	7.72
4- 6 TO 5- 0	(6/1/87)	34.18	68.36	102.54	136.72	273.44	683.60	1367.20	13672.	6.50	6.50	7.87
5- 0 TO 5- 6	(12/1/87)	35.29	70.58	105.87	141.16	282.32	705.80	1411.60	14116.	6.50	6.52	8.07
5- 6 TO 6- 0	(6/1/88)	36.44	72.88	109.32	145.76	291.52	728.80	1457.60	14576.	6.50	6.48	8.33
6- 0 TO 6- 6	(12/1/88)	37.62	75.24	112.86	150.48	300.96	752.40	1504.80	15048.	6.50	6.49	8.70
6- 6 TO 7- 0	(6/1/89)	38.84	77.68	116.52	155.36	310.72	776.80	1553.60	15536.	6.50	6.54	9.26
7- 0 TO 7- 6	(12/1/89)	40.11	80.22	120.33	160.44	320.88	802.20	1604.40	16044.	6.50	6.48	10.18
7- 6 TO 8- 0	(6/1/90)	41.41	82.82	124.23	165.64	331.28	828.20	1656.40	16564.	6.50	6.52	12.05
8- 0 TO 8- 6	(12/1/90)	42.76	85.52	128.28	171.04	342.08	855.20	1710.40	17104.	6.50	17.73	17.73
8-6 2/	(6/1/91)	46.55	93.10	139.65	186.20	372.40	931.00	1862.00	18620.	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1977 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 13 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.85 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.31%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 167

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
1- 1 TO 1- 2 1/	(2/1/79)	$19.69	$ 39.38	$ 59.07	$ 78.76	$157.52	$ 393.80	$ 787.60	$ 7876.	4.57	4.93	6.85
1- 2 TO 1- 3	(3/1/79)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	6.89
1- 3 TO 1- 4	(4/1/79)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	6.93
1- 4 TO 1- 5	(5/1/79)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	6.95
1- 5 TO 1- 6	(6/1/79)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	6.98
1- 6 TO 1- 7	(7/1/79)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.07
1- 7 TO 1- 8	(8/1/79)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.12
1- 8 TO 1- 9	(9/1/79)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.16
1- 9 TO 1-10	(10/1/79)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.23
1-10 TO 1-11	(11/1/79)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.29
1-11 TO 2- 0	(12/1/79)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.34
2- 0 TO 2- 1	(1/1/80)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.28	7.42
2- 1 TO 2- 2	(2/1/80)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.48
2- 2 TO 2- 3	(3/1/80)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.54
2- 3 TO 2- 4	(4/1/80)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.61
2- 4 TO 2- 5	(5/1/80)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.69
2- 5 TO 2- 6	(6/1/80)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.77
2- 6 TO 3- 0	(7/1/80)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.85
3- 0 TO 3- 6	(1/1/81)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.47
3- 6 TO 4- 0	(7/1/81)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.47
4- 0 TO 4- 6	(1/1/82)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.26
4- 6 TO 5- 0	(7/1/82)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.26	16.56	16.56
5-0 2/	(1/1/83)	25.63	51.26	76.89	102.52	205.04	512.60	1025.20	10252.	6.35	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 167-A

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/	(1/1/83)	$25.63	$ 51.26	$ 76.89	$102.52	$205.04	$ 512.60	$1025.20	$10252.	----	6.48	7.19
0- 6 TO 1- 0	(7/1/83)	26.46	52.92	79.38	105.84	211.68	529.20	1058.40	10584.	6.48	6.90	7.23
1- 0 TO 1- 6	(1/1/84)	27.32	54.64	81.96	109.28	218.56	546.40	1092.80	10928.	6.49	6.52	7.29
1- 6 TO 2- 0	(7/1/84)	28.21	56.42	84.63	112.84	225.68	564.20	1128.40	11284.	6.50	6.52	7.35
2- 0 TO 2- 6	(1/1/85)	29.13	58.26	87.39	116.52	233.04	582.60	1165.20	11652.	6.50	6.45	7.42
2- 6 TO 3- 0	(7/1/85)	30.07	60.14	90.21	120.28	240.56	601.40	1202.80	12028.	6.49	6.52	7.50
3- 0 TO 3- 6	(1/1/86)	31.05	62.10	93.15	124.20	248.40	621.00	1242.00	12420.	6.50	6.51	7.60
3- 6 TO 4- 0	(7/1/86)	32.06	64.12	96.18	128.24	256.48	641.20	1282.40	12824.	6.50	6.49	7.72
4- 0 TO 4- 6	(1/1/87)	33.10	66.20	99.30	132.40	264.80	662.00	1324.00	13240.	6.50	6.51	7.86
4- 6 TO 5- 0	(7/1/87)	34.18	68.36	102.54	136.72	273.44	683.60	1367.20	13672.	6.50	6.50	8.07
5- 0 TO 5- 6	(1/1/88)	35.29	70.58	105.87	141.16	282.32	705.80	1411.60	14116.	6.50	6.52	8.34
5- 6 TO 6- 0	(7/1/88)	36.44	72.88	109.32	145.76	291.52	729.80	1457.60	14576.	6.50	6.48	8.70
6- 0 TO 6- 6	(1/1/89)	37.62	75.24	112.86	150.48	300.96	752.40	1504.80	15048.	6.50	6.49	9.26
6- 6 TO 7- 0	(7/1/89)	38.84	77.68	116.52	155.36	310.72	776.80	1553.60	15536.	6.50	6.54	10.20
7- 0 TO 7- 6	(1/1/90)	40.11	80.22	120.33	160.44	320.88	802.20	1604.40	16044.	6.50	6.48	12.05
7- 6 TO 8- 0	(7/1/90)	41.41	82.82	124.23	165.64	331.28	828.20	1656.40	16564.	6.50	17.77	17.77
8-0 2/	(1/1/91)	45.09	90.18	135.27	180.36	360.72	901.80	1803.60	18036.	7.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 13 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.86 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.25%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 168

BONDS BEARING ISSUE DATE JUNE 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
1- 0 TO 1- 1 1/	(6/1/79)	$19.61	$ 39.22	$ 58.83	$ 78.44	$156.88	$ 392.20	$ 784.40	$ 7844.	4.54	4.95	6.87
1- 1 TO 1- 2	(7/1/79)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	6.91
1- 2 TO 1- 3	(8/1/79)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	6.95
1- 3 TO 1- 4	(9/1/79)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.00
1- 4 TO 1- 5	(10/1/79)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.03
1- 5 TO 1- 6	(11/1/79)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.08
1- 6 TO 1- 7	(12/1/79)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.14
1- 7 TO 1- 8	(1/1/80)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.19
1- 8 TO 1- 9	(2/1/80)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.24
1- 9 TO 1-10	(3/1/80)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.30
1-10 TO 1-11	(4/1/80)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.37
1-11 TO 2- 0	(5/1/80)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.42
2- 0 TO 2- 1	(6/1/80)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.28	7.50
2- 1 TO 2- 2	(7/1/80)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.56
2- 2 TO 2- 3	(8/1/80)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.63
2- 3 TO 2- 4	(9/1/80)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.70
2- 4 TO 2- 5	(10/1/80)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.78
2- 5 TO 2- 6	(11/1/80)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.86
2- 6 TO 3- 0	(12/1/80)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.95
3- 0 TO 3- 6	(6/1/81)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.60
3- 6 TO 4- 0	(12/1/81)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.63
4- 0 TO 4- 6	(6/1/82)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.51
4- 6 TO 5- 0	(12/1/82)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	17.07	17.07
5-0 2/	(6/1/83)	25.69	51.38	77.07	102.76	205.52	513.80	1027.60	10276.	6.40	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 168-A

BONDS BEARING ISSUE DATE JUNE 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/	(6/1/83)	$25.69	$ 51.38	$ 77.07	$102.76	$205.52	$ 513.80	$1027.60	$10276.	----	6.46	7.19
0- 6 TO 1- 0	(12/1/83)	26.52	53.04	79.56	106.08	212.16	530.40	1060.80	10608.	6.46	6.56	7.24
1- 0 TO 1- 6	(6/1/84)	27.39	54.78	82.17	109.56	219.12	547.80	1095.60	10956.	6.51	6.50	7.29
1- 6 TO 2- 0	(12/1/84)	28.28	56.56	84.84	113.12	226.24	565.60	1131.20	11312.	6.51	6.51	7.35
2- 0 TO 2- 6	(6/1/85)	29.20	58.40	87.60	116.80	233.60	584.00	1168.00	11680.	6.51	6.44	7.42
2- 6 TO 3- 0	(12/1/85)	30.14	60.28	90.42	120.56	241.12	602.80	1205.60	12056.	6.49	6.50	7.51
3- 0 TO 3- 6	(6/1/86)	31.12	62.24	93.36	124.48	248.96	622.40	1244.80	12448.	6.49	6.56	7.61
3- 6 TO 4- 0	(12/1/86)	32.14	64.28	96.42	128.56	257.12	642.80	1285.60	12856.	6.50	6.47	7.72
4- 0 TO 4- 6	(6/1/87)	33.18	66.36	99.54	132.72	265.44	663.60	1327.20	13272.	6.50	6.51	7.86
4- 6 TO 5- 0	(12/1/87)	34.26	68.52	102.78	137.04	274.08	685.20	1370.40	13704.	6.50	6.48	8.06
5- 0 TO 5- 6	(6/1/88)	35.37	70.74	106.11	141.48	282.96	707.40	1414.80	14148.	6.50	6.50	8.34
5- 6 TO 6- 0	(12/1/88)	36.52	73.04	109.56	146.08	292.16	730.40	1460.80	14608.	6.50	6.52	8.71
6- 0 TO 6- 6	(6/1/89)	37.71	75.42	113.13	150.84	301.68	754.20	1508.40	15084.	6.50	6.47	9.27
6- 6 TO 7- 0	(12/1/89)	38.93	77.86	116.79	155.72	311.44	778.60	1557.20	15572.	6.50	6.52	10.21
7- 0 TO 7- 6	(6/1/90)	40.20	80.40	120.60	160.80	321.60	804.00	1608.00	16080.	6.50	6.53	12.07
7- 6 TO 8- 0	(12/1/90)	41.51	83.02	124.53	166.04	332.08	830.20	1660.40	16604.	6.50	17.78	17.78
8-0 2/	(6/1/91)	45.20	90.40	135.60	180.80	361.60	904.00	1808.00	18080.	7.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1978 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 13 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.88 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.27%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 A P 2 8 0 UMI

TABLE 169

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 7 TO 0- 8 1/(2/1/79)	$19.20	$ 38.40	$ 57.60	$ 76.80	$153.60	$ 384.00	$ 768.00	$ 7680.	4.11	5.05	6.70
0- 8 TO 0- 9 (3/1/79)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.73
0- 9 TO 0-10 (4/1/79)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.04	6.77
0-10 TO 0-11 (5/1/79)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.79
0-11 TO 1- 0 (6/1/79)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.83
1- 0 TO 1- 1 (7/1/79)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	6.87
1- 1 TO 1- 2 (8/1/79)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	6.91
1- 2 TO 1- 3 (9/1/79)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	6.95
1- 3 TO 1- 4 (10/1/79)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.00
1- 4 TO 1- 5 (11/1/79)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.03
1- 5 TO 1- 6 (12/1/79)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.06
1- 6 TO 1- 7 (1/1/80)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.09
1- 7 TO 1- 8 (2/1/80)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.10
1- 8 TO 1- 9 (3/1/80)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.24
1- 9 TO 1-10 (4/1/80)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.30
1-10 TO 1-11 (5/1/80)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.37
1-11 TO 2- 0 (6/1/80)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.42
2- 0 TO 2- 1 (7/1/80)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.50
2- 1 TO 2- 2 (8/1/80)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.56
2- 2 TO 2- 3 (9/1/80)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.63
2- 3 TO 2- 4 (10/1/80)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.70
2- 4 TO 2- 5 (11/1/80)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.78
2- 5 TO 2- 6 (12/1/80)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.86
2- 6 TO 3- 0 (1/1/81)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	7.95
3- 0 TO 3- 6 (7/1/81)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.46
3- 6 TO 4- 0 (1/1/82)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.63
4- 0 TO 4- 6 (7/1/82)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.51
4- 6 TO 5- 0 (1/1/83)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	17.07	17.07
5-0 2/ (7/1/83)	25.89	51.38	77.07	102.76	205.52	513.80	1027.60	10276.	8.40	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 169-A

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/(7/1/83)	$25.48	$ 51.38	$ 77.07	$102.76	$205.52	$ 513.80	$1027.60	$10276.	——	6.46	7.24
0- 6 TO 1- 0 (1/1/84)	26.52	53.04	79.56	106.08	212.16	530.40	1060.80	10608.	6.46	6.56	7.29
1- 0 TO 1- 6 (7/1/84)	27.39	54.78	82.17	109.56	219.12	547.80	1095.60	10956.	6.51	6.50	7.35
1- 6 TO 2- 0 (1/1/85)	28.28	56.54	84.84	113.12	226.24	565.60	1131.20	11312.	6.51	6.50	7.42
2- 0 TO 2- 6 (7/1/85)	29.20	58.40	87.60	116.80	233.60	584.00	1168.00	11680.	6.51	6.48	7.50
2- 6 TO 3- 0 (1/1/86)	30.14	60.28	90.42	120.56	241.12	602.80	1205.60	12056.	6.49	6.50	7.61
3- 0 TO 3- 6 (7/1/86)	31.12	62.24	93.36	124.48	248.96	622.40	1244.80	12448.	6.49	6.50	7.73
3- 6 TO 4- 0 (1/1/87)	32.14	64.28	96.42	128.56	257.12	642.80	1285.60	12856.	6.50	6.47	7.85
4- 0 TO 4- 6 (7/1/87)	33.18	66.36	99.54	132.72	265.44	663.60	1327.20	13272.	6.50	6.51	8.08
4- 6 TO 5- 0 (1/1/88)	34.26	68.52	102.78	137.04	274.08	685.20	1370.40	13704.	6.50	6.48	8.34
5- 0 TO 5- 6 (7/1/88)	35.37	70.74	106.11	141.48	282.96	707.40	1414.80	14148.	6.50	6.50	8.72
5- 6 TO 6- 0 (1/1/89)	36.52	73.04	109.56	146.08	292.16	730.40	1460.80	14608.	6.50	6.52	9.27
6- 0 TO 6- 6 (7/1/89)	37.71	75.42	113.13	150.84	301.68	754.20	1508.40	15084.	6.50	6.47	10.20
6- 6 TO 7- 0 (1/1/90)	38.93	77.86	116.79	155.72	311.44	778.60	1557.20	15572.	6.50	6.52	12.08
7- 0 TO 7- 6 (7/1/90)	40.20	80.40	120.60	160.80	321.60	804.00	1608.00	16080.	6.50	17.81	17.81
7-6 2/ (1/1/91)	43.78	87.56	131.34	175.12	350.24	875.60	1751.20	17512.	7.24 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 12 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.90 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.20%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.90 PERCENT.

TABLE 170

BONDS BEARING ISSUE DATE DEC. 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 6 TO 0- 7 1/(6/1/79)	$19.13	$ 38.26	$ 57.39	$ 76.52	$153.04	$ 382.60	$ 765.20	$ 7652.	4.05	4.43	6.72
0- 7 TO 0- 8 (7/1/79)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11	5.05	6.77
0- 8 TO 0- 9 (8/1/79)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.80
0- 9 TO 0-10 (9/1/79)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.04	6.83
0-10 TO 0-11 (10/1/79)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.86
0-11 TO 1- 0 (11/1/79)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.90
1- 0 TO 1- 1 (12/1/79)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	6.94
1- 1 TO 1- 2 (1/1/80)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	6.98
1- 2 TO 1- 3 (2/1/80)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	7.02
1- 3 TO 1- 4 (3/1/80)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.07
1- 4 TO 1- 5 (4/1/80)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.11
1- 5 TO 1- 6 (5/1/80)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.16
1- 6 TO 1- 7 (6/1/80)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.22
1- 7 TO 1- 8 (7/1/80)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.27
1- 8 TO 1- 9 (8/1/80)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.32
1- 9 TO 1-10 (9/1/80)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.39
1-10 TO 1-11 (10/1/80)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.46
1-11 TO 2- 0 (11/1/80)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.51
2- 0 TO 2- 1 (12/1/80)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.59
2- 1 TO 2- 2 (1/1/81)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.66
2- 2 TO 2- 3 (2/1/81)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.73
2- 3 TO 2- 4 (3/1/81)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.80
2- 4 TO 2- 5 (4/1/81)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.88
2- 5 TO 2- 6 (5/1/81)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.97
2- 6 TO 3- 0 (6/1/81)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	8.06
3- 0 TO 3- 6 (12/1/81)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.74
3- 6 TO 4- 0 (6/1/82)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.82
4- 0 TO 4- 6 (12/1/82)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.80
4- 6 TO 5- 0 (6/1/83)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	17.66	17.66
5-0 2/ (12/1/83)	25.76	51.52	77.28	103.04	206.08	515.20	1030.40	10304.	6.45	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 170-A

BONDS BEARING ISSUE DATE DEC. 1, 1978

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/(12/1/83)	$25.76	$ 51.52	$ 77.28	$103.04	$206.08	$ 515.20	$1030.40	$10304.	——	6.52	7.23
0- 6 TO 1- 0 (6/1/84)	26.80	53.20	79.80	106.40	212.80	532.00	1064.00	10640.	6.52	6.47	7.28
1- 0 TO 1- 6 (12/1/84)	27.46	54.92	82.38	109.84	219.68	549.20	1098.40	10984.	6.49	6.48	7.35
1- 6 TO 2- 0 (6/1/85)	28.35	56.70	85.05	113.40	226.80	567.00	1134.00	11340.	6.49	6.56	7.42
2- 0 TO 2- 6 (12/1/85)	29.28	58.56	87.84	117.12	234.24	585.60	1171.20	11712.	6.51	6.49	7.50
2- 6 TO 3- 0 (6/1/86)	30.23	60.46	90.69	120.92	241.84	604.60	1209.20	12092.	6.50	6.48	7.60
3- 0 TO 3- 6 (12/1/86)	31.21	62.42	93.63	124.84	249.68	624.20	1248.40	12484.	6.50	6.47	7.72
3- 6 TO 4- 0 (6/1/87)	32.22	64.44	96.66	128.88	257.76	644.40	1288.80	12888.	6.50	6.52	7.88
4- 0 TO 4- 6 (12/1/87)	33.27	66.54	99.81	133.08	266.16	665.40	1330.80	13308.	6.50	6.49	8.07
4- 6 TO 5- 0 (6/1/88)	34.35	68.70	103.05	137.40	274.80	687.00	1374.00	13740.	6.50	6.52	8.34
5- 0 TO 5- 6 (12/1/88)	35.47	70.94	106.41	141.88	283.76	709.40	1418.80	14188.	6.50	6.48	8.70
5- 6 TO 6- 0 (6/1/89)	36.62	73.24	109.86	146.48	292.96	732.40	1464.80	14648.	6.50	6.50	9.26
6- 0 TO 6- 6 (12/1/89)	37.81	75.62	113.43	151.24	302.48	756.20	1512.40	15124.	6.50	6.51	10.19
6- 6 TO 7- 0 (6/1/90)	39.04	78.08	117.12	156.16	312.32	780.80	1561.60	15616.	6.50	6.51	12.06
7- 0 TO 7- 6 (12/1/90)	40.31	80.62	120.93	161.24	322.48	806.20	1612.40	16124.	6.50	17.76	17.76
7-6 2/ (6/1/91)	43.89	87.78	131.67	175.56	351.12	877.80	1755.60	17556.	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1978 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 12 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.92 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.23%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

V 45 / 65 AP 2 80 UMI

TABLE 171

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 2 TO 0- 3	1/(3/1/79)	$18.98	$ 37.76	$ 56.64	$ 75.52	$151.04	$ 377.60	$ 755.20	$ 7552.	4.19	3.84	6.53
0- 3 TO 0- 4	(4/1/79)	19.04	37.88	56.82	75.76	151.52	378.80	757.60	7576.	4.07	3.83	6.58
0- 4 TO 0- 5	(5/1/79)	19.00	38.00	57.00	76.00	152.00	380.00	760.00	7600.	4.01	4.46	6.63
0- 5 TO 0- 6	(6/1/79)	19.07	38.14	57.21	76.28	152.56	381.40	762.80	7628.	4.10	3.81	6.67
0- 6 TO 0- 7	(7/1/79)	19.13	38.26	57.39	76.52	153.04	382.60	765.20	7652.	4.05	4.43	6.72
0- 7 TO 0- 8	(8/1/79)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11	5.05	6.77
0- 8 TO 0- 9	(9/1/79)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.83
0- 9 TO 0-10	(10/1/79)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.64	6.83
0-10 TO 0-11	(11/1/79)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.86
0-11 TO 1- 0	(12/1/79)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.90
1- 0 TO 1- 1	(1/1/80)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	6.94
1- 1 TO 1- 2	(2/1/80)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	6.98
1- 2 TO 1- 3	(3/1/80)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	7.02
1- 3 TO 1- 4	(4/1/80)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.09
1- 4 TO 1- 5	(5/1/80)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.11
1- 5 TO 1- 6	(6/1/80)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.16
1- 6 TO 1- 7	(7/1/80)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.22
1- 7 TO 1- 8	(8/1/80)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.27
1- 8 TO 1- 9	(9/1/80)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.32
1- 9 TO 1-10	(10/1/80)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.39
1-10 TO 1-11	(11/1/80)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.46
1-11 TO 2- 0	(12/1/80)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.51
2- 0 TO 2- 1	(1/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.32	7.59
2- 1 TO 2- 2	(2/1/81)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.68
2- 2 TO 2- 3	(3/1/81)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.73
2- 3 TO 2- 4	(4/1/81)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.80
2- 4 TO 2- 5	(5/1/81)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.88
2- 5 TO 2- 6	(6/1/81)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	7.97
2- 6 TO 3- 0	(7/1/81)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.88	5.39	8.06
3- 0 TO 3- 6	(1/1/82)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.16
3- 6 TO 4- 0	(7/1/82)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	8.26
4- 0 TO 4- 6	(1/1/83)	22.93	45.84	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	11.80
4- 6 TO 5- 0	(7/1/83)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	17.66	17.66
5-0 2/	(1/1/84)	25.76	51.52	77.28	103.04	206.08	515.20	1030.40	10304.	6.45	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 171-A

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(1/1/84)	$25.76	$ 51.52	$ 77.28	$103.04	$206.08	$ 515.20	$1030.40	$10304.	——	8.52	7.29
0- 6 TO 1- 0	(7/1/84)	26.66	53.32	79.98	106.64	213.28	533.20	1066.40	10640.	6.93	6.47	7.34
1- 0 TO 1- 6	(1/1/85)	27.46	54.92	82.38	109.84	219.68	549.20	1098.40	10984.	6.49	8.48	7.42
1- 6 TO 2- 0	(7/1/85)	28.25	56.50	84.75	113.40	226.80	567.00	1134.00	11340.	6.49	8.54	7.50
2- 0 TO 2- 6	(1/1/86)	29.28	58.56	87.84	117.12	234.24	585.60	1171.20	11712.	6.51	8.49	7.60
2- 6 TO 3- 0	(7/1/86)	30.23	60.46	90.69	120.92	241.84	604.60	1209.20	12092.	6.50	6.48	7.72
3- 0 TO 3- 6	(1/1/87)	31.21	62.42	93.63	124.84	249.68	624.20	1248.40	12484.	6.50	6.47	7.85
3- 6 TO 4- 0	(7/1/87)	32.22	64.44	96.66	128.88	257.76	644.40	1288.80	12888.	6.50	6.52	8.08
4- 0 TO 4- 6	(1/1/88)	33.27	66.54	99.81	133.08	266.16	665.40	1330.80	13308.	6.50	6.49	8.34
4- 6 TO 5- 0	(7/1/88)	34.35	68.70	103.05	137.40	274.80	687.00	1374.00	13740.	6.50	6.52	8.71
5- 0 TO 5- 6	(1/1/89)	35.47	70.94	106.41	141.88	283.76	709.40	1418.80	14188.	6.50	6.48	9.26
5- 6 TO 6- 0	(7/1/89)	36.62	73.24	109.86	146.48	292.96	732.40	1464.80	14648.	6.50	6.50	10.19
6- 0 TO 6- 6	(1/1/90)	37.81	75.62	113.43	151.24	302.48	756.20	1512.40	15124.	6.50	6.51	12.07
6- 6 TO 7- 0	(7/1/90)	39.04	78.08	117.12	156.16	312.32	780.80	1561.60	15616.	6.50	17.78	17.78
7-0 2/	(1/1/91)	42.51	85.02	127.53	170.04	340.08	850.20	1700.40	17004.	7.29 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 12 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.94 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.16%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 172

BONDS BEARING ISSUE DATE JUNE 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 2	1/(6/1/79)	$18.75	$ 37.53	$ 56.25	$ 75.00	$150.00	$ 375.00	$ 750.00	$ 7500.	——	4.19	6.50
0- 2 TO 0- 3	(8/1/79)	18.88	37.76	56.64	75.52	151.04	377.60	755.20	7552.	4.19	3.84	6.58
0- 3 TO 0- 4	(9/1/79)	18.94	37.88	56.82	75.76	151.52	378.80	757.60	7576.	4.07	3.83	6.63
0- 4 TO 0- 5	(10/1/79)	19.00	38.00	57.00	76.00	152.00	380.00	760.00	7600.	4.01	4.46	6.68
0- 5 TO 0- 6	(11/1/79)	19.07	38.14	57.21	76.28	152.56	381.40	762.80	7628.	4.10	3.81	6.72
0- 6 TO 0- 7	(12/1/79)	19.13	38.26	57.39	76.52	153.04	382.60	765.20	7652.	4.05	4.43	6.78
0- 7 TO 0- 8	(1/1/80)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11	5.05	6.82
0- 8 TO 0- 9	(2/1/80)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.88
0- 9 TO 0-10	(3/1/80)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.64	6.89
0-10 TO 0-11	(4/1/80)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.92
0-11 TO 1- 0	(5/1/80)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.96
1- 0 TO 1- 1	(6/1/80)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	7.00
1- 1 TO 1- 2	(7/1/80)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	7.04
1- 2 TO 1- 3	(8/1/80)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	7.09
1- 3 TO 1- 4	(9/1/80)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.14
1- 4 TO 1- 5	(10/1/80)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.17
1- 5 TO 1- 6	(11/1/80)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.23
1- 6 TO 1- 7	(12/1/80)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.28
1- 7 TO 1- 8	(1/1/81)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.35
1- 8 TO 1- 9	(2/1/81)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	4.78	7.39
1- 9 TO 1-10	(3/1/81)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.46
1-10 TO 1-11	(4/1/81)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.53
1-11 TO 2- 0	(5/1/81)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.59
2- 0 TO 2- 1	(6/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.32	7.67
2- 1 TO 2- 2	(7/1/81)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.74
2- 2 TO 2- 3	(8/1/81)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.81
2- 3 TO 2- 4	(9/1/81)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.89
2- 4 TO 2- 5	(10/1/81)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.97
2- 5 TO 2- 6	(11/1/81)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	8.04
2- 6 TO 3- 0	(12/1/81)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.88	5.39	8.16
3- 0 TO 3- 6	(6/1/82)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.26
3- 6 TO 4- 0	(12/1/82)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	8.36
4- 0 TO 4- 6	(6/1/83)	22.93	45.84	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	8.47
4- 6 TO 5- 0	(12/1/83)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	18.17	18.17
5-0 2/	(6/1/84)	25.82	51.64	77.46	103.28	206.56	516.40	1032.80	10328.	6.50	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

TABLE 172-A

BONDS BEARING ISSUE DATE JUNE 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD**								(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6	1/(6/1/84)	$25.82	$ 51.64	$ 77.46	$103.28	$206.56	$ 516.40	$1032.80	$10328.	——	6.51	7.29
0- 6 TO 1- 0	(12/1/84)	26.66	53.32	79.98	106.64	213.28	533.20	1066.40	10664.	6.51	6.53	7.35
1- 0 TO 1- 6	(6/1/85)	27.53	55.06	82.59	110.12	220.24	550.60	1101.20	11012.	6.52	6.47	7.41
1- 6 TO 2- 0	(12/1/85)	28.42	56.84	85.26	113.68	227.36	568.40	1136.80	11368.	6.50	6.47	7.50
2- 0 TO 2- 6	(6/1/86)	29.34	58.68	88.02	117.36	234.72	586.80	1173.60	11736.	6.49	6.54	7.60
2- 6 TO 3- 0	(12/1/86)	30.30	60.60	90.90	121.20	242.40	606.00	1212.00	12120.	6.50	6.47	7.72
3- 0 TO 3- 6	(6/1/87)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	6.50	6.52	7.86
3- 6 TO 4- 0	(12/1/87)	32.30	64.60	96.90	129.20	258.40	646.00	1292.00	12920.	6.50	6.50	8.07
4- 0 TO 4- 6	(6/1/88)	33.35	66.70	100.05	133.40	266.80	667.00	1334.00	13340.	6.50	6.48	8.34
4- 6 TO 5- 0	(12/1/88)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	6.50	6.51	8.71
5- 0 TO 5- 6	(6/1/89)	35.58	71.10	106.65	142.20	284.40	711.00	1422.00	14220.	6.50	6.53	9.27
5- 6 TO 6- 0	(12/1/89)	36.71	73.42	110.13	146.84	293.68	734.20	1468.40	14684.	6.52	6.48	10.19
6- 0 TO 6- 6	(6/1/90)	37.90	75.80	113.70	151.60	303.20	758.00	1516.00	15160.	6.52	6.49	12.06
6- 6 TO 7- 0	(12/1/90)	39.13	78.26	117.39	156.52	313.04	782.60	1565.20	15652.	6.50	17.79	17.79
7-0 2/	(6/1/91)	42.61	85.22	127.83	170.44	340.88	852.20	1704.40	17044.	7.29 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1979 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 12 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.96 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.18%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 173

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGIN-NING OF EACH PERIOD	(3)FROM BEGIN-NING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGIN-NING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 2 1/	7/1/79)	$18.75	$ 37.50	$ 56.25	$ 75.00	$150.00	$ 375.00	$ 750.00	$ 7500.	----	4.19	6.50
0- 2 TO 0- 3	(9/1/79)	18.98	37.76	56.64	75.52	151.04	377.60	755.20	7552.	4.19	3.84	6.58
0- 3 TO 0- 4	(10/1/79)	18.84	37.88	56.82	75.76	151.52	378.80	757.60	7576.	4.07	3.83	6.63
0- 4 TO 0- 5	(11/1/79)	19.00	38.00	57.00	76.00	152.00	380.00	760.00	7600.	4.01	4.46	6.68
0- 5 TO 0- 6	(12/1/79)	19.07	38.14	57.21	76.28	152.56	381.40	762.80	7628.	4.10	3.81	6.72
0- 6 TO 0- 7	(1/1/80)	19.13	38.26	57.39	76.52	153.04	382.60	765.20	7652.	4.05	4.43	6.78
0- 7 TO 0- 8	(2/1/80)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11	5.05	6.82
0- 8 TO 0- 9	(3/1/80)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.86
0- 9 TO 0-10	(4/1/80)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.64	6.89
0-10 TO 0-11	(5/1/80)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.92
0-11 TO 1- 0	(6/1/80)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.96
1- 0 TO 1- 1	(7/1/80)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	7.00
1- 1 TO 1- 2	(8/1/80)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	7.04
1- 2 TO 1- 3	(9/1/80)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	7.09
1- 3 TO 1- 4	(10/1/80)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.14
1- 4 TO 1- 5	(11/1/80)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.17
1- 5 TO 1- 6	(12/1/80)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.23
1- 6 TO 1- 7	(1/1/81)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.28
1- 7 TO 1- 8	(2/1/81)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.35
1- 8 TO 1- 9	(3/1/81)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	5.39	7.39
1- 9 TO 1-10	(4/1/81)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.46
1-10 TO 1-11	(5/1/81)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.53
1-11 TO 2- 0	(6/1/81)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.59
2- 0 TO 2- 1	(7/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.67
2- 1 TO 2- 2	(8/1/81)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.74
2- 2 TO 2- 3	(9/1/81)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.81
2- 3 TO 2- 4	(10/1/81)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.89
2- 4 TO 2- 5	(11/1/81)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.97
2- 5 TO 2- 6	(12/1/81)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	8.06
2- 6 TO 3- 0	(1/1/82)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	8.16
3- 0 TO 3- 6	(7/1/82)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.84
3- 6 TO 4- 0	(1/1/83)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.98
4- 0 TO 4- 6	(7/1/83)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	12.04
4- 6 TO 5- 0	(1/1/84)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	18.17	18.17
5-0 2/	(7/1/84)	25.82	51.64	77.46	103.28	206.56	516.40	1032.80	10328.	6.50	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

TABLE 173-A

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)** EXTENDED MATURITY PERIOD**								(2)FROM BEGIN-NING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGIN-NING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGIN-NING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/	7/1/84)	$25.82	$ 51.64	$ 77.46	$103.28	$206.56	$ 516.40	$1032.80	$10328.	----	6.51	7.35
0- 6 TO 1- 0	(1/1/85)	26.66	53.32	79.98	106.64	213.28	533.20	1066.40	10664.	6.51	6.53	7.42
1- 0 TO 1- 6	(7/1/85)	27.53	55.06	82.59	110.12	220.24	550.60	1101.20	11012.	6.52	6.47	7.50
1- 6 TO 2- 0	(1/1/86)	28.42	56.84	85.26	113.68	227.36	568.40	1136.80	11368.	6.50	6.47	7.60
2- 0 TO 2- 6	(7/1/86)	29.34	58.68	88.02	117.36	234.72	586.80	1173.60	11736.	6.49	6.54	7.73
2- 6 TO 3- 0	(1/1/87)	30.30	60.60	90.90	121.20	242.40	606.00	1212.00	12120.	6.50	6.47	7.86
3- 0 TO 3- 6	(7/1/87)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	6.50	6.52	8.08
3- 6 TO 4- 0	(1/1/88)	32.30	64.60	96.90	129.20	258.40	646.00	1292.00	12920.	6.50	6.50	8.34
4- 0 TO 4- 6	(7/1/88)	33.35	66.70	100.05	133.40	266.80	667.00	1334.00	13340.	6.50	6.48	8.71
4- 6 TO 5- 0	(1/1/89)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	6.50	6.51	9.27
5- 0 TO 5- 6	(7/1/89)	35.55	71.10	106.65	142.20	284.40	711.00	1422.00	14220.	6.50	6.53	10.20
5- 6 TO 6- 0	(1/1/90)	36.71	73.42	110.13	146.84	293.68	734.20	1468.40	14684.	6.50	6.48	12.06
6- 0 TO 6- 6	(7/1/90)	37.90	75.80	113.70	151.60	303.20	758.00	1516.00	15160.	6.50	17.78	17.78
6-6 2/	(1/1/91)	41.27	82.54	123.81	165.08	330.16	825.40	1650.80	16508.	7.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ BONUS PAYMENT IS MADE AT 11 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.98 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.11%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 174

BONDS BEARING ISSUE DATE DEC. 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGIN-NING OF EACH PERIOD	(3)FROM BEGIN-NING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGIN-NING OF EACH PERIOD TO MATURITY
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 2 1/	(12/1/79)	$18.75	$ 37.50	$ 56.25	$ 75.00	$150.00	$ 375.00	$ 750.00	$ 7500.	----	4.19	6.50
0- 2 TO 0- 3	(2/1/80)	18.98	37.76	56.64	75.52	151.04	377.60	755.20	7552.	4.19	3.84	6.58
0- 3 TO 0- 4	(3/1/80)	18.84	37.88	56.82	75.76	151.52	378.80	757.60	7576.	4.07	3.83	6.63
0- 4 TO 0- 5	(4/1/80)	19.00	38.00	57.00	76.00	152.00	380.00	760.00	7600.	4.01	4.46	6.68
0- 5 TO 0- 6	(5/1/80)	19.07	38.14	57.21	76.28	152.56	381.40	762.80	7628.	4.10	3.81	6.72
0- 6 TO 0- 7	(6/1/80)	19.13	38.26	57.39	76.52	153.04	382.60	765.20	7652.	4.05	4.43	6.78
0- 7 TO 0- 8	(7/1/80)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11	5.05	6.82
0- 8 TO 0- 9	(8/1/80)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23	5.03	6.86
0- 9 TO 0-10	(9/1/80)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31	5.64	6.89
0-10 TO 0-11	(10/1/80)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45	4.99	6.92
0-11 TO 1- 0	(11/1/80)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50	4.97	6.96
1- 0 TO 1- 1	(12/1/80)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54	4.95	7.00
1- 1 TO 1- 2	(1/1/81)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57	4.93	7.04
1- 2 TO 1- 3	(2/1/81)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59	4.91	7.09
1- 3 TO 1- 4	(3/1/81)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61	5.50	7.14
1- 4 TO 1- 5	(4/1/81)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67	4.86	7.17
1- 5 TO 1- 6	(5/1/81)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68	4.84	7.23
1- 6 TO 1- 7	(6/1/81)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69	4.82	7.28
1- 7 TO 1- 8	(7/1/81)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70	5.41	7.35
1- 8 TO 1- 9	(8/1/81)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73	5.39	7.39
1- 9 TO 1-10	(9/1/81)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73	4.76	7.46
1-10 TO 1-11	(10/1/81)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74	5.34	7.53
1-11 TO 2- 0	(11/1/81)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76	4.72	7.59
2- 0 TO 2- 1	(12/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76	5.30	7.67
2- 1 TO 2- 2	(1/1/82)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78	5.28	7.74
2- 2 TO 2- 3	(2/1/82)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80	5.25	7.81
2- 3 TO 2- 4	(3/1/82)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82	5.23	7.89
2- 4 TO 2- 5	(4/1/82)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83	5.21	7.97
2- 5 TO 2- 6	(5/1/82)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85	5.19	8.06
2- 6 TO 3- 0	(6/1/82)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86	5.39	8.16
3- 0 TO 3- 6	(6/1/83)	21.71	43.42	65.13	86.84	173.68	434.20	868.40	8684.	4.95	5.53	8.84
3- 6 TO 4- 0	(6/1/83)	22.31	44.62	66.93	89.24	178.48	446.20	892.40	8924.	5.03	5.92	9.98
4- 0 TO 4- 6	(12/1/83)	22.97	45.94	68.91	91.88	183.76	459.40	918.80	9188.	5.14	6.09	12.04
4- 6 TO 5- 0	(6/1/84)	23.67	47.34	71.01	94.68	189.36	473.40	946.80	9468.	5.25	18.17	18.17
5-0 2/	(12/1/84)	25.82	51.64	77.46	103.28	206.56	516.40	1032.80	10328.	6.50	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

TABLE 174-A

BONDS BEARING ISSUE DATE DEC. 1, 1979

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	(ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)** EXTENDED MATURITY PERIOD**								(2)FROM BEGIN-NING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGIN-NING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGIN-NING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0- 0 TO 0- 6 1/	(12/1/84)	$25.82	$ 51.64	$ 77.46	$103.28	$206.56	$ 516.40	$1032.80	$10328.	----	6.51	7.35
0- 6 TO 1- 0	(6/1/85)	26.66	53.32	79.98	106.64	213.28	533.20	1066.40	10664.	6.51	6.53	7.42
1- 0 TO 1- 6	(12/1/85)	27.53	55.06	82.59	110.12	220.24	550.60	1101.20	11012.	6.52	6.47	7.50
1- 6 TO 2- 0	(6/1/86)	28.42	56.84	85.26	113.68	227.36	568.40	1136.80	11368.	6.50	6.47	7.60
2- 0 TO 2- 6	(12/1/86)	29.34	58.68	88.02	117.36	234.72	586.80	1173.60	11736.	6.49	6.54	7.73
2- 6 TO 3- 0	(6/1/87)	30.30	60.60	90.90	121.20	242.40	606.00	1212.00	12120.	6.50	6.47	7.86
3- 0 TO 3- 6	(12/1/87)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	6.50	6.52	8.08
3- 6 TO 4- 0	(6/1/88)	32.30	64.60	96.90	129.20	258.40	646.00	1292.00	12920.	6.50	6.50	8.34
4- 0 TO 4- 6	(12/1/88)	33.35	66.70	100.05	133.40	266.80	667.00	1334.00	13340.	6.50	6.48	8.71
4- 6 TO 5- 0	(6/1/89)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	6.50	6.51	9.27
5- 0 TO 5- 6	(12/1/89)	35.55	71.10	106.65	142.20	284.40	711.00	1422.00	14220.	6.50	6.53	10.20
5- 6 TO 6- 0	(6/1/90)	36.71	73.42	110.13	146.84	293.68	734.20	1468.40	14684.	6.50	6.48	12.06
6- 0 TO 6- 6	(12/1/90)	37.90	75.80	113.70	151.60	303.20	758.00	1516.00	15160.	6.50	17.78	17.78
6-6 2/	(6/1/91)	41.27	82.54	123.81	165.08	330.16	825.40	1650.80	16508.	7.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1979 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 11 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.98 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.11%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 9TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 175

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1980

ISSUE PRICE / DENOMINATION	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500. / 10000.
PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD
0- 0 TO 0- 2 1/	(1/1/80)	$18.75	$ 37.50	$ 56.25	$ 75.00	$150.00	$ 375.00	$ 750.00	$ 7500.	——
0- 2 TO 0- 3	(3/1/80)	18.88	37.76	56.64	75.52	151.04	377.60	755.20	7552.	4.19
0- 3 TO 0- 4	(4/1/80)	18.94	37.88	56.82	75.76	151.52	378.80	757.60	7576.	4.07
0- 4 TO 0- 5	(5/1/80)	19.00	38.00	57.00	76.00	152.00	380.00	760.00	7600.	4.01
0- 5 TO 0- 6	(6/1/80)	19.07	38.14	57.21	76.28	152.56	381.40	762.80	7628.	4.10
0- 6 TO 0- 7	(7/1/80)	19.13	38.26	57.39	76.52	153.04	382.60	765.20	7652.	4.05
0- 7 TO 0- 8	(8/1/80)	19.20	38.40	57.60	76.80	153.60	384.00	768.00	7680.	4.11
0- 8 TO 0- 9	(9/1/80)	19.28	38.56	57.84	77.12	154.24	385.60	771.20	7712.	4.23
0- 9 TO 0-10	(10/1/80)	19.36	38.72	58.08	77.44	154.88	387.20	774.40	7744.	4.31
0-10 TO 0-11	(11/1/80)	19.45	38.90	58.35	77.80	155.60	389.00	778.00	7780.	4.45
0-11 TO 1- 0	(12/1/80)	19.53	39.06	58.59	78.12	156.24	390.60	781.20	7812.	4.50
1- 0 TO 1- 1	(1/1/81)	19.61	39.22	58.83	78.44	156.88	392.20	784.40	7844.	4.54
1- 1 TO 1- 2	(2/1/81)	19.69	39.38	59.07	78.76	157.52	393.80	787.60	7876.	4.57
1- 2 TO 1- 3	(3/1/81)	19.77	39.54	59.31	79.08	158.16	395.40	790.80	7908.	4.59
1- 3 TO 1- 4	(4/1/81)	19.85	39.70	59.55	79.40	158.80	397.00	794.00	7940.	4.61
1- 4 TO 1- 5	(5/1/81)	19.94	39.88	59.82	79.76	159.52	398.80	797.60	7976.	4.67
1- 5 TO 1- 6	(6/1/81)	20.02	40.04	60.06	80.08	160.16	400.40	800.80	8008.	4.68
1- 6 TO 1- 7	(7/1/81)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	4.69
1- 7 TO 1- 8	(8/1/81)	20.18	40.36	60.54	80.72	161.44	403.60	807.20	8072.	4.70
1- 8 TO 1- 9	(9/1/81)	20.27	40.54	60.81	81.08	162.16	405.40	810.80	8108.	4.73
1- 9 TO 1-10	(10/1/81)	20.35	40.70	61.05	81.40	162.80	407.00	814.00	8140.	4.73
1-10 TO 1-11	(11/1/81)	20.43	40.86	61.29	81.72	163.44	408.60	817.20	8172.	4.74
1-11 TO 2- 0	(12/1/81)	20.52	41.04	61.56	82.08	164.16	410.40	820.80	8208.	4.76
2- 0 TO 2- 1	(1/1/82)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	4.76
2- 1 TO 2- 2	(2/1/82)	20.69	41.38	62.07	82.76	165.52	413.80	827.60	8276.	4.78
2- 2 TO 2- 3	(3/1/82)	20.78	41.56	62.34	83.12	166.24	415.60	831.20	8312.	4.80
2- 3 TO 2- 4	(4/1/82)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	4.82
2- 4 TO 2- 5	(5/1/82)	20.96	41.92	62.88	83.84	167.68	419.20	838.40	8384.	4.83
2- 5 TO 2- 6	(6/1/82)	21.05	42.10	63.15	84.20	168.40	421.00	842.00	8420.	4.85
2- 6 TO 2- 7	(7/1/82)	21.14	42.28	63.42	84.56	169.12	422.80	845.60	8456.	4.86
2- 7 TO 2- 8	(8/1/82)	21.23	42.46	63.69	84.92	169.84	424.60	849.20	8492.	4.88
2- 8 TO 2- 9	(9/1/82)	21.31	42.62	63.93	85.24	170.48	426.20	852.40	8524.	4.90
2- 9 TO 2-10	(10/1/82)	21.40	42.80	64.20	85.60	171.20	428.00	856.00	8560.	4.92
2-10 TO 2-11	(11/1/82)	21.49	42.98	64.47	85.96	171.92	429.80	859.60	8596.	4.93
2-11 TO 3- 0	(12/1/82)	21.58	43.16	64.74	86.32	172.64	431.60	863.20	8632.	4.95
3- 0 TO 3- 1	(1/1/83)	21.66	43.32	64.98	86.64	173.28	433.20	866.40	8664.	4.97
3- 1 TO 3- 2	(2/1/83)	21.75	43.50	65.25	87.00	174.00	435.00	870.00	8700.	4.98
3- 2 TO 3- 3	(3/1/83)	21.84	43.68	65.52	87.36	174.72	436.80	873.60	8736.	5.00
3- 3 TO 3- 4	(4/1/83)	21.93	43.86	65.79	87.72	175.44	438.60	877.20	8772.	5.01
3- 4 TO 3- 5	(5/1/83)	22.02	44.04	66.06	88.08	176.16	440.40	880.80	8808.	5.03
3- 5 TO 3- 6	(6/1/83)	22.11	44.22	66.33	88.44	176.88	442.20	884.40	8844.	5.04
3- 6 TO 3- 7	(7/1/83)	22.20	44.40	66.60	88.80	177.60	444.00	888.00	8880.	5.05
3- 7 TO 3- 8	(8/1/83)	22.29	44.58	66.87	89.16	178.32	445.80	891.60	8916.	5.07
3- 8 TO 3- 9	(9/1/83)	22.37	44.74	67.11	89.48	178.96	447.40	894.80	8948.	5.08
3- 9 TO 3-10	(10/1/83)	22.46	44.92	67.38	89.84	179.68	449.20	898.40	8984.	5.09
3-10 TO 3-11	(11/1/83)	22.55	45.10	67.65	90.20	180.40	451.00	902.00	9020.	5.11
3-11 TO 4- 0	(12/1/83)	22.64	45.28	67.92	90.56	181.12	452.80	905.60	9056.	5.12
4- 0 TO 4- 1	(1/1/84)	22.72	45.44	68.16	90.88	181.76	454.40	908.80	9088.	5.14
4- 1 TO 4- 2	(2/1/84)	22.81	45.62	68.43	91.24	182.48	456.20	912.40	9124.	5.15
4- 2 TO 4- 3	(3/1/84)	22.90	45.80	68.70	91.60	183.20	458.00	916.00	9160.	5.17
4- 3 TO 4- 4	(4/1/84)	22.99	45.98	68.97	91.96	183.92	459.80	919.60	9196.	5.18
4- 4 TO 4- 5	(5/1/84)	23.08	46.16	69.24	92.32	184.64	461.60	923.20	9232.	5.20
4- 5 TO 4- 6	(6/1/84)	23.17	46.34	69.51	92.68	185.36	463.40	926.80	9268.	5.21
4- 6 TO 5- 0	(7/1/84)	23.27	46.54	69.81	93.08	186.16	465.40	930.80	9308.	5.23
5- 0 TO 5- 1	(8/1/84)	23.36	46.72	70.08	93.44	186.88	467.20	934.40	9344.	5.24
5- 1 TO 5- 2	(9/1/84)	23.45	46.90	70.35	93.80	187.60	469.00	938.00	9380.	5.26
5- 2 TO 5- 3	(10/1/84)	23.54	47.08	70.62	94.16	188.32	470.80	941.60	9416.	5.27
5- 3 TO 5- 4	(11/1/84)	23.63	47.26	70.89	94.52	189.04	472.60	945.20	9452.	5.29
5- 4 TO 5- 5	(12/1/84)	23.72	47.44	71.16	94.88	189.76	474.40	948.80	9488.	5.30
5- 5 TO 5- 6	(1/1/85)	23.80	47.60	71.40	95.20	190.40	476.00	952.00	9520.	5.32
5- 6 TO 5- 7	(2/1/85)	23.89	47.78	71.67	95.56	191.12	477.80	955.60	9556.	5.33
5- 7 TO 5- 8	(3/1/85)	23.98	47.96	71.94	95.92	191.84	479.60	959.20	9592.	5.35
5- 8 TO 5- 9	(4/1/85)	24.07	48.14	72.21	96.28	192.56	481.40	962.80	9628.	5.36
5- 9 TO 5-10	(5/1/85)	24.16	48.32	72.48	96.64	193.28	483.20	966.40	9664.	5.38
5-10 TO 5-11	(6/1/85)	24.25	48.50	72.75	97.00	194.00	485.00	970.00	9700.	5.39
5-11 TO 6- 0	(7/1/85)	24.35	48.70	73.05	97.40	194.80	487.00	974.00	9740.	5.41
6- 0 TO 6- 1	(8/1/85)	24.44	48.88	73.32	97.76	195.52	488.80	977.60	9776.	5.42
6- 1 TO 6- 2	(9/1/85)	24.53	49.06	73.59	98.12	196.24	490.60	981.20	9812.	5.44
6- 2 TO 6- 3	(10/1/85)	24.62	49.24	73.86	98.48	196.96	492.40	984.80	9848.	5.45
6- 3 TO 6- 4	(11/1/85)	24.71	49.42	74.13	98.84	197.68	494.20	988.40	9884.	5.47
6- 4 TO 6- 5	(12/1/85)	24.80	49.60	74.40	99.20	198.40	496.00	992.00	9920.	5.48
6- 5 TO 6- 6	(1/1/86)	24.88	49.76	74.64	99.52	199.04	497.60	995.20	9952.	5.50
6- 6 TO 6- 7	(2/1/86)	24.97	49.94	74.91	99.88	199.76	499.40	998.80	9988.	5.51
6- 7 TO 6- 8	(3/1/86)	25.06	50.12	75.18	100.24	200.48	501.20	1002.40	10024.	5.53
6- 8 TO 6- 9	(4/1/86)	25.15	50.30	75.45	100.60	201.20	503.00	1006.00	10060.	5.54
6- 9 TO 6-10	(5/1/86)	25.24	50.48	75.72	100.96	201.92	504.80	1009.60	10096.	5.56
6-10 TO 6-11	(6/1/86)	25.33	50.66	75.99	101.32	202.64	506.60	1013.20	10132.	5.57
6-11 TO 7- 0	(7/1/86)	25.43	50.86	76.29	101.72	203.44	508.60	1017.20	10172.	5.59
7- 0 TO 7- 1	(8/1/86)	25.52	51.04	76.56	102.08	204.16	510.40	1020.80	10208.	5.60
7- 1 TO 7- 2	(9/1/86)	25.61	51.22	76.83	102.44	204.88	512.20	1024.40	10244.	5.62
7- 2 TO 7- 3	(10/1/86)	25.70	51.40	77.10	102.80	205.60	514.00	1028.00	10280.	5.63
7- 3 TO 7- 4	(11/1/86)	25.79	51.58	77.37	103.16	206.32	515.80	1031.60	10316.	5.65
7- 4 TO 7- 5	(12/1/86)	25.88	51.76	77.64	103.52	207.04	517.60	1035.20	10352.	5.66
7- 5 TO 7- 6	(1/1/87)	25.96	51.92	77.88	103.84	207.68	519.20	1038.40	10384.	5.68
7- 6 TO 7- 7	(2/1/87)	26.05	52.10	78.15	104.20	208.40	521.00	1042.00	10420.	5.69
7- 7 TO 7- 8	(3/1/87)	26.14	52.28	78.42	104.56	209.12	522.80	1045.60	10456.	5.71
7- 8 TO 7- 9	(4/1/87)	26.23	52.46	78.69	104.92	209.84	524.60	1049.20	10492.	5.72
7- 9 TO 7-10	(5/1/87)	26.32	52.64	78.96	105.28	210.56	526.40	1052.80	10528.	5.74
7-10 TO 7-11	(6/1/87)	26.41	52.82	79.23	105.64	211.28	528.20	1056.40	10564.	5.75
7-11 TO 8- 0	(7/1/87)	26.51	53.02	79.53	106.04	212.08	530.20	1060.40	10604.	5.77
8- 0 TO 8- 1	(8/1/87)	26.60	53.20	79.80	106.40	212.80	532.00	1064.00	10640.	5.78
8- 1 TO 8- 2	(9/1/87)	26.69	53.38	80.07	106.76	213.52	533.80	1067.60	10676.	5.80
8- 2 TO 8- 3	(10/1/87)	26.78	53.56	80.34	107.12	214.24	535.60	1071.20	10712.	5.81
8- 3 TO 8- 4	(11/1/87)	26.87	53.74	80.61	107.48	214.96	537.40	1074.80	10748.	5.83
8- 4 TO 8- 5	(12/1/87)	26.96	53.92	80.88	107.84	215.68	539.20	1078.40	10784.	5.84
8- 5 TO 8- 6	(1/1/88)	27.04	54.08	81.12	108.16	216.32	540.80	1081.60	10816.	5.86
8- 6 TO 8- 7	(2/1/88)	27.13	54.26	81.39	108.52	217.04	542.60	1085.20	10852.	5.87
8- 7 TO 8- 8	(3/1/88)	27.22	54.44	81.66	108.88	217.76	544.40	1088.80	10888.	5.89
8- 8 TO 8- 9	(4/1/88)	27.31	54.62	81.93	109.24	218.48	546.20	1092.40	10924.	5.90
8- 9 TO 8-10	(5/1/88)	27.40	54.80	82.20	109.60	219.20	548.00	1096.00	10960.	5.92
8-10 TO 8-11	(6/1/88)	27.49	54.98	82.47	109.96	219.92	549.80	1099.60	10996.	5.93
8-11 TO 9- 0	(7/1/88)	27.59	55.18	82.77	110.36	220.72	551.80	1103.60	11036.	5.95
9- 0 TO 9- 1	(8/1/88)	27.68	55.36	83.04	110.72	221.44	553.60	1107.20	11072.	5.96
9- 1 TO 9- 2	(9/1/88)	27.77	55.54	83.31	111.08	222.16	555.40	1110.80	11108.	5.98
9- 2 TO 9- 3	(10/1/88)	27.86	55.72	83.58	111.44	222.88	557.20	1114.40	11144.	5.99
9- 3 TO 9- 4	(11/1/88)	27.95	55.90	83.85	111.80	223.60	559.00	1118.00	11180.	6.01
9- 4 TO 9- 5	(12/1/88)	28.04	56.08	84.12	112.16	224.32	560.80	1121.60	11216.	6.02
9- 5 TO 9- 6	(1/1/89)	28.12	56.24	84.36	112.48	224.96	562.40	1124.80	11248.	6.04
9- 6 TO 9- 7	(2/1/89)	28.21	56.42	84.63	112.84	225.68	564.20	1128.40	11284.	6.05
9- 7 TO 9- 8	(3/1/89)	28.30	56.60	84.90	113.20	226.40	566.00	1132.00	11320.	6.07
9- 8 TO 9- 9	(4/1/89)	28.39	56.78	85.17	113.56	227.12	567.80	1135.60	11356.	6.08
9- 9 TO 9-10	(5/1/89)	28.48	56.96	85.44	113.92	227.84	569.60	1139.20	11392.	6.10
9-10 TO 9-11	(6/1/89)	28.57	57.14	85.71	114.28	228.56	571.40	1142.80	11428.	6.11
9-11 TO 10- 0	(7/1/89)	28.67	57.34	86.01	114.68	229.36	573.40	1146.80	11468.	6.13
10- 0 TO 10- 1	(8/1/89)	28.76	57.52	86.28	115.04	230.08	575.20	1150.40	11504.	6.14
10- 1 TO 10- 2	(9/1/89)	28.85	57.70	86.55	115.40	230.80	577.00	1154.00	11540.	6.16
10- 2 TO 10- 3	(10/1/89)	28.94	57.88	86.82	115.76	231.52	578.80	1157.60	11576.	6.17
10- 3 TO 10- 4	(11/1/89)	29.03	58.06	87.09	116.12	232.24	580.60	1161.20	11612.	6.19
10- 4 TO 10- 5	(12/1/89)	29.12	58.24	87.36	116.48	232.96	582.40	1164.80	11648.	6.20
10- 5 TO 10- 6	(1/1/90)	29.20	58.40	87.60	116.80	233.60	584.00	1168.00	11680.	6.22
10- 6 TO 10- 7	(2/1/90)	29.29	58.58	87.87	117.16	234.32	585.80	1171.60	11716.	6.23
10- 7 TO 10- 8	(3/1/90)	29.38	58.76	88.14	117.52	235.04	587.60	1175.20	11752.	6.25
10- 8 TO 10- 9	(4/1/90)	29.47	58.94	88.41	117.88	235.76	589.40	1178.80	11788.	6.26
10- 9 TO 10-10	(5/1/90)	29.56	59.12	88.68	118.24	236.48	591.20	1182.40	11824.	6.28
10-10 TO 10-11	(6/1/90)	29.65	59.30	88.95	118.60	237.20	593.00	1186.00	11860.	6.29
10-11 TO 11- 0	(7/1/90)	29.75	59.50	89.25	119.00	238.00	595.00	1190.00	11900.	6.31
11- 0 TO 11- 1	(8/1/90)	29.84	59.68	89.52	119.36	238.72	596.80	1193.60	11936.	6.32
11- 1 TO 11- 2	(9/1/90)	29.93	59.86	89.79	119.72	239.44	598.60	1197.20	11972.	6.34
11- 2 TO 11- 3	(10/1/90)	30.02	60.04	90.06	120.08	240.16	600.40	1200.80	12008.	6.35
11- 3 TO 11- 4	(11/1/90)	30.11	60.22	90.33	120.44	240.88	602.20	1204.40	12044.	6.37
11- 4 TO 11- 5	(12/1/90)	30.20	60.40	90.60	120.80	241.60	604.00	1208.00	12080.	6.38
11- 5 TO 11- 6	(1/1/91)	30.28	60.56	90.84	121.12	242.24	605.60	1211.20	12112.	6.40
11- 6 TO 11- 7	(2/1/91)	30.37	60.74	91.11	121.48	242.96	607.40	1214.80	12148.	6.41
11- 7 TO 11- 8	(3/1/91)	30.46	60.92	91.38	121.84	243.68	609.20	1218.40	12184.	6.43
11- 8 TO 11- 9	(4/1/91)	30.55	61.10	91.65	122.20	244.40	611.00	1222.00	12220.	6.44
11- 9 TO 11-10	(5/1/91)	30.64	61.28	91.92	122.56	245.12	612.80	1225.60	12256.	6.46
11-10 TO 11-11	(6/1/91)	30.73	61.46	92.19	122.92	245.84	614.60	1229.20	12292.	6.47
11-11 TO 12- 0	(7/1/91)	30.83	61.66	92.49	123.32	246.64	616.60	1233.20	12332.	6.49
12- 0 TO 12- 1	(8/1/91)	30.92	61.84	92.76	123.68	247.36	618.40	1236.80	12368.	6.50
12- 1 TO 12- 2	(9/1/91)	31.01	62.02	93.03	124.04	248.08	620.20	1240.40	12404.	6.50
12- 2 TO 12- 3	(10/1/91)	31.10	62.20	93.30	124.40	248.80	622.00	1244.00	12440.	6.50
12- 3 TO 12- 4	(11/1/91)	31.19	62.38	93.57	124.76	249.52	623.80	1247.60	12476.	6.50
12- 4 TO 12- 5	(12/1/91)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	6.50
12- 5 TO 12- 6	(1/1/92)	31.36	62.72	94.08	125.44	250.88	627.20	1254.40	12544.	6.50
12- 6 TO 12- 7	(2/1/92)	31.45	62.90	94.35	125.80	251.60	629.00	1258.00	12580.	6.50
12- 7 TO 12- 8	(3/1/92)	31.54	63.08	94.62	126.16	252.32	630.80	1261.60	12616.	6.50
12- 8 TO 12- 9	(4/1/92)	31.63	63.26	94.89	126.52	253.04	632.60	1265.20	12652.	6.50
12- 9 TO 12-10	(5/1/92)	31.72	63.44	95.16	126.88	253.76	634.40	1268.80	12688.	6.50
12-10 TO 12-11	(6/1/92)	31.81	63.62	95.43	127.24	254.48	636.20	1272.40	12724.	6.50
12-11 TO 13- 0	(7/1/92)	31.91	63.82	95.73	127.64	255.28	638.20	1276.40	12764.	6.50
13- 0 TO 13- 1	(8/1/92)	32.00	64.00	96.00	128.00	256.00	640.00	1280.00	12800.	6.50
13- 1 TO 13- 2	(9/1/92)	32.09	64.18	96.27	128.36	256.72	641.80	1283.60	12836.	6.50
13- 2 TO 13- 3	(10/1/92)	32.18	64.36	96.54	128.72	257.44	643.60	1287.20	12872.	6.50
13- 3 TO 13- 4	(11/1/92)	32.27	64.54	96.81	129.08	258.16	645.40	1290.80	12908.	6.50
13- 4 TO 13- 5	(12/1/92)	32.36	64.72	97.08	129.44	258.88	647.20	1294.40	12944.	6.50
13- 5 TO 13- 6	(1/1/93)	32.44	64.88	97.32	129.76	259.52	648.80	1297.60	12976.	6.50
13- 6 TO 13- 7	(2/1/93)	32.53	65.06	97.59	130.12	260.24	650.60	1301.20	13012.	6.50
13- 7 TO 13- 8	(3/1/93)	32.62	65.24	97.86	130.48	260.96	652.40	1304.80	13048.	6.50
13- 8 TO 13- 9	(4/1/93)	32.71	65.42	98.13	130.84	261.68	654.20	1308.40	13084.	6.50
13- 9 TO 13-10	(5/1/93)	32.80	65.60	98.40	131.20	262.40	656.00	1312.00	13120.	6.50
13-10 TO 13-11	(6/1/93)	32.89	65.78	98.67	131.56	263.12	657.80	1315.60	13156.	6.50
13-11 TO 14- 0	(7/1/93)	32.99	65.98	98.97	131.96	263.92	659.80	1319.60	13196.	6.50
14- 0 TO 14- 1	(8/1/93)	33.08	66.16	99.24	132.32	264.64	661.60	1323.20	13232.	6.50
14- 1 TO 14- 2	(9/1/93)	33.17	66.34	99.51	132.68	265.36	663.40	1326.80	13268.	6.50
14- 2 TO 14- 3	(10/1/93)	33.26	66.52	99.78	133.04	266.08	665.20	1330.40	13304.	6.50
14- 3 TO 14- 4	(11/1/93)	33.35	66.70	100.05	133.40	266.80	667.00	1334.00	13340.	6.50
14- 4 TO 14- 5	(12/1/93)	33.44	66.88	100.32	133.76	267.52	668.80	1337.60	13376.	6.50
14- 5 TO 14- 6	(1/1/94)	33.52	67.04	100.56	134.08	268.16	670.40	1340.80	13408.	6.50
14- 6 TO 14- 7	(2/1/94)	33.61	67.22	100.83	134.44	268.88	672.20	1344.40	13444.	6.50
14- 7 TO 14- 8	(3/1/94)	33.70	67.40	101.10	134.80	269.60	674.00	1348.00	13480.	6.50
14- 8 TO 14- 9	(4/1/94)	33.79	67.58	101.37	135.16	270.32	675.80	1351.60	13516.	6.50
14- 9 TO 14-10	(5/1/94)	33.88	67.76	101.64	135.52	271.04	677.60	1355.20	13552.	6.50
14-10 TO 14-11	(6/1/94)	33.97	67.94	101.91	135.88	271.76	679.40	1358.80	13588.	6.50
14-11 TO 15- 0	(7/1/94)	34.07	68.14	102.21	136.28	272.56	681.40	1362.80	13628.	6.50
15- 0 TO 15- 1	(8/1/94)	34.16	68.32	102.48	136.64	273.28	683.20	1366.40	13664.	6.50
15- 1 TO 15- 2	(9/1/94)	34.25	68.50	102.75	137.00	274.00	685.00	1370.00	13700.	6.50
15- 2 TO 15- 3	(10/1/94)	34.34	68.68	103.02	137.36	274.72	686.80	1373.60	13736.	6.50
15- 3 TO 15- 4	(11/1/94)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	6.50
15- 4 TO 15- 5	(12/1/94)	34.52	69.04	103.56	138.08	276.16	690.40	1380.80	13808.	6.50
15- 5 TO 15- 6	(1/1/95)	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	6.50
15- 6 TO 15- 7	(2/1/95)	34.69	69.38	104.07	138.76	277.52	693.80	1387.60	13876.	6.50
15- 7 TO 15- 8	(3/1/95)	34.78	69.56	104.34	139.12	278.24	695.60	1391.20	13912.	6.50
15- 8 TO 15- 9	(4/1/95)	34.87	69.74	104.61	139.48	278.96	697.40	1394.80	13948.	6.50
15- 9 TO 15-10	(5/1/95)	34.96	69.92	104.88	139.84	279.68	699.20	1398.40	13984.	6.50
15-10 TO 15-11	(6/1/95)	35.05	70.10	105.15	140.20	280.40	701.00	1402.00	14020.	6.50
15-11 TO 16- 0	(7/1/95)	35.15	70.30	105.45	140.60	281.20	703.00	1406.00	14060.	6.50
16- 0 TO 16- 1	(8/1/95)	35.24	70.48	105.72	140.96	281.92	704.80	1409.60	14096.	6.50
16- 1 TO 16- 2	(9/1/95)	35.33	70.66	105.99	141.32	282.64	706.60	1413.20	14132.	6.50
16- 2 TO 16- 3	(10/1/95)	35.42	70.84	106.26	141.68	283.36	708.40	1416.80	14168.	6.50
16- 3 TO 16- 4	(11/1/95)	35.51	71.02	106.53	142.04	284.08	710.20	1420.40	14204.	6.50
16- 4 TO 16- 5	(12/1/95)	35.60	71.20	106.80	142.40	284.80	712.00	1424.00	14240.	6.50
16- 5 TO 16- 6	(1/1/96)	35.68	71.36	107.04	142.72	285.44	713.60	1427.20	14272.	6.50
16- 6 TO 16- 7	(2/1/96)	35.77	71.54	107.31	143.08	286.16	715.40	1430.80	14308.	6.50
16- 7 TO 16- 8	(3/1/96)	35.86	71.72	107.58	143.44	286.88	717.20	1434.40	14344.	6.50
16- 8 TO 16- 9	(4/1/96)	35.95	71.90	107.85	143.80	287.60	719.00	1438.00	14

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federal register

Wednesday
April 2, 1980

Part V

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Notes, Department Circular, Public Debt Series No. 3-67, Revised, 3rd Amendment

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 342

Offering of United States Savings Notes; Amendment

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This amendment of the offering circular for United States Savings Notes, i.e., Department of the Treasury Circular, Public Debt Series No. 3–67, as revised (31 CFR, Part 342), is being issued to show the improvements in the investment yields of savings notes and to grant a second 10-year extended maturity period to outstanding savings notes of all issue dates.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTAL INFORMATION: On May 10, 1979, the Secretary of the Treasury announced that the interest rate paid on United States Savings Notes would be increased for semiannual interest periods that begin on or after June 1, 1979, to 6.5 percent per annum, compounded semiannually. On December 12, 1979, it was announced that savings notes would also receive an additional bonus of ½ of 1 percent, compounded semiannually, if held for 11 years from the date of the first semiannual interest period that begins on or after January 1, 1980. This amendment of the offering circular for savings notes effectuates these increases and provides tables of redemption values and investment yields which reflect the higher rate.

As provided in the amendment, the rate increase from 6 to 6.5 percent for the remaining period to the next maturity date will be included in the redemption value of savings notes for semiannual interest periods that begin on or after June 1, 1979. The interest on savings notes, including the increase, is payable as part of the redemption value when the notes are redeemed.

As regards the additional bonus provision, outstanding savings notes will have their yield for the 11-year period from the date of their first semiannual interest period starting on or after January 1, 1980, improved by ½ of 1 percent per annum, compounded semiannually, as a one-time bonus at the end of the period. Notes which are redeemed prior to the end of this 11-year period will only accrue interest at the 6.5 percent rate specified above.

Finally, a minor change is being made to the offering to update the address used in connection with transactions.

This amendment is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Since this amendment involves the fiscal policy of the United States and does not meet the Department's criteria for significant regulations, it has been determined that notice and public procedures thereon are unnecessary.

Dated: March 10, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 3–67, Revised, dated August 14, 1968, as amended and supplemented (31 CFR, Part 342), is hereby further amended by the deletion of § 342.2a and Tables 1–8 and the addition of new § 342.2a and new Tables 1–14 and the amendment of footnote 4 to § 342.9, as follows:

* * * * *

§ 342.2a Extended terms and improved yields for outstanding notes.

(a) *Extended maturity periods.* The terms "extended maturity period" and "second extended maturity period", when used herein, refer to the 10-year intervals after the original maturity dates during which owners may retain their savings notes and continue to earn interest on the maturity values or the extended maturity values.[4] No special action is required of owners desiring to take advantage of any extensions heretofore or herein granted.[5] All savings notes may be retained for two extended maturity periods.

(b) *Improved yields.* The investment yield on all savings notes that are in their first extended maturity period on June 1, 1979, is hereby increased to 6.5 percent per annum, compounded semiannually, for the remainder of such period, beginning with the first interest accrual period starting on or after June 1, 1979. The yield for notes thereafter entering a second extended maturity period will also be at that rate unless such rate is changed prior to the time the second extension period begins. The tables of redemption values and investment yields published herein will not apply if at the time the extension period begins the rate is different from 6.5 percent per annum, compounded semiannually.

(c) *Bonus provision.* In addition to the improved yields specified above, a bonus of ½ of 1 percent per annum, compounded semiannually, for the 11 year period commencing with the first semiannual interest accrual period which begins on or after January 1, 1980, will be applied to all notes held to the end of such period.

* * * * * *

§ 342.9 [Amended]

Footnote 4 to § 342.9 is redesignated as footnote 6 and is amended as follows:

* * * * *

[4]The redemption value of any note at the original and each extended maturity date is the base, in each instance, upon which interest will accrue during the period following.

[5]The tables incorporated herein, arranged according to issue dates, show current redemption values and investment yields.

[6]Copies may be obtained from any Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Washington, D.C. 20226, or the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

* * * * *

BILLING CODE 4810-40-M

TABLE 1

NOTES BEARING ISSUE DATE MAY 1, 1967

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
	FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(11/1/70)	$39.64	$ 79.28	$118.92	$158.56	5.85	6.51	6.50
8-6 TO 9-0 (5/1/80)	40.93	81.86	122.79	163.72	5.88	6.50	6.50
9-0 TO 9-6 (11/1/80)	42.26	84.52	126.78	169.04	5.92	6.48	6.50
9-6 TO10-0 (5/1/81)	43.63	87.26	130.89	174.52	5.95	6.51	6.51
10-0 2/ (11/1/81)	45.05	90.10	135.15	180.20	5.98 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (11/1/81)	$45.05	$ 90.10	$135.15	$180.20	——	6.49	7.08
0-6 TO 1-0 (5/1/82)	46.51	93.02	139.53	186.04	6.48	6.54	7.11
1-0 TO 1-6 (11/1/82)	48.03	96.06	144.09	192.12	6.51	6.50	7.15
1-6 TO 2-0 (5/1/83)	49.59	99.18	148.77	198.36	6.50	6.49	7.19
2-0 TO 2-6 (11/1/83)	51.20	102.40	153.60	204.80	6.50	6.48	7.23
2-6 TO 3-0 (5/1/84)	52.86	105.72	158.58	211.44	6.50	6.51	7.29
3-0 TO 3-6 (11/1/84)	54.58	109.16	163.74	218.32	6.50	6.49	7.35
3-6 TO 4-0 (5/1/85)	56.35	112.70	169.05	225.40	6.50	6.53	7.42
4-0 TO 4-6 (11/1/85)	58.19	116.38	174.57	232.76	6.50	6.50	7.50
4-6 TO 5-0 (5/1/86)	60.08	120.16	180.24	240.32	6.50	6.49	7.60
5-0 TO 5-6 (11/1/86)	62.03	124.06	186.09	248.12	6.50	6.51	7.72
5-6 TO 6-0 (5/1/87)	64.05	128.10	192.15	256.20	6.50	6.49	7.85
6-0 TO 6-6 (11/1/87)	66.13	132.26	198.39	264.52	6.50	6.50	8.07
6-6 TO 7-0 (5/1/88)	68.28	136.56	204.84	273.12	6.50	6.47	8.34
7-0 TO 7-6 (11/1/88)	70.49	140.98	211.47	281.96	6.50	6.53	8.71
7-6 TO 8-0 (5/1/89)	72.79	145.58	218.37	291.16	6.50	6.48	9.26
8-0 TO 8-6 (11/1/89)	75.15	150.30	225.45	300.60	6.50	6.49	10.20
8-6 TO 9-0 (5/1/90)	77.59	155.18	232.77	310.36	6.50	6.52	12.07
9-0 TO 9-6 (11/1/90)	80.12	160.24	240.36	320.48	6.50	17.77	17.77
9-6 4/ (5/1/91)	87.24	174.48	261.72	348.96	7.08 3/	——	——

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.59 PERCENT; TO DATE OF BONUS PAYMENT IS 6.18 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 2

NOTES BEARING ISSUE DATE JUNE 1, 1967

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
	FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/70)	$38.57	$ 77.14	$115.71	$154.28	5.87	6.48	6.50
8-0 TO 8-6 (12/1/70)	39.82	79.64	119.46	159.28	5.90	6.53	6.51
8-6 TO 9-0 (6/1/80)	41.12	82.24	123.36	164.48	5.94	6.47	6.50
9-0 TO 9-6 (12/1/80)	42.45	84.90	127.35	169.80	5.97	6.50	6.51
9-6 TO10-0 (6/1/81)	43.83	87.66	131.49	175.32	6.00	6.53	6.53
10-0 2/ (12/1/81)	45.26	90.52	135.78	181.04	6.02 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/81)	$45.26	$ 90.52	$135.78	$181.04	——	6.50	7.08
0-6 TO 1-0 (6/1/82)	46.73	93.46	140.19	186.92	6.50	6.51	7.11
1-0 TO 1-6 (12/1/82)	48.25	96.50	144.75	193.00	6.50	6.51	7.15
1-6 TO 2-0 (6/1/83)	49.82	99.64	149.46	199.28	6.50	6.50	7.19
2-0 TO 2-6 (12/1/83)	51.44	102.88	154.32	205.76	6.50	6.49	7.23
2-6 TO 3-0 (6/1/84)	53.11	106.22	159.33	212.44	6.50	6.48	7.29
3-0 TO 3-6 (12/1/84)	54.83	109.66	164.49	219.32	6.50	6.53	7.35
3-6 TO 4-0 (6/1/85)	56.62	113.24	169.86	226.48	6.50	6.50	7.42
4-0 TO 4-6 (12/1/85)	58.46	116.92	175.38	233.84	6.50	6.50	7.50
4-6 TO 5-0 (6/1/86)	60.36	120.72	181.08	241.44	6.50	6.49	7.60
5-0 TO 5-6 (12/1/86)	62.32	124.64	186.96	249.28	6.50	6.48	7.72
5-6 TO 6-0 (6/1/87)	64.34	128.68	193.02	257.36	6.50	6.50	7.88
6-0 TO 6-6 (12/1/87)	66.43	132.86	199.29	265.72	6.50	6.50	8.08
6-6 TO 7-0 (6/1/88)	68.59	137.18	205.77	274.36	6.50	6.50	8.34
7-0 TO 7-6 (12/1/88)	70.82	141.64	212.46	283.28	6.50	6.50	8.71
7-6 TO 8-0 (6/1/89)	73.12	146.24	219.36	292.48	6.50	6.51	9.27
8-0 TO 8-6 (12/1/89)	75.50	151.00	226.50	302.00	6.50	6.52	10.20
8-6 TO 9-0 (6/1/90)	77.96	155.92	233.88	311.84	6.50	6.49	12.07
9-0 TO 9-6 (12/1/90)	80.49	160.98	241.47	321.96	6.50	17.79	17.79
9-6 4/ (6/1/91)	87.65	175.30	262.95	350.60	7.08 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.62 PERCENT; TO DATE OF BONUS PAYMENT IS 6.20 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 3

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1967

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/79)	$38.57	$ 77.14	$115.71	$154.28	5.87	6.48	6.50
8-0 TO 8-6 (1/1/80)	39.82	79.64	119.46	159.28	5.93	6.53	6.51
8-6 TO 9-0 (7/1/80)	41.12	82.24	123.36	164.48	5.94	6.47	6.50
9-0 TO 9-6 (1/1/81)	42.45	84.90	127.35	169.80	5.97	6.50	6.51
9-6 TO10-0 (7/1/81)	43.83	87.66	131.49	175.32	6.00	6.53	6.53
10-0 2/ (1/1/82)	45.26	90.52	135.78	181.04	6.02 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/82)	$45.26	$ 90.52	$135.78	$181.04	——	6.50	7.11
0-6 TO 1-0 (7/1/82)	46.73	93.46	140.19	186.92	6.50	6.51	7.15
1-0 TO 1-6 (1/1/83)	48.25	96.50	144.75	193.00	6.50	6.51	7.19
1-6 TO 2-0 (7/1/83)	49.82	99.64	149.46	199.28	6.50	6.50	7.23
2-0 TO 2-6 (1/1/84)	51.44	102.88	154.32	205.76	6.50	6.49	7.29
2-6 TO 3-0 (7/1/84)	53.11	106.22	159.33	212.44	6.50	6.48	7.35
3-0 TO 3-6 (1/1/85)	54.83	109.66	164.49	219.32	6.50	6.53	7.42
3-6 TO 4-0 (7/1/85)	56.62	113.24	169.86	226.48	6.50	6.50	7.50
4-0 TO 4-6 (1/1/86)	58.46	116.92	175.38	233.84	6.50	6.50	7.60
4-6 TO 5-0 (7/1/86)	60.36	120.72	181.08	241.44	6.50	6.49	7.72
5-0 TO 5-6 (1/1/87)	62.32	124.64	186.96	249.28	6.50	6.48	7.88
5-6 TO 6-0 (7/1/87)	64.34	128.68	193.02	257.36	6.50	6.50	8.08
6-0 TO 6-6 (1/1/88)	66.43	132.86	199.29	265.72	6.50	6.50	8.34
6-6 TO 7-0 (7/1/88)	68.59	137.18	205.77	274.36	6.50	6.50	8.71
7-0 TO 7-6 (1/1/89)	70.82	141.64	212.46	283.28	6.50	6.50	9.27
7-6 TO 8-0 (7/1/89)	73.12	146.24	219.36	292.48	6.50	6.51	10.20
8-0 TO 8-6 (1/1/90)	75.50	151.00	226.50	302.00	6.50	6.52	12.07
8-6 TO 9-0 (7/1/90)	77.96	155.92	233.88	311.84	6.50	17.78	17.78
9-0 4/ (1/1/91)	84.49	169.78	254.67	339.56	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.62 PERCENT; TO DATE OF BONUS PAYMENT IS 6.19 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 4

NOTES BEARING ISSUE DATE DEC. 1, 1967

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/79)	$37.54	$ 75.08	$112.62	$150.16	5.89	6.50	6.50
7-6 TO 8-0 (12/1/79)	38.76	77.52	116.28	155.04	5.93	6.50	6.50
8-0 TO 8-6 (6/1/80)	40.02	80.04	120.06	160.08	5.97	6.50	6.50
8-6 TO 9-0 (12/1/80)	41.32	82.64	123.96	165.28	6.00	6.49	6.50
9-0 TO 9-6 (6/1/81)	42.66	85.32	127.98	170.64	6.03	6.53	6.50
9-6 TO10-0 (12/1/81)	44.05	88.10	132.15	176.20	6.05	6.49	6.49
10-0 2/ (6/1/82)	45.48	90.96	136.44	181.92	6.07 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/82)	$45.48	$ 90.96	$136.44	$181.92	——	6.51	7.11
0-6 TO 1-0 (12/1/82)	46.96	93.92	140.88	187.84	6.51	6.47	7.15
1-0 TO 1-6 (6/1/83)	48.48	96.96	145.44	193.92	6.49	6.52	7.19
1-6 TO 2-0 (12/1/83)	50.04	100.12	150.18	200.24	6.50	6.51	7.23
2-0 TO 2-6 (6/1/84)	51.69	103.38	155.07	206.76	6.50	6.50	7.29
2-6 TO 3-0 (12/1/84)	53.37	106.74	160.11	213.48	6.50	6.48	7.35
3-0 TO 3-6 (6/1/85)	55.10	110.20	165.30	220.40	6.50	6.50	7.42
3-6 TO 4-0 (12/1/85)	56.89	113.78	170.67	227.56	6.50	6.50	7.50
4-0 TO 4-6 (6/1/86)	58.74	117.48	176.22	234.96	6.50	6.50	7.60
4-6 TO 5-0 (12/1/86)	60.65	121.30	181.95	242.60	6.50	6.50	7.72
5-0 TO 5-6 (6/1/87)	62.62	125.24	187.86	250.48	6.50	6.52	7.88
5-6 TO 6-0 (12/1/87)	64.66	129.32	193.98	258.64	6.50	6.50	8.07
6-0 TO 6-6 (6/1/88)	66.76	133.52	200.28	267.04	6.50	6.50	8.34
6-6 TO 7-0 (12/1/88)	68.93	137.86	206.79	275.72	6.50	6.50	8.71
7-0 TO 7-6 (6/1/89)	71.17	142.34	213.51	284.68	6.50	6.49	9.26
7-6 TO 8-0 (12/1/89)	73.48	146.96	220.44	293.92	6.50	6.51	10.20
8-0 TO 8-6 (6/1/90)	75.87	151.74	227.61	303.48	6.50	6.50	12.07
8-6 TO 9-0 (12/1/90)	78.33	156.66	234.99	313.32	6.50	17.80	17.80
9-0 4/ (6/1/91)	85.30	170.60	255.90	341.20	7.11 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.66 PERCENT; TO DATE OF BONUS PAYMENT IS 6.21 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 5

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1968

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/79)	$37.54	$ 75.08	$112.62	$150.16	5.89	6.50	6.50
7-6 TO 8-0 (1/1/80)	38.76	77.52	116.28	155.04	5.93	6.50	6.50
8-0 TO 8-6 (7/1/80)	40.02	80.04	120.06	160.08	5.97	6.50	6.50
8-6 TO 9-0 (1/1/81)	41.32	82.64	123.96	165.28	6.00	6.49	6.50
9-0 TO 9-6 (7/1/81)	42.66	85.32	127.98	170.64	6.03	6.53	6.50
9-6 TO10-0 (1/1/82)	44.05	88.10	132.15	176.20	6.05	6.49	6.49
10-0 2/ (7/1/82)	45.48	90.96	136.44	181.92	6.07 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/82)	$45.48	$ 90.96	$136.44	$181.92	——	6.51	7.15
0-6 TO 1-0 (1/1/83)	45.96	93.92	140.88	187.84	6.51	6.47	7.19
1-0 TO 1-6 (7/1/83)	48.48	96.96	145.44	193.92	6.49	6.52	7.24
1-6 TO 2-0 (1/1/84)	50.06	100.12	150.18	200.24	6.50	6.51	7.29
2-0 TO 2-6 (7/1/84)	51.69	103.38	155.07	206.76	6.50	6.50	7.35
2-6 TO 3-0 (1/1/85)	53.37	106.74	160.11	213.48	6.50	6.48	7.42
3-0 TO 3-6 (7/1/85)	55.10	110.20	165.30	220.40	6.50	6.50	7.50
3-6 TO 4-0 (1/1/86)	56.89	113.78	170.67	227.56	6.50	6.50	7.60
4-0 TO 4-6 (7/1/86)	58.74	117.48	176.22	234.96	6.50	6.50	7.72
4-6 TO 5-0 (1/1/87)	60.65	121.30	181.95	242.60	6.50	6.52	7.88
5-0 TO 5-6 (7/1/87)	62.62	125.24	187.86	250.48	6.50	6.50	8.07
5-6 TO 6-0 (1/1/88)	64.66	129.32	193.98	258.64	6.50	6.50	8.34
6-0 TO 6-6 (7/1/88)	66.76	133.52	200.28	267.04	6.50	6.50	8.71
6-6 TO 7-0 (1/1/89)	68.93	137.86	206.79	275.72	6.50	6.50	9.27
7-0 TO 7-6 (7/1/89)	71.17	142.34	213.51	284.68	6.50	6.49	10.20
7-6 TO 8-0 (1/1/90)	73.48	146.96	220.44	293.92	6.50	6.51	12.07
8-0 TO 8-6 (7/1/90)	75.87	151.74	227.61	303.48	6.50	17.79	17.79
8-6 4/ (1/1/91)	82.62	165.24	247.86	330.48	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.66 PERCENT; TO DATE OF BONUS PAYMENT IS 6.21 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST-SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 6

NOTES BEARING ISSUE DATE JUNE 1, 1968

ISSUE PRICE / DENOMINATION	$20.25 / 25.00	$40.50 / 50.00	$60.75 / 75.00	$81.00 / 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(6/1/79)	$36.95	$ 73.90	$110.85	$147.80	5.92	6.50	6.50
7-0 TO 7-6 (12/1/79)	38.15	76.30	114.45	152.60	5.98	6.50	6.50
7-6 TO 8-0 (6/1/80)	39.39	78.78	118.17	157.56	6.00	6.50	6.50
8-0 TO 8-6 (12/1/80)	40.67	81.34	122.01	162.68	6.03	6.49	6.50
8-6 TO 9-0 (6/1/81)	41.99	83.98	125.97	167.96	6.05	6.53	6.50
9-0 TO 9-6 (12/1/81)	43.36	86.72	130.08	173.44	6.08	6.50	6.49
9-6 TO10-0 (6/1/82)	44.77	89.54	134.31	179.08	6.10	6.48	6.48
10-0 2/ (12/1/82)	46.22	92.44	138.66	184.88	6.12 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(8)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/82)	$46.22	$ 92.44	$138.66	$184.88	——	6.49	7.15
0-6 TO 1-0 (6/1/83)	47.72	95.44	143.16	190.88	6.49	6.51	7.19
1-0 TO 1-6 (12/1/83)	49.27	98.54	147.81	197.08	6.49	6.49	7.23
1-6 TO 2-0 (6/1/84)	50.87	101.74	152.61	203.48	6.49	6.53	7.29
2-0 TO 2-6 (12/1/84)	52.53	105.06	157.59	210.12	6.50	6.51	7.35
2-6 TO 3-0 (6/1/85)	54.24	108.48	162.72	216.96	6.50	6.49	7.42
3-0 TO 3-6 (12/1/85)	56.00	112.00	168.00	224.00	6.50	6.50	7.50
3-6 TO 4-0 (6/1/86)	57.82	115.64	173.46	231.28	6.50	6.50	7.60
4-0 TO 4-6 (12/1/86)	59.70	119.40	179.10	238.80	6.50	6.50	7.72
4-6 TO 5-0 (6/1/87)	61.64	123.28	184.92	246.56	6.50	6.49	7.88
5-0 TO 5-6 (12/1/87)	63.64	127.28	190.92	254.56	6.50	6.51	8.08
5-6 TO 6-0 (6/1/88)	65.71	131.42	197.13	262.84	6.50	6.48	8.34
6-0 TO 6-6 (12/1/88)	67.84	135.68	203.52	271.36	6.50	6.52	8.71
6-6 TO 7-0 (6/1/89)	70.05	140.10	210.15	280.20	6.50	6.51	9.26
7-0 TO 7-6 (12/1/89)	72.33	144.66	216.99	289.32	6.50	6.50	10.19
7-6 TO 8-0 (6/1/90)	74.68	149.36	224.04	298.72	6.50	6.49	12.06
8-0 TO 8-6 (12/1/90)	77.10	154.20	231.30	308.40	6.50	17.80	17.80
8-6 4/ (6/1/91)	83.96	167.92	251.88	335.84	7.15 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.77 PERCENT; TO DATE OF BONUS PAYMENT IS 6.28 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 7

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1968

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00
DENOMINATION	25.00	50.00	75.00	100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(7/1/79)	$38.95	$ 73.90	$110.85	$147.80	5.92	6.50	6.50
7-0 TO 7-6 (1/1/80)	38.15	76.30	114.45	152.60	5.96	6.50	6.50
7-6 TO 8-0 (7/1/80)	39.39	78.78	118.17	157.56	6.05	6.50	6.50
8-0 TO 8-6 (1/1/81)	40.67	81.34	122.01	162.68	6.03	6.49	6.50
8-6 TO 9-0 (7/1/81)	41.99	83.98	125.97	167.96	6.05	6.53	6.50
9-0 TO 9-6 (1/1/82)	43.36	86.72	130.08	173.44	6.08	6.50	6.49
9-6 TO10-0 (7/1/82)	44.77	89.54	134.31	179.08	6.10	6.48	6.48
10-0 2/ (1/1/83)	46.22	92.44	138.66	184.88	6.12 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/83)	$46.22	$ 92.44	$138.66	$184.88	——	6.49	7.19
0-6 TO 1-0 (7/1/83)	47.72	95.44	143.16	190.88	6.49	6.50	7.24
1-0 TO 1-6 (1/1/84)	49.27	98.54	147.81	197.08	6.49	6.49	7.29
1-6 TO 2-0 (7/1/84)	50.87	101.74	152.61	203.48	6.49	6.53	7.35
2-0 TO 2-6 (1/1/85)	52.53	105.06	157.59	210.12	6.50	6.51	7.42
2-6 TO 3-0 (7/1/85)	54.24	108.48	162.72	216.96	6.50	6.49	7.50
3-0 TO 3-6 (1/1/86)	56.00	112.00	168.00	224.00	6.50	6.50	7.60
3-6 TO 4-0 (7/1/86)	57.82	115.64	173.46	231.28	6.50	6.50	7.72
4-0 TO 4-6 (1/1/87)	59.70	119.40	179.10	238.80	6.50	6.50	7.88
4-6 TO 5-0 (7/1/87)	61.64	123.28	184.92	246.56	6.50	6.49	8.07
5-0 TO 5-6 (1/1/88)	63.64	127.28	190.92	254.56	6.50	6.51	8.34
5-6 TO 6-0 (7/1/88)	65.71	131.42	197.13	262.84	6.50	6.48	8.71
6-0 TO 6-6 (1/1/89)	67.84	135.68	203.52	271.36	6.50	6.52	9.27
6-6 TO 7-0 (7/1/89)	70.05	140.10	210.15	280.20	6.50	6.51	10.29
7-0 TO 7-6 (1/1/90)	72.33	144.66	216.99	289.32	6.50	6.50	12.07
7-6 TO 8-0 (7/1/90)	74.68	149.36	224.04	298.72	6.50	17.78	17.78
8-0 4/ (1/1/91)	81.32	162.64	243.96	325.28	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.77 PERCENT; TO DATE OF BONUS PAYMENT IS 6.28 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 8

NOTES BEARING ISSUE DATE DEC. 1, 1968

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00
DENOMINATION	25.00	50.00	75.00	100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(6/1/79)	$35.97	$ 71.94	$107.91	$143.88	5.96	6.51	6.50
6-6 TO 7-0 (12/1/79)	37.14	74.28	111.42	148.56	6.00	6.52	6.50
7-0 TO 7-6 (6/1/80)	38.35	76.70	115.05	153.40	6.04	6.47	6.50
7-6 TO 8-0 (12/1/80)	39.59	79.18	118.77	158.36	6.07	6.52	6.50
8-0 TO 8-6 (6/1/81)	40.88	81.76	122.64	163.52	6.09	6.51	6.50
8-6 TO 9-0 (12/1/81)	42.21	84.42	126.63	168.84	6.12	6.49	6.50
9-0 TO 9-6 (6/1/82)	43.58	87.16	130.74	174.32	6.14	6.52	6.50
9-6 TO10-0 (12/1/82)	45.00	90.00	135.00	180.00	6.16	6.49	6.49
10-0 2/ (6/1/83)	46.46	92.92	139.38	185.84	6.18 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/83)	$46.46	$ 92.92	$139.38	$185.84	——	6.50	7.19
0-6 TO 1-0 (12/1/83)	47.97	95.94	143.91	191.88	6.50	6.50	7.23
1-0 TO 1-6 (6/1/84)	49.53	99.06	148.59	198.12	6.50	6.50	7.29
1-6 TO 2-0 (12/1/84)	51.14	102.28	153.42	204.56	6.50	6.49	7.35
2-0 TO 2-6 (6/1/85)	52.80	105.60	158.40	211.20	6.50	6.52	7.42
2-6 TO 3-0 (12/1/85)	54.52	109.04	163.56	218.08	6.50	6.49	7.50
3-0 TO 3-6 (6/1/86)	56.29	112.58	168.87	225.16	6.50	6.50	7.60
3-6 TO 4-0 (12/1/86)	58.12	116.24	174.36	232.48	6.50	6.50	7.72
4-0 TO 4-6 (6/1/87)	60.01	120.02	180.03	240.04	6.50	6.50	7.88
4-6 TO 5-0 (12/1/87)	61.96	123.92	185.88	247.84	6.50	6.49	8.07
5-0 TO 5-6 (6/1/88)	63.97	127.94	191.91	255.88	6.50	6.50	8.34
5-6 TO 6-0 (12/1/88)	66.05	132.10	198.15	264.20	6.50	6.51	8.71
6-0 TO 6-6 (6/1/89)	68.20	136.40	204.60	272.80	6.50	6.48	9.26
6-6 TO 7-0 (12/1/89)	70.41	140.82	211.23	281.64	6.50	6.50	10.20
7-0 TO 7-6 (6/1/90)	72.70	145.40	218.10	290.80	6.50	6.49	12.07
7-6 TO 8-0 (12/1/90)	75.06	150.12	225.18	300.24	6.50	17.80	17.80
8-0 4/ (6/1/91)	81.74	163.48	245.22	326.96	7.19 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.81 PERCENT; TO DATE OF BONUS PAYMENT IS 6.33 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 9

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1969

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00
DENOMINATION	25.00	50.00	75.00	100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(7/1/79)	$35.97	$ 71.94	$107.91	$143.88	5.96	6.51	6.50
6-6 TO 7-0 (1/1/80)	37.14	74.28	111.42	148.56	6.00	6.52	6.50
7-0 TO 7-6 (7/1/80)	38.35	76.70	115.05	153.40	6.04	6.47	6.50
7-6 TO 8-0 (1/1/81)	39.59	79.18	118.77	158.36	6.07	6.52	6.50
8-0 TO 8-6 (7/1/81)	40.88	81.76	122.64	163.52	6.09	6.51	6.50
8-6 TO 9-0 (1/1/82)	42.21	84.42	126.63	168.84	6.12	6.49	6.50
9-0 TO 9-6 (7/1/82)	43.58	87.16	130.74	174.32	6.14	6.52	6.50
9-6 TO10-0 (1/1/83)	45.00	90.00	135.00	180.00	6.16	6.49	6.50
10-0 2/ (7/1/83)	46.46	92.92	139.38	185.84	6.18 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/83)	$46.46	$ 92.92	$139.38	$185.84	——	6.50	7.23
0-6 TO 1-0 (1/1/84)	47.97	95.94	143.91	191.88	6.50	6.50	7.29
1-0 TO 1-6 (7/1/84)	49.53	99.06	148.59	198.12	6.50	6.50	7.35
1-6 TO 2-0 (1/1/85)	51.14	102.28	153.42	204.56	6.50	6.49	7.42
2-0 TO 2-6 (7/1/85)	52.80	105.60	158.40	211.20	6.50	6.52	7.50
2-6 TO 3-0 (1/1/86)	54.52	109.04	163.56	218.08	6.50	6.49	7.60
3-0 TO 3-6 (7/1/86)	56.29	112.58	168.87	225.16	6.50	6.50	7.72
3-6 TO 4-0 (1/1/87)	58.12	116.24	174.36	232.48	6.50	6.50	7.88
4-0 TO 4-6 (7/1/87)	60.01	120.02	180.03	240.04	6.50	6.50	8.07
4-6 TO 5-0 (1/1/88)	61.96	123.92	185.88	247.84	6.50	6.49	8.34
5-0 TO 5-6 (7/1/88)	63.97	127.94	191.91	255.88	6.50	6.50	8.71
5-6 TO 6-0 (1/1/89)	66.05	132.10	198.15	264.20	6.50	6.51	9.26
6-0 TO 6-6 (7/1/89)	68.20	136.40	204.60	272.80	6.50	6.48	10.19
6-6 TO 7-0 (1/1/90)	70.41	140.82	211.23	281.64	6.50	6.50	12.08
7-0 TO 7-6 (7/1/90)	72.70	145.40	218.10	290.80	6.50	17.77	17.77
7-6 4/ (1/1/91)	79.16	158.32	237.48	316.64	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.81 PERCENT; TO DATE OF BONUS PAYMENT IS 6.29 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 10

NOTES BEARING ISSUE DATE JUNE 1, 1969

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00
DENOMINATION	25.00	50.00	75.00	100.00

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(6/1/79)	$35.01	$ 70.02	$105.03	$140.04	6.00	6.51	6.50
6-0 TO 6-6 (12/1/79)	36.15	72.30	108.45	144.60	6.04	6.47	6.50
6-6 TO 7-0 (6/1/80)	37.32	74.64	111.96	149.28	6.08	6.54	6.50
7-0 TO 7-6 (12/1/80)	38.54	77.08	115.62	154.16	6.11	6.49	6.50
7-6 TO 8-0 (6/1/81)	39.79	79.58	119.37	159.16	6.13	6.48	6.50
8-0 TO 8-6 (12/1/81)	41.08	82.16	123.24	164.32	6.16	6.52	6.50
8-6 TO 9-0 (6/1/82)	42.42	84.84	127.26	169.68	6.18	6.48	6.50
9-0 TO 9-6 (12/1/82)	43.79	87.58	131.37	175.16	6.19	6.53	6.52
9-6 TO10-0 (6/1/83)	45.22	90.44	135.66	180.88	6.21	6.50	6.50
10-0 2/ (12/1/83)	46.69	93.38	140.07	186.76	6.23 3/	——	——

(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/83)	$46.69	$ 93.38	$140.07	$186.76	——	6.51	7.23
0-6 TO 1-0 (6/1/84)	48.21	96.42	144.63	192.84	6.51	6.47	7.29
1-0 TO 1-6 (12/1/84)	49.77	99.54	149.31	199.08	6.49	6.51	7.35
1-6 TO 2-0 (6/1/85)	51.39	102.78	154.17	205.56	6.50	6.50	7.42
2-0 TO 2-6 (12/1/85)	53.06	106.12	159.18	212.24	6.50	6.52	7.50
2-6 TO 3-0 (6/1/86)	54.79	109.58	164.37	219.16	6.50	6.50	7.60
3-0 TO 3-6 (12/1/86)	56.57	113.14	169.71	226.28	6.50	6.51	7.72
3-6 TO 4-0 (6/1/87)	58.41	116.82	175.23	233.64	6.50	6.47	7.88
4-0 TO 4-6 (12/1/87)	60.30	120.60	180.90	241.20	6.50	6.50	8.08
4-6 TO 5-0 (6/1/88)	62.26	124.52	186.78	249.04	6.50	6.52	8.34
5-0 TO 5-6 (12/1/88)	64.29	128.58	192.87	257.16	6.50	6.50	8.71
5-6 TO 6-0 (6/1/89)	66.38	132.76	199.14	265.52	6.50	6.48	9.26
6-0 TO 6-6 (12/1/89)	68.53	137.06	205.59	274.12	6.50	6.51	10.20
6-6 TO 7-0 (6/1/90)	70.76	141.52	212.28	283.04	6.50	6.50	12.07
7-0 TO 7-6 (12/1/90)	73.06	146.12	219.18	292.24	6.50	17.79	17.79
7-6 4/ (6/1/91)	79.56	159.12	238.68	318.24	7.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.84 PERCENT; TO DATE OF BONUS PAYMENT IS 6.32 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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TABLE 11

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH NOV. 1, 1969

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/ (7/1/79)	$35.01	$ 70.02	$105.03	$140.04	6.00	6.51	6.50
6-0 TO 6-6 (1/1/80)	36.15	72.30	108.45	144.60	6.04	6.47	6.50
6-6 TO 7-0 (7/1/80)	37.32	74.64	111.96	149.28	6.08	6.54	6.50
7-0 TO 7-6 (1/1/81)	38.54	77.08	115.62	154.16	6.11	6.49	6.50
7-6 TO 8-0 (7/1/81)	39.79	79.58	119.37	159.16	6.13	6.48	6.50
8-0 TO 8-6 (1/1/82)	41.08	82.16	123.24	164.32	6.16	6.52	6.50
8-6 TO 9-0 (7/1/82)	42.42	84.84	127.26	169.68	6.18	6.46	6.50
9-0 TO 9-6 (1/1/83)	43.79	87.58	131.37	175.16	6.19	6.53	6.52
9-6 TO10-0 (7/1/83)	45.22	90.44	135.66	180.88	6.21	6.58	6.50
10-0 2/ (1/1/84)	46.69	93.38	140.07	186.76	6.23 3/	——	——
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (1/1/84)	$46.69	$ 93.38	$140.07	$186.76	——	6.51	7.29
0-6 TO 1-0 (7/1/84)	48.21	96.42	144.63	192.84	6.51	6.47	7.35
1-0 TO 1-6 (1/1/85)	49.77	99.54	149.31	199.08	6.49	6.51	7.42
1-6 TO 2-0 (7/1/85)	51.39	102.78	154.17	205.56	6.50	6.50	7.50
2-0 TO 2-6 (1/1/86)	53.06	106.12	159.18	212.24	6.50	6.52	7.60
2-6 TO 3-0 (7/1/86)	54.79	109.58	164.37	219.16	6.50	6.50	7.72
3-0 TO 3-6 (1/1/87)	56.57	113.14	169.71	226.28	6.50	6.51	7.88
3-6 TO 4-0 (7/1/87)	58.41	116.82	175.23	233.64	6.50	6.47	8.07
4-0 TO 4-6 (1/1/88)	60.30	120.60	180.90	241.20	6.50	6.50	8.34
4-6 TO 5-0 (7/1/88)	62.26	124.52	186.78	249.04	6.50	6.52	8.71
5-0 TO 5-6 (1/1/89)	64.29	128.58	192.87	257.16	6.50	6.50	9.26
5-6 TO 6-0 (7/1/89)	66.38	132.76	199.14	265.52	6.50	6.48	10.19
6-0 TO 6-6 (1/1/90)	68.53	137.06	205.58	274.12	6.50	6.51	12.07
6-6 TO 7-0 (7/1/90)	70.76	141.52	212.28	283.04	6.50	17.78	17.78
7-0 4/ (1/1/91)	77.05	154.10	231.15	308.20	7.29 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.84 PERCENT; TO DATE OF BONUS PAYMENT IS 5.31 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 12

NOTES BEARING ISSUE DATE DEC. 1, 1969

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(6/1/79)	$34.07	$ 68.14	$102.21	$136.28	6.00	6.52	6.50
5-6 TO 6-0 (12/1/79)	35.18	70.36	105.54	140.72	6.05	6.48	6.50
6-0 TO 6-6 (6/1/80)	36.32	72.64	108.96	145.28	6.08	6.50	6.50
6-6 TO 7-0 (12/1/80)	37.50	75.00	112.50	150.00	6.12	6.54	6.50
7-0 TO 7-6 (6/1/81)	38.72	77.44	116.16	154.88	6.14	6.51	6.50
7-6 TO 8-0 (12/1/81)	39.98	79.96	119.94	159.92	6.17	6.50	6.50
8-0 TO 8-6 (6/1/82)	41.28	82.56	123.84	165.12	6.19	6.49	6.50
8-6 TO 9-0 (12/1/82)	42.62	85.24	127.86	170.48	6.21	6.48	6.50
9-0 TO 9-6 (6/1/83)	44.00	88.00	132.00	176.00	6.22	6.50	6.51
9-6 TO10-0 (12/1/83)	45.43	90.86	136.29	181.72	6.24	6.52	6.52
10-0 2/ (6/1/84)	46.91	93.82	140.73	187.64	6.25 3/	——	——
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (6/1/84)	$46.91	$ 93.82	$140.73	$187.64	——	6.48	7.29
0-6 TO 1-0 (12/1/84)	48.43	96.86	145.29	193.72	6.48	6.52	7.35
1-0 TO 1-6 (6/1/85)	50.01	100.02	150.03	200.04	6.50	6.48	7.42
1-6 TO 2-0 (12/1/85)	51.63	103.26	154.89	206.52	6.49	6.51	7.50
2-0 TO 2-6 (6/1/86)	53.31	106.62	159.93	213.24	6.50	6.49	7.60
2-6 TO 3-0 (12/1/86)	55.04	110.08	165.12	220.16	6.50	6.50	7.72
3-0 TO 3-6 (6/1/87)	56.83	113.66	170.49	227.32	6.50	6.51	7.88
3-6 TO 4-0 (12/1/87)	58.68	117.36	176.04	234.72	6.50	6.47	8.07
4-0 TO 4-6 (6/1/88)	60.59	121.18	181.77	242.36	6.50	6.50	8.34
4-6 TO 5-0 (12/1/88)	62.56	125.12	187.68	250.24	6.50	6.52	8.71
5-0 TO 5-6 (6/1/89)	64.59	129.18	193.77	258.36	6.50	6.50	9.27
5-6 TO 6-0 (12/1/89)	66.69	133.38	200.07	266.76	6.50	6.50	10.20
6-0 TO 6-6 (6/1/90)	68.86	137.72	206.58	275.44	6.50	6.48	12.07
6-6 TO 7-0 (12/1/90)	71.09	142.18	213.27	284.36	6.50	17.81	17.81
7-0 4/ (6/1/91)	77.42	154.84	232.26	309.68	7.29 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.88 PERCENT; TO DATE OF BONUS PAYMENT IS 6.34 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 13

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH MAY 1, 1970

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(7/1/79)	$34.07	$ 68.14	$102.21	$136.28	6.00	6.52	6.50
5-6 TO 6-0 (1/1/80)	35.18	70.36	105.54	140.72	6.05	6.48	6.50
6-0 TO 6-6 (7/1/80)	36.32	72.64	108.96	145.28	6.08	6.50	6.50
6-6 TO 7-0 (1/1/81)	37.50	75.00	112.50	150.00	6.12	6.51	6.50
7-0 TO 7-6 (7/1/81)	38.72	77.44	116.16	154.88	6.14	6.51	6.50
7-6 TO 8-0 (1/1/82)	39.98	79.96	119.94	159.92	6.17	6.50	6.50
8-0 TO 8-6 (7/1/82)	41.28	82.56	123.84	165.12	6.19	6.49	6.50
8-6 TO 9-0 (1/1/83)	42.62	85.24	127.86	170.48	6.21	6.48	6.50
9-0 TO 9-6 (7/1/83)	44.00	88.00	132.00	176.00	6.22	6.50	6.51
9-6 TO10-0 (1/1/84)	45.43	90.86	136.29	181.72	6.24	6.52	6.52
10-0 2/ (7/1/84)	46.91	93.82	140.73	187.64	6.25 3/	——	——
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (7/1/84)	$46.91	$ 93.82	$140.73	$187.64	——	6.48	7.35
0-6 TO 1-0 (1/1/85)	48.43	96.86	145.29	193.72	6.48	6.52	7.42
1-0 TO 1-6 (7/1/85)	50.01	100.02	150.03	200.04	6.50	6.48	7.50
1-6 TO 2-0 (1/1/86)	51.63	103.26	154.89	206.52	6.49	6.51	7.61
2-0 TO 2-6 (7/1/86)	53.31	106.62	159.93	213.24	6.50	6.49	7.73
2-6 TO 3-0 (1/1/87)	55.04	110.08	165.12	220.16	6.50	6.50	7.88
3-0 TO 3-6 (7/1/87)	56.83	113.66	170.49	227.32	6.50	6.51	8.08
3-6 TO 4-0 (1/1/88)	58.68	117.36	176.04	234.72	6.50	6.50	8.34
4-0 TO 4-6 (7/1/88)	60.59	121.18	181.77	242.36	6.50	6.50	8.71
4-6 TO 5-0 (1/1/89)	62.56	125.12	187.68	250.24	6.50	6.49	9.27
5-0 TO 5-6 (7/1/89)	64.59	129.18	193.77	258.36	6.50	6.50	10.20
5-6 TO 6-0 (1/1/90)	66.69	133.38	200.07	266.76	6.50	6.50	12.07
6-0 TO 6-6 (7/1/90)	68.86	137.72	206.58	275.44	6.50	17.80	17.80
6-6 4/ (1/1/91)	74.99	149.98	224.97	299.96	7.35 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.98 PERCENT; TO DATE OF BONUS PAYMENT IS 6.33 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

TABLE 14

NOTES BEARING ISSUE DATE JUNE 1, 1970

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(6/1/79)	$33.15	$ 66.30	$ 99.45	$132.60	6.00	6.52	6.50
5-0 TO 5-6 (12/1/79)	34.23	68.46	102.69	136.92	6.05	6.49	6.50
5-6 TO 6-0 (6/1/80)	35.34	70.68	106.02	141.36	6.09	6.51	6.50
6-0 TO 6-6 (12/1/80)	36.49	72.98	109.47	145.96	6.12	6.47	6.50
6-6 TO 7-0 (6/1/81)	37.67	75.34	113.01	150.68	6.15	6.53	6.50
7-0 TO 7-6 (12/1/81)	38.90	77.80	116.70	155.60	6.18	6.48	6.50
7-6 TO 8-0 (6/1/82)	40.16	80.32	120.48	160.64	6.20	6.52	6.51
8-0 TO 8-6 (12/1/82)	41.47	82.94	124.41	165.88	6.22	6.51	6.50
8-6 TO 9-0 (6/1/83)	42.82	85.64	128.46	171.28	6.23	6.49	6.50
9-0 TO 9-6 (12/1/83)	44.21	88.42	132.63	176.84	6.25	6.47	6.50
9-6 TO10-0 (6/1/84)	45.64	91.28	136.92	182.56	6.26	6.53	6.53
10-0 2/ (12/1/84)	47.13	94.26	141.39	188.52	6.27 3/	——	——
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 (12/1/84)	$47.13	$ 94.26	$141.39	$188.52	——	6.49	7.35
0-6 TO 1-0 (6/1/85)	48.66	97.32	145.98	194.64	6.49	6.49	7.42
1-0 TO 1-6 (12/1/85)	50.24	100.48	150.72	200.96	6.49	6.53	7.50
1-6 TO 2-0 (6/1/86)	51.88	103.76	155.64	207.52	6.51	6.48	7.60
2-0 TO 2-6 (12/1/86)	53.56	107.12	160.69	214.24	6.50	6.50	7.72
2-6 TO 3-0 (6/1/87)	55.30	110.60	165.90	221.20	6.50	6.51	7.88
3-0 TO 3-6 (12/1/87)	57.10	114.20	171.30	228.40	6.50	6.51	8.08
3-6 TO 4-0 (6/1/88)	58.96	117.92	176.88	235.84	6.50	6.48	8.34
4-0 TO 4-6 (12/1/88)	60.87	121.74	182.61	243.48	6.50	6.51	8.71
4-6 TO 5-0 (6/1/89)	62.85	125.70	188.55	251.40	6.50	6.49	9.26
5-0 TO 5-6 (12/1/89)	64.89	129.78	194.67	259.56	6.50	6.50	10.20
5-6 TO 6-0 (6/1/90)	67.00	134.00	201.00	268.00	6.50	6.51	12.07
6-0 TO 6-6 (12/1/90)	69.18	138.36	207.54	276.72	6.50	17.78	17.78
6-6 4/ (6/1/91)	75.33	150.66	225.99	301.32	7.35 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.91 PERCENT; TO DATE OF BONUS PAYMENT IS 6.35 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE IN 1980 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 7.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 2ND AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.50 PERCENT.

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V 45 65 AP 2 80 UMI

federal register

Wednesday
April 2, 1980

Part VI

Department of Agriculture

Food and Nutrition Service

Food Stamp Benefits; Procedures for Reducing, Suspending or Cancelling

V. 45 / 65 APR 2 80 UMI

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273 and 274

Procedures for Reducing, Suspending or Cancelling Food Stamp Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule.

SUMMARY: These emergency regulations change the provisions of the rules issued by the Department in the June 12, 1979 **Federal Register** (44 FR 33762) which established procedures for reducing or cancelling food stamp benefits if the Secretary deemed it necessary in order to keep spending within the limits set by Congress. The changes contained in these regulations became necessary when Congress included a provision in the 1979 Amendments to the Food Stamp Act of 1977 (Public Law 96–58), which were signed into law on August 14, 1979, that changed the basis upon which the June 12, 1979, regulations were developed.

EFFECTIVE DATES: These rules are effective April 2, 1980. The Department intends to consider comments received pertaining to these rules and will publish final rules in the future. Comments must be received on or before June 2, 1980, to be assured of consideration.

ADDRESS: Comments should be submitted to: Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street, S.W., Washington, D.C. Room 678.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Policy/Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, Washington, D.C. 20250, 202–447–9075. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Larry Carnes at the above address.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant." Robert Greenstein, Administrator of the Food and Nutrition Service, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This determination is based on the possibility that the procedures established by these rules will need to be used to suspend, reduce or cancel food stamp benefits as early as June 1980. While these rules are being published in final form without having been published proposed, it should be noted that all of the alternatives considered were included in a Notice of Intent to Propose Rulemaking which was published for comment on November 9, 1979. Further, pursuant to the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Background

The Department issued emergency rules in the June 12, 1979 **Federal Register** (44 FR 33762) which established procedures for reducing or cancelling food stamp allotments if the Secretary deems it necessary to do so to remain within the spending limits set by Congress. The Department intended to publish final rules based on the comments received on the June 12, 1979 emergency rules. However, the 1979 amendments to the Food Stamp Act (Pub. L. 96–58), which were signed into law on August 14, 1979, contained a provision changing the basis of the June 12 rules and necessitating another rulemaking. The Department issued a Notice of Intent to Propose Rulemaking in the November 9, 1979 **Federal Register** (44 FR 65077) to invite public participation in the formulation of new benefit reduction regulations. The Notice of Intent solicited comments on three proposed alternative methods of reducing food stamp benefits. In addition, the Notice of Intent requested comments on whether the Department should establish benefit reduction procedures that would favor the elderly and disabled in comparison with the rest of the caseload and whether the Department should include minimum benefit levels in its benefit reduction procedures.

The June 12, 1979 rule is being cancelled completed and replaced with this emergency final rule. This emergency final rule establishes procedures for cancelling, suspending or reducing food stamp allotments if the Secretary determines that such action is necessary. The Department had intended to publish proposed rules for benefit reduction procedures after considering the comments received in response to the November 9, 1979 Notice of Intent. However, because a cancellation, suspension or benefit reduction may be necessary this fiscal year and because of the lead-time which State agencies will need to implement the benefit reduction procedures, the administrator of the Food and Nutrition Service has determined that an emergency rulemaking is necessary to establish these procedures as expeditiously as possible.

Section 18(b) of the Food Stamp Act of 1977 (the Act) directs the Secretary to reduce the value of food stamp allotments issued to certified households in order to stay within the appropriations limits set by Congress. The June 12, 1979 emergency rules published in the **Federal Register** by the Department implemented this section of the Act. Those rules, if used, would have resulted in all households having their allotments reduced by the same percentage. This pro rata approach to benefit reductions was based on opinions both from the Department's General Counsel and the Comptroller General of the United States who agreed that the Act would permit only pro rata reductions.

While pro rata reductions result in all households having their allotments reduced by the same percentage, they also result in households with lower incomes having more food stamps taken away from them than are taken away from higher income households. This is so because lower income households receive higher allotments than households with higher income.

To correct this situation and ensure that the most needy participant households do not bear a disproportionate share of any ordered reduction, Congress included a provision in the 1979 amendments amending Section 18 of the Food Stamp Act by adding new sections (c) and (d) giving the Secretary the authority to establish a benefit reduction procedure that would result in benefits being

reduced on other than a pro rata basis. (See, Senate Rpt. No. 96–236, 96th Cong., 1st Sess., p. 19.) Specifically, Section 1(4) of the 1979 amendments, states in part that: "In prescribing the manner in which allotments will be reduced * * * the Secretary shall ensure that such reductions reflect, to the maximum extent practicable, the ratio of household income, determined under sections 5(d) and 5(e) of the Food Stamp Act, to the income standards of eligibility for households of equal size." Although this amendment provides for reducing benefits on other than a pro rata basis, neither the amendments nor the legislative history prescribe a specific method under which benefits should be reduced.

The November 9, 1979 Notice of Intent proposed three alternative methods for reducing food stamp benefits in the manner suggested by Congress in Section 18(c) of the Food Stamp Act and solicited comments on these alternatives. This Notice of Intent also requested comments on whether benefit reduction methods should be established which would impact less on the elderly and disabled and whether minimum benefit levels should be established. In response to the November 9, 1979 Notice of Intent, 59 individuals, groups and agencies submitted comment letters. Although the comment period ended on December 10, 1979, all comments received have been given full consideration.

Methods of Benefit Reduction

Alternative 1

The first Alternative included in the November 9, 1979 Notice of Intent proposed that benefits to all households be reduced by applying varying percentage reduction rates to the coupon allotment tables. Under this method States would have to report to the Department the total amount of benefits issued each month, broken down by household size and monthly net income. The Department would need participation data broken down in this manner so that it could determine what percentage reduction rates to apply to each household size and income increment to achieve the savings in expenditures that were needed.

Only 4 commenters were in favor of reducing food stamp benefits by using the procedure outlined in Alternative 1. The primary reason cited by those few commenters choosing this method, as expressed by the Bread and Law Task Force, was that this method would reduce the benefits of the most needy participants less.

Twenty eight commenters, including 23 State agencies and 1 local agency, were opposed to the benefit reduction method proposed in Alternative 1. The reason most commonly expressed for opposing this method was that it would be extremely difficult, and in some cases impossible, to administer.

Some State agencies stated that implementation of Alternative 1 is simply not administratively feasible. For example, the Georgia Department of Human Resources expressed doubt that the extensive and costly reprogramming of computer systems that would be necessary could be accomplished in all States. Georgia also noted that in non-automated systems, a difficult and time consuming procedure for manual data gathering would have to be developed. Another State agency, the Social Service Board of North Dakota, opposed Alternative 1 because it would entail procedures that were incompatible with a manual system. Seven State agencies stated that their systems either could not supply the data which would be required by the Department under Alternative 1 (i.e., participation data by household size and net income level) or could do so only with greatly increased costs and/or processing time. The Maryland Department of Human Resources opposed Alternative 1 because the computer system being used in Baltimore cannot provide monthly issuance amounts by household size and by benefit levels and because the data gathering task would be beyond the staff capacity of non-automated project areas. Several State agencies also commented that the cost of implementation would be excessive or prohibitive and that developing reduced benefits would be very difficult because of the requirement that different percentage rates of reduction be applied.

The State of Florida Department of Health and Rehabilitative Services stated that in a manual system, a monthly review of each household record card would be required to obtain the household size and monthly net income data required by the Department so that the Department could determine the size of the benefit reduction. In addition, after the Department had determined the various percentages of reduction to be applied to allotments, another manual review of household record cards would be necessary to effect the reductions in allotments. The State agency estimated that approximately 20,000 man-hours would be required each month to implement and maintain the benefit reduction if the State's system were not automated.

Many other administrative difficulties in implementing Alternative 1 were cited by commenters. These include greater potential for errors in the issuance of manual ATP cards and the difficulty of designing and producing the required reports on benefit reduction. A number of State and local agencies also indicated that substantial lead-time would be required to implement Alternative 1.

Alternative 2

The second method outlined in the November 9, 1979 Notice of Intent would reduce benefits by altering the percentage of household net income that is subtracted from the Thrifty Food Plan in determining household benefit levels. Under current rules, benefit levels are determined by subtracting 30 percent of a household's net income from the Thrifty Food Plan amount for the household size. Under Alternative 2, 50% or more of the household's net income could be subtracted from the Thrifty Food Plan amount used.

Nine commenters, seven State agencies and two local agencies, were in favor of adopting the method described in Alternative 2 to reduce food stamp benefits. Seven of the nine preferred Alternative 2 because they believed this method was the most compatible with their computerized systems and, therefore, would require the least reprogramming.

Nineteen commenters, including fifteen State agencies and two local agencies, were opposed to reducing benefits by the procedure outlined in Alternative 2. The primary reason given by State and local agencies for opposing Alternative 2 was that method would be incompatible with computer systems and would, therefore, require extensive reprogramming of those systems. Under Alternative 2, States would have to report of the Department the number of households receiving benefits at each net income increment on the coupon allotment tables. Half of those who indicated that incompatibility with computer systems was a problem also stated that the incompatibility existed because their computer systems do not contain household size and monthly net income as data elements. Six commenters believed that there would be significant difficulties in gathering the data that State agencies would have to report to the Department to allow implementation of Alternative 2. The State of Kentucky Department for Human Resources stated that Alternative 2 would require the development of a complex data program to produce the data required by the Department as well as reprogramming

the computer to complete the more intricate calculation steps needed to implement this Alternative. Two State agencies also commented that the data gathering requirements included in Alternative 2 are incompatible with manual systems and would require time consuming efforts. Two State agencies specifically stated that the implementation of Alternative 2 is not administratively feasible. One of these, the State of Colorado, stated that this is so because of the amount of work which would be required to manually obtain from the household issuance records the information required by the Department. Some State and local agencies also indicated that substantial lead-time would be required to implement Alternative 2.

Alternative 3

As stated in the November 9, 1979 Notice of Intent, the third alternative for reducing benefits would reduce the Thrifty Food Plan amounts for each household size by the same percentage. By doing this, households with the highest net incomes would suffer the largest percentage reduction in their benefits, while households with the lowest net incomes would have the smallest percentage reduction in their benefits. All households of a given size would have their benefits reduced by the same dollar amount. The following example illustrates how this procedure would work.

Currently, the Thrifty Food Plan amount used to calulate food stamp benefits for four-person households in the 48 States and the District of Columbia is $209 per month. Thus, a four-person household with a monthly net income of $100 receives $179 in benefits; a four-person household with a monthly net income of $300 receives $119 in benefits. If the Thrifty Food Plan is reduced by 50 percent because of an ordered benefit reduction, the benefits of each of these households would be based on a Thrifty Food Plan amount of $104 per month. The household with $100 per month in net income would receive $74 in benefits; the household with $300 per month in net income would receive $14 in benefits. Each of these households would lose $105 in benefits. However, the household with $100 in net monthly income would see its benefits reduced by about 59 percent while the household with $300 in monthly net income would see its benefits reduced by about 88 percent.

Of those commenters expressing a preference for any of the three alternatives proposed in the Notice of Intent, 32 commenters, over 70%, including 22 State agencies and 3 local agencies, stated that they preferred Alternative 3. There were several reasons shared by a number of commenters for favoring this alternative. A total of 9 commenters indicated that implementation of Alternative 3 would be the most compatible with computer systems and, thus, would require the least reprogramming. Six commenters including the Kentucky Department for Human Resources stated that implementation of the method described in Alternative 3 would be the least costly of the three alternatives. A total of 14 commenters indicated that the data which would be required by the Department of State agencies would be less difficult to provide than that required in the other two Alternatives. More commenters (14) indicated that they believed Alternative 3 to be the most equitable for participants, they indicated that either Alternative 1 or 2 was the most equitable. Another reason often expressed by commenters for favoring this alternative was that it would be easier to administer because it uses the same method used to implement semi-annual cost-of-food adjustments. Finally, State agencies indicated that, in general, less lead-time would be required to implement a benefit reduction under Alternative 3 than under either of the other alternatives.

Six comments opposed Alternative 3, largely on grounds that another alternative would be easier to implement. Some of these commenters apparently misunderstood Alternative 3 since it requires no new procedures not already in place to make the semi-annual adjustments.

Several commenters also proposed other benefit reduction methods, but no one such method drew support from more than two commenters with the exception of pro rata reductions. However, pro rata reductions were rejected by Congress when it enacted the 1979 Food Stamp Amendments.

Conclusion

After carefully considering all of the comments received on each of the three alternatives presented in the November 9, 1979 Notice of Intent and in spite of the evidence that many low income families will be unable to purchase nutritionally adequate diets if the basic allotment level is reduced under any available alternative, the Department has decided to adopt Alternative 3 as the mechanism for reducing food stamp benefits should a benefit reduction become necessary to remain within the spending limits set by Congress. As stated in the Notice of Intent, the Department paid particular interest to the caseload impact of each benefit reduction method and to the administrative feasibility of each method. More commenters favored Alternative 3 as the most equitable method for participants than favored either of the other alternatives for this aspect. Under Alternative 3, all households of a given size would have their benefits reduced by the same dollar amount. Since the dollar amount would be the same for each net income level the percent of reduction would be lowest for zero net income households and greatest for the highest net income households. Therefore, the poorer a food stamp family is the lower the percentage of reduction in its allotment. Higher income families would have their benefits reduced by larger percentages. This method ensures that the most needy participant households do not bear a disproportionate share of benefit reductions. Thus, the Department believes that the method adopted meets the Congressional mandate that reductions reflect, to the maximum extent practicable, the ratio of household income to the income standards of eligibility for households of equal size, taking into account the administrative considerations described herein.

In considering the administrative feasibility of each method, the Department paid particular attention to the ability of States to implement the various alternatives. If even a single State indicated that it would be unable to implement a particular benefit reduction method, this posed very serious questions about adopting such a method. The failure of just one State to implement any ordered benefit reduction could result in exceeding the spending limits set by Congress and violation of the Food Stamp Act. As noted above, some States did indicate that they would be unable to implement Alternatives 1 or 2.

As previously noted, it was the strong consensus of the commenters, and especially of State agencies, that Alternative 3 would be the most feasible administratively. Commenters pointed out that this method is the most feasible administratively not only from the standpoint of the adjustments which would be required in existing systems but also in terms of the data which would be required of State agencies by the Department to determine the amounts of benefit reduction which would be necessary. The Department does not expect at this time to require any additional data to be reported by States prior to ordering a suspension, cancellation or reduction for fiscal year 1980, should such an action be necessary.

Another aspect of administrative concern which was given careful consideration is the amount of lead-time which would be required to implement benefit reduction methods. The method chosen for reducing benefits must be one that can be implemented quickly enough to ensure that spending does not exceed appropriations. The more complicated the procedure for reducing benefits, the greater is the amount of lead-time States would need to implement the reduction. Comments from State agencies show that implementation of Alternative 3 would require significantly less time than either Alternative 1 or 2.

The Department has made this decision with the recognition that a benefit reduction will result in inadequate nutritional assistance being provided to low-income families. Benefit reductions will be implemented only if they are required in order to avoid violating the Food Stamp Act.

The current food stamp allotment, which averages 36 cents per person per meal, is set at the cost of the Thrifty Food Plan (adjusted for family size) decreased by 30 percent of the household's net monthly income. The Thrifty Food Plan is the least costly of four food plans developed by the Department; it was designed specifically for low income families. Like the other food plans, the Thrifty Food Plan specifies amounts of foods from each of fifteen food groups which are combined to provide a nutritionally adequate diet.

The Department recognizes that a number of factors make it difficult for many families to obtain an adequate diet on the amount of money which represents the cost of the Thrifty Food Plan. In fact, data on food consumption among low income households indicates that fewer than one in ten families spending an amount of money equivalent to the cost of the Thrifty Food Plan received 100 percent of the Recommended Daily Allowances. Less than half received even two thirds of the Recommended Daily Allowances.

The Thrifty Food Plan does not represent what low income families actually eat. The plan contains less meat, poultry, and fish and more dry beans and grain products than families generally consume. In order to develop a plan which was nutritionally adequate at a very low cost, nutritionists at the Department used a computer model which could alter the average diet of low income households so that it met the Recommended Daily Allowances for most nutrients. The average food purchaser, without specific nutritional skills and training, would find it much more difficult to make the food choices which provide an adequate diet on the amount of money which represents the cost of the plan.

The Department has previously acknowledged that low income families may not get a nutritionally adequate diet using the amount of money which represents the cost of the Thrifty Food Plan. The Agricultural Research Service has described the Economy Food Plan, a precursor to the Thrifty Food Plan at the same cost level, as a diet "for temporary use when funds are low." The Agricultural Research Service also noted that:

> "Studies show that few families spending at the level of the Economy Plan select foods that provide nutritionally adequate diets. The cost of this plan is not a reasonable measure of basic money needs for a good diet. The public assistance agency that recognizes the limitations of its clientele and is interested in their nutritional well-being will recommend a money allowance for food considerably higher than the cost level of the Economy Plan. Many welfare agencies base their food cost standards on the USDA Low-Cost Food Plan which costs about 25 percent more than the Economy Plan." (U.S.D.A., Agricultural Research Service, "Sample Menus and Food Lists for One Week Based on U.S.D.A. Economy Food Plan," page 1.)

The Department is also aware that in areas where food costs are higher than average, low income families will find it even more difficult to obtain an adequate diet using the amount of money set as the cost of the Thrifty Food Plan. The cost of the plan represents average food costs for the nation as a whole. Many low income families live in areas where food costs tend to be higher than average, such as central city areas, and isolated rural areas.

While Alternative 3 will result in households having insufficient food available to obtain a diet of even minimum nutritional adequacy, this would also be the result of Alternatives 1 and 2, as well as any other Alternative to effect a reduction in benefits. It is the Department hope that benefit reductions do not become necessary at any time.

Special Provisions for the Elderly and Disabled

In amending the Food Stamp Act, Congress authorized, but did not require, the Secretary to establish special provisions for reducing benefits to the elderly and disabled. The November 9, 1979 Notice of Intent solicited comments on whether the Department should establish benefit reduction procedures that would treat the elderly and disabled differently than the rest of the caseload.

This issue drew 36 comments. Of those who commented, only 7 favored establishing special provisions for the elderly and disabled. There was little consensus in the reasons expressed for favoring special provisions for the elderly and disabled. One commenter, the Southern Oklahoma Development Association, stated that its reason for favoring such a provision is that the elderly and disabled are most frequently affected by inflation.

Thirty commenters, including 18 State agencies, opposed special provisions for the elderly and disabled. Fourteen commenters, including 10 State agencies, indicated that implementing special provisions for the elderly and disabled would be administratively difficult, primarily because their systems cannot identify these households.

Several State agencies indicated that manual reviews of caseloads would be necessary to identify these households. Two State agencies, including the Iowa Department of Social Services, said that it would take up to a year to identify elderly and disabled households since this data is not completely in current computer systems.[1] The Iowa State agency further stated that implementing special provisions for the elderly would increase administrative costs and would also increase the potential for errors in handling cases.

The State of Connecticut Department of Income Maintenance cited as another administrative problem the fact that States may be forced to create a computer system within a system to handle elderly and disabled cases. A similar comment was made by the State of Minnesota Department of Welfare which stated that special treatment for the elderly and disabled would require developing and maintaining two different issuance systems and then using a third system after reductions were lifted. In addition, as the State of Connecticut pointed out, it would be necessary to track and record various household statistics to keep this group separate from other food stamp households.

The Commonwealth of Virginia Department of Welfare observed that the inclusion of any special provisions in benefit reduction procedures would

[1] A few commenters mistakenly thought that elderly and disabled households had already been identified when a medical deduction and an expanded shelter deduction were instituted earlier this year for households with elderly or disabled members. As a number of State agencies noted, however, a large number of elderly and disabled households do not receive these new deductions and have not been separately identified. These State agencies observed that locating and separately indentifying these households would be costly and require a considerable period of time.

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necessitate a less accurate means of ascertaining the correct reduction to meet a shortfall and would, therefore, require more complicated benefit reduction procedures, creating serious problems for recipients and administering agencies alike.

In addition to opposition on administrative grounds, many commenters opposed special provisions for the elderly and disabled because these groups are already receiving special consideration of their shelter and medical expenses that no other low income households receive. A number of commenters observed that special provisions for the elderly and disabled would require other households to bear greater reductions.

The Department has decided not to include a special provision for elderly and disabled in these allotment reduction regulations. The decision was based primarily on the administrative infeasibility of such a provision. As State agencies noted in their comments, before they could implement a special provision for the elderly and disabled, they would need to identify those households with elderly and disabled members. In most States, this task would involve a costly and very time consuming, manual case by case search through every case in their caseload. At the time this was occurring, State agencies would have to alter their issuance systems so that benefits could be issued to households with elderly and/or disabled members on one basis while benefits are issued to the remainder of the caseload on another basis. In a computerized system, such an alteration would involve reprogramming the computers which would, again, be costly and time consuming. In a manual issuance system, cost and time are not major factors. However, since each households' issuance record is updated manually in these systems, the issuance of benefits on two different bases is likely to result in a larger amount of issuance error.

At the same time, the Department had determined (as explained below) to institute a $10 minimum benefit level. This minimum benefit level will be of primary benefit to the elderly and disabled, and will assist them in a way that is far more administratively practicable.

Minimum Benefit Levels

The 1979 Amendments to the Food Stamp Act contain a provision that gives the Secretary the authority to establish a benefit reduction procedure that provides for minimum benefit levels. The Notice of Intent solicited comments on whether such a provision should be made.

A total of 20 commenters including 14 State agencies favored establishing a minimum benefit level. Seven of these, 6 State agencies and one local agency, cited as a primary reason for favoring minimum benefits the administrative problems which would be associated with first identifying cases to be closed, then closing cases of households whose benefits were completely eliminated, and subsequently bringing these households back into the program. If a minimum benefit were adopted, they pointed out, these problems and resultant costs could be avoided.

Three State agencies, including New Jersey, suggested that a minimum dollar amount of benefits, rather than a maximum percentage beyond which benefits could not be reduced, be adopted. There were several reasons expressed for favoring a minimum dollar amount including the fact that maximum percentage reductions would be difficult and costly to administer whereas a minimum amount would be compatible with computer systems.

Six of the commenters favoring a minimum benefit suggested that a minimum benefit of ten dollars be adopted. The State of Connecticut observed that to do anything less would defeat the purpose and the intent of the program. One commenter pointed out that failure to adopt a minimum benefit level would adversely affect the elderly and disabled.

Seven commenters specifically expressed opposition to a minimum benefit level. Of those, the majority were opposed because of the administrative costs and/or complexities that would be involved in implementing such a provision. However, the comments in most cases were not specific about the administrative problems which would be involved.

The Department has decided to adopt a minimum benefit level for households. Although the Department has decided not to include special provisions for the elderly and disabled because it would be administratively impracticable to do so, the inclusion of a minimum benefit level will provide advantages for this portion of the caseload. This is so because many of the elderly and disabled are among those one- and two-person households currently receiving a minimum benefit of $10. These households are also the households whose benefits would most likely be eliminated if no minimum benefit level was established. The administration of a minimum benefit will be far simpler than a provision which singles out the elderly and disabled for special treatment while achieving essentially the same result.

In addition, a minimum benefit level will avoid the problems of having to identify cases to be closed, closing the cases, and later reopening these cases.

The Department has decided to establish the minimum benefit at $10 per month. No household will receive less than $10 per month in benefits when a benefit reduction is in effect except as provided for below. This is the amount which Congress set as the minimum benefit for one- and two-person households in the Food Stamp Act of 1977, and the Department has decided to apply it universally in its benefit reduction procedures.

Although the Department recognizes that establishing minimum benefits on a per person basis would provide more protection to large households, it has decided not to adopt that method because it would be administratively impracticable to do so. The Department chose the $10 minimum for all households because of the problems which States would have in implementing variable minimum benefits, particularly since States may have to implement benefit reductions within a short period of time. This minimum benefit will be suspended if it is determined that only a cancellation or suspension of benefits, not a reduction, can prevent spending from exceeding the limits set by Congress. Additionally, if a reduction of more than 90 percent of a particular month's projected issuance is needed to avoid exceeding appropriations, funds will not be sufficient to maintain the $10 minimum benefit level and the minimum benefit provisions will be disregarded under this condition as well.

Nature of Suspension, Cancellation or Reduction Action.

The Department has included "suspension" action as one of the actions that could be taken to avoid violating the Food Stamp Act. Essentially, a suspension of benefits is similar to a cancellation. However, it is viewed as being more temporary than a cancellation. Suspension would most probably be ordered for a particular month if the Department determined that some action was necessary that month and also determined that Congress was likely to act during the month to increase funding for the Program. Thus, if benefits were suspended and Congress acted, the net effect to participate would be delayed issuance.

The Department believes that the suspension of benefits is an action that affords several advantages. Primarily, it allows the Department and State agencies to react quickly to an increase in Program funding and thereby it will minimize the time participants could be without benefits. An added consideration is the view that it is administratively easier for State agencies to delay the issuance of benefits to participants than it is to cancel the issuance and provide retroactive benefits.

If the Department determines that a suspension, cancellation or reduction in food stamp allotments is necessary, a decision must be made as to how this is to be accomplished. The choices available are to suspend or cancel allotments for one or more months, reduce allotments for one or more months or use a combination of reduced, suspended and cancelled allotments. The manner in which the Secretary decides to make up the shortfall will depend on the extent of the shortfall and the number of months available to make up the shortfall.

If a decision is made to reduce allotments, reductions will be accomplished by reducing Thrifty Food Plan amounts for each household size by a percentage specified by the Department. Any household whose reduced allotment is less than $10 shall receive a minimum benefit of $10 per month except as noted above.

Reporting required of State agencies. The Department does not anticipate requiring State agencies to submit additional data on participation broken down by household size to FNS in order to determine the need for or amount of benefit reduction or the time period for which a reduction or cancellation will be imposed. States will, however, be required to maintain records on the amount of benefits each household receives during a month in which a reduction is in effect and a record of the amount of benefits each household would have received had full monthly allotments been distributed. In the event of a cancellation or suspension, States shall maintain records of the amount of benefits each household would have received had full monthly allotments been distributed.

Enactment of Allotment Reductions

Since State agencies are responsible for issuing food stamps to eligible households, they will be responsible for implementing reductions, suspensions, and/or cancellations of allotments. This rulemaking establishes the procedures that States are to follow in carrying out such directives.

The Department will issue new Thrifty Food Plan levels reflecting the percentage reductions determined by the Department. States with computer systems will be required to ensure that the systems will allow for a minimum benefit of $10 for all households. Changes in computer systems must be accomplished in time to reduce allotments this fiscal year if required. In project areas with manual issuance systems, preparation for a reduction in allotments in these areas includes the printing and distribution of new issuance tables. The Department will prepare and distribute revised issuance tables for State agencies' use. It is the responsibility of the State agencies, however, to ensure that sufficient copies are obtained and distributed in time to effect reductions in allotments.

A reduction in allotments in an area with an HIR card systems can be accomplished in one of two ways. State agency personnel can either adjust all of the Household Issuance Records prior to the affected month's issuance or they can adjust the records as each household appears at the issuance office to pick up its monthly allotment. The choice of which method to use is up to the State agency.

In States with fiscal months, the benefit reduction shall be applied to all normal allotments for the month in which reductions are ordered, even if the allotment is not received until the following month. At the same time, allotments issued in the reduced month, but which actually represent the household's benefits for the previous month, shall not be reduced if no benefit reduction had been ordered for the previous month. Likewise, any retroactive or restored benefits for a period other than the reduced month should not be affected by the ordered reduction.

Along with putting a reduction, suspension or cancellation into effect, State agencies must notify households of the action. The rules provide that the reduction or cancellation of allotments is to be considered a mass change and that the normal requirements for notifying households of mass changes are to be applied, with the one exception discussed below. The mass change requirements direct States to notify households through the news media, through posters in certification and issuance offices or through general explanatory notices mailed to participating households. The mass change requirements also give States the option of notifying households of changes by mailing individual notices of adverse action to households affected by the change. However, in view of the requirements of the law, the nature of the type of action involved and the time element involved, this rulemaking prohibits States from using notices of adverse action. Households are not, under any circumstances, entitled to continued benefits at their former level during the period of reduction, suspension, and/or cancellation of benefits. Therefore, a notice of adverse action (as opposed to an alternative type of notice) could serve no purpose other than to delay reductions, suspensions, or cancellations, thereby risking violation of the Food Stamp Act.

It is possible, however, that restoration of benefits could occur. A reduction or cancellation of allotments could result in a surplus of appropriated funds if the Department's projection of the amount of benefits that will be issued in a particular month is inaccurate and benefits are reduced somewhat more than turns out to have been necessary. In such circumstances, the Department will restore benefits to households affected by an allotment reduction or cancellation unless the surplus of funds is so small that a restoration is impracticable. However, because it is possible to have a surplus too small to be practicably restored, the Department is not making restoration of benefits an entitlement. This rulemaking contains a provision clarifying this issue.

A number of State agencies stressed the need for adequate lead-time to prepare for a benefit reduction should it become necessary. One of the considerations which the Department made in selecting the method for reducing benefits was that the more complicated the method selected the more lead-time States would require to implement the reductions. Because a more complicated reduction procedure would require detailed data to be supplied to FNS by States and the analysis of that data would be complex, it is possible that the Department would be in a position of having to order a reduction too soon and possibly cut benefits too much. The method for reducing benefits under Alternative 3, reducing Thrifty Food Plan amounts by the same percentage for each household, will require the least amount of lead-time prior to implementation and will allow the Department to make the most accurate determination regarding the amount by which benefits must be reduced and the appropriate time period for which benefits must be reduced, suspended and/or cancelled. While it is important to allow States as much lead-time as possible, the Department must be careful not to order a benefit reduction too soon. Unforeseen

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circumstances such as a disaster or a sudden rise in unemployment could occur which would increase program spending and, thus, alter the amount by which benefits must be reduced or the time period for which benefits must be reduced, suspended or cancelled. Therefore, it is important that the Department have the most complete information possible in order to determine the correct amount of benefit reduction needed and the proper length of time for which benefits must be reduced. In the event of a reduction, suspension or cancellation in benefits, the Department will make every effort to provide a minimum of one month lead-time for reductions in benefits and one-half month lead-time for suspensions or cancellations.

Effects of Reductions, Suspensions, and Cancellations on Ongoing Program Operations

The reduction, suspension or cancellation of allotments is not intended to affect any aspect of Program operations other than the amount of benefits distributed to households. As noted in this rulemaking, applications are to be accepted and processed the same way during a month in which allotments are reduced, suspended or cancelled as they are in a normal month. Eligibility determinations are to be made according to the criteria in Part 273 and certification periods are to be assigned on a normal basis. Recertifications are also to be processed and not delayed.

As noted above, households affected by reductions, suspensions and cancellations would not have an entitlement to a continuation of benefits if they object to the reduction, suspension or cancellation action. Households may request fair hearings and State agencies are required to honor and process the requests. However, fair hearings will not result in a reversal of the reduction, suspension or cancellation of a household's allotment. They will, however, result in a correction of any incorrectly calculated allotment and to restored benefits if the reduction was too large because it was incorrectly computed.

Penalties

This rulemaking explains the penalties that may be invoked if State agencies fail to comply with a directive issued by FNS to reduce, suspend or cancel allotments. The penalties were developed with the realization that, in order to assure that the mandate of Congress is met, swift action would be necessary to induce noncomplying State agencies to take immediate corrective action. Failing that, the penalties include a provision for the recovery of funds from State agencies that do not comply.

The first two penalty provisions describe what may occur if the Department discovers that a State agency does not intend to comply with an order to reduce, suspend or cancel allotments. FNS may issue a warning to such a State agency that will advise the State agency that if the ordered reduction, suspension or cancellation of allotments does not occur, FNS will cancel 100 percent of the Federal share of the State agency's administrative costs for the affected month(s). The warning period will be short and action to cancel the funding will come quickly following confirmation of the State's noncompliance. At the same time that this activity is taking place, FNS may, through the Attorney General, seek a court injunction against the State in question in an effort to compel the State to comply with the ordered allotment reduction, suspension or cancellation.

The last penalty provision involves the recovery of funds that are lost due to a State's failure to comply with an order to reduce, suspend or cancel allotments. As the rulemaking indicates, State agencies will be held liable for 100 percent of any overissuances that occur due to a State's failure to implement a reduction, suspension or cancellation order. It is obvious that if such an order is issued and a State ignores it, the effect of the order will be compromised, and the Food Stamp Act could be violated as a result. Since the reason for the order would be to stay within the limits set by the amount of funds appropriated by Congress and since the State agency's action could serve to force spending above these limits, the Department has determined that the noncomplying State agency should be liable for making up the overissuances it caused.

If a State agency fails to comply with an order to reduce, suspend or cancel benefits, the Department will bill the State agency for any resultant overissuances. The billing will prescribe a period of time in which the Department expects to receive payment of the bills. If payment is not made within that time period, steps will be taken to recover the billed amount through offsets to the Federal share of the State's administrative costs.

The penalty provisions in the rulemaking are strict. However, since orders to cancel, suspend or reduce allotments will only be issued if they are absolutely necessary to comply with the law, full compliance by all States is imperative.

Amendments

In order to ensure that there are no misunderstandings, subparagraphs (e)(2)(ii) and (e)(2)(iii) of Section 273.10 are being amended with the issuance of this rulemaking. These subparagraphs explain how Thrifty Food Plan amounts are to be reduced and how benefit levels are to be calculated. They also specify that all households are guaranteed a minimum benefit of $10 per month during a benefit reduction unless the reduction is aimed at saving more than 90 percent of the benefits projected to be issued during the affected month.

There are other amendments included in this rulemaking as well. These are technical in nature. They apply to various subparagraphs of the issuance rules in Part 274 and are necessary to allow suspensions of benefits.

Implementation

Along with the rules establishing a procedure for reducing, suspending or cancelling allotments are requirements for the implementation of the procedure. The Department believes that there is a possibility that a reduction, suspension or cancellation of allotments may be necessary this fiscal year. Therefore, expeditious implementation of these procedures is needed and States must be prepared, within 45 days of publication of these rules (May 19, 1980), to begin the actions necessary to implement a cancellation, suspension or benefit reduction. In addition, all State agencies are required to establish whatever internal procedures they need to be able to reduce allotments promptly if this proves necessary.

The timing of an order by the Department to reduce, suspend or cancel food stamp benefits in any fiscal year depends upon a great many factors. The legislative history of P.L. 96-58 makes clear that the Secretary is not expected to order a benefit reduction, suspension or cancellation simply because initial appropriations for the program fall short of projected needs. Among the factors that are to be considered before any action is taken are the likelihood of passage and the timing of any supplemental appropriations, economic forecasts and seasonal fluctuations in program participation. (Senate Rpt. No. 96-236, 96th Cong., 1st Sess., pp. 19-20.) At such time as there is a clear indication from Congress that the program will not be fully funded, prompt action must be taken to reduce, suspend or cancel food stamp benefits.

In the current fiscal year, Congress has expressed its intention to provide full funding for the Food Stamp Program at each juncture in the legislative process. However, the current level of FY 1980 food stamp appropriations will support full benefits only through May 1980. If Congress does not provide additional food stamp funding by May 15, States will be ordered to suspend the issuance of benefits for June, unless and until supplemental appropriations are provided. Benefits reductions, suspensions or cancellations for the months of July, August and September 1980 are also possible. The Department will carefully study available appropriations, any impending supplemental appropriations, as well as the likelihood of Congressional action to provide additional funds and the likely timing of any such Congressional actions, economic projections, and other relevant factors in reaching decisions on the necessity of benefit reductions.

Accordingly, Parts 271, 272, 273 and 274 are amended and read as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

§ 271.7 is revised to read as follows:

§ 271.7 Allotment Reduction Procedures.

(a) *General purpose.* This section sets forth the procedures to be followed if the monthly food stamp allotments determined in accordance with the provisions of § 273.10 must be reduced, suspended, or cancelled to comply with Section 18 of the Food Stamp Act of 1977, as amended. The best available data pertaining to the number of people participating in the program and the amounts of benefits being issued shall be used in deciding whether such action is necessary.

(b) *Nature of reduction action.* Action to comply with Section 18 of the Food Stamp Act of 1977, as amended, may be a suspension or cancellation of allotments for one or more months, a reduction in allotment levels for one or more months or a combination of these three actions. If a reduction in allotments is deemed necessary, allotments shall be reduced by reducing Thrifty Food Plan amounts for each household size by the same percentage. This results in all households of a given size having their benefits reduced by the same dollar amount. The dollar reduction would be smallest for one-person households and greatest for the largest households. Since the dollar amount would be the same for all households of the same size the rate of reduction would be lowest for zero net income households and greatest for the highest net income households. All households affected by a reduction action shall be guaranteed a minimum benefit of $10 unless the action is a cancellation of benefits, a suspension of benefits, or a reduction of benefits of 90 percent or more of the total amount of benefits projected to be issued in the affected month.

(c) *Reduction method.* If a reduction in allotments is deemed necessary, the Thrifty Food Plan amounts shall be reduced by a percentage specified by FNS. For example, if it is determined that a 25 percent reduction in the Thrifty Food Plan amount is to be made for all four-person households, the reduction would be calculated as follows: The Thrifty Food Plan amount for a four-person household ($209) would be reduced by 25% to $157. Then 30 percent of the net food stamp income would be deducted from the reduced Thrifty Food Plan Amount. For example, 30 percent of a net food stamp income of $200, $60, would be deducted from the reduced Thrifty Food Plan Amount ($157), resulting in a reduced allotment of $97.

(d) *Implementation of allotment reductions.*(1) *Reductions.* (i) If a decision is made to reduce monthly food stamp allotments, FNS shall notify State agencies of the date the reduction is to take effect and by what percentage Thrifty Food Plan amounts for each household size are to be reduced. (ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the reduction. Such action would differ from State to State depending on the nature of the issuance systems in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate pecentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of $10. FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in Thrifty Food Plan Amounts and reduced Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS. In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusting allotments at the point of issuance as each household appears at the issuance office.

(2) *Suspensions and cancellations.* If a decision is made to suspend or cancel the distribution of food stamp benefits in a given month, FNS shall notify State agencies of the date the suspension or cancellation is to take effect. In the event of a suspension or cancellation of benefits, the provision for a $10 minimum benefit level shall be disregarded and all households shall have their benefits suspended or cancelled. Upon receiving notification that an upcoming month's issuance is to be suspended or cancelled, State agencies shall take immediate action to effect the suspension or cancellation. This action would involve making necessary computer adjustments, and notifying issuance agents and personnel.

(3) *Affected allotments.* Whenever a reduction, suspension or cancellation of allotments is ordered for a particular month, reduced benefits shall be calculated for all households for the designated month. However, any household whose reduced benefits would be less than $10 shall receive a minimum benefit of $10 except as provided in § 273.10(e)(2). Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month would not be reduced, suspended or cancelled, even though they are issued during an affected month.

(4) *Notification of eligible households.* Reductions, suspensions and cancellations of allotments shall be considered to be Federal adjustments to allotments. As such, State agencies shall notify households of reductions, suspensions and cancellations of allotments in accord with the notice provisions of § 273.12(e)(1), except that State agencies shall not provide notices of adverse action to households affected by reductions, suspensions or cancellations of allotments.

(5) *Restoration of benefits.* Households whose allotments are reduced or cancelled as a result of the enactment of these procedures are not entitled to the restoration of the lost benefits at a future date. However, if there is any surplus of funds as a result of the reduction or cancellation, and the Secretary determines that such a restoration is practicable, FNS will direct State agencies to provide affected households with restored benefits.

(6) *Records of reductions and cancellations.* States agencies must be able to produce a record of the amount of benefits each household receives during a month in which a reduction is in effect along with a record of the amount of benefits each household would have received had full monthly allotments been distributed. Similarly, in

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the event that allotments are cancelled, State agencies must be able to produce a record of the amount of benefits each household would have received had full monthly allotments been distributed. These records will be used if FNS directs the provision of restored benefits.

(e) *Effects of reductions, suspensions and cancellations on the certification of eligible households.* (1) Determinations of the eligibility of applicant households shall not be affected by a reduction, suspension or cancellation of allotments. State agencies shall accept and process applications during a month(s) in which a reduction, suspension or cancellation is in effect in accordance with the requirements of Part 273. Determinations of eligibility shall also be made according to the provisions of Part 273. If an applicant is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated by reducing the Thrifty Food Plan amount by the appropriate percentage for the applicant's household size and then deducting 30 percent of the household's net food stamp income from the reduced Thrifty Food Plan amount. If an applicant is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the applicant.

(2) The reduction, suspension or cancellation of allotments in a given month shall have no effect on the certification periods assigned to households. Those participating households whose certification periods expire during a month in which allotments have been reduced, suspended or cancelled shall be recertified according to the provisions of § 273.14. Households found eligible to participate during a month in which allotments have been reduced, suspended or cancelled shall have certification periods assigned in accordance with the provisions of § 273.10.

(3) Any household that has its allotment reduced, suspended or cancelled as a result of the implementation of the requirements of this subpart may request a fair hearing if it disagrees with the action. However, since the reduction, suspension or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by Congress, the household does not have a right to a continuation of benefits. A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the amount by which the State agency was directed to reduce benefits.

(f) *Penalties.* Notwithstanding any other provision of this subchapter, FNS may take one or more of the following actions against a State agency that fails to comply with a directive to reduce, suspend or cancel allotments in a particular month.

(1) If FNS ascertains that a State agency does not plan to comply with a directive to reduce, suspend or cancel allotments for a particular month, a warning will be issued advising the State agency that if it does not comply, FNS may cancel 100 percent of the Federal share of the State's administrative costs for the affected month(s). If, after receiving such a warning, a State agency does not comply with a directive to reduce, suspend or cancel allotments, FNS may cancel 100 percent of Federal share of the State agency's administrative costs for the affected month(s).

(2) If FNS ascertains after warning a State agency as provided in (1) above, that the State agency does not plan to comply with a directive to reduce, suspend or cancel allotments, a court injunction may be sought to compel compliance.

(3) If a State agency fails to reduce, suspend or cancel allotments as directed, FNS will bill the State agency for all overissuances that result. If a State agency fails to remit the billed amount to FNS within a prescribed period of time the funds will be recovered through offsets against the Federal share of the State agency's administrative costs, or any other means available under law.

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PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

Paragraph 272.1(g)(3) is revised to read as follows:

§ 272.1 General terms and conditions.

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(g) *Implementation.*

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(3) Amendment 146. The procedures contained in Amendment No. 146 shall be implemented by State agencies in time to be able to issue reduced food stamp allotments or to suspend or cancel allotments within 45 days after the date of publication of this amendment in the **Federal Register**.

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PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

In § 273.10, subparagraph (e)(2)(ii) is amended and the words "Except as provided in subparagraph (iii) below," are added at the beginning. In addition, subparagraph (e)(2)(iii) is revised to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

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(e) *Calculating net income and benefit levels.*

* * * * *

(2) Eligibility and benefits.

* * * * *

(iii) During a month when a reduction, suspension or cancellation of allotments has been ordered pursuant to the provisions of § 271.7, eligible households shall have their benefits calculated as follows:

(A) If a benefit reduction is ordered, State agencies shall reduce the Thrifty Food Plan amounts for each household size by the percentage ordered in the Department's notice on benefit reductions. State agencies shall multiply the Thrifty Food Plan amounts by the percentage specified in the FNS Notice; round the result to the nearest dollar amount; i.e., round it down if it ends in 1 through 49 cents and round it up if it ends in 50 through 99 cents; and, subtract the result from the normal Thrifty Food Plan amount. In calculating benefit levels for eligible households, State agencies would follow the procedures detailed in subparagraph (ii) above and substitute the reduced Thrifty Food Plan amounts for the normal Thrifty Food Plan amounts.

(B) Except as provided in (C) below, if the amount of benefits obtained by the calculation in paragraph (A) is less than $10, the household shall be provided a minimum benefit of $10.

(C) In the event that the national reduction in benefits is in excess of 90 percent of the benefits projected to be issued for the affected month, the provision for a minimum benefit may be disregarded and all households may have their benefits lowered by reducing Thrifty Food Plan amounts by the percentage specified by the Department. The benefit reduction notice issued by the Department to enact a benefit reduction will specify whether minimum benefits are to be provided to households.

(D) If the action in effect is a suspension or cancellation, eligible households shall have their allotment levels calculated according to the procedures in subparagraph (ii) above. However, the allotments shall not be issued for the month the suspension or cancellation is in effect. The provision for a $10 minimum benefit shall be disregarded and all households shall have their benefits suspended or cancelled for the designated month.

(E) In the event of a suspension or cancellation or a reduction exceeding 90 percent of the affected month's projected issuance, all households, including one and two-person households, shall have their benefits suspended, cancelled or reduced by the percentage specified by FNS.

* * * * *

PART 274—ISSUANCE AND USE OF FOOD COUPONS

§ 274.2 [Amended]

1. In § 274.2, subparagraphs (e)(2) and (f)(6) are amended by adding the words "Except when benefits are suspended, as provided for in Section 271.7," at the beginning of each subparagraph.

§ 274.3 [Amended]

2. In addition, in § 274.3, subparagraph (f)(6) is amended by adding the following sentence to the end of the subparagraph: "These rules do not apply during a benefit suspension, ordered under the provisions of Section 271.7."

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Program No. 10551 Food Stamps)

Dated: March 21, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-9382 Filed 4-1-80; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL DEPOSIT INSURANCE CORPORATION

13723 3–3–80 / Assessments and termination of insured status and mutual savings bank conversion; notification of depositors

GENERAL SERVICES ADMINISTRATION

13734 3–3–80 / Use of benchmarking and remote terminal emulation in the procurement of automated data processing (ADP) Systems and Services

Deadlines for Comments On Proposed Rules for the Week of April 6 through April 12, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

8630 2–8–80 / Sugarcane diseases; comments by 4–8–80

8654 2–8–80 / West Indian Sugarcane Root Borer; comments by 4–8–80

Food and Nutrition Service—

8876 2–8–80 / Special Supplemental Food Program for Women, Infants and Children; eligibility; comments by 4–8–80

CHRYSLER CORPORATION LOAN GUARANTEE BOARD

8942 2–11–80 / Rules of procedures; access to records; imposition of fees; comments by 4–11–80

COMMERCE DEPARTMENT

International Trade Administration—

8293 2–7–80 / Establishment of validated licensing requirement for export of marketable phosphate rock, phosphoric acid of all concentrations and phosphatic fertilizers of all concentrations to the U.S.S.R.; comments by 4–7–80

16202 3–13–80 / Titanium (DPS Order 3); possible amendment to schedule II of DPS Reg. 1; comments by 4–11–80

COMMODITY FUTURES TRADING COMMISSION

8312 2–7–80 / Arbitration of other dispute settlement procedures; amendment to allow appeals to an entity within a contract market in member-to-member arbitration; comments by 4–7–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8462 2–7–80 / Standby Federal emergency energy conservation plan; comments by 4–7–80

ENVIRONMENTAL PROTECTION AGENCY

15591 3–11–80 / Air quality State implementation plans; revision to the Virgin Islands plan; comments by 4–10–80

8670 2–8–80 / Arizona plan revision; air quality control, region redesignation; comments by 4–8–80

14899 3–7–80 / Controls applicable to gasoline refiners; lead phase-down regulations; comments by 4–7–80

14606 3–6–80 / Delaware; schedules to correct deficiencies in nonattainment area plan revision; comments by 4–7–80

14886 3–7–80 / Discussion of proposed revisions to Massachusetts State Implementation Plan; comments by 4–7–80

14885 3–7–80 / Extension of revision to Massachusetts State Implementation Plan; comments by 4–7–80

14607 3–6–80 / Leather tanning and finishing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 4–10–80

[*See also* 44 FR 38746, 7–2–79]

15192 3–10–80 / Ohio Implementation Plan; comments by 4–9–80

FEDERAL COMMUNICATIONS COMMISSION

62216 10–24–79 / American Telephone & Telegraph Co. private line rate structure and volume discount practices; reply comments and counter proposals by 4–7–80

[*See also* 45 FR 13139, 2–28–80 and 45 FR 16214, 3–13–80]

2067 1–10–80 / Facilitating authorization of wide-area-mobile radio communications systems on frequencies allocated for trunked systems; comments by 4–7–80

2069 1–10–80 / Facilitating operation of low power, limited coverage systems in the 22,000–23,600 mHz bands; reply comments by 4–7–80

12456 2–28–80 / FM table of assignments; Ackerman, Miss.; comments by 4–7–80

12448 2–28–80 / FM table of assignments; Bethel, Alaska; comments by 4–7–80

12457 2–28–80 / FM table of assignments; Bridgeport, Nebr.; comments by 4–7–80

12454 2–28–80 / FM table of assignments; Chatham, Mass.; comments by 4–7–80

12451 2–28–80 / FM table of assignments; Coeur D'Alene, Idaho; comments by 4–7–80

12459 2–28–80 / FM table of assignments; Westover and Grafton, W.Va.; comments by 4–7–80

3349 1–17–80 / Implementing a system of temporary licensing for multiple licensed mobile relay systems operating in the business radio service; comments by 4–7–80

3066 1–16–80 / Mobile station, control point, and control station authorization procedures for 800 mHz common user systems; reply comments by 4–7–80

3335 1–17–80 / Reimbursement of expenses for participation in commission proceedings; comments by 4–7–80

6124 1–25–80 / Television broadcast stations in Butte, Bozeman, and Anaconda, Mont.; reassignment of channel; reply comments by 4–7–80

12453 2–28–80 / Television table of assignments; Lexington, Ky.; comments by 4–7–80

12450 2–28–80 / Television table of assignments; Sebring, Fla.; comments by 4–7–80

FEDERAL MARITIME COMMISSION

15229 3–10–80 / Shippers' requests and complaints; reporting requirements; comments by 4–8–80

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

8028 2–6–80 / Accommodations for the physically handicapped; change in Federal standards; comments by 4–7–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Child Support Enforcement Office—

8316 2–7–80 / Aid to families with dependent children Child Support Enforcement Program; supplemental payment computation; comments by 4–7–80

Education Office—

8314 2–7–80 / Safe school program; identifying local educational agencies eligible to apply for assistance and criteria for selecting agencies for funding; comments by 4–7–80

Food and Drug Administration—

8870 2–6–80 / Devices used as a radiation source (in combination with a psoralen drug) in the photochemotherapy for psoriasis; comments by 4–8–80

Social Security Administration—

8316 2–7–80 / Aid to families with dependent children, Child Support Enforcement Program; supplemental payment computation; comments by 4–7–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

2816 1–11–80 / Alaska National Wildlife Monuments; minerals management; comments by 4–10–80

15241 3–10–80 / Desert Tortoise; critical habitat for Beaver Dam Slope population; comments by 4–9–80

Land Management Bureau—

8672 2–8–80 / Off-road vehicles; conditions of use; comments by 4–8–80

National Park Service—

14601 3–6–80 / Glacier bay National Monument; protection of humpback whales; comments by 4–7–80

Surface Mining Reclamation and Enforcement Office—

14881 3–7–80 / Announcement of receipt of permanent program submission from State of North Dakota; comments by 4–10–80

15169 3–10–80 / Maryland; permanent program submission; comments by 4–11–80

15575 3–11–80 / Receipt of Permanent Program submission from the Commonwealth of Pa.; comments by 4–11–80

15576 3–11–80 / Receipt of Permanent Program submission from Commonwealth of Va.; comments by 4–11–80

15583 3–11–80 / Receipt of Permanent Program submission from State of Illinois, Springfield, Ill. (open), 4–10–80

15190 3–10–80 / West Virginia; permanent program submission; comments by 4–11–80

INTERSTATE COMMERCE COMMISSION

15236 3–10–80 / Revision of National Environmental Policy Act guidelines; comments by 4–9–80

9027 2–11–80 / Routing of traffic; individual rerouting without prior Commission approval; advance notice; comments by 4–11–80

LABOR DEPARTMENT

Employment and Training Administration—

15914 3–11–80 / Establishment of a new methodology for computing the agricultural adverse effect wage rate; comments by 4–10–80

Pension and Welfare Benefits Programs Office

8761 2–8–80 / Proposed Class Exemption for certain interest free loans to employee benefit plans; comments by 4–8–80

PERSONNEL MANAGEMENT OFFICE

7818 2–5–80 / Reduction in force; comments by 4–7–80

8630 2–8–80 / Reduction in force; retention preference; comments by 4–8–80

POSTAL SERVICE

6801 1–30–80 / Private express statutes; enforcement and suspension; comments period extended from 2–8–80 to 4–8–80

[Originally published at 45 FR 1427, Jan. 7, 1980]

SECURITIES AND EXCHANGE COMMISSION

7578 2–4–80 / "Money Market" funds; inclusion of standardized yield computation in prospectuses; comments by 4–7–80

TRANSPORTATION DEPARTMENT

Coast Guard—

15192 3–10–80 / Drawbridge operations; Atlantic Intracoastal Waterway, Palm Beach County, Fla., comments by 4–11–80

11790 2–21–80 / Electronic relative motion analyzer; comments by 4–7–80

13138 2–28–80 / Unslaked lime shipping requirements; comments by 4–11–80

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Comptroller of the Currency—

8025 2–6–80 / Indemnification of officers, directors and employees by national banks; comments by 4–7–80

Internal Revenue Service—

8668 2–8–80 / Changes in the deposit requirements for Social Security and withheld income taxes; comments by 4–8–80

8669 2–8–80 / Gas guzzler tax; manufacturers and retailers excise taxes; comments by 4–8–80

8589 2–8–80 / Gas guzzler tax; temporary excise tax regulations; comments by 4–8–80

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AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

9943 2–14–80 / 1980 crop honey price support program planning; comments by 4–14–80

Farmers Home Administration—

10240 2–14–80 / Rural housing loan policies, procedures and authorizations; comments by 4–14–80

Rural Electrification Administration—

16496 3–14–80 / Advance notice of proposed program to permit deferment of principal repayments to achieve energy conservation; comments by 4–14–80

10356 2–15–80 / Specification for television station protectors; revision of existing bulletin; comments by 4–15–80

CIVIL AERONAUTICS BOARD

14062 3–4–80 / Insurance requirements for U.S. and foreign air carriers; comments by 4–15–80

[*See also* 45 FR 7566, 2–4–80]

10263 3–25–80 / International air cargo rate changes; policy statements; reply comments by 4–9–80

[*See also* 45 FR 3594, 1–18–80]

COMMERCE DEPARTMENT

International Trade Administration—

13070 2–28–80 / Defense materials system and defense priorities system; schedule changes; comments by 4–15–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

10746 2–15–80 / Sale and direct industrial use of natural gas for outdoor lighting; proposed amended definition and guidance on exemptions; comments by 4–15–80

Federal Energy Regulatory Commission—

11817 2–22–80 / Revised requirements for filing changes in electric rate schedules and for the preparation and submittal of supporting data; comments by 4–14–80

[Corrected at 45 FR 13122, 2–28–80]

Office of the Secretary—

17560 3–18–80 / Foreign gifts and decorations; policies for department employees; comments by 4–17–80

ENVIRONMENTAL PROTECTION AGENCY

3316 1–17–80 / Aerial application of pesticides; comments by 4–17–80

17044 3–17–80 / Air pollution; state implementation plans; Missouri; comments by 4–16–80

17043 3–17–80 / Air pollution; state implementation plans; Illinois; comments by 4–16–80

9953 2–14–80 / California state implementation plan revisions; comments by 4–14–80

16209 3–13–80 / Health and safety data reporting; submission of lists and copies of health and safety studies; comments extended to 4–14–80

[Originally published at 44 FR 77470; 12–31–79]

16207 3–13–80 / Pennsylvania state implementation plan; amendment to air resources rules; comments by 4–14–80

11141 2–20–80 / Petroleum refining point source category effluent limitations gudielines, pretreatment standards, and new source performance standards; comments extended to 4–19–80

[Originally published at 44 FR 75926, December 21, 1979]

16502 3–14–80 / Revisions to California Bay area air quality management district's and Ventura County air pollution control district's emergancy episode plans; comments by 4–14–80

16207 3–13–80 / Tennessee: approval and promulgation of implementation plans; revised SO_2 limits; comments by 4–14–80

FARM CREDIT ADMINISTRATION

9944 2–14–80 / Loan policies and operations; comments by 4–14–80

FEDERAL COMMUNICATIONS COMMISSION

14075 3–4–80 / Domestic public land mobile radio service; air-ground assignment to Tallahassee, Fla.; reply comments by 4–15–80

13145 2–28–80 / FM broadcast station in Anchorage, Alaska; table of assignments changed; comments by 4–15–80

13148 2–28–80 / FM broadcast stations assigned to Lakeport and Williams, Calif.; comments by 4–15–80

6967 1–31–80 / FM broadcast station in Snowmass Village, Colo.; changes in table of assignments; reply comments by 4–14–80

13144 2–28–80 / FM broadcast station assigned to Bettendorf, Iowa; comments by 4–15–80

6970 1–31–80 / FM broadcast station in Boyce, La.; changes in table of assignments; reply comments by 4–14–80

6972 1–31–80 / FM broadcast station in Centralia, Mo.; changes in table of assignments; reply comments by 4–14–80

13147 2–28–80 / FM broadcast stations in Central City, Nebr. and Yankton, S.D.; table of assignments changed; comments by 4–15–80

6968 1–31–80 / FM broadcast station in Mt. Vernon, Ohio; changes in table of assignments; reply comments by 4–14–80

6633 1–29–80 / FM broadcast station in Commerce, Tex.; proposed changes in table of assignments; reply comments by 4–14–80

7269 2–1–80 / Granting a general exemption from certain radiotelegraph requirements; comments by 4–18–80

17611 3–19–80 / Implementing the provisions of Chapter 4 of the 1974 Safety Convention pertaining to radio equipment required on compulsorily fitted vessels; comments by 4–14–80

14074 3–4–80 / Public mobile radio services provisions; revision and update of rules; reply comments by 4–15–80

13149 2–28–80 / Television broadcast station assigned to Danville, Ky.; comments by 4–15–80

13150 2–28–80 / Television broadcast station reassigned to Mansfield, Ohio from Marion, Ohio; comments by 4–15–80

6126 1–25–80 / Television broadcast station in Portland, Ore.; channel assignment; reply comments by 4–17–80

13152 2–28–80 / Television broadcast stations in El Paso, Tex.; table of assignments changed; comments by 4–15–80

16496 3–14–80 / Rules of practice for adjudicative proceedings—labor organizations; comments by 4–14–80

FEDERAL TRADE COMMISSION

16497 3–14–80 / Proposed provision and staff report on games of chance in the food retailing and gasoline industries; comments period extended to 4–14–80

[Originally published at 40 FR 12832, Feb. 27, 1980]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

10379 2–15–80 / Rules and regulations governing public buildings and grounds and procedures to be followed in permitting the occasional use of public buildings by members of the public; comments by 4–15–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Health Care Financing Administration—

10382 2–15–80 / Medicare Programs; Home Health Agencies' requirements; comments by 4–15–80

9953 2–14–80 / Medicare program; Provider reimbursement review board procedures; comments by 4–14–80

National Institute of Education—

13135 2–28–80 / Grants for research on knowledge use and school improvement; comments by 4–14–80

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Public Health Service—

9298 2-12-80 / Program grants for black lung clinics; comments by 4-14-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Community Planning and Development—

9730 2-13-80 / Community Development Block Grants; Performance Report and Related Revisions; interim Rule; comments by 4-14-80

Community Planning and Development, Office of Assistant Secretary—

10740 2-15-80 / Community development block grants; modification to urban development action grant rules to accommodate communities containing pockets of poverty; comments by 4-15-80

Federal Housing Commissioner, Office of the Assistant Secretary for Housing—

9948 2-14-80 / Addition of water conservation requirements to HUD minimum property standards; comments by 4-14-80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

14681 3-7-80 / Announcement of receipt of permanent program submission from State of Ohio; comments by 4-16-80

14598 3-6-80 / Receipt of permanent program submission from State of Iowa; comments by 4-15-80

14599 3-6-80 / Receipt of permanent program submission from State of Okla.; comments by 4-17-80

15578 3-11-80 / Receipt of permanent program submission from State of Tenn.; comments by 4-15-80

15580 3-11-80 / Receipt of permanent program submission from State of Indiana; comments by 4-15-80

15583 3-11-80 / Receipt of permanent program submission from State of Illinois; comments by 4-15-80

Surface Mining Office—

15947 3-12-80 / Receipt of permanent program submission from the State of Alabama; comments by 4-14-80

15948 3-12-80 / Receipt of permanent program submission from the State of Kentucky; comments by 4-17-80

Water and Power Resources Service—

17165 3-18-80 / Sale of replacement farm units to Teton flood victims; comments by 4-17-80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

9293 2-12-80 / Suppliers of commodity and commodity-related services ineligible for A.I.D. financing; comments by 4-14-80

INTERSTATE COMMERCE COMMISSION

13480 1-29-80 / Adoption of sampling procedures to collect motor carriers commodity statistics; comments by 4-14-80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

9289 2-12-80 / Proposed limitations on import of narcotic raw materials; comments by 4-14-80

Justice Assistance, Research and Statistics Office—

13902 3-3-80 / Financial and Administrative guide for grants; comments by 4-17-80

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

9302 2-12-80 / Solicitation provisions and contract clauses; comments by 4-16-80

NUCLEAR REGULATORY COMMISSION

13104 2-28-80 / Disposal of low-level radioactive waste; availability of preliminary draft regulation; comments by 4-14-80

10360 2-15-80 / Domestic licensing of production and utilization facilities; comments by 4-15-80

POSTAL SERVICE

17164 3-18-80 / Official mail; revised procedures for handling postage meters used by Federal agencies; comments by 4-17-80

SECURITIES AND EXCHANGE COMMISSION

5972 1-24-80 / Annual report form; integration of Securities Acts Disclosure Systems; comments by 4-15-80

17024 3-17-80 / Broker-dealers; recordkeeping requirements; comments by 4-18-80

5934 1-24-80 / Business Combination Transactions; comments by 4-15-80

15942 3-12-80 / Notice obligations of self-regulatory organizations with respect to final disciplinary actions, denials, bars, or limitations respecting membership, association, participation or access to services, and summary suspensions; comments by 4-18-80

TRANSPORTATION DEPARTMENT

Coast Guard—

13982 3-3-80 / Electrical engineering provisions; revision of regulations; comments by 4-17-80

Federal Aviation Administration—

3316 1-17-80 / Aerial application of pesticides; comments by 4-17-80

4314 1-21-80 / Metropolitan Washington Airports; comments by 4-15-80

9944 2-14-80 / Summary of rulemaking positions received and dispositions of petitions denied; comments by 4-14-80

Urban Mass Transportation Administration—

13994 3-3-80 / Emergency stockpiling of buses; policy and guidelines; comments by 4-16-80

TREASURY DEPARTMENT

Customs Service—

10365 2-15-80 / Establishment, on a two year experimental basis of a new customs port of entry at Huntsville, Alabama, in the Mobile, Alabama, customs district; comments by 4-15-80

Office of the Secretary—

17160 3-18-80 / Regulations on post employment conflict of interest; comments by 4-17-80

WAGE AND PRICE STABILITY COUNCIL

17125 3-18-80 / Anti-inflationary pay and price standards; procedural rules; data requests; miscellaneous amendments; comments by 4-17-80

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AGRICULTURE DEPARTMENT

Forest Service—

6979 1-31-80 / Ochoco National Forest Grazing Advisory Board, Prineville, Ore. (open) 4-11-80

Science and Education Administration—

12274 2-25-80 / National Arboretum Council, Washington, D.C. (open), 4-15 and 4-16-80

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Last Listing April 1, 1980

H.J. Res. 414 / Pub. L. 96–218 Authorizing the President to proclaim May 1, 1980, "National Bicycling Day". (Mar. 28, 1980; 94 Stat. 127) Price $1.

H.J. Res. 514 / Pub. L. 96–219 Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Federal Trade Commission. (Mar. 28, 1980; 94 Stat. 128) Price $1.

S. 2269 / Pub. L. 96–220 To extend the Emergency Agricultural Credit Adjustment Act of 1978, and for other purposes. (Mar. 30, 1980; 94 Stat. 129) Price $1.

H.R. 4986 / Pub. L. 96–221 "Depository Institutions Deregulation and Monetary Control Act of 1980". (Mar. 31, 1980; 94 Stat. 132) Price $3.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

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22494-22806 **Education Programs** HEW/OE issues Education Division General Administrative Regulations (EDGAR) regarding direct grant and State-administered programs, publishes 15 documents describing grant programs, and proposes selection criteria for fiscal year 1981 grants and contracts (Parts II through XVIII of this issue)

22192 **Emergency Education** HEW/OE invites applications for grants to improve marketable skills for Indochina adult refugees; apply by 6–18–80

22190 **Community Education** HEW/OE extends closing date for submission of applications from 3–10–80 to 6–30–80

22191 **Cooperative Education** HEW/OE announces closing date for transmittal of applications for demonstration projects—fiscal year 1980; apply by 5–22–80

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Thursday, April 3, 1980

Presidential Documents

Title 3—

The President

Proclamation 4743 of April 1, 1980

Mother's Day, 1980

By the President of the United States of America

A Proclamation

Each year, we set aside a special day of celebration to thank this Nation's mothers for the role they play in our lives.

Mother's Day 1980 finds the always demanding role of being a mother made even more complex by the choices modern women have that were not available to women of previous generations.

Today's mothers are involved in every aspect of business, politics, education, sports, the arts, the sciences, and government, and yet they still remain at the core of this Nation's greatest natural resource—the American family.

Whether they seek careers or work full time in the home, mothers contribute immensely to our Nation's future by shaping the character of our children.

That is why our observance of Mother's Day is so important. It provides us not only with an opportunity to honor our own mothers, but also to thank all the women who make this Nation stronger through their tireless devotion to their children.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, May 11, 1980, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-10291
Filed 4-2-80; 9:51 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 66
Thursday, April 3, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 487]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 4–10, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. This agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 1, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is slower when compared to demand reported for the previous week.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.787 Navel Orange Regulation 487.

Order. (a) The quantities of navel orange grown in Arizona and California which may be handled during the period April 4, 1980, through April 10, 1980, are established as follows:

(1) District 1: 1,500,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10330 Filed 4-2-80; 12:15 pm]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Reg. 639]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 4–April 10, 1980. Such action in needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April, 4, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 1, 1980, at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is fair to good on all sizes.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.939 Valencia Orange Regulation 539.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 4, 1980 through April 10, 1980, are established as follows:

(1) District 1: Unlimited cartons;

(2) District 2: Unlimited cartons;

(3) District 3: 175,000 cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10329 Filed 4-2-80; 12:15 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-78-03F]

Mandatory Petroleum Allocation Regulations; Entitlements Program—Phase Out of Small Refiner Bias

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is deleting from its April 1979 final rule regarding changes to the small refiner bias in the entitlement program (which rule was effective on June 1, 1979) that portion which was designed to phase out the bias prior to the expiration of legislative authority for price and allocation controls on September 30, 1981.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW, Washington, DC 20461 (202) 653-4055

Mary B. Jones or Margaret Carroll (Regulations and Emergency Planning), Economic Regulatory Administration, Room 7202-G, 2000 M Street, NW, Washington, DC 20461 (202) 653-3202

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, Room 6128-I, 2000 M Street, NW, Washington, DC 20461 (202) 653-3376

Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW, Washington, DC 20585 (202) 252-6911

SUPPLEMENTARY INFORMATION:

I. Background
II. Amendment Adopted
III. Procedural Requirements

I. Background

On April 27, 1979, the ERA issued a final rule (44 FR 25621, May 2, 1979), effective June 1, 1979, adopting amendments to the small refiner bias provisions of the entitlements program. The principal purpose of the amendments was to reduce the amount of the bias for certain categories of small refiners. The new formula adopted included a provision (10 CFR 211.67(e)(4)) designed to phase out the small refiner bias prior to expiration of the price and allocation authority on which the entitlements program is based on September 30, 1981.

The new rule was immediately challenged in the courts in an action brought by seven small refiners. In a decision issued August 21, 1979, the United States District Court for the District of Columbia upheld the amendments to the small refiner bias in all respects, except with regard to § 211.67(e)(4) (the small refiner bias phase-out provision), which it held was adopted in a procedurally defective manner. (*Mt. Airy Refining Co. v. Schlesinger*, 3 DOE ¶ 26,159). The court therefore enjoined DOE from enforcing or applying § 211.67(e)(4) in calculating entitlements benefits occurring to those seven refiners that were plaintiffs in the lawsuit.

In *Mt. Airy*, the District Court was precluded, by section 211 of the Economic Stabilization Act of 1970 (ESA),[1] from enjoining DOE as to any refiners other than those which were plaintiffs in that action. No other refiners have brought suit to extend the application of the injunction to include the benefits received by them under the small refiner bias. Nonetheless, we believe that it would be inequitable not to apply § 211.67(e)(4) to some small refiners but to apply it to others. We also recognize that any other small refiner could file a similar action in the same court and would likely receive the same relief. Therefore, in light of the *Mt. Airy* decision, we believe that it is appropriate for DOE to rescind § 211.67(e)(4) in order to put all small refiners on an equal footing with those that were plaintiffs in the litigation.

Even though the phase-out provision was adopted to be effective for refiners' crude oil runs to stills beginning in June 1979, its actual operation has not yet been triggered due to market conditions. The phase out provision was designed, by way of a formula, to become operative when the "runs credit"—i.e., the national domestic crude oil supply ratio (DOSR) multiplied by the price of a crude oil entitlement—for a given month drops below that for June 1979.[2] The price of a crude oil entitlement has been increasing since June because price increases by the Organization of Petroleum Exporting Countries (OPEC) have exceeded those of domestic price-controlled crude oil. At the same time, the DOSR has decreased only slightly. Since the value of the runs credit is currently higher than it was in June 1979, the point at which the phase-out mechanism would be triggered has not yet been reached and, even without significant further increases in world crude oil prices, is not expected to be reached until at least near the end of 1980.

II. Amendment Adopted

As explained above, we have decided to delete § 211.67(e)(4). We are making this deletion effective June 1, 1979, so that the phase-out provision will be treated as void from the time of its inception. Since the phase-out provision has not yet become actually operative, no small refiner is adversely affected by applying the deletion retroactive to June 1, 1979. The effect of the deletion is that, unless an additional rulemaking is instituted and further changes are adopted in accordance with prescribed procedures, the per-barrel amounts of the small refiner bias benefits for different categories of small refiners will remain at present levels until the termination of the entitlements program.

[1] Pub. L. 91-379, as amended, Pub. L. 92-210, Pub. L. 93-28. Section 211 of the ESA was incorporated by Section 5(a) of the Emergency Petroleum Allocation Act of 1973 (EPAA), and thereby is made applicable to regulations promulgated by DOE under the EPAA.

[2] The phase out formula is set forth in § 211.67(e)(4), which reads as follows:

(4) For a given month, the number of additional entitlements to be issued pursuant to subparagraph (e)(1) above shall be multiplied by the lesser of 1.0 or a fraction, the numerator of which is the product of multiplying the national domestic crude oil supply ratio for that month by the entitlement price for the same month, and the denominator of which is the product of multiplying the national domestic crude oil supply ratio for June 1979 by the entitlement price for June 1979.

III. Procedural Requirements

A. *Section 404 of the DOE Act: Referral to the FERC.* Pursuant to the requirements of Section 404(a) of the Department of Energy Act, we have referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the FERC's jurisdiction. Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect any of its functions.

B. *Section 7 of the FEA Act: Referral to the EPA.* Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. section 787 *et seq.*, Pub. L. 93-275 as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment.

A copy of this rule was sent to the EPA Administrator. After completing its five day review, the EPA Administrator had no comments.

C. *National Environmental Policy Act.* It has been determined that this rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* This amendment to the entitlements program simply deletes a provision which has never become operative and which has been judicially declared to have been adopted in a procedurally defective manner. While the provision technically could still be applied to small refiners that were not plaintiffs in the *Mt. Airy* litigation, it would be impractical and inequitable to do so. Therefore, the amendment will have no effect on the environment, and an environmental assessment or an environmental impact statement is not required by NEPA or by the applicable DOE regulations for compliance with NEPA.

D. *Section 501 of the DOE Act: Notice and Comment.* Under section 501(c) of the DOE Act we are not bound by the prior notice and hearing requirements of subsections 501 (b)–(d) with respect to a rule upon our determination that no substantial issue of fact or law exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of the Administrative Procedure Act (APA), Title 5, United States Code.

This amendment to the entitlements program raises no substantial issue of law or fact, nor is it likely to have a substantial impact on the economy or large numbers of individuals or businesses, because it merely deletes a provision which has never been applied or enforced in the past and which will not be applied or enforced in the future in view of the judicial decision as to its unlawful adoption. Therefore, the amendment will be promulgated in accordance with section 553 of the APA.

E. *Section 553 of the APA: Notice and Comment.* Section 553(b) of the APA requires that general notice of a proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedure thereon is impracticable, unnecessary, or contrary to the public interest. We find that the notice and public comment procedures of section 553(b) are unnecessary in this case, because this amendment merely deletes a provision which has never been operative and which has been held by the judiciary to have been defective in the manner in which it was adopted.

Section 553(d) requires that the publication of a substantive rule be made at least 30 days before the effective date of the rule. Subsection (d)(1) of section 553, however, provides for an exception to this 30-day publication requirement where the rule grants or recognizes an exemption or relieves a restriction. This amendment relieves a restriction by deleting a provision which might otherwise reduce the entitlements benefits of certain refiners, and therefore fits the exception of section 553(d)(1).

F. *Executive Order 12044.* Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to publish all proposed "significant" regulations for public comment for a minimum of 60 days. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979).

DOE Order 2030 provides that DOE will consider a regulation significant unless it is not expected to affect important policy concerns and is not the object of much public interest. Because this amendment merely deletes a provision which has never been operative and which has been held void by the judiciary, it will not affect any policy concerns nor will it arouse much public interest. Therefore we find that this rule is not "significant", and does not invoke the 60-day advance public comment requirement of Executive Order 12044.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., March 28, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

§ 211.67 [Amended]

1. Subsection 211.67(e) is amended by deleting subsection (e)(4) and renumbering subsection (e)(5) to be (e)(4).

[FR Doc. 80-10114 Filed 4-2-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 80-WE-1]

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters several jet routes in the Los Angeles, Calif., area to overlie current profile descent routes into the Los Angeles International Airport. The realignment improves traffic flow, aids flight

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planning and reduces controller workload for arrival traffic.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1980, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Routes No. 64 and No. 107, in part, between Los Angeles, Calif., and Hector, Calif., and realign Jet Route No. 128 between Los Angeles and Peach Springs, Ariz., (45 FR 10807). The new alignment of these jet routes overlie current profile descent routes to Los Angeles International Airport. This action reduces controller workload by aligning jet routes with low altitude airway segments that interface with the profile descent procedures, thereby reducing coordination and radar vectors in the Los Angeles terminal area. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Subpart B of Part 75 was republished in the **Federal Register** on January 27, 1980, (45 FR 732).

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns Jet Routes No. 64 and No. 107 between Los Angeles, Calif., and Hector, Calif., and realigns Jet Route No. 128 between Los Angeles and Peach Springs, Ariz. This action improves flow control procedures for arrival and departure traffic in the Los Angeles terminal area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) is amended, effective 0901 G.m.t., May 15, 1980, as follows:

Under Jet Route No. 64: "From Los Angeles, Calif., via Paradise, Calif.; Hector, Calif.;" is deleted and "From Los Angeles, Calif., via INT Los Angeles 083°T and Hector, Calif., 226°T radials; Hector;" is substituted therefor.

Jet Route No. 107 is amended to read as follows: "From Los Angeles, Calif., via Los Angeles 083°T and Hector, Calif., 226°T radials; Hector; Boulder City; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak.; to Kenora, Ontario, Canada. The portion within Canada is excluded."

Under Jet Route No. 128: "From Los Angeles, Calif., via Paradise, Calif.; Peach Springs, Ariz.;" is deleted and "From Los Angeles, Calif., via INT Los Angeles 083°T and Peach Springs, Ariz., 244°T radials; Peach Springs;" is substituted therefore.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 31, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-10158 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 159

[Docket No. 19939; Amdt. 159-17]

Dulles Airport Access Highway

Note.—This document originally appeared in the **Federal Register** for Tuesday, April 1, 1980. It is reprinted in this issue to meet requirements for publication on the Monday-Thursday schedule assigned to the Department of Transportation.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Carpools of four or more persons will be permitted to use the Dulles Airport Access Highway during the peak commuter hours. The highway had been restricted to airport traffic only. The following ramps will be open to carpools:

Ramp	A.M.	P.M.
Reston Ave. Eastbound	6 to 9	3:30 to 7.
Reston Ave. Westbound	6 to 9	3:30 to 7.
Trap Road Eastbound	6 to 9	Closed.
Trap Road Westbound	Closed	4 to 7

The hours and 4 person limitation will be strictly enforced by the State of Virginia. FAA is relaxing its restrictions on the Dulles Airport Access Highway in order to promote energy efficient ride sharing.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Dexter Davis, Manager, Dulles International Airport, P.O. Box 17045, Washington, D.C. 20041, Telephone 471-7596, or Edward Faggen, Legal Counsel, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, D.C. 20001, Telephone 577-8123.

SUPPLEMENTARY INFORMATION: The FAA Director of Metropolitan Washington, Airports issued a Notice of Proposed Rulemaking on January 9, 1980 (Notice No. 80-1) which was published in the **Federal Register** on January 14, 1980 (45 FR 2661) in which FAA proposed to allow carpools to use the Dulles Airport Access Highway (Access Highway). With certain exceptions, use of the Access Highway is presently restricted to airport users. The proposal was to permit vehicles with four or more persons to have access to the highway in both directions during the peak commuter periods until January 1, 1985. Interested persons have been afforded an opportunity to participate in the making of this final rule. After consideration of comments received in response to the Notice, and after having completed an environmental assessment of the proposal, FAA has determined that the proposed rule should be finalized, as modified below, and made effective.

This amendment is part of the DOT/FAA continuing effort to improve transportation efficiency and to encourage ride sharing and other energy conservation measures. This amendment removes certain restrictions on the use of the Dulles Airport Access Highway and will enhance carpooling as an alternative to the existing modes of transportation for those who commute from or to the Dulles Airport Access Highway corridor.

Discussion of Comments

The FAA received approximately 50 comments predominantly from members of the general public who reside or work in the Access Highway corridor. Several comments were submitted by civic organizations on behalf of large numbers of individuals. Comments were also submitted by representatives of local government and by agencies of the Federal Government. Industry organizations such as the Air Transport Association and the American Motorcycle Association also expressed their views on the opening of the Access Highway to carpools.

Airport Access

The majority of the comments by far were in favor of opening the Access Highway to carpools. However, many of the comments expressed concern or sought clarification about one aspect of the proposal or another. The comments in opposition expressed concern about access for the users of Dulles Airport. The Air Transport Association supports an exclusive airport use policy and objects to deviation from that policy, including the proposed carpool use. The ATA believes that if carpools are allowed, enforcement of the 4 person restriction should be on a full-time basis not on spot check basis. ATA also takes the position that the Highway should revert to the use for which it was authorized and constructed no later than January 1, 1985. Restoration to exclusive airport related use in 1985 should not be conditioned on the adoption of the Metropolitan Washington Airports Policy which appeared in the **Federal Register** on January 21, 1980. The ATA also expressed concern over the informal exemptions to the "airport only" policy that have developed over the years such as for the Reston Commuter Bus and for patrons of Wolf Trap Farm Park. One other commenter expressed concern about congestion on the Access Highway and was skeptical about FAA's ability to return the road to exclusive airport use.

The FAA's philosophy regarding the Access Highway has not changed. The Dulles Access Highway was built with Federal funds to provide airport users with a free flowing artery to the airport. It was designed to support use of Dulles Airport. The FAA remains committed to preserving the original intent of the Access Highway. The Secretary of Transportation's report to Congress entitled Carpool Access to Dulles Airport Access Road, July 1979, in which the Department of Transportation recommended opening the Highway to four or more person carpools, clearly acknowledged that free flowing airport access is the overriding purpose of the highway and it recommended that carpools be allowed only until January 1, 1985.

Also, the National Capital Planning Commission specifically endorsed the carpool proposal on the condition that carpool use be terminated in 1985. By that date Dulles Airport traffic is projected to have increased to the point that the carpool and other non-airport users will contribute to congestion on the Access Highway. However, FAA's traffic projections indicate that significant interference to airport patrons will not result before 1985 from implementation of the proposal. FAA's resolve to preserve the Access Highway for its principal purpose was stated in the Notice and is restated here. As congestion increases on the Highway, whether or not it is a result of efforts to promote Dulles Airport, efforts to minimize or eliminate non-airport related traffic will be considered by FAA.

As for informal exemptions. FAA has allowed very few exemptions in the 18 years that the Highway has been open. In addition to carpools, this regulation will give formal recognition to vehicles operated for the purpose of going directly to or from performances of Wolf Trap Farm Park, to buses operated in common carriage for which use of the Access Highway is appropriate, and to buses operated by the Fairfax County School systems.

Enforcement

Several commenters urged that if the carpool proposal is adopted a strong commitment to enforcement is essential to its success. FAA agrees, but has clearly stated from the outset, that enforcement is primarily a local government responsibility inasmuch as local citizens and employees derive the benefit from carpool use. FAA has sought and received the cooperation of the State of Virginia in this regard. FAA and the State have executed a Memorandum of Understanding in which the State has assumed the responsibility for the enforcement of the carpool restrictions. The enforcement plan involves having an attendant on duty on each of the ramps during the carpool operating hours. The attendant will operate the gates to permit entrance to the highway only by vehicles with four or more occupants. State or local police will provide the necessary law enforcement. FAA is taking the necessary steps to confer jurisdiction upon the State to enable the State police to enforce the carpool restriction on the ramps which heretofore have been subject to exclusive Federal jurisdiction. The carpool restriction will be posted on an official sign at the ramps. Violators will be subject to penalty under Virginia Code Sections 46.1-173. A violation is a traffic infraction subject to a fine of not more than one hundred dollars under Virginia code Section 46.1-16.01.

In addition, FAA police will continue to have jurisdiction over these ramp areas. Since this regulation is enacted pursuant to the authority of the FAA granted in the Second Washington Airport Act, 64 Stat. 770, violations may be prosecuted as a Federal misdemeanor offense under Section 159.19 and subjected to a fine to be determined by the Federal Court. Operation of a vehicle in violation of an operating sign is also a violation of the regulation under section 159.35(c)(8). If violations become excessive, stricter enforcement measures will be taken. If ineffective enforcement of these restrictions occurs which would jeopardize the primary purpose of the Highway, the FAA will have to consider closing it to carpools.

Hours of Operation

A considerable number of commenters requested FAA to modify the proposed hours for carpool access. As proposed in Notice 80-1, the carpools would be allowed to operate between 6:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 7:00 p.m., Monday through Friday. Many employees at the United States Geological Survey in Reston, Virginia requested that the ramps at Reston Avenue be open at 3:30 p.m. instead of 4:00. FAA has inquired at the Geological Survey and has been advised that more than 2,000 employees complete their work day at 3:30 p.m. and that the vast majority of these employees commute by private automobile. Many carpools already exist and would use the Access Highway westbound in the morning but would be precluded from using them in the afternoon without enduring a half-hour delay that more than offsets the benefits from carpool use of the Access Highway.

FAA agrees that the ramps at Reston can be opened at 3:30 p.m. The State of Virginia has also concurred and will provide law enforcement and an attendant at this hour. Therefore the Reston Avenue ramps will be open in both directions from 6:00-9:00 a.m. and from 3:30-7:00 p.m.

The ramps at Trap Road are not expected to generate as much traffic as Reston Avenue. The Trap Road ramps will be opened in the peak direction only. That is, in the morning the westbound exit ramp from the Access Highway onto Trap Road will be closed. The eastbound entrance ramp onto the Highway will be opened to carpools from 6:00-9:00 a.m. In the afternoon, the eastbound ramp will be closed. Westbound carpool traffic will be able to exit from 4:00-7:00 p.m.

The hours are summarized as follows:

Ramp	A.M.	P.M.
Reston Ave. Eastbound	6 to 9	3:30 to 7.
Reston Ave. Westbound	6 to 9	3:30 to 7.
Trap Road Eastbound	6 to 9	Closed.
Trap Road Westbound	Closed	4:00 to 7.

Furthermore, FAA wants to keep a degree of flexibility in the hours of

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operation of the ramps. Therefore, the final regulation will not prescribe the hours which would necessitate regulatory action to make even a minor adjustment. Instead, these vehicles may operate in the hours prescribed by the signs posted on the Access Highway. Enforcement action is not dependent on the hours being prescribed by regulation. FAA will, in cooperation with the State of Virginia, see to it that the hours of operation are set forth on a highway sign at each of the ramps. Once posted, the hours will be enforced as any other Access Highway operating sign pursuant to Section 159.35(c)(6). However, the hours of operation may only be changed by order of the Director of the Metropolitan Washington Airports.

Wolf Trap Farm Park

The Department of Interior, National Park Service, which operates Wolf Trap expressed concern about the use of the Trap Road ramps. During the summer months when the park is open, matinee performances are conducted which generate considerable traffic during the early part of the rush hour. To expedite the traffic from the park, Trap Road is operated in a one way mode south from the park towards the Access Highway for the time necessary to clear the parking lots. Carpools arriving at the Westbound exit ramp of Trap Road at 4:00 p.m. on the matinee days may encounter delays up to 30 minutes in exiting the ramp.

FAA does not intend to interfere with the efficient operation of Wolf Trap. Neither does FAA believe that carpooling should be disallowed on the westbound Trap Road ramps or that the hours of operation should differ significantly from the other ramps. FAA has discussed the matter with the Park Service and has decided that the Westbound ramp should be available to carpools from 4:00 to 7:00 p.m. in the afternoon, as proposed. Carpoolers are advised that they may encounter significant delays on matinee performance days during the Wolf Trap performance season.

The Park Service's other principal concern is that the parking lots at Wolf Trap might be used by commuters for carpool formation. FAA does not condone or encourage in any way, the use of Wolf Trap parking lots by commuters. However, the park police, as opposed to FAA or State Police, are in the best position to enforce the Park Service parking policies. Should unanticipated conflicts with Park operations arise, further carpool management action may be undertaken in consultation with the National Park Service. Such action could include, if necessary, changing carpool operating hours at Trap Road or closing the Westbound ramp to carpools during the Park season.

"Backtracking"

Backtracking is the term applied to those commuters who enter on the road, proceed west to the Airport only for the purpose of making a U turn and proceeding back to the east. The maneuver evidently results in some time saving for commuters, its circuitous nature notwithstanding. The practice has become widespread; as many as 3500 cars make U turns at Dulles Airport in a typical peak period. The practice has led to considerable congestion on the Access Highway from Route 28 west to the Airport. Furthermore the practice is not legal as the road is intended to be an "airport only" highway and its use is restricted by regulation. The regulation is, today, clarified in this regard by the addition of the phrase "on airport related business" to 159.35(a). Unless one of the exceptions apply, private vehicles are permitted to use the Access Highway only for the purpose of going to, or leaving, Dulles Airport on Airport related business.

Several commenters were concerned that FAA is cracking down on this illegal use as part of implementing the carpool proposal. This not the case. FAA will engage in random enforcement of the traffic restrictions on the Access Highway. However, the advent of carpooling does not require or signal any change in the FAA's position on backtracking. Carpooling offers commuters a legal alternative to backtracking and the FAA is hoping that the number of backtrackers will be diminished. This is the only relationship between the carpool proposal and backtracking.

Number of Occupants

A significant percentage of the commenters urged FAA to lower the vehicle occupancy requirement to three or two persons because such carpools are easier to form and could ultimately take more cars off congested alternative routes than four person carpools.

FAA considers it necessary to require carpools to have four or more persons in order to insure the free flow of traffic for airport users. A lower number may indeed attract more cars. It would also create a greater likelihood of congestion and therefore constitute a conflict with the FAA's airport only policy. The four person requirement is consistent with existing and planned carpool strategies for the metropolitan area. Less than four person carpools are not allowed on the I–395 carpool lanes, nor will they be allowed on the I–66 segment inside I–495 (the "Beltway"), nor on the Dulles Access Highway extension to meet I–66 when it is completed. These roads would become overly congested if the four person restrictions were relaxed. When the Access Highway and I–66 are connected, the Access Highway will conform to the traffic restrictions imposed upon I–66 by the Secretary of Transportation. It would not be good transportation policy to provide relaxed carpool requirements for the interim period until the Dulles Access Highway extension and I–66 are completed; this would encourage a commuter practice which will need to be stopped when the new facilities are open.

Neither does FAA agree with those commenters who urged that carpools be given a pass so that on days when one, or more than one, member is absent, the vehicle and its remaining occupants may continue to use the highway. A pass system, though a convenience for some, is also subject to abuse when absenteism becomes more the rule than the exception. An increased enforcement effort would be required in order to minimize the violation rate and to be fair to legitimate four-person carpoolers. Neither FAA nor the State is prepared to undertake the administrative tasks associated with issuing passes for the use of the Access Highway and assuring that the passes are not abused.

Motorcycles

Several commenters urged FAA to open the Access Highway to motorcycles on the theory that motorcycles provide an energy efficient form of transportation. FAA, however, is not prepared to allow vehicles onto the Access Highway based upon their passenger miles per gallon of fuel consumed. If it did so, the same rationale would have to be extended to fuel efficient automobiles. The result would be a vehicle access plan that is difficult to administer and one that has a greater potential for adding congestion to the Dulles Airport Access Highway as well as to Reston Avenue and Trap Road. The Department of Transportation and FAA's efforts are directed at promoting carpooling and ride sharing, and relaxing the restrictions on the Access Highway will achieve these objectives. Allowing motorcycles would not promote these objectives.

Metrorail

One citizen association expressed its opposition to the carpool access until such time as the Metrorail system replaces "other ground transportation systems" in the corridor such as the proposed Dulles toll road. FAA does not believe that Metrorail is a realistic short-term alternative to promoting carpooling. Metrorail is planned to serve Vienna, Virginia, and will eventually provide a transportation alternative to the automobile and bus in the area. Also, the median strip of the Access Highway is being preserved by FAA for Metrorail in the eventuality that the Washington Metropolitan Area Transit Authority concludes that an extension of Metrorail to Dulles Airport is feasible and prudent. Moreover, while the Department of Transportation is interested in the issue of Metro service to Dulles, that issue is not properly a subject of FAA rulemaking or one exclusively within FAA's authority.

New Ramps

The Board of Supervisors of Loudoun County, Virginia, endorsed the proposal to allow carpools to use the Access Highway and, further, requested FAA to pursue the construction of access ramps at Route 28. At present access to or from Route 28 is permitted only to and from the airport. As a result Route 28 is heavily used by "backtrackers." Loudoun County carpools would have to travel to Reston Avenue to gain lawful access to the Highway. FAA recognizes this as a disincentive to Loudoun County commuters. Nevertheless, the FAA is not prepared to undertake the capital expenditures in excess of $750,000.00 associated with the new ramp construction. Carpoolers will be allowed to turn around at Dulles Airport, since the number of carpools making the U turn is not anticipated to be so great as to cause significant delay to airport users. This approach will be beneficial to carpools composed of citizens from Loudoun County and from the Herndon area of Fairfax County.

Implementation at Reston, Virginia

The Reston Community Association and the Reston Commuter Bus (RCB) organization generally endorsed the proposal and submitted a suggested plan to allow carpools to use the Reston Avenue ramps. These ramps are Federal property but were constructed at the expense of Gulf Reston. They have been used primarily to provide Highway access for Reston's commuter bus service. RCB is concerned that FAA not "arbitrarily assign priority to car and vanpools."

The ramps have served as a convenient transfer point for bus riders and a staging area for the RCB. The compatibility of this practice with automobile use of the ramps concerns the FAA and the State of Virginia from a safety standpoint. Every effort should be made to retain the bus transfer location on the ramps. If that is not tenable, then a location in the immediate vicinity of the ramp will be pursued. FAA and the State have developed a plan for operating the ramp that does not contemplate relocating the bus operation unless operational problems develop that cannot be otherwise resolved. It is currently planned to widen the ramp approximately six feet opposite the bus shelter to allow automobiles to pass the stopped buses. Additional construction and the use of barriers will be considered if found necessary after the ramps are opened. Also, traffic signal lights will be installed at the intersections of the ramps and Reston Avenue. This is expected to moderate the speed of vechicles through the area and safely permit left turns from the westbound exit ramp onto Reston Avenue. After the opening of the ramps, further measures will be taken as needed.

Local Governments and Planning Organizations

Loudoun County and Fairfax County, Virginia have endorsed the proposal. The Council of Governments Transportation Planning Board (COG) and the National Capital Planning Commission (NCPC) have also endorsed the proposal. No opposition has been expressed by any local government or planning agency. NCPC's endorsement was conditioned on development of an acceptable enforcement program, termination of carpool use by January 1, 1985, and development of measures to avoid commuter parking at the Wolf Trap parking lots. The COG staff concurred with NCPC and, in addition, urged completion of the Dulles Access Highway Extension to join I–66.

An adequate enforcement program has been developed by FAA that is in accordance with all of the conditions expressed by NCPC and COG. The FAA does not encourage or condone the use of Wolf Trap for parking and carpool formation. However, enforcement of the no parking restrictions will be the responsibility of the National Park Service.

Environmental Assessment

FAA has prepared and circulated for comment an environmental assessment. A number of comments have been received and on the basis of the study and the comments FAA has concluded that the proposal, if implemented, will not have a significant impact on the human environment.

The principal environmental concerns related to continued growth in western Fairfax County and Loudoun County and to the burden imposed on closer in jurisdictions by measures that encourage, rather than discourage, use of the automobile as means of commuting to the District of Columbia.

The FAA, on behalf of the United States, is a significant landowner and employer in western Fairfax and Loudoun Counties. It has an interest in land use and in planning for the areas surrounding Dulles Airport. Also, FAA has an obligation, when considering how to best use the land entrusted to it, to carefully weigh the impacts of its decisions on its neighbor's land. Therefore, in principle, FAA agrees with those comments that stress the complex interrelationship between certain transportation development projects and land development.

However, FAA does not believe that this carpool proposal is one of those projects. The carpool proposal is a transportation development much smaller in scale with significantly less impact than, for example, the plan for building a Dulles Toll Road. The carpool proposal will not provide increased access for commercial traffic and therefore the commercial growth planned for the Dulles corridor will continue to be restrained as it currently is. The Access Highway/Route 7 corridors are planned for substantial residential development and that development is occurring rapidly and without regard for the outcome of this proposal. Several of the projected carpools that will use the DAH are already formed and are either backtracking at the airport or using alternate routes. As the incentives for carpools increase when the Dulles Extension and I–66 are completed, new carpools will be formed from existing commuters now traveling alone or in two or three passenger carpools. While the increase in carpools will result in some reduction in congestion in traffic on alternate routes, the reductions are not expected to be great enough to attract any significant growth in the corridor. While home/work trips constitute a large share of the through traffic on Route 7, the transportation problems in northwest Fairfax County frequently surface at times other than carpool peak periods such as on weekends, and holidays. The existence of the carpool access for limited weekday periods is not likely to draw any significant volumes of people to western Fairfax County or Loudoun County that would otherwise not relocate there.

Furthermore, this proposal is not expected to significantly change the

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volume of traffic passing through Arlington County, Virginia and into the District of Columbia. Any change that there is will be towards the reduction in total vehicle trips. There will be no significant secondary impacts on these areas as a result of this proposal.

Access by Handicapped Persons

FAA was requested by an individual to allow handicapped persons who are not in carpools to commute via the Access Highway. An exemption is not warranted. The purpose of the rule is to promote the use of carpools. An exemption for the commuter who is handicapped does not promote the carpool policy, nor is it consistent with the basic FAA policy on commuter use of the Access Highway. Commuters in private vehicles have not been permitted to use the Access Highway and handicapped individuals have not been exempt. The relaxation of the rule to permit carpools does not change the status of the individual commuter.

Editorial Revisions

The reference to "trespass" in section 159.35(a) is deleted as obsolete. Violators of the Access Highway regulation may be charged with a misdemeanor under the Second Washington Airport Act, 64 Stat. 770, and under these regulations, 14 C.F.R. 159.191. The regulation will state that any person who enters upon the Highway for an unauthorized purpose shall be guilty of a criminal offense and subject to a penalty under these regulations.

Access "road" is changed to access "highway."

The phrase "on airport related business" is added to 159.35(a) to further underscore the original intent of the regulation that private vehicles may enter upon the highway only to travel to the airport on airport related business, unless one of the exceptions apply.

Termination

The regulation provides that carpool access will terminate on January 1, 1985. The Agreement between the FAA and the State of Virginia Department of Highways and Transportation providing for enforcement and other responsibilities, also expires on January 1, 1985. Termination of that Agreement may occur prior to that date: (a) if a highway paralleling the Access Highway is completed by the State of Virginia and is open to the public; (b) if FAA determines that enforcement of the carpool restrictions are not effectively achieving a high level of compliance; or (c) if FAA determines that the carpool traffic is interfering with Dulles Airport traffic; (d) if the State of Virginia determines that carpool access should be terminated due to a severe decrease in use, the State's inability to staff the ramps, or similar reason.

Termination of the Agreement with the State may cause FAA to amend its regulations to modify carpool access or prohibit carpool use of the access highway. The State has agreed that termination of the Agreement shall be effective only after public notice and an opportunity to comment. FAA regulations would not be amended without appropriate notice and opportunity for comment.

Effective Date

The rule will be effective upon publication in the **Federal Register** (April 1, 1980). Inasmuch as the rule operates to remove a restriction, the requirement for publication of the rule not less than 30 days before its effective date is inapplicable. 5 U.S.C. Section 553(d).

Adoption of Amendment

Accordingly, § 159.35 of Part 159 of the Federal Aviation Regulations is amended, effective April 1, 1980, to read as follows:

§ 159.35 Use of access highway to Dulles International Airport.

(a) Except in an emergency, and except as provided in paragraph (b) of this section, private vehicles may enter upon the Dulles Airport Access Highway only for the purpose of going to, or leaving, Dulles International Airport on airport related business, or, with the permission of the Airport Manager, to perform work on the Highway. Entry by any person upon the Dulles Airport Access Highway for a purpose not authorized by this section is a criminal offense. Violators are subject to a penalty under these regulations.

(b) *Exceptions.*-Any person may enter upon and travel over the Access Highway in the following vehicles:

(1) Vehicles operated for the purpose of going directly to or from performances at the Wolf Trap Farm Park for the Performing Arts.

(2) Buses operated in common carriage of persons by companies holding a certificate of public convenience and necessity for an operation for which use of the highway is appropriate, and buses operated by the Fairfax County School System.

(3) Until January 1, 1985, vehicles occupied by four or more persons. These vehicles may operate as prescribed by signs posted on the Access Highway.

(c) Except in an emergency, no operator of a private vehicle may—

(1) Enter or leave the Access Highway through an entrance or exit road or ramp other than one constructed by the FAA as part of the Access Highway system;

(2) Make a U-turn on the Access Highway;

(3) Enter or cross the median strip of the Access Highway;

(4) Use an exit road or ramp to enter the Access Highway;

(5) Use an entrance road or ramp to leave the Access Highway; or

(6) Operate the vehicle in violation of speed limit signs and other operating signs posted on the Access Highway.

(Secs. 3 and 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (29 U.S.C. 1655))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of the proposal is judged to be minimal and a detailed evaluation is not required.

Issued in Washington, D.C. on March 28, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-9941 Filed 3-31-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 7845]

Arthur Murray, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order modifies an order issued on July 26, 1960 by inserting a roman numeral one before the preamble of the original order; vacating the *it is further ordered* paragraph therein; and adding new Parts II, III, IV, and V. The modified order strengthens the 1960 order by giving consumers the right to unilaterally cancel contracts with the company and receive prescribed refunds within 30 days of cancellation. The company is additionally required to direct franchisees and sub-franchisees to comply with the terms of the order, institute a program of continuing surveillance designed to reveal non-conformers, and terminate dealings with such parties.

DATES: Order issued July 26, 1960. Modifying order issued March 10, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523–3727.

SUPPLEMENTARY INFORMATION: In the Matter of Arthur Murray, Inc., a corporation, et al. Codification under 16 CFR Part 13, appearing at 25 FR 9673, has been changed to include: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective Actions and/or Requirements; 13.533–20 Disclosures: 13.533–55 Refunds, rebates and/or credits; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

The Order Modifying Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:

Order Modifying Order To Cease and Desist

The Commission on September 18, 1979, issued its order to show cause why this proceeding should not be reopened and its order of July 27, 1960 (hereafter sometimes referred to as "the Commission Order of 1960"), modified.

Respondents having consented to the reopening of this proceeding and the modification of the Commission Order of 1960, as set forth in the show cause order and the Commission having considered the comments filed by interested persons,

Now, therefore, it is hereby ordered, That the Commission Order of 1960 be, and it hereby is, modified by inserting a roman numeral one, I, before the preamble of the Commission Order of 1960, by vacating the: IT IS FURTHER ORDERED paragraph therein, and by adding new Parts II, III, IV, and V so that the Modified Order will read as follows:

Order

I

It is ordered, That respondent Arthur Murray, Inc., a corporation, and its officers, and respondents Arthur Murray, Kathryn Murray and David A. Teichman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, or through any licensee, in connection with the solicitation, advertising or sale of dancing instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by means of radio or television broadcasts, newspaper advertisements, contracts, telephone quizzes, crossword, dizzy dance or zodiac puzzels, "Lucky Buck" contests, or any certificates relating thereto, or any other means, that a course of dancing instruction or a specified number of dancing lessons, or any other service or thing of value, will be furnished free of charge, at a reduced price, or for any price, unless the period or periods of *bona fide* dancing instruction or other service or thing of value is in fact furnished as represented.

2. Refusing to honor the terms and provisions of any certificate, award or offer.

3. Using (a) by telephone any quiz, puzzle, contest or other device which purports to involve, or is represented as involving, skill, competition or special selection; (b) by other means any promotion which purports to be a *bona fide* quiz, puzzle, contest or other device involving skill, competition or special selection is not involved; or (c) any *bona fide* quiz, puzzle, contest or similar device when a purpose of such promotion is to obtain leads to prospective customers and such purpose is not fully and conspicuously disclosed in the announcement or description of such promotion.

4. Using in any single day "relay salemanship", that is consecutive sales talks or efforts of more than one representative, with or without the employment of hidden listening devices, to induce the purchase of dancing instruction.

5. Using "analyses", "tests", "studio competitions", "dance derbies", or any other artifices purportedly designed to evaluate dancing ability, progress or proficiency when said artifices are not so designed or so used but are in fact to induce the purchase of dancing instruction.

6. Requesting pupils or prospective pupils to sign uncompleted contracts or agreements; evading or refusing to answer inquiries concerning amount due or payable on proposed or completed contracts or agreements; or misrepresenting to pupils or prospective pupils what is or will be due or payable.

7. Falsely representing to or assuring pupils or prospective pupils that a given course of dancing instruction will enable him or her to achieve a given standard of dancing proficiency.

8. Contracting with a pupil or prospective pupil for a specific course of dancing instruction and thereafter, prior to the completion of the given course, subjecting such pupil or prospective pupil to sales effort toward the purchase of additional lessons, unless (a) any contract for additional lessons is subject to cancellation by such pupil or prospective pupil, with or without cause, at any time up to and including one week after the completion of the units of dancing instruction previously contracted for, without cost or obligation, except that a charge may be made for not in excess of two additional lessons furnished during such week and (b) all of such units previously contracted for shall be used or completed prior to the commencement of the additional lessons.

9. Using any technique or practice similar to those set out in paragraphs 4 through 8 hereof to mislead, coerce, or induce by other unfair or deceptive means the purchase of dance instruction.

II

For purposes of this part the following definitions shall be applicable:

Total contract price shall mean the total cash price paid or to be paid by the pupil or prospective pupil for the dance instruction or dance instruction services which are the subject of the contract or written agreement.

Notice of cancellation shall be deemed to have been provided by a pupil or prospective pupil by mailing or delivering written notification to cancel the contract or written agreement or by failing to attend instructional facilities for a period of five consecutive appointment days on which classes or the provision of services which are the subject of the contract or written agreement were prearranged with the pupil or prospective pupil.

Reasonable and fair service fee shall mean no more than 10% of the total contract price for contracts of $1,000 and under. For contracts over $1,000, "reasonable and fair service fee" shall mean no more than $100 plus an amount equal to 5% of the total contract price over $1,000 (not to exceed $250 in total).

It is further ordered, That respondent Arthur Murray, Inc., a corporation, and its officers, and respondent agents, representatives and employees, directly or through any corporate or other device, or through any licensee, in connection with the solicitation, advertising or sale of dance instruction or dance instruction services which are the subject of a contract or written agreement, do forthwith cease and desist from:

1. Entering into any contract or written agreement for dance instruction or dance instruction services which are the subject of the contract or written agreement unless it clearly and

[1] Copies of the Ordering Modifying Order to Cease and Desist filed with the original document.

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conspicuously discloses in the exact language below that:

This agreement is subject to cancellation at any time during the term of the agreement upon notification by the student. If this agreement is cancelled within three business days, the studio will refund all payments made under the agreement. After three business days, the studio will only charge you for the dance instruction and dance instruction services actually furnished under the agreement plus a reasonable and fair service fee.

2. Failing to refund to a pupil or prospective pupil who cancels any contract or written agreement within three business days from the date on which the contract or written agreement was executed, all payments made by the pupil or prospective pupil. Such refunds shall be provided, and any evidence of indebtedness cancelled and returned, within 30 days after receiving notice of cancellation.

3. Receiving, demanding, or retaining more than a pro rata portion of the total contract price plus a reasonable and fair service fee where a pupil or prospective pupil cancels any contract or written agreement after three business days from the date on which the contract or written agreement was executed and within the term of the said contract or written agreement. Seller must, within thirty (30) days of notice of cancellation, provide any refund payment due to the pupil or prospective pupil or must cancel that portion or the pupil's or prospective pupil's indebtedness that exceeds the amount due. The pro rata portion shall be calculated in the following manner:

(a) For the time period preceding notice of cancellation, there must be calculated the number of hours or lessons of dance instruction or dance instruction services received or attended by the pupil pursuant to the contract or written agreement.

(b) This number must be divided by the total number of hours or lessons of dance instruction or dance instruction services which are the subject of the contract or written agreement.

(c) The resulting number shall be multiplied by the total contract price.

(d) For contracts combining a course of dance instruction with dance instruction services, separate prices for the dance instruction and the dance instruction service portions must be designated and the pro rata portion of the total contract price shall be the sum of the separate pro rata obligations for the dance instruction portion and the dance instruction service portion.

4. Misrepresenting in any manner to any pupil or prospective pupil any of the provisions of this Order.

III

It is further ordered, That nothing contained in the Modified Order to cease and desist shall be construed to relieve respondent from complying with any provisions of any federal, state, or local law, rule, regulation, or order which affords greater protection to pupils or prospective pupils than the comparable provision of the Commission's order or to waive any legal rights the pupil or prospective pupil may have under the various jurisdictions.

IV

It is further ordered, That:

1. Respondent corporation deliver a copy of this Order to each of its present and future franchisees or sub-franchisees, with directions that such persons promulgate and enforce same.

2. Respondent obtain from each person described in subparagraph 1 above a signed statement setting forth his/her intention to conform his/her business practices to the requirements of this Order; if Respondent is unable to obtain such signed statements, Respondent shall notify the Federal Trade Commission of the name of the franchisee or subfranchisee which will not sign such a statement and report the reason therefore to the Federal Trade Commission.

3. Respondent institute a program of continuing surveillance adequate to reveal whether the business operation of each person described in subparagraph 1 above conform to the requirements of this Order; and

4. Respondent discontinue dealing with or terminate the use or engagement of any person described in subparagraph 1 above who continues, after notice, to engage in a continuous course of conduct involving acts or practices prohibited by this Order as revealed by the aforesaid program of surveillance. Respondent is permitted to effect such termination in accordance with applicable state laws in those states which have statutes governing franchise termination.

V

It is further ordered, That:

1. Respondent corporation forthwith distribute a copy of this Order to each of its operating divisions.

2. Respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

3. Respondent corporation, within one hundred fifty (150) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-10136 Filed 4-2-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. 9073]

Ford Motor Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens and modifies a consent order issued on March 29, 1979 so that Paragraph II (C)(7) of the order provides for a waiver of customers' surplus rights in the event that a dealership retains a repossessed vehicle for its own use, rather than for resale. This brings the order into conformity with one aspect of an order issued against Francis Ford, Inc. on September 21, 1979, under the same docket number.

DATES: Decision issued March 29, 1979. Modifying Order issued February 26, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Bruce D. Carter, Seattle Regional Office, 10R, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

SUPPLEMENTARY INFORMATION: In the Matter of Ford Motor Company, Ford Motor Credit Company, and Francis Ford, Inc., corporations. Codification, under 16 CFR Part 13, appearing at 44 FR 25830, remains unchanged.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

The Order Reopening and Modifying Consent Order is as follows:

By petition of November 26, 1979, respondents Ford Motor Company and Ford Motor Credit Company (hereafter "Ford respondents") have asked the Commission to modify Paragraph II C. (7) of the Consent Order entered by the Commission against these respondents on March 29, 1979, in order to conform with a less restrictive provision of the litigated order in this docket entered against respondent Francis Ford, Inc. on

[1] Copies of the Order Reopening And Modifying Consent Order filed with the original document.

September 21, 1979. An "Order to Show Cause" as to why the requested change should not be made, dated January 15, 1980, has elicited no objection.

Paragraph VII B. of the Consent Order provides that if a final order is issued in Dockets No. 9073, 9074, or 9075 that imposes less restrictive standards in certain enumerated respects than does the Consent Order, the Commission shall reopen the Consent Order within 120 days of a petition to do so and modify the Consent Order to conform with the less restrictive provisions contained in the other order.

Although the less restrictive order upon which Ford respondents rely for their request has not yet become final, due to the pendency of an appeal, no purpose would be served by delaying modification of the Consent Order until such time as the appeal is resolved, inasmuch as the appeal by Francis Ford is hardly likely to result in imposition of a *more* restrictive standard than the Commission has imposed. Modification now will expedite achievement of uniform treatment of automobile dealers which is a primary purpose of Paragraph VII B. Therefore,

It is ordered, That the Consent Order in this docket be reopened for the limited purpose of effecting the following changes.

It is further ordered, That Paragraph II of the Consent Order be modified to eliminate the following language:

"C. The accounting system shall provide that: 7. Dealers are not to obtain waivers of surplus or redemption rights from repurchase financing customers."

It is further ordered, That Paragraph II of the Consent Order be modified to add the following language:

"C. The accounting system shall provide that: 7. Dealers are not to take any action to obtain or to attempt to obtain or bring about a waiver of a customer's rights to redeem, except in the precise manner and circumstances contemplated by the applicable state law version of Section 9-505 of the Uniform Commercial Code. Under Section 9-505 a waiver of a customer's right to a surplus may not be sought unless the dealer intends to retain the collateral for its own use for the immediate future rather than to resell the collateral in the ordinary course of business. If a waiver is sought, the dealer shall not represent that by proposing the waiver, it proposes to forego its right to a deficiency judgment, unless it intends to seek such a judgment should the waiver not be given. No customer's waiver of rights or failure to object to any secured party's proposal to retain the repossessed vehicle, unless procured in exact conformity with this subparagraph, shall limit the provisions of the accounting system relating to accounting for and paying any surplus."

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-10135 Filed 4-2-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3013]

Hair Extension of Beverly Hills, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires two California firms and two individuals engaged in the sale of hair replacement services to cease soliciting, selling or performing hair implants; and/or misrepresenting, in advertising or otherwise, the safety or effectiveness of the hair implant process in the treatment of baldness. Should the parties engage in any future hair replacement business, they are required to expend at least $8,000 on corrective advertising warning consumers that "Hair Implants Are Unsafe." The order also requires that the Commission notify past hair implant customers that the process is unsafe and that they should seek prompt medical attention.

DATES: Complaint and order issued March 13, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Carleton Eastlake, Acting Direcor, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Calif. 90024. (213) 824-7575.

SUPPLEMENTARY INFORMATION: On Tuesday, October 23, 1979, there was published in the **Federal Register** 44 FR 61050, a proposed consent agreement with analysis In the Matter of Hair Extension of Beverly Hills, Inc., a corporation, also trading and doing business as Hair TransCenter, Hair Extension, Inc., a corporation, also trading and doing business as Hair TransCenter, Lee Marlow, individually and as an officer of said corporations, and Ann Marlow, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Advertising Falsely or Misleadingly: § 13.90 History of product or offering; § 13.170 Qualities or properties of product or service; 13.170-24 Cosmetic or beautifying; 13.170-30 Durability or permanence; 13.170-78 Renewing, restoring; § 13.190 Results; § 13.195 Safety; 13.195-60 Product; § 13.205 Scientific or other relevant facts. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-40 Furnishing information to media. Subpart-Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart-Misrepresenting Oneself and Goods—Goods:§ 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevent facts. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1854 History of products; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevent facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

Carol M. Thomas,

Secretary.

[FR Doc. 80-10137 Filed 4-2-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and Decision and Order filed with the original document.

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16 CFR Part 13

[Docket No. C-3012]

Shell Oil Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting

unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Houston, Texas oil company to cease failing to terminate the liability of a credit card holder for any unauthorized use of the card, after being properly notified by the card holder that third-party use was no longer authorized.

DATES: Complaint and order issued March 12, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas, 75201. (214) 767–0032.

SUPPLEMENTARY INFORMATION: On Monday, Nov. 5, 1979, there was published in the **Federal Register**, 44 FR 63550, a proposed consent agreement with analysis In the Matter of Shell Oil Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart-Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart-Failing To Comply With Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements; 13.1048–45 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601, *et seq.*))

Carol M. Thomas,

Secretary.

[FR Doc. 80–10138 Filed 4–2–80; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and Decision and Order are filed with the original document.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1015

Procedures for Disclosure or Production of Information Under the Freedom of Information Act; Revisions for Briefing Packages and Draft Documents

AGENCY: Consumer Product Safety Commission.

ACTION: Final revisions to Freedom of Information Act regulation.

SUMMARY: In this document the Consumer Product Safety Commission revises its Freedom of Information Act regulation to clarify the availability of draft Commission staff documents and Commission staff briefing packages. The present regulation treats these documents differently from other Commission documents and fails to make clear that these documents will not be made available if disclosure is barred by statute or if the documents are exempt from mandatory disclosure and disclosure is contrary to the public interest. Under the revision, draft staff documents that are agency records and staff briefing packages will be available upon request in the same manner as other Commission records. Additionally, the revision provides that briefing packages that would be released upon request under the FOIA and the Commission's FOIA regulation will be made available in the Commission's public reference facility after they are forwarded to the Commissioners.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634–7770.

SUPPLEMENTARY INFORMATION: On February 22, 1977, the Commission published in the **Federal Register** its final Freedom of Information Act (FOIA) Regulation (42 FR 10490), codified at 16 CFR Part 1015. The regulation, among other things, specifically addresses the public availability of draft staff documents and staff briefing packages. 16 CFR 1015.15 (b) and (c). In a December 31, 1979 notice, 44 FR 77196, the Commission proposed to revise these sections of its FOIA regulation to clarify that such documents will be available upon request in the same manner as other Commission documents. Additionally, the Commission proposed the revision to clarify the availability of briefing packages in the Commission's public reference facility after transmittal to the Commissioners. No comments on the proposed revision were received by the Commission.

The revision to § 1015.15 (b) and (c) clarifies that the Commission will consider draft documents no differently from other documents requested under the FOIA. Under the amended regulation, the decision whether to release a particular document will be made on a case-by-case basis applying the FOIA and the Commission's FOIA regulation.

Additionally, the revision to § 1015.15(c) clarifies that briefing packages are, for purposes of the FOIA, subject to the same standards as other Commission records. The Commission expects however, that few requests for such documents will be made under the FOIA. This is because under the revision to § 1015.15(c), briefing packages, or the portions thereof, determined by the Secretary, with the advice of the Office of the General Counsel, to be available to the public, will be placed in the Commission's public reading room promptly after transmittal to the Commissioners.

Accordingly, § 1015.15 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1015.15 Purpose and scope.

* * * * *

(b) No identifiable record requested in accordance with the procedures contained in this part shall be withheld from disclosure unless it falls within one of the classes of records exempt under 5 U.S.C 552(b). The Commission will make available, to the extent permitted by law, records authorized to be withheld under 5 U.S.C. 552(b) unless the Commission determines that disclosure is contrary to the public interest. In this regard the Commission will not ordinarily release documents that provide legal advice to the Commission concerning pending or prospective litigation where the release of such documents would significantly interfere with the Commission's regulatory or enforcement proceedings.

(c) Draft documents that are agency records are subject to release upon request in accordance with this regulation. However, in order to avoid any misunderstanding of the preliminary nature of a draft document, each draft document released will be marked to indicate its tentative nature. Similarly, staff briefing packages, which have been completed but not yet transmitted to the Commission by the Office of the Secretary are subject to release upon request in accordance with this regulation. Each briefing package or portion thereof released will be marked to indicate that it has not been transmitted to or acted upon by the Commission. In addition, briefing packages, or portions thereof, which the Secretary upon the advice of the Office of the General Counsel has determined would be released upon request in accordance with this regulation, will be publicly available in the public reference facility established under § 1015.2 promptly after the briefing package has been transmitted to the Commissioners by the Office of the Secretary. Such packages will be marked to indicate that they have not been acted upon by the Commission.

* * * * *

§ 1015.17 [Amended]

Section 1015.17 is amended by deleting the phrase "or draft document" in § 1015.17, line 4; § 1015.17(a), line 4; and § 1015.17(b), lines 3–4.

(Consumer Product Safety Act, (15 U.S.C. 2051); the Federal Hazardous Substances Act, (15 U.S.C. 2161); the Poison Prevention Packaging Act of 1970, (15 U.S.C. 1471); the Refrigerator Safety Act, (15 U.S.C. 1211); the Flammable Fabrics Act, (15 U.S.C. 1191); and the Freedom of Information Act, (5 U.S.C. 552))

Dated: March 25, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80–10160 Filed 4–2–80; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Benefits; Wage Credits for Veterans and Members of the Uniformed Services

Correction

In FR Doc. 80–7912, appearing at page 16463 in the issue for Friday, March 14, 1980, make the following correction:

On page 16467, in the first column, in § 404.1325, in paragraph (f), in the fifth line, the word "kidnaping" should be spelled "kidnapping" and should be followed by a comma (,).

BILLING CODE 1505–01–M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 0

[Order No. 884–80]

Delegations Respecting Claims Against the Federal Bureau of Investigation

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order creates a new § 0.89a under Subpart P of Part 0, 28 CFR, in which authority of the Director of the Federal Bureau of Investigation delegated from the Attorney General respecting claims against the Bureau is consolidated. The order authorizes the Director to exercise the authority of the Attorney General under 31 U.S.C. 224b to certify certain claims against the Bureau for non-negligent property damage for payment to the Congress. The order also transfers, with minor editorial changes, the provision at 28 CFR 0.85(k) to paragraph (a) of the new section. This latter provision delegates limited settlement authority under the Federal Tort Claims Act to the Director. Finally, the order authorizes limited redelegation of both authorities.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: John A. Mintz, Assistant Director—Legal Counsel, Federal Bureau of Investigation, Washington, DC 20535 (202–324–5018).

SUPPLEMENTARY INFORMATION: The Department has not invited public comment on this rule because its subject is limited to a matter of internal Departmental procedure. the Department has, further, determined that this rule is not significant for purposes of Executive Order 12044.

By virtue of the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, Subpart P of Part 0 of Chapter 1 of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.89a to read as follows:

§ 0.89a Delegations respecting claims against the FBI.

(a) The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, and settle any claim thereunder not exceeding $5,000 in any one case caused by the negligent or wrongful act or omission of any employee of the Federal Bureau of Investigation.

(b) The Director of the Federal Bureau of Investigation is further authorized to exercise the power and authority vested in the Attorney General under the Act of March 20, 1936, Ch. 159, Pub. L. 74–461, 49 Stat. 1184 (31 U.S.C. 224b) with regard to claims thereunder not exceeding $500 in any one case.

(c) The Director of the Federal Bureau of Investigation is authorized to redelegate to the Assistant Director, Legal Counsel Division, or his designee within that division, any of the authority, functions, or duties vested in him by paragraphs (a) and (b) of this section. This authority shall not be further redelegated.

§ 0.85 [Amended]

Subpart P of Part 0 of Chapter 1 of Title 28, Code of Federal Regulations, is further amended to delete paragraph (k) of § 0.85.

Dated: March 25, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80–10134 Filed 4–3–80; 8:45 am]

BILLING Code 4410–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Everglades National Park Fishing and Boating Regulations; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction of final rule.

SUMMARY: On February 15, 1980, the National Part Service published in the **Federal Register** (45 FR 10350), final regulations governing fishing and boating activities in Everglades National Park. Section (f)(17) entitled *Bag Limits* contains an error in designating a subsection and a phrase relating to mullet and pompano harvest was inadvertently omitted.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Richard H. Dawson, Resource Management Specialist, Everglades National Park, Telephone: (305) 247–6211.

SUPPLEMENTARY INFORMATION: Final regulations governing fishing and boating activities at Everglades National Park were published in the **Federal Register** on February 15, 1980 (45 FR 10350). Paragraph (f)(17) of § 7.45 of Title 36 CFR entitled *Bag Limits* (45 FR 10354) contains an error designating a subsection. The subsection excluding bait fish from the bag limit should be corrected from the (f)(7) designation, as published, to (f)(6). In addition to the error, a phrase was inadvertently

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omitted relating to mullet and pompano harvest within the part. The phrase, which is used to clarify that mullet and pompano harvest is permitted by persons, firms, or corporations holding a valid commercial park fishing permit for netting, should be added to the (f)(17) subsection. Since this phrasing was used in the previously published proposed rules on September 14, 1979 (44 FR 53541) and was discussed in the preamble of the **Federal Register** published on February 15, 1980, public notice and comment is not considered necessary.

Therefore, in consideration of the foregoing, on page 10354 of FR Doc. 80–5186 dated February 15, 1980, paragraph (f)(17) of § 7.45 should read as follows:

§ 7.45 Everglades National Park.

* * * * *

(f) * * *

(17) *Bag Limits.* No person shall take, have in his possession, buy, offer for sale, sell, or unnecessarily destroy, at any time more than: Ten (10) fish of one species, excluding bait fish, as stated in paragraph (f)(6) of this section, and not totally more than twenty (20) fish of all species, excluding bait fish, with the exception of persons, firms, or corporations holding a valid commercial park fishing permit for mullet and pompano netting only.

* * * * *

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3); 245 DM 1 (27 FR 6395) as amended; and National Park Service Order 77 (38 FR 7478, as amended).

Daniel J. Tobin, Jr.,

Associate Director, Management and Operations.

[FR Doc. 80-10139 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.8 (presently appearing at its former Title 24, Chapter 10, § 1917.8 of the Code of Federal Regulations). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 67 (formerly 24 CFR Part 1910).

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Hawaii	Honolulu, City and County (Docket No. FI–4167).	Hoolapa Stream	1,430' downstream from Kamehameha Highway	*6
			200' downstream from Kamehameha Highway	*17
			170' upstream from Kamehameha Highway	*27
			360' upstream from Kamehameha Highway	*35
		Kalaeokahipa Stream	2,100' downstream Kamehameha Highway	*8
			100' downstream Kamehameha Highway	*18
			At Kamehameha Highway	*20
			375' upstream Kamehameha Highway	*25
			775' upstream Kamehameha Highway	*31
		Ohia Stream	995' downstream Kamehameha Highway	*7
			Kamehameha Highway (Downstream side)	*10
			330' upstream Kamehameha Highway	*16
			840' upstream Kamehameha Highway	*23
		Ohia Stream (East)	1,880' downstream Kamehameha Highway	*8
			120' downstream Kamehameha Highway	*11
		Kaipapau Stream	90' downstream of Kamehameha Highway	*10
			50' upstream of Kamehameha Highway	*14
			2,250' upstream of Kamehameha Highway	*67
		Waipilopilo Stream	150' upstream from Kamehameha Highway	*9
			1,140' upstream from Kamehameha Highway	*29
		Hanahimoa Stream	195' upstream Kamehameha Highway	*8
			1,260' upstream Kamehameha Highway	*31
		Kaluanui Stream	750' upstream of mouth	*8
			250' downstream from Plantation Road	*23
		Punaluu Stream	600' upstream of mouth	*8
			2,900' upstream from Kamehameha Highway	*23
		Kahana Stream	3,180' upstream of mouth	*9
			7,740' upstream of mouth	*20
		Kaaawa Stream	350' upstream of Kamehameha Highway	*9
			2,750' upstream from Kamehameha Highway	*34
		Waikane Stream	Confluence with Kaneohe Bay	*8
			Kamehameha Highway (Upstream)	*15
			3,085' upstream Kamehameha Highway	*50

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Waiahole Stream	Confluence with Kaneohe Bay	*7
			At Kamehameha Highway	*14
			2,670' upstream Kamehameha Highway	*35
		Heeia Stream	At Kamehameha Highway	*4
			5,300' above confluence with Kaneohe Bay	*20
			At Alaloo Street	*53
			1,750' upstream Alaloo Street	*86
		Keaahala Stream	At the mouth	*2
			120' downstream Wailele Road	*10
			1,000' upstream of Wailele Road	*49
			At Kamehameha Highway	*76
			At Private Road (Upstream side)	*85
			At Pahia Road	*96
			Downstream side of Anoi Road	*114
		Kawa Stream	Confluence with Kaneohe Bay	*3
			150' downstream of Kaneohe Bay Drive	*23
			Upstream side of Kaneohe Bay Drive	*28
			Confluence of Tributary to Kawa Stream	*60
			1,220' upstream side of Namoku Street	*106
		Tributary to Kawa Stream	Confluence with Kawa Stream	*61
			740' upstream from confluence	*72
			15' downstream from Mokulele Drive	*86
		Waimanalo Stream	At Tinker Road	*12
			Kalanianaole Highway Upstream	*24
			Private Road Downstream	*54
			Private Road Upstream	*61
			1,070' upstream of Private Road	*73
		Waimanalo Stream	Confluence with Waimanalo Stream	*16
			Confluence with Stream B	*35
		Stream A	25' downstream of Mahaikua Street	*66
			Kakaina Street (Downstream)	*114
			Kakaina Street (Upstream)	*120
		Waimanalo Stream	Confluence with Stream A	*35
			Kakaina Street (Upstream)	*44
		Stream B	845' upstream Kakaina Street	*56
			40' downstream of Waikupanaha Street	*119
		Waimanalo Stream	2,010' downstream Hihimanu Street	*18
			At Hihimanu Street Upstream	*33
		Stream C	Mokulama Street Upstream side	*55
			40' downstream of Waikupanaha Street	*122
		Waimanalo Stream	120' upstream from confluence with Stream C	*17
			At Hihimanu Street (Upstream)	*31
		Stream D	Downstream Lahiki Street	*45
			Makakaio Street	*71
			Upstream Lahiki Street	*97
			20' downstream of Waikupanaha Street	*125
		Waimanalo Stream	420' upstream of mouth	*5
			Huges Road	*14
		Inoaole Stream	At Hihimanu Street	*21
			2,280' upstream from Hihimanu Street	*60
		Wailupe Stream	At Kalanianaole Highway (Downstream)	*5
			Hind Drive (Upstream)	*34
			Ani Street	*116
			190' upstream of Ani Street	*128
		Kului Stream	Confluence with Wailupe Stream	*123
			75' upstream of Hinduka Drive	*139
			1,138' upstream Hinduka Drive	*251
		Wailaeiki Stream	At the mouth	*8
			At Wailolo Street	*13
			Kalanianaole Highway (Downstream)	*16
		Kapakahi Stream	At Kahala Avenue (Upstream)	*6
			Confluence with Wailae-Nui Stream	*24
			125' downstream of Kalanianaole Highway	*38
			Aikoa Street	*38
			At Malia Street	*67
			At Helekoa Drive (Upstream)	*67
			1,565' upstream from Halekoa Drive	*205
		Wailae-Nui Stream	Confluence with Kapakahi Stream	*24
			Malia Street (Upstream)	*60
			550' upstream of Malia Street	*90
		Waialoe Major Drain	Kilaue Avenue Upstream	*16
			At Hunakai Street (Upstream)	*45
			50' downstream of Interstate H–1 Freeway	*46
		Kalihi	2,765' downstream from King Street	*15
			At King Street Downstream	*43
		Moanalua Stream Lower	Kamehameha Highway (Upstream)	*7
			Kikowena Street (Upstream)	*11
		Moanalua Stream Upper	At Moanalua Lakeside Access Road	*87
			Ala Aoloa Loop (Upstream)	*167
			4,060' upstream from Ala Aoloa Loop	*252
		Kahauiki Stream	Confluence with Moanalua Stream (Lower)	*7
			2,600' above confluence with Moanalua Stream (Lower)	*11
		East Makaha Stream	2,330' downstream of Kaulawaha Road	*13
			Kaulawaha Road (Upstream)	*44
			1,450' upstream of Kaulawaha Road	*86
		West Makaha Stream	Farmington Highway (Upstream)	*10
			Kili Drive (Upstream)	*16
			4,300' upstream of Kili Drive	*142
		Kilkii Stream	630' downstream of Waialua Road	*10

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Waialua Road (Upstream)	*13
			Confluence with Kaukonahua Stream	*16
		Kaukonahua Stream	Confluence with Kiiki Stream	*16
			Farrington Highway (Upstream)	*20
			Cane Haul Road (Upstream)	*30
			2,700' upstream of Canetaul Road	*44
		Poamoho Stream	Confluence with Kaukonahua Stream	*16
			Kaukonahua Road (Downstream)	*22
			1,100' upstream of Kaukonahua Road	*30
		Paukauila Stream	3,250' downstream of Kamehameha Highway	*8
			Confluence with Helemano Stream	*13
		Helemano Stream	Confluence with Paukauila Stream	*13
			3,500' upstream of Kamehameha Highway	*27
		Opaeula Stream	Confluence with Paukauila Stream	*13
			Twin Bridge Road (Upstream)	*20
			2,170' upstream of Twin Bridge Road	*36
		Anahulu River	300' upstream of Kamehameha Highway	*8
			At Cane Haul Road	*16
			930' upstream of Cane Haul Road	*22
		Waimea River	3,065' upstream of mouth	*18
			3,720' upstream of mouth	*27
		Paumalu Stream	470' upstream of mouth	*18
			2,250' upstream of mouth	*79
		Pahipahialua Stream	900' upstream of mouth	*18
			2,580' upstream of mouth	*52
		Kaolepulu Stream	Kawailoa Road (Upstream)	*2
			4,000' upstream of mouth	*5
		Pacific Ocean (Tsunami)	Confluence with Pahipahialua Stream	*18
			Kawela Bay	*17
			Kahuku Point	*17
			Makahoa Point	*12
			Lanihuli Street extended to coastline	*12
			Confluence with Kokololio Stream	*8
			Pokiwai Place extended to coastline	*10
			Confluence with Paumalu Stream	*19
			Confluence with Waimea River	*18
			Kawailoa Drive extended to coastline	*22
			Kamani Lane extended to coastline	*18
			Confluence of Kaaawa Stream with Kaneohe Bay	*10
			Confluence with Hakipuu Stream	*4
			Confluence of Kahana Stream with Kahana Bay	*8
			Hoomana Place extended to coastline	*12
			Crozier Drive extended to coastline	*14
			Irwin Street extended to coastline	*13
			Confluence with Makaha Stream	*12
			Jade Street extended to coastline	*16
			Ehukai Street extended to coastline	*9
			Waiea Point	*16
			Pokai Bay	*13
			Confluence with Makaha Channel	*16
			Confluence with Nanakui Stream	*13
			Confluence with Kalihi Stream with Keehi Lagoon	*4
			Mokauea Street extended to coastline	*5
			Paoa Place extended to coastline	*6
			Confluence with Kapakahi Stream	*5
			Confluence of Niu Stream with Maunalua Bay	*5
			Confluence of Kuliouou Stream with Maunalua Bay	*6
			Kealahou Street extended to coastline	*13
			300' north of Kahe Point along coastline	*10
			Barber's Point	*19
			Ewa Beach	*8
			Confluence with Kaloi Gulch	*8
	Maps available at the City Clerk's Office, City Hall, Honolulu, Hawaii.			
Louisiana	Town of Berwick, St. Mary Parish (FI-5240).	Atchafalaya River	Berwick South Highway extended	*11
			Just downstream of Southern Pacific Railroad	*12
		Berwick Bay	Old Spanish Trail extended	*14
		Ponding Area A	Just east of the intersection of U.S. Route 90 and Berwick South Highway.	*5
			Intersection of John Street and Gilmore Drive	*5
		Ponding Area B	Just west of the intersection of Berwick South Highway and U.S. Route 90.	*3
			Northwest of the intersection of Mitchell's Alley and River Road	*3
		Sheet Flow Area	Intersection of Mound Street and Second Street	*1
	Maps available at the City Clerk's Office, City Hall, Berwick, Louisiana 71342.			
Louisiana	Unincorporated areas of St. Mary Parish (FI-5241).	Bayou Teche	Confluence of Charenton Drainage and Navigation Canal	*10
			Just downstream of Missouri Pacific Railroad at Mount Horeb Church	*8
			Willow Street extended	*7
			Confluence with Lower Atchafalaya River	*5
		Wax Lake Outlet	Just upstream of Southern Pacific Railroad	*12
		Lower Atchafalaya River	Just downstream of Southern Pacific Railroad near Bayou Boeuf	*12
			Utah Street (extended)	*12
			Confluence of Bayou Boeuf	*12
		Lower Atchafalaya River (Levee Overtopping).	Area just south of Morgan City and north of Bayou Boeuf	*8
			Area bounded by the west end of Lake Palourde, the east end of Morgan City, Lakeside Subdivision and the Intracoastal Waterway.	*5

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Area bounded by Morgan City on the west and Bayou Ramos on the east.	*5
			Areas bounded by Wax Lake Outlet to the west and northwest and Bayou Teche to the southwest.	*4
		Gulf of Mexico	The area south of Bayou Teche, southwest of Franklin and north of the Franklin Oil Field.	*9
			Areas south of the Southern Pacific Railroad at Wyandotte, just north of the Intracoastal Waterway.	*7
			The area south of Verdunville, west of Bayou Teche	*5
	Maps available at the Parish Engineer's Office, St. Mary Parish Courthouse, Fifth floor, Franklin, Louisiana 70538.			
Tennessee	Chattanooga, City, Hamilton County (Docket No. FI-5407).	Tennessee River	Downstream Corporate Limits	*651
			Walnut Street	*657
			Downstream of Chickamauga Dam	*661
			Upstream Corporate Limits	*686
		Mountain Creek	Confluence w/Tennessee River	*653
			North Runyan Road	*663
			Valley Bridge Road	*683
			Upstream limit of detailed study	*714
		Stringers Branch	Confluence with Mountain Creek	*653
			Upstream Corporate Limits	*653
		Lookout Creek	Confluence with Tennessee River	*655
			Dixie Highway	*655
			Upstream Corporate Limits	*658
		Chattanooga Creek	Confluence with Tennessee River	*655
			East 38th Street	*657
			Wilson Road	*659
			Upstream Corporate Limits	*663
		South Chickamauga Creek	Confluence with Tennessee River	*659
			Lightfoot Mill Road	*668
			Shallowford Drive	*673
			Upstream Corporate Limits	*691
		West Chickamauga Creek	Confluence with South Chickamauga Creek	*677
			Upstream Corporate Limits	*677
		Spring Creek	Confluence with West Chickamauga Creek	*677
			Upstream Corporate Limits	
		North Chickamauga Creek	Confluence with Tennessee River	*661
			Hamill Road	*664
			Old Hixon Pike	*666
			Upstream Corporate Limits	*670
	Maps available at the City Hall, Chattanooga, Tennessee.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9950 Filed 4-2-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final Rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (in Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.11). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

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Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alaska	Valdez (City), Unorganized Borough [Docket No. FE-5497].	Lowe River	Dayville Road (100 feet) downstream from centerline	*22
			Dayville Road (110 feet) upstream from centerline	*27
			Pipeline Access Road (100 feet) downstream from centerline	*47
			Pipeline Access Road (100 feet) upstream from centerline	*53
		Valdez Glacier Stream	Intersection of Mineral Creek Road and Richardson Highway	*4
			Intersection of Valdez Airport Road and Richardson Highway	*4
			Northeast Corner of Northernmost Runway at Valdez Airport	*6
			Approximately 13,000 feet northeast along New Valdez Glacier Road from its intersection with Richardson Highway.	*11
		Port Valdez	100 feet downstream of northern face of Dayville Road Bridge over Allison Creek.	*11
			Intersection of Kenicott Avenue and North Harbor Drive	*11
		Robe Lake	At confluence of Robe River	*28
		Robe River	Approximately 2000 feet southeast along Richardson Highway from its intersection with New Valdez Glacier Road.	*2
			Southwest side of Richardson Highway, 400 feet northwest of its intersection with Dayville Road.	*3

Maps available at City Hall, Pioneer Drive, Valdez, Alaska.

Arkansas	City of Mammoth Springs, Fulton Co. [FEMA-5738].	Spring River	Just downstream of State Hwy 63	*502
		Warm Fork, Spring River	Just downstream of St. Louis-San Francisco Railway	*504
		Town Branch	Just upstream of State Highway 63	*506
			Just upstream of Bronson Avenue	*524

Maps available at City Hall, 110 Main Street, Mammoth Springs, Arkansas 72554.

California	Glenn County, Unincorporated Areas [Docket No. FEMA-5728].	Walker Creek	County Road 35 at centerline	*160
			County Road 33, 30 feet upstream in centerline	*167
		Stony Creek	Tehama-Colusa Canal 100 feet upstream from centerline	*230
			Interstate Highway 5 at centerline	*264
		Hambright Creek	State Highway 99 West at centerline	*256
			County Road G at centerline	*276
			County Road FF, 25 feet upstream from centerline	*285
		South Fork Willow Creek (Sheet Flow).	Intersection of County Road KK and County Road 48	#1
			Intersection of Garden Street and Second Street	*130
		South Fork Willow Creek (Ponding).	Intersection of Green Street and Butte Street	*136
			Intersection of State Highway 99 West and County Road 45	*139
		Wilson Creek (Ponding)	2000 feet southwest of the intersection of Interstate Highway 5 and County Road 39.	*148
		Walker Creek (Ponding)	Intersection of County Road 47 and County Road 48	*130

Maps are available at County Planning Department, County Courthouse, 526 West Sycamore, Willows, California.

Colorado	Douglas County (Unincorporated Areas) [Docket No. FEMA-5728].	Plum Creek	Titan Road 150 feet downstream from centerline	*5,529
			Titan Road 50 feet upstream from centerline	*5,536
			Denver and Rio Grande Western Railroad 50 Feet upstream from Centerline.	*5,636
			Unnamed Road 25 feet upstream from centerline	*5,647
			West Rio Grande Avenue 25 feet upstream from centerline	*5,740
			Confluence with East Plum and West Plum Creeks	*5,770
		East Plum Creek at Sedalia	State Highway 67 100 feet upsteam from centerline	*5,785
		Indian Creek	Rainbow Creek Road 25 feet upstream from centerline	*5,932
			Cherokee Drive 25 feet upstream from centerline	*5,986
			Apache Drive 25 feet upstream from centerline	*6,078
		West Plum Creek	Perry Park Road (first crossing) 50 feet upstream from centerline	*6,339
			Red Rock Drive 25 feet upstream from centerline	*6,430
			Private Road 25 feet upstream from centerline	*6,467
		East Plum Creek at Larkspur	Interstate Highway 25, 125 feet upstream from centerline	*6,599
			County Road No. 18, 25 feet upstream from centerline	*6,620
			Perry Park Avenue 50 feet upstream from centerline	*6,662
			Spruce Mountain Road 50 feet upstream from centerline	*6,697
		Hangmans Gulch	Confluence with East Plum Creek	*6,100
			Denver and Rio Grande Western Railroad 25 feet upstream from centerline.	*6,145
			Interstate Highway 25, 140 feet upstream from centerline	*6,195
			Corporate Limits (2nd crossing) 10 feet upstream from centerline	*6,286
		East Plum Creek at Castle Rock	Confluence with Hangmans Gulch 50 feet upstream from centerline	*6,100
			U.S. Highway 85, 50 feet upstream from centerline	*6,214
		Sellers Gulch	Dirt Road (first crossing) 25 feet upstream from centerline	*6,267
			Dirt Road (second crossing) 25 feet upstream from centerline	*6,317
		Unnamed Tributary to Sellers Gulch.	County Road 25 feet upstream from centerline	*6,255
		Carpenter Creek	Denver and Rio Grande Western Railroad 125 feet upstream from centerline.	*6,841
			County Road No. 74, 50 feet upstream from centerline	*6,895
		Cherry Creek	Arapahoe and Douglas County Limits 40 feet upstream from centerline.	*5,710
			West Parker Road 160 feet upstream from centerline	*5,814
			Stroh Avenue 50 feet upstream from centerline	*5,905
			Scott Road 40 feet upstream from centerline	*5,967
			County Road 40 feet upstream from centerline	*6,040
		Happy Canyon Creek	Corporate Limits 50 feet upstream from centerline	*5,725
			Dogwood Avenue 50 feet upstream from centerline	*5,811
			Birch Avenue 50 feet upstream from centerline	*5,834
			West Parker Road 100 feet upstream from centerline	*5,850
			First Street 125 feet upstream from centerline	*5,857

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Newlin Gulch	Confluence with Cherry Creek	*5,773
			Jordan Road 50 feet upstream from centerline	*5,819
			Dirt Road 100 feet upstream from centerline	*6,004
		Baldwin Gulch	Confluence with Cherry Creek 150 feet upstream from centerline	*5,759
			Pine Street 35 feet upstream from centerline	*5,774
			Pine Drive 25 feet upstream from centerline	*5,894
			Soil Conservation Service Flood Control Dam 25 feet upstream from centerline.	*5,958
			Antelope trail 25 feet upstream from centerline	*6,041
		Sulphur Gulch	Confluence with Cherry Creek	*5,816
			Parker Road (State Highway 83) 15 feet upstream from centerline	*5,850
			County Road No. 9, 25 feet upstream from centerline	*6,119
		Tallman Gulch	Siebert Circle (1st crossing) 75 feet upstream from centerline	*5,893
			Unnamed Road 25 feet upstream from centerline	*5,988
		Bayou Gulch	Confluence with Cherry Creek 50 feet upstream from centerline	*5,997
			State Highway 83, 150 feet upstream from centerline	*6,024
			Dirt Road 100 feet upstream from centerline	*6,205
		South Platte River	State Highway 67, 50 feet upstream from centerline	*6,388
			County Road 126, 40 feet upstream from centerline	*6,400
		Horse Creek	Dirt Road 75 feet upstream from centerline	*6,406
		West Creek	Dirt Road 15 feet upstream from centerline	*7,414
			Unnamed Road (2nd crossing) 25 feet upstream from centerline	*7,460
			National Forest Access Road Number 200, 25 feet upstream from centerline	*7,482

Maps available at Planning and Zoning Department, 355 South Wilcox Street, Castle Rock, Colorado.

Delaware	Ocean View, Town, Sussex County [Docket No. FEMA-5736].	Indian River Bay	All areas between Assawoman Canal and Route 26, adjacent to White Creek and White Creek Ditch.	*6

Maps available at the Town Hall, Ocean View, Delaware.

Florida	City of Orlando, Orange County [FI-5673].	Lake Winyah	Entire Shoreline	*75
		Lake Estelle	Entire Shoreline	*75
		Lake Rowena	Entire Shoreline	*75
		Lake Formosa	Entire Shoreline	*75
		Lake Ivanhoe	Entire Shoreline	*81
		Lake Highland	Entire Shoreline	*81
		Park Lake	Intersection of Park Lake Court and Park Lake Circle	*96
		Lake Dot	Entire Shoreline	*95
		Lake Eola	Entire Shoreline	*91
		Lake Lucerne	Entire Shoreline	*89
		Lake of the Woods	Entire Shoreline	*90
		Lake Copeland	Entire Shoreline	*90
		Lake Beauty	Entire Shoreline	*95
		Lake Lurna	Entire Shoreline	*93
		Lake Cherokee	Intersection of Cherokee Dr. and Osceola Ave.	*75
		Lake Davis	Intersection of Cherokee Dr. and Davis Dr.	*75
		Lake Lancaster	Entire Shoreline	*75
		Lake Olive	Entire Shoreline	*77
		Lake Lawsona	Entire Shoreline	*76
		Lake Weldona	Entire Shoreline	*76
		Lake Greenwood	Entire Shoreline	*76
		Fern Creek	Just downstream of South St.	*76
			Just downstream of Livingston Ave.	*98
		Lake Como	Entire Shoreline	*102
		Lake Baldwin	Entire Shoreline	*95
		Lake Susannah	Entire Shoreline	*98
		Lake Barton	Entire Shoreline	*90
		Lake Theresa	Entire Shoreline	*113
		Lake Underhill	Entire Shoreline	*102
		Lake Arnold	Entire Shoreline	*100
		Lake Giles	Entire Shoreline	*107
		Lake Rabama	Entire Shoreline	*111
		Pineloch Lake	Entire Shoreline	*96
		Turkey Lake	Entire Shoreline	*98
		Clear Lake	Entire Shoreline	*97
		Shingle Creek	Just upstream of Conroy Road	*97
			Just downstream of the Northern corporate limits	*98
		Sunset Lake	Entire Shoreline	*98
		Lake Beardall	Intersection of Colyer St. and Rio Grande Ave.	*100
		Lake Lorna Doone	Entire Shoreline	*102
		Lake Concord	Entire Shoreline	*81
		Lake Adair	Entire Shoreline	*82
		Spring Lake	Entire Shoreline	*92
		Lake Fairhope	Entire Shoreline	*96
		Lawne Lake	Entire Shoreline	*95
		Lake Orlando	Intersection of Lake Orlando Parkway and Rosamond Dr.	*90
		Lake Fairview	Entire Shoreline	*91
		Bay Lake	Entire Shoreline	*95
		Lake Mann	Entire Shoreline	*95
		Lake Walter	Entire Shoreline	*97

Maps available at City Hall, 400 South Orange Avenue, Orlando, Florida 32801.

Florida	City of Palm Bay, Brevard County [FI-5507].	Turkey Creek	Just upstream of U.S. HW 1	*7
			Approximately 200 feet upstream of Port Malabar Blvd	*15
			Just upstream of Interstate 95	*21

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Turkey Run	Just upstream of Troutman Boulevard	*13
			Approximately 800 feet upstream of Knecht Road	*18
		Indian River	Port Malabar Boulevard (extended)	7
		Channel C	Approximately 250 feet east of the intersection of Port Malabar Boulevard and Pebble Beach Avenue	*24
		St. John River	Krassner Drive	*24
			Garvey Road	*24
Maps available at Building Department, City Hall, 175 N.W., Palm Bay Road, Palm Bay, Florida 32905.				
Idaho	Caldwell Canyon County [Docket No FEMA-5748].	Boise River	Intersection of West Belmont Street and Riverside Canal	*2,351
			Intersection of West Elgin Street and Boise Avenue	*2,353
			Intersection of West Galveston Street and Boise Avenue	*2,354
			Intersection of river and West Plymouth Street	*2,361
		Indian Creek	Intersection of creek and Sewer Plant Road	*2,349
			Intersection of creek and Riverside Canal	*2,352
			25 feet upstream from center of Stock Bridge	*2,377
			30 feet downstream from center of Elm Lane	*2,393
			Intersection of creek and Ustick Road	*2,411
Maps available at City Hall, 704 Blaine Street, Caldwell, Idaho.				
Idaho	Middleton (City) Canyon County [Docket No. FEMA-5736].	Boise River	400 feet upstream from confluence with Willow Creek	*2,382
			120 feet upstream from confluence with Mill Creek	*2,384
		Willow Creek	70 feet upstream from center of State Highway 44 (Main Street)	*2,401
			Intersection of Concord Street and Elderberry Drive	*2,411
			Intersection of 8th Street North and Hawthorne Drive	*2,413
Maps available at City Hall, 15 North Dewey, Middleton, Idaho.				
Illinois	Countryside (City) Cook County [Docket No. FEMA-5748].	Peck Avenue Ditch	Intersection of 55th Place and Peck Avenue	*676
			Intersection of Peck Avenue and Plainfield Road	*677
		East Avenue Ditch	Intersection of East Avenue and 57th Street	*648
			Intersection of Lorraine Drive and Rose Court	*648
			East side of intersection of LaGrange Road and 59th Street	*645
		East Avenue Ditch Tributary	South edge of 57th Street approximately 550 feet east from its intersection with LaGrange Road.	*648
		67th Street Ditch	30 feet downstream from center of Brainard Avenue	*656
			25 feet upstream from center of Sunset Avenue	*674
Maps available at City Hall, 5550 East Avenue, Countryside, Illinois.				
Kentucky	Daviess County Unincorporated Areas [Docket No. FEMA 5701].	Ohio River	Confluence with Cowhide Slough 4	*386
			Confluence with Yellow Creek 69	*390
		Panther Creek	State Highway 1554 at Curdsville at centerline	*384
			State Highway 56 (Glenn Bridge) at centerline	*385
			Hayden Bridge Road at centerline	*385
			State Highway 81 (Calhoun Bridge) at centerline	*390
		North Fork Panther Creek	U.S. Highway 231—50 feet upstream from centerline	*391
			Old Leitchfield Road 50 feet upstream from centerline	*402
			State Highway 54—150 feet upstream from centerline	*409
			Shorts Station Road at centerline	*412
		Pup Creek	State Highway 405—100 feet upstream from centerline	*391
			Confluence with Roberts Ditch 75	*399
		Persimmon Ditch	Confluence with Tributary of Persimmon Ditch	*402
		Ohio River Tributary	Owensboro Corporate limits, most upstream crossing 200 feet upstream.	*398
		Devins Ditch	State Highway 212—30 feet upstream from centerline	*397
		Carter Ditch	State Highway 212 at centerline	*398
		Scherm Ditch	State Highway 212 at centerline	*398
		Tamarack Ditch	Arlington Drive at centerline	*397
		Goetz Ditch	Todd Bridge Road 30 feet upstream from centerline	*393
			Sheet Flow Area 400 feet north or crossing of State Route 212	#2
		Harsh Ditch	Veach Road, first crossing at centerline	*394
		West Tributary of Harsh Ditch	Louisville and Nashville Railroad at centerline	*394
		Horse Fork	State Highway 212, most downstream crossing 50 feet upstream from centerline.	*394
			Old Hartford Road 50 feet upstream from centerline	*400
Maps are available at Daviess County Courthouse, Daviess County, Owensboro, Kentucky.				
Louisiana	Village of Gilbert, Franklin Parish [FEMA-5738].	Deer Creek	Approximately 400 feet upstream of Louisiana HWY 572	*69
			Just upstream of downstream of corporate limits	*66
Maps available at City Clerk's Office, City Hall, Gilbert, Louisiana 71295.				
Louisiana	Town of Homer, Clairborne Parish [FEMA-5748].	Caney Creek	Approximately 280 feet upstream of Lyons Hill Road	*230
			Approximately 70 feet upstream of U.S. HWY 79	*250
Maps available at City Hall, East Main Street, Homer, Louisiana 71040.				
Louisiana	Town of Rayville, Richland Parish [FEMA-5748].	Little Creek	Approximately 400 feet upstream of the downstream corporate limits	*79
			Just upstream of West Rosa Street	*80
		Little Creek, Tributary	Just downstream of West Francis Street	*79
		Stream No. 2	Approximately 500 feet downstream of State HWY 3048	*79
		Burns Bayou	Approximately 340 feet upstream of U.S. HWY 80	*79
		Burns Bayou, Tributary No. 2	Approximately 200 feet upstream of Linda Street	*78
Maps available at City Hall, P.O. Box 750, Rayville, Louisiana 71269.				

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Village of Tallulah, Madison Parish [FEMA-5738].	Panola Bayou	Just upstream of Fish Street, extended	*79
Maps available at City Clerk's Office, 204 North Cedar, Tallulah, Louisiana 71282.				
Maine	(T) Monmouth Kennebec County [Docket No. FEMA-5702].	Cobbosseecontee Lake	Shoreline	*170
		Annabessacook Lake	Shoreline	*173
		Cochnewagon Lake	Shoreline	*272
		Wilson Pond	Shoreline	*245
		Sand Pond	Shoreline	*178
		Woodbury Pond	Shoreline	*178
Maps available at Town Office, Monmouth, Maine 04259.				
Maryland	Pocomoke City, Worcester County [Docket No. FEMA-5738].	Pocomoke River	Entire Shoreline	*6
Maps available at the City Hall, Pocomoke City, Maryland.				
Michigan	(C) Clio, Genesee County [Docket No. FEMA-5702].	Pine Run	At western corporate limits	*687
			Just upstream of Chessie System Railroad bridge	*691
			Just downstream of Center Street	*692
			Just upstream of Center Street	*695
			Just upstream of Clio Road	*696
			Just upstream of Vienna Road	*696
			Confluence of Mason Drain	*698
			Approximately 730 feet upstream from the confluence of Mason Drain	*699
			At eastern corporate limits	*702
		Mason Drain	At confluence of Pine Run	*688
			Approximately 1000 feet upstream from confluence of Pine Run	*689
			Approximately 500 feet downstream from southern corporate limits	*701
			At southern corporate limits	*704
Maps available at City Hall, 200 Griffes Street, Clio, Michigan 48420.				
Minnesota	(C) Medina, Hennepin County [Docket No. FEMA-5702].	Elm Creek	Approximately 105 feet downstream from Highway 55	*[illegible]
			Just upstream from Highway 55	*959
			Just downstream from State Highway 101	*[illegible]
			Just upstream from State Highway 101	*[illegible]
			Just downstream from Access Road (First Crossing)	*[illegible]
			Just upstream from Access Road (Second Crossing)	*973
			Just downstream from Soo Line Railroad	*973
			Just upstream from Soo Line Railroad	*975
			Approximately 300 feet upstream from Elm Creek Drive	*977
			Just downstream from upstream crossing of Soo Line Railroad	*978
		Lake Independence	Shoreline within Medina	*[illegible]
			At mouth	*961
		Unnamed Tributary	Approximately 250 feet upstream of Lake Shore Avenue	*961
			Just downstream of Ardmore Street	*961
		Lake Ardmore	Shoreline within Medina	*962
Maps available at City Hall, 2052 County Road 24, Hamel, Minnesota 55340.				
Minnesota	Zumbrota (City), Goodhue County [Docket No. FEMA-5748].	North Fork, Zumbro River	60 feet upstream from center of State Highway 58 (Main Street)	*972
		Bitter Creek	West Avenue 100 feet south from its intersection with 2nd Street	*976
			40 feet upstream from center of 5th Street	*985
			50 feet upstream from center of County Road 10	*1014
		Roscoe Creek	At center of Chicago, Milwaukee, St. Paul, and Pacific Railroad crossing.	*977
Maps available at City Hall, 55 East 3rd Street, Zumbrota, Minnesota.				
Mississippi	Washington County, Unincorporated Areas [Docket No. FI-4254].	Mississippi River	Intersection of river and Southern Washington County Line	*128
			50 feet upstream from center of U.S. Highway 82	*137
			Intersection of river and Northern Washington County Line	*146
		Main Canal	Mouth of canal at Swan Lake	*106
			50 feet upstream from center of State Highway 436	*114
			50 feet upstream from center of Cedar Lane Farms Road	*118
			50 feet upstream from center of Columbus and Greenville Railroad	*122
			50 feet upstream from center of Metcalfe Road	*126
		Black Bayou	Mouth of Bayou at Swan Lake	*106
			50 feet upstream from center of State Highway 12	*109
			50 feet upstream from center of State Highway 436	*111
			50 feet upstream from center of Wilcox Road	*115
			0.5 miles upstream from center of U.S. Highway 82	*120
			50 feet upstream from center of Old Leland Road (also known as Red Bridge Bayou in this area).	*122
		Ditch No. 6	Intersection of ditch and center of Tate Road	*117
			50 feetupstream from center of Wilcox Road	*119
			50 feet upstream from center of South Main Street	*122
		Bowman Boulevard Ditch	50 feet upstream from center of Anne Stokes Road	*123
Maps available at Washington County Courthouse, Greenville, Mississippi.				
Nebraska	(C) Fairbury, Jefferson County [Docket No. FEMA-5702].	Little Blue River	About 1.2 miles downstream from confluence of Brawner Creek	*1,292
			Just downstream of State Highway 15	*1,301
			Just upstream of Chicago, Rock Island and Pacific Railroad	*1,306
			Just upstream of Fredrick Street	*1,312
			About 1,500 feet upstream of U.S. Highway 136	*1,323

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.2 miles upstream of abandoned Rock Island and Pacific Railroad, at upstream limit of study.	*1,330
		Brawner Creek	At confluence with Little Blue River	*1,299
			About 850 feet downstream of Union Pacific Railroad	*1,300
			Just upstream of Fairgrounds Road	*1,326
			Just downstream of Chicago, Rock Island, and Pacific Railroad	*1,350
			Just upstream of U.S. Highway 136	*1,363
			About 0.60 mile upstream of U.S. Highway 136	*1,367
			Just downstream of County Road	*1,387
			Just upstream of County Road	*1,393
			Just downstream of Soil Conservation Service Dam	*1,400
			Just upstream of Soil Conservation Service Dam	*1,415
			0.68 mile above Soil Conservation Service Dam	*1,416
			Just downstream of County Road (0.82 mile above dam)	*1,419
			Just upstream of County Road (0.88 mile above dam)	*1,427
			At northern extraterritorial limit	*1,443
Maps available at City Hall, 612 D Street, Fairbury, Nebraska 68352.				
Nebraska	(V) South Bend, Cass County [Docket No. FEMA–5702].	Platte River	1,600 feet upstream of Chicago, Rock Island, and Pacific Railroad	*1,039
			At corporate limits 4,100 feet upstream of Chicago, Rock Island, and Pacific Railroad	*1,040
			6,500 feet upstream of Chicago, Rock Island, and Pacific Railroad	*1,043
Maps available at Chairmen's home, P.O. Box 222, South Bend, Nebraska 68058.				
New York	Town of Chemung, Chemung County [Docket No. FEMA–5734].	Chemung River	Downstream Corporate Limits (200 feet downstream of State Route 17 crossing).	*778
				*787
			540 feet downstream from confluence of Dry Brook	*791
			Confluence of Wynkoop Creek	
			Upstream side of Wynkoop Creek Road crossing	*801
			Upstream side of Conrail crossing	*806
			Upstream side of State Route 17 (final upstream crossing)	*815
			Confluence of Baldwin Creek	*820
		Wynkoop Creek	Confluence with Chemung River	*791
			Upstream side of Conrail crossing	*804
			Upstream side of Old Route 17 crossing	*808
			Upstream side of County Highway 50 crossing	*833
			1st downstream side crossing of Wynkoop Creek Road	*863
			Downstream side of the second downstream crossing of Wynkoop Creek Road	*880
			Upstream side of Clark Road crossing	*920
		Baldwin Creek	Confluence with Chemung River	*820
			State Route 17 Bridges (upstream side)	*829
			Confluence of Hoffman Hollow	*832
			South of intersection of Lowman Road and Corporate Limits	*845
Maps available at the Town Hall.				
New York	Village of Scottsville, Monroe County [Docket No. FEMA–5734]	Oatka Creek	Downstream Corporate Limits	*532
			Upstream Corporate Limits	*538
		Mill Race	Confluence with Oatka Creek	*538
			Private Drive Culvert (upstream)	*547
			Approximately 650 feet upstream of Caledonia Avenue	*552
Maps available at the Village Hall.				
North Carolina	Town of Catawba, Catawba County [FEMA–5738].	Lyle Creek	Just upstream of N.C. 10	*774
		Town Creek	Just upstream of S.R. 1004	*818
			Just upstream of S.R. 1822.	*841
Maps available at Mayor's Office, Catawba City Hall, Catawba, North Carolina 28609.				
North Caroline	Unincorporated Areas of Catawba County [FEMA–5738].	Lyle Creek	Just upstream of N.C. 10	*775
			Just downstream of I 64, I 70	*788
			Just downstream of SR 1709	*829
			Approximately 1,100 feet downstream of 1441	*936
		McLin Creek	Just downstream of SR 1722	*778
			Just upstream of SR 1731	*868
			Just upstream of SR 1746	*919
		West Tributary, McLin Creek	Approximately 3,400 feet downstream of SR 1736	*915
		Hagan Fork Creek	Just upstream of SR 1727	*813
			Just upstream of N.C. 10	*821
			Just upstream of SR 1806	*861
		Mull Creek	Just upstream of I 40	*860
		Bakers Creek	Just upstream of N.C. 16	*870
			Just upstream of SR 1512	*889
		Conover Creek	Just upstream of SR 1712	*876
		Cline Creek	Just downstream of SR 1164	*870
			Just upstream of U.S. Highway 321, 64, 70	*883
			Just upstream of SR 1488	*900
		Cline Creek, North	Just downstream of SR 1486	*893
		Propst Creek	Approximately 750 feet upstream of SR 1683	*920
			Approximately 200 feet downstream of SR 1492	*1,006
		Herman Branch Creek	Just upstream of SR 1544	*918
			Just downstream of SR 1621	*978
		Clark Creek	Approximately 450 feet upstream of SR 2012	*812
			Approximately 500 feet downstream of SR 201	*824

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of SR 1165	*861
		Miller Branch Creek	Approximately 150 feet downstream of SR 1478	*824
		Smyre Creek	Approximately 125 feet downstream of SR 1880	*847
		South Fork Catawba River	Just upstream of N.C. 10	*820
		Henry Fork	Just upstream of SR 1144	*833
			Just upstream of SR 1124	*918
		Snow Creek	Just upstream of SR 1507	*974
		Long Shoal Creek	Just upstream of SR 1529	*940
			Just downstream of SR 1511	*964
		Elk Shoal Creek	Just upstream of SR 1703	*877
			Just upstream of SR 1702	*926
		Dellinger Creek	Just upstream of SR 1702	*961
		Long Creek	Approximately 1,900 feet upstream of the Confluence with McLin Creek.	*885
			Just downstream of the Southern Railway	*945
		Town Branch	Approximately 2,100 feet downstream from SR 1004	*799
		Bills Creek	Just upstream of U.S. Highway 321	*835
		Betts Branch	Just downstream of SR 2012	*812
		Pinch Gut Creek	Approximately 150 feet downstream of SR 1882	*900
			Just downstream of SR 1880	*851
		Maiden Creek	Approximately 200 feet downstream of SR 1867	*880
		Allen Creek	Approximately 200 feet downstream of SR 1867	*860
		Naked Creek	Just upstream of SR 1453	*960
Map available at Planning Office, County Administration Building, Newton, North Carolina 28658.				
North Carolina	City of Conover, Catawba County [FEMA–5738].	Lyle Creek	Just upstream of S.R. 1484 Bridge	*924
			Just upstream of S.R. 1490 Bridge	*965
		Propst Creek	Approximately 25 feet downstream of S.R. 1583 Bridge	*915
		Conover Creek	Approximately 130 feet upstream of I–40 Bridge	*927
			Approximately 100 feet upstream of 7th Street Bridge	*934
			Approximately 75 feet downstream of 5th Street Bridge	*948
		Mull Creek	Approximately 100 feet upstream of SP 1714	*929
Maps available at Conover City Office, 101 First Street West, Conover, North Carolina 28613.				
North Carolina	Long View (Town), Catawba County [Docket No. FI–5275].	Long View Creek	25 feet upstream from centerline of 1st corporate limits	*1,012
			775 feet downstream from centerline of confluence with Long View Creek Tributary Number Two.	*1,030
			60 feet downstream from centerline of U.S. Highways 64 and 70	*1,050
			25 feet upstream from centerline of U.S. Highways 64 and 70	*1,080
			25 feet upstream from centerline of 26th Street S.W	*1,080
		Frye Creek	40 feet upstream from centerline of 2nd Avenue N.W	*1,052
			150 feet upstream from centerline of 19th Street N.W	*1,059
			25 feet upstream from centerline of 20th Street N.W	*1,062
			120 feet downstream from centerline of 23rd Street N.W	*1,065
			20 feet upstream from centerline of 23rd Street N.W	*1,070
			60 feet upstream from centerline of 27th Street N.W	*1,085
			20 feet upstream from centerline of 30th Street Place N.W	*1,105
			20 feet upstream from centerline of 33rd Street N.W	*1,120
		Long View Creek Tributary Two	840 feet upstream from the confluence with Long View Creek	*1,050
Maps available at Town Hall, 139 24th Street, S.W., Hickory, North Carolina.				
North Caroline	Town of Maiden, Catawba County [FEMA–5738].	Maiden Creek	Just upstream of State Road 2007	*808
			Approximately 450 feet upstream of US 321	*812
			Just upstream of State Road 1810	*830
		Allen Creek	Just upstream of State Road 1870 (Extended)	*840
		Clarks Creek	Just upstream of State Road 2007	*804
		Holly Branch	Just upstream of State Road 2005	*816
		Pinch Gut Creek	Approximately 100 feet downstream of Northwestern Railroad	*809
			Approximately 400 feet upstream of US 321	*810
Maps available at Town Manager's Office, Town Hall, 113 W. Main Street, Maiden, North Carolina 28650.				
North Carolina	City of Newton, Catawba County [FEMA–5738].	Clarks Creek	Approximately 250 feet upstream of the Confluence of Smyre Creek	*829
			Just upstream West C Street (NC HWY 10)	*839
			Approximately 270 feet downstream HWY 1149	*849
		Hildebran Creek	Approximately 200 feet upstream of HWY 10	*838
			Approximately 75 feet upstream of SR 1154	*851
			Approximately 100 feet downstream of West 1st Street	*867
			Just upstream of SR 1156	*913
		Smyre Creek	Downstream of HWY 321	*833
			Approximately 140 feet downstream of HWY 1880	*847
		Town Creek	Approximately 30 feet upstream of P Street	*836
			Approximately 200 feet upstream of South Caldwell Avenue	*869
			Just upstream SR 1880	*869
		Snow Hill Branch	Just upstream of HWY 16	*875
			Approximately 50 feet upstream of SR 1736	*901
			At East 11th Street	*936
		McLin Creek	Approximately 170 feet upstream SR 1739	*948
			Approximately 30 feet upstream of Confluence of East Tributary McLin Creek.	*944
Maps available at City Hall, P.O. Box 550, Newton, North Carolina 28658.				
Ohio	(V) Corwin, Warren County [Docket No. FEMA–5702].	Little Miami River Mill Run Channel	About 960 feet downstream of Corwin Road	*724
			About 1,810 feet upstream of Corwin Road	*724
Maps available at the Village Hall, Corwin, Ohio 75068.				

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Lincoln (County), Unincorporated Areas [Docket No. FEMA-5701].	Pacific Ocean Near Yachats	Area 1,800 feet North from the City of Yachats Northern corporate limits.	*32 *26
			Area 1,800 to 4,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	
			Area 4,600 to 8,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*20
			Area 8,600 to 10,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*24
			Area 10,600 to 16,300 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*28
			Area 16,700 to 21,500 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*20
			Area 21,500 to 22,100 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*26
			Area 22,100 to 24,100 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*23
			Area from the Northern City of Yachats corporate limits north for 1,000 feet.	#1
			Area from 1,800 feet North of City of Yachats corporate limits, along and West of U.S. Highway 101; North to Blodgett Road.	#1
			Area from 1,000 feet North of the intersection of Blodgett Road and U.S. Highway 101 along and West of U.S. Highway 101 to 350 feet North of the intersection of U.S. Highway 101 and Dick's Fork Road.	#1
			Area from 800 feet North of the intersection of U.S. Highway 101 and Dick's Fork Road along U.S. Highway 101 to 1,150 feet North of the intersection of U.S. Highway 101 and Center Street.	*1
		Pacific Ocean at Wakonda Beach	Area 1,000 to 1,600 feet North of Center Street; West of U.S. Highway 101.	*28
			Area 1,600 to 2,100 feet North of Center Street; West of U.S. Highway 101.	*21
			Area 2,100 to 2,800 feet North of Center Street; West of U.S. Highway 101.	*23
			Area 2,800 to 5,450 feet North of Center Street; West of U.S. Highway 101.	*30
			Area 5,450 to 9,500 feet North of Center Street; West of U.S. Highway 101.	*28
			Area 9,500 feet North of Center Street to 1,700 feet North of Seabrook Road; West of U.S. Highway 101.	*29
			Area 1,700 feet North of Seabrook Road to 2,500 feet North of East end of Seabrook Road; West of U.S. Highway 101.	*32
			Area 2,500 to 4,000 feet North of Seabrook Road; West of U.S. Highway 101.	*30
			Area 1,000 to 9,400 feet North of the intersection of U.S. Highway 101 and Center Street along and West of U.S. Highway 101.	#1
			Area 500 to 2,800 feet North of Seabrook Road; along and West of U.S. Highway 101.	#1
		Pacific Ocean at Waldport	Area along Southern edge of Pacific Way extending South and along Alsea Bay Drive and along Eastern City of Waldport corporate limits to a point 5,300 feet South of Pacific Way.	*11
			Area 2,300 to 3,800 feet South of the intersection of Pacific Way and Oceania Drive.	*25
			Area 2,300 feet South of intersection of Pacific Way and Oceania Drive, North to this intersection.	*28
			Area West of intersection of Pacific Way and Oceania Drive extending North for 400 feet.	*29
			Area 2,300 to 3,400 feet North of Pacific Way	*31
			Area 3,400 to 5,400 feet North of Pacific Way	*28
			Area 5,400 to 6,500 feet North of Pacific Way	*27
			Area 6,500 to 7,500 feet North of Pacific Way	*31
			Area 2,300 feet South of Pacific Way on Oceania Drive and extending West of Oceania Drive to an area 4,200 feet South of Pacific Way.	#1
			Small areas on Oceania Drive 1,800 and 600 feet South of Pacific Way.	#1
			Area on South edge of Pacific Way to 6,700 feet North of Pacific Way	#1
		Pacific Ocean at Holly Beach	Area 7,500 to 10,200 feet North of Pacific Way; West of U.S. Highway 101.	*29
			Area 10,200 to 15,800 feet North of Pacific Way; West of U.S. Highway 101.	*26
			Area 15,800 to 18,200 feet North of Pacific Way; West of Highway 101.	*29
			2 small areas 9,500 feet North of Pacific Way	#1
			Area 200 feet upstream of confluence of Fox Creek	#1
			Area 300 feet Northeast of confluence of Fox Creek	#1
			Small area 300 feet upstream of confluence of Collins Creek	#1
		Pacific Ocean at Holiday Beach	Area 300 to 3,000 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*36
			Area 3,000 to 4,100 feet North of intersection of U.S. Highway 101 and B Street, West of U.S. Highway 101.	*30
			Area 4,100 to 6,250 feet North of intersection of U.S. Highway 101	*37
			Area 6,250 to 6,700 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*30
			Area 6,700 to 9,200 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*40
			Area 600 to 1,700 feet North of intersection of B Street and U.S. Highway 101 and West of U.S. Highway 101.	#1
			Area 2,800 feet North of intersection of U.S. Highway 101 and B Street on U.S. Highway 101.	#1
			Two small areas West of U.S. Highway 101 3,900 and 4,600 feet North of intersection of B Street and U.S. Highway 101.	#1

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Area on Moore Creek North of Thiel Creek Road West of U.S. Highway 101.	#1
		Pacific Ocean at South Beach	Area at confluence of Grant Creek	*31
			Area 100 to 1,900 feet North of Grant Creek confluence	*40
			Area 1,900 to 2,450 feet North of Grant Creek confluence	*31
			Area 2,450 to 3,900 feet North of Grant Creek confluence	*30
			Area 3,900 to 5,300 feet North of Grant Creek confluence	*19
			Area 5,300 to 6,500 feet North of Grant Creek confluence	*31
			Area on Grant Creek North of Marine View Drive; West of U.S. Highway 101.	#1
			Area 700 to 2,800 feet North of Henderson Creek and West of U.S. Highway 101.	#1
		Pacific Ocean at Newport	Area 3,400 to 3,800 feet South of City of Newport Northern corporate limits.	*34
		Pacific Ocean at Gleneden Beach	Area 550 to 2,250 feet South of Raymond Street and West of U.S. Highway 101.	*30
			Area 100 to 550 feet South of Raymond Street and West of U.S. Highway 101.	*26
			Area 4,000 feet North to 100 feet South of Raymond Street and West of U.S. Highway 101.	*28
			Area 4,000 to 6,100 feet North of Raymond Street and West of U.S. Highway 101.	*31
			Area 250 feet South of Raymond Street and West of U.S. Highway 101.	#1
			Areas 300, 850, 1,400, 2,000, and 3,200 feet North of Raymond Street.	#1
		Pacific Ocean at Siletz Spit	Area 6,100 to 6,300 feet North of Raymond Street and West of Salishan Drive.	*26
			Area 6,300 to 7,100 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 7,100 to 7,900 feet North of Raymond Street and West of Salishan Drive.	*33
			Area 7,900 to 8,400 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 8,400 to 9,900 feet North of Raymond Street and West of Salishan Drive.	*31
			Area 9,900 to 12,000 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 12,000 to 14,100 feet North of Raymond Street and West of Salishan Drive.	*31
			Area 16,600 to 14,100 feet North of Raymond Street and West of Salishan Drive.	*29
			Area 19,700 to 16,600 feet North of Raymond Street West and South of Lincoln City corporate limits.	*30
			Areas 7,300 and 8,000 feet North of Raymond Street, West and on Salishan Drive.	#1
			Area along Salishan Drive	#1
		Pacific Ocean at Roads End	Area from Lincoln City corporate limits to 1,500 feet North of corporate limits.	*34
			Area 1,500 feet North of Lincoln City corporate limits to 2,400 feet North of corporate limits.	*36
			Area 2,400 feet North of Lincoln City corporate limits to 3,800 feet North of corporate limits.	*34
			Area 3,800 feet North of Lincoln City corporate limits to 7,400 feet North of corporate limits.	*36
			Area along Logan Road from 400 feet North of the intersection of 61st Street and Logan Road to 74th Street.	#1
		Devils Lake	At East Devils Lake Road crossing Devils Lake	*14
		Salmon River	Old Coast Highway Bridge at centerline	*19
			Fish Hatchery 250 feet upstream from centerline	*26
			Confluence with Willis Creek	*27
			750 feet upstream of confluence with Curi Creek	*35
			350 feet upstream of confluence with Panther Creek	*50
			100 feet upstream of confluence with Bear Creek	*60
			50 feet upstream of North Bank Road Bridge	*130
			50 feet upstream of Privage Bridge	*150
			75 feet upstream of Salmon River Highway Bridge	*182
			550 feet upstream of Hideaway Road Bridge	*205
			300 feet upstream of confluence with Alder Brook	*218
			260 feet upstream of confluence with Treat River	*230
			Treat River Road Bridge at centerline	*233
			Van Duzer State Park at upstream limit of Detailed Study	*300
		Schooner Creek	Lincoln City Eastern corporate limits 3,060 feet above Mouth	*10
			First Private Bridge upstream from Mouth 430 feet upstream of centerline.	*20
			Siletz Bay—Schooner Creek Road Bridge 100 feet upstream of centerline.	*37
			Second Private Bridge upstream from Mouth 60 feet upstream of centerline.	*69
			Third Private Bridge upstream from Mouth 120 feet upstream of centerline.	*84
			Fourth Private Bridge upstream from Mouth at centerline	*102
			Fourth Private Bridge upstream from Mouth 980 feet upstream of centerline.	*109
		Drift Creek	U.S. Highway 101 at centerline	*10
			250 feet upstream of Siletz Bay-Schooner Creek Road Bridge	*16
		Siletz River (Siletz Bay)	Area South of Lincoln City corporate limits, East of Salishan Drive	*10
			Area Southeast of Lincoln City corporate limits and West of U.S. Highway 101.	*12

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Area from 2,700 to 4,000 feet Northeast of the intersection of U.S. Highway 101 and Immonen Road, along U.S. Highway 101.	*11
			Area along Southeastern corner of Lincoln City corporate limits and U.S. Highway 101.	*11
		Siletz River	U.S. Highway 101 (Siletz River Bridge) 2,000 feet upstream of centerline.	*10
			500 feet upstream of confluence with Anderson Creek	*21
			700 feet upstream of confluence with Skunk Creek	*23
			19,800 feet upstream of confluence with Skunk Creek	*27
			900 feet upstream of confluence with Cedar Creek	*52
			250 feet upstream of confluence with Hough Creek	*55
			600 feet upstream of confluence with Tangerman Creek	*93
			200 feet upstream of City of Siletz most downstream corporate limits	*94
			Siletz Highway Bridge 3,400 feet upstream of centerline	*101
			400 feet upstream of confluence with Dewey Creek	*113
			Gaither Street Bridge 1,600 feet upstream of centerline	*122
			400 feet upstream of most upstream City of Siletz corporate limits	*124
			1,900 feet upstream of confluence with Baker Creek	*148
			Sam Creek Road; 1,100 feet upstream of centerline	*155
			400 feet upstream of confluence with Rock Creek	*178
			Orton Bridge 600 feet upstream of centerline	*185
			600 feet upstream of confluence with Mill Creek	*188
		Yaquina River	1,500 feet upstream of Coquille Point	*10
			2,000 feet upstream of confluence with Pooles Slough	*11
			Confluence with Nute Slough	*12
			2,000 feet upstream of City of Toledo most downstream corporate limits.	*13
			2,600 feet upstream of confluence with Elk Creek	*20
			Bear Creek Road Bridge; 700 feet upstream of centerline	*91
			At confluence with Little Creek	*93
			Southern Pacific Railroad Bridge; 500 feet upstream	*103
		Depot Creek (Backwater from Yaquina River) Olalla Creek.	Depot Creek Tidegate	
			Along Oregon State Highway 229	*13
				*13
			First Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road 575 feet upstream of centerline.	*15
			Second Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road at centerline.	*20
			Fourth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road 75 feet upstream of centerline.	*26
			Sixth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road at centerline.	*32
			Ninth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road at centerline.	*48
			Tenth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road 925 feet upstream of centerline.	*55
		West Olalla Creek	Corvallis-Newport Highway 200 feet upstream of centerline	*15
			First Private Road upstream from Mouth 1,500 feet upstream of centerline.	*19
			Second Private Road upstream from Mouth at centerline	*31
			Second Private Road upstream from Mouth 1,500 feet upstream of centerline.	*41
		Alsea River (Alsea Bay)	Area at Northern City of Waldport corporate limits and South of Bayview Road.	*10
			4,000 feet upstream of confluence with Little Darkey Creek	*11
			Alsea Highway Bridge (Route 34) at centerline	*13
			Confluence with Squaw Creek	*20
			Confluence with Barclay Creek	*36
			Private Bridge at centerline	*45
			Confluence with Scott Creek	*55
			Thissel Road Bridge; 400 feet upstream of centerline	*78
			Confluence with Grass Creek	*82
			200 feet upstream of Five Rivers Road Bridge	*105
			Confluence with Butler Creek	*129
			Confluence with Wolf Creek	*141
			Confluence with Minoti Creek	*143
			250 feet upstream of confluence with Cow Creek	*147
			Confluence with Fall Creek	*163
			5,800 feet upstream of confluence with Fall Creek	*170
		Yachats River	U.S. Highway Bridge 101 at centerline	*9
			300 feet upstream of confluence with Barkley Creek	*14
			500 feet upstream of confluence with Salmon Creek	*15
			5,000 feet upstream of confluence with Salmon Creek	*20
		Big Creek	80 feet upstream of the most downstream City of Newport corporate limit.	*24
			At most upstream City of Newport corporate limits	*26

Maps available at Lincoln County Courthouse, 225 West Olive Street, Newport, Oregon.

Pennsylvania	Township of Allison, Clinton County [Docket No. FEMA-5734.	West Branch, Susquehanna River	Downstream Corporate Limits	*569
			Upstream Corporate Limits	*576
		Bald Eagle Creek	Upstream of Route 220 Bridge	*567
			Upstream Corporate Limits	*567
		Sugar Run	Downstream of State Route 120	*565
			Upstream of Township Route 396	*570
			Upstream Corporate Limits	*621

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lusk Run	Downstream Corporate Limits	*658
			Downstream of Private Road	*695
			Upstream Corporate Limits	*718

Maps available at the residence of Mr. Francis Johnson, 420 Irwin Street, Lock Haven, Pennsylvania 17745.

Pennsylvania	Township of Black Creek Luzerne County [Docket No. FEMA-5734].	Nescopeck Creek	300 feet downstream of Interstate Route 80	*627
			200 feet upstream of Legislative Route 40012	*645
		Black Creek	200 feet downstream of Legislative Route 40010	*793
			Confluence with Tributary to Black Creek	*807
			Park Street (Extended)	*819
			Church Street (Extended)	*839
			Township Route 322 (Extended)	*848
			6,800 feet upstream Legislative Route 40010	*876
			8,950 feet downstream of Mine Access Road	*965
			7,000 feet downstream of Mine Access Road	*990
			3,000 feet downstream of Mine Access Road	*1,040
			Mine Access Road (Upstream)	*1,087
			1,000 feet upstream of Mine Access Road	*1,099
		Tributary to Black Creek	Confluence with Black Creek	*807
			Park Street (Upstream)	*818
			Private Drive 1,100 feet upstrem of Part Street (Upstream)	*838
			Pine Street (Upstream)	*881
			Church Street (Upstream)	*890
			Abandoned Railroad (Upstream)	*924
			150 feet upstream of Abandoned Railroad	*975

Maps available at the Township Building, Rock Glen, Pennsylvania.

Pennsylvania	Blawnox, Borough, Allegheny County [Docket No. FEMA-5738].	Allegheny River	Downstream Corporate Limits	*740
			Upstream Corporate Limits	*741

Maps available at the Borough Hall, Blawnox, Pennsylvania.

Pennsylvania	Borough of Eldred, McKean County [Docket No. FEMA-5734].	Allegheny River	Downstream Corporate Limits	*1,445
			Confluence of Canfield Creek	*1,446
		Barden Brook	Confluence with Allegheny River	*1,445
			Bennett Street	*1,446
			Upstream Corporate	*1,453
		Canfield Creek	Downstream Corporate Limits	*1,446
			Upstream Corporate	*1,448

Maps available at the Borough Office, Eldred, Pennsylvania.

Pennsylvania	Township of Eldred, McKean County [Docket No. FEMA-5734.	Allegheny River	Downstream Corporate Limits (State Boundary)	*1,439
			State Route 346	*1,445
			Confluence of Canfield Creek	*1,446
		McCrea Run	Confluence with Allegheny River	*1,440
			400 feet downstream of Bullis Mill Road	*1,451
			340 feet upstream of Bullis	*1,460
		Mix Creek	Confluence with Allegheny River	*1,443
			2,360 feet upstream of Legislative Route 42021	*1,456
		Indian Creek	Confluence with Allegheny River	*1,444
			6,200 feet above confluence	*1,453
		Knapp Creek	Confluence with Allegheny River	*1,445
			1,550 feet upstream of Township Route 395	*1,449
		Windfall Hollow	Confluence with Knapp Creek	*1,445
			Loop Road (Downstream)	*1,453
		Potato Creek	Confluence with Allegheny River	*1,448
			Corporate Limits	*1,448

Maps available at the residence of Mr. Ernest Cook, Eldred, Pennsylvania.

Pennsylvania	Haycock, Township Bucks County [Docket No. FEMA-5738].	Tohickon Creek	Confluence of Kimples Creek	*469
			Union Road (Downstream)	*480
		Kimples Creek	Confluence with Tohickon Creek	*488
			Old Bethlehem Road (Downstream)	*478
			Roudenbush Road (Downstream)	*482
			Lake Towhoe (Downstream)	*484
		Haycock Creek	Church Road (Downstream)	*1,400
			Haycock Run Road	*1,401

Maps available at the Township Municipal Building, Haycock, Pennsylvania.

Pennsylvania	Township of Lake, Luzerne County [Docket No. FEMA-5734].	Harveys Creek	Downstream Corporate Limits	*1,099
			Upstream of Bryant Pond Dam	*1,113
			Confluence of Paint Spring Run	*1,113
			1,800 feet upstream of confluence of Paint Spring Run	*1,116
		Pikes Creek	Downstream Corporate Limits	*1,127
			Upstream of State Route 29	*1,136
			Upstream of State Route 118	*1,159
			Upstream of Private Drive on Pikes Creek	*1,178
			Upstream of Legislative Route 40065	*1,221
		Fades Creek	Confluence w/Pikes Creek	*1,137
			Upstream of State Route 29	*1,143
			Upstream of Township Route 706	*1,176
			Upstream of Township Route 673	*1,218
			1,350 feet upstream of Township Route 673	*1,234

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Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Beaver Run	Upstream of Township Route 760	*1,095
			Upstream of Township Route 673	*1,114
			Upstream of the Private Drive .5 miles south of Legislative Route 40062 on State Route 29.	*1,143
			300 feet upstream of Private Drive off State Route 29 which is 400 feet north of Legislative Route 40063.	*1,197
	Maps available at the Township Building, Lake, Pennsylvania.			
Pennsylvania	Township of Lawrence, Tioga County [Docket No. FEMA-5734].	Tioga River	Mechanic Street, Township Route 46 (Upstream)	*992
			Williamson Road (Downstream)	*995
			Williamson Road (Upstream)	*1,000
			Conrail 1,500 feet upstream from Williamson Road (Upstream)	*1,002
			Township Route 328	*1,004
			Upstream Corporate Limits	*1,012
		Cowanesque River	Downstream Corporate Limits	*998
			5,150 feet upstream Corporate Limits	*1,003
		Harts Creek	Confluence with Tioga River	*1,002
			Abandoned Railroad bridge 170 feet upstream of Williamson Road (Upstream).	*1,004
			Pit-access Road (Upstream)	*1,060
			Private Drive 10,740 feet upstream of mouth (Upstream)	*1,126
			11,680 feet upstream of mouth	*1,144
		Smith Creek	Confluence with Hartz Creek	*1,002
			Williamson Road, U.S. Route 15 (Upstream)	*1,003
			3,280 feet upstream of mouth	*1,066
	Maps available at the Township Building, Lawrence, Pennsylvania.			
Pennsylvania	Lykens, Borough Dauphin County [Docket No. FEMA-5738].	Rattling Creek	Downstream Corporate Limits	*642
			Edwards Street	*671
			Market Street	*707
			Dam	*729
			Glen Park Road	*761
			Upstream Corporate Limits	*768
		Wiconisco Creek	Main Street	*649
			Market Street	*679
			Upstream Corporate Limits	*683
	Maps available at the Borough Building, Lykens, Pennsylvania.			
Pennsylvania	Morris, Township Tioga County [Docket No. FEMA-5724].	Pine Creek	Downstream Corporate Limits	850
			Conrail (Upstream)	*860
			Approximately, 3,700 feet upstream of State Route 414	*871
		Babb Creek	Confluence with Pine Creek	*860
			State Route 414 (Upstream)	*867
			Confluence of Harrison Run	*1,016
			State Route 287 (Approximately 120 feet Downstream)	*1,033
			State Route 287 (Upstream)	*1,039
			Approximately 1,250 feet upstream of Conrail Crossing	*1,050
		Wilson Creek	Confluence with Babb Creek	*1,023
			State Route 287 (Upstream)	*1,049
			Confluence of Rattler Run	*1,100
		Long Run	Confluence with Babb Creek	*1,043
			Footbridge (Upstream)	*1,055
			Approximately 1,600 feet upstream of footbridge	*1,076
		Harrison Run	Confluence with Babb Creek	*1,016
			State Route 414	*1,026
			Township Route 496 (Upstream)	*1,062
			Approximately 1,500 feet upstream of Township Route 496	*1,113
	Maps available at Mrs. Broughton's residence, Morris, Pennsylvania.			
Pennsylvania	Township of Robeson, Berks County [Docket No. FEMA-5734].	Schuylkill River	Downstream Corporate Limits	*170
			Confluence of Indian Corn Creek	*172
			Gibralter Road crossing upstream	*175
			Upstream Corporate Limits	*178
		Allegheny Creek	Confluence w/Schuylkill River	*176
			1st downstream Conrail crossing	*181
			Upstream State Route 568 crossing (Green Hill Road)	*242
			Seton Road crossing upstream	*308
		Hay Creek	Private Road Bridge downstream	*317
			Upstream Rock Hollow Road crossing	*331
			Confluence of Beaver Run	*350
			Upstream Corporate	*339
		Seidel Creek	Confluence w/Schuylkill River	*174
			Old River Road crossing	*182
		Cold Run	Downstream Corporate limits	*358
	Maps available at the Township School and the Township Police Station, Robeson, Pennsylvania.			
Texas	City of Balch Springs, Dallas County [FEMA-5738].	Hickory Creek	At Arrowdell Road	*441
			At Seagoville Road	*452
			Just upstream of Eleanor Lane	*459
			Approximately 100 feet downstream of Stein Road	*482
		Stream 4 C6	At Verdant Road	*444
			Just upstream of Seagoville Road	*462

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		South Mesquite Creek	Approximately 150 feet upstream of Beltline Road	*427
		Stream 2 B2	Just upstream of Burton Road	*432
	Maps available at City Administrator's Office, 3117 Hickory Road, Balch Springs, Texas 75159.			
Texas	City of Elmendorf, Bexar County [FEMA-5713].	Ponding Area (Northwest of Southern Pacific Railroad.	Intersection of First Avenue and Fourth Street	*503
			Intersection of Fifth Street and First Avenue	*503
		Shallow Flooding Area 1	Intersection of Second Street and Fifth Avenue	#2
			Intersection of Fourth Avenue and Second Street	#2
		Shallow Flooding Area 2	Intersection of Briar Road and Old Corpus Christi Highway	#2
		Shallow Flooding Area 3	Intersection of Fourth Avenue and Seventh Street	#3
	Maps available at the City Clerk's Office, City Hall, 16919 North Third Avenue, Elmendorf, Texas 78112.			
Texas	City of Kemp, Kaufman County [FI-5678].	Kings Creek Tributary	Upstream of Elm Str. (US 175)	*258
			Upstream of Old Highway 40	*254
			Upstream of Tolosa Road	*345
	Maps available at City Hall, 11th and Main Street, Kemp, Texas 75143.			
Texas	Town of Shavano Park, Bexar County [FI-5662].	East Fork, Olmos Creek	Approximately 280 feet downstream of DeZavala Road	*925
			Hunter Branch Road (extended)	*943
		Turkey Creek, Tributary	Just downstream of Broken Bough Street	*948
			Just downstream of Turkey Creek Street	*954
			Just downstream of Harry Wurzbach Highway	*974
		Mossey Cup, Tributary	Just downstream of Channel Dam	*861
		Gage Tributary	Just downstream of Harry Wurzbach Highway	*912
			Just upstream of Harry Wurzbach Highway	*919
			Just downstream of Bent Oak Street	*942
		Salado Creek	Southeastern Corporate Limits (extended)	*902
	Maps available at the Town Clerk's Office, Town Hall, 99 Saddletree Road, Shavano Park, Texas 78231.			
Vermont	Charlotte, Town, Chittenden County [Docket No. FEMA-5738].	Lake Champlain	Entire Coastline	*102
	Maps available at the Town Clerk's Office, Charlotte, Vermont.			
Vermont	Village of Richford, Franklin County, [Docket No. FEMA-5723].	Missisquoi River	Downstream Corporate Limits	*432
			Downstream confluence of Diversion Ditch	*432
			Confluence of North Branch	*435
			Island Access Road	*438
			Upstream inlet to Diversion Ditch	*446
			Main Street	*447
			Upstream Corporate Limits	*450
		Diversion Ditch	Downstream confluence with Missisquoi River	*432
			Granite Block Weir	*440
		North Branch	Downstream confluence with Missisquoi River	*435
			River Street	*436
			Upstream limit of flooding affecting community	*436
	Maps available at the Office of the Village Clerk, Richford, Vermont.			
West Virginia	Anmoore, Town, Harrison County [Docket No. FEMA-5738].	Ann Moore Run	Downstream Corporate Limits	*1,006
			Confluence with Smithfield Run	*1,015
			Private Bridge Upstream	*1,039
			Parkway Street Upstream	*1,058
			Upstream Corporate Limits	*1,068
		Smithfield Run	Pike Street	*1,016
			Interstate 79 Overpass Upsteem	*1,026
			Smithfield Avenue Upstream	*1,035
			Upstream Corporate Limits	*1,043
		Tributary A	Confluence with Smithfield Run	*1,017
			1,000 feet upstream from Ash Street	*1,022
	Maps available at the Town Hall. Anmoore, West Virginia.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9949 Filed 4-2-80; 8:45 am]

BILLING CODE 6718-03-M

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 34, 76, 95, 162, 167 and 193

[CGD 76-086a]

Fire Station Hydrants, Hose, and Nozzles; Extension of Compliance

AGENCY: Coast Guard, DOT.
ACTION: Supplemental Final Rule.

SUMMARY: This supplemental final rule modifies the rules published in the **Federal Register** of January 11, 1979 by extending the compliance date for all affected vessels to February 12, 1981. Those rules, which require the affected vessels, with certain exceptions, to have approved combination solid stream and water spray firehose nozzles at all hydrants, were intended to allow the owners and operators of those vessels two years to replace their currently installed straight or "smoothbore" firehose nozzles with approved combination nozzles. The Coast Guard determined that this extended time period is necessary due to the limited supply of Coast Guard approved nozzles available. Compliance date: The Fire Station Hydrant, Hose, and Nozzle regulations (Coast Guard Docket No. CGD 76-086) published in the **Federal Register** of January 11, 1979 (44 FR 2390) must be met on February 12, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. William Boyce, Office of Merchant Marine Safety (C-MMT/13), Room 1300, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, (202) 426-2205.

SUPPLEMENTARY INFORMATION: The rules concerning fire station hydrants, hose and nozzles (Coast Guard Docket No. 76-086) published in the **Federal Register** of January 11, 1979 (44 FR 2390) amended the firefighting and fire protection equipment regulations of 46 CFR Chapter I. The amended rules require that, except in special limited cases, only Coast Guard approved combination solid stream and water spray firehose nozzles and low velocity water spray applicators that meet the equipment specification of 46 CFR 162.027 may be on Coast Guard certificated vessels except small passenger vessels. The rules have the effect of prohibiting straight or "smoothbore" fire hose nozzles as installed equipment on all affected vessels, both new and existing. In addition, they require that existing combination nozzles approved under a previous equipment specification be replaced, when no longer serviceable, with nozzles meeting the equipment specification currently in effect.

Recognizing that an overall conversion from "smoothbore" to combination nozzles might exhaust the stocks of approved combination nozzles available from suppliers of such equipment, the Coast Guard intended to allow all affected vessels in existence on the effective date of the regulations two years to comply. As the rules were published, however, the extended compliance date applied only to so-called "grandfathered" vessels, i.e., those with installations contracted for before May 26, 1965 (March 1, 1968, for Oceanographic Vessels).

This supplemental rule making extends the compliance date for all vessels affected by the January 11, 1979 amendments to February 12, 1981. The fire hose nozzle and water spray applicator requirements in the following regulations of 46 CFR Chapter I, in effect before February 12, 1979 apply until February 11, 1981:

For Tank vessels—§ 34.10-10 (e), (n), and (o) and § 34.10-90(a)(7).

For Passenger Vessels—§ 76.10-10 (g) and (j) and § 76.10-90(a)(1).

For Cargo and Miscellaneous Vessels—§ 95.10-10 (g) and (i) and § 95.10-90(a)(1).

For Nautical School Ships—§ 167.45-5(c)(1) and § 167.45-40(c).

For Oceanographic Vessels—§ 193.10-10 (d) and (i) and § 193.10-90(a)(2).

(46 U.S.C. 390b, 481, and 391a; 49 U.S.C. 1655(b)(1); and 49 CFR 1.46(b) and (n)(2))

Dated: March 26, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-9772 Filed 4-2-80; 8:45 am]
BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 308

War Risk Insurance

AGENCY: Maritime Administration, Department of Commerce.
ACTION: Final rule.

SUMMARY: The authority of the Secretary of Commerce (Secretary) to provide insurance and reinsurance under Title XII, Merchant Marine Act, 1936, (Act), as amended (46 U.S.C. 1281-1293), expired on September 30, 1979. It was reinstated by Pub. L. 96-195 enacted into law on February 25, 1980, and will expire on September 30, 1984. The purpose of these amendments to 46 CFR Part 308 is to provide the terms and conditions upon which war risk insurance interim binders for United States-flag vessels will be reinstated; to change the expiration date of the binder forms; to announce the availability of war risk insurance interim binders for United States-flag vessels, as well as for foreign-flag vessels owned or controlled by United States citizens; and to make editorial changes related to official titles, addresses and references to certain forms used by commercial insurers.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. K. H. Green, Director, Office of Marine Insurance, Maritime Administration, Washington, D.C. 20230. Telephone: 202-377-4820

SUPPLEMENTARY INFORMATION: The authority of the Secretary to provide war risk insurance and reinsurance under Title XII of the Act was last reinstated in 1976 by Pub. L. 94-523. Regulations under 46 CFR Part 308 were subsequently amended in two steps to effectuate this authority. By notice of final rulemaking in the **Federal Register** of March 8, 1977 (42 FR 13023), the Maritime Administration published various amendments with respect to war risk coverage for United States-flag vessels. Amendments were also made to implement the statutory expansion of coverage to include certain containers. A notice of proposed rulemaking was published on June 2, 1978 (43 FR 24075), for the purpose of amending the regulations to clarify the eligibility of United States-flag vessels for war risk insurance coverage and to establish the eligibility for certain foreign-flag vessels, consistent with the criteria in section 1203(a) of the Act (46 U.S.C. 1283(a)). Extensive comments were submitted, principally with respect to the eligibility of foreign-flag vessels owned or controlled by United States citizens. After careful agency review of all comments, final regulations were published on November 20, 1978, (43 FR 54090). The amendments to 46 CFR Part 308 now being made are principally of a procedural and technical nature. They include an application procedure for interim binders on foreign-flag vessels owned or controlled by United States citizens. A determination has been made that these amendments are not significant within the meaning of EO 12044 and implementing procedures of the Department of Commerce and Maritime Administration. These amendments will not result in any major economic consequences that would require the preparation of a regulatory analysis.

Accordingly, 46 CFR Part 308 is amended as follows:

1. Section 308.6 is revised to read as follows:

§ 308.6 Period of interim binders and renewal procedures.

(a) All interim binders on United States-flag vessels under § 308.1(a) issued in accordance with Subparts B, C, and D of this part and which expired at midnight, September 30, 1979, are reinstated from April 3, 1980 until midnight, September 30, 1984: *Provided,* That on or before June 2, 1980 the assureds under interim binders on United States-flag vessels comply with the requirements as set forth in paragraph (b) of this section. Failure to comply with such requirements within the prescribed time will result in automatic termination of the binders.

(b) Assureds under interim binders on United States-flag vessels reinstated under paragraph (a) of this section shall file a statement, in triplicate, on the letterhead of the assured, setting forth the former binder numbers, the vessel name and official number (unless the vessel is undocumented), and a list of all documents previously submitted, with a certification as to their completeness and accuracy as of the date of filing for reinstatement. If any previously submitted documents are no longer complete and accurate, as required, assureds shall submit corrected documents. Any required documents not previously submitted shall be attached to the certification and accompany the binder fees, as prescribed in §§ 308.12, 308.202 and/or 308.302. Checks should be made payable to "Maritime Adm.—Commerce" and be sent with the other required documents to the American War Risk Agency, 14 Wall Street, New York, New York 10005, within the prescribed 60-day period.

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(c) New applications for interim binders on United States-flag vessels, with necessary attachments (as specified in § 308.3), as well as checks for the binder fees prescribed, shall be filed with the American War Risk Agency at the address shown in paragraph (b) of this section. All interim binders on United States-flag vessels shall become effective as of the date of determination of eligibility by the Maritime Administration (as required).

(d) Applications for interim binders on United States citizen-owned or controlled foreign-flag vessels, together with necessary attachments (as specified in § 308.3) and checks for binder fees prescribed, shall be filed with the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230. All interim binders for foreign-flag vessels will become effective on the date the owner's contract of commitment is executed by the Maritime Administration.

§§ 308.7, 308.101, 308.106, 308.107, 308.201, 308.206, 308.207, 308.301 and 308.305 [Amended]

2. Sections 308.7; 308.101; 308.106; 308.107; 308.201; 308.206; 308.207; 308.301, and 308.305 are amended by revising each reference to "American Institute Hull War Risks and Strikes Clauses" to read: "American Institute Hull War Risks and Strikes Clauses (Including Automatic Termination and Cancellation Provisions) for Attachment to American Institute Hull Clauses, December 1, 1977".

§§ 308.106, 308.206 and 308.305 [Amended]

3. Sections 308.106; 308.206, and 308.305 are amended by changing the expiration date of the interim binders to "September 30, 1984".

§ 308.509 [Amended]

4. Section 308.509(b) is amended by changing the second sentence in that paragraph to read as follows:

* * * * *

(b) * * * "Upon receipt of the deposit, the underwriting agent shall assign a serial number to it and transmit it to the Maritime Administration, Attention: Director, Office of Financial Management, Washington, D.C. 20230."

§ 308.510 [Amended]

5. Section 308.510(b) is amended by changing the third sentence of that paragraph to read as follows:

* * * * *

(b) * * * "Upon receipt of the surety bond, the underwriting agent shall assign a serial number to it and transmit it to the Maritime Administration, Attention: Director, Office of Financial Management, Washington, D.C. 20230."

§ 308.522 [Amended]

6. Section 308.522 is amended by changing the receipt section at the bottom of the form of transmittal letter to read as follows:

"Received on ———— (date), and collateral sent by registered mail to the Maritime Administration, Attention: Director, Office of Financial Management, Washington, D.C. 20230".

§ 308.528 [Amended]

7. Section 308.528 is amended by changing the Post Office Zip Code number in Section 2 of the fifth (5th) paragraph of the form of Surety Bond A to "20230".

§ 308.529 [Amended]

8. Section 308.529 is amended by changing the Post Office Zip Code number in Section 2 of the fifth (5th) paragraph of the form of Surety Bond B to "20230".

§ 308.549 [Amended]

9. Section 308.549 is amended by changing the addressee in the form of application letter for appointment of cargo underwriting agent to "Assistant Secretary for Maritime Affairs, Maritime Administration, Washington, D.C. 20230".

§ 308.553 [Revised]

10. Section 308.553 is revised to read as follows:

"All interim binders heretofore issued and now in effect shall be deemed to have been amended, effective as of the date of issuance or as of noon, eastern standard time, April 3, 1980, whichever is the later date to conform with the standard forms of binders prescribed in §§ 308.106; 308.206, and 308.305, as amended".

(Secs. 204(b), 1201–1214, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1281–1294); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91–469 (84 Stat. 1036); and Department of Commerce Organization Order 10–8 (36 FR 19077, July 23, 1973.); Pub. L. 98–195)

Dated: March 27, 1980.

By order of the Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-10156 Filed 4-2-80; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No MC–78; Amdt. No. 79–31]

Hours of Service of Drivers; 100-Mile Exemption—Driver's Logs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule allows an exemption from preparing the driver's log for drivers and motor carriers who operate motor vehicles within a 100-mile radius of the place where the driver reports for work. Those drivers who choose to take advantage of the 100-mile radius exemption must return, within 12 consecutive hours, to the place they report for work each day. Further, certain time records must be maintained. This action will reduce the paperwork burden on the drivers and motor carriers while retaining adequate controls over the hours of service.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, Regulations Division, Bureau of Motor Carrier Safety, (202) 426–9767, or Mr. Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM), Docket No. MC–78, Notice No. 77–7, was published in the **Federal Register** on October 13, 1977 (42 FR 55109) to solicit comments regarding a proposed modification of the 50-mile radius exemption from log preparation requirements.

One hundred and twelve responses were filed in reply to the NPRM. Eight respondents opposed the proposal as written. Fifty-eight respondents supported the proposal as written. Thirty respondents submitted conditionally favorable responses predicated on variations of one or more elements of the proposed modification. Sixteen were considered out of the scope of the proposal. Those respondents who submitted conditionally favorable responses objected to particular elements that would require—

1. The drives to prepare a log every day if the driver operates beyond the proposed 100-mile radius more than one day per month;

2. The driver to return (within 12 hours) to the place the driver reported for work; and

3. Time records related to those exempt operations to be retained at the carrier's principal place of business unless permission is obtained to retain the records at another location.

It is agreed that the one day per month limitation may be overly restrictive. The requirement that the motor carrier prepare and retain true and accurate time records, coupled with the 12-hour limitation, ensures that adequate records are available to determine driver compliance with the hours of service regulations.

Therefore, the proposed exemption is being modified to require log preparation on a daily basis by drivers who operate beyond the 100-mile radius more than one time in any 7 consecutive day period. If a driver operates beyond the 100-mile radius more than one time in any 7 consecutive days, a pattern of operation would be established that would require preparation of a log every day. If a motor carrier demonstrates that the driver will no longer be required to operate beyond the 100-mile radius, the exemption could then be reinstated for that particular driver. This action is in harmony with the present interpretation covering operations beyond the 50-mile radius (42 FR 60078).

Many of the commenters who favored the proposal, in general, objected to the 12-hour limitation. Those commenters indicated that there are certain places such as piers, oil refineries, steel mills, etc., where waiting times of 6–7 hours occur frequently and a driver would not exceed the 10-hour driving rule but because of the delays could exceed the 12-hour limit imposed in the 100-mile exemption rule and on those days not be entitled to the exemption. On the other hand, other commenters pointed out that the 12-hour limitation was fair considering the benefits to be gained by not having to prepare a log.

Another argument raised by certain commenters against the 12-hour limit was that some drivers may now be operating within the 50-mile radius exemption who, under the 100-mile radius exemption, would now have to prepare a log. However, since FHWA is expanding the area of operation four-fold, a limitation is necessary to ensure that the hours of service are not violated. This limitation applies only if one wants to take advantage of the 100-mile log exemption. The exemption does not alter or should not be confused with the present hours of service limitations set forth in Section 395.3 of the Federal Motor Carrier Safety Regulations (FMCSR). It should be clearly understood that once a driver exceeds that 12-hour limitation, the 100-mile exemption would no longer be applicable for that day and the hours of service for that day would have to be recorded on a driver's log.

An opponent of the proposed retention requirement for retaining time records at the motor carrier's principal place of business expressed opposition by stating that: "This would cause a needless duplication (of work) at both the branch and headquarters offices, since in almost all cases the records must be used at the branch office, and that in fact is where the supervisory personnel over the drivers are located. It is precisely these branch operations where the log exemption proposed in this docket would apply the most."

The present 50-mile radius exemption is silent concerning the retention site of accurate time records. The imposition of the proposed record retention requirement would defeat, in part, the purpose of the exemption. Therefore, the 100-mile radius exemption will also be silent concerning the location of required time records. The motor carrier will still be required to retain the time records for a period of 1 year. It should be stressed that, upon request by an authorized representative of the FHWA, the records must be produced.

Two State law enforcement agencies expressed concern about the difficulties foreseen with the adoption of the 100-mile radius exemption. One agency, of one State, which adopted the FMCSR in toto, stated that it will be very difficult to enforce the hours of service regulations on intrastate carriers. It also said that the regulations will be difficult to enforce on many interstate carriers that could operate within the 100-mile radius with little chance of detection. The other State agency contended that the exemption would cause difficulty if the driver did not have possession of a log book when operating beyond the 100-mile radius or when exceeding the 12-hour limitation. The agency recommended that the driver be required to carry a log book, maintained along with other required timekeeping records, for any tour of duty in which the driver could be reasonably expected to exceed 12 consecutive hours or the 100-mile radius.

Abuses of the 100-mile radius limitation are usually detectable by interview and records examination at the inspection site. It is reasonable to believe that both the motor carrier and the driver will know if the possibility exists that the driver will go beyond the 100-mile radius or exceed the 12-hour limitation. It will, therefore, be the responsibility of the driver and the carrier, before the driver is dispatched, to ensure that the driver has possession of a log book if the driver is expected to operate beyond the 100-mile radius or exceed the 12-hour limitation.

There is no difference between enforcing the hours of service regulations with a 50-mile radius exemption from log preparation and enforcing the regulations with a 100-mile radius exemption from log preparation. In the absence of the driver's log and other documentary evidence, an investigating officer has the alternative of investigating at the motor carrier's facility where required documents are retained.

The majority of those responding to the NPRM were in favor of making the 100-mile radius exemption available to casual or intermittent drivers as well as regularly employed drivers. The International Brotherhood of Teamsters (IBT) opposed application of the exemption to casual or intermittent drivers "primarily because of the enforcement difficulties it would present." The IBT continued: "A motor carrier could not know, for example, whether a casual driver had been employed by other carriers as a road driver during the past month, or whether his employment with other carriers would still qualify him for the exemption. * * *"

Making the exemption available to casual or intermittent drivers as well as regularly employed drivers is preferred by the motor carriers. Also, the statement of opposition made by the IBT has merit. It was decided that the exemption will be made available to the casual or intermittent driver. Any casual or intermittent driver will be required by the employing motor carrier to furnish the employing motor carrier a statement of available hours before being dispatched. This statement is expected to be sufficient to ensure compliance with the basic driving limitation if challenged by inspecting authorities. It would be inconsistent with the intent of the regulation to create more mandatory paperwork.

Many of the responses clearly indicated that some people confused the exemption from the preparation of the driver's log with the maximum driving and on-duty time requirements of § 395.3 of the FMCSR. The exemption addressed in this document allows certain drivers to operate a motor vehicle within a 100-mile radius of the place reported for work, within a 12-hour period, without recording changes in duty status during their hours of service on the prescribed driver's log. As

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mentioned earlier, the exemption in no way alters the hours of service regulations, or the exemptions thereto, that appear in § 395.3 of the FMCSR.

PART 395—HOURS OF SERVICE OF DRIVERS

Accordingly, 49 CFR 395.8 and 395.9 are amended as follows:

1. By revising § 395.8(t)(1) to read:

§ 395.8 Driver's daily log.

* * * * *

(t) *Exemptions* (1) *100-mile-radius drivers.* A driver is exempt from the requirements of this section if—

(i) The driver does not operate beyond the 100-mile radius of the work reporting location more than one time in any 7 consecutive day period;

(ii) The driver, except a driver salesperson, returns to the work reporting location within 12 hours;

(iii) At least 8 consecutive hours off-duty separate each 12 hours on duty; and

(iv) The motor carrier which employs the driver maintains accurate and true records showing—

(A) The total number of hours the driver is on duty each day;

(B) The time the driver reports for duty each day;

(C) The time the driver is released from duty each day; and,

(D) The total on-duty time for the preceding 7 days in accordance with paragraph (r) of this section for drivers used for the first time or intermittently.

* * * * *

2. By revising § 395.9(v)(1) to read:

§ 395.9 Driver's multi-day log.

* * * * *

(v) *Exemptions*—(1) *100-mile-radius drivers.* A driver is exempt from the requirements of this section if—

(i) The driver does not operate beyond the 100-mile radius of the work reporting location more than one time in any 7 consecutive day period;

(ii) The driver, except a driver salesperson, returns to the work reporting location within 12 hours;

(iii) At least 8 consecutive hours off-duty separate each 12 hours on duty; and

(iv) The motor carrier which employs the driver maintains accurate and true records showing—

(A) The total number of hours the driver is on duty each day;

(B) The time the driver reports for duty each day;

(C) The time the driver is released from duty each day; and

(D) The total on-duty time for the preceding 7 days in accordance with paragraph (t) of this section for drivers used for the first time or intermittently.

* * * * *

(49 U.S.C. 304, 49 U.S.C. 1655; 49 CFR 1.48(b) and 301.60)

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis of the program office at the address specified above.

Issued on: March 17, 1980.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-10080 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-14; Notice 02]

Windshield Mounting; Windshield Zone Intrusion

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends two safety standards, Standard No. 212, *Windshield Mounting*, and Standard No. 219, *Windshield Zone Intrusion*, to limit the maximum unloaded vehicle weight at which vehicles must be tested for compliance with these standards. This action is being taken in response to petitions from the Truck Body and Equipment Association and the National Truck Equipment Association asking the agency to amend the standards to provide relief from some of the test requirements for final-stage manufacturers. Many of these small manufacturers do not have the sophisticated test devices of major vehicle manufacturers. The agency concludes that the weights at which vehicles are tested can be lessened while providing an adequate level of safety for vehicles such as light trucks and while ensuring that compliance with these standards does not increase their aggressivity with respect to smaller vehicles.

EFFECTIVE DATE: Since this amendment relieves a restriction by easing the existing test procedure and will not impose any additional burdens upon any manufacturer, it is effective April 3, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Willian Smith, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh St. SW., Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: On August 2, 1979, the National Highway Traffic Safety Administration published a notice of proposed rulemaking (44 FR 45426) relating to two safety standards: Standard Nos. 212, *Windshield Mounting*, and 219, *Windshield Zone Intrusion*. That notice proposed two options for amending the test procedures of the standards that were designed to ease the compliance burdens of small final-stage manufacturers.

The agency issued the proposal after learning that final-stage manufacturers were frequently unable to certify certain vehicles in compliance with these two safety standards. The problem arises because of weight and center of gravity restrictions imposed upon the final-stage manufacturer by the incomplete vehicle manufacturer. The final-stage manufacturer typically purchases an incomplete vehicle from an incomplete vehicle manufacturer, usually Ford, General Motors or Chrysler. The incomplete vehicle usually includes the windshield and mounting but does not include any body or work performing equipment. Since the incomplete vehicle manufacturer installs the windshield, it represents to the final-stage manufacturer that the windshield will comply with the two subject safety standards. In making this representation, however, the incomplete vehicle manufacturer states that the representation is contingent on the final-stage manufacturer's adherence to certain restrictions. Any final-stage manufacturer that does not adhere to the restrictions imposed by the incomplete vehicle manufacturer must recertify the vehicle based upon its own information, analysis, or tests. The major restrictions imposed by the incomplete vehicle manufacturers on the final-stage manufacturer involve weight and center of gravity limitations. In many instances, these limitations have made it impossible for final-stage manufacturers either to rely on the incomplete vehicle manufacturer's certification or to complete vehicles on the same chassis that they were accustomed to using (prior to the extension of the two safety standards to these vehicle types). As a result, the final-stage manufacturer is faced either with buying the same chassis as before and recertifying them or with buying more expensive chassis with higher GVWR's and less stringent weight and center of gravity limitations.

The agency has tried several different ways to alleviate this problem for the final-stage manufacturer. The NHTSA has met with representatives of the major incomplete vehicle manufacturers to encourage them to respond voluntarily by strenthening their windshield structures and reducing the restrictions that they currently impose upon final-stage manufacturers. The agency also discussed the possibility of its mandating these actions by upgrading Standards Nos. 212 and 219. Ford and General Motors indicated that the making of any major changes in these standards could lead to their deciding to discontinue offering chassis for use in the manufacturing of multi-stage vehicles. They said that such chassis were a very small percentage of their light truck sales and that, therefore, they would not consider it worth the cost to them to make any extensive modifications in their vehicles. NHTSA also asked the incomplete vehicle manufacturers to be sure that they have properly certified their existing vehicles and that they are not imposing unnecessarily restrictive limitations upon final-stage manufacturers. To this agency's knowledge, these vehicle manufacturers have neither undertaken any strengthening of their vehicles' windshield structures nor lessened any of their restrictions.

At the same time that the agency was made aware of the final-stage manufacturers' problems of certifying to these standards, the agency was becoming concerned about the possibility that compliance of some light trucks and vans with these standards might have made the vehicles more aggressive with respect to smaller passenger cars that they might impact. According to agency information, if these standards require a substantial strengthening of vehicle frames, the aggressivity of the vehicles is increased. Therefore, as a result of the agency's concern about aggressivity and its desire to address the certification problems of final-stage manufacturers in a manner that would not lead to a cessation of a chassis sales to those manufacturers, the agency issued the August 1979 proposal. The agency hoped that the proposal would allow and encourage incomplete vehicle manufacturers to reduce their weight and center of gravity restrictions, thereby easing or eliminating the compliance test burdens of final-stage manufacturers. The agency believed that this could occur using either option because either would result in vehicles being tested at lower weights. Currently vehicles are tested under both standards at their unloaded vehicle weights plus 300 pounds.

The first option would have required some vehicles whose unloaded vehicle weights exceeded 4,000 pounds to be tested by being impacted with a 4,000 pound moving barrier. The second option proposed by the agency would have required vehicles to be tested at their unloaded vehicle weight up to a maximum unloaded vehicle weight of 5,500 pounds. This option was suggested to the agency by several manufacturers and manufacturer representatives.

Comments on Notice

In response to the agency's notice, nine manufacturers and manufacturer representatives submitted comments. All of the commenters supported some action in response to the problems of final-stage manufacturers. Most of the commenters also suggested that the agency's second alternative solution was more likely to achieve reductions in the restrictions being imposed by incomplete vehicle manufacturers. The first option would have created a new, unproven test procedure, and manufacturers would have been cautious in easing center of gravity or weight restrictions based upon this test procedure. Accordingly, most commenters were not sure that the first option would achieve the desired results. The consensus was, therefore, that the second option should be adopted.

Some manufacturers recommended that both options be permitted allowing the manufacturer to decide how to test its vehicles. The agency does not agree with this recommendation. Not only would it be more difficult and expensive to enforce a standard that has alternative test procedures, but most manufacturers prefer the 5,500 pound weight limit option. The NHTSA concludes that as a result of the comments supporting the 5,500 pound maximum test weight, that this is an acceptable procedure for testing compliance with these two standards. Therefore, the standards are amended to incorporate this procedure.

The major incomplete vehicle manufacturers commenting on the notice suggested that testing vehicles at a maximum weight of 5,500 pounds might provide some immediate relief. None of the major incomplete vehicle manufacturers provided any information concerning how substantial that relief might be. Ford indicated that any relief might be limited.

The agency believes that the incomplete vehicle manufacturers must accept the responsibility for establishing reasonable restrictions upon their incomplete vehicles. The NHTSA has not been provided with sufficient evidence substantiating the statements of the incomplete vehicle manufacturers that their existing restrictions are reasonable. In fact, some evidence indicates that unnecessarily stringent restrictions are being imposed because incomplete vehicle manufacturers do not want to conduct the necessary testing to establish the appropriate weight and center of gravity restrictions. Since this amendment should reduce the severity of the test procedures, the agency concludes that incomplete vehicle manufacturers should immediately review their certification test procedures and reduce the restrictions being passed on to final-stage manufacturers.

Due to changes in the light truck market, there is reason to believe that the incomplete vehicle manufacturers will be more cooperative than when the agency spoke to them before beginning this rulemaking. At that time, light truck sales were still running well. Now that these sales are down, these manufacturers may be more solicitous of the needs of the final-stage manufacturers. If relief is not provided by the incomplete vehicle manufacturers, then the agency will consider taking additional steps, including the upgrading of Standards Nos. 212 and 219 as they apply to all light trucks.

General Motors (GM) questioned one of the agency's rationales for issuing the notice of proposed rulemaking. GM stated that the agency concludes that this action will provide a more appropriate level of safety for the affected vehicles while the initial extension of these standards to the affected vehicles provided, in GM's view, only a slight increase in the level of safety of the vehicles. GM indicates that since the application of these standards to the affected vehicles provided only slight benefits and since this amendment will reduce those benefits, the standards should not apply to light trucks and vans. The agency disagrees with this suggestion.

The agency is currently reviewing the applicability of many of its safety standards to determine whether they ought to be extended to light trucks and other vehicles. Accident data clearly indicate the benefits that have resulted from the implementation of safety standards to cars. The fatality rate for passenger cars has decreased substantially since the implementation of a broad range of safety standards to those vehicles. On the other hand, light

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trucks and vans have not had a corresponding reduction in fatality rates over the years. The agency attributes much of this to the fact that many safety standards have not been applied to those vehicles. Since those vehicles are becoming increasingly popular as passenger vehicles, the agency concludes that safety standards must apply to them.

In response to GM's comment that this reduction in the test requirements for Standards Nos. 212 and 219 will remove all benefits derived by having the standards apply to those vehicles, the agency concludes that GM has misinterpreted the effects of this amendment. This amendment will reduce somewhat the compliance test requirements for those light trucks and vans with unloaded vehicle weights in excess of 5,500 pounds. It will not affect light trucks with unloaded vehicle weights below 5,500 pounds. According to agency information, approximately 25 percent of the light trucks have unloaded vehicle weights in excess of 5,500 while the remainder fall below that weight. As a result of weight reduction to improve fuel economy, its is likely that even more light trucks will fall below the 5,500 pound maximum test weight in the future. Therefore, this amendment will have no impact upon most light trucks and vans. In light of the small proportion of light trucks and vans affected by this amendment and considering the potential benefits of applying these standards to all light trucks and vans, the agency declines to adopt GM's suggestion that the standards be made inapplicable to these vehicles.

With respect to GM's question about the appropriate level of safety for light trucks, the agency's statement in the notice of proposed rulemaking was intended to show that the safety of light trucks and vans cannot be viewed without considering the relative safety of lighter vehicles that they may impact. Accordingly, the level of safety that the agency seeks to achieve by this and other safety standards is determined by balancing the interests of the occupants of passenger cars and heavier vehicles.

GM also questioned the agency's statement that vehicle aggressivity may be increased by imposing too severe requirements on these vehicles. GM suggested that no evidence exists that vehicle aggressivity is increased as a result of complying with these standards.

The agency stated in the proposal that it was concerned that compliance with the standards as they now exist might have increased the aggressivity of the vehicles, thereby harming the occupants of passenger cars that are impacted by these larger, more rigid vehicles. The agency is now beginning to examine the full range of vehicle aggressivity problems. The docket for this notice contains a paper recently presented by a member of our staff to the Society of Automotive Engineers on this subject. The agency tentatively concludes, based upon the initial results of our research and analysis, that vehicle aggressivity could be a safety problem and that the agency considers that possibility in issuing its safety standards. The NHTSA notes that Volkswagen applauds the agency's recognition of the vehicle aggressivity factor in safety.

As to GM's argument that compliance with the standards may not have increased vehicle aggressivity, our information on this point came from the manufacturers. The manufacturers indicated that compliance with Standards 212 and 219 requires strengthening the vehicle frame. This makes a vehicle more rigid. Our analysis indicates that making a vehicle more rigid may also make it more aggressive. Therefore, the agency concludes partially on the basis of the manufacturer's information, that compliance with the safety standards as they are written may have increased the aggressivity of the vehicles.

Ford Motor Company suggested that, rather than change these two particular standards, the agency should amend the certification regulation (Part 568) to state that any vehicle that is barrier tested would be required only to comply to an unloaded vehicle weight of 5,500 pounds or less. Ford suggested that this would standardize all of the tests and provide uniformity.

The agency is unable to accept Ford's recommendation for several reasons. First, the certification regulation is an inappropriate place to put a test requirement applicable to several standards. The tests requirements of the standards should be found in each standard. Second, the Ford recommendation would result in a reduction of the level of safety currently imposed by Standard No. 301, *Fuel System Integrity*.

As we stated earlier and in several other notices, the agency is legislatively forbidden to modify Standard No. 301 in a way that would reduce the level of safety now required by that standard. Even without this legislative mandate, the agency would not be likely to relieve the burdens imposed by Standard No. 301. That standard is extremely important for the prevention of fires during crashes. compliance of a vehicle with this standard not only protects the occupants of the vehicle that is in compliance but also protects the occupants of vehicles that it impacts. The agency concludes that the standard now provides a satisfactory level of safety in vehicles, and NHTSA would not be likely to amend it to reduce these safety benefits even if such an amendment were possible.

With respect to fuel system integrity, several manufacturers suggested that the agency had underestimated the impact of that standard upon weight and center of gravity restrictions. These commenters indicated that compliance with that standard requires more than merely adding shielding to the fuel systems of the vehicles. The agency is aware that compliance with that standard in certain instances has imposed restrictions upon manufacturers. Nonetheless, the agency continues to believe that as a result of this amendment, the chassis manufacturers will be able to reduce their weight and center of gravity restrictions while still maintaining the compliance of their vehicles with Standard No. 301.

Chrysler commented that the agency should consider including the new test procedure in Standard No. 204 and all other standards that require barrier testing. The agency has issued a notice on Standard No. 204 (44 FR 68470) stating that it was considering a similar test provision for that standard. The agency also is aware that any barrier test requirement imposed upon vehicles subject to substantial modifications by final-stage manufacturers will create problems for the final-stage manufacturers. Accordingly, the agency will consider the special problems of these manufacturers prior to the issuance of standards that might affect them and will attempt to make the test requirements of the various standards consistent wherever possible.

The agency has reviewed this amendment in accordance with Executive Order 12044 and concludes that it will have no significant economic or other impact. Since the regulation relieves some testing requirements, it may slightly reduce costs associated with some vehicles. Accordingly, the agency concludes that this is not a significant amendment and a regulatory analysis is not required.

In accordance with the foregoing, Volume 49 of the Code of Federal Regulations Part 571 is amended by adding the following sentence to the end of paragraph § 6.1(b) of Standard No. 212 (49 CFR 571.212) and paragraph § 7.7(b) of Standard No. 219 (49 CFR 571.219).

Vehicles are tested to a maximum unloaded vehicle weight of 5,500 pounds.

The authors of this notice are William Smith of the Crashworthiness Division and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50.)

Issued on March 28, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-9830 Filed 3-28-80; 11:37 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Opening of Chincoteague National Wildlife Refuge to Public Access, Use and Recreation

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to public access, use and recreation of Chincoteague National Wildlife Refuge is compatible with the objectives for which the area was established and will provide additional recreational opportunity to the public through a non-consumptive use. This document amends and completely replaces the special regulations governing this use published on page 77168, **Federal Register,** Volume 44, No. 251, Monday, December 31, 1979.

DATES: April 15, 1980 through December 31, 1982.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617/965–5100 Ext. 200).

SUPPLEMENTARY INFORMATION: Public access, use and recreation is permitted on Chincoteague National Wildlife Refuge in accordance with 50 CFR 26 and the following Special Regulations. Portions of the refuge which are open to public access, use and recreation are designated by signs and/or shown on maps available from addresses indicated below. No vehicle travel is permitted except on designated roads and trails. Special Regulations applying to Chincoteague Refuge are listed on leaflets available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objective for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purpose for which these National Wildlife Refuges were established. This determination is based upon consideration of among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following special regulations:

§ 26.34 Special regulations; public access, use and recreation; for individual wildlife refuge areas.

Public access, use and recreation is permitted on the Chincoteague National Wildlife Refuge. P. O. Box 62, Chincoteague, Virginia 23336. Contact the Refuge Manager at 804/336–6122. Special Conditions: Entry into the refuge is permitted between the hours of 4:00 AM to 10:00 PM daily from April 1 to November 30 and from one-half hour before sunrise to one-half hour after sunset from December 1 to March 31 for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, kite flying, sunbathing and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted as posted on the ocean beach. Fishing, kite flying, and possession of glass containers are prohibited within the protected beach areas. The use or possession of metal detectors is not permitted on the refuge. Entry into the refuge by boat is permitted at the designated public use areas at Tom's Cove Hook and the public use area operated by the Town of Chincoteague at Assateague Point. Picnicking and contained fires are permitted at Tom's Cove Hook in designated areas. Open fires by special permit only. All fires must be extinguished by water. Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. No vehicle may be left on the area during closed hours except by special permit. Motorcycles or mopeds with motor in operation are not permitted on the Wildlife Drive or on other trails designated for foot or bicycle use. The use of mopeds or motorized bicycles shall be governed as follows: as a bicycle when motor is not in operation; as a motorcycle when motor is in operation; the methods of operation, equipment, license and registration requirements shall be the same as those set by the State of Virginia. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence only within designated areas along the beach. Pets are not permitted on the refuge. Off-road travel by oversand vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook. Driving so as to cut circles or otherwise needlessly deface the sand dunes or vegetation is prohibited. Speed may not exceed 25 miles per hour. When approaching or passing within 100 feet of a pedestrian or person on horseback, speed must be reduced to 15 miles per hour. Pedestrians and horseback riders always have the right of way. Oversand vehicles may not be used to tow persons on any recreational device over sand, or in the water or air. An annual permit at a fee of $15.00 or a seven-day permit at a fee of $10.00 is required for oversand vehicle use. Such permits are not transferable and shall be displayed as directed by the refuge manager. The annual permit shall be valid from April 15 to April 14 of the following year. All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles. Motorcycles and mopeds must remain on designated access roads and are not permitted in oversand vehicle areas. All oversand vehicles must carry at all times on the beach, shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge. No permit will be issued for a vehicle which does not meet the following standards:

On four-wheel-drive vehicles:
Maximum vehicle length—26 feet.
Maximum vehicle width—8 feet.
Minimum ground clearance—7 inches.

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Gross vehicle weight rating may not exceed—10,000 lbs.
Maximum number of axles—2.
Maximum number of wheels per axle—2.
Minimum number of wheels—4.

On two-wheel-drive vehicles in addition to the seven items listed above: Minimum width of tire contact on the sand—8 inches each wheel. Tires with regular mud/snow treads are not acceptable. The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations. Forty-two (42) oversand vehicles are permitted in the oversand zone. The refuge manager may temporarily close or limit access to the beach when this level is reached. Special event permits may be issued by the refuge manager. Oversand vehicle permits issued by the National Park Service for operation on the Assateague Island National Seashore will also be honored for operation on the designated oversand vehicle routes within the public use areas at Tom's Cove Hook.

Fishermen who hold special overnight beach-fishing permits may remain on the refuge during closed hours on the dates for which such permit is issued. At least one member of the fishing party must be actively engaged in fishing at all times while on the refuge, under the terms of the permit. Organized youth-group and backpack camping is permitted by advance reservation only. Daily fee for youth group camping is $5.00 per site.

On that portion of the Chincoteague National Wildlife Refuge known as Tom's Cove Hook and described as the area bounded on the north by the wildlife fence adjacent to the main parking lot, on the east and south by the Atlantic Ocean extending to Fishing Point, and on the west by the waters of Tom's Cove to and along the canal in Swan Cove adjacent to the main parking lot, authorized National Park Service personnel may enforce the above regulations utilizing policies, procedures of the Assateague Island National Seashore, or if properly deputized, may utilize policies, procedures and authorities normally associated with law enforcement procedures of the Chincoteague National Wildlife Refuge.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Administrative needs require that the Chincoteague Refuge oversand vehicle regulations and permit requirements be implemented concurrent with those of the National Park Service. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

David F. Riley,

Acting Regional Director, Fish and Wildlife Service.

[FR Doc. 80-10178 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-55-M

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Proposed Rules

Federal Register
Vol. 45, No. 66
Thursday, April 3, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2504

Privacy Act of 1974; Proposed Implementation Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Proposed Rule.

SUMMARY: The following proposed regulations, drafted in accordance with the Privacy Act of 1974 (5 U.S.C. 552a(f)), are hereby offered for public comment. These regulations establish procedures for an individual to determine if the Office of Administration has a record[1] pertaining to them, and to gain access to that record for purposes of review, amendment, and correction.

DATE: Comments are due on or before May 5, 1980.

ADDRESS: Send comments to Sarah T. Kadec, Deputy Director, Office of Administration, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Donald Street, Assistant to the Deputy Director, 456-2970.

It is proposed to add the following Part 2504 to Title 5 of CFR.

Sarah T. Kadec,

Deputy Director.

PART 2504—PRIVACY ACT REGULATIONS

Sec.

2504.1 Purpose and scope.
2504.2 Definitions.
2504.3 Annual notice of systems of records maintained by the Office.
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2504.9 Identification requirements.
2504.10 Access of others to records about an individual.
2504.11 Access to the accounting of disclosures from records.
2504.12 Denials of access.
2504.13 Requirements for requests to amend records.
2504.14 Action on request to amend a record.
2504.15 Procedures for appeal of determination to deny access to or amendment of records.
2504.16 Appeals process.
2504.17 Fees.
2504.18 Penalties.

Authority.—5 U.S.C 552a.

§ 2504.1 Purpose and scope.

These regulations implement the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records maintained by the Office of Administration that are contained in a system of records, and that contain information about an individual. The regulations also establish procedures that (a) authorize an individual's access to records maintained about him (or her); (b)limit the access of other persons to those records, and (c) permit an individual to request the amendment or corrections of records about him (or her).

§ 2504.2 Definitions.

For the purposes of this part—

(a) "Office" means the Office of Administration, Executive Office of the President;

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) "Maintain" means collect, use or distribute;

(d) "Record" means any item, collection or grouping of information about an individual that is maintained by the Office, including but not limited to education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, identifying number, symbol, or other identifiers assigned to the individual, such as a finger or voice print or photograph;

(e) "System of records" means a group of any records controlled by the Office and from which information is retrieved by the name of the individual;

(f) "System manager" means the employee of the Office who is responsible for the maintenance, collection, use or distribution of information contained in a system of records;

(g) "Routine use" means, with respect to the disclosure of a record, the use of that record for a purpose consistent with the purpose for which it was collected;

(h) "Subject individual" means the individual named or discussed in a record or the individual to whom a record otherwise pertains;

(i) "Statistical record" means record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 U.S.C.;

(j) "Agency" means agency as defined in 5 U.S.C. 552(e).

(k) "Work days" as used in calculating the date when response is due does not include Saturdays, Sundays and legal public holidays.

§ 2504.3 Annual notice of systems of records maintained by the office.

(a) The Office will publish in the **Federal Register** an annual notice describing the systems of records the Office maintains. The notices shall include (a) the system name, (b) the system location, (c) the categories of individuals covered by the system, (d) the categories of records in the system, (e) the Office's authority to maintain the system, (f) the routine uses of the system, (g) the Office's policies and practice for maintenance of the system, (h) the system manager, (i) the procedures for notification, access to and correction of records in the system, and (j) the sources of information for the system.

(b) Notices shall also be published, as required by the Privacy Act of 1974, of significant changes in or additions to the Office's systems of records.

§ 2504.4 Determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Office contains a record pertaining to them should address inquiries to the Deputy Director, Office of Administration, Washington, D.C. 20503.

(b) Inquiries must be in writing and the words "PRIVACY ACT REQUEST" should be printed on both the letter and the envelope. The request letter should contain the complete name and

[1] See the Notices Section of this issue for the systems of records maintained by the Executive Office of the President, the Office of Administration.

identifying number of the pertinent system as published in the annual **Federal Register** notice describing the Office's Systems of Records; the full name and address of the subject individual; a brief description of the nature, time, place and circumstances of the individual's association with the Office; and any other information the individual believes would help the Deputy Director determine whether the information about the individual is included in the system of records. In instances when the information is insufficient to ensure disclosure to the subject individual to whom the record pertains, the Office reserves the right to ask the requestor for additional identifying information.

(c) To the extent possible, the Deputy Director will answer or acknowledge the inquiry within 10 working days of its receipt by the Office. When the response cannot be made within 10 work days, the Deputy Director will provide the requestor with the date when a response may be expected and, whenever possible, the specific reasons for the delay.

§ 2504.5 Granting access to a record.

(a) An individual requesting access to a record about them in a system of records maintained by the Office should submit the request in writing to the Deputy Director. Due to security measures at the Old and New Executive Office Buildings, requests made in person can only be accepted from current Office employees, who should make access requests to the Deputy Director on regularly scheduled work days between 9:00 a.m. and 5:30 p.m.

(b) The request for access should contain the same information set forth in § 2504.4(b) of this part. However, if the request for access follows a request made under §§ 2504.4 (a) and (b) of this part, the same identifying information need not be included, PROVIDED THAT a copy of the prior request or a copy of the Office's response to that request is attached. The request should state if a copy of the record is desired.

§ 2504.6 Special procedures for medical records.

(a) When the Deputy director receives a request from an individual for access to those official medical records which belong to the Office of Personnel Management and are described in Chapter 339, Federal Personnel Manual (medical records about entrance qualification or fitness for duty, or medical records which are otherwise filed in the Official Personnel Folder), the pertinent records shall be referred to a Federal Medical Officer for review and determination in accordance with this section. If no Federal Medical Officer is available to make the determination required by this section, the Deputy Director shall refer the request and the medical reports concerned to the Office of Personnel Management for determination.

(b) If, in the opinion of a Federal Medical Officer, medical records requested by the subject individual indicate a condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the Deputy Director shall not release the medical information to the subject individual nor to any person other than a physician designated in writing by the subject individual, his guardian, or conservator.

(c) If, in the opinion of a Federal Medical Officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hestitate to inform a person suffering from such a condition of its exact nature and probable outcome, the Deputy Director shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

§ 2504.7 Granting access when accompanied by another individual.

An individual who wishes to have a person of his choosing review, accompany him (or her) in reviewing, or obtain a copy of a record must, prior to the disclosure, sign a statement authorizing the disclosure of his record. The statement shall be maintained with the record.

§ 2504.8 Action on request for access.

(a) The Deputy Director shall acknowledge requests for access within 10 work days of its receipt by the Office. At a minimum, the acknowledgement shall include:

(1) When and where the records will be available;

(2) The name, title and telephone number of the official who will make the records available;

(3) Whether access will be granted only through providing a copy of the record through the mail, or only by examination of the record in person if the Deputy Director has determined the requestor's access would not be unduly impeded;

(4) Fee, if any, charged for copies. (See § 2504.17 of this part); and

(5) Identification documentation required to verify the identify of the requestor (see § 2504.9 of this part).

2504.9 Identification requirements.

(a) A requestor should be prepared to identify himself (or herself) by signature, i.e., to note by signature the date of access and/or to produce two other legal forms of identification (driver's license, employee identification, annuitant card, passport, etc.).

(b) If an individual is unable to produce adequate identification, the individual shall sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to $5,000 (see § 2504.18). In addition, depending upon the sensitivity of the records, the Deputy Director may require further reasonable assurances, such as statements of other individuals who can attest to the identity of the requestor.

(c) If access is granted by mail, the identity of the requestor shall be verified by comparing signatures. If, in the opinion of the Deputy Director, the granting of access through the mail may result in harm or embarrassment if disclosed to a person other than the subject individual, a notarized statement of identity or some other similar assurance of identity will be required.

§ 2504.10 Access of others to records about an individual.

(a) No official or employee of the Office shall disclose any record to any person or to another agency without the express written consent of the subject individual, unless the disclosure is:

(1) To officers or employees of the Office who need information to perform their official duties;

(2) Under the requirements of the Freedom of Information Act;

(3) For a routine use that has been published in a notice in the **Federal Register**;

(4) To the Bureau of the Census for uses under Title 13 of the United States Code;

(5) To a person or agency who has given the Office advance written notice of the purpose of the request and certification that the record will be used only for statistical purposes. (In addition to deleting personal identifying information from records released for statistical purposes, the Deputy Director shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records);

(6) To the National Archives of the United States if a record has sufficient historial or other value to be preserved by the United States Government, or to the Deputy Director (or a designee) to determine whether the record has that value;

(7) In response to written request, that identifies the record and the purpose of the request, made by another agency or instrumentality of any Government jurisdiction within or under the control of the United States for civil or criminal law enforcement activity, if that activity is authorized by law;

(8) To a person who, showing compelling circumstances, needs the information to prevent harm to the health or safety of an individual, but not necessarily the individual to whom the record pertains (upon such disclosure, a notification shall be sent to the last known address of the subject individual);

(9) To either House of Congress, or to a Congressional committee or subcommittee if the subject matter is within its jurisdiction;

(10) To the Comptroller General, or an authorized representative, to carry out the duties of the General Accounting Office; or

(11) Pursuant to a court order.

§ 2504.11 Access to the accounting of disclosures from records.

(a) Rules governing access to the accounting of disclosures are the same as those granting access to the records.

§ 2504.12 Denials of access.

(a) The Deputy Director may deny an individual access to his (or her) record if:

(1) In the opinion of the Deputy Director, the individual seeking access has not provided sufficient identification documentation to permit access; or

(2) The Office has published rules in the **Federal Register** exempting the pertinent system of records from the access requirement.

(b) If access is denied, the requestor shall be informed of the reasons for denial and the procedures to obtain a review of the denial (see § 2504.15 of this part).

§ 2504.13 Requirements for requests to amend records.

(a) Individuals who desire to correct or amend a record pertaining to them should submit a written request to the Deputy Director, Office of Administration, Washington, D.C., 20500. The words "PRIVACY ACT—REQUEST TO AMEND RECORD" should be written on the letter and the envelope.

(b) The request for amendment or correction of the record must state the exact name of the system of records as published in the **Federal Register**; a precise description of the record proposed for amendment; a brief statement describing the information the requestor believes to be inaccurate or incomplete, and why; and, the amendment or correction desired. If the request to amend the record is the result of the individual's having accessed the record in accordance with §§ 2504.5, 2504.6, 2504.7, and 2504.8 of this part, copies of previous correspondence between the requestor and the Office should be attached, if possible.

(c) Individuals needing assistance in preparing a request to amend a record may contact the Deputy Director at the address cited in paragraph (a) of this section.

(d) If the individual's identity has not been previously verified, the Office may require identification documentation as described in § 2504.9 of this part.

§ 2504.14 Action on request to amend a record.

(a) To the extent possible, a request for amendment of a record will be answered within 10 work days of its receipt by the Office. If a decision cannot be made within this time, the requestor will be informed by mail of the reasons for the delay and the date when a reply can be expected, normally within 30 work days from receipt of the request.

(b) The final response will include the Office's determination of whether to grant or deny the request. If the request is denied, the response will include:

(1) The reasons for the decision;

(2) The name and address of the official to whom an appeal should be directed;

(3) The name and address of the official designated to assist the individual in preparing the appeal;

(4) A description of the appeal process within the Office; and

(5) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 2504.15 Procedures for appeal of determination to deny access to or amendment of records.

(a) Individuals who disagree with the refusal of the Office to grant them access to or to amend a record about them should submit a written request for review to the Deputy Director, Office of Administration, Washington, D.C. 20500. The words "PRIVACY ACT—APPEAL" should be written on the letter and the envelope. Individuals desiring assistance preparing their appeal should contract the Deputy Director.

(b) The appeal letter must be received by the Office within 30 calendar days from the date the requestor received the notice of denial. At a minimum, the appeal letter should identify:

(1) The records involved;

(2) The date of the initial request for access to or amendment of the record;

(3) The date of the Office denial of that request;

(4) The reasons supporting the request for reversal of the Office's decision.

Copies of previous correspondence from the Office denying the request to access or amend the record should also be attached, if possible.

(c) The Office reserves the right to dispose of correspondence concerning the request to access or amend a record if no request for review of the Office's decision is received within 180 days of the decision date. Therefore, a request for review received after 180 days may, at the discretion of the Deputy Director, be treated as an initial request to access or amend a record.

§ 2504.16 Appeals process.

(a) Within 20 work days of receiving the request for review, a review group composed of the Deputy Director, the General Counsel and the Official having operational control over the record, will issue a determination on the appeal, in writing, to the requestor. If a final determination cannot be made in 20 days, the requestor will be informed of the reasons for the delay and the date on which a final decision can be expected. Such extensions are unusual, and should not exceed an additional 30 work days.

(b) If the original request was for access and the initial determination is reversed, the procedures in § 2504.8 of this part will be followed. If the initial determination is upheld, the requestor will be so advised and informed of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(c) If the initial denial of a request to amend a record is reversed, the Office will correct the record as requested and advise the individual of the correction. If the original decision is upheld, the requestor will be so advised and informed in writing of the right to judicial review pursuant to 5 U.S.C. 552a(g). In addition, the requestor will be advised of his (or her) right to file a concise statement of disagreement with the Deputy Director. The statement of disagreement should include an explanation of why the requestor believes the record is inaccurate, irrelevant, untimely or incomplete. The Deputy Director shall maintain the statement of disagreement with the disputed record, and shall include a copy of the statement of disagreement in any disclosure of the record.

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Additionally, the Deputy Director shall provide a copy of the statement of disagreement to any person or agency to whom the record has been disclosed, if the disclosure was made pursuant to § 2504.10 (5 U.S.C. 552(a)(c)).

§ 2504.17 Fees.

(a) Individuals will not be charged for:
(1) The search and review of the record;
(2) Any copies produced to make the record available for access;
(3) Copies of the requested record if access can only be accomplished by providing a copy through the mail; and
(4) Copies of three (3) or less pages of a requested record.
(b) Records will be photocopied for 10¢ per page for four pages or more (except for (a), (1), (2), (3), (4) above). If the record is larger than 8½ x 14 inches, the fee will be the cost of reproducing the record through Government or commercial sources.
(c) Fees shall be paid in full prior to issuance of requested copies. Payment shall be by personal check or money order payable to the Treasurer of the United States, and mailed or delivered to the Deputy Director, Office of Administration, Washington, D.C. 20503.
(d) The Deputy Director may waive the fee if:
(1) The requestor is an employee of the Office and copies requested do not exceed 50 pages;
(2) The cost of collecting the fee exceeds the amount collected; and
(3) The production of the copies at no charge is in the best interest of the government.
(e) A receipt will be furnished on request.

§ 2504.18 Penalties.

(a) Title 18, U.S.C. Section 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than five years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representation in any matter within the jurisdiction of any agency of the United States. Section (i)(3) of the Privacy Act (5 U.S.C 552a) makes it a misdemeanor, subject to a maximum fine of $5,000 to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) or 5 U.S.C. 552a provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

[FR Doc. 80-10003 Filed 4-2-80; 8:45 am]
BILLING CODE 3115-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AL-3]

Proposed Designation of Alternate Airway

AGENCY: Federal Aviation Administration. (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a south alternate to V-321 airway between King Salmon, Alaska, and Homer, Alaska, to provide an additional route and a reduction in traffic delays caused by congestion during peak traffic periods.

DATES: Comments must be received on or before May 5, 1980.

ADDRESSES: Send comments on the proposals in triplicate to: Director, FAA Alaska Region, Attention: Chief, Air Traffic Division, Docket No. 80-AL-3, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the offfice of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before May 5, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would add a south alternate to V-321 airway to relieve congestion on a segment of this airway between King Salmon and Homer, Alaska. The proposed action would designate V-321S from King Salmon via the INT of King Salmon 087°T(066°M) and Homer 237°T(213°M) radials. Section 71.125 of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 342).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 342) as follows:

V-321 title and text is deleted and "V-321 From Cape Newenham, Alaska, NDB via King Salmon, Alaska; to Homer, Alaska, including a south alternate via the INT of King Salmon 087° and Homer 237° radials." is substituted therefor.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on March 31, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-10157 Filed 4-2-80; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM80-42]

Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to issue a rule permitting a public utility or interstate pipeline making a rate filing under section 205 of the Federal Power Act or under sections 4 or 7 of the Natural Gas Act to use tax normalization to compute the income tax component for its cost of service. If the rate applicant were to make such an election it would be required to use tax normalization for all timing difference transactions except those addressed in prior Commission orders. The proposed rule is not intended to modify existing procedures contained in the Commission's Uniform Systems of Accounts.

DATES: Written comments by June 30, 1980. Public hearings (if warranted) to be announced.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Reference Docket No. RM80-42.

FOR FURTHER INFORMATION CONTACT:

Angela Lancaster, Office of the Chairman, Federal Energy Regulatory Commission, Room 9000, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8333.
Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, Room 3000F, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8186.
Jane E. Phillips, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8104B, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8033.
Issued March 31, 1980.

I. Introduction

The Federal Energy Regulatory Commission (Commission)[1] is proposing to amend Part 2 of its regulations by adding a new § 2.202 as a substantive rule applicable to both the electric utility and natural gas pipeline industries. The rule would permit tax normalization, or interperiod tax allocation, with respect to all miscellaneous transactions (other than those specifically excluded as discussed below) that create "timing differences" in the recognition of expenses or revenues for ratemaking (or book) and income tax purposes. In addition, the proposed rule codifies existing Commission practice with regard to the related cost of service effects for the rate base adjustments resulting from the treatment of accumulated deferred income tax accounts.

This Commission's predecessor, the Federal Power Commission, on various occasions considered the issue of normalizing the effects of certain transactions for which timing differences exist. Order No. 530-B, Docket Nos. R-424 and R-446, issued July 6, 1976,[2] represents the culmination of the last generic normalization proceeding before the FPC. That processing, *inter alia*, addressed the ratemaking implications of normalization and modified the provisions of the Uniform Systems of Accounts in order to establish accounting procedures necessary to achieve tax normalization. The instant proceeding has been initiated in response to the February 16, 1979 remand of the Order No. 530 series of the United States Court of Appeals for the District of Columbia Circuit in *Public Systems, et al.* v. *FERC*, 606 F.2d 973 (D.C. Cir. 1979), rehearing denied March 30, 1979.

II. Scope of Proposed Regulation

Although the proposed regulation is relatively broad in scope, certain items are expressly excluded from consideration. It appears neither appropriate nor necessary to re-evaluate the accounting or ratemaking treatment of those timing difference transactions for which normalization has been prescribed in prior proceedings. To the extent that the Commission's treatment of any of the excluded items has been challenged before the courts, the Commission has been sustained in the exercise of its expert judgment. See discussion of legal history, Section V, *infra*. Moreover, because these timing difference transactions were not addressed in Order No. 530 or its progeny, they are beyond the scope of the Order No. 530-B remand.

[1] The term "Commission" refers to the Federal Power Commission (FPC) with respect to actions taken prior to October 1, 1977, and to the Federal Energy Regulatory Commission with respect to any actions on or after that date.

[2] *See also*, Order Nos. 530 and 530-A, issued June 18, 1975, and January 19, 1976, respectively; Order Denying Rehearing of Order No. 530-B, issued September 3, 1976.

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Thus, this rulemaking proceeding *does not* relate to previously established Commission policy concerning normalization of the tax effects associated with the following timing differences:[3]

(1) Differences that result from the use of accelerated depreciation and Class Life Asset Depreciation Range (ADR) tax provisions. (Order No. 404, May 15, 1970; Opinion No. 578, June 3, 1970; and Order No. 504, February 11, 1974.)

(2) Differences that result from the use of accelerated amortization provisions on certified defense and pollution control facilities. (Order Nos. 203, May 29, 1958; 204, May 29, 1958; and 432, April 23, 1971.)

(3) Differences that arise from recognition of extraordinary property losses as a current expense for tax purposes but as a deferred and amortized expense for book purposes. (Order No. 504, February 11, 1974.)

(4) Differences that arise from recognition of research, development, and demonstration expenditures as a current expense for tax purposes but as a deferred and amortized expense for book purposes. (Order Nos. 408, August 26, 1970; 504, February 11, 1974; and 566, June 3, 1977.)

(5) Differences that result from different tax and book reporting of deferred gains or losses from disposition of utility plant. (Order No. 505, February 11, 1974.)

(6) Differences that result from the use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code of 1954. (Order No. 504, February 11, 1974.)

(7) Differences that result from recognition of purchased gas costs as a current expense for tax purposes but as a deferred expense for book purposes. (Order No. 13, October 18, 1978.)

Another matter which the Commission does not propose to reconsider at this time concerns the accounting provisions established in Order No. 530.[4] The rule currently under advisement may properly be viewed as enunciating a ratemaking rather than an accounting rule. The accounting practices previously set forth have been incorporated in the Commission's Uniform Systems of Accounts and were not directly at issue on judicial review. Moreover, the provisions of the Uniform Systems of Accounts relating to income taxes are designed to accommodate Commission ratemaking practices, whether or not normalization is utilized. Therefore, changes in ratemaking practices that permit normalization would not need to be accompanied by changes in the Uniform Systems of Accounts.

Having thus narrowed the scope of this rulemaking, the Commission is proposing a rule that would generalize the application of normalization to all other (miscellaneous) timing difference transactions. Order No. 530, at 6–7, identified seven examples of miscellaneous timing difference transactions that had not been considered in prior Commission proceedings. While that list contains the major additional items that would qualify for normalization under the current proposal, it should not be construed as exhaustive. In fact, the policy of comprehensive normalization sought to be implemented by this proposal would encompass a wide variety of less significant timing difference transactions.[5] *See* Appendix C for additional examples of timing differences.

The proposed rule as well as this preamble attempt to define the term "timing differences" in such a way as to eliminate any confusion concerning the Commission's intent to permit normalization of tax effects associated with all transactions that fit within the definition. Also in this preamble, we distinguish "permanent difference transactions," noting that normalization is inapposite in the case of permanent differences.

The Commission contemplates a uniform application of normalization to the timing difference transactions encompassed by this proposal. Toward that end, the proposed rule requires that a company electing normalization for the tax effects of any of the miscellaneous items must normalize the tax effects of all other miscellaneous timing difference transactions. This condition is necessary because normalization of certain transactions may initially increase revenue requirements, while normalization of others may have an initial rate reducing effect. The same principles support normalization in either case, and we cannot countenance a selective use of normalization which fails to recognize both positive and negative effects on rates.

III. Purposes of Proposed Rule

The primary purposes of this rulemaking proceeding can be summarized succinctly as follows:

(a) To develop a policy that equitably balances the Commission's obligations to ensure reasonable rates for ratepayers while maintaining the financial integrity of the electric and natural gas industries that is necessary for continued reliable service. In establishing such ratemaking policies, it is clear that the Commission must consider a variety of factors. *See, e.g., FPC* v. *Memphis Light, Gas & Water Division, et al.*, 411 U.S. 458, 465–66, 474 (1973). It is also apparent that the Commission has been vested with broad discretion to exercise its expertise in such matters. *See, id.* at 466–67.

(b) To further develop and explain the policy considerations, rationale and cost implications underlying normalization. This proposal addresses, among other matters, the probable impacts of normalization on factors such as cash flow, external financing requirements, cost of capital considerations, price squeeze concerns, rate stability, and overall rate levels. The device by which much of this information is set forth and evaluated is a recently completed staff report incorporated as part of this proposal and attached as Appendix A.

(c) To respond to certain criticisms of Order No. 530–B and the related orders which the Court of Appeals for the District of Columbia Circuit noted in *Public Systems, supra.*

(d) To eliminate an ongoing controversy and attendant uncertainty regarding the appropriate treatment of timing difference transactions in Commission rate proceedings by establishing a generic rule sanctioning normalization. Apart from other considerations, the resulting administrative efficiency and clarity should benefit consumers, regulated utilities,[6] and the Commission. Although an industry-wide determination proscribing normalization might similarly avoid case-specific controversies or eliminate confusion, our inquiry into the subject suggests that normalization more appropriately comports with sound regulatory principles and with the public interest.

[3] With the exception of item number seven, each of these timing difference transactions was specifically eliminated from consideration in Order No. 530, at 5–6.

[4] These provisions were adopted consistent with accounting practices described in Opinion No. 11 of the Accounting Principles Board of the American Institute of Certified Public Accountants, issued December 1967.

[5] As noted in the Staff analysis that accompanies this proposal (Appendix A), certain of these additional transactions may significantly affect individual companies at particular points in time, although it is unlikely that they would substantially affect industry-wide electric or gas prices.

[6] Unless otherwise indicated, "utility" or "company" refer to both natural gas pipelines and public utilities.

IV. Explanation of Normalization and Flow-Through Ratemaking Policies

The computation of allowable income taxes is an integral facet of any cost of service determination. In order to enable a jurisdictional electric utility or natural gas pipeline company to recover its prudently incurred costs and have an opportunity to earn a fair return on the capital that it has invested for the benefit of its consumers, the Commission must concomitantly consider the Federal, state and local taxes which the company will be required to pay on its earnings. Only by allowing the company to recover such taxes from its ratepayers will the company have the opportunity to realize after-tax earnings at a level which has been determined to be just and reasonable.

The issue of interperiod tax allocation is a subset of the broader question of interperiod cost allocation. In the rate setting process, the Commission invariably must address the question of allocating costs between different periods of time. Taxes, like any other cost of doing business, can be recognized in rates currently or they can be recognized earlier or later than the time at which they are actually incurred. In the final analysis, the Commission must determine whether the interperiod allocation of all costs, including taxes, will produce results compatible with statutory standards.

Under the ratemaking policy known as "flow-through," the tax component of a regulated entity's cost of service is computed so as to reflect the incurrence of expenses and the receipt of revenues consistent with the interperiod cost and revenue allocation policies of the Internal Revenue Service (IRS). "Normalization," on the other hand, conforms the cost of service tax allowance with the associated ratemaking treatment of the underlying expenses and revenues.

The distinction between these two approaches becomes clearer by reference to certain disparities between IRS and Commission policies. Both the IRS and the Commission are bound by statute and by policy to consider a variety of public interest issues in the exercise of their respective responsibilities. However, because the concerns governing the actions of this Commission and those of the IRS do not always coincide, the interperiod allocations of costs and revenues may also differ. If the Commission determines that a current utility expense should not be borne entirely or immediately by current ratepayers, the Commission may require a spreading of the expense over some other time period. However, the IRS may permit the company to recognize the total expense and realize an associated tax deduction in the year of incurrence.[7] When taxing and ratemaking policies diverge in such a manner, a "timing difference" arises.

There are four types of transactions that give rise to timing differences:

1. *Expenses* that are recognized for tax filings in periods *prior to* when they are recognized in rates;
2. *Expenses* that are recognized for tax filings in periods *later than* when they are recognized in rates;
3. *Revenues* that are recognized for tax filings in periods *prior to* when they are recognized in rates; and
4. *Revenues* that are recognized for tax filings in periods *later than* when they are recognized in rates.

The first and fourth types reduce tax liability currently and raise it later. The second and third types raise tax liability currently and reduce it later. In order to avoid confusion, the major focus of our discussion will be on the expense types of timing differences.[8]

The alternative policies of flow-through and normalization have both been advanced as methods for determining an appropriate cost of service tax allowance when there are timing differences. Under the flow-through policy, ratepayers are permitted to realize the tax benefits of expenses (lower tax liability) when those expenses are used as tax deductions by a company. In other words, the entire tax benefit arising from the current deductibility of an expense for IRS purposes is immediately flowed through the company's rates (via its tax allowance) to its customers, despite the fact that the company's rates will recover the related expense in some other period.[9]

Normalization, on the other hand, treats taxes on a deferred or prepaid basis depending upon the ratemaking treatment of the associated expenses. Normalization matches the tax effect of an expense with the ratemaking treatment for recovery of that expense. Normalization acknowledges the timing difference created by divergent IRS and ratemaking treatment of expenses and revenues and establishes a tax allowance that is consistent with the ratemaking treatment of the expenses and revenues. The procedure permits the regulated company to defer certain of its tax deductions for ratemaking purposes until such time as the expenses which produced the deductions are recovered in the company's rates. Conversely, where ratemaking permits the recovery of an expense earlier than the time at which it is deducted for tax purposes (e.g., plant removal costs), the normalized tax allowance reflects the deductibility of the expense in advance of the actual deduction. The result, again, is a matching of the Commission's treatment of taxes with its treatment of the underlying expenses.

While there are a number of expense and revenue items which create timing differences, normalization operates in essentially the same manner for each. In determining the tax component of the cost of service, a deferred tax component equal to the tax effects of timing difference transactions deducted currently for income tax purposes is added to actual taxes payable in that period. Concurrently, deferred taxes associated with timing difference transactions recognized in rates currently but deducted in other periods for income tax purposes are subtracted from actual taxes payable in that period. These two adjustments (which relate only to expense transactions) can be aggregated into a single (net) deferred tax component. Similar adjustments would relate to revenue transactions. The use of such deferred tax debits and credits causes rates to be set at levels approximating what they would be if the interperiod cost and revenue allocation policies of the IRS were conformed to those of the Commission.

In addition, the Commission requires that accumulated deferred taxes be deducted from the company's rate base prior to applying the overall rate of return in the cost of service computation. This companion practice is designed to ensure that the company's stockholders do not earn a return from ratepayers on those assets financed with deferred tax funds.

As discussed above, the proposed regulation sanctions normalization only with respect to timing differences, not permanent differences. In order to

[7] A simple example of this situation is the recovery of regulatory commission expenses. Although these costs are deducted for tax purposes in the year of disbursement, the Commission often requires an amortization of regulatory expenses in order to more nearly establish a representative level for rate purposes. The reverse situation is illustrated with the example of plant removal costs for which the Commission allows recovery over a period of time prior to actual incurrence and deduction for tax purposes.

[8] Repetitive explanations can be avoided since revenues can be viewed as negatives of expenses, and the analysis of revenue transactions parallels that of expense transactions. Furthermore, expense transactions are the most prevalent types of transactions addressed by the policies and potentially have the most significant effects on rates.

[9] As discussed in Section VI, *infra*, the actual result of the flow-through policy is to reduce the income tax allowance and rates by an amount greater than the tax effect of a deducted expense.

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comprehend the distinction between timing differences and permanent differences, it is necessary to recognize two fundamental characteristics of individual timing differences: (1) the difference between recognition of a transaction for tax purposes and for ratemaking purposes arises in one time period and reverses direction or "turns around" in one or more other periods; and (2) over the life of the transaction (before and after the reversal) the total amounts recognized for tax purposes and for ratemaking purposes are equal. In contrast, permanent differences are not offset by reversals in other periods. Rather, they arise when a different dollar value (including nonrecognition of the transaction) is placed on a particular expense or revenue transaction by the IRS than by the regulatory commission. The result is that the total expense deduction or revenue addition taken for tax purposes over time differs from that recognized in ratemaking.[10] Because no interperiod cost or revenue allocation problem exists in the case of permanent differences, normalization is inappropraite for those transactions.

A final important concept relating to the issue of timing differences and interperiod tax allocation is that of "continual tax deferral." This is associated with the composite effects over time of a combination of timing differences affecting a company. A "continual tax deferral" arises when, over time, the total tax benefit associated with new timing differences equals or exceeds the total value of the reversals occurring from earlier timing differences.[11] As a result, under a normalization policy, a positive balance of accumulated deferred taxes reflecting the collection of more taxes in rates than have been paid by the company could exist into the foreseeable future.

Continual tax deferrals are often referred to by the misnomer "permanent tax savings." This term has the connotation that taxes are not only deferred but are also somehow permanently forgiven. This is inaccurate. Regardless of the number of individual timing differences affecting a given utility, each such timing difference will reverse so that, over the life of the transaction, the total amount of the transaction recognized for ratemaking will equal the total amount recognized for tax purposes. Deferred taxes associated with each timing difference are, in fact, recognized when revenues associated with the transaction are recovered, whether or not the reversals of initial timing differences are replaced by new timing differences of the same or larger magnitude. In addition, as discussed previously, some timing differences (such as those associated with plant removal costs) operate in an opposite manner, so that normalization recognizes tax deductions in the cost of service in advance of IRS recognition of those deductions. Reductions to the accumulated deferred tax accounts associated with this type of timing difference offset, at least in part, the deferred taxes arising from other timing differences. Moreover, and perhaps of greater significance, is the fact that there cannot be a permanence in the deferral of taxes unless there is, concomitantly, a permanence in the deferred recovery of the associated costs. As the staff study notes (Appendix A, Section II.C.), with a tax rate of approximately 50 percent, the associated deferred costs are twice as large as the deferred taxes. It is inconsistent to call continually deferred taxes "permanent tax savings" which should be flowed through to ratepayers and at the same time to maintain rates that continually defer the recovery of the much larger associated expenses.

[10] As discussed in Appendix A, Section II.A., examples of permanent differences include municipal bond interest and political contributions.

[11] This relates to timing differences arising from expenses that are recognized as tax deductions prior to their collection in rates. For logical completeness there should also be a term, such as "continual tax prepayments," to relate to expenses recognized as tax deductions after they are recovered in rates.

V. History of the Issue and Standards for Implementation of Commission Policy

In *FPC* v. *Hope Natural Gas Company*, 320 U.S. 591 (1944), the Supreme Court held that there are two aspects of the Commission's authority to assure just and reasonable rates:

1. "To protect consumers against exploitation * * *"[12]

2. To promote the financial interests of the natural gas companies (and, by inference, electric utilities) as measured, not only by revenues sufficient to recover operating expenses and capital costs but also by revenues "* * * sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain credit and to attract capital."[13]

In determining the justness and reasonableness of rates, the Commission utilizes its expertise in selecting from a variety of ratemaking approaches. *FPC* v. *Natural Gas Pipeline Company*, 315 U.S. 575, 586 (1942); *Alabama Tennessee Natural Gas Company* v. *FPC*, 359 F.2d 318, 331 (1966). As discussed below, various courts, including the United States Supreme Court, have recognized the Commission's broad discretion to allow either flow-through or normalization of the tax effects of timing differences. We are unaware of any court decision expressly requiring the Commission to adopt either flow-through or normalization on the basis of any particular factor.

When the FPC first allowed normalization of the tax effects of accelerated depreciation, the United States Court of Appeals upheld the Commission, deferring to the Commission's expertise in the area.[14] Shortly thereafter, when the Commission decided to allow a 1.5 percent rate of return on accumulated deferred taxes, an appellate court upheld the Commission's decision and held that the Commission's discretion was not constrained:

> Since these evaluations are in the expert competence of the Commission, we do not disturb the conclusion derived from them.[15]

In the *Alabama-Tennessee* case,[16] a subsequent Commission (in a three-to-two decision) decided to require the use of flow-through with accelerated depreciation instead of permitting normalization as a previous Commission had done. The Commission relied principally on the "tax deferral"/"tax savings" distinction, finding that normalization would produce "tax savings" for a company's composite plant assuming that plant would remain stable or grow. On appeal, the Commission was affirmed on the basis that there was substantial evidence to support this finding.[17] The appellate court noted that the problem was in a special field that required a regulatory agency's expertise [18] and that the reasonableness of the entire rate structure (not the mechanics used to arrive at the rate structure) was the important issue.[19] Further, the court stated that:

> The Commission must, of course, concern itself with the possibility of having misread the future and with the future's taking a turn without benefit of advice from the Commission. All things change. But we should expect agency policy to be sufficiently flexible to attempt to change with changing times.[20]

A later Commission voted to permit normalization of the tax effects of accelerated depreciation of certain vintage property in *Texas Gas*

[12] 320 U.S. at 610.

[13] *Id.* at 603.

[14] *City of Lexington, Ky., et al.* v. *FPC*, 295 F.2d 109, 114 (4th Cir. 1961).

[15] *Panhandle Eastern Pipeline Company* v. *FPC*, 316 F.2d 659, 663 (D.C. Cir. 1962).

[16] Opinion No. 417, 31 FPC 208 (Feb. 3, 1964); Opinion No. 417, 31 FPC 928 (April 15, 1964).

[17] *Alabama Tennessee Natural Gas Company* v. *FPC*, 359 F.2d 318 (5th Cir. 1966).

[18] *Id.* at 330.

[19] *Id.* at 331.

[20] *Id.* at 339.

Transmission Corporation,[21] again reversing the position of a prior Commission. The primary ground for its decision was that "there is little chance with respect to this plant that there will be any permanent tax savings." [22] The United States Court of Appeals for the District of Columbia Circuit reversed the Commission's opinion in *Texas Gas*,[23] and the Commission appealed that reversal to the United States Supreme Court. In *FPC* v. *Memphis Light, Gas & Water Division*, 411 U.S. 458 (1973), the Court reversed and remanded the decision of the District of Columbia Circuit and held that the Federal Power Commission in *Texas Gas* had correctly decided that it had—

> The authority to determine whether on particular facts the abandonment of flow-through by a utility within the parameter of the Tax Reform Act of 1969 would be in the public interest as envisaged by the Natural Gas Act, even though it might increase rates.[24]

On remand, the District of Columbia Circuit noted this Supreme Court finding [25] and, on the merits, affirmed the Commission's approval of normalization of the tax effects of accelerated depreciation in the utility's cost of service.[26]

The 530 Series of Orders

In 1975, the Commission issued Order No. 530. The order dealt with the tax effects of certain timing differences that had not been covered by previous Commission orders or opinions. The order promulgated accounting amendments relating to normalization and announced a general ratemaking policy in favor of normalization. With respect to the timing differences covered by the rulemaking, Order No. 530 contemplated that the normalization issue would be decided in individual rate cases. Although the Commission stated that parties to a rate proceeding should make an appropriate factual showing to sustain their claims or counterclaims, it did not specify the nature of the factual showings required. In support of its normalization policy the Commission cited the need of both natural gas companies and electric utilities to attract captial, and the tendency of normalization to increase cash flow, reduce external financing requirements, contribute to financial stability and improve fixed charge coverages.

On rehearing, the Commission stated that the courts had required it to find a "tax deferral" rather than a "permanent tax savings" before it could allow normalization.[27] Order No. 530–A therefore required that, in each individual rate case, a "tax deferral" rather than a "tax savings" would have to be proved by the utility with respect to a class of items before that class could qualify for normalization.

In Order No. 530–B, the Commission reassessed the issue. It determined that while the courts had typically dealt with the normalization/flow-through question in terms of the Commission's own standard of deferral versus savings, they had never held that this distinction required the Commission to adopt either flow-through or normalization. According to the Commission, the only bar to the adoption of normalization was if the particular transaction would cause a permanent difference rather than a timing difference. In view of its freedom to choose between competing accounting methods, and based on the record in Docket Nos. R–424 and R–446 and the policy considerations enunciated in both Order Nos. 530 and 530–B, the Commission ultimately adopted a ratemaking policy permitting normalization of the tax effects of all timing differences between the treatment of items for tax and book purposes. The Commission decided that normalization should be allowed even when accumulated deferred tax balances would grow or remain constant. The Commission also continued the policy of deducting accumulated deferred taxes from rate base.

On petition for review of the 530 series of orders to the District of Columbia Circuit,[28] petitioners contended that the Commission failed to provide a reasonable basis for its action and improperly neglected the anticompetitive consequences of its normalization policy. The court concentrated only on Order No. 530–B. The court held that section 19(b) of the Natural Gas Act imposed the "substantial evidence" standard on informal rulemakings, as well as adjudicatory proceedings.[29] It stated that the Commission's order should "include a reasoned opinion detailing those factual elements in the record that underlie the Commission's actions." [30] Noting that Order No. 530–B "rest[ed] on general policy considerations," [31] the court concluded that the Commission failed to "assess the consequences of its action for the industry" or to "indicate 'fully and carefully' the purposes behind the order." [32]

In its decision the court discussed in detail its view of the areas in which Order No. 530–B failed to meet the appropriate standards:

1. There was no indication of the impact on consumers or utilities of adopting normalization and no statement as to the financial resources at issue.[33]

2. The orders did not specify all of the expenses that would be covered by normalization, giving seven examples instead.

3. Only three of the seven examples were discussed adequately (interest, pension costs, and taxes incurred during construction). The other items received such summary treatment that the court considered the order to contain an "insufficient explanation of the Commission's position for effective review." [34]

4. As to both the items discussed and those that received summary treatment, there was nothing to support the Commission's implicit conclusion that there would be no "tax savings." [35] (The court apparently equated "tax savings" with growing or constant balances in accumulated deferred taxes.)

5. The order failed to explain the goals of the Commission's policy.[36] The only policy goals mentioned by the order would apply to a generic flow-through

[21] Opinion No. 578, 43 FPC 824 (June 3, 1970); Opinion No. 578–A, 44 FPC 140 (July 21, 1970).

[22] 43 FPC at 829.

[23] *Memphis Light, Gas & Water Division* v. *FPC*, 462 F. 2d 853 (1972).

[24] 411 U.S. at 472–73.

[25] *Memphis Light, Gas & Water Division* v. *FPC*, 500 F. 2d 798, 807 (1974).

[26] *Id.*

[27] Order No. 530–A, Order Denying Applications for Rehearing and Clarifying Prior Orders, issued January 19, 1976.

[28] *Public Systems, et al.* v. *FERC*, 606 F.2d 973 (D.C. Cir. 1979).

[29] There is presently a conflict between the United States Circuit Courts of Appeal over the specific question of whether the "substantial evidence" test or the "arbitrary and capricious" standard applies to judicial review of rulemakings under the Natural Gas Act. *Compare Superior Oil Company* v. *FPC*, 563 F.2d 191 (5th Cir. 1977) with *Public Systems, et al.* v. *FERC*, 606 F.2d at 973. The dissent in *Public Systems* argued that the substantial evidence standard should not apply to informal rulemaking. The dissenting judge would have applied the "arbitrary, capricious, [or] abuse of discretion" standard of the Administrative Procedures Act and would have upheld Order No. 530–B. (606 F.2d at 983, Judge Robb dissenting.) However, several courts have indicated that the "arbitrary and capricious" test and the "substantial evidence" test may not, in practical effect, impose a different standard of review for informal rulemakings. *See ECEE* v. *FERC*, No. 79–1171, —— F.2d —— (5th Cir. February 7, 1980, Slip op. at 3019–20, n. 22); *American Public Gas Association* v. *FPC* 567 F.2d 1016, 1028–29 (D.C. Cir. 1977); *Associated Indus. of N.Y. State, Inc.* v. *U.S. Department of Labor*, 487, F.2d 342, 349–50 (2d Cir. 1973).

[30] 606 F.2d at 979.

[31] *Id.* at 980.

[32] *Id.*

[33] *Id.* at 980–81.

[34] *Id.* at 981.

[35] *Id.*

[36] *Id.*

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policy as well as to a normalization policy.

6. No reason or rationale was given for the Commission's decision to decide the price squeeze implications of normalization on a case-by-case basis.

The court remanded Order No. 530–B to the Commission for further action not inconsistent with the court's opinion.

In order to alleviate the uncertainty among presiding law judges and litigants concerning the procedure to be followed in the wake of *Public Systems*, the Commission issued an Order Establishing Interim Procedures in Docket Nos. R–424 and R–446.[37] The Commission stated that the procedures set forth in Order No. 530–B would remain in effect pending further action on the court's remand. There was only one exception to this policy. If the filing utility submitted evidence on the normalization issue, staff and intervenors would be allowed to submit evidence and engage in cross-examination on the issue. Further, the Commission declared that.

> Any final decision which requires a refund of amounts otherwise in excess of the just and reasonable rate level shall not require a refund of that portion of the rate related to interperiod tax allocation. That portion shall continue in effect, subject to refund, pending a final order in these dockets.

The proposed rule reflects the Commission's effort to follow a course that is consistent with legal precedent, including *Public Systems*, as well as with the Commission's own standards for the implementation of ratemaking policy. The Commission has broad discretion in the determination of the appropriate tax treatment for the cost of service of electric utilities and natural gas pipelines. The Commission also possesses the flexibility to employ a procedure, like the informal rulemaking procedure chosen here, that it believes is best suited to effective resolution of the issue of interperiod tax allocation. *See Vermont Yankee Nuclear Power Corporation* v. *Natural Resources Defense Council*, 435 U.S. 519 (1978). Moreover, the Commission has the option of adopting either flow-through or normalization as long as it sufficiently articulates the policy reasons behind the decision and provides support for the factual underpinnings of those policy reasons.

VI. Policy Considerations

Analysis of the Issue

As a general matter, the rationale underlying tax normalization is different from the rationale underlying flow-through. As discussed in an earlier section, this difference between the two policies is most easily seen with an expense that creates a tax deferral.

Under normalization, the tax effect of an expense is recognized in the cost of service in the same time period as the expense itself is recognized in the cost of service. This is the matching principle that is discussed more fully in Section II.A. of the staff study (Appendix A). Taxes are deferred under normalization when the collection of the expense in rates is deferred. The goal of this matching is to achieve equity, or to ensure fairness,[38] by allocating the tax benefit of an expense to the same customers that pay the expense. To do otherwise would permit subsidization of present consumers by future consumers who would be denied the tax benefit associated with the expense at the time that the expense is recovered in their rates.

Underlying the equity argument is the concept of "used and useful" property. Usually, the determination that a piece of equipment or property can be included in rate base rests on whether that equipment is "used and useful" in providing service to existing ratepayers.[39] If current customers are receiving a service from the equipment or property, it is reasonable to require them to pay for the use of this property. The next step is a logical one. If current customers are paying the expenses associated with a given piece of equipment or property, because they are receiving service from it, they also should be receiving the benefits of the tax deductions arising from the associated expenses. Not only is it fair to match the overall use of equipment or property with payment for that use but also it is fair to match the *tax* benefits of expenses for equipment or property with the expenses themselves.

Conversely, if customers are not receiving service from property or equipment because it is not yet "used and useful," the customers should not be charged for the expenses associated with that property or equipment. Since the expenses are incurred currently but cannot be recovered in rates until some time in the future, it is reasonable to withhold from the rate calculation the tax benefit (deduction) associated with those as yet unrecovered expenses. Moreover, the utility must finance the expenses in some manner. By temporarily allowing the utility to realize the current tax benefit, the burden of financing the expenses is lessened. Customers, in effect, provide some of the financing by way of the deferred taxes included in their rates. At the time that the expenses are eventually recovered in rates, the tax benefit of the expenses is also reflected in rates so that the utility "pays back" the tax benefit to the customers at the time the customers are charged the expenses themselves.[40]

The rationale underlying flow-through, on the other hand, is that customers should not be charged more taxes in any one year that the utility actually pays in taxes during that year. The cost of service tax allowance should match the IRS determined tax liability as closely as possible. This is referred to as the "actual taxes paid" doctrine, a theory often invoked to demonstrate that flow-through is cost-based.

The proposed normalization policy is also cost-based but not in the same manner as the flow-through policy. Normalization does not give special treatment to taxes. Under normalization, taxes are allocated over time on a prepayment or deferral basis in a manner similar to other costs. The fact that other costs are not, as a general rule, allocated on an "as paid" basis does not mean that the ratemaking cost of service is not cost-based. Similarly, the fact that normalization does not allocate taxes on an "as paid" basis does not mean that normalization is not

[37] Issued June 8, 1979.

[38] A finding that rates are fair necessitates a proper balancing of the relative claims of the interested parties in a rate proceeding. The determination of fair or equitable rates must be, by its very nature, within the judgment and discretion of the Commission. The courts have recognized the Commission's "recourse to equitable concepts in striving for the reasonableness that broadly identifies the ambit of sound discretion," *City of Chicago* v. *FPC*, 385 F.2d 629, 642 (1967), and the fact that "conceptions of equity . . . may properly be invoked by administrative agencies seeking to achieve 'the necessities of control in an increasingly complex society without sacrifice of fundamental principles of fairness and justice.' " *Id.* at 642–43, *citing Niagara Mohawk Power Corporation* v. *FPC*, 379 F.2d 153, 160 (1967).

[39] The "used and useful" concept is consistent with the Commission's disallowance of construction work in progress (CWIP) in rate base. Nevertheless, in late 1974, when the Commission proposed a rulemaking to include CWIP in rate base because of the severe financial pressure facing the electric utility industry and the extensive construction programs in progress, the Commission, in effect, was proposing to put aside the matching and equity principles. As financial circumstances eased somewhat, the Commission reiterated its policy of AFUDC capitalization rather than inclusion of CWIP in rate base. However, exceptions were made for pollution control and fuel conversion facilities since the incentive given utilities by CWIP inclusion to pursue pollution control and fuel conversion were necessary to meet national goals of greater importance than the regulatory matching and equity principles enunciated here.

[40] An analogy can be drawn between this result and an involuntary "loan" provided by customers to the utility in the form of deferred taxes. Customers are compensated for the "loan" in the form of reduced rates resulting from rate base deduction of accumulated deferred taxes. This analogy is discussed in Appendix A, Section II.B.1.

cost-based. It simply means that taxes, like other costs, may be more properly chargeable to periods other than the periods during which the taxes are actually paid by the utility. Further, just as one can say that the allowance for other costs properly covers the actual expenditures made by a utility over time and no more, so too can one say that the tax allowance, under normalization, covers actual taxes over time and no more. Since there is no inherent difference between tax expenses and other expenses, the Commission believes that it is inconsistent to treat them differently, as the flow-through policy does. In addition, because flow-through allocates the tax benefits of expenses to different periods from those periods to which the expenses themselves are allocated, there is a resulting mismatch that creates inequitable results.

A flow-through policy would distort the Commission's pricing objectives in instances in which the Commission determines that the related expense should be recovered in a different time period. As discussed earlier, the Commission must decide for cost allocation purposes whether an expense should be recovered in rates in the same period, after, or before it is incurred by the utility. For instance, if the Commission has determined that a reasonable allocation for the recovery of a $100 expense incurred in year 1 is $50 in each of years 2 and 3, then rates in year 1 should be unchanged and rates in years 2 and 3 should be increased by $50. This is essentially what occurs under a normalization policy. A flow-through tax policy, however, produces a very different result. Because income received in the form of a tax allowance represents additional taxable revenues, rates under a flow-through policy actually would be reduced in year 1 by $100 and increased by $100 in each of years 2 and 3.[41]

An advantage of normalization is that, other things being equal, revenue swings between time periods are likely to be more moderate than under flow-through. Thus, a Commission policy objective of revenue stability can be furthered with the adoption of normalization. The tendency toward stability is demonstrated by the staff study in its discussion of the single transaction case (Appendix A, Section II.B.). As the prior example demonstrated, flow-through lowers rates during the construction period below the rate level that would be required absent construction—but by more than the amount of the tax benefit itself—and raises rates during the operating life of the plant—but by more than the expense recovery. Normalization, on the other hand, affects rates during the construction period only slightly, if at all.

The Commission must often balance the benefits of short-term rate reductions to consumers against the longer term effects of its policies on costs and reliability of service. As indicated by the staff study (Appendix A, Sections II.B.2. and II.D.), normalization produces beneficial effects on cash flow and on the costs of obtaining financial capital. Normalization tends to improve a utility's internal cash flow when the need is greatest and to decrease it when the need it less. Generally, a utility using normalization realizes and is allowed to retain the tax benefits of an expense in the year in which the utility incurs the expense. This lessens the impact of the expense on the utility's cash flow. Conversely, when the expense is recognized and collected in rates and the utility has no actual liability, normalization reduces the amount of the expense actually allowed to be collected by reducing rates to reflect the pass-through of the associated tax benefits to consumers.

Using AFUDC interest as an example, this means that when a utility must expend $100 for this expense, normalization provides $50 of deferred tax debits in rates (assuming a 50 percent tax rate) so that the net impact on the utility's cash out-flow is only $50. When a utility is permitted $100 in rates during a given period to reflect AFUDC interest that it has paid in some prior period(s), normalization reduces the tax allowance by $50 in deferred tax credits so that the net impact on the utility's cash in-flow is only $50.

The financial stability resulting from these effects on cash flow should tend to lower the risks associated with utility investments and thus the costs of capital (*see*, Appendix A, Section II.D.). Further, to the extent that investors view frequent trips to the capital markets as a sign of increased risk, utilities that normalize would be viewed as less risky than flow-through utilities since normalizing utilities, other things being equal, would have lower external capital needs. This also tends to explain the observed lower capital costs to utilities using normalization (*see*, Appendix A, Section II.D.). Since all other costs of service are the same, this lower capital cost means that normalization, over the long-term, should tend to lower the cost of serving customers below flow-through. The lower capital costs and improved cash flow, over time, should also aid a utility in attracting capital and enable a utility to replace and maintain equipment to prevent service deterioration.

In summary, the Commission has proposed tax normalization for the timing differences covered in this proceeding as a matter of general ratemaking policy because it believes that the broad regulatory goals of equitable treatment of ratepayers and investors, long-term cost minimization consistent with service reliability, and cost-based rates can be achieved most successfully by adopting this tax treatment method. In addition, the Commission has reviewed the results of the staff study to determine the industry-wide implications on rates of its proposed rule.

Implications of staff's rate impact analysis

The results of the attached staff impact analysis are important in a number of respects. In addition to providing some indication of the relative magnitude of the impact that the proposed rule has on rates, the staff study provides useful information on some of the issues underlying normalization that are most controversial. For example, various parties opposing the implementation of normalization express concern (explicitly or implicitly) that "continual tax deferrals" necessarily result in continually higher electric or natural gas rates. The staff study demonstrates that this is not necessarily the case since normalized rates may fall below flow-through rates even in the presence of "continual tax deferrals." (*See*, Appendix A and discussion, *infra*.)

Staff's quantitative evaluation covered the types of timing differences addressed in the proposed regulation that, for the majority of the individual utilities, can be expected to have the largest impacts on rates. They are:

1. Differences that result from recognition of the following items as current expenses for tax purposes and as capitalized and amortized expenses for ratemaking purposes:
   (a) The interest component of the Allowance for Funds Used During Construction (AFUDC);
   (b) Construction-related pensions; and
   (c) Construction-related taxes.
2. Differences that result from the use of different depreciation lives for taxes and ratemaking.
3. Differences that result from recognition of regulatory commission cost as a current expense for tax purposes and as an expense amortized over a number of years for ratemaking.

In addition, the study discusses, but does not attempt to quantify, the impact

[41] For a more complete explanation of this result, *see* Appendix A, Section II.B.1.

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on rates of applying normalization to "plant removal (or dismantling) costs."[42] The largest impacts arising from this latter item would be for electric utilities with nuclear generating plants and for natural gas pipeline companies with significant offshore facilities. However, with respect to nuclear plants, the appropriate method for decommissioning remains uncertain and the costs associated with the various methods can vary by a factor of ten (*see*, Appendix A, Section III.A.4.). Therefore, any assessment of the effects on rates or normalizing this item would be very speculative.

While there are numerous other items that create timing differences that would qualify for normalization under the proposed rule, they are believed to be relatively insignificant in comparison to the items that were specifically addressed.[43] Nevertheless, the commission is asking responding parties to supply additional estimates of the effects on rates of permitting normalization for any items that the parties believe to cause timing differences. (*See, Comment Procedure*, Section IX, *infra.*)

With respect to the items listed above for which the staff study did quantify impacts, assuming no difference in the cost of capital for flow-through and normalization, the results indicate that electric utility rates, on average, would have risen 3.3 percent and gas pipeline rates 0.2 percent over flow-through rates in 1976[44] had a utility switched from a flow-through policy to a normalization policy. (*See*, Appendix A, Section III.A.3.) For 1980, the maximum impacts are estimated to be about 2.2 percent for electric utilities and 0.1 percent for gas pipelines. These impacts are generally projected to diminish over the next 20 years, with normalized gas pipeline rates falling below flow-through rates during this time span. In the year 2000, normalized rates are projected to be less than flow-through rates in the natural-gas pipeline industry and to be a maximum of about 0.9 percent above flow-through rates in the electric utility industry. This differential for electric utilities continues past the year 2000.

The actual dollar impacts (in constant 1980 dollars)[45] of normalization versus flow-through also are set forth in the staff analysis for the base and life depreciation timing differences (items 1 and 2 listed above).[46] In 1976, jurisdictional required revenues for the gas pipeline industry would have been $26 to $32 million higher (depending on the assumed growth rate) under normalization than under flow-through if all pipelines had switched to normalization of the base and life differences. By 1980, the jurisdictional required revenues are estimated to be $18 to $20 million higher under normalization and to be $4 to $6 million higher by 1990. By the year 2000, jurisdictional required revenues for gas pipelines are projected to be $5 to $10 million *less* under normalization than under flow-through. After the year 2000, the trend of lower revenues under normalization increases.

For electric utilities, jurisdictional required revenues would have been $183 to $234 million higher (depending on the growth rates and still in constant 1980 dollars) in 1976 if utilities had switched to normalization from flow-through for the base and life differences. In 1980, the jurisdictional required revenues would be $149 to $183 million higher under normalization than under flow-through, and by the year 2000, normalization rates would be $58 to $148 million higher than flow-through rates. While the highest estimated dollar impact of $234 million in 1976 appears large, as noted earlier it represents only a little over 3 percent differential between normalized and flow-through rates. For the high growth case of 14 percent, the staff analysis projects total (jurisdictional and non-jurisdictional) electric utility revenues to be $85 billion in 1980, of which approximately 10 percent represents jurisdictional revenues.

These projections should be qualified. The assumptions as to growth rates and capital cost, which are highly dependent on inflation rates, must be taken with an increasing degree of skepticism as the projections are taken further into the future.[47] In addition, the above conclusions do not incorporate the differential between the overall cost of capital for normalized firms and for flow-through firms, even though there is evidence that such a differential exists (*see*, Appendix A, Section II.D.). When the staff analysis considers the effects of a minor cost of capital differential, that is, flow-through firms face slightly higher costs of capital than firms that normalize, use of normalization eventually results in electric utility rates lower than under flow-through. In the low-growth case, with a ten basis point differential, normalized rates would drop below flow-through rates in the year 2005. A 30-basis point or more differential would yield a lower average rate under normalization by the year 1990 for the low-growth case. (*See*, Attachment A, Section III.A.3.)

With respect to the high-growth case for electric utilities, normalized rates would fall below flow-through rates by the year 2000 if a 30-basis point or more differential is assumed. With a 40 to 50-basis point differential in the high-growth case, normalized rates would be lower than flow-through rates by the year 1990. (*See*, Attachment A, Section III.A.3.) Nevertheless, even if the cost of capital differential is ignored and the higher indicated rates for normalization in fact occur through or beyond the year 2000, this would not be a reason *per se* to disallow tax normalization. (*See*, discussion of equity, *supra.*)

The Commission does not believe that the other timing difference items covered by the proposed rule would substantially affect the quantitative results. Taken alone, plant removal cost, which is probably the most significant item that was not quantified, could conceivably lower normalized rates as compared to flow-through rates for electric companies with significant nuclear generation capacity and for natural gas pipelines with offshore facilities. However, on an industry-wide, average price basis, the probable effect

[42] This item is a different type of expense item than the interest portion of AFUDC and is prepaid rather than deferred. Tax normalization would at least initially lower rates below flow-through rates for this type of timing difference. (*See*, Appendix A, Section III.A.4.)

[43] Other items not addressed also tend to be of differing magnitudes between firms and overtime. Additional items are listed in Appendix C. The Commission believes that the definition of timing differences in the proposed rule is specific enough so that parties to rate proceedings can readily identify those revenue and expense items that create timing differences for which tax normalization would be permitted. Accordingly, it is unnecessary to specify every single revenue and expense item that might give rise to a timing difference.

[44] The year 1976 was the first year during which utilities had the option of adopting normalization for these items.

[45] The 1980 constant dollar base is derived from data for 1976 inflated by the assumed inflation rates used in the individual cases.

[46] *See*, Appendix A, Section III.A.3. and 4. for a more detailed discussion of the base and life difference dollar impacts for the two industries.

[47] The growth rates set forth in the staff study represent current estimates, and, for the past several years, the estimates of future growth rates in the electric power business have been declining. There is every expectation that, to the extent the estimates are revised over the next few years, these revisions are likely to be in a downward direction. In addition, there is a growing practice on the part of electric utilities of sharing the cost of bulk power supply facilities (such as generating units, parts of generating units or specific transmission facilities) with non-jurisdictional systems previously served at wholesale for resale. To the extent this trend continues, the rate of growth in plant investment of jurisdictional electric utilities will be further reduced. Finally, the cogeneration and small power production program set forth in Sections 201 and 210 of the Public Utility Regulatory Policies Act (PURPA) contains provisions designed to encourage investment in generating facilities by non-jurisdictional entities in lieu of generation by jurisdictional electric utilities. This should have a further depressing effect on the growth rate of plant investment by jurisdictional electric utilities.

is uncertain. Finally, while the overall impact of the other items may be presumed to increase normalized rates as compared to flow-through rates, at least over the short term, the sporadic occurrence of these items mitigates the possibility that these items will have any significant long-term effect on rates.[48]

As we indicated above, staff's statistical results have significance beyond what they indicate will be the impact of the proposed rule on rates. They also show that, under the most plausible future conditions for both gas pipelines and electric utilities, "continual tax deferrals," as defined *supra*, will exist. Whether or not continual tax deferrals exist has been the primary concern of opponents of normalization. Staff's empirical results as well as its analysis of this issue demonstrate that this concern is misdirected and overstated.

First, staff's study shows that, even in the presence of "continual tax deferrals," normalized rates may fall below flow-through rates. This occurs in both the low and high growth cases for natural gas pipelines.[49] The reason for this occurrence is found in the Commission's policy of deducting accumulated deferred taxes from rate base. Over time, as the tax allowance exceeds taxes payable because of deferred taxes, accumulated deferred taxes continue to grow. This, in turn, increases the rate base deduction and lowers the return and tax allowance in the utility's cost of service. For the range of future growth conditions projected in the staff study for the natural gas pipeline industry, the deduction is enough to eventually bring normalized rates below flow-through rates. For the base differences (including the AFUDC interest expense) that the study models, normalized rates fall below flow-through rates in 1990 for both the low and high growth cases. For the life differences, normalized rates drop below flow-through rates in 1998 under both low and high growth assumptions. Even though the normalized rates are lower, there continue to be tax deferrals. Thus, there is no direct relationship between "continual tax deferrals" and higher rates under normalization than under flow-through.

Second, the staff study explains that as long as there is a "continual tax deferral," there is an associated continual (non-tax) cost that the utility cannot yet recover from its customers ("continual non-tax cost deferral"). Furthermore, this "continual non-tax cost deferral," which is financed by investors, is twice as large as the associated "continual tax deferral" (assuming a tax rate of 50 percent). Thus if consumers are concerned about a "continual tax deferral," investors should be doubly concerned about the associated "continual cost deferral."

Of course, it should be emphasized that for each individual expense transaction, cost recovery initially deferred is later permitted, and similarly, taxes deferred are later recognized as an offset to the tax allowance. From this perspective, there is neither a continual cost deferral nor a continual tax deferral.

The comparison between the deferred taxes and the associated deferred costs is also important with regard to the cash flow effects of normalization. As discussed above, an important conclusion of the staff study is that normalization improves the cash flow situation of utilities. In terms of those non-tax costs that are continually deferred, and assuming a 50 percent tax rate, this means that half of those costs are paid for with the additional cash provided to utilities by deferred taxes. In other words, the net drain on the utility's cash flow of the continual cost deferral is essentially halved by allowing utilities to normalize.

A final point with respect to the "continual tax deferral" concern is that utility profits are not higher as a result of deferred taxes. Even if the tax allowance under normalization exceeds the "actual taxes paid," the rate of return realized by shareholders is not increased above that allowed by the Commission. The deferred taxes work, simply, to reduce the investment that must be made in the utility with debt and equity funds from investors. The deferred taxes that are deducted from rate base are effectively treated as a form of ratepayer investment on which ratepayers are compensated (on a tax-free basis) through reduced rates. (*See*, Appendix A, Section II.B.1.)

Conclusion

In summary, evaluation of the relative merits of the two policies leads the Commission to conclude that the normalization policy better achieves the goals of the Commission. While both policies result in rates that are cost-based, the normalization policy more equitably balances the interests of present and future ratepayers by matching the interperiod allocation of tax benefits to the interperiod recovery of expenses. Normalization also achieves this objective by improving utilities' ability to attract capital and maintain cash flow and thereby to provide adequate service reliability over the long term. Normalization does not permit stockholders to realize rates of return higher than those allowed.

Flow-through, while resulting in lower rates, at least initially, imposes higher capital costs for which consumers will be responsible now and in the future. Flow-through cost allocation procedures also distort the Commission's pricing policies and result in rates that are less stable than under normalization.

For the above-stated policy reasons, and after reviewing the estimated effects on the industries and their customers, the Commission is proposing regulations that would permit utilities to use tax normalization for the timing differences identified in the proposed rule.

VII. Relationship Between Normalization and the Potential for Discriminatory Effects

We turn now to a consideration of the most appropriate way in whcih to evaluate any potential for discriminatory effects associated with our proposed normalization rule. The court in *Public Systems, supra*, expressed concern that a disparity between the normalization policies adopted by this Commission vis-a-vis those of state regulatory agencies might subject certain wholesale customers to "price squeezes." The Commission certainly is aware of this possibility and, indeed, it has been acknowledged as a potential area of inquiry.[50] However, for the following reasons we believe that a case-by-case evaluation of price squeeze issues in electric rate cases is the most soundly-conceived administrative practice. Accordingly, the Commission proposes to utilize such an approach in conjunction with the proposed normalization rule.

Price squeeze allegations are *raised* on a case-by-case basis and Section 2.17 of the Commission's regulations provides a mechanism for framing price squeeze issues in individual cases.[51] The Commission is not persuaded that any single ratemaking principle necessarily creates or eliminates the possibility of a price squeeze situation in all cases. The primary elements of a price squeeze—

[48] In this regard we note that the court in *Public Systems* recognized that "precise quantification of all elements of proposed Commission action is not required." (606 F.2d at 981.)

[49] This is also true for electric utilities, assuming a relatively small cost of capital differential. For an expanded discussion of the quantitative results for electric utilities, *see*, Appendix A, Section III.A.3.

[50] *See, e.g.*, Order Denying Rehearing of Order No. 530–B, issued September 3, 1976, at 3.

[51] The Commission's Notice of Proposed Rulemaking in Docket No. RM79–79, issued November 19, 1979, would revise the procedures for consideration of the price squeeze issue in each case in which it is alleged.

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non-cost-justified disparity between relevant wholesale and retail rates and resulting anticompetitive effect—may be shown to exist or not to exist only by reference to all of the circumstances extant in a particular rate proceeding. Moreover, even upon a convincing demonstration that a price squeeze exists, the available remedies may differ depending upon the facts adduced in a given case. In *FPC* v. *Conway Corporation*, 426 U.S. 271, 279–80 (1976), the Supreme Court made clear that fashioning an appropriate remedy for price squeeze requires "an examination of the entire 'factual context in which the proposed wholesale rate will function'." (*Citing Conway Corporation* v. *FPC*, 510 F.2d 1264, 1273 (D.C. Cir. 1975).)

The rate effect of normalization of the transactions encompassed by this proposal is but one factor to be considered in the overall cost of service analysis. As with any other cost of service determination, normalization may have the effect of increasing a company's allowable revenue levels. The pertinent question is whether the resulting overall rate (i.e., the "end result") is unjust, unreasonable, unduly discriminatory or otherwise unlawful;[52] this is necessarily a case-specific assessment.

The table attached to this proposal as Appendix B sets forth the most current information available concerning the practices of state regulatory authorities with respect to normalization. Although state commissions differ considerably in their approaches to normalization, the table indicates that approximately 45 states have permitted normalization with respect to one or more timing difference transactions. Insofar as a particular state follows normalization practices similar to those of this Commission, normalization itself cannot be labelled as a cause of price squeeze.

Furthermore, even in instances where state commissions proscribe the use of normalization, we cannot conclude, as a generic matter, that our rule permitting normalization will occasion any undue disparity between relevant wholesale and retail rates. There are many differences between the principles which this Commission utilizes in setting wholesale rates and those which the various states employ in establishing retail rates. Examples include disparate treatment of rate of return, cost allocation formulae, rate base valuation methods, as well as test year selection and adjustments. It is quite conceivable that such divergent policies would have offsetting rate effects that would minimize or eliminate any rate disparity otherwise created by conflicting state-federal normalization practices.[53]

Based upon our considered opinion that Commission decisions on cost of service issues will often reduce proposed wholesale rates to a level at which price squeeze concerns are substantially diminished, if not eliminated, we recently revised our general procedures for considering price squeeze allegations.[54] Subject to discretionary modification by the presiding administrative law judge in a given case, price squeeze proceedings are now phased so that a determination concerning the otherwise just and reasonable rate level will precede an examination of price squeeze allegations. Certainly, where a price squeeze is demonstrated, the impact, if any, of normalization must be considered. However, under the phased procedures which have been initiated, normalization will appropriately be examined along with all other cost of service factors in the particular proceeding. If undue discrimination is found to exist and is caused in whole or in part by differing state-federal treatment or normalization, the Commission may consider the denial of normalization as one of the available remedies for reducing or eliminating the undue discrimination. We believe that any other treatment of normalization as it relates to price squeeze would constitute an artificial and unwarranted isolation or normalization as a ratemaking issue unrelated to other cost of service elements.

VIII. Summary of the Proposed Rule

Proposed § 2.202 permits use of the principles of tax normalization for transactions for which there are timing differences between the amounts of expenses or revenues (relating to those transactions) recognized for income tax purposes and the amounts recognized for ratemaking purposes under the Natural Gas Act or the Federal Power Act. However, those transactions for which the Commission or the FPC has previously articulated a policy of tax normalization are excluded from the scope of the rule.

The general rule in paragraph (b) permits an electric utility or a natural gas pipeline to compute its income tax allowance for its cost of service as if the amounts of expenses or revenues recognized for ratemaking purposes were recognized in the same period for income tax purposes. Thus, tax normalization will be permitted in the periods in which the differences in the amounts recognized first arise and in the periods in which they reverse. Because normalization is optional rather than mandatory, utilities that are required by their state commissions to flow-through for accounting or ratemaking may continue the flow-through practice in their wholesale filings. However, the election affords these utilities the option of using tax normalization for wholesale service alone.

Paragraph (b)(2) states what modifications must be made to rate base when a utility elects to use tax normalization. It codifies existing Commission practice with regard to rate base adjustments for accumulated deferred income tax accounts. Such adjustments are companion practices to tax normalization and relate to Accounts 188, 190 and 281–283 of the Uniform System of Accounts for Electric Utilities and Licensees and to Accounts 188, 190, 191 and 281–283 of the Uniform System of Accounts for Natural Gas Companies.

A utility can only make an election in the context of a rate filing. Although a rate applicant cannot be required to make the initial election (and an intervenor may not use tax normalization to challenge rate filings predicated on flow-through), once it makes such an election it must obtain Commission approval before discontinuing use of tax normalization. This condition is stated in paragraph (c) which also requires that an applicant making an election under § 2.202 apply the principle of tax normalization to all transactions covered by that section, i.e., all timing differences other than those addressed in Orders 203, 204, 408, 432, 404, 504, 505, 566 and 13 and Opinion 578.

The rule further provides that if a timing difference arose in a period prior to the effective date of the election, the rate applicant may only recognize the tax effects of timing differences related to the transaction to the extent that deferred taxes applicable to the transaction have previously been provided for or to the extent that an applicant uses a Commission-approved

[52] *See, FPC* v. *Hope Natural Gas Company*, 320 U.S. 491, 602 (1944) (emphasizing the importance of focusing on the "end result" of various rate determinations).

[53] For instance, any short-term rate-inflating effect that may be ascribed to normalization might be offset, in whole or in part, if this Commission were to authorize a lower rate of return than that allowed in a particular state. The same result might occur with respect to our use of original cost in valuing a company's rate base, as contrasted with the use of reproduction cost or fair value by the state in which a jurisdictional company operates.

[54] *See, e.g., Arkansas Power & Light Company*, Docket No. ER79–339, Order issued August 6, 1979, at 6. *See, also, Price Squeeze-Procedural Rules*, Docket No. RM79–79, Notice of Proposed Rulemaking, issued November 19, 1979.

method for switching from flow-through to normalization for particular timing difference transactions. Thus a rate applicant that had previously used flow-through for a transaction would not be permitted to use tax normalization for that transaction if the timing differences associated with the transaction had already reversed or if no such Commission-approved method was used. However, this prohibition would not prevent the rate applicant from electing tax normalization for all other transactions to which the prohibition did not apply.

The timing differences excluded from the scope of § 2.202 relate to:

(1) Differences that result from the use of accelerated depreciation and Class Life Asset Depreciation Range (ADR) tax provisions of the Internal Revenue Code of 1954;

(2) Differences that result from the use of accelerated amortization provisions on certified defense and pollution control facilities;

(3) Differences that result from recognition of extraordinary property losses as a current expense for income tax purposes but as a deferred and amortized expense for ratemaking purposes;

(4) Differences that arise from recognition of research, development, and demonstration expenditures as a current expense for income tax purposes but as a deferred and amortized expense for ratemaking purposes;

(5) Differences that result from different reporting for income tax purposes and ratemaking purposes of deferred gains or losses from disposition of utility plant;

(6) Differences that result from the use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code of 1954; and

(7) Differences that result from recognition of purchased gas costs as a current expense for income tax purposes but as a deferred expense for book purposes.

By defining the term "timing differences" in paragraph (d)(2) to exclude those differences which exist, at least in part, because income tax law and the Commission place different dollar values on a transaction (or one does not recognize the transaction), the Commission has also excluded from the tax normalization rule those transactions for which there are "permanent differences."

The Commission's proposed rule on tax normalization will have the force and effect of a substantive rule when issued in final form. It will appear as § 2.202 of a new subpart to Part 2 and will apply to public utilities and interstate pipelines. The proposed rule is not intended to modify existing accounting procedures contained in the Commission's Uniform Systems of Accounts.

IX. Comment Procedure

Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80–42. An original and 14 copies should be filed. All comments received prior to 4:30 p.m., E.D.T., June 30, 1980, will be considered by the Commission prior to promulgation of a final order. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

Comments are invited on all aspects of this proposed rule. In addition, comments and data are specifically invited on the following matters:

1. Data are requested from all interested parties on the impact of the proposed rule, including the impact on both consumers and industry.

2. Respondents are particularly invited to comment on the accuracy of the analysis of the impact of the timing difference transactions quantified in the staff study and attached as Appendix A.

3. Parties are requested to provide any available data pertinent to the additional timing difference transactions identified in Appendices A or C but not quantified, as well as identification and impact of any additional timing difference transactions.

4. Parties are further requested to comment on any unique problems that might be encountered in complying with the rule as proposed, any necessary delay in the effective date of a final rule following issuance of that rule in order to assure satisfactory compliance, and any limitations on the manner in which the rule should be applied to timing differences (related to expenses or revenues) that initially arose prior to the election by an applicant to normalize under the rule. (See § 2.202(c)(2).)

5. Comments are also requested on whether the Commission should require only one of the two methods currently used regarding AFUDC, the gross-of-tax method or the net-of-tax method, whether the Commission should follow state commission policy, or whether other considerations should apply. (*See*, Appendix A, Section II.E.1.)

Upon review of the comments, the Commission will consider whether public hearings are warranted.

(Federal Power Act, 16 U.S.C. § 792, *et seq.*; Natural Gas Act, 15 U.S.C. § 717, *et seq.*; Department of Energy Organization Act, 42 U.S.C. § 7101, *et seq.*; Administrative Procedure Act, 5 U.S.C. § 553, *et seq.*)

In consideration of the foregoing, the Commission proposes to amend Part 2 of Chapter I, Title 18, Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. Part 2 is amended in the table of contents and at the end of the text of the regulations in Part 2 by adding a new Subpart to read as follows:

Rules of General Applicability

§ 2.202 Tax normalization for public utilities and interstate pipelines.

(a) *Applicability.* (1) Except as provided in paragraph (a)(2) of this section, this section applies to treatment for ratemaking purposes of all transactions for which there are timing differences.

(2) This section does not apply to timing differences addressed by the following orders and opinion:

(i) Order Nos. 203, 204 and 432 (relating to accelerated amortization of certified defense and pollution control facilities);

(ii) Order No. 404 and Opinion No. 578 (relating to accelerated methods of depreciation);

(iii) Order Nos. 408 and 566 (relating to research, development and demonstation expenses);

(iv) Order No. 504 (relating to accelerated methods of depreciation; research, development and demonstration expenses; extraordinary property losses; and use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code of 1954);

(v) Order No. 505 (relating to deferred gains and losses from disposition of utility plant); and

(vi) Order No. 13 (relating to deferred gas costs under purchased gas adjustment clauses).

(b) *General rule.* (1) A rate applicant may elect to compute the income tax component of its cost of service by using tax normalization for all transactions to which this section applies.

(2) If a rate applicant makes an election under this section, its rate base

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shall be reduced by the balances for those items related to rate base that are properly recordable in Account 281, "Accumulated deferred income taxes-accelerated amortization property;" Account 282, "Accumulated deferred income taxes-other property;" and Account 283, "Accumulated deferred income taxes-other." Balances for those items related to rate base that are properly recordable in Account 190, "Accumulated deferred income taxes," shall be treated as an addition to rate base. If an applicant uses an approved purchased gas adjustment clause or a research, development and demonstration tracking clause, the rate base reductions or additions required under this subparagraph shall apply only to the extent that the balances in Account 190 and Accounts 281 through 283 are not used, for purposes of calculating carrying charges, as an offset to balances properly recordable in Account 188, "Research development and demonstration expenditures," or Account 191, "Unrecovered purchased gas costs."

(c) *Conditions.* (1) Except as provided in paragraph (c)(2) of this section, a rate applicant making an election under this section shall be required to use tax normalization for all transactions to which this section applies.

(2) No recognition shall be given to the reverse tax effects of timing differences arising in a time period prior to such election unless:

(i) the applicant has previously provided for applicable deferred taxes; or

(ii) the applicant has adopted a Commission-approved ratemaking method of providing for such deferred taxes.

(3) A rate applicant making an election under this section shall be required to make such election for all future rate filings unless, upon application, the Commission orders otherwise.

(d) *Definitions.*

(1) "Tax normalization" means computing the income tax component as if the amounts of expenses or revenues recognized in each period for ratemaking purposes were also recognized in the same amount in each such period for income tax purposes.

(2) "Timing differences" means differences between amounts of expenses or revenues recognized for income tax purposes and amounts of expenses or revenues recognized for ratemaking purposes, which differences arise in one time period and reverse in one or more other time periods so that the total amounts of expenses or revenues recognized for income tax purposes and for ratemaking purposes in all of such periods are equal.

(3) "Income tax purposes" means for the purpose of computing income tax under the provisions of the Internal Revenue Code of 1954 or the income tax provisions of the laws of a State or political subdivision of a State (including franchise taxes).

(4) "Income tax component" means that part of the cost of service that covers income tax expenses allowable by the Commission.

(5) "Ratemaking purposes" means for the purpose of fixing, modifying, approving, disapproving or rejecting rates under the Federal Power Act or the Natural Gas Act.

(6) "Rate applicant" means a public utility or interstate pipeline that makes a rate filing under section 205 of the Federal Power Act or under sections 4 or 7 of the Natural Gas Act. Interstate pipeline means a natural gas company engaged in natural gas transportation subject to the jurisdiction of the Commission under the Natural Gas Act.

(7) "Transaction" means an activity or event that gives rise to an accounting entry that is used in determining revenues or expenses.

Appendix A—Staff Study on Comprehensive Tax Normalization

March 1980

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I. Introduction

This study is prepared in response to the Commission's request for an analysis of the proposed ratemaking rule for tax normalization. The study has two objectives: (1) an analytical exposition of the essential differences between the normalization and flow-through policy options and (2) a quantitative assessment of the impacts of the FERC's adoption of normalization.

The issue addressed by the proposed rule involves the appropriate interperiod allocation of a particular cost, taxes, in setting rates for electric utilities and natural gas pipelines.[55] More specifically, the issue is one of determining the appropriate period(s) in which to reflect the tax effects of certain expense and revenue transactions (referred to as "timing difference transactions") in the calculation of the tax allowance of the jurisdictional cost of service. Timing difference transactions are expenses and revenues which are recognized in the determination of ratemaking cost of service in different periods than when they are recognized in the computation of income taxes payable. Timing difference transactions create "timing differences" or differences between pretax cost of service (or accounting) income and taxable income that are offset by corresponding differences in other period(s). The tax effects of timing differences are the *temporary* tax reductions associated with the deduction of specific expense transactions and the *temporary* tax additions associated with the inclusion of specific revenue transactions in the determination of income taxes payable.[56]

[55] For purposes of this study, the term "utility" refers to both electric utilities and natural gas pipelines.

Two methods have been proposed for dealing with the tax effects of timing difference transactions: normalization and flow-through. The distinction between these methods if based on whether the tax allowances in a utility's cost of service recognizes the expenses and revenues according to the interperiod allocation policies of the Internal Revenue Service (IRS) or according to those of the regulatory agency. Flow-through ratemaking determines a tax allowance based on the recognition of expenses and revenues in the same period that the utility is permitted to recognize them for tax purposes. In so doing, flow-through attempts to set rates for each period that would permit the utility to recover only the taxes it will actually pay in each period. In contrast, the normalization tax allowance is based on the recognition of expenses and revenues in the same period as when they are themselves recognized for ratemaking. Normalization attempts to set rates for each period that "match" the tax effects of specific expenses and revenues with the utility's recovery of expenses or pass-through of revenues.

The Commission [57] has already adopted a normalization policy with respect to the following timing differences:

(1) Differences that result from the use of accelerated depreciation and Class Life Asset Depreciation Range (ADR) tax provisions. (Order No. 404, May 15, 1970; Opinion No. 578, June 3, 1970; and Order No. 504, February 11, 1974).

(2) Differences that result from the use of accelerated amortization provisions on certified defense and pollution control facilities. (Order Nos. 203, May 29, 1958; 204, May 29, 1958; and 432, April 23, 1971).

(3) Differences that arise from recognition of extraordinary property losses as a current expense for tax purposes but as a deferred and amortized expense for book purposes. (Order No. 504, February 11, 1974).

(4) Differences that arise from recognition of research, development and demonstration expenditures as a current expense for tax purposes but as a deferred and amortized expense for book purposes. (Order No. 406, August 26, 1970; 504, February 11, 1974; and 566, June 3, 1977).

(5) Differences that result from different tax and book reporting of deferred gains or losses from disposition of utility plant. (Order No. 505, February 11, 1974).

(6) Differences that result from the use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code of 1954. (Order No. 504, February 11, 1974).

(7) Differences that result from recognition of purchased gas costs as a current expense for tax purposes but as a deferred expense for book purposes. (Order No. 13, October 18, 1978).

The proposed rule would generalize, with a single regulation, the application of normalization to all other (miscellaneous) timing difference transactions. The proposed rule does not contemplate further review of previous orders approving normalization for the transactions identified above. Nor does it propose to amend the current regulations at this time with respect to ratemaking treatment for these transactions.[58] This study therefore will concentrate on the major additional timing difference transactions which would qualify for normalization under the proposed rule and which were the subjects of the remanded Order No. 530–B.[59]

This study is concerned primarily with the ratemaking aspects of the proposed rule. The accounting changes specified in the 530 orders have not been contested and are therefore continued in effect by the proposed rulemaking.

Section II explains, in more detail, the nature of interperiod tax allocation and how the alternative policies of normalization and flow-through work. Section III provides some quantitative assessment of the impact on utility rates of moving from a flow-through to normalization policy for the following timing differences:

(1) Differences that result from recognition of the following items as current expenses for tax purposes and as capitalized and amortized expenses for ratemaking purposes:

(a) the interest component of the Allowance for Funds Used During Construction (AFUDC);

(b) construction-related pensions; and

(c) construction-related taxes.

(2) Differences that result from the use of different depreciation lives for taxes and ratemaking.

(3) Differences that result from recognition of regulatory commission cost as a current expense for tax purposes and as an expense amortized over a number of years for ratemaking.

(4) Differences that result from the deduction of plant "removal (or dismantling) cost" on an "as paid" basis for tax purposes and its prior amortization over the life of the plant for ratemaking.

On an industry-wide basis, for both electric utilities and natural gas pipelines, these items constitute the major dollar items qualifying for the proposed normalization treatment. Applying tax normalization to these items would have the largest and most widespread impacts. There are numerous other items of expense and revenue that may be eligible for the proposed normalization treatment. See Appendix C of the rulemaking proposal for a more extensive, though still incomplete, listing of these items. Some of these other items may be significant for individual companies at various times. However, staff's review of these other items does not indicate any significant impact on average industry-wide electric and gas prices. Further, due to the sporadic occurrence of these items, meaningful estimates of their impacts are not feasible except on a company-by-company basis.

II. Timing Differences and Interperiod Tax Allocation

A. Overview

Interperiod tax allocation is an example of the general problem of interperiod cost allocation that regulatory commissions must resolve for all cost items in the determination of "just and reasonable" rates. Every item of expense incurred by a regulated utility and permitted to be recovered in its rates is allocated over time in one of three ways:

(1) the expense may be charged to customers in the *same period* as it is paid by the utility (e.g., normal operation and maintenance expenses); or

(2) the expense may be charged to customers in a period or periods *after* it is

[56] Throughout this study, the term "temporary" is implicitly assumed whenever reference is made to the tax effects (consequences or benefits) of timing differences. Timing differences, by definition always "reverse or turn around" so that any connotation of permanance attached to tax effects of timing differences is unfounded and contradictory.

[57] The term "Commission" is used in this study to refer both to the FPC and to the FERC. Distinctions are made only where necessary for clarity.

[58] Current precedent is that these items are normalized for ratemaking. Nothing in the Commission's proposed rule would change that precedent.

[59] Order No. 530, Order Implementing that Portion of Docket No. R–424 Relating to Interperiod Allocation of Income Taxes and Docket No. R–446 to Achieve Comprehensive Interperiod Allocation of Income Taxes, issued June 18, 1975; Order No. 530–A, Order Denying Applications For Rehearing and Clarifying Prior Order, issued January 19, 1976; Order No. 530–B, Order Revising Prior Orders, issued July 6, 1976.

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paid by the utility (e.g., capital and capitalized interest expenses of new plant and equipment); or

(3) the expense may be charged to customers in a period or period *before* it is paid by the utility (e.g., removal or dismantling costs of plant and equipment).

Taxes are a cost to utilities. Just as regulatory commissions must decide whether to allow any other cost to be recognized currently in rates to customers, deferred for recovery in later periods, or prepaid, they must likewise decide whether taxes are to be recognized currently, deferred, or prepaid.

The focus of this report is on a particular problem in interperiod tax allocation—the problem arising from the existence of *timing differences*. The purpose of this section is to explain the nature of timing differences and to provide an overview of how normalization and flow-through of the tax effects of timing differences work in ratemaking.

Timing differences arise from differences between tax regulations and regulatory pricing policies. The interperiod allocations of non-tax costs and revenues by state and federal regulatory commissions do not always coincide with the interperiod cost and revenue allocation policies of the IRS. There is no reason why they should since the objectives of the IRS are often quite different from those of regulatory commissions. However, when the interperiod allocation policies diverge, timing differences are created.

Timing differences may be defined as differences between taxable income and pretax accounting income arising from "differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income."[60] By substituting the phrase "pretax cost of service income" for "pretax accounting income," the definition can be made to apply to the ratemaking aspects of timing differences with which this report is primarily concerned.[61] A transaction which gives rise to a timing differene is called a *timing difference transaction*. Finally, the *tax effect of a transaction* (timing difference transaction or other) is defined as the tax reduction associated with the deduction of a specific expense transaction or the tax addition associated with the inclusion of a specific revenue transaction in the determination of income taxes payable.

There are two essential characteristics of timing differences. First, the differences (in pretax cost of service income and taxable income) arise in one period and reverse in one or more subsequent periods. Second, the reversal of the difference exactly offsets the original difference, i.e., the total amount of each timing difference transaction recognized for tax purposes over time is exactly equal to the total amount recognized for ratemaking.

In contrast, and so as to more clearly distinguish timing differences, *permanent differences* are differences between taxable income and pretax cost of service (or book) income that are not offset by reversals in other periods. Both an originating and a reverse difference are involved in timing differences. Permanent differences, however, involve only an originating difference which is never followed by a reverse difference. Permanent differences arise when a higher dollar value is placed on an expense or revenue transaction for tax purposes than for ratemaking, or vice versa. For example, until recently, a significant source of permanent differences was the statutory depletion provision of tax laws which permitted depletion deductions for tax purposes in excess of the actual costs incurred by firms. This creates a taxable income less than pretax cost of service income that is never offset by a reversal in any other period. The total expense deduction taken for tax purposes is greater than that for ratemaking. Other examples of transactions creating permanent differences include municipal bond interest, political contributions, and contributions toward officers' life insurance policies.

There are four types of transactions that qualify as timing difference transactions:

I. *Expenses* that are recognized for tax filings in periods *prior to* when they are recognized in rates;

II. *Expenses* that are recognized for tax filings in periods *later than* when they are recognized in rates;

III. *Revenues* that are recognized for tax filings in periods *prior to* when they are recognized in rates; and,

IV. *Revenues* that are recognized for tax filings in periods *later than* when they are recognized in rates.

As will be shown, Types I and IV reduce the income taxes that a utility would otherwise have to pay currently and raise the tax liability later. Types II and III increase the utility's current tax liability and decrease it later.

In this report we will concentrate on the Types I and II expense timing difference transactions. Revenue transactions can be viewed simply as negatives of expense transactions and do not require separate analysis. A second reason for concentrating on the expense types is that they are the most prevalent [62] and have the most significant impacts on utility rates.

One of the most significant expense items that would qualify for normalization under the proposed rule is the interest expense on loans used to finance construction of new plant and equipment. This is a Type I expense timing difference. This expense may be deducted for tax purposes as it is paid by the utility during the construction period, but it is not generally included as an expense in the ratemaking cost of service during that period. Instead, it is capitalized as the interest component of the Allowance for Funds Used During Construction (AFUDC) and amortized as part of the annual depreciation charge over the economic life of the plant. For both taxes and ratemaking, the total amount of AFUDC interest recognized over the construction period and operating life of the plant is identical.[63]

An example of a Type II timing difference that has effects opposite to those of the Type I AFUDC interest expense example is plant removal cost. For ratemaking, removal (or dismantling) cost may be included (as estimated) as part of the depreciation allowance over the life of the plant in the same manner as the interest expenses during construction. However, under current tax regulations, this cost cannot be recognized as a deduction for tax purposes until it is actually incurred

[60] Accounting Principles Board Opinion No. 11, issued December 1, 1967, paragraph 13e.

[61] For purposes of the discussion throughout this study, it is assumed that book income equates to cost of service income. It should be kept in mind, however, that there is a discontinuity in ratemaking that is absent in accounting. Rates are set on a test year basis and actual financial events may not precisely track the items of expense and revenue reflected in the cost of service. Further, the generalization that cost of service income equates to accounting income is an oversimplification since there are transactions entering into the determination of book income that relate to operations not providing service to ratepayers and, thus, not entering into the determination of ratemaking cost of service. Fines and penalties, examples of permanent differences, as discussed *infra*, are not deductible for tax purposes but are deducted in determining book income. However, they do not enter into the determination of cost of service income, i.e., they are treated as below-the-line expenses, since they are not allowable items of expense.

[62] See Appendix C to the proposed rulemaking.

[63] In some jurisdictions, the utility is permitted to include Construction Work in Progress (CWIP) in rate base with a return permitted on it. Where this occurs, the interest expense on loans used to finance construction activity is effectively recognized and charged to customers in the same periods as it is paid by the utility and recognized by the IRS. Thus, when CWIP is included in rate base, the construction period interest expense does not create a timing difference.

when the plant is dismantled. The timing difference originates during the operating life of the plant when the expense for taxes is less than the expense for ratemaking. Later, when the plant has lost its usefulness and is dismantled, the reversal occurs and the expense for taxes becomes greater than the expense for ratemaking. As with the AFUDC interest expense example, the total amount of the expense recognized for tax purposes over time is exactly equal to the total amount recognized for ratemaking. Flow-through and normalization are methods of dealing with the tax effects of timing difference transactions. Flow-through follows the interperiod allocation policies of the IRS to establish a cost of service tax allowance in each period equal to actual tax liability. Normalization, on the other hand, "matches" the tax effects of transactions in rates with the recognition of the transactions themselves in rates.[64]

These points and others may be made clearer with some numerical illustrations. Suppose, initially, that a utility has a constant annual revenue requirement (cost of service) of $1,000 with component costs as given below:

Case I: Base Case

Year	0	1	2
Equity return	$200	$200	$200
Income taxes	200	200	200
Other expenses [1]	600	600	600
Base required revenues (rates)	1,000	1,000	1,000

[1] Other expenses include all costs other than return on equity and income taxes, e.g., operation and maintenance expenses, depreciation, taxes other than income taxes, and interest charges.

In the Base Case, also assume that all costs are allocated identically over time for taxes and rates; that is, there are no timing differences. Under this assumption, the cost of service tax allowance can be said to be equal to the utility's actual tax liability in each period. The assumed tax rate is 50 percent.

The $1000 annual revenue requirement is the total cost of providing existing service. In providing this service, the utility had to obtain equity capital to finance its rate base and must, on a current basis, provide a return ($200) on this capital. The tax component of the cost of service arises from the fact that taxes are assessed on equity income. In other words, the $200 tax liability is one of the costs of providing the existing level of service.[65]

Now suppose that the utility incurs an additional non-tax expense of $100 in year zero. Initially, suppose also that tax regulations permit the utility to deduct the $100 expense in determining its tax payment during year zero. Regulatory policy, however, requires that the expense be capitalized and spread out in equal installments of $50 over years one and two.[66] In other words, tax regulations allocate the expense completely to year zero while regulatory policy requires that it be allocated to years one and two.[67]

The difference in the tax and ratemaking interperiod allocations of the $100 expense creates a Type I timing difference. The timing difference originates in year zero when the expense recognized for tax purposes ($100) is greater than the expense recognized for ratemaking purposes ($0). The difference reverses, however, during years one and two when the expense for taxes ($0) is less than the expense for ratemaking ($50). The total amount of the expense recognized for taxes over the three years ($100) is exactly equal to the total amount recognized for ratemaking ($100).

In Cases II through V, we examine the effects of various approaches to setting rates that permit the utility compensation for the additional $100 non-tax expense. For simplicity, in evaluating the approaches we will initially consider only the first-order effects on the cost of service. This includes the allowance for the expense itself and any direct tax consequences of the expense. In Case II, the additional expense is treated on a current basis for ratemaking, i.e., it is recognized in rates at the time of incurrence by the utility. This means that the utility collects for the expense through rates charged during the same year as it expends funds for it. In the succeeding three cases, however, the utility is required to defer collection of the expense beyond the year of incurrence. As a result, the utility must finance the expense in the interim. The financing of this expense with some combination of debt and equity capital increases the utility's cost of service return component. The additional equity return requirement, in turn, increases the tax liability of the utility. Additionally, under normalization (Case IV), part of the above financing need is effectively handled with the deferred tax allowance included in rates. This also has second-order effects on the return and tax components of the cost of service which will be discussed in the next section.[68]

In comparing the four cases that follow, it is important to observe that the cumulative total cost of service for the three-year period is the same—$3100. This is composed of the $3000 base cost of service and the incremental $100 expense. The cases differ only in the interperiod allocation of the $3100 in costs. In particular, the cases differ in the allocation of two costs—the additional expense and income taxes. As we proceed through the cases, we will discuss and stress the importance of comparing the allocation of the $100 expense with the allocation of taxes.

A second important point is that the incremental expense itself has no tax cost associated with it since it is not equity income. It neither increases nor deceases the total amount of taxes the utility must pay over the three-year period. In all cases, the total tax cost is $600. However, when the allocation of the expense over time for ratemaking and for taxes is different, as it is in Cases IV (normalization) and V (flow-through), the taxes the utility must pay in each period are effected. Further, in Case V (flow-through) the difference in ratemaking and tax allocation affects the tax allowance in each period.

Case II: Ratemaking Allocation Conformed to Tax Allocation

Year	0	1	2
Allocation for taxes	$100		
Allocation for rates	100		
Base equity return	200	200	200
Base income taxes	200	200	200
Additional income taxes			
Base other expenses	600	600	600
Additional expense	100		
New required revenues (rates)	1,100	1,000	1,000

By conforming regulatory policy to tax policy, the timing difference is eliminated. Required revenues (rates)

[64] In contrast, normalization is not applicable to *permanent differences* because the income taxes payable for the period in which the differences occur matches the revenues and other expenses recognized for book (and ratemaking) purposes in that period. There is no difference between the IRS and regulatory *interperiod allocation* policies. Rather the difference is in the *amount* of expenses and revenues recognized under the two policies.

[65] The pretax cost of service income (equals taxable income) is $400 ($1000–$600). When this is multiplied by the assumed 50 percent tax rate it yields a $200 tax liability and leaves a $200 return available to stockholders.

[66] This could happen because the plant for which the expense was incurred did not come on line until year one, and following the ratemaking policy of "used and useful," cost recovery would be allowed only after plant operation.

[67] In this example and through much of this study we assume that the recognition of expenses for taxes in coincident with the cash basis of the transaction, i.e., when the utility actually outlays funds for the expense. Timing differences arise, however, when tax regulations and regulatory policies recognize an expense in different periods irrespective of when the outlays are actually made by the firm. See footnote in Section II. B. 2 and discussion in Section II. C.

[68] See Section II. B. 1, *infra*.

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rise only in year zero to permit the utility to charge customers for the additional expense in that year. The taxes allowed in year zero will equal the taxes actually paid since the increase in rates brings taxable income ($1,100−$700=400) up to the same level as pretax cost of service income ($1,100−$700=400). As a result, the allocation of taxes in rates remains the same as in the Base Case.

In Case III, the effects of hypothetically conforming tax regulations to ratemaking policy are considered.

Case III: Tax Allocation Conformed to Ratemaking Allocation

Year	0	1	2
Allocation for taxes		$50	$50
Allocation for rates		50	50
Base equity return	$200	200	200
Base income taxes	200	200	200
Additional income taxes			
Base other expenses	500	500	500
Additional expense		50	50
New required revenues (rates)	1,000	1,050	1,050

Again the timing difference is eliminated. The expense is allocated to the same years for both taxes and ratemaking. The increase in rates during years one and two brings taxable income and pretax cost of service income into equality so that the allocation of taxes remains the same as in the Base Case.

While Case III represents an unlikely occurrence, it establishes the time pattern of rates when the regulatory agency's interperiod cost allocation policy overrides tax policy. The ratemaking determination that the additional expense should be allocated in equal amounts to years one and two is directly reflected in the rates. Required revenues are unchanged from the Base Case in year zero and are $50 higher in each of years one and two.

In Cases IV and V, we take the timing difference as given, i.e., no change in the tax or ratemaking expense allocation policies, and compare the effects of the flow-through and normalization policy options.

Case IV: Type I Timing Difference, Normalization Policy

Year	0	1	2
Allocation for taxes	$100		
Allocation for rates		$50	$50
Base equity return	300	200	200
Base income taxes	200	200	200
Additional income taxes:			
Current	(50)	25	25
Deferred	50	(25)	(25)
Base other expenses	600	600	600
Additional expense		50	50
New required revenues (rates)	1,000	1,050	1,050

Case V: Type I Timing Difference, Flow-Through Policy

Year	0	1	2
Allocation for taxes	$100		
Allocation for rates		$50	$50
Base equity return	200	200	200
Base income taxes	200	200	200
Additional income taxes current	(100)	50	50
Base other expenses	600	600	600
Additional expense		50	50
New required revenues (rates)	900	1,100	1,100

In both of these cases, the allocation of the additional $100 expense raises cost of service by $50 in each of years one and two. Where these two cases differ is in the allocation of the utility's $600 total income tax expense. The tax allowance in each year under normalization (Case IV) is the same as in the Base Case—$200 per year. Under flow-through (Case V), however, the tax allowance is $100 in year zero and $250 in each of years one and two.

Consider first the allocation of taxes under normalization (Case IV). The tax allowance in this case is composed of two parts—current (or actual) taxes and deferred taxes. In year zero the current tax liability is $150, reflecting the $200 Base Case current liability less the tax benefits of $50 resulting from the deduciton of the incremental $100 expense. (.50×$100). However, since normalization permits the utility to retain the tax benefits arising from expenses that will not be recognized in rates until a later date, a deferred tax allowance equal to the tax benefit of the expense is included in the cost of service. The result is to set rates in year zero "as if" the utility had not incurred the expense. In years one and two, the reverse situation occurs. The current tax liability of $225 is higher than the base case liability in both of these years by $25. This reflects the fact that revenues include an allowance of $50 for an expense that was already used as a tax deduction in the utility's tax filing in year zero. The deferred tax component in these years, however, is negative to reflect the pass-through in rates of the tax benefits that were previously permitted to be retained by the utility in year zero Of primary importance in this analysis is that the total tax allowance in each year remains the same as in the Base Case—$200 per year—and the resulting time pattern of rates is identical to that of Case III. Normalization effectively neutralizes the effects of the contrary tax regulations on rates to obtain the result of simply allocating the incremental expense to the rates charged in years one and two.

Under a flow-through policy (Case V), the tax allowance in the cost of service is set equal to the actual tax liability of the utility in each year. If, in year zero, the utility were allowed the Base Case required revenues of $1,000, the deduction of the additional expense would cause the utility's actual tax liability to be $150. But the Base Case tax allowance was $200. Since the intent of the flow-through policy is to "flow through" to customers, in lower rates, the tax benefit attributable to the higher expenses recognized for taxes, it would appear that required revenues should be lowered by $50. However, this would not be enough to equate the taxes allowed with the taxes actually paid. With allowed revenues set at $950 to include a tax allowance of $150 rather than $200, the utility's taxable income is $250 ($950–$700) and its actual tax liability is $125. Once again the tax payment is lower than the tax allowance. To obtain the result of having taxes allowed equal to taxes paid in year zero, the tax allowance and required revenues must be lowered by $100 below the Base Case.[69] Only then would the taxes allowed ($100) equal the taxes actually paid in year zero (.50 × ($900–$700) = $100). By a reverse process, required revenues must be raised by $50 in each of years one and two to obtain the result of taxes allowed equal to taxes paid. Thus, the flow-through tax allowance is $100 lower than the Base Case in year zero and $50 higher in each of years one and two. The cumulative three-year tax liability of the utility, however, is not changed from the Base Case. It remains at $600. What occurs is simply a reallocation of the tax liability (and allowance) between year zero and years one and two.

Finally, it should be emphasized that the $100 tax liability that is shifted from the rates charged during year zero to the rates charged during years one and two is greater than the $50 in tax benefits associated with the deductibility of the incremental $100 expense. Flow-through does more than simply reallocate these tax benefits. It lowers rates an additional $50 in year zero and raises rates an additional $25 in each of years one and two. Thus, flow-through results in a distortion of the pricing objectives of the regulatory commission. Although the regulatory commission has determined that $50 of expenses may be collected in rates in each of years one and two, flow-through would raise revenues in each of years one and two by $100 and lower them in year zero by $100, when the expense is actually incurred. On the other hand, normalization results in rates precisely matching the commission's intention for

[69] A more detailed explanation of this result is presented in Section II. B.1, *infra*.

cost recovery; that is, rates increase only by $50 in each of years one and two.

From an overall perspective, the difference in the allocation of taxes under normalization (Case IV) and flow-through (Case V) derives from differences in the allocation of the incremental expense as a deduction for purposes of determining the tax allowance. Normalization allocates the tax deduction to years one and two, the years when the expense itself is reflected in rates. Flow-through, however, allocates the tax deduction to year zero, the year in which it is actually used by the utility in its tax filing. This comparison between the two policies reflects the differences in the basic objectives of each. Normalization attempts to "match" the allocation of the tax deductibility of expenses with recovery of the expenses themselves. In this way, the customers (in years one and two) that pay the expense obtain the benefits of the tax deductibility of the expense. The objective of flow-through, however, is to allocate taxes on a current bases, i.e., when they are actually paid. Thus, since the utility is permitted to deduct the incremental expense in year zero, the flow-through tax allowance is based on the deductibility of that expenses in year zero. In so doing, however, flow-through gives the benefits of the tax deductibility of the expense *and more*, as indicated above, to customers in year zero.

A primary rationale for normalization is equity—a matter of fairness in letting the customers who pay the expenses get the tax benefit that those expenses created. This is the *matching principle*. If we view the incremental expense in the above example as the interest portion of the Allowance for Funds Used During Construction (AFUDC), this principle may be made clearer. Year zero is the construction period for a new plant during which the AFUDC interest liability is incurred by the utility. Years one and two represent the operating life of the plant. By capitalizing the AFUDC interest into the rate base value of the plant when it becomes operational, the burden of paying the expenses is placed on customers during the operating life when they also receive the benefits from the use of the asset. The timing of collection in rates for the costs of producing the asset is thus coincident with, or matches, the use of consumption of the asset. Normalization attempts to achieve the same sort of matching with the tax benefits associated with the AFUDC interest. During the operating life when customers must bear the burden of the expense itself, they receive the tax benefits associated with it.

The primary rationale for flow-through is one of charging customers in each year no more than the actual (current) tax liability of the utility. This is referred to as the *actual taxes paid principle*. There is an inconsistency, however, attached to reliance on this principle since such a principle is not applied to all other costs. In other words, flow-through proponents generally do not advocate an "actual cost incurred (or paid)" principle. Returning to our illustration of AFUDC interest expenses, application of the actual cost incurred principle would require that the interest expenses themselves be recovered in rates at the time of incurrence. This is our Case I example where both the expense and taxes are allocated on an "as incurred" basis.[70] Thus, the main rationale for flow-through requires the application of inconsistent regulatory principles to taxes and to other costs.

Cases II through V were designed to illustrate the impact on rates of a single Type I timing difference transaction. Type II timing difference transactions affect rates in an opposite manner. For example, if the $100 incremental expense was incurred and allowed as a deduction for tax purposes in year two but allocated to years zero and one for ratemaking, the time pattern of required revenues would be opposite to that depicted in each of the above cases. With respect to the simple comparison between normalization and flow-through, normalized rates would be lower than flow-through rates in years zero and one and higher in year two. Both policies would allocate the expense itself to years zero and one. Similar to the earlier example, the difference in rates would be due to the allocation of taxes or, alternatively, the tax benefits arising from the deductibility of the expense. Since the expense itself is being recovered in rates during years zero and one, normalization would allocate ("match") the tax benefits from the deductibility of the expense to the same years. Flow-through, however, would allocate these benefits and more to year two, while raising rates in years zero and one.

There are several factors that are not considered in these simple cases but are discussed and analyzed in the remaining portions of the study. In the next section, a more detailed single transaction example is presented where we address, as noted above, the second-order effects of financing the deferral of the timing difference expense and of reducing rate base by the amount of accumulated deferred taxes. By ignoring these effects in the above cases, we obtained an equal-revenue result in undiscounted dollars, i.e., the cumulative required revenues are $3100 in each of the Cases II through V. In the next section, with the financing factor considered, we obtain an equal-revenue result in present value (discounted dollar) terms.

The above comparisons between normalization and flow-through have been directed solely toward the effects of each policy on rates. In the next section we address these effects in more detail but also consider two other impacts—on cash flow and on rates of return to stockholders.

Our discussion so far has also only addressed what happens to rates when a single timing difference transaction is introduced. This is important in providing an understanding of the basic logic of normalization and flow-through. However, much of the controversy on this issue is based on the effects over time of more than one transaction. In particular, there is concern that tax benefits associated with new transactions may offset the reversals occurring on earlier transactions. Consequently, a reversal of the differences for a group of similar (or different) transactions may not occur, at least within the foreseeable future. Under such circumstances, normalization may result in a utility continually being allowed a higher allowance for taxes in its cost of service than it will, in fact, have to pay. This occurrence, referred to as a "continual tax deferral," [71] is discussed in Section II. C, *infra*.

In that section, we discuss the implications of "continual tax deferrals" and explain how, from the customer's perspective, they result from "continual *cost* deferrals." That is, we point out that when a utility is permitted to defer the payment of taxes due to the existence of timing differences, the utility is simultaneously deferring the

[70] It should be noted that the Case I policy is akin to the policy of allowing CWIP in rate base.

[71] A "continual tax deferral" (sometimes referred to by the misnomer "permanent tax savings") may be defined to occur when accumulated deferred taxes are always positive or when they are always constant or growing. "Continual tax deferrals" result from successive expenses that are recognized as tax deductions prior to their collection in rates or from successive revenues that are recognized for tax purposes later than rate recognition. Expenses recognized as tax deductions *after* they are recovered in rates (or revenues recognized in taxes before they are recovered in rates) give rise to what might be called "continual tax prepayments." These "tax prepayments" actually are a debit in the accumulated deferred tax account on the asset side of the balance sheet.

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collection, in rates, of the expenses that give rise to the tax deferrals. Further, we explain how, with a 50 percent tax rate, the deferred expenses are twice as large as the deferred taxes. It is also noted that there is no necessary link between the existence of "continual tax deferrals" and the rates charged under normalization being continually higher than those under flow-through. In fact, our statistical impact analysis in Section III shows that it is likely that natural gas pipelines may experience "continual tax deferrals" but also have rates under a normalization policy that fall below those that would exist under a flow-through policy.[72]

Another consideration that has thus far been ignored is the effect of the two policies on the cost of capital. Section II.D, *infra*, discusses this issue and provides some evidence supporting the view that the cost of capital to utilities employing flow-through is greater than to those using normalization.

B. Single Transaction Case

In evaluating the normalization and flow-through policy options, there are three primary impacts to consider:

(1) On customers as reflected in the required revenues (or rates) charged;

(2) On utilities as indicated by their cash flow situation; and

(3) On utilities shareholders as indicated by the rates of return they are able to earn.

In this section, we undertake a detailed analysis of these impacts for a single transaction that causes a timing difference.

In order to facilitate the analysis of these impacts we shall rely on another, more complicated numerical example involving a Type I timing difference. As indicated earlier, the exact patterns of the effects are different for the other types of timing differences by the principles involved are the same.

Consider again a utility that adds a new plant that has a one-year construction period and a two-year operating life. Direct construction expenditures of $100 million are made at the beginning of year zero and financed wholly by a short-term loan at an interest rate of 10 percent. Interest due and paid at the end of the construction period is $10 million ($100 million x .10). The plant becomes operational at the beginning of year one and is immediately refinanced with long-term debt and common equity in the following proportions and cost rates:

[72]The same may be true for electric utilities, assuming a small cost of capital differential normalized and flow-through electric utilities.

Source	Proportion	Cost rate (Percent)	Weighted cost (Percent)
	(1)	(2)	(1) x (2)
Debt	.60	10.0	6.0
Equity	.40	15.0	6.0
Total	1.00		12.0

The overall cost of capital after the plant is operational is thus 12 percent. We assume that the capital structure and component capital costs are the same under both policy options. The problem with these assumptions and the implications of dropping them are discussed later.[73] Under normalization, we also assume that the cash flow generated by deferred taxes is used to reduce the debt and equity capital requirements at the time of refinancing in proportion to their importance in the capital structure.

We assume, for simplicity, that rates are adjusted at the beginning of each year to allow the utility to recover those costs deemed allocable to that year by the regulatory commission. Further, there are no operation and maintenance expenses involved in running this new plant; the only costs to be recovered during the operating life are depreciation, return and taxes. We also assume that all earnings are paid out as dividends in each year. Finally, we assume that the tax rate is 40 percent. Choosing a tax rate other than 50 percent permits a clearer distinction between certain costs.

Table 1 presents the summary results of the utility's incremental required revenues for the $100 million plant under normalization and flow-through. For each of the three years, the base conditions are given in the upper part of the table. The revenue requirement adjustments under normalization, and flow-through and the difference between the two are shown in the rest of Table 1, along with detail on how the revenue requirements are derived from depreciation, return and taxes. Attached to Table 1 are the mathematical notes showing the cost of service relationships used to develop required revenues.

Table 1.—*Numerical Example of Differences Between Normalization and Flow-Through Revenue Requirements for AFUDC Timing Difference on Single Project*

[Dollars in millions]

	Year		
	0	1	2
Construction expenditures	100.		
AFUDC interest expense	10.		

[73]See Section II. D., *infra*.

Table 1.—*Numerical Example of Differences Between Normalization and Flow-Through Revenue Requirements for AFUDC Timing Difference on Single Project*—Continued

[Dollars in millions]

	Year		
	0	1	2
Rate base-b.o.y.		110.	55.
Book depreciation		55.	55.
Tax depreciation		50.	50.
Accumulated deferred Taxes (normalization only)-b.o.y.		4.	2.
Normalization revenue requirements:			
Depreciation		55.00	55.00
Return		12.72	6.36
Taxes		4.24	2.12
Total		71.96	63.48
Flowthrough revnue requirements:			
Depreciation		55.00	55.00
Return		13.20	6.60
Taxes	(6.67)	7.73	5.53
Total	(6.67)	75.93	67.13
Difference (normalization minus flowthrough):			
Depreciation			
Return		(.48)	(.24)
Taxes	6.67	(3.49)	(3.41)
Total	6.67	(3.97)	(3.65)

Note: ( ) indicates negative value; b.o.y.—Beginning of year.

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Mathematical Notes to Table 1

Let

h = Cost of long-term debt used to finance rate base.
k = Cost of common equity used to finance rate base.
d = Debt ratio.
r = Overall rate of return (cost of capital).
$= h \cdot d + k \cdot (1-d)$
s = Cost of short-term debt used to finance construction activity.
y = Tax rate.

ADT_t = Accumulated deferred taxes, beginning of year t.
$= 0$; $t=0$
$= ADT_{t-1} + DT_{t-1} - DTR_{t-1}$; $t=1,N$

CE_t = Construction expenditures in year t, incurred at beginning of year (equals construction work in progress in example).
$= \$100$ M (in example) ; $t=0$
$= 0$; $t=1,N$

D^B_t = Straight-line book depreciation taken in year t.
$= 0$; $t=0$
$= \frac{(CE_0 + s \cdot CE_0)}{N}$; $t=1,N$

D^T_t = Straight-line tax depreciation taken in year t.
$= 0$; $t=0$
$= \frac{CE_0}{N}$; $t=1,N$

DT_t = Taxes deferred in period t.
$= y \cdot s \cdot CE_0$; $t=0$
$= 0$; $t=1,N$

DTR_t = Deferred taxes recovered (amortized) in period t.
$= 0$; $t=0$
$= \frac{DT_0}{N}$; $t=1,N$

N = Service (book) life of plant.

RB_t = Rate base in year t (beginning of year).
$= 0$; $t=0$
$= CE_0 + s \cdot CE_0$; $t=1$
$= RB_1 - D^B_1$; $t=2$

Mathematical Notes to Table 1
(continued)

Only two components of the normalization and flow-through costs of service are different -- the return and tax allowances. For all years, the return and tax components of the normalization and flow-through costs of service can be expressed as follows:

R_t^f = return component of flow-through cost of service.

$$= r \cdot RB_t \quad (1)$$

R_t^n = return component of normalization cost of service.

$$= r \cdot (RB_t - ADT_t) \quad (2)$$

T_t^f = tax component of flow-through cost of service.

$$= \left(\frac{y}{1-y}\right)[k(1-d)(RB_t) - s \cdot CE_t + (D_t^B - D_t^T)] \quad (3)$$

T_t^n = tax component of normalization cost of service.

$$= \left(\frac{y}{1-y}\right)[k \cdot (1-d)(RB_t - ADT_t)] \quad (4)$$

The general equation for the difference between normalization and flow-through revenue requirements (RR) can thus be expressed as:

$$RR_t^n - RR_t^f = (R_t^n + T_t^n) - (R_t^f + T_t^f) \quad (5)$$

This reduces to the following:

$$RR_t^n - RR_t^f = \left(\frac{y}{1-y}\right)s \cdot CE_t - \left(\frac{y}{1-y}\right)(D_t^B - D_t^T) - [h \cdot d + \frac{k(1-d)}{(1-y)}]ADT_t \quad (6)$$

For the three period illustrative case, the following results are obtained:

$$RR_0^n - RR_0^f = \left(\frac{1}{1-y}\right)DT_0 \quad (7)$$

$$RR_1^n - RR_1^f = -\left(\frac{1}{1-y}\right)\left(\frac{DT_0}{N}\right) - [h \cdot d + \frac{k(1-d)}{(1-y)}]DT_0 \quad (8)$$

$$RR_2^n - RR_2^f = -\left(\frac{1}{1-y}\right)\left(\frac{DT_0}{N}\right) - [h \cdot d + \frac{k(1-d)}{(1-y)}]\left(1 - \frac{1}{N}\right)DT_0 \quad (9)$$

Mathematical Notes to Table 1
(continued)

Equations (7), (8) and (9) are illustrative of the reduced form equations used in the simulation model of Section III.A.1, when the cost of capital is assumed equal under normalization and flow-through. The following equations, not used in the Table 1 calculations, are analogous to (7), (8), and (9) except that they also reflect the revenue requirement impacts attributable to cost of capital differences.

$$RR_0^n - RR_0^f = \left(\frac{1}{1-y}\right)DT_0 \quad (10)$$

$$RR_1^n - RR_1^f = -\left(\frac{1}{1-y}\right)\left(\frac{DT_0}{N}\right) - [h' \cdot d' + \frac{k'(1-d')}{(1-y)}]DT_0 +$$
$$\{[h'd' + \frac{k'(1-d')}{(1-y)}] - [h''d'' + \frac{k''(1-d'')}{(1-y)}]\}RB_1 \quad (11)$$

$$RR_2^n - RR_2^f = -\left(\frac{1}{1-y}\right)\left(\frac{DT_0}{N}\right) - [h' \cdot d' + \frac{k'(1-d')}{(1-y)}]\left(1 - \frac{1}{N}\right)DT_0 +$$
$$\{[h' \cdot d' + \frac{k'(1-d')}{(1-y)}] - [h'' \cdot d'' + \frac{k''(1-d'')}{(1-y)}]\}RB_2 \quad (12)$$

where

h', k' and r' = the capital costs, as previously defined, under a normalization policy.

h'', k'' and r'' = the capital costs, as previously defined, under a flow-through policy.

d' and d'' = debt ratio under normalization and flow-through, respectively.

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Table 2 presents financial statements for normalizaton and flow-through. Balance sheets, income statements, cash flow and tax reconciliation are given for the two treatments of the AFUDC interest timing difference.[74] The table also shows the difference between normalization and flow-through in the last three columns.

1. Impact on Rates

What are the incremental effects of this plant addition on the utility's rates during each year under the normalization and flow-through policy options? The most obvious differences between the two policies are higher revenue requirements under normalization during the construction year and lower revenue requirements during the operating life. This is shown on Table 1. This difference derives from the fact that, under normalization, the utility is permitted to retain the tax benefits derived from the AFUDC interest deduction during the construction period and pass those benefits to consumers over the operating life of the plant.

But this is not the whole story. Under both policies, the utility recovers the $10 million in AFUDC interest from consumers in equal installments of $5 million over the two-year operating life of the plant. This is shown on Table 1 by the fact that $55 million of book depreciation, rather than $50 million of tax depreciation is allowed for revenue determinations under both normalization and flow-through. Similarly, the comparative income and cash flow statements in Table 2 show $55 million of depreciation rather than $50 million under both policies. But tax regulations permit the utility to use the $10 million interest expense as a deduction when it is paid, that is, during the construction period (see, Table 2, Tax Reconciliation.) The utility is thus able to obtain tax benefits of $4 million during the construction year using the assumed 40 percent tax rate.

[74] For purposes of this example, it is assumed that a gross-of-tax AFUDC rate method is used. See Section II. E. 1, *infra*.

Table 2.—*Financial Statements Comparison Between Normalization and Flow-Through for AFUDC Timing Difference on Single Project*

[Dollars in million]

	Normalization year			Flow-through year			Difference: Normalization minus flow-through year		
	0	1	2	0	1	2	0	1	2
Balance sheet-beginning of year:									
Plant in service	0	110.00	110.00	0	110.00	110.00	0	0	0
Construction work in progress	100.00	0	0	100.00	0	0	0	0	0
Less accumulated depreciation	0	0	55.00	0	0	55.00	0	0	0
Total assets	100.00	110.00	55.00	100.00	110.00	55.00	0	0	0
Common equity	0	42.40	21.20	0	44.00	22.00	0	(1.60)	(.80)
Long term debt	0	63.60	31.80	0	66.00	33.00	0	(2.40)	(1.20)
Short term debt	100.00	0	0	100.00	0	0	0	0	0
Accumulated deferred taxes	0	4.00	2.00	0	0	0	0	4.00	2.00
Total liabilities and equity	100.00	110.00	55.00	100.00	110.00	55.00	0	0	0
Income statement:									
Total revenue	0	71.96	53.48	(6.67)	75.93	57.13	6.67	(3.97)	(3.65)
Less depreciation	0	55.00	55.00	0	55.00	55.00	0	0	0
Less income taxes-current	(4.00)	5.24	4.12	(6.67)	7.73	5.53	2.67	(1.49)	(1.41)
Less income taxes-deferred	4.00	(2.00)	(2.00)	0	0	0	4.00	(2.00)	(2.00)
Operating income	0	12.72	6.36	0	13.20	6.60	0	(.48)	(.24)
Plus AFUDC	10.00	0	0	10.00	0	0	0	0	0
Total income	10.00	12.72	6.36	10.00	13.20	6.60	0	(.48)	(.24)
Less total interest expenses	10.00	6.36	3.18	10.00	6.60	3.30	0	(.24)	(.12)
Net income	0	6.36	3.18	0	6.60	3.30	0	(.24)	(.12)
Cash flow:									
Net income	0	6.36	3.18	0	6.60	3.30	0	(.24)	(.12)
Plus depreciation	0	55.00	55.00	0	55.00	55.00	0	0	0
Plus deferred taxes	4.00	(23.00)	(2.00)	0	0	0	4.00	(2.00)	(2.00)
Less AFUDC	10.00	0	0	10.00	0	0	0	0	0
Total internal cash flow	(6.00)	59.36	56.18	(10.00)	61.60	58.30	4.00	(2.24)	(2.12)
Tax reconciliation:									
Total revenue	0	71.96	53.48	(6.67)	75.93	57.13	6.67	(3.97)	(3.65)
Less tax depreciation	0	50.00	50.00	0	50.00	50.00	0	0	0
Less total interest expenses	10.00	6.36	3.18	10.00	6.60	3.30	0	(.24)	(.12)
Taxable income	(10.00)	15.60	10.30	(16.67)	19.33	13.83	6.67	(3.73)	(3.53)
Taxes-current	(4.00)	5.24	4.12	(6.67)	7.73	5.53	2.67	(1.49)	(1.41)
Plus Taxes-deferred	4.00	(2.00)	(2.00)	0	0	0	4.00	(2.00)	(2.00)
Total taxes	0	4.00	2.12	6.67	7.73	5.53	6.67	(3.49)	(3.41)

The flow-through policy seeks to pass these benefits to customers immediately. But, in doing this, the cost of service for year zero is reduced by more than the $4 million since reducing revenues by $4 million reduces the taxes the utility must pay still further. To achieve the result of a tax allowance equal to taxes actually paid during year zero, the flow-through cost of service is reduced $6.67 million[75] below what it would have been had the utility not incurred the interest expenses in the first place. In other words, the utility's rates are reduced below what they would have been had the utility not engaged in building the new plant. In contrast, normalization sets rates in year zero at the *same level* as they would have been if no new plant were being built.[76]

Having passed on the tax benefits during the construction period, the flow-through cost of service for the two years of the plant's operating life will be raised in exactly the reverse manner as that occurring during the construction period. In each of the two years, required revenues will be higher by about $3.33 million to reflect this impact. In contrast, under normalization, required revenues during the operating years reflect the pass-through of the benefits achieved by the utility as a result of having the use of the deferred tax funds and requiring less interim financing for the interest expense outlay made during the construction period.

The contrast between the two policies can be seen more clearly by only looking at the effects on required revenues of the addition of the AFUDC interest expense to the utility's cost of service. From Tables 1 and 2, we obtain the comparisons shown in Table 3.

Under the normalization policy, total revenue requirements are raised $5.96 milion in year one and $5.48 million in year two, but are the same in year zero as they would have been without the $10 million AFUDC interest expense. These additions to revenue requirements in years one and two include $.96 million and $.48 million represented by additional returns and additional taxes over and above the $5 million of interest expense depreciated in each year.

Table 3.—*Comparison of Revenue Effects of AFUDC Interest Expense Under Normalization and Flow-Through*

[Dollars in millions]

	Year		
	0	1	2
Normalization Required Revenues			
AFUDC Interest Expense		$5.00	$5.00
Tax Effects of Interest Expense:			
Current taxes	(4.00)	2.00	2.00
Deferred taxes	4.00	(2.00)	(2.00)
Return:			
On AFUDC portion of rate base		1.20	.80
On accumulated deferred taxes		(.48)	(.24)
Taxes:			
On accumulated deferred taxes		(.16)	(.08)
On equity portion of AFUDC rate base return		.40	.20
Total		5.96	5.48
Flow-Through Required Revenues			
AFUDC interest expense		$5.00	$5.00
Tax effects of interest expense: current taxes	(6.67)	3.33	3.33
Return: On AFUDC portion of rate base		1.20	.80
Taxes: On equity portion of AFUDC rate base return		.40	.20
Total	(6.67)	$9.93	$9.13

What is the basis for these additional returns and taxes? Let us first look at year one. At the beginning of the year, rate base includes $10 million of capitalized AFUDC expense incurred in the previous year. The $10 million higher rate base is allowed an overall return of $1.2 million (or $10 million times the 12 percent rate of return). Taxes also must be included in the cost of service on the equity portion of this higher allowed return. The equity portion of the return is $0.60 million (see *supra*, on the weighted costs of capital), and the taxes due on the equity return are $.4 million.[77]

At the beginning of year two, rate base is higher by $5 million, since $5 million of the original $10 million was depreciated in year one. The return on the $5 million in year two is $.60 million at a 12 percent rate of return, and the taxes on the equity portion of the return are $.20 million, calculated in the same manner as for year one.

Note that the return on the AFUDC portion of rate base and the taxes associated with the equity part of that return affect revenue requirements identically under normalization and flow-through, since the AFUDC interest expense ($10 million) is capitalized in the same way in either case. The difference between the policies [78] is in the return and taxes associated with the accumulated deferred taxes under normalization.

With normalization, rate base is lowered in accordance with Commission policy, at the beginning of year one, by $4 million, or the amount of deferred taxes accumulated from the prior year (year zero). The lower rate base means that the allowed return is lowered—by the deferred taxes times the rate of return, or $4 million times .12 = $.48 million. This is shown on the table as a negative, since it represents a decrease in the revenue requirements. The associated tax allowance is also decreased by an amount equal to the tax multiplier times the return on the equity portion of AFUDC in rate base.

For year two, rate base is lowered by $2 million of accumulated deferred taxes under normalization, and the return and tax allowance components of cost of service are adjusted downward by $.24 million and $.08 million, repsectively. The derivation of the return and tax allowance for year two follows the same method as used for year one.

Thus, under normalization, the AFUDC interest expenses along with the

[75] The following iterative process demonstrates precisely how this result is achieved. If a $10 tax deduction lowers taxable income by $10, then at a 40% tax rate, actual taxes would be lowered by $4. Lowering the cost of service tax allowance (and therefore the cost of service revenues) by $4 in order to match actual taxes would lower taxable income by $14 ($10 plus $4). This in turn would reduce actual taxes by an additional $1.60 ($4×.4), for a total of $5.60 ($4 plus $1.60, or $14×.4). The tax allowance would again have to be lowered by an additional $1.60, for total of $5.60, in order to match actual taxes. But lowering the tax allowance by an additional $1.60 would lower taxable income by an additional $1.60, for a total reduction in taxable income of $15.60 ($10 plus $4 plus $1.60). The lower taxable income of $15.60 means a reduction in actual taxes of $6.24, again a mismatch between tax allowance and actual tax. This processs continues until the tax allowance equals $t/(1-t)$ times the initial tax deduction, where t is the tax rate. In this example, the $10 million deduction lowers the tax allowance by $6.67 million or $.4/(1-.4)$ times $10 million. The formula $t/1-t$ is commonly referred to as the "tax multiplier."

[76] This is an oversimplification. For construction periods greater than one year, rates are lowered under normalization before the plant becomes operational to reflect the benefits achieved by the company in having the use of the deferred tax funds and thereby decreasing its needs for external capital. See Section II.E.1, *infra*, for further discussion of this point.

[77] The taxes are calculated using the tax multiplier, as described, *supra*, and can be shown mathematically as $.60 milion times $t/(1-t)$, where t equals the tax rate.

[78] Other that the differences in the direct tax effects of the interest expense.

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return and tax benefits derived from the use of the deferred tax funds are allocated to rates charged during the operating life of the plant in years one and two. In contrast, flow-through lowers rates by substantially more than the initial tax benefits during the construction year and must raise rates significantly above the allocated interest expense levels ($5 million) during the operating life.

The comparison between normalization and flow-through can also be made from a different perspective. Assume flow-through as the base case and examine the incremental effects of normalization, as shown in Table 1. During the construction year zero, required revenues are higher by $6.67 million as compared to flow-through reflecting the allowance of $4 million in deferred taxes plus enough allowance for current taxes on the additional revenues so that the utility retains the $4 million of deferred tax funds. Then, during each of the two operating years, required revenues are reduced by the reverse of the above process. In addition, since accumulated deferred taxes are used to reduce the rate base for each period, there is a reduction in interest payments, return on equity and taxes on the equity return.

Now consider the overall impact of normalization as compared to flow-through on customers' rates. Under our example, customers pay $6.67 million more in rates in year zero than would be the case under flow-through rates. In years one and two, however, required revenues (and rates) are reduced by $3.97 million and $3.65 million, respectively, or a total of $7.62 million. Although this net customer impact is realized only through rates, for explanatory puposes an analogy can be constructed comparing the rate consequences of normalization to those of a loan advanced by customers. Admittedly, this analogy is somewhat strained since the monies provided by customers can be characterized, at most, as an involuntary loan. Nonetheless, so that we may evaluate the results, let us assume that the additional revenues generated by normalization in year zero constitute such a loan and that the subsequent rate reductions in years one and two equate with a repayment of the principal plus interest, the interest being a return to the ratepayers on their collective loan.

In this analogy, the customers advance $6.67 million in year zero and receive (1) $3.33 million of the "principal" plus $.64 million "interest" in the first year and (2) the remaining $3.33 million of the "principal" plus $.32 million "Interest" in the second year.[79] The net effect is that customers realize a "rate of return" of 9.6 percent on the additional revenues they pay in year zero.[80] Moreover, this 9.6 percent "rate of return" corresponds exactly to the savings that the utility realized by initially receiving the additional revenues from normalization, i.e., its assumed after-tax cost of capital.[81]

In evaluating the "rate of return" customers realize under this "loan" analogy, it is noteworthy that the "return" is tax free. Because the "return" actually is realized in the form of reduced utility rates, it is not reported as income by the ratepayer. To compare this "return" with other returns that are subject to taxes, one must convert it to a before-tax return. The effective before-tax rates of return for selected tax rates using our example of a 9.6 percent after-tax rate of return are: [82]

Marginal tax rate (percent)

	Before tax rate of return (percent)
0	9.6
20	12.0
36	15.0
50	19.2

This comparison shows that the higher the marginal tax bracket, the higher will be the effective before-tax return. In terms of our example, it shows that a customer in the 20 percent marginal tax bracket realizes a 12 percent before-tax "return", i.e., a "return" equal to the utility's assumed overall cost of capital or allowed rate of return. A customer in the 36 percent marginal tax bracket realizes the same "return" as the common stockholders of the hypothetical utility, 15 percent. Finally, a customer in the 50 percent marginal tax bracket (e.g., an industrial customer or another privately owned utility) realizes a "return" above that of the common stockholders.

Under the assumptions that the utility's capital structure and component capital costs are the same with both policies, the customer's "return" on the deferred tax "loan" will be equal to the utility's after-tax cost of capital. However, this capital cost value as well as the utility's overall cost of capital depends upon the utility's capital structure and component costs of capital. As a result, the customer tax rates required to equate the customer's effective before-tax "rate of return" with the utility's overall and common equity costs of capital may not be precisely as those depicted above. The above results, however, are indicative of the results that would be obtained by using more realistic values for the parameters.

Of course, many of the jurisdictional utility's customers are municipally owned electric and gas distribution systems that have no obligation to pay Federal or state income taxes. For these customers, the utility's after tax rate of return (9.6% in our example) would be the "return" they would receive in the form of lower wholesale rates.

This analogy between normalization and a customer "loan" should be further qualified. The customers who provide the "loan" may not be the same as those who receive the "return of the principal and interest" because as time passes, customers move on and off utility systems. By the same token, however, one can point out that, under flow-through, the customers who pay the expenses (e.g., AFUDC interest) may not be the same as those that get the tax benefits from the deductibility of the expenses. In our example, flow-through gives these tax benefits and more (the $3.67 million above the $4 million tax benefit) to the customers during the construction period. However, it is the customers during the operating life of the plant who must pay the AFUDC interest expenses. In addition, they are required, under flow-through, to pay additional sums to make up for the lower revenues provided by customers during the construction period.

One final point should be made before discussing the cash flow impact. Our example assumed a one-year construction period. Relaxing this assumption to allow for longer, more realistic, construction periods would show that the deduction from rate base of accumulated deferred taxes under a

[79] An argument could be made, and is with respect to certain normalized items like accelerated depreciation, that the "loan" is not from customers but rather is from the Treasury since it is the tax regulations that permit a utility to write off certain expenses faster than they are recouped in rates. But, to make this argument hold for all normalized items, one also would have to argue that the Treasury makes negative "loans", i.e., requires the utility to make "loans" back to the Treasury on items where expenses are recouped in rates prior to when they can be used as a deduction for tax purposes. An example of this would be the plant removal costs. However, in either case, it is the consumer whose rates reflect the positive and negative consequences of such "loans."

[80] If the customers' discount rate were equal to 9.6 percent, the present value of the revenues paid under flow-through and under normalization would be equal, and the customers, as a group, would be indifferent between the two policies.

[81] Using the notation of the Mathematical Notes to Table 1, the after-tax cost of capital is computed as:

$$k(1-y)d + k(1-d) = (.10)(.60)(.60) + (.15)(.40) = 0.96 \text{ or } 9.6\%$$

[82] The formula used to convert after-tax rates of return to before-tax rates of return is:

$$r_b = \frac{r_a}{(1-y)}$$

where:
r_a = after-tax rate of return
r_b = before-tax rate of return
y = tax rate

policy of normalization reduces rates during the construction period below what they would have been had the utility not engaged in building new plant.[83] From our earlier discussion, this reduction in rates can be viewed either as a "return" on the customer "loan" or as a pass-through of the savings achieved by the utility as a result of having the deferred tax funds as a source of capital.

2. Impact on Cash Flow

In general, normalization tends to improve a utility's cash flow as compared to flow-through when the cash flow is most needed and to decrease it when the need is less.[84] This conclusion follows from an understanding of how the two methods work. For those expenses that are paid by the utility before they are allowed to be collected in rates (Type I timing differences), normalization provides funds (deferred tax debits), in the periods when these expenses are paid and so lessens the impact of those expenses on the utility's cash flow. Subsequently, when the utility is collecting the expenses in rates, normalization reduces the utility's cash flow by permitting a lower than acutal tax allowance in rates (deferred tax credits). Similarly, for expenses that are collected in rates prior to when the utility incurs them (Type II timing differences), normalization reduces cash flow when the expenses are being collected in rates and increases it later when the expenses are being paid by the utility.

By referring to our single transaction AFUDC interest expense example, we can see more precisely why this occurs and, in addition, how the cash flow impact of normalization on utilities can be estimated. Table 2, *supra*, shows calculations of the utility's internal cash flow for each of the three years. Consider the construction period (year zero) when the utility is paying the interest expenses but not collecting them in rates. The utility has incremental cash flow needs of $10 million—the AFUDC interest expense. Normalization helps the utility to meet this cash flow need by providing $4 million in additional cash—the deferred taxes. Flow-through does not. Under flow-through, the net cash outflow arising from the AFUDC interest expense is $10 million. The net cash outflow under normalization is only $6 million. Thus, when the utility must pay for an expense in a period prior to when that expense is recovered in rates, normalization provides a cash inflow (deferred taxes debits) to reduce the net cash outflow of the utility. Further, the cash inflow from deferred taxes is in direct proportion to the incremental cash flow need of the utility since it is equal to the tax rate times the incremental cash flow need created by the timing difference transaction ($10 million × .4 tax rate = $4 million in deferred tax debits).

Now consider the operating life of the plant. In each of these years, the utility's internal cash flow position is improved by the fact that it is collecting $5 million in rates for which it has no current liability. This $5 million is the amortized portion of the $10 million in AFUDC interest expense and is represented in the company's financial statements as the difference between annual book and tax depreciation charges ($55 million–$50 million). During each of these years, normalization reduces the utility's internal cash flow by $2 million reflecting the pass-through to customers of the $4 million in tax benefits that were obtained by the utility during the construction period. Examining the income statement of Table 2, we see that the utility has current (actual) tax expenses of $6.24 and $4.12 million in years one and two, respectively. But the cost of service (Table 1) shows a tax allowance of only $4.24 million in year one and $2.12 million in year two.

The most important conclusion to be drawn from this analysis is that the cash flow provided by normalization is directly proportional to the incremental cash flow needs of the utility as measured by the expense or revenue transaction for which a timing difference arises. Further, this relationship is simple and strightforward. For any period in which a utility must pay an expense which it will collect through rates charged in some other period(s), earlier or later, normalization increases cash flow in the current period by an amount equal to the tax rate times the expense. For any period during which a utility collects in rates for an expense it has to pay in some other period(s), earlier or later, normalization decreases cash flow by an amount equal to the tax rate times the portion of the expense collected in that period. In general, we can say that, under normalization, whenever a utility has a cash flow need created by a timing difference expense or revenue item, the utility's internal cash flow is increased by the tax rate times the amount of the need. Similarly, whenever a utility has "excess" cash due to its collecting monies for expenses or revenues paid in other periods, normalization reduces the size of the "excess" by the tax rate times the amount of the "excess."

This relationship between the internal cash flow generated by normalization (positive or negative) and the cash flow needs arising from timing difference transactions (positive or negative) provides us with a simple and reliable measure of the impact of normalization on a utility's cash flow situation. Using a reasonable estimate of the composite federal/state tax rate of 50 percent, we can say that normalization provides additional cash in the amount of 50 percent of any incremental cash need arising from timing difference transactions and, similarly, reduces any incremental cash "excess" by 50 percent.

3. Impact on Rates of Return

We turn now to a consideration of the impact of normalization on stockholders' rates of return. Our propose here is simply to show that if the rate of return *allowed* on common equity is the same under both policies there is no reason for the rate of return *earned* on common equity to be different. To be more specific, deferred taxes do not accrue to utility stockholders.

In our numerical example in this section, we assumed that the cost of common equity, and thus the allowed rate of return on common equity, was 15 percent under both policy options. Table 2 shows the year-by-year financial results of the utility under each policy when the total revenues realized exactly equal the total revenues allowed (i.e., required revenues per Table 1). Examining Table 2 we find that under neither policy do investors earn more than 15 percent on their incremental common equity investment. In both cases, they earn exactly 15 percent.

Under flow-through, the equity investment at the beginning of years one and two is $44 million and $22 million, respectively. The net income available for distribution to the common equity stockholders is $6.6 million in year one

[83] This assumes a gross-of-tax AFUDC rate method. See Section II. E. 1, *infra*, for a discussion of the effects of the net-of-tax AFUDC rate method.

[84] In our example and in our discussion in this section, we assume the interperiod allocations of costs and revenues under tax regulations are coincident with the cash basis of transactions whenever those regulations differ from the ratemaking allocation policies. This is an oversimplification but not a gross one. Consider the following examples of items covered under the proposed regulation. Construction-related interest, taxes, and pension expenses are all recognized for tax purposes in the periods when they are paid by the utility while, for ratemaking, these expenses are allocated over the life of the associated properties. Regulatory commission expenses are recognized for taxes when incurred (cash basis) but may be spread out over two or more years for ratemaking. Similarly, when IRS regulations permit a shorter deprecation life than regulatory policy, the IRS recognition of the expense is closer to the point when the outlays were made. These are all examples of Type I timing differences. Removal costs, cited earlier as an example of a Type II timing difference, are recognized at the time of cash outlay for tax purposes but over the life of the associated plant for ratemaking. In general, there is a tendency for the interperiod allocations of costs and revenues under tax regulations to more closely follow the cash basis of transactions than the ratemaking interperiod allocations.

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and $3.3 million in year two. Investors thus realized a 15 percent rate of return in each year ($6.6 million on $44 million and $3.3 million on $22 million). The comparable statistics under normalization show the same result—15 percent rates of return on common equity ($6.36 million on $42.4 million and $3.18 million on $21.20 million).

The reason that common equity stockholders do not realize higher rates of return on their investments under normalization than under flow-through is because of the deferred tax accounting. Taxes deferred are recorded on the utility's balance sheet in an accumulated deferred tax account that is separate from the common equity accounts. Further, the policy of subtracting accumulated deferred taxes from rate base effectively treats these funds as ratepayer investment and provides ratepayers with a "return" in the form of lower rates. In sum, the taxes deferred under a normalization policy do not accrue to the benefit of utility investors. If they benefit anyone, it is the customers.

Even when the more realistic assumption of a lower cost of common equity to normalized utilities than to flow-through utilities is employed,[85] it does not affect the above conclusions. The results would show realized rates of return equal to those allowed.

C. Multi-transaction Case

So far the analysis has concentrated on the time pattern of the impacts of the proposed rule for a single timing difference transaction. However, much of the controversy surrounding normalization and flow-through is based on the combined effects over time of a group of similar types of timing difference transactions or all timing difference transactions affecting a particular company.

As discussed previously, a necessary characteristic of timing differences, taken individually, is that the difference "reverses or turns around." This reversal or turn around occurs in the case of Type I and Type IV timing differences when the amount of an expense or revenue transaction recognized for tax purposes is *greater* than that for ratemaking in one period and, in some later period(s), the amount of the transaction recognized for tax purposes is *less* than that for ratemaking. For Type II and Type III timing differences, the opposite occurs. For all types, however, the reversal is not complete until the total amount recognized for taxes equals the total amount recognized in rates.

In this section, we consider the implications of combining the effects, over time, of several timing difference transactions either of the same type (e.g., AFUDC interest) or of different types (e.g., AFUDC interest and regulatory commission expenses).

Our purpose is to examine deferrals—both of the expense transactions that give rise to timing differences and of the tax effects resulting from timing differences under a normalization policy. We explain how "continual deferrals" of these expenses and tax effects can be said to exist as long as there are any timing differences for which a complete "reversal or turn around" has not yet occurred. We also explain how "continual deferrals" of taxes under normalization are necessarily associated with "continual deferrals" in the rate collection of the expenses that give rise to the deferred taxes, and how the "deferred expenses" are necessarily of a larger dollar magnitude than the associated "deferred taxes." Finally, we explain the conditions under which rates under normalization may be lower than those under flow-through in the presence of "continual deferrals."

We again assume that the interperiod allocation of expenses for taxes is coincident with the cash basis of the transactions.[86] Expenses are recognized as tax deductions when funds are expended for them. While this is obviously not valid for all timing differences, it does not distort the conclusions of the analysis. The most important reason for employing this assumption is that it permits one to make some important points in a clearer fashion than would otherwise be possible. This assumption allows us to evaluate the multiple transaction case from the perspective of the utility. Specifically, we will proceed by looking first at the effects on the firm of the cost of service treatment of the timing difference transactions. We then consider the effects of the tax deferrals under a normalization policy. Finally, we look at the full cost of service differences in rates (normalization minus flow-through).

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[85] See Section II. D, *infra*, for evidence of this cost of capital differential, and Section III. A. 3, *infra*, for a measure of the effects on rates of cost of capital differentials.

[86] See Sections II.A. and II.B.2, *supra*.

Table 4

Multi-plant Example Illustrating Utility Cash Outlays for AFUDC Interest Expenses Under Varying Conditions of Growth (*g*)

Net Outlays of Utility for AFUDC Interest ($ Millions)

Case 1: *g* = 0% (constant)

Plant Number	YEAR 0	1	2	3	4	5	6	7	8	9
0	10.00	(5.00)	(5.00)							
1		10.00	(5.00)	(5.00)						
2			10.00	(5.00)	(5.00)					
3				10.00	(5.00)	(5.00)				
4					10.00	(5.00)	(5.00)			
5						10.00	(5.00)	(5.00)		
6							10.00	(5.00)	(5.00)	
7								10.00	(5.00)	(5.00)
8									10.00	(5.00)
9										10.00
Total	10.00	5.00	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-

Case 2: *g* = 5% (constant)

Plant Number	YEAR 0	1	2	3	4	5	6	7	8	9
0	10.00	(5.00)	(5.00)							
1		10.50	(5.25)	(5.25)						
2			11.02	(5.51)	(5.51)					
3				11.58	(5.79)	(5.79)				
4					12.16	(6.08)	(6.08)			
5						12.70	(6.38)	(6.38)		
6							13.40	(6.70)	(6.70)	
7								14.07	(7.04)	(7.04)
8									14.77	(7.39)
9										15.51
Total	10.00	5.50	.77	.82	.86	.89	.94	.99	1.03	1.08

Case 3: *g* = 10% (constant)

Plant Number	YEAR 0	1	2	3	4	5	6	7	8	9
0	10.00	(5.00)	(5.00)							
1		11.00	(5.50)	(5.50)						
2			12.10	(6.05)	(6.05)					
3				13.31	(6.66)	(6.66)				
4					14.64	(7.32)	(7.32)			
5						16.11	(8.05)	(8.05)		
6							17.72	(8.86)	(8.86)	
7								19.49	(9.74)	(9.74)
8									21.43	(10.72)
9										23.58
Total	10.00	6.00	1.60	1.76	1.93	2.13	2.35	2.58	2.83	3.12

Case 4: Staggered Construction Using 10% Growth

Plant Number	YEAR 0	1	2	3	4	5	6	7	8	9
0	10.00	(5.00)	(5.00)							
1		11.00	(5.50)	(5.50)						
2			-0-	-0-	-0-					
3				13.31	(6.66)	(6.66)				
4					14.64	(7.32)	(7.32)			
5						-0-	-0-	-0-		
6							17.72	(8.86)	(8.86)	
7								19.49	(9.74)	(9.74)
8									-0-	-0-
9										23.58
Total	10.00	6.00	(10.50)	7.81	7.98	(13.98)	10.40	10.63	(18.60)	13.64

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Table 4 presents data on AFUDC interest expenses for four illustrative cases. The data are based on the AFUDC timing difference example developed in the previous section. However, instead of looking at a single timing difference transaction arising from the construction of a new plant, we now postulate varying levels and types of nominal growth for the utility and look at the combined impact of a number of such transactions.[87] Specifically, we postulate that the utility periodically builds a new plant (whether for growth or replacement) with the same characteristics as the plant in our earlier single transaction example (i.e., one year construction period, two year operating life) but with progressively higher costs.[88] During the construction period of each new plant the utility pays AFUDC interest expenses. It then recoups these expenses in rates charged to customers over the two-year operating life, thus achieving a reversal of the original difference for each transaction.

Table 4 shows the AFUDC interest expenses from the perspective of the utility. The first three cases assume constants growth at 0, 5, and 10 percent, respectively. The fourth case assumes staggered construction activity with the utility paying for the new plants at the 10 percent growth case costs.

The yearly totals for each case represent the utility's net outlays on AFUDC interest. A positive value indicates that the utility pays out more for AFUDC interest than it is allowed to collect in the rates charged to customers for that year. In other words, the recognition of the expense for tax purposes is greater than that for ratemaking. A negative value indicates that the utility receives more in rates than it pays out in AFUDC expenses.

In Case 1 (zero growth), we observe the net outlays on AFUDC interest dropping from $10 million to $5 million to $0 and remaining at $0 thereafter. In part, this is due to the assumption that the utility had no existing plants in year zero. If we had postulated an ongoing utility with existing plants at the same costs, the totals would have been zero throughout. The important point of the case, however, is that there is no "reversal or turn around" on a composite basis. The AFUDC interest on each new project exactly offsets the reversals occurring on each of the old projects, and there is always a balance of unrecovered expenses.

Cases 2 and 3 exhibit similar results. The reasons for presenting both of these cases will become apparent later. As with Case 1, no reversal occurs for either of these cases. In fact, because of the positive growth, we find the utility continually paying out more for AFUDC interest than it is allowed to recoup in rates. The unrecovered balance of AFUDC interest grows.

The results in all three cases may be viewed as "continual deferrals" of the utility's collection in revenues of the AFUDC interest expenses for which it has expended funds. Closer examination provides an understanding as to why these results should be expected. The explanation resides in the way the costs are allocated over time. Examine the component costs for any year. The negative values indicate the amounts of previously incurred expenses that are being recovered from customers during that period. These expenses are associated with the plants that are providing services to the customers during that period. The positive value for that year, however, represents an expense paid by the utility for the construction of a plant that will not serve customers until the next year. If we look to the next year we see that the utility is in fact being allowed to recover that expense from the customers being served at that time. Over the three-year construction/operating life of each plant the utility recovers all the costs associated with the plant; it incurs no loss. For each plant, the reversal occurs and completely offsets the original cost outlay. The reason for the "continual deferral" is that the utility is continually incurring expenses on new plants intended to serve future customers and these expenses are not permitted to be collected from customers until those plants are operating and serving the customers.

Case 4 shows the effects of staggered construction activity. In this case, we find that the utility sometimes collects more in revenues than it pays out on AFUDC interest. This may be referred to as a reversal but it is not the same as that which occurs for a single transaction. For a single transaction the reversal is a one time event. In the Case 4 example, the totals fluctuate between positive and negative over time. Further, in no single year do we find that all of the previously incurred AFUDC interest expenses have been recovered in rates. There is always a balance of unrecovered interest expenses. As a result, even this case can be referred to as one of "continual deferral."

This analysis of combined timing difference transactions has been directed toward the expense item itself rather than the associated tax effects. The purpose has been to show how the interperiod allocation, by regulators, of specific expenses affects utilities. The illustrative examples show clearly that utilities do not recover, in each period, all the expenses for which they actually had to expend funds. Further, the examples show how "continual deferrals" may arise in the customer's payment of (or the company's collection for) expenses that have been incurred by the utility.

Table 4 shows how the interperiod allocation of AFUDC interest results in a continual deferral of these expenses if the evaluation is made with respect to the effects of all such transactions in each year. A similar table can be constructed for the tax effects of timing differences under a normalization policy. Instead of the base transaction having the cash flows of $10 million ($5 million), and ($5 million), it would have $4 million, ($2 million), and $2 million. This would reflect the collection by the utility of $4 million *more* for taxes in rates than it actually paid during the construction period and the collection in rates of $2 million *less* for taxes than it actually paid during each of the operating years. Applying the various growth rates to these numbers and summing for each year would complete the table. The conclusions drawn from such a table would be similar to those we obtained from Table 4. The totals would indicate the net outlays of the utility for taxes. A negative value would indicate that the utility collected more in rates than it paid out in taxes; a positive value would indicate the reverse. For the zero growth case, we would have a time pattern of ($4 million), ($2 million), $0, $0, $0, *et cetera*. For the 5 and 10 percent growth cases, the totals would all be negative indicating that the utility was continually charging customers more for taxes than it was actually paying. For the staggered construction case, the totals would fluctuate like those in Table 4. For all cases, however, the continual deferral of taxes being paid by the utility would coincide with (or "match") the continual deferral of AFUDC interest being collected from customers.

Two points are important here. First is the fact that whenever the utility is deferring the payment of taxes under normalization due to the existence of timing differences, it is also deferring the collection of the associated

[87] For simplicity, we examine the combined impact of a number of transactions of the same type (AFUDC interest). However, one can view each of the transactions considered as a composite of all the different types of timing difference transactions affecting the utility. The conclusions would be the same.

[88] Alternatively, one could postulate a growing number of plants at the same per unit costs.

expenses. The second point concerns the magnitude of the deferred taxes relative to the deferred costs. As long as the tax rate is less than 100 percent, the deferred taxes will always be less than the deferred costs. With a tax rate of 50 percent the deferred taxes would be exactly half the deferred costs.

Table 5 presents data comparable to Table 4, but it addresses the revenue requirements under normalization in relation to those under flow-through for varying growth conditions. The data are derived from the single transaction example of Table 1 with the various growth rates applied for projects commencing in each succeeding year.[89] The totals indicate the net difference in revenue requirements under the normalization and flow-through policies. A positive value indicates that the combined impact of all the timing difference transactions results in higher revenue requirements under a normalization policy than under a flow-through policy. A negative value indicates the reverse.

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[89] The ability to obtain the revenue requirement differences for succeeding projects by the simple multiplication of the prior project's differences by the growth rates is based on the mathematics of the revenue requirement differences. See the discussion of the "base" difference model in Section III. *infra*.

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Table 5

Multi-plant Example Illustrating the Difference in Required Revenues Under Normalization Relative to Flow-Through Under Varying Conditions of Growth (g)

Plant Number	YEAR 0	1	2	3	4	5	6	7	8	9
	Normalization Required Revenues Minus Flow-Through Required Revenues ($ Millions)									
	Case 1: g = 0% (constant)									
0	6.67	(3.97)	(3.65)							
1		6.67	(3.97)	(3.65)						
2			6.67	(3.97)	(3.65)					
3				6.67	(3.97)	(3.65)				
4					6.67	(3.97)	(3.65)			
5						6.67	(3.97)	(3.65)		
6							6.67	(3.97)	(3.65)	
7								6.67	(3.97)	(3.65)
8									6.67	(3.97)
9										6.67
Total	6.67	2.70	(.95)	(.95)	(.95)	(.95)	(.95)	(.95)	(.95)	(.95)
	Case 2: g = 5% (constant)									
0	6.67	(3.97)	(3.65)							
1		7.00	(4.17)	(3.83)						
2			7.35	(4.38)	(4.02)					
3				7.72	(4.60)	(4.23)				
4					8.11	(4.83)	(4.44)			
5						8.51	(5.07)	(4.66)		
6							8.94	(5.32)	(4.89)	
7								9.39	(5.59)	(5.14)
8									9.85	(5.87)
9										10.35
Total	6.67	3.03	(.47)	(.49)	(.51)	(.53)	(.57)	(.59)	(.63)	(.66)
	Case 3: g = 10% (constant)									
0	6.67	(3.97)	(3.65)							
1		7.34	(4.37)	(4.02)						
2			8.07	(4.80)	(4.42)					
3				8.88	(5.28)	(4.86)				
4					9.77	(5.81)	(5.34)			
5						10.74	(6.39)	(5.88)		
6							11.82	(7.03)	(6.47)	
7								13.00	(7.74)	(7.11)
8									14.30	(8.51)
9										15.73
Total	6.67	3.37	.05	.06	.07	.07	.09	.09	.09	.11
	Case 4: Staggered Construction Using 10% Growth									
0	6.67	(3.97)	(3.65)							
1		7.34	(4.37)	(4.02)						
2			-0-	-0-	-0-					
3				8.88	(5.28)	(4.86)				
4					9.77	(5.81)	(5.34)			
5						-0-	-0-			
6							11.82	(7.03)	(6.47)	
7								13.00	(7.74)	(7.11)
8									-0-	-0-
9										15.73
Total	6.67	3.37	(8.02)	4.86	4.49	(10.67)	6.48	5.97	(14.21)	8.62

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For the zero growth case, we find that normalization yields higher revenue requirements during the first two years but lower revenue requirements from then on. Similar results are obtained with a 5 percent growth factor. The difference between these two cases is that, after the first two years, the latter shows a widening difference over time while the former shows a constant difference.

In Case 3, with the growth rate at 10 percent, we find that normalization required revenues are above flow-through required revenues in all years and that after year 3, the gap widens over time. A prerequisite for this occurrence is reasonably steady growth at this high level.

Case 4 illustrates what happens when growth is not steady. In this case, normalization required revenues are higher than those produced by flow-through in some periods and lower in others. The implication is that while a firm may be growing at a reasonably high rate, if its construction activity should drop off, even for one year, normalization rates may fall below flow-through rates.

To summarize, deferrals of taxes due to normalization for timing differences can only occur when the collection in rates of the costs that gave rise to those tax defferals are also continually deferred. Further, the non-tax costs for which recovery is deferred are of a higher dollar value than the associated taxes that are deferred, given a tax rate of less than 100 percent. It is inconsistent to set rates to recover only the actual taxes paid in each period while simultaneously recovering less than the actual amount of other expenses paid in each period. Finally, from a pragmatic perspective, the overall impact on rates paid by consumers under the alternative policies of flow-through and normalization depends critically on the type and level of growth that each utility experiences in the future. Other things being equal,[90] low steady growth produces the result that normalization rates tend to be lower than flow-through rates while high steady growth produces the opposite result. Fluctuating growth results in a mixture over time of normalization rates above flow-through rates and normalization rates below flow-through rates.[91]

The generality of these conclusions should be underscored. The example of AFUDC interest expenses can easily be viewed as a composite of a variety of different timing difference transactions. Since Type I timing differences appear to be the most common and most significant, the impact of this type has been emphasized. While the assumptions relied on in the illustrative examples (life of the plant, rates of return, etc.) may not be wholly realistic, the qualitative conclusions would not change if more realistic assumptions had been used.

D. Cost of Capital Effects

The discussion so far has assumed that the cost of capital is the same for utilities using normalization as for those using flow-through. Various studies, however, have found evidence that the cost of capital is higher to utilities employing flow-through than it is to utilities using normalization.[92]

A number of theoretical arguments have been advanced to support the hypothesis of a normalization/flow-through cost of capital differential. First, the predominant effect of the timing differences affecting utilities is a reduction in current tax liability and an increase in future tax liability. Normalization provides a reserve of funds to pay the future tax liabilities. Under flow-through, however, utilities will have to seek additional rate increases to meet the higher future tax payments. Difficulties that may arise in obtaining the necessary rate increases create the additional risk which, in turn, increases the returns that lenders and investors require from flow-through utilities. This argument is cited most frequently. Implicit in this argument, however, is the assumption that rates under normalization will fall below rates under flow-through during the time frame considered relevant to investors. Otherwise there would be no necessity for rate increases under flow-through. However, under plausible growth and/or inflationary conditions for the electric utility industry, this reversal in the normalization/flow-through rate difference may not occur in the foreseeable future so that the assumption of the above argument may not hold.[93]

A second argument used to support the normalization/flow-through cost of capital differential is that regulatory commissions that require flow-through treatment for the tax effects of timing differences tend to be viewed by investors as having a pro-consumer orientation relative to those commissions that permit normalization. From an investor's perspective, this bias may increase the risk that a flow-through utility may not earn adequate returns over time. This argument is one of correlation rather than causality. The additional risk is not due to factors inherent in the method by which timing differences are handled. Rather it is based on the perception, correct or not, that those commissions that require flow-through are also the ones that give inadequate returns, allow attrition to erode earnings, and take other actions that benefit ratepayers at the expense of stockholders.

A third argument is that, when compared to flow-through, normalization stabilizes the cash flow of utilities. Normalization more closely matches cash inflows with cash outflows. It provides additional cash inflow (with deferred tax debits) when an expense is recognized for tax purposes but not for rates. Conversely, it reduces cash inflow (with deferred tax credits) when an expense is permitted to be included in rates but is not recognized for taxes. Since, in general, the recognition of expenses for taxes more closely coincides with the cash basis of transactions than the recognition for ratemaking, normalization reduces the fluctuations in utilities' cash flow and thereby reduces the risks associated with utilities' ability to meet short-term financial obligations.

Finally, a utility's external capital needs are less under normalization than under flow-through. As can be seen from (3) above, normalization increases the availability of cash from internal sources (deferred tax debits) when it is needed. Thus, the firm's external capital needs are less. If institutional constraints are such that the price a utility pays for capital increases with the size and frequency of its demands, then flow-through utilities which require more external capital will have a higher cost of capital.

For whatever reason, to the extent that flow-through companies are perceived to be more risky than normalized companies, one expects some combination of the following

[90] The growth rates referred to here are nominal growth rates, i.e., they include the effects of inflation. The cost of capital (allowed rate of return) also is a function of inflation. The inflation rates implied by each should be consistent. They are not in these examples since the main purpose was to show the effects of different growth rates irrespective of the relative magnitude of the real and inflationary components of these rates.

[91] See Section III.A.3, *infra*.

[92] These studies were concerned primarily with the application of normalization and flow-through to accelerated depreciation, a timing difference that is not within the scope of the proposed rule. See, Arthur Anderson and Co. (1977), Berndt, Sharp and Watkins (1979), Brigham and Pappas (1970), Corey (1979), Mlynarczyk (1969), O'Donnell (1965), and O'Donnell (1968).

[93] See, e.g. Section III.A.3, *infra*.

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effects to be observed of flow-through companies when compared with normalized companies:

(1) Higher cost of debt;

(2) Higher cost of preferred equity;

(3) Higher cost of common equity; and/or

(4) Lower leverage (less use of debt relative to equity in financing operations).

All of these effects have been observed in the above-referenced studies.

In addition, some recent data supporting the conclusion that flow-through ratemaking results in higher capital costs than normalization are presented in Tables 6 and 7. These data tend to indicate that flow-through utilities cannot obtain as much debt financing as can normalized utilities. In each of the years 1974 through 1978, the debt ratio of flow-through companies is (slightly) less than that for normalized companies. In addition, flow-through utilities appear to pay higher interest rates on the debt they do obtain since debt cost is inversely related to bond ratings and interest coverage (times interest earned) That flow-through companies have a higher cost of common equity is indicated by the consistently lower market-to-book and price-earnings ratios.

Since these comparative data relate primarily to the normalization or flow-through of accelerated depreciation timing differences, definitive statements on the magnitude of the cost of capital differentials arising from the currently proposed rule are not feasible. It is reasonable to conclude, however, that capital costs will be lower under the normalization policy contemplated in the proposed rulemaking.

Table 6.—*Selected Comparative Financial Data for Normalized and Flow-Through Utilities, 1974–78*

	79 Normalized companies	21 Flow-Through companies
Times interest earned before FIT:		
1974	2.76	2.20
1975	3.02	2.37
1976	3.33	2.63
1977	3.25	2.71
1978	3.09	2.54
Average	3.07	2.49
Debt ratio (percent):		
1974	57.3	56.3
1975	55.2	54.4
1976	53.4	53.0
1977	53.0	52.3
1978	52.3	51.1
Average	54.2	53.4
Market-to-book ratio:		
1974	.88	.55
1975	.92	.78
1976	1.05	.92
1977	1.02	.96
1978	.97	.87
Average	.97	.81
Price-earnings ratio:		
1974	6.59	5.25
1975	8.26	7.20
1976	9.32	8.12
1977	9.01	8.57
1978	7.86	7.22
Average	8.17	7.27

Source: Dean Witter Reynolds Inc., "100 Largest Utility Companies: Comparative Financial Data for the Years 1974–78", August 1979.

Table 7.—*Electric Utility Bond Rating Distributions, 1977–78*

(In percent)

S&P bond rating	1977 Normalized companies (91)	1977 Flow-through companies (29)		1978 Normalized companies (84)	1978 Flow-through companies (19)	
AAA	3	0		4	0	
AA/AA–	40	10	55	36	16	48
A+/A	35	45		37	32	
A–/BBB+	8	28	78	11	16	77
BBB/BBB–	13	17		13	37	
Lower	1	0		0	0	
Total	100	100		100	100	

NOTE.—Numbers after column titles indicate number of companies in sample. Columns may not sum to totals due to rounding.

Source: Standard & Poor's "Utility Compustat II" Data Base, June, 1979.

E. Other Considerations

1. *Gross-of-Tax vs. Net-of-Tax AFUDC Rate Methods.*—Under normalization, there are two general methods currently permitted to be used in accounting for AFUDC on new plant construction—the gross-of-tax and net-of-tax AFUDC rate methods.[94] The treatment of the timing difference arising from the interest expense portion of AFUDC is affected by the choice of these methods with the result that the effects on rates are not the same. In particular, the net-of-tax methods fails to pass on to customers, in lower rates, the full cost savings realized by utilities during the construction period of plant additions.

Under both methods, AFUDC is capitalized and included in the value of plant going in service. With the *gross-of-tax method,* AFUDC is accrued during the plant construction period using a before-tax AFUDC rate. At the same time, deferred taxes are accrued from the deduction of the interest expense portion of the AFUDC on a current basis. The deferred taxes provide cash inflow to the utility and lessen the need for financing. The savings achieved by this are passed on to customers by deducting accumulated deferred taxes from rate base. Rates during both the construction period and operating life thus reflect the pass-through of the savings realized by the utility in having the use of the deferred tax-derived funds for its financing.

In contrast, the *net-of-tax method,* accrues AFUDC at the lower, net-of-tax AFUDC rate. This lower rate is intended to achieve the same result as the gross-of-tax method by reducing the amount of AFUDC capitalized in rate base by the tax effects (benefits) of the interest portion of the AFUDC. However, the result is not the same since there are no accumulated deferred taxes or anything comparable that can be used to reduce rate base during the period of new plant construction.

If we assume that there is no compounding of AFUDC (i.e., if no interest on interest is permitted), then the value of the rate base of a new plant when it goes into operation under the net-of-tax method will equal the value of the rate base less accumulated deferred taxes under the gross-of-tax method. As a result, the impacts of the two methods on rates would be the same during the operating life of a plant. A difference, however, occurs during the construction period. Under the gross-of-tax method, accumulated deferred taxes reduce the rate base for existing plant and thus reduce rates. Under the net-of-tax method there are no deferred taxes so that rates during the construction period are higher. Thus, the time value of the customer's "loan" during construction is lost to customers under the net-of-tax method.

The use of compounding has the effect of minimizing the revenue differential between the gross-of-tax and net-of-tax methods but does not eliminate it. Because the net-of-tax AFUDC rate is lower than the gross-of-tax rate, less AFUDC is accumulated through compounding under the net-of-tax method. However, this compounding effect is substantially smaller than the previously discussed rate base deduction effect.

[94] See, Order No. 561 and 561–A, Order Adopting Amendment to Uniform Systems of Accounts for Public Utilities and licenses and for Natural Gas Companies, and Order Denying Applications for Rehearing and Clarifying Prior Order, in Docket No. RM75–27, issued February 2, 1977 and August 1, 1977; Order No. 530–A, *supra.* The Commission has suggested that utilities follow whichever method is approved for retail rates in their wholesale filings.

2. *Special Projects* [95].—Special projects present situations where rates will be lower under normalization than under flow-through. Special projects are companies formed solely to finance and operate a single project, such as the Alaskan Natural Gas Transmission System (ANGTS). Under flow-through, tax benefits from construction-period timing differences would not be passed on to customers since there would be no sales during that period and therefore no rates through which the customers could realize the benefits. Normalization, however, would cause deferred tax debits to be accumulated during the construction period which would later be used to lower rates over the operating life.

During the project's construction period, significant costs such as AFUDC interest are incurred and may be recognized as an expense in determining tax liability. Because there are no sales and therefore no income is generated during this period, the project has negative taxable income, i.e., it is in a tax loss position. The owners can usually use this tax loss to offset other income and thereby lower their overall tax liability. In other words, there is usually no reason to carry forward tax losses to the operating phase of the project.

The costs we are considering here, however, are costs that create timing differences. By writing off these costs for taxes during the construction period, the participating firms do not have the opportunity to use them as tax deductions during the operating lives of the projects when revenues to cover the specified costs are collected. Their tax liability during the operating life will, as a result, be higher than it would have been had those costs been deductible and used to determine tax liability during the operating life.

Using our numerical example in Section II. B., we can compare the effects of the flow-through and normalization methods on required revenues for a special project.

Required Revenues

Year	0	1	2
Normalization	0	$71.36	$63.48
Flow-through	0	75.03	67.13
Difference	0	(3.67)	(3.65)

[95] The analysis in this section also would apply to newly-formed companies with more than one project if they experience a development period during which they realize timing difference-derived tax benefits but make no sales and therefore have no rates in which to reflect those benefits. The firm has a $10 million tax deduction during year zero arising from the AFUDC interest expense. Using this deduction in its tax filing as an offset to other income, the owners are able to realize a tax benefit of $4 million during year zero. Under flow-through, this tax benefit is lost to customers.

For an ongoing utility, flow-through would have lowered required revenues by $6.67 in year zero to pass the tax benefits arising from the AFUDC interest to consumers. For a special project, however, since there are no sales in year zero. there are no rates that would do this. During the operating years, however, setting the tax allowance equal to taxes actually paid (flow-through) results in the same revenue requirements for a special project company as for an ongoing utility.

In contrast, normalization flows the tax benefits of the AFUDC interest to consumers during the operating years. It has no effect on required revenues during year zero for an ongoing utility so that nothing is lost to customers of a special project.

This analysis should be qualified. If a company is unable to utilize all deductions on a current basis, carryforward and carryback provisions of the tax laws may be used. To the extent that construction period deductions are carried forward for use during the operating life of a plant, a flow-through policy would pass the tax benefits of these deductions to customers.

A second consideration relates to projects undertaken by a coporate entity or group of corporate entities that are permitted to deduct expenditures made on a "special project" in a consolidated tax filing. If a regulatory agency permits rates to reflect the consolidated filing, under flow-through current customers of the jurisdictional corporate entity or entities will receive some portion of the benefits that would otherwise have been lost.

III. Empirical Analyses of the Impact of Normalization on Rates for Selected Timing Differences

A. Depreciation-Related Timing Differences

There are three sources of timing differences relating to the amount of depreciation claimed in any year for tax purposes and the amount allowed in ratemaking:

(1) *Method Differences.*—These are differences in the method used to compute annual depreciation charges for taxes and ratemaking that create timing differences. Regulatory agencies generally require the use of straight-line depreciation in setting rates. For tax purposes, however, utilities are permitted to use various accelerated depreciation methods. The result is annual tax depreciation charges greater than ratemaking depreciation charges in the early years of a plant's life and the reverse in later years. Over the life of a plant, however, the sum of the annual depreciation charges for ratemaking and taxes is the same. The faster writeoff of depreciation for tax purposes means that the utility pays lower taxes in the early years but higher taxes in the later years of the plant's operating life.

(2) *Base Differences.*—Certain costs are spread over the life of a plant as part of depreciation for ratemaking purposes but are written off when paid for tax purposes. The ratemaking policy of spreading such expenses over the life of a plant results in a depreciation base for ratemaking that is larger than that for taxes; hence, the phrase "base difference." Examples of expenses that give rise to base differences are construction-related taxes, pensions and interest expenses and plant removal costs.

(3) *Life Differences.*—When the tax life of an asset is different from its ratemaking (or book) life, a timing difference results. Even if straight-line depreciation is used for both ratemaking and taxes and the depreciation "base" is the same, the ability to depreciate an asset for tax purposes over a different period of time (tax life) than that permitted for ratemaking (ratemaking or book life) results in annual tax depreciation charges over the tax life. However, over the remaining ratemaking life, ratemaking depreciation charges will exceed tax depreciation charges (since the latter will be zero).

The treatment of timing differences arising from depreciation method differences—listed as (1) above—was dealt with in Commission Order No. 404. It is not an issue in the current proceeding and its impact is not evaluated in this report.

The treatment of base and life differences is an issue in this proceeding. To evaluate the impact on rates of applying normalization to the construction-related the impact on rates of applying normalization to the construction-related base differences and the life differences, staff developed two simulation models. The models as well as the data used for each industry are described below.

Removal cost base differences, also covered in the current proceeding, are less amenable to quantitative evaluation. A separtate section, below, discusses this item and addresses the

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problem involved in attempting to quantify its impact.

1. The Base and Life Difference Models

To evaluate the construction-related "base" differences and the "life" differences, staff developed two simulation models designed to answer the question: "What additional revenues would be required by utilities in each year of the future if they normalized rather than flowed through the tax consequences (or effects) of new base (and life) timing differences?" A positive answer in any year means that normalization results in higher required revenues (and thus, rates) than flow-through; a negative answer indicates the reverse.

For discussion purposes, the "impact" of normalization shall refer to the revenues required under normalization *minus* the revenues required under flow-through. Thus, an increase (decrease) in the impact refers to an increase (decrease) in required revenues under normalization relative to required revenues under flow-through.

The models address the rate impact question only for the base and life timing difference transactions that arise in the initial year or later. Timing difference transactions that arose in previous years, the tax effects of which may have been flowed through or normalized, are ignored.

From an overall perspective, each model is based on an evaluation of the differences over time between normalization and flow-through revenue requirements for the incremental plant additions made by a firm (or industry) under steady growth conditions. The sum of plant additions in each year is considered a single, composite plant addition which generates effects on the normalization/flow-through revenue requirement differential over its construction period and service life. As one moves from year to year, successive composite plant additions and their effects on the revenue requirement differential are considered so that, in period 2 there are two composite plant additions having effects on this revenue requirement differential; in period 3, there are three plant additions; etc. This process can be observed in Table 7, *supra*.

Several simplifying assumptions were used in deriving the model. They are:

(1) Rates are adjusted annually to permit the utility to maintain its earned return at the level allowed. In other words, utilities are assumed to realize their required revenues in each year. Some such assumption is essential to any attempts to forecast events.

(2) Gross plant additions grow at a constant annual rate, in nominal terms, over the forecast period. In fact, there are fluctuations in the growth of gross plant additions at the firm level and, to a lesser extent, at the industry level. The effect of this assumption, however, is simply to smooth out the time pattern of the impacts. [96]

(3) Capitalized expenses (construction-related interest, pensions and taxes) incurred in each year are a constant percent of gross plant additions in the following year. This assumption follows from: a constant growth in gross plant additions; a constant relationship between the capitalized expenses and construction expenditures; and either (a) a one-year construction period (used in the actual derivation of the models) or (b) a constant mix in the construction characteristics of each year's gross plant additions. [97]

(4) The tax and book lives of the composite plant additions, the tax rate, and the costs of capital are constant over the forecast period.

These simplifying assumptions are necessary to provide manageable models with which to evaluate the impact of the proposed rule. It is doubtful that more detailed and complex modeling would yield significantly different results.

As both models are derived in essentially the same manner, the base difference model can be used to illustrate the method of derivation and the mechanics of operation. The starting point is the evaluation of the normalization/flow-through revenue requirement differentials over the construction period and operating life of a single plant addition. This is illustrated in Table 1, *supra*, Section II.B.1, for the simple example of a plant with a one-year construction period and two-year operating life. That example considered only the AFUDC interest expense "base" difference. However, one can just as easily view the $10 million AFUDC interest in that example as the sum of construction-related interest, tax, and pension expenses. The mathematics underlying the required revenue differential calculations of Table 1 are provided in the Mathematical Notes to Table 1. [98]

Growth is introduced into the analysis by hypothesizing new composite plant additions being constructed and going into service in successive years at higher dollar values, reflecting both real growth and higher unit costs due to inflation. Proceeding with the above referenced example and assuming a nominal growth rate in plant additions of 5 percent per year, it is hypothesized that $105 million ($100×1.05) would be spent on new plant construction in year one, AFUDC interest of $10.5 million ($105×.10) would accrue, and the value of the plant going into rate base at the beginning of year two would be $115.5 million. Table 5, *supra*, Section II.C., illustrates the net cost of service effects of this process with the interest expense example and assuming various growth rates. A mathematical representation is provided in Table 6.

For any year, the impact of normalization applied to base differences, defined as the excess of normalization over flow-through required revenues for new plant additions, can be determined by summing the values in the column of a matrix similar to those of Tables 5 and 8 for the desired year. The actual base and life difference models used for the impact analysis (shown in Table 9) are generalizations of the column sums of matrices similar to Table 8 where plant additions have an M year tax life and an N year book life.

In the above explanation of how the base difference model was derived, it was assumed that the cost of capital is the same for normalization and flow-through. In the models presented in Table 9, however, allowance is made for the possibility of different capital costs. This is represented by the fourth component of the base difference model and the fifth component of the life difference model. They are derived in the same manner as the other components.

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[96] See Section II.C, *supra*, for a demonstration of how growth fluctuations can cause normalized required revenues to be sometimes above and sometimes below flow-through required revenues.

[97] This latter construction mix assumption encompasses a constant dollar mix of plant additions and a constant time pattern in the construction expenditures for each type of plant.

[98] Note especially equations (7) through (12) for mathematical representations of the components leading to the differences in the normalization and flow-through revenue requirements.

Table 8

Base Difference Model - Illustration with Service Life (N) of 2 Years

Year (t)	0	1	2	3	4	5	...
P 0	$(\frac{1}{1-u})X_0$	$-(\frac{1}{1-u})(\frac{X_0}{2})-vX_0$	$-(\frac{1}{1-u})(\frac{X_0}{2})-v(1-\frac{1}{2})X_0$				
L A 1		$(\frac{1}{1-u})X_1$	$-(\frac{1}{1-u})(\frac{X_1}{2})-vX_1$	$-(\frac{1}{1-u})(\frac{X_1}{2})-v(1-\frac{1}{2})X_1$			
N T 2			$(\frac{1}{1-u})X_2$	$-(\frac{1}{1-u})(\frac{X_2}{2})-vX_2$	$-(\frac{1}{1-u})(\frac{X_2}{2})-v(1-\frac{1}{2})X_2$		
N U 3				$(\frac{1}{1-u})X_3$	$-(\frac{1}{1-u})(\frac{X_3}{2})-vX_3$	$-(\frac{1}{1-u})(\frac{X_3}{2})-v(1-\frac{1}{2})X_3$	
M B 4					$(\frac{1}{1-u})X_4$	$-(\frac{1}{1-u})(\frac{X_4}{2})-vX_4$	...
E R 5						$(\frac{1}{1-u})X_5$	...
(t)							...

Some definitions:

X_i = Deferred taxes arising from expenses capitalized during construction period of plant i

v = "pretax" overall rate of return

$= [h \cdot d + \frac{k \cdot (1-d)}{(1-u)}]$

See Mathematical Notes to Table 1 for definitions of other variables.

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Table 9

Base and Life Difference Models — Page 1 of 2

Base Difference Model

$$RR_t^n - RR_t^{\delta} = \left(\frac{1}{1-y}\right)X_t \qquad (1)$$ deferred tax debit effect

$$- \sum_{i=\max[t-N,0]}^{t-1} \left(\frac{1}{1-y}\right)\frac{X_i}{N} \qquad (2)$$ deferred tax credit effect

$$- \sum_{i=\max[t-N,0]}^{t-1} y^n\left[1 - \frac{(t-i-1)}{N}\right]X_i \qquad (3)$$ rate base deduction effect

$$- \sum_{i=\max[t-N,0]}^{t-1} (y^{\delta}-y^n)\left[1 - \frac{(t-i-1)}{N}\right]BB_i \qquad (4)$$ cost of capital differential effect

with convention that $\sum_{i=0}^{b} = 0$ for $b<0$

Life Difference Model

$$RR_t^n - RR_t^{\delta} = \sum_{i=\max[t-M,0]}^{t-1} \left(\frac{1}{1-y}\right)Z_i \qquad (1)$$ deferred tax debit effect

$$- \sum_{i=\max[t-N,0]}^{\max[t-M-1,-1]} \left(\frac{1}{1-y}\right)\left(\frac{1}{N-M}\right)MZ_i \qquad (2)$$ deferred tax credit effect

$$- \sum_{i=\max[t-M-1,0]}^{t-2} y^n[t-i-1]Z_i \qquad (3)$$ rate base deduction effect during tax life

$$- \sum_{i=\max[t-N,0]}^{\max[t-M-2,-1]} y^n\left[1-\frac{(t-M-i-1)}{N-M}\right]MZ_i \qquad (4)$$ rate base deduction effect during remaining book life

$$- \sum_{i=\max[t-N,0]}^{t-1} (y^{\delta}-y^n)\left[1-\frac{(t-i-1)}{N}\right]BB_i \qquad (5)$$ cost of capital differential effect

with convention that $\sum_{i=0}^{b} = 0$ for $b<0$

See next page for variable definitions.

Table 9

Base and Life Difference Models (continued) — Page 2 of 2

Definitions:

BB_0 = Gross book value of plant built in year zero and entering rate base in year 1.

BB_i = Gross book value of plant i, constructed in year i and added to rate base in year $i+1$.
= $BB_{i-1}(1+g)$

BT_i = Gross tax value of plant i.
= $(1-c)BB_i$

C_i = Costs incurred during construction period of plant i, expensed for tax purposes but capitalized in the cost of plant for book and ratemaking purposes.
= cBB_i

M = Tax life of plant additions.

N = Book life of plant additions.

RR_t^{δ} = Required revenues under flow-through, period t.

RR_t^n = Required revenues under normalization, period t.

X_i = Taxes deferred during construction period of plant i due to "base" timing difference expenses.
= yC_i

y^{δ} = "Pretax" overall rate of return (or cost of capital) under flow-through.
= $h''\cdot d'' + \frac{j''\cdot p''}{(1-y)} + \frac{k''\cdot e''}{(1-y)}$

y^n = "Pretax" overall rate of return (or cost of capital) under normalization.
= $h'\cdot d' + \frac{j'\cdot p'}{(1-y)} + \frac{k'\cdot e'}{(1-y)}$

Z_i = Taxes deferred in each year of tax life (M) due to difference in tax and book depreciation lives.
= $yBT_i\left(\frac{1}{M} - \frac{1}{N}\right)$

c = Capitalized expenses as a fraction of gross plant additions (book basis).

y = Tax rate.

h',h'' = Cost of long-term debt under normalization and flow-through, respectively.

j',j'' = Cost of preferred stock under normalization and flow-through, respectively.

k',k'' = Cost of common equity under normalization and flow-through, respectively.

d',d'' = Debt ratio under normalization and flow-through, respectively.

p',p'' = Preferred stock ratio under normalization and flow-through, respectively.

e',e'' = Common equity ratio under normalization and flow-through, respectively.

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The base and life timing differences are evaluated separately to keep the analyses as simple as possible. These separate results, however, can be summed to obtain the combined impact of the two sources of timing differences. To see the basis for adding these impacts, consider a new plant with a five year (book) operating life. The cost of the plant consists of $100 million in construction expenses plus $10 million in expenses that are deducted for tax purposes during the construction period (e.g., taxes, pensions, and interest). When the plant goes into rate base, therefore, it has an initial value of $110 million. The $10 million in capitalized expenses constitute the base difference. The amount depreciable for tax purposes is only $100 million since the capitalized expense deductions of $10 million were used during the construction period. Suppose also that the tax authorities permit the company to depreciate the plant over a four-year period for tax purposes while regulatory authorities maintain the use of a five-year operating life for depreciation. The annual depreciation charge for tax purposes will therefore be $25 million for each of 4 years ($100 million ÷ 4). For ratemaking (and financial statements), however, the depreciation charge will be $22 million for each year of the five-year service life ($110 million ÷ 5).

The following table presents the combined effects of the base and life differences:

[Dollars in millions]

Item	Year 1	2	3	4	5
Base difference:					
Book depreciation	$22	$22	$22	$22	$22
Tax depreciation	25	25	25	25	0
Difference	(3)	(3)	(3)	(3)	22

But these effects can be separated as follows:

[Dollars in millions]

Item	Year 1	2	3	4	5
Base difference:					
Book depreciation	$22	$22	$22	$22	$22
Tax depreciation	20	20	20	20	20
Difference	2	2	2	2	2
Life difference:					
Book depreciation	20	20	20	20	20
Tax depreciation	25	25	25	25	0
Difference	(5)	(5)	(5)	(5)	20

Note that the sums of the separately calculated differences for each year are equal to the differences arrived at by looking at the combined effect. It is this result that enables us to evaluate the two sources of timing differences separately.[1]

2. Data Used in Impact Analyses

Table 10 lists the data used to estimate the impact of the proposed normalization rule on rates for the base and life timing differences. This section explains the bases for the data.

Growth Rate in New Plant Additions(g) [99]
Gas.—5–10 percent
Electric.—7–14 percent

This is the most critical parameter in both models since it is the primary determinant as to whether normalization rates will eventually fall below flow-through rates. Because of this and the high degree of uncertainty surrounding estimates of future long-term growth in the two industries, a range of estimates was used.

The growth rate range for the gas pipeline industry is based on zero percent real growth together with a 5 to 10 percent range for plausible future long-term average inflation. With gas supplies relatively static, future expenditures on plant additions are expected to be primarily for replacements to maintain the existing plant capacity. This hypothesized zero real growth is consistent with the recent experience of Major Class A and B Natural Gas Pipelines and with the American Gas Association (AGA) forecasts of gas utility industry expenditures on "Utility and Pipeline Construction and Maintenance." [100]

Table 10.—*Summary of Data Used in Impact analysis*

	Natural gas pipelines	Electric utilities
Growth rate in new plant additions (*g*).	percent. High: 10 percent.	percent High: 14 percent.
Base year (1976) gross plant additions(*BB*$_o$).	$596 million	$12,706 million.
Capitalized expenses as a percent of gross plant additions (*c*).	4 percent	11 percent.
Composite straight-line book life (*N*).	23 years	31 years.
Composite straight-line tax life (*M*).	22 years	28 years.
Capital structure:		
Debt ration (*d*)	.45	.51.
Preferred stock ratio (*p*)	.05	12.
Common equity ratio (*e*)	.50	.37.
Capital costs—5 percent inflation:		
Debt cost (*i*)	7 percent	7 percent.
Preferred stock cost (*i*)	7 percent	7 percent.
Common equity cost (*k*)	12 percent	11 percent.
Capital costs—10 percent inflation:		
Debt Cost (*i*)	12 percent	12 percent.
Preferred Stock Cost (*i*)	12 percent	12 percent.
Common equity cost (k)	17 percent	16 percent.
Tax rate (*y*)	50 percent	50 percent.
Base year (1976) Total required revenues.	$14,748 million.	$50,553 million.

In real (1968) dollar terms, natural gas storage and transmission plant additions by major Class A and B pipelines for the period 1968–1978 are as follows ($ millions):[101]

Year	Plant additions
1968	$1,156.8
1969	1,315.1
1970	830.3
1971	571.0
1972	441.8
1973	379.4
1974	251.0
1975	323.0
1976	161.5
1977	[illegible]
1978	392.6

The current dollar values of natural gas transmission and storage plant additions by major Class A and B natural gas pipelines are obtained from *Statistics of Interstate Natural Gas Pipeline Companies-1978* (U.S. Department of Energy, Energy Information Administration, October 1979). Handy-Whitman construction cost indices are obtained from *The Handy-Whitman Index of Public Utility Construction Costs: Bulletin No. 109* (Baltimore, Md.: Whitman, Reguardt and Associates, 1979).

These data show a declining trend in the real value of plant additions from 1968 to about 1973. Since 1973, however, the real value of plant additions has remained relatively static, averaging $300 million annually.[102]

A range of 2 to 4 percent real growth is projected for the electric utility industry based on growth in kilowatt capacity as estimated by various studies. The average annual compound growth rates in the forecasts of generating capacity in these studies may be summarized as follows:

Author	Time period covered	Average compound growth rate (percent)
Department of Energy (DOE) [1]	1977–1995	4.0
Electrical World (EW) [2]	1978–1995	3.3
Data Resources, Inc. (DRI) [3]	1978–2000	2.2

[1] U.S. Department of Energy (DOE), Energy Information Administration, *Annual Report to Congress 1978*, Volume 3, p. 268.
[2] "30th Annual Electrical Industry Forecast, *Electrical World* (*EW*), September 15, 1979, p. 80.
[3] Data Resources, Inc. (DRI), "DRI Annual U.S. Energy Model," computer printout dated December 4, 1979.

The real growth rates hypothesized for each industry were adjusted to reflect a range of 5 to 10 percent for plausible future average inflation rates.[103]

Industry	Real growth (rate (g_r))	Inflation rate (p)	Nominal growth rate (g_n) [1]
Gas	0	.05	.05
	0	.10	.10
Electric	.02	.05	.07
	.04	.10	.14

[1] $g_n) = (1 + g_r)(1 + p) - 1$.

Base Year (1976) Gross Plant Additions (BB_o)
Gas—$ 596 million.
Electric—$12,706 million.

This parameter works in a similar manner in each model. It is the base upon which the growth rates are applied and is thus a primary determinant of the level of the projected impacts in future years. All other parameters held constant, an increase in the value of this parameter causes an increase in the projected impact of normalization for each year in both models.

Because of the importance of this parameter on the level of the impacts, the base year should not be atypical. Available data show fluctuations in gross plant additions for both industries over recent years due, presumably, to demand and financial market uncertainties as well as to construction delays. Consequently, the average of gross plant additions for the three-year period 1975 to 1977 was used as the base year 1976 gross plant additions.

For the electric utility industry this parameter corresponds to "Total Electric Plant Additions" for all Class A and B electric utilities as reported in Section VII (Utility Plant) of *Statistics of Privately Owned Electric Utilities* [104] for selected years. For the natural gas pipeline industry, the parameter equal the additions to natural gas storage and transmission plant for all Class A and B natural gas pipelines as reported in Section VII (Gas Utility Plant) of the *Statistics of Interstate Natural Gas Pipeline Companies.* [105]

Capitalized Expenses as a Percent of Gross Plant Additions (c)
Gas: 4 percent
Electric: 11 percent

In the base difference model, this parameter, when multiplied by gross plant additions, provides an estimate of the excess of tax deductions over book deductions attributable to base timing differences. Thus, as the value of this parameter is increased, holding all other parameters constant, the impact of normalizing base differences increases in all years. In the life difference model, capitalized expenses are subtracted from the book basis of plant additions to obtain the tax basis. Thus, an increase in the capitalized expenses percentage reduces the tax basis of plant additions. This, in turn, causes the impact of normalizing life differences to be inversely related to the value of the capitalized expense percentage parameter.

The capitalized items constituting the base timing differences include construction-related taxes, pensions, and interest expenses. It is hypothesized that capitalized expenses in year t are a constant percentage of gross plant additions in year t + 1. To estimate this parameter, the following relationship is assumed:

$$\frac{(C_t)}{(BB_{t+1})} = \frac{(C_t)}{(CWIP_t)} \times \frac{(CWIP_t)}{(BB_{t+1})}$$

where:
C_t = capitalized expenses, year t
$CWIP_t$ = average construction work in progress, year t
BB_t = gross plant additions, year t

The reason for estimating the relationship between the capitalized expenses and gross plant additions by this two-component method is because data are available on AFUDC interest expenses only since 1977.[106] Thus, to estimate the relationship by the single component method would provide only one observation—capitalized expenses in 1977 divided by gross plant additions in 1978. By using the two-component method, more information can be relied on so that greater confidence can be placed in the resulting percentages.

Capitalized expenses are hypothesized to be directly related to the average amount of construction work in progress (CWIP) in each year. This is a reasonable assumption since the major component of capitalized expenses is the interest component of AFUDC. For each of the years 1977 and 1978, AFUDC interest expenses constituted approximately 70 percent of the total estimated capitalized expenses for a sample of electric utilities.[107] Based on this sample, all capitalized expenses (AFUDC interest plus construction-related pensions and taxes) constituted about 6 percent of average electric utility CWIP in 1977 and 1978.

Capitalized expense data for natural gas pipelines were more difficult to obtain. The tax reconciliation statements were less detailed than those for electric utilities. Because of this, the aforementioned 70 percent AFUDC interest relationship for electric utilities was relied on to scale up the natural gas pipeline AFUDC interest expenses to an estimate of total capitalized expenses for pipelines. For the major Class A and B interstate pipelines, the resulting capitalized expense estimates averaged 10 percent of average CWIP for 1977 and 1978.

The disparity in the values of this percentage for electric utilities (6 percent) and gas pipelines (10 percent) is reconcilable.[108] In general, the relative size of new plant and the length of the construction period has caused electric utilities to rely more on long-term capital (equity as well as debt) in financing construction than have gas pipelines. Since equity capital costs are not deductible for tax purposes like interest expenses, the use of equity

[1] Alternatively, this result can be shown mathematically:

$$D_b - D_t = d_b \times B_b - d_t \times B_t$$
$$= (d_b - d_t) B_t + d_b (B_b - B_t)$$
$$= \underbrace{\text{(Life Difference)}}_{} + \underbrace{\text{(Base Difference)}}_{}$$

where:
D_b = Book depreciation charge
D_t = Tax depreciation charge
d_b = Book depreciation rate
d_t = Tax depreciation rate
B_b = Book base
B_t = Tax base

[99] This growth rate includes the capital expenditures for replacement of existing capacity.

[100] See American Gas Association, "A Forecast of Capital Requirements of the U.S. Gas Utility Industry to the Year 2000," April 20 1979. Exhibit 1 shows expected overall capital expenditures for "Utility and Pipeline Construction and Maintenance" of approximately $4 billion annually through the year 2000 (in 1978 dollars). While these statistics are not specific to interstate natural gas pipelines, they are supportive of zero real growth in natural gas pipeline operations.

[101] These data are computed as follows:
(1) multiply current dollar value of storage plant additions by the national average of the Handy-Whitman Indices of Storage Plant Construction Cost (converted to base 1968);
(2) multiply current dollar value of transmission plant additions by the national average of the Handy-Whitman Indices of Transmission Plant Construction Costs (converted to base 1968); and
(3) sum the results of (1) and (2) for each year.

[102] Omitted from the discussion of growth are the effects of such major projects as the Alaskan Natural Gas Transmission System (ANGTS). Section II. E. 2, *supra*, explains how normalization will lead to lower rates than flow-through for such "special projects."

[103] This range of inflation rates is consistent with projections in the aforementioned DOE, EW, and DRI studies.

[104] U.S. Department of Energy, Energy Information Administration, various years.

[105] U.S. Department of Energy, Energy Information Administration, various years.

[106] The Uniform Systems of Accounts were modified to require separate accounting for the interest component of AFUDC beginning in 1977. See FPC Order No. 561, Docket No. RM75–27, issued February 2, 1977.

[107] Statistics on the companies included in Moody's "24" electric utility composite sample were used to evaluate this relationship. *Moody's Public Utility Manual* (New York: Moody's Investors Service, Inc., 1979).

[108] The value for electric utilities was about 6 percent in each of years 1977 and 1978. For gas pipelines, however, it was about 7 percent for 1977 and 12 percent for 1978. This difference probably reflects the greater use of short-term debt by gas pipelines where the cost has fluctuated dramatically.

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capital for construction financing by electric utilities would tend to cause the observed disparity in the percentages of capitalized expenses to CWIP. Another contributing factor may be the particular way in which AFUDC interest is computed when long-term capital is used to finance construction, since no distinction is made between low-cost embedded debt and high-cost marginal debt.

The estimated value of the ratio of average CWIP to gross plant additions for the following year is also significantly different between the two industries. For electric utilities, CWIP averaged about 1.9 times of gross plant additions for the five-year period 1974–78. The value for gas pipelines was a ratio of about 0.4.[109] The probable explanation for this disparity is in the average length of the construction periods between the two industries. Under steady growth conditions, the longer the average construction period, the greater will be the ratio of CWIP to gross plant additions.

Using the above-determined ratios in the hypothesized relationship, we have for gas pipelines,

(.10)(0.4)=.04, or 4 percent,

and for electric utilities,

(.06) (1.9)=.11 (rounded), or 11 percent.

Composite Straight-Line Book Life (N)
Gas—23 years.
Electric—31 years.

The book life parameter enters both models in complicated ways. In the base difference model, a higher value for this parameter raises the impact through the deferred tax debit effect [110] since it results in amortizing the deferred taxes arising in each year over longer periods. Concurrently, however, a higher book life lowers the impact through its effect on the amount of accumulated deferred taxes that are subtracted in each year from rate base. On net, the former effect is predominant, all other parameters held constant. Consideration of a cost of capital differential effect which works in a manner similar to the rate base deduction effect could reverse this result so that a higher book life, other parameters held constant, could lead to a reduction in the impact.

In the life difference model, increases in the book life, all other parameters held constant, tend to increase the impact because the effect of this factor is to increase the difference between the tax and book lives and, hence, the amount of the life timing differences. While the rate base deduction and cost of capital differential effects work in the opposite direction, their relative impact is generally not significant enough to offset the former effects.

This parameter is estimated as the average of beginning and end of year 1977 total depreciable (non-land) plant in each industry divided by total depreciation expense for that year. The statistics were obtained from the previously referenced DOE annual statistical reports for each industry.

	Depreciable plant ($M)	Depreciation expense ($M)	Average book life (yrs.)
	(1)	(2)	(1)÷(2)
Natural gas pipelines	25,701	1,137	22.60
Electric utilities	145,271	4,617	31.46

Composite Straight-Line Tax Life (M)
Gas—22 years.
Electric—28 years.

The tax life parameter affects only the life difference model. In that model, when all other parameters are held constant and the tax life remains less than the book life, an increase in the tax life reduces the impact of normalization for all years. This follows from the fact that as the difference between the tax and book lives becomes smaller, the size of the differences between the amount of depreciation recognized for taxes and the amount recognized for ratemaking (due to life differences) is reduced.

For the gas pipeline industry, this parameter is estimated as the Asset Guideline Period for Asset Guideline Class 49.24 (Gas utility trunk pipelines and related storage facilities) as reported in the *1979 U.S. Master Tax Guide.*[111]

The estimated value for the electric utility industry is the weighted average of the Asset Guideline Periods for the various types of assets making up the average of beginning and end of year total depreciable electric utility plant for 1977.

	Fraction of depreciable plant	Guideline period (yrs.)	Weighted life (yrs.)
	(1)	(2)	(1) x (2)
Production:			
Steam	.345	28	9.7
Nuclear	.060	20	1.6
Hydro	.028	50	1.4
Other	.024	40	.5
Transmission	.165	30	5.0
Distribution	.331	30	9.9
Other	.027	10	.3
			28.4

Capital Structure Parameters (d, p, and e)
Gas:
Debt ratio (d)—.45
Preferred ratio (p)—.05
Common Equity ratio (e)—.50
Electric:
Debt ratio (d)—.51
Preferred ratio (p)—.12
Common Equity ratio (e)—.37

These parameters are estimated as the average for the three-year period, 1976 to 1978, for all Class A&B electrics and for the major Class A&B pipelines as reported in the previously referenced DOE annual statistical reports for each industry.

Capital Costs (h, j, k)

	5 percent inflation	10 percent inflation
Gas:		
Debt cost (h)	7	12
Preferred cost (j)	7	12
Common equity cost (k)	12	17
Electric:		
Debt cost (h)	7	12
Preferred cost (j)	7	12
Common equity cost (k)	11	16

These capital costs, together with the capitalization ratios and tax rate, detemine the "pretax" overall rate of return (or cost of capital). The effect of this overall return value is unambiguous in both models since it is the basis of the reduction in return and tax allowances arising from the deduction of accumulated deferred taxes from rate base. Thus, an increase in the "pretax" overall rate of return resulting from changes in any of its components will decrease the impact of normalization applied to base and life differences in all years.

When consideration is given to the effects of a difference in the cost of capital under normalization and flow-through, the "pretax" return value determined with the above-hypothesized parameters is assumed to be the relevant return for normalization. The differential is then added to this normalization return to yield an estimate of the "pretax" return for flow-through. Of course, the effect of increasing the cost of capital differential is to reduce the impact of normalizing both base and life timing differences.

As the model is concerned with incremental investments, the relevant financial capital costs are the marginal costs expected to prevail, on average, over the forecast period. These costs

[109] These statistics, for both gas and electric, were based on industry-wide data. The greater availability of these data permitted the evaluation of these ratios over the longer time span than was possible for the ratio of capitalized expenses to construction work in progress. The ratios were reasonably stable over the period examined.

[110] See table 9, *supra*.

[111] Commerce Clearing House, Inc., 1979, p. 431–16.

should also be consistent with the assumptions on inflation used for the growth in new plant additions.[112] Thus, two sets of costs corresponding to expected average long-term inflation rates of 5 and 10 percent were developed.

The capital costs are derived from long-term real rates of return with adjustments for risk premiums and inflation. The long-term real returns are based on the most recent Ibbotson-Sinquefield study.[113] They determined nominal rates for common stocks and long-term corporate and government bonds for the period 1926 to 1978 as the geometric mean of the total rates of return for each year. These nominal rates were converted to real rates by adjusting for the actual inflation rate of 2.5 percent for the period 1926–78. The nominal and real rates are:

	In percent	
	Nominal rate	real rate[1]
Common Stocks	8.9	6.2
Long-Term Corporate Bonds	4.0	1.5
Long-Term Government Bonds	3.2	.7

[1] For example, 1.089 ÷ 1.025 = 1.062 or 6.2%. Schematically this may be represented as.

$$(1+r_a) = (1+r_r)(1=p)$$

or

$$r_r = \frac{(1 + r_a) - 1}{91 + p)}$$

where:

r_r = real rate of return
r_a = nominal rate of return
p = inflation rate

The average historical real rate of return on long-term corporate bonds is used as the long-term real cost of both debt and preferred stock [114] for both industries. The nominal rates are then calculated by adjusting the real rate (of 1.5 percent) for the range of expected long-term inflation rates (5–10 percent):

(1.015) × 1.05 = 1.066 or 6.6%
(1.015) × 1.10 = 1.116 or 11.6%

While the assumption that debt and preferred stock costs for the two industries are equal may be reasonable, a similar assumption for common equity costs would be less so. To recognize a difference in risk between the two industries, security "betas" are used as an approximate measure of relative risk. A Wells Fargo Bank study found average industry betas of 1.02 and .85 for natural gas pipelines and electric utilities, respectively.[115] These statistics indicate that natural gas pipelines are about equal in risk to the average of all common stocks while electric utilities are only 85 percent as risky as the average.

The Ibbotson-Sinquefield rate of return data, *supra*, show the risk premium for the average common stock over long-term government bonds to be 5.7 percent. Using the above-indicated betas, estimates of the common equity risk premiums for natural gas pipelines and electric utilities are 5.8 and 4.8 percent, respectively. (1.02 × 5.7 = 5.8 and .85 × 5.7 = 4.8). When the long-term government bond rate of 3.2 percent is added to each of these industry-specific risk premiums and the results are deflated for the long-term historical inflation rate of 2.5 percent, industry-specific long-term real rates of return on common equity are obtained. These rates can then be adjusted by using the postulated 5 and 10 percent inflation rates as used above for debt, to give nominal rates:

	Nominal rate		
	Real rate (percent)	5 percent inflation	10 percent inflation
Natural gas pipelines	6.3	11.6	16.9
Electric utilities	5.4	10.7	15.9

Recognizing the imprecision involved in any method of deriving marginal costs of capital, all capital costs were rounded to the nearest whole percentage point.

Tax Rate (y)

An income tax rate of 50 percent is assumed as a composite of 46 percent for Federal income taxes and 4 percent for both state and local taxes.

Base Year (1976) Total Required Revenues

Gas: $14,748 million
Electric: $50,553 million

This variable was used to provide perspective on the forecasted impacts of normalization. Total Class A & B electric utility and natural gas pipeline operating revenues for 1976 were used to approximate total required revenues.

3. Base and Life Difference Models Results

A summary of the impact analysis results for base and life timing differences, assuming no cost of capital differential between flow-through and normalization, is given in Table 11. The incremental dollar impacts of normalizing rather than flowing through new base and life timing differences arising in 1976 or later are given in the first 8 columns of this table in both current dollars and constant 1980 dollars.[116] The last 4 columns attempt to provide some perspective by relating the *incremental* dollar impacts to estimates of the *total* revenue requirements under flow-through.

As the projected impacts depend upon the nominal growth rates in a new plant additions for each industry and as there is a high degree of uncertainty as to this future growth, a range is used for each industry. The low and high nominal growth rates used are intended to encompass the range of reasonable estimates of average future growth in each industry. The range for the natural gas pipeline industry is 5 to 10 percent while that for the electric utility industry is 7 to 14 percent. The preceding section discusses the bases for these ranges.

The year 1976 is used as the base year from which impact projections are made. It was chosen to coincide with the first year under which companies were eligible to apply for and use normalization according the policy of FPC Order No. 530-B. The models are capable of yielding projections of impacts for as many years as desired, but the further into the future one goes, the less reliable the estimates become.

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[112] See discussion on Growth Rate in New Plant Additions, *supra*.

[113] Ibbotson, Roger G. and Rex A. Sinquefield, "Stocks, Bonds, Bills and Inflation: Updates, *Financial Analysts Journal* 35 (July-August 1979), p. 43.

[114] For the ten-year period, 1969 to 1978, the average yield differential between newly issued utility preferred stocks and utility bonds was .03 percent. See *Moody's Public Utility Manual* (New York: Moody's Investors Service, Inc., 1979), p. A3.

[115] Wells Fargo Bank, N.A., Institutional Counsel Service, *Security Market Plane*, November 1, 1978, p. 12.

[116] The conversion from current dollars to base 1980 dollars was made employing the hypothesized inflation rate for each case. For example, the 7 percent growth electric utility case impact (which incorporated a 5 percent inflation rate) were converted to constant 1980 dollars by inflating the pre-1980 impacts and deflating the post-1980 impacts by 5 percent per year.

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Table 11

Summary of Base and Life Timing Difference Impacts Assuming Equal Capital Costs

Year	Normalized Required Revenues Minus Flow-Through Required Revenues (Millions) Current Dollars						Constant 1980 Dollars					
	Natural Gas Pipelines		Electric Utilities				Natural Gas Pipelines		Electric Utilities			
	Low Growth Case (5%)	High Growth Case (10%)	Low Growth Case (7%)*	High Growth Case (14%)			Low Growth Case (5%)	High Growth Case (10%)	Low Growth Case (7%)*	High Growth Case (14%)		
	BASE DIFFERENCE MODEL											
1976	$25.0	$26.2	$1495.	$1593.			$30.4	$38.4	$1817.	$2332.		
1978	21.4	23.0	1408.	1610.			23.6	27.8	1552.	1949.		
1980	17.7	19.6	1321.	1656.			17.7	19.6	1321.	1656.		
1985	8.5	10.5	1109.	1955.			6.6	6.5	869.	1214.		
1990	(1.0)	(0.1)	905.	2707.			(0.6)	(0.0)	555.	1043.		
1995	(10.7)	(13.0)	710.	4333.			(5.1)	(3.1)	341.	1037.		
2000	(19.5)	(28.5)	531.	7639.			(7.4)	(4.2)	200.	1135.		
2005	(24.9)	(46.0)	372.	14183.			(7.4)	(4.2)	109.	1309.		
	LIFE DIFFERENCE MODEL											
1976	1.1	1.1	39.	39.			1.4	1.7	47.	57.		
1978	3.3	3.3	117.	121.			3.6	4.0	129.	147.		
1980	5.3	5.4	196.	211.			5.3	5.4	196.	211.		
1985	9.6	10.1	397.	484.			7.5	6.3	311.	300.		
1990	12.6	13.5	603.	874.			7.7	5.2	370.	337.		
1995	14.0	15.0	817.	1491.			6.7	3.6	393.	357.		
2000	(13.4)	(13.9)	1042.	2544.			(5.1)	(2.1)	392.	378.		
2005	(17.2)	(22.4)	473.	3616.			(5.1)	(2.1)	139.	333.		
	COMBINED IMPACT											
1976	26.2	27.4	1534.	1632.	0.18	0.19	31.8	40.0	1865.	2390.	0.18	0.19
1978	24.7	26.3	1525.	1732.	0.15	0.15	27.2	31.8	1682.	2096.	0.15	0.15
1980	23.0	25.0	1518.	1867.	0.13	0.11	23.0	25.0	1518.	1867.	0.13	0.11
1985	18.1	20.6	1507.	2439.	0.14	0.06	14.1	12.8	1180.	1514.	0.14	0.06
1990	11.6	13.5	1508.	3582.	0.04	0.02	7.1	5.2	962.	1381.	0.04	0.02
1995	3.3	2.0	1528.	5824.	0.01	0.01	1.6	0.5	735.	1394.	0.01	0.01
2000	(33.0)	(42.5)	1573.	10184.	(0.07)	(0.03)	(12.4).	(6.3)	593.	1513.	(0.07)	(0.03)
2005	(42.1)	(68.4)	845.	17800.	(0.07)	(0.03)	(12.4)	(6.3)	249.	1642.	(0.07)	(0.03)

* See text for discussion of this case.

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As indicated above, the last four columns of Table 11 attempt to provide some perspective for evaluating the incremental impacts of the proposed rule by relating them to estimates of total required revenues under flow-through. The reasons for presenting the results in this manner are threefold. First, there is a general need for some basis upon which to evaluate the impacts. A $100 impact on a base revenue requirement of $1,000 is substantially greater than a $100 impact on a $100,000 base revenue requirement. Second, the percentages permit one to make the transition from changes in revenue requirements to changes in rates. This applies to rates on a per unit of output, per customer and per firm basis.[117] The third reason stems from the fact that FERC does not have jurisdiction over all rates in each industry. The models work at the industry level and estimate the impact of industry-wide normalization of base and life differences from 1976 forward.[118] To the extent that some State commissions do not choose to permit normalization for the specified base and life timing differences, the total dollar impact values estimated by the models overstate the actual impacts.

Total dollar impacts of FERC-only adoption of normalization can be estimated by multiplying the percentage of FERC-jurisdictional required revenues to industry-wide required revenues by the industry-wide impact figures. As an indication of FERC's jurisdiction, all Class A and B electric utilities' revenues from sales for resale averaged 9.8 percent of total revenues for the period 1973 to 1977.[119] For all Class A and B interstate natural gas pipelines, the comparable statistic is 80.5 percent. Table 12 is based on using these percentages to scale down the dollar impacts of Table 11 to provide estimates of the impacts on FERC-jurisdictional required revenues.

[117] Assuming a zero overall price elasticity so that outputs remains the same under both policies even though the prices are different, a one percent increase in required revenues means a one percent increase in per unit output prices. Assuming zero price elasticities across customer classes, a one percent increase in required revenues means a one percent increase in per customer rates. Finally, since the impacts are evaluated in terms of comparing the situation of all firms adopting normalization with that of all firms adopting flow-through, the percentage impacts can be applied to an individual firm's adopting normalization rather than flow-through.

[118] The terms "industry" and "industry-wide," as used in this study, refer to all Class A and B electric utilities or all Class A and B interstate natural gas pipelines.

[119] This should be qualified. If most CWIP is related to bulk power supply facilities, the wholesale-to-total revenue ratio may understate the actual jurisdictional impact.

The base year (1976) total required revenues under flow-through is estimated as total industry-wide operating revenues for 1976. These operating revenue data reflect varying levels of performance as well as varying degrees of normalization usage by individual companies. However, due to the small magnitude of the estimated impacts relative to total operating revenues, it is doubtful that the resulting percentage impact estimates are significantly affected by these defects.

Estimates of the future flow-through revenue requirements are forecasted by a simple extrapolation from the base year operating revenue data using the same growth rates as are used for new plant additions. If new plant additions grow at an annual rate of 10 percent, revenue requirements are also projected to grow at 10 percent. The assumption of a one-to-one relationships between these two growth rates is tenuous. The total revenue requirement growth will be affected by factors other than plant costs—most importantly, fuel price or gas cost increases. Historical data indicate that total operating revenues—the proxy used for total required revenues—grew at an average annual rate of 15.9 percent for electric utilities and 13.9 percent for natural gas pipelines over the last 10 years.[120] Growth in new plant additions in both industries over recent years has not been nearly as high. The assumption of identical growth rates, therefore, most likely biases the impact results upward.

The results presented in Table 11 indicate that, for those electric utilities that began normalizing both base and life differences in 1976, rates rose, on average, a maximum of about 3.2 percent above what they would have been had a flow-through policy been maintained. For natural gas pipelines, the comparable statistic is less than .2 percent. The table also shows that these projected total impacts diminish over time so that by 1990 the estimated maximum impacts are slightly more than 1.0 percent for electric utilities and less than .05 percent for natural gas pipelines. These empirical results are also presented graphically for a 40-year period in Charts 1 and 2. The graphs show more clearly the time pattern of the projected impacts.

By far, the largest impacts occur for electric utilities. The sum of the impacts of the base and life differences is in excess of one percent in both the low and high growth cases for the first 15 to 20 years. The most important factor contributing to these impacts is AFUDC interest expense.[121] Of particular significance are the trends depicted in Chart 2 for electric utilities where for both the low and high growth cases and for both base and life differences, normalized required revenues are projected to continually exceed flow-through required revenues. In contrast, Chart 1 (natural gas pipelines) shows that there is a point after which normalized required revenues are continually less than flow-through required revenues for both base and life differences and low and high growth rates.

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[120] These growth rates are based on a semi-log regression of total operating revenues against time for the period 1966 to 1977.

[121] In 1977 and 1978, AFUDC interest expense represented approximately 70 percent of the total construction-related base differences for electric utilities. This is based on an analysis of a sample of 24 Class A and B electric utilities. See Section III.A.2. *supra*.

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Table 12

Summary of Base and Life Timing Difference Impacts Assuming Equal Capital Costs
FERC Jurisdictional Operations Only

Normalized Required Revenues Minus Flow-Through Required Revenues

	Current Dollars (millions)				Constant 1980 Dollars (millions)			
	Natural Gas Pipelines		Electric Utilities		Natural Gas Pipelines		Electric Utilities	
Year	Low Growth Case (5%)	High Growth Case (10%)	Low Growth Case (7%)	High Growth Case (14%)	Low Growth Case (5%)	High Growth Case (10%)	Low Growth Case (7%)	High Growth Case (14%)
				BASE DIFFERENCE MODEL				
1976	$ 20.2	$ 21.1	$146.6	$ 156.1	$ 24.5	$ 30.9	$178.1	$228.6
1978	17.2	18.5	138.0	157.9	19.0	22.4	152.2	191.0
1980	14.3	15.8	129.5	162.3	14.3	15.8	129.5	162.3
1985	6.8	8.4	108.7	191.6	5.3	5.2	85.2	119.0
1990	(0.8)	(0.1)	88.7	265.3	(0.5)	(0.0)	54.4	102.3
1995	(8.6)	(10.5)	69.7	424.6	(4.1)	(2.5)	33.5	101.7
2000	(15.7)	(23.0)	52.1	748.7	(5.9)	(3.4)	19.6	111.3
2005	(20.1)	(37.0)	36.5	1390.0	(5.9)	(3.4)	10.8	128.3
				LIFE DIFFERENCE MODEL				
1976	0.9	0.9	3.8	3.8	1.1	1.3	4.7	5.6
1978	2.6	2.7	11.5	11.9	2.9	3.2	12.7	14.4
1980	4.3	4.4	19.3	20.7	4.3	4.4	19.3	20.7
1985	7.7	8.1	38.9	47.4	6.1	5.0	30.5	29.5
1990	10.2	10.9	59.1	85.7	6.2	4.2	36.3	33.0
1995	11.2	12.1	80.1	146.2	5.4	2.9	38.5	35.0
2000	(10.8)	(11.2)	102.1	249.4	(4.1)	(1.7)	38.5	37.1
2005	(13.8)	(18.1)	46.4	354.4	(4.1)	(1.7)	13.7	32.7
				COMBINED IMPACT				
1976	21.1	22.0	150.4	160.0	25.6	32.2	182.8	234.2
1978	19.9	21.2	149.5	169.8	21.9	25.6	164.9	205.4
1980	18.5	20.2	148.8	183.0	18.5	20.2	148.8	183.0
1985	14.5	16.6	147.7	239.1	11.4	10.3	115.7	148.4
1990	9.4	10.8	147.8	351.0	5.7	4.2	90.8	135.3
1995	2.7	1.6	149.8	570.8	1.3	0.4	72.0	136.6
2000	(26.5)	(34.2)	154.2	998.1	(10.0)	(5.1)	58.1	148.4
2005	(33.9)	(55.1)	82.9	1744.4	(10.0)	(5.1)	24.5	161.0

Chart 1. Normalization Impact on Rates: Natural Gas Pipelines, 1976-2015

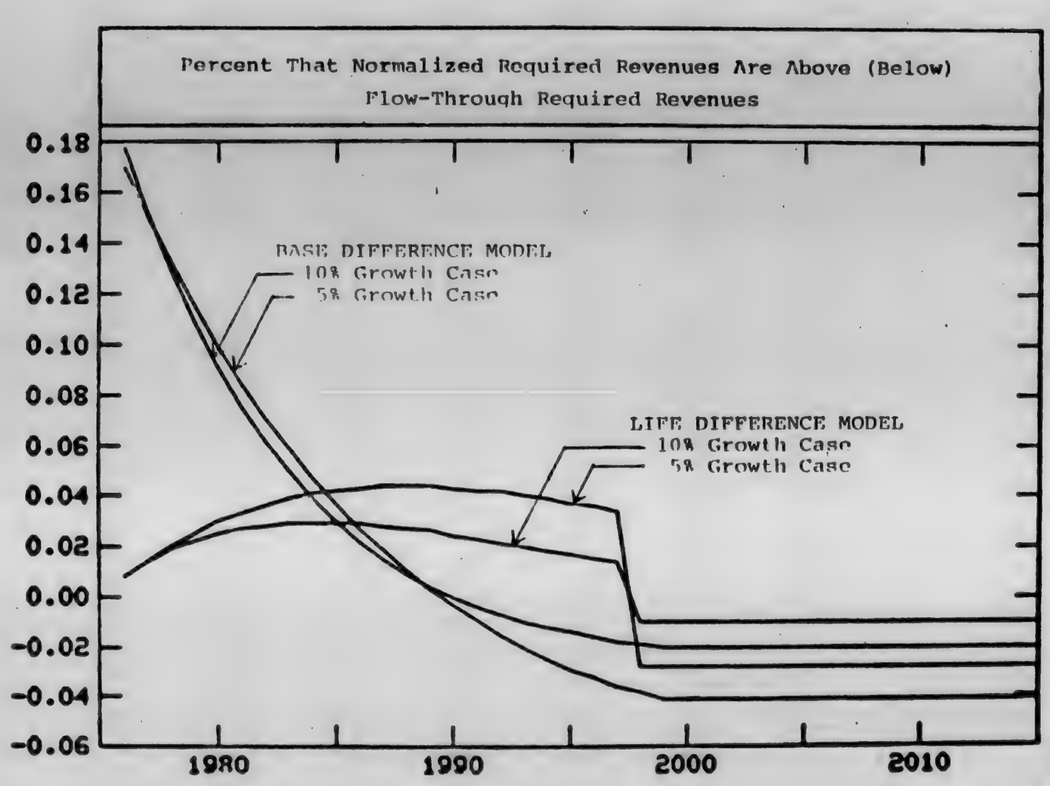

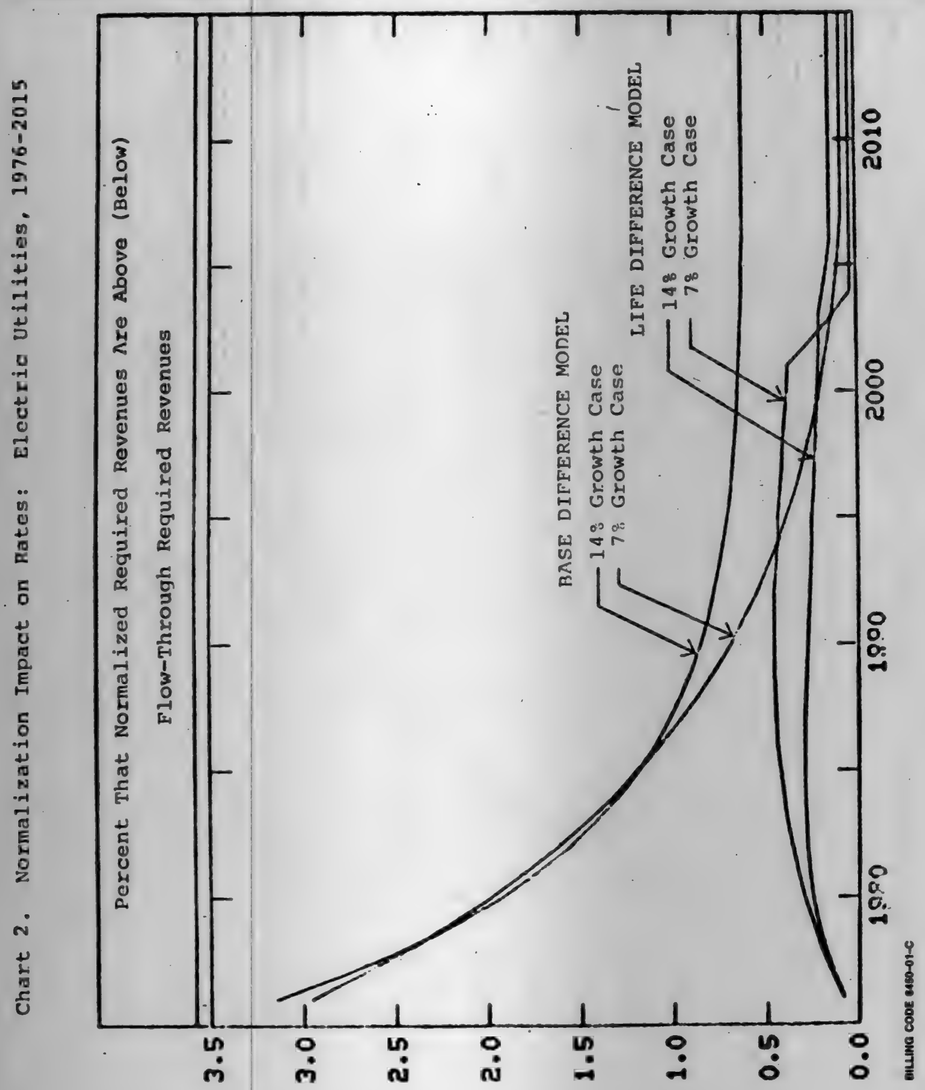

Chart 2. Normalization Impact on Rates: Electric Utilities, 1976-2015

A better understanding of the time patterns of these impacts can be obtained by examining the three basic components of the two models as shown in Table 9, *supra*, Section III.A.1.[122] These components may be listed as:

(1) deferred tax debit effect,.
(2) deferred tax credit effect, and
(3) rate base deduction effect.

The first effect tends to increase the impacts while the latter two tend to reduce it.

Consider first the base difference model. In this model, the only impact in the first year (1976) is the deferred tax debit effect reflecting the inclusion of deferred taxes on that year's capitalized expenses in the normalization cost of service. After the first year, however, all three effects are working. The impacts rise due to increasingly higher amounts of deferred taxes associated with growing amounts of capitalized expenses. Offsetting this, however, are the deferred tax credit and rate base deduction effects. The former reflects the amortized portions of the payback of deferred taxes permitted in earlier years, while the latter represents the effects of the subtraction from rate base of the accumulated deferred tax balances.

Now note that the base difference impacts are expressed as a percent of flow-through required revenues. Total required revenues are assumed to grow at the same rate as new plant additions. This growth rate is also the rate of growth in the deferred tax debit effect since the deferred tax debits in each year are a constant percent (the tax rate) of capitalized expenses which, in turn, are a constant percent of new plant additions. Thus if only the relationship between the deferred tax debit effect and flow-through required revenues were looked at, it would be constant—a horizontal line on Charts 1 and 2. Given this relationship, the incorporation of the two other, impact-reducing effects provides an explanation as to why the base difference impacts depicted in Charts 1 and 2 show a general downward trend. After the end of the book life of the first plant addition, however, the impact stabilizes and grows at the same rate as the total flow-through required revenues resulting in a constant percentage impact.

[122] The third and fourth components of the life difference model can be combined since they relate to the same phenomenon at different points in the service life of a plant. Also, for present purposes, the cost of capital is assumed equal for normalization and flow-through of the base and life timing differences so that the cost of capital differential effect component of each model is ignored.

Now examine the time pattern of the impacts for the life difference model in Charts 1 and 2. The payback of deferred taxes (deferred tax credit effect) does not begin until the end of the tax life of the first plant addition introduced in the model (22 years for gas and 28 years for electric). Prior to this time, the deferred tax debit effect is increasing at a faster rate than the total flow-through required revenues tending to create a growing percentage impact that is offset only by a growing rate based deduction effect. Between the end of each plant addition's tax life and its book life all of the deferred taxes accumulated for that plant are "paid back" through the deferred tax credit effect. Because of the shortness of this period (1 year for gas and 3 years for electric), the deferred tax credit effect is large and accounts for the relatively dramatic drop in impact at the end of the first plant addition's tax life.

The combination of these factors tends to produce the result (shown in Charts 1 and 2) that the percentage impact initially grows, then slowly falls, and finally drops beginning at the end of the tax life of the first plant addition and ending at the end of its book life. After that, the percentage impact levels off, growing at the same rate as total required revenues.

A comparison between the high and low growth cases for either model in Chart 1 or 2 is complicated by the fact that three variables change simultaneously:

(1) the growth rate in new plant additions

(2) the growth rate in the base (flow-through) required revenues, and

(3) the cost of capital (or rate of return).

The first two are, by assumption, set equal to one another. Of greater importance, however, is the link between the growth rate in new plant additions and the cost of capital. Both are assumed to be a function of inflation. As a result, one cannot reasonably evaluate the effects of holding two of the three variables constant and varying the third except within a small margin. (This variance would presumably reflect measurement error in the real components of the variables.)

Within this context, it should be noted that, with the exception of the low growth case for electric utilities, the result that normalization rates will or will not eventually fall below flow-through rates is unaffected by small changes in the input parameters.[123] In the low growth electric utility case, as presented in Table 11, normalization rates are continually above flow-through rates for the forecast period. Incorporated in this result is a "pretax" overall cost of capital of 13.39 percent.[124] A sensitivity analysis performed on this case, however, showed that increasing this estimated cost by less than 5 percent to a level of approximately 14.00 percent,[125] all other factors (including the growth rate in new plant additions) held constant, results in normalization rates eventually falling below flow-through rates for both base and life differences after about 30 years and remaining below from then on.

As explained in Section II. D, *supra*, there is good reason to believe that the cost of capital under flow-through is higher than it is under normalization. The empirical results addressed so far, however, assumed that the cost of capital was the same under normalization and flow-through. Tables 13 and 14 present data on the impacts of the proposed rule when this cost of capital assumption is dropped. For each of the four cases discussed above, the effects of a range of "pretax" cost of capital differentials (from 0 to 50 basis points) are presented. The reason for presenting the results for a range of cost of capital differentials is because quantification of the exact differential is difficult—what one wants is the differential attributable to normalizing rather than flowing through the effects of a single type of transaction, e.g., the "base" differences.

A word of caution is warranted concerning the "pretax" differentials. The term "pretax" is not used here in the usual sense. "Pretax" cost of capital is defined here to include both the capital costs and the income taxes on the equity component of those costs. The "pretax" cost of capital differential thus includes income taxes on the equity component of the differential.

For some perspective in evaluating these results, one study, completed in 1977,[126] found an overall cost of capital differential between flow-through and normalization utilities of 25 to 50 basis points. Three qualifications, however,

[123] That is, all parameters other than the growth rate in new plant additions for which high and low estimates are used to obtain the individual cases.

[124] The term "pretax" overall cost of capital, as used here, include income taxes as well as return on debt, preferred and common equity capital.

[125] For example, if the cost of equity capital in the low growth case were 12 percent rather than the hypothesized 11 percent, the "pretax" cost of capital would be 14.13 percent.

[126] Arthur Anderson and Co. (1977). See also Berndt, Chant and Watkins (1979) and Brigham and Pappas (1970).

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should be made to this range. First, the range is based on observed differentials between companies with varying degrees of normalization and flow-through usage on a variety of different types of timing differences (including accelerated depreciation). A second point, related to the first, is that it is unclear that the cost of capital effects of normalizing each type of timing difference are additive. That is, if a utility is already normalizing accelerated depreciation timing differences, the cost of capital may not be significantly affected by normalizing additional timing differences. Finally, this 25 to 50 basis point differential is not a "pretax" cost of capital differential as defined above and used in the simulation studies for Tables 13 and 14 since it does not include income taxes. For comparison purposes, this 25 to 50 basis point differential should be viewed as corresponding to *about* a 50 to 90 basis point "pretax" differential.[137]

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[137] This "pretax" differential range is based on: (1) component capital cost differentials of 10 to 30 basis points for debt and preferred stock and 55 to 90 basis points for common equity; (2) capitalization ratios of 0.51, 0.12, and 0.37 for debt, preferred and common equity (see Section III.A.2, *supra*); and (3) a 50 percent income tax rate. The common equity cost differentials are derived from the 25 to 50 basis point overall cost of capital differential of Arthur Anderson and Company (1977) together with their estimated senior capital cost differential and assumed capital structure of 66 percent senior and 34 percent common equity capital.

Table 13

Summary of Base and Life Timing Difference Impacts

With Cost of Capital Differentials -- Natural Gas Pipelines

Percent That Normalized Required Revenues Are Above (Below) Flow-Through Required Revenues

Low Growth Case (5%)

	"Pretax" Cost of Capital Differential (Basis Points)*									
YEAR	0	10	20	30	40	50	0	10	20	30	40	50
	BASE DIFFERENCE MODEL						LIFE DIFFERENCE MODEL					
1976	0.17 %	0.17 %	0.18 %	0.18 %	0.18 %	0.18 %	0.01	0.00	0.00	0.00	(0.01)	(0.01)
1978	0.13	0.12	0.12	0.11	0.11	0.09	0.02	0.01	0.00	0.01	(0.02)	(0.03)
1980	0.10	0.08	0.08	0.06	0.05	0.03	0.03	0.01	0.01	0.02	(0.04)	(0.05)
1985	0.04	0.01	0.01	(0.01)	(0.04)	(0.09)	0.03	0.01	0.01	0.04	(0.05)	(0.09)
1990	(0.00)	(0.03)	(0.03)	(0.05)	(0.08)	(0.12)	0.02	0.00	(0.00)	0.03	(0.05)	(0.08)
1995	(0.03)	(0.04)	(0.04)	(0.07)	(0.10)	(0.14)	0.02	0.01	(0.01)	0.04	(0.06)	(0.09)
2000	(0.04)	(0.05)	(0.05)	(0.07)	(0.10)	(0.14)	0.02	0.01	(0.01)	0.04	(0.06)	(0.09)
2005	(0.04)	(0.05)	(0.05)	(0.07)	(0.10)	(0.14)	0.02	0.01	(0.01)	0.04	(0.06)	(0.09)
	COMBINED IMPACT											
1976	0.16	0.17	0.18	0.17	0.17	0.17						
1978	0.06	0.04	0.04	0.03	0.02	0.00						
1980	0.03	0.01	0.01	0.00	(0.01)	(0.03)						
1985	(0.05)	(0.08)	(0.08)	(0.12)	(0.16)	(0.21)						
1990	(0.12)	(0.15)	(0.15)	(0.19)	(0.24)	(0.29)						
1995	(0.16)	(0.19)	(0.19)	(0.23)	(0.28)	(0.33)						
2000	(0.18)	(0.21)	(0.21)	(0.25)	(0.30)	(0.35)						
2005	(0.18)	(0.21)	(0.21)	(0.25)	(0.30)	(0.35)						

High Growth Case (10%)

	"Pretax" Cost of Capital Differential (Basis Points)*									
YEAR	0	10	20	30	40	50	0	10	20	30	40	50
	BASE DIFFERENCE MODEL						LIFE DIFFERENCE MODEL					
1976	0.17 %	0.17 %	0.18 %	0.18 %	0.18 %	0.18 %	0.01	0.00	0.00	0.00	(0.01)	(0.01)
1978	0.09	0.08	0.07	0.06	0.04	0.02	0.04	0.02	0.01	0.01	(0.02)	(0.03)
1980	0.03	0.01	(0.01)	(0.04)	(0.06)	(0.09)	0.05	0.03	0.02	0.02	(0.04)	(0.05)
1985	(0.09)	(0.12)	(0.13)	(0.16)	(0.20)	(0.24)	0.09	0.06	0.04	0.04	(0.06)	(0.09)
1990	(0.16)	(0.20)	(0.21)	(0.25)	(0.29)	(0.33)	0.10	0.07	0.05	0.05	(0.08)	(0.11)
1995	(0.20)	(0.24)	(0.25)	(0.29)	(0.33)	(0.37)	0.11	0.08	0.06	0.06	(0.09)	(0.12)
2000	(0.22)	(0.26)	(0.27)	(0.31)	(0.35)	(0.39)	0.11	0.08	0.06	0.06	(0.09)	(0.12)
2005	(0.22)	(0.26)	(0.27)	(0.31)	(0.35)	(0.39)	0.11	0.08	0.06	0.06	(0.09)	(0.12)
	COMBINED IMPACT											
1976	0.16	0.19	0.18	0.17	0.17	0.17						
1978	0.06	0.15	0.13	0.09	0.07	0.06						
1980	0.03	0.12	0.09	0.03	0.00	0.03						
1985	(0.18)	0.06	0.01	(0.07)	(0.12)	(0.16)						
1990	(0.28)	0.02	(0.03)	(0.13)	(0.18)	(0.23)						
1995	(0.34)	0.00	(0.05)	(0.16)	(0.21)	(0.27)						
2000	(0.42)	(0.03)	(0.08)	(0.19)	(0.25)	(0.30)						
2005	(0.42)	(0.03)	(0.08)	(0.19)	(0.25)	(0.30)						

Low Growth Case (5%)

	"Pretax" Cost of Capital Differential (Basis Points)*									
YEAR	0	10	20	30	40	50	0	10	20	30	40	50
	BASE DIFFERENCE MODEL						LIFE DIFFERENCE MODEL					
1976	0.17 %	0.17 %	0.17 %	0.17 %	0.17 %	0.17 %	0.01	0.00	0.00	0.00	(0.01)	(0.01)
1978	0.13	0.12	0.12	0.11	0.10	0.09	0.02	0.01	0.00	0.01	(0.02)	(0.03)
1980	0.10	0.08	0.07	0.06	0.04	0.02	0.03	0.01	0.01	0.02	(0.04)	(0.05)
1985	0.04	0.01	(0.01)	(0.04)	(0.06)	(0.09)	0.04	0.02	0.01	0.04	(0.05)	(0.09)
1990	(0.00)	(0.03)	(0.07)	(0.10)	(0.13)	(0.16)	0.04	0.01	0.02	0.05	(0.07)	(0.10)
1995	(0.03)	(0.06)	(0.10)	(0.13)	(0.17)	(0.20)	0.04	0.00	0.03	0.07	(0.10)	(0.13)
2000	(0.04)	(0.08)	(0.11)	(0.15)	(0.18)	(0.22)	0.04	0.00	0.03	0.07	(0.10)	(0.13)
2005	(0.04)	(0.08)	(0.11)	(0.15)	(0.18)	(0.22)	0.04	0.00	0.03	0.07	(0.10)	(0.13)
	COMBINED IMPACT											
1976	0.16	0.17	0.17	0.17	0.16	0.16						
1978	0.08	0.13	0.11	0.10	0.08	0.07						
1980	0.05	0.10	0.07	0.04	0.00	0.04						
1985	(0.03)	0.03	(0.03)	(0.08)	(0.13)	(0.18)						
1990	(0.13)	(0.02)	(0.09)	(0.15)	(0.20)	(0.25)						
1995	(0.17)	(0.06)	(0.13)	(0.20)	(0.26)	(0.31)						
2000	(0.18)	(0.08)	(0.14)	(0.21)	(0.28)	(0.35)						
2005	(0.18)	(0.08)	(0.14)	(0.21)	(0.28)	(0.35)						

* "Pretax" cost of capital is defined here to include both the capital costs and the taxes associated with the equity component of those costs. See Table 9 for mathematical definition.

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Table 14

Summary of Base and Life Timing Difference Impacts
With Cost of Capital Differentials—Electric Utilities

Percent That Normalized Required Revenues Are Above (Below) Flow-Through Required Revenues

YEAR	"Pretax" Cost of Capital Differential (Basis Points)*					
	0	10	20	30	40	50
Low Growth Case (1%)						
BASE DIFFERENCE MODEL						
1976	2.96 %	2.96 %	2.96 %	2.96 %	2.96 %	2.96 %
1978	2.43	2.39	2.34	2.29	2.24	2.19
1980	1.99	1.91	1.82	1.73	1.65	1.56
1985	1.19	1.04	0.88	0.73	0.57	0.42
1990	0.69	0.50	0.31	0.11	(0.08)	(0.28)
1995	0.39	0.17	(0.04)	(0.26)	(0.47)	(0.69)
2000	0.21	(0.02)	(0.24)	(0.47)	(0.69)	(0.92)
2005	0.10**	(0.13)	(0.35)	(0.58)	(0.81)	(1.04)
LIFE DIFFERENCE MODEL						
1976	0.08	0.05	0.03	0.00	(0.02)	(0.05)
1978	0.20	0.13	0.07	(0.00)	(0.07)	(0.14)
1980	0.30	0.19	0.09	(0.01)	(0.12)	(0.22)
1985	0.43	0.26	0.10	(0.07)	(0.23)	(0.40)
1990	0.46	0.26	0.06	(0.14)	(0.33)	(0.53)
1995	0.45	0.23	0.01	(0.21)	(0.42)	(0.64)
2000	0.41	0.18	(0.05)	(0.27)	(0.50)	(0.72)
2005	0.13**	(0.10)	(0.33)	(0.55)	(0.78)	(1.01)
COMBINED IMPACT						
1976	3.04	3.01	2.99	2.96	2.94	2.91
1978	2.64	2.52	2.40	2.29	2.17	2.06
1980	2.29	2.10	1.91	1.72	1.53	1.34
1985	1.62	1.30	0.98	0.66	0.34	0.02
1990	1.16	0.76	0.37	(0.02)	(0.42)	(0.81)
1995	0.84	0.40	(0.03)	(0.46)	(0.89)	(1.33)
2000	0.61	0.16	(0.29)	(0.74)	(1.19)	(1.64)
2005	0.24**	(0.22)	(0.68)	(1.14)	(1.59)	(2.05)

* "Pretax" cost of capital is defined here to include both the capital costs and the taxes associated with the equity components of those costs. See Table 9 for mathematical definition.

** Beyond 2005, normalized rates are projected to remain above flow-through rates for these cases.

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Of particular significance are the results in Table 14 relating to electric utilities. Assuming no cost of capital differential, Tables 11 and 12 and Chart 2 showed normalization rates continually above flow-through rates for electric utilities under both low and high growth conditions. In contrast, the results presented in Table 14 indicate that if the cost of capital differential is above some level (that varies in each case), normalization rates will eventually fall below flow-through rates and remain below from then on.

Finally, one of the most important conclusions of the empirical analyses is that they show that "continual tax deferrals" do not necessarily imply normalization rates continually above flow-through rates. In all four cases presented in Tables 11 and 12 and thus in the results shown in Tables 13 and 14 and for both base and life timing differences, accumulated deferred taxes are continually positive and growing throughout the forecast period. All four cases may this be considered situations of "continual tax deferrals." In contrast, however, only for the high and low growth cases for electric utilities where the cost of capital differential is assumed to be small or zero are normalization rates observed to be continually above flow-through rates.

4. *Plant Removal Costs.*

The timing difference related to plant removal costs is less amenable to modeling than the base and life timing differences. Any assumptions about future removal costs necessary to obtain meaningful results would be very spectulative.

The speculative nature of estimates of removal costs is particularly relevant to the electric utility industry. Among the most significant removal costs will be those incurred for nuclear plants. Yet estimates of these costs vary widely since the industry has had little experience with actual removal of nuclear generating plants. Also, the methods for decommissioning nuclear generating plants have widely varying estimates of costs. In a case currently before the Commission, estimates of decommissioning costs ranged from $5.4 million for moth-balling to $48.7 million for complete plant dismantling.[128] The method for decommissioning has not yet been selected by the Nuclear Regulatory Commission, and the actual costs will depend on the method selected.

For natural gas pipelines, removal costs will be especially important for offshore facilities. Over the last decade the natural gas pipeline industry has made a substantial investment of capital in the offshore area and these facilities have not reached the retirement stage. Thus, like nuclear generating plants, there has been little experience with the actual removal of offshore platforms and pipelines. Further, not only must a determination be made as to which facilities must be removed upon abandonment but also which methods and techniques should be used in their decommissioning. Adding to these difficulties are the inherent problems associated with forecasting future labor and materials price levels. The very speculative nature of estimating offshore pipeline removal costs is evident in a case currently before the Commission where estimates of removal costs ranged from $5.5 to $32.1 million.[129]

The problem of estimating removal costs for the Alaskan Natural Gas Transportation System is even more difficult and speculative as the cost of construction has not been determined at this time. Some perspective, however, can be obtained from the Trans-Alaska Pipeline System. The owners of that system anticpipate costs of over $1 billion to remove the pipeline and restore the adjacent lands to its original state.

Nevertheless, some understanding of how future removal costs will affect current rates should assist the Commission in its assessment of normalization and flow-through even though estimates of impacts on industry-wide rates are too speculative for quantification. Removal costs represent a Type II expense item—an expense that is recovered in rates *prior* to its availability as a tax deduction. It is a prepaid expense item rather than a deferred item, such as construction interest expense. The tax effects of the removal cost timing difference work in an opposite way from the tax effects of construction interest expense. With normalization of the tax effects of removal costs, customers realize the benefits from the tax deduction before the utility actually recognizes the tax deduction. Deferred tax credits are then accumulated (as accumulated defered debits) and added to rate base, giving the utility a return on the accumulated debits. Just as customers are compensated for their capital contributions through rate base deduction with normalization of Type I expenses so too is the utility compensated for its capital contribution by a rate base addition with normalization of Type II expenses.

B. Regulatory Commission Expenses

Another timing difference expense covered by the proposed rule is regulatory commission expense. Regulatory commission expenses are recognized for taxes in the year incurred. For ratemaking, however, they are generally amortized over periods ranging from 2 to 5 years for electric utilities. For natural gas pipelines, there is usually no amortization and therefore no timing difference.

The regulatory commission expenses as a percent of total operating revenues for the five-year period 1974 through 1978 were as follows:

	Class A and B natural gas pipelines	Class A and B electric utilities
1974	0.051	0.089
1975	.069	.104
1976	.057	.111
1977	.039	.106
1978	.039	.111
Average	.051%	.105%

To obtain some perspective on the impact of normalization applied to this expense item, consider the following. This is a Type I timing difference transaction. On a single transaction basis, the impacts (normalized required revenues minus flow-through required revenues) would follow a pattern similar to that of the construction-related base timing difference transactions except that the time period would be shorter (2 to 5 years) and a portion of the expense would be recognized in ratemaking during the year in which the expense is incurred. Assuming some growth in these expenses due, presumably, to inflation, projections of the impacts for a firm or industry would also follow a pattern similar to that of the base timing differences.

The comparison with base timing differences suggests that the largest impact is in the first year.[130] Suppose that a utility incurs $1 of regulatory

[128] *Connecticut Yankee Atomic Power Company*, Initial Decision, Docket No. ER76-360, issued January 23, 1980, p. 24.

[129] *Columbia Gulf Transmission Company*, Docket No. RP76-94, *et al.*; Initial Decision Determining Proper and Adequate Depreciation Rate—Including an Element Reflecting Negative Salvage—For Offshore Facilities, issued February 7, 1980.

[130] This is, in a sense, a "worst case" comparison since the primary basis for the amortization is to stabilize the fluctuations in regulatory commission expenses. For example, a three-year amortization period is based in large part on the expectation that, on average, a utility will seek a rate change or other action and incur significant regulatory commission expenses once every three years. Regulatory commission expenses will be high in one year and low in the following two years. On the other hand, the comparison with the base differences may be reasonable for the 1970's and the near-term future. Recent inflationary conditions have caused utilities to request more frequent rate increases. However, the frequency of filings should moderate over the long run.

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commission expenses. A reasonable estimate of the average amortization period for electric utilities is two or three years. To obtain an estimate of the most likely maximum impact three years should be used. This means that $.33 will be recognized for ratemaking during the year incurred while $.66 will be deferred. The whole $1 will be recognized for taxes in year 1. Because of this difference, the utility will be allowed deferred taxes, under normalization, of about $.33 (or .5 x $.66) using a 50 percent tax rate. Further, because this additional revenue is taxable, another $.33 [131] must be allowed so that the original $.33 in deferred taxes is retained by the company. The sum ($.66) of the $.33 in deferred taxes plus the $.33 in additional taxes represents the incremental revenue requirements of a normalization policy over a flow-through policy for the first year. But this is less than total regulatory commission expenses incurred in that year. This means that whatever percentage regulatory commission expenses are of total operating revenues, the impact of normalization will be less. Thus, where regulatory commission expenses are only .1 percent of operating revenues, as for Class A and B electric utilities, the impact of normalization will be less. Thus, where regulatory commission expenses are only .1 percent of operating revenues, as for Class A and B electric utilities, the impact of normalization will be maximum increases in rates of less than .066 percent. And, unless regulatory commission expenses grow at a faster rate than operating revenues, this impact will diminish over time. [132]

IV. Summary of Conclusions

In determining whether normalization or flow-through is a preferable policy for the Commission to adopt, the staff analysis focused on the effects of each policy on utility rates, cash flow and rates of return. The study attempted to assess various consequences for *both* the utility and its ratepayers. Single transaction and multiple transaction cases were studied, so that distinctions between the policies could be observed (1) when transactions are viewed independently or (2) when transactions are viewed from the perspective of a utility that grows over time or continually engages in timing difference transactions. For explanatory purposes, the analysis focused on an expense item that is deducted for taxes in one time period but not recovered in rates until a later period. The analysis also discussed other expenses that, conversely, are recovered in rates in earlier periods than they are recognized for taxes, and revenue items that also create timing differences between tax and rate treatment. The conclusions are discussed in terms of the first type of expense even though they apply equally to other expense and revenue items that create timing differences.

The staff analysis draws generalized, analytic conclusions about normalization and flow-through as alternative ratemaking policies. In addition, the analysis quantifies the rate impacts on both the electric and natural gas pipeline industries when normalization rather than flow-through is used for specific items that have comparatively widespread and significant effects on rates for these industries. The analytical conclusions and the empirical impacts are summarized here.

A. Rate Impacts

The most obvious difference between the normalization and flow-through policies applied to single timing difference transactions is on the resulting rates charged customers. For those expenses that are recognized as tax deductions prior to their recognition (and recovery) in rates, normalization required revenues (and thus rates) are initially above flow-through required revenues. Later, however, this situation reverses and normalization rates fall below flow-through rates. AFUDC interest (used extensively in the study for illustrative purposes) is an example of such a timing difference transaction. The study shows, however, that for those expenses that are recognized (and recovered) in rates prior to their use as tax deductions (e.g., plant removal costs), rates under normalization are initially below and later above flow-through rates. In addition, there are certain types of revenue transactions that have comparable impacts on rates.

The staff analysis concludes that normalization produces rates that are more equitable to customers over time than flow-through. Under normalization, rates reflect ("match") the tax effects of transactions (tax reductions, or benefits, and tax additions) in the same periods that the transactions are themselves recognized in rates. Thus, for example, when ratepayers are charged for AFUDC interest expenses (over the service lives of plants) they are given the associated tax benefits. In contrast, flow-through gives the tax benefits of the AFUDC interest expenses to ratepayers during the construction period. In general, flow-through allocates the tax effects of timing difference transactions to customers in different periods than the transactions themselves are allocated.

While the primary rationale used to support flow-through is the "actual taxes paid" (in each period) doctrine, the staff study notes that this doctrine is inconsistent with the treatment accorded other costs. The "actual taxes paid" doctrine is not a particular application of some "actual costs incurred" principle since there are many costs that are included in rates on a prepaid or deferred basis. Again, AFUDC interest expense is a case in point since this cost is incurred by utilities during the construction period of new plants but is reflected in rates during the service lives of the plants. (The recognition of this expense on an "as incurred" basis for ratesetting would be tantamount to allowing construction work in progress (CWIP) in rate base.)

Flow-through has the effect of distorting regulatory pricing policies. For expenses incurred by a utility and recognized for taxes in one year but determined to be more appropriately allocated to rates charged in other years, a flow-through policy has the effect of reducing rates in the year in which the expense is incurred and does so by *more* than the tax benefits associated with that expense. Further, in the year(s) in which the expenses are recognized in rates, a flow-through policy raises rates by *more* than the amount of the expense recognition.

Normalization, on the other hand, effectively neutralizes the effects of contrary interperiod cost and revenue allocation regulations of the IRS on regulatory pricing policies. For an expense incurred in one year and determined to be more properly allocated to rates in other years, rates are unaffected during the year in which the expense is incurred and rise only by the amount of the allocated expense in the other years.

Under the Commission's normalization policy, the deferred taxes included in rates are treated as customer-contributed capital on which customers are given a "return" by way of lower rates than would otherwise be the case. This is accomplished by the Commission's policy of reducing rate base by the amount of accumulated deferred taxes. Further, as the staff study points out, this compensation to ratepayers, at a rate equal to the utility's after-tax cost of capital, can be viewed as a tax-free "return" on the "loan" of deferred taxes since it is realized in the form of reduced rates rather than as taxable income.

The above conclusions are based on analyses of single timing difference transactions. In the multiple transaction case, the staff study examined the effects of various levels of growth for a utility. It was found that every timing difference reverses, but that the sum of the timing differences may cause a continual deferral of taxes so long as the recovery of the expense item itself is continually being deferred. It was further observed that the costs for which the utility's recovery are deferred are of a higher dollar value than the associated deferred taxes.

As a general matter, the overall impact on rates under flow-through and normalization depends largely on the type and level of growth that each utility experiences in the future. Apart from other considerations such as the difference in rates of return, low steady growth tends to produce normalization rates that fall below flow-through rates after a period of years. High steady growth can produce normalized rates that remain above flow-through rates; and fluctuating growth results in a mixture, over time, of normalization rates sometimes higher and sometimes lower than flow-through rates.

B. Cash Flow Impacts

The effects of normalization versus flow-through on utilities' cash flow are simpler and more straight-forward to analyze. Normalization tends to improve a utility's cash flow, as compared to flow-through, when the cash flow is most needed and to decrease it when the need is less. This is true for all types of timing differences. The interest expense timing difference is again a good example. When interest during construction funds are needed, deferred taxes under normalization provide utilities with additional internal capital. During the operating life of the plant, when the interest during construction costs are amortized in rates, but the utility has no current liability for them, normalization reduces internal cash flow.

The cash flow impacts of normalization can be easily estimated. One can measure the cash flow impact in any period as the product of the tax rate times the amount of the expenditure or the recovery of revenue. With a 50 percent tax rate, normalization provides additional cash in the amount of 50 percent of any incremental cash need arising from timing differences and reduces any incremental cash "excess" by 50 percent. Thus, the cash flow impacts of normalization are directly proportional to the incremental cash flow needs of the utility. In contrast, flow-through has no direct impact on cash flow.

C. Rate of Return Impacts and Cost of Capital Effects

The analysis concludes that, under normalization, deferred taxes—and growing accumulated deferred taxes—do not inure to utility stockholders. If the rate of return *allowed* for common equity is assumed to be the same under flow-through and normalization, the rate of return *earned* on common equity is found to be the same, all other things being equal. This is true because of the ratemaking treatment of deferred taxes. The subtraction from rate base of deferred taxes effectively treats the funds as ratepayer-contributed capital upon which the utility is not allowed to earn a return.

This is not to say that normalization and flow-through do not affect the cost of capital in different ways. Generally, the cost of capital to flow-through utilities tends to be higher than to normalized utilities, although the precise difference is not readily susceptible to quantification. The major reason for the cost of capital differential is that normalization stabilizes the cash flow of the utility in contrast to flow-through and thereby reduces the utility's risk associated with its ability to pay interest and equity returns. In addition, the deferred taxes under normalization provide a source of funds to the utility, thus lowering external capital requirements as compared to flow-through. To the extent that greater demands in the capital markets raise a utility's cost of capital, flow-through would cause a utility to have higher capital costs.

D. Other Considerations

There are several other analytical conclusions that emerge from the staff analysis. One concerns the method used for calculating the allowance for funds used during construction. The other concerns the impacts of normalization versus flow-through on special projects, such as the Alaskan Natural Gas Pipeline.

Regarding the method of calculating AFUDC, the staff analysis concludes that by calculating AFUDC using the gross-of-tax method, rates would be lower than if the net-of-tax method were used since the net-of-tax method produces no deferred taxes during construction that can be used to reduce rate base. With compounding of the AFUDC funds, the revenue differential between the two methods is reduced but not eliminated. Thus, some time value of the rate base deduction during construction is lost under the net-of-tax method.

For special projects that are formed to finance and operate a single project, rates under normalization will always be lower than under flow-through. Under flow-through, the tax benefits from construction period timing differences would not be passed on to customers since there would be no sales from the special project and therefore no rates through which customers could realize tax benefits. Normalization, however, would cause deferred tax debits to be accumulated during the construction period and used later to lower rates over the operating life of the special project.

E. Effects on Electric and Natural Gas Pipeline Rates

For selected timing differences, the staff analysis modeled the incremental effects on required revenues in each year in the future assuming that normalization rather than flow-through was used in the electric utility and natural gas pipeline industries. The models did not precisely quantify what effect on revenues would occur if only the *wholesale* rates of utilities reflected normalization. However, the staff analysis does infer the impact on wholesale revenues in the two industries from the proportion of total business subject to the Commission's jurisdiction.

Two specific types of timing differences were modeled. The first, base differences in depreciation, is caused by certain costs being spread over the life of the plant as part of depreciation for ratemaking, but being written off when incurred for tax purposes. Construction interest expense, used throughout the analytical discussion, is an example of a base timing difference. The second type of timing difference related to depreciation is the life difference that occurs when the tax life of an asset is different from its ratemaking (or book) life. The usual case is where the tax life of an asset is shorter than its ratemaking life.

One of the most significant findings in the empirical analyses is that normalized rates may fall below flow-through rates even though taxes are projected to be continually deferred. In all cases examined, and described below, accumulated deferred taxes are projected to grow continually. On the other hand, in many of the cases, normalized rates after some period of time fall below flow-through rates.

[131] This is based on the use of the tax multiplier of 0.5/(1.–0.5) times the additional income of $.33 in deferred taxes.

[132] The base difference model was modified slightly to provide estimates of these impacts. The results for electric utilities using growth rates of both 5 and 10 percent (for inflation) were that normalization rates were higher than flow-through rates for 1976 and 1977, but were lower for all later years. The same results were obtained for gas pipelines using the same amortization period and growth rates.

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The estimated impacts are expressed in terms of current dollars and constant (1980) dollars and in terms of the percent that normalization revenues (and thus rates) are projected to be above or below flow-through revenues. A range of growth rates in new plant additions was selected because of the uncertainty of projecting future growth for these industries. As a simplifying assumption, the growth rates were assumed to be constant even though sporadic growth is more typical of industry performance.

For natural gas pipelines, the low growth case of 5 percent per year and the high growth case of 10 percent per year demonstrate that there is a point in time when normalized rates fall below flow-through rates and remain lower so long as the hypothesized conditions prevail. The percentage differences between the flow-through and normalized rates, however, are very small. Over the period examined, assuming the cost of capital is the same under both normalization and flow-through, normalized rates are, at most, about 0.2 percent higher than flow-through rates. At the other extreme, normalized rates may eventually become, at most, about 0.1 percent lower than flow-through rates.

The electric utility industry was hypothesized to grow at a low level of 7 percent annually and at a high level of 14 percent. In these two cases, again assuming no cost of capital difference between flow-through and normalization, normalized required revenues are projected to continually exceed flow-through required revenues. Again, however, the differences are reasonably small. Over the period studied, normalized rates ranged between 0.2 percent and 3.2 percent higher than flow-through rates.

When consideration is given to higher capital costs under flow-through as compared to normalization, some significant changes in the impacts occur. Most importantly, for reasonably small cost of capital differentials, normalization rates are projected to fall below flow-through rates in both low and high growth electric utility cases. With respect to natural gas pipelines, the effect of a cost of capital difference is to bring closer the time when normalization rates fall below flow-through rates.

In addition to the base and life difference models developed in the staff analysis, the impacts of normalizing regulatory commission expenses were also evaluated. Assuming regulatory commission expenses are 0.5 percent of operating revenues for pipelines and 0.1 percent of operating revenues for electric utilities, the impact of normalizing represents a maximum increase in rates of 0.04 percent for pipelines and 0.07 percent for utilities.

Finally, the staff analysis considered the impacts on rates of normalizing the tax effects of plant removal costs. No specific impacts were estimated because of the very speculative nature of removal costs at this time—particularly for nuclear power plants and offshore pipeline facilities which represent the most significant cases of removal costs. However, it was concluded that, unlike the other measured impacts, normalizing the tax effects of plant removal costs would tend to lower rates, at least initially below what they would be if the tax effects were flowed through.

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APPENDIX B

Table Showing State Commission Policy on Normalization

RATEMAKING TREATMENT BY STATE REGULATORY COMMISSIONS,* 1969 AND 1977

State	Accelerated depreciation		Guideline lives depreciation		Asset depreciation range		Investment tax credit		Accumulated deferrals deducted from rate base 2	
	1969	1977	1969	1977	1969 1	1977	1969	1977	1969	1977
Alabama	U	E	U	E		E	U	E	7	7
Alaska	N	N	U	F		F	N	N	Yes	Yes
Arizona	U	E	U	E		E	U	E	7	Yes
Arkansas	N	N	N	N		N	N	N	U	Yes
California	F	F 5	F	F		F	F	F 10	Yes	Yes
Colorado	F	E	F	E		E	N	N	Yes	Yes
Connecticut	F	F	F	F		F	F	F	7	Yes
Delaware	F	N	F	N		E	F	N	7	7
D C	F	N	F	N		N	E	N	Yes	Yes
Florida	N	N	U	N		N	U	N	No	Yes
Georgia	N	N	N	N		N	N	N	Yes	Yes
Hawaii	N	N	N	N		N	U	N	Yes	Yes
Idaho	E	U 6	F	U 6		U 6	N	U 6	No	Yes
Illinois	N	N	F	N		N	N	N	Yes	Yes
Indiana	N	N	9	N		F	N	N	Yes	No
Iowa	U	N	U	N		N	U	N	7	Yes
Kansas	N	N	U	7		U	N	N	No	No
Kentucky	N	N	7	N		U	N	N	Yes	Yes
Louisiana	N	N	N	N		N	N	N	Yes	Yes
Maine	F	F	9	F		N	F	N	Yes	Yes
Maryland	N	E	N	E		E	N	E	Yes	Yes
Massachusetts	N	N	U	N		N	N	N	No	Yes
Michigan	N	N	F	F		N	N	N	No	Yes
Minnesota	3	U	3	U		U	N	N	No	Yes
Mississippi	N	N	N	N		N	N	N	Yes	Yes
Missouri	F	N	F	7		N	F	N	No	Yes
Montana	E	E	U	E		E	N	7	No	No
Nebraska	N	7	N	7		7	N	N	No	Yes
Nevada	F	U	F	U		U	N	U	No	Yes
New Hampshire	F	E	F	E		N	E	E	Yes	Yes
New Jersey	F	N	U	F		N	E	N	Yes	Yes
New Mexico	U 4	N	N 4	7		7	E 4	7	Yes 11	Yes
New York	F	F	F	F		F	F	F	Yes	Yes
North Carolina	F	N	F	N		N	N	N	No	Yes
North Dakota	N	N	N	N		N	N	N	Yes	Yes
Ohio	F	N 8	F	E		E	F	N	No	Yes
Oklahoma	N	N	N	N		N	N	N	Yes	Yes
Oregon	F	E	F	E		N	F	E	No	Yes
Pennsylvania	F	N	F	N		N	N	N	Yes	Yes
Rhode Island	U	N	U	N		N	U	E	7	Yes
South Carolina	N	N	N	N		F	N	N	E	Yes
South Dakota	U	N	U	N		F	N	N	U	Yes
Tennessee	U	E	U	E		E	E	E	Yes	Yes
Texas	N	N	7	N		N	7	N	7	Yes
Utah	U	E	F	E		E	U	N	No	7
Vermont	F	E	F	E		E	F	E	7	Yes
Virginia	N	E	F	E		E	N	E	No	No
Washington	F	F	F	F		F	F	E	7	Yes
West Virginia	F	E	F	E		E	F	E	U	Yes
Wisconsin	F	N	F	N		N	F	N	7	Yes
Wyoming	N	N	N	N		N	N	N	Yes	Yes
TOTALS										
F - Flow through	19	5	22	8		8	12	3	Yes 22	44
N - Normalization	22	30	12	23		24	26	33	No 15	4
E - Either method	2	12	0	13		12	5	11	1	0
U - Undecided	7	3	13	3		5	7	2	3	0
O - Other or not reported	1	1	5	4		2	1	2	10	3

* Includes District of Columbia
Footnotes on next page

Source: Donald Kiefer, Accelerated Depreciation and the Investment Tax Credit in the Public Utility Industry: A Background Analysis, Occasional Paper No. 1, The National Regulatory Research Institute, The Ohio State University, April, 1979, Table 1, p. 44.

[1] Asset Depreciation Range did not exist in 1969

[2] States in which accumulated deferrals are included in the rate base but treated as cost free capital (i.e., no rate of return is allowed on the deferrals) are designated "Yes"

[3] Not used in regulated industry. State does not regulate electric or gas utilities.

[4] Flow through for telephone

[5] Four utilities normalize

[6] Commission requires consistent treatment of tax after election of method by each utility, based on latest Commission policy

[7] Not reported

[8] Some companies continue to flow through under orders issued prior to the Tax Reform Act of 1969

[9] Not used

[10] Four utilities use cost of service normalization

[11] No for telephone

SOURCES Federal Power Commission Federal and State Commission Jurisdiction and Regulation of Electric Gas and Telephone Utilities Washington, D.C., U.S. Govt. Print. Off., 1967 Pp. 36—39

National Association of Regulatory Utility Commissioners 1977 Annual Report on Utility and Carrier Regulation, Table 46 Pp. 516—519

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Appendix C—Additional Examples of Timing Differences

Type I: Expenses that are recognized for tax filings in periods prior to when they are recognized in rates

Differences that result from expensing intangible drilling costs, delay rentals, geological and geophysical costs, and abandoned leases for tax purposes and capitalizing such costs for book purposes.

Differences that result from expensing hydrostatic testing costs for tax purposes and capitalizing such costs for book purposes.

Differences that result from expensing coal mining development costs for tax purposes and capitalizing such costs for book purposes.

Differences that result from expensing pre-operating expenses for tax purposes and deferring and amortizing such costs for book purposes.

Differences that result from expensing regulatory expenses for tax purposes and deferring and amortizing such costs for book purposes.

Differences that result from expensing storm damage costs for tax purposes but deferring and amortizing such costs for book purposes.

Differences that result from amortizing computer software costs for tax purposes over a shorter period than for tax purposes.

Type II: Expenses that are recognized for tax filings in periods later than when they are recognized in rates

Differences that result from nuclear fuel burn-up charges being greater during the burn cycle for book purposes than for tax purposes.

Differences that result from deferred compensation, profit-sharing, bonuses, vacation and severance pay being charged to expense for book purposes as accrued and expensed for tax return purposes when later paid.

Differences that result from pension costs being charged to expense for book purposes as accrued and expensed for tax return purposes when later contributed to pension fund.

Differences that result from expensing costs for repairs and maintenance for book purposes on an estimated basis and expensing such costs for tax purposes when later paid.

Differences that result from expensing inventory losses for book purposes on an estimated basis and expensing for tax return purposes when actual losses are later determined.

Type III: Revenues that are recognized for tax filings in periods prior to when they are recognized in rates

Differences that result from amounts collected subject to refund being included in revenues for tax purposes but deferred in the accounts for book purposes.

Differences that result from gains on reacquired debt being included in taxable income but deferred and amortized for book purposes.

Differences that result from transportation revenues being included in taxable income and such revenues being deferred for book purposes.

Differences that result from revenues being included in income for tax purposes and credited to exploration funds for book purposes.

Differences that result from gains on sales of property leased back being included in taxable income and deferred and amortized for book purposes.

Type IV: Revenues that are recognized for tax filings in periods later than when they are recognized in rates

Differences that result from revenues on long-term contracts being reported for book purposes on percentage-of-completion basis and reported in tax returns on a completed-contract basis.

Differences that result from installment sales being recorded for book purposes on date of sale and reported in tax returns when later collected.

[FR Doc. 80-10068 Filed 4-2-80; 8:45 am]
BILLING CODE 6450-01-M

18 CFR Part 282

Final Phase II Regulations Extending Incremental Pricing Program to All Industrial Users of Natural Gas; Natural Gas Policy Act of 1978; Informal Conference

[Docket No. RM80-10]

March 28, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Informal Conference.

SUMMARY: On March 20, 1980, the Federal Energy Regulatory Commission (Commission) instructed Commission Staff to develop final Phase II regulations extending the incremental pricing program to all industrial users of natural gas except those specifically exempted by the Natural Gas Policy Act of 1978 (NGPA). One feature of the Commission instructions would give states the discretion to limit the impact of Phase II on individual users in order to ease any serious transitional burden. The regulations, if adopted, would provide that, if, during its first year, Phase II would result in a surcharge of more than 75 cents per thousand cubic feet to any industrial user, a state may allocate that portion of the surcharge exceeding 75 cents to other incrementally priced gas users within the state.

Notice is hereby given that an informal conference with representatives of interested State Commissions will be held for the purpose of receiving comments on this aspect of the draft Phase II regulations. The conference will be held on April 15, 1980, beginning at 9:30 a.m., in Hearing Room A at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

The conference will be transcribed and made a part of the record in this docket. The public is invited to observe the proceedings.

DATE: April 15, 1980, at 9:30 a.m.

ADDRESS: Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:
Blaine Yamagata, Office of Commissioner Hall, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8377

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-10087 Filed 4-2-80; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 175

[CGD 80-021A]

Equipment Requirements for Boat Operators; Acceptance of Hand Red Flares as Visual Distress Signals

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: These regulations propose a revision to the Coast Guard requirements for boat operators to carry visual distress signals. The proposed revision would add Coast Guard approved hand red flares to the list of devices that are acceptable for use on recreational boats. This proposal should be considered in conjunction with an associated proposal (CGD 80-021) to change the approval specification requirements for hand red flare distress signals which appears elsewhere in this issue of the **Federal Register.**

DATES: Comments must be received on or before April 18, 1980.

ADDRESSES: 1. Comments should be mailed to Commandant (G-CMC/TP24) CGD 80-021A), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

2. Copies of the National Bureau of Standards Report FR 3950 are available from Commandant, U.S. Coast Guard (G-MMT-3/12), Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:
LCDR Harry Schmecht, Office of Boating Safety (G-BLC-3/42), Department of Transportation, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4176.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (CGD 80-021A) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope. The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

This rule has been reviewed and determined to be non-significant under the Department of Transportation's Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034). A draft evaluation has been included in the public docket for this rulemaking, and may be obtained from the Marine Safety Council (G-CMC/24) at the address listed in the ADDRESSES section. A summary of this draft evaluation may be found in the related document (CGD 80-021) that appears elsewhere in this issue of the **Federal Register.**

Drafting Information

The principle persons involved in drafting these regulations are: JTJG John Coleman, Office of Boating Safety, and Mr. Coleman Sachs, Office of the Chief Counsel.

Background

On December 17, 1979 the Coast Guard published regulations that require carriage of Coast Guard approved visual distress signals on boats (CGD 76-183, 44 FR 73021). The regulations apply to boats used on the high seas and on coastal waters (territorial seas, the Great Lakes, and bays and sounds that empty into these waters). To give boat operators flexibility and discretion in selecting visual distress signals to satisfy their needs and personal preferences, the regulations provide a list of acceptable devices. When the regulations were published in proposed form, the list included red hand flares. In the final rule, these devices were omitted from the list.

Hand red flares were not on the list of acceptable devices due to objections that were raised over the validity of one of the tests that were proposed in the approval specifications for these flares. The test was intended to determine the potential of a fire being started on a boat by the hot slag that is expelled by burning flares. In the proposed test, newspapers were used as a surface over which the flares were burned. If the newspaper caught fire, or if the slag scorched more than half the paper, the flare failed the test. It was generally felt that the test was invalid, as newspaper does not realistically simulate any particular material or hazardous condition that exists on a recreational boat.

With the cooperation of the National Bureau of Standards, the Coast Guard has devised a new test to determine the fire causing potential of the hot slag produced by burning flares. This test requires the flares to be burned over heptane rather than newspaper. Heptane is a component of gasoline and is commonly used as a standard test fuel to represent gasoline.

The Coast Guard feels that the test will provide a more realistic measure of the hazards that exist on gasoline powered boats. It is proposing the addition of the heptane test to the approval specifications for hand red flares, as found in a related notice (CGD 80-021) published elsewhere in this issue of the **Federal Register.**

It was noted in the final rule requiring the carriage of distress signals on boats that if a satisfactory fire ignition test could be devised as part of the approval specification for hand red flares, then these devices could be added to the list of those accepted for use on boats. As the Coast Guard feels that the proposed heptane test will be suitable, it is also proposing at this time that the hand red flare be added to the list of accepted devices.

The Coast Guard is proposing that this amendment become effective on January 1, 1981. This is the effective date for the regulations covering all the visual distress signals presently listed in 33 CFR Part 175. If the proposed effective date cannot be met, some boaters who would prefer to use hand red flares may have to purchase other visual distress signals to satisfy the carriage requirement for these devices until hand red flares may be added to the list.

In order to provide manufacturers with sufficient time to produce and distribute hand red flares capable of passing the heptane test, the Coast Guard would like the regulation adding this test to the approval specifications to go into effect at least 90 days before hand red flares are authorized for carriage on boats.

Assuming the regulation adding the heptane test goes into effect on October 1, 1980, hand red flares manufactured after that date will be acceptable for use on boats. Purchasers will be able to determine which flares may be used by referring to the date of manufacture that must be marked on each device.

In consideration of the foregoing, the Coast Guard proposes to amend Title 33 of the Code of Federal Regulations as set forth below.

1. By revising the Table 175.130 to read as follows:

Table 175.130

	Device description	Accepted for use	Number required to be carried
Number marked on device:			
160.021	Hand red flare distress signals	Day and night[1]	3
160.022	Floating orange smoke distress signals	Day only	3
160.024	Pistol-projected parachute red flare distress signals.	Day and night[2]	3
160.036	Hand-held rocket-propelled parachute red flare distress signals.	Day and night	3
160.037	Hand-held orange smoke distress signals	Day only	3
160.057	Floating orange smoke distress signals	Day only	3

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Table 175.130—Continued

	Device description	Accepted for use	Number required to be carried
160.036	Distress signal for boats, red aerial pyrotechnic flare.	Day and night[2]	3
160.072	Distress signal for boats, orange flag	Day only	1
161.013	Electric distress light for boats	Night only	1

[1] These signals must have a date of manufacture of ( ) or later to be acceptable.
[2] The signals require use in combination with a suitable launching device approved under 46 CFR 160.028.
[3] These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

(46 U.S.C. 1454, 49 CFR 1.46(n)(1))

Dated: March 25, 1980.

B. E. Thompson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc. 80-10152 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 325

Processing of Department of the Army Permits; Procedures for the Protection of Cultural Resources

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed counterpart regulations.

SUMMARY: These proposed regulations would establish the procedures to be followed by the U.S. Army Corps of Engineers in its regulatory program in order to comply with the National Historic Preservation Act, implementing regulations, and Executive Orders for the protection of historic and cultural properties. These regulations have been jointly drafted with the Advisory Council on Historic Preservation as counterpart regulations pursuant to 36 CFR 800.11. The Corps of Engineers is now following the prodedures set forth in these regulations on an iterim basis.

DATE: Comments must be received on or before June 6, 1980.

ADDRESS: Comments should be addressed to HQDA (DAEN–CWO–N), Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT:

Bernie Goode, Corps of Engineers, address as above, (202) 272–0199 or Peter Smith or Al Clark, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC. 20005, (202) 254–3886.

SUPPLEMENTARY INFORMATION: On 30 January 1979, the Advisory Council on Historic Preservation published final amendments to its regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470 f), and two Presidential Directives. The purpose of Section 106 is to protect properties included in or eligible for inclusion in the National Register of Historic Places through review and comments by the Advisory Council on Federal undertakings, including licensing activities, that affect such properties. The President, in his Memorandum on Environmental Quality and Water Resource Management dated 12 July 1978, directed the Advisory Council to promulgate regulations for implementing the National Historic Perservation Act. He further directed Federal agencies with consultative responsibilities under the Act to publish separate procedures for implementing the Advisory Council's regulations. Section 800.11 of the Advisory Council regulations provides that certain responsibilities of individual Federal agencies may be met by counterpart regulations jointly drafted by that agency and the Executive Director of the Advisory Council and approved by the Chairman of the Advisory Council. The regulations being proposed today are to fulfill the responsibilities of the U.S. Army Corps of Engineers as stated above for its regulatory programs. Cultural resource policies and procedures for non-regulatory programs of the Corps of Engineers are prescribed in 33 CFR Part 305. We propose to append these counterpart regulations to 33 CFR part 325, Processing of Department of the Army Permits. We welcome public comment on these proposed regulations. Accordingly, it is proposed to amend 33 CFR Part 325 by adding a new Appendix C to read as set forth below.

Note.—The Department of the Army has determined that the proposed regulations are not significant within the meaning of Executive Order 12044, and consequently do not require a regulatory analysis.

(16 U.S.C. 470)

Dated: March 26, 1980.

Hugh G. Robinson,

Brigadier General, USA, Deputy Director of Civil Works.

It is proposed to amend 33 CFR Part 325 by adding a new Appendix C to read as follows:

PART 325—PROCESSING OF DEPARTMENT OF THE ARMY PERMITS

* * * * *

Appendix C—Procedures for the Protection of Cultural Resources

1. *General.* This appendix establishes the procedures that will be followed in complying with the National Historic Preservation Act, implementing regulations, and Executive Orders which pertain to scientific, historic, architectural, and archeological resurces that may be affected by work or structures authorized by Department of the Army permits. These procedures apply only to those properties listed in or eligible for listing in the national Register of Historic Places (National Register) which would be affected by the permitted activity. The term "National Register properties" as used in this appendix shall mean those properties which are either listed in the National Register or have been determined to be eligible for listing pursuant to 36 CFR Part 63. The "permit area" is defined in paragraph 2 below and is the geographical limit of the District Engineer's responsibility to *investigate* properties which *may be* eligible for listing in the National Register. National Register properties that may be affected by the proposed work or structures, even though located outside of the permit area, are subject to consideration under the applicable laws and regulations including the procedures outlined in paragraphs 8 through 10 below. Nothing in this appendix is intended to relieve another Federal agency of its resposibilities to comply with applicable laws and regulations related to cultural resources.

2. *Permit area.* a. The term "permit area" as used in this appendix means those areas comprising the waters of the United States that will be physically affected by the proposed work or structures and uplands directly affected as a result of authorizing the work or structures. The following three tests must all be satisfied for an activity undertaken outside the waters of the United States to be included within the permit area:

(1) Such activity would not occur but for the authorization of the work or structures within the waters of the United States;

(2) Such activity must be integrally related to the work or structures to be authorized within waters of the United States. Or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program; and

(3) Such activity must be directly associated (first order impact) with the work or structures to be authorized.

b. For example, consider an application for a permit to construct a pier and dredge an access channel so that an industry may be established and operated on an upland area.

(1) Assume that the industry requires the access channel and the pier and that without such channel and pier the project would not be feasible. Clearly then, the industrial site, even though upland, would be within the permit area. It would not be established "but for" the access channel and pier; it also is integrally related to the work and structure to be authorized; and finally it is directly associated with the work and structure to be authorized. Similarly, all three tests are satisfied for the dredged material disposal site and it too is in the permit area even if located on uplands.

(2) Consider further that the industry, if established, would require the extension of water and sewer lines to service the industrial site. Assume that the extension would not involve the waters of the United States. The extensions would not be within the permit area because they would not be directly associated with the work or structure to be authorized.

(3) Now consider that the industry, if established, would require increased housing for its employees, but that a private developer would develop the housing. Again, even if the housing would not be developed but for the authorized work and structure, the housing would not be within the permit area because it would not be directly associated with an integrally related to the work or structure to be authorized.

c. Consider a different example. This time an industry will be established that requires no access to the navigable waters for its operation. The plans for the facility, however, call for a recreational pier with an access channel. The pier and channel will be used for the company-owned yacht and employee recreation. In the example, the industrial site is not included within the permit area. Only areas of dredging, dredged material disposal, and pier construction would be within the permit area.

3. *Affected area.* The term "affected area" as used in this appendix is that geographical area within which direct and indirect effects of the proposed work and/or structures, if permitted, could reasonably be expected to occur. This is the area of potential environmental impact and, in most cases, will exceed the limits of the permit area.

4. *Initial review and public notice.*

a. Except as indicated in b. below, the District Engineer, upon receipt of an application, will consult the published listings of the National Register to determine if any National Register properties exist within the affected area. If he determines that such properties exist within the affected area, he will identify the National Register property for inclusion in the public notice.

b. In certain specific instances, the nature, scope and magnitude of the work and/or structures to be permitted may be such that the effort to identify historic and cultural resources is not warranted. Three such situations are:

(1) Areas that have been extensively modified by previous work. In those areas previously impacted and when the proposed work is within the scope of work which has been done before, potentially eligible National Register properties that may have at one time existed within the permit area have been lost.

(2) Areas which have been created in modern times. Some recently created areas, such as dredged material disposal islands, have had no human habitation. In such cases, there is no potential for the permit area to contain potentially eligible National Register properties.

(3) Certain types of work or structures that are of such limited nature and scope that there is little likelihood of impinging upon an eligible or listed National Register property if such properties were to be present within the affected area.

Where the District Engineer determines as the result of this initial review that little likelihood exists for the proposed work to impinge upon a National Register or eligible property, no further steps need to be taken under 36 CFR Part 800. A statement concerning this determination, along with an explanation of the determination, will be included in the public notice.

c. A statement concerning the District Engineer's current knowledge of the presence or absence of National Register or eligible properties and, if present, a preliminary statement on the effects of the proposed work on those properties will be included in the public notice. The description of the proposed work and its purpose, included in the public notice pursuant to § 325.3, should be in sufficient detail to enable interested parties to identify the permit area and possible effects of the proposed activity. A copy of every public notice will be sent to the U.S. Department of the Interior, Heritage Conservation and Recreation Service (HCRS), and to the State Historic Preservation Officer (SHPO). If the District Engineer is aware of or is informed of a National Register property within the affected area, he will commence with the effect determination in accordance with paragraph 8 below.

5. *Notifications.* The District Engineer, when properly notified of the existence of a potentially eligible property shall examine the evidence presented. Proper notification must set forth specific reasons for the need to further investigate the permit area. Proper notification may consist of:

a. Specific information concerning properties which may be eligible for inclusion in the National Register and which are known to exist in the vicinity of the permit area; and

b. Specific information concerning known sensitive areas which are likely to yield resources eligible for inclusion in the National Register, particularly where such sensitive area determinations are based upon data collected from other, similar areas within the general vicinity. Comments of a general nature will not be considered proper notification nor will requests for investigations outside the permit area. Where the scope and type of work proposed by the applicant or the evidence presented leads the District Engineer to conclude that the chance of disturbance to any such resources is too remote to justify further investigation, he shall so advise the reporting party and the SHPO. If the SHPO does not agree with the conclusions of the District Engineer, the District Engineer may refer the issue to the Chief of Engineers (ATTN: DAEN–CWO–N) who, in consultation with the Advisory Council on Historic Preservation (ACHP), will decide on the need for further investigation. If the SHPO does not dispute the conclusions of the District Engineer within 20 days of being notified or if contrary guidance is not provided by DAEN–CWO–N, the District Engineer may proceed to conclude his action on the permit application.

6. *Investigations.* If the evidence indicates that further examination of the permit area is justified, the District Engineer will conduct or cause to be conducted an investigation to identify resources that may be eligible for inclusion in the National Register. As determined by the District Engineer, investigations may consist of further

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consultations with the SHPO and the State Archeologist; consultations with local historical and archeological societies, university archeologists, and others with knowledge and expertise in the identification of historical, archeological, cultural and scientific resources; field examinations of the permit area by qualified personnel; and archeological testing. In appropriate cases as determined by the District Engineer, the applicant may be required, in accordance with § 325.1(e), to investigate the permit area for the presence of historical, cultural, archeological and scientific resources that may be eligible for listing in the National Register.

The Corps of Engineers' investigative responsibilities extend only to the identification of resources within the permit area. In the case where properties that may be eligible for listing in the National Register are suspected to exist in the vicinity of the permit area, the Corps' identification responsibility is only to determine whether the resource is present within the permit area. The Corps is not responsible for locating a potentially eligible property outside of the permit area.

7. *Eligibility determinations.* If the investigation confirms the presence of cultural resources within the permit area that, in the opinion of the SHPO or the District Engineer, appear to meet the criteria for inclusion in the National Register, the District Engineer will request a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR 63.2 and 63.3 and notify the applicant of the further delays that will occur. If the Keeper of the National Register determines that the resources are not eligible for listing in the National Register or fails to respond within 45 days of receipt of the request, the District Engineer may proceed to conclude his action on the permit application.

8. *Effect determinations.* For all National Register properties within the affected area, the District Engineer, in consultation with the SHPO, will determine the effect of the work on those properties in accordance with 36 CFR 800.3.

If the SHPO concurs with or fails to comment within 30 calendar days on a no effect determination, the District Engineer may proceed to conclude his action on the permit application. If the SHPO disagrees with a no effect determination, the ACHP will be asked to decide if there will be an effect or not.

If an effect on a National Register property is determined, the District Engineer, in consultation with the SHPO, will then decide, in accordance with 36 CFR 800.3(b), whether or not the effect would be adverse. If a no adverse effect determination is made by the District Engineer in consultation with the SHPO, and the ACHP concurs or does not object within 30 calendar days of being so notified of the determination, the District Engineer may proceed to conclude his action on the permit application. The ACHP published guidelines in the **Federal Register** on 30 October 1978 (43 FR 5065–8) which the District Engineer should use in making effect determinations related to archeological resources.

9. *Adverse effect.* If an adverse effect determination is made by the District Engineer in consultation with the SHPO or if the Executive Director, ACHP, does not accept the District Engineer's no adverse effect determination, the District Engineer will request the comments of the ACHP pursuant to Section 106 of the National Historic Preservation Act (see 36 CFR 800.6). If, as a result of the consultation process (see 36 CFR 800.6(b)), it is concluded that the proposal would result in the irrevocable loss of significant cultural resource data, the District Engineer will formally advise the Secretary of the Interior (by notifying HCRS) of the extent to which such property may be lost if the proposed work is permitted. The District Engineer will request that the Secretary furnish, pursuant to the Preservation of Historical and Archeological Data Act of 1974, as amended, Pub. L. 93–291, 16 U.S.C. 469, et seq., plans for timely survey, recovery, and preservation of such property if, in the Secretary's opinion, it should be recovered and preserved in the public interest. The Secretary of the Interior has certain responsibilities and funding authority pursuant to Pub. L. 93–291 to conduct certain surveys and to undertake the recovery and preservation of scientific, prehistoric, historic or archeological data that may be irrevocably lost or destroyed by any Federal licensing activities and to compensate for damages resulting from construction delays or temporary loss of the use of non-Federal lands. Civil Works funds will not be expended under the regulatory program for such work. Non-Federal applicants may voluntarily elect to participate in such survey, recovery or preservation work.

If the significant data cannot or will not be recovered or preserved, the District Engineer will evaluate all factors in deciding whether or not the permit should be issued in the public interest. Upon reaching a decision, the District Engineer will notify the ACHP of the final action to be taken on the permit and the expected ultimate effect of the work on the National Register properties.

10. *Permit conditioning.* If the applicant accepts the results of the consultation process outlined in 36 CFR 800.6(b), the District Engineer will proceed to complete his action on the permit application in accordance with the results of the consultation process. The District Engineer will participate in ACHP's development of the Memorandum of Agreement prepared in accordance with 36 CFR 800.6(c) provided his commitments would not be inconsistent with Department of the Army regulatory authorities. The District Engineer will include any appropriate conditions in the permit, if issued, in accordance with § 325.4.

11. *Resources discovered during construction.* If the District Engineer finds or is notified after construction is started that a previously unidentified National Register property within the permit area will be affected by the construction, he normally will request (not require) the permittee to avoid or delay work which might affect such property and immediately notify HCRS and the SHPO. The District Engineer normally will not stop the construction nor seek an eligibility determination unless HCRS notifies the District Engineer that it will assume liability for delays in construction pursuant to its responsibility and authority under Pub. L. 93–291 or unless the permittee agrees that no compensation would be required. Upon receipt of such notification, the District Engineer will stop that portion of the work impinging on the discovered property and proceed in the same manner set forth above for properties reported during the application process period.

[FR Doc. 80-10133 Filed 4-2-80; 8:45 am]

BILLING CODE 3710-92-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-3453]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Auburn, Cayuga County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 54106 on or about October 4, 1977, and in the *Citizen*, published on or about August 29, 1977, and August 30, 1977, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each commmunity.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the City Hall, 24 South Street, Auburn, New York. Send comments to: Mr. Bruce L. Clifford, Auburn City Manager, Memorial City Hall, 24 South Street, Auburn, New York 13021.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Auburn, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Auburn, City, Cayuga County	Hunter Brook	Corporate Limits (Downstream)	*648
			Approximately 100' upstream of Conrail	*656
			Footbridge (Upstream)	*662
			McIntosh Drive (Downstream)	*667
			McIntosh Drive (Upstream)	*672
			Schwartz Road (Upstream)	*674
			Approximately 130' upstream of Grant Avenue	*682
			Franklin Street (Downstream)	*711
			Franklin Street (Upstream)	*720
			Approximately 500' upstream of North Herman Avenue	*722
			Marvin Avenue (Downstream)	*728
			Marvin Avenue (Upstream)	*733
			Driveway (Downstream)	*760
			Corporate Limits(Upstream)	*762
		Hunter Brook Tributary No. 1	Corporate Limits (Downstream)	*667
			Approximately 910' upstream of Downstream Corporate Limits	*677
			Grant Avenue (Downstream)	*695
			Approximately 140' upstream of Grant Avenue	*705
			Prospect Street (Downstream)	*719
			Prospect Street (Upstream)	*724
			Corporate Limits (Upstream)	*789
		Hunter Brook Tributary No. 2	Confluence w/Hunter Brook	*720
			Approximately 1,150' upstream of confluence w/Hunter Brook	*724
		Cold Springs Brook	Corporate Limits (Downstream)	*557
			York Street (Upstream)	*569
			Old Railroad Grade (Downstream)	*573
			Old Railroad Grade (Upstream)	*588
			Approximately 1,025' upstream of Old Railroad Grade	*590
		Owasco Outlet	Canoga Street	*569
			Aurelius Street	*585
			Division Street	*626
			Washington Street	*649
			State Street	*661
			Route 5 & 20 Arterial	*668
			North Street	*667
			Lake Avenue	*690
			State Dam (Downstream)	*704
			State Dam (Upstream)	*716

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9948 Filed 4-2-80; 8:45 am]

BILLING Code 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5728]

Revision of Proposed Flood Elevation Determinations for the City of North Las Vegas, Clark County, Nevada Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of North Las Vegas, Clark County, Nevada.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 64470 on November 7, 1979 and in the *Las Vegas Review Journal*, published on or about October 31, 1979, and November 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the City Hall, 2200 Civic Center Drive, North Las Vegas, Nevada 89030.

Send comments to: the Honorable Ray H. Daines, Mayor, City of North Las Vegas, City Hall, P.O. Box 4086, North Las Vegas, Nevada 89030.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5146, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of North Las Vegas, Nevada, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth and *Elevation
Las Vegas Wash	Carey Avenue 50 feet downstream from centerline.	*1036
	Carey Avenue 50 feet upstream from centerline.	*1041
	Cheyenne Avenue 50 feet downstream from centerline.	*1056
	Cheyenne Avenue 75 feet upstream from centerline.	*1060
	Losee Road 100 feet upstream from centerline.	*1015
	Intersection of Juetene Way and Lockwood Avenue.	*#1
	Intersection of Crawford Street and Judson Avenue.	*#1
	Intersection of Statz Street and Carey Avenue.	*#2
Unnamed Tributary to Las Vegas Wash.	Cheyenne Avenue at Camelina.	*1899
	Losee Road 50 feet upstream from centerline.	*1908
	Craig Road 50 feet upstream from centerline.	*1959
	Tillman Drive at centerline	*1967

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9947 Filed 4-2-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 160

[CGD 80-021]

Distress Signals; Heptane Ignition Test for Hand Red Flares

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: This proposal would amend the Coast Guard approval specification for hand red flare distress signals. The amendments would eliminate the reference to merchant vessels in the subpart heading for this specification, and add the requirement for a heptane ignition test that is intended to measure the tendancy of the flares to start a fire on a boat. This is being proposed in order to make the hand red flare acceptable for use on recreational boats, and should be considered in conjunction with a proposal to change the equipment requirements for boats (CGD 80–021A) which appears elsewhere in this issue of the **Federal Register**.

DATES: Comments must be received on or before May 19, 1980.

ADDRESSES: 1. Comments should be mailed to the Commandant (G–CMC/24) (CGD 80–021), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7:00 a.m. and 5:00 p.m. Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593.

2. Copies of the National Bureau of Standards Report FR 3950 are available from Commandant, U.S. Coast Guard (G–MMT–3/12), Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G–MMT–3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426–1444.

SUPPLEMENTARY INFORMATION: On December 17, 1979, the Coast Guard published a final rule making in the **Federal Register** that ammended ten specification regulations for pyrotechnic distress signals and line throwing appliances (44 FR 73055). One of those specification regulations was Subpart 160.021-Hand Red Flare Distress Signals for Merchant Vessels. As discussed in the preamble of that rule making, these devices were not approved for use on recreational boats owing to the need to determine the most accurate way to test the hazardous potential of the hot slag expelled by burning flares. The preamble described tests that involved the burning of flares over newspaper and over heptane. Comments were solicited on whether one or both of these tests should be adopted. No comments have been received since publication of the rule making. The Coast Guard has determined that the heptane ignition test is an appropriate way to measure the hazards of hot slag. This notice proposes the addition of such a test.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this proposed amendment. The transcripts of the proceedings of the National Boating Safety Advisory Council at which this proposed amendment was discussed are available for examination in room 4224, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G–BA/42), U.S. Coast Guard, Washington, DC 20593.

Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 80–021) and the specific section of the proposal to which their comments apply, and give reasons for the comments. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Draft Evaluation

A Draft Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034). That document requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and federal, state and local governments, as well as the anticipated benefits and impact of the regulations.

This proposal is expected to result in an initial cost of about $40,000 and a recurring annual cost of about $1,000. These costs will be imposed directly on the private sector (the manufacturers of the flares). The manufacturers are expected to pass the costs through to the ultimate consumers of the flares in the form of price increases; however, because of the large number of flares that are expected to be produced, the price increase for an individual flare will be negligible. There is no effect on federal, state, and local governments except in their capacities as consumers of the flares. The primary benefit identified for the proposal is the increased safety for users of hand red flares.

The Draft Evaluation has been included in the public docket for this rule making, and may be examined at the Marine Safety Council (G–CMC/24) at the address listed in the ADDRESSES section.

Drafting Information

The principle persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Coleman Sachs, Office of the Chief Counsel.

Discussion of the Proposed Regulations

This proposal would amend Subpart 160.021 of Title 49 of the Code of Federal Regulations, which contains a specification for hand red flare distress signals. The amendments would change the title of the subpart to delete the words "for merchant vessels" and would add a heptane ignition test to the technical tests that are presently required for the device.

One source of concern to the Coast Guard since the beginning of the project to require visual distress signals on boats has been the safety of pyrotechnics, and in particular the safety of hand held flares that expell hot slag as they burn. This has been a topic of discussion at public meetings of the National Boating Safety Advisory Council over the past few years. The problem was addressed in the notice of proposed rule making for the project amending distress signal specifications (CGD 76–048a, 43 FR 49445, October 23, 1978) which included a test of the hot slag hazard that used newspaper as a test medium. Layers of newspaper were to be placed under the burning flare to catch the hot slag. If the newspaper caught fire or if the slag scorched more than half of the paper, the flare failed the test. Several comments on the proposed test expressed the opinion that newspaper lacks sufficient uniformity to be a reliable test medium and that it does not realistically simulate any particular material or hazardous condition that exists on recreational boats. Furthermore, the Coast Guard found that the newspaper was often ignited by an accumulation of slag in one spot, a condition that resulted from the flare being set in a fixed position. This would not be likely to occur if the flare were handled by an individual in a distress situation. After consideration of the matter, the Coast Guard decided to investigate possible alternatives.

The Coast Guard contracted the National Bureau of Standards (NBS) to run a series of hand flare tests that involved burning flares over newspapaer and over heptane. Heptane is one of the components of gasoline, and is used as a standard test fuel to represent gasoline. Thus heptane appears to provide a closer approximation of the fire hazard found on gasoline powered boats. After the testing had been completed, a demonstration was held at NBS for the purpose of showing the results of the test program to the Visual Distress Signal Subcommittee of the National Boating Safety Advisory Council and any interested members of the public. The results of the testing are summarized in NBS Report FR 3950 which is available in single copies without charge from the Coast Guard at the address indicated in the addresses section of this notice.

While the results of the testing were being analyzed, the Coast Guard decided to publish final rules for visual distress signals on boats without the hand flare listed as an acceptable item (CGD 76–183, 44 FR 73021, December 17, 1979). At the same time, the revised specification for the hand flare was published without a hot slag test (CGD 76–048 a & b, 44 FR 73055, December 17, 1979). This final rule included a discussion of the options open to the Coast Guard with regard to a test for hot slag.

The Coast Guard has concluded its analysis of the NBS testing. It has decided that a test using a layer of heptane floating on top of water is the most appropriate test available for determining the tendency of hot slag to start an explosion and fire, the hazard that has been of greatest concern to the Coast Guard. The heptane will burst into flame when flaming or glowing particles or sparks pass through the vapor layer that forms above it. The newspaper test was not as sensitive to this hazard as the heptane test. The consequence would be that a flare that poses an explosion hazard in the presence of gasoline vapors might not be rejected by a newspaper test. One other advantage is that heptane is not sensitive to the accumulation of slag in one spot. This notice proposes the addition of a heptane ignition test essentially as it was performed by the National Bureau of Standards.

The Visual Distress Signal Subcommittee of the National Boating Safety Advisory Council has recommended that the Coast Guard consider the need for an additional test to determine the potential of a flare to ignite the surface of materials found on recreational boats. The subcommittee feels that such a surface burning test, by augmenting the heptane test, would provide an added measure of safety for devices approved for use on boats. The Coast Guard has not included a surface burning test in this proposal, as its primary concern is with fires or explosions caused by ignited gasoline vapors, a matter that it feels is

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adequately addressed by the heptane test alone.

The Coast Guard is not convinced that there is a significant risk of hot slag igniting materials used in boat construction. A series of tests of safety hazards associated with the use of flares on recreational boats was conducted for the Coast Guard in 1977. These revealed that flares would char, but not ignite painted wood, varnished wood, and fiberglass. These are the types of material on a boat that would provide the most likely surfaces over which flares would be burned. This finding would appear to reduce the necessity for including a surface burning test in the approval process for hand red flares. The results of the test series from which this information was taken are summarized in report No. AD A049 989, available from the national Technical Information Service, Springfield, Virginia 22151.

An additional factor that contributed to the Coast Guard's decision against proposing a surface burning test is the absence of any standard reference material suitable for laboratory testing. The extreme variations that would exist in any samples selected to represent material found on boats would tend to negate the value of the test results.

In proposing the addition of a heptane test, The Coast Guard is motivated primarily by its perception of the hazards that might exist on recreational boats. No accident data could be found that positively and clearly indicate that hot slag dripping from a flare poses any real and significant danger on a boat. Despite a Coast Guard requirement for hand red flares on commercial vessels, A Coast Guard Auxiliary requirement for flares on boats examined for a Courtesy Motorboat Examination Decal, a New York state law that requires flares on boats over 18 feet, and repeated attempts by the Coast Guard to solicit specific accident or hazard data in previous rule makings, and in open meetings with the National Boating Safety Advisory Council and the National Association of State Boating Law Administrators, not a single real world incident has been brought to our attention in which use of a hand flare caused a fire or explosion, or other significant harm. Despite this, the Coast Guard feels that, since most recreational boats use gasoline for fuel, a potential risk exists that justifies the minimal costs of this proposal.

Should this proposal be adopted as a final rule, the Coast Guard is considering making it effective 90 days before the effective date of its companion project (CGD 80-021A) that would add hand red flares to the list of visual distress signals approved for use on recreational boats. It would be advantageous to flare manufacturers and members of the boating community alike if hand red flares could be used as accepted devices as of January 1, 1981, the effective date for the regulation covering other visual distress signals approved for use on boats. This would avoid placing the manufacturers of hand red flares at a competitive disadvantage, and would relieve boaters who prefer to carry hand red flares from having to purchase other devices. If this amendment to the specification regulation were to become effective on October 1, 1980, it is anticipated that manufacturers will have sufficient time to supply the market by January 1, 1981 with flares that pass the heptane test. Comments are specifically solicited on whether this timetable can be realistically met.

As the heptane ignition test is being proposed for all hand held flares approved under Subpart 160.021, it would also apply to flares carried on merchant vessels, even though the Coast Guard's primary concern in the past has been the safety of flares used on recreational boats. The Coast Guard feels it is appropriate to make the test a requirement for flares used on merchant vessels as well for the following reasons:

(a) There has been concern about the safety problems associated with hot slag from hand flares used on merchant vessels. These flares could be used in and around fire hazard areas in merchant vessel casualties, especially if the crew was not aware of the potential for fire.

(b) The flares are part of the equipment pack of inflatable life rafts which are constructed of rubberized fabrics that are susceptible to fire.

(c) At least one type of approved hand held flare can already pass the heptane ignition test, indicating that others that fail the test may be able to pass it by alteration of the manufacturer's production methods, rather than complete redesign of the flare. There is no indication that a flare which passes the heptane ignition test will be significantly more expensive to manufacture than one that does not, eliminating cost as the basis for approving separate devices.

(d) Confusion might result if two similar Coast Guard approved flares were commercially available, only one of which could be used on recreational boats.

In consideration of the foregoing, the Coast Guard proposes to amend Part 160 of Title 46 of the Code of Federal Regulations as set forth below.

1. By revising the heading of Subpart 160.021 to read as follows:

Subpart 160.021—Hand Red Flare Distress Signals

2. By adding a new paragraph (d)(8) to 160.021-4 to read as follows:

§ 160.021-4 Approval and production tests.

* * * * *

(d) *Technical tests.* * * *

* * * * *

(8) *Heptane ignition.* (i) A metal pan must be used to hold a layer of water at least 12 mm (½ in.) deep with a layer of technical grade heptane on top of the water. The pan must be at least 1 m (39 in.) square with sides extending between 175 mm (7 in.) and 200 mm (8 in.) above the surface of the water. The amount of heptane used to form the layer must be 2.0 liters per square meter of pan area (6.25 fluid ounces per square foot).

(ii) The test must be conducted in a draft-free location. The ambient temperature, the temperature of the water, and the temperature of the heptane must all be between 20°C (68°F) and 25°C (77°F) at the time of the test.

(iii) The signal under test must be held with the flame end pointing upward at an angle of approximately 45°, 1.2 m (4 ft.) directly above the center of the pan. The signal must be ignited as soon as the heptane is observed to spread out over the water in a continuous layer. The signal must be allowed to burn completely, and must remain in position until it has cooled.

(iv) The heptane must not be ignited by the flare or by material from the flare.

(46 U.S.C. 461, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b)).

Dated: March 27, 1980.

Henry H. Bell

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety

[FR Doc. 80-10151 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-14-M

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-67; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Interior Piping

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This Advance Notice of Proposed Rulemaking invites comments relative to the need for Federal safety regulation of gas piping located inside buildings, whether these buildings be classified as commercial, industrial, a domicile, or places of congregation such as auditoriums, churches, or schools. Interior piping upstream from gas meters is currently subject to Federal or State regulatory authority as well as local building codes, and compliance with Federal requirements may be inappropriate.

DATE: Comments must be filed by August 1, 1980. Late filed comments will be considered as far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, Department of Transportation, 400 7th Street, S.W., Washington, DC 20590. Comments will be available at the Docket Branch, Room 8426. The Docket Branch is open Monday through Friday from 8:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert F. Langley, 202-426-2082.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (NTSB) in safety recommendation P-76-10 and pipeline accident report NTSB-PAR-76-2 issued on April 19 and February 19, 1976, respectively, recommended that the MTB amend 49 CFR Part 192 to define more realistically an operator's responsibility for gas piping inside buildings. In this report (a copy of which is in the docket and may be obtained from the National Technical Information Service), NTSB described an accident which occurred in an office building in New York City.

The report stated that:

"At 6:57 a.m. on April 22, 1974, a massive, low order explosion demolished the west wall of a 25-story commercial building at 305 East 45th Street, New York, New York. The structure of the adjacent building was damaged and glass was broken in other buildings in the area. Glass fragments and slivers were blown into 46th Street, where they lay 1-inch deep in places. No persons were killed, but more than 70 persons were injured."

"The National Transportation Safety Board's investigation showed that a 6-inch service line located in the basement of the building had been struck from below and severed by a ruptured hydropneumatic pressure tank installed directly underneath. Gas at 7-inches of water column flowed at 54,000 cubic feet per hour from the open end of the separated service line. Gas leakage continued for about ½ hour. Gas odors finally were noticed by a building occupant, but the building exploded before any mitigative efforts took place.

"The 6-inch service line in the basement was considered by the Office of Pipeline Safety to be a gas distribution main and therefore under the Federal regulation 49 CFR Part 192.3. The New York State Public Service Commission's regulation, 16 NYCRR 255.1855, maintains that the pipeline operator's jurisdiction ends at the first fitting inside the wall of a customer's structure. This is based on the impracticability of a pipeline operator's trying to operate and maintain thousands of feet of gas piping inside the walls and ceilings of thousands of buildings within the State."

Current Federal Regulation of Interior Piping

The Federal gas pipeline safety standards in Part 192 apply to operators of gas pipeline systems in or affecting interstate or foreign commerce other than rural gathering systems. As the term operator is defined in § 192.3, it includes both public gas utilities who sell and transport gas to customers and customers of such utilities who purchase gas for resale rather than their own consumption. In this latter category of operators are landlords and public housing authorities who sell and distribute gas to tenants in connection with the lease of real property (dwelling units) and also membership associations who sell and distribute gas to residents of housing cooperatives or condominiums.

In accordance with the definition in § 192.3 of the term "service line," an operator's responsibility for compliance with the Federal standards extends to the outlet of each customer meter (the meter that measures gas transferred to a customer) or to the connection of operator-owned piping with the customer's piping, whichever is farther downstream. This jurisdictional limitation may encompass interior piping as well as the underground or exterior piping that normally forms the bulk of a gas distribution system.

Regarding the extent to which Part 192 applies to interior piping under the "service line" definition, MTB has made the following general interpretations:

(1) Where a customer meter is located outside a building, the customer's piping is considered to begin no farther downstream than the wall through which the pipeline enters the building.

(2) Where a customer meter is located inside a building, the piping located upstream from the outlet of the meter is subject to Part 192.

(3) In an apartment complex consisting of several buildings, the underground and exterior pipelines are a distribution system subject to Part 192.

(4) In a distribution system that comprises interior piping only or primarily interior piping, as where an exterior "master meter" measures gas that is then transported throughout a single multiple dwelling building, and there are no exterior pipelines serving other buildings, the system is not subject to Part 192. In this situation the "master meter" is considered a "customer meter" for purposes of the "service line" definition in section 192.3.

These interpretations can be generalized to say that Part 192 applies to distribution systems that comprise exterior and underground pipelines and only to interior segments of such systems that are located upstream from customer meters. In the absence of customer meters, Part 192 jurisdiction ends no farther downstream than the building wall. The basis for this generalized interpretation lies in the legislative history of the Natural Gas Pipeline Safety Act of 1968, which shows Congressional concern for the safety of exterior and underground systems, the impracticality of determining ownership of piping inside buildings, and the fact that interior piping must meet the standards of local building codes. Interior segments of pipeline up to the meter are covered because normally the operator controls the meter and ownership of gas does not pass from the operator to the customer until the gas leaves the meter.

Two examples of the application of Part 192 to interior piping are: (1) placement of meters on the upper levels of buildings, and (2) piping routed through metered buildings to get to other buildings, such as in apartment complexes.

Purpose of this Notice

MTB recognizes that a large portion of gas pipelines inside buildings that is currently subject to Part 192 is behind walls and generally inaccessible to an operator after construction of a building. This situation makes compliance with many of the applicable safety requirements in Part 192 difficult because they were adopted with exterior, primarily underground piping in mind. Likewise, it is difficult for Federal and State pipeline safety inspectors to monitor the compliance of interior gas piping with applicable pipeline safety standards. MTB, by means of the following questions in this Advance Notice, wishes to stimulate answers to the issue raised by NTSB and to the need for continued Federal regulation of interior piping.

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I. Local Building Codes as Standards for Design and Installation of Interior Gas Piping

A. To what extent do local building codes govern the design, installation, and testing of interior gas piping?

B. Are the safeguards adequate?

C. Should the Federal standards for design, installation, and testing of interior gas piping continue to apply in spite of local building code requirements?

D. Should the Federal standards be amended to apply only to accessible interior piping components such as meters?

E. Where local building codes do not apply to interior gas piping or the code provisions are inadequate, should the Federal standards continue to apply until local code provisions are adopted or improved to provide an acceptable level of safety?

F. Should operators be encouraged to seek adoption of better local building codes for gas piping and enforcement of such codes, such as by providing an exemption from Federal requirements where adequate local codes exist?

G. What should be the measure of building code adequacy?

H. If the Federal standards were amended to limit their application in areas of design, installation, and testing in favor of local code provisions, should operators be required to make thorough inspections (visually and by pressure test) of interior piping before allowing gas to flow into the system? It is recognized that a total visual inspection may be difficult, and for certain construction, would have to be done in stages as construction progresses.

II. The "National Fuel Gas Code" as Standards for Operation and Maintenance of Interior Gas Piping

MTB is also concerned that local building codes, if they are to provide for public safety in lieu of the Federal standards, may not require proper operation and maintenance of interior gas piping. For example, the performance of leakage surveys as required by § 192.723 might bring to light situations which could cause accidents like the one related above in the NTSB report.

The National Fire Protection Association (NFPA) states in the preface and the history of the "National Fuel Gas Code" (NFPA 54) that the document offers general criteria for the installation, operation, and maintenance of gas piping and gas equipment on customers' premises. The "National Fuel Gas Code" was developed from American National Standards Institute (ANSI) codes and from NFPA standards already in existence. The standards of NFPA 54 were not incorporated by reference in Part 192 when the Federal standards were adopted because the topics covered were generally thought to be outside the scope of Part 192. While this is still true regarding the installation of gas appliances and utilization equipment, the subsequent interpretations of Part 192, based on the "service line" definition (See Amdt. 192–13, 38 FR 9084, April 10, 1973), and the issue raised by NTSB make it opportune to consider the suitability of NFPA 54 as a referenced Federal standard or alternative regulation for interior piping.

A. To what extent do local building codes govern the operations and maintenance of interior gas piping?

B. Should the standards as set forth in NFPA 54, Parts 1 and 2, as applicable to interior gas piping, be incorporated as regulations in Part 192?

C. If so, would the requirements be more appropriate or less burdensome than the Part 192 standards?

D. As an alternative, should regulations be developed in Part 192 which would encourage gas operators to actively lobby for building codes or other local regulations to incorporate the pertinent NFPA 54 standards?

III. Gas Detectors

Present technological developments in the art of flammable gas detection have advanced to the point where even leading mail order houses are offering reliable automatic gas leak detector alarms, similar to smoke detector alarms, for nominal sums.

A. Should operators of interior gas piping be required, either by local building codes or Federal regulations, to include gas detectors and alarms in the buildings served?

B. Should such a requirement apply instead of existing Part 192 requirements that may be difficult to meet inside buildings?

MTB would appreciate answers or comments on any or all of the above questions and ideas. While rule changes are not being proposed at this time, if a commenter feels that conversion of any of the above thoughts to Federal regulations would in any way add to a gas operator's cost of operation, the commenter should state actual costs (not generalities) expected to be involved. The derivation of the increased costs should include breakdowns, such as labor, materials, and overhead, with carrying charges listed separately.

(49 U.S.C. 1672; 49 CFR 1.53(a), Appendix A of Part 1 and Paragraph (b)(2) of Appendix A to Part 106).

Issued in Washington, DC, on March 26, 1980.

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-9883 Filed 4-3-80; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 325

[BMCS Docket No. MC-62-1, Notice No. 80-3]

Compliance With Interstate Motor Carrier Noise Emission Standards

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition for rulemaking filed by Salt Lake County, Utah, and in settlement of a lawsuit filed by Salt Lake County against the Department of Transportation, this document proposes to amend the Interstate Motor Carrier Noise Emission Standards to allow a minimum measurement distance of 31 feet and to change the correction factor for a hard test site.

DATE: Comments must be received on or before August 1, 1980.

ADDRESS: Submit written comments, preferably in triplicate, to the docket number and notice number that appear at the top of this document, Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, BMCS, 202–426–9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, 202–426–0346, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Interstate Motor Carrier Noise Emission Standards were published on October 15, 1975. The standards require a minimum distance of 35 feet for measuring the level of noise. This is the distance between the microphone location point and the microphone target point.

The regulations also state that when tests are made at a "hard" test site, a correction factor of 2 dB(A) is to be subtracted from the maximum sound level reading. This tolerance is specified to ensure that unnecessary violations will not be issued.

On December 11, 1975, Salt Lake County, Utah, petitioned for a review of those requirements in the United States Court of Appeals, District of Columbia Circuit. Subsequently, as part of the settlement negotiations in that case, Salt Lake County petitioned for an amendment of 49 CFR 325.7 and 49 CFR 325.75(a). Under the Federal Highway Administration's rulemaking procedures, the petitioner asked that the minimum measurement distance specified in 49 CFR 325.7 be reduced from 35 feet to 31 feet. The petitioner also requested that the 2 dB(A) tolerance for the hard test site specified in 49 CFR 325.75(a) be deleted.

Salt Lake County contends that the minimum measurement distance should be reduced to 31 feet in order to allow communities to make use of additional measurement sites. They rely on a report by B. H. Sharp entitled "Research on Highway Noise Measurement Sites" as support for their position. They claim that their experience has been that measurements taken at less than 35 feet have proved to be both accurate and feasible.

The 35-foot minimum distance was established by the Federal Highway Administration because of the greater accuracy achieved in measuring at distances at or over 35 feet. Measurements at distances less than 35 feet are generally less accurate because of near-field acoustical effects. In addition, at closer distances, a passing truck cannot be approximated as a point source of noise, thereby invalidating certain theoretical source propagation models. Also, reflection effects from the ground tend to be exaggerated at close in measurement distances. The result is that the accuracy of measurements taken at less than 35 feet is unpredictable.

Salt Lake County's second concern is that the 2 dB(A) correction factor is unnecessary. It is their contention that at close distances differences in noise levels due to ground surfaces, either hard or soft, are negligible. It has been their experience that this correction factor is unnecessary.

The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

Pursuant to a joint motion for voluntary dismissal filed by the Department of Transportation and Salt Lake County, the court, on September 20, 1979, issued an order terminating Salt Lake County's legal actions against the Department of Transportation. As part of the settlement agreement that led to that order the Federal Highway Administration agreed to issue a Notice of Proposed Rulemaking concerning 49 CFR 325.7 and 49 CFR 325.75(a). This Notice is being issued to satisfy the requirements of that agreement and to solicit comments concerning the issues raised in Salt Lake County's petition for rulemaking.

In view of the above, the Bureau of Motor Carrier Safety proposes the following amendments to 49 CFR Part 325:

§ 325.7 [Amended]

1. Amend Table 1 in § 325.7 by adding the following entry to appear as a new first entry to read as follows.

Table 1.—*Maximum Permissible Sound Level Readings (Decibel (A))*[1,2]

If the distance between the microphone location point and the microphone target point is—	Highway operations test				Stationary tests	
	Soft site		Hard site		Soft site	Hard site
	35 mi/h or less	Above 35 mi/h	35 mi/h or less	Above 35 mi/h		
31 ft (9.5 m) or more but less than 35 ft (10.7 m)	90	94	92	96	90	92

§ 325.75 [Amended]

2. Amend § 325.75 by deleting and reserving paragraph (a).

Note.—The Federal Highway Administration had determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. The anticipated impact of this proposal is so minimal that it does not warrant the preparation of a full regulatory evaluation.

(42 U.S.C. 4917, 49 CFR 1.48(b) and 301.60)

Issued on: March 24, 1980.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-9907 Filed 4-3-80; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

49 CFR Part 640

[Docket No. 80-A]

Bus Rehabilitation Program—Policy and Procedures; Extension of Comment Period

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: In the **Federal Register** of February 11, 1980 (45 FR 9244), the Urban Mass Transportation Administration issued a notice of a proposed policy and guidelines concerning Federal grants to aid in bus rehabilitation projects of mass transit systems. Interested parties were given until March 27, 1980 to submit comments. Because of extensive interest in this action and many requests for extension of the comment period, a new closing date for comments has been established and is set out below.

DATE: Comments must be received on or before May 2, 1980.

ADDRESS: Comments must be submitted to UMTA Docket No. 80–A, 400 7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472–6997.

Dated: March 28, 1980.

Theodore C. Lutz,

Administrator.

[FR Doc. 80-10139 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

Atlantic Squid Fishery; Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Approval and partial disapproval of amendment to the Atlantic squid fishery management plan.

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notice of proposed rulemaking, and request for comments.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has approved, with the exception of one provision, an amendment to the fishery management plan for the Squid Fishery of the Northwest Atlantic Ocean (FMP). Proposed regulations to implement the management measures contained in the amendment would: (1) Establish an initial level of harvest for United States vessels catching Atlantic squid (*Illex illecebrosus* and *Loligo pealei*); and (2) establish a reserve from which squid may be distributed to the domestic and foreign fisheries.

All regulations governing the foreign fishery for squid contained in 50 CFR Part 611 are continued in effect without change.

The proposed amendments to Part 655, which include technical changes to the Atlantic squid regulations now in effect, are being published in the **Federal Register** as emergency regulations.

EFFECTIVE DATES: Comments on the proposed regulations and the amendment to the FMP are invited for a 45-day period. All comments must be submitted in writing on or before May 26, 1980.

ADDRESS: All comments on the amendment to the FMP and the proposed regulations should be sent to: Regional Director, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Mark: "Comments on Proposed Squid Regulations" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, at the above address; telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council), and approved by the Assistant Administrator on June 6, 1979, in accordance with the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act). Final regulations implementing the FMP were published on December 31, 1979 (44 FR 77174). Those regulations established annual quotas on a fishing year basis (April 1–March 31) for domestic vessels harvesting *Illex Illecebrosus (Illex)* or *Loligo pealei (Loligo)*. The FMP was to expire on March 31, 1980.

On March 19, 1980, the Assistant Administrator approved, with one exception, an amendment to the FMP. The approved provisions of the amendment: (1) Extend the FMP indefinitely; (2) maintain the optimum yield (OY) for *Illex* at 30,000 metric tons (mt) and the OY for *Loligo* at 44,000 mt; (3) reduce the domestic annual harvest (DAH) of *Illex* from 10,000 mt to 5,000 mt and the total allowable level of foreign fishing (TALFF) of *Illex* from 20,000 mt to 12,000 mt; (4) reduce the DAH of *Loligo* from 14,000 to 7,000 mt and of *Loligo* from 30,000 mt to 18,000 mt; and (5) establish a reserve of *Illex* at 13,000 mt and a reserve of *Loligo* at 19,000 mt, which are available for distribution to the domestic and foreign fisheries.

Optimum Yield

Based upon the 1979 squid stock assessment, the Council has determined that the OY for *Loligo* should be maintained at 44,000 mt, and the OY for *Illex* be maintained at 30,000 mt. The OY for *Loligo* is equal to the maximum sustainable yield (MSY). The OY for *Illex* is 10,000 mt less than the MSY because scientific information for *Illex* is much less complete than for *Loligo*. The Council's approach to *Illex* is consistent with sound conservation and management principles and continues a cautious development of this fishery until biological and ecological information is developed further.

DAH, Reserve and TALFF

The Council has set the domestic annual harvest (DAH) at 5,000 mt for *Illex* and 7,000 mt for *Loligo*. These levels of DAH take into account not only past performance of U.S. fishermen in this fishery, but also changes in traditional fishing patterns and practices which the Council anticipates will take place. Because of the uncertainties concerning these changes, the Council believes that the most reasonable approach is to set a DAH which is as realistic as possible, and to establish reserves for the potential growth in the domestic fisheries.

With the creation of the reserves, the Council reduced the TALFF's for *Illex* from 20,000 mt to 12,000 mt and for *Loligo* from 30,000 mt to 18,000 mt. The Council recognizes that these reduced TALFF's could adversely impact foreign fishing. However, foreign nations can receive squid from the reserves during the fishing year to the extent that the domestic fisheries do not use the reserves.

The uncertainties as to the exact harvesting capacity of the domestic commercial fleet, the availability of foreign markets to domestic fishermen, and the Council's desire to provide an opportunity for expansion of the commercial squid for export, resulted in establishment of reserves of 13,000 mt for *Illex* and 19,000 mt for *Loligo*. Should the domestic fisheries harvest beyond the DAH during the fishing year, squid in the reserves are available to it. Squid may be allocated from the reserves to TALFF only to the extent that the reserves will not be harvested by the domestic fishermen.

An allocation procedure from reserve to TALFF must contain criteria which allow for use of the entire reserve, through absorption by DAH or transfer to TALFF. The Council's proposed procedures for reallocation from the reserve to TALFF for either species would have provided for a review of domestic fishing activities after six months of the fishing year had passed. If the Assistant Administrator had determined that the estimated harvest of either species for the fishing year would be less than 80 percent of the sum of its DAH and reserve, a portion of the reserve could have been allocated to TALFF.

The Assistant Administrator has reviewed the provision of the amendment which sets the criteria and procedures for the allocation of squid from the reserve to TALFF. He has found that this provision would prevent: (1) Timely in-season adjustments to TALFF; and (2) allocation of the entire reserve even if domestic harvesters are not likely to reach DAH. The Assistant Administrator has further determined that this provision is inconsistent with National Standard 1 of the Act, which requires that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery." Consequently, he has disapproved this provision of the amendment. In accordance with Section 304(a) of the Act, he has notified the Council, in writing, of his partial disapproval. The Council has 45 days from the date of notification to resubmit the provision. The regulatory section on allocation of the reserve will be proposed in the near future (see discussion below under "Proposed Regulations").

Proposed Regulations

The proposed amendments to the regulations would implement the conservation and management measures contained in the amendment. An allowable harvest of squid on a fishing year basis would be estimated at 30,000 mt for *Illex* and 44,000 mt for *Loligo*. Initial levels of domestic harvest would be set at 5,000 mt for *Illex* and 7,000 mt for *Loligo*. Reserves of 13,000 mt for *Illex* and 19,000 mt for *Loligo* would be established and would be potentially available for distribution to the domestic and foreign fisheries. In addition, the proposed regulations would revise the criteria for closing the fishery.

Technical changes to the regulations currently in effect are also reflected in the proposed regulations. These changes are designed to establish uniformity in language among the regulations implementing fishery management plans proposed by the Council.

Two sections in the proposed regulations are "Reserved" and will be completed in the near future. Section 655.22 ("Allocation") will be proposed when the Assistant Administrator approves a mechanism which allocates squid from the reserve to TALFF in a manner which is consistent with the provisions of the Act. A regulatory procedure for reallocation from the reserve to DAH is unnecessary, since the portion of the reserve not allocated to TALFF is available to the domestic fishery.

Section 655.5(b)(2) ("Domestic squid processing capacity"), which will implement a provision of the original FMP, will be promulgated when the National Marine Fisheries Service, after consultation with industry, develops a report form and establishes a system to receive reports on capacity from squid processors.

Emergency Regulations

In accordance with Section 305(e) of the Act, the proposed regulations will be implemented as emergency measures in the Final Rule section of this same issue of the **Federal Register**. The Assistant Administrator has determined that the emergency action is necessary to provide conservation and management measures to govern fishing for squid until final regulations to implement the partially approved amendment are promulgated during May, 1980. A gap in the regulatory process during the early part of the 1980–1981 fishing year might have jeopardized the credibility, continuity, and effectiveness of the entire management system for this newly regulated fishery.

National Environmental Policy Act of 1969 (NEPA)

Development and implementation of this amendment have been deemed a major Federal action significantly affecting the quality of the human environment.

Executive Order 12044

For the purpose of Executive Order 12044 and NOAA Directive 21–24, the Administrator has made an initial determination that this action does not constitute a significant change to the regulations. The creation of reserves, which allow additional flexibility in the regulations so that optimum yield can be achieved, is considered a refinement but not a material or significant change to the regulations.

The amendment to the squid FMP is set forth below.

Signed at Washington, D.C., this 28th day of March, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

Amendment #1 to the Atlantic Squid Fishery Management Plan

I. Abbreviations Used in This Document

CFR—Code of Federal Regulations.
DAH—Domestic Annual Harvest—the capacity of U.S. fishermen to harvest squid and their intent to use that capacity.
DAP—Domestic Annual Processing—the capacity of U.S. processors to process squid and their intent to use that capacity.
EIS—Environmental Impact Statement.
fathom—6 feet.
FCMA—Fishery Conservation and Management Act.
FCZ—Fishery Conservation Zone.
fishing year—the 12 month period beginning April 1.
FMP—Fishery Management Plan.
FRG—Federal Republic of Germany.
GDR—German Democratic Republic.
GIFA—Governing International Fishery Agreement.
ICNAF—International Commission for the Northwest Atlantic Fisheries.
km—kilometer.
mt—metric ton=2204.5 pounds.
MSY—Maximum Sustainable Yield.
NMFS—National Marine Fisheries Service.
NOAA—National Oceanic and Atmospheric Administration.
OY—Optimum Yield.
PMP—Preliminary Fishery Management Plan.
RA—Regulatory Analysis.
SA—Subarea or Statistical Area.
Secretary—Secretary of Commerce.
SEIS—Supplemental Environmental Impact Statement.
TAC—Total Allowable Catch.
TALFF—Total Allowable Level of Foreign Fishing.

II. Summary

The Fishery Management Plan (FMP) for Atlantic Squid was approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA) on June 6, 1979. The FMP is for fishing year 1979–1980 (April 1, 1979–March 31, 1980). The basic purpose of Amendment #1 is to extend the FMP beyond fishing year 1979–1980.

The management unit for the FMP is all *Loligo pealei* and *Illex illecebrosus* under US jurisdiction in the northwestern Atlantic.

The objectives of the FMP are to:

1. Achieve and maintain optimal stocks for future recruitment.
2. Prevent destructive exploitation of squid species.
3. Minimize capture of nontarget species.
4. Achieve efficiency in harvesting and use.
5. Maintain adequate food supplies for predator species, recognizing that squid are also predators.
6. Minimize user conflicts.
7. Improve understanding of the condition of the stocks.
8. Encourage increased American participation in the squid fishery.

The management measures in the FMP are:

1. The 1979–1980 fishing year Optimum Yield (OY) for *Illex* is 30,000 metric tons (mt) and the 1979–1980 fishing year Optimum Yield for *Loligo* is 44,000 mt. The US capacity, both harvesting and processing, is 10,000 mt of *Illex* and 14,000 mt of *Loligo*. The foreign surplus (TALFF) is 20,000 mt of *Illex* and 30,000 mt of *Loligo*.
2. Any vessel owner or operator (foreign or domestic) desiring to catch squid or transport or deliver for sale any squid, must possess the appropriate valid registration or permit from the NMFS. This does not apply to individual US fishermen catching squid for their personal use.
3. Foreign fishing for squid is restricted to five designated areas.
4. Appropriate gear restrictions are imposed on foreign vessels fishing for squid.
5. Periodic reports on squid catches must be filed by foreign and domestic fishermen. Domestic dealers and processors must submit weekly reports on any transactions involving squid.
6. Incentives are provided, as discussed in Section XIII–8, to encourage development of the domestic squid industry.
7. A reassessment of the estimated US harvesting capacity for squid will be conducted annually.

Alternative management measures considered for Amendment #1 were:

1. Take No Action At This Time—This alternative would mean that the FMP would lapse. The NMFS would be required to prepare a Preliminary Management Plan (PMP). PMPs regulate foreign, but not domestic, fishermen. The effect of this alternative would be that the data that would be collected on domestic fishing and processing efforts as a result of this plan could not be collected as effectively, and assessments of the scope and development of the domestic fishery would not be as accurate as they would be with the FMP.
2. Continue The FMP For Fishing Year 1980–1981 With No Other Changes—This would mean that the FMP would need to be amended again prior to the beginning of fishing year 1981–1982. The following quantities would apply to fishing year 1980–1981:

	Metric tons	
	Illex	*Loligo*
OY	30,000	44,000
DAH	10,000	14,000
DAP	10,000	14,000
TALFF	20,000	30,000

3. Continue The FMP Without Time Limits With No Other Changes—This would eliminate the need for annual amendments to

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the FMP unless necessitated by new biological or other data. The following annual quantities would result:

	Metric tons	
	Illex	Loligo
OY	30,000	44,000
DAH	10,000	14,000
DAP	10,000	14,000
TALFF	20,000	30,000

4. Provide A Reserve For *Illex* and *Loligo*—This concept is useful in a developing US fishery when accurate estimates of DAH and DAP cannot be made at the beginning of the fishing year. A portion of the OY would be placed in reserve and distributed during the fishing year to DAH and TALFF based on performance of the US harvesting sector and the most recent stocks assessments. This alternative could be combined with a one year extension, a two year extension, or an indefinite extension of the FMP. The following annual quantities would result:

	Metric tons	
	Illex	Loligo
OY	30,000	44,000
DAH	5,000	7,000
DAP	5,000	7,000
TALFF	12,000	18,000
RESERVE	13,000	19,000

5. Increase OYs—This may result in a reduction in future productivity of the stocks assuming a moderate stock-recruitment relationship. The relationship, however, between stock size and recruitment for either species is unknown. If recruitment is independent of spawning stock, increases in OYs could occur without risk to future productivity. Sufficient information is not now available with which to estimate the impact of increased OYs for *Loligo* or *Illex* until responses of the squid populations, particularly *Illex*, to present OY levels are observed.

6. Reduce OYs—This would decrease the chances of a reduction in future productivity of these stocks, but unless there is a strong stock recruitment relationship, the most likely result is that a resource available for harvest would be underutilized. This is in part predicated in the fact that the OYs selected for both *Loligo* and *Illex* take into consideration the short life spans of the species. Based on past catch estimates and trends in abundance, there is little justification for reducing the OYs for *Loligo* or *Illex* below these levels.

7. Combine The Squid And Butterfish FMPs—The Atlantic squid and butterfish fisheries are currently managed separately. The fisheries are related. Coordinated management of these fisheries would have substantive advantages in the long-run because it could facilitate comprehensive evaluation of both fisheries together. From an administrative standpoint, the regulatory process would be simplified by having one set of regulations rather than two sets of identical regulations. Merger should also result in administrative cost savings, not only in the area of regulations, but also in the amendment process.

8. Combine Objectives 5 and 7 Into A New Objective 5 And Designate Objective 8 As Objective 7—The new Objective 5 would read "Improve understanding of the condition of the stocks, including predator-prey relationships."

The Council has adopted Alternatives 4 and 8, with an indefinite extension of the FMP, as the final management measures for Amendment #1. In addition, the Council intends to combine the Squid and Butterfish FMPs as soon as possible following approval of the Butterfish FMP by the Secretary of Commerce.

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IV. Introduction

This Amendment No. 1 to the Atlantic Squid FMP is designed to extend the FMP beyond the end of fishing year 1979–1980 (March 31, 1980) and to make appropriate changes to Optimum Yield and quotas. The basic data about the fishery has not changed since the FMP was approved.

The lastest stock assessment is presented in Appendix I of Amendment No. 1. That assessment indicates that the condition of the stock does not warrant a change in the Maximum Sustainable Yields established in the FMP and does not place a biological constraint on the specification of Optimum Yields (OY) up to the MSY levels.

The alternatives presented in Amendment No. 1 are essentially refinements of the regime in the FMP.

V. Description of Stocks

The most recent stock assessment prepared by the Northeast Fisheries Center, NMFS, is presented as Appendix I to this Amendment. This document presents information regarding the squid stocks from the Gulf of Maine through the Middle Atlantic area, and updates the assessment presented in the original FMP. The assessment appended to this Amendment provides information on US and foreign catches, catch per unit of effort indices, 1978 spring, summer and autumn NMFS research trawl survey results, and 1979 spring survey results.

This assessment indicates the abundance of *Loligo* in 1979 to be probably of a magnitude "comparable to the long-term average". The NMFS survey data also suggest that *Illex* abundance may be at a near-record level in 1979. There are no data available from this assessment which would warrant, in the opinion of the Council, any chages from the Optimum Yields specified by the FMP.

VI. Description of Habitat

No data are available which would necessitate a change to this section of the FMP.

VII. Fishery Management Jurisdiction, Laws, and Policies

No data are available which would necessitate a change to this section of the FMP.

VIII. Description of Fishing Activities

No data are available which would necessitate a change to this section of the FMP.

IX. Description of Economic Characteristics of the Fishery

No data are available which would necessitate a change to this section of the FMP.

X. Description of Businesses, Markets, and Organizations Associated with the Fishery

No data are available which would necessitate a change to this section of the FMP.

XI. Description of Social and Cultural Framework of Domestic Fishermen and Their Communities

No data are available which would necessitate a change to this section of the FMP.

XII. Determination of Optimum Yield

XII–1. Specific Management Objectives

The Mid-Atlantic Council has adopted eight objectives to guide management and development of the squid fishery in the northwestern Atlantic. They are:

1. Achieve and maintain optimum stocks for future recruitment.
2. Prevent destructive exploitation of squid species.
3. Minimize capture of nontarget species.
4. Achieve efficiency in harvesting and use.
5. Maintain adequate food supply for predator species, recognizing that squid are also predators.
6. Minimize user conflicts.
7. Improve understanding of the condition of the stocks.

8. Encourage increased American participation in the squid fishery.

XII–2. Description of Alternatives

Alternative management measures considered for Amendment No. 1 were:

1. *Take No Action At This Time*—This alternative would mean that the FMP would lapse. The NMFS would be required to prepare a Preliminary Management Plan (PMP). PMPs regulate foreign, but not domestic, fishermen. The effect of this alternative would be that the data that would be collected on domestic fishing and processing efforts as a result of this plan could not be collected as effectively, and assessments of the scope and development of the domestic fishery would not be as accurate as they would be with the FMP.

2. *Continue The FMP For Fishing Year 1980–1981 With No Other Changes*—This would mean that the FMP would need to be amended again prior to the beginning of fishing year 1981–1982. The following quantities would apply to fishing year 1980–1981:

	Metric tons	
	Illex	Loligo
OY	30,000	44,000
DAH	10,000	14,000
DAP	10,000	14,000
TALFF	20,000	30,000

3. *Continue The FMP Without Time Limits With No Other Changes*—This would eliminate the need for annual amendments to the FMP unless necessitated by new biological or other data. The following annual quantities would result:

	Metric tons	
	Illex	Loligo
OY	30,000	44,000
DAH	10,000	14,000
DAP	10,000	14,000
TALFF	20,000	30,000

4. *Provide A Reserve For Illex And Loligo*—This concept is useful in a developing US fishery when accurate estimates of DAH and DAP cannot be made at the beginning of the fishing year. A portion of the OY would be placed in reserve and distributed during the fishing year to DAH and TALFF based on performance of this US harvesting sector and the most recent stocks assessments. This alternative could be combined with a one year extension, a two year extension, or an indefinite extension of the FMP. The following quantities would result:

	Metric tons	
	Illex	Loligo
OY	30,000	44,000
DAH	5,000	7,000
DAP	5,000	7,000
TALFF	12,000	18,000
RESERVE	13,000	19,000

5. *Increase OYs*—This may result in a reduction in future productivity of the stocks assuming a moderate stock-recruitment relationship. The relationship, however, between stock size and recruitment for either species is unknown. If recruitment is independent of spawning stock, increases in OYs could occur without risk to future productivity. Sufficient information is not now available with which to estimate the impact of increased OYs for *Loligo* or *Illex* until responses of the squid populations, particularly *Illex*, to present OY levels are observed.

6. *Reduce OYs*—This would decrease the chances of a reduction in future productivity of these stocks, but unless there is a strong stock recruitment relationship, the most likely result is that a resource available for harvest would be underutilized. This is in part predicated on the fact that the OYs selected for both *Loligo* and *Illex* take into consideration the short life spans of the species. based on past catch estimates and trends in abundance, there is little justification for reducing the OYs for *Loligo* or *Illex* below these levels.

7. *Combine The Squid And Butterfish FMPs*—The Atlantic Squid and butterfish fisheries are currently managed separately. The fisheries are related. Coordinated management of these fisheries would have substantive advantages in the long-run because it could facilitate comprehensive evaluation of both fisheries together. From an administrative standpoint, the regulatory process would be simplified by having one set of regulations rather than two sets of identical regulations. Merger should also result in administrative cost savings, not only in the area of regulations, but also in the amendment process.

8. *Combine Objectives 5 And 7 Into A New Objective 5 And Designate Objective 8 As Objective 7*—The new Objective 5 would read "Improve understanding of the condition of the stocks, including predator-prey relationships."

XII–3. Analysis of Beneficial and Adverse Impacts of Potential Management Options

Alternative 1 would remove regulation of the US fishery. This could lead to overfishing as this fishery expands. It would remove the data reporting requirements on US fishermen and processors. Since this alternative would not regulate US fishermen and processors, there would be a governmental cost saving.

Alternatives 2 and 3 are similar in their impacts, except that Alternative 2 would require an amendment to extend the FMP beyond fishing year 1981–1982, even though no other changes were required. The primary adverse impact from these alternatives is that they could lead to a closure of the US fishery if landings reached the DAH level. US squid landings have been increasing, although data are too limited to warrant increases in DAH and DAP above those proposed at this time. The Council has conducted a limited survey of processors and believes that the DAP quantities specified are reasonable. Since the TALFFs specified in these alternatives are the same as the TALFFs in the original FMP, the impacts of these alternatives should not differ from those of the original FMP on foreign fishermen.

Alternative 4 is intneded to address the developing nature of the US fishery. While available data support conservative estimates of DAH and DAP, the developing nature of the US fishery leads to the conclusion that provision should be made for such development, even though it cannot be accurately projected. By including a Reserve, this possible growth in the US fishery is provided for. A portion of the Reserve not needed by the US fishery could be reallocated to TALFF if the latest stock assessments available at the time of reallocation indicate that such action is warranted. This alternative would have an adverse impact of foreign fishermen relative to the original FMP in that the initial TALFFs would be substantially smaller than the TALFFs in the original FMP. However, the condition of the stock (see Appendix I) does not justify an increase in the OYs proposed.

Alternatives 5 and 6 address the question of alternative OYs. The Council has concluded that, given the latest assessment of stock condition (Appendix I), there is no reason to change the OYs from those in the original FMP. Lowering the OYs could lead to wasted resources and increased OYs could lead to overfishing.

Alternative 7 has two advantages. The first is a governmental cost saving associated with one FMP and amendments thereto, one set of regulations, one set of reports, and one permit system rather than two. The second advantage is that the combination of the two FMPs could facilitate joint management of two related fisheries. For example, the TALFF in the original Butterfish FMP was primarily intended to meet foreign by-catch requirements in the *Loligo* fishery. This problem could be addressed in a more meaningful fashion if both species were managed jointly in one FMP . In addition, the developing US fisheries for both butterfish and squid seem to involve the same fishermen and processors. A joint FMP could greatly facilitate future impact assessments on the US fishery.

Alternative 8 is intended to address the lack of information on predator-prey relationships. Objective 4, "Maintain adequate food supply for predator species, recognizing that squid are also predators" implies there is adequate knowledge so that management measures to achieve objective 4 could be implemented. The revised objective "improve understanding of the condition of the stocks, including predator-prey relationships" seems more realistic at this time.

XII–4. Tradeoffs Between the Beneficial and Adverse Impacts of the Preferred Management Option

The preferred option is a combination of alternatives 4, 7, and 8 with a multi-year extension of the FMP. This option would provide for growth of the US fishery. While the DAH for *Illex* is 5,000 mt and the DAH for *Loligo* is 7,000 mt, the Reserve amounts added to DAH allow for a maximum US harvest of 18,000 mt of *Illex* and 26,000 mt of *Loligo*. The initial DAH and DAP estimates are considered reasonable, given available data. It must be noted that, in this FMP, processing is defined to include freezing.

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Therefore, since virtually all squid is at least frozen, DAP is estimated equal to DAH. It must be recognized that this is an estimate based on the best data available to the Council at the time Amendment #1 was finalized and that during the implementation of the amended FMP the fishery may develop so that DAH exceeds DAP. Such difference should not be considered a conflict with the objectives of the amended FMP. For example, the management measures set forth in Section XIII–3 specifically provide for the development of joint ventures, the approval of which would require that DAH exceed DAP.

The Council recognizes that joint ventures for squid may be developed. Given the uncertain rate of development of the domestic harvesting and processing sectors, it is impossible to reasonably estimate any difference between DAH and DAP at this time. However, the combined values of the DAHs plus Reserves for both species should permit the development of the US fishery as well as any joint ventures. The Council's first priority is the development of the US harvesting and processing sectors in a coordinated fashion. However, it is the Council's intent that joint ventures be considered for both species on a case by case basis, with the primary criterion for approval of such joint ventures being the extent to which domestic processors can process in the catch of US harvestors. If, during the life of the plan, US harvesting capacity in fact exceeds US processing capacity and if the development of a joint venture to use the excess harvesting capacity would not harm the development of the US processing sector, such joint venture proposals could be considered.

It is recognized that the initial TALFFs specified under the preferred option could have an adverse impact on foreign fishermen relative to the quantities specified in the original FMP. However, there is a possibility that foreign fishermen would receive some of the Reserve. This management strategy seems justified in light of the need to address the needs of the developing US fishery while not setting OYs at levels that would lead to overfishing.

XII.5. Specification of Optimum Yield

The Mid-Atlantic Fishery Management Council has determined that the annual optimum yield of *Loligo* should be set at 44,000 mt. This is equal to the best conservative estimate of MSY for this species. The Mid-Atlantic Council has determined that OY should be equivalent to MSY for this species for the following reasons: (1) The best and most recent scientific evidence indicates that this species is neither overfished nor depleted in abundance. (2) the short life-span of this species suggests that the portion of the MSY not taken through fishing would be lost (with no resultant benefit to future recruitment) through natural mortality, and (3) overall demand for squid is great and probably surpasses the combined OYs described in the FMP. Thus, harvesting at the MSy level should allow for the greatest benefit to the nation while guarding against overfishing.

Scientific information for *Illex* is such less complete than that for *Loligo*. Information available to date suggests that the MSY for *Illex* in ICNAF SA 5 and 6 (equivalent for all practical purposes to the management unit specified for this FMP) may be approximately 40,000 mt for a moderate to strong stock-recruitment relationship. In some years this amount may be too high, based on USSR estimates of stock size and the application of a 37% exploitation rate (section V–2 of the original FMP).

The Council has determined that an *Illex* harvest of 30,000 mt will be the Optimum Yield. The Council has determined that this is the greatest harvest consistent with sound conservation and management principles. The following factors were taken into consideration in the establishment of this OY: (1) Uncertainties as to *Illex* population structure in the northwest Atlantic and stock-recruitment relationship; (2) environmental considerations stemming from the uncertainties of (1) and recognition of the important role *Illex* plays as prey in the ecosystem; (3) recognition of the fact that current NMFS autumn and spring survey systems are suboptimal for this species and produce untimely biological data for *Illex;* (4) recognition of the developing nature of this fishery; (5) the intent to accomodate to a limited degree the foreign squid fishery which will experience declines in its *Loligo* catches over historic levels. This OY for *Illex* is greater than the peak total catch of this species in ICNAF SA 5 and 6, while simultaneously it is conservative biologically.

It is the Council's intention to provide for a cautious development of this fishery, at least until such time as biological and ecological information about this species is more fully developed.

The Council made these determinations of Optimum Yield in light of the biological and socio-economic data and analyses presented earlier in the plan. In estimating DAH the Council has considered not only the historical domestic harvest but also the development of the fishery. The Council has been advised by fishermen and through the recently completed survey of processors that a number of US vessels will be added to this fishery in the near future.

In setting the initial DAH for *Loligo* at 7,000 mt and for *Illex* at 5,000 mt, the Council has attempted to reflect not only the past performance of US fishermen in this fishery, but the anticipated change in traditional fishing patterns and practices which the Council reasonably anticipates will take place in the next few years. The Council has set these levels in accordance with the provisions of a Reserve of 19,000 mt for *Loligo* and 13,000 mt for *Illex* to allow for an expansion of domestic effort in the fishery. As shown in Figure 1 and Tables 1 and 2, US squid landings have been increasing with catches for the firs nine months of 1979 about 3 times and 2.5 times the 16-year average for *Loligo* and *Illex*, respectively.

Traditionally, squid has usually been harvested only as an incidental catch to commercially more valuable species. Consequently, domestic catch has been small in comparison with the total catch of squid by vessels of foreign nations. For example, the US domestic catch of squid in both 1975 and 1976 amounted to only five percent of the total catch of squid in the northwest Atlantic Ocean (ICNAF SA 5 and 6). Recently, however, squid has become a more sought after commercial species due, at least in part, to an increase in ex-vessel price. The average ex-vessel price of squid has been on the rise for a number of years. Within the past year or so, the availability of foreign markets to US-caught squid has caused a dramatic increase in this price. The Council believes that ex-vessel squid prices will remain at attractive levels. This belief stems from the continuing great demand for squid by foreign markets and the diminuation in allocations of squid in the northwest Atlantic Ocean available to foreign nations as represented by the TALFF.

In the past, top quality squid has commanded a good price, competitive with other finfish species so long as total quantity remained small. As a result, domestic fishermen have had no incentive to harvest squid intensely. Whenever catch rates increased even slightly, significant decreases in price would occur because of the domestic market's inability to absorb increased product supply. With an expanded market from exports, ex-vessel price structure of *Loligo* and *Illex* should change. So long as domestic fishing interest can assure foreign markets of an adequate product supply meeting all specified product criteria, prices will remain at stable levels throughout the fishing season. This should be an added inducement to develop further the domestic squid fishery.

Aside from the incentive represented by current squid ex-vessel prices, the Council expects the current restrictive quotes for regulated species such as groundfish and surf clam and a decline in abundance of presently non-regulated species such as scallop will provide inducement for fishermen and investors to transfer effort and capital into the squid fishery. The Council has been advised that significant numbers of vessels in the New England and Mid-Atlantic areas are currently being outfitted to fish exclusively for squid. In consequence, both the incidental nature and brief duration of the domestic fishery are expected to change. This will have a dramatic effect on the level of catch by domestic fishermen.

In addition to accommodating any increase in effort in the domestic squid fishery, the present level of domestic capacity is intended to provide for that part of the domestic catch which is as yet unquantified. Squid represent an important source of bait in the recreational fishery. While data on the recreational fishery are not well developed, reports indicate a minimum of 8,400 pounds of squid landed by private recreational anglers as bait in 1973 in the States of Massachusetts and Rhode Island alone. The Council believes that this figure, when expanded to include those unreported amounts of squid caught as bait by private recreational vessels coupled with the increased levels of recreational catch since 1973, may realistically be 50 mt for these two States. Once this bait squid catch is projected for the entire east coast, the level may be substantial. These factors must be considered from a fishery management standpoint. Other aspects of the domestic squid fishery for which there are no data include catch by

private recreational anglers for their own use and the incidental catch of squid in other bottom-trawl fisheries which is discarded at sea as trash.

While the Council may adopt a different management strategy to address the various components of the domestric squid fishery in the future, the Council has determined, based upon the facts and opinions presented to it, that the present level of domestic capacity is reasonable to account for both increases in effort and the unquantified components of the fishery discussed above. As effort levels stabilize, reporting provides a more comprehensive view of the fishery, and angler surveys provide some estimate of the magnitude of the private recreational catch, the Council will be better able to estimate the anticipated domestic harvest for an upcoming fishing year. Until that time, however, the Council believes that the most reasonable approach in light of the uncertainties concerning domestic catch is to set a domestic harvesting capacity which is as realistic as possible, and to use a Reserve to provide for adjustment to DAH if the fishery grow more rapidly than current data indicate. If U.S. fishermen do not harvest their entire quota plus the Reserve, and if biological conditions warrant, then reallocations to TALFF are provided for in Section XIII–3 of this Amendment.

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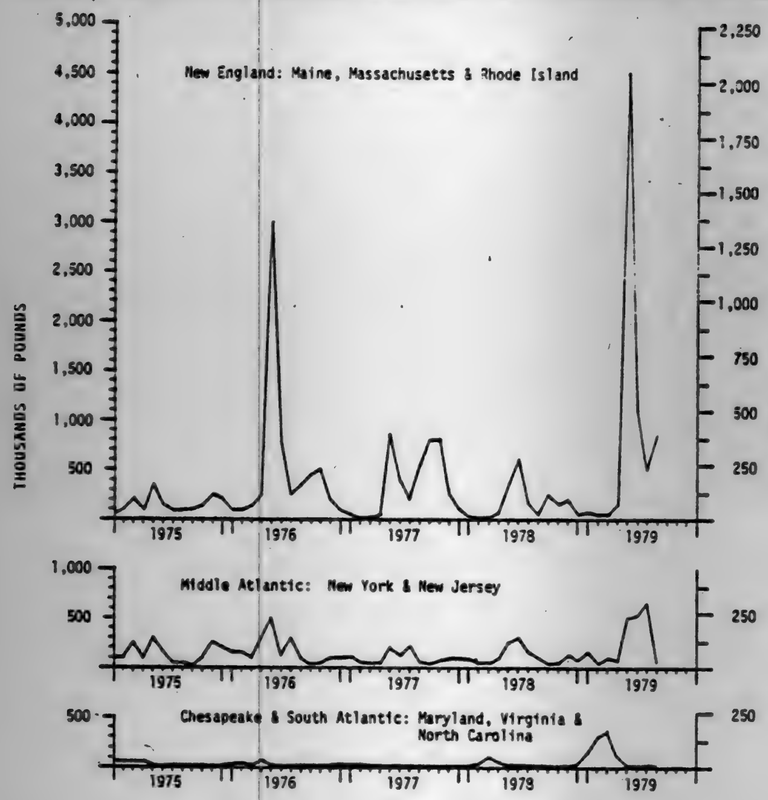

Figure 1. US Squid (Loligo pealei and Illex illecebrosus)
Landings By Region By Month
January, 1975 -- August, 1979

Table 1. US And Foreign Catches Of Loligo In US Waters, 1963 - 1979
(metric tons)

Year	US Landings	US Landings: % of Total	Foreign Landings	Foreign Landings: % of Total	Total Landings
1963	1,249	100	0	0	1,249
1964	572	100	4	0	576
1965	709	88	99	12	808
1966	722	76	226	24	948
1967	1,125	67	553	33	1,678
1968	1,083	31	2,366	69	3,449
1969	898	10	8,205	90	9,103
1970	652	2	35,532	98	36,184
1971	727	4	16,020	96	16,747
1972	742	2	36,047	98	36,789
1973	1,100	3	41,840	97	42,940
1974	2,141	6	32,613	94	34,754
1975	1,621	5	32,181	95	33,802
1976	3,602	14	21,682	86	25,284
1977	1,088	7	15,586	93	16,674
1978[1]	1,476	14	9,356	86	10,832
1979[1,2]	3,583	27	9,784	73	13,367

1 Preliminary
2 1 January - 15 October for Maine - Virginia; 1 January - 30 September for States south of Virginia; 1 January - 20 October for foreign countries

Table 2. US And Foreign Catches Of Illex In US Waters, 1963 - 1979
(metric tons)

Year	US Landings	US Landings: % of Total	Foreign Landings	Foreign Landings: % of Total	Total Landings
1963	810	100	0	0	810
1964	358	100	0	0	358
1965	444	85	78	15	522
1966	452	79	118	21	570
1967	704	71	288	29	992
1968	678	20	2,712	80	3,390
1969	562	40	847	60	1,409
1970	408	58	293	42	701
1971	455	8	4,984	92	5,439
1972	472	4	11,441	96	11,913
1973	530	4	13,166	96	13,696
1974	148	1	20,375	99	10,523
1975	107	1	17,779	99	17,886
1976	229	1	24,707	99	24,936
1977	1,024	4	23,293	96	24,317
1978[1]	385	2	17,310	98	17,695
1979[1,2]	1,231	9	12,544	91	13,785

1 Preliminary
2 1 January - 15 October for Maine - Virginia; 1 January - 30 September for States south of Virginia; 1 January - 20 October for foreign countries

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Table 3.—*Maximum Sustainable Yield, Optimum Yield, Domestic Annual Harvest, Domestic Annual Processing, Reserve, and TALFF*

[metric tons]

Species	MSY	OY	DAH	DAP	Reserve	TALFF
Illex	40,000	30,000	5,000	5,000	13,000	12,000
Loligo	44,000	44,000	7,000	7,000	19,000	18,000

Relationships Between This FMP and The National Standards

Section 301(a) of the Fishery Conservation and Management Act states that: "Any fishery management plan prepared, and any regulation promulgated to implement such plan * * * shall be consistent with the following national standards for fishery conservation and management." The following is a discussion of the standards and how this FMP meets them:

"(1) Conservation and management measures shall prevent overfishing while achieving, on a continuous basis, the optimum yield from each fishery." The best scientific evidence available indicates that neither species of squid is currently overfished nor at a reduced level of abundance. Harvests of both species at the Optimum Yield levels described in this Amendment should not endanger future harvests at comparable levels.

"(2) Conservation and management measures shall be based upon the best scientific information available." This FMP is based on the best and most recent scientific evidence currently available.

"(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination." This FMP meets the requirements of this standard by simultaneously managing *Loligo* and *Illex* in a complementary manner.

"(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges." The OYs and DAH estimated described in this Amendment will accommodate all U.S. demand for squid in the commercial and recreational fisheries without prejudice to residents of any State. The seasonal movements of these species make it extremely unlikely that fishermen of any State or region could harvest the U.S. capacity before the species become available to other domestic fishermen.

"(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of the fishery resources; except that no such measure shall have economic allocation as its sole purpose." Since domestic fisheries presently harvest both squid species significantly beneath the respective OY levels, no economic inefficiencies due to surplus investment or fishing effort, or similar considerations, should result from the provisions of this Amendment. As U.S. capacity estimates for squid anticipate some redirection to these species of domestic commercial fishing effort from traditional and currently depleted resources, such as groundfish, this Amendment will promote greater overall economic efficiency in domestic commercial fisheries.

"(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches." This Amendment and the OYs and allocations described herein take into account possible fluctuations in species abundance and expected trends in U.S. demand for squid.

"(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication." The management measures outlined in this Amendment are consistent with and complement, but do not duplicate, management measures contained in other FMPs or PMPs. Costs of management should not differ significantly from the costs associated with implementing the original FMP.

XIII. Measures, Requirements, Conditions, or Restrictions Proposed to Attain Management Objectives

Note.—*All references to the Foreign Fishing Regulations are intended to adopt by reference the Foreign Fishing Regulations as they may exist at the time of the adoption of this FMP by the Secretary of Commerce and as they may be amended from time to time following FMP adoption.*

XIII–1. Permits and Fees

No changes are proposed in Amendment #1.

XIII–2. Time and Area Restrictions

Foreign nations fishing for squid shall be subject to the time and area restrictions set forth in part 611.50 of Title 50 Code of Federal Regulations (CFR).

Fixed Gear Avoidance

Foreign nations fishing for squid shall be subject to the fixed gear avoidance regulations set forth in part 611.50(e) of 50 CFR.

XIII–3. Catch Limitations

The fishing year for both species shall be the twelve (12) month period beginning 1 April.

The initial annual Total Allowable Levels of Foreign Fishing are 12,000 mt of *Illex* and 18,000 mt of *Loligo*.

The initial annual quotas for U.S. fishermen are 5,000 mt of *Illex* and 7,000 mt of *Loligo*.

It is the policy of the Mid-Atlantic Fishery Management Council that the Assistant Administrator for Fisheries, NOAA, be allowed to make an in-season adjustment to the estimated Domestic Annual Harvest (DAH) and Total Allowable Level of Foreign Fishing (TALFF) for *Loligo* and *Illex* based on the criteria specified by the Council as set forth below. The Council further establishes that any allocation made by the Assistant Administrator in consultation with the Council must be consistent with the objectives of this FMP. Any in-season adjustment will be made on a species-specific basis due to the differing life cycles of and fisheries for *Loligo* and *Illex*. An adjustment is a temporary in-season increase of DAH and annual domestic quota, a temporary in-season increase of TALFF, and a temporary in-season decrease in Reserve for the affected species. At the end of the fishing year (31 March), DAHs, annual domestic quotas, TALFFs, and Reserves shall revert to the amounts specified by the Mid-Atlantic Fishery Management Council in Section XII–5 of this FMP.

This Council's criteria to guide the Assistant Administrator in the allocation process are as follows:

Allocations From Reserve

The National Marine Fisheries Service (NMFS) shall review reported domestic harvest (including off-loadings at sea) for *Loligo* and *Illex* on a monthly basis. Domestic harvest shall be determined based upon vessel and processor reports required by Section XIV of this FMP and additional port sampling data collected by NMFS.

The Assistant Administrator shall project the total amount of Atlantic squid that will be harvested by US fishermen during the entire fishing year. In making these projections the Assistant Administrator shall consider not only the actual reported domestic harvest, but also the ability and intent of domestic harvestors and processors to harvest and process squid for domestic consumption and export for the remainder of the fishing year. It is the Council's intent that no reallocation shall be made from Reserve to TALFF if domestic harvestors and processors are able and willing to sell squid for export at a reasonable price and acceptable quality but foreign nations are unwilling to purchase such squid in anticipation of receiving additional allocations from the Reserve.

If joint ventures are proposed, the Assistant Administrator shall determine if approval of such proposals will have a negative impact on the US squid processing industry. If the joint ventures will not have a negative impact on the US squid processing industry, the Assistant Administrator shall allocate from the Reserve to DAH the amount of the appropriate squid species as required by such joint ventures.

If the estimated amount of Atlantic squid to be harvested by US fishermen exceeds domestic annual harvest for either or both species, the Assistant Administrator shall allocate a sufficient quantity of the affected species to domestic annual harvest. Such allocation shall ensure that the US fishery for that species of squid will not be subject to closure except in the event that domestic landings of that specis of squid threaten to exceed domestic annual harvest plus the Reserve for that species of squid.

At the end of the first six months of the fishing year, if the estimated total amount of Atlantic squid to be harvested by US fishermen is less tha 80 percent of total of domestic annual harvest plus the Reserve (i.e., 14,400 mt for *Illex* and 20,800 mt for *Loligo*), for either or both species of squid, then the Assistant Administrator shall consider an allocation of part of the Reserve for *Loligo* and/or *Illex* to TALFF.

The Assistant Administrator shall accomplish any allocation of *Loligo* and/or *Illex* through the regulatory process. Notice of proposed rulemaking stating the amount of either or both species to be allocated shall be published in the **Federal Register**. The public shall be given a 15-day comment period from the date of publication. During this time the Assistant Administrator or his designee shall consult with the appropriate committee of the Council to ensure that the proposed allocation is consistent with the objectives contained in the FMP. The Assistant Administrator shall publish final regulations in the **Federal Register** to accomplish any allocation after taking into account as appropriate: (1) The intent and capability of the domestic industry to harvest *Loligo* and/or *Illex* during the latter portion of the fishing year as expressed during the public comment period; (2) the status of the squid populations; and (3) the current harvest of *Loligo* and *Illex* by foreign nationals. The Council believes these final regulations should be published in the **Federal Register** in a timely manner to allow for proper notice. When the final regulations are published in the **Federal Register**, all comments and relevant information received including catch statistics shall be summarized.

The Council has determined that it is inappropriate to provide for allocation of the entire Reserve for both *Loligo* and *Illex* for the following reasons:

(1) Squid harvested by private domestic recreational vessels for use as bait usually goes unreported and thus is not quantifiable.

(2) The uncertainties which presently exist whereby the Council is unable to manage squid throughout the range of the *Illex* stock because of its transboundary nature.

(3) The unknown amount of incidental catch from both squid stocks which goes unreported by vessels using bottom gear.

(4) The possibility of unforeseen entry into the squid fishery by domestic fishermen late in the season.

The Council anticipates that the Assistant Administrator, after consultation with the Council, will implement the intent of the FMP to restrict US harvest in excess of DAH plus the Reserve by imposing such measures including, but not limited to, trip limitations, quarterly or half yearly quotas, and closed areas, as she deems appropriate in the final regulations. Such measures should ensure the achievement of OY in a manner that does not result in a sudden dislocation of those involved in the fishery. The Council intends that these measures will enable fishermen to redirect their effort in a timely manner should be a closure of the fishery or a substantial diminution in allowable catch become necessary.

XIII–4. Types of Gear

Foreign nations fishing for squid shall be subject to the gear restrictions set forth in § 611.50(c) of 50 CFR.

XIII–5. Incidental Catch

Foreign nations fishing for squid shall be subject to the incidental catch regulations set forth in §§ 611.13, 611.14, and 611.50 of 50 CFR.

XIII–6. Restrictions

No operator of any foreign fishing vessel, including those catching squid for use as bait in other directed fisheries, shall conduct a fishery for squid outside the areas designated for such fishing operations in this FMP.

XIII–7. Habitat Preservation, Protection and Restoration

The Council is deeply concerned about the effects of marine pollution on fishery resources in the Mid-Atlantic Region. It is mindful of its responsibility under the Fishery Conservation and Management Act to take into account the impact of pollution on fish. The extremely substantial quantity of pollutants which are being introduced into the Atlantic Ocean poses a threat to the continued existence of a viable fishery. In the opinion of the Council, elimination of this threat at the earliest possible time is determined to be necessary and appropriate for the conservation and management of the fishery, and for the achievement of the other objectives of the Fishery Conservation and Management Act as well. The Council, therefore, urges and directs the Secretary to forthwith proceed to take all necessary measures, including but not limited to, the obtaining of judicial decrees in appropriate courts, to abate, without delay, marine pollution emanating from the following sources: (1) The ocean dumping of raw sewage sludge, dredge spoils, and chemical wastes; (2) the discharge of raw sewage into the Hudson River, the New York Harbor, and other areas of the Mid-Atlantic Region; (3) the discharge of primary treated sewage from ocean outfall lines; (4) overflows from combined sanitary and storm sewer systems; and (5) discharges of harmful wastes of any kind, industrial or domestic, into the Hudson River or surrounding marine and estuarine waters.

XIII–8. Development of Fishery Resources

No changes are required as a result of Amendment No. 1.

XIII–9. Management Costs and Revenues

It is expected that the costs of implementing Amendment No. 1 should be similar to the cost of implementing the original FMP. The licensing and recordkeeping provisions are continued by the Amendment. There will be costs associated with monitoring catch levels for purposes of allocating the Reserve, but these should not differ significantly from the costs of monitoring under the original FMP for purposes of allocating from initial DAH to TALFF. The merger of the Atlantic Squid and Atlantic Butterfish FMPs should reduce governmental costs in the long-run.

XIV. Specifications and Sources of Pertinent Fishery Data

It is recommended that the reporting and recordkeeping requirements of the original FMP continue unchanged.

XV. Relationship of the Recommended Measures to Existing Applicable Laws and Policies

XV–1. Fishery Management Plans

This Amendment No. 1 to the Atlantic Squid FMP is related to other FMPs, PMPs, and proposed FMPs as follows:

1. It will amend the FMP regulating fishing for squid within the FCZ.

2. All fisheries of the northwest Atlantic are part of the same general geophysical, biological, social, and economic setting. Domestic and foreign fishing fleets, fishermen, and gear often are active in more than a single fishery. Thus, regulations implemented to govern harvesting of one species or a group of related species may impact upon other fisheries by causing transfers of fishing effort.

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3. Many fisheries of the northwest Atlantic result in significant non-target species fishing mortality. Therefore, each management plan must consider the impact of non-target species fishing mortality on other stocks and as a result of other fisheries.

4. Squid are a food item for many commercially and recreationally important fish species. Also, squid utilize young hake, mackerel, and herring, and possibly many other finfish species, as food items.

5. Present ongoing research programs often provide data on stock size, levels of recruitment, distribution, age, and growth for many species regulated by the PMPs, FMPs, and proposed FMPs.

XV–2. Treaties or International Agreements

No treaties or international agreements, other than GIFAs entered into pursuant to the FCMA, relate to this fishery.

XV–3. Federal Laws and Policies

The only Federal law that controls the fisheries covered by this management plan is the FCMA.

Marine Sanctuary and Other Special Management Systems

The USS Monitor Marine Sanctuary was officially established on January 30, 1975, under the Marine Protection, Research, and Sanctuaries Act of 1972. Rules and regulations have been issued for the Sanctuary (15 CFR Part 924). They prohibit deploying any equipment in the Sanctuary, fishing activities which involve "anchoring in any manner, stopping , remaining, or drifting without power at any time" (924.3(a)), and "trawling" (924.3(h)). Although the Sanctuary's position off the coast of North Carolina at 35°00'23" N latitude—75°24'32" W longitude is located in the plan's designated management area, it does not occur within, or in the vicinity of, any foreign fishing area. Therefore, there is no threat to the Sanctuary by allowing foreign squid fishing operations under this plan. Also, the Monitor Marine Sanctuary is clearly designated on all National Ocean Survey (NOS) charts by the caption "protected area." This minimizes the potential for damage to the Sanctuary by domestic fishing operations.

Current and/or Proposed Oil, Gas, Mineral, and Deep Water Port Development

While Outer Continental Shelf (OCS) development plans may involve areas overlapping those contemplated for offshore fishery management, we are unable to specify the relationship of both programs without site specific development information. Certainly, the potential for conflict exists if communication between interests is not maintained or appreciation of each other's efforts is lacking. Potential conflicts include, from a fishery management position: (1) Exclusion areas, (2) adverse impacts to sensitive, biologically important areas, (3) oil contamination, (4) substrate hazards to conventional fishing gear, and (5) competition for crews and harbor space. The Council has recommended that the nomination for the Georges Bank Sanctuary be reinstated and that an EIS be prepared for it.

We are not aware of pending deep water port plans which would directly impact offshore fishery management goals in the areas under consideration, nor are we aware of potential effects of offshore fishery management plans upon future development of deep water port facilities.

Potential Impact on Marine Mammals and Endangered Species

Numerous species of marine mammals occur in the northwest Atlantic Ocean, yet definitive species composition is unknown. Indications are that the most numerous species in the area are the common (saddleback) dolphin (*Delphinus delphis*), harbor porpoise (*Phocoena phocoena*), and harbor seal (*Phoca vitulina*). Data on population abundance for various species, however, is sketchy at best, and for some species is non-existent. In addition, feeding behavior and preference for certain prey species are not well understood. These facts in combination make it extremely difficult to assess, even qualitatively, the potential impact of the squid management program on marine mammal populations.

The harvest levels proposed in Amendment No. 1 are not expected to cause any declines in abundance of these species. Therefore, no change in the availability of these species to those toothed cetaceans and pinnipeds that utilize squid as a food item is expected to occur. The *Illex* OY has been reduced from MSY to in part allow for the fact that *Illex* is a prey species for may species, including pilot whales.

Whenever fishing gear and marine mammals occur in the same area, there always exists a potential for an incidental kill of marine mammals. Except in unique situations (e.g., tuna-porpoise in the central Pacific), the incidental kill as a result of commercial fishing activities usually has an insignificant impact upon the stability of marine mammal populations. This is because the number of animals killed is relatively small compared to total population size.

Outside of certain marine mammals, the only threatened/endangered species occurring in the northwest Atlantic are the shortnose sturgeon (*Acipenser brevirostrum*) and several species of sea turtles. Because data on occurrences of shortnose sturgeon are vital to understanding its current status, the Council urges fishermen to report any incidental catch of this species to the Shortnose Sturgeon Recovery Project of the NMFS.

Available data appear to indicate that several species of sea turtles are regularly found in New England waters. These turtles are the Kemp's ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), loggerhead (*Caretta caretta*), and green (*Chelonia mydas*). In addition, hawksbill turtles (*Eretmochelys imbricata*) occasionally stray into the area. The Kemp's ridley sea turtle, while probably the most endangered reptile on earth [total population estimated at several thousand adult individuals), is also the most frequently observed sea turtle in New England waters, especially Cape Cod Bay. Strandings of Kemp's ridley are routine, have been known to occur for some time, and result in some mortality to the stranded animals. One hypothesis is that individuals remain in the Bay until late autumn, and with the decrease in water temperature as winter approaches, these animals become subject to hypothermia and subsequently die.

In late autumn, 1978, seven Kemp's ridley turtles were found on the beaches along Cape Cod Bay. While several of these individuals were reportedly cut and bleeding when first observed, recent examination of the preserved specimens did not reveal any major physical damage to the individuals. It is possible that these animals were injured by fishing activity either through entanglement in the trawl nets or by contact with a vessel's propeller. However, there is no solid evidence to indicate that fishing operations were responsible for the kills. Based on inquiries to fishermen conducted by NMFS and Massachusetts Division of Marine Fisheries personnel, the general conclusion can be drawn that regular and numerous killings of Kemp's ridley turtles in Cape Cod Bay do not occur as a result of normal commercial fishing operations. Additional monitoring of turtles is needed.

In conclusion, the Council does not believe that continuation of the Squid FMP will have any adverse impact upon populations of marine mammals and endangered species. As additional understanding of the status and dynamics of marine mammal and sea turtle populations becomes available, the Council will integrate this information in examining potential impacts upon the environment as a result of FMPs.

XV–4. State, Local, and Other Applicable Laws and Policies

No State or local laws control the fisheries that are subject of this management plan.

State Coastal Zone Management (CZM) Programs

The proposed action entails management of squid stocks in an effort to ensure sustained productivity at some optimum level. In order to achieve this goal, all management plans must incorporate means to achieve integrity of fish stocks, related food chains, and habitat necessary for this integrated biological system to function effectively. Inasmuch as CZM plans are presently in the developmental stages, we are not aware of specific measures on the part of the individual states which would ultimately impact this fishery plan. However, the CZM Act of 1972, as amended, is primarily protective in nature, and provides measures for ensuring stability of productive fishery habitat within the coastal zone. Therefore, each State's CZM plan will probably assimilate the ecological principles upon which this particular fishery management plan is based. It is recognized that responsible long-range management of both coastal zones and fish stocks must involve mutually supportive goals. At the time that the draft of Amendment No. 1 was distributed for review, the Council had been advised that Maine, Massachusetts, Rhode Island, New Jersey, Maryland, and North Carolina have approved CZM programs. Copies of the draft were sent to the CZM agencies in those States for review and no comments were received.

XVI. Council Review and Monitoring of the Plan

The Council will review the plan each year. The review will include the most recent cruise survey data and data on the US harvesting and processing industries. This will permit a review of MSY, OY, US Capacity, and TALFF and the development of any required modifications to the FMP. These reviews will be carried out so that any amendments to the FMP can be reviewed by the Council and the public and be implemented by the Secretary of Commerce by April 1 of each year. This schedule may be modified in the future as the fishery evolves.

XVII. References

All requests for background information, biological assessments, etc., should be directed to the offices of the Mid-Atlantic Fishery Management Council. Additions to the references listed in the original FMP are:

Mid-Atlantic Fishery Management Council. 1978. Atlantic Squid Fishery Management Plan.

Lange, Anne M. T., Squid (*Loligo pealei* and *Illex illecebrosus*) stock status update: July, 1979. NMFS, Northeast Fisheries Center, Woods Hole Laboratory. Lab. Reference No. 79–30.

Appendix I—Squid (Loligo Pealei and Illex Illecebrosus) Stock Status Update: July 1979 [1]

Introduction

This document presents recent information regarding the squid stocks *Loligo pealei* and *Illex illecebrosus* from the Gulf of Maine to the Middle Atlantic area (ICNAF areas 5 + 6, Figure 1). It is an update of the squid stock status report of June 1978 (Lange, NEFC, Lab. Ref. No. 78–36) [2] and provides 1978 USA and foreign commercial catches and length frequency samples by month and USA monthly catch per effort indices; current 1979 USA and foreign commercial catches; 1978 spring, summer, and autumn USA research bottom trawl survey results, including autumn abundance and pre-recruit indices; and 1979 USA spring survey results.

Results and Discussion

Commercial Fishery

Provisional USA squid catches totaled 1,861 mt (Table 1) in 1978, compared with 2,553 mt reported in 1977. This total consisted of 1,476 mt of *Loligo* and 385 mt of *Illex*. *Illex* catches decreased 67% from the 1977 level while *Loligo* catches increased about 8%. Though some squid were caught in every month, the greatest USA catches occurred in May and June, while *Loligo* were inshore to spawn and *Illex* were in shallow waters to feed. Through April 1979, preliminary USA squid catches totaled 258 mt of *Loligo* and 20 mt of *Illex*.

US catch per effort of each squid species, based on vessel trips where 50% or more of the catch was *Loligo* or *Illex*, is presented in Table 2. In 1978, overall catch per effort, especially in the southern New England area, decreased for all vessel types from the 1976 and 1977 values.

Preliminary 1978 squid catches for other countries totaled 26,666 mt: 9,356 mt of *Loligo* and 17,310 of *Illex*. This represents a 43% decline in *Loligo* and a 27% decline in *Illex* catches when compared to 1977 values (1977 total—41,237 mt). These preliminary estimates show only 42.1% of the foreign allocation for *Loligo* and 54.6% of the *Illex* quota were taken in 1978. Even when considering only the catches and allocations of those countries with a directed squid fishery (Italy, Japan, Mexico, and Spain), only 45.8% and 76.5% of the *Loligo* and *Illex* quotas, respectively, were caught. It should be noted, however, that Japanese and Italian catches may have been restricted by limits on by catch (97% and 71%, respectively, of their butterfish allocations were taken).

Preliminary catches in the foreign fishery through June 1979, however, totaled 9,707 mt of *Loligo* (53% of the TALFF) and 3,804 mt of *Illex* (20% of the TALFF). This is about twice the catch of *Loligo* and about the same catch of *Illex* for the same time period in 1978. Based on vessel activities information reported to the NMFS for January and February 1979, there was also a 64.7% increase in the number of vessel-days on the fishing grounds for the directed squid fishery compared with January and February 1978. Therefore, overall catch per effort (mt per vessel days on grounds) increased about 1.5 times the January-February 1978 value.

Length frequency samples for *Loligo* from the US commercial fishery are summarized in Table 3. Length frequencies from the foreign squid fisheries, obtained by US observers throughout the fishing year, are presented in Tables 4a or 4b for *Loligo* and *Illex*, respectively. The mean lenghts for *Loligo* from the inshore US fishery, directed primarily at mature spawning individuals, are generally larger than those from the offshore fishery, which is focused on this species prior to inshore spawning individuals. Mean length of *Illex* from the offshore fishery increased through the year (January through December) from 15.1 to 23.7 cm.

Research Vessel Surveys

Results of US bottom trawl surveys, conducted during the springs of 1977 and 1978, indicated great reductions in catch per tow of *Loligo* (Table 5) when compared with previous years since 1968. Stratified mean catches per tow of *Illex* were also well below the 10 year average in all but the southern New England area. However, great variability in spring *Illex* catches may reflect changes in availability to the survey rather than fluctuations in total population size, since this species ranges to depths beyond the scope of the survey during that time of year.

Decreased catch per tow in the 1978 US autumn bottom trawl survey indicated a great decline in *Loligo* abundance (Lange and Sissenwine, 1979). [1] Overall abundance, as indicated by stratified mean number per tow, of all sizes from the Middle Atlantic through Georges Bank strata (Figure 1) decreased from a 7 year (1971–1977) average of 353.2 to 144.2 in autumn 1978 (Table 6.). This was due primarily to a great drop in the pre-recruit index (mean number per tow of individuals less than 9 cm) from a 7 year average of 314.4 to 93.4. This represented a decrease in the pre-recruit portion of the population from an average of 89% to 65%, while the index for recruited individuals was above average. Stratified mean number of *Illex* per tow (Table 6) increase from 1977 to 1978 to a level comparable to that of 1976, when high abundance of this species was observed. However, the mean weight per tow was about 39% less than the 1976 level, indicating smaller individuals. In fact, the proportion of those taken which were of pre-recruited size in 1978 was the second highest in the time series, indicating the possibility of a good age group entering the fishery in 1979.

Stock size estimates, based on stratified mean number per tow from the autumn survey, are presented in Tables 7 and 8 for *Loligo* and *Illex*, respectively. The estimated population size for *Loligo* (1.251×10^9) is the lowest since 1971, while that for *Illex* is the second highest since 1968, the first year that estimates were available for these species.

Preliminary analysis of spring 1979 USA survey results indicate a significant increase in the mean catch (in kilograms) per tow of *Loligo* (Table 5) when compared to the spring 1977–1978 mean (2.72 vs. 1.49). Though this is below the high 1975–1976 levels, it is comparable to other years in the time series. There was also a decrease in the mean length of *Loligo* in the 1979 spring survey compared with all other years from about 15 to about 6 cm. This may indicate the presense of a late (autumn 1978) spawned brood which is not available at the time of the autumn survey. Catches of *Illex* during the spring survey were comparable to the 1968–1978 average.

Conclusions

The continued downward trend in *Loligo* abundance in 1978 from recent (1973–1976) levels was evidenced in both commercial fishery and US bottom trawl survey data. The directed foreign fishery only caught 46% of its 1978 allocation, while US inshore catches and catch per effort were well below the 1976 and 1977 values. Research vessel survey results indicated a possible 59% drop in the abundance of *Loligo* in autumn 1978 (even through there were more recruited (greater than 8 cm) individuals than the 7 year average). This was primarily the result of a 70% decline in pre-recruit sized individuals which would be contributing to the fishery through next autumn. Catches thus far in 1979 are above those for the same time period in 1978, but estimates of effort applied to obtain this catch were also greater than in 1978. The USA spring 1979 survey results indicate a level of *Loligo* biomass comparable to the long-term average, with mean lengths smaller than normally found at that time of year. The high number of small squid appear to be from the brood which would normally have appeared in the autumn survey and will probably contribute to the fishery for the remainder of this year. Late appearance of these individuals may account for the

[1] Lange, Anne M.T., MNFS, Northeast Fishery Center, Woods Hole Lab., Laboratory Ref. No. 79–30, July 23, 1979

[2] Lange, A.M.T. MS, 1978. Squid (*Loligo pealei* and *Illex illecebrosus)* stock status: June, 1978, NMFS, NEFC. Lab. Ref. No. 78–36.

[1] Lange, A.M.T. and M.P. Sissenwine. 1979. Decreased Abundance of Long-finned Squid off the Northeastern United States. Coastal Oceanog. and Climat. News. Vol 1.1 (2):18.

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apparent decrease in abundance noted in autumn 1978.

The autumn 1978 *Illex* survey abundance index was again well above historic levels and comparable to the 1976 "record" level. There was also a great increase in prerecruit sized individuals, second only to the 1975 level which preceded the great abundance in 1976. If a relationship exists between this index and availablilty to the fishery, *Illex* may be very abundant in 1979. In fact, catches of *Illex* thus far in 1979 are running above the historical average. While *Illex* ranges into Canadian waters, the relationships between the stocks in these two areas is as yet unknown. Catches off Canada in 1978 totaled 98,600 mt, less than the allowable level of 100,000 mt but a 23% increase over the 1977 level and more than twice the 1976 catch.

Table 1.—*USA 1978 Monthly Squid Landings*[1] in Metric Tons by Area

	5Y	5Za	5Zw	6	Total
	Loligo				
January			9.2	76.5	85.7
February			2.2	59.7	61.9
March		1.3	1.9	80.5	83.7
April		0.2	34.5	98.6	133.3
May		2.1	157.4	118.8	278.3
June		0.4	81.5	177.4	259.3
July		0.1	19.8	98.8	118.8
August			10.3	44.6	54.9
September	1.0		28.9	11.2	41.1
October	4.5	2.7	54.6	25.7	86.5
November	5.8	0.9	80.5	81.2	168.4
December	1.2	0.5	25.1	64.2	91.0
Total	13.5	8.2	516.0	938.2	1,475.9
	Illex				
January				3.2	3.2
February				6.6	6.6
March					
April					
May			0.1		0.1
June	3.5	0.5	189.9		193.9
July	16.0	29.4	0.1		45.5
August	6.5	7.5	1.2		15.2
September	5.8	93.5			100.3
October	7.4	2.1	0.4		9.9
November	9.7	0.4			10.1
December	0.3				0.3
Total	50.2	133.4	191.7	9.8	385.1

[1] Preliminary landings, non-specified squid catches prorated to species by month and area.

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Table 2

Monthly And Annual Catch Per Effort (Metric Tons Per Days Fished) In The US Directed[1] Squid Fisheries,
By Area And Vessel Size[2], 1976-1978, Including Total Annual Number Of Days Fished

AREA	VESSEL SIZE	YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	TOTAL DAYS
								ILLEX								
Gulf Of Maine	Small	1976								4.55	6.66	13.61	5.63		9.30	10.0
		1977							1.76	0.78	1.81	7.43	9.85		3.85	4.5
		1978							0.68						0.68	0.3
	Medium	1977								2.83	7.62	15.31	11.83		7.77	3.5
So. New England	Small	1977							2.59						4.06	2.3
	Medium	1976							6.39						6.39	1.2
								LOLIGO								
Georges Bank	Small	1978					1.59								1.59	0.8
	Medium	1977					1.51		4.27						2.50	7.0
So. New England	Small	1976						6.66	7.33	3.44	0.76				6.62	41.6
		1977						5.31	3.53	0.59	1.24	1.24	0.23	6.89	4.57	35.0
		1978						2.59	1.67	1.07		1.13	1.56		2.21	52.5
	Medium	1976					1.56	7.79	5.34						6.41	58.8
		1977					1.00	6.33	2.49	4.57		0.50	4.66		4.57	55.7
		1978						2.71	1.19		1.39	1.89		1.59	1.61	15.1
Mid-Atlantic	Small	1976			1.84	14.97									3.38	2.4
		1978							1.33	1.40	2.10				1.40	0.3
	Medium	1976			1.41	1.48									1.47	4.0
		1978										2.89	0.89		1.11	1.8

(1) Individual trips with Loligo or Illex composing 50% or more of the total catch
(2) Small vessels = 0.0 - 49.9 gross registered tons Medium vessels = 50.0 - 149.9 gross registered tons

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Table 3. 1978 US Commercial Loligo Length Frequencies[1], From The Southern New England Area, By ICNAF Subdivision, And Month

	5Zw						6A
Length (cm)	APR	MAY	JUN	JUL	SEP	OCT	MAY
1	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-
3	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-
5	-	-	3	-	-	-	-
6	-	-	12	-	-	-	-
7	-	-	6	10	-	30	-
8	-	-	12	30	-	60	-
9	10	-	33	30	-	120	-
10	20	-	12	40	-	260	-
11	25	-	24	120	-	230	-
12	45	-	93	150	10	120	-
13	40	-	102	100	30	80	13
14	40	10	108	100	60	60	-
15	95	10	81	100	80	30	13
16	65	59	75	50	150	10	-
17	104	49	78	50	150	-	38
18	104	59	69	50	150	-	38
19	65	147	72	50	40	-	64
20	119	137	48	10	40	-	115
21	40	98	21	40	-	-	64
22	45	78	33	20	10	-	77
23	65	88	21	10	10	-	77
24	30	29	18	10	30	-	38
25	25	49	33	20	20	-	38
26	10	20	15	-	90	-	90
27	25	20	6	10	10	-	51
28	-	29	12	-	40	-	77
29	10	39	3	-	70	-	64
30	5	39	3	-	-	-	26
31	5	29	9	-	10	-	13
32	-	10	-	-	-	-	38
33	-	-	-	-	-	-	26
34	-	-	-	-	-	-	-
35	5	-	-	-	-	-	-
36	5	-	-	-	-	-	13
37	-	-	-	-	-	-	-
38	-	-	-	-	-	-	13
39	-	-	-	-	-	-	13
40	-	-	-	-	-	-	-
Total	1000	1000	1000	1000	1000	1000	1000
No. Fish Measured	201	102	334	100	100	100	78
Landed Weight (mt)	26.4	155.4	81.5	19.6	20.8	60.9	9.3
Est. No. Landed ($x10^3$)	188.3	800.1	726.6	244.9	138.1	1205.9	37.3
Mean Length (cm)	18.4	21.8	16.4	14.5	19.5	10.8	24.4
Mean Weight (g)	141	195	113	82	150	50	250

(1) Length frequencies, per mille, expanded over the entire US Loligo catch in the area and month

Table 4a. 1978 Loligo Length Frequencies[1] (Per Mille) From The Foreign Squid Fishery

	MONTH											
Length (cm)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	-	-	-	-					-	-	-	-
2	-	-	-	-					-	-	-	-
3	-	-	0.4	-					-	-	-	-
4	1.2	0.5	2.8	6.9					93.3	-	0.7	-
5	7.1	4.2	10.5	18.1					-	-	5.8	6.6
6	19.0	13.5	21.6	26.2					186.7	0.9	11.0	47.4
7	39.9	41.1	35.6	31.9					124.5	5.2	19.7	28.8
8	64.4	69.0	58.7	34.8					31.1	28.3	48.1	51.6
9	102.6	102.7	49.8	28.1					14.3	60.4	103.5	97.2
10	119.3	138.1	72.1	33.6					220.0	110.7	149.0	124.8
11	108.2	138.6	83.1	40.2					241.6	154.0	160.5	203.9
12	94.7	127.3	94.2	34.9					20.5	154.6	143.9	137.5
13	79.3	99.0	86.8	85.4					28.8	155.5	90.7	84.3
14	59.2	87.0	88.3	93.8					39.0	101.1	61.5	55.6
15	48.6	59.2	103.3	164.5					-	61.0	55.0	45.7
16	43.7	36.3	82.7	103.3					-	52.9	40.9	22.2
17	40.6	26.7	65.9	75.6					-	37.7	39.9	32.7
18	30.2	16.5	38.1	66.1					-	26.6	22.6	25.8
19	25.6	12.7	33.6	32.2					-	18.3	14.7	7.8
20	22.7	10.8	29.1	67.6					-	13.6	11.5	7.6
21	19.0	6.4	15.1	12.5					-	6.4	10.5	7.4
22	17.1	2.5	8.7	11.9					-	5.0	4.9	2.8
23	9.4	2.1	10.3	14.1					-	1.6	2.7	2.8
24	9.6	2.4	3.6	7.3					-	3.5	1.1	2.0
25	6.8	0.9	1.7	4.4					-	1.1	0.4	0.7
26	6.0	0.6	0.5	-					-	0.2	0.1	2.0
27	3.5	0.4	1.3	6.8					-	0.8	1.3	0.4
28	4.5	0.5	0.7	-					-	-	-	1.6
29	4.6	0.4	0.3	-					-	-	-	0.3
30	4.6	-	0.6	-					-	0.6	-	0.2
31	3.2	0.1	-	-					-	-	-	-
32	1.1	0.2	0.2	-					-	-	-	-
33	2.1	-	0.5	-					-	-	-	-
34	1.0	0.1	-	-					-	-	-	-
35	0.4	-	-	-					-	-	-	-
36	0.3	0.2	-	-					-	-	-	-
37	0.1	-	-	-					-	-	-	-
38	0.1	-	-	-					-	-	-	-
39	0.1	-	-	-					-	-	-	-
40	0.2	-	-	-					-	-	-	-
Total Number	1000	1000	1000	1000					1000	1000	1000	1000
Total Number in Catch[2]	807.2	366.7	362.6	20.7					11.0	198.4	180.5	58.4
Total Weight in Catch[3]	97.6	21.2	27.3	1.9					0.4	13.2	10.8	3.3
Mean Length (cm)	13.18	11.87	13.30	14.52					8.77	12.84	12.20	11.66

(1) From samples taken by US observers, expanded over the total sampled catch, and summed over all countries and vessels
(2) Estimated total number in sampled catch, all countries and vessels, in thousands of squid
(3) Total weight of catches which were sampled, in metric tons

Table 4b. 1978 Illex Length Frequencies[1] (Per Mille) From US Observer Samples During The Foreign Squid Fishery

Length (cm)	JAN	FEB	MAR	APR	MAY	MONTH JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	-	-	-	-	-	-	-	-	-	-	-	-
2	-	-	-	-	-	-	-	-	-	-	-	-
3	-	-	-	-	-	-	-	-	-	-	-	-
4	-	-	-	-	-	-	0.90	-	-	-	-	-
5	-	-	-	-	-	-	1.80	-	-	-	-	-
6	-	-	-	-	-	-	-	0.2	-	-	-	-
7	-	-	-	-	-	-	0.9	0.2	-	-	-	-
8	0.5	-	-	-	-	-	2.7	2.5	-	-	0.1	-
9	0.5	-	-	-	-	-	-	12.4	-	-	9.7	-
10	57.4	35.0	-	10.1	-	0.12	1.8	23.1	16.8	0.9	0.1	-
11	71.6	35.0	-	31.9	-	0.4	1.0	12.2	14.5	0.1	-	0.1
12	75.0	259.2	117.2	124.2	-	1.00	0.4	5.0	42.7	-	-	-
13	97.9	194.4	25.5	208.1	-	4.3	3.4	1.7	114.2	-	-	0.4
14	188.4	229.4	165.9	251.7	-	16.8	2.3	1.3	120.8	-	-	0.1
15	99.5	190.9	162.2	182.9	-	75.4	13.0	1.9	38.0	1.6	0.4	1.2
16	67.8	-	223.6	117.5	-	229.3	30.0	4.2	44.9	4.0	-	0.1
17	88.7	56.0	176.8	58.7	-	314.1	84.0	10.0	20.5	7.0	0.4	0.3
18	117.2	-	67.5	25.2	-	167.7	206.6	58.5	16.9	7.2	1.4	0.1
19	63.5	-	61.3	-	-	81.1	281.9	188.1	40.6	21.5	11.8	4.0
20	27.4	-	-	-	-	65.8	193.4	280.1	121.2	105.0	33.9	12.7
21	16.4	-	-	-	-	84.4	92.0	177.1	152.1	231.1	116.0	105.2
22	14.2	-	-	-	-	16.1	40.0	94.8	113.2	271.0	186.6	106.8
23	8.8	-	-	-	-	2.3	20.8	47.3	87.0	151.0	203.6	237.7
24	6.2	-	-	-	-	1.1	14.0	31.9	33.4	77.0	157.5	235.2
25	-	-	-	-	-	-	6.0	26.1	15.2	63.6	128.4	139.0
26	-	-	-	-	-	-	3.1	13.2	6.9	36.4	73.1	78.2
27	-	-	-	-	-	-	0.8	5.0	1.0	18.2	51.7	47.8
28	-	-	-	-	-	-	0.1	1.9	-	4.3	18.4	21.1
29	-	-	-	-	-	-	-	0.5	-	0.2	2.6	8.9
30	-	-	-	-	-	-	-	0.1	-	-	3.0	-
31	-	-	-	-	-	-	-	-	-	-	1.1	1.1
32	-	-	-	-	-	-	-	-	-	-	0.3	-
Total Number	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
Total Number In Catch[2]	126.2	0.6	12.4	0.6	1075.2	1294.5	1384.5	251.2	393.0	160.5	170.6
Total Weight In Catch[3]	10.78	0.03	1.06	0.04	142.60	194.05	244.27	36.26	87.71	41.25	45.75
Mean Length (cm)	15.12	13.40	15.46	14.10	18.27	19.06	19.97	18.23	22.14	23.26	23.72

(1) Expanded over total catch which was sampled and summed over all countries and vessels
(2) Estimated total number in sampled catch, all countries and vessels, in thousands of squid
(3) Total weight of catches which were sampled, in metric tons

Table 5. Loligo Stratified Mean Weight (kilograms) per tow from USA Spring Bottom Trawl Surveys (1968-1979).

Year	Area Strata: Mid-Atlantic (61-76)	Southern New England (1-12)	Southern Georges Bank (13-15)
1968	2.5	1.2	1.1
1969	1.7	0.3	5.3
1970	1.5	1.1	0.7
1971	2.8	1.4	1.8
1972	3.6	5.9	2.8
1973	2.8	4.9	3.4
1974	2.8	1.0	0.1
1975	4.9	7.6	2.0
1976	7.2	7.6	0.9
1977	1.0	1.2	0.6
1978	2.4	1.8	0.4
1979	1.7	3.4	4.8

Table 6. Total Abundance and Pre-Recruit Indices of Squid. (Stratified mean number per tow of Loligo and Illex of all sizes and of Loligo <8-cm and Illex <10-cm mantle length in autumn bottom trawl survey, Middle Atlantic to Georges Bank.)

Year	Loligo (#/tow) All Sizes	Loligo (#/tow) <8 cm	Illex (#/tow) All Sizes	Illex (#/tow) <10 cm
1967	134.5	126.9	2.1	0.7
1968	176.5	159.9	2.3	0.6
1969	237.3	217.4	0.8	0.3
1970	85.6	79.3	3.4	0.2
1971	163.3	161.5	1.9	0.6
1972	271.4	258.5	3.5	1.8
1973	372.0	353.9	1.3	0.3
1974	251.7	233.3	3.0	2.1
1975	614.4	593.3	12.4	9.6
1976	410.9	302.5	28.7	0.6
1977	388.5	297.7	15.8	1.1
1978	144.2	93.4	28.4	5.1

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Table 7. Loligo biomass estimates (mean weights in kg and numbers per tow by strata set).

Year	Area	Total # tows	Total Wt/tow	Total #/tow	Day # tows	Day Wt/tow	Day #/tow	Night # tows	Night Wt/tow	Night # tow	B_1 Wt MT	B_1 # x10^6	B_2 Wt MT	B_2 # x10^6
1968	SNE/Mid-Atl	124	10.86	267.57	40	16.23	362.60	43	2.51	30.58	28,073	692.6	29,114	1,211.9
	Geo. Bank	69	0.40	10.73	22	0.77	17.13	25	0.02	0.12				
	Gulf Maine	50	0.01	0.09	18	0.01	0.10	15	0.00	0.11				
1969	SNE/Mid-Atl	119	13.99	347.50	38	27.32	777.30	39	3.29	51.29	37,643	931.6	48,053	2,393.1
	Geo. Bank	73	1.56	36.70	25	2.49	60.37	32	0.54	9.70				
	Gulf Maine	51	0.03	0.40	17	0.06	0.90	16	0.00	0.00				
1970	SNE/Mid-Atl	122	4.13	105.40	38	5.55	168.10	40	2.98	63.70	12,095	337.9	19,640	1,946.2
	Geo. Bank	70	1.12	49.40	23	2.99	133.73	24	0.22	6.40				
	Gulf Maine	53	0.05	1.46	18	0.06	1.55	16	0.00	0.00				
1971	SNE/Mid-Atl	125	4.04	234.20	43	8.55	515.70	41	0.27	11.29	11,752	641.4	14,050	1,106.1
	Geo. Bank	73	1.06	34.10	27	1.51	63.75	24	0.51	9.69				
	Gulf Maine	55	0.03	0.57	16	0.08	1.08	20	0.01	0.42				
1972	SNE/Mid-Atl	114	9.41	398.90	31	13.14	524.10	40	1.24	31.25	25,400	1,065.1	21,039	1,533.1
	Geo. Bank	73	1.13	39.30	29	1.70	60.71	21	0.28	5.08				
	Gulf Maine	55	0.00	0.20	18	0.00	0.00	18	0.00	0.02				
1973	SNE/Mid-Atl	111	14.20	542.90	38	17.47	817.10	35	3.68	66.94	42,338	1,460.9	44,252	3,092.0
	Geo. Bank	73	4.53	60.90	27	7.16	96.15	28	2.31	30.44				
	Gulf Maine	54	0.05	0.91	16	0.08	1.56	21	0.02	0.48				
1974	SNE/Mid-Atl	108	11.41	355.90	33	16.33	806.10	38	5.38	130.00	32,014	989.0	46,442	4,757.0
	Geo. Bank	74	2.21	62.07	20	2.67	96.20	26	2.93	22.10				
	Gulf Maine	57	0.03	0.78	19	0.03	0.63	21	0.03	0.23				
1975	SNE/Mid-Atl	115	15.55	895.50	41	20.27	1,548.40	36	6.11	115.20	41,912	2,412.0	48,636	7,709.0
	Geo. Bank	73	1.80	102.56	23	1.64	142.70	25	0.47	1.82				
	Gulf Maine	65	0.01	0.01	19	0.03	1.56	23	0.02	0.40				
1976	SNE/Mid-Atl	123	15.79	579.79	37	22.05	979.90	40	3.65	90.74	44,935	1,632.0	51,436	4,372.0
	Geo. Bank	67	3.14	103.52	27	5.82	207.53	19	2.18	54.94				
	Gulf Maine	55	0.36	12.67	14	0.51	16.00	21	1.37	8.58				
1977	SNE/Mid-Atl	119	11.92	577.89	46	14.20	729.54	35	1.89	94.67	31,600	1,526.0	27,421	3,157.0
	Geo. Bank	101	0.95	43.76	38	1.34	84.06	33	0.23	7.31				
	Gulf Maine	71	0.06	0.81	23	0.04	0.48	22	0.02	0.11				
1978	SNE/Mid-Atl	134	5.68	198.36	41	8.93	362.00	52	1.37	23.26	16,583	566.0	18,800	1,251.0
	Geo. Bank	156	1.57	45.63	53	4.04	116.10	50	0.41	11.01				
	Gulf Maine	120	0.01	0.18	39	0.06	2.08	45	0.00	0.01				

Table 8. Illex Biomass Estimates (Mean Weights In Kg And Numbers Per Tow By Strata Set)

Year	Area	TOTAL # tows	TOTAL wt/tow	TOTAL #/tow	DAY # tows	DAY wt/tow	DAY #/tow	NIGHT # tows	NIGHT wt/tow	NIGHT #/tow	B_1 wt (mt)	B_1 # (x10^6)
1968	SNE/Mid-Atl	124	0.48	2.62	40	0.28	1.69	43	0.13	0.60	1,845.4	9.70
	Geo. Bank	69	0.34	1.68	22	0.72	2.35	25	0.04	0.26		
	Gulf Maine	50	0.10	0.46	18	0.18	1.49	15	0.04	0.25		
1969	SNE/Mid-Atl	119	0.10	0.98	38	0.17	1.64	39	0.06	0.50	418.8	3.60
	Geo. Bank	73	0.04	0.48	25	0.04	0.57	32	0.06	0.43		
	Gulf Maine	51	0.07	0.27	17	0.14	0.51	16	0.00	0.07		
1970	SNE/Mid-Atl	122	0.29	3.83	38	0.21	4.53	40	0.14	1.54	1,523.6	14.60
	Geo. Bank	70	0.24	2.62	23	0.60	4.89	24	0.05	0.56		
	Gulf Maine	53	0.29	0.82	18	0.50	1.36	16	0.02	0.11		
1971	SNE/Mid-Atl	125	0.28	1.95	43	0.24	1.94	41	0.13	0.71	2,024.1	10.10
	Geo. Bank	73	0.46	1.70	27	0.55	2.23	24	0.26	0.93		
	Gulf Maine	55	0.43	1.81	16	1.21	4.44	20	0.16	0.86		
1972	SNE/Mid-Atl	114	0.45	4.86	31	0.42	8.12	40	0.27	1.57	1,716.1	15.00
	Geo. Bank	73	0.20	1.07	29	0.15	0.83	21	0.15	0.72		
	Gulf Maine	55	0.19	0.75	18	0.34	1.50	18	0.04	0.09		
1973	SNE/Mid-Atl	111	0.07	0.62	38	0.08	0.66	35	0.03	0.30	1,862.0	8.20
	Geo. Bank	73	0.50	2.51	27	0.70	2.51	28	0.44	3.29		
	Gulf Maine	54	0.63	2.02	16	1.57	5.19	21	0.09	0.26		
1974	SNE/Mid-Atl	108	0.18	4.07	33	0.11	7.98	38	0.20	1.23	2,500.0	19.02
	Geo. Bank	74	0.16	1.12	20	0.22	1.19	26	0.09	0.58		
	Gulf Maine	57	1.16	3.92	19	1.76	5.88	21	0.46	1.41		
1975	SNE/Mid-Atl	115	0.99	15.74	41	1.11	23.08	36	0.23	1.58	8,306.0	60.25
	Geo. Bank	73	1.11	6.41	23	1.85	13.01	25	0.76	2.03		
	Gulf Maine	65	2.71	7.31	19	3.34	9.17	23	0.29	0.60		
1976	SNE/Mid-Atl	123	6.23	19.79	37	2.60	11.23	40	3.90	10.49	42,929.0	134.34
	Geo. Bank	67	14.78	45.03	27	8.06	23.83	19	3.54	9.82		
	Gulf Maine	55	4.20	13.75	14	5.25	16.83	21	1.35	3.47		
1977	SNE/Mid-Atl	119	4.46	15.79	46	3.93	16.21	35	2.32	7.71	21,747.0	73.34
	Geo. Bank	101	5.02	15.81	38	4.09	15.23	33	5.31	16.23		
	Gulf Maine	71	2.21	7.24	23	4.26	14.82	22	0.40	1.29		
1978	SNE/Mid-Atl	134	2.57	19.50	41	2.53	24.66	52	1.97	8.54	26,435.0	120.68
	Geo. Bank	156	12.17	44.67	53	34.25	109.75	50	2.68	12.56		
	Gulf Maine	120	1.91	5.84	39	3.75	11.25	45	0.41	1.41		

Figure 1. A. US bottom trawl survey strata and ICNAF Subareas 4 and 5 and Statistical Area 6.

B. Geographical areas off the Northeast coast of the US.

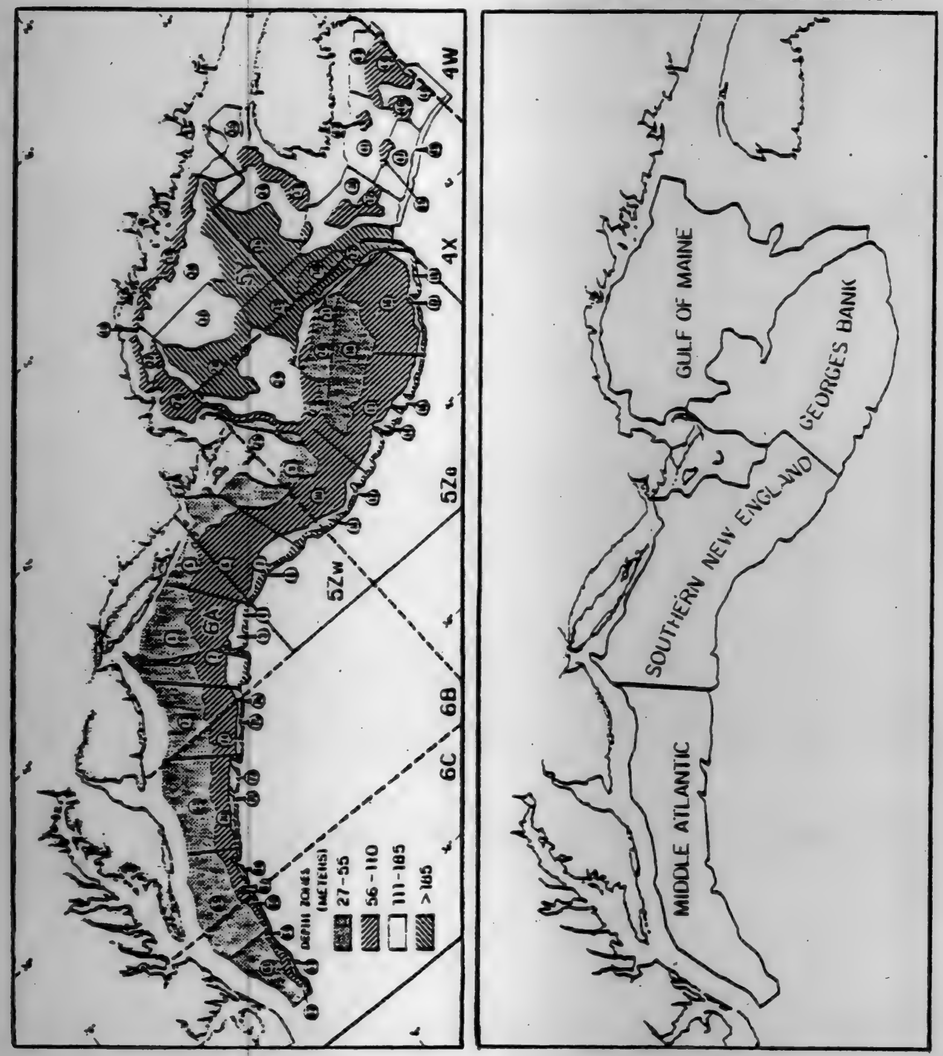

BILLING Code 3510-22-C

PART 611—FOREIGN FISHING [Amended]

1. It is proposed to retain those regulations in Part 611 governing foreign fishing for Atlantic Squid.

PART 655—SQUID FISHERY OF THE NORTHWEST ATLANTIC

2. 50 CFR Part 655 is proposed to be amended as follows:

§ 655.1 [Amended]

Section 655.1(b) is amended by adding the following sentence at the end of the paragraph: "The Appendix to 50 CFR 611.20 contains the TALFF for squid."

§ 655.2 [Amended]

Section 655.2 is amended as follows:

1. Revise the definition of "Atlantic squid" to read as follows:

"*Atlantic squid* or *squid* means the species *Illex illecebrosus* (short-finned or summer squid) and *Loligo pealei* (long-finned or bone squid)."

* * * * *

2. Add the following definitions, in alphabetical sequence:

"*Charter or party boat* means any vessel which carries passengers for hire to engage in fishing."

"*Fishing week* means the weekly period beginning 0001 hours Sunday and ending 2400 hours Saturday."

"*Illex* means the species *Illex illecebrosus.*"

"*Loligo* means the species *Loligo pealei.*"

* * * * *

3. Revise the definition of "Vessel of the United States" to read as follows:

* * * * *

"*Vessel of the United States* means:

(a) Any vessel documented or numbered by the United States Coast Guard under United States Law; or

(b) Any vessel under five net tons which is registered under the laws of any State."

§ 655.3 [Amended]

Section 655.3(a) is revise to read as follows: Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

* * * * *

§ 655.4 [Amended]

In § 655.4:

1. Revise paragraph (a) to read as follows:

(a) *General.* Every fishing vessel which fishes for Atlantic squid under this Part must have a fishing permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of squid per trip.

* * * * *

2. Revise the first sentence of paragraph (c)(1) by inserting "fishing" before "permit".

3. Amend paragraph (c)(2) by deleting subdivisions (vi) through (ix) and by substituting the following:

* * * * *

(c) * * *

(2) * * *

(vi) The type of construction, type of propulsion, and type of echo sounder of the vessel;

(vii) The permit number of any current or previous Federal fishing permit issued to the vessel;

(viii) The approximate fish hold capacity of the vessel;

(ix) The type and quantity of fishing gear used by the vessel;

(x) The average size of the crew, which may be stated in terms of a normal range; and

(xi) Any other information concerning vessel and gear characteristics requested by the Regional Director.

* * * * *

4. Revise paragraph (c)(3) to read as follows:

* * * * *

(c) * * *

(3) Any change in the information specified in paragraph (c)(2) of this section shall be submitted in writing to the Regional Director by the owner within 15 days of any such change.

* * * * *

5. Revise paragraph (g) to read as follows:

* * * * *

(g) *Duration.* A permit shall continue in effect until it expires or is revoked, suspended, or modified pursuant to 50 CFR Part 621.

* * * * *

6. Revise paragraph (i) to read as follows:

* * * * *

(i) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit shall not be considered a new application.

* * * * *

§ 655.5 [Amended]

Section 655.5 is amended as follows:

1. Revise paragraph (a)(1)(i) to read as follows:

(a) * * *

(1) * * *

(i) Maintain on board the vessel an accurate and complete fishing vessel record on forms supplies by the Regional Director.

* * * * *

2. Revise paragraph (a)(3) to read as follows:

(a) * * *

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which squid or any other regulated species are caught.

(i) The information shall include dates of fishing, type and size of gear used, areas fished, duration of fishing time, time period of tow or gear set, and the estimated weight of each species taken.

(ii) Information on squid catches shall be provided separately for *Illex* and *Loligo.*

* * * * *

4. Revise paragraph (b) to read as follows:

* * * * *

(b) *Fish dealer or processor reports.*

(1) Any person who receives Atlantic squid for a commercial purpose from a fishing vessel subject to this Part shall file a weekly report (Sunday through Saturday) within 48 hours of the end of any week in which squid is received. The report shall include information on all first purchases of squid (listing *Illex* and *Loligo* separately) and all other fish made during that week. Such information shall include date of transaction, name of the vessel from which Atlantic squid is received, and the amount and prices paid for squid and other fish received.

(2) *Domestic squid processor capacity.* [Reserved]

(3) Reports required by § 655.5(b) shall be made on forms supplied by the Regional Director and at a location designated by him.

(4) Any person required by § 655.5(b) to file reports shall permit an Authorized Officer or an employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, and to inspect or reproduce any records or books relating to information required to be contained in these reports. These inspections may take place at the principal place of business or at the location where these required records regularly are kept.

* * * * *

§ 655.6 [Amended]

Section 655.6 is amended as follows:

1. In the second sentence of paragraph (a), insert "U.S." before "Coast Guard" wherever it appears.

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2. Revise paragraph (b)(2) to read as follows:

* * * * *

(b) * * *

(2) The Official Number shall be permanently affixed to or painted on the vessel and shall be block Arabic numerals in contrasting color. However, charter or party boats may use nonpermanent markings to display the Official Number whenever the vessel is fishing for squid.

* * * * *

3. Delete paragraph (b)(3).

§ 655.7 [Amended]

Section 655.7 is amended as follows:

1. In paragraph (c) change "fish dealer/processor report" to "fish dealer or processor report."

2. In paragraph (f), delete "or" following "control" and in its place insert "of".

3. In paragraph (f), delete "this" before "Act" and in its place insert "the".

4. In paragraph (i), change "fish dealer/processor reports" to "fish dealer or processor reports."

§ 655.21 [Amended]

Section 655.21 is amended as follows:

1. Revise paragraphs (a) and (b) to read as follows:

(a) *Levels of harvest.* The allowed levels of harvest of Atlantic squid on a fishing-year basis are 30,000 mt of *Illex* and 44,000 mt of *Loligo.* The initial levels of harvest by vessels of the United States are 5,000 mt of *Illex* and 7,000 mt of *Loligo."*

(b) *Reserves.* A reserve of 13,000 mt for *Illex* and 19,000 mt for *Loligo* is available for adjustments to the initial level of foreign harvest.

* * * * *

2. Renumber paragraph (b) as paragraph (c).

§ 655.22 Allocation [Reserved]

Amend § 655.22 as follows: "Allocation. [Reserved]"

§ 655.23 [Amended]

Section 655.23 is amended as follows:

Revise paragraph (a), (b) and the introductory text of paragraph (c) to read as follows:

(a) *General.* The Regional Director shall periodically monitor catches of Atlantic squid.

(b) *Decision to close.* The Assistant Administrator shall close the domestic fishery for either species when the domestic harvest for that species has reached 80 percent of the total of the initial level of domestic harvest plus the part of the reserve which has not been allocated to the initial level of foreign harvest.

(c) *Notice of closure.* If the Assistant Administrator determines that a closure of either the *Illex* or the *Loligo* domestic fishery is necessary, the Assistant Administrator shall:

* * * * *

[FR Doc. 80-10142 Filed 4-2-80; 8:45 am]

BILLING Code 3510-22-M

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50 CFR Parts 611 and 656

Atlantic Mackerel Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Approval and partial disapproval of amendment to the Atlantic Mackerel Fishery Management Plan, notice of proposed rulemaking and request for comments.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has approved, with the exception of one provision, an amendment to the Fishery Management Plan for Mackerel Fishery of the Northwest Atlantic Ocean (FMP). Proposed regulations to implement the management measures contained in the amendment would (1) establish an initial level of harvest for United States vessels catching Atlantic mackerel and (2) establish a reserve from which mackerel may be distributed to the domestic and foreign fisheries. All regulations governing the foreign fishery for mackerel contained in 50 CFR Part 611 are continued in effect without change. The proposed amendments to Part 656, which include technical changes to the Atlantic mackerel regulations now in effect, are promulgated as emergency regulations in the final rule section of this issue of the **Federal Register.**

DATES: Comments on the proposed regulations and the amendment to the FMP are invited for a 45-day period. All comments must be submitted in writing on or before May 16, 1980.

ADDRESS: All comments on the amendment to the FMP and the proposed regulations should be sent to: Regional Director, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Mark: "Comments on Proposed Mackerel Regulations" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr. Regional Director (at above address) Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) and approved by the Assistant Administrator on July 3, 1979, in accordance with the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act). Final regulations implementing the FMP were published on February 21, 1980, (45 FR 11497). These regulations establish annual quotas on a fishing year basis (April 1–March 31) for domestic vessels harvesting Atlantic mackerel *(Scomber scombrus),* as well as a mechanism for making in-season reallocations of mackerel between the domestic commercial and recreational fisheries. The FMP was to expire on March 31, 1980.

On March 17, 1980, the Assistant Administrator approved, with one exception, an amendment to the FMP. The approved provisions of the amendment: (1) extend the FMP through March 31, 1981; (2) increase the optimum yield (OY) from 15,200 to 30,000 metric tons (mt); (3) increase domestic annual harvest capacity (DAH) from 14,000 to 20,000 mt; (4) increase the total allowable level of foreign fishing (TALFF) from 1,200 to 4,000 mt; and (5) establish a reserve of 6,000 mt, which is available for distribution to the domestic and foreign fisheries.

Optimum Yield

The 1979 mackerel stock assessment indicates an Atlantic mackerel stock size of 631,000 mt, a significant increase over the 1978 stock size (515,000 mt). This increase is primarily the result of an abundant 1978 year class. This year class has also helped rebuild the spawning stock size at the beginning of 1980 to a range of 421,000 to 488,000 mt; the size of the spawning stock at the beginning of 1979 was 358,000 mt. Because of the increased abundance of mackerel, the Council raised the OY for fishing year 1980–81 from 15,200 mt to 30,000 mt. The Council selected a conservative OY to assure preservation of the stock and to permit further stock rebuilding.

DAH and TALFF

With an increased abundance of mackerel, the Council expects recreational catches to rise. However, the Council does not have enough information to ascertain whether domestic commercial harvests will also expand. Therefore, the Council has set the domestic annual harvesting capacity (DAH) at 20,000 mt for fishing year 1980–81; this is a 6,000 mt increase over the previous fishing year. Unlike the original DAH, which "allocated" 9,000 mt to the recreational fishery and 5,000 mt to the commercial fishery, there is no distinction in the 20,000 mt DAH between recreational and commercial fisheries. The Council believes that the DAH plus the reserve provides enough mackerel for all domestic fishermen; therefore, apportioning mackerel among domestic recreational and commercial fishermen is unnecessary and would only complicate management and increase management costs.

Because of the increased abundance of mackerel, foreign vessels directing their fishing toward such species as squid are likely to catch greater incidental amounts of mackerel. To prevent restricting these directed foreign fisheries, TALFF has been increased from 1,200 mt to 4,000 mt.

Reserve

The Council's uncertainties as to the exact harvesting capacities of the domestic recreational and commercial fisheries, partially caused by the rapid increase in stock size, and its desire to provide an opportunity for expansion of the commercial mackerel fishery for export, resulted in the Council's establishment of a reserve at 6,000 mt. Should the increased abundance of mackerel allow the domestic fisheries to increase their harvest during the fishing year beyond DAH, mackerel in the reserve are available to the domestic fishery. Mackerel may be allocated from the reserve to TALFF only if projections indicate the fish will not be harvested by domestic commercial and recreational fishermen.

A reserve is used in situations of uncertainty regarding growth in the domestic fisheries. For an allocation procedure from reserve to TALFF to be acceptable, the procedure must allow, in practice, a reasonable opportunity for increasing TALFF and permitting foreign harvest. Otherwise, OY may not be achieved. This amendment's procedure and criteria for allocating mackerel from the reserve to TALFF would have provided for a review of domestic fishing activities after six months of the fishing year had passed. If the Assistant Administrator had determined that the estimated domestic harvest of mackerel for the fishing year would be less than 80 percent of the total of DAH and the reserve, only a portion of the reserve would have been allocated to TALFF.

However, the Assistant Administrator has found that this provision would prevent flexibility in making in-season adjustments to TALFF and allocating the entire reserve, even if domestic harvesters do not reach DAH. He has further determined that this provision is inconsistent with National Standard 1 of the Act, which requires that "Conservation and management measures shall prevent overfishing while achieving on a continuing basis, the optimum yield from each fishery." Consequently, he has disapproved this provision of the amendment. In accordance with Section 304(a) of the Act, he has notified the Council, in writing, of his partial disapproval. The Council has 45 days from the date of notification to resubmit the provision. Proposed regulations concerning the allocation of the reserve will be published in the near future (see discussion below under "Proposed Regulations").

Proposed Regulations

The proposed amendments to the regulations would implement the conservation and management measures contained in the amendment: (1) an optimum yield of mackerel is established at 30,000 mt; (2) an initial level of domestic harvest is set at 20,000 mt; and (3) a reserve of 6,000 mt is established for distribution to the domestic and foreign fisheries as appropriate. In addition, the proposed regulations would revise the criteria for closing the fishery.

Technical changes to the regulations currently in effect are also reflected in the proposed amendments. These changes are intended to provide uniform language with the regulations implementing other fishery management plans prepared by the Council.

Two sections in the proposed regulations are "Reserved" and will be published in the near future. Section 656.22 ("Allocation") will be promulgated when the Assistant Administrator approves a mechanism which allocates mackerel from the reserve to TALFF in a manner which is consistent with the provisions of the Act. A regulatory procedure for reallocation from the reserve to DAH is unnecessary, since the entire reserve is implicitly available to the domestic fishery, if needed.

Section 656.5(b)(2) ("Domestic mackerel processor capacity"), which will implement a provision of the original FMP, will be promulgated when the National Marine Fisheries Service, after consultation with industry, develops a form and establishes a system to receive reports on capacity from mackerel processors.

One person who commented on the original FMP was concerned that the regulations could be applied to vessels which fish in the Gulf of Mexico. The FMP states that *Scomber scombrus* ranges from Labrador to North Carolina; therefore, these mackerel regulations would apply only to vessels fishing in that geographic area within waters subject to the exclusive fishery management jurisdiction of the United States. In § 656.2, the definition of "Atlantic mackerel or mackerel" has been amended to specify the range of the regulations as they pertain to this species.

Emergency Regulations

In accordance with the provisions of Section 305(e) of the Act, these proposed regulations are implemented as emergency measures in the final rule section of this issue of the **Federal Register.** The Assistant Administrator has determined that the emergency action is necessary to provide conservation and management measures to govern fishing for mackerel until final regulations to implement the partially approved amendment are promulgated during May, 1980. A gap in the regulatory process during the early part of the 1980–81 fishing year might have jeopardized the credibility, continuity, and effectivenes of the entire management system for this newly regulated fishery.

National Environmental Policy Act of 1969 (NEPA)

The development and implementation of this amendment have been deemed a non-significant Federal action which does not affect the quality of the human environment.

Executive Order 12044

For the purpose of Executive Order 12044, the Assistant Administrator has determined that this action does not constitute a significant change to the regulations. The creation of a reserve which allows additional flexibility in the regulations so that optimum yield can be achieved, is considered a refinement but not a material or significant change to the regulations. The increase in OY is consistent with the objectives of the FMP and responds to natural fluctuations in the fish biomass.

The amendment to the mackerel FMP is set forth below.

I. Abbreviations and Definitions Of Terms Used In This Document

cm=centimeter
DAH=Domestic Annual Harvest=the capacity of US fishermen to harvest mackerel and their intent to use that capacity
DAP=Domestic Annual Processing=the capacity of US processors to process, include freeze, mackerel and their intent to use that capacity
EIS=Environmental Impact Statement
FCZ=Fishery Conservation Zone
fishing year=the 12 month period beginning April 1
FMP=Fishery Management Plan
FRG=Federl Republic of Germany

GDR=German Democratic Republic
GIFA=Governing International Fishery Agreement
ICNAF=International Commission for the Northwest Atlantic Fisheries
km=kilometer
metric ton=mt=2,204.5 pounds
MSY=Maximum Sustainable Yield
NMFS=National Marine Fisheries Service
NOAA=National Oceanic and Atmospheric Administration
NPF=Non-Processed Fish=the capacity of US fishermen to harvest mackerel which is not processed; essentially mackerel caught by marine recreational anglers.
OY=Optimum Yield
PMP=Preliminary Fishery Management Plan
Secretary=Secretary of Commerce
SEIS=Supplemental Environmental Impact Statement
TAC=Total Allowable Catch
TALFF=Total Allowable Level of Foreign Fishing

The Fishery Management Plan (FMP) for Atlantic Mackerel was approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA) on 3 July 1979. The FMP is for fishing year 1979–1980 (1 April 1979–31 March 1980). The basic purpose of Amendment #1 to this FMP is to extend it beyond the end of fishing year 1979–1980.

The natural range of, and fishery for, Atlantic mackerel extends from approximately Cape Hatteras, North Carolina, to Labrador, Canada. Within US waters this resource and its harvest are found both in the territorial sea and the FCZ. The management unit for this FMP is all Atlantic mackerel under US jurisdiction. The objectives of the plan are to:

1. Provide opportunity for increased domestic recreational and commercial catch;
2. Maximize the contribution of recreational fishing for Atlantic mackerel to the national economy;
3. Maintain the spawning stock size of Atlantic mackerel at or above its size in 1978;
4. Achieve efficient allocation of capital and labor in the mackerel fishery; and
5. Minimize costs to taxpayers of development, research, management, and enforcement in achieving these objectives.

The following management measures are included in the FMP:

1. Restriction of Atlantic mackerel catches in the FCZ so that the total domestic catch from the territorial sea and the FCZ does not exceed 14,000 metric tons for the 1979–1980 fishing year, allocating 9,000 metric tons to the sport fishery and 5,000 metric tons to the domestic commercial fishery. The Council will reevaluate these allocations in October, 1979, or at capture of 5,000 tons of mackerel in either the sport or commercial fishery, or when 70% of either allocation has been taken in the FCZ, whichever comes first. The Regional Director of the NMFS, with the concurrence of the Council, may then redistribute these allocations between the US recreational and commercial fisheries for the balance of the fishing year.

2. Restriction of accumulative foreign Atlantic mackerel harvest to 1,200 metric tons for the 1979–1980 fishing year. This amount is intended to provide only for incidental foreign catches of mackerel. At such time as a foreign nation takes its allocation of Atlantic mackerel, it will be required to cease fishing operations that would lead to an additional catch of Atlantic mackerel.

3. All vessels fishing commercially for Atlantic mackerel, either directly or as a by-catch from other fisheries, must be registered. This provision also applies to all vessels for hire for fishing recreationally directly or indirectly for mackerel.

4. Weekly reports on mackerel catches must be filed by foreign and domestic fishermen and domestic dealers and processors must submit weekly reports on any transactions involving mackerel.

Alternatives considered for Amendment #1 were:

1. Take No Action At This Time—No action to limit the catches of Atlantic mackerel could result in a decrease of Atlantic mackerel abundance. This alternative would mean that the FMP would lapse at the end of fishing year 1979–1980. The NMFS would be required to prepare a Preliminary Management Plan (PMP) to regulate the foreign fishery. It is likely that the PMP would result in a large reallocation of mackerel to foreign fleets.

PMPs regulate foreign, but not domestic, fishermen. One effect of this alternative would be that data that would be collected on domestic fishing and processing efforts as a result of this plan could not be collected as effectively, and that assessments of the scope and development of the domestic fishery would not be as accurate as they would be with the FMP.

2. Continue The Current FMP Through Fishing Year 1980–1981 With No Other Changes—This would result in an Optimum Yield of 15,200 mt, Domestic Annaul Harvest of 14,000 mt, Domestic Annual Processing of 5,000 mt and a Total Allowable Level of Foreign Fishing of 1,200 mt. It would require that the FMP be amended again for fishing year 1981–1982.

3. Continue The FMP Without Time Limit—This would eliminate the need for annual amendments to the FMP merely to extend it into the next fishing year. The FMP could still be amended when necessary to incorporate changes in Optimum Yield, Domestic Annual Harvest, Domestic Annual Processing, or other management measures.

4. Continue The FMP With Changes To Optimum Yield And Quotas—The most recent biological assessment indicates that mackerel stock size has greatly increased over the 1978 level. This suggests that the stock rebuilding objective of the original FMP can still be met with a total catch (in US and Canadian waters) and Optimum Yield in fishing year 1980–1981 (and beyond) significantly greater than those in the original FMP. This and other information also indicates that increases in Domestic Annual Harvest, i.e., the overall US mackerel harvesting capacity, and Non-Processed Fish, defined here to equal the mackerel harvesting capacity of US recreational fishermen, estimates are justified, because the US recreational harvesting capacity is expected to increase with increases in mackerel stock size. Data on the US commercial harvesting capacity and on the intent and desire of US processors to process mackerel, however, are limited at present.

Based on the best scientific information available, a reasonable alternative, therefore, is to specify Optimum Yield at 30,000 mt, Domestic Annual Harvest at 20,000 mt, Non-Processed Fish at 15,000 mt, and Domestic Annual Processing at 5,000 mt. This would leave a surplus of 10,000 mt. Given the developing nature of the US commercial fishery, as well as imprecise recreational fishery data, it is desirable that at least a portion of any surplus (10,000 mt, as modified by changes in any of the above values) should initially be placed in a reserve and not totally allocated to the Total Allowable Level of Foreign Fishing. It is therefore proposed that the initial Total Allowable Level of Foreign Fishing be 4,000 mt, and that a reserve of 6,000 mt be provided. The above values, as modified after the review process, could be used for a finite (e.g., one or two year) or indefinite extension of the FMP as discussed in Alternative 3.

5. Revise Objective 4—Objective 4 states "Achieve efficient allocation of capital and labor in the mackerel fishery." It is proposed that the objective be revised to read "Achieve efficiency in harvesting and use." The revision more clearly states the Council's intent than does the objective as currently worded.

A detailed discussion of these alternatives is given in Section XII of Amendment #1.

The Council has adopted Alternatives 4 and 5 for a one year extension of the FMP. Therefore, for fishing year 1980–1981, the Optimum Yield will be 30,000 mt, initial Domestic Annual Harvest will be 20,000 mt, the estimate of Non-Processed Fish is 15,000 mt, the initial TALFF is 4,000 mt, and the Reserve is 6,000 mt.

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IV. Introduction

This Amendment #1 to the Atlantic Mackerel FMP is designed to extend the FMP beyond the end of fishing year 1979–1980 (31 March 1980) and to make appropriate changes to optimum yield and quotas. The basic data about the fishery has not changed since the FMP was adopted by the Mid-Atlantic Fishery Management Council in November, 1978.

The latest stock assessment is presented in Appendix I of Amendment #1.

The alternatives presented in Amendment #1 are essentially refinements of the regime in the FMP.

V. Description of Stocks

The most recent stock assessment is presented as Appendix I to Amendment #1, and is discussed in Section XII–5. This report updates the assessment used in the original FMP. It includes catch statistics, abundance indices, fishing mortality and stock size estimates, and projected options for catch in 1980, given various levels of catch in 1979, with resulting spawning stock biomass in 1981.

The assessment states, ". . . the 1978 year-class is the largest to enter the fishery since the 1969 year-class . . . Spawning stock biomass available at the beginning of 1980 will vary from an estimated 488,000 tons (36% increase from 1979), assuming a (total international) catch of 30,000 tons, to 421,000 tons (18% increase from 1979), assuming a catch of 100,000 tons." The assessment data indicate that, ". . . under all catch assumptions presented for 1979–1980, there is an accompaning projection of stock increase in 1980–1981. . . ."

VI. Description of Habitat

No data are available which would necessitate a change to this section of the FMP.

VII. Fishery Management Jurisdiction, Laws, and Policies

No data are available which would necessitate a change to this section of the FMP.

VIII. Description of Fishing Activities

No data are available which would necessitate a change to this section of the FMP.

IX. Description of Economic Characteristics of the Fishery

No data are available which would necessitate a change to this section of the FMP.

X. Description of Businesses, Markets, and Organizations Associated With The Fishery

No data are available which would necessitate a change to this section of the FMP.

XI. Description of Social and Cultural Framework of Domestic Fishermen and Their Communities

No data are available which would necessitate a change to this section of the FMP.

XII. Determination of Optimum Yield

XII–1. Specific Management Objectives

The Mid-Atlantic Council adopted the following objectives for the original FMP:

1. Provide opportunity for increased domestic recreational and commercial catch;
2. Maximize the contribution of recreational fishing for Atlantic mackerel to the national economy;
3. Maintain the spawning stock size of Atlantic mackerel at or above its size in 1978.
4. Achieve efficient allocation of capital and labor in the mackerel fishery; and
5. Minimize costs to taxpayers of development, research, management, and enforcement in achieving these objectives.

XII–2. Description of Alternatives and XII–3. Analysis of Beneficial and Adverse Impacts Of Potential Management Options

The following management measures are included in the FMP:

1. Restriction of Atlantic mackerel catches in the FCZ so that the total domestic catch from the territorial sea and the FCZ does not exceed 14,000 metric tons for the 1979–1980 fishing year, allocating 9,000 metric tons to the sport fishery and 5,000 metric tons to the domestic commercial fishery. The Council will reevaluate these allocations in October, 1979, or at capture of 5,000 tons of mackerel in either the sport or commercial fishery, or when 70% of either allocation has been taken in the FCZ, whichever comes first. The Regional Director of the NMFS, with the concurrence of the Council, may then redistribute these allocations between the US recreational and commercial fisheries for the balance of the fishing year.
2. Restriction of accumulative foreign Atlantic mackerel harvest to 1,200 metric tons for the 1979–1980 fishing year. This amount is intended to provide only for incidental foreign catches of mackerel. At such time as a foreign nation takes its allocation of Atlantic mackerel, it will be required to cease fishing operations that would lead to an additional catch of Atlantic mackerel.
3. All vessels fishing commercially for Atlantic mackerel, either directly or as a by-catch from other fisheries, must be registered. This provision also applies to all vessels for hire for fishing recreationally directly or indirectly for mackerel.
4. Weekly reports on mackerel catches must be filed by foreign and domestic fishermen and domestic

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dealers and processors must submit weekly reports on any transactions involving mackerel.

Alternatives considered for Amendment #1 were:

1. *Take No Action At This Time*—This alternative would mean the the FMP would lapse at the end of fishing year 1979–1980. If this occurred, the NMFS would be required to prepare a PMP for this fishery. A PMP would annually set an OY and would estimate DAH and, thus, TALFF. A PMP, however, regulates foreign, but not domestic, harvesting. A reversion of PMP management might result in a relatively large annual reallocation of mackerel to foreign fisheries.

Another effect of this alternative would be that data on the domestic harvesting and processing capacities that would be collected as a result of the recordkeeping provisions of the FMP could not be collected, or could be collected as effectively. This would seriously limit assessments of the scope and development of the US commercial and recreational fisheries, and would eliminate other fishery and biological information needed to assess OY, DAH, DAP, and condition of the stock.

In addition, it is probable that the US and Canada will conclude and implement a bilateral fisheries treaty in the near future. Since the mackerel fishery extends significantly into Canadian waters, it is highly probable that such a treaty will specify bilateral management of this resource. Should this occur, the US would be required to manage the domestic (sport and commercial) and foreign harvest of this species in US waters in order to conform with the terms of such a treaty and whatever management measures (such as quotas) as might be promulgated on an annual basis by the international management regime. Established FMP management will greatly facilitate implementation of such bilateral managment measures, since bilateral management would require regulation of US fishermen and, under the FCMA, such regulation is possible only with an FMP, and will ensure equitable treatment of the domestic fisheries sectors under such a regime.

2. *Continue The Current FMP Through Fishing Year 1980–1981 With No Other Changes*—This would require that the FMP be amended again for the period beyond 31 March 1981. Under this alternative, OY, DAH, DAP, and TALFF would remain the same as those in the original FMP (OY =15,200 mt, DAH =14,000 mt, DAP =5,000 mt, and TALFF =1,200 mt).

This alternative might result in a closure of the US fisheries in fishing year 1980–1981 if US landings exceeded 14,000 mt during that time. A closure would be likely because of the predicted increased abundance of mackerel which should significantly increase the recreational catch as well as the commercial by-catch. Since the US mackerel fisheries are highly seasonal by region, this possibility would have grave implications for the economic welfare of the US fisheries, not only for mackerel, but also for other species with which mackerel is usually taken. Because mackerel migrate along the coast, a closure during the second half of the fishing year could result in a violation of National Standard 4 (See Section XII–5) because fishermen from certain areas would not have their historic opportunity to fish for mackerel. Since the OY specified by the original FMP is significantly less than the expected surplus production from the mackerel stock, and since the stock currently appears to be increasing in abundance, a closure of the US fisheries after their harvest of 14,000 mt would result in adverse economic impacts on US interests with minimal concomitant conservation benefits.

3. *Continue The FMP Without Time Limit With No Other Changes*—This would eliminate the need for annual amendments to the FMP. The FMP would only require amendments as necessary when significant changes occurred in the US industry and/or in stock abundance. The values of OY, DAH, DAP, and TALFF specified in the current FMP would be set without change for each fishing year.

The adverse impacts of this alternative are identical to those identified for Alternative 2 and would, in fact, be exacerbated by this Alternative, due to the developing nature of the US fisheries and the rapidly increasing abundance of mackerel. The only potential beneficial impact of this Alternative would be a reduction in administrative and regulatory costs. These savings, however, would probably be offset or exceeded by the resultant additional costs of stringent quota enforcement.

4. *Continue The FMP With Changes To OY And Quotas*—The most recent biological assessment indicates that mackerel stock size has greatly increased over the 1978 level. This suggests that the stock rebuilding objective of the original FMP can still be met with a total catch (in US and Canadian waters) and Optimum Yield in fishing year 1980–1981 (and beyond) significantly greater than those in the original FMP. This and other information also indicate that increases in DAH (Domestic Annual Harvest, i.e., the overall US mackerel harvesting capacity) and NPF (Non-Processed Fish, defined here to equal the mackerel harvesting capacity of US recreational fishermen) estimates are justified, because the US recreational harvesting capacity is expected to increase with increases in mackerel stock size. Data on the US commercial harvesting capacity and on the intent and desire of US processors to process mackerel, however, are limited at present.

Based on the best available scientific information, a reasonable alternative, therefore, is to specify Optimum Yield at 30,000 mt, DAH at 20,000 mt, NPF at 15,000 mt, and DAP at 5,000 mt. This would leave a surplus of 10,000 mt. Given the developing nature of the US commercial fishery, as well imprecise recreational fishery data, it is desirable that at least a portion of any surplus (10,000 mt, as modified by changes in any of the above values) should initially be placed in a reserve and not totally allocated to TALFF. It is therefore proposed that the initial TALFF be 4,000 mt, and that a reserve of 6,000 mt be provided. The above values, as modified after the review process, could be used for a finite (e.g., one or two year) or indefinite extension of the FMP as discussed in Alternative 3.

5. *Revise Objective 4*—Objective 4 states "Achieve efficient allocation of capital and labor in the mackerel fishery." It is proposed that the objective be revised to read "Achieve efficiency in harvesting and use." The revision more clearly states the Council's intent than does the objective as currently worded.

XII–4. Tradeoffs Between The Beneficial And Adverse Impacts Of The Preferred Management Option

Alternatives 4 and 5 have been adopted as the preferred management option. Alternative 4 will have a beneficial impact on the US fisheries in that is will allow for their expansion up to a (commercial and recreational) harvest of 26,000 mt without the need for closures and without the requirement to amend the FMP if US landings increase above the current best estimate of DAH (20,000 mt).

The FMP is extended through this Amendment for one fishing year. The Council believes this to be necessary given (a) the rapidly changing abundance of mackerel which makes difficult recommendations for TACs and OYs for the period beyond fishing year 1980–1981; (b) uncertainties regarding the capacity of the US commercial fishery beyond fishing year 1980–1981; (c) uncertainties as to the terms of

bilateral mackerel management should a fisheries agreement be concluded with Canada; (d) uncertainties regarding the catch of mackerel in Canadian waters in 1979, 1980, and beyond; (e) the desire of the Council to develop a long-term management regime for this resource in the near future. It is possible that such a long-term FMP will entail significantly different capacity assessment and regulatory techniques than are contained in the current FMP and this Amendment.

The original FMP contained an allocation of the US harvesting capacity (DAH) between recreational and commercial fishermen. The preferred option (Alternative 4) eliminates that allocation. The US quota proposed in Alternative 4 (20,000 mt) plus the provision of an additional allocation of up to 6,000 mt from the Reserve, is considered adequate for all US fishermen. The division of that overall quota between the recreational and commercial sectors would, therefore, be an unnecessary provision that would only complicate management and increase management costs.

For purposes of Amendment #1, Domestic Annual Harvest (DAH) is defined to mean the harvesting capacity of the US recreational and commercial fisheries and the intent of those fisheries to harvest that capacity. Non-Processed Fish (NPF) is defined to mean mackerel caught by the recreational fishery. The capacity of the commercial fishery (harvesting and processing) is the difference between Domestic Annual Harvest and Non-Processed Fish (DAH–NPF). In the mackerel fishery, Domestic Annual Processing (DAP) is defined to include all processing methods used by the US commercial fishery, including all handling associated with the domestic fresh fish market. Available information indicates that there are no technical or physical constraints on domestic processing capacity up to the theoretical maximum DAP level of 11,000 mt at this time.

Under Alternative 4, the initial capacity of the domestic recreational mackerel fishery would be 15,000 mt. Since the magnitude of the recreational mackerel catch is dependent to some degree on abundance, and since mackerel abundance appears to be increasing, a reasonable initial estimate of the US recreational capacity (i.e., NPF) is 15,000 mt.

Data on the commercial fishery and on the processing sector are limited at this time. The Council has conducted a survey of processors to assist in developing the estimate of DAP. Based on the limited findings of that survey and other available data, there is no reason at this time to change the estimated commercial catch (and DAP) from the quantities estimated in the original FMP. The initial capacity of the US commercial fishery would, therefore, be 5,000 mt.

Given uncertainties as to the harvesting capacities of the US sport and commercial mackerel fisheries, and in order to provide an opportunity for gradual expansion of the commercial mackerel fishery for export, Alternative 4 would introduce a Reserve into the mackerel management regime. The purpose of the Reserve would be to set aside a portion of the OY remaining after the initial estimate of DAH has been subtracted. This Reserve would be transferred to DAH if actual landings by the US recreational and/or commercial fisheries exceeded the initial estimates in Amendment #1. The portion of the reserve not needed by the US fishery could be allocated to TALFF.

This option would also increase the initial TALFF to 4,000 mt from the 1,200 mt provided in the original FMP. While this is well below the historic foreign mackerel catch, it does represent a signficant increase over the quantity provided in the original FMP. There is also the possibility that the TALFF would be further increased by an allocation from the Reserve to the extent that the Reserve would not be needed by the US fishery. Given the recent increases in mackerel abundance, it is possible that a TALFF of 4,000 mt will not allow directed foreign fishing for this species, but will allow only for a reasonable by-catch of mackerel in directed fisheries for other species. In other words, while the 1,200 mt TALFF in the original FMP was considered to be a reasonable by-catch allowance given the abundance of mackerel during fishing year 1979–1980, the increased abundance of mackerel for fishing year 1980–1981 requires an increased by-catch allowance if foreign fisheries for other species are not to be unreasonably restricted.

The revision to Objective 4 would have no real impact on the management regime. It is intended to clarify the Council's intent. Objective 4 as currently stated ("Achieve efficient allocation of capital and labor in the mackerel fishery") could be interpreted to mean that the Council intends to take a direct role in the economic operation of the fishery. The revised wording ("Achieve efficiency in harvesting and use") more clearly states the Council's intent to not introduce measures in the management regime that would contribute to inefficiency.

The primary positive impact of the adopted options is that quotas would be increased over the levels set in the original FMP while, concurrently, the stock rebuilding program of the original FMP would be continued. A lower OY would accelerate the rate of stock rebuilding and a higher OY would decelerate that rate. Obviously, quotas would need to be changed to reflect changes in OY. It is the Council's conclusion that the OY proposed represents the best present balance between harvest levels and stock rebuilding. The OY and resultant quotas, combined with the Reserve, should not have a adverse impact on the US fishery. To the extent that the proposed initial TALFF is below historic foreign catch levels, it represents a negative impact on the foreign fishery. However, the TALFF proposed, especially when combined with the possible allocation from the Reserve, represents a substantial increase from the TALFF in the original FMP.

XII–5. Specification of Optimum Yield

This Fishery Management Plan proposes an optimum yield based on: (1) the best scientific evidence currently available; (2) the probable impacts of any TAC and bilateral agreement reached with Canada for this species; (3) estimated economic and social impacts of various catch levels to the US fisheries and affected communities; and (4) environmental considerations. The maximum sustainable yield of mackerel has been estimated at 210,000–230,000 mt (Section V–4 of the original FMP). Harvest at this level on an annual basis, however, presupposes annual levels of recruitment well in excess of those observed in most of the last several years. Although the relationship between spawning stock size and recruitment to the fishery is unknown (and may be affected by environmental fluctuations), it is probable that at low levels of abundance, as has recently been the case, there is a positive correlation between spawning stock size and recruitment. Thus, analyses within the FMP and this Amendment include the assumption that the larger the spawning stock size (up to an as yet undetermined level), the higher the probability of larger recruitment to the fishery; conversely, that poor recruitment is more likely to result from small spawning stocks than from very abundant ones.

The most recent mackerel stock assessment (Anderson, 1979; NEFC Lab. Ref. 79–35; Appendix I) indicates that the total mackerel stock size (1979) has increased significantly over the 1978 level (Table I–10). This is due primarily to a very abundant 1978 year-class, which was estimated at age 1 to be 3–4

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times as large as the 1975–1977 year-classes at age 1. Because the 1978 year-class will not begin to enter the spawning stock until 1980, however, increases in mackerel spawning stock size will lag increases in overall stock size. The spawning stock size in 1979 is estimated to be about 40% (by weight and number) of the 1962–1979 average spawning stock size, and slightly smaller than the estimated spawning stock size in 1978. The spawning stock size is expected to increase significantly starting in 1980, due to the maturation of the abundant 1978 year-class.

Table I–18 in Appendix I illustrates possible combinations of total mackerel catches in 1979 and 1980 and their consequential effects upon mackerel spawning stock size in 1981. Possible total catches in 1979 from 30,000 to 100,000 mt and possible total catches in 1980 from 15,000 to 150,700 mt have been considered. Table I–18 suggests that if the total (US and Canadian waters) mackerel catch in 1979 is approximately 65,200 mt, then a total catch of about 90,000 mt could be taken in 1980, with a resulting spawning stock size in 1981 at least 50% greater than that in 1979, and at least 20% greater than in 1980. Table I–18 indicates that a total catch of between (approximately) 16,000 and 140,000 mt in 1980 will result in a spawning stock size in 1981 of between (approximately) 620,000 to 490,000 mt, respectively (assuming a total 1979 catch of about 65,000 mt). A spawning stock size of 490,000 mt in 1981 would be approximately 1.4 times the size of the 1979 spawning stock (in weight), but would also represent a spawning stock size of about 55% of the average size from 1962–1979. Similarly, a 1980 total catch of about 16,000 mt would yield a 1981 spawning stock size of about 1.7 times the 1979 size and about 70% of the 1962–1979 average size. If, however, the 1979 mackerel catch in Canadian waters exceeds that assumed above (i.e., is significantly greater than 50,000 mt), then the increases in stock sizes for 1981 at the above 1980 catch levels would be less.

In order to make a meaningful prediction of the biological consequences of various Optimum Yield levels, it was necessary to assume that the entire OY provided in the original FMP for fishing year 1979–1980 (15,200 mt) will be harvested and that the catch of mackerel in Canadian waters (by Canadian and foreign vessels) for fishing year 1979–1980 will be at least 50,000 mt. Table 1 lists possible TACs for 1980 and the resultant total 1980 catches under the assumptions of (1) a 60%/40% ratio of US/Canadian quotas; (2) a total 1979 catch of 100,000 mt; and (3) full harvest of the 1980 Canadian quota. The most recent provision of the US/Canadian bilateral negotiations is that the US will receive 60% and Canada 40% of whatever TAC is agreed upon yearly for this species. If, for example, a TAC of 100,000 mt for 1979 were negotiated, the US would, under this provision, receive 60,000 mt as its quota.

Table 1.—*Possible TAC's For 1980, Resultant 1980 Total Catches, And Approximate Resultant Spawning Stock Size in 1981, Under the Assumptions: (1) a 60 percent/40 percent Ratio of United States/Canadian Quotas Within a TAC; (2) Total Catch of 100,000 mt; (3) A United States 1980 Optimum Yield of 30,000 mt; and (4) Full Harvest of the 1980 Canadian Quota.*

[In thousands of metric tons]

1980 TAC	1980 United States quota	1980 United States catch	1980 Canadian quota	1980 total catch (all waters)	Stock size in 1981	Percent change in stock size from 1979	Percent change in stock size from 1980
60	36	30	24	54	552.4	54.3	31.1
80	48	30	32	62	543.8	51.9	29.0
100	60	30	40	70	535.1	49.5	27.0
120	72	30	48	78	526.5	47.1	24.9
140	84	30	56	86	517.9	44.8	22.9
160	96	30	64	94	509.2	42.2	20.6
180	108	30	72	102	500.6	39.8	18.6
200	120	30	80	110	491.9	37.4	16.7
220	132	30	88	118	483.36	35.0	14.7
240	144	30	96	126	474.6	32.6	12.8

The estimated US DAH for mackerel in fishing year 1980–1981 is 20,000 mt (15,000 mt by sport fishermen and 5,000 mt by commercial fishermen). This capacity is above that estimated for 1979 due to an increase in abundance of the species. The capacity of the recreational fishery is considered reasonable in light of the reported 1970 recreational catch of approximately 32,000 mt. On the basis of a limited processor survey recently conducted, the Council cannot justify an increase in DAH or DAP over the 5,000 mt level.

It is the Council's conclusion that the mackerel fishery should be managed so as to increase spawning stock size to a level nearing the estimated average spawning stock size from 1962–1979. The average mackerel spawning stock level during that period was approximately 850,000–900,000 mt. Although the spawning stock size is expected to increase significantly in 1981 (compared to 1979) regardless of relatively large catches in 1979 and 1980 (e.g., 100,000 mt or greater), even relatively small total catches in 1979 and 1980 (e.g., 50,000 mt each year) will yield a spawning stock size in 1981 no greater than about 70% of the average spawning stock size since 1962.

In addition to this consideration, the Council believes that uncertainities regarding (a) the magnitude of mackerel catches in 1979 and 1980 in Canadian waters; (b) the implementation of bilateral management; and (c) the magnitude of negotiated mackerel TACs should bilateral management be instituted, make prudent a precautionary OY for mackerel in U.S. waters, at least in fishing year 1980–1981 and at least until major uncertainities regarding Canadian policy with regard to this responce have been resolved. Given the significant increase in mackerel abundance, however, the Council believes that a significant increase in OY over the fishing year 1979–1980 level should be made for fishing year 1980–1981.

The OY for fishing year 1980–1981 for all Atlantic mackerel under U.S. jurisdiction (the management unit of this FMP) is 30,000 mt. This catch level in fishing year 1980–1981 represents the best present balance between the Council's desires to (a) ensure continued increases in mackerel abundance, and (b) accomodate the full capacities of the U.S. recreational and commercial fisheries to harvest this species. The Council believes that an OY significantly less than this amount will not materially enhance stock rebuilding, regardles of the magnitude of the mackerel catch in Canadian waters in 1979 and 1980, given the most recent and best scientific assessment of the stock. The Council believes an OY significantly in excess of the 30,000 mt level is unjustified in light of the stock rebuilding objective of the FMP. As detailed in Sections XII–2 through XII–4, the surplus of the OY left after DAH is subtracted, 10,000 mt, is not initially allocated entirely to TALFF. Given present uncertainties as to the ultimate DAH for mackerel in fishing year 1980–1981, 6,000 mt of this surplus is placed in a Reserve. Thus, the initial TALFF for mackerel is 4,000 mt.

Table 2.—*MSY, OY, DAH, DAP, NPF, and TALFF (in metric tons)*

Maximum sustainable yield	[1] 210,000 [1] 230,000
Optimum yield	[2] 30,000
DAH	[2] 20,000
DAP (U.S. commercial harvesting and processing capacity)	[2] 5,000
NPF (U.S. recreational capacity)	[2] 15,000
Reserve	[2] 6,000
Total allowable level of foreign fishing	[2] 4,000

[1] Throughout species range.
[2] For the management unit.

Section 301(a) of the Fishery Conservation and Management Act states that: "Any fishery management plan prepared, and any regulation promulgated to implement such plan . . . shall be consistent with the following national standards for fishery conservation and management." The following is a discussion of the standards and how this amended FMP meets them:

"(1) Conservation and management measures shall prevent overfishing while achieving, on a continuous basis, the optimum yield from each fishery." The optimum yield specified in this Amendment is designed to prevent further reductions in mackerel spawning stock size. The provisions of this Amendment constitute a continuation of the program to rebuild the stocks to higher levels of abundance.

"(2) Conservation and management measures shall be based upon the best scientific information available." This Amendment is based on the best and most recent scientific evidence.

"(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination." This Amendment has been designed in anticipation of, and to complement, a possible U.S./Canadian bilateral agreement for the species.

"(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges." Estimates of U.S. capacity for mackerel used in this Amendment include expected catches by all fishermen (sport and commercial) in all affected coastal States. Thus, although mackerel is a migratory species which each year becomes available first to fishermen in more southern States, no closure of this fishery to fishermen in northern Mid-Atlantic or New England States should result from the provisions of this Amendment. In addition, most of the expected increase in domestic commercial catches probably will occur in New England States, which renders remote the likelihood of closure of this fishery prior to arrival of this species in northern waters.

"(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of the fishery resources; except that no such measure shall have economic allocation as its sole purpose." Since domestic fisheries presently harvest mackerel beneath the OY level, no economic inefficiencies due to surplus investment or fishing effort, or similar considerations, should result from the provisions of this FMP. As U.S. capacity estimates anticipate an increase in commercial fishing for mackerel, this FMP will not create economic inefficiency in domestic commercial fisheries.

"(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches." This FMP and the OY and allocations described herein take into account possible fluctuations in species abundance, expected trends in U.S. demand for mackerel, and the possible effects of Canadian mackerel catches and U.S./Canadian bilateral negotiations as they relate to this species.

"(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication." The management measures outlined in this Amendment are consistent with and complement, but do not duplicate, management measures contained in other FMPs or PMPs. Costs of management should not differ from the costs of the original FMP.

XIII. Measures, Requirements, Conditions, or Restrictions Proposed to Attain Management Objectives

Note.—All references to the Foreign Fishing Regulations are intended to adopt by reference the Foreign Fishing Regulations as they may exist at the time of the adoption of this FMP by the Secretary of Commerce and as they may be amended from time to time following FMP adoption.

XIII–1. Permits and Fees

No changes are proposed as a result of Amendment #1.

XIII–2. Time and Area Restrictions

Foreign nations fishing for mackerel shall be subject to the time and area restrictions set forth in part 611.50 of Title 50 Code of Federal Regulations (CFR).

Fixed Gear Avoidance

Foreign nations fishing for mackerel shall be subject to the fixed gear avoidance regulations set forth in part 611.50(e) of 50 CFR.

XIII–3. Catch Limitations

The fishing year for mackerel shall be the twelve (12) month period beginning April 1.

The annual TALFF for mackerel is 4,000 metric tons.

The US Domestic Annual Harvest (quota) for mackerel is 20,000 metric tons.

A Reserve of 6,000 mt is established.

It is the policy of the Mid-Atlantic Fishery Management Council that the Assistant Administrator for Fisheries, NOAA, be allowed to make an in-season adjustment to the estimated domestic annual harvest (DAH) and Total Allowable Level of Foreign Fishing (TALFF) for mackerel from the Reserve based on the criteria specified by the Council as set forth below. The Council further establishes that any allocation made by the Assistant Administrator in consultation with the Council must be consistent with the objectives of this management plan for the mackerel fishery. An adjustment is a temporary in-season increase of DAH and annual domestic quota and an equivalent temporary in-season decrease of Reserve. These adjustments may be made if actual US landings of mackerel are expected to exceed DAH. A portion of the Reserve not needed to meet actual DAH may be allocated to TALFF. At the end of the fishing year (March 31), DAH, annual domestic quota, and TALFF shall revert to the amounts specified by the Mid-Atlantic Fishery Management Council in Section XII–5 of this FMP.

The Council's criteria to guide the Assistant Administrator in the allocation process are as follows:

The National Marine Fisheries Service (NMFS) shall review reported domestic harvest (including off-loadings at sea) for mackerel on a monthly basis. Domestic harvest shall be determined based upon vessel and processor reports required by Section XIV of this FMP, additional statistical port sampling data collected by NMFS, and surveys of marine angler catches.

The Assistant Administrator shall project the total amount of Atlantic mackerel that will be harvested by US fishermen during the entire fishing year.

If the estimated amount of Atlantic mackerel to be harvested by US fishermen exceeds DAH, the Assistant Administrator shall allocate a sufficient quantity of Atlantic mackerel to DAH from the Reserve. Such allocation shall ensure that the US fishery for Atlantic mackerel will not be subject to closure except in the event that domestic landings of that species threaten to

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exceed DAH plus the Reserve for Atlantic mackerel.

At the end of the first six months of the fishing year, if the estimated total amount of Atlantic mackerel to be harvested by US fishermen is less than 80 percent of the total domestic DAH plus the Reserve (i.e., 20,800 mt), the Assistant Administrator shall consider an allocation of the remainder of the Reserve for Atlantic mackerel to TALFF.

Any allocations made under this provision shall be timely, and implemented in a manner which facilitates the conduct of the fishery with a minimum of disruption.

The Assistant Administrator shall accomplish any allocation of mackerel through the regulatory process. Notice of proposed rulemaking stating the amount of Atlantic mackerel to be allocated shall be published in the **Federal Register**. the public shall be given a 15-day comment period from the date of publication. During this time the Assistant Administrator or his designee shall consult with the appropriate committee of the Council to ensure that the proposed allocation is consistent with the objectives contained in the FMP. The Assistant Administrator shall publish final regulations as appropriate in the **Federal Register** to accomplish any allocation. The Council believes these final regulations should be published in the **Federal Register** in a timely manner, to allow for proper notice. When the final regulations are published in the **Federal Register**, all comments and relevant information received including catch statistics shall be summarized.

The Council has determined that it is inappropriate to provide for allocation of the entire Reserve for Atlantic mackerel to TALFF for the following reasons:

(1) The traditional pattern of US harvesting of mackerel throughout the latter part of the fishing year, including the last month of the fishing year.

(2) The unknown amount of incidental catch of mackerel which may be unreported.

(3) The possibility of unforeseen entry into the mackerel fishery by domestic fishermen late in the season.

(4) The development of the mackerel export market.

The Council anticipates that the Secretary, after consultation with the Council, will implement the intent of the FMP to restrict US harvest in excess of DAH plus the Reserve by imposing such measures including, but not limited to, trip limitations, quarterly or half yearly quotas, and closed areas, as she deems appropriate in the final regulations. Such measures should ensure the achievement of OY in a manner that does not result in a sudden dislocation of those involved in the fishery. The Council intends that these measures will enable fishermen to redirect their effort in a timely manner should a closure of the fishery or a substantial diminution in allowable catch become necessary.

XIII–4. Types of Gear

Foreign nations fishing for mackerel shall be subject to the gear restrictions set forth in part 611.50(c) of 50 CFR.

XIII–5. Incidental Catch

Foreign nations fishing for mackerel shall be subject to the incidental catch regulations set forth in parts 611.13, 611.14, and 611.50 of 50 CFR.

XIII–6. Restrictions

No operator of any foreign fishing vessel, including those catching mackerel for use as bait in other directed fisheries, shall conduct a fishery for mackerel outside the areas designated for such fishing operations in this FMP.

XIII–7. Habitat Preservation, Protection and Restoration

The Council is deeply concerned about the effects of marine pollution on fishery resources in the Mid-Atlantic Region. It is mindful of its responsibility under the FCMA to take into account the impact of pollution on fish. The extremely substantial quantity of pollutants which are being introduced into the Atlantic Ocean poses a threat to the continued existence of a viable fishery. In the opinion of the Council, elimination of this threat at the earliest possible time is determined to be necessary and appropriate for the conservation and management of the fishery, and for the achievement of the other objectives of the FCMA as well. The Council, therefore, urges and directs the Secretary to forthwith proceed to take all necessary measures, including but not limited to, the obtaining of judicial decrees in appropriate courts, to abate, without delay, marine pollution emanating from the following sources: (1) the ocean dumping of raw sewage sludge, dredge spoils, and chemical wastes; (2) the discharge of raw sewage into the Hudson river, the New York Harbor, and other areas of the Mid-Atlantic Region; (3) the discharge of primary treated sewage from ocean outfall lines; (4) overflows from combined sanitary and storm sewer systems; and (5) discharges of harmful wastes of any kind, industrial or domestic, into the Hudson River or surrounding marine and estuarine waters.

XIII–8. Development of Fishery Resources

No changes are required as a result of Amendment #1.

XIII–9. Management Costs and Revenues

It is expected that the costs of implementing Amendment #1 should be similar to the cost of implementing the original FMP. The licensing and reporting requirements are essentially unchanged. The monitoring necessary to allocate the Reserve should not result in costs significantly different from the costs of monitoring required in the original FMP to allocate between the US commercial and recreational sectors.

XIV. Specifications and Sources of Pertinent Fishery Data

No changes are required as a result of Amendment #1.

XV. Relationship of the Recommended Measures to Existing Applicable Laws and Policies

XV–1. Fishery Management Plans

Amendment #1 to the Atlantic Mackerel FMP is related to other FMPs, PMPs, and proposed FMPs as follows:

1. It will amend the FMP regulating fishing for mackerel.

2. All fisheries of the northwest Atlantic are part of the same general geophysical, biological, social, and economic setting. Domestic and foreign fishing fleets, fishermen, and gear often are active in more than a single fishery. Thus, regulations implemented to govern harvesting of one species or a group of related species may impact upon other fisheries by causing transfers of fishing effort.

3. Many fisheries of the northwest Atlantic result in significant non-target species fishing mortality. Therefore, each management plan must consider the impact of non-target species fishing mortality on other stocks and as a result of other fisheries.

4. Mackerel are a food item for many commercially and recreationally important fish species. Also, mackerel utilize many finfish species as food items.

5. Present ongoing research programs often provide data on stock size, levels of recruitment, distribution, age, and growth for many species regulated by the PMPs, FMPs, and proposed FMPs.

XV–2. Treaties or International Agreements

No treaties or international agreements, other than GIFAs entered into pursuant to the FCMA, relate to this fishery.

XV–3. Federal Laws and Policies

The only Federal law that controls the fishery covered by this management plan is the FCMA.

Marine Sanctuary and Other Special Management Systems

The USS Monitor Marine Sanctuary was officially established on January 30, 1975, under the Marine Protection, Research, and Sanctuaries Act of 1972. Rules and regulations have been issued for the Sanctuary (15 CFR Part 924). They prohibit deploying any equipment in the Sanctuary, fishing activities which involve "anchoring in any manner, stopping, remaining, or drifting without power at any time" (924.3(a)), and "trawling" (924.3(h)). Although the Sanctuary's position off the coast of North Carolina at 35°00'23" N latitude—75°24'32" W longitude is located in the plan's designated management area, it does not occur within, or in the vicinity of, any foreign fishing area. Therefore, there is no threat to the Sanctuary by allowing foreign mackerel fishing operations under this FMP. Also, the Monitor Marine Sanctuary is clearly designated on all National Ocean Survey (NOS) charts by the caption "protected area". This minimizes the potential for damage to the Sancturary by domestic fishing operations.

Potential Impact on Marine Mammals and Endangered Species

Numerous species of marine mammals occur in the northwest Atlantic Ocean, yet definitive species composition is unknown. Indications are that the most numerous species in the area are the common (saddleback) dolphin (*Delphinus delphis),* harbor porpoise (*Phocoena phocoena),* and harbor seal (*Phoca vitulina).* Data on population abundance for various species, however, is sketchy at best, and for some species is non-existent. In addition, feeding behavior and preference for certain prey species are not well understood. These facts in combination make it extremely difficult to assess, even qualitatively, the potential impact of the mackerel management program on marine mammal populations.

the proposed harvest level for the 1979–1980 fishing year of 11,000 mt is not expected to cause any declines in abundance of this species. Therefore, no change in the availability of these species to those toothed cetaceans and pinnipeds that utilize mackerel as a food item is expected to occur.

Whenever fishing gear and marine mammals occur in the same area, there always exists a potential for an incidental kill of marine mammals. Except in unique situations (e.g., tuna-porpoise in the central Pacific), the incidental kill as a result of commercial fishing activities usually has an insignificant impact upon the stability of marine mammal populations. This is because the number of animals killed is relatively small compared to total population size.

Outside of certain marine mammals, the only threatened/endangered species occurring in the northwest Atlantic are the shortnose sturgeon (*Acipenser brevirostrum)* and several species of sea turtles. Because data on occurrences of shortnose sturgeon are vital to understanding its current status, the Council urges fishermen to report any incidental catch of this species to the Shortnose Sturgeon Recovery Project of the NMFS.

Available data appear to indicate that several species of sea turtles are regularly found in New England waters. These turtles are the Kemp's ridley (*Lepidochelys kempi),* leatherback (*Dermochelys coriacea),* loggerhead (*Caretta caretta),* and green (*Chelonia mydas).* In addition, hawksbill turtles (*Eretmochelys imbricata)* occasionally stray into the area. The Kemp's ridley sea turtle, while probably the most endangered reptile on earth (total population estimated at several thousand adult individuals), is also the most frequently observed sea turtle in New England waters, especially Cape Cod Bay. Strandings of Kemp's ridley are routine, have been known to occur for some time, and result in some mortality to the stranded animals. One hypothesis is that individuals remain in the Bay until late autumn, and with the decrease in water temperature as winter approaches, these animals become subject to hypothermia and subsequently die.

In late autumn, 1978, seven Kemp's ridley turtles were found on the beaches along Cape Cod Bay. While several of these individuals were reportedly cut and bleeding when first observed, recent examination of the preserved specimens did not reveal any major physical damage to the individuals. It is possible that these animals were injured by fishing activity either through entanglement in the trawl nets or by contact with a vessel's propeller. However, there is no solid evidence to indicate that fishing operations were responsible for the kills. Based on inquires to fishermen conducted by NMFS and Massachusetts Division of Marine Fisheries personnel, the general conclusion can be drawn that regular and numerous killings of Kemp's ridley turtles in Cape Cod Bay do not occur as a result of normal commercial fishing operations. Additional monitoring of turtles is needed.

In conclusion, the Council does not believe that implementation of the mackerel FMP will have any adverse impact upon populations of marine mammals and endangered species. As additional understanding of the status and dynamics of marine mammal and sea turtle populations becomes available, the Council will integrate this information into the examination of potential impacts upon the environment as a result of FMPs.

Current and/or Proposed Oil, Gas, Mineral, and Deep Water Port Development

While Outer Continental Shelf (OCS) development plans may involve areas overlapping those contemplated for offshore fishery management, we are unable to specify the relationship of both programs without site specific development information. Certainly, the potential for conflict exists if communication between interests is not maintained or appreciation of each other's efforts is lacking. Potential conflicts include, from a fishery management position: (1) exclusion areas, (2) adverse impacts to sensitive, biologically important areas, (3) oil contamination, (4) substrate hazards to conventional fishing gear, and (5) competition for crews and harbor space. The Council has recommended that the nomination of the Georges Bank Marine Sanctuary be reinstated and that an EIS be prepared for it.

We are not aware of pending deep water port plans which would directly impact offshore fishery management goals in the areas under consideration, nor are we aware of potential effects of offshore fishery management plans upon future development of deep water port facilities.

XV–4. State, Local, and Other Applicable Laws and Policies

No State or local laws control the fisheries that are the subject of this management plan other than those listed in Section VII–4.

State Coastal Zone Management (CZM) Programs

The proposed action entails management of mackerel stocks in an effort to ensure sustained productivity at some optimum level. In order to achieve this goal, all management plans must incorporate means to achieve integrity of fish stocks, related food chains, and habitat necessary for this integrated biological system to function effectively. Inasmuch as CZM plans are presently in

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the developmental stages, we are not aware of specific measures on the part of the individual states which would ultimately impact this fishery plan. However, the CZM Act of 1972, as amended, is primarily protective in nature, and provides measures for ensuring stability of productive fishery habitat within the coastal zone. Therefore, each State's CZM plan will probably assimilate the ecological priniciples upon which this particular fishery management plan is based. It is recognized that responsible long-range management of both coastal zones and fish stocks must involve mutually supportive goals. At the time that the draft of Amendment #1 was distributed for review, the Council had been advised that Maine, Massachusetts, Rhode Island, New Jersey, Maryland, and North Carolina had approved CZM Programs. Copies of the draft were sent to the CZM agencies in those States for review and no comments were received.

XVI. Council Review and Monitoring of the Plan

The Council will review the plan each year following the close of the mackerel fishery and the publication of the results of the spring NMFS survey cruse. This schedule will permit a review of MSY, OY, DAH, DAP, NPF and TALFF prior to the development of foreign fishing allocations. This schedule may be modified in the future as the domestic fishery evolves. An additional factor in this evaluation will be the findings of the NMFS marine angler survey.

XVII. References

All requests for background information, biological assessments, etc., should be directed to the offices of the Mid-Atlantic Fishery Management Council. Additions to the references listed in the original FMP are:

Mid-Atlantic Fishery Management Council. 1978. Final environmental impact statement/fishery management plan for the Atlantic mackerel fishery of the northwest Atlantic Ocean, supplement #1. 134 p.

Anderson, E. D. 1979. NMFS, Northeast Fisheries Center, Woods Hole Lab. Lab Reference 79–35.

Appendix I. Status of the Northwest Atlantic Mackerel Stock—1979*

Introduction

This report analyzes the status of the Atlantic mackerel (*Scomber scombrus*) stock distributed throughout ICNAF Subareas 3, 4, and 5 and Statistical Area 6 (SA 3–6) (Figure I–1). This analysis reported herein is an update of the assessment by Anderson and Overholtz (1979a) and utilizes procedures described in Anderson (1979) and Anderson and Overholtz (1979a). Included in this report are international commercial and US recreational catch statistics; US research vessel bottom trawl survey abundance indices; fishing mortality and stock size estimates from cohort analysis; recruitment estimates; and projected options for catch in 1980, given various levels of catch in 1979, with resulting spawning stock biomasses in 1981.

Catch

The international mackerel catch (commercial and recreational) in ICNAF SA 3–6 increased from 12,310 tons in 1960 to 431,606 tons in 1972, and subsequently dropped to only 33,450 tons in 1978 (Table I–1). The US commercial catch has ranged between 938 and 4,364 tons during 1960–1978 and averaged 2,200 tons per year; the 1978 catch was 1,604 tons. Estimated US recreational catches have varied from 522 to 33,303 tons (average of 13,200 tons) and increased sharply from 522 tons in 1977 to 6,571 tons in 1978. Canadian catches during 1960–1978 have varied from 5,459 to 24,444 tons (1978) and averaged 13,400 tons each year. Catches by countries other than the US and Canada increased from 11 tons in 1961 to 396,759 tons in 1973 and decreased to only 831 tons in 1978.

The 1978 catch statistics are presently provisional (Table I–2). The Canadian catch of 24,444 tons comprised 73% of the total, followed by the US with 8,175 tons or 24% (commercial and recreational). A total of 24,913 tons was taken in SA 3–4 and 8,537 tons in SA 5–6. The US imposed a catch limitation for 1978 of 15,500 tons for the portion of the overall stock under US jurisdiction, with only 1,200 tons allocated to distant water fleets as incidental catch in other fisheries. Of this latter amount, only 362 tons were taken; the balance (469 tons) of the distant water fleet catch was taken in SA 4 (Canadian waters).

The estimate of mackerel catch from the US recreational fishery in 1978 was based on a survey of the spring recreational mackerel fishery in the Middle Atlantic area conducted by personnel of the NMFS, Northeast Fisheries Center, Sandy Hook Laboratory, in cooperation with personnel from New Jersey, Delaware, and New York (Christensen et al., 1979a). It was estimated that 6,103 tons were caught by anglers aboard party, charter, and private boats in the area from Virginia to Maine. Assuming that the proportion of mackerel caught from boats compared to that caught from shore was the same in 1978 as estimated in the national marine angler survey conducted in 1970 (Deuel, 1973) (Virginia—New Jersey, 99.6%; New York—Maine, 90.9%), an additional 468 tons were caught by shore-based anglers. The total estimated recreational catch of mackerel in 1978 was, therefore, 6,571 tons.

Catch Composition

The international mackerel catch in numbers at age for 1978 is presented in Table I–3. The bulk of the data are Canadian (calculated by Hunt [1] and Moores [2]), although numbers at age were estimated for portions of the US recreational and commercial catch. There were no sampling data from distant water fleet catches. About 86% of the total catch in tons was accounted for by sampling data (Canada—73%; US—13%). The remaining 14% was assumed to be of the same age composition as the cumulative age composition of the sampled catch.

The 1974 and 1973 year-classes comprised 29% and 22%, respectively, of the total 1978 catch in numbers. The catch of age 1–3 fish was low in comparison to other years. Age 1 (1977 year-class) and age 2 (1976 year-class) fish comprised only 0.2% and 0.4%, respectively, of the 1978 catch, which were the lowest percentage contributions by either age group during 1962–1978. The catch in numbers of age 3 fish (1975 year-class) was 7.6%, the lowest percentage contribution by that age group since the mid-1960s. These unusually poor catches of age 1–3 fish reflect, in large part, the apparent low abundance of these year-classes (1975, 1976, and 1977), and, to a lesser extent, the decrease in distant-water-fleet (DWF) catches. In the past, the percentage contribution of age 1–3 fish was greater in DWF catches than in Canadian and USA catches. Mean age of the catch increased from 2.8 years in 1975 to 3.8 years in 1977 and then climbed sharply to 5.8 years in 1978 (Table I–5), reflecting the passage of the 1973 and 1974 year-classes through the fishery and the scarcity of younger fish in the catch in the last several years.

*Reprinted from: Anderson, E. D., and W. J. Overholtz. 1979. Status of the Northwest Atlantic Mackerel Stock—1979. NMFS, Northeast Fisheries Center, Woods Hole, Lab. Ref. No. 79–35.

[1] Hunt, J. J. Fisheries and Oceans Canada, Fisheries and Marine Service, Marine Fish Division, St. Andrews, New Brunswick E0G 2X0, Canada. personal communication.

[2] Moores, J. A. Fisheries and Oceans Canada, Research and Resource Services, Newfoundland Environment Center, P.O. Box 5667, St. John's, Newfoundland A1C 5X1, Canada. personal communication.

An estimate of the age composition of the 1978 US spring recreational catch of mackerel was made by Christensen et al. (1979b). Approximately half of the catch was comprised of fish from the strong 1967 (age 11–27%) and 1969 (age 9–23%) year-classes (Table I–4). In contrast, only about 6% of the sampled commercial catch consisted of these two year-classes. Furthermore, mackerel catches during a January–March, 1978, USSR bottom trawl survey and the US spring bottom trawl survey indicated low proportions of these older age groups and 50–60% of age 4 (1974 year-class) and 5 (1973 year-class) fish (Anderson and Overholtz, 1978b). Since the survey catches occurred primarily in offshore waters whereas the recreational fishery is conducted generally within 10–15 miles of shore, the difference in catch composition is consistent with what is known about the size and age composition of spring migrating and spawning mackerel. Sette (1943, 1950) reported that the larger, older fish were the first to move inshore to spawn followed later by smaller, younger fish.

Sampling of the spring recreational catch was also done in 1979 (Christensen [3]). Results indicate that the 1969 and 1967 year-classes again comprised about half of the catch (Table I–4). The age composition in 1978 and 1979 is consistent in indicating that the spring recreational catch is comprised mainly of large, old mackerel. Unfortunately, since sampling data were not collected prior to 1976, it is not known if this represents the typical situation or is unique to the last several years. In view of Sette's findings, however, it is likely that this is typical. The summer recreational catch of mackerel in the New England region, although less than that in the spring Middle Atlantic fishery based on past national marine angler survey results, likely includes a greater proportion of smaller fish, particularly when strong year-classes of young fish are present. Although sampling data from this component of the recreational fishery are lacking, young fish are frequently caught from shore in summer (Bigelow and Schroeder, 1953).

The international mackerel catch in numbers at age for 1962–1978 is given in Table I–5.

Mean Weights at Age

Mean weights at age, adopted by scientists in the ICNAF Assessments Subcommittee (ICNAF 1974), were used in this assessment (Table I–6). As described by Anderson (1979), these values were multiplied by the appropriate numbers at age (Table I–5) and summed by calendar year to obtain calculated catches (tons). Ratios between observed and calculated catches varied from 0.906 to 1.302 (Table I–5) and averaged 1.031. Mean weight values were applied to stock size numbers at age calculated from cohort analysis (Table I–10), with the products summed by calendar year to obtain stock biomass. Annual biomass values were corrected using the appropriate observed/calculated catch ratios. Projected catch and stock biomass levels for 1979–1981 were not corrected.

Stock Abundance Indices

US spring and autumn research vessel bottom trawl survey catch-per-tow indices (Table I–7, Figure I–3) have generally monitored trends in mackerel abundance since 1963. Surveys conducted since the previous assessment (Anderson and Overholtz, 1979a) indicate a substantial increase in mean catch per tow (kg, retransformed) during the autumn survey from 0.027 in 1977 to 0.191 in 1978, but a decrease during the spring survey from 0.447 in 1978 to 0.221 in 1979. Year-to-year changes exhibited by survey catch-per-tow indices are much less reliable than longer-term trends due to the high variability of the data (Grosslein, 1971; Anderson, 1976, 1979; Pennington and Grosslein, 1978; Sissenwine, 1978). As a result, the changes in the survey indices in 1978–1979 should be interpreted cautiously. Both the spring and autumn indices increased sharply from 1977 to 1978, but the actual improvement in stock abundance was probably less than either the 2-fold or 6-fold increase indicated by the two surveys, respectively. Results from cohort analysis (Table I–10) indicate the beginning of stock recovery from 1977 to 1978, but the increase was estimated as less than 10%. There is no logical basis for an abrupt change in actual stock size as indicated by the drop in the spring survey index from 1978 to 1979. Available information suggests that the low survey catch of mackerel in 1979 relative to 1978 was due, in part, to warmer bottom water temperatures at the time of the survey in 1979. A greater proportion of the mackerel was caught in sampling strata farther north and east (southern New England–Georges Bank area) in 1979 compared to 1978. It is likely, therefore, that a substantial portion of the mackerel normally sampled in SA 5–6 during the spring survey may, in 1979, have already migrated east and north into Canadian waters enroute to the Gulf of St. Lawrence. Anderson and Almeida (1977) were able to associate northward shifts in spring survey catches of mackerel during 1968–1976 with increases in water temperature.

The standardized US commercial catch-per-day index (Anderson, 1976) decreased slightly from 0.52 tons in 1977 to 0.48 tons in 1978 (Table I–8, Figure I–4). This index has remained fairly constant since 1975. Although this measure of relative stock abundance has generally monitored the gross fluctuations in mackerel abundance since 1964, it is limited as a reliable indicator of year-to-year change, particularly in recent years, since the index is determined from catches which have averaged less than 1% of the total catch from the stock (Anderson, 1979).

Natural Mortality

Instantaneous natural mortality (M) was assumed to be 0.30 for all ages in all years, as adopted earlier by scientists in the ICNAF Assessment Subcommittee (ICNAF 1974).

Fishing Mortality

Instantaneous fishing mortality (F) for fully-recruited age groups in 1978 was estimated using a method first proposed by Anderson et al. (1976) and employed in subsequent assessments. The technique, based on a linear relationship between mean annual F values (ages 3 and older) derived from cohort analysis and relative exploitation indices (ratio between international catch and spring survey catch per tow), predicted an F of 0.153 for 1978 (Table I–9, Figure I–5). In previous assessments (Anderson, 1979; Anderson and Overholtz, 1979a), the 1968–1977 survey values were smoothed by exponential curve and values predicted from the curve were used in calculating the relative exploitation indices. The 1968–77 time-series was smoothed because of the aberrant 1969 value and the year-to-year fluctuations in the other values; an exponential curve appeared to best describe the continuously decreasing trend. Since the 1978 value deviated sufficiently from the decreasing trend of the previous years to reflect a true increase in abundance, the actual 1978 survey value was used to calculate the relative exploitation index for 1978.

Age-specific fishing mortality (F) rates for 1962–1977 (Table I–10) were determined from cohort analysis (Pope, 1972) assuming F=0.153 at ages 4 and older in 1978. Mean annual F values for ages 3 and older increased from 0.04 in 1962–1964 to a high of 0.67 in 1976 and then decreased to 0.34 in 1977 and to an estimated 0.15 (ages 4 and older) in 1978.

[3] Christensen, D. J. NMFS, Northeast Fisheries Center, Sandy Hook Lab., Highlands, NJ 07732. personal communication.

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Recruitment

The sizes of the 1961–1974 year-classes at age 1, estimated from cohort analysis, ranged from 433 million (1963 year-class) to 8,417 million fish (1967 year-class) (Table I–10, Figure I–9), with a mean size of 2,138 million and a median size of 1,551 million.

Power curve relationships, fitted by least squares, between (1) autumn survey catch per tow at age 0 (numbers, retransformed), and year-class size at age 1 estimated from cohort analysis for 1963–1974 (Table I–12), Figure I–6), (2) spring survey catch per tow at age 1 and year-class size at age 1 for 1967–1974 (Table I–12, Figure I–7), and (3) spring survey catch per tow at age 2 and year-class size at age 2 for 1966–1974 (Table I–12, figure I–8) were used to estimate the sizes of the 1975–1978 year-classes. Previous assessments (Anderson et al., 1976; Anderson, 1979; Anderson and Overholtz, 1979) utilized linear catch-per-tow indices for ages 0, 1, and 2. The present analysis, however, modified the procedure by using a natural log transformation of the station catches prior to calculation of the catch-per-tow indices, followed by a retransformation to the linear scale. Natural log transformation and retransformation for the catch-per-tow-at-age indices employed the same general procedures (Anderson 1979) as used for the catch-per-tow indices (kg) given in Table I–7. The purpose for and result of this modification to the technique was to reduce some of the variability inherent to the unadjusted linear survey data (Anderson, 1979).

The 1975 year-class was estimated to be 538 and 966 million fish at age 1 based on the autumn (age 0) and spring (age 1) survey catch per tow indices, respectively, and 374 million at age 2 based on the spring age 2 index (Table I–12, Figures I–6—I–8). The catch (C_3) of 28.9 million fish at age 2 in 1977 (Table I–5) and a year-class size (N_3) of 374 million fish implied from:

$$C_3 = N_3 \frac{F_3}{Z_3}(1 - e^{-Z_3}) \quad (1)$$

an F_3 of 0.087. A year-class size of 519 million at age 1 then followed from cohort analysis. Based on three estimates of its size at age 1 (538, 966, and 519 million fish), which averaged 674 million, and considering that two of the three estimates were less than the mean, the 1975 year-class size was assumed to be 600 million at age 1.

Estimates were also obtained similarly for the 1976 year-class at age 1 (0, 416, and 749 million). The zero estimate obtained from the autumn survey age 0 index, although indicative of a poor year class, was not used quantitatively in determining the size of the 1976 year class. The mean of the remaining estimates was 582 million, and, therefore, the 1976 year-class was considered to be 600 million at age 1.

The 1977 year-class was estimated to be 709 and 813 million fish at age 1, based on the autumn (age 0) and spring (age 1) survey catch-per-tow indices, respectively, but only 94 million fish at age 2 based on the spring age 2 index (Table I–12, Figures I–6—I–8). The catch (C_1) of 115,000 fish at age 1 in 1978 (Table I–3) and a year-class size (N_3) of 94 million at age 2 in 1979 implied from

$$\frac{N_3}{C_1} = \frac{Z_3 e^{-Z_3}}{F_1(1 - e^{-Z_1})} \quad (2)$$

an F of 0.00105. A year-class size (N_1) of 126 million at age 1 was then implied from Equation 1. However, in view of the above two estimates of this year-class at age 1 (709 and 813 million), 126 million was considered to be unrealistically low. It was indicated previously that the catch per tow of mackerel during the spring survey decreased from 1978 to 1979 although other evidence indicates that stock abundance improved, and that the decrease was related to increased water temperature which may have stimulated an earlier migration of mackerel from the survey area into Canadian waters. Therefore, the estimate of 126 million fish at age 1 was ignored, and the 1977 year-class was assumed to be 700 million at age 1.

The 1978 year-class was estimated to be 3,342 million fish at age 1 based on the autumn (age 0) survey catch-per-tow index (Table I–12, Figure I–6). Because of the low mackerel catch during the 1979 spring survey, as described earlier, this year-class was estimated to be only 468 million at age 1 based on the spring (age 1) index (Table I–12, Figure I–7). This latter value was considered to be a gross underestimate of the true size of the 1978 year-class. In addition to the results of the 1978 US autumn survey which predicted a large 1978 year-class, results from a bottom trawl survey conducted during 10 February–4 March, 1979, in the Georges Bank—southern New England area by the Federal Republic of Germany R/V *Anton Dohrn* also tend to suggest a large 1978 year-class. The mackerel catch during this survey was larger than that from the last several *Anton Dohrn* spring surveys and consisted almost entirely of 1978 year-class fish. These fish were all caught in stratum 10 (Figure I–2), south of Cape Cod. Since this survey was conducted 1–2 months prior to the US spring survey, it is possible that the bulk of these fish had migrated from the survey area into Canadian waters by the time the US survey sampled the same area.

An attempt was made to correct for the unusually low catch-per-tow index at age 1 in 1979. As mentioned above, the catch-per-tow index at age 2 in 1979 (1977 year-class) predicted a year-class of only 126 million at age 1 compared to estimates of 709 and 813 million at age 1 based on age 0 and 1 survey indices (Table I–11). Assuming that the mean (761 million) of the latter two estimates represented the true size of the year-class at age 1, the catch of 115,000 fish at age 1 in 1978 (Table I–3) implied a year-class size of 564 million at age 2 in 1979, instead of 94 million. The survey catch per tow index at age 2 in 1979 needed to predict 564 million fish from the calculated power curve relationship (Table I–12, Figure I–8) would be 0.229 instead of 0.009. The hypothetical index (0.229) differed from the observed index (0.009) by a factor of 25.44. Assuming that the survey catch of age 1 mackerel in the spring of 1979 was proportionately as low as the catch of age 2 mackerel, increasing the observed age 1 catch per tow index (0.029) by a factor of 25.44 resulted in a hypothetical index of 0.738. A year-class size of 1,555 million fish at age 1 was predicted from the calculated power curve relationship (Table I–12, Figure I–7) using the index of 0.738. Given two estimates of 3,342 million and 1,555 million (average = 2,448 million), the 1978 year-class was, therefore, considered to be 2,400 million fish at age 1.

For purpose of catch and stock size projections and lacking any information, the 1979 year-class was arbitrarily set at 600 million fish at age 1, or equal to the low 1975 and 1976 year-classes.

Based on results of cohort analysis and estimates based on survey catch-per-tow-at-age indices, the 1978 year-class is the largest to enter the fishery since the 1969 year-class (Table I–10), followed by the 1973 year-class. The 1975–1977 year-classes appear to be low in abundance (2–3 times smaller than the 1973–1974 year-classes) and of a size comparable to the 1962–1964 year-classes.

Partial Recruitment

Partial recruitment of an age group to the fishery in a given calendar year is defined here as the ratio of the fishing mortality (F) at that age to the average fishing mortality of fully-recruited ages in that year. Based on age-specific F values from cohort analysis (Table I–11), mackerel appear to have become fully recruited to the fishery in many years by about age 3. Exceptions to this have occurred as a result of the variability in year-class sizes and to shifts in fishing

patterns and effort. Partial recruitment coefficients for ages 1–3 during 1962–1978 are given in Table I–13. Partial recruitment during 1962–1978 has varied from 0.1 to 100.0% (average = 29.3%) at age 1, 0.4 to 100.0% (average = 48.7%) at age 2, and 7.0 to 100.0% (average = 70.9%) at age 3. Partial recruitment was especially high (76%) at age 1 in 1975 (1974 year-class) with 100% recruitment of that year-class at ages 2 and older. The 1973 year-class did not experience high partial recruitment at age 1 (13%), but was fully recruited at ages 2 and older. Full recruitment (at or near 100%) at age 3 occurred in about half of the years (1962–1978), but in 8 of the last 12 years which was the period of the recent intensive international fishery.

Partial recruitment at age 1 decreased sharply from 76% in 1975 to 3.6% in 1976 and continued to drop to only 0.1% in 1978 (Table I–13). Partial recruitment also declined at age 2 from 100% in 1976 to 22% in 1977 and 0.4% in 1978, and at age 3 from 100% in 1977 to 12% in 1978. These coefficients may not be totally accurate as the F values from which they were derived were determined from estimated year-class sizes and known catches. However, the decreases do reflect changing conditions in the mackerel fishery. The abrupt drop in partial recruitment at age 1 in 1976 is due in part to a minimum size limit of 25 cm (total length) adopted beginning that year by ICNAF to effectively exclude the harvest of age 1 mackerel. However, this regulation in itself would not have resulted in such a decrease in fishing mortality relative to older ages, as it authorized up to 25% by number of the total catch on board vessels to be undersized fish. The decreased fishing mortality and partial recruitment evident for the 1975–1977 year-classes in 1976–1978 appears to be due primarily to the low abundance of these year-classes and the fact that the fishery during the last several years has been supported by older fish, particularly the 1973 and 1974 year-classes.

The sudden change in partial recruitment in recent years complicates the selection of coefficients for the projection of catches in 1979 and 1980. Since 73% of the catch in numbers in 1978 was Canadian (Table I–14), and indications are that the bulk of the catch in 1979 and possibly in 1980 will also be Canadian, it was decided to examine the age composition of the Canadian catch and estimate the age-specific fishing mortalities of that component of the international catch. Age composition in thousands of fish at age of the Canadian mackerel catch in SA 3–6 during 1968–1978 is given in Table I–14 (see Anderson and Paciorkowski, in press). These data indicate considerable year-to-year variability in the age composition reflecting in large part the passage of dominant as well as weak year-classes through the fishery. About 50% of the 1968 catch was age 1 fish from the outstanding 1967 year-class; the catch from this year class at ages 1–6 exceeded the catch of any other age group each year through 1973. In 1971 and 1973, small quantities of age 0 mackerel were caught. Until the last several years and the entry of the 1975–1977 year-classes to the fishery, age 1–3 mackerel were well represented in the Canadian catch. Estimates of age-specific fishing mortality attributable to the Canadian fishery were determined by applying the ratio between the Canadian catch in numbers (Table I–14) and the international catch in numbers (Table I–5) at each age in each calendar year to the appropriate F calculated from cohort analysis for the entire fishery (Table I–11). From this analysis it appeared, as for the entire fishery, that fish in most years were fully recruited to the Canadian fishery at age 3. Partial recruitment coefficients were determined for ages 1–3 as ratios of F at each age to the mean F (F at each age weighted by stock size at that age) at ages 3 and older (Table I–14). As with the partial recruitment coefficients determined for the entire fishery (Table I–12), the Canadian values exhibited considerable variation and the same general year-to-year pattern, although, on average for 1968–1978, they were lower at each age (18% vs. 20% at age 1; 33% vs. 50% at age 2; 67% vs. 81% at age 3). The 1978 values for both the Canadian and the entire fishery were low at ages 1–3 (0.1, 0.4, and 12%, respectively). With an estimated strong 1978 year-class entering the fishery in 1979 and the 1974 and older year-classes continuing to decline in abundance as they advance through the fishery, it was felt that partial recruitment coefficients at ages 1–3 fish in 1979–1980 would increase from those estimated for 1978. Lacking any additional rationale for selecting coefficients for 1979–1980, means for each age were determined by eliminating from consideration the high and low values at each age in the 1968–1978 series. The resulting values were 15% at age 1, 33% at age 2, and 70% at age 3, with full or 100% recruitment at ages 4 and older (Table I–16).

Stock Size

Age-specific stock size estimates generated from cohort analysis and annual biomass values obtained by applying mean weights at age (Table I–6) to the stock size estimates are given in Table I–10. Total stock biomass (ages 1 and older) increased from about 600,000 tons during 1962–1965 to 2.5 million tons in 1969 (Figure I–9) and then declined sharply to 485,000 tons at the beginning of 1977. The total stock has since increased about 30% to an estimated 631,000 tons at the beginning of 1979. Spawning stock biomass, defined as 50% of the age 2 fish and 100% of the age 3 and older fish, increased from about 500,000 tons in 1962–1967 to 1.9 million tons in 1970–1972 and then declined to an estimated 358,000 tons at the beginning of 1979.

Catch and Stock Size Projections

Projections of spawning stock biomass available at the beginning of 1980 were made assuming various levels of catch in 1979 ranging from 30,000 to 100,000 tons (Table I–17). Fishing mortality estimated to generate these catches varied between 0.103 (30,000 tons) and 0.380 (100,000 tons). Spawning stock biomass available at the beginning of 1980 will vary from an estimated 488,000 tons (36% increase from 1979) assuming a 1979 catch of 30,000 tons, to 421,000 tons (18% increase from 1979), assuming a catch of 100,000 tons.

Projected catches in 1980 at fishing mortality rates ranging from 0.05 to 0.50 and resultant spawning stock biomass levels available at the beginning of 1981 were made (Table I–18) for each 1979 catch option. If the 1979 catch was only 30,000 tons, or about the same level as in 1978, catches in 1980 would vary from 17,600 tons at F = 0.05 to 150,700 tons at F = 0.50. Resultant spawning stock biomass at the beginning of 1981, given this range in catch in 1980, would vary from 657,000 tons (84% increase from 1979 and 35% increase from 1980) to 515,000 tons (44% increase from 1979 and 6% increase from 1980).

If the 1979 catch was as high as 100,000 tons, catches in 1980 would vary from 15,000 tons at F = 0.50. Resultant spawning stock biomass in 1981, given this range in catch in 1980, would vary from 595,000 tons (66% increase from 1979 and 41% increase from 1980) to 472,000 tons (32% increase from 1979 and 12% increase from 1980).

Given the range in catch in 1979 from 30,000 to 100,000 tons, fishing in 1980 at $F_{0.1} = 0.40$ would result in catches ranging from 124,600 to 106,500 tons and result in spawning stock biomass increases of 52%–38% from 1979 to 1981 and of 11% to 18% from 1980 to 1981.

Under all catch assumptions presented for 1979–1980, there is an accompanying projection of stock increase in 1980–1981, which is due to the recruitment of the estimated strong 1978 year-class. Continued recovery of

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the stock will depend largely on the strength of this and subsequent year-classes as well as the magnitude of the catch in the next few years. There is no definite basis for predicting levels of future recruitment given present and projected levels of spawning biomass. However, examination of the 1962–1978 spawning stock-recruitment pattern indicates a greater probability of stronger recruitment with a spawning stock biomass in excess of 700,000 tons. During the 17-year period of 1962–1978, the estimated spawning biomass was less than 700,000 tons during 8 of those years, and only 25% (2) of the year-classes spawned during those 8 years were above median size. During the remaining 9 years, spawning biomass was equal to or greater than 900,000 tons and 78% (7) of the year-classes were at or above the median size. Since all of the years which resulted in good recruitment were consecutive, it is possible that favorable environmental conditions may have persisted during that time which were equally or more influential in determinig year-class size than spawning stock size. The available knowledge is not sufficient to distinguish the key factor(s), but does suggest a higher probability of improved recruitment as the stock continues to rebuild.

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Table I-1. Mackerel Catch (tons) from SA 3-6 During 1960-1978.

Year	United States		Canada	Other Countries	Total
	Commercial	Recreational			
1960	1,396	4,957(a)	5,957	-	12,310
1961	1,361	6,828	5,459	11	13,659
1962	938	8,698	6,801	175	16,612
1963	1,320	8,348	6,363	1,299	17,330
1964	1,644	8,486	10,786	801	21,717
1965	1,998	8,583(a)	11,185	2,945	24,711
1966	2,724	10,172	11,577	7,951	32,424
1967	3,891	13,527	11,181	19,047	47,646
1968	3,929	29,130	11,134	65,747	109,940
1969	4,364	33,303	13,257	114,189	165,113
1970	4,049	32,078(a)	15,690	210,864	262,681
1971	2,406	30,642	14,735	355,892	403,675
1972	2,006	21,882	16,254	391,464	431,606
1973	1,336	9,944	21,247	396,759	429,286
1974	1,042	7,640(a)	16,701	321,837	347,220
1975	1,974	5,968	13,544	271,719	293,205
1976	2,712	4,202(a)	13,746	223,275	245,935
1977	1,376	522(a)	22,477(b)	53,745(b)	78,120
1978	1,604	6,571(a)	24,444(b)	831(b)	33,450

(a) From angler survey; remaining years estimated (see Anderson, 1977)

(b) Provisional.

Table I-2. Provisional Mackerel Catch in 1978 by Country from SA 3-6 (tons)

Country	Total
Bulgaria	30
Canada	24,444
Cuba	18
Italy	64
Japan	13
Mexico	1
Poland	2
Romania	20
Spain	28
USSR	655
US (commercial)	1,604
US (recreational)	6,571
TOTAL	33,450

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Table I-3. Age Composition (thousands of fish at age) of 1978 Commercial and Recreational Catch of Mackerel in SA 3-6

	Sampled Catch						
	Canada		US Rec.	US Commercial			
Age	SA 3	SA 4	SA 6	Div 5Y (Jun-Jul)	Subdiv 5Zw (Apr)	Total	Grand Total[1]
1	-	2.0	-	96.8	-	98.8	115.3
2	-	174.7	8.5	24.3	2.8	210.3	245.4
3	1,087.9	2,595.0	188.8	82.1	6.1	3,959.9	4,620.6
4	6,025.7	8,135.7	611.6	148.2	20.0	14,941.2	17,434.1
5	6,381.9	4,745.2	442.5	25.0	10.9	11,605.5	13,541.8
6	4,044.3	2,068.1	938.5	27.8	3.2	7,081.9	8,263.5
7	2,053.8	981.3	789.1	-	1.4	3,825.6	4,463.9
8	865.1	791.5	225.5	-	0.3	1,810.4	2,112.5
9	459.4	888.6	1,789.6	18.6	1.5	3,157.7	3,684.6
10	671.7	383.1	188.8	8.8	-	1,252.4	1,461.4
11+	1,119.4	225.3	2,646.3	3.8	1.7	4,001.5	4,669.1
TOTAL	22,709.2	20,918.5	7,829.2	440.4	47.9	51,945.2	60,612.2
TONS	13,630	10,814	4,032	171	20	28,667	33,450

1 Total numbers at age from sampled catch raised to include unsampled catch.

Unsampled catch distributed as follows:

US (rec) SA 5-6	2,539 tons
US (comm) SA 5-6	1,413
Others SA 4-6	831
Total	4,783

Table I-4. Percentage Age Composition of US Recreational Mackerel Catch in the Middle Atlantic Area in 1978-1979.

Age	Year 1978	1979
1	-	-
2	0.1	0.2
3	2.4	0.2
4	7.7	0.5
5	5.6	5.7
6	12.0	1.7
7	10.1	5.2
8	2.9	3.5
9	22.9	8.3
10	2.4	30.5
11	26.8	7.2
12	3.4	20.7
13+	3.7	16.3

Table I-5

Atlantic Mackerel Commercial And Recreational Catch At Age (Millions Of Fish)
From ICNAF Subareas 3 - 5 And Statistical Area 6 During 1962 - 1978

	AGE																									Mean
Year	0	1	2	3	4	5	6	7	8	9	10	11+	Total	Observed Weight[a]	Calculated Weight[a,b]	Observed Calculated	Age
1962	-	23.3	4.0	22.1	5.5	1.7	2.3	2.1	1.1	0.6	0.2	0.4	63.3	16.6	15.3	1.085	2.8
1963	-	1.5	5.6	1.7	35.2	8.1	0.4	0.2	0.2	0.2	0.2	0.2	53.5	17.3	18.2	0.951	3.9
1964	-	15.9	8.6	5.1	4.9	24.0	5.1	4.8	0.8	1.0	0.3	-	70.5	21.7	23.1	0.939	3.8
1965	-	10.9	4.3	3.5	4.9	6.3	23.6	5.1	4.8	0.9	-	-	64.3	24.7	25.5	0.969	4.7
1966	-	29.0	13.9	6.4	3.2	5.7	9.6	26.4	0.6	0.2	-	-	95.0	32.4	30.7	1.055	3.9
1967	2.2	1.0	33.0	24.4	4.3	4.1	6.3	7.5	39.8	0.4	-	-	123.0	47.6	46.0	0.992	4.8
1968	1.4	175.5	76.3	73.6	47.3	17.8	8.2	0.8	1.2	7.6	0.1	-	409.8	109.9	84.0	1.302	2.3
1969	4.5	8.1	298.8	183.2	75.0	6.5	3.4	2.3	3.5	2.5	9.5	-	597.3	165.1	144.7	1.141	2.8
1970	5.1	206.1	58.1	556.0	173.5	29.4	7.5	5.6	10.5	10.6	4.0	3.0	1069.4	262.7	276.8	0.949	3.0
1971	2.5	77.3	304.8	132.0	579.0	210.8	35.8	9.2	3.7	4.4	8.4	7.5	1375.4	403.7	429.2	0.941	3.6
1972	3.6	22.4	87.0	260.0	185.3	396.2	88.6	24.4	4.3	8.3	3.8	5.7	1089.6	431.6	396.2	1.089	4.2
1973	4.0	161.4	282.4	284.3	233.0	191.9	196.7	31.1	10.9	4.1	3.8	1.6	1405.2	429.3	435.4	0.986	3.6
1974	2.0	95.9	242.2	264.4	101.5	114.3	111.8	108.3	25.7	6.4	2.5	0.8	1075.8	347.2	346.9	1.001	3.8
1975	3.7	374.7	432.6	114.0	101.1	58.8	68.0	52.0	50.6	12.5	2.3	1.0	1271.3	293.2	308.1	0.952	2.8
1976	-	12.5	353.5	272.5	85.2	52.4	27.3	40.5	34.6	22.6	13.4	1.4	916.4	245.9	271.3	0.906	3.5
1977	-	2.0	26.9	100.7	53.9	11.9	9.9	5.6	6.3	3.8	3.6	0.6	225.2	78.1	73.1	1.068	3.8
1978	-	0.1	0.2	4.6	17.4	13.5	8.3	4.5	2.1	3.7	1.5	4.7	60.6	33.4	28.0	1.193	5.8

(a) Thousands of metric tons

(b) Using mean weights at age from Table I-6

Table I-6. Mean Weights at Age (kg) of Atlantic Mackerel (from ICNAF, 1974)

Age									
1	2	3	4	5	6	7	8	9	10+
.095	.175	.266	.350	.432	.506	.564	.615	.659	.693

Table I-7. Stratified Mean Catch (kg) per tow (linear, ln, and retransformed) of Mackerel from US Bottom Trawl Surveys in the Spring (strata 1-25, 61-76) and Autumn (strata 1-2, 5-6, 9-10, 13, 16, 19-21, 23, 25-26) (see Figure 2 for location of sampling strata)

	Spring[1]			Autumn[2]		
Year	Linear	Ln	Retransformed	Linear	Ln	Retransformed
1963	-	-	-	.016	.013	.016
1964	-	-	-	<.001	<.001	<.001
1965	-	-	-	.089	.046	.073
1966	-	-	-	.098	.057	.085
1967	-	-	-	.740	.195	.372
1968	18.228	.575	3.998	.299	.117	.217
1969	.177	.029	.065	2.592	.154	.459
1970	7.138	.471	2.039	.110	.068	.099
1971	10.213	.425	1.969	.082	.052	.073
1972	5.012	.354	1.332	.126	.070	.107
1973	21.901	.228	.748	.045	.034	.043
1974	2.103	.277	.769	.205	.046	.108
1975	.500	.121	.225	.018	.010	.016
1976	.823	.144	.317	.043	.028	.039
1977	.266	.118	.199	.029	.020	.027
1978	1.125	.181	.447	.306	.104	.191
1979	.288	.117	.221	-	-	-

[1] Based on catches with No. 41 trawl; 1968-1972 catches were with No. 36 trawl and were adjusted to equivalent No. 41 catches using a 3.25:1 ratio (41/36).

[2] Based on catches with No. 36 trawl.

Table I-8. Mackerel Catch per Standardized US Day Fished (tons)

Year	Catch Per Day
1964	0.43
1965	0.49
1966	0.84
1967	1.75
1968	2.80
1969	1.92
1970	2.07
1971	1.29
1972	0.84
1973	0.53
1974	0.17
1975	0.53
1976	0.59
1977	0.52
1978	0.48

Table I-9. Estimation of Fishing Mortality (F) in 1978 for the SA 3-6 Mackerel fishery

Year	Spring Survey Catch Per Tow (a)	Catch (tons)(b)	Relative Exploitation Index (c)	Mean F (d) Age 3+
1968	4.518	109,940	24,334	.152
1969	3.199	165,113	51,614	.142
1970	2.265	262,681	115,974	.173
1971	1.604	403,675	251,668	.251
1972	1.135	431,606	380,270	.291
1973	.804	429,286	533,938	.426
1974	.569	347,220	610,228	.468
1975	.403	293,205	727,556	.437
1976	.285	245,935	862,930	.673
1977	.202	78,120	386,733	(.330)(e,f)
1978	.447	33,450	74,832	(.153)(e)

(a) Stratified mean catch (kg) per tow indices for 1968-77 smoothed by exponential curve (see Anderson, 1979); 1978 is actual value.

(b) International commercial and recreational catch.

(c) Ratio between catch and survey catch per tow.

(d) Obtained from cohort analysis assuming F = 0.153 in 1978.

(e) Calculated from regression of relative exploitation index on mean F for 1968-76: Y = 0.110 + 0.000000568 X, r = 0.970.

(f) Actual value calculated from cohort analysis was 0.337.

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Year-Class	YEAR 1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
1951	12.7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1952	7.6	5.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1953	8.1	5.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1954	18.1	12.5	9.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1955	57.8	41.0	30.2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1956	56.1	39.6	29.2	20.9	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1957	40.1	28.2	20.6	11.1	4.1	-	-	-	-	-	-	-	-	-	-	-	-	-
1958	53.8	35.1	19.1	9.7	2.8	1.6	0.8	-	-	-	-	-	-	-	-	-	-	-
1959	891.7	641.5	445.0	309.0	208.6	131.8	63.4	40.4	21.8	-	-	-	-	-	-	-	-	-
1960	773.5	569.5	420.5	307.3	222.2	156.4	109.4	80.0	57.1	38.9	-	-	-	-	-	-	-	-
1961	956.3	688.4	505.2	369.8	269.8	194.9	139.0	102.3	72.8	44.8	25.9	-	-	-	-	-	-	-
1962	-	434.2	320.4	230.0	167.3	121.2	86.3	56.9	40.1	20.7	11.5	5.3	-	-	-	-	-	-
1963	-	-	433.1	307.1	223.8	160.3	115.1	69.9	48.9	31.4	20.1	7.7	2.4	-	-	-	-	-
1964	-	-	-	551.6	399.2	283.8	189.2	99.5	68.1	44.0	24.7	14.6	7.3	3.2	-	-	-	-
1965	-	-	-	-	1217.4	876.9	621.2	396.9	229.5	144.7	76.4	35.6	17.0	7.1	3.3	-	-	-
1966	-	-	-	-	-	3181.5	2356.0	1679.7	1086.7	655.7	304.3	149.2	83.8	39.9	18.8	2.4	-	-
1967	-	-	-	-	-	-	8416.9	6084.3	4250.2	2670.1	1479.7	755.2	390.1	195.8	101.5	55.7	38.2	-
1968	-	-	-	-	-	-	-	3155.7	2330.8	1676.7	1128.5	676.5	336.0	152.7	68.4	20.9	12.2	32.0
1969	-	-	-	-	-	-	-	-	3404.6	2344.8	1474.7	868.7	443.2	229.8	111.7	47.9	30.1	19.1
1970	-	-	-	-	-	-	-	-	-	1550.9	1082.4	727.0	293.9	130.3	46.0	10.5	3.0	1.9
1971	-	-	-	-	-	-	-	-	-	-	1792.5	1308.6	726.4	310.6	143.1	60.9	36.6	23.3
1972	-	-	-	-	-	-	-	-	-	-	-	1401.8	899.6	458.0	241.2	104.9	67.5	42.9
1973	-	-	-	-	-	-	-	-	-	-	-	-	1885.1	1314.0	601.1	210.7	109.7	69.7
1974	-	-	-	-	-	-	-	-	-	-	-	-	-	1550.8	826.3	307.9	141.4	89.9
1975	-	-	-	-	-	-	-	-	-	-	-	-	-	-	a(600.0)	433.8	298.4	217.1
1976	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	a(600.0)	442.8	327.9
1977	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	a(700.0)	518.5
1978	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	a(2400.0)
Stock size (age 1+)																		
Total (10^6)	2875.8	2501.0	2232.4	2116.5	2715.2	5108.4	12097.3	11765.6	11610.6	9222.7	7420.7	5950.2	5084.8	4392.2	2761.4	1855.6	1579.9	3742.3
Weight (10^3 tons)(b)	641.3	599.7	597.6	593.0	690.7	901.3	2245.6	2515.1	2401.7	2268.2	2219.0	1635.4	1284.8	971.4	650.8	485.0	515.0	631.3
Spawning stock size (50% age 2, 100% age 3+)																		
Total (10^6)	1532.8	1722.6	1639.1	1411.4	1298.2	1488.5	2502.4	5567.8	7040.6	6499.4	5086.7	3894.1	2749.9	2184.4	1748.3	1038.7	958.5	1083.0
Weight (10^3 tons)(b)	469.3	503.2	532.7	516.1	531.8	525.4	936.2	1565.6	1901.2	1936.5	1930.4	1391.2	1026.8	721.7	533.6	383.6	389.4	357.9

(a) Estimated

(b) Adjusted using observed/calculated catch ratios in Table I-5

Table I-10

Mackerel Stock Size By Age In ICNAF Subareas 3 - 5 And Statistical Area 6 (Millions Of Fish)
Derived From Cohort Analysis Assuming M = 0.30 And F = 0.153 At Ages 4 And Older In 1978

Year-Class	YEAR 1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
1951	(.037)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1952	.031	(.043)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1953	.090	(.043)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1954	.073	.019	(.039)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1955	.043	.006	(.039)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1956	.049	.006	.032	(.051)[b]	-	-	-	-	-	-	-	-	-	-	-	-	-
1957	.051	.017	.316	.697	(.058)[b]	-	-	-	-	-	-	-	-	-	-	-	-
1958	.126	.312	.373	.940	.285	.351	(.152)[b]	-	-	-	-	-	-	-	-	-	-
1959	.029	.066	.065	.093	.159	.432	.150	.319	(.173)[b]	-	-	-	-	-	-	-	-
1960	.006	.003	.014	.024	.051	.057	.013	.037	.035	(.251)[b]	-	-	-	-	-	-	-
1961	.029	.009	.012	.016	.025	.038	.007	.041	.185	.246	(.291)[b]	-	-	-	-	-	-
1962	-	.004	.032	.018	.022	.040	.117	.048	.362	.284	.482	(.426)[b]	-	-	-	-	-
1963	-	-	.044	.016	.034	.032	.198	.058	.143	.147	.655	.848	(.468)[b]	-	-	-	-
1964	-	-	-	.023	.041	.105	.343	.079	.137	.278	.226	.396	.510	(.437)[b]	-	-	-
1965	-	-	-	-	.028	.045	.148	.248	.161	.339	.464	.440	.576	.475	(.673)[b]	-	-
1966	-	-	-	-	-	<.001	.038	.135	.205	.468	.413	.277	.441	.452	1.756	(.337)[b]	-
1967	-	-	-	-	-	-	.025	.059	.165	.290	.373	.360	.389	.357	.299	.078	.153
1968	-	-	-	-	-	-	-	.003	.029	.096	.212	.400	.489	.504	.887	.238	.153
1969	-	-	-	-	-	-	-	-	.073	.164	.229	.373	.356	.421	.547	.166	.153
1970	-	-	-	-	-	-	-	-	-	.060	.098	.606	.513	.743	1.172	.960	.153
1971	-	-	-	-	-	-	-	-	-	-	.015	.289	.550	.475	.554	.209	.153
1972	-	-	-	-	-	-	-	-	-	-	-	.144	.375	.341	.533	.141	.153
1973	-	-	-	-	-	-	-	-	-	-	-	-	.061	.482	.748	.353	.153
1974	-	-	-	-	-	-	-	-	-	-	-	-	-	.330	.687	.478	.153
1975	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(.024)[c]	(0.74)[c]	(.018)[c]
1976	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(.004)[c]	(.001)[c]
1977	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(<.001)[c]
F (age 3+)	.037	.043	.039	.051	.058	.084	.152	.142	.173	.251	.291	.426	.468	.437	.673	.337	.153[d]

(a) Mean F for ages 3 and older weighted by stock size at age.
(b) Mean F for ages 3 and older in that year.
(c) Determined from estimated stock size and known catch.
(d) Ages 4 and older.

Table I-11

Fishing Mortality Rates (F) For Mackerel In ICNAF Subareas 3 - 5 And Statistical Area 6
Derived From Cohort Analysis Assuming M = 0.30

Table I-12. Stratified Mean Catch per Tow (number) at Age 0, 1, and 2 Mackerel from US Autumn and Spring Bottom Trawl Surveys and Year-Class Sizes at Ages 1 and 2 from Cohort Analysis Assuming F = 0.153 at Ages 4 and Older in 1978

Year-Class	Autumn Survey Age 0	Spring Survey Age 1	Spring Survey Age 2	Cohort Analysis Age 1	Cohort Analysis Age 2
1963	0.080	-	-	433.1	307.1
1964	0.021	-	-	551.6	399.2
1965	0.114	-	-	1,217.4	876.9
1966	0.158	-	1.726	3,181.5	2,356.0
1967	1.833	40.240	0.198(a)	8,416.9	6,084.3
1968	0.095	0.238(a)	2.625	3,155.7	2,330.8
1969	0.690	1.010	2.779	3,404.6	2,344.8
1970	0.023	0.929	1.368	1,550.9	1,082.4
1971	0.169	1.894	0.787	1,792.5	1,308.6
1972	0.085	0.915	0.383	1,401.8	399.6
1973	0.214	0.826	1.277	1,885.1	1,314.0
1974	0.141	3.186	0.787	1,550.8	826.3
1975	0.012	0.204	0.109	(538.5)(b) (965.8)(c)	(373.6)(d)
1976	0.000	0.021	0.221	(0.0)(b) (415.9)(c)	(553.0)(d)
1977	0.021	0.128	0.009	(709.2)(b) (812.6)(c)	(93.6)(d)
1978	0.490	0.029	-	(3,341.8)(b) (468.0)(c)	-

(a) Values not used in calculating curves.

(b) Calculated from power curve relationship between survey catch per tow at age 0 and year-class size at age 1 for 1963-74 year-classes: $\ln Y = \ln 4747.251 + 0.492 \ln X$, $r = 0.761$.

(c) Calculated from power curve relationship between survey catch per tow at age 1 and year-class size at age 1 for 1967-74 year-classes: $\ln Y = \ln 1740.750 + 0.371 \ln X$, $r = 0.801$.

(d) Calculated from power curve relationship between survey catch per tow at age 2 and year-class size at age 2 for 1966-74 year-classes: $\ln Y = \ln 1278.129 + 0.555 \ln X$, $r = 0.847$

Table I-13. Percentage of Fishing Mortality (f) at Ages 1, 2, and 3 Compared to Mean F at Ages 3 and Older (partial recruitment) for the International Mackerel Fishery in SA 3-6

Year	Age 1	Age 2	Age 3
1962	78.4	16.2	78.4
1963	9.3	20.9	7.0
1964	100.0	82.1	30.8
1965	45.1	31.4	35.3
1966	48.3	70.7	58.6
1967	0.4	53.6	100.0
1968	16.4	25.0	97.4
1969	2.1	41.5	95.1
1970	42.2	16.8	95.4
1971	23.9	65.3	38.2
1972	5.2	33.7	78.7
1973	33.8	67.8	100.0
1974	13.0	80.1	100.0
1975	75.5	100.0	78.0
1976	3.6	100.0	100.0
1977	1.2	22.0	100.0
1978(a)	0.1	0.4	11.8

(a) F at ages 1-3 compared to mean F at ages 4 and older.

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Table I-14. Age Composition (thousands of fish at age) of Canadian Mackerel Catch in SA 3-6 during 1968-78

Age	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
0	-	-	-	909	-	250	-	-	-	-	-
1	22,991	4,049	15,146	4,305	-	5,051	3,223	5,306	803	714	2
2	3,821	18,751	2,730	4,445	99	11,351	9,103	9,302	10,082	6,892	175
3	5,522	12,845	25,085	1,024	3,199	5,311	9,987	4,874	12,910	21,793	3,683
4	3,947	1,442	5,010	21,613	4,028	5,137	5,461	4,346	5,230	10,930	14,162
5	1,505	661	1,865	4,584	18,046	7,690	4,710	2,634	3,686	3,557	11,127
6	720	608	337	1,054	3,616	12,270	4,644	2,811	1,842	2,481	6,112
7	385	782	313	1,325	3,815	4,578	5,751	2,038	2,344	732	3,035
8	885	313	1,178	913	56	1,525	1,516	1,463	1,894	1,393	1,588
9	5,566	329	1,228	1,130	397	461	641	308	1,487	867	1,348
10	52	6,869	870	597	2	369	315	121	340	1,329	1,055
11+	-	-	2,368	2,722	4,965	514	339	96	215	333	1,345
otal	45,394	46,649	57,135	44,626	38,223	54,507	45,690	33,299	40,833	51,071	43,629
ons	11,134	13,257	15,690	14,735	16,254	21,247	16,701	13,544	15,746	22,477	24,444
of otal atch	10.1	8.0	6.0	3.7	3.8	4.9	4.8	4.6	6.4	28.8	73.1

Table I-15. Percentage of Fishing Mortality (F) at Ages 1, 2, and 3 Compared to Mean F at Ages 3 and Older (partial recruitment) for the Canadian Mackerel Fishery in SA 3-5 During 1968-78

Year	Age 1	Age 2	Age 3
1968	16.7	11.1	61.1
1969	12.5	50.0	100.0
1670	62.5	12.5	87.5
1971	33.3	22.2	11.1
1972	0.0	1.0	30.0
1973	31.3	75.0	68.8
1974	8.0	56.0	84.0
1975	27.8	55.6	83.3
1976	5.6	55.6	97.2
1977	1.4	25.7	100.0
1978(a)	<0.1	0.4	12.8

(a) F at ages 1-3 compared to mean F at ages 4 and older.

Table I-16. Summary of Parameters Used in Projection of Catch and Stock Size Options for Mackerel in SA 3-6

Parameter		Value
Fishing mortality (F) in 1978 (ages 4 and older)		0.153
Recruitment at age 1:	1975 year-class	600 X 10^6 fish
	1976 year-class	600 X 10^6 fish
	1977 year-class	700 X 10^6 fish
	1978 year-class	2,400 X 10^6 fish
	1979 year-class	600 X 10^6 fish
Partial recruitment in 1979-1980:	Age 1	15%
	Age 2	33%
	Age 3	70%
	Ages 4 & older	100%
Total stock biomass at beginning of 1979		631,300 tons
Spawning stock biomass at beginning of 1979		357,900 tons

Table I-17. Various Levels of Catch of Mackerel in SA 3-6 in 1979 and Associated fishing Mortality at Ages 4 and Older with Resulting Spawning Stock Biomass in 1980 and its Percentage Cahnge from 1979. Catch and Stock are Expressed in thousands of Tons.

Stock in 1979	Catch in 1979	F in 1979	Stock in 1980	% Change in Stock from 1979
357.9	30.0	0.103	488.0	+36.4
357.9	40.0	0.139	478.5	+33.7
357.9	50.0	0.176	468.9	+31.0
357.9	60.0	0.215	459.3	+28.3
357.9	70.0	0.254	449.8	+25.7
357.9	80.0	0.295	440.3	+23.0
357.9	90.0	0.337	430.8	+20.4
357.9	100.0	0.380	421.3	+17.7

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1979 Catch = 30.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	17.6	657.0	+83.6	+34.6
0.10	34.6	638.9	+78.5	+30.9
0.15	50.9	621.5	+73.6	+27.3
0.20	66.7	604.6	+68.9	+23.9
0.25	82.0	582.3	+64.4	+23.6
0.30	96.7	572.6	+60.0	+17.3
0.35	110.9	557.5	+55.8	+14.2
0.40	124.6	542.9	+51.7	+11.2
0.45	137.9	528.8	+47.7	+ 8.4
0.50	150.7	515.1	+43.9	+ 5.6

1979 Catch = 40.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	17.2	648.2	+81.1	+35.5
0.10	33.8	630.4	+76.2	+31.8
0.15	49.9	613.3	+71.4	+28.2
0.20	65.3	596.8	+66.7	+24.7
0.25	80.2	580.8	+62.3	+21.4
0.30	94.6	565.4	+58.0	+18.2
0.35	108.6	550.6	+53.8	+15.1
0.40	122.0	536.2	+49.8	+12.1
0.45	135.0	522.4	+46.0	+ 9.2
0.50	147.5	509.0	+42.2	+ 6.4

1979 Catch = 50.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	16.8	639.3	+78.6	+36.3
0.10	33.1	621.9	+73.8	+32.6
0.15	48.8	605.1	+69.1	+29.1
0.20	63.9	588.9	+64.6	+25.6
0.25	78.5	573.3	+60.2	+22.3
0.30	92.6	558.2	+56.0	+19.0
0.35	106.2	543.6	+51.9	+15.9
0.40	119.4	529.5	+48.0	+12.9
0.45	132.1	515.9	+44.2	+10.0
0.50	144.3	502.8	+40.5	+ 7.2

1979 Catch = 60.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	16.6	630.4	+76.2	+37.3
0.10	32.4	613.4	+71.4	+33.6
0.15	47.7	596.9	+66.8	+30.0
0.20	62.5	581.1	+62.4	+26.5
0.25	76.8	565.7	+58.1	+23.2
0.30	90.6	550.9	+53.9	+20.0
0.35	103.9	536.6	+49.9	+16.8
0.40	116.8	522.8	+46.1	+13.8
0.45	129.3	509.5	+42.4	+10.9
0.50	141.3	496.6	+38.8	+ 8.1

1979 Catch = 70.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	16.1	621.5	+73.7	+38.2
0.10	31.6	604.8	+69.0	+34.5
0.15	46.6	588.7	+64.5	+30.9
0.20	61.1	573.2	+60.1	+27.4
0.25	75.1	558.2	+56.0	+24.1
0.30	88.6	543.6	+51.9	+20.9
0.35	101.6	529.6	+48.0	+17.7
0.40	114.2	516.1	+44.2	+14.7
0.45	126.4	503.0	+40.5	+11.8
0.50	138.2	490.4	+37.0	+ 9.0

1979 Catch = 80.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	15.7	612.6	+71.2	+39.1
0.10	30.9	596.3	+66.6	+35.4
0.15	45.5	580.5	+62.2	+31.8
0.20	59.7	565.2	+57.9	+28.4
0.25	73.4	550.5	+53.8	+25.0
0.30	86.6	536.3	+49.9	+21.8
0.35	99.3	522.6	+46.0	+18.7
0.40	111.6	509.3	+42.3	+15.7
0.45	123.6	496.5	+38.7	+12.8
0.50	135.1	484.1	+35.3	+ 9.9

1979 Catch = 90.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	15.3	603.6	+68.7	+40.1
0.10	30.2	587.6	+64.2	+36.4
0.15	44.6	572.2	+59.9	+32.8
0.20	58.3	557.3	+55.7	+29.4
0.25	71.6	542.9	+51.7	+26.0
0.30	84.5	529.0	+47.8	+22.8
0.35	97.0	515.5	+44.0	+19.7
0.40	109.1	502.5	+40.4	+16.6
0.45	120.7	490.0	+36.9	+13.7
0.50	132.0	477.8	+33.5	+10.9

1979 Catch = 100.0

F	Catch In 80	Stock In 81	% Change In Stock From 79	% Change In Stock From 80
0.05	15.0	594.6	+66.1	+41.1
0.10	29.4	579.0	+61.8	+37.4
0.15	43.4	563.9	+57.6	+33.8
0.20	56.9	549.3	+53.5	+30.4
0.25	69.9	535.2	+49.5	+27.0
0.30	82.5	521.6	+45.7	+23.8
0.35	94.7	508.4	+42.1	+20.7
0.40	106.5	495.7	+38.5	+17.7
0.45	117.9	483.4	+35.1	+14.7
0.50	128.9	471.5	+31.7	+11.9

Table I-18

Projected mackerel catch in SA 3-6 in 1980 with fishing mortality ranging from 0.05 to 0.50 assuming eight options for catch in 1979, and the resulting spawning stock biomass in 1981 and its percentage change from 1979 and 1980. Catch and stock sizes are expressed as thousands of metric tons.

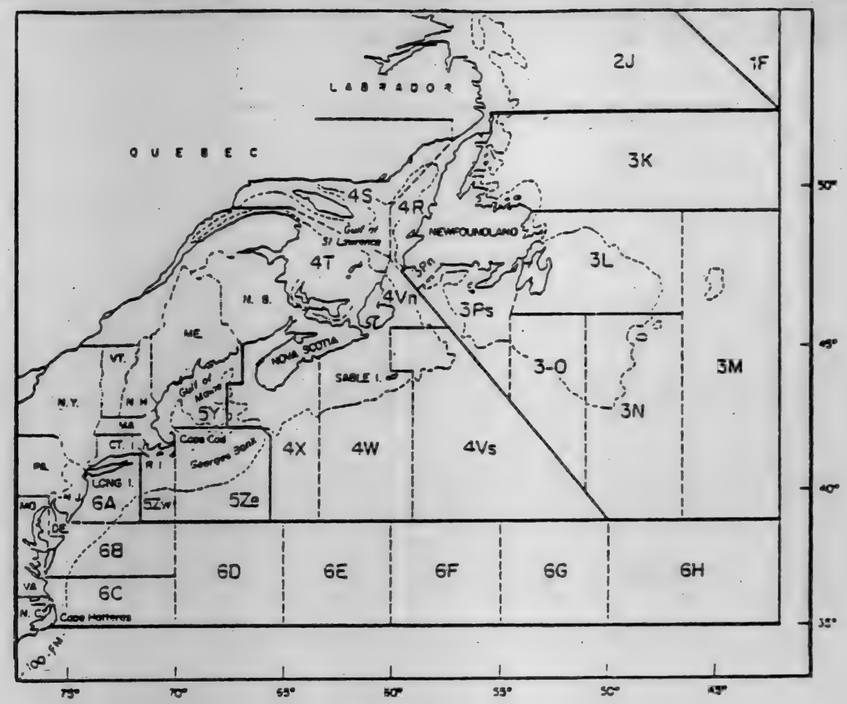

Figure I-1

Northwest Atlantic From North Carolina To Labrador Showing ICNAF SA 3 - 6

Figure I-2

US Bottom Trawl Survey Sampling Strata In The Northwest Atlantic Between Cape Hatteras And Nova Scotia

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Figure I-3. Stratified Mean Catch Per Tow (KG, Retransformed) Of Mackerel From US Spring (1968-79) And Autumn (1963-78) Bottom Trawl Surveys In SA 3-6.

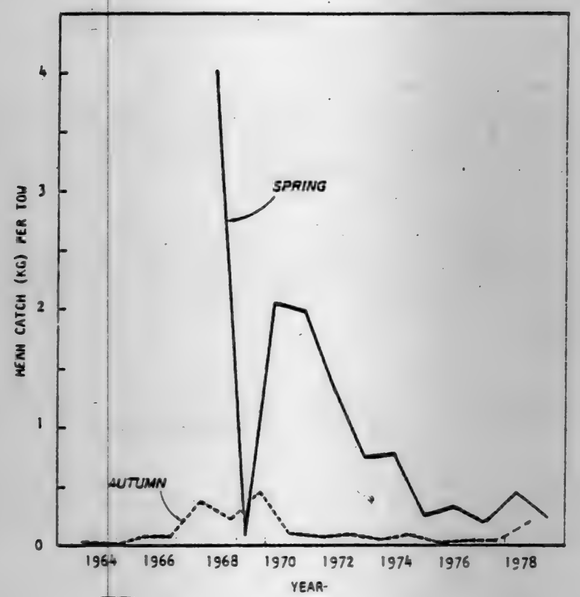

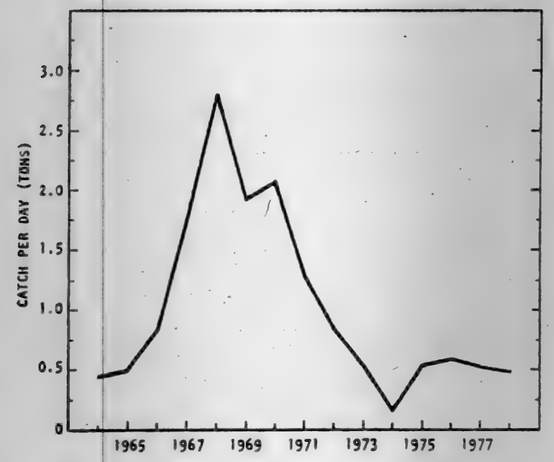

Figure I-4. Catch Per Standardized Day Fished For The US Commercial Mackerel Fishery In SA 5-6.

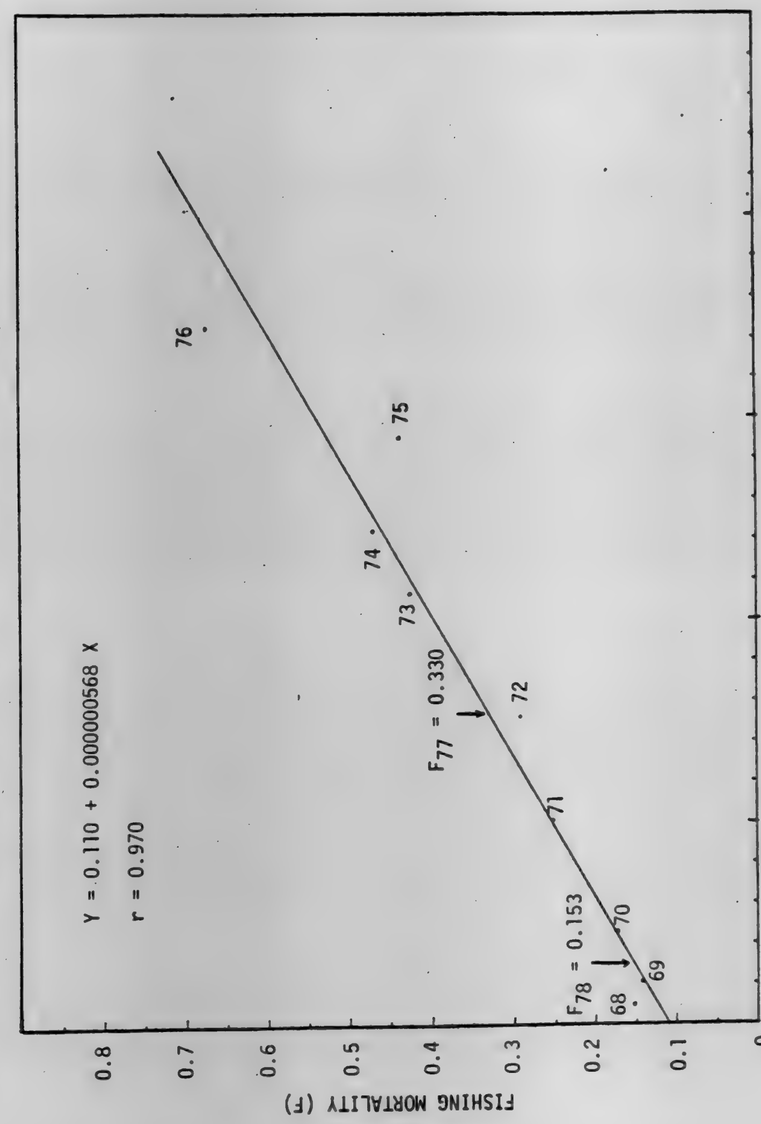

Figure I-5. Relationship Between Fishing Mortality From Cohort Analysis Assuming F = 0.153 At Ages 4 And Older In 1978 And A Relative Exploitation Index Derived From US Spring Survey Catch Per Tow For Mackerel And The International Catch Of Mackerel In ICNAF SA 3 - 6.

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Figure I-6

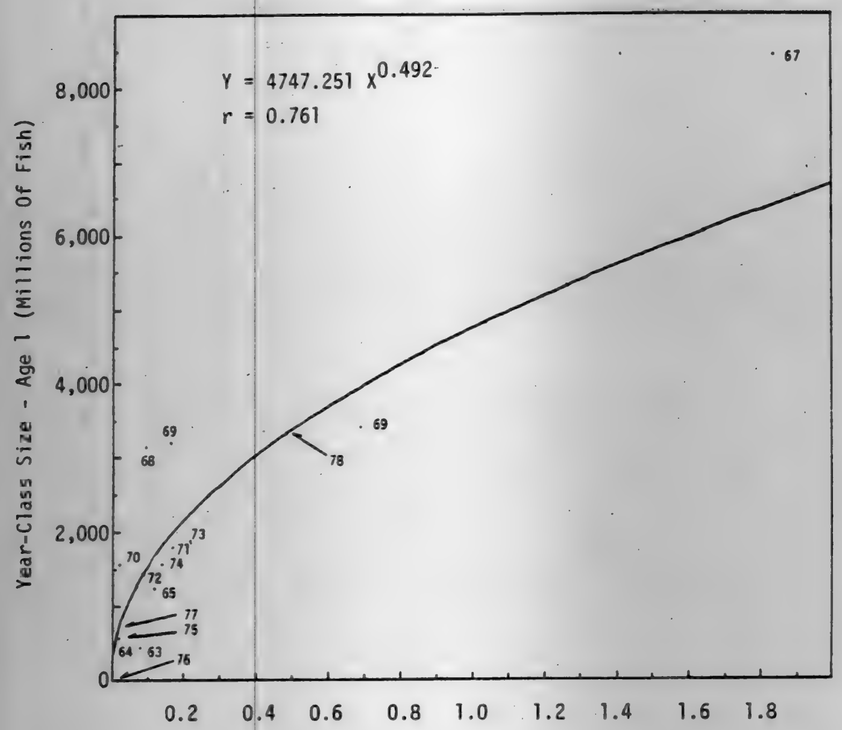

Power Curve Relationship Between Mackerel Year-Class Size At Age 1 From Cohort Analysis Assuming F=0.153 At Ages 4 And Older In 1978 And Autumn Survey Catch Per Tow At Age 0

Figure I-7

Power Curve Relationship Between Mackerel Year-Class Size At Age 1 From Cohort Analysis Assuming F=0.153 At Ages 4 And Older In 1978 And Spring Survey Catch Per Tow At Age 1 (1968 Value Omitted From Calculation)

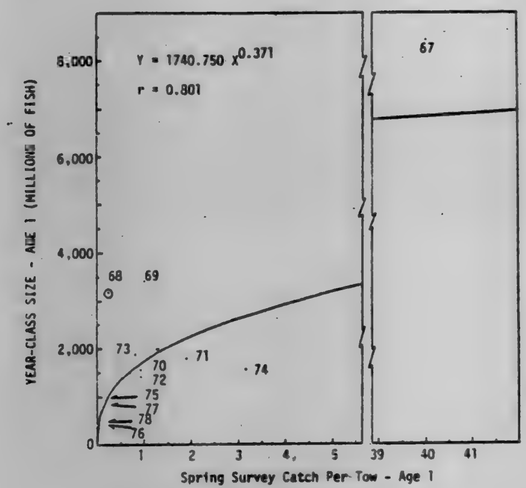

Figure I-8

Power Curve Relationship Between Mackerel Year-Class Size At Age 2 From Cohort Analysis Assuming F=0.153 At Ages 4 And Older In 1978 And Spring Survey Catch Per Tow At Age 2 (1967 Value Omitted From Calculation)

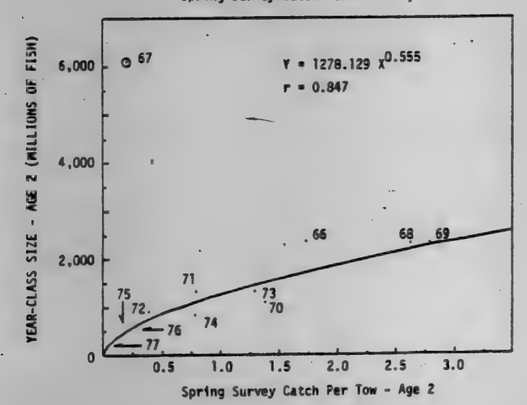

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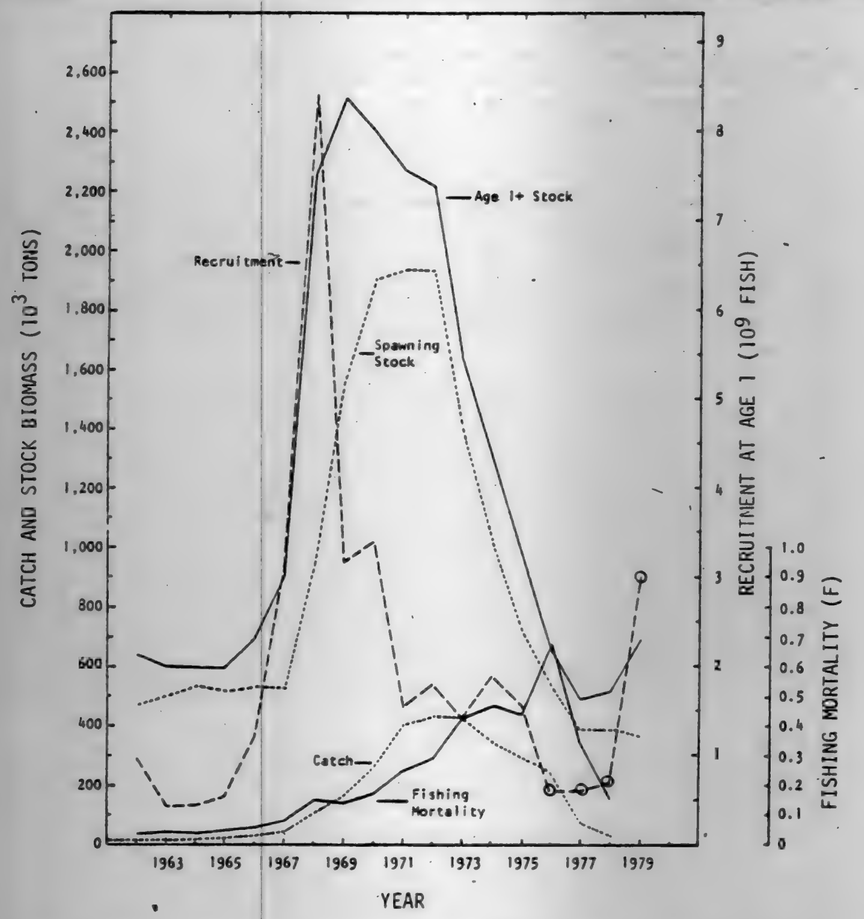

Figure I-9. Total Mackerel Stock Biomass (Ages 1+) and Spawning Stock Biomass (50% Age 2 and 100% Ages 3+) During 1962-1979 From Cohort Analysis Assuming F = 0.153 At Ages 4+ In 1978, Abundance At Age 1 Of The 1961-1978 Year-Classes (Open Circles Represent Estimates Based On Survey Data; Others Determined From Cohort Analysis), Total International Catch (Commercial And Recreational) During 1961-1978, And Fishing Mortality (Mean For Ages 3+, Except In 1978 When Ages 4+) During 1962-1978 In ICNAF SA 3 - 6.

BILLING CODE 3510-22-C

Signed at Washington, D.C. this 28th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Authority: 16 U.S.C. 1801 *et seq.*

PART 611—FOREIGN FISHING

It is proposed to retain those regulations in Part 611 governing foreign fishing for Atlantic mackerel.

PART 656—ATLANTIC MACKEREL FISHERY

It is proposed to revise Part 656 by making the following amendments to the designated sections:

§ 656.1 [Amended]

Add a new sentence at the end of the paragraph (b) as follows: "The Appendix to 50 CFR § 611.20 contains the TALFF for Atlantic mackerel."

§ 656.2 [Amended]

Section 656.2 is amended as follows:

1. Add the words "ranging from Labrador to North Carolina." at the end of the definition of *Atlantic mackerel.*

2. Delete the definition of commercial fishing.

3. Delete the definition of recreational fishing.

§ 656.4 [Amended]

Section 656.4 is amended as follows:

1. Delete paragraph (a) and substitute the following:

(a) *General.* Every fishing vessel which fishes for Atlantic mackerel under this Part must have a fishing permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of mackerel per trip.

* * * * *

2. Strike (vii) in paragraph (c)(2) and substitute the following:

* * * * *

(c) * * *

(2) * * *

(vii) The permit number of any current or previous Federal fishery permit issued to the vessel.

* * * * *

§ 656.5 [Amended]

Section 656.5 is amended as follows:

1. Strike paragraph (a)(1)(i) and substitute the following:

(a) * * *

(1) * * *

(i) Maintain on board the vessel an accurate and complete fishing vessel record on forms supplied by the Regional Director.

* * * * *

(2) Strike paragraph (a)(3) and substitute the following:

(a) * * *

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which mackerel or any other regulated species are caught. The information shall include dates of fishing, type and size of gear used, areas fished, duration of fishing time, time period of tow or gear set, and the estimated weight of each species taken.

* * * * *

3. Strike paragraph (b) and substitute the following:

* * * * *

(b) *Fish dealer and processor reports.* (1) Any person who receives Atlantic mackerel for a commercial purpose from a fishing vessel subject to this Part shall file a weekly report (Sunday through Saturday) within 48 hours of the end of the week in which mackerel is received. This report shall include information on all first purchases of mackerel and all other fish made during the week. Such information shall include date of transaction, name of the vessel from which mackerel was received, and the amount and price paid for mackerel and all other fish received."

4. Add new subparagraph (b) (2), (3), and (4):

(b) * * *

(2) *Domestic mackerel processing capacity.* [Reserved]

(3) Reports required by § 656(b) shall be made on forms supplied by the Regional Director and submitted to a location designated by him.

(4) Any person required by § 656.5(b) to file reports shall permit an Authorized Officer or an employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, and to inspect or reproduce any records or books relating to information required to be contained in those reports. These inspections may take place at the principal place of business or at the location where these required records are regularly kept.

§ 656.6 [Amended]

Section 656.6 is amended as follows:

1. The last sentence in paragraph (a) reads: "the Official Number is the documentation number issued by the U.S. Coast Guard for documented vessels or the registration number issued by a State of the U.S. Coast Guard for undocumented vessels". The word "of" which appears between "State" and "the" is stricken and the word "or" is substituted.

2. Paragraph (b)(2) is amended by striking the words "painted legibly in" which appears in the first sentence, so the sentence now reads:

"The Official Number shall be permanently affixed to or painted on the vessel and shall be block Arabic numerals in contrasting color."

§ 656.7 [Amended]

Section 656.7 is amended as follows:

1. Delete slash which appears in paragraph (c), substitute the word "or".

2. Capitalize the word "Part" which appears in paragraph (e).

3. Strike the word "or" which appears between the words "control" and "ship" in paragraph (f), and substitute "of".

4. Delete slash between "fish dealer" and "processor reports" in paragraph (i) and substitute the word "or".

§ 656.8 [Amended]

Section 656.8 is amended as follows:

1. Insert quotation marks in subparagraph (b)(2) after "you" and before "and".

2. Strike words "Federal Law Enforcement" in subparagraph (c)(4) and substitute "Authorized".

§ 656.21 [Amended]

Section 656.21 is amended as follows:

1. Strike paragraph (a) and substitute the following and renumber (b) as (c) and add a new (b) to read as follows:

(a) *Harvest levels.* The allowed level of harvest of Atlantic mackerel on a fishing year basis is 30,000 metric tons (mt). The initial level of harvest by vessels of the United States is 20,000 mt.

(b) *Reserve.* A reserve of 6,000 mt is available for adjustments to the initial level of domestic harvest and for allocation to the total allowable level of foreign fishing. Allocations to the initial level of foreign harvest shall be made in accordance with the procedures set forth in § 656.22 of this Part.

2. Strike the word "limit" in the first sentence of new paragraph (c) and substitute "restrict".

§ 656.22 [Amended]

Strike entire section, retitle "Allocation" [Reserved].

§ 656.23 [Amended]

Section 656.23 is amended as follows:

1. Strike paragraph (b) and substitute the following:

* * * * *

(b) *Decision to close.* The Assistant Administrator shall close the domestic fishery when it has harvested 80 percent of the total of the initial level of domestic harvest plus the part of the reserve which has not been allocated to the initial level of foreign harvest.

2. Strike the words "recreational or commercial" in paragraph (c).

[FR Doc. 80-7956 Filed 4-2-80; 8:45 am]

BILLING CODE 3510-22-M

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Notices

Federal Register
Vol. 45, No. 66
Thursday, April 3, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Organization and Personnel; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 9:30 a.m., Wednesday, April 16, 1980, in the library of the Administrative Conference, Suite 500, 2120 L Street, N.W., Washington, D.C.

The Committee will meet to further discuss a proposed recommendation regarding implementation of the Federal Advisory Committee Act. Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. Members of the public may be permitted to present oral statements, if deemed appropriate by the Committee Chairman. Members of the public may also file a written statement with the Committee before, during, or after the meeting.

For further information concerning this meeting, contact Richard K. Berg (202–254–7020). Minutes of the meeting will be available upon request.

Stephen L. Babcock,
Executive Director.
March 31, 1980.
[FR Doc. 80-10084 Filed 4-2-80; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., May 20, 1980, at the Federal Building, Room 7X, 301 W. Congress, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–792–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

K. R. Weissenborn,
Forest Supervisor.
[FR Doc. 80-10107 Filed 4-2-80; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Bellefontaine High School Flood Prevention RC & D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, telephone 614–469–6785.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bellefontaine High School Flood Prevention RC & D Measure, Logan County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement include construction of 450 feet of grassed waterway, 920 feet of subsurface drainage, 1 concrete catch basin, and 1 acre of critical area planting. Critical area planting will be applied to all areas disturbed during construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, 522 Federal Building, 200 North High Street, Columbus, Ohio 43215, telephone 614–469–6785. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q)

Dated: March 24, 1980.

Edward E. Thomas,
Assistant Administrator for Land Resources.
[FR Doc. 80-10112 Filed 4-2-80; 8:45 am]
BILLING CODE 3410-16-M

Charleston Public School Critical Area Treatment RC & D Measure, Arkansas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. M. J. Spears, State Conservationist, Soil Conservation Service, 5029 Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone 501–378–5445.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Charleston Public School Critical Area Treatment RC&D Measure, Franklin County, Arkansas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. M. J. Spears, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, grading, sprigging, solid sodding, placement of topsoil, fertilizing, seeding, irrigation, and the installation of a diversion and riprap to reduce or control the critically eroding areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. M. J. Spears, State Conservationist, Soil Conservation Service, 5029 Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone 501–378–5445. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: March 24, 1980.

Edward E. Thomas,
Assistant Administrator for Land Resources.
[FR Doc. 80-10113 Filed 4-2-80; 8:45 am]
BILLING CODE 3410-16-M

North Fork-Forked Deer River Watershed, Tennessee; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, 801 Broadway Street, Nashville, Tennessee 37203, telephone number (615) 251–5471.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the land treatment to be accomplished in the North Fork-Forked Deer River Watershed, Gibson County, Tennessee.

The environmental evaluation of this federally-assisted action indicates that the proposed measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald C. Bevins, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed.

The proposed action involves the planning and application of conservation practices. These practices may include but are not limited to the following: contour cultivation, minimum tillage, terraces, grass waterways/pipe outlets, grass and tree plantings, wildlife upland habitat development and the use of shaping and sodding, grade stabilization, and debris basins to reduce or control critically eroding areas.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation and the environmental assessment are on file and may be reviewed by contacting Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, 801 Broadway Street, Nashville, Tennessee 37203, telephone number (615) 251–5471.

The finding of no significant impact has been sent to interested Federal, state, and local agencies and other interested parties. A limited number of copies of the finding of no significant impact are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until May 5, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 21, 1980.

Joseph W. Haas,
Assistant Administrator for Water Resources, Soil Conservation Service.
[FR Doc. 80-10110 Filed 4-2-80; 8:45 am]
BILLING CODE 3410-16-M

Petrova Athletic Field RC & D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, Room 771 Federal Building, 100 South Clinton Street, Syracuse, New York 13260, telephone 315–423–5076.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Petrova Athletic Field RC & D Measure, Franklin County, New York.

The environmental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statment are not needed for this project.

The measure concerns a plan for the adequate drainage of the Petrova Avenue Athletic Field. The plan includes a subsurface tile outlet system of approximately 4,325 feet. The system will outlet into the village of Saranac Lake storm drain.

The Notice of a Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, Room 771 Federal Building, 100 South Clinton Street, Syracuse, New York, 315–423–5076. The environmental assessment and the finding of no significant impact have been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the finding of no significant impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590 a-f,q)

V 45 / 66 AP 3 80 UMI

Dated: March 24, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-10111 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-16-M

Plum Creek Watershed, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, telephone number (817) 774–1255.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for critical area treatment in the Plum Creek Watershed project, Hays, Travis, and Caldwell Counties, Texas.

The environmental evaluation of this federally-assisted action indicates that the proposed measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed.

The proposed action involves the use of clearing, shaping, preparation of vegetation, fertilizing, vegetating, fencing, and construction of appurtenant grade stabilization structures such as pipe drops, drop inlets, formless concrete chutes, diversions, and dams to reduce or control critically eroding areas.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation and the environmental assessment are on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, telephone number (817) 774–1255.

The finding of no significant impact has been sent to interested Federal, State, and local agencies and other interested parties. A limited number of copies of the finding of no significant impact are available to fill single copy requests at the above address.

No administrative action in implementation of the proposal will be taken until May 5, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

[FR Doc. 80-10109 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-16-M

Upper Red Rock Creek Watershed, Okla.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for two floodwater retarding structures remaining to be built in the Upper Red Rock Creek Watershed project, Garfield County, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

Project action will involve the construction of two floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by the interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the finding of no significant impact are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 5, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 20, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-10108 Filed 4-2-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hawaiian Monk Seal in the Northwestern Hawaiian Islands; Public Meeting on Proposed Designation of Critical Habitat

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of Public Meeting and Availability of a Draft Environmental Impact Statement.

SUMMARY: On February 7, 1980 the Environmental Protection Agency announced the availability of a draft environmental impact statement (DEIS) on the proposed designation of Critical Habitat for the Hawaiian Monk Seal in the Northwestern Hawaiian Islands and the beginning of the required 45-day review period. This DEIS is available for distribution at the locations listed below. A public meeting will be held on April 28, 1980 to discuss the proposed action. The comment period on the proposed designation of Critical Habitat will be extended unitl May 14, 1980 to allow sufficient time to submit comments on issues raised at the public meeting.

DATES: The public meeting will begin at 7:00 p.m. local time, Monday, April 28, 1980 in the State Senate Chamber, State Capital Building, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT:
Mr. Doyle Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, NOAA, 2570 Dole Street, Honolulu, Hawaii 96812, Telephone: 808–946–2181.

AVAILABILITY OF THE DEIS:
Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: 202–634–7471.

Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812, Telephone: 808–946–2181.

Dated: March 28, 1980.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10144 Filed 4-2-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Task Force on Evaluation of Audit, Inspections, and Investigative Components of the Department of Defense; Advisory Committee Meeting; Correction

This is a correction of the notice published in the **Federal Register** on March 25, 1980 (45 FR 19296). The notice announced a task force meeting on April 7, 1980, from 1000 to 1200 and 1330 to 1600 hours. This notice hereby changes the meeting hours to 1330 to 1600 only, eliminating the morning meeting.

Dated: March 31, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 80-10146 Filed 4-2-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[EPA Cases Nos. 67023–9142–03, 04, 05–81]

Department of Defense (DOD) Naval Ordnance Station, Indian Head, Md.; Issuance of Proposed Prohibition Orders Pursuant to Sections 302 and 701 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition orders which would prohibit the installations named below from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Orders

Pursuant to the authorities granted it by Section 302(a) [1] of FUA, ERA issues these proposed prohibition orders to the following installations owned by the United States,

ERA No.	Facility	Installation	Size	Location
67023–9142–03–81	DOD–Naval	3	187 MMBTU/Hr	Indian Head, Md.
67023–9142–04–81	Ordnance	4	187 MMBTU/Hr	
67023–9142–05–81	Station-Goddard power plant	5	187 MMBTU/Hr	

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities 10 CFR Part 506 (Regulations), to implement the prohibitions contained in Section 302(a) of Title III of FUA. Section 506.2 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by an installation where ERA finds that the installation has or previously had the technical capability to use an alternate fuel as a primary energy source.

According to the most recent fuel statistics available to ERA, Goddard 3,4, and 5 consume 680 barrels of oil daily (250,000 barrels annually). Therefore, ERA anticipates that approximately this quantity will be displaced by the conversion of Goddard 3,4, and 5 to coal or another alternate fuel as their primary energy source.

Finding of Technical Capability

In accordance with Section 302(a) of Title III of FUA, these proposed orders are based on a finding by ERA that Goddard 3,4, and 5 have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon the following facts:

The Naval Ordnance Station, Indian Head, Maryland reported to DOD on Form 1391c, dated February 17, 1978 (Items 5(b) and 6) that Goddard 3,4, and 5 were designed and constructed for dual fuel firing with pulverized coal or No. 6 oil, and burned coal until 1970 at which time they commenced operations with fuel oil as the primary fuel.

The technical capability finding is made in accordance with the requirements of § 506.2 of the Regulations, taking into consideration the ability of the installations, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer as evidenced by the burning of coal at Goddard 3,4, and 5 prior to 1971. This finding also recognizes, in accordance with § 506.2, that Goddard 3,4, and 5 are capable of burning coal notwithstanding the fact that minor adjustments may need to be made before the units may burn an alternate fuel (coal) as a primary energy source, or that pollution control equipment may be required to meet air quality requirements.

Other Required Findings

Section 302(a) of FUA states that prior to the issuance of final prohibition orders ERA must find that (1) the installations have the technical capability to use coal or another alternate fuel as a primary energy source, or they could have such capability without (A) substantial modification of the installations or (B) substantial reduction in the rated capacity of the installations; and (2) it is financially feasible for DOD-Naval Ordnance Station to use coal or another alternate fuel as the primary energy source in Goddard 3,4, and 5.

Proposed Prohibition Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Goddard 3,4, and 5 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 302 of FUA, ERA has promulgated regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA has performed its initial information gathering with respect to the question of technical capability to burn alternate fuels (coal) and has informed DOD–Naval Ordnance Station that it is considering issuance of proposed prohibition orders to Goddard 3,4, and 5. ERA has also had informal discussions with DOD–Naval Ordnance Station concerning the issuance of the proposed prohibition orders.

(2) ERA has made a finding that Goddard 3,4 and 5 have or previously had the technical capability of using coal as their primary energy source. ERA is publishing this finding and proposed prohibition orders in the **Federal Register** as required by Section 701(b) of FUA. In accordance with Section 302(a) of FUA, the proposed

[1] Section 403(a)(1) of FUA provides that a Federal agency operating an installation must comply with FUA's provisions to the same extent as would be the case if the installation were owned or operated by a person in the private sector.

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prohibition orders are not required to contain, at this point in the proceeding, the other pertinent findings that ERA must make before final prohibition orders can be issued. These are (1) that the installations have the technical capability to use coal or another alternate fuel as their primary energy source, or they could have such capability without (A) substantial physical modification of the installations, or (B) substantial reduction in the rated capacity of the installations and (2) that it is financially feasible for DOD–Naval Ordnance Station to use coal or another alternate fuel as the primary energy source in Goddard 3,4, and 5.

(3) In accordance with § 501.52(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of the proposed prohibition orders, during which period DOD–Naval Ordnance Station will be given an opportunity to challenge ERA's initial finding of a technical capability contained in these proposed prohibition orders. During this three month comment period, under § 501.52(b)(3) of the regulations, DOD–Naval Ordance Station is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings set forth above, which are required to be made by ERA prior to issuance of final prohibition orders. DOD–Naval Ordnance Station will also be required during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which Goddard 3,4 and 5 may qualify.

(4) Subsequent to the end of the three month public comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceeding. Within three months of the issuance of the notice of intention to proceed with the prohibition order, the owner or operator of the installations that may be subject to the orders may demonstrate prior to issuance of final prohibition orders that the installations would qualify for exemptions if the prohibition had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue final prohibition orders, prepare and publish a notice of availability of the tentative staff decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition orders. Interested persons wishing a hearing must request a hearing within 45 days after publication of the notice of availability of the tentative staff decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views, and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed orders and tentative staff decision, the DOD–Naval Ordnance Station showing on exemptions and rebuttal of ERA's proposed orders, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and the second three month comment period, ERA shall determine whether final prohibition orders will be issued, based upon a review of the entire adminstrative record. Copies of final prohibition orders, if issued, together with a summary of the basis therefor, will be published in the **Federal Register.** Such orders shall not take effect earlier than 60 days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of the proposed orders in the **Federal Register** unless reduced at the request of the recipient of the proposed orders pursuant to 10 CFR 501.52(b)(8). Notice of any change during the time for public comment will be published in the **Federal Register.** Comments should make reference to the docket numbers set forth in this notice and proposed orders. Comments should address the adequacy and validity of the findings and any other aspects or impacts of the proposed prohibition orders believed to be relevant. Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 67023–9142–03,04,05–81), U.S. Department of Energy, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, and should be received before 4:30 p.m. on May 14, 1980.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for DOD–Naval Ordnance Station, Indian Head, Maryland." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must also be so identified in writing and filed in accordance with 10 CFR 501.7(f).

ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

For further information contact:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461 (202) 653–4055.
Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128–L, Washington, D.C. 20461 (202) 653–3649.
Walter A. Romanek (Federal Facilities Branch), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3214–D, Washington, D.C. 20461 (202) 653–3669.
Marya Rowan (Office of General Counsel), Department of Energy, Forrestal Building, Room 6–G–087, Washington, D.C. 20585 (202) 252–2967.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.;* E.O. 12009 (42 F.R. 46267))

Issued in Washington, D.C., March 28, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–10120 Filed 4–2–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 80–CERT–010]

Nebraska Municipal Power Pool; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of The Board of Public Works of the City of Auburn, Nebraska; The Board of Public Works of the City of Fairbury, Nebraska; The City Utilities Department of the City of Wahoo, Nebraska; The City Utilities Department of the City of West Point, Nebraska; The City Utilities Department of the City of Crete, Nebraska; The Board of Public Works of the City of Tecumseh, Nebraska; and the Village Board of Trustees of the Village of Pender, Nebraska, filed an application for certification of an eligible use of natural gas to displace fuel oil at the above member's seven municipal electric generating facilities in Nebraska, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on January 3, 1980. Notice of that application was published in the **Federal Register** (45 FR 15612, March 11, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed NMPP's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that NMPP's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on March 26, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy
Washington, D.C. 20461
March 26, 1980.

Re: ERA Certification of Eligible Use ERA Docket No. 80–CERT–010, Nebraska Municipal Power Pool.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653–3859. All correspondence and inquiries regarding this certification should reference ERA Docket No. 80–CERT–010.

Sincerely,

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by The Nebraska Municipal Power Pool

ERA Docket No. 79–CERT–110

Application for Certification

Pursuant to 10 CFR Part 595, Nebraska Municipal Power Pool (NMPP) filed an application for certification of an eligible use of approximately 7,080 Mcf per day of natural gas at the electric generating facilities of seven of its members with the Administrator of the Economic Regulatory Administration (ERA) on January 3, 1980. Those members are the Board of Public Works of the City of Auburn, Nebraska; The Board of Public Works of the City of Fairbury, Nebraska; The City Utilities Department of the City of Wahoo, Nebraska; the City Utilities Department of the City of West Point, Nebraska; The City Utilities Department of the City of Crete, Nebraska; The Board of Public Works of the City of Tecumseh, Nebraska; and the Village Board of Trustees of the Village of Pender, Nebraska. The application states that the eligible seller of the gas in Esperanza Transmission Company (Esperanza) and that the gas will be transported by the Northern Natural Gas Company and then local distribution companies will make delivery to the various facilities. The application and supplemental information indicate that the use of this natural gas is estimated to displace 35,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per day at six of the electric generating facilities and 10,050 gallons of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, puruanat to 10 CFR Part 595, that the use of approximately 7,080 Mcf of natural gas per day at the electric generating facilities of the NMPP members listed above purchased from Esperanza is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C., on March 26, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–10118 Filed 4–2–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Cases Nos. 52007–1626–01–82; 52007–1626–02–82 and 52007–1626–03–82]

New England Electric System, Westborough, Mass.; Issuance of Proposed Prohibition Orders Pursuant to Sections 301 and 701 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition orders which would prohibit the powerplants named below (Powerplants) from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Orders

Pursuant to the authority granted it by Section 301(b) of FUA, ERA issues these proposed prohibition orders to the following Powerplants owned by the New England Electric System (Utility).

ERA No.	Generating station	Powerplant No.	MW	Location
52007–1626–01–82	Salem Harbor	01	83	Salem, Massachusetts.
52007–1626–02–82	do	02	82	Do.
52007–1626–03–82	do	03	170	Do.

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities, 10 CFR Part 504 (Regulations), to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant, where ERA finds that the

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powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

The Utility reported to the Federal Energy Regulatory Commission (FPC Form 67), for the year ending December 31, 1978, that Salem Harbor Powerplant Nos. 1, 2 and 3 burned an average of 7,280 barrels of oil per day (2,660,000 barrels annually). The potential oil displacement in converting Salem Harbor Powerplant Nos. 1, 2 and 3 to an alternate fuel (coal), assuming a capacity factor of 70 percent, is 8,900 barrels of oil per day (3,250,000 barrels annually).

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, these proposed orders are based on a finding by ERA that the Utility's powerplants have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon engineering drawings furnished by the Utility to ERA entitled "Salem Harbor Station Power Plant Cross Section—Unit No. 1 and 2" and "Salem Harbor Station Power Plant Cross Section—Unit No. 3," Drawing Numbers H–18264 and H–18265, both dated February 1958. The engineering drawings, as well as a site visit made by the staff of ERA on February 21, 1980, confirm that the powerplants are technically capable of burning coal.

The technical capability finding is made in accordance with the requirements of § 504.5(d) of the Regulations, taking in consideration the ability of the Powerplants, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer. This finding also recognizes, in accordance with § 504.5(d), that the Powerplants are capable of burning coal, notwithstanding the fact that minor adjustments must be made to the Powerplants before they may burn an alternate fuel (coal) as their primary energy source or that additional pollution control equipment may be necessary to meet air quality requirements.

Other Required Findings

Section 301(b) of FUA requires that prior to the issuance of a final prohibition order ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible for the powerplant to use coal or another alternate fuel as a primary energy source in such powerplant.

Proposed Prohibition Orders Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit the Powerplants from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated Regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA must initially gather information with respect to the question of technical capability of a powerplant to burn an alternate fuel as its primary energy source. ERA may convene a conference with a utility in accordance with Section 501.32 of the Regulations. If the powerplant has or previously had such capability the utility will be informed that ERA is considering issuance of a proposed prohibition order. In this case, ERA has made the required initial finding for the Powerplants and informed the Utility accordingly.

(2) If a decision is made to issue a proposed prohibition order, ERA must publish its technical capability finding and such proposed prohibition order in the **Federal Register** as required by Section 701(b) of FUA. ERA, having made the required decision in this case, herein publishes the required technical capability finding and proposed prohibition orders. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other required findings that ERA must make before a final prohibition order can be issued.

(3) In accordance with 501.51(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of a proposed prohibition order, during which period the utility will be given an opportunity to challenge ERA's initial finding of technical capability contained in a proposed prohibition order. During this three month comment period, the utility is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings which are required to be made by ERA prior to issuance of a final prohibition order. The utility will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the powerplants may qualify.

(4) Subsequent to the end of the initial three month comment period, ERA will issue a notice of whether it intends to proceed with the proposed prohibition orders. Within three months of the issuance of the notice of intention to proceed with the proposed prohibition orders, the owner or operator of the powerplants that may be subject to the proposed prohibition orders may demonstrate that the powerplant would qualify for an exemption if the proposed prohibition order had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue the final prohibition orders, prepare and publish a notice of availability of the tentative staff decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition orders. Under the Regulations, interested persons wishing a hearing must make their request in writing no later than 45 days after publication of the notice of availability of the tentative staff decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition orders and tentative staff decision, the utility's showing on any exemptions and rebuttal of ERA's proposed prohibition orders, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and the second three month comment period, ERA shall determine whether the final prohibition orders will be issued, based upon ERA's review of the entire administrative record. The final prohibition orders, if issued, together with a summary of the basis therefor, will be published in the **Federal Register.** Such orders shall not take effect earlier than sixty days after publication.

COMMENT AND PUBLIC HEARING PROCEDURES

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of these proposed orders in the **Federal Register,** unless reduced at the request of the recipient of the proposed prohibition orders pursuant to 10 CFR Part 501.51(b)(8). Notice of any such change during the time for public comment will be published in the **Federal Register.** Comments should make reference to the docket numbers set forth in this notice and proposed prohibition orders. Comments should address the adequacy and validity of the finding and any other aspects or impacts of the proposed prohibition orders believed to be relevant.

Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 52007–1626–01–82, 52007–1626–02–82, and 52007–1626–03–82), U.S. Department of Energy, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, and should be received before 4:30 p.m. ninety days after the date of publication of this notice in the **Federal Register.** (July 2, 1980)

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed prohibition orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for the Salem Harbor Powerplant Nos. 1, 2 and 3." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 303.9(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

For further information contact:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C., 20461, (202) 653–4055.

Robert L. Davies (Fuels Conversion-Program Office), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128L, Washington, D.C., 20461, (202) 653–3649.

G. Randolph Comstock (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6G–087, Washington, D.C., 20585, (202) 252–2967.

Issued in Washington, D.C., March 28, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-10119 Filed 4-2-80; 8:45 am]

BILLING CODE 6450-01-M

Olin Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

DATE: Effective Date: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461 (Telephone: 202/653–3541)

SUPPLEMENTARY INFORMATION: On February 21, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which has been executed between Olin Corporation and DOE. With that Notice, and in accordance with 10 CFR § 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR § 205.199J(c). Under the terms of 10 CFR § 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR § 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. COMMENTS RECEIVED

No comments were received with respect to the terms of the Consent Order.

II. DETERMINATION

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Olin Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on February 21, 1980, and hereby gives Notice that the Consent Order is made effective upon publication in the **Federal Register.**

Issued in Washington, D.C. on this 28 day of March, 1980.

Wayne W. Porter,

Deputy Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 80-10117 Filed 4-2-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements."

The subsequent arrangements to be carried out involve the approval of the following contracts for furnishing source material to Poland:

Contract Number S–IA–102, 40.5 grams of normal uranium as ore, and 5.9 grams of thorium as monazite sand, to be used to determine uranium and thorium contained in industrial byproducts for environmental protection purposes.

Contract Number S–IA–103, 36.3 grams of normal uranium as ore, and 17.5 grams of thorium as ore, to be used for preparation of standards.

These materials will be exported pursuant to general licenses issued by the Nuclear Regulatory Commission (10 CFR section 110.23).

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than April 18, 1980.

For the Department of Energy.

Dated: March 28, 1980.

Harold D. Bengeladorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-10115 Filed 4-2-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement."

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The subsequent arrangement to be carried out involves the approval of Contract Number WC–IA–108 for the furnishing of the following source and by-product material to Egypt: tracer solutions containing 10 picocuries each of U–238 plus U–234, U–232, Radium 226, Polonium–210, and natural thorium to be used at the High Institute of public health for cross-calibration of measurement equipment. These materials will be exported pursuant to general licenses issued by the Nuclear Regulatory Commission (10 CFR 10.23 and 110.24).

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than April 15, 1980.

For the Department of Energy.

Dated: March 28, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-10116 Filed 4-2-80; 8:45 am]

BILLING CODE 6450-01-M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

Privacy Act of 1974; Systems of Records

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a), the Office of Administration hereby publishes for comment its systems of records [1] subject to the Privacy Act.

The Office of Administration was established under Reorganization Plan No. 1 and Executive Order 12028, and began operations January 1, 1978. These systems of records were already in existence in other Executive Office of the President agencies prior to the effective date of the Privacy Act (September 27, 1975), and transferred to the Office of Administration upon its establishment. A waiver of the 60-day advance notice requirement has been requested from the Director, Office of Management and Budget. Notice of these systems of records has been filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget, as required by 5 U.S.C. 552a(o).

Comments on these systems of records should be submitted in writing on or before May 5, 1980, to the Deputy Director, Office of Administration, Old Executive Office Building, Room 200, 17th and Pennsylvania Ave, Washington, D.C. 20503. The systems of records will become effective on May 5, 1980, unless the Office of Administration publishes notice to the contrary.

Sarah T. Kadec,

Deputy Director.

[1] See the Proposed Rules Section of this issue for the proposed access regulations.

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Payroll Records
Travel Records
Library Circulation Records
Researcher Request Records
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Project Tracking System

OA/EOP/01

SYSTEM NAME:

Payroll Records.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. and at the Department of Treasury, U.S. Old Mint Data Center Division, 88 5th Street, San Francisco, California (contractor facility).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All EOP employees payrolled using the Department of the Treasury Payroll/Personnel Information System (TPPIS), effective May 7, 1978. Records on employees of the White House Office are not subject to the Privacy Act; however, these records are maintained in the same manner as those of other EOP agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual name, social security number, age, sex, minority group designation, type of appointment, tenure, employment status, grade, step, salary, time worked and on leave, tax withholdings, other deductions, allotments to financial institutions, and other payroll-related items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 66a, 44 U.S.C. 3109, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To generate the payroll for EOP agencies and provide necessary payroll information for agency financial management and accounting.

2. To furnish required payroll information to Federal, State, and local government taxing authorities.

3. To provide input to management information systems, budget and accounting systems, and for required statistical and financial reports to the Office of Personnel Management, the General Accounting Office, Department of the Treasury, and Congress.

4. To provide reports and/or to respond to requests for statistical information necessary for the fulfillment of programs authorized by statute or executive order (the system manager shall delete personal identifying information prior to releasing the records to ensure the individual's anonymity).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Master File is maintained on disk and magnetic tape at the contractor's facility in San Francisco. Paper records and other magnetic tape records are stored in files in the Office of Administration payroll office and information services offices.

RETRIEVABILITY:

Records are retrieved by name and social security number by EOP employing agency.

SAFEGUARDS:

Records are maintained in locked file cabinets or limited access areas under personal surveillance during working hours and in locked rooms at other times. Master records on disk and computer tape are under the program control of officials at the Department of Treasury computer facility.

RETENTION AND DISPOSAL:

Records are maintained in the Office of Administration payroll office and the contractor's computer facility as long as the individual is employed at EOP. When the employee separates from the EOP, the records are transferred to the National Personnel Records Center in St. Louis, Missouri, where they are retained for 56 years and then destroyed in accordance with FPMR 101–1.14. Payroll records subject to General Accounting Office audit are retained until completion of the audit.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C., 20503.

NOTIFICATION PROCEDURE:

Contact Deputy Director, Office of Administration, 726 Jackson Place NW., Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained. Additional information is added from payroll transactions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/02

SYSTEM NAME:

Travel records.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of EOP and other authorized individuals who travel at government expense on official business for EOP agencies. Records in this system on employees of the White House Office are not subject to the Privacy Act; however, they are maintained in the same manner as those of other EOP agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Approved travel authorizations, requests for travel advances, vouchers submitted by individuals, memorandums of approval for special conveyances or actual expenses in lieu of per diem, and receipts required by Federal Travel Regulations (FPMR 101–7).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a, 44 U.S.C. 3101, 3102, 3309, and General Accounting Office and General Services Administration policy and procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. To document authorization and reimbursement for official travel of individuals.

2. To furnish financial and statistical information to officers and employees of EOP agencies for performance of their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records for the current and preceding two fiscal years are filed in cabinets in the accounting office. Other records are stored in the Federal Records Center.

RETRIEVABILITY:

Records are retrieved by individual name within each EOP agency and by fiscal year.

SAFEGUARDS:

Records are maintained in file cabinets under staff surveillance during working hours and in a locked room at other times.

RETENTION AND DISPOSAL:

Records are maintained in conformity with the audit schedule of the General Accounting Office and the requirements of the General Services Administation. Non-current records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Financial Management, Office of Administration, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Deputy Director, Office of Administration, 726 Jackson Place, NW., Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Content of the record is obtained from the individual to whom the information pertains. Additional information may be added by travel office staff as a result of processing and auditing the claim for reimbursement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/03

SYSTEM NAME:

Library Circulation Records.

SYSTEM LOCATION:

Executive Office of the President Library, New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of EOP and other authorized individuals who have borrowed materials from the Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Titles and other identifying data on materials borrowed from the Library; room number, agency and sub-organization, and telephone number of the borrower; and the scheduled return date for each item borrowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act, Title II, Sec. 202(b)(1), 40 U.S.C. 483(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To locate Library materials in circulation, and to control and inventory Library materials loaned. Disclosure is limited to Library staff and officers and other employees of EOP agencies in connection with the performance of official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic tape/disk and periodically in hard copy for instant reference at the Library circulation desk.

RETRIEVABILITY:

Records are arranged alphabetically by the last name of the borrower, by title of item borrowed, by organization employing the borrower, and by order of input into the system.

SAFEGUARDS:

Hard copy records are under personal surveillance by Library staff during working hours and in a locked area at other times. The master records on magnetic tape/disk are under the program control of Office of Administration data processing officials.

RETENTION AND DISPOSAL:

Records are retained on individual Library loans only until the material is returned, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, for Information Management and Services, Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Deputy Director, Office of Administration, 726 Jackson Place NW., Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from individual who borrows materials and

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from physical examination of materials borrowed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/04

SYSTEM NAME:

Researcher Request Records.

SYSTEM LOCATION:

Office of Administration, New Executive Building, 726 Jackson Place, NW., Washington, D.C. 20503.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

Initial letter submitted by individuals who ask to examine official records of EOP agencies (except those records of the President, the White House Office, and the Office of the Vice President). The letter includes a statement of the nature and purpose of the research, and the individual's occupation, home address and place of employment. Brief descriptions and locations of records reviewed, examined, and copied are also maintained in the record. Copies of letters submitted under the Freedom of Information Act are also included in the system.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Individuals who have requested to examine official records or reference materials of EOP agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 552; 44 U.S.C. 3101, 3103, 3105, 3106.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document researcher access to the offical records of the EOP agencies, and to furnish information to officers and employees of the EOP agencies in connection with the performance of their official duties. Other information may also be required to compile statistical data for the annual report to the Congress on activities under the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in files and on index cards in the Executive Office of the President Information Center.

RETRIEVABILITY:

By name of researcher and cross-indexed by record reviewed or research subject. Access is restricted to the Records Management Staff.

SAFEGUARDS:

The records are under personal surveillance during working hours and in a locked area at other times.

RETENTION AND DISPOSAL:

Records are retained for eight years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Information Management and Services, Office of Administration, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Deputy Director, Office of Administration, 726 Jackson Place NW., Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Personal information is received from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/05

SYSTEM NAME:

Office of Administration, staff parking application and carpool registration file.

SYSTEM LOCATION:

Office of Administration, Administrative Services Division, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OA employees who have applied for parking permits during the year; OA employees who are the principal members (drivers) of a carpool and have received special carpool parking permits; and, the riders in the carpool.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains completed OA forms (1) "Request for Parking Permit," submitted by OA employees who desire a parking permit. The form contains the following information about the applicant: name, office/division, room number, office phone, work address, make of car, license number, home phone; (2) "Carpool Registration," submitted by employees who obtained carpool parking permits. The form contains the following information about the principal carpool member; name, office/division, room number, office phone, office address, car make, license, home phone. The form also contains the following information about the carpool riders; name, home address, work location and office phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

41 CFR Temporary Regulation D–65, Office of Management and Budget Circular A–118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used by officials and employees of OA in connection with their official duties, which include managing the OA employee parking spaces.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms are maintained in file folders and stored in a metal file cabinet.

RETRIEVABILITY:

Records are kept in alphabetical order by individual name (for carpool registration forms, access is by principal members name only). Access is limited to the Administrative Services Division Staff of OA.

SAFEGUARDS:

Only Administrative Services Division staff have access to these records, which are under visual surveillance during working hours, and in a locked area other times.

RETENTION AND DISPOSAL:

The forms are maintained for one (1) year following the close of the parking year (September 30).

SYSTEM MANAGER(S) AND ADDRESS:

Director for Administrative Services, Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact Deputy Director, Office of Administration, 726 Jackson Place NW., Washington, D.C.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Content of records are obtained from the individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OA/EOP/06

SYSTEM NAME:

Project Tracking System.

SYSTEM LOCATION:

Office of Administration, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Office of Administration who have been assigned responsibility for one or more work projects which are monitored by the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Project number; project title; issue date; completion date; office for which the project is undertaken; objective of the project; name and division of the employee primarily responsible for the project; project milestones; authority/justification for the project; data on staff time spent on each project; date on costs of projects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To monitor the progress of projects assigned to Office of Administration employees. To generate agency internal management reports. Disclosure is limited to supervisory staff, i.e., the Director, Deputy Director and Division Heads, in connection with the performance of their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic tape/disk and are periodically produced on hard copy for reporting purposes.

RETRIEVABILITY:

Records are arranged alphabetically by the surname, and division of the person primarily responsible for each project, by project title, by client, and numerically by project number and by date.

SAFEGUARDS:

Hard copy records are under the personal surveillance of Office of Administration staff during working hours and in a locked area at other times. The master file is on magnetic tape/disk in the Office of Administration Computer Facility. Access to the system is controlled by a security level code and individually assigned passwords.

RETENTION AND DISPOSAL:

Hard copy records are destroyed when no longer needed for administrative purposes. Records are purged from the master file two years after the project is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant to the Director, Office of Administration, 726 Jackson Place NW., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Contact: Deputy Director, Office of Administration, 726 Jackson Place NW., Washington, D.C. 20503.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from the agency senior staff who assign projects and from the individual employees to whom the projects are assigned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–10153 Filed 4–2–80; 8:45 am]

BILLING CODE 3115–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.
Dates of meeting: April 24–25, 1980.
Place: Conference Room, Administration Building (Building E), National Fire Academy, Emmitsburg, Maryland.
Time: 9:00 a.m. to 5:00 p.m.
Proposed agenda:
April 24, 1980: Introductory remarks; Organizational Responsibilities of Board of Visitors; Annual Report to the Administrator; Outreach Program; Possible Committee Considerations: Target Students, Curriculum and Program Offerings for 1980, Priorities of Course Development, Outreach, Budget 1981, Facilities; Miscellaneous Considerations; Establishement of Proposed Future Meeting Dates.
April 25, 1980: Uncompleted Agenda Items; Tour of Facilities; Administrative Items.

The meeting will be open to the public with approximately 20 seats available on a first come first serve basis. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Fire Academy, Route 1, Box 10A, Emmitsburg, Maryland 21727 (phone 301/447–6771) on or before April 17, 1980.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, Administration Building, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: March 24, 1980.

Gordon Vickery,
Administrator, U.S. Fire Administration.

[FR Doc. 80–10081 Filed 4–2–80; 8:45 am]

BILLING CODE 6718–04–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Alcohol Abuse and Alcoholism; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of April 1980.

National Advisory Council on Alcohol Abuse and Alcoholism

April 7, 1980; 10:00 a.m.—Open meeting, Hubert H. Humphrey Building, 200 Independence avenue SW., Washington, D.C.
Contact: Mr. James Vaughan, Room 16–C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3387.
Purpose: The Council advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.
Agenda: To discuss with the Surgeon General the joint HEW-Treasury report to the President and Congress required by Pub. L. 96–180 with respect to informing the general public of the health hazards associated with alcoholic beverages.

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This notice is late because of the uncertainty of whether the meeting would be open to the public or closed and the Federal official was unable to get confirmation until March 28, 1980.

Substantive program information may be obtained from the contact person listed above. The NIAAA Public Affairs Office will furnish upon request summaries of the meeting and a roster of Committee members. Contact Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3306.

Dated: March 31, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-10121 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-88-M

Interagency Committee on Federal Activities for Alcohol Abuse; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory bodies scheduled to assemble during the month of April 1980.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

April 29, 1980; 9:30 a.m.—Open meeting; Conference Room 800, PH, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. Contact: Mr. James Vaughan, Room 16–C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3887.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of working group activities, the functions of the Interagency Committee and the joint HEW-Treasury report to the President and the Congress required by P.L. 96–180 with respect to informing the general public of the health hazards associated with alcoholic beverages.

Substantive program information may be obtained from the contact person listed above. The NIAAA Public Affairs Office will furnish upon request summaries of the meeting and a roster of Committee members. Contact Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3306.

Dated: March 27, 1980.

Michele W. Harvey,

Deputy Associate Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-10064 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-88-M

Office of Education

Community Education Program; Extension of closing date for submission of applications for fiscal year 1980

AGENCY: Office of Education, HEW.

ACTION: Extension of Closing Date for Submission of Applications for Fiscal Year 1980.

SUMMARY: This notice is to inform clients that the March 10, 1980 closing date for submission of applications under the Community Education Program is extended. The new closing date is June 30, 1980. The notice of closing date for transmittal of applications for the Community Education Program was published in the **Federal Register** on August 23, 1979. That notice directed clients to prepare the applications in accordance with the final regulations that were planned to be published in December, 1979. Unfortunately, the final regulations could not be published when planned. Therefore, the closing date is extended to give applicants sufficient time to complete their applications based on the final regulations published in this issue of the **Federal Register.**

SUPPLEMENTARY INFORMATION:

Authority for this program is contained in Title VIII of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

This program issues awards to local educational agencies, State educational agencies, other public agencies, nonprofit private organizations, and institutions of higher education.

The purpose of the awards is to plan, establish, expand, and operate community education programs; promote efficient use of school facilities; encourage effective delivery of social services; and train persons involved in community education.

Program information and mailing instructions for applications are repeated below.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.563, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C..

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

The final rules governing the Community Education Program are published in this issue of the **Federal Register.** Certain changes were made between the proposed regulations and the final regulations. Therefore, an applicant should review the final regulations, particularly the evaluation criteria in Subpart D of appropriate category, before preparing an application.

Information regarding funding categories and criteria for judging applications is contained in the regulations. In general, priority is given to applications which are designed to serve as exemplary models or which build an agency's long-range capacity to maintain Community Education.

Discretionary grants will be made in the following categories:

(1) grants to LEAs to plan, establish, expand and operate exemplary projects with potential for broad replication;

(2) grants to SEAs to (a) conduct State-level activities for furthering community education, and (b) provide technical assistance to LEAs in the development of community education programs;

(3) grants to other public agencies and nonprofit private organizations for (a) training a particular national, regional, or statewide group interested in community education or in the coordinated delivery of community and human services in schools and other public agencies or developing working relationships between two or more of these groups; or (b) developing, testing and disseminating exemplary models of local activities to promote improved coordination of community and human services in schools and other public facilities.

(4) grants to IHEs to provide training to persons who are or will be engaged in community education programs. The final regulations state that the Commissioner may annually establish priorities among training areas. During FY 80, priority is given to the following training areas:

(a) *(Section 163d.11(a)(2) of the final regulations)* Training of SEA community education leaders in managing a State program and in providing technical assistance to local districts throughout their State. (This category is designed to serve a large number of SEAs throughout the Nation.)

(b) *(Sections 163d.11(a)(4) of the final regulations)* Activities to disseminate information about national training and to bring together different organizations and institutions providing training to persons in community education. (The project might establish among trainers a regular method of communication and exchange of innovative methods and practices; create a focus for the discussion of national training needs in community education; assess and create a focus for the discussion of national training needs in community education; assess and create discussion on currently available training materials and programs; and provide a directory of national training opportunities and resources.)

(c) *(Section 163d.11(a)(5) of the final regulations)* Training by statewide, regional, or national consortia composed of a variety of skilled trainers—(i) to provide interdisciplinary training to persons interested in community education; or (ii) to provide training on new methods of collaboration among agencies and institutions providing services in community education.

Available Funds

The appropriation for the Community Education Program in FY 1980 to support new projects is $3,138,000. Of this amount $1,000,000 is available for grants to LEAs, $1,138,000 is available for grants to SEAs, $500,000 is available to public agencies and nonprofit organizations, and $500,000 is available for grants to IHEs. During FY 1979, the average amounts of grants were: in the LEA category, $37,941; in the SEA category, $51,993; and the IHE category, $63,810. No minimum or maximum amounts are set.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations. All grants will be new awards. A current grantee may apply for a new award on the same basis as an applicant not previously funded. The Program will emphasize funding projects of one year in duration. Because of limited funding, only those projects providing strong justification and scoring high during the grants review process will be considered for funding beyond one year, in accordance with EDGAR.

The grantee's share of the costs of grants under Sections 808 and 809 of the Community Schools and Comprehensive Community Education Act is 10 percent for Fiscal Year 1980.

Application Forms

Application forms and program information packages are expected to be ready for mailing by May 6, 1980. They may be obtained by writing to the Community Education Program, U.S. Office of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Community Education Program (45 CFR Part 163), published in this issue of the **Federal Register.**

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c) published in this issue of the **Federal Register.**

Further Information

For further information contact Mr. Ron Casaldi, Acting Director, Community Education Program, U.S. Office of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–0691.

(Catalog of Federal Domestic Assistance Number 13.563, Community Education Program)

Dated: March 21, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9861 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-02-M

Cooperative Education Program; Closing Date for Transmittal of Applications for Demonstration Projects for Fiscal Year 1980

Applications are invited for new demonstration projects under the Cooperative Education Program.

Authority for this program is contained in Title VIII of the Higher Education Act of 1965, as amended. Section 803 of the legislation authorizes funding of "* * * projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education."

(20 U.S.C. 1133b)

Demonstration grants will be awarded to assist institutions of higher education located primarily in large urban areas in developing and establishing comprehensive cooperative education programs where all or nearly all students would have the opportunity to alternate their academic study with paid work experiences which are related to their academic program.

Closing Date for Transmittal of Applications

An application for a demonstration grant must be mailed or hand delivered by May 22, 1980. A separate notice of closing date has been issued for administration, research, and training grants.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.510, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

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(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds

It is expected that approximately $15,000,000 will be available in FY 1980 for all types of grants awarded by the program.

Of the $15,000,000, approximately $2,000,000, to $2,500,000 will be available to support 2 or 3 demonstration projects. Awards will be for up to approximately $1,000,000 each and will be obligated from a single year's appropriation. Funds for these demonstration grants will be expended over a three-year period to provide institutions sufficient time to plan and develop comprehensive cooperative education programs.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application Forms

Application forms and program information packages were mailed to all eligible institutions of higher education on October 23, 1979. Additional copies may be obtained from the Cooperative Education Branch, U.S. Office of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W. Washington, D.C. 20202. Telephone: 202–245–2484.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package, the Commissioner strongly urges that the narrative portion of the application not exceed *25* pages. The Commissioner further suggests that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Cooperative Education Program (45 CFR Part 182) published in the **Federal Register** on May 2, 1978, and revised in today's issue of the **Federal Register;** and

(b) General Provisions Regulations for the Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—See the final Education Division General Administrative Regulations (EDGAR) published as Part II in this issue of the **Federal Register.** When EDGAR becomes effective, it will supersede the General Provisions Regulations for the Office of Education programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR:

Subpart A (General; Subpart E (What Conditions Must Be Met by a Grantee?)
Subpart F (What Are The Administrative Responsibilities of A Grantee?) and
Subpart G (What Procedures Does The Education Division Use To Get Compliance?)

Further Information

For further information contact Mr. Morris Brown, Chief, Cooperative Education Branch, Division of Training and Facilities/BHCE, U.S. Office of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245–2146 or 245–2484.

(20 U.S.C. 1133–1133b)

(Catalog of Federal Domestic Assistance No. 13.510; Cooperative Education Program)

Dated: February 5, 1980.

William L. Smith

Commissioner of Education.

[FR Doc. 80–9062 Filed 4–2–80; 8:45 am]

BILLING CODE 4110–02–M

Emergency Adult Education Program for Indochina Refugees; Closing Date for Transmittal of Applications for Fiscal Year 1980

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for Fiscal Year 1980.

SUMMARY: Applications are invited for new projects under the Emergency Adult Education Program for Indochina Refugees. The closing date is June 18, 1980.

SUPPLEMENTARY INFORMATION:

Authority for this program is contained in section 317 of the Adult Education Act (Pub. L. 91–230), as amended.

(20 U.S.C. 1211b)

Under the Emergency Adult Education Program for Indochina Refugees, grants are awarded to State educational agencies and local educational agencies.

The purposes of the grants are to enable adult Indochina refugees to acquire basic skills necessary to function in American society and to contribute to the employability of adult Indochina refugees through development of basic educational and occupational skills.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.579, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(a) A Legibly dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing:

(a) A private metered postmark; or

(b) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered, certified, or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Specific information regarding eligible activities under the special adult education program for Indochina refugees is contained in the regulations and in the program information package. A grant period is normally for twelve months but in no event shall it exceed eighteen months.

Available Funds

Approximately $2.5 million is anticipated for the Emergency Adult Education Program for Indochina Refugees.

It is estimated that these funds could support 25–30 projects. Grants will be awarded before September 30, 1980, for operation continuing into fiscal year 1981. No minimum or maximum amounts have been predetermined since funds required will vary according to the number of persons to be served and the types of services to be provided by the state or local educational agency.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application Forms

Application forms and program information packages are expected to be ready for mailing by April 18, 1980. They may be obtained by writing to the Division of Adult Education, U.S. Office of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 5056), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 15 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Special Procedures

Concurrently with application submission to the U.S. Office of Education, each local educational agency applicant shall submit a copy of its application to its respective State educational agency. The Commissioner does not approve an application for a grant under the Emergency Adult Education Program for Indochina Refugees unless the State educational agency (for the State in which that applicant is located) assures the Commissioner that the proposed activity will not duplicate existing and available (Federal and non-Federal) adult education programs that meet the special needs of adult Indochina refugees. (See § 166c.222(b) of the final regulations.)

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Emergency Adult Education Program for Indochina Refugees (45 CFR Part 166c) published in this issue of the **Federal Register.**

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c), except for the selection criteria (Subpart D, Part 100a.200–.206) published in this issue of the **Federal Register.**

Application Specifications

An applicant MUST forward one original and two copies of the application to the Application Control Center of the U.S. Office of Education.

Further Information

For further information, contact Mr. Paul V. Delker, Director, Division of Adult Education, U.S. Office of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 5056), Washington, D.C. 20202, Telephone: (202) 245–2278.

(20 U.S.C. 1211b)

(Catalog of Federal Domestic Assistance (CFDA) No. 13.579, Emergency Adult Education Program for Indochina Refugees)

Dated: February 6, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80–9060 Filed 4–2–80; 8:45 am]

BILLING CODE 4110–02–M

Office of Health Research, Statistics, and Technology

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to Section 13 of Public Law 92–463, the Annual Report for the following Office of Health Research, Statistics, and Technology Federal Advisory Committee has been filed with the Library of Congress:

National Council on Health Care Technology

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E. Washington, D.C., Telephone (202) 287–6310, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Ms. Sharon Paino, Executive Secretary for the National Council on Health Care Technology Committee, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1820.

Dated: March 27, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80–10122 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–85–M

Office of the Secretary

Ethics Advisory Board; Meeting

Notice is hereby given that the Ethics Advisory Board will hold a meeting on Friday, April 18, 1980 and, if it should become necessary on Saturday, April 19 as well. The meeting will take place in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The meeting will begin at 9 a.m. and be open to the public subject to limitations of available space.

The agenda for the meeting will be the review and final approval of two reports: (1) Regarding a request for limited exemption from the Freedom of Information Act by the Center of Disease Control, and (2) Regarding a request for limited exemption from the Freedom of Information Act by the National Institutes of Health.

Requests for information should be directed to Ms. Amanda MacKenzie, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland, 20016, telephone, 301–496–7776.

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Dated: March 20, 1980.

Barbara Mishkin,

Staff Director, Ethics Advisory Board.

[FR Doc. 80-10088 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-86-M

Secretary's Advisory Committee

On the Rights and Responsibilities of Women; Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women will meet on Thursday, April 24, 1980, from 10:00 a.m. to 5:00 p.m., and on Friday, April 25, 1980, from 10:00 a.m. to 3:00 p.m., in Room 303-A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include health and family policy issues.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: March 28, 1980.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 80-10085 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Proposed Wilderness Designation of Instant Study Areas for the Arizona Strip District, Northern Mohave and Coconino Counties, Ariz.; Public Hearings To Receive Comments on the Draft Suitability Report and Draft Environmental Impact Statement

Pursuant to section 3(d)(1)(c) of the Wilderness Act of 1964, section 603 of the Federal Land Policy and Management Act of 1978 and section 102 (2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management will hold Public Hearings to receive comments on the draft suitability report and draft environmental impact statement concerning the proposed wilderness designation of instant study areas for the Arizona Strip District in Northern Mohave and Coconino Counties, Arizona.

The Bureau of Land Management invities written comments on the draft document to be submitted within 45 days at the Environmental Protection Agency's notice to be published in the **Federal Register** on or about April 25, 1980. The comments are to be submitted to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

A limited number of copies are available upon request to the State Director at the above address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240. Telephone (202) 343-5717.

Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073. Telephone (602) 261-3706.

Utah State Office, Bureau of Land Management, 136 E. Temple, Salt Lake City, Utah 84111. Telephone (801) 524-4227.

Arizona Strip District Office, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770. Telephone (801) 673-3545.

Cedar City District Office, Bureau of Land Management, 1579 N. Main, Cedar City, Utah 84720. Telephone (801) 586-2801.

Kanab Resource Area Office, Bureau of Land Management, 320 North First East, Kanab, Utah 84741. Telephone (801) 644-2672.

Oral and written comments will also be received at formal public hearings to be held in the following cities:

Salt Lake City, Utah, Salt Palace, Room 220, May 5, 1980, 7:30 p.m.

Kanab, Utah, BLM Area Office, 320 North First East, May 6, 1980, 7:30 p.m.

St. George, Utah, Four Season Convention Center, 747 E. St. George Blvd., May 7, 1980, 7:30 p.m.

Phoenix, Arizona, Maricopa County Board of Supervisor's Auditorium, 111 S. 3rd Avenue, May 8, 1980, 7:30 p.m.

A Hearing Officer will preside over the public hearings. Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Written requests to testify orally should be sent to the District Manager, Arizona Strip District Office, 196 E. Tabernacle, St. George, Utah 84770.

Comments received on the draft environmental impact statement and draft suitability report, whether written or oral, will be given equal consideration during the preparation of the final document.

Tom Allen,

Acting State Director.

March 27, 1980.

[FR Doc. 80-10097 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-84-M

[Survey Group 658]

Colorado: Filing of Plats of Survey

March 25, 1980.

Plats of survey of the following described lands accepted January 28, 1980 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective May 30, 1980.

Sixth Principal Meridian

T. 9 S., R. 90 W.

This plat represents a dependent resurvey of a portion of the east boundary and the survey of a portion of the subdivisional lines.

T. 10 S., R. 90 W.

These plats represent a dependent resurvey of a portion of the second standard parallel south, a portion of the east boundary, a portion of M.S. No. 5902, St Louis Placer, and the survey of the north and west boundaries and a portion of the subdivisional lines.

[Survey Group 407]

Plats of survey of the following described lands accepted February 14, 1980 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective May 30, 1980.

Sixth Principal Meridian

T. 10 S., R. 84 W.

These plats represent a dependent resurvey of a portion of the second standard parallel south, along the south boundary of Township 20 South, through Range 84 West; the west boundary and the subdivisional lines and the extension survey of the subdivisional lines; the dependent resurvey of certain boundaries of non-conforming claims; the survey of the subdivision of certain sections; the resurvey of a portion of the Aspen Townsite; and the dependent resurvey of certain boundaries of mineral surveys.

T. 10 S., R. 85 W.

These plats represent an extension survey of a portion of the subdivisional lines, the dependent resurvey of a portion of the subdivisional lines, the subdivision of certain sections, a portion of the Aspen Townsite, certain boundaries of mineral surveys.

These surveys were executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

George C. Hinton,

Chief, Public Affairs.

[FR Doc. 80-10093 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-84-M

Decker-Birney, South Rosebud, and Coalwood Management Framework Plans; Invitation to Comment

Notice is hereby given that the Miles City District, Bureau of Land Management (BLM), Miles City, Montana, invites public comments on draft amendments to portions of the Decker-Birney, South Rosebud and Coalwood Management Framework Plans (MFPs). These amendments were prepared to make relevant portions of the MFPs reflect, as completely as possible, existing statutory requirements and policies and to continue to carry out the requirements of the Federal Lands Review mandated by Section 522(c) of the Surface Mining Control and Reclamation Act (SMCRA). Dates of the comment period are April 1, 1980, through May 20, 1980.

Background standards and procedures for this MFP review and amendment preparation are contained in **Federal Register** Notice FR Vol. 44, No. 140, 42584-42662 of July 19, 1979, and FR Vol. 44, 153, 46386-46401 of August 7, 1979. The standards for this review are also discussed in a final environmental statement describing the Secretary of Interior's preferred coal program and alternatives, which was released in April, 1979.

The subject area is within the Powder River Coal Region and covers portions of Big Horn, Rosebud, Custer, Treasure, and Powder River Counties in Montana. It is adjacent to the Ashland Division of the Custer National Forest, the Northern Cheyenne and Crow Indian Reservations, and the State of Wyoming.

The plan draft amendments identify areas acceptable for further consideration for coal leasing, and are situated within those areas previously found acceptable for leasing in the original MFPs. The amendments also identify data which must be supplemented in the future prior to a final determination of acceptability. The amendments do not include decisions to lease any area for coal.

Any federal coal identified as acceptable for further consideration for leasing may be included in the first Powder River Coal Region (Montana and Wyoming) activity plan and evironmental impact statement. The Secretary of Interior has announced a preliminary Powder River Coal Regional leasing target of 776 million tons for 1982. To achieve this goal, preliminary lease tract delineation and ranking procedures will start in the summer of 1980 and the subject MFP amendments must be completed by July, 1980.

The plan draft amendments and draft environmental assessment record (EAR) have been prepared by an interdisciplinary team and in consultation with appropriate state and federal agencies as well as qualified surface owners over federally reserved coal. The amendment drafts primarily involve the application of the Secretary of Interior's unsuitability criteria and consideration of qualified surface owner views. The drafts contain narratives, tables and maps which display those areas:

(1) To which no criteria applies;

(2) To which a criterion or criteria cannot be applied pending collection of additional data;

(3) To which a criterion or criteria apply;

(4) To which a criterion or criteria apply where the District Manager does not intend to consider an exception or exemption; and

(5) To which a criterion and an exception or exemption thereto have been applied.

The plan draft amendment package includes the full text of the unsuitability criteria, an explanation of the surface owner consultation process and reprints from the Surface Mining Control and Reclamation Act pertaining to the Federal Lands Review process and surface owner consultation.

The package will be mailed to all known interested individuals; affected surface owners; industry and special interest groups; and local, state, and federal government agencies on or about April 1, 1980. Additional copies will be available from the Montana State Office (222 N. 32nd St., Billings, Montana 59107) and Miles City District Offfice as well as on file in local libraries and adjacent BLM offices.

Public meetings will be held April 24-25-26 to permit interested people the opportunity to discuss the plan draft amendments and enviromental assessment with members of the Miles City BLM District Office staff. Following is the meeting schedule: April 24, Courtroom, Powder River County Courthouse, Broadus, Montana: April 25, Mountain View Room, Commons Building, Sheridan College, Sheridan, Wyoming; April 26, Bicentennial Library, Colstrip, Montana. All meetings will be from 3 to 5 p.m. and 7 to 9 p.m. The plan draft amendment package and detail information provided during the meetings will serve as the basis for public comment. Written comments on the draft will be accepted by the Miles City District Office until May 16, 1980. Oral comments will be accepted during the meetings.

A Federal Public Hearing is also scheduled at 7 p.m. May 20, 1980, in Room 106, Miles Community College, Miles City, Montana. Purpose of the hearing is to accept testimony by anyone who could be adversely affected by these amendments of by decisions indicated in a similar document, "The Powder River Resource Area Management Framework Plan Update Report" of July, 1979. Local publicity on the hearing is forthcoming.

For further information or to submit comments on the draft documents, please contact: District Manager, Bureau of Land Management, West of Miles City, P.O. Box 940, Miles City, Montana 59301, (406) 232-4331.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 80-10099 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-84-M

Idaho Intensive Wilderness Inventory; Proposed Decision

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to inventory roadless areas and roadless islands of the public lands to identify those areas possessing wilderness characteristics as defined in the Wilderness Act of 1964.

The Federal Register notice of August 10, 1979, announced the Idaho final initial wilderness inventory decision, which indicated the inventory units that required intensive inventory.

The proposed decision below shows which inventory units are recommended as Wilderness Study Areas as a result of the intensive inventory. All units are included except those for which the decision is being deferred due to the protest-appeal process still affecting the prior initial inventory decision.

		Acres proposed as wilderness study areas	Acres not proposed as wilderness study areas
Boise District			
11-17	Outcrop		6,420
14-19	Long Tom Creek		13,726
14-21	Bennett Creek		11,162
16-2	Jump Creek		8,301
16-9	Reynolds Creek Canyon		14,650
16-49c	Squaw Meadow		10,316
17-1a	Lookout Butte		20,077
17-1b	East Fork Bruneau River		19,178
17-6	Dry Lakes		26,208
17-7	Clover Creeping		6,314
17-10	Lower Salmon Falls Creek		22,287
17-11	Jarbidge River	75,340	25,670
17-12	Poison Creek		19,532

		Acres proposed as wilderness study areas	Acres not proposed as wilderness study areas
19–1	Wildhorse		7,472
19–1	Cold Springs Creek		21,380
110–91a	Box Creek[1]	426	
111–5	Poison Gulch		30,742
111–6	Little Jack's Creek	41,143	33,776
111–7a	Big Hill		12,924
111–7b	Duncan Creek		10,065
111–7c	Big Jack's Creek	54,503	10,301
111–12	Sheep Trail		19,702
111–17	Bruneau River	107,020	27,042
111–18	Pole Creek	24,509	7,247
111–19a	Camas Creek		19,347
111–19b	Bull Gulch		33,150
111–20a	Big Springs		5,342
111–20b	Upper Battle Creek		17,787
111–21	Bull Basin		17,525
111–35a	Sheep Creek West	13,070	2,306
111–35b	Sheep Creek East		12,412
	Boise District total	316,343	486,901
	Burley District		
26–1	Herzel Mountain		20,615
26–3	South Samaria		9,615
27–1	South Deep Creek		9,609
27–2	Deep Creek Peak		6,646
28–1	Petticoat Peak	11,356	1,568
	Burley District total	11,356	45,173
	Idaho Falls District		
31–10	Illinois		11,150
31–11	Deadman Canyon		29,000
31–13	Timbered Dome		10,240
31–14	Appendicitis Hill	24,870	630
31–15	Dry Hollow		17,800
31–17	White Knob Mountains	9,950	
32–2	Sands Canyon		8,010
32–3	Hawley Mountain	15,510	640
32–4	Taylor Mountain		11,134
32–8	Black Canyon	5,400	
32–16	Pass Creek		1,220
33–4	Cedar Butte	35,700	3,120
33–5	Skull		8,650
33–6	Rye Grass		8,000
33–7	Cottontail		9,300
33–12	Split Top		18,080
33–13	Bear Point		20,650
33–14	Mosby Butte		35,720
33–15	Hell's Half Acre	66,200	2,720
33–16	Morgan		9,420
33–22	Cox's Place		12,790
33–23	Bear Trap		13,060
33–24	Firth Quad Islands		66
33–25	Moreland Quad Islands		807
	Idaho Falls District total	157,630	227,027
	Salmon District		
41–3	Gaertson Creek		10,720
42–6	Baldy Basin		10,720
43–3	Eighteen Mile	24,922	
44–2	King Mountain		12,802
44–3	Hat creek		9,707
44–4	Ellis Creek		28,040
44–9	Cronks Canyon		7,470
45–5	Mill Creek		1,330
45–12	Burnt Creek	24,980	5,130
47–4	Borah Peak[1]	3,100	780
	Salmon District total	53,002	85,499
	Sheshone District		
54–3	Preacher Creek		8,827
54–4	Rattlesnake Canyon		11,355
54–5	Little City of Rocks	5,575	95
54–6	Black Canyon	10,371	10,589
54–7	Four Mile Bench		7,542
54–8	Gooding City Rocks	21,550	2,440
54–9	Clover Creek		8,455
54–10	Deer Creek	7,467	1,394
54–11	Indian		16,966
54–12	Dempsey Creek		23,644
54–13	Forgotten Hills		9,420
56–2	Lava[2]	23,680	1,913
56–3	Big Wood[3]		
57–2	Shale Butte	15,968	5,930
57–3	Antelope		12,271
57–4	Black Ridge Crater		5,136
57–5	Lone Rock		10,934
57–6	Wildhorse		21,544
57–7	Pagari		33,116
57–8	Sand Butte	20,792	15,953
57–9	Broken Top Butte[4]		
57–10	Raven's Eye	67,110	190
57–11	Little Deer	33,531	9,443
57–12	Laidlaw Butte		9,868
57–13	Potter Butte		18,150
57–14	Bear Den Butte	9,700	4
57–15	Point		7,398
57–16	MacRae Lake		7,676
59–7	Shoshone[5]	6,914	3,014
	Shoshone District total	222,458	264,501
	Coeur d'Alene District		
61–1	Selkirk Crest[1]	720	440
61–6c	Hideway Island		170
61–9	Rochat Creek		5,960
61–10	Crystal Lake	9,027	
61–15a	Grandmother Mountain	10,339	
61–15b	Grandmother Mountain	6,790	
62–1	Snowhole Rapids	5,056	236
62–2	Confluence[1]	4,577	533
62–4	Big Canyon		1,100
62–10	Marshall Mountain[6]	6,524	966
	Coeur d'Alene District total	43,045	10,407
	State total	803,836	1,120,506

[1] Unit dependent on contiguous RARE II area to meet criteria.
[2] Previously called Kinzie East
[3] Now part of Unit 56–2
[4] Now part of Unit 57–10
[5] Previously called Lava
[6] Previously called Gospel Hump.

Public meetings, open houses, and workshops will be held at the following locations throughout the State for discussion of the BLM Wilderness Review, to answer questions, and to obtain input from the public on these proposed decisions.

April 15 7:30 p.m. Idaho Falls Westbank Motel
April 16 11:30 a.m.—8:30 p.m. Arco County Courthouse
April 22 11:30 a.m.—8:30 p.m. Aberdeen High School
April 23 7:00 p.m. Salmon Salmon BLM District Office
April 29 7:30 p.m. Pocatello Holiday Inn
April 30 12:00 noon—8:00 p.m. Twin Falls Little Tree Inn
May 1 7:30 p.m. Moscow Travelodge-Clark Room
May 6 12:00 noon—8:00 p.m. Bruneau American Legion Hall
May 6 12:00 noon—8:00 p.m. Shoshone Shoshone BLM District Office
May 6 7:30 p.m. Lewiston Lewis & Clark State College, Spalding Hall-Conference Room
May 7 12:00 noon—6:00 p.m. Murphy Owyhee County Courthouse
May 8 12:00 noon—8:00 p.m. Boise Boise BLM District Office
May 8 12:00 noon—8:00 p.m. Gooding County Courthouse-Commissioner's Rm.
May 8 7:30 p.m. Coeur d'Alene North Shore Convention Center—Room 3
May 12 12:00 noon—8:00 p.m. Hailey New Blaine County Courthouse
May 14 7:30 p.m. Grangeville Idaho Bank & Trust Bldg.—Meeting room
May 15 12:00 noon—8:00 p.m. Rupert Judicial Bldg. (adj. Minidoka County Courthouse)
May 22 7:30 p.m. St. Maries Federal Building-Conference Room

In summary, 107 inventory units containing over 1,924,000 acres of BLM land were examined in detail to determine the presence or absence of wilderness characteristics. As a result of the intensive inventory field work, it has been determined that 35 inventory units totalling 803,836 acres contain wilderness characteristics, and that 72 inventory units and 1,120,508 acres do not contain characteristics.

Upon publication in the **Federal Register**, this proposed decision is subject to a 90-day public review, extending from April 4, 1980, through July 3, 1980. Comments on the decision should address the presence or absence of those wilderness characteristics as described in the Wilderness act, namely—size, naturalness, outstanding solitude or outstanding primitive recreation opportunities, and supplemental values. All comments must be received by the BLM Idaho State Office or district offices no later than July 3, 1980. Comments received after that date may not be included in the statewide analysis of comments.

The final decision on Wilderness Study Area status is scheduled for late September. With the exception of several inventory units where release of the intensive inventory has been deferred due to protests or appeals, this announcement completes the intensive inventory phase of BLM's wilderness review for Idaho. All areas identified as Wilderness Study Areas in the final decision will be further analyzed through the Bureau's Planning System to determine which areas should receive a suitable or non-suitable recommendation for wilderness designation. Those recommendations will eventually be forwarded to Congress for the final decision on possible designation of areas into the National Wilderness Preservation System.

For futher information on this proposed decision, contact the following BLM offices:

District Manager, Boise District Office, 230 Collins Road, Boise, Idaho 83702.

District Manager, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

District Manager, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

District Manager, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467.

District Manager, Coeur d'Alene District Office, 1808 N. Third Street, Coeur d'Alene, Idah 83814.

District Manager, Shoshone District Office, 400 West "F" Street, Shoshone, Idaho 83352.

State Director, Box 042, Federal Building 550 W. Fort Street, Boise, Idaho 83724.

Dated: March 28, 1980.

T. G. Bingham,

Acting State Director.

[FR Doc. 80–10095 Filed 4–2–80; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–7297]

Idaho; Termination of Proposed Withdrawal and Reservation of Lands

March 24, 1980.

Notice of an application, serial number I–7297, for withdrawal and reservation of lands was published as **Federal Register** Document No. 73–25589 on page 33423 of the issue for December 4, 1973. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on April 28, 1980, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

Salmon National Forest

Gunbarrel Research Natural Area, Boise Meridian

T. 24 N., R. 14 E. (Protraction Diagram No. 40)
Sec. 23, S½;
Secs. 24, 25, and 26, All;
Sec. 27, NE¼;
Sec. 35, N½N½.
T. 24 N., R. 15 E. (Protraction Diagram No. 40)
Sec. 24, SW¼;
Sec. 25, NW¼.

Metes and bounds description as follows:

Beginning at the confluence of Gunbarrel Creek and the Salmon River in approximate latitude 45° 24′ N., longitude 114° 41′ W.;

Thence southeasterly up Salmon River to the toe of the ridge being the south watershed divide of Gunbarrel Creek; easterly and northeasterly along said watershed divide to a prominent point at the head of Gunbarrel Creek in SW¼, Section 24, T. 24 N., R. 15 E.; northwesterly and southwesterly along the divide between Horse Creek on the north and Gunbarrel Creek and unnamed drainage on the south immediately west of Gun triangulation station; southwesterly along the west ridge of said unnamed drainage to the Salmon River; southeasterly along the Salmon River approximately 50 chains to the mouth of Gunbarrel Creek, the place of beginning.

The area described aggregates 1,600.00 acres in Lemhi County, Idaho.

Eugene E. Babin,

Acting Chief Branch of L&M Operations.

[FR Doc. 80–10098 Filed 4–2–80; 8:45 am]

BILLING CODE 4310–84–M

[N–27612]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing

March 26, 1980.

The Bureau of Land Management, Department of the Interior, proposes the following described lands be withdrawn, subject to valid existing rights, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws:

Mount Diablo Meridian, Nevada

T. 17 S., R. 50 E.
Sec. 26, S½;
Sec. 34, NE¼;
Sec. 35, N½N½, SE¼NE¼, SW¼NW¼, W½SW¼, N½NE¼SE¼, NW¼SE¼;
Sec. 36, W½.
T. 18 S., R. 50 E.
Sec. 1, Lots 3 and 4;
Sec. 2, Lots 1 and 2, S½NE¼.

The land described aggregates 1,419.04 acres.

The purpose of the proposed withdrawal is to protect the essential habitat of the Warm Springs Pupfish *(Cyprinodon nevadensis petoralis)*, a Federally listed endangered species. This action is an objective of the approved Warm Springs Pupfish Recovery Plan.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below within 40 days from the date of publication of this notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the **Federal Register**, giving the time and place of such hearings. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 40 day period allowed.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Segregation will terminate two years from the date of this notice.

All correspondence in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Charles E. Hancock,

Acting Chief Division of Technical Services.

[FR Doc. 80–10092 Filed 4–3–80; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 17593]

Order Providing for Opening of Public Lands and National Forest Lands; Proposed Withdrawal and Opportunity for Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Order providing for opening of public lands and national forest lands; notice of proposed withdrawal and opportunity for public hearing.

SUMMARY: On January 31, 1973 the Water and Power Resources Service (formerly Bureau of Reclamation) filed application C–17593 for a withdrawal of additional public and National Forest lands for the Fryingpan-Arkansas Reclamation Project. On February 2, 1973 this proposed withdrawal was posted to the public records, thereby segregating the lands. On January 25, 1980, Water and Power Resources Service filed an amended application deleting some of the land orginally applied for. The deleted land is now being restored to operation of the appropriate land laws.

FOR FURTHER INFORMATION CONTACT: Alvah Q. Whitledge, 303–837–2825 at the Bureau of Land Management, Colorado State Office, 1600 Broadway, Denver, Colorado 80202.

1. On February 2, 1973 the following described national forest lands were

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segregated from location and entry under the general mining laws. The public lands were segregated from operation of the public land laws, including the general mining laws. All lands remained open to the mineral leasing laws.

T. 10 S., R. 80 W., 6th P.M.
Section 17: SW¼NW¼, SW¼
Section 18: SE¼NE¼
* Section 20: N½N½, E½SW¼, SE¼
* Section 29: S½NE¼
Aggregating 1,480.00 acres more or less.
* National Forest Lands.
T. 9 S., R. 81 W., 6th P.M.
Section 36: N½
T. 11 S., R. 81 W., 6th P.M.
* Section 25: SW¼NW¼, N½SW¼, S½S½, NW¼SE¼
* Section 28: SE¼NE¼, E½SE¼

On January 25, 1980, Water and Power Resources Service amended their application to delete all but the following described lands from this application:

T. 10 S., R. 80 W., 6th P.M., Lake County, Colorado

A strip of land being 60 feet in width, being 30 feet each side of the Mt. Elbert Conduit centerline and being more particularly described as follows:

(A) Beginning at Station 402+33.84 a point which bears S47°11'W a distance of 1,934.1 feet from the Northeast corner of Section 29.

Thence on a tangent S23°41'E a distance of 514.27 feet to P.C. Station 407+47.91;

Thence on a curve to the right with a radius of 1,100.00 feet for 301.76 feet to P.T. Station 410+49.67;

Thence on a tangent S07°57'E a distance of 568.49 feet to P.T. Station 416+18.16 (containing 1.91 acres more or less).

(b) Beginning at Station 380+63.20 which bears N01°19'E a distance of 2,649.5 feet from the South Quarter corner of Section 20,

Thence on a tangent S10°06'E a distance of 1,959.63 feet to P.C. Station 380+22.83;

Thence on a curve to the left with a radius of 2000.00 feet for 474.05 feet to P.T. Station 384+96.88;

Thence on a tangent S23°41'E a distance of 294.89 feet to Station 387+91.77 (containing 3.76 acres more or less).

(c) Beginning at Station 283+67.50 which point bears S28°43'W a distance of 1,491.1 feet from the Northeast corner of Section 18.

Thence on a tangent S34°30'E a distance of 483.56 feet to P.C. Station 288+71.06;

Thence on a curve to the right with a radius of 3000.00 feet for 335.25 feet to P.T. Equation Station 292+06.31 BK=293+75.51 AH;

Thence on a tangent S28°06'E a distance of 599.27 feet to P.T. Station 299+74.78 a point on the East line of Section 18;

Thence on a tangent S28°06'E a distance of 3,166.97 feet to P.T. Station 331+41.75 a point on the South line of Section 17;

Thence on a tangent S28°06'E a distance of 1,508.17 feet to P.T. Station 346+49.92 (containing 8.39 acres more or less).

All bearings stated above are grid bearings from Colorado State Plane Coordinates. The area described aggregates approximately 14.06 acres.

3. Therefore, at 10:00 a.m. on May 5, 1980 the deleted National Forest lands and public lands will be relieved of the segregative effect of this withdrawal application subject to any valid existing rights.

Any valid applications received prior to 10:00 a.m. on May 5, 1980 shall be considered simultaneously filed at that time. Applications received thereafter shall be considered in the order of filing.

4. This publication is to be considered notice of the proposed withdrawal of the lands described in paragraph 2 above, and opportunity for public hearing regarding the proposed withdrawal pursuant to Section 204(h), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). All persons who desire to be heard on the proposed withdrawal must file a written request for hearing with the State Director, Bureau of Land Management, Colorado State Office, 1600 Broadway, Denver, CO 80202.

This must be done or before May 5, 1980.

If a public hearing is to be held, notice of such hearing will be published in the Federal Register giving the time and place. The hearing will be scheduled in accordance with BLM Manual Section 2351.16B.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal application may be filed with the Bureau of Land Management on or before May 5, 1980.

5. The lands described in paragraph 2 remain temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, will prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 21, 1991, unless sooner terminated by action of the Secretary of the Interior.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 80-10008 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-84-M

Status of California's Wilderness Inventory Program

Part I—Wilderness Inventory of Public Lands Outside the California Desert Conservation Area

A. Status of previously announced decisions: "Final Intensive Inventory, Public Lands administered by BLM California outside the California Desert Conservation area—Wilderness," December 1979.

The final intensive wilderness inventory decisions, for public lands administered by the California State Office, Bureau of Land Management, were announced in the above report and by a Federal Register Notice on January 7, 1980. A total of 3,203,000 acres in 266 inventory units were intensively inventoried. Ninety-three inventory units or parts thereof, totaling 1,134,000 acres were identified as Wilderness Study Area's (WSA's). Two hundred thirty two inventory units or parts thereof, totaling 2,069,000 acres were found not to qualify as WSA's.

1. *Final Decisions.*

The January 7, 1980, Federal Register Notice established a 30 day protest period which closed on February 5, 1980. With the exception of those inventory units on which a protest was filed, my previously announced decisions are now final. The inventory decisions are final for the following units:

Bakersfield District CA-010—002, 007, 011, 012, 016, 017, 020, 025, 026, 030, 032, 035, 036, 037, 042, 046, 052, 070, 071, 072, 074, 077, 078, 079, 085, 090, 091A, 092, 094, 095, 096, 097, 099, 100, 102, 103, 105A, 105B, 108, and 109.

Susanville District CA-020—002, 102A, 102B, 103, 103A, 103B, 104, 104A, 105, 202, 205, 206, 207, 207A, 208, 208A, 212A, 303A, 303B, 304, 305, 306, 308A, 309A, 310A, 310B, 311, 312A, 313B, 602, 603, 605A, 610, 612, 614A, 615, 616, 617, 617A, 619, 619A, 619D, 619E, 619F, 620, 704, 704A, 705A, 708, 802, 803, 804, 805, 805A, 806, 808, 809, 810, 811, 812, 813, 814, 815, 818, 819, 821A, 905A, 905B, 905C, 906, 909, 909A, 911, 912, 917, 918, 1004A, 1006A, 1006B, 1009A, 1012, and 1015.

Redding District CA-030—101, 201, 203, 204, and 503.

Folsom District CA-040—102, 201, 301A, 301B, 303, 305A, 305B, 305C, 308, and 309.

Ukiah District CA-050—111, 112, 113, 121, 132, 212, 221, 222, 313, 314, 315, 317, and 331.

Riverside District CA-060—002, 020A, 020B, 020C, 020F, 020G, 021A, 021B, 022, 023, 024A, 024B, 024C, 024D, 024E, 025A, 025B, 027A, 027B, 027C, 027D, 028, and 029.

The identified WSA's in the above inventory units will continue to be subject to the interim management requirements of Section 603-C of the Federal Land Policy and Management Act of 1976 (FLPMA). The non-WSA units or parts of units are no longer under these interim management requirements.

2. *Protested Decisions.*

For any unit on which a protest was filed my announced decision is stayed until the protest and administrative appeal process is completed. Protests were received on the following inventory units:

Bakersfield District CA-010—022, 023, 027, 028, 029, 040, 045, 055, 056, 057, 058, 059, 060, 062, 063, 064, 065, 068, 075, 080, 081, 082, 083, 084, 088, 091B, 104, 106, and 110.

Susanville District CA-020—003, 004, 005, 006, 102, 209, 210, 211, 212, 303, 307, 308, 309, 310, 313, 313A, 402, 604, 605, 605B, 606, 608, 609, 611, 613, 614, 619B, 619C, 703, 705, 706, 904, 905, 910, 911A, 913A, 913B, 915, 916, 1006, 1007, 1008, 1009, and 1013.

Redding District CA-030—402, 501, and 504.

Folsom District CA-040—202, 203, and 207.

Ukiah District CA-050—131, 134, 135, 211, 213, 214, 312, 316, 318, 319, and 332.

Riverside District CA-060—020D, 020E, and 026.

In summary protests have been received on a total of 93 intensive inventory units containing 1,295,533 acres of public land. Of this 279,664 acres were identified as WSA's and 1,015,869 acres as not meeting the criteria for designation as a WSA. Protested inventory units remain under the interim management requirements of Section 603-C of FLPMA while the unit is under protest or appeal. I expect to announce my decisions on these protests in the Federal Register about June or July.

3. *Appealed Decisions* (Final Initial Inventory, July 1979).

As announced in our December 1979 report and our Federal Register Notice of January 7, 1980, the following 12 initial wilderness inventory units have been formally appealed to the Interior Board of Land Appeals (IBLA):

CA-010-031, 033, 047, 069, 087, 101, CA-020-701, 901, 1001, CA-030-300, 400, and 500.

As of the time of preparation of this notice, all or portions of these units were still under appeal and they remain under the interim management restrictions of Section 603-C of FLPMA.

B. Proposed Decisions.

As announced in the above report (Final Intensive Inventory, December, 1979) my intensive wilderness inventory decisions were deferred on several interstate units. These interstate inventory units are roadless areas of public land which across BLM State Office administrative boundries. The interstate unit may or may not also cross State boundries.

The California administered portion of each interstate unit was published in draft form on July 16, 1979 (Federal Register, Vol. 44, No. 137, Monday July 16, 1979 pp. 41354 and 41355) and was subjected to a 90 day public comment period. Publication of these joint proposed decisions starts a new 90 day public comment period on the entire roadless inventory unit.

The public is invited to comment on the draft narrative findings and maps and to submit additional information to assist in the assessment of wilderness characteristics on these public lands. All comments will be treated equally whether they are sent by mail or provided in writing or orally at a public meeting. Public meetings are being announced by the Oregon and Nevada State Directors.

A copy of the draft summary report and maps for both the Oregon-California and the Nevada-California interstate units is being sent to all persons on California's mailing list. One inventory unit was originally thought to be an interstate unit but additional road definition showed it to be administered entirely by the California State Office. It is included in the Nevada-California report to allow for additional public review. Additional copies of these reports are available from the State Director (Wilderness), Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, California 95825. (Copies of the draft interstate inventory reports are also available from the appropriate adjacent state office. For Oregon-California units this is the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 92708. For Nevada-California units this is the State Director, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.)

Under authority delegated to me be the Director, Bureau of Land Management, I hereby determine that the public lands in these interstate inventory units which are administered by the Bureau of Land Management, California have been inventoried according to the provisions of the Bureau's Wilderness Inventory Handbook of September 27, 1978 and that a joint proposed decision has been reached for the entire interstate unit by the affected State Directors.

These interstate units include 232,980 acres administered by the California State Office. Of this 118,470 acres in all or part of 4 inventory units are proposed as WSA's and 114, 510 acres in all or part of 12 units are proposed as lacking wilderness characteristics. (There is a total of 320,735 acres of public land in 15 inventory units; 87,755 acres are administered by an adjoining BLM State Office.) These inventory units and proposed decisions are as follows:

1. Oregon-California Interstate Units.

The Oregon State Director announced his decisions on the Oregon-California interstate units in Federal Register Notice scheduled to have been published on March 27, 1980. The 90 day public review period for these units closes June 25, 1980.

(a) Units proposed as WSA's: None

(b) Units proposed as lacking wilderness characteristics.

	Oregon State Office	California State Office		Total Public Land
	Oregon	Nevada	California	
1-126/CA-020-1010, Coleman Valley/Macy Flat	(23,640)	13,060		36,700
1-157/CA-020-1005, Coleman Valley West/ Coleman Ranch	(10,000)	13,005		23,005
1-164/CA-020-1004, Snuff/Twelve Mile Creek	(1,440)	11,670	3,020	16,130
Total	(35,080)	37,735	3,020	75,835

2. Nevada—California Interstate Units.

The Nevada State Director is scheduled to announce his decisions on the portions of the Nevada—California interstate units administered by the Nevada State Office on April 1, 1980. The 90 day public review period for these units closes June 30, 1980.

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(a) Units proposed as WSA's.

	Nevada State Office	California State Office		Total Public Land
	NV	NV	CA	
NV-020-005A/ CA-020-914, East Fork High Rock Canyon	(7,470)	46,450		$3,920
NV-020-008/ CA-020-913, Little High Rock Canyon [1]	(8,703)	43,440		52,143
NV-020-012/ CA-020-915, 913 Poodle Mountain [1]	(102,449)	25,360		127,829
NV-020-3217 CA-010-195, Sinkard	(2,240)		3,200	5,440
Total	(118,822)	(2,240) 115,270	3,200	239,332

[1] Part of unit not a WSA.

(b) Units Proposed as lacking wilderness characteristics.

	Nevada State Office	California State Office		Total Public Lands
	NV	NV	CA	
NV-020-001/CA-020-919, Ten Mile Spring	(9,800)	1,590		14,470
NV-020-004/CA-020-913A&B, Hog Ranch Mountain	(4,620)	5,360		9,980
NV-020-006/CA-020-914A, Warm Springs Canyon	(56,419)	8,950		65,369
NV-020-005/CA-020-913, Little High Rock Canyon [1]	(430)	1,000		1,430
NV-020-009/CA-020-823, Leadville	(25,703)	1,320		27,023
NV-020-010/CA-020-816, 820, 821, Crutcher	(17,100)	35,645		52,745
NV-020-012/CA-020-915, 821, Poodle Mountain	(8,651)	680		9,331
NV-020-021/CA-020-822A & B, 823, No Name	(4,110)	1,120		5,230
NV-020-3013/CA-020-403, Fort Sage Mountain	(10,200)		12,790	22,990
Total	(137,113)	55,665	12,790	205,568

[1] Most of unit is a WSA.

3. California Inventory Unit.

One unit, CA–020–822, was reported in our December 1979 Final Intensive Inventory Report as being deferred because it was an interstate unit. Further road definition has separated off units CA–020–822A and CA–020–822B leaving unit CA–020–822 as a non-interstate unit. This unit is being republished to allow for additional public comment. The comment period for this unit closes on June 30, 1980.

Unit Proposed as Lacking Wilderness Characteristics

	California State Office—Nevada	Total Public Land
CA–020–822 Negro Creek	5,300	5,300

4. Summary of proposed intensive inventory decisions (items B–1, 2, and 3 above) by State and by District.

Public Lands Administered by the California State Office

	Units [1]	Acres
State of Nevada:		
Susanville district:		
Proposed as WSA	3	115,270
Proposed as non-WSA	12	98,700
Subtotal		213,970
State of California:		
Bakersfield district:		
Proposed as WSA	1	3,200
Susanville district:		
Proposed as non-WSA	2	15,810
Subtotal		19,010
Grand total		232,980

[1] An inventory unit may fall into more than one category.

The proposed intensive inventory decisions for the contiguous public lands in these interstate units which is administered by another state office are being announced by the State Director of that office as stated in items B–1 and B–2 above. A final decision is expected to be announced in September 1980.

Part II—California Desert Conservation Area, Final Wilderness Inventory, March 31, 1979, and Amendments and Clarifications, December 27, 1979

The status of the California Desert Conservation Area [CDCA] wilderness inventory was announced in a Federal Register Notice on January 7, 1980. That notice divided the wilderness inventory units for the CDCA into three categories based on their status at that time. This notice uses the same categories and gives the current status of the inventory units in each group.

1. Final Decisions: The above Federal Register Notice listed the units on which the wilderness inventory decision was final. Area 367 was omitted from this list and area 376A was erroneously listed as 367A (following area 375). The wilderness inventory is final for both area 367 and 376A. (The complete list is on page 1456 of the January 7, 1980 Federal Register Notice).

2. Amended Decisions: The above notice listed five units for which an amended inventory decision had been made. The protest period closed on February 5, 1980, and the amended decision is now final for areas 145, 150, 184, 184A, and 184B.

3. Appealed Decisions: The above notice listed 30 inventory units which had been appealed to the Interior Board of Land Appeals. These 30 units are: Areas 117, 131, 136, 137A, 143, 150, 156, 158, 172, 207, 217, 221, 222, 227, 242, 251, 251A, 263, 264, 265, 266, 271, 299, 305, 321, 325, 334, 343, 348, and 376. As of the time of preparation of this notice, these units were still under appeal and they remain under the interim management restrictions of Section 603–C of FLPMA.

Part III—Summary of California's BLM Wilderness Inventory to date.

The following table summarizes the present status of the BLM, California State Office wilderness inventory program.

	Public land acres
State of California	16,434,000
California Desert Conservation Area (CDCA) [1]	12,120,000
Areas lacking wilderness characteristics	(6,617,000)
Areas with wilderness characteristics (WSA's)	(5,503,000)
Outside the CDCA	4,314,000
Areas lacking wilderness characteristics	(3,476,000)
Dropped in the Initial Inventory [2]	2,160,000
Dropped in the Intensive Inventory [3]	1,301,000
Proposed to be dropped	16,000
Areas with wilderness characteristics (WSA's)	(838,000)
Identified WSA's in the Intensive Inventory [3]	835,000
Proposed WSA's	3,000
State of Nevada (administered by CA State Office)	1,433,000
Areas lacking wilderness characteristics	(1,018,000)
Dropped in the Inital Inventory [2]	151,000
Dropped in the Intensive Inventory [3]	768,000
Proposed to be dropped	99,000
Areas with wilderness characteristics (WSA's)	(415,000)
Identified WSA's in the Intensive Inventory [3]	300,000
Proposed WSA's	115,000

[1] CDCA—Thirty inventory units totaling 3,197,000 acres have been appealed to the Interior Board of Land Appeals (IBLA).
[2] Initial Inventory—Twelve inventory units totaling 443,175 acres have been appealed to IBLA.
[3] Intensive Inventory—Ninty-three inventory units totaling 1,295,533 acres have been protested (see item I–A–2 above).

James B. Ruch,
State Director, California.

[FR Doc. 80–10101 Filed 4–2–80; 8:45 am]
BILLING CODE 4310–84–M

Western Slope Carbon, Inc., Notice of Invitation

Western Slope Carbon, Inc. has filed Application Number C–30007 with the Denver Office of the Bureau of Land Management for a license to conduct coal exploration work on the following tract in Gunnison County, Colorado:

T 13 S., R 90 W., 6th P.M.
Sec. 1: N. ½;
Sec. 2: N. ½;
Sec. 3: N. ½;
Sec. 4: N. ½; SW ¼.

The company is planning to drill three exploratory holes, one in each section of the tract described. A copy of the exploration plan is available for public inspection at the Denver BLM office.

The Public Is Hereby Invited To Participate in Western Slope Carbon's exploration program under the license applied for. Any interested party is invited to notify the Leader of the Montrose Team, Branch of Adjudication of the Bureau of Land Management, Room 700, Colorado State Bank Bldg., Denver, Colorado 80202, and Western Slope Carbon at 315 East 200 South, Salt Lake City, Utah 84111, attention of Al Amundson, Chief Engineer, Tel. 801/534–3329. Such notifications must be received, in writing, by both the BLM Office and Western Slope Carbon within 30 days after the publication of this Notice in the **Federal Register** (May 5, 1980) which is expected to occur approximately 10 days after its first publication in this newspaper. Any interested party must pay its prorata share of all exploration costs related to this license.

This Notice is published by Western Slope Carbon pursuant to the requirements of the applicable Coal Management Regulations, Subpart 3410 of Title 43 of the Code of Federal Regulations.

Merrill G. Anderson,
Team Leader, Montrose Branch of Adjudication.

[FR Doc. 80–10100 Filed 4–2–80; 8:45 am]
BILLING CODE 4310–84–M

Fish and Wildlife Service

Availability of Environmental Assessments for Wildlife Restoration Projects

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability for inspection and public comment.

SUMMARY: This notice provides a listing of Environmental Assessments available for public review to supplement those previously listed in the **Federal Register** July 20, August 3, September 6, October 5, November 16, and December 27, 1979, and March 7, 1980. The Assessments and Findings of No Significant Impact were prepared on certain projects conducted by State fish and wildlife agencies under the Federal Aid in Wildlife Restoration program. The public is invited to comment, and information is provided on the locations at which the documents may be reviewed.

DATE: Comments must be received at the locations indicated by May 5, 1980.

ADDRESSES: The assessments are available for inspection at the following locations:

FWS Federal Aid Office, 1000 N. Glebe Road, Arlington, Virginia 22201.
Region 1, FWS, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232.
Region 2, FWS, 500 Gold Avenue, S.W., P.O. Box 1306, Albuquerque, New Mexico 87103.
Region 3, FWS, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
Region 4, FWS, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303.
Region 5, FWS, 1 Gateway Center, Suite 700, Newton Corners, Massachusetts 02158.
Region 6, FWS, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.
Alaska Area Office, FWS, 1011 E. Tudor Road, Anchorage, Alaska 99507.
Central headquarters office of the State fish and wildlife agency.

Interested persons are invited to submit comments to the appropriate Regional Director at the above regional addresses on or before May 5, 1980. Copies of the assessment may be obtained at the Regional Offices upon payment of reasonable reproduction costs pursuant to 43 CFR, Part 2, Appendix A. Copies of any Finding of No Significant Impact will be provided free of cost.

FOR FURTHER INFORMATION CONTACT: Mr. Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703–235–1526.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the U.S. District Court for the District of Columbia issued an order dismissing Civil Action No. 78–430 involving the Federal Aid in Wildlife Restoration program. The dismissal effected an agreement by plaintiffs and defendants which included a provision that the Fish and Wildlife Service would publish in the **Federal Register** a notice of availability of certain Environmental Assessments for inspection and public comment. Pursuant to the stipulated agreement, this notice lists Environmental Assessments prepared to date and will be supplemented as other assessments are prepared.

The principal author of this notice is Dr. Robert J. Sousa, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703–235–1526.

Notice is hereby given of availability for inspection and comment of environmental assessments for the following Federal Aid project funded in part by the U.S. Fish and Wildlife Service (FWS) under the Pittman-Robertson Federal Aid in Wildlife Restoration Act, 16 U.S.C. 669 et seq: (Activities listed are not exclusive.)

Region 6

Colorado W–111–D: This regional development project covers management and maintenance activities on 17 Wildlife Management Areas in the northwest quadrant of Colorado. Work is directed toward maintenance of facilities and habitat conditions for game and nongame wildlife species and provision of public use opportunities for wildlife-oriented recreation. Among project activities are herbaceous seeding, rangeland rehabilitation, vegetation control, and routine maintenance of all existing facilities.

Dated: March 31, 1980.

Robert S. Cook,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 80–10079 Filed 4–2–80; 8:45 am]
BILLING CODE 4310–55–M

National Park Service

Committee for the Preservation of the White House; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at 2:00 p.m. on Friday, May 2, 1980, in the Indian Treaty Room of the Old Executive Office Building (on Pennsylvania Avenue, NW., just west of the White House), Washington, D.C.

The Committee was established for the purpose of advising the Director of the National Park Service so that he may make recommendations to the President concerning the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. The Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

Purpose of the meeting: The Committee will discuss and recommend priorities for acquisition to the White House Collection, receive subcommittee reports and reports on previous acquisitions and loans.

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The meeting will be open to the public. Public attendance depending on available space will be limited to those who have notified the Executive Secretary of the Committee in writing at least 5 days prior to the meeting of their intention to attend the May 2 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public participation.

All communication regarding the Committee should be addressed to Mr. Elmer S. Atkins, Executive Secretary, Committee for the Preservation of the White House, Room 344, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated: March 26, 1980.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 80-10147 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-03-M

Water and Power Resources Service

Interim Water Service Contracts; Intent To Enter Into Interim Water Service Contracts

The Water and Power Resources Service (Service), Department of the Interior, may enter into interim water service contracts for irrigation and municipal and industrial (M&I) water when such water is available and surplus to project needs. Contracts of this type can be entered into upon short notice to meet emergency needs or temporary demands. However, without departmental approval, such contracts may not exceed 1 years in duration and are limited to not more than 10,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract. All interim contracts will specify quantities, rates and other terms and conditions in compliance with Reclamation law and Service policy.

The Regional Director, Amarillo, Texas, has authority to execute interim water service contracts of not to exceed 1 year in duration and not more than 2,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract in Texas, Oklahoma, southern Kansas, and all but the extreme western portions of New Mexico. At this time, it appears that water, surplus to project needs, will be available for sale from the San Juan-Chama Project, New Mexico. The New Mexico Interstate Stream Commission has expressed interest in negotiating an interim water service contract for a period of 1 year and for up to 2,000 acre-feet of water from the San Juan-Chamas Project. The water will be used by the Commission to provide emergency agricultural water supplies to prevent crop losses in New Mexico.

Approximately 5,000 acre-feet of San Juan-Chama Project water is estimated to be surplus to project needs in 1980. Pursuant to Service policy, interim water service for irrigation will be provided at a cost equal to a proportionate share of annual operation and maintenance costs and an appropriate share of capital costs. In past years the cost of interim irrigation water service from the San Juan-Chama Project has ranged from $4.70 to $5.20 per acre-foot.

Other Service projects in the region with regulated reservoir storage may have minor quantities of surplus water available this year to meet temporary or emergency demands. All releases will be subject to State laws for beneficial use and prior appropriation rights.

Parties interested in receiving information about the Service's interim water marketing program should contact Mr. Ira M. Stevens, Repayment and Economics Branch, Water and Power Resources Service, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378-5430. Unless significant public interest in the proposed interim water marketing program is demonstrated in response to this notice, announcement of the availability of negotiated draft contracts will be limited to those parties who have expressed an interest therein. Written comments on any draft contract must be submitted not later than 30 days after the completed draft is declared available.

Parties interested in obtaining a temporary supply of water from a Service project should apply in writing to the Regional Director, Water and Power Resources Service, Amarillo, Texas, at the above address.

Dated: March 25, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-9998 Filed 4-2-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 and 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matter and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments [e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper division of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14260F, filed December 11, 1979. COORS TRANSPORTATION COMPANY (Coors) (5101 York Street, Denver, CO)—purchase (portion)—Lucius, Inc. (Lucius) (9250 North Wadsworth Blvd., Broomfield, CO 80020). Representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. Coors is seeking authority to purchase a portion of the interstate operating rights of Lucius. Adolph Coors Company, a non-carrier and the sole stockholder of Coors, seeks to acquire control of said rights through the transaction. Coors is purchasing that portion of the interstate operating rights contained in certificates issued to Lucius in MC-138069 (Sub-No. 2 and 7), which authorizes the transportation of *alcoholic beverages and non-alcoholic beverage mixes*, (except commodities in bulk), over irregular routes, (1) from points in CA, to Denver, CO, and (2) from points in CA, to Pueblo, CO, restricted in (1) and (2) above to the transportation of traffic destined to the named destinations. Lucius is retaining that portion of MC-138069 (Sub-Nos. 2 and 7) which authorizes the transportation of *alcoholic beverages and non-alcoholic beverage mixes* (except commodities in bulk), over irregular routes, (1) from points in MI and LA and St. Louis, MO, to Denver, CO; (2) from points in IL, IN, KY, TX (except Houston), to Denver, CO; (3) from Houston, TX, to Denver, CO, (4) from Cincinnati, OH, to Denver, CO, and (5) from St. Louis, MO, Cincinnati, OH, and points in IL, IN, KY, LA, MI, and TX, to Pueblo, CO, restricted in (1) through (5) above to the transportation of traffic destined to the named destinations. Coors is authorized to operate as a motor common carrier pursuant to certificates issued in MC-145054 and sub-numbers thereunder and as a motor contract carrier pursuant to permits issued in MC-136407 and sub-numbers thereunder throughout the States of AZ, CA, CO, KS, ID, LA, OK, OR, MT, NM, NE, NV, TX, UT, WA, and WY. (Hearing site: Denver, CO.)

Notes.—(1) Application has been filed for temporary authority under 49 U.S.C. 11349. (2) Dual operations may be involved.

MC-F-14321F, filed February 21, 1980. SMITHWAY COACHES, LTD. (Smithway) (P.O. Box 404, Ft. Dodge, IA 50501)—purchase—Fort Dodge Transportation Company (Fort Dodge) (One North 20th Street, P.O. Box 654, Fort Dodge, IA 50501). Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Smithway seeks authority to purchase the interstate operating rights of Fort Dodge. Harold C. Smith, Russell J. Hilken, and William G. Smith, equal stockholders of Smithway also seek authority to acquire control of said rights through the transaction. Smithway is purchasing the interstate operating rights contained in Fort Dodge's Certificates in MC-117324 and subnumbers thereunder, which authorize operations, in interstate or foreign commerce, as a motor common carrier, as follows: (1) *Passengers and their baggage*, in round-trip charter operations, over irregular routes, beginning and ending at Fort Dodge, IA, and points within 50 miles thereof, and extending to points in MN, WI, IL, NE, MO, AR, CO, CA, NY, LA, SD, and DC; (2) *Passengers and their baggage*, and *express, mail, and newspapers* in the same vehicle with passengers, over regular routes, (a) between Algona and Fort Dodge, IA, serving all intermediate points: from Algona over U.S. Hwy 169 to junction IA Hwy 222, then over IA Hwy 222 to Livermore, IA, than return over IA Hwy 222 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction IA Hwy 413, then over IA Hwy 413 to Fort Dodge, and return over the same route, and (b) between Fort Dodge and Spirit Lake, IA, serving all intermediate points: from Fort Dodge over IA Hwy 413 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Humboldt, IA, then over IA Hwy 3 to Pocahontas, IA, then over IA Hwy 17 to junction IA Hwy 10, then over IA Hwy 10 to Havelock, IA, then return over IA Hwy 10 to junction IA Hwy 17, then over IA Hwy 17 to junction unnumbered hwy, then over unnumbered hwy to Mallard, IA, then return over unnumbered hwy to junction IA Hwy 17, then over IA Hwy 17 to junction unnumbered hwy, then over unnumbered hwy to Graettinger, IA, then return over unnumbered hwy to junction IA Hwy 17, then over IA Hwy 17 to Estherville, IA, then over IA Hwy 9 to Spirit Lake, and return over the same route; (3) *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over regular routes, between Spirit Lake, IA, and Worthington, MN, serving all intermediate points: from Spirit Lake over IA Hwy 9 to junction IA Hwy 238, then over IA Hwy 238 to Harris, IA, then over unnumbered county hwys to the IA-MN State line, then over MN Hwy 264 to Round Lake, MN, then over unnumbered county road to Worthington, MN, and return over the same route; (4) *Passengers and their baggage*, in round-trip charter and special operations, over irregular routes, beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Hamilton, Hardin, Buena Vista, Pocahontas, Humbqldt, Wright, Franklin, Palo Alto, Hancock, Kossuth, Emmet, and Dickinson Counties, IA, and Nobles County, MN, and points in that part of Boone County, IA, on and west of IA Hwy 17, and extending to points in the United States (including AK, but excluding HI); and (5) *Passengers and their baggage*, and *express* moving in the same vehicle with passengers, over regular routes, between Humboldt and Hampton, IA, serving all intermediate points on the specified routes: from Humboldt over IA Hwy 3 to junction IA Hwy 302, then over IA Hwy 302 to Thor, IA, then return over IA Hwy 302 to junction IA Hwy 3, then over IA Hwy 3 to junction IA Hwy 17, then over IA Hwy 17 to Eagle Grove, IA, then return over IA Hwy 17 to junction IA Hwy 3, then over IA Hwy 3 to Hampton, and return over the same route. Smithway presently holds no operating authority from the Commission. However, Smithway is affiliated with Smithway Motor Xpress, Inc., a motor common carrier pursuant to certificates in MC-

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138627 and sub-numbers thereunder, which authorize the transportation of specified commodities in the States of AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, and WI. (Hearing site: Des Moines, IA, or Omaha, NE.)

Note.—Application for temporary authority has been filed.

MC–F–14299F, filed January 22, 1980. OLIVER MOTOR SERVICE, INC. (Oliver) (P.O. Box 223, East Hwy 54, Mexico, MO 65265)—purchase—GUSTAVE A. SCHMIDT, d.b.a. SCHMIDT TRUCK LINE (Schmidt)(910 Sunset Drive, Macon, MO 63552). Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Oliver seeks authority to purchase the interstate operating rights and property of Schmidt. John F. Oliver, the sole stockholder of Oliver, seeks authority to acquire control of said rights and property through the transaction. Oliver is purchasing the interstate operating rights of Schmidt that are contained in Certificate No. MC–61724, which authorizes the transportation, as a motor common carrier, (1) over *regular routes*, transporting: (a) *steel, steel castings*, and *fittings*, between Centralia, MO and Chicago, IL and Indianapolis, IN; (i) from Centralia over MO Hwy 22 to Mexico, MO, then over U.S. Hwy 54 to junction U.S. Hwy 36, then over U.S. Hwy 36 to Springfield, IL, and then over U.S. Hwy 66 to Chicago; (ii) from Centralia over the above-specified route to junction U.S. Hwy 36, then over U.S. Hwy 36 to Indianapolis; (iii) from Centralia over MO Hwy 22 to Mexico, MO, then over U.S. Hwy 54 to junction MO Hwy 19, then over MO Hwy 19 to junction U.S. Hwy 40, and then over U.S. Hwy 40 to Indianapolis; and return over these routes to Centralia. Service is authorized to and from the intermediate point of East St. Louis, IL and the off-route points of Alton, Monsanto, and Madison, IL; (b) *acid, in carboys*, between Monsanto, IL and Centralia, MO, from Monsanto over IL Hwy 3 to East St. Louis, IL, then over U.S. Hwy 40 to junction MO Hwy 19, then over MO Hwy 19 to junction U.S. Hwy 54, then over U.S. Hwy 54 to Mexico, MO and then over MO Hwy 22 to Centralia; and (c) *empty carboys*, from Centralia over the above-specified route to Monsanto. Service is not authorized to or from the intermediate points; and (2) over *irregular routes*, transporting: (a) *livestock*, between Centralia, MO and points within 30 miles of Centralia on the one hand, and, on the other National Stock Yards, IL; and (b) *household goods*, as defined by the Commission, between Centralia, MO and points within 15 miles of Centralia on the one hand, and, on the other, points in IL. Oliver is authorized to oprate as a motor common carrier pursuant to certificates issued in MC–124511 and sub-numbers thereunder. (Hearing site: St. Louis, MO.)

Note.—Application for temporary authority has been filed.

Decided March 20, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–F–14311F, filed January 30, 1980. BICENTENNIAL TRANSPORT, INC. (Bicentennial) (317 North Point Blvd., Baltimore, MD 21224)—purchase (portion)—TIDEWATER INLAND EXPRESS, INC. (Tidewater) (258 Rohoboth Blvd., Milford, DE 19963). Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Suite 501, Washington, DC 20036. Bicentennial seeks authority to purchase a portion of the interstate operating rights of Tidewater. Angelo R. Teeter, the majority stockholder of Bicentennial, also seeks authority to acquire control of said rights through the transaction. Bicentennial is purchasing that portion of Tidewater's operating rights in MC 87109 (Sub-21), which authorizes the transportation, as a motor common carrier, over regular route, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, MD, and Alexandria, VA, over U.S. Hwy 1, serving all intermediate points and the off-route points in MD and VA within 5 miles of DC and points within 6 miles of Baltimore. Bicentennial is authorized to operate as a motor contract carrier, in interstate or foreign commerce, over irregular route, under continuing contracts with Forman Brothers, Inc., of Washington, DC, pursuant to Permits issued in MC–143991 and sub-numbers thereunder. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC–F–14317F, filed February 14, 1980. DeHAVEN TRANSFER & STORAGE CO., INC. (DeHaven) (2009 Russell Avenue, SW, Roanoke, VA 24010)—purchase (portion)—GILBERT STORAGE & TRANSFER CORP. (Gilbert) (P.O. Box 10425, Lynchburg, VA 24506). Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. DeHaven seeks authority to purchase a portion of the interstate operating rights of Gilbert. George L. DeHaven, the sole stockholder of DeHaven, also seeks authority to acquire control of said rights through the transaction. DeHaven is purchasing that portion of Gilbert's Certificate MC 4194 which authorizes operations, as a motor common carrier, over irregular routes, transporting *household goods*, as defined by the Commission, between points in VA, on the one hand, and, on the other, points in KY, NC, SC, TN, WV, MD, PA, DE, NJ, NY, and DC. DeHaven is authorized to operate as a motor common carrier, in interstate or foreign commerce, over irregular routes, transporting *used household goods* and *household goods* in the States of VA, WV, IN, KY, OH, NC, VA, IL, MI, PA, NY, and DC, pursuant to certificates in MC 129335 and sub-numbers thereunder. (Hearing site: Washington, DC.)

Note.—Application for temporary authority has been filed.

MC–F–14320F, filed February 20, 1980. HOUSTON FREIGHTWAYS, INC. (Houston) (P.O. Box 473, Galena Park, TX 77547)—purchase—TOM HICKS TRANSFER COMPANY, INC. (Hicks) (P.O. box 16006, Houston, TX 77022). Representatives: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 and C. W. Ferebee, P.O. Box 16006, Houston, TX 77022. Houston seeks to purchase the interstate rights of Hicks. J. W. Dial and Ramsey Truck Line, Inc., who control Houston through equal stock ownership, seek to acquire control of said operating rights through the transaction. Houston is purchasing the interstate operating rights contained in Hicks' certificates in MC–63792 and (Sub-10, 12, 13, 14, 15, 17, 20, 24, 25, 26, 28, 30, E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10, and E–11), which authorize transportation, in interstate or foreign commerce, as a common carrier, by motor vehicle, of: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipe lines, (a) between points in LA, TX, and AR, (b) between points in KS, OK, and TX, and (c) between points in TX, on the one hand, and, on the other, points in NM, CO, UT, and WY; (2) *Heavy machinery*, and *heavy or cumbersome commodities* not included in the authority granted above which, because of size or weight, require the use of special equipment, and *parts thereof*, Between Houston, TX, on the one hand, and, on the other, points in AR, LA, and TX; (3) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (a) between points in AL, FL, and GA, (b) between points in AR, LA, and MS, (c) between points in LA and MS, on the one hand, and, on the other, points in AL, FL, and GA, (d) between points in LA, TX, and AR, (e) between points in KS, OK, and TX, and (f) between points in TX, on the one hand, and, on the other, points in NM, CO, UT, and WY. (4) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipe lines, (a) between points in AL, FL, and GA, and (b) between points in LA, and MS, on the one hand, and, onthe other, points in AL, FL, and GA, (5) *Machinery, materials, supplies and equipment* incidental to, and used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *commodities*, the transportation of which requires the use of special equipment, and *related articles and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *self-propelled articles* each weighing 15,000 pounds or more restricted to commodities which are transported on trailers, between points in AR, LA, and MS; (6) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Monroe and West Monroe, LA, to Bastrop, Ruston, and Winnsboro, LA, (7) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (a) between points in AL, GA, and FL, (b) between points in LA, and MS, on the one hand, and, on the other, points in AL, GA, and FL, (c) between points in AR, LA, and MS, (d) between points in KS, OK, and TX, (e) between points in TX, on the one hand, and, on the other, points in NM, CO, UT, and WY, and (f) between points in LA, TX, and AR; (8) *Iron and steel articles*, (a) from Houston, TX, to points, in AR, LA, and TX, (b) from Baytown, TX, to points in AR, KS, LA, MS, NM, and OK, (c) between the facilities of Steel, Inc., at New Orleans, LA, on the one hand, and, on the other, points in AR, LA, MS, NW, TX (except points east of Interstate Hwy 45), OK (except points east of Interstate Hwy 35), and KS (except points east of interstate Hwy 35), (d) from points in Jefferson and Orange Counties, TX, to points in LA (9) *Iron and steel articles* (except oilfield pipe or tubing), from the paint site of Gulf States Tube Corporation at Rosenberg, TX., to points in TX, LA, MS, AR, OK, and NM, restricted to the transportation of traffic originating at the named origins; (10 *Iron and steel articles*, except cast iron pipe, between the facilities of Romar Steel, Inc., at New Orleans and Morgan City, LA, Birmingham, AL, and Houston, TX, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, KS, LA, MS, MO, NM, OK, TN, and TX; (11) *Pipe* (except oilfield and pipeline commodities as defined in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from Gainesville, TX, to points in LA, MO, OK, and TX, restricted to the transportation of traffic originating at the facilities of the Jones & Loughlin Steel Corporation at Gainesville, TX; (12) *Plastic pipe*, and *plastic tubing*, from the plant site of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corporation, at Houston, TX, to points in AR, AL, CO, TX, OK, KS, LA, NM, FL, MO, WY, UT, GA, and MS; (13) *Steel billets, bars and rods*, from the plant site and storage facilitries of Georgetown Texas Steel Corp., at or near Beaumont, TX, to points in AL, AR, FL, and TN, restricted to the transportation of traffic originating at the named origin facilities; (14) (1)(a) *Air pollution control equipment, heating and cooling equipment, pressure vessels, solid waste compactors and balers, and (1)(b) parts and accessories for the commodities indicated in (1)(a) above*, From Houston, TX, to points in AL, AZ, AR, CO, FL, GA, ID, IL, IA, IN, KS, KY, LA, MT, MI, MN, MS, MO, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, VA, WV, WI, WY, and UT: and (2) *Materials, supplies and parts and equipment used in the manufacture of air pollution control equipment, heating and cooling equipment, pressure vessels, solid waste compactors and balers*, From the above-named destinations, to the above-named origin. (15) *Slab Zinc Smelter*, From the facilities of National Zinc Company, at Bartlesville, OK, to points in AL, LA, MS, TX, KY, and TN. (16) *Commodities*, the transportation of which, because of size or weight require the use of special equipment, and *parts* thereof, when their transportation is incidental to the transportation of which commodities, (a) between Houston, TX, on the one hand, and, on the other, points in MS, AR, and LA, and (b) between points in AR, LA, and MS. Houston is authorized to operate in interstate or foreign commerce, as a motor common carrier, pursuant to its Certificate MC 143209. Ramsey Truck Line, Inc., holds no authority from the Commission. (Hearing site: Houston, TX.)

Notes.—(1) This notice does not purport to be a complete description of the operating rights of the carriers involved.

(2) An application for temporary authority has been filed.

MC–F–14252F, filed December 6, 1979. MAISLIN TRANSPORT OF DELAWARE, INC. (Delaware) (7401 Newman Blvd. LaSalle, Quebec H8N 1X4, Canada)—control and merger—GATEWAY TRANSPORTATION CO., INC. (Gateway) (445 Park Plaza Drive, P.O. Box 851, La Crosse, WI 54601). Representatives: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006 and Roland Rice, 116 Perpetual Bldg., 1111 E Street, NW, Washington, DC 20004. Delaware seeks to acquire control of Gateway through MI Acquisition Corporation (MIAC), a newly created subsidiary of Delaware. MIAC seeks to acquire from 50.1% to 100% of the issued and outstanding capital stock of Gateway. MIAC will be subsequently merged into Gateway, leaving Delaware as the holder of Gateway's stock. Maislin Transport, Ltd., of LaSalle, Quebec, Canada, the sole stock holder of Delaware, and in turn, Maislin Industries, Ltd., a non-carrier holding company of LaSalle, Quebec, Canada, and sole stockholder of Maislin Transport, Ltd., seeks to acquire control of Gateway through the transaction. Gateway is a motor common carrier pursuant to authority

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issued in certificates in MC–80430 and sub-numbers thereunder which authorize the transporation, in interstate or foreign commerce, of numerous general and specified commodities, over regular and irregular routes, in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, MA, MI, MN, MO, NJ, NY, OH, PA, RI, TN, TX, WI, and WV. Delaware is a motor common carrier pursuant to authority issued in Certificates in MC–80580 and sub-numbers thereunder, which authorize the transportation of general and specified commodities, over regular and irregular routes, in CT, DE, MA, MD, ME, NH, NJ, PA, RI, VA, VT, WV, and DC. Maislin Transport, Ltd., is a motor common carrier pursuant to authority issued in certificates in MC–108006 and sub-numbers thereunder, which authorize the transportation of general and specified commodities, over regular and irregular routes, in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. Maislin Transport, Ltd., is a motor common carrier pursuant to authorty issued in Certificates in MC–108006 and sub-numbers thereunder, which authorize the transportation of general and specified commodities, over regular and irregular routes, in CT, ME, MA, NH, NJ, NY, PA, RI, and VT. Impediments: (1) There is a question of Maislin's financial ability to consummate the transaction and operate as proposed. (2) MI Acquisition Corporation must join as a party to the application. (3) Delaware is planning to sell, prior to consummation, its operating rights which duplicate those of Gateway. (4) Applicant must notify the Commission, in writing, prior to consummation, of the total percentage of stock to be acquired. (Hearing site: Washington, DC.)

Notes.—(1) Application has been filed for temporary authority. (2) FD–28211, Maislin Transport of Delaware, Inc.—Notes, Guarantees and Assumption of Obligations, and Gateway Transportation Co., Inc.—Notes and Guarantees, has been granted by order served February 4, 1980.

MC–F–14302F, filed January 17, 1980. J AND M TRANSPORTATION, INC. (J & M) (1079 Old Maricopa Road, Casa Grande, AZ 85222)—purchase (portion)—DAVID C. BURNS, d.b.a. BURNS TRUCKING (Burns) (1146 East Main Street, Casa Grande, AZ 85222). Representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. J & M seeks authority to purchase a portion of the interstate operating rights of Burns. Majorie Smerber and James Smerber who control J & M through equal stock ownership, seek to acquire control of said rights through the transaction. J & M is purchasing the interstate operating rights of Burns that are contained in Permit No. MC–141618 (Sub-No. 2) which authorizes the transportation, over irregular routes of *mineral wool insulation* (except in bulk), from Fontana, CA, to points in AZ, under continuing contract(s) with Rockwool Industries, Inc., of Fontana, CA. J & M presently holds no authority from the I.C.C. Majorie Smerber and James Smerber who control J & M through stock ownership, also control Smerber Trucking, Inc. They are president and vice president of both firms respectively. Smerber Trucking is authorized to operate as a contract carrier pursuant to its permit issued in MC 136821 (Sub-1). (Hearing site: Phoenix, AZ.)

Decided: March 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10082 Filed 4–2–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before April 23, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergenovich,

Secretary.

MC–FC–78307, filed September 20, 1979. Transferee: J & J DINA TRUCKING INC., 21 Barnstable Road, E. Rockaway, NJ 11518. Transferor: E. PERLER & SON, INC., 21 Barnstable Rd., W. Rockaway, NJ 11518. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Authority sought for the purchase by transferee of the operating rights of transferor set forth in Permit MC 108024, issued May 21, 1969, authorizing the transportation of *tin cans*, from New York, NY to points in CT, NJ, NY, and PA within 100 miles of New York, NY; *rejected shipments* of tin cans, from the above-specified destination points to New York, NY; *scrap tin*, from New York, NY, to Carteret, NJ. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority 49 U.S.C. 11349.

MC–FC–78310, filed September 20, 1979. Transferee: AMERICAN EAGLE MOTOR COACH, INC., 72 Sycamore Street, Fairhaven, MA 02719. Transferor: SOUTHERN MASSACHUSETTS BUS LINES, INC., 1091 Kempton Street, New Bedford, MA 02740. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, N.W., Washington, D.C. 20036. Authority sought for the purchase of the operating rights of transferor, as set forth in Certificate MC 96345 and Sub-2, 3, and 4, issued April 29, 1949, August 21, 1963, May 19, 1966, and June 11, 1971, respectively, as follows: (A) *passengers and their baggage*, restricted to traffic originating at the points indicated, in round-trip charter operations, over irregular routes, from points and places in the towns of New Bedford, Achushnet, Fair Haven, and Dartmount, MA to points and places in ME, NH, RI, CT, NY, and NJ, and return; (B) and from points and places in the above-specified MA towns to points and places in MA, through CT and RI and return; *passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle*, over regular routes, between Hyannis, MA and Chatham, MA, serving all intermediate points; from Hyannis over MA Hwy 28 via Harwich Port, MA, to Chatham and return over the same route; (C) *passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, over irregular routes, beginning and ending at points in Barnstable County, MA, and those in Bristol and Plymouth Counties, MA, south of US Hwy 44, and extending to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and the DC; and (D) *passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, over irregular routes, beginning and ending at Plymouth, Middleboro, and Centerville, MA and points in that part of Bristol County, MA, on and south of U.S. Highway 44 and extending to points in the US (except CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, HI, AK and the DC). Application for temporary authority has been filed under 49 U.S.C. 11349.

MC–FC–78329, filed September 28, 1979. Transferee: CHRISTOPHER RATCLIFFE d.b.a., RATCLIFFE DELIVERY, INC., 512 Lock Ave., Wheeling, WV 26003. Transferor: JACK C. STENGER, d.b.a., WHEELING PACKAGE DELIVERY, 512 Lock Ave., Wheeling, WV 26003. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–116252, issued April 11, 1957, authorizing the transportation of *Such commodities* as are sold by retail stores, speciality shops, and mail order department stores, in a retail delivery service, between Wheeling, WV, on the one hand, and, on the other, points in Monroe, Belmont, Harrison, and Jefferson Counties, OH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78350. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to ALL-ROADS MOVING & STORAGE, INC., Fullerton, CA, of Certificate No. MC 64339, issued November 23, 1954, to LEONARD E. CARLSON AND LAWRENCE V. CARLSON, A Partnership, d.b.a. FULLERTON TRANSFER AND STORAGE, authorizing the transportation of *Household Goods* as defined by the Commission, between points in Orange County, CA north and west of the Santa Ana River; and between points in Orange County, CA north and west of the Santa Ana River, on the one hand, and, on the other, points in the Los Angeles, CA Commercial Zone, as defined by the Commission. Applicants' Representative: Mr. Vern E. Caumiant, 1400 E. Walnut, Fullerton, CA 92631.

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MC–FC–78357. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the Transfer Rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to David Sellick d.b.a. Lost Trail Stages of Certificate No. MC 113730 (Sub-No. 1) issued 2/5/78 to Edward J. Osterman d.b.a. Lost Trail Stages authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, Between Salmon, ID and Darby, MT, serving all intermediate points: From Salmon over U.S. Highway 93, to Darby, and return over the same route. Representative: David Sellick, Route #1, Box 189, Salmon, ID 83467.

MC–FC–78372. On reconsideration, by decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Delta Transport Corporation, West Springfield, MA, of Certificate No. MC 143287, issued July 24, 1978, to Holmes and Holmes, Inc., Wilmington, DE authorizing the transportation of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, to points in OH, PA, and WV; *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, accompanied baggage, commodities in bulk, those requiring special equipment, automobiles, trucks, and buses), from Baltimore, MD, to points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Westermoreland Counties, PA. Restriction: The service authorized is subject to the following restrictions: Said authority is restricted to traffic moving on bills of lading issued by P.O.W. Freight Systems, Inc. Said authority in part (2) above is restricted to traffic having a prior movement in foreign commerce. Applicants' representative: James M. Burns, 1382 Main St., Suite 413, Springfield, MA 01103.

MC–FC–78403. By decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to R. St. Amant-Mover, Inc., Cambridge, MA. of Certificates MC–96242 and MC–98242 (Sub-No. 1), issued November 23, 1940, and October 23, 1950, to Rosario St. Amant, Cambridge, MA, authorizing the transportation of *Household goods*, between Cambridge, MA and points within 25 miles of Cambridge, on the one hand, and, on the other, points in ME, NH, VT, RI, CT, NY, and NJ; *addressing machines*, and *equipment* incidental to and used in the operation of such machines, between Boston, Cambridge, and Watertown, MA, on the one hand, and, on the other, points in NY and NY within 35 miles of New York, NY, including New York, NY. Applicants' representative: Nicholas V. Scali, 30 Federal St., Boston, MA 02110.

MC–FC–78405. By decision of March 6, 1980 issued under 49 U.S.C. 10926 and the transfer rules and 49 CFR 1132, Division 1 approved the transfer to Great American Van Lines, Inc., Alexandria, VA of Certificates MC–110585 (Sub-Nos. 2 and 9), issued December 24, 1975, and July 12, 1976, respectively, to Republic Van & Storage Co., Inc., Baltimore, MD, authorizing the transportation of (1) *new furniture, refrigerators, motorcycles, oil well equipment and supplies, store fixtures, radio and radar equipment, candy, bicycles, tires and window shades*, from points in the Los Angeles, CA, Commercial Zone, as defined by the Commission, to points in the Los Angeles Harbor, CA, Commercial Zone, as defined by the Commission, restricted to shipments moving to territories or possessions of the United States; (2) *Emigrant movables*, between points in Logan County, OK, on the one hand, and, on the other, points in KS; and (3) household goods, as defined by the Commission, between points in AL, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC. Also, *Household goods*, as defined by the Commission, between points in HI (this certificate expires July 12, 1981). Approval of the transaction was conditioned as follows: (1) Prior to issuance of an effective notice in this proceeding, Mr. Jack Kagan, president and owner of transferee, shall submit a certified statement that he has terminated control and management of International Export Packers, Inc. (2) Prior to or concurrently with consummation, transferor shall settle its

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debts with owner-operators and confirm this in writing to the Commission. Applicants' representatives: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, for transferee, and John C. Bradley, 1600 Wilson Blvd., Arlington, VA 22209, for transferor.

MC–FC–78408. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to T & T Pipe Hauling, Inc., North Lima, OH, of Permits MC–126193 and MC–126193 (Sub-Nos. 1 and 2), issued August 9, 1976, August 9, 1976, and February 10, 1977, respectively, to Sigle Trucking Co., North Lima, OH, authorizing the transportation of *Iron or steel pipe,* (1) from North Lima, OH, to points in PA and WV, (2) from North Lima, OH, to points in IN, (3) from the plant of PLEXCO, a division of Amsted Industries, Incorporated, of Franklin Park, IL, at Glenwillard, PA, to points in OH (except North Lima), (4) from Middletown, OH, to the plant site of PLEXCO, a division of Amsted Industries, at Glenwillard, PA, (5) from Wheeling, WV, Alliquippa, Wheatland, and Ambridge, PA, to the plant site of PLEXCO, a division of Amsted Industries, at North Lima, OH; and pipe and conduit, between North Lima, OH, and points in MI, all under continuing contract(s) with Plexco, a division of AMSTED Industries, Incorporated, of Franklin Park, IL. Applicants' representative: Joe F. Asher, 88 E. Broad St., Columbus, OH 43215.

MC–FC–78419. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Cole Freight Company, of Crestwood, IL, of Certificates Nos. MC–111398 Subs 2, 3, 6, 7, 1, 9, and 15, to Fischbach Trucking Co., of Akron, OH, authorizing generally the transportation of such commodities as are manufactured, processed, or dealt in by rubber or rubber product manufacturers; asbestos roofing shingles; conduit and pipe; aluminum sidings; battery boxes; and similar commodities, from and to named points in TN, OH, AR, MA, NY, IL, IN, CT, DE, RI, NJ, KY, MI, and PA. Applicants' representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215.

MC–FC–78430. By decision of February 26, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Valley Express, Inc., of Glyndon, MN, Certificate No. MC–143659 (Sub-No. 4F) issued November 26, 1978, to Valley Trucking, Inc., of Fargo, ND, authorizing the transportation of *frozen potato products,* from the facilities of International Co-op, at or near Grand Forks, ND, to points in the United States (except Alaska, Hawaii, and North Dakota), restricted to the transportation of traffic originating at the named origin facilities. Applicant's representative is: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58126.

MC–FC–78442. By decision of January 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Arctic Slope Regional Construction, Inc., and Alaska General Construction Company, A Partnership, d.b.a. Arctic Slope/Alaska General Construction Company of Annex, Anchorage, Alaska of Certificate No. MC 123298 issued 2/18/63 to KAPS Transport (Alaska), Inc. Sharon Pendley, Trustee, of Fairbanks, Alaska authorizing the transportation of general commodities, except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission, between points in Alaska except points on the Alaska Panhandle south of Haines, Alaska. Applicant's representative is: Arthur R. Kauver, Esq., 810 West Second Avenue, Anchorage, Alaska 99501.

MC–FC–78453. By decision of February 28, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Sumrell Bus Service, Inc., of Hempstead, NY., of Certificate No. MC 34752, issued February 2, 1962 to Lincoln Coach Co., Inc., of Yonkers, NY, authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated in charter operations, from New York, NY., to points in Connecticut, New Jersey, Pennsylvania, Massachusetts, New Hampshire, Maine and the District of Columbia, and return. Applicant's representative is: Sidney J. Leshin, 575 Madison Ave., New York, NY. 10022.

MC–FC–78454. By decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Yorkville Van & Storage Co., Inc., of New York, NY., of Certificate No. MC–83144, issued May 27, 1966 to John Clausen, d.b.a. Yorkville Van & Storage Co., of New York, NY, authorizing the transportation of household goods, between points in New York, NY, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, and RI. Applicant's representative is: Alvin Altman, 888 Seventh Ave., New York, NY 10019. Transferee holds no authority from this Commission. An application seeking TA lease has not been filed.

MC–FC–78455. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Harold B. Legge Transport, Ltd., of Nova Scotia, Canada, of Certificates No. MC 125441 Subs 1 and 3, issued April 20, 1964 and November 11, 1972, to Ernest D'Angelo, of Nova Scotia, Canada, authorizing the transportation of *bananas,* and *fresh fruit, fresh berries* and *fresh vegetables* in mixed loads, *cardboard boxes,* knocked down, and *inserts* and *overwraps* for fish, from Boston, MA, to the Port of Entry on the United States-Canada Boundary line at or near Calais, Maine, to points in Massachusetts, New York, New Jersey and Pennsylvania, bananas from Albany, New York to ports of entry on the United States-Canada Boundary Line at or near Houlton and Calais, Maine. Applicant's representative is: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Transferee holds no authority from this Commission. An application seeking TA lease authority has been filed.

MC–FC–78457. By decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Corbet, Int., of Hawatha, KS, of Certificate No. MC 130 issued July 25, 1969 to Dallas L. Corbet, of Hawatha, KS, authorizing the transportation of livestock, over a regular route from Hawatha, KS to St. Joseph, MO, serving named intermediate and off-route points; and livestock, lumber, shingles, groceries, and farm machinery, from St. Joseph, MO, to Hawatha, KS, over a regular route, serving named intermediate and off-route points. Transferee holds no authority from the Commission. An application seeking TA lease has not been filed. Applicant's representative is: Eugene W. Hiatt, 207 Casson Bldg, 603 Topeka Blvd, Topeka, KS 66603.

MC–FC–78458. By decision of February 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Freight Carriers Towing & Recovery, Inc., of Atlanta, GA, of Certificate No. MC 143845 (Sub-No. 1) issued September 29, 1978 to Tank's Enterprises, Inc., of Austelle, GA, authorizing the transportation of disabled motor vehicles, by use of wrecker equipment only, and replacement vehicles for disabled motor vehicles, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. Applicant's representative is: William N. Robinson, 231 Washington Avenue, N.E., Marietta, GA 30060.

BROKER LICENSE

MC–FC–78460. By decision of February 19, 1980 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, The Motor Carrier Board approved the acquisition by Frank Patrick, Inc., of Milwaukee, WI, of Control of Travel & Tour Service, Inc., of Milwaukee, WI, which hold License Nos. MC 12720, issued September 27, 1977, No. MC 12720 (Sub-No. 2), issued March 7, 1972, and No. MC–1270 (Sub-No. 3), issued August 6, 1975, authorizing operators, as a broker, at Milwaukee, WI, in connection with the transportation by motor vehicle, in interstate or foreign commerce, of passengers and group of passengers and their baggage, in charter and special operations, between points in the United States, including Alaska and Hawaii; at Milwaukee, WI, in connection with the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in charter and special operations, beginning and ending at Minneapolis and St. Paul, MN, and extending to points in the United States, including Alaska and Hawaii; and at Chicago, IL, in connection with the transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage in round-trip special or charter all-expense tours, beginning and ending at Chicago, IL, and extending to points in the United States, except Alaska and Hawaii. Applicant's representative is: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203.

MC–FC–78461. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Leland C. Ridgeway, Jr., d.b.a. Ridgeway Transfer of Fairfield, NE, of Certificate No. MC–97764 (Sub-No. 1) issued July 7, 1972 to John A. Kluver, d.b.a. Kluver Transfer of Fairfield, NE, authorizing the transporation of *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities requiring special equipment; between Edgar and Omaha, NE, serving the intermediate points in Lincoln and Sutton, NE, and the off-route points of Fairfield, Deweese, Angus, Shickley, and Davenport, NE; *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commmodities in bulk, and those requiring special equipment, between Fairfield and Hastings, NE, serving no intermediate points, and serving Glenvil, NE, as an off-route point, *household goods,* between Edgar, NE, and points within 20 miles of Edgar, on the one hand, and, on the other, points in IA, KS, MO, CO, and IL. *Livestock* and *agricultural commodities,* between Edgar, NE, and points within 20 miles of Edgar, on the one hand, and, on the other, points in IA, KS, MO, SD, and CO. Applicant's representative is: Leland C. Ridgeway, Jr., Route 1, Fairfield, NE 68938.

Application for TA authority has not been filed. Transferee holds no authority.

MC–FC–78463. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to A.V.L. Inc., of Akron, OH, of Certificates Nos. MC–96469 and MC–96469 (Sub-No. 1) issued May 21, 1951 to Art Nelson, Individual, of Crsytal Lake, IL, authorizing the transportation of (1) race and show horses, ponies, and mules, and stable supplies, and equipment and personal effects of attendants in the same vehicle with horses, ponies, and mules, between points in IL, IN, KY, MI, MO, OH, and WI; and (2) horses, other than ordinary horses, and personal effects of attendants, supplies and equipment, including mascots, used in the care and exhibition of such animals, between Chicago, IL, and points in IL within 500 miles of Chicago, and points in DE, RI, GA, IA, MN, MD, NJ, NY, NC, OK, PA, SC, TX, LA, AR, TN, VA, traversing MS, AL, and DC for operating convenience only. Applicant's representative is: Lewis S. Witherspoon, 88 East Broad street, Columbus, OH 43215.

Application for TA authority has been filed. Transferee presently hold no authority.

MC–FC–78464. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to J & B transportation Co., Inc., of Fort Worth, TX, of Certificate of Registration No. MC 133506 issued March 16, 1978, to Mustang Transportation, Inc., of Shreveport, LA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to state certificate No. 8930 dated October 4, 1976, issued by the railroad Commission of Texas, Transportation Division, authorizing (*SEE ATTACHMENT FOR AUTHORITY*). Applicant's representative is: A. William Brackett, Attorney, 1198 Continental Life Building, Fort Worth, TX 76102.

No TA authority application has been filed. Transferee presently holds no authority.

Attachment

To transport the following commodities between all points in Texas:

Outfield equipment and pipe, and other specified commodities.

[FR Doc. 80–10081 Filed 4–2–80; 8:45 am]
BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability

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of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before May 5, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before May 5, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 33

Decided: March 5, 1980.

By the Commission, Review Board Number 1. Members Carleton, Joyce and Jones.

MC 8515 (Sub-32F), filed November 8, 1979. Applicant: TOBLER TRANSFER, INC., Jct. Interstate 80 and IL Hwy 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Burlington, IA, Quincy, Springfield, Decatur, and Delavan, IL, and LaFayette, IN, on the one hand, and, on the other, those points in IL on and north of U.S. Hwy 36, and (b) between Burlington, IA, Quincy, Springfield, Decatur and Delavan, IL, on the one hand, and, on the other, LaFayette, IN. (Hearing site: Chicago, IL.)

MC 7555 (Sub-74F), filed November 13, 1979. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Transporting (1) *paints and chalking compound, and materials, equipment, and supplies used in the manufacture thereof* (except in bulk), between the facilities of United Coatings, Inc., at (2) Charlotte, NC, (b) Chicago, IL, (c) Indianapolis, IN, and (d) Memphis, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 13434 (Sub-82F), filed November 14, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* from points in IN, IL, and PA, to the facilities of Brown Steel Co., at Columbus, OH. (Hearing site: Columbus, OH.)

MC 22195 (Sub-181F), filed November 6, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). Transporting (1) *fertilizer and fertilizer ingredients,* from Grand Forks, Drayton, Fargo, Carrington, Lignite and Enderlin, ND, and Crookston, MN, to ports of entry on the United States-Canada international boundary in ND and MN, (2) *liquid fertilizer and fertilizer ingredients (except anhydrous ammonia),* in bulk, in tank vehicles, from Grand Forks, ND and Climax, MN, to ports of entry on the United States-Canada international boundary line in ND, and MN, (3) *anhydrous ammonia,* in bulk, in tank vehicles, from Velva, ND, to points in MT, SD, and MN, and (4) *fertilizer and fertilizer ingredients,* from Hendrum, MN, to points in ND, SD, and MN. (Hearing site: Moorhead, MN, or Sioux Falls, SD.)

MC 30844 (Sub-661F), filed November 14, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Sanna Division of Beatrice Foods Co., at Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, to points in the United States (except AK & HI), restricted to transportation traffic originating at the named origins and destined to the indicated destinations. Conditions: The person or

persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Chicago, IL.)

MC 44735 (Sub-47F), filed November 13, 1979. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th, Kansas City, MO 64126. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. Transporting (1) *clay (except in bulk), concrete products, and refractory products,* between points in AR, KS, MO, OK, IL, IA, NE, and TX, on the one hand, and, on the other, points in LA, MS, and TN, (2) *refactory products,* (a) between points in IL, IA, and NE, on the one hand, and, on the other, points in AR, KS, MO, OK, and TX, and (b) between points in AR, KS, MO, OK, and TX, and (3) *materials and supplies* used in the manufacture and installation of (1) and (2) above, (except in bulk), between points in AR, KS, MO, OK, TX, LA, MS, IL, IA, NE, and TN. (Hearing site: Kansas City, MO, or Oklahoma City, OK.)

MC 61825 (Sub-117F), filed November 14, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *animal feed* (except in bulk), from Columbus, OH, to points in NC, SC, and VA, and (2) *prefabricated buildings and parts,* from Youngstown, OH, to points in GA. (Hearing site: Washington, DC.)

MC 61825 (Sub-124F), filed November 14, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *paper and paper products, and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products* (except commodities in bulk), between the facilities of Olinkraft, Inc., at or near Monroe-West Monroe, LA, on the one hand, and, on the other, those points in the United States in and east of AL, IL, KY, TN, and WI, and (2) *bound books,* from Grand Rapids, MI, to Fincastle, VA. (Hearing site: Washington, DC.)

MC 65475 (Sub-29F), filed November 14, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *tanks, tank components, and ducts,* from the facilities of Witherup Fabrication and Erection, Inc., at or near Kennerdell, PA, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 65475 (Sub-30F), filed November 14, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles, between Springfield, VA, and Burnsville, MN, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, IA, KY, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, and WI. (Hearing site: Washington, DC.)

MC 85934 (Sub-111F), filed November 14, 1979. Applicant: MICHIGAN TRANSPORTATION CO., a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *fly ash,* in bulk, in tank vehicles, from points in Lucas County, OH, to points in Monroe County, MI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 90794 (Sub-7F), filed November 14, 1979. Applicant: DI-JUB LEASING CORP., P.O. Box 155 Uptown, Hoboken, NJ 07030. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers, having a prior or subsequent movement by water, between the facilities of Seatrain Lines, Inc., at or near (a) Wilmington, NC, (b) Philadelphia, PA, (c) Charleston, SC, (d) Norfolk, VA, and (e) New York, NY, on the one hand, and, on the other, points in CT, DE, MD, MA, NH, NJ, NY, NC, PA, SC, VA, and DC, and (2) *cargo containers* and *chassis* for cargo containers, between points in CT, DE, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VA, and DC. (Hearing site: Newark, NJ, or New York, NY.)

MC 94265 (Sub-326F), filed November 6, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 720434, Windsor, VA 23487. Representative: Clyde W. Carver (same address as applicant). Transporting *manufactured tobacco and tobacco products, and packaging materials,* from the facilities of R. J. Reynolds Tobacco Company, at Winston-Salem, NC, to points in ND. (Hearing site: Winston-Salem, NC, or Washington, DC.)

MC 94265 (Sub-327F), filed November 6, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 720434, Windsor, VA 23487. Representative: Clyde W. Carver (same address as applicant). Transporting *toilet preparations,* from the facilities of Iodent Way Chemical Company, Inc., at Elizabethton, TN, to points in GA, IN, KS, MA, MI, NV, NJ, NY, NC, OH, PA, RI, SC, TX, VA, and WV. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 101474 (Sub-27F), filed November 14, 1979. Applicant: RED TOP TRUCKING CO., INC., 7020 Cline Ave., Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *iron and steel articles,* and (2) *materials, equipment and supplies* used in their manufacture (except commodities in bulk, in tank vehicles), between the facilities of Inland Steel Company, at East Chicago, IN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 105045 (Sub-125F), filed October 31, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *plastic pipe,* from the facilities of Can-Tex Industries, Division of Harsco Corporation, at or near Sparta, TN, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Nashville, TN, or Washington, DC.)

MC 106674 (Sub-445F), filed November 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IL 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *construction materials,* and (2) *materials and supplies* (except in bulk) used in their manufacture or distribution, between the facilities of the Celotex Corporation, at or near Texarkana, AR, on the one hand, and, on the the other, points in IL, IN, KY, NC, SC, and TN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107515 (Sub-1237F), filed October 31, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *foodstuffs,* from the facilities of J. Hungerford Smith Co., Inc., at or near Humboldt, TN, to points in the United States (except AK, and HI). (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

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MC 107515 (Sub-1298F), filed October 31, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting (1) *intravenous solutions,* and (2) *commodities used in the application* of intravenous solutions, from the facilities of Travenol Laboratories, at or near Memphis, TN, to Atlanta, GA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 109124 (Sub-99F), filed November 14, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, OH 43215. Transporting (1) *insulating material,* and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of insulating materials, between the facilities of Owens-Corning Fiberglas Corporation, at Newark, OH, on the one hand, and, on the other, points in United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 109124 (Sub-100F), filed November 14, 1979. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, OH 43215. Transporting (1) *pulpboard, wallboard, and fiberboard,* and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of the commodities of (1) above, between the facilities of Owens-Corning Fiberglas Corporation, at or near Meridian, MS, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Columbus, OH.)

MC 109584 (Sub-206F), filed November 14, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *fertilizer,* in bulk, in tank vehicles, from points in Maricopa County, AZ, to points in Dona Ana and Luna Counties, NM. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 111375 (Sub-120F), filed November 15, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in by manufacturers of (1) chemicals, (2) cleaning and scouring compounds, and (3) plastic film, sheeting and laminating equipment, (except commodities in bulk), from the facilities of Thiokol/Dynachem Corporation, in Orange County, CA, to points in IL, and IN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Los Angeles, CA.)

MC 115654 (Sub-185F), filed November 14, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses,* in vehicles equipped with mechanical refrigeration, from Memphis, TN, to St. Louis, MO, and points in IL, IN, KY, and OH. (Hearing site: Nashville, TN, or Chicago, IL.)

MC 116254 (Sub-301F), filed November 6, 1979. Applicant: CHEM–HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills (same address as applicant). Transporting *iron and steel articles,* from Atlanta, GA, to those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116915 (Sub-105F), filed November 7, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *aluminum and aluminum articles,* and (2) *materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between the facilities of Howmet Corporation, at or near Rockwall, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY.)

MC 117574 (Sub-342F), filed November 8, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk and automobiles, trucks, buses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 61 M.C.C. 760), from the facilities of Sperry New Holland Division, Sperry Corporation, at or near Columbus, NE, to points in AL, CT, DE, FL, GA, KY, MA, MD, ME, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations (except on traffic moving in foreign commerce). (Hearing site: Chicago, IL, or Washington, DC.)

MC 117574 (Sub-343F), filed November 9, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *machinery and equipment* used in the installation, assembly thereof, between Baltimore, MD, Cleveland, OH, Lancaster, PA, New York, NY, and Pittsburgh, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, restricted to the transportation of traffic moving in foreign commerce. (Hearing site: Washington, DC.)

MC 117574 (Sub-344F), filed November 8, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *building materials* and (2) *materials, equipment, and supplies* used in the production of color television picture tubes, and (2) *accessories, parts, materials and supplies* used in the installation and erection thereof, from the facilities of The Celotex Corporation at Sunbury, PA, to points in CT, DE, GA, IL, IN, IA, KY, MA, MD, ME, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 117765 (Sub-276F), filed November 6, 1979. Applicant: HAHN TRUCK LINES, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *plumbing goods,* (2) *bathroom vanities and accessories,* and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, (except commodities in bulk), between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Universal-Rundle Corporation. (Hearings site: Oklahoma City, OK.)

MC 119654 (Sub-85F), filed November 14, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *scrap and waste paper,* from points in IL, and WI, to points in IN, restricted to the transportation of traffic destined to the facilities of Clevepak Corporation. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 123405 (Sub-77F), filed October 31, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *frozen foodstuffs,* from the facilities of Imperial Freight Brokers, Inc., at Miami, FL, to Hanover, PA, restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 124154 (Sub-99F), filed November 14, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate (same address as applicant). Transporting *machinery and machinery parts, wooden bobbins, and materials and supplies used in the manufacture,* between Greenville, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 124154 (Sub-103F), filed November 14, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate (same address as applicant). Transporting (1) *agricultural chemicals,* and (2) *materials, supplies and equipment used in the manufacture* of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of FMC Corporation's Agricultural Chemical Group. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 134645 (Sub-32F), filed November 6, 1979. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, Highway 75 South, St. Cloud, MN 56301. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting *foodstuffs* (except in bulk), from New Hope and Minneapolis, MN, to points in WA, OR, CA, AZ, CO, ID, UT, NV, and MT, restricted to the transportation of traffic originating at the facilities of Creamette, Inc. (Hearing site: Minneapolis, MN.)

MC 134645 (Sub-33F), filed November 8, 1979. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, Highway 75 South, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN. Transporting (1) *small arms ammunition,* (2) *steel junction boxes,* and (3) *materials, supplies and equipment* used in the manufacture and distribution of (1) and (2), (except commodities in bulk), from Anoka, MN, to points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 135524 (Sub-93F), filed November 14, 1979. Applicant: G.F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, and wood products,* from points in CA, ID, MT, OR, and WA, to points in AZ, AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY. (Hearing site: Columbus, OH, or Oklahoma City, OK.)

MC 136315 (Sub-96F), filed November 6, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *plastic articles,* from the facilities of Peerless Plastics, Inc., at or near Garden City, KS, and York, NE, to points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except in bulk, in tank vehicles), in the reverse direction. (Hearing site: Kansas City, KS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138875 (Sub-252F), filed November 6, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). Transporting *heating and airconditioning units,* from points in KS, to points in ID, OR, and WA. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-262F), filed November 7, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). Transporting *gum shellac (except in bulk),* from points in MA, to points in CA, OR, and WA. Hearing site: Portland, OR, or Boise, ID.)

MC 140635 (Sub-22F), filed November 15, 1979. Applicant: ADAMS LINES, INC., 2619 N. Street, Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 760 (except hides and commodities in bulk), from the facilities of Armour Food Company, at or near Madison, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 140755 (Sub-73F), filed November 14, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 North Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *petroleum products,* in bulk, from Tulsa, OK, to points in MO. (Hearing site: Tulsa, OK, and Kansas City, KS.)

MC 143154 (Sub-7F), filed November 8, 1979. Applicant: ARTHUR E. PAMIN, JR. AND STEVEN V. BIDLAKE, a partnership, d.b.a. A & S TRUCKING, 6450 Highway 10 West, Missoula, MT 59801. Representative: Charles A Murry, Jr., 207A Behner Building, 2822 Third Avenue North, Billings, MT 59101. Transporting *wine and ale,* (1) from points in WA, OR, and CA, to points in MT, and ID, and (2) from points in OR and CA, to Pullman, Clarkston, and Spokane, WA. (Hearing site: Billings, or Missoula, MT.)

MC 145895 (Sub-3F), filed November 1, 1979. Applicant: STATE TRANSPORTATION, INC., Route No. 1 Bypass, P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., suite 101, Wellesley Hills, MA 02181. Transporting *malt beverages, in containers,* from points in Onondaga and Oswego Counties, NY, to points in NH, under continuing contract(s) with Silver Bros. Co., Inc., of Manchester, NH. (Hearing site: Boston, MA.)

MC 148045 (Sub-2F), filed November 6, 1979. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 390, Bettendorf, IA 52722. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, and commodities in

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bulk), between Moline, IL, on the one hand, and, on the other, points in Bureau, Henry, Knox, Mercer, Peoria, Rock Island, Stark, Warren, and Whiteside Counties, IL, and Cedar, Clinton, Des Moines, Johnson, Jackson, Jones, Lee, Louisa, Linn, Muscatine, Scott, and Washington Counties, IA, restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 148204 (Sub-2F), filed November 7, 1979. Applicant: MINDY TRANSPORTING CORP., 250 Gorge Road, Cliffside Park NJ 07010. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* transporting (1) *games,* (2) *toys,* and (3) *materials and supplies* used in the manufacture of games and toys (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, MA, RI, NY, NJ, PA, DE, and MD, under continuing contract(s) with the Knickerbocker Toy Co., of Edison, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 146285 (Sub-2F), filed November 6, 1979. Applicant: JIM CONNER, d.b.a., JIM CONNER ENTERPRISES, INC., Route 37 South, Benton, IL. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract carrier,* transporting (1) *mobile work platforms,* from Los Angeles, CA, to Tucson, AZ, Hartford, CT, Boise, ID, Chicago, IL, Shreveport and Baton Rouge, LA, Detroit and Grand Rapids, MI, St. Paul, MN, Kansas City, MO, Reno, NV, Newark, NJ, Syracuse, NY, Cleveland, OH, Oklahoma City, OK, Portland, OR, Pittsburgh, PA, Houston, TX, Salt Lake City, UT, and Seattle, WA, (2) *steel sheets and coils,* from points in IL, MI, NY, and PA, to Pico Rivera, CA, (3) *scrap metals,* between Los Angeles, CA, on the one hand, and, on the other, Chicago, IL, Kokomo, IN, Baltimore, MD, Detroit, MI, Buffalo and Utica, NY, Monroe, NC, Columbus, OH, Oklahoma City, OK, Philadelphia, Pittsburgh, Scottdale, and Titusville, PA, and Huntington, WV, (4) *lumber,* from points in AR, LA, and MS, to Sesser, IL, (5) *steel sheets and coils,* from Detroit, MI, St. Louis, MO, Jersey City, NJ, and Warren, OH, to Signal Hill, CA, and (6) *platform scissor lifts,* from Paramount, CA, to points in the United States (except AK, and HI), under continuing contract(s) with (a) Keedon Enterprises, Inc., of Los Angeles, CA, (b) Westamerica/Lenox Metal Corporation, of Pico Rivera, CA, (c) United Alloys, Inc., of Los Angeles, CA, (d) Allen Lumber Co., of Sesser, IL, (e) F&S Metal, Inc., of Signal Hill, CA, and (f) Systems Manufacturing Co., of Santa Fe Springs, CA. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 148625F, filed November 6, 1979. Applicant: UNITED AMERICAN CORPORATION, P.O. Box 02370, Cleveland, OH 44102. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. *Contract carrier* transporting *scrap lead, non-ferrous metals,* and *containers,* between points in OH, on the one hand, and, on the other, points in AZ, CA, CO, CT, FL, GA, KS, MA, MD, NC, NJ, NY, OK, PA, RI, SC, TN, TX, VA, and WI, under continuing contract(s) with the Boggs Equipment Company, of Newbury, OH. (Hearing site: Cleveland, OH.)

MC 148665F, filed November 14, 1979. Applicant: CFS CONTINENTAL TRANSPORTATION CO., a corporation, 2550 North Clybourn Avenue, Chicago, IL 60614. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Contract carrier,* transporting *such commodities* as are dealt in or used by grocers, restaurants, and institutional food manufacturers and distributors (except commodities in bulk), between points in the United States (except AK, and HI), under continuing contract(s) with CFS Continental, Inc., and its subsidiaries Continental Coffee Co., of Houston, CFS Continental Dallas, Continental Dayton, Inc., Continental Decatur, Inc., Continental Indianapolis, Inc., Continental Iowa, Inc., Continental Michigan, Inc., and Continental Minnesota, Inc., all of Chicago, IL. (Hearing site: Chicago, IL.)

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Decided: Feb. 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-622F), filed November 9, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Transporting, over irregular routes, *Petroleum and petroleum products,* in bulk, from Aspen, CO to Henderson, NV. (Hearing site: Las Vegas, NV.)

MC 2962 (Sub-70F), filed November 14, 1979. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, IN 47717. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment: between Cincinnati, OH and Terre Haute, IN: from Cincinnati over Interstate Hwy 74 to junction Interstate Hwy 465, then over Interstate Hwy 465 to junction Interstate Hwy 70, and then over Interstate Hwy 70 to Terre Haute, and return over the same route. Service to the junction of Interstate Hwy 465 and IN Hwy 37 for the purpose of joinder only as an alternate route for operating convenience only, in connection with carrier's existing regular-route operations, serving no intermediate points. Applicant proposes to tack authority sought with existing authority in MC 2962. (Hearing site: Louisville, KY or Indianapolis, IN.)

MC 4963 (Sub-87F), filed November 19, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, suite 501, Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Transporting *empty gas cylinders and electric hot water heaters,* between Crossville, TN on the one hand, and, on the other, points in WI, NY, NJ, GA, IN, MD, IL, OH, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Energy Products Div., Philips Industries, Inc., at Crossville, TN. (Hearing site: Knoxville, TN or Washington, DC.)

MC 4963 (Sub-88F), filed November 19, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, suite 501, Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between the facilities of A G Steel, Inc., at Darlington, SC, and points in NC, GA, AL, TN, KY, WV, MO, WI, MI, IN, MD, PA, NJ, OH, DE, VT, MA, CT, ME, VA, IL, NY, and RI. (Hearing site: Washington, DC.)

MC 4963 (Sub-91F), filed November 13, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, suite 501, Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special

equipment), between the facilities of Sumter Wood Preserving Company, Sumter, SC on the one hand, and, on the other, and points in NC, GA, AL, TN, KY, WV, MO, WI, MI, IN, MD, PA, NJ, OH, NY, and DE. (Hearing site: Washington, DC.)

MC 4963 (Sub-92F), filed November 13, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Youngstown, OH, on the one hand, and, on the other, MI, IN, and PA, restricted to shipments moving to or from the facilities of The Youngstown Welding & Engineering Company, at Youngstown, OH. (Hearing site: Youngstown, OH.)

MC 4963 (Sub-93F), filed November 14, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting *glass containers and fibreboard boxes,* between Charlotte, MI, on the one hand, and, on the other, points in PA, NY, MD, NJ, VA, DE, and OH. (Hearing site: Washington, DC.)

MC 8973 (Sub-68), filed November 13, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Reichhold Chemicals, Inc. (Hearing site: New York, NY.)

MC 14552 (Sub-71F), filed November 23, 1979. Applicant: McNICHOLAS TRANSPORTATION CO., 555 West Federal Street, Youngstown, OH 44501. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting *iron and steel articles,* from the facilities of Bethlehem Steel Corporation at or near Burns Harbor, IN, to points in IA. (Hearing site: Columbus, OH.)

MC 29642 (Sub-14F), filed November 20, 1979. Applicant: FIVE TRANSPORTATION CO., a corporation, 5055 Community Road, P.O. Box 1635, Brunswick, GA 31520. Representative: James M. Fiveash (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over *regular routes* (1) between Abbeville, GA, and McRae, GA, over US Hwy 280, serving all intermediate points; (2) between Stockton, GA, and Waycross, GA, over US Hwy 84, serving all intermediate points; (3) between Lakeland, GA, and Ocilla, GA, from Lakeland over GA Hwy 135 to Willacoochee, GA, then over GA Hwy 90 to Ocilla, and return over the same route, serving all intermediate points; (4) between Alaphah, GA, and Waycross, GA, over US Hwy 82, serving all intermediate points; (5) between Ocilla, GA, and junction of GA Hwy 99 and US Hwy 17, from Ocilla over GA Hwy 32 to the junction of GA Hwy 99, then over GA Hwy 99 to the junction of GA Hwy 99 and US Hwy 17, and return over the same route, serving all intermediate points; (6) between Hazelhurst, GA, and Douglas, GA, over US Hwy 221, serving all intermediate points; (7) between Hawkinsville, GA, and Jacksonville, FL, from Hawkinsville over US Hwy 129 to Live Oak, FL, then over US Hwy 90 to Jacksonville, and return over the same route, serving all intermediate points; (8) between McRae, GA, and Lake City, FL, over US Hwy 441, serving all intermediate points; and (9) between Edith, GA, and Glen St. Mary, FL, from Edith over GA Hwy 94 to GA–FL State line and then over FL Hwy 2 to Glen St. Mary, and return over the same route, serving all intermediate points. (Hearing site: Jacksonville, FL.)

MC 36473 (Sub-78F), filed November 16, 1979. Applicant: CENTRAL TRUCK LINES, INC., P.O. Box 18464, Tampa, FL 33679. Representative: Roland Rice, 501 Perpetual Building, 1111 E Street, NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA, and Mobile, AL: from Atlanta over Interstate Hwy 85, to Montgomery, AL, then over Interstate Hwy 65, to Mobile, AL, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only serving no intermediate points. (Hearing site: Tampa, FL.)

MC 47583 (Sub-114F), filed November 23, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *mortar and grout* (except in bulk), from the port of entry on the international boundary line between the United States and Mexico at Calexico, CA, to points in AZ, CA, CO, NV, NM, OR, TX, UT, and WA. (Hearing site: Kansas City, MO.)

MC 59332 (Sub-No. 7F), filed November 13, 1979. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08810. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *metal bearings* and *metal ball bearing rollers, from* Baltimore, MD to Stamford, CT. (Hearing site: New York, NY.)

MC 59332 (Sub-No. 8F), filed November 16, 1979. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08810. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *bulldozers, dump trucks, and forklifts,* and (2) *materials, equipment, and supplies,* for the commodities in (1) above, from Philadelphia, PA, to the facilities of Komatsu America Corporation, at points in IL. (Hearing site: Philadelphia, PA.)

MC 59332 (Sub-No. 9F), filed November 16, 1979. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08810. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *asphalt,* between the facilities of Plymouth Asphalt, at Pennsauken, NJ, on the one hand, and, on the other, New York, NY and points in DE, MD, and PA. (Hearing site: Philadelphia, PA.)

MC 61592 (Sub-478F), filed November 19, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *lumber, wood products, millwork, and molding,* (except commodities in bulk), from points in CA, to points in AR, LA, OK, and TX. The purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Los Angeles, CA.)

MC 76993 (Sub-30F), filed November 20, 1979. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th Street, Milwaukee, WI 53221. Representative:

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Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Milwaukee, WI and Two Rivers, WI, from Milwaukee over I–43 to junction US Hwy 141, then over US Hwy 141 to junction WI Hwy 42, then over Hwy 42 to Two Rivers and return over the same route; (2) between Sheboygan, WI and Manitowoc, WI over WI Hwy 42; (3) between Milwaukee, WI and Howards Grove, WI over WI Hwy 32; (4) between Milwaukee, WI and Chilton, WI over WI Hwy 57; (5) between junction WI Hwy 57 and WI Hwy 144 and junction WI Hwy 144 and I–43 over WI Hwy 144; (6) between Howards Grove, WI and junction WI Hwy 57 and WI Hwy 32 over WI Hwy 32; (7) between Plymouth, WI and Sheboygan, WI over WI Hwy 23; serving all intermediate points on routes (1) through (7) and the off-route points of Fredonia, Belgium, Oostburg, Kohler, and Haven, WI. (Hearing site: Milwaukee, WI.)

Note.—Applicant proposes to combine service over routes (1) through (7) with all existing authorized service routes.

MC 87103 (Sub-42FF), filed November 20, 1979. Applicant: MILLER TRANSFER AND RIGGINS CO. a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko, (same address as applicant). Transporting *Conveyors, Feeders, Vibrators, Shakers* and *material handling equipment* from the facilities of General Kinematics Corporation at Woodstock, Love Park, Rockford, Elk Grove Village and Crystal Lake, IL to points in the United States in and east of MT, WY, UT and AZ. Restricted to shipments originating at the named facilities. (Hearing site: Chicago, IL or Washington, DC.)

MC 92892 (Sub-7F), filed November 16, 1979. Applicant: FREEPORT FAST FREIGHT, INC., 4109 West 52nd Place, Chicago, IL 60652. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1)(a) between the IL–WI state line and Milwaukee, WI over I–94, serving all intermediate points, (b) between the IL–WI state line over WI 32, serving all intermediate points, and Milwaukee, WI, and (c) between the IL–WI state line and Milwaukee, WI, over WI 15, serving all intermediate points; (2) between the IL–WI state line and Racine, WI, from the IL–WI state line over WI 15 to junction WI 11, then over WI 11 to Racine, WI, and return over the same route, serving all intermediate points; and (3) between the IL–WI state line and Kenosha, WI, from the IL–WI state line over WI 15 to junction WI 50, then over WI 50 to Kenosha, WI, and return over the same route, serving all intermediate points. (Hearing site: Chicago, IL.)

MC 96273 (Sub-2F), filed November 3, 1979. Applicant: CURTIS A. DORSEY d.b.a. DORSEY'S BUS SERVICE, Box 13, Still Pond, MD 21667. Representative: Steven L. Weiman, suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *passengers and their baggage* in round-trip special and charter operations, beginning and ending at points in Kent, Queen Annes and Cecil Counties, MD and extending to points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.

MC 96793 (Sub-4F), filed November 23, 1979. Applicant: MARIPOSA EXPRESS, INC., 131 Alpine Drive, Merced, CA 95340. Representative: Raymond A. Greene, Jr., 100 Pine Street, suite 2550, San Francisco, CA 94111. Transporting *general commodities* (except articles of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, CA. (Hearing site: San Francisco, CA.)

MC 98952 (Sub-78F), filed November 20, 1979. Applicant: GENERAL TRANSFER CO., a corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting *foodstuffs*, in mechanically refrigerated equipment, except in bulk, from the facilities of Louisville Freezer Center in Louisville, KY, to points in IL, IN, OH, MI, WI, IA, and MO, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Louisville, KY, or Chicago, IL.)

MC 103993 (Sub-1008F), filed November 14, 1979. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *aluminum ingots and zinc alloy ingots*, from the facilities of (a) Aluminum Smelting and Refining Company, Inc., and (b) Certified Alloys Company, at or near Maple Heights, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *aluminum, zinc and materials, equipment, and supplies*, used in the manufacture of aluminum and zinc in the reverse direction. (Hearing site: Cleveland, OH.)

MC 103993 (Sub-1009F), filed November 26, 1979. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting (1) *farm implements*, and (2) *materials and supplies* used in the manufacture of farm implements, between the facilities of Forrest City Machine Works, at or near Forrest City, AR, on the one hand, and, on the other, points in AL, LA, IN, IL, OH, MI, and WI. (Hearing site: Little Rock, AR.)

MC 103993 (Sub-1010F), filed November 23, 1979. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers*, (except those designed to be drawn by passenger automobiles), from the facilities of Aztec Products, Inc., at or near Mansfield, TX, to points in the United States, (except AK and HI). (Hearing site: Fort Worth, TX.)

MC 103993 (Sub-1011F), filed November 23, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers* (except those designed to be drawn by passenger automobiles), in initial movements, from the facilities of Cherokee Products, Inc., at or near Arlington, TX, to points in the United States, (except AK and HI). (Hearing site: Dallas, TX.)

MC 103993 (Sub-1017F), filed November 13, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers* (except those designed to be drawn by passenger automobiles), in initial movements, from the facilities of Fruehauf Corporation at or near Ft. Worth, TX, to points in the United States, (except AK and HI). (Hearing site: Fort Worth, TX.)

MC 105733 (Sub-76F), filed November 28, 1979. Applicant: RITTER TRANSPORTATION, INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th St. NW., Washington, DC 20005. Transporting *chemicals in bulk, in tank vehicles*, from

points in the United States to the plant site of J. T. Baker Chemical Company at Phillipsburg, NJ. (Hearing site: Washington, DC.)

MC 105733 (Sub-77F), filed November 28, 1979. Applicant: RITTER TRANSPORTATION, INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th St. NW., Washington, DC 20005. Transporting *petroleum and petroleum products, in bulk, in tank vehicles*, from Delaware City, DE, to CT, MA, ME, NJ, NH, NY, OH, PA, RI, and VT. (Hearing site: Washington, DC.)

MC 107002 (Sub-562F), filed November 5, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Transporting *cement*, from Memphis, TN, to points in AL, AR, KY, IL, LA, MS, TN, and MO. (Hearing site: Memphis, TN.)

MC 107002 (Sub-566F), filed November 29, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Transporting *chemicals*, in bulk, from Mobile, AL to points in NM, OK and TX. (Hearing site: Jackson, MS.)

MC 107012 (Sub-465F), filed November 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *plastic hose*, from the facilities of Totaku America Corp, at or near Compton, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 107162 (Sub-62F), filed November 13, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1 Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting (1) *lumber*, from the ports of entry on the international boundary line between the United States and Canada at or near Detroit, MI, to points in IN, MI, and OH; (2) *fabricated metal products*, from Kincheloe, Lansing, and Grand Ledge, MI, to points in IL, IN, IA, MN, OH, and WI, and, on return (3) *equipment, materials, and supplies* (except in bulk), used in the manufacture and distribution of the commodities in (2) above, from points in IL, IN, IA, MN, OH, and WI, to Kincheloe, MI; and (4) *fertilizer and chemicals* used in the manufacture of fertilizer (except in bulk), from Hazel Green, WI, to the Upper Peninsula of MI. (Hearing site: Grand Rapids, MI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 107323 (Sub-60F), filed November 13, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street., Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60604. Transporting *such commodities* as are dealt in by food business houses, and *materials, equipment, and supplies* used in the conduct of such business, (except frozen foods, fresh meats, and commodities in bulk), from points in WI, IL, IN, and OH, to points in IN and those in the Lower Peninsula of MI. (Hearing site: Chicago, IL.)

MC 107323 (Sub-61F), filed November 29, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in by manufacturers of baby foods, baby food products, and baby supplies (except in bulk), from the facilities of Gerber Products Company at or near Fremont, MI, to Davenport, IA and points in that part of WI on, east, and south of a line beginning at Kewaunee, WI, then along WI Hwy 29 to the junction of US Hwy 45, then south along US Hwy 45 to junction US Hwy 41, then south along US Hwy 41 to the WI–IL state line. (Hearing site: Chicago, IL.)

MC 107323 (Sub-62F), filed November 29, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in by manufacturers of baby foods, baby food products, and baby supplies (except commodities in bulk), between Chicago, IL, on the one hand, and, on the other, the facilities of Gerber Products Company at or near (1) Three Oaks, MI and (2) Indianapolis, IN, restricted to the transportation of traffic originating at or destined to the named Gerber Products Company facilities. (Hearing site: Chicago, IL.)

MC 107323 (Sub-63F), filed November 30, 1979. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in by manufacturers of baby foods, baby food products, and baby supplies (except commodities in bulk), between the facilities of Gerber Products Company at or near Fremont, MI, on the one hand, and, on the other, the facilities of Gerber Products Company at or near (1) Asheville, Arden and Skyland, NC and (2) Ft. Smith, AR. (Hearing site: Chicago, IL.)

MC 107403 (Sub-1283F), filed November 14, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (address same as applicant). Transporting *cement*, from Oswego, NY, to points in Erie, Warren, McKean, Tioga, Potter, Bradford, Susquehanna, and Wayne Counties, PA. (Hearing site: Washington, DC.)

MC 107403 (Sub-1285F), filed November 13, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (address same as applicant). Transporting *commodities*, in bulk, in tank vehicles, between points in the United States (except AK and HI), restricted to the transportation of traffic, originating at or destined to the facilities of Robintech, Inc. (Hearing site: Washington, DC.)

MC 107403 (Sub-1301F), filed November 23, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *muriatic acid*, in bulk, in tank vehicles, from Fort Worth, TX, to points in LA and OK. (Hearing site: Washington, DC.)

MC 107403 (Sub-1302F), filed November 27, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *fly ash*, in bulk, in tank vehicles, from (1) Trenton, NJ, Holtwood, PA, and points in Montour County, PA, to points in NJ, MD, VA, DE, NY, MA, RI, CT, WV, and PA, and (2) from points in Montour County, PA, to points in OH. (Hearing site: Washington, DC.)

MC 107403 (Sub-1304F), filed November 30, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, from Owensboro, KY, Memphis, and Nashville, TN, Oakland City, Evansville and Mt. Vernon, IN, Wood River, IL and W. Memphis, AR, to points in AR, IN, IL, KY, MO, and TN. (Hearing site: Washington, DC.)

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MC 112123 (Sub-19F), filed November 13, 1979. Applicant: BEST-WAY TRANSPORTATION, a corporation, 5150 North 16th Street, Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 East McDowell Road, Phoenix, AZ 85008. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Phoenix and Williams, AZ, serving all intermediate points, from Phoenix over I-Hwy 17 to Flagstaff, AZ, then over I-Hwy 40 to Williams, and return over the same route; (2) between Cordes Junction and Flagstaff, AZ, serving all intermediate points, from Cordes Junction over AZ Hwy 69 to Prescott, AZ, then over U.S. Hwy 89 to junction of U.S. Hwy 89A, then over U.S. Hwy 89A to Flagstaff, and return over the same route; (3) between the junction of I-Hwy 17 and State Route 279 and Cottonwood, AZ, serving all intermediate points, over State Route 279; (4) between the junction of I-Hwy 17 and State Route 179 and Sedona, AZ, serving all intermediate points, over State Route 179. (Hearing site: Los Angeles, CA, or Flagstaff, AZ.)

Note.—Application intends to tack to its existing authority and any authority it may acquire in the future.

MC 112713 (Sub-291F), filed November 16, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (address same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, St. Louis, and Kansas City, MO, Memphis, TN, and Denver, CO, on the one hand, and, on the other, points in CA, OR, WA, UT, NV, and ID, restricted to transportation of the traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8). (Hearing site: Kansas City, MO, or Washington, DC.)

MC 112713 (Sub-293F), filed November 30, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting *general commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring special equipment) (1) between Ft. Smith, AR and Memphis, TN, from Ft. Smith, over U.S. Hwy 64 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock AR, then over U.S. Hwy 70 to Memphis, and return over the same route, serving all intermediate points and the off-route points of Pine Bluff, Jacksonville, Hot Springs, Malvern, Benton, Searcy, Stuttgart, Bauxite and Ashdown, AR, (2) between Dallas, TX, and Little Rock, AR, over U.S. Hwy 67 serving the intermediate point of Texarkana, TX and the off-route points of the Red River Army Depot and Lone Star Ammunition Depot, at or near Texarkana, TX, (3) between Little Rock, AR, and Springfield, MO over U.S. Hwy 65 as an alternate route for operating convenience only serving no intermediate points, (4) between Oklahoma City, OK and Ft. Smith, AR over Interstate Hwy 40 as an alternate route for operating convenience only, serving no intermediate points, but serving the junction of Interstate Hwy 40 and U.S. Hwy 69 as a point of joinder only. Common control may be involved. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Applicant intends to tack.

MC 113362 (Sub-376F), filed November 13, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting *materials, equipment, ingredients, and supplies* used in the manufacture and distribution of veterinary supplies, animal drugs, and medicines, feeds, and supplemental powders (except in bulk), from points in MA, NY, NJ, MD, PA, VA, WV, and Charleston, SC, to Charles City, IA. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 113362 (Sub-377F), filed November 13, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, Transporting *paper and pulpboard cores and tubes* and *materials and supplies* used in the manufacture of paper cores and tubes (except in bulk), between Boone, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, SD, and WI, restricted to shipments originating at or destined to the facilities of Sonoco Products Co., located at or near Boone, IA. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 113362 (Sub-377F), filed November 13, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, Transporting *paper and pulpboard cores and tubes and materials and supplies* are used in the manufacture of paper cores and tubes (except in bulk), between Boone, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, SD, and WI, restricted to shipments originating at or destined to the facilities of Sonoco Products Co., located at or near Boone, IA. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 113843 (Sub-275F), filed November 16, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, MA 02210. Representative: Lawrence T. Sheils, (address same as applicant). Transporting *foodstuffs*, (except commodities in bulk), from points in MD, to points in FL, MI, MA, NY, PA, and OH. (Hearing site: Boston, MA.)

MC 114273 (Sub-680F), filed November 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *chemicals and cleaning compounds* from Macedonia, OH to points in TX and VA. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-681F), filed November 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *commodities* (except in bulk) as are dealt in by wholesale, retail and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, between points in the United States in and east of KS, NE, ND, OK, SD, and TX (except ME, FL, MS, AL and AR), restricted to traffic originating at or destined to the facilities of the Drackett Company. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-682F), filed November 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *glass containers and materials* used in the manufacturing thereof, from Mt. Vernon, OH to points in IL, IA, MN, MO and WI. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114273 (Sub-684F), filed November 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *wallboard* and *insulating material* and *materials* used in the installation thereof (except commodities in bulk), from the facilities of Armstrong Cork Company at

or near (1) Beaver Falls, PA, to points in IL, IN and MI; and (2) Marietta, PA to points in IN and MI. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114552 (Sub-240F), filed November 15, 1979. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *building materials* and *materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials (except commodities in bulk), between Fredrick, MD, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, SC, or Atlanta, GA.)

MC 114632 (Sub-267F), filed November 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 267, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk), from the facilities of The Clorox Company at Kansas City, MO to points in CO, NE, and SD. (Hearing site: Kansas City, MO, or Oakland, CA.)

MC 114632 (Sub-268F), filed November 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting (a) *agricultural machinery, implements, parts and equipment*, (b) *industrial and construction machinery, parts and equipment*, and (c) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (a) and (b) above, between Yankton, SD, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Sioux Falls, SD or Minneapolis, MN.)

MC 114632 (Sub-269F), filed November 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *iron and steel articles*, from the facilities of Great Lakes Steel at Detroit, MI, to points in IA, MN, SD, and WI. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 114632 (Sub-270F), filed November 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *foodstuffs*, between the facilities of Delaware Freezer Center located at Newark, DE, on the one hand, and, on the other points in and east of ND, SD, NE, CO and NM. (Hearing site: Louisville, KY, or Minneapolis, MN.)

MC 115092 (Sub-98F), filed November 16, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *flat glass*, from the facilities of PPG Industries, Inc., at or near Crystal City, MO, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Pittsburgh, PA.)

MC 115162 (Sub-513F), filed November 13, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting, *poles, piling and posts* from the facilities of the International Paper Company in Escambia County, AL to points in the United States in and east of ND, SD, NE, KS, OK, and TX (except IN, IL, KY, MI, OH, PA, TN and WI). (Hearing site: Mobile, AL, or New Orleans, LA.)

MC 115603 (Sub-20F), filed November 30, 1979. Applicant: TURNER BROS. TRUCKING CO., INC., 1501 S. Hattie, P.O. Box 94626, Oklahoma City, OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting (1)(a) *machinery, equipment, materials, and supplies* used in the refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (b) *machinery, equipment, materials, and supplies* used in the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except in connection with main or trunk pipelines); and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials and supplies* and *pipe* used in (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in WY, LA, IL, CO, AR, OK, TX, and KS, on the one hand, and, on the other, points in UT, MT, OR, ND, ID, WA, NM, and NV. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

Note.—The purpose of this application is to substitute single-line for joint-line operations.

MC 116273 (Sub-250F), filed November 13, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Transporting (1) *chemicals*, in bulk, in tank vehicles, from the facilities of Amoco Chemicals Corporation, at or near Joliet, IL, to points in NC, NY, PA, SC, VA, and VT, (2) *dry chemicals*, in bulk, in tank vehicles, from the facilities of Amoco Chemicals Corporation, at or near Joliet, IL, to points in GA, IN, IA, MI, MN, MO, OH, KY, and WI, (3) *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Amoco Chemicals Corporation, at or near Joliet, IL, to points in CA, CO, and NJ, and (4) *dry plastics* in bulk, in tank vehicles, from Willow Springs, IL, to points in NE, and SC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116763 (Sub-632F), filed November 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *paper and paper articles* (except commodities in bulk, in tank vehicles), and (2) *materials, equipment, and supplies*, used in the manufacture or distribution of commodities in (1) above (except commodities in bulk, in tank vehicles), between the facilities used by Olinkraft, Inc., at or near Kankakee, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New Orleans, LA.)

MC 116763 (Sub-634F), filed November 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from Poughkeepsie, NY, to points in FL, KY, LA, OH, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York City, NY.)

MC 117883 (Sub-264F), filed November 19, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dr., Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs, hides, and commodities in bulk), and (2) *foodstuffs* (except commodities in bulk) from

Chicago, IL, to points in IN and KY, restricted in (1) and (2) above to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 118142 (Sub-242F), filed November 13, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *Soy protein concentrate*, from Muskogee, OK to Sacramento amd Stockton, CA, Wichita, KS, and Savage, MN. (Hearing site: Kansas City, MO or Wichita, KS.)

MC 118142 (Sub-243F), filed November 19, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. Transporting *alcoholic beverages*, (except in bulk), from Detroit, MI and Chicago, IL to Kansas City, MO; restricted to the transportation of shipments originating at the named origins and destined to the facilities of McKesson Wine & Spirits Co. at Kansas City, MO. (Hearing site: Kansas City, MO or Wichita, KS.)

MC 118143 (Sub-244F), filed November 19, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. Transporting *alcoholic beverages*, (except commodities in bulk in tank vehicles), from Lawrenceburg, IN, Bardstown, Clermont, Frankfort, Lawrenceburg, and Louisville, KY, and Detroit, MI to points in KS. (Hearing site: Wichita, KS or Kansas City, MO.)

MC 119493 (Sub-343F), filed November 27, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *charcoal and charcoal products* and *materials and supplies* used in the manufacture and distribution of charcoal products (except commodities in bulk), between points in the United States (except AK and HI, and except between Branson, MO, on the one hand, and, on the other, points in SD, NE, KS, OK, MO, TX, AR, LA, MS, TN, KY, MN, MI, WI, IA, IL, IN, AL, and GA, and except between Pachuta, MS, on the one hand, and, on the other, points in AL, GA, SC, NC, TN, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Husky Industries, Inc. (Hearing site: Atlanta, GA or Little Rock, AR.)

MC 119493 (Sub-334F), filed November 13, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *glass and glass products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in the United States in and east of MT, CO, WY, and NM (except AK and HI), and except glass and glass products from the facilities of Fourco Glass Company at Clarksburg and Jerry Run, WV, to points in AL, AR, CO, IA, KS, LA, MO, MN, MS, NE, OK, TN, TX, and WI, and except materials and supplies used in the manufacture and distribution of glass and glass products in the reverse direction), restricted to the transportation of traffic originating at or destined to the facilities of Fourco Glass Company, ASG Industries, and AFG Industries, at points in the United States. (Hearing site: Kingsport or Memphis, TN.)

MC 121123 (Sub-3F), filed November 13, 1979. Applicant: LEONI MOTOR EXPRESS, INC., 501-23 Ashland Ave., Chicago Heights, IL 60411. Representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, IL 60606. Transporting *general commodities* (except those of unusual value, classes A and B explosive, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, IL, on the one hand, and, on the other, points in IL and IN, WI on and south of US Hwy. 18, IA on and east of US Hwy 63, MO on and east of US Hwy. 61, KY on and north of US Hwy. 62, OH on and west of a line beginning at the KY–OH State line and extending along US Hwy. 62 to Columbus, OH, then along US Hwy. 23 to Toledo, OH, and MI on and south of a line beginning at Muskegon, MI, and extending along Interstate Hwy. 96 to Grand Rapids, MI, then along State Hwy. 21 to Port Huron, MI. (Hearing site: Chicago, IL.)

MC 124673 (Sub-49F), filed November 13, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, 801 Vaughn Building, Austin, TX 78701. Transporting (1) *meat and bone meal and dry rendered tankage* from the facilities of Swift and Company near Cactus, TX, to points in MO, OK and KS and (2) *fish meal* from San Diego, CA, to points in AZ, CO, IA and OK. (Hearing site: Dallas, TX.)

MC 125433 (Sub-352F), filed November 13, 1979. Applicant: F–B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant) Transporting *such commodities* as are dealt in or used by dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk, and automobiles, trucks, and buses, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766) from Columbus, NE to AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, restricted to the transportation of traffic originating at the facilities of the Sperry New Holland Division, Sperry Corporation at or near Columbus, NE. (Hearing: Washington, DC.)

MC 125433 (Sub-361F), filed November 9, 1979. Applicant: F–B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *self-propelled vehicles* each weighing not more than 15,000 pounds, and (2) *tools, parts* and *supplies* used with the commodities in (1) from the facilities of CAL Pacific Machinery Company at West Sacramento, CA, to points in the US (excluding AK and HI), restricted to the transportation. (Hearing site: San Francisco, CA.)

MC 127042 (Sub-292F), filed November 13, 1979. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *such commodities as are dealt in by grocery and food business houses* (except commodities in bulk), from Coloma, MI, to points in AZ, CA, CO, ID, NV, OR, UT, and WA. (Hearing site: Chicago, IL.)

MC 127812 (Sub-27F), filed November 13, 1979. Applicant: TYSON TRUCK LINES, INC., 185–5th Ave. SW., New Brighton MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the facilities of Dubuque Packing Company at or near Dubuque, Vinton, Dennison, and LaMars, IA; Omaha, NE, Mankato and Wichita, KS; and on the one hand, and, on the other hand, points in MN, ND, Upper Peninsula of MI, and Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Chippewa, Douglas, Dunn, Eau Claire, Iron, Jackson, LaCrosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempealeau, Washburn, and Vilas Counties, WI. (Hearing site: St. Paul, MN.)

MC 128102 (Sub-3F), filed November 23, 1979. Applicant: STATE MOTOR FREIGHT, INC., 3905 E. 'A' St., Pasco, WA 98300. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98004. Transporting *fertilizer*, in bulk, between points in ID, OR, and WA. (Hearing site: Pasco or Spokane, WA.)

MC 129222 (Sub-7F), filed November 23, 1979. Applicant: FORD TRUCK LINE, INC., South Lynn Street, Tipton, IA 52772. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, (1) From Fulton and Albany, IL to points in IA, and (2) From Burlington, Clear Lake, Muscatine, Clinton, Dubuque, IA to points in IL, MN, MO and WI., (Hearing site: Davenport, IA or Chicago, IL.)

MC 135052 (Sub-25F), filed November 16, 1979. Applicant: ASHCRAFT TRUCKING, INC., 675 Webster Street, Shelbyville, IN 47176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. Transporting (1) *mineral wool and insulation products and materials, and* (2) *materials and supplies used in the manufacture of the commodities* in (1) from points in AL, AR, CT, DE, FL, GA, IA, IL, KS, KY, LA, MD, ME, MA, MI, MN, MO, MS, NE, NH, NJ, NC, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, to Shelbyvile and Indianapolis, IN. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 135953 (Sub-9F), filed November 13, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercey Road, Omaha, NE 68106. Transporting *automotive specialties and supplies* (except in bulk), from Kansas City, KS, to points in the US (except AK and HI). (Hearing site: Kansas City, MO.)

MC 135953 (Sub-12F), filed November 29, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *retail store fixtures*, and *equipment, materials, and supplies* used in the manufacture of retail store fixtures, between the facilities of Lozier Store Fixtures, Inc., at or near (a) Omaha, NE, (b) Cucamonga, CA, (c) Scottsboro, AL, (d) McClure, PA and (e) Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

MC 136343 (Sub-190F), filed November 16, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *paper, paper products, paper and pulpboard, combined with aluminum and copper;* and *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk, in tank vehicles), between the facilities of Fortifiber Corporation at or near Attleboro, MA, and Memphis, TN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Boston, MA or Memphis, TN.)

MC 136803 (Sub-12F), filed November 15, 1979. Applicant: SIOUX CITY BULK FEED SERVICE, INC., 3324 Highway 75 North, Sioux City, IA 51105. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Transporting *feed and feed ingredients* between points in IL, IA, MN, NE, ND, SD, WI, restricted to the transportation of traffic originating at or destined to points in named states. (Hearing site: Sioux City, IA or Omaha, NE.)

MC 140563 (Sub-50F), filed October 15, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200, Century Parkway, Atlanta, GA 30345. Transporting *lighting fixtures and parts and accessories for lighting fixtures* from the facilities of Lithonia Lighting, Inc., a Division of National Service Industries, Inc. at or near Conyers and Cochran, GA and Crawfordsville, IN to points, in the US in and east of ND, SD, NE, CO and NM. (Hearing site: Atlanta, GA.)

MC 141443 (Sub-50F), filed November 23, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615–East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *furniture parts and materials and supplies* used in the manufacture thereof (except in bulk), between points in the United States in and west of ND, SD, NE, MO, AR, and TX (except AK and HI). (Hearing site: Kansas City or St. Louis, MO.)

Note. —Dual operations may be involved.

MC 143702 (Sub-8F), filed November 13, 1979. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas, City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Crete, Lincoln, and Omaha, NE, Carroll, Denison, Des Moines, Ft. Dodge, Iowa Falls and Sioux City, IA, to points in AZ, AR, CA, CO, ID, KS, MO, MT, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144832 (Sub-2F), filed November 15, 1979. Applicant: JOE C. SIKES, d.b.a., GLENN-LEE TRUCKING CO., P.O. Box 281, Springfield, GA 31329. Representative: Michael Hines (same address as applicant). Transporting *gypsum and gypsum products* from the facilities of The Flintkote Company in Chatham County, GA to points in GA, AL, FL, TN, NC, SC. (Hearing site: Savannah, GA.)

MC 145102 (Sub-44F), filed November 15, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark S. Gray, 1200 Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses*, (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 from the facilities used by George A. Hormel & Co. at Austin, MN, Ft. Dodge and Ottumwa, IA, and Fremont, NE, to points in CA. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 145102 (Sub-47F), filed November 9, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting *cheese and cheese products*, except in bulk, (1) from Rochester and Paynesville, MN to points in AZ, CA and NV and (2) from points in Marathon County, WI to points in the U.S. (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 145152 (Sub-13BF), filed November 16, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *empty steel drums*, from points in AR, IL, IN, KY, MI, MO, NJ, NY, OH, PA, TN and WI to Dayton and Houston, TX. (Hearing site: Houston, TX or Fayetteville, AR.)

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MC 145152 (Sub-139F), filed November 16, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *frozen poultry products* and (2) *commodities* the transportation of which is exempt from economic regulation under 49 USC 10526(a)(6) in mixed loads with frozen poultry products (except commodities in bulk, in tank vehicles) and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) from points in GA, IA, IL, MS, NC, NJ, OH, TN, TX and WV to points in Benton, Carroll, Howard, Pulaski and Washington Counties, AR, Webster County, LA, and Barry and Lawrence Counties, MO and, (4) *frozen poultry products* and (2) commodities the transportation of which is exempt under 49 USC 10526(a)(6) in mixed loads with frozen poultry products (except commodities in bulk, in tank vehicles); from points in Benton, Carroll, Howard, Pulaski and Washington Counties, AR, Webster County, LA and Barry and Lawrence Counties, MO to points in the US (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities of Tyson Foods, Inc. (Hearing site: Fayetteville, AR.)

MC 145813 (Sub-2F), filed November 16, 1979. Applicant: POINTS WEST TRUCKING, INC., 20727 Santa Clara St, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Schrafft Candy Company at or near Boston and Woburn, MA, and Reading, PA, to points in the US (except AK and HI). (Hearing site: Los Angeles CA.)

MC 146423 (Sub-7F), filed November 8, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *paint, masonry, cleaning compounds, cement, glazing and caulking compounds, adhesives and advertising material,* from Dunmore, PA to Visalia, CA. (Hearing site: Wilkes Barre, PA.)

MC 146782 (S-26F). Applicant: ROBERTS CONTRACT CARRIER CORP., 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Transportion *iron and steel articles* from the facilities of Georgetown Steel Corporation at or near Georgetown, SC, to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV and WI. (Hearing site: Nashville, TN or Georgetown, SC.)

MC 146892 (S-7F), filed November 13, 1979. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, 60521. Transporting (1) *Foodstuffs* and (2) *cleaning and scouring compounds, napkins, tablecloths, dishes, cups, trays, and silverware* in mixed loads with foodstuffs, (A) from the facilities of Prime Packing Co., at or near Chicago, IL to points in the US (except AK, AL, AR, FL, GA, HI, IN, KY, LA, MS, OH, TN, TX & WV), restricted to the transportation of traffic originating at the facilities of Prime Packing Co., at or near Chicago, IL (B) From points in the US (except AK and HI) to the facilities of Prime Packing Co., at or near Chicago, IL, restricted to the transportation of traffic destined to the facilities of Prime Packing Co., at or near Chicago, IL). (Hearing site: Chicago IL or Washington, DC.)

MC 148653(F), filed November 9, 1979. Applicant: MILTON WOODARD d.b.a. WOODARD TRUCKING COMPANY, P.O. Box 308, Ripley, TN 38063. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *anhydrous ammonia and derivatives of anhydrous ammonia* from Mocane and Woodward, OK, to points in CO, KS, NE, NM, and TX. (Hearing site: Tulsa, OK or Memphis, TN.)

MC 148692 (Sub-2F), filed November 13, 1979. Applicant: EMPIRE DELIVERY, INC., 3930 Blake Street, Denver, CO 80205. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *beverages in containers and empty containers* on return from points in KY, IL, OH, and MI to Denver CO. (Hearing site: Denver, CO.)

Note.—Applicant intends to interline with other carriers at Detroit, MI.

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Decided: March 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1824 (Sub-1116F), filed December 7, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918 16th Street NW., Washington, DC 20006. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, and Janesville, WI, from Chicago over US Hwy 20 to junction U.S. Hwy 51, then over US Hwy 51 to Janesville, and return over the same route, serving all intermediate points, and all off-route points in Rock County, WI, and Winnebago County, IL. (Hearing site: Washington, DC.)

Note.—Applicant presently holds irregular route authority to serve points in IL within a 50-mile radius of St. Charles, IL.

MC 22195 (Sub-183F), filed December 10, 1979. Applicant: DAN DUGAN TRANSPORT CO., a corporation, 41st & Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). Transporting *asphalt and road oils,* in bulk, in tank vehicles, from Pillsbury, ND, to points in SD and MN. (Hearing site: Moorhead, MN, or Sioux Falls, SD.)

MC 26825 (Sub-43F), filed December 6, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *air conditioning equipment,* from Wichita, KS, to points in the United States (except AK and HI), (2) *air conditioning equipment, outdoor recreational equipment, and accessories and parts for outdoor recreational equipment,* from New Braunfels, TX, to points in the United States (except AK and HI) and (3) *materials, supplies and equipment* used in the manufacture, sale and distribution of air conditioning equipment, outdoor recreational equipment, and *accessories and parts* for outdoor recreational equipment, from points in the United States (except AK and HI), to Wichita, KS, and New Braunfels, TX, restricted to the transportation of traffic which because of its size or weight requires the use of special equipment and originating at or destined to the facilities of The Coleman Company. (Hearing site: Kansas City, MO.)

MC 35835 (Sub-32F), filed December 10, 1979. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Ave. S.E., Independence, IA 50644. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *corn products,* in containers, from Cedar Rapids, IA, to points in IL, IN, MI, MN, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 56244 (Sub-92F), filed December 10, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *such commodities as is dealt in by retail, wholesale, chain groceries and food business houses* (except commodities in bulk), from Toledo, OH, to points in MD, NJ, and PA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-93F), filed December 10, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardeners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *paper and pulpboard and paper and pulpboard products, and materials, supplies and equipment* used in connection with or incidental to the production of and distribution of paper and pulpboard products, from the facilities of Alton Box Board Co., in IL, IN, KY, MO, and OH, to points in DE, MD, NJ, and PA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 61445 (Sub-20F), filed December 10, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *precast concrete products, and materials, supplies, and equipment* used in the manufacture of precast concrete (except commodities in bulk), between Woodbridge, VA, on the one hand, and, on the other, points in TN, GA, SC, NC, VA, WV, MD, DE, PA, NJ, NY, and DC. (Hearing site: Washington, DC.)

MC 85255 (Sub-71F), filed January 4, 1980. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, WA 98124. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171. In foreign commerce only, transporting *glass containers and container closures,* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers, between ports of entry on the international boundary line between the US and Canada located at or near Blane, Lynden, and Sumas, WA, on the one hand, and, on the other, points in WA. (Hearing site: Seattle, WA or Portland, OR.)

MC 105045 (Sub-137F), filed December 12, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington, Bldg., Washington, DC 20005. Transporting (1) *agricultural implements and equipment, construction, industrial, irrigation and trenching equipment, drainage systems, tree spades, stump cutters, and log-splitters and log-chippers,* (2) *parts, attachments, accessories, and supplies* (except commodities in bulk), for the commodities in (1) above, (3) *trailers designed for the transportation of the commodities in (1) above,* (except trailers designed to be drawn by passenger automobiles), from the facilities of Vermeer Manufacturing Company, at or near Pella, IA, to points in the United States (except AK and HI), and (4) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture or distribution of the commodities named in (1) through (3) above, in the reverse direction. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 107445 (Sub-26F), filed December 10, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Transporting *electrical capacitors and equipment, circuit breakers and parts for the foregoing commodities,* from the facilities of Westinghouse Electric Corporation, at Bloomington, IN, to points in the United States (including AK but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 107515 (Sub-1311F), filed December 10, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *molded plastic cabinetry and parts* for the foregoing commodities, from the facilities of Mulay Plastics of Holly Springs, Inc., at or near Holly Springs, MS to points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC107515 (Sub-1312F), filed December 11, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *mops, and such commodities* as are used in the production, manufacture and distribution of mops, between the facilities of Jones Manufacturing Company, at or near Humboldt, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC107515 (Sub-1314F), filed December 10, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *liquid plastics, liquid chemicals, paint, varnish, and resin solution compound* in containers, in vehicles equipped with mechanical refrigeration, from the facilities of Cook Paint and Varnish Company at North Kansas City, MO, and Houston, TX, to points in GA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 108835 (Sub-46F), filed December 12, 1979. Applicant: HYMAN FREIGHTWAYS, INC., 2380 Wycliff, St. Paul, MN 55114. Representative: Rodney L. Trocke, 2690 N. Prior Ave., Roseville, MN 55113. Transporting *small arms ammunition, steel junction boxes, and materials, equipment and supplies* used in the manufacture and distribution of small arms ammunition and steel junction boxes (except commodities in bulk) between Anoka, MN, and points in the United States (except AK and HI). (Hearing site: St. Paul, or Minneapolis, MN.)

MC 109725 (Sub-15F), filed December 11, 1979. Applicant: K. F. CROCKER TRANSPORTATION COMPANY, INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, Suite 413, 1383 Main St., Springfield, MA 1103. Transporting *molasses and liquid sweetners,* in bulk, in tank vehicles, from Boston, MA, to points in NY and PA. (Hearing site: Boston, MA, or Washington, DC.)

MC 110525 (Sub-1302F), filed May 21, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from Lake Charles, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA.)

MC 113855 (Sub-502F), filed December 6, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michale E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *self-propelled compaction equipment, maintenance equipment and sweepers,* between New Ulm, MN, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *parts and accessories* for the commodities named

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in (1) above, between New Ulm and Minneapolis, MN, on the one hand, and, on the other, ports of entry of the international boundary line between the United States and Canada located in Ontario, Canada. (Hearing site: Minneapolis-St. Paul, MN.)

MC 114015 (Sub-29F), filed January 4, 1980. Applicant: HUSS, INCORPORATED, Highway 46 West, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting, *strapping and strapping machines,* (1) from New Britain, CT, and Woodside, NY, to points in MD, VA, AL, WV, KY, TN, NC, SC, GA, and FL, and (2) from New Britain, CT, to Woodside, NY, under continuing contract(s) with Delta Strapping Industries, Inc., of Woodside, NY. (Hearing site: New York, NY.)

MC 116254 (Sub-306F), filed December 11, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills (same address as applicant). Transporting *cullet,* in dump vehicles, from Cedar Rapids, Davenport, and Des Moines, IA, to points in MN, IL, and IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 121805 (Sub-9F), filed December 12, 1979. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Little Rock, AR, and the AR–MO State line: from Little Rock over Interstate 40 Hwy to Conway, AR, then over U.S. Hwy 65 to the AR–MO State line, and return over the same routes, servicing all intermediate points, (2) between Harrison, AR, and Gateway, AR: from Harrison over U.S. Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Gateway, and return over the same route, serving all intermediate points, (3) between Harrison, AR, and Mountain Home, AR: from Harrison over U.S. Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Mountain Home, and return over the same route, serving all intermediate points, (4) between Harrison, AR, and Jasper, AR, over AR Hwy 7, serving all intermediate points. (5) Between Mountain Home, AR and Calico Rock, AR: from Mountain Home over AR Hwy 5 to Calico Rock, and return over the same route, serving all intermediate points, with alternate routes connecting 3 miles south of Mountain Home with access route to Norfork Dam, access route Spencer to Hutchison access route Hutchinson to Dam Site, and return over access route to junction of access route and AR Hwy 5 one mile north of Norfork, restricted against service to and from Calico Rock, AR. (6) between Clinton, AR, and Pangburn, AR, over AR Hwy 16, serving all intermediate points and the off-route point of Shirley, AR. (7) between Harrison, AR and Lead Hill, AR, over AR Hwy 7, serving all intermediate points. (8) between Flippin, AR, and Mountain Home, AR: from Flippin over AR Hwy 178 to junction AR Hwy 5, then over AR Hwy 5 to Mountain Home, and return over the same route, serving all intermediate points, and off-route points within 10 miles thereof. (9) between Gassville, AR and Midway, AR: from Gassville over U.S. Hwy 62 to junction AR Hwy 126, then over AR Hwy 126 to Midway, and return over the same route, serving all intermediate points, and off-route points within 10 miles thereof. (10) between Mountain Home, AR and the AR–MO State line: from Mountain Home over AR Hwy 5 to the AR–MO State line, and return over the same route, serving all intermediate points. (11) between the junction of AR Hwy 16 and 330 and Fairfield Bay, AR, over AR Hwy 330, serving all intermediate points. (12) between Eureka Springs, AR, and Holiday Island Suburban Improvement District, in Carroll County, AR: from Eureka Springs over AR Hwy 23 and unnumbered county road to Holiday Island Suburban Improvement District, and return over the same route, serving all intermediate points. (13) between Yellville, AR, and the facilities of Holiday Manufacturing Company, Inc.: from Yellville over AR Hwy 14 to junction AR Hwy 235, then over AR Hwy 235 to Holiday Manufacturing Company, Inc., and return over the same route, serving all intermediate points. And (14) between Mountain Home, AR, and Henderson, AR, over U.S. Hwy 62, serving all intermediate points. Applicant intends to tack the above authority with his existing authority. (Hearing site: Little Rock, AR.)

MC 121805 (Sub-10F), filed December 12, 1979. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Little Rock, AR, and Fort Smith, AR: From Little Rock over AR Hwy 10 to Williams Junction, then over AR Hwy 9 to Perry, then over AR hwy 10 to Greenwood, then over AR Hwy 10S to junction U.S. Hwy 71, then over U.S. Hwy 71 to Fort Smith, and return over the same route, serving all intermediate points, in connection with the carrier's presently authorized regular route operations, with service in the Fort Smith commercial zone restricted to points within AR, and restricted against service to intermediate points on Interstate Hwy 40 between Morrilton and Fort Smith, pursuant to the Commission's Superhighway Rule. (2) Between Arkansas River and Plainview, AR, over AR Hwy 60, serving all intermediate points. (3) between Ola, AR, and junction of AR Hwys 7 and 60; from Ola over AR Hwy 7 to junction AR Hwy 60, and return over the same route, serving all intermediate points. (4) between Ola, AR, and Rover, AR, over AR Hwy 28, serving all intermediate points, and the off-route point of Kingston, AR. (5) between Rover, AR, and Danville, AR, over AR Hwy 27, serving all intermediate points. (6) between Booneville, AR, and State Sanatorium, AR: from Booneville over AR Hwy 116 to junction AR Hwy 23, then over AR Hwy 23 to State Sanatorium, and return over the same route, serving all intermediate points. (7) between Little Rock, AR, and Morrilton, AR: From Little Rock over U.S. Hwy 65 to Conway, then over U.S. Hwy 64 to Morrilton, and return over the same route, serving all intermediate points. (8) between Little Rock, AR, and the AR–TN State line, over U.S. Hwy 70, serving all intermediate points. (9) between Fort Smith, AR, and Harrison, AR: From Fort Smith over Interstate Hwy 540 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction AR Hwy 16, then over AR Hwy 16 to junction AR Hwy 74, then over AR Hwy 74 to junction AR Hwy 68, then over AR Hwy 68 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Harrison, and return over the same route, for operating convenience only. (10) between junction of AR Hwys 60 and 113 and junction of AR Hwys 113 and 10: From junction of AR Hwys 60 and 113 over AR Hwy 113 to junction AR Hwy 10, and return over the same route, serving all intermediate points, and the off-route point of Fourche, AR. (11) between junction U.S. Hwy 70 and AR Hwy 17 and junction AR Hwy 17 and U.S. 79: From junction U.S. Hwy 70 and AR Hwy 17 over AR Hwy 17 to junction U.S. Hwy 79, and return over the same route, serving all intermediate points. (Hearing site: Little Rock, AR.)

Note.—Applicant intends to tack the above authority with his existing authority.

MC 124174 (Sub-165F), filed January 3, 1980. Applicant: MOMSEN TRUCKING CO., an IA corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen, (address same as applicant). Transporting *composition board, and wood fiber products,* from the facilities of United States Gypsum Company, at (a) Lisbon Falls and Auburn, ME, (b) Danville, VA, and (c) Greenville, MS, to points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343 (a) or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 125985 (Sub-29F), filed June 28, 1979, previously published in the FR issue of February 12, 1980. Applicant: AUTO DRIVEAWAY COMPANY, 310 S. Michigan Ave., Chicago, IL 60604. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. Transporting *automobiles* and *trucks,* in secondary movements, in driveaway service, and *boats, trailers, and contractors' equipment,* between points in AR, AL, AZ, CA, CO, FL, KY, LA, MS, NJ, NM, NV, NY, OH, TN, TX, and UT. (Hearing site: Houston, TX.)

Note.—This republication indicates the correct territorial description.

MC 126904 (Sub-37F), filed December 10, 1979. Applicant: H.C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freebury, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *pipe, pipe fittings, couplings, building materials, and materials* used in the installation of the foregoing commodities from the facilities of CertainTeed Corporation, at Eads, TN, Social Circle, GA, Williamsport, MD, and Ambler, PA, to those points in the United States in and east of ND, SD, NE, KA, OK, and TX. (Hearing site: Philadelphia, PA.)

MC 127204 (Sub-17F), filed December 7, 1979. Applicant: KINDSVATER, INC., P.O. Box 1027, Dodge City, KS 67801. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *liquid fertilizer solutions,* from points in Finney County, KS to points in CO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 133405 (Sub-13F), filed January 3, 1980. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. Transporting (1) *malt beverages,* (a) from Detroit, MI, Trenton, NJ, Baltimore, MD, and Pittsburgh, Latrobe, Allentown, and Philadelphia, PA, to the District of Columbia, and (b) from Allentown, PA, to Baltimore, MD, and the District of Columbia; and (2) *wine,* from Baltimore, MD, to the District of Columbia. (Hearing site: Washington, DC.)

MC 133805 (Sub-44F), filed December 10, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting *meats, meat products, meat by products, and articles distributed by meat-packing houses* described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Freezer Services, Inc., Finney County, KS, to points in the United States (except HI & AK). (Hearing site: Fort Worth or Amarillo, TX.)

MC 134404 (Sub-52F), filed August 19, 1979. Applicant: AMERICAN TRANS–FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of backery goods (except commodities in bulk), between McComb, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Nabisco, Inc., of E. Hanover, NJ; and (2) *Spaghetti, macaroni,* and *noodle products,* from Jersey City, NJ, to points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with C. F. Mueller Company, of Jersey City, NJ. (Hearing site: New York, NY.)

MC 134404 (Sub-61F), filed December 7, 1979. Applicant: AMERICAN TRANS–FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier, transporting *pesticides, fertilizer and agricultural chemicals* (except in bulk), and applicators for the foregoing commodities, between those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Chevron Chemical Company, of Perth Amboy, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 134404 (Sub-62F), filed July 26, 1979, previously noticed in the FR issue of February 12, 1980 as MC–134404 Sub 51F. Applicant: AMERICAN TRANS–FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting (1) *paper, paper products, dispenser boxes, liquid soaps,* and *equipment, materials and supplies* (except commodities in bulk) used in the manufacture and distribution of the foregoing commodities, between the facilities of Georgia Pacific Corp. at or near Crossett, AR, Burlington, IA, Lockport and Taylorville, IL, Gary, IN, Kalamazoo, MI, Woodland, ME, Lyons Falls, Plattsburgh, Voorheesville, Frankfort, Warwick and Utica, NY, Cincinnati, OH, and Gilman, VT, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM, and (2) *paper* and *paper products,* and *equipment, materials and supplies* used in the manufacture of the foregoing commodities (except commodities in bulk), from the facilities of International Paper Co., at or near Jay, ME, and Ticonderoga and Corinth, NY, to points in CT, DE, ME, MA, NH, NJ, NY, PA, RI, VT, and VA, under continuing contract(s) in (1) above with Georgia Pacific Corporation, of Stamford, CT, and in (2) above, with International Paper Company, of New York, NY. (Hearing site: New York, NY.)

Note.—This republication corrects the docket number. Dual operations may be involved.

MC 134405 (Sub-93F), filed December 10, 1979. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *zinc,* in bins, from Coffeyville, KS, to Ardmore, OK. (Hearing site: Oklahoma City, OK.)

MC 135524 (Sub-85F), filed December 10, 1979. Applicant: G.F. TRUCKING CO., a Corporation, P.O. Box 229, 1026 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies used in the manufacture and distribution of iron and steel articles* between Sharon, PA, on the one hand, and, on the other, points in CT, DE, ME, MA, NH, NJ, NY,

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PA, RI, VT, and DC. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 135924 (Sub-21F), filed December 10, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *machinery parts for paper making machinery*, between Grand Rapids, MN, on the one hand, and, on the other, Appleton, Beloit, Green Bay, and Neenah, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 136315 (Sub-104F), filed December 12, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, PA 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. Transportating *plastic articles and accessories, and materials and supplies* (except in bulk, in tank vehicles) used in the manufacture, distribution and transportation of the foregoing commodities, between those points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to the transportation of traffic originating at or destined to the facilities of Robintech, Inc. (Hearing site: Fort Worth, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138115 (Sub-8F), filed December 10, 1979. Applicant: FRANK D. CORBIN, d.b.a. F.D. CORBIN MOTOR EXPRESS, Box 57, Lemar Road, Lemasters, PA 17231. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract carrier* transporting *business forms, computer tapes, off-track betting tickets, lottery tickets, carbon paper, tissue paper, and materials and supplies (except in bulk) used in the manufacture* of the foregoing commodities, between Ashland, VA, Canton and Solon, OH, Kings Mountain, NC, Chambersburg, PA, Hagerstown, MD, Greenville, SC, and Phoenix, AZ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Arnold Graphic Industries, Inc., of Uniontown, OH. (Hearing site: Hagerstown, MD.)

MC 139495 (Sub-502F), filed December 6, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transportating *meats, meat products and meat byproducts, and articles distributed by meatpacking houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wisconsin Beef Industries, at or near Eau Claire, WI, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-503F), filed December 7, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs and materials, equipment, and supplies* used in the manufacture, and distribution of foodstuffs (except commodities in bulk and frozen foods), between the facilities of Friday Canning Corporation, at or near New Richmond, Oakfield, Eden, Sussex, Coleman, Chilton, Shawano, and Gillette, WI, on the one hand, and, on the other, point in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140265 (Sub-11F), filed December 12, 1979. Applicant: LARRY E. HICKOX, d.b.a., LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier* transporting (1) *liquid paint dryer and liquid petroleum products*, in containers, from Franklin, PA, to Los Angeles and Oakland, CA, and (2) *chemicals*, in containers, from Akron and Baberton, OH, and Natrium, WV, to points in AZ, CA, CO, ID, NV, NM, UT, WA, and WY, under continuing contract(s) in (1) with Mooney Chemicals, Inc., of Cleveland, OH, and in (2) with P.P.G. Industries, Inc., of Pittsburg, PA. (Hearing site: Chicago, IL, or Cleveland, OH.)

MC 140294 (Sub-8F), filed December 10, 1979. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Over regular routes, transporting *general commodities* (except those of unusual value), between Hagerstown, MD and Washington, D.C., with no service at intermediate points: From Hagerstown, MD, over Interstate Hwy 70 to Frederick, MD, then over Interstate Hwy 270 to junction Interstate Hwy 495, thence over Interstate Hwy 495 to junction U.S. Hwy 1 then over U.S. Hwy 1 to Washington, DC, and return over the same route. (Hearing site: Washington, DC.)

Note.—The authority granted herein is limited in point of time to a period of five (5) years from the date of issuance.

MC 140645 (Sub-15F), filed December 12, 1979. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier* transporting (a) *buffing, polishing, cleaning, scouring, and washing compounds, solvents starch, bleach, lubricating oils, carbon gum and sludge removing compounds, disinfectant, softeners and sizings, janitorial supplies and equipment, and pesticides (except in bulk)*, from Kankakee, Momence, and Danville, IL, Piscataway, Metuchen and Clarksville, NJ, Atlanta, GA, Santa Fe Springs, CA, Berkeley, RI, Memphis, TN, and Mauldin and Greenville, SC, to points in the United States (except AK & HI) and (b) *machinery, materials and supplies* used in the manufacture and distribution of the commodities named in (a) above (except in bulk), in the reverse direction, under continuing contract(s) with Texize Division of Morton-Norwich Products, Inc., of Greenville, SC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 141774 (Sub-34F), filed December 7, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) *anti-freeze, anti-freeze proprietory compounds, de-icing proprietory, windshield washer solvent (except in bulk, in tank vehicles), and containers*, from points in Montgomery County, AL, to points in FL, and (2) *materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles)*, from points in FL, to points in Montgomery County, AL. (Hearing site: Montgomery or Birmingham, AL.)

Note.—Dual operations may be involved.

MC 141804 (Sub-323F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, frozen foods, and commodities requiring special equipment), from Seattle, WA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—The authority granted herein is limited in points of time to a period of five (5) years from the date of issuance.

MC 141804 (Sub-324F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *paper and paper products and commodities* dealt in and used by paper manufacturing companies, from points in WI to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-325F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *medical instruments and supplies, and hospital supplies*, (1) from De Land, FL, to North Brunswick, NJ, St. Louis, MO, and Elgin, IL, and (2) from Norfolk, NE, to Anaheim, CA, and North Brunswick, NJ. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-326F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *fibers*, from Spartansburg, SC, Covington, Dalton, Bainbridge and Oxford, GA, Anniston, AL, Covington, VA, and Turnersville, NC, to the facilities of Ozite Corporation, a Division of Brunswick Corporation, at Anaheim and Culver City, CA, and Libertyville, IL. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-327F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *motor and parts, and accessories for motors*, from the facilities of Mercury Marine, a Division of Burnswich Corporation, at or near Fond du Lac, WI, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-328F), filed December 10, 1979. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *carpeting and carpet tile*, between Anaheim, CA, and Libertyville, IL. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-332F), filed January 4, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., A NV CORPORATION, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). Transporting *motor vehicle parts and accessories*, from Chicago, IL, to points in the US (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-387F), filed July 26, 1979, previously published in the Federal Register issue of February 12, 1980 as MC 141804 Sub 259F. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *bicycles, motorcycles, outboard motors, and parts and accessories* for the foregoing commodities, between the facilities of U.S. Suzuki Motor Corp., in Los Angeles and Orange Counties, CA, Elk Grove and Franklin Park, IL, River View and Detroit, MI, Atlanta, GA, Camden, Gloucester City, and Pennsuaken, NJ, Baltimore, MD, Dallas, TX, and Seattle, WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles or San Francisco, CA.)

Note.—This republication corrects the docket number.

MC 141914 (Sub-73F), filed December 10, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *confectionery*, from the facilities of Schrafft Candy Company, at or near Woburn and Boston, MA, to points in the United States (except AK and HI). (Hearing site: Boston, MA.)

MC 141914 (Sub-74F), filed December 10, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *refrigerant jell, cooler boxes, athletic and gymnasium equipment, athletic dressings, freezers, and refrigerators*, from the facilities of Divajex Company, at or near Tustin, CA, to points in the United States (except AK and HI). (Hearing site: Tustin, CA.)

MC 142364 (Sub-24F), filed December 10, 1979. Applicant: KENNETH SAGELY d.b.a. SAGLEY PRODUCE, 2802 Kibler Road, Van Duren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *animal feed, and animal feed ingredients and additives, and materials and supplies used in the manufacture and distribution of animal feed*, between the facilities of Kal-Kan Foods, Inc. at or near Columbus, OH, and Matton, IL, on the one hand, and, on the other, points in AL, AR, CT, DC, DE, GA, IL, IN, KY, MA, MD, ME, MI, MS, NH, NJ, NY, OH, PA, RI, TN, TX, VA, VT, and WI. (Hearing site: Columbus, OH, or Fort Smith, AR.)

MC 142714 (Sub-1F), filed July 2, 1979. Applicant: HAWKEYE BUILDING SUPPLY TRANSPORTATION CO., a corporation, 204 Iowa St., Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier*, transporting (1) *lumber, lumber products, and building materials*, and (2) *such commodities* as are dealt in by building materials dealers (except commodities described in (1) above, and those in bulk), from points in AL, AR, GA, IL, LA, IN, MS, MO, OH, TX, and WI to points in MN, IA, NE, and SD, under continuing contract(s) with Hawkeye Building Supply Co., of Sioux City, IA. (Hearing site: Sioux City, IA, or Lincoln, NE.)

MC 143775 (Sub-123F), filed December 7, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *general commodities* except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between points in CA, on the one hand, and, on the other, points in the United States (except CA, AK and HI) and (2) from Milwaukee, WI, to points in AZ, CO, FL, GA, LA, MA, NY, OR, PA, TX, and WA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144054 (Sub-10F), filed January 3, 1980. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 Vilas Rd., Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *frozen foods*, from the facilities of Harry and David, at or near Medford, OR, to points in the US (except AK and HI). (Hearing site: Medford, OR.)

MC 144054 (Sub-11F), filed January 3, 1980. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Rd., Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *(1) gift wrapped and packaged foods, food products, and commodities* dealt in by retail gift shops (except frozen), in vehicles equipped with mechanical refrigeration, (2) *plants and bulbs* otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), when transported in mixed loads with the commodities in (1) above, and (3) *empty containers and trailers*, between the facilities of Harry and David, at Medford, OR, on the one hand, and on the other, points in OR. (Hearing site: Medford, OR.)

MC 145535 (Sub-1F), filed July 30, 1979. Applicant: JACK BISCEGLIA AND ANNETTE BISCEGLIA d.b.a. FRONT RANGE LIMOUSINE SERVICE, 4640 East County Rd. 66, Wellington, CO 80549. Representative: Roy M. Wittstruck, 215 West Oak St., Suite 602, Fort Collins, CO 80521. Over regular

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routes, transporting *passengers, and their baggage, and unaccompanied baggage and express,* limited to the transportation of not more than 15 passengers (excluding the driver) in one vehicle at one time, between Fort Collins, CO, and the Stapleton International Airport, at Denver, CO: (1) from Fort Collins over Interstate Hwy 25 to junction Interstate Hwy 70, then over Interstate Hwy 70 to the Stapleton International Airport, serving Loveland, CO, as an intermediate point; and (2) from Fort Collins, CO, over Interstate Hwy 25 to junction CO Hwy 392, then over CO Hwy 392 to Greeley, CO, then over U.S. Hwy 85 to the Stapleton International Airport, serving Windsor, Stapleton, and Greeley, CO as intermediate points. (Hearing site: Fort Collins or Denver, CO.)

MC 145715 (Sub-11F), filed January 3, 1980. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72956. Representative: Benard J. Kompare, Suite 1600, 10 S. LaSalle St, Chicago, IL 60603. Transporting *copper wire,* from Canastota, NY, to facilities of Precision Cable Manufacturing Corporation, at or near Garland, TX, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Dallas or Fort Worth, TX.)

MC 146514 (Sub-4F), filed May 8, 1979. Applicant: CLANCY CARTING & STORAGE CO., INC., 795 Beahan Rd., Rochester, NY 14624. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers of photographic products (except commodities in bulk), (1) from the facilities of Eastman Kodak Company, at Rochester, NY, to San Ramon, Palo Alto, Whittier, and Hollywood, CA, Dallas TX, Oak Brook, IL, and Windsor, CO; (2) from the facilities of Eastman Kodak Company, at or near Windsor, CO, to Palo Alto, San Ramon and Whittier, CA, Dallas, TX, or Dayton, NJ, Oak Brook, IL, and (3) from San Ramon and Whittier, CA, to the facilities of Eastman Kodak Company, at Windsor, CO, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

MC 146855 (Sub-2F), filed December 7, 1979. Applicant: VICTOR PARSONS, d.b.a. VIC'S TRUCKING COMPANY, 518 20th St., Dunbar, WV 25064. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transportating *X-ray machines, film, chemicals, medicines, and hospital and physicians equipment, supplies and accessories* (except commodities in bulk), between Charleston, WV, on the one hand, and, on the other, points in Bell, Boyd, Carter, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Lewis, Martin, Perry and Pike Counties, KY, and Gallia, Lawrence and Meigs Counties, OH. (Hearing site: Charleston, WV.)

MC 146704 (Sub-7F), filed December 10, 1979. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44216. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. *Contract carrier* transporting *such commodities* as are dealt in or used by manufacturer and processors of rubber and steel products, between Akron, OH, on the one hand, and, on the other, those points in NJ south of NJ Hwy 33, those points in NY west of a line beginning at Port Jervis, NY, and extending along US Hwy 209 to Kingston, NY, then along US Hwy 9–W to Albany, NY then along US Hwy 20 to Syracuse, NY, then along US Hwy 11 to Watertown, NY, and then along NY Hwy 12 to Clayton, NY, and points in IL, MD, MI, and WI, under continuing contract(s) with General Tire and Rubber, of Akron, OH. (Hearing site: Columbus, OH.)

MC 146794 (Sub-2F), filed June 18, 1979. Applicant: PACIFIC NORTHWEST CONTRACT CARRIERS, INC., 3010 N. Jackson Hwy, Sheffield, AL 35660. Representative: Peter H. Glade, 555 Benjamin Franklin, One Southwest Columbia, Portland, OR 97258. *Contract carrier,* transporting (1) *trailer axles, suspensions, landing gears, fifth wheels, hitches, and mechanical refrigeration units,* and (2) *parts* for the commodities named in (1) above, from points in the United States in and east of MN, IA, MO, AR, and LA to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), under continuing contract(s) with Standard Parts & Equipment Co., of Portland, OR. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 147235 (Sub-2F), filed August 6, 1979, previously published in the FR issue of February 12, 1980. Applicant: CST, INC., 1 Scout Ave., South Kearny, NJ. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1049, Fairfield, NJ. 07006. *Contract carrier,* transporting *such commodities* as are dealth in or used by department stores, between New York, NY, on the one hand, and, on the other, points in DE, MD, NC, NJ, NY, OH, PA, VA, SC, and WV, under a continuing contract(s) with S. E. Nichols, of New York, NY. (Hearing site: New York, NY.)

Note.—This republication indicates the correct territorial description. Dual operations may be involved.

MC 147474 (Sub-2F), filed December 7, 1979. Applicant: SOUTHWIRE COMPANY, TRANSPORTATION DIVISION, a corporation, 126 Fertilla St., Carrollton, GA 30117. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. Transporting *paper products,* from Anniston, Brewton, and Mobile, AL, Crossett and Little Rock, AR, Fernandina Beach and Jacksonville, FL, Bogalusa and Pineville, LA, Plymouth, NC, Chester and Philadelphia, PA, Columbia, SC, and Dallas, Houston, and Silsbee, TX, to points in GA. (Hearing site: Atlanta, GA.)

MC 147474 (Sub-3F), filed December 7, 1979. Applicant: SOUTHWIRE COMPANY, TRANSPORTATION DIVISION, a corporation, 126 Fertilla St., Carrollton, GA 30117. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, Ga 30303. Transportating *crude rubber synthetics,* from Camden, AR, Baton Rouge, LA, and Borger and Port Neches, TX to points in GA. (Hearing site: Atlanta, GA.)

MC 147485 (Sub-1F), filed June 28, 1979, previously published in the FR issue of February 12, 1980. Applicant: TRUCK TRAIN TRANSFER, INC., Snapps Ferry Road, Post Office Box 3303, Davy Crockett Station, Greeneville, TN 37743. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washinton, D.C. 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Anderson, Bledsoe, Blout, Bradley, Cannon, Carter, Cocke, Cumberland, Davidson, De Kalb, Grainger, Greene, Hamblen, Hamilton, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Putnam, Rhea, Roane, Rutherford, Sevier, Smith, Sullivan, Sumner, Unicoi, Union, Van Buren, Warren, Washington, White, Williamson, and Wilson Counties, TN, Buncombe, Haywood, Madison, Swain, and Yancey Counties, NC., Catoosa, Dade, Murray, Walker, and Whitfield Counties, GA, and Scott and Washington Counties, VA, restricted to the transportation of traffic having a prior or subsequent by rail. (Hearing site: Knoxville, TN.)

Note.—This republication indicates the correct commodity and territorial description.

MC 148865 (Sub-2F), filed December 12, 1979. Applicant: DISTRIBIX, INC., Drawer AB, Florissant, MO 63031. Representative: James F. Mauze, 7701 Forsyth, Suite 550, St. Louis, MO 63105. *Contract carrier,* transporting *floor covering, padding and adhesives,* (1) between Quincy, IL, on the one hand, and, on the other, points in Schuyler, Scotland, Clark, Adair, Knox, Lewis, Livingston, Linn, Macon, Shelby, Marian, Chariton, Randolph, Monroe, Ralls, Audrain, Pike, Boone, Cole and Callaway Counties, MO, (2) between Quincy, IL, on the one hand, and, on the other, points in Lee, Des Moines, Henry, Van Buren, Jefferson and Louisa Counties, IA, (3) between Decatur, IL, on the one hand, and, on the other, points in Parke and Clay Counties, IN, and (4) between Peoria, IL, on the one hand, and on the other, points in Scott County, IA, under continuing contract(s) with Floorco, Inc., of Peoria, IL. (Hearing site: St. Louis, MO.)

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Decided: Feb. 21, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 200 (Sub-426F), filed December 10, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ardmore, OK, and Fort Worth, TX, from Ardmore, over Interstate Hwy 35 to junction Interstate Hwy 35W, then over Interstate Hwy 35W to Ft. Worth and return over the same route, serving all intermediate points. (Hearing site: Kansas City, MO.)

MC 720 (Sub-74F), filed December 17, 1979. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *foodstuffs,* from facilities of the Creamette Company, at Minneapolis, MN, to Chicago, IL, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Minneapolis, MN, or Madison, WI.)

MC 2900 (Sub-410F), filed December 13, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408–R, Jacksonville, FL 32203. Representative: Paul Dixon (same address as applicant). Transporting *automobile parts,* and *materials, supplies,* and *equipment* used in the manufacture of motor vehicles, between Janesville, WI, Bay City, Flint, Grand Blanc, Lansing, Saginaw, and Tecumseh, MI, on the one hand, and on the other, points in IL, IN, OH, MO, and WI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 2900 (Sub-412F), filed December 19, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *building and insulating materials,* from the facilities of the CertainTeed Corporation, in York County, PA, to points in CT, ME, and VT. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 11220 (Sub-189F), filed December 17, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of CIBA–GEIGY Corporation, at or near McIntosh, AL, on the one hand, and, on the other, Louisville, KY, points in IL, IN, IA, MN, OH, and WI, points in Lancaster, Cass, Sarpy, Douglas, Saunders, Dodge and Washington Counties, NE, and points in Shelby County, TN. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack the authority sought with its regular-route authority at common points in IN, KY, OH, and TN to serve points presently authorized in AR, KS, KY, MO, OK, WV, and DeSoto County, MS.

MC 11220 (Sub-191F), filed December 27, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting (1) *roofing, insulation,* and *composition board,* and (2) *materials, equipment,* and *supplies* used in the installation or manufacture of the commodities in (1) above between Atlanta, GA, North Kansas City, MO, Irving and Houston, TX, Memphis, TN, and Meridian, MS, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MI, MN, MS, MO, OH, OK, PA, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Owens Corning Fiberglas Corp. (Hearing site: Washington, DC.)

Note.—The authority sought could be joined with applicant's regular route authority at common points in AR, IL, KY, MO, and OH, to provide service from or to presently authorized points in IA, KS, and WV.

MC 16831 (Sub-33F), filed December 13, 1979. Applicant: MID SEVEN TRANSPORTATION COMPANY, a corporation, 2323 Delaware Avenue, Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1)*(a) lawn mowers, snowblowers, garden tractors, shredders, and tillers,* and (b) *parts* and *accessories* for the commodities in (1)(a), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Des Moines, IA, on the one hand, and, on the other points in IL, IN, KY, MI, MN, MO, OH, and WI. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 21040 (Sub-5F), filed December 17, 1979. Applicant: ARTHUR JOHNSON CO., a corporation, 3230 West 38th St., Chicago, IL 60632. Representative: David W. Johnson (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Chicago, IL., on the one hand, and, on the other, points in IL, IA, IN, KY, MN, OH, and WI, and those points in MI on a line beginning at Muskegon, MI, and extending along Interstate Hwy 96 to Grand Rapids, MI, and then along MI Hwy 21 to Port Huron, MI, restricted to the transportation of traffic having a prior or subsequent movement by air, rail, or water. Condition: Cancellation at applicant's written request of its certificate of Registration No. MC–21040 Sub-No. 3, issued February 25, 1964. (Hearing site: Chicago, IL.)

MC 35320 (Sub-386F), filed December 17, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Benchcraft, Inc., at or near Blue Mountain, Falkner and New Albany, MS, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Jackson, MS.)

Note.—Applicant intends to tack the sought rights to its existing authority.

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MC 35320 (Sub-426F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Hudson Pulp and Paper Division of Georgia Pacific, at or near Thomson, NY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-427F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Miller Chemical and Fertilizer Corp., at or near Ranson, WV, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Baltimore, MD, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-428F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Consolidated Thermoplastics Co., at or near Chippewa Falls, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-429F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Gould, Inc., at or near Eau Claire, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-430F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Johnson Division of VOP, Inc., at Lafayette and Scott, LA, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 35320 (Sub-431F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the General Electric Co., at or near Ft. Edward and Hudson Falls, NY, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-432F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Vermont Marble Co., at or near Proctor, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-433F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Carris Reels, Inc., at or near Rutland, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Syracuse, NY, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-434F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Basic Equipment Inc., at or near Lithonia, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-435F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) from the facilities of Velsicol Chemical Corp., at or near Glendale, AZ, to points in AL, LA, MS, and TX, and (B) from the facilities of Velsicol Chemical Corp., at or near Beaumont, TX, to points in AZ, CA, CO, OK, OR, and WA. (Hearing site: Phoenix, AZ, or Houston, TX.)

MC 35320 (Sub-436F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kennth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Greif Brothers Corp., at or near Cullman, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

(Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-437F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Container Service Inc., at or near Texarkana, TX, an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

MC 35320 (Sub-438F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Exeter, NH, on the one hand, and, on the other, Holly Springs, MS, restricted to the transportation of traffic originating at or destined to the facilities of the American Sandpaper Co. (Hearing site: Boston, MA, or Washington, DC.)

MC 35320 (Sub-439F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Mailing Services and Sales, Inc., at or near (a) Houston, TX, (b) New Orleans, LA, and (c) Jackson, MS, as off-route points in connection with carriers' otherwise authorized regular-route operation. (Hearing site: Chicago, IL, or Washington, DC.)

MC 35320 (Sub-440F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Proctor and Gamble Co., at or near Pineville, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-441F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Dixie Equipment Co., Division of the Scott Co., Inc., at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-442F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Ives Business Forms, Inc., at or near New Orleans, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New Orleans, LA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-443F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Puckett Brothers Manufacturing Co., Inc., at or near Lithonia, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-444F), filed December 14, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dixie-Narco, Inc., at or near Ranson, WV, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Baltimore, MD, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-446F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Daubert Chemical Co., at or near (a) Cullman, AL, (b) Dixon, IL, and (c) McKinney, TX, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Nashville, TN, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-447F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hysol Division, The Dexter Corp., at or near Olean, NY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Buffalo, NY, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-449F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Tucel Industries, Inc., at or near Brandon, Forest Dale, and Middlebury, VT, as off-route points in connection

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with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-450F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Baker Brothers at or near Stoughton, MA, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Boston, MA or Washington, DC.)

MC 35320 (Sub-451F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Polymers, Inc., at or near East Middlebury, VT, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Boston, MA or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-452F), filed December 17, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Mortell Co., at or near Kankakee, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-453F), filed December 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Concord Fabrics Inc., at or near Milledgeville, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Atlanta, GA or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-454F), filed December 16, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Wal Mart Stores, Inc., at or near Palestine, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX or Washington, DC.)

MC 35320 (Sub-465F), filed December 31, 1979. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Teledyne Wah Chang Huntsville, at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-466F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Steel City Wholesalers, Inc., at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL, or Atlanta, GA.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-467F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rangaire Corp., at or near Cleburne, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas or Ft. Worth, TX.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-468F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Eagle Pass and Laredo, TX, on the one hand, and, on the other, Minneapolis, MN, restricted to the transportation of traffic originating at or destined to the facilities of the Longyear Co., at the named points. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 35320 (Sub-469F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Mooney Chemical Co., at or near Franklin, PA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-470F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of PPG Industries, Inc., at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL or Washington, DC.)

Note.—Applicant intends to tack the sought rights with its existing authority.

MC 35320 (Sub-471F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Sessions Tree Farmer, Inc., at or near Montgomery, AL, an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Montgomery, AL or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-473F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Samson Cordage Works, Inc., Division of Samson Ocean Systems, Inc. at or near Anniston, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 35320 (Sub-485F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of the Mohawk Rubber Co., at or near Columbus, OH, on the one hand, and, on the other, points in AL, LA, and MS. (Hearing site: Columbus, OH or Washington, DC.)

MC 35320 (Sub-504F), filed December 27, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of L & L Steel Co., Inc., at or near Helena, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-505F), filed December 27, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Century Heavy Duty Parts, at or near Sheffield, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-507F), filed December 27, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of A. C. Inc., at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-508F), filed December 27, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Century Heavy Duty Parts, at or near Sheffield, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-509F), filed December 27, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, (same address as applicant). Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Industrial Crane & Manufacturing Corp. at or near Helena, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 52460 (Sub-273F), filed December 20, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *paper, paper products, and cellulose products*, from the facilities of The Proctor & Gamble Distributing Co., at or near Neelys Landing, MO, to points in AR, LA, OK, and TX. (Hearing site: Cincinnati, OH.)

MC 56640 (Sub-44F), filed December 12, 1979. Applicant: DELTA LINES, INC., 33 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *canned goods* (except frozen) from the facilities of Campbell Soup Co., at Sacramento, CA, to points in OR and WA. (Hearing site: San Francisco, CA.)

MC 59150 (Sub-171F), filed December 13, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *zinc, zinc products, and alloys* from the facilities of Jersey Miniere Zinc Company, at or near Clarksville, TN, to points in AL, GA, FL, NC, SC, LA, and MS. (Hearing site: Jacksonville, FL or Nashville, TN.)

MC 59150 (Sub-172F), filed December 13, 1979. Applicant: PLOOF TRUCK LINE, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *pipe, pipe fittings, valves, and hydrants*, and (2) *materials, equipment*, and *supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, between the facilities of Clow Corporation in

Talladega County, AL, on the one hand, and, on the other, points in FL, GA, LA, MS, NC, SC, TN, TX and VA. (Hearing site: Chicago, IL or Jacksonville, FL.)

MC 59150 (Sub-173F), filed December 19, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *iron and steel articles,* and *equipment, materials and supplies* used in the manufacture, installation, and distribution of iron and steel articles, between points in AL, FL, GA, LA, MS, NC, SC, TN, VA, and TX, restricted to traffic originating at or destined to the facilities of Florida Steel Corporation. (Hearing site: Jacksonville or Tampa, FL.)

MC 59150 (Sub-174F), filed December 20, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *construction materials,* and *equipment, materials and supplies* used in the manufacture, installation, and distribution of construction materials, between points in AL, FL, GA, KS, LA, MS, NC, OK, SC, AR, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of National Gypsum Company. (Hearing site: Charlotte, NC or Jacksonville, FL.)

MC 59640 (Sub-79F), filed December 17, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, 301 Blair Road, Woodbridge, NJ 07095. *Contract carrier,* transporting *such commodities* as are dealt in or used by toy and variety stores, between Dallas and Houston, TX, and Compton and San Jose, CA, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then north along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, under continuing contract(s) with Lash-Tamaron, Division of Toys "R" Us, Inc., of Saddle Brook, NJ. (Hearing site: Newark, NJ or New York.)

MC 61231 (Sub-165F), filed December 27, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a., Ace Lines, Inc., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *buildings,* and *building parts,* and (2) *materials, accessories,* and *supplies* used in the installation and construction of the commodities in (1) above, (except commodities in bulk), between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, SD, TN, WA, WI, and WY, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 65941 (Sub-62F), filed December 28, 1979. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV 26003. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Over regular routes, transporting *general commodities,* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Conneaut and Cincinnati, OH, from Conneaut over OH Hwy 7 to Chesapeake, OH, then over U.S. Hwy 52 to Cincinnati, and return over the same route, (2) between Brookside and New Paris, OH, from Brookside, over Interstate Hwy 70 to junction OH Hwy 121, then over U.S. Hwy 121 to New Paris, and return over the same route, (3) between Brookside and Sandusky, OH, over U.S. Hwy 250, (4) between Columbus and Cincinnati, OH, over Interstate Hwy 71, (5) between Cleveland and Marietta, OH, over Interstate Hwy 77, (6) between Petersburg and Columbia, OH, from Petersburg over Interstate Hwy 76 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Columbia, and return over the same route, (7) between East Liverpool and Van Wert, OH, over Interstate Hwy 30, (8) between East Palestine and Aurora, OH, from East Palestine, over OH Hwy 170 to junction Hwy 14, then over Hwy 14 to Columbiana, OH, then over OH Alternate Hwy 14 to Deerfield, OH, and then over OH Hwy 14 to Aurora, and return over the same route, (9) between Ashtabula, OH and junction OH Hwy 11 and Interstate Hwy 30, over OH Hwy 11, (10) between Portsmouth and Toledo, OH, over U.S. Hwy 23, (11) between Circleville and Zanesville, OH, over U.S. Hwy 22, (12) between Rockford and Columbus, OH, over Interstate Hwy 33, (13) between Findley and Pioneer, OH, over Hwy 15, (14) between Beaver Dam and Findley, OH, over Interstate Hwy 75, and (15) between Cincinnati and Beaver Dam, OH, over Interstate Hwy 15, serving, in connection with routes (1) to (15 above, all intermediate points and points in OH not on the above described routes as off-route points, restricted in routes (1) to (15) above to the transportation of traffic moving from, to, or through Martins Ferry, OH. (Hearing site: Wheeling, WV.)

Note.—Applicant states that the purpose of this application is to convert an existing irregular-route authority to regular route. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate No. MC–65941 Sub-No. 36.

MC 67450 (Sub-101F), filed December 20, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9851 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting *adhesives,* from Paxton, IL, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Chicago, IL.)

MC 69901 (Sub-39F), filed December 17, 1979. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting: (1) *Automotive parts* and *accessories, parts for automotive accessories, advertising materials, electrical appliances, empty carboys, gas cylinders, steel drums, metal furniture, platforms and skids, radios, radio parts, rubber hose, steel folding ironing boards, and steel laundry tubs* from Fort Wayne, IN, to points in OH, and (2) *parts for automotive accessories,* advertising materials, acetylene gas, acids, bolts, brass, copper, cleaning fluids, chemicals, cartons, carbide, castings, electric motors, electrical appliance parts, excelsior wood, glass, insulated wire, iron and steel articles, lumber, machinery, machinery parts, metal stampings, metal tubing, nuts, platforms and skids, radio parts, radio cabinets, rubber hose, solder, and welding rods; and *petroleum products,* in containers, in the reverse direction. (Hearing site: Chicago, IL.)

MC 82841 (Sub-280F), filed December 28, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting (1)(a) *pipe, pipe fittings, building materials,* and *insulating materials,* and (b) *materials and supplies* used in the installation of the commodities in (1)(a) above, and (2) *materials equipment and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by CertainTeed Corporation. (Hearing site: Philadephia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 94201 (Sub-188F), filed December 14, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between New Orleans and Baton Rouge, LA: (a) from New Orleans over U.S. Hwy 11 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Baton Rouge, and return over the same route, (b) from New Orleans over U.S. Hwy 11 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Baton Rouge, and return over the same route, (c) over Interstate Hwy 10, and (d) from New Orleans over U.S. Hwy 90 to junction LA Hwy 18, at or near Westwego, LA, then over LA Hwy 18 to junction LA Hwy 1, at or near Donaldson, LA, then over LA Hwy 1 to Baton Rouge, and return over the same route; (2) Between Baton Rouge and St. Francisville, LA: from Baton Rouge over U.S. Hwy 61 to junction LA Hwy 10, then over LA Hwy 10 to St. Francisville, LA, and return over the same route; and (3) Between Baton Rouge and LaFayette, LA: over Interstate Hwy 10, serving in connection with the routes (1) to (3) above; all intermediate points and the off-route points of Carville, Garyville, Giesmar, Good Hope, Gramercy, Lutcher, Lions, Mt. Airy, Port Hudson, the plantsite of Georgia Pacific near Port Hudson, Norco, Ponchatoula, and Zee, LA. (Hearing site: New Orleans, LA.)

MC 95540 (Sub-1152F), filed December 27, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting (1) *label stock, paper labels, gummed paper, and corrugated boxes* (except commodities which because of size or weight require the use of special equipment), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), (except commodities in bulk, and those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI). (Hearing site: Los Angeles, CA or Washington, DC.)

MC 104421 (Sub-33F), filed December 17, 1979. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris (same address as applicant). Transporting *such commodities* as are dealt in and used by manufacturers and distributors of plumbing and electrical fixtures, supplies, and equipment (except commodities in bulk), between points in Dodge and Washington Counties, NE, on the one hand, and, on the other, points in the United States (except AK, AZ, AR, FL, HI, ID, KY, LA, MS, MT, NV, NM, ND, OK, OR, SD, TN, TX, UT, WA, and WY). (Hearing site: Omaha, NE.)

MC 105501 (Sub-40F), filed December 14, 1979. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 1851 Radisson Road N.E., Blaine, MN 55434. Representative: Samuel Rubestein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *prestressed* and *precast concrete* (a) from the facilities of Fabcon, Inc., at or near Savage, MN, to points in IL, IN, IA, MI, NE, OH and WI, and (b) from the facilities of Molin Concrete Products Company, at or near Lino Lakes, MN to points in IA, NE and WI, and (2) *materials, equipment* and *supplies* used in the erection of the commodities in (1) from points in IL, IN, IA, MI, NE, OH and WI, to the facilities of Fabcon, Inc. at or near Savage, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 105881 (Sub-61F), filed December 18, 1979. Applicant: MR&R TRUCKING COMPANY, a corporation, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, DC 20036. Over *regular routes,* transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Troup, Bibb, Houston, Baldwin, Jones, Peach, and Monroe Counties, GA, as intermediate or off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Macon or Atlanta, GA.)

Note.—Applicant intends to tack the sought authority with its other authorities.

MC 106401 (Sub-78F), filed December 13, 1979. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting (1) *malt beverages,* (except in bulk), from the facilities of Miller Brewing Company at or near Albany, GA, to points in AL, FL, LA, MS, and TN, and (2) *materials, equipment and supplies* used in the manufacture or distribution of malt beverages (except commodities in bulk), in the reverse direction. (Hearing site: Albany or Atlanta, GA.)

MC 107460 (Sub-50F), filed December 29, 1979. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, P.O. Box 4124, Lancaster, PA 17604. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. *Contract carrier,* transporting (a) *printed matter,* and *materials, supplies* and *equipment* used in the manufacture of printed matter (except commodities in bulk), (1) between the facilities of R.R. Donnelley & Sons Company at or near (a) Old Saybrook, CT, (b) Mattoon, Dwight, and Chicago, IL, (c) Crawfordsville and Warsaw, IN, (d) Glasgow, KY, (e) Willard, OH, (f) Spartanburg, SC, (g) Gallatin, TN, and (h) Harrisonburg, VA; (2) between the facilities of R.R. Donnelley & Sons Company at or near Lancaster, PA, on the one hand, and, on the other, the facilities of R.R. Donnelley & Sons Company at or near (a) Spartanburg, SC, (b) Harrisonburg, VA; and (3) from the facilities of R.R. Donnelley & Sons Company at or near (a) Spartanburg, SC, (b) Harrisonburg, VA, (c) Glasgow, KY, and (d) Gallatin, TN, to points in the United States (except AK and HI) and (b) *materials, supplies,* and *equipment* used in the manufacture of printed matter (except commodities in bulk), from points in AL, IL, ME, MD, MI, MN, NY, NC, and WI to the facilities of R.R. Donnelley & Sons Company at Lancester, PA, under a continuing contract(s) with R.R. Donnelly & Sons Company of Chicago, IL. (Hearing site: Washington DC, or Harrisburg, PA.)

MC 107960 (Sub-8F), filed December 19, 1979. Applicant: SUMMERFORD TRUCK LINE, INC., 206 Broadway, Ashford, AL 36312. Representative: Robert J. Corber, 1747 Pennsylvania Ave., N.W., Suite 1050, Washington, DC. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, SC, Savannah, GA, Jacksonville and Panama City, FL, on the one hand, and, on the other, points in AL, FL, GA, MS, SC, and TN, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Jacksonville, FL, or Savannah, GA.)

MC 110191 (Sub-37F), filed December 10, 1979. Applicant: TURNER'S EXPRESS INCORPORATED, 1300 Shelton Avenue, Norfolk, VA 23502. Representative: D. L. Turner (same address as applicant). Transporting *non-*

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alcoholic beverages, in containers, from Norfolk and Richmond, VA, to points in NC. (Hearing site: Norfolk, VA.)

MC 110420 (Sub-846F), filed December 19, 1979. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Transporting *vegetable oils and by-products* of vegetable oils between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN or Washington, DC.)

MC 111201 (Sub-48F), filed December 19, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *metal containers, container ends, closures, and tin plate* and (2) *materials, equipment and supplies*, used in the manufacture or distribution of two commodities in (1) above, (except commodities in bulk), between the facilities of Crown Cork and Seal Company, Inc., at or near Atlanta, GA, on the one hand, and, on the other, points in VA. (Hearing site: Atlanta, GA.)

MC 111401 (Sub-598F), filed December 21, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *tallow*, in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AR, LA, NM, OK and TX. (Hearing site: Omaha, NE or Sioux City, IA.)

MC 11611 (Sub-45F), filed December 10, 1979. Applicant: NOERR MOTOR FREIGHT, INC., 203 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *swimming pool products*, from the facilities of Sun Swimpool Products, a Division of FMC Corporation, at or near Livonia, MI, to points in CA, AZ, WA, and UT. (Hearing site: San Francisco, CA.)

MC 112750 (Sub-355F), filed December 28, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). *Contract carrier* transporting *commercial papers, documents, and written instruments* as are used in the business of banks and banking institutions, (except currency and negotiable securities) (1) between Evansville, IN, and Paducah, KY, on the one hand, and, on the other, points in Alexander, Clay, Clinton, Effingham, Franklin, Hardin, Jackson, Jefferson, Johnson, Lawrence, Massac, Perry, Pope, Pulaski, Union and Williamson Counties, IL, (2) between Puducah, KY, on the one hand, and, on the the other, points in Crawford, Edwards, Gallatin, Hamilton, Jasper, Marion, Richland, Saline, Wabash, Wayne, and White Counties, IL, and (3) between Evansville, IN, on the one hand, and, on the other, points in Chreistian, Hancock, Muhlenberg, and Ohio Counties, KY, under continuing contract(s) in (1) to (3) above, with banks and banking institutions. (Hearing site: Paducah, KY, or Indianapolis, IN.)

MC 113651 (Sub-323F), filed December 17, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the above named origins. (Hearing site: Columbus, OH, or Washington, DC.)

MC 113651 (Sub-325F), filed December 20, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near (a) Montgomery, AL and (b) Shreveport, LA, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113981 (Sub-14F), filed December 10, 1979. Applicant: VEGAS TRUCKING CO., a corporation, 2853 Cedar Street, Las Vegas, NV 89104. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment), between Los Angeles, CA and Las Vegas, NV, serving all intermediate points in NV, the off-route points in California within the Los Angeles Basin Territory as described below and the off-route points in Nye County Nevada within the territory described below, from Los Angeles, over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Baker, CA, then over CA Hwy 127 to Shoshone, CA, then CA Hwy 178 to the CA–NV state line, then over NV Hwy 52 to Pahrump, NV, then over NV Hwy 16 to junction Interstate Hwy 15 then over Interstate Hwy 15 to Las Vegas, NV, and return over the same route, serving all intermediate points in NV, and serving all off-route points in Los Angeles, San Bernardino, Riverside and Orange Counties, CA, and Nye and Clark Counties, NV. (Hearing site: Los Angeles, NV.)

MC 114211 (Sub-429F), filed December 11, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, dealers, and distributors of (a) agricultural and industrial equipment and (b) lawn and leisure products, between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of J. S. Woodhouse & Sons, Inc., and its dealers. (Hearing site: Springfield, MA, or Hartford, CT.)

MC 114211 (Sub-430F), filed December 13, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, dealers, and distributors of steel buildings, between points in the United States (except AK or HI), restricted to the transportation of traffic originating at or destined to the facilities of Mesco Metal Buildings Corp., Subsidiary of Anderson Industries, and its dealers and distributors. (Hearing site: Dallas or Fort Worth, TX.)

MC 114211 (Sub-431F), filed December 13, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *general commodities* (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Waterloo Industries, Inc., Lumidor Industries, and their distributors and dealers. (Hearing site: Waterloo, IA.)

MC 115311 (Sub-383F), filed December 13, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) *anti-freeze, windshield washer solvent* (except commodities in bulk, in tank vehicles), and containers, from points in Montgomery County, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, supplies* and *equipment* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Montgomery, AL or Birmingham, AL.)

MC 115311 (Sub-386F), filed December 13, 1979. Applicant: J & M TANK LINES, INC., P.O. Box 544, Americus, GA 31709. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting *cement*, from the facilities of General Portland, Inc., Signal Mountain Division, at Chattanooga, TN, to points in GA, AL, MS, KY, VA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 115931 (Sub-103F), filed December 13, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Co., at or near Sterling and Rock Falls, IL, to points in ID, MN, MT, ND, OR, SD, WA, and WY. (Hearing site: Chicago, IL.)

MC 117851 (Sub-31F), filed October 24, 1979. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recover, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. *Contract carrier* transporting *plumbing goods*, between Evansville and Rockport, IN, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, WV, and DC, under continuing contract(s) with Peerless Pottery, Inc., of Evansville, IN. (Hearing site: Columbus, OH.)

MC 117940 (Sub-361F), filed December 26, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities of Dayton Hudson Corporation. (Hearing site: Minneapolis-St. Paul, MN.)

MC 118431 (Sub-33F), filed December 14, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam Street, Omaha, NE 68102. *Contract carrier*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of SCM Corporation, at or near (a) Colonel's Island and Flowery Branch, GA, (b) Durham, NC, and (c) El Paso, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with SCM Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH, or Little Rock, AR.)

MC 119641 (Sub-181F), filed December 18, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *composition board, and insulating materials*, and (2) *accessories* used in the application and installation of the commodities in (1) above, from the facilities of Gold Bond Building Products, at or near Mobile, AL, to points in IL, IN, OH, MI, WI, MN, IA, and MO. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119741 (Sub-249F), filed December 16, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *frozen foods*, between those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Louisville, KY.)

MC 119741 (Sub-250F), filed December 20, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson P.O. Box 1235, Ft. Dodge, IA 50501. Transporting (1) *household cleaning products, water purifying compounds*, and *dry acids* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of commodities named in (1) above (except commodities in bulk), from the facilities of Hi-Lex, Division of Purex Industries, at or near Eagan and St. Paul, MN, to points in IA, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 124141 (Sub-30F), filed October 26, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *such commodities* as are dealt in by retail and department stores, (except commodities in bulk), from points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TX, VA, WV, and DC, to points in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN, and TX. (Hearing site: Little Rock, AR, or Washington, DC.)

Note.—Dual operations may be involved.

MC 124170 (Sub-146F), filed December 17, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *alcoholic beverages* (except in bulk), from Boston, MA to points in AZ, CA, CO, MI, MN, NE, NM, NV, SD, TX, UT, and WI. (Hearing site: Boston, MA or Washington, DC.)

MC 124711 (Sub-102F), filed December 14, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rod Parker (same address as applicant). Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, LA, OK, AR, NM, MO, IA, MN, CO, AZ, WY, and NE. (Hearing site: Omaha, NE or Sioux City, IA.)

MC 124821 (Sub-62F), filed September 10, 1979, and previously noticed in **Federal Register** issue of March 5, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *building board, wall board, and insulating board*, and (2) *accessories*

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used in the installation of the commodities in (1) above, from the facilities of Celotex Corporation, at or near Pittston, PA, to points in FL, GA, KS, LA, MI, TX, WI, OH, IN, and IL. (Hearing site: Harrisburg, PA.)

Note.—This republication includes wall board and shows FL, GA, KS, LA, MI, TX, and WI, as destination States.

MC 124821 (Sub-74F), filed December 17, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *canned goods,* from the facilities of Duffy-Mott Co., Inc. at Hamlin, Holley, and Williamson, NY, to points in IL, IN, OH, PA, FL, GA, NC, and SC. (Hearing site: Harrisburg, PA.)

MC 124821 (Sub-75F), filed December 20, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *television sets, radios, phonographs, stereo systems, recorders, players, speaker systems, and audio equipment,* and (2) *accessories and parts* for the commodities in (1) above, from Bloomington and Indianapolis, IN, to points in NY, NJ, PA, and ME. (Hearing site: Harrisburg, PA.)

MC 125470 (Sub-27F), filed December 17, 1979. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Contract carrier,* in foreign commerce only, transporting *beverages,* in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada located in MI, to St. Louis, MO, under continuing contract(s) with Melchers, Inc., of Berthierville, P.Q. Canada. (Hearing site: Detroit, MI.)

MC 127840 (Sub-153F), filed December 17, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *plastic pellets,* in bulk, in tank vehicles, from Denver, CO, to Powell, WY. (Hearing site: Denver, CO or Houston, TX.)

MC 127840 (Sub-154F), filed December 20, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *petrochemicals,* in bulk, in tank from the facilities of Amoco Chemicals Corporation at Texas City, TX, to points in IL, IN, IA, MN, WI, OH, and PA. (Hearing site: Chicago, IL, or Houston, TX.)

MC 127841 (Sub-1F), filed December 13, 1979. Applicant: O'FALLON GAS CO. of St. Charles County, a corporation, 618 Woodlawn Avenue, O'Fallon, MO 63366. Representative: Edward F. Pietrowski, 1302 Ambassador Bldg., St. Louis, MO 63101. *Contract carrier* transporting *liquified petroleum gas,* from East St. Louis, IL, and points in Madison County, IL, to the facilities of Montgomery County Gas, Inc., in Montgomery County, MO, under continuing contract(s) with Montgomery County Gas, Inc., of St. Charles, MO. Condition: The permit issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: St. Louis, or Jefferson City, MO.)

MC 128030 (Sub-124F), filed July 9, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. box 177, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *malt beverages,* in containers, (1) from Milwaukee and LaCrosse, WI, to Effingham, IL, (2) from Milwaukee, WI, to Olney, IL, (3) from Ft. Wayne, IN, to Herrin, IL, (4) from Milwaukee and LaCrosse, WI, and St. Paul, MN, to Carbondale, IL, (5) from Ft. Wayne, IN, and LaCrosse, WI, to Harrisburg, IL, (6) from St. Louis, MO, to Danville, IL, (7) from Newport, KY, to Paris, IL, (8) from Milwaukee, WI and Newport, KY, to Springfield, IL, (9) from Milwaukee, WI, to Eldorado, IL, (10) from Milwaukee, WI, to Taylor Springs, IL, (11) from Detroit, MI, Milwaukee, WI, and Ft. Wayne, IN, to Granite City, Centralia, and Mt. Vernon, IL, (12) from Ft. Wayne, IN, Milwaukee, WI, and Newport, KY, to Taylorville, IL, and (13) from Ft. Wayne, IN, St. Paul, MN, Louisville, KY, and Cincinnati, OH, to Mattoon, IL. (Hearing site: Chicago, IL.)

MC 129301 (Sub-18F), filed December 17, 1979. Applicant: ENGLISH & SONS CORP., 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Avenue, R.D. 5, Williamstown, NJ 08094. *Contract carrier,* transporting *such commodities* as are dealt in or used by grocery and food business houses, from points in NJ, NY, PA, and DE, to points in MD, VA, and DC under continuing contract(s) with Giant Food, Inc., of Landover, MD. (Hearing site: Philadelphia PA, or Washington, DC.)

MC 133621 (Sub-3F), filed December 13, 1979. Applicant: FRONTIER TRANSPORTATION CO., a corporation, 608 West Forth Street, P.O. Box 1654, Anchorage, AK 99510. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and their byproducts, and *materials, equipment, and supplies* used in or in connection with the construction, operation, repair, serving, maintenance, and dismantling of pipelines including the stringing and picking up thereof, between Sweetgrass, MT, on the one hand, and, on the other, points in AK. (Hearing site: Anchorage, AK.)

MC 134501 (Sub-75F), filed December 20, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *refrigerated display cases,* from Bakersfield, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA; Dallas, TX; or Washington, DC.)

MC 134970 (Sub-29F), filed December 20, 1979. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) *foodstuffs,* in mixed loads with the commodities named in (1) above, from Davenport, IA, to points in AL. (Hearing site: Chicago, IL.)

MC 135070 (Sub-130F), filed December 13, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *medical, surgical, and hospital supplies, wiping pads, dry goods, animal health products, industrial tapes, pipe covering, and rust preventative pipe coating* (except commodities in bulk), between points in CT, GA, KY, MA, and SC, on the one hand, and, on the other, points in AL, CA, CO, IL, IN, IA, KS, LA, MN, MS, MO, OK, OR, TX, WA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of the Kendall Company. (Hearing site: Boston, MA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-138F), filed December 20, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120.

Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (a) *appliances* and *air conditioners,* and (b) *parts* and *accessories* for the commodities in (a) above, the facilities of Gulf Atlantic Distribution Services, at or near Memphis, TN, to points in AZ, NM, OK; and TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135170 (Sub-46F), filed December 18, 1979. Applicant: TRI–STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of plastic and chemical products (except commodities in bulk, and those which because of size or weight require the use of special equipment), between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Amoco Chemicals Corporation, under continuing contract(s) with Amoco Chemicals Corporation, of Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 135231 (Sub-40F), filed December 14, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *vegetable meal and vegetable meal by-products,* and (2) *materials, supplies* and *equipment* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Cargill, at or near Riverside, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 135811 (Sub-17F), filed December 20, 1979. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same address as applicant). *Contract carrier,* transporting (1) *welders, welding products, parts* for welders and welding products, *alloys, chemical compounds,* and *gaseous compounds,* and (2) *materials and supplies* used in the manufacture of welding products, between points in the United States (except AK and HI), under continuing contract(s) with The Jimmie Jones Company, of Tulsa, OK. (Hearing site: Dallas, TX, or Washington, DC.)

MC 136511 (Sub-95F), filed December 7, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting *foodstuffs* (except in bulk), from the facilities of Swiss Chalet Food Products, at or near Wichita, KS, to Fredericksburg, VA, Atlanta, GA, and Orlando, FL. (Hearing site: Washington, DC.)

MC 136771 (Sub-6F), filed December 28, 1979. Applicant: HY-WAY TRANSIT, INC., Route #1, Cedar Grove, WI 53013. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Contract carrier,* transporting *computer paper,* from Clifton, NJ, to points in IL, IN, MI, MN, NY, OH, PA and WI, under continuing contract(s) with Automatic Data Processing, Clifton, NJ. (Hearing site: Chicago, IL.)

MC 138941 (Sub-34F), filed June 18, 1979. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir St., Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. *Contract carrier,* transporting (1) *stands* (except furniture stands), from Corry, PA, to Los Angeles and San Francisco, CA, Chicago, IL, DAllas, TX, and Oklahoma City, OK, and (2) *plastic powder* (except in bulk), *chilled shot, and machine parts,* from Oklahoma City, OK, to Los Angeles and San Francisco, CA, under continuing contract(s) in (1) and (2) above with Xerox Corporation, of Webster, NY. (Hearing site: Buffalo, NY, or Los Angeles, CA.)

MC 138960 (Sub-12F), filed: December 20, 1979. Applicant: ROKO EXPRESS, INC., 819 West Fifth Avenue, Columbus, OH 43212. Representative: H. Barney Firestone, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Transporting *foodstuffs,* from the facilities or Bruce Foods Corporation at Cade and Lozes, LA, to points in IL, IN, KY, the Lower Peninsula of MI, OH, TN, and WI. Condition: The person or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: New Orleans, LA or Chicago, IL.)

MC 139461 (Sub-2F), filed: December 13, 1979. Applicant: FOREST TRANSPORTATION COMPANY, a corporation, Route 1, Box 15H, Atascosa, TX 78002. Representative: M. Ward Bailey, 2412 Continental Life Bldg. Fort Worth, TX 76102. Transporting *potable water,* in bulk, in tank vehicles, from points in Garland, Polk, and Montgomery Counties, AR, to points in KA, OK, LA, and TX. (Hearing site: Little Rock or Fort Smith, AR.)

MC 140421 (Sub-21F), filed April 3, 1979. Applicant: ACTION MOTOR EXPRESS, INC., 8307 Almonaster Ave., P.O. Box 29102, New Orleans, LA 70189. Representative: Sandra H. Roberson (same address as applicant). *Contract carrier,* transporting (1) *paper, paper products, containers, container ends,* and (2) *components, materials and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of American Can Company, Inc., at points in AL, AR, LA, MS, TN, KY, TX, IL, IN, MO, OH, MI, GA, SC, NC, VA, WV, and FL, under continuing contract(s) with American Can Company, Inc., of Oak Brook, IL. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 140800 (Sub-5F), filed December 14, 1979. Applicant: COLONIAL TRANSPORTATION, INC., P.O. Box 448, McMinnville, TN 37110. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier* transporting *such commodities* as are dealt in or used by distributors of automotive and electrical products (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 142370 (Sub-5F), filed December 20, 1970. Applicant: PAUL LONDINO, d.b.a., SCRANTON TRANSFER, 500 North 3rd Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Over regular routes, transporting: *general commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Morrison's Bluff and Fort Smith, AR: from Morrison's Bluff over AR Hwy 109 to Midway, AR, then over AR Hwy 22 to Fort Smith, and return over the same route, seving all intermediate points. (Hearing site: Fort Smith, AR.)

Note.—Applicant intends to tack the authority sought with existing authority.

MC 143331 (Sub-14F), filed December 14, 1979. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* transporting *charcoal, charcoal briquettes, wood chips, compressed sawdust fireplace*

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logs, lighter fluid, and barbecue supplies, from White City, OR, to points in CA, under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA. (Hearing site: Los Angeles, CA.)

MC 144761 (Sub-5F), filed December 18, 1979. Applicant: R. B. (PARKER) GOODLOE, d.b.a. GOODLOE TRUCKING COMPANY, Route 10, Box 89 A S, Lubbock, TX. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *tallow* in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, LA, OK, and CO. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 144810 (Sub-5F), filed December 18, 1979. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM 87532. Representative: Roger V. Eaton, P.O. Drawer 965, Albuquerque, NM 87108. *Contract carrier* transporting *plastic containers,* and *materials* and *supplies* used in the production and marketing of plastic containers, between Denver, CO and points in NM and AZ, under continuing contract(s) with Hoover Universal, Inc., of Denver, CO. (Hearing site: Albuquerque, NM, or Denver, CO.)

MC 144910 (Sub-11F), filed December 12, 1979. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, 811 Landay Avenue, Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *fruit juice,* in containers, between Findlay, OH, and Mount Dora, FL, on the one hand, and, on the other, points in AL, FL, GA, MA, MD, NJ, NC, NY, SC, PA, and VA. (Hearing site: Orlando, FL and Washington, DC.)

MC 145301 (Sub-5F), filed December 18, 1979. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting *chemicals, petroleum products, and plastic materials* (except commodities in bulk), from Wood River, IL, and Texas City and Chocolate Bayou, TX, to points in AL, AR, FL, GA, KS, LA, MO, NC, OK, SC, TN, and TX. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145441 (Sub-86F), filed December 17, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), from Watsonville, CA, to points in KS, OK, MO, IL, IN, MI, OH, PA, NY, and TN. (Hearing site: Little Rock, AR or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145441 (Sub-92F), filed December 28, 1979. Applicant: ACB TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs,* (except commodities in bulk), from those points in NY on and west of Interstate Hwy 81 to points in AR, AZ, CA, ID, GA, OR, WA, KS, FL, OK, and TX. (Hearing site: Little Rock, AR or New York, NY.)

Note:—Dual operations may be involved.

MC 145560 (Sub-12F), filed December 19, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Contract carrier,* transporting *carpet,* from the facilities of Shaw Industries, Inc., at or near Dalton, GA, and the facilities of Philadelphia Carpet Company, at or near Cartersville, GA, to points in TX, NM, UT, AZ, NV, CA, OR and WA, under continuing contract(s) with Shaw Industries, Inc., of Dalton, GA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 145920 (Sub-2F), filed December 14, 1979. Applicant: S.P. CHAISSON TRANSPORT LIMITED, P.O. Box 210, Lameque, N.B. Canada EOB 1VO. Representative: Roger Noel (same address as applicant). *Contract carrier,* in foreign commerce only, transporting *peat moss pots* and *peat moss pellets,* from the ports of entry on the international boundary line between the United States and Canada at Houston, ME to points in CT, DE, GA, IL, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, and VA, under continuing contract(s) with Jiffy Products (N.B.) Ltd., of Shippegan, New Brunswick, Canada. (Hearing site: Portland, OR.)

MC 145990 (Sub-2F), filed December 11, 1979. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Avenue, Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918 - 16th Street, N.W., Washington, DC 20006. Transporting *alcoholic beverages* (except in bulk), from Lawrenceburg, IN, to Waukegan, IL. (Hearing site: Cincinnati, OH, or Chicago, IL.)

MC 146451 (Sub-15F), filed December 19, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circule, N.E., Dothan, AL 36302. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36103. Transporting (1) *steel doors, mirrors, iron and steel molding, hardware, bars, garment hangers, and door frames,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Slimfold Manufacturing Co., Inc., at or near Dothan, AL, on the one hand, and, on the other, points in the United States (except AL, AK, and HI). (Hearing site: Montgomery or Dothan, AL.)

MC 146451 (Sub-16F), filed December 19, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circule, N.E., Dothan, AL 36302. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36103. Transporting (1)(a) *new furniture, cycles, outdoor play equipment, toys, and juvenile care products,* and (b) *parts and accessories* for the commodities named in (1)(a) above, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Hedstrom Company, at or near Dothan, AL, on the one hand, and, on the other, points in the United States (except AL, AK, and HI). (Hearing site: Montgomery or Dothan, AL.)

MC 146761 (Sub-2F), filed December 10, 1979. Applicant: P. J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *such commodities* as are manufactured or dealt in by manufacturers of toilet preparations and costume jewelry, between Chicago, IL, on the one hand, and, on the other, points in CA, WA and OR. (Hearing site: Chicago, IL.)

MC 147110 (Sub-2F), filed December 8, 1979. Applicant: NATIONAL FREIGHTWAYS, INC., 1923 South 111th Street, Omaha, NE 68144. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *iron or steel articles* from Chicago, IL, to points in IA and NE. (Hearing site: Chicago, IL.)

Note.—Dual operation may be involved.

MC 147680 (Sub-2F), filed December 28, 1979. Applicant: RICHARD TARVIN, INC., Rural Route #1, Dewey, IL 61840. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. Transporting (1) *soya products and by-products, and animal and poultry feed,* between the facilities of Central Soya Company, Inc., at Gibson City, IL, and the facilities of United Warehouse at East Peoria, IL, on the one hand, and, on the other, points in IN, (2) *soya products,* from Champaign, IL, to Lafayette, IN, and (3) *soya meal,* from Champaign, IL, to the facilities of Bernard Schmitt & Sons at Poseyville, IN. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 147681 (Sub-8F), filed December 16, 1979. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. 2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *aluminum and zinc alloy ingots,* between Maple Heights, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA and TN (Hearing site: Cleveland, OH, or Washington, DC.)

MC 147831 (Sub-12F), filed December 13, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting *plastic articles,* between the facilities of Universal Packing Corporation, at or near Trenton, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, LA, MS, MO, NC, PA, SC, TX, VA, WI, and IN. Condition: The persons or persons who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is necessary. (Hearing site: Jackson, TN.)

MC 148031 (Sub-4F), filed December 18, 1979. Applicant: G. W. CONTRACT TRUCK HAULERS, INC., 1271 Tacoma Drive, Atlanta, GA 30318. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Contract carrier* transporting (1) *such commodities* as are dealt in or used by distributors of alcoholic beverages, from points in CA and those points in the United States in and east of TX, AR, MO, IA, and MN, to points in GA and FL, (2) *such commodities* as are dealt in by distributors of hotel and restaurants equipment, fixtures, and supplies, from those points in the United States in and east of TX, AR, MO, IA, and MN, to points in GA, and (3) *such commodities* as are dealt in by distributors of foodstuffs and snack items, from those points in the United States in and east of TX, AR, MO, IA, and MN, to points in GA, under continuing contract(s) in (1) above with Valley Distributing Corp., General Wholesale Company, Inc., and General Wholesale Beer Company, all of Atlanta, GA, and General Wholesale Company of Florida, of Jacksonville, FL, in (2) above with Wright Hotel Supply Corporation, of Altanta, GA, and in (3) above with Shurway Distributing Company, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 148201 (Sub-2F), filed December 18, 1979. Applicant: RETAIL LEASING CORP., d.b.a. RETAIL TRANSPORTATION CO., 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Avenue, N.W., Washington, DC 20036. *Contract carrier,* Transporting *such commodities* as are dealt in by retail clothing stores between Miami, FL, Smithville, TN, and Andalusa, AL, on the one hand, and, on the other, Woburn, MA, under continuing contract(s) with Mast Industries, Inc., a wholly-owned subsidiary of The Limited Stores, Inc., of Woburn, MA. (Hearing site: Washington, DC.)

MC 148281 (Sub-8F), filed December 17, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting (1) *such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products and paper and paper products, (except commodities in bulk), (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, between points in CA, OR, and WA, restricted to the transportation of traffic originating at or destined to the facilities of Container Corporation of America. (Hearing site: San Jose or San Francisco, CA.)

MC 148281 (Sub-9F), filed December 20, 1979. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., No. 315, Beverly Hills, CA 90212. Transporting *plastic containers,* from Tacoma, WA to points in CA, CO, OR, and UT. (Hearing site: Tacoma or Seattle, WA.)

MC 148311 (Sub-2F), filed December 27, 1979. Applicant: DELIVERY SERVICES, INC., 3001 S. 45th St., Phoenix, AZ 85040. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *such commodities* as are dealt in by door to door sales businesses, between points in AZ. (Hearing site: Phoenix, AZ.)

MC 148370 (Sub-4F), filed December 21, 1979. Applicant: TRAFIK SERVICES, INC., 11 Newark St., Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). *Contract carrier,* transporting *paper and paper products,* (1) from Brownville, NY, to West Springfield, MA, and points in RI, and (2) from West Springfield, MA, to points in RI, under continuing contract(s) in (1) and (2) above with Whitman Products Ltd., of West Warwick, RI. (Hearing site: Providence, RI.)

Note.—Dual operations may be involved.

MC 148370 (Sub-5F), filed December 28, 1979. Applicant: TRAFIK SERVICES, INC., 11 Newark Street, Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). *Contract carrier,* transporting *steel water tanks,* from the plantsite of Amtrol, Inc., at or near West Warwick, RI, to the plantsite of Gould Pump Company, at or near Seneca Falls, NY, under continuing contract(s) with Amtrol, Inc., of West Warwick, RI. (Hearing site: Providence, RI.)

MC 148490 (Sub-2F), filed December 11, 1979. Applicant: C&N EVANS TRUCKING CO., INC., Route 2, Box 39–E, Stoneville, NC 27048. Representative: Clarence B. Evans (same address as applicant). Transporting *metal containers,* from the facilities of National Can Corporation at Winston-Salem, NC, to Bishopville, SC. (Hearing site: Charlotte or Raleigh, NC.)

MC 148751 (Sub-3F), filed December 21, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *resin cartridges,* from the facilities of Bolt-Lock, Inc., at or near Minnesopolis, MN, to points in AL, NY, PA, and WV. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 148831 (Sub-1F), filed December 28, 1979. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. 1, Tiro, OH 44887. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *plumbing materials,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Ashland, Shelby, and Upper Sandusky, OH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Columbus, OH.)

MC 148861 (Sub-2F), filed December 28, 1979. Applicant: O. M. TALBOT, INC., Route 4, Box 679, South Boston, VA 24592. Representative: O. M. Talbot (same address as applicant). *Contract carrier,* transporting *crushed stone, sand, and dry asphalt,* from the facilities Trego Stone Corporation, at Skippers, VA, to points in Vance, Warren, Franklin, Halifax, Northhampton, Hertford, Bertie, Edgecombe, Nash, Martin, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck

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Counties, NC, under continuing contract(s) with Trego Stone Corporation, of Skippers, VA. (Hearing site: Richmond, VA, or Washington, DC.)

MC 149000 (Sub-3F), filed December 17, 1979. Applicant: JARBOE SALES CO., a partnership, 6929 East Reading Pl., Tulsa, OK 74115. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *furniture parts*, and (2) *materials and supplies* used in the manufacture of furniture parts, (except commodities in bulk), from the facilities of Leggett & Platt Incorporated at or near Carthage and Springfield, MO, to points in IN, KY, OH, and TN. (Hearing site: Tulsa, OK, or Dallas, TX.)

MC 149040 (Sub-2F), filed December 27, 1979. Applicant: BANNER TRANSFER CO., INC., 1403 Rowan Street, P.O. Box 664, Louisville, KY 40201. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract carrier*, transporting (1) *household appliances and parts* for appliances and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Louisville, KY, and Bloomington, IN, under continuing contract(s) with General Electric Company, of Louisville, KY. (Hearing site: Louisville, KY.)

MC 149091F, filed June 28, 1979. Applicant: AVERY TRUCKING CO., INC., 208 Moores Drive, Dahlonega, GA 30533. Representative: Thomas D. Rainey (same address as applicant). *Contract carrier*, transporting (1) *paper articles, and plastic articles, and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk and commodities the transportation of which, because of size and weight, require the use of special equipment), between Albertville and Gasden, AL, Gary and Hammond, IN, New Liberia, LA, Bangor, Lewiston, Portland, and Waterville, ME, Kansas City, MO, Troy, OH, Memphis, TN, and Carrolton, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Keyes Fibre Company, of Waterville, ME. (Hearing site: Atlanta, GA.)

MC 149100F, filed December 14, 1979. Applicant: JAMES V. PALMER d.b.a. JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. Transporting *plastic pipe and fittings*, from the facilities of PLEXCO, Division of Amsted Industries, at or near Fairfield, IA, to points in IL, MN, WI, ND, SD, WY, MT, ID, WA, and OR. (Hearing site: Chicago, IL, or Denver, CO.)

Note.—Dual operations may be involved.

MC 149110F, filed December 13, 1979. Applicant: C. S. T., Inc., One Scout Avenue, South Kearny, NJ. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *dry fertilizer* in containers, from Maumee, Holland, and Toledo, OH, to points in MN, IL, IA, NE, KS, NY, NJ, MA, CT, ME, NH, and PA, restricted to the transportation of traffic originating at the facilities of the Andersons at the named origins. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 149300F, filed December 28, 1979. Applicant: FRANK L. CASTINE, INC., 1235 Chestnut Street, Athol, MA 01331. Representative: Donald R. Castine (same address as applicant). *Contract carrier*, transporting *equipment, materials, and supplies* used in the manufacture, construction, maintenance, and removal of telephones and telephone systems, between points in MA, under continuing contract(s) with New England Telephone Company, of Boston, MA. (Hearing site: Springfield or Boston, MA.)

Passenger

MC 149101F, filed December 17, 1979. Applicant: ALLYN KJARSGAARD, 2725 Fairfax St., Eau Claire, WI 54701. Representative: James L. Nelson, 1241 Pierce Butler Rt., St. Paul, MN 55104. Transporting *passengers and their baggage*, in special and charter operations, between points in Eau Claire, Chippewa, Dunn, Sauk, Columbia, Wood, Dane, Pepin, St. Croix, Piece, Buffalo, Trempeleau, LaCrosse, Jackson, Monroe, Juneau, Portage, and Marathon Counties, WI, on the one hand, and, on the other, points in the United States (including AK but excluding HI.) (Hearing site: St. Paul, MN.)

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Decided: February 27, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 531 (Sub-436F), filed January 14, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *alcohol* in bulk, in tank vehicles, from Muscatine, ID to points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)

MC 531 (Sub-439F), filed January 18, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *petroleum oil*, in bulk, in the tank vehicles, from the facilities of Witco Chemical Corporation, at Houston, TX, to points in St. Louis, MO-East St. Louis, IL, commercial zone. (Hearing site: New Orleans, LA.)

MC 730 (Sub-488F), filed January 21, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 No. Via Monte, Walnut Creek, CA 94596. Representative: E. E. Reddick (same address as applicant). Transporting *chemicals* and *plastic materials*, between the facilities of BASF Wyandotte Corporation at or near Great Meadows, Cranbury, South Brunswick, NJ, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: New York, NY or San Francisco, CA.)

MC 2860 (Sub-195F), filed January 11, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, D.C. 20006. Transporting *such commodities as are dealt in or used by container manufacturers* (except commodities in bulk and those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI). (Hearing site: Washington. DC.)

MC 2860 (Sub-196F), filed January 11, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, D.C. 20006. Transporting *paper and paper products*, and *materials* and *supplies* and *equipment* used in the manufacture and distribution of paper and paper products (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 2860 (Sub-197F), filed January 11, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, D.C. 20006. Transporting *such commodities as are dealt in or used by container manufacturers* (except commodities in bulk and those which because of size or weight require the use of special equipment) between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 2860 (Sub-198F), filed January 14, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, DC 20006. Transporting *such merchandise as is dealt in or used by manufacturers of glassware, closures, plastic articles, china ware and metal products* (except in bulk), between the facilities of Anchor Hocking at points in CA, FL, TX, IL, IN, MD, MI, NJ, OH, PA, and WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 2860 (Sub-199F), filed January 14, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, DC 20006. Transporting *foodstuffs* and *materials, equipment* and *supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk and those which because of size or weight require the use of special equipment), between Grand Prairie, TX, Mechanicsburg and Pittsburgh, PA, Holland, MI, Muscatine, IA, Harrison, NJ, Fremont and Toledo, OH, Greenville, SC, and Jacksonville, FL, on the one hand, and, on the other, points in MN, WI, IA, IL, MO, KS, OK, TX, AR, LA, MS, TN, KY, IN, MI, OH, AL, GA, FL, SC, NC, VA, WV, DE, MD, PA, NJ, NY, CT, RI, MA, and DC. (Hearing site: Washington, DC.)

MC 2860 (Sub-200F), filed January 14, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, DC 20006. Transporting *canned juice and fruit*, from Lakeland, FL, to Charlotte, NC, Forest Park, GA, Hanover, PA, Jersey City, NJ, Liverpool, NY, and Everett, MA. (Hearing site: Washington, DC.)

MC 2860 (Sub-201F), filed January 21, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, DC 20006. Transporting *household appliances*, and *equipment, materials* and *supplies* used in the manufacture of household appliances (except in bulk), between the facilities of General Electric Company at points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 2900 (Sub-415F), filed January 14, 1980. Applicant: RYDER TRUCK LINES, INC., Ranger Division, 2050 Kings Road, P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *sheet steel containers*, from Arden, NC to Fremont, MI. (Hearing site: Charlotte, NC or Washington, DC.)

MC 2900 (Sub-416F), filed January 2, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting: (1) *general commodities*, (except those of unusual value, class A or B explosives, and commodities in bulk) restricted to the transportation of shipments having prior or subsequent movement by water and (2) *empty containers*, between Mobile, AL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Mobile, AL or Atlanta, GA.)

MC 5470 (Sub-214F), filed January 15, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918, 16th Street, N.W., Washington, D.C. 20006. Transporting (1)(a) *ferroalloys, silicon metal, manganese metal, and (b) materials and supplies used in the manufacture* of commodities in (a), in dump vehicles, (a) between the facilities of Foote Mineral Company at or near Graham, WV, on the one hand, and, on the other, points in IA and MN. (b) between the facilities of Foote Mineral Company at or near Graham, WV, and Vanadis, OH, on the one hand, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and TX, (2)(a) *ferroalloys, silicon metal, manganese metal, lithium ores and chemicals, and (b) materials and supplies used in the manufacture* of the commodities in (a), in dump vehicles between the facilities of Foote Mineral Company at or near New Johnsonville, TN, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 10881 (Sub-7F), filed January 14, 1980. Applicant: Dale Meyer Trucking Co., a corporation, P.O. Box 3548, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *oilfield commodities* as described by the Commission in *Mercer Extension-Oilfield Commodities*, 74 MCC 459, between points in Ector County, TX, on the one hand, and, on the other, points in NM, OK, KS, TX, LA, CO, WY, and UT. (Hearing site: Dallas or Odessa, TX.)

MC 35320 (Sub-475F), filed January 2, 1980. Applicant: T.I.M.E.-DC, Inc., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Temperature Equipment Corp., at or near Rockford, IL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 11220 (Sub-195F), filed January 11, 1980. Applicant: GORDONS TRANSPORT, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *plastic and plastic products*, and *equipment, materials*, and *supplies* used in the manufacture and distribution of plastic and plastic products (except commodities in bulk), between the facilities of the Ethyl Corp., at or near Tiptonville, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, PA, TX, WV, and WI. (Hearing site: Baton Rouge, La.)

MC 35320 (Sub-476F), filed January 2, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Anniston, AL, without restriction and Cleveland, TN, as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-477F), filed January 2, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of GK Technologies at or near Bonham, TX, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Dallas, TX or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

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MC 35320 (Sub-478F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Simsco-Turner Inc. at or near Demopolis, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Montgomery, AL or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-479F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Media Press, Inc. at or near Dexter, MO, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Memphis, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-480F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Thompson Tractor Co., at or near Birmingham, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Birmingham, AL or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-481F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Plastic Clad Corp. at or near Birmingham, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Birmingham, AL, or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-483F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Schaefer Corporation at or near Madison, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Huntsville, AL, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-484F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Forklift Repair Service Co. at or near Decatur, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-486F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Laredo, TX, on the one hand, and, on the other Fayetteville and Nashville, TN and Huntsville, AL. (Hearing site: San Antonio, TX, or Nashville, TN.)

MC 35320 (Sub-487F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Jeffreys Steel Co., Inc. at or near Columbus, MS, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-488F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Encino Shirt Company at or near Moulton, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-489F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of CSI-Bendoki, Inc., at or near Santa Ana, CA, on the one hand, and, on the other, Nashua, NH. (Hearing site: Los Angeles or Santa Ana, CA.)

MC 35320 (Sub-490F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Lawrence Corp. at or near Moulton, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-491F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G.

Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of B.I.O. Labs, Inc., at or near Conyers, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-492F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Stevens and Thompson Paper Co., at or near Greenwich, NY, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Albany, NY, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-493F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Veitch Machine Co., Inc. at or near Birmingham, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Birmingham, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-494F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the GAF Corporation at or near Calvert City, KY, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Louisville, KY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-495F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Ft. Dodge, IA, as an off-route point in connection with carrier's otherwise authorized regular route operations, restricted to traffic originating at or destined to the facilities of Centralab Div. Globe Union, Inc. (Hearing site: Ft. Dodge, IA, or Minneapolis, MN.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-496F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Gardner Asphalt Corp. at or near Springville, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Atanta, GA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-525F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of United Paper Co., Inc. at or near New Orleans, LA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: New Orleans, LA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-526F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between the facilities of Abex Corp., at or near Quemahoning Junction, Somerset County, PA on the one hand, and, on the other, points in the United States (except AK & HI), and (b) between the facilities of Abex Corp. at or near Corsicana, TX on the one hand, and, on the other, points in the United States (except AK & HI). (Hearing site: New York, NY or Washington, DC.)

MC 35320 (Sub-527F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Brungart Equipment Co., Inc., Allied Products Division, at or near Birmingham, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Birmingham, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-528F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Barber-Colman Company at or near Huntsville, AL, without restriction, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Huntsville, AL or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-529F), filed January 2, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Nora Flooring Division, Robus Products Corp. at or near Madison, IN, as an off-route point in connection with

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carrier's otherwise authorized regular route operations. (Hearing site: Louisville, KY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-530F), filed January 10, 1980. Applicant: T.I.M.E.–DC, INC., 2588 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes transporting *general commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Nelson and Taylor Co. at or near Gloversville, NY, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Albany, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

–MC 38481 (Sub-21F), filed January 22, 1980. Applicant: FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliffe Street, Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by rail, water or motor vehicle, between points in CT, DE, DC, MD, NJ, PA, and VA. (Hearing site: Philadelphia.)

MC 47171 (Sub-159F), filed January 2, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *textiles*, and *textile products, chemicals dyes* (except in bulk) and *machinery*, equipment and supplies used in the textile industry between Monroe, NC, and points in CT, DE, MA, MD, NJ, NY, PA, and RI. (Hearing site: Washington, DC.)

MC 56270 (Sub-37F), filed January 15, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). Transporting (1) *tow tractors and equipment, materials and supplies* used in the manufacture of tow tractors between Sturgeon Bay, WI, on the one hand, and, on the other points in the U.S. (except AK and HI) (Hearing site: Madison or Milwaukee, WI.)

MC 56640 (Sub-45F), filed January 11, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *non-frozen canned goods*, from the facilities of Campbell Soup Co., at Sacramento, CA, to points in AZ. (Hearing site: San Francisco, CA.)

MC 61401 (Sub-20F), filed January 2, 1980. Applicant: MARX TRUCK LINE, INC., 220 Lewis St., Sioux City, IA 51101. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. *Contract carrier* transporting (1) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and (2) *materials and supplies* used in the installation, manufacture and distribution of the commodities in (1) above, from points in IL, Chicago, IL, points in IN, in the Chicago, IL, Commercial Zone, Milwaukee, WI, Shelby, OH, and St. Louis, MO, to Sioux City, IA, under continuing contract(s) with Prince Manufacturing Company and Sioux City Foundry Company both of Sioux City, IA. (Hearing site: Omaha, NE, or Washington, DC.)

MC 61440 (Sub-183F), filed January 22, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N. W. 63rd Street, Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Brownberry Ovens, Inc., at or near Oconomowoc, WI, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Oklahoma City, OK or Washington, DC.)

MC 61440 (Sub-185F), filed December 10, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except articles of unusual value, classes A&B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, GA, and Birmingham, AL, as an alternate route for operating convenience only, serving no intermediate points, from Atlanta, GA, over Interstate Hwy 20 to Birmingham, AL, and return over the same route serving no intermediate points, (2) between Birmingham, AL, and Dallas, TX, as an alternate route for operating convenience only, serving the intermediate point of Interstate Hwy 20 and Interstate Hwy 59 near Meridian, MS, for purposes of joinder only. From Birmingham, AL, over Interstate Hwy 20 to Dallas, TX, and return over the same route serving the intermediate point of Interstate Hwy 20 and Interstate Hwy 59 near Meridian, MS, for purpose of joinder only. (3) From the junction of Interstate Hwy 20 and Interstate Hwy 59 at or near Meridian, MS, and Beaumont, TX, as an alternate route for operating convenience only, serving no intermediate points and serving the junction of Interstate Hwy 20 and Interstate Hwy 59 near Meridian, MS, as a point of joinder only. From junction of Interstate Hwy 20 and Interstate Hwy 59 at or near Meridian, MS, over Interstate Hwy 59 to the junction of Interstate Hwy 59 and Interstate Hwy 10, then over Interstate Hwy 10 to Beaumont, TX, and return over the same route serving no intermediate points and serving the junction of Interstate Hwy 20 and Interstate Hwy 59 as a point of joinder only. NOTE: The alternate routes sought herein are in connection with carrier's presently authorized regular route operations between Atlanta, GA, and Birmingham, AL, and Dallas and Beaumont, TX, Lee Way's present regular routes are via Atlanta, GA, Birmingham, AL, Nashville, TN, Memphis, TN, Oklahoma City, OK, Dallas, TX, Houston, TX, and Beaumont, TX. (Hearing site: Oklahoma City, OK or Washington, DC.)

MC 64600 (Sub-55F), filed November 6, 1979. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same address as applicant). Over regular routes, transporting *generol commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): (1) Between Norfolk, VA and Edenton, NC over U.S. Hwy 17; (2) between Norfolk, VA and Rocky Mount, NC, from Norfolk over U.S. Hwy 58 to its intersection with VA Hwy 189, then over VA Hwy 189 to its intersection with U.S. Hwy 258, then over U.S. Hwy 258 to its intersection with NC Hwy 97, then over NC Hwy 97 to its intersection with U.S. Hwy 301, then over U.S. Hwy 301 to Rocky Mount and return over the same route. Serving all intermediate points and points in the NC Counties of Camden, Pasquotank, Currituck, Perquimans, Northampton, Halifax, Gates, Chowan, Hertford, Bertie, Edgecombe and Nash as off-route points in connection with routes described in (1) and (2) above. (Hearing site: Norfolk, or Richmond, VA.)

MC 68980 (Sub-22F), filed January 14, 1980. Applicant: CHECKER EXPRESS CO., a Corporation, 6801 South 13th Street, Milwaukee, WI 53221. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those because of size and weight require special equipment), (1) Between St. Louis, MO and Memphis, TN; from St. Louis over Interstate Hwy 55 to junction Interstate Hwy 240, then over Interstate Hwy 240 to Memphis, TN, and return over the same route, serving no intermediate points; (2) Between St. Louis and Kansas City, MO; over Interstate Hwy 70, serving no intermediate points; (3) Between Kansas City, MO and Chicago, IL, from Kansas City, MO over Interstate Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Chicago, IL, and return over the same route serving no intermediate points; (4) Between Chicago, IL and Minneapolis, MN; from Chicago, IL, over Interstate Hwy 90 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 494 or, as an alternate route for operating convenience only, over Interstate Hwy 94 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 494, then over Interstate Hwy 494 to Minneapolis, MN and return over the same route, serving no intermediate points; (5) Between Minneapolis, MN and Milwaukee, WI; from Minneapolis, MN, over Interstate Hwy 494 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI, and return over the same route, serving no intermediate points; (6) Between Milwaukee and Eau Claire, WI, serving LaCrosse, WI, as an off route point, and Madison, WI, as an intermediate point; from Milwaukee over Interstate Hwy 94 to Madison, WI, then over Interstate Hwy 94 to Eau Claire, WI, (with service to LaCrosse, WI, over Interstate Hwy 90 from Madison, WI), and return over the same route, serving no intermediate points except Madison, WI, (7) Between Chicago, IL, and Detroit, MI, over Interstate Hwy 94 serving no intermediate points, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Chicago, IL.)

MC 77061 (Sub-29F), filed January 21, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *steel coils and corrugated pipe and accessories* from the facilities of United States Steel at Pittsburgh, CA, and Pacific Corrugated Pipe at Sacramento, CA to the facilities of Pacific Corrugated Pipe at Springfield, OR. (Hearing site: Portland or Eugene, OR.)

MC 93980 (Sub-87F), filed January 18, 1980. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Transporting *building and roofing materials*, from Manville, NJ, to points in FL, GA, SC, NC, VA, WV, OH, TN and KY. (Hearing site: Washington, DC.)

MC 94430 (Sub-50F), filed December 26, 1979. Applicant: WEISS TRUCKING CO., INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *cement and mortar*, from points in Charlevoix and Emmet Counties, MI, to points in IL, IN, OH and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 95540 (Sub-1145F), filed November 26, 1979. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) between Junction U.S. Hwy 411 and U.S. Hwy 41 at or near Cartersville, GA and Bristol, VA, from Junction U.S. Hwy 411 and U.S. Hwy 41 at or near Cartersville, GA, then over U.S. Hwy 411 to Johnson City, TN, then over U.S. Hwy 19W to Bristol, VA and return over the same route, serving all intermediate points in GA, (2) between Chattanooga, TN and Bristol, VA, (a) from Chattanooga, TN, over Interstate 75 to Knoxville, TN, then over U.S. Hwy 11W to Bristol, VA and return over the same route, (b) from Chattanooga, TN over Interstate 75 to Knoxville, TN, then over Interstate 81 to Bristol, VA and return over the same route, (c) from Chattanooga, TN over Interstate 75 to Cleveland, TN, then over U.S. Hwy 64 to Junction U.S. Hwy 411, then over U.S. Hwy 411 to Johnson City, TN, then over U.S. Hwy 19W to Bristol, VA and return over the same route, serving no intermediate points, (3) between Asheville, NC and Bristol, VA, from Asheville, NC over U.S. Hwy 19 to Junction U.S. Hwy 23, then over U.S. Hwy 23 to Johnson City, TN, then over U.S. Hwy 19W to Bristol, VA and return over the same route, serving all intermediate points in NC, (4) between Charlotte, NC and Bristol, VA, from Charlotte, NC over Interstate 85 to Junction U.S. Hwy 321, then over U.S. Hwy 321 to Bristol, VA and return over the same route, serving all intermediate points in NC, (5) between Charlotte, NC and Bluefield, VA, (a) over Interstate 77, and (b) over U.S. Hwy 21, serving all intermediate points, (6) between Winston-Salem, NC and Bluefield, VA, over U.S. Hwy 52, serving all intermediate points, (7) between Abingdon and Bluefield, VA, over U.S. Hwy 19, serving all intermediate points, (8) between Bristol, VA and Baltimore, MD, from Bristol, VA over Interstate 81 to Junction U.S. Hwy 30 at or near Chambersburg, PA, then over U.S. Hwy 30 to Junction PA Hwy 94, then over PA Hwy 94 to Hanover, PA, then over PA Hwy 94 to Junction MD Hwy 30, then over MD Hwy 30 to Baltimore, MD and return over the same route, serving all intermediate points in VA and Hanover, PA, (9) between Greensboro, NC and Monterey, VA, over U.S. Hwy 220, serving all intermediate points, (10) between Norfolk and Hillsville, VA, over U.S. Hwy 58 serving all intermediate points, (11) between Norfolk and Roanoke, VA, from Norfolk, VA over U.S. Hwy 58 to Junction U.S. Hwy 460 to Roanoke, VA and return over the same route, serving all intermediate points, (12) between Norfolk and Rocky Mt., VA, from Norfolk, VA over U.S. Hwy 58 to Junction U.S. Hwy 460, then over U.S. Hwy 460 to Junction VA Hwy 40, then over VA Hwy 40 to Rocky Mt., VA, and return over the same route, serving all intermediate points, (13) between Norfolk, and Monterey, VA, from Norfolk, VA over Interstate 64 to Junction U.S. Hwy 250 at or near Waynesboro, VA, then over U.S. Hwy 250 to Monterey, VA and return over the same route, serving all intermediate points, (14) between Norfolk and Winchester, VA, from Norfolk, VA over U.S. Hwy 17 to Junction U.S. Hwy 50 at or near Paris, VA, then over U.S. Hwy 50 to Winchester, VA and return over the same route, serving all intermediate points, (15) between Pleasant Hill, NC and Baltimore, MD, from Pleasant Hill, NC over U.S. Hwy 301 to Junction MD Hwy 3, then over MD Hwy 3 to Baltimore, MD and return over the same route, serving all intermediate points in

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NC and VA, (16) between Danville, VA and Baltimore, MD, over U.S. Hwy 29, serving all intermediate points in VA, (17) between Richmond and Harrisonburg, VA over U.S. Hwy 33, serving all intermediate points, (18) between Richmond and Clifton Forge, VA, over U.S. Hwy 60, serving all intermediate points, (19) between Richmond, VA and Baltimore, MD, over Interstate 95 serving all intermediate points in VA, and (2) between Danville and Richmond, VA, over U.S. Hwy 360, serving all intermediate points, (21) between Keysville, VA and Gettysburg, PA, over U.S. Hwy 15, serving all intermediate points in VA and serving Gettysburg, PA for purpose of joinder only, (22) between Rocky Mt., and Lynchburg, VA, from Rocky Mt., VA, over VA Hwy 122 to Bedford, VA, then over U.S. Hwy 221 to Lynchburg, VA and return over the same route serving all intermediate points, (23) between South Hill and Petersburg, VA, over Interstate 85, serving all intermediate points, (24) between Middletown, VA and Hanover, PA, from Middletown over U.S. Hwy 340 to Frederick, MD, then over MD Hwy 194 to the MD-PA State line, then over PA Hwy 194 to Hanover, PA and return over the same route serving all intermediate points in VA and serving Frederick, MD for purpose of joinder only, (25) between Washington, DC and Frederick, MD, over Interstate 270, serving no intermediate points and serving Frederick, MD for purpose of joinder only. (Hearing site: Washington, DC.)

Note.—Service is authorized at all points in VA not on the above-described regular routes, as off-route points in connection with the regular route operations described in (1) through (25) above. The purpose of this application is to convert an existing irregular route authority to regular route and eliminate gateways applicable thereto. Issuance of a certificate is subject to the coincidental cancellation, at applicant's written request, of the outstanding certificate in MC 95540 (Sub-1117).

MC 102150 (Sub-15F), filed January 11, 1980. Applicant: JENSEN TRANSPORT, INC., P.O. Box 368, Albert Lee, MN. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101. Transporting *gasoline and fuel oil*, from the pipeline terminals of Kneb Pipeline Co. and Williams Bros. Pipeline Co., in Dickenson County, IA to points in that part of MN on and east of U.S. Hwy 169 extending from the IA-MN state line to Mankato those on and south of U.S. Hwy 14 from Mankato to Owatonna, and those on and west of U.S. Hwy 218 from Owatonna to the MN–IA state line. (Hearing site: St. Paul, MN.)

MC 103490 (Sub-78F), filed January 21, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *petroleum wax*, in bulk, in tank vehicles, from Petrolia, PA, to Passaic, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 106400 (Sub-121F), filed January 21, 1980. Applicant: KAW TRANSPORT CO., a corporation, P.O. Box 8510, Sugar Creek, MO 64054. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. Transporting *asphalt, asphalt cement, asphalt cutback, and emulsified asphalt*, in bulk, in tank vehicles, from the facilities of Southern States Asphalt Company, Division of Ashland Oil, Inc., at Nevada, MO, to points in KS. (Hearing site: Kansas City, MO.)

MC 106401 (Sub-79F), filed January 14, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting *lighting fixtures*, and *parts* for lighting fixtures, from the facilities of Lithonia Lighting, Division of National Service Industries, at or near Cochran and Conyers, GA to points in VA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 106401 (Sub-80F), filed January 22, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting (1) *iron and steel articles* from the facilities of or used by Formetco., Inc., at Atlanta, GA and at or near Duluth, GA to points in TX and those points in the United States in and east of AR, IA, LA, MN, and MO, and (2) *materials, supplies and equipment*, (except commodities in bulk), used in the manufacture and distribution of iron and steel articles from points in TX and those points in the United States in and east of AR, IA, LA, MN, and MO to the facilities of or used by Formetco, Inc., at Atlanta, GA, and at or near Duluth, GA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 109821 (Sub-67F), filed January 14, 1980. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main Street, Wellsboro, PA 19601. Representative: Dewey T. Whitford, 40 Main Street, Wellsboro, PA 16901. Transporting *chain* and *sprocket drives, sprocket wheels, belting* and *sprocket, electronic controllers, power transmission machinery, clutches, sheaves, wheels, belts, belting, boxes plastic* and *rubber articles;* and *supplies* used in the *manufacture* and *distribution* of the foregoing *commodities*, between the facilities of Morse Chain Co., Div. of Borg Warner Co. at Ithaca, NY, and Florence, KY, on the one hand, and, on the other, points in IN, KY, NJ, NY, OH, PA and WV. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 111231 (Sub-285F), filed January 14, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *glazed building blocks, concrete building blocks*, and *tile*, from Lubbock, TX, to points in AR, KS, LA, MS, OK, NM, AZ, and CO. (Hearing site: Lubbock, TX, or Little Rock, AR.)

MC 111231 (Sub-296F), filed January 15, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting (1) *material handling equipment* and *articles* used or dealt in by manufacturers and jobbers of material handling equipment from points in Ouachita county, AR to points in TX, LA, OK, and MS and (2) *reworked material handling equipment, material, equipment*, and *supplies* used in the manufacture of material handling equipment in the reverse direction.(Hearing site: Camden, or Little Rock, AR.)

MC 111231 (Sub-328F), filed January 18, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *petroleum and petroleum products, vehicle body sealer, and sound deadener compounds (except in bulk)*, from Emlenton, Farmers Valley, and North Warren, PA, Buffalo and North Tonawanda, NY, and Congo and St. Marys, WV, to points in OH, IN, IL, WI, KS, IA, NE, MN, MO, GA, FL, AL, NC, SC, KY, TN, NY, and NJ. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 113651 (Sub-329F), filed January 18, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *such commodities as are dealt in by wholesale, retail, chain stores*, and *food distribution houses*, from Indianapolis, IN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 114290 (Sub-99F), filed January 22, 1980. Applicant: EXLEY EXPRESS, INC., 2610 S.E. Eighth, Portland, OR 97202. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *paper and paper products* from Gardiner, OR, to points in CA. (Hearing site: Portland, OR, or Seattle, WA.)

MC 115180 (Sub-102F), filed January 22, 1979. Applicant: ONLEY REFRIGERATED TRANPORTATION, INC., 265 West 14th Street, New York NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities utilized by Wilson Foods Corporation at Omaha, NE, to points in CT, DE, IA, ME, MD, MA, MN, NH, NJ, NY, OH, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 115311 (Sub-387F), filed January 21, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 56386, Atlanta, GA 30343. Transporting *alcoholic beverages* and *materials, equipment*, and *supplies* used in the manufacture and distribution of alcoholic beverages (except in bulk in tank vehicles) between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, and Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL, or Atlanta, GA.)

MC 115331 (Sub-532F), filed January 14, 1980. Applicant: TRUCK TRANSPORT, INC., 29 Clayton Hills Lane, St Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting *silica sand, silica flour, stone, sand, gravel*, and *sand and gravel with additives*, from St. Louis, MO, and points in St. Charles, St. Louis Jefferson, St. Francois, Perry, Washington, Ste. Genevieve, Lewis and Marion Counties, MO to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: St. Louis, MO.)

MC 115651 (Sub-78F), filed January 14, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 66 11th Street, Washington, D.C. 20001. Transporting (1) *liquid fertilizer*, in bulk, in tank vehicles from Fort Madison, IA and points within ten (10) miles of Fort Madison, IA to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, and (2) *anhydrous ammonia, fertilizer solution and manufactured fertilizer* dry, in bulk from Fort Madison, IA, and points within ten (10) miles of Fort Madison to points in IL, IA, MO, MN, WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 115651 (Sub-79F), filed January 15, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 666 11th Street, Washington, D.C. 20001. Transporting *petroleum products*, in bulk, in tank vehicles from Rockford, IL and points within five (5) miles of Rockford to Clinton, IA. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 115651(Sub-80F), filed January 21, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 666 11th Street, Washington, D.C. 20001. Transporting *white oil*, in bulk, in tank vehicles, from Whiting, IN, to those points in IL on and north of Interstate Hwy. 80 (Hearing site: Chicago, IL Milwaukee, WI.)

MC 115651(Sub-81F), filed January 21, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 666 11th Street, Washington, D.C. 20001. Transporting *petroleum products*, in bulk, in tank vehicles, from Rockford, IL, to points in WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 115931 (Sub-105F), filed January 2, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting: (1)(a) *buildings*, complete, knocked-down or in sections, (b) *building sections and panels*, and (c) *prefabricated metal structural components* from the facilities of American Buildings Co. at Carson City, NV, to points in AZ, CA, CO, ID, MT, NM, OR, TX, UT, WA, and WY; and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and servicing of the commodities named in (1) above, from points in the United States (except AK and HI) to the facilities of American Buildings Co. at Carson City, NV. (Hearing site: Reno or Carson City, NV.)

MC 117730(Sub-75F), filed January 15, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 No. LaSalle, St., Chicago, IL. 60602. Transporting *feed ingredients*, from the facilities of Grain Processing Corporation at or near Muscatine, IA to points in IL, IN, MI, MN, MO, NE, OH, SD, and WI. (Hearing site: Chicago, IL.)

MC 121060 (Sub-108F), filed May 29, 1979, and previously noticed in Federal Register issue of November 29, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *construction materials* and *materials and supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between the facilities of The Celotex Corporation, at or near Lagro, IN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX.

Note: This republication shows Lagro, IN, as an origin or destination State in lieu of Largo, IN. (Hearing site: Tampa, FL, or Washington, DC.)

MC 121060 (Sub-122F), filed January 14, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). Transporting (1)(a) *plastic pipe, plastic pipe fittings and conduits, connections valves*, and (b) *materials and supplies* (except in bulk) used in the installation of commodities in (a) from points in Geneva County, AL, to points in the United States (except AK and HI); and (2) *materials* and *supplies* (except in bulk) used in the manufacture of the commodities named in (1) in the reverse direction. (Hearing site: Montgomery, AL or Washington, DC.)

MC 121470 (Sub-52F), filed January 22, 1980. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 601 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *iron* and *steel articles*, between the facilities of Tennessee Forging Steel Crop., and Newport Steel Corp., a Division of Tennessee Forging Steel, at or near Harriman, TN, and Newport, AR on the one hand, and, on the other, points in AL, MS, GA, NC, SC, VA, PA, IN, IL, KY, FL, OH, WV, TN, MO, AR, and LA. (Hearing site: Nashville, TN.)

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MC 121470 (Sub-53F), filed January 22, 1980. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *pre-engineered and prefabricated buildings*, knocked down, and *accessories* for pre-engineered and prefabricated buildings, from the facilities of Bigbee Steel Buildings, Inc., at or near Muscle Shoals, AL, to points in the United States (except AK and HI.) (Hearing site: Nashville, TN.)

MC 121470 (Sub-54F), filed January 22, 1980. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *iron* and *steel articles*, from the facilities of A. J. Gerrard and Company at or near Florence, AL, to points in IL, KY, and TN. (Hearing site: Nashville, TN.)

MC 124821 (Sub-76F), filed January 21, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *beds, accessories* for beds, *mattresses, bedding*, and *furniture*, from Elizabeth, NJ, to Albany, NY, and those points in NY on and west of U.S. Hwy 11. (Hearing site: Harrisburg, PA.)

MC 124821 (Sub-77F), filed January 21, 1980. Applicant: GILCHRIST, TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *foodstuffs, pet foods*, and *animal feeds*, and (2) *such commodities* as are used in the processing, milling, packaging, manufacture or sale of foodstuffs, pet foods, and animal feeds (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Harrisburg, PA.)

MC 125561 (Sub-4F), filed January 2, 1980. Applicant: SUNNYSIDE TRANSFER, INC., 7th & Railroad (PO box 526), Sunnyside, WA 98944. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which, because of size or weight, require special equipment) (1) Between Yakima, WA, and Walla Walla, WA, serving all intermediate points and the off route points of Moxee City, Harrah, White Swan, Ice Harbor Dam and College Place: (a) from Yakima over U.S. Hwy 12 to Walla Walla and return over the same route; (b) from Yakima over U.S. Hwy 97 to its junction with WA, Hwy 22 at or near Toppenish, WA and then over WA, Hwy 22 to its junction with U.S. Hwy 12 at or near Prosser, thence over U.S. Hwy 12 to Walla Walla and return over the same route; (2) Between Kennewick, WA and Yakima, WA serving all intermediate points and off route points of Moxee City, Harrah, and White Swan: (a) from Kennewick, WA over U.S. Hwy 12 and return over the same route; (b) from Kennewick, WA over U.S. AHwy 12 to its junction with WA Hwy 22 at or near Prosser, WA and then over WA Hwy 22 to its junction with U.S. Hwy 97 at or near Toppenish, WA and then via U.S. Hwy 97 to Yakima, WA and return over the same route. (Hearing site: Seattle, WA or Portland, OR.)

MC 127840 (Sub-158F), filed January 2, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of E. I. DuPont de Nemours and Company, Inc., at Orange, Dowling and Victoria, TX to points in the United States (except AK and HI). (Hearing site: Houston, TX, or Chicago, IL.)

MC 128831 (Sub-15F), filed January 14, 1980. Applicant: DIXON RAPID TRANSFER, INC., Rt. 64 East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting *pitch targets*, from the facilities of Reagent Chemical & Research, Inc. White Flyer Div., at Joplin, MO, and Pittsburgh, PA and Remington Arms Co. at Findlay, OH, to points in IL, IA, MN, IN and MO. (Hearing site: Chicago IL.)

MC 129480 (Sub-51F), filed January 11, 1980. Applicant: TRI-LINE EXPRESSWAYS LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, Canada T2H 2J1. Representative: Richard S. Madelson, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *glass*, from points in CA (except Lathrop) to ports of entry on the international boundary line between the United States and Canada. (Hearing site: San Francisco, CA.)

MC 134030 (Sub-2F), filed January 14, 1980. Applicant: ATLANTIC MOVING & STORAGE, INC., 1314 Chattanhoochee Ave., N.W., Atlanta, GA 30318. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Transporting *household goods*, as defined by the Commission, between points in GA, FL, and TX, on the one hand, and, on the other, points in GA, FL, TX, LA, NC, SC, AL, MS, KY, TN, AR, and OK. (Hearing site: Atlanta, GA.)

MC 135070 (Sub-146F), filed January 22, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *bananas*, and (2) *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from Charleston, SC, to points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, SD, WV, and WI. (Hearing site: New York City, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-147F), filed January 22, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs*, (except commodities in bulk), from New Orleans, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-148F), filed January 22, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *meats, meat products and meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Royal Packing Company, at or near National Stockyards, IL, and St. Louis, MO, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY. (Hearing site: E. St. Louis, IL or Dallas, TX.)

Note.—Dual operations are be involved.

MC 135231 (Sub-41F), filed December 26, 1979. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *cleaning and polishing compounds, textile softeners, lubricants, hypoclorite solution, deodorants, disinfectants, paints, stains, varnishes, plastic bags and filters* and (2)

materials, supplies and equipment used in the manufacture of the commodities named in (1) above, (except commodities in bulk) between the facilities of Economics Laboratory, Inc., at or near San Jose and City of Industry, CA; Detroit, MI; Joliet, IL; Beloit, WI; St. Paul, MN; Garland, TX; Hanover, PA; Woodbridge, Palisades Park and South Plainfield, NJ on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 136291 (Sub-20F), filed January 11, 1980. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., (CPD, INC.), 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract carrier*, transporting *liquid argon, liquid nitrogen and liquid oxygen*, in shipper owned trailers, from Ecorse, MI, to points in IN, KY, OH, and PA on and west of U.S. Hwy 219, under continuing contract(s) with Union Carbide Corporation, of New York, NY. (Hearing site: Washington, DC or Miami, FL.)

MC 136291 (Sub-21F), filed January 11, 1980. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., (CPD, INC.), 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract carrier*, transporting *liquid argon, liquid nitrogen and liquid oxygen*, in shipper owned trailers, from (1) Burns Harbor, East Chicago and Gary, IN to points in OH, MI, and KY, and (2) Ashtabula and Lorain, OH to points in MI, IN and KY, under continuing contract(s) with Union Carbide Corporation, of New York, NY. (Hearing site: Washington, DC or Miami, FL.)

MC 136771 (Sub-5F), filed January 2, 1980. Applicant: HY-WAY TRANSIT, INC., Route 1, Cedar Grove, WI 53013. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Contract carrier* transporting (1) *steel wire*, in coils, from Saukville, WI, to points in IL, IN, IA, MI, MN and OH, and (2) *steel billets*, in the reverse direction, under continuing contract(s) with Charter Rolling Division of Charter Manufacturing Company, Inc., of Saukville, WI. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 138181 (Sub-9F), filed January 18, 1980. Applicant: TRANSPORT EXPRESS, INC., Box 663, Dodge City, KS 67801. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *liquid fertilizer solutions* from points in Finney County, KS to points in CO, OK, and TX. (Kansas City, MO.)

MC 138510 (Sub-13F), filed February 6, 1980. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue and Aloe Street, Pomona, NJ 08240. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Contract carrier* transporting *malt beverages*, in containers, from Albany, GA to Pleasantville and Wildwood, NJ under continuing contract(s) with South Jersey Distributors Co., Inc., of Pleasantville, NJ. (Hearing site: Philadelphia, PA.)

MC 141500 (Sub-11F), filed January 14, 1980. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract carrier*, transporting *coal*, from Ashland, Green Bay, Prairie du Chien, Sheboygan, and Superior, WI, to points in IL, IA, MN, and the Upper Peninsula of MI, under continuing contract(s) with The C. Reiss Coal Co., of Sheboygan, WI. (Hearing site: Milwaukee, WI.)

MC 141700 (Sub-2F), filed December 26, 1979. Applicant: KENNETH G. SCHUCK d.b.a. KENNETH SCHUCK TRUCKING, R.D. 8, Blue Barn Rd., Box 392, Allentown, PA 18104. Representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104. *Contract carrier* transporting (1) *plastic pipe, plastic ducts, and plastic tubes*, (2) *fittings and attachments* for the commodities in (1) above, and (3) *materials and supplies* used in the installation of the commodities in (1) and (2) above (a) from the facilities of Carlon An Indian Head Company at Nazareth, PA, to points in DE and VT and (b) in the reverse direction under continuing contract(s) with Carlon An Indian Head Company of Nazareth, PA. (Hearing site: Allentown or Philadelphia, PA.)

MC 141981 (Sub-2F), filed October 3, 1979. Applicant: BATES TRUCK LINE, INC., 507 Slocum St., Lancaster, OH 43130. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12214, Columbus, OH 43212. Transporting (1) *such commodities* as are dealt in by manufacturers of glass, plastic, metal products and chinaware, and (2) *materials and supplies* used in *their manufacture*, between points in DC, IL, IN, KY, MD, OH, PA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of or used by Anchor Hocking Corporation and its subsidiaries. (Hearing site: Columbus, OH, or Washington, DC.)

MC 142920 (Sub-5F), filed October 1, 1979. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sound, communications, educational, and entertainment materials (except in bulk), (1) between points in CT, DE, NJ, NY, and PA, on the one hand, and, on the other, points in IL and IN and (2) between points in IL, on the one hand, and, on the other, points in IN under continuing contract(s) with RCA Corp. of Cherry Hill, NJ. (Hearing site: New York, NY.)

MC 142920 (Sub-14F), filed January 11, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center. *Contract carrier*, transporting *such commodities* as are dealt in or used by manufacturers and distributors of sound, communications, educational and entertainment materials (except in bulk), between points in GA and NC, on the one hand, and, on the other, points in CA, CT, IL, IN, NJ and NY, under continuing contract(s) with CBS, Inc. of New York, NY. (Hearing site: New York, NY.)

MC 143300 (Sub-3F), filed October 19, 1979. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, StanleyTown, VA 24168. Transporting (1) *new furniture, furniture parts, materials and supplies used in the manufacture of new furniture*, and *machinery*, from the Norfolk, VA to points in Henry County, VA, and (2) *new furniture*, from points in Henry and Smyth Counties, VA to the Norfolk, VA. (Hearing site: Roanoke, VA or Washington, DC.)

MC 143331 (Sub-15F), filed January 21, 1980. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier* transporting *insulating materials*, from Fruita, CO to points in TX, under continuing contract(s) with Pabco Insulation Division of Louisian Pacific Corporation, of Fruita, CO. (Hearing site: Los Angeles, CA.)

MC 143471 (Sub-22F), filed January 21, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 West Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract carrier* transporting *lumber and lumber products* (a) from points in AR, TX, OK, LA and MS to the facilities of Whitewood Post and Pole at

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Whitewood, SD, and (b) from the facilities of Whitewood Post and Pole at Whitewood, SD to points in IA, MN, NS, MT, WI, WY and CO under continuing contract(s) with Whitewood Post and Pole Co., Inc., of Whitewood, SD. (Hearing site: Rapid City or Whitewood, SD.)

MC 144630 (Sub-40F), filed January 21, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities as are dealt in by wholesale and retail grocery stores* (except in bulk), from Chicago, IL to points in IN and KY. (Hearing site: Indianapolis, IN, or Columbus, OH.)

MC 144821 (Sub-5F), filed January 2, 1980. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: Ray Ellsworth (same address as applicant). Transporting *such materials and supplies* as are used in the manufacturing of paper cores and tubes from Rockton, IL to Louisiana, MO, restricted to the transportation of traffic originating at and destined to facilities utilized by Sonoco Products Co. (Hearing site: St. Louis, MO or Washington, DC.)

MC 144821 (Sub-7F), filed January 21, 1980. Applicant: FREEDOM FREIGHTWAYS, INC., P.O. Box 5850, St. Louis, MO 63134. Representative: Raymond Ellsworth (same address as applicant). Transporting *such commodities as are dealt in or used by automotive and truck service centers and retail or wholesale business houses*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities utilized by Texstar Automotive Distribution Group. (Hearing site: St. Louis, MO or Washington, DC.)

MC 145150 (Sub-11F), filed December 13, 1979. Applicant: HAYNES TRANSPORT CO. INC., P.O. Box 9, R.R. 2, Saline, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *liquid fertilizer solutions*, from points in Finney County, KS to points in CO, OK, and TX. (Hearing site: Kansas City MD.)

MC 145441 (Sub-91F), filed January 10, 1980. Applicant: A. C. B. TRUCKING, INC., P.O. Box 5130, No. Little Rock, AR 72119. Representative: Ralph E. Bradbury, (same address as applicant). Transporting *such commodities as are dealt in by wholesale retail discount and variety stores*, from points in the United States (except AK and HI), to the facilities of Wal-Mart Stores, Inc., at points in AR and TX. (Hearing site: Little Rock, AR or Tulsa, OK.)

MC 145481 (Sub-17F), filed January 18, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 2800 Energy Center One, 717 17th Street, Denver, CO 80202. Transporting *plastic articles*, from (1) Warren, PA, to Bound Brook, NJ, and (2) from Bound Brook, NJ, to the facilities of Eli Lilly and Company at Atlanta, GA, Indianapolis, IN, and Enfield, CT. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 145541 (Sub-5F), filed October 1, 1979. Applicant: SUNWAY CORP., 118 W. Main St., Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Transporting (1) *new furniture, and furniture parts* and (2) *materials* used in the manufacturing of new furniture, between points in Appomattox County, VA and those in Caldwell, Catawba, Davidson, Forsyth, and Guilford Counties, NC, on the one hand, and, on the other, points in CO, ID, MT, NV, NM, OR, UT, WA and WY. (Hearing site: Charlotte or Thomasville, NC.)

MC 145981 (Sub-22F), filed January 21, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *foodstuffs*, and *materials, equipment*, and *supplies* used in the manufacture and sale of foodstuffs (except commodities in bulk), between points in NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 145981 (Sub-25F), filed November 9, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals and cleaning compounds* (except commodities in bulk), between points in NJ on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 145981 (Sub-26F), filed December 18, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of paper and paper products (except commodities in bulk), between points in NJ on the one hand, and, on the other, points in CA, CT, ME, MD, MA, NH, NY, PA, RI, VA, and DC. (Hearing site: New York, NY or Washington, DC.)

MC 146730 (Sub-7F) filed January 24, 1980. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 195, Sedalie, MO 65301. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Transporting *electrical switchgear, electrical transformers, electrical sub-stations, fencing material, iron steel articles, aluminum articles, shelter aisle switchgear, breaker sleds, bases, switching sleds, and installation equipment* between the facilities of Central Electric Manufacturing, at or near Fulton, MO, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Jefferson City or Fulton, MO.)

MC 147831 (Sub-19F), filed January 14, 1980. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting *foodstuffs* (except in bulk), and *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between the facilities of J. Hungerford Smith Co., Inc., at or near Humboldt, TN, on the one hand, and, on the other, points in the United States (except AK and HI.) (Hearing site: Jackson, TN.)

MC 148000 (Sub-4F), filed January 21, 1980. Applicant: C. H. DREDGE & CO., INC., 918 South 2900 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting *plastic containers*, from the facilities of Trinadad Corporation at or near Las Vegas, NV, to Salt Lake City, UT. (Hearing site: Las Vegas, NV.)

MC 148161 (Sub-2F), filed January 7, 1980. Applicant: DANA TRUCKING, INC., P.O. Box 167, Wheelersburg, OH 45694. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Contract carrier* transporting (1) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 766 and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk) between Huntington, WV, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Connors Steel Co., of Huntington, WV. (Hearing site: Charleston, WV.)

MC 148351 (Sub-3F), filed December 26, 1979. Applicant: MANKE TRUCK LINE, INC., 2550 Boynton Lane, Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *insulation materials*, from points in Gleen and Riverside Counties, CA, to points in NV, ID, OR, WA and UT. (Hearing site: Reno, NV.)

MC 148421 (Sub-2F), filed January 21, 1980. Applicant: WHITEROCK HAULING, INC., 2808 Martin Luther King, Jr. Blvd., Columbus, GA 31906. Representative: Kenneth M. Henson, Jr., P.O. Box 2604, Columbus, GA 31902. Transporting (1) *sand, gravel, crushed stone, rock, fill dirt, and borrow pit materials*, between Fortson, Harris County, GA, on the one hand, and, on the other, points in Chambers, Russell, Lee, Macon, Barbour, Bullock, Houston, Dale, and Henry Counties, AL; (2) *sand and gravel* between points in Macon County, AL, on the one hand, and, on the other, points in Muscogee County, GA; (3) *lime* between points in Lee County, AL, on the one hand, and, on the other, points in Muscogee County, GA; (4) *lime* between points in Muscogee County, GA, on the one hand, and, on the other, points in Russell County, AL; (5) *lightweight aggregate materials* between points in Clay County, GA, on the one hand, and, on the other, points in Franklin, Gadsden, Liberty, Wakulla, Leon, Jefferson, Madison, Taylor, Hamilton, Suwanee, Lafayette, Columbia, Gulf, Bay, Calhoun, Jackson, Holmes, Washington, Walton, Okaloosa, Santa Rosa, and Escambia Counties, FL. (Hearing site: Atlanta, GA.)

MC 148620 (Sub-1F), filed January 14, 1980. Applicant: K. G. L. CONTRACTING SERVICES, INC., 2270 S. W. 36th St., Fort Lauderdale, FL 33312. Representative: John T. Bond, Suite 410, Hollywood Federal Bldg., 909 South State Road 7, Hollywood, FL 33023. *Contract carrier*, transporting (1) *commodities* (a) used in the operation and maintenance of clinical diagnostic laboratory instruments, and (b) used in the collection, preservation, and analysis of human laboratory specimens, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) and (b) (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Coulter Diagnostics, at Hialeah, FL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contracts(s) with Coulter Diagnostics, Division of Coulter Electronics, Inc., of Hialeah, FL. (Hearing site: Miami, FL.)

MC 148731 (Sub-1F), filed January 7, 1980. Applicant: MINKEVITCH TRUCKING & HAULING, INC., 1217 Cross St., Ogden, UT 84404. Representative: Fred J. Minkevitch Jr. (same address as applicant). *Contract carrier* transporting (1) *salt and salt products, and* (2) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed loads with commodities in (1) from the facilities of Lake Crystal Salt Co. at or near Saline, and Ogden, UT, to points in AZ, CA, CO, ID, MT, NE, NV, NM, OR, SD, UT, WA, and WY, under continuing contract(s) with Lake Crystal Salt Co., subsidiary of Processed Minerals Incorporated, of Hutchinson, KS. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 148890 (Sub-2F), filed January 11, 1980. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Road, Bronx, NY 10469. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. *Contract carrier*, transporting *coin and currency* between New York, NY, on the one hand, and, on the other, Culpeper, VA, Philadelphia, PA, Boston, MA, and points in Sussex, Warren, Hunterdon, Mercer, Monmouth, Salem, Middlesex, Somerset, Morris, Passaic, and Bergen Counties, NJ, under continuing contract(s) with the Federal Reserve Bank of New York, of New York, NY. (Hearing site: New York, NY.)

MC 148930F, filed January 22, 1980. Applicant: AERO DELIVERIERS, INC., 529 Gidley Drive, P.O. Box 416, Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract carrier*, transporting *brushes, household and industrial compounds, mops, and toilet preparations*, between the facilities of Fuller Brush Company, at Great Bend, KS, on the one hand, and, on the other hand, points in ND, SD and MI, under continuing contract(s) with Fuller Brush Company, of Great Bend, KS. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 149161 (Sub-1F), filed January 2, 1980. Applicant: FOREST PARK AND MAIN STREET WRECKERS, INC., 5013 Courtney Dr., Forest Park, GA 30050. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting: *wrecked and disabled trucks; wrecked and disabled tractors; and wrecked and disabled trailers and replacement vehicles;* (1) from points in FL, AL, MS, KY, TN, NC, SC, and VA to Atlanta, GA; and (2) from Atlanta, GA to points in FL, AL, MS, KY, TN, NC, SC, and VA. (Hearing site: Atlanta, GA.)

MC 149170 (Sub-1F), filed January 2, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60604. Transporting: (1) *electric ranges and microwave ovens, and parts and accessories* from Minneapolis, MN, and Sioux Falls, SD, to points in the United States, (except AK and HI) and (2) *Commodities* used in the manufacture, sale and distribution of (1) above, (except commodities in bulk) from points in the United States, (except AK and HI) to Minneapolis, MN, and Sioux Falls, SD, restricted to traffic originating at or destined to Litton Microwave Cooking in Minneapolis, MN, and Sioux Falls, SD. (Hearing site: Chicago, IL.)

Note.—Common control may be involved.

MC 149290F, filed January 14, 1980. Applicant: GARY G. BUNDAY, d.b.a. GARY BUNDAY TRUCKING, 1710 Terrace Avenue, Bozeman, MT 59715. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. Transporting *oil burning lamps and lamp oil* (except in bulk in tank vehicles) from the facilities of Holliwick Incorporated at or near Manlius, NY, to points in CA, OR, and WA. (Hearing site: New York, NY.)

MC 149291F, filed January 15, 1980. Applicant: WILEY BROS., R.R. 2, Tottenham, Ontario, Canada LOG1WO. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. *Contract carrier* transporting *wheat byproducts* between the port of entry on the international boundary line between Canada and the United States at St. Clair, MI, points in MI, and NY, on the one hand, and, on the other Battle Creek, MI, Chicago, IL, and Minneapolis, MN under continuing contract(s) with Hayhoe Mills, Ltd. of Ontario, Canada. (Hearing site: Buffalo, NY.)

MC 149310F, filed January 23, 1980. Applicant: JERRY NEWMAN & SON LTD., R.R. 1, Cottam, Ontario, Canada NOR 1B0. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC 20005. Transporting *food and vegetable wastes, soybean meal, dried distiller's grain and apple and tomato pumice*, from the port of entry on the international boundary line between the United States at Detroit, MI, to points in that part of MI on and within a line running on the south over the MI–OH–IN state boundary lines, on the west over MI Hwy 27 and on the north over MI Hwy 10 to its junction with MI Hwy 25, then over MI Hwy 25 to its junction with MI Hwy 29, and then

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over Hwy 94 to the port of entry at Detroit, MI. (Hearing site: Detroit, MI.)

MC 149311F, filed January 24, 1980. Applicant: RADFORD TRANS., INC., Oceana Way, Norwood, MA 02062. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract carrier* transporting (1) *such commodities* as are dealt in by manufacturers of photographic devices and film and supplies and (2) *materials and equipment* used in the manufacture and distribution of commodities in (1) (except commodities in bulk, in tank vehicles), between points in MA, on the one hand, and, on the other, points in ME, NH, VT, RI, CT, NY, and NJ, under continuing contract(s) with Polaroid Corporation, of Needham Heights, MA. (Hearing site: Boston, MA.)

MC 149350F, filed February 15, 1979. Applicant: GOPHER FREIGHT LINES, INC., 1931 East 27th St., Vernon, CA 90058. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting *general commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which require special equipment) between points in CA. (Hearing site: Los Angeles, CA.)

Passengers

MC 134961 (Sub-2F), filed January 22, 1980. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. *Contract carrier,* transporting *passengers and their baggage, in the same vehicle with passengers,* in charter operations beginning and ending at points in Bergen and Hudson Counties, NJ, Nassau County, NY, and New Rochelle, NY, Bridgeport, Hartford, Meriden, Middletown, New Haven and Stamford, CT, and Springfield, MA, and extending to points in the U.S. (excluding AK but excluding HI) under continuing contract(s) with Parker Tours, Inc., of New York, NY. (Hearing site: New York, NY, or Newark, NJ.)

Note.—Dual operations are involved.

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Decided: February 28, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 200 (Sub-438F), filed January 10, 1980. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Over regular routes, transporting *general commodities* (except articles of unusual value, classes A & B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment), (1) beteen Louisville, KY, and Atlanta, GA, from Louisville, over Interstate Hwy 65 to Nashville, TN, then over Interstate Hwy 24 to junction Interstate 59, then over Interstate Hwy 59 to Chattanooga, TN, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route; (2) between St. Louis, MO, and Atlanta, GA, from St. Louis, over Interstate Hwy 64 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 68, then over U.S. Hwy 68 (or Interstate Hwy 24 when this segment is completed) to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Chattanooga, TN, then over Interstate Hwy 75 to Atlanta, and return over the same route; (3) between Louisville, KY, and Montgomery, AL, from Louisville, over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 (or Interstate Hwy 65 when this segment is completed), to junction Interstate Hwy 65, then over Interstate Hwy 65 to Montgomery, and return over the same route; (4) between St. Louis, MO, and Montgomery, AL, from St. Louis, over Interstate Hwy 64 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 68, then over U.S. Hwy 68 (or Interstate Hwy 24 when this segment is completed) to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, TN, then over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 (or Interstate Hwy 65 when this segment is completed) to junction Interstate Hwy 65, then over Interstate Hwy 65 to Montgomery, and return over the same route; (5) between St. Louis, MO and New Orleans, LA, from St. Louis over Interstate Hwy 55 to junction U.S. Hwy 52, then over U.S. Hwy 51 (or Interstate Hwy 55 when this segment is completed) to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route; (6) between Joplin, MO, and New Orleans, LA, from Joplin, over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route; (7) between Dallas, TX, and New Orleans, LA, from Dallas, over Interstate Hwy 20 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy 190 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route. *Restriction:* Operations over the 7 routes described above are restricted against service at any intermediate points, and no service is authorized between the termini except for the purpose of interline only. (Hearing site: Kansas City, MO.)

MC 720 (Sub-78F), filed February 4, 1980. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *such commodities* as are dealt in by food stores, drug stores, hospitals, and cosmetic dealers, discount and variety stores, and grocery houses (except in bulk), from the facilities used by Bristol-Myers Company at Chicago, IL to Minneapolis, MN. Restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 730 (Sub-485F), filed January 10, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). Transporting *petroleum products,* in bulk, in tank vehicles, from points in CA to points in OR and WA. (Hearing site: San Francisco, CA, or Los Angeles, CA.)

MC 730 (Sub-486F), filed January 10, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). Transporting *alcohol,* in bulk, in tank vehicles, from Bellingham, WA, to points in the United States (except AK and HI). (Hearing site: Seattle, WA, or Portland, OR.)

MC 730 (Sub-487F), filed January 10, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). Transporting *petroleum products,* in bulk, in tank vehicles, from New Orleans, LA to points in CA. (Hearing site: San Francisco, CA, or Los Angeles, CA.)

MC 730 (Sub-491F), filed February 8, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: R.N Cooledge (same addresse as applicant). Transporting *chemicals,* in bulk, from Casper, WY to points in AZ, CA, CO, ID, MT, NV, NM, OR, ND, UT, WA, and WY. (Hearing site: Salt Lake City, UT, or Chicago, IL.)

MC 941 (Sub-7F), filed February 19, 1980. Applicant: McCRACKEN BROS. MOTOR FREIGHT, INC., 3147 N.W., Front Ave., Portland, OR 97210. Representative: Robert R. Hollis, 400 Pacific Bldg., Portland, OR 97204. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Eugene, OR and the junction of the OR-CA State line and Interstate Hwy 5, over Interstate Hwy 5, serving all intermediate points in Douglas County and intermediate and off-route points in Josephine and Jackson Counties, and between Eugene, OR, and Coos Bay, OR, via Interstate Hwy 5, or Hwy 38 and U.S. Hwy 101, serving intermediate and off-route points in Coos County. (Hearing site: Portland or Eugene, OR)

MC 1041 (Sub-2E), filed January 9, 1980. Applicant: B. N. CORKUM TRANSPORTATION CO., a corporation, 326 Ballardville Street, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *such commodities as are dealt in by grocery and food business houses and retail and discount department stores* (except commodities in bulk), from Andover, Lawrence, and Wilmington, MA, to points in ME, and (2) *paper and paper products,* from Winslow and Westbrook, ME, to points in MA. (Hearing site: Boston, MA)

MC 3261 (Sub-16F), filed January 3, 1980. Applicant: Powell Truck Line, Inc., 800 S. Main Street, Searcy, AR 72413. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *hydraulic pumps, hydraulic cylinders, and machinery and equipment related thereto,* between Benton, AR and Memphis, TN. (Hearing site: Searcy, AR or Memphis, TN.)

MC 3581 (Sub-24F), filed February 19, 1980. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, N.E., Suite 107, Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting *passenger automobiles and trucks* in Springfield, OH, to points in the U.S. (except AK and HI). (Hearing Site: Chicago, IL.)

MC 5470 (Sub-212F), filed January 8, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *direct reduced iron,* in dump vehicles, (1) between ports of entry in ME, NH, MA, RI, CT, NY, PA, DE, MD, DC, VA, NC, SC, GA, NJ, FL, AL, MS, LA, and TX, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) between Coatesville, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 11220 (Sub-194F), filed January 8, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cottondale, Moundville, and Tuscaloosa, AL, as an off-points in connection with carrier's authorized regular route operations from and to Birmingham, AL. (Hearing site: Birmingham, AL.)

MC 11220 (Sub-196F), filed January 23, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101.Transporting (1) *non ferrous metals* from the facilities of ASARCO Incorporated and Federated Metals Corporation, subsidiary of ASARCO Incorporated, at or near (a) Amarillo, Corpus Christi, and Houston, TX; (b) Omaha, NE; (c) Glover, MO; (d) Sand Springs, OK; (e) Whiting, IN; (f) Newark and Trenton, NJ; (g) San Francisco, CA; (h) Hillsboro, IL; and (i) Columbus, OH to points in the U.S. (except AK and HI); and (2) *materials and supplies* used in the manufacture and distribution of non ferrous metals in the reverse direction, restricted to the transportation of shipments originating at or destined to the named facilities. (Hearing site: St. Louis, MO.)

MC 11220 (Sub-197F), filed January 23, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *cement pipe and fittings for cement pipe* from the facilities of Cement Asbestos Products Company (subsidiary of ASARCO Incorporated), at or near Ragland, AL, to those points in the U.S. in and east of MN, IA, MO, AR, and TX. (Hearing site: St. Louis, MO.)

Note.—The authority sought could be joined with applicant's regular route authority at points in AR, MO and TX to serve presently authorized points in KS and OK.

MC 13471 (Sub-11F), filed January 8, 1980. Applicant: WILEY'S AUTO EXPRESS, INC., Oak Lane & Mac Dade Blvd., Glenolden, PA 19036. Representative: Fred E. Wiley, Jr. (same address as applicant). *Contract carrier* transporting (1) *petroleum products, in containers and articles used or sold in service stations* from Philadelphia, PA to points in OH, Morgantown, WV and New Martinsville, WV; and (2) *products, and used service station equipment* returned in the reverse direction under a continuing contract with Gulf Oil Co.—U.S. of Columbus, OH. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 19311 (Sub-68F), filed January 17, 1980. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Over *regular* routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Janesville, WI, and Milwaukee, WI, from Milwaukee over WI Hwy 15 to junction U.S. Hwy 14, then over U.S. Hwy 14 to Janesville, and return over the same route, serving no intermediate points, and (2) between South Beloit, IL, and Janesville, IL, over Interstate Hwy 90, serving no intermediate points. (Hearing site: Madison, WI, or Milwaukee, WI.)

MC 29910 (Sub-248F), filed January 10, 1980. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of International Electric Corporation at or near San Marcos, TX, as an off-route point in connection with carrier's authorized regular-route operations between Dallas, TX, and San Antonio, TX. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Applicant intends to tack this authority.

MC 29910 (Sub-249F), filed January 7, 1980. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting *general commodities* (except those of unusual

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value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Ballanoff Home Products at or near Columbiana, OH, as an off-route point in connection with Carrier's authorized regular-route operations at Youngstown, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Applicant intends to tack this authority.

MC 29910 (Sub-250F), filed January 23, 1980. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AK 72902. Transporting *buildings, building panels, building parts* and *materials, accessories* and *supplies* used in the installation and construction of buildings, building panels, and building parts between the facilities of Butler Manufacturing Company at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Butler Manufacturing Company. (Hearing site: Dallas, TX, or Washington, DC.)

MC 35320 (Sub-482F), filed January 2, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of American Pipe & Supply Co., Inc., at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL, or Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 35320 (Sub-497F), filed January 3, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408l. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), serving the facilities of Rockwell International Corp, at or near New Castle, PA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-498F), filed January 3, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Jaxton Manufacturing Corp. at or near Glens Falls, NY as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Albany, NY or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-499F), filed January 3, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Decatur Ford Tractor, Inc. at or near Decatur, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-500F), filed January 3, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Shoe Den at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-501F), filed January 3, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Utility Supply of America, Inc. at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-519F), filed January 10, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Cullman Supply Co., at or near Cullman, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

Note.—Applicant intends to tack with its existing authority.

MC 35320 (Sub-520F), filed January 8, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Owens-Corning Fiberglas Corp. at or near Huntsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Huntsville, AL.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-548F), filed February 6, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Langs Sporting Goods at or near Auburn, Decatur, Huntsville, Muscle Shoals, Russellville and Tuscaloosa, AL, as of-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Huntsville, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-549F), filed February 6, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Specialty Tubing Co. at or near Hungsville, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Huntsville, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-550F), filed February 6, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Litton UHS von Gal at or near Montgomery, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Montgomery, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-551F), filed February 6, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Riceland Foods Inc. at or near Stuttgart, AR, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Little Rock, AR or Memphis, TN.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-552F), filed February 6, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Riceland Foods Inc. at or near Montgomery, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Montgomery, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-553F), filed February 6, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Long-Lewis Hardware Co. at or near Birmingham, AL as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-554F), filed February 6, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Nelson Paint Co. at or near Montgomery, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Montgomery, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-556F), filed February 6, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the True-Line Manufacturing Co. at or near Decatur, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 53841 (Sub-39F), filed January 17, 1980. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *aluminum ingots and zinc alloy ingots* from Maple Heights, OH, to points in CT, IN, IL, NJ, NY, and PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 56270 (Sub-36F), filed January 7, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., (a corporation), 1401–55 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). Transporting *iron or steel pipe, equipment, materials, and supplies used in the manufacture of iron and steel pipe* between Carrollton, GA, and East Troy, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison, or Milwaukee, WI.)

MC 56640 (Sub-46F), filed February 14, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *foodstuffs, and materials, equipment and supplies* used in the manufacture and distribution of foodstuffs (except in bulk), from the facilities of Ocean Spray Cranberries, Inc. at or near Markham and Aberdeen, WA to points in CO, CA, UT, and AZ. (Hearing site: Seattle, WA or San Francisco, CA.)

MC 59241 (Sub-10F), filed January 22, 1980. Applicant: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. Transporting *paper* and *paper products,*

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between the facilities of Scott Paper Company at or near Philadelphia, PA, on the one hand, and, on the other, points in Sussex County, DE. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 61401 (Sub-21F), filed February 8, 1980. Applicant: MARX TRUCK LINE, INC., 220 Lewis, Sioux City, IA 51101. Representative: Robert A. Wicsher, P.O. Box 417, Sioux City, IA 51102. Contract carrier transporting (1) *ceramic tile, acoustical tile, artificial turf, neoprene foam padding and floor coverings*, and (2) *materials and supplies* used in the installation, manufacture, and distribution of the commodities named in (1) above, from points in IL to Sioux City, IA, under a continuing contract(s) with Curry Floor and Acoustics, Inc., of South Sioux City, NE. (Hearing site: Omaha, NE or Chicago, IL.)

Note.—Dual operations may be involved.

MC 61401 (Sub-22F), filed February 8, 1980. Applicant: MARX TRUCK LINE, INC., 220 Lewis, Sioux City, IA 51101. Representative: Robert A. Wicsher, P.O. Box 417, Sioux City, IA 51102. Authority sought to operate as a *contract carrier*, transporting *animal feed products* and *materials and supplies used in the manufacture and distribution* of animal feed products (except commodities in bulk, in tank vehicles), from points in IL to Sioux City, IA under a continuing contract(s) with Corn Belt Supply Company of Sioux City, IA. (Hearing site: Omaha, NE, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 61440 (Sub-181F), filed January 7, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Tire & Rubber Co., at or near Macon, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Oklahoma City, OK.)

MC 75320 (Sub-224F), filed January 8, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), 1. Between Indianapolis, IN and Omaha, NE: From Indianapolis over Interstate Hwy 74 to its junction with Interstate Hwy 80 at or near Moline, IL, then over Interstate Hwy 80 to Omaha and return over the same route, serving Des Moines, IA as an intermediate point and serving the junction of Interstate Hwy 74 and IN Hwy 63 at or near Veedersburg, IN as a point of joinder only. 2. Between Terre Haute, IN and the junction of IN Hwy 63 and Interstate Hwy 74 at or near Veedersburg, IN: From Terre Haute over IN Hwy 63 to junction IN Hwy 63 and Interstate Hwy 74 at or near Veedersburg and return over the same route, serving the junction of IN Hwy 63 and Interstate Hwy 74 as a point of joinder only. (Hearing site: Indianapolis, IN, or Omaha, NE.)

Note.—Applicant intends to join the requested authority with authority in MC 75320 and that acquired in MC-F-12713 at common points of service in IN, IA, and NE.

MC 75830 (Sub-18F), filed January 4, 1980. Applicant: INTER-CITY TRANSPORT & MOTOR CO., INC., Liggett Addition, P.O. Box 88, Buckhannon, WV 26201. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *foodstuffs and materials used in the manufacture and sale of foodstuffs* (except commodities in bulk), between Bluffton, IN, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, RI, VA, IL, MI, and DC under a continuing contract(s) with Keebler Company of Elmhurst, IL. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 82841 (Sub-282F), filed February 8, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 510, Omaha, NE 68106. Transporting *lumber* from the facilities of Hoover Universal Wood Preserving Division of Hoover Universal, Inc., at or near (1) Thomson, GA to points in IL, IN, OH, MI, PA, NY, WV, MD and DE; and (2) Milford, VA to those points in the US in and east of WI, IL, MO, OK and TX. (Hearing site: Atlanta, GA.)

MC 95540 (Sub-1155F), filed January 14, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benji W. Fincher (same address as applicant). Transporting (1) *solar collectors, air conditioners, air conditioning machinery, home heating furnaces, and parts and accessories* and (2) *such commodities* as are used in the manufacture and distribution of the commodities named in (1) above, between points in OH and IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 103490 (Sub-79F), filed January 7, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting (1) *Chemicals* in bulk, in tank vehicles, from Groveland, MA to Macedonia, OH and Milford, CT and (2) *petrolatum* in bulk, in tank vehicles, from Warren, PA to Woburn, MA. (Hearing site: Boston, MA.)

Note.—Applicant holds contract carrier authority in MC 125709 therefore dual operations may be involved.

MC 105501 (Sub-42F), filed January 10, 1980. Applicant: TERMINAL WAREHOUSE CO., a corporation, 1651 Radisson Road, NE., Blaine, MN 55434. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *fumaric and malic acid, in containers*, from Duluth and Minneapolis, MN, to Grand Island, Norfolk and Ravenna, NE. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved..

MC 105881 (Sub-62F), filed January 8, 1980. Applicant: MR&R TRUCKING CO., a corporation, Box 100, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Atlanta, GA and Montgomery, AL, over Interstate Hwy 85 serving no intermediate points (2) between Birmingham, AL, and Marianna, FL, from Birmingham over U.S. Hwy 31 to Montgomery, AL then over U.S. Hwy 231 to its junction with FL Hwy 73, then over FL Hwy 73 to Marianna, and return over the same route serving all intermediate points and serving Ft. Rucker, AL, as an off-route point, (3) between Columbus, GA, and Montgomery, AL, over U.S. Hwy 80 serving all intermediate points, (4) between Mobile, AL, and Birmingham, AL and from Mobile over U.S. Hwy 43 to its junction with U.S. Hwy 11, then over U.S. Hwy 11 to Birmingham, and return over the same route serving no intermediate points, and (5) between Mobile, AL, and Montgomery, AL over U.S. Hwy 31 serving no intermediate points. (Hearing site: Montgomery or Birmingham, AL.)

Note.—Tacking is intended.

MC 106400 (Sub-123F), filed February 5, 1980. Applicant: KAW TRANSPORT

CO., a corporation, P.O. Box 8510, Sugar Creek, MO 64054. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. Transporting *crude oil*, in bulk, in tank vehicles, from points in Richardson County, NE, to points in KS. (Hearing site: Kansas City, MO.)

MC 108380 (Sub-106F), filed January 10, 1980. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 86701. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Transporting *petroleum* from points in Dewey and Ziebach Counties, SD, to points in WY. (Hearing site: Casper, WY, or Denver, CO.)

MC 109891 (Sub-48F), filed January 4, 1980. Applicant: INFINGER TRANSPORTATION CO., INC., 2811 Carner Avenue, P.O. Box 70698, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Box Drawer C, Berryville, VA 22611. Transporting *petroleum products*, from Augusta, GA, to points in NC, SC, and TN. (Hearing site: Washington, DC, or Augusta, GA.)

MC 111310 (Sub-56F), filed January 8, 1980. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses*, and (2) *equipment, materials and supplies used in the conduct of such business* (except in bulk), between points in AZ, AR, CA, CO, KS, MD, MO, MT, NE, OK, OR, TX, UT, VA, WA, and WI, restricted to traffic originating at or destined to the facilities used by Safeway Stores, Inc. (Hearing site: Madison, WI or Oakland, CA.)

MC 111310 (Sub-57F), filed February 5, 1980. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting *paper and paper products* from points in WI to points in the U.S. (except AK and HI). (Hearing site: Madison or Milwaukee, WI.)

MC 111611 (Sub-46F), filed January 8, 1980. Applicant: NOERR MOTOR FREIGHT, INC. 205 Washington Avenue, Lewistown, PA 17044. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. Transporting *speaker systems, loudspeakers, radio receiving sets, amplifiers, preamplifiers, and tuners*, from the facilities of Fisher Corp. at Milroy, PA to the facilities of Fisher Corp. at S. Plainfield, NJ. (Hearing site: Washington, DC.)

MC 111611 (Sub-47F), filed February 11, 1980. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting (1) *fibrous glass materials and products;* (2) *fiberglass;* and (3) *materials and supplies* used in the manufacture of glass fiber products between points in the US (except HI and AK), restricted to the transportation of traffic originating at or destined to the facilities used by Owens-Corning Fiberglass Corporation. (Hearing site: San Francisco, CA, or Toledo, OH.)

MC 112851 (Sub-9f), filed January 17, 1980. Applicant: GEORGE B. REYNOLD d.b.a. REYNOLDS TRUCKING CO., R.R. 1, Crawfordsville, IN 47933. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *clay products*, from Brazil, IN, to points in IL, MI, and KY. (Hearing site: Columbus, OH, or Indianapolis, IN.)

MC 113651 (Sub-326F), filed January 3, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *such commodities* as are dealt in by producers and distributors of alcoholic beverages (1) from Fort Smith, AR, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (2) from Bardstown and Louisville, KY, to points in AR, TN, IL, IN, IA, MI, OH, NY, PA, WV, NC, SC, GA, and FL, (3) from New Orleans, LA, to points in TX, OK, AR, GA, and FL, and (4) from Plainsfield, IL, to points in WI, MI, IN, MN, IA, MO, ND, SD, NE, KS, and OK, restricted to the transportation of traffic originating at the facilities of Hiram Walker & Sons, Inc., and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113651 (Sub-330F) filed February 15, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *meats, meat products, by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except commodities in bulk), from Green Bay, WI, to points in IL, IN, KY, TN, MS, AL, FL, GA, SC, NC, VA, WV, MD, DE, NJ, NY, NH, VT, MA, PA, CT, ME, RI, OH and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114211 (Sub-435F), filed January 4, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., (same address as applicant). Transporting *fabricated metal articles*, between West Des Moines, IA on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Des Moines, IA.)

MC 114211 (Sub-436F), filed January 8, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *materials and supplies used in the manufacture and distribution of cast iron products* (except commodities in bulk), from points in ME, NH, VT, MA, RI, CT, DE, SC, GA, FL, AL, MS, AR, LA, IA, NE, KS, SD, ND, MT, WY, CO, NM, AZ, UT, ID, NV, CA, WA, and OR, to points in Pottawattamie County, IA. (Hearing site: Chicago, IL.)

MC 114290 (Sub-100F), filed February 15, 1980. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 6th Avenue, Portland, OR 97202. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *such commodities that are dealt in by a manufacturer of toilet articles and cosmetics* from the facilities of Avon Products, Inc., at or near Monrovia and Pasadena, CA, to points in ID, OR, UT and WA. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 114890 (Sub-102F), filed January 2, 1980. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting *gasoline*, in bulk, in tank vehicles, from Wood River and East St. Louis, IL, to Wentzville, Cuba, and Jonesburg, MO. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 114890 (Sub-103F), filed January 2, 1980. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting *hydrochloric acid*, in bulk, in tank vehicles, from St. Louis, MO, to points in IL, IA, MI, IN, and KY. (Hearing site: St. Louis, MO, or Evansville, IN.)

MC 115180 (Sub-101F), filed January 14, 1980. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *foodstuffs*, from points in NJ, NY, and PA, to points in CA, CO, GA, IL, IN, IA, KS, KY, MI, MN,

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MO, NE, ND, OH, SD, TX, and WI. (Hearing site: New York, NY, or Washington, DC.)

MC 115730 (Sub-81F), filed January 10, 1980. Applicant: THE MICKOW CORP., 531 Southwest Sixth Street, Des Moines, IA 50309. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. Transporting (1) *steel tubing* and (2) *hydraulic hoists and agricultural machinery*, (1) from Warren, OH, to the facilities of Hydraulics Unlimited Mfg. Co., at Eaton, CO, and (2) from Eaton, CO, to those points in the United States in and east of KS, ND, NE, OK, SD, and TX. (Hearing site: Denver CO.)

MC 115841 (Sub-752F), filed January 10, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *foodstuffs* (except those embraced in (2) below), and (2) *meats, meat products, meat by-products and articles distributed by meat-packing houses*, from points in TX, to points in AL, AR, AZ, CA, DE, FL, GA, IA, IL, IN, KS, KY, MD, MO, MS, NC, NE, NJ, NV, NY, OH, OK, PA, SC, TN, VA, and WV. (Hearing site: San Antonio, TX, or Washington, DC.)

MC 115841 (Sub-753F), filed January 17, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *bakery goods* from Valdosta, GA, to points in KY, LA, NC, SC, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 115931 (Sub-108F), filed February 8, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *agricultural machinery and implements*, and (2) *materials, equipment, and supplies* used in the distribution of the commodities in (1) above from Bethany, MO, to points in the U.S. (except AK and HI) restricted to the transportation of traffic originating at the facilities of United Farm Tools, Inc., Calhoun Division, at Bethany, MO. (Hearing site: Kansas City, MO.)

MC 116300 (Sub-75F), filed February 5, 1980. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *granulated slag*, from Satsuma, AL to points in AR, FL, GA, KY, LA, MS and TN. (Hearing site: Mobile, AL.)

MC 117730 (Sub-76F), filed February 19, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Transporting *frozen foods*, (1) from the facilities of Continental Freezers of Illinois at Chicago, IL to points in CO, KS, MN, NE, and WI, and (2) from points in CO, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, OH, PA, TX and WI to the facilities of Continental Freezers of Illinois at Chicago, IL, restricted in parts (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 117910 (Sub-7F), filed January 4, 1980. Applicant: W. H. FROH, INC., 57760 Main Boulevard, New Haven, MI 48048. Representative: Walter N. Bieneman, 100 West Long Lake Road, suite 102, Bloomfield Hills, MI 48013. *Contract carrier* transporting *material handling equipment, containers therefor, and equipment, materials and supplies* used in the manufacture thereof, between Port Huron, MI, on the one hand, and, on the other, points in the United States (except AK and HI) under a continuing contract(s) with Jervis B. Webb Company of Farmington Hills, MI. (Hearing site: Detroit, MI or Lansing, MI.)

MC 118130 (Sub-117F), filed February 15, 1980. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting (1) *bananas, and agricultural commodities* otherwise exempt from economic regulations under 49 USC 10526(a)(6), when moving in mixed loads with bananas, from Charleston, SC, to points in the U.S. (except AK, HI, ME, NH, VT, MA, RI, NY, NJ, PA, MD, MI, DE, VA, WV, OH, IN and DC). (Hearing site: Fort Worth, TX or Charleston, SC.)

MC 118831 (Sub-192F), filed January 4, 1980. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III (same as applicant). Transporting *vegetable oils*, in bulk, in tank vehicles, from Weehawken and Guttenburg, NJ to NC, SC, and GA. (Hearing site: Washington, DC.)

MC 118831 (Sub-193F), filed January 4, 1980. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III (same as applicant). Transporting *chemicals*, in bulk, in tank or hopper type vehicles, from the plantsites if E.I. DuPont de Nemours & Co. at or near Victoria, Orange, Beaumont, LaPorte and Houston, TX to points in the United States (except AK and HI). (Hearing site: Washington, DC or Wilmington, DE.)

MC 119670 (Sub-55F), filed January 7, 1980. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Transporting *such commodities* as are dealt in or used by manufacturers of paper and paper articles (except commodities in bulk or waste paper) between points in IL, IN, KY, MI, MO, OH, PA, VA, WV, and WI. (Hearing site: Cincinnati, OH.)

MC 119700 (Sub-66F), filed January 7, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. Transporting *iron and steel articles* between Framington, MO, on the one hand, and on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, OK, TX, OH, MS, WI, MN, TN, CO, NE, ND, and SD. (Hearing site: St. Louis, or Kansas City, MO.)

MC 120310 (Sub-4F), filed January 3, 1980. Applicant: B & L TRUCK & TRANSFER CO., a corporation, 4366 East 26th Street., Los Angeles, CA 90023. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and commodities requiring special equipment) (1) between Los Angeles and Indio, CA, over Interstate Hwy. 10, serving all intermediate points, (2) between Indio and Thermal, CA, over CA Hwy 111 serving all intermediate points, and (3) between junction Interstate Hwy 10 and CA Hwy 62, near Whitewater, CA, and Twentynine Palms, CA over CA Hwy 62 serving all intermediate points and the off-route point of Twentynine Palms Marine Corps Base. (Hearing site: Los Angeles, CA.)

MC 121470 (Sub-51F), filed January 17, 1980. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles*, from Chicago, IL, to points in AL, KY, and TN. (Hearing site: Chicago, IL.)

MC 123310 (Sub-21F), filed January 3, 1980. Applicant: DOUG ANDRUS DISTRIBUTING INC., 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *lumber*, from points in OR, WA, MT, those in Bennewah, Bonner, Boundary, Kootenai, and Shoshone Counties, ID and those points in ID south of the southern boundary of Idaho County to points in UT. (Hearing site: Boise, ID.)

MC 124141 (Sub-35F), filed January 3, 1980. Applicant: JULIAN MARTIN, INC., P. O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting *general commodities* (except commodities in bulk, used in household goods, articles of unusual value, classes A and B explosives and commodities which because of size and weight require special equipment) from points in the United States (except AK and HI) to points in Independence County, AR, restricted to traffic destined to Independence County, AR. (Hearing site: Little Rock, AR or Washington, DC.)

Note.—Dual operations may be involved.

MC 124141 (Sub-36F), filed January 4, 1980. Applicant: JULIAN MARTIN, INC., P. O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting *wine and brandy* (except commodities in bulk) from points in CA to points in the United States (except AK and HI). (Hearing site: San Francisco, CA or Washington, DC.)

Note.—Dual operations may be involved.

MC 124170 (Sub-147F), filed January 10, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *(1) foodstuffs, and (2) such commodities* as are dealt in or used by restaurant and food business houses (except commmodities in bulk, in tank vehicles), from Baltimore, MD, and Brockton and Wollaston, MA, to Detroit, MI, Chicago, IL, Cleveland, OH, Los Angeles, CA, Dallas, TX, Atlanta, GA, Miami, FL, and Baltimore, MD, restricted to the transportation of traffic originating at facilities utilized by Howard Johnson's. (Hearing site: Boston, MA, or Washington, DC.)

MC 124211 (Sub-375F), filed January 14, 1980. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) *alcoholic beverages*, and (2) *materials, equipment*, and *supplies*, used in the manufacture and distribution thereof, except in bulk, in tank vehicles, between Fort Smith, AR, Plainfield, IL, Bardstown, and Louisville, KY, and New Orleans, LA, on the one hand, and on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originiating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 124821 (Sub-84F), filed February 11, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *paints caulking*, and *materials and supplies* used in the manufacture and distribution of paints and caulking between Scranton, PA and points in IL, MI, IN, OH, MD, and CA. (Hearing site: Harrisburg, PA.)

MC 124821 (Sub-85F), filed February 8, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *fibrous glass products and materials, mineral wool, mineral products and materials, insulated air ducts, insulating products and materials; glass fiber rovings, yarn and strands, glass fiber mats and mattings*, from the facilities of CertainTeed Corporation, IG, at or near (1) Mountaintop, PA, to points in ME, NH, VT, CT, MA, RI and NY; and (2) Williamstown Junction, NJ, to points in ME, NH, VT, CT, MA, RI, NY AND PA. (Hearing site: Harrisburg, PA.)

MC 127810 (Sub-4F), filed January 17, 1980. Applicant: SHERMAN & BODDIE, INC., P.O. Box 621, Oxford, NC 27565. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *asphalt building materials*, and *materials, equipment* and *supplies utilized in their manufacture*, installation and distribution (except commodities in bulk and iron and steel articles) between points in Granville County, NC, on the one hand, and, on the other, points in FL, GA, KY, MD, PA, SC, TN, VA, WV, and DC, (2) *glass containers*, and *materials, equipment* and *supplies* utilized in their manufacture and distribution (except commodities in bulk) between points in Vance County, NC, on the one hand, and, on the other, points in DE, FL, GA, MD, NJ, PA, SC, TN, VA, and WV. (Hearing site: Charlotte, NC.)

MC 127840 (Sub-156F), filed January 3, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60061. Transporting *animal fats*, in bulk, in tank vehicles, from Rapid City, SD to Denver, Co. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 127840 (Sub-157F), filed January 2, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60601. Representative: William H. Towle, 180 North LaSalle, Street, Chicago, IL 60601. Transporting *tallow*, in bulk, in tank vehicles, from the facilities of Iowa Beef Processor, Inc. at or near Halcomb, KS, to points in the states of CO, NJ, MA, AZ, CA, UT, NM, NE, WY, TX, LA, OK, AR, TN, MO, IA, IL, IN, MN, WI, OH, PA. (Hearing site: Omaha, NE or Sioux City, IA.)

MC 128570 (Sub-20F), filed February 6, 1980. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, DE 19802. Representative: James F. Flint, Suite 600, 1250 Connecticut Avenue, N.W., Washington, DC 20036. Transporting *currency*, between Atlanta, GA, Baltimore, MD, Birmingham, AL, Boston, MA, Buffalo and New York, NY, Charlotte, NC, Chicago, IL, Cincinnati, OH, Cleveland, OH, Coral Gables, and Jacksonville, FL, Culpeper and Richmond, VA, Dallas, El Paso, Houston, and San Antonio, TX, Denver, CO, Detroit, MI, Louisville, KY, Helena, MT, Kansas City and St. Louis, MO, Little Rock, AR, Los Angeles, and San Francisco, CA, Memphis and Nashville, TN, Minneapolis, MN, New Orleans, LA, Oklahoma City, OK, Omaha, NE, Philadelphia and Pittsburgh, PA, Portland, OR, Salt Lake City, UT, Seattle, WA, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128951 (Sub-36F), filed January 9, 1980. Applicant: ROBERT H. DITTRICH d.b.a. BOB DITTRICH TRUCKING, 1000 North Frost Street, New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting (1) *feed and feed ingredients*, and (2) *grain soybean and seed products and by-products* (except commodities in bulk, in tank vehicles), from the facilities of Archer Daniels Midland Co. at or near Red Wing, MN, to points in MI, IN, and OK. (Hearing site: Minneapolis, or St. Paul, MN)

Note.—Dual operations may be involved.

MC 133160 (Sub-2F), filed January 10, 1980. Applicant: BEAMAN & LASSITER, INC., Norfolk International Airport, Norfolk, VA 23518. Representative: Michael A. Inman, Suite 211, Pembroke Four, Virginia Beach, VA 23462. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission,

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commodities in bulk, and those requiring special equipment, (1) between Norfolk International Airport (Norfolk, VA), Patrick Henry Airport (Newport News, VA), and Byrd International Airport (Richmond, VA), (2) between Washington National Airport (Gravelly Point, VA), Dulles International Airport (Loudoun County, VA), and Baltimore-Washington International Airport (Anne Arundel County, MD), (3) between Norfolk International Airport (Norfolk, VA), and Patrick Henry Airport (Newport News, VA), and Byrd International Airport (Richmond, VA), on the one hand, and, on the other, Washington National Airport (Gravelly Point, VA), Dulles International Airport (Loudoun County, VA), and Baltimore-Washington International Airport (Anne Arundel County, MD), restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Norfolk, VA.)

MC 133501 (Sub-91F), filed January 17, 1980. Applicant: WAYNE DANIEL TRUCK INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting (1) *disposable diapers*, from East Camden, AR, to points in TX, and (2) *textile products*, from North Little Rock, AR, to points in NV. (Hearing site: Kansas City, MO, or New Brunswick, NJ.)

MC 134501 (Sub-73F), filed February 8, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *commercial refrigeration equipment* (except that which because of size or weight requires the use of special equipment), from O'Fallon and Overland, MO, to points in the US (except AK and HI). (Hearing site: St. Louis, MO, or Washington, DC.)

MC 135070 (Sub-142F), filed January 2, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *such commodities as are used or dealt in by manufacturers and distributors of furniture and bedding products* (except commodities which, because of size or weight, require the use of special equipment and commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: Joplin, MO or Dallas, TX)

Note.—Dual operations may be involved.

MC 135070 (Sub-143F), filed January 7, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *unexposed photographic color paper and film* and *video and audio tape* and *microfilm* from Carlstadt, NJ, and Los Angeles, CA to points in CA, FL, GA, IL, NJ, NC, and TX. (Hearing site: New York, NY or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-144F), filed January 7, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *foodstuffs*, (a) from the facilities of Gentry Foods, Inc., at or near Gilroy, CA, to Irving, TX; (b) from the facilities of Foremost Foods, a Division of Foremost-McKesson, Inc., at or near Willows, CA, to Ft. Worth, TX, and Shreveport, LA; and (c) from the facilities of Foremost Foods, a Division of Foremost-McKesson, Inc., at or near Los Banos, CA to Dallas, TX. (Hearing site: San Francisco, CA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-145F), filed January 8, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at or near (1) Albert Lea, MN, (2) Cedar Rapids, Cherokee and Des Moines, IA, and (3) Marshall, MO, to points in LA, NM, OK, and TX, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135070 (Sub-152F), filed February 19, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near Waco, TX, to points in the United States (except AK and HI). (Hearing site: New York City, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135410 (Sub-99F), filed January 17, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (1) Omaha, NE, to points in IL, IN, MI, and OH, and (2) Cedar Rapids, IA, to points in IL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 135691 (Sub-41F), filed January 8, 1980. Applicant: DALLAS CARRIERS CORP., P.O. Box 402626, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *materials, supplies and equipment* (except commodities in bulk) used in the manufacture and distribution of drugs, toilet preparations, diagnostic materials, chemicals, animal feed supplements, sugar, citric acid, and xylitol, from points in the US (except AK and HI) to Nutley, Belvidere, Branchburg, Clifton and Totowa, NJ, Salisbury, MD, Ames, IA, Fort Worth and Freeport, TX, and Fresno, CA, under a continuing contract(s) with Hoffmann-LaRoche, Inc., of Nutley, NJ. (Hearing site: Dallas, TX.)

MC 135811 (Sub-18F), filed January 17, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same address as applicant). *Contract carrier*, transporting *such commodities* as are dealt in or used by manufacturers and dealers of welding products, (1) from Baltimore, MD, Troy, OH, Hanover, PA, Monticello, IN, and Chicago, IL, to points in AL, AR, AZ, FL, GA, MS, NM, LA, OK, and TX, and (2) between Dallas, TX, and Gulfport, MS, on the one hand, and on the other, points in AL, AR, AZ, FL, GA, MS, NM, LA, OK, and TX. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 135861 (Sub-62F), filed January 8, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier* transporting *frozen bakery goods*, from the facilities of S. B. Thomas, Inc., located at Totowa and Secaucus, NJ, to Dallas and Houston, TX, under continuing contract(s) with S. B. Thomas, Inc., of Totowa, NJ. (Hearing site: Fort Worth or Dallas, TX.)

MC 138000 (Sub-64F), filed February 14, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *phonograph records and tapes*, between Winchester, VA and Atlanta, GA. (Hearing site: Winchester, VA.)

Note.—Dual operations may be involved.

MC 138741 (Sub-107F), filed February 11, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel* articles, from St. Louis, MO, to Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 138891 (Sub-7F), filed February 15, 1980. Applicant: FRANK TRANSFER & STORAGE, INC., 324 E. 8th Street, Sioux Falls, SD 57102. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting *meats, meat products, dairy products, meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A, B, C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766* (except hides and skins and commodities in bulk), from (1) Huron, SD and (2) the facilities used by John Morrell & Co., at or near Sioux Falls to points in IL, IN, and WI, restricted in (2) above to the transportation of traffic originating at the named origin. (Hearing site: Phoenix, AZ, or Chicago, IL.)

MC 138941 (Sub-40F), filed January 8, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir St., Pomona, CA 91766. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Contract carrier* transporting *unexposed photographic film and chemicals* (except in bulk) in vehicles equipped with mechanical refrigeration from Rochester, NY, to points in CA and TX under a continuing contract or contracts with E. I. DuPont de Nemours & Co., Inc., Wilmington, DE. (Hearing site: Buffalo, NY, or Los Angeles, CA.)

MC 138960 (Sub-10F), filed January 8, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, Columbus, OH 43216. Representative: Elaine M. Conway, 10 S. LaSalle Street, Chicago, IL 60603. Transporting *paper, paper products, and plastic articles*, from the facilities of International Paper Company at (a) Mobile, AL, and (b) Jackson, TN, to points in FL, IL, IN, MI, and OH, restricted to traffic originating at the named origins facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or New York, NY.)

MC 139460 (Sub-31F), filed January 8, 1980. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edwar, NY 12828. Representative: J. Fred Relyea (same address as applicant). Transporting *propane storage tanks*, between points in NY, CT, MA, ME, NH, NJ, OH, PA, RI and VT. (Hearing site: Washington, DC or New York, N.Y.)

MC 142640 (Sub-4F), filed February 14, 1980. Applicant: P.W.K. TERMINALS, INC., 6 Highgate Course, St. Charles, IL 60174. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Contract carrier* transporting: (1) *gaskets*, from St. Charles, IL, to points in OH and KY; and (2) *materials, parts, and supplies* used in the manufacture of gaskets and magnetic closures; and plastic granules (except in bulk), from points in OH and KY to St. Charles, IL, under a continuing contract(s) with B. F. Goodrich Company, of Akron, OH. (Hearing site: Chicago, IL.)

MC 143701 (Sub-21F), filed January 8, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–I, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *fiber board* from the facilities of Aurora paper Board at Aurora, IL, to Jefferson City, Kansas City, and Marceline, MO, and Iola, Kansas City, and Topeka, KS. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 144330 (Sub-88F), filed January 14, 1980. Applicant: UTAH CARRIERS INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber, millwork, and wood products*, from points in AZ, to points in LA, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Phoenix, AZ.)

MC 144330 (Sub-89F), filed January 14, 1980. Applicant: UTAH CARRIERS INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber, millwork, and wood products*, from points in AR, to points in IA, MN, MO, NE, ND, SD, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Little Rock, AR.)

MC 144350 (Sub-1F), filed January 4, 1980. Applicant: JOHN B. TESLAA, Box 391, Hull, IA 51239. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses as described* in Section A and C of Appendix I to the Report in *Descriptions in Motor Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities of Dubuque Packing Co., Le Mars, IA to points in CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, restricted to the transportation of shipments originating at the named facilities and destined to named destinations. (Hearing site: Omaha, NE.)

MC 144621 (Sub-19F), filed January 7, 1980. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Vehicle Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at or near Cherokee, Des Moines, and Cedar Rapids, IA, and Albert Lea, MN to points in CA, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144621 (Sub-20F), filed January 10, 1980. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *meats, meat products, meat by-products*, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation at or near Plainview, TX, to points in LA, MS, TN, AL, FL, GA, NC, and SC. (Hearing site: Wichita, KS.)

Note.—Dual operations may be involved.

MC 144740 (Sub-23F), filed January 10, 1980. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, Washington, DC 20006. *Contract carrier*, transporting, *candy and confectionary products, chewing gum, beverage preparations*, and *bakery*

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products, in vehicles equipped with mechanical refrigeration, from Brooklyn, NY, Linden, North Bergen, Edison, New Brunswick, and Cranford, NJ, and Philadelphia, Reading, and Duryea, PA, to points in CA, OR, WA, NC, SC, GA, FL, TX, LA, UT, AZ, IL, MN, WI, and MO, under continuing contract(s) with Confectionery Consolidators, Inc., of Rahway, NJ. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144891 (Sub-1F), filed February 8, 1980. Applicant: CASSIDY'S TRANSFER & STORAGE LTD., 1001 Mackay Street, P.O. Box 515, Pembroke, ON, Canada K8A 6x7. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Contract carrier* in foreign commerce only, transporting *new office furniture, uncrated* from ports of entry on the international boundary line between the U.S. and Canada at points in NY and MI, to those points in the U.S. in and east of ND, SD, NE, KS, OK and TX under a continuing contract(s) with Storwal International Inc., of Pembroke, Ontario, Canada. (Hearing site: Buffalo, NY.)

MC 145301 (Sub-6F), filed January 8, 1980. Applicant: R. E. M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting *paint* and *paint products* (except in bulk), from points in Harris County, TX, to points in IL, IN, MA, MI, NH, NJ, NY, OH, PA and RI. (Hearing site: Cleveland, OH.)

MC 145381 (Sub-7F), filed January 3, 1980. Applicant: S & P TRUCKING CO., INC., P.O. Box 1058, Fletcher, NC 28732. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Contract carrier* transporting *dialysis supplies and equipment* (except in bulk) between points in the United States (except AK and HI) under a continuing contract(s) with Erika, Inc. of Rockleigh, NJ. (Hearing site: Washington, DC.)

MC 145441 (Sub-90F), filed January 14, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *such merchandise* as is dealt in by wholesale and retail variety and food stores from points in the United States (except AK and HI), to Little Rock, AR. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Dual operations may be involved.

MC 145710 (Sub-3F), filed January 7, 1980. Applicant: CHARLES ALBERT MACON, d.b.a., MACON FARMS TRUCK & TRUCK LEASING, 101 Evans Road, Cheraw, SC 29520. Representative: James W. Freeman, 1400 Candler Building, Atlanta, GA 30303. *Contract carrier,* transporting *rolls of pulpboard and fibreboard* (not corrugated), between Florence, SC and points in CT, FL, GA, IL, IN, KY, ME, MD, MI, MN, MO, NJ, NC, OH, PA, TN, VA, WV, and WI, under continuing contract(s) with South Carolina Industries, of Florence, SC. (Hearing site: Florence, SC.)

MC 145950 (Sub-73F), filed January 4, 1980. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Transporting *glassware, earthenware, and glassware and earthenware products,* from Dunkirk, IN, Scio, Lancaster and Toledo, OH, Sapulpa, OK, and Jeanette, PA, to the facilities of Trendco, Inc., at or near Austin, TX. (Hearing site: Austin, TX.)

MC 145981 (Sub-23F), filed January 7, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *non-edible oils,* and (2) *materials, equipment,* and *supplies* used in their manufacture and sale, (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 145981 (Sub-24F), filed January 17, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *groceries, and grocery store supplies,* and (2) *materials, and equipment,* used in their manufacture and sale, (except commodities in bulk), between points in MA, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: Boston, MA, or Washington, DC.)

MC 146111 (Sub-3F), filed January 8, 1980. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Avenue, Cleveland, OH 44105. Representative: Brian S. Stern, 2425 Wilson Boulevard, suite 367, Arlington, VA 22201. Transporting *paint* and *paint products* (except in bulk), (1) from Delaware, OH, to Atlanta, GA, New Orleans, LA, Detroit, MI, St. Louis and Kansas City, MO, Philadelphia, PA, Memphis, TN, and Dallas, TX, and (2) from East Point, GA to Dover, DE. (Hearing site: Pittsburgh, PA or Washington, DC.)

Note.—Dual operations are involved.

MC 146281 (Sub-1F), filed July 23, 1979. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6089, 4521 Rutledge Pike, Knoxville, TN 37914. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), serving Etowah, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations between Knoxville, TN, and New Orleans, LA. (Hearing site: Knoxville or Nashville, TN.)

MC 146281 (Sub-4F), filed January 2, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Over *regular routes,* transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between New Orleans, LA, and Cincinnati, OH, from New Orleans over U.S. Hwy 11 to Knoxville, TN, then over TN Hwy 33 to junction U.S. Hwy 25E, then over U.S. Hwy 25E to junction U.S. Hwy 25, then over U.S. Hwy 25 to Cincinnati, and return over the same route, serving all intermediate points. (Hearing site: Cincinnati, OH or Knoxville, TN.)

MC 146360 (Sub-20F), filed January 7, 1980. Applicant: FLOYD SMITH, JR. TRUCKING, INC., P.O. Box 816, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting (1) *building materials,* and (2) *equipment, materials,* and *supplies* used in their manufacture, (1) from the facilities of Metalbestos Systems, Inc., (a) in OH to points in the United States (except AK, CA, CO, HI, ID, IA, IL, KS, MN, NC, ND, SD, TX, and WI, (b) in NC to points in the United States (except AK and HI) and (2) from points in the United States (except AK and HI) to the facilities of Metalbestos Systems, Inc., in ID, NC, and OH. (Hearing site: Boise, ID.)

MC 146420 (Sub-3F), filed January 23, 1980. Applicant: FRATE SERVICE, INC., Rural Route One, East Peoria, IL 61530. Representative: Samuel G. Harrod, Eureka Professional Building, Eureka, IL 61530. Transporting *iron and steel articles* from the facilities of Jones & Laughlin Steel Corporation at or near Chicago, IL to St. Louis, MO and Davenport, IA, and points in IL. (Hearing site: Chicago, IL.)

MC 146440 (Sub-4F), filed January 7, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, suite 32, 34 Market Street, Everett, MA 02149. Transporting *mineral water,* (except in bulk), from the facilities of the Poland Spring Corp., at Poland Springs, ME to points in the United States (except AK and HI). (Hearing site: Boston, MA or Washington, DC.)

MC 146440 (Sub-5F), filed January 3, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02149. Transporting (1) *paper products,* and (2) *equipment, materials,* and *supplies* used in the manufacture and distribution of paper products, between Franklin and Windsor Counties, VT, on the one hand, and, on the other, points in the U.S. (except AK and HI) restricted in (1) and (2) above against the transportation of commodities in bulk. (Hearing site: Boston, MA or Washington, DC.)

MC 146451 (Sub-18F), filed January 7, 1980. Applicant: WHATLEY-WHITE INC., 230 Ross Clark Circle, NE., Dothan, AL 36302. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36103. Transporting (1) *synthetic resins, navel stores, tall oil products* from the facilities of Arizona Chemical Co. located at or near Panama City, FL, to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* used in the production, or distribution of the commodities named above in the reverse direction. (Hearing site: Dothan, AL or Panama City, FL.)

MC 146580 (Sub-4F), filed January 11, 1980. Applicant: FREIGHT SYSTEMS, INC., 4191 Meridian Street, Bellingham, WA 98225. Representative: Stephen B. Johnson, 30th floor, Bank of California Center, Seattle, WA 98164. *Contract carrier,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between points in Hood River, Wasco, Sherman, Jefferson, Deschutes, Crook, Lane, Lincoln, Benton, Linn, Marion, Polk, Tillamook, Clatsop, Columbia, Washington, Yamhill, Clackamas, Multnomah, Coos, and Curry Counties, OR, (2) between applicant's facilities in Portland, OR, and Woodland, WA; and (3) between applicant's facilities in Portland, OR, and points in Clark County, WA; under continuing contract(s) with Amway Corporation, of Kent, WA. (Hearing site, Seattle, WA.)

MC 146651 (Sub-2F), filed January 8, 1980. Applicant: ARTHUR W. COULTER, d.b.a. A. W. COULTER TRUCKING, 24280 Avenue 95, Terra Bella, CA 93270. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306. Transporting *lumber* from the facilities of Sierra Forest Products at Terra Bella, CA to points in AZ. (Hearing site: Bakersfield, CA.)

MC 146821 (Sub-3F), filed February 6, 1980. Applicant: RON BESTEMAN PRODUCE, INC., 2240 Bryon Center Road SW., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49509. Transporting *apple products* (except in bulk) and *glass and paper* containers, in vehicles equipped with mechanical refrigeration, between Belding, MI and points in IL, WI, and IA. (Hearing site: Lansing, MI or Chicago, IL.)

MC 146890 (Sub-20F), filed February 5, 1980. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Transporting (1) *such commodities as are dealt in by grocery and food business and agricultural feed business houses, soya products, dry flour paste, pet food, and* (2) *materials, equipment,* and *supplies* used in the develpment, manufacture, and distribution and of the commodities listed in (1) above (except commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 147130 (Sub-1F), filed January 24, 1980. Applicant: AYOTTE TRANSPORT, INC., P.O. Box 705, Goshen, NH 03752 Representative: R. Peter Decto, 23 Bank Street, Lebanon, NH 03766. *Contract carrier,* transporting *lumber and wood products,* from the facilities of Marlow Lumber Company at Marlow, NH to points in CT, ME, MA, RI, and VT and to ports of entry on international boundary line between U.S. and Canada in NH, and NY, under a continuing contract(s) with Henry T. Ayotte d.b.a. Marlow Lumber Company of Marlow, NH. (Hearing site: Concord, NH or Boston, MA.)

MC 147280 (Sub-3F), filed January 9, 1980. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, Route 1, Box 52, Mingo, IA 50166. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier,* transporting *pork products* (except in bulk), from points in IL, MN, and NE to (1) San Leandro, CA, under continuing contract(s) with Joe Larwill Fresh Pork, of San Leandro, CA, (2) Reno, NV, and Sacramento, CA, under continuing contract(s) with Calvada Sales Co., of Reno, NV and (3) San Francisco, CA, under continuing contract(s) with C. J. Figone & Son, of San Francisco, CA. (Hearing site: San Francisco, CA.)

MC 147410 (Sub-2F), filed February 15, 1980. Applicant: SALVADOR AND ARNULFO, a partnership, 6714 South 6th Avenue, Tucson, AZ 85706. Representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Transporting in foreign commerce only *general commodities,* (except) *commodities in bulk,* between points in AZ on the one hand, and, on the other, ports of entry on the international boundary line between U.S. and Mexico in AZ. (Hearing site: Phoenix, AZ.)

Note.—Certificate authorized to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from date of issuance.

MC 147831 (Sub-18F), filed January 14, 1980. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in by food, grocery, and drug industries (except in bulk), and (2) *materials, equipment and supplies* used in their manufacture, sale and distribution, from the facilities of Proctor & Gamble Distributing Company at Jackson, TN, to points in AR, IL, IN, LA, MI, MO, OH, OK, and TX. (Hearing site: Jackson, TN.)

MC 148530 (Sub-3F), filed January 23, 1980. Applicant: MID MONTANA, INC., 1010 North House, P.O. Box 1131, Bozeman, MT 59715. Representative: Gary Everson, 320 Hart-Albin Building, Billings, MT 59101. Transporting *agricultural implements, farm machinery, tools, parts, and accessories,* from points in AL, CA, CO, GA, IL, IN, IA, KS, KY, ME, MI, MN, MO, MT, NE, NJ, NY, NC, ND, OH, OR, PA, RI, SD, TN, TX, WA, WV, and WI, to points in ND, SD, WY, ID, and MT. (Hearing site: Billings or Bozeman, MT.)

MC 148570F, filed July 26, 1979, and previously noticed in Federal Register issue of February 14, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229

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North Main Street, Bradner, OH 43406. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting (1) *radiators, radiator cores, and heat exchangers,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Modine Manufacturing Company, at (a) Whittier, CA, (b) Bloomington and McHenry, IL, (c) La Porte and Logansport, IN, (d) Paducah, KY, (e) Germantown, MN, (f) Joplin and Trenton, MO, (g) Pemberville, OH, (h) Clinton, Knoxville, and Lawrenceburg, TN, (i) Buena Vista, VA, and (j) Racine, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—This republication includes Pemberville, OH, as an origin or destination point.

MC 148690 (Sub-2F), filed January 4, 1980. Applicant: GARY G. BUNDAY d.b.a. GARY BUNDAY TRUCKING, 1710 Terrace Avenue, Bozeman, MT 59715. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. Contract carrier transporting *beer* and *wine* (except in bulk), from points in CA, Chicago, IL, Louisville, KY, Hammondsport, NY, and Seattle, WA, to Bozeman, MT under contract(s) with Bronkin's and Bronkin's Good Time Company, both of Bozeman, MT. (Hearing site: Bozeman, MT.)

MC 148751 (Sub-5F), filed February 8, 1980. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *pulpboard and fibreboard rolls,* and (2) *materials, equipment, and supplies* (except commodities in bulk), between Conalco, TN, on the one hand, and on the other, points in IL, IN, KY, MO, OH, and WI. (Hearing site: Indianapolis, IN or Chicago, IL.)

Note.—Dual operations may be involved.

MC 149150 (Sub-1F), filed February 6, 1980. Applicant: 166 AUTO AUCTION, INC., 2944 West Sunshine, Springfield, MO 65807. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. Transporting *used passenger automobiles and cars, used pickup trucks* in secondary movements, (1) from Springfield, MO to points in AR, CO, IL, IN, IA, KS, MI, NE, OK, TN, and TX and (2) between points in AR, CO, IL, IN, IA, KS, MO, MI, NE, OK, TN, and TX. (Hearing site: Kansas City, or St. Louis, MO.)

MC 149170 (Sub-2F), filed February 19, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *foodstuffs* (except in bulk), from the facilities used by Thomas J. Lipton, Inc., at or near Kansas City, MO, to Denver, CO, Chicago, IL, Minneapolis, MN and Milwaukee, WI (Hearing site: Chicago, IL.)

MC 149270F, filed January 3, 1980. Applicant: PROCESSED CEMENT, INC., 355 Lakeview Road, Wayzata, MN 55391. Representative: James F. Finley, 1401 Silver Lake Road, New Brighton, NW 55112. Transporting *flyash* and *liquid concrete admixtures* between points in WI, ND, SD, IA, NE, MN and IL. (Hearing site: Minneapolis, MN.)

Passengers

MC 13300 (Sub-94F), filed February 1, 1980. Applicant: CAROLINA COACH CO., d.b.a. CAROLINA TRAILWAYS, 1201 South Blount Street, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 425 13th Street, NW., Suite 1032, Washington, DC 20004. Over regular routes, transporting *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, between Annapolis, MD, and Washington, DC, over U.S. Hwy 50, serving no intermediate points, restricted against the transportation of passengers whose entire ride is between Annapolis and Washington.

MC 27530 (Sub-17F), filed January 7, 1980. Applicant: KERRVILLE BUS CO., INC., P.O. Box 712, Kerrville, TX 78028. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. Transporting over regular routes, (1) *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, between La Grange, TX, and Sealy, TX, from La Grange over Texas Hwy 71 to Columbus, TX, then over Interstate Hwy 10 to Sealy, and return over the same route serving Columbus, TX, as an intermediate point; and over irregular route transporting (2) *passengers* and *their baggage* in one-way and round-trip charter operations, over irregular routes: (a) from Columbus, TX, to all points in the United States (including AK, but excluding HI); (b) beginning and ending at Columbus, TX, and extending to points in the United States (including AK but excluding HI). (Hearing site: Austin, TX or Houston, TX.)

MC 145961 (Sub-1F), filed January 17, 1980. Applicant: BAYARD LIMOUSINE SERVICE, INC., 49 Ewell Street, Babylon, NY 11702. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Transporting *passengers,* in special operations, in vehicles having a seating capacity of no more than 16, beginning and ending at points in the Borough of Manhattan south of Houston Street, New York, NY, and extending to the Meadowlands Sporting Complex at East Rutherford, NJ. (Hearing site: New York, NY.)

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Decided: February 29, 1980.

By the Commission, Review Board No. 2, Members Eaton, Liberman, and Jensen.

MC 76 (Sub-25F), filed October 4, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (a) *iron and steel articles,* from the facilities of Cyclops Corp., Sawhill Tubular Division, at or near Sharon, PA, to points in CT, MA, RI, OH, NY, NJ, MD, DE, VA, and those points in MI in and south of Oceana, Newaygo, Mecosta, Isabelle, Midland and Bay Counties, and (b) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 1117 (Sub-22F), filed October 11, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *paper and paper products,* from Exton and Modena, PA, to Granite Falls and High Point, NC. (Hearing site: New York, NY.)

MC 11207 (Sub-509F), filed November 9, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *pipe, and iron and steel articles,* between Bessemer, AL, on the one hand, and, on the other, points in IL, IN, MI, OH, PA, VA, WV, and WI. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-510F), filed November 13, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles,* from Baytown, TX, to points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: Houston, TX, or Washington, DC.)

MC 26396 (Sub-297F), filed October 4, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107.

Representative: Barbara S. George (same address as applicant). Transporting (1) *grain and feed storage and handling systems,* and (2) *parts and accessories* for the commodities named in (1) above, from points in IN and IL, to points in IA, IL, IN, KS, KY, MI, MN, MO, MT, NE, ND, NY, OH, OK, PA, SD, TX, UT, VA, VT, WA, WI, and WY. (Hearing site: Billings, MT.)

MC 35396 (Sub-42F), filed October 5, 1979. Applicant: UNITED TRUCKING OF KENTUCKY, INC., 8505 West Warren Avenue, Dearborn, MI 48126. Representative: LaVergne L. Adsit (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Hwys 41 and 62 at or near Nortonville, KY, and junction U.S. Hwys 95 and 62 at or near Calvert City, KY, over U.S. Hwy 62, serving the intermediate points of Dawson Springs, Princeton, Eddyville, and Kuttawa, KY, and the off-route points of Morganfield, Providence, Marion, Hopkinsville, Cadiz, Benton, and Murray, KY, and the facilities of General Tire Company near Mayfield, KY. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Applicant states it presently has authority to service Nortonville, Calvert City, Murray, and Benton, KY, and that it will tackle the authority herein with its existing authority.

MC 41406 (Sub-158F), filed November 9, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon, 8400 Westlake Drive, Merrillville, IN 46410. Transporting (1) *iron and steel articles,* from Clinton, IA, Chicago Heights, IL, and Clinton, TN, to those points in the United States in and east of MN, IA, KS, MO, AR, and LA. (2) *materials, equipment and supplies,* used in the manufacture of iron and steel articles in the reverse direction of (1) above. (Hearing site: Chicago, IL.)

MC 59457 (Sub-49F), filed October 1, 1979. Applicant: SORENSEN TRANSPORTATION CO., INC., Old Amity Road, Bethany, CT 06525. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *concentrated frozen citrus juices,* in containers, from Lake Wales, FL, to the facilities of the Borden Corporation, at Stratford, CT, restricted to the traffic destined to the named facilities. (Hearing site: Hartford, CT, or New York, NY.)

MC 61016 (Sub-54F), filed November 6, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Philip J. Shine, 95 State Street, Springfield, MA 01103. Over regular routes, transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between West Hartford, CT, and Springfield, MA: from West Hartford over U.S. Hwy 84 to junction U.S. Hwy 91 at Hartford, CT, then over U.S. Hwy 91 to Springfield, and return over the same route, serving all intermediate points. (Hearing site: Springfield, MA, or Hartford, CT.)

Note.—Applicant will tack with other regular-route authority.

MC 63417 (Sub-248F), filed October 1, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *glass,* from Nashville, TN, and Tulsa, OK, to Rocky Mount, VA. (Hearing site: Roanoke, VA.)

MC 63417 (Sub-253F), filed October 5, 1979. Applicant: BLUE RIDGE TRANSFER CO. INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *molded pulp products, molded peat products, paper products,* and *expanded foam plastic products,* from Albertville, AL, New Iberia, LA, and Memphis, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 72997 (Sub-27F), filed November 2, 1979. Applicant: LIBERTY TRUCKING CO., a corporation, 5000 West Pershing, Chicago, IL 60650. Representative: Carl L. Steiner, 39 South LaSalle, Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between those points in WI in and south of Vernon, Richland, Sauk, Columbia, Dodge, Washington, and Ozaukee counties, and those in IL on, east, and north of a line beginning at the IN–IL State line and extending along U.S. Hwy 36 to junction U.S. Hwy 67, and then along U.S. Hwy 67 to the Mississippi River, and (2) between Wonewoc, WI, on the one hand, and, on the one hand, and, on the other, those points in IL described in (1) above. (Hearing site: Chicago, IL.)

Note.—Applicant states it intends to tack the authority herein with its existing regular-route authority authorizing service between Chicago, IL, and points in IL and WI.

MC 93147 (Sub-11F), filed November 14, 1979. Applicant: DELTA TRANSPORT CORP., 844 Union Street., P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, suite 413, Springfield, MA 01103. Transporting *foodstuffs,* from the facilities of Ragu' Foods, Inc., at Rochester, NY, to points in CT, ME, MA, NJ, NH, RI and VT. (Hearing site: Boston, MA, or New York, NY.)

MC 95876 (Sub-313F), filed October 1, 1979. Applicant: ANDERSON TRUCKING SERVICE INC., 203 Cooper Avenue, North, St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *plastic pipe and plastic fittings,* from points in Travis County, TX, to points in the United States (except AK and HI). (Hearing site: Houston or Dallas, TX.)

MC 100666 (Sub-500F), filed November 9, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *iron and steel articles,* from the facilities of Chaparral Steel Company, at or near Midlothian, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 100666 (Sub-514F), filed July 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilbur L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers, (except commodities in bulk), between the facilities used by John Deere Company, in Jackson County, MO, on the one hand, and, on the other, points in KS and OK. (Hearing site: Kansas City, MO.)

MC 103566 (Sub-212F), filed November 7, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting *clothing,* from Henderson, NV, to Newnan, GA, Erlanger and Florence, KY, Cincinnati, OH, and Fort Worth, TX. (Hearing site: Cincinnati, OH.)

MC 107527 (Sub-62F), filed November 14, 1979. Applicant: POST

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TRANSPORTATION CO., a corporation, 1970 East 213th Street, Long Beach, CA 90801. Representative: R. Sherman Kirksey (same address as applicant). *Contract carrier,* transporting *liquid aluminum sulphate,* in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in Clark County, NV, under continuing contract(s) with Allied Chemical Corporation, of San Francisco, CA. (Hearing site: Los Angeles, CA, or Las Vegas, NV.)

MC 108937 (Sub-58F), filed October 3, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City, MO, and South Bend, IN: from Kansas City over Interstate Hwy 35 to junction Interstate Hwy 80, then over Interstate Hwy 80 to South Bend, and return over the same route, serving no intermediate points, and (2) between Kansas City, MO, and Indianapolis, IN, over Interstate Hwy 70, serving no intermediate points. (Hearing site: Kansas City, MO, or Indianapolis, IN.)

Note.—Applicant will tack with other regular-route authority.

MC 112617, (Sub-455F), filed November 5, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *dry milled corn products,* in bulk, in hopper-type vehicles, from Mt. Vernon, IN, to points in IL, KY, MO, and TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113666 (Sub-190F), filed October 9, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick (same address as applicant). Transporting (1) *grouting compounds,* and (2) *materials and supplies* used in the manufacture and installation of grouting compounds, between Cincinnati, OH, and Pekin, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, D.C.)

MC 115557 (Sub-24F), filed October 4, 1979. Applicant: CHARLES A. McCALLEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *molds, and materials, equipment and supplies* used in the manufacture of molds and glass containers (except commodities in bulk), between the facilities of Glass Containers Corporation, at (a) Antioch, Hayward, and Vernon, CA, (b) Dayville, CT, (c) Forest Park, GA, (d) Gas City and Indianapolis, IN, (e) Jackson, MS, (f) Knox, Marienville, Parker and Reno, PA, and (g) Palestine, TX. (Hearing site: Pittsburgh, PA, or Washington, D.C.)

MC 115826 (Sub-551F), filed October 5, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *such commodities* as are dealt in or used by drug, grocery and food businesshouses (except frozen commodities and commodities in bulk), from the facilities of Colgate-Palmolive Co., at or near Kansas City, KS, to points in CO, MN, IL, NM, NE, IA, TX, and OK, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 116077 (Sub-428F), filed November 6, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West 16th Street, P.O. Box 1945, Austin, TX 78767. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of E. I. du Pont de Nemours & Co., Inc., at or near Gregory, TX, to points in AL, AR, CO, FL, GA, IL, KS, KY, LA, MS, MO, NE, NM, OK, and TN. (Hearing site: Houston or Dallas, TX.)

MC 116947 (Sub-78F), filed November 4, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street S.W., Atlanta, GA 30310. Representative: William Addams, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier,* transporting (1) *paints, caulking compounds,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of United Coating, Inc., at (a) Charlotte, NC, (b) Chicago, IL, (C) Indianapolis, IN, and (d) Memphis, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with United Coating, Inc., of Chicago, IL. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 117786 (Sub-73F), filed November 6, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix AZ 85014. Transporting *meats, and meat products, and meat byproducts,* from the facilities of Kahn's and Company, at Cincinnati, OH, to points in NM and FL. (Hearing site: Phoenix, AZ.)

MC 118516 (Sub-5F), filed November 6, 1979. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Road, Anchorage, AK 99501. Representative: Arthur R. Hauver, 810 West Second Avenue, Anchorage, AK 99501. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Valdez, AK, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: None.)

MC 119178 (Sub-28F), filed October 4, 1979. Applicant: THE SQUAW TRANSIT CO., a corporation, 6211 South 49th West Avenue, P.O. Box 9368, Tulsa, OK 74107. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 6102. Transporting *synthetic roofing* (except in bulk), and *accessories, materials, and supplies* used in the manufacture, distribution or installation of synthetic roofing, between the facilities of Trim Products Manfacturing, Inc., at or near Torrance, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Tulsa, OK.)

MC 119777 (Sub-417F), filed October 1, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *dry phosphatic feed supplements,* (except in bulk, in tank vehicles), from New Wales, FL, to points in AL, AR, AZ, CA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX, UT, and WI. (Hearing site: Chicago, IL.)

MC 119777 (Sub-419F), filed October 4, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L" Madisonville, KY 42431. Transporting *roofing materials and supplies* (except commodities in bulk), between the facilities of Koppers Company, Inc., at or near (a) Stickney, IL, and (b) Woodward, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and NM. (Hearing site: Pittsburgh, PA, or Cleveland, OH.)

MC 123407 (Sub-615F), filed October 3, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting, *flat glass and glass glazing units,* from the facilities of PPG Industries, Inc., at Mt. Zion, IL, to St. Louis, Springfield, and Joplin, MO, and points in MI, IN, OH, FL, AZ, UT, NV, ID, CA, OR, and WA. (Hearing site: Washington, DC.)

MC 123987 (Sub-33F), filed November 2, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1)(a) *irrigation systems,* and (b) *plastic and aluminum pipe and fittings,* from the facilities of Peerless Plastics, Inc., at Garden City, KS, and the facilities of Kroy Metal Products Company, at York, NE, to points in AR, AZ, AL, CA, CO, GA, KS, LA, MO, MS, MT, ND, NE, MN, NV, OK, SD, TX, UT, and WY; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 124887 (Sub-100F), filed November 8, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting (1) *construction materials,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above, between those points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Louisiana-Pacific Corporation. (Hearing site: Jacksonville, or Tallahassee, FL.)

MC 125297 (Sub-6F), filed November 8, 1979. Applicant: FRANK'S TRANSPORT, INC., 5321 West River Road North, Lorain, OH 44055. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *cement,* in bulk, in tank vehicles, between the facilities of Dundee Cement Company, at Ashtabula, OH, on the one hand, and, on the other, points in NY, OH, PA, and WV. (Hearing site: Cleveland or Columbus, OH.)

MC 133176 (Sub-2F), filed October 3, 1979. Applicant: E.P.I. TRANSPORT CO., a corporation, 11 Tolbot Avenue, P.O. Box 190, Braddock, PA 15014. Representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Contract carrier, transporting (1) *metals and metal building products,* and (2) *materials* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), between the facilities of Epic Metals Corporation, at (a) Braddock, PA, (b) Lakeland, FL, (c) Oregon, OH, and (d) Chicago, IL, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Epic Metals Corporation, of Braddock, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 133797 (Sub-275F), filed November 5, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *sugar* (except in bulk), and (2) *materials, equipment, and supplies,* used in the manufacture and distribution of sugar, between Reserve and Kenner, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WI, and WV. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 134286 (Sub-12F), filed November 6, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail grocery business houses (except commodities in bulk), (1) from Rialto, CA, to points in CO, IA, and TX, and (2) from Byhalia, MS, to those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, (except MS, AL, and FL), restricted in (1) and (2) above to traffic originating at the named origins. (Hearing site: Denver, CO, or Sioux City, IA.)

Note.—Dual operations may be involved.

MC 134477 (Sub-370F), filed October 1, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *pasta products,* from the facilities of C. F. Mueller Company, at or near Jersey City, NJ, to points in IL, IN, IA, KY, MI, OH, and WI. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-371F), filed October 4, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *foodstuffs* (except in bulk), from Hudson, IA, and points in MN, ND, and WI, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-376F), filed October 5, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting (1) *wearing apparel, and accessories* for wearing apparel and (2) *materials, equipment and supplies,* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Munsingwear, Inc. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-382F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *air cleaner filter paper,* from Madisonville, KY, West Groton, MA, Rochester, MI, and Watertown and Greenwich, NY, to Frankfort, IN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-384F), filed November 13, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *meats, meat products and meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corp. at or near (a) Cherokee, Postville, Sioux City and Storm Lake, IA and (b) Omaha, NE, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-268F), filed October 5, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 130, Lowell, AR 72745. Transporting (1) *foodstuffs, pet foods, and animal feeds,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 135797 (Sub-276F), filed November 13, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul

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R. Bergant (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Div. of H. J. Heinz Co., at or near Muscatine and Iowa City IA, to points in AR, FL, KY, LA, OK, SC, TN, and TX, restricted to traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Des Moines, IA, or Washington, DC.)

MC 135936 (Sub-25F), filed November 9, 1979. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in IA, MN and SD, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 136897 (Sub-28F), filed October 1, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Contract carrier*, transporting *iron and steel articles*, from Pueblo, CO, to points in ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, under continuing contract(s) with CF and I Steel Corporation, of Pueblo, CO. (Hearing site: Phoenix, AZ, or Pueblo, CO.)

Note.—Dual operations may be involved.

MC 138076 (Sub-19F), filed October 3, 1979. Applicant: HEAVY HAULING, INC., 1100 West Grand, Saline, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *iron and steel articles* (except oilfield commodities as described in 74 M.C.C. 459, 543, and earth drilling commodities), from Tulsa and Muskogee, OK, and the facilities of Nucor Steel, at or near Norfolk, NE, to points in Riley County, KS. (Hearing site: Kansas City, MO.)

MC 139906 (Sub-74F), filed October 9, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by department stores (except foodstuffs and commodities in bulk), from the facilities of J. C. Penney, Inc., at Jersey City, NJ, to Reno, NV. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 142606 (Sub-69F), filed November 6, 1979. Applicant: WESCO TRANSPORTATION, INC., 4290 Elton Street, Baldwin Park, CA 91706. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier*, transporting *furniture parts, and vehicle hitches and couplers*, between points in the United States (except AK and HI), under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY. (Hearing site: Los Angeles, CA.)

MC 143127 (Sub-56F), filed October 3, 1970. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting (1) *acids, chemicals, and chemical compounds, and materials, equipment, and supplies* used in the application of such commodities, from Waterloo, NY, to points in the United States (except AK and HI), (2) *synthetic latex, plastics, battery insulating partitions, and pulpboard*, from Owensboro, KY, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, from points in the United States (except AK and HI), to Waterloo, NY, and Owensboro, KY, restricted in (1), (2), and (3) above to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Buffalo, NY, or Boston, MA.)

Note.—Dual operations may be involved.

MC 143276 (Sub-24F), filed November 6, 1979. Applicant: WEAVER TRANSPORTATION CO., a corporation, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, P.O. Box 32309, Decatur, GA 30032. Transporting (1) *concrete reinforcing steel*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of concrete reinforcing steel, from the facilities of Florida Steel Corporation, at Atlanta, GA, and points in Fulton, Duluth, and Gwinnett Counties, GA, to points in Trousdale, Davidson, and Smith Counties, TN. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 144827 (Sub-38F), filed November 2, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Fairsview, P.O. Box 18423, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *paints, and caulking compounds*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of United Coatings, Inc., at (a) Charlotte, NC, (b) Chicago, IL, (c) Indianapolis, IN, and (d) Memphis, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL.)

MC 145106 (Sub-14F), filed November 5, 1979. Applicant: EDINA CARTAGE CO., a corporation, Front Street, P.O. Box 42, Mauricetown, NJ 08329. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. *Contract carrier*, transporting (1) *paper and paper products*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between those points in the United States in and east of MN, IA, MO, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Scott Paper Company, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 145337 (Sub-7F), filed November 2, 1979. Applicant: P.M.E., LTD., Box 181, Group 261, Rural Route 2, Winnipeg, MB, Canada R3C 2E6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. In foreign commerce only, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the ports of entry on the international boundary line between the United States and Canada in MT and ND, to points in CA. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 145716 (Sub-4F), filed November 8, 1979. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., suite 1–M, 3300 Northeast Expressway NE., Atlanta, GA 30341. Representative: J. Michael May, suite 508, 1447 Peachtree Street NE., Atlanta, GA 30309. Transporting *copper tubing*, from the facilities of Spartan Copper Products, Inc., at Hillsboro, TX, to Belding and Greenville, MI. (Hearing site: Atlanta, GA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 146326 (Sub-6F), filed October 1, 1979. Applicant: JOHN ALGER, SR., d.b.a. ALGER TRANSPORTATION, 9811 Redman Avenue, Omaha, NE 68134. Representative: Marshall D. Becker, suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *flour*, in bags, (1) from Omaha, NE, to Moline and Chicago, IL, and (2) from Fergus Falls, MN, to Chicago, IL, restricted in (1) and (2) above to traffice originating at the facilities of Con-Agra, Inc. (Hearing site: Omaha, NE.)

MC 146616 (Sub-4F), filed November 6, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Contract carrier*, transporting (1) *structural steel and steel towers*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of Riverside Industries, Inc., at (a) Tulsa, OK, and (b) Clearfield, UT, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Riverside Industries, Inc., of Tulsa, OK. (Hearing site: Tulsa, OK.)

MC 146647 (Sub-2F), filed May 29, 1979. Applicant: JIM STRATTON, d.b.a. THE STRATTON CO., 201 Second Street, Kaycee, WY 82639. Representative: Vincent J. Horn, Jr., suite 200, City Center Building, Casper, WY 82601. *Contract carrier*, transporting (1) *oil field machinery*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from Seattle, WA, to Casper, WY, under continuing contract(s) with Herman L. Karst Enterprises, Inc., of Casper, WY. (Hearing site: Casper or Cheyenne, WY.)

MC 146717 (Sub-6F), filed May 31, 1979. Applicant: JACK MYER AND BUDDY C. MOORE, a partnership d.b.a. MIDWEST VIKING, Johnson, NE 68378. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *lumber*, from points in CA and NV, to points in IA, IL, IN, MI, and WI. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 147547 (Sub-4F), filed October 8, 1979. Applicant: R & D TRUCKING CO., INC., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting (1) *carpet runners and treads, chair pads, plastic tubing, and plastic stripping*, from the facilities of Intervinyls, Inc., at or near Muscle Shoals, AL, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction (Hearing site: Florence, AL.)

Note.—Dual operations may be involved.

MC 147636 (Sub-6F), filed November 9, 1979. Applicant: DICK WELLER, INC., Shoham Road, P.O. Box 313, Warehouse Point, CT 06088. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. Transporting *frozen potatoes*, from Clark and Sioux Falls, SD, and Kansas City and Independence, MO, to points in AL, CT, DE, FL, GA, IN, KY, LA, ME, MD, MA, MI, MS, MO, NE, NJ, NH, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, IA, WI, MN, OK, IL, and DC. (Hearing site: Hartford, CT, or Washington, DC.)

MC 147806 (Sub-2F), filed October 5, 1979. Applicant: SOUTHERN HEAVY HAUL, INC., 5202 Industry Avenue, Pico Rivera, CA 90660. Representative: Milton W. Flack, 4311 Wilshire Boulevard, suite 300, Los Angeles, CA 90010. *Contract carrier*, transporting (1) *steel articles*, from the facilities of Sharon Steel Corp., at or near Farrell, PA, and Damascus Tube, a Division of Sharon Steel Corp., at or near Greenville, PA, to Lake Havasu, AZ, Los Angeles, San Francisco, and San Jose, CA, Verdi, NV, Portland, OR, and Beaumont and Houston, TX, (2) *steel billets*, from the facilities of The Steel Corporation of Texas at Houston TX, to Los Angeles, San Francisco, and San Jose, CA, Portland, OR, and Verdi, NV, and (3) *carbon steel tubing*, from the facilities of Southwest Tube Corporation, at Sand Springs, OK, to Los Angeles and San Francisco, CA, under continuing contract(s) in (1), (2), and (3), with The Steel Corporation of Texas, of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 148036 (Sub-2F), filed October 4, 1979. Applicant: RED WING TRANSPORTATION CORP., 3154 North Service Drive, Red Wing, MN 55066. Representative: Ronald N. Cobert, 1730 M Street, NW., suite 501, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosive, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Minnesota Inter-Modal Shippers Association, Inc., at or near Minneapolis, MN, on the one hand, and, on the other, Denver, CO, Atlanta, GA, Chicago, IL, Detroit, MI, New York, NY, Philadelphia, PA, and Dallas and Houston, TX. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

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Decided: March 3, 1980.
By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-827F), filed December 31, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Rouses Point, NY and MA–VT State line: from Rouses Point over U.S. Hwy 2, then over U.S. Hwy 2 to junction VT Hwy 78, then over VT Hwy 78 to junction U.S. Hwy 7, then over U.S. Hwy 7 to the MA–VT State line and return over the same route. (2) Between Lyndonville, VT and the MA–VT State line, over U.S. Hwy 5. (3) Between Laconia, NH and the MA–NH State line, over U.S. Hwy 3. (4) Between Burlington, VT and Portsmouth, NH: from Burlington over U.S. Hwy 2 to junction VT Hwy 14, then over VT Hwy 14 to junction U.S. Hwy 4, then over U.S. Hwy 4 to Portsmouth, NH and return over the same route. (5) Between Fair Haven, NY and Lebanon, NH, over U.S. Hwy 4. (6) Between Hoosick, NY and Portsmouth, NH: from Hoosick over NY Hwy 7 to junction VT Hwy 9, then over VT Hwy 9 to junction NH Hwy 9, then over NH Hwy 9 to junction NH Hwy 101, then over NH Hwy 101 to Portsmouth, NH and return over the same route. (7) Between Johnson and Burlington, VT, over VT Hwy 15. (8) Between Montpelier, VT and junction U.S. Hwy 4 and VT Hwy 100: from Montpelier over VT Hwy 12 to junction VT Hwy 107, then over VT HWY 107 to junction VT Hwy 100, then over VT Hwy 100 to junction U.S. Hwy 4, and return over the same route. (9) Between junction U.S. Hwy 4 and VT Hwy 12 and junction U.S. Hwy 5, over VT Hwy 12. (10) Between junction U.S. Hwy 7 and VT Hwy 103 and junction U.S. Hwy 5 and VT Hwy 103, over VT Hwy 103. (11) Between Walpole, NH and the MA–NH State line, over NH Hwy 12. (12) Between the VT–NH State line and Rochester, NH: from the VT–NH State line over NH Hwy 103 to junction NH Hwy 114, then over NH Hwy 114 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Rochester and return over the same route. (13) Between

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junction U.S. Hwy 202 and NH Hwy 114 and the NH–MA State line: from junction U.S. Hwy 202 and NH Hwy 114 over U.S. Hwy 202 to junction NH Hwy 9, then over NH Hwy 9 to junction NH Hwy 10, then over NH Hwy 10 to NH–MA State line and return over the same route. (14) Between junction U.S. Hwy 202 and NH Hwy 9 and the NH–MA State line, over U.S. Hwy 202. (15) Between Manchester, NH and the NH–MA State line, over NH Hwy 28. (16) Between Rochester, NH and the NH–MA State line, over NH Hwy 125. (17) Between Laconia and Rochester, NH: from Laconia over U.S. Hwy 3 to junction NH Hwy 11, then over NH Hwy 11 to Rochester and return over the same route. (18) Between Rochester, NH and Skowhegan, ME: from Rochester over U.S. Hwy 202 to junction U.S. Hwy 201, then over U.S. Hwy 201 to Skowhegan and return over the same route. (19) Between Skowhegan and Rumford, ME: from Skowhegan over Alternate U.S. Hwy 201 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Rumford, ME and return over the same route. (20) Between Auburn and Wilton, ME over ME Hwy 4. (21) Between Bath, and Ellsworth, ME, over U.S. Hwy 1. (22) Between Ellsworth and Guilford, ME: from Ellsworth over ME Hwy 15 to Guilford and return over the same route. (23) Between Sangerville, and Bangor, ME: from Sangerville over ME Hwy 23 to junction ME Hwy 22, then over ME Hwy 22 to Bangor, and return over the same route. (24) Between Bangor, ME and junction Alternate U.S. Hwy 1 and U.S. Hwy 1, over Alternate U.S. Hwy 1. (25) Between Gorham and Standish, ME, over ME Hwy 25. (26) Between Augusta, and Belfast, ME, over ME Hwy 3. (27) Between Augusta and Rockland, ME, over ME Hwy 17, serving all intermediate points and serving points in NH in and south of Sullivan, Merrimack, BelknaO-Belknap and Strafford Counties, NH as off-route points in (1) through (27) above. Applicant intends to tack these regular routes with its existing authority. (Hearing site: Concord, NH.)

MC 2253 (Sub-103F), filed December 7, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *particleboard,* between Fort Valley, GA, on the one hand, and, on the other, points in AL, FL, LA, MS, TX, and VA. (Hearing site: Atlanta, GA.)

MC 3082 (Sub-46F), filed November 16, 1979. Applicant: INMAN FREIGHT SYSTEM INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: Guy H. Boles (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Soundesign Corporation at or near Santa Claus, IN as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Evansville, IN, or St. Louis, MO.)

MC 9812 (Sub-17F), filed November 19, 1979. Applicant: C. F. KOLB TRUCKING CO., INC., Rural Route 1, Box 294, Mount Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800, Circle Tower, 5 East Market Street, Indianapolis, IN 46204. Transporting (1) *steel beams, joists, trusses, sheets and decking,* from the facilities of Vulcraft at St. Joe, IN, to points in AL, AR, GA, IL, KY, MI, MO, MS, NC, NY, OH, PA, SC, TN, VA, and WV and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of commodities in (1) in the reverse direction. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 14702 (Sub-85F), filed December 7, 1979. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting (1) *iron and steel articles, aluminum and aluminum articles, auto parts, machinery and machinery parts, construction materials,* and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk and commodities which because of size or weight require the use of special equipment), between points in IL, IN, KY, MD, MI, NJ, NY, OH, PA, WV, WI, and those points in MO on and east of U.S. Hwy 63. (Hearing site: Columbus, OH.)

MC 15242 (Sub-13F), filed November 26, 1979. Applicant: CAUTHEN GIN & BAG CO., Route 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *office furniture* from the facilities of Vanguard Business Furniture, Inc. at or near Brooklyn, NY to points in the US in and east of LA, AR, MO, IA, and MN. (Hearing site: New York, NY.)

MC 16682 (Sub-96F), filed November 21, 1979. Applicant: MURAL TRANSPORT, INC., P.O. Box 1785, North Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Transporting *household appliances and equipment, materials and supplies* used in the manufacture and distribution of household appliances (except commodities in bulk) from the facilities of General Electric Co., at or near Louisville, KY, to points in IL, IN, MI, OH, those in WI on and east of U.S. Hwy 45, those in TN on and east of INT Hwy 65, and those in Buncombe County, NC. (Hearing site: Louisville, KY or Washington, DC.)

MC 16872 (Sub-24F), filed November 9, 1979. Applicant: WILLIAM MIRRER d.b.a., MIRRER'S TRUCKING, 100 East 25th Street, Paterson, NJ 07524. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *plastic granules,* between the facilities of Mirrer at Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 16903 (Sub-77F), filed December 26, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *Marble and marble products, ground limestone,* in bags, and *granite,* from the facilities of Vermont Marble Company and OMYA, Inc., in Rutland County, VT to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and Washington, DC, and (2) *ground limestone;* in bags, from Gary, IN to points in AL, AR, CO, CT, DE, FL, GA, IA, KS, LA, ME, MD, MA, MN, MS, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and Washington, DC. (Hearing site: Montpelier, VT or Washington, DC.)

MC 24583 (Sub-35F), filed September 24, 1979. Applicant: FRED STEWART CO., a corporation, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting *sodium hydrosulfide and waste petroleum refinery sulfide,* in bulk, in tank vehicles, from points in Union County, AR, to points in AL, LA, MS, TN, TX, OK, MO, KS, NC, FL, KY, and AZ. (Hearing site: Little Rock, AR.)

MC 31533 (Sub-18F), filed December 3, 1979. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, South Bend, IN 46624. Representative: Richard P. Wright (same as applicant). Over regular routes, transporting (1) *metal castings, machined parts,* and *machinery parts;* and (2) *equipment, materials, and supplies* used in the manufacture of commodities in (1) above (except commodities in bulk and those requiring special equipment); serving the facilities of Beloit Foundry Company, Division of Beloit Corporation, South Beloit, IL, as an off-route point in connection with carrier's regular route operations. The sole purpose of this application is to substitute single line for present joint line operations.

MC 32882 (Sub-134F), filed December 10, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting *materials, equipment, and supplies* used in the construction, manufacturing and erection of pollution control and environment control commodities, between those points in the United States in and west of MI, OH, KY, TN, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Contaminant Controls Corp. (Hearing site: Salt Lake City, UT.)

MC 32882 (Sub-135F), filed December 10, 1979. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting *lift trucks, hydraulic platforms, and parts* thereof, from the facilities of Mark Industries, at or near Carson, CA, to those points in the United States in and west of MI, OH, KY, TN, and LA (except CA, HI, and AK), restricted to the transportation of traffic originating at the facilities of Mark Industries. (Hearing site: Los Angeles, CA.)

MC 35883 (Sub-5F), filed November 9, 1979. Applicant: BRANDER BUS LINES, INC., 20 Slater Street, Rehoboth, MA 02769. Representative: James M. Burns, 1383 Main Street, suite 413, Springfield, MA 01103. Over regular routes, transporting *passengers and their baggage, and express packages,* between New Bedford, MA and Boston, MA, serving all intermediate points: from New Bedford, MA over MA Hwy 140 to junction MA Hwy 24, then over MA Hwy 24 to junction MA Hwy 128, then over MA Hwy 128 to junction MA Hwy 3, then over MA Hwy 3 to Boston, MA, and return over the same route. (Hearing site: Providence, RI or Boston, MA.)

MC 36422 (Sub-11F), filed December 4, 1979. Applicant: MERCHANTS CONTRACT DELIVERIES, INC. d.b.a. WARWICK DELIVERY SERVICE, 1212 East 19th, Kansas City, MO 64108. Representatives: Leonard Rose and David W. Howard, 601 West 47th, Kansas City, MO 64112. *Contract carrier* transporting *such merchandise* as is dealt in by retail department and mail order stores between the facilities of Montgomery Ward & Co., Inc. at Des Moines, IA, on the one hand, and, on the other, the facilities of Montgomery Ward & Co., Inc. at Omaha and Lincoln, NE, under continuing contract(s) with Montgomery Ward & Co., Inc., of Kansas City, Mo. (Hearing site: Kansas City, MO.)

MC 42352 (Sub-1F), filed August 6, 1979. Applicant: DANIS TRANSPORTATION CO., INC., 18 Keough Street, Pawtucket, RI 02861. Representative: Michael T. Stamp (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between Providence, RI, and Lawrence, MA, from Providence over Interstate Hwy 95 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Lawrence, and return over the same route, (2) between junction Interstate Hwy 95 and U.S. Hwy 3 and Lowell, MA, over U.S. Hwy 3, (3) between Lawrence and Haverhill, MA, over Interstate Hwy 495, (4) between Providence, RI, and Worcester, MA, from Providence over RI Hwy 146 to the RI–MA State line, then over MA Hwy 146 to Worcester, and return over the same route, serving the intermediate point of Uxbridge, MA, and the off-route point of Westboro, MA, and (5) between Providence, RI, and New Bedford, MA, over Interstate Hwy 195 (or U.S. Hwy 6) serving the intermediate points of Fall River and Westport, MA. (Hearing site: Providence, RI or Boston, MA.)

MC 48632 (Sub-16F), filed August 28, 1979. Applicant: WILLIG FREIGHT LINES, a corporation, 123 Loomis Street, San Francisco, CA 94124. Representative: Robert L. LaVine, 415 Hearst Building, San Francisco, CA 94103. Transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): A. regular routes: (1) Between San Francisco and Notleys Landing, CA, over CA Hwy 1. (2) Between Cloverdale and Los Angeles, CA, over U.S. Hwy 101. (3) Between Half Moon Bay and Hayward, CA, over CA Hwy 92. (4) Between San Gregorio and Livermore, CA, over CA Hwy 84. (5) Between Santa Cruz and Los Gatos, CA, over CA Hwy 9. (6) Between San Francisco and junction CA Hwy 35 and CA Hwy 9, CA, over CA Hwy 35. (7) Between San Francisco and San Jose, CA, over Interstate Hwy 280. (8) Between San Francisco and San Jose, CA, over CA Hwy 82. (9) Between San Rafael and Santa Cruz, CA, over CA Hwy 17. (10) Between Mountain View and Milpitas, CA, over CA Hwy 237. (11) Between Saratoga and Mountain View, CA, over CA Hwy 85. (12) Between San Jose and Cordelia, CA, over Interstate Hwy 680. (13) Between Watsonville and junction CA Hwy 152 and CA Hwy 99, near Chowchilla, CA, over CA Hwy 152. (14) Between Watsonville and junction CA Hwy 129 and CA Hwy 101, CA, over CA Hwy 129. (15) Between Castroville and junction CA Hwy 156 and CA Hwy 152, over CA Hwy 156. (16) Between Gilroy and Hollister, CA, over CA Hwy 25. (17) Between Avila Hot Springs and Port San Luis, CA, over unnumbered road. (18) Between Concord and Clayton, CA, over Concord Road. (19) Between Monterey and Salinas, CA, over CA Hwy 68. (20) Between Castroville and Salinas, CA, over CA Hwy 183. (21) Between King City and Paso Robles, CA, over County Hwy G14. (22) Between Lockwood and junction County Hwy G18 and U.S. Hwy 101, CA, over County Hwy G18. (23) Between Cambria and San Juan Capistrano, CA, over CA Hwy 1. (24) Between Cholame and junction CA Hwy 46 and CA Hwy 1, CA, over CA Hwy 46. (25) Between Morro Bay and Shandon, CA, over CA Hwy 41. (26) Between San Luis Obispo and Arroyo Grande, CA, over CA Hwy 227. (27) Between Guadalupe and Santa Maria, CA, over CA Hwy 166. (28) Between Santa Maria and Los Alamos, CA, over CA Hwy 135. (29) Between Creston and Santa Margarita, CA: from Creston over CA Hwy 229 to junction CA Hwy 229 and CA Hwy 58, CA, then over CA Hwy 58 to Santa Margarita. (30) Between Santa Maria and Garey, CA, over CA Hwy 176. (31) Between Lompoc and Santa Ynez, CA, over CA Hwy 246. (32) Between Los Olivos and Santa Barbara, CA, over CA Hwy 154. (33) Between Santa Barbara and Carpenteria, CA, over CA Hwy 192. (34) Between Carpenteria and Santa Paula, CA, over CA Hwy 150. (35) Between Ventura and Mira Monte, CA, over CA Hwy 33. (36) Between Ventura, Castaic Junction, CA, over CA Hwy 126. (37) Between Saticoy and Sunland, CA, over CA Hwy 118. (38) Between Fillmore and Thousand Oaks, CA, over CA Hwy 23. (39) Between Oxnard and Somis, CA, over CA Hwy 34. (40) Between Chatsworth and Topanga Beach, CA, over CA Hwy 27. (41) Between Guerneville and Cotati, CA, over CA Hwy 116. (42) Between Sebastopol and Valley Springs, CA, over CA Hwy 12. (43) Between Petaluma and junction CA Hwy 116 and CA Hwy 121, near Schellville, CA, over CA Hwy 116.

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(44) Between Napa and junction CA Hwy 121 and CA Hwy 37, near Sears Point, CA, over CA Hwy 121. (45) Between Ignacio and Vallejo, CA, over CA Hwy 37. (46) Between Calistoga and Vallejo, CA, over CA Hwy 29. (47) Between Geyerserville and Calistoga, CA, over CA Hwy 128. (48) Between San Francisco and Weimar, CA, over Interstate Hwy 80. (49) Between Emeryville and Oakland, CA, over CA Hwy 13. (50) Between Richmond and Oakland, CA, over CA Hwy 123. (51) Between Marysville and Sacramento, CA, over CA Hwy 70. (52) Between Marysville and junction CA Hwy 65 and CA Hwy 16, CA, over CA Hwy 65. (53) Between Tudor and junction CA Hwy 113 and CA Hwy 12, CA, over CA Hwy 113. (54) Between Sycomore and Knights Landing, CA, over CA Hwy 45. (55) Between Marysville and Meridian, CA, over CA Hwy 20. (56) Between Alta Sierra and Pilot Hill, CA, over CA Hwy 49. (57) Between Sacramento and El Darado Hills, CA, over U.S.. Hwy 50. (58) Between Vacaville and junction Interstate Hwy 505 and Interstate Hwy 5, near Dunnigan, CA, over Interstate Hwy 505. (59) Between Madison and Sacramento, CA, over CA Hwy 16. (60) Between the junction Interstate Hwy 80 and Interstate Hwy 880, near West Sacramento, CA and junction Interstate Hwy 880 and Interstate Hwy 80, near North Highlands, CA, over Interstate Hwy 880. (61) Between Oakland and Hayward, CA, over CA Hwy 185. (62) Between San Lorenzo and Warm Springs, CA, over CA Hwy 238. (63) Between Oakland and junction Interstate Hwy 580 and Interstate Hwy 5, CA, over Interstate Hwy 580. (64) Between the junction of Interstate Hwy 580 and Interstate Hwy 205, CA, and the Junction of Interstate Hwy 205 and Interstate Hwy 5, CA, over Interstate Hwy 205. (65) Between Oakland and Concord, CA, over CA Hwy 24. (66) Between Hercules and Farmington, CA, over CA Hwy 4. (67) Between Vallejo and Benecia, CA, over Interstate Hwy 780. (68) Between Oakland and San Leandro, CA, over CA Hwy 61. (69) Between Sacramento and junction CA Hwy 160 and CA Hwy 4, near Antioch, CA, over CA Hwy 160. (70) Between Arbuckle and San Ysidro, CA, over Interstate Hwy 5. (71) Between Yuba City and junction CA Hwy 99 and Interstate Hwy 5, near Wheeler Ridge, CA, over CA Hwy 99. (72) Between Sacramento and Live Oak, CA, over CA Hwy 16. (73) Between Lincoln and Newcastle, CA, over CA Hwy 193. (74) Between Ione and junction CA Hwy 104 and CA Hwy 99, near Galt, CA, over CA State Hwy 104. (75) Between Stockton and Ione, CA: From Stockton, CA, over CA Hwy 88 to junction CA Hwy 88 and CA Hwy 124, then over CA Hwy 124 to Ione, CA. (76) Between Winters, CA and junction CA Hwy 128 and Interstate Hwy 505 CA, over CA Hwy 128. (77) Between Stockton and Valley Springs, CA, over CA Hwy 26. (78) Between Sacramento and Stockton, CA, over County Hwy J8. (79) Between Galt and Stockton, CA, over County Hwy J10. (80) Between Oakdale, CA and junction CA Hwy 120 and Interstate Hwy 5, near Lathrop, CA, over CA Hwy 120. (81) Between Modesto and Oakdale, CA, over CA Hwy 108. (82) Between La Grange, CA and junction CA Hwy 132 and Interstate Hwy 580, CA, over CA Hwy 132. (83) Between Salida, CA and junction CA Hwy 219 and CA Hwy 108, CA, over CA Hwy 219. (84) Between the junction of Interstate Hwy 5 and CA Hwy 33, and junction CA Hwy 33 and Lokern Road, near Button Willow, CA, over CA Hwy 33. (85) Between Taft and Maricopa, CA, over CA Hwy 33. (86) Between Turlock, CA and junction CA Hwy 165 and Interstate Hwy 5, CA, over CA Hwy 165. (87) Between Gustine and Planada, CA, over CA Hwy 140. (88) Between Snelling, CA and junction CA Hwy 59 and CA Hwy 152, CA, over CA Hwy 59. (89) Between the junction CA Hwy 33 and CA Hwy 145 and junction CA Hwy 145 and CA Hwy 41, CA, over CA Hwy 145. (90) Between Kettleman City, CA and junction CA Hwy 41 and CA Hwy 145, CA, over CA Hwy 41. (91) Between Highway City and Clovis, CA, over CA Hwy 168. (92) Between Mendota, CA and junction CA Hwy 180 and CA Hwy 63, CA, over CA Hwy 180. (93) Between Tulare, CA and junction CA and CA Hwy 180, CA, over CA Hwy 63. (94) Between Selma, CA and junction CA and Interstate Hwy 5, CA, over CA Hwy 43. (95) Between Kingsburg and Elderwood, CA, over CA Hwy 201. (96) Between the junction CA Hwy 198 and CA Hwy 245, and junction CA Hwy 245 and County Road J40, CA, over CA Hwy 245. (97) Between Visalia, CA and junction CA Hwy 216 and CA Hwy 198, CA, over CA Hwy 216. (98) Between Coalinga, CA and junction CA Hwy 198 and CA Hwy 216, CA, over CA Hwy 198. (99) Between Bakersfield, CA and junction CA Hwy 65 and CA Hwy 198, CA, over CA Hwy 65. (100) Between Corcoran and Lindsay, CA, over CA Hwy 137. (101) Between Porterville and Tipton, CA, over CA Hwy 190. (102) Between Taft and Greenfield, CA, over CA Hwy 119. (103) Between Keene and Button Willow, CA, over CA Hwy 58. (104) Between Delano and Woody, CA, over CA Hwy 155. (105) Between Blackwells Corner and Famoso, CA, over CA Hwy 46. (106) Between Maricopa and Mettler, CA, over CA Hwy 166. (107) Between the junction CA Hwy 58 and CA Hwy 223, near Bealville, CA and junction CA Hway 223 and Interstate Hwy 5, CA, over CA Hwy 223. (108) Between San Diego, CA and junction Interstate Hwy 15 and CA Hwy 30, CA, over Interstate Hwy 15. (109) Between San Bernardino, CA and junction Interstate Hwy 15E and Interstate Hwy 15, near Murrieta, CA, over Interstate Hwy 15E. (110) Between Cabazon and Santa Monica, CA, over Interstate Hwy 10. (111) Between Beaumont and Los Angeles, CA, over CA Hwy 60. (112) Between Riverside and Hermosa Beach, CA, over CA Hwy 91. (113) Between San Dimas and Redlands, CA, over CA Hwy 30. (114) Between Corona and Pomona, CA, over CA Hwy 71. (115) Between Beaumont and Sunshine Summit, CA, over CA Hwy 79. (116) Between Mountain Center and San Juan Capistrano, CA, over CA Hwy 74. (117) Between San Bernardino and San Dimas, CA, over CA Hwy 66. (118) Between Aguanga and Cahuilla, CA, over CA Hwy 371. (119) Between San Antonio Heights, CA and junction CA Hwy 83 and CA Hwy 71, CA, over CA Hwy 83. (120) Between Oceanside, CA and junction CA Hwy 76 and CA Hwy 79, CA, over CA Hwy 76. (121) Between Alpine and Ocean Beach, CA, over Interstate Hwy 8. (122) Between Carlsbad and Santa Ysabel, CA, over CA Hwy 78. (123) Between El Cajon and Ramona, CA, over CA Hwy 67. (124) Between San Ysidro, CA and junction Interstate Hwy 805 and Interstate Hwy 5, CA, over Interstate Hwy 805. (125) Between Jamul and San Diego, CA, over CA Hwy 94. (126) Between National City and El Cajon, CA, over CA Hwy 54. (127) Between Coronado and Palm City, CA, over CA Hwy 75. (128) Between San Fernando and Irvine, CA, over Interstate Hwy 405. (129) Between Pasadena and San Pedro, CA, over CA Hwy 11. (130) Between Alhambra and Long Beach, CA, over CA Hwy 7. (131) Between Duarte and Los Alamitos, CA, over Interstate Hwy 605. (132) Between San Fernando, CA and junction Interstate Hwy 210 and Interstate Hwy 10, near Pomona, CA, over Interstate Hwy 210. (133) Between Pasadena and Long Beach, CA, over CA Hwy 19. (134) Between Playa Del Ray and Norwalk, CA, over CA Hwy 42. (135) Between Hollywood and Pasadena, CA, over CA Hwy 134. (136) Between Costa Mesa and Olive, CA, over CA Hwy 55. (137) Between Orange, CA and junction CA Hwy 57 and Interstate Hwy 10, CA, over CA Hwy 57. (138) Between Azusa and Huntington Beach, CA, over CA Hwy 39. (139) Between Los Angeles and Anaheim, CA, over CA Hwy 72. (140) Between La Habra, CA and junction CA Hwy 90 and CA Hwy 91, CA, over CA Hwy 90. (141) Between Healdsburg and Cloverdale, CA: From Healdsburg, CA, over Dry Creek Road to junction Dry Creek Road and Dutcher Creek Road, then over Dutcher Creek Road to Cloverdale, CA. (142) Between Los Angeles, CA and Tucson, AZ, serving all intermediate points, except that there shall be no service between Cabazon, CA and Tonapah, AZ, but serving Cabazon, CA and Tonapah, AZ, over Interstate Hwy 10. (143) Between Beardsley and Apache Junction, AZ, over U.S. Hwy 60. (144) Between Apache Junction and Sahuarita, AZ, over U.S. Hwy 89. (145) Between Mesa, AZ and junction AZ Hwy 87 and Interstate Hwy 10, AZ, over AZ Hwy 87. (146) Between Mesa and Casa Grande, AZ, over AZ Hwy 93. (147) Between Phoenix and Buckeye, AZ, over AZ Hwy 85. Serving all intermediate points on 1 through 147, except as may be otherwise specifically indicated. B. Off route points located in the following California counties: (a) In Fresno County: (A) Caruthers—In connection with 90 above. (B) Huron—In connection with 98 above. (C) Laton—In connection with 94 above. (D) Parlier—In connection with 71 above. (E) Reedley—In connection with 93 above. (F) Riverdale—In connection with 90 above. (G) San Joaquin—In connection with 89 above. (H) Tranquillity—In connection with 92 above. (b) In Kern County: (A) Lamont—In connection with 107 above. (B) Tupman—In connection with 102 above. (c) In Merced County: (A) Le Grand—In connection with 71 above. (d) In Placer County: (A) Sunset Whitney Ranch—In connection with 52 above. (e) In Riverside County: (A) Lakeview—In connection with 109 above. (B) Mira Loma—In connection with 111 above. (f) In San Diego County: (A) Camp Pendleton—In connection with 70 above. (B) Fallbrook—In connection with 108 above. (C) La Jolla—In connection with 70 above. (D) Poway—In connection with 108 above. (E) Valley Center—In connection with 120 above. (g) In Santa Barbara County: (A) Casmalia—In connection with 23 above. (B) Vandenburg A.F.B.—In connection with 23 above. (h) In Sonoma County: (A) Asti—In connection with 2 above. (i) In Stanislaus County: (A) Hughson—In connection with 71 above. (j) In Tulare County: (A) Alpaugh—In connection with 94 above. (B) Dinuba—In connection with 95 above. (C) New London—In connection with 101 above. (D) Richgrove—In connection with 104 above. (E) Woodville—In connection with 101 above. C. Off-route points located in the following Arizona counties: (a) In Maricopa County: (A) Chandler Heights—In connection with 145 above. (B) Gilbert—In connection with 143 above. (C) Higley—In connection with 143 above. (D) Scottsdale—In connection with 143 above. (E) Williams A.F.B.—In connection with 143 above. (b) In Pima County: (A) Esperanza Mine Site—In connection with 144 above. (B) Mission Union Mine Site—In connection with 144 above. (C) San Xavier Mine Site—In connection with 144 above. (D) Sierrita Mine Site—In connection with 144 above. (E) Twin Buttes Mine Site—In connection with 144 above. (c) In Pinal County: (A) Eloy—In connection with 142 above. (B) Maricopa—In connection with 142 above. (C) Olberg—In connection with 145 above. (D) Queen Creek—In connection with 143 above. (E) Rittenhouse—In connection with 143 above. (F) Sacaton—In connection with 145 above. D. Irregular routes: (1) Within the San Francisco Territory as described in Note A. (2) Within the Los Angeles Basin Territory as described in Note B.

Note A.—San Francisco territory: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Miles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; notherly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

Note B.—Los Angeles basin territory: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernandino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along

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U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

E. Regular route—Serving no intermediate points, as alternate routes for operating convenience only in conjunction with carrier's regular-route and irregular-route operations: (1) Between Alpine, CA and junction Interstate Hwy 8 and Interstate Hwy 10, near Casa Grande, AZ, over Interstate Hwy 8. (2) Between Cabazon and EL Centro, CA: From Cabazon over Interstate Hwy 8 to Indio, CA, then over CA Hwy 86 to El Centro. (3) Between Keene and Blythe, CA: From Keene over CA Hwy 58 to Barstow, CA, then over Interstate Hwy 40 to Needles, CA, then over CA Hwy 95 to Blythe. F. In performing the service herein authorized, carrier may make use of any of all streets, roads, highways, and bridges necessary or convenient for the performance of said service. G. Tacking Intended. Condition: Issuance of a certificate is subject to the coincidental cancellation, at applicant's written request, of the outstanding Certificate of Registration, in MC–48632 SUB 15f issued March 30, 1979. (Hearing site: San Francisco, CA.)

MC 52793 (Sub-55F), filed December 11, 1979. Applicant: BEKINS VAN LINES CO.—New Products Division, 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Boulevard, suite 1800, Los Angeles, CA 90017. Transporting (1) *new furniture, new furnishings, and new appliances,* (2) *new store and office fixtures,* and (3) *new kitchen and institutional fixtures, and equipment,* and *accessories and parts* for commodities named above, between points in CA, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 52793 (Sub-56F), filed December 10, 1979. Applicant: BEKINS VAN LINES CO.—New Products Division, a corporation, 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Boulevard, suite 1800, Los Angeles, CA 90017. Transporting furniture and furnishings, from the facilities of Libery Furniture at Liberty, NC, to points in CA, OR, WA, ID, NV, AZ, UT, MT, WY, CO, NM, IN, TX, IL, WI, MI, OH, KY, MA, RI, CT, NY, PA, NJ, MD, and VA. (Hearing site: Los Angeles, CA.)

MC 61592 (Sub-481F), filed December 17, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E.A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* used in manufacture or distribution of tractors, (3) *agricultural industrial and construction machinery and equipment,* (4) *attachments* for the commodities in (2) and (3), and (5) *parts* for commodities described in (1) through (4) in mixed loads with commodities in (1) through (4) from Bettendor, IA to points in AL, AR, GA, LA, MS, TN, and TX. The sole purpose of this application is to substitute single line for joint-line operations. (Hearing site: Chicago, IL.)

MC 71452 (Sub-19F), filed December 3, 1979. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, IN 46241. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *personal care products, nutritional supplements and foods, and cleaning compounds,* between the facilities of the Shaklee Corporation or near Chicago, IL, on the one hand, and, on the other, points in Indiana. (Hearing site: Indianapolis, IN.)

MC 82063 (Sub-115F), filed December 7, 1979. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 666 11th Street, NW., Washington, DC 20001. Transporting *liquid petroleum oils and petrochemicals,* in bulk, in tank vehicles, from Natchez, MS, to points in AR, IL, IN, KS, LA, MO, OH, TN, and TX. (Hearing site: Chicago, IL or St. Louis, MO.)

MC 82063 (Sub-116F), filed December 7, 1979. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 666 11th Street, NW., Washington, DC 20001. Transporting *liquid cleaning, scouring, and washing compounds,* in bulk, in tank vehicles, from the facilities of The Procter & Gamble Mfg. Co., at Ivorydale, OH, to Chicago, IL and Fort Madison, IA. (Hearing site: Cincinnati, OH or St. Louis, MO.)

MC 87523 (Sub-108F), filed December 11, 1979. Applicant: STEWART TRUCKING CO., INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, NW., Washington, D.C. 20036. Transporting *salt,* in bags, from Perth Amboy, NJ, to Bedford, NH. (Hearing site: Boston, MA or Washington, DC.)

MC 87523 (Sub-109F), filed December 11, 1979. Applicant: STEWART TRUCKING CO., INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, NW., Washington, D.C. 20036. Transporting *paper, paper products, and empty containers,* between the facilities of Fonda/Royal Lace Group, Saxon Industries, Inc. at or near Bethel and St. Albans, VT, on the one hand, and, on the other, points in NY, ME, MA, NH, RI, CT, NJ, and PA. (Hearing site: Boston, MA or Washington, DC.)

MC 87523 (Sub-110F), filed December 11, 1979. Applicant: STEWART TRUCKING CO., INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, NW., suite 501, Washington, DC 20036. Transporting: (1) *insulation, insulating materials,* and (2) *materials, equipment,* and *supplies* used in the manufacture, and distribution of insulation and insulating materials, between the facilities of Thermo-Chek Manufacturing Company, at or near Manchester, NH, on the one hand, and, on the other, points in ME, VT, MA, RI, CT, NY, and NJ. (Hearing site: Boston, MA, or Washington, DC.)

MC 92692 (Sub-8F), filed November 20, 1979. Applicant: FREEPORT FAST FREIGHT, INC., 4109 West 52nd Place, Chicago, IL 60632. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Over regular routes, transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) serving points in IA in the Davenport-Rock Island Commercial Zone, the Fulton, IL Commercial Zone, and the East Dubuque, IL Commercial Zone as off-route points in connection with carrier's regular route operations. (Hearing site: Chicago, IL.)

MC 96992 (Sub-22F), filed November 13, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., a corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. Transporting *paper, paper products, copying machines, and materials, equipment, supplies and accessories* used in the manufacture, service and distribution of copying machines (except commodities in bulk) between points in CA, NY, NH, and TX, restricted to the transportation of traffic originating at and destined to points in the described territory. (Hearing site: McAllen, TX.)

MC 103993 (Sub-1029F), filed December 27, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same as applicant). Transporting (1) *prefabricated buildings,* and (2) *materials and supplies* used in the construction and installation of the commodities in (1) above, from the facilities of Traditional Log Homes, Inc., in Surry County, NC, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Charlotte, NC.)

MC 103993 (Sub-1030F), filed December 27, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same as applicant). Transporting *machine rolls, iron and steel with rubber covers,* from the facilities of Stowe-Woodard Company at or near Ruston, LA, to points in TX, OK, AL, MS, and AR. (Hearing site: Shereveport, LA.)

MC 107012 (Sub-472F), filed December 10, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *Biological reactor media,* from the facilities of Norton Company, at or near Conneaut, OH, to points in the United States (except AK and HI). (Hearing sites: Cleveland, OH, or Washington, DC.)

Note.—Common contol may be involved.

MC 107012 (Sub-473F), filed December 10, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting (1) *fixtures, furniture, food service equipment,* and (2) *parts and accessories* thereof, from the facilities of E. H. Thompson Co., at or near Jacksonville, FL, to points in AL, AR, AZ, GA, KY, LA, MS, NM, NC, OK, SC, TN, TX, VA and WV. (Hearing sites: Atlanta, GA, or Miami, FL.)

Note.—Common contol may be involved.

MC 107403 (Sub-1296F), filed December 7, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from Huron, OH, to Elizabethton and Kingsport, TN, Grand Rapids and Kalamazoo, MI, and points in VA, NC, SC, FL, MT, UT, NM, and DC. (Hearing site: Washington, DC.)

MC 108053 (Sub-169F), filed December 10, 1979. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Couzens Warehouse & Distributors, Inc., at or near Chicago, IL, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 110012 (Sub-66F), filed December 11, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Transporting (1) *new furniture and furniture parts,* and (2) *materials and supplies* used in the manufacture of new furniture (except commodities in bulk in tank vehicles), between points in Rhea County, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 110012 (Sub-67F), filed December 11, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Transporting (1) *new furniture and furniture parts,* from Galax, VA, to points in MN, WI, IA, NE, KS, OK, and MS; and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Washington, DC.)

MC 111812 (Sub-705F), filed December 5, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *such commodities* as are dealt in by retail music store outlets and home entertainment stores, between points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 111812 (Sub-706F), filed December 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *such commodities* as are dealt in by retail and wholesale automotive supply houses (except commodities in bulk), from the facilities of AMS, Oil at Superior, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. (Hearing site: Minneapolis, MN.)

MC 111812 (Sub-707F), filed December 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Seattle, WA to points in CO, IL, IA, KS, MN, MO, MT, NE, ND, SD, UT and WI, restricted to the transportation of traffic having a prior movement by water or to that which moves from the facilities of International Freight Forwarders in Seattle, WA. (Hearing site: Seattle, WA.)

MC 112713 (Sub-296F), filed December 27, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Over regular routes, transporting *general commodities* (except household goods as described by the Commission, classes A and B explosives, commodities in bulk, those requiring special equipment and those of unusual value) serving El Dorado Springs, MO as an off-route point in connection with carrier's authorized operations. Common control may be involved. (Hearing site: Kansas City or St. Louis, MO.)

MC 112713 (Sub-297F), filed December 27, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, those requiring special equipment, commodities of unusual value and household goods as defined by the Commission), serving Aurora, MO as an off-route point in connection with carriers authorized operations. (Hearing site: Kansas City, MO; Chicago, IL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 112822 (Sub-477F), filed December 11, 1979. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting (1) *wheels, brakes, and axle assemblies,* and (2) *parts,* for the commodities in (1) above; from (a) Chattanooga, TN, Jackson,

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Dearborn, Detroit, and Romulus, MI, Chicago, IL, Warwick, RI, Dayton and Tiffon, OH, Elkhart, Logansport, and Auburn, IN, Montezuma, GA, and Waupaca, WI, to Seminole, OK, and (b) from Seminole, OK, to Chino, CA, Montezuma, GA, Elkhart, IN, and McMinnville, OR, restricted in (a) and (b) above to the transportation of traffic originating at or destined to the facilities used by Kelsey-Hayes Company. (Hearing site: Tulsa or Oklahoma City, OK.)

MC 115162 (Sub-515F), filed December 7, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *alcohol anti-freeze, anti-freeze and deicing proprietory compounds, winshield washer solvent* (except in bulk, in tank vehicles), *containers and enclosures* from points in Montgomery County, AL, to points in the US in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, supplies and equipment* used in the manufacture and distribution of the commodities in (1) (except in bulk, in tank vehicles), from points in the US in and east of ND, SD, NE, KS, OK, and TX to points in Montgomery County, AL. (Hearing site: Montgomery or Birmingham, AL.)

MC 116362 (Sub-6F), filed December 11, 1979. Applicant: AIME BELLAVANCE & SONS, INC., Boynton Street, Barre, VT 05641. Representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Transporting (1) *stone and granite,* (except monumental stone and granite), and, *materials and machinery,* used in the manufacturing of stone and granite, between (a) Barre and Bethel, VT, and Concord, NH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, and, (2) *stone, granite, and materials and machinery* used in the manufacturing of stone and granite, from Barre, and Montpellier, VT to points in MD, DE, WV, VA, and DC. (Hearing site: Montpellier, VT or Boston, MA.)

MC 116763 (Sub-637F), filed November 16, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as are used or dealt in by manufacturers and distributors of lighting fixtures (except commodities in bulk, in tank vehicles), between Bristol, PA on the one hand, and, on the other, points in the US in and east of MN, IA, MO, TN, GA, and FL, restricted to the transportation of traffic originating at or destined to the facilities of Keystone Lighting Corporation. (Hearing site: Philadelphia, PA.)

MC 116763 (Sub-638F), filed November 16, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *security hardware, aluminum and steel security windows, jail and prison equipment and iron* and *steel fabrications* (except commodities in bulk, in tank vehicles), from San Antonio, TX to points in the US in and east of MN, IA, MO, AR and LA, restricted to the transportation of traffic originating at the facilities of Southern Steel Company and destined to the indicated destinations. (Hearing site: San Antonio, TX.)

MC 116763 (Sub-639F), filed November 16, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *pet foods* (except commodities in bulk, in tank vehicles) from El Paso, TX, to points in the US in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Los Angeles, CA.)

MC 118202 (Sub-147F), filed December 31, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz, (same as applicant). Transporting *such merchandise* as is dealt in by wholesale and retail gift stores between Addison, TX, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Tuesday Morning, Inc. (Hearing site: Dallas, TX.)

MC 119642 (Sub-10F), filed December 13, 1979. Applicant: JANESVILLE AUTO TRANSPORT CO., a corporation, 1800 South Jackson, P.O. Box 959, Janesville, WI 53545. Representative: Eugene C. Edward, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier* transporting *motor vehicles,* in initial movements, from the facilities of General Motors Corporation at Wilmington, DE, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, under continuing contract(s) with General Motors Corporation, of Warren, MI. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 123263 (Sub-18F), filed December 10, 1979. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, d.b.a. WANGERIN TRUCKING CO., Rural Route 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting *hydraulic hose and fittings,* (1) from Iola, KS to Milwaukee, WI and Menominee, MI, and (2) from Milwaukee, WI to Menominee, MI, restricted in (1) to the transportation of traffic destined to the facilities of Menominee Rubber Company and in (2) to the transportation of traffic orginiating at and destined to facilities of the named shipper. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 124383 (Sub-201F), filed December 13, 1979. Applicant: FRANK POTTER TRUCKING CO., INC., P.O. Box 132, Boonville, MO 65233. Representative: Tom B. Kretsinger, 20 East Frankline, Liberty, MO 64068. *Contract carrier* transporting (1) *fiberboard,* from Boonville, MO to points in AL, AZ, FL, GA, ND, NM, PA, VA, WV, and WY, and (2) *wax* in shipper's tank vehicles, or in drums, from Hattiesburg, MS to Boonville, MO, under continuing contract(s) with Huebert Fiberboard, Inc., of Boonville, MO. (Hearing site: Jefferson City, or Kansas City, MO.)

MC 125952 (Sub-46F), filed December 3, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango Street, SW, Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier* transporting *salt and salt products* (except in bulk), from Saltair, UT, to points in MT, CO, and ID, under continuing contract(s) with Morton Salt, Division of Morton Norwich Products, of Chicago, IL. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 126063 (Sub-13F), filed November 20, 1979. Applicant: BIRD TRUCKING, INC., 1370 Swaner Road, Salt Lake City, UT 84104. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contracting carrier,* transporting, (1) *stone, marble, pre-cast mosiac, concrete panels, and trim, pre-mosaic mix, and cast stone products,* and (2) *materials and supplies* used in the installation and manufacture of the commodities in (1) between points in AZ, MT, CA, CO, ID, UT, and WY under continuing contract(s) with State Stone Corporation, Inc., of Murray, UT. (Hearing site: Salt Lake City, UT.)

MC 128412 (Sub-7F), filed December 3, 1979. Applicant: LO-TEMP EXPRESS, INC., Burns Avenue, Canan Station, Altoona, PA 16603. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract carrier,* transporting (1) *electrical fixtures,* from the facilities of Lumax Industries, Inc. at Altoona, PA, to points in WV, VA, KY, TN, SC, NC, GA, and AR, and (2) *materials* used in the manufacture of electrical fixtures in the reverse direction, under continuing contract(s) with Lumax Industries, Inc., of Altoona, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 128543 (Sub-21F), filed December 10, 1979. Applicant: CRESCO LINES, INC., 13900 S. Keeler Ave., Crestwood, IL 60445. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract carrier* transporting *zinc, zinc alloys, and zinc products,* from the facilities used by Jersey Miniere Zinc Company at or near Clarksville, TN, to points CT, DE, ME, MA, NH, NJ, NY, RI, and VT, under continuing contract(s) with Jersey Miniere Zinc Company, of Nashville, TN. (Hearing site: Chicago, IL.)

MC 129712 (Sub-24F), filed December 6, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier* transporting *agricultural machinery, and parts and accessories thereto,* from Pella, IA, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA, under continuing contract(s) with Massey Ferguson, Inc., of Des Moines, IA. (Hearing site: Atlanta, GA.)

MC 129712 (Sub-25F), filed December 7, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, Inc., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier* transporting *tractors* (except truck tractors), from the facilities of Massey Ferguson, Inc., at or near Detroit, MI, to points NC and SC, under continuing contract(s) with Massey Ferguson, Inc., of Des Moines, IA. (Hearing site: Atlanta, GA.)

MC 129712 (Sub-26F), filed December 7, 1979. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier* transporting *Such commodities as are dealt in or used by agricultural equipment dealers and manufacturers* (except commodities in bulk), from the facilities of Avco New Idea Farm Equipment Division, The Paul Revere Corporation, at Coldwater, OH, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA, under continuing contract(s) with Ford Motor Company, of Troy, MI. (Hearing site: Atlanta, GA.)

MC 135762 (Sub-9F), filed December 10, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: John H. Neal (same address as applicant). Contract carrier transporting, *fencing, fencing materials, and wire products,* from the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, to points in AL, DE, FL, GA, LA, MD, MS, NC, OK, SC, TN, TX and VA, under continuing contract(s) with Bekaert Steel Wire Corporation, of Van Buren, AR. (Hearing site: Washington, DC.)

MC 136342 (Sub-19F), filed November 16, 1979. Applicant: JACKSON & JOHNSON, INC., West Church Street, P.O. Box 327, Savannah, NY 13146. Representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. *Contract carrier,* transporting: *cranberries and cranberry products, grapefruit, grapefruit juice, prunes and prune products,* in containers, between North East, PA, on the one hand, and, on the other, points in MA, NY, OH and Bordentown, NJ, and between the facilities of Ocean Spray Cranberries, Inc. in Massachusetts, on the one hand, and, on the other, Bordentown, NJ under continuing contract(s) with Ocean Spray Cranberries, Inc., of Middleborough, MA. (Hearing site: Boston, MA, or New York, NY.)

MC 138493 (Sub-6F), filed December 10, 1979. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract carrier* transporting *foodstuffs* from Plymouth, WI, to points in AZ, CA, CO, and TX, under continuing contract(s) with Sargento Cheese Co., Inc., of Plymouth, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 140902 (Sub-14F), filed November 13, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33152. Representative: Warren A. Goff, Esq., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Contract carrier,* transporting *prefabricated buildings and component parts* and *materials, equipment and supplies* used in the construction of prefabricated buildings, between the facilities of National Homes Corporation at or near Lafayette, IN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and WY, under continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing sites: Miami, FL or Washington, DC.)

MC 142062 (Sub-35F), filed November 20, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. *Contract carrier* transporting *such commodities* as are dealt in or used by a furniture manufacturer (except in bulk), from facilities of or used by Bal Harbour Manufacturing, Inc., at or near Santa Ana, CA, and Denver, CO, to points in the US (except CA, AK and HI), under continuing contract(s) with Bal Harbour Manufacturing, Inc., of Santa Ana, CA. (Hearing site: Los Angeles, CA.)

MC 142543 (Sub-5F), filed December 11, 1979. Applicant: L. D. FONTAINE, d.b.a. FONTAINE TRUCKING, 504 Riverview Blvd., Great Falls, MT, 59404. Representative: (same as above). Transporting *linseed meal,* in bags, from ports of entry on the International Boundary line between the United States and Canada in MT to points in CA, restricted to the transportation of traffic moving in foreign commerce only. (Hearing site: Great Falls or Billings, MT.)

MC 145202 (Sub-4F), filed November 1, 1979. Applicant: K-LINES, LTD., 3125 South 11th Street, Council Bluffs, IA 50551. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier* transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 766* (except hides, commodities in bulk, and those requiring the use of special equipment) (a) from the facilities of Farmland Foods, Inc., at (i) Denison, Iowa Falls, Carroll, Fort Dodge, Cherokee, and Des Moines, IA, and (ii) Crete, Lincoln and Omaha, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (b) from the facilities of Prime Meat Processors, Inc., at Omaha, NE, to points in AR, AL, FL, GA, LA, MO, MS, NC, SC, and TN; and (2) *materials, equipment and supplies* utilized in (1) above, (a) from points in the states indicated in (1)(a) to the facilities of Farmland Foods, Inc., at or near (i) Denison, Iowa Falls, and Carroll, IA, and (ii) Crete, NE, and (b) from points in the states indicated in (1)(b) to the facilities of Prime Meat Processors, Inc., at Omaha, NE, under continuing contract(s) with Farmland Foods, Inc., of Denison, IA, and Prime Meat Processors, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

MC 145743 (Sub-13F), filed December 11, 1979. Applicant: T.F.S., INC., RR 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box

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1103, 300 S. Thompson Ave., Sioux Falls, SD 57101. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from points in Osborne County, KS, to points in CA, MO, and NE. (Hearing site: Omaha, NE, or Downs, KS.)

MC 145772 (Sub-11F), filed June 25, 1979, and published in the FR issue of January 15, 1979 as MC 145772 Sub 6F and republished as corrected this issue. Applicant: LANG CARTAGE CORP., 1308 South West Avenue, Waukesha, WI 53187. Representative: John L. Bruemmer, 121 West Doty Street Street, Madison, WI 53703. The purpose of this republication is to correctly identify this application by its correct MC Docket number which is MC 145772 Sub 11F in lieu of MC 145772 Sub 6F published in error. The request of authority remains the same as previously published.

MC 146343 (Sub-5F), filed November 15, 1979. Applicant: SOUTHERN EXPRESS CORPORATION, 308 South Ocean Blvd., Pompano, FL 33062. Representative: Mr. Daniel Sumner, 131 Airport Rd., Warwick, RI 02889. Contract carrier transporting (1) *plastic pellets, garden hose, rubber tire treads, shoe soling, plastic tubing, rubber blocks, rubber mats, dry and wet paints* (non-hazardous), *plasticizers,* (except in bulk), and (2) *chemicals and supplies* used in the manufacture of the commodities in (1) (except in bulk), between Pawtucket, RI, and Attleboro, MA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Teknor Apex Company of Pawtucket, RI. (Hearing site: Washington, DC or FL.)

MC 146343 (Sub-6F), filed November 14, 1979. Applicant: SOUTHERN EXPRESS CORPORATION, 308 S. Ocean Blvd., Pompano, FL 33062. Representative: Mr. Daniel Sumner 131 Airport Rd., Warwick, RI 02889. *Contract carrier,* transporting *printing paper,* not printed, between Boston, MA and points in AR, FL, GA, IL, IN, KS, KY, MO, MN, MD, ME, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, VA and WV, under continuing contract(s) with THE BOSTON PAPER BOARD COMPANY, of Boston, MA. (Hearing site: Washington, DC or FL.)

MC 146643 (Sub-25F), filed November 7, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 E. 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle Street, Chicago, IL 60603. Contract carrier, transporting *insulating materials and commodities used in the installation of* insulating materials from Alexandria, IN and Cameron, MO to points in IL, IN, IA, the Lower Peninsula of MI, MN, MO, OH and WI, under continuing contract(s) with Rockwood Industries, Inc., of Denver, CO. (Hearing site: Chicago, IL.)

MC 147252 (Sub-3F), filed December 12, 1979. Applicant: FCT CORP., Dalton Pike, Box 20A, Route #1, Cleveland, TN 37311. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Contract carrier, transporting *floor covering and materials* used in the installation of floor covering between the facilities of New York Carpet World, Inc. at or near Southfield and Detroit, MI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with New York Carpet World, Inc., of Southfield, MI. (Hearing site: Detroit, MI or Chicago, IL.)

MC 147652 (Sub-2F), filed November 19, 1979. Applicant: J & V TRUCKING COMPANY, INC., 948 Alton Parkway, Alton Industrial Park, Birmingham, AL 35210. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Contract carrier, transporting (1) *fabricated steel pipe and materials and supplies* used in the manufacture, installation or sale of such commodities, between the facilities of Emergency Fire Protection, Inc. of AL, at or near Birmingham, AL, on the one hand, and, on the other, points in AL, GA, FL, SC, NC, VA, KY, TN, AR, MO, MS, LA, TX, NM, AZ and CA, under continuing contract(s) with Emergency Fire Protection, Inc.; and (2) *iron and steel and iron and steel articles* (a) from New Orleans, LA and Mobile, AL to the facilities of Toyoda America, Inc. at or near Birmingham, AL and (b) from the facilities of Toyoda America, Inc. at or near Birmingham, AL to Youngstown, OH and Chicago, IL, under continuing contract(s) with Toyoda America, Inc. (Hearing site: Birmingham, AL or Atlanta, GA.)

MC 147662 (Sub-4F), filed November 13, 1979. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *wrecked, disabled or repossessed motor vehicles, and boats,* between points in CA, CO, ID, KS, MT, NV, NM, OR, TX, UT, WA and WY, on the one hand, and, on the other, points in Canyon and Ada Counties, ID, under continuing contract(s) with Idaho Salvage Pool, of Caldwell, ID. (Hearing site: Salt Lake City, UT.)

MC 147732F, filed July 3, 1979. Applicant: JEROME GEHRING, d.b.a. JEROME GEHRING TRUCKING, 12165 Kaufman Road N.E., Silverton, OR 97381. Representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. Transporting (1) *feed and feed ingredients,* and *fertilizer,* dry, in bulk, and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) (formerly Section 203(b)(6)), of the Interstate Commerce Act), in mixed loads with the commodities in (1) above, dry, in bulk, from points in CA to points in OR. (Hearing site: Portland, OR.)

MC 147942 (Sub-2F), filed August 14, 1979. Applicant: M & L TRUCK LINE, INC., P.O. Box 358, Memphis, TN 38103. Representative: John Paul Jones, P.O. Box 3140, Front St. Station, 180 Jefferson Avenue, Memphis, TN 38103. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from those points in the United States in and east of ND, SD, NE, KS, NM, and TX, to points in AR, MS, and TN. (Hearing site: Memphis, TN, or St. Louis, MO.)

Note.—Applicant has introduced the issue of rates in support of its application.

MC 148283F, filed September 19, 1979. Applicant: ABC TRANSPORTATION, INC., State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Contract carrier* transporting (1) *pre-fabricated metal buildings, knocked down, and prefabricated metal grain storage bins, knocked down,* (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment and supplies* (except in bulk) used in the manufacture, sale, and assembly of the commodities in (1) above, between the facilities of American Buildings Company, Inc., and Conrad-American, Inc., in Barbour County, AL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with American Buildings Company, Inc. and Conrad-American, Inc., both of Eufaula, AL. (Hearing site: Birmingham, AL.)

MC 148642F, filed November 5, 1979. Applicant: DON WILLIAMS d.b.a. D. A. WILLIAMS FEED TRANSIT, Morgan, MN 56266. Representative: Wm. T. O'Connor, 519 Center Street, New Ulm, MN 56073. *Contract carrier* transporting *feed and feed ingredients* between the facilities of Farmland Industries, Inc., at Mankato, MN, on the one hand, and, on the other, points in WI and SD, under continuing contract(s) with Farmland Industries, Inc., of Mankato, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 148652F, filed November 13, 1979. Applicant: JOHNSON & HAMITER TRUCKING CO., INC., 4480 Ayrshire Street, Indianapolis, IN 46208. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier* transporting (1) *batteries,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Delco Remy Division of General Motors Corp., at (a) Muncie, IN, (b) Olathe, KS, (c) Fitzgerald, GA, (d) Anaheim, CA, and (e) New Brunswick, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Delco Remy Division of General Motors Corporation of Anderson, IN. (Hearing site: Indianapolis, IN.)

MC 149373F, filed August 1, 1979. Applicant: LARAMIE TIRE DISTRIBUTORS, INC., 700 Markly Street, P.O. Box 28, Norristown, PA 19404. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Washington, DC 20036. *Contract carrier* transporting *tires, tubes, flaps and rubber products* (except commodities in bulk) between Conshohocken, Frazer, Montgomeryville, Norristown and Royersford, PA, on the one hand, and, on the other, points in FL, GA, SC, and NC, under continuing contract(s) with Lee Tire & Rubber Company of Conshohocken, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

Freight Forwarder

FF 402 (Sub-1F), filed December 12, 1979. Applicant: SWIFT INTERNATIONAL, INC., 7901 Fourth Street North, St. Petersburg, FL 33734. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Freight forwarder transporting *used household goods* and *unaccompanied baggage,* between points in the United States (including AK and HI, but excluding ND and SD). Condition: Issuance of this Permit is subject to prior or coincidental cancellation at applicant's written request of Permit No. FF-402, issued June 23, 1976. (Hearing site: St. Petersburg, FL.)

FF 523 filed November 13, 1979. Applicant: HENRY ORTIZ, 205 Moorewood Avenue, Avon Lake, OH 44012. Representative: Charles B. Zellmer, 1400 Leader Bldg., Cleveland, OH 44114. Freight forwarder transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to prior or subsequent movement by water, from points in IN, KY, MI, OH and WV to Baltimore, MD; Philadelphia, PA; Hampton Roads, VA; Newport News, Norfolk and Portsmouth, VA, and NJ (within the New York, NY commercial zone), and NY (within the New York, NY commercial zone), and from points in IN, KY, OH, PA and WV to Detroit, MI, and from Baltimore, MD; Philadelphia, PA; Hampton Roads, Newport News, Norfolk and Portsmouth, VA; and points in NJ (within the New York, NY commercial zone), and NY (within the New York, NY commercial zone) to points in IN, KY, MI, OH, and WV and from Detroit, MI, to points in IN, KY, OH, PA and WV. (Hearing site: Cleveland, OH or Washington, DC.)

FF 513 (Sub-1), filed December 7, 1979. Applicant: MURPHY WAREHOUSE COMPANY, 701 24th Avenue SE., Minneapolis, MN 55414. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *general commodities* (except commodities in bulk and household goods) from the facilities of Murphy Warehouse Company at Minneapolis, MN to Grand Forks, Fargo and Whapeton, ND; Eau Claire, LaCrosse, Superior, Altoona, Chippewa Falls and Menomonie, WI and Sioux Falls, Brookings, and Watertown SD, restricted to the transportation traffic originating at the facilities of Murphy Warehouse Company. (Hearing site: Minneapolis, MN.)

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Decided: March 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 200 (Sub-435F), filed December 26, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *mineral wool, insulation and insulation materials and supplies,* serving Alexandria, IN as an off-route point in connection with applicant's regular route authority. (Hearing site: Kansas City, MO.)

MC 720 (Sub-79F), filed Feburary 4, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Tupelo, Verona, and Okolona, MS, on the one hand, and, on the other, points in IL, IN, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at and destined to the facilities of Arvin Industries, Inc. (Hearing site: Milwaukee or Madison, WI.)

MC 730 (Sub-496F), filed Feburary 4, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 N. Via Monte, P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from St. Joseph, MO to points in the United States (except AK and HI). (Hearing site: San Francisco, CA or St. Louis, MO.)

MC 5470 (Sub-217F), filed Feburary 1, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918, 16th Street, N.W., Washington, DC 20006. Transporting (1)(a) *iron and steel articles* and (b) *such commodities* as are transported in dump vehicles, from the facilities of Raritan River Steel Company at or near Perth Amboy, NJ to those points in the United States in and east of MT, WY, CO and NM; (2) *materials and supplies* used in the manufacture of iron and steel articles, in the reverse direction. (Hearing site: Washington, DC or Newark, NJ.)

MC 5470 (Sub-220F), filed January 25, 1980. Applicant: TAJON, INC., R. D. 5. Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. Transporting (1) *materials and supplies* used in the manufacture of carbon products, in dump vehicles, from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Union Carbide Corporation, Carbon Products Division, at or near Clarksburg, WV; Fostoria, OH; Clarksville and Natco, TN; Niagara Falls, NY; and Robinson, IL, and (2) *carbon products,* in dump vehicles, between the facilities of Union Carbide Corporation, Carbon Products Division, at or near Clarksburg, WV; Fostoria, OH; Clarksville and Natco, TN; Niagara Falls, NY; and Robinson, IL. (Hearing site: Washington, DC, or New York, NY.)

MC 5470 (Sub-221F), filed January 25, 1980. Applicant: TAJON, INC., R. D. 5. Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. Transporting (1) *alloys and ores,* in dump vehicles, from Ashtabula, OH, to those points in the

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United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used in the manufacture of the commodities in (1), in dump vehicles, in the reverse direction. (Hearing site: New York, NY or Washington, DC.)

MC 5470 (Sub-222F), filed January 25, 1980. Applicant: TAJON, INC., R. D. 5. Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, D.C. 20006. Transporting (1) *alloys and ores*, in dump vehicles, from East Liverpool and Marietta, OH, and Alloy, WV, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used in the manufacture of the commodities in (1) in dump vehicles, in the reverse direction. (Hearing site: Washington, DC or New York, NY.)

MC 28990 (Sub-9F), filed February 5, 1980. Applicant: SEYMOUR TRANSFER LINES, INC., 800 East Factory St., Seymour, WI 54165. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting over regular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in WI as follows: (1) between Oconto, WI, and Waupaca County Hwy I, over WI Hwy 22, (2) between Shawano and Green Bay, WI, over WI Hwy 29, (3) between Suring and Green Bay, WI, over WI Hwy 32, (4) between Oconto and Fond Du Lac, WI, over U.S. Hwy 41, (5) between Shawano, WI, and junction WI Hwy 47 and Shawano County Hwy H, over WI Hwy 47, (6) between junction WI Hwy 47 and Shawano County Hwy H and junction WI Hwy 22 and Shawano County Hwy H, over Shawano County Hwy H, (7) between Shawano County Hwy H and Oconto County Hwy VV, from junction Shawano County Hwy H and Shawano County Hwy HH, over Shawano County Hwy HH to the Shawano-Oconto County Line, then over Oconto County Hwy HH to junction Oconto County Hwy VV, and return over the same route, (8) between junction Oconto County Hwy HH and Oconto County Hwy VV and junction Oconto County Hwy VV and WI Hwy 22, over Oconto County Hwy VV, (9) between WI Hwy 22 and Oconto County Hwy VV, from junction WI Hwy 22 and Shawano County Hwy V, over Shawano County Hwy V to Shawano-Oconto County line, then over Oconto County Hwy V to junction Oconto County Hwy VV, and return over the same route, (10) between WI Hwy 29 and U.S. Hwy 141, from junction WI Hwy 29 and Shawano County Hwy E, over Shawano County Hwy E to Shawano-Oconto County line, then over Oconto County Hwy E to U.S. Hwy 141, and return over the same route, (11) between Stiles Junction and Green Bay, WI, over U.S. Hwy 141, (12) between WI Hwy 22 and Oneida, WI, from junction WI Hwy 22 and Oconto County Hwy J, over Oconto County Hwy J to Brown-Oconto County line, then over Brown County Hwy J to Oneida, WI, and return over the same route, (13) between WI Hwy 22 and WI Hwy 187, over WI Hwy 156, (14) between junction WI Hwy 156 and WI Hwy 187 and WI Hwy 22, over WI Hwy 187, (15) between WI Hwy 187 and WI Hwy 29, over Shawano County Hwy T, (16) between Seymour and Pulcifer, WI, from Seymour, WI over Outagamie County Hwy C to the Outagamie-Shawano County line, then over Shawano County Hwy C to Pulcifer, and return over the same route, (17) between Angelica and Pulaski, WI, over Hwy 160, (18) between WI and 32 and Suamico, WI, over Brown County Hwy B, (19) between WI Hwy 32 and U.S. Hwy 141, over Oconto County Hwy S, (20) between Oconto Falls and Howard, WI, from Oconto Falls, WI over Oconto County Hwy C to Oconto-Brown County line, then over Brown County Hwy C to Howard, WI, and return over the same route, (21) between Oconto Falls and Oconto, WI, over Oconto County Hwy SP, (22) between Oconto County Hwy C and U.S. Hwy 141, over Oconto County Hwy D, (23) between WI Hwy 29 and Oneida, WI, over Outagamie County Hwy U, (24) between Seymour and Bonduel, WI, over WI Hwy 55, (25) between WI Hwy 55 and WI Hwy 29, over Outagamie County Hwy VV, (26) between Outagamie County Hwy VV and WI Hwy 54, over Outagamie County Hwy Y, (27) between WI Hwy 187 and Outagamie County Hwy Y, over Outagamie County Hwy G, (28) between Plover and Wisconsin Rapids, WI, over WI Hwy 54, (29) between Stevens Point and Wisconsin Rapids, WI, from Wisconsin Rapids over WI Hwy 34 to junction Wood County Hwy P, then over Wood County Hwy P to the Wood-Portage County Line, then over Portage County Hwy P to Stevens Point, WI, and return over the same route, (30) between Appleton and Wrightstown, WI, over WI Hwy 96, (31) between Appleton, WI, and Calumet County Hwy D, over U.S. Hwy 10, (32) between Outagamie County Hwy E and U.S. Hwy 10, from junction Outagamie County Hwy E and Outagamie County Hwy N, over Outagamie County Hwy N to Outagamie-Calumet County line, then over Calumet County Hwy N to junction U.S. Hwy 10, and return over the same route, (33) between U.S. Hwy 10 and Freedom, WI, over WI Hwy 55, (34) between U.S. Hwy 41 and Outagamie County Hwy S, over Outagamie County Hwy J, (35) between U.S. Hwy 41 and Outagamie Hwy J, from Junction U.S. Hwy 41 and Brown County Hwy S, over Brown County Hwy S to Brown-Outagamie County line, then over Outagamie County Hwy S to Outagamie County Hwy J, and return over the same route, (36) between U.S. Hwy 41 and Outagamie County Hwy E, from junction U.S. Hwy 41 and Brown County Hwy F, over Brown County Hwy F to Brown-outagamie County line, then over Outagamie County Hwy EE to Outagamie County Hwy E, and return over the same route, (37) between DePere, WI, and U.S. Hwy 10, from DePere over Brown County Hwy D to the Brown-Calumet County line, then over Calumet County Hwy D to U.S. Hwy 10, and return over the same route, (38) between Hortonville and Fond du Lac, WI, over U.S. Hwy 45, (39) between Fond du Lac, WI, and junction U.S. Hwy 45 and WI Hwy 175, over WI Hwy 175, (40) between U.S. Hwy 45 and U.S. Hwy 10, over WI Hwy 114, (41) between Neenah and Oshkosh, WI, over Winnebago County Hwy A, (42) between Oshkosh and Pickett, WI, over WI Hwy 44, (43) between Omro and Berlin, WI, over WI Hwy 116, (44) between Auroraville and Berlin, WI, over WI Hwy 49, (45) between Omro and Koro, WI, over Winnebago County Hwy E, (46) between Pickett and Waukau, WI, over Winnebago County Hwy M, (47) between Cecil and Bonduel, WI, over WI Hwy 117, and (48) between Anston, WI, and WI Hwy 32 over unnumbered highway, serving all intermediate points in (1) through (48) above. (Hearing site: Green Bay or Milwaukee, WI.)

Note.—Applicant intends to tack with its presently existing authority.

MC 29910 (Sub-254F), filed February 11, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue. Transporting (1) *lumber, building materials and* (2) *equipment, materials and supplies* used in the manufacture and handling of lumber and building materials, between points in TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Applicant intends to tack.

MC 30111 (Sub-2F), filed February 6, 1980. Applicant: SAL-SON TRUCKING COMPANY, INC., 246 South Street, New York, NY 10002. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *general commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), when moving on bills of lading of freight forwarders as defined in 49 USC 10102(8). Between New York, NY, and Newark, NJ, on the one hand, and, on the other, Philadelphia, PA; points in Nassau, Suffolk, Orange, Rockland, Westchester, Putnam, and Dutchess Counties, NY, and points in NJ on and north of NJ Hwy 70 and 72 and New Haven, CT. (Hearing site: Washington, DC.)

MC 77061 (Sub-31F), filed February 5, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *steel plate, angle iron, bars, pipe, and channels*, (1) from the facilities of Farwest Steel Corporation at or near Boise, ID to the facilities of Farwest Steel Corporation at points in Lane County, OR; and (2) from Portland, OR to the facilities of Farwest Steel Corporation at or near Eugene, OR. (Hearing site: Portland or Eugene, OR.)

Note.—Applicant intends to tack. The purpose of (2) of the application is to convert contract to common carrier authority.

MC 78400 (Sub-82F), filed February 4, 1980. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *scrap vinyl and scrap plastic materials* (except in bulk), from Washington, MO, to points in NJ; (2) *briefcases, looseleaf binders and fillers, travel cases, suitcases, plastic articles* (except in bulk), *advertising and promotional materials and supplies*, and *display racks and stands* for advertising materials and supplies, between Washington, MO, on the one hand, and, on the other, points in MI, NJ, MA, CT, PA, IL, and TN, and, (3) *materials, equipment, and supplies* used in the manufacture of commodities in (2) above, in the reverse direction. (Hearing site: St. Louis, MO.)

MC 97841 (Sub-23F), filed February 19, 1980. Applicant: GENERAL HIGHWAY EXPRESS, INC., Post Office Box 727, Sidney, OH 45365. Representative: David A. Turano, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Transporting *compressors and parts for compressors* (except commodities which, because of size or weight, require special equipment) between the facilities of The Copeland Corporation, at or near Rushville, IN, on the one hand, and, on the other, points in KY, OH and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 106400 (Sub-124F), filed February 11, 1980. Applicant: KAW TRANSPORT COMPANY, a corporation, P.O. Box 8510, Sugar Creek, MO 65054. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. Transporting *petroleum lube oil*, in bulk, in tank vehicles, from Kansas City, KS, to points in MD. (Hearing site: Kansas City, MO.)

MC 106920 (Sub-92F), filed February 1, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *frozen foodstuffs*, between the facilities of Monument Distribution Warehouse, Inc., at Indianapolis, IN, on the one hand, and, on the other, points in NJ, restricted to transportation of traffic originating at or destined to the named facilities. (Hearing site: Indianapolis, IN.)

MC 106920 (Sub-93F), filed February 4, 1980. Applicant: RIGGS FOOD EXPRESS, INC., W. Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., Washington, DC 20001. Transporting *alcoholic liquors* (except in bulk in tank vehicles) and *materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors, (1) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, TN, KY, IL, IN, MI, OH, NY, PA, WV, NC, SC, GA, and FL, and (2) between Plainfield, IL, on the one hand, and, on the other, points in IL, WI, MI, IN, MN, IA, MO, ND, SD, NE, KS, OK, MT, WY, CO, and NY, restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL.)

MC 109490 (Sub-19F), filed February 15, 1980. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 South Third St., Watertown, WI 53094. Transporting (1) *foodstuffs and lecithin*, from Elroy and Wisconsin Rapids, WI, Dawson and Clarkfield, MN, Springfield, KY, Helena, AR, Mexico, MO, and LaFargeville, NY, to points in IL, WI, MI, OH, IA, CA, TX, OK, AR, MO, KS, IN, KY, and MN, and (2) *dry milk products and blended soy flour*, from LaCrosse, WI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Madison, WI.)

MC 113651 (Sub-337F), filed February 28, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *cleaning, buffing or polishing compound, textile softeners, lubricants, hypochlorite solutions, deodorants or disinfectants, paints, dishwashing machinery, and coffee filters* (except commodities in bulk), (1) from Avenel, NJ, to points in FL and NC, (2) from Joliet, IL, to points in NC and TN, and (3) from Dallas, TX, to New Orleans, LA, Memphis, TN and Little Rock, AR. (Hearing site: Minneapolis, MN or Washington, DC.)

MC 114211 (Sub-454F), filed January 28, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers, dealers, or distributors, of material handling equipment, self-propelled articles, and attachments, parts, and accessories for the named commodities, between Winona, MS, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *experimental, show and display material handling equipment, self-propelled articles, and attachments, parts and accessories* for the named commodities, and *paraphernalia* for the named commodities which at the time of movement is being transported for display or experiment, between points in the United States (except AK and HI), restricted in (2) to transportation of traffic between sites of facilities, experimental stations, exhibits, field demonstration, or shows owned or used by Lull Corporation. (Hearing site: St. Paul or Minneapolis, MN.)

MC 115730 (Sub-84F), filed January 28, 1980. Applicant: THE MICKOW CORP., 531 S.W. Sixth Street, P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. Transporting (1) *metal buildings, wire mesh, furniture racks, grain tanks, grain crop dryers, and hydraulic presses and component parts* of the named commodities and , (2) materials and supplies used in the manufacture of the commodities named in (1), between Columbus, NE; Princeton, NC; and Woodland, CA, on the one hand, and, on the other, points in the United States (except AK and HI).

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(Hearing site: Chicago, IL, or Washington, D.C.).

MC 115841 (Sub-755F), filed February 11, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *such merchandise* as is dealt in by discount and variety stores (except foodstuffs, furniture and commodities in bulk); and (2) *foodstuffs* (except in bulk) and *furniture* in mixed loads with the commodities in (1) (a) from Savannah, GA to points in IL, IN, KY, MI, MN, NY, OH, PA, TN, TX, and WI; and (2) from Charlotte, NC to points in CA. (Hearing site: Detroit, MI, or Washington, D.C.)

MC 115931 (Sub-109F), filed February 14, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *tractors* (except truck tractors), and (2) *parts, implements, attachments and accessories* for the commodities in (1) from the facilities of Belarus Machinery, Inc., at or near Milwaukee, WI, to points in the United States, in and west of WI, IL, MO, AR, and TX (except AK and HI), restricted to transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Milwaukee, WI.)

MC 115931 (Sub-110F), filed February 14, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *steel pipe* from the facilities of Colt Industries, Trent Tube Division, at or near East Troy, WI, and Fullerton, CA, to those points in the US in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Milwaukee, WI.)

MC 115931 (Sub-111F), filed February 14, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *bulk storage tanks and smokestacks*, and (2) *materials, equipment and supplies* used in the installation of the commodities in (1) from the facilities of Brown Minneapolis Tank & Fabrication Company at or near Egan, MN, to those points in the US in and west of WI, IL, MO, AR, and TX (except AK and HI). (Hearing site: Minneapolis-St. Paul, MN.)

MC 118570 (Sub-9F), filed January 28, 1980. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Contract carrier transporting *such merchandise* as is dealt in by grocery stores and food business houses, and *equipment, supplies and material* used in the manufacture and distribution of such commodities (except commodities in bulk), from points in CT, DE, and MD, to the facilities of Topps Chewing Gum, Inc. in Lackawanna and Luzerne Counties, PA, under continuing contract(s) with Topps Chewing Gum, Inc. of Duryea, PA. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 118570 (Sub-10F), filed February 11, 1980. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Contract carrier, transporting *such merchandise* as is dealt in by grocery stores and food business houses, and *equipment, supplies and material* used in the manufacture and distribution of such commodities (except commodities in bulk), from the facilities of Lever Brothers Company at Baltimore, MD, to points in Broome, Chemung, and Tioga Counties, NY, and Columbia, Lackawanna, Luzerne, Monroe, Montour, Northumberland, Wayne, and Pike Counties, PA, under continuing contract(s) with Lever Brothers Company, of New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 123061 (Sub-135F), filed February 19, 1979. Applicant: LEATHAM BROTHERS, INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 1283 F. South Temple, #501, Salt Lake City, UT 84102. Transporting *masonry products* from points in UT to points in NV, CA, OR, WA, and ID. (Hearing site: Salt Lake City, UT or Boise, ID.)

MC 123371 (Sub-4F), filed February 7, 1980. Applicant: EDLIN BROS., INC., Route 2, New Haven, KY 40051. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. *Contract carrier* transporting (1) *alcoholic beverages* and (2) *materials* used in the distribution of alcoholic beverage products (except commodities in bulk in tank vehicles) between Louisville, KY., on the one hand, and, on the other, points in Jefferson, Nelson, Bullitt and Franklin Counties, KY under continuing contract(s) with Hiram Walker and Sons, Incorporated, of Peoria, IL. (Hearing site: Louisville or Frankfort, KY.)

MC 124170 (Sub-148F), filed February 8, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *meats, meat products and meat by-products*, and *articles distributed by meat-packing houses* as described in Sections A and C or Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Memphis, TN to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV and DC, restricted to the transportation of traffic originating at the facilities used by John Morrell & Co. (Hearing site: Chicago, IL or Washington, DC.)

MC 124920 (Sub-18F), filed February 24, 1980. Applicant: LA BAR'S, INC., 771 Scott Street, Wilkes Barre, PA 18705. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. Transporting *iron or steel tubing* (except when requiring special equipment) between the facilities of Roth Steel Tube at Newton Falls, OH, and the facilities of Roshel Industries at East Palestine, OH, on the one hand, and, on the other, the facilities of Roth American, Inc., at Wilkes Barre, PA. (Hearing site: Philadelphia, PA.)

MC 126930 (Sub-35F), filed February 4, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *gypsum, gypsum products, asbestos products, building materials* (except lumber), and *materials and supplies* used in the manufacture, distribution and installation of such commodities (except liquid commodities in bulk, in tank vehicles) between points in TX, OK, AZ, AL, IL, IN, IA, KS, MO, MS, NE, TN, UT, OH, MN, WY, MI, KY, FL, MT, SD, WI, LA, AR, CO, GA, ND, and NM, restricted to the transportation of traffic originating at or destined to the facility of National Gypsum Company. (Hearing site: Dallas, TX or New Orleans, LA.)

MC 126930 (Sub-36F), filed January 28, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *iron and steel articles* from the facilities of Nucor Corp. at or near Norfolk, NE to points in IA, MO, KS, OK, AR, TX, LA and TN. (Hearing site: Kansas City, MO or Lubbock, TX.)

MC 126930 (Sub-37F), filed February 4, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *iron and steel pipe, coated and wrapped*, from the facilities of Gaido-Lingle Co., Inc., at or near Pearland, TX, El Reno, OK and Fort Collins, CO, to points in KS, NE, WY, OK, TX, AR, LA, MO, IA, CO and UT. (Hearing site: Houston or Lubbock, TX.)

MC 127840 (Sub-160F), filed January 28, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *calcium bromide*, in bulk, in tank vehicles, from the facilities of Velsicol Chemical Corp., at or near Beaumont, TX, to points in LA. (Hearing site: Chicago, IL or Houston, TX.)

MC 128030 (Sub-132F), filed February 1, 1980. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *animal feed, animal feed ingredients, and materials and supplies* used in the manufacture and distribution of animal feed (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., in Los Angeles and Orange Counties, CA and at Odgen, UT, and Columbus, OH, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 133591 (Sub-74F), filed June 26, 1979, as previously noticed in **Federal Register** issue of February 7, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *household appliances and fixtures, electrical appliances, equipment, parts and tools, lawn and garden tools, and tool boxes*, from Kirksville, Jefferson City, Boonville, Macon, Moberly, Clarence, St. Louis, and Searcy, AR, to those points in the United States in and west of TX, NM, OK, CO, WY, and MT (except AK and HI). (Hearing site: Kansas City or St. Louis, MO.)

Note.—This republication includes equipment, parts and tools and corrects the spelling of Kirksville. Dual operations may be involved.

MC 133591 (Sub-95F), filed February 6, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting (1) *bicycles and tricycles* and (2) *equipment, materials and supplies* used in the manufacture and distribution of bicycles and tricycles, between Ponca City, OK, and Los Angeles, CA, on the one hand, and, on the other, points in IL and in that part of the United States in and west of MN, IA, MO, AR, and LA. (Hearing site: Kansas City, MO or Oklahoma City, OK.)

MC 135070 (Sub-150F), filed February 15, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by retail filling stations and automobile service centers or are required in the distribution of such commodities (except in bulk), (1) between the facilities of Texstar Automotive Distribution Group, Inc., at or near St. Louis, MO, on the one hand, and, on the other, points in the US (except AK and HI) and (2) from points in the US (except AK and HI) to the facilities of Texstar Automotive Distribution Group, Inc., at or near Detroit, MI, and Mt. Laurel, NJ. (Hearing site: St. Louis, MO, or Dallas, TX.)

Note.—Dual operations are involved.

MC 135861 (Sub-63F), filed February 15, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier*, transporting *canned and preserved foodstuffs*, from the facilities of Duffy-Mott Company, Inc., at Aspers, PA and Hamlin, Holley and Williamson, NY, to points in AR, CO, IL, KS, LA, MI, MO, OK, and TX, under continuing contracts(s) with Duffy-Mott Company, Inc., of New York, NY. (Hearing site: Fort Worth, TX, or New York, NY.)

MC 136161 (Sub-30F), filed February 6, 1980. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *agricultural chemicals and materials and supplies* used in the manufacture and packaging of agricultural chemicals (except in bulk), between the facilities of American Cyanamid Company, at or near Atlanta, Mendota and Rockford, IL, on the one hand, and, on the other, points in IN, MI, OH, KY, TN, WV, WI, IA, MO and MN. (Hearing site: Newark, NJ.)

MC 138960 (Sub-14F), filed January 28, 1980. Applicant: ROKO EXPRESS, INC., 819 West Fifth Ave., Columbus, OH 43212. Representative: H. Barney Firestone, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *sugar*, from points in LA to points in OH, MI, IN, KY, TN, IL and WI. (Hearing site: New Orleans, LA, or Columbus, OH.)

MC 138960 (Sub-16F), filed February 4, 1980. Applicant: ROKO EXPRESS, INC., 819 West Fifth Avenue, Columbus, OH 43212. Representative: Thomas M. O'Brien, 10 South LaSalle Street, Chicago, IL 60603. Transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H.J. Heinz Company at Holland, MI, Fremont, OH and Toledo, OH to points in AL, AR, KY, GA, LA, MS and TN, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA or Columbus, OH.)

MC 139190 (Sub-4F), filed January 14, 1980. Applicant: KOCK TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. *Contract carrier* transporting *fertilizer compound*, in van, hopper bottom and pneumatic vehicles, from Fairbury, NE, to points in CO, IL, IN, IA, KS, MN, MO, NE, and OH.

MC 142080 (Sub-11F), filed January 24, 1980. Applicant: LITE TRANSPORT, INC., 480 Neponset Street, Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract carrier*, transporting *such commodities* as are dealt in by manufacturers of pulpboard and fibreboard and *materials, supplies and equipment* used in connection with such commodities (except commodities in bulk, in tank vehicles), between the facilities of The Newark Group, Inc., at Bradford, Salem, and Natick, MA, Newark, NJ, and Uncasville, CT, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and TX, under continuing contract(s) with The Newark Group, Inc., of Haverhill, MA. (Hearing site: Boston, MA.)

MC 142640 (Sub-5F), filed February 4, 1980. Applicant: P.W.K. TERMINALS, INC., 8 Highgate Course, St. Charles, IL 60174. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *general commodities* (except in bulk, household goods, as defined by the Commission, and classes A and B explosives), between points in IL on and west of IL Hwy 59, on and north of U.S. Hwy 34, on and east of IL Hwy 23, and south of the IL-WI State line, on the one hand, and, on the other, Kenosha, Racine and Milwaukee, WI. (Hearing site: Chicago, IL.)

Note.—Dual operations are involved.

MC 144030 (Sub-5F), filed August 23, 1979, and previously noticed in **Federal Register** issue of February 26, 1980. Applicant: DRUE CHRISMAN, INC., U.S. 50 West, P.O. Box 264, Lawrenceburg, IN 46025. Representative: Robert W. Loser II, 1101 Chamber of

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Commerce Bldg., Indianapolis, IN 46204. Transporting (1) *barrel staves and headings*, from points in AR, IL, IN, MO, OH, PA, TN, and WV to Louisville, KY, (2) *empty barrels*, from Memphis, TN, to points in IN and KY, and (3) *alcoholic liquors and wine*, in containers, from Lawrenceburg, IN, and points in KY to points in CA and CO. (Hearing site: Louisville, KY, or Indianapolis, IN.)

Note.—This republication shows points in KY as origin points in (3).

MC 144330 (Sub-92F), filed January 28, 1980. Applicant: UTAH CARRIERS, INCORPORATED, P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *iron and steel articles* (except in bulk), from the facilities of North Star Steel Co., at or near Monroe, MI to points in AR, CO, IL, IN, KS, OK and TX, restricted to the transportation of traffic originating at the named facilities and destined to points in the named destination states. (Hearing site: St. Paul, MN.)

MC 144541 (Sub-1F), filed February 4, 1980. Applicant: BALDWIN LEASING COMPANY, INC., 801 Industrial Blvd., Bay Minette, AL 36507. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *paper and paper products, corrugated sheets, and boxes* between points in Mobile and Baldwin Counties, AL, on the one hand, and, on the other, points in LA, MS, AL, TN, GA, FL, NC, SC, WI, MI, VA, MD, PA, and TX. (Hearing site: Mobile or Birmingham, AL.)

MC 144570 (Sub-4F), filed January 24, 1980. Applicant: DIVERSIFIED CARRIERS, INC., 903 Sixth Street, N.W., Rochester, MN 55901. Representative: D. Douglas Titus, Suite 510, Benson Building, Sioux City, IA 51101. Contract carrier, transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc. at or near Dakota City and West Point, NE, Denison and Ft. Dodge, IA, and Luverne, MN, to points in CO, IL, IN, IA, MN, OH, WI, ND, SD, NE, KS, MO, and KY, under continuing contract(s) with Iowa Beef Processors, Inc. (Hearing site: Sioux City, IA, or Minneapolis, MN.)

MC 144630 (Sub-41F), filed February 8, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *containers, container ends and closures*, (2) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers, and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures, between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk and to transportation of traffic originating at and destined to the facilities of or used by Ball Corporation. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 145560 (Sub-13F), filed February 12, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Contract carrier* transporting *carpet*, from Chatsworth, Dalton, Ringgold, Calhoun, Rome, and Eden, GA, and Dallas, TX, to Los Angeles, Sacramento, and Oakland, CA, under continuing contract(s) with L. D. Brinkman Co. Greenbraun Division, of City of Industry, CA. (Hearing site: Los Angeles, CA.)

MC 146361 (Sub-12F), filed February 6, 1980. Applicant: WOLTER TRUCK LINES, INC., R. D. 1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *limestone and limestone products*, in bulk, in dump vehicles, from Hanover, Plymouth Meeting, and King of Prussia, PA, to points in Kent and Sussex Counties, DE, and Kent, Queen Annes, Talbot, Caroline, Wicomico, Dorchester, Somerset and Worcester Counties, MD. (Hearing site: Washington, DC.)

MC 147131 (Sub-4F), filed February 5, 1980. Applicant: KENNAMER BROTHERS, INC., Route 2, Box 866, Grant, AL 35747. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of or used by Swift & Company in IL, IA, MN, NE, KS, and WI to points in AL, GA, TN, and NC on and west of U.S. Hwy 220, SC on and west of U.S. Hwy 52, and FL on and north of FL Hwy 92, restricted to the transportation of traffic originating at the named facilities and destined to the named points. (Hearing site: Dallas, TX or Kansas City, KS.)

MC 147131 (Sub-5F), filed February 5, 1980. Applicant: KENNAMER BROTHERS, INC., Route 2, box 866, Grant, AL 35747. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Transporting *meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of or used by Wilson Foods Corporation at Albert Lea, MN; Monmouth and Peoria, IL; Des Moines, Cherokee, and Cedar Rapids, IA to points in AL, GA, and TN, restricted to the transportation of traffic originating at the above named facilities and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 147681 (Sub-10F), filed February 5, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R. D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *cleaning compounds, liquid or powder, ice melting compounds, and equipment, materials, and supplies* used in the manufacture or distribution of the above-named commodities, between Barberton, OH, on the one hand, and, on the other, points in KY, MD, MI, NJ, NY, PA, RI, and TN. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 147791 (Sub-2F), filed February 6, 1980. Applicant: H. S. SOWARDS & SONS, INC., 350 North Vernal Avenue, Box 308, Vernal, UT 84078. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. *Contract carrier*, transporting *petroleum and petroleum products*, in bulk, in tank vehicles, between points in AZ, CO, NM, UT and WY, under continuing contracts) with Gary Refining Company and Gary Energy Corporation, of Englewood, CO. (Hearing site: Denver, CO or Vernal, UT.)

MC 147840 (Sub-3F), filed February 11, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 S. E. Gideon, Portland, OR 97202. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. Transporting *flat glass*, from the facilities of Guardian Industries in Fresno County, CA, to Sweet Grass and Port of Rooseville, MT, Eastport and Porthill, ID, Blair, Sumas, Laurie, Oroville, Port Angeles, Port Townsend and Metaline Falls, WA, restricted to the transportation of traffic having a subsequent movement in foreign commerce. (Hearing site: Portland, OR.)

MC 148270 (Sub-9F), filed January 14, 1980. Applicant: BRELAR, INC., P.O. Box 796, Greenville, MS 38701. Representative: K. Larry Stivers, 1553 Sunridge Cove, Greenville, MS 38701. Transporting *flour, corn meal, and feed products* (except in bulk) from the facilities of Shawnee Milling Company, at or near Shawnee, OK, to points in AL, AR, FL, TN, GA, LA, SC, MS, and NC. (Hearing site: Jackson, MS, or Oklahoma City, OK.)

MC 148780 (Sub-2F), filed January 24, 1980. Applicant: ENGINEERED TRANSPORT SERVICES, INC., 3001 Ponce de Leon Boulevard, Suite 201, Coral Gables, FL 33134. Representative: Charles R. Stiller (same address as applicant). *Contract carrier* transporting *motor vehicle parts, and materials, supplies and equipment* used in the manufacture of motor vehicle parts (except commodities in bulk) between Dallas, TX and those points in LA west of the Mississippi River (except points in the Commercial Zone of New Orleans, LA), under continuing contract(s) with General Motors Corporation, (General Motors Parts Division), of Flint, MI. (Hearing site: Miami or Orlando, FL.)

MC 149010 (Sub-1F), filed February 11, 1980. Applicant: ALL WAYS TRANSFER, INC., 4987 N. University Dr., Suite 14–B, Lauderhill, FL 33321. Representative: Richard M. Tettelbaum, Fifth Fl., Lenox Towers S., 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier*, transporting *general commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require special equipment, and frozen foods), between facilities of Reliable Freight Distribution & Warehousing, Inc., in Dade County, FL and points in FL, under continuing contract(s) with Reliable Freight Distribution & Warehousing, Inc. of Lauderhill, FL. (Hearing site: Miami, FL.)

MC 149330F, filed February 1, 1980. Applicant: DUNBAR ARMORED SECURITY, INC., 23 Newfield Ave., Hartford, CT 06106. Representative: John E. Silliman, 101 Pearl St., P.O. Box 3197, Hartford, CT 06103. *Contract carrier*, transporting *bank bills, bonds, securities, notes, drafts, and other valuable papers*, (1) between points in CT, on the one hand, and, on the other, Boston, Worchester, and Springfield, MA, New York, NY, and Providence, RI, (2) between Boston, Worchester, and Springfield, MA, on the one hand, and, on the other, New York, NY, and (3) between Providence, RI, on the one hand, and, on the other, New York, NY, and Boston, Worchester, and Springfield, MA, under continuing contract(s) with financial institutions. (Hearing site: Hartford or New Haven, CT.)

MC 149371F, filed January 25, 1980. Applicant: VICTOR J. WILLIAMS, d.b.a. VJ'S TOWING SERVICE, 10705 Freemont Pike, Perrysburg, OH 43551. Representative: Kevin R. Reichley, 50 West Broad Street, Columbus, OH 43215. Transporting *wrecked and disabled motor vehicles and replacement vehicles* for wrecked and disabled motor vehicles (except trailers designed to be drawn by passenger automobiles) between points in OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, NY, PA, TN and WV. (Hearing site: Columbus or Toledo, OH.)

Passengers

MC 142960 (Sub-3F), filed January 29, 1980. Applicant: HUGH AND LAILA PIXLEY, d.b.a. PIXLEY TRANSPORTATION, 1410 Oak, P.O. Box 927, Forsyth, MT 59327. Representative: Hugh Pixley (same address as applicant). Contract carrier transporting *passengers and their baggage* in the same vehicle with passengers, between Bundray, Bonner, Kootena, and Shoshone, ID, Divide, Williams, McKenzie, Burke, Mountrail, Reneville and Wardin, ND, points in Spokane County, WA, and in Lincoln, Sanders, Mineral, Glacier, Flathead, Lake, Missoula, Granite, Powell, Lewis and Clark, Teton Pondera, Liberty, Cascade, Jefferson, Broadwater, Gallatin, Meagher, Shautau, Hill, Blain, Fergus, Judith Basin, Wheatland, Sweet Grass, Park, Phillips, Petrolum, Musselshell, Golden Valley, Macome, Roosevelt, Daniels, Sheiral, and Richards Counties, MT, under continuing contract(s) with Burlington Northern, Inc., of Missoula, MT. (Hearing site: Billings or Forsyth, MT.)

MC 149340F, filed January 28, 1980. Applicant: HEIDT BUS LINE, Route No. 3, Box 123A, Dickinson, ND 58601. Representative: Clement Heidt (same address as applicant). Transporting *passengers and their baggage*, in charter operations, between Dickinson, ND, and points in Stark, Dunn, Billings, Golden Valley, McKenzie, Hettinger, Slope, Williams, and Bowman, Counties, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dickinson or Bismarck, ND.)

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Decided: February 29, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 138157 (Sub-216F), filed January 11, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting (1)(a) *carpet strip, molding, staples, tools, nails, adhesives, sealants, solvents, stains, wood preservatives, and* (b) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (a) above, from Asheville, NC to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, in the reverse direction, restricted against the transportation of commodities in bulk. (Hearing site: Chattanooga, TN.)

Note.—Dual operations may be involved.

MC 138206 (Sub-16F), filed January 11, 1980. Applicant: TRULINE CORPORATION, 4455 So. Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 Jamed Dr., Carson City, NV 89701. Transporting (1) *lumber, wood products and building materials*, from points in Los Angeles and Orange Counties, CA, and Clark County, NV, to points in AZ, CO, and NM, and (2) *gypsum and gypsum products*, from points in Lincoln and Bernalillo Counties, NM, to points in Clark County, NV. (Hearing site: Las Vegas, NV.)

MC 139906 (Sub-88F), filed January 8, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *carbon black*, in bags, from Borger and Eldon (Baytown), TX, to points in the United States (except AK and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 139906 (Sub-90F), filed February 1, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are dealt in and used by wholesale, retail and chain grocery and food business houses (except in bulk), from the facilities of Lever Brothers Company, at or near Los Angeles, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 139906 (Sub-91F), filed February 1, 1980. Applicant: INTERSTATE

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CONTRACT CARRIERS CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Burry Division, The Quaker Oats Company, at or near Edison, New Brunswick, and Elizabeth, NJ, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 139906 (Sub-92F), filed February 1, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *plumber's goods*, from the facilities of Norris Industries, Price Pfister Division, at or near Pacoima, CA and the facilities of Norris Industries, Plumbing Fixtures Divison, at or City of Industry, CA, to Atlanta, GA, Chicago, IL, Elizabeth, NJ, and Dallas, TX. (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 139906 (Sub-93F), filed February 4, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *office furniture and plastic articles* (except in bulk), from the facilities of Wright Line, Inc., a subsidiary of Barry Wright, Inc., at or near Worcester, MA, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 140016 (Sub-11F), filed January 9, 1980. Applicant: TRANSPORTATION SERVICES, INC., 1320 E. Glendale Ave., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of Silver State Shippers Association and Washoe County Shippers Association, in Washoe County, NV, on the one hand, and, on the other, points in AZ, CA, OR, and WA. (Hearing site: Reno, NV.)

MC 140806 (Sub-5F), filed January 17, 1980. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08648. Representative: Alan Kahn, 120 Two Penn Center Plaza, Philadelphia, PA 19102. Contract carrier, transporting *lighting fixtures and parts, acessories, materials and supplies* used in the manufacture and distribution of lighting fixtures, between the facilities utilized by Keystone Lighting Corporation, in Philadelphia and Bucks County, PA, on the one hand, and, on the other, points in the United States east of the western boundaries of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Keystone Lighting Corporation. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 141297 (Sub-5F), filed January 29, 1980. Applicant: UNITED INDUSTRIES, INC., P.O. Box 231, Houston, MI 38851. Representative: Thomas B. Davis (same address as applicant). Contract carrier, transporting (1) *New furniture and furnishings*, from points in MS, to the facilities of Montgomery Ward, in AL, AZ, AR, CA, CO, CT, FL, GA, IA, IL, IN, KS, KY, LA, MD, MA, MI, MN, MO, MS, NE, NJ, NM, NC, NY, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC, under continuing contract(s) with Montgomery Ward, and (2) *such commodities* as are used in the manufacture of furniture, from the destination states in (1) above, to the facilities of Shannon Chair Company, in Houston, MS, and Maben Manufacturing Company, in Maben, MS, under continuing contract(s) with Shannon Chair Company and Maben Manufacturing Company. (Hearing site: Jackson, MS.)

MC 144117 (Sub-57F), filed January 17, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, 1666 Fabick Dr., Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *such commodities as are dealt in or used by manufacturers of photographic products* (except commodities in bulk), from the facilities of Eastman Kodak Company at San Ramon, CA to Portland, OR, and Seattle, WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC.)

MC 144117 (Sub-58F), filed February 1, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *pet foods* (except in bulk), from the facilities of Star-Kist Foods, Inc. at or near El Paso, TX to points in the United States (except AK, HI and TX), restricted to the transportation of products originating at the named origin. (Hearing site: Los Angeles, CA.)

MC 144117 (Sub-59F), filed February 1, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *canned foodstuffs and canned pet foods*, from the facilities of Star-Kist Foods, Inc. at Terminal Island, CA to points in the United States (except AK, CA and HI), restricted to the transportation of shipments originating at the named origin. (Hearing site: Los Angeles, CA.)

MC 144117 (Sub-60F), filed February 1, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting: *meats, meat products, meat by-products and articles distributed by meat packinghouses*, (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Albert Lea, MN and Logansport, IN to points in CA, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 144117 (Sub-61F), filed February 4, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *alcoholic beverages, materials, equipment and supplies used in the manufacture and distribution thereof*, (except in bulk, in tank vehicles), (1) between Ft. Smith, AR, on the one hand, and, on the other, points in AZ, CA, DE, IL, IN, KY, MD, MI, NM, NY, OH, PA, TX and WI, (2) between Bardstown, KY, on the one hand, and, on the other, FL, NY, PA and WV and (3) between New Orleans, LA, on the one hand, and, on the other, AL, AZ, AR, CA, FL, GA, LA, MS, NM, OK and TX, restricted in parts (1), (2) and (3) to the transportation of traffic either originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL.)

MC 144117 (Sub-62F), filed February 4, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *paper and paper products* (except commodities in bulk) from (1) the facilities of Packaging Corporation of America at, Grand Rapids MI, Griffith IN, Mentor and Rittman OH, and St. Louis MO to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, and (2) the facilities of Packaging Corporation of America at, Hutchinson KS, to points in AZ, CA, CO, ID, IL, IA, MN, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI, and WY. Parts (1) and (2) restricted to the transportation of traffic originating at the named origins, (Hearing site: Chicago IL or Washington, DC)

MC 144846 (Sub-11F), filed February 4, 1980. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, CA 92703. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting *general commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring the use of special equipment), between the facilities of Westinghouse located throughout the United States, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 144986 (Sub-2F), filed January 8, 1980. Applicant: STAHLER TRUCKING & LEASING, INC., 208 East Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. *Contract carrier*, transporting *plastic and rubber articles*, (except commodities in bulk) *candles, printed forms and cartons, aluminum kitchenware, pottery, gloves, television and cathode ray tubes, glass lenses, and glassware*, from the facilities of Lancaster Colony Corporation and Barr, Inc., Candle-lite, Inc., Colony Printing & Labeling, Inc., Enterprise Aluminum Company, Indiana Glass Company, Jackson Corporation, Koneta Rubber Company, American Mat Corporation, Lancaster Glass Company, National Glove, Inc., The Nelson McCoy Pottery Co., and Pretty Products, Inc., at or near Eaton and Dunkirk, IN, Sandusky, Leesburg, Massillon, Jackson, Wapakoneta, Lancaster, Mt. Sterling, Roseville and Coshocton, OH, to points in the United States (except AK and HI), and *materials, equipment and supplies* used in the manufacture and distribution of the above named commodities (except commodities in bulk), in the reverse direction, under continuing contract(s) with Lancaster Colony Corp. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145726 (Sub-11F), filed February 4, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 So. Lawrence St., Montgomery, AL 36104. Transporting *meats, meat products, and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk in tank vehicles), from those points in the United States in and east of MS, TN, KY, IL, and WI, to the facilities of Wayne Poultry, a division of Allied Mills, Inc., in Riveria Beach, FL. (Hearing site: Miami or Orlando, FL.)

MC 145997 (Sub-24F) filed February 21, 1980. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *alcoholic liquors*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors (except in bulk, in tank vehicles), between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, and Plainfield, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Peoria, IL, or Ft. Smith, AR.)

MC 146326 (Sub-11F), filed January 10, 1980. Applicant: JOHN ALGER, SR. d.b.a., ALGER TRANSPORTATION, 9811 Redman Ave., Omaha, NE 68134. Representative: Marshall D. Becker, STERN & BECKER, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *cable, wire and telephone equipment* (except commodities in bulk), from Omaha, NE to points in CA, NV and UT and empty reels on return. (Hearing site: Omaha, NE.)

MC 146386 (Sub-8F), filed February 1, 1980. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., Building A, 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 133 North 4th St., Philadelphia, PA 19106. Transporting *paper* (except newsprint), from (1) Wisconsin Rapids, Port Edwards, Neekoosa, and Appleton, WI., Chicago, IL, Kingsport, TN, Texarkana and Ashdown, AR, Bastrop, LA, and Chillicothe and West Carrollton, OH, to the facilities of Majestic Paper Corp., at New York, NY, and Farmingdale, NY, and to New York, NY and (2) West Carrollton, OH to Albany, NY. (Hearing site: Philadelphia, PA.)

MC 146516 (Sub-4F), filed February 4, 1980. Applicant: ALEXANDER TRUCKING, INC., 1210 Henry Clay Dr., New Orleans, LA 70118. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *nonalcoholic beverages* (except in bulk, in tank vehicles), from the facilities of Shasta Beverages at or near Houston, TX to points in AL, AR and MS, restricted to the transportation of traffic originating at the named origin. (Hearing site: Houston or Dallas, TX.)

MC 146636 (Sub-4F), filed January 10, 1980. Applicant: J. K. SMITH, P. SMITH, AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Armour & Company at Worthington, MN to points in CT, DE, IL, ME, MA, MD, NH, NJ, NY, PA, RI, VA, VT and WV. (Hearing site: Minneapolis, MN.)

MC 146886 (Sub-4F), filed February 4, 1980. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th St., Hales Corner, WI 53130. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *laundry care products, home care products, beauty care toiletry products, stainless steel cookware, cutlery and food supplements* (except commodities in bulk) (1) from the facilities of Amway Corporation, at or near Ada, MI to points in ND and SD, (2) from Aberdeen, SD to points in ND and SD, (3) from the facilities of Amway Corporation, at or near Des Moines, IA to points in WI, MN and the Upper Peninsula of MI, (4) from Milwaukee, WI to points in WI and the Upper Peninsula of MI, and (5) from Minneapolis, MN to points in MN and WI. (Hearing site: Milwaukee, WI, or Grand Rapids, MI.)

MC 147227 (Sub-7F), filed February 1, 1980. Applicant: ATLANTIC MARKETING CARRIERS, INC., P.O. Box 493, Kingsburg, CA 93631. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Clinton and Essex Counties, NY, to points in IN, OH, MI, MO, IL, WI, MN, CA, TX, FL, GA, KS, and CO, and (2) from points in MA and VT, to points in TX, FL, GA, KS, and CO. (Hearing site: Boston, MA.)

MC 147807 (Sub-9F), filed February 1, 1980. Applicant: TERESI TRUCKING, INC., P.O. Box 819, 900½ Victor Rd.,

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Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *iron and steel articles*, from the facilities of the Herrick Corporation, in Hayward, CA, to points in NV. (Hearing site: San Francisco or Oakland, CA.)

MC 147886 (Sub-6F), filed January 8, 1980. Applicant: A M & M INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 No. Main Bldg., Memphis, TN 38103. Transporting *foodstuffs*, (except unfrozen meat, unfrozen meat products, and unfrozen meat byproducts, and except commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., at Greenville, MS, to points in KS, MO, TN, KY, GA, AL, AR, TX, OK, LA and Millsboro, DE, (2) from the facilities of Vlasic Foods, Inc., at Millsboro, DE, to points in NC, SC, VA, WV, PA, NJ, NY, MD, and DE, and (3) between the facilities of Vlasic Foods, Inc., at Bridgeport, Memphis, and Imlay City, MI, on the one hand, and, on the other, Greenville, MS, and Millsboro, DE. (Hearing site: Memphis, TN.)

MC 148506 (Sub-2F), filed January 8, 1980. Applicant: ROAD & RAIL COMPANY, 5565 Chauncey Dr., Belmont, MI 49306. Representative: P. C. Martin, 5565 Chauncey Dr., Belmont, MI 49036. Transporting *carpet and floor covering* (except commodities in bulk) from points in GA, SC, NC, and VA, to points in IN, MI, and OH. (Hearing site: Lansing, MI.)

MC 148837 (Sub-1F), filed February 1, 1980. Applicant: DONALD C. PHILBRICK, d.b.a. PORTLAND AIR FREIGHT, 1016 Westbrook St., Portland, ME 04102. Representative: Donald C. Philbrick (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Portland, South Portland, and Westbrook, ME, and the terminals of air carriers near Logan Airport, Boston, MA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Portland, ME, or Boston, MA.)

MC 149047 (Sub-2F), filed February 4, 1980. Applicant: BENNY MAGNESS, d.b.a. MAGNESS OIL COMPANY, P.O. Box 146, Cotter, AR 72626. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *gasoline, diesel fuels, aviation fuels and kerosene*, (in bulk, in tank vehicles), from Lawrence, Green, and Jasper Counties, MO, to Carroll, Boone, Marion, Baxter, Izard, Searcy, Independence and Stone Counties, AR. (Hearing site: Little Rock, AR.)

MC 149106F, filed February 17, 1980. Applicant: BLUE JAY BUS, INC., 100 Edison Ave., Mt. Vernon, NY 10550. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. Transporting *passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending in Co-Op City and City Island, in Bronx County, NY, and extending to points in the United States (except AK, NY, AL, and HI). (Hearing site: Bronx or New York, NY.)

MC 149107F, filed February 14, 1980. Applicant: CONVEY, INC., 409 South Vista, Addison, IL 60101. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Continental Warehouse, Inc. at Addison, IL to Milwaukee, Appleton, Fond du Lac and Racine, WI. (Hearing site: Chicago, IL.)

MC 149287F, filed January 8, 1980. Applicant: CARL E. TURNER AND LEROY E. TURNER d.b.a. TURNER BROS., a partnership, 100 Tower Rd., Cumming, GA 30130. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. Contract carrier, transporting *materials for the production of poultry rearing equipment, and poultry processing equipment*, between Alpharetta, GA, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract(s) with U.S. Industries, Inc.-Agri-Business Company. (Hearing site: Atlanta, GA.)

MC 149336F, filed February 4, 1980. Applicant: SOUTH TEXAS EXPRESS, INC., 351 Simon St., San Antonio, TX 78204. Representative: Phillip Robison, P.O. Box 2207, Austin, TX 78768. Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between San Antonio, TX and Smiley, TX over U.S. Hwy 87, serving all intermediate points, (2) between Kennedy, TX and Beeville, TX over U.S. Hwy 181, serving all intermediate points, (3) between Karnes City, TX and Nixon, TX, serving all intermediate points: from Karnes City over TX Hwy 123 to its junction with TX Hwy 80, then over TX Hwy 80 to Nixon, and return over the same route, (4) between Floresville, TX and junction of TX Hwy 97 and U.S. Hwy 87 over TX Hwy 97, serving all intermediate points, (5) between Beeville, TX and junction of TX Hwy 9 and U.S. Hwy 59 over U.S. Hwy 59, serving all intermediate points, (6) between Floresville, TX and the junction of TX Hwy 97 and TX Farm Rd. 476 over TX Hwy 97, serving all intermediate points, and (7) between Hobbson, TX and Helena, TX over TX Farm Rd. 81, serving all intermediate points: (Hearing site: San Antonio, TX.)

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Decided: March 14, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 409 (Sub-77F), filed December 27, 1979. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *propane*, in bulk, in tank vehicles, from points in McPherson and Clay Counties, KS, Fillmore County, NE, and Clay County, MO, to points in IA, MN, NE, ND and SD.

Note.—Any certificate issued in this proceeding shall be limited to 5 years from its date of issuance.

MC 908 (Sub-9F), filed December 14, 1979. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, One North La Salle St., Chicago, IL 60602. Transporting *containers and container ends and materials, equipment and supplies* used in the manufacture and distribution of containers, between points in the Chicago, IL, Commerical Zone on the one hand, and, on the other, Louisville, KY. (Hearing site: Chicago, IL.)

MC 7698 (Sub-16F), filed December 14, 1979. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Ave., Scranton, PA 18501. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): between Scranton and Pittsburgh, PA, serving all intermediate and off route points in Allegheny, Beaver, Bradford, Butler, Carbon, Columbia, Crawford, Erie, Lackawanna, Lehigh, Mercer, Northampton, Pike, Schuykill, Sullivan, Susquehanna, Venango, Wayne, Wyoming, Lawrence, Luzerne, Monroe, Washington and Westmoreland Counties, PA; (1) from Scranton over

Interstate Hwy 81 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Pittsburgh, and return over the same route, (2) from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80, to junction Interstate Hwy 79, then over Interstate Hwy 79 to Pittsburgh, and return over the same route, (3) from Scranton to junction Interstate Hwy 79 as in (2) above, then over Interstate Hwy 79 to junction Interstate Hwy 279, then over Interstate Hwy 279 to Pittsburgh, and return over the same route, (4) from Scranton, to junction Interstate Hwy 80 as in (2) above, then over Interstate Hwy 80 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Pittsburgh, and return over the same route, (5) from Scranton to junction Interstate Hwy 80 as in (2) above, then over Interstate Hwy 80 to junction PA Hwy 28, then over PA Hwy 28 to Pittsburgh, and return over the same route. (Hearing site: Scranton, PA.)

MC 25869 (Sub-169F), filed December 26, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Ave., P.O. Box 7184, Omaha, NE 68107. Representative: Irwin Schwartz (same address as applicant). Transporting *confectionery* from Chicago, IL, to points in AR, CO, IA, KS, MO, NM, and TX, restricted to the transportation of traffic orignating at the facilities of E. J. Brach & Sons at Chicago, IL. (Hearing site: Chicago, IL.)

MC 31389 (Sub-290F), filed December 18, 1979. Applicant: McLEAN TRUCKING COMPANY, 1920 W. First St., Winston-Salem, NC 27104 Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A an B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Clare, MI, and Bay City, MI, over Interstate Hwy 10 (2) between Midland, MI and Toledo, OH; from Midland over MI Hwy 47 to junction of MI Hwy 46, then over MI Hwy 20, then over U.S. Hwy 20 to Toledo, and return over the same route, (3) between Bay City, MI and Chicago, IL; from Bay City over Interstate Hwy 10 to junction of Interstate Hwy 69 near Flint, MI, then over Interstate Hwy 69 to junction of Interstate Hwy 94 west of Battle Creek, MI, then over Interstate Hwy 94 to Chicago, IL, and return over the same route; serving in (1), (2) and (3) points in Bay, Genesee, Midland, Oakland, Saginaw and Shiawassee Counties, MI, as intermediate and off-route points in connection with the above described routes, and serving Clare and Lansing, MI, Toledo, OH, and the junction of Interstate Hwys 69 and 94 for purposes of joinder only, in conjunction with applicant's presently authorized regular route operations.

MC 31389 (Sub-291F), filed December 17, 1979. Applicant: McLEAN TRUCKING COMPANY, 1920 W. First St., Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Gary, IN and Dubuque, IA, over U.S. Hwy 20, (2) between Beloit, WI and Dixon, IL; from Beloit over WI Hwy 2 to IL State Line, then over IL Hwy 2 to Dixon, and return over the same route; (3) between Freeport, IL and Dixon, IL, over IL Hwy 26, (4) between Rockford, IL and Rochelle, IL, over U.S. Hwy 51, serving in (1), (2), (3) and (4) Belvidere, Rockford and Freeport, IL, as intermediate and off-route points and serving Chicago, IL, Beloit, WI, Dubuque, IA, and the junction of U.S. Hwy 61 and WI Hwy 11 located approximately 5 miles east of Dubuque, IA, for purpose of joinder only in connection with the above described routes, in conjunction with applicant's presently authorized regular route operations.

MC 33298 (Sub-3F), filed December 28, 1979. Applicant: SCHOCK TRANSFER & WAREHOUSE CO., INC., 45 Osage Ave., Kansas City, KS 66618. Representative: Clyde N. Christey, KS Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *containers and container ends and closures*, from points in the Kansas City, KS, Kansas City, MO, commercial zone, to points in NE, IA, IL, MO, KS, CO, AR, OK, MS, MN, WI, and TN, and (2) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk), from points in NE, IA, IL, MO, KS, CO, AR, OK, MS, MN, WI and TN to the facilities of Reynolds Metals Company, Can Division, in the Kansas City, KS–Kansas City, MO, Commercial zone. (Hearing site: Kansas City, MO.)

MC 48958 (Sub-184F), filed June 22, 1979, previously noticed in **Federal Register** issue of January 15, 1980. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Oscar Mayer & Co., Inc., at or near Des Moines and Perry, IA, to points in AZ, CA, CO, NM, NV, OK, TX, and UT. (Hearing site: Chicago, IL.)

Note.—This republication changes the destination state of MN to NM.

MC 49368 (Sub-113F), filed January 8, 1980. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, Attorney, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting (1) *motor vehicles*, in initial movements, in truckaway and driveaway service, from the facilities of General Motors Corporation in Montgomery County, OH, to points in the United States (except AK and HI) and (2) *motor vehicles*, in secondary movements, in truckaway and driveaway service, between points in Montgomery County, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

MC 49368 (Sub-114F), filed January 25, 1980. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, Attorney, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting *motor vehicles*, in initial movements, in truckaway service, from the facilities of General Motors Corporation at Wilmington, DE, to points in IA, IL, KY, MN, MO, WI, and WV, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

MC 49368 (Sub-115F), filed January 25, 1980. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, Attorney, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier*, transporting *motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, from the facilities of General Motors Truck & Coach Plant at Pontiac, MI, to points in the United States (except AK and HI), under

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continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI or Washington, DC.)

MC 57778 (Sub-33F), filed December 27, 1979. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48909. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *foodstuffs*, from Warren, MI, to points in FL, GA, IL, IN, MA, MN, MO, NJ, OH, PA, TX, and WI, and *materials and supplies* used in the manufacture and distribution *of foodstuffs*, in the reverse direction.

MC 72069 (Sub-28F), filed December 11, 1979. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Transporting (a) *canned goods*, from Vineland, NJ, to points in FL, GA, NC, SC, VA, WV, MI, AL, LA, KY, IL, TN, OK, AR, KS, MO, TX, CO, NM, CA, AZ, OH, IN, WI, MN, NH, and ME; and (b) *bread crumbs*, From Chicago, IL, and Detroit, MI to Vineland, NJ. (Hearing site: Washington, D.C.)

MC 96839 (Sub-3F), filed December 14, 1979. Applicant: PALMER TRUCKING CO., INC., 239 Park Street, Palmer, MA 01069. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting (1) *sanitary tampons and applicators* and (2) *equipment, materials and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in CT, MA, ME, NH, NY, RI and VT, restricted to the transportation of traffic originating at or destined to the facilities of Tampax Incorporated. (Hearing site: Springfield or Boston, MA.)

MC 104149 (Sub-209F), filed August 3, 1979, published in the **Federal Register** issue February 14, 1980. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st St., Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *iron and steel articles*, from points in IN, IL, OH, PA, and WV, to points in AL, FL, GA, LA, MS, and TN. (Hearing site: Birmingham, AL.) This republication adds TN to destination territory.

MC 107818 (Sub-102F), filed November 5, 1979. Published in **Federal Register** issue March 11, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *tires and articles* distributed by wholesale and retail tire distributors, from Frazer, Conshohocken, and Royersford PA, Camden, NJ, Chicago, IL, Washington, DC, Akron, Findley and Rossford, OH, and Gadsden and Birmingham, AL, to points in FL. (Hearing site: Ft. Lauderdale, FL.) This republication broadens territory description.

MC 108119 (Sub-218F), filed December 18, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1)(a) *baling machinery* and (b) *parts, attachments and accessories* for baling machinery, from Jacksonville, FL, to points in the United States (except AK and HI). (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of International Baler Corporation at Jacksonville, FL. (Hearing site: Jacksonville, FL.)

MC 108119 (Sub-221F), filed December 17, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting: *(1) pipeline equipment, and (2) materials and supplies used in the installation and repair of pipeline equipment* from points in the United States (except AK and HI) to points in OK, MO, KS, NE, IA, SD, ND, MN, WI, IL, and IN, restricted to traffic destined to the facilities of Williams Pipe Line Company. (Hearing site: Tulsa or Oklahoma City, OK.)

MC 109689 (Sub-366F), filed December 14, 1979. Applicant: W. S. HATCH, CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Suite 400, 10 Broadway Bldg., Salt Lake City, UT 84101. Transporting *crude oil* from Trap Springs, NV, to Fruita, CO.

MC 110288 (Sub-14F), filed December 17, 1979. Applicant: HARRY HENERY, INC., 3517 W. Washington Street, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic pipe, plastic pipe accessories, and materials and supplies used in the manufacture and distribution of plastic pipe*, between Fairfield, IA, and Franklin Park, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 113499 (Sub-8F), filed August 6, 1979, published in **Federal Register**, February 20, 1980. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Transporting: (1) *glass*, from Jerry Run (Taylor County), WV to Cincinnati, OH. (2) *glass and glassware*, from Jerry Run (Taylor county), WV to Baltimore, MD and Washington, D.C. (3) *glass and glass products*, from Jerry Run (Taylor County), WV to points in PA (except Philadelphia and points within 25 miles of Philadelphia, and except Pittsburgh and points within 20 miles of Pittsburgh and except points on U.S. Highway 19 south of the described Pittsburgh area), and points in MD (except Baltimore). This republication corrects a typographical error in part (3).

MC 113658 (Sub-23F), filed December 18, 1979. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose, P.O. Box 16346, Denver, CO 80216. Transporting *meat and packing house products* from New Haven, CT, Camden, Pt. Newark, and Pt. Elizabeth, NJ, Philadelphia, PA, Wilmington, DE, New York, NY, and Norfolk, VA, to Chicago, IL, and Kenosha, WI.

MC 113658 (Sub-24F), filed December 18, 1979. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose, P.O. Box 16346, Denver, CO 80216. Transporting *margarine, shortening and peanut butter* from the facilities of Sunnyland Refining Company at or near Birmingham, AL, to points in CO, CT, IA, IL, IN, KS, MA, MO, NE, NJ, NY, OH, PA and RI. (Hearing site: Birmingham, AL, Denver, CO, or Washington, DC.)

MC 113658 (Sub-25F), filed December 26, 1979. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose, P.O. Box 16346, Denver, CO 80216. Transporting *meat and packinghouse products* from Kenosha, WI, to Des Moines, IA, Omaha, NE, and Denver, CO. (Hearing site: Milwaukee, WI, Denver, CO, or Chicago, IL.)

MC 113658 (Sub-26F), filed December 26, 1979. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose, P.O. Box 16346, Denver, CO 80216. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Minden Beef Company at or near Minden, NE, to points in CT, NJ, NY, and PA. (Hearing site: Denver, CO or Washington, DC.)

MC 113678 (Sub-860F), filed December 18, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *sugar*, and products used in the manufacture of sugar (except in bulk) from Goodland, KS, Billings, MT, and Bayard, Gering, Mitchell, and Scottsbluff, NE, to points in the United States in and west of MI, OH, KY, MO, and LA (except AK & HI). (Hearing site: Denver, CO.)

MC 113908 (Sub-495F), filed December 14, 1979. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068 G.S., 2255 N. Packer Rd., Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). Transporting *vinegar, vinegar stock, vinegar stock concentrates, acetic acid, glacial ecetic acid, cider, cider stock fruit juice and fruit juice concentrates*, in bulk, between points in the United States, (except AK and HI). (Hearing site: Kansas City, MO or Washington, DC.)

MC 114569 (Sub-359F), filed December 14, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant.) Transporting *foodstuffs* (except in bulk). from Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI, to points in AZ, CA, CO, KS, MO, NE, OK, OR, TX, and WA. (Hearing site: Madison, WI or Washington, DC.)

MC 114569 (Sub-360F), filed December 14, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant.) Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Ed Miniat at or near Chicago, IL, to points in DC, KY, MD, MA, NJ, NY, PA, and VA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114569 (Sub-361F), filed December 14, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant.) Transporting *foodstuffs* (except in bulk), from the facilities of M&M/Mars, Snack-master Division at Albany, GA, to points in CA, CO, IN, IL, MD, MN, MO, NJ, OH, and TN. (Hearing site: Atlanta, GA or Washington, DC.)

MC 114569 (Sub-365F), filed December 27, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant.) Transporting *charcoal and charcoal briquettes* (1) from Kenbridge, VA, to points in NY, NJ, PA, MD, and DC; and (2) from Salem, MO, to points in IL, IN, IA, KY, MI, OH, PA and WI. (Hearing site: St. Louis, MO or Washington, DC.)

MC 115468 (Sub-36F), filed December 27, 1979. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001. Transporting (1) *limestone* from points in Larimer County, CO, to points in Albany, Carbon, Goshen and Platte Counties, WY, and (2) *lime and limestone* from points in Goshen County, WY, to points in the United States in and west of MI, IN, IL, TN, AR, and LA (except AK and HI). (Hearing site: Cheyenne, WY or Denver, CO.)

MC 115859 (Sub-7F), filed January 25, 1980. Applicant: P.C.M. TRUCKING, INC., Kernsville Road, P.O. Box 129, Orefield, PA 18069. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. *Contract carrier*, transporting *dry fertilizer, dry fertilizer material, and dry pesticides*, (1) between the facilities of Lebanon Chemical Corporation at or near Lebanon and Allentown, PA, Baltimore, MD, and Dayton, NJ, and (2) between the facilities of Lebanon Chemical Corporation at or near Lebanon and Allentown, PA, Baltimore, MD, and Dayton, NJ, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, VA, WV, OH, KY, IN, IL, MI, WI, TN, NC, SC, GA, FL, AL, MS, and DC, under continuing contract(s) with Lebanon Chemical Corporation, of Lebanon, PA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 116628 (Sub-28F), filed January 10, 1980. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Representative: Thomas F.X. Foley, State Highway 34, Colts Neck, NJ 07722. *Contract carrier*, transporting *bedding equipment, and materials and supplies* used in the manufacture of bedding equipment, between Martinsburg, WV, and Newark, NJ, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA, WV, and DC, under continuing contract(s) with Shifman Bros. of Newark, NJ, and Shifman Bros. of West Virginia, of Martinsburg, WV. (Hearing site: Newark, NJ, or New York, NY.)

MC 117519 (Sub-7F), filed January 15, 1980. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract carrier*, transporting *expanded shale aggragate*, in bulk, from the facilities of Buildex, Inc., at or near Ottawa and Marquette, KS, to Cheyenne, WY, under continuing contract(s) with Buildex, Inc. (Hearing site: Kansas City, MO.)

MC 119489 (Sub-63F), filed December 27, 1979. Applicant: CENTRAL TRANSPORTATION CO., INC., 2500 N. 13th St., P.O. Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *petroleum products*, in bulk, in tank vehicles, between points in IA, KS, NE, SD, and points in Clay, Jackson and Platte Counties in MO. (Hearing site: Omaha, NE.)

MC 119789 (Sub-657F), filed December 27, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant). Transporting *foodstuffs*, not frozen, from the facilities of American Beauty Macaroni Co. at Fresno, CA, to points in CO, KS, MO, and TX. (Hearing site: Minneapolis, MN.)

MC 121568 (Sub-24F), filed December 14, 1979. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting *books, magazines, and printed matter and equipment, materials, and supplies* used in the manufacture and distribution of the foregoing commodities (except in bulk) between the facilities of Baird Ward at or near Nashville, TN, and points in TX. (Hearing site: Nashville, TN.)

MC 124328 (Sub-134F), filed January 16, 1980. Applicant: BRINK'S, INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Richard H. Streeter, 1729 H Street, N.W., Washington, DC 20006. Contract carrier, transporting *currency, securities, negotiable and non-negotiable instruments and other items of unusual value*, between (1) San Francisco, CA, on the one hand, and, on the other, Sacramento, CA, (2) Miami, FL, on the one hand, and, on the other, Palm Beach, FL, (3) Cincinnati, OH, on the one hand, and, on the other, Dayton and Columbus, OH, and (4) Cleveland, OH, on the one hand, and, on the other, Toledo, OH, under continuing contract(s) with banks, banking and financial institutions and brokerage houses. (Hearing site: Washington, DC.)

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MC 125689 (Sub-12F), filed December 14, 1979. Applicant: BRATTYVILLE TRANSPORT, INC., Box 357, Catlettsburg, KY 41129. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, DC 20037. Transporting *petroleum products*, in bulk, in tank vehicles, from the facilities of Gulf Oil Corporation at or near Huntington, WV, to points in Bath, Boyd, Carter, Elliott, Fleming, Floyd, Greenup, Johnson, Lawrence, Lewis, Magoffin, Martin, Mason, Morgan, Pike and Rowan Counties, KY. (Hearing site: Charleston, WV.)

MC 126116 (Sub-96F), filed September 15, 1978, previously noticed in FR issue of October 26, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay and clay products*, in containers, from the facilities of Waverly Mineral Products Company, at or near Ochlocknee and Meigs, GA, to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Philadelphia, PA, or Lincoln, NE.)

Note.—This republication adds Ochlocknee to the territory description. Dual operation may be involved.

MC 126118 (Sub-208F), filed December 26, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *paper and paper products*, from Erie and Lock Haven, PA, and Oswego, NY, to points in AZ, CA, OR and WA. (Hearing site: Harrisburg, PA or Lincoln, NE.)

MC 128338 (Sub-6F), filed January 25, 1980. Applicant: RINGER TRUCKING, INC., Route No. 1, Box 54, Markleysburg, PA 15459. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract carrier*, transporting *gasoline, kerosene, heating, and fuel oil, diesel motor fuel, motor oil, asphalt, and asphaltic road materials*, from points in Allegheny, Beaver, Washington, Westmoreland, Venango, McKean, Erie, Warren, Bedford, Blair, Cambria, and Philadelphia Counties, PA, Congo, WV, Cleveland, Cincinnati, and East Liverpool, OH, Baltimore, MD, and DC to points in PA, OH, WV, and MD, under continuing contract(s) with Reserve Petroleum Company of Pittsburgh, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 133478 (Sub-22F), filed January 21, 1980. Applicant: DG TRANSPORT, INC., 11655 SW Pacific Highway, P.O. Box 25448, Portland, OR 97223. Representative: Nick I. Goyak, One Southwest Columbia, Suite 555, Portland, OR 97258. Contract carrier transporting *metal ingots, metal shot* and *foundry supplies* (1) from points in the United States (except AK and HI) to points in OR and WA, and (2) from points in OR and WA to points in CA, under continuing contract(s) with Western Industrial Supply Company. (Hearing site: Portland, OR or Seattle, WA.)

MC 134976 (Sub-21F), filed December 17, 1979. Applicant: C. P. BELUE d.b.a. BELUE'S TRUCKING, Route 6, Spartanburg, SC 29303. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Transporting *coal*, (1) from points in KY, TN, and VA to points in Spartanburg and York Counties, SC; and (2) between points in Spartanburg County, SC. (Hearing site: Columbia, SC or Charlotte, NC.)

MC 135539 (Sub-20F), filed January 8, 1980. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, Evansville, IN 47715. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Road West, Suite 406, Bradenton, FL 33507. *Contract carrier*, transporting (1) *road construction equipment, and* (2) *parts, equipment, materials, accessories, and supplies* used in the manufacture or operation of road construction equipment, (except commodities in bulk), between the facilities of Blaw-Knox Construction Equipment, Inc., at or near Mattoon, IL, and King of Prussia, PA on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Blaw-Knox Construction Equipment, Inc. (Hearing site: Chicago or Springfield, IL.)

MC 136738 (Sub-3F), filed January 18, 1980. Applicant: DEAKAL CARTING CORP., 292 Marlin Street, Dix Hills, NY 11746. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier*, transporting *record jackets, and paper and paper products* used in the manufacture of record jackets, from LaGrange, GA, to Pitman, NJ, Farmingdale and Gloversville, NY, Winchester, VA, Scranton and Allentown, PA, Richmond, Indianapolis and Terre Haute, IN, Pickneyville and Jacksonville, IL, and Memphis and Nashville, TN, under continuing contract(s) with Shorewood Packaging Corp. and SPC Company. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 136898 (Sub-7F), filed January 14, 1979. Applicant: BAKER TRANSPORT, INC., P.O. Box 668, Hartselle, AL 35640. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Contract carrier*, transporting (1) *paint and coatings* from North Kansas City, MO, and Baltimore, MD, to points in the United States in and east of ND, SD, NE, KS, OK and TX; and (2) *materials and supplies* used in the manufacture and distribution of paint and coatings, in the reverse direction, under continuing contract(s) with TNEMEC Incorporated. (Hearing site: Kansas City, MO or Atlanta, GA.)

MC 136919 (Sub-5F), filed January 7, 1980. Applicant: B. A. MILLER & SONS TRUCKING, INC., State Route 109, Liberty Center, OH 43532. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. *Contract carrier*, transporting (1) *food, food products, and foodstuffs*, from the facilities of The German Village Products, Inc., Division of Campbell Soup Company at or near Wauseon, OH, to points in IL, IN, KY, MI, MN, MO, NY, PA, TN, WV, and WI, and (2) *equipment, ingredients, materials and supplies* used in the production of food products (except commodities in bulk), in the reverse direction, under continuing contract(s) with German Village Products, Inc. (Hearing site: Washington, DC.)

MC 140389 (Sub-77F), filed December 17, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to traffic moving from the above-named origins. (Hearing site: Columbus, OH.)

MC 140729 (Sub-6F), filed January 14, 1980. Applicant: RUSS EDIGER TRUCKING, INC., 5001 W. 40th Street, Sioux Falls, SD 57105. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. *Contract carrier* transporting *dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and *supplies* used in the production of dairy products, between Rapid City, SD, on the one hand, and, on the other, points in MN south of U.S. Hwy 12 and Sioux Falls, SD, under continuing contract(s) with Brown Swiss Milk Co., of Rapid City, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 140779 (Sub-3F), filed January 29, 1980. Applicant: TRANSIT SERVICING, INC., 8121–C East 34 Mile Road, Cadillac, MI 49601. Representative: Burton A. Hines, Sr., 121 N. Mitchell Street, Cadillac, MI 49601. *Contract carrier*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Transit Servicing, Inc., at Cadillac, MI, on the one hand, and, on the other, points in Gratiot County, MI, and in the upper peninsula of MI, continuing contract(s) with K Mart Stores. (Hearing site: Chicago, IL.)

MC 142548 (Sub-7F), filed January 22, 1980. Applicant: STALEY EXPRESS, INC., 201 N. Brush College Rd., Decatur, IL 62526. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. *Contract carrier*, transporting *wheels, rims, bands, flanges, discs, and parts* for the foregoing commodities, other than for automobiles, between the facilities of Goodyear Metals Co, at Akron, OH on the one hand, and, on the other, the facilities of Caterpillar Tractor Co. at Aurora, Decatur, and Morton, IL, under continuing contract(s) with Caterpillar Tractor Co. (Hearing site: Springfield, IL or Washington, DC.)

MC 142559 (Sub-140F), filed December 27, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting *paper and paper products, and equipment, materials and supplies* used in the manufacture and distribution of paper and paper products, (except in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Packaging Corporation of America. (Hearing site: Columbus, OH.)

MC 142559 (Sub-143F), filed December 26, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting *plastic articles and plastic material and equipment, materials and supplies used in the manufacture and distribution of plastic articles and plastic materials* (except commodities in bulk), between points in TX and LA, on the one hand, and, on the other, points in the US in and east of MN, IA, KS, OK, and TX. (Hearing site: Columbus, OH or Washington, DC.)

MC 142668 (Sub-21F), filed January 11, 1980. Applicant: AERO DISTRIBUTION CO., INC., 4814 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Contract carrier* transporting *such merchandise as is dealt in by home products distributors*, between points in AL, AR, GA, FL, LA, MS, NC, SC, and that portion of TN located west of the western traversal of the Tennessee River, under continuing contracts with Amway Corporation of Ada, MI. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 142668 (Sub-22F), filed January 22, 1980. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Boulevard, Atlanta, GA 30336. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. Contract carrier transporting *scrap and waste paper*, between points in FL, AL, LA, MS, NC, SC, and TN, under continuing contracts with Atlanta Intercel, a Division of International Cellulose, Inc. of Atlanta, GA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 143478 (Sub-14F), filed January 17, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Contract carrier*, transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from points in the United States (except Madison County, FL), to the facilities of Winn-Dixie Montgomery, Inc., at Montgomery, AL, under continuing contract(s) with Winn-Dixie Montgomery, Inc. (Hearing site: Montgomery or Birmingham, AL.)

MC 144798 (Sub-6F), filed January 2, 1980. Applicant: JAMES W. BERG and JOHN W. BERG, d.b.a. DUTCH LINE, 2120 Harbor Street, Pittsburg, CA 94565. Representative: Ronald C. Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract carrier*, transporting *lubricating oils, used lubricating oils, oil additives, and drain oil*, between points in Alameda, San Mateo, Ventura, and Los Angeles Counties, CA, and points in ID, NV, OR, UT and WA, under continuing contract(s) with Ekotek Lube, Inc. (Hearing site: San Francisco, CA.)

MC 145088 (Sub-4F), filed December 14, 1979. Applicant: S & T TRUCKLOAD, INC., 2527 NE. 28th Street, Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Forth Worth, TX 76102. Transporting (1) *rubber articles and plastic articles*, from the facilities of Entek Corp. of America, at or near Irving, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX.)

MC 145108 (Sub-19F), filed January 21, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier*, transporting (1) *such commodities* as are dealt in and distributed by grocery, hardware, and drug stores; (2) *cleaning and building maintenance materials and supplies;* (3) *swimming pool, spa, and hot tub products;* (4) *chemicals;* and (5) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of all the foregoing commodities, between points in the United States (except AK and HI), under continuing contract(s) with the Purex Corporation, of Carson, CA, restricted against the transportation of commodities in bulk. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 145579 (Sub-11F), filed December 17, 1979. Applicant: D. IRVIN TRANSPORT LIMITED, Box 8, Station T, Calgary, Alberta, CD T2H 2G7. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. Transporting, in foreign commerce only, *farm machinery and parts and attachments for farm machinery*, between ports of entry on the International Boundary Line between the United States and Canada located at points in MN, ND, MT, ID, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Billings, MT.)

MC 146148 (Sub-10F), filed December 17, 1979. Applicant: B-RIGHT TRUCKING CO., 492 Old State Route 7, Pottery Addition, Steubenville, OH 43952. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles*, between points in AL, IL, IN, KY, MI, MO, NJ, NY, OH, PA, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Tri-State Metal Products, Inc. (Hearing site: Washington, DC.)

MC 146518 (Sub-8F), filed December 14, 1979. Applicant: OWEN MOTOR FREIGHT LINE, INC. P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Road, NW., Atlanta, GA 30326. Transporting *bags and containers* from Memphis, TN,

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to points in AR, MS, LA, AL, and GA. (Hearing site: New Orleans, LA.)

MC 146649 (Sub-2F), filed January 11, 1980. Applicant: JOHNNY'S TRANSFER CO., INC., 7000 Old Mt. Holly Road, Charlotte, NC 28208. Representative: Allan W. Singer, 810 Baxter Street, Charlotte, NC 28202. *Contract carrier,* transporting *drums, and parts for drums,* from the facilities of The Continental Group, Inc., Continental Forest Industries, at Charlotte, NC, to points in SC, NC, and GA, under continuing contract(s) with The Continental Group, Inc., Continental Forest Industries. (Hearing site: Charlotte or Raleigh, NC, or Washington, DC.)

MC 146868 (Sub-2F), filed December 17, 1979. Applicant: B & W GRAIN & FEED SERVICE, INC., P.O. Box 475, Railroad St., Oakboro, NC 28129. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. Transporting *animal, fish and poultry feed, and foodstuffs,* in dump vehicles, between points in NC, SC, and VA. (Hearing site: Charlotte, NC.)

MC 147328 (Sub-3F), filed January 17, 1980. Applicant: CLIFTON TRUCKING CORPORATION, 3445 Paterson Plank Road, North Bergen, NJ 07047. Representative: Robert B. Pepper, 268 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier,* transporting *swimming pools, file and storage cabinets and radiator enclosures and convectors, and materials, equipment, and supplies* used in the manufacturing and sales of the foregoing commodities, (except in bulk), from Carlstadt, NJ, to points in the United States (except AK and HI) under continuing contract(s) with Kero Metals Products, Company, Inc., Dalta Metal Products Co., Inc., and Aqualine Industries, Inc. (Hearing site: Newark, NJ.)

MC 147419 (Sub-3F), filed January 24, 1980. Applicant: GAUB TRANSPORTATION, INC., 3987 Hilldale Avenue, Oroville, CA 95965. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Contract carrier,* transporting *molding, and materials, supplies and equipment* used in the manufacture and production of molding, between points in Sutter County, CA, on the one hand, and, on the other, points in WA, OR, CA, NV, ID, MT, WY, UT, CO, AZ, NM, OK and TX, under continuing contract(s) with Eagle Molding Company No. 1. (Hearing site: San Francisco or Los Angeles, CA.)

MC 147419 (Sub-4F), filed January 24, 1980. Applicant: GAUB TRANSPORTATION, INC., 3987 Hilldale Avenue, Oroville, CA 95965. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Contract carrier,* transporting *prefabricated log buildings, and materials and supplies* used in the construction, installation and erection of the foregoing commodities, between the facilities of Sierra Log Homes, Inc., in Lyon County, NV, on the one hand, and, on the other, points in CA, AZ, NM, UT, NV, OR, WA, ID, WY, MT, CO, and TX, under continuing contract(s) with Sierra Log Homes. (Hearing site: San Francisco or Los Angeles, CA.)

MC 147629 (Sub-4F), filed January 11, 1980. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Road, Williamstown, WV 26187. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. *Contract carrier* transporting *aluminum, aluminum articles,* and *materials, equipment,* and *supplies* used in the manufacture, sale and distribution of aluminum and aluminum articles, between points in AL, AR, CN, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, MN, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, under continuing contract(s) with Ormet Corporation. (Hearing site: Columbus, OH.)

MC 147839 (Sub-1F), filed August 3, 1979, published in **Federal Register** issue of February 14, 1980. Applicant: BIB ENTERPRISES, INC., 401 West 9th South Street, Salt Lake City, UT 84111. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fertilizer and pesticides,* and *materials and supplies* used in the manufacture and distribution of fertilizer and pesticides, (a) from points in CA, ID, NV, OR, and WA to points in Salt Lake County, UT, and (b) from points in Salt Lake County, UT, to points in AZ, CO, ID, MT, NM, NV, WA, and WY, and (2) *snow and ice melter,* in packages, from points in Salt Lake County, UT, to points in WI, OK, KS, MO, IA, IL, ND, SD, NE, and MN, under continuing contract(s) with Morgro Chemical, Inc., of Salt Lake City, UT. (Hearing site: Salt Lake City, UT.) This republication adds ID and NV as origins in Part (1).

MC 148269 (Sub-1F), filed January 17, 1980. Applicant: WILLIAM F. HICKS, d.b.a. HICKS TRANSPORT, 7997 Bentley, Eaton Rapids, MI 48827. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract carrier,* transporting (1) *steel and steel products* from points in MI, IL, IN, OH, TN, NY, WI, PA, MO, SC, NE, ID and MN to the facilities of Jacklin Steel Supply Company and Purvis Bros., Inc. at or near Lansing, Kalamazoo, Traverse City and Iron Mountain, MI and (2) *commercial and industrial stationary waste compactors and equipment* for the foregoing, from the facilities of Quality Steel Fabricators, Inc., at or near Hopkins, MI, to points in the United States (except AK and HI), under continuing contract(s) with Jacklin Steel Supply Company, Purvis Bros., Inc., and Quality Steel Fabricators, Inc. (Hearing site: Lansing, MI.)

MC 148428 (Sub-6F), filed December 14, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *such commodities as are dealt in by wholesale and retail food business houses (except commodities in bulk),* from the facilities of Lever Brothers Co. at or near St. Louis, MO, to Minneapolis, MN. (Hearing site: St. Louis, MO.)

MC 148589 (Sub-4F), filed January 25, 1980. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. *Contract carrier,* transporting (1) *chemicals, boiler cleaning compounds, plasticizers, and coloring,* between Chattanooga, TN, and points in CA, IL, MI, and TX, under continuing contract(s) with Alco Chemical Corp., of Chattanooga, TN; (2) *textile goods* from Hanover, PA, and Columbus, Fort Valley, Forsyth, Macon, Newnan, Percale, Porterdale, Potterville, and Toccoa, GA, to points in CA, under continuing contract(s) with The Bibb Company, of Macon, GA; (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Green Brier, Cookeville, Murfreesboro, McMinnville, Lebanon, and Millersville, TN, on the one hand, and, on the other, points in CA, OR, WA, CO, NV, AZ, ID, WY, and UT, under continuing contract(s) with Mid South Shippers Assoc., Inc., of Nashville, TN. (Hearing site: Birmingham, AL or Chattanooga, TN.)

MC 148748 (Sub-1F), filed January 14, 1980. Applicant: MICHAEL S. ESHNER, d.b.a. BURLINGTON COUNTY TRANSIT COMPANY, 1212 Stirling Street, Philadelphia, PA 19111. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. *Contract carrier,* transporting *passengers and their baggage* between

Towers of Windsor, Cherry Hill Township, NJ, on the one hand, and, on the other, Philadelphia, PA, under continuing contract(s) with Deerwood Estates.)

MC 148818 (Sub-2F), filed December 27, 1979. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, Rt. 1, Box 159, Cane Hill, AR 72717. Representative: John C. Everett, P.O. Box A, 140 E. Buchanan, Prairie Grove, AR 72753. Transporting *furniture,* in cartons, from the facilities of La-z-Boy Midwest at or near Neosho, MO, to points in NM, TX, LA, KS, OK, AR, MS, AL, TN, and KY. (Hearing site: Neosho or St. Louis, MO.)

MC 148818 (Sub-4F), filed December 27, 1979. Applicant: CARL PRINCE, d.b.a. Prince Trucking, Rt. 1, Box 159, Cane Hill, AR 72717. Representative: John C. Everett, 140 E. Buchanan, Box A, Prairie Grove, AR 72753. Transporting *furniture* from the facilities of Ayers Furniture Co. at Ft. Smith, AR, to points in AZ, TX, LA, MS, AL, TN, KY, OK, IL, IA, NE, WI, MO, KS, NM, IN, and OH. (Hearing site: Ft. Smith or Little Rock, AR.)

MC 148849 (Sub-3F), filed January 15, 1980. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* transporting *such commodities as are sold or dealt in by department stores and paper and paper products,* (except commodities in bulk), from North Bergen, NJ, to Indianapolis, IN, and Cincinnati, OH, under continuing contract(s) with Associated Dry Goods Corporation, of New York, NY. (Hearing site: New York, NY or Washington, DC.)

MC 148998 (Sub-2F), filed January 29, 1980. Applicant: WALTER G. LEWIS, d.b.a. AIR CARGO TRANSPORT, 910 Stanley, Gillette, WY 82716. Representative: Thomas D. Roberts, 306 South Gillette Avenue, P.O. Box 1237, Gillette, WY 82716. Contract carrier, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Campbell County. WY. (Hearing site: Gillette, or Casper, WY.)

MC 149078F, filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *industrial fasteners and auto parts, and materials, equipment and supplies used in the equipment maintenance and auto parts industries,* between the facilities of Bowman Distribution Division at Elizabethtown, KY, on the one hand, and, on the other, points in CA, NJ, OH, TX and WV. (Hearing site: Los Angeles, CA.)

MC 149078 (Sub-1F), filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *label stock, and equipment, parts and supplies used in the manufacture of label stock* (except commodities in bulk and those requiring special equipment), from Peach Tree City, GA, Fitchburg and Holyoke, MA, International Falls, MN, Akron, Dayton, Hamilton and Painesville, OH, Quakertown, PA and Rheinlander, WI, to the facilities of Fasson, and Avery International Company at Cucamonga, CA. (Hearing site: Los Angeles, CA.)

MC 149078 (Sub-2F), filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *auto parts, and equipment, materials and supplies used in the manufacture, display, sale or merchandising* of auto parts (1) from Lynchburg, VA, to Burlington, IA, and (2) between Lynchburg, VA, and Burlington, IA, on the one hand, and, on the other, points in CA, GA, OR, TX and WA. (Hearing site: Los Angeles, CA.)

MC 149078 (Sub-3F), filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *equipment, materials and supplies used in the electroplating and metal finishing industries (except commodities in bulk),* between Detroit, Monrenci, and Warren, MI, on the one hand, and, on the other, points in CA and UT. (Hearing site: Los Angeles, CA.)

MC 149078 (Sub-4F), filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *plastic liquid, resin, coal tar, and petroleum and resin compounds* (except commodities in bulk), between Detroit, MI, on the one hand, and, on the other, points in CA, CO, OR, TX and WA. (Hearing site: Los Angeles, CA.)

MC 149078 (Sub-5F), filed December 27, 1979. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *building materials and equipment and supplies used in the manufacture, prefabrication, construction, erection or installation of buildings,* between Cuyahoga Falls, West Salem and Wadsworth, OH, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT and WA. (Hearing site: Los Angeles, CA.)

MC 149108, filed December 27, 1979. Applicant: R. REED TRUCKING, INC., 8383 Croton Road, Johnstown, OH 43031. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *tire and tube repairing materials and supplies,* from the facilities of Technical Rubber Company at Johnstown, OH, to points in the US (except AK and HI). (Hearing site: Columbus, OH.)

MC 149229 (Sub-1F), filed January 21, 1980. Applicant: JOYCLIFF TRUCK LEASING COMPANY, INC., 2010 Joycliff Circle, Macon, GA 30201. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier,* transporting *articles dealt in by janitorial supply houses and materials and supplies* used in the manufacture of janitorial supplies, (except commodities in bulk), (1) from Macon, GA, to points in AL, AR, FL, IN, KY, LA, MS, NY, NC, PA, SC, TN, TX, VA, and WV, and (2) in the reverse direction, under continuing contract(s) with Southern Chemical Products Co., Inc. (Hearing site: Atlanta, GA or Washington, DC.)

MC 149279F, filed November 16, 1979. Applicant: CARVEL CORPORATION, 201 Saw Mill River Rd., Yonkers, NY 10701. Representative: Robert Comerford (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in CA and NY.

MC 149338, filed January 28, 1980. Applicant: FLEMING TRANSPORT, INC., 222 Airport Road, Butler, PA 16001. Representative: William A. Gray, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *Contract carrier* transporting *liquid asphalt* and *liquid paving materials,* in bulk, in tank vehicles, between points in WV, OH, PA, and MD, under continuing contract(s) with Western Emulsion Company, Inc., The Bituminous Emulsion Co., and Lake Asphalt & Petroleum Co. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 149339F, filed July 16, 1979. Applicant: NORTH AMERICAN

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DRIVEAWAY, INC., 3433 Progress Drive, Cornwells Heights, PA 19020. Representative: Robert J. Coyne, Suite 605, 8720 Georgia Ave., Silver Spring, MD 20910. *Contract carrier,* transporting *trucks, truck chassis, and tractors,* in secondary movements, in driveaway service, (1) from the ports of entry at Philadelphia, PA, Wilmington, DE, and Newark, NJ, to the facilities of Iveco Trucks, of North America, Inc., at Cornwells Heights, PA, and (2) from the facilities of Iveco Trucks of North America, Inc., at Cornwells Heights, PA, to points in the United States (except AK and HI), under continuing contract(s) with Iveco Trucks of North America, Inc. (Hearing site: Philadelphia, PA, or Washington, DC.)

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Decided: Feb. 26, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1117 (Sub-27F), filed January 11, 1980. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *office furniture and equipment,* from New York, NY to points in SC. (Hearing site: New York, NY.)

MC 11207 (Sub-516F), filed January 8, 1980. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *iron and steel storage tanks and storage tank parts* and (2) *machinery, materials, equipment, and supplies* used in the installation and assembly of the commodities in (1) above, between points in Harris and Smith Counties, TX, on the one hand, and, on the other, points in the United States in and east of LA, AR, OK, KS, MO, IA, and MN. (Hearing site: Houston, TX; Washington, DC.)

MC 11207 (Sub-517F), filed January 8, 1980. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *buildings, building panels, building parts,* and *materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk) between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company. (Hearing site: San Antonio, TX; Washington, DC.)

MC 30837 (Sub-494F), filed January 3, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., N.W., Washington, DC 20005. Transporting *automobiles and trucks,* in secondary movements, in truckaway service, (a) from Buffalo, NY, and points within 20 miles thereof, to points in NY and PA, (b) from Hagerstown, MD, and points within 20 miles thereof, to points in DE, MD, PA, VA, WV, and DC; (c) from Montebello and Los Angeles, CA, and points within 20 miles thereof, to points in CA and NV, (d) from Norristown, PA, and points within 20 miles thereof, to points in DE, CT, MD, NJ, NY, PA, and DC, (e) from St. Pual, MN, and points within 20 miles thereof, to points in MN, ND, SD, and WI, and (f) from Westboro, MA, and points within 20 miles thereof, to points in CT, ME, MA, NH, and RI, restricted to the transportation of Renault vehicles manufactured or assembled in France. (Hearing site: Washington, DC.)

MC 41406 (Sub-143F), filed May 14, 1979. Applicant: ARTIM TRANSPORTATION SYSTEMS, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and dealers of (a) agricultural equipment, (b) industrial equipment, and (c) lawn care and leisure products (except commodities in bulk), (1) between the facilities of Deere & Company, in Rock Island County, IL, on the one hand, and, on the other, points in CO, KS, MO, NE, OK, WY, and TX, restricted to the transportation of traffic originating at the named facilities and destined to the named states, or originating in the named states and destined to the named facilities, and (2) between points in CO, KS, MO, NE, OK, WY, and TX, restricted to the transportation of traffic originating at or destined to the facilities of dealers of Deere & Company, and restricted to traffic (except traffic having a prior or subsequent movement by rail or water) originating at and destined to points in the named states. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 42487 (Sub-968F), filed January 10, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, assembled automobiles and commodities requiring special equipment), serving the facilities of Union Carbide Corporation and Uniroyal, Inc., at or near Red Oak, IA, and Union Carbide Corporation, Nixdorff Lloyd Chain Company, AC Lightning Security, Inc., Robbins Lightning, Inc., Lloyd Metal Products Steel and Wire Company, and Uniroyal, Inc., at Maryville, MO as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Kansas City, MO, or Omaha, NE.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-969F), filed January 9, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities,* (except those of unusual value. Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) between Muskogee, OK and Oklahoma City, OK: from Muskogee over U.S. Hwy 69 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route, (2) between Oklahoma City, OK and Liberal, KS: from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 270 near El Reno, OK, then over U.S. Hwy 270 to Elmwood, OK, then over OK Hwy 3 to junction U.S. Hwy 83 near Gray, OK, then over U.S. Hwy 83 to Liberal, and return over the same route, and (3) between Liberal, KS and Denver, CO: from Liberal over U.S. Hwy 83 to Garden City, KS, then over U.S. Hwy 50 to Lamar, CO, then over U.S. Hwy 287 to junction Interstate Hwy 70 to Denver, and return over the same route, serving no intermediate points in connection with Routes (1) through (3) described above, as alternate routes for operating convenience only in connection with carrier's otherwise authorized regular route operations. (Hearing site: Dallas, TX.)

Note.—Applicant intends to tack the authorities described above. Applicant also intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-803F), filed January 10, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such*

commodities as are dealt in, or used by, manufacturers and distributors of outboard motors between the facilities of Chrysler Outboard Corporation on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 51146 (Sub-804F), filed January 10, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *Such merchandise* as is dealt in by retail, wholesale, chain grocery, and food business houses from Jessup, MD to points in IL, IN IA, KY, MI, MO, HO, TN, and WI. (Hearing site: Chicago, IL.)

MC 51146 (Sub-811F), filed January 8, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Tranporting *such commodities* in are dealt in, or used by, manufacturers and distributors of clothing between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Jockey International, Inc. (Hearing site: Chicago, IL.)

MC 55896 (Sub-133F), filed January 11, 1980. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goodard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Transporting *reinforced concrete beams and concrete building products,* (except commodities in bulk), from the facilities of Precast/ Schokbeton, Inc., at Kalamazoo, MI, to points in IL, IN, KY, OH, PA, and WI. (Hearing site: Lansing, MI.)

MC 59117 (Sub-73F), filed January 8, 1980. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *activated carbon,* in bulk, in tank vehicles, from Mayes County, OK to points in AL, AR, CO, GA, IL, IN, IA, KS, LA, MN, MS, MO, NE, NM, OH, SD, TN, TX and WI. (Hearing site: Oklahoma City, OK.)

MC 63417 (Sub-263F), filed January 8, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *new furniture and furniture parts,* from Altavista, Dublin, Pulaski, Rocky Mount, VA and the facilities of Pulaski Furniture Corporation at or near Martinsville, VA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY. (Hearing site: Roanoke, VA.)

MC 63417(Sub-265F), filed January 9, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *container parts and accessories, and materials, supplies, and equipment* used in the manufacture and distribution thereof (except commodities in bulk and those requiring special equipment) between points in the United States (except AK and HI); restricted to traffic originating at or destined to the facilities of Continental Can Corporation. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 69116 (Sub-255F), filed January 7, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting (1) *derrick bases, booms, legs, masts, ore sills, iron or steel, and (2) materials and supplies* used in the manufacture of the commodities named in (1) above: From Watertown, SD, to points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 69116 (Sub-256F), filed January 8, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pownal, VT, as an off-route point in connection with carrier's presently authorized regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 69116 (Sub-257F), filed January 8, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Clinton, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 99136 (Sub-3F), filed January 18, 1980. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Road, P.O. Box 245, Methuen, MA 01844. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA, (2) *paper and paper products,* and *such commodities* as are dealt in by retail department stores (except commodities in bulk), from Holyoke and Springfield, MA to points in Rockingham, Hillsborough, Cheshire, Sullivan, Merrimack, and Strafford Counties, NH, and York and Cumberland Counties, ME, (3) *such commodities* as are dealt in by retail department stores, (except commodities in bulk), from Needham and Methuen, MA to Goffstown and Nashua, NH, (4) *hardboard,* from Methuen, MA to points in Rockingham, Hillsborough, Cheshire, Sullivan, Merrimack, and Strafford Counties, NH, and York and Cumberland Counties, ME, and (5) *such commodities* as are dealt in by hardware stores (except commodities in bulk), from Methuen, MA, to points in Rockingham, Hillsborough, Cheshire, Sullivan, Merrimack, and Strafford Counties, NH, and York and Cumberland Counties, ME. Condition: Prior or coincidental cancellation, at carrier's written request of its Certificate of Registration in No. MC 99136 (Sub 2). (Hearing site: Boston, MA.)

MC 99427 (Sub-46F), filed January 8, 1980. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *ammonium fluoride solution,* in bulk, from Phoenix, AZ to Kokomo, IN. (Hearing site: Phoenix, AZ, or Des Moines, IA.)

MC 100666 (Sub-472F), filed May 9, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *wood products, veneer,* and *plywood,* from the facilities of Kearse Manufacturing Company, at or near Olar, SC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (except VA). (Hearing site: Charleston, SC.)

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MC 100666 (Sub-475F), filed May 16, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666 Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of (a) agricultural equipment, (b) industrial equipment, and (c) lawn care and leisure products, (except commodities in bulk), (1) between the facilities of Deere & Company, at points in Black Hawk, Dubuque, Polk, Scott and Wapello Counties, IA, Rock Island County, IL, and Dodge County, WI, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX, and VA, restricted to the transportation of traffic originating at the named facilities and destined to the named states, or originating in the named states and destined to the named facilities, and (2) between points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX, and VA, restricted to the transportation of traffic originating at or destined to the facilities of dealers of Deere & Company, and further restricted to traffic (except traffic having a prior or subsequent movement by rail or water) originating at and destined to points in the named states. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 100666 (Sub-522F), filed January 14, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *metal and metal articles,* from Eagle Pass and Laredo, TX to all points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 100666 (Sub-523F), filed January 14, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *metal and metal articles,* from points in Atchison, Douglas, Johnson, Leavenworth, Shawnee and Wyandotte Counties, KS, and Clay and Jackson Counties, MO, to points in IA, IL, IN, MI, MN, OH and WI. (Hearing site: Kansas City, MO.)

MC 102567 (Sub-250F), filed January 7, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *liquid chemicals,* in bulk, in tank vehicles, between the facilities of E. I. du Pont de Nemours & Co., Inc., at or near Orange and Victoria, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 109397 (Sub-489F), filed January 7, 1980. Applicant: TRI–STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *Water conditioning equipment,* and (2) *parts, materials, and supplies* (except commodities in bulk) for items in (1) above, from Asheville, NC, and Commerce City, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 109397 (Sub-492F), filed January 3, 1980. Applicant: TRI–STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk), between the Henderson County Riverport Authority facility in Henderson County, KY, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Louisville, KY.)

MC 118696 (Sub-28F), filed January 14, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *new furniture,* from the facilities of Jasper Stylemasters, Division of Kimball International, Inc. at Jasper, IN to Chicago, IL, Framingham, Newburyport, Norwood, Westwood, Wilburn and Wilmingham, MA, Benton Harbor, MI, Portsmouth, NH, Gaffney, SC, and Newport, TN. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 119777 (Sub-362F), filed March 28, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *pipe, pipe fittings, and pipe accessories,* and (b) *materials, equipment, and supplies* used in the installation of the commodities named in (1)(a) above, (except commodities in bulk, in tank vehicles) from Henderson, KY, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Louisville, KY, or Nashville, TN.)

MC 121496 (Sub-43F), filed January 10, 1980. Applicant: CANGO CORP., Suite 2900, 100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *liquid petroleum oils and petro-chemicals,* in bulk, in tank vehicles, from Natchez, MS, to points in AR, IL, IN, KS, LA, MO, OH, TN, and TX. (Hearing site: Chicago, IL.)

MC 134286 (Sub-153F), filed January 7, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *laboratory equipment, materials, and supplies,* and (2) *empty pallets,* from Los Angeles, CA, and Denver, CO, to the facilities of Fisher Scientific Company at Indiana, PA, and Somerville, NJ, restricted to traffic destined to Fisher Scientific Company. (Hearing site: Pittsburgh, PA, or Denver, CO.)

MC 134286 (Sub-154F), filed January 7, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *diagnostic chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Fisher Scientific Company at Orangeburg, NY, to points in the United States (except AK, CT, DE, HI, MD, ME, NH, NY, PA, RI, VT, and DC), (2) *laboratory chemicals and laboratory equipment and supplies* (except in bulk), from the facilities of Fisher Scientific Company, at or near Bridgewater Township, NJ, to Rochester, NY, and (3) *damaged and refused laboratory chemicals, laboratory equipment and supplies, and pallets,* from Atlanta, GA, Chicago, IL, Cincinnati and Cleveland, OH, Houston, TX, Los Angeles, CA, Orlando, FL, Pittsburgh, PA, St. Louis, MO, Raleigh, NC, and Rochester, NY to the facilities of Fisher Scientific Company at or near Bridgewater Township, NJ, restricted to traffic originating at or destined to the facilities of Fisher Scientific Company. (Hearing site: Pittsburgh, PA, or Denver, CO.)

MC 134286 (Sub-155F), filed January 7, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting

laboratory furniture, from the facilities of Labconco, at Kansas City, MO, to the facilities of Fisher Scientific Company at Indiana, PA, Somerville, NJ, and Springfield, NJ, restricted to traffic destined to Fisher Scientific Company. (Hearing site: Pittsburgh, PA, or Denver, CO.)

MC 134467 (Sub-57F), filed January 7, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *commodities dealth in by manufacturers and distributors or bakery products* (except in bulk), from the facilities of Dawn Foods Products, Inc. at or near Kansas City, KS to points in the United States (except AK, HI, CA, ID, NV, WA, OR, AZ and UT). (Hearing site: Detroit, MI, or Little Rock, AR.)

MC 135797 (Sub-296F), filed January 11, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *such commodities* as are dealt in by agricultural feed business house, soy products, dry flour past, dairy based products, and (2) *materials, equipment, ingredients and supplies* used in the development, manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities used by the Ralston Purina Company. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 135797 (Sub-298F), filed January 11, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *steel nuts,* from the facilities of Amerace Corporation, at Pocahontas, AR, to points in IL, IN, and OH, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, from points in IL, IN, MI, and OH, to the facilities of Amerace Corporation, at Pocahontas, AR. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 135797 (Sub-299F), filed January 11, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) *recreational equipment and sporting goods,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above (except in bulk), between the facilities of Kransco Manufacturing, at Virginia Beach, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 136786 (Sub-198F), filed January 10, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *foodstuffs,* and *materials, equipment and supplies* used in the manufacture, distribution and sale of foodstuffs (except commodities in bulk), from Port and Milwaukie, OR, and Aberdeen and Markham, WA, to points in AZ, CA, CO, ID, MT, NV, OR, and UT. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 136786 (Sub-208F), filed January 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *fertilizer, potting soil, and materials, equipment and supplies* used in the sale and distribution thereof (except commodities in bulk and those requiring special equipment), from points in OH to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NE, NH, NJ, NY, NC, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138177 (Sub.10F), filed Januaray 9, 1980. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Rd., Germantown, TN 38138. Representative: John Paul Jones, P.O. Box 3140, Front St. Station, 189 Jefferson Ave., Memphis, TN 38103. Transporting *cement,* between Memphis, TN, and Little Rock, AR, on the one hand, and, on the other, AR, TN, and MS. (Hearing site: Memphis, TN.)

MC 138627 (Sub-85F), filed January 7, 1980. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *asphaltum, building paper, prepared roofing, prepared shingles, roofing asphalt, roofing cement and roofing paper* (except commodities in bulk in tank vehicles), between the facilities of Tamko Asphalt Products, Inc. at Phillipsburg, KS; Tuscaloosa, AL; Frederick, MD; Joplin, MO, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 138627 (Sub-86F), filed January 11, 1980. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *building materials, gypsum and gypsum products and materials and supplies* (except liquid commodities in bulk) *used in the manufacture, installation or distribution thereof,* between the facilities of United States Gypsum Company at Southard, OK, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, WI, and WY. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 138826 (Sub-11F), filed January 7, 1980. Applicant: JERALD HEDRICK, d.b.a. HEDRICK & SON TRUCKING, Rural Rt. No. 1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *fertilizer and fertilizer ingredients,* from Louisville, KY to points in IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 144557 (Sub-16F), filed January 8, 1980. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk), from the facilities of Hunt-Wesson Foods, Inc., at or near Atlanta, GA, to points in AL. (Hearing site: Washington, DC.)

MC 144957 (Sub-7F), filed January 9, 1980. Applicant: PETERCLIFFE, LTD., 12623 E. Imperial Hwy., Santa Fe Springs, CA 90670. Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle, St., Chicago, IL 60603. Transporting *general commodities,* between points in LA, OK, NM, and TX, on the one hand, and, on the other, points in AZ, CA, CT, FL, GA, IL, IN, KS, KY, MD, MA, MI, MO, NV, NJ, NY, NC, OH, PA, SC, TN, UT, and WI, restricted to the transportation of traffic moving on freight forwarder bills of lading as defined by the Commission. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Los Angeles, CA.)

MC 144977 (Sub-1F), filed January 7, 1980. Applicant: BOBBY McDANIEL, d.b.a. SERVICE TRUCKING COMPANY, 2050 Beaver Rd., Rossville, CA 30741. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

special equipment), between Cleveland, TN, on the one hand, and, on the other, points (except Calhoun) in McMinn County, TN, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Chattanooga or Knoxville, TN.)

MC 145516 (Sub-8F), filed January 7, 1980. Applicant: T. G. STEGALL TRUCKING CO., INC., 8100 E. Independence Blvd., Matthews, NC 28105. Representative: Triston Gene Stegall, Jr. (same address as applicant). Transporting *petroleum products* (except in bulk), between Sewaren, NJ, Charlotte, NC and Newark, NJ, restricted to shipment at or destined to the points named above. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 146646 (Sub-76F), filed January 10, 1980. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *lumber, plywood, compressed woods, built-up woods, veneers, and millwork*, from the facilities of Kearse Manufacturing Co., Inc., at or near Olar, SC, to Center, TX. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Columbia, SC, or Birmingham, AL.)

MC 146646 (Sub-77F), filed January 8, 1980. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *non-ferrous scrap metals*, between points in and east of ND, SD, NE, KS, OK, and TX. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE, or Birmingham, AL.)

MC 146646 (Sub-78F), filed January 11, 1980. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting (1) *furniture, furniture parts, components, and accessories thereto*, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between Birmingham, AL, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Montgomery, or Birmingham, AL.)

MC 146646 (Sub-79F), filed January 11, 1980. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *laminated beams and arches and wood decking*, from El Dorado Springs, MO, to points in IN, IL, OK, TN, AR, OH, and WY. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Joplin, MO, or Birmingham, AL.)

MC 146927 (Sub-8F), filed January 18, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *printing paper and wood pulp*, from the facilities of SCM Allied Paper, Inc., at or near Jackson, AL, to points in MS, LA, TX, and FL. (Hearing site: Washington, DC.)

MC 147647 (Sub-3F), filed January 10, 1980. Applicant: LOUIE R. PARRISH, AND ALICE R. PARRISH, d.b.a. PARRISH TRUCK LINE, a Partnership, Airport Rd., P.O. Box 762, Monticello, AR 71655. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Over *regular routes*, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Memphis, TN and Warren, AR: From Memphis, TN over Interstate Hwy 40 and/or U.S. Hwy 70 to its intersection with AR Hwy 11; then over AR Hwy 11 to its intersection with U.S. Hwy 79 at Stuttgart, AR, then over U.S. Hwy 79 to Pine Bluff, AR; then over U.S. Hwy 65 to its intersection with U.S. Hwy 165 at Dermott, AR; then over U.S. Hwy 165 to its intersection with AR Hwy 35, then over AR Hwy 35 to its junction with AR Hwy 4 at Monticello, AR then over AR Hwy 4 to Warren, AR, and return over the same routes, serving all intermediate points between Pine Bluff and Warren, AR, except Pine Bluff, AR (2) between Pine Bluff, AR and Monticello, AR: From Pine Bluff, AR over U.S. Hwy 65 to its junction with AR Hwy 81, then over AR Hwy 81 to the junction of AR Hwy 81 and AR Hwy 4 near Monticello, AR, and return over the same routes, serving all intermediate points, except Pine Bluff, AR, (3) between Memphis, TN and Stuttgart, AR: From Memphis, TN over Interstate Hwy 40 to its junction with U.S. Hwy 79 at Lehi, AR; then over U.S. Hwy 79 to Stuttgart, AR, serving no intermediate points, as an alternate route for operating convenience only, (4) serving the facilities of Potlach Corporation at or near Rohwer, AR, as an off-route point, and (5) serving Hermitage, AR as an off-route point. (Hearing site: Memphis, TN, or Little Rock, AR.)

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Decided: March 5, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill

MC 11207 (Sub-524F), filed February 7, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A and B explosives, frozen foods, and commodities which because of size or weight require the use of special equipment), between the facilities of Yellow Creek Port and Industrial Area, in Tishomingo and Alcorn Counties, MS, on the one hand, and, on the other, points in TX. (Hearing site: Memphis, TN, or Washington, DC.)

MC 11207 (Sub-525F), filed February 7, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A and B explosives, frozen foods, and commodities which because of size or weight require the use of special equipment), between the facilities of Yellow Creek Port and Industrial Area, in Alcorn County, MS, on the one hand, and, on the other, points in AL, MS, and TN. (Hearing site: Memphis, TN, or Washington, DC.)

MC 30867 (Sub-214F), filed February 5, 1980. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Dr., Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX

78768. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) (1) between Stephenville, TX and Wichita Falls, TX over US Hwy 281; and (2) between Santo, and Fort Worth, TX: (a) over US Hwy 80 and Interstate Hwy 20, and (b) from Santo over TX Ranch Road 2201 to junction with US Hwy 281, then over US Hwy 281 to junction with US Hwy 180, then over US Hwy 180 to Fort Worth, and return over the same route, serving all intermediate points on routes (1) and (2) above. (Hearing site: Dallas, TX.)

MC 42487 (Sub-979F), filed February 11, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities (except those of unusual* value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, assembled automobiles and heavy machinery requiring special equipment for handling), between Indianapolis, IN and Bloomington, IL: over Interstate Hwy 74, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations. Note: The proposed authority will tack with present authority of Applicant at Indianapolis, IN and Bloomington, IL. These authorities, in turn, will be joined with other authorities of applicant serving points throughout the United States. (Hearing site: Chicago, IL.)

MC 42487 (Sub-980F), filed February 13, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Perry, GA and Ocala, FL, serving the intermediate points of Cordele, Tifton, and Valdosta, GA and Lake City and Gainesville, FL: from Perry over U.S. Hwy 41 to Lake City, FL, then over U.S. Hwy 441 to Ocala, and return over the same route. (2) between Gainesville, FL and Waldo, FL, serving no intermediate points, over FL Hwy 24, (3) between Macon, GA and Monticello, FL, serving the intermediate points of Americus, Albany and Thomasville, GA, and serving the junction of U.S. Hwy 80 and U.S. Hwy 19 for purpose of joinder only: from Macon over U.S. Hwy 80 to junction U.S. Hwy 19, then over U.S. Hwy 19, to junction U.S. Hwy 319 then over U.S. Hwy 319 to Thomasville, GA, then over Business U.S. Hwy 19 to junction U.S. Hwy 19 near Thomasville, GA, then over U.S. Hwy 19 to Monticello, FL and return over the same route, (4) between Americus, GA and Cordele, GA, serving no intermediate points over U.S. Hwy 280, (5) between Albany, GA and Tifton, GA, serving no intermediate points, over U.S. Hwy 82, (6) between Dothan, AL and Valdosta, GA, serving the intermediate points of Bainbridge and Thomasville, GA over U.S. Hwy 84, (7) between Thomasville, GA and Tifton, GA, serving the intermediate point of Moultrie, GA, over U.S. Hwy 319, (8) between Atlanta, GA and junction U.S. Hwy 80 and U.S. Hwy 19, serving the intermediate points of Newman, La Grange and Columbus, GA, and the facilities of West Point-Pepperell, Inc., at or near La Grange, GA as either an intermediate or off-route point: from Atlanta over U.S. Hwy 29 to La Grange, GA, then over U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 80 to junction U.S. Hwy 80 and U.S. Hwy 19, and return over the same route, (9) between La Grange, GA and Opelika, AL, serving the intermediate points of West Point, GA and Lanett, Shawmut, Langdale and Fairfax, AL, and the facilities of West-Point Pepperell, Inc., at or near West Point, GA and Lanett, Shawmut, Langdale, Fairfax, Huguley, Riverview and Opelika, Al as either intermediate or off-route points, over U.S. Hwy 29, (10) between Columbus, GA and Opelika, Al, serving no intermediate points, but serving the facilities of West-Point Pepperell at or near Opelika, AL as either an intermediate or off-route point, over U.S. Hwy 280, (11) between Valdosta, GA and Savannah, GA, serving the intermediate points of Waycross, GA: from Valdosta over U.S. Hwy 84 to Waycross, GA, then over U.S. Hwy 82 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Savannah, and return over the same route. (12) between Griffin, GA and junction U.S. Hwy 19 and U.S. Hwy 80, serving no intermediate points, over U.S. Hwy 19 serving Byron, Fort Valley, Reynolds and Thomaston, GA as off-route points in connection with routes described above. Note: Applicant intends to tack the authorities described above and any existing or future authority. (Hearing site: Atlanta, GA.)

MC 55896 (Sub-134F), filed February 11, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Transporting *sand* on skids or skidded containers, (except commodities in bulk, in tank vehicles), from the Acme Resin Corporation, at Oregon, IL, to points in IA, WI, MO, MN, KY, PA, OH, MI, and IN. (Hearing site: Chicago, IL.)

MC 59247 (Sub-12F), filed February 11, 1980. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1500 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 7th Ave., New York, NY 10001. Transporting (1) *chemicals*, and (2) *such commodities* as are used in the manufacture and distribution of chemical products (except chemicals in bulk, in tank vehicles), from points in DE, MD, and those in that part of PA east of a line beginning at the NY–PA State line and extending along U.S. Hwy 11 to Harrisburg, PA, and then along Interstate Hwy 83 to the PA–MD State line, to points in NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 63417 (Sub-289F), filed February 11, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *glass containers, container ends, and closures*, from points in Armstrong, Clarion, Forest, and Clearfield Counties, PA, to points in DE, GA, NC, SC, TN, and VA. (Hearing site: Washington, DC.)

MC 69116 (Sub-282F), filed February 20, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except Classes A and B explosives and commodities in bulk), between the facilities of Kimberly-Clark Corporation located in Richmond County, GA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Kimberly-Clark Corporation, in Richmond County, GA. (Hearing site: Chicago, IL.)

MC 78687 (Sub-103F), filed February 5, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting *aluminum and*

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aluminum articles, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Washington, DC.)

MC 78687 (Sub-104F), filed February 12, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting *fly ash,* in bulk, in tank vehicles, (1) from Indiana, Schelocta, Homer City, and Huff, PA, to points in NY, OH, DE, VA, WV, IN, VT, MA, CT, and (2) between points in NY, restricted in (1) above to prior or subsequent movements by rail. (Hearing site: Washington, DC.)

MC 98776 (Sub-7F), filed February 6, 1980. Applicant: ELDRIDGE TRUCK LINE, INC., P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in IL within the commercial zone of Louisville, KY in connection with applicant's presently authorized regular-route operations. (Hearing site: Louisville, KY.)

NOTE.—Applicant states it will tack at Louisville, KY.

MC 103926 (Sub-103F), filed February 4, 1980. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 56387, 1200 Gas Light Tower, 235 Peachtree St. NE., Atlanta, GA 30343. Transporting (1) *construction, mining or quarry machinery and equipment,* (2) *industrial plant machinery and equipment,* and (3) *attachments, accessories, and supplies* for the commodities in (1) and (2) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Vulcan Materials Co. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 107576 (Sub-28F), filed February 11, 1980. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Ave., Portland, OR 97214. Representative: Ben D. Browning (same address as applicant). Over regular routes, transporting general commodities (except those of unsual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, in tank vehicles, and those requiring special equipment), (1) between Seattle and Walla Walla, WA, serving intermediate and off-route points in Kittitas, Yakima, Benton, Franklin, and Walla Walla Counties, WA, from Seattle over Interstate Hwy 90 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Walla Walla, and return over the same route, (2) between Goldendale, WA, and ports of entry on the international boundary line between the United States and Canada near Oroville, WA, serving intermediate and off-route points in Yakima, Kittitas, Chelan, Douglas and Okanogan Counties, WA, over U.S. Hwy 97, (3) between Plymouth, WA and junction U.S. Hwy 2 and U.S. Hwy 97, serving intermediate and off-route points in Benton, Franklin, Adams, Grant, Douglas, and Chelan Counties, WA, from Plymouth over WA Hwy 14 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction WA Hwy 17, then over WA Hwy 17 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction WA Hwy 281, then over WA Hwy 281 to junction WA Hwy 28, then over WA Hwy 28 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 97, and return over the same route, and (4) between Ellensburg, WA and junction U.S. Hwy 195 and U.S. Hwy 95, serving intermediate and off-route points in Grant, Kittitas, Spokane and Whitman Counties, WA, over Interstate Hwy 90 to junction U.S. Hwy 195, then over U.S. Hwy 196 to U.S. Hwy 95, and return over the same route. (Hearing site: Portland and Eugene, OR.)

MC 114457 (Sub-563F), filed February 7, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills, 2102 University Ave., St. Paul, MN 55114. Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of Delaware Freezer Center, Newark, DE, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Louisville, KY, or St. Paul, MN.)

MC 114457 (Sub-564F), filed February 7, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), from the facilities of M&M/MARS Snack-Master Division, at Albany, GA, to points in AZ, CA, CO, FL, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, OR, PA, TN, TX, and UT. (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 117786 (Sub-95F), filed February 4, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *fabric reinforced rubber hose and rubber products,* from points in OH to points in CA, GA and FL (Hearing site: Phoenix, AZ.)

MC 119656 (Sub-73F), filed February 14, 1980. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *lumber and lumber products,* between points in IN, on the one hand, and, on the other, points in IL; and (2) *kiln dried lumber, dimension parts, and rough sawed lumber,* between points in Starke County, IN, on the one hand, and, on the other, points in MI, WI, KY, OH, and MO. (Hearing site: Indianapolis, IN.)

MC 123407 (Sub-632F), filed February 5, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. #1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by home improvement centers, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Color Tile Corp. (Hearing site: Dallas, TX.)

MC 123407 (Sub-633F), filed February 8, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. #1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *flat glass,* from Houston, TX, to points in CA. (Hearing site: Houston, TX.)

MC 123476 (Sub-54F), filed February 19, 1980. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting *plastic products,* between Maryland Heights, MD, on the one hand, and, on the other, those points in the United States on and east of U.S. Hwy 85. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 124887 (Sub-111F), filed February 13, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. #1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *brick and title,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the

commodities in (1) above, between Kentwood, LA, and points in AL, AR, FL, GA, NC, TN, TX, SC, and MS. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 128837 (Sub-16F), filed February 4, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Robert T. Lawley, 300 Reisch Bldg., Sprinfield, IL 62701. Transporting *glass bottles,* from Joliet, IL, to points in KY, and Iowa City and Cedar Rapids, IA, Paw Paw, Livonia, Fremont and Detroit, MI, St. Louis and Weston, MO, restricted to the transportation of traffic originating at the facilities of National Bottle Company, at Joliet, IL. (Hearing site: Chicago, IL.)

MC 128837 (Sub-17F), filed February 4, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *fibrous glass products, mineral wool, mineral wool products, insulated and flexible air ducts, insulating products, fibre rovings, yarn and strands,* and *glass fibre mats and matting,* (except commodities in bulk), (a) from Pauline, Olathe, Lenexa and Kansas City, KS and Kansas City, MO, to points in IL, IN, IA, MI, MN, NE, and WI, and (b) from Bensenville, IL, to points in IN, IA, MI, NE, OH, and WI. (Hearing site: Chicago, IL.)

MC 134286 (Sub-159F), filed February 11, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *foodstuffs* (except in bulk), from the facilities of M&M/Mars, Snack-master Division, at or near Albany, GA, to points in CA, CO, FL, GA, IL, IN, MA, MD, MI, MN, MO, NC, NJ, OH, OR, TN, TX, and UT. (Hearing site: Atlanta, GA, or Denver, CO.)

MC 134286 (Sub-160F), filed February 11, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Tama Meat Packing, Inc., at or near Tama, IA, to points in the US (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Sioux City, IA, or Denver, CO.)

MC 134286 (Sub-161F), filed February 11, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *cleaning, buffing, or polishing compounds,* (2) *textile softeners,* (3) *lubricants,* (4) *hypochlorite solutions,* (5) *deodorants or disinfectants,* and (6) *paints, stains, or varnishes,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from the facilities of Economics Laboratory, Inc., at Joliet, IL, to points in IA, NE, MN, MO, KS, CO, OH, and MI, and (b) between the facilities of Economics Laboratory, Inc., at Joliet, IL, on the one hand, and, on the other, Avenel and Woodbridge, NJ, restricted to the transportation of traffic originating at and destined to points in the described territories. (Hearing site: Minneapolis, MN, or Denver, CO.)

MC 134286 (Sub-162F), filed February 13, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *alcoholic liquors,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above (except in bulk, in tank vehicles), (a) between Ft. Smith, AR, on the one hand, and, on the other, points in the US (except AK and HI), (b) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, IL, IN, MI, OH, NY, PA, NC, and GA, (c) between New Orleans, LA, on the one hand, and, on the other, points in AZ, CA, NM, TX, AR, and GA, and (d) between Plainfield, IL, on the one hand, and, on the other, points in WI, MI, IN, MN, IA, MO, ND, SD, NE, KS, OK, MT, WI, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Ft. Smith, AR, or New Orleans, LA.)

MC 134467 (Sub-58F), filed February 4, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *alcoholic liquors,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), (a) between Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI), (b) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, IL, MI, OH, NY, LA, PA, GA, NC, SC, and FL, (c) between New Orleans, LA, on the one hand, and, on the other, points in AZ, CA, OK, AR, MI, TX, NM, MS, AL, GA, FL, IL, and KY, and (d) between Plainfield, IL, on the one hand, and, on the other, points in MI, WI, MN, IA, MO, NE, KS, OK, CO, NM, AR, LA, and KY, restricted to the transportation of traffic originating at or destined to facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 134477 (Sub-404F), filed February 8, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *Alcoholic beverages, cocktail mixes and bitters,* (except malt beverages and commodities in bulk), from points in CA, IL, IN, KY, MD, MI, NJ, OH, PA, and TN, to Fargo and Bismarck, ND. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-405F), filed February 11, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496; St. Paul, MN 55164. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Cloud, MN, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 136246 (Sub-41F), filed February 8, 1980. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting pneumatic conveyor equipment, parts and accessories and such commodities as are used in the manufacture and production of the aforementioned commodities, between the facilities of Cyclonaire Corp., at Henderson, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Omaha, NE.)

MC 136246 (Sub-42F), filed February 8, 1980. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting, *iron and steel articles,* from points in IN and OH, to the facilities of Sperry-Vickers, Division of Sperry Corporation, at Omaha, NE. (Hearing site: Omaha, NE.)

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MC 142007 (Sub-1F), filed February 12, 1980. Applicant: OTTE BUS SERVICE, INC., Route #1, Cedar Grove, WI 53013. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between points in Ozaukee, Sheboygan and Washington Counties, WI, on the one hand, and, on the other, points in the U.S. (except HI). (Hearing site: Washington, DC.)

MC 139006 (Sub-15F), filed February 5, 1980. Applicant: RAPIER SMITH, R.R. #5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting (1) *alcoholic liquors and* (2) *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, (except commodities in bulk, in tank vehicles), between Fort Smith, AR, New Orleans, LA, Bardstown and Louisville, KY, and Plainfield, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to facilities used by Hiram Walker & Sons, Inc. (Hearing site: Louisville, KY.)

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Decided: March 5, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 11207 (Sub-518F), filed January 22, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *metal buildings, knocked down,* and (2) *machinery, materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between the facilities of Republic Buildings Corp., at Rainsville, AL, on the one hand, and, on the other, points in AZ, AR, FL, GA, IL, KY, LA, MO, MS, NV, NM, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 51146 (Sub-805F), filed January 22, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr., (same address as applicant). Transporting *salt,* in packages, from the facilities of Morton Salt at or near Chicago, IL, to points in IN, IA, MI, MO, and WI. (Hearing site: Chicago, IL.)

MC 51146 (Sub-806F), filed January 22, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr., (same address as applicant). Transporting *such commodities as are dealt in, or used by, manufacturers and distributors of plastic, plastic products, coated mill products, chemicals, and magnesium alloy engraving plates* (except commodities in bulk), between the facilities of Dow Chemical Corp. at Findlay, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 51146 (Sub-808F), filed January 24, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *roving, yarn, and glass fibre,* between the facilities of Owens-Corning Fiberglas Corp., at Jackson, TN, on the one hand, and, on the other, points in IL, IN, OH, MI, MN, and WI.

MC 51146 (Sub-809F), filed January 24, 1980. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2298. Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *agricultural pesticides, medicinal feeding compounds, chemicals, drugs, and medicines, and* (2) *materials, equipment, and supplies* used or useful in the manufacture, processing, sale, and distribution of the commodities named in (1) above, between Kalamazoo, MI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Upjohn Company. (Hearing site: Chicago, IL.)

MC 59306 (Sub-7F), filed January 22, 1980. Applicant: NIEDERGERKE TRUCK LINE, INCORPORATED, 107 West Fourth St., Fulton, MO 65215. Representative: Neal A. Jackson, 1156 15th St., N.W., Washington, D.C. 20005. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Vandalia and Martinsburg, MO: from Vandalia over U.S. Hwy 54 to junction MO Hwy 19, then over MO Hwy 19 to Martinsburg, and return over the same route, serving Farber, MO, as an intermediate point, and (2) between Vandalia, MO, and junction U.S. Hwy 61 and 40 at Wentzville, MO: from Vandalia over U.S. Hwy 54 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 40 at Wentzville, MO, and return over the same route, serving Wentzville, MO, for joinder purposes only. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 61396 (Sub-382F), filed January 22, 1980. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Gerald A. Noel (same address as applicant). Transporting *cement,* from the facilities of Marquette Cement Company, at Memphis, TN, to points in MS, AR, and AL. (Hearing site: Omaha, NE, or Memphis, TN.)

MC 65626 (Sub-36F), filed January 31, 1980. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *such commodities as are dealt in by manufacturers of glass, plastic, metal and earthenware containers and products, and materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities, between points in NJ, NY, PA, and WV. (Hearing site: Washington, DC, or New York, NY.)

MC 95876 (Sub-337F), filed January 21, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *sewage treatment plants, aerators, lift stations, and* (2) *parts and accessories* used in the installation of commodities in (1) above, from the facilities of Clow Corporation, at or near Richwood, KY, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 95876 (Sub-338F), filed January 22, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *iron and steel articles,* from the facilities of Northwestern Steel and Wire Co., at or near Rock Falls and Sterling, IL, to points in AR, AZ, CA, CO, IA on and east of U.S. Hwy 69, ID, KS, LA, MO, MS, MT, NM, NV, OK, OR, TX, UT, WA, and WY, and (2) *materials and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), in the reverse direction, restricted in (1) above to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 109376 (Sub-21F), filed January 22, 1980. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *agricultural limestone,* from Sussex, WI, to points in MN and the Upper Peninsula of MI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 111656 (Sub-12F), filed January 25, 1980. Applicant: FRANK LAMBIE, INC., Pier 79 No. River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Contract carrier, transporting *such commodities as are dealt in by manufacturers and distributors of paint products, food and food products, powder metals and metal products, paper and paper products, and supplies and equipment* used in connection with the foregoing commodities (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with SCM Corporation, of Cleveland, OH. (Hearing site: New York,NY.)

MC 111956 (Sub-54F), filed January 24, 1980. Applicant: SUWAK TRUCKING COMPANY, a Corporation, 1105 Fayette St., Washington, PA 15301. Representative: Henry M. Wick, Jr.; 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers and trailers, between points in DE, MD, NY, NJ, PA and VA, on the one hand, and, on the other, points in WV, restricted to the transportation of traffic having a prior or subsequent movement by water in foreign commerce. (Hearing site: Washington, DC, or Pittsburg, PA.)

MC 112617 (Sub-466F), filed January 21, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid lard,* in bulk, in tank vehicles, from Owensboro, KY, to points in IL, MO, and TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC113106 (Sub-88F), filed January 23, 1980. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *glass containers,* from Marienville, Knox, Parker, Clarion, and Elk City, PA, to points in MD, VA, DE, NJ, NY, and DC. (Hearing site: Washington, DC.)

MC115826 (Sub-572F), filed January 22, 1980. Applicant: W. J. DIGBY, INC., 6015 West 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *alcoholic beverages,* from Peoria, IL, and Detroit, MI to points in CO. (Hearing site: Denver, CO.

MC115826 (Sub-573F), filed January 22, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *alcoholic beverages and materials, equipment and supplies* used in the manufacture and distribution of alcoholic beverages, between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, and Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Denver, CO.)

MC115826 (Sub-574F), filed January 25, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1), between the facilities of Church and Dwight Co., Inc., at points in Sweetwater County, WY, Old Fort, OH, and Syracuse, NY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC119176 (Sub-29F), filed January 22, 1980. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, 6211 So. 49th West Ave., Tulsa, OK 74107. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *grain and forage silos and parts, equipment and supplies* (except in bulk), for the foregoing commodities, and (2) *materials and supplies* (except in bulk), used in the manufacture of the commodities named in (1) above, between the facilities of Southwestern Porcelain, Inc., at or near Sand Springs, OK, to points in the United States (except AK and HI). (Hearing site: Tulsa, OK, or Fort Worth, TX.)

MC 120737 (Sub-62F), filed January 21, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 No. LaSalle St., Chicago, IL 60602. Transporting *pipe and pipe fittings and accessories,* from the facilities of the The Clow Corporation, in Talladega County, AL, to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 124887 (Sub-109F), filed January 24, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *iron and steel articles,* and (2) *materials, equipment and supplies* used in the production of iron and steel articles, between points in the United States in and east of ND, SC, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Tennessee Forging Steel Corp. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 125777 (Sub-268F), filed January 21, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 So. LaSalle St., Chicago, IL 60603. Transporting *iron and steel grinding balls,* in dump vehicles, from North Lake, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125777 (Sub-269F), filed January 31, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 So. LaSalle St., Chicago, IL 60603. Transporting *silicon carbide,* in dump vehicles, from Hennepin, IL, to points in AL, AR, FL, GA, IA, KY, LA, MA, MD, MI, MO, MN, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 133966 (Sub-58F), filed January 21, 1980. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting (1) *fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, flexible air ducts, insulating products and materials, glass fiber rovings, yarn and strands, glass fiber mats and mattings,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, and restricted to traffic originating at or destined to the facilities of CertainTeed Products Corporation. (Hearing site: Philadelphia, PA.)

MC 136786 (Sub-205F), filed January 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50309. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *frozen bagels,* from the

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facilities of Lender's Bagel Bakery Inc., at or near Buffalo, NY, to points in the United States in and west of MI, OH, WV, VA, NC, SC, GA, and FL (except AK and HI). (Hearing site: Buffalo, NY.)

MC 138206 (Sub-18F), filed January 24, 1980. Applicant: TRULINE CORPORATION, 4455 So. Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *iron and steel products,* from the facilities of Industrial Steel Corporation, in Clark County, NV, to points in AZ, CA, CO, and UT. (Hearing site: Las Vegas, NV.)

MC 139906 (Sub-89F), filed January 22, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *plumber's goods,* between the facilities of Norris Industries Price Pfister Division at or near Pacoima, CA, and points in CO, GA, ID, IL, MT, NJ, OK, OR, TX, WA, and WY. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 143607 (Sub-25F), filed January 23, 1980. Applicant: BAYWOOD TRANSPORT, INC., Rt 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Contract carrier, transporting (1) *such commodities* as are dealt in by wholesale and retail food, drug and chain stores and business houses, and (2) *materials, equipment, and supplies* used in the manufacture, processing, production, distribution and sale of the commodities in (1) above, between points in the United States (except Ak and HI), under continuing contract(s) with Warner-Lambert Company of Morris Plains, NJ. (Hearing site: Newark, NJ.)

MC 143636 (Sub-8F), filed January 21, 1980. Applicant: RON SMITH TRUCKING, INC., R.R. No. 2, Box 4, Newman, IL 61942. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *anhydrous ammonia,* in bulk, in tank vehicles, from points in Vigo County, IN, to points in IL. (Hearing site: Chicago, IL.)

MC 143696 (Sub-17F), filed January 20, 1980. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Contract carrier, transporting *contactors equipment and materials* used in the manufacture and maintenance of contractors equipment, between points in TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Texas Mechanical Contractors of McKinney, TX. (Hearing site: Dallas, TX.)

MC 143956 (Sub-8F), filed January 24, 1980. Applicant: GARDNER TRUCKING CO, INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, (same address as applicant). Transporting *compound refrigerant and cooler boxes,* from Columbia, MD, to points in NY, NJ, MA, PA, VT, DE, TN, FL, NC, GA, OH, MI, and WV. (Hearing site: Washington, DC.)

MC 144117 (Sub-58F), filed January 22, 1980. Applicant: T. L. C. LINES, INC, P.O. Box 1090, Fenton MO 63026. Representative: Jack H. Blanshan, 205 West Touhy, Ave., Suite 200, Park Ridge, IL 60068. Transporting *foodstuffs* (except frozen foods and commodities in bulk), in vehicles equipped with mechanical refrigeration, from (1) the facilities of Hershey Chocolate Company, Division of Hershey Foods Corp., at Derry Township (Dauphin County) and Hampden Township (Cumberland County), PA, and the facilities of Y & S Candies, Inc., at East Hampfield Township (Lancaster County), PA, to Denver, CO, Milwaukee, OR, Phoenix, AZ, and Salt Lake City, UT, and (2) the facilities of Hershey Chocolate Company, Division of Hershey Foods Corp. at Hampden Township (Cumberland County) PA to points in CA, restricted in (1) and (2) to the transportation of traffic originating at the named origins. (Hearing site: Washington, DC.)

MC 144166 (Sub-5F), filed January 25, 1980. Applicant: BILL STARR TRUCKING, INC., 1041 Vista Dr., Independence, MO 64056. Representative: Bill Starr (same address as applicant). Contract carrier, transporting *toilet preparations* and other articles in mixed shipments, from Kansas City, MO to Wichita, KS, Oklahoma City and Tulsa, OK, and Dallas, EL Paso, Ft. Worth and Houston, TX, under continuing contract(s) with Avon Products, Inc., of Kansas City, MO. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144837 (Sub-3F), filed January 29, 1980. Applicant: TWICKINGHAM TRUCKING CO., a corporation, 1205 Northwest Marshall, Portland, OR 97209. Representative: Steven R. Schell, 12th Floor, 707 Southwest Washington, Portland, OR 97205. Contract carrier, transporting *drums, pails, food glaze, paint, gum shellac, shellac thinner, wood preservative, aerosol paint, and dry paint materials,* between Portland, OR, on the one hand, and, on the other, San Francisco and Los Angeles, CA, under continuing contract(s) with Zehrung Chemical Co., of Portland, OR. (Hearing site: Portland, OR.)

MC 144926 (Sub-9F), filed January 24, 1980. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Contract carrier, transporting *tanks and parts, attachments and accessories* for tanks, (1) from the facilities of O'Day Equipment, Inc., at Fargo, ND, and Sioux Falls, SD, to points in ND, SD, MN, IA, WY, MT, NE, ID, WA, and OR, and (2) from Minneapolis, MN, to the facilities of O'Day Equipment, Inc., at Fargo, ND, and Sioux Falls, SD, under continuing contract(s) with O'Day Equipment, Inc. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 145437 (Sub-14F), filed January 14, 1980. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Contract carrier, transporting *wearing apparel and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of wearing apparel from Carson City, NV, to points in CA, OR, and WA, under continuing contract(s) with Jockey International, Inc. (Hearing site: Madison, or Milwaukee, WI.)

MC 145437 (Sub-15F), filed January 14, 1980. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Contract carrier, transporting *Wearing apparel and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of wearing apparel (except commodities in bulk), from Medina, OH and Union, SC to Farmingdale, NY, under continuing contract(s) with Jack Winter Appeal, Inc., and Mary Lester Fashion Fabrics, Inc. (Hearing site: Madison, or Milwaukee, WI.)

MC 146056 (Sub-4F), filed January 31, 1980. Applicant: PURITY TRANSPORTATION COMPANY, a Corporation, 1171 N. Water, Decatur, IL 62523. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Contract carrier, transporting (1) *bakery products,* from Bloomington, Champaign, Decatur, and Rockford, IL, to points in IA, MO, and WI, and (2) *flour,* from Winona, MN, to Rockford, IL, under

continuing contract(s) in (1) and (2) with Purity Baking Company, of Decatur, IL. (Hearing site: Chicago, IL.)

MC 146187 (Sub-18F), filed January 21, 1980. Applicant: THE TEN WHEELERS, INC., Rt. 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank, II, P.O. Box 1004, 805 So. Garden St., Columbia, TN 38401. Transporting *floor coverings and articles* used in the installation and maintenance of floor coverings, from the facilities of Armstrong Cork Co., at Lancaster and East Hampfield Township, PA, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the above named origins and destined to the indicated destinations. (Hearing site: Nashville, TN, or Lancaster, PA.)

MC 147787 (Sub-5F), filed January 21, 1980. Applicant: SOUTHERN DRAYAGE, INC., 4223 Space Center Dr., Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Contract carrier, transporting (A) *lawn mowers, rotary snow plows, lawn and garden tractors and parts, equipment and accessories* for the foregoing commodities, from points in Lincoln County, MS, to points in AL, FL, GA, IL, IN, KY, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, and WI, and (B) *equipment, materials, and supplies* (except commodities in bulk) used in the manufacture of the commodities in (A), from points in IL, IN, KY, MI, OH, TN, and WI to points in Lincoln County, MS, under continuing contract(s) with Jacobsen, Division of Textron, Inc. (Hearing site: Jackson, MS.)

Note.—Dual operations may be involved.

MC 148227 (Sub-2F), filed January 28, 1980. Applicant: D–T INCORPORATED, 1002–B Koenigheim, San Angelo, TX 76903. Representative: Tom C. Massey, 202 W. Twohig, Suite 202, P.O. Box 2809 San Angelo, TX 76902. Contract carrier, transporting *motorcycles,* from Baton Rouge, LA, to Lubbock, San Angelo, Big Spring, Midland, Abilene, and Odessa, TX, under continuing contract(s) with Cycle City, Inc., of Lubbock, Cycles Unlimited, of San Angelo, Honda of Lubbock, A–1 Cycle Shop, of Big Spring, Glenn's Motors, Inc., of Midland, Kents Honda, of Abilene, and Permian Basin Honda, of Odessa. (Hearing site: Dallas, or Fort Worth, TX.)

MC 148376 (Sub-2F), filed January 7, 1980. Applicant: BILCO TRANSPORTATION, INC., 660 Riverside Rd., Watsonville, CA 95076. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Contract carrier, transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, (1) from points in ID, OR, WA, and CO to the facilities of A. C. Arioto and Sons, in San Jose, CA, and (2) from the facilities of A. C. Arioto and Sons, in San Jose, CA to points in WA, under continuing contract(s) in (1) and (2) with A. C. Arioto & Sons, of San Jose, Ca. (Hearing site: San Francisco or San Jose, CA.)

MC 149117F, filed January 11, 1980. Applicant: ARLYNE CORPORATION, P.O. Box 232, Hazel Park, MI 48030. Representative: William B. Elmer, 21635 East Nine Mile R, St. Clair Shores, MI 48080. Contract carrier, transporting *iron and steel, iron and steel products, and materials and supplies* used in connection with the manufacture, processing and distribution of iron and steel and iron and steel products between points in Wayne County, MI, on the one hand, and, on the other, points in IL, IN, KY, OH and PA, under continuing contract(s) with Potomac Steel Corp. (Hearing site: Detroit, MI.)

MC 149167 (Sub-1F), filed January 31, 1980. Applicant: MAVERICK RENTING & LEASING, INC., 105 Howell St., Jersey City, NJ 07306. Representative: Piken & Piken, Queens Office Tower, 95–25 Queens Blvd. Rego Park, NY 11374. Contract carrier, transporting *bakery products* (except commodities in bulk), (1) between the facilities of Entenmann's Inc., at North Lake, IL, on the one hand, and, on the other, points in MO, MI, OH, WI, IN, IL, KY, and IA, and (2) between the facilities of Entenmann's at or near Miami, FL, on the one hand, and, on the other, points in AL and GA, under continuing contract(s) in (1) and (2) with Entenmann's Inc. (Hearing site: New York, NY.)

MC 149286F, filed January 9, 1980. Applicant: BORDERS TRANSPORTATION COMPANY, INC., General Delivery, Ulysses, KY 41264. Representative: Jewell Borders (same address as applicant). Contract carrier, transporting *mining machinery and equipment, and parts, attachments, and accessories* for the foregoing commodities, (1) between the facilities of Eimco Elkhorn, Division of Envirotech Corporation, at Martin, KY, Monroe, NC, and Salt Lake City, UT, and (2) from the facilities named in (1) above, to points in CO, IL, IN, KS, KY, MO, NM, NC, OH, PA, TN, UT, VA, WV, WY, and SC, under continuing contract(s) in (1) and (2) with Envirotech Corporation of Menlo Park, CA. (Hearing site: Louisville or Lexington, KY.)

MC 149328F, filed January 31, 1980. Applicant: JACK W. STRINGER & CHARLOTTE STRINGER, d.b.a. J & C STRINGER TRUCKING, a partnership, 211 W. Hight, R.R. #2, Macon, IL 62544. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Contract carrier, transporting *corn and soybean products* (except in bulk), from Decatur, IL, to points in CA, IN, MI, OH, and TX, under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 149327F, filed January 31, 1980. Applicant: D. J. SALYER, INC., 84 Manchester St., Concord, NH 03301. Representative: Fritz R. Kahn, Suite 1100, 1660 L St., NW., Washington, DC 20036. Transporting *building and construction materials, equipment and supplies, and commodities the transportation of which because of size or weight requires the use of special equipment, and parts for the foregoing commodities,* between points in NH, VT, and MA, on the one hand, and, on the other, points in NH, ME, VT, RI, CT, MA, NY, and NJ. (Hearing site: Boston, MA, or Washington, DC.)

MC 149366 (Sub-2F), filed January 23, 1980. Applicant: NORTH CENTRAL JOBBERS, INC., Northwood, ND 58264. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55402. Transporting *lime, salt, and calcium chloride,* from Duluth, MN, to points in MT, ND, and SD. (Hearing site: Duluth or Minneapolis, MN.)

Agatha L. Mergenovich,
Secretary.

FR Doc. 80–10083 Filed 4–2–80; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Preindictment Decisionmaking; Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining Pre-Indictment Decision Making.

The solicitation asks for preliminary proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than May 23, 1980. A grant or cooperative agreement for an 18 month research project is planned, with funding not to exceed $150,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request No. 131, Pre-

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Indictment Decision Making, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 25, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-10104 Filed 4-2-80; 8:45 am]

BILLING CODE 4410-18-M

Role of the Grand Jury; Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining the Role of the Grand Jury.

The solicitation asks for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than May 17, 1980. A grant or cooperative agreement for an 18 month research project is planned, with funding support not to exceed $200,000. To maximize competition for this award both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, The Role of the Grand Jury, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for solicitations, contact Jonathan Katz, Adjudication Division, Office of Research Programs, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9114.

Dated: March 25, 1980.

Approved:

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-10103 Filed 4-2-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-22)]

Space and Terrestrial Applications Steering Committee; Annual Comprehensive Review

Section 7(b) of Pub. L. 92-463, the Federal Advisory Committee Act, dated October 6, 1972, requires a comprehensive review of Federal advisory committees.

In accordance with implementing instructions of Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 5, as modified February 14, 1980, NASA is reviewing for continuation the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

The intent of this advisory subcommittee is to obtain the advice of the scientific community in evaluating research and investigations proposals for inclusion in NASA's Space and Terrestrial Applications programs. The Space and Terrestrial Applications Steering Committee, under which the subcommittee operates, is a NASA-sponsored interagency committee, composed wholly of Government employees.

The public is hereby invited to submit comments on the proposed continuation of this advisory subcommittee. Comments should be addressed to, or delivered to: National Aeronautics and Space Administration, Attn: Code LB-4, 400 Maryland Avenue SW., Washington, DC 20546. Comments should be received no later than April 10, 1980. Additional information may be obtained by calling Mary R. Lippolis, 202/755-8383.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 31, 1980.

[FR Doc. 80-10149 Filed 4-2-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-14]

Reports, Safety Recommendations and Responses; Availability

The National Transportation Safety Board last week made available to the public copies of the following reports:

Highway

Safety Effectiveness Evaluation of the National Highway Safety Administration's Rulemaking Process, Volume III: Current Rulemaking (NTSB-SEE-80-2).—Under authority of the Independent Safety Board Act of 1974, the Board may "evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other Government agencies * * *." The subject case history is the third and final factual report upon which the Safety Board will base an evaluation of the effectiveness of NHTSA's rulemaking process under the Federal Motor Vehicle Safety Standards (FMVSS).

Two earlier case histories, issued by the Safety Board last fall, covered NHTSA's truck air brake system rulemaking (FMVSS-121) and its motor vehicle passive restraint rulemaking (FMVSS-208). Volume III describes NHTSA's rulemaking procedures and summarizes eight selected standards which illustrate them:

- FMVSS 108—Lamps, Reflective Devices and Associated Equipment.
- FMVSS 130—Heavy Duty Vehicle Brake Systems.
- Low Tire Pressure Warning Indicators.
- FMVSS 203/204—Impact Protection for the Driver from the Steering Control System and Steering Control Rearward Displacement.
- FMVSS 214—Side Door Strength (Side Impact Protection).
- Pedestrian Initial Impact Protection.
- FMVSS 302—Flammability of Interior Materials (School Buses).
- FMVSS 400—Systems Safety Standards (Occupant Crash Protection).

Neither Volume III nor the two earlier case histories contain an analysis but will help serve as a basis for the Safety Board's evaluation of the NHTSA rulemaking process, to be published as Volume IV. Volume III was developed by the Safety Board through extensive interviews with NHTSA personnel, through examination of internal agency documents, including formal and informal documentation of specific rules, and through review of public dockets related to the standards. NHTSA has had the opportunity to review and comment on a draft of this report.

Special Study—Fatal Highway Accidents on Wet Pavement—The Magnitude, Location, and Characteristics (NTSB-HSS-80-1).—The problem of highway accidents on wet pavement, although not well defined, has been considered by many States to be of moderate to major concern. This special study was undertaken by the Safety Board to determine the magnitude of the wet-pavement accident problem nationwide, to determine the significance of the locations of the wet-pavement accidents, and to determine the characteristics of these accidents. Data developed by the Safety Board indicate that during 1976 and 1977, 13.5 percent of all fatal accidents occurred on wet pavement, while precipitation occurred only about 3.0 to 3.5 percent of the time nationwide. This indicates that fatal accidents on wet pavement occur 3.9 to 4.5 times more often than might be expected, and that the wet-pavement accident problem should be of concern to all States.

To measure the performance of the activities of States aimed at reducing wet-pavement accidents, the Safety Board developed a Wet Fatal Accident Index for each State. This method

indicated an area in the United States with good performance and a belt with poorer-than-average performance. Additionally, NHTSA's fatal Accident Reporting System data showed the types of accidents and the characteristics of the roads where fatal accidents occurred during period when the pavement was wet.

As a result of this special study, the Safety Board on March 12 issued three recommendations (Nos. H-80-21 through-23) to the Federal Highway Administration and one recommendation (No. H-80-24) to NHTSA. (See 45 FR 18209, March, 20, 1980.)

Marine

Accident Report—Collision of Greek Bulk Carrier M/V IRENE S. LEMOS and Panamanian Bulk Carrier M/V MARITIME JUSTICE, Lower Mississippi River, near New Orleans, Louisiana, November 9, 1978 (NTSB-MAR-80-4).—At 0640, on November 9, the carriers collided at mile 78.3 AHP, about 15 statute miled below New Orleans. Because of dense fog, the visibility at the time of the collision was less then 400 feet. The vessels struck nearly head-on, damaging the bows of both vessels. There were no deaths or injuries. Cost of repairs to the two vessels was estimated at $4 million. About 1,800 barrels of fuel oil were discharged into the Mississippi River and resulted in local health officials securing the municipal water intake ½ mile downriver.

The Safety Board determined that the probable cause of the accident was the poor judgment of the pilots of the MARITIME JUSTICE and the IRENE S. LEMOS when they agreed to meet and pass in near zero visibility conditions at English Turn Bend, where the risk of collision was much greater than in a straight portion of the river and the failure of the vessels to move to the extreme right of the channel. Contributing to the accident was the failure of the mate on the MARITIME JUSTICE and the master of the IRENE S. LEMOS to exercise their responsibility to assure that the vessels were navigated safely, rather than indiscriminately relying on the pilots of the vessels.

This accident was investigated jointly by the Safety Board and the U.S. Coast Guard. The investigation included a public hearing which convened in New Orleans on November 14, 1978, and reconvened on November 28, 1978. This report is based on the factual information developed by this investigation. As a result of the investigation, the Safety Board on March 20, 1980, forwarded by separate letters the following recommendations:

M-80-9 through M-80-13 to the U.S. Coast Guard.

Determine which bends on the lower Mississippi River present difficult navigational problems and should be limited to one-way traffic during conditions of reduced visibility, and promulgate appropriate restrictions (M-80-9)

Require the New Orleans Vessel Traffic Center to inform participating vessels routinely of important weather information, such as dense fog, and withdraw the current instructions which require vessels to request such information specifically. (M-80-10)

Accelerate rulemaking, Docket No. 75-112, to make participation in the New Orleans Vessel Traffic Service mandatory. (M-80-11)

Develop and implement a plan of action for the Captain of the Port of New Orleans and the New Orleans Vessel Traffic Center that will insure prompt action to control traffic movements on the lower Mississippi River during conditions of limited visibility. (M-80-12)

Re-evaluate the proposed level of vessel traffic service (VTS) on the lower Mississippi River, and determine if an extended surveillance system is needed to overcome the severe limitations of the present VTS to provide useful, accurate information to participants. (M-80-13)

Require that every master of an oceangoing vessel inform himself of the pilot's plan to maneuver his ship in or out of a harbor and that the master determine, with the pilot's assistance, the critical aspects of the maneuver, including the pilot's plan for emergencies. The master should then be required to instruct his crew to insure that high-risk tasks receive priority. (M-74-15, reiterated)

Amend 33 CFR 164.11(k) to require that masters and pilots discuss beforehand and agree to the essential features and relevant checkpoints of maneuvers expected to be undertaken. (M-77-33, reiterated)

M-80-14 through-17 to the Crescent River Port Pilots Association

Promulgate a policy that member pilots refrain from meeting or overtaking other vessels at bends on the lower Mississippi River which present difficult navigational problems during conditions of reduced visibility. (M-80-14)

Promulgate a policy that member pilots confer with ship's masters on any high risk maneuvering agreements made over the bridge-to-bridge radiotelephone, well in advance of the execution. (M-80-15)

Promulgate a policy that member pilots participate in the New Orleans Vessel Traffic Service to improve its level of effectiveness and reliability. (M-80-16)

Instruct member pilots regarding the importance of complying with Article 15 of the Inland Rules of the Road which states, in part: "In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely: (a) A steam vessel under way shall sound, at intervals of not more than one minute, a prolonged blast." (M-80-17)

Include in the prescribed procedures for pilots under their jurisdiction a requirement that pilots specifically ascertain vessel maneuvering characteristics before getting underway, and that they discuss with the master before getting underway the essential features and relevant checkpoints for maneuvers to be undertaken. (M-79-107, reiterated)

Each of the above new recommendations, M-80-9 through M-80-17, is designated "Class II, Priority Action." The three reiterated recommendations were, as of March 20, classified as "open" by the Safety Board.

Pipeline

Accident Report—Southern Natural Gas Pipeline Company Rupture and Fire of a 14-inch Gas Transmission Pipeline, Southeast of New Orleans, Louisiana (Offshore), July 15, 1979 (NTSB-PAR-80-1).—Investigation showed that the pipeline was ruptured by a grappling hook from the PETE TIDE II, an anchor-handling boat working in the Gulf of Mexico. A seven-man, anchor-handling crew either was swept or jumped overboard, and the escaping natural gas was ignited by an unknown source aboard the boat. Two men are missing and presumed dead; four men were injured. The boat was damaged by fire, and 2,638 Mcf of natural gas was lost.

The Safety Board has determined that the probable cause of the accident was the rupture of a 14-inch natural gas transmission pipeline by a grappling hook from the PETE TIDE II, an anchor-handling boat. The natural gas from the ruptured pipeline rose to the surface of the water and was ignited by a source on board the PETE TIDE II. Contributing to the accident were the insufficient information given by Shell Oil Company to the contractor concerning the existence and location of the pipeline and the failure of Shell to mark the pipeline.

As a result of its investigation of this accident, the Safety Board on March 13 issued by four separate letters eight safety recommendations: P-80-15 to the American Gas Association, the American Petroleum Institute, the Offshore Operators Committee and the International Association of Drilling Contractors, jointly; P-80-16 and -17 to the United States Coast Guard; P-80-18 to the U.S. Department of the Interior; and P-80-19 through 22 to the Shell Oil Company. (See 45 FR 20255, March 27, 1980.)

Railroad

Accident Report—Rear-End Collision of Consolidated Rail Corporation Freight Trains ALPG-2 and APJ-2, near

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Royersford, Pennsylvania, October 1, 1979 (NTSB–RAR–80–3).—Consolidated Rail Corporation (ConRail) eastbound freight train ALPG–2 struck the rear of standing ConRail eastbound freight train APJ–2 on the No. 2 main track near Royersford. The engineer and conductor of ALPG–2 were killed. The locomotive unit of ALPG–2 was derailed and destroyed. The caboose of APJ–2 and a total of 20 cars were derailed. Damage was estimated to be $562,000.

The probable cause of this accident, as determined by the Safety Board, was the failure of the conductor of train ALPG–2, who was operating the train without authority and under the influence of marijuana, to comply with a "stop and proceed" signal aspect located 3,600 feet from the collision site and to respond to flagging protection provided by the rear brakeman of train APJ–2 and stop the train. Contributing to the accident was the conductor's failure to perform his assigned duties by (1) ensuring that the head brakeman performed his duties in his assigned location in the locomotive; and (2) ensuring that the engineer was physically fit and capable of operating the train in conformity with all applicable rules and regulations. Also contributing was the absence of an adequate backup system to control the train in the event that the crew failed to do so.

A "Class II, Priority Action" recommendation, No. R–80–5, was issued by the Safety Board on March 5 to ConRail. (See 45 FR 16367, March 13, 1980.) In addition, the Safety Board reiterates the following recommendation which was made to the Federal Railroad Administration on December 30, 1975, as a result of its investigation of a train collision at Meeker, La.:

Promulgate regulations which require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event that the engineer fails to do so. (R–76–3)

Special Investigation Report—The Accident Performance of Tank Car Safeguards (NTSB–HZM–80–1).—The derailment of the Southern Pacific Transportation Company freight train near Paxton, Texas, on September 8, 1979, provided the Safety Board with the opportunity to examine the effectiveness of tank car safeguards during a derailment. Reconstruction of the accident damage sequence showed that safeguards did, in fact, reduce the potential for a spill and catastrophic overheating of thermally coated cars. It was also observed that damage to the top fittings and lower outlet valves, which occurred when cars collided with each other and with other objects after they left the track, was the most frequent cause of product loss.

As a result of this investigation, the Safety Board on March 12 made recommendations to the Department of Transportation concerning the extension of safeguard requirements to all types of tank cars, modification of cars to prevent collision damage to top fittings and lower outlet valves, investigation of the effect of car placement in collisions, and crashworthiness testing of new tank car designs. (See recommendations R–80–10 through 16; 45 FR 18212, March 20, 1980.)

Special Study—Railroad Emergency Procedures (NTSB–RSS–80–1).—The Safety Board has investigated at least 19 accidents during the past 10 years in which serious shortcomings were noted in the procedures used by railroad operating personnel during the emergency. In view of an increasing number of train accidents, the Safety Board undertook this special study to document the reasons for these procedural shortcomings. The study examines accident experience and the rules and procedures which the railroads use for guidance of their train crewmembers, and evaluates the effectiveness of existing procedures.

A major conclusion of this study was that the rules which almost all railroads use for guidance of their train crewmembers during emergencies do not establish lines of authority, task identification, task scheduling, or task assignment. Calling for corrective action, the Safety Board on March 5 issued recommendations R–80–6 and –7 to the Federal Aviation Administration and reiterated recommendation R–76–29. (See 45 FR 16367, March 13, 1980.)

Aviation Safety Recommendation Letters

A–80–22 and –23.—Last May 30 a deHavilland DHC–6–200 (N66DE), owned and operated by Downeast Airlines, crashed while making a "localizer only" approach to runway 3 at the Knox County Regional Airport, Rockland, Maine. Both flight crewmembers and 15 of the 16 passengers were killed; the surviving passenger was injured seriously.

The Safety Board's investigation of the accident revealed that although instrument approaches to the Knox County Regional Airport are from the south, there are no reference visibility markers to measure low visibility conditions south of the airport. In addition, the Board notes that there are no published guidelines which specify the number and location of visibility markers needed at airports to assure representative surface visibility values. Accordingly, on March 26 the Safety Board recommended that the Federal Aviation Administration:

Insure that lighted visibility markers are installed south of the Knox County Regional Airport, Rockland, Maine, within sight in clear visibility conditions of the normal weather observation position. One of the markers should be placed about ¾ statute mile from the point of observation. (A–80–22)

Establish guidelines on the location and number of visibility markers necessary at airports to assure representative surface visibility values for airport runways and the airport runway environment. (A–80–23)

A–80–24 and –25.—On April 21, 1979, a Piper Model PA–18 Super Cub crashed at the Lebanon (N.H.) Regional Airport. The sky was clear and although the wind was calm, the airplane was observed to bounce severely several times during the attempted landing. The airplane then turned right, and a go-around was initiated. Shortly thereafter, the aircraft crashed near the airport boundary and burned. The pilot was killed, and his passenger was seriously injured.

The Board notes that the pilot was in the process of delivering this new airplane from the Piper factory at Lock Haven, Pa., to Lebanon when the accident occurred. Although he had accumulated several hundred flight hours in tricyle gear aircraft, his experience in tailwheel airplane was limited to about 5 hours. Moreover, before the date of the accident, he had not flown in a tailwheel airplane for 2 years. While the pilot made a number of takeoffs and landings with a flight instructor in the PA–18 immediately before he departed for Lebanon, the Safety Board believes that the scope of this familiarization was inadequate and did not prepare him sufficiently to take charge of the aircraft.

Further, the Safety Board notes that the safe operation of tailwheel airplanes requires a unique measure of operational familiarization that is not transferable from experience in tricycle gear aircraft. Tailwheel airplanes are especially prone to loss of directional control during takeoff and landing, and to severe bouncing if the landing is not performed properly. The pilot's knowledge and level of proficiency concerning crosswind takeoffs and landings, power (wheel) landings, recovery from bounced landings, and go-around procedures are particularly critical to safe operation of tailwheel aircraft. The Safety Board's special study, "Single-Engine, Fixed-Wing General Aviation Accidents, 1972–1976," has shown that the total accident rate for tailwheel aircraft is more than twice that of aircraft with tricycle landing gear.

The Safety Board believes that an adequate checkout of pilots in tailwheel airplanes is essential and that continued safe operation of these airplanes requires a minimum level of recent experience somewhat greater than presently required. The checkout should focus on safe takeoffs and landings and should provide measurable assurance of the pilot's capability to operate the airplane in all phases of flight. Consequently, the Safety Board recommends that the FAA:

Amend FAR 61.31, "General Limitations," to require that before acting as pilot-in-command of a tailwheel airplane, a private or commercial pilot receive flight instruction (including all normal and contingent aspects of takeoffs and landings) from an authorized flight instructor who has found him competent to pilot such airplanes and has so endorsed his pilot logbook. This requirement need not apply to pilots who have logged flight time as a pilot-in-command in tailwheel airplanes before the effective date of this amendment. (A–80–24)

Amend FAR 61.57, "Recent Flight Experience: Pilot in Command (c) General Experience," to make more stringent the current requirements for the pilot-in-command of a tail wheel configured airplane carrying passengers. (A–80–25)

Each of the above aviation safety recommendations is designated "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–79–93.—The Federal Aviation Administration on March 18 responded to a recommendation issued last December 19 following invesigation of the Columbia Pacific Airlines' Beech 99 crash during takeoff from Richland (Wash.) Airport, February 10, 1978. The recommendation asked FAA to require that the Beech 99 and Beech 100 flight manuals include a checklist procedure that requires the crew to verify the operational status of the stabilizer out-of-trim warning system. (See 44 FR 76604, December 27, 1979.)

FAA states that a check of the trim warning system before the first flight of the day is a good operating practice. The manufacturer concurs and has agreed to add that item to the checklist which forms a part of the flight manuals for the Beech 99 and Beech 100 airplanes.

A–79–108.—FAA's letter of March 19 is in response to a recommendation issued last December 28 during the investigation of the Pan American Boeing 747 accident at Heathrow Airport, London, on December 27, 1979. The recommendation urged FAA to issue a telegraphic Airworthiness Directive to require a one-time inspection of the engine pylon structure in the area of pylon station 128 for loose or missing fasteners and fatigue damage for B–747 aircraft equipped with P&W JT9D engines. (See 45 FR 2117, January 10, 1980.)

FAA reports that last December 28, it issued telegraphic Airworthiness Directive T79–NW–21, effective upon receipt, which required inspection of the fasteners attaching the nacelle strut forward engine mount bulkhead to the horizontal firewall of the strut for loose or missing fasteners and inspection of the bulkhead chords and webs for cracks. The Airworthiness Directive was published at 45 FR 8285, February 7, 1980.

Intermodal

I–78–14 through –16.—Letter of February 22 from the Association of American Railroads (AAR) is in response to the Safety Board's February 6 comments on ARR's December 21, 1979, response to these recommendations, developed as a result of the Board's observation during investigation of a number of railroad derailment accidents that wreckage-clearing operations involving hazardous materials are in need of improvement. (See 43 FR 39870, September 7, 1978.)

With reference to recommendation I–78–14, the Board noted on February 6 that ARR's Bureau of Explosives is making an effort to understand and deal with such related problems as the integrity of damaged tank cars and the use of explosives charges in evacuating tanks. The Board asked to be furnished a detailed update of ARR's findings and proposed actions when such become available, stressing the fact that this particular recommendation is concerned with the wreckage-clearing phase of hazardous materials railroad accidents. Also, the Board encouraged AAR to include safety procedures for hazard assessment and wreckage-clearing coordination in the AAR publication, "Emergency Handling of Hazardous Materials in Surface Transportation," ans asked to receive a copy of any such material as will be included in the publication.

In commenting on I–78–15, which recommended that AAR disseminate these safety procedures, as soon as they are documented, to railroad personnel, wreckage-clearing contractor personnel, special emergency response team personnel, and public officials in the communities through which railroads operate, the Board noted that AAR has many pamphlets for distribution discussing the handling of certain types of accidents. The Board asked to be furnished copies of those pamphlets, if available, that are specifically related to this issue.

The Board noted that the issue of regular reviews of selected railroad wreckage-clearing operations, as recommended in I–78–16, is not addressed in AAR's December 21 letter.

The Board expressed appreciation for AAR's efforts in the area of safety for hazardous materials being transported by railroad, and encouraged AAR to work closely with the Federal Railroad Administration to fulfill recommendation I–79–13 which was issued last October 2 and directs ERA to address the area of health and safety during hazardous materials railroad wreckage-clearing operations.

AAR's February 22 response reports that several discussions have been held, subsequent to last December 21, with representatives of FRA concerning a cooperative AAR–FRA program which would address recommendation I–78–14. AAR is encouraged by the willingness of FRA to participate in such a project, and both parties are in the process of identifying all of the individual topics which must be considered. This task will soon be completed, after which AAR will develop the necessary procedures and will advise the Board of progress made and forward copies of material as it becomes suitable for publication.

It is AAR's intention also to review, update and revise as necessary information currently in print, and copies of the revised publications will be furnished to the Board as they are completed.

AAR notes that I–78–16 suggests a continuing review with upgrading as necessary of safety procedures. AAR believes that this procedure can be considered to be effectively implemented. At its regular bi-monthly meetings the Bureau of Explosives Steering Committee conducts a "post-mortem" on major derailments which have occurred since the prior meeting. No official minutes are kept, and frank and open discussions are encouraged. Lessons learned are carried back to the individual roads for consideration and implementation; matters of a general nature will appear in Bureau publications.

Pipeline

P–79–28.—On March 5 the Lone Star Gas Company responded to a recommendation issued last October 4 as a result of the Safety Board's investigation of a pipeline accident which occurred at North Richland Hills, Texas, on January 19, 1979. The

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recommendation asked Lone Star to determine through sample inspections the extent of the problem of circumferential cracking on its service line/gas main connections similar to that at the accident locations, and to take appropriate action to reduce the probability of the recurrence of similar accidents. (See 44 FR 60183, October 18, 1979).

Lone Star reports that immediate action was taken and 328 random sample inspections were made of swing-joints and main connections in the cities of Arlington and North Richland Hills. These inspections indicate that there is no "immediate danger" with such connections as implied in the recommendation. There were no indications of problems with circumferential stress cracking at the connections or threads on the swing-joint and main connections, and no swing-joint or main connection was found to be in an excessive strain which would cause circumferential cracking at any of the threaded connections.

To augment these on-site inspections, Lone Star reviewed its leak repair work orders involving service line replacements, swing-joints, and service tap connections for instances of material failure caused by soil movement and stress cracking at the threaded connections. No instances of circumferential cracking at service line/gas main connections were revealed.

Railroad

R-80-2 and -3.—The Atchison, Topeka and Santa Fe Railway Company (AT&SF) on February 20 responded to recommendations issued as a result of investigation of the Amtrak passenger train derailment which occurred near Lawrence, Kans., October 2, 1979. The recommendations were forwarded January 25 and urged AT&SF to (1) establish requirements for testing automatic train stop (ATS) equipment over inert inductors at intial terminals before in-service departure of locomotives to determine that both the ATS alarm will sound and the brakes will automatically apply; and (2) establish rules and procedures which require crewmembers operating Amtrak locomotives to post-acknowledge all automatic train stop inductor locations unless the ATS equipment has a pre-acknowledgment device which indicates that the system is functioning. (See 45 FR 8391, February 7, 1980.)

AT&SF believes that recommendation R-80-2 should formally be addressed to Amtrak instead of the Santa Fe since Amtrak personnel are in charge of locomotives prior to in-service departure at initial terminals. In Santa Fe's case, the initial terminals where Amtrak locomotives require testing of ATS over inert inductors before in-service departure are Los Angeles and Chicago. AT&SF notes that under Santa Fe rules, the engineman is required to assure himself that the ATS device has been tested prior to departure. If the ATS cut-out cock is not sealed or the cab card does not indicate that a proper test has been accomplished, such information is to be properly reported. In addition, a Santa Fe Mechanical Department employee also checks the cab card to see if the ATS has been tested and to make certain that the ATS cut-out cock is sealed before an Amtrak locomotive departs on a passenger train over Santa Fe territory equipped for ATS. Nonetheless, AT&SF states, the requirements for testing of ATS on Amtrak locomotives over inert inductors before in-service departure from initial terminals is Amtrak's responsibility.

AT&SF reports implementing recommendation R-80-3 whereby the present procedure for acknowledgment and release of ATS applications has been amended to require crewmembers operating *all* Amtrak locomotives to post-acknowledge all ATS inductor locations. While Amtrak does have some locomotives presently operating on Santa Fe between Los Angeles and San Diego that have ATS equipment with a pre-acknowledgment device which indicates the system is functioning, AT&SF requires post-acknowledgment on *all* Amtrak locomotives. Until such time that Amtrak deems it necessary to equip *all* of its locomotives operating on Santa Fe with ATS equipment have pre-acknowledgment devices, uniform post-acknowledgment will be required to avoid possible confusion as a result of its engineers working with Amtrak locomotives equipped with different types of ATS devices.

Further, AT&SF notes that prior to Amtrak, Santa Fe locomotives used in passenger service were equipped with positive pre-acknowledgment devices which also provided an indication on the speed tape when an engineer pre-acknowledged an inductor. AT&SF has previously indicated to Amtrak that the positive pre-acknowledgment type of device is favored for the following reasons:

(a) It indicates that the ATS is functioning and is accompanied by a bell that can be heard by those in the cab of the locomotive.

(b) Positive pre-acknowledgment is an indication that the engineer is alert to a restriction(s) ahead.

(c) It gives the engineer an opportunity to react ahead of post-acknowledgment so that he has more than four to six seconds before a penalty brake application is experienced.

AT&SF strongly recommends that Amtrak be required to have uniform ATS devices on its locomotives operating on the Santa Fe, preferably of the positive pre-acknowledgment type.

Note.—Single copies of the Safety Board's reports are available without charge, as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 31, 1980.

[FR Doc. 80-10132 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-58-M

Areas of Responsibility for NTSB Field Offices

Notice is hereby given that, effective May 1, 1980, the National Transportation Safety Board's 10 Field Offices will be responsible for investigating aviation, highway, pipeline, and railroad transportation accidents which occur in the United States, as indicated below and shown on the accompanying modal maps:

Atlanta

Location: 1720 Peachtree Street, N.W., Atlanta, Georgia 30309.
Telephone: 404-881-7385 (commercial); 257-7385 (Federal telecommunications).
Jurisdiction: *Aviation*—Georgia, Alabama, Mississippi, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Maryland, and the District of Columbia. *Highway*—Georgia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, and Florida. *Railroad*—Georgia, Mississippi, Alabama, South Carolina, and Florida.

Chicago

Location: 2300 E. Devon Avenue, Suite 140, Des Plaines, Illinois 60018.
Telephone: 312-827-8858 (commercial); 384-9248 (Federal telecommunications).
Jurisdiction: *Aviation*—Illinois, Indiana, Ohio, Minnesota, Wisconsin, and Michigan. *Railroad*—Illinois, Indiana, Ohio, Minnesota, Wisconsin, and Michigan.

Denver

Location: 10255 East 25th Avenue, Suite 14, Aurora, Colorado 80010.
Telephone: 303-837-4492 (commercial); 327-4491 (Federal telecommunications).
Jurisdiction: *Aviation*—Colorado, Utah, Wyoming, Montana, North Dakota, and South Dakota. *Railroad*—Colorado, Utah, Wyoming, Montana, North Dakota, and South Dakota.

District of Columbia Field Office

Location: 800 Independence Avenue, S.W., Washington, D.C. 20594.
Telephone: 202-472-6091 (railroad commercial); 202-472-5973 (pipeline); 472-6091 (railroad Federal telecommunications); 472-5973 (pipeline Federal telecommunications).
Jurisdiction: *Pipeline*—Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. *Railroad*—Virginia, Maryland, West Virginia, Kentucky, Tennessee, and North Carolina.

Fort Worth

Location: Federal Building, Room 7A07, 819 Taylor Street, Fort Worth, Texas 76102.
Telephone: 817-334-2616 (commercial); 334-2616 (Federal telecommunication).
Jurisdiction: *Aviation*—Texas, New Mexico, Oklahoma, Arkansas, and Louisiana. *Pipeline*—California, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, and Alabama.

Fort Worth

Jurisdiction: *Railroad*—Texas, New Mexico, Oklahoma, Arkansas, and Louisiana.

Kansas City

Location: Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106.
Telephone: 816-374-3576 (commercial) 758-3576 (Federal telecommunications).
Jurisdiction: *Aviation*—Missouri, Kansas, Nebraska, and Iowa. *Highway*—Missouri, Texas, Oklahoma, Arkansas, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, and Kentucky. *Railroad*—Missouri, Kansas, Nebraska, and Iowa.

Los Angeles

Location: 15000 Aviation Boulevard, P.O. Box 6117, Lawndale, California 90261.
Telephone: 213-536-6041 (commercial); 213-536-6045 (commercial Law Judges); 966-6041 (Federal telecommunications aviation); 966-6036 (Federal telecommunications Railroad & Highway); 966-6045 (Federal telecommunications Law Judges).
Jurisdiction: *Aviation*—California, Nevada, Arizona, and Hawaii. *Highway*—California, Nevada, Arizona, New Mexico, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, and Washington. *Railroad*—California, Nevada, and Arizona.

Miami

Location: 4471 N.W. 36th Street, Miami Springs, Florida 33166.
Telephone: 305-526-2940 (commercial); 350-2940 (Federal telecommunications).
Jurisdiction: *Aviation*–Florida, and the Commonwealth of Puerto Rico.

New York

Location: Federal Building, Room 102, JFK International Airport, Jamaica, New York 11430
Telephone: 212-995-3716 (commercial); 665-3716 (Federal telecommunications).
Jurisdiction: *Aviation*—New York, Pennsylvania, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine. *Highway*—New York, Pennsylvania, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Michigan, Ohio, West Virginia, Virginia, Maryland, and District of Columbia. *Railroad*—New York, Pennsylvania, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine.

Seattle

Location: 19415 Pacific Highway South, Room 303, Seattle, Washington 98188.
Telephone: 206-764-3782 (commercial); 399-3792 (Federal telecommunications).
Jursidiction: *Aviation*—Washington, Oregon, and Idaho. *Railroad*—Washington, Oregon, and Idaho.

William L. Lamb,

Chief, Field Investigation Division.

March 28, 1980.

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NATIONAL TRANSPORTATION SAFETY BOARD

AVIATION FIELD OFFICES

Effective: May 1, 1980

NATIONAL TRANSPORTATION SAFETY BOARD

HIGHWAY FIELD OFFICES

Effective: May 1, 1980

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NATIONAL TRANSPORTATION SAFETY BOARD

PIPELINE FIELD OFFICES

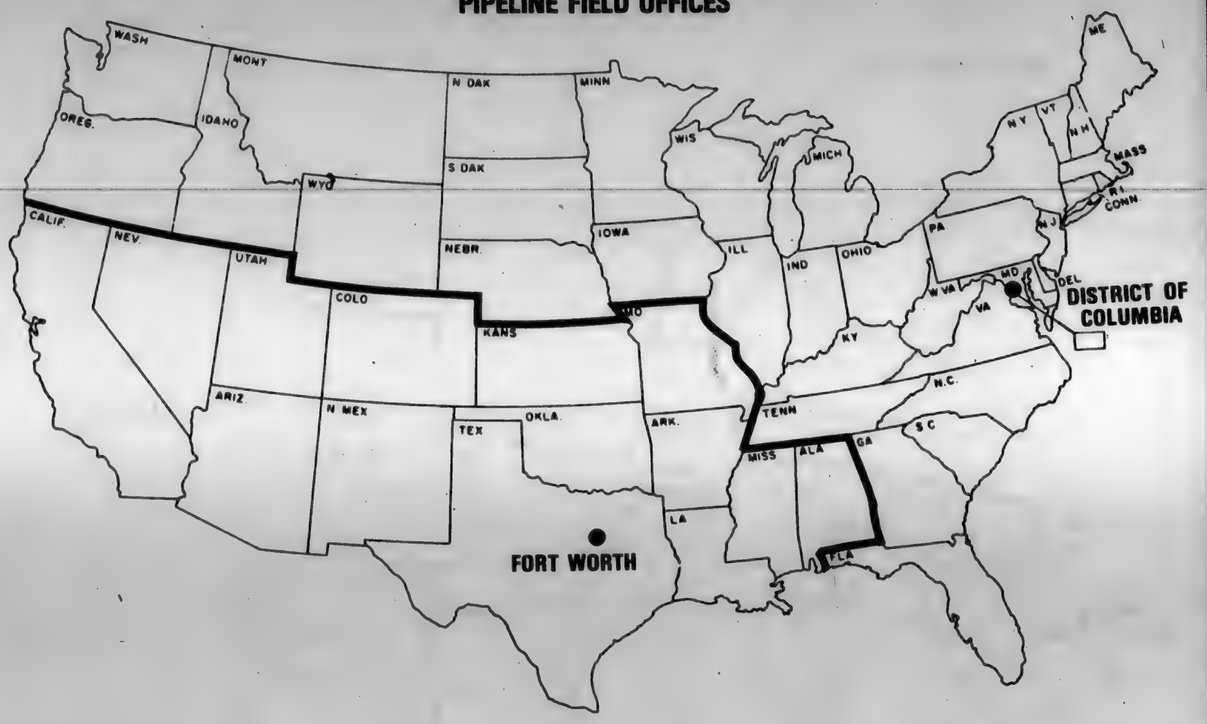

Effective: May 1, 1980

NATIONAL TRANSPORTATION SAFETY BOARD

RAILROAD FIELD OFFICES

Effective: May 1, 1980

[FR Doc. 80-10148 Filed 4-2-80; 8:45 am]
BILLING CODE 4910-58-C

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 31, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out is responsibility under the Act also considers comments on the forms and recordkeeping requirements that will effect the public .

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
the office of the agency issuing this form;
the title of the form;
the agency form number, if applicable;
how often the form must be filled out;
who will be required or asked to report;
an estimate of the number of forms that will be filled out;
an estimate of the total number of hours needed to fill out the form; and the name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper–447–6201.

New Forms

Farmer's Home Administration
Planning and Performing Part 1924 Subpart A, Construction and other development
On occasion
Individuals and nonfarm business, 458,510 responses, 450,110 hours
Charles A. Ellett, 395–5080.
Agricultural Marketing Service
Fruit and Vegetable Market News Report
FV–17, 29, 100, 100–1, 116, 351, 372, 498–1, and 498–2 FV–372
Other (See SF–83)
Fruit and vegetable producers and processors, 15,734 responses, 3,181 hours
Charles A. Ellett, 395–5080

Reinstatements

Food and Nutrition Service
Monthly Distribution of Donated Commodities to Family Units
FNS–152
Monthly
State Distribution Agencies, 360 responses, 1,440 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

National Bureau of Standards
Study of Helmets Worn During Football Head Injuries
NBS–1138 and 1138A
On occasion
School within driving range of Gaithersburg, Md. Hav. Ft. Tm., 1,000 responses,
William T. Adams, 395–4814
National Oceanic and Atmospheric Administration
Computer-Assisted System for Export of Seafood
Single time
U.S. seafood-exporting companies, 1,500 responses, 200 hours
William T. Adams, 395–4814

Revisions

National Oceanic and Atmospheric Administration
Fish and Shellfish Dealer Purchaser Forms—88–20 (amendment)
88–12, 20, 29, 30, 43, 142, & 154
Weekly
Fishermen and firms that buy fish and shellfish, 144,249 responses, 7,512 hours
William T. Adams, 395–4814

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

National Institute of Education
Survey on Training Needs
NIE 238–A, and B
Single time
Professionals in Government and industry and their supervisors, 780 responses, 135 hours
Laverne V. Collins, 395–3214

Revisions

Office of Human Development
Information Collection and Research Evaluation Form
Youth served on a one-time basis by the RYA-funded projects form
Other (see SF–83)
Staff of runaway youth projects; client files, 34,980 responses, 8,745 hours
Barbara F. Young, 395–6132
Social Security Administration
Quality Control in Aid to Families With Dependent Children (AFDC) and Quality Control in Adult Programs
SSA–4341 & 4342
Semi-annually
Welfare recipients, 60,728 responses, 873,270 hours
Barbara F. Young, 395–6132.

Extensions

Office of Human Development
Social Services Reporting Requirements (SSRR)
Annually
State title XX agencies, 255 responses, 8,670 hours
Barbara F. Young, 395–6132.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
Job Corps Indochinese Refugee Report
ETA–RC25
Monthly
Contractors who operate Job Corps Centers, 840 responses, 420 hours
Arnold Strasser, 395–5080.
Employment and Training Administration
CETA Prime Sponsor Data Processing Status Survey
ETA–RC29
Annually
State and local agencies, 473 responses 39 hours
Arnold Strasser, 395–5080.
Occupational Safety and Health Administration
Pesticide Questionnaire
OSHA–153T
Single time
Manufacturers and formulators of pesticides, 270 responses, 555 hours
Arnold Strasser, 395–5080.

Revisions

Occupational Safety and Health Administration
Log of Inspection and Designation of Competent Person;
Tests
OSHA–73 & 74
On occasion
Shiprepairers and builders, 625 responses, 625 hours
Arnold Strasser, 395–5080.

Extensions

Bureau of Labor Statistics
Report on Work Stoppages
ES228
Monthly
State employment security agencies, 600 responses, 600 hours
Office of Federal Statistical Policy and Standard, 673–7974.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New Forms

Application for Reimbursement/ Verification of Enrollment
Notice of Change in Educational Program for New Career Training Assistance
UI–112, 113 and 114
On occasion
Railroad employees, 1,025 responses, 405 hours
Barbara F. Young, 395–6132

Revisions

Referral Card, Report on Placement or Refusal of Referral
or Job Offer to Railroad Retirement Board
ES–1 and 21C
On occasion
Referral card for UI Claimants, 21,000 responses, 883 hours
Barbara F. Young, 395–6132.
Applicant's Referral Report and Referral Card
ES–20A and 20B
On occasion
Referral card for UI claimants, 10,000 responses, 250 hours
Barbara F. Young, 395–6132.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Producers' Questionnaire for Investigation Nos.
731–TA–18 thru 24
Single time
Producers of iron and steel, 38 responses, 3,040 hours
Phillip T. Balazs, 395–4814
Importers' Questionnaire for Investigation Nos.
731–TA–18 thru 24
Single time
Importers of iron and steel, 69 responses, 5,520 hours
Phillip T. Balazs, 395–4814.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Revisions

Comprehensive evaluation of Health Services
10–1465, A & B
Annually
VA patients, 35,000 responses, 8,750 hours
Laverne V. Collins, 395–3214.

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–10140 Filed 4–2–80; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80–30]

Advisory Committees; Applicants for Membership

The Coast Guard is seeking applicants who are interested in being appointed as a member or as an alternate member on one of the following technical advisory committees:

1. Chemical Transportation Advisory Committee (CTAC)

CTAC advises the Coast Guard on rulemaking matters relating to the carriage of hazardous materials on vessels, the transfer of these materials between the vessels and shore, and waterfront facilities over which these materials move.

2. Rules of the Road Advisory Committee (RORAC)

RORAC provides advice and consultation to the Coast Guard with respect to matters concerned with proposals affecting the Navigational Rules of the Road. Emphasis in the immediate future will be on revision and unification of the current pilot rules in conjunction with the committee's past efforts to unify the present Inland Navigation Rules and on amending the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

In order to acquire the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is particularly interested in receiving applicants from minorities, women, and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

Each committee meets once or twice a year at a location selected by the sponsor. Members serve at their own expense and receive neither travel nor per diem allowances.

Interested persons should write to Commandant (G–CMC/24), U.S. Coast Guard, Washington, D.C. 20593, prior to May 1, 1980 identifying which committee they wish to apply for. Supplemental information will then be forwarded. Appointments will be announced by the Commandant.

Bruce P. Novak,

Deputy Executive Secretary, Marine Safety Council.

March 31, 1980.

[FR Doc. 80–10145 Filed 4–3–80; 8:45 am]

BILLING CODE 4910–14–M

V 45 / 66 AP 3 80 UMI

[CGD 80-36]

Seminar To Discuss New Tanker Equipment and Construction Standards; Tanker Seminar

Purpose: The purpose of this notice is:

1. To inform the public of a seminar that will be conducted by the Coast Guard on May 30, 1980 to discuss—

a. Implementation of the final tanker regulations issued in Part V of the **Federal Register** on November 19, 1979 as mandated by the Port and Tanker Safety Act of 1978 (PTSA);

b. Future regulations to be issued under the mandate of the PTSA; and

c. Related work being conducted at IMCO; and

2. To solicit written comments and/or questions from the tanker industry regarding the regulations of November 19 and the draft regulatory guide prepared by the Coast Guard to facilitate implementation of these regulations.

Discussion: On November 19, 1979 the Coast Guard issued final rules for segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT), crude oil washing (COW) systems, inert gas systems (IGS), and improved steering gear standards. These regulations are consistent with the standards developed at the Tanker Safety and Pollution Prevention (TSPP) Conference held under the auspices of the Inter-Governmental Maritime Consultative Organization (IMCO) in London during February 1978. They were issued under the mandate of Section 5 of the PTSA.

The Coast Guard has prepared a draft regulatory guide to provide background information and interpretive guidance regarding these new design and equipment standards. This guide is expected to make implementation of these regulations uniform and easier for those who must deal with them. To facilitate implementation of these detailed regulations and to answer any specific questions and/or comments pertaining to the regulations or the guide, the Coast Guard has decided to conduct a tanker industry seminar. Other provisions of Section 5 of the PTSA and related ongoing IMCO work will also be briefly discussed at this seminar. The following provides detailed information pertaining to the seminar and how to obtain a copy of the draft regulatory guide:

Date: May 30, 1980, from 9:00 AM to 5:00 PM.

Place: Room 7132, 1111 Constitution Ave. N.W., Internal Revenue Service Building, Washington, D.C. For security reasons, the entrance on Constitution Ave. must be used when entering the building.

Audience: Interested tanker industry representatives. Notification of attendance must be received in writing by Mr. Joseph J. Angelo, U.S. Coast Guard (G–MMT–1/13), 2100 Second Street S.W., Washington, D.C. 20593 at least one week prior to the seminar.

Objective:

1. To provide a brief overview of the tanker standards mandated by the PTSA and related ongoing IMCO work.
2. To provide a brief discussion and description of the new equipment and construction standards.
3. To discuss and answer any specific questions pertaining to the regulations and the Coast Guard's draft regulatory guide.

Equipment and Construction Standards to be Addressed:

1. Segregated Ballast Tanks.
2. Protectively Located Segregated Ballast Tanks.
3. Dedicated Clean Ballast Tanks.
4. Crude Oil Washing Systems.
5. Inert Gas Systems.
6. Improved Steering Gear Standards.

How to Obtain Documents: Copies of the subject regulations and the draft regulatory guide can be obtained by contacting Mr. Angelo at the address listed under *Audience* or by calling (202) 426–4431. It is recommended that anyone interested in participating in the seminar obtain copies of both the regulations and the guide prior to attending the seminar.

Format: The main purpose and major portion of this seminar will be aimed at answering any questions and/or comments of the tanker industry regarding the regulations of November 19 and the guide. To conduct a successful seminar and to allow the Coast Guard to provide meaningful, useful answers to the questions and/or comments, it is imperative that the questions and/or comments be received by the Coast Guard in writing at least TWO WEEKS PRIOR TO THE SEMINAR. They should be submitted to Mr. Angelo at the address listed under *Audience.* All written questions and/or comments that are received two weeks prior to the seminar will be answered at the seminar. If time permits, oral questions and/or comments will be taken from the floor after all written ones have been answered.

Seminar Outline:

1. Introduction and opening remarks.
2. Overview of the new tanker standards and related IMCO work.
3. Discussion and description of the equipment and construction standards, answering written questions where appropriate, as follows:

A. Steering gear.
B. Inert gas systems.
C. SBT, CBT, and COW systems.

4. Discussion of the Coast Guard draft regulatory guide, answering questions where appropriate.
5. General discussion and question and answer period for oral questions, if time permits.

Person to Contact: For any questions regarding the Tanker Seminar or this Notice, contact Mr. Angelo at (202) 426–4431.

Dated: March 27, 1980.

Henry H. Bell,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 80-10150 Filed 4-2-80; 8:45 am]
BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Lancaster County, Neb.a

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Lancaster County, City of Lincoln, Nebraska.

FOR FURTHER INFORMATION CONTACT: Walter Running, Federal Highway Administration, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471–5527; or Richard Erixson, Public Works Department, 555 South 10th Street, Lincoln, Nebraska 68508, Telephone (402) 473–8566.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nebraska Department of Roads and the City of Lincoln, will prepare an environmental impact statement (EIS) for the proposed Northeast Diagonal, a major urban arterial on a new location, from the east edge of the Central Business District of Lincoln, to 27th and Fair Street. Project length is 1.7 miles.

A draft 4(f) evaluation will also be prepared, addressing possible impacts to University of Nebraska recreation fields. Probable impacts include relocation of families and businesses, and modifying access to some properties. Project corridors have potential involvements with the 100-year floodplain and historic buildings.

Needs which would be fulfilled by the proposed action include: (1) Improved traffic capacity, (2) Improved access to the Central Business District, (3) Removing arterial traffic through the UNL campus, (4) Separate conflicting land uses, (5) Improve safety, and (6) Save energy. The project is consistent with the City-County Comprehensive Plan.

Alternatives being considered include the "do nothing" construction in a 19th Street corridor, and construction in a 22nd Street corridor.

Early coordination through meetings and correspondence will be attained with the public; Lincoln/Lancaster County Railroad Transportation Safety District; State Fair Board; University of Nebraska; State Historical Society; and other local, State, and Federal agencies. A formal scoping meeting will not be held.

Issued on: March 26, 1980.

Steiner M. Silence,
Director, Office of Environment & Design.

[FR Doc. 80-10021 Filed 4-2-80; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Lewis & Clark County, Mont.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise that an environmental impact statement will be prepared for three proposed highway projects in Lewis & Clark County, Montana.

FOR FURTHER INFORMATION CONTACT: Mr. William S. Dunbar, Progam Development Engineer, Federal Highway Administration, Federal Office Building, 301 S. Park, Drawer 10056, Helena, Montana 59601, Telephone (406) 449–5310; or Mr. Steve Kologi, Chief, Preconstruction Section, Montana Department of Highways, 2701 Prospect Street, Helena, Montana 59601, Telephone (406) 449–2495.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Montana Department of Highways, will prepare an environmental impact statement (EIS) on a proposal to improve 0.3 mile of Cruse Avenue and 1.3 miles of Last Chance Gulch in Helena, Montana. The improvement will extend from 6th Avenue and Cruse Avenue to North Montana at Cedar Street. Three separate projects are involved but the EIS will evaluate both the individual and combined effects of the proposed projects.

Proposed Project 5815(1), Cruse Avenue, will begin at 6th Avenue extending northerly on new alignment about 0.3 mile to a connection with Neil Avenue. The alternates to be studied will be confined within a narrow corridor between Jackson and Logan Street. The proposed action will result in the taking of some buildings and vacant lots. The do-nothing alternate and possible minor alternatives will be studied.

Proposed Project M 5807(1), North Last Chance Gulch, will begin at Neill Avenue and extend northerly along Last Chance Gulch about 0.45 mile to Lyndale Avenue. The area is primarily commercial and the existing facilities will not be able to handle future traffic volumes. Various proposed alternates including minor upgrading or do-nothing will be considered. No persons or businesses are expected to be displaced.

Proposed Project M 5807(2), North Last Chance Gulch, will begin at Lyndale Avenue and extend northerly along Last Chance Gulch about 0.82 mile to Montana Avenue and Cedar Street. A full four-lane facility will be studied as well as minor alternatives, such as minor widening and resurfacing, and the do-nothing alternate. It is anticipated that the four-lane section will involve right-of-way acquisition but will not require relocation of individuals or businesses.

The present alignment has two old narrow railroad grade separation structures. It is adjacent to Memorial Park so a draft section 4(f) evaluation will also be prepared as part of this project.

Early coordination with the public and appropriate local, State and Federal agencies will be accomplished to assist in the identification of significant impacts. A scoping meeting was held 10:00 am March 17, 1980 at the Highway Complex, Helena, Montana. The views of interested agencies were solicited and coordination with them will continue through all stages of the development of the environmental document.

Preliminary views on impacts are as follows: Since the proposed project will improve access to the central city it is expected to be consistent with the President's Urban Policy. The effect on any sites found eligible for listing on the National register of Historic Places will be studied.

Due to the modest size of Helena, alternate modes of transportation are not considered feasible. Air Quality impacts will be briefly studied but are not anticipated to be significant.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued: March 25, 1980.

Harold N. Steward,
Division Administrator, Helena, Mont.

[FR Doc. 80-10023 Filed 4-3-80; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Automotive Fuel Economy Program; Report to Congress

March 27, 1980.

The attached document "Automotive Fuel Economy Program, Fourth Annual Report to Congress," has been prepared pursuant to Section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act, (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163), which requires in pertinent part that "each year, beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the **Federal Register** a review of average fuel economy standards under this part."

Joan Claybrook,
Administrator.

[DOT HS–805 279]

Automotive Fuel Economy Program Fourth Annual Report to the Congress, January 1980

U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C. 20590

Preface

This Fourth Annual Report to the Congress (1980) summarizes the progress made by the National Highway Traffic Safety Administration (NHTSA) during fiscal year 1979 in the implementation of the applicable sections of Title V: "Improving Automotive Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) as amended (the Act). Section 502(a)(2) of the Act requires submission of a report and publication in the **Federal Register** (F.R.) in January of each year. Also included is a report on the utilization of advanced automotive technology required by Section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95–238).

Title V requires the Secretary of Transportation to implement a program for improving the fuel economy of new automobiles (including passenger cars and light trucks) in the U.S. market. On June 22, 1976, the authority to administer the fuel economy program was delegated by the Secretary to the Administrator of NHTSA (41 FR 25015).

NHTSA's responsibilities include (1) establishing average fuel economy

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standards for manufacturers of passenger automobiles and light trucks; (2) promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards; (3) the consideration of petitions for exemption from established fuel economy standards by low volume manufacturers (under 10,000 vehicles produced annually) and the establishment of alternative standards; (4) reporting to Congress annually on the progress of the fuel economy program. and (5) the execution of fuel economy enforcement activities.

Passenger car fuel economy standards have been established by Congress for Model Years 1978–1980 and 1985 and by the Department of Transportation for the 1981–84 model years. Standards for light trucks have been established by the Department of Transportation for the 1979–81 model years, and proposed standards have been issued for model years 1982–1985.

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Executive Summary

With the growing number of uncertainties revolving around the supply of petroleum the United States is faced with the necessity of fuel conservation and the development of alternatives to the use of oil. The Nation has become increasingly dependent on the actions and decisions of a few foreign governments for its oil supplies—a situation which can only be remedied by increasing domestic energy production and by reducing demand. As President Carter said in his address to the Nation in July 1979, "This intolerable dependence on foreign oil threatens our economic independence and the very security of our Nation." The need to conserve is no longer an option, it is a necessity. Every effort must be made to bring about a reduction in fuel consumption through energy conservation programs and research efforts. The automotive energy conservation program enacted after the 1973–74 Arab oil embargo is now beginning to pay off, not only to aid in near term conservation, but also to provide a means for future conservation through new technology.

The U.S. imported only 18 percent of its oil needs at a cost of $1.5 billion in 1959. Thirteen years later, imported oil accounted for only 20 percent of total consumption and cost the Nation $4.0 billion. By 1975, it was necessary to import 39 percent of the domestic demand for oil at a cost of $27.0 billion. This doubling of the amount and seven-fold increase in the cost of imported oil was the result of large OPEC price increases, falling domestic crude oil production, and continued increases in demand.

By 1978, imported oil constituted 45 percent of oil consumed and cost the Nation $42.0 billion, despite the fact that demand was growing at a slower rate. OPEC, supplying 83 percent of the U.S.'s imported oil in 1978, has taken advantage of the tight world oil market by doubling prices from $12.70 per barrel in December 1978 to more than $24.00 per barrel today. Currently, prices on the "spot" market are approaching $40 per barrel. The total U.S. bill for oil imported in 1979 is now expected to be $60.0 billion. An increase of this magnitude has had severe adverse effects on our trade balance, inflation, economic growth, unemployment, confidence in the dollar as an international reserve currency and on sales of automobiles.

The Energy Policy and Conservation Act, enacted on December 22, 1975, was designed to increase domestic energy supplies and availability, restrain energy demand and plan for coping with energy emergencies. As an integral part of its provisions for conservation, Title V, *Improving Automotive Efficiency*, was established, requiring the Secretary of Transportation to set corporate average fuel economy standards for passenger cars and light trucks. At this time, passenger car fuel economy standards have been established through the 1985 model year, when the fleet average must be 27.5 miles-per-gallon (mpg). Light truck standards have been established for the 1979–81 model years requiring achievements of 16.7 mpg for two-wheel drive (4x2) light trucks and 15.0 mpg for four-wheel drive (4x4) light trucks by 1981. In addition, light truck standards achieving even greater mpg levels have been proposed for the 1982–85 model years. Single values of 17.4 mgp for 4x2's and 15.6 mpg for 4x4's are proposed for model year 1982, whereas a range of values is proposed for model years 1983–85.

These standards make significant contributions to the Nation's total effort to conserve energy. Projected cumulative passenger automobile fuel savings from model year 1978 through model year 2000 will approximate 395 billion gallons (9.4 billion barrels). Comparable fuel savings for light trucks are estimated to be approximately 114 billion gallons (2.7 billion barrels). Thus, total fuel savings should be more than 500 billion gallons over the next 20 years. This is equivalent to a 19 percent savings compared to pre-standard consumption levels—and will provide the Nation with the equivalent of an additional 5 year supply of gasoline for its passenger car and light truck fleet.

But the benefits from the program, although increasing over time, are also being felt now. In 1979, gasoline consumption declined five percent from 1978 levels. This decrease represents a savings of 120 million barrels per year. While better trip planning, increased use of public transportation, carpools and vanpools, intermittent shortages of gasoline, higher prices, and more energy efficient driving techniques have all played a part in this reduction, increased new vehicle fuel efficiency is estimated to have contributed almost 25 percent of these savings. These improvements in fuel economy alone have reduced our trade deficit in 1979 by about $1 billion.

Using the schedule of real gasoline prices cited in Chapter I (Table I–2) the savings over the 1978–2000 period yields a combined discounted present value of approximately $215 billion (1979 dollars). In the year 2000 alone, the savings for passenger car owners are estimated to be $12.1 billion and $3.7 billion for owners of light trucks, resulting in a combined consumer

savings of $15.8 billion (1979 dollars).* The magnitude of these savings to the individual new car purchaser as well as to the Nation as a whole are also significant. The average purchaser of a 1985 model year car, for instance, is expected to realize a net savings over the vehicle's lifetime of $1,540 (present value of fuel savings minus estimated retail price increases) when compared to a model year 1977 automobile. Likewise, the average purchaser of a model year 1981 light truck is expected to realize a net savings of $1,240 over the average 1978 vehicle.

Fiscal year 1979 has been a year of re-evaluation for the Automotive Fuel Economy Program. In late 1978, Ford and General Motors sought lower passenger automobile fuel economy standards for model years 1981–84. It was the opinion of the Department of Transportation that the arguments presented by Ford and General Motors provided no statutory basis for revising the standards, and instead, that their information reinforced earlier conclusions that the current standards are both technically feasible and economically practicable. Revision of the standards thus did not appear justified.

With the onset of the gasoline shortage in the late Spring 1979 and rising gasoline prices, large new car sales plunged and small new car sales reached record highs. As a consequence of this consumer demand for more fuel efficient vehicles, sales of imports grew by an impressive 22.1 percent during 1979. In response to the shift in demand, the president of General Motors, Elliott M. Estes, reversed his company's position and announced in August that General Motors now intends to exceed the established standards:

> You can be sure, if there is any conceivable way to do so our fleet average will be more than 27.5 miles-per-gallon by 1985. And to the extent that we can offer outstanding mileage in vehicles that meet our customers' requirements for room and utility we will be encouraging the people to stay ahead of Washington, and that's good for all of us—the customer, the country and the industry.

General Motor's shift in position which was followed by statements from other companies, was reflective of changes in consumer demand and concern about long-term fuel availability. Since the early 1970's, there have been shifts in market shares for passenger cars due to increased consumer demand for more fuel efficient vehicles and because of the effects of domestic corporate strategies. During the 1973–74 oil embargo, the demand for larger automobiles declined, but returned to pre-embargo levels soon after the crisis. However, since that time, the small car market has been gaining a larger segment with the onset of the Iranian crisis and the continued diminishing supply of oil accelerating this shift. Perhaps Mr. Estes most aptly represented the manufacturers' view of the oonsumer shift in demand when he said, "A cat which sits on a hot stove and gets burned might forget and do it again. But twice burned is a hard lesson learned."

In June 1979, the Department of Transportation (DOT) issued a final rule which reduced the light truck, two-wheel drive standard for model year 1981 from 18.0 mpg to 17.2 mpg. The action was taken in light of new information provided to the Department by Chrysler, General Motors, and Ford which showed that the fuel economy improvement capability in light trucks was less than determined by earlier rulemaking. The standard was further reduced to 16.7 mpg upon notice from the Environmental Protection Agency (EPA) that it would not be able to approve the use of improved lubricants for use in fuel economy testing by January 1, 1980. The standard for four-wheel drive vehicles was also affected by the EPA determination and was lowered to 15.0 mpg from 15.5 mpg.

Currently, the National Highway Traffic Safety Administration (NHTSA) is engaged in light truck rulemaking for model years 1982–85. To date, the introduction of new fuel efficient light trucks has yielded encouraging results with respect to consumer acceptability of redesign for fuel efficiency. Also, the Agency is continuing to monitor and analyze the financial capabilities of the industry to make necessary investment expenditures. The proposed mpg levels are estimated to save between 11 and 17 billion gallons of gasoline over the lifetime of the model years 1982–85 fleets compared to their consumption if the fleet fuel economy remained at the level of the model year 1981 standards. This amounts to between 900 and 1,390 gallons per vehicle or a net dollar savings between $510 and $1,120 (1979 dollars) over the life of the vehicle. The final standards for the 1982 model year will be issued in March 1980 with the 1983–85 standards to be promulgated subsequently.

On December 17, 1979, the Department submitted to Congress a series of amendments for improving the fual economy program. The first recommendation was "to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the semiannual reporting requirements." The production volume of these manufacturers is so low that there is minimal gasoline saved through such regulation and their economic and technical capabilities to make necessary fuel economy improvements is severely limited. Also, an excise tax will have to be paid on most of these vehicles under the gas guzzler tax in the future which is a more efficient way to encourage improvements.

Secondly, the Department recommended an extension of the period for applying credits earned for exceeding fuel economy standards against penalties for violating the standards. This amendment, which proposes to extend this time period from one to three years, is designed to facilitate compliance by manufacturers in the unlikely event that they may be unable to meet the required levels during a given year due to unforeseen circumstances. It is not intended either that manufacturers, other than those that are financially troubled, would use the extended credit period routinely or that any manufacturer would exploit it to unnecessarily delay fuel economy improvements.

The third amendment would permit a manufacturer whose U.S. production of automobiles began after the Energy Policy and Conservation Act was passed in 1975, to average its domestically-produced cars with 75 percent U.S. content with its foreign-produced automobiles for purposes of fuel economy compliance. This recommendation is designed to avoid inadvertently discouraging foreign manufacturers from using U.S. content in the vehicles it produces in the United States.

In addition to its ongoing research and development activities in the investigation of advanced technology for fuel efficiency, the Agency sponsored the First International Automotive Fuel Economy Conference on October 31 through November 2, 1979, which brought together an international community of researchers on automotive fuel economy. Basic research of this nature fosters dramatic strides in the state-of-the-art through the use of advanced technology.

The Department of Transportation is working with other agencies to implement the proposed Cooperative Automotive Research Program which will expand research in automotive technology. The program will involve basic research in thermal and fluid sciences, structural mechanics,

*Conservatively assuming no new passenger car improvements beyond 1985 and no new light truck improvements beyond 1981.

electrochemistry, aerodynamics, materials sciences and processing, control systems friction and wear, and acoustics and vibration. The program will involve both industry and government funding and planning. University, industry, and Federal laboratories will perform the research to promote independent innovative ideas.

In addition, DOT is preparing to implement a proposed program for the assessment of midterm automotive technology to complement and expand its research for improvement of automotive fuel economy in the next ten years. The program is designed to identify and evaluate improved automotive technology to be utilized by manufacturers in the future. The program will include research in improved engines and drivetrains, structural design improvements and development of fuel efficient prototype passenger cars and light trucks which will demonstrate to the consumer and the industry what can be achieved with near term technology.

The Department is also examining the benefits for fuel economy improvement beyond 1985, the ability of the industry to make those improvements and the role that the Federal government will play in securing those achievements. It appears that fuel economy improvements of 20–50 percent above the 1985 standards are technically achievable, and the optimistic estimates of potential fleet fuel economy of 50 mpg for automobiles and 37 mpg for light trucks would accomplish fuel savings of 650,000 barrels per day by 1995. The Department believes that improving fuel economy should be pursued in a manner consistent with, and in order to preserve, a strong domestic automobile industry.

I. Energy Outlook

A. Introduction

As President Carter indicated in his address to the Nation on July 15, 1979:

> In little more than two decades we've gone from a position of energy independence to one in which almost half the oil we use comes from foreign countries, at prices that are going through the roof. Our excessive dependence on OPEC has already taken a tremendous toll on our economy and our people. This is the direct cause of the long lines which have made millions of you spend aggravating hours waiting for gasoline. It's a cause of the increased inflation and unemployment that we now face. This intolerable dependence on foreign oil threatens our economic independence and the very security of our Nation.
>
> The energy crisis is real. It is worldwide. It is a clear and present danger to our Nation. These are facts and we simply must face them.

The Automotive Fuel Economy Program is now in its fourth year, and continues, perhaps now even more than ever, to be instrumental in achieving the President's goals of reduced dependence on foreign oil and lower inflation and unemployment levels.

This chapter describes the contribution that improvements in new car and truck fuel efficiency are making to the conservation of petroleum in the United States, and provides a brief description of the past and future energy trends.

B. Petroleum Demand and Supply

Domestic demand for refined petroleum products, (Figure I–1) experienced a 1.9 percent average annual growth rate between 1972 and 1979. The percentage of U.S. demand for petroleum supplied by all importers more than doubled since 1960 with a peak of 48 percent of U.S. petroleum demand supplied by other countries in 1977. This percentage declined between 1978 and 1979 (January-July) by 3 percentage points. The domestic demand for petroleum products shows an increase in motor gasoline, jet fuel, distillate fuel oil, and other products; while showing a decrease in residual fuel oil and kerosene from 1977 to 1978. However, the average petroleum demand increase of 1.6 percent [1] in 1978 is relatively small in comparison with changes that occurred in earlier years,[2] and is largely the result of the congressionally set standard of 18 mpg.

The average portion of U.S. petroleum supplied by imports for 1973 to 1979 (January-July) was 41 percent. During 1978 and 1979, the percentage of imported petroleum remained stable, but the percentage supplied directly by OPEC countries declined in 1978 and the first part of 1979 (January–July). The supply disruption of Iranian fuel in 1978, together with the decreases in North African production, may account for this decrease in OPEC petroleum supply.

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[1] Disaggregated domestic petroleum demand data used to derive this relative increase are contained in Table 21 of *The 1978 Annual Report To Congress* of the Energy Information Administration, Volume Two, p. 49.

[2] U.S. Department of Energy, Energy Information Administration *Energy Data Report*, "Petroleum Statement Monthly."

FIGURE I-1

CHANGE IN U.S. DEMAND FOR REFINED PETROLEUM PRODUCTS

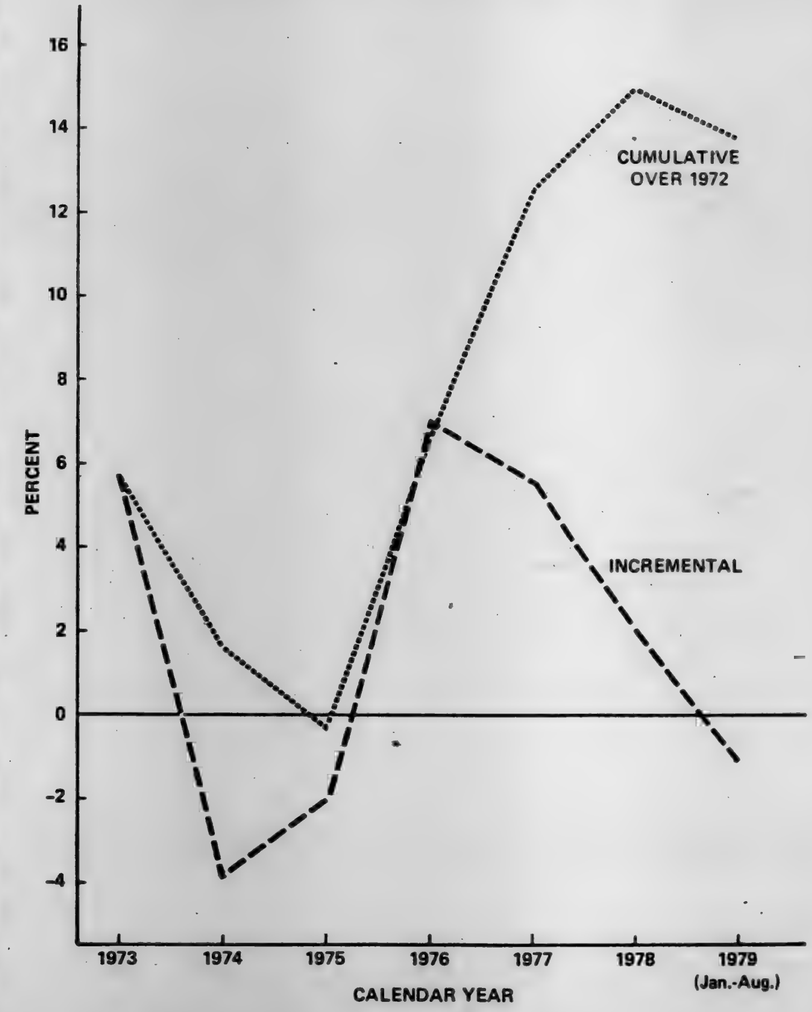

Source: "Monthly Energy Review", U.S. Department of Energy, Energy Information Administration, October 1979, p. 32.

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C. Effects of Fuel Economy Standards on Petroleum Savings

Federal policies to influence energy use in transportation are critical since the transportation sector is the major consumer of petroleum-based fuels, accounting for 53 percent of total U.S. Consumption of petroleum. (See Table I–1). Passenger cars and trucks consume approximately 82.5 percent of the energy used in transportation (Figure I–2). Automobiles are responsible for about 92 percent of domestic passenger travel.[3]

Based upon compliance with the model year (MY) 1978–1985 fuel economy standards for passenger automobiles, projected cumulative passenger automobile fuel savings estimates from calendar years (CY's) 1978 through 2000 will approximate 395 billion gallons (9.4 billion barrels), or a 21 percent reduction over 1977 consumption levels.* These savings represent an estimated cost savings of $167 billion (discounted present value at 10 percent per annum), assuming the schedule of real prices of gasoline given in Table I–2.

Based upon MY 1979–1981 fuel economy standards for light trucks, projected cumulative light truck savings from CY's 1978 through 2000 will approximate 114 billion gallons or a 13.7 percent reduction over 1977 consumption levels.* These savings also represent an estimated consumer savings of approximately $48 billion.

Table I–1.—*Petroleum Consumption by Sector,* 1978

(Million barrels per day)

	Petroleum consumption	Percent of total consumption
Transportation	10.09	53
(Passenger cars and trucks)	(8.39)	(44)
(Other transportation)	(1.70)	(09)
Industrial	3.83	20
Residential/commercial	3.02	16
Electric utilities	1.80	10
Miscellaneous	1.93	1
Totals	18.93	100

*Source: "Annual Report to Congres 1978," Volume II, U.S. Department of Energy, Energy Information Administration, February 1979, p. 51.

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[3] *National Transportation Statistics Annual Report,* 1979, Transportation Systems Center, Table 6, p. 54.

* Based on the assumption that 1977 fleet average fuel economy levels remain through CY 2000.

FIGURE I-2

Fuel Consumption By Mode Of Transportation (1977)

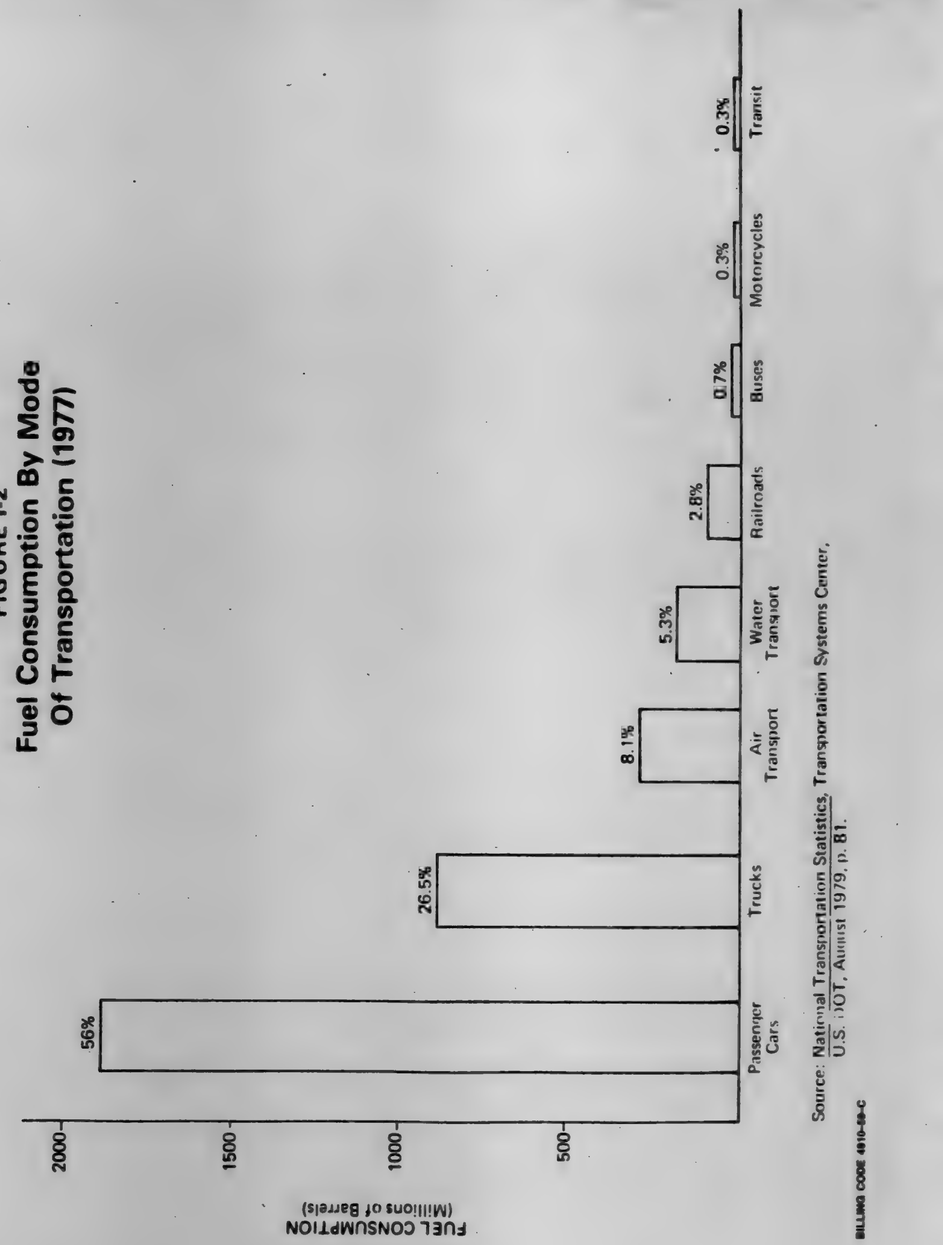

Source: National Transportation Statistics, Transportation Systems Center, U.S. DOT, August 1979, p. 81.

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Table I-2.—*Estimated Average Price of Unleaded Gasoline*

[Dollars per gallon in 1979 dollars]

1978	$0.76
1979	[illegible]
1980	1.14
1981	1.17
1982	1.21
1983	1.24
1984	1.28
1985	1.32
1986	1.35
1987	1.40
1988	1.44
1989	1.48
1990	1.53
1991	1.57
1992	1.62
1993	1.67
1994	1.72
1995	1.77
1996	1.82
1997	1.88
1998	1.93
1999	1.99
2000	2.05

NOTE.—A 3-pct annual increase in the real price of gasoline is assumed.

Figure I–3 illustrates the reduction in fuel consumption based upon anticipated compliance with the fuel economy standards which have been enacted to date for both passenger automobiles and light trucks. It shows a projected reduction during CY 2000 of 28 billion gallons resulting from passenger car standards, and of 8.6 billion gallons resulting from the light truck standards. Reduction in fuel consumption of these vehicles, in CY 2000, is thus projectd to be 36.6 billion gallons, or 26.8 percent of the total that otherwise would have been consumed.

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FIGURE I-3

PROJECTED ANNUAL FUEL CONSUMPTION

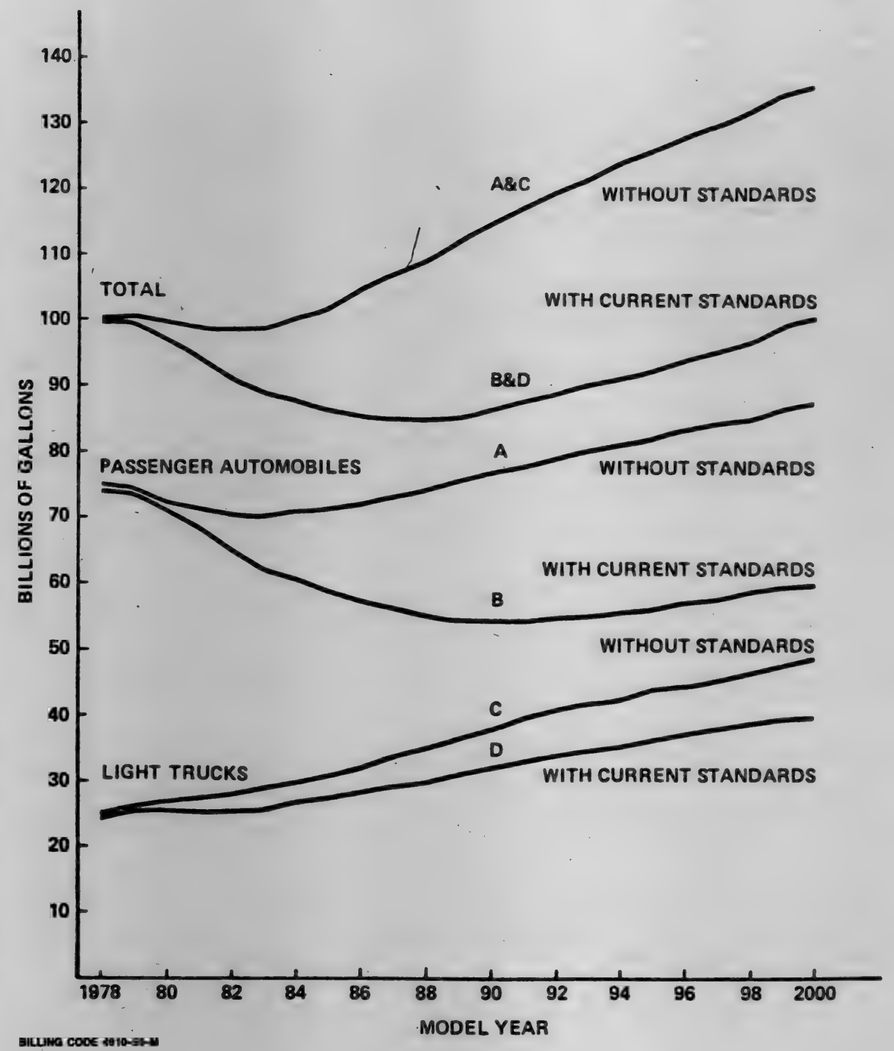

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II

Passenger Car Fuel Economy Activities

A. *Sales Patterns and Trends.*—The need to further improve domestic new car fuel economy was emphasized by the effects of gasoline supply restrictions during early 1979. As a consequence of limited fuel availability large new car sales plunged and small new car sales reached record highs. The increase in the small cars' share of the market reflected a shift toward more fuel-efficient vehicles in response to shortages of gasoline and rising gasoline prices. Sales of imports grew by an impressive 22.1 percent during 1979, increasing market share from 18.1 percent in 1978 to 23.3 percent in 1979.

The market share declines were most pronounced in the larger vehicle classes during the Spring of 1979. Large car market share was 24.6 percent in May 1978; in May 1979, it was 14.6 percent. Mid-size car sales dropped from 33.4 percent of the market in May 1978 to 27.1 percent in May 1979. Even compacts lost some market share, going from 10.9 percent of the market in May 1978 to 8.9 percent of the market in May 1979. Subcompact and smaller car sales soared, however. May 1978 market share of these vehicles was 31.1 percent; for the same month in 1979 the share was 49.4 percent. Market share data (November 1979) show large cars with 18.2 percent of the market; mid-size cars with 35.5 percent; compacts with 7.3 percent; and subcompacts and smaller cars having 39.1 percent.

Sales promotions and increased availability of gasoline resulted in the most recent increase in larger car market shares, but customer interest in improved fuel economy remains high. This increased demand for fuel economy has spurred industry plans for increasing fuel efficiency. Mr. E. M. Estes, President of General Motors, has stated:

> Our U.S. customers, concerned about the availability and price of gasoline, are buying with fuel efficiency paramount in their thinking. It seems clear that this will continue to be the case in the future.
>
> There is every reason to believe that the impact of the fuel shortages and higher prices that arrived in 1979 will be longer lasting than they were in 1973–74. A cat which sits on a hot stove and gets burned might forget and do it again. But twice burned is a hard lesson learned . . . . if there is any conceivable way to do so, our fleet average will be more than 27.5 mpg by 1985. Meeting the demands of our customers has traditionally been the way we've earned success in our industry.[1]

In addition to increased consumer interest in fuel-efficient automobiles, competitive pressures within the industry have also served as a driving force toward an industry mix of vehicles with substantially improved fuel economy. The industry trend toward downsizing and utilization of fuel-efficient technologies, such as front-wheel-drive, are in part the result of manufacturers either following the successful lead of a single company or of a desire to increase or maintain market share. Most domestic manufacturers currently anticipate meeting passenger automobile fuel economy standards through model year 1985. With the sales distribution of vehicle sizes being influenced toward even larger shares of fuel-efficient vehicles by a combination of consumer demand, industry competition, and regulation, there is little reason to doubt that the established regulations will be achieved.

In view of these trends in the automobile market, changing economic conditions and manufacturers' requests, the Department of Transportation conducted a review of established passenger car fuel economy standards. The results of that review are discussed in the next section.

B. *Re-evaluation of 1981–1984 Standards.*—At the end of CY 1978, the Department of Transportation received requests from Ford Motor Company (Ford) and General Motors (GM) for reduction of the 1981–84 fuel economy standards. The Department treated these submissions as though they were petitions for rulemaking. It concluded that no reductions in the fuel economy standards were warranted as a matter of law or policy. Accordingly, the Department decided not to open a rulemaking proceeding to reduce the 1981–84 standards.

(1) Background.—On June 30, 1977, the Secretary published in the **Federal Register** average fuel economy standards for the 1981–84 model year passenger automobiles. These standards, along with most recent manufacturers' mpg projections are given in Table II–1. The standards were set at levels which were determined to be the "maximum feasible average fuel economy level" and to result in "steady progress" toward meeting the 1985 standard. As interpreted, the "steady progress" criterion does not require equal increments of fuel economy improvement in each model year, only increments that are not grossly disproportionate to each other.

Table II–1.—*Passenger Automobile Fuel Economy Standards and Manufacturers' MPG Projections*

	Standard	GM	Ford	Chrysler	AM
1978	18.0	[1] 19.0	[1] 18.4	[1] 18.4	[1] 18.6
1979	19.0	[2] 19.1	[2] 19.1	[2] 120.4	[2] 19.9
1980	20.0	[3] 21.3	[3] 21.6	[3] 20.3	[3] 21.5
1981	22.0	(4)	(4)	(4)	(4)
1982	24.0	(4)	(4)	(4)	(4)
1983	26.0	(4)	(4)	(4)	(4)
1984	27.0	(4)	(4)	(4)	(4)
1985	27.5	(4)	(4)	(4)	(4)

[1] Final CAFE reported to NHTSA by EPA.
[2] 1979 Mid-Model Year Report to NHTSA by manufacturer.
[3] 1980 Pre-Model Year Report to NHTSA by manufacturer.
[4] Not available.

The 1981–84 standards reflected fuel economy improvements achievable through the introduction of available fuel-efficient technology. However, the levels did not reflect the industry's planned use of diesel engines because of the Department's policy not to presume increased use of diesels while there were uncertainties about the public health consequences of their widespread use. No shift in the product mix (such as selling more compacts and subcompacts and fewer full and intermediate size cars) was projected beyond the plans of the manufacturers. It was recognized, however, that both of these methods for improving fuel economy are available to manufacturers, and both provide some flexibility for the auto companies in selecting a program for compliance with the standards.

(2) *The Manufacturer's Requests.*—In January 1979, through early May 1979, Ford and GM began submission of documents to the Agency proposing lower fuel economy standards for 1981–1984. Chrysler agreed that standards should be lowered, but they did not provide extensive data in support of that position.

Both Ford and GM claimed that NHTSA had overestimated the fuel economy benefits that would come from certain technologies, had not properly taken into account the effects of changes in automotive emission standards and test procedures, and had underestimated the costs of implementing those technologies, particularly on the schedule indicated by the NHTSA. Both manufacturers claimed that less stringent standards for 1981–84 would permit a significant reduction in capital investment and in new car prices. GM indicated that a schedule of standards increasing by 1.5 mpg per year from 1980 to 1985 (a linear schedule) would provide a net economic saving to new vehicle purchasers, compared to the current schedule of standards.

The primary thrust of the manufacturers' submissions was that consumers would be better off (in the sense of out-of-pocket expenses) under less stringent fuel economy standards than under current standards. The basis for this argument was that the manufacturers would use in the near term the most cost-effective methods for improving fuel economy (those with the largest fuel economy benefit for a given initial vehicle price increase) and that the technologies needed to comply with standards for the mid-1980's will be the more costly remaining items. GM indicated that a reduction in the standards through model year 1984 would provide more time for them to develop new technology to meet the later standards, and that the new technology would be more desirable from the consumer's viewpoint.

Although the Ford and GM submissions called into question several of the detailed projections in the agency's standard setting analysis and in its analysis for the 1979 Report to Congress, the fundamental conclusion that the current standards are feasible was not challenged. Both Ford and GM submitted product plans for meeting the current standards which differ from each other significantly and differ from the paths projected by NHTSA in the 1981–84 rulemaking and in the 1979 Report to Congress, although Ford's plan was somewhat similar to the NHTSA's analysis for Ford.

(3) *NHTSA Analysis.*—(a) *Statutory Considerations.*—Section 502(f) of the Act provided the legal framework for responding to Ford's and GM's submissions. That section states that passenger automobile fuel economy standards for 1981–85 may be amended only if the basic requirements of the law applicable to their original establishment are met. In the case of the 1981–84 standards, those standards must be set at a level which available information and analysis shows to be the "maximum feasible average fuel economy level" and which will result in "steady progress" toward meeting the standard for model year 1985. The 1985 standard also must be established at the "maximum feasible" level if it is amended. The schedule for fuel economy standards proposed by Ford and GM would certainly satisfy the statutory "steady progress" requirement, since they would result in equal increments of fuel economy improvement in each year. Therefore, the key issue in addressing the manufacturers' analyses advocating a reduction of the fuel economy standards was whether the reduced standards would satisfy the "maximum feasible" requirement.

Section 502(e) of the Act requires that the Secretary of Transportation, in determining the maximum feasible average fuel economy level, consider four factors: (1) technological feasibility, (2) economic practicability, (3) the effect of other Federal motor vehicle standards on fuel economy, and (4) the need of the nation to conserve energy. The Agency's interpretation of these four considerations has been discussed in previous rulemaking documents, most completely in the June 30, 1977, decision of the 1981–84 passenger car fuel economy standards.

In addition to reconsidering the applicable statutory criteria, the Agency performed a year-by-year cost-benefit analysis of the two fuel economy schedules to evaluate the manufacturers' claims that lower fuel economy standards would have greater net benefit to consumers.

(b) *Technical Analysis.*—The Agency views the main purposes behind the enactment of the fuel economy provisions of the Energy Policy and Conservation Act (EPCA) to be concern over our increasing vulnerability to foreign suppliers of petroleum and the serious national problems of increasing fuel costs and disruptions in supply. At the same time, the Agency recognizes that both the public and the government are intensely concerned about increases in prices and costs in the U.S. and world economies. The Ford and GM arguments did bear on that matter. Therefore, the Agency carefully examined the costs and benefits to consumers of the current passenger car fuel economy standards, as well as the lower alternative proposed by the manufacturers to determine the cost-effectiveness of each alternative.

The procedure used by the Agency to evaluate the consumer price impacts of the fuel economy standards differed in several important respects from the procedure the Agency would use in a statutory rulemaking proceeding. First, the effects of the standards on the consumer were analyzed using a straightforward cost-benefit analysis, looking at readily quantifiable costs and benefits associated with the standard. This approach was adopted as a method of measuring consumers' out-of-pocket expenditures and did not consider various indirect benefits of energy conservation (such as the effect on national security of high rates of oil imports).

The second difference between the Agency's analysis in this case and a normal, standard-setting analysis is that price increases were calculated based on the manufacturers' product plans (modified minimally by NHTSA) rather than on a compliance plan developed entirely by the Agency. In setting fuel economy standards, the Agency adopts a path that generally minimizes cost and risk in order to demonstrate what is *feasible*. In this analysis, the Agency did not make such a determination but merely examined the companies' present plans for compliance.

The final difference between this analysis and standard-setting is that the agency relied on manufacturer-supplied information almost exclusively in determining the vehicle price increases due to fuel economy standards. In rulemaking, on the other hand, the Agency would attempt to ascertain how large any initial price increases (if any) *need* be to cover the manufacturers' costs.

The Agency's analysis did make limited revisions to the manufacturers' product plans, however. Some items in those plans were believed to be unlikely candidates for actual inclusion in production vehicles, because of their high price and minimal fuel economy benefit. For that reason, and especially because these items unnecessarily increased consumer prices, the items were deleted in NHTSA's analysis. The adjusted product plans retained the basic technological and marketing strategies of the companies. No adjustment was made to the manufacturer's plans to reflect recent increases in demand for more fuel efficient vehicles and engines. In general, the NHTSA believes that the auto makers have been somewhat conservative in their estimates of the potential fuel economy improvement of certain technologies.

Two aspects accounted for most of the differences in fuel economy improvements estimated by the manufacturers and by NHTSA. These were the impacts of EPA requirements and manufacturers' decisions on how to meet them.

First, the Agency's analysis makes an allowance for possible reductions in fuel economy associated with EPA's modifications to its test procedures and emissions requirements. Second, the analysis did not include considerations of the possible impact of emissions standards being promulgated for diesel engine particulates, nor the impact of requests for waivers of the diesel standard for oxides of nitrogen. These actions could have an effect on the types and sizes of vehicles in which diesel engines can be used and the fuel economy benefit which would result from their use, but the EPA decisions on these matters have not been made. The high degree of uncertainty related to EPA's decision on diesel particulate

[1] University of Michigan Automotive Seminar, Traverse City Michigan, August 1, 1979.

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standards was the principal factor leading to the exclusion of any improvements in fuel economy from the analysis. The NHTSA therefore assumed no use of diesel engines for fuel economy improvements.

Based on these factors, the Agency estimated that for the 1981–85 period as a whole, the existing standards will save new car purchasers an additional $500–$680 million (discounted to 1980) compared to the linear schedule, or between $10 and $14 per car. Over a wide range of gasoline prices, the current schedule of standards has greater net consumer benefits than a linear schedule. As the price of gasoline rises, relative to manufacturing costs, the benefits of the existing standards, compared to those advocated by Ford and GM, will continue to increase.

(c) *The Need of the Nation to Conserve Energy.*—Although the numerical difference between the current fuel economy standards and a "linear schedule" may appear small, the linear schedule would result in the consumption of approximately 7.7 billion gallons more gasoline over the life of the 1981–84 passenger automobile fleet than would the current standards. The current standards will produce total gasoline savings of about 60 billion gallons (1.4 billion barrels) over the life of the 1981–85 fleet, compared to maintaining the 1980 standard of 20 mpg over that period (see Table II–2).

Table II–2.—*Comparison of Lifetime Fuel Consumption for Alternate Fuel Economy Schedules*

Model year	Projected domestic vehicle production (millions)	20 MPG	Current schedule [1]	Linear schedule
1981	9.5	58.6	51.5	52.7
1982	9.7	57.2	47.7	49.8
1983	9.8	57.6	44.5	47.2
1984	10.0	58.0	43.7	45.4
1985	10.1	58.6	43.3	43.3

[1] Lifetime fuel consumption (billion gallons) current schedule.

Fuel Savings for Alternate Schedules.—*Lifetime Fuel Savings (Billion Gallons)*

Model year	Current schedule over constant 20 MPG	Linear schedule over constant 20 MPG	Current over linear
1981	5.1	3.9	1.2
1982	9.5	7.4	2.1
1983	13.3	10.6	2.7
1984	15.3	13.6	1.7
1985	16.3	16.3	—
Total	59.5	51.8	7.7

Further, the national expenditures for imported oil are a major factor in our persistent foreign trade deficit, which in turn affects the value of our currency in foreign markets, the prices we must pay for foreign goods, and the overall rate of inflation. All of these petroleum related consequences are significant.

Given the propects for sharply higher gasoline prices during the period in which the 1981–85 passenger car fleet will be on the road, it is likely that consumers will be better off under the current standards than under a less stringent schedule, even ignoring the unquantifiable social costs.

(4) *Conclusions.*—The arguments submitted by Ford and GM provided no statutory basis for revising the standards. If any thing, the information supplied by the two principal manufacturers reinforced the earlier conclusions that the current standards comply with all requirements of the Act and are both technologically feasible and economically practicable, since both companies project being able to meet the current standards. Existing passenger car fuel economy standards have encouraged manufacturers to offer improved product lines of fuel-economical cars which are also being demanded in the market. Average fuel economy standards for model year 1979 have been met, and exceeding the 1980 fuel economy goals is projected by the companies, as shown in Table II–1. Revision of passenger car fuel economy standards did not, therefore, appear justified. This is not to say, however, that review and re-evaluation of the standards may not be necessary as economic conditions change within the industry and the rest of the economy. NHTSA is committed to promulgating fuel economy levels which are consistent with changing technological and economic conditions, and will review established standards as conditions warrant.

III

Light Truck Fuel Economy Activities

A. *Sales Patterns and Trends.*—1. *Historical Sales.*—Throughout the seventies, the light truck market has exhibited a high level of growth. In 1971, total sales were nearly 1.7 million. By 1978, sales had increased by more than a factor of two, to about 3.7 million units.

The NHTSA believes this rapid growth will not continue into the eighties and that 1979 represents a turning point for the market. The 1979 sales were down to approximately 3.1 million units or, about where the 1977 sales had been.

A more detailed lood at the growth of , the light truck market is provided in Figure III–1, where the sales of Class I (up to 6,000 lb. Gross Vehicle Weight Rating (GVWR) and Class II (6,001 to 10,000 lb. GVWR) trucks ar shown for the period 1971 through 1979. Class I sales were 29 percent higher in 1978 than in 1971, and sales of the heavier weight trucks grew 338 percent higher in 1978 than in 1971. The heavier trucks accounted for about 29 percent of the total light truck market in 1971. In 1978, they accounted for 58 percent of the total light truck market. The trend in the 0–6,000 lb. GVWR trucks between 1971 and 1979 showed an increase of nearly 16,000 units per year. The 6,001–10,000 bl. GVWR trucks increased about 180,000 units per year in this time period. The rapid growth in the Class II trucks can be traced to the 1975 model year. One possible cause is the imposition of more stringent emission standards for the 6,000 lb. GVWR-and-under category in 1975 which raised the relative cost of owning and operating these vehicles. As a result, manufacturers sought to sell more of the heavier-rated trucks and avoid the standards. The behavior of the market in the 1973–1974 energy shortages is important in estimating future sales of light trucks. In 1973, the sale of the 0–6,000 lb. trucks peaked at over 1.7 million units. In 1974, this dropped to about 1.5 million, and in 1975 it dropped to about 1.3 million. By 1978, it has not yet regained the 1973 peak. Sales of these trucks have continued declining through 1979. Heavier truck sales experienced a slight drop between 1973 and 1974, and then went on to increase every year through 1978; however, during the first ten months of 1979, class II truck sales have fallen nearly 25 percent as fuel prices rose and gasoline availability became more uncertain.

FIGURE III-1
Historical Sales

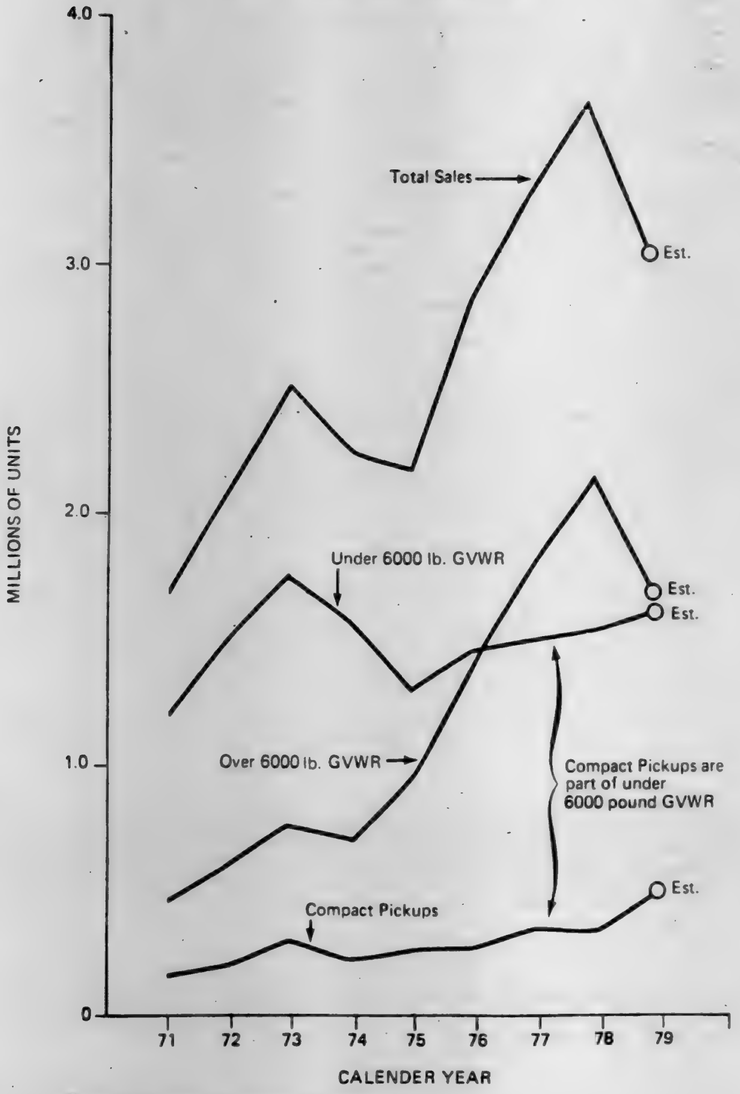

Source: NHTSA Light Truck Data Base

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Historical sales data also show that the market shares of compact trucks has remained relatively constant during the period 1970–1978 at about 9.5 percent. Between 1978 and 1979, in an apparent reaction to the fuel situation, compact truck sales rose by an estimated 39 percent, while all other truck sales decreased by 15 percent. The 1979 market share for compact trucks, based on the first ten months of 1979 is estimated at 14.2 percent.

B. *1981 Light Truck Fuel Economy Standards.*—In June of 1979, the National Highway Traffic Safety Administration (NHTSA) issued a final rule which reduced the average fuel economy standard applicable to two-wheel drive (4x2) light trucks, manufactured in model year 1981, from 18.0 mpg to 17.2 mpg. The review action was taken in response to a petition from Chrysler Corporation which provided NHTSA with new information which indicated that their capability of improving the fuel economy of those trucks was less than had been determined in earlier rulemaking. At the same time, Chrysler's request to reduce the fuel economy standards applicable to the four-wheel drive (4x4) light trucks was denied.

Upon indication that Chrysler was having difficulties in working toward compliance with 1981 standards, NHTSA investigated other vehicle manufacturers' abilities to comply with the 1981 standards. Ford projected being able to achieve 17.6 mpg for its 1981 4x2 fleet and GM projected its improvement capability to be 16.2 mpg. Subsequent to this investigation, increased market demand for fuel-efficient vehicles has led the manufacturers to project that they will be able to exceed the standards (excluding Chrysler).

NHTSA agreed with the positions taken by Chrysler and the other companies in most respects, the exception being a disagreement about whether or not the use of improved lubricants could provide a fuel economy benefit for 1981 model year light trucks. The impact on the standards of this disagreement was contingent upon whether the Environmental Protection Agency (EPA) would permit the use of these lubricants in fuel economy testing by January 1, 1980. The final rule establishing the truck standards assumed that the EPA would approve the use of improved lubricants in its fuel economy testing procedures by this time. The final rule also provided that if approval were not given by that date, the standards would each be 0.5 mpg less. Because EPA has indicated that it will not be able to approve use of the lubricants by this date, each of the standards will indeed be 0.5 mpg less; i.e., 16.7 mpg for 4x2's, 15.0 mpg for 4x4's, and 14.5 mpg for limited product line vehicles.

The major differences between the basis for this most recent decision and that of the prior rulemaking are: reductions in expected fuel economy benefits from engine displacement or drive ratio reductions, engine improvements and weight reduction; modifications to the Agency's prior baseline or larger-than-anticipated effects of emission standards and test procedure changes; reduced benefits from aerodynamics and rolling resistance changes; changes in product mix; and changes in fuel economy test procedures. For other manufacturers, the main factor causing lowered projected capabilities was (in addition to the previously mentioned factors), the Agency's changed position on the effect of 1979 model year emission standards. In the 1980–81 rulemaking, the Agency concluded that the more stringent emission standards need not reduce fuel economy below pre-1979 levels. The Agency now believes that a fuel economy penalty does exist and cannot be fully offset by 1981.

The values of the fuel economy standards reflect NHTSA's judgment of the maximum levels of average fuel economy that the major domestic manufacturers can achieve without having to undertake measures involving substantial market risks. The benefits to the nation of the domestic manufacturers meeting the 18 mpg standard as opposed to a standard of 17.2 mpg are approximately 710 million gallons of gasoline saved over the lifetime (128,000 miles) of 1981 model year trucks. The Agency considered that potential energy savings to be significant; however, the risks associated with achieving an 18 mpg standard were evaluated against the benefits to the national of compliance with the higher standards. It was decided that the market risks associated with meeting the higher 4x2 standard outweighed the potential energy savings.

C. *Current Rulemaking Activities.*—Current fuel economy rulemaking efforts are centered around the development of fuel economy standards for light trucks for the model years 1982 through 1985. The promulgation of a final rule for light trucks for model year 1982 is planned for March of 1980. Fuel economy values of 17.4 for 4x2's and 15.6 mpg for 4x4's are proposed for model year 1982, whereas a range of values are proposed for model years 1983–85. The proposed mpg levels are estimated to save between 11 and 17 billion gallons of gasoline over the lifetime of the model years 1982–85 fleets compared to their consumption if the fleet fuel economy remained at the level of the model year 1981 standards. This amounts to between 900 and 1,390 gallons per vehicle or a net dollar savings between $510 and $1,120 (1979 dollars) over the life of the vehicle.

The current focus of the Department's rulemaking on these vehicles is important to the petroleum conservation effort in the United States since light trucks consume approximately 7 percent of petroleum consumed (20 percent of motor vehicle consumption). One of the major questions which is currently beign addressed is that of consumer acceptance of changes in design and performance of light trucks. Results of preliminary research indicates consumer preferences are tending toward fuel efficient vehicles and attributes.

Between now and 1985, the manufacturers plan to introduce a number of new truck models. During this same period other factors such as inflation and gasoline availability will also tend to alter consumer buying patterns. To contribute to increased fuel economy, consumers must purchase the new fuel-efficient truck models. One way to estimate market acceptability prior to introduction is to conduct market research. The NHTSA has sponsored market research studies, and the manufacturers have provided marketing data in their responses to a July 26, 1979 request from NHTSA for information. Some estimates can be made of which vehicle attributes are important to different classes of consumers through the use of market research techniques.

Considering first the pickup/leisure users, current research indicates that there are two primary motivations to buy a pickup, the overall "utility," and the ability to use the truck for occasional light hauling. Survey respondents who use pickups for commercial purposes appear to have three main attributes in mind: capacity, versatility, and durability. Owners of vans used primarily for pleasure are motivated by the concept of a movable environment. Interior space appears to be a critical vehicle attribute to the leisure oriented van owner. Trailer pulling and light hauling are important secondary attributes. Versatility and durability are also important to van owners but of lesser importance than to pickup owners.

Another important attribute in truck selection is payload (the difference between its curb weight and its GVWR). Results of preliminary research seems to indicate that if payload were the attribute most important to the consumer, there are numerous vehicle design concepts which could satisfy this need. Cargo volume and the type of engine installed in the light truck are also important attributes for the consumer. The results of some studies indicate that four and six cylinder engines may be gaining in acceptability. Potential truck purchasers seem to have altered their engine size preferences in favor of smaller, more fuel-efficient engines; therefore, consumers seem willing to trade off certain quick acceleration attibutes for more fuel-efficient vehicles.

Another question currently being addressed in light truck rulemaking is that of the manufacturers' financial abilities to maintain high levels of capital spending during the early 1980's. Unexpected sales declines and mix shifts toward more fuel-efficient vehicles, coupled with record spending levels, have led to third quarter 1979 North American automotive operating losses of GM, Ford, and Chrysler. Passenger car and light truck sales are expected to continue to be down during CY 1980 due to the impact of the current economic downturn and rising gasoline prices. A protracted sales decline (or shift toward supply-constrained small vehicles) might threaten manufacturers' abilities to finance investments by requiring even higher levels of borrowing than the already high levels being anticipated by the industry. If such a situation appeared imminent, the provisions of the Act would allow a revision of the standards to reflect the change in economic practicability.

Attention has also been directed toward the emission/fuel economy question during current rulemaking activities. Stricter emission standards and testing procedures have been proposed by EPA for Model Year 1983, but no final rules have been issued. NHTSA currently has estimates of the effects of these standard and procedure changes on fuel economy, and is awaiting data and commnts from interested parties. Any comments received will be considered before the Agency sets light truck standards for model years 1983–1985.

In summary, there are important questions beign addressed in current light truck rulemaking activities, dealing with consumer acceptability, manufacturers' financial capabilities, and emissions. Preliminary research has yielded encouraging results with respect to the fuel-saving potential of future light truck rulemaking reflecting continued consumer acceptance of light truck redesign for fuel efficiency.

Finally, it appears that all manufacturers have met the model year 1979 average fuel economy standards for light trucks, and also project meeting the model year 1980 standards. With the introduction of new fuel-efficient designs and technologies into new model light trucks, the emphasis of the manufacturers on fuel economy is clear.

IV. Other Automotive Fuel Economy Related Activities

A. Low Volume Automobile Manufacturers

The Act provides an automobile manufacturer producing less than 10,000 vehicles per year an opportunity to obtain an exemption from established fuel economy standards, providing that an alternative fuel economy standard is established at the maximum feasible average fuel economy level. By this provision, all manufacturers, even the very small ones, are required to improve fuel economy.

Based on experience administering this provision, the Department of Transportation recommended in the Third Annual Report to the Congress that low volume automobile manufacturers be exempted from the fuel economy standards and reporting provisions of the act, although they would still be subject to the labeling requirements of the statute. In addition, these manufacturers will still be held liable for fuel economy improvements through the gas guzzler tax initiated by the Energy Tax Act of 1978, administered by the Treasury Department. The Energy Tax Act of 1978 imposes on the sale by a manufacturer of an automobile a tax determined in accordance with tables provided under the Act (discussed in Section F). The tax is applicable to model types of 1980 and later model year automobiles which have a certain fuel economy level. The Act also provides that a small manufacturer may apply to the Secretary of the Treasury for an alternate rate schedule by showing that it is not feasible for that manufacturer to meet the tax-free fuel economy level.

In the past year, changes were also made in the procedure for administering low volume automobile manufacturers' petitions. The major change was to eliminate the requirement for public comment on the receipt of a request for exemption. The change reduced the administrative burden and maintained appropriate opportunity for public review and comment.

B. Legislative Recommendations

The National Highway Traffic Safety Administration (NHTSA) conducted an analysis of the need for the changes in the fuel economy program for the January 1979 Report to the Congress, as required by Section 502(a)(2) of the Cost Savings Act. As part of this analysis, NHTSA sought the views of the manufacturers and the public on possible program improvements. One of the prime concerns in developing legislative recommendations was to minimize the burdens on the vehicle manufacturers while still securing substantial improvements in automobile fuel economy.

In that Report on Automotive Fuel Economy, three amendments to the Act were recommended. These amendments, together with an additional fourth amendment, are now incorporated into a Departmental draft bill transmitted to the Congress last December. The first amendment would amend Section 502(c) of the Act to exempt passenger car and light truck manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the Act's semi-annual reporting requirements. The production volume of these manufacturers is so low that there is minimal gasoline saved through such regulation and their economic and technical capabilities to make necessary fuel economy improvements are severely limited. An exemption for these manufacturers would therefore have no significant effect on fuel economy and would save both the manufacturers and the government a lot of unnecessary work.

The second amendment would allow a manufacturer to average U.S. assembled automobiles with its imports if U.S. production began after the Act was passed. This amendment would be consistent with domestic employment opportunities by encouraging foreign manufacturers to build new cars in this country, as Volkswagen has recently done, and use a high percentage of parts, labor, and materials originating in the United States.

The third amendment would modify the automotive fuel economy system of credits and penalties to allow the credits a manufacturer may earn to be carried forward or backward for three years instead of the current one year. This amendment is designed to facilitate compliance to meet the required levels during a given year due to unforseen circumstances. It is not intended either that manufacturers, other than those that are financially troubled, would be able to use the extended credit period routinely or that any manufacturer would be able to exploit it in order to deliberately delay fuel economy improvements in later years.

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The fourth amendment would exempt a manufacturer from a finding of unlawful conduct for its failure to comply with a fuel economy standard if it has earned sufficient credits in the three years prior to the year of the penalty to completely offset such penalty. The section would also provide relief from a finding of unlawful conduct to a manufacturer that has not earned sufficient credits before the year of penalty, on the condition that the manufacturer submits a plan showing that it will earn sufficient credits during the following three years to offset the penalties. If the manufacturer, despite its plan, has a net penalty at the end of the three-year carry-back period, it would be considered to have acted unlawfully. The amendment would thus continue the statute's emphasis on compliance.

C. Evaluation of Federal Fuel Economy Standards

The National Highway Traffic Safety Administration has initiated a comprehensive program to evaluate the effectiveness of the automobile fuel economy standards. The program involves the collection and analysis of (1) "on-the-road", (or consumer experienced) fuel economy data, and (2) consumer costs of the standards. The analysis will include:

(1) Estimates of total fuel savings for both individual model years and the aggregate for all vehicles produced under the standards,

(2) a comparison of the total benefits in fuel conserved with the total consumer costs of implementing the standards.

(3) an analysis of how a vehicle's fuel economy changes over time and,

(4) comparison of on-the-road fuel economy with the fuel economy measured by the EPA procedure.

The evaluation program began in the Summer of 1979 with a pretest which demonstrated the feasibility of collecting reliable data using a log, or diary technique. The full-scale survey is scheduled to commence in early 1980 and will involve a national probability sample of approximately 40,000 vehicles, covering model year 1977, 1978, and 1979 passenger cars and model year 1978 and 1979 light trucks. In addition to broad geographical coverage, the sample will be allocated to account for seasonal effects on fuel economy, and will cover most make-model combinations for both domestic and import vehicles. Survey results are scheduled to be available on a quarterly basis, with initial tabulations in August 1980. This will be the first nationally representative, statistically reliable survey of the differences between actual, in-use fuel economy and the counterpart EPA values.

The Department of Energy conducted a study [1] of the divergence between EPA and on-the-road fuel economy using primarily 1974–1978 commercial fleet data. These data, while the only source available, may not be representative of on-the-road consumer experience. The Department of Transportation survey will provide valid data to permit comparisions of a CAFE-basis as well as a more detailed make-model level for most vehicle classifications.

D. Compliance Activities

The law requires new car dealers to display the *Gas Mileage Guides* prominently in their showrooms and to keep adequate stock on hand to meet the public demand. During 1979, twenty-one new car dealers have been fined for violating the Section of Federal law requiring them to display and stock *Gas Mileage Guides*. Civil penalties of $500 were assessed against each dealer by the National Highway Traffic Safety Administration. NHTSA plans to intensify this enforcement effort in 1980.

The agency is soliciting, with favorable results, assistance of vehicle manufacturers in developing an educational program for their franchised dealers. The program will promote better understanding by dealers of their obligations to properly display and make available *Gas Mileage Guides*.

E. Federal Acquisition Program

Section 510 of Title V requires that all passenger automobiles acquired by all executive agencies achieve a fleet average fuel economy of at least the average fuel economy standard applicable to automobile manufacturers. This section defines acquisitions as those vehicles purchased or leased for a period of 60 continuous days or more. In July 1977, these requirements were extended to include light trucks, effective 1978. As mandated by Executive Order, the fleet average fuel economy for all passenger automobiles federally acquired must exceed the statutory fuel economy standard by 2 mpg in FY 1978, 3 mpg in FY 1979, and 4 mpg in FY's 1980–85. The Executive Order further requires that no automobile may be acquired if the mpg rating is below the standard for that particular year.

During Fiscal Year 1978, agencies acquired 15,294 vehicles, attaining a fleet average fuel economy of 21.0 miles per gallon (mpg), three mpg higher than the applicable standard for that year. This will result in a gasoline savings of 16.28 million gallons over the assumed useful life of 60,000 miles for vehicles in the GSA fleet.

Through September 30, 1979, agencies have acquired 17,072 passenger vehicles which have attained a fleet average fuel economy of 22.4 MPG. This will result in a total savings of 20.87 million gallons of gasoline over the expected life. During FY 1979, agencies also acquired 595 4x4 light trucks with an average fuel economy of 17.9 mpg, and 3,022 4x2 light trucks with an average fuel economy of 19.6 mpg.

Additional savings are expected in Fiscal Year 1980 as the fleet average fuel economy objective for the Federal fleet increases to 24 MPG, the fuel economy standard rises to 20 MPG, and the program is extended to include light trucks up to 8,500 pounds Gross Vehicle Weight Rating (GVWR).

F. The Gas Guzzler Tax

The gas guzzler tax is an excise tax levied on new passenger automobiles which do not meet specific fuel economy standards. The tax becomes effective commencing with 1980 model years cars. In any one year, the amount of the tax increases as the fuel economy level of the automobile decreases. The magnitude of the tax on each fuel economy level [1] also increases each year. For example, the gas guzzler tax schedules for 1980 and 1986 are as follows:

If in MY 1980 the fuel economy level of the model type in which the automobile falls is:

	The tax is
At least:	
15	0
14 but less than 15	$200
13 but less than 14	300
Less than 13	550

The tax schedule for 1986 or later model year automobiles is as follows:

If the fuel economy of the model type in which the automobile falls is:

	The tax is
At least:	
22.5	0
21.5 but less than 22.5	$500
20.5 but less than 21.5	650
19.5 but less than 20.5	850
18.5 but less than 19.5	1,050
17.5 but less than 18.5	1,300
16.5 but less than 17.5	1,500
15.5 but less than 16.5	1,850
14.5 but less than 15.5	2,250
13.5 but less than 14.5	2,700
12.5 but less than 13.5	3,200
Less than 12.5	3,500

[1] "Comparison of EPA and In-Use Fuel Economy of 1974–1978 Automobiles," U.S. Department of Energy, October 1979.

[1] These fuel economy levels are based on a combination of city and highway mileage ratings and should not be confused with EPA city mileage ratings appearing on new vehicle window stickers.

G. Voluntary Truck and Bus Fuel Economy Improvement Program

In 1975, the Department of Transportation, the Department of Energy (then the Federal Energy Administration), and the Environmental Protection Agency initiated a joint Industry/Government Voluntary Truck and Bus Fuel Economy Improvement Program. The basic intent of the program is that it should be a voluntary effort effected in the marketplace, not a legislated or regulatory program. Voluntarism provides the much-needed flexibility to adopt the best approaches for each of the greatly dissimilar vehicle configurations and services performed by large trucks and buses.

Currently, the program includes two hundred and fifty organizations that have committed themselves to find solutions to the energy challenge in the commercial vehicle industry by taking actions as:

—Developing and offering more fuel-efficiency testing

—Conducting and reporting on fuel economy testing

—Providing fuel economy product information, advertising and training programs

—Purchasing fuel-efficient new vehicles and add-on or replacement components

—Developing, conducting, and/or supporting fuel saving driver training and motivation programs

—Providing forums for the exchange on fuel economy

Among the high points of the Voluntary Program's activity to date are:

—Sponsorship of a broad program initiated by the Society of Automotive Engineers for development and vertification of consensus standards for the accurate and consistent measurement of fuel economy of trucks and buses and for the evaluation of separate components.

—Information exchange for members on individual fuel-economy successes and failures. Program member reports are received regularly and the information is distributed to the members. For example, in 1979 one large carrier provided a well-documented report of fleet average mpg improvement of 34 percent (3.8 mpg to 5.1 mpg) since 1973 with a 1982 goal of 5.63 mpg or 48 percent improvement.

—The Double Nickel Challenge's "Race to the Fuel Pump," conducted in August 1978, in which 32 owner-operator truckers, driving their own rigs on a test track, proved that travelling at 55 mph saves fuel compared to higher speeds. The results indicated that fuel economy improved 10.5 percent at 55 mph when compared with operation at a higher speed of the driver's own choosing. Phase 2 of the Double Nickel Challenge, "The Race to the Loading Dock" is looking at productivity at 55 mph versus higher speeds and at the cost of arriving later for a load versus being first in line to load and unload. Phases 3 through 5 will be "The Race to the Maintenance Shop," "The Race to the Hospital" and "The Race to the Bank" looking at the savings in maintenance costs, accidents and finally, adding up the results of all the "races."

—In November of 1979, the Voluntary Program sponsored two heavy duty truck sessions at NHTSA's First International Fuel Economy Research Conference and, jointly with the Society of Automotive Engineers, sponsored a Symposium "Choices and Challenges: Medium Duty Truck Power Plants."

—During 1979, the Voluntary Program SAE/DOT fuel economy measurement test by fleets, manufacturers, and eight test vehicles (four standard trucks—two Class 8 with trailers, and two Class 6—are paired with four similar vehicles having fuel saver components) were continued. The trucks and support are contributed by industry and the tests conducted in accordance with SAE Recommended Practices developed under the Voluntary Program.

The Voluntary Program has been the prime motivator for the voluntary purchase of fuel saving components on new trucks. In the years 1973 through 1978, commercial vehicles saved 2.6 billion gallons of fuel as vehicle operators purchased fuel savings components on their vehicles at a rapidly increasing rate. Savings through 1979 are estimated at 3.6 billion gallons.

V. Utilization of Advanced Technology

In this Chapter the methods currently being used by the automotive industry in achieving fleet average fuel economy goals are surveyed, with emphasis placed on the degree to which advanced technology has played a role in this phase of the energy conservation effort. In this respect, Chapter V responds to the statutory requirement of the Department of Energy Act of 1978 (P.L. 95–238), Title III, Section 305, which directs the Secretary of Transportation to submit a report to Congress each year on the results of an evaluation of the extent to which the automotive industry utilizes advanced automotive technology. Most of the technologies evaluated are either partially implemented or are estimated to be available for implementation by the mid-1980s.

Seven general categories of technological improvement has been identified which could lead to increased fuel economy in the mid-eighties for both passenger automobiles and light trucks (Table V–1). Pictures of specific technologies shown are provided courtesy of the Ford Motor Company, General Motors Corporation and the Chrysler Corporation.

A. Conventional Spark Ignition Engines

Several technical changes by all producers can be expected to provide improvements to overall fuel efficiency of conventional spark engines. These include: better fuel control, better combustion chamber design and increased use of electronics. Most of the automotive manufacturers have been gradually expanding their use of electronic engine controls, beginning in the early 1970's with electronic ignition systems. The basic reason for this trend is that electronic control of engine variables provides for a better optimization of fuel economy and emissions.

Some microprocessor control systems have already been introduced which monitor various engine functions and vary spark timing, air-fuel ratios, exhaust gas recirculation, and idle speed. Optimized engine control is expected to yield a one percent to three percent fuel economy gain. After the introduction of microprocessor controlled systems, it can be expected that they will be further developed to increase the number of power-train functions (including transmission functions, such as shifting) monitored and controlled. Application of electronics is expected to continuously increase in both cars and light trucks.

B. Turbocharged Spark Ignition Engines

General Motors, Ford, Saab, and Porsche are now offering turbocharged engines in at least one of their lines of automobiles. Turbocharging offers the

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potential for improved fuel economy by permitting the substitution of a small engine for a large one without affecting vehicle acceleration performance. In general, the turbocharged engines currently in use appear to be intended to improve performance without regard to fuel economy. Volkswagen, under current contract to DOT, has developed test data showing that a turbocharged spark ignition engine in a 3000 lb. inertia weight vehicle can achieve 33 mpg EPA composite fuel economy, while meeting MY 1981 emission standards. It is expected that turbocharged spark ignition engines will be increasingly used in the future, in both automobiles and light trucks. Figure V-1 is a diagrammatical sketch of Ford's 2.3L turbocharged engine.

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TABLE V-1

Representative Fuel Economy Improvement Techniques for Passenger Cars and Light Trucks In the Mid-Eighties

Technology	Typical Improvement in Fuel Economy from 1978 (1)	
1. Weight Reduction (downsizing, materials substitution, and/or alternate configurations for body or powertrain)	10% reduction in weight increases fuel economy by 8% at constant acceleration performance.	
2. Engine Improvement		
Improved Spark Ignition Engine Efficiency		
a. Optimized control	1-3%	
b. Engine quality	0-20% (2)	
Alternate Engines		
a. Diesel	25%	
b. PROCO	20%	
Turbocharging	car-specific depending on replacement of current engine by a smaller turbocharged engine. Typically 5-10% improvement in fuel economy	
3. Transmission Improvement		
Improved Automatic Transmission related to current 3-speed		
a. Locked-up torque converter	3-6%	
b. Wide range 3-speed	2%	
c. Wide range 4-speed	5%	
d. Improved efficiency	1-2%	
e. Improved engine/transmission matching	1-2%	
f. 4-speed with locked-up torque converter	8-11%	
Overdrive Manual Transmission	5%	
4. Improved Lubricants		
a. Crankcase		
1. lower viscosity	1%	3% total
2. friction modified	1%	
b. Rear axle lower viscosity	1%	
5. Reduced Parasitic Losses	1-4%	
6. Reduced Tire Rolling Losses	5%	
7. Improved Aerodynamics		
a. Complete Body redesign	5%	
b. Add-on devices	3%	

(1) These values are not necessarily additive
(2) As compared to an average 1978 engine.

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FIGURE V-1

EXHAUST CROSSOVER/DOWNPIPE AND CONVERTER SYSTEM
FORD 2.3L TURBOCHARGED ENGINE

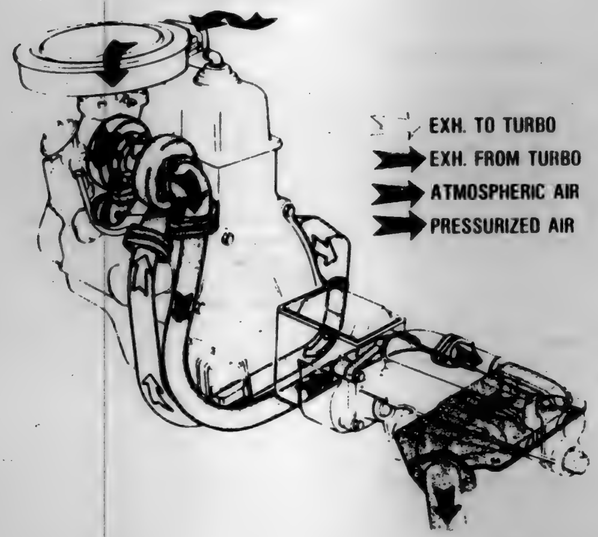

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C. *Diesel Engines*

Diesel engines are increasingly being used in automobiles and light trucks sold in the U.S. Currently, General Motors, Mercedes-Benz, Peugeot, and Volkswagen offer diesel-powered automobiles. Similarly, General Motors and Volkswagen offer light trucks powered by diesel engines. In May 1979, General Motors had built over 77,000 cars with diesel engines, or about twice the number built in the 1978 model year. New diesel car sales in the U.S., as a percent of total U.S. car sales, is reported to have more than doubled between October 1978 and October 1979, increasing from 1.0 percent to 2.8 percent.[1] Other manufacturers of cars and light trucks are actively working on diesel engines, and it appears that the market for these engines will increase in the future.

Although the diesel engine has the advantage of achieving higher fuel economy than the gasoline engine, it also has problems with emissions, mainly with regard to NO_x and particulates. A major concern is the potential health problem associated with the possible carcinogenicity of the relatively large quantities of particulate matter exhausted by the diesel engine. An evaluation of research and public issues associated with the prospective widespresad use of diesel-powered light duty vehicles is being sponsord by EPA, DOE and DOT. The evaluation is being performed by the National Academy of Science, and involves all the biomedical, environmental, technical, energy and economic aspects relevant to the potential problem. It is scheduled for completion at the end of 1980. The Departments of Transportation and Energy together with the Environmental Protection agency are also conducting a study of the economic, energy and health implications of projected growth in the diesel-engine-equipped fleets of passenger automobiles and light trucks. This three-agency study is intended to assist policy makers in the Federal Government. The study currently is planned for completion in Spring, 1980.

d. *Stratified Charge Engines*

Development of a direct injected stratified charge spark ignition (or gasoline) engine with progrmmed combustion (called PROCO, Figure V–2) is continuing at Ford. A higher compression ratio and a very lean air/fuel ratio provides a 15–20 percent improvement in fuel economy over current conventional engines while maintaining acceptable emission levels. Currently in the pre-production engineering phase, Ford is field testing a fleet of about 200 automobiles equipped with this engine. Initial plans were to develop the PROCO system using Ford's 5.7 liter V–8 but consideration is not being given to a smaller engine (5.0 liter) in light of the recent market shift to small cars. Application of the PROCO engine to light trucks is also expected. Success in the introduction and commericalization of the PROCO engine would be particularly beneficial to autotmobiles and light trucks in view of the engines' ability to almost match the fuel economy of indirect injection light duty diesel engines. A PROCO-powered fleet is now under experimentation as a final test of durability and reliability, but noise and vibration are still problems.

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[1] *Wards's Automotive Reports*, November 19, 1979, p. 371.

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FIGURE V-2

5.0 LITER PILOT PROCO ENGINE

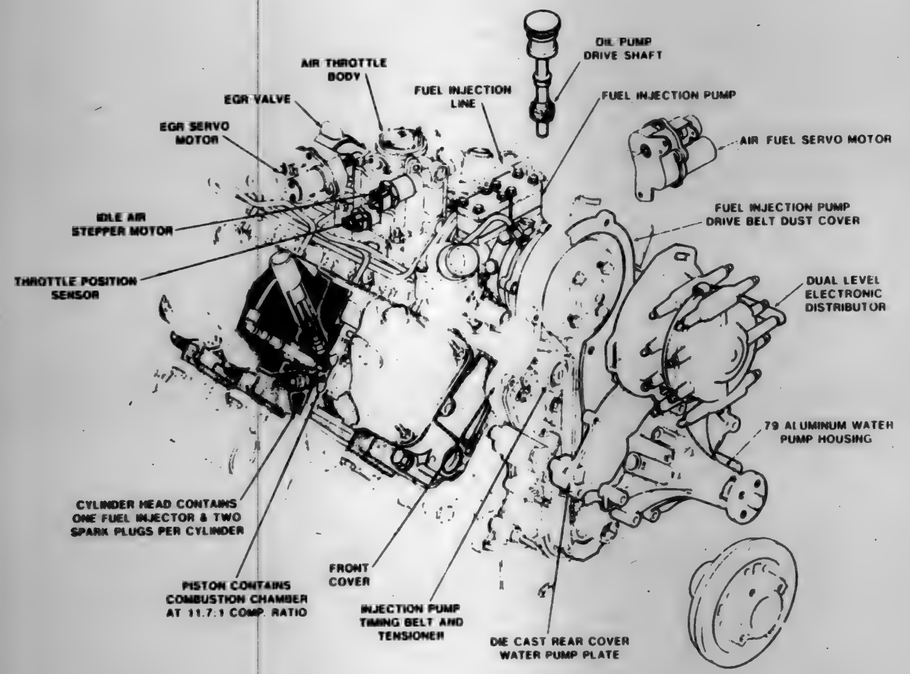

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E. Energy Storage

General Motors has a development program for electric vehicles and is reported to have plans to introduce them on the market by the mid 1980's. They will be used first in vans and delivery vehicles because of greater ease in carrying batteries and routinely scheduled overnight charges.

F. Improved Transmissions

GM and Chrysler have introduced lockup torque converter clutches on some of their automatic transmissions and are expected to gradually expand their application in the early 1980's. Figure V–3 is a picture of a cutaway model of GM's THM 200 transmission with a lockup clutch.

Ford introduced a four-speed automatic transmission in certain 1980 model automobiles and it is expected that it will use this transmission in more 1981 models, including some light trucks. The overdrive fourth gear combined with a split power path provides a substantial improvement in highway fuel economy (approximately 10 percent). GM and Chrysler are expected to introduce their own four-speed automatic transmissions with lockup torque converters in the early 1980's.

G. Weight Reduction

1. *Downsizing.*—Redesign of automobiles to reduce their overall size and weight while maintaining interior room has been so far the major means of weight reduction employed by automobile manufacturers. Extensive downsizing began in MY 1977 with the GM standard size cars and has continued to date with all manufacturers having reduced the size of their standard and intermediate models. Further downsizing by all producers can be expected in the early 1980's.

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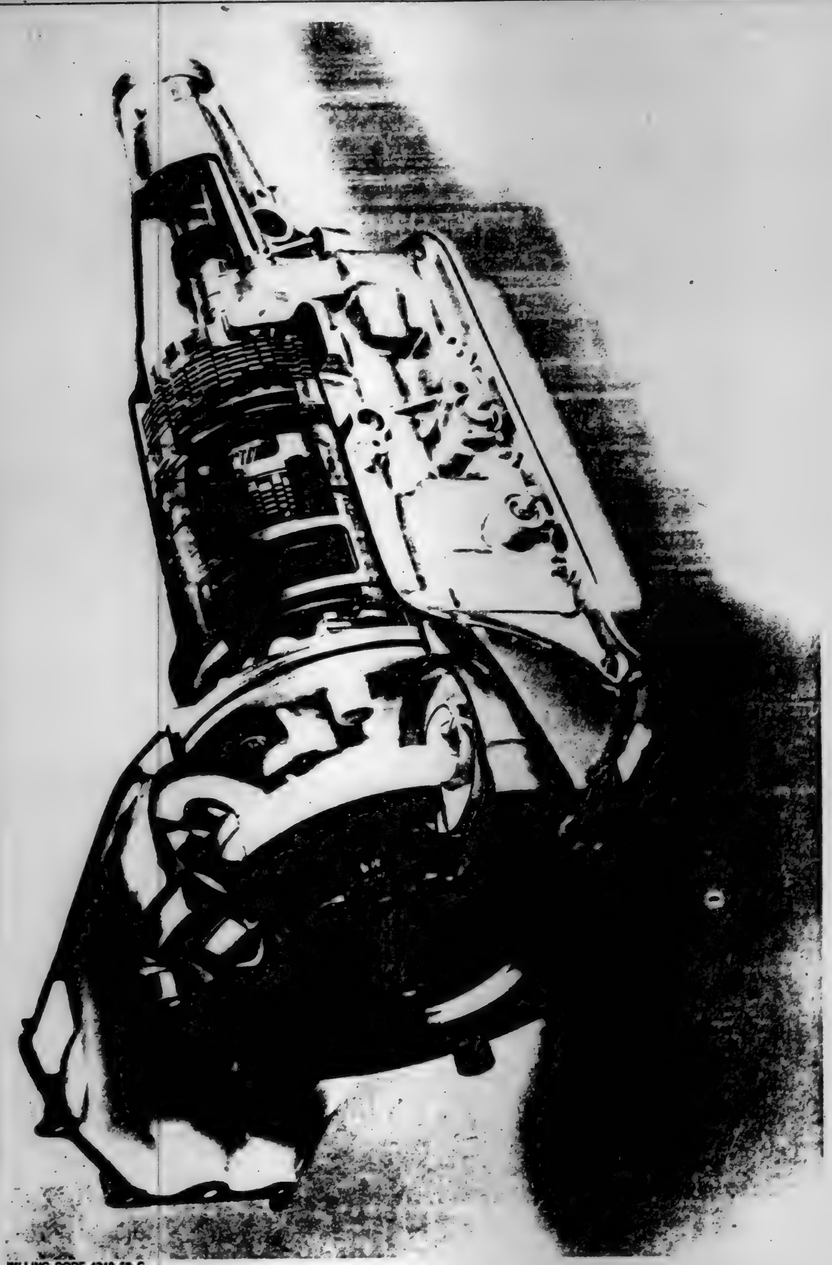

FIGURE V-3
THM 200 TRANSMISSION

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Because of the different functional requirements, substantial reduction in the size of standard light trucks is not expected. However, introduction of smaller, compact light truck models in addition to existing standard models is likely. These smaller models should give the option of better fuel economy to truck buyers who are giving more emphasis to that attribute.

2. *Front Wheel Drive.*—Closely associated with future downsizing will be the introduction of front wheel drive. Front wheel drive design for a given interior volume is significantly lighter than its rear wheel drive counterpart because it facilitates an overall more efficient packaging.

In April 1979, GM introduced front wheel drive in its new, downsized compact cars. General Motors' new X-cars show a 30 percent improvement in fuel economy over their 1979 counterparts. Approximately one half of this is estimated to result from weight reduction, while the other half is due to technological improvements. GM has announced its intention to extend the use of front wheel drive across a major portion of its product line by the mid-1980's. Chrysler Corporation (which already uses front wheel drive in its Omni/Horizon car, Figure V–4) has also announced its intention to convert all of its passenger car models to front wheel drive by 1985. Chrysler is expected to begin this conversion in earnest in 1981 with the introduction of a new front wheel drive compact. Ford is expected to introduce some front wheel drive models in the early 1980's; a similar trend for Japan's high volume small cars is likely.

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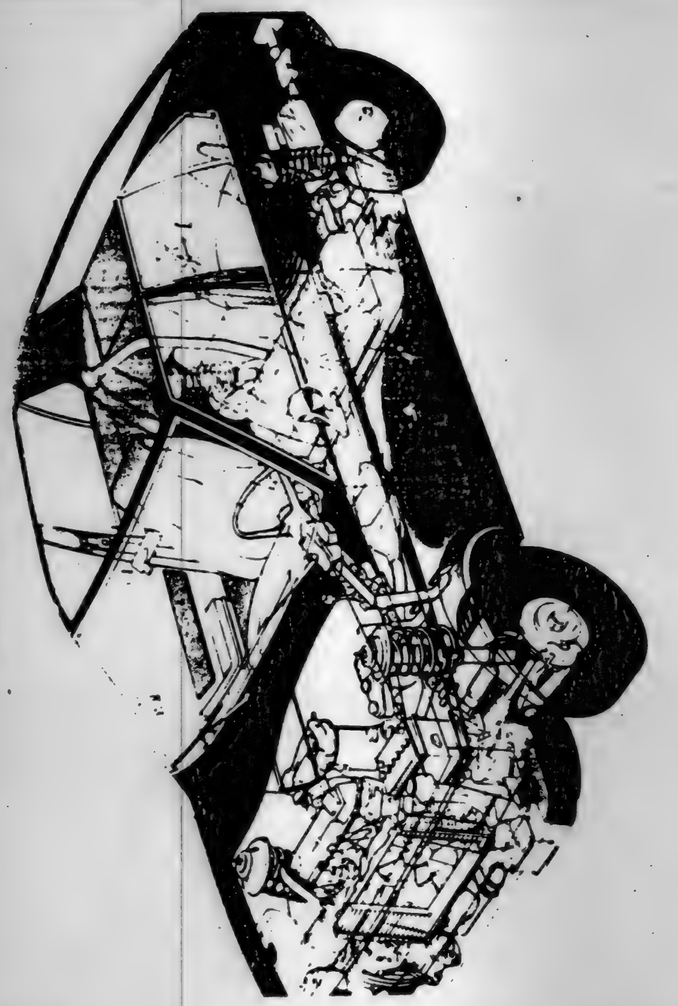

FIGURE V-4
FRONT WHEEL DRIVE OMNI

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3. *Material Substitution:*—Since 1975, the application of high strength low alloy steel, plastics and aluminum in place of heavier, conventional steel, cast iron and other materials, has increased substantially. For the most part, this increase has been accomplished by the more extensive use of the lighter materials in components where the success of their use had already been demonstrated. Weight reduction through materials substitution will be vigorously pursued by auto manufacturers as the implementation of further downsizing proves impractical.

H. *Computer-aided Design.*—All auto manufacturers are placing considerable emphasis on improved aerodynamics as a source of improved fuel efficiency. Advances in computer technology have made possible the application of computers in the creation and simulation of new automotive designs. These techniques will provide increased ability to design vehicles more as systems and will be capable of evaluating complex design parameters, including material substitutions. The applicability of computer-aided design has already been demonstrated through its use on one of the new 1980 compact model models on the market.

I. *Aerodynamics and Rolling Resistance.*—Aerodynamic drag will be reduced on the order of 20 percent in the early 80's as new more aerodynamically efficient body designs are introduced and/or aerodynamic add-on devices are employed. It may ultimately be possible to further reduce aerodynamic drag an additional 20 to 30 percent through "ground-up" design of bodies for minimum aerodynamic drag. Each 10 percent reduction in drag should result in an approximate 2–3 percent improvement in fuel economy. By the early eighties, rolling resistance will be reduced by 35 percent compared to today's average radial tire largely through the use of increased inflation pressures and construction materials exhibiting lower hysteretic losses (losses due to delays in the effects of changing forces). Even further reductions may be possible with still higher inflation pressures as improvements in suspension compliance permit. Each 10 percent reduction in rolling resistance should result in an approximate 1 to 2 percent improvement in fuel economy.

VI. Future Technology and Research and Development Activities

A. Overview of NHTSA Activities

As part of its program to promote research and development of fuel-efficient vehicles, NHTSA sponsored two conferences to exchange and disseminate information on automotive fuel economy research. One was the Agency's second Contractor's Coordination Meeting held December 11–13, 1978. The purpose of this conference was to present information on the content and results of contract research sponsored by NHTSA to support automotive fuel economy regulations. Six technical sessions were held:

- Fuel Economy and Emissions Considerations
- Motor Vehicle Demand Forecasting
- Consumer Research
- Engines
- Weight Reduction
- Industrial Behavior

NHTSA also sponsored the First International Automotive Fuel Economy conference held from October 31–November 2, 1979. This conference provided the opportunity for an international exchange of ideas between scholars and practitioners concerning matters of technology, economics and public policy relating to fuel economy. At the opening sessions, representatives from the leading automotive producing countries presented Government Status Reports on "Energy Use and Conservation Programs in the Automotive Transportation Sector."

Representatives from Japan, Italy, the United Kingdom, Canada, Sweden, France, Germany and the United States made presentations on their existing fuel economy programs, results thus far achieved, and future plans. Nine technical sessions were held and 51 papers were delivered. The major subject areas covered in the conference included:

- Future Powertrain Concepts
- A Systems Approach to Improved Fuel Economy
- Diesel Engine Technology
- Current Spark Ignition Engines
- Vehicle Design Materials
- Heavy Duty Trucks
- The Market and the Consumer
- Improved Transmission and Hybrid Vehicle concepts

All participating countries were supportive of the conference objectives of sharing ideas and progress on changing technologies and economic impacts concerning fuel economy. The conference encouraged efforts toward an international undertaking for energy conservation directed toward motor vehicles. There was unanimous agreement by representatives from all the countries that similar information exchanges in the future would be beneficial to all. The next conference will be hosted by another country in the fall of 1981 with subsequent conferences to occur every two years.

In addition, in February 1979, a conference on Basic Research directions for Advanced Automotive Technology was held in Boston, Massachusetts. The conference was funded by NHTSA and organized in cooperation with the Department's Transportation Systems Center. Its purpose was to obtain the views and advice of knowledgeable and interested scientists and engineers from various fields and institutions throughout the United States and the world. An examination of material presented suggested basic research needs in eight specific topics of engineering sciences. These topics are listed in Section C below. New technical knowledge in these topic areas has been lacking and hence impeding progress toward the evaluation of new automotive technology. The President agreed with the conclusions of this conference and proposed an allocation of $800 million for implementation of an industry/government cooperative program of basic research. The costs of the research are to be shared by both industry and government, each undertaking specific research projects and individually bearing their respective costs. Negotiations are currently in progress concerning the details of sharing arrangements.

In 1979, the NHTSA continued to expand its research capability to support its automotive fuel economy regulatory responsibilities. the Department of Transportation's Transportation Systems Center in Cambridge, undertook the bulk of the effort, under the general management of the NHTSA, through both in-house and contract research. Research continued in five general project areas:

- *Assessment of Automotive Technology*
- *Effects of Other Federal Standards on Fuel Economy*
- *Industrial Analysis*
- *Economic Analysis and Impact Evaluation*
- *Market Analysis and Impact Evaluation*

The primary activities were research and analysis in support of the revision of the 1981 light truck standards, assessment of manufacturers' capabilities to increase fuel economy for model years subsequent to 1985, and cost and manufacturability analysis in support of other motor vehicle standards and their effect on fuel economy.

In the technology area, research efforts have yielded several promising avenues leading toward improved fuel economy. The most outstanding finding is that a turbocharged spark ignition four cylinder engine can achieve 32 mpg in a 3,000 pound vehicle. This can be

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accomplished without a reduction in performance and moreover meets 1981 emissions standards. Research on weight reduction continues to hold promise, principally because of the substitution of lighter weight materials for conventional case iron and carbon steel. Thus, given the inverse relationship between vehicle weight and vehicle fuel economy, fuel efficient automobiles in the 40–50 mpg range are technologically feasible by 1995. Further transmission improvements also show promise. A step beyond the four-speed lockup transmission currently being produced by Ford is the continuously variable transmission which potentially offers a further 10 percent improvement in fuel economy. Altogether, research efforts are following an evolutionary pattern whereby continuous step by step progress toward fuel economy is being achieved.

Improvements in fuel efficiency of motor vehicles occasionally involves technological change which adversely impacts on the regulatory efforts of other federal agencies. When this occurs, there is need for cooperation among the agencies involved. An example is the diesel engine. This engine dramatically increases fuel economy but at the same time increase particulate emissions. To better understand the significance and ramifications of this problem, DOT, EPA and DOE have sponsored a joint study with the National Academy of Sciences on "The Research and Policy Implications of the Substitution of Diesel Engines in Future Light Duty Vehicles."

Since a cornerstone success criterion for attainment of fuel economy objectives rests upon technological innovation by the industry, it is also important to be aware of their progress and problems. NHTSA's ongoing activities here include a comprehensive data collection system at industry, firm and plant levels concerning production processes, costs, suppliers, capital needs for retooling and related data. This is supported by vehicle teardown studies and surrogate plant construction.

These, together with ongoing information collected directly from the industry, form the basis for measurement and analysis of such factors as (1) progress toward achieving technological objectives, (2) progress of innovational activity, (3) key technological breakthroughs affecting future fuel economy, (4) the flow of production and financial planning, and (5) the incidence of technical bottlenecks which may act to inhibit achievement of fuel economy regulations.

Research efforts continued to improve knowledge about several related economic considerations relevant to the implementation of the fuel economy standards. At the industry level, research was completed on the labor, materials and capital needed by the industry to meet fuel economy standards. Studies on consumer attitudes toward fuel efficient vehicles indicate that gasoline availability and rising prices are increasingly perceived to be a fact of life and that fuel economy is now a key influence on auto purchase decision making. This is verified by continual tracking of auto sales, scrappage and vehicle use. At the regional level, NHTSA's research capabilities were expanded to include the analysis of economic impacts associated with the implementation of the CAFE standards. The purpose is to determine the income and employment effects on the auto and other closely-associated industries.

B. Incentives for the Development of Advanced Technology

Although much progress has already been made, research and development efforts relating to fuel economy will take on even greater importance in coming years. Recent events concerning the international oil supply situation give new emphasis to the need for a concerted effort for even greater strides toward more fuel efficient vehicles.

As part of an intended research and development program to improve fuel economy, the President has proposed a 10 year $200 million program to conduct research and analysis to support NHTSA's rulemaking activities in fuel economy.[1] The emphasis of the proposed research effort is on technology assessment because technological change, together with its implementation across the entire motor vehicle industry, will be the key toward a successful program of fuel economy in the future.

Progress to date has been impressive; in fact, there are now prototypes of automobiles which achieve greater than 50 mpg. Still, the widespread adoption of these vehicles might require changes in lifestyles for many people.

The President's program, which is designed to cover technologies which could be implemented in a moving timeframe 7–15 years into the future, would focus research in three primary areas: Engine and Powertrains; Structural Design Improvement, and Fuel Efficient Prototype Vehicle Development.

The study of improved engine and drivetrain components and system would focus on emissions control technology for diesel engines in automobiles and light trucks, a new family of direct injection diesels for light duty applications, an optimized gasoline spark ignition engine, advanced transmissions and controls for passenger cars and light trucks, and advanced engines for heavy trucks and buses.

The assessment of structural design improvments would study new structural concepts and the opportunity for weight reduction through redesign and materials substitution. Also, the durability and mass producibility of new structures and substitute materials would be analyzed. Finally, the third area of study would concentrate on the integration of advanced concepts into particular vehicle types such as the two-passenger urban vehicle and the commercial pickup truck.

The fulfillment of energy conservation objectives will require an investigation of all technological options. The President's program will enable a detailed analysis of every technological alternative for possible application to motor vehicles. This will also provide for a fuel economy improvement which is progressive but at the same time realistic. Clearly there is still much work to be done and many benefits to be gained by devoting more time and resources toward improved fuel efficiency of motor vehicles. Given that passenger cars and trucks consume about 82.5 percent of the energy used in transportation, these efforts are likely to yield substantial energy conservation benefits. The President's program will provide badly needed resources to strengthen this effort. It will provide the Department of Transportation with the opportunity to increase its research activities in those areas of technology which remain promising, but questionable for near-term implementation. The Department anticipates that such technololgy implementation will be encouraged through its participation and leadership in this program.

C. Development of Advanced Technology

To date, the automobile industry has concentrated its efforts and resources on applied technology to satisfy near-term federal standards for fuel economy, emission control, and safety. Relatively few incremental modifications have been made to the existing scientific knowledge base, which must be

[1] Transportation Energy Efficiency Act, 1979, Title IV, Fuel Economy Technology Assessment (Proposed Legislation).

expanded to underpin the engineering for the automobile of the 1990's and beyond.

At the federal level, there has been only limited emphasis on basic automotive research. A number of federal statutes have directed government involvement in automotive technology, related to setting emission and safety standards and energy conservation policies. Current government automotive technology programs are primarily development and demonstration efforts focused on specific technological options for engines, emission control systems, safety systems, and alternative fuels.

A proposed Department of Transportation Cooperative Automotive Research Program seeks to overcome decades of inattention to the need for replenishing the basic science and engineering foundations of automotive technology. It would develop a substantial body of basic research aimed at fundamentally improving automotive technology for the development of more fuel-efficient and socially acceptable automobiles during and beyond the 1990's.

This basic research program would expand the technological foundations for new engineering needed to improve fuel economy and produce socially acceptable automobiles beyond the mid-1980's. Incremental modifications to existing technology will enable the automobile industry to meet near-term requirements for energy conservation, but the long-term goal of decreased reliance on imported oil depends on fundamental technological advancements in automotive engineering and design.

The proposed Cooperative Automotive Research Program will involve joint industry-government funding and planning. The President included $800 million for a directed program of basic research in his proposed $16.5 billion Energy Efficiency Program for encouraging mass transit and automobile initiatives. A range of university, industry, and federal laboratories will perform the research to ensure independent sources of new ideas. Personnel exchanges among the laboratories will maintain the flow of information and the transfer of new engineering knowledge. The Secretary of Transportation will establish a new office of basic automotive research under his direct guidance to administer the Department's part of the program.

The major research areas indentified at this time include the following technical disciplines:

- Thermal and fluid sciences
- Structural mechanics
- Electrochemistry
- Aerodynamics
- Materials science and processing
- Control systems
- Friction and wear
- Acoustics and vibration

The program will provide new sources of ideas and innovation by broadening the automotive research community. It will stimulate competition by making new ideas readily available at the same time it trains additional automotive scientists and engineers.

[FR Doc. 80-9843 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Revised System of Records

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Notice of intent to revise Privacy Act systems of records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) the Assistant Director (Telecommunications Management) gives notice of the proposed change in the system location for Treasury/OS 00.193 (44 FR 48411, August 17, 1979), Employee Locator and Automated Directory System. The data will now be maintained on Treasury owned and operated equipment located in the Main Treasury Building. Adequate safeguards will continue to be maintained and the security will be increased since access will be limited to designated Treasury personnel.

DATES: Public comments on this system are not required since this change in location is not an expansion of the system. The amended system location will become effective April 1, 1980.

ADDRESS: Department of the Treasury, Office of Administrative Programs, Telecommunications Management, Mezzanine Floor, 1331 G Street, N.W., Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Mr. Harold R. Patterson, Assistant Director (Telecommunications Management), Department of the Treasury, 1331 G Street, N.W., Mezzanine Floor, Washington, D.C., 20220, 202–376–0413.

Dated: March 24, 1980.

W. J. McDonald,

Assistant Secretary (Administration).

Treasury/OS 00.193

SYSTEM NAME:

Employee Locator and Automated Directory System.

SYSTEM LOCATION:

(1) Employee Locator: Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. (2) Automated Directory System: Main Computer—Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Employee Locator—name of individual, office address, office telephone extension, home address, home telephone, emergency notification data. (2) Automated Directory System—name of individual, office address, office telephone extension.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees and to notify a designated emergency contact in the event of an emergency involving the employee. (2) Used to compile Departmental and Bureau Telephone Directories. For additional routine uses see Appendix AA. Users: Subscribers to Treasury Telephone System and Telephone Information Operators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Employee Locator—Card form TD F 73–50.1. (2) Automated Directory System—Diskette.

RETRIEVABILITY:

Indexed by name and/or block code numbers.

SAFEGUARDS:

(1) Employee Locator—24-hour switchboard operation with controlled access. (2) Automated Directory System—computer access codes.

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RETENTION AND DISPOSAL:

Maintained until notice of change or employment is terminated. The card form is destroyed by burning and the information on the diskette tape is erased.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Director (Telecommunications Management), Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

NOTIFICATION PROCEDURE:

Assistant Director (Telecommunications Management), Office of Administrative Programs, see above.

RECORD ACCESS PROCEDURES:

Assistant Director (Telecommunications Management), Office of Administrative Programs, see above.

CONTESTING RECORD PROCEDURES:

Assistant Director (Telecommunications Management), Office of Administrative Programs, see above.

RECORD SOURCE CATEGORIES:

Information is provided by individual employees, who are given the option of non-release of the home address, telephone and emergency information.

[FR Doc. 80-10072 Filed 4-2-80; 8:45 am]
BILLING CODE 4810-25-M

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 66
Thursday, April 3, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.—Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 31, 1980, the Board of Directors of the Federal Deposit Insurance Corporation unanimously determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a resolution amending Parts 328, 330, and 331 of the Corporation's rules and regulations to reflect an increase in the amount of Federal deposit insurance coverage from $40,000 to $100,000, in implementation of the Consumer Checking Account Equity Act of 1980, which was effective March 31, 1980.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: March 31, 1980.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-682-80 Filed 4-1-80; 2:55 pm]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.—Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 31, 1980, the Board of Directors of the Federal Deposit Insurance Corporation unanimously determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition of the following matters to the agenda for consideration at the meeting, on less than seven days' notice to the public:

Application of State Bank and Trust Company, Unadilla, Georgia, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank of Pinehurst, Pinehurst, Georgia, also an insured State nonmember bank, and for consent to establish the sole office of Bank of Pinehurst as a branch of State Bank and Trust Company.

Legal Division memorandum dated March 21, 1980 regarding the liquidation of assets acquired by the Corporation from Coronado National Bank, Denver, Colorado.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10)).

Dated: March 31, 1980.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-683-80 Filed 4-1-80; 2:55 pm]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, April 7, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Audit Report: Initial Audit Review of the Activities of the Division of Bank Supervision, dated February 29, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 31, 1980.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-684-80 Filed 4-1-80; 2:55 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 7, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pusuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)

of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Monarch Bank, a proposed new bank, to be located at 30100 Town Center Drive, Laguna Niguel, California, for Federal deposit insurance.

Liberty Bank and Trust Company, a proposed new bank, to be located on West 70th Street (Louisiana Highway 511) at Interstate 20, Greenwood, Louisiana, for Federal deposit insurance.

Bank of LaPlace of St. John the Baptist Parish, Louisiana, a proposed new bank, to be located at 733 West Airline Highway, LaPlace, St. John the Baptist Parish, Louisiana, for Federal deposit insurance.

Application for consent to merge and establish branches:

American Bank and Trust Co. of Pa., Reading, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with The Schuylkill Haven Trust Company, Schuylkill Haven, Pennsylvania, and to establish the four offices of The Schuylkill Haven Trust Company as branches of the resultant bank.

Application for consent to merge, establish branches, and redesignate the main office location:

Bergen Bank of Commerce, Paramus, New Jersey, an insured State nonmember bank, for consent to merge, under its charter and with the title of Northeastern Bank, with Franklin Bank, Paterson, New Jersey, for consent to establish the six approved offices of Franklin Bank as branches of the resultant bank, and to redesignate the present main office of Franklin Bank as the main office of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,264–L—International City Bank and Trust Company, New Orleans, Louisiana.
Case No. 44,267–L—American Bank & Trust, Orangeburg, South Carolina.
Case No. 44,268–NR—United States National Bank, San Diego, California.
Case No. 44,271–NR—United States National Bank, San Diego, California.
Case No. 44,276–L—First Augusta Bank & Trust Company, Augusta, Georgia.
Case No. 44,277–NR—United States National Bank, San Diego, California.
Case No. 44,278–NR—United States National Bank, San Diego, California.
Memorandum re: Franklin National Bank, New York, New York.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 31, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–665–80 Filed 4–1–80; 2:55 pm]

BILLING CODE 6714–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: April 10, 1980—10 a.m.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Docket No. 76–63: Filing of Agreements Pursuant to Section 15 of the Shipping Act, 1916—Consideration of Proposed Final Rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–661–80 Filed 4–1–80; 12:42 pm]

BILLING CODE 6730–01–M

6

[USITC SE–80–20A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 21073; March 31, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Wednesday, April 9, 1980.

CHANGES IN THE MEETING: In deliberations held Monday, March 31, 1980, the United States International Trade Commission, in conformity with 19 C.F.R. 201.37(b), voted to add the following item to its agenda for the meeting to be held on Wednesday, April 9, 1980, as follows:

3. Petitions and complaints, if necessary: (a) Hydraulic control valves (Docket No. 635).

In deliberations held Monday, March 31, 1980, Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined by unanimous consent that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–673–80 Filed 4–1–80; 10:15 am]

BILLING CODE 7020–02–M

7

[USITC SE–80–21]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m, Tuesday, April 15, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: (a) Key blanks (Docket No. 646).
5. Clams from Canada (Inv. 731–TA–17 [Preliminary])—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–7020–02 Filed 4–1–80; 10:15 am]

BILLING CODE 7020–02–M

8

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, April 8, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building 12th and Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED: Rail Rate Bureaus.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone (202) 275–7252.

April 1, 1980.

[S–660–80 Filed 4–1–80; 12:42 pm]

BILLING CODE 7035–01–M

9

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

MEETING: Public/Private Sector Task Force.

DATE AND TIME: Thursday, April 10, 1980, 9 a.m.–5 p.m. and Friday, April 11, 1980, 8:30 a.m.–3 p.m.

PLACE: Sheraton-Potomac Inn, Gaithersburg, Maryland.

STATUS: Open.

MATTERS TO BE DISCUSSED: Preliminary Draft of Task Force Final Report.

Alphonse F. Trezza,

Executive Director, NCLIS.

March 27, 1980.

[S–676–80 Filed 4–1–80; 10:25 am]

BILLING CODE 7527–01–M

10

PAROLE COMMISSION.

TIME AND DATE: Monday, April 8, 1980, 9 a.m.–5:30 p.m.

PLACE: University of Maryland, Center of Adult Education, Room 2114, College Park, Maryland 20742.

STATUS: Opened.

MATTERS TO BE CONSIDERED:

1. Minutes of previous meeting.
2. Reports from Chairman and Commissioners.
3. Misdemeanor YCA cases.
4. Guidelines: (a) Miscellaneous severity ratings; (b) Robbery; (c) Rescission guidelines—New Criminal conduct; and (d) Reparole guidelines.
5. (a) Voting quorums; (b) Original jurisdiction workload; and (c) Abstensions.
6. Statutory good time.
7. Form H–3.
8. Protection cases.
9. Legal report.
10. Search and seizure.
11. Courtesy hearing.
12. IDC actions at statutory interim hearings.
13. Superior program achievement/cooperation with Government/codefendant information/waiver of review hearings.
14. Codefendant disparity.
15. (a) Briefing on symposium; and (b) Briefing on sentencing institute.
16. The following consent agenda items if specifically requested to a opened for discussion at the meeting.

Policy and procedures memoranda issues since last meeting:

(a) 79–16—retroactive application of guideline changes in cases above the guidelines.
(b) 80–1—Reparole guidelines—Weapons violations.
(c) 80–2—Retardation of Parole grants for release planning.
(d) 80–3—Processing retroactive guideline cases.
(e) 80–4—Supplemental warrant applications: Nonretroactivity of new policy requiring issuance by expiration of supervision term.
(f) 80–5—Correction of procedures manual, page 19, section 111; review of hearing panel recommendation.

Consent agenda—see above.

17. Proposed policy and procedures memoranda: (a) Appealing from decisions in reopened cases; (b) Drug dosage calculations; (c) FBI Handling of fugitives; (d) Stating reasons for modifying a decision; and (e) Retardation of parole grant for disciplinary infractions.

CONTACT PERSONS FOR MORE INFORMATION: Wines Marble, Analyst (202) 724–3094, 320 First Street NW., Washington, D.C.

[S–679–80 Filed 4–1–80; 11:56 am]

BILLING CODE 4410–01–M

11

PAROLE COMMISSION.

TIME AND DATE: Monday, April 7, 1980, 1 p.m.–5:30 p.m.

PLACE: University of Maryland, Center of Adult Education, Room 2114, College Park, Maryland 20742.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 5 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.
2. An application for a Certificate of Exemption under the Labor-Management Reporting and Disclosure Act of 1959.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst (202) 724–3094, 320 First Street NW., Washington, D.C.

[S–678–80 Filed 4–1–80; 11:53 am]

BILLING CODE 4410–01–M

12

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., April 10, 1980.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONTINUED: Portion open to the public.

(1) Federal employee assistance program.
(2) Delayed registrations made by Kenneth R. Chasteen.
(3) Interview by industrial psychologist.

Portion closed to the public: (A) Appeal from referee's denial of disability annuity application, Edward C. Dury.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920 and FTS No. 387–4920.

[S–677–80 Filed 4–1–80; 4:02 pm]

BILLING CODE 7905–01–M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, March 25, 1980.

CHANGES IN THE MEETING: Deletion/rescheduling/addition.

The following item will not be considered at a closed meeting scheduled for Wednesday, April 2, 1980, following the 10 a.m. open meeting: Opinion.

The following closed item scheduled for Thursday, April 3, 1980, at 10 a.m., has been rescheduled for Wednesday, April 2, 1980, following the 10 a.m. open meeting: Freedom of Information Act appeal.

The following additional item will be considered at a closed meeting scheduled for Thursday, April 3, 1980, at 10 a.m: Amendment of formal order of investigation.

Chairman Williams and Commissioners Loomis and Evans determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

March 31, 1980.

[S–675–80 Filed 4–1–80; 10:15 am]

BILLING CODE 8010–01–M

14

TENNESSEE VALLEY AUTHORITY.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 21073, March 31, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:15 a.m., Thursday, April 3, 1980.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

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STATUS: Open.

ADDITIONAL MATTER: The following items are added to the previously announced agenda:

Old business:

1. Project authorization No. 3503—decommissioning of the Edgement, South Dakota, uranium mill.

2. Amendment to Contract No. 78P66-148567 with Silver King Mines, Inc., Salt Lake City, Utah, for project management services for TVA's uranium/vanadium mill site and properties in Edgemont, South Dakota.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting to be changed to include the additional items shown above and that no earlier announcement of this change was possible.

The members of the TVA board voted to approve the above findings and their approvals are recorded below.

Approved:

S. David Freeman.

Dated: March 28, 1980.

Richard M. Freeman.

Robert N. Clement.

Disapproved: (None).

[S-688-80 Filed 4-1-80; 3:19 pm]

BILLING CODE 8120-01-M

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Reader Aids

Federal Register

Vol. 45, No. 66

Thursday, April 3, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
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Code of Federal Regulations (CFR):

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Presidential Documents:

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523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL RESERVE SYSTEM

17924 3–19–80 / Reserves of member banks; marginal reserve requirements

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Government National Mortgage Association—

14026 3–4–80 / List of attorneys-in-fact; update

LABOR DEPARTMENT

Employment and Training Administration—

14180 3–4–80 / Housing for agricultural workers

14185 3–4–80 / Farm Labor Contractor Registration and housing for agricultural workers; cross reference updated

Pension and Welfare Benefit Programs Office–

14029 3–4–80 / Summary plan descriptions; reporting and disclosure regulations

VETERANS ADMINISTRATION

14045 3–4–80 / Construction contracts; amendments to provisions

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 2, 1980

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CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

Quantity	Volume	Price	Amount
_____	Title 6—Economic Stabilization	$3.75	$_____
_____	Title 9—Animals and Animal Products (Parts 1 to 199)	7.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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Book 2 of 2 Books
Thursday, April 3, 1980

22494 **Part II—HEW/OE:**
Education Division General Administrative Regulations (EDGAR)

22634 **Part III—HEW/OE:**
Education Appeal Board

22648 **Part IV—HEW/OE:**
Consolidated Grant Applications for Insular Areas

22654 **Part V—HEW/OE:**
Title I, Elementary and Secondary Education Act; Awarding of Special Grants to Local Educational Agencies

22660 **Part VI—HEW/OE:**
Grants to State Educational Agencies to Meet the Special Educational Needs of Migratory Children

22680 **Part VII—HEW/OE:**
State Leadership Programs

22690 **Part VIII—HEW/OE:**
Gifted and Talented Children's Education

22702 **Part IX—HEW/OE:**
Community Education Program

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Women's Educational Equity Act Program

22742 **Part XI—HEW/OE:**
Arts Education Program

22750 **Part XII—HEW/OE:**
Metric Education Program

22758 **Part XIII—HEW/OE:**
Consumers' Education Program

22764 **Part XIV—HEW/OE:**
Youth Employment Program

22770 **Part XV—HEW/OE:**
Financial Assistance for Environmental Education Projects

22776 **Part XVI—HEW/OE:**
Adult Education State-Administered Program and Commissioner's Discretionary Programs

22803 **Part XVII—HEW/OE:**
Cooperative Education Programs

22806 **Part XVIII—HEW/OE:**
Selection Criteria for Fiscal Year 1981 Grants and Contracts

22848 **Part XIX—Interior/Fish and Wildlife Service:**
Changes in Appendices to Endangered Species Convention

22864 **Part XX—The President:**
Executive Order No. 4744 Petroleum Import Adjustment Program

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Note: See Parts IV and XVIII of this issue for documents related to EDGAR

Part II

Department of Health, Education, and Welfare

Office of Education

Education Division General Administrative Regulations (EDGAR)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Education Division

45 CFR Chapters I, XIV, and XV

Education Division General Administrative Regulations (EDGAR)

AGENCY: Education Division, HEW.

ACTION: Final regulations.

SUMMARY: The Education Division, HEW, issues these general regulations to apply to direct grant and State-administered programs administered by the Education Division, and these general definitions to apply to all programs of the Education Division. The statutory authority for the regulations is the General Education Provisions Act and the statutes that authorize the programs covered.

These regulations provide general rules on how to apply for grants and subgrants, how grants and subgrants are made, the general conditions that apply to grantees and subgrantees, the administrative responsibilities of grantees and subgrantees, and the compliance procedures used by the Education Division. Rules that apply only to a particular program will be included in separate regulations for that program.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Education Division contact person.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 2129, FOB–6), Washington, D.C. 20202. Telephone (202) 245–7091 or—for general information on Education Division programs—the appropriate Regional Office listed below:

Region I—Boston, Massachusetts, 617–223–6614.
Region II—New York, New York, 212–264–8145.
Region III—Philadelphia, Pennsylvania, 215–596–1044.
Region IV—Atlanta, Georgia, 404–221–2343.
Region V—Chicago, Illinois, 312–353–6679.
Region VI—Dallas, Texas, 214–767–3711.
Region VII—Kansas City, Missouri, 816–374–5000.
Region VIII—Denver, Colorado, 303–837–4295.
Region IX—San Francisco, California, 415–556–4370.
Region X—Seattle, Washington, 206–442–0450.

SUPPLEMENTARY INFORMATION: The Education Division General Administrative Regulations (EDGAR) were published as a notice of proposed rulemaking in the **Federal Register** on May 4, 1979 (44 FR 26308). The proposed regulations consolidated into a single document common requirements found in existing Education Division regulations. With the publication of these final regulations, overlapping provisions in individual program regulations are being eliminated, as are the general grant regulations of the Office of Education and the National Institute of Education. Revisions to the program regulations—except for certain selection criteria (see below)—are included in this document, following the text of EDGAR. EDGAR contains three parts—100a, for direct grant programs; 100b, for State-administered programs; and 100c, general definitions for all programs. Part 100e, the procedures for the Education Appeal Board, was published as interim final regulations in the **Federal Register** on May 25, 1979 (44 FR 30523). It is published in final in today's **Federal Register** and renumbered as Part 100d.

EDGAR will remain in effect under the Department of Education Organization Act. Technical changes necessary because of the new Department of Education will be made at a future date. In the meanwhile, applicants and grantees under programs now administered by the Education Division are subject to the requirements in EDGAR, except as specified below under "Applicability of EDGAR."

The Education Division received numerous comments from the public on the proposed EDGAR, especially on the major issues that were outlined in the preamble of the proposed EDGAR. A discussion of major issues and a summary of the public comments and Education Division's responses to those comments—including the changes made to the regulations—are attached as Appendix A to this document. Appendix B is a copy of 45 CFR Part 74, the HEW general regulations for the administration of grants. 45 CFR Part 74 applies to Education Division grant programs.

The original intention to include an index to EDGAR and 45 CFR Part 74 with the final regulations has been abandoned; no index will be provided. However, cross-references to relevant sections of 45 CFR Part 74 are included in the text of EDGAR at appropriate places.

Applicability of EDGAR

Part 100a of EDGAR will apply to all grants made after the effective date of EDGAR under Education Division direct grant programs, with the following exception. The pre-grant procedures in Part 100a (Subparts C and D) will not apply immediately to a direct grant program unless the program statute was amended by the Education Amendments of 1978 (Pub. L. 95–561).

The application notice for each program indicates which sections of EDGAR apply to grants for fiscal year 1980.

Note.—Most application notices for Office of Education discretionary grant programs were published in the **Federal Register** on August 23, 1979 (44 FR 49574).

If EDGAR pre-grant procedures do not apply to a program, the program will use its current pre-grant procedures to make grants from appropriations for fiscal year 1980. EDGAR will be fully applicable to these programs for grants made from appropriations for fiscal year 1981, and, in any case, no later than October 1, 1980. The Education Division is proposing to amend the selection criteria for these programs in a proposed rule document in today's **Federal Register** in the proposed rules section.

The proposed rules would make the selection criteria consistent with Edgar. When these proposed rules become final, they will apply to competition for new grants made from appropriations for fiscal year 1981.

Parts 100b and 100c of EDGAR will be fully applicable on the effective date of EDGAR.

Citation of Legal Authority

A citation of statutory or other legal authority appears in parentheses on the line following each section of these regulations.

Dated: February 13, 1980.

Peter D. Relic,

Acting Assistant Secretary for Education.

Dated: February 6, 1980.

William L. Smith,

U.S. Commissioner of Education.

Dated: February 12, 1980.

Michael Timpane,

Acting Director of the National Institute of Education.

Dated: February 11, 1980.

Lee Kimchee,

Director of the Institute of Museum Services.

Approved: March 20, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

1. Subchapter A is amended by revising the title and by inserting the following introduction after that title, to read as follows:

SUBCHAPTER A—EDUCATION DIVISION GENERAL ADMINISTRATIVE REGULATIONS

Introduction to Regulations of the Education Division

I. WHAT CAN I LEARN FROM THIS INTRODUCTION?

In this introduction, you will find information that will help you answer the following questions:

- What is the Education Division?
- What kinds of Federal programs of assistance does the Education Division administer?
- What Education Division regulations apply to these programs?
- How do I use Education Division regulations?
- What steps should I take to apply for assistance under an Education Division program?

II. WHAT IS THE EDUCATION DIVISION?

- The Education Division is an agency of the U.S. Department of Health, Education, and Welfare. When the Department of Education Organization Act takes effect, all of the functions of the Education Division will be transferred to the new Department of Education.
- The Education Division includes four parts:
  —The Office of the Assistant Secretary for Education (including the National Center for Education Statistics);
  —The United States Office of Education;
  —The Institute of Museum Services; and
  —The National Institute of Education.
- Each of these Offices and Institutes administers Federal programs of assistance.

III. WHAT KINDS OF FEDERAL PROGRAMS OF ASSISTANCE DOES THE EDUCATION DIVISION ADMINISTER?

- The Education Division provides assistance under two kinds of programs:
  —Student financial assistance programs; and
  —Grant programs.
- Student financial assistance programs include guaranteed loans, fellowships, and grants for individual students.
- Grant programs are generally divided into two kinds:
  —Direct grant programs; and
  —State-administered programs.
- Under a direct grant program the Education Division makes grants directly to eligible agencies, organizations, and institutions, and—under a few programs—individuals. Subgrants are not authorized.
- Under a State-administered program each State is entitled to receive funds and, depending on the requirements of the program statute, either uses the funds itself or makes subgrants to eligible agencies, organizations, and institutions.

IV. WHAT FEDERAL REGULATIONS APPLY TO THESE PROGRAMS?

- The Education Division publishes its regulations in the **Federal Register**, and codifies the regulations in Title 45 of the Code of Federal Regulations (45 CFR). There are usually regulations for each Federal program of assistance. For example, regulations for the Guaranteed Student Loan Program of the Office of Education are located in 45 CFR Part 177.
- In addition to these program regulations, there are general regulations that apply to certain categories of programs:
  —Certain student financial assistance programs are subject to general regulations in 45 CFR Part 168.
  —Grant programs are subject to the Education Division General Administrative Regulations (EDGAR) in 45 CFR Parts 100a and 100b. Part 100a applies to direct grant programs. Part 100b applies to State-administered programs.
  —All programs are subject to the general definitions in 45 CFR Part 100c of EDGAR.
  —The procedures for the Education Appeal Board are in 45 CFR Part 100d.

V. HOW DO I USE EDUCATION DIVISION REGULATIONS?

- Each set of regulations has a table of contents in the front of the regulations. The table of contents lists all of the headings used in the regulations.
- To have a complete set of requirements that apply to a program, you need a copy of—
  —The program statute;
  —The program regulations;
  —EDGAR and 45 CFR Part 74 (for a grant program);
  —The application notice that the Education Division publishes in the **Federal Register** each year (for a direct grant program under which an applicant must submit its application by a deadline);
  —45 CFR Part 168 (for a student financial assistance program).

VI. WHAT STEPS SHOULD I TAKE IF I WANT TO APPLY FOR ASSISTANCE UNDER AN EDUCATION DIVISION PROGRAM?

- For general information about student financial assistance, talk to a student financial aid officer at your local college or university, or write to the following address:

Bureau of Student Financial Assistance, Division of Training and Dissemination Information Center, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202

- For general information about applying to your State for a subgrant under a State-administered program, contact your State educational agency or other State agency that administers the program.
- For general information about a direct grant program of the Office of the Assistant Secretary for Education, call (202) 245–7681.
- To find out about programs administered by the National Institute of Education, call (202) 254–5800.
- To find out about programs administered by the Office of Education, call (202) 245–8387.
- To find out about programs administered by the Institute of Museum Services, call (202) 245–6753.

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To apply under a direct grant program, consider using the steps suggested in the following chart:

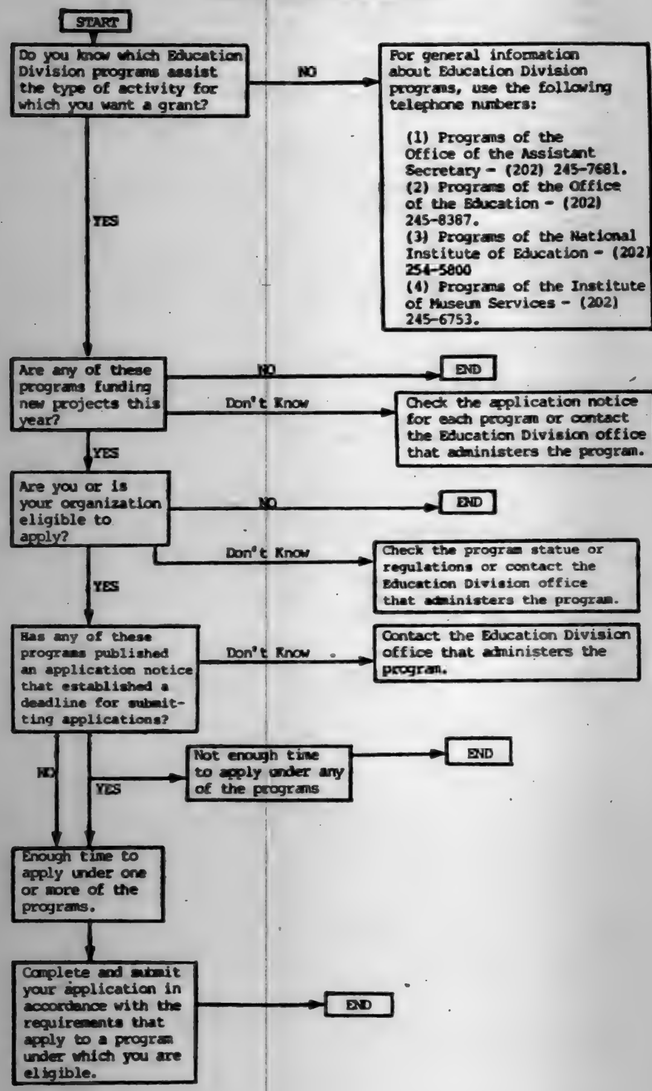

PART 100—[REVOKED]

2. Part 100 is revoked.

3. Parts 100a, 100b, and 100c are revised to read as follows:

PART 100a—DIRECT GRANT PROGRAMS

Subpart A—General

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Sec.

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100a.2 Exceptions in program regulations to Part 100a.
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Authority: Sec. 408(a)(1) of Pub. L. 90–247, 88 Stat. 559, 560, as amended (20 U.S.C. 1221e–3(a)(1)), unless otherwise noted.

Subpart A—General

Regulations That Apply to Direct Grant Programs

§ 100a.1 Programs to which Part 100a applies.

The regulations in Part 100a apply to the programs of the Education Division that are listed in the following table. In addition to the name of the program, the table gives the statute that authorizes the program, the regulations that implement the program, and the number that the Catalog of Federal Domestic Assistance (CFDA) gives to the program.

(20 U.S.C. 1221e–3(a)(1))

Note.—Some programs are not currently funded. Check the application notices published each year. See § 100a.100.

Name of program	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
I. Office of the Assistant Secretary for Education			
Fund for the Improvement of Postsecondary Education	Section 404 of the General Education Provisions Act (20 U.S.C. 1221d).	Part 1501	13.925.
Capacity Building for Statistical Activities in State Educational Agencies.	Section 406 of the General Education Provisions Act (20 U.S.C. 1221–1).	Part 164	13.922.
II. National Institute of Education			
Programs of the National Institute of Education	Section 405 of the General Education Provisions Act (20 U.S.C. 1221e).	Parts 1430, 1450, 1451, 1460, 1470, 1480, 1490, and 1495.	13.950.
III. Institute of Museum Services			
Museum Services Program	Section 206 of the Museum Services Act (20 U.S.C. 965).	Part 64	13.922.

Name of program	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
IV. Office of Education			
A. General Programs			
Program Planning and Evaluation	Section 416 of the General Education Provisions Act (20 U.S.C. 1226b).	None	None.
National Diffusion Network	Sections 308 and 376 of the Elementary and Secondary Education Act (20 U.S.C. 2943 and 3041).	Part 193	13.568.
B. Elementary and Secondary Education Programs			
School Construction in Areas Affected by Federal Activities	Public Law 81–815, except section 16 (20 U.S.C. 631–645, 647).	Part 114	13.477.
Entitlements for Handicapped Children	Section 3(d)(2)(C) of Public Law 81–874 (20 U.S.C. 238).	Part 115, Subpart H	13.478.
School Expenditures and Construction in Cases of Certain Disasters.	Sections 7 and 16 of Public Law 81–815 (20 U.S.C. 241–1 and 646).	Part 112	13.477 and 13.476.
Coordination of Migrant Education	Section 143 of the Elementary and Secondary Education Act (20 U.S.C. 2763).	None	None.
Transition of Neglected or Delinquent Children	Section 153 of the Elementary and Secondary Education Act (20 U.S.C. 2783).	None	13.431.
Basic Skills Improvement—National Program	Title II–A of the Elementary and Secondary Education Act (20 U.S.C. 2881–2890).	Part 162	13.599.
Special Projects for Improving Basic Skills	Title II–C of the Elementary and Secondary Education Act (20 U.S.C. 2911–2912).	Part 162	13.599.
Special Projects	Title III–A of the Elementary and Secondary Education Act (20 U.S.C. 2941–2943).	None	None.
Metric Education	Title III–B of the Elementary and Secondary Education Act (20 U.S.C. 2951–2954).	Part 161b	13.981.
Arts Education	Title III–C of the Elementary and Secondary Education Act (20 U.S.C. 2961–2963).	Part 161c	13.988.
Preschool Partnership	Title III–D of the Elementary and Secondary Education Act (20 U.S.C. 2971).	Part 161d	None.
Consumers' Education	Title III–E of the Elementary and Secondary Education Act (20 U.S.C. 2981–2986).	Part 161e	13.564.
Youth Employment	Title III–F of the Elementary and Secondary Education Act (20 U.S.C. 2991–2992).	Part 161f	None.
Law-Related Education	Title III–G of the Elementary and Secondary Education Act (20 U.S.C. 3001–3003).	Part 161g	13.693.
Environmental Education	Title III–H of the Elementary and Secondary Education Act (20 U.S.C. 3011–3018).	Part 161h	13.522.
Health Education	Title III–I of the Elementary and Secondary Education Act (20 U.S.C. 3021–3024).	Part 161i	None.
Correction Education	Title III–J of the Elementary and Secondary Education Act (20 U.S.C. 3031–3034).	Part 161j	None.
Dissemination of Information	Title III–K of the Elementary and Secondary Education Act (20 U.S.C. 3041).	None	None.
Biomedical Sciences	Title III–L of the Elementary and Secondary Education Act (20 U.S.C. 3051–3057).	Part 161l	13.691.
Population Education	Title III–M of the Elementary and Secondary Education Act (20 U.S.C. 3061–3062).	Part 161m	None.
Federal Financial Assistance for Strengthening State Departments of Education—Special Project Grants.	Section 505 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57254 (December 7, 1978)	None.
Comprehensive Educational Planning and Evaluation	Sections 531–534 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57254 (December 7, 1978)	None.
Bilingual Education	Title VII of the Elementary and Secondary Education Act (20 U.S.C. 3221–3261).	Parts 123, 123a, and 123b	13.403.
Financial Assistance for Demonstration Projects for Reducing School Dropouts.	Section 807 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57254 (December 7, 1978)	None.
Grants for Demonstration Projects to Improve School Health and Nutrition Services for Children from Low-Income Families.	Section 808 of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57254 (December 7, 1978)	None.
Community Schools and Comprehensive Community Education.	Sections 809–813 of the Elementary and Secondary Education Act (20 U.S.C. 3289–3293).	Part 160c, Subparts C, D, and E	13.563.
Gifted and Talented Children	Section 905 of the Elementary and Secondary Education Act (20 U.S.C. 3315).	195	13.562.
Educational Proficiency Standards	Title IX–B of the Elementary and Secondary Education Act (20 U.S.C. 3331–3332).	None	None.
Women's Educational Equity	Title IX–C of the Elementary and Secondary Education Act (20 U.S.C. 3341–3348).	Part 160l	13.565.
Safe Schools	Title IX–D of the Elementary and Secondary Education Act (20 U.S.C. 3351–3354).	Part 161h	None.
Ethnic Heritage Studies Program	Title IX–E of the Elementary and Secondary Education Act (20 U.S.C. 3361–3367).	Part 184	13.549.
Follow Through Program	Sections 551–556 of the Economic Opportunity Act of 1964 (42 U.S.C. 2929–2929c).	Part 158	13.433.
Guidance and Counseling	Title III–D of the Education Amendments of 1976 (20 U.S.C. 2531–2534).	Part 191	13.577
C. Education of the Handicapped Programs			
Regional Resource Centers	Section 621 of the Education of the Handicapped Act (20 U.S.C. 1421).	Part 121b	13.450.
Centers and Services for Deaf-Blind Children	Section 622 of the Education of the Handicapped Act (20 U.S.C. 1422).	Part 121c	13.445.
Early Education for Handicapped Children	Section 623 of the Education of the Handicapped Act (20 U.S.C. 1423).	Part 121d	13.444.
Severely Handicapped Children	Section 624 of the Education of the Handicapped Act (20 U.S.C. 1424).	Part 121e	13.568.
Auxiliary Activities	Section 624 of the Education of the Handicapped Act (20 U.S.C. 1424).	Part 121e	None.
Training Personnel for the Education of the Handicapped	Sections 631, 632, and 634 of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, 1434).	Part 121f	13.451.

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Name of program.	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
Recruitment of Personnel and Dissemination of Information	Section 633 of the Education of the Handicapped Act (20 U.S.C. 1433).	Part 121g	13.452.
Research in the Education of the Handicapped	Part E of the Education of the Handicapped Act (20 U.S.C. 1441–1444).	Part 121h	13.443.
Instructional Media for the Handicapped	Part F of the Education of the Handicapped Act (20 U.S.C. 1451–1454).	Part 121i	13.446.
Regional Education Programs for Handicapped Persons	Section 625 of the Education of the Handicapped Act (20 U.S.C. 1424a).	Part 121k	13.560.
Removal of Architectural Barriers to the Handicapped	Section 607 of the Education of the Handicapped Act (20 U.S.C. 1406).	None	None.
D. Occupational and Adult Education Programs			
Commissioner's Discretionary Programs of Vocational Education	Title I–B and Section 103(a)(1)(B) of the Vocational Education Act (20 U.S.C. 2301–2461).	Part 105	13.498, 13.558, 13.586, 13.587, and 13.588.
Career Education—Model Programs	Section 10 of the Career Education Incentive Act (20 U.S.C. 2609).	161a	None.
Postsecondary Career Education Demonstration Program	Section 11 of the Career Education Incentive Act (20 U.S.C. 2610).	Part 161a	None.
Career Education Information Program	Section 12 of the Career Education Incentive Act (20 U.S.C. 2611).	Part 161a	None.
Adult Education Programs	Sections 309, 317, and 318 of the Adult Education Act (20 U.S.C. 1207a, 1211b, and 1211c).	Part 166	None.
E. Higher Education Programs			
College Library Resources Program	Title II–A of the Higher Education Act (20 U.S.C. 1021–1028).	Part 131	13.406.
Grants for Training in Librarianship	Section 222 of the Higher Education Act (20 U.S.C. 1031–1033).	Part 132	13.468.
Library Resources Demonstration	Section 223 of the Higher Education Act (20 U.S.C. 1034).	Part 133	13.475.
Strengthening Research Library Resources	Title II–C of the Higher Education Act (20 U.S.C. 1041–1046).	Part 136	13.576.
Modern Foreign Language and Area Studies (except Foreign Language and Area Studies Fellowships).	Title VI of the National Defense Education Act (except sections 511(b) and 603) (20 U.S.C. 511–513).	Part 146 (except Subpart D)	13.435 and 13.436.
Higher Education Programs in Modern Foreign Language Training and Area Studies.	Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2452(b)(6)).	Part 148	13.438, 13.439, 13.440, and 13.441.
Citizen Education for Cultural Understanding Program	Section 603 of the National Defense Education Act (20 U.S.C. 512a).	Part 146a	None.
Educational Opportunity Centers	Sections 417A and 417B of the Higher Education Act (20 U.S.C. 1070d and 1070d–1).	Part 154	13.543.
Upward Bound Program	Sections 417A and 417B of the Higher Education Act (20 U.S.C. 1070d and 1070d–1).	Part 155	13.492.
Special Services for Disadvantaged Students	Sections 417A and 417B of the Higher Education Act (20 U.S.C. 1070d and 1070d–1).	Part 157	13.482.
Talent Search Program	Sections 417A and 417B of the Higher Education Act (20 U.S.C. 1070d and 1070d–1).	Part 159	13.488.
Strengthening Developing Institutions Program	Title III of the Higher Education Act (20 U.S.C. 1051–1056).	Part 169	13.454.
Training for Higher Education Personnel	Section 533 of the Higher Education Act (20 U.S.C. 1119a–1).	Part 198	13.417.
Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities).	Parts A and B of Title VII of the Higher Education Act (20 U.S.C. 1132a–1132b–1).	See 43 FR 57254 (December 7, 1978)	
Instructional Equipment Grants for Institutions of Higher Education	Title VI of the Higher Education Act (20 U.S.C. 1121–1129a).	See 43 FR 57254 (December 7, 1978)	13.518.
Financial Assistance for Community Service and Continuing Education Programs—Special Programs and Projects.	Section 106 of the Higher Education Act (20 U.S.C. 1005a).	Part 173, Subpart C	13.557.
Cooperative Education Programs	Title VIII of the Higher Education Act (20 U.S.C. 1133–1133b).	Part 182	13.510.
Veteran's Cost-of-Instruction Payments to Institutions of Higher Education.	Section 420 of the Higher Education Act (20 U.S.C. 1070e–1).	Part 189	13.540.
Public Service Education Program—Public Service Institutional Grants.	Sections 901–904 of the Higher Education Act (20 U.S.C. 1134–1134c).	Part 194, Subpart A	13.555.
Graduate and Professional Study Institutional Grants	Sections 901–904 of the Higher Education Act (20 U.S.C. 1134–1134b).	Part 179 (except Subpart C)	13.580.
State Postsecondary Education Commissions Program—Inter-state Planning.	Section 1203(c) of the Higher Education Act (20 U.S.C. 1142b(c)).	None	13.550.
Community Colleges	Title X of the Higher Education Act (20 U.S.C. 1135 through 1135c–1).	None	None.
F. Other Programs			
Alcohol and Drug Abuse Education Program	Public Law 93–422 (20 U.S.C. 1001–1007)	Part 182a	13.420.
Television Program Assistance	Section 1527 of the Education Amendments of 1978 (20 U.S.C. 1221j).	None	None.
Teacher Corps Program	Section V–A of the Higher Education Act (20 U.S.C. 1101–1107d).	Part 172	13.489.
Teacher Centers Program	Section 532 of the Higher Education Act (20 U.S.C. 1119a).	Part 197	13.416.
Territorial Teacher Training	Section 1525 of the Education Amendments of 1978	None	None.
Education Information Management System	Section 400A (f) and (g) of the General Education Provisions Act (20 U.S.C. 1221–3 (f) and (g)).	None	None.
Indian Education Act (Part A)	Title IV–A of Public Law 92–318 (20 U.S.C. 241aa–241ff).	Parts 186 and 186a	13.534 and 13.551.

Name of program.	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
Indian Education Act (Part B) (except the Indian Fellowship Program).	Title IV–B of Public Law 92–318 (20 U.S.C. 867c–1, 3385).	Parts 186 and 186b	13.535.
Indian Education Act (Part C)	Title IV–C of Public Law 92–318 (20 U.S.C. 1211a)	Parts 186 and 186c	13.536.
Desegregation of Public Education	Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c through 2000c–5).	Part 180	13.405.
Emergency School Aid	Title VI of the Elementary and Secondary Education Act (20 U.S.C. 3191–3207).	Part 185	13.531, 13.532, 13.681, 13.682, 13.683, 13.684, 13.685, 13.687, and 13.688.
Racially Isolated School Districts	Section 1522 of the Education Amendments of 1978	None	None.

§ 100a.2 Exceptions in program regulations to Part 100a.

If a program has regulations that are not consistent with Part 100a, the implementing regulations for that program identify the sections of Part 100a that do not apply.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.3 HEW general grant regulations apply to these programs.

The HEW general grant regulations in 45 CFR Part 74 of this title apply to the programs covered by this part. To find subjects covered under 45 CFR Part 74, look in the table of contents at the beginning of 45 CFR Part 74.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.4 Education Division contracts.

(a) A contract of the Education Division is governed by:

(1) Chapters 1 and 3 of Title 41 of the Code of Federal Regulations;

(2) Any applicable program regulations; and

(3) The request for proposals for the procurement, if any, referenced in *Commerce Business Daily*.

(b) The regulations in Part 100a do not apply to a contract of the Education Division unless regulations in Part 100a or a program's regulations specifically provide otherwise.

(20 U.S.C. 1221e–3(a)(1))

Eligibility for a Grant

§ 100a.50 How to find out whether you are eligible.

Eligibility to apply for a grant under a program of the Education Division is governed by the authorizing statute and implementing regulations for that program. The table in § 100a.1 references the statutes and regulations that apply to the direct grant programs of the Education Division.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.51 How to prove nonprofit status.

(a) Under some programs, an applicant must show that it is a nonprofit organization. (See the definition of "nonprofit" in 45 CFR 100c.1.)

(b) An applicant may show that it is a nonprofit organization by any of the following means:

(1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under Section 501(c)(3) of the Internal Revenue Code;

(2) A statement from a State taxing body or the State attorney general certifying that—

(i) The organization is a nonprofit organization operating within the State; and

(ii) No part of its net earnings may lawfully benefit any private shareholder or individual;

(3) A certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or

(4) Any item described in paragraphs (b) (1) through (3) of this section if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

(20 U.S.C. 1221e–3(a)(1))

Subpart B—[Reserved]

Subpart C—How To Apply for a Grant

The Application Notice

§ 100a.100 Publication of an application notice; content of the notice.

(a) Each fiscal year each appropriate official of the Education Division publishes application notices in the **Federal Register** that explain what kind of assistance is available under the programs that he or she administers.

(b) The application notice for a program explains one or more of the following:

(1) How to apply for a new grant.

(2) How to apply for a continuation award for an existing project already being funded under that program.

(3) If preapplications are used under the program, how to preapply for a new grant.

(20 U.S.C. 1221e–3(a)(1))

Note.—The term "appropriate official of the Education Division" is defined in 45 CFR 100c.1 to mean the official that has overall administrative responsibility for an Education Division program. Depending on the statutory authority for a given program, that official is—

(a) The Assistant Secretary;

(b) The Commissioner;

(c) The Director of the National Institute of Education; or

(d) The Director of the Institute of Museum Services.

§ 100a.101 Information in the application notice that helps an applicant apply.

(a) The application notice for each program gives important information that can help an applicant. The information usually includes—

(1) How an applicant can get an information package that contains detailed information about the program

and the application form that the applicant must use;

(2) Where in the Education Division an applicant must send its application;

(3) The amount of funds available for new grants;

(4) The number of new grants the Education Division expects to make under the program;

(5) The expected budget period, and the average amount of funding that the Education Division will provide to a new grant under the program;

(6) If the programs to approve multi-year projects, the project period that the Education Division will approve under the program;

(7) The amount of funds available for continuation awards under the program;

(8) The number continuation awards the Education Division expects to make under the program;

(9) The average amount of funding that the Education Division expects to provide in these continuation awards; and

(10) A reference to the regulations that apply to the program.

(b) If the appropriate official of the Education Division either requires or permits preapplications under a program, an application notice for the program explains how an applicant can get the preapplication form.

(20 U.S.C. 1221e-3(a)(1))

Cross-reference.—See 45 CFR 100c.1—definitions of "budget period" and "project period."

§ 100a.102 Deadline date for applications.

(a) The application notice for a program sets a deadline date for applications to be mailed or hand delivered to the Education Division.

(b) If an applicant wants a new grant, the applicant shall—

(1) Mail the application to the address specified in the application notice on or before the deadline date; or

(2) Hand deliver the application to the address specified in the application notice by 4:30 p.m. (Washington, D.C. time) on the deadline date.

(c) If an applicant wants a continuation award, the applicant, to be assured of consideration, shall—

(1) Mail the application to the address specified in the application notice on or before the deadline date; or

(2) Hand deliver the application to the address specified in the application notice by 4:30 p.m. (Washington, D.C. time) on the deadline date.

(d) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the appropriate official of the Education Division.

(e) If an application is mailed through the U.S. Postal Service, the appropriate official does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(20 U.S.C. 1221e-3(a)(1))

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

§ 100a.103 Deadline date for preapplications.

(a) If the appropriate official of the Education Division invites or requires preapplications under a program, the application notice for the program sets a deadline date for preapplications.

(b) An applicant shall submit its preapplication in accordance with the procedures for applications in § 100a.102(b) and (d).

(20 U.S.C. 1221e-3(a)(1))

§ 100a.104 Applicants must meet procedural rules.

The appropriate official of the Education Division may make a grant only to an eligible party that submits an application.

(20 U.S.C. 1221e-3(a)(1))

Application Contents

Cross-reference.—See § 100a.200 for a description of discretionary and formula grant programs.

§ 100a.107 Applications for new grants under a discretionary grant program.

In an application for a new grant under a discretionary grant program, the applicant shall include—

(a) Information that addresses each selection criterion that applies to the program;

(b) The information required by the following sections of EDGAR—

(1) Section 100a.110;

(2) Section 100a.112;

(3) Section 100a.116;

(4) Section 100a.117;

(5) The regulations noted after § 100a.118, if appropriate; and

(6) Section 100a.119, if appropriate; and

(c) All other information that is required under the particular program.

(20 U.S.C. 1221e-3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart N—Forms for Applying for Grants.

§ 100a.108 Applications for new grants under a formula grant program.

In an application for a new grant under a formula grant program, the applicant shall include—

(a) The information required by the following sections of EDGAR—

(1) Sections 100a.110–100a.117;

(2) The regulations noted after § 100a.118 if appropriate; and

(3) Section 100a.119, if appropriate; and

(b) All other information that is required under the particular program.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.109 Changes to application; number of copies.

(a) Each applicant shall submit an original and two copies of its application to the Education Division, including any information that the applicant supplies voluntarily.

(b) An applicant may make changes to its application on or before the deadline date for submitting applications under the program.

(20 U.S.C. 1221e-3(a)(1))

Cross-reference.—See § 100a.200 How applications for new grants are selected for funding.

§ 100a.110 Assure compliance with appropriate requirements of law.

An application must include an assurance that a grantee will comply with the requirements imposed by the appropriate official of the Education Division concerning—

(a) Special requirements of law;

(b) Program requirements; and

(c) Administrative requirements.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.111 Describe the project.

An application must describe the project in detail. The description must include—

(a) The purpose of the project;

(b) The design of the project and the plan of management for the project;

(c) Each objective of the project and how the applicant plans to use its resources and personnel to achieve each objective;

(d) The characteristics of intended project participants and beneficiaries, including the extent to which intended participants and beneficiaries are persons who are members of groups that have been traditionally underrepresented, such as—

(1) Members of racial or ethnic minority groups;

(2) Women;

(3) Handicapped persons; and

(4) The elderly; and

(e) The expected effects of the project on persons who are members of groups that have been traditionally underrepresented.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.112 Include a proposed project period and a timeline.

(a) An application must propose a project period for the project.

(b) An application must describe when, in each budget period of the project, the applicant plans to meet each objective of the project.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.113 Describe the key personnel.

An application must include the name and qualifications of each key person in the proposed project. The following information must be included:

(a) The name and qualifications of the project director (if one is to be used.)

(b) The name and qualifications of each of any other key personnel in the project.

(c) The time that each person referred to in paragraphs (a) and (b) of this section plans to commit to the proposed project.

(d) If the name of the project director or any other key person is not known to the applicant when it submits the application, the application must specify the minimum qualifications for that person. This paragraph does not allow an applicant to omit the name or qualifications of the principal investigator for a proposed research project.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.114 Describe the resources.

An application must describe the resources the applicant plans to devote to the project, including—

(a) Facilities; and

(b) Equipment and supplies.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.115 Describe the evaluation plan.

An application must include a description of the applicant's plan to evaluate the project under § 100a.590, the authorizing statute of the program, and the implementing regulations of the program.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.116 Demonstrate capability; include evaluation of completed project.

(a) An application must include information to demonstrate the applicant's capability to—

(1) Conduct the project; and

(2) Meet the needs of the persons (if any) that the applicant plans to serve with the project.

(b) If an applicant wants a grant for a new project that furthers the objectives of a project already completed by the applicant, the applicant shall include any existing evaluation of the completed project.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.117 Information needed for a multi-year project.

An applicant that proposes a multi-year project shall include in its application—

(a) Information that shows why a multi-year project is needed;

(b) A budget for the first budget period of the project; and

(c) An estimate of the Federal funds needed for each budget period of the project after the first budget period.

(20 U.S.C. 1221e-3(a)(1))

§ 100a.118 Application for a continuation award.

(a) An applicant shall comply with paragraph (b) of this section if—

(1) The applicant wants funds to continue a project already approved on a multi-year basis;

(2) The applicant is about to complete one or more of the budget periods; and

(3) The budget period for which the applicant wants a continuation award is within the approved project period.

(b) An applicant for a continuation award shall submit the following:

(1) A revised face page (standard form 424) and revisions to any other affected pages of the approved application.

(2) A budget that covers the next budget period, and an estimate of the amount of funds that will remain unobligated at the end of the current budget period.

(3) An estimate of the Federal funds needed for each budget period that comes after the next budget period.

(c) The appropriate official of the Education Division may also require the applicant to submit a report of project accomplishments to date.

(20 U.S.C. 1221e-3(a)(1))

Cross-reference.—See § 100a.117 Information needed for a multi-year project, and §§ 100a.250–100a.253 Approval of multi-year projects.

Note.—Other sections in this part may require an applicant to put information in its application. However, these sections are not included here because they either—

(1) Apply only to a limited number of programs; or

(2) Apply only under specified circumstances.

A list of these sections follows:

§ 100a.128 Who acts as applicant; the group agreement.
§ 100a.141 Certify that open meeting was held.
§ 100a.151 When an applicant under § 100a.150 must submit its application to the State; proof of submission.
§ 100a.156 When an applicant under § 100a.155 must submit its application to the State; proof of submission.
§ 100a.160 Procedures for State approval of or comment on preapplications.
§ 100a.172 Applicant shall show compliance with A–95 procedures.
§ 100a.192 Dissemination.
§ 100a.601 Applicant's assessment of environmental impact.
§ 100a.602 Preservation of historic sites must be described in the application.

§ 100a.119 Information needed if private school students participate.

If a program requires the applicant to provide an opportunity for participation of students enrolled in private schools, the application must include the information required of subgrantees under 45 CFR 100b.656.

(20 U.S.C. 1221e-3(a)(1))

Joint Funding Simplification Procedures

§ 100a.124 Applications and preapplications under the Joint Funding Simplification Act.

(a) The Joint Funding Simplification Act permits a State or local government or nonprofit organization to seek Federal funds from more than one program in a single application. An applicant shall use the Joint Funding Simplification Act procedures specified in this section if the applicant wants a grant that is funded in part from one Education Division direct grant program and funded in part from—

(1) One or more other Education Division direct grant programs;

(2) One or more other Federal agencies; or

(3) One or more State agencies.

(b) An applicant for a grant under this Act shall comply with the requirements in OMB Circular A–111 and the supplemental procedures in this part. The OMB circular was published in the **Federal Register** on July 30, 1976 (41 FR 32040). An applicant may obtain a copy of this circular by addressing its request to: Joint Funding Information, Director, Division of Regulations Management, Room 2129, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(c) The supplemental procedures in this part are in—

(1) Section 100a.125;

(2) Section 100a.219(b);

(3) Section 100a.221;

(4) Section 100a.250(b);

(5) Section 100a.254; and

(6) Section 100a.721.

(d) An applicant for a grant under the Joint Funding Simplification Act does not have to comply with any deadline date for applications or preapplications

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under an Education Division program from which the applicant seeks funds. However, the appropriate official of the Education Division does not reserve any program funds for jointly funded grants. For this reason, the appropriate official encourages an applicant for a jointly funded grant to apply before the fiscal year in which the grant is to be made or at least before the deadline for applications under the program for that fiscal year.

(42 U.S.C. 4252(a))

Separate Applications—Alternative Programs

§ 100a.125 Submit a separate application to each program; exception under the Joint Funding Simplification Act.

(a) An applicant shall submit a separate application to each program under which it wants a grant.

(b) If an applicant wants a grant under the Joint Funding Simplification Act, the applicant shall submit a single application under the procedures in OMB Circular A–111.

(20 U.S.C. 1221e–3(a)(1); 42 U.S.C. 4252(a))

§ 100a.126 Application must list all programs to which it is submitted.

If an applicant is submitting an application for the same project under more than one Federal program, the applicant shall list these programs in its application. The appropriate official of the Education Division uses this information to avoid duplicate grants for the same project.

(20 U.S.C. 1221e–3(a)(1))

Group Applications

§ 100a.127 Eligible parties may apply as a group.

(a) Eligible parties may apply as a group for a grant.

(b) Depending on the program under which a group of eligible parties seeks assistance, the term used to refer to the group may vary. The list that follows contains some of the terms used to identify a group of eligible parties:

(1) Combination of institutions of higher education.

(2) Consortium.

(3) Joint applicants.

(4) Cooperative arrangements.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.128 Who acts as applicant; the group agreement.

(a) If a group of eligible parties applies for a grant, the members of the group shall either—

(1) Designate one member of the group to apply for the grant; or

(2) Establish a separate, eligible legal entity to apply for the grant.

(b) The members of the group shall enter into an agreement that—

(1) Details the activities that each member of the group plans to perform; and

(2) Binds each member of the group to every statement and assurance made by the applicant in the application.

(c) The applicant shall submit the agreement with its application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.129 Legal responsibilities of each member of the group.

(a) If the appropriate official of the Education Division makes a grant to a group of eligible applicants, the applicant for the group is the grantee and is legally responsible for—

(1) The use of all grant funds; and

(2) Ensuring that the project is carried out by the group in accordance with Federal requirements.

(b) Each member of the group is legally responsible to—

(1) Carry out the activities it agrees to perform; and

(2) Use the funds that it receives under the agreement in accordance with Federal requirements that apply to the grant.

(20 U.S.C. 1221e–3(a)(1))

Preapplications

§ 100a.130 Preapplications; purpose of §§ 100a.131–100a.134.

The appropriate official of the Education Division considers a preapplication under the procedures in §§ 100a.131–100a.134.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.131 Consideration of a preapplication.

The appropriate official of the Education Division is required to consider a preapplication if—

(a) The applicant complies with the procedural rules that govern submission of the preapplication; and

(b)(1) The preapplication is submitted in response to an application notice that invites or requires preapplications; or

(2) The preapplication is submitted by a government, as defined in 45 CFR 74.3.

Cross-reference—See Subpart N of 45 CFR Part 74.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.132 The effect of not submitting a preapplication.

(a) If the appropriate official of the Education Division invites but does not require preapplications under a program, an applicant may apply for a grant under the program even if the applicant did not preapply.

(b) If the appropriate official of the Education Division requires preapplications under a program and an applicant does not preapply, the applicant may not apply for a grant under the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.133 Result of a preapplication.

(a) If an applicant submits a preapplication under a program, the appropriate official of the Education Division—

(1) Informs the applicant that it is eligible and encourages it to apply for a grant under the program;

(2) Informs the applicant that it is eligible but does not encourage it to apply for a grant under the program; or

(3) Informs the applicant that it is ineligible for assistance under the program, and explains why the applicant is ineligible.

(b) An applicant may apply under a program even if the official does not encourage it to apply.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See § 100a.216 Returning an application to an applicant.

§ 100a.134 The basis for the preapplication decision.

To decided whether to encourage a preapplicant to apply, the appropriate official of the Education Division uses the same criteria that the official uses to select an applicant for a grant. (See §§ 100a.200–100a.206 for a description of how selection criteria work.)

(20 U.S.C. 1221e–3(a)(1))

Open Meeting Certification Under Certain ESEA Programs

§ 100a.138 Open meetings; purpose of §§ 100a.139–100a.141.

(a) Sections 100a.139–100a.141 implement Section 1006 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

(b) Section 1006 requires a local educational agency that submits an application under certain ESEA programs to certify that it has held an open meeting regarding the contents of the application.

(c) Section 1006 applies to each ESEA program listed in § 100a.1.

(20 U.S.C. 887e)

§ 100a.139 The local educational agency shall hold an open meeting.

(a) If a local educational agency applies for a grant under an ESEA program listed in § 100a.1, the agency shall hold at least one meeting open to the public.

(b) The agency shall inform the people who attend the meeting of—

(1) The ESEA program under which the agency wants a grant;

(2) The kinds of activities that are authorized under the statute and the program regulations; and

(3) The activities for which the agency wants the grant.

(c) The agency shall give each person who attends the meeting an opportunity to comment or make recommendations on the agency's proposed activities.

(20 U.S.C. 887e)

§ 100a.140 Give notice of the open meeting; make information available.

(a) If a local educational agency must hold an open meeting under § 100a.139, the agency shall give notice of the time, place, and purpose of the meeting.

(b) The agency shall give notice that—

(1) Is likely to reach the general public in the area served by the project; and

(2) Gives the public time to prepare for the meeting.

(c) The agency shall take steps to ensure that persons who are members of groups that have been traditionally underrepresented receive the notice required by paragraph (b)(1) and that these persons are encouraged to participate in the meeting. These persons include—

(1) Members of racial or ethnic minority groups;

(2) Women;

(3) Handicapped persons; and

(4) The elderly.

(d) If students enrolled in private schools may participate under the program, the agency shall take steps to ensure that appropriate representatives of those children receive notice of and are encouraged to participate in the meeting.

(e) The agency shall make the following material available for inspection by the public at least 24 hours before the open meeting begins:

(1) An outline of the information described in § 100a.139(b).

(2) A draft copy of the agency's application, if the application has been prepared.

(20 U.S.C. 887e)

§ 100a.141 Certify that open meeting was held.

If a local educational agency must hold an open meeting under § 100a.139, the agency shall certify in its application that—

(a) The agency held at least one open meeting under § 100a.139;

(b) The agency gave notice of each open meeting in accordance with § 100a.140 (a) and (b);

(c) The agency made information available in accordance with § 100a.140(c)–(e);

(d) The agency gave meaningful consideration to any comments or recommendations that it received at each open meeting; and

(e) The agency amended its application, as appropriate, in light of those comments and recommendations.

(20 U.S.C. 887e)

State Approval Procedures

§ 100a.150 Review procedure if State must approve applications; purpose of §§ 100a.151–100a.153.

If the authorizing statute for a program requires the State to approve each application, the State and the applicant shall use the procedures in §§ 100a.151–100a.153.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See § 100a.160 Procedures for State approval of or comment on preapplications; and § 100a.733 Records related to State approval of applications.

§ 100a.151 When an applicant under § 100a.150 must submit its application to the State; proof of submission.

(a) Each applicant under a program covered by § 100a.150 of this Part shall submit a copy of its application to the State at least 15 days before the deadline date for submitting the application to the Education Division.

(b) The applicant shall attach to its application a copy of its letter that requests the State to approve the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.152 The State reviews each application.

Each State that receives an application under § 100a.151 of this Part shall review the application to decide if the State wishes to approve or disapprove the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.153 Deadlines for State approval.

(a) The appropriate official of the Education Division may publish in the Federal Register a notice that establishes a deadline date for receipt of State approvals of applications under a program covered by § 100a.150.

(b) If a State approves an application, the appropriate State official shall—

(1) Sign a statement that approves the application; and

(2) Submit the application and the statement by the deadline date for State approvals. The procedures in § 100a.102(c) (how to meet a deadline date) apply to this submission.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.154 Effect of State approval; failure to approve.

(a) If a State approves an application on or before the deadline date for State approval, the appropriate official of the Education Division may select that project for a grant.

(b) If a State does not approve an application on or before the deadline date for State approval, the appropriate official of the Education Division does not select that project for a grant.

(20 U.S.C. 1221e–3(a)(1))

State Comment Procedures

§ 100a.155 Review procedure if State may comment on applications: purpose of §§ 100a.156–100a.158.

If the authorizing statute or implementing regulations for a program require that a State be given an opportunity to comment on each application, the State and the applicant shall use the procedures in §§ 100a.156–100a.158.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.156 When an applicant under § 100a.155 must submit its application to the State; proof of submission.

(a) Each applicant under a program covered by § 100a.155 shall submit a copy of its application to the State on or before the deadline date for submitting its application to the Education Division.

(b) The applicant shall attach to its application a copy of its letter that requests the State to comment on the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.157 The State reviews each application.

A State that receives an application under § 100a.156 may review and comment on the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.158 Deadlines for State comments.

(a) The appropriate official of the Education Division may establish a deadline date for receipt of State comments on applications.

(b) The State shall make its comments in a written statement signed by an appropriate State official.

(c) The appropriate State official shall submit comments to the appropriate official of the Education Division by the deadline date for State comments. The procedures in § 100a.102 (b) and (d) (how to meet a deadline) of this Part apply to this submission.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.159 Effect of State comments or failure to comment.

(a) The appropriate official of the Education Division considers those comments of the State that relate to—

(1) Any selection criterion that applies under the program; or

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(2) Any other matter that affects the selection of projects for funding under the program.

(b) If the State fails to comment on an application on or before the deadline date for the appropriate program, the State waives its right to comment.

(c) If the applicant does not give the State an opportunity to comment, the appropriate official of the Education Division does not select that project for a grant.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.160 Procedures for State approval of or comment on preapplications.

(a) If the authorizing statute for a program requires that a State approve each preapplication, the State and the applicant shall use the approval procedures in §§ 100a.151–100a.153 for the preapplication.

(b) If the authorizing statute or implementing regulations for a program require that a State be given an opportunity to comment on each preapplication, the State and the applicant shall use the comment procedures in §§ 100a.156–100a.158 for the preapplication.

(20 U.S.C. 1221e–3(a)(1))

OMB Circular A–95 Clearinghouse Procedures

§ 100a.170 Clearinghouse procedures: purpose of §§ 100a.170–100a.173.

(a) Sections 100a.170–100a.173 implement Part I of OMB circular A–95.

(b) Part I of OMB Circular A–95 requires an applicant under certain Federal programs to notify the appropriate State and areawide clearinghouses of the applicant's intent to apply. The clearinghouses may comment on the application.

(c) The following programs listed in § 100a.1 are covered by Part I of OMB Circular A–95:

Name of program	Authorizing statute	Implementing regulations	CFDA No.
Environmental Education	Title III–H of the Elementary and Secondary Education Act (20 U.S.C. 3011).	Part 161h	13.522
Follow Through Program	Sections 551–556 of the Economic Opportunity Act of 1964 (42 U.S.C. 2929–2929e).	Part 158	13.433
Model Programs under the Research in the Education of the Handicapped Program.	Section 641 of the Education of the Handicapped Act (20 U.S.C. 1441).	Part 121h	13.443
Community Service and Continuing Education Programs—Special Programs and Projects.	Section 106 of Title I of the Higher Education Act of 1965 (20 U.S.C. 1005a).	Part 173, Subpart C. See 43 FR 57254 (Dec. 7, 1978).	13.557
Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities) (20 U.S.C. 1221e–3(a)(1)).	Parts A and B of Title VII of the Higher Education Act (20 U.S.C. 1132a–1132b–1).		

§ 100a.171 Notify the appropriate clearinghouses.

(a) An applicant under a program listed in § 100a.170 shall include in its notice to the clearinghouses a summary of the project.

(b) If a clearinghouse to which a notice is submitted has specified what information is to be included in a summary, the applicant shall provide that information.

(c) If a clearinghouse to which a notice is submitted has not specified what information is to be included in a summary, the applicant shall provide the following information:

(1) The identity of the applicant.

(2) The geographic location of the proposed project (including a map, if appropriate).

(3) A brief description of the proposed project that helps the clearinghouses identify any State and local agencies that have plans or projects that may be affected by the project. The description must include—

(i) The type of project;

(ii) The purpose of the project;

(iii) The general size of the project;

(iv) The estimated cost of the project; and

(v) The beneficiaries of the project; and

(vi) Any other information that will help the clearinghouses identify affected agencies.

(4) A statement that shows whether the applicant must prepare an Environmental Impact Statement.

(5) The name of the program and the Catalog of Federal Domestic Assistance number for the program.

(6) The date the applicant expects to submit its application to the Education Division.

(d) If an applicant uses the preapplication procedure in this subpart, the applicant shall submit a copy of the preapplication to the appropriate clearinghouses on the same date it submits the preapplication to the Education Division.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.172 Applicant shall show compliance with A–95 procedures.

An applicant under a program listed in § 100a.170 shall include either of the following in its application—

(a)(1) The comments of each clearinghouse that commented on the application; and

(2) A statement that the applicant considered those comments before submitting the application to the Education Division; or

(b) A statement that the applicant has used the procedures of Part I of OMB Circular A–95 but has not received any clearinghouse comments.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.173 The period for clearinghouse review; the effect of not complying with Part I of OMB Circular A–95.

(a) OMB Circular A–95 gives a clearinghouse 30 days to—

(1) Notify affected agencies and governments; and

(2) Consult with the applicant about the application.

(b) The Circular also permits a clearinghouse to take an additional 30 days to review the application and to transmit comments to the applicant.

(c) The appropriate official of the Education Division may make a grant under a program listed in § 100a.170 only if the applicant has complied with Part I of OMB Circular A–95.

(20 U.S.C. 1221e–3(a)(1))

Development of Curricula or Instructional Materials

§ 100a.190 Consultation.

Each applicant that intends to develop curricula or instructional materials under a grant is encouraged to assure that the curricula or materials will be developed in a manner conducive to dissemination, through continuing consultations with publishers, personnel of State and local educational agencies, teachers, administrators, community representatives, and other individuals experienced in dissemination.

(20 U.S.C. 1231c(c)(1))

§ 100a.191 Consultation costs.

An applicant may budget reasonable consultation fees or planning costs in connection with the development of curricula or instructional materials.

(20 U.S.C. 1231c(c)(2))

§ 100a.192 Dissemination.

If an applicant proposes to publish and disseminate curricula or instructional materials under a grant, the applicant shall include an assurance in its application that the curricula or materials will reach the populations for which the curricula or materials were developed.

(20 U.S.C. 1231c(c)(3))

Subpart D—How Grants Are Made

Selection of New Projects

§ 100a.200 How applications for new grants are selected for funding.

(a) *Direct grant programs.* The Education Division administers two kinds of direct grant programs. A direct grant program is either a discretionary grant or a formula grant program.

(b) *Discretionary grant programs.* (1) A discretionary grant program is one that permits the appropriate official of the Education Division to use discretionary judgment in selecting applications for funding.

Cross-reference.—See § 100a.219 Exceptions to the procedures under § 100a.217.

(2) The appropriate official of the Education Division uses selection criteria to evaluate the applications submitted for new grants under a discretionary grant program.

(3) Sections 100a.202 through 100a.206 contain the EDGAR selection criteria. The EDGAR criteria used by a program are repeated in the program regulations. If a program does not have selection criteria, the appropriate official uses the EDGAR criteria, with each criterion weighted equally, to evaluate applications.

(c) *Formula grant programs.* (1) A formula grant program is one that entitles certain applicants to receive grants if they meet the requirements of the program. Applicants do not compete with each other for the funds, and each grant is either for a set amount or for an amount determined under a formula.

(2) The appropriate official of the Education Division applies the program statute and regulations to fund projects under a formula grant program. The EDGAR selection criteria in §§ 100a.202–100a.206 are not used to evaluate applications under these programs.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.201 How to use the selection criteria.

(a) *Unweighted criteria.* If the selection criteria for a program are not weighted, the appropriate official of the Education Division evaluates each criterion equally.

(b) *Weighted criteria.* (1) If the selection criteria for a program are weighted, the appropriate official of the Education Division assigns in the program regulations a total number of points that an applicant may receive under all of the criteria.

(2) The minimum weights assigned to EDGAR criteria that are used under a program are stated in §§ 100a.202–100a.206.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.202 Selection criterion—plan of operation.

(a) The appropriate official of the Education Division reviews each application for information that shows the quality of the plan of operation for the project.

(b) The official looks for information that shows—

(1) High quality in the design of the project;

(2) An effective plan of management that insures proper and efficient administration of the project;

(3) A clear description of how the objectives of the project relate to the purpose of the program;

(4) The way the applicant plans to use its resources and personnel to achieve each objective;

(5) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly; and

(6) For grants to be made after October 1, 1980 under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools—a clear description of how the applicant will provide that opportunity.

(c) Under a program using weighted selection criteria, this criterion is assigned at least 10 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

Note.—Paragraph (b)(5), which is intended to ensure equal access and treatment for groups that have been traditionally underrepresented, does not mean that a grantee may include participants in a project who are ineligible under the program that funds the project. For example, under the program Early Education for Handicapped Children (See § 100a.1), a grantee may not serve women or the elderly, and an applicant under that program would not consider these groups under paragraph (b)(5).

§ 100a.203 Selection criterion—quality of key personnel.

(a) The appropriate official of the Education Division reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(b) The official looks for information that shows—

(1) The qualifications of the project director (if one is to be used);

(2) The qualifications of each of the other key personnel to be used in the project;

(3) The time that each person referred to in paragraphs (b) (1) and (2) of this section will commit to the project; and

(4) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly.

(c) To determine personnel qualifications, the official considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) Under a program using weighted selection criteria, this criterion is assigned at least 7 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.204 Selection criterion—budget and cost effectiveness.

(a) The appropriate official of the Education Division reviews each application for information that shows that the project has an adequate budget and is cost effective.

(b) The official looks for information that shows—

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project.

(c) Under a program using weighted selection criteria, this criterion is

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assigned at least 5 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.205 Selection criterion—evaluation plan.

(a) The appropriate official of the Education Division reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—See § 100a.590 Evaluation by the grantee.

(b) The official looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(c) Under a program using weighted selection criteria, this criterion, is assigned at least 5 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.206 Selection criterion—adequacy of resources.

(a) The appropriate official of the Education Division reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(b) The official looks for information that shows—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(c) Under a program using weighted selection criteria, this criterion is assigned at least 3 percent of the total number of points assigned to the program.

(20 U.S.C. 1221e–3(a)(1))

Selection Procedures

100a.215 How the Education Division selects a new project: purpose of §§ 100a.216–100a.222.

Sections 100a.216–100a.222 describe the process the appropriate official of the Education Division uses to select applications for new grants. All of these sections apply to a discretionary grant program. However, only § 100a.216 applies also to a formula grant program.

Cross-reference.—See § 100a.200(b) Discretionary grant program, and (e) Formula grant program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.216 Returning an application to the applicant.

(a) The appropriate official of the Education Division returns an application to an applicant if—

(1) The applicant is not eligibile.

(2) The applicant does not comply with all of the procedural rules that govern the submission of the application;

(3) The application does not contain the information required under the program; or

(4) The proposed project cannot be funded under the authorizing statute or implementing regulations for the program.

(b) If the appropriate official of the Education Division returns an application under this section, the official includes a statement that explains why the application was returned.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.217 How the Education Division selects applications for new grants.

(a)(1) The appropriate official of the Education Division may use one or more groups of experts to evaluate the applications submitted under each program.

(2) Each group of experts consists of three or more persons who are qualified to evaluate the applications.

(3) In each group of experts, there must be at least one person who is not an employee of the Federal Government.

(4) A person may not serve as a member of a group of experts if—

(i) The person is an employee of HEW who is involved in the administration of the program for which the group is evaluating applications; or

(ii) The person was involved within the past year in the administration of the program for which the group is evaluating applications.

(5) However, if the appropriate official of the Education Division signs a waiver for a person covered by paragraph (a)(4) of this section, that person may serve as a member of a group of experts.

(b) A group of experts uses the selection criteria that apply to the program to evaluate the quality of each application.

(c) After the groups of experts have evaluated the applications, the appropriate official of the Education Division prepares a rank ordering of the applications. The rank ordering of applications is based solely on the evaluations of the applications by the groups of experts.

(d) The official then determines the order in which applications will be selected. The official makes these determinations on the basis of the selection criteria and any priorities or other program requirements that have been published in the Federal Register and apply to the selection of applications for new grants. The official may consider the following in making these determinations:

(1) The information in each application.

(2) The rank ordering of the applications.

(3) Any other information relevant to a criterion, priority, or other requirement that applies to the selection of applications for new grants.

(e) The official selects applications in the order determined under paragraph (d) of this section.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.218 Applications not selected for funding.

If an application is not selected for funding, the appropriate official of the Education Division informs the applicant why the application was not selected.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.219 Exceptions to the procedures under § 100a.217.

The appropriate official of the Education Division may select an application for funding without following the procedures in § 100a.217 if—

(a) The objectives of the project cannot be achieved unless the official makes the grant before the date grants can be made under the procedures in § 100a.217; or

(b) The applicant applies for funds under the Joint Funding Simplification Act; or

(c)(1) The application was evaluated by a group of experts under the preceding competition of the program;

(2) The group of experts rated the application high enough to deserve selection under § 100a.217; and

(3) The application was not selected for funding because the application was mishandled by the Education Division.

(20 U.S.C. 1221e–3(a)(1); 42 U.S.C. 4252(a))

§ 100a.220 Procedures the Education Division uses under § 100a.219(a).

If the special circumstances of § 100a.219(a) appear to exist for an application, the appropriate official of the Education Division uses the following procedures:

(a) The official assembles a board to review the application.

(b) The board consists of—

(1) A program officer of the program under which the applicant wants a grant;

(2) An Education Division grants officer; and

(3) An HEW employee who is not a program officer of the program but who is qualified to evaluate the application.

(c) The board reviews the application to decide if—

(1) The special circumstances under § 100a.219(a) are satisfied;

(2) The application rates high enough, based on the selection criteria, priorities, and other requirements that apply to the program, to deserve selection; and

(3) Selection of the application will not have an adverse impact on the budget of the program

(d) The board forwards the results of its review to the appropriate official of the Education Division.

(e) If each of the conditions in paragraph (c) of this section is satisfied, the appropriate official may select the application for funding.

(f) Even if the official does not select the application for funding, the applicant may submit its application under the procedures in Subpart C of this part.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.221 Procedures the Education Division uses under § 100a.219(b).

The appropriate official of the Education Division uses the following procedures for an application submitted under § 100a.219(b):

(a) The official assembles a board to review the application.

(b)(1) The board consists of—

(i) A program officer from each Education Division program under which the applicant wants funds;

(ii) An Education Division grants officer; and

(iii) An HEW employee who is not a program officer for any of the programs under which the applicant wants funds but who is qualified to review the application.

(2) The board may also include one or more persons who do not work for HEW but who are qualified to review the application.

(c) The board reviews the application to decide if—

(1) The proposed project is feasible, and is consistent with Federal and agency policies concerning the scope and purpose of joint funding;

(2) The applicant has properly demonstrated a relationship among the programs included in the joint funding project;

(3) The proposed project is competitive with similar requests for program funds, including the applications submitted under the procedures in § 100a.217;

(4) There will not be an adverse impact on the budget of any Education Division program under which the applicant wants funds if the project is funded; and

(5) The application rates high enough to deserve funding, based on the selection criteria and other requirements that apply to each Education Division program under which the applicant wants funds.

(d) The board forwards the results of its review to the appropriate official of the Education Division.

(e) If each of the conditions in paragraph (c) of this section is satisfied, the appropriate official may—

(1) Select the project for funding; and

(2) Decide which Education Division programs will fund the project.

(42 U.S.C. 4252(a))

§ 100a.222 Procedures the Education Division uses under § 100a.219(c).

If the special circumstances of § 100a.219(c) appear to exist for an application, the appropriate official of the Education Division may select the application for funding if—

(a) The official has documentary evidence that the special circumstances of § 100a.219(c) exist; and

(b) The official has a statement that explains the circumstances of the mishandling.

(20 U.S.C. 1221e–3(a)(1))

Procedures To Make a Grant

§ 100a.230 How the Education Division makes a grant; purpose of §§ 100a.231–100a.236.

If the appropriate official of the Education Division selects an application under §§ 100a.217, 100a.220, or 100a.222, the official follows the procedures in §§ 100a.231–100a.236 to set the amount and determine the conditions of a grant. Sections 100a.235–100a.236 also apply to grants under formula grant programs.

Cross-reverence.—See § 100a.200 How applications for new grants are selected for funding.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.231 Additional information.

After selecting an application for funding, the appropriate official of the Education Division may require the applicant to submit additional information.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.232 The cost analysis; basis for grant amount.

(a) Before the appropriate official of the Education Division sets the amount of a grant, the official does a cost analysis of the project. The official—

(1) Verifies the cost data in the detailed budget for the project;

(2) Evaluates specific elements of costs; and

(3) Examines costs to determine if they are necessary, reasonable, and allowable under applicable statutes and regulations.

(b) The official uses the cost analysis as a basis for determining the amount of the grant to the applicant. The cost analysis shows whether the applicant can achieve the objectives of the project with reasonable efficiency and economy under the budget in the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.233 Setting the amount of the grant.

The appropriate official of the Education Division may fund up to 100 percent of the allowable costs in the budget. In deciding what percent of the allowable costs to fund, the official considers—

(a) Matching or cost sharing requirements that apply; and

(b) Any other financial resources available to the applicant.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.234 The conditions of the grant.

The appropriate official of the Education Division makes a grant to an applicant only after determining—

(a) The approved costs; and

(b) Any special conditions.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.235 The notification of grant award.

(a) To make a grant, the appropriate official issues a notification of grant award and sends it to the grantee.

(b) The notification of grant award sets the amount of the grant and gives other information about the grant.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.236 Effect of the grant.

The grant obligates both the Federal Government and the grantee to the requirements that apply to the grant.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart L—Programmatic Changes and Budget Revisions.

Approval of Multiyear Projects

§ 100a.250 Project period can be up to 60 months.

(a) The appropriate official of the Education Division may approve a project period of up to 60 months.

(b) If a project is approved under the Joint Funding Simplification Act, the appropriate official may approve a project period of up to 60 months even if the official has restricted the project period for other projects under the program.

(20 U.S.C. 1221e–3(a)(1); 42 U.S.C. 4252(a))

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§ 100a.251 The budget period.

(a) The appropriate official of the Education Division usually approves a budget period of not more than 12 months, even if the project has a multi-year project period.

(b) If the official approves a multi-year project period, the official—

(1) Makes a grant to the project for the initial budget period; and

(2) Indicates his or her intention to make continuation awards to fund the remainder of the project period.

(20 U.S.C. 1221e–3(a))

§ 100a.253 Continuation of a multi-year project after the first budget period.

(a) The appropriate official of the Education Division may make a continuation award for a budget period after the first budget period of an approved multi-year project if—

(1) The Congress has appropriated sufficient funds under the program;

(2) The official is satisfied that the grantee will satisfactorily complete the budget period that is about to end;

(3) The grantee has submitted every report that it must submit before the date of the continuation award; and

(4) Continuation of the project is in the best interest of the Federal Government.

(b) Subject to the criteria in paragraph (a) of this section, in selecting applications for funding under a program the appropriate official of the Education Division gives priority to continuation awards over new grants.

(c) In determining the amount of a continuation award, the official reduces the amount of funds needed for the next budget period by the amount of funds that remain available from the current budget period.

(d) A grantee that is in the final budget period of a project period may seek continued assistance for the project under the procedures for selecting new projects.

Cross-reference.—See Subpart C—How to Apply for a Grant.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See § 100a.117 Information needed for a multi-year project; and § 100a.118 Application for a continuation award.

§ 100a.254 Continuation of a multi-year project under the Joint Funding Simplification Act.

(a) If the conditions in § 100a.253(a) are met, the appropriate official of the Education Division may make a continuation award to a multi-year project funded under the Joint Funding Simplification Act.

(b) The appropriate official decides whether to make a continuation award in cooperation with any other Federal agencies or any State agencies that are also funding the project.

(42 U.S.C. 4252(a))

Miscellaneous

§ 100a.260 Allotments and reallotments.

(a) Under some of the programs listed in § 100a.1, the appropriate official of the Education Division allots funds under a statutory or regulatory formula.

(b) Any reallotment to other grantees will be made by the official in accordance with the authorizing statute for that program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.261 Extension of a project period.

The appropriate official of the Education Division may extend a project period if—

(a) Special or unusual circumstances will delay completion of the project;

(b) The grantee provides the official with a written request for the extension at least 45 days before the end of the project period;

(c) The grantee states the reasons why it needs the extension;

(d) The extension does not violate any statute or regulations;

(e) The extension does not involve the obligation of additional Federal funds; and

(f) The extension is to carry out the activities in the approved application.

(20 U.S.C. 1221e–3(a)(1))

Subpart E—What Conditions Must Be Met by a Grantee?

Nondiscrimination

§ 100a.500 Federal statutes and regulations on nondiscrimination.

Each grantee shall comply with the following statutes and regulations:

Subject	Statute	Regulations
Discrimination on the basis of race, color or national origin.	Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d through 2000d–4).	45 CFR Part 80.
Discrimination on the basis of sex.	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1683).	45 CFR Part 86.
Discrimination on the basis of handicap.	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).	45 CFR Part 84.
Discrimination on the basis of age.	The Age Discrimination Act (42 U.S.C. 6101 *et seq.*).	45 CFR Part 90.

(20 U.S.C. 1221e–3(a)(1))

Project Staff

§ 100a.510 Use of a project director.

(a) This section applies to each grantee that uses a project director to administer its project.

(b) The grantee shall insure that its project director has—

(1) Appropriate professional qualifications, experience, and administrative skills, and

(2) A clear commitment to the objectives of the project.

(c) The grantee shall give its project director sufficient authority to conduct the project effectively.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.511 Waiver of requirement for a full-time project director.

(a) If regulations under a program require a full-time project director, the appropriate official of the Education Division may waive that requirement under the following conditions:

(1) The project will not be adversely affected by the waiver.

(2)(i) The project director is needed to coordinate two or more related projects; or

(ii) The project director must teach a minimum number of hours to retain faculty status.

(b) The waiver either permits the grantee—

(1) To use a part-time project director; or

(2) Not to use any project director.

(c)(1) An applicant or a grantee may request the waiver.

(2) The request must be in writing and must demonstrate that a waiver is appropriate under this section.

(3) The appropriate official of the Education Division gives the waiver in writing. The waiver is effective on the date the official signs the waiver.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR 74.103(c) Changes in key people in a research project.

§ 100a.515 Use of consultants.

(a) Subject to Federal statutes and regulations, a grantee shall use its general policies and practices when it hires, uses, and pays a consultant as part of the project staff.

(b) The grantee may not use its grant to pay a consultant unless—

(1) There is a need in the project for the services of that consultant; and

(2) The grantee cannot meet that need by using an employee rather than a consultant.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.516 Compensation of consultants—employees of institutions of higher education.

If an institution of higher education receives a grant for research or for educational services, it may pay a consultant's fee to one of its employees only in unusual circumstances and only if—

(a) The work performed by the consultant is in addition to his or her regular departmental load; and

(b)(1) The consultation is across departmental lines; or

(2) The consultation involves a separate or remote operation.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.517 Changes in key staff members.

A grantee shall comply with 45 CFR 74.103(c)(2) concerning replacement or lesser involvement of any key project staff, whether or not the grant is for research.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.518 Minimum wage rates.

The grantee shall pay a project staff member not less than any minimum wage required under Federal Law.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.519 Dual compensation of staff.

A grantee may not use its grantee to pay a project staff member for time or work for which that staff member is compensated from some other source of funds.

(20 U.S.C. 1221e–3(a)(1))

Conflict of Interest

§ 100a.524 Conflict of interest: purpose of § 100a.525.

(a) The conflict of interest regulations of the Education Division that apply to a grant are in § 100a.525.

(b) These conflict of interest regulations do not apply to a "government" as defined in 45 CFR 74.3.

Note.—A government must provide a conflict of interest assurance under the standard application required by Subpart N of 45 CFR Part 74 (Forms for Applying for Grants).

(c) The regulations in § 100a.525 do not apply to a grantee's procurement contracts. The conflict of interest regulations that cover those procurement contracts are in 45 CFR Part 74.

Subpart P—Procurement Standards

(20 U.S.C. 1221e–3(a)(1))

§ 100a.525 Conflict of interest: participation in a project.

(a) A grantee may not permit a person to participate in an administrative decision regarding a project if—

(1) The decision is likely to benefit that person or a member of his or her immediate family; and

(2) The person—

(i) Is a public official; or

(ii) Has a family or business relationship with the grantee.

(b) A grantee may not permit any person participating in the project to use his or her position for a purpose that is—or gives the appearance of being—motivated by a desire for a private financial gain for that person or for others.

(20 U.S.C. 1221e–3(a)(1))

Allowable Costs

§ 100a.530 General cost principles.

The general principles to be used in determining costs applicable to grants and cost-type contracts under grants are referenced in Subpart Q of 45 CFR Part 74 (Cost Principles).

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart G—Matching or Cost Sharing.

§ 100a.531 Limit on total cost of a project.

A grantee shall insure that the total cost to the Federal Government is not more than the amount stated in the notification of grant award.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.532 Use of funds for religion prohibited.

(a) No grantee may use its grant to pay for any of the following:

(1) Religious worship, instruction, or proselytization.

(2) Equipment or supplies to be used for any of those activities.

(3) Construction, remodeling, repair, operation, or maintenance of any facility or part of a facility to be used for any of those activities.

(4) An activity of a school or department of divinity.

(b) As used in this section, "school or department of divinity" means an institution or a component of an institution whose program is specifically for the education of students to—

(1) Prepare them to enter into a religious vocation; or

(2) Prepare them to teach theological subjects.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.533 Acquisition of real property; construction.

No grantee may use its grant for acquisition of real property or for construction unless specifically permitted by the authorizing statute or implementing regulations for the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.534 Training grants—automatic increases for additional dependents.

The appropriate official of the Education Division increases an educational training grant to cover the cost of additional dependents not specified in the notification of grant award if—

(a) Allowances for those dependents are authorized by the program statute and are allowable under the grant; and

(b) Appropriations are available to cover the cost.

(20 U.S.C. 1221e–3(a)(1))

Indirect Cost Rates

§ 100a.560 General indirect cost rates; exceptions.

(a) Appendices C–F to 45 CFR Part 74 describe the differences between direct and indirect costs and include the principles for determining the general indirect cost rate that a grantee may use for grants under most programs.

(b) Sections 100a.562–100a.568 provide restrictions on indirect cost rates under certain programs.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.561 Approval of indirect cost rates.

(a) The appropriate official of the Education Division approves an indirect cost rate for a grantee other than a local educational agency. For the purposes of this section, the term "local educational agency" does not include a State agency.

(b) Each State educational agency, on the basis of a plan approved by the Commissioner, shall approve an indirect cost rate for each local educational agency that requests it to do so.

(c) Each indirect cost rate must be approved annually.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.562 Indirect cost rates for educational training projects.

(a) The appropriate official of the Education Division may approve an indirect cost rate for an educational training project at the lesser of—

(1) The actual indirect cost rate of the grantee; or

(2) Eight percent of the total direct costs of the project.

(b) This section does not apply to—

(1) A State (as defined in 45 CFR 74.3); or

(2) A local government (as defined in 45 CFR 74.3).

(20 U.S.C. 1221e–3(a)(1))

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§ 100a.563 Restricted indirect cost rate—programs covered.

Sections 100a.564–100a.568 apply to each program that has a statutory requirement not to use Federal funds to supplant non-Federal funds. These programs include the following:

Program	Authorizing statute
Bilingual Education	Title VII–A of the Elementary and Secondary Education Act
Consumer Education Program	Title III–E of the Elementary and Secondary Education Act
Environmental Education Program	Title III–H of the Elementary and Secondary Education Act
Safe Schools	Title IX–D of the Elementary and Secondary Education Act
Follow Through Program	Sections 551–558 of the Economic Opportunity Act of 1964
National Alcohol and Drug Abuse Prevention Program	Public Law 93–422
Indian Education Act (Part A)	Title IV–A of Public Law 92–318

(20 U.S.C. 1221e–3(a)(1))

§ 100a.564 Restricted indirect cost rate—formula.

(a) An indirect cost rate for a grant under a program covered by § 100a.563 is determined by the following formula:

Indirect cost rate = (Administrative charge + Fixed charges) ÷ (Other expenditures)

(b) Administrative charges, fixed charges, and other expenditures must be determined under §§ 100a.565–100a.567.

(c) Under the programs covered by § 100a.563, a grantee other than a State or a local government (as those terms are defined in 45 CFR 74.3) may use—

(1) An indirect cost rate computed under paragraph (a) of this section; or

(2) An indirect cost rate of eight percent unless the appropriate official of the Education Division determines that the grantee would have a lower rate under paragraph (a) of this section.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.565 Administrative charge.

(a) As used in § 100a.564, "administrative charge" means the cost of an activity that is for the direction and control of the grantee's affairs that are organization-wide. An activity is not organization-wide if it is limited to one activity, one component of the grantee, one subject, one phase of operations, or other single responsibility.

(b) The term includes the cost of performing a service function, such as accounting, payroll preparation, or personnel management, that is normally at the grantee's level even if the function is physically located elsewhere for convenience or better management.

(c) The term does not include expenditures for—

(1) The governing body of the grantee;

(2) Compensation of the chief Administrative officer of the grantee;

(3) Compensation of the chief administrative officer of any component of the grantee; and

(4) Operation of the immediate offices of these officers.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.566 Fixed charges.

As used in § 100a.564, "fixed charges" means contributions of the grantee to—

(a) Retirement, including State, county, or local retirement funds, Social Security, and pension payments;

(b) Unemployment compensation payments;

(c) Property, employee, health, and liability insurance; and

(d) All similar costs normally considered to be employee fringe benefits.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.567 Other expenditures.

(a) As used in § 100a.564, "other expenditures" means the grantee's total expenditures for its federally- and non-federally-funded activities in the most recent year for which data are available.

(b) The term does not include—

(1) Administrative charges determined under § 100a.565;

(2) Fixed charges determined under § 100a.566;

(3) Capital outlay;

(4) Debt service;

(5) Fines and penalties;

(6) Contingencies; and

(7) Election expenses. However, the term does include election expenses that result from elections required by a program statute.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.568 Using the restricted indirect cost rate.

(a) Under the programs referenced in § 100a.563, the maximum amount of indirect costs under a grant is determined by the following formula:

Indirect costs = (Indirect cost rate) × (Total direct costs of the grant minus any costs for capital outlay, debt service, or election expenses unless the election is required by a program statute)

(b) If a grantee uses an indirect cost rate, the administrative and fixed charges covered by that rate must be excluded by the grantee from the direct costs it charges to the grant.

U.S.C. 1221e–3(a)(1))

Coordination

§ 100a.580 Coordination with other activities.

(a) A grantee shall, to the extent possible, coordinate its project with other activities that are in the same geographic area served by the project and that serve similar purposes and target groups.

(b) A grantee whose project includes activities to improve the basic skills of children, youth, or adults shall, to the extent possible, coordinate its project with other basic skills activities that are in the same geographic area served by the project.

(c) For the purposes of this section, "basic skills" means reading, mathematics, and effective communication, both written and oral.

(d) The grantee shall continue its coordination during the project period.

(20 U.S.C. 1221e–3(a)(1); 2890)

§ 100a.581 Methods of coordination.

Depending on the objectives and requirements of its project, a grantee shall use one or more of the following methods of coordination:

(a) Planning the project with organizations and individuals who have similar objectives or concerns.

(b) Sharing information, facilities, staff, services, or other resources.

(c) Engaging in joint activities such as instruction, needs assessment, evaluation, monitoring, and technical assistance or staff training.

(d) Using the grant funds so as not to duplicate or counteract the effects of funds made available under other programs.

(e) Using the grant funds to increase the impact of funds made available under other programs.

(20 U.S.C. 1221e–3(a)(1))

Evaluation

§ 100a.590 Evaluation by the grantee.

A grantee shall evaluate at least annually—

(a) The grantee's progress in achieving the objectives in its approved application;

(b) The effectiveness of the project in meeting the purposes of the program; and

(c) The effect of the project on persons being served by the project, including—

(1) Any persons who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly; and

(2) If the program statute requires that private school students be provided an opportunity to participate, the students who are enrolled in private schools.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.591 Federal evaluation—cooperation by a grantee.

A grantee shall cooperate in any evaluation of the program by the Secretary or the appropriate offical of the Education Division.

(20 U.S.C. 1226c, 1231a)

§ 100a.592 Federal evaluation—satisfying requirement for grantee evaluation.

If a grantee cooperates in a Federal evaluation of a program, the appropriate official of the Education Division may determine that the grantee meets the evaluation requirements of the program, including § 100a.590.

(20 U.S.C. 1226c, 1231a)

Construction

Cross-reference.—See 45 CFR Part 74, Subpart P—Procurement Standards.

§ 100a.600 Use of a grant for construction: purpose of §§ 100a.601–100a.615.

Sections 100a.601–100a.615 apply to—

(a) An applicant that requests funds for construction; and

(b) A grantee whose grant includes funds for construction.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.601 Applicant's assessment of environmental impact.

An applicant shall include with its application its assessment of the impact of the proposed construction on the quality of the environment in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and Executive Order 11514 (34 FR 4247).

(42 U.S.C. 4332(2)(C))

§ 100a.602 Preservation of historic sites must be described in the application.

(a) An applicant shall describe in its application the relationship of the proposed construction to and probable effect on any district, site, building, structure, or object that is—

(1) Included in the National Register of Historic Places; or

(2) Eligible under criteria established by the Secretary of Interior for inclusion in the National Register of Historic Places.

(Cross-reference.—See 36 CFR Part 60 for these criteria.)

(b) In deciding whether to make a grant, the appropriate official of the Education Division considers—

(1) The information provided by the applicant under paragraph (a) of this section; and

(2) Any comments by the Advisory Council on Historic Preservation.

Cross-reference.—See 36 CFR Part 800, which provides for comments from the Council.

(16 U.S.C. 470f)

§ 100a.603 Grantee's title to site.

A grantee must have or obtain a full title or other interest in the site, including right of access, that is sufficient to insure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.604 Availability of cost-sharing funds.

A grantee shall ensure that sufficient funds are available to meet any non-Federal share of the cost of constructing the facility.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.605 Beginning the construction.

(a) A grantee shall begin work on construction within a reasonable time after the grant for the construction is made.

(b) Before construction is advertised or placed on the market for bidding, the grantee shall get approval by the appropriate official of the Education Division of the final working drawings and specifications.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.606 Completing the construction.

(a) A grantee shall complete its construction within a reasonable time.

(b) The grantee shall complete the construction in accordance with the application and approved drawings and specifications.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.607 General considerations in designing facilities and carrying out construction.

(a) A grantee shall insure that the construction is—

(1) Functional;

(2) Economical; and

(3) Not elaborate in design or extravagant in the use of materials, compared with facilities of a similar type constructed in the State or other applicable geographic area.

(b) The grantee shall, in developing plans for the facilities, consider excellence of architecture and design and inclusion of works of art. The grantee may not spend more than one percent of the cost of the project on inclusion of works of art.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.608 Areas in the facilities for cultural activities.

A grantee shall make reasonable provision, consistent with the other uses to be made of the facilities, for areas in the facilities that are adaptable for artistic and other cultural activities.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.609 Comply with safety and health standards.

In planning for and designing facilities, a grantee shall observe—

(a) The standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91–576) (See 36 CFR Part 1910); and

(b) State and local codes, to the extent that they are more stringent.

(29 U.S.C. 651)

§ 100a.610 Access by the handicapped.

A grantee shall comply with the Federal regulations on access by the handicapped that apply to construction and alteration of facilities. These regulations are—

(a) For residential facilities—24 CFR Part 40; and

(b) For non-residential facilities—41 CFR Subpart 101–19.6.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.611 Avoidance of flood hazards.

In planning the construction, a grantee shall, in accordance with the provisions of Executive Order 11988 of February 10, 1978 (43 FR 6030) and rules and regulations that may be issued by the Secretary to carry out those provisions—

(a) Evaluate flood hazards in connection with the construction; and

(b) As far as practicable, avoid uneconomic, hazardous, or unnecessary use of flood plains in connection with the construction.

(Executive Order 11296.)

§ 100a.612 Supervision and inspection by the grantee.

A grantee shall maintain competent architectural engineering supervision and inspection at the construction site to insure that the work conforms to the approved drawings and specifications.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.613 Relocation assistance by the grantee.

A grantee is subject to the regulations on relocation assistance and real property acquisition in 45 CFR Part 15.

(20 U.S.C. 1221e–3(a)(1))

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§ 100a.614 Grantee must have operational funds.

A grantee shall insure that, when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.615 Operation and maintenance by the grantee.

A grantee shall operate and maintain the facilities in accordance with applicable Federal, State, and local requirements.

(20 U.S.C. 1221e–3(a)(1))

Equipment and Supplies

Cross-reference.—See 45 CFR Part 74, Subpart O—Property.

§ 100a.618 Charges for use of equipment or supplies.

A grantee may not charge students or school personnel for the ordinary use of equipment or supplies purchased with grant funds.

(20 U.S.C. 1221e–3(a)(1))

Publications and Copyrights

§ 100a.620 General conditions on publication.

(a) *Content of materials.* Subject to any specific requirements that apply to its grant, a grantee may decide the format and content of project materials that it publishes or arranges to have published.

(b) *Required statement.* The grantee shall ensure that any publication that contains project materials also contains the following statements:

"The contents of this (insert type of publication; e.g., book, report, film) were developed under a grant from the (insert name of agency in the Education Division that provided the grant), Department of Health, Education, and Welfare. However, those contents do not necessarily represent the policy of that agency, and you should not assume endorsement by the Federal Government."

(20 U.S.C. 1221e–3(a)(1))

§ 100a.621 Copyright policy for grantees and contractors.

(a) A grantee may copyright project materials in accordance with 45 CFR Part 74.

(b) A contractor may not copyright any project materials developed under the contract unless specifically permitted in the contract to do so.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart F—Grant-Related Income; and 45 CFR 74.145 Copyrights.

§ 100a.622 Definition of "project materials."

As used in §§ 100a.620–100a.621, "project materials" means a copyrightable work developed with funds from a grant or contract of the Education Division.

(20 U.S.C. 1221e–3(a)(1))

Inventions and Patents

Cross-reference.—See 45 CFR Part 74.44 Inventions and Patents.

§ 100a.625 Invention and patent policy.

Grantees and contractors are subject to the HEW policy in 45 CFR Parts 6 and 8 regarding inventions and patents.

§ 100a.626 Show Federal support; give papers to vest title.

(a) Any patent application filed by a grantee for an invention made under a grant must include the following statement in the first paragraph:

"The invention described in this application was made under a grant from the (insert name of agency in the Education Division that gave the grant), Department of Health, Education, and Welfare."

(b) On request, the grantee shall furnish HEW with executed instruments prepared by the Federal Government, and other papers that may be necessary, to vest in the Federal Government the rights reserved in accordance with a determination made under 45 CFR Part 8. These instruments and papers enable the Government to apply for and prosecute a patent application, in any country, to cover each invention for which the Federal Government has the right to file an application.

(20 U.S.C. 1221e–3(a)(1))

Other Requirements for Certain Projects

Cross-reference.—See 45 CFR Part 74, Subpart C—Bonding and Insurance.

§100a.650 Participation of students enrolled in private schools.

If the authorizing statute for a program requires a grantee to provide for participation by students enrolled in private schools, the grantee shall provide a genuine opportunity for equitable participation in accordance with the requirements that apply to subgrantees under 45 CFR 100b.650–100b.662.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.681 Protection of human research subjects.

If a grantee uses a human subject in a research project, the grantee shall protect the person from physical, psychological, or social injury resulting from the project.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 46—Protection of Human Research Subjects.

§ 100a.682 Treatment of animals.

If a grantee uses an animal in a project, the grantee shall provide the animal with proper care and humane treatment in accordance with the Animal Welfare Act of 1970.

(Pub. L. 89–544, as amended)

§ 100a.683 Health or safety standards for facilities.

A grantee shall comply with any Federal health or safety requirements that apply to the facilities that the grantee uses for the project.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.684 Day care services.

(a) If a grantee uses program funds to provide day care services, the grantee shall comply with the requirements in 45 CFR Part 71.

(b) The appropriate official of the Education Division may waive this requirement by publication of a notice in the **Federal Register.**

(20 U.S.C. 1221e–3(a)(1))

Subpart F—What Are the Administrative Responsibilities of a Grantee?

General Administrative Responsibilities

§ 100a.700 Compliance with statutes, regulations, and applications.

A grantee shall comply with applicable statutes, regulations, and approved applications, and shall use Federal funds in accordance with those statutes, regulations, and applications.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.701 The grantee administers or supervises the project.

A grantee shall directly administer or supervise the administration of the project.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.702 Fiscal control and fund accounting procedures.

A grantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart B—Cash Depositories, Subpart H—Standards for Grantee and Subgrantee Financial Management Systems, and Subpart K—Grant and Subgrant Payment Requirements.

§ 100a.703 Obligation of funds during the grant period.

A grantee may use grant funds only for obligations it makes during the grant period.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.707 When obligations are made.

The following table shows when a grantee makes obligations for various kinds of property and services.

If the obligation is for—	The obligation is made—
(a) Acquisition of real or personal property.	On the date the grantee makes a binding written commitment to acquire the property.
(b) Personal services by an employee of the grantee.	When the services are performed.
(c) Personnal services by a contractor who is not an employee of the grantee.	On the date on which the grantee makes a binding written commitment to obtain the services.
(d) Performance of work other than personal services.	On the date on which the grantee makes a binding written commitment to obtain the work.
(e) Public utility services	When the grantee receives the services.
(f) Travel	When the travel is taken.
(g) Rental of real or personal property.	When the grantee uses the property.
(h) A preagreement cost that was properly approved by the appropriate official of the Education Division under the cost principles in appendices C–F to 45 CFR Part 74.	On the first day of the grant period.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.708 Prohibition of subgrants.

(a) A grantee may not make a subgrant under a program listed in § 100a.1 unless specifically authorized by statute.

(b) A grantee may contract for supplies, equipment, construction, and other services, in accordance with 45 CFR Part 74, Subpart P—Procurement Standards.

(20 U.S.C. 1221e–3(a)(1))

Reports

Cross-reference.—See 45 CFR Part 74, Subpart I—Financial Reporting Requirements, and Subpart J—Monitoring and Reporting of Program Performance.

§ 100a.720 Financial and performance reports.

(a) This section applies to the reports required under 45 CFR Part 74, Subpart I (financial reporting) and Subpart J (performance reporting).

(b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting. However, the Director of the National Institute of Education may require a grantee to submit performance reports more often than annually.

(c) The appropriate official of the Education Division may, under 45 CFR 74.7 (Special grant or subgrant conditions) or 45 CFR 74.72(e) (Grantee accounting systems), require a grantee to report more frequently than annually.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.721 Reports under the Joint Funding Simplification Act.

(a) The appropriate official of the Education Division determines the frequency and scope of reports necessary to assure proper monitoring of a grant under the Joint Funding Simplification Act.

(b) The appropriate official makes this determination in cooperation with any other Federal or State agencies that are also funding the grant.

(42 U.S.C. 4252(a))

Records

Cross-reference.—See 45 CFR Part 74, Subpart D—Retention and Access Requirements for Records.

§ 100a.730 Records related to grant funds.

A grantee shall keep records that fully show—

(a) The amount of funds under the grant;

(b) How the grantee uses the funds;

(c) The total cost of the project;

(d) The share of that cost provided from other sources; and

(e) Other records to facilitate an effective audit.

(20 U.S.C. 1232f)

§ 100a.731 Records related to compliance.

A grantee shall keep records to show its compliance with program requirements.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.732 Records related to performance.

(a) A grantee shall keep records of significant project experiences and results.

(b) The grantee shall use the records under paragraph (a) to—

(1) Determine progress in accomplishing project objectives; and

(2) Revise those objectives, if necessary.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR 74.103 (b) and (c)—Procedures for revising objectives.

§ 100a.733 Records related to State approval applications.

(a) This section applies to programs that require State approval of applications.

(b) The State shall keep a complete case file on each application it receives.

(c) The State shall keep a full record of—

(1) Any hearing related to an application; and

(2) Any proceeding by which the State establishes relative priorities or recommends Federal shares for eligible projects.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.734 Record retention period.

Unless a longer period is required under 45 CFR Part 74, a grantee shall retain records for five years after the completion of the activity for which it uses grant funds.

Cross-reference.—See 45 CFR Part 74.21—Length of retention period; and 74.22 Starting date of retention period.

(20 U.S.C. 1232f(a))

Privacy

§ 100a.740 Protection of and access to student records.

Most records on present or past students are subject to the requirements of Section 438 of GEPA and its implementing regulations in 45 CFR Part 99. (Section 438 is the Family Educational Rights and Privacy Act of 1974.)

(20 U.S.C. 1231(g))

§ 100a.741 Protection of students' privacy in research and testing.

(a) If a project funded by the Office of Education is designed to explore or develop new or unproven teaching methods or techniques, the grantee must give parents or guardians of children who participate in the project access to instructional material that will be used in connection with the project, including teacher's manuals, films, tapes, or other supplementary instructional material.

(b) No student may be required, as part of any program of the Education Division, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning any of the following:

(1) Political affiliations.

(2) Mental and psychological problems potentially embarrassing to the student or his family.

(3) Sex behavior and attitudes.

(4) Illegal, anti-social, self-incriminating and demeaning behavior.

(5) Critical appraisals of other individuals with whom respondents have close family relationships.

(6) Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers.

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(7) Income—other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under the program—without the prior consent of the student (if the student is an adult or emancipated minor) or, in the case of unemancipated minor, without the prior written consent of the parent.

(20 U.S.C. 1232h)

Data Collection by a Grantee

§ 100a.750 Approval of data collection instruments.

(a) The Education Division is the sponsor of the data collection activity of a grantee in any of the following circumstances:

(1) The grantee represents to respondents that the data is being collected for or in association with the Education Division. This does not include acknowledgment of the assistance the grantee received under the grant.

(2) The grantee uses the data collection instrument to collect data that the Education Division has requested for the planning, operation, or evaluation of an Education Division Federal program.

(3) The grant provides for Education Division approval of the survey design, content of the instrument, or data collection procedures.

(4) The grant provides for—

(i) The grantee to submit data on individual respondents; or

(ii) The grantee to prepare and submit tabulations of the data requested by the Education Division.

(b) If the Education Divison sponsors a data collection activity of a grantee, the data collection instruments to be used by the grantee are subject to review under either—

(1) The paperwork control requirements of Section 400A of GEPA (the Federal Education Data Acquisition Council (FEDAC) procedurds); or

(2) The requirements under OMB Circular A–40.

(c) The FEDAC procedures apply to a data collection activity sponsored by the Education Division if—

(1) The respondents are primarily educational agencies or institutions; and

(2) The purpose of the activity is to get information needed for—

(i) The management of Federal educational programs;

(ii) The development of policy related to those programs; or

(iii) Research or evaluation studies related to the implementation of those programs.

(20 U.S.C. 1221–3; 1221e–3(a)(1))

Cross-reference.—See the FEDAC procedures published in the **Federal Register** on August 8, 1979 (44 FR 46535).

§ 100a.751 Procedures if approval is required.

If approval of a data collection instrument is required under the FEDAC procedures or under OMB Circular A–40, the grantee shall submit an original and four copies of each of the following to the appropriate official of the Education Division:

(a) The proposed data collection instrument.

(b) A completed OMB Standard Form 83.

(c) The supporting statement required in the "Instructions for Requesting OMB Approval under the Federal Reports Act," as described in standard form 83A.

(d) Supplementary information required by FEDAC under the procedures published in the **Federal Register** on August 8, 1979 (44 FR 46535).

(20 U.S.C. 1221–3; 1221e–3(a)(1))

§ 100a.752 Responsibility for data collection.

Unless FEDAC or the OMB approves a data collection instrument, the grantee may not in any way represent or imply that the data is being collected by or for the Federal Government. This does not preclude the grantee from acknowledging the assistance it received under the grant.

(20 U.S.C. 1221e–3(a)(1))

§100a.753 Confidentiality of response.

In using data collection instruments, a grantee shall provide for anonymity and confidentiality of responses from individuals.

(20 U.S.C. 1221–3; 1221e–3(a)(1))

§ 100a.754 Exemption from coverage.

The regulations in §§ 100a.750–100a.753 do not apply to data collection instruments that are solely—

(a) Tests or examinations to determine knowledge, ability, or aptitude of individuals; or

(b) Instruments to collect data for identification or classification in connection with those tests or examinations.

(20 U.S.C. 1221–3; 1221e–3(a)(1))

§ 100a.755 Definitions used in §§ 100a.750–100a.754.

As used in §§ 100a.750–100a.754—

"Data collection instrument" means a report form, application form, schedule, questionnaire, or similar instrument for getting answers to identical questions from ten or more respondents.

"Respondent" is an individual or organization from whom a grantee collects information either directly or indirectly.

(20 U.S.C. 1221e–3(a)(1))

Subpart G—What Procedures Does the Education Division Use To Get Compliance?

Cross-reference.—See 45 CFR Part 74, Subpart M—Grant and Subgrant Closeout, Suspension, and Termination.

§ 100a.900 Waiver of regulations prohibited.

(a) No official, agent, or employee of HEW may waive any regulation that applies to an Education Division program, unless the regulation specifically provides that it may be waived.

(b) No act or failure to act by an official, agent, or employee of HEW can affect the authority of the appropriate official of the Education Division to enforce regulations.

(43 Dec. Comp. Gen. 31 (1963))

§ 100a.901 Suspension and termination.

(a) The appropriate official of the Education Division uses the Departmental Grant Appeals Board to resolve disputes within the jurisdiction of that board. The regulations governing the Department Grant Appeals Board are in 45 CFR Part 16.

Cross-reference.—See 45 CFR 16.5 Jurisdiction of the board.

(b) The Commissioner may use the Education Appeal Board to resolve disputes that are not within the jurisdiction of the Departmental Grant Appeals Board. (See 45 CFR Part 100d—Education Appeal Board.)

(c) The following sections in 45 CFR Part 74 apply to suspension and termination of a grant made by the Office of the Assistant Secretary for Education, the National Institute of Education, or the Institute of Museum Services:

(1) Section 74.113 (Violation of terms).

(2) Section 74.114 (Suspension).

(3) Section 74.115 (Termination).

(4) The last sentence of § 74.73(c) (Financial reporting after a termination).

(5) Section 74.112 (Amounts payable to the Federal Government).

(20 U.S.C. 1221e–3(a)(1))

§ 100a.902 Informal procedures.

Athough either the appropriate official of the Education Division or a grantee may request an informal meeting regarding a proposed termination, the grantee is considered, for purposes of 45 CFR 16.5(b)(2), to have exhausted Education Division informal procedures when the grantee receives the notice of termination.

(20 U.S.C. 1221e–3(a)(1))

§ 100a.903 Effective date of termination.

Termination is effective on the latest of—

(a) The date of delivery to the grantee of the notice of termination;

(b) The termination date given in the notice of termination; or

(c)(1) For a grant made by the Office of Education, the date of a final decision of the Commissioner under 45 CFR Part 100d; or

(2) For a grant made by the Office of the Assistant Secretary for Education, the National Institute of Education, or the Institute of Museum Services, the date of a final decision by the Departmental Grant Appeals Board under 45 CFR Part 16.

(20 U.S.C. 1221e–3(a)(1))

PART 100B—STATE-ADMINISTERED PROGRAMS

Subpart A—General

Regulations that Apply to State-Administered Programs

Sec.

100b.1 Programs to which Part 100b applies.
100b.2 Exceptions in program regulations to Part 100b.
100b.3 HEW general grant regulations apply to these programs.

Eligibility for a Grant or Subgrant

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Authority.—Section 408(a)(1) of Pub. L. 90–247, 88 Stat. 559, 560, as amended (20 U.S.C. 1221e–3(a)(1)), unless otherwise noted.

Subpart A—General

Regulations That Apply to State-Administered Programs

§ 100b.1 Programs to which Part 100b applies.

The regulations in Part 100b apply to the programs of the Office of Education that are listed in the following table. In addition to the name of the program, the table gives the statute that authorizes the program, the regulations that implement the program, and the number that the Catalog of Federal Domestic Assistance (CFDA) gives to the program.

(20 U.S.C. 1221e–3(a)(1))

Note.—Some programs are not currently funded. Check with the State agency responsible for administering the program.

Name of program	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
2A. Elementary and Secondary Education Programs			
Financial Assistance to Local Educational Agencies To Meet the Special Educational Needs of Educationally Deprived Children (except Coordination of Migrant Education and Transition of Neglected or Delinquent Children—See 45 CFR Part 100a)..	Title I–A of the Elementary and Secondary Education Act (except Sections 143 and 153) (20 U.S.C. 2701–2754).	Parts 116 and 116a	13.428 and 13.512.
Grants to State Agencies for Programs To Meet the Special Educational Needs of Children in Institutions for Neglected or Delinquent Children.	Sections 151–153 of the Elementary and Secondary Education Act (20 U.S.C. 2781–2783).	Parts 116 and 116c	13.428 and 13.431.
Grants to State Educational Agencies for Programs To Meet the Special Educational Needs of Migratory Children.	Section 141–143 of the Elementary and Secondary Education Act (20 U.S.C. 2761–2763).	Parts 116 and 116d	13.428 and 13.429.
State Basic Skills Program	Title II–B of the Elementary and Secondary Education Act (20 U.S.C. 2901–2904).	Part 162	13.599.
Financial Assistance for School Library Resources, Textbooks and Other Instructional Materials.	Title II of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57253 (December 7, 1978)	None.
Supplementary Centers and Services, Guidance, Counseling, and Testing Programs.	Title III of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57253 (December 7, 1978)	None.
Educational Improvement, Resources, and Support	Title IV of the Elementary and Secondary Education Act (20 U.S.C. 1801–1832).	Part 134	13.570, 13.571, and 13.—
Strengthening State Educational Agency Management	Title V–B of the Elementary and Secondary Education Act (20 U.S.C. 3161–3163).	None	None.
Federal Financial Assistance for Strengthening State Departments of Education—Basic Grants.	Title V–A (except Section 505—See 45 CFR Part 100a) of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).	See 43 FR 57253 (December 7, 1978)	13.486.
Community Schools Program	Title VIII of the Elementary and Secondary Education Act (except Sections 809–813—See 100a) (20 U.S.C. 3281–3288).	Part 160b, Subpart B	None.
Gifted and Talented Children Program	Title IX of the Elementary and Secondary Education Act (except section 905—See 45 CFR Part 100a) (20 U.S.C. 3311–3314; 3316–3318).	Part 195	13.562.
Strengthening Instruction in Academic Subjects in Public Schools.	Title III–A of the National Defense Education Act of 1958 (20 U.S.C. 441–444).	See 43 FR 57254 (December 7, 1978)	None.
B. Education of the Handicapped Programs			
State-operated Programs for Handicapped Children	Sections 146–147 of the Elementary and Secondary Education Act (20 U.S.C. 2771–2772).	Parts 116 and 116b	13.428 and 13.427.
Assistance to States for Education of Handicapped Children..	Part B of the Education of the Handicapped Act (20 U.S.C. 1411–1418; 1420).	Part 121a	13.449.
Incentive Grants	Section 619 of the Education of the Handicapped Act (20 U.S.C. 1419).	Part 121m	13.449.
C. Occupational and Adult Education Programs			
State Vocational Education Programs	Part A of Title I of the Vocational Education Act (20 U.S.C. 2301–2461).	Part 104	13.493, 13.494, 13.495, 13.499, and 13.500.
Career Education—State Allotment Program	Career Education Incentive Act (except Sections 10, 11, and 12—See 45 CFR Part 100a) (20 U.S.C. 1201–2614).	Part 161	None.
State Adult Education Programs	Adult Education Act (except Sections 309, 314, 317, and 318—See 45 CFR Part 100a), (20 U.S.C. 1201–1211a).	Part 166	13.400.
D. Higher Education Programs			
Community Service and Continuing Education Programs (except Special Programs and Projects—See 45 CFR Part 100a).	Title I of the Higher Education Act (except Section 106) (20 U.S.C. 1001–1005; 1006–1011).	Part 173 (except Subpart C)	13.491.

Name of program	Authorizing statute	Implementing regulations (45 CFR)	CFDA No.
State Student Incentive Grant Program	Sections 415A–415E of the Higher Education Act (20 U.S.C. 1070c through 1070c–4).	Part 192	13.545.
Educational Information Centers Program	Sections 418A and 418B of the Higher Education Act (20 U.S.C. 1070d–2 and 1070d–3).	Part 137	13.595.
Incentive Grants for State Student Financial Assistance Training Program.	Section 493C of the Higher Education Act (20 U.S.C. 1088b–3).	Part 178a	13.562.
State Postsecondary Education Commissions Program—Intrastate Planning.	Section 1203(a) of the Higher Education Act (20 U.S.C. 1142b(a)).	Part 199a	13.550.
E. Other Programs			
Library Services, Public Library Construction and Interlibrary Cooperation.	Library Services and Construction Act (20 U.S.C. 351–355e–2).	Part 130	13.464, 13.408, and 13.465.
Assistance to States for State Equalization Plans	Section 842 of the Education Amendments of 1974 (20 U.S.C. 246).	None	13.572.

§100b.2 Exceptions in program regulations to Part 100b.

If a program has regulations that are not consistent with Part 100b, the implementing regulations for that program identify the sections of Part 100b that do not apply.

(20 U.S.C. 1221e–3(a)(1))

§100b.3 HEW general grant regulations apply to these programs.

The HEW general grant regulations in 45 CFR Part 74 apply to the programs covered by this part. To find subjects covered under 45 CFR Part 74, look in the table of contents at the beginning of 45 CFR Part 74.

(20 U.S.C. 1221e–3(a)(1))

Eligibility for a Grant or Subgrant

§ 100b.50 Statutes determine eligibility and whether subgrants are made.

(a) Under a program listed in § 100b.1, the Commissioner makes a grant—

(1) To the State agency designated by the authorizing statute for the program; or

(2) To the State agency designated by the State in accordance with the authorizing statute.

(b) The authorizing statute determines the extent to which a State may—

(1) Use grant funds directly; and

(2) Make subgrants to eligible applicants.

(c) The regulations in Part 100b on subgrants apply to a program only if subgrants are authorized under that program.

(d) The authorizing statute determines the eligibility of an applicant for a subgrant.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart E—Waiver of Single State Agency Requirements.

§ 100b.51 A State distributes funds by formula or competition.

If a program statute authorizes a State to make subgrants, the statute—

(a) Requires the State to use a formula to distribute funds;

(b) Gives the State discretion to select subgrantees through a competition among the applicants or through some other procedure; or

(c) Allows some combination of these procedures.

(20 U.S.C. 1221e–3(a)(1))

Subpart B—How a State Applies for a Grant

State Plans and Applications

§ 100b.100 Effect of this subpart

This subpart establishes general requirements that a State must meet to apply for a grant under a program listed in § 100b.1. Additional requirements are in the authorizing statute and the implementing regulations for the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.101 The general State application

(a) This section applies to the programs listed in § 100b.1 under which a State educational agency may make subgrants to local educational agencies.

(b)(1) A State shall submit to the Commissioner a general application that contains the assurances contained in paragraph (e) of this section.

(2) The State may submit—

(i) A single general application to cover all of the programs; or

(ii) More than one general application, each general application covering either a group of programs or an individual program.

(c) A general application must be approved by each official, agency, board, or other entity within the State that, under State law, is primarily responsible for supervision of the activities conducted under each program covered by the application.

(d) Each general application submitted under this section remains in effect for the duration of any program it covers. The Commissioner does not require the resubmission or amendment of that application unless required by changes in Federal or State law or by other significant changes in the circumstances affecting an assurance in that application.

(e) A general application must include assurances, satisfactory to the Commissioner—

(1) That each program will be administered in accordance with all applicable statutes, regulations, State plans, and applicaitons;

(2) That the control of funds provided under each program and title to property acquired with program funds will be in a public agency, or in a nonprofit private agency, institution, or organization if the statute authorizing the program provides for grants to those entities, and that the public agency or nonprofit private

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agency, institution, or organization will administer the funds and property;

(3) That the State will adopt and use proper methods of administering each program, including—

(i) Monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law;

(ii) Providing technical assistance, if necessary, to those agencies, institutions, and organizations;

(iii) Encouraging the adoption of promising or innovative educational techniques by those agencies, institutions, and organizations;

(iv) The dissemination throughout the State of information on program requirements and sucessful practices; and

(v) The correction of deficiencies in program operations that are identified through monitoring or evaluation;

(4) That the State will evaluate the effectiveness of each program in meeting statutory objectives—not less often than once every three years—and that the State will cooperate in carrying out any evaluation of a program conducted by or for the Secretary or other Federal official;

(5) That the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program;

(6) That the State will—

(i) Make reports to the Commissioner—including reports on the results of evaluations required under paragraph (e)(4) of this section—as may reasonably be necessary to enable the Commissioner to perform his or her duties under each program; and

(ii) Maintain records, in accordance with the requirements of Section 437 of GEPA—and afford access to those records as the Commissioner may find necessary to carry out his or her duties; and

(7) That the State will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program, and other interested institutions, organizations, and individuals in the planning for and operation of each program, including the following:

(i) The State will consult with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of State plans.

(ii) The State will publish each proposed State plan, in a manner that will ensure circulation throughout the State, at least 60 days prior to the date on which the plan is submitted to the Commissioner or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on the plan to be accepted for at least 30 days.

(iii) The State will hold public hearings on the proposed State plans if required by the Commissioner by regulation.

(iv) The State will provide an opportunity for interested agencies, organizations, and individuals to suggest improvements in the administration of the program and to allege that there has been a failure by any entity to comply with applicable statutes and regulations.

(20 U.S.C. 1232d)

Note.—The Commissioner interprets Section 435 of GEPA—implemented in this section—not to apply to State Vocational Education Programs. (See § 100b.1) This interpretation is based on the legislative history of both GEPA and the Vocational Education Act.

§ 100b.102 Definition of "State plan" for Part 100b.

As used in this part, "State plan" means any of the following documents that a State submits to the Commissioner under a program listed in § 100b.1:

(a) *Compensatory education.* The application under Section 162 of Title I of the Elementary and Secondary Education Act.

(b) *Migrant children.* The application under Sections 141–143 of the Elementary and Secondary Education Act.

(c) *Basic skills.* The agreement under Title II–B of the Elementary and Secondary Education Act.

(d) *Library resources.* The State plan under Title II of the Elementary and Secondary Education Act (as in effect on Sept. 30, 1978).

(e) *Innovative projects; Guidance and Counseling.* The State plan under Title III of the Elementary and Secondary Education Act (as in effect on Sept. 30, 1978).

(f) *Educational Improvement, Resources, and Support.* The State plan under Title IV of the Elementary and Secondary Education Act.

(g) *State educational agencies.* The State plan under Title V–B of the Elementary and Secondary Education Act.

(h) *State educational agencies.* The application under Title V–A of the Elementary and Secondary Education Act (as in effect September 30, 1978).

(i) *Community schools.* The State plan under Title VIII of the Elementary and Secondary Education Act.

(j) *Gifted and talented children.* The application under Section 904(b)(1) of Title IX of the Elementary and Secondary Education Act.

(k) *Academic subjects.* The State plan under Title III–A of the National Defense Education Act.

(l) *Handicapped children.* The State plan under Part B of the Education of the Handicapped Act.

(m) *Handicapped children.* The application under Section 619 of the Education of the Handicapped Act.

(n) *Vocational education.* The annual program plan and the annual accountability report under Part A of Title I of the Vocational Education Act.

(o) *Career education.* The State plan under Section 7 of the Career Education Incentive Act.

(p) *Adult education.* The State plan under the Adult Education Act.

(q) *Community services.* The State plan under Title I of the Higher Education Act.

(r) *State student incentive grants.* The application under Section 415C of the Higher Education Act.

(s) *Educational information centers.* The State plan under Section 418B of the Higher Education Act.

(t) *Incentive grants for State student financial asistance training.* The application under Section 493C of the Higher Education Act.

(u) *Postsecondary commissions.* The application for intrastate planning under Section 1203(a) of the Higher Education Act.

(v) *Libraries.* The basic State plan and the annual programs under the Library Services and Construction Act.

(w) *State equalization.* The application under Section 842 of the Education Amendments of 1974.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.103 Three-year State plans.

(a) Beginning no later than fiscal year 1981, each State plan will be effective for a period of three fiscal years, unless the program regulations provide for a longer effective period.

(b) If the Commissioner determines that the three-year State plans under a program should be submitted by the States on a staggered schedule, the Commissioner may require groups of States to submit or resubmit their plans in different years.

(c) This section does not apply to—

(1) The annual accountability report under Part A of Title I of the Vocational Education Act;

(2) The annual programs under the Library Services and Construction Act; and

(3) The application under Sections 141–143 of the Elementary and Secondary Education Act.

(d) A State may submit an annual State plan under the Vocational Education Act. If a State submits an annual plan under that program, this section does not apply to that plan.

(20 U.S.C. 1231g(a))

§ 100b.104 A State shall include certain certifications in its State plan.

(a) A State shall include the following certifications in each State plan:

(1) That the plan is submitted by the State agency that is eligible to submit the plan.

(2) That the State agency has authority under State law to perform the functions of the State under the program.

(3) That the State legally may carry out each provision of the plan.

(4) That all provisions of the plan are consistent with State law.

(5) That a State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the plan.

(6) That the State officer who submits the plan, specified by title in the certification, has authority to submit the plan.

(7) That the agency that submits the plan has adopted or otherwise formally approved the plan.

(8) That the plan is the basis for State operation and administration of the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.105 The Governor has 45 days to comment on the State plan.

(a) Before a State submits a State plan to the Commissioner, the State shall give its Governor 45 days to comment on the plan.

(b) The State shall attach to the plan any comments the Governor makes.

(c) If the Governor does not comment, the offical who submits the State plan shall certify that—

(1) The State submitted the plan to the Governor at least 45 days before submitting it to the Commissioner; and

(2) The Governor did not comment.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.106 State documents are public information.

A State shall make the following documents available for public inspection:

(a) All State plans and related official materials.

(b) All approved subgrant applications.

(c) All documents that the Commissioner transmits to the State regarding a program.

(20 U.S.C. 1221e–3(a)(1))

Amendments

Cross-reference.—See 45 CFR Part 74, Subpart L—Programmatic Changes and Budget Revisions.

§ 100b.140 Amendments to a State plan.

(a) If the Commissioner determines that an amendment to a State plan is essential during the effective period of the plan, the State shall make the amendment.

(b) A State shall also amend a State plan if there is a significant and relevant change in—

(1) The information or the assurances in the plan;

(2) The administration or operation of the plan; or

(3) The organization, policies, or operations of the State agency that received the grant, if the change materially affects the information or assurances in the plan.

(20 U.S.C. 1221e–3(a)(1); 1231g(a))

§ 100b.141 An amendment requires the same procedures as the document being amended.

If a State amends a State plan under § 100b.140, the State shall use the same procedures as those it must use to prepare and submit a State plan.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.142 An amendment is approved on the same basis as the document being amended.

The Commissioner uses the same procedures to approve an amendment to a State plan—or any other document a State submits—as the Commissioner uses to approve the original document.

(20 U.S.C. 1221e–3(a)(1))

Subpart C—How a Grant Is Made to a State

Approval or Disapproval by the Commissioner

§ 100b.201 A State plan must meet all statutory and regulatory requirements.

The Commissioner approves a State plan if it meets the requirements of the Federal statutes and regulations that apply to the plan.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.202 Opportunity for a hearing before a State plan is disapproved.

The Commissioner may disapprove a State plan only after—

(a) Notifying the State;

(b) Offering the State a reasonable opportunity for a hearing; and

(c) Holding the hearing, if requested by the State.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.235 The notification of grant award.

(a) To make a grant to a State, the Commissioner issues and sends to the State a notification of grant award.

(b) The notification of grant award tells the amount of the grant and provides other information about the grant.

(20 U.S.C. 1221e–3(a)(1))

Allotments and Reallotments of Grant Funds

§ 100b.260 Allotments are made under program statute.

(a) The Commissioner allots program funds to a State in accordance with the authorizing statute for the program.

(b) Any reallotment to other States will be made by the Commissioner in accordance with the authorizing statute for that program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.261 Reallotted funds are part of a State's grant.

Funds that a State receives as a result of a reallotment are part of the State's grant for the appropriate fiscal year. However, the Commissioner does not consider a reallotment in determining the maximum or minimum amount to which a State is entitled for a following fiscal year.

(20 U.S.C. 1221e–3(a)(1))

Subpart D—How To Apply to the State for a Subgrant

§ 100b.300 Contact the State for procedures to follow.

An applicant for a subgrant can find out the procedures it must follow by contacting the State agency that administers the program.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See Subparts E and G of this part for the general responsibilities of the State regarding applications for subgrants.

§ 100b.301 Local educational agency general application.

(a) A local educational agency that applies for subgrants under one or more programs listed in § 100b.1 shall submit to the State a general application that contains the assurances contained in paragraph (c) of this section. That application covers the participation by that local educational agency in all of those programs.

(b) A general application submitted under this section remains in effect for the duration of the programs it covers.

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The State agencies or boards administering the programs covered by the application may not require the resubmission or amendment of the application unless required by a change in Federal or State law or by other significant changes in the circumstances affecting an assurance in the application.

(c) The general application submitted by a local educational agency must include assurances—

(1) That the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;

(2) That the control of funds provided to the local educational agency under each program and title to property acquired with those funds will be in a public agency and that a public agency will administer those funds and property;

(3) That the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;

(4) That the local educational agency will—

(i) Make reports to the State agency or board and to the Commissioner as may reasonably be necessary to enable the State agency or board and the Commissioner to perform their duties;

(ii) Maintain records—including the records required under Section 437 of GEPA—and provide access to those records as the State agency or board or the Commissioner decides are necessary to perform their duties;

(5) That the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;

(6) That any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;

(7) That in the case of any project involving construction—

(i) The project is not inconsistent with overall State plans for the construction of school facilities; and

(ii) In developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under Section 504 of the Rehabilitation Act of 1973 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by handicapped individuals; and

(8) That the local educational agency has adopted effective procedures for—

(i) Acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects; and

(ii) Adopting, if appropriate, promising educational practices developed through those projects.

(20 U.S.C. 1232e)

§ 100b.302 The notice to the subgrantee.

A State shall notify a subgrantee in writing of—

(a) The amount of the subgrant;

(b) The period during which the subgrantee may obligate the funds; and

(c) The Federal requirements that apply to the subgrant.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.303 Joint applications and projects.

(a) Two or more eligible parties may submit a joint application for a subgrant.

(b) If the State must use a formula to distribute subgrant funds (see § 100b.51), the State may not make a subgrant that exceeds the sum of the entitlements of the separate subgrantees.

(c) If the State funds the application, each subgrantee shall—

(1) Carry out the activities that the subgrantee agreed to carry out; and

(2) Use the funds in accordance with Federal requirements.

(d) Each subgrantee shall use an accounting system that permits identification of the costs paid for under its subgrant.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.304 Subgrantee shall make subgrant application available to the public.

A subgrantee shall make any application, evaluation, periodic program plan, or report relating to each program available for public inspection.

(20 U.S.C. 1221e–3(a)(1); 1232e)

§ 100b.305 Amendments to applications.

If a subgrantee makes a significant amendment to its application, the subgrantee shall use the same procedures as those it must use to submit an application.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart L—Programmatic Changes and Budget Revisions.

Subpart E—How a Subgrant Is Made to an Applicant

§ 100b.400 State procedures for reviewing an application.

A State that receives an application for a subgrant shall take the following steps:

(a) *Review.* The State shall review the application.

(b) *Approval—entitlement programs.* The State shall approve an application if—

(1) The application is submitted by an applicant that is entitled to receive a subgrant under the program; and

(2) The applicant meets the requirements of the Federal statutes and regulations that apply to the program.

(c) *Approval—discretionary programs.* The State may approve an application if—

(1) The application is submitted by an eligible applicant under a program in which the State has the discretion to select subgrantees;

(2) The applicant meets the requirements of the Federal statutes and regulations that apply to the program; and

(3) The State determines that the project should be funded under the authorizing statute and implementing regulations for the program.

(d) *Disapproval—entitlement and discretionary programs.* If an application does not meet the requirements of the Federal statutes and regulations that apply to a program, the State shall not approve the application.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.401 Disapproval of an application—opportunity for a hearing.

(a) *State agency hearing before disapproval.* Under the following programs listed in § 100b.1, the State agency that administers the program shall provide an applicant with notice and an opportunity for a hearing before it may disapprove the application:

(1) Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived Children.

(2) Grants to State Agencies for Programs To Meet the Special Educational Needs of Children in Institutions for Neglected or Delinquent Children.

(3) Supplementary Centers and Services, Guidance, Counseling, and Testing Programs.

(4) Strengthening Instruction in Academic Subjects in Public Schools.

(5) State-operated Programs for Handicapped Children.

(6) Assistance to States for Education of Handicapped Children.

(7) State Vocational Education Programs.

(b) *Other programs—hearings not required.* Under the other programs listed in § 100b.1, a State agency—other than a State educational agency—is not required to provide an opportunity for a hearing regarding the agency's disapproval of an application.

(c) If an applicant for a subgrant alleges that any of the following actions of a State educational agency violates a State or Federal statute or regulation, the State educational agency and the applicant shall use the procedures in paragraph (d) of this section:

(i) Disapproval of or failure to approve the application or project in whole or in part.

(ii) Failure to provide funds in amounts in accordance with the requirements of statutes and regulations.

(d) *State educational agency hearing procedures.*

(1) If the applicant applied under a program listed in paragraph (a) of this section, the State educational agency shall provide an opportunity for a hearing before the agency disapproves the application.

(2) If the applicant applied under a program not listed in paragraph (a) of this section, the State educational agency shall provide an opportunity for a hearing either before or after the agency disapproves the application.

(3) The applicant shall request the hearing within 30 days of the action of the State educational agency.

(4)(i) Within 30 days after it receives a request, the State educational agency shall hold a hearing on the record and shall review its action.

(ii) No later than 10 days after the hearing the agency shall issue its written ruling, including findings of fact and reasons for the ruling.

(iii) If the agency determines that its action was contrary to State or Federal statutes or regulations that govern the applicable program, the agency shall rescind its action.

(5) If the State educational agency does not rescind its final action after a review under this paragraph, the applicant may appeal to the Commissioner. The applicant shall file a notice of the appeal with the Commissioner within 20 days after the applicant has been notified by the State educational agency of the results of the agency's review. If supported by substantial evidence, findings of fact of the State educational agency are final.

(6)(i) The Commissioner may also issue interim orders to State educational agencies as he or she may decide are necessary and appropriate pending appeal or review.

(ii) If the Commissioner determines that the action of the State educational agency was contrary to Federal statutes or regulations that govern the applicable program, the Commissioner issues an order that requires the State educational agency to take appropriate action.

(7) Each State educational agency shall make available at reasonable times and places to each applicant all records of the agency pertaining to any review or appeal the applicant is conducting under this section, including records of other applicants.

(8) If a State educational agency does not comply with any provision of this section, or with any order of the Commissioner under this section, the Commissioner immediately terminates all assistance to the State educational agency under the applicable program.

(e) *Other State agency hearing procedures.* State agencies that are required to provide a hearing under paragraph (a) of this section—other than State educational agencies—are not required to use the procedures in paragraph (d) of this section.

(20 U.S.C. 1221e–3(a)(1); 1231b–2)

Subpart F—What Conditions Must Be Met by the State and its Subgrantees?

Nondiscrimination

§ 100b.500 Federal statutes and regulations on nondiscrimination.

A State and a subgrantee shall comply with the following statutes and regulations:

Subject	Statute	Regulation
Discrimination on the basis of race, color, or national origin.	Title VI of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d–4).	45 CFR Part 80.
Discrimination on the basis of sex.	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1683).	45 CFR Part 86.
Discrimination on the basis of handicap.	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).	45 CFR Part 84.
Discrimination on the basis of age.	The Age Discrimination Act (42 U.S.C. 6101 *et seq.*).	45 CFR Part 90.

(20 U.S.C. 1221e–3(a)(1))

Allowable Costs

§ 100b.530 General cost principles.

Subpart Q of 45 CFR Part 74 references the general cost principles that apply to grants, subgrants, and cost-type contracts under grants and subgrants.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart G—Matching or Cost Sharing.

§ 100b.532 Use of funds for religion prohibited.

(a) No State or subgrantee may use its grant or subgrant to pay for any of the following:

(1) Religious worship, instruction, or proselytization.

(2) Equipment or supplies to be used for any of the activities specified in paragraph (a)(1) of this section.

(3) Construction, remodeling, repair, operation, or maintenance of any facility or part of a facility to be used for any of the activities specified in paragraph (a)(1) of this section.

(4) An activity of a school or department of divinity.

(b) As used in this section, "school or department of divinity" means an institution or a component of an institution whose program is specifically for the education of students to—

(1) Prepare them to enter into a religious vocation; or

(2) Prepare them to teach theological subjects.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.533 Acquistion of real property; construction.

No State or subgrantee may use its grant or subgrant for acquisition of real property or for construction unless specifically permitted by the authorizing statute or implementing regulations for the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.534 Use of tuition and fees restricted.

No State or subgrantee may count tuition and fees collected from students toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

(20 U.S.C. 1221e–3(a)(1))

Indirect Cost Rates

§ 100b.560 General indirect cost rates; exceptions.

(a) Appendices B–D to 45 CFR Part 74 include—

(1) A description of the difference between direct and indirect costs; and

(2) The principles for determining the general indirect cost rate that a State or subgrantee may use under some programs.

(b) Section 100b.562 provides restrictions on indirect cost rates under certain programs.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.561 Approval of indirect cost rates.

(a) The Commissioner approves an indirect cost rate for a State agency and for a subgrantee other than a local educational agency. For the purposes of

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this section, the term "local educational agency" does not include a State agency.

(b) Each State educational agency, on the basis of a plan approved by the Commissioner, shall approve an indirect cost rate for each local educational agency that requests it to do so.

(c) Each indirect cost rate must be approved annually.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.563 Restricted indirect cost rate—programs covered.

A State and a subgrantee shall use a restricted indirect cost rate, computed under 45 CFR 100a.564–100a.568, for each program listed in § 100b.1 that has a statutory requirement not to use Federal funds to supplant non-Federal funds. These programs include the following:

Program	Authorizing statute
Financial Assistance to Local Educational Agencies To Meet the Special Educational Needs of Educationally Deprived Children.	Title I–A of the Elementary and Secondary Education Act.
Grants to State Agencies for Programs To Meet the Special Educational Needs of Children in Institutions for Neglected or Delinquent Children.	Sections 151–153 of the Elementary and Secondary Education Act.
Grants to State Agencies for Programs To Meet the Special Educational Needs of Migratory Children.	Sections 141–143 of the Elementary and Secondary Education Act.
State Basic Skills Improvement Program.	Title II of the Elementary and Secondary Education Act.
Financial Assistance for School Library Resources, Textbooks, and other Instructional Materials.	Title II of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).
Supplementary Centers and Services, Guidance, Counseling, and Testing Programs.	Title III of the Elementary and Secondary Education Act (as in effect Sept. 30, 1978).
Strengthening Instruction on Academic Subjects in Public Schools.	Title III–A of the National Defense Education Act.
State-operated Programs for Handicapped Children.	Sections 146–147 of the Elementary and Secondary Education Act.
Assistance to States for Education of Handicapped Children.	Part B of the Education of the Handicapped Act.
State Vocational Education Programs.	Part A of Title I of the Vocational Education Act.
Community Service and Continuing Education Programs.	Title I of the Higher Education Act.

(20 U.S.C. 1221e–3(a)(1))

Coordination

§ 100b.580 Coordination with other activities.

(a) A State and a subgrantee shall, to the extent possible, coordinate each of its projects with other activities that are in the same geographic area served by the project and that serve similar purposes and target groups.

(b) A State and a subgrantee whose project includes activities to improve the basic skills of children, youth, or adults shall, to the extent possible, coordinate its project with other basic skills activities that are in the same geographic area served by the project.

(c) For the purposes of this section, "basic skills" means reading, mathematics, and effective communication, both written and oral.

(d) The State or subgrantee shall continue its coordination during the period that it carries out the project.

(20 U.S.C. 1221e–3(a)(1); 2890)

§ 100b.581 Methods of coordination.

Depending on the objectives and requirements of a project, a grantee shall use one or more of the following methods of coordination:

(a) Planning the project with organizations and individuals who have similar objectives or concerns.

(b) Sharing information, facilities, staff, services, or other resources.

(c) Engaging in joint activities such as instruction, needs assessment evaluation, monitoring, technical assistance, or staff training.

(d) Using the grant or subgrant funds so as not to duplicate or counteract the effects of funds used under other programs.

(e) Using the grant or subgrant funds to increase the impact of funds made available under other programs.

(20 U.S.C. 1221e–3(a)(1))

Evaluation

§ 100b.591 Federal evaluation—cooperation by a grantee.

A State and a subgrantee shall cooperate in any evaluation of a program by the Secretary or the Commissioner.

(20 U.S.C. 1226c; 1231a)

§ 100b.592 Federal evaluation—satisfying requirement for State or subgrantee evaluation.

If a State or a subgrantee cooperates in a Federal evaluation of a program, the Commissioner may determine that the State or subgrantee meets the evaluation requirements of the program.

(20 U.S.C. 1226c; 1231a)

Construction

Cross-reference.—See 45 CFR Part 74, Subpart P—Procurement Standards.

§ 100b.600 Where to find construction regulations.

(a) A State or a subgrantee that requests program funds for construction, or whose grant or subgrant includes funds for construction, shall comply with the rules on construction that apply to applicants and grantees under 45 CFR 100a.600–100a.615.

(b) The State shall perform the functions that the appropriate official of the Education Division performs under 45 CFR 100a.602 (Preservation of historic sites) and 100a.605 (Approval of drawings and specifications).

(c) The State shall provide to the Commissioner the information required under 45 CFR 100a.602(a) (Preservation of historic sites).

(20 U.S.C. 1221e–3(a)(1))

Participation of Students Enrolled in Private Schools

§ 100b.650 Private schools; purpose of §§ 100b.651–100b.662.

(a) Under some programs, the authorizing statute requires that a State and its subgrantees provide for participation by students enrolled in private schools. Sections 100b.651–100b.662 apply to those programs and provide rules for that participation. These sections do not affect the authority of the State or a subgrantee to enter into a contract with a private party.

(b) If any other rules for participation of students enrolled in private schools apply under a particular program, they are in the authorizing statute or implementing regulations for that program.

(20 U.S.C. 1221e–3(a)(1)).

Note.—Some program statutes authorize the Commissioner—under certain circumstances—to provide benefits directly to private school students. These "bypass" provisions—where they apply—are implemented in the individual program regulations.

§ 100b.651 Responsibility of a State and a subgrantee.

(a)(1) A subgrantee shall provide students enrolled in private schools with a genuine opportunity for equitable participation in accordance with the requirements in §§ 100b.652–100b.662 and in the authorizing statute and implementing regulations for a program.

(2) The subgrantee shall provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.

(3) The subgrantee shall maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.

(b)(1) A State shall ensure that each subgrantee complies with the requirements in §§100b.651–100b.662.

(2) If a State carries out a project directly, it shall comply with these requirements as if it were a subgrantee.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.652 Consultation with representatives of private school students.

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of—

(1) Which children will receive benefits under the project;

(2) How the children's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.653 Needs, number of students, and types of services.

A subgrantee shall determine the following matters on a basis comparable to that used by the subgrantee in providing for participation of public school students:

(a) The needs of students enrolled in private schools.

(b) The number of those students who will participate in a project.

(c) The benefits that the subgrantee will provide under the program to those students.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.654 Benefits for private school students.

(a) *Comparable benefits.* The program benefits that a subgrantee provides for students enrolled in private schools must be comparable in quality, scope, and opportunity for participation to the program benefits that the subgrantee provides for students enrolled in public schools.

(b) *Same Benefits.* If a subgrantee uses funds under a program for public school students in a particular attendance area, or grade or age level, the subgrantee shall insure equitable opportunities for participation by students enrolled in private schools who—

(1) Have the same needs as the public school students to be served; and

(2) Are in that group, attendance area, or age or grade level.

(c) *Different benefits.* If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, a subgrantee shall provide program benefits for the private school students that are different from the benefits the subgrantee provides for the public school students.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.655 Level of expenditures for students enrolled in private schools.

(a) Subject to paragraph (b) of this section, a subgrantee shall spend the same average amount of program funds on—

(1) A student enrolled in a private school who receives benefits under the program; and

(2) A student enrolled in a public school who receives benefits under the program.

(b) The subgrantee shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.656 Information in an application for a subgrant.

An applicant for a subgrant shall include the following information in its application:

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefits under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with § 100b.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.657 Separate classes prohibited.

A subgrantee may not use program funds for classes that are organized separately on the basis of school enrollment or religion of the students if—

(a) The classes are at the same site; and

(b) The classes include students enrolled in public schools and students enrolled in private schools.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.658 Funds not to benefit a private school.

(a) A subgrantee may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

(b) The subgrantee shall use program funds to meet the specific needs of students enrolled in private schools, rather than—

(1) The needs of a private school; or

(2) The general needs of the students enrolled in a private school.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.659 Use of public school personnel.

A subgrantee may use program funds to make public personnel available in other than public facilities—

(a) To the extent necessary to provide equitable program benefits designed for students enrolled in a private school; and

(b) If those benefits are not normally provided by the private school.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.660 Use of private school personnel.

A subgrantee may use program funds to pay for the services of an employee of a private school if—

(a) The employee performs the services outside of his or her regular hours of duty; and

(b) The employee performs the services under public supervision and control.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.661 Equipment and supplies.

(a) Under some program statutes, a public agency must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds. This public agency is usually the subgrantee.

(b) The subgrantee may place equipment and supplies in a private school for the period of time needed for the project.

(c) The subgrantee shall insure that the equipment or supplies placed in a private school—

(1) Are used only for the purposes of the project; and

(2) Can be removed from the private school without remodeling the private school facilities.

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(d) The subgrantee shall remove equipment or supplies from a private school if—

(1) The equipment or supplies are no longer needed for the purposes of the project; or

(2) Removal is necessary to avoid use of the equipment of supplies for other than project purposes.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.682 Construction.

A subgrantee shall insure that program funds are not used for the construction of private school facilities.

(20 U.S.C. 1221e–3(a)(1))

Other Requirements for Certain Programs

Cross-reference.—See 45 CFR Part 74, Subpart C—Bonding and Insurance; and 45 CFR 74.144—Inventions and patents.

§ 100b.691 Protection of human research subjects.

If a State or a subgrantee uses a human subject in a research project, the State or subgrantee shall protect the person from physical, psychological, or social injury resulting from the project.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 46—Protection of Human Research Subjects.

§ 100b.692 Treatment of animals.

If a State or a subgrantee uses an animal in a project, the State or subgrantee shall provide the animal with proper care and humane treatment in accordance with the Animal Welfare Act of 1970.

(Pub. L. 89–544, as amended)

§ 100b.693 Health or safety standards for facilities.

A State and a subgrantee shall comply with any Federal health or safety requirements that apply to the facilities that the State or subgrantee uses for a project.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.694 Day care services.

(a) If a State or a subgrantee uses program funds to provide any day care services, the State or subgrantee shall comply with the day care requirements in 45 CFR Part 71 of this title.

(b) The Commissioner may waive this requirement by publication of a notice in the Federal Register.

(20 U.S.C. 1221e–3(a)(1))

Subpart G—What Are the Administrative Responsibilities of the State and its Subgrantees?

General Administrative Responsibilities

§ 100b.700 Compliance with statutes, regulations, State plan, and applications.

A State and a subgrantee shall comply with the State plan and applicable statutes, regulations, and approved applications, and shall use Federal funds in accordance with those statutes, regulations, plan, and applications.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.701 The State or subgrantee administers or supervises each project.

A State or a subgrantee shall directly administer or supervise the administration of each project.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.702 Fiscal control and fund accounting procedures.

A State and a subgrantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.

(20 U.S.C. 1221e–3(a)(1))

Cross-reference.—See 45 CFR Part 74, Subpart B—Cash Depositories, Subpart H—Standards for Grantee and Subgrantee and Subgrantee Financial Management Systems, and Subpart K—Grant and Subgrant Payment Requirements.

§ 100b.703 When a State may begin to obligate funds.

(a) A State may not begin to obligate funds under a program until the later of the following two dates:

(1) The date that the State plan is mailed or hand delivered to the Commissioner in substantially approvable form.

(2) The date that the funds are first available for obligation by the Commissioner.

(b)(1) The State must show one of the following as proof of mailing:

(i) A legibly dated U.S. Postal Service postmark.

(ii) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(iii) A dated shipping label, invoice, or receipt from a commercial carrier.

(iv) Any other proof of mailing acceptable to the Commissioner.

(2) If a State plan is mailed through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing:

(i) A private metered postmark.

(ii) A mail receipt that is not dated by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, a State should check with its local post office.

(c) After determining that a State plan is in substantially approvable form, the Commissioner informs the State of the date on which it could begin to obligate funds. Reimbursement for those obligations is subject to final approval of the State plan.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.704 When certain subgrantees may begin to obligate funds.

(a) If the authorizing statute for a program requires a State to make subgrants on the basis of a formula (see § 100b.5), the State may not authorize an applicant for a subgrant to obligate funds until the later of the following two dates:

(1) The date that the State may begin to obligate funds under § 100b.703; or

(2) The date that the applicant submits its application to the State in substantially approvable form.

(b) Reimbursement for obligations under paragraph (a) of this section is subject to final approval of the application.

(c) If the authorizing statute for a program gives the State discretion to select subgrantees, the State may not authorize an applicant for a subgrant to obligate funds until the subgrant is made. However, the State may approve pre-agreement costs in accordance with the cost principles that are appended to 45 CFR Part 74 [Appendices C–F].

(20 U.S.C. 1221e–3(a)(1))

§ 100b.705 Funds may be obligated during a "carryover period."

(a) If a State or a subgrantee does not obligate all of its grant or subgrant funds by the end of the fiscal year for which Congress appropriated the funds, it may obligate the remaining funds during a carryover period of one additional fiscal year.

(b) The State shall return to the Federal Government any carryover funds not obligated by the end of the carryover period by the State and its subgrantees.

(U.S.C. 1225(b))

§ 100b.706 Obligations made during a carryover period are subject to current statutes, regulations, and applications.

A State and a subgrantee shall use carryover funds in accordance with—

(a) The Federal statutes and regulations that apply to the program and are in effect for the carryover period; and

(b) Any State plan, or application for a subgrant, that the State or subgrantee is required to submit for the carryover period.

(20 U.S.C. 1225(b))

§ 100b.707 When obligations are made.

The following table shows when a State or a subgrantee makes obligations for various kinds of property and services.

If the obligation is for—	*The obligation is made—*
(a) Acquisition of real or personal property,	On the date on which the State or subgrantee makes a binding written commitment to acquire the property.
(b) Personal services by an employee of the State or subgrantee,	When the services are performed.
(c) Personal services by a contractor who is not an employee of the State or subgrantee,	On the date on which the State or subgrantee makes a binding written commitment to obtain the services.
(d) Performance of work other than personal services,	On the date on which the State or subgrantee makes a binding written commitment to obtain the work.
(e) Public utility services,	When the State or subgrantee receives the services.
(f) Travel,	When the travel is taken.
(g) Rental of real or personal property,	When the State or subgrantee uses the property.
(h) A pre-agreement cost that was properly approved by the State under the cost principles in appendices C–F to 45 CFR Part 74,	On the first day of the subgrant period.

(20 U.S.C. 1221e–3(a)(1))

Reports

Cross-reference.—See 45 CFR Part 74, Subpart I—Financial Reporting Requirements, and Subpart J—Monitoring and Reporting of Program Performance.

§ 100b.720 Financial and performance reports by a State.

(a) This section applies to a State's reports required under 45 CFR Part 74, Subparts I (financial reporting) and J (performance reporting).

(b) A state shall submit these reports annually, unless the Commissioner allows less frequent reporting.

(c) However, the Commissioner may, under 45 CFR 74.7 (Special grant or subgrant conditions) or 45 CFR 74.72(e) (Grantee accounting systems), require a State to report more frequently than annually.

(20 U.S.C., 1221e–3(a)(1))

§ 100b.722 A subgrantee makes reports required by the State.

A State may require a subgrantee to furnish reports that the State needs to carry out its responsibilities under the program.

(20 U.S.C. 1221e–3(a)(1))

Records

Cross-reference.—See 45 CFR Part 74, Subpart D—Retention and Access Requirements for Records.

§ 100b.730 Records related to grant funds.

A State and a subgrantee shall keep records that fully show—

(a) The amount of funds under the grant or subgrant;

(b) How the State or subgrantee uses the funds;

(c) The total cost of the project;

(d) The share of that cost provided from other sources; and

(e) Other records to facilitate an effective audit.

(20 U.S.C. 1232f)

§ 100b.731 Records related to compliance.

A State and a subgrantee shall keep records to show its compliance with program requirements.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.734 Record retention period.

Unless a longer period is required under 45 CFR Part 74, a State and a subgrantee shall retain records for five years after completion of the activity for which they use grant or subgrant funds.

(20 U.S.C. 1232f(a))

Cross-reference.—See 45 CFR 74.21 Length of retention period; and 74.22 Starting date of retention period.

Privacy

§ 100b.740 Protection of and accessibility to student records.

Most records on present or past students are subject to the requirements of Section 438 of GEPA and its implementing regulations under 45 CFR Part 99. (Section 438 is the Family Educational Rights and Privacy Act of 1974.)

(20 U.S.C. 1231g)

§ 100b.741 Protection of students' privacy in research and testing.

(a) If a project funded by the Office of Education is designed to explore or develop new or unproven teaching methods or techniques, the grantee must give parents or guardians of children who participate in the project access to instructional material that will be used in connection with the project, including teachers' manuals, films, tapes, or other supplementary instructional material.

(b) No student may be required, as part of any program of the Office of Education, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning—

(1) Political affiliations;

(2) Mental and psychological problems potentially embarrassing to the student or his family;

(3) Sex behavior and attitudes;

(4) Illegal, anti-social, self-incriminating and demeaning behavior;

(5) Critical appraisals of other individuals with whom respondents have close family relationships;

(6) Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) Income—other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under the program—without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent.

(20 U.S.C. 1232h)

Use of Funds by States and Subgrantees

§ 100b.760 More than one program may assist a single activity.

A State or a subgrantee may use funds under more than one program to support different parts of the same project if the State or subgrantee meets the following conditions:

(a) The State or subgrantee complies with the requirements of each program with respect to the part of the project assisted with funds under that program.

(b) The State or subgrantee has an accounting system that permits identification of the costs paid for under each program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.761 Federal funds may pay 100 percent of cost.

A State or a subgrantee may use program funds to pay up to 100 percent of the cost of a project if—

(a) The State or subgrantee is not required to match the funds; and

(b) The project can be assisted under the authorizing statute and implementing regulations for the program.

(20 U.S.C. 1221e–3(a)(1))

State Administrative Responsibilities

Cross-reference.—See 45 CFR Part 74, Subpart K—Grant and Subgrant Payment Requirements.

§ 100b.770 A State shall perform certain duties with respect to the applications for subgrants.

With respect to each program that authorizes subgrants, a State shall perform the following duties and any

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other duties required by statute or regulations:

(a) Disseminate information regarding the availability of funds under each program.

(b) Develop procedures for applicants to follow in completing and submitting applications for subgrants.

(c) Provide application forms.

(d) Assist applicants in applying for funds.

(e) Review applications and, within the limits of available funds, award subgrants.

(f) Notify each applicant as to whether it will receive a subgrant.

(g) Not act in any manner that prevents eligible applicants from applying under the program.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.771 A State shall encourage eligible applicants to apply.

(a) Each State shall make a reasonable effort to encourage eligible applicants to apply for subgrants.

(b) The State shall inform eligible applicants of—

(1) The availability of subgrants;

(2) The objectives of each program;

(3) The objectives of the State plan for each program;

(4) The assistance the State provides to an applicant in completing and submitting an application; and

(5) The procedures the State uses to select applications for funding.

(20 U.S.C. 1222c–3(a)(1))

§ 100b.772 Other responsibilities of the State.

(a) A State shall—

(1) Provide technical assistance to prospective applicants and subgrantees;

(2) Assist in the evaluation of projects;

(3) Develop and use procedures to monitor each project; and

(4) Develop procedures, issue rules, or take whatever action may be necessary to properly administer each program and to avoid illegal, imprudent, wasteful, or extravagant use of funds by the State or a subgrantee.

(b) This section applies to the program under Title IV of the Elementary and Secondary Education Act unless administrative funds for that program are appropriated under Title V–A of that Act.

(c) This section does not apply to the program under Title I of the Elementary and Secondary Education Act.

Cross-reference.—See § 100b.1 Programs to which Part 100b applies.

(20 U.S.C. 1221e–3(a)(1))

Complaint Procedures of the State

§ 100b.780 A State shall adopt complaint procedures.

(a) A State shall adopt written procedures for—

(1) Receiving and resolving any complaint that the State or a subgrantee is violating a Federal statute or regulations that apply to a program;

(2) Reviewing an appeal from a decision of a subgrantee with respect to a complaint; and

(3) Conducting an independent on-site investigation of a complaint if the State determines that an on-site investigation is necessary.

(b) Sections 100b.780–100b.782 apply to the program under Title IV of the Elementary and Secondary Education Act unless administrative funds for that program are appropriated under Title V–A of that Act.

(c) Sections 100b.780–100b.782 do not apply to the program under Title I of the Elementary and Secondary Education Act.

Cross-reference.—See § 100b.1 Programs to which Part 100b applies.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.781 Minimum complaint procedures.

A State shall include the following in its complaint procedures:

(a) A time limit of 60 calendar days after the State receives a complaint—

(1) If necessary, to carry out an independent on-site investigation; and

(2) To resolve the complaint.

(b) An extension of the time limit under paragraph (a) of this section only if exceptional circumstances exist with respect to a particular complaint.

(c) The right to request the Commissioner to review the final decision of the State.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.782 An organization or individual may file a complaint.

An organization or individual may file a written signed complaint with a State. The complaint must include—

(a) A statement that the State or a subgrantee has violated a requirement of a Federal statute or regulations that apply to a program; and

(b) The facts on which the statement is based.

(20 U.S.C. 1221e–3(a)(1))

§ 100b.783 State educational agency action—subgrantee's opportunity for a hearing.

(a) A subgrantee may request a hearing if it alleges that any of the following actions by the State educational agency violated a State or Federal statute or regulation:

(1) Ordering, in accordance with a final State audit resolution determination, the repayment of misspent or misapplied Federal funds; or

(2) Terminating further assistance for an approved project.

(b) The procedures in § 100b.401(c)(2)–(7) apply to any request for a hearing under this section.

(20 U.S.C. 1231b–2)

Subpart H—What Procedures Does the Commissioner Use to Get Compliance?

Cross-reference.—See 45 CFR Part 74, Subpart M—Grant and Subgrant Closeout, Suspension, and Termination.

§ 100b.900 Waiver of regulations prohibited.

(a) No official, agent, or employee of HEW may waive any regulation that applies to an Office of Education program unless the regulation specifically provide that it may be waived.

(b) No act or failure to act by an official, agent, or employee of HEW can affect the authority of the Commissioner to enforce regulations.

(43 Dec. Comp. Gen. 31(1963))

§ 100b.901 Education Appeal Board.

(a) The Education Appeal Board, established under Part E of GEPA, has the following functions:

(1) Audit appeal hearings under Section 452 of GEPA.

(2) Withholding and termination hearings under Section 453 of GEPA.

(3) Cease and desist hearings under Section 453 of GEPA.

(4) Any other proceeding designated by the Commissioner.

(b) The regulations for the Education Appeal Board are in 45 CFR Part 100d.

(20 U.S.C. 1234)

§ 100b.902 Judicial review.

After a hearing by the Commissioner, a State is usually entitled—generally by the statute that required the hearing—to judicial review of the Commissioner's decision.

(20 U.S.C. 1221e–3(a)(1))

PART 100c—GENERAL

Sec.

100c.1 Definitions that apply to all Education Division programs.
100c.2 Records under the Freedom of Information Act.

Authority: Section 408(a)(1) of Pub. L. 90–247, 88 Stat. 559, 560, as amended (20 U.S.C. 1221e–3(a)(1)), unless otherwise noted.

§ 100c.1 Definitions that apply to all Education Division programs.

(a) Unless a statute or regulation provides otherwise, the definitions in this section apply to the regulations for—

(1) The Museum Services Program (45 CFR Part 64);

(2) Programs of the Office of Education (45 CFR Parts 100–199);

(3) Programs of the National Institute of Education (45 CFR Parts 1400–1499); and

(4) Programs of the Office of the Assistant Secretary for Education (45 CFR Parts 164 and 1501).

(b) The following definitions in 45 CFR Part 74 apply to the regulations listed in paragraph (a) of this section. The section of 45 CFR Part 74 that contains the definition is given in the parentheses.

"Budget" (74.104)
"Contract" (includes definition of "Subcontract") (74.3)
"Equipment" (74.132)
"Federally recognized Indian tribal government" (74.3)
"Grant" (74.3)
"Grantee" (74.3)
"HEW" (74.3)
"Local government" (74.3)
"Personal property" (74.132)
"Real property" (74.132)
"Recipient" (74.3)
"Subgrant" (74.3)
"Subgrantee" (74.3)
"Supplies" (74.132)

(c) The following definitions also apply to the regulations listed in paragraph (a) of this section:

"Acquisition" means taking ownership of property, receiving the property as a gift, entering into a lease-purchase arrangement, or leasing the property. The term includes processing, delivery, and installation of property.

"Applicant" means a party requesting a grant or subgrant under a program of the Education Division.

"Application" means a request for a grant or subgrant under a program of the Education Division.

"Appropriate official of the Education Division" means the official that has overall administrative responsibility for an Education Division program. Depending on the statutory authority for a given program, that official is one of the following:

(a) The Assistant Secretary.

(b) The Commissioner.

(c) The Director of the National Institute of Education.

(d) The Director of the Institute of Museum Services.

"Assistant Secretary" means the Assistant Secretary for Education of the Department of Health, Education, and Welfare or an official or employee of the Education Division acting for the Assistant Secretary under a delegation of authority.

"Award" means an amount of funds that the Education Division provides under a grant or contract.

"Budget period" means an interval of time into which a project period is divided for budgetary purposes.

"Commissioner" means the U.S. Commissioner of Education or an official or employee of the Office of Education acting for the Commissioner under a delegation of authority.

"Department" means the U.S. Department of Health, Education, and Welfare.

"Director of the Institute of Musuem Services" means the Director of the Institute of Museum Services or an officer or employee of the Institute of Museum Services acting for the Director under a delegation of authority.

"Director of the National Institute of Education" means the Director of the National Institute of Education or an officer or employee of the National Institute of Education acting for the Director under a delegation of authority.

"EDGAR" means the Education Division General Administrative Regulations (45 CFR Parts 100a, 100b, 100c, and 100d).

"Education Division" means the HEW agency, headed by the Assistant Secretary, that is composed of—

(a) The Office of the Assistant Secretary (which includes the National Center for Education Statistics);

(b) The Office of Education;

(c) The National Institute of Education; and

(d) The Institute of Museum Services.

"Elementary school" means a day or residential school that provides elementary education, as determined under State law.

"Facilities" means one or more structures in one or more locations.

"Fiscal year" means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30.

"GEPA" means The General Education Provisions Act.

"Grant period" means the period for which funds have been awarded.

"Local educational agency" means—

(a) A public board of education or other public authority legally constituted within a State for either administrative control of or direction of, or to perform service functions for, public elementary or secondary schools in—

(1) A city, county, township, school district, or other political subdivision of a State; or

(2) Such combination of school districts or counties a State recognizes as an administrative agency for its public elementary or secondary schools; or

(b) Any other public institution or agency that has administrative control and direction of a public elementary or secondary school.

(c) As used in 45 CFR Parts 104 and 105 (vocational education programs), the term also includes any other public institution or agency that has administrative control and direction of a vocational education program.

"Minor remodeling" means minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building. The term does not include building construction, stuctural alterations to buildings, building maintenance, or repairs.

"Nonprofit," as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

"Nonpublic," as applied to an agency, organization, or institution, means that the agency, organization, or institution is nonprofit and is not under Federal or public supervision or control.

"Preschool" means the educational level from a child's birth to the time at which the State provides elementary education.

"Private," as applied to an agency, organization, or institution, means that it is not under Federal or public supervision or control.

"Project" means the activity described in an application.

"Project period" means the period for which the appropriate official of the Education Division approves a project.

"Public," as applied to an agency, organization, or institution, means that the agency, organization, or institution is under the administrative supervision or control of a government other than the Federal Government.

"Secondary school" means a day or residential school that provides secondary education as determined under State law. In the absence of State law, the Commissioner may determine, with respect to that State, whether the term includes education beyond the twelfth grade.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare, or an official or employee

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of the Department acting for the Secretary under a delegation of authority.

"Service function," with respect to a local educational agency—

(a) Means an educational service that is performed by a legal entity—such as an intermediate agency—

(1)(i) Whose jurisdiction does not extend to the whole State; and

(ii) That is authorized to provide consultative, advisory, or educational services to public elementary or secondary schools; or

(2) That has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools.

(b) The term does not include a service that is performed by a cultural or educational resource.

"State" means any of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools in a State. In the absence of this officer or agency, it is an officer or agency designated by the Governor or State law.

"Work of art" means an item that is incorporated into facilities primarily because of its aesthetic value.

(20 U.S.C. 1221e-3(a)(1))

§ 100c.2 Records under the Freedom of Information Act.

The Education Division makes records available in accordance with the Freedom of Information Act and the Department's regulations in 45 CFR Part 5. The Education Division uses the fee schedule in 45 CFR 5.1.

(5 U.S.C. 552)

PART 100d—CERTIFICATION WITH RESPECT TO OPEN MEETINGS BY LOCAL EDUCATIONAL AGENCIES IN CERTAIN PROGRAMS [REVOKED]

4. Part 100d of the General Provisions for Regulations for Office of Education Programs is revoked, and a new Part 100d—Education Appeal Board is added. (This document is published in today's Federal Register.)

PART 104—STATE VOCATIONAL EDUCATION PROGRAMS

§§ 104.263, 104.289, 104.291, 104.292, 104.553, 104.634 [Revoked]

§§ 104.171, 104.271, 104.301, 104.533, 104.612, 104.803 [Amended]

5. The following sections are revoked: §§ 104.171 (a) and (h); 104.263; 104.271 (a), (c), and (d); 104.289; 104.291; 104.292; 104.301 (a) and (b); 104.533(c); 104.553; 104.612(b); 104.634; and 104.803(b).

6. Section 104.3 is revised to read as follows:

§ 104.3 Regulations that apply to State Vocational Education Programs.

(a) *Regulations.* The following regulations apply to State Vocational Education Programs:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 104.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

7. Section 104.141(d) is revised to read as follows:

§ 104.141 Requirement for filing a general application.

* * * * *

(d) This general application is in place of the general State application required by 45 CFR 100b.101 of EDGAR.

* * * * *

8. Section 104.301 (c) and (d) are revised to read as follows:

§ 104.301 Application of Federal requirements.

* * * * *

(c) State and local funds that are applied to the maintenance of effort requirements of the Act are subject to the conditions and requirements of the Act, regulations, five-year State plan, and annual program plan.

(d) The Commissioner accepts only actual expenditures of State and local funds as part of the State's matching and maintenance of effort requirements. This means that the State may not use in-kind contributions as part of its matching and maintenance of effort requirements.

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

§§105.5, 105.6, 105.7, 105.209, 105.210, 105.507, 105.625 [Revoked]

§§ 105.506, 105.605, 105.614, 105.624, Appendix A [Amended]

9. The following sections are revoked: §§105.5; 105.106; 105.107; 105.209; 105.210; 105.506 (c), (d), and (e); 105.507; 105.605 (a); 105.614 (a), (c)(4), and (e); 105.624 (a), (c), and (d); 105.625; and, in Appendix A, the definitions of "Commissioner," "HEW," "Local educational agency," "Secretary," "State," and "State educational agency."

10. Section 105.4 is revised to read as follows:

§ 105.4 Regulations that apply to the Commissioner's Discretionary Programs of Vocational Education.

(a) *Regulations.* The following regulations apply to the Commissioner's Discretionary Programs of Vocational Education.

(1)(i) For Subparts 1, 2, 4, and 5—the Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(ii) For Subpart 3—EDGAR 45 CFR Part 100c only.

(2) The regulations in this Part 105.

(b) *How to use regulations; how to apply for funds.*

The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

11. Section 105.109(a) is revised to read as follows:

§ 105.109 Exemplary and innovative projects.

(a)(1) The Commissioner makes a contract for an exemplary and innovative project only if the project provides for the participation of students enrolled in nonprofit private schools, to the extent that the educational needs of those students is of the type that the project is to meet.

(2) Section 100a.680 of the EDGAR references the regulations that govern the participation of those students.

* * * * *

12. Section 105.204 is revised to read as follows:

§ 105.204 Competitive awards.

The Commissioner makes awards competitively except to the extent that

appropriate sections of the Indian Self-Determination and Education Assistance Act of 1975 apply or to the extent that more specific regulations in this subpart apply.

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450e(b))

13. Section 105.206 is amended by revising the first sentence to read as follows:

§ 105.206 Applications for assistance contracts.

An application from an eligible tribal organization must be submitted to the Commissioner by the Indian tribe. * * *

14. Section 105.604 is amended by removing paragraphs (b) and (e) and revising paragraph (a) to read as follows:

§ 105.604 Applications for grants or contracts.

(a) An applicant shall give the State board an opportunity to comment on its application.

(b) (Deleted)

* * * * *

(e) (Deleted)

PART 107—FEDERAL FINANCIAL ASSISTANCE FOR PLANNING AND EVALUATION [REVOKED]

15. Part 107 is revoked.

PART 116b—STATE OPERATED PROGRAMS FOR HANDICAPPED CHILDREN

§§ 116b.10, 116b.11 [Revoked]

§§ 116b.13, 116b.23, 116b.32, 116b.60 [Amended]

16. The following sections are revoked: §§ 116b.10; 116b.11; 116b.13(a), (b), and (f); 116b.23(b); 116b.32(b); and 116b.60(a) and (b)(3).

17. Section 116b.2 is revised to read as follows:

§ 116b.2 Regulations that apply to State Operated Programs for Handicapped Children.

(a) *Regulations.* The following regulations apply to State Operated Programs for Handicapped Children:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 116b.

(3) The regulations in 45 CFR Part 116 (general requirements relating to Title I of the Act). However, § 116.40(b) (Use of funds for services that the applicant is required to provide) does not apply.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

PART 116c—GRANTS TO STATE AGENCIES FOR PROGRAMS TO MEET THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN IN INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN

§§ 116c.3, 116c.13 [Amended]

18. The following sections are revoked: §§ 116c.3(b) and 116c.13(a).

19. Section 116c.1 is amended by revising paragraph (b) to read as follows:

§ 116c.1 Applicability.

* * * * *

(b) *Regulations that apply to programs for neglected or delinquent children.*

(1) *Regulations.* The following regulations apply to programs for neglected or delinquent children:

(i) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(ii) 45 CFR Part 116 (general requirements relating to Title I of the Act).

(iii) The regulations in this Part 116c.

(2) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(i) Using regulations that apply to Education Division programs; and

(ii) Applying for assistance under an Education Division program.

* * * * *

PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

§§ 121a.15, 121a.112, 121a.113, 121a.114, 121a.120, 121a.135, 121a.142, 121a.143, 121a.150, 121a.181, 121a.191, 121a.228, 121a.232, 121a.233, 121a.234, 121a.236, 121a.239, 121a.386, 121a.453, 121a.454, 121a.455, 121a.456, 121a.457, 121a.458, 121a.459, 121a.460, 121a.581, 121a.582, 121a.583, 121a.590, 121a.591, 121a.592, 121a.593, 121a.601, 121a.602 [Revoked]

§§ 121a.8, 121a.163, 121a.190, 121a.193, 121a.452 [Amended]

20. The following sections are revoked: §§ 121a.8(a); 121a.15; 121a.112; 121a.113; 121a.114; 121a.120; 121a.135; 121a.142; 121a.143; 121a.150; 121a.181; 121a.183(b); 121a.190(a); 121a.191; 121a.193(a) and (b); 121a.228; 121a.232; 121a.233; 121a.234; 121a.236; 121a.239; 121a.386; 121a.452(b); 121a.453; 121a.454; 121a.455; 121a.456; 121a.457; 121a.458; 121a.459; 121a.460; 121a.581; 121a.582; 121a.583; 121a.590; 121a.591; 121a.592; 121a.593; 121a.601; and 121a.602.

21. Section 121a.3 is revised to read as follows:

§ 121a.3 Regulations that apply to Assistance to States for Education of Handicapped Children.

(a) *Regulations.* The following regulations apply to this program of Assistance to States for Education of Handicapped Children.

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

Definitions

* * * * *

22. Section 121a.450 is revised to read as follows:

§ 121a.450 Definition of "private school handicapped children."

As used in §§ 121a.451–121a.452, "private school handicapped children" means handicapped children enrolled in private schools or facilities other than handicapped children covered under §§ 121a.400–121a.403.

(20 U.S.C. 1413(a)(4)(A))

23. Section 121a.451 is revised to read as follows:

§ 121a.451 State educational agency responsibility.

The State educational agency shall insure that—

(a) To the extent consistent with their number and location in the State, provision is made for the participation of private school handicapped children in the program assisted or carried out under this part by providing them with special education and related services; and

(b) The requirements in 45 CFR 100b.651–100b.663 of EDGAR are met.

(20 U.S.C. 1413(a)(4)(A))

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PART 121b—REGIONAL RESOURCE CENTERS

§§ 121b.1, 121b.13 [Amended]

24. The following sections are revoked: §§ 121b.1(b) and 121b.13(a).

25. A new § 121b.5 is added to read as follows:

§ 121b.5 Regulations that apply to the Regional Resource Centers Program.

(a) *Regulations.* The following regulations apply to the Regional Resource Centers Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121b.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121c—CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

§§ 121c.1, 121c.10, 121c.34 [Amended]

26. The following sections are revoked: §§ 121c.1(b); 121c.10 (b) and (c); and 121c.34(b).

27. A new § 121c.4 is added to read as follows:

§ 121c.4 Regulations that apply to the Centers and Services for Deaf-Blind Children Program.

(a) *Regulations.* The following regulations apply to the Centers and Services for Deaf-Blind Children Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121c.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

§ 121d.54 [Revoked]

§§ 121d.1, 121d.17, 121d.31, 121d.40, 121d.52 [Amended]

28. The following sections are revoked: §§121d.1(b); 121d.17 (1st sentence only); 121d.31(b); 121d.40(b); 121d.52(a); and 121d.54.

29. A new Subpart D is added to read as follows:

Subpart D—Other Applicable Regulations

Sec.

121.60 Regulations that apply to the Handicapped Children Early Education Program.

§ 121d.60 Regulations that apply to the Handicapped Children Early Education Program.

(a) *Regulations.* The following additional regulations apply to the Handicapped Children Early Education Program under Subparts A, B, and C of this part:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121d.

(3) For the programs under Subparts B and C only, the regulations in 45 CFR Part 121e.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121e—AUXILIARY ACTIVITIES

§ 121e.5 [Revoked]

§ 121e.1 [Amended]

30. The following sections are revoked: §§ 121e.1(b) and 121e.5.

A new § 121e.1–1 is added to read as follows:

§ 121e.1–1 Regulations that apply to the Auxiliary Activities Program.

(a) *Regulations.* The following regulations apply to the Auxiliary Activities Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121e.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

§§ 121f.1, 121f.5 [Amended]

31. The following sections are revoked: 121f.1(b); 121f.5(d)(1); and 121f.22(b).

32. A new § 121f.6–1 is added to read as follows:

§ 121f.6–1 Regulations that apply to the Training Personnel for the Education of the Handicapped Program.

(a) *Regulations.* The following regulations apply to the Training Personnel for the Education of the Handicapped Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121f.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1223–3(a)(1))

PART 121g—RECRUITMENT OF PERSONNEL AND DISSEMINATION OF INFORMATION

§ 121g.1 [Amended]

33. Section 121g.1(b) is revoked.

34. A new § 121g.5 is added to read as follows:

§ 121g.5 Regulations that apply to the Recruitment of Personnel and Dissemination of Information Program.

(a) *Regulations.* The following regulations apply to the Recruitment of Personnel and Dissemination of Information Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121g.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121h—RESEARCH IN EDUCATION OF THE HANDICAPPED

§ 121h.9 [Revoked]

§§ 121h.1, Appendix [Amended]

35. The following sections are revoked: §§ 121h.1(b); 121h.9; and, in the Appendix, §§ 3.1, 3.2(a) (1st and 2nd sentences only) and (b)(3)(i), (ii), (iii), and (iv), (b)(4)(v), and (b)(5).

36. A new § 121h.1–1 is added to read as follows:

§ 121h.1–1 Regulations that apply to the Research in Education of the Handicapped Program.

(a) *Regulations.* The following regulations apply to the Research in Education of the Handicapped Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121h.

(3) The definitions in 45 CFR Part 121a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121i—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

§§ 121i.89, 121i.90, 121i.119, 121i.120 [Revoked]

§ 121i.1 [Amended]

37. The following sections are revoked: §§ 121i.1(b); 121i.89; 121i.90; 121i.119; and 121i.120.

38. A new § 121i.7 is added to read as follows:

§ 121i.7 Regulations that apply to the Instructional Media for the Handicapped Program.

(a) *Regulations.* The following regulations apply to the Instructional Media for the Handicapped Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121i.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 121k—REGIONAL EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

§§ 121k.1, 121k.19 [Amended]

39. The following sections are revoked: 121k.1(b) and 121k.19(c).

40. A new § 121k.5 is added to read as follows:

§ 121k.5 Regulations that apply to Regional Education Programs for Handicapped Persons.

(a) *Regulations.* The following regulations apply to Regional Education Programs for Handicapped Persons:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121k.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

41. Section 121k.15 is amended by revising the introductory text and deleting paragraphs (f) and (g) as follows:

§ 121k.15 Application requirements.

Applications for funds under this part must contain the following information:

* * * * *

(f) (Deleted)

(g) (Deleted)

42. Section 121k.16 is amended by revising paragraph (f) to read as follows:

§ 121k.16 Initial year application.

* * * * *

(f) A description of how the requirement under 45 CFR 100a.580 of EDGAR (Coordination with other activities) will be met.

* * * * *

PART 121m—INCENTIVE GRANTS

§§ 121m.9, 121m.10 [Revoked]

43. The following sections are revoked: §§ 121m.9 and 121m.10.

44. Section 121m.2 is revised to read as follows:

§ 121m.2 Regulations that apply to the Incentive Grants Program.

(a) *Regulations.* The following regulations apply to the Incentive Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 121m.

(3) The definitions in Part 121a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 130—LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

§§ 130.30, 130.41 [Revoked]

§§ 130.3, 130.16, 130.32 [Amended]

45. The following text in Part 130 is revoked: The terms "Commissioner" and "State" in §§ 130.3, 130.16(b)(2); 130.30; 130.32(b); and 130.41.

46. Section 130.2 is revised to read as follows:

Part 130.2 Regulations that apply to the Library Services and Construction Program.

(a) *Regulations.* The following regulations apply to the Library Services and Construction Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 130.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM

§ 131.4 [Amended]

47. Paragraphs (a) and (b) or § 131.4 are revoked.

48. Section 131.5 is revised to read as follows:

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§ 131.5 Regulations that apply to the College Library Resources Program.

(a) *Regulations.* The following regulations apply to the College Library Resources Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 131.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

§§ 132.21, 132.37 [Revoked]

49. The following sections are revoked: §§ 132.21 and 132.37.

50. A new § 132.1–1 is added to read as follows:

§ 132.1–1 Regulations that apply to the Training in Librarianship Program.

(a) *Regulations.* The following regulations apply to the Training in Librarianship Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 132.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 133—LIBRARY RESEARCH AND DEMONSTRATION

§§ 133.6, 133.9 [Revoked]

51. The following sections are revoked: §§ 133.6 and 133.9.

52. Section 133.4 is revised to read as follows:

§ 133.4 Regulations that apply to the Library Research and Demonstration Program.

(a) *Regulations.* The following regulations apply to the Library Research and Demonstration Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 133.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 136—STRENGTHENING RESEARCH LIBRARY RESOURCES

§ 136.10 [Revoked]

§§ 136.01, 136.03, 136.05, 136.08 [Amended]

53. The following text is revoked: § 136.01(b); the definitions of "Past fiscal year" and "State" in §§ 136.03; 136.05(a)(2), (a)(4), (b), (c), and (d); § 136.08(b) and (c); and § 136.10.

54. A new § 136.02–1 is added to read as follows:

§ 136.02–1 Regulations that apply to the Strengthening Research Library Resources Program.

(a) *Regulations.* The following regulations apply to the Strengthening Research Library Resources Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 136.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 137—EDUCATIONAL INFORMATION CENTERS PROGRAM

§§ 137.7, 137.8 [Revoked]

§§ 137.1, 137.2 [Amended]

55. The following text is revoked: § 137.1(b); the definition of "State" in §§ 137.2; 137.7; and 137.8.

56. A new § 137.2–1 is added to read as follows:

§ 137.2–1 Regulations that apply to the Educational Information Centers Program.

(a) *Regulations.* The following regulations apply to the Educational Information Centers Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 137.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

57. Section 137.5 is amended to add a new paragraph (c) as follows:

§ 137.5 State plan requirements—initial year.

* * * * *

(c) A State plan remains in effect for the duration of the Education Information Centers authorization.

58. Section 137.6 is amended by revising the introductory text to paragraph (a), by revising (a)(5), (a)(6), and (c) and by deleting paragraphs (a)(1) and (b) as follows:

§ 137.6 Annual applications.

(a) If a State has a State plan in effect, the State may apply to the Commissioner for its allocation of funds for the second and each succeeding year of its participation in the program. The application must include the following information:

(1) (Deleted)

* * * * *

(5) The location of each Center currently operating and any changes in the location of a Center from the previous year;

(6) The program activities and services being provided through each Center and any changes in those activities and services from the previous year;

* * * * *

(b) (Deleted)

(c) A State that, for its initial year, submitted a plan to plan for the development of items required by 45 CFR 136.5(a) (4), (5), (7), (8), and (9) shall submit those completed items with its first application.

(20 U.S.C. 1070d–3)

59. Paragraph (b) of § 137.9 is revised to read as follows:

§ 137.9 Allowable costs—matching requirement.

* * * * *

(b) The State shall provide 33⅓ percent of those costs.

(20 U.S.C. 1070d–2)

PART 146—MODERN FOREIGN LANGUAGE AND AREA STUDIES

§§ 146.15, 146.17, 146.25, 146.27, 146.53 [Revoked]

§§ 146.16, 146.26 [Amended]

60. The following sections are revoked: §§ 146.15; 146.16(a); 146.17; 146.25; 146.26(a); 146.27; and 146.53.

61. Section 146.3 is revised to read as follows:

§ 146.3 Regulations that apply to the Modern Foreign Language and Area Studies Program.

(a) *Regulations.* The following regulations apply to the Modern Foreign Language and Area Studies Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions). (Note: Part 100a does not apply to the Fellowship Program under Subpart D.)

(2) The regulations in this Part 146.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 146a—CITIZEN EDUCATION FOR CULTURAL UNDERSTANDING PROGRAM

§§ 146a.1, 146a.4, 146a.5 [Amended]

62. The following text is revoked: §§ 146a.1(b); 146a.4(b)(2); and 146a.5(a).

63. A new § 146a.2–1 is added to read as follows:

§ 146a.2–1 Regulations that apply to the Citizen Education for Cultural Understanding Program.

(a) *Regulations.* The following regulations apply to the Citizen Education for Cultural Understanding Program.

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 146a.

(b) *How to use regulations; how to apply for funds.*

The "Introduction to Regulations of the Education Division at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

64. Paragraph (b) of § 146a.6 is revised to read as follows:

§ 146a.6 Project requirements.

* * * * *

(b) Permissible costs include library acquisition of materials appropriate to the program, the use of computer hardware, and the acquisition or development of computer software.

* * * * *

PART 148—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

§§ 148.1, 148.2, 148.37, 148.51, 148.55, Appendix [Amended]

65. The following text is revoked: § 148.1(b); the definitions of "Local school system," "State," and "State department of education" in §§ 148.2; 148.37(2); 148.51 (a) and (b); 148.55(a); and, in the Appendix, §§ 8.1, 11.1, 12.1, and 12.2.

66. A new § 148.5 is added to read as follows:

§ 148.5 Regulations that apply to this program.

(a) *Regulations.* The following regulations apply to the Higher Education Programs in Modern Foreign Language Training and Area Studies:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 148.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

67. Paragraph (a) of § 148.12 is revised to read as follows:

§ 148.12 Applications.

(a) Each fiscal year eligible institutions may recommend graduate students for fellowships under this subpart and forward to the Commissioner applications for those students. Each application must include information as to the student's personal and academic background and proposed research project. In addition to the application, each student shall arrange with appropriate persons to have three reference forms (Form OE 7628–3) and one language reference form (Form 7628–1) submitted through his or her eligible institution to the Commissioner on his or her behalf.

* * * * *

68. Paragraph (a) of § 148.22 is revised to read as follows:

§ 148.22 Applications.

(a) Each fiscal year eligible institutions may recommend to the Commissioner faculty members for assistance under this subpart and forward to the Commissioner applications from those faculty members. Each application must include information as to the faculty member's personal academic background and proposed research project.

* * * * *

69. Section 148.32 is amended by revising paragraph (a), the introduction sentence to paragraph (b), by revising (b)(2) and by deleting paragraph (d), to read as follows:

§ 148.32 Applications.

(a) Each fiscal year eligible institutions may forward proposals to the Commissioner for assistance under this subpart.

(b) An "eligible institution" for the purpose of this subpart means—

* * * * *

(2) A State educational agency;

* * * * *

(d) (Deleted)

70. Section 148.36 is amended by revising the introductory text to paragraph (b) to read as follows:

§ 148.36 Award provisions.

* * * * *

(b) Grant funds under this subpart may only be used for the following:

* * * * *

71. Section 148.42 is amended by revising the introductory text to paragraph (b), by revising (b) (2) and (3) and by deleting paragraph (d) as follows:

§ 148.42 Applications.

* * * * *

(b) An "eligible institution" for the purpose of this subpart means—

* * * * *

(2) A State educational agency;

(3) A local educational agency;

* * * * *

(d) (Deleted)

72. Paragraph (a) of § 148.46 is amended by revising the introductory text to read as follows:

§ 148.46 Award provisions.

(a) Grant funds under this part may be used only for the following:

* * * * *

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PART 149—COMMISSIONER'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING BODIES AND STATE AGENCIES

§ 149.2 [Amended]

73. Section 149.2 is amended by revoking the definition of "States."

PART 154—EDUCATIONAL OPPORTUNITY CENTERS

74. The following text in Part 154 is revoked: § 154.1(b); the definition of "State" in §§ 154.2; 154.3(a)(2); and 154.11(c).

75. A new § 154.1–1 is added to read as follows:

§ 154.1–1 Regulations that apply to the Educational Opportunity Centers Program.

(a) *Regulations.* The following regulations apply to the Educational Opportunity Centers Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 154.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

76. Section 154.5 is amended by revising the introductory text to paragraph (a) and (b) and deleting paragraphs (a)(3)–(6), (b) and (c) as follows:

§ 154.5 Applications.

(a) Applications must include the following:

* * * * * *

(3) (Deleted)
(4) (Deleted)
(5) (Deleted)
(6) (Deleted)

* * * * * *

(b) (Deleted)
(c) (Deleted)

PART 155—UPWARD BOUND PROGRAM

§ 155.12 [Revoked]

§§ 155.1, 155.2, 155.6 [Amended]

77. The following text is revoked: §§ 155.1(b); 155.2(f); 155.6(b); and 155.12.

78. A new § 155.1–1 is added to read as follows:

§ 155.1–1 Regulations that apply to the Upward Bound Program.

(a) *Regulations.* The following regulations apply to the Upward Bound Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 155.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

79. Section 155.5 is amended by revising paragraph (e)(3) and by deleting paragraph (e)(4) as follows:

§ 155.5 Summer residential, academic year, and veterans components.

* * * * * *

(e) * * *
(3) Engage a full-time project director.
(4) (Deleted)

* * * * * *

80. Paragraph (a) of § 155.7 is amended by deleting paragraphs (a)(2)(iv), (a)(3)(iii) and (iv), (a)(4) and (b) as follows:

§ 155.7 Applications.

(a) * * *
(2) * * *
(iv) (Deleted)
(3) * * *
(iii) (Deleted)
(iv) (Deleted)
(4) (Deleted)
(b) (Deleted)

* * * * * *

81. Section 155.9 is amended by revising paragraph (a)(3) and by revoking paragraphs (a)(4) and (5), to read as follows:

§ 155.9 Program requirements.

(a) * * *
(3) Engage a full-time project director;
(4) (Deleted)
(5) (Deleted)

* * * * * *

82. Section 155.11 is amended by revising the introductory text to paragraph (a) and by deleting paragraphs (b)(1) and (c), as follows:

§ 155.11 Allowable costs-stipends.

(a) Allowable project costs may include:

* * * * * *

(b) * * *
(1) (Deleted)

* * * * * *

(c) (Deleted)

* * * * * *

83. Section 155.14 is amended by revising the introductory text to read as follows:

§ 155.14 Travel.

The following travel is authorized:

* * * * * *

84. Section 155.15 is amended by revising the introductory text to read as follows:

§ 155.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

In addition to the requirements in 45 CFR 100a.580 and 155.9, if an applicant also requests funds to carry out one or more of the programs authorized by Title IV–A–4 of the Act, the application must reflect the following:

* * * * * *

PART 156—ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS [REVOKED]

85. Part 156 is revoked.

PART 157—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

§ 157.12 [Revoked]

§§ 157.1, 157.2, 157.4 [Amended]

86. The following text is revoked: §§ 157.1(b); 157.2(m); 157.4(b) and (c); and 157.12.

87. A new § 157.1–1 is added to read as follows:

§ 157.1–1 Regulations that apply to the Special Services for Disadvantaged Students Program.

(a) *Regulations.* The following regulations apply to the Special Services for Disadvantaged Students Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 157.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

88. Section 157.5 is amended by revising the introductory text of paragraph (a), by revising paragraph (a)(3)(v), and by deleting paragraphs

(a)(2)(iii), (a)(3)(i), (a)(3)(vii), (a)(4) and (b) as follows:

§ 157.5 Applications.

(a) An application must contain the following information:

* * * * * *

(2) * * *
(iii) (Deleted)
(3) * * *
(i) (Deleted)

* * * * * *

(v) A description of the manner in which the applicant will orient the faculty and staff of the institution to the goals and objectives of the Special Services program;

* * * * * *

(vii) (Deleted)
(4) (Deleted)
(b) (Deleted)

* * * * * *

89. Section 157.7 is amended by revoking paragraphs (a)(5) and (b)(7), and by revising paragraph (b)(6), to read as follows:

§ 157.7 Program requirements.

(a) * * *
(5) (Deleted)

* * * * * *

(b) * * *
(6) Engage a full-time project director;
(7) (Deleted)

* * * * * *

90. Section 157.11 is amended by revising the introductory text to paragraph (a) and deleting paragraphs (b)(2) and (c), to read as follows:

§ 157.11 Allowable costs.

(a) Allowable project costs may include the following:

* * * * * *

(2) (Deleted)

* * * * * *

(c) (Deleted)

91. Section 157.14 is amended by revising the introductory text, to read as follows:

§ 157.14 Travel.

The folllowing travel is authorized:

* * * * * *

92. Section 157.15 is amended by revising the introductory text, to read as follows:

§ 157.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

In addition to the requirements in 45 CFR 100a.580 and 157.7, if an applicant under this part also requests funds to carry out one or more of the programs authorized by Title IV–A–4 of the Act, the application must reflect the following:

* * * * * *

PART 158—FOLLOW THROUGH PROGRAM

§§ 158.29, 158.30, 158.43, 158.64, 158.66, 158.85 [Revoked]

§§ 158.2, 158.12, 158.13, 158.24 [Amended]

93. The following text is revoked: The definitions of "Local educational agency," "State," and "State educational agency" in § 158.2; §§ 158.12(d); 158.13(b); 158.24(a); 158.29; 158.30; 158.43; 158.64 (the last sentence only); 158.66; and 158.85.

94. A new § 158.4 is added to read as follows:

§ 158.4 Regulations that apply to the Follow Through Program.

(a) *Regulations.* The following regulations apply to the Follow Through Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 158.

(b) *Exceptions to EDGAR.* An applicant for a continuation award under the Follow Through Program shall submit, in addition to the information required by EDGAR 45 CFR 100a.116, information that addresses each selection criterion that applies to the program.

(c) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

95. Section 158.24 is amended by revising the introductory text to paragraph (b) and deleting paragraph (a) as follows:

§ 158.24 Evaluation of program effectiveness.

(a) (Deleted)

(b) *Standards for evaluation.* In evaluating the effectiveness of the Follow Through Program, the Commissioner uses standards such as the following:

* * * * * *

96. Section 158.84 is revised to read as follows:

§ 158.84 Suspension; refusal to refund.

(a) The Commissioner only suspends assistance under this program in an emergency. An emergency exists if there is evidence of flagrant misuse of funds by a recipient, or evidence of unauthorized activity by the recipient that poses a threat of harm to children participating in the program. (See 45 CFR Part 100e for the procedures of the Education Appeal Board.)

(b) The Commissioner does not deny applications for refunding under this part unless the applicant has been given reasonable notice and opportunity to show cause why this action should not be taken.

PART 159—TALENT SEARCH PROGRAM

§ 159.12 [Revoked]

§§ 159.1, 159.2, 159.5 [Amended]

97. The following text is revoked; §§ 159.1(b); 159.2(j); 159.5(b); and 159.12.

98. A new § 159.1–1 is added to read as follows:

§ 159.1–1 Regulations that apply to the Talent Search Program.

(a) *Regulations.* The following regulations apply to the Talent Search Program—

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 159.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

99. Section 159.6 is amended by revising the introductory text to paragraph (a) and by revoking paragraphs (a)(2)(iii), (a)(3) (iii) and (iv), (a)(4), and (b), to read as follows:

§ 159.6 Applications.

(a) An application under this part must provide the following information:

* * * * * *

(2) * * *
(iii) (Deleted)
(3) * * *
(iii) (Deleted)
(iv) (Deleted)
(4) (Deleted)
(b) (Deleted)

* * * * * *

100. Section 159.9 is amended by revising paragraph (b)(6) and by revoking paragraphs (b) (7) and (8), to read as follows:

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§ 159.9 Project activities and services-project requirements.

* * * * *

(b) * * *

(6) Engage a full-time project director.

(7) (Deleted)

(8) (Deleted)

* * * * *

101. Section 159.11 is amended by revising the introductory text to paragraph (a) and by revoking paragraphs (b)(5) and (c), to read of follows:

§ 159.11 Allowable costs.

(a) Allowable project costs may include:

* * * * *

(b) * * *

(5) (Deleted)

* * * * *

(c) (Deleted)

102. Section 159.14 is amended by revising the introductory text as follows:

§ 159.14 Travel.

The following travel is authorized:

* * * * *

103. Section 159.15 is amended by revising the introductory text, to read as follows:

§ 159.15 Coordination of administration with other programs authorized by Title IV-A-4 of the Act.

In addition to the requirements in 45 CFR 100a.580 and § 159.9, if an applicant under this part requests funds to carry out one or more of the programs authorized by Title IV-A-4 of the Act, the application must reflect the following:

* * * * *

PART 160d—CAREER EDUCATION PROGRAM [REVOKED]

104. Part 160d is revoked.

PART 161—CAREER EDUCATION, STATE ALLOTMENT PROGRAM

105. Section 161.3 is amended by revising the term "State," to read as follows:

§ 161.3 Definitions.

* * * * *

"State" means any one of the 50 States of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The definition of "State" in 45 CFR Part 100c of EDGAR does not apply to this program.

106. Section 161.4 is revised to read as follows:

§ 161.4 Regulations that apply to the State Allotment Program.

(a) *Regulations.* The following regulations apply to the State Allotment Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 161.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 2301 *et seq.*)

§ 161.41 [Amended]

107. Section 161.41 is amended by deleting "§ 100b.633" and substituting in its place "§ 100b.662."

PART 161a—CAREER EDUCATION, DISCRETIONARY PROGRAMS

§ 161a.3 [Amended]

108. Section 161a.3(b) is revoked.

PART 164—CAPACITY-BUILDING FOR STATISTICAL ACTIVITIES IN STATE AGENCIES

109. The title of Part 164 is revised to read as above.

§§ 164.06, 164.08, 164.09 [Revoked]

§§164.01, 164.05, 164.07 [Amended]

110. The following text of Part 164 is revoked: §§ 164.01(b); 164.05(a) and (c); 164.06; 164.07(b) (last sentence only) and (d); 164.08; 164.09.

111. A new § 164.01-1 is added to read as follows:

§ 164.01-1 Regulations that apply to this program.

(a) *Regulations.* The following regulations apply to the Capacity-Building Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions);

(2) The regulations in this Part 164.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

112. Section 164.02 is revised to read as follows:

§ 164.02 Purpose of the Capacity-Building Program.

The purpose of this program is to build the statistical capabilities of State agencies by facilitating improvements or automation in their statistical systems.

113. Section 164.03 is amended by revising the introductory text and by deleting the definitions of "State" and "State educational agency" and by adding a definition of "State agency," as follows:

§ 164.03 Definitions.

The following definitions apply to terms used in these regulations:

* * * * *

"State" (Deleted)

"State agency" means—

(a) A State educational agency;

(b) A State agency listed in the appendix to these regulations with statewide responsibility for postsecondary education or, if there is no agency for that purpose, an officer or agency designated by the Governor or by State law; or

(c) The State board or agency designated or established as the sole State agency responsible for the administration, or for the supervision of the administration, of programs authorized by Part A, Title I of the Vocational Education Act of 1963, as amended by Pub. L. 94-482.

"State educational agency" (Deleted)

* * * * *

§§ 164.04, 164.05, and 164.07 [Amended]

114. The following sections are amended by deleting the term "State educational agency" and by inserting instead of that term, the term "State agency": §§ 164.04(a); 164.05(b); and 164.07(a), (b) and (c).

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

§ 168.72 [Amended]

115. Section 168.72 is amended by revoking the definition of "Commissioner."

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

§§ 169.2, 169.22, 169.51, 169.54 [Amended]

116. The following text is revoked: the definitions of "Applicant," "Commissioner," "Public," and "State" in §§ 169.2; 169.22(b)(2) (ii) and (iii); 169.51 (2d sentence only); and 169.54(c).

117. Section 169.5 is revised to read as follows:

§ 169.5 Regulations that apply to the Strenthening Developing Institutions Program.

(a) *Regulations.* The following regulations apply to the Strengthening Developing Institutions Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions)

(2) The regulations in this Part 169.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

118. Section 169.32 is amended by revoking the introductory text in paragraph (b), by revoking paragraph (b)(3), and by redesignating paragraph (b) (1) and (2) as paragraphs (b) and (c), as follows:

§ 169.32 Allowable costs.

* * * * *

(b) The grantee may not charge indirect costs to the grant.

(c) The purchase of equipment is limited to equipment that is necessary to achieve program objectives.

(20 U.S.C. 1054)

119. Section 169.41 is amended by deleting paragraph (a) and revising paragraph (b) to read as follows:

§ 169.41 Submission of applications.

(a) (Deleted)

(b) An applicant shall include in its application a long-range plan in as much detail as is necessary for the Commissioner to judge proposed activities, appropriate length of funding, and resources needed. An application submitted for funds appropriated for any fiscal year after fiscal year 1979 must specifically include in the long-range plan—

(1) Long- and short-range goals;

(2) Planned activities;

(3) Criteria for measuring progress;

(4) Time schedules;

(5) Resources needed; and

(6) Procedures to be used to monitor progress of the proposed Title III activities against the plan. However, an applicant need not submit a long-range plan if the applicant is seeking funding for planning activities only.

(20 U.S.C. 1051, 1054)

PART 172—TEACHER CORPS

§§ 172.110, 172.127, 172.128, 172.134, 172.136, 172.137 [Revoked]

§§ 172.3, 172.112, 172.132, 172.135 [Amended]

120. The following text is revoked: § 172.1(b); the definitions of "Local educational agency," "State," and "State educational agency" in §§ 172.3; 172.110; 172.112(b); 172.127; 172.128; 172.132 (e) and (f); 172.134; 172.135(b); 172.136; and 172.137.

121. A new § 172.4 is added to read as follows:

§ 172.4 Regulations that apply to the Teacher Corps Program.

(a) *Regulations.* The following regulations apply to the Teacher Corps Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 172.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

122. Section 172.30 is amended by revising paragraph (a) to read as follows:

§ 172.30 Project duration.

(a) Each application may be for up to a five-year project period.

* * * * *

PART 173—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

§§ 173.2, 173.14, 173.15, 173.16, 173.17, 173.18 173.19, 173.46 [Revoked]

§§ 173.13, 173.21 [Amended]

123. The following text is revoked: §§ 173.2; 173.13(a), (b), (d), and (e); 173.14; 173.15; 173.16; 173.17; 173.18; 173.19; 173.21(a)(2) and (b); and 173.46.

124. A new § 173.9 is added to subpart B, to read as follows:

§ 173.9 Regulations that apply to the State grant program.

(a) *Regulations.* The following regulations apply to the State grant program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Subpart B.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

125. A new § 173.39 is added to Subpart C, to read as follows:

§ 173.39 Regulations that apply to special programs and projects.

(a) *Regulations.* The following regulations apply to special programs and projects:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Subpart C.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e-3(a)(1))

126. Section 173.44 is revised as follows:

§ 173.44 Application requirements

An application must state—

(a) The applicant's share of the total project cost, which may not be less than 10 percent; and

(b) Assurances that the designated State agency that administers the State grant program under Title I-A has had an opportunity to review and comment on the proposed application.

(20 U.S.C. 1005a(b); S. Rept. No. 92-346 at 10 (1971))

PART 174—NATIONAL DIRECT STUDENT LOAN PROGRAM

§ 174.2 [Amended]

127. Section 174.2 is amended by revoking the following definitions: "Commissioner," "Nonprofit institution," and "State."

PART 175—COLLEGE WORK-STUDY AND JOB LOCATION AND DEVELOPMENT PROGRAM

§ 175.2 [Amended]

128. Section 175.2 is amended by revoking the definitions of "Commissioner," "Nonprofit institutions," and "State."

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PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

§ 176.2 [Amended]

129. Section 176.2 is amended by revoking the definitions of "Commissioner," "Nonprofit institutions," and "State."

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

§ 177.1 [Amended]

130. Section 177.1 is amended by revoking paragraph (q).

PART 178—STUDENT CONSUMER INFORMATION SERVICES

§ 178.7 [Amended]

131. Section 178.7 is amended by revoking paragraph(a).

PART 178a—INCENTIVE GRANTS FOR STATE STUDENT FINANCIAL ASSISTANCE TRAINING PROGRAM

§§ 178a.7, 178a.10 [Revoked]

§§ 178a.1, 178a.2 [Amended]

132. The following text is revoked: § 178a.1(b); the definition of "State" in §§ 178a.2; 178a.7; and 178a.10.

133. A new § 178a.1–1 is added to read as follows:

§ 178a.1–1 Regulations that apply to the Incentive Grants for State Student Financial Assistance Training Program.

(a) *Regulations.* The following regulations apply to the Incentive Grants for State Student Financial Assistance Training Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 178a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 179—GRADUATE AND PROFESSIONAL STUDY FELLOWSHIPS AND INSTITUTIONAL GRANTS

§§ 179.27, 179.28 [Revoked]

§§ 179.3, 179.4, 179.23, 179.25 [Amended]

134. The following text is revoked: §§ 179.3(i); 179.4(c); 179.23(c); 179.25 (c) and (d); 179.27; and 179.28.

135. A new § 179.20 is added to Subpart B, to read as follows:

§ 179.20 Regulations that apply to the Institutional Grants Program.

(a) *Regulations.* The following regulations apply to the Institutional Grants Programs:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Subpart B.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

136. Section 179.53 is amended by revising paragraph (a) to read as follows:

§ 179.53 Records and reports.

(a) Each institution of higher education that receives an allocation of fellowships under this part shall make the reports that are required by 45 CFR 74.82

* * * * *

PART 180—DESEGREGATION OF PUBLIC EDUCATION

§§ 180.03, 180.16, 180.34, 180.54, 180.63 [Revoked]

§§ 180.20, 180.57, 180.65, 180.73 [Amended]

137. The following text is revoked: the definition of "State educational agency" in §§ 180.03; 180.16; 180.20(c); 180.34; 180.54; 180.57(b); 180.63; 180.65(b); and 180.73(b) (3), (5), and (6).

138. Section 180.01 is revised to read as follows:

§ 180.01 Purpose.

The purpose of awards under this part is to help solve problems related to the race, sex, and national origin desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c–2000c–5)

139. Section 180.02 is revised to read as follows:

§ 180.02 Regulations that apply to the Desegregation of Public Education program.

(a) The regulations in this Part 180 govern grants under the Desegregation of Public Education program.

(b) Awards under this program are subject to the Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(c) 45 CFR 100a.219(a) and 100a.220, relating to the selection of certain projects for funding without competition do not apply to any award under this program.

(d) The following provisions of EDGAR do not apply to Race, Sex, and National Origin Desegregation Assistance Centers under Subpart C:

(1) 45 CFR 100a.250(a), 100a.253 (a), (b) and (d), and 100a.254(a), relating to approval of continuation awards.

(2) Section 100a.232(b) and 100a.233, relating to the amount of a grant.

(e) The provisions of 45 CFR 100a.217 and 100a.219(c) of EDGAR, relating to the selection of projects, do not apply to Special Grants to School Boards for Race and National Origin Desegregation under Subpart F.

(20 U.S.C. 1221e–3(a)(1); 42 U.S.C. 2000c–2000c–5)

PART 182—COOPERATIVE EDUCATION PROGRAMS

§§ 182.5, 182.6, 182.13, 182.34 [Revoked]

§§ 182.18, 182.19 [Amended]

140. The following text is revoked: §§ 182.5; 182.6; 182.13; 182.18(a)(3) and (b); 182.19 (a), (c), (d), and (e); and 182.34.

141. Section 182.4 is revised to read as follows:

§ 182.4 Regulations that apply to the Cooperative Education Programs.

(a) *Regulations.* The following regulations apply to the Cooperative Education Programs:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 182.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 182a—NATIONAL ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM

§§ 182a.1, 182a.2, 182a.13, 182a.13, 182a.23, 182a.24 [Amended]

142. The following text is revoked: §§ 182a.1(d); 182a.2 (e) and (f); 182a.13 (a) and (c)(2) and (3); 182a.23(a); and 182a.24(b).

143. A new § 182a.1–1 is added to read as follows:

§ 182a.1–1 Regulations that apply to the National Alcohol and Drug Abuse Prevention Program.

(a) *Regulations.* The following regulations apply to the National Alcohol and Drug Abuse Prevention Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 182a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

144. Section 182a.13 is amended by revising paragraph (d) to read as follows:

§ 182a.13 Application requirements.

* * * * *

(d) An applicant local educational agency shall give its State educational agency an opportunity to comment on its application.

(21 U.S.C. 1002)

145. Section 182a.24 is amended by revising the introductory text to paragraph (a) to read as follows:

§ 182a.24 Application requirements.

(a) An application must contain the following information:

* * * * *

PART 189—VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

§§ 189.4, 189.31, 189.32, 189.33, 189.34, 189.35 [Revoked]

§§ 189.1, 189.21 [Amended]

146. The following text is revoked: the definition of "State" in §§ 189.1; 189.4; 189.21(a); 189.31; 189.32; 189.33; 189.34; and 189.35.

147. A new § 189.1–1 is added to read as follows:

§ 189.1–1 Regulations that apply to the Veterans' Cost-of-Instruction Payments to Institutions of Higher Education Program.

(a) *Regulations.* The following regulations apply to the Veterans' Cost-of-Instruction Payments to Institutions of Higher Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 189.

(b) The selection criteria in EDGAR, 45 CFR 100a.202–100a.206, do not apply to this program.

(c) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

148. Section 189.21 is amended by revising the introductory text to paragraph (b) and by deleting paragraph (b)(3) as follows:

§ 189.21 Submission of application by individual institutions.

* * * * *

(b) An application must contain the following:

* * * * *

(3) (Deleted)

* * * * *

149. Section 189.22 is revised to read as follows:

§ 189.22 Submission of applications by parties to consortium agreements.

Each institution proposing to carry out the activities required under this part through a consortium agreement, under § 189.15, shall provide all information and assurances required under § 189.21, as well as information and assurances necessary to a finding by the Commissioner that the conditions for a consortium agreement in § 189.15 have been met.

(20 U.S.C. 1070e–1)

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

§ 190.2 [Amended]

150. The following definitions in § 190.2 are revoked: "Commissioner," "Nonprofit institution," and "State."

PART 191—GUIDANCE AND COUNSELING

§§ 191.34, 191.36, 191.46, 191.47, 191.48 [Revoked]

§§ 191.12, 191.25, 191.35 [Amended]

151. The following text is revoked: §§ 191.12(c), (f), (g), (h), (i), (j), and (m); 191.25(b); 191.34; 191.35(a); 191.36; 191.46; 191.47; and 191.48.

152. Section 191.10 is revised to read as follows:

§ 191.10 Regulations that apply to the Guidance and Counseling Program.

(a) *Regulations.* The following regulations apply to the Guidance and Counseling Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 191.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

153. Section 191.31 is amended by revising the introductory text and paragraph (a), (c)(1)(i), and (iii) and by deleting (b), (c)(1)(ii), (v)–(x) and (c)(3) as follows:

§ 191.31 Content of application.

An application must include—

(a) Identification of the purpose and the type of activity—such as training or improved supervisory services—to which the application is addressed;

(b) [Deleted]

(c)(1)(i) A description of the needs of prospective participants for the project, in relation to the needs of students served by these participants, and a description of how the needs were determined;

(ii) [Deleted]

(iii) Information on the size, scope, and duration of the proposed project;

* * * * *

(v) [Deleted]

(vi) [Deleted]

(vii) [Deleted]

(viii) [Deleted]

(ix) [Deleted]

(x) [Deleted]

* * * * *

(3) [Deleted]

154. Section 191.32 is revised to read as follows:

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§ 191.22 State review of application.

Each applicant under this subpart must give an opportunity to comment on its application to the State educational agency of each State in which is located the agency or organization to be served under a project for improving supervisory services or in which the prospective trainees are employed, as applicable.

(20 U.S.C. 2533(a)(3), 2534(a))

155. Section 191.44 is amended by revising the introductory text, paragraph (b)(1)(i) and by deleting paragraphs (a), (b)(1)(ii)–(iii), (v)–(ix) and (b)(2) as follows:

§ 191.44 Required application data.

An application must include—

(a) [Deleted]

(b)(1)(i) A description of the needs to be met by the proposed plan; e.g., the need to reduce duplication of efforts in guidance and counseling in the State;

(ii) [Deleted]

(iii) [Deleted]

(iv) * * *

(v) [Deleted]

(vi) [Deleted]

(vii) [Deleted]

(viii) [Deleted]

(ix) [Deleted]

(2) [Deleted]

PART 192—STATE STUDENT INCENTIVE GRANT PROGRAM

§§ 192.11, 192.12 [Revoked]

§§ 192.2, 192.3, 192.10 [Amended]

156. The following text is revoked: the definitions of "Nonprofit" and "State" in §§ 192.2; 192.3(b), (c), (g), and (i); 192.10(b); 192.11; and 192.12.

157. A new § 192.1–1 is added to read as follows:

§ 192.1–1 Regulations that apply to the State Student Incentive Grant Program.

(a) *Regulations.* The following regulations apply to the State Student Incentive Grant Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 192.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 194—PUBLIC SERVICE EDUCATION PROGRAM

§§ 194.1, 194.5, 194.7 [Revoked]

158. The following text is revoked: the definition of "Project" in §§ 194.1; 194.5(a) and (c); and 194.7(c) and (d).

159. Section 194.2 is revised to read as follows:

§ 194.2 Regulations that apply to the Public Service Institutional Grants Program.

(a) *Regulations.* The following regulations apply to the Public Service Institutional Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Subpart A.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

160. A new § 194.20 is added to Subpart B, to read as follows:

§ 194.20 Regulations that apply to the Public Services Fellowships Program.

The following regulations apply to the Public Services Fellowships Program:

(a) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100c (Definitions).

(b) The regulations in this Subpart B.

(20 U.S.C. 1221e–3(a)(1))

PART 196—DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS

161. A new § 196.1–1 is added to read as follows:

§ 196.1–1 Regulations that apply to the Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships Program.

(a) *Regulations.* The following regulations apply to the Domestic Mining and Mineral and Mineral Fuel Conservation Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100c (Definitions).

(2) The regulations in this Part 196.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Divison programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 197—TEACHER CENTERS PROGRAM

§ 197.7 [Revoked]

§§ 197.1, 197.2, 197.8, 197.9 [Amended]

162. The following text is revoked: §§ 197.1(a); the definitions of "Local educational agency," "Non-public school," and "State educational agency" in §§ 197.2; 197.7; 197.8(a)(1), (2), (3), and (6) and (b); the 1st sentence in 197.9; and 197.9(a)(4) and (5)(ii).

163. A new § 197.1–1 is added to read as follows:

§ 197.1–1 Regulations that apply to the Teacher Centers Program.

(a) *Regulations.* The following regulations apply to the Teacher Centers Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 197.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 198—TRAINING FOR HIGHER EDUCATION PERSONNEL

§ 198.8 [Revoked]

§§ 198.1, 198.4, 198.6 [Amended]

164. The following text is revoked: §§ 198.1(a); 198.4(a)(2) and (b)(3); the 1st sentence in 198.6 and 198.6(c); and 198.8.

165. A new § 198.1–1 is added to read as follows:

§ 198.1–1 Regulations that apply to the Training for Higher Education Personnel Program.

(a) *Regulations.* The following regulations apply to the Training for Higher Education Personnel Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 198.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 199a—STATE POSTSECONDARY EDUCATION

166. Section 199a.3 is revised to read as follows:

§ 199a.3 Regulations that apply to the State Postsecondary Education Program.

(a) *Regulations.* The following regulations apply to the State Postsecondary Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State Administered Programs) and Part 100c (Definitions).

(2) The regulations in this Part 199a.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division Programs" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 1400—GENERAL

§§ 1400.4, 1400.5 [Revoked]

§ 1400.3 [Amended]

167. The following text is revoked: §§ 1400.3(b); 1400.4; and 1400.5.

168. Section 1400.1 is revised to read as follows:

§ 1400.1 Definitions.

As used in this chapter—"Council" means the National Council on Educational Research; "Director" means the Director of the National Institute of Education.

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"Institute" means the National Institute of Education.

169. Section 1400.2 is revised to read as follows:

§ 1400.2 Regulations that apply to programs of the National Institute of Education.

(a) *Regulations.* The following regulations apply to programs of the National Institute of Education:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Chapter XIV.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 1403—ELIGIBILITY AND APPLICATION FOR RESEARCH GRANT ASSISTANCE

§§ 1403.1, 1403.4, 1403.5, 1403.7, 1403.9, 1403.11, 1403.13, and 1403.15 [Revoked]

§ 1403.10 [Amended]

170. The following text is revoked: §§ 1403.1; 1403.4; 1403.5; 1403.7; 1403.9; 1403.10(a); 1403.11; 1403.13; and 1403.15.

171. Section 1403.2 is revised to read as follows:

§ 1403.2 Eligibility for award.

(a) *Persons eligible.* Except as otherwise prohibited by law, any individual and any public or nonprofit private organization, institution, or agency found by the Director to be authorized and qualified by educational, scientific, or other relevant competence to carry out a proposed research project shall be eligible for an award.

(b)(1) *Projects eligible.* Any project found by the Director to be an educational research project within the meaning of § 1400.1 of this subchapter shall be eligible for an award.

(2) An eligible project may include planning, laboratory, clinical, population, field, statistical, basic, applied or other type of investigation, study, or experiment, dissemination, use, application, implementation, training, development or demonstration, or combinations of those.

(3) An eligible project may either—

(i) Be limited to one—or a particular aspect of a—problem or subject; or

(ii) Consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities, and resources.

PART 1405—FEDERAL FINANCIAL PARTICIPATION [REVOKED]

172. Part 1405 is revoked.

PART 1407—COST SHARING [REVOKED]

173. Part 1407 is revoked.

PART 1409—GRANT RELATED INCOME [REVOKED]

174. Part 1409 is revoked.

PART 1410—MISCELLANEOUS REQUIREMENTS

§§ 1410.1, 1410.2, 1410.3, 1410.10, 1410.14, 1410.15, 1410.16, 1410.19, 1410.21 [Revoked]

175. The following text is revoked: §§ 1410.1; 1410.2; 1410.3; 1410.10; 1410.14; 1410.15; 1410.16; 1410.19; and 1410.21.

176. Section 1410.7 is revised to read as follows:

§ 1410.7 Principal investigators.

(a) All grants shall be subject to the condition that the principal investigator(s) designated in the application as responsible for the conduct of the approved project shall continue to be responsible for the duration of the project period.

(b) When an investigator referred to in paragraph (a) of this section is absent for three months or longer or otherwise becomes unavailable to discharge this responsibility, the Director may terminate the grant, unless the grantee replaces the investigator with another person found by the Director to be qualified to direct and conduct the approved project.

PART 1412—MONITORING AND REPORTING PERFORMANCE [REVOKED]

177. Part 1412 is revoked.

PART 1414—PROCUREMENT STANDARDS FOR GRANTEES [REVOKED]

178. Part 1414 is revoked.

PART 1415—PROPERTY MANAGEMENT STANDARDS [REVOKED]

179. Part 1415 is revoked.

PART 1417—FINANCIAL MANAGEMENT STANDARDS [REVOKED]

180. Part 1417 is revoked.

PART 1419—FINANCIAL REPORTING REQUIREMENTS [REVOKED]

181. Part 1419 is revoked.

PART 1420—BONDING AND INSURANCE [REVOKED]

182. Part 1420 is revoked.

PART 1422—CONSTRUCTION [REVOKED]

183. Part 1422 is revoked.

PART 1424—ACCOUNTABILITY FOR FEDERAL FUNDS [REVOKED]

184. Part 1424 is revoked.

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PART 1430—EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

§§ 1430.9, 1430.11, 1430.13 [Revoked]

§§ 1430.4, 1430.6 [Amended]

185. The following text is revoked: §§ 1430.4(b); 1430.6(g); 1430.9; 1430.11; and 1430.13.

186. Section 1430.1 is revised to read as follows:

§ 1430.1 Regulations that apply to the Experimental Program for Opportunities in Advanced Study and Research in Education.

(a) *Regulations.* The following regulations apply to the Experimental Program for Opportunities in Advance Study and Research in Education:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1430.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

187. Section 1430.12 is amended by revoking paragraphs (a), (b), and (c) and by revising the introductory text to paragraph (d), to read as follows:

§ 1430.12 Allowable costs.

(a) (Deleted)
(b) (Deleted)
(c) (Deleted)
(d) Allowable costs include—
(1) (Deleted)
(2) (Deleted)
* * * * *

PART 1450—RESEARCH GRANTS PROGRAM

§ 1450.8 [Revoked]

§ 1450.4 [Amended]

188. The following text is revoked: §§ 1450.4 (2nd sentence only) and 1450.8.

189. Section 1450.1 is revised to read as follows:

§ 1450.1 Regulations that apply to the Research Grants Program.

(a) *Regulations.* The following regulations apply to the Research Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1450.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

190. Section 1450.5 is amended by revising paragraphs (a)(1), (b), and (c) and removing paragraph (a)(2) to read as follows:

§ 1450.5 Applications.

(a) * * *

(1) *Preapplication.* (i) The applicant shall submit a preapplication for initial review. Only preapplications prepared according to the format described in paragraphs (b) or (c) of this section will be accepted at this initial stage; other submissions will be returned to the applicant.

(ii) No more than one preapplication per individual will be accepted. Although an institutional applicant may submit more than one preapplication, no more than one preapplication per each principal investigator will be considered. In the event that more than one preapplication per individual or principal investigator is received, the preapplication received earlier will be accepted, and subsequent preapplications will be returned to the applicant.

(2) (Deleted)

(b) *Preapplication format.* With respect to applicants other than State and local governments, the preapplication shall include the following:

(1) A cover sheet completed by the principal investigator indicating—

(i) That the preapplication is submitted to the Research Grants Program of the National Institute of Education;

(ii) The title of the study;

(iii) The category of study under which the applicant believes the project should be reviewed as described in § 1450.6(a);

(iv) The name(s), department, institution, address, and telephone number of the principal investigator(s);

(v) The estimated budget amount; and

(vi) The proposed duration and starting date of the project.

(2) A statement of from three to five double-spaced, typewritten pages summarizing the proposed project, including—

(i) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of the expected addition to knowledge; and

(ii) *Procedures.* A description of the procedures to be followed in carrying out the research, including, if appropriate, such concerns as sampling, data acquisition, instrumentation, and data analysis.

(3) A description of facilities and arrangements available to the investigator for conducting the research.

(4) Resume(s) of principal investigator(s), including education, applicable experience, and a list of major publications.

(5) An estimated budget covering direct costs (salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(c) *Government preapplications.* Preapplications from governments are subject to the requirements in Subpart N of 45 CFR Part 74.

191. Section 1450.6(a) and (b) is revised to read as follows:

§ 1450.6 Review of applications.

(a) *Review categories.* To facilitate and improve the quality of review of applications by the National Institute of Education, each preapplication and invited full proposal received will be assigned to one of the following categories and will be reviewed together with other applications within the same category:

(1) Learning and instruction.
(2) Human development.
(3) Objectives, measurement, evaluation, and research methodology.
(4) Social thought and processes.
(5) Organization and administration.
(6) Anthropology.
(7) Economics.
(8) Political science.
(9) Legal research.

(b) *Selected issues.* The Institute may periodically identify selected issues of particular significance for American education that will serve as conditions of eligibility or with respect to which priority funding consideration will be given.

* * * * *

§ 1450.7 [Amended]

192. Section 1450.7(b) is amended by deleting the word "prospectus" and inserting, instead, the word "preapplication."

PART 1451—BASIC SKILLS RESEARCH GRANTS PROGRAM

§§ 1451.7, 1451.8 [Revoked]

§ 1451.4 [Amended]

193. The following text is revoked: §§ 1451.4 (a) and (b) (2nd and 3rd sentences only); 1451.7; and 1451.8.

194. Section 1451.1 is revised to read as follows:

§ 1451.1 Regulations that apply to the Basic Skills Research Grants Program.

(a) *Regulations.* The following regulations apply to the Basic Skills Research Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1451.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 1460—STATE DISSEMINATION GRANTS PROGRAM

§ 1460.3 [Amended]

195. The definition of "State educational agency" in § 1460.3 is revoked.

196. Section 1460.1 is revised to read as follows:

§ 1460.1 Regulations that apply to the State Dissemination Grants Program.

(a) *Regulations.* The following regulations apply to the State Dissemination Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1460.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

197. Section 1460.4 is amended by revising paragraphs (c), (f), (h) and by deleting (a), (d)(3), (e), and (g) as follows:

§ 1460.4 Applicant eligibility.

(a) (Deleted)
* * * * *

(c) A State educational agency (SEA) may submit as many applications as it wishes for intra-State projects but may submit or (under paragraph (d)(1)(i) of this section) participate in only one inter-State project application.

(d) * * *
(3) (Deleted)
(e) (Deleted)

(f)(1) An SEA will receive no more than one award (including any joint award) under each application notice published under § 100a.100 of EDGAR.

(2) An SEA that receives an intra-State award may also participate in one inter-State award to another SEA, as provided in paragraph (d)(1)(i) of this section, under each application notice published under § 100a.100 of EDGAR.

(g) (Deleted)

(h) Any SEA that submits more than one application under paragraph (c) of this section—or that both submits an application or applications and participates in another application submitted by another SEA under paragraph (d) of this section—must rank all of the applications in priority order.

198. Section 1460.5 is amended by revising paragraph (b)(1) and deleting (b)(2) as follows:

§ 1460.5 Types of awards; funding requirements.

* * * * *

(b) * * *

(1) Awards shall not support the salaries of full-time professional or clerical staff.

(2) (Deleted)

* * * * *

PART 1470—EDUCATION AND WORK GRANTS PROGRAM

§ 1470.8 [Revoked]

§ 1470.4, 1470.7 [Amended]

199. The following text is revoked: §§ 1470.4 (a) and (b) (2nd and 3rd sentences only); 1470.7(a), (b) (1) and (2), and (c) (2), (3), and (4); and 1470.8.

200. Section 1470.1 is revised to read as follows:

§ 1470.1 Regulations that apply to the Education and Work Grants Program.

(a) *Regulations.* The following regulations apply to the Education and Work Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1470.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 1480—PROGRAM OF RESEARCH GRANTS ON ORGANIZATIONAL PROCESSES IN EDUCATION

§ 1480.10 [Revoked]

§ 1480.4 [Amended]

201. The following text is revoked: §§ 1480.4(b) and 1480.10.

202. Section 1480.1 is revised to read as follows:

§ 1480.1 Regulations that apply to the Program of Research Grants on Organizational Processes in Education.

(a) *Regulations.* The following regulations apply to the Program of Research Grants on Organizational Processes in Education:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1480.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

203. Section 1480.8 is amended by revising paragraph (a), (b)(2)(i)(A), introductory text to (b)(4), (b)(4)(vii) and by deleting paragraphs (b)(3), (b)(4)(i)–(iii), (vi), (x), and (d) as follows:

§ 1480.8 Application requirements.

(a) *General.* An applicant shall file an application specifically directed to either the grant or small grant segment of the Program of Research on Organizational Processes in Education.

(b) * * *

(2) *Preapplication format.* The preapplication must include the following:

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(i) A cover sheet completed by the principal investigator and by an individual authorized to complete grant applications for the institution, indicating—

(A) That the preapplication is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; and

* * * * *

(3) (Deleted)

(4) *Full proposal format.* Full proposals must include the following elements. Discussion of objectives and design, described under paragraphs (b)(4)(iv) and (v) of this section, may not exceed 40 pages.

(i) (Deleted)

(ii) (Deleted)

(iii) (Deleted)

* * * * *

(vi) (Deleted)

(vii) If new data are proposed to be collected, the proposal must give evidence of access to suitable organizations for study purposes. Letters of agreement to participate must be included, showing that relevant authorities in school or school-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study that could place special burdens on parts of the educational community may require joint planning and management of the entire project. A proposal for that type of a study must give detailed information to allow reviewers to judge the adequacy of the arrangement.

* * * * *

(x) (Deleted)

* * * * *

(d) (Deleted)

PART 1490—EDUCATIONAL EQUITY RESEARCH GRANTS PROGRAM

§§ 1490.7, 1490.9 [Revoked]

§ 1490.4 [Amended]

204. The following text is revoked: §§ 1490.4(b); 1490.7; and 1490.9.

205. Section 1490.1 is revised to read as follows:

1490.1 Regulations that apply to the Educational Equity Research Grants Program.

(a) *Regulations.* The following regulations apply to the Educational Equity Research Grants Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1490.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

PART 1495—LAW AND GOVERNMENT STUDIES IN EDUCATION

§§ 1495.7, 1495.10, 1495.12 Appendix B [Amended]

206. The following text is revoked: §§ 1495.7(b); 1495.10 (b), (c), and (d); 1495.12; in Appendix B, paragraphs (a) (1), (2), (3), (6), (7) (1st sentence only), (9), and (10) and (b); and in Appendix C, paragraphs (a) (1), (2), and (3) and (b).

207. Section 1495.1 is revised to read as follows:

§ 1495.1 Regulations that apply to the Law and Government Studies in Education Program.

(a) *Regulations.* The following regulations apply to the Law and Government Studies in Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grants Programs) and Part 100c (Definitions).

(2) The general provisions for NIE grants in 45 CFR Parts 1400–1410.

(3) The regulations in this Part 1495.

(b) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

208. Section 1495.9 is amended by revising paragraphs (a), the introductory text of paragraph (b), (b)(1) and (c) and by deleting (b)(2) as follows:

§ 1495.9 Application requirements.

(a) *General.* An applicant shall file an application specifically directed to either the major grant or the small grant segment of the program.

(b) *Major grants.* An applicant for a major grant shall comply with the requirements contained in this paragraph and in Appendices A and B.

(1) *Preapplications.* An applicant shall submit a preapplication for initial review in the format prescribed in Appendix A.

(2) (Deleted)

(c) *Small grants.* An applicant for a small grant shall comply with the requirements contained in Appendix C. An applicant for a small grant does not have to submit a preapplication.

209. Appendix A to Part 1495 is amended by revising the introductory text to paragraph (a), and (a)(1) and by deleting paragraph (a)(2) and (b) as follows:

Appendix A: Administrative Details for a Preapplication for a Major Grant

(a) *Preapplication format.* This appendix provides guidance to applicants concerning the preparation of preapplications for major grants. An applicant that does not follow these suggestions will not be ruled ineligible, but may not be ranked as highly under the evaluation criteria. The statement summarizing the project, paragraph (2) below, must not exceed 10 double-spaced, typewritten pages. The preliminary proposal should include the following:

(1) A cover sheet completed by the applicant or principal investigator—and, if required by the applicant institution, by an individual authorized to complete grant applications for the institution—indicating—

(i) That the preapplication is submitted to the Program of Research Grants on Law and Government Studies in Education, NIE;

(ii) The title of the study;

(iii) The name, department, institution, address, and telephone number of each proposed grantee or principal investigator;

(iv) The estimated budget amount; and

(v) The proposed starting date and duration of the project.

(2) * * *

(b) (Deleted)

PART 1501—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

§ 1501.11 [Revoked]

§§ 1501.3, 1501.5 [Amended]

210. The following text is revoked: The definitions of "Fiscal year," "Nonexpendable personal property," "Nonprofit," "Personal property," "Private," "Public," " Recipient," and "State" in §§ 1501.3; 1501.5 (2nd and 3rd sentences only); and 1501.11.

211. Section 1501.2 is revised to read as follows:

§1501.2 Regulations that apply to the Support for Improvement of Postsecondary Education Program.

(a) *Regulations.* The following regulations apply to the Support for Improvement of Postsecondary Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 1501.

(b) *Exceptions to EDGAR.* The following regulations in EDGAR do not apply to this program:

(1) 45 CFR 100a.201(a) (How to use unweighted selection criteria).

(2) 45 CFR 100a.217(a)(2) (Requiring three or more persons to review applications).

(c) *How to use regulations; how to apply for funds.* The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1221e–3(a)(1))

212. Section 1501.10 is amended by revising the introductory text to paragraphs (c) and (d), by revising paragraph (d)(2), and by deleting paragraphs (a), (b), (d)(4), (e), (f), (g), and (i) as follows:

§ 1501.10 Application procedures.

(a) (Deleted)

(b) (Deleted)

(c) A preapplication must contain the following information:

* * * * *

(d) An application must contain the information required by EDGAR 45 CFR 100a.107 (Applications for new grants under discretionary grant programs) and the following additional information:

* * * * *

(2) A description of the proposed project, including: its methodology; qualifications of the persons who would conduct it; its short-term and long-term objectives; its specific allocation of available funds in the form of a budget; and the resources (facilities, equipment, and supplies) that the applicant plans to devote to the project.

* * * * *

(4) (Deleted)

(e) (Deleted)

(f) (Deleted)

(g) (Deleted)

* * * * *

(i) (Deleted)

Note.—This Appendix A for Parts 100a–100d will not be published in Title 45 of the Code of Federal Regulations

Appendix A—Analysis of Public Comments and Changes in the Final Regulations

The following is a summary of public comments concerning the EDGAR notice of proposed rulemaking (NPRM) published in the **Federal Register** on May 4, 1979. Summary is divided into three sections.

The first section, headed "Major Issues," considers the general comments received on five major issues discussed as part of the supplementary information published with the NPRM.

The second section of the summary, headed "General Comments," considers a number of comments and suggestions concerning EDGAR's general approach, format, applicability, timeliness, and similar matters.

The third section, headed "Proposed Rules," concerns comments and suggestions directed to specific sections of EDGAR. The comments and responses in this third section are organized in the same order as the referenced sections are organized in the final EDGAR.

Discussion in the section on "Proposed Rules" includes a number of specific suggestions not directly related to a major issue but directed at sections of EDGAR that address a major issue.

This summary does not include comments that did not suggest how EDGAR should be changed. Nor does it include comments that concern issues beyond the scope of EDGAR, such as provisions in individual program regulations or the General Education Provisions Act (GEPA). Where appropriate, comments that concern issues outside the scope of EDGAR have been referred to the offices within the Department of Health, Education, and Welfare (HEW).

A number of commenters made suggestions regarding the organization of EDGAR or recommended other kinds of technical improvements. A number of these suggestions have been adopted. Some technical revisions also have been made in the language of the regulations. Any change that alters the meaning of a provision of these regulations is summarized—together with the reasons for that revision—in the section headed "Proposed Rules."

Major Issues

Five major policy issues were identified and discussed in the supplementary information published with the NPRM. Many of the comments received and considered by the Education Division in the development of the final regulations were directed to these issues. Comments and suggestions relative to the five issues and the Education Division's responses to them are presented here in the same order as the issues were presented in the NPRM.

Issue: Should EDGAR establish regulations having particular applicability to persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly?

The central purpose of these particular regulations would be to reflect the Education Division's concern that members of traditionally underrepresented groups be provided appropriate opportunities for equitable representation and participation in the planning, operation, and evaluation of projects under grant programs administered by the Education Division.

Comment. A large number of comments were received on this issue. Some commenters suggested that EDGAR not establish regulations having particular applicability to members of traditionally underrepresented groups. Other commenters suggested that the regulations of this type proposed in the NPRM for direct grant programs (Part 100a) be broadened to apply to State-Administered (Part 100b) programs and to include members of groups not mentioned in the examples given. Some commenters suggested that a separate selection criterion be added to give specific emphasis to the selection and funding of projects (1) directed to serving members of traditionally underrepresented groups; or (2) having a project staff that is balanced in terms of members of underrepresented groups. Some commenters suggested that EDGAR encourage grant proposals from women and one commenter said advisory council membership should be evenly divided between men and women.

A number of commenters said the proposed regulations should be retained in EDGAR. Still others said the existing policy of requiring applicants to give assurances of compliance with relevant civil rights statutes and regulations is adequate and nothing else should be added. At least one commenter suggested discontinuing even the assurances required by existing policy. Several commenters asked that the terms "racial or ethnic minorities," "handicapped persons," and "the elderly" be defined.

Commenters who suggested that EDGAR not include regulations regarding members of traditionally underrepresented groups argued that the proposed regulations would—

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a. Duplicate Federal and State requirements regarding compliance with applicable civil rights statutes and regulations;

b. Result in divergent program determinations of civil rights compliance requirements, making it impossible for applicants and grantees to use uniform policies in applying for and administering Education Division grants;

c. Result in directing a grant service to persons that the authorizing legislation did not intend to be targets of that service or to persons only incidentally or peripherally involved in the activity or service; and

d. Increase burdens on applicants and grantees by requiring (1) additional information in applications, (2) greater effort to encourage public participation in project planning, and (3) special actions in other areas, including evaluation.

Commenters who suggested that EDGAR include at least the regulations proposed in the NPRM or that those regulations be strengthened or broadened argued that—

a. Existing policies have been ineffective in achieving satisfactory compliance with relevant civil rights statutes and regulations;

b. Relevant civil rights statutes and regulations should be reflected in the regulations that govern administration of Federal educational assistance programs;

c. Regulations are necessary to make sure that everyone concerned with a Federal program and its operation is aware of the relevant civil rights statutes; and

d. There should be both pre-award and post-award determinations of compliance with appropriate civil rights statutes and regulations in order to assure that Federal funds are provided only to grantees who are in compliance with those statutes and regulations.

Response. Certain changes have been made, but the basic policy represented by the NPRM—that EDGAR should contain some special provisions for members of traditionally underrepresented groups—has not been changed. Many of the comments and suggestions were incorrect in their assumption that the relevant provisions of EDGAR are intended to enforce compliance with applicable civil rights statutes. The basic purpose of the provisions is to make applicants and grantees aware that all eligible groups are to receive equitable treatment and consideration in the administration of Education Division programs and the conduct of projects under these programs, regardless of whether the members of those groups are provided special protection or rights by Federal statutes.

Enforcement of applicable civil rights statutes and regulations is presently the responsibility of the Office for Civil Rights, HEW. The EDGAR Provisions do not give Education Division program personnel any responsbility or authority to determine compliance with civil rights requirements; these determinations will continue to be made by the Office for Civil Rights or its successor agency. (The functions of the HEW Office for Civil Rights that are concerned with education will be transferred to the new Department of Education.) The EDGAR provisions do not duplicate Federal and State civil rights compliance requirements.

Under Part 100b States have primary responsibility for assuring that subgrantees provide equitable treatment and consideration in the operation of projects under State-administered programs, while the Education Division has similar responsibility under Part 100a. Although some commenters suggested that the EDGAR provisions on this issue in Part 100a be adapted for and included in Part 100b, the Education Division believes that responsible State authorities should retain primary authority for regulating subgrantees in this area, rather than having requirements imposed by EDGAR. For the most part, the regulations on this subject in Part 100a do not have counterparts in Part 100b (e.g., selection criteria, evaluation, etc.). This is because the State-administered programs, by statute, vest primary administrative responsibility in the State.

The EDGAR provisions do not require that grant services be directed to persons who are ineligible under the authorizing statute for a program. Rather, the EDGAR requirements are designed to help assure that applicants and grantees provide equitable consideration to all persons who are eligible under the program, including those who are members of groups that have been traditionally underrepresented.

The Education Division recognizes that the EDGAR requirements regarding members of traditionally underrepresented groups increase certain burdens on applicants and grantees. The nature and extent of these increased burdens are moderate, however. For example, the information required in an application and the analysis required in an evaluation normally would be included in any adequate description of a project or evaluation of it. Similarly, effective and positive efforts to obtain public involvement in the planning of educational programs would necessarily include the actions required by EDGAR.

After considering commenters' objections to these increased burdens, the Education Division concludes that the goal of achieving greater equity for members of traditionally underrepresented groups justifies the moderate increase in burden. The Education Division agrees with those who suggested that the proposed regulations be retained in EDGAR.

No definitions of "racial or ethnic minorities," "handicapped persons," or "the elderly" have been provided. These terms are used only as examples of "groups that have been traditionally underrepresented" and should not be viewed as either limiting or exhaustive. The basic requirement relates to groups that have been traditionally underrepresented. For this reason, applicants should first make a determination as to whether some groups in the community have traditionally been underrepresented and then seek to overcome that underrepresentation.

This consideration and associated efforts should not be directed solely to members of the groups mentioned several times in these regulations (racial or ethnic minority groups, handicapped persons, women, and the elderly), but should include other groups, if appropriate, such as cultural minorities, the poor, the young, temporary residents, or others not specifically mentioned in the regulations but, nonetheless, traditionally underrepresented in activities or programs in the local area.

The Education Division also concluded that EDGAR should not include pre-award provisions designed to assure that Federal educational assistance funds are granted only to applicants who are determined to be in compliance with applicable civil rights statutes and regulations before a grant award is made, as some commenters suggested. This is a matter that will be considered in the context of the regulations under Title VI of the Civil Rights Act and other civil rights statutes. EDGAR does not include civil rights compliance regulations, but merely references those regulations in § 100a.500 and § 100b.500 for the convenience of readers.

With regard to the proposed regulations that addressed this issue, the following changes have been made in particular sections of EDGAR:

Section 100a.110 has been renumbered as § 100a.111, a new paragraph (d) has been added, and paragraph (e) has been revised. New § 100a.107 and § 100a.108 make it clear that this section only applies to direct formula grant programs, not to discretionary grant programs. The revisions in the text of § 100a.111 make it clear that the section is intended to focus an applicant's attention on persons who are members of traditionally underrepresented groups. Subject to eligibility requirements in a program's statute and its regulations, this focus is expected to be used both in determining project beneficiaries and in designing project objectives.

Section 100a.202—the selection criterion on plan of operation—has been revised to state that an application will be evaluated in part on how the applicant plans to provide equal access and treatment to eligible project participants who are members of traditionally underrepresented groups. This change parallels the clarification in § 100a.111, and will affect all discretionary grant programs that include this criterion in their regulations.

Section 100a.206—the selection criterion on adequacy of resources—has been amended by deleting the reference to underrepresented groups. Access to facilities are better governed by the regulations regarding nondiscrimination referenced in § 100a.500 and § 100b.500. Other methods of judging "adequacy" of facilities and equipment for these groups are better regulated under individual programs, which can provide clearer and more specific guidance than general regulations.

The Education Division has not adopted suggestions for the addition of selection criteria or for the addition of requirements to encourage grant applications from women or to seek balance in project staffing or advisory councils. The EDGAR selection criterion on key personnel (§ 100a.203) seeks to assure that project staff is qualified and that members of underrepresented groups have equitable opportunities for employment by an applicant. The Education Division does not believe that additional general regulations on staffing are necessary.

As for encouraging women to apply for grants, it is Education Division policy to encourage applications from all statutorily eligible applicants rather than from preselected groups. EDGAR does not regulate on program advisory committees because of the variety of statutory provisions and programmatic needs.

The proposed requirement in § 100a.620—that grantees avoid race stereotype and sex bias in materials developed under the project—has been eliminated. Public reaction to the proposed requirement was mixed. The Secretary of Education has decided to study this issue, and therefore the provision will not be adopted at this time. If it is decided at a later date that a regulation is necessary, a notice of proposed rulemaking soliciting further public comment will be published in the **Federal Register.** However, grantees are expected to be sensitive to the necessity of avoiding inappropriate biases and stereotypes in materials developed with Federal funds.

Issue: Participation of students enrolled in private schools.

Comment. Several commenters said EDGAR should consolidate regulations on the participation of students enrolled in private schools. Other commenters said proposed EDGAR provisions on the subject should be deleted because they do not consolidate all relevant program provisions but only part of them, thus creating confusion. Commenters also suggested that the proposed EDGAR provisions establish some boundaries on public and private school responsibilities.

Other commenters said EDGAR provisions should clarify legal responsibilities and be more specific about the programs to which the proposed EDGAR regulations apply. Several asked for other forms of guidance with respect to the requirements of statutes, court decisions, and EDGAR.

Some commenters suggested that public schools are being unduly burdened by EDGAR with regard to services to students enrolled in private schools. These commenters said public schools are required to—

(a) Consult with private schools too early in the project planning process;

(b) Be fiscally responsible for private school programs;

(c) Identify times and places to provide services;

(d) Act as conduits for project proposals and funds for private school students; and

(e) Compete with private schools for grants and subgrants.

One commenter asked that direct grant programs include a selection criterion providing up to five percent of a program's selection points for equitable participation of private school students.

Response. A number of changes have been made, but the major substantive requirements of the regulations on services or responsibilities of applicants to private school students proposed in the NPRM have been retained. In two sections those requirements have been made explicit rather than left implicit. The EDGAR consolidation of these requirements should help ensure consistent Federal, State, and local policies regarding participation of private school students in the affected programs. It is expected that exceptions to these general rules can be kept to a minimum, thereby maintaining this consistency.

Under certain Federal statutes, applicants, grantees, and subgrantees are required to provide opportunities for eligible private school students to participate in Federal programs. The services provided are directed to the eligible private school students, not to the private schools they attend.

In carrying out their responsibilities, grantees and subgrantees are prohibited from serving as a conduit for Federal funds and from allowing private schools control of the Federal Funds used to provide program benefits to private school students. Under these Federal programs private schools generally are not eligible applicants, so there is no competition between them and other applicants for grants or subgrants. The requirements for identifying times and places for providing services are essentially the same requirements as apply to the involvement and participation of public school students.

On the question of applicability of the regulations, program statutes and regulations identify those programs that require that students in private schools be provided an opportunity to participate.

After considering the general comments and suggestions received, the Education Division concluded that there was a need to clarify proposed requirements concerning private school students. In addition, the EDGAR selection criteria in § 100a.202 (Plan of operation) has been amended to include consideration of private school children. (See the discussion below under § 100a.202 in the "Proposed Rules" section of this appendix.)

The responsibilities of public schools applying for direct grants have been clarified with respect to project descriptions (§ 100a.119), open meetings on applications (§ 100a.140), evaluations (§ 100a.590), and the requirement to provide "genuine opportunities" for participation (§ 100a.650). The responsibilities of public schools or of representatives of private schools have not been made more explicit, but some clarification has been provided in response to specific comments on §§ 100a.650 and 100b.650–100b.661 in the "Proposed Rules" section of this appendix.

The major clarifications are as follows:

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1. Applicants must make appropriate and diligent efforts to inform and involve representatives of private school students in planning for federally assisted programs.

2. The Education Division expects applicants and recipients to seek needed information about students enrolled in private schools. This information may be provided by representatives of students enrolled in private schools, by the students themselves, or by other responsible parties. Nothing in the Education Division regulations requires any party to take actions that would be futile because of lack of information from or lack of participation by representatives of private school students. The regulations do not require consultation with representatives of private school students who do not respond to reasonable attempts to consult with them.

3. Applicants are required to consult with representatives of private school students about all aspects of the development and design of a project. Grantees and subgrantees are required to consult about any decision that may affect the participation of the private school students in a project.

Issue: Should EDGAR include general selection criteria for direct grant programs?

Comment. A number of commenters suggested that EDGAR include general selection criteria for direct grant programs. Several commenters suggested that these criteria be given standard weights in EDGAR, but some said programs should have freedom to increase or decrease the weights. Commenters also suggested that all selection criteria that apply to a particular program should be published in the regulations of that program. No commenters opposed including general selection criteria in EDGAR, although some hesitation was expressed about the use of standard weights for the criteria.

Response. No change has been made. Weighted selection criteria are retained in EDGAR. However, program regulations will repeat the EDGAR criteria, rather than merely adopt them by reference. As proposed in the NPRM, program regulations may increase the relative weights assigned to the EDGAR criteria, but may not decrease the relative weight of any criterion that is used by the program. Allowing each program to decrease the weights assigned to the EDGAR criteria would have the effect of reducing the relative importance of one or more of the criteria below the level considered minimal for it.

Issue: What should be the copyright policy of the Education Division?

Comment. Most of those who commented on this issue suggested that EDGAR allow a grantee unlimited copyright. No commenter recommended that EDGAR continue the former "limited copyright" policy of the Education Division. Of the commenters supporting the proposed new policy, many advocated the second option discussed in the NPRM: adoption of the 45 CFR Part 74 policy which permits unlimited copyright by a grantee unless otherwise provided in a particular grant. Other commenters suggested that EDGAR adopt the third option presented in the NPRM: permitting individual programs to establish their own copyright limitations through provisions in their respective program regulations. One commenter questioned the fact that EDGAR does not require a competitive process for publisher selection.

Response. No change has been made. The Education Division agrees with the commenters who said that a policy of generally allowing a grantee unlimited copyright will be more conducive to desire dissemination than the former policy of limited copyright. These commenters said the proposed policy would help a grantee deal with publishers and would allow a grantee to benefit from royalty income. Under § 100a.2, a program may establish regulations that differ from EDGAR. This section would permit a program to establish its own copyright policy if that were considered necessary for the program.

The Education Division does not believe that a competitive requirement for prospective publishers is necessary, but encourages each grantee to use care in selecting a publisher to avoid excessive costs to consumers.

Issue: Should EDGAR include regulations on "cooperative agreements?"

Comment. Several comments were received on the matter of whether EDGAR should provide special rules for cooperative agreements. Some commenters suggested that cooperative agreements be treated; others, that they not be treated. None of those who recommended treating cooperative agreements in EDGAR gave reasons to support their suggestions. Those who gave reasons that EDGAR should remain silent on cooperative agreements stated, in effect, that it would be better to wait until the Education Division has had some experience with cooperative agreements before it attempts regulations.

Response. No change has been made. EDGAR will not provide any special rules at this time. The Education Division has had little experience with cooperative agreements. Further, the Office of Management and Budget currently is conducting a congressionally mandated study of cooperative agreements, and it is expected that the outcome will provide some needed guidance. When the matter is clarified, EDGAR can be amended to include special rules for cooperative agreements, if appropriate. In the interim the general rules for grants in 45 CFR Part 74 and in EDGAR will apply to cooperative agreements. (The term "grant" is defined in 45 CFR 74.3 to include all forms of financial assistance, which would include the provision of funds under a cooperative agreement.)

General Comments

Comments. A number of commenters expressed concern that EDGAR might make it more difficult to prepare a grant application and to properly administer a project. These commenters objected to the EDGAR practice of adopting applicable statutory provisions and regulations by reference instead of repeating the pertinent statutory and regulatory language in EDGAR. One commenter summarized these objections and recommendations by saying "We want . . . all the eligibility requirements from 45 CFR Part 74, from EDGAR, from the law, from the program regulations in one place and all the application requirements in one place and all the administrative responsibilities in one place."

Response. Some changes have been made. Appropriate cross references to 45 CFR Part 74 have been added to EDGAR to make it easier for users to find relevant sections. As was done with the NPRM, a copy of 45 CFR Part 74 is appended to EDGAR for the convenience of readers. As a next step, the Education Division will begin the work necessary to incorporate the substantive text of 45 CFR Part 74 into EDGAR. The resulting combined regulations will be published in the **Federal Register** at a future date. Further, pertinent statutory requirements have been written into EDGAR, rather than being cross-referenced. These changes should serve to reduce the necessity of applicants and grantees having to refer to several documents.

The Education Division will consider further means of alleviating this problem. However, the consolidation of general grant regulations in one document, first done in the General Provisions for Office of Education Programs in 1973, has proved to be an effective means of preventing inconsistency in program regulations that cover the same subject (rules for federally financed construction, for example). EDGAR serves this necessary function and, therefore, must be retained.

Comment. A commenter suggested that EDGAR should state where the applicant can obtain a copy of the General Education Provisions Act.

Response. No change has been made. Part VI of the Introduction to Regulations of the Education Division in the preamble to EDGAR, lists appropriate resources for persons needing information Education Division programs.

Comment. A commenter suggested that EDGAR should state that in cases in which program statutes and implementing regulations are inconsistent with EDGAR the statutory requirements and the implementing regulations for the program shall prevail.

Response. No change has been made. The provision recommended by the commenter is the system used in the current OE general provisions regulations. Under EDGAR, as stated in §§ 100a.2 and 100b.2, if statutory or regulatory requirements for a program conflict with the requirements of EDGAR, the implementing regulations for that program will identify the sections of EDGAR that do not apply. This is intended to reduce confusion as to whether an EDGAR rule applies to a particular program. Unless there is a specific exception, a reader can assume that EDGAR applies. Of course, some regulations in EDGAR are self-limiting. For example, the regulations in §§ 100b.650–100b.662 apply only if the program statute specifically requires an opportunity for participation by students enrolled in private schools.

Comment. A commenter suggested that the Education Division develop a procedure to review program regulations that conflict with EDGAR.

Response. A procedure has been established to review all program regulations to make them consistent with EDGAR. Some exceptions to EDGAR are necessary because of statutory variations among different programs or because of the nature of a particular program.

Comment. A commenter suggested that the issuance of EDGAR at this time could cause confusion if a Department of Education is established.

Response. EDGAR is being issued at this time to enable the Education Division to implement the Education Amendments of 1978, and to govern grants that will be made before the new Department of Education takes effect. Because a Department of Education has been created, EDGAR will be reviewed and necessary technical changes will be made. The Education Division believes that the consolidation of common program provisions in EDGAR will serve as a basis for further consolidation of administrative provisions that will be required for the new Department. In the meantime, EDGAR is needed to govern grants made in the current fiscal year, particularly since it implements the new general grant administration polices in 45 CFR Part 74. Under the Department of Education Organization Act (Pub. L. 96–88), all regulations of the Educaiton Division, including EDGAR, will be automatically transferred to the new Department.

Comment. A commenter suggested that a provision should be added to EDGAR to allow the appropriate official of the Education Division to waive Federal requirements governing a grantee's administrative responsibilities if the grantee can show that its own administrative standards offer suitable protection against misuse of Federal funds.

Response. No change has been made. The major provisions of EDGAR are designed to assure equal treatment of applicants and grantees. A waiver procedure could lead to unequal treatment of applicants and grantees. Further, a waiver procedure based on the specific conditions suggested would, in some instances, be contrary to statutory requirements. However, deviations from the administrative requirements of 45 CFR Part 74 are permissible in the circumstances outlined under 45 CFR Part 74.6.

Comment. A commenter suggested that EDGAR should require project advisory committees and review panels to include people knowledgeable about problems of sex bias and sex stereotyping.

Response. No change has been made. Each individual program currently maintains its own list of qualified experts, selected on the basis of criteria determined by the nature of the program. EDGAR does not regulate the qualifications of review panel members nor does it regulate on the issue of project advisory committees. Decisions on these matters are left to program officials and may, if appropriate, be included in program regulations.

Comment. A commenter requested clarification on the eligibility of nonprofit organizations for grants and the application procedures they should follow.

Response. No change has been made. Nonprofit organizations are covered by all sections of EDGAR unless a section specifies a category of organization that excludes them. See 45 CFR Part 74, Subpart Q, which provides separate cost principles for nonprofit organizations. Proof of nonprofit status is governed by § 100a.51 of EDGAR.

Comment. A commenter suggested that a provision be added to EDGAR that would authorize the evaluation of educational materials that are developed without Federal support.

Response. No change has been made. This issue will be handled in the regulations for the National Diffusion Network. Those regulations were published in the **Federal Register** as a notice of proposed rulemaking on June 25, 1979 (44 FR 37178).

Comment. A commenter suggested that a provision be added to EDGAR to require the Education Division to allow the proposed costs for Alaskan projects to exceed by 20 percent the proposed costs for other projects conducting comparable activities in non-Alaskan locales. Another commenter suggested that the cost of providing regular educational services in a project area should be taken into consideration in determining if a proposed project's costs are "reasonable" under terms of § 100a.204(b)(2).

Response. No change has been made. It is the policy of the Education Division that, whenever feasible, local cost levels are taken into account in determining if project costs are "reasonable."

Comment. A commenter said that the preamble to EDGAR cited Section 400A(a)(1) of GEPA as legal authority for EDGAR. The commenter questioned the adequacy of the section as legal justification for EDGAR.

Response. No change has been made. The preamble to the proposed regulations cited Section 400A(a)(1) of GEPA only in reference to the Education Division's intention to implement new data collection procedures at a later date. The legal authority for EDGAR is Section 408(a)(1) of the General Education Provisions Act (20 U.S.C. 1221e–3(a)(1)), unless otherwise noted. Section 408(a)(1) gives appropriate officials of the Education Division general authority to issue regulations for administration of the programs of the Division.

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Proposed Rules

PART 100a—DIRECT GRANT PROGRAMS

Subpart A—General

Regulations that Apply to Direct Grant Programs

§ 100a.1 Programs to which Part 100a applies.

Comment. One commenter suggested that the listing of programs in § 100a.1 should be expanded to indicate whether or not a program is subject to the provisions of OMB Circular A–95—Federal cooperation with State and local governments in the evaluation, review, and coordination of Federal assistance programs and projects. The same suggestion proposed that such an indication in the table in § 100a.1 could be used instead of the separate listing in § 100a.170.

Response. No change has been made. The number of programs in Part 100a to which Circular A–95 applies is relatively small and they can be more readily and easily identified for readers in the separate listing in § 100a.170 than as part of the listing in § 100a.1.

Changes. The list of programs has been updated to conform to changes made in the Education Amendments of 1978 (Pub. L. 95–561).

§ 100a.2 Exceptions in program regulations to Part 100a.

Comment. One commenter asked if EDGAR applies to Public Service Fellowships, inasmuch as application for the fellowships is made through a common application for both the fellowships and the Public Service Institutional Grants made under Sections 901 through 904 of the Higher Education Act, which is covered in Part 100a.

Response. No change has been made. Part 100a applies to Public Service Institutional Grants under 45 CFR Part 194, Subpart A, but does not apply to fellowships awarded to individuals or allotted to institutions by the Commissioner under Subpart B of Part 194. However, the definitions in Part 100c apply to both programs.

Comment. One commenter suggested that this section be revised to allow program regulations to identify the sections of Part 100a that apply to the program, rather than simply identifying those that do not apply.

Response. No change has been made. If appropriate, a program's regulations may specify that only certain sections of EDGAR apply and all others do not apply. Section 100a.2 does not require the identification to be made section by section, but allows a general statement if it is more convenient for the program regulations to do that.

Comment. One commenter suggested that the effectiveness of EDGAR will be lost by exceptions and different interpretations unless program regulations are written so they do not conflict with EDGAR.

Response. No change has been made. Some exceptions to EDGAR are necessary because of statutory variations among different programs or by the nature of a particular program. However, it is the policy of the Education Division to keep exceptions to a minimum.

Subpart C—How to Apply for a Grant

The Application Notice

§ 100a.100 Publication of an application notice; content of the notice.

Comment. One commenter suggested that a provision be added to specify that annual application notices will be sent to all applicants that have sought funding during the previous three years.

Response. No change has been made. The reason for publication in the Federal Register is to provide general notice that applications are being solicited. Some programs mail copies to individual applicants in addition to the notice, but it is not considered feasible to have a general provision that requires individual mailings by all programs.

Changes. Proposed paragraph (c) of this section has been deleted as unnecessary. The revision does not represent any change in policy but eliminates reference to an internal Education Division practice of generally publishing a single application notice for all discretionary grant programs. This practice does not require regulation.

§ 100a.101 Information in the application notice that helps an applicant apply.

Changes. Various changes have been made in paragraph (a) to clarify the information that will be in an application notice. For example, the use of multi-year funding and any limits on the length of the project period will be included.

§ 100a.102 Deadline date for applications.

Comment. One commenter suggested that § 100a.102 should be shortened by consolidating the provisions of §§ 100a.102(b) and 100a.102(c) related to satisfying the deadline requirements for submitting applications. As proposed, § 100a.102(b) applies only to applications for new projects and § 100a.102(c) applies only to applications for continuation projects. The same commenter suggested that similar consolidations could be made throughout the proposed regulations.

Response. No change has been made. The provisions of § 100a.102(b) and 100a.102(c) are intended to be substantially different in effect. If an applicant for a new project fails to meet the requirements of § 100a.102(b), the application is not considered. However, if an application for a continuation award is late, the application still may be considered and the applicant granted an award, if the appropriate official of the Education Division chooses to do so.

Changes. Three changes have been made in this section, to conform to current Education Division practice, as follows:

1. The requirement to deliver an application "to the Education Division" has been changed to provide that delivery will be made "to the address specified in the application notice."

2. Two additions have been made with regard to the "proof of mailing" provisions. One allows the proof to be "A dated shipping label, invoice, or receipt from a commercial carrier" and the second is "any other proof of mailing acceptable to the appropriate official of the Education Division."

3. A new paragraph (e) has been added to specify that if an application is mailed through the U.S. Postal Service, the Education Division does not accept either a private metered postmark or a mail receipt not dated by the U.S. Postal Service as proof of mailing.

Application Contents

§§ 100a.107–100a.119

Comment. Several commenters suggested that applicants will be confused by three different sets of requirements, each of which can be understood to constitute a different format for the preparation of applications. The three sets of requirements mentioned by the commenter are—

1. The application content requirements contained in §§ 100a.107–100a.119;

2. The selection criteria contained in §§ 100a.202–100a.206; and

3. The instructions given in the application information package for completing part IV of the standard application form prescribed by OMB Circular A–110. The commenters proposed that a means be found to have one application format

Response. A change has been made. The format for an application is established by the Education Division for each program in accordance with the requirements of the statutes and regulations applicable to that program. The regulations in 45 CFR Part 74, a copy of which is appended to EDGAR, implement the policies in OMB Circulars A–102 and A–110.

EDGAR contains requirements that affect the application form, but the form for each program is accompanied by all relevant instructions. EDGAR includes these provisions to avoid repetition in individual program regulations and to achieve consistent treatment among Education Division programs. However, to avoid unnecessary duplication and possible inconsistent requirements, §§ 100a.107 and 100a.108 have been revised to clarify the information that must be submitted. The revisions eliminate the overlap between the EDGAR application content requirements and the EDGAR selection criteria by limiting some of the application content requirements to formula grant programs, which do not use selection criteria.

Changes. Proposed §§ 100a.109–100a.115 have been renumbered as §§ 100a.110–100a.116.

§ 100a.107 Applications for new grants under a discretionary grant program.

This section has been revised to apply only to applications for new grants under discretionary grant programs. As revised, the section incorporates the substance of proposed § 100a.108. The revised section also enumerates the provisions of EDGAR that specify information to be included in each application that the section covers.

§ 100a.108 Applications for new grants under a formula grant program.

This section has been added to enumerate the information that is required in each application for a new grant under a formula grant program administered directly by the Education Division.

§ 100a.108 Address each selection criterion. [Proposed]

Comment. One commenter suggested that this section be clarified as to whether or not each criterion must be discussed in a separate and clearly identifiable section of the application.

Response. No change has been made. The specific format and organization of an application is either specified in the program's application forms or instructions or is left to the judgment and discretion of the applicant. How this is to be accomplished is not restricted by these regulations.

Changes. The substance of this proposed section has been incorporated into § 100a.107.

§ 100a.109 Changes to application; number of copies.

Changes. Paragraphs (a) and (b) of proposed § 100a.116 have been rearranged and the section has been renumbered as §100a.109.

§ 100a.110 Assure compliance with appropriate requirements of law.

Comment. Several commenters suggested that the assurances required under §100a.110 should be required from an applicant only once, rather than with each application.

Response. No change has been made. Section 100a.110 requires that an application for a direct grant include a single, general assurance that a grantee will comply with special requirements of law, program requirements, and administrative requirements. This general assurance applicable to all programs will replace a number of separate specific assurances that many programs previously required and thus constitutes a significant reduction in application content. The assurance is printed in each program's application form and is, therefore, automatically submitted by each applicant. To maintain and accurately use a file containing this general assurance from each of the many thousands of prospective applicants would constitute a significant recordkeeping and procedural burden for the Education Division and would not reduce paperwork for the applicants.

§ 100a.111 Describe the project.

Changes. Two changes have been made.

1. Proposed paragraph (c) has been deleted because it was redundant with proposed paragraph (d), which has been redesignated as paragraph (c).

2. Proposed paragraph (e) has been rewritten as paragraphs (d) and (e) to make it clear that the description of a proposed project is to describe intended program participants and beneficiaries and the expected effects of the project on persons who are members of groups that have been traditionally underrepresented. (See discussion of this revision—under the issue on provisions relating to members of groups that have been traditionally underrepresented—in the "MAJOR ISSUES" section of this summary.)

§ 100a.112 Include a proposed project period and a timeline.

Comment. One commenter asked if the term "budget period" refers to a period of time that is quarterly, monthly, annually, or some other length.

Response. No change has been made. The term is defined in Part 100c as "an interval of time into which a project period is divided for budgetary purposes" and can be variable, depending on the project. Usually, the budget period is 12 months.

Comment. One commenter suggested that all school-based projects should operate on a July 1 through June 30 fiscal year.

Response. No change has been made. Setting a project fiscal year of a particular period for all programs would remove flexibility to meet particular program and grantee needs. For example, some school-based projects might begin in the fall and continue through the following summer. A project period of July 1 through June 30 would be inappropriate for these and other projects.

§ 100a.113 Describe key personnel.

Comment. A number of commenters suggested that the requirement to give the name and qualifications of the project director and other key project personnel should be revised to allow the application to include only job descriptions or qualifications of personnel, if actual employees are unknown at the time the application is filed.

Response. A change has been made. Except for the principal investigator for a proposed research project, the requirement has been revised to require that names be provided only if known at the time of application. If names are not known, an applicant may give a description of qualifications of key personnel to be employed.

§ 100a.115 Describe the evaluation plan.

Comment. One commenter suggested that a separate evaluation plan should not be required for each proposal, inasmuch as it sometimes is more logical for the proposed evaluation to be integrated into the description of the project.

Response. No change has been made. The section does not require a separate evaluation plan but merely a description of the evaluation plan. If appropriate, the applicant may integrate the description into the overall project description. However, the evaluation plan must be sufficiently clear to enable reviewers to judge the application and to award points.

Comment. One commenter suggested that EDGAR require all proposed evaluations to include an analysis of the differential impact of projects on the sexes and on various racial and ethnic groups within each sex.

Response. No change has been made. While the Education Division is

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committed to advancing educational equity, the Education Division is also concerned with reducing the paperwork burden on applicants and grantees. Section 100a.580 requires a grantee in its project evaluation to assess the effect of the project on persons being served by the project, including persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly. Without statutory authority for requiring more explicit detail in project evaluations, the Education Division is reluctant to require grantees under all programs to include in their evaluations an analysis as specific as the commenter has proposed. Individual program regulations may require more specificity, if appropriate.

Changes. 1. Because some evaluations are explicity required by statute, § 100a.115 has been revised to refer to evaluations required by both statute and regulations.

2. The revisions also make it clear that the section refers to the applicant's plan to evaluate the project.

§ 100a.116 Demonstrate capability; include evaluation of completed project.

Comment. Two commenters suggested that the requirement for submitting an evaluation of a completed project be modified to allow for the possibility that no evaluation had been completed at the time of application for the new project.

Response. A change has been made. Section 100a.116(b) has been changed to require an evaluation only if one has been completed at the time the application is submitted.

§ 100a.118 Application for a continuation award.

Changes. Proposed paragraph (b)(1) requiring compliance with the deadline date for continuation applications has been deleted as unnecessary because it repeats the requirements in § 100a.102(c), which is cross referenced in this section.

§ 100a.119 Information needed if private school students participate.

Comment. Several commenters suggested that the application include more explicit information related to services to children enrolled in private schools if these services are required or permitted under the authorizing statute.

Response. A change has been made. A new § 100a.119 has been added to require that under certain programs an applicant must include information in its application describing how the project will fulfill Federal requirements to serve children enrolled in private schools.

Joint Funding Simplification Procedures

§ 100a.124 Applications and preapplications under the Joint Funding Simplification Act.

Changes. A number of sections have been added to the final EDGAR to specify the procedures used by the Education Division to implement the Joint Funding Simplification Act of 1974. Section 100a.124 lists the other sections in EDGAR that have been amended to implement the Joint Funding Simplification Act. The procedures in EDGAR supplement the procedures in OMB Circular A–111 (41 FR 32040), published on July 30, 1976. The Office of Education published procedures to supplement this circular on May 18, 1979 (44 FR 29164), and these were used as the basis for the procedural rules in EDGAR. The sections added to EDGAR replace the procedures published on May 18, 1979.

Separate Applications—Alternative Programs

§ 100a.126 Application must list all programs to which it is submitted.

Comment. Several commenters suggested that § 100a.126 should be revised to clarify its meaning.

Response. A change has been made. The title of this section has been changed to better describe the content of the section. Also, some changes have been made in the wording to make its meaning clearer. The purpose of this section and of § 100a.125 is to allow applicants to submit an application to any program from which the applicant thinks it may get funded.

This section requires an applicant to inform the Education Division of any programs from which the applicant seeks funding for the same project. The appropriate official of the Education Division needs this information to carry out official duties under Subpart D. For example, an applicant may submit an application to two programs under either of which the proposed activity could be fully funded. The application may rate highly enough under both programs to deserve funding. However, the appropriate official cannot fund the project for more than 100 percent of the cost of the project. (Cross-reference—See § 100a.233 Setting the amount of the grant.)

If the appropriate official knows in advance all the programs from which an applicant seeks funding, then the official can coordinate the selection and grantmaking procedures under Subpart D.

Preapplications

§ 100a.131 Consideration of a preapplication.

Comment. Two commenters suggested that preapplication procedures not be used by the Education Division, and one commenter suggested that preapplication procedures be used more extensively.

Response. No change has been made. As proposed, the regulations simply allow the use of preapplication procedures. Whether preapplication procedures are useful is an issue that is decided separately for each program. In some programs, the use of preapplications can reduce the paperwork burden on applicants, but in other programs there would be no benefit.

Change. Proposed § 100a.130 has been renumbered as § 100a.131.

§ 100a.133 Result of a preapplication.

Comment. One commenter suggested that it should be made clear whether an applicant may apply under a program even if the appropriate official of the Education Division informs the applicant that it is ineligible for assistance under the program.

Response. No change has been made. Although the regulations do not preclude an ineligible applicant from applying, under § 100a.216(a)(1) an application from an ineligible applicant is not considered for a grant award but is returned to the applicant. A cross reference to § 100a.216 has been added to § 100a.133 to make this outcome clear.

Comment. One commenter suggested that an applicant that is ineligible for assistance should be told why it is ineligible.

Response. A change has been made. Section 100a.133(a)(3) has been revised to provide that an explanation of why an applicant is ineligible will be provided.

Change. Proposed § 100a.132 has been renumbered as § 100a.133.

Open Meeting Certification Under Certain ESEA Programs

§100a.139 The local educational agency shall hold an open meeting.

Comment. Two commenters suggested that giving each person who attends a required public meeting an opportunity to comment is too broad and could result in lengthy meetings at which endless comments might be used to block timely, official action.

Response. No change has been made. Paragraph (c) of this section requires only that a local educational agency give persons who attend a public meeting an opportunity to comment. This does not mean that unlimited time must be devoted to comments. It is possible, for example, for the local educational agency to place reasonable limits on the amount of time that each person may speak when many people want to speak, or to permit written comments to be submitted by those who do not have time to make a full oral presentation.

Comment. One commenter suggested that the requirements related to open meetings should apply only to applications for grants of $100,000 or more.

Response. No change has been made. These regulations implement a statutory requirement for ESEA programs. The statute does not authorize the limit suggested by the commenter.

§ 100a.140 Give notice of the open meeting; make information available.

Comment. One commenter suggested that this section be revised to require that notice of the planned meeting be in both English and the primary language of any population group that is a direct target of the proposed project.

Response. No change has been made. The notice should be given both in English and in languages other than English, if necessary to communicate with persons or groups affected by the application or to communicate with members of other groups of the kind referred to in § 100a.140(c).

Comment. Several commenters suggested that § 100a.140 be revised to delete requirements for special or extra announcements to ensure that members of groups that have been traditionally underrepresented have an opportunity to participate in the open meeting. Another commenter suggested that the applicant should be required to provide evidence in its application that steps were taken to involve members of traditionally underrepresented groups in the open meeting.

Response. No change has been made. Section 100a.140 does not necessarily require special or extra announcements. It simply requires that reasonable consideration and effort be given to assuring that members of traditionally underrepresented groups have an equal opportunity to receive information about the planned meeting and to participate in it. Requiring evidence that these steps have been taken would place an unwarranted burden on many applicants.

Other changes. See the discussion at the beginning of this Appendix ISSUE: Participation of students enrolled in private schools.

§ 100a.141 Certify that open meeting was held.

Comment. Three commenters suggested deleting the provisions that require an applicant local educational agency to certify that it has considered all comments and recommendations made at a required open meeting and has included the results of its consideration in the application.

Response. A change has been made. It is reasonable to require an applicant to certify that it has conscientiously reacted to all suggestions and recommendations. However, the section has been revised to make it clear that the applicant is not required to identify each recommendation, decision, and consequence in its application, but merely to certify that it amended its application, as appropriate, in light of those comments and recommendations.

State Approval Procedures

§ 100a.150 Review procedure if State must approve applications; purpose of §§ 100a.151–100a.153.

Comment. One commenter suggested that the regulations should include a list of programs to which State approval procedures apply.

Response. No change has been made. Programs that require State approval will specify in their regulations that State approval is required.

§ 100a.151 When an applicant under § 100a.150 must submit its application to the State; proof of submission.

Comment. One commenter suggested that the requirement that an application requiring State approval be sent to the State 15 days before the deadline for its submission to the Education Division should be changed to require that the submittals be made simultaneously.

Response. No change has been made. The requirement gives a State 15 days in which to approve or disapprove the proposal before it is sent to the Education Division. If applications were sent simultaneously to both the State and the Education Division, applications that the State disapproves within the 15-day period would be sent to the Education Division. Inasmuch as the Eduation Division, under these programs, can only fund applications approved by the State, the 15-day period—by enabling States to give early notices of disapproval—can serve to avoid wasted effort for both the applicants and the Education Division.

Comment. One commenter suggested that the postmark provisions regarding the mailing of applications to the Education Division should be extended to cover mailing to State offices, when the latter mailings are required.

Response. No change has been made. The present provision requires only that a copy of the letter requesting State approval be attached to the application sent to the Education Division. If the postmark requirements of § 100a.102 were extended to include submission to the State, applicants would be required to include proof of the postmark with the application to the Education Division. This would involve an undue and unnecessary burden on the applicant and would be difficult for the Education Division to administer effectively.

§ 100a.152 The State reviews each application.

Comment. One commenter suggested that this section should include the criteria to be used by a State in reviewing an application requiring State approval.

Response. No change has been made. The criteria used by the State are determined by the State on the basis of the authorizing statute and the program regulations. The criteria used by a State are not subject to consolidation in EDGAR.

§ 100a.153 Deadlines for State approval.

Comment. One commenter suggested that the appropriate offical of the Education Division be required to publish a deadline in the **Federal Register** for receipt of State approvals of applications, rather than having the option to publish or not to publish a deadline.

Response. No change has been made. Under a program that does not make grants on a competitive basis, it generally is not necessary to establish a deadline for submission of applications. If a deadline is necessary to facilitate selection of applications for support, a deadline will be published. No deadline will be established without publication.

Other changes. Paragraph (b) has been amended to apply a more flexible deadline for receipt of State approvals. This change conforms to current Education Division practice.

§ 100a.154 Effect of State approval; failure to approve.

Comment. Two commenters suggested that the provision that prohibits a grant if a State does not approve an application on or before the deadline for State approval should be modified to allow for an appeal to the Education Division if the State disapproves or fails to approve the project.

Response. No change has been made. Under the programs subject to these

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EDGAR provisions, the requirement for State approval is statutory and not subject to modification by regulations. Appeals are allowed only if specifically authorized under a program statute.

State Comment Procedures

§ 100a.155 Review procedure if State may comment on applications: purpose of §§ 100a.156–100a.158.

Comment. One commenter suggested that programs to which State review procedures apply be listed for the convenience of the reader.

Response. No change has been made. Programs that require an opportunity for the State to comment will specify in their program regulations that the opportunity for comment is required.

§ 100a.156 Deadlines for State comments.

Comment. One commenter suggested that the appropriate offical of the Education Division be required to publish a deadline in the Federal Register for receipt of State comments on applications, rather than having the option to publish or not to publish a deadline.

Response. No change has been made. The Education Division generally publishes a deadline for State comments under these programs. Occasionally, however, it may not be necessary or desirable to publish a deadline; therefore, the flexibility in this section has been retained.

Changes. Paragraph (c) has been revised to make it clear that a State's comments must be sent to the Education Division.

§ 100a.159 Effect of State comments or failure to comment.

Comment. One commenter suggested that an applicant should be required to provide the State with a reasonable period of time within which to make its comments. One of the commenters suggested that State comments be made within 30 days after the application is submitted.

Response. No change has been made. If State comments must be submitted to the Education Division by a deadline, the appropriate official of the Education Division, in the Federal Register notice, allows a reasonable period of time between State receipt of the application and the deadline for submission of comments to the Education Division. This period commonly is 30 days or more, but the precise period must be flexible to meet the needs for particular programs.

Comment. One commenter suggested that the word "considers" be defined in order to indicate more clearly what effect State comments have on an application.

Response. No change has been made. The appropriate official of the Education Division gives serious consideration to all comments that a State makes. It is not possible to define generally how this is done for all programs.

OMB Circular A–95 Clearinghouse Procedures.

§§ 100a.179–100a.173

Comment. One commenter suggested that the term "clearinghouse procedures" be defined.

Response. No change has been made. As § 100a.170(b) makes clear, the procedures referred to are those used by clearinghouses established in accordance with OMB Circular A–95.

Comment. One commenter suggested that the listing of programs subject to the requirements of OMB Circular A–95 should include a footnote indicating that the list is subject to change from time to time. The footnote should tell the reader where to find the current listing.

Response. No change has been made. The list in EDGAR will be updated and revised as necessary.

§ 100a.171 Notify the appropriate clearinghouses.

Comment. One commenter suggested that this section be deleted because the provisions are redundant or similar to additional requirements established by the clearinghouses.

Response. A change has been made. The section has been revised so that its provisions apply only if superseding requirements have not been established by the appropriate clearinghouses.

§ 100a.172 Applicant shall show compliance with A–95 procedures.

Comment. One commenter suggested that an applicant be required to include a statement with its application that all comments made by or through a clearinghouse have been considered before the application is submitted.

Response. A change has been made. The revised provision requires that the applicant include a statement that comments made by or through a clearinghouse have been considered before submission of the application to the Education Division. This statement is required by the provisions of OMB Circular A–95.

Comment. One commenter suggested that provisions be added requiring the Education Division to notify clearinghouse of major actions taken on applications submitted to them, as provided for in OMB Circular A–95.

Response. A change has been made. The Education Division complies with the requirements of the OMB Circular and there is no need to include provisions to that effect in EDGAR, which is limited to regulations that directly affect applicants for and recipients of funds from the Education Division.

Development of Curricula or Instructional Materials

§§ 100a.190–100a.192

Comment. Several commenters suggested that EDGAR implement Section 1248 of the Education Amendments of 1978 (Pub. L. 95–561), which amends Section 426 of the General Education Provisions Act. Section 426 requires certain procedures to encourage effective dissemination of curricula or instructional materials developed under contracts or grants.

Response. A change has been made. Sections 100a.190–100a.192 have been added to EDGAR to implement Section 426.

Subpart D—How Grants Are Made

Selection of New Projects

§ 100a.200 How applications for new grants are selected for funding.

Comment. One commenter suggested that each program be required to publish applicable EDGAR selection criteria and other provisions that affect the selection of an application.

Response. A change has been made. For the convenience of applicants, program regulations will include applicable EDGAR selection criteria and the weighting factors that apply to them. Appropriate conforming revisions have been made in §§ 100a.200 and 100a.201.

§ 100a.201 How to use the selection criteria.

Comment. Two commenters suggested that all programs be required to use weighted selection criteria, rather than some programs using weighted criteria and others using unweighted criteria.

Response. No change has been made. The question of whether selection criteria should be weighted or unweighted can most appropriately be resolved on the basis of individual program objectives.

Comment. One commenter suggested that EDGAR selection criteria should be given more than 30 percent of the total number of points allocated among several selection criteria.

Response. No change has been made. By assigning a minimum of 30 percent of all points to the EDGAR selection criteria, the regulations assure that each criterion will receive at least the degree of consideration that the EDGAR weighting factors specify. To assign more than 30 percent of a program's selection criteria points to EDGAR criteria might result in undesirable distortion of priorities which differ among programs. However, a program may increase the weight given to particular EDGAR criteria.

Changes. Section 100a.201 has been revised to reflect the fact that program regulations will repeat the EDGAR criteria, rather than merely referencing them.

§ 100a.202 Selection criterion—plan of operation.

Comment. A commenter asked that EDGAR include a selection criterion that would provide up to five percent of a program's selection points for equitable participation of private school children.

Response. A change has been made. Under a program that requires participation of private school students, applications will be evaluated in part on the quality of the applicant's plan to provide that participation. Because this was not an explicit criterion in the proposed EDGAR, and because applications must soon be submitted under the affected programs, the new criterion will apply to grants made after October 1, 1980, but not to applications for grants in the current fiscal year. Addition of the criterion is appropriate, since under the affected programs the quality of opportunity for participation of private school students is an important factor in judging the overall quality of an application.

The quality of the opportunity for participation may be shown in many ways. The Commissioner expects that the exact nature of participation may vary widely among school districts. Because the views of local private school representatives may be of value in evaluating the plan of operation, applicants are encouraged to submit statements from these representatives covering such points as—

The success of efforts to involve private school representatives in the planning process;

The reasons for differences in program benefits provided to public and private school students; and

Evaluations of past participation by private school students in similar projects administered by the applicant.

Changes. A note has been added after this section to emphasize that the language regarding traditionally underrepresented groups does not mean that a grantee can or should include ineligible participants in its project.

§ 100a.203 Selection criterion—quality of key personnel.

Comment. Several commenters said it is not possible to name the project director and other personnel at the time an application is submitted.

Response. No change has been made. Applicants may describe minimum qualifications when personnel to be employed have not yet been selected. This does not authorize omission of the name and qualifications of the principal investigator of a research project. If actual personnel are not names, the rating for this criterion will be based on the descriptions of qualifications provided in the application.

Comment. One commenter suggested deleting § 100a.203(b)(4) regarding the amount of time each key person plans to commit to the project.

Response. No change has been made. The qualifications of personnel are relevant only to the extent to which those personnel are available to the project; therefore, time commitments are a necessary consideration.

Comment. One commenter suggested that using "past experience" as the primary basis for determining the qualifications of key personnel constitutes a bias against young but otherwise highly qualified personnel.

Response. A change has been made. Section 100a.203(c) has been revised to provide that both experience and training will be considered to determine the qualifications of a person. The section also allows the applicant to include information to support other measures of personnel qualifications, in addition to experience and training.

Comment. One commenter suggested that applicants be required to give an assurance that project personnel will be hired through affirmative action employment procedures.

Response. No change has been made. Affirmative action procedures are required only to overcome the effects of past discrimination and are not necessarily required with respect to the personnel for a particular project.

Comment. Several commenters suggested deleting proposed § 100a.203(b)(3) from the final regulations. That provision dealt with the qualifications of project employees who are members of an applicant's governing body or who are related to members of the governing body or the project staff.

Response. A change has been made. Section 100a.203(b)(3) has been deleted, and paragraphs (4) and (5) have been redesignated as paragraphs (3) and (4), respectively. Section 100a.525 prohibits grantees from allowing certain conflicts of interest in project activities and is considered sufficient.

§ 100a.204 Selection criterion—budget and cost effectiveness.

Comment. One commenter suggested that the section should be more specific with respect to the information that the application should contain on budget and cost effectiveness, possibly even setting support levels to be provided for each participant in a program.

Response. No change has been made. It is not possible to write requirements that would apply to all programs and yet be specific enough to provide useful guidance for individual programs. If specific requirements are needed, they will be in a program's regulations.

§ 100a.205 Section criterion—evaluation plan.

Comment. One commenter suggested that limiting evaluation to "objective, quantifiable methods" is too restrictive in some cases.

Response. A change has been made. The provision has been revised to allow the use of evaluation methods that are appropriate for the project and requires that the methods be objective "to the extent possible." However, applicants will be expected to use objective methods unless the nature of a project makes it impractical to do so.

Selection Procedures

§ 100a.215 How the Education Division selects a new project: purpose of §§ 100a.216–110a.222.

Comment. One commenter suggested that time limits be established for the Education Division to complete its procedures for review and selection or rejection of applications.

Response. No change has been made. The schedule for awarding grants necessarily varies from year to year, depending on congressional appropriations, new program statutes, and other factors that are not always within the control of the Education Division.

§ 100a.216 Returning an application to the applicant.

Comment. One commenter suggested that a provision be added stipulating that an application be returned to the applicant if State approval is required but has not been obtained. Another commenter suggested that applications received after the deadline should also be returned.

Response. No change has been made. If State approval is required but is not obtained, the application would be returned under paragraph (b)(4) of this section, which provides that if a project

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cannot be funded—which would include failure to meet legal requirements, such as State approval or the deadline for submission—the application is returned.

Comment. One commenter suggested that an application that is returned under this section be accompanied by a copy of reviewer comments.

Response. No change has been made. This section provides for return of an application that cannot be considered for support. This means these applications are not reviewed, but are eliminated from the competition, and there are no reviewer comments about these applications. The reason for returning an application is explained when the application is returned by the Education Division.

Changes. Proposed § 100a.104(b)—regarding compliance with procedural rules—has been transferred to § 100a.216(a)(2). Proposed paragraphs (a)(2) and (3) have been renumbered as (a)(3) and (4).

§ 100a.217 How the Education Division selects applications for new grants.

Comment. One commenter suggested that a provision be added to allow interested individuals to submit applications for jobs as review panelists.

Response. No change has been made. Methods of recruiting review panelists are concerns of the particular programs, which establish recruitment policies and procedures appropriate to the particular needs of the respective program. Individuals wishing to serve as review panelists for a particular program should write directly to the Education Division unit that administers the program.

Comment. Several commenters offered suggestions regarding the qualifications of the experts that review applications.

Response. No change has been made. The appropriate official of the Education Division uses experts whom the official considers qualified to review an application and to advise the official about it. The qualifications to perform these responsibilities differ widely among programs. A specific definition of expert might unnecessarily limit the official's ability to select appropriate individuals.

Comment. Two commenters suggested that the Education Division delete from EDGAR the prohibitions against a person serving as a member of a panel of experts if the person is an HEW employee engaged in the administration of the program or was involved in the administration of the program within the past year.

Response. No change has been made. Individuals involved in administration of the program are responsible for reviewing the applications after the group of experts has made its assessment. It would therefore not be appropriate for them to also serve as members of the group.

Comment. Two commenters suggested that if the rank ordering of projects is disregarded in the award of one or more grants, the appropriate official should provide a justification for doing so.

Response. No change has been made. Revised § 100a.218(b) requires that the Education Division inform an applicant why its application was not funded. This would include any necessary justification for changing the initial rank ordering of applications.

Comment. One commenter suggested that a provision should be added with regard to the effect on rank order selection of geographical distribution and similar factors.

Response. A change has been made. The change allows the appropriate official to consider any information relevant to any requirement that applies to the selection of applications for new grants. This could include priorities such as geographic distribution. Some programs do not use priorities in the application selection process but rely solely on evaluative selection criteria for this purpose.

Other changes.

1. Paragraph (a) of the proposed section has been deleted as redundant with paragraph (b). The remaining paragraphs have been redesignated accordingly.

2. Redesignated paragraph (d) has been revised to better reflect the procedures used by the Education Division to select applications for funding. The revised paragraph (d) includes material proposed as § 100a.218(a), (b), and (c).

§ 100a.218 Applications not selected for funding.

Changes. This section has been amended by deleting the requirement for each unfunded application to be returned to the applicant.

§ 100a.219 Exceptions to the procedures under § 100a.217.

Comment. Two commenters suggested that the word "mishandled" in paragraph (b)(3) of this section implies that an Education Division decision not to fund an application can be appealed and asked that the appeal process be specified.

Response. No change has been made. A determination that an application was "mishandled" is made solely by the appropriate official of the Education Division on the basis that an administrative error was made in the selection process. The provision does not imply that a decision not to fund a proposed project based on a low score (for example) can be formally appealed by an applicant. A formal appeal of discretionary judgments, such as the scoring of applications, is neither authorized nor established by this section nor by any other section of Part 100a.

Comment. One commenter suggested that an appeal procedure for unsuccessful applicants be added to the project selection procedures.

Response. No change has been made. It is not feasible to have a formal appeal procedure for the thousands of unsuccessful applicants who submit applications each year.

Comment. One commenter suggested that funding without competition should be made more restrictive and less open-ended.

Response. No change has been made. The provision is quite restrictive as currently written. It is limited to: (a) situations in which the objectives of the project could not be achieved if the more time-consuming procedure in § 100a.217 were used; (b) applications under the Joint Funding Simplification Act; or (c) administrative mishandling during the preceding competition that resulted in an application not being funded when it otherwise would have been. The procedures in § 100a.220 should insure that the situations described in (a) are not expanded inappropriately.

§ 100a.220 Procedures the Education Division uses under § 100a.219(a).

Comment. One commenter suggested that the board to review an application being considered for funding without competition should include an LEA representative.

Response. No change has been made. The board's functions are to make the objective determinations specified in paragraphs (c) (1), (2), and (3) and to submit its findings to the appropriate official of the Education Division. The membership of the board is designed to allow expeditious handling of the application, and the addition of non-Federal personnel to the membership could lead to unacceptable delays in processing the application.

Changes. Paragraph (c)(2) has been revised to recognize that some programs have priorities or other requirements, in addition to selection criteria, that govern the selection of applications for funding.

Procedures To Make a Grant

§ 100a.235 The notification of grant award.

Comment. One commenter suggested that the Education Division notify applicants when the project has been approved, in order that "applicants know where they stand" rather than wait until the amount of the award has been determined as a result of negotiations following original selection.

Response. No change has been made. An applicant is informed soon after selection of its application that the proposed project has been recommended for funding, subject to satisfactory agreement on the amount and other matters. The official notification of a grant award is made only if this agreement is reached. The notification of grant award is then issued, which officially establishes the amount of the grant and the legal conditions related to the transfer of funds. The notification of grants award is a legal document that confirms and formalizes matters that both the applicant and the Education Division have agreed to.

Comment. One commenter suggested that the notification of grant award should indicate the proposal or project title to help recipients identify the program to which the notification relates.

Response. No change has been made. The section allows the desired information to be included. It is not desirable to regulate the specific content matter to be included in all award notifications since needs may vary among programs.

Approval of Multiyear Projects

§ 100a.250 Project period can be up to 60 months.

Comment. One commenter suggested that the maximum project period be less than 60 months in order to leave a maximum amount of funds available for competitive awards that are innovative or that are responsive to newly identified needs.

Response. No change has been made. The section allows each program to choose an appropriate maximum project period. If a program wishes to use a multi-year project period, any limits on the length of the project period will be established in the program's application notice. (See § 100a.101(a)(6).) Most multi-year projects are for a period of 36 months.

Changes. Proposed paragraph (a) and (b) have been combined. The reference to the usual project period of 12 months has been deleted since it was not intended as a restriction and could have been confusing.

§ 100a.253 Continuation of a multi-year project after the first budget period.

Comment. Three commenters suggested that provisions should be added about the use of any funds that are left over at the end of the budget period.

Response. A change has been made. A new paragraph (c) provides that the amount of a continuation award is the total amount of funds that the appropriate official determines is needed for the new budget period minus any funds that remain available from the preceding budget period.

Comment. One commenter suggested that the requirement that a grantee must submit every required report before a continuation award is made should be waived under certain conditions. Another commenter suggested that the requirement be clarified as to exactly what reports are required.

Response. No change has been made. Submission of certain reports is a necessary condition to receiving a continuation award. The requirement covers any report that must be submitted before the date of the continuation award. If a grantee is uncertain about the reports that are due under a particular grant, the grantee should contact the Federal grants officer for that project.

Changes. A new paragraph (b) provides that priority for funding is given to continuation awards over new grants. This priority should serve to ensure consistent treatment of applications for continuation awards under all programs of the Education Division. If Congress appropriates sufficient funds, each application for a continuation award will be judged on the basis of the criteria in § 100a.253(a) and will not be subject to competition with other applications. Each application that meets the criteria will be funded before funds under the applicable program are used to make any new grants.

Miscellaneous

§ 100a.260 Allotments and reallotments.

Comment. One commenter suggested that the reference to §§ 100b.230–100b.235 should be dropped and this section revised to say that reallotment of unneeded funds is done "according to statute."

Response. A change has been made to adopt the suggestion. Section 100a.260 contains the revision.

§ 100a.261 Extension of a project period.

Comment. One commenter suggested deletion of the requirement that a grantee seeking an extension must make that request at least 45 days before the end of the project period. The commenter explained that the provision implies that a failure to meet the requirement would preclude a desirable extension of the project period.

Response. No change has been made. The Education Division needs an adequate amount of time to review a request for extension.

Changes. A new paragraph (f) has been added to this section to specify that a project period extension is to be used "to carry out the activities in the approved application."

Subpart E—What Conditions Must Be Met by a Grantee

Nondiscrimination

§ 100a.500 Federal statutes and regulations on nondiscrimination.

Comment. Several commenters suggested that clarification is needed as to how grantee compliance with Federal nondiscrimination statutes and regulations is to be demonstrated.

Response. No change has been made. Any necessary clarification of the statutes and regulations listed in this section is presently the responsibility of the Office for Civil Rights, HEW.

Project Staff

§ 100a.510 Use of a project director.

Comment. A number of commenters suggested deleting this section in the belief that it requires a full-time project director; several other commenters objected to the director's being given authority to spend project funds; and one commenter suggested correcting the implication that some projects do not need directors.

Response. A change has been made. The phrase in paragraph (c) requiring that the project director have authority to spend project funds has been deleted. Whether the project director has spending authority may vary, depending on the policy of the applicant. The rest of the section has been left unchanged.

The provisions of this section apply only to a grantee that uses a project director to administer its project; the section does not require a project director. Not all projects need a salaried project director. To require one in all cases would be wasteful of program funds.

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§ 100a.511 Waiver of requirement for a full-time project director.

Comment. Several commenters suggested that the waiver provision be deleted to eliminate unnecessary paperwork; one asked that the section be revised to eliminate any implication that EDGAR requires a full-time project director; and one asked that the waiver provision be retained to make an exception possible if particular projects or circumstances make a full-time director unnecessary.

Response. A change has been made. Paragraph (a) has been revised to make it clear that this section does not require a grantee to use a full-time project director. Rather, it authorizes the appropriate official of the Education Division to waive particular program regulations that do require a full-time director, and it establishes conditions for the waiver. The paperwork required has been kept to a minimum, consisting simply of a written request that shows that a waiver is appropriate.

§ 100a.515 Qualifications of project staff. [Proposed]

Comment. One commenter suggested that this section be deleted and left to State and local control as part of their regular personnel operations. One commenter suggested adding the requirement that members of the project staff have appropriate State certification.

Response. A Change has been made. The section has been deleted. Education Division concern about the qualifications of project staff will be resolved through the application requirements in §§ 100a.113 (for formula grant programs) or by § 100a.203 (for discretionary grant programs) and any resulting grant award, or through individual program requirements.

§ 100a.516 Inservice training for project staff. [Proposed]

Comment. Two commenters suggested that this section be revised to make it clear that grant funds may be used for any training that is necessary for project staff.

Response. A change has been made. The section has been deleted. If training of project staff is necessary, the project application or subsequent amendment will specify the conditions associated with the training, making it unnecessary to regulate those conditions in EDGAR.

§§ 100a.515–100a.519 Project staff.

Other changes. Proposed §§100a.517–100a.521 have been renumbered as §§ 100a.515–100a.519.

§ 100a.515 Use of consultants.

Comment. One commenter suggested that this section establish a maximum rate of pay for a consultant.

Response. No change has been made. The authority for a grantee to use its own general policies and practices when hiring a consultant should be sufficient to control the costs of consultant services.

Comment. One commenter suggested that the provision prohibiting the use of grant funds to pay a consultant, unless the project needs the consultant and cannot meet the need by hiring an employee, is too restrictive and counterproductive from the standpoint of cost-effectiveness and should, therefore, be revised or deleted.

Response. A change has been made. The word "hiring" has been changed to "using." This broadens the provision to apply to current employees as well as to those that grantee might hire. The purpose of the requirement is to prohibit the use of consultants if the grantee's employees can perform the same function, thus reducing the cost to the grant.

§ 100a.516 Compensation of consultants—employees of institutions of higher education.

Comment. Two commenters asked for clarification of the phrase "unusual circumstances" as a condition for paying consultant fees to an employee.

Response. No change has been made. The phrase is used in § 100a.516 to mean that grantees must be able to demonstrate that the circumstances involved are sufficiently unusual to justify payments that otherwise would be prohibited. To define the term more specifically could unnecessarily limit the types of circumstances that the Education Division might judge to be unusual.

Comment. One commenter suggested that the provisions allowing an institution of higher education to pay one or more of its employees consultant fees from grant funds should either be deleted or extended to other grantee organizations.

Response. No change has been made. This section does not give special privileges to institutions of higher education or to their employees, but actually restricts the conditions under which employees may be used as consultants. No change is necessary to enable other grantees to pay one or more employees consultant fees, subject to the provisions of § 100a.515, which apply to all grantees. Under § 100a.515 an employee would be able to act as a consultant only if the service is outside the scope of his or her employment contract.

Conflict of Interest

§ 100a.525 Conflict of interest: participation in a project.

Comment. Two commenters suggested that this section apply only to grantees that have no formal conflict of interest policy.

Response. No change has been made. The requirements in § 100a.525 are considered minimal. If a grantee's conflict of interest policies and practices are at least as restrictive as the requirements of this section, the grantee's policies can be applied. If the grantee's policies and practices are less restrictive, the requirements in this section are considered necessary to avoid the most common forms of conflict of interest.

Comment. One commenter suggested clarifying the prohibition against using a project position for "private gain" to make it clear that the intent is to prohibit "financial gain."

Response. A change has been made. Section 100a.525(b) has been revised to make the prohibition apply with respect to "private financial gain."

Allowable Costs

§ 100a.530 General cost principles.

Comment. One commenter suggested that a percentage of an administrative officer's salary should be allowable to satisfy matching requirements.

Response. No change has been made. If all or part of an administrative officer's salary is an allowable cost under terms of the grant, that amount of the salary could instead be claimed as part of a grantee's matching share.

Cross-reference.—See 45 CFR Part 74 Subpart G—Cost Sharing or Matching.

§ 100a.534 Foreign travel. [Proposed]

Comment. One commenter suggested that prior approval by the appropriate official of the Education Division should be required with respect to all travel using grant funds, not just foreign travel. Several commenters suggested that travel to and from Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands should not be considered foreign travel. Other commenters said travel to and from Canada should not be considered foreign travel, and two commenters suggested that travel to and from Mexico should not be considered foreign travel. One commenter asked that clarification be provided as to what constitutes "advance approval."

Response. A change has been made. The section has been deleted. The cost principles for institutions of higher education, in Appendix D to 45 CFR Part 74, required prior approval for "travel outside of Canada and the United States and its territories and possessions." This is a general policy of the Federal Government contained in OMB Circular A–21, published in the Federal Register on March 6, 1979.

The circular's restriction does not apply to State or local governments or to other grantees of the Education Division. Despite this, the Education Division has in the past extended the restriction to all grantees. Given the concerns raised by the commenters, it has been decided to discontinue this general policy.

Unless otherwise provided in the cost principles appended to 45 CFR Part 74, imposed through a specific condition of a grant, or required by a program statute or regulation, "foreign travel" by grantee personnel will be treated as any other travel, unless an institution of higher education is the grantee. The Education Division considers the "advance approval" required by 45 CFR Part 74 to be satisfied if the travel is specified in an approved application.

The suggestion that all grantee travel be subject to prior approval by the Education Division has been rejected as unnecessarily burdensome.

Indirect Cost Rates

§ 100a.561 Approval of indirect cost rates.

Comment. One commenter suggested that this section be changed to reflect HEW approval of indirect cost rates.

Response. No change has been made. According to applicable law this is a function that cannot be delegated outside of the Education Division. Section 421A of the General Education Provisions Act states that the Commissioner of Education can only delegate his or her authority to an Office of Education employee. The Department of Health, Education, and Welfare performs a service function for the Education Division in computing indirect cost rates but final approval is determined by the Education Division. Whether this will be affected by the creation of the Department of Education is currently being studied.

Comment. One commenter suggested that this section require States to recognize indirect cost rates established by an institution's cognizant Federal auditor in accordance with OMB Circular No. A–88. (This circular requires that all Federal agencies recognize indirect cost rates established by the institution's cognizant Federal auditor. For each institution that receives Federal grants, a particular agency is designated as the institution's cognizant auditor. All Federal agencies recognize the rate set by the cognizant auditor. This policy prevents Federal agencies from using different indirect cost rates for the institution and simplifies the institution's financial relations with the Federal Government.)

Response. No change has been made. There is no statutory authority to require States to recognize federally established indirect cost rates.

Comment. One commenter suggested that paragraph (b) be revised to make it clear that States do not approve rates for State agencies that provide public education for elementary and secondary students even though these agencies are considered local educational agencies under the definition contained in § 100c.1.

Response. A change has been made. Paragraph (b) has been revised to provide that the term "local educational agency" does not apply to State agencies. This revision conforms the section to current practices in the Education Division.

§ 100a.562 Indirect cost rates for educational training projects.

Comment. One commenter suggested that State and local governments not be excluded from application of the limitations on indirect cost rates for educational training projects. Several other commenters suggested that the limitations be removed from institutions of higher education, hospitals, and nonprofit organizations and that they be allowed to have indirect cost rates established in accordance with OMB Circular No. A–21.

Response. No change has been made. The limitations apply to institutions of higher education, hospitals, and nonprofit organizations only. State and local government rates for all programs—other than those that prohibit the use of Federal funds to supplant non-Federal funds—are established in accordance with Appendix C to 45 CFR Part 74. The limitations on other grantees are necessary to ensure that grant funds are used primarily to support project activities, rather than for indirect costs. It has not been necessary to impose similar limitations on State and local governments, since their indirect cost rates generally are much lower than rates for other types of institutions. The limitations represent a longstanding policy that has been the subject of periodic reassessment. Allowing an unrestricted indirect cost rate would have a substantial adverse impact on the amount of training that could be supported with available funds, because of the typically large indirect cost rates of the institutions to which the limitations apply.

§ 100a.563 Restricted indirect cost rate—programs covered.

Comment. Two commenters said that although regulations for the developing institutions programs under title III of the Higher Education Act do not allow indirect cost rates to be charged to grant funds, this section allows these charges under that program.

Response. A change has been made to delete the program from coverage by § 100a.563 and to rely, instead, on the limitations in the program regulations.

Comment. One commenter suggested clarification of the language in this section with regard to Federal funds being used to supplant non-Federal funds.

Response. A change has been made. The section now provides that Federal funds are not to be used to supplant non-Federal funds. The language in the proposed regulations was an incorrect statement of the statutory provisions.

Comment. One commenter suggested clarification of whether or not a "grant award officer" of the Office of Education has the right to question and attempt to change an approved indirect cost rate.

Response. No change has been made. A grant award officer or a representative of a grant award officer may request clarification of an established rate, but no employee of the Education Division has the authority to increase or decrease a rate approved by the Education Division.

Other changes.

(1) Additional programs have been added to the list. However, the list is not necessarily exhaustive.

(2) A new paragraph (c) has been added to allow institutions other than States and local governments to use an eight percent indirect cost rate under these programs, unless the appropriate official of the Education Division determines that the "restricted" rate would be lower. Since many institutions of higher education and other organizations do not presently have a "restricted" rate, this provision can be used to substantially reduce their paperwork burden by allowing them to adopt a predetermined rate, rather than making a full submission to establish a "restricted" rate. The appropriate official retains authority to require affected institutions to use a lower rate if necessary to prevent supplanting.

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§ 100a.564 Restricted indirect cost rate—formula.

Comment. Three commenters suggested that the minus sign in the formula should be changed to a division sign.

Response. A change has been made to effect the suggested change. The minus sign was a typographical error.

Comment. One commenter suggested that the concept of restricted indirect costs is not equitable. The commenter said the formula is inconsistent with the cost principles in the Federal Procurement Regulations and with the Cost Accounting Board's Standard No. 402.

Response. No change has been made. The formula is necessary to remove those items included in the general indirect cost rate that would result in Federal funds supplanting non-Federal funds. The cost principles referred to by the commenter are subject to overriding statutory requirements, including those that prohibit supplanting.

§ 100a.565 Administrative charge.

Comment. One commenter suggested that compensation for the chief administrative officer of the grantee and for his or her immediate staff be included in the term "administrative charge."

Response. No change has been made. The exclusions are necessary to avoid using Federal funds to supplant non-Federal funds.

§ 100a.566 Fixed charges.

Comment. One commenter suggested that this section be changed to identify all current fringe benefits.

Response. A change has been made. As revised, the section includes unemployment compensation payments, health insurance payments, and "all similar costs normally considered to be employee fringe benefits."

§§ 100a.565, 100a.566, and 100a.567 Administrative charge, fixed charges, and other expenditures.

Comment. One commenter expressed concern over the terms that are the subject of the cited sections. The commenter says the terms have broad or ambiguous meanings or require an expanded definition and that the final cost objective of each term may be classified as either a direct or indirect cost by a grantee.

Response. No change has been made. Each grantee must classify costs as either direct costs or indirect costs consistently in like circumstances.

§ 100a.567 Other expenditures.

Changes. A qualification has been added to § 100a.567(a)(7) to allow project funds to be used for election expenses that result from elections required by a program statute. Since these expenses result from a program requirement, a grantee is allowed to include them in computing an indirect cost rate.

§ 100a.568 Using the restricted indirect cost rate.

Changes. A conforming change regarding election expenses has been made in the formula in paragraph (a). See the preceding discussion under § 100a.567.

Coordination

§ 100a.580 Coordination with other activities.

Comment. One commenter suggested that the activities with which coordination is required should be limited to those directed to similar target groups and geographic areas, rather than to all those having similar purposes.

Response. A change has been made. The additional qualifications have been added. The change is intended to ensure that compliance with the requirement is feasible for a grantee. Before the change, the section could have been read to require coordination with activities that a grantee would not reasonably have known about.

Other changes. The section has been amended to implement a statutory requirement for coordination under the Basic Skills Program, Title II, ESEA.

§ 100a.581 Methods of coordination.

Changes. Two new paragraphs have been added. Paragraph (c) adds joint activities to activities that might be included in coordination, and paragraph (e) adds use of grant funds to increase the impact of funds provided under other programs. In addition, the opening phrase has been amended to make it clear that if coordination is appropriate, a grantee must use one or more of the methods listed in this section.

Evaluation

§ 100a.590 Evaluation by the grantee.

Comment. Two commenters suggested that evaluation provisions should include requirements for using evaluation to improve a continuing project.

Response. No change has been made. The use to be made of a program evaluation normally would include improvements to a continuing project, but that use would not be possible in all cases.

Comment. One commenter suggested that annual evaluation may not be appropriate in all cases, and another commenter said evaluation requirements should be left to program regulations.

Response. No change has been made. If annual evaluation is not necessary under a particular program, the program regulations will provide for an exception to this section. However, evaluation is believed to be appropriate for determining the effectiveness of most projects. With respect to the second comment, program regulations—where appropriate—may provide more detail regarding a grantee's responsibility to evaluate its project.

Comment. Two commenters suggested that evaluation should focus on the specific target groups to which the activity is directed, rather than focusing on special groups that are not the particular targets of the activity.

Response. No change has been made. Paragraph (c) of this section already provides that the evaluation include an assessment of the effect of the project on those served by the project.

Changes. A new paragraph (c)(2) has been added to require that project evaluations include participating students who are enrolled in private schools, if the program statute requires that those students be provided an opportunity to participate.

§ 100a.591 Federal evaluation—cooperation by a grantee.

Comment. One commenter suggested that the amount of funds that a grantee should be required to spend to cooperate with evaluations should be limited to the amount provided for that purpose by the grant.

Response. No change has been made. The suggested limitation on a grantee's obligation to cooperate with a Federal evaluation study is not feasible. Because most project grants do not include funds specifically designated for evaluation costs the proposed limitation could negate most requests for cooperation. This would be an unacceptable result, inasmuch as grantee cooperation is necessary in order for the Education Division to carry out statutorily required evaluations. Nevertheless, the Education Division recognizes that cooperation could be, in unusual circumstances, a burden on a grantee. In these cases, § 100a.592 (or § 100b.592) can be used by the Education Division to provide compensating relief. In practice, the Education Division generally plans and conducts national evaluations in a manner that minimizes the burden placed on grantees.

Comment. One commenter suggested that the required cooperation be limited to evaluations required by statute or by an appropriate official of the Education Division.

Response. No change has been made. Grantee cooperation is required only with evaluations that are authorized by statute.

Construction

§ 100a.601 Applicant's assessment of environmental impact.

Comment. One commenter suggested that an applicant's assessment of a project's environmental impact should be included with the application rather than being sent separately to the HEW regional office.

Response. A change has been made. Environmental impact statements are to be provided with the application in accordance with application submission requirements. The change is intended to simplify the procedures to apply for Education Division grants.

§ 100a.602 Preservation of historic sites must be described in the application.

Changes. This section was revised to reflect the expanded coverage of 45 CFR Part 800. These regulations of the Advisory Council on Historic Preservation now cover property that is *eligible* for inclusion in the National Register of Historic Places. This protection of eligible property is in addition to the protection already afforded to property now on the National Register.

Publication and Copyrights

§ 100a.620 General conditions on publication.

Comment. Several commenters suggested deleting the requirement that published project materials avoid race stereotype or sex bias on grounds that the prohibition violates Section 432 of GEPA and infringes guarantees under the First Amendment of the Constitution. They also objected to the seemingly broad scope of the requirement, arguing that there would be unwarranted restrictions on the content of these materials. One commenter suggested providing an exception for materials in which the presentation of those stereotypes and biases are necessary to the purpose of the materials.

Response. A change has been made. The requirement has been deleted. Given the uncertain scope of the requirement, a regulation on this subject will not be adopted at this time. The Secretary of Education has decided to study this issue, and therefore the provision will not be adopted at this time. If it is determined at a later date that a regulation is appropriate, further public comment will be requested in a notice of proposed rulemaking published in the **Federal Register**. However, grantees are expected to be sensitive to the necessity of avoiding inappropriate biases and stereotypes in materials developed with Federal funds.

§ 100a.621 Copyright policies for grantees and contractors.

Comment. One commenter suggested that limitations to copyright that are specified in the Copyright Law (Pub. L. 94–553) should be incorporated into Part 100a.

Response. No change has been made. EDGAR governs the circumstances under which a grantee may apply for a copyright and the grantee's use of royalty income (by reference to 45 CFR Part 74). However, EDGAR does not include any regulations that implement or interpret the Copyright Law. Any regulations under that law would be issued on a Government-wide basis, not by the Education Division.

Comment. One commenter suggested that there be some limitations on a grantee's right to copyright materials.

Response. No change has been made. The purpose of allowing a grantee the unrestricted right to copyright materials is to encourage the grantee to disseminate the materials more widely. It is the intention of the regulations that grantees who achieve successful dissemination should benefit from owning the copyright to the materials. Further, the change from past practice will reduce burdensome paperwork, both for grantees and for the Federal Government.

§ 100a.622 Definition of "project materials."

Changes. This section has been revised to make the definition of "project materials" apply to §§ 100a.620 and 100a.621, rather than only to § 100a.620, as proposed in the NPRM.

Other Requirements for Certain Projects

§ 100a.650 Participation of students enrolled in private schools.

Comment. One commenter suggested that this section be revised to emphasize that eligible private school children must be given a genuine opportunity to participate if the authorizing statute provides for their participation.

Response. A change has been made. The change provides the suggested emphasis and conforms to similar language used in § 100b.651.

Comment. One commenter suggested that if public school systems have no authority to obtain necessary data from private schools, the public school systems should not be held responsible for the compliance of private schools with the nondiscrimination requirements of Title VI of the Civil Rights Act (CRA) in connection with the participation in Federal programs of children enrolled in private schools.

Response. No change has been made. Sections 100b.651–100b.662 contain rules for providing opportunities for students enrolled in private schools to participate in federally assisted programs. The rules include a number of responsibilities that applicants, grantees, and subgrantees have with respect to providing those opportunities for participation.

In fulfilling these responsibilities, an applicant, grantee, or subgrantee may need certain information about programs and services available to students enrolled in private schools and about the needs of these students. The applicant, grantee, or subgrantee is obligated to seek information that is necessary to fulfill these responsibilities. The information may be provided by representatives of students enrolled in private schools, by the students themselves, or by other knowledgable and responsible individuals or organizations.

Nothing in these regulations requires an applicant, grantee, or subgrantee to undertake responsibilities that cannot properly be fulfilled because of lack of necessary information from or lack of participation by representatives of private school students. However, the applicant, grantee, or subgrantee is expected to make appropriate efforts to obtain the information and participation needed to provide federally assisted program services to eligible students.

The Education Division expects that information and appropriate participation will be provided by representatives of students enrolled in private schools, by the students themselves, or by other knowledgeable and responsible individuals and organizations.

These regulations do not govern compliance with Title VI of the Civil Rights Act and, therefore, do not address the commenter's concern with that aspect of private school students' participation.

Cross-reference.—§ 100a.500 Federal statutes and regulations on non-discrimination.

Other changes. Proposed § 100a.680 has been renumbered as § 100a.650.

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§ 100a.681 Indian Self-determination and Education Assistance Act. (Proposed)

Changes. This section has been deleted. Because of the varying requirements under the programs affected, it is not possible to provide consolidated regulations on this subject.

Changes. Proposed §§ 100a.682–100a.685 have been renumbered as §§ 100a.681–100a.684.

§ 100a.681 Protection of human research subjects.

Changes 1. A cross reference to 45 CFR Part 46 has been added to this section. Part 46 contains the HEW regulations covering the protection of human research subjects. A proposed rule that revises these regulations was published in the Federal Register on August 14, 1979 (44 FR 47688). The proposed rule states an exception to the coverage of that part for certain kinds of educational research. Most projects funded by the Education Division will be exempt from the Part 46 institutional review board requirements. However, the EDGAR section affirms a basic policy of the Education Division—a grantee must protect human research subjects from injury.

2. The section has been revised by substituting the term "social injury" for "sociological harm." This change makes the provision consistent with terminology used in 45 CFR Part 46. Another revision makes it clear that the requirement only extends to injuries that might result from the project.

3. Proposed § 100a.682 has been renumbered as § 100a.681.

Subpart F—What Are the Administrative Responsibilities of a Grantee?

General Administrative Responsibilities

§ 100a.701 The grantee administers or supervises the project.

Comment. One commenter suggested that the prohibition against a grantee transferring responsibility to others be clarified.

Response. A change as been made. Paragraph (b) has been deleted because paragraph (a), which requires direct administration, accomplishes the same result. It should be noted that the requirement that a grantee directly administer or supervise administration of project does not preclude obtaining particular services, materials, or other needs by contract. However, it does preclude a grantee from being a "conduit" for the grant funds by passing on its responsibility for the project to another party.

§ 100a.702 Fiscal control and fund accounting procedures.

Comment. One commenter suggested that this section specifically require a double entry system of accounting.

Response. No change has been made. The requirement that the control and accounting systems used by the grantee result in "proper disbursement of and accounting for Federal funds" is believed to be adequate without compelling grantees who do not use double entry accounting to institute that system for handling Federal funds.

§ 100a.707 When obligations are made.

Comment. One commenter suggested that this section should make clear that a ruling by the Internal Revenue Service that a personal service contractor is actually an employee rather than a contractor, does not affect the date when the Education Division considers the obligation to have been made.

Response. No change has been made. If the personal services contract was entered into legally, and in good faith that the arrangement was a contract and not an employee-employer relationship, the provisions of paragraph (c) would be considered binding by the Education Division even if the Internal Revenue Service ruled, for its own purposes, that the relationship is that of an employer and an employee.

Comment. One commenter suggested that personal services by a contractor should be considered to constitute obligations at the time the services are performed, rather than on the date the grantee makes a binding written commitment for the personal services.

Response. No change has been made. To achieve the purposes of the project, performance under a personal services contract may be necessary after the end of the project period. The Education Division may wish to reimburse grantees in these circumstances, and therefore has not adopted the comment.

Note.—Under § 100a.707(b), the phrase "personal services by an employee of a grantee" refers only to services that are within the scope of the employment agreement.

§ 100a.708 Prohibition of subgrants.

Comment. Three commenters suggested that the prohibition against subgrants, unless specifically authorized by statute, should be made less restrictive to allow a State educational agency to make subgrants from Federal grant funds it receives.

Response. No change has been made. Any grants made to State educational agencies under Part 100a are awarded on a competitive basis. (All State formula grant programs are covered under Part 100b of EDGAR.) The purpose of a grant—under a program covered by Part 100a—is to help the recipient carry out its own project. No program listed in § 100a.1 provides Federal funds that are intended for use by recipients other than those directly awarded the grants. Where Congress intended to authorize States to award subgrants, provision is made in the program statute. Those programs are covered under Part 100b.

Comment. Three commenters suggested that the section should be revised to allow grantees to enter into contracts using grant funds.

Response. A change has been made. A new subsection (b) has been added to make clear that a grantee may enter into contracts using grant funds awarded under Part 100a. There was no intent under the proposed section to prohibit contracting under a grant.

Reports

§ 100a.720 Financial and performance reports.

Comment. One commenter suggested that nonprofit grantees should be required to submit financial and performance reports more frequently than annually, primarily because those organizations frequently have deficient financial accounting systems.

Response. No change has been made. Section 100a.720(c) authorizes the appropriate official of the Education Division to require a grantee to report more frequently than annually under certain circumstances, including those referred to by the commenter. However, it is better to make these exceptions case by case, in order to avoid an undue paperwork burden on other grantees.

Comment. Two commenters suggested that financial and performance reports should be required only once a year from grantees of the National Institute of Education, rather than quarterly as the proposed section provided.

Response. A change has been made. Financial reports to NIE are required annually, but the Director of NIE is authorized to require performance reports more often than annually. The National Institute of Education believes that because of the nature of research projects, proper monitoring sometimes requires performance reports more often than annually.

§ 100a.721 Reports under the Joint Funding Simplification Act.

Changes. This section has been added to EDGAR to allow the appropriate official of the Education Division, in cooperation with other Federal or State agencies involved in a grant, to determine the frequency of financial and performance reports necessary for a grant under the Joint Funding Simplification Act.

Records

§ 100a.730 Records related to grant funds.

Comment. One commenter suggested that the general requirement to keep "records to facilitate an effective audit" is too broad and should be revised to require that the funding agency specify the records that are to be kept to facilitate an audit.

Response. No change has been made. This is a statutory requirement established by Section 437 of the General Education Provisions Act. It is not possible to write general regulations that specify every type of record that should be kept for audit purposes, since programs and projects vary so widely. However, the Education Division will provide technical assistance, at the request of a grantee, regarding appropriate recordkeeping policies.

§ 100a.731 Records related to compliance.

Comment. Several commenters said the requirement that a grantee "keep records to show its compliance with Federal statutes and regulations that apply to the grant" is too broad and might require grantees to generate a wide range of records that are only peripherally related to the grant. Commenters suggested that recordkeeping requirements be limited to those specified by Subpart D of 45 CFR Part 74, in accordance with OMB Circular A–110.

Response. A change has been made. The section now refers to "program requirements" rather than to "Federal statutes and regulations." This change is intended to make it clear that the section does not require a grantee to keep records on matters not directly associated with the purposes and uses of the grant. However, the grantee must keep records that enable it to show that it has met applicable program requirements.

§ 100a.734 Record retention period.

Comment. Two comments suggested that the requirement to retain records for five years is excessive and should be reduced to two or three years.

Response. No change has been made. The five-year retention period is requird by Section 437(a) of the General Education Provisions Act.

Comment. One commenter suggested clarification of the phrase "completion of the activity" to make the beginning of the retention period more definite.

Response. A change has been made. A cross-reference is made to 45 CFR 74.22—Starting date of retention period.

Other changes. This section has been simplified to say that unless a longer period is required under 45 CFR Part 74, a grantee must retain records for five years. The change is intended to eliminate confusion about the applicability of requirements in 45 CFR Part 74. The 45 CFR Part 74 provisions requiring a three-year record retention period are superseded by the statutory requirements of Section 437 of GEPA, on which this section is based, to the extent that Section 437 would require a longer retention period.

Privacy

§ 100a.741 Protection of students' privacy in research and testing.

Changes. This section has been amended by incorporating the statutory provisions referenced in the proposed regulations.

Data Collection by a Grantee

§§ 100a.750–100a.754.

Changes. These sections have been amended to incorporate the latest interpretations and procedures relating to the Federal Education Data Acquisition Council (FEDAC) and the Office of Management and Budget (OMB). References to OMB review of some data collection instruments are included because of the occasional cases in which the data collection activity does not come under the FEDAC procedures.

Subpart G—What Procedures Does the Education Division Use To Get Compliance?

§ 100a.901 Suspension and termination.

Changes. This section has been amended to reflect the fact that the Education Appeal Board, rather than the Departmental Grant Appeals Board, will have jurisdiction over suspension and termination proceedings under any of the Office of Education programs listed in the table following § 100a.1.

§ 100a.903 Effective date of termination.

Comment. One commenter suggested that termination be made effective on delivery to the grantee of the notice of termination or on a date specified by the Education Division in the notice, whichever is later.

Response. A change has been made. The section has been rewritten to provide that termination is effective on the latest of (a) the date of delivery of the termination notice to the grantee, (b) the date specified in the termination notice, or (c) the date a final decision is made by the Commissioner under Part 100d (Education Appeal Board Procedures) or by the Departmental Grant Appeals Board under 45 CFR 16.10. These changes provide needed flexibility in setting termination dates and recognize the jurisdiction of the Education Appeal Board over terminations under Office of Education programs.

PART 100b—STATE-ADMINISTERED PROGRAMS

General Comments

Comment. One commenter asked for a clarification of how this part relates to public junior or community colleges, and suggested that all regulations that apply to public junior or community colleges be contained in separate sections.

Response. No change has been made. If a limited group of agencies is intended, a limiting term (such as "local educational agency") is used, and the regulations apply only to members of that group. If no limitation is intended, a general term (such as "applicant" or "subgrantee") is used.

Cross-reference.—See 45 CFR Part 100c—Definitions.

Subpart A—General

Regulations That Apply to State-Administered Programs

§ 100b.1 Programs to which Part 100b applies.

Changes. Various technical corrections have been made in the list of programs subject to Part 100b.

Eligibility for a Grant of Subgrant

§ 100b.50 Statutes determine eligibility and whether subgrants are made.

Changes. Proposed § 100b.4 has been renumbered as § 100b.50 to conform more closely to the numbering in Part 100a. This and similar numbering changes should make it easier for readers to use Parts 100a and 100b.

§ 100b.51 A State distributes funds by formula or competition.

Comment. One commenter suggested that this section should be changed to recognize that there may be programs that permit the State to make subgrants either by formula or by competition at the State's option.

Response. A change has been made to adopt the substance of this suggestion.

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Comment. One commenter questioned the clarity of the term "objective formula" as used in subparagraph (a).

Response. A change has been made. The adjective "objective" has been deleted. The distinction being made is between programs in which a State has little discretion in selecting applications or establishing the amount of a subgrant because there is a statutorily required formula for intra-State distribution of the program funds, and programs in which the State has substantial discretion in these matters.

Other changes. Proposed § 100b.5 has been renumbered as § 100b.51.

Subpart B—How a State Applies for a Grant

State Plans and Applications

§ 100b.101 The general State application.

Comment. One commenter asked why this section was limited to local educational agencies (LEAs) and why no mention was made of public junior or community colleges.

Response. No change has been made. This section implements Section 435 of the General Education Provisions Act, which applies only to programs under which SEAs make subgrants to LEAs. Since public junior or community colleges do not provide elementary or secondary education, they are not covered under the usual statutory definition of LEA. The State Vocational Education Program, which does include them (see the definition of "local educational agency" in Part 100c), is not subject to the State general application requirement. The program has its own general application required by the program statute.

Comment. One commenter suggested that the assurance that "each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications" includes civil rights and other similar statutes and regulations. Therefore, these documents should not have to be submitted with every plan or application.

Response. No change has been made. Civil rights assurances are required by the civil rights regulations referenced in § 100b.500. Amendments to those regulations are outside the scope of EDGAR.

Comment. One commenter suggested that procedures be established, including formal notification in writing, to inform members of traditionally underrepresented groups regarding consultation in the planning process.

Response. No change has been made. Because program statutes vary widely regarding participation of various groups in the planning process, it is not feasible to have a general rule that would apply to all of the programs listed in § 100b.1.

Changes. This section has been amended to incorporate statutory provisions that were referenced in the proposed regulations

§ 100b.102 Definition of "State plan" for Part 100b.

Comment. One commenter suggested that the fact that § 100b.102 includes programs involving public junior or community colleges does not meet the problem that § 100b.101 does not include those institutions.

Response. No change has been made. The general application, which covers only programs under which SEAs make subgrants to LEAs, does not apply to all of the programs listed in § 100b.1. Under some of those programs, no subgrants are authorized. Under others, LEAs are not eligible for subgrants. The definition of "State plan" in § 100b.101 is simply used as a term of convenience to refer to the various documents—not including the State general application—that are subject to various EDGAR requirements, such as the requirement for certification under § 100b.105. Therefore, the State plan or application for each program is referenced in § 100b.101.

Comment. One commenter suggested that the Migant Education Program be listed in § 100b.102.

Response. A change has been made. This suggestion has been adopted. The State application under the migrant program is subject to many of the same rules as the other "State plans" listed in this section.

Other changes. Various corrections have been made to the list of documents covered by this section.

§ 100b.103 Three-year State plan

Comment. One commenter suggested that because paragraph (b) permits the Commissioner to establish a staggered schedule for the submission of three-year State plans, the Commissioner should not ask for the submission of a State plan more often than once every three years.

Response. No change has been made. The establishment of three-year State plans is at the discretion of the Commissioner. The establishment of a staggered schedule would, in the first years, involve the submission of State plans by some States at less than a three-year interval. If there is no objection to the staggered schedule, the Commissioner must be able to take the necessary steps to begin it.

Comment. Several commenters suggested that three-year State plans should not be permitted or, alternatively, that the regulations should require annual amendment of three-year State plans.

Response. No change has been made. The Commissioner believes that making each State plan effective for three years in desirable to reduce paperwork and to improve the quality of each State plan. To require annual updating would largely defeat the advantages of three-year State plans. The Commissioner does, however, retain the right to require an amendment if he or she determines that one is essential. Further, this determination may be made on a case by-case basis or in individual program regulations.

Cross-reference.—See § 100b.140 Amendments to a State plan.

Also, this section does not prevent the Commissioner from obtaining necessary information through reports from the States, rather than in the State plans. Amendments to State plans should be submitted as necessary, not on a predetermined schedule that ignores the need for amendment.

Changes. 1. Certain documents required under Title I of the Vocational Education Act, the Library Services and Construction Act, and Sections 141–143 of ESEA are specifically exempted from application of this section. These exemptions are necessary to accommodate the annual need for these documents.

2. States are given the option of submitting annual plans under the Vocational Education Program, rather than three-year plans. This change is necessary to avoid undue burden on some States that are finding it more convenient to submit annual plans under this program.

§ 100b.104 A State shall include certain certifications in its State plan.

Comment. One commenter suggested that the certifications required by this section be submitted as a part of the State's general application under § 100b.101.

Response. No change has been made. These are two different kinds of statements. The general application includes statutory assurances that remain in effect from year to year but does not contain the specific programmatic information in the State plans that makes the certification necessary.

Comment. One commenter suggested that paragraphs (3), (4), and (5) are redundant and should be dropped.

Response. No change has been made. These paragraphs are necessary to assure the Commissioner that State law will not conflict with implementation of the State plan.

Comment. One commenter suggested that each State should hold a public hearing on each State plan, particularly now that State plans may cover three years.

Response. No change has been made. Under Section 435 of GEPA, public hearings on State plans are required only for programs administered by State educational agencies, under which subgrants are made to LEAs, (see § 100b.101), or programs that have specific requirements for public hearings in the authorizing statutes (such as the State Vocational Education Program (see 45 CFR Part 104)). To extend this requirement to other State-administered programs would put a burden on States and might go beyond the Education Division's legislative authority.

Cross-reference.—See § 100b.101 The general State application.

§ 100b.105 The Governor has 45 days to comment on the State Plan.

Comment. Two commenters suggested that a State be allowed to submit its State plan to the Commissioner at the same time it submits it to the Governor under OMB Circular A–95.

Response. No change has been made. Circular A–95 provides for the Governor's comments or a statement that no comments were received to be submitted with the State plan. A State may send an advance copy of its State plan to the Commissioner to review in draft form. However, the Commissioner cannot approve the State plan until the requirements of this section have been met.

Comment. One commenter objected to the apparent requirement that the 45-day comment period for the Governor and the 60-day publication period required by Section 435(b)(7) (B) of the General Education Provisions Act (now in § 100b.101(e)(7)(ii)) must run consecutively, which would substantially delay submission of State plans.

Response. No change has been made. The Commissioner interprets the statute and the circular as permitting the two periods to run concurrently.

§ 100b.106 State plan is public information.

Comment. One commenter suggested that it should be possible to exclude personally identifiable data from the materials that a State must make available for public inspection.

Response. A change has been made. Paragraph (a)(4) of the proposed rules has been deleted. That paragraph would have required the State to make available to the public "all documents that a State uses to administer or operate a program." The remaining documents subject to this section, such as State plans, do not contain personnally identifiable information that if released would violate an individual's privacy. States would still be expected to make available at least some of the documents that would have been covered under proposed paragraph (a)(4), but may delete confidential information if appropriate.

Comment. One commenter suggested that "available for public inspection" should be interpreted to mean that a member of the public may look at or review documents under the supervision of State personnel or may purchase copies at a reasonable cost.

Response. No change has been made. Each State may establish reasonable rules and procedures for public access. Detailed requirements established by the Commissioner should not be necessary.

Comment. One commenter suggested that correspondence should not be considered public information. The commenter also asked whether "all documents" includes forms.

Response. A change has been made. As noted in the response above, paragraph (a)(4) of the proposed section has been deleted. In general, if a State uses a form in a Federal program, it should make that form available on request. States are also expected to make non-confidential correspondence available, but this section would not require release unless the correspondence was related to the State plan (see § 100a.106(a)).

Comment. One commenter suggested procedures permitting interested parties to notify the State of their interest in inspecting identified State plans. The State would then inform the interested parties, in writing, of the time and place a State plan could be inspected. Further, copies of a State plan would have to be sent by the State to those parties requesting it.

Response. No change has been made. A State may establish reasonable procedures of its own, but the Commissioner believes that detailed Federal procedures to apply to all States are unnecessary and would be overly burdensome.

Other changes. Approved subgrant applications have been added to the list of materials that must be made available for public inspection.

Amendments

§ 100b.140 Amendments to a State plan.

Comment. One commenter objected to giving the Commissioner the authority to require an amendment to a State plan. The commenter said that if the Commissioner approves a State plan, that approval should last through the life of the plan.

Response. No change has been made. The regulations indicate that the Commissioner may require an amendment if it is determined to be essential. This is a statutory requirement from Section 430(a) of GEPA. An example of a situation which would make an amendment essential is a change in the program statute or a change in State law or procedures that has a significant effect on the State's administration of the plan. The Commissioner and the State cannot properly administer a program under procedures that have been changed by a new statute or under other circumstances that would make an amendment to the plan essential.

Comment. A commenter suggested that a State should not have to amend its State plan if a change in administration or operation is still clearly in compliance with the law and the regulations. A description of that type of changes could be made in an appendix to an annual report.

Response. No change has been made. An amendment is required only if a change is significant and relevant. If the change in administration or operation alters the nature of the program or program activities so that the program is no longer what was originally approved by the Commissioner, the State needs the Commissioner's explicit approval to operate under the new policy or procedure. An amendment is the procedure to obtain that approval.

§ 100b.141 An amendment requires the same procedures as the document being amended.

Comment. Several commenters suggested that an amendment should not have to go through the same procedures as the original document. They suggested that many amendments are merely technical in nature and that the broad considerations treated in the clearance process are not necessary for amendments. One commenter suggested that a public hearing not be required if the amendment is minor.

Response. No change has been made. If an amendment to a State plan is required under § 100b.140, it is appropriate for the amendment to be subject to review by the same

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organizational units, officials, or groups that were required to review the original plan or other document before it was submitted to the Education Division. The same would be true for other formal documents the State must submit under a program. Under the provisions of § 100b.140, minor or technical changes that are not significant may not require formal amendment of the State plan or other document.

Subpart C—How a Grant is Made to a State

Approval or Disapproval by the State

§ 100b.202 Opportunity for a hearing before a State plan is disapproved.

Comment. One commenter suggested that a State should be entitled to a hearing within 60 days after disapproval of its State plan is received and that the issue should be resolved within an additional 60 days.

Response. No change has been made. Disapproval of a State plan is a drastic step that would only be used as a last resort. Since the Commissioner does not expect to have to disapprove any State plans, procedures for disapproval would be developed, if necessary, for each case. The Commissioner would, of course, provide the State with an expeditious hearing and final decision if disapproval were to become necessary.

§ 100b.235 The notification of grant award.

Comment. One commenter suggested that the Commissioner notify all States of the approval of a grant application by March 1 preceding the fiscal year in which the grant award is to be made.

Response. No change has been made. Early approval is very desirable, but it would depend on the enactment of appropriation acts, the State's early submission of plans, and other factors not under control of the Commissioner. However, the Office of Education continually works with the States to get earlier approval of State plans every year. Also, the implementation of the three-year State plan may make it possible to accomplish the commenter's purpose, at least in the second and third years of those plans, since there will not be a new approval process to go through.

Changes. Proposed § 100b.203 has been renumbered as § 100b.235.

Allotments and Reallotments of Grant Funds

§ 100b.260 Allotments are made under program statute.

Comment. One commenter suggested that the regulations describe the manner in which a State's need will be determined for reallotment purposes. Another commenter suggested that the State be given an opportunity to expend funds before the Commissioner withdraws them, and one asked if State administrative funds might be withdrawn, as well as local program funds.

Response. A change has been made. Proposed § 100b.230 has been renumbered as § 100b.260 and revised to provide that any reallotment of funds by the Commissioner is made in accordance with the authorizing statute. Proposed §§ 100b.231, 100b.232, 100b.233, and 100b.235 have been deleted. Proposed § 100b.234 has been renumbered as § 100b.261 and provides that reallotted funds are part of the grant of the State that receives the reallotted funds.

The proposed regulations being eliminated include those relative to establishing a State's need for reallotted funds. Because reallotment is a rare occurrence, detailed regulations in EDGAR are not necessary.

If the State has no need for administrative funds, and if it is not authorized or is unable to use them as program funds, the Commissioner may reallot them.

Subpart D—How To Apply to the State for a Subgrant

§ 100b.300 Contact the State for procedures to follow.

Comment. Two commenters suggested that a provision be added to Part 100b that would authorize State educational agencies (SEAs) to approve multi-year applications under which annual continuation of funding would be simpler than under procedures for annual applications. The commenter specifically suggested that SEAs be authorized to adopt continuation procedures similar to those in §§ 100a.117 and 100a.118. Another commenter raised the same issue in the form of a question about State authority to approve multi-year applications.

Response. No change has been made. If the authorizing statute or regulations for a program do not prohibit or otherwise preclude approval of multi-year applications, an SEA is free to adopt these practices. States currently use multi-year application procedures in administering programs authorized under Title IV of the Elementary and Secondary Education Act. If a State chooses to use this kind of system, funding for activities after the first year of a multi-year project must be made subject to the availability of funds.

§ 100b.301 Local educational agency general application.

Comment. One commenter suggested that the term "general application" is confusing and that the term "statement of assurances" should be used instead.

Response. No change has been made. The term "general application" is the term used in the statute; i.e., Section 436 of GEPA. It is probably less confusing to use terminology that is consistent with the Act.

Changes. This section has been amended by incorporating the statutory material referenced in the proposed rules.

§ 100b.302 The notice to the subgrantee.

Comment. One commenter asked if the State must send the subgrantee a copy of the applicable statute and regulations along with the subgrant award document.

Response. No change has been made. A State is not required to provide the subgrantee a copy of the applicable statute and regulations but is encouraged to do so. The State would be expected to provide a copy on request. Distribution of pertinent program requirements is a general administrative duty of the State.

Cross-reference.—See §§ 100b.770–100b.772—Administrative duties of the State.

§ 100b.303 Joint applications and projects.

Comment. Several commenters suggested that it is inefficient and wasteful for a number of subgrantees to combine their subgrants in order to conduct a joint project if they must maintain a separate accounts for the funds each contributes. The commenters suggested that it would be more efficient for one subgrantee to serve as fiscal agent for all the subgrantees and then treat the combined subgrants as a single account.

Response. A change has been made. This section provides a method for both applying for and administering a joint project with one account. The method requires submission of a single joint application if several applicants apply for one combined subgrant.

Under a program in which subgrant amounts are entitlements of the individual subgrantees and must be used for particular purposes, it is necessary for each subgrantee to remain separately accountable for the use of the funds it receives. This would not prevent a State agency—under a program that gives the agency discretion to select subgrantees—from allowing eligible applicants to apply as a consortium under procedures like those described in §§ 100a.127–100a.129. In such a case, there would only be one subgrantee that would be accountable for all subgrant funds. The other participants would be legally responsible for the funds they receive to carry out their assigned parts of the project.

§ 100b.304 Subgrantee shall make subgrant application available to the public.

Comment. One commenter suggested that this section of EDGAR take precedence over 45 CFR 121a.234 and 45 CFR 121a.280 of the regulations for the Federal education of handicapped children program, which the commenter considered more restrictive.

Response. A change has been made. Section 100b.304 has been revised to require that a subgrantee shall make available to the public any application, evaluation, periodic program plan, or report relating to a program. Although Section 436 applies only to local educational agencies, the policy it expresses is extended to all subgrantees by these regulations. 45 CFR 121a.234 of the handicapped program regulations has been revoked by the revisions published with this document. The regulations in 45 CFR 121a.280 relate to public hearings by State educational agencies on State plans. This section of EDGAR does not deal with that matter.

§ 100b.305 Amendments to applications.

Comment. One commenter suggested that the words "unless the SEA deems otherwise" be added.

Response. A change has been made. This section has been revised to require that only significant amendments to subgrantee applications require the same procedures as the application itself. The purpose of the change is to avoid for minor changes the necessity for formal amendment of the application. Procedures regarding minor changes are left to the discretion of the State.

Subpart E—How a Subgrant is Made to an Applicant

§ 100b.400 State procedures for reviewing an application

Comment. One commenter suggested that the requirement in paragraph (b) that a State must approve an application does not take into account a situation in a discretionary program in which there are insufficient funds. Another commenter suggested that the requirement does not provide for situations in which a State is either prohibited from or required to establish funding priorities.

Response. A change has been made. Titles have been added to make it clear that paragraph (b) refers only to formula subgrant programs. Under these programs, any State priorities will be governed by the State's authority under the applicable Federal statutes and regulations.

Comment. Two commenters objected to the requirement in paragraph (b) that a State must fund an application if, among other things, the applicant complies with Federal statutes and regulations. The commenter said that the requirement does not recognize a State's interests in adopting State rules that may be more stringent than Federal regulations.

Response. No change has been made. A State may adopt reasonable rules and procedures that are not inconsistent with Federal statutes and regulations. However, paragraph (b) applies to programs in which local agencies are entitled to receive Federal funds. Under these programs, a State must provide the funds if the agency qualifies under the Federal statutes and regulations. The addition of paragraph titles clarifies this distinction.

Other changes. Paragraph (c)(1) has been revised to make it clear that only eligible applicants may receive a subgrant. Eligibility is determined under the program statute and implementing regulations. Paragraph (d) has been rewritten to make its intent clearer.

§ 100b.401 Disapproval of an application—opportunity for a hearing.

Comment. One commenter suggested that there does not appear to be any explanation of why the particular programs are identified in proposed paragraph (b). One commenter wanted clarification of the specific programs that are listed.

Response. No change has been made. The programs listed are those for which the authorizing statutes require an opportunity for a hearing before the State can disapprove an application. Proposed paragraph (b) has been redesignated as paragraph (a), the list has been corrected, and the programs put in the same order as they appear in the table in § 100b.1. Proposed paragraph (a) has been revised and renumbered as paragraph (c), the content of which is discussed below.

Comment. One commenter suggested that under paragraph (a) (as redesignated) all applicants for funds under the listed programs should not have a right to a hearing before decisions are made regarding approval or disapproval. The commenter suggested that the hearing referred to in paragraph (a) be available only after disapproval.

Response. No change has been made. The authorizing statutes for the programs listed require a State to provide for a hearing before disapproval of an application.

Changes. Proposed paragraph (c) has been redesignated as paragraph (b) and revised to clarify the responsibilities of State agencies other than SEAs. Revised paragraphs (c) and (d) specify the conditions and procedures under which an SEA is required to provide an applicant with an opportunity for a hearing if the SEA does not approve an application. The new paragraphs implement procedures required under Section 425 of GEPA. A new paragraph (e) recognizes that State agencies other than SEAs are not bound by the procedures in Section 425 of GEPA, even if they must provide a hearing under a program listed in paragraph (a).

Allowable Costs

§ 100b.530 General cost principles.

Comment. One commenter noted that this section contains a cross-reference to Subpart Q of 45 CFR Part 74 which, in turn, contains a cross-reference to the cost principles in the appendices to 45 CFR Part 74. Appendix C gives the granting agency authority to approve costs of its grantees that are State or local governments. The commenter suggested that a State that is a grantee of a Federal agency may be, in turn, a granting agency itself when it makes a subgrant to a subgrantee. The commenter suggested that the State ought to have authority to approve costs of its subgrantees.

Response. No change has been made. The Commissioner interprets the cost principles in the manner suggested by the commenter. See the discussion under § 100b.707 in this appendix.

§§ 100b.532–100b.533 Particular cost items.

Changes. These sections replace proposed § 100b.531, which cross-referenced identical rules in §§ 100a.532–100a.534. For the convenience of readers, the text of §§ 100a.532 and 100a.533 is now repeated, rather than cross-referenced. Proposed § 100a.534 on foreign travel has been deleted. Foreign travel by grantees or subgrantees that are institutions of higher education is regulated under 45 CFR Part 74. (See the discussion under § 100a.534 in this appendix.)

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§ 100b.534 Use of tuition and fees restricted.

Changes. This section has been added to replace the existing § 100b.58 in the General Provisions Regulations for Office of Education Programs. No change in the existing regulations is intended, other than clarifying the language.

Indirect Cost Rates

§ 100b.561 Approval of indirect cost rates.

Changes. This section has been rewritten to conform to § 100a.561. See the preceding discussion under that section.

§ 100b.563 Restricted indirect cost rate—programs covered.

Changes. The list of programs in the proposed section has been corrected and proposed § 100b.562 has been renumbered as § 100b.563. The numbering change is to conform the numbering to that used in Part 100a.

Coordination

§ 100b.580 Coordination with other activities.

Changes. 1. New paragraphs (b) and (c) have been added to implement a statutory coordination requirement under the Basic Skills Program in Title II of ESEA.

2. Proposed paragraph (b) has been redesignated as paragraph (d).

§ 100b.581 Methods of coordination.

Changes. A new paragraph (c) has been added. The new paragraph adds joint needs assessment, evaluation monitoring, technical assistance, and staff training as further examples of coordination. The opening phrase in the section has been conformed to the wording in § 100a.580.

Evaluation

§ 100b.591 Federal evaluation—cooperation by a grantee.

Comment. Three commenters suggested that "any evaluation" is too broad an interpretation of the legislative intent covered in the statutory authority for this section.

Response. No change has been made. Grantee cooperation is required only with evaluations that are authorized by statute. (See the discussion under § 100a.591 in this appendix)

Participation of Students Enrolled in Private Schools

§§ 100b.650–100b.662

Comment. One commenter asked for a list of the programs to which §§100b.650–100b.662 and § 100a.650 apply.

Response. No change has been made. If the authorizing statute for a program requires that students enrolled in private schools be given an opportunity to participate, the program regulations will specify the requirement.

Comment. One commenter suggested that, for some programs, the documentation required is excessive and has never been required before.

Response. No change has been made. If any documentation under EDGAR is not required for a specific program, appropriate language in the regulations for that program will eliminate the requirement, in accordance with the provisions of § 100b.2.

Comment. One commenter complained that the regulations require LEAs to provide services to private schools at LEA cost.

Response. No change has been made. In practically every instance the costs of administering a Federal program are provided as part of the grant or subgrant of Federal funds. In any case, EDGAR does not require that non-Federal funds be used to pay the costs of providing services to private school children.

Comment. Two commenters suggested that a definition of "genuine" is needed, and one commenter said LEAs should not be required to submit for private school children requests for services that are different from services requested for public school children.

Response. No change has been made. The services to be provided vary widely, depending on local circumstances, making it impractical to try to define "genuine" or "genuine opportunity" in detail by regulation.

Under § 100b.654, if the needs of private school children are different from the needs of public school children, it is expected that generally an application will have to contain two different components—one to meet the needs of the public school children and the other to meet the needs of the private school children. If the needs of the two groups differ, the statutes governing participation by private school children generally require that different services be designed to meet those different needs. If this is not true under a particular statute, the program regulations will specify an exception.

§ 100b.650 Private schools; purpose of §§100b.651–100b.662.

Comment. One commenter suggested that paragraph (a) be reworded to read ". . . the authorizing statute requires the participation of children enrolled in private schools."

Response. No change has been made. The pertinent statutes require that opportunity for participation of private school children be provided but regulations cannot compel that participation, as the suggested wording could be understood to do. The language of the section has been changed to more clearly specify the requirement, but the substance of the regulations remains the same.

§ 100b.651 Responsibility of a State and a subgrantee.

Comment. One commenter suggested that paragraph (a) read: ". . . its subgrantees provide for the equitable participation of students enrolled in private schools . . ." Another commenter suggested that the word "provide" be used rather than "give."

Response. The changes have been made. The section has been revised to require that a State and its subgrantees provide students enrolled in private schools with a genuine opportunity for equitable participation. The intent of the change is to emphasize that the regulations require fairness in determining program services for students enrolled in private schools.

Comment. One commenter suggested that other words be substituted for the word "benefits" in proposed § 100b.652.

Response. A change has been made. The word has been replaced by the phrase "funds and property that benefit" and proposed § 100b.652 has been incorporated into § 100b.651. In other sections the term "benefits" is used as a generic description of the services that are provided under the various programs to which §§ 100b.650–100b.662 apply. These services vary, depending on the nature of the program.

Other changes. 1. As a result of proposed § 100b.652 being incorporated into § 100b.651, proposed §§ 100b.653–100b.663 have been renumbered as §§ 100b.652–100b.662.

2. Section 100b.651 has been revised to clarify the responsibility of the State agencies that administer these programs.

§ 100b.652 Consultation with representatives of private school students.

Comment. One commenter suggested that consultation should required only with representatives who have indicated interest in a proposal.

Response. No change has been made. One purpose of consultation is to inform the representatives of the opportunities available under a program. Without consultation, the representatives might not know enough about the program to indicate any interest.

Comment. One commenter suggested that the requirements for prior consultation be dropped entirely as being an unreasonable burden.

Response. No change has been made. Consultation prior to decision is necessary for effective participation, which is required under these program statutes.

Comment. One commenter suggested deletion of proposed paragraph (d)(1), which would have required consultation about an applicant's decision to participate. The commenter said that a decision not to participate in a program should be made solely by the public agency.

Response. A change has been made. As revised, § 100b.652 provides that appropriate representatives of private school students are to be consulted during all phases of the development and design of the project. The list of examples does not include decisions to participate or not to participate since it would be too difficult to determine when those "decisions" are made. The emphasis should be on early and comprehensive consultation, so that the appropriate representatives have a fair opportunity for involvement in the development and design of the project.

Comment. One commenter suggested that a subgrantee should not have to worry about consulting with private school representatives who do not respond after a specified number of unsuccessful attempts to communicate with them. Another commenter was concerned that the regulations would require consultation with every private school in the area. Another commenter asked for clarification of the term "appropriate representatives."

Response. No change has been made. An applicant or subgrantee is required to consult, but the regulations do not require consultation with any representative of private school students who does not respond to reasonable attempts to consult with him or her. EDGAR does not attempt to define the term "appropriate representatives" because the meaning of the term depends on the nature of the program and the local situation.

§ 100b.654 Same or different benefits for private school students.

Comment. One commenter suggested that any differences should be settled at the planning stage and that this section should be deleted. Another commenter suggested that the provisions of proposed paragraph (b) (different services to meet different needs) be made subject to the provisions of proposed paragraph (a) (concentration of funds).

Response. A change has been made. The section has been rewritten to clarify its intent. This section is designed to ensure equitable participation where the needs of the private school students are either the same as or different from those of the public school students. Paragraph (a) of this section, as rewritten, states the general rule that services for private school students must be comparable to services for public school children. In meeting this general rule, paragraph (b) provides, in essence, that when the needs of public and private school students are the same, program services should be the same. Paragraph (c) provides that when needs are different, services must be different. Both paragraphs (b) and (c) are designed to ensure comparable services. It should be noted that paragraph (b) does not authorize concentration of funds or services beyond that authorized under the program statute and regulations. It merely requires that where funds are concentrated, private school children must be given equitable access.

Comment. One commenter suggested that there may be situations in which the needs of private school children may be beyond the skills, interests, and financial resources of the subgrantee.

Response. No change has been made. No situation should arise in which benefits for private school students are beyond the financial resources of the subgrantee, since the benefits for private school students will be federally funded. Nor should a situation arise which is beyond the competence of the public schools, since services for private school children are to be comparable to services for public school children.

Comment. Several commenters suggested dropping the words "who have needs of equal importance" from proposed paragraph (b)(2).

Response. A change has been made. The words have been deleted as unnecessary to the purpose or meaning of the requirements.

§ 100b.655 Level of expenditures for students enrolled in private schools.

Comment. One commenter suggested that this section could result in inequitable funding and should, therefore, be dropped.

Response. No change has been made. The purpose of the section is to provide for equitable services even though there might be unequal costs.

Comment. One commenter suggested that this section implies that the amount spent for private school students can be equal to or greater than the amount spent for public school students. The commenter suggested that, if costs for meeting the needs of public school students are greater, the subgrantee should be able to spend more for public school students.

Response. No change has been made. This section says that "different" amounts may be spent for services for private school students than are spent for public school students. "Different" means "less" or "more," depending on the circumstances. The services must be "comparable," as required by § 100b.654(a) and other sections.

Comment. One commenter suggested that the provision "shall spend a different average amount" is contrary to Title I of the Elementary and Secondary Education Act (ESEA) and that the word "shall" should be changed to "may".

Response. No change has been made. The word "shall" is used in Section 130(a) of ESEA, and § 100b.655 is, therefore, consistent with Title I.

Comment. Two commenters suggested that equal expenditures is not a good way to judge programs and that comparability is preferable.

Response. No change has been made. Comparability of quality, scope, and opportunity for participation (see § 100b.654) is essential regardless of whether the costs are equal. Equal expenditures is acceptable merely as an initial way to compare program services, particularly if the private school children will receive the same services as the public school children. Where service needs are the same, and costs of meeting those needs are comparable, § 100a.655 could provide a basis for auditing expenditures as a method of achieving compliance. Active consideration is being given to this possibility.

§ 10b.656 Information in an application for a subgrant.

Comment. Two commenters suggested that the number of eligible private school children be included as a required item of information in the application.

Response. A change has been made. The comment has been adopted. This information is necessary to assist the State in ensuring that private school students are receiving comparable benefits under a program. To avoid possible misinterpretations, the section requires the applicant to state the number of private school students "who have been identified as eligible." This should avoid putting an unreasonable burden on the applicant, since the information will be that provided by the appropriate representatives of the private school students.

Comment. One commenter suggested that this section be dropped and that

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individual program requirements be included in program regulations.

Response. No change has been made. The information required by this section appears to be the minimum needed for a subgrantee to demonstrate that private school children will have an equitable opportunity to participate in a federally assisted program. If the specification of requirements were left to individual program regulations, the likely result would be inconsistent requirements among the programs. Consolidation of requirements should simplify the application process for a school district that applies under several of these programs.

§ 100b.657 Separate classes prohibited.

Comment. One commenter suggested that this section seems to prohibit dual enrollment.

Response. No change has been made. This section permits dual enrollment but prohibits inappropriate segregation of students who are dual enrollees.

§ 100b.658 Funds not to benefit a private school.

Comment. One commenter suggested that the word "eligible" be inserted in paragraph (b) before the phrase "students enrolled in private schools."

Response. No change has been made. These regulations do not impose special eligibility requirements on these children. Eligibility is governed by the program statutes and regulations.

Comment. One commenter suggested dropping paragraph (b). The commenter said paragraph (b)(1) is a repetition of the language of paragraph (a) and that paragraph (b)(2) would appear to be in conflict with the objectives of such programs as ESEA Title IV–B, which provides library resources, textbooks, and other instructional materials to meet the general needs of students in private schools.

Response. No change has been made. Paragraph (b) prohibits the use of funds to meet the needs of a private school or the general needs of the private school students, regardless of the existing level of instruction referred to in paragraph (a). However, this section should not restrict the provision of materials under ESEA Title IV–B, and the ESEA IV–B program regulations will provide an exception.

§ 100b.659 Use of public school personnel.

Comment. One commenter suggested that there may be other reasons than those given in paragraphs (a) and (b) for providing public personnel on other than public premises. These reasons might, for example, include the health and safety of private school children.

Response. A change has been made. The section has been revised to allow public personnel on nonpublic premises if this is necessary to make programs equitable for private school children. This change is intended to cover other appropriate circumstances, including those suggested by the commenter.

§ 100b.660 Use of private school personnel.

Comment. One commenter suggested that this section implies that administrators can be paid for work outside their regular hours of duty and that this is contrary to Title I, ESEA.

Response. No change has been made. This section applies only to employees of private schools, such as teachers, and does not authorize payment to administrative personnel or other costs that would not be allowable under the particular program.

Other changes. The prohibition against a subgrantee's use of program funds to employ individuals who work part-time at a private school has been deleted from § 100b.660 as being unduly restrictive. Unless specifically restricted by statute (e.g., see 45 CFR Part 134—regulations under Title IV, ESEA), part-time employment by a private school should not automatically disqualify a person from being employed by a subgrantee—for other time periods—to provide program services.

§ 100b.661 Equipment and supplies.

Comment. Two commenters suggested that the term "limited period of time" in paragraph (b), concerning placement of equipment and supplies in a private school, is misleading and vague and that more specific language would be preferable.

Response. A change has been made to clarify the meaning of the requirement.

Comment. One commenter suggested that paragraph (d) on removal of equipment and supplies be dropped as being implicit in the provisions of paragraph (c), which applies to use and installation of equipment and supplies in private schools.

Response. No change has been made. The language in paragraph (c) requires that it must be feasible to remove equipment and supplies from a private school without remodeling the premises, while paragraph (d) requires removal under specified conditions. The two paragraphs are complementary, not redundant.

§ 100b.680 Inventions and patents. [Proposed]

Changes. Section 100b.680 has been deleted. EDGAR will not regulate on this subject for State-administered programs.

Other Requirements for Certain Programs

§§ 100b.682–100b.685 [Proposed]

Changes. These sections have been renumbered as §§ 100b.681–100b.684. Section 100b.681 has been conformed to the wording in § 100a.681.

General Administrative Responsibilities

§ 100b.701 The State or subgrantee administers or supervises each project.

Comment. Several commenters suggested that the language of this section may prohibit contracting or subcontracting for services that the subgrantee may need but cannot provide itself.

Response. A change has been made. The intent of the section is to prevent the transfer of legal or fiscal responsibility but not to preclude appropriate contracts. The change corresponds to a similar change to § 100a.701. (See the discussion under that section in this appendix.)

§ 100b.703 When a State may begin to obligate funds.

Comment. Several commenters suggested that the term "substantially approvable" be defined so that the States are aware promptly of the date on which they can begin to obligate funds. One of these commenters suggested that the Commissioner promptly inform the States of the date when they could being to obligate funds even though some negotiation would be necessary to make the State plan fully approvable.

Response. A change has been made in accordance with the last suggestion. However, the term "substantially approvable" is retained to give the Commissioner flexibility in determining when a plan is close enough to begin approvable to allow a State to begin to obligate funds. This flexibility is necessary because of the wide variations among program statutes and State laws and procedures that affect the content of State plans.

Other changes. Redesignated paragraph (a) has been revised to clarify standards regarding submission of State plans. The date of submission will be determined in the same manner as for applications under Part 100a. A new paragraph (b) provides the standards for determining the date that a State plan was mailed. Proposed paragraph (b) has been redesignated as paragraph (c).

§ 100b.704 When subgrantees may begin to obligate funds.

Comment. One commenter suggested that redesignated paragraph (c)(2) implies that an applicant may begin to obligate funds the moment the application is submitted, whether the State has approved it or not.

Response. A change has been made. The section has been revised to recognize that a State must give authorization before an applicant for a subgrant may begin to obligate funds.

Other changes. 1. A new paragraph (b) has been added to recognize that authorization of obligations is subject to the State's final approval of an application.

2. A new paragraph (c) recognizes the State's authority to approve "pre-agreement" costs under programs in which the applicant for a subgrant is not entitled to the funds.

Cross-reference.—See § 100b.707(h) of EDGAR.

§ 100b.705 Funds may be obligated during a "carryover period."

Comment. One commenter suggested that this section may conflict with the Tydings Amendment.

Response. No change has been made. This section of the regulations restates the Tyding Amendment (Section 412(b) of GEPA) and is not in conflict with it.

§ 100b.706 Obligations made during a carryover period are subject to current statutes, regulations, and applications.

Comment. One commenter suggested that the term "State plan" is more restrictive than the statute on which this section is based, and that the term "other document * * * required" is broader than the statute.

Response. A change has been made so that the terms in this section are consistent with the purpose of the statute (Section 412(b) of GEPA). The term "State plan," as defined in § 100b.102 and as used in this section, includes the terms "program plan" and "application," as used in Section 412(b) of GEPA, and is, therefore, consistent with the provisions of that statute. The term "other document" has been deleted as inappropriate and unnecessary.

Note.—Section 2(b) of Pub. L. 96–46 (enacted August 6, 1979) provides that Section 412(b)(2) of GEPA, which is reflected in § 100b.706, does not take effect with respect to the use of funds under Section 421 of the ESEA (Title IV–B—Instructional Materials and School Library Resources Program) until October 1, 1980, except at the option of local educational agencies. This section of EDGAR will, therefore, have a delayed effective date to this extent.

§ 100b.707 When obligations are made.

Comment. One commenter asked if there is a time limit on the performance of personal services by a contractor or if the services may be performed after the end of the project period.

Response. No change has been made. The contract for personal services establishes the period for the performance of those services. The services should be performed within the project period approved by the State. However, there is no provision in Part 100b that is comparable to § 100a.261 (Extension of a project period). This is a matter left to State administration.

Comment. One commenter suggested that this section should make clear that a ruling by the Internal Revenue Service that a personal service contractor is actually an employee, rather than a contractor, does not affect the date the Education Division considers the obligation to have been made.

Response. No change has been made. If the personal services contract was entered into legally, and in good faith that the arrangement was not an employee-employer relationship, the provisions of paragraph (c) would be considered binding by the Education Division, even if the Internal Revenue Service ruled, for its own purposes, that the relationship is that of an employer and an employee.

Comment. One commenter suggested that personal services by a contractor should be considered to constitute obligations at the time the services are performed, rather than on the date the grantee makes a binding written commitment for the personal services.

Response. No change has been made. To achieve the purposes of the project, performance under a personal services contract may be necessary after the end of the project period. The Education Division may wish to reimburse grantees in these circumstances, and therefore has not adopted the comment.

Changes. A new paragraph (h) has been added to recognize the State's authority to approve preagreement costs. (See also § 100b.704(c).)

Note.—Under § 100b.707(b), the phrase "personal services by an employee of the State or subgrantee" refers only to services that are within the scope of the employment agreement.

§ 100b.720 Financial and performance reports by a State.

Comment. One commenter asked the following:

1. Who establishes the reporting format?

2. Can the Commissioner require reports more often than annually?

Response. No change has been made.

1. The Commissioner establishes the reporting forms.

2. The Commissioner may require reports more often than annually if the conditions in 45 CFR 74.7 or 45 CFR 74.72(e) exist.

Reports

§ 100b.722 A subgrantee makes reports required by the State.

Changes. Proposed § 100b.721 has been renumbered as § 100b.722 to conform more closely to numbering used in Part 100a.

Records

§ 100b.730 Records related to grant funds.

Comment. One commenter suggested that the requirement for a State or subgrantee to keep records that fully show the "share of that cost provided from other sources" will add a burden to reporting.

Response. No change has been made. The requirement to keep records of those costs is in Section 437(a) of GEPA and cannot be waived.

§ 100b.731 Records related to compliance.

Comment. One commenter suggested that the regulations should specifically identify the statutes listed in § 100b.500 as being covered by this section.

Response. A change has been made. This section does not require the retention of records relating to the statutes identified in § 100b.500. Those records are subject to the regulations referenced in § 100b.500, not to the requirements of EDGAR. The change is intended to make this distinction by limiting the recordkeeping responsibility to "program requirements." (See the discussion under § 100a.731 in this appendix.)

§ 100b.734 Record retention period.

Comment. Three commenters noted that the five-year retention period differed from other periods identified elsewhere, particularly in 45 CFR Part 74 which establishes a retention period of three years. They suggested that this be clarified.

Response. A change has been made. The regulations in 45 CFR Part 74 are subject to any inconsistent statutory provisions. For Education Division programs, the five-year period in Section 437 of GEPA controls the minimum retention period. The change makes it clear that records must be retained for five years unless 45 CFR Part 74 requires a longer period, such as during an ongoing audit procedure. (See 45 CFR 74.21(b).)

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Comment. One commenter suggested that subgrantees be given permission to dispose of fiscal documentation prior to the end of the five-year retention period if a Federal audit has been completed.

Response. No change has been made. The statutory authority for the five-year retention period (Section 437(a) of GEPA) makes no provision for shortening the records retention period in situations in which Federal audits have been completed.

Privacy

§ 100b.741 Protection of students' privacy in research and testing.

Comment. One commenter asked if this section applied both to State-administered and to direct grant programs. The commenter asked specifically what programs are covered.

Response. No change has been made. The regulations in Part 100b relate only to the programs listed in the table in § 100b.1, but there is a similar provision in Part 100a (§ 100a.741) that applies to all programs listed in § 100a.1. The statute on which these sections of EDGAR are based applies to all Office of Education programs.

Changes. This section has been revised to include the statutory material that was referenced in the proposed regulations.

Use of Funds by States and Subgrantees

§ 100b.761 Federal funds may pay 100 percent of costs.

Comment. One commenter suggested that the provisions of this section appear to be in conflict with 45 CFR 121a.186 of the program regulations under the Education of the Handicapped Act.

Response. No change has been made. Paragraph (b) of this section excludes programs in which the statute or implementing regulations limit the allowability of costs. 45 CFR 121a.186 establishes limits on costs that may be paid with program funds. Section 100b.761, therefore, does not apply to the projects to which the limitations in § 121a.186 apply.

Use of Funds by States and Subgrantees

§§ 100b.760 and 100b.761

Other changes. Proposed §§ 100b.750 and 100b.751 have been renumbered as §§ 100b.760 and 100b.761, respectively.

State Administrative Responsibilities

§ 100b.770 A State shall perform certain duties with respect to applications for subgrants.

§ 100b.771 A State shall encourage eligible applicants to apply.

Comment. One commenter asked what administrative responsibilities and reporting requirements will be made of the States.

Responses. No change has been made. The requirements in §§ 100b.700 and 100b.771 are the minimum that a State should undertake to conduct a sound administrative operation of a Federal program. The Commissioner has established no criteria for determining compliance beyond the regulations contained in EDGAR and in individual program regulations. These sections in EDGAR do not create or impose any new reporting requirements.

Comment. One commenter asked if "eligible applicant" refers to those so identified in the respective grant proposal announcement. Another commenter suggested that "encourage" might involve a big burden and suggested that only a "reasonable effort" be required.

Response. A change has been made to clarify the extent of the State's duty to encourage applicants to seek awards. "Eligible applicant" refers to those identified in the statute and the implementing regulations for a program.

Comment. One commenter suggested that the State be required to encourage only "known" eligible applicants. Another commenter suggested some specific procedures for encouraging eligible applicants to apply.

Response. A change has been made. The word "all" has been deleted to make it clear that a State's duty is to make reasonable efforts, as suggested in the preceding comment. With respect to specific procedures, it is preferable to let States establish their own procedures rather than trying to establish uniform procedures for all States, since circumstances may vary from program to program and State to State (e.g., populous, heavily urbanized States as compared to thinly populated, largely rural States).

§ 100b.772 Other responsibilities of the State.

Comment. One commenter suggested that, in the spirit of paperwork reduction, the Commissioner limit the power of the States to impose special regulations, procedures, etc. Another commenter asked for recognition of the State's authority to regulate.

Response. No change has been made. If the State has the legal responsibility to administer a federally funded program, the State must have the authority to establish reasonable rules and procedures. However, State rules and procedures should be designed in a way that minimize burden on applicants and be directly related to furthering the Federal program purpose.

Changes. 1. Paragraph (a) has been rewritten to require that a State provide general technical assistance and also assistance in the evaluation of projects. Under the proposed section, a State would have been required to provide technical assistance only with respect to evaluation of projects.

2. Paragraphs (b) and (c) have been revised to clarify the relationship of § 100b.772 to programs under Title I and IV of ESEA.

Complaint Procedures of a State

§ 100b.780 A State shall adopt complaint procedures.

Comment. One commenter questioned why the exemptions for Titles I and IV of ESEA provided for in this section are not stated in the same way.

Response. A change has been made. Paragraphs (b) and (c) have been revised to clarify the relationship of this section to the program under Title IV of ESEA. The difference in treatment between programs under Titles I of ESEA and those under Title IV of ESEA results from statutory provisions enacted in the Education Amendments of 1978.

Comment. One commenter suggested that the requirements in this section are excessive and appear to be contrary to the requirements in § 100b.781 (as renumbered).

Response. No change has been made. This section requires the State to establish complaint procedures; § 100b.781 contains certain minimum requirements that must be included in the procedures adopted under this section. The Commissioner believes that these two sections are the minimum necessary to protect the public, the State, and the subgrantees. To clarify the relationship between §§ 100b.781 and 100b.782, the sections have been transposed and renumbered accordingly.

§ 100b.781 Minimum complaint procedures.

Comment. One commenter suggested that this section not apply to due process procedures for students.

Response. No change has been made. The minimum procedures in § 100b.781 relate only to those complaints identified in § 100b.780.

Changes. The section has been revised to make it clear that a State has sixty calendar days from its receipt of a complaint to resolve the complaint. This time limit may be extended only if exceptional circumstances exist with respect to a particular complaint.

§ 100b.783 State educational agency action—subgrantee's opportunity for a hearing.

Other changes. This new section restates Section 425 of GEPA regarding a subgrantee's right to a hearing under certain programs.

Subpart H—What Procedures Does the Commissioner Use to Get Compliance?

§ 100b.900 Waiver of regulations prohibited.

Comment. One commenter said that paragraph (b) has the legal effect of holding the Federal Government harmless with respect to the acts of its agents.

Response. No change has been made. Paragraph (a) provides that no Federal official has any authority to waive any regulations unless the regulations specifically provide for a waiver. Paragraph (b) provides that, even if a Federal official purports to waive regulations, that individual has no authority to do so, and no one should rely on the purported waiver. This section is a formal notice to that effect.

§ 100b.901 Regulations in 45 CFR Part 74 on suspension and termination. (Proposed)

Changes. This section has been deleted. The Education Appeal Board procedures in Part 100d will govern all suspension and termination proceedings for Office of Education programs.

Note.—The procedures for the Education Appeal Board were published originally as interim final regulations (45 CFR Part 100e) in the **Federal Register** on May 25, 1979 (44 FR 30528).) When published as final regulations today, Part 100e will be redesignated as Part 100d of EDGAR. These regulations are referenced in EDGAR as Part 100d in order to avoid confusion after Part 100d is published in final.

§§ 100b.901–100b.902 Commissioner's compliance procedures.

Changes. Proposed §§ 100b.902 and 100b.903 have been renumbered as §§ 100b.901 and 100b.902. Certain technical corrections also have been made in the wording of these sections.

PART 100c—DEFINITIONS

§ 100c.1 General.

Comment. One commenter suggested that EDGAR include a definition of "consultant."

Response. No change has been made. Since there is no intent to attach a special meaning to the term "consultant," no definition is needed.

Comment. One commenter said that because EDGAR allows each State to determine the scope of the term "elementary school," some States that extend the term to include preschool programs might misspend program funds intended to serve grades 1 through 8.

Response. No change has been made. If program funds are authorized only for grades 1 through 8, the regulations for the program will specify the restriction, and will not use the term "elementary school" to describe allowable activities.

Comment. One commenter suggested that the definition of "fiscal year" be changed to indicate that the term refers to a period that corresponds to the Federal fiscal year.

Response. A change has been made. The revised definition makes it clear that it is a period concurrent with the Federal fiscal year, October 1 through September 30.

Comment. One commenter suggested that a definition for "institution of higher education" be included in EDGAR.

Response. No change has been made. Because of variations among program statutes that define "institution of higher education," a general definition is not included in EDGAR.

Comment. Several commenters suggested that the definition of "local educational agency" be broadened to include community colleges and post-secondary institutions.

Response. A change has been made. The revised definition makes it clear that for purposes of the Vocational Education Program, the term includes any institution that provides a vocational education program. Other statutes that define "local educational agency" preclude a broader definition.

Comment. One commenter suggested that the distinction between "private" and "nonpublic" should be made clearer.

Response. A change has been made. The definition of "nonpublic" has been rephrased to indicate that the difference between "nonpublic" and "private" is that "nonpublic" applies only to nonprofit agencies, organizations, and institutions.

Comment. One commenter suggested that EDGAR include a definition for "post-secondary educational institution" as it appears in the regulations for the Vocational Education Act.

Response. No change has been made. The definition of "post-secondary educational institution" that appears in the regulations for vocational education programs is not applicable to other education programs. The definition will continue to appear in the regulations implementing the Vocational Education Act.

Comment. Several commenters suggested that EDGAR should define the term "private school."

Response. No change has been made. A definition of "private school" could have a significant effect on the eligibility of certain students for participation in Federal education programs. For this reason, the Education Division will consider publishing a proposed definition for private school at a later date, and allow the public an opportunity to comment. Any suggestions regarding a general definition would be welcome. Suggestions may be sent to the contact person named in the preamble to the EDGAR regulations.

Comment. One commenter wanted clarification of the term "service function" with respect to a local educational agency.

Response. No change has been made. "service function" is a statutory term used in the definition of local educational agency. The definition of service function allows certain kinds of intermediate educational units to qualify as local educational agencies.

Comment. One commenter asked for the development of definitions that are consistent with definitions used by other Federal departments and agencies.

Response. No change has been made. Because Federal regulations must use terms as they are used in Federal statutes, separate regulations will continue to use different definitions as long as inconsistencies remain in the statutes. However, the Education Division—and the Department of Education when that agency takes effect—will continue to work toward the use of common definitions for terms used in Federal educational program regulations, as has been done in EDGAR.

Appendix B

PART 74—ADMINISTRATION OF GRANTS

As revised on August 2, 1978 (43 FR 34076).

Note.—Part 74 is republished as Appendix B to the EDGAR final regulations to assist readers in following cross-references to Part

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74. This will not be published with Parts 100a–100d in the CFR.

PART 74—ADMINISTRATION OF GRANTS

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Authority: 5 U.S.C. 301.

Subpart A—General

§ 74.1 Purpose and scope of this part.

This part establishes uniform requirements for the administration of HEW grants and principles for determining costs applicable to activities assisted by HEW grants.

§ 74.2 Scope of subpart.

This subpart contains general rules pertaining to this Part 74 (definitions, purpose and scope, applicability, and appeals) and procedures for control of deviations from the part.

§ 74.3 Definitions.

As used in this part:

"Awarding party" means (1) with respect to a grant, the granting agency, and (2) with respect to a subgrant, the grantee. (See § 74.4(b))

"Contract" means (except as used in the definitions for "grant" and "subgrant" in this section and except where qualified by "Federal") a procurement contract under a grant or subgrant, and "subcontract" means a procurement subcontract under such a contract.

"Cost-type contract" means a contract or subcontract in which the contractor or subcontractor is paid on the basis of the costs it incurs, but the term does not include such subcontracts under a non-cost-type contract or subcontract.

"Expenditure report" means: (1) For nonconstruction grants, the "Financial Status Report" (or other equivalent report); (2) for construction grants, the "Outlay Report and Request for Reimbursement for Construction Programs" (or other equivalent report). (See subpart I of this part.)

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs. However, for policies applicable to tribal government hospitals and institutions of higher education, see § 74.4(c), "Applicability of this part."

"Government" means a State or local government or a Federally recognized Indian tribal government. However, for policies applicable to government hospitals and institutions of higher education, see § 74.4(c), "Applicability of this part."

"Grant" means an award of financial assistance in the form of money, or property in lieu of money, by the Federal Government to an eligible recipient. The term includes such financial assistance when provided by contract, but does not include any Federal procurements subject to the procurement regulations in 41 CFR, nor does it include technical assistance, which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Also, the term does not include assistance, such as a fellowship or other lump sum award, which the recipient is not required to account for on an actual cost basis.

"Grantee" means the government, nonprofit corporation, or other legal entity to which a grant is awarded and which is accountable to the Federal Government for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the award document. For example, a grant award document may name as the grantee an agency of a State, or one school or campus of a university. In these cases, the granting agency usually intends, or actually requires, that the named component assume primary or sole responsibility for administering the grant-assisted project or program. Nevertheless, the naming of a component of a legal entity as the grantee in a grant award document shall not be construed as relieving the whole legal entity from accountability to the Federal Government for the use of the funds provided. (This definition is not intended to affect the eligibility provisions of grant programs in which eligibility is limited to organizations, such as State welfare departments, which may be only components of a legal entity.) The term "grantee" does not include any secondary recipients such as subgrantees, contractors, etc., who may receive funds from a grantee pursuant to a grant.

"Granting agency" means any organizational component of HEW authorized to award and administer grants.

"HEW" means the U.S. Department of Health, Education, and Welfare.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), "sponsor or sponsoring local organization" of a watershed project (as defined in 7 CFR 620.2, 40 FR 12472, March 19, 1975), any other regional or interestate government entity, or any agency or instrumentality of a local government. However, for policies applicable to government hospitals and institutions of higher education, see § 74.4(c), "Applicability of this part."

"OGP" means the Office of Grants and Procurement, which is an organizational component within the Office of the Secretary, HEW, and reports to the Assistant Secretary for Management and Budget.

"OMB" means the Office of Management and Budget within the Executive Office of the President.

"Recipient" means grantee or subgrantee. (See § 74.4(b).)

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments. However, for policies applicable to government hospitals and institutions of higher education, see § 74.4(c), "Applicability of this part."

"Subgrant" means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contract, but does not include procurements; nor does it include any form of assistance which is excluded from the definition of "grant" in this section.

"Subgrantee" means the government, nonprofit corporation, or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

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"Terms of a grant or subgrant" means all requirements of the grant or subgrant, whether in statute, regulations, the award document or elsewhere.

§ 74.4 Applicability of this part.

(a) *General.* Except where inconsistent with Federal statutes, regulations, or other terms of a grant, this part applies to all HEW grants. However, unless expressly made applicable by the granting agency, this part shall not apply when the grantee is a Federal agency, foreign government or organization, international organization such as the United Nations, for-profit organization, or individual.

(b) *Subgrants.* For each substantive provision in this part, either the language of the provision itself or other text in the same subpart will indicate whether the provision affects only grants, only subgrants, or both. Use of the term "recipient" (as defined in § 74.3) in a provision shall be taken as referring equally to grantees and subgrantees. Similarly, use of the term "awarding party" (as defined in § 74.3) shall be taken as referring equally to granting agencies and to grantees awarding subgrants. However, unless expressly made applicable by the granting agency, this part need not be applied by the grantee to a subgrant if the subgrantee is a Federal agency, foreign government or organization, international organization such as the United Nations, for-profit organization, or individual.

(c) *Public institutions of higher education and hospitals.* Grants and subgrants to institutions of higher education and hospitals operated by a government shall be subject only to provisions of this subpart that apply to nongovernmental organizations.

§ 74.5 Appeals.

In accordance with parts 16 and 75 of this title, grantees may appeal certain postaward administrative decisions made by HEW officials.

§ 74.6 Deviations.

(a) Except as provided in § 74.7, a deviation is any exception to this part not required by Federal statute without allowance of agency discretion. A deviation may be either:

(1) Use of any policy, procedure, form, standard, or grant or subgrant term which is inconsistent with an applicable provision of this part, or

(2) Failure to use any applicable policy, procedure, form, standard, or grant or subgrant term which is required by this part.

(b) In order to maintain uniformity to the greatest extent feasible, deviations shall be kept to a minimum. A deviation, whether proposed by an applicant, a recipient, or an official of the granting agency, may be authorized only when it is necessary to meet programmatic objectives, or to conserve grant funds, or when it is otherwise essential in the public interest.

(c) Except as provided in paragraph (d) of this section, a deviation from this part may be made only when authorized by both:

(1) The head of the granting agency or other officials if designated in or pursuant to formal deviation control procedures established by the agency, and

(2) OGP.

(d) Deviations from subpart Q of this part and appendixes C, D, E, and F to this part in individual cases (i.e., where only a single grant or subgrant is involved) shall not require OGP approval.

§ 74.7 Special grant or subgrant conditions.

(a) Without regard to the deviation control procedures of § 74.6, special grant conditions more restrictive than those prescribed in this part 74 may be imposed as needed when the granting agency has determined that the grantee:

(1) Is financially unstable,

(2) Has a history of poor performance, or

(3) Has a management system which does not meet the standards of this part.

(b) When special conditions are imposed under paragraph (a) of this section, the grantee will be notified in writing:

(1) Why the special conditions were imposed and

(2) What corrective action is needed.

Furthermore, in accordance with OMB Circulars A–102 and A–110, OMB and other Federal agencies in a granting relationship with the grantee will be provided copies of the notice to the grantee.

(c) Grantees may apply the provisions of paragraphs (a) and (b) of this section to their subgrantees. Whenever they do so, a copy of the notice to the subgrantee shall be furnished to the granting agency.

Subpart B—Cash Depositories

§ 74.10 Physical segregation and eligibility.

Except as provided in § 74.11, awarding parties shall not impose grant or subgrant terms which:

(a) Require the recipient to use a separate bank account for the deposit of grant or subgrant funds, or

(b) Establish any eligibility requirements for banks or other financial institutions in which recipients deposit grant or subgrant funds.

§ 74.11 Checks-paid basis letter of credit.

A separate bank account shall be used when payments under letter of credit are made on a "checks-paid" basis. A checks-paid basis letter of credit is one under which funds are not drawn until the recipient's checks have been presented to its bank for payment. (See Subpart K for definition of "letter of credit.")

§ 74.12 Minority-owned banks.

Consistent with the national goal of expanding opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority-owned banks. Upon request, OGP will furnish a list of minority-owned banks.

Subpart C—Bonding and Insurance

§ 74.15 General.

In administering grants and subgrants, recipients shall observe their regular requirements and practices with respect to bonding and insurance. No additional bonding and insurance requirements, including fidelity bonds, shall be imposed by the terms of the grant or subgrant except as provided in §§ 74.16 through 74.18.

§ 74.16 Construction and facility improvement.

(a) *Scope of this section.* This section covers requirements for bid guarantees, performance bonds, and payments bonds when the recipient will contract for construction or facility improvement (including alterations and renovations of real property) under a grant or subgrant.

(b) *Definitions.* (1) "Bid guarantee" means a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, if its bid is accepted, execute the required contractual documents within the time specified.

(2) "Performance bond" means a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(3) "Payment bond" means a bond executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(c) *Bids and contacts of $100,000 or less.* The recipient shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds.

(d) *Bids and contracts exceeding $100,000.* The recipient may follow its own regular policy and requirements if the HEW granting agency has determined that the Federal Government's interest will be adequately protected. If this determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to 5 percent of the bid price;

(2) A performance bond on the part of the contractor for 100 percent of the contract price; and

(3) A payment bond on the part of the contractor for 100 percent of the contract price.

§ 74.17 Fidelity bonds.

(a) If the grantee is not a government, the granting agency may require it to carry adequate fidelity bond coverage where the absence of coverage for the grant-supported activity is considered as creating an unacceptable risk.

(b) If the subgrantee is not a government, the granting agency or the grantee may require that it carry adequate fidelity bond coverage where the absence of coverage for the subgrant-supported activity is considered as creating an unacceptable risk.

(c) A fidelity bond is a bond indemnifying the recipient against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more employees, officers or other persons holding a position of trust.

§ 74.18 Source of bonds.

Any bonds required under §§ 74.16(d)(1) through (3) or 74.17 shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223). A list of these companies is published annually by the Department of the Treasury in its Circular 570.

Subpart D—Retention and Access Requirements for Records

§ 74.20 Applicability.

(a) Except as provided in paragraph (b) of this section, this subpart applies to all financial and programmatic records, supporting documents, statistical records and other records of recipients and of contractors and subcontractors under grants and subgrants, which are:

(1) Required to be maintained by the terms of an HEW grant, or

(2) Otherwise reasonably considered as pertinent to an HEW grant.

(b) This subpart does not apply to records maintained by the contractor or subcontractor for any of the following types of awards it has received under a grant or subgrant:

(1) Any contract or subcontract of $10,000 or less, or

(2) Any contract or subcontract awarded using the formal advertising method of procurement, whether or not required to be so awarded, or

(3) Any subcontract awarded under a contract or subcontract described in paragraph (b)(2) of this section.

§ 74.21 Length of retention period.

(a) Except as provided in paragraphs (b) and (c) of this section, records shall be retained for 3-years from the starting date specified in § 74.22.

(b) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(c) In order to avoid duplicate recordkeeping, awarding parties may make special arrangements with recipients to retain any records which are continuously needed for joint use. The awarding party will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the awarding party the 3-year retention requirement is not applicable to the recipient.

§ 74.22 Starting date of retention period.

(a) *General.* (1) Where HEW grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee submits to HEW its single or last expenditure report for that period. However, if HEW grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits to HEW its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report to HEW. If an expenditure report has been waived, the retention period starts on the day the report would have been due. "Expenditure report" is defined in § 74.3.

(2) Exceptions to this paragraph are contained in paragraphs (b) through (d) of this section.

(b) *Equipment records.* The retention period for the equipment records required by § 74.140(a) starts from the date of the equipment's disposition (§ 74.139) or replacement (§ 74.138) or transfer at the direction of the awarding party (§ 74.136).

(c) *Records for income transactions after grant or subgrant support.* (1) In some cases an HEW requirement concerning the disposition of program income, as defined in subpart F of this part, will be satisfied by applying the income to costs incurred after expiration or termination of grant or subgrant support for the activity giving rise to the income. In such a case, the retention period for the records pertaining to the costs starts from the end of the recipient's fiscal year in which the costs are incurred.

(2) In some cases, there may be an HEW requirement concerning the disposition of copyright royalties or other program income which is earned after expiration or termination of grant or subgrant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the recipient's fiscal year in which the income is earned. (See subpart F of this part.)

(d) *Indirect cost rate proposals, cost allocation plans, etc.*—(1) *Applicability.* This paragraph applies to the following types of documents, and their supporting records:

(i) Indirect cost rate computations or proposals;

(ii) Cost allocation plans under Appendix C to this part;

(iii) Hospital patient care rate computations or proposals; and

(iv) Any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(2) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(3) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

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§ 74.23 Substitution of microfilm.

Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

§ 74.24 Access to records.

(a) *Records of grantees.* HEW and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the grantee which are pertinent to the HEW grant, in order to make audit, examination, excerpts, and transcripts.

(b) *Records of subgrantees.* HEW, the Comptroller General of the United States, and the grantee, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the subgrantee which are pertinent to the HEW grant, in order to make audit, examination, excerpts, and transcripts.

(c) *Records of contractors and subcontractors.* Except as provided in § 74.20(b), HEW, the Comptroller General of the United States, the grantee, and (if the contract was awarded under a subgrant) the subgrantee, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the contractor or subcontractor which are pertinent to the HEW grant, in order to make audit, examination, excerpts, and transcripts.

(d) *Expiration of right of access.* The rights of access in this section shall not be limited to the required retention period but shall last as long as the records are retained.

§ 74.25 Restrictions on public access.

Unless required by Federal statutes, awarding parties may not impose grant or subgrant terms which limit public access to records covered by this subpart except after a determination by the granting agency that the records must be kept confidential and would have been excepted from disclosure under HEW's "Freedom of Information" regulation (Part 5 of this title) if the records had belonged to HEW. This section does not require recipients or their contractors and subcontractors to permit public access to their records.

Subpart E—Waiver of Single State Agency Requirements

§ 74.30 Policy.

Requests to HEW from Governors, or other duly constituted State authorities, for waiver of single State agency requirements in accordance with section 204 of the Intergovernmental Cooperation Act of 1968 will be given expeditious handling. Whenever possible, such requests will be granted.

Subpart F—Grant-Related Income

§ 74.40 Scope of subpart.

This subpart contains policies and requirements relating to (a) program income and (b) interest and other investment income earned on advances of grant funds.

§ 74.41 Meaning of program income.

(a) Except as explained in paragraphs (b) and (c) of this section, program income means gross income earned by a recipient from activities part or all of the cost of which is either borne as a direct cost by a grant or counted as a direct cost towards meeting a cost sharing or matching requirement of a grant. It includes but is not limited to such income in the form of fees for services performed during the grant or subgrant period, proceeds from sale of tangible personal or real property, usage or rental fees, and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the recipient—whether, for example, by a cost-reimbursement method or fixed price arrangement. Nor will the fact that the income is earned by the recipient from a Federal procurement contract or from a procurement contract under a Federal grant awarded to another party affect the income's classification as program income.

(b) For research grants that are subject to an institutional cost-sharing agreement, income shall be considered program income only if it is earned from an activity part or all of the cost of which is borne as a direct cost by the Federal grant funds. An institutional cost-sharing agreement is one entered into between HEW and a grantee covering all of HEW's research project grants to the grantee in the aggregate.

(c) The following shall not be considered program income:

(1) Revenues raised by a government recipient under its governing powers, such as taxes, special assessments, levies, and fines. (However, the receipt and expenditure of such revenues shall be recorded as a part of grant or subgrant project transactions when such revenues are specifically earmarked for the project in accordance with the terms of the grant or subgrant.)

(2) Tuition and related fees received by an institution of higher education for a regularly offered course taught by an employee performing under a grant or subgrant.

(d) For the purposes of this subpart, program income is divided into several categories. Each category is treated in a separate section of this subpart.

§ 74.42 General program income.

(a) *Definition.* General program income means all program income accruing to a grantee during the period of grant support or to a subgrantee during the period of subgrant support, other than the special categories of such income treated in §§ 74.43 through 74.45.

(b) *Use.* (1) General program income shall be retained by the recipient and used in accordance with one or a combination of the alternatives in paragraphs (c), (d), and (e) of this section, as follows: The alternative in paragraph (c) may always be used by recipients and must be used if neither of the other two alternatives is permitted by the terms of the grant. The alternatives in paragraphs (d) or (e) may be used only if expressly permitted by the terms of the grant. In specifying alternatives that may be used, the terms of the grant may distinguish between income earned by the grantee and income earned by subgrantees and between the sources, kinds, or amounts of income.

(2) The terms of a subgrant may restrict the use of general program income earned by the subgrantee to only one or some of the alternatives permitted by the terms of the grant, but the alternative in paragraph (c) of this section shall always be permitted.

(c) *Deduction alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program. If there is a cost-sharing or matching requirement, costs borne by the income may not count toward satisfying that requirement. Therefore, the maximum percentage of Federal participation is applied to the net amount determined by deducting the income from total allowable costs and third-party in-kind contributions. The income shall be used for current costs unless the granting agency authorizes deferral to a later period.

(2) To illustrate this alternative, assume a project in which the grantee incurs $100,000 of allowable costs and receives no third-party in-kind contributions. If the grantee earns $10,000 in general program income and this alternative applies, that $10,000 must be deducted from the $100,000 before applying the maximum percentage of Federal participation. If that pecentage is 90 percent, the most that could be paid to the grantee would therefore be $81,000 (90 percent times $90,000).

(d) *Cost-sharing or matching alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program but, in this case, the costs borne by the income may count toward satisfying a cost-sharing or matching requirement. Therefore, the maximum percentage of Federal participation is applied to total allowable costs and third-party in-kind contributions. The income shall be used for current costs unless the granting agency authorizes deferral to a later period.

(2) To illustrate this alternative, assume the same situation as in paragraph (c)(2) of this section. Under this alternative, the 90 percent maximum pecentage of participation would be applied to the full $100,000, and $90,000 could therefore be paid to the grantee. (It should be noted that if $20,000 of general program income is earned, only $80,000 could be paid, since a grant cannot pay for costs which have been borne by general program income.)

(e) *Additional costs alternative.* Under this alternative, the income is used for costs which are in addition to the allowable costs of the project or program but which nevertheless further the objectives of the Federal statute under which the grant was made. Provided that the costs borne by the income further the broad objectives of that statute, they need not be of a kind that would be permissible as charges to Federal funds.

Examples of purposes for which the income may be used are:

(1) Expanding the project or program.

(2) Continuing the project or program after grant or subgrant support ends.

(3) Supporting other projects or programs that further the broad objectives of the statute.

(4) Obtaining equipment or other assets needed for the project or program or for other activities that further the statute's objectives.

§ 74.43 Program income—proceeds from sale of real property and from sale of equipment and supplies acquired for use.

The following kinds of program income shall be governed by subpart O of this part:

(a) Proceeds from the sale of real property purchased or constructed under a grant or subgrant.

(b) Proceeds from the sale of equipment and supplies fabricated or purchased under a grant or subgrant and intended primarily for use in the grant- or subgrant-supported project or program rather than for sale or rental.

§ 74.44 Program income—royalties and other income earned from a copyrighted work.

(a) This section applies to royalties, license fees, and other income earned by a recipient from a copyrighted work developed under the grant or subgrant. Income of that kind is covered by this section whether a third party or the recipient itself acts as the publisher, seller, exhibitor, or performer of the copyrighted work. In some cases the recipient incurs costs to earn the income but does not charge these costs to HEW grant funds, to required cost-sharing or matching funds, or to other program income. Costs of that kind may be deducted from the gross income in order to determine how much must be treated as program income.

(b) The terms of the grant govern the disposition of income subject to this section. If the terms do not treat this kind of income, there are no HEW requirements governing the disposition. A grantee is not prohibited from imposing requirements of its own on the disposition of this kind of income which is earned by its subgrantees provided those requirements are in addition to and not inconsistent with any requirements imposed by the terms of the grant.

§ 74.45 Program income—royalties or equivalent income earned from patents or from inventions.

Disposition of royalties or equivalent income earned on patents or inventions arising out of activities assisted by a grant or subgrant shall be governed by determinations made or agreements entered into under HEW's patent regulations. (See parts 6 and 8 of this title.) If the determination or agreement does not provide for the disposition of the royalties or equivalent income, the disposition shall be in accordance with the recipient's own policies.

§ 74.46 Program income—income after grant or subgrant support not otherwise treated.

(a) This section applies to program income not treated elsewhere in this part which arises from or is attributable to an activity while supported by a grant or subgrant but which does not accrue until after the period of grant or subgrant support. An example is proceeds from the sale or rental of a residual inventory of merchandise fabricated or purchased by a grant-supported workshop during the period of support.

(b) The terms of the grant govern the disposition of income subject to this section. If the terms do not treat this kind of income, there are no HEW requirements governing the disposition. A grantee is not prohibited from imposing requirements of its own on the disposition of this kind of income which is earned by its subgrantees provided those requirements are in addition to and not inconsistent with any requirements imposed by the terms of the grant.

§ 74.47 Interest earned on advances of grant funds.

(a) Except when exempted by Federal statute (see paragraph (b) of this section for the principal exemption), grantees shall remit to the Federal Government any interest or other investment income earned on advances of HEW grant funds. This includes any interest or investment income earned by subgrantees and cost-type contractors on advances to them that are attributable to advances of HEW grant funds to the grantee. Unless the grantee receives other instructions from the responsible HEW official, the grantee shall remit the amount due by check or money order payable to the Department of Health, Education, and Welfare.

(b) In accordance with the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), States, as defined in the act, shall not be accountable to the Federal Government for interest or investment income earned by the State itself, or by its subgrantees, where this income is attributable to grants-in-aid, as defined in the act (42 U.S.C. 4213).[1]

(c) Recipients are cautioned that they are subject to the provisions in § 74.61(e) for minimizing the time between the transfer of advances and their disbursement. Those provisions apply even if there is no accountability to the Federal Government for interest or other investment income earned on the advances.

Subpart G—Cost Sharing or Matching

§ 74.50 Scope of subpart.

(a) This subpart contains rules for satisfying Federal requirements for cost sharing or matching. These rules apply whether the cost sharing or matching is required by Federal statute or by other terms of the grant.

(b) HEW and a grantee may enter into an institutional cost-sharing agreement covering all of HEW's research project

[1] "State" is defined in the act to include any agency or instrumentality of a State, and the definition does not exclude a hospital or institution of higher education which is such an agency or instrumentality. "Grant-in-aid" is defined in the act to exclude "payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private." (42 U.S.C. 4201)

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grants to that grantee in the aggregate. Except as provided by the institutional cost-sharing agreement, this subpart applies to the satisfaction of the grantee's obligation under the agreement, as well as to the satisfaction of cost-sharing or matching requirements that apply only to a single grant.

§ 74.51 Definitions.

For purposes of this subpart:

"Cost sharing or matching" means the value of third-party in-kind contributions and that portion of the costs of a grant-supported project or program not borne by the Federal Government.

"Equipment" has the same meaning given to that term in § 74.132, except that instead of "acquisition cost," the words "market value at the time of donation" shall be substituted.

"Supplies" means all tangible personal property other than "equipment" as defined in this section.

"Third-party in-kind contributions" means property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.

§ 74.52 Basic rule: Costs and contributions acceptable.

With the qualifications and exceptions listed in § 74.53, a cost-sharing or matching requirement may be satisfied by either or both of the following:

(a) Allowable costs incurred by the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant. This includes allowable costs borne by non-Federal grants or by other cash donations from non-Federal third parties.

(b) The value of third-party in-kind contributions applicable to the period to which the cost-sharing or matching requirement applies.

§ 74.53 Qualifications and exceptions.

(a) *Costs borne by other Federal grants.* (1) Except as provided by Federal statute, a cost-sharing or matching requirement may not be met by costs borne by another Federal grant. This prohibition does not apply to costs borne by general program income earned from a contract awarded under another Federal grant.

(2) For the purposes of this part, general revenue sharing funds under 31 U.S.C. 1221 are not considered a Federal grant. Therefore, in the absence of any provision of Federal statute to the contrary, allowable costs borne by these funds may count towards satisfying a cost-sharing or matching requirement.

(b) *Costs or contributions counted towards other Federal cost-sharing requirements.* Neither costs nor the values of third-party in-kind contributions may count towards satisfying a cost-sharing or matching requirement of an HEW grant if they have been or will be counted towards satisfying a cost-sharing or matching requirement of another Federal grant, a Federal procurement contract, or any other award of Federal funds.

(c) *Costs financed by general program income.* Costs financed by general program income, as defined in § 74.42, shall not count towards satisfying a cost-sharing or matching requirement of the HEW grant supporting the activity giving rise to the income unless the terms of the grant expressly permit the income to be used for cost sharing or matching. (This is the alternative for use of general program income described in § 74.42(d).)

(d) *Records.* Costs and third-party in-kind contributions counting towards satisfying a cost-sharing or matching requirement must be verifiable from the records of recipients or cost-type contractors. These records must show how the value placed on third-party in-kind contributions was arrived at. To the extent feasible, volunteer services shall be supported by the same methods that the organization uses to support the allocability of its regular personnel costs.

(e) *Special standards for third-party in-kind contributions.* (1) Third-party in-kind contributions shall count towards satisfying a cost-sharing or matching requirement only where, if the party receiving the contributions were to pay for them, the payments would be allowable costs.

(2) A third-party in kind contribution shall not count as direct cost sharing or matching where, if the party receiving the contribution were to pay for it, the payment would be an indirect cost. Cost-sharing or matching credit for such contributions shall be given only if the recipient or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of the contributions. (Information on how to establish these rates can be obtained from the Division of Cost Allocation in any HEW regional office's Regional Administrative Support Center.)

(3) The values placed on third-party in-kind contributions for cost-sharing or matching purposes shall conform to the rules in the succeeding sections of this subpart. If a third-party in-kind contribution is of a type not treated in those sections, the value placed upon it shall be fair and reasonable.

§ 74.54 Valuation of donated services.

(a) *Volunteer services.* Unpaid services provided to a recipient by individuals shall be valued at rates consistent with those ordinarily paid for similar work in the recipient's organization. If the recipient does not have employees performing similar work, the rates shall be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.

(b) *Employees of other organizations.* When an employer other than a recipient or cost-type contractor furnishes free of charge the services of an employee in the employee's normal line of work, the services shall be valued at the employee's regular rate of pay exclusive of the employer's fringe benefits and overhead costs. If the services are in a different line of work, paragraph (a) of this section shall apply.

§ 74.55 Valuation of donated supplies and loaned equipment or space.

(a) If a third party donates supplies, the contribution shall be valued at the market value of the supplies at the time of donation.

(b) If a third party donates the use of equipment or space in a building but retains title, the contribution shall be valued at the fair rental rate of the equipment or space.

§ 74.56 Valuation of donated equipment, buildings, and land.

If a third party donates equipment, buildings, or land, and title passes to a recipient, the treatment of the donated property shall depend upon the purpose of the grant or subgrant, as follows:

(a) *Awards for capital expenditures.* If the purpose of the grant or subgrant is to assist the recipient in the acquisition of property, the market value of that property at the time of donation may be counted as cost sharing or matching.

(b) *Other awards.* If assisting in the acquisition of property is not the purpose of the grant or subgrant, the following rules apply:

(1) If approval is obtained from the awarding party, the market value at the time of donation of the donated equipment or buildings and the fair rental rate of the donated land may be counted as cost sharing or matching. In the case of a subgrant, the terms of the HEW grant may require that the approval be obtained from the granting agency as well as the grantee. In all cases, the approval may be given only if a purchase of the equipment or buildings or a purchase or rental of the land would be approved as an allowable direct cost.

(2) If approval is not obtained under paragraph (b)(1) of this section, no amount may be counted for donated land, and only depreciation or use allowances may be counted for donated equipment and buildings. The depreciation or use allowances for this property are not treated as third-party in-kind contributions. Instead, they are treated as costs incurred by the recipient. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in subpart Q of this part, in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.

§ 74.57 Appraisal of real property.

In some cases under §§ 74.55 and 74.56, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the granting agency may require that the market value or fair rental rate be established by a certified real property appraiser (or by a representative of the U.S. General Services Administration, if available) and that the value or rate be certified by a responsible official of the party to which the property or its use is donated. For subgrants, this requirement may also be imposed by the grantee.

Subpart H—Standards for Grantee and Subgrantee Financial Management Systems

§ 74.60 Scope of subpart.

This subpart prescribes standards for financial management systems of grant- and subgrant-supported activities. Awarding parties shall not impose additional standards on recipients unless specifically provided for in a Federal statute (e.g. the Joint Funding Simplification Act, Pub. L. 93-510) or these regulations. However, suggestions and assistance may be provided in establishing or improving financial management systems when needed or requested.

§ 74.61 Standards.

Grantees and subgrantees shall meet the following standards for their grant and subgrant financial management systems.

(a) *Financial reporting.* Accurate, current, and complete disclosure of the financial results of each project or program shall be made in accordance with the financial reporting requirements of the grant or subgrant. The terms of grants and subgrants shall not require financial reporting on the accrual basis if the recipient's accounting system is maintained on the cash basis. When accrual reporting is statutorily required, a recipient whose accounting system is not maintained on that basis shall not be required to convert it to the accrual basis; the recipient may develop the accrual information through an analysis of the documentation on hand.

(b) *Accounting records.* Records which identify adequately the source and application of funds for grant- or subgrant-supported activities shall be maintained. These records shall contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, outlays, income, and, if the recipient is a government, liabilities.

(c) *Internal control.* Effective control and accountability shall be maintained for all grant or subgrant cash, real and personal property covered by subpart O of this part, and other assets. Recipients shall adequately safeguard all such property and shall assure that it is used solely for authorized purposes.

(d) *Budgetary control.* The actual and budgeted amounts for each grant or subgrant shall be compared. If appropriate or specifically required, recipients shall relate financial information to performance or productivity data, including the production of unit cost information. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(e) *Advance payments.* Procedures shall be established to minimize the time elapsing between the advance of Federal grant or subgrant funds and their disbursement by the recipient. When advances are made by a letter-of-credit method, the recipient shall make drawdowns as close as possible to the time of making disbursements. Grantees advancing cash to subgrantees shall conform sustantially to the same standards of timing and amount as apply to advances by Federal agencies to grantees, including requirements for timely reporting of cash disbursements and balances. (See subpart K of this part.)

(f) *Allowable costs.* Procedures shall be established for determining the reasonableness, allowability, and allocability of costs in accordance with the applicable cost principles prescribed by subpart Q of this part and the terms of the grant.

(g) *Source documentation.* Accounting records shall be supported by source documentation such as cancelled checks, paid bills, payrolls, contract and subgrant award documents, etc.

(h) *Audits*—(1) *General.* External or internal audits shall be made in accordance with generally accepted auditing standards, including the standards of the U.S. General Accounting Office's publication "Standards for Audit of Governmental Organizations Programs, Activities, and Functions."[1] The auditors engaged by the recipient shall meet the criteria for qualifications and independence in that publication.

(2) *Purpose and scope.* The purpose of these audits shall be to determine the effectiveness of the financial management systems and internal procedures established by the recipient to meet the terms of its grants and subgrants. The recipient's auditors need not examine every grant or subgrant awarded to the recipient. Rather, audits generally should be made on an organization-wide basis to test the fiscal integrity of financial transactions and compliance with the terms of awards. These tests would include an appropriate sampling of Federal grants and subgrants.

(3) *Frequency.* These audits shall be conducted on a continuing basis or at scheduled intervals, usually once a year, but at least every two years. The frequency shall depend on the nature, size and complexity of the recipient's grant- or subgrant-supported activities.

(4) *Relation to Federal audit.* These audits may affect the frequency and scope of Federal audit. However, nothing in this section is intended to limit the right of the Federal Government to conduct an audit of a grant- or subgrant-supported activity.

(5) *Audit resolution.* The recipient shall follow a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(6) *Copies of audit reports.* A copy of each audit report, and a description of its resolution, shall be furnished to the appropriate regional office of the HEW Audit Agency.

Subpart I—Financial Reporting Requirements

§ 74.70 Scope and applicability of subpart.

(a) This subpart prescribes requirements and forms for grantees to report financial information to HEW,

[1] Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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and to request grant payments when a letter of credit is not used.

(b) This subpart need not be applied by grantees in dealing with their subgrantees. However, grantees are encouraged not to impose on subgrantees more burdensome requirements than HEW imposes on grantees.

§ 74.71 Definitions.

As used in this subpart or in the forms identified by this subpart:

"Accrued expenditures" are the charges by grantee during a given period requiring the provision of funds for: (a) Goods and other tangible property received; (b) services performed by employees, contractors, subgrantees, and other payees; and (c) amounts "becoming owed" for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.

"Accrued income" is the sum of (a) earnings during a given period from services performed by the grantee and from goods and other tangible property delivered to purchasers, and (b) amounts becoming owed to the grantee for which no current services or performance is required by the grantee.

"Federal funds authorized" means the total amount of Federal funds obligated by the Federal Government and authorized for use by the grantee.

"In-kind contributions" means "third-party in-kind contributions" as defined in subpart G of this part.

"Obligations" are the amounts of orders placed, contracts and subgrants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

"Outlays" are charges made to the grant project or program. Outlays may be reported on a cash or accrual basis.

"Program income" has the same meaning it has in subpart F of this part.

"Unobligated balance" is the portion of the Federal funds authorized which has not been obligated by the grantee and is determined by deducting the grantee's cumulative obligations from the cumulative Federal funds authorized.

"Unliquidated obligations," for reports prepared on a cash basis, are the amount of obligations incurred by the grantee that has not been paid. For reports prepared on an accrued expenditure basis, they are the amount of obligations incurred by the grantee for which an outlay has not been recorded.

§ 74.72 General.

(a) Except as provided in paragraphs (d) and (e) of this section, grantees shall use only the forms specified in §§ 74.73 through 74.76, and such supplementary or other forms as may from time to time be authorized by OGP, for:

(1) Submitting grant financial reports to granting agencies, or

(2) Requesting advances or reimbursements when letters of credit are not used.

(b) Grantees shall follow all applicable standard instructions issued by OMB for use in connection with the forms specified in §§ 74.73 through 74.76. Granting agencies may issue substantive supplementary instructions only with the approval of OGP. Granting agencies may shade out or instruct the grantee to disregard any line item that the granting agency finds unnecessary for its decision making purposes.

(c) Grantees will not be required to submit more than the original and two copies of forms required under this subpart.

(d) Granting agencies may provide computer outputs to grantees to expedite or contribute to the accuracy of reporting. Granting agencies may accept the required information from grantees in machine usable format or computer printouts instead of prescribed formats.

(e) When a granting agency has determined that a grantee's accounting system does not meet the standards for financial management systems contained in subpart H of this part, it may require financial reports with more frequency or more detail (or both), upon written notice to the grantee (without regard to § 74.7), until such time as the standards are met.

(f) HEW may waive any report required by this subpart if not needed.

(g) Granting agencies may extend the due date for any financial report upon receiving a justified request from the grantee.

§ 74.73 Financial Status Report.

(a) *Form.* Grantees shall use Standard Form 269, Financial Status Report, to report the Status of funds for all nonconstruction grants.

(b) *Accounting basis.* Each grantee shall report program outlays and program income on the same accounting basis, i.e., cash or accrued expenditure (accrual), which it uses in its accounting system.

(c) *Frequency.* The granting agency may prescribe the frequency of the report for each project or program. However, the report shall not be required more frequently than quarterly except as provided in §§ 74.7 and 74.72(e). If the granting agency does not specify the frequency of the report, it shall be submitted annually. A final report shall be required upon expiration or termination of grant support.

(d) *Due date.* When reports are required on a quarterly or semiannual basis, they shall be due 30 days after the reporting period. When required on an annual basis, they shall be due 90 days after the grant year. Final reports shall be due 90 days after the expiration or termination of grant support.

§ 74.74 Federal Cash Transactions Report.

(a) *Form.* (1) For grants paid by letters of credit (or Treasury check advances) through any HEW payment office except the Departmental Federal Assistance Financing System (DFAFS), the grantee shall submit to the payment office Standard Form 272, Federal Cash Transactions Report, and when necessary, its continuation sheet, Standard Form 272a. For grants paid by DFAFS, the grantee shall submit DFAFS Report 27, Recipient Report of Expenditures, to DFAFS.

(2) These reports will be used by the HEW payment office to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant from grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment: *Provided,* That the information to be submitted is not changed in substance.

(b) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(c) *Cash in hands of secondary recipients.* When considered necessary and feasible by the responsible HEW payment office, grantees may be required to report the amount of cash subadvances in excess of three days' needs in the hands of their subgrantees or contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.

(d) *Frequency and due date.* Grantees shall submit the report no later than 15 working days following the end of each quarter. However, where a letter of credit authorizes advances at an annualized rate of one million dollars or more, the HEW payment office may require the report to be submitted within 15 working days following the end of each month.

§ 74.75 Request for Advance or Reimbursement.

(a)(1) *Advance payments.* Requests for Treasury check advance payments shall be submitted on Standard Form 270, Request for Advance or Reimbursement. (This form is not used for drawdowns under a letter of credit or when Treasury check advance payments are made to the grantee automatically on a predetermined basis.)

(2) *Reimbursements.* Requests for reimbursement under non-construction grants shall also be submitted on Standard Form 270. (For reimbursement requests under construction grants, see § 74.76(a).)

(b) The frequency for submitting payment requests is treated in § 74.96.

§ 74.76 Outlay report and request for reimbursement for construction programs.

(a) *Construction grants paid by reimbursement method.* (1) Requests for reimbursement under construction grants shall be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Granting agencies may, however, prescribe the Request for Advance or Reimbursement form specified in § 74.75 instead of this form.

(2) The frequency for submitting reimbursement requests is treated in § 74.96.

(b) *Construction grants paid by letter of credit or Treasury check advance.* (1) When a construction grant is paid by letter of credit or Treasury check advances, the grantee shall report its outlays to the granting agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The granting agency will provide any necessary special instruction. However, frequency and due date shall be governed by § 74.73(c) and (d).

(2) When a construction grant is paid by Treasury check advances based on periodic requests from the grantee, the advances shall be requested on the form specified in § 74.75.

(3) The granting agency may substitute the Financial Status Report specified in § 74.73 for the Outlay Report and Request for Reimbursement.

(c) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 74.73(b).

Subpart J—Monitoring and Reporting of Program Performance

§ 74.80 Scope of subpart.

This subpart sets forth the procedures for monitoring and reporting program performance of recipients. These procedures are designed to place reliance on recipients to manage the day-to-day operations of their grant- and subgrant-supported activities.

§ 74.81 Monitoring by recipients.

Recipients shall monitor the performance of grant- and subgrant-supported activities. They shall review each program, function, or activity to assure that adequate progress is being made towards achieving the goals of the grant or subgrant.

§ 74.82 Performance reports under nonconstruction grants.

(a) Where the granting agency determines that performance information sufficient to meet its programmatic needs will be available from subsequent applications, the granting agency will require the grantee to submit a performance report only upon expiration or termination of grant support. This report will be due on the same date as the final financial Status Report unless waived by the granting agency. Note that the "Application for Federal Assistance (Nonconstruction Programs)" prescribed by subpart N of this part, when used to request continued support, provides information substantially equivalent to a performance report.

(b) Except as provided in paragraph (a) of this section, grantees shall submit annual performance reports unless the granting agency requires quarterly or semiannual reports. Annual reports shall be due 90 days after the grant year; quarterly or semiannual reports shall be due 30 days after the reporting period. A final performance report shall be due 90 days after the expiration or termination of grant support. Granting agencies may extend the due date for any performance report upon receiving a justified request from the grantee. In addition, granting agencies may waive the requirement for any performance report which is not needed.

(c) The content of performance reports shall conform to any instructions issued by the granting agency, including, to the extent appropriate to the particular grant, a brief presentation of the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of the project or program can be readily expressed in numbers, a computation of the cost per unit of output may be required if that information will be useful.

(2) The reasons for slippage if established goals were not met.

(3) Other pertinent information including, when appropriate, analysis and explanation of unexpectedly high overall or unit costs.

(d) Grantees will not be required to submit more than the original and two copies of performance reports.

(e) Grantees shall adhere to the standards in paragraphs (a) through (d) of this section in prescribing performance reporting requirements for subgrantees.

§ 74.83 Performance reports under construction grants.

In general, awarding parties rely heavily on on-site technical inspection and certified percentage-of-completion data to keep themselves informed as to progress under construction grants and subgrants. Formal performance reports to supplement those sources of information shall be required only if considered necessary by the awarding party, and in no case more frequently than quarterly.

§ 74.84 Significant developments between scheduled reporting dates.

Between the scheduled performance reporting dates, events may occur which have significant impact upon the grant- or subgrant-supported activity, In such cases, the recipient shall inform the awarding party as soon as the following types of conditions become known:

(a) Problems, delays, or adverse conditions which will materially impair the ability to attain the objective of the award. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(b) Favorable developments which enable meeting time schedules and goals sooner or at less cost than anticipated or producing more beneficial results than originally projected.

§ 74.85 Site visits.

Site visits may be made as necessary by representatives of HEW to:

(a) Review program accomplishments and management control systems.

(b) Provide such technical assistance as may be required.

Subpart K—Grant and Subgrant Payment Requirements

§ 74.90 Scope of subpart.

This subpart prescribes the basic standard and the methods under which HEW will make grant payments to grantees, and grantees will make subgrant payments to their subgrantees.

§ 74.91 Definitions.

As used in this subpart:

"Advance by Treasury check" is a payment made by a Treasury check to a

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grantee, upon its periodic request or through the use of predetermined payment schedules, before payments are made by the grantee.

"Letter of credit" is an instrument certified by an authorized official which authorizes a recipient to draw funds needed for immediate disbursement in accordance with Treasury Circular No. 1075.

"Percentage of completion method" refers to a system under which payments are made for construction work according to the percentage of completion of the work, rather than to the grantee's rate of disbursements.

§ 74.92 Basic standard.

Methods and procedures for making payments to recipients shall minimize the time elapsing between the transfer of funds and the recipient's disbursements.

§ 74.93 Payment methods under nonconstruction grants.

(a) Letters of credit will be used to pay HEW grantees when all of the following conditions exist:

(1) There is or will be a continuing relationship between the grantee and the HEW payment office for at least a year and the total amount of advances to be received from the HEW payment office is $120,000 or more per year,

(2) The grantee has maintained, or demonstrated to HEW the willingness and ability to maintain, procedures that minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee, and

(3) The grantee's financial management system meets the standards for fund control and accountability in Subpart H of this part.

(b) Advances by Treasury check will be used, in accordance with Treasury Circular No. 1075, when the grantee does not meet the requirements in paragraph (a)(1) of this section but does meet the requirements in paragraphs (a)(2) and (3) of this section.

(c) Reimbursement by Treasury check will be preferred method when the requirements of either paragraph (a)(2) or paragraph (a)(3) of this section are not met. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and the Federal grant assistance constitutes a minor portion of the program.

§ 74.94 Payment methods under construction grants.

(a) Reimbursement by Treasury check shall be the preferred method when the grantee does not meet the requirements specified in § 74.93(a) (2) or (3), and may be used for any HEW construction grant unless HEW has entered into an agreement with the grantee to use a letter of credit for all HEW grants, including construction grants.

(b) When the reimbursement by Treasury check method is not used, § 74.93 (a) and (b) shall apply to the construction grant. Implementing procedures under § 74.93 (a) and (b) will be insofar as possible the same for construction grants as for nonconstruction grants awarded to the same grantee.

(c) HEW will not use the percentage of completion method to pay its construction grants. The grantee may use that method to pay its construction contractor, but if it does, HEW's payments to the grantee will nevertheless be based on the grantee's actual rate of disbursements.

§ 74.95 Withholding of payments.

(a) Unless otherwise required by Federal statute, payments for proper charges incurred by grantees will not be withheld unless (1) the grantee has failed to comply with Federal reporting requirements or (2) the grant is suspended pursuant to § 74.114 or (3) the grantee owes money to the United States and collection of the debt by withholding grant payments will not impair the accomplishment of the objectives of any grant program sponsored by the United States.

(b) Cash withheld for failure to comply with reporting requirements but without suspension of the grant will be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with § 74.114. When a debt is to be collected, HEW may withhold payments or require appropriate accounting adjustments to recorded grant cash balances for which the grantee is accountable to the Federal Government, in order to liquidate the indebtedness.

§ 74.96 Requesting advances or reimbursements.

(a) If advances are made by Treasury check and the advances are not prescheduled, the grantee shall submit its requests for payment monthly. Less frequent requests are not permitted because they would result in advances covering excessive periods of time.

(b) If payments are made through reimbursement by Treasury check, the grantee may submit its requests for reimbursement monthly and may submit them more often if authorized. The grantee will be paid as promptly as possible, ordinarily within 30 days after receipt of a proper request for reimbursement.

(c) The forms for requesting advances or reimbursements are identified in subpart I of this part.

§ 74.97 Payments to subgrantees.

Grantees shall observe the requirements of this subpart in making (or withholding) payments to subgrantees, with the following exceptions:

(a) Advance payment by check may be used instead of letter of credit;

(b) The forms specified in subpart I of this part for requesting advances and reimbursements are not required to be used by subgrantees; and

(c) The reimbursement by check method may be used to pay any construction subgrant, whether or not HEW has agreed to use a letter of credit for all direct HEW grants to that same recipient.

Subpart L—Programmatic Changes and Budget Revisions

§ 74.100 Scope and applicability of this subpart.

(a) *Scope.* This subpart deals with prior approval requirements for post-award programmatic changes and budget revisions by recipients.

(b) *Exemption of mandatory grants.* Sections 74.103 through 74.106 do not apply to programmatic changes or budget revisions made by grantees under State plan or other grants which the granting agency is required by law to award if the applicant meets all applicable requirements for entitlement. (These are generally called "mandatory" or "formula" grants.)

(c) *Exemption of certain subgrants.* Sections 74.103 through 74.106 do not apply to subgrants from States to their local governments under a mandatory or formula grant, if the local government is not required to apply for the subgrant on a project basis. Generally, such exempt subgrants will occur under a State plan which provides for local administration of a State-wide program under State supervision.

§ 74.101 Relationship to cost principles.

The cost principles in Appendices C, D, E, and F to this part contain requirements for prior approval of certain types of costs (see § 74.176). Except when waived, those requirements apply to all grants and subgrants even if §§ 74.103 through 74.106 do not.

§ 74.102 Prior approval procedures.

(a) *For grants.* When requesting a prior approval required by this subpart, grantees shall address their requests to the responsible grants officer of the granting agency. Approvals shall not be valid unless they are in writing and signed by either the grants officer, the head of the granting agency, or the head of the granting agency's regional office.

(b) *For subgrants.* Grantees shall be responsible for reviewing requests from their subgrantees for the approvals required by this subpart and for giving or denying the approval. A grantee shall not approve any action which is inconsistent with the purpose or terms of the Federal grant. If an action by a subgrantee will result in a change in the overall grant project or budget requiring granting agency approval, the grantee shall obtain that approval before giving its approval to the subgrantee. Approvals shall not be valid unless they are in writing and signed by an authorized official of the grantee.

(c) *Timing.* Within 30 days from the date of receipt of a request for approval, the approval authority shall review the request and notify the recipient of its decision. If the request for approval is still under consideration at the end of 30 days, the approval authority shall inform the recipient in writing as to when to expect the decision.

§ 74.103 Programmatic changes.

(a) *Scope.* This section contains requirements for prior approval of departures, other than budget revisions, from approved project plans. In addition to the requirements in this section, awarding parties may require prior approval for other kinds of programmatic changes to an approved grant or subgrant project.

(b) *Changes to project scope or objectives.* The recipient shall obtain prior approval for any change to the scope or objectives of the approved project. (For construction projects, any material change in approved space utilization or functional layout shall be considered a change in scope.)

(c) *Changes in key people.* The recipient of a grant or subgrant for research (or any other kind of grant or subgrant if the terms of the award make this rule applicable) shall obtain prior approval:

(1) To continue the project during any continuous period of more than 3 months without the active direction of an approved project director or principal investigator; or

(2) To replace the project director or principal investigator (or any other persons named and expressly identified as key project people in the notice of grant or subgrant award) or to permit any such people to devote substantially less effort to the project than was anticipated when the grant or subgrant was awarded.

(d) *Other programmatic changes.* The following shall require prior approval except to the extent explicitly included in the project plan as approved by the awarding party at the time of award:

(1) Providing financial assistance to a third party by subgranting or any other means.

(2) Tranferring to a third party, by contracting or any other means, the actual performance of the substantive programmatic work. The term "substantive programmatic work" means activities which are central to carrying out the purpose of the project, and not merely incidental. Transfer of substantive programmatic work does not include purchase of supplies, materials, or equipment; acquisition of general or incidental support services; obtaining advice; or transfer of activities whose cost is treated as an indirect cost.

(3) Providing medical care to individuals under research grants.

§ 74.104 Budgets generally.

(a) *Definitions.* In this subpart:

(1) "Budget" means the recipient's financial plan for carrying out the project or program.

(2) "Approved budget" means a budget (including any revised budget) which has been approved by the awarding party.

(b) *Research project budgets.* For research projects, approved budgets shall not include the recipient's share of project costs.

(c) *Non-research project budgets.* For non-research projects which involve cost sharing or matching, approved budgets shall ordinarily consist of a single set of figures covering total project cost (the sum of the awarding party's share and the recipient's share). However, the awarding party may specify that the recipient's share not be included in the approved budget. In no case, however, shall the approved budget be in the form of a separate set of figures for each share.

(d) *Subdivision by programmatic segments.* Some grants and subgrants encompass two or more programmatic segments (such as discrete programs, projects, functions, or types of activities). In these cases, the awarding party may require that the approved budget be subdivided to show the anticipated cost of each programmatic segment.

§ 74.105 Budget revisions—nonconstruction projects.

(a) Except as provided in paragraph (b) of this section, the recipient of a grant or subgrant having an approved budget shall obtain prior approval for any budget revision which will:

(1) Involve transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or

(2) Involve transfer of amounts previously budgeted for student support (tuition waivers, stipends, and other payments to or for trainees), or

(3) Result in a need for the award of additional funds, e.g., an increase in the base upon which indirect costs are calculated which will increase allocable indirect costs and result in a claim for a supplementary award.

(b) Any or all of the prior approval requirements in paragraph (a) of this section may be waived by the awarding party.

(c) Except as provided in §§ 74.107 and 74.176, other budget changes under nonconstruction grants do not require approval.

§ 74.106 Budget revisions—construction projects.

Unless provided otherwise by the terms of the grant or subgrant, revisions to construction project budgets do not require approval.

§ 74.107 Construction and nonconstruction work under the same grant or subgrant.

When a grant or subgrant provides support for both construction and nonconstruction work, the awarding party may require prior approval before any fund or budget transfers between the two types of work.

§ 74.108 Authorized funds exceeding needs.

The recipient shall notify the awarding party promptly whenever the amount of grant or subgrant authorized funds is expected to exceed needs by more than $5,000 or 5 percent of the grant or subgrant, whichever is greater. This notification will not be required under continuing grants or subgrants if the application for the next period's funding will include an estimate of what the unobligated balance of authorized funds will be at the end of the current period.

Subpart M—Grant and Subgrant Closeout, Suspension, and Termination

§ 74.110 Definitions.

"Grant closeout" means the process by which a granting agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the granting agency.

"Suspension" of a grant means temporary withdrawal of the grantee's

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authority to obligate grant funds pending corrective action by the grantee or a decision to terminate the grant.

"Termination" of a grant means permanent withdrawal of the grantee's authority to obligate previously awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee. "Termination" does not include:

(a) Withdrawal of funds awarded on the basis of the grantee's underestimate of the unobligated balance in a prior period;

(b) Refusal by the granting agency to extend a grant or award additional funds (such as refusal to make a competing or noncompeting continuation, renewal, extension, or supplemental award);

(c) Withdrawal of the unobligated balance as of the expiration of a grant;

(d) Annulment, i.e., voiding, of a grant upon determination that the award was obtained fraudulently, or was otherwise illegal or invalid from inception.

§ 74.111 Closeout.

(a) Each grant shall be closed out as promptly as is feasible after expiration or termination.

(b) In closing out HEW grants, the following shall be observed:

(1) Upon request, HEW shall promptly pay the grantee for any allowable reimbursable costs not covered by previous payments.

(2) The grantee shall immediately refund or otherwise dispose of, in accordance with instructions from HEW, any unobligated balance of cash advanced to the grantee.

(3) The grantee shall submit, within 90 days of the date of expiration or termination, all financial, performance, and other reports required by the terms of the grant. HEW may extend the due date for any report upon receiving a justified request from the grantee, and may waive any report which is not needed.

(4) The granting agency shall make a settlement for any upward or downward adjustment of the Federal share of costs, to the extent called for by the terms of the grant.

(c)(1) The closeout of a grant does not affect the retention period for, or Federal rights of access to, grant records. See subpart D of this part.

(2) If a grant is closed out without audit, the granting agency retains the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

(3) The closeout of a grant does not affect the grantee's responsibilities with respect to property under subpart O of this part, or with respect to any program income for which the grantee is still accountable under subpart F of this part.

§ 74.112 Amounts payable to the Federal Government.

For each grant, the following sums shall constitute a debt or debts owed by the grantee to the Federal Government, and shall, if not paid upon demand, be recovered from the grantee or its successor or assignees by set-off or other action as provided by law:

(a) Any grant funds paid to the grantee by the Federal Government in excess of the amount to which the grantee is finally determined to be entitled under the terms of the grant;

(b) Any interest or other investment income earned on advances of grant funds which is due the Federal Government pursuant to § 74.47;

(c) Any royalties or other special classes of program income which, under the terms of the grant, are required to be remitted to the Federal Government (see subpart F of this part);

(d) Any amounts due the Federal Government under subpart O of this part; and

(e) Any other amounts finally determined to be due the Federal Government under the terms of the grant.

§ 74.113 Violation of terms.

(a) When a grantee has materially failed to comply with the terms of a grant, the granting agency may suspend the grant, in accordance with § 74.114, terminate the grant for cause, as provided in § 74.115, or take such other remedies as may be legally available and appropriate in the circumstances.

(b) If a project or program is supported over two or more funding periods, a grant may be suspended or terminated in the current period for failure to submit a report still due from a prior period.

§ 74.114 Suspension.

(a) When a grantee has materially failed to comply with the terms of a grant, the granting agency may, upon reasonable notice to the grantee, suspend the grant in whole or in part. The notice of suspension will state the reasons for the suspension, any corrective action required of the grantee, and the effective date. The suspension may be made effective at once if a delayed effective date would be unreasonable considering the granting agency's responsibilities to protect the Federal Government's interest. Suspensions shall remain in effect until the grantee has taken corrective action satisfactory to the granting agency, or given evidence satisfactory to the granting agency that such corrective action will be taken, or until the granting agency terminates the grant.

(b) New obligations incurred by the grantee during the suspension period will not be allowed unless the granting agency expressly authorizes them in the notice of suspension or an amendment to it. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the grantee before the effective date of the suspension and not in anticipation of suspension or termination. At the discretion of the granting agency, third-party in-kind contributions applicable to the suspension period may be allowed in satisfaction of cost sharing or matching requirements.

(c) Appropriate adjustments to payments under the suspended grant will be made either by withholding subsequent payments or by not allowing the grantee credit for disbursements made in payment of unauthorized obligations incurred during the suspension period.

§ 74.115 Termination.

(a) *Termination for cause.* The granting agency may terminate any grant in whole, or in part, at any time before the date of expiration, whenever it determines that the grantee has materially failed to comply with the terms of the grant. The granting agency shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) *Termination on other grounds.* Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part only as follows:

(1) By the granting agency with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial terminations, the portion to be terminated, or

(2) By the grantee, upon written notification to the granting agency, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated. However, if, in the case of a partial termination, the granting agency determines that the remaining portion of the grant will not accomplish the purposes for which the grant was made, the granting agency may terminate the grant in its entirety under either paragraph (a) or paragraph (b)(1) of this section.

(c) *Termination settlements.* When a grant is terminated, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The granting agency shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 74.116 Applicability to subgrants.

Grantees shall adhere to the same standards regarding closeout, suspension, and termination of subgrants as are prescribed in this subpart for granting agencies.

Subpart N—Forms for Applying for Grants

§ 74.120 Scope of subpart.

(a) This subpart prescribes forms and instructions to be used by governmental organizations (except hospitals and institutions of higher education operated by a government) in applying to HEW for grants. This subpart is not applicable, however, to mandatory or formula grant programs which do not require applicants to apply to HEW for funds on a project basis.

(b) This subpart permits granting agencies to prescribe the form of applications by nongovernmental organizations (including hospitals and institutions of higher education operated by a government), but prescribes the use of a standard facesheet for certain of these applications.

(c) This subpart applies only to applications for grants, and is not required to be applied by grantees in dealing with applicants for subgrants. However, grantees are encouraged not to adopt more detailed or burdensome application requirements for subgrants.

§ 74.121 Authorized forms and instructions for governmental organizations.

(a) In applying to HEW for grants, governments shall use only the forms specified in §§ 74.122 through 74.126, and such supplementary or other forms as may from time to time be prescribed by the granting agency with the approval of OGP.

(b) Governments will not be required to submit more than the original and two copies of their applications.

(c) Governments shall follow all applicable standard instructions promulgated by OMB for use in connection with the forms specified in §§ 74.122 through 74.126. Granting agencies may specify and describe the programs, functions, or activities that will be used to plan, budget, and evaluate the work under a grant. Other supplementary instructions may be issued only with the approval of OGP. For any form, the granting agency may shade out or instruct the applicant to disregard any line item that is not needed.

(d) When a government applies for additional funding (such as a continuation or supplemental award) or amends a previously submitted application, only the facesheet and any other affected pages need be submitted. Previously submitted pages whose information is still current need not be resubmitted.

§ 74.122 Preapplications for Federal Assistance for governmental organizations.

(a) When a preapplication is submitted by a government, the preapplication for Federal assistance form prescribed by OMB Circular A–102 shall be used. The purposes of preapplications shall be to:

(1) Establish communication between the applicant and the granting agency;

(2) Determine the applicant's eligibility;

(3) Determine how well the project can compete with similar applications from others in order to discourage proposals which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application.

(b) Preapplication shall be mandatory when the potential applicant is a government and the proposed project (1) is for construction, land acquisition, or land development, and (2) would require more than $100,000 of Federal funding. The granting agency may require preapplications regardless of the type of project and regardless of the estimated amount of Federal funding. In addition, any government may submit a preapplication even when not required by the granting agency.

§ 74.123 Notice of preapplication review action for governmental organizations.

The notice of preapplication review action form prescribed by attachment M of OMB Circular No. A–102 will be used by granting agencies to inform governmental applicants of the results of the review of the preapplications submitted to them. The granting agency will send a notice to the applicant ordinarily within 45 days of the receipt of the preapplication form. If the review cannot be made within 45 days, the applicant will be informed by letter as to when the review will be completed.

§ 74.124 Application for Federal assistance (nonconstruction programs) for governmental organizations.

The applicant for Federal assistance (nonconstruction programs) form prescribed by attachment M of OMB Circular No. A–102 shall be used by governments in applying for any grant to which this subpart is applicable except where a form specified in § 74.125 or § 74.126 is to be used.

§ 74.125 Application for Federal assistance (for construction programs) for governmental organizations.

The applicant for Federal assistance (for construction programs) form prescribed by attachment M of OMB Circular No. A–102 shall be used by governments in applying for any grant whose purpose is soley or primarily construction, land acquisition, or land development.

§ 74.126 Application for Federal assistance (short form) for governmental organizations.

The applicant for Federal assistance (short form) form prescribed by attachment M of OMB Circular No. A–102 shall be used by governments in applying for any single-purpose one-time grant of less than $10,000 not requiring clearinghouse review, an environmental impact statement, or the relocation of persons, businesses, or farms. Granting agencies may, at their discretion, authorize or prescribe this form for applications for larger amounts.

§ 74.127 Authorized forms and instructions for nongovernmental organizations.

Nongovernmental organizations shall use application forms and instructions prescribed by the granting agency, except that the facesheet of such applications shall be standard form 424 for grants under programs covered by attachment A. part I, of OMB Circular No. A–95.

Subpart O—Property

General

§ 74.130 Scope and applicability of this subpart.

(a) Except as explained in paragraphs (c), (d), and (e) of this section this subpart applies to real property, equipment, and supplies acquired with grant support. To be considered acquired with grant support, some or all of the property's acquisition cost must be a direct cost under the grant, a subgrant, or a cost-type contract and must be either borne by grant funds or counted toward satisfying a grant cost-sharing or matching requirement.

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(b) This subpart also deals with inventions, patents, and copyrights arising out of activities assisted by a grant or subgrant.

(c) This subpart does not apply to—

(1) Property for which only depreciation or use allowances are charged;

(2) Property donated entirely as a third-party in-kind contribution (as defined in § 74.51); or

(3) Equipment or supplies acquired primarily for sale or rental rather than for use.

(d) Equipment or supplies acquired by a contractor under a grant or subgrant shall be subject to this subpart only if, by terms of the contract, title vests in the grantee or subgrantee.

(e) For research grants that are subject to an institutional cost-sharing agreement (see § 74.50(b)), real property, equipment, and supplies shall be subject to this subpart only if at least some part of the acquisition cost is borne as a direct cost by Federal grant funds.

§ 74.131 Prohibition against additional requirements.

Recipients may follow their own property management policies and procedures: *Provided,* They observe the requirements of this subpart. Awarding parties may not impose on recipients property requirements (including property reporting requirements) not authorize by this subpart, unless specifically required by Federal statutes or Executive Orders.

§ 74.132 Definitions.

As used in this subpart:

"Acquisition" of property includes purchase, construction, or fabrication of property, but does not include rental of property or alterations and renovations of real property.

"Acquisition cost" of an item of purchased equipment means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance shall be included in or excluded from the unit acquisition cost in accordance with the regular accounting practices of the organization purchasing the equipment. If the item is acquired by trading in another item and paying an additional amount, "acquisition cost" means the amount received for trade-in plus the additional outlay.

"Amount received for trade-in" of an item of equipment traded in for replacement equipment means the amount that would have been paid for the replacement equipment without a trade-in minus the amount paid with the trade-in. The term refers to the actual difference, not necessarily the trade-in value shown on an invoice.

"Equipment" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit except that organizations subject to Cost Accounting Standards Board (CASB) regulations may use the CASB standard of $500 or more per unit and useful life of two years. An organization may use its own definition of equipment: *Provided,* That such definition would at least include all tangible personal property as defined herein.

"Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

"Real property" means land, including land improvements, structures and appurtenances thereto, but excluding movable machinery and equipment.

"Replacement equipment" means property acquired to take the place of other equipment. To qualify as replacement equipment, it must serve the same function as the equipment replaced and must be of the same nature or character, although not necessarily the same model, grade, or quality.

"Supplies" means all tangible personal property other than equipment.

§ 74.133 Title to real property, equipment, and supplies.

Subject to the obligations and conditions set forth in this subpart, title to real property, equipment, and supplies acquired under a grant or subgrant shall vest, upon acquisition, in the grantee or subgrantee respectively.

Real Property

§ 74.134 Real property.

Except as otherwise provided by federal statutes, real property to which this subpart applies shall be subject to the following requirements, in addition to any other requirements imposed by the terms of the grant:

(a) *Use.* The property shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, approval of the granting agency may be requested to use the property for other purposes. Use for other purposes shall be limited to:

(1) Projects or programs supported by other Federal grants or assistance agreements.

(2) Activities not supported by other Federal grants or assistance agreements but having, nevertheless, purposes consistent with those of the legislation under which the original grant was made.

(b) *Transfer of title.* Approval may be requested from the granting agency to transfer title to an eligible third party for continued use for authorized purposes in accordance with paragraph (a) of this section. If approval is permissable under Federal statutes and is given, the terms of the transfer shall provide that the transferee shall assume all the rights and obligations of the transferor set forth in this subpart or in other terms of the grant or subgrant.

(c) *Disposition.* When the real property is no longer to be used as provided in paragraphs (a) and (b) of this section, the disposition instructions of the granting agency shall be followed. Those instructions will provide for one of the following alternatives:

(1) The property shall be sold and the Federal Government shall be paid an amount computed by multiplying the Federal share of the property (see § 74.142) times the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). Proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.

(2) The recipient shall have the option either of selling the property in accordance with paragraph (c)(1) of this section or of retaining title. If title is retained, the Federal Government shall be paid an amount computed by multiplying the market value of the property by the Federal share of the property.

(3) The recipient shall transfer the title to either the Federal Government or an eligible non-Federal party named by the granting agency. The grantee shall be entitled to be paid an amount computed by multiplying the market value of the property by the non-Federal share of the property. If the property belonged to a subgrantee, see § 74.143 for subgrantee's share.

Equipment and Supplies

§ 74.135 Exemptions for equipment and supplies subject to certain statutes.

(a) Some Federal statutes, in certain circumstances, permit title to equipment or supplies acquired with grant funds to vest in the recipient without further obligation to the Federal Government or on such terms and conditions as deemed appropriate. An example of such a statute is the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, which provides this authority for equipment and supplies

purchased with the funds of grants (and Federal contracts and cooperative agreements) for the conduct of basic or applied scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research.

(b) If equipment is subject to a statute of the kind described in paragraph (a) of this section, it shall be exempt from the requirements in the remaining sections of this subpart. However, an item of such equipment having a unit acquisition cost of $1,000 or more shall be subject to § 74.136, concerning rights to require transfer, and, while subject to such a right, to the rules on replacement in § 74.138.

(c) If supplies are subject to a statute of the kind described in paragraph (a) of this section, they shall be exempt from all provisions of the remainder of this subpart which would otherwise apply.

§ 74.136 Rights to require transfer of equipment.

(a) *HEW right.* For items of equipment having a unit acquisition cost of $1,000 or more, the granting agency shall have the right to require transfer of the equipment (including title) to the Federal Government or to an eligible non-Federal party named by the granting agency. This right will normally be exercised by HEW granting agencies only if the project or program for which the equipment was acquired is transferred from one grantee to another. The right shall be subject to the following conditions:

(1) In order for the granting agency to exercise the right, a specific notice that it is exercising the right or considering doing so must be issued no later than the 120th day after the end of HEW grant support for the project or program for which the equipment was acquired. Furthermore:

(i) If the equipment is eligible for the exemptions in § 74.135 and ceases to be needed for the project or program for which it was acquired while the project or program is still being performed by the recipient, the notice must have been received by the grantee while the equipment was still needed for that project or program.

(ii) If the equipment is not eligible for those exemptions, the notice must have been received by the grantee before other permissible disposition of the equipment took place in accordance with § 74.139.

(2) If the right is exercised, the grantee shall be entitled to be paid any reasonable, resulting shipping or storage costs incurred, plus an amount computed by multiplying the market value of the equipment by the non-Federal share of the equipment. (See §§ 74.142 and 74.143.)

(b) *Right of parties awarding subgrants.* When a grantee awards a subgrant, it may reserve for itself a right similar to that in paragraph (a) of this section for items of equipment having a unit acquisition cost of $1,000 or more which are acquired under that subgrant. Without the approval of the granting agency, the right may be exercised only if the project or program for which the equipment was acquired is transferred to another subgrantee and only for the purpose of transferring the equipment to the new subgrantee for continued use in the project or program.

(c) *Equipment lists.* If at any time an awarding party is considering exercising its right to require transfer of equipment, it may require the recipient to furnish it a listing of all items of equipment that are subject to the right. This will enable the awarding party to determine which items, if any, should be transferred.

§ 74.137 Use of equipment.

(a) *Basic rule.* Equipment which has not been transferred under § 74.136 shall be used by the recipient in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipient shall use the equipment, if needed, in other projects or programs currently or previously sponsored by the Federal Government, in the following order of priority:

(1) Projects or programs currently or previously sponsored by the same granting agency.

(2) Projects or programs currently or previously sponsored by other Federal agencies.

(b) *Shared use.* If equipment is being used less than full time in the project or program for which it was originally acquired, the recipient shall make it available for use in other projects or programs currently or previously sponsored by the Federal Government: *Provided,* Such other use will not interfere with the work on the original project or program. First preference for such other use shall be given to other projects or programs sponsored by the same granting agency.

(c) *Use by other recipients.* When the recipient can no longer use the equipment as required by paragraph (a) of this section, it may voluntarily make the equipment available for use on projects or programs currently or previously sponsored by the Federal Government which the recipient is supporting through subgrants or through non-Federal grants. If the recipient is a subgrantee, it may also voluntarily make the equipment available for use on projects or programs currently or previously sponsored by the Federal Government which are being conducted or supported by the grantee.

(d) *Other uses.* Unless the granting agency provides otherwise, while equipment is being used as described in the preceding paragraphs of this section, it may also be used part time for other purposes. However, use as described in those paragraphs shall be given priority over other uses.

§ 74.138 Replacement of equipment.

(a) Equipment may be exchanged for replacement equipment if needed. The replacement may take place either through trade-in or through sale and application of the proceeds to the acquisition cost of the replacement equipment. In either case, the transaction must be one which a prudent person would make in like circumstances.

(b) If an additional outlay to acquire the replacement equipment is charged as a direct cost to either Federal funds or required cost-sharing or matching under a Federal award, the replacement equipment shall be subject to whatever property requirements or exemptions are applicable to that award. If the award is a grant from HEW, the full acquisition cost of the replacement equipment shall determine which provisions of this subpart apply.

(c) For any replacement not covered by paragraph (b) of this section, the provisions of this subpart applicable to the equipment replaced shall carry over to the replacement equipment. However, none of the provisions of this subpart shall carry over if (1) the Federal share of the equipment replaced was 10 percent or less or (2) the product of that share times the amount received for trade-in or sale is $100 or less.

§ 74.139 Disposition of equipment.

When original or replacement equipment is no longer to be used in projects or programs currently or previously sponsored by the Federal Government, disposition of the equipment shall be made as follows:

(a) *Equipment with a unit acquisition cost of less than $1,000 and equipment with no further use value.* The equipment may be retained, sold, or otherwise disposed of, with no further obligation to the Federal Government.

(b) *All other equipment.* (1) The equipment may be retained or sold, and the Federal Government shall have a right to an amount calculated by multiplying the current market value or

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the proceeds from sale by the Federal share of the equipment (see § 74.142). If part of the Federal share in the equipment came from an award under which the exemptions in § 74.135 were applicable, the amount due shall be reduced pro rata. In any case, if the equipment is sold, $100 or 10 percent of the total sales proceeds, whichever is greater, may be deducted and retained from the amount otherwise due for selling and handling expenses.

(2) If the grantee's project or program for which or under which the equipment was acquired is still receiving grant support from the same Federal program and if the granting agency approves, the net amount due may be used for allowable costs of that project or program. Otherwise, the net amount must be remitted to the granting agency by check.

§ 74.140 Equipment management requirements.

Procedures for managing equipment (including replacement equipment) until transfer, replacement, or disposition takes place shall, as a minimum, meet the following requirements:

(a) Property records shall be maintained accurately. (Retention and access requirements for these records are explained in Subpart D of this part.) For each item of equipment, the records shall include:

(1) A description of the equipment, including manufacturer's model number, if any.

(2) An identification number, such as the manufacturer's serial number.

(3) Identification of the grant under which the recipient acquired the equipment.

(4) The information needed to calculate the Federal share of the equipment. (See § 74.142.)

(5) Acquisition date and unit acquisition cost.

(6) Location, use, and condition of the equipment and the date the information was reported.

(7) All pertinent information on the ultimate transfer, replacement, or disposition of the equipment.

(b) A physical inventory of equipment shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the equipment. A statistical sampling basis is acceptable. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the differences.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(e) Where equipment is to be sold and the Federal Government is to have a right to part or all of the proceeds, selling procedures shall be established which will provide for competition to the extent practicable and result in the highest possible return.

§ 74.141 Supplies.

(a) If supplies exceeding $1,000 in total aggregate market value are left over upon termination or expiration of the grant or subgrant for which they were acquired and the supplies are not needed for any project or program currently or previously sponsored by the Federal Government, the grant shall be credited by an amount computed by multiplying the Federal share of the supplies times the current market value or, if the supplies are sold, the proceeds from sale. If the supplies are sold, 10 percent of the proceeds may be deducted and retained from the credit, for selling and handling expenses.

(b) For possible exemptions from this section, see § 74.135.

Federal Share of Real Property, Equipment, and Supplies

§ 74.142 Federal share of property.

Several sections of this subpart require a determination of the Federal (or non-Federal) share of real property, equipment, or supplies. In making such a determination, the following principles shall be observed:

(a) *General.* (1) Except as explained in the succeeding paragraphs of this section, the Federal share of the property shall be the same percentage as the Federal share of the acquiring party's total costs under the grant during the grant or subgrant year (or other funding period) to which the acquisition cost of the property was charged. For this purpose, "costs under the grant" means allowable costs which are either borne by the grant or counted towards satisfying a cost-sharing or matching requirement of the grant. Only costs are to be counted—not the value of third-party in-kind contributions. Moreover, if the property was acquired by a grantee that awarded subgrants, costs incurred by its subgrantees shall be included only to the extent borne by the subgrants. (For example, if a subgrantee incurred $200,000 of project costs, of which $150,000 was borne by the subgrant, only the $150,000 shall be included in the grantee's costs.)

(2) If the property is acquired by a subgrantee, the Federal share of the subgrantee's costs under the grant and hence of the property shall be calculated by multiplying the Federal share of the grantee's costs by the latter's share of the subgrantee's costs. For example, if the Federal share of a grantee's costs is 50 percent and the subgrant bears only 50 percent of a subgrantee's costs, then the Federal share of that subgrantee's costs (and of the property acquired by that subgrantee) is 25 percent.

(b) *Property acquired only partly under a grant.* (1) Sometimes only a part of the acquisition cost of an item of property is borne as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement. The remainder might, for example, represent voluntary cost sharing or matching, or it might be charged to a different activity. Occasionally, the amount paid for the property is only a part of its value, and the remainder is donated as an in-kind contribution by the party that provided the property.

(2) To calculate the Federal share of such property, first determine the Federal share of the acquiring party's total costs under the grant, as explained in the paragraph (a) of this section. Then multiply that share by the percentage of the property's acquisition cost (or its market value, if the item was partly donated) which was borne as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement.

(c) *Replacement equipment.* The Federal share of replacement equipment shall be calculated as follows:

(1) *Step 1.* Determine the Federal share (percentage) of the equipment replaced.

(2) *Step 2.* Determine the percentage of the replacement equipment's cost that was covered by the amount received for trade-in or the sales proceeds from the equipment replaced.

(3) *Step 3.* Multiply the step 1 percentage by the step 2 percentage.

(4) *Step 4.* If an additional outlay for the replacement equipment was charged as a direct cost either to HEW grant funds or to required cost-sharing or matching funds, calculate the Federal share attributable to that additional outlay as explained in paragraph (b)(2) of this section. Add that additional percentage to the step 3 percentage.

(d) *Institutional cost-sharing agreements.* If a grant is subject to an institutional cost-sharing agreement (see § 74.130(e)), the Federal share of property acquired under the grant shall be calculated as though there were no cost-sharing requirement applicable to the grant (that is, as if all the grantee's cost sharing were voluntary).

§ 74.143 Subgrantee's share of market value or sales proceeds.

Where this subpart requires a sharing of the market value or sales proceeds of property acquired under a subgrant, the non-Federal share shall be proportionally divided between the grantee and the subgrantee. The subgrantee shall be entitled to the amount it would have received or retained if the award to it had been made directly by the Federal Government. The remainder of the non-Federal share shall belong to the grantee.

Intangible Personal Property

§ 74.144 Inventions and patents.

HEW's regulations on inventions and patents arising out of activities assisted by a grant are set forth in parts 6 and 8 of this title.

§ 74.145 Copyrights.

(a) *Works under grants.* Unless otherwise provided by the terms of the grant, when copyrightable material is developed in the course of or under a grant, the grantee is free to copyright the material or permit others to do so.

(b) *Works under subgrants.* Unless otherwise provided by the terms of the grant or subgrant, when copyrightable material is developed in the course of or under a subgrant, the subgrantee is free to copyright the material or permit others to do so.

(c) *HEW rights.* If any copyrightable material is developed in the course of or under a HEW grant or subgrant, HEW shall have a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Federal Government purposes. A grantee awarding a subgrant may reserve a similar right for itself with respect to copyrightable material developed under that subgrant.

(d) *Exemption of student-developed works.* HEW awards training grants and other kinds of grants under which individuals are provided stipends or other financial assistance for the primary purpose of aiding them to further their education or training. Except as provided by the terms of the grant, copyrightable material developed by an individual or group of individuals in the course of education or training pursued with such assistance shall not be subject to the HEW right described in paragraph (c) of this section, unless the development of the material also receives other forms of support under the same or another HEW grant (such as a research grant).

Subpart P—Procurement Standards

§ 74.160 Scope of subpart; terminology.

(a) This subpart contains standards for use by recipients in establishing procedures for the procurement of supplies, equipment, construction, and other services whose cost is borne in whole or in part as a direct cost by Federal grant funds.

(b) No additional procurement standards or requirements shall be imposed by awarding parties upon recipients unless specifically required by Federal statutes or Executive Orders.

(c) As used in this subpart:

(1) "Formal advertising" refers to that procurement method which involves adequate purchase description, sealed bids, and public opening of bids.

(2) "Negotiation" refers to any method of procurement other than formal advertising.

§ 74.161 General.

(a) Recipients may use their own procurement policies: *Provided,* That procurements subject to this subpart are made in accordance with the standards in this subpart.

(b) The standards in this subpart do not relieve the recipient of the contractual responsibilities arising under its contracts. The recipient is the responsible authority, without recourse to HEW, regarding issues arising out of its procurements. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

§ 74.162 Code of conduct.

(a) The recipient shall maintain a code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts that are subject to this subpart. The code or standards shall provide for disciplinary actions to be applied for violations of the code or standards by the recipient's officers, employees, or agents. For governmental recipients, such disciplinary actions are required only to the extent otherwise permissible under the Government's laws, rules, or regulations. To the extent permissible under its laws, rules, or regulations, the governmental recipient shall also provide for actions to be taken against contractors or their agents who wrongfully take part in a violation of the code or standards of conduct.

(b) The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. This is not intended to preclude bona-fide institutional fund-raising activities.

(c) No employee, officer, or agent of a nongovernmental recipient shall participate in the selection, award, or administration of a contract subject to this subpart where, to his or her knowledge, any of the following has a financial interest in that contract:

(1) The employee, officer, or agent;

(2) Any member of his or her immediate family;

(3) His or her partner;

(4) An organization in which any of the above is an officer, director, or employee;

(5) A person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment.

§ 74.163 Free competition.

(a) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practicable, open and free competition.

(b) The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In particular, a contractor that develops or drafts specifications, requirements, a statement of work, an invitation for bids or a request for proposals for a particular procurement by a nongovernmental recipient should be excluded from competing for that procurement except when, upon request of the recipient, the granting agency waives this requirement for a particular procurement.

(c) Solicitations shall clearly set forth all requirements that the bidder/offerer must fulfill in order for his bid/offer to be evaluated. Awards shall be made to the responsible bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid. Any and all bids/offers may be rejected when it is in the recipient's interest to do so, and, in the case of governmental recipients, such rejections are in accordance with the government's applicable law, rules, or regulations.

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§ 74.164 Procedural requirements.

The recipient shall establish procurement procedures which provide for, as a minimum, the following:

(a) Proposed procurement actions shall follow a procedure to assure that unnecessary or duplicative items are not purchased. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(b) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors should be clearly specified.

(c) Where applicable, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) shall be observed.

(d) Positive efforts shall be made by procuring parties to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts subject to this subpart. [1]

(e) The type of procuring instruments used—e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts—shall be determined by the recipient but must be appropriate for the particular procurement and for promoting the best interest of the grant project or program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(f) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

(g) The terms of the grant may require that the following be submitted for prior approval of the granting agency if the aggregate expenditure is expected to exceed $5,000: (1) Any proposed sole source contract and (2) any contract which a nongovernmental recipient proposes to award after seeking competition but receiving only one bid or proposal.

(h) Nongovernmental recipients should make some form of price or cost analysis in connection with every negotiated procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost proposed by the offeror to determine reasonableness, allocability and allowability.

(i) Procurement records and files for purchases in excess of $10,000 shall include the following:

(1) Basis for contractor selection;

(2) Justification for lack of competition when competitive bids or offers are not obtained;

(3) Basis for award cost or price.

(j) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract, and to ensure adequate and timely followup of all purchases.

§ 74.165 Requirement for governments to use formal advertising.

(a) Except as provided in paragraph (b) of this section, in making procurements that are subject to this subpart, governmental recipients shall use formal advertising.

(b) Procurements may be negotiated if it is not practicable or feasible to use formal advertising. Generally, such procurements may be negotiated if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising.

(2) The material or service to be procured is available from only one person or firm.

(3) The aggregate amount involved does not exceed $10,000.

(4) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution.

(5) The material or services are to be procured and used outside the limits of the United States and its possessions.

(6) No acceptable bids have been received after formal advertising.

(7) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, or for technical or specialized supplies requiring substantial intitial investment for manufacture.

(8) Formal advertising is otherwise not practicable or feasible, and negotiation is authorized by applicable law, rules, or regulations.

(c) Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

(d) For every negotiated procurement in excess of $10,000 by a governmental recipient, written justification for the use of negotiation in lieu of formal advertising shall be included in the government's procurement records and files, in addition to the information required by § 74.164(i). The justification may be on a class basis, i.e., covering a group of related or similar contracts, or it may be on an individual contract basis.

§ 74.166 Contract provisions.

(a) *Scope.* This section contains requirements relating to provisions that must be included in contracts that are subject to this part. The requirements shall also apply to subcontracts of any tier under such contracts, and the term "contracts" in this section shall be construed as including subcontracts.

(b) *General.* All contracts shall contain sufficient provisions to define a sound and complete agreement.

(c) *Administrative remedies for violations.* Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as appropriate.

(d) *Termination provisions.* Contracts in excess of $10,000 shall contain suitable provisions for termination by the party awarding the contract, including the manner by which termination will be effected and the basis for settlement. These contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(e) *E.O. 11246.* Where applicable, construction contracts in excess of $10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(f) *Copeland Act.* Contracts in excess of $2,000 for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick-Back Act" (18 U.S.C. 874) as supplemented in Department of Labor regulation (29 CFR Part 3). All suspected or reported violations shall be reported to the granting agency by the grantee.

(g) *Davis-Bacon Act.* When required by the Federal legislation governing the grant program, all construction contracts in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) as supplemented by Department of Labor regulations (29 CFR Part 5). All suspected or reported violations shall be reported to the granting agency by the grantee.

(h) *Contract Work Hours and Safety Standards Act.* All contracts subject to the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) shall include a provision requiring the contractor to comply with the applicable sections of the act and the Department of Labor's supplementing regulations (29 CFR Parts 5 and 1926).

(i) *Inventions and patents.* Contracts which may give rise to inventions subject to parts 6 and 8 of this title shall include a provision requiring compliance with those parts.

(j) *Access to Records.* Contracts that are subject to Subpart D of this part shall include a provision reflecting § 74.24(c) on rights of access to the contractor's records.

(k) *Clean Air and Water Acts.* Contracts in excess of $100,000 shall contain provisions requiring compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act as amended (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported in writing to the appropriate regional office of the Environmental Protection Agency, and a copy of the report shall be submitted to the granting agency. (See 40 CFR Part 15 for relevant regulations of the Environmental Protection Agency.)

[1] Advice and assistance regarding the use of small or minority businesses may be obtained from the following Federal organizations:

1. The Small Business Administration and its field offices.
2. The Office of Minority Business Enterprise, Department of Commerce.
3. The Office of Facilities Engineering, HEW and its regional offices (for assistance in identifying minority-owned firms interested in performing construction, alteration, or renovation work).
4. The Office for Civil Rights, HEW.
5. The Office of Grants and Procurement, HEW.

Subpart Q—Cost Principles

§ 74.170 Scope of subpart.

This subpart identifies the principles to be used in determining costs applicable to grants, subgrants, and cost-type contracts under grants and subgrants.

§ 74.171 Governments.

The principles to be used in determining the allowable costs of activities conducted or administered by governments are in Appendix C to this part.

§ 74.172 Institutions of higher education.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by institutions of higher education (other than for-profit institutions) are in part I of Appendix D to this part.

(b) *Training and other educational services.* The principles for determining the allowable costs of training and other educational services provided by institutions of higher education (other than for-profit institutions) are in part II of Appendix D to this part.

(c) *Other activities.* Appendix D to this part shall be used as a guide for determining the allowable costs of other activities conducted by institutions of higher education (other than for-profit institutions).

§ 74.173 Hospitals.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by hospitals are in Appendix E to this part.

(b) *Other activities.* Appendix E to this part shall be used as a guide for determining the allowable costs of other activities conducted by hospitals.

§ 74.174 Other nonprofit organizations.

(a) *Nonconstruction awards.* Under nonconstruction awards, the principles for determining the allowable costs of activities conducted by nonprofit organizations other than institutions of higher education, hospitals, and governmental organizations are in Appendix F to this part.

(b) *Construction awards.* Appendix F to this part shall be used as a guide for determining the allowable costs of work under construction awards to nonprofit organizations (other than institutions of higher education, hospitals and governmental organizations).

§ 74.175 Subgrants and cost-type contracts.

(a) The cost principles applicable to a subgrantee or cost-type contractor under an HEW grant will not necessarily be the same as those applicable to the grantee. For example, where a State government awards a subgrant or cost-type contract to an institution of higher education, Appendix D to this part would apply to the costs incurred by the institution of higher education, even though Appendix C would apply to the costs incurred by the State.

(b) The principles to be used in determining the allowable costs of work performed by for-profit organizations (other than hospitals) under cost-type contracts awarded to them under HEW grants are in 41 CFR Subpart 1–15.2.

§ 74.176 Costs allowable with approval.

Each set of cost principles identifies certain costs that, in order to be allowable, must be approved by the granting agency. Other costs do not require approval. The following procedures govern approval of these costs.

(a) When costs are treated as indirect costs (or are allocated pursuant to a government-wide cost allocation plan), acceptance of the costs as part of the indirect cost rate or cost allocation plan shall constitute approval.

(b)(1) When the costs are treated as direct costs, they must be approved in advance by the awarding party.

(2) If the costs are specified in the budget, approval of the budget shall constitute approval of the costs.

(3) If the costs are not specified in the budget, or there is no approved budget, the recipient shall obtain specific prior approval in writing from the awarding party. For this purpose the prior approval procedures of § 74.102 shall be followed, except that for formula or mandatory grants, the granting agency's written approval may be signed by any authorized official of the granting agency.

(c) The awarding party may waive or conditionally waive the requirement for its approval of the costs. Such a waiver shall apply only to the requirement for approval. If, upon audit or otherwise, it is determined that the costs do not meet other requirements or tests for allowability specified by the applicable cost principles, such as reasonableness and necessity, the costs may be disallowed.

(d) In the case of subgrants and cost-type contracts, no approval shall be given which is inconsistent with the purpose or the terms of the Federal grant.

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Appendix A [Reserved]

Appendix B [Reserved]

Appendix C—Principles for Determining Costs Applicable to Grants and Contracts With State and Local Governments

Part I—General

A. Purpose and Scope

1. *Objectives.* This appendix sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The application of these principles is based on the fundamental premises that:

a. State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

b. The grantee or contractor assumes the responsibility for seeing that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

c. Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

3. *Application.* These principles will be applied in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) except those with (a) publicly financed educational institutions subject to Appendix D to this part and (b) publicly owned hospitals and other providers of medical care subject to requirements of Appendix E to this part.

B. Definitions

1. *Approval or authorization of the grantor Federal agency* means documentation evidencing consent prior to incurring specific cost.

2. *Cost allocation plan* means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

3. *Cost,* as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

4. *Cost objective* means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

5. *Federal agency* means the Department of Health, Education, and Welfare.

6. Grant means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this appendix as applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

7. *Grant program* means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

8. *Grantee* means the department or agency of State or local government which is responsible for administration of the grant.

9. *Local unit* means any political subdivision of government below the State level.

10. *Other State or local agencies* means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.

11. *Services,* as used herein, means goods and facilities, as well as services.

12. *Supporting services* means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting budgeting, auditing, mail and messenger service, and the like.

C. Basic Guidelines

1. *Factors affecting allowability of costs.* To be allowable under a grant program, costs must meet the following general criteria:

a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

b. Be authorized or not prohibited under State or local laws or regulations.

c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

d. Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.

e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

f. Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

g. Be net of all applicable credits.

2. *Allocable costs.* a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

b. Any cost allocable to a particular grant or cost objective under the principles provided for in this appendix may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in section J.

3. *Applicable credits.* a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

b. Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. Composition of Cost

1. *Total cost.* The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

2. *Classification of costs.* There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. Direct Costs

1. *General.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

2. *Application.* Typical direct costs chargeable to grant programs are:

a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

c. Equipment and other approved capital expenditures.

d. Other items of expense incurred specifically to carry out the grant agreement.

e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G of these principles.

F. Indirect Costs

1. *General.* Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration or relative benefits derived.

2. *Grantee departmental indirect costs.* Al grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Appendix. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:

a. *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

b. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

3. *Limitation on indirect costs.* a. Federal grants may be subject to laws that limit the amount of indirect cost that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation of the amount otherwise allowable under this Appendix, whichever is the smaller.

b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Appendix, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

G. Cost Incurred by Agencies Other Than the Grantee

1. *General.* The cost of service provided by other agencies only may include allowable direct costs of the service plus a pro rata share of allowable supporting costs (section B.12.) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

2. *Alternative methods of determining indirect cost.* In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

a. *Standard indirect rate.* An amount equal to 10 percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

b. *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in section F.2.a.

H. Cost Incurred by Grantee Department for Others

1. *General.* The principles provided in section G. will also be used in determining the cost of services provided by the grantee department to another agency.

I. [Reserved]

J. Cost Allocation Plan

1. *General.* A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

2. *Requirements.* The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational unit which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

a. The nature and extent of services provided and their relevance to the federally sponsored programs.

b. The items of expense to be included.

c. The methods to be used in distributing cost.

3. *Instructions for preparation of cost allocation plans.* The Department of Health, Education, and Welfare, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by State and local government grantees in preparation of cost allocation plans. This responsibility applies to both central support services at the State and local government level as well as indirect cost proposals of individual grantee departments.

4. *Negotiation and approval of indirect cost proposals for States.* a. The Department of Health, Education, and Welfare, in collaboration with the other Federal agencies concerned, will be responsible for negotiation, approval and audit of cost allocation plans, which will be submitted to it by the States. These plans will cover central support service costs of the State.

b. At the grantee department level in a State, a single Federal agency will have responsibility similar to that set forth in a. above for the negotiation, approval and audit of the indirect cost proposal. Cognizant Federal agencies have been designated for this purpose. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to the Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. Questions concerning the cost allocation plans approved under a. and b. above should be directed to the agency responsible for such approvals.

5. *Negotiation and approval of indirect cost proposals for local governments.* a. Cost allocation plans will be retained at the local government level for audit by a designated Federal agency except in those cases where that agency requests that cost allocation plans be submitted to it for negotiation and approval.

b. A list of cognizant Federal agencies assigned responsibility for negotiation, approval and audit of central support service cost allocation plans at the local government level is being developed. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to the Office of Management and Budget for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

c. At the grantee department level of local governments, the Federal agency with the predominant interest in the work of the

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grantee department will be responsible for necessary negotiation, approval and audit of the indirect cost proposal.

6. *Resolution of problems.* To the extent that problems are encountered among the Federal agencies in connection with 4. and 5. above, the Office of Management and Budget will lend assistance as required.

Part II—Standards for Selected Items of Cost

A. Purpose and Applicability

1. *Objective.* This part provides standards for determining the allowability of selected items of cost.

2. *Application.* These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Part I of this appendix.

B. Allowable Costs

1. *Accounting.* The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.

2. *Advertising.* Advertising media includes newspapers, magazines, radio, and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

a. Recruitment of personnel required for the grant program.

b. Solicitation of bids for the procurement of goods and services required.

c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

d. Other purposes specifically provided for in the grant agreement.

3. *Advisory councils.* Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

4. *Audit service.* The cost of audits necessary for the administration and management of functions related to grant programs is allowable.

5. *Bonding.* Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

6. *Budgeting.* Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

7. *Building lease management.* The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. *Central stores.* The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

9. *Communications.* Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

10. *Compensation for personal services*—a. *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (section B.13.). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the services rendered. (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable, and (3) is determined and supported as provided in b. below. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

b. *Payroll and distribution* of time. Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

11. *Depreciation and use allowances.* a. Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

c. Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment.

e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated: *provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

12. *Disbursing service.* The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

13. *Employee fringe benefits.* Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in section B.10.

a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

14. *Employee morale, health, and welfare costs.* The costs of health of first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy are allowable. Income generated from any of these activities will be offset against expenses.

15. *Exhibits.* Costs of exhibits relating specifically to the grant programs are allowable.

16. *Legal expenses.* The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

17. *Maintenance and repair.* Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. *Materials and supplies.* The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

19. *Memberships, subscriptions and professional activities*—a. *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

b. *Reference material.* The cost of books and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

c. *Meetings and conferences.* Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

20. *Motor pools.* The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

21. *Payroll preparation.* The cost of preparing payrolls and maintaining necessary related wage records is allowable.

22. *Personnel administration.* Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs, are allowable.

23. *Printing and reproduction.* Costs for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

24. *Procurement service.* The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

25. *Taxes.* In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

26. *Training and education.* The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs, is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.

27. *Transportation.* Costs incurred for freight, cartage, express, postage, and other transportation costs relating either to goods purchased, delivered, or moved from one location to another, are allowable.

28. *Travel.* Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

C. Costs Allowable With Approval of Grantor Agency

1. *Automatic data processing.* The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the grantor Federal agency as provided under the selected item for capital expenditures.

2. *Building space and related facilities.* The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

a. *Rental cost.* The rental cost of space in a privately owned building is allowable.

b. *Maintenance and operation.* The costs of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs, and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

c. *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (section C.3.) are allowable when specifically approved by the grantor agency.

d. *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in section B.11.

e. *Occupancy of space under rental-purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arragngements is allowable when specifically approved by the Federal grantor agency.

3. *Capital expenditures.* The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

4. *Insurance and indemnification.* a. Cost of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

b. Cost of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the grantor agency has specifically required or approved such costs.

c. Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

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d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.

e. *Indemnification* includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d above.

5. *Management studies.* The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

6. *Preagreement costs.* Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

7. *Professional services.* Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

8. *Proposal costs.* Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

D. Unallowable Costs

1. *Bad debts.* Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

2. *Contingencies.* Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

3. *Contributions and donations.* Unallowable.

4. *Entertainment.* Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

5. *Fines and penalties.* Costs resulting from violations of, or failure to comply with, Federal, State, and local laws and regulations are unallowable.

6. *Governor's expenses.* The salaries and expenses of the office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

7. *Interest and other financial costs.* Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

8. *Legislative expenses.* Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

9. *Underrecovery of costs under grant agreements.* Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

Appendix D

Part I—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

A. Purpose and Scope

1. *Objectives.* This appendix provides principles for determining the costs applicable to research and development work performed by educational institutions under grants from and contracts with the Federal Government. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular research or development project. The principles are designed to provide recognition of the full allocated costs of such research work under generally accepted accounting principles. No provision for profit or other increment above cost is intended.

2. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of universities and of the Federal Government as to their scope, implementation, and interpretation. It is recognized that—

a. The arrangements for agency and institutional participation in the financing of a research and development project are properly subject to negotiation between the agency and the institution concerned in accordance with such Government-wide criteria as may be applicable.

b. Each college and university, possessing its own unique combination of staff, facilities, and experience, should be encouraged to conduct research in a manner consonant with its own academic philosophies and institutional objectives.

c. Each institution, in the fulfillment of its obligations, should employ sound management practices.

d. The application of the principles established herein should require no significant changes in the generally accepted accounting practices of colleges and universities and standards herein provided on a consistent basis. Where wide variations exist in the treatment of a given cost item among institutions, the reasonableness and equitableness of such treatments will be fully considered during the rate negotiations and audit.

3. *Application.* The Department of Health, Education, and Welfare, will apply these principles and related policy guides in determining the costs incurred for such work under any type of research and development agreement. These principles should also be used as a guide in the pricing of fixed-price contracts or lump sum agreements.

B. Definition of Terms

1. *Organized research* means all research activities of an institution that are separately budgeted and accounted for.

2. *Departmental research* means research activities that are not separately budgeted and accounted for. Such research work, which includes all research activities not encompassed under the term "organized research," is regarded for purposes of this document as a part of the instructional activities of the institution.

3. *Research agreement* means any valid arrangement to perform federally sponsored research, including grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

4. *Other institutional activities* means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar activities or auxiliary enterprises. Also included under this definition is any other category of cost treated as "unallowable," provided such category of cost identifies a function or activity to which a portion of the institution's indirect costs (as defined in section E.1.) are properly allocable.

5. *Apportionment* means the process by which the indirect costs of the institution are assigned as between (a) instruction and research, and (b) other institutional activities.

6. *Allocation* means the process by which the indirect costs apportioned to instruction and research are assigned as between (a) organized research, and (b) instruction, including departmental research.

7. *Stipulated salary support* is a fixed or a stated dollar amount of the salary of professorial or other professional staff involved in the conduct of research which a Government agency agrees in advance to reimburse an educational institution as a part of sponsored research costs.

8. *Federal agency* or sponsoring agency means the Department of Health, Education and Welfare.

C. Basic Considerations

1. *Composition of total costs.* The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits as described in section C.5.

2. *Factors affecting allowability of costs.* The tests of allowability of costs under these principles are: (a) they must be reasonable; (b) they must be allocable to research agreements under the standards and methods provided herein; (c) they must be accorded consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the research agreement as to types or amounts of cost items.

3. *Reasonable costs.* A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the research agreement; (b) the restraints or requirements imposed by such factors as arm's-length bargaining, Federal and State laws and regulations, and research agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including Government research.

4. *Allocable costs.* a. A cost is allocable to a particular cost objective (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a research agreement if it is incurred solely to advance the work under the research agreement; or it benefits both the research agreement and other work of the institution in proportions that can be approximated through use of reasonable methods; or it is necessary to the overall operation of the institution and, in the light of the standards provided in this appendix is deemed to be assignable in part to organized research. Where the purchase of equipment or other capital items is specifically authorized under a research agreement, the amounts thus authorized for such purchases are allocable to the research agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

b. Any costs allocable to a particular research agreement under the standards provided in this appendix may not be shifted to other research agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the research agreement, or for other reasons of convenience.

5. *Applicable credits.* a. The term applicable credits refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to research agreements as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges.

b. In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to Government research for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See sections F.6., J.10.b., and J.37. for areas of potential application in the matter of direct Federal financing.)

6. *Costs incurred by State and local governments.* Costs incurred or paid by State or local governments in behalf of educational institutions for certain personnel benefit programs such as pension plans, FICA, and any other costs specifically disbursed in behalf of and in direct benefit to the institutions, are allowable costs of such institutions whether or not these costs are recorded in the accounting records of such institutions, subject to the following:

a. Such costs meet the requirements of sections C.1. through C.5.

b. Such costs are properly supported by cost allocation plans in accordance with Appendix C to this part.

c. Such costs are not otherwise borne directly or indirectly by the Federal Government.

D. Direct Costs

1. *General.* Direct costs are those costs which can be identified specifically with a particular research project, an instructional activity or any other institutional activity or which can be directly assigned to such activities relatively easily with a high degree of accuracy.

2. *Application to research agreements.* Identifiable benefit to the research work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of research agreements. Typical transactions chargeable to a research agreement as direct costs are the compensation of employees for performance of work under the research agreement, including related staff benefit and pension plan costs to the extent that such items are consistently treated by the educational institution as direct rather than indirect costs; the costs of materials consumed or expended in the performance of such work; and other items of expense incurred for the research agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of research agreements provided such items are consistently treated by the institution as direct rather than indirect costs and are charged under a recognized method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution.

E. Indirect Costs

1. *General.* Indirect costs are those that have been incurred for common or joint objectives and therefore cannot be identified specifically with a particular research project, an instructional activity or any other institutional activity. At educational institutions such costs normally are classified under the following functional categories: general administration and general expenses; research administration expenses; operation and maintenance expenses; library expenses; and departmental administration expenses.

2. *Criteria for distribution—a. Base period.* A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

b. *Need for cost groupings.* The overall objective of the allocation and apportionment process is to distribute the indirect costs described in section F to organized research, instruction, and other activities in reasonable proportions consistent with the nature and extent of the use of the institution's resources by research personnel, academic staff, students, and other personnel or organizations. In order to achieve this objective, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the functional categories of indirect costs referred to in section E.1. In general, the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Cost groupings should be established considering the general guides provided in c. below. Each such pool or cost grouping should then be distributed individually to the appertaining cost objectives, using the distribution base or method most appropriate in the light of the guides set out in d. below.

c. *General considerations on cost groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case-by-case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within a functional category include but are not limited to the following:

(1) Where certain items or categories of expense relate solely to one of the three major divisions of the institution (instruction, organized research or other institutional activities) or to any two but not the third, such expenses should be set aside as a separate cost grouping for direct assignment or selective distribution in accordance with the guides provided in b. above and d. below.

(2) Where any types of expense ordinarily treated as general administration and general expenses or departmental administration expenses are charged to research agreements

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as direct costs, the similar type expenses applicable to other activities of the institution must, through separate cost groupings, be excluded from the indirect costs allocable to those research agreements and included in the direct cost of other activities for cost allocation purposes.

(3) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research and other activities at the institution or within the department.

(4) Where organized activities (including identifiable segments of organized research as well as the activities cited in section B.4.) provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expenses or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

(5) Where the institution elects to treat as indirect charges the cost of the pension plan and other staff benefits, such costs should be set aside as a separate cost grouping for selective distribution to appertaining cost objectives, including organized research.

(6) The number of separate cost groupings within a functional category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

d. *Selection of distribution method.* (1) Actual conditions must be taken into account in selecting the method or base to be used in distributing to applicable cost objectives the expenses assembled under each of the individual cost groupings established as indicated under b. above. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to appertaining cost objectives should be made through use of a selected base which will produce results that are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base provided (a) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, man-hours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (b) it is common to the appertaining cost objectives during the base period.

(2) Results of cost analysis studies may be used when they result in more accurate and equitable distribution of costs. Such cost analysis studies may take into consideration weighting factors, population, or space occupied if they produce equitable results. Cost analysis studies, however, should (a) be appropriately documented in sufficient detail for subsequent review by the cognizant Federal agency, (b) distribute the indirect costs to the appertaining cost objectives in accord with the relative benefits derived, (c) be conducted to fairly reflect the true conditions of the activity and to cover representative transactions for a reasonable period of time, (d) be performed specifically at the institution at which the results are to be used, and (e) be updated periodically and used consistently. Any assumptions made in the study will be sufficiently supported. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully justified.

(3) The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to appertaining cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

3. *Administration of limitations on allowances for research costs.* Research agreements may be subject to statutory or administrative policies that limit the allowance of research costs. When the maximum amount allowable under a statutory limitation or the terms of a research agreement is less than the amount otherwise reimbursable under this Appendix, the amount not recoverable under that research agreement may not be charged to other research agreements.

F. Identification and Assignment of Indirect Costs

1. *General administration and general expenses.* a. The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major division of the institution; i.e., solely to (1) instruction, (2) organized research, or (3) other institutional activities. The general administration and general expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category may be apportioned and allocated on the basis of total expenditures exclusive of capital expenditures in situations where the results of the distribution made on this basis are deemed to be equitable both to the Government and the institution; otherwise the distribution of general administration and general expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in section E.2.d.

2. *Research administration expenses.* a. The expenses under this heading are those that have been incurred by a separate organization or identifiable administrative unit established solely to administer the research activity, including such functions as contract administration, security, purchasing, personnel administration, and editing and publishing of research reports. They include the salaries and expenses of the head of such research organization, his assistants, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the research organization, such as stock rooms, stenographic pools, and the like. The salaries of members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to research administration is supported as required by section J.7. The research administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be allocated to organized research and, where necessary, to departmental research or to any other benefiting activities on any basis reflecting the proportion fairly applicable to each. (See section E.2.d.)

3. *Operation and maintenance expenses.* a. The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be apportioned and allocated to applicable cost objectives in a manner consistent with the guides provided in section E.2. on a basis that gives primary emphasis to space utilization. The allocations and apportionments should be developed as follows: (1) where actual space and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records; (2) where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost objectives normally will suffice as a means for effecting distribution of the amounts of operation and maintenance expenses involved; or (3) where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students.

4. *Library expenses.* a. The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under section C.5. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing the allowances and/or depreciation applicable to the buildings and equipment utilized in the performance of the functions represented thereunder. Costs incurred in the purchases of rare books (museum-type books) with no research value should not be allocated to Government-sponsored research.

b. The expenses included in this category should be allocated on the basis of population including students and other users. Where the results of the distribution made on this basis are deemed to be inequitable to the Government or the institution, the distribution should then be made on a selective basis in accordance with the guides set out in section E.2. Such selective distribution should be made through use of reasonable methods which give adequate recognition to the utilization of the library attributable to faculty, research personnel, students and others. The method used will be based on data developed periodically on the respective institution's experience for representative periods.

5. *Departmental administration expenses.* a. The expenses under this heading are those that have been incurred in academic deans' offices, academic departments and organized research units such as institutes, study centers and research centers for administrative and supporting services which benefit common or joint departmental activities or objectives. They include the salaries, and expenses of deans or heads, or associate deans or heads, of colleges, schools, departments, divisions, or organized research units, and their administrative staffs together with the salaries and expenses of personnel engaged in supporting activities maintained by the department, such as stockrooms, stenographic pools, and the like, provided such supporting services cannot be directly identified with a specific research project, with an instructional activity or with any other institutional activity. The salaries of other members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to departmental administration expenses is supported as required by section J.7. The departmental administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The distribution of departmental administration expenses should be made through use of selected bases applied to cost groupings established within this category of expenses in accordance with the guides set out in section E.2.d.

6. *Setoff for indirect expenses otherwise provided for by the Government.* a. The items to be accumulated under this heading are the reimbursements and other receipts from the Federal Government which are used by the institution to support directly, in whole or in part, any of the administrative or service (indirect) activities described in the foregoing (sections F.1. through F.5.). They include any amounts thus applied to such activities which may have been received pursuant to an institutional base grant or any similar contractual arrangement with the Federal Government other than a research agreement as herein defined (section B.3).

b. The sum of the items in this group shall be treated as a credit to the total indirect cost pool before it is apportioned to organized research and to other activities. Such setoff shall be made prior to the determination of the indirect cost rate or rates as provided in section G.

G. Determination and Application of Indirect Cost Rate or Rates

1. *Indirect cost pools.* a. Subject to b. below, indirect costs allocated to organized research should be treated as a common pool, and the costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis.

b. In some instances a single rate basis for use across the board on all Government research at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of Government research at the institution. For this purpose, a particular segment of Government research may be that performed under a single research agreement or it may consist of research under a group of research agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of Government research is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have obtained under a. above, and (2) the volume of research work to which such rate would apply is material in relation to other Government research at the institution.

2. *The distribution base.* Indirect costs allocated to organized research should be distributed to applicable research agreements on the basis of direct salaries and wages. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to section G.1. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the total direct salaries and wages of all research agreements identified with such pool. For the purpose of establishing an indirect cost rate, direct salaries and wages may include that portion contributed to the research by the institution for cost sharing or other purposes. Bases other than salaries and wages may be used provided it can be demonstrated that they produce more equitable results.

3. *Negotiated lump sum for indirect costs.* A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained, off-campus, or primarily subcontracted research activities where the benefits derived from an institution's indirect services cannot be readily determined. Such amount negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses before apportionment to instruction, organized research, and other institutional activities. The base on which such remaining expenses are allocated should be approximately adjusted.

4. *Predetermined fixed rates for indirect costs.* Public Law 87-638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under research agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and development contracts (including grants) with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious closeout of such contracts when the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the parties involved to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

5. *Negotiated fixed rates and carryforward provisions.* When a fixed rate is negotiated in advance for a fiscal year (or other time period), the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation. When the rate is negotiated before the carryforward adjustment is determined due to the delay in audit, the carryforward may be applied to the next subsequent rate negotiation. When such adjustments are to be made, each fixed rate negotiated in advance for a given period will be computed by applying the expected indirect costs allocable to Government research for the forecast period plus or minus the carryforward

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adjustment (over- or under-recovery) from the prior period, to the forecast distribution base. Unrecovered amounts under lump-sum agreements or cost-sharing provisions of prior years shall not be carried forward for consideration in the new rate negotiation. There must, however, be an advance understanding in each case between the institution and the cognizant Federal agency as to whether these differences will be considered in the rate negotiation rather than making the determination after the differences are known. Further, institutions electing to use this carryforward provision may not subsequently change without prior approval of the cognizant Federal agency. In the event that an institution returns to a postdetermined rate, any over- or under-recovery during the period in which negotiated fixed rates and carryforward provisions were followed will be included in the subsequent postdetermined rates. Where multiple rates are used, the same procedure will be applicable for determining each rate. This procedure also applies to rates established for grants and contracts for training and other educational services, but does not apply to cost-type research agreements covering work performed in wholly or partially Government-owned facilities.

H. Simplified Method for Small Institutions

1. *General.* a. Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1 million in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in 2., below, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

b. The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

2. *Abbreviated procedure.* a. Establish the total amount of salaries and wages paid to all employees of the institution.

b. Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalents:

(1) General administration and general expenses (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under 2.b.(1) and 2.b.(2) have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

c. Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under 2.a. the amount of salaries and wages included under 2.b.

d. Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool 2.b. by the amount of the distribution base 2.c.

e. Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

I. [Reserved]

J. General Standards for Selected Items of Cost

Sections J.1. through J.46. provide standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific research agreement and the applicable standards provided, the provisions of the research agreement should govern.

1. *Advertising costs.* The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like. The only advertising costs allowable are those which are solely for: (a) The recruitment of personnel required for the performance by the institution of obligations arising under the research agreement, when considered in conjunction with all other recruitment costs, as set forth in J.32; (b) the procurement of scarce items for the performance of the research agreement; or (c) the disposal of scrap or surplus materials acquired in the performance of the research agreement. Costs of this nature, if incurred for more than one research agreement or for both research agreement work and other work of the institution, are allowable to the extent that the principles in sections D and E are observed.

2. *Bad debts.* Any losses, whether actual or estimated arising from uncollectible accounts and other claims, related collections costs, and related legal costs, are unallowable.

3. *Capital expenditures.* The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the research agreement. Government funds shall not be used for the acquisition of land, or any interest therein, except with the specific prior approval of the sponsoring agency.

4. *Civil defense costs.* Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant pro- tection costs, first-aid training and supplies, firefighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth in section J.10. Costs of local civil defense projects not on the institution's premises are unallowable.

5. *Commencement and convocation costs.* Costs incurred for commencements and convocations apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

6. *Communication costs.* Costs incurred for telephone services, local and long-distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

7. *Compensation for personal services*—a. *General.* Compensation for personal services covers all remuneration paid currently or accured to the institution for services of employees rendered during the period of performance under Government research agreements. Such remuneration includes salaries, wages, staff benefits (see section J.39.), and pension plan costs (see section J.23.). The costs of such remuneration are allowable to the extent that the total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the institution consistently applied, and provided that the charges for work performed directly on Government research agreements and for other work allocable as indirect costs to organized research are determined and supported as hereinafter provided.

b. *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support, regardless of whether treated as direct costs or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of personal service costs to (1) instruction, (2) organized research, and (3) indirect activities as defined in section E.1., or (4) other institutional activities as defined in section B.4., will be provided as described in c., d., e., and f., below.

c. *Stipulated salary support.* As an alternative to payroll distribution, stipulated salary support amounts may be provided in the research agreement for professorial staff, any part of whose compensation is chargeable to Government-sponsored research. Stipulated salary support may also be provided for any other professionals who

are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project. This judgment will take into account any cost sharing by the institution and such other factors as the extent of the investigator's planned participation in the project and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not per se result in increasing his official salary from the institution.

d. *Direct charges for personal services under payroll distribution.* The direct cost charged to organized research for the personal services of professorial and professional staff, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either: (1) an adequate appointment and workload distribution system accompanied by monthly reviews performed by responsible officials and a reporting of any significant changes in workload distribution of each professor or professional staff member, or (2) a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen or supervisors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

e. *Direct charges for personal services under stipulated salaries.* The amounts stipulated for salary support will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provision for summer salaries, or for a particular "off period" if other than summer, will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in section K will attest to this requirement as well as all others in a given research agreement. Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described above unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (1) was ill for an extended period, (2) took sabbatical leave to devote effort to duties unrelated to his research, or (3) was required to increase substantially his teaching assignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment. In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government-sponsored research is reasonable in view of his university workload and other commitments. The stipulated salary method may also be agreed upon for that portion of a professional's salary that represents cost sharing by the institution.

f. *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

g. *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

h. *Nonuniversity professional activities.* A university must not alter or waive university-wide policies and practices dealing with the permissible extent of professional services over and above those traditionally performed without extra university compensation, unless such arrangements are specifically authorized by the sponsoring agency. Where univesity-wide policies do not adequately define the permissible extent of consultantship or other nonuniversity activities undertaken for extra pay, the Government may require that the effort of professional staff working under research agreements be allocated as between (1) university activities, and (2) nonuniversity professional activities. If the sponsoring agency should consider the extent of nonuniversity professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

i. *Salary rates for academic year.* Charges for work performed on Government research by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the practice of the institution concerned, constitutes the basis of his salary. Charges for work performed on research agreements during all or any portion of such period would be allowable at the base salary rate. In no event will the charge to research agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period, and any extra compensation above the base salary for work on Government research during such period would be unallowable. This principle applies to all members of the faculty at an institution. Since intrauniversity consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to those who function as consultants or otherwise contribute to a research agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided such consulting arrangement is specifically provided for in the research agreement or approved in writing by the sponsoring agency.

j. *Salary rates for periods outside the academic year.* Charges for work performed by faculty members on Government research during the summer months or other periods not included in the base salary period will be determined for each faculty member at a monthly rate not in excess of that which would be applicable under his base salary and will be limited to charges made in accordance with other subsections of J.7.

k. *Salary rates for part-time faculty.* Charges for work performed on Government research by a faculty member having only part-time appointment for teaching will be determined at a rate not in excess of that for which he is regularly paid for his part-time teaching assignments. Example: An institution pays $5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time (25 percent of his total available time) to Government research. Thus his additional

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compensation, chargeable by the institution to Government research agreements, would be one-half of $5,000 or $2,500.

8. *Contingency provisions.* Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

9. *Deans of faculty and graduate schools.* The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs, are allowable.

10. *Depreciation and use allowances.* a. Institutions may be compensated for the use of buildings, capital improvements, and usable equipment on hand through use allowances or depreciation. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not considered. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides and, secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits, and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to organized research is developed from the amount thus amortized for the base period involved. Amortization methods once used should not be changed for a given building or equipment unless approved in advance by the cognizant Federal agency.

c. Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable and needed equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding 10 percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable and needed equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate.

d. Where the depreciation method is followed, adequate property record must be maintained and periodic inventory (a statistical sampling basis is acceptable) must be taken to insure that properties for which depreciation is charged do exist and are needed. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular research area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

e. Where an institution elects to go to a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that, under d. above, would be viewed as fully depreciated provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

11. *Employee morale, health, and welfare costs and credits.* The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee-performance, are allowable. Such costs will be equitably apportioned to all activities of the institution. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

12. *Entertainment costs.* Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

13. *Equipment and other facilities.* The costs of permanent equipment or other facilities are allowable where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement. Total expenditures for permanent equipment may not exceed 125 percent of the amount allotted for the permanent equipment category by the sponsoring agency (through an approved budget or other document) except with approval. The term "permanent equipment" shall mean an item of property which has an acquisition cost of $200 or more and has an expected service life of one year or more.

a. *General purpose equipment.* Approval must be obtained to acquire with Government funds any general purpose permanent equipment, i.e., any items which are usable for activities of the institution other than research, such as office equipment and furnishings, air conditioning, reproduction, or printing equipment, motor vehicles, etc., or any automatic data processing equipment.

b. *Research equipment.* Approval must be obtained to acquire with Government funds any item of permanent research equipment costing $1,000 or more.

14. *Fines and penalties.* Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement or instructions in writing from the contracting officer.

15. *Insurance and indemnification.* a. Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

b. Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (1) types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

c. Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except that costs incurred because of losses not covered under existing deductible clauses for insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

e. Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the research agreement, except as provided in d. above.

16. *Interest, fund raising, and investment management costs.* a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are not allowable under Government research agreements.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are not allowable under Government research agreements.

d. Costs related to the physical custody and control of monies and securities are allowable.

17. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

18. *Losses on other research agreements or contracts.* Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for indirect costs.

19. *Maintenance and repair costs.* Costs incurred for necessary maintenance, repair, or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life but keep it in an efficient operating condition, are allowable.

20. *Material costs.* Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement, are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores' withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

21. *Memberships, subscriptions, and professional activity costs.* a. Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

b. Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

c. Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

22. *Patent costs.* Cost of preparing disclosures, reports, and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also section J.33.)

23. *Pension plan costs.* Costs of the institution's pension plan which are incurred in accordance with the established policies of the institution are allowable, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

24. *Plant security costs.* Necessary expenses incurred to comply with Government security requirements, including wages, uniforms, and equipment of personnel engaged in plant protection, are allowable.

25. *Preresearch agreement costs.* Costs incurred prior to the effective date of the research agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the research agreement.

26. *Professional services costs.* a. Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable subject to b. and c. below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

b. Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs, particularly in the years prior to the award of Government research agreements; (2) the impact of Government research agreements on the institution's total activity; (3) the nature and scope of managerial services expected of the institution's own organizations; and (4) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

c. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization or the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the research agreement.

27. *Profits and losses on disposition of plant, equipment, or other capital assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall not be considered in computing research agreement costs.

28. *Proposal costs.* Proposal costs are the costs of preparing bids or proposals on potential Government and nongovernment research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

29. *Public information services costs.* Costs of news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

30. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

31. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted, are allowable.

32. *Recruiting costs.* a. Subject to b., c., and d. below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well-managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

b. In publications, costs of help-wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

c. Costs of help-wanted advertising, special emoluments, fringe benefits, and salary

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allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

d. Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution will be required to refund or credit such relocation costs to the Government.

33. *Royalties and other costs for use of patents.* Royalties on a patent or amortization of the costs of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

34. *Sabbatical leave costs.* Costs of leave of absence to employees for performance of graduate work or sabbatical study, travel, or research, are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all appertaining activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

35. *Scholarships and student aid costs.* Costs of scholarships, fellowships and other forms of student aid apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, any tuition remissions to such students for work performed are allocable to such research agreements provided consistent treatment is accorded such costs. (See section J.39.)

36. *Severance pay.* a. Severance pay is compensation in addition to regular salaries and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

b. Severance payments that are due to normal, recurring turnover and which otherwise meet the conditions of a. above may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

c. Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

37. *Specialized service facilities operated by institution.* a. The costs, including amortization by generally accepted accounting practice, of institutional services involving the use of highly complex and specialized facilities such as electronic computers, including the cost of adapting computers for use, wind tunnels, and reactors are allowable provided the charges therefor meet the conditions of b. or c. below, and otherwise take into account any items of income or Federal financing that qualify as applicable credits under section C.5.

b. The costs of such institutional services normally will be charged directly to applicable research agreements based on actual usage or occupancy of the facilities on the basis of a schedule of rates that (1) is designed to recover only aggregate costs of providing such services over a long term agreed upon in advance by the cognizant Federal agency on an individual basis, and (2) is applied on a nondiscriminatory basis as between organized research and other work of the institution, including usage by the institution for internal purposes. Commercial or accommodation sales of computer services will be charged at not less than the above rates; however, if the rates charged for these services are greater, the total amount of charges above the scheduled rates when significant may be considered in revising the schedule of rates. Further, within the constraints of this paragraph, it is not necessary that the rates charged for services be equal to the cost of providing those services during any one fiscal year.

c. In the absence of an acceptable arrangement for direct costing as provided in b. above, the costs incurred for such institutional services may be assigned to research agreements as indirect costs, provided the methods used achieve substantially the same results. Such arrangements should be worked out in coordination with the cognizant Federal agency in order to assure equitable distribution of the indirect costs.

38. *Special services costs.* Costs incurred for general public relations activities, catalogs, alumni activities, and similar services, are unallowable.

39. *Staff benefits.* a. Staff benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all institutional activities, including organized research, in proportion to the relative amount of time or effort actually devoted to each. (See section J.34. for treatment of sabbatical leave.)

b. Staff benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, the pension plan (see section J.23.), tuition or remission of tuition for individual employees or their families (see section J.35.), and the like, are allowable provided such benefits are granted in accordance with established institutional policies, and provided such contributions and other expenses, whether treated as indirect costs or as an increment of direct labor costs, are distributed to particular research agreements and other activities in a manner consistent with the pattern of benefits accruing to the individuals or groups of employees whose salaries and wages are chargeable to such research agreements and other activities.

40. *Student activity costs.* Costs incurred for intramural activities, student publications, student clubs, and other student activities, apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

41. *Student services costs.* Costs of the deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, a proportion of student services costs measured by the relationship between hours of work by students on such research work and total student hours including all research time may be allowed as a part of research administration expenses.

42. *Taxes.* a. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for: (1) taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates, and (2) special assessments on land which represent capital improvements.

b. Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as research agreement costs, will be credited or paid to the Government in the manner directed by the Government provided any interest actually aid or credited to an institution incident to a refund of tax, interest and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

43. *Transportation costs.* Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

44. *Travel costs.* a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

b. Travel costs are allowable subject to c., d., e., and f. below, when they are directly attributable to specific work under a research agreement or are incurred in the normal course of administration of the institution or a department or research program thereof.

c. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would:

(1) Require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

d. Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

e. Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved. For purposes of this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

f. Expenditures for domestic travel may not exceed $500, or 125 percent of the amount allotted for such travel by the sponsoring agency, whichever is greater, except with approval.

45. *Termination costs applicable to research agreements.* a. Termination of research agreements generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the agreement not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this Appendix in the case of termination.

b. The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the agreement should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

c. If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Appendix, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unacceptable.

d. Loss of useful value of special tooling and special machinery and equipment is generally allowable, provided: (1) such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer or equivalent; and (3) the loss of useful value as to any one terminated agreement is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the agreement bears to the entire terminated agreement and other Government agreements for which the special tooling, special machinery, or equipment was acquired.

e. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated agreement, less the residual value of such leases, if: (1) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the agreement and such further period as may be reasonable; and (2) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the agreement, and of reasonable restoration required by the provisions of the lease.

f. Settlement expenses including the following are generally allowable: (1) accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers or equivalent of settlement claims and supporting data with respect to the terminated portion of the agreement, and the termination and settlement of subagreements; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the agreement.

g. Claims under subagreements, including the allocable portion of claims which are common to the agreement and to other work of the institution, are generally allowable.

K. Certification of Charges.

To assure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under research agreements will include a certification, signed by an authorized official of the univesity, which reads essentially as follows: "I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the agreements set forth in the application and award documents."

Part II—Principles for Determining Costs Applicable to Training and Other Educational Services Under Grants and Contracts With Educational Institutions

A. *Purpose.* This part extends the scope of Part I to cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

B. *Application.* The Department of Health, Education, and Welfare will use Parts I and II of this Appendix as a basis for determining allowable costs under grants and cost reimbursement type contracts with educational institutions for work performed under federally supported education service agreements.

C. *Terminology.* The following definitions are to be used in determining the indirect cost of federally sponsored training and other educational services under this Part II:

1. *Educational service agreement* means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typical of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution.

The term does not extend to: (a) grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility and exclusively general resource or institutional-type grants.

2. *Instruction* means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see section B.2. of Part I) and all special training or other instructional-oriented projects sponsored by the Federal Government or others under educational service agreements.

D. *Student administration and services.* In addition to the five major functional categories of indirect costs described in section F of Part I, there is established an additional category under the title "Student administration and services" to embrace the following:

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1. The expenses in this category are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments involve the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to section J.2. of Part I. The student administration and services category also includes the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

2. The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in section E.2. of Part I.

E. *Direct costs of educational service agreements.* Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in section D of Part I.

F. *Indirect costs of the instruction activity.* The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in section D above and in section F of Part I. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses. Costs incurred for the institutions by State and local governments are allowable as provided for in section C.6. of Part I.

G. *Indirect costs applicable to educational service agreements.* The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to: (1) educational service agreements, and (2) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in section E.2. of Part I. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in section G.1.b. of Part I. Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

H. *Indirect cost rates for educational service agreements.* An indirect cost rate should be determined for the educational service agreement pool or pools, as established under section G above. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement. When a fixed rate is negotiated in advance of a fiscal year, the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation as in sections G.4. and G.5. of Part I.

I. *General standards for selected items of cost.* The standards for selected items of cost as set forth in sections J.1. through J.40. of Part I applicable to research agreements will also be applied to educational service agreements with the following modifications:

1. *Commencement and convocation costs (J.5.).* Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

2. *Compensation for personal services (J.7.).* Charges to educational service agreements for personal services will normally be determined and supported consistent with the provisions of section J.7. of Part I. However, the provision for stipulated salary support will not be used for educational service agreements. Also, charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the normal duties of such member provided that: (a) extra charges are determined at a rate not greater than the basic salary rate of the member; (b) salary payments for such work follow practices consistently applied within the institution; and (c) specific authorization for such charges is included in the educational service agreement.

3. *Scholarships and student aid costs (J.35.).* Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

4. *Student activity costs (J.40.).* Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

5. *Student services costs (J.41.).* Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

Appendix E—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Hospitals

I. Purpose and Scope

A. *Objectives.* This appendix provides principles for determining the costs applicable to research and development work performed by hospitals under grants and contracts with the Department of Health, Education, and Welfare. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of hospital participation in the financing of a particular research or development project. The principles are designed to provide recognition of the full allocated costs of such research work under generally accepted accounting principles. These principles will be applicable to both proprietary and non-profit hospitals. No provision for profit or other increment above cost is provided for in these principles. However, this is not to be interpreted as precluding a negotiated fee between contracting parties when a fee is appropriate.

B. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of hospitals and of the Department of Health, Education, and Welfare as to their scope, applicability and interpretation. It is recognized that:

1. The arrangements for hospital participation in the financing of a research and development project are properly subject to negotiation between the agency and the hospital concerned in accordance with such Government-wide criteria as may be applicable.

2. Each hospital, possessing its own unique combination of staff, facilities and experience, should be encouraged to conduct research in a manner consonant with its own institutional philosophies and objectives.

3. Each hospital in the fulfillment of its contractual obligations should be expected to employ sound management practices.

4. The application of the principles established herein shall be in conformance with the generally accepted accounting practices of hospitals.

5. Hospitals receive reimbursements from the Federal Government for differing types of services under various programs such as support of Research and Development (including discrete clinical centers) Health Services Projects, Medicare, etc. It is essential that consistent procedures for determining reimbursable costs for similar services be employed without regard to program differences. Therefore, both the direct and indirect costs of research programs must be identified as a cost center(s) for the cost finding and step-down requirements of the Medicare program, or in its absence the Medicaid program.

C. *Application.* All operating agencies within the Department of Health, Education, and Welfare that sponsor research and development work in hospitals will apply these principles and related policy guides in determining the costs incurred for such work under grants and cost-reimbursement type contracts and subcontracts. These principles will also be used as a guide in the pricing of fixed-price contracts and subcontracts.

II. Definitions of Terms

A. "Organized research" means all research activities of a hospital that may be identified whether the support for such research is from a federal, non-federal or internal source.

B. "Departmental research" means research activities that are not separately budgeted and accounted for. Such work, which includes all research activities not encompassed under the term organized research, is regarded for purposes of this document as a part of the patient care activities of the hospital.

C. "Research agreement" means any valid arrangement to perform federally-sponsored research or development including grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts.

D. "Instruction and training" means the formal or informal programs of educating and training technical and professional health services personnel, primarily medical and nursing training. This activity, if separately budgeted or identifiable with specific costs, should be considered as a cost objective for purposes of indirect cost allocations and the development of patient care costs.

E. "Other hospital activities" means all organized activities of a hospital not immediately related to the patient care, research, and instructional and training functions which produce identifiable revenue from the performance of these activities. If a non-related activity does not produce identifiable revenue, it may be necessary to allocate this expense using an appropriate basis. In such a case, the activity may be included as an allocable cost (See para. III D below.) Also included under this definition is any category of cost treated as "Unallowable," provided such category of cost identifies a function or activity to which a portion of the institution's indirect cost (as defined in para. V. A.) are properly allocable.

F. "Patient care" means those departments or cost centers which render routine or ancillary services to in-patients and/or out-patients. As used in para. IX B.23, it means the cost of these services applicable to patients involved in research programs.

G. "Allocation" means the process by which the indirect costs are assigned as between:

1. Organized research,

2. Patient care including departmental research.

3. Instruction and training, and

4. Other hospital activities.

H. "Cost center" means an identifiable department or area (including research) within the hospital which has been assigned an account number in the hospital accounting system for the purpose of accumulating expense by department or area.

I. "Cost finding" is the process of recasting the data derived from the accounts ordinarily kept by a hospital to ascertain costs of the various types of services rendered. It is the determination of direct costs by specific identification and the proration of indirect costs by allocation.

J. "Step down" is a cost finding method that recognizes that services rendered by certain nonrevenue-producing departments or centers are utilized by certain other nonrevenue producing centers as well as by the revenue-producing centers. All costs of nonrevenue-producing centers are allocated to all centers which they serve, regardless of whether or not these centers produce revenue. Following the apportionment of the cost of the nonrevenue-producing center, that center will be considered closed and no further costs are apportioned to that center.

K. "Scatter bed" is a bed assigned to a research patient based on availability. Research patients occupying these beds are not physically segregated from nonresearch patients occupying beds. Scatter beds are geographically dispersed among all the beds available for use in the hospital. There are no special features attendant to a scatter bed that distinguishes it from others that could just as well have been occupied.

L. "Discrete bed" is a bed or beds that have been set aside for occupancy by research patients and are physically segregated from other hospital beds in an environment that permits an easily ascertainable allocation of costs associated with the space they occupy and the services they generate.

III. Basic Considerations

A. *Composition of total costs.* The cost of a research agreement is comprised of the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the hospital less applicable credits. (See para. III–E.)

B. *Factors affecting allowability of costs.* The tests of allowability of costs under these principles are:

1. They must be reasonable.

2. They must be assigned to research agreements under the standards and methods provided herein.

3. They must be accorded consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances (See para. I–E.5.) and

4. They must conform to any limitations or exclusions set forth in these principles or in the research agreement as to types or amounts of cost items.

C. *Reasonable costs.* A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are:

1. Whether or not the cost is of a type generally recognized as necessary for the operation of the hospital or the performance of the research agreement,

2. The restraints or requirements imposed by such factors as arm's length bargaining, federal and state laws and regulations, and research agreement terms and conditions,

3. Whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the hospital, its patients, its employees, its students, the Government, and the public at large, and

4. The extent to which the actions taken with respect to the incurrence of the cost are consistent with established hospital policies and practices applicable to the work of the hospital generally, including Government research.

D. *Allocable costs.* 1. A cost is allocable to a particular cost center (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost center in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a research agreement if it is incurred solely to advance the work under the research agreement; or it benefits both the research agreement and other work of the hospital in proportions that can be approximated through use of reasonable methods; or it is necessary to the overall operation of the hospital and, in light of the standards provided in this chapter, is deemed to be assignable in part to organized research. Where the purchase of equipment or other capital items are specifically authorized under a research agreement, the amounts thus authorized for such purchases are allocable to the research agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

2. Any costs allocable to a particular research agreement under the standards provided in these principles may not be shifted to other research agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the research agreement, or for other reasons of convenience.

E. *Applicable credits.* 1. The term applicable credits refers to those receipts or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to research agreements as direct or indirect costs as outlined in para. V-A. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; tuition; adjustments of overpayments or erroneous charges; and services rendered to patients admitted to federally funded clinical research centers, primarily for care though also participating in research protocols.

2. In some instances, the amounts received from the Federal Government to finance hospital activities or service operations

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should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the hospital in determining the rates or amounts to be charged to government research for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by federal funds. Thus, where such items are provided for or benefit a particular hospital activity, i.e., patient care, research, instruction and training, or other, they should be treated as an offset to the indirect costs apportioned to that activity. Where the benefits are common to all hospital activities they should be treated as a credit to the total indirect cost pool before allocation to the various cost objectives.

IV. Direct Costs

A. *General.* Direct costs are those that can be identified specifically with a particular cost center. For this purpose, the term cost center refers not only to the ultimate centers against which costs are finally lodged such as research agreements, but also to other established cost centers such as the individual accounts for recording particular objects or items of expense, and the separate account groupings designed to record the expenses incurred by individual organizational units, functions, projects and the like. In general, the administrative functions and service activities described in para. VI are identifiable as separate cost centers, and the expenses associated with such centers become eligible in due course for distribution as indirect costs of research agreements and other ultimate cost centers.

B. *Application to research agreements.* Identifiable benefit to the research work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of research agreements. Typical of transactions chargeable to a research agreement as direct costs are the compensation of employees for the time or effort devoted to the performance of work under the research agreement, including related staff benefit and pension plan costs to the extent that such items are consistently accorded to all employees and treated by the hospital as direct rather than indirect costs (see para. V. B4b); the costs of materials consumed or expended in the performance of such work; and other items of expense incurred for the research agreement, such as extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of research agreements provided such items are consistently treated by the institution as direct rather than indirect costs and are charged under a recognized method of costing or pricing designed to recover only the actual direct and indirect costs of such material or service and conforming to generally accepted cost accounting practices consistently followed by the institution.

V. Indirect Costs

A. *General.* Indirect costs are those that have been incurred for common or joint objectives, and thus are not readily subject to treatment as direct costs of research agreements or other ultimate or revenue producing cost centers. In hospitals such costs normally are classified but not necessarily restricted to the following functional categories: Depreciation; Administrative and General (including fringe benefits if not charged directly); Operation of Plant; Maintenance of Plant; Laundry and Linen Service; Housekeeping; Dietary; Maintenance of Personnel; and Medical Records and Library.

B. *Criteria for distribution.*—1. *Base period.* A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the hospital, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

2. *Need for cost groupings.* The overall objective of the allocation process is to distribute the indirect costs described in para. VI to organized research, patient care, instruction and training, and other hospital activities in reasonable proportions consistent with the nature and extent of the use of the hospital's resources by research personnel, medical staff, patients, students, and other personnel or organizations. In order to achieve this objective with reasonable precision, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the functional categories of indirect costs referred to in para. V-A. In general, the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost centers to which distribution is appropriate. Each such pool or cost grouping should then be distributed individually to the related cost centers, using the distribution base or method most appropriate in the light of the guides set out in B3 below. While this paragraph places primary emphasis on a step-down method of indirect cost computation, para. VIII provides an alternate method which may be used under certain conditions.

3. *Selection of distribution method.* Actual conditions must be taken into account in selecting the method or base to be used in distributing to related cost centers the expenses assembled under each of the individual cost groups established as indicated under B2 above. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Care should be given, however, to eliminate similar or duplicative costs from any other distribution made to this area. Where the expenses under a cost grouping are more general in nature, the distribution to related cost centers should be made through use of a selected base which will produce results which are equitable to both the Government and the hospital. In general, any cost element or cost-related factor associated with the hospital's work is potentially adaptable for use as a distribution base provided:

a. It can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and

b. It is common to the related cost centers during the base period. The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to related cost centers in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

4. *General consideration on cost groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at a hospital is a matter of judgment to be determined on a case-by-case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within a functional category include but are not limited to the following:

a. Where certain items or categories of expense relate solely to one of the major divisions of the hospital (patient care, sponsored research, instruction and training, or other hospital activities) or to any two but not all, such expenses should be set aside as a separate cost grouping for direct assignment or selective distribution in accordance with the guides provided in B2 and B3 above.

b. Where any types of expense ordinary treated as indirect cost as outlined in para. V-A are charged to research agreements as direct costs, the similar type expenses applicable to other activities of the institution must through separate cost grouping be excluded from the indirect costs allocable to research agreements.

c. Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research and other hospital activities.

d. Where organized activities (including identifiable segments of organized research as well as the activities cited in para. II-E) provide their own purchasing, personnel administration, building maintenance, or housekeeping or similar service, the distribution of such elements of indirect cost to such activities should be accomplished through cost grouping which includes only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

e. Where the hospital elects to treat as indirect charges the costs of pension plans and other staff benefits, such costs should be set aside as a separate cost grouping for selective distribution to related cost centers, including organized research.

f. Where the hospital is affiliated with a medical school or some other institution which performs organized research on the

hospital's premises, every effort should be made to establish separate cost groupings in the Administrative and General or other applicable category which will reasonably reflect the use of services and facilities by such research. (See also para. VII-A.3)

5. *Materiality.* Where it is determined that the use of separate cost groupings and selective distribution are necessary to produce equitable results, the number of such separate cost groupings within a functional category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

C. *Administration of limitations on allowances for indirect costs.* 1. Research grants may be subject to laws and/or administrative regulations that limit the allowance for indirect costs under each such grant to a stated percentage of the direct costs allowed. Agencies that sponsor such grants will establish procedures which will assure that:

a. the terms and amount authorized in each case conform with the provisions of paragraphs III, V and IX of these principles as they apply to matters involving the consistent treatment and allowability of individual items of cost; and

b. the amount actually allowed for indirect costs under each such research grant does not exceed the maximum allowable under the limitation or the amount otherwise allowable under these principles, whichever is the smaller.

2. Where the actual allowance for indirect costs on any research grant must be restricted to the smaller of the two alternative amounts referred to in C1 above, such alternative amounts should be determined in accordance with the following guides:

a. The maximum allowable under the limitation should be established by applying the stated percentage to a direct cost base which shall include all items of expenditure authorized by the sponsoring agency for inclusion as part of the total cost for the direct benefit of the work under the grant; and

b. The amount otherwise allowable under these principles should be established by applying the current institutional indirect cost rate to those elements of direct cost which were included in the base on which the rate was computed.

3. When the maximum amount allowable under a statutory limitation or the terms of a research agreement is less than the amount otherwise allocable as indirect costs under these principles, the amount not recoverable as indirect costs under the research agreement involved may not be shifted to other research agreements.

VI. Identification and Assignment of Indirect Costs

A. *Depreciation or use charge.* 1. The expenses under this heading should include depreciation (as defined in para. IX–B.9a) on buildings, fixed equipment, and movable equipment, except to the extent purchased through federal funds. Where adequate records for the recording of depreciation are not available, a use charge may be substituted for depreciation (See para. IX–B.)

2. The expenses included in this category should be allocated to applicable cost centers in a manner consistent with the guides set forth in para. V–B, on a basis that gives primary emphasis to (a) space utilization with respect to depreciation on buildings and fixed equipment; and (b) specific identification of assets and their use with respect to movable equipment as it relates to patient care, organized research, instruction and training, and other hospital activities. Where such records are not sufficient for the purpose of the foregoing, reasonable estimates will suffice as a means for effecting distribution of the amounts involved.

B. *Administration and general expenses.* 1. The expenses under this heading are those that have been incurred for the administrative offices of the hospital including accounting, personnel, purchasing, information centers, telephone expense, and the like which do not relate solely to any major division of the institution, i.e., solely to patient care, organized research, instruction and training, or other hospital activities.

2. The expenses included in this category may be allocated on the basis of total expenditures exclusive of capital expenditures, or salaries and wages in situations where the results of the distribution made on this basis are deemed to be equitable both to the Government and the hospital; otherwise the distribution of Administration and General expenses should be made through use of selected bases, applied to separate cost groupings established within this category of expenses in accordance with the guides set out in para. V–B.

C. *Operation of plant.* 1. The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, and provision of utilities (exclusive of telephone expense) and protective services to the physical plant. They include expenses incurred for such items as power plant operations, general utility costs, elevator operations, protection services, and general parking lots.

2. The expenses included in this category should be allocated to applicable cost centers in a manner consistent with the guides provided in para. V–B, on a basis that gives primary emphasis to space utilization. The allocations should be developed as follows:

a. Where actual space and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records;

b. Where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various costs centers normally will suffice as a means for effecting distribution of the amounts involved; or

c. Where it can be demonstrated that an area or volume or space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including patients.

D. *Maintenance of plant.* 1. The expenses under this heading should include:

a. All salaries and wages pertaining to ordinary repair and maintenance work performed by employees on the payroll of the hospital;

b. All supplies and parts used in the ordinary repairing and maintaining of buildings and general equipment; and

c. Amounts paid to outside concerns for the ordinary repairing and maintaining of buildings and general equipment.

2. The expenses included in this category should be allocated to applicable cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to space utilization. The allocations and apportionments should be developed as follows:

a. Where actual space and related cost records are available and can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records;

b. Where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost centers normally will suffice as a means for effecting distribution of the amounts involved; or

c. Where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other basis may be used provided consideration is given to the use of facilities by research personnel and others, including patients.

E. *Laundry and linen.* 1. The expenses under this heading should include:

a. Salaries and wages of laundry department employees, seamstresses, clean linen handlers, linen delivery men, etc.;

b. Supplies used in connection with the laundry operation and all linens purchased; and

c. Amounts paid to outside concerns for purchased laundry and/or linen service.

2. The expense included in this category should be allocated to related cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to actual pounds of linen used. The allocations should be developed as follows:

a. Where actual poundage and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records;

b. Where it can be demonstrated that a poundage basis of allocation is impractical or inequitable other bases may be used provided consideration is given to the use of linen by research personnel and others, including patients.

F. *Housekeeping.* 1. The expenses under this heading should include:

a. All salaries and wages of the department head, foreman, maids, porters, janitors, wall washers, and other housekeeping employees;

b. All supplies used in carrying out the housekeeping functions; and

c. Amounts paid to outside concerns for purchased services such as window washing, insect extermination, etc.

2. The expenses included in this category should be allocated to related cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to space actually serviced by the housekeeping department. The allocations and apportionments should be developed as follows:

a. Where actual space serviced and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records;

b. Where the space serviced and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost centers normally will suffice as a means for effecting distribution of the amounts of housekeeping expenses involved; or

c. Where it can be demonstrated that the space serviced basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of housekeeping services by research personnel and others, including patients.

G. *Dietary.* 1. These expenses, as used herein, shall mean only the subsidy provided by the hospital to its employees including research personnel through its cafeteria operation. The hospital must be able to demonstrate through the use of proper cost accounting techniques that the cafeteria operates at a loss to the benefit of employees.

2. The reasonable operating loss of a subsidized cafeteria operation should be allocated to related cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to number of employees.

H. *Maintenance (housing) of personnel.* 1. The expenses under this heading should include:

a. The salaries and wages of matrons, clerks, and other employees engaged in work in nurses' residences and other employees' quarters;

b. All supplies used in connection with the operation of such dormitories; and

c. Payments to outside agencies for the rental of houses, apartments, or rooms used by hospital personnel.

2. The expenses included in this category should be allocated to related cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to employee utilization of housing facilities. The allocation should be developed as follows:

a. Appropriate credit should be given for all payments received from employees or otherwise to reduce the expense to be allocated;

b. A net cost per housed employee may then be computed; and

c. Allocation should be made on a departmental basis based on the number of housed employees in each respective department.

I. *Medical records and library.* 1. The expenses under this heading should include:

a. The salaries and wages of the records librarian, medical librarian, clerks, stenographers, etc.; and

b. All supplies such as medical record forms, chart covers, filing supplies, stationery, medical library books, periodicals, etc.

2. The expenses included in this category should be allocated to related cost centers in a manner consistent with the guides provided in para. V–B. on a basis that gives primary emphasis to a special time survey of medical records personnel. If this appears to be impractical or inequitable, other bases may be used provided consideration is given to the use of these facilities by research personnel and others, including patients.

VII. Determination and Application of Indirect Cost Rate or Rates

A. *Indirect cost pools.* 1. Subject to (2) below, indirect costs allocated to organized research should be treated as a common pool, and the costs in such common pool should be distributed to individual research agreements benefiting therefrom on a single rate basis.

2. In some instances a single rate basis for use on all government research at a hospital may not be appropriate since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of government research at the institution. For this purpose, a particular segment of government research may be that performed under a single research agreement or it may consist of research under a group of research agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of government research is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. An example of this differential may be in the development of a separate indirect cost pool for a clinical research center grant. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that:

a. Such indirect cost rate differs significantly from that which would have obtained under (1) above; and

b. The volume of research work to which such rate would apply is material in relation to other government research at the institution.

3. It is a common practice for grants or contracts awarded to other institutions, typically University Schools of Medicine, to be performed on hospital premises. In these cases the hospital should develop a separate indirect cost pool applicable to the work under such grants or contracts. This pool should be developed by a selective distribution of only those indirect cost categories which benefit the work performed by the other institution, within the practical limits dictated by available data and the materiality of the amounts involved. Hospital costs determined to be allocable to grants or contracts awarded to another institution may not be recovered as a cost of grants or contracts awarded directly to the hospital.

B. *The distribution base.* Preferably, indirect costs allocated to organized research should be distributed to applicable research agreements on the basis of direct salaries and wages. However, where the use of salaries and wages results in an inequitable allocation of costs to the research agreements, total direct costs or a variation thereof, may be used in lieu of salaries and wages. Regardless of the base used, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to para. VII–A. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the total direct salaries and wages (or other base selected) for all research agreements identified with such a pool.

C. *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained or off-campus research activities where the benefits derived from a hospital's indirect services cannot be readily determined. Such amount negotiated in lieu of indirect costs will be treated as an offset to the appropriate indirect cost pool after allocation to patient care, organized research, instruction and training, and other hospital activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

D. *Predetermined overhead rates.* The utilization of predetermined fixed overhead rates may offer potential advantages in the administration of research agreements by facilitating the preparation of research budgets and permitting more expeditious close out of the agreements when the work is completed. Therefore, to the extent allowed by law, consideration may be given to the negotiation of predetermined fixed rates in those situations where the cost experience and other pertinent factors available are deemed sufficient to enable the Government and the hospital to reach a reasonable conclusion as to the probable level of the indirect cost rate for the ensuing accounting period.

VIII. Simplified Method for Small Institutions

A. *General.* 1. Where the total direct cost of all government-sponsored research and development work at a hospital in a year is minimal, the use of the abbreviated procedure described in para. VIII–B below may be acceptable in the determination of allowable indirect costs. This method may also be used to initially determine a provisional indirect cost rate for hospitals that have not previously established a rate. Under this abbreviated procedure, data taken directly from the institution's most recent annual financial report and immediately available supporting information will be utilized as a basis for determining the indirect cost rate applicable to research agreements at the institution.

2. The rigid formula approach provided under the abbreviated procedure has limitations which may preclude its use at some hospitals either because the minimum data required for this purpose are not readily available or because the application of the abbreviated procedure to the available data produces results which appear inequitable to the Government or the hospital. In any such case, indirect costs should be determined through use of the regular procedure rather than the abbreviated procedure.

3. In certain instances where the total direct cost of all government-sponsored research and development work at the hospital is more than minimal, the abbreviated procedure may be used if prior permission is obtained. This alternative will be granted only in those cases where it can be demonstrated that the step-down technique cannot be followed.

B. *Abbreviated procedure.* 1. Total expenditures as taken from the most recent annual financial report will be adjusted by eliminating from further consideration expenditures for capital items as defined in para. IX–B.4 and unallowable costs as defined under various headings in para. IX and para. III–E.

2. Total expenditures as adjusted under the foregoing will then be distributed among (a) expenditures applicable to administrative and general overhead functions, (b) expenditures applicable to all other overhead functions, and (c) expenditures for all other purposes. The first group shall include amounts associated with the functional categories, Administration and General, and Dietary, as defined in para. VI. The second group shall include Depreciation, Operation of Plant, Maintenance of Plant, and Housekeeping. The third group—expenditures for all other purposes—shall include the amounts applicable to all other activities, namely, patient care, organized research, instruction and training, and other hospital activities as defined under para. II–E. For the purposes of this section, the functional categories of Laundry and Linen, Maintenance of Personnel, and Medical Records and Library as defined in para. VI shall be considered as expenditures for all other purposes.

3. The expenditures distributed to the first two groups in para. VIII–B.2 should then be adjusted by those receipts or negative expenditure types of transactions which tend to reduce expense items allocable to research agreements as indirect costs. Examples of such receipts or negative expenditures are itemized in para. III–E.1.

4. In applying the procedures in para. VIII–B.1 and B.2, the cost of unallowable activities such as Gift Shop, Investment Property Management, Fund Raising, and Public Relations, when they benefit from the hospital's indirect cost services, should be treated as expenditures for all other purposes. Such activities are presumed to benefit from the hospital's indirect cost services when they include salaries of personnel working in the hospital. When they do not include such salaries, they should be eliminated from the indirect cost rate computation.

5. The indirect cost rate will then be computed in two stages. The first stage requires the computation of an Administrative and General rate component. This is done by applying a ratio of research direct costs over total direct costs to the Administrative and General pool developed under para. VIII–B.2 and B.3 above. The resultant amount—that which is allocable to research—is divided by the direct research cost base. The second stage requires the computation of an All other Indirect Cost rate component. This is done by applying a ratio of research direct space over total direct space to All Other Indirect Cost pool developed under para. VIII–B.2 and B.3 above. The resultant amount—that which is allocable to research—is divided by the direct research cost base.

The total of the two rate components will be the institution's indirect cost rate. For the purposes of this section, the research direct cost or space and total direct cost or space will be that cost or space identified with the functional categories classified under Expenditures for all other purposes under para. VIII–B.2.

IX. General Standards for Selected Items of Cost

A. *General.* This section provides standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather, determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific research agreement and the applicable standards provided, the provisions of the research agreement should govern. However, in some cases advance understandings should be reached on particular cost items in order that the full costs of research be supported. The extent of allowability of the selected items of cost covered in this section has been stated to apply broadly to many accounting systems in varying environmental situations. Thus, as to any given research agreement, the reasonableness and allocability of certain items of costs may be difficult to determine, particularly in connection with hospitals which have medical school or other affiliations. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective recipients of federal funds particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such agreement may also be initiated by the Government. Any such agreement should be incorporated in the research agreement itself. However, the absence of such an advance agreement on any element of cost will not in itself serve to make that element either allowable or unallowable. Examples of costs on which advance agreements may be particularly important are:

1. Facilities costs, such as;

a. Depreciation

b. Rental

c. Use charges for fully depreciated assets

d. Idle facilities and idle capacity

e. Plant reconversion

f. Extraordinary or deferred maintenance and repair

g. Acquisition of automatic data processing equipment.

2. Preaward costs

3. Non-hospital professional activities

4. Self-insurance

5. Support services charged directly (computer services, printing and duplicating services, etc.)

6. Employee compensation, travel, and other personnel costs, including;

a. Compensation for personal service, including wages and salaries, bonuses and incentives, premium payments, pay for time not worked, and supplementary compensation and benefits, such as pension and retirement, group insurance, severance pay plans, and other forms of compensation

b. Morale, health, welfare, and food service and dormitory costs

c. Training and education costs

d. Relocation costs, including special or mass personnel movement

B. *Selected items.*—1. *Advertising costs.* The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like. The only advertising costs allowable are those which are solely for;

a. The recruitment of persons required for the performance by the institution of obligations arising under the research agreement, when considered in conjunction with all other recruitment costs as set forth in para IX–B.34

b. The procurement of scarce items for the performance of the research agreement; or

c. The disposal of scrap or surplus materials acquired in the performance of the research agreement.

Costs of this nature, if incurred for more than one research agreement or for both research agreement work and other work of the institution, are allowable to the extent that the principles in paragraph IV and V are observed.

2. *Bad debts.* Losses arising from uncollectible accounts and other claims and related collection and legal costs are unallowable except that a bad debt may be included as a direct cost of the research agreement to the extent that it is caused by a research patient and approved by the awarding agency. This inclusion is only intended to cover the situation of the patient admitted for research purposes who subsequently or in conjunction with the research receives clinical care for which a charge is made to the patient. If, after exhausting all means of collecting these charges, a bad debt results, it may be considered an appropriate charge to the research agreement.

3. *Bonding costs.* a. Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the hospital.

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They arise also in instances where the hospital requires similar assurance.

Included are such types as bid, performance, payment, advance payment, infringement, and fidelity bonds.

b. Costs of bonding required pursuant to the terms of the research agreement are allowable.

c. Costs of bonding required by the hospital in the general conduct of its business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

4. *Capital expenditures.* The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment should be capitalized and are unallowable except as provided for in the research agreement.

5. *Civil defense costs.* Civil defense costs are those incurred in planning for, and the protection of life and property against the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire-fighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth elsewhere. Costs of local civil defense projects not on the institution's premises are unallowable.

6. *Communication costs.* Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage, and the like are allowable.

7. *Compensation for personal services.*—a. *General.* Compensation for personal services covers all remuneration paid currently or accrued to employees of the hospital for services rendered during the period of performance under government research agreements. Such remuneration includes salaries, wages, staff benefits (see para. IX-B.10), and pension plan costs (see para. IX-B.25). The costs of such remuneration are allowable to the extent that the total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the institution consistently applied, and provided that the charges for work performed directly on government research agreements and for other work allocable as indirect costs to sponsored research are determined and supported as hereinafter provided. For non-profit, non-proprietary institutions, where federally supported programs constitute less than a preponderance of the activity at the institution the primary test of reasonableness will be to require that the institution's compensation policies be applied consistently both to federally-sponsored and non-sponsored activities alike. However, where special circumstances so dictate a contractual clause may be utilized which calls for application of the test of comparability in determining the reasonableness of compensation.

b. *Payroll distribution.* Amounts charged to organized research for personal services, regardless of whether treated as direct costs or allocated as indirect costs, will be based on hospital payrolls which have been approved and documented in accordance with generally accepted hospital practices. In order to develop necessary direct and indirect allocations of cost, supplementary data on time or effort as provided in (c) below, normally need be required only for individuals whose compensation is properly chargeable to two or more research agreements or to two or more of the following broad functional categories: (1) patient care; (2) organized research; (3) instruction and training; (4) indirect activities as defined in para. V-A; or (5) other hospital activities as defined in para. II-E.

c. *Reporting time or effort.* Charges for salaries and wages of individuals other than members of the professional staff will be supported by daily time and attendance and payroll distribution records. For members of the professional staff, current and reasonable estimates of the percentage distribution of their total effort may be used as support in the absence of actual time records. The term professional staff for purposes of this section includes physicians, research associates, and other personnel performing work at responsible levels of activities. These personnel normally fulfill duties, the competent performance of which usually requires persons possessing degrees from accredited institutions of higher learning and/or state licensure. In order to qualify as current and reasonable, estimates must be made no later than one month (though not necessarily a calendar month) after the month in which the services were performed.

d. *Preparation of estimates of effort.* Where required under (c) above, estimates of effort spent by a member of the professional staff on each research agreement should be prepared by the individual who performed the services or by a responsible individual such as a department head or supervisor having first-hand knowledge of the services performed on each research agreement. Estimates must show the allocation of effort between organized research and all other hospital activities in terms of the percentage of total effort devoted to each of the broad functional categories referred to in (b) above. The estimate of effort spent on a research agreement may include a reasonable amount of time spent in activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues with respect to related research, and attending appropriate scientific meetings and conferences. The term "all other hospital activities" would include departmental research, administration, committee work, and public services undertaken on behalf of the hospital.

e. *Application of budget estimates.* Estimates determined before the performance of services, such as budget estimates on a monthly, quarterly, or yearly basis do not qualify as estimates of effort spent.

f. *Non-hospital professional activities.* A hospital must not alter or waive hospital-wide policies and practices dealing with the permissible extent of professional services over and above those traditionally performed without extra hospital compensation, unless such arrangements are specifically authorized by the sponsoring agency. Where hospital-wide policies do not adequately define the permissible extent of consultantships or other non-hospital activities undertaken for extra pay, the Government may require that the effort of professional staff working under research agreements be allocated as between (1) hospital activities, and (2) non-hospital professional activities. If the sponsoring agency should consider the extent of non-hospital professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case by case basis.

g. *Salary rates for part-time appointments.* Charges for work performed on government research by staff members having only part-time appointments will be determined at a rate not in excess of that for which he is regularly paid for his part-time staff assignment.

8. *Contingency provisions.* Contributions to a contingency reserve or any similar provisions made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

9. *Depreciation and use allowances.* a. Hospitals may be compensated for the use of buildings, capital improvements and usable equipment on hand through depreciation or use allowances. Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular hospital's operations as distinguished from physical life. Use allowances are the means of allowing compensation when depreciation or other equivalent costs are not considered.

b. Due consideration will be given to government-furnished research facilities utilized by the institution when computing use allowances and/or depreciation if the government-furnished research facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of grounds, buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides, and secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits, and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided in the institution's books of accounts, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to organized research is developed from the amount thus amortized for the base period involved.

c. Normal depreciation on a hospital's plant, equipment, and other capital facilities, except as excluded by (d) below, is an allowable element of research cost provided that the amount thereof is computed:

1. Upon the property cost basis used by the hospital for Federal Income Tax purposes (See section 167 of the Internal Revenue Code of 1954); or

2. In the case of non-profit or tax exempt organizations, upon a property cost basis which could have been used by the hospital for Federal Income Tax purposes, had such hospital been subject to the payment of income tax; and in either case

3. By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954 as amended, including—

i. The straight line method;

ii. The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in (i) above;

iii. The sum of the years-digits method; and

iv. Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not during the first two-thirds of the useful life of the property exceed the total of such allowances which would have been used had such allowances been computed under the method described in (ii) above.

d. Where the depreciation method is followed, adequate property records must be maintained. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular research area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

e. Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes.

f. Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that would be viewed as fully depreciated; provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

g. Hospitals which choose a depreciation allowance for assets purchased prior to 1966 based on a percentage of operating costs in lieu of normal depreciation for purposes of reimbursement under Public Law 89-97 (Medicare) shall utilize that method for determining depreciation applicable to organized research.

The operating costs to be used are the lower of the hospital's 1965 operating costs or the hospital's current year's allowable costs. The percent to be applied is 5 percent starting with the year 1966-67, with such percentage being uniformity reduced by one-half percent each succeeding year. The allowance based on operating costs is in addition to regular depreciation on assets acquired after 1965. However, the combined amount of such allowance on pre-1966 assets and the allowance for actual depreciation on assets acquired after 1965 may not exceed 6 percent of the hospital's allowable cost for the current year. After total depreciation has been computed, allocation methods are used to determine the share attributable to organized research.

For purposes of this section, "Operating Costs" means the total costs incurred by the hospital in operating the institution, and includes patient care, research, and other activities. "Allowable Costs" means operating costs less unallowable costs as defined in these principles; by the application of allocation methods to the total amount of such allowable costs, the share attributable to Federally-sponsored research is determined.

A hospital which elects to use this procedure under Public Law 89-97 and subsequently changes to an actual depreciation basis on pre-1966 assets in accordance with the option afforded under the Medicare program shall simultaneously change to an actual depreciation basis for organized research.

Where the hospital desires to change to actual depreciation but either has no historical cost records or has incomplete records, the determination of historical cost could be made through appropriate means involving expert consultation with the determination being subject to review and approval by the Department of Health, Education, and Welfare.

h. Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding ten percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding six and two-thirds percent of such estimate.

i. Depreciation and/or use charges should usually be allocated to research and other activities as an indirect cost.

10. *Employee morale, health, and welfare costs and credits.* The costs of house publications, health or first-aid benefits, recreational activities, employees' counseling services, and other expenses incurred in accordance with the hospital's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs will be equitably apportioned to all activities of the hospital. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

11. *Entertainment costs.* Except as pertains to 10 above, costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities are unallowable.

12. *Equipment and other facilities.* The cost of equipment or other facilities are allowable on a direct charge basis where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement.

13. *Fines and penalties.* Costs resulting from violations of, or failure of the institution to comply with federal, state and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement, or instructions in writing from the awarding agency.

14. *Insurance and indemnification.* a. Costs of insurance required or approved and maintained pursuant to the research agreement are allowable.

b. Costs of other insurance maintained by the hospital in connection with the general conduct of its activities are allowable subject to the following limitations: (1) types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to government owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

c. Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks. Such contributions are subject to prior approval of the Government.

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d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except that costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations are allowable.

15. *Interest, fund raising and investment management costs.* a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are not allowable.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are not allowable.

d. Costs related to the physical custody and control of monies and securities are allowable.

16. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the hospital and its employees, including costs of labor management committees, employees' publications, and other related activities are allowable.

17. *Losses on research agreements or contracts.* Any excess of costs over income under any agreement or contract of any nature is unallowable. This includes, but is not limited to, the hospital's contributed portion by reason of cost-sharing agreements, under-recoveries through negotiation of flat amounts for overhead, or legal or administrative limitations.

18. *Maintenance and repair costs.* a. Costs necessary for the upkeep of property (including government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows:

1. Normal maintenance and repair costs are allowable;

2. Extraordinary maintenance and repair costs are allowable, provided they are allocated to the periods to which applicable for purposes of determining research costs.

b. Expenditures for plant and equipment, including rehabilitation thereof, which according to generally accepted accounting principles as applied under the hospital's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

19. *Material costs.* Costs incurred for purchased materials, supplies and fabricated parts directly or indirectly related to the research agreement, are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the hospital. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where government donated or furnished material is used in performing the research agreement, such material will be used without charge.

20. *Memberships, subscriptions and professional activity costs.* a. Costs of the hospital's membership in civic, business, technical and professional organizations are allowable.

b. Costs of the hospital's subscriptions to civic, business, professional and technical periodicals are allowable.

c. Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

21. *Organization costs.* Expenditures such as incorporation fees, attorneys' fees, accountants' fees, brokers' fees, fees to promoters and organizers in connection with (a) organization or reorganization of a hospital, or (b) raising capital, are unallowable.

22. *Other business expenses.* Included in this item are such recurring expenses as registry and transfer charges resulting from changes in ownership of securities issued by the hospital, cost of shareholders meetings preparation and publication of reports to shareholders, preparation and submission of required reports and forms to taxing and other regulatory bodies, and incidental costs of directors and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

23. *Patient care.* The cost of routine and ancillary or special services to research patients is an allowable direct cost of research agreements.

a. Routine services shall include the costs of the regular room, dietary and nursing services, minor medical and surgical supplies and the use of equipment and facilities for which a separate charge is not customarily made.

b. Ancillary or special services are the services for which charges are customarily made in addition to routine services, such as operating rooms, anesthesia, laboratory, BMR-EKG, etc.

c. Patient care, whether expressed as a rate or an amount, shall be computed in a manner consistent with the procedures used to determine reimbursable costs under Public Law 89-97 (Medicare Program) as defined under the "Principles Of Reimbursement For Provider Costs" published by the Social Security Administration of the Department of Health, Education, and Welfare. The allowability of specific categories of cost shall be in accordance with those principles rather than the principles for research contained herein. In the absence of participation in the Medicare program by a hospital, all references to the Medicare program in these principles shall be construed as meaning the Medicaid program.

i. Once costs have been recognized as allowable, the indirect costs or general service center's cost shall be allocated (stepped-down) to special service centers, and all patient and nonpatient costs centers based upon actual services received or benefiting these centers.

ii. After allocation, routine and ancillary costs shall be apportioned to scatter-bed research patients on the same basis as is used to apportion costs to Medicare patients, i.e. using either the departmental method or the combination method, as those methods are defined by the Social Security Administration; except that final settlement shall be on a grant-by-grant basis. However, to the extent that the Social Security Administration has recognized any other method of cost apportionment, that method generally shall also be recognized as applicable to the determination of research patient care costs.

iii. A cost center must be established on Medicare reimbursement forms for each discrete-bed unit grant award received by a hospital. Routine costs should be stepped-down to this line item(s) in the normal course of stepping-down costs under Medicare/Medicaid requirements. However, in stepping-down routine costs, consideration must be given to preventing a step-down of those costs to discrete-bed unit line items that have already been paid for directly by the grant, such as bedside nursing costs. Ancillary costs allocable to research discrete-bed units shall be determined and proposed in accordance with Section 23.c.ii.

d. Where federally sponsored research programs provide specifically for the direct reimbursement of nursing, dietary, and other services, appropriate adjustment must be made to patient care costs to preclude duplication and/or misallocation of costs.

24. *Patent costs.* Costs of preparing disclosures, reports and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also para. IX–B.36.)

25. *Pension plan costs.* Costs of the hospital's pension plan which are incurred in accordance with the established policies of the institution are allowable, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the hospital.

26. *Plan security costs.* Necessary expenses incurred to comply with government security

requirements including wages, uniforms and equipment of personnel engaged in plant protection are allowable.

27. *Preresearch agreement costs.* Costs incurred prior to the effective date of the research agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the research agreement.

28. *Professional services costs.* a. Costs of professional services rendered by the members of a particular profession who are not employees of the hospital are allowable subject to (b) and (c) below when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

b. Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs, particularly in the years prior to the award of government research agreements on the institution's total activity; (2) the nature and scope of managerial services expected of the institution's own organizations; and (3) whether the proportion of government work to the hospital's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under government research agreements.

c. Costs of legal, accounting and consulting services, and related costs incurred in connection with organization and reorganization or the prosecution of claims against the Government are unallowable. Costs of legal, accounting and consulting services, and related costs incurred in connection with patent infringement litigation are unallowable unless otherwise provided for in the research agreement.

29. *Profits and losses on disposition of plant equipment, or other assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sales or exchange of either short- or long-term investments, shall be excluded in computing research agreement costs.

30. *Proposal costs.* Proposal costs are the costs of preparing bids or proposals on potential government and non-government research agreements or projects, including the development of technical data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable in the current period to the government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the methods used, the results obtained may be accepted only if found to be reasonable and equitable.

31. *Public information services costs.* Costs of news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

32. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special rearrangement and alteration costs incurred specifically for a project are allowable only as a direct charge when such work has been approved in advance by the sponsoring agency concerned.

33. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of government research agreement work, fair wear and tear excepted, are allowable.

34. *Recruiting costs.* a. Subject to (b), (c), and (d) below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where an institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

b. In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect) are unallowable.

c. Costs of help wanted advertising, special emoluments; fringe benefits, and salary allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution are unallowable.

d. Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within twelve months after hire, the institution will be required to refund or credit such relocations costs as were charged to the Government.

35. *Rental costs (including sale and lease-back of facilities).* a. Rental costs of land, building, and equipment and other personal property are allowable if the rates are reasonable in light of such factors as rental costs of comparable facilities and market conditions in the area, the type, life expectancy, condition, and value of the facilities leased, options available, and other provisions of the rental agreement. Application of these factors, in situations where rentals are extensively used, may involve among other considerations comparison of rental costs with the amount which the hospital would have received had it owned the facilities.

b. Charges in the nature of rent between organizations having a legal or other affiliation or arrangement such as hospitals, medical schools, foundations, etc., are allowable to the extent such charges do not exceed the normal costs of ownership such as depreciation, taxes, insurance, and maintenance, provided that no part of such costs shall duplicate any other allowed costs.

c. Unless otherwise specifically provided in the agreement, rental costs specified in sale and lease-back agreements incurred by hospitals through selling plant facilities to investment organizations such as insurance companies or to private investors, and concurrently leasing back the same facilities are allowable only to the extent that such rentals do not exceed the amount which the hospital would have received had it retained legal title to the facilities.

36. *Royalties and other costs for use of patents.* Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid, or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

37. *Severance pay.* a. Severance pay is compensation in addition to regular salaries and wages which is paid by a hospital to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

b. Severance payments that are due to normal, recurring turnover, and which otherwise meet the conditions of (a) above may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

c. Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate to the extent of its fair share in any specific payment.

38. *Specialized service facilities operated by a hospital.* a. The costs of institutional services involving the use of highly complex and specialized facilities such as electronic computers and reactors are allowable provided the charges therefor meet the conditions of (b) or (c) below, and otherwise take into account any items of income or federal financing that qualify as applicable credits under para. III–E.

b. The costs of such hospital services normally will be charged directly to applicable research agreements based on actual usage or occupancy of the facilities at rates that (1) are designed to recover only actual costs of providing such services, and (2) are applied on a nondiscriminatory basis as between organized research and other

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work of the hospital including commercial or accommodation sales and usage by the hospital for internal purposes. This would include use of such facilities as radiology, laboratories, maintenance men used for a special purpose, medical art, photography, etc.

c. In the absence of an acceptable arrangement for direct costing as provided in (b) above, the costs incurred for such institutional services may be assigned to research agreements as indirect costs, provided the methods used achieve substantially the same results. Such arrangements should be worked out in coordination with all government users of the facilities in order to assure equitable distribution of the indirect costs.

39. *Special administrative costs.* Costs incurred for general public relations activities, catalogs, alumni activities, and similar services are unallowable.

40. *Staff and/or employee benefits.* a. Staff and/or employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job such as for annual leave, sick leave, military leave and the like are allowable provided such costs are absorbed by all hospital activities including organized research in proportion to the relative amount of time or effort actually devoted to each.

b. Staff benefits in the form of employer contributions or expenses for Social Security taxes, employee insurance, Workmen's Compensation insurance, the Pension Plan (see para. IX–B.25), hospital costs or remission of hospital charges to the extent of costs for individual employees or their families, and the like are allowable provided such benefits are granted in accordance with established hospital policies, and provided such contributions and other expenses whether treated as indirect costs or an increment of direct labor costs are distributed to particular research agreements and other activities in a manner consistent with the pattern of benefits accruing to the individuals or groups of employees whose salaries and wages are chargeable to such research agreements and other activities.

41. *Taxes.* a. In general, taxes which the hospital is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable except for (1) taxes from which exemptions are available to the hospital directly or which are available to the hospital based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates, (2) special assessments on land which represent capital improvements, and (3) Federal Income Taxes.

b. Any refund of taxes, interest, or penalties, and any payment to the hospital of interest thereon attributable to taxes, interest or penalties, which were allowed as research agreement costs will be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to a hospital incident to a refund of tax, interest, and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the hospital had been reimbursed by the Government for the taxes, interest, and penalties.

42. *Transportation costs.* Costs incurred for inbound freight, express, cartage, postage and other transportation services relating either to goods purchased, in process, or delivered are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the material received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

43. *Travel costs.* a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the hospital. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

b. Travel costs are allowable subject to (c) and (d) below when they are directly attributable to specific work under a research agreement or when they are incurred in the normal course of administration of the hospital or a department or research program thereof.

c. The difference in cost between first class air accommodations and less than first class air accommodations is unallowable except when less than first class air accommodations are not reasonably available to meet necessary mission requirements such as where less than first class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

d. Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

44. *Termination costs applicable to contracts.* a. Contract terminations generally give rise to the incurrence of costs or to the need for special treatment of costs which would not have arisen had the contract not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of these principles in the case of contract termination.

b. The cost of common items of material reasonably usable on the hospital's other work will not be allowable unless the hospital submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the hospital's plans for current scheduled work or activities including other research agreements. Contemporaneous purchases of common items by the hospital will be regarded as evidence that such items are reasonably usable on the hospital's other work. Any acceptance of common items as allowable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirement of other work.

c. If in a particular case, despite all reasonable efforts by the hospital, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in these principles, except that any such costs continuing after termination due to the negligent or willful failure of the hospital to discontinue such costs will be considered unacceptable.

d. Loss of useful value of special tooling and special machinery and equipment is generally allowable, provided (1) such special tooling, machinery or equipment is not reasonably capable of use in the other work of the hospital; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and (3) the loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other government contracts for which the special tooling, special machinery or equipment was acquired.

e. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if (1) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and (2) the hospital makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the contract and of reasonable restoration required by the provisions of the lease.

f. Settlement expenses including the following are generally allowable: (1) accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract and the termination and settlement of subcontracts; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the contract.

g. Subcontractor claims including the allocable portion of claims which are

common to the contract and to other work of the contractor are generally allowable.

45. *Voluntary services.* The value of voluntary services provided by sisters or other members of religious orders is allowable provided that amounts do not exceed that paid other employees for similar work. Such amounts must be identifiable in the records of the hospital as a legal obligation of the hospital. This may be reflected by an agreement between the religious order and the hospital supported by evidence of payments to the order.

Appendix F—Principles for Determining Costs Applicable to Grants and Contracts With Nonprofit Institutions

A. Purpose and Scope

1. *Objectives.* This Appendix provides principles for determining the costs applicable to grants and contracts awarded by the Department of Health, Education, and Welfare and performed by nonprofit organizations other than educational institutions, hospitals and State and local Government organizations. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular project. The principles are designed to provide recognition of the full allocated costs of work under generally accepted accounting principles. No provision for profit or other increment above cost is provided for in these principles.

2. *Definition of Nonprofit Institution.* (a) A nonprofit institution for purposes of this document is any corporation, foundation, trust, association, cooperative or other organization other than (i) educational institutions, (ii) hospitals and (iii) State and local Governmental agencies, bureaus or departments, which is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest, which is not organized primarily for profit and which uses all income exceeding costs to maintain, improve and/or expand its operations.

The charter or other legally binding authority for the existence of the institution must provide that no part of the net earnings, properties or other assets of the institution, on dissolution or otherwise, shall inure to the benefits of any private person or individual including any member, employee, officer, director or trustee of the institution, and that, on liquidation or dissolution all properties and assets remaining after providing for all debts and obligations shall be distributed and paid over to such other fund, foundation or other organization formed and operated as a nonprofit institution, as defined herein, as the board of directors or trustees may determine. Institutions which have received tax exemptions as nonprofit institutions from the U.S. Internal Revenue Service shall be considered to have met the criteria of this definition.

(b) For purposes of this document, the terms nonprofit and not-for-profit as they are descriptively applied to institutions shall be considered synonymous provided the requirements of 2(a) are met.

3. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of nonprofit institutions and of the Federal Government as to their scope, applicability, and interpretation. It is recognized that the arrangements for agency and institutional participation in the financing of a project are properly subject to negotiation between the agency and the institution concerned in accordance with such governmentwide criteria as may be applicable, that each institution should be expected to employ sound management practice in the fulfillment of its obligation, and that each grantee or contractor organization in recognition of its own unique combination of staff, facilities and experience should be responsible for employing whatever form of organization and management techniques as may be necessary to assure proper efficient administration.

4. *Application.* These principles shall be applied in determining cost incurred in the performance of all grants and cost-reimbursement type contracts awarded by the Department of Health, Education, and Welfare. The principles shall also apply to cost-reimbursement type contracts performed under DHEW grants and cost-reimbursement type subcontracts and shall be used as a guide in the pricing of fixed price contracts and subcontracts. The principles do not apply to construction grants or contracts.

B. Basic Considerations

1. *Composition of total cost.* The total cost of a contract or grant is the sum of the allowable direct and indirect costs allocable to the grant/contract less any applicable credits. In ascertaining what constitutes costs, any generally accepted accounting method of determining or estimating costs that is equitable under the circumstances may be used.

2. *Factors affecting allowability of costs.* Factors to be considered in determining the allowability of individual items of cost include (a) reasonableness, (b) allocability, (c) application of those generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this document or otherwise included in the grant/contract as to types or amounts of cost items.

3. *Definition of reasonableness.* A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with institutions or separate divisions thereof which may not be subject to effective competitive restraints. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the institution or the performance of the grant/contract.

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and grant/contract terms and specifications;

(c) The action that a prudent businessman would take in the circumstances, considering his responsibilities to the public at large, the Government, his employees, his clients, shareholders or members and the fulfillment of the purposes for which the institution was organized; and

(d) Significant deviations from the established practices of the institution which may unjustifiably increase the grant/contract costs.

4. *Definition of allocability.* A cost is allocable if it is assignable or chargeable to a particular cost objective, such as a grant/contract, project, product, service, process, or other major activity, in accordance with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government grant/contract if it:

(a) Is incurred specifically for the grant/contract;

(b) Benefits both the grant/contract and other work and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the institution, although a direct relationship to any particular cost objective cannot be shown.

Where an organization utilizes the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations (or comparable generally accepted accounting standards peculiar to its particular organizational structure or activity) to allocate costs to non-HEW supported activities it must also use such standards to allocate costs to HEW grants/contracts.

5. *Applicable credits.* The term applicable credits refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to grants or contracts as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges. The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the grantee/contractor shall be credited to the Government either as a cost reduction or by cash refund, as appropriate.

C. Direct Costs

1. A direct cost is any cost which can be identified specifically with a particular cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with the grant/contract are direct costs of the grant/contract and may be charged directly thereto. Costs identified specifically with other work of the institution are direct costs of that work and are not to be charged to the grant/contract either directly or indirectly. Items charged as direct cost to Government-supported projects must be

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charged in a uniform manner to all other work of the institution in order to preclude an overcharge to the Government as a result of the Government's participation in the indirect cost pool. Conversely, where the institution's established accounting system provides for the treatment of certain items of cost as direct costs of the institution, then the same items must be considered direct costs to Government-supported projects and may not be included in the indirect cost pool.

2. Certain types of cost, or costs associated with certain activities are not reimbursable as a charge to a DHEW grant/contract. These unallowable costs or activities are identified in section G. Even though a particular activity or cost is designated as unallowable for purposes of computing costs charged to Government work, it nonetheless must be treated as a direct cost or activity if a portion of the institution's indirect cost (as defined in section D) is properly allocable to it. The amount of indirect cost allocated must be in accordance with the principles set forth in section D–2. In general, an unallowable institutional activity shall be treated as a direct function when it (1) includes salaries of personnel, (2) occupies space, and (3) is serviced by an indirect cost grouping(s). Thus the costs associated with the following types of activities when normal or necessary to an institution's primary mission shall be treated as direct costs:

(a) Maintenance of membership rolls, subscriptions, publications and related functions.

(b) Providing services and information to members, legislative or administrative bodies or the public.

(c) Promotion, lobbying, and other forms of public relations.

(d) Meetings and conferences except those held to conduct the general administration of the institution.

(e) Fund raising.

(f) Maintenance, protection, and investment of special funds not used in operation of institutions.

(g) Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, etc.

(h) Other activities performed primarily as a service to a membership, clients, or the public.

3. This definition shall be applied to all items of cost of significant amount unless the institution demonstrates that the application of any different current practice achieves substantially the same results. Direct cost items of minor amount may be distributed as indirect costs as provided in section D.

D. Indirect Costs

1. An indirect cost is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Minor direct cost items may be considered to be indirect costs for reasons of practicality. After direct costs have been determined and charged directly to the grant/contract or other work as appropriate, indirect costs are those remaining to be allocated to the several classes of work. The overall objective of the allocation process is to distribute the indirect costs of the institution to its various major activities or cost objectives in reasonable proportions with the benefits provided to those activities or cost objective. Because of the diverse natures and purposes of organizations falling within the definition of a non-profit organization, it is impractical to specifically identify those functions which constitute major activities for purposes of identifying and distributing indirect costs. Such identification will be dependent upon an institution's purpose-in-being, the services it renders to the public, its clients and/or members, the amount of effort devoted to fund raising activities, public relations, and membership activities, etc. (See section C–2.)

2. Indirect costs shall be accumulated by logical cost groupings with due consideration of the reasons for incurring the costs. Each grouping should be determined so as to permit distribution of the grouping on the basis of the benefits accruing to the several cost objectives. Sub-grouping may be required where there is no single equitable distribution base for all the elements of cost comprising a group. Actual conditions must be taken into account in selecting the method or base to be used in distributing the expenses assembled under each of the individual cost groupings established to applicable cost objectives. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to the cost objectives should be made through use of a selected base which will produce results which are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base provided (1) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (2) it is common to the cost objectives during the base period. The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to the cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

3. The number and composition of the groupings should be governed by practical considerations and should be such as not to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

4. A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

E. Determination and Application of Indirect Cost Rate or Rates

1. *Indirect cost pools.* (a) Subject to (b) below, indirect costs allocable to an institution's direct functions should be treated as a common pool, and the costs in such common pool should then be distributed to the individual projects benefiting therefrom by use of a single rate.

(b) In some instances a single rate for use across the board on all activities at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of work at the institution. For this purpose, a particular segment of work may be that performed under a single grant/contract or it may consist of work under a group of grants/contracts performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of work is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have been obtained under (a) above, and (2) the volume of work to which such rate would apply is material in relation to other activity at the institution.

2. *The distribution base.* Indirect costs should be distributed to each applicable project on the basis of direct salaries and wages, total direct costs or other basis which results in an equitable distribution. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to section E.1. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the base selected.

F. Application of Principles and Procedures

1. Costs shall be allowed to the extent that they are reasonable (see B.3) allocable (see B.4) and determined to be allowable in view of the other factors set forth in paragraph B.2. and section G. These criteria apply to all of the selected items of cost which follow notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

2. Costs of all subcontracts under a grant or cost-reimbursement type contract are subject to those Federal cost regulations and policies appropriate to the subcontract involved. Thus if the subcontract is for supplies or services with a nonprofit institution other than an educational institution, hospital or State and local governmental unit this document would apply; if the subcontract is for supplies or services with a commercial organization, Federal Procurement Regulation Part 1.15.2 would apply; if the subcontract is with an educational institution. Appendix D to this Part (Federal Procurement Regulation Part 1.15.3) would apply; if the subcontract is with a hospital, the Department of Health, Education, and Welfare's Cost Principles for Hospitals would apply (see Appendix E to this Part).

3. Selected items of cost are treated in Section G. However, section G does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in Section G is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this document and, where appropriate, the treatment of similar or related selected items.

G. General Standards for Selected Items of Cost

Sections G–1 through G–46 provide standards to be applied in establishing the allowability of certain items involved in determining costs. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of a discrepancy between the provisions of a specific grant/contract and the applicable standards provided, the provisions of the grant/contract shall govern. Under any given grant/contract the reasonableness and allocability of certain items of costs may be difficult to determine. This is particularly true in connection with nonprofit institutions which are so diverse in nature and not subject to effective competitive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that institutions entering into grants or contracts with the Government seek agreement in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such action may also be initiated by the Government. Examples of costs on which advance agreements may be particularly important are:

1. Compensation for personal services;
2. Consultant fees;
3. Deferred maintenance costs;
4. Excess facility costs;
5. Materiel, services, and supplies sold between organizations or divisions under common control;
6. Preaward costs;
7. Publication and public information costs;
8. Royalties;
9. Training and educational costs;
10. Travel costs, as related to special or mass personnel movement, and to the class of air-travel accommodations allowable;
11. Use charge for fully depreciated assets;
12. Depreciation or use charge on assets donated to the institution by third parties.

1. *Advertising costs.* (a) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazine, newspapers, radio, and television programs, direct mail, trade papers, outdoor advertising, dealer cards, and window displays, conventions, exhibits, free goods, and samples, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the institution of obligations arising under the grant/contract, when considered in conjunction with all other recruitment costs, as set forth in C.36; (2) the procurement of scarce items for the performance of the grant/contract or (3) the disposal of scrap or surplus materials acquired in the performance of the project. Costs of this nature, if incurred for more than one Government award or for both Government work and other work of the institution, are allowable to the extent that the principles in paragraphs B–3, B–4, and section D are observed.

2. *Bad debts.* Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related costs, and related legal costs, are unallowable.

3. *Bidding or proposal costs.* Bidding or proposal costs are the immediate costs of preparing bids or proposals on potential Government and non-Government contracts or projects or applications for financial assistance under Federal grant and contract programs, including development of scientific, engineering and cost data necessary to support the institution's bids, proposals or applications. Bidding costs of the current accounting period are allowable as part of the indirect cost pool. Costs of past accounting periods are unallowable. Bidding costs do not include any of those costs described in section G–16 and G–30.

4. *Bonding costs.* (a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the grantee/contractor. They arise also in instances where the grantee/contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the grant/contract are allowable.

(c) Costs of bonding required by the grantee/contractor in the general conduct of its operations are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

5. *Civil defense costs.* (a) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire fighting training and equipment, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the institution.

(b) Costs of capital assets under (a) above are allowable through depreciation or use charges in accordance with G–10.

(c) Contributions to local civil defense funds and projects are unallowable.

6. *Compensation for personal services—*

(a) *Definition.* Compensation for personal services includes all remuneration paid currently or accrued in whatever form and whether paid immediately or deferred for services rendered by employees of the institution during the period of grant/contract performance. It includes, but is not limited to salary, wages, directors' and executive committee members' fees, bonuses, incentive awards, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans.

(b) *Allowability.* Except as otherwise specifically provided in this subsection, the costs of compensation for personal services are to be treated as allowable to the extent that:

(1) Compensation is paid in accordance with policy, programs, and procedures that effectively relate individual compensation to the individual's contribution to the performance of grant or contract work, result in internally consistent treatment of employees in like situations, and effectively relate compensation paid within the organization to that paid for similar services outside the organization;

(2) Total compensation of individual employees is reasonable for the services rendered; and

(3) Costs are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(c) *Reasonableness.* (1) When the institution is predominantly engaged in activities other than those sponsored by the Federal Government, compensation for employees on federally sponsored work will be considered reasonable to the extent that it is consistent with that paid for similar work in the institution's other activities;

(2) When the institution is predominantly engaged in federally sponsored activities, and in cases where the kind of employees required for the federally sponsored activities are not found in the institution's other activities, compensation for employees on federally sponsored work will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor markets in which the institution competes for the kind of employees involved.

(d) *Review and approval of compensation of individual employees.* In determining the reasonableness of compensation, the compensation of each individual employee normally need not be subject to review and approval. Reviews and approvals of individuals need be made only in those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line.

(e) *Special considerations in determining allowability.* Certain conditions require special consideration and possible limitation as to allowability for grant and contract cost purposes where amounts appear excessive. Among such conditions are the following:

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(1) Compensation to share holders, members, trustees, directors, associates, officers or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

(2) Any change in an institution's compensation policy resulting in a substantial increase in the institution's level of compensation, particularly when it was concurrent with an increase in the ratio of Government awards to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(3) The institution's activities are such that its compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(f) Notwithstanding any other provisions of this subsection, costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government grants or contracts are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazardous activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government grant or contract involving significantly different circumstances and conditions of employment, (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if its results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph unless:

(1) The institution has been permitted an opportunity to justify the costs; and

(2) Due consideration has been given to whether there are unusual conditions pertaining to the Government work which impose burdens, hardships, or hazards on the institution's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(g)(1) In addition to the general requirements set forth in (a) through (f) of this subsection, certain forms of compensation are subject to further requirements as specified in (2) through (9) below.

(2) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, see G.25 as it relates to compensation for overtime.

(3) *Incentive compensation.* Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc. are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the institution and the employees before the services were rendered, or pursuant to an established plan followed by the institution to consistently as to imply, in effect, an agreement to make such payment. Awards, and incentive compensation when deferred are allowable to the extent provided in (4) below.

(4) *Deferred compensation.* (a) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals for regular salaries and wages. It includes (i) contributions to pension and annuity plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation.

(b) Deferred compensation is allowable to the extent that (i) except for past service pension and retirement costs, it is for services rendered during the grant/contract period; (ii) it is, together with all other compensation paid to the employee, reasonable in amount; (iii) it is paid pursuant to an agreement entered into in good faith between the institution and its employees before the services are rendered, or pursuant to an established plan followed by the institution so consistently as to imply, in effect, an agreement to make such payments; (iv) the benefits of the plan are vested in the employees or their designated beneficiaries and no part of the deferred compensation reverts to the employer institution; (v) in the case of past service pension costs, it is amortized over a period of ten years or more; and (vi) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service.

(c) In determining the cost of deferred compensation allowable under the grant or contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the institution; forfeitures which inure to the benefits of other employees covered by a deferred compensation plan with no reduction in the institution's costs will not normally give rise to an adjustment in grant/contract costs. Adjustments for normal employee turnover shall be based on the institution's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the institution can demonstrate that its contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within (i) above, may be made the subject of agreement between the Government and the institution either as to an equitable adjustment or a method of determining such adjustment.

(d) In determining whether deferred compensation is for services rendered during the agreement period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as requirements of continued employment, consultation after retirement, and covenants not to compete.

(5) *Fringe benefits.* Fringe benefits are allowances and services provided by the institution to its employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental unemployment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the institution.

(6) Severance pay. See G.40.

(7) Training and education expenses. See G.44.

(8) *Location allowances.* (a) "Location allowances," sometimes called "supplemental pay" or "incentive pay," are compensation in addition to normal wages or salaries and are paid by institutions to especially compensate or induce employees to undertake or continue work at locations which may be isolated or in an unfavorable environment. Location allowances include extra wage or salary payments in the form of station allowances, extended per diem, or mileage payments for daily commuting; they also include such benefits as institution-furnished housing. Payment of location allowances shall be allowed as costs under grants and cost-reimbursement type contracts, or recognized in pricing fixed-price type contracts, only with prior approval in writing from the awarding agency and only where and so long as the isolation or unfavorable environment of the site makes such payments necessary to the accomplishment of the work without unacceptable delays. Whether the site is so isolated, or its environment is so unfavorable, as to require location allowances is to be determined in the light of (a) its location and climate; (b) the availability and adequacy of housing within reasonable commuting distance; and (c) the availability and adequacy of educational, recreational, medical, and hospital facilities. The extent to which compensation includes location allowances is to be determined by comparing it with (a) the institution's normal compensation policy, including pay scales at its principal operating locations; (b) pay scales of other organizations and concerns operating at or near the site; and (c) compensation paid by other concerns within the same field for similar services elsewhere.

(b) Locations for which location allowances are paid shall be reviewed at least once a year to determine whether such allowances should continue to be allowed.

(9) *Support of salaries and wages.* (a) Direct charges for professionals must be supported by either:

(i) An adequate appointment and workload distribution system, accompanied by monthly reviews performed by responsible change in workload distribution of each professional (i.e., an exception reporting system) or

(ii) A monthly after-the-fact certification system which will require persons in supervisory positions having firsthand knowledge of the services performed to report the distribution of effort (i.e., a positive reporting system). Such reports must account for the *total* salaried effort of the persons covered. Consequently, a system which provides for the reporting only of effort applicable to federally sponsored activities is not acceptable.

(b) Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

(c) Allowable indirect personal services costs will be supported by the institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government representatives.

7. *Capital expenditures.* The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the grant/contract.

8. *Contingencies.* (a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at the present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been incurred and recorded on the institution's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(1) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; e.g., pension funds, sick leave, and vacation accruals, etc. In such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the institution and to the Government; e.g., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed in order to facilitate the negotiation of appropriate contractual coverage (see, for example, G-17, G-21, and G-40).

9. *Contributions and donations.* (a) Contributions and donations by the grantee/contractor are unallowable.

(b) The value of donated services or goods provided by individual volunteers or members of volunteer organizations is not an allowable cost; however, the fair market value of donated services or goods utilized in the performance of a direct cost activity as defined in C.1 and C.2 shall be considered in the determination of the indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of indirect cost.

10. *Depreciation and use allowances.* (a) Institutions may be compensated for the use of buildings, capital improvements and usable equipment on hand through depreciation or use allowances. Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular institution's operations as distinguished from physical life. Use allowances are the means of allowing compensation when depreciation or other equivalent costs are not considered.

(b) Depreciation or a use allowance on assets donated by third parties is allowable. However, any limitations on the amount of depreciation which would have applied to the donor as a result of restrictions contained in this Section shall also apply to the recipient organization.

(c) Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of grounds, buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides, and secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits, and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided in the institution's books of account, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to the grant or contract is developed from the amount thus amortized for the base period involved.

(d) Normal depreciation on an institution's plant, equipment, and other capital facilities, except as excluded by (d) below, is an allowable element of cost provided that the amount thereof is computed:

(1) Upon a property cost basis which could have been used by the institution for Federal Income Tax purposes, had such institution been subject to the payment of income tax; and

(2) By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954 as amended, including—

(i) The straight line method;

(ii) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in (i) above;

(iii) The sum-of-the-years-digits method; and

(iv) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not during the first two-thirds of the useful life of the property exceed the total of such allowances which would have been used had such allowances been computed under the method described in (ii) above.

(v) Where the depreciation method is followed, adequate property records must be maintained. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

(vi) Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes. (See G. 13.)

(vii) Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that would be viewed as fully depreciated. *Provided, however,* that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

(viii) Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment in those cases where the institution maintains current records with

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respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding 10 percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate.

(ix) Depreciation and/or use charges should usually be allocated to all activities as an indirect cost.

11. *Employee morale, health, welfare costs, and credits.* (a) Employee morale, health, and welfare activities are those services or benefits provided by the institution to its employees to improve working conditions, employer-employee relations, employee morale, and employee performance. Such activities include house publications, health or first-aid clinics, recreation, employee counseling services and, for the purpose of this paragraph, food and dormitory services. Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations, or similar types of services for the institution's employees at or near its facilities.

(b) Except as limited by (c) below, the aggregate of costs incurred on account of all activities mentioned in (a) above, less income generated by all such activities is allowable to the extent that the net amount is reasonable.

(c) Losses from the operation of food and dormitory services may be included as cost incurred under (b) above, only if the institution's objective is to operate such services on a break-even basis. Losses sustained because food services or lodging accommodations are furnished without charge or at prices or rates which obviously would not be conducive to accomplishment of the above objective, are not allowable, except that a loss may be allowed to the extent the institution can demonstrate that unusual circumstances exist (e.g., (1) where the institution must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available or (ii) where it is necessary to operate a facility at a lower volume than the facility could economically support) such that, even with efficient management, operation of the services on a break-even basis would require charging inordinately high prices or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas.

(d) In those situations where the institution has an arrangement authorizing an employee association to provide or operate a service such as vending machines in the institution's plant, and retain the profits derived therefrom, such profits shall be treated in the same manner as if the institution were providing the service (but see (e)).

(e) Contributions by the institution to an employee organization, including funds set over from vending machine receipts or similar sources, may be included as cost incurred under (b) above only to the extent that the institution demonstrates that an equivalent amount of the costs incurred by the employee organization would be allowable if incurred by the institution directly.

12. *Entertainment costs.* Costs of amusement, diversion, social activities, ceremonials, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see G-11 and G-43).

13. *Excess facility costs.* (a) As used in this paragraph, the words and phrases defined in this subparagraph (a) shall have the meanings set forth below.

(1) Facilities means plant or any portion thereof (inclusive of land integral to the operation); equipment indivdually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the institution.

(2) Idle Facilities means completely unused facilities that are excess to the institution's current needs.

(3) Idle Capacity means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materiels, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. (A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.)

(4) Costs of idle facilities or idle capacity are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

(i) They are necessary to meet fluctuations in workload; or

(ii) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, grantee/ contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in (ii) of this subparagraph (b), costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed 1 year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see G.42(b) and (e)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

14. *Fines and penalties.* Costs of fines and penalties resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the grant or contract instructions in writing from the awarding agency.

15. *Fringe benefits.* (See G.–6–(g)–(5.)

16. *Independent research and development.* (a) An institution's independent research and development (I.R. & D.) is that research and development which is not sponsored by the Government or a non-Government organization or agency under a grant/ contract or other arrangement.

(b) Basic research, for the purpose of this document, is that type of research which is directed toward increase of knowledge within a particular discipline. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this document consists of that type of effort which (1) is normally derived from the results of basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materiels, processes, methods, devices, and techniques, and (3) attempts to "advance the state of the art." Applied research, does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as defined in (c) below. Census research, for the purpose of this document, is that type of activity devoted to the compilation and interpretation of statistical and other analytical information acquired through survey (e.g., interview, circularization of questionnaires), observations or from books, treatises, articles or other sources relative to specifically defined activities, occurrences or conditions for the purpose of accomplishing some scientific end.

(c) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(d) Independent research and development will be treated in a manner consistent with the treatment of sponsored research and development. Accordingly, an institution's I.R. & D. shall be allocated in proportionate share of indirect costs on the same basis that indirect costs are allocated to sponsored research and development.

(e) The cost of an institution's I.R. & D. including its proportionate share of indirect costs, is unallowable.

17. *Insurance and indemnification.* (a) Insurance includes insurance which the institution is required to carry, or which is approved, under the terms of the grant or contract and any other insurance which the institution maintains in connection with the general conduct of its business.

(1) Costs of insurance required or approved, and maintained, pursuant to the grant or contract are allowable.

(2) Costs of other insurance maintained by the institution in connection with the general conduct of its business are allowable subject to the following limitations:

(a) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(b) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(c) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the institution is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the institution's trustees, directors or officers, or other equivalent representatives, who have supervision or direction of (i) all or substantially all of the institution's business, or (ii) all or substantially all of the institution's operations at any one separate location in which the grant or contract is being performed, or who are specifically identified as the project director in the project or otherwise primarily responsible for the direction and/or execution of the project supported by the grant or contract.

(d) Provisions for a reserve under an approved self-insurance program are allowable to the extent that types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks; and

(e) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation. (See G–6).

(3) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant or contract, except:

(a) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable; and

(b) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of doing business, are allowable.

(c) Indemnification includes securing the institution against liabilities to third persons and any other loss or damage not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided in (a)(3) above.

18. *Interest and other financial costs.* (a) Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(b) Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.

(c) Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

(d) Where substantial effort or time is devoted to fund raising and investment activities as described in (b) and (c) in relation to other functions of an institution, such activities shall be considered as a major activity of the institution and shall be allocated its share of indirect costs in accordance with section D. (See also C–2.)

19. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employee publications, and other related activities, are allowable.

20. *Losses on other grants or contracts.* Any excess of costs over income on any grant or contract is unallowable as a cost of any other grant or contract.

21. *Maintenance and repair costs.* (a) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (but see G–10):

(1) Normal maintenance and repair costs are allowable;

(2) Extraordinary maintenance and repair costs are allowable provided such are allocated to the periods to which applicable for purposes of determining grant or contract costs.

(b) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the institution's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

22. *Materiels costs.* (a) The cost of consumable supplies, serum, drugs, fabricated parts, and other materiels necessary to carry out the objectives of a grant or contract, whether purchased outside or manufactured by the institution are allowable subject to the provisions (b) through (e) below. The cost may include such collateral items as inbound transportation and intransit insurance.

In computing these costs consideration will be given to reasonable overruns, spoilage, or defective work if consistent with the nature of the project being performed and the recognized practice of the industry.

(b) Costs of materiel shall be suitably adjusted for applicable portions of income and other credits, including available trade and cash discounts, refunds, rebates, allowances, and credits for scrap and salvage and materiel returned to vendors. Such income and other credits shall either be credited directly to the cost of the materiel involved or be allocated (as credits) to indirect costs. However, where the institution can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, provided such adjustments relate to the period of performance of the grant or contract.

(d) When the materiels are purchased specifically for and identifiable solely with performance under a grant or contract, the actual purchase cost thereof should be charged to that grant or contract. If materiel is issued from stores, any generally recognized method of pricing such materiel is acceptable if that method is consistently applied and the results are equitable. When estimates of materiel costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Allowance for all materiels, supplies and services which are sold or transferred between any division, subsidiary or affiliate of the institution under a common control shall be on the basis of cost incurred in accordance with these principles, except that when it is the established practice of the transferring organization to price interorganization transfers of materiels, supplies and services at other than cost for non-Government work of the institution or any division, subsidiary or affiliate of the institution under a common control, allowance may be at a price when:

(1) It is or is based on an "established catalog or market price of commercial items sold in substantial quantities to the general public;" or

(2) It is the result of "adequate price competition" and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity.

Provided, that in either case:

(1) The price is not in excess of the transferor's current sales price to his most favored customer (including any division, subsidiary, or affiliate of the institution under a common control) for a like quantity under comparable conditions, and

(2) The price is not determined to be unreasonable by the awarding agency.

The price determined in accordance with (1) above should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual cost of any modifications necessary because of grant or contract requirements.

23. *Organization costs.* Expenditures, such as incorporation fees, attorney's fees, accountant's fees, broker's fees, fees to promoters and organizers, in connection with (a) organization or reorganization of a business, or (b) raising capital, are unallowable unless specified otherwise in the grant or contract.

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24. *Other business expenses.* Included in this item are such recurring expenses as preparation and publication of reports to members and trustees; preparation and submission of required reports and forms to taxing and other regulatory bodies; and incidental costs of director and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

25. *Overtime, extra-pay shift and multishift premiums.* Premiums for overtime, extra-pay shifts, and multishift work are allowable only to the extent approved by the awarding agency except:

(a) When necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(b) When by indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(c) In the performance of tests, laboratory procedures, or other similar operations which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(d) When lower overall cost to the Government will result.

Overtime premiums and shift premiums may be considered proper for approval when determined in writing by the awarding agency that approval:

(a) Is necessary to meet delivery or performance schedules, and such schedules are determined to be extended to the maximum consistent with essential program objectives;

(b) Is necessary to make up for delays which are beyond the control and without the fault or negligence of the institution;

(c) Is necessary to eliminate foreseeable bottlenecks of an extended nature which cannot be eliminated in any other way.

Approvals should ordinarily be prospective, but may be retroactive where justified by the circumstances. Such approvals may be for an individual grant or contract project, or program, or for a division, department, or branch, as most practicable.

Overtime for which overtime premiums would be at Government expense should not be approved under an award where the institution is already obligated, without the right to additional compensation, to meet the required delivery date.

Where overtime premiums or shift premiums are being paid at Government expense in connection with the performance of Government grant or contract the continued need therefor should be subject to periodic review by the awarding agency.

26. *Patent and copyright costs.* Costs of preparing disclosures, reports, and other documents required by the grant/contract and of searching the art to the extent necessary to make such disclosures, are allowable. In accordance with the conditions of the grant or contract relating to patents or copyrights, costs of preparing documents and any other costs, in connection with the filing of a patent application or copyright where title is conveyed to the Government, are allowable. However, similar costs incurred in connection with patents or copyrights where title is not conveyed to the Government are unallowable. (See G–39.)

27. *Pension plans.* (See G–6(g)–(4).)

28. *Plant protection costs.* Costs of items such as (a) wages, uniforms, and equipment of personnel engaged in plant protection, (b) depreciation on plant protection capital assets, and (c) necessary expenses to comply with security requirements are allowable.

29. *Plant reconversion costs.* Plant reconversion costs are those incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to the commencement of the grant or contract work, fair wear and tear excepted. Reconversion costs are unallowable except for the cost of removing Government property and the restoration or rehabilitation costs caused by such removal. However, in special circumstances where equity so dictates, additional costs may be allowed to the extent agreed upon in writing before the costs are incurred. Whenever such costs are given consideration, care should be exercised to avoid duplication through allowance as contingencies, as additional profit or fee, or in other grants or contracts.

30. *Preaward costs.* Preaward costs are those incurred prior to the effective date of the grant or contract directly pursuant to the negotiation and in anticipation of the award of the grant or contract where such incurrence is necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the prior written approval of the awarding agency.

31. *Professional service cost—legal, accounting, scientific and other.* (a) Costs of professional services rendered by members of a particular profession who are not employees of the institution are allowable, subject to (b), (c) and (d) below, when reasonable in relation to the services rendered. (But see G–23.)

(b) Factors to be considered in determining the allowability of costs in a particular case include:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service considering the institution's capability in the particular area;

(3) The past pattern of such costs, particularly in years prior to the award of Government work;

(4) The impact of Government work on the institution's business (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the institution's total business is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government grants/contracts;

(6) Whether the service can be performed more economically by employment rather than by contracting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on nongovernment grants/contracts;

(8) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation; termination provisions).

(c) Retainer fees to be allowable must be reasonably supported by evidence of bona fide services available or rendered.

(d) Costs of legal, accounting, and consulting service, and related costs, incurred in connection with organization and reorganization, defense of anti-trust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent or copyright infringement litigation, are unallowable unless otherwise provided for in the grant or contract.

32. *Profits and losses on disposition of plant equipment, or other capital assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall be excluded in computing grant or contract costs.

33. *Public information services costs.* Public information services costs include the costs associated with promotions, public relations, pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

(a) Inform or instruct individuals, groups or the general public about health or social problems;

(b) Interest individuals or groups in participating in a service program of the institution;

(c) Provide stewardship reports to State and local Government agencies, benefactor foundations and associations, etc.;

(d) Appeal for funds;

(e) Disseminate the results of sponsored and non-sponsored research or other activity to the scientific community.

To the extent that the costs incurred for any of these purposes are identifiable with a particular cost objective they should be charged to the objective to which they relate.

If these costs are not identifiable with a particular cost objective, they should be allocated as indirect costs to all major activities of the institution except that costs related to fund-raising appeals are unallowable as costs of grants and contracts.

Public information service costs are unallowable as a direct cost of grants and contracts unless formally approved by the awarding agency.

34. *Publication and printing costs.* Publication costs include the costs of printing (including the processes of composition, platemaking, press work, binding and the end products produced by such processes), distribution, promotion, mailing and general handling.

Publication costs are unallowable as a direct cost of grants and contracts unless formally approved by the awarding agency.

35. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when written approval has been given in advance by the awarding agency.

36. *Recruitment costs.* (a) Subject to (b), (c), and (d) of this G–36, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) In publications, costs of help-wanted advertising that (1) includes color, (2) includes advertising materiel for other than recruitment purposes, or (3) is excessive in size (taking into consideration recruitment purposes for which intended and normal business practices in this respect) are unallowable.

(c) Costs of (1) help-wanted advertising and (2) excessive salaries, fringe benefits, and special emoluments that have been offered to prospective employees, designed to attract personnel from another institution performing as grantee or contractor to the Government, or in excess of the standard practices in comparable institutions, are unallowable.

(d) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution shall be required to refund or credit such relocation costs to the Government.

37. *Relocation costs.* (a) Relocation costs, for the purpose of this document, are costs incident to the permanent change of duty assignment (for an indefinite period, or for a stated period of no less than 12 months) of an existing employee or upon recruitment of a new employee. These costs may include, but are not limited to cost of (i) transportation of the employee, members of his immediate family and his household and personal effects to the new location; (ii) finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period; (iii) closing costs (i.e., brokerage fees, legal fees, appraisal fees, etc.), incident to the disposition of housing; (iv) other necessary and reasonable expenses normally incident to relocation, such as cost of cancelling an unexpired lease, disconnecting or reinstalling household appliances, and purchase of insurance against damages to personal property; (v) loss on sale of home; and (vi) acquisition of a home in a new location (i.e., brokerage fees, legal fees, appraisal fees, etc.).

(b) Subject to (c) below, relocation costs of the type covered in (a) (i), (ii), (iii), and (iv) above are allowable, provided (i) the move is for the benefit of the employer; (ii) reimbursement is in accordance with an established policy or practice consistently followed by the employer, and such policy or practice is designed to motivate employees to relocate promptly and economically; (iii) the costs are not otherwise unallowable under the provisions of G–36 or any other paragraph of this document and (iv) amounts to be reimbursed shall not exceed the employee's actual (or reasonably estimated) expenses.

(c) Costs otherwise allowable under (b) above are subject to the following additional provisions: (i) the transition period for incurrance of costs of the type covered in (a) (ii) above shall be kept to the minimum number of days necessary under the circumstances, but shall not, in any event, exceed a cumulative total of 30 days including advance trip time; and (ii) allowance for cost of the type covered in (a)(iii) above shall not exceed 8 percent of the sales price of the property sold. Costs of the type covered in (a) (iii) and (iv) above are allowable only in connection with the relocation of existing employees, and are not allowable for newly recruited employees.

(d) Costs of the type covered in (a) (v) and (vi) above are not allowable.

38. *Rental costs (including sale and leaseback of facilities).* (a) Rental costs of land, building, and equipment and other personal property are allowable if the rates are reasonable in light of such factors as rental costs of comparable facilities and market conditions in the area, the type, life expectancy, condition, and value of the facilities leased, options available, and other provisions of the rental agreement. Application of these factors, in situations where rentals are extensively used, may involve among other considerations, comparison of rental costs with the amount which the institution would have received had it owned the facilities.

(b) Charges in the nature of rent between plants, divisions, or organizations under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance: Provided, That no part of such costs shall duplicate any other allowed costs.

(c) Unless otherwise specifically provided in the grant or contract, rental costs specified in sale and leaseback agreements, incurred by institutions through selling plant facilities to investment organizations, such as insurance companies, associate institutions, or to private investors, and concurrently leasing back the same facilities, are allowable only to the extent that such rentals do not exceed the amount which the grantee/contractor would have received had it retained legal title to the facilities.

(d) Rentals for land, building and equipment and other personal property owned by affiliated organizations including corporations or by stockholders, members, directors, trustees, officers or other key personnel of the institution or their families either directly or through corporations, trusts or other similar arrangements in which they hold a more than token interest are allowable only to the extent that such rentals do not exceed the amount the institution would have received had legal title to the facilities been vested in it.

(e) The allowability of rental costs under unexpired leases in connection with terminations is treated in G–42(e).

39. *Royalties and other costs for use of patents and copyrights.* (a) Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent or rights thereto, necessary for the proper performance of the grant or contract applicable to grant products or processes, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

(2) The patent or copyright has been adjudicated to be invalid, or has been administratively determined to be invalid;

(3) The patent or copyright is considered to be unenforceable; or

(4) The patent or copyright is expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's-length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the institution;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government grant or contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of the grant or contract.

(c) In any case involving a patent or copyright formerly owned by the institution, the amount of royalty allowed should not exceed the cost which would have been allowed had the institution retained title thereto.

40. *Severance pay.* (a) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by institutions to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that, in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the institution's part, or (4) circumstance of the particular employment.

(b) Costs of severance payments are divided into two categories as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the institution's facilities; or, where the institution provides for accrual of pay for normal severances, such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the institution's facilities; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

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41. *Taxes.* (a) Taxes are certain charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

(1) Federal income taxes and similar levies against income of the institution derived from activities unrelated to the project supported by the grant or contract;

(2) Taxes in connection with financing, refinancing, or refunding operations (see G–18);

(3) Taxes from which exemptions are available to the institution directly or available to the institution based on an exemption afforded the Government except when the awarding agency determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government;

(4) Special assessments on land which represent capital improvements; and

(5) Taxes on any category of property which is used solely in connection with work other than on Government grants or contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable to the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained.)

(b) Taxes otherwise allowable under paragraph (a) of this section, but upon which a claim of illegality or erroneous assessment exists, are allowable provided the institution, prior to payment of such taxes:

(1) Promptly requests instructions from the awarding agency concerning such taxes, and

(2) Takes all action directed by the awarding agency arising out of subparagraph (1) of this paragraph or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including cooperation with and for the benefit of the Government to (i) determine the legality of such assessment, or (ii) secure a refund of such taxes. Reasonable costs of any such action undertaken by the institution at the direction or with the concurrence of the awarding agency are allowable. Interest and penalties incurred by an institution by reason of the nonpayment of any tax at the direction of the awarding agency or by reason of the failure of the awarding agency to issue timely direction after prompt request therefor, are also allowable.

(c) Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as project costs, shall be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to an institution incident to a refund of tax, interest or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest or penalties.

42. *Termination costs.* Grants and contracts terminations generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the project not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the remainder of this document in termination situations.

(a) *Common items.* The cost of items reasonably usable on the institution's other work shall not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, the awarding agency should consider the institution's plans and orders for current and scheduled production. Contemporaneous purchases of common items by the institution shall be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allocable to the terminated portion of the project should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) *Costs continuing after termination.* If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this document, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs shall be considered unallowable.

(c) *Initial costs.* Initial costs, including starting load and preparatory costs, are allowable, subject to the following:

(1) Starting load costs are costs of a nonrecurring nature arising in the early stages of operation, investigation or production and not fully absorbed because of the termination. Such costs may include the cost of labor and materiel, and related indirect cost attributable to such factors as:

(a) Excessive spoilage resulting from inexperienced labor;

(b) Idle time and subnormal production occasioned by testing and changing methods of processing;

(c) Employee training; and

(d) Unfamiliarity or lack of experience with the product, materiels, manufacturing processes, and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated project including costs of initial plant rearrangement and alterations, management and personnel organization, production planning and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the institution's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the project.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the project immediately prior to termination; however, if the project includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one project shall not be allocated to other projects.

(d) *Loss of useful value.* Loss of useful value of special tooling and special machinery and equipment is generally allowable if:

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the awarding agency; and

(3) The loss of useful value as to any one terminated project is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the project bears to the entire terminated project and other Government projects for which the special tooling and special machinery and equipment were acquired.

(e) *Rental costs.* Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated project less the residual value of such leases, if:

(1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the project and such further period as may be reasonable; and

(2) The institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the project, and of reasonable restoration required by the provisions of the lease.

(f) *Settlement expenses.* Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(a) The preparation and presentation to awarding agency of settlement claims and supporting data with respect to the terminated portion of the project, and

(b) The termination and settlement of subcontracts; and

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the project.

(g) Subcontractor claims. Subcontractor claims, including the allocable portion of claims which are common to the project and to other work of the institution are generally allowable.

43. *Trade, Business, Technical, and Professional Activity Costs*—(a) *Membership.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) Subscriptions. This item includes cost of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) Meetings and conferences. This item includes costs of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

44. *Training and educational costs.* (a) The costs of training courses taken by a bona fide employee to acquire basic skills which he should bring to the job or to qualify a person for duties other than those related to an institution's goals are unallowable.

(b) Costs of on-the-job training and part-time education, at an undergraduate or post-graduate college level, related to the job requirements of bona fide employees, identified in (1) through (5) below, are allowable.

(1) Training materiels;

(2) Textbooks;

(3) Fees charged by the educational institution;

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and

(5) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours.

(c) Costs of tuition, fees, training materiels and textbooks (but not subsistence, salary, or any other emoluments) in connection with full time scientific and medical education at a post-graduate (but not undergraduate) college level related to the job requirements of bona fide employees for a total period not to exceed 1 school year for each employee so trained, are allowable when approved in writing by the awarding agency.

(d) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

45. *Transportation costs.* Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see G–22).

Where identification with the materiels received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the grant or contract, shall be treated as a direct cost.

46. *Travel costs.* (a) Travel costs include costs of transportation, lodging, subsistence, and incidental expenses, incurred by institution personnel in a travel status while on official business.

(b) Travel costs may be based upon actual costs incurred, or on a per diem or mileage basis in lieu of actual costs, or on a combination of the two, provided the method used does not result in an unreasonable charge. The difference in cost between first-class and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(c) Travel costs incurred in the normal course of overall administration of the business are allowable and shall be treated as indirect costs.

(d) Travel costs directly attributable to specific grant or contract performance are allowable and may be charged to the grant or contract in accordance with the principle of direct costing (see section C).

(e) Costs of personnel movement of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency.

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federal register

Thursday
April 3, 1980

Part III

Department of Health, Education, and Welfare

Office of Education

Education Appeal Board

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 100d

Education Appeal Board

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These regulations establish rules for the conduct of proceedings before the Education Appeal Board (the Board). The Board conducts (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the U.S. Commissioner of Education (the Commissioner), and (3) any other proceedings designated by the Commissioner as being within the jurisdiction of the Board.

EFFECTIVE DATES: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**; the effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. For information concerning the effective date of these regulations, call or write the OE contact person named in this preamble.

When these regulations take effect they will supersede the interim final regulations published in the **Federal Register** on May 25, 1979, which established the Education Appeal Board and interim final rules for the conduct of proceedings before the Board (44 FR 30528). Future proceedings in all cases pending before the Education Appeal Board will be governed by these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, U.S. Office of Education, 400 Maryland Ave. S.W., Room 4051 (FOB–6), Washington, D.C. 20202. Telephone (202) 245–7835.

SUPPLEMENTARY INFORMATION:

A. Background

In 1972 the Commissioner established the Title I Audit Hearing Board through the publication of a notice in the **Federal Register**. The function of this board was to give State agencies an impartial administrative forum in which to appeal adverse audit determinations resulting from Federal audits of programs administered under Title I of the Elementary and Secondary Education Act of 1965, as amended (Title I, ESEA).

In subsequent years it became apparent that grantees under OE State-administered programs other than Title I ESEA were in need of a similar forum to hear their appeals from adverse audit determinations. Recognizing this need, Congress, in the Education Amendments, of 1978, added Sections 451 through 456 to the General Education Provisions Act. These sections directed the Commissioner to establish an Education Appeal Board, the function of which is conduct audit appeal hearings involving (1) certain State-administered programs (see appendix A to Part 100d), (2) programs conducted under the Bilingual Education Act, and (3) programs conducted under the Emergency School Aid Act. Congress also gave the Board authority to conduct withholding and termination hearings, cease and desist hearings, and other proceedings designated by the Commissioner.

The Commissioner, with the approval of the Secretary of Health, Education, and Welfare, designated the existing Title I Audit Hearing Board as the new Education Appeal Board. Interim final regulations establishing the Title I Audit Hearing Board as the new Board were published in the **Federal Register** on May 25, 1979 (44 FR 30528) and became effective June 29, 1979. On that date, the Education Appeal Board assumed jurisdiction over the cases previously accepted for review by the Title I Audit Hearing Board. Those cases were listed in a notice of jurisdiction published in the **Federal Register** on July 26, 1979 (44 FR 43807).

B. Jurisdiction

Under Sections 451 through 456 of the General Education Provisions Act, the Education Appeal Board has authority to hear audit appeals for (1) State-administered programs listed in appendix A to the regulations, (2) programs conducted under the Bilingual Education Act, and (3) programs conducted under the Emergency School Aid Act. Since sections 451 through 456 of the statute became effective on March 1, 1979, the jurisdiction of the Board extends to appeals from final audit determinations issued by authorized OE officials on or after March 1, 1979.

The Board also has jurisdiction over appeals from final audit determination letters issued by athorized OE officials prior to March 1, 1979, in Title I ESEA programs. The Board, under limited circumstances may also assume jurisdiction over appeals from final audit determination letters issued by authorized officials prior to March 1, 1979, in State-administered programs other the Title I ESEA, for which no prior right of appeal existed. In deciding whether to review an appeal in a State-administered program other than Title I, ESEA, the Board will consider such factors as (1) the dollar amount involved in the audit appeal, (2) the precedential value of the case, and (3) the workload of the Board.

The Board also has jurisdiction over withholding, termination, and cease and desist actions initiated by authorized OE officials on or after March 1, 1979. The Board also hears appeals from State educational agencies that have received notice that the Commissioner intends to disapprove their applications for Title I, ESEA funds. These appeals will be heard by the Board under specific statutory authority found in section 182 of Title I, ESEA, and will be conducted as withholding hearings.

For the purpose of defining the Board's jurisdiction in the interim final regulations, Section 453 of the General Education Provisions Act authorizing the Board to conduct withholding hearings was interpreted as authorizing the Board to conduct termination hearings. This interpretation was based on former Section 434 of the General Education Provisions Act, which authorized termination proceedings and was superseded by the additions of sections 451 through 456 to the Act in 1978.

Two commenters on the interim final regulations questioned that interpretation. To remove any question, the Commissioner, through the publication of these regulations, specifically designates termination proceedings initiated by authorized OE officials as being within the jurisdiction of the Education Appeal Board. Termination hearings in OE discretionary grant programs are transferred from the jurisdiction of the Departmental Grant Appeals Board to the jurisdiction of the Education Appeal Board by these regulations, and will no longer be conducted by the Departmental Grant Appeals Board.

However, some determinations that affect OE programs remain within the jurisdiction of the Departmental Grant Appeals Board. For example, cost disallowances in OE discretionary grant programs—other than discretionary grant programs conducted under the Bilingual Education Act or the Emergency School Aid Act—are within the jurisdiction of the Departmental Grant Appeals Board. Disputes involving indirect cost rates or fringe benefits are also within the jurisdiction of the Departmental Grant Appeals Board rather than the Education Appeal Board (see 45 CFR 16.5(a)(5)).

In addition, other proceedings involving OE programs may fall outside the Board's jurisdiction. For example, bypass actions under Titles I and IV, ESEA, and limitation-suspension-termination hearings involving student financial assistance programs under the Higher Education Act are not conducted by the Board, but are based on special OE procedures provided for by statute (see 20 U.S.C. 2740, 20 U.S.C. 3066, and 20 U.S.C. 1088f–1).

It is possible that with the creation of the new Department of Education in 1980, certain proceedings may be phased into the Board's jurisdiction under the Commissioner's statutory authority to designate additional programs as being within the Board's jurisdiction. For example, those proceedings discussed above involving OE programs currently within the jurisdiction of the Departmental Grant Appeals Board may be transferred to the Education Appeal Board when OE is transferred to the new Department. Other proceedings that may eventually be designated as Board proceedings include appeals from the disapprovals of State plans for programs other than Title I, ESEA; appeals from State educational agency actions brought by local educational agencies; and equalization proceedings for school assistance in federally affected areas. Notice of any action taken with regard to these proceedings will be published in the **Federal Register**. As of the date of publication of these regulations, the Board's jurisdiction is limited to the proceedings described in the regulations.

C. Comments

OE received a number of comments from the public on the interim final regulations for the Board. In response to those comments, some changes in the regulations have been made. A summary of the public comments and responses appears in appendix B to these regulations.

D. Citation of Legal Authority

As required by Section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory authority for each substantive provision has been placed in parentheses immediately following the text of the provision. If all the provisions of a subpart are supported by the same citation, the citation is given at the end of the subpart.

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: February 26, 1980.

William L. Smith,

U.S. Commissioner of Education.

45 CFR is amended by deleting the interim Education Appeal Board rules appearing at 44 FR 30528, which are superseded by the following:

PART 100D—EDUCATION APPEAL BOARD

Subpart A—General

Sec.
100d.1 Purpose.
100d.2 Jurisdiction.
100d.3 Definitions.
100d.4 Board membership.
100d.5 Panels.
100d.6 Eligibility for review.
100d.7 Exhaustion of remedies.
100d.8–100d.10 [Reserved]

Subpart B—Final Audit Determinations

Written Notice

100d.11 Written notice of a final audit determination.
100d.12 Review of the written notice.

Application for Review

100d.13 Filing an application for review.
100d.14 Acceptance of the application for review.
100d.15 Rejection of the application for review.

Burden of Proof

100d.16 Burden of proof.
100d.17–100d.20 [Reserved]

Subpart C—Withholding and Termination

Written Notice

100d.21 Written notice of an intent to withhold or terminate funds.

Application for a Withholding or Termination Hearing

100d.22 Filing an application for a withholding or termination hearing.
100d.23 Acceptance of the application.
100d.24 Rejection of the application.

Suspension of Payments

100d.25 Written notice of an intent to suspend funds.
100d.26 Request to show cause.
100d.27 Show cause hearing.
100d.28 Decision.
100d.29–100d.30 [Reserved]

Subpart D—Cease and Desist

Written Notice

100d.31 Written notice of a cease and desist complaint.

Hearing

100d.32 Right to appear at the cease and desist hearing.
100d.33 Opportunity to show cause.

Order

100d.34 Written report and order.
100d.35–100d.40 [Reserved]

Subpart E—Practice and Procedure

General Rules

100d.41 Applicability of this subpart.
100d.42 Applicability of other laws.
100d.43 Intervention.
100d.44 Representation by counsel.
100d.45 Filing of documents.
100d.46 Availability of decisions.
100d.47 Communications.
100d.48 Transcripts.
100d.49 Subpoenas.
100d.50 Exchange of information.
100d.51 Evidence.
100d.52 Panel decisions.
100d.53 Intermediate review.
100d.54–100d.60 [Reserved]

Panel Proceedings

100d.61 Authority and responsibilities of panels.
100d.62 Conferences.
100d.63–100d.70 [Reserved]

Presentation of Case

100d.71 Written submissions normally required.
100d.72 Notice of an oral argument or evidentiary hearing.
100d.73 Conduct of a hearing.
100d.74–100d.80 [Reserved]

Subpart F—Decisions and Orders

Final Audit Determinations, Withholdings, and Terminations

100d.81 The panel's decision.
100d.82 Opportunity to comment on the panel's decision.
100d.83 The Commissioner's decision.
100d.84 Collection.

Cease and Desist

100d.85 The cease and desist report and order.
100d.86 Enforcement.
100d.87–100d.90 [Reserved]

Appendix A to Part 100d—Audit Appeal Jurisdiction.
Appendix B to Part 100d—Response to Public Comments.

Authority: Section 1232 of the Education Amendments of 1978, Pub. L. 95–561; 92 Stat. 2347–2351 (20 U.S.C. 1234).

Subpart A—General

§ 100d.1 Purpose.

These regulations establish the Education Appeal Board in the Office of Education (OE) in accordance with Section 451 of the General Education Provisions Act, and set forth rules for the conduct of proceedings before the Board.

(20 U.S.C. 1234(a), (e))

§ 100d.2 Jurisdiction.

(a) The Board has jurisdiction to—

(1) Review final audit determinations concerning programs that are—

(i) State-administered programs listed in appendix A (see appendix A to Part 100d);

(ii) Conducted under the Bilingual Education Act; or

(iii) Conducted under the Emergency School Aid Act;

(2) Conduct withholding or termination hearings initiated by authorized OE officials in connection with applicable programs (see § 100d.3 *(Definitions)* for the definition of applicable program);

(3) Conduct cease and desist proceedings initiated by authorized OE officials in connection with applicable programs (see § 100d.3 *(Definitions)* for the definition of applicable program); and

(4) Conduct other proceedings as designated by the Commissioner of Education (the Commissioner) in the Federal Register.

(b) The Board also has jurisdiction under Section 182 of Title I of the Elementary and Secondary Education Act of 1965, as amended, to hear an appeal from each State educational agency (SEA) that has received written notice that the Commissioner intends to disapprove the SEA's application for Title I funds. An appeal under section 182 shall be conducted as a withholding hearing.

(20 U.S.C. 1234(a), 20 U.S.C. 2832(b))

§ 100d.3 Definitions.

"Appellant" means an SEA or other recipient that requests—

(a) A review of a final audit determination; or

(b) A withholding or termination hearing.

"Applicable program" means any program administered by an authorized OE official. This definition—

(a) Applies only in the context of withholding or termination hearings and cease and desist hearings;

(b) Includes programs that have been delegated to OE, such as the Emergency School Aid Act;

(c) Does not include the following student assistance programs authorized by Title IV and governed by Section 497A of the Higher Education Act of 1965:

(1) National Direct Student Loan Programs.

(2) College Work-Study Programs.

(3) Supplemental Educational Opportunity Grant Programs.

(4) Guaranteed Student Loan Programs.

(5) Basic Educational Opportunity Grant Programs.

"Authorized OE official" means—

(a) The Commissioner; or

(b) A person employed by OE who has been designated to act under the Commissioner's authority.

"Board" means the Education Appeal Board of OE.

"Board Chairperson" means the Board member designated by the Secretary of the Department of Health, Education, and Welfare to serve as administrative officer of the Board.

"Cease and desist" means to discontinue a prohibited practice or initiate a required practice.

"Final audit determination" means a written notice issued by an authorized OE official disallowing expenditures made by a recipient.

"Hearing" means any review proceeding conducted by the Board. A hearing may include a conference, a review of written submissions, an oral argument, or a full evidentiary hearing.

"Panel" means an Education Appeal Board Panel (see § 100d.5 *(Panels)*).

"Panel Chairperson" means the person designated by the Board Chairperson to serve as the presiding officer of a Panel.

"Party" means—

(a) The recipient requesting or appearing at a hearing under these regulations;

(b) The authorized OE official who issued the final audit determination being appealed, the notice of an intent to withhold or terminate funds, or the cease and desist complaint; and

(c) Any person, group, or agency that files an acceptable application to intervene (see § 100d.43 *(Intervention)*).

"Recipient" means the named party or entity that initially receives Federal funds under an OE grant or cooperative agreement. For example, for a State-administered program conducted under Title I of the Elementary and Secondary Education Act of 1965, as amended, the SEA is the recipient. This definition does not extend to procurement contracts.

"Suspension" means temporarily stopping payment of Federal funds to a recipient and stopping the recipient's authority to charge costs to a program, pending the outcome of a withholding or termination hearing.

"Termination" means ending the payment of Federal funds to a recipient and ending the recipient's authority to charge costs to a program before the recipient's authority to charge costs to a program expires.

"Withholding" means stopping payment of Federal funds to a recipient and stopping the recipient's authority to charge costs to a program, for the period of time the recipient is in violation of a requirement.

(20 U.S.C. 1234(e))

§ 100d.4 Board membership.

The Board consists of 15 to 30 members. Not more than one-third of the Board members may be employees of the Department of Health, Education, and Welfare.

(20 U.S.C. 1234(c))

§ 100d.5 Panels.

(a)(1) For each proceeding before the Board, the Board Chairperson selects a Panel, consisting of at least three members of the Board, and designates one of the Panel members as Panel Chairperson.

(2) The Board Chairperson may designate the entire Board to sit as a Panel for any case or class of cases.

(b) A majority of the members of a Panel must be members of the Board who are not full-time employees of the Federal Government.

(c) No Board member who is a party to, or has or has had any responsibility for the particular matter assigned to a Panel, may serve on that Panel.

(20 U.S.C. 1234(d))

§ 100d.6 Eligibility for review.

(a) Review under these regulations is open to a recipient that receives a written notice from an authorized OE official of—

(1) A final audit determination;

(2) An intent to withhold or terminate funds;

(3) A cease and desist complaint; or

(4) Any other proceeding designated by the Commissioner.

(b) Review under these regulations is also open to an SEA that has received written notice that the Commissioner intend to disapprove the SEA's application for funds under Title I of the Elementary and Secondary Education Act of 1965, as amended. The review shall be conducted as a withholding hearing.

(20 U.S.C. 1234(a), 20 U.S.C. 2832(b))

§ 100d.7 Exhaustion of remedies.

(a) If a recipient receives a written notice referred to in § 100d.6 *(Eligibility for review)* and brings a lawsuit to challenge that notice the recipient has failed to exhaust administrative remedies and the Commissioner may move for dismissal of the lawsuit on that basis.

(b) If the Panel assigned to hear an appeal finds that there are no issues in the appeal within the Board's jurisdiction, the Panel may, at the request of a party or Panel member, issue a decisioin or order to that effect (see subpart F *(Decisions and Orders)*).

(20 U.S.C. 1234, 1234d)

§§ 100d.8–100d.10 [Reserved]

Subpart B—Final Audit Determinations

Written Notice

§ 100d.11 Written notice of a final audit determination.

(a) An authorized OE official may issue written notice of a final audit determination to a recipient in connection with the following:

(1) State-administered programs listed in Appendix A (see appendix A to Part 100d).

(2) Programs administered under the Bilingual Education Act.

(3) Programs administered under the Emergency School Aid Act.

(b) In the written notice, the authorized OE official—

(1) Lists the disallowed expenditures made by the recipient;

(2) Indicates the reasons for the final audit determination in sufficient detail to allow the recipient to respond—for example, by referring to the relevant parts of a separate document, such as an audit report; and

(3) Advises the recipient that it must repay the disallowed expenditures to OE or, within 30 calendar days of its receipt of the written notice, request a review by the Board of the final audit determination.

(c) The authorized OE official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234a(a))

§ 100d.12 Review of the written notice.

(a) The Board Chairperson reviews the written notice of the final audit determination after an application for review is received (see § 100d.13 *(Filing an application for review)*) to insure that the written notice meets the requirements of § 100d.11(b) (*Written notice of a final audit determination*).

(b) If the Board Chairperson decides that the written notice does not meet the requirements of § 100d.11(b) (*Written notice of a final audit determination*), the Board Chairperson returns the determination to the official who issued it so that the determination may be properly modified.

(c) If the official makes the appropriate modification and the recipient wishes to pursue its appeal to the Board, the recipient shall amend its application for review within 30 calendar days of the date it receives the modification.

(20 U.S.C. 1234a(b))

Application for Review

§ 100d.13 Filing an application for review.

(a) An appellant seeking review of a final audit determination by the Board shall file a written application for review with the Board Chairperson.

(b) The appellant shall attach a copy of the written notice of a final audit determination to the application for review, and shall, to the satisfaction of the Board Chairperson—

(1) Identify the issues and facts in dispute; and

(2) State the appellant's position, together with the pertinent facts and reasons supporting that position.

(c) The appellant shall file the application for review within 30 calendar days after the date it receives the written notice of the final audit determination, unless the Board Chairperson grants an extension of time for a good reason.

(20 U.S.C. 1234.a(b))

§ 100d.14 Acceptance of the application for review.

(a) If the Board Chairperson decides that an application for review satisfies the requirements of § 100d.13 (*Filing an application for review*), the Board Chairperson issues a notice of the acceptance of the application to the appellant and the authorized OE official who issued the final audit determination.

(b) The Board Chairperson publishes a notice of acceptance of the application in the Federal Register prior to the scheduling of initial proceedings.

(c) If an acceptable application is filed, the Board Chairperson refers the appeal to a Panel, arranges for the scheduling of initial proceedings, and forwards to the Panel and parties an initial hearing record that includes—

(1) The final audit determination;

(2) The application for review; and

(3) Other relevant documents, such as audit reports.

(20 U.S.C. 1234a(b))

§ 100d.15 Rejection of the application for review.

(a) If the Board Chairperson determines that an application for review does not satisfy the requirements of § 100d.13 (*Filing an application for review*), the Board Chairperson returns the application to the appellant, together with the reasons for the rejection, by certified mail with return receipt requested.

(b) The appellant has 20 calendar days after the date it receives the notice of rejection to file an acceptable application.

(c) If an application for review is rejected two times, OE may take appropriate administrative action to collect the expenditures disallowed in the final audit determination.

(20 U.S.C. 1234a(b))

Burden of Proof

§ 100d.16 Burden of proof.

The appellant shall present its case first and has the burden of proving the allowability of the expenditures disallowed in the final audit determination.

(20 U.S.C. 1234a(b))

§§ 100d.17–100d.20 [Reserved]

Subpart C—Withholding and Termination

Written Notice

§ 100d.21 Written notice of an intent to withhold or terminate funds.

(a) An authorized OE official may issue a written notice of an intent to withhold or terminate funds to a recipient under an applicable program.

(b) In the written notice, the authorized OE official—

(1) States the facts that indicate the recipient failed to comply substantially with a requirement that applies to the funds;

(2) Cites the requirement that is the basis for the alleged failure to comply; and

(3) Advises the recipient that it may request a hearing before the Board.

(c) The authorized OE official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234b (a), (b))

Application for a Withholding or Termination Hearing

§ 100d.22 Filing an application for a withholding or termination hearing.

(a) An appellant seeking a withholding or termination hearing before the Board shall file a written application with the Board Chairperson within 30 calendar days after the date it receives the written notice.

(b) In the application for a withholding or termination hearing, the appellant shall attach a copy of the written notice and shall, to the satisfaction of the Board Chairperson—

(1) Identify the issues and facts in dispute; and

(2) State the appellant's position, together with the pertinent facts and reasons supporting that position.

(20 U.S.C. 1234b(b))

§ 100d.23 Acceptance of the application.

(a) If the appellant files an application that meets the requirements of § 100d.22 (*Filing an application for a withholding or termination hearing*), the Board Chairperson issues a notice of the acceptance of the application to the appellant and the authorized OE official who issued the notice of the intent to withhold or terminate.

(b) The Board Chairperson publishes a notice of acceptance of the application in the Federal Register prior to the scheduling of initial proceedings.

(c) If the appellant files an acceptable application, the Board Chairperson

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refers the appeal to a Panel, arranges for the scheduling of a hearing, and forwards to the Panel and the parties an initial hearing record that includes—

(1) The written notice;

(2) The application for a hearing; and

(3) Other relevant documents.

(20 U.S.C. 1234b(b))

§ 100d.24 Rejection of the application.

(a) If the Board Chairperson determines that an application for a withholding or termination hearing does not satisfy the requirements of § 100d.22 (*Filing an application for a withholding or termination hearing*), the Board Chairperson returns the application to the appellant, together with the reasons for the rejection, by certified mail with return receipt requested.

(b) The appellant has 20 calendar days after the date it receives the notice of rejection to file an acceptable application.

(c) If an application is rejected two times, OE takes appropriate administrative action to withhold or terminate funds.

(20 U.S.C. 1234b(b))

Suspension of Payments

§ 100d.25 Written notice of an intent to suspend funds.

(a) An authorized OE official may issue to the recipient a written notice of an intent to suspend funds during the course of the withholding or termination hearing.

(b) In the written notice, the authorized OE official—

(1) Indicates the reasons for the suspension; and

(2) Advises the recipient that the suspension becomes effective 10 calendar days after the date the recipient receives the written notice, unless within those 10 calendar days the recipient requests an opportunity to show cause why payments should not be suspended.

(c) The authorized OE official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234b(c))

§ 100d.26 Request to show cause.

A recipient seeking an opportunity to show cause why payments should not be suspended shall submit a written request for a show cause hearing to the authorized OE official who issued the written notice.

(20 U.S.C. 1234b(c))

§ 100d.27 Show cause hearing.

(a) If a show cause hearing is requested, the authorized OE official—

(1) Notifies the recipient of the time and place for the hearing; and

(2) Designates a person to conduct the show cause hearing. The designee does not have to be a member of the Board but may not be a party to, or have or have had any responsibility for, the matter before the Board.

(b) At the show cause hearing, the designee considers such matters as—

(1) The necessity for the suspension of payments;

(2) Possible factual errors in the written notice of the intent to withhold or terminate;

(3) The nature of the violation charged in the written notice of the intent to withhold or terminate; and

(4) Hardship resulting from the suspension.

(20 U.S.C. 1234b(c))

§ 100d.28 Decision.

(a) The designee who conducts the show cause hearing—

(1) Decides whether there should be a suspension during the course of the withholding or termination hearing;

(2) Issues a written decision which includes a statement of findings;

(3) Submits the decision to the Board Chairperson; and

(4) Sends a copy of the decision to the recipient by certified mail with return receipt requested.

(b) The designee's decision is effective on receipt by the recipient and is not subject to review by the Commissioner.

(c) The Board Chairperson retains the designee's decision as part of the record of the withholding or termination hearing.

(20 U.S.C. 1234b(c))

§§ 100d.29–100d.30 [Reserved]

Subpart D—Cease and Desist

Written Notice

§ 100d.31 Written notice of a cease and desist complaint.

(a) An authorized OE official may issue a written notice of a cease and desist complaint to a recipient receiving funds under an applicable program. The cease and desist proceeding may be used as an alternative to a withholding or termination hearing.

(b) In the written notice, the authorized OE official—

(1) States the facts that indicate the recipient failed to comply substantially with a requirement that applies to the funds;

(2) Cites the requirement that is the basis for the alleged failure to comply; and

(3) Gives notice of a hearing that is to be held at least 30 calendar days after the date the recipient receives the written notice.

(c) The authorized OE official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234c(a))

Hearing

§ 100d.32 Right to appear at the cease and desist hearing.

The recipient has the right to appear at the cease and desist hearing, which is held before a Panel of the Board on the date specified in the complaint.

(20 U.S.C. 1234c(b))

§ 100d.33 Opportunity to show cause.

At the hearing the recipient shall have the opportunity to present reasons why a cease and desist order should not be issued by the Board based on the violation of law stated in the complaint.

(20 U.S.C. 1234c(b))

Order

§ 100d.34 Written report and order.

If, after the hearing, the Panel decides that the recipient has violated a legal requirement as stated in the complaint, the Panel—

(a) Makes a written report stating its findings of fact; and

(b) Issues a cease and desist order.

(See § 100d.85 (*The cease and desist report and order*).)

(20 U.S.C. 1234c(c))

§§ 100d.35–100d.40 [Reserved]

Subpart E—Practice and Procedure

General Rules

§ 100d.41 Applicability of this subpart.

This subpart applies only to proceedings before the Board.

(20 U.S.C. 1234(e))

§ 100d.42 Applicability of other laws.

(a) Sections 554, 556, and 557 of the Administrative Procedure Act (5 U.S.C.) apply to proceedings before the Board with respect to—

(1) The receipt of oral or written testimony;

(2) Notice of the issues to be considered;

(3) The right to counsel;

(4) Intervention of third parties; and

(5) Transcripts of proceedings.

(b) Other provisions of the Administrative Procedure Act and the Federal Rules of Civil Procedure do not apply to proceedings before the Board.

(20 U.S.C. 1234(e))

§ 100d.43 Intervention.

(a) A person, group, or agency with an interest in and having relevant information about a case before the Board may file with the Board Chairperson as application to intervene.

(b) The application to intervene shall contain—

(1) A statement of the applicant's interest; and

(2) A summary of the relevant information.

(c)(1) If the application is filed before a case is assigned to a Panel, the Board Chairperson decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(2) If the application is filed after the Board Chairperson has assigned the case to a Panel, the Panel decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(d) The Board Chairperson notifies the applicant seeking to intervene and the other parties of the approval or disapproval of the application to intervene.

(e) If an application to intervene is approved, the intervenor becomes a party to the proceedings.

(f) If an application to intervene is disapproved, the applicant may submit to the Board Chairperson an amended application to intervene.

(20 U.S.C. 1234(e))

§ 100d.44 Representation by counsel.

Parties may be represented by counsel.

(20 U.S.C. 1234(e))

§ 100d.45 Filing of documents.

(a) An applicant shall file with the Board Chairperson one copy of an application for review or to intervene.

(b) Once a Panel has been assigned, parties shall—

(1) File with the Board Chairperson five copies of all written motions, briefs—including cited materials that are not readily available—and other documents; and

(2) Provide a copy to each of the other parties to the proceedings.

(c) Parties have 25 calendar days from the date of receipt of any motion to file a response with the Board Chairperson, unless the Panel Chairperson grants an extension for a good reason.

(d) The date of filing is the date the document is postmarked or hand-delivered to the Office of the Board Chairperson. If a scheduled filing date occurs on a Saturday, Sunday, or Federal holiday, the next business day is the date of filing.

(20 U.S.C. 1234(e))

§ 100d.46 Availability of decisions.

The Board Chairperson maintains the files of the Board. The decision of the Board are available to the public on request and with payment of reproduction costs.

(20 U.S.C. 1234(e))

§ 100d.47 Communications.

No party shall communicate with the Panel or Board Chairperson on matters under review, except minor procedural matters, unless all parties to the case are given—

(a) Timely and adequate notice of the communication; and

(b) Reasonable opportunity to respond.

(20 U.S.C. 1234(e))

§ 100d.48 Transcripts.

(a) The Board Chairperson—

(1) Arranges for the preparation of a transcript of each hearing;

(2) Retains the original transcript as part of the record of the hearing; and

(3) Provides one copy of the transcript to each party and Panel member.

(b) Additional copies of the transcript are available on request and with payment of the reporting service's reproduction fee.

(20 U.S.C. 1234(e))

§ 100d.49 Subpoenas.

(a) The Panel does not have authority to issue subpoenas.

(b) The Panel may ask a party to provide for oral or written examination one or more available witnesses who have knowledge about the matter under review.

(20 U.S.C. 1234(e))

§ 100d.50 Exchange of information.

There is no discovery as conducted under the Federal Rules of Civil Procedure, but the parties are encouraged to exchange relevant documents and information.

(20 U.S.C. 1234(e))

§ 100d.51 Evidence.

The Panel accepts any evidence that it finds is relevant and material to the proceedings. Parties may object to evidence they consider to be irrelevant, immaterial, or unduly repetitious.

(20 U.S.C. 1234(e))

§ 100d.52 Panel decisions.

Decisions of the Panel are made by a majority of the Panel members.

(20 U.S.C. 1234(e))

§ 100d.53 Intermediate review.

The parties may not file comments with the Commissioner regarding matters under review or any rulings of a Panel until the Panel has reached its decision. (See § 100d.81 (*The Panel's decision*).)

(20 U.S.C. 1234(e))

§§ 100d.54–100d.60 [Reserved]

Panel Proceedings

§ 100d.61 Authority and responsibilities of Panels.

(a) The Panel may regulate the course of proceedings and the conduct of the parties during the proceedings. The Panel takes all steps necessary to conduct a fair and impartial proceeding, to avoid delay, and to maintain order, including the following:

(1) The Panel may hold conferences or other types of appropriate proceedings to clarify, simplify, or define the issues or to consider other matters that may aid in the disposition of an appeal.

(2) The Panel may require parties to state their positions and to provide all or part of the evidence in writing.

(3) the Panel may require parties to present testimony through affidavits and to conduct cross-examination through interrogatories.

(4) The Panel may direct the parties to exchange relevant documents or information and lists of witnesses, and to send copies to the Panel.

(5) The Panel may receive, rule on, exclude, or limit evidence at any stage of the proceedings.

(6) The Panel may rule on motions and other issues at any stage of the proceedings.

(7) Although hearings are open to the general public, the Panel may establish reasonable rules for public attendance and media coverage of the proceedings.

(8) The Panel may examine witnesses.

(9) The Panel may set reasonable time limits for submission of written documents.

(10) The Panel may end an appeal and issue a decision against a party if that party does not meet the time limits set by the Panel or otherwise delays the appeal.

(b) The Panel may interpret applicable statutes and regulations but may not waive them or rule on their validity.

(20 U.S.C. 1234(e))

§ 100d.62 Conferences.

(a) The Board Chairperson may schedule a prehearing conference of the Panel members and parties.

(b) A Panel member or party may request a conference of the Panel members and parties except in the case of a show cause proceeding. The Panel Chairperson decides whether a conference is necessary.

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(c) At a prehearing or other conference the Panel and the parties may consider such subjects as—

(1) Narrowing and clarifying issues;

(2) Assisting the parties in reaching agreements and stipulations;

(3) Clarifying the positions of the parties;

(4) Presenting the direct case of the parties in writing, in whole or in part, or conducting an oral argument or evidentiary hearing;

(5) Setting the dates for the exchange of written documents, the receipt of comments from the parties on the need for an oral argument or evidentiary hearing, and further proceedings before the Panel; and

(6) Requesting the names of witnsses each party wishes to present at an evidentiary hearing and estimates of time for each presentation.

(d) At a prehearing or other conference the parties shall be prepared to respond to the subjects listed in paragraph (c).

(e) Following a prehearing or other conference the Panel may issue a written statement describing the issues raised, the action taken, and the stipulations and agreements reached by the parties.

(20 U.S.C. 1234(e))

§§ 100d.63–100d.70 [Reserved]

Presentation of Case

§ 100d.71 Written submissions normally required.

The parties shall present their positions through briefs and the submission of other documents but may request an oral argument or evidentiary hearing. The Panel shall determine whether an oral argument or evidentiary hearing is needed to clarify the positions of the parties.

(20 U.S.C. 1234(e))

§ 100d.72 Notice of an oral argument or evidentiary hearing.

If the Panel decides that an oral argument or evidentiary hearing is necessary, the Panel Chairperson sends written notice of this decision to all parties. The notice states the time and place of the proceeding and the issues to be considered. The notice may be published in the Federal Register upon the request of a party or Panel member.

(20 U.S.C. 1234(e))

§ 100d.73 Conduct of a hearing.

A hearing is generally conducted by all the Panel members, but, if circumstances require, a hearing may be conducted by one or more Panel members. All the Panel members shall participate in the Panel's decision.

(20 U.S.C. 1234(e))

§§ 100d.74–100d.80 [Reserved]

Subpart F—Decisions and Orders

Final Audit Determinations, Withholdings, and Terminations

§ 100d.81 The Panel's decision.

The Panel issues a decision in the appeal from the final audit determination or the intent to withhold or terminate funds. The Board Chairperson submits the Panel's decision to the Commissioner and sends a copy to each party by certified mail with return receipt requested.

(20 U.S.C. 1234a(d), 20 U.S.C. 1234b(d))

§ 100d.82 Opportunity to comment on the Panel's decision.

(a) *Initial comments and recommendations.* Each party has the opportunity to file comments and recommendations on the Panel's decision with the Board Chairperson within 15 calendar days of the date the party receives the Panel's decision.

(b) *Responsive comments and recommendations.* The Board Chairperson sends a copy of a party's initial comments and recommendations to each of the other parties by certified mail with return receipt requested. Each party may file responsive comments and recommendations with the Board Chairperson within 7 calendar days of the date the party receives the initial comments and recommendations.

(c) The Board Chairperson forwards the parties' initial and responsive comments on the Panel's decision to the Commissioner.

(20 U.S.C. 1234a(d), 20 U.S.C. 1234b(d))

§ 100d.83 The Commissioner's decision.

(a) The Panel's decision becomes the final decision of the Commissioner 60 calendar days after the date the recipient receives the Panel's decision, unless the Commissioner, for good cause shown, modifies or sets aside the Panel's decision. If the recipient wishes to file a petition for judicial review of the Panel's decision, the recipient shall file the petition within those 60 days. (See Section 455 of the General Education Provisions Act (20 U.S.C. 1234d) for a discussion of judicial review.)

(b) If the Commissioner modifies or sets aside the Panel's decision within the 60 days, the Commissioner issues a decision that—

(1) Includes a statement of the reasons for this action; and

(2) Becomes the Commissioner's final decision 60 calendar days after it is issued.

(c) The Board Chairperson sends a copy of the Commissioner's final decision and statement of reasons, or a notice that the Panel's decision has become the Commissioner's final decision, to the Panel and to each of the parties. If the recipient wishes to file a petition for judicial review of the Commissioner's final decision, the recipient shall file the petition within 60 calendar days of the date of the Commissioner's final decision (see 20 U.S.C. 1234d).

(d) The final decision of the Commissioner is the final decision of the Department.

(20 U.S.C. 1234a(d), 1234b(d), 1234d)

§ 100d.84 Collection.

If the final decision of the Commissioner sustains the final audit determination or the intent to withhold or terminate funds, OE takes immediate steps to collect the debt or withhold or terminate funds.

(20 U.S.C. 1234a(e), 20 U.S.C. 1234b)

Cease and Desist

§ 100d.85 The cease and desist report and order.

(a) If the Panel issues a cease and desist report and order (described in §100d. 34 *(Written report and order))*, the Board Chairperson sends the report and order to the recipient by certified mail with return receipt requested.

(b) The order becomes final 60 calendar days after the date the order is received by the recipient. The recipient may file a petition for judicial review within those 60 days. (See Section 455 of the General Education Provisions Act (20 U.S.C. 1234d) for a discussion of judicial review.) The order is not subject to review by the Commissioner.

(20 U.S.C. 1234c(d), 1234d)

§ 100d.86 Enforcement.

(a) If the Panel issues a cease and desist report and order, the recipient shall take immediate steps to comply with the order.

(b) If, after a reasonable period of time, the Commissioner determines that the recipient has not complied with the cease and desist order, the Commissioner may—

(1) Withhold funds payable to the recipient under the affected program, including funds payable for administrative costs, without any further proceedings before the Board; or

(2) Certify the facts of the matter to the Attorney General for enforcement through appropriate proceedings.

(20 U.S.C. 1234c(e))

§§ 100d.87–100d.90 [Reserved]

Appendix A to Part 100d—Audit Appeal Jurisdiction

State-Administered Programs within the Audit Appeal Jurisdiction of the Education Appeal Board:

(a) Programs referred to in Section 452 of the General Education Provisions Act (20 U.S.C. 1234a):

(1) Financial assistance to State and local educational agencies under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701).

(2) Financial assistance for school library resources, textbooks, and other instructional materials under Title II of the Elementary and Secondary Education Act of 1965 (as in effect, September 30, 1978) (20 U.S.C. 821).

(3) State basic skills improvement programs under Title II–B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2901).

(4) Supplementary educational centers and services; guidance, counseling, and testing under Title III of the Elementary and Secondary Education Act of 1965 (as in effect, September 30, 1978) (20 U.S.C. 841).

(5) Instructional materials and school library resources; improvement in local educational practices; and guidance, counseling, and testing under Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1801).

(6) Community schools programs under Title VIII of the Elementary and Secondary Education Act of 1965 (except sections 809–813) (20 U.S.C. 3281).

(7) Gifted and talented children's education programs under Title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3311).

(8) Assistance to States for education of handicapped children under Part B of the Education of the Handicapped Act (20 U.S.C. 1411).

(9) State adult education programs under the Adult Education Act (except sections 309, 316, and 318) (20 U.S.C. 1201).

(10) Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects under Title III–A of the National Defense Education Act of 1958 (except section 305) (20 U.S.C. 441).

(11) Programs under the Career Education Incentive Act (except sections 10, 11, and 12) (20 U.S.C. 2601).

(12) Programs under Title II of the Indochina Refugee Children's Assistance Act (20 U.S.C. 1211b).

(13) Programs under Title VI, Part A of the Higher Education Act (20 U.S.C. 1121).

(14) Educational information centers programs under Sections 418 A and B of the Higher Education Act (20 U.S.C. 1070d-2).

(b) Programs designated by the Commissioner as being within the audit appeal jurisdiction of the Education Appeal Board:

(1) Vocational education programs under the Vocational Education Act of 1963: part A of title I (State vocational education programs) (20 U.S.C. 2301).

(2) Community service and continuing education programs under Part A of Title I of the Higher Education Act of 1965 (except sections 106, 110, and 111) (20 U.S.C. 1001).

(3) Programs under the Library Services and Construction Act (20 U.S.C. 351).

Note.—This Appendix B for Part 100d will not be published in Title 45 of the Code of Federal Regulations.

Appendix B to Part 100d—Response to Public Comments

The Commissioner has responded to all the public comments OE recieved concerning the interim final regulations for the Education Appeal Board with the exceptions of general comments that did not suggest how the regulations could be changed, statements that could not be understood, or statements that concerned issues beyond the scope of regulations establishing procedures for the Board. A summary of those comments and the Commissioner's responses follows.

General

Comment. Two commenters raised questions concerning the jurisdiction of the Educational Appeal Board. One commenter suggested that the regulations clarify the fact that the Board has no jurisdiction over bypass actions under Titles I and IV, ESEA, and one commenter asked who would hear appeals if applications for funds are denied.

Response. No change has been made. At present, the Board does not have jurisdiction to conduct bypass actions. It has specific statutory authority to hear appeals from State educational agencies if applications for funds under Title I of the Elementary and Secondary Education Act of 1965, as amended, are disapproved by the Commissioner, but that authority does not exend to appeals from denials of other applications for funds.

Both these points are made in the preamble to the final regulations. However, the Commissioner does not believe that it would be useful to attempt to list all proceedings that fall outside the Board's jurisdiction or appropriate to single out a few of those proceedings for special mention in the final regulations.

Comment. One commenter suggested that cease and desist orders be used to effect complaince with Title IX, and that the regulations make explicit the possibility that violations of program prohibitions against sex discrimination might trigger withholding, termination, or cease and desist proceedings.

Response. No change has been made. Since regulations have been promulgated that give the Department's Office for Civil Rights authority to enforce Title IX, the Commissioner sees a number of legal and practical difficulties in using cease and desist proceedings before the Education Appeal Board to enforce Title IX against recipients of Federal education funds. The Commissioner has determined that in view of possible legal problems resulting from the use of cease and desist orders to enforce Title IX, and the already substantial caseload of the Board, Board proceedings should not be used as an alternative means of enforcing Title IX.

Violations of program prohibitions against sex discrimination contained in various program regulations may give rise to OE enforcement action before the Board. However, the purpose of the Board regulations is to establish the Board and rules for the conduct of proceedings before the Board. The Commissioner does not consider it appropriate, through the publication of these regulations, to single out any particular program or program prohibitions for special emphasis, to suggest that some program prohibitions are more or less important than others, or to involve the neutral and impartial Board in statements of OE policy.

Comment. One commenter suggested that the regulations spell out the form of determinations that may trigger OE initiation of Board proceedings. Another commenter suggested that the regulations set out an internal review process for OE initiation of Board proceedings.

Response. No change has been made. Any attempt to define OE internal decision-making processes through the Board regulations would go beyond the stated purpose of the regulations and exceed the Board's authority. In the Commissioner's judgment, it would be improper to link the Board to any degree with internal OE decisions to initiate enforcement proceedings.

Comment. One commenter suggested that the regulations state when an audit is complete; set standards for the quality of a final audit determination; and limit

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audit appeals to the issues presented in the final audit determination.

Response. No change has been made. The Board has no authority to set standards for audits of OE programs. However §§ 100d.11 and 100d.12 of the regulations set notice standards for final audit determinations and provide for review of final audit determinations that have been appealed to ensure that the determinations meet the notice standards. Section 100d.51 and 100d.61(a)(4) allow Panels to rule on questions of relevancy. The Commissioner believes that these provisions are sufficient.

Comment. One commenter suggested that the regulations express the Secretary's intent to ensure adequate representation of women and minorities on the Board.

Response. No change has been made. The Secretary, the Assistant Secetary for Education, and the Commissioner remain committed to ensuring that women and members of minority groups are adequately represented on the Board. Special efforts have been and are being made to recruit women and minorities to fill Board vacancies.

Comment. One commenter objected to the designation of the Title I Audit Hearing Board as the Education Appeal Board.

Response. No change has been made. The Commissioner's designation, and the Secretary's approval, of the Title I Audit Hearing Board as the Education Appeal Board was authorized by Section 451(f) of the General Education Provisions Act. The only requirement was that the existing appeal board be capable of carrying out the functions of the Education Appeal Board. The Commissioner and the Secretary determined that the Title I Audit Hearing Board met this requirement.

Comment. Two commenters questioned the policy of not including in the regulations all the provisions contained in Sections 451 through 456 of the General Education Provisions Act in the regulations.

Response. The Commissioner believes that all the sections that pertain directly to Board proceedings, and that recipients need to know to participate in Board proceedings, are included in the regulations. The sections outlining the Commissioner's authority to compromise claims or return recovered funds and the section providing for judicial review are not appropriate subjects for inclusion in procedural regulations for the Board.

Comment. Several commenters objected to OE's decision to proceed with interim final regulations rather than a notice of proposed rulemaking.

Response. No change has been made. In view of the procedural nature of the rules, the Commissioner does not believe that OE was required to publish a notice of proposed rulemaking. In addition, the Commissioner believes that it was in the public interest to establish the Board as an effective appeal mechanism at the earliest possible date so that recipients would be able to exercise their newly-granted rights of appeal.

The members of the public were given an opportunity to comment on the interim final regulations. Those comments were considered carefully in the drafting of the final regulations.

Section 100d.3 Defintions.

Comment. Two commenters objected to the definition of "authorized OE official" as being too broad and suggested that including the Commissioner as an authorized OE official might lead to a conflict of interest since the Commissioner reviews all decisions. The commenters also suggested that granting authority to "authorized OE officials" conflicts with the recently-published Notice of Proposed Rulemaking for the Education Division General Administrative Regulations (44 FR 26298, May 4, 1979), specifically § 100b.900 which reads:

> No act or failure to act by an official agent, or employee of HEW can affect the responsibility of the Commissioner to enforce a regulation.

Response. No change has been made. The Commissioner does not agree that the definition of "authorized OE official" is too broad, because it is necessary as an administrative matter to allow OE employees to be designated to act for the Commissioner. However, the statute clearly gives the Commissioner the authority to issue final audit determinations and notice of withholding, termination, and cease and desist proceedings, and does not require the Commissioner to delegate that authority. For that reason, the definition of "authorized OE official" includes both the Commissioner and OE employees designated to act under the Commissioner's authority.

Further, the Commissioner does not see a conflict between allowing authorized OE officials to act for the Commissioner and § 100b.900 of the Education Division General Administrative Regulations. Section 100b.900 does not suggest that the Commissioner may not designate OE employees to act under the Commissioner's authority.

Comment. Two commenters objected to the inclusion of the phrase "or initiate a required practice" in the definition of "cease and desist" on the ground that a cease and desist order cannot mandate a required act.

Response. No change has been made. Section 454 of the General Education Provisions Act allows the Board to issue a cease and desist order requiring a recipient that has violated the law to cease and desist from the practice, policy, or procedure that resulted in the violation. The Commissioner believes that, in some instances, compliance with the cease and desist order will require the recipient to perform an affirmative act.

For example, if the recipient violated a statutory or regulatory requirement by failing to keep adequate records, the recipient would have to implement an adequate recordkeeping system to comply with both the order and the law. The Commissioner believes that the definition of "cease and desist" contained in § 100d.3 simply reflects that possibility.

Comment. One commenter said that the definition of "hearing" should be more limited.

Response. No change has been made. Adequate review in a case before the Board could range from a Panel's review of written submissions to an extended series of conferences, oral arguments, or evidentiary hearings. The definition of the word "hearing" was intended to be broad so that Panels might have maximum flexibility in adequately reviewing cases.

Comment. Several commenters suggested that the definition of "recipient" explicitly include a local educational agency.

Response. A change has been made. The word "initially" has been added to the definition of "recipient" so that "recipient" is defined as "the named party or entity that initially receives Federal funds under an OE grant or cooperative agreement."

Under some direct grant programs, a local educational agency will be the named party or entity that initially receives funds, and will have the right to appeal adverse audit determinations or withholding, termination, or cease and desist actions.

Under most State-administered programs, however, the State educational agency initially receives the funds, bears the responsibility for ensuring that Federal education funds are spent properly, and should recieve the final audit determination or written notice of withholding, termination, or cease and desist proceedings. An example now noted in the definition is a program conducted under Title I of the Elementary and Secondary Education Act of 1965, as amended, where the State educational agency is the recipient and will have the right of appeal.

The addition of the word "initially" to the definition of recipient, and the inclusion of the example, should clarify this point.

Section 100d.4 Board membership.

Comment. One commenter suggested that employees of the HEW Audit Agency be prohibited from serving on the Board.

Response. No change has been made. Section 451 of the statute provides that the Secretary shall designate the members of the Board in consultation with the Assistant Secretary for Education and the Commissioner. The only restriction imposed by the statute is that no more than one-third of the Board members may be HEW employees.

Section 100d.5 Panels.

Comment. One commenter suggested that HEW employees representing the programs involved in the cases before the Board be appointed to the Board.

Response. No change has been made. The Commissioner believes that the Board should be as impartial as possible and that program representatives would have, or at least appear to have, an interest or bias in the matter.

Comment. One commenter pointed out that the statute requires only that a majority of the members of a Panel not be individuals in the full-time employment of the Federal government. The interim final regulations were more restrictive.

Response. A change has been made. The regulations have been amended to reflect the statute.

Comment. One commenter noted that the statute excludes an individual who has responsibility for a matter before the Board from serving on the Panel that hears the matter, while the regulations broaden the provision to exclude any person who has or has had responsibility.

Response. The regulations are more restrictive in an effort to minimize further the possibility that a Board member will have a conflict of interest or bias with regard to the matter at hand.

Section 100d.7 Exhaustion of remedies.

Comment. Several commenters stated that exhaustion of remedies should not be required if the Panel fails or refuses to rule on questions of its own jurisdiction or on the validity of OE rules and regulations.

Response. A change has been made. The Commissioner agrees that if the only issues in a case before the Board fall outside the Board's jurisdiction, the recipient should not be required to argue those issues before the Board. The change in the regulations allows the Panel assigned to hear an appeal to decide that there are no issues in the case within the Board's jurisdiction and to issue a decision or order to that effect. That decision or order would be subject to review by the Commissioner but, once final, should allow the recipient to proceed to court.

Comment. One commenter objected to imposing a timeliness requirement on the recipient but not OE.

Response. A change has been made. The use of the word "timely" in § 100d.7 was not intended to suggest that only the recipient was required to proceed in a timely manner, and the word has been deleted to remove that suggestion. Of course, the recipient must still bring a proper administrative appeal, and a proper administrative appeal would necessarily be timely.

Comment. One commenter objected to the failure to cite a statutory authority for the section, and suggested that the section was contrary to the legislative intent expressed in Section 455 of the General Education Provisions Act providing for judicial review.

Response. A change has been made. Statutory citations have been supplied. The Commissioner believes that by establishing the Board as an administrative forum and providing for judicial review of Board actions, Congress intended recipients to take their cases to the Board before going into court.

Section 100d.11 Written notice of a final audit determination.

Comment. One commenter suggested that OE be required to list the source documents used in making the audit determination.

Response. No change has been made. The written notice of a final audit determination is designed simply to advise the recipient that OE has determined that Federal education funds were misspent, not to lay out OE's case in detail. A listing of source documents may be requested at a later date under § 100d.50 providing for an exchange of relevant information between the parties.

Section 100d.12 Review of the written notice.

Comment. Two commenters suggested that the Board Chairperson review the final audit determination before it is sent to the audited agency.

Response. No change has been made. A final audit determination does not come within the Board's jurisdiction until it has been appealed. Further, the Commissioner does not believe that it would be appropriate to involve the Board in the audit determination process. That involvement would jeopardize the Board's neutrality.

Section 100d.13 Filing an application for review.

Section 100d.14 Acceptance of an application for review.

Section 100d.15 Rejection of an application for review.

Comment. One commenter asked why the Board's authority to review and accept or reject an application for review was delegated under the regulations to the Board Chairperson.

Response. The Board Chairperson was delegated responsibility for reviewing applications for review because it would be administratively difficult, time-consuming, and unduly expensive to convene the entire Board, or even several members of the Board, to review each application for review.

By allowing the Board Chairperson to initially review each application to see if it meets minimal information requirements, the regulations help to streamline the appeal process and allow the time and attention of the other Board members to be saved for, and directed to, the merits of the cases.

Section 100d.13 Filing an application for review.

Comment. One commenter noted that under the statute, the Board is to specify the form and information required in an application for review, but that under the regulations it appeared that the Commissioner is prescribing the format and information required in the application.

Response. No change has been made. The regulations set out certain minimal requirements for review so that appellants will not have to contact the Board or turn to other sources for information before submitting their applications for review. Since appellants have only 30 days in which to seek review, it is to their advantage to have easy reference to the application requirements. Current members of the Board were involved in the drafting of the regulations.

Comment. One commenter noted that the statute—unlike the regulations—did not allow an extension of time for filing an application for review.

Response. No change has been made. Although the legislation does not provide for an extension of the 30-day time period for filing an application for review, the Title I Audit Hearing Board—the predecessor to the

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Education Appeal Board—found that some cases involved such complicated issues or so many different localities that 30 days did not allow an appellant sufficient time in which to prepare an adequate application for review.

The Title I Board Chairperson, having received a fair number of requests from appellants for extensions of the 30-day time period, attempted to acccmmodate the appellants if the requests appeared reasonable. The Commissioner believes that the Education Appeal Board should have the same flexibility.

Comment. Several commenters suggested that the 30 calendar days allowed for filing an application for review should be extended to 60 calendar days.

Response. No change has been made. The 30 day time limit was set by the statute.

Section 100d.14 Acceptance of the application for review.

Comment. One commenter said that the regulations should speak to the quality of audit reports included in initial hearing records.

Response. No change has been made. Since the Board has no authority to oversee audits conducted by employees of the Department, it would not be appropriate to include standards for audit reports in the Board regulations.

Section 100d.15 Rejection of the application for review.

Comment. Several commenters thought that an appellant should have 60 calendar days, rather than 20, to file a second, acceptable application for review. Another commenter thought that an appellant should be allowed to request technical assistance from OE in preparing the second application for review.

Response. The Commissioner believes that since the appellant has already had 30 days to prepare the initial application for review, 20 additional days allows the appellant a reasonable amount of time in which to prepare an amended application for review. The Commissioner also believes that technical assistance from OE is neither necessary, since the requirements for an application for review are so minimal, nor appropriate, since the appellant is appealing an OE determination.

Section 100d.16 Burden of proof.

Comment. One commenter asked why the regulations specified that the appellant in an audit appeal is required to present its case first, and why the statutory wording placing the burden of proof on the appellant was rephrased in the regulations.

Response. No change has been made. The regulations specify that the appellant shall present its case first to settle a procedural issue that frequently arose in cases before the Title I Audit Hearing Board. The Title I Board found that since the appellant had the burden of proof, and generally had access to the necessary materials—e.g., payroll records—it made sense to have the appellant present its case first.

Although the wording of the regulations is slightly different than the wording of the statute with regard to the burden of proof in an audit appeal, the change in wording is not intended to change the meaning of the law. The change was made because the phrase "burden of proof" is commonly used while "burden of demonstration" does not have the same generally accepted meaning.

Comment. One commenter said that the auditing agency should have the burden of proving that expenditures should be disallowed.

Response. No change has been made. Section 452(b) of the statute places the burden of proof in an audit appeal on the appellant.

Subpart C—Withholding and Termination.

Comment. Two commenters objected to the interpretation of withholding to include termination.

Response. A change has been made, as noted in section B of the supplementary information contained in the preamble to the regulations. To remove any objection, the Commissioner designates, under section 451(a)(4) of the statute and through the publication of these regulations, termination proceedings initiated by authorized OE officials as being within the jurisdiction of the Education Appeal Board.

Section 100d.25 Written notice of an intent to suspend funds.

Comment. Several commenters said that a recipient of a written notice of an intent to suspend funds should have 30 days, rather than 10, to request an opportunity to show cause why payments should not be suspended.

Response. No change has been made. The Commissioner believes that if funds are to be suspended to prevent the misspending of the funds, the funds should be suspended as quickly as possible. Further, since the recipient is only required to request an opportunity to show cause why payments should not be suspended within the 10 days, and the suspension is only a temporary hold on funds pending the outcome of the withholding or termination proceeding, the Commissioner believes that the 10 day period is adequate to protect the recipient's interests.

Section 100d.26 Request to show cause.

Section 100d.27 Show cause hearing.

Section 100d.28 Decision.

Comment. One commenter was concerned about who is to be the authorized OE official responsible for overseeing the show cause proceeding, and whether it would present a conflict of interest to have the official who first issued the notice designate the person to conduct the show cause hearing.

Response. A change has been made. The suspension procedures were designed so that any improper expenditure of Federal education funds may be halted as soon as possible. The regulations therefore allow an authorized OE official to designate a person who is not necessarily a Board member, but who is immediately available, to conduct the show cause proceeding.

The regulations have been amended to impose the same conflict of interest standard on a designee as the statute imposes on a Board member; i.e., a person may not be designated to conduct a suspension proceeding who is a party to, or has or has had any responsibility for, the matter before the Board.

Comment. Two commenters did not think that it was clear how a suspension proceeding meshed with a withholding or termination hearing, and suggested that the disposition become part of the record of the case.

Response. A change has been made. The regulations now provide that an order to suspend funds will become part of the record in a withholding or termination proceeding.

Comment. One commenter asked why the decision was not subject to review by the Commissioner.

Response. No change has been made. The designee's decision was not made subject to review by the Commissioner because review would require a substantial amount of time and unduly delay the effective date of the suspension. Since a suspension is only temporary pending the outcome of a withholding or termination hearing, the lack of review should not irreparably harm the appellant.

Section 100d.42 Applicability of other laws.

Comment. Several commenters argued that the entire Administrative Procedure Act and the Federal Rules of Civil Procedure, in particular Rules 26–37 providing for discovery, should be applicable to Board proceedings.

Response. No change has been made. Since section 451(e) of the statute specified certain sections of the Administrative Procedure Act that were to be applicable to Board proceedings, the Commissioner believes that Congress intended only those sections of the APA to apply to Board proceedings. The Commissioner believes that Board proceedings are intended to be less formal, less time-consuming, and less complicated than hearings conducted by administrative law judges or courts of law. For the same reason, the Commissioner does not believe that the Rules of Civil Procedure should be made applicable to Board proceedings.

Section 100d.43 *Intervention.*

Comment. One commenter was concerned that a party who could aid the Board in its disposition of a case might be denied permission to intervene under § 100d.43.

Response. A change has been made. The regulations require approval for intervention so that only those third parties who have a real interest in or contribution to make to Board proceedings may take part in those proceedings. The regulations have been amended so that an applicant who could aid the Board in the disposition of a case will not be denied permission to intervene under this standard.

Comment. Several commenters argued that the regulations should provide for the joinder of local educational agencies in cases involving State-administered programs.

Response. No change has been made. The Board does not have authority under the statute to join local educational agencies that are unwilling to participate in a State educational agency's appeal. Local educational agencies may apply to intervene under § 100d.43 if their interests are at stake.

Section§ 100d.46 *Availability of decisions.*

Comment. One commenter asked whether § 100d.46 limited the provisions of the Freedom of Information Act.

Response. A change has been made. This section of the regulations was not intended to limit the Freedom of Information Act but rather to advise the public that Board decisions are available on request. The regulations have been amended to provide that Board decisions are available on request and with payment of the reproduction costs. This provision is consistent with the Freedom of Information Act.

Section § 100d.49 *Subpoenas.*

Section § 100d.50 *Exchange of information.*

Section § 100d.51 *Evidence.*

Comment. Several commenters suggested that the regulations be changed to require parties to lay proper foundations for the admission of evidence.

Response. No change has been made. Section 100d.51 is intended to allow Panels to (1) conduct proceedings that are less formal and less technical in nature than proceedings conducted by administrative law judges or courts of law, and (2) admit all information that may aid the Panels in reaching their decisions.

Section § 100d.61 *Authority and responsibilities of Panels.*

Comment. Several commenters stated that the Board should have a subpoena power and the authority to order discovery.

Response. No change has been made. The Board does not have statutory authority to issue subpoenas or mandate discovery. Again, the Commissioner believes that Board proceedings are intended to be less formal, less time-consuming, and less complicated than proceedings conducted by administrative law judges or courts of law.

Comment. One commenter stated that the regulations did not cite any statutory authority for § 100d.61.

Response. No change has been made. As noted in section D of the supplementary information in the preamble to the regulations, if all the provisions of a subpart are supported by the same citation, the citation is given at the end of the subpart. Section 100d.61 is supported by the citation given at the end of the subpart on Panel proceedings.

Comment. One commenter was concerned that the dissemination of information concerning a Board proceeding by the appellant might be limited or that proceedings before the Board might be closed to the public.

Response. A change has been made. It is not the Commissioner's intent to either limit the dissemination of information or close Board proceedings to the public. Section 100d.61(a)(7) has been amended to clarify that Board hearings are open to the general public but that the Panel may establish reasonable rules for public attendance and media coverage of the proceedings.

Comment. One commenter suggested that the Panel set a minimum of 30 days for responses unless the recipient indicates that it can respond in a shorter time span.

Response. A change has been made. The Commissioner wishes to allow the Panels maximum flexibility in setting time limits for the submission of written documents. However, the regulations have been amended to provide that the Panel may set reasonable time limits.

Comment. Two commenters objected to the Panel's authority to end an appeal without giving the parties an opportunity for a show cause hearing, and argue that there is no statutory authority for the power.

Response. No change has been made. Section 451(e) of the General Education Provisions Act authorizes the Commissioner to prescribe rules for the conduct of proceedings before the Board. As noted in the preamble to the interim final regulations, the Title I Audit Hearing Board found that parties in several instances were unduly slow in presenting their cases. Panels were given the authority to end appeals so that they might avoid excessive delays in the future. The Commissioner recognizes that the ending of an appeal is a serious remedy, but expects that the remedy will be used judiciously.

Comment. One commenter stated that "Panel interpretations" should be printed in one source and made available.

Response. No change has been made. As provided in § 100d.46 of the regulations, Board decisions are available to the public on request and with payment of reproduction costs.

Section 100d.71 *Written submissions normally required.*

Comment. One commenter said that the audited agency should have the opportunity to request an oral argument or evidentiary hearing. A second commenter said that an oral argument or evidentiary hearing should be schedulde upon a showing of good cause by the recipient. A third commenter said that the regulations should provide standards to be used by Panels to determine the need for oral argument or full hearings.

Response. A change has been made. The regulations have been amended to provide that parties may request oral arguments or evidentiary hearings. The Commissioner believes that determinations as to the need for oral arguments or evidentiary hearings are properly left to the discretion of the Panels hearing the cases.

Section 100d.72 Notice of an oral argument or evidentiary hearing.

Comment. Two commenters argued that notice of oral arguments and evidentiary hearings should be published in the **Federal Register.**

Response. A change has been made. The Commissioner does not believe that it is either necessary in every case or required by law that the Board publish a notice of each hearing in the **Federal Register.** However, the regulations have

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been amended to provide that a party or Panel member may request that a notice of a hearing be published in the **Federal Register**. The Commissioner expects that notices will be published if reasonable requests are made.

Section 100d.73 Conduct of a hearing.

Comment. One commenter thought that a three-member Panel should conduct a hearing. A second commenter asked why a quorum requirement was not imposed for proceedings other than oral arguments and evidentiary hearings.

Response. A change has been made. Under the statute, at least three Board members are assigned to each Panel. The regulations have been amended to make it clear that all the members of a Panel shall participate in the Panel's decision, and that hearings are generally conducted by all Panel members. This provision allows hearings to proceed as scheduled should a Panel member be unable to attend a hearing, but ensures that decisions are made by qll the Panel members.

Section 100d.81 The Panel's decision.

Comment. One commenter suggested that the regulations specify that a majority of the Board be present to approve a finding or decision of a Panel and that a majority approve the findings or decisions.

Response. No change has been made. It was the practice of the Title I Audit Hearing Board to consider the decisions of its Panels to be the decisions of the Board. Since many of the cases are very complex, it would be time-consuming and expensive, as well as administratively difficult, to convene the entire Board or even a majority of Board members to review the decisions of its Panels. The Commissioner therefore believes that it is wise, as well as practical, to continue to allow Panels to make decisions for the Board for submission to the Commissioner.

Section 100d.82 Opportunity to comment on the Panel's decision.

Comment. Two commenters said that post-hearing comments are counterproductive and that the parties should have some assurance the Commissioner will review the comments.

Response. No change has been made. The Commissioner believes that comments will aid the Commissioner in reviewing Board decisions. Parties are not required to submit comments under the regulations, but may take advantage of the opportunity to submit comments for the Commissioner's consideration.

Section 100d.83 The Commissioner's decision.

Comment. One commenter said that it was not clear that the person reviewing the Panel's decision must be the Commissioner.

Response. No change has been made. The word "Commissioner" rather than the phrase "authorized OE official" is used to indicate that the person who reviews the Panel's decision is the Commissioner.

Comment. Two commenters pointed out that there was no statutory basis for stating that the Commissioner would modify or set aside the Panel's decision if that decision were clearly erroneous.

Response. A change has been made. The regulations have been amended to state that the Commissioner may modify or set aside the Panel's decision "for good cause shown," the standard used in the statute.

Section 100d.84 Collection.

Comment. One commenter asked why § 100d.84 on collection was included since it did not pertain directly to Board proceedings. Two commenters pointed out that no statutory authority was cited for the section.

Response. A change has been made. Although the section does not pertain directly to Board proceedings, the Commissioner thought it would be helpful to recipients to indicate the effect of a final decision in audit appeals or withholding or termination proceedings. Citations have been added, which refer readers to Sections 452(e) and 453 of the General Education Provisions Act. Section 452(e) provides that if a Board decision upholds a final audit determination, the decision establishes the amount of the determination as a claim of the United States that the recipient is required to pay. Section 453 authorizes the Commissioner to withhold funds.

Comment. One commenter asked whether local educational agencies would be directly accountable to OE.

Response. Local educational agencies will be directly accountable to OE if they are recipients under OE grants or cooperative agreements. (See the comment and response concerning the definition of "recipient" under the preceding discussion for § 100d.3.)

Section 100d.85 The cease and desist report and order.

Comment. One commenter suggested that the provisions of Section 454(e) of the General Education Provisions Act regarding the enforcement of a cease and desist order be included in the regulations.

Response. A change has been made. Section 100d.86 on enforcement of a cease and desist order has been added to the regulations. The section provides that if after a reasonable period of time, the Commissioner determines that a recipient has not complied with a cease and desist order, the Commissioner may withhold funds or refer the matter to the Attorney General.

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federal register

Thursday
April 3, 1980

Part IV

Department of Health, Education, and Welfare

Office of Education

Consolidated Grant Applications for Insular Areas

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 100b

Consolidated Grant Applications for Insular Areas

AGENCY: Office of Education.

ACTION: Final rule.

SUMMARY: The Commissioner of Education issues final regulations governing the submission by an Insular Area of a consolidated grant application for formula grant education programs. These regulations are intended to lessen the administrative burdens on an Insular Area and provide it with greater flexibility in making decisions regarding educational programs. The regulations are authorized under Title V of Pub. L. 95–134.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are transmitted to the Congress several days before they are published in the **Federal Register**. If the Congress disapproves the regulations or takes certain adjournments, the effective date is changed by statute. To learn the effective date of these regulations, phone or write the contact person listed below.

FOR FURTHER INFORMATION: Dr. O. Ray Warner, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: 202–245–7793.

SUPPLEMENTARY INFORMATION: The Commissioner published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on May 14, 1979 (44 FR 28012). Interested persons were given 45 days to comment on these proposed regulations. During this period a number of comments were received. The paragraphs below summarize those comments and the Commissoner's responses to them.

These final regulations will be a part of the Education Division General Administrative Regulations (EDGAR) which, when published in final form, will replace the Office of Education General Provisions Regulations (45 CFR parts 100, 100a, 100b, 100c, and 100d). The section numbers of these final regulations for consolidated grant applications have been changed to fit within the format of EDGAR. If these consolidated grant regulations are published in the **Federal Register** before EDGAR is published in final form, the final EDGAR will state that these regulations are not revoked by EDGAR.

These final regulations for consolidated grant applications apply only to consolidated grants for Insular Areas beginning with Fiscal Year 1980 appropriation for use in school year 1980–81.

Section 100b.125 Purpose of §§ 100b.125 through 100b.135. (§ 100b.25 of NPRM)

Comment. A commenter asked why the list of programs in this section (covering programs that can be included in a consolidated grant), does not include discretionary grant programs. The commenter suggested that discretionary grants be included since Title V of Pub. L. 95–134 does not limit the types of grants that can be consolidated.

Response. No change is made. The authorizing statute, Title V of Pub. L. 95–134, states that "any or all grants" may be consolidated. This language is broad enough to cover both State formula grants and discretionary grants. However, because of the administrative problems involved in consolidating discretionary grants, it was decided to include only State formula grants.

Section 100b.128 What is a consolidated grant? (§ 100b.28 of NPRM)

Comment. A commenter requested clarification as to whether two consolidated grant applications could be submitted by an Insular Area.

Response. No change is made. An Insular Area can make only one application for and receive only on consolidated grant each year. The consolidated grant includes funds from two or more of the programs listed in § 100b.125. Within the consolidated grant, the funds may be allocated among the programs as the Insular Area determines. The funds cannot be used for programs and purposes outside the consolidated grant. However, an Insular Area can still apply separately for each program it does not wish to include in the consolidated grant (see § 100b.134). These separate programs are not a part of the consolidated grant application authority.

Section 100b.129 How a consolidated grant works. (§ 100b.29 of NPRM)

Comment. A commenter expressed concern that some programs included in a consolidated grant might receive tol little funds or no funds at all if the Insular Area is free to allocate the funds within the consolidated grant as it sees fit. The commenter suggested, for example, that all funds for libraries be put in an account separate from that for elementary and secondary education. In this way programs of low priority will be guaranteed a fair share of the funds.

Response. No change is made. Title V of Pub. L. 95–134 provides that the Insular Area determines the portion of consolidated funds that will be allocated among the programs and purposes in the consolidated grant. Under this authority the decision regarding allocation of funds rests with the Insular Areas. For example, all of the funds could be used for only one of the programs included in the consolidated grant, or the funds could be divided among several of the programs in the grant. There is no statutory requirement that some funds must go to a particular program or category of programs within the consolidated grant.

Section 100b.33 of NPRM Pre-applications for consolidated grants.

Comment. Several commenters stated that the pre-application provision was an additional burden and should not be included in the regulations.

Response. A change is made. This section on pre-applications has been eliminated, since it is inconsistent with the intent of the law to lessen the administrative burdens of application and reporting procedures on the Insular Areas.

Section 100b.133 Reallocation authority. (§ 100b.36 of NPRM)

Comment. Several commenters expressed concern that the 60-day notification requirement before consolidated grant funds can be reallocated is unduly lengthy and undermines the intent of the law to provide maximum flexibility to the Insular Areas. They suggested that it be eliminated.

Response. A change is made to eliminate the 60-day prior notification requirement for reallocation of funds among the programs in the consolidated grant. The regulations now require the Insular Area to notify the Commissioner of any reallocation by submitting an amendment of its application by the Commissioner that includes an update of information originally provided in its application as required in §100b.131(c).

Comment. A commenter requested clarification as to whether programs not included in the application for a consolidated grant could later be included under the reallocation authority of §100b.133.

Response. No change is made. Once an Insular Area receives a consolidated grant, it may reallocate the funds in that grant among the programs and for the purposes in the consolidated grant and stated in its original consolidated grant application. However, in any fiscal year, an Insular Area may not add new programs which were not originally included in its application submitted for that year.

Section 100b.135 Matching. (§ 100b.37 of NPRM)

Comment. Several commenters said that the limitation on the waiver of matching requirements for programs in a consolidated grant was too restrictive and harsh. They felt that this would discourage Insular Areas from applying for a consolidated grant because of the loss of any waiver of the matching requirements for programs in the consolidated grant.

Response. A clarifying change is made to §100b.135. The Commissioner does not automatically grant a waiver of all matching requirements for programs in a consolidated grant. However, a waiver may be granted if the statutory authority for the specific program in the consolidated grant expressly provides for a waiver of the matching requirement and the statutory conditions for a waiver are met.

Comment: A commenter asked that § 100b.135 be clarified as to whether matching requirements for programs in a consolidated grant could be met through the use of services, facilities and other resources provided by the Insular Area.

Response. No change is made. Matching requirements may be met by the use of services, supplies, facilities and other in-kind contributions. These requirements are covered in 45 CFR Part 74, §§ 74.50 through 74.55.

General

Comment: Several commenters suggested that provision be made for situations in which program funds are administered by different agencies. For example, library funds under the Library Services and Construction Act are administered by an agency other than the State department of education. It was suggested that when consolidated programs are administered by different agencies, allocation of funds among the consolidated programs should only be permitted upon the written approval of each agency involved.

Response: No change is made. The primary purposes of the Title V consolidation authority are to simplify application procedures and promote flexibility in allocating the consolidated funds, thus minimizing the administrative burden on the Insular Areas. Further administrative requirements imposed on the applicant could defeat these purposes. It is up to the Insular Area to work out its own allocation procedures among the various administering agencies involved, without directions by the Federal government.

Comment: Several commenters requested guidance on "set aside" requirements in some formula-grant programs that might be included in a consolidated grant. If, for example, a consolidated program required that 15 percent of the program grant funds be set aside for low income students, does this mean 15 percent of the grant funds which would be applicable if there were no consolidation, or does it mean 15 percent of the consolidated grant funds or of the funds actually used for the particular program in the grant?

Response: No change is made. An Insular Area determines how it allocates the total amount of funds in a consolidated grant among the programs and purposes within that consolidated grant. All set aside requirements apply to the amount of funds the Insular Area actually allocates to and uses and administers under the program requiring the set aside after consolidation.

Comment: Several commenters suggested that one advisory council serve as the advisory council for all programs in the consolidated grant that require an advisory council.

Response: No change is made. An Insular Area may, but is not required to, use a single advisory council for any or all programs in a consolidated grant under which the grant funds will be used and administered that require an advisory council. It may use a separate council for each program or use various combinations of councils for programs that require advisory councils. For example, if five programs in the consolidated grant for which funds are used require advisory councils, one council might serve all five programs. Alternatively, one council might cover only three programs and a second council cover the other two programs. Regardless of the choice, however, the advisory council(s) must meet all advisory council requirements in the authorizing statute of the program(s) in the consolidated grant under which the consolidated grant funds are used and administered.

These final regulations also contain minor editorial, organizational, and clarification changes

Authority: These final regulations are issued under the authority of Title V, Pub. L. 95–134.

Dated: March 7, 1980.

William L. Smith,

U.S. Commissioner of Education.

The Commissioner of Education amends Part 100b of Title 45 of the Code of Federal Regulations by adding new §§ 100b.125 through 100b.135 to Subpart B as follows:

Consolidated Grant Applications From Insular Areas

Scope and Applicability

Sec.

100b.125 Purpose of §§ 100b.125 through 100b.135.
100b.126 Regulations that apply.
100b.127 Purpose of a consolidated grant.
100b.128 What is a consolidated grant?
100b.129 How a consolidated grant works.
100b.130 How consolidated grants are made.
100b.131 How to apply for a consolidated grant.
100b.132 Consolidated grant applicant assurances.
100b.133 Reallocation authority.
100b.134 Relationship between consolidated and non-consolidated grants.
100b.135 Matching.

Authority: Title V, Pub. L. 95–134.

(48 U.S.C. 1469a)

Consolidated Grant Applications From Insular Areas

Scope and Applicability

§ 100b.125 Purpose of §§ 100b.125 through 100b.135.

(a) The provisions of §§ 100b.125 through 100b.135 set forth requirements for the submission of an application by an Insular Area for the consolidation of two or more grants under the programs listed in the table in paragraph (c) of this section.

(b) For the purpose of §§ 100b.125 through 100b.135, the term "Insular Area" means the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands.

(c)(1) The Commissioner may make an annual consolidated grant to assist an Insular Area in carrying out one or more of the programs in the following table. The table indicates the number of the program in the Catalog of Federal Domestic Assistance (CFDA), the name of the program, the statute that authorizes it, and the regulations that implement it.

CFDA No. and name of program	Authorizing statute	Implementing regulations—title 45, CFR
13.400 State Adult Education Programs	Adult Education Act (except Sections 309, 317 and 318) (20 U.S.C. 1201–1211a)	Part 185.
13.408 Construction of Public Libraries	Title II, Library Services and Construction Act (20 U.S.C. 355a–355c)	Part 130.
13.427 State Operated Programs for Handicapped Children	Title I, Part B, Sections 146–147 of the Elementary and Secondary Education Act (20 U.S.C. 2771–2772).	Parts 116 and 116b.
13.428 Financial Assistance to Local Education Agencies to Meet the Special Needs of Educationally Deprived Children (except Coordination of Migrant Education and Transition of Neglected or Delinquent Children).	Title I, Part A of the Elementary and Secondary Education Act (except Sections 143 and 153) (20 U.S.C. 2701–2754).	Parts 116 and 116a.
13.429 Grants to State Educational Agencies for Programs to Meet Special Educational Needs of Migrant Children.	Title I, Part B, Sections 141–143 of the Elementary and Secondary Education Act (20 U.S.C. 2761–2763).	Parts 116 and 116d.
13.430 Educationally Deprived Children—State administration	Title I, Section 194 of the Elementary and Secondary Education Act (20 U.S.C. 2844)	Part 116.
13.431 Grants to State Agencies for Programs to Meet the Special Educational Needs of Children in Institutions for Neglected or Delinquent Children.	Title I, Part B, Sections 151–153 of the Elementary and Secondary Education Act (20 U.S.C. 2781–2783).	Parts 116 and 116c.
13.449 Assistance to States for Education of Handicapped Children.	Education of Handicapped Act Part B (except Section 619) (20 U.S.C. 1411–1418; 1420)	Part 121a.
13.449 Incentive Grants (Handicapped Pre-school)	Section 619 of the Education of the Handicapped Act (20 U.S.C. 1419)	Part 121.
13.453 Higher Education Land-Grant Colleges and Universities	Second Morrill Act of 1890 (7 U.S.C. 322 and 323)	Part 101.
13.454 Grants for Public Library Services	Title I, Library Services and Construction Act (20 U.S.C. 351–354)	Part 130.
13.455 Interlibrary Cooperation Services Programs	Title III, Library Services and Construction Act (20 U.S.C. 355e–355e–2)	Part 130.
13.491 Community Services and Continuing Education Program (except Special Programs).	Title I, Part A of the Higher Education Act (except Section 106) (20 U.S.C. 1001–1005; 1006–1011).	Part 173 (except Subpart C).
13.493 State Vocational Educational Program	Title I, Part A of the Vocational Education Act (20 U.S.C. 2301–2461)	Part 104.
13.494 Consumer and Homemaking Education		Part
13.495 Program Improvement and Support Services		Part
13.496 Persons with Special Needs		Part
13.500 State Advisory Councils		Part
13.505 State Planning Grants		
13.541 Indochinese Refugee Children Program	Title II of the Indochina Refugee Children Assistance Act (20 U.S.C. 1211b)	Part 122a.
13.548 State Student Incentive Grant Program	Sections 415A–415E of the Higher Education Act (20 U.S.C. 1070c through 1070c–4)	Part 192.
13.550 State Post Secondary Education Commissions, Program-Interstate Planning.	Title XII, Section 1203(a) of the Higher Education Act (20 U.S.C. 1142b(a))	Part 199a.
13.562 Gifted and Talented Children Program	Title IX, Section 901–906 of the Elementary and Secondary Education Act (except Section 905) (20 U.S.C. 3311–3314; 3316–3318).	Part 195.
13.563 Community Schools Program	Title VIII, Section 801–808 of the Elementary and Secondary Education Act (20 U.S.C. 3281–3288).	Part 150.
13.570 Instructional Materials and School Library Resources	Title IV, Part B of the Elementary and Secondary Education Act (20 U.S.C. 3101–3102)	Part 134 and 134a.
13.571 Improvement in Local Educational practices	Title IV, Part C of the Elementary and Secondary Education Act (20 U.S.C. 1801–1832)	Part 134.
13.573 Architectural Barriers Removal	Title VII, Part E of the Higher Education Act (20 U.S.C. 1132d–11)	Part 170.
13.577 Guidance Counseling and Testing	Title IV, Part D of the Elementary and Secondary Education Act (20 U.S.C. 3121–3127)	Part 134.
13.582 Incentive Grants for State Student Financial Assistance Training program.	Section 493C of the Higher Education Act (20 U.S.C. 1088b–3)	Part 178a.
13.585 Educational Information Centers Program	Sections 418A and 418B of the Higher Education Act (20 U.S.C. 1070d–2–1070d–3)	Part 137.
13.598 Career Education—State Allotment Program	Career Education Incentive Act Program (except Sections 10, 11, 12) (20 U.S.C. 2601–2614).	Part 161.
13.599 State Basic Skills Improvement Program	Title II–B of the Elementary and Secondary Education Act (20 U.S.C. 2901–2904)	Part 162.

(2) In any given year, to keep this list of programs current, the Commissioner may update the list by adding or deleting programs upon publication of a notice in the **Federal Register**.

(d) In any given year, through publication of a notice in the **Federal Register**, the Commissioner may announce funded programs (from the current updated list) for which an Insular Area may apply for a grant under the consolidated grant authority.

(48 U.S.C. 1469(a))

§ 100b.126 Regulations that apply.

The following regulations apply to programs of assistance under a consolidated grant:

(a) The regulations for each program included in a consolidated grant for which funds are used and administered; and

(b) The regulations in this part 100b.

(48 U.S.C. 1469a)

§ 100b.127 Purpose of a consolidated grant.

An Insular Area may apply for a consolidated grant for two or more of the educational programs listed in § 100b.125. This procedure is intended to—

(a) Simplify for the Insular Area the application and reporting procedures that would otherwise be required for each of the programs included in the consolidated grant; and

(b) Provide the Insular Area with flexibility in allocating the funds under the consolidated grant to achieve any of the program purposes to be served by the programs consolidated under the grant.

(48 U.S.C. 1469a)

§ 100b.128 What is a consolidated grant?

(a) A consolidated grant under this subpart is a grant to an Insular Area for any two or more of the programs listed in § 100b.125. The amount of the consolidated grant is the sum of the allocations that would be received under each of the programs included in the consolidated grant if there had been no consolidation.

(b) *Example.* Assume that the Virgin Islands applies for a consolidated grant that includes the State programs under the Adult Education Act, the Career Education Incentive Act, and the Migrant and Handicapped programs under the Elementary and Secondary Education Act. If the allocation under the formula for each of these four programs is $150,000, the consolidated grant to the Virgin Islands would be $600,000.

(48 U.S.C. 1469a)

§ 100b.129 How a consolidated grant works.

(a)(1) An Insular Area shall use the funds it receives under a consolidated grant to carry out, in its jurisdiction, one or more of the programs included in the grant.

(2) *Example.* Assume that Guam applies for a consolidated grant under the Library Services and Construction Act, The Career Education Incentive Act, and the Adult Education Act and that the sum of its allocations under these programs is $700,000. Guam may choose to allocate this $700,000 among all of the programs authorized under the three acts. Alternatively, it may choose to allocate the entire $700,000 to one specific program under the grant; for example, the Adult Education Act Program.

(b)(1) An Insular Area shall comply with requirements in the authorizing statute and implementing regulations for each program for which funds from the consolidated grant are used and administered.

(2) *Example.* Assume that American Samoa uses part of the funds under a consolidated grant for the State program under the Career Education Incentive Act. American Samoa need not submit to the Commissioner a State plan that sets out policies and procedures to assure all students equal access to career education programs. However, in carrying out the program, American Samoa must meet and be able to demonstrate compliance with this equal access requirement.

(48 U.S.C. 1469a)

§ 100b.130 How consolidated grants are made.

(a) *Grant awards.* The Commissioner annually makes a single consolidated grant to each Insular Area that meets the requirements of §§ 100b.125 through 100b.135 and each program under which the grant is to be used and administered.

(b) *Notice.* (1) The Commissioner notifies each Insular Area of the programs in § 100b.125 for which funds have been appropriated and can thus be included in the consolidated grant, and of its allotment under each of these programs for the particular fiscal year.

(2) The Commissioner may decide that one or more programs cannot be included in the Consolidated grant if it is determined that the Insular area failed to meet the program objectives stated in its plan for the previous fiscal year in which it carried out the program(s).

(48 U.S.C. 1469a)

§ 100b.131 How to apply for a consolidated grant.

(a) An Insular Area that desires to apply for a grant consolidating any two or more of the programs in § 100b.125 shall submit to the Commissioner an application that—

(1) Contains the assurances in § 100b.132; and

(2) Meets the application content requirements in paragraph (c) of this section.

(b) The submission of an application that contains these requirements and assurances takes the place of separate State plans or other similar documents required by this part or by the authorizing statutes for programs in the consolidated grant.

(c) An Insular Area shall include in its consolidated grant application a program plan that—

(1) Contains a list of programs in § 100b.125 to be included in the consolidated grant;

(2) Sets forth the program or programs in § 100b.125, under which the consolidated grant funds will be used and administered;

(3) Describes the purposes and objectives for the program(s) for which the Insular Area will use the funds received under the consolidated grant during the fiscal year for which it submits the application, including needs of the population that will be met by the consolidation of funds; and

(4) Contains a budget that includes a description of the allocation of funds—including any anticipated carry over funds (authorized under GEPA § 412b) of the program in the consolidated grant from the preceding year—among the programs to be included in the consolidated grant.

(45 U.S.C. 1469a)

§ 100b.132 Consolidated grant application assurances.

(a) An Insular Area shall include in the consolidated grant application the following assurances.

(b) The Insular Area shall assure the Commissioner that it will—

(1) Follow policies and use administrative methods and practices that will insure that non-Federal funds will not be supplanted by Federal funds made available under the authority of the programs in the consolidated grant;

(2) Comply with the requirements (except those relating to the submission of State plans or similar documents) in the authorizing statutes and implementing regulations for the program(s) under which funds are to be used and administered;

(3) Provide for proper and efficient administration of funds in accordance with the authorizing statutes and implementing regulations for those programs under which funds are to be used and administered;

(4) Provide for fiscal control and fund accounting procedures to assure proper disbursement of, and accounting for, Federal funds received under the consolidated grant;

(5) Make one annual report to the Commissioner, as the Commissioner may require, containing information covering the program(s) for which the grant is used and administered, including financial and program performance information required in 45 CFR Part 74, Subparts I and J;

(6) Provide that Federal funds received under the consolidated grant will be under control of—and that title to property acquired with these funds will be in—a public agency, institution, or organization. The public agency shall administer these funds and property;

(7) Keep records and afford access to these records—as the Commissioner finds necessary—in accordance with Section 437 of the General Education Provisions Act (20 U.S.C. 1232f);

(8) Adopt and use methods of monitoring and providing technical assistance to any agencies, organizations, or institutions that carry out the programs under the consolidated grant and enforce any obligations imposed on them under the law;

(9) Evaluate the effectiveness of these programs in meeting the purposes and objectives in the authorizing statutes under which program funds are used and administered;

(10) Conduct evaluations of these programs at intervals and in accordance with procedures the Commissioner may prescribe; and

(11) Provide appropriate opportunities for participation by local agencies, representatives of the groups affected by the program(s), and other interested institutions, organizations, and individuals in planning and operating the program(s).

(c) These assurances remain in effect for the duration of the program or programs they cover.

(48 U.S.C. 1469a)

§ 100b.133 Reallocation authority.

(a) After an Insular Area receives a consolidated grant, it may reallocate the funds in a manner different from the original allocation described in its application. However, the funds cannot be used for purposes that are not authorized under the program or programs in the consolidated grant under which funds are to be used and administered.

(b) *Notice.* If an Insular Area decides to reallocate the funds it receives under a consolidated grant, it shall notify the Commissioner by amending its original application to include an update of the information required under § 100b.131.

(48 U.S.C. 1469a)

§ 100b.134 Relationship between consolidated and non-consolidated grants.

(a) An Insular Area may request any number of programs in § 100b.125 be included in its consolidated grant and apply separately for assistance under any other programs listed in § 100b.125.

(b) Those programs that an Insular Area decides to exclude from consolidation and for which it must submit separate plans or applications, shall be carried out in accordance with the applicable program statutes and regulations. The excluded programs are not subject to the provisions for allocation of funds among programs in a consolidated grant.

(48 U.S.C. 1469a)

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100b.135 Matching.

(a) Appropriate statutory and regulatory requirements that govern matching of Federal funds apply to programs funded by a consolidated grant.

(b) The Commissioner does not automatically waive matching requirements for programs included in a consolidated grant.

(c) A waiver may be granted if the statutory authority for the specific program in the consolidated grant expressly provides for a waiver of the matching requirement and statutory conditions for granting a waiver are met.

(48 U.S.C. 1469a)

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federal register

Thursday
April 3, 1980

Part V

Department of Health, Education, and Welfare

Office of Education

Title I, Elementary and Secondary Education Act; Awarding of Special Grants to Local Educational Agencies

V 45 / 66 APR 3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 116a

Title I, Elementary and Secondary Education Act; Awarding of Special Grants to Local Educational Agencies

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: The Commissioner of Education issues regulations to govern the awarding of special grants to local educational agencies (LEAs) with especially high concentrations of children from low-income families. These special grants are authorized under the Education Amendments of 1978. The primary purpose of these final regulations is to provide methods for the allocation of remaining special grant funds after all counties which meet the statutory eligibility criteria in a State have received funds according to the statutory formula.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. They are transmitted to the Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Carolyn Horner, Financial Analyst, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue, S.W., (Room 3642, ROB–3), Washington D.C. 20202. Telephone: 202–245–2638.

SUPPLEMENTARY INFORMATION:

A. Background

As amended by the Education Amendments of 1978 (Pub. L. 95–561), section 117 of title I of the Elementary and Secondary Education Act of 1965 (the Act) authorizes special title I grants for local educational agencies (LEAs) in counties with especially high concentrations of children from low-income families (Sec. 117; 20 U.S.C. 2722).

Section 117(b)(1) of the Act provides that each county—in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands—that is eligible for a grant under title I of the Act for any fiscal year is entitled to an additional grant under section 117 for that fiscal year if—

(a) The number of children counted under section 111(c) of the Act for LEAs in the county exceeds five thousand; or

(b) The number of children counted under section 111(c) exceeds 20 percent of the total number of children aged five through seventeen in school districts of the LEAs in the county.

In addition to the above criteria for determining whether a county is entitled to a special grant, section 117(b) provides that no State—other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands—shall receive less than one-quarter of 1 percent of the funds appropriated for special grants under section 117. However, the statute does not specify how those grant funds are to be allocated to counties in States in which there are no counties that meet the eligibility criteria in section 117(b)(1).

Similarly, the statute does not specify a method for allocating any remaining special grant funds after all eligible counties in a State have received the amount of special grant funds to which they are entitled under the formula in section 117(b)(3).

B. Overview of the Regulations.

These regulations specify—

(a) Which States are entitled to special grant funds under section 117 of the Act;

(b) The method for determining the amount of special grant funds that each State receives;

(c) The methods for allocating special grant funds to counties within each State that receives these funds;

(d) The method of making the special grants to LEAs; and

(e) The conditions that govern the use of special grant funds.

Sections 116a.34 and 116a.35 of these regulations specify methods for allocating special grant funds in a State that receives the minimum allocation specified by the statute but which—

(a) Has no counties that are eligible for special grant funds under the criteria in the statute; or

(b) Has special grant funds left over after all the eligible counties in that State have received the amount of special grant funds to which they are entitled under the statutory formula.

Those States that are presently receiving the minimum allocation and have either no counties that are eligible for special grant funds or funds left over after all the eligible counties have received the amount of special grant funds to which they are entitled, are—Alaska, Delaware, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming.

In essense, §§ 116a.34 and 116a.35 provide that after each county that meets the statutory eligibility criteria is allocated the amount of special grant funds to which it is entitled under the statutory formula, the Commissioner allocates any remaining special grant funds on the basis of a plan that is—

(a) Proposed by the State educational agency (SEA); and

(b) Approved by the Commissioner.

Under the SEA's plan those remaining funds may be allocated to some counties that would otherwise be ineligible for special grant funds, as well as to some or all of that State's eligible counties already funded under the statutory formula. However, § 116a.36(a) provides that only those counties which are eligible to receive basic grant funds under part A of title I of the Act may receive special grant funds.

If the SEA and the Commissioner cannot agree on an allocation plan, the Commissioner allocates the remaining special grant funds to the counties in the State that are receiving a basic grant under part A of the title I statute. The Commissioner makes this allocation on the basis of the basic grant allocation method in section 111(a) of the Act.

C. Summary of Comments and Responses

A notice of proposed rulemaking (NPRM), which contained proposed regulations to govern the awarding of special grants to LEAs with especially high concentrations of children from low-income families, was published in the **Federal Register** on June 14, 1979 (44 FR 34167). No public meetings were held on the proposed regulations and very few written comments were received. Most of the comments were supportive of the regulations.

The following is a summary of the written comments that requested changes in the regulations and the Office of Education's responses to those comments. The comments and responses are identified by the section number of the proposed regulations to which they refer.

Sections 116a.33–116a.35 Method of computing the State and county allocations.

Comment: One commenter suggested that the NPRM did not specify what methods are used by the Office of Education to determine the minimum amount of special grant funds to be allocated to each State or the amount to be distributed to eligible counties within a State that receives the statutory minimum amount.

Response: Section 116a.33 has been changed to specify that, consistent with section 117(b) of the Act, the minimum amount of special grant funds that each State is entitled to receive is determined by computing one-quarter of one percent of the total special grant appropriation—before setting aside any amounts for State administrative costs and evaluation. In addition, § 116a.34(a) has been changed to clarify that, under the statutory formula, a county that meets the statutory eligibility criteria and is located in a State that receives the minimum allocation of special grant funds is allocated the same proportion, of the total special grant appropriation, as an eligible county that is located in a State which receives more than the minimum allocation.

Section 116a.33 Use of data on free and low-cost meals to determine county eligibility.

Comment: One commenter suggested that data on the number of students receiving free and low-cost meals should be used to determine whether at least 20 percent of the children in the county are from low-income families.

Response: No change has been made in the regulations. The statute requires that the eligibility of a county for special grant funds must be determined on the basis of the number of children counted for the previous year under section 111(c) of title I of the Act. Children are not counted under that section on the basis of whether they receive free or reduced price lunches.

Sections 116a.34 and 116a.35 Reference to "remaining funds" applies only to States receiving the minimum allocation.

Comment: Sections 116a.34 and 116a.35 would be enhanced by explicitly indicating that references to "remaining funds" apply only to those States which receive the minimum allocation of special grant funds.

Response: Section 116a.34(b) has been changed to make this clarification. However, since a State covered by § 116a.35 would have no "remaining funds," no change has been made in that section. Rather, § 116a.35 applies to the entire distribution of special grant funds in States which have no counties that are eligible to receive special grant funds under the statutory formula.

Sections 116a.34(b)(3) and 116a.35(b) Commissioner's disapproval of SEA's plan.

Comment: One commenter suggested that the Commissioner should notify the State in writing of his reasons for disapproving the SEA's plan prior to making the allocation on the basis of the title I basic grant formula.

Response: Sections 116a.34(b)(3) and 116a.35(b) have been changed to provide that the Commissioner must notify the SEA of his reasons for disapproving a plan.

Section 116a.36(a) County eligibility.

Comment: One commenter was concerned that the regulations do not prohibit an SEA from submitting a plan which allocates concentration grant funds to a county that is not eligible to receive basic grant funds under part A of title I.

Response: Section 116a.36(a) of the regulations has been changed to provide that only counties that are eligible to receive basic grant funds under part A, subpart 1, of title I of the Act may receive the special grant funds.

Sections 116a.36 and 116a.37 Criteria for approval of plans.

Comment: One commenter indicated that the language in §§ 116a.36 and 116a.37 regarding the submission and approval of State plans for the distribution of remaining special grant funds is rather vague.

Response: No change has been made. The regulations cannot provide specific criteria that would fit all the individual situations which exist in all the counties within the affected States.

While some States have no areas with high concentrations of children from low-income families, the Congress has specified that the minimum allocation of special grant funds must be made to every State. Additionally, there are wide variations in the distribution of children from low-income families within the States. Therefore, the Commissioner needs the flexibility to take local circumstances into consideration when deciding whether to approve the allocation plans.

Section 116a.36(c) Reallocation.

Comment: One commenter suggested that the regulations should include a requirement that any special grant funds which are refused by an LEA must be reallocated within the county in which that LEA is located.

Response: No change has been made in the regulations. The special grant funds are merely additional title I funds that are allocated under the formula in section 117 of title I of the Act. These funds are added to the amounts provided under the title I basic grant formula and no separate accounting is required for the special grant funds. Therefore, once they are distributed to an LEA, these special grant finds lose their identity and it would not be possible for the SEA to identify the refused funds for reallocation.

Section 116a.38(c) Distrubition of county entitlements among LEAs.

Comment: One commenter suggested that the process for distributing each county's allocation of special grant funds among the LEAs within each county is covered only cursorily by § 116a.38(c). Additional guidance would seem appropriate concerning the selection of data for determining the number of children from low-income families.

Response: Section 116a.38(c) has been changed to paraphrase the procedure that is contained in section 117(b)(5) of the Act. Section 116a.38(c) also specifies that those children that are counted as being from low-income families for purposes of basic grants are the children to be counted as being from low-income families for purposes of distributing the special grant funds to LEAs within the counties that receive these funds.

Section 116a.39 Use of special grant funds.

Comment: One commenter suggested that the regulations provide that special grant funds may be used to provide a title I program in a school that is eligible for title I, but which is not presently being served due to a lack of funds.

Response: No change has been made in the regulations. Section 116a.39 provides that these special funds must be used in accordance with title I program requirements. If an LEA desires to expand its current title I program to serve additional eligible schools, it must submit an amendment to its title I project application to the SEA for approval.

D. Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance No. 13.428; Educationally Deprived Children—Local Educational Agencies)

Dated: February 29, 1980.

William L. Smith,

U.S. Commissioner of Educator.

The Commissioner amends Part 116a of Title 45 of the Code of Federal Regulations by adding §§ 116a.32 through 116a.39 to Subpart C as follows:

PART 116a—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

Subpart C—Program Requirements

Sec.

116a.32 States entitled to special grant funds under section 117 of the act.
116a.33 Amount of special grant funds that each State receives.
116a.34 Allocation of special grant funds to counties within a State in which at least one county meets the statutory eligibility criteria.
116a.35 Allocation of special grant funds to counties within a State in which no county meets the statutory eligibility criteria.
116a.36 Submission of allocation plans.
116a.37 Commissioner's standards for approval of allocation plans.
116a.38 Method of making special grants.
116a.39 Use of special grant funds.

Authority: Section 117 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95-561), 20 U.S.C 2722; 92 Stat. 2159-2161.

Subpart C—Program Requirements

§ 116a.32 States entitled to special grant funds under section 117 of the Act.

Section 117(b) of the Act provides that each State—other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands—that is eligible for a grant under title I of the Act for any fiscal year is entitled to special grant funds from the amount appropriated under section 117(d) of the Act for the fiscal year.

(Sec. 117(b)(1); 20 U.S.C. 2722(b)(1))

§ 116a.33 Amount of special grant funds that each State receives.

The Commissioner determines the amount of special grant funds that a State receives under section 117 of the Act on the basis of the formula in section 117(b)(3) of the Act. However, each State that is entitled to special grant funds receives at least one-quarter of one percent of the funds appropriated under section 117(d) of the Act for that fiscal year. The minimum amount of special grant funds that each State is entitled to receive is determined by computing one-quarter of one percent of the total special grant appropriation, before setting aside any amounts for State administrative costs and evaluation.

(Sec. 117(b)(1), (2) and (3); 20 U.S.C. 2722(b)(1), (2) and (3))

§ 116a.34 Allocation of special grant funds to counties within a State in which at least one county meets the statutory eligibility criteria.

(a) *General Rule.* Except as provided in paragraph (b) of this section, special grant funds that are awarded to a State in which at least one county meets the eligibility criteria in section 117(b)(1) of the Act are allocated to the eligible counties within the State by the Commissioner in accordance with the formula in section 117(b)(3) of the Act. Under that formula, a county that meets the statutory eligibility criteria and is located in a State that receives the minimum allocation of special grant funds is allocated the same proportion, of the total special grant appropriation, as an eligible county that is located in a State which receives more than the minimum allocation.

(b) *Exceptions.* Except as provided in paragraph (b)(3) of this section, any special grant funds that remain unallocated in a State that received the minimum grant—after all the counties in the State have been allocated the amount of special grant funds to which they are entitled under the statutory formula—are allocated to counties within the State by the Commissioner according to an allocation plan. This allocation plan must—

(1) Be submitted to the Commissioner by the State educational agency (SEA) according to the procedures described in § 116a.36; and

(2) Have the approval of the Commissioner, using the standards described in § 116a.37.

(3) If the SEA does not submit an allocation plan, or the Commissioner disapproves the plan that has been submitted and notifies the SEA of his reasons for disapproving the plan, the Commissioner allocates the remaining special grant funds within the State to those counties that are receiving a basic grant under part A of title I of the Act. The Commissioner makes this allocation on the basic grant allocation method in section 111(a) of the Act.

(Sec. 117(a) and (b); 20 U.S.C. 2722(a) and (b))

§ 116a.35 Allocation of special grant funds to counties within a State in which no county meets the statutory eligibility criteria.

(a) *General Rule.* Except as provided in paragraph (b) of this section, special grant funds that are awarded to a State in which no county meets the eligibility criteria in section 117(b)(1) of the Act are allocated to counties within the State by the Commissioner according to an allocation plan. This allocation plan must—

(1) Be submitted to the Commissioner by the SEA according to the procedures described in § 116a.36; and

(2) Have the approval of the Commissioner, using the standards described in § 116a.37.

(b) *Exception.* If the SEA does not submit an allocation plan or the Commissioner disapproves the plan that has been submitted and notifies the SEA of his reasons for disapproving the plan, the Commissioner allocates the special grant funds within the State to those counties that are receiving a basic grant under part A of title I of the Act. The Commissioner makes this allocation on the basis of the basic grant allocation method in section 111(a) of the Act.

(Sec. 117(a) and (b); 20 U.S.C. 2722(a) and (b))

§ 116a.36 Submission of allocation plans.

(a) *States that may submit an allocation plan.* Each State for which special grant funds remain unallocated—after all the eligible counties in the State have been allocated the amount of special grant funds to which they are entitled under the statutory formula—may submit, for the Commissioner's consideration, a plan for allocation of these unallocated funds to counties within the State. In any event, only those counties that are eligible to receive basic grants under part A of title I of the Act may receive special grant funds.

(b) *Submission through SEA.* Each State that chooses to submit an allocation plan shall do so through its SEA.

(c) *Elements of an allocation plan.* In order to be assured of consideration by the Commissioner, an allocation plan must include—

(1) A list of all counties in the State that meet the eligibility criteria in section 117(b)(1) of the Act, and the amount of special grant funds that each of those counties receives under the formula in section 117(b)(3) of the Act;

(2) A list of all counties in the State, and the amount of special grant funds—if any—that each county would receive under the proposed allocation plan; and

(3) A description of the proposed method for allocating the special grant funds to the counties in the State. This description must include—

(i) The reasons why this method is being proposed;

(ii) How this method meets the statutory purpose of providing special grant funds to those counties with especially high concentrations of children from low-income families.

(iii) The reasons why this method is reasonable in terms of local circumstances, including the distribution of children from low-income families within counties.

(Sec. 117(a) and (b); 20 U.S.C. 2722(a) and (b))

§ 116a.37 Commissioner's standards for approval of allocation plans.

In deciding whether to approve a proposed allocation plan the Commissioner considers the extent to which the proposed plan—

(a) Meets the requirements in § 116a.36;

(b) Would result in an allocation of special grant funds that meets the statutory purpose of providing special grant funds to those counties with especially high concentrations of children from low-income families; and

(c) Is reasonable in terms of local circumstances, including the distribution of children from low-income families within counties.

(Sec. 117(a) and (b); 20 U.S.C. 2722(a) and (b))

§ 116a.38 Method of making special grants.

(a) The Commissioner includes the amount of special grant funds that a State is entitled to receive during a particular fiscal year, as determined under § 116a.33, in the amount paid to that State under section 191 of the Act for that fiscal year.

(b) Under § 116a.34 or § 116a.35 the Commissioner allocates those special grant funds to counties within each State that receives special grant funds.

(c) Each SEA shall distribute the special grant funds among the local educational agencies (LEAs) in each county that receives those funds on the basis of the current distribution within the county of children aged five to seventeen, inclusive, from low-income families, as determined by using the following procedure:

(1) Each LEA in which 20 percent or more of the children are counted as being from low-income families under the basic grant formula receives a portion of the county's special grant allocation based on the number of children counted under that basic grant formula.

(2) Each LEA in which less than 20 percent of the children are counted as being from low-income families under the basic grant formula receives a portion of the county's special grant allocation based on the number of children counted in that basic grant formula multiplied by a fraction in which the numerator is the percentage of children in the LEA that are counted in the basic grant formula and the denominator is 20.

(Sec. 117(b)(5) and (c)(1); 20 U.S.C. 2722(b)(5) and (c)(1))

§ 116a.39 Use of special grant funds.

Each LEA that receives special grant funds under section 117 of the Act shall use those funds—

(a) To carry out activities that are described in an approved project application for title I funds that the LEA submits under section 121 of the Act; and

(b) In accordance with the title I program requirements in subpart 3 of title I of the Act.

(Sec. 117(c)(2); 20 U.S.C. 2722(c)(2))

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April 3, 1980

Part VI

Department of Health, Education, and Welfare

Office of Education

Grants to State Educational Agencies to Meet the Special Educational Needs of Migratory Children

V 45 / 66 APR 3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 116d

Grants to State Educational Agencies to Meet the Special Educational Needs of Migratory Children

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: The Commissioner issues these final regulations for the program for migratory children under Sections 141–143 of Title I of the Elementary and Secondary Education Act (ESEA). The purpose of the Migrant Education Program is to make Federal funds available to State educational agencies (SEAs) to conduct programs designed to meet the special educational needs of migratory children. These final regulations reflect changes made by the Education Amendments of 1978, changes made as a result of a management review of the program, and changes made in response to comments received on a notice of proposed rulemaking (NPRM) published on May 14, 1979.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. John Ridgway, Education Program Specialist, Division of Migrant Education, U.S. Office of Education, 400 Maryland Avenue, SW. (FOB–6, Room 2031), Washington, D.C. 20202, telephone (202) 245–2222.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1978, the Education Amendments of 1978 (Pub. L. 95–561) were signed into law. Title I of this legislation, entitled "Amendment to Title I of the Elementary and Secondary Education Act of 1965," provided a new and substantially expanded text to govern the various title I, ESEA, programs.

In response to the new provisions of these education amendments, revised language for the Migrant Education Program Regulations was drafted and a notice of proposed rulemaking was published in the **Federal Register** on May 14, 1979 (at 44 FR 28184). That NPRM was written to reflect the major changes made by the education amendments with respect to adjustment of the count of children in summer-term projects, special funds for the coordination of migrant education activities, and State and local parent advisory councils.

Additionally, the text and organization of the NPRM were written and fashioned to accomplish the following:

(a) To produce clear and readable regulations.

(b) To reflect a newly-developed format for regulations for State-administered programs.

(c) To clarify existing provisions that still apply.

(d) To propose several program administration revisions, resulting from a management review of the program, with respect to—

(1) The Commissioner's by-pass authority;

(2) The Commissioner's reallocation authority;

(3) The provisions required in a State annual program plan; and

(4) The priority of children for services.

(e) To respond to the recommendations of two major reviews of the agency's program regulations and planning requirements—the Office of Management and Budget's Zero-Based Review of Federal Planning Requirements (November 1977) and the Office of Education's Regulations Reform Project (April 1978).

These final regulations continue to reflect compliance with the objectives of all of the statutory amendments, program studies, and regulations projects referred to in the preceding paragraphs of this section. However, these final regulations also reflect the many public comments—received at the public meetings and in writing—on the proposed regulations and contain some minor changes of an editorial nature.

How To Use These Regulations

These regulations (45 CFR Part 116d) contain only those requirements that apply to the Migrant Education Program alone. The title I General Provisions Regulations (45 CFR Part 116) contain requirements that apply to all title I programs. The Education Division General Administrative Regulations (EDGAR)(45 CFR Parts 100a–100c) contain requirements that apply to all Education Division programs. The HEW General Administration Regulations (45 CFR Part 74) contain requirements that apply to all HEW grant programs.

Policy Manual

The title I statute requires the Office of Education to publish a "policy manual." A separate policy manual will be prepared and published for the Migrant Education Program.

The Commissioner anticipates that the policy manual will consolidate, into one volume, all significant regulations and statutes that govern the Migrant Education Program. The manual will also explain, in fuller and more detailed narrative than the regulations, each Migrant Education Program requirement—with appropriate references to the statute, the regulations, legislative history, court decisions, decisions of the title I Audit Hearing Board (now replaced by the Education Appeal Board), and administrative experience.

The policy manual will be made widely available to State and local program administrators, parent advisory council members, and others involved in the Migrant Education Program.

Public Participation

The Commissioner has undertaken a variety of steps to maximize public participation in the development of these regulation. A notice of proposed rulemaking was published in the **Federal Register** on May 14, 1979. In connection with the proposed rules, the Commissioner sponsored 13 public meetings around the country during June 1979, and established a period, extending through July 13, 1979, for the submission of written comments.

The Commissioner received comments at the public meetings from 158 persons, and also received—in writing—comments from 46 agencies and persons. In total nearly 500 comments were received. Those comments, recommendations, and questions and the responses of the Commissioner are summarized in the appendix, entitled "Summary of Comments and Responses," to these regulations.

Summary of Changes From the Notice of Proposed Rulemaking

These regulations reflect some organizational and wording changes to promote clarity and ease of understanding. For example, most of the section headings are now phrased as questions to which the text of the section responds.

In response to suggestions by the public and other interested parties, these final regulations contain some provisions that were not in the notice of proposed rulemaking. These include certain provisions of the statute governing this program. The purpose of

incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to the statute.

Also, in response to the public comments and in consideration of further program experience, some provisions have been added to the NPRM, some provisions of the NPRM have been clarified, and some have been deleted.

The following list of sections of the final regulations summarizes in greater detail the substantive changes made from the NPRM. Specific responses to comments received on the NPRM are published in the appendix to these final regulations.

Sections 116d.1 and 116d.2 No substantive changes.

Section 116d.3 This section now lists specifically those terms used in these regulations and defined in section 198 of title I of the Act—rather than merely referencing that section.

The definition of "day care services" has been deleted. All title I programs are proposed to be governed by the Federal Interagency Day Care Requirements (FIDCR)(45 CFR Part 71), and the definition of day care and requirements relating to the provisions of those services will be covered by those regulations.

Sections 116d.10 and 116d.11 No substantive changes.

Section 116d.12 This section now includes a listing and description of the substantive kinds of information that must be included in a State annual program plan. The list incorporates, with some changes, the requirements that appeared in the appendix to the NPRM.

The requirement for a needs assessment has been revised to include a requirement that a State annual program plan also "demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of the children." This language has been continued from the program's previous final regulations.

The requirement for information relative to the State and local parent advisory councils has been revised to require the following additional items:

(a) A description of how the membership of parent advisory councils at the State and operating agency levels will be selected. If the SEA intends to use a method other than an election by the parents of eligible migratory children (e.g., the use of volunteers, selection by program administrators, selection by program teachers), it shall explain why it is necessary to use that alternative method.

(b) A description of the program's strategy for fostering equitable representation of parents of migratory children of different age groups (preschool, elementary, and secondary) and status groups (currently migratory and formerly migratory).

The requirement for information relative to instructional services has been revised to include a requirement for a brief description of the types of services to be provided.

Also, § 116d.12 now includes an additional requirement for information relative to the SEA's plan for training (e.g., inservice training of staff members, training of parent advisory council members).

Section 116d.13 No substantive change.

Section 116d.14 This section was § 116d.24 of the NPRM.

Sections 116d.20 through 116d.22 No substantive changes.

Section 116d.23 This section was § 116d.73 of the NPRM.

Section 116d.24 This section now discusses in further detail the types and scope of projects that the Commissioner might fund under section 143 of title I of the Act. These projects include activities relating to the transfer of school records, parental involvement, resource centers, identification and recruitment of children, secondary school services, information dissemination, and staff development.

This section also clarifies that "the Commissioner consults fully with the SEAs . . . with respect to the types of projects to be proposed, the priority of funding for those projects, evaluation of the effectiveness of existing projects, and the continuation, expansion, or termination of existing projects."

Sections 116d.30 through 116d.33 No substantive changes.

Section 116d.34 This section was § 116d.41 of the NPRM.

Section 116d.40 No substantive change.

Section 116d.41 This section now clarifies the circumstances in which an SEA may consider "by-passing" an LEA and conducting services through a special arrangement with another agency. This section now states that an SEA may consider an LEA "unwilling" to conduct a project if the LEA does not submit an application by a date established by the SEA. The SEA may consider an LEA "unable" to conduct a project if the LEA does not submit, after any needed technical assistance from the SEA, an application of sufficient quality to meet the criteria for approval—established by the SEA through its authority under § 116d.34 of these regulations.

Furthermore, § 116d.41 now states that in accordance with its obligation under § 116d.12(b)(2) to serve "all significant concentrations of currently migratory school-aged children in the State," an SEA shall either provide services directly or implement a special arrangement for services when the non-participation of an LEA affects a "significant concentration" of eligible, currently migratory school-aged children.

Section 116d.50 This section now clarifies that the Migrant Education Program is not governed by the "supplement, not supplant" requirements of section 126(d) of title I of the Act, nor any regulations derived from section 126(d).

Section 116d.51 This section now includes the phrase "particularly any need for improvement in the basic academic subjects" in its explanation of the types of services to be provided. This section also reorders the listing of suggested types of services to reinforce the emphasis placed on basic academic instruction.

Sections 116d.53 and 116d.54 No substantive changes.

Section 116d.55 This section now includes some additional requirements for State and local parent advisory councils. These requirements are adopted from section 125(a) of title I of the Act and include the provision of appropriate information, materials, and training to the councils, and to the extent possible (considering factors such as the duration of the project or the continuing availability of council members), the election of council members by parents of eligible migratory children.

Section 116d.56 No substantive change.

Section 116d.57 This section deletes paragraph (a)(2) of this section as it appeared in the NPRM—relating to the provision of facilities and services to migratory children during times of the year when school is not in "regular" session.

Section 116d.58 This section changes the priority of children for services from that which was indicated in the NPRM. An SEA is now directed to serve, according to their needs, all school-aged migratory children (both currently and formerly migratory) before serving preschool migratory children.

However, if in order to provide title I instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than title I funds—are available for that purpose, an SEA or an operating

agency may provide title I instructional services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

Sections 116d.59 and 116d.60 No substantive changes.

Sections 116d.61 through 116d.63 This information will be included in the Title I General Provisions Regulations (45 CFR Part 116).

Section 116d.64 This section now includes a requirement for an accelerated complaint resolution procedure for short-term migrant education projects. This section also includes language relating to the Commissioner's review of an SEA's resolution of a complaint.

Sections 116d.65 and 116d.70 No substantive changes.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance No. 13.429; Educationally Deprived Children-Migrants)

Dated: February 29, 1980.

William L. Smith,

U.S. Commissioner of Education.

The Commissioner revises 45 CFR Part 116d as follows:

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Subpart A—General

Sec.
116d.1 What is the Migrant Education Program?
116d.2 What regulations apply to the Migrant Education Program?
116d.3 What definitions apply to the Migrant Education Program?
116d.4–116d.9 [Reserved]

Subpart B—How Does a State Apply for a Grant?

116d.10 What documents must a State submit to receive a grant?
116d.11 What Condition must a State meet before submitting its annual program plan?
116d.12 What provisions are required in a State's annual program plan?
116d.13 When must a State's annual program plan be submitted?
116d.14 How is a State's annual program plan reviewed?
116d.15–116d.19 [Reserved]?

Subpart C—How Is a Grant Made to a State?

116d.20 How is the amount available for a State grant determined?
116d.21 How is a State entitlement determined?
116d.22 How are excess funds reallocated?
116d.23 Under what conditions may the Commissioner make a special arrangement for services?
116d.24 What are specail discretionary projects for the coordination of migrant education activities?
116d.25–116d.29 [Reserved]

Subpart D—How Does An Agency Apply to the State for a Subgrant?

116d.30 What documents must an applicant submit to receive a subgrant?
116d.31 [Reserved]
116d.32 What provisions are required in an application for a subgrant?
116d.33 How is an application for a subgrant developed?
116d.34 How is an application for a subgrant reviewed?
116d.35–116d.39 [Reserved]?

Subpart E—How Is a Subgrant Made to an Applicant?

116d.40 How is the amount of a subgrant determined?
116d.41 What are the conditions under which a State may make a special arrangement for services?
116d.42–116d.49 [Reserved]

Subpart F—What Conditions Must Be Met by the State and Its Subgrantees?

Sec.
116d.50 What are the program's fiscal requirements?
116d.51 How may funds be used?
116d.52 [Reserved]
116d.53 What is the requirement for coordination with other groups?
116d.54 What is the requirement for coordination among projects and with other State programs?
116d.55 What are the requirements for parental involvement?
116d.56 How is the eligibility of a participating child documented?
116d.57 What is the requirement for comparable access for migratory children?
116d.58 Under what conditions may services be provided to preschool and formerly migratory children?
116d.59 Under what conditions may supporting services be provided?

Supart G—What Are the Administrative Responsibilities of the State?

116d.60 The State is responsible for reviewing and approving applications.
116d.61 The State is responsible for monitoring and enforcement.
116d.62 Under what conditions must the State withhold funds?
116d.63 How must the State conduct and resolve audits?
116d.64 How must the State resolve complaints?
116d.65 How must the State evaluate the program?
116d.66–116d.69 [Reserved]

Subpart H—What Compliance Procedures Are Used by the Office of Education?

116d.70 Under what conditions does the Commissioner withhold funds?
116d.71–116d.79 [Reserved]

Authority: Subpart 1, Part B of Title I of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 2761–63; 92 Stat. 2177–79), unless otherwise noted.

Subpart A—General

§ 116d.1 What is the Migrant Education Program?

(a) *General.* These regulations govern the Migrant Education Program authorized by Sections 141–143 of Title I of the Elementary and Secondary Education Act (the "Act"). The purposes of the program are to—

(1) Make Federal funds available to State educational agencies (SEAs) to establish or improve State migrant education programs designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers; and

(2) Enable these SEAs to coordinate their State migrant education programs and local projects with similar programs and projects in other States, including the transfer of school records and other information about eligible migratory children.

(b) *Eligibility to participate.* An SEA may apply for a grant to support a State migrant education program. The SEA may operate the program directly, through subgrants to local educational agencies (LEAs), or through special arrangements with public or nonprofit private agencies. Two or more SEAs may apply jointly for a grant to support a migrant education program that benefits eligible migratory children in those States.

(20 U.S.C. 2761, 2762)

§ 116d.2 What regulations apply to the Migrant Education Program?

(a) *Regulations.* The following regulations apply to the Migrant Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-Administered Programs) and 45 CFR Part 100c (Definitions).

(2) The State Administration Regulations in 45 CFR Part 120 (State Administration and Duties)—when applicable.

(3) The Title I General Provisions Regulations in 45 CFR Part 116 (general title I provisions).

(4) The regulations in this part 116d.

(b) *How to use regulations.* The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist recipients in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 2761)

§ 116d.3 What definitions apply to the Migrant Education Program?

(a) *Statutory definitions.* The following terms used in this part are defined in section 198 of title I of the Act:

Equipment
Parent

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 45 CFR Part 100c (EDGAR Definitions):

Applicant
Application
Award
Commissioner
Contract
Grant
Local educational agency
Nonprofit
Preschool
Private
Project
Project period
Public
Secondary school
State
State educational agency
Subgrant

(c) *Definitions in the general title I provisions.* The following terms used in this part are defined in 45 CFR Part 116 (general title I provisions):

Applicant agency
Children

(d) *Program definitions.* The following additional definitions apply specifically to the Migrant Education Program:

(1) "Agricultural activity" means—

(i) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(ii) Any activity directly related to the cultivation or harvesting of trees; or

(iii) Any activity directly related to fish farms.

(2) "Currently migratory child" means a child—

(i) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(ii) Who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

(3) "Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

(4)(i) "Formerly migratory child" means a child who—

(A) Was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child;

(B) Lives in an area served by a migrant education project; and

(C) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

(ii) There is a total of six years of program eligibility—a one year status as a "currently migratory child" and up to five additional years as a "formerly migratory child."

(iii) For the purpose of this definition, "area served by a migrant education project" means any portion of the geographic area—

(A) That is within the legally prescribed boundaries of an LEA or a combination of LEAs; and

(B) Within whose boundaries there are currently or formerly migratory children who are receiving migrant education services or who will receive these services within the current grant period of the approved State migrant education program.

(5) "Guardian" means—

(i) A person who has been appointed to be the legal guardian of a child through formal proceedings in accordance with State law; or

(ii) A person who an SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(iii) A person standing in the place of a parent to a child.

(6) "Migratory agricultural worker" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

(7) "Migratory fisher" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.

(8) "Operating agency" means—

(i) An LEA to which an SEA makes a subgrant of migrant education funds; or

(ii) A public or nonprofit private agency with which an SEA makes a special arrangement to carry out a migrant education project.

(20 U.S.C. 2761, 2762)

§§ 116d.4–116d.9 [Reserved]

Subpart B—How Does a State Apply for a Grant?

§ 116d.10 What documents must a State submit to receive a grant?

To receive a grant, an SEA shall submit to the Commissioner the following:

(a) A State monitoring and enforcement plan at least once every three years. The provisions required in a State monitoring and enforcement plan are listed in 45 CFR Part 116 (general title I provisions).

(b) An annual program plan that is detailed enough to allow the Commissioner to determine whether it satisfies the requirements of title I of the Act and all regulations that apply.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2821; 20 U.S.C. 3141; 20 U.S.C. 1232d)

§ 116d.11 What condition must a State meet before submitting its annual program plan?

An applicant SEA may not take into consideration payments of migrant education funds in determining the eligibility of an LEA for State aid or the amount of State aid to be allocated to that agency for the free public education of its children.

(20 U.S.C. 2824)

§ 116d.12 What provisions are required in a State's annual program plan?

An applicant SEA shall provide in its annual program plan the following:

(a) All standard information requested on the form required by § 74.124 of 45 CFR Part 74 (Administration of Grants).

(b) A description of how the SEA will expend program funds during the fiscal year for which the annual program plan is submitted, and how the proposed State migrant education program complies with the Act and all regulations that apply. To enable the Commissioner to evaluate the adequacy of a State's annual program plan, that description must include at least the following information:

(1) *Identification and recruitment.* An SEA shall describe in its plan its

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strategy for identifying and recruiting all eligible migratory children in the State.

(2) *Children to be served.* An SEA shall include in its plan a chart showing the estimated number of eligible migratory children expected to reside in the State during the program period and the number of these children to be served—other than with identification and recruitment services or the transfer of records—in the State program. The State shall organize the chart according to the following categories:

(i) Currently migratory school-aged children (elementary or secondary, agricultural or fisher, interstate or intrastate).

(ii) Formerly migratory school-aged children (elementary or secondary, agricultural or fisher).

(iii) Currently migratory preschool children (4 year olds or 3 year olds and under, agricultural or fisher, interstate or intrastate).

(iv) Formerly migratory preschool children (4 year olds or 3 year olds and under, agricultural or fisher).

The SEA shall also assure that it will serve all significant concentrations of currently migratory school-aged children in the State.

(3) *Needs assessment.* An SEA shall include in its plan a brief description of the educational needs of the children eligible to be served. That description must include needs with respect to reading, oral language, mathematics, career awareness, and speaking ability in English, and must demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of the children. That description must also include needs with respect to supporting services such as health, nutritional, and social services.

(4) *Evaluation.* An SEA shall include in its plan—

(i) The three most important objectives against which program success will be measured; and

(ii) A description of how the measurement will be conducted and how the results will be reported.

(5) *Instructional services.* An SEA shall include in its plan a brief description of—

(i) The types of services to be provided;

(ii) How it will emphasize individualized instruction in conducting its projects; and

(iii) How it will ensure that no migratory child is prevented from benefiting fully from the services provided because he or she does not speak English or has limited English language skills.

(6) *Parent advisory councils.* (i) An SEA shall include in its plan a description of how the required State and local parent advisory councils—

(A) Have participated in the planning of the State's program and its local projects; and

(B) Will be involved in reviewing the operation and evaluation of that approved State program and its local projects.

(ii) An SEA shall also include in its plan—

(A) A description of how the membership of parent advisory councils at the State and operating agency levels will be selected. If the SEA intends to use a method other than an election by parents of eligible migratory children (e.g., the use of volunteers, selection by program administrators, selection by program teachers), it shall explain why it is necessary to use that alternative method; and

(B) A description of the program's strategy for fostering equitable representation of parents of migratory children of different age groups (preschool, elementary, and secondary) and status groups (currently migratory and formerly migratory).

(7) *Parental involvement.* An SEA shall describe in its plan its strategy for involving parents, at the operating agency level, in the education of their children.

(8) *Interstate and intrastate coordination.* An SEA shall describe in its plan its efforts for ensuring continuity in the education of migratory children through—

(i) Working cooperatively with other States that serve migratory children;

(ii) Requiring its operating agencies to cooperate with one another in the education of currently migratory intrastate children; and

(iii) Using fully the migrant student record transfer system including the transfer of the most current academic, health, enrollment, and withdrawal information available for the children served.

(9) *Use of operating agencies.* An SEA shall describe in its plan how it has given careful consideration to the most effective use of LEAs and other public or nonprofit private agencies in operating its projects. This determination does not preclude the possibility that only LEAs will serve as operating agencies.

(10) *Equipment and facilities.* An SEA shall describe in its plan how it will assure that operating agencies make full use of existing equipment and facilities before requesting program funds for those purposes.

(11) *Interagency coordination.* An SEA shall describe in its plan its efforts to coordinate its State migrant education program with programs and services of other public or private agencies, including those projects administered under Section 303 of the Comprehensive Employment and Training Act of 1973 and Title IV of the Economic Opportunity Act of 1964.

(12) *Monitoring and enforcement.* An SEA shall include in its plan a monitoring and enforcement plan (in the format prescribed by the Commissioner) or an appropriate reference to a currently approved plan on file with the Commission.

(13) *Administrative funds.* An SEA shall include in its plan a description of the administrative functions and staff salaries that it proposes to charge to State title I or title V administrative funds, whichever apply.

(14) *Training.* An SEA shall include in its plan a description of its strategy for the inservice training of staff members and the training of parent advisory council members. That description must include information with respect to the following:

(i) The needs and objectives for the training.

(ii) A timeline for the training activities.

(iii) The number and types of staff members, parents, and other persons who will be provided with the training.

(iv) The persons who will be responsible for providing the training.

(v) The estimated cost of the training activities.

(c) A request to use, during the fiscal year for which the annual program plan is submitted, any migrant education funds made available to the SEA for the preceding fiscal year, but not yet obligated.

(20 U.S.C. 2761, 2762)

§ 116d.13 When must a State's annual program plan be submitted?

The Commissioner publishes annually in the **Federal Register** an application notice with the deadline for the receipt of annual program plans.

(20 U.S.C. 2761, 2762; 20 U.S.C. 1232d)

§ 116d.14 How is a State's annual program plan reviewed?

(a) *General criteria.* The Commissioner reviews an SEA's annual program plan and approves it only if the proposed State migrant education program—

(1) Is designed to meet the special educational needs of migratory children eligible to be served; and

(2) Holds reasonable promise of making substantial progress toward meeting those needs.

(b) *Review.* (1) To enable the Commissioner to evaluate the promise of a State annual program plan, that plan must comply with the informational and content requirements prescribed in § 116d.12 of these regulations. If the Commissioner determines that the criteria for the approval of a State annual program plan have not been satisfied, the Commissioner notifies the SEA and provides it with comments.

(2) The SEA shall revise those parts of its annual program plan that need improvement.

(3) The Commissioner reviews the revised parts of the annual program plan to determine if the criteria for approval have been satisfied.

(20 U.S.C. 2761, 2762)

§ 116d.15–116d.19 [Reserved].

Subpart C—How Is a Grant Made to a State?

§ 116d.20 How is the amount available for a State grant determined?

(a) *General.* (1) The Commissioner determines for each fiscal year the anount of the migrant education grant for which the SEA in each State (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) may apply according to sections 141(b), 156, and 157 of title I of the Act.

(2) The Commissioner determines these amounts on the basis of the number of eligible migratory children in each State as shown by the migrant student record transfer system or any other system the Commissioner believes most accurately reflects the actual number of eligible migratory children.

(b) *Special summer formula.* The Commissioner adjusts the number of eligible migratory children determined under paragraph (a)(2) of this section to reflect the special needs of migratory children for summer projects and the additional costs of operating these projects. The adjustment factor that the Commissioner uses—

(1) Is based on the best available information about the costs of operating summer projects and the number of children participating in these projects;

(2) Is announced annually in the **Federal Register**; and

(3) May be redetermined at any time.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2791; 20 U.S.C. 2792)

§ 116d.21 How is a State entitlement determined?

(a) *Estimated cost of a State migrant education program.* An applicant SEA is entitled to receive a migrant education grant in the amount the Commissioner determines necessary to carry out the activities in its annual program plan. This amount may not exceed the total amount available to that SEA as determined by the Commissioner under §§ 116d.20 and 116d.22 of these regulations.

(b) *Informational basis for determination of a State entitlement.* (1) The Commissioner determines the amount of the migrant education grant that an SEA is entitled to receive on the basis of information available at the time that the annual program plan is approved. This information includes the number of children to be served and the nature and scope of the State migrant education program.

(2) The Commissioner may adjust this amount later in the fiscal year on the basis of additional information available at that time.

(c) *Consideration of the costs of past and future activities and the amount of funds available.* In determining the amount of the migrant education grant to which an SEA is entitled, the Commissioner considers the following information:

(1) The amount for which the SEA may apply, as determined under § 116d.20.

(2) The cost of completed program activities under previous grants and the number of children who were served.

(3) The estimated cost of activities not yet begun under the preceding grant and the number of children who will be served.

(4) In the case of a request for an increase in the grant that the Commissioner previously determined necessary to carry out the activities in the approved annual program plan, the estimated cost of providing additional program services before the end of the grant period and the number of children who would receive additional services.

(5) The unused amount of the SEA's preceding migrant education grant.

(6) Any other relevant information.

(20 U.S.C. 2761, 2762)

§ 116d.22 How are excess funds reallocated?

(a) *General.* If the Commissioner determines that the amount for which an SEA may apply, as determined under § 116d.20, is more than the amount needed to carry out the activities in its annual program plan, the Commissioner may allocate some or all of this excess to one or more other SEAs whose amounts available under § 116d.20 would otherwise be insufficient to serve the eligible migratory children in those States.

(b) *Determination of excess funds.* Circumstances in which the Commissioner may determine that an SEA has excess funds include the following:

(1) When the SEA determines from its own information that the amount available to it exceeds the amount it needs to carry out the activities in its annual program plan and notifies the Commissioner of the excess funds.

(2) When for the preceding two fiscal years, the SEA has carried over from one year to the next more than 15 percent of its migrant education grant.

(3) When the Commissioner obtains—later in the fiscal year—information that support a redetermination of the SEA's entitlement.

(c) *Notification to the State.* (1) *Notification.* The Commissioner notifies an SEA if part of the amount available to it is being considered for reallocation.

(2) *State's opportunity to explain.*

(i) The SEA may make a request to the Commissioner for an opportunity to explain why a reallocation is not warranted.

(ii) This request must be submitted within 15 days of the SEA's receipt of the Commissioner's notification of possible reallocation.

(3) *Reallocation decision.* If the SEA does not request an opportunity to explain, or if—after the explanation—the Commissioner determined that the total amount available to the SEA for that fiscal year exceeds the amount needed, the Commissioner may reallocate part of that total amount.

(20 U.S.C. 2761, 2762)

§ 116d.23 Under what conditions may the Commissioner make a special arrangement for services?

(a) *General.* Through a grant or contract, the Commissioner may make a special arrangement with a public or nonprofit private agency to carry out the purposes of the Migrant Education Program if the Commissioner determines that—

(1) An SEA is unwilling or unable to conduct an educational program for the migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of the program; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) *Basis for determination.* The Commissioner may determine that an SEA is unwilling or unable to conduct an eduational program for the migratory children who are eligible to be served if—

(1) The SEA fails to submit an annual program plan by the date established in the **Federal Register**; or

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(2) The SEA fails to submit, after receiving any necessary technical assistance from the Commissioner, an annual program plan that satisfies the criteria for approval.

(c) *Availability of funds.* The Commissioner may use all or part of the total amount of the migrant education grant available to the affected State—under § 116d.20 of these regulations—to make one or more special arrangements.

(d) *Notice to the State.* The Commissioner does not make a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(20 U.S.C. 2761; 20 U.S.C. 2832)

§ 116d.24 What are special discretionary projects for the coordination of migrant education activities?

(a) *General.* In accordance with section 143 of title I of the Act, the Commissioner may, in full consultation with the States, make grants or contracts with an SEA or SEAs to—

(1) Operate a system for the transfer of school records and other information about migratory children; or

(2) Carry out other activities designed to improve the interstate and intrastate coordination of migrant education projects; or

(3) Both (1) and (2).

(b) *Types of projects.* The special coordination projects authorized by section 143 of title I of the Act and paragraph (a) of this section may include, but are not limited to, activities such as the following:

(1) *Transfer of school records.* This type of project would provide for the administration of a system for the transfer of school records and other information about migratory children. The purpose of the system would be to facilitate coordination of projects among school districts and among States and to enhance the continuity of education for migratory children.

(2) *Parental Involvement.* This type of project might include activities such as—

(i) Designing and establishing interstate (i.e., regional) parent advisory councils;

(ii) Conducting research and development activities with respect to effective designs of parental involvement and the training of parent advisory council members; and

(iii) Providing technical assistance to SEAs and LEAs in working with and training parent advisory council members.

(3) *Resource centers.* This type of project might include activities such as—

(i) Evaluating the effectiveness and applicability of materials (such as instruments and procedures for needs assessment surveys, student assessment instruments, curricular materials, and evaluation methods and materials) developed for the Migrant Education Program;

(ii) Disseminating the most appropriate of these materials; and

(iii) Disseminating information about the availability of experts and other resources in the field of migrant education.

(4) *Identification and recruitment of children.* This type of project might include activities such as—

(i) Evaluating State identification and recruitment strategies;

(ii) Developing a coordinated national program for the identification and recruitment of migratory children, including the design of model strategies and instruments; and

(iii) Providing technical assistance to SEAs in the design and implementation of effective child identification and recruitment strategies.

(5) *Secondary school services.* This type of project might include activities such as—

(i) Assessing the needs of secondary school-level migratory children and the degree to which these needs are currently being met;

(ii) Evaluating project designs and materials from Migrant Education Program secondary school projects, such as career education, vocational instruction, and dropout prevention projects, and the transfer of school credits; and

(iii) Providing technical assistance to SEAs and LEAs in the design and implementation of secondary school projects for migratory children.

(6) *Information and dissemination center.* This type of project might include acitivities such as—

(i) Conducting a national awareness project for the Migrant Education Program—directed to the parents of eligible children, other parents and adults, the general education and educational research communities, and other family and child service agencies; and

(ii) Developing and disseminating national Migrant Education Program information materials.

(7) *Staff development services.* This type of project might include activities such as designing, developing, and implementing interstate training strategies for Migrant Education Program staff members.

(c) *Project awards.* Awards to an SEA or SEAs under section 143 of title I of the Act may be made by grant or contract.

(d) *Source of funds.* The Commissioner, in accordance with section 143 of title I of the Act and these regulations, reserves funds for the purposes described in subsection (a).

(e) *Consultation with SEAs.* The Commissioner consults fully with the SEAs participating in the Migrant Education Program with respect to the types of projects to be conducted, the priority of funding for these projects, the evaluation of existing projects, and the continuation, expansion, or termination of existing projects.

(20 U.S.C. 2763)

§§ 116d.25–116d.29 [Reserved]

Subpart D—How Does An Agency Apply to the State for a Subgrant?

§§ 116d.30 What documents must an applicant submit to receive a subgrant?

To receive a subgrant, an LEA shall submit to the SEA a project application—for a period of not more than three years—that is detailed enough to allow the SEA to determine if the proposed project satisfies the requirements of title I of the Act, all regulations that apply, and the provisions of the approved State annual program plan.

(20 U.S.C. 2761, 2762; 20 U.S.C. 3142; 20 U.S.C. 1232e)

§ 116d.31 [Reserved]

§ 116d.32 What provisions are required in an application for a subgrant?

An SEA shall require each LEA that desires to participate in the State migrant education program to submit to it the application required by § 116d.30 of these regulations. In its application the LEA shall include the following:

(a) A description of the project to be carried out by the LEA.

(b) An explanation of the relationship between the project and the State annual program plan.

(c) The objectives to be achieved for each grade group.

(d)(1) The estimated number of eligible migratory children living in the area to be served by the project, and the estimated number of these children who will be served.

(2) If the LEA proposes to provide migrant education program services—other than the identification and recruitment of children and the transfer of records—to fewer eligible migratory children than the number of these eligible children living in the area, it shall explain why.

(e) A description of each service to be provided and its estimated cost.

(f) The types and number of staff to be employed.

(g) A description of how the LEA will comply with § 116d.55 of these regulations concerning parental involvement, including how the members of its parent advisory council will be selected.

(h) A description of how the LEA will coordinate with other agencies—in accordance with section 124(f)(1) of title I of the Act.

(i) A description of how the LEA ensures that no eligible migratory child will be prevented from benefiting fully from the project's services because he or she does not speak English or has limited English-language skills.

(j) Any other relevant information required by the SEA.

(20 U.S.C. 2761, 2762)

116d.33 How is an application for a subgrant developed?

An LEA that applies for a subgrant shall prepare and submit to the SEA its application as follows:

(a) In the form required by the SEA.

(b) According to sections 124 (i) and (j) of title I of the Act, section 502(b)(5) of title V of the Act, and section 436(b)(5) of the General Education Provisions Act that require the participation of parents, teachers, and local school boards in the planning of projects.

(c) According to any other instructions provided by the SEA.

(20 U.S.C. 2734; 20 U.S.C. 2761, 2762; 20 U.S.C. 3142; 20 U.S.C. 1232e)

§ 116d.34 How is an application for a subgrant reviewed?

An SEA shall approve the application of an LEA only if it—

(a) Complies with the requirements of title I of the Act, all regulations that apply, and the provisions of the approved State annual program plan; and

(b) Satisfies all other relevant requirements and criteria of approval that the SEA specifies.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2811)

§ 116d.35–116d.39 [Reserved]

Subpart E—How Is a Subgrant Made to an Applicant?

§ 116d.40 How is the amount of a subgrant determined?

An SEA shall determine the amount of a subgrant to an LEA based on the following criteria:

(a) The number of children to be served.

(b) The nature and scope of the proposed project.

(c) Any other criteria developed by the SEA relevant to matters of the State migrant education program, including its priorities concerning ages and grade levels of children to be served, areas of the State to be served, and types of services to be provided.

(20 U.S.C. 2761, 2762)

§ 116d.41 What are the conditions under which a State may make a special arrangement for services?

(a) *General.* An SEA may make a special arrangement with a public or nonprofit private agency or agencies to carry out a project if the SEA determines that—

(1) An LEA is unable or unwilling to conduct a project;

(2) The arrangement would result in more efficient and economic administration of the State migrant education program; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) *Basis for determination.* (1) An SEA may determine that an LEA is unwilling or unable to conduct a project for the migratory children who are eligible to be served if—

(i) The LEA fails to submit an application by the date established by the SEA; or

(ii) The LEA fails to submit, after receiving any needed technical assistance from the SEA, an application that satisfies the criteria for approval established by the SEA.

(2) The SEA shall—for each area of the State with a significant concentration of eligible currently migratory school-aged children—either provide services directly, through a subgrant with an LEA, or through a special arrangment with a public or nonprofit private agency.

(c) *Requirements for a special arrangement.* If an SEA makes a special arrangement for service through a public or nonprofit private agency, the SEA shall require that operating agency or apply for funds and administer its project in a manner consistent with the provisions relating to LEAs as subgrantees, as prescribed in subparts D, E, and F of these regulations.

(20 U.S.C. 2761, 2762)

§§ 116d.42—116d.49 [Reserved]

Subpart F—What Conditions Must Be Met by the State and its Subgrantees?

§ 116d.50 What are the program's fiscal requirements?

(a) *General.* An SEA and its operating agencies shall comply with the requirements of title I of the Act and 45 CFR Part 116 (general title I provisions) relating to the—

(1) Maintenance of fiscal effort;

(2) Restriction limiting the use of program funds to the excess cost of projects;

(3) Requirements that program funds supplement and not supplant non-Federal funds [except for those requirements implementing section 126(d) of title I of the Act);

(4) Public control of funds; and

(5) Use of program funds for staffing, parent council activities, training, planning grants, and cooperative projects.

(b) *State control of funds.* (1) *Adjustment of subgrants.* To promote the efficient administration of the State migrant education program, the SEA shall issue a rule that permits the SEA to make appropriate adjustments to its subgrants and special arrangements to avoid paying funds to an operating agency in excess of that agency's actual needs.

(2) *Adjustment procedures.*

(i) These adjustments shall be based on periodic reports of the operating agency's actual expenditures.

(ii) Following an adjustment, the SEA may increase the funding of one or more other operating agencies that demonstrate a need for additional funds.

(iii) An operating agency affected by an adjustment shall amend its project application to reflect that adjustment and shall note the adjustment in its final financial report.

(c) *Title and control of property.* (1) *State control.* Except as provided by paragraph (c)(2) of this section, and notwithstanding the requirements of 45 CFR Part 116 (general title I provisions), an SEA shall maintain title to and control over all property that is acquired with its migrant education funds.

(2) *Special requirements.* (i) If a State law requires that an agency of the State other than the SEA maintain title to, or control over, property that is acquired with migrant education funds, the SEA shall arrange for those functions to be carried out by the appropriate agency. That State agency shall then be responsible for the exercise of those functions.

(ii) However, the SEA shall retain the right to use, move, or otherwise dispose of this property in a manner designed to carry out most effectively the State migrant education program.

(d) *Source of funds for State administration.* (1) *State administrative funds.* To administer its title I program for migratory children, the SEA shall use funds provided under section 194 of title I of the Act or section 510 of title V of

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the Act, whichever applies. It shall use these funds of perform those functions that are the same or similar to the administrative functions carried out by the SEA in connection with projects under 45 CFR Parts 116a (LEA projects in low-income areas), 116b (State agency projects for handicapped children), and 116c (State agency projects for neglected or delinquent children). These functions include the—

(i) Preparation of the SEA's monitoring and enforcement plan and annual program plan to be submitted to the Commissioner;

(ii) Design, publication, and distribution to operating agencies of the application, evaluation, performance, and financial report forms, and the appropriate instructions;

(iii) Provision of technical assistance to operating agencies in developing their applications;

(iv) Review of applications and reports from operating agencies;

(v) Monitoring of projects for compliance with the State migrant education program;

(vi) Design, publication, and final preparation of the evaluation, performance, and financial reports that the SEA submits to the Commissioner;

(vii) Maintenance of fiscal control and accounting procedures;

(viii) Dissemination of information; and

(ix) Coordination of the State migrant education program—and facilitation of the coordination of local projects—with other public and private agencies.

(2) *Program funds.* To administer its title I program for migratory children, an SEA may use title I funds made available for State migrant education programs under section 141 of title I of the Act only to perform those functions that are unique to the Migrant Education Program or that are the same or similar to the functions performed by LEAs in the State under 45 CFR Part 116a. These functions include the—

(i) State-wide identification and recruitment of eligible migratory children;

(ii) Interstate and intrastate coordination of the State migrant education program and its local projects with other State programs and local projects;

(iii) Coordination of project level activities with other public and private agencies;

(iv) Implementation of the migrant student record transfer system;

(v) Processing of reports that are submitted by the operating agencies to the SEA;

(vi) Maintenance of inventories of property acquired with migrant education funds;

(vii) Negotiation and awarding of contracts; and

(viii) Evaluation activities of the State migrant education program other than the design of evaluation report forms and the final preparation of the SEA's evaluation report to the Commissioner.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2844; 20 U.S.C. 3150)

§ 116d.51 How may funds be used?

(a) *General.* An SEA may use funds made available for the State migrant education program under section 141 of title I of the Act only for the following:

(1) To perform the functions described in § 116d.50(d)(2) of these regulations relating to administrative functions that are unique to the State migrant education program.

(2) To support approved projects designed to meet the special educational needs of eligible migratory children.

(b) *Types of services.* The projects referred to in paragraph (a)(2) of this section must be designed to meet the special educational needs of the migratory children eligible to be served, particularly any need for improvement in the basic academic subjects. The project's services must be supplementary to those services provided with State and local funds. These projects may include the following types of services:

(1) Academic instruction.

(2) Remedial and compensatory instruction.

(3) Bilingual and multicultural instruction.

(4) Vocational instruction and career education services.

(5) Special guidance, counseling, and testing services.

(6) Preschool services.

(7) Other educational services that are not available to eligible migratory children in adequate quantity or quality.

(8) The acquisition of instructional materials—such as books and other printed or audiovisual materials—and equipment.

(9) Other services that meet the purposes of the Migrant Education Program.

(20 U.S.C. 2761, 2762)

§ 116d.52 [Reserved]

§ 116d.53 What is the requirement for coordination with other groups?

An SEA shall plan and operate the activities in its annual program plan in coordination with—

(a) Migrant and seasonal farmworker projects administered under Section 303 of the Comprehensive Employment and Training Act of 1973;

(b) Migrant and seasonal farmworker projects administered under Title IV of the Economic Opportunity Act of 1964; and

(c) Projects of any other group or agency that provides benefits or services to migrants.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2734)

§ 116d.54 What is the requirement for coordination among projects and with other State programs?

An SEA shall develop and implement a plan to promote continuity in the education of eligible migratory children. The SEA shall include in this plan appropriate procedures for—

(a) Coordinating projects within the State. This may include the interdistrict transfer of course credits and the intrastate sharing of project planning, evaluation, curricular, and staff training materials;

(b) Coordinating the State migrant education program with similar programs in other States. This may include the interstate transfer of course credits and the interstate sharing of program planning, evaluation, curricular, and staff training materials; and

(c) Using fully the migrant student record transfer system, including the transfer—in an appropriate manner according to instructions of the Commissioner—of the most current academic, health, enrollment, and withdrawal information available for the children served.

(20 U.S.C. 2761, 2762)

§ 116d.55 What are the requirements for parental involvement?

(a) *General.* An SEA shall take the necessary steps to assure effective parental involvement throughout the State migrant education program.

(b) *Requirements for an operating agency advisory council.* An SEA shall require each operating agency to—

(1) Solicit actively parental involvement in the planning, operation, and evaluation of its project; and

(2) Establish and consult a parent advisory council.

(c) *Requirements for the State advisory council.* An SEA shall—

(1) Solicit actively parental involvement in the planning, operation, and evaluation of its State migrant education program; and

(2) Establish and consult a parent advisory council.

(d) *General council requirements.* (1) Each State and operating agency parent advisory council must be composed of people who know the needs of migratory children.

(2) To the extent possible (considering factors such as the duration of the project or the continuing availability of council members), the membership of each council must be elected by parents of eligible migratory children.

(3) A majority of the members of each council must be parents of children who are being served or who are eligible to be served.

(4) An SEA and each operating agency shall give its parent advisory council the responsibility for advising it with respect to the planning, implementation, and evaluation of the State program or the local project, whichever applies.

(5) An SEA and each operating agency shall provide, without charge, to its parent advisory council and, upon request, to each member of its parent advisory council, a copy of the title I migrant education statute and any applicable Federal or State regulations or guidelines.

(6) An SEA and each operating agency shall provide, without charge, to its parent advisory council any report resulting from Federal or State auditing, monitoring, or evaluation of the State program or the local project, whichever applies.

(7) An SEA and, to the extent possible, each operating agency shall provide a program for training the members of its advisory council to carry out their responsibilities. The training program—

(i) Must be planned in full consultation with members of the parent advisory council;

(ii) Must provide each member of the advisory council with appropriate training materials; and

(iii) May be supported by migrant education funds, including the expenses associated with the attendance of members at training sessions.

(8) An operating agency that provides services on a State-wide basis need not create its own advisory council. However, that agency shall consult the State parent advisory council required by paragraph (c) of this section.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2735)

§ 116d.56 How is the eligibility of a participating child documented?

(a) *Basic requirement.* An SEA or an operating agency may not count a child under § 116d.20 or provide program services to that child until the agency has—

(1) Determined that the child is either a currently or formerly migratory child as defined under § 116d.3(d); and

(2) Made a written record of the basis on which the child's eligibility was determined.

(b) *Informational basis.* (1) In determining eligibility, an SEA or an operating agency may rely on credible information from any source, including that provided by the child or his or her parent or guardian.

(2) An SEA or an operating agency is not required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian.

(20 U.S.C. 2761, 2762)

§ 116d.57 What is the requirement for comparable access for migratory children?

(a) *Basic requirement.* In order to participate in the State migrant education program, an LEA shall provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to non-migratory children living in the attendance area in which migratory children are being served.

(b) *Relation to other requirements.* The provisions of paragraph (a) of this section do not modify—

(1) The requirements of 45 CFR Part 116 (general title I provisions) relating to supplanting State and local funds and services that the applicant is required by law to provide to all children or specifically to migratory children; or

(2) The requirement in 45 CFR Part 116a relating to the maintenance of comparability in school attendance areas conducting projects that are funded under 45 CFR Part 116a and that serve migratory children.

(c) *Definition of comparable access.* The requirements of paragraph (a) are satisfied only if an LEA gives migratory children access to all State or locally funded instructional, health, nutritional, transportation, and other services on the same basis as the LEA provides to non-migratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 2761, 2762)

§ 116d.58 Under what conditions may services be provided to preschool and formerly migratory children?

(a) *Preschool migratory children.* (1) An SEA may support a project that provides instructional or supporting services to preschool migratory children if the participation of these children does not—

(i) Prevent the participation of school-aged migratory children; or

(ii) Dilute the effectiveness of the State migrant education program for these school-aged children.

(2) An instructional project that is designed to meet the special educational needs of preschool migratory children is a project that is—

(i) Comprised primarily of activities designed to increase the children's readiness for instruciton in the basic academic skills;

(ii) Limited to children who are under the age at which public elementary education is provided under State law; and

(iii) Conducted by or under the direct supervision of a person who is qualified under State law to conduct the activities referred to in paragraph (a)(2)(i).

(b) *Formerly migratory children.* (1) An SEA may support a project that provides instructional or supporting services to formerly migratory children if the participation of those children does not—

(i) Prevent the participation of currently migratory children of the same age group (i.e., preschool or school-aged); or

(ii) Dilute the effectiveness of the State migrant education program for those currently migratory children.

(2) A formerly migratory child may participate in a project that—

(i) Also includes currently migratory children; or

(ii) Includes only formerly migratory children.

(c) *Service priorities.* An SEA and its operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

However, if in order to provide title I instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than title I funds—are available for that purpose, an SEA or an operating agency may provide title I instructional services instead of day care services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

(20 U.S.C. 2761, 2762)

§ 116d.59 Under what conditions may supporting services be provided?

(a) *General.* An SEA or an operating agency may provide health, nutritional, social, or other supporting services with migrant education funds if—

(1) These services are necessary to enable eligible migratory children to

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participate effectively in instructional services; and

(2) In the case of an operating agency, that agency has first—

(i) Requested assistance from the SEA in locating and using other Federal and State programs to provide these services; and

(ii) Determined that funds or services from other programs are not available or are inadequate to meet the needs of the participating migratory children.

(b) *Day care services.* (1) *Condition for approval.* An SEA or an operating agency may provide day care services for eligible migratory children only as a supporting service to eligible preschool or school-aged migratory children and only with the specific approval of the Commissioner.

(2) *Request to the Commissioner.* An SEA that desires to use program funds for day care services shall include a request in its annual program plan and shall provide adequate information to allow the Commissioner to determine that the proposed day care services are—

(i) Not available from any other source;

(ii) Necessary to enable eligible preschool or school-aged migratory children to receive instructional services supported under title I; and

(iii) Not extravagant in relation to—

(A) The costs;

(B) The number of children who will receive day care services; and

(C) The effect that the availability of these services will have on the participation of eligible migratory children in instructional services supported by title I funds.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2734)

Subpart G—What Are the Administrative Responsibilities of the State?

§ 116d.60 The State is responsible for reviewing and approving applications.

(a) *State review and approval.* An SEA shall review all applications from operating agencies and may approve only those that—

(1) Satisfy the criteria established by the SEA; and

(2) Comply with the requirements of title I of the Act, all regulations that apply, and the provisions of the approved State annual program plan.

(b) *Copy to the Commissioner.* If the Commissioner requests a copy of an approved application, including any amendment, the SEA shall send that copy within 10 days of the request.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2811)

§ 116d.61 The State is responsible for monitoring and enforcement.

[See the Title I General Provisions Regulations (45 CFR Part 116).]

§ 116d.62 Under what conditions must the State withhold funds?

[See the Title I General Provisions Regulations (45 CFR Part 116).]

§ 116d.63 How must the State conduct and resolve audits?

[See the Title I General Provisions Regulations (45 CFR Part 116).]

§ 116d.64 How must the State resolve complaints?

(a) *General.* An SEA shall develop and implement procedures—for resolving complaints—that comply with all of the requirements prescribed by 45 CFR Part 116 (general title I provisions).

(b) *Special procedure.* An SEA shall establish an appropriate accelerated procedure for resolving complaints regarding short-term migrant education projects—such as those that operate for fewer than 90 days.

(c) *Commissioner's review.* The Commissioner may review an SEA's resolution of a complaint. The procedures governing the Commissioner's review of an SEA's resolution of a complaint where published in the **Federal Register** on October 23, 1979 (44 FR 61109). After the review, the Commissioner may, when appropriate—

(1) Issue an order to the SEA prescribing additional actions to be taken by that agency; or

(2) Implement a special arrangement as stated under § 116d.24.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2815; 20 U.S.C. 3147)

§ 116d.65 How must the State evaluate the program?

(a) *General.* An SEA shall submit to the Commissioner an annual report evaluating the effectiveness of its State-wide migrant education program.

(b) *Sampling.* To minimize the reporting burden on projects, the SEA may select each year a representative sample of projects, schools, and children to participate in the State-wide evaluation. The selection of this sample must be done in accordance with any criteria published by the Commissioner.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2822; 20 U.S.C. 3141; 20 U.S.C. 1232d)

§§ 116d.64–116d.69 [Reserved].

Subpart H—What Compliance Procedures Are Used by the Office of Education?

§ 116d.70 Under what conditions does the Commissioner withhold funds?

If the Commissioner determines that an SEA has failed substantially to comply with the requirements of the Act, any regulations that apply, or the provisions of the approved State annual program plan, the Commissioner—

(a) Shall withhold title I migrant education funds from that SEA in accordance with section 186 of title I of the Act and Section 435 of the General Education Provisions Act; or

(b) May enter into a compliance agreement with the SEA in accordance with section 186 of title I of the Act; or

(c) May issue a cease and desist order to the SEA in accordance with Section 454 of the General Education Provisions Act.

(20 U.S.C. 2761, 2762; 20 U.S.C. 2836; 20 U.S.C. 1234b, 1234c)

§§ 116d.71–116d.79 [Reserved]

Note.—This appendix to Part 116d will not be published in Title 45 of the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

The following is a summary of the comments received on the notice of proposed rulemaking (NPRM)—for the Migrant Education Program—published on May 14, 1979. Each comment is followed by a response that indicates any change that has been made or why no change is considered necessary. Specific comments are arranged in order of the sections of these final regulations to which they pertain.

§ 116d.3 What definitions apply to the migrant education program?

Comment. One commenter requested a clarification of the term "personal subsistence," as used in the definitions of "agricultural activity" and "fishing activity."

Response. No change has been made. However, as explained in the "Summary of Comments and Responses" published with the previous final regulations of November 13, 1978 (at 43 FR 52684), "personal subsistence" means that the agricultural items are produced or fish or shellfish are caught for direct consumption by the worker and his or her family—rather than produced or caught for wages or other income.

Comment. One commenter recommended that the "cultivation and harvesting of trees" be defined separately from "agricultural activity," as a different occupational activity.

Response. No change has been made. The statute extends program eligibility only to the children of workers involved in either agriculture or fishing. However, Senate Report No. 95–856, 95th Congress, 2d Session at 24, explains that "migratory workers involved in the cutting and harvesting of timber are within the definition of migratory 'agricultural workers.' "

Comment. Two commenters recommended that the processing of trees (that is, the operation of lumber mills) be included as a qualifying occupation under "agricultural activity."

Response. No change has been made. Senate Report No. 95–856, 95th Cong. at 24, indicates that only the "cutting and harvesting of timber" are intended to be included under the definition of "agricultural activity." By including workers who are involved in industrial processing activities, the program would risk serving large numbers of children outside of the group Congress intended to be served.

Comment. Two commenters recommended that the definitions of "currently migratory child," "migratory agricultural worker," and "migratory fisher" be revised to provide that moving from one school attendance area to another qualifies a child or worker as migratory. These commenters pointed out that children and workers may move from place to place within very large school districts.

Response. No change has been made. This recommendation has not been adopted for the reasons given in the preamble to the interim final regulations (at 42 FR 36078) and in the "Summary of Comments and Responses" published with the previous final regulations (at 43 FR 52683). The legislative history of the Migrant Education Program indicates that Congress generally intended the program to serve children who migrate from school district to school district (Conference Report No. 93–1026, 93d Cong., 2d Sess. 142–143). It was the belief of Congress that these children suffer the greatest ill-effects of mobility because different school districts are administered separately and generally provide different curricula.

However, the definitions do continue to cover children and workers who migrate from one school administrative area to another in States that are comprised of a single school district.

Comment. One commenter recommended that a child who moves only during periods of time when school is not in session should not qualify as a "currently migratory child."

Response. No change has been made. The Commissioner has no authority to regulate with respect to the time of the year during which a child migrates.

Comment. Two commenters recommended that the period of eligibility for a "formerly migratory child" should be changed. One commenter recommended reducing the period of eligibility to 2 or 3 years; the other commenter recommended a reduction to one year.

Response. No change has been made. The eligibility of a child as a "formerly migratory child" for up to 5 years is statutory.

Comment. One commenter requested a clarification of the phrase "to enable him or her to obtain temporary or seasonal employment" as used in the definitions of "migratory agricultural worker" and "migratory fisher." More specifically, this commenter asked whether a person would actually have to secure the agricultural or fishing employment in order to qualify as an eligible worker.

Response. No change has been made. The phrase "to enable him or her to obtain temporary or seasonal employment" refers only to the *intent* to obtain employment. As stated in the preamble to the program's interim final regulations (at 42 FR 36078), the Commissioner considers a person to be migratory if that person moves from one school district to another in order to secure seasonal or temporary agricultural or fishing employment, regardless of whether the employment is actually secured.

§ 116d.10 What documents must a State submit to receive a grant?

Comment. One commenter recommended that the State program plan be required only once every three years.

Response. No change has been made. Section 141(a) of title I of the Act states that a State educational agency (SEA) is eligible to receive a grant—annually—"upon application." Therefore, an application document must be submitted for grant awards under this program. Furthermore, section 510 of title V of the Act (State administration requirements for both title I and title IV programs) describes the plan for the Migrant Education Program as "the annual application submitted under Section 142 of this Act."

Comment. One commenter recommended that a State monitoring and enforcement plan be required annually.

Response. No change has been made. Section 171(a) of title I of the Act requires the submission of a State monitoring and enforcement plan at least once every three years. While the statute gives the Commissioner the authority to require the submission of this plan more frequently than once every three years, the Commissioner does not believe that there is a sound programmatic reason for doing so.

The State monitoring and enforcement plan merely describes how the SEA will monitor projects and enforce compliance with legal requirements, and does not include the types of information that need to be reviewed by the Commissioner annually—such as numbers of children, the needs of those children, types of services to be provided, and the cost of those services. All of this information is provided in the annual program plan.

Comment. One commenter recommended that the SEA be required to consult more fully with local educational agencies (LEAs) in the development of the State annual program plan.

Response. No change has been made. Public participation requirements governing the development of the annual program plan are included in the Education Division General Administrative Regulations (EDGAR), and provide for the participation of advisory committees, local agencies, interest groups, and experienced professionals.

Comment. One commenter recommended that an amendment to a State annual program plan should not be required to undergo the same review and approval process as the original plan itself.

Response. No change has been made. The EDGAR govern the amendment of annual program plans. Basically, those rules require an SEA to follow the same procedures in amending its annual program plan as it followed in developing it initially. However, an amendment is required only if the changes are "significant and relevant"—in which case it is appropriate to subject an amendment to full consideration.

§ 116d.14 How is a State's annual program plan reviewed?

Comment. One commenter recommended that the Commissioner use "experts" to review State annual program plans.

Response. No change has been made. It is not the purpose of program regulations to regulate the administrative procedures of the Office of Education. However, the Commissioner is planning to use "experts" in migrant education to review State annual program plans. That

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review is described in § 116d.14 of these regulations.

§ 116d.20 How is the amount available for a State grant determined?

Comment. Seven commenters recommended that the Commissioner should not limit, by placing a "cap" on title I State agency program funding, the fiscal growth of the Migrant Education Program. These commenters recommended maintaining the full funding for the program "off-the-top" of the total title I appropriation.

Response. No change has been made. Under section 193 of the title I statute, all title I State agency programs—including the Migrant Education Program—continue to be fully funded "off-the-top" of the total title I appropriation.

Comment. Thirty-two commenters recommended that the funding formula be expanded with respect to the age range of migratory children who are eligible to be counted for funding. Five of these commenters recommended expanding the funding formula to include migratory children aged 18–21 years old; twenty-seven commenters recommended including preschool-aged migratory children in the funding formula.

Response. No change has been made. The funding formula—including the counting of only those migratory children aged 5 through 17 years—is statutory.

Comment. One commenter recommended increasing the amount of title I administrative funds that are provided to an SEA to administer its migrant education program.

Response. No change has been made. The amount of title I administrative funds that an SEA is eligible to receive is statutory (section 194 of title I of the Act).

However, the statute does not specify what portion of the funds authorized under section 194 is to be used for each of the various title I programs. Because the SEA both administers and carries out its program for migratory children, it may also perform a number of administrative type activities, such as those listed in § 116d.50(d)(2), that are performed by LEAs for programs under 45 CFR Part 116a (educationally deprived children) or by other State agencies for programs under 45 CFR Part 116b (handicapped children) and 45 CFR Part 116c (neglected or delinquent children). These activities may be charged to program funds even though they are "administrative" in nature.

Furthermore, the Education Amendments of 1978 did increase the amount of administrative funds to be provided, generally, to each SEA to the greater of $225,000 or 1.5 percent of the State's total of Title I allocations.

Comment. One commenter requested that the funding formula for the Migrant Education Program be explained in detail in the program's regulations.

Response. No change has been made. Section 116d.20 provides a general explanation of how the total grant amount available to an SEA is determined. However, for clarification, a more detailed explanation of how State grant amounts are determined is provided here.

(a) A State is credited with one residency day for each day (during the calendar year period) that a migratory child resides in that State. Residency days for each migratory child are determined on the basis of that child's enrollment data in the migrant student record transfer system (MSRTS).

(b) A State's total of accumulated residency days is divided by 365 (each group or 365 accumulated residency days equals one full-time equivalent (FTE) migratory child).

(c) A State's total FTE of migratory children is then multiplied by 40 percent of the State's per pupil expenditure rate (adjusted to not less than 40 percent of 80 percent nor more than 40 percent of 120 percent of the national average per pupil expenditure rate).

(d) An additional amount (based on a State's enrollment of summer program migratory children and the duration of those summer program enrollments) is then added. That additional amount is added in consideration of "the special needs of . . . children for summer programs and the additional costs of operating such programs during the summer."

The computed amount becomes the total amount available to that State for its title I migrant education grant, unless that State's computed amount results in an amount less than the State received in the prior fiscal year. Section 157 of title I of the Act provides that no State migrant education program shall receive in any fiscal year—through and including fiscal year 1982—less than 100 percent of the amount that it received in the prior fiscal year.

Furthermore, the Commissioner is authorized by section 142(c) of title I of the Act to use all or part of the amount available to an SEA to make a special arrangement with another agency for services to migratory children. Since fiscal year 1969, the Commissioner has withheld a proportionate amount of each State's entitlement to fund the migrant student record transfer system. The remaining amount is then made available to each SEA.

Comment. Ten commenters requested a clarification of the "special summer formula" described in § 116d.20(b). Five of those commenters requested that the regulations include the formula itself.

Response. No change has been made. Section 116d.20(b) provides a general explanation of the objective of the "special summer formula" and the adjustment factor. As new data become available to the Commissioner from year to year, the adjustment factor may be changed based on "the best available information about the costs of operating summer projects." However, as § 116d.20(b) also states, the adjustment factor to be used each year will be announced, in advance, in the **Federal Register.**

Comment. One commenter recommended that the Comissioner establish some additional requirements to be imposed on SEAs that accept the additional funds generated by the special summer formula. One suggestion was that an SEA be required to conduct a summer project of a prescribed duration.

Response. No change has been made. The title I statute and these regulations make it clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate projects to meet those needs. It is expected that an SEA will design its summer projects in that same manner. No requirements beyond those generally imposed for other types of projects are warranted.

However, the Commissioner does interpret the statute as authorizing a denial of the additional funds generated by the special summer formula to an SEA that does not conduct a summer project at all.

§ 116d.22 How are excess funds reallocated?

Comment. One commenter recommended that the Commissioner not be authorized to reallocate funds. Two commenters urged that the Commissioner's reallocation authority be maintained.

Response. No change has been made. Section 141(b) of title I of the Act authorizes the Commissioner, in the event it is determined that the amount available to a State exceeds its requirements, to "allocate such excess, to the extent necessary, to other States, whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such States."

Comment. One commenter recommended that the Commissioner not consider reallocating part of a State's total amount available for its grant unless that State has carried over for two consecutive years more than 25 percent of its entitlement. Another commenter recommended that the figure of 30 percent be used.

Response. No change has been made. The Commissioner believes that a 15 percent carryover of funds for two consecutive years is an appropriate amount to initiate *consideration* of the reallocation of part of these funds—as excess funds.

It is important to note that the repeated occurrence of a 15 percent carryover merely triggers the Commissioner's consideration of the reallocation of funds.

Furthermore, § 116d.22(c) explains that the Commissioner notifies an SEA if a reallocation is being considered, and the SEA is provided with an opportunity "to explain why a reallocation is not warranted." Therefore, if an SEA can demonstrate that it has a genuine need for all of its grant funds and that those funds will be used for current-year program services, the Commissioner may determine that a reallocation is not warranted.

§ 116d.23 Under what conditions may the Commissioner make a special arrangement for services?

Comment. One commenter recommended that the Commissioner should not be authorized to "by-pass" an SEA. Conversely, another commenter recommended that the Commissioner's "by-pass" authority (authority to implement a special arrangement for services) be retained.

Response. No change has been made. The Commissioner's authority to "by-pass" an SEA to provide program services is statutory. Section 142(c) of title I of the Act states that "If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children . . . or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section."

Comment. Three commenters requested that parents and agencies be provided with a specific mechanism through which they can petition either the Commissioner or an SEA to implement a special arrangement for services.

Response. No change has been made. The Commissioner does not believe that the creation of district and possibly restrictive petition procedures was warranted. The existing complaint resolution procedures—at both the Federal and State levels—are flexible enough to serve as an effective means through which a request for a special arrangement may be made.

§ 116d.30 What documents must an applicant submit to receive a subgrant?

Comment. One commenter recommended that the Commissioner continue to require the submittal, to the Office of Education, of all approved applications for subgrants.

Response. No change has been made. The Migrant Education Program is both administered and operated by SEAs.

In the event of a subgrant to an LEA or a special arrangement with another agency to conduct program services, the SEA is fully responsible for reviewing and approving the appropriate application for funds. However, the Commissioner is authorized to regulate with respect to the minimum requirements of an application for a subgrant, and has done so in § 116d.32 of these regulations. The Commissioner believes that an application for a subgrant, submitted in accordance with the requirements of subpart D of these regulations (How Does An Agency Apply to the State for a Subgrant?), will provide an SEA with adequate information to determine whether the proposed project complies with applicable regulations and statutes, as well as to evaluate its promise of success in meeting the special educational needs of the children.

Furthermore, the Commissioner is interested in reducing, when reasonable, the paperwork burden imposed on grantees.

The Commissioner is authorized, of course, to oversee the plan and operation of a project conducted by an operating agency. Therefore, § 116d.60 of these regulations requires that "If the Commissioner requests a copy of an approved application, the SEA shall send that copy within 10 days of the request."

§ 116d.32 What provisions are required in an application for a subgrant?

Comment. One commenter recommended that the Commissioner should prescribe more detailed requirements for subgrant applications.

Response. No change has been made. The Commissioner believes that the requirements imposed by § 116d.32 dealing with applications for subgrants are sufficient to permit the SEA to review each application appropriately. As § 116d.32(j) states, the SEA may require "any other relevant information" that it needs to evaluate the application.

§ 116d.40 How is the amount of a subgrant determined?

Comment. One commenter requested a clarification of the "formula" through which an SEA distributes program funds to operating agencies.

Response. No change has been made. There is no "formula" through which an SEA is required to distribute program funds to operating agencies. Section 116d.40 provides a general explanation of the criteria with which an SEA may determine the amount of a subgrant to an LEA. This section provides workable and flexible standards for the SEA.

§ 116d.41 What are the conditions under which a State may make a special arrangement for services?

Comment. Three commenters asked whether an SEA is authorized to provide services through an agency other than an LEA.

Response. No change is required by this comment. Section 116d.41 states clearly that an SEA "may make a special arrangment with a public or nonprofit private agency or agencies to carry out a project."

Comment. Thirteen commenters requested a clarification of the circumstances under which an SEA should consider "by-passing" an LEA and conducting services through a special arrangement with another agency.

Response. A change has been made. Section 116d.41 now includes some further clarification of the circumstances in which an SEA should consider conducting services through a special arrangement with an agency other than an LEA.

This section now indicates that an SEA may determine that an LEA is "unwilling" to conduct a project if the LEA does not submit an application by the date established by the SEA. In addition, the SEA may determine than an LEA is "unable" to conduct a project if it does not submit, after any needed technical assistance from the SEA, an application of sufficient quality to satisfy the SEA's criteria for approval.

Furthermore, § 116d.41 now states that in accordance with its obligation under § 116d.12(d)(2) to serve "all significant concentrations of currently migratory school-aged children in the State," an SEA shall either provide services directly or implement a special arrangement for services when the non-participation of an LEA affects a "significant concentration" of eligible, currently migratory school-aged children.

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§ 116d.51 How may funds be used?

Comment. Ten commenters recommended that § 116d.51(b) emphasize instruction in the basic academic subjects, as emphasized in § 116d.39(b) of the previous final regulations. These commenters also suggested that the listing of authorized services in § 116d.51(b) be re-ordered to emphasize academic instruction.

Response. A change has been made. Section 116d.51(b), in referring to appropriate types of project services, now includes the phrase "particularly any need for improvement in the basic academic subjects." Also, the listing of suggested types of services has been re-ordered to give emphasis to basic academic instruction.

Comment. Two commenters recommended that the Commissioner require all State programs to include instruction in several selected, standard disciplines.

Response. No change has been made. The Migrant Education Program is a supplementary, compensatory educational program intended to address "the special educational needs of . . . migratory children particularly any need for improvement in the basic academic subjects." The determination of the special educational needs of the migratory children who will participate is the responsibility of each SEA, as is the design of the programs and projects to meet those needs.

Comment. One commenter recommended that these regulations encourage "non-pullout" services (services provided in the regular classroom).

Response. No change has been made. The title I statute and these regulations make it clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate programs and projects to meet those needs.

It is not the intent of these regulations nor of the statute to limit unduly the options of educational agencies with respect to the timing and approaches to be taken in the development of special migrant education instructional activities. The Commissioner supports fully the use of "non-pullout" services, when appropriate.

It should be noted, however, that when special migrant education services are provided in the regular classroom, special precautions must be taken to assure that these services are not diluted by the presence of non-migratory children. Migrant Education Program services must be planned, conducted, and directed for the sole benefit of migratory children selected to participate in the project.

Comment. Two commenters suggested that these regulations should encourage the provision of "summer-term" services.

Response. No change has been made. The title I statute and these regulations make it clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate programs and projects to meet those needs. Those needs may require the use of summer-term projects.

However, the Commissioner will encourage indirectly the establishment of summer-term projects through the availability of additional special funds based on the enrollment of eligible migratory children during the summer. Furthermore, the Commissioner interprets the statute as authorizing a denial of the additional funds generated by the "special summer formula"—as explained in § 116d.20(b)—to an SEA that does not provide summer-term services.

Comment. One commenter recommended that the regulations prohibit the payment of "stipends" to participating students.

Response. No change has been made. Section 141(a) of title I of the Act provides that migrant education funds must be used "to establish or improve . . . programs of education for migratory children."

Standing alone, the payment of money to a migratory child has no educational content and does not address directly his or her educational needs. However, if a payment were integrally related to a program of educational services—perhaps as part of a work-study project—such a payment might be permitted. Depending upon the facts of the case, the payment of money might be said to have educational content in its own right.

In addition, any payment would have to be "necessary to enable eligible migratory children to participate effectively in instructional services," as required by § 116d.59(a) of these regulations, and would be subject to the requirement that the expenditure be "necessary and reasonable" according to the standards of appendix C (Principles for determining costs applicable to grants and contracts with State and local governments) that apply to the Migrant Education Program through 45 CFR § 74.171 of the HEW Grants Administration Regulations.

For example, under these standards, migrant education funds could not be used to pay stipends to migratory children merely to encourage them to attend educational programs that they are required to attend under State law.

Comment. A number of commenters recommended that the Commissioner require bilingual and multicultural instructional services when the linguistic circumstances of the children to be served warrant them. More specifically, seven commenters said that bilingual or multicultural instruction should be required; 12 commenters recommended that these regulations require the employment of bilingual or multicultural teachers and other staff members; 10 commenters recommended that these regulations require programs to follow the procedures outlined in the "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau* v. *Nichols*," of HEW's Office for Civil Rights.

Response. A change has been made. The provision for a needs assessment—in § 116d.12(b)(3) of these regulations—now includes a requirement that the State annual program plan also "demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of the children." This requirement is based on the statutory requirement that a State's program be designed to meet the special educational needs of the children.

This language has been continued from the program's previous final regulations. Section 116d.12(b)(3) also requires that the assessment include a description of "the educational needs of the children . . . with respect to . . . speaking ability in English."

Section 116d.12(b)(5)—relating to instructional services—retains the requirement that the State plan include a description of how the SEA ensures that "no migratory child is prevented from benefiting fully from the services provided because he or she does not speak English or has limited English language skills."

Also, § 116d.32(i) retains the requirement that an application for a subgrant include "a description of how the LEA ensures that no eligible migratory child will be prevented from benefiting fully from the project's services because he or she does not speak English or has limited English language skills."

Section 116d.51(b) retains the suggestion that "bilingual and multicultural instruction" is appropriate for support with migrant education funds.

The Act, however, does not authorize, and Section 432 of the General Education Provisions Act forbids, the Office of Education to require any particular type of curriculum, program of instruction, or staff. Certainly, bilingual or multicultural modes of instruction may be appropriate when the children to be served have particular linguistic needs; however, other curricular responses may also be appropriate.

It is an SEA's responsibility under § 116d.12(b)(3) to assess the linguistic needs of the children to be served and to devise an educational program appropriate to meet those needs.

§ 116d.53 What is the requirement for coordination with other groups?

Comment. Six commenters made general recommendations to strengthen the coordination of a State migrant education program and its local projects with the programs and services of other agencies.

Response. No change has been made. The Commissioner believes that the requirements—for coordination with other agencies—in these regulations are adequate, and that additional regulations such as the prescribing of specific criteria—applicable in all situations—are not warranted.

Section 116d.53 requires an SEA to "plan and operate . . . activities . . . in coordination with . . . migrant and seasonal farmworker projects administered under Section 303 of the Comprehensive Employment and Training Act of 1973 . . . migrant and seasonal farmworker projects administered under title IV of the Economic Opportunity Act of 1964 . . . and . . . projects of any other group or agency that provides benefits or services to migrants." Section 116d.12(b)(11) requires an SEA to describe those coordination efforts in its State plan.

Section 116d.32(h) requires an LEA, in its application for a subgrant, to describe "how the LEA will comply with section 124(f)(1) of title I of the Act concerning coordination with other agencies."

Section 116d.50(d)(1) authorizes the use of title I administrative funds for the "coordination of the State migrant education program—and facilitation of the coordination of local projects—with other public and private agencies." Section 116d.50(d)(2) authorizes the use of Migrant Education Program funds for "coordination of project level activities with other public and private agencies."

Finally, § 116d.59(a)(2)(i) requires an operating agency—before providing any supporting service with migrant education funds—to first "[request] assistance from the SEA in locating and using other Federal and State programs to provide these services."

§ 116d.54 What is the requirement for coordination among projects and with other State programs?

Comment. Sixteen commenters made general recommendations to strengthen the requirements for interstate and intrastate coordination of programs and projects—such as the interdistrict and interstate transfer of course credits and the sharing of program documents.

Response. No change has been made to § 116d.54. However, § 116d.24 of these regulations now discusses in further detail the types and scope of projects that the Commissioner might consider funding under section 143 of title I of the Act. These projects include activities relating to the transfer of school records, parental involvement, resource centers, identification and recruitment of children, secondary school services (including the transfer of course credits), information dissemination, and staff development. These types of projects, which will be conducted through grants or contracts with the Office of Education, should produce significant improvements to the interstate and intrastate coordination of projects.

Also, these regulations retain a number of other provisions that require an SEA to coordinate its State program and local projects with other programs and projects. Section 116d.12(b)(8) requires an SEA to include in its State plan a description of "its efforts for ensuring continuity in the education of migratory children through . . . working cooperatively with other States . . . requiring its operating agencies to cooperate with one another . . . and . . . using fully the migrant student record transfer system."

Section 116d.54 requires each SEA to "develop and implement a plan to promote continuity in the education of eligible migratory children." That section also requires "the SEA . . . [to] . . . include in this plan appropriate procedures for . . . coordinating projects within the State . . . includ[ing] . . . the interdistrict transfer of course credits and the intrastate sharing of project planning, evaluation, curriculum, and staff training materials . . . coordinating the State migrant education program with similar programs in other States . . . and . . . using fully the migrant student record transfer system."

Finally, § 116d.50(d)(2) authorizes the use of migrant education funds for the "interstate and intrastate coordination of the State migrant education program and its local projects."

Comment. Five commenters recommended that these regulations require full use of and participation in the migrant student record transfer system—by all participating SEAs and operating agencies.

Response. No change has been made. Section 116d.12(b)(8) requires an SEA to include in its State program plan a description of its plan for "ensuring continuity in the education of migratory children through . . . using fully the migrant student record transfer system, including the transfer of the most current academic, health, enrollment, and withdrawal information available for the children served."

Section 116d.54 reinforces that requirement through a parallel provision that requires full use of the migrant student record transfer system to be part of the SEA's "plan to promote continuity in the education of eligible migratory children."

Comment. Seven commenters recommended that the types of interstate coordination projects to be considered for funding under section 143 of title I of the Act should be further defined.

Response. A change has been made. Section 116d.24 now includes a much more detailed discussion of the types and scope of projects to be considered for funding under section 143.

Comment. Two commenters recommended that the requirement that the Commissioner consult with the States—with respect to projects funded under section 143 of title I of the Act—be strengthened.

Response. A change has been made. Section 116d.24(e) now states that "the Commissioner consults fully with the SEAs participating in the Migrant Education Program with respect to the types of projects to be conducted, the priority of funding for these projects, the evaluation of existing projects, and the continuation, expansion, or termination of existing projects."

§ 116d.55 What are the requirements for parental involvement?

Comment. Eighty-three commenters spoke of the need to strengthen the requirements relating to parent advisory councils (PACs). Some of the comments were general recommendations; others included recommendations to provide for the election of council members by the parents, to establish interstate parent advisory councils, and to require that program plans and applications be "signed off" by the agency's parent advisory council.

Response. A change has been made. Section 116d.55 now includes some additional requirements for State and local parent advisory councils. These requirements are adopted from section 125(a) of title I of the Act and include the provision of appropriate information,

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materials, and training to the councils, and to the extent possible (considering factors such as the duration of the project or the continuing availability of council members), the election of council members by parents of eligible migratory children.

Also, § 116d.24 now indicates that parental involvement activities may be funded under section 143 of title I of the Act. The Commissioner anticipates that a parental involvement special project might include activities such as "designing and establishing interstate (i.e., regional) parent advisory councils . . . conducting research and development activities with respect to effective designs of parental involvement and the training of parent advisory council members . . . and . . . providing technical assistance to SEAs and LEAs in working with and training parent advisory council members."

Also, the requirements (in § 116d.12) for information relative to State and local parent advisory councils has been revised to require a description of how the membership of parent advisory councils will be selected, a statement of the rationale for selecting any method other than elections by parents of eligible migratory children, and a description of the program's strategy for fostering equitable representation of parents of migratory children of different age groups (preschool, elementary, and secondary), and status groups (currently migratory and formerly migratory).

Comment. Nine commenters recommended that these regulations authorize the use of migrant education funds for paying "stipends" to migratory parents. Conversely, two commenters recommended that this type of payment should not be authorized.

Response. No change has been made. The applicable standards for determining the types of parent council expenditures that may be paid from program funds are included in appendix C to the HEW Grants Administration Regulations (45 CFR Part 74). The general standard is that the cost of any service be "necessary and reasonable" to the proper administration of the grant program. The Commissioner recognizes that, in some cases, it may be necessary for an SEA to establish a uniform allowance for parent advisory council members in order to secure the necessary parent participation. This matter must be judged on a case-by-case basis.

The Commissioner expects SEAs and operating agencies to plan parent council meetings according to the scheduling needs of the participating parents and to use stipends only when absolutely necessary.

§ 116d.56 How is the eligibility of a participating child documented?

Comment. One commenter stated that § 116d.56(b) suggests that a child could be enrolled in the program contrary to the parents' wishes.

Response. No change has been made. The language of § 116d.56(b) is not intended to suggest that a child should be enrolled in the program contrary to the wishes of his or her parent or guardian. The intent of that section is to emphasize that an SEA is not required to demand, from the child or his or her parent or guardian, documentary proof of eligibility for the program (for example, proof of prior residence in another school district, proof of previous employment). The determination of eligibility may be made by the SEA solely on the basis of "credible information from any source, including that provided by the child or his or her parent or guardian."

Also, in § 116d.3(d), the definition for "formerly migratory child" explains that program services may be provided to this type of child only with "the concurrence of his or her parent to continue to be considered a migratory child."

When special services are provided to an eligible migratory child, the educational agency alerts the parent on the same basis as it uses when providing special services to any child enrolled in one of its schools. Generally, that standard basis includes notification to the parent of the enrollment into a special program and an explanation of the nature of the special services. In any event, because enrollment into a migrant education project includes enrollment into the migrant student record transfer system, parents are always notified of the enrollment into the program and into the MSRTS—in accordance with the requirements of the Family Educational Rights and Privacy Act.

§ 116d.57 What is the requirement for comparable access for migratory children?

Comment. Thirteen commenters recommended that the proposed § 116d.57(a)(2) be deleted from these regulations. These commenters stated that this subsection suggests that an LEA does not need to provide its own facilities and services to migratory children.

Response. A change has been made. Section 116d.57(a)(2) has been deleted. It is the intent of these regulations to encourage participating agencies to provide all available facilities and services to migratory children on a basis that provides those children with "comparable access" to an appropriate education.

§ 116d.58 Under what conditions may services be provided to preschool and formerly migratory children?

Comment. Many commenters made recommendations regarding the priority of services to the various status groups (currently migratory and formerly migratory) and age groups (school-aged) and preschool-aged) referred to in the title I migrant education statute. Eighteen commenters recommended giving higher priority to services for currently migratory preschool children than to services for all formerly migratory (both school-aged preschool-aged children. Thirty-one commenters recommended that services to all school-aged migratory children (both currently and formerly migratory) be ranked above services to preschool children. Seven commenters said that preschool-aged migratory children are better served by other programs (Migrant Head Start and Title XX, Social Security Act, State Social Services Programs) that are more fundamentally designed to serve this age group of children. Many of these commenters noted that only if preschool children generate funds for a State under the statutory allocation formula would they be in favor of ranking services to currently migratory preschool children above services to formerly migratory school-aged children.

Response. A change has been made. The Commissioner agrees that because preschool children do not generally generate funds under the stautory formula, school-age migratory children should take precedence for services over preschool-aged children.

Accordingly, § 116d.58(c) now orders the program's service priorities as follows:

(a) School-aged currently migratory children.

(b) School-aged formerly migratory children.

(c) Preschool currently migratory children.

(d) Preschool formerly migratory children.

However, if in order to provide title I instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than title I funds—are available for that purpose, an SEA or an operating agency may provide title I instructional services instead of day care services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

Comment. One commenter requested a clarification of the age group of children considered to be of preschool age.

Response. No change has been made. The Education Division General Administrative Regulations define "preschool" as the "educational level from a child's birth to the time at which elementary education is provided as defined under State law." Each State, of course, is free to establish the age at which free public education commences. Therefore, a child who is under the age at which free public education is provided in that particular State is considered to be of preschool age.

§ 116d.59 Under what conditions may supporting services be provided?

Comment. Four commenters requested that "supporting services" be further defined.

Response. No change has been made. Section 116d.59 states that "supporting services" include services such as health, nutritional, and social services. The Commissioner believes that this definition is sufficiently clear and precise and does not want to limit unduly the types of services that might be considered as supporting services. Section 116d.59 does, however, require that these services be "necessary to enable eligible migratory children to participate effectively in instructional services."

Comment. Three commenters recommended that health services be considered a primary service, and not a supporting service.

Response. No change has been made. The Migrant Education Program is a supplementary, compensatory education program intended to address the special educational needs of the participating migratory children, particularly with respect to the basic academic subjects. Health services are authorized only as a supporting service to those educational services.

Comment. One commenter recommended that supporting services be required as a part of a State migrant education program.

Response. No change has been made. The determination of the special educational needs of the migratory children who will participate in the program is the responsibility of each SEA, as is the design of the programs and projects to meet those needs. If a supporting service is necessary to meet those educational needs, the SEA may be authorized to provide that service.

Comment. Nineteen commenters recommended that the provision of day care services be strengthened. One commenter questioned the authority to provide day care, a supporting service, as part of the Migrant Education Program—an elementary and secondary education program.

Response. No change has been made. The Migrant Education Program is authorized as a program of educational services, and not as a program of various types of family support services. Furthermore, the statute establishes a service priority in favor of school-aged migratory children. In addition, because children from birth through and including four years of age do not generate funds under the statutory formula, school-aged migratory children are considered to take precedence over younger children.

Therefore, day care services are authorized only in special circumstances and only with the explicit approval of the Commissioner. Day care services are not authorized as an alternative to educational services, but only as a supporting service when necessary to enable eligible migratory children to participate in title I instructional services.

§ 116d.64 How must the State resolve complaints?

Comment. Nine commenters recommended maintaining the requirement (in § 116d.26 of the previous final regulations at 43 FR 52681) for a special, expedited complaint resolution procedure for short-term migrant education projects.

Response. A change has been made. The requirement for a special, expedited complaint resolution procedure for the Migrant Education Program has been continued. The Commissioner agrees that the standard complaint resolution procedure required of all title I programs may not be adequate for resolving a complaint that involves a short-term migrant education project.

Comment. One commenter recommended maintaining the provision from the program's previous final regulations (in § 116d.26 at 43 FR 52681) pertaining to the Commissioner's review of an SEA's resolution of a complaint.

Response. A change has been made. The provison for the review, by the Commissioner, of an SEA's resolution of a complaint has been continued from the program's previous final regulations. Furthermore, § 116d.64 now refers to the specific procedures that the Commissioner uses in reviewing an SEA's resolution of a complaint. These procedures were published in the **Federal Register** on October 23, 1979 (at 44 FR 61109).

§ 116d.65 How must the State evaluate the program?

Comment. Several commenters made various recommendations to strengthen and further detail the requirements for the evaluation of the State program.

Response. No change has been made. The Commissioner believes that § 116d.65 provides a sufficiently precise requirement for evaluation of the State program. However, section 183(d) of title I of the Act requires the Commissioner to "provide to State educational agencies, models for evaluations of all programs conducted under [title I] . . . which shall include uniform procedures and criteria to be utilized by . . . the State educational agency in the evaluation of such programs."

That activity is being conducted presently by the Office of Education. When completed, the Commissioner will prepare and publish, as a notice of proposed rulemaking, additional and more detailed evaluation requirements for the Migrant Education Program.

General.

Comment. Ten commenters requested that the appendix to the NPRM (Contents of State Applications) be included in the regulations (§ 116d.12—What provisions are required in a State's annual program plan?).

Response. A change has been made. Substantially the same information that was included in the appendix to the notice of proposed rulemaking—with respect to contents of a State application—is now included in § 116d.12 of these regulations.

Comment. Six commenters recommended that these regulations include the full text of any requirement or definition that has been referenced from a statute or other regulations.

Response. A change has been made. In response to suggestions by the public and other interested parties, these final regulations contain some provisions that were not in the notice of proposed rulemaking. These include certain provisions of the statute governing this program. The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to the statute.

Furthermore, as explained in the section of the preamble to these regulations entitled "Policy Manual," the Commissioner is planning to prepare and publish, for the convenience of persons involved with the Migrant Education Program, a consolidation of all regulations and statutes that govern the program.

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federal register

Thursday
April 3, 1980

Part VII

Department of Health, Education, and Welfare

Office of Education

State Leadership Programs

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 119 and 120

State Leadership Programs

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These final regulations implement Parts A and B of Title V of the Elementary and Secondary Education Act of 1965 (ESEA).

Part A of title V is a program for the consolidated State educational agency (SEA) administration of the ESEA Title I and Title IV programs. All SEAs that administer the title I and title IV programs are eligible for support under this program.

Part B of title V is a program to strengthen State educational leadership and to assist SEAs in identifying and meeting critical educational needs of their States. All SEAs are eligible for support under part B. There is authorization for direct appropriation of funds for this program. However, if there is no direct appropriation, funding will be available from the appropriation for ESEA Title IV Part C.

DATES: Effective Date: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if the Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

Date for End of Comment Period on §§ 119.11 and 119.40 through 119.42: June 2, 1980.

ADDRESSES: Send comments to Dr. David G. Phillips, Division of State Educational Assistance Programs, U.S. Office of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3010) Washington, D.C. 20202. Copies of Title V of ESEA and other statutory materials referred to in these regulations may be obtained by contacting this office.

FOR FURTHER INFORMATION CONTACT: Dr. David G. Phillips, Division of State Educational Assistance Programs, U.S. Office of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3010), Washington, D.C. 20202. Telephone: (202) 245–1990.

SUPPLEMENTARY INFORMATION:

General Information

The Commissioner published a notice of proposed rulemaking in the **Federal Register** on May 14, 1979 (44 FR 28258). During the period allowed for comments, ten written comments were received. In addition, a number of individuals gave oral testimony and comments on the proposed title V regulations at public hearings held by the ten regional offices of the Department of Health, Education, and Welfare on June 19, 1979. The overall reaction to the proposed regulations has been supportive.

Waiver of Proposed Rulemaking Procedures

Prior to the enactment of the Education Amendments of 1978 (Pub. L. 95–561), there was a maintenance of effort requirement in the program to strengthen SEA management. The requirement was inadvertently omitted in the Education Amendments of 1978. Consequently, the proposed regulations in part 119 were drafted without a provision for maintenance of effort. A technical amendment to the Education Amendments of 1978, enacted August 6, 1979, as Pub. L. 96–46, restores this requirement. It is therefore necessary to implement this requirement with respect to those title V–B State plans that become effective October 1, 1979.

A maintenance of effort requirement exists with respect to ESEA Title IV, Part B (Instructional Materials and School Library Resources) and Part D (Guidance, Counseling, and Testing). Proposed regulations for title IV governing that requirement were published—as §§ 134.13 and 134.91 through 134.93—in the **Federal Register** on May 14, 1979. This was the same day that the proposed regulations for title V were published. Sections 119.11 and 119.40 through 119.42 were adapted from the proposed title IV regulations, and the public comments on the latter regulations have been considered in drafting the title V provisions.

In accordance with section 431(b)(2)(A) (public comment on proposed regulations) of the General Education Provisions Act (GEPA) (20 U.S.C. 1232(b)(2)(A)), it has been the practice of the Office of Education to offer interested parties the opportunity to review and comment on proposed regulations. For the reasons described above, the use of this practice in connection with §§ 119.11 and 119.40 through 119.42 is impracticable under 5 U.S.C. 553(b).

The Commissioner, however, welcomes comment on these sections even though they have been issued as final regulations. Accordingly, any written comments received on or before the 60th day following publication of these regulations in the **Federal Register** will be considered by the Commissioner. If there are substantive comments that merit changes in the regulations, the Commissioner will adopt appropriate amendments to the regulations in Part 119.

Title V, Part B

Background

The program of Federal financial assistance to strengthen the leadership capacity of SEAs began under the authority or the original title V of ESEA in 1965. The "strengthening" program was continued under the Education Amendments of 1974, although it was made a part of the title IV–C program (Educational Innovation and Support). The Education Amendments of 1978 identify a number of new supportable activities and continue the "strengthening" program under Title V–B of ESEA.

Summary of Comments and Responses

The following is a summary of the comments received on the notice for proposed rulemaking for part 119 and the Commissioner's responses to these comments. The comments appear in the order of the sections of the final regulations.

§ 119.1 Strengthening State educational agency management.

Comment. One commenter suggested that the level of funding available to SEAs be guaranteed at the fiscal year 1973 level.

Response. The regulatory language in the proposed § 119.1(b), which was intended to do this, has been deleted because, after the proposed regulations were published, a new section 524 of ESEA was enacted. Section 524 prescribes the title V–B allotment to each State at the 1973 level of funding for that State for "strengthening" activities.

§ 119.10 State plan.

(1) *Comment.* Two commenters suggested that the SEA consult with private school officials in the planning that precedes Statewide conferences at which technical assistance is provided to public and private school officials.

Response. No change has been made. Although this may be a good practice, the Commissioner does not believe that there is statutory authority to require an SEA to consult with either public or private school officials before these meetings. Private school officials are consulted on all occasions where public school officials are consulted.

(2) *Comment.* Two commenters suggested that "private school" be defined.

Response. No change has been made. The terms "private" and "nonprofit" are defined in the Education Division General Administrative Regulations (EDGAR). To the extent that these definitions do not apply or are inadequate, State law or definitions govern.

(3) *Comment.* One commenter suggested that wherever the words "private school officials" or "officials of private schools" appear, the word "appropriate" be added to insure that the responsible private school official is properly consulted.

Response. A change has been made. The Commissioner notes that the word "appropriate" appears in a similar context in section 406 (Participation of Children Enrolled in Private Schools) of ESEA. The Commissioner agrees to apply that word in the regulations.

(4) *Comment.* One commenter suggested that the requirements in § 119.10(b) duplicate in many ways regulations appearing in §§ 100b.650 through 100b.663 of EDGAR and §§ 134.70 through 134.79 of the ESEA Title IV regulations.

Response. No change has been made. The regulations in § 119.10(b) are intended to govern the provision of services to private school officials while the other regulations are intended to govern the provision of services to private school children.

(5) *Comment.* One commenter suggested that the SEA should not have to send information and materials to private school officials that are not interested in receiving it. Another commenter asked how the State can determine that private school officials "do not desire" to have their children participate.

Response. A change has been made to make the language of this paragraph conform more nearly to that of the statute. An SEA should be able to develop reasonable procedures to determine which private school officials do or do not desire to participate in Federal education programs. The Commissioner, however, does not intend to prescribe restrictive procedures or criteria.

(6) *Comment.* One commenter suggested that an entity ought to "qualify" as a nonprofit private school to be entitled to receive information and technical assistance.

Response. No change has been made. Considering the varied types of relationships between SEAs and private schools, it would be virtually impossible to define qualification so that it would be applicable in every State. One way to identify eligible private schools might be to accept any school whose students meet the requirements of the State's compulsory attendance laws—if any—as being qualified to receive information and technical assistance.

(7) *Comment.* One commenter suggested that the comprehensive plan referred to in sections 404(a)(12) and 522 (2) of ESEA and in § 119.10(c) be submitted with either the title IV State plan or the title V–B State plan.

Response. It is a legal requirement for an SEA to submit a comprehensive plan as a part of both the title IV and the title V–B State plans. The Office of Education, however, has issued instructions to SEAs to submit the comprehensive plan as a part of the title IV State plan with an appropriate cross-reference in the title V–B State plan.

(8) *Comment.* One commenter asked for definitions of "inservice training" and "preservice training."

Response. No change has been made. The Commissioner believes that, taken together, these two terms encompass all training for educational personnel and that any distinction within a State can be treated according to that State's definitions. To make a distinction is not relevant for purposes of the title V program.

(9) *Comment.* One commenter suggested that there be a greater involvement of teachers in the development and implementation of the comprehensive plan for training educational personnel.

Response. No change has been made. The statute requires the involvement of teachers in the development of the plan, and § 119.10(c)(2) indicates that this must be done. The statute does not authorize a regulatory requirement for the involvement of teachers in the implementation of the plan.

(10) *Comment.* One commenter suggested that the regulations should clearly require the involvement of State agencies other than the SEA in the development of the comprehensive plan if those other agencies have legal responsibilities for training educational personnel.

Response. A change has been made by adding a new paragraph (4) to § 19.10(c).

(11) *Comment.* One commenter suggested that provision be made for filing a "plan to develop a comprehensive plan."

Response. Section 119.10(c)(3) was intended to permit this. It has been reworded to make this clearer. It might be noted that a correction has been made in this paragraph so that the comprehensive plan must have been developed and submitted to the Commissioner by June 30, 1980. Thus the plan will be completed prior to the awarding of the title IV and title V–B grants for fiscal year 1981.

(12) *Comment.* One commenter suggested that the regulations not only allow but actively encourage the involvement of all interested and affected parties in each State in the development of the comprehensive plan.

Response. No change has been made. Although this may be very worthwhile, it is not the purpose of regulations to encourage action or involvement, but to specify requirements.

(13) *Comment.* One commenter suggested that specific Federal funds be made available to support the development of the comprehensive plan.

Response. A change has been made to clarify that ESEA Title V funds and ESEA Title IV administrative funds may be used for this purposes.

§ 119.22 Criteria for assistance.

Comment. One Commenter suggested some adjustments in the relative values to be assigned to each criteria. The commenter recommended increased values for quality of key personnel and for dissemination and reduced values for limiting programs to elementary and secondary education and for non-supplanting.

Response. Changes have been made. The Commissioner has increased the weights for quality of key personnel, dissemination, and likelihood for results, and decreased the weights for limiting programs to elementary and secondary education and for non-supplanting.

Other changes in regulations

The reference to an entitlement for the Northern Mariana Islands in § 119.1(b)(4) has been dropped since it is covered in the organic act.

Regulations in 45 CFR Part 74 (the Department of Health, Education, and Welfare general regulations governing the administration of grants) are specifically identified in § 119.3(a) as being applicable to the title V–B program.

The language and provisions in § 119.20 have been modified to conform to the provisions of the new section 524 of ESEA as added by Pub. L. 96–46.

The general selection criteria found in EDGAR (§§ 100a.202 through 100a.206) have been incorporated in § 119.22. A new § 119.33, an adaptation of EDGAR § 100a.590, has been added to avoid a cross reference to that section. The purpose of incorporating the EDGAR provisions into the final regulations is to enable applicants and grantees to understand better the criteria for discretionary grants under this program without having to refer to EDGAR.

A number of editorial changes have been made for purposes of style and

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clarity that do not affect the substance of the regulations.

Title V, Part A

Background

Part A of Title V of ESEA is a new authority that is intended to lessen previously burdensome and duplicative administration of Federal educational programs by the States. It provides for the consolidation, into a single account, of the separate administrative accounts for Title I and Title IV of ESEA. It provides, also, for the submission by the SEA of a single general application containing assurances that the two programs will be administered properly. This is nearly identical to the general application required under section 435 of the General Education Provisions Act (GEPA).

It requires a monitoring program, makes the SEA responsible for evaluation, and requires programs of technical assistance, complaint resolution, audit, and audit resolution. There will be an opportunity for wide public consultation in the development of State plans. This is also called for in section 435 of GEPA.

In addition, each LEA that wishes to participate in the title I and title IV programs shall submit to its SEA a general application containing assurances that the LEA will properly administer the two programs. (More programs are similarly covered by the nearly identical LEA general application under section 436 of GEPA.)

Title V–A authorizes an appropriation to fund the consolidated administration of titles I and IV.

Title V–A is not in effect if there is no specific appropriation for the program. If it is not in effect, each SEA will administer the title I and title IV programs separately with administrative funds coming from each program.

Summary of comments and responses

The following is a summary of the comments received on the notice for proposed rulemaking for part 120 and the Commissioner's responses to these comments. The comments appear in the order of the sections of the final regulations.

Comment. Three commenters suggested that the Commissioner require public hearings on State plans for the programs authorized by titles I and IV. This is authorized by section 502(b)(7)(C) of the Act and by section 435(b)(7)(C) of GEPA.

Response. No change has been made. Regulations to implement section 435 of GEPA are in the Education Division General Administrative Regulations (EDGAR), and the provisions there will govern titles I and IV.

§ 120.11 Publication of and comment on State plan.

(1) *Comment.* One commenter recommended that the regulations require an SEA to consult with major teacher organizations and representatives from higher education in the planning and operation of each program.

Response. No change has been made. This suggestion appears to go beyond the requirements in the statute. Section 501(b)(7) of ESEA and section 435(b)(7) of GEPA require "reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program, and other interested institutions, organizations, and individuals in the planning for and operation of each program [and consultation] with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of program plans." The statutes do not require the participation of any specific group or individual.

(2) *Comment.* One commenter asked whether the printing of announcements in many newspapers throughout a State would require costly printing serving little purpose and might exceed the law.

Response. No change has been made. The word "announcement" was carefully chosen instead of the word "notice." The word "notice" can have the connotation of a paid legal notice and could require the expenditure of funds by the SEA. On the other hand, the word "announcement" is intended to refer to any sort of published statement, including a press release. The intent is clearly to avoid a requirement of having to pay for publication. The Commissioner also believes that an announcement of the availability of the plan would meet the requirements of the statute and would be less costly than the printing and distribution of a plan document itself "throughout the State."

§ 120.21 Additional administrative funds.

(1) *Comment.* One commenter asked why the migrant education program was the only program mentioned in paragraph (c).

Response. No change is required. Paragraph (c) is intended to implement section 510(c)(1)(2) of ESEA. This particular paragraph of the statute refers only to the migrant education program.

(2) *Comment.* One commenter suggested that in paragraph (c) the word "the" before the words "additional administrative funds" be changed to "any" since the original wording seems to suggest that all of the additional administrative funds would be used for the migrant education program.

Response. The suggested change has been made.

§ 120.30 General application from a local educational agency.

Comment. One commenter suggested that an LEA's general application describe the involvement of teachers, parents, school board, and members of the community. The commenter also recommended that the general application describe the strategies for dissemination.

Response. No change has been made. The general application that an LEA submits to its SEA is a document of assurances. The statute does not require any narrative or descriptions.

§ 120.60 Accounting for administrative funds.

Comment. One commenter suggested that the word "shall" in paragraph (a) be changed to "may" so that the clause would read: "the SEA may treat its allocation from this appropriation as a single account."

Response. No change has been made. A review of the legislative history discloses that the Congress intended that funds appropriated under section 510 of ESEA be treated as a single account and that no discretion be given to the States in this respect.

§ 120.64 State action to withhold funds.

Comment. One commenter suggested that the SEA be able to designate one of its employees to serve as the impartial decision-maker if that employee has no direct interest in the case and no conflict of interest in serving as the decision-maker.

Response. A change has been made to permit an SEA employee who has no involvement in the case to serve as an impartial decision-maker.

Other changes in regulations.

A number of editorial changes have been made for purposes of style and clarity that do not affect the substance of the regulations.

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance Programs Number 13.486, Strengthening State Educational Agency Management; not assigned, Administration of Educational Programs)

Dated: February 5, 1980.

William L. Smith,

U.S. Commissioner of Education.

PART 119, Title 45 CFR is revised as follows:

PART 119—STRENGTHENING STATE EDUCATIONAL AGENCY MANAGEMENT

Subpart A—General

Sec.
119.1 Strengthening State educational agency management.
119.2 Eligible parties.
119.3 Regulations that apply to this program.
119.4 Definitions.

Subpart B—How a State Applies for a Grant

119.10 State plan.
119.11 Conditions the State must meet before submitting a plan—maintenance of effort.

Subpart C—How the Commissioner Makes a Grant to a State

119.20 Grants to State educational agencies.
119.21 Evaluation of application for discretionary grant.
119.22 Criteria for assistance.

Subpart D—Conditions That the State Must Meet

119.31 Providing resources for other agencies of State government.
119.32 Carry-over funds.
119.33 Evaluation by the State educational agency.

Subpart E—Compliance Procedures Used by the Office of Education

119.40 Waiver of maintenance of effort.
119.41 Procedures for waiver of maintenance of effort.
119.42 Effect of waiver of maintenance of effort.

Authority: Title V, Part B, Elementary and Secondary Education Act of 1965, as amended. 92 Stat. 2248–2249.

(20 U.S.C. 3161–3164)

Subpart A—General

§ 119.1 Strengthening State educational agency management.

This program provides Federal financial assistance to strengthen the educational leadership resources of State educational agencies (SEAs) and to assist SEAs in indentifying and meeting the critical educational needs of the States.

(20 U.S.C. 3161)

§ 119.2 Eligible parties.

(a) All SEAs are eligible for support under this program.

(b) With the concurrence of all the SEAs involved, one SEA may apply for a grant on behalf of itself and other SEAs.

(20 U.S.C. 3161)

§ 119.3 Regulations that apply to this program.

The following regulations apply to this program:

(a) The general regulations of the Department of Health, Education, and Welfare on Administration of Grants in part 74.

(b) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Programs) for projects funded with discretionary grants, or part 100b (State-Administered Programs) for all other grants.

(c) The regulations in this part.

(20 U.S.C 3161–3164)

§ 119.4 Definitions.

(a) As used in this part—

"Act" means the Elementary and Secondary Education Act of 1965, as amended (Pub. L. 89–10).

(20 U.S.C. 821)

"Preceding fiscal year" means the twelve-month fiscal period most commonly used in the State for official reporting purposes prior to the beginning of the Federal fiscal year for which funds are available.

"Second preceding fiscal year" means the second twelve-month fiscal period most commonly used in the State for official reporting purposes prior to the beginning of the Federal fiscal year for which funds are available.

(20 U.S.C. 3084(a)(7))

"Title V–B" means part B of title V of the Act.

(20 U.S.C. 3161–3164)

(b) The following terms used in this part are defined in the Act—

Commissioner.
Local educational agency (LEA).
State.
State educational agency.

(20 U.S.C. 861)

Subpart B—How a State Applies for a Grant

§ 119.10 State plan.

(a) An SEA shall describe in its State plan the activities planned for the purpose of strengthening the SEA under title V–B. This description shall include—

(1) The purposes for which the SEA plans to spend title V–B funds;

(2) The activities or groups of related activities the SEA plans to undertake to achieve these purposes;

(3) The ways in which these activities or groups of related activities will (i) strengthen the educational leadership resources of the SEA, or (ii) assist the SEA in identifying and meeting the critical educational needs of the State; and

(4) The estimated annual cost for each program year covered by the State plan for each activity or group of related activities.

(b) An SEA shall describe in its State plan how it will make available information and technical assistance to appropriate private school officials who desire to arrange for children in those schools to participate in Federal elementary and secondary education programs. The following steps are required:

(1) The SEA shall make available to appropriate private school officials the same publications and materials relating to those programs that the SEA provides to LEAs.

(2) The SEA shall invite appropriate officials of private schools to SEA-sponsored or conducted meetings of groups of LEAs at which those programs are to be discussed.

(3) An LEA that receives individual technical assistance from the SEA in planning projects shall invite appropriate officials of all interested private schools in its district to those technical assistance sessions that deal with those programs.

(4) An SEA shall make available appropriate technical assistance to appropriate officials of private schools upon the request of those officials. The SEA shall invite the LEAs in whose districts those private schools are located to these technical assistance sessions.

(5) An SEA is not required to make information and technical assistance available to officials of private schools that have indicated to the SEA that they do not desire to have their children participate in Federal educational programs.

(c)(1) An SEA shall describe in its State plan a comprehensive plan for the coordination of Federal and State funds for training educational personnel. This comprehensive plan need not have been developed solely for the purpose of complying with the requirements of either section 404(a)(12) (comprehensive plan for training) or section 522(2) (comprehensive plan for training) of the Act. An SEA may use its funds under title V–B or its administrative funds under section 404(a)(8) (administration of the title IV State plan) of the Act to develop its comprehensive plan if the development is an identified activity in the appropriate State plan.

(2) The Commissioner accepts a comprehensive plan that was developed prior to the effective date of the title V–B State plan so long as the comprehensive plan meets the

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requirements of section 404(a)(12) or section 522(2) of the Act.

(3) The Commissioner accepts a description of the planning that a State is undertaking to meet the specific requirements of section 404(a)(12) or section 522(2) of the Act if the SEA submits the comprehensive plan in final form as an amendment to the appropriate State plan by June 30, 1980.

(4) The comprehensive plan shall be developed with the involvement of teachers, professional associations, institutions of higher education, and other interested individuals and organizations including other affected public agencies.

(d)(1) The SEA shall submit its title V–B State plan in accordance with the instructions and schedules of the Commissioner.

(2) The SEA need not submit a State plan more often than once every three years.

(e) The SEA may submit amendments to its title V–B State plan so long as they conform to the requirements for amendments in part 100a or part 100b of this chapter, whichever is applicable.

(20 U.S.C. 3162 and 3084(a)(12))

§ 119.11 Conditions the State must meet before submitting a plan—maintenance of effort.

(a) To receive title V–B funds, a State shall have expended for programs described in section 521 (authorized activities for strengthening SEA management) of the Act during the preceding fiscal year an amount of non-Federal funds at least equal to the amount of non-Federal funds it expended for those purposes during the second preceding fiscal year.

(b)(1) If non-Federal expenditures for programs described in section 521 of the Act depend on a State appropriation that is not an annual appropriation, the State may average its expenditures over the number of fiscal years for which the appropriation was made.

(2) A State that chooses to average its expenditures in this way shall continue to use this method for computing maintenance of effort for each fiscal year for which the State appropriation was made.

(3) A State that does not average its expenditures shall attribute all expenditures to the fiscal year in which they were incurred.

(c)(1) The SEA shall collect and maintain data that verify the State's compliance with this section and with section 431A (maintenance of effort determination) of the General Education Provisions Act (GEPA).

(2) The State shall make these data available to the Commissioner on request.

(20 U.S.C. 3084 and 1232–1)

Subpart C—How the Commissioner Makes a Grant to a State

§ 119.20 Grants to State educational agencies.

(a) The Commissioner makes grants to applicant SEAs on the basis of the allotments described in section 404(a)(9) (annual funding for title V–B) or section 524(a) (allotments to States) of the Act.

(b) If funds are available to the Commissioner for discretionary grants under section 524(b) (discretionary grants to States) of the Act, each SEA is entitled to compete for grant awards from those funds.

(c)(1) To apply for a discretionary grant, an SEA shall submit an amendment to its title V–B State plan in accordance with instructions and schedules of the Commissioner.

(2) An SEA, in its State plan amendment, shall take into account the funding criteria in §119.22 of this part.

(20 U.S.C. 3164 and 3084(a)(9))

§ 119.21 Evaluation of application for discretionary grant.

(a) The Commissioner evaluates an application for a discretionary grant on the basis of the criteria in § 119.22.

(b) The Commissioner awards up to one hundred possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion. The value assigned to each criterion indicates the relative importance the Commissioner places on that criterion.

(20 U.S.C. 1221e–3(a)(1))

§ 119.22 Criteria for assistance.

The Commissioner reviews each application for information about each of the following criteria:

(a) Information that shows the quality of the plan of operation for the project—

(1) High quality in the design of the project;

(2) An effective plan of management that insures proper and efficient administration of the project;

(3) A clear description of how the objectives of the project relate to the purposes of the program;

(4) The way the applicant plans to use its resources and personnel to achieve each objective; and

(5) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly. (10 points)

(b)(1) Information that shows the quality of the key personnel the applicant plans to use on the project—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(1)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(2) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides. (8 points)

(c) Information that shows that the project has an adequate budget and is cost effective—

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) Information that shows the quality of the evaluation for the project—methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (See also § 119.33 Evaluation by the State educational agency) (8 points)

(e) Information that shows that the applicant plans to devote adequate resources to the project—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) Information that shows that the need for each activity or group of related activities is justified on the basis of how—

(1) The proposed activities will strengthen the educational leadership resources of the SEA; or

(2) The proposed activities will assist the SEA in identifying and meeting the critical educational needs of the State as described in section 521 (authorized activities for strengthening SEA management) of the Act. (20 points)

(g) Information that shows that the SEA is likely to achieve results and that these results will strengthen the SEA's management. (10 points)

(h) Information that shows the quality of the plan to disseminate information related to the program. (5 points)

(i) Information that shows that program activities are limited to elementary and secondary education program management. (6 points)

(j) Information that shows that program activities will supplement and not supplant activities supported with other Federal or State program and administrative funds. (10 points)

(k) Information that shows that program activities are included in the list of eligible activities in section 521 of the Act. (15 points)

(20 U.S.C. 3161, 3162)

Subpart D—Conditions That the State Must Meet

§ 119.31 Providing resources for other agencies of State government.

(a) An SEA shall describe, in its State plan, any planned provision of resources to other agencies or branches of State government under the title V–B program.

(b) Other agencies or branches of State government may use resources from the SEA so long as the activities supported by these resources are limited to the conduct of analyses of educational issues within the jurisdiction of the SEA.

(c) Only the SEA may approve the provision of resources to other agencies or branches of State government under this section.

(20 U.S.C. 3161(2))

§ 119.32 Carry-over funds.

(a) Under section 412(b) (availability of appropriations during a succeeding fiscal year) of GEPA, an SEA may carry over title V–B funds from one Year's grant award and obligate them during the next year.

(b)(1) An SEA may carry over funds made available under title IV–C of the Act for the purposes of section 431(a)(3) (strengthening SEAs and LEAs) of the Act as it was in effect September 30, 1978.

(2) The SEA may obligate these carry-over funds under the authority of section 521 (authorized activities for strengthening SEA management) of the Act and the title V–B State plan in effect during the carry-over period.

(20 U.S.C. 1225(b), 1831(a)(3), and 3161)

§ 119.33 Evaluation by the State educational agency.

The SEA receiving a discretionary grant shall evaluate at least annually:

(a) The SEA's progress in achieving the objectives set forth in its approved amendment to its State plan.

(b) The effectiveness of the project in meeting the purposes of the program.

(c) The effect of the project on persons being served by the project, including persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(20 U.S.C. 1221e–3(a)(1))

Subpart E—Compliance Procedures Used by the Office of Education

§ 119.40 Waiver of maintenance of effort.

(a) Because of exceptional and unforeseen circumstances affecting a State, the Commissioner may waive the maintenance of effort requirements of section 404(a)(7) of the Act and of § 119.11 of this part if it is equitable to do so. This waiver is effective for one fiscal year only and may not be repeated.

(b) Examples of exceptional and unforeseen circumstances include—

(1) An unforeseen, substantial reduction of the tax base due to—

(i) A disaster of natural or human origin, or

(ii) A governmental action;

(2) An unforeseen, substantial diversion of available revenue to other purposes outside the control of the SEA due to emergency circumstances such as those resulting from a disaster of natural or human origin;

(3) An unforeseen, substantial decrease in expenditures by a State due to energy shortages or other emergency circumstances; and

(4) A one-time State appropriation to meet an unexpectedly acute educational need.

(c) Examples of circumstances the Commissioner does not consider to be exceptional and unforeseen include—

(1) A deliberate, substantial reduction of available revenue due to an act of the State legislature or the electorate in other than emergency circumstances; and

(2) The failure of an SEA to maintain its fiscal efforts if it had the financial resources available to do this.

(d) In determining whether it is equitable to grant a waiver under paragraph (a) of this section, the Commissioner considers—

(1) The extent to which the circumstances claimed to be exceptional and unforeseen were of the SEA's own making;

(2) The extent to which the SEA attempted to maintain its fiscal effort for programs described in section 521 (authorized activities for strengthening SEA management) of the Act despite those circumstances; and

(3) Any other factors the Commissioner regards as relevant.

(20 U.S.C. 1232–1)

§ 119.41 Procedures for waiver of maintenance of effort.

The first time a State discovers it cannot comply with the assurance in its State plan to maintain effort, it shall—

(a) Promptly notify the Commissioner and request a waiver for the appropriate fiscal year; and

(b) Amend its State plan to reflect the request for a waiver.

(20 U.S.C. 1232–1)

§ 119.42 Effect of waiver of maintenance of effort.

(a) If the Commissioner grants a waiver of maintenance of effort under § 119.40, the Commissioner reduces the total amount a State may receive for that fiscal year by the exact proportion its expenditures for the preceding fiscal year fell short of its expenditures for the second preceding fiscal year.

(b) The Commissioner bases subsequent determinations of whether the State has maintained effort on the expenditures the Act would have required the State to have made had the Commissioner not granted a waiver.

(20 U.S.C. 1232–1)

Part 120 is added to Title 45 CFR as follows:

PART 120—ADMINISTRATION OF EDUCATION PROGRAMS AND DUTIES OF THE STATE EDUCATIONAL AGENCY

Subpart A—General

Sec.

120.1 Administration of education programs and duties of the State educational agency.
120.2 Eligible parties.
120.3 Regulations that apply to this program.
120.4 Definitions.

Subpart B—How a State Applies for a Grant

120.10 General application.
120.11 Publication of and comment on State plan.

Subpart C—How a Grant is Made to a State

120.20 Application for administrative funds.
120.21 Additional administrative funds.

Subpart D—General Application From a Local Educational Agency

120.30 General application from a local educational agency.

Subparts E and F [Reserved]

Subpart G—Administrative Responsibilities of the State

120.60 Accounting for administrative funds.
120.61 Monitoring and enforcement.
120.62 Evaluation.
120.63 Resolution of audit findings and recommendations.
120.64 State action to withhold funds.
120.65 Carry-over funds.

Authority: Title V, Part A, Elementary and Secondary Education Act of 1965, as amended, 92 Stat. 2240–2248 (20 U.S.C. 3141–3150).

Subpart A—General

§ 120.1 Administration of education programs and duties of the State educational agency.

(a) This program provides for the consolidated administration by the State educational agency (SEA) of the title I (financial assistance to meet special educational needs of children) and the title IV (educational improvement, resources, and support) programs.

(b) The Act describes the means of receiving Federal financial support and the regulatory responsibilities and administrative duties of SEAs and local educational agencies (LEAs).

(20 U.S.C. 3141–3150)

§ 120.2 Eligible parties.

All SEAs that administer the title I and title IV programs are eligible for support under this program.

(20 U.S.C. 3141–3150)

§ 120.3 Regulations that apply to this program.

The following regulations apply to this program:

(a) The general regulations of the Department of Health, Education, and Welfare on Administration of Grants in part 74.

(b) The regulations in this part.

(20 U.S.C. 3141–3150)

§ 120.4 Definitions.

(a) As used in the part—

"Act" means the Elementary and Secondary Education Act of 1965, as amended (Pub. L. 89–10).

"Title I" means title I of the Act.

"Title IV" means title IV of the Act.

(b) The following terms used in this part are defined in the Act:

Commissioner.
Local educational agency.
State.
State educational agency.

(20 U.S.C. 3141–3150, 881)

Subpart B—How A State Applies for a Grant

§ 120.10 General application.

(a) An SEA may submit its general application under the authority of either—

(1) Section 501 (single State application) of the Act; or

(2) Section 435 (single State application) of the General Education Provisions Act (GEPA).

(b) If an SEA submits its general application under section 435 of GEPA, that general application must specifically identify titles I and IV as covered programs for the general application to be acceptable by the Commissioner under paragraph (a) of this section.

(c) An SEA shall submit its general application in a form designed or approved by the Commissioner.

(20 U.S.C. 3141, 1232d)

§ 120.11 Publication of and comment on State plan.

(a)(1) An SEA shall publish and circulate throughout the State the title I migrant education annual program plan and the title IV State plan at least 60 days before submitting the plan to the Commissioner or before the effective date of the plan, whichever occurs earlier.

(2) The SEA shall indicate the date of publication on the State plan or annual program plan.

(b) Publication consists of at least paragraphs (b)(1) and (2) or of (3) of this section:

(1) The SEA shall send a copy of the plan to each LEA or each intermediate district or each county superintendent in the State.

(2) The SEA shall arrange for the printing of an announcement, in as many newspapers as will ensure circulation throughout the State, indicating that the plan is available for review in the office of the SEA and in the offices that received copies under paragraph (b)(1) of this section.

(3) The SEA may ask for the Commissioner's approval to use other means that will accomplish effectively the purposes of this section.

(c)(1) In the publication or announcement the SEA shall identify a comment period of at least 30 days, within the 60-day period, for the receipt of comments.

(2) The SEA shall consider all written or oral comments received before the end of the comment period.

(20 U.S.C. 3141(b)(7)(B))

Subpart C—How A Grant Is Made to a State

§ 120.20 Application for administrative funds.

An SEA shall submit its application for administrative funds in accordance with the instructions and schedules of the Commissioner.

(20 U.S.C. 3150)

§ 120.21 Additional administrative funds.

(a) Section 510(c) (payment of additional amounts) of the Act authorizes an additional 25 percent of the 1.75 percent amount authorized for administration of titles I and IV. To qualify, an SEA shall submit a budget for this additional amount at the time it submits its application for administrative funds under § 120.20 of this part.

(b) The SEA shall show in its budget that the additional funds will be spend for monitoring, audit resolution, or similar activities directly and exclusively related to enforcement of the requirements of titles I, IV, and V–A of the Act.

(c) If the State participates in the migrant education program under section 141 (entitlement and amount of grants for programs for migrant children) of the Act, the SEA shall describe in its annual program plan its intended use of any additional administrative funds for the administration of the migrant education program.

(20 U.S.C. 3150 and 2761)

Subpart D—General Application From a Local Educational Agency

§ 120.30 General application from a local educational agency.

An LEA that submits a general application to its SEA to comply with the provisions of section 436 (single LEA application) of GEPA shall also be considered to have met the requirements of section 502 (single LEA application) of the Act if—

(a) The general application under section 436 of GEPA specifically identifies titles I and IV as covered programs; and

(b) The assurance in section 502(b)(7)(C) of the Act—referring to the inclusion of works of art in construction projects—is also included in the general application under section 436 of GEPA, to the extent that this assurance applies to titles I and IV.

(20 U.S.C. 3142 and 1232e)

Subparts E and F [Reserved]

Subpart G—Administrative Responsibilities of the State

§ 120.60 Accounting for administrative funds.

(a) If the Congress appropriates, under section 510(b) (appropriation authorization for title V–A) of the Act, a single fund for the purpose of administering the title I and title IV programs in a State, an SEA shall treat its allocation from this appropriation as a single account.

(b) If the Congress fails to appropriate administrative funds under section 510(b) of the Act, the SEA may not commingle—

(1) Funds under section 194 (State administrative funds for title I) of the Act used to administer the title I program in its State; and

(2) Funds under section 404(a)(8) (State administrative funds for title IV) of the Act used to administer the title IV program in its State.

(c)(1) The SEA shall use its section 194 funds solely for the administration of title I.

(2) The SEA shall use its section 404(a)(8) funds solely for the administration of title IV.

(3) The SEA shall account separately for the funds in (c)(1) and the funds in (c)(2) of this section.

(20 U.S.C. 3150, 2844, and 3084(a)(8))

§ 120.61 Monitoring and enforcement.

(a) An SEA shall follow the rules and procedures found in subart G, Administrative Responsibilities of the SEA and Applicant Agencies, of part 116, Financial Assistance to Local and State Agencies to Meet Special Educational Needs, of this chapter in its monitoring of title I projects and enforcing the requirements of title I.

(b) An SEA shall follow the rules and procedures found in subpart G, Administrative Responsibilities of the State and its Subgrantees, of part 134, Educational Improvement, Resources, and Support, of this chapter in its monitoring of title IV projects and enforcing the requirements of title IV.

(20 U.S.C. 3146)

§ 120.62 Evaluation.

(a) To meet its responsibilities under section 501(b)(4) (evaluation of programs) of the Act to evaluate the effectiveness of the title I and title IV programs, an SEA shall design a program for evaluation of the management and impact of local projects.

(b) the evaluation designs for title I, title I migrant education, and title IV may differ from each other.

(20 U.S.C. 3141(b)(4))

§ 120.63 Resolution of audit findings and recommendations.

If an SEA administers the title I and title IV programs under the authority of title V–A of the Act, the SEA shall apply the following minimum standards for the resolution of audit findings and recommendations:

(a) The SEA shall insure that, no later than 30 days after the completion of an audit, it will send the final audit determination to—

(1) The affected LEA;

(2) The LEA's title I district advisory council if the audited project is a title I project; and

(3) The Commissioner.

(b) After an affected LEA and its district advisory council have received the final audit determination, the SEA shall allow that LEA and its district advisory council 60 days to appeal that determination.

(c) Within 60 days after receiving an appeal, the SEA—or other individual or agency authorized by law to conduct hearings—shall conduct a hearing on that appeal.

(d) Within 60 days following the hearing on the appeal, the SEA—or other authorized individual or agency—shall issue a final decision.

(e) The LEA may appeal the final decision in accordance with section 509(d) (appeal of a final determination) of the Act.

(f) The SEA shall monitor the affected LEA to assure that the LEA carries out all corrective actions recommended in the final audit determination.

(g) The SEA shall assure the recovery of misspent or misapplied funds, either in a single payment or under the terms of a written agreement establishing repayments in specified installments over a period of no more than three years.

(20 U.S.C. 3149)

§ 120.64 State action to withhold funds.

(a)(1) If a State holds a hearing under section 508 of the Act—which deals with the potential withholding of payments under a title I or a title IV subgrant—an impartial decisionmaker shall conduct that hearing.

(2)(i) An impartial decisionmaker is an individual who is not an employee of the SEA or LEA involved in the hearing or a contractor of either agency.

(ii) However, an impartial decisionmaker may be a contractor hired specifically for the purpose of conducting hearings or an SEA employee who has no involvement in the case.

(b)(1) Following the hearing, the impartial decisionmaker shall recommend to the SEA findings of fact and conclusions of law.

(2) The SEA shall accept the impartial decisionmaker's findings of fact if those findings are supported by substantial evidence.

(c) If the definition of an impartial decisionmaker in paragraph (a) of this section is in conflict with State law or State practice, the SEA shall ask the Commissioner to approve an individual or class of individuals to conduct the hearings.

(20 U.S.C. 3148)

§ 120.65 Carry-over funds.

(a) With respect to the carrying over of funds under section 412(b) of GEPA (availability of appropriations during a succeeding fiscal year)—

(1) The Commissioner considers the program of administering title I to be a single program, whether funds are available under section 194 of the Act (State administrative funds for title I) or section 510(b) of the Act (appropriation authorization for title V–A);

(2) The Commissioner considers the program of administering title IV to be a single program, whether funds are available under section 404(a)(8) of the Act (State administrative funds for title IV) or section 510(b) of the Act; and

(b) An SEA may spend carry-over administrative funds under the authority of whatever title of the Act or whatever State plan or application is in effect during the carry-over period.

(20 U.S.C. 1255(b), 2844, 3084(a)(8), and 3150(b))

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April 3, 1980

Part VIII

Department of Health, Education, and Welfare

Office of Education

Gifted and Talented Children's Education Program

V 45 / 66 AP 3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 160b, 195, 195a, 195b

Gifted and Talented Children's Education Program

AGENCY: Office of Education, HEW.

ACTION: Final rule.

SUMMARY: These regulations govern Federal financial assistance under the Gifted and Talented Children's Education Act of 1978. The program assists State and local education agencies, institutions of higher education, and other public and private non-profit agencies to plan, develop, operate, and improve programs designed to meet the special educational needs of gifted and talented children.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Harold C. Lyon, Jr., Director, Office of Gifted and Talented, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–2482.

SUPPLEMENTARY INFORMATION: The purposes of the Gifted and Talented Children's Education Program are—(a) To provide assistance to meet the special educational needs of the Nation's gifted and talented children; and

(b) To enable these children to fulfill their potential both as individuals and as resources to the Nation.

The Gifted and Talented Children's Education Program provides financial assistance to State and local educational agencies, institutions of higher education and other public and private agencies and organizations to help plan, develop, operate, demonstrate, and improve programs designed to meet the special educational needs of gifted and talented children.

A similar program was originally authorized under section 404 of Pub. L. 93–380, the Special Projects Act. It has been restructured as part A, title IX of the Elementary and Secondary Education Act (ESEA), by the Education Amendments of 1978 (Pub. L. 95–561).

The reauthorization restructures the previous statute by reserving 25 percent of available funds to the Commissioner for discretionary program. The remaining funds are awarded to State educational agencies (SEAs) for grants to local educational agencies (LEAs).

These regulations contain provisions governing Federal financial assistance for:

(a) A State-administered grant program; and

(b) A discretionary grant program for:

(1) Statewide activities projects;

(2) Educational service projects and model projects; and

(3) Professional development;

The regulations give the Commissioner the authority to select in any given year certain activities for funding from among the list of allowable activities in the discretionary grant program.

These regulations do not contain in detail certain types of requirements. These requirements are covered comprehensively in Education Division's General Administrative Regulations (EDGAR), which replace the General Provisions Regulations for Office of Education Programs. Although these regulations contain most of the information that applicants need to know to apply, the following items applicable to this program will now be among those also covered generally in EDGAR:

(a) For the State-administered program (45 CFR 100b):

How a State applies for a grant; how a grant is made to a State; how to apply to the State for a subgrant; how a subgrant is made to an applicant; certain conditions that must be met by the State and its subgrantees; administrative responsibilities of the State and its subgrantees; and compliance procedures used by the Commissioner of Education.

(b) For the discretionary grant program (45 CFR 100a):

How to apply for a grant;
How grants are made;
Certain conditions that must be met by a grantee;
The administrative responsibilities of a grantee; and
The procedures the Office of Education uses to get compliance.

Part 160b has been deleted and the provision of that part will now appear in the following new CFR parts: 195, 195a, and 195b.

Comments on the Proposed Regulations

The public was given sixty days in which to submit comments regarding the proposed regulation. Approximately 50 letters were received containing approximately 40 separate comments not counting duplicate or similar comments submitted by more than one individual. In addition to the written comments, oral comments were received from approximately 30 participants at public meetings in the 10 Federal regions across the country. All of the substantive comments on the regulation have been carefully reviewed by the Commissioner and are responded to in this preamble. Summaries of the comments are set forth below on a section by section basis, together with responses explaining any changes that have been made in the final regulation, or indicating why no changes are appropriate.

Summary of Comments and Responses

The following comments were submitted to the Office of Education regarding the proposed regulation. After the summary of each comment, a response is set forth indicating changes which have been made in the regulation or the reasons why no change is necessary. The comments are arranged in the order of sections of the final regulations.

Subpart A—General

§ 195.2 What is the State administered gifted and talented children's education program?

Comment. One commenter expressed the need for further clarification of the extent to which in-service training may be carried out by SEAs and LEAs funded under the State-administered program.

Response. A change has been made. The relationship of in-service training projects under the State-administered program has been clarified. In-service traning is an activity that may be conducted by the local educational agencies as a component of their projects funded by the SEAs to meet the educational needs of gifted children. An SEA may use up to ten percent of its grant award under the State administrative program for statewide planning and coordination, administration, technical assistance, and in-service training designed to meet the needs of gifted and talented children.

§ 195.2(b)(1)

Comment. A number of commenters believed that the intent of Pub. L. 95–561, Title IX, Part A, Section 904, the State-Administered Program, is to distribute 75 percent of the appropriation on an equal basis, to all of the State that submit an approvable application. These commenters questioned the authority of the Commissioner to distribute, on a competitive basis, those funds remaining after the $50,000 minimum-grant awards are made.

Response. No change has been made. The legislative intent for the competitive portion of the State-Administered Program is clearly stated in H. Rpt. 95–1753, p. 282—"The Commissioner may vary the size of a States' grant, based upon the merits of its application. All States which file a completed application which fully meet the requirements of statute and which is approved by the Commissioner shall receive a minimum grant of $50,000, subject to ratable reduction based on appropriations."

§ 195.2(b)(3)

Comment. Several commenters suggested that the regulations should state that SEAs "shall" provide technical assistance to LEAs, rather than "may" provide technical assistance to LEAs. Some commenters requested clarification as to which LEAs are entitled to technical assistance from SEAs, as well as what kind of technical assistance will be provided.

Response. A change has been made. The regulations state that SEAs shall provide technical assistance to LEAs which are unable to compete due to smaller size or lack of financial resources in preparing proposals and in planning, developing, and operating programs.

§ 195.5 Who is eligible for funds under the discretionary grant program?

§ 195.5(b) Comment. A few commenters felt that LEAs are placed at a disadvantage by being required to complete with SEAs, institutions of higher education, and other public and private organizations for all discretionary grant projects other than statewide planning grants. These commenters felt that LEAs do not typically possess resources commensurate with those of other eligible parties.

Response. No change has been made. The Act does not authorize the Commissioner to limit grant competition to one group of eligible applicants, with the exception of statewide activity grants. For other discretionary grants activities, all eligible parties may apply.

§ 195.6 Definitions in EDGAR.

Comment. One commenter stated that the proposed regulations do not contain any reference to regional or intermediate educational units.

Response. No change has been made. The section to which the comment refers lists definitions that are contained in EDGAR Part 100c. The definition of Local Educational Agency (LEA) which is included in EDGAR, and is further adopted in these regulations, includes regional or intermediate educational units.

§ 195.7 What definitions apply to this program?

(1) "Disadvantaged children from low-income families." One commenter expressed concern that the definition of disadvantaged children as children in schools designated as being in a Title I, ESEA attendance area would not ensure the true participation of disadvantaged children from low-income families, in that many children in Title I, ESEA attendance areas are not necessarily disadvantaged. The commenter believed that this definition would penalize secondary students since the majority of schools in ESEA Title I attendance areas are elementary.

Response. A change has been made. To avoid placing an undue burden on the SEAs, the Commissioner provides the option of using the low-income criteria in Title I, ESEA or using any equitable alternate low-income definition that the SEA promulgates or employs.

(2) "Gifted and talented child." One commenter recommended that the proposed definition for gifted and talented child be revised to read—"an individual who has been identified at the pre-school, elementary, or secondary school level" rather than "an individual in preschool, elementary, or secondary school." In this way, gifted and talented children who may not presently be enrolled in a program, such as children who are of preschool age or high school dropouts, would be eligible to participate. The commenter also recommended changing the phrase "leadership activities," to "leadership abilities," which more closely reflects the statutory meaning. The commenter, in order to provide a clearer meaning, recommended changing the phrase "specialized education or services to develop these special skills" to "special education services as provided through a differentiated curriculum and/or methodology beyond those being provided in regular school systems to children not requiring special education to develop these skills."

Response. Some changes have been made. The proposed definition for gifted and talented child is revised to read: "an individual who has been identified at the preschool, elementary or secondary school level." In addition, the term "leadership abilities" has been substituted for "leadership activities." The recommendation dealing with specialized or differentiated services has been addressed in the paragraph which follows.

(3) "Differentiated education or services." One commenter recommended adding to this regulation the definition of the term "differentiated education or services" used in the regulations governing the gifted and talented special projects under Pub. L. 93–380.

Response. A change has been made. Because the term "differentiated" is accepted as a term of art for educators of the gifted and talented it has been added to the definition of "specialized education or services." The new term "specialized or differentiated educational services" combines elements of both terms. The new term means "instruction or other services designed to—

"(a) Meet the special educational and related needs of each gifted and talented child.

"(b) Provide curriculum which incorporates appropriate high level cognitive and affective content which exceeds instruction or services regularly provided to the average student and enhances the unique learning abilities of each gifted and talented child."

(4) Adding the term "psychomotor."

Comment. A number of commenters have expressed concern that "psychomotor" is omitted from the definition of gifted and talented.

Response. No change has been made. The definition of a "gifted and talented" child is based upon the definition set forth in the statute. The statutory definition does not include the "psychomotor" category.

(5) "Preschool."

Comment. One commenter has recommended that the proposed definition for "preschool" be replaced by the definition of preschool found in the Definitions section of the General Provisions for the Office of Education Programs. The definition of "preschool" in the NPRM for the Gifted and Talented Children's Program means "any educational level prior to the elementary level at which educational services are required to be provided by an LEA under State law", thus suggesting that preschool constitutes only those educational services that are required to be provided prior to the elementary level by an LEA under State law.

Response. A change has been made. The definition is amended to coincide with the definition in EDGAR (45 CFR 100c.1). "Preschool" is thus redefined to mean "the educational level from a child's birth to the time at which the State provides elementary education."

§ 195.8 What characteristics must a project involving children have?

§ 195.8(a). Comment. Several commenters expressed confusion over whether a project could deny a child participation if the child failed to pass one of the identification methods used by the project. Other commenters were uncertain over the minimum number of methods for identification and assessment a project must use. A few other commenters did not understand how many such methods a student must pass in projects using multiple methods.

Response. No change is necessary. However, to clarify this provision, all projects must use no fewer than two methods of identification or selection. If a child fails to pass only one method but meets the other method(s), that child may not be denied participation in the project. The purpose of this provision is to ensure that students are not "screened out" by not attaining a certain level on only one test (e.g., an I.Q. test). There is no minimum number of identification/assessment methods a student must meet to be eligible to participate in a project.

Comment. On commenter has recommended that Individual Educational Plans (IEPs) be required.

Response. No change has been made. Requiring written IEPs for participating students is not required in the Act and, therefore, is not included in the regulations. The individual needs of gifted and talented children must be met.

§ 195.8(b). Comment. One commenter has recommended that undergraduate professional development be supported.

Response. The professional development activities authorized by the Act focus on training of personnel engaged in the education of gifted and talented children.

Teachers and supervisors engaged in educating gifted and talented children are typically beyond the undergraduate level. As a result preservice undergraduate training is not assisted.

Subpart B—How Does a State Obtain a Grant?

§ 195a.10 What documents must an SEA file with the Commissioner?

§ 195a.10(b). Comment. Many commenters were confused about the State application requirements and asked if a separate, second application for the competitive portion of the State-administered program is required. Commenters believed that a separate second application was burdensome.

Response. A change for clarity has been made. The final regulations more clearly state that only a single application with a designated section for the competitive portion of the State-administered program is required.

§ 195a.11 What must the State application contain?

Comment. Several commenters requested clarification of the requirement that projects include a component for identifying and serving disadvantaged gifted and talented children from low-income families.

Response. No change is made. A component is an element of a gifted and talented LEA project that is specially directed toward the identification of low-income, disadvantaged gifted and talented children and provides services to meet their special educational needs.

§ 195.12 May an applicant apply for a project lasting more than one year?

Comment. Some commenters asked if grants awarded to States under the State-Administered program will be awarded for more than one year.

Response. A change for clarity has been made. The $50,000 minimum-grant award under the State-Administered Program will be awarded each year for a three-year period. Grants to States awarded under the competitive portion of the State-Administered Program will be awarded on a yearly basis and the amount of the annual competitive grant may change each year. For both awards, the budget period will be 12 months.

§ 195a.21 What evaluation criteria does the Commissioner use to review applications for competitive State grants?

Comment. Many commenters have requested clarification of the term "comprehensive approach" which is a criterion in evaluating the competitive portion of an application under the State-administered program.

Response. A change has been made. "Comprehensive approach" refers to the SEA's criteria for identifying and meeting the special educational and related needs of gifted and talented children as set out in the State application for distributing funds to LEAs. The State application describes the method.

Comment. A few commenters requested that the points awarded for technical assistance be reduced.

Response. No change has been made. The Commissioner considers technical assistance an important SEA responsibility. The technical assistance provided by the SEA partially reflects a State's commitment to improve the quality of gifted and talented education in the State. In addition, SEAs must provide technical assistance to LEAs which are unable to compete due to smaller size or lack of financial resources. This criterion will continue to be worth 20 points.

Comment. Some commenters thought that the coordination criterion was so important that the number of points assigned to it should be increased.

Response. No change has been made. The Commissioner believes that coordination is an important criterion and is properly weighted.

§ 195a.31 May the SEA award a subgrant to an LEA for more than one year?

Comment. One commenter asked the reason for the requirement placing a limit on the duration of subgrants, when there is no such authority in the statute.

Response. No change has been made. Section 907(c) of the Act requires that no financial assistance may be made to an LEA for a period in excess of five years.

Subpart F—What Conditions Must Be Met by the State and its Subgrantees?

§ 195a.40 Are there restrictions on the types of costs a grant may support?

Comment. One commenter objected to the language in subsection (b) suggesting that an LEA must obtain direct written authorization from the Commissioner and the SEA to use funds for such purposes as professional travel or conference attendance.

Response. A change has been made. This subsection has been deleted. Funds to be used for such purposes must be itemized in the approved project budget.

§ 195a.41 Must a State and local educational agency provide an opportunity for private school students to participate?

Comment. Commenters have requested that greater restrictions be placed on private school participation.

Response. No change has been made. The regulations are in accord with the provision governing private school participation, Section 406, of the Elementary and Secondary Education Act, which requires that LEAs provide for the equitable participation of gifted and talented students enrolled in private nonprofit elementary and secondary schools in the areas served by the project.

Discretionary Program

Subpart B—What kinds of Projects Does the Office of Education Assist?

§ 195b.10 Does the Commissioner establish priorities?

Comment. Some commenters have recommended that this subpart and

section be rewritten to reflect all of the activities authorized in the law, including model projects, research activities, and the establishment of a clearinghouse.

Response. Changes have been made. Subpart B has been amended to reflect some of these comments. Statewide activities projects may include inservice training, statewide planning, and operating projects to serve gifted and talented children. The category of professional development activity has been enlarged to include activities listed separately in the proposed rules as "professional development, inservice training, and leadership training." Research and clearinghouse activities will be funded by contract based on a request for proposal published in the Commerce Business Daily. These activities are not covered under these regulations.

Comment. A few commenters stated that the rules do not make clear which program options the Commissioner will designate as programmatic priorities. Some of these commenters suggested that an advisory council be formed to assist the Commissioner in making such decisions.

Response. No change has been made. In keeping with HEW practice the rules indicate that the Commissioner will announce the specific activities for which funding is available by publishing a notice in the Federal Register. Interested parties may contact the Office of Gifted and Talented and have their names placed on the official mailing list so that these announcements will be sent to them at the appropriate time.

In addition, there is an administrative policy which limits the creation of new advisory councils. The Office of Gifted and Talented provides opportunities for recommendations and general comments on programmatic options, funding, and activities through direct communication with professional organizations and consumers.

§ 195b.11 On what types of activities may a statewide planning project focus?

Comment. One commenter has recommended that, to conform with legislative intent, this section should be limited to participation by States that have, in the past, assumed only a limited effort in the education of gifted and talented children. These are States that may have difficulty in participating under the basic grant program without additional assistance. The same commenter suggested that § 195.11 (b), (c), and (d) be deleted. This commenter suggested that the following provisions be added to § 195.11:

(a) The development of a comprehensive, statewide approach to meet the needs of gifted and talented students;

(b) The provision by a State educational agency of developmental and technical assistance (through regional area service centers or other mechanism) to assist specific local educational agencies in carrying out programs or projects to meet the special educational needs of the gifted and talented;

(c) Surveys and assessments to meet those special education needs which currently exist in local educational agencies in the State;

(d) Determination of the need for particular programs and projects to meet those needs as a result of the surveys and assessments;

(e) Development of a comprehensive plan for serving the gifted and talented in local educational agencies in the State;

(f) Provision for State Coordinator(s) or other official(s) with responsibility for development, improvement, coordination and delivery of other State services with respect to programs for the gifted and talented in local educational agencies; and

(g) The development and implementation of an in-service training program for the purpose of start-up activities for local educational personnel in the administration of appropriate and comprehensive methods for the identification and education of gifted and talented children.

Response. There is no statutory mandate to limit consideration to States that have in the past assumed only a limited effort. However, since this is a discretionary program, the Commissioner may establish such program emphasis as deemed appropriate from year to year.

Section 195b.11 has been amended to include provisions for the following activities:

(1) surveys and assessments to meet those special education needs which currently exist in local educational agencies in the State;

(2) determination of the need for particular programs and projects to meet those needs as a result of the surveys and assessments;

(3) provisions for a State coordinator(s) or other official(s) with responsibility for development, improvement, coordination, and delivery of other State services with respect to programs for the gifted and talented in local educational agencies; and

(4) the development and implementation of an in-service training program for the purpose of start-up activities for local educational personnel in the administration of appropriate and comprehensive methods for the identification and education of gifted and talented children.

The provision of technical assistance and developmental assistance by State educational agencies is already included in § 195b.11(d). The development of a comprehensive plan for serving the gifted and talented in local educational agencies is addressed under § 195b.11(a).

§ 195b.12 On what types of activities may an educational service or model project focus?

§ 195.12(b)(5). Comment. A few commenters stated that outside school personnel and organizations should not displace school personnel and should be used only when qualified school personnel are not available.

Response. No change has been made. The involvement of persons and organizations outside the school is meant to complement and supplement the activities of school personnel. Such involvement should allow for the services of community resources to be used to meet the educational needs of gifted and talented children.

Comment. One commenter recommended that the phrase "educational service projects" be replaced with "model projects." Additionally, the commenter recommended that subsection (a) be rewritten to read: "Model projects" shall involve a program of activities which—

(1) Provide for innovative, demonstrative, or model approaches to educating gifted and talented students; and

(2) Are targeted toward special populations of the gifted and talented (such as bilingual, early childhood, handicapped, educationally disadvantaged, migratory, rural, native American or culturally different).

Response. Changes have been made. Model project activities are more clearly identified as a part of the category of activities under education service or model projects. The section for educational service and model projects is amended to include the following provisions: Model projects may involve a program of activities which—

(1) provide innovative, demonstrative, or model approaches to educating gifted and talented students;

(2) are targeted toward special populations of the gifted and talented (such as bilingual, early childhood, handicapped, educationally disadvantaged, migratory, rural, native American or culturally different); or

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(3) focus on a particular type of educational service.

§ 195b.13 On what types of activities may a professional development project focus?

Comment. A few commenters stated that private agencies should not be used to provide internships or work experiences.

Response. No change has been made. There is no statutory restriction on the use of private agencies for the provision of internships or work experiences.

§ 195b.13 (§ 195b.54) On what types of activities may an in-service or national leadership training project focus?

Note.—This section has been merged with § 195b.13—Professional Development.

Comment. Some commenters were confused about the difference between professional development and in-service training. One commenter recommended that this section address national leadership training as a separate entity. The commenter recommends the inclusion of internship activities in local, State or Federal agencies or institutions of higher education as an activity under this section. Additionally, the commenter recommends that these projects be focused on providing unique opportunities for training based upon intensive learning opportunities aimed at developing a cadre of future leaders in the education of the gifted and talented, rather than introductory workshops or conferences for a variety of educational and/or non-educational groups.

Response. A change has been made. In-service training and leadership training are two kinds of professional development activities. Other such activities are graduate level instruction leading to a degree in the education of the gifted and talented, short-term courses and instruction, seminars and other high-level opportunities, internships, and work-training experiences.

The final regulations combine all of these activities under the category of "professional development" to reflect the common relationship among the activities.

§ 195b.30 (§ 195.71) How does the Commissioner evaluate an application?

Note.—This section was formerly titled *What criteria are used to evaluate applications for other discretionary projects?*

Comment. One commenter has questioned the need for two scales to evaluate applications for grants other than Statewide planning projects under the discretionary program.

Response. No change has been made. State-wide activities projects have a different focus from other discretionary activities. As a result, the Commissioner believes that different criteria are appropriate.

§ 195b.50 Are there restrictions on the types of costs a grantee may support?

Comment. A number of commenters stated that the restriction on the use of funds for stipends, substitutes, release time, transportation, or meals for participants in in-service training activities would prove to be a disincentive for LEAs and SEAs to sponsor in-service training programs and for teachers to participate in such programs.

Response. A change has been made. Based on previous experience with funded projects, the Commissioner does not generally allow the use of grant funds to cover certain costs related to in-service training conducted under a program with an appropriation of less than $10 million. This experience has shown that those in-service training activities for which participants are directly reimbursed use a disproportionate share of the funds of such Federal programs. However, there are costs which are necessary in order to free the participants to take part in in-service training activities and, as such, are reasonable costs to be supported with grant funds. Examples of such reasonable costs are substitutes and release time. The final regulations eliminate the restrictions on substitutes and release time.

Section 908 of the Act: Federal Share

Comment. A number of commenters requested clarification of the 10 percent matching funds.

Response. The 10 percent non-federal match may be in cash or in kind fairly evaluated and must be contributed by all grantees with respect to all projects governed by these regulations except projects involving the participation of students in non-profit private elementary or secondary schools.

Citation of legal authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: March 13, 1980.

(Catalog of Federal Domestic Assistance Number 13.562, Gifted and Talented Children's Education Program)

William L. Smith,

Commissioner of Education.

45 CFR is amended by deleting Part 160b and by adding the following Parts:

1. A new Part 195 is added as follows.

PART 195—GIFTED AND TALENTED CHILDREN'S EDUCATION PROGRAM: GENERAL

Subpart A–General

Sec.

195.1 What is the Gifted and Talented Children's Education Program?
195.2 What is the State-administered Program?
195.3 Who is eligible for funds under the State-administered program?
195.4 What is the discretionary grant program?
195.5 Who is eligible for funds under the discretionary grant program?
195.6 What regulations apply to the Gifted and Talented Children's Education Program?
195.7 What definitions apply to this program?
195.8 What characteristics must a project involving children have?
195.9 Must a State or local educational agency provide an opportunity for private school students to participate?

Authority: These regulations are issued under the authority contained in Part A of Title IX of the Elementary and Secondary Education Act as amended by Pub. L. 95–561, 92 Stat. 229

(20 U.S.C. 3311–3318)

Subpart A—General

§ 195.1 What is the Gifted and Talented Children's Education Program?

(a) The Gifted and Talented Children's Education Program provides financial assistance through—

(1) A State-administered program; and

(2) Discretionary grants and contracts awarded by the Commissioner of Education.

(b) The program is designed to—

(1) Meet the special educational needs of the Nation's gifted and talented children; and

(2) Enable these children to fulfill their potential both as individuals and as a resource to the Nation.

(20 U.S.C. 3311–3318)

§ 195.2 What is the State-administered program?

(a) The Commissioner provides financial assistance to State educational agencies (SEAs) to plan, develop, operate, and improve programs to meet the needs of gifted and talented children at the preschool, elementary, and secondary levels.

(20 U.S.C. 3314)

(b) SEAs shall use at least 90 percent of the funds awarded under the State-administered program to make competitive awards to local educational agencies (LEAs) for projects that meet the educational needs of gifted and talented children. Such projects may include components for in-service training.

(20 U.S.C. 3314(c)(2)(B))

(c) From the remaining 10 percent the SEAs—

(1) Shall provide technical assistance to LEAs—which are unable to compete due to smaller size or lack of financial resources—in preparing proposals and in planning, developing, and operating programs under this section; or

(2) May provide Statewide planning and coordination, administration, or in-service training designed to meet the special educational needs of gifted and talented children.

(20 U.S.C. 3314(c)(2)(A))

§ 195.3 Who is eligible for funds under the State-administered program?

The following are eligible:

(a)(i) SEAs if the appropriation in any year is under $15,000,000.

(ii) For purposes of this subparagraph SEAs include the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(20 U.S.C. 3314)

(b) If the appropriation in any year exceeds $15,000,000, SEAs, (defined as the several States, the District of Columbia and the Commonwealth of Puerto Rico), and schools for Indian Children operated by the Department of the Interior, dependent schools of the Department of Defense, Guam, American Samoa, the Virgin Islands, the Trust Territories of the Pacific Islands, and the Northern Mariana Islands.

(20 U.S.C. 3316)

§ 195.4 What is the discretionary grant program?

The discretionary grant program assists in establishing and maintaining projects to plan, develop, operate, demonstrate and improve programs to meet the special educational needs of gifted and talented children, including the training of personnel engaged in the education of gifted and talented children or supervision of such personnel.

(20 U.S.C. 3315(a))

§ 195.5 Who is eligible for funds under the discretionary grant program?

Under the discretionary program, the Commissioner makes grant awards—

(a) For statewide activities grants to SEAs, and

(b) For all other types of projects, the Commissioner makes grant awards to—

(1) SEAs;

(2) LEAs;

(3) Institutions of higher education;

(4) Other public and private organizations; or

(5) Combinations of the above.

(c) The Commissioner may also enter into contracts with public or private agencies or organizations to operate model projects, disseminate information, or conduct research. Contracts are not covered by these regulations.

(20 U.S.C. 3315(a)(1), (2), (3), (4), (b))

§ 195.6 What regulations apply to the Gifted and Talented Children's Education Program?

(a) *Regulations.* The following regulations apply to the Gifted and Talented Children's Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs), 45 CFR Part 100B (State-Administered Programs), and 45 CFR Part 100c (Definitions).

(2) The regulations in this part.

(b) *Definitions in EDGAR.* The following terms used in this part are defined in Part 100c:

Applicant
Application
Award
Budget
Commissioner
Local educational agency (LEA)
Nonprofit
Private
Preschool
Project
Public
State educational agency (SEA)

(20 U.S.C. 1232(a))

§ 195.7 What definitions apply to this program?

As used in these regulations—

"Act" means the Gifted and Talented Children's Education Act of 1978, Title IX–A of the Elementary and Secondary Education Act (ESEA) of 1965 as amended by Pub. L. 95–561.

(20 U.S.C. 3311–3318).

"Child"—including the term "youth"—means any individual from birth through 18 years of age.

"Differentiated or specialized educational services" means instruction or other services designed to—

(a) Meet the special educational and related needs of each gifted and talented child; and

(b) Provide curriculum which incorporates appropriate cognitive and affective content which exceeds the instruction or services regularly provided to the average student and enhances the unique learning abilities of each gifted and talented child.

"Disadvantaged children from low-income families," for purposes of meeting the requirement, shall be children defined by the SEA using either of the following:

(1) The low-income criteria in Title I of ESEA, or

(2) Any other equitable alternate low-income definition that the SEA promulgates or commonly uses on a statewide basis.

"Gifted and talented child" means a child, who has been identified at preschool, elementary, or secondary level and who—

(a) Demonstrates actual or potential high performance capability in areas such as in intellectual, creative, specific academic, or leadership ability or in the performing or visual arts; and

(b) Requires specialized education or services not ordinarily provided by the school;

(20 U.S.C. 3312)

"Indian tribe" means any Federal or State recognized tribe, band, nation, rancheria, pueblo, Alaskan native village—or regional or village corporation as established by the Alaska Native Claims Settlement Act—that exercises the power of self-government.

(20 U.S.C. 3317(b); 45 CFR 187.2)

"Local educational agency" for purposes of this part includes an Indian tribe that operates schools for its children;

(20 U.S.C. 3317(b))

"State," for purposes of the award of funds under section 904 of the Act, means each of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 3381(j))

§ 195.8 What characteristics must a project involving children have?

(a) Any project that involves the participation of gifted and talented children must use comprehensive and multiple methods for identifying and assessing the needs of those children. No child shall be denied participation in a projection on the basis of only one method of identification. Methods of identification are—

(1) *Comprehensive,* if they are sufficiently broad to assess children who—

(A) May come within the service category addressed by the project, including those who are economically disadvantaged, handicapped, or culturally different; and

(B) Are in the geographic area to be served by the project; and

(2) *Multiple,* if they involve not fewer than two methods of identification, such

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as teacher nomination, measures of creativity, peer nomination, intelligence tests, evaluations adapted to the child's cultural norm, or other innovative strategies for identification. For all identification instruments or strategies, the applicant shall demonstrate a logical connection between those instruments or strategies and the purposes of the project.

(b) *Instructional component.* Any project that involves an instructional component shall provide differentiated or specialized educational services.

§ 195.9 Must a State or local educational agency provide an opportunity for private school students to participate?

If an SEA or LEA receives a grant under this program, the Act requires that agency to provide for participation by students and teachers enrolled in private elementary and secondary schools. EDGAR establishes the rules for this participation (See EDGAR, § 100a.650 et seq.).

(20 U.S.C. 3314(c)(5)(B)), 3315(b)(2), 3086)

2. A new Part 195a is added as follows.

PART 195A—GIFTED AND TALENTED CHILDREN'S EDUCATION: STATE-ADMINISTERED PROGRAM

Subpart A—General

Sec.

195a.1 What general requirements apply to this program?

Subpart B—How Does a State Obtain a Grant?

195a.10 What documents must an SEA file with the Commissioner?
195a.11 What must the State application contain?

Subpart C—How Is a Grant Made to a State?

195a.20 How is the amount of a State's grant determined?
195a.21 What evaluation criteria does the Commissioner use to review applications for annual competitive State grants?

Subpart D—How Is a Subgrant Made to an LEA?

195a.30 How does an LEA apply to an SEA for a grant?
195a.31 May the SEA award a multi-year subgrant to an LEA?

Subpart E—[Reserved]

Subpart F—What Conditions Must Be Met by the State and Its Subgrantees?

195a.40 Are there restrictions on the types of costs a grant may support?
195a.41 Allowable costs.

Authority: These regulations are issued under the authority contained in Part A of Title IX of the Elementary and Secondary Education Act as amended by Pub. L. 95-561, 92 Stat. 2292 (20 U.S.C. 3311-3318)

Subpart A—General

§ 195a.1 What general provisions apply to this program?

The provisions of Subpart A of Part 195 (§ 195.1 through § 195.9) apply to the State-administered programs under this part.

Subpart B—How Does a State Obtain a Grant?

§ 195a.10 What documents must an SEA file with the Commissioner?

(a) To receive a minimum allotment an eligible applicant shall submit an application and file it with the Commissioner.

(1) At the minimum the application shall contain the assurances required by—

(i) The provisions governing single State applications contained in EDGAR except that § 100b.101(e)(7)(ii) pertaining to Statewide circulation of the plan and § 100b.105 pertaining to governor's review do not apply to applications for fiscal year 1980 funds; and

(ii) By this Act and these regulations.

(20 U.S.C. 1232d(b) and 3314(b)(1) and (c))

(2) A State must revise and resubmit its application for a minimum allotment every three years.

(b) To apply for a competitive award a State shall submit on an annual basis additional information—in a clearly designated section of its application—that responds to the criteria in § 195a.21 and the application to a notice published in the **Federal Register.**

(20 U.S.C. 3314(b)(1); H. Rept. No. 95-1753 at page 282)

§ 195a.11 What must the State application contain?

(a) A State application shall contain a plan for making subgrants on a competitive basis to LEAs to meet the educational needs of gifted and talented children.

(b) This plan shall set forth separately—

(1) Criteria for awarding not less than 50 percent of the funds available to the State to LEAs for projects that include a component for identifying and serving the special educational needs of gifted and talented children from low income families; and

(20 U.S.C. 3314(c)(3))

(2) Criteria for awarding at least 90 percent of the funds available under this program to LEA projects that are directed toward serving the special educational needs of gifted and talented children. The remaining funds—up to 10 percent—may be used by the State for such purposes as administration, technical assistance, coordination, statewide planning, and in-service training.

(20 U.S.C. 3314(c)(2))

Subpart C—How Is a Grant Made to a State?

§ 195a.20 How is the amount of a State's grant determined?

There are two ways the Commissioner determines a State's grant:

(a) If the appropriation for the Act is less than $15 million, the Commissioner awards—

(1) A $50,000 allotment to each eligible applicant submitting an approved general application subject to a ratable reduction based on the appropriations; and

(2) Additional amounts on a competitive basis, if the amount appropriated is greater than the total required to pay the $50,000 allotment to each applicant State.

(20 U.S.C. 3314(b)(1); H. Rept. 95-1753, (page 282))

(b) If the appropriation for the Act exceeds $15 million, the Commissioner allots funds to each eligible applicant submitting an approved general application according to proportion of the number of children aged 5 to 17 in the State compared to the total number in the 50 States, Puerto Rico, and the District of Columbia.

(1) Not more than one percent of the State administered program funds shall be awarded to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, elementary and secondary schools operated for Indian children by the Department of the Interior, and dependent schools of the Department of Defense.

(2) The Commissioner may reallot funds among States at times established through publication of a notice in the **Federal Register,** whenever a State does not fully use its allotment.

(3) The Commissioner considers reallotting funds from States that carry over more than 15 percent of a prior year's allotment.

(20 U.S.C. 3314(b)(2); 3316)

§ 195a.21 What evaluation criteria does the Commissioner use to review applications for annual competitive State grants?

The Commissioner reviews an application for competitive funds on the basis of the criteria in this section totalling 100 possible points. The maximum possible score appears next to the heading of each criterion and indicates the relative importance assigned to that criterion by the Commissioner.

(a) *Comprehensive approach.* (25 points) The extent to which an SEA proposes comprehensive methods of identifying and meeting the special educational and related needs of gifted and talented chidren throughout the State under the competitive LEA grant process.

(b) *Planning.* (15 points) The extent to which an SEA ensures the involvement of persons and organizations in both the public and private sectors in the development of procedures for awarding funds to LEAs.

(c) *Technical assistance.* (20 points) The quality and type of technical assistance that the SEA proposes to provide to LEAs which are unable to compete due to smaller size or lack of financial resources in planning, developing, and operating LEA projects.

(d) *Administration.* (15 points) The quality of the State's proposed plan and procedures for awarding subgrants to LEAs for projects to identify and meet the special educational needs of gifted and talented children.

(e) *Disadvantaged.* (10 points) The quality of the SEA's plan to ensure that 50 percent of its funds will be awarded on a competitive basis to LEAs that have projects which contain a component to identify and serve the educational needs of disadvantaged gifted and talented children from low-income families.

(f) *Coordination.* (15 points) The quality of the State's plan to coordinate and monitor LEA activities or projects for gifted and talented children and to disseminate the results of these activities or projects.

(20 U.S.C. 3314 (b)(1), (c))

Subpart D—How Is a Subgrant Made to an LEA?

§ 195a.30 How does an LEA apply to an SEA for a grant?

An LEA submits an application to an SEA according to the procedures and requirements set out in the approved State application.

(20 U.S.C. 3314(c)(2)(B))

§ 195a.31 May the SEA award a multi-year subgrant to an LEA?

(a) A State may not award a subgrant to an LEA for more than five years to achieve the purposes of an LEA's project.

(b) If an LEAs initial application proposes a project requiring more than one year for completion, the LEA shall provide the State with budget projections for each year after the initial year.

(c) For approved multi-year projects, the LEA shall file continuation applications with the State for funding each year after the first year.

(20 U.S.C. 3317(c))

Subpart E—[Reserved]

Subpart F—What Conditions Must Be Met by the State and Its Subgrantees?

§ 195a.40 Are there restrictions on the types of costs a grant may support?

Funds may not be used for—

(a) Construction, repair, remodeling, or alteration of facilities or sites;

(b) Stipends, transportation, or meals for participants in in-service training activities.

(20 U.S.C. 1221e-3(a)(1))

§ 195a.41 Allowable costs.

The following costs are allowed:

(a) If a project involves an internship, the payment to each participant of an allowance that is not in excess of the entering salary for professionals in the agency or institution in which the participant is placed.

(b) If the project involves a graduate fellowship, the payment of a stipend, tuition, and fees.

(c)(i) If the project involves in-service or national leadership training, the payment of tuition and fees for university or college courses in education of the gifted and talented; and

(ii) If the project involves in-service training, the payment of reasonable costs for substitutes and for release time.

(20 U.S.C. 3315 (a)(1), (a)(2))

3. A new Part 195b is added as follows:

PART 195B—GIFTED AND TALENTED CHILDREN'S EDUCATION PROGRAM: DISCRETIONARY GRANT PROGRAM

Subpart A—General

Sec.

195b.1 What general requirements apply to this program?

Subpart B—What Kind of Projects Does the Office of Education Assist?

195b.10 Does the Commissioner establish priorities?
195b.11 On what types of activities may a Statewide activities project focus?
195b.12 On what types of activities may an educational service or model project focus?
195b.13 On what types of activities may a professional development project focus?

Subpart C—How Does An Applicant Apply for a Grant?

195b.20 How to apply for a grant.

Subpart D—How Is a Grant Made?

195b.30 How does the Commissioner evaluate an application?
195b.31 What selection criteria does the Commissioner use to evaluate Statewide activities?
195b.32 What selection criteria does the Commissioner use to evaluate all other applications?

Subpart E—[Reserved]

Subpart F—What Conditions Must Be Met by the Grantee?

195b.50 Are there restrictions on the types of costs a grantee may support?
195b.51 Allowable costs.
195b.52 May an applicant apply for a multi-year grant?
195b.53 Must an LEA give the public an opportunity to comment on its application?

Authority: These regulations are issued under the authority contained in Part A of Title IX of the Elementary and Secondary Education Act as amended by Pub. L. 95-561, 92 Stat. 2292 (20 U.S.C. 3311-3318).

Subpart A—General

§ 195b.1 What general requirements apply to this program?

The provisions of Subpart A of Part 195 (§§ 195.1 through 195.9) apply to the discretionary grant programs under this part.

Subpart B—What Kind of Projects Does the Office of Education Assist?

§ 195b.10 Does the Commissioner establish priorities?

The Commissioner establishes programmatic priorities for funding from among the types of activities listed in §§ 195b.11, 195b.12, and 195b.13. In any given year the Commissioner announces—through publication of an application notice in the **Federal Register**—which of these types of activities will be funded.

(20 U.S.C. 3315)

§ 195b.11 On what types of activities may a Statewide activities project focus?

A statewide activities project may be designed to accomplish one or more of the following:

(a) Develop a comprehensive statewide approach to meet the needs of gifted and talented students.

(b) Involve representatives of parent groups and other public and private organizations interested in education of gifted and talented students.

(c) Develop innovative strategies to identify and serve gifted and talented children, particularly the economically disadvantaged, the handicapped, or

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those with culturally different backgrounds;

(d) Provide technical assistance to help public and private schools within the State identify and meet the needs of gifted and talented students in those schools.

(e) Conduct surveys to determine the programs required to meet the needs of gifted and talented children in the state;

(f) Provide a State coordinator or other official who has responsibility for development, improvement, coordination, and delivery of State services with respect to programs for the gifted and talented in local educational agencies.

(g) Develop and implement an in-service training program to train local educational personnel in the administration of appropriate and comprehensive methods for the identification and education of gifted and talented children.

(20 U.S.C. 3315(a)(5))

§ 195b.12 On what types of activities may an educational service or model project focus?

(a) An educational service or model project is principally designed to provide direct educational services to gifted and talented children. The project shall—

(1) Provide innovative, demonstration, or model approaches to educating gifted and talented students or particular categories of those students; or

(2) Operate, expand, or improve existing educational projects to meet the educational needs of gifted and talented students.

(b) An educational service or model project—in addition to meeting the educational needs of the gifted and talented—shall, as appropriate—

(1) Be capable of stimulating similar services and projects by being cost-effective and replicable;

(2) Provide project related in-service training for educational personnel;

(3) Involve persons and organizations outside the school in the planning and operation of the project;

(4) Be based on an existing high quality program that is addressing major needs in identification of and delivery of services to gifted and talented students;

(5) Focus services on special populations of the gifted and talented such as bilingual, early childhood, handicapped, economically disadvantaged, migrant, rural, native American, and/or culturally different; or

(6) Focus on a particular category of educational service, such as early childhood education, arts education, or other category of service.

(20 U.S.C. 3315(a)(1) and (3))

§ 195b.13 On what types of activities may a professional development project focus?

A professional development project shall—

(a) Provide graduate level instruction leading to a degree in gifted and talented education;

(b) Provide a variety of short-term courses and instruction, focusing on the education of gifted and talented children;

(c) Provide seminars and other high-level opportunities for leaders in education, public affairs, industry, and related fields to interact with and promote the professional development of potential leaders in the education of gifted and talented students;

(d) Provide internships or similar, practical, training experience through public or private agencies involved with gifted and talented children;

(e) Provide in-service training for personnel engaged in the education of gifted and talented children or in the supervision of such personnel;

(f) Provide workshops and conferences for SEAs, LEAs, boards of education parents, business and community groups, and other interested parties on issues related to educating gifted and talented students; or

(g) Develop specialized training materials for use by SEAs, LEAs, and other agencies or groups involved in training leaders in the education of gifted and talented students.

(20 U.S.C. 3315(a)(1), (2))

Subpart C—How Does an Applicant Apply for a Grant?

§ 195.20 How to apply for a grant.

The Commissioner makes a grant to an eligible applicant only if the applicant prepares and submits an application according to—

(a) The regulations in this part that govern discretionary grants;

(b) The applicable provisions in Part 100a of EDGAR;

(c) The procedures and priorities contained in the notices published in the **Federal Register**; and

(d) The instructions and forms included in the application package.

Subpart D—How Is a Grant Made?

§ 195b.30 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application—

(1) For statewide activities projects on the basis of the criteria in § 195b.31.

(2) For all other discretionary projects on the basis of the criteria in § 195b.32.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses next to the heading of that criterion.

§ 195b.31 What selection criteria does the Commissioner use to evaluate Statewide activities?

(a) *Plan of operation.* (35 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide in accordance with the project's objectives equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; or

(D) The elderly.

(b) *Quality of key personnel.* (25 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (15 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (15 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See EDGAR § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (10 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 3315(a)(5))

§ 195b.32 What selection criteria does the Commissioner use to evaluate all other applications?

(a) *Plan of operation.* (10 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide in accordance with project's objectives equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; or

(D) The elderly.

(vi) For grants made after October 1, 1980, if the applicant is a local educational agency, a clear description of how the applicant will provide an opportunity for participation of students enrolled in non-profit private schools.

(b) *Quality of key personnel.* (7 points)

(1) The Commisioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons;

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See EDGAR § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and quantifiable.

(e) *Adequacy of resources.* (3 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Level and quality of program.* (25 points)

The Commissioner looks for information that shows the extent to which the applicant proposes a comprehensive program or provides quality courses or specialized services to develop the skills of the gifted and talented children being served, or, in the case of a professional development project, the skills of the participating professional personnel.

(g) *Selection of participants.* (15 points)

The Commissioner looks for information that shows the quality of the proposed procedures for identifying and selecting participants.

(h) *Specially trained personnel, mentors, or advisors.* (15 points)

The Commissioner looks for information that shows the extent to which the applicant will provide specially trained personnel or experienced mentors or advisors to direct or assist the participants.

(i) *Replication.* (5 points)

The Commissioner looks for information that shows the extent to which the proposed project can be adapted for use by other agencies.

(j) *Dissemination.* (5 points)

The Commissioner looks for information that shows the extent to which the applicant demonstrates a capacity to disseminate information about the project or specialized materials developed through the project.

(k) *Needs assessment.* (5 points)

The extent to which the applicant identifies the special educational needs of the gifted and talented children to be served directly or indirectly by the project.

(20 U.S.C. 3315(a) (1), (2), (3), (4), and (6))

Subpart E—[Reserved]

Subpart F—What Conditions Must Be Met by the Grantee?

§ 195b.50 Are there restrictions on the types of costs a grantee may support?

Funds may not be used for either—

(a) Construction, repair, remodeling, or alteration of facilities or sites;

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(b) Stipends, transportation, or meals for participants in inservice training activities.

(20 U.S.C. 1221e-3(a)(1))

§ 195b.51 Allowable costs.

The following costs may be paid from a grant:

(a) If a project involves an internship, the payment to each participant of an allowance that is not in excess of the entering salary for professionals in the agency or institution in which the participant is placed.

(b) If the project involves a graduate fellowship, the payment of a stipend, tuition, and fees.

(c)(i) If the project involves inservice or national leadership training, the payment of tuition and fees for appropriate university or college courses.

(ii) If the project involves inservice training, the payment of reasonable costs for substitutes and for release time.

(20 U.S.C. 3315 (a)(1), (a)(2), and (a)(3))

§ 195b.52 May an applicant apply for a multiyear grant?

(a) An applicant may apply for funding for a multiyear project. However, each budget period is 12 months only. In its initial application, an applicant shall provide budget projections for each year after the first year.

(20 U.S.C. 3315)

(b) No financial assistance for a project may be provided to an LEA for a period in excess of 5 years.

(20 U.S.C. 3317(c))

(c) The applicant shall file an application for a continuation award for each year beyond the first year.

(d) EDGAR, §§ 100a.250 through 100a.253 governs multi-year projects and continuation awards.

(20 U.S.C. 3315)

§ 195b.53 Must an LEA give the public an opportunity to comment on its application?

An applicant that is an LEA shall certify that it held an open meeting in order to receive public comment on its application in accordance with § 100a.138–141 of EDGAR.

(20 U.S.C. 3386)

Note.—This Appendix will not be published in Title 45 of the Code of Federal Regulations.

Appendix—Assurances—State-administered program

The State assures the Commissioner that it will conduct the State-administered program to meet the educational needs of gifted and talented children—set out in Parts 195 and 195a—in accordance with the following provisions:

(a) Funds paid to the State educational agency (SEA) will be used for planning, developing, operating, and improving programs to meet the needs of gifted and talented children—

(1) On the State level, through administration, technical assistance, coordination, statewide planning and in-service training; and

(2) Through the award of competitive grants to local educational agencies (LEAs) for local educational projects.

(b) The programs and projects supported by funds under this part—

(1) Are designed to identify the educational needs of gifted and talented children;

(2) Are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting those needs; and

(3) Give appropriate consideration to the special educational needs of disadvantaged gifted and talented children from low-income families.

(20 U.S.C. 3314(c)(1))

(c) The SEA will use not more than 10 percent of the funds received in any fiscal year under this part for administration, technical assistance, coordination, planning, and in-service training.

(20 U.S.C. 3314(c)(2)(A), (6))

(d) The SEA will provide to LEA's that are unable to compete—due to smaller size or lack of financial resources—technical assistance in preparing proposals and in planning, developing, and operating programs under this part.

(20 U.S.C. 3314(c)(6))

(e) The SEA will distribute to LEAs on a competitive basis 90 percent of the funds it receives for the purposes of this part.

(20 U.S.C. 3313(c)(2)(B))

(f) The SEA will make available not less than one-half of the funds available for the State administered program for LEA projects that include a component for the identification and education of disadvantaged gifted and talented children from low-income families.

(20 U.S.C. 3314(c)(3))

(g) Unless the following requirements cannot legally be met in the State—

(1) Assistance under this part will be made available to pupils and teachers in private elementary and secondary schools; and

(2) No LEA application for funds will be approved by the SEA unless it contains evidence that the LEA:

(A) Consulted with appropriate representatives of private school students; and

(B) Has taken other appropriate steps to ensure equitable participation in its project of gifted and talented children attending private elementary or secondary schools.

(20 U.S.C. 3314(c)(5) (A), (B); 3066)

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Thursday
April 3, 1980

Part IX

Department of Health, Education, and Welfare

Office of Education

Community Education Program

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
45 CFR Parts 160c, 163, 163a, 163b, 163c, 163d
Community Education Program

AGENCY: Office of Education, HEW.
ACTION: Final regulations.

SUMMARY: The Commissioner of Education issues final regulations to govern the Community Education Program authorized under the Community Schools and Comprehensive Community Education Act.

The program provides financial assistance to SEAs, LEAs, public agencies and nonprofit private organizations, and institutions of higher education for planning, establishing, expanding, and operating community education programs. Grants will also be awarded for promoting efficient use of school facilities, effective delivery of social services and the training of personnel involved in community education projects.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. These regulations will be transmitted to Congress several days before they are published in the **Federal Register**. If the Congress disapproves the regulations or takes certain adjournments, the effective date is changed by statute. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Castaldi, Community Education Program, 7th and D Streets SW., Room 5622, Washington, D.C. 20202. Telephone: (202) 245-0691.

SUPPLEMENTARY INFORMATION: The Commissioner of Education published in the **Federal Register** on June 29, 1979 (44 FR 38386) a notice of proposed rulemaking on the Community Education Program. On August 7, 1979 public meetings were held on the proposed regulations in all 10 Federal regional office cities. Interested persons were given 60 days to comment on these proposed regulations. During the 60 day comment period 79 individuals and organizations submitted 339 written comments and 57 people made statements or posed questions at the ten public meetings. The national Community Education Advisory Council, fulfilling its Congressional mandate, met on August 13, 1979 and made specific Council recommendations regarding the proposed regulations.

Part 160c has been deleted and the provisions of that part will now appear in the following new CFR parts: 163, 163a, 163b, 163c, and 163d.

All of these comments and recommendations have been carefully reviewed in the context of the provisions of the regulations to which they relate. A summary of the comments and responses is included in Appendix A to these regulations on a section by section basis. Changes as a result of some of these comments have been made in the final regulations. A genuine effort has been made to be fully responsive to the comments, within the constraints of the governing legislation and in keeping with the program purpose.

After the consideration of each comment, a response is included stating changes which have been made in the regulation, or the reasons why no change is considered necessary. The comments are arranged in order of the sections of the final regulations. Where the section number in the final regulations differs from that in the proposed rules, the proposed section number is also identified.

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

Dated: March 17, 1980.

(Catalog of Federal Domestic Assistance No. 13.563 Community Education Program)

William L. Smith,
U.S. Commissioner of Education.

45 CFR is amended by deleting Part 160c and by adding the following Parts:

1. A new Part 163 is added as follows:

PART 163—COMMUNITY SCHOOLS AND COMPREHENSIVE COMMUNITY EDUCATION PROGRAM

Subpart A—General

Sec.
163.1 Description of the Community Education Act.
163.2 Regulations that apply to the Community Education Act.
163.3 Definitions.
163.4 What are the minimum elements of a community education program?
163.5 How are the minimum elements of a community education program applied?
163.6 Scope of eligible project activities.
163.7 Allowable costs: costs related to administration.
163.8 Limitations on costs.
163.9 Non-Federal contribution for related Federal programs.

Authority: Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561, 92 Stat. 2284, (20 U.S.C. 3281).

Subpart A—General

§ 163.1 Description of the Community Education Act.

(a) *General purpose.* The Community Education Act provides assistance to State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education, public agencies and nonprofit private organizations to support the costs of planning, establishing, expanding, and operating community education programs.

(b) *Specific purposes.* The purposes of the Act are to—

(1) Assure involvement of citizens in local and State community education efforts;

(2) Encourage the provision in school facilities of services funded under other Federal, State, and local programs;

(3) Encourage efficient use of schools and other public buildings;

(4) Develop capacity within States to support the continued growth of community education; and

(5) Encourage the coordination of community and human services and eliminate duplication and fragmentation of these services in State and local communities.

(c) *Types of projects.* The Community Education Act provides for—

(1) Grants to SEAs to administer State Community Education Programs described under the heading "Community Education—State Program";

(2) Grants to LEAs for projects described under the heading "Grants to Local Educational Agencies";

(3) Grants to or contracts with public agencies and nonprofit private organizations for profits described under the heading "Grants to Public Agencies and Nonprofit Private Organizations"; and

(4) Grants to institutions of higher education for projects described under the heading "Training Grants to Institutions of Higher Education".

(Sec. 802; 20 U.S.C. 3282)

§ 163.2 Regulations that apply to the Community Education Act.

(a) *Regulations that apply to the State formula program.* The following regulations apply to grants and subgrants under the State Community Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in Part 100b (State-Administered Programs) and Part 100c (Definitions).

(2) The regulations in Subpart A (General) and under the heading, "Community Education—State Program" in this Part.

(b) *Regulations that apply to direct grant programs.* The following regulations apply to grants under the Community Education Act other than grants and subgrants under the State Community Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part, as applicable, except those for the Community Education—State Program.

(c) *Procurement contracts.* The regulations in this Part do not apply to procurement contracts under the Community Education Act. These contracts are subject to—

(1) Federal and HEW procurement regulations in 41 CFR Chapters 1 and 3; and

(2) Requirements and criteria in particular requests for proposals published in Commerce Business Daily.

(Sec. 801; 20 U.S.C. 3281)

§ 163.3 Definitions.

(a) *Definitions in EDGAR.* The following terms used in this Part are defined in Part 100c:

Applicant
Application
Commissioner
Elementary school
Grant
Institution of higher education
Local educational agency (LEA)
Nonprofit
Nonpublic
Private
Project
Public agency
Secondary school
State
State educational agency (SEA)
Subgrant

(b) *Program-specific definitions.* The following definitions apply specifically to this Part:

"Act" or "Community Education Act" means the Community Schools and Comprehensive Community Education Act of 1978, Title VIII of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95-561).

"Program" means a community education program that meets each of the minimum elements in § 163.4.

"Public facility" means a facility owned by any department or branch of a State, county, or municipal government.

"State Community Education Program" refers to the State formula program funded under Section 808 of the Act.

(Sec. 8012; 20 U.S.C. 3281)

§ 163.4 What are the minimum elements of a community education program?

In order to be considered for a grant under the Act, each community education program must have the following minimum elements:

(a) *Role of the local educational agency.*

(1) An LEA shall be involved directly and substantially in administering and operating the program.

(2) However, an LEA is not required to be solely responsible for administering and operating the program.

(b) *Community served.* The program shall serve an identified community. The community shall include, but need not be limited to, the attendance area for the regular instructional program of the schools of the LEA involved in administering and operating the program.

(c) *Community center.*

(1) *Facilities.*

(i) A public facility—such as a public elementary or secondary school or a public community college or junior college center—shall serve as a community center.

(ii) The community center may use satellite or mobile facilities to provide program activities and services. The satellite or mobile facilities may be nonpublic facilities that are made available for use by the public.

(2) *Scope of services and their relationship to regular instructional program.* To be a community center, the public facility shall offer educational, recreational, health care, cultural, and other related community and human services that—

(i) To the extent possible, are broad in their scope and nature. Program services may not be restricted to one or a limited number of program areas such as recreation or adult education, or to one or a limited number of groups of persons in the community;

(ii) To the extent possible, reinforce the regular instructional program of the elementary or secondary school(s) of the LEA involved in administering and operating the program; and

(iii) Extend the services offered by the public facility and the uses made of it by serving more groups or persons, lengthening the hours of service, and broadening the scope and nature of services.

(d) *Community needs.* The program shall include systematic and effective procedures—

(1) For identifying and documenting on a continuing basis the needs, interests, and concerns of the community served with respect to community education activities; and

(2) For responding to those needs, interests, and concerns.

(e) *Community resources and interagency cooperative arrangements.*

(1) The program shall identify and use educational, cultural, recreational, and other existing and planned resources located outside of the school or other public facility—including, but not limited to, services of volunteers—to enhance the size and quality of the program.

(2) The program shall be designed to encourage cooperation among public and private agencies to—

(i) Make maximum use of existing talents and resources; and

(ii) Avoid, to the extent feasible, duplication of services.

(3) An LEA that plans, directs, or operates a program under this part shall show evidence of cooperation between the LEA and any other public agency conducting a similar program or activity.

(f) *Program clients.* The program shall be designed to serve—

(1) All age groups in the community, including preschool children, children and youth, adults, and senior citizens; and

(2) Groups within the community with special needs for community education activities, such as persons of limited English-speaking ability, mentally or physically handicapped persons, or other groups of persons.

(g) *Community involvement in governance.*

(1) In order to meet the needs, interests, and concerns of the population to be served, the program shall be planned and operated in cooperation with the community.

(2) The program shall provide for active and continuous involvement on an advisory basis of—

(i) Individuals, institutions and groups representative of the community, and

(ii) Parents of school children—in planning, development and implementation of programs.

(Secs. 802, 803; 20 U.S.C. 3282, 3283)

§ 163.5 How are the minimum elements of a community education program applied?

(a) Each community education program shall—

(1) Already meet all of the minimum elements specified in § 163.4; or

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(2) Be able to meet all of these minimum elements with the assistance provided under the project.

(b) The minimum elements apply to each community education program assisted under the project rather than to the project as a whole. However, the overall local project designed to plan, establish, expand, or operate these programs may be administered in a central office of the LEA.

(Secs. 802, 803; 20 U.S.C. 3282, 3283)

§ 163.6 Scope of eligible project activities.

(a) *General rule.* A community education program may include some or all of the types of activities and services specified in Section 807 of the Act including—

(1) Educational, cultural, recreational, health care, and other related community and human services, whether or not in the form of formal courses;

(2) Activities making the school or other public facilities and equipment available for use by public agencies and private nonprofit organizations, individuals and groups in the community;

(3) Preventive health, dental care, and nutrition;

(4) Special programs for particular target groups, such as older persons;

(5) Services designed to eliminate the high incidence of suspension, expulsion, and other disciplinary action involving chronically maladjusted students;

(6) Services for students who withdraw from school before completing secondary school requirements, regardless of age or time of withdrawal;

(7) Services for mentally or physically handicapped individuals or other health impaired individuals;

(8) Rehabilitation purposes for juvenile and adult offenders;

(9) Parent education for care, development, and education of handicapped children;

(10) Training programs in institutions of higher education for the purpose of assisting full-time training for personnel who are engaged in or who intend to engage in community education programs;

(11) Specialized high schools or schools within schools organized around particular interest such as the arts, or using flexible scheduling and summer learning programs to take into account special needs of students, or creating interrelationships between secondary schools and such community resources as museums, cultural centers, and institutions of higher education;

(12) Development of means to use technology to improve the relationship between the school, the home, and community resources such as libraries, museums, and cultural centers;

(13) Early childhood and family education grants for programs operated by State and local educational agencies and public and private, nonprofit agencies or organizations for children below age six, which may include identification of potential barriers to learning, education of parents in child development, family services, education for parenthood programs and referral services; and

(14) Leisure education.

(Sec. 807, 20 U.S.C. 3287)

(b) *Federal share.* The project to which the Federal share is applied includes activities of planning, establishing, expanding, and operating a community education program that meets or is making progress toward meeting the requirements in § 163.4.

§ 163.7 Allowable costs: costs related to administration.

Allowable costs of a project include leadership, coordinating, administrative, and technical assistance activities involved in planning, establishing, expanding, or operating one or more community education programs. These activities may include but are not limited to—

(a) Employing a community education administrator and the administrator's staff;

(b) Training for the administrator and appropriate members of the administrator's staff, the grantee's chief executive officer and appropriate members of that staff;

(c) Scheduling services and activities;

(d) Assessing community needs and interests;

(e) Recruiting program participants and administrative and instructional staff;

(f) Disseminating information to the community and to other interested persons and organizations;

(g) Obtaining community participation in planning and carrying out the program;

(h) Organizing and training community education task forces or advisory councils and assisting them to plan and carry out their activities;

(i) Budgeting and managing the program;

(j) Identifying and obtaining the participation of other community service providers;

(k) Planning and developing the program;

(l) Evaluating the program, including any outside evaluation of the program;

(m) Coordinating the community education program activities and services throughout the community;

(n) Obtaining technical assistance to carry out these activities; and

(o) Providing training and technical assistance to other projects.

§ 163.8 Limitations on costs.

(a) The following costs are allowable only if the conditions in (b) are met:

(1) Instructional salaries, materials, and equipment; and

(2) Other expenses directly related to the provision of specific community education program activities and services—such as course offerings and transportation for participants.

(b) These costs are allowed only if—

(1) Other public or private resources are unavailable;

(2) The charging of enrollment fees to program participants to cover these costs is not feasible or would create an excessive financial burden on potential program participants; and

(3) The proposed costs are reasonable in terms of the contributions which they will make to the purposes of the community education program.

(Secs. 803, 807; 20 U.S.C. 3283, 3287)

§ 163.9 Non-Federal contribution for related Federal programs.

(a) An SEA or LEA that receives funds under the Act for a community education program may use the fair value of the program as part of or all of the non-Federal contribution that is required under any program listed in paragraph (b) of this section, if both of the following conditions are met:

(1) A portion of any of those programs listed in paragraph (b) of this section is implemented in a building in which a community education program assisted under this Act is conducted; and

(2) There is a necessary and direct relation between the portion of the program in paragraph (b) of this section and any element of the community education program assisted under this Act.

(b) Programs referred to in paragraph (a) of this section include those under:

(1) The Public Health Service Act;

(2) The Headstart-Follow Through Act;

(3) Title XX of the Social Security Act, relating to child care, day care, and other services;

(4) The youth employment demonstration programs authorized under the Comprehensive Employment and Training Act;

(5) The Older Americans Act of 1965;

(6) The Vocational Education Act of 1963;

(7) The Adult Education Act;

(8) Titles I and X of the Higher Education Act of 1965; relating to community services, continuing education programs, and community college programs;

(9) Titles I through IV and Titles VI through IX of the Economic Opportunity Act of 1964 (also known as the Community Services Act of 1974);

(10) The Legal Services Corporation Act;

(11) Safe Streets and Omnibus Crime Control Act of 1968;

(12) Science education programs assisted under the National Science Foundation Act of 1950;

(13) The Rehabilitation Act of 1973; and

(14) Such other community service programs as the Assistant Secretary of Education deems appropriate.

(Section 806; 20 U.S.C. 3286)

2. A new Part 163a is added as follows:

PART 163a—COMMUNITY EDUCATION—STATE PROGRAM

Subpart A—General

Sec.
163a.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Are Eligible for Funding Under the State Community Education Program?

163a.10 Purpose of State grants.
163a.11 Eligible activities.
163a.12 Duration of grants.

Subpart C—How Does a State Apply for a Grant?

163a.20 Documents a State must submit to receive a grant.
163a.21 Assistance to community education programs.
163a.22 Use of funds.
163a.23 Expanding community education programs.
163a.24 Distribution of funds.
163a.25 Evaluation procedures.
163a.26 Other State plan provisions.
163a.27 Ten-year plan.

Authority: Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561, 92 Stat. 2284 (20 U.S.C. 3281).

Subpart A—General

§ 163a.1 What general provisions apply to this program?

The provisions of Subpart A of 45 CFR Part 163, §§ 163.1 through 163.9, apply to the State Community Education Program under this part.

Subpart B—What Kinds of Activities Are Eligible for Funding Under the State Community Education Program?

§ 163a.10 Purpose of State grants.

The general purpose of the State Community Education Program is to assure capacity building in the State to support continued development of community education and attain greater State responsibility for this development within the five-year period of authorization of the Act. Specific purposes of the State Community Education Program are described in 45 CFR 163.1 (Description of the Community Education Act).

(Sec. 808, 20 U.S.C. 3288)

§ 163a.11 Eligible activities.

(a) The Commissioner funds SEAs—

(1) To provide financial assistance, through subgrants, to LEAs to plan, establish expand, and operate community education programs;

(2) To administer a State plan governing the community education program;

(3) To provide technical assistance, coordination, and information services; and

(4) To carry out dissemination activities, including conferences, among community education programs in the State.

(b) Any State may apply for a grant to support community education programs that meet or are making progress toward meeting each of the minimum elements in 45 CFR 163.4. This includes the development of new community education programs that will meet these minimum elements.

(Sec. 804; 20 U.S.C. 3284)

§ 163a.12 Duration of grants.

Each State plan will be effective for a period of three fiscal years. The budget period is 12 months.

(Sec. 804; 20 U.S.C. 3284)

Subpart C—How Does a State Apply for a Grant?

§ 163a.20 Documents a State must submit to receive a grant.

To receive a grant—a State through its SEA shall submit to—or have on file with, the Commissioner—

(a) A general application that complies with the requirements—including the assurances—of section 435 (single State application) of the General Education Provisions Act; and

(b) A State plan that complies with the requirements in 45 CFR 163a.21 through 163a.27. The State plan need not be submitted more often than once every three years. EDGAR establishes the rules for this in 45 CFR 100b.103.

(Sec. 808(a); 20 U.S.C. 3288(a))

§ 163a.21 Assistance to community education programs.

In its plan a State shall provide information to document that—

(a) Specific LEA community education programs that are assisted with funds distributed by the State under the State Community Education Program meet or will make substantial progress toward meeting the minimum elements in § 163.4; and

(b) Funds received by the State under the State Community Education Program and reserved for administrative activities—including technical assistance to LEAs—will relate to the development of community education programs that meet these minimum elements.

(Secs. 803, 808(a)(4)–(7); 20 U.S.C. 3283, 3288(a)(4)–(7))

§ 163a.22 Use of funds.

(a) In its plan a State shall explain procedures to ensure that funds received under the State Community Education Program will be used only to pay the Federal share of the eligible costs described in 45 CFR 163.6 (Scope of eligible project activities). Sufficient information must be provided with respect to—

(1) Activities carried out at the State level by the SEA; and

(2) Projects carried out locally with funds distributed by the State among LEAs within the State.

(Secs. 803, 804, 807; 20 U.S.C. 3283, 3284, 3287)

§ 163a.23 Expanding community education programs.

(a) *General.* In its plan a State shall furnish evidence that, to the extent practicable, funds under the State Community Education Program will be used to expand community education programs of the schools of LEAs within the State.

(b) *Expansion activities.* Expanding community education programs includes—

(1) Planning and establishing new community education programs; and

(2) Enlarging the scope of existing community education programs by—

(i) Increasing the number and types of services offered in these programs in response to community needs and interests;

(ii) Increasing the number of community residents, agencies, and organizations that participate in planning and implementing the programs, and improving the quality of that participation; or

(iii) Increasing the time during which public facilities are used in the programs.

(c) *State-wide assessment.* To satisfy paragraph (a) of this section, the State in its plan shall—

(1) Furnish evidence that the SEA has carried out, and describe the manner in

which it has carried out, an assessment to identify—

(i) Existing and planned community education programs throughout the State;

(ii) The locations with the strongest interest in and need for new community education programs;

(iii) Resources available to plan, establish, expand or operate community education programs throughout the State; and

(2) Describe the results of the assessment and the standards for selecting community education programs for funding based on this assessment.

(Sec. 808(a)(1); 20 U.S.C. 3288(a)(1))

§ 163a.24 Distribution of funds.

(a) *Distribution.* In its plan a State shall describe procedures for distributing among LEAs within the State 80 percent of the funds it receives for community education programs.

(b) *Standards.* The State plan must describe the standards and procedures for distributing these funds to LEAs—

(1) Considering the size of the population to be served by the community education programs of each LEA; and

(2) To achieve—

(i) Expansion of community education programs;

(ii) Assistance to existing or proposed community education programs of the highest quality; and

(iii) The most effective use of resources to meet community education needs throughout the State.

(Sec. 808(a)(3); 20 U.S.C. 3288(a)(3))

§ 163a.25 Evaluation procedures.

(a) In its plan a State shall describe procedures to evaluate annually the effectiveness of—

(1) Community education programs that receive financial and technical assistance under the State Community Education Program; and

(2) If possible, LEA programs receiving financial assistance under Sec. 809 of the Act.

(b) The State plan must describe—

(1) The specific criteria to be used in assessing the effectiveness of community education programs;

(2) The evaluation instruments to be used, or how they will be developed or selected; and

(3) The results of the most recently completed evaluation.

(Sec. 808(a)(11); 20 U.S.C. 3288(a)(11))

§ 163a.26 Other State plan provisions.

In its plan a State shall assure that—

(a) *State administration.* The State will meet the requirements in Section 808(a)(10) of the Act with regard to the reservation of 15 percent of the funds under the State allotment for the specified administrative activities of the SEA;

(b) *Remaining funds.* The SEA will use the remaining 5 percent of the funds under the State allotment—after awarding 80 percent to LEAs and reserving 15 percent under paragraph (a) of this section—to train and provide technical assistance to SEA personnel, other State agencies and State community education advisory councils for the purpose of enhancing State community education activities.

(c) *Cost-sharing.* The State will meet the requirements of Section 808(a)(9) of the Act concerning payment from non-Federal sources for the remaining costs of carrying out the State plan.

(Sec. 808(a)(9), (10); 20 U.S.C. 3288(a)(9), (10))

§ 163a.27 Ten-year plan.

(a) *General.* In its plan a State shall assure that, after consulting with appropriate State agencies, it will develop a ten-year plan for coordinating community education programs with all relevant community services, including but not limited to State and local recreation authorities and associations.

(b) *Specific information in the State plan.* The State plan must include the following information on the ten-year coordination plan:

(1) A specific timeline for its development, adoption, and implementation; and

(2) The agencies—including their relationship with the SEA—with which the State will consult in developing and carrying out the plan and the basis for including those agencies.

(c) *Completion, implementation.* The State shall complete its ten-year coordination plan no later than two years after the State receives its first grant under the State Community Education Program.

(Sec. 808(a)(2); 20 U.S.C. 3288(a)(2))

3. A new Part 163b is added as follows:

PART 163b—COMMUNITY EDUCATION—GRANTS TO LOCAL EDUCATIONAL AGENCIES

Subpart A—General

Sec.

163b.1 What general provisions apply to this program?

Subpart B—What Kinds of Projects Does the Office of Education Fund Under This Program?

163b.10 Eligible projects.

163b.11 Purpose of projects.

163b.12 Project period.

Subpart C—How Does an Applicant Apply for a Grant?

163b.20 Application requirements.

163b.21 State review of local educational agency applications.

Subpart D—How Is a Grant Made?

163b.30 How the Commissioner evaluates an application from a local educational agency.

163b.31 Criteria for evaluating applications.

Subpart E—What Conditions Must be Met by a Grantee?

163b.40 Cost sharing.

Authority: Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561, 92 Stat. 2284 (20 U.S.C. 3281).

Subpart A—General

§ 163b.1 What general provisions apply to this program?

The provisions of Subpart A of 45 CFR Part 163, §§ 163.1 through 163.9, apply to the Community Education—Local Educational Agencies program under this part.

Subpart B—What Kinds of Projects Does the Office of Education Fund Under This Program?

§ 163b.10 Eligible projects.

The Commissioner awards direct grants to LEAs for the Federal share of the costs of planning, establishing, expanding, and operating community education programs.

(Sec. 809; 20 U.S.C. 3289)

§ 163b.11 Purpose of projects.

(a) *General purpose.* The Commissioner funds LEA projects that have the greatest potential for national impact. These projects must show promise for advancing community education by developing exemplary approaches, methods, or information that could be replicated by other LEAs throughout the Nation.

(b) *Eligible activities.* A project shall include the activities described under 45 CFR 163.6 (Scope of eligible project activities).

(Sec. 807, 809; 20 U.S.C. 3287, 3289)

§ 163b.12 Project period.

Approval of a project for more than a year and the award of continuation grants within the project period are covered in 45 CFR 100a.250–100a.254 of EDGAR.

(Sec. 809; 20 U.S.C. 3289)

Subpart C—How Does an Applicant Apply for a Grant?

§ 163b.20 Application requirements.

(a) The Commissioner considers making a grant to an LEA only if it submits an application meeting the requirements under 45 CFR Part 100a, Subpart C of EDGAR and any additional requirements that may be specified in the annual notice inviting applications.

(Sec. 809; 20 U.S.C. 3289)

(b) An application from an LEA must contain a certification that the LEA has held an open meeting regarding the contents of its application, to comply with the requirements of EDGAR, 45 CFR 100a.138–100a.141.

(20 U.S.C. 3386; 887(e))

§ 163b.21 State review of local educational agency applications.

(a) The Commissioner does not approve an application submitted by an LEA unless the SEA of the State in which that LEA is located has been given an opportunity to review and comment on the application.

(b) The procedures for this review and comment are described in 45 CFR 100a.155 through 100a.159 of EDGAR.

(Sec. 809(b); 20 U.S.C. 3289(b))

Subpart D—How Is a Grant Made?

§ 163b.30 How the Commissioner evaluates an application from a local educational agency.

(a) The Commissioner evaluates an application on the basis of the criteria in § 163b.31.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(d) Among projects judged to be relatively equal in quality (within 15 points), the Commissioner may select a project to—

(1) Ensure that a diversity of approaches are funded to meet a variety of community education needs throughout the country; and

(2) Avoid duplicating the activities of a currently funded project.

(Sec. 809, 20 U.S.C. 3289)

§ 163b.31 Criteria for evaluating applications.

The Commissioner evaluates an application from an LEA on the basis of the criteria in this section. The maximum possible score for all criteria is 100 points. The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590 of EDGAR—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) *Quality of community education programs.* The quality of the existing or planned community education programs involved in the project in meeting all the minimum elements in § 163.4. In applying this criterion, the Commissioner focuses particularly on—

(1) *School involvement.* (i) The extent to which the local boards of education are involved in program administration and their commitment to the support and improvement of the program;

(ii) Mutual reinforcement, to the extent feasible, between the regular instructional program of the school and community education activities and services; and

(iii) Maximum use of existing school facilities;

(2) *Needs and Services.* (i) The extent to which the program provides services and activities that respond to identified local needs; and

(ii) The extent to which the applicant recognizes and resolves geographic and other constraints to potential participation in the program;

(3) *Agency coordination.* The adequacy of arrangements to—

(i) Achieve maximum coordination and cooperation among public and private agencies;

(ii) Use existing resources—including arrangements to link the program with programs listed in Section 806 of the Act; and

(iii) Avoid duplication in service delivery; and

(4) *Community participation.* The extent of community participation in all

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aspects of the program, including needs and resource assessment, application preparation, and implementing and evaluating the program. (30 points)

(g) *Potential for advancing community education.* The project's potential for advancing community education nationally. In applying this criterion, the Commissioner considers the quality of the project in developing any one or a combination of the following:

(1) *Citizen involvement.* The degree to which the project develops exemplary methods of citizen involvement in the governance of a community education program.

(2) *Use of resources.* The degree to which the project develops exemplary methods for the efficient and effective use of human and material resources.

(3) *Incorporating community education.* The degree to which the project develops exemplary methods of incorporating community education as an integral part of an LEA and building long-term support for community education. (30 points)

(h) *Evaluation and potential for replication.* The degree to which the project's results will be evaluated and the degree to which the project is replicable. In applying this criterion, the Commissioner considers—

(1) Whether there is a proposed plan for having the project evaluated;

(2) The proposed use of quantifiable data to measure the extent to which the project achieves its objectives; and

(3) Provisions to develop from the project usable information—including characteristics, practices, procedures, and materials—capable of being disseminated to a broad national audience or to a special client population. (10 points)

(Sec. 808; 20 U.S.C. 3289)

Subpart E—What Conditions Must be Met by a Grantee?

§ 163b.40 Cost sharing.

(a) An LEA that receives a grant shall meet the cost sharing requirement in Section 815(b) of the Act.

(b) The Federal share of the cost of a project is 90 percent for fiscal years 1979 and 1980, and 80 percent for fiscal years 1981, 1982, and 1983.

(c) Cost sharing is subject to the requirement in 45 CFR Part 74, Subpart G.

(Sec. 815(b); 20 U.S.C. 3295(b))

4. A new Part 163c is added as follows:

PART 163c—COMMUNITY EDUCATION—GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS

Subpart A—General

Sec.

163c.1 What general provisions apply to this program?

Subpart B—What Kinds of Projects Does the Commissioner Assist Under This Program?

163c.10 Who is eligible to apply under this program?
163c.11 What kinds of projects does the Commissioner assist?
163c.12 State educational agency projects.
163c.13 Projects of other public agencies and nonprofit private organizations.
163c.14 Project period.

Subpart C—How Does an Applicant Apply for a Grant?

163c.20 Application requirements.

Subpart D—How is a Grant Made?

163c.30 How the Commissioner judges applications from public agencies and nonprofit private organizations.
163c.31 Criteria for evaluating applications from State educational agencies.
163c.32 Criteria for evaluating applications from other public agencies and nonprofit private organizations.

Subpart E—What Conditions Must be Met by a Grantee?

163c.40 Cost sharing.

Authority: Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561, 92 Stat. 2284 (20 U.S.C. 3281).

Subpart A—General

§ 163c.1 What general provisions apply to this program?

The provisions of Subpart A of 45 CFR Part 163, §§ 163.1 through 163.9, apply to the Community Education—Grants to Public Agencies and Nonprofit Private Organizations program under this part.

Subpart B—What Kinds of Projects Does the Commissioner Assist Under This Program?

§ 163c.10 Who is eligible to apply under this program?

The Commissioner may make grants to or contracts with public agencies—including a separate grant category to SEAs—and nonprofit private organizations.

§ 163c.11 What kinds of projects does the Commissioner assist?

(a) *Purpose of projects.* The Commissioner makes grants to encourage the use of school facilities and other public facilities for the efficient and coordinated delivery of community services in community education programs or in other activities described in Section 806(b) of the Act, and 45 CFR 163.7(b) of the regulations.

(b) *Notice of funding reservations.* The Commissioner publishes a notice periodically in the **Federal Register** inviting applications for the program and notifying prospective grant applicants of—

(1) Activities to be carried out by contracts; and

(2) The amount of funds reserved for grants to SEAs and to other public agencies and nonprofit private organizations.

(c) *Non-duplication.* The Commissioner does not award a grant to support activities that duplicate any activities that the Commissioner funds through a contract under the program. For example, if the Commissioner awards a contract to involve parks and recreation agencies in program activities, the Commissioner does not award a grant for these activities.

(Sec. 810; 20 U.S.C. 3290)

§ 163c.12 State educational agency projects.

Grants to SEAs are designed to achieve the purposes in § 163.1(b). A grant supports an SEA in—

(a) Developing and carrying out State-level planning and interagency coordination and statewide dissemination; and

(b) Providing developmental and technical assistance to one or more specific community education programs administered by an LEA or to one or more coordinated programs under Section 806(b) of the Act.

(Sec. 810; 20 U.S.C. 3290)

§ 163c.13 Projects of other public agencies and nonprofit private organizations.

(a) *General.* The Commissioner awards grants to public agencies other than SEAs and to nonprofit private organizations to encourage the use of school facilities and other public facilities for—

(1) Community education programs; and

(2) The improvement and development of exemplary procedures to coordinate delivery of community and human services in these facilities.

(b) *National significance.* The Commissioner awards grants only to projects that have the potential of furthering community education purposes nationally. A project may have this potential because either—

(1) The activities under the project are national in scope; or

(2) The project involves a particularly innovative or exemplary idea or approach that is worthy of being replicated at other sites or by other organizations throughout the Nation.

(c) *Specific types of projects.* Eligible activities include coordination, sharing of information, technical assistance, and training. A project may focus on—

(1) Training a particular national, regional, or statewide group interested in community education or in the coordinated delivery of community and human services in schools and other public facilities;

(2) Developing working relationships between two or more of these groups; or

(3) Developing, testing, and disseminating exemplary models of local activities to promote improved coordination of community and human services in schools and other public facilities.

(Sec. 810; 20 U.S.C. 3290)

(d) *Outcomes.* Each proposed project shall provide for—

(1) *Evaluation.* An evaluation of the effectiveness of the project, including evaluative reports and products that describe the project, its results, and an analysis of its impact on community education.

(2) *Information.* The development of information that is useful in training others or for distribution to interested persons; and

(3) *Dissemination.* Methods to distribute nationally to all interested parties materials developed as a result of the project.

(Sec. 810; 20 U.S.C. 3290)

§ 163c.14 Project period.

The provisions in 45 CFR 163b.12 concerning project duration apply to grants to SEAs, other public agencies, or nonprofit private organizations.

(Sec. 810; 20 U.S.C. 3290)

Subpart C—How Does an Applicant Apply for a Grant?

§ 163c.20 Application requirements.

The application requirements described in § 163b.20 apply to this program.

(Sec. 810; 20 U.S.C. 3290)

Subpart D—How Is a Grant Made?

§ 163c.30 How the Commissioner judges applications from public agencies and nonprofit private organizations.

(a) The Commissioner evaluates an application on the basis of the criteria in §§ 163c.31 or 163c.32.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(d) Among projects judged to be relatively equal in quality (within 15 points), the Commissioner may select a project to—

(1) Ensure that a diversity of approaches are funded to meet a variety of community education needs throughout the country; and

(2) Avoid duplicating the activities of a currently funded project.

(20 U.S.C. 3289)

§ 163c.31 Criteria for evaluating applications from State educational agencies.

The Commissioner evaluates an application from an SEA on the basis of the criteria in this section. The maximum possible score for all criteria is 100 points. The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(a) *Plan of operation.*

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590 of EDGAR—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) *Quality of State-level activities.* The quality of State-level activities to develop community education. In applying this criterion, the Commissioner considers the degree to which the SEA has developed and will carry out—

(1) An assessment of State-level agencies and organizations providing programs and services related to community education and of resources available to the SEA in developing its community education activities;

(2) Provisions for participation by State agencies, organizations, personnel,

and the public in the development of the SEA application and in the implementation and evaluation of the project;

(3) A plan for cooperation among existing resources of State agencies, public and private organizations, and State associations providing community and human services related to community education;

(4) A plan for coordination with institutions of higher education for training of—SEA community education personnel, personnel of LEAs assisted by the State project, and personnel of federally funded LEA community education projects in the State;

(5) Activities to foster the inclusion of programs listed in Section 806 of the Act (45 CFR 163.7 of the regulations) in community education programs; and

(6) Activities to create greater awareness of community education among State agencies, organizations, and associations. (30 points)

(g) *Quality of technical assistance.* The overall quality of the plan for assisting local community education programs. In applying this criterion, the Commissioner considers the degree to which the SEA has planned for and will carry out—

(1) A needs assessment of LEAs;

(2) Activities to assist LEAs in developing community education programs, including—

(i) Assisting LEAs to meet the minimum elements of a community education program;

(ii) Helping LEAs plan and develop applications for assistance under the Act;

(iii) Helping to establish and coordinate community education task forces and advisory bodies;

(iv) Providing for the training of local directors of community education programs and their staffs and community members;

(v) Providing assistance in the dissemination of information about community education programs;

(vi) Helping community education programs to develop and conduct evaluations; and

(vii) Helping LEAs bring their community education programs into conformity with any State plan for community education.

(3) A process for involving LEAs, institutions of higher education, and appropriate individuals and groups in the preparation and operation of the technical assistance program. (30 points)

(d) *National impact.* The project's potential usefulness to other SEAs and potential for national impact on the advancement of community education. (10 points)

(Sec. 810; 20 U.S.C. 3290)

§ 163c.32 Criteria for evaluating applications from other public agencies and nonprofit private organizations.

The Commissioner evaluates an application from other public agencies and nonprofit organizations on the basis of the criteria in this section. The maximum possible score for all criteria is 100 points. The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590 of EDGAR—Evaluation by the Grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) *Client involvement.* (1) The extent to which the applicant plans to involve potential clients of the project in the design and operation of the project; and

(2) Provisions to assure that the applicant has entered or will enter into contractual arrangements or other suitable forms of agreement with the LEA involved in the proposal. (20 points)

(g) *Potential for advancing community education.* The degree to which the proposed project has the potential for advancing community education nationally. In applying this criterion, the Commissioner considers the degree to which the project—

(1) Includes unique or diverse methods of fostering interagency cooperative methods;

(2) Provides a plan to affect a given audience or group nationally; or

(3) Provides different methods of developing community education permanence within the applicant agency or organization. (30 points)

(h) *Dissemination.* The degree to which the applicant plans to evaluate the project results and disseminate them to a national audience. In applying this criterion the Commissioner considers—

(1) The applicant's proposed plan for developing an evaluation of the project;

(2) The applicant's proposed plan to develop usable information, including characteristics, practices, procedures, and materials, resulting from the project; and

(3) The applicant's provisions for disseminating the project results to a broad audience or to special client groups that could benefit from knowledge or project results. (20 points)

(Sec. 810; 20 U.S.C. 3290)

Subpart E—What Conditions Must be Met by a Grantee?

§ 163c.40 Cost sharing.

(a) An SEA, other public agency, or nonprofit private organization that receives a grant shall meet the cost sharing requirement in Section 815(c) of the Act.

(b) The Federal share of the cost of a project is 80 percent for fiscal years 1979 and 1980 and 90 percent for fiscal years 1981, 1982, and 1983.

(c) Cost sharing is subject to the requirement in 45 CFR Part 74, Subpart G.

(Sec. 815(c), 20 U.S.C. 3295(c))

5. A new Part 163d is added as follows:

PART 163d—COMMUNITY EDUCATION—TRAINING GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

Subpart A—General

Sec.

163d.1 What general provisions apply to this program?

Subpart B—What Kinds of Training Projects Does the Commissioner Fund?

163d.10 Eligible applicants.
163d.11 Types of projects.
163d.12 Training activities.
163d.13 Project period.

Subpart C—How Does an Applicant Apply for a Grant?

163d.20 Application requirements.

Subpart D—How is a Grant Made?

163d.30 How the Commissioner judges projects for training grants to institutions of higher education.
163d.31 Criteria for evaluating applications for training projects from institutions of higher education.

Authority: Title VIII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561, 92 Stat. 2284 (20 U.S.C. 3281).

Subpart A—General

§ 163d.1 What general provisions apply to this program?

The provisions of Subpart A of 45 CFR Part 163, §§ 163.1 through 163.9, apply to the Training Grants to Institutions of Higher Education program under this part.

Subpart B—What Kinds of Training Projects Does the Commissioner Fund?

§ 163d.10 Eligible applicants.

The Commissioner awards grants to institutions of higher education to pay all or part of the costs of developing, establishing, expanding, or operating programs to provide training for personnel who are engaged in or who intend to engage in community education programs.

(Sec. 812; 20 U.S.C. 3292)

§ 163d.11 Types of projects.

(a) Projects may focus on one or more of the following areas of training:

(1) General community education training designed to introduce persons interested in commencing and developing community education programs to the practices, procedures, and history of community education.

(2) Training of SEA community education leaders in managing a State program and in providing technical assistance to local districts throughout their State.

(3) Develop training materials based on proven effective strategies that have been used to implement community education programs at the State, local, and institution of higher education levels.

(4) Disseminating information about national training and bringing together different organizations and institutions providing training to persons in community education.

(5) Training by Statewide, regional, or national consortia composed of a variety of skilled trainers—

(i) To provide interdisciplinary training to persons interested in community education; or

(ii) To provide training on new methods of collaboration among agencies and institutions providing services in community education.

(6) Other areas of training in community education.

(b) The Commissioner publishes a notice annually in the **Federal Register** inviting applications for the program. The notice may establish priorities among these areas or reserve funds for them.

(Sec. 812; 20 U.S.C. 3292)

§ 163d.12 Training activities.

The training shall be—

(a) Provided on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training skills or activities; and

(b) Offered at times and in a manner that will allow participation by recipients without disrupting their responsibilities for planning and working with community education programs; and

(c) Develop in consultation with appropriate SEAs and LEAs.

(Sec. 812, 20 U.S.C. 3292)

§ 163d.13 Project period.

The provisions in § 163b.12 concerning project duration apply to training grants to institutions of higher education.

(Sec. 812, 20 U.S.C. 3292)

Subpart C—How Does an Applicant Apply for a Grant?

§ 163d.20 Application requirements.

The application requirements described in § 163b.20 apply to this program.

(Sec. 812, 20 U.S.C. 3292)

Subpart D—How is a Grant Made?

§ 163d.30 How the Commissioner judges projects for training grants to institutions of higher education.

(a) The Commissioner evaluates an application on the basis of the criteria in § 163d.31.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(d) Among projects judged to be relatively equal in quality (within 15 points), the Commissioner may select a project to—

(1) Ensure that a diversity of approaches are funded to meet a variety of community education needs throughout the country; and

(2) Avoid duplicating the activities of a currently funded project.

(Sec. 809, 20 U.S.C. 3289)

§ 163d.31 Criteria for evaluating applications for training projects from institutions of higher education.

The Commissioner evaluates an application from an institution of higher education on the basis of the criteria in this section. The maximum possible score for all criteria is 100 points. The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

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(a) *Plan of operation.*

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.*

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in pararaphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.*

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.*

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See §100a.590 of EDGAR—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.*

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) *Quality of project.* The quality of the proposal in addressing one or more of the areas of training described in § 163d.11(a). (15 points)

(g) *Knowledge of existing community education training.*

The extent to which the proposed project reflects and builds upon a knowledge of existing community education training and research related to the specific training area. (10 points)

(h) *Client involvement.* The extent to which the applicant plans to involve potential clients of the project in designing and implementing the project. (10 points)

(i) *Potential for advancing community education.* The degree to which the proposed project has the potential for advancing community education nationally. In applying this criterion, the Commissioner considers such factors as the degree to which the project—

(1) Includes unique or diverse methods of fostering interagency cooperative methods;

(2) Provides a plan to affect a given audience or group; and

(3) Provides different methods of developing community education permanence within the agency or organization being trained. (20 points)

(j) *Dissemination.* The degree to which the applicant plans to evaluate the project results and disseminate them to a national audience. In applying this criterion, the Commissioner considers—

(1) The applicant's proposed plan for developing and evaluation of the project;

(2) The applicant's proposed plan to develop usable information, including characteristics, practices, procedures, and materials resulting from the project; and

(3) The applicant's provisions for disseminating the project results to a broad audience or to a special client group that could benefit from knowledge of the project results. (15 points)

(Sec. 812; 20 U.S.C. 3292)

Note.—This Appendix A will not be published in Title 45 of the Code of Federal Regulations.

Appendix A—Summary of Comments and Responses

The comments received on these regulations are included below. A response is included after each comment stating changes which have been made in the regulations, or the reason why no change is made. The section numbers in these final regulations are different from those in the NPRM. The new section numbers are followed by the NPRM section number in parentheses.

Subpart A—General

Comment. A large number of commenters generally supported the regulations, expressed satisfaction that they were clear and understandable, and noted appreciation for the work which had been done. One commenter was pleased with the attempt to simplify the NPRM and to minimize education jargon but requested that these efforts be continued during the revision process. Several persons commended the effort to provide meaningful information in the NPRM "Supplementary Information" section of the preamble and suggested that this material be incorporated into the final regulations.

Response. The Commissioner is well aware of the need to provide regulations which are simple, clear, and as brief as possible and, at the same time, provide regulations that govern program administration. Considerable attention has been given to spelling out the basic concepts of community education in the final regulations. Additional information has been detailed in the responses to comments in this appendix. These regulations are the result of extensive interaction with the public. The Commissioner has attempted to produce a document that will clarify the concept of community education as intended by Congress and assist applicants to apply for funding under the Community Schools and Comprehensive Community Education Act.

§ 163.1 (160c.1) Description of the Community Education Act.

Comment. A few commenters expressed support for this section. Others objected to the restriction of Federal funds to "administrative and coordinating costs" and suggested that project-related costs of operation and provision of services be eligible for support.

Response. A change is made. The phrase "administrative and coordinating" has been deleted from § 163.1(a) (160c.1(a) in the NPRM). The Commissioner encourages the funding of leadership, administrative, and coordinating activities involved in planning, establishing, expanding, or operating community education programs. Changes have been made in § 163.8 (160c.6) to allow the Federal share to include costs beyond those described in the proposed regulations. The project may include costs such as instructor salaries, instructional materials and equipment, and other incidental expenses directly related to the provision of specific community education program activities and services, course offerings, and transportation of participants. The grantee must consider whether—

(1) Other public or private resources are unavailable for such costs;

(2) The charging of enrollment fees to program participants to cover such costs is not feasible or would create an excessive financial burden on potential program participants; and

(3) The proposed costs are reasonable in terms of the contributions they will make to the purposes of the community education program. Further information is provided in the response to the comment on § 163.8 (160c.6).

Comment. One commenter recommended that this section of the regulations be expanded beyond providing funding for community education programs.

Response. No change is made. While § 163.1(a) (160c.1(a)) lists the entities eligible for Federal assistance under the Act, § 163.1(b) (160c.1(b)) details the more specific purposes of the Act. These purposes reflect the broader purpose and intent of Congress in creating the Community Schools and Comprehensive Community Education Act.

Comment. One person suggested an additional purpose be added to § 163.1(b) (160c.1(b)) to read as follows: "Increase the capacity of local and State education systems to involve the community at large in planning a comprehensive program, services, and activities and to mobilize the resources for carrying out these community purposes."

Response. No change is made. The above recommendation contains two important elements of community education—the involvement of citizens in State and local comprehensive programming and the maximum utilization of community resources. These two areas are sufficiently addressed in § 163.1(b) (160c.1(b)), particularly § 163.1(b) (1) and (5) (160c.1(b) (1) and (5)) which are based on the authorizing statute.

§ 163.3 (160c.3) Definitions.

Comment. One commenter felt that there should be a specific definition of "new models" as used in §§ 163b.31(c)(1), (2), (3) (160c.35(c)(1), (2), (3)), and 163c.13(a), (b), (d)(3) (160c.42(a), (b), (d)(3)).

Response. A change is made. The term "new" is deleted from the regulations. Please refer to comments and responses for § 163b.31 (160c.35).

Comment. Another commenter suggested changing the term "Community Education Program" used in this section and in § 163.4 (160c.4) to "Community Education System".

Response. No change is made. The Commissioner is aware that community education is unique in that it is a total process, involving a community in assessing needs and identifying resources to meet those needs, as opposed to the direct provision of program services. It is with this understanding that the term "program" is used, meaning a community education program that meets the minimum elements in § 163.4 (160c.4) of the regulations.

§ 163.4 (160c.4) What are the minimum elements of a community education program?

Comment. Several commenters expressed support for the seven minimum elements as written. In addition, most of the individuals commenting on specific paragraphs of this section expressed support for the seven elements. One commenter recommended the use of eight elements as in the previous regulations. A number of comments also urged a stronger role for citizen involvement. One commenter, on the other hand, expressed concern about "certain" minimum elements that are either more specific than the law or without specific references in the law.

Response. Certain clarifying changes have been made to insure that the minimum elements are consistent with the authorizing statute. The Act defines a community education program as "a program in which a public building, including but not limited to a public elementary or secondary school, or a community or junior college (or a related extension center), is used as a community center operated by an LEA in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, health care, cultural, and other related community and human services for the community that the center serves in accordance with the needs, interests, and concerns of that community."

To clarify this definition, the regulations, in § 163.4 (160c.4), describe the minimum elements of a community education program. These elements apply to each community education program to be assisted under the program, whether through direct grants or under the State formula program.

The definition of community education is substantially the same as the definition in the earlier Community Schools Act of 1974. Likewise, the minimum elements, with some minor changes, remain substantially the same as those in the previous regulations. These elements have been widely supported throughout the history of the program. The present regulations build upon this strong legislative history. These elements are based on the language and intent of the present Act. Certain revisions are made in the final regulations to insure that the minimum elements are consistent with language in the Act. These elements have been carefully developed with the assistance of community education constituents. They are based on current research literature and have widespread acceptance throughout the Nation.

(a) *Role of local educational agency.*

Comment. Two commenters expressed support for the wording of this subpart in the NPRM. A few commenters suggested that the language in the NPRM might eliminate participation by other agencies. Two persons stated that the role of the school should be much stronger. Another commenter questioned whether a community college is eligible to participate in the program as an LEA. Another commenter suggested the concept of an LEA be broadened to include community agencies and organizations.

Response. No change is made. The term "local educational agency" (LEA) is generally defined in Section 1001(f) of the Elementary and Secondary Education Act as "a public board of education or other public authority legally constituted within a State for administrative control or direction of, or to perform a service function for public

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elementary and secondary schools * * *" This definition was used in the community education regulations under the Community Schools Act of 1974.

Particular agencies that fall within the definition of "local educational agency" will be recognized as eligible applicants. The regulatory and statutory elements include (1) status as a public authority; (2) legal mandate or authority under State law to perform a service function; and (3) the existing or prospective performance of the service function for public elementary and secondary schools.

For the purposes of the Act, a public authority would, for example, be eligible if it were authorized pursuant to State law to carry out and were carrying out (or proposed to carry out) a community education program (meeting the minimum elements) set forth in § 163.4 (160c.4) in a public elementary or secondary facility. It would not be necessary that the public authority have the sole or primary purpose of providing a service function for public elementary or secondary schools, so long as the public authority had the legal authority to perform such a service function. (Documentation with respect to the status of an agency under State law as a "public authority" and as to its authority to perform a service function for public elementary or secondary schools could be provided through submission of an opinion of counsel or other appropriate legal optnion.)

Comment. One commenter raised questions relative to the meaning of "school". Another commenter suggested that the term "school district" be used instead of "school". Another commenter suggested that the term "local education agency" be used.

Response. A change is made. A school is unlikely to undertake a project without the support of the LEA since ultimate administrative and operational responsibility is vested at this level. Although a single school may be responsible for a community education project, the LEA has the ultimate responsibility in the project. Therefore, the term "local educational agency" is used in subsections 163.4 (a) and (b) (160c.4 (a) and (b)).

Comment. One commenter suggested that advisory committees be required for all programs.

Response. No change is made. The formation and operation of advisory committees is one method of assuring community and citizen involvement, provided for in Sec. 808(7) of the Act and § 163.4(g) (160c.4(g)) of the regulations. However, neither the Act nor the regulations mandate an advisory committee. To prescribe a particular mechanism might limit or discourage the use of other, and possibly more appropriate, means for ensuring community participation, coordination, and consultation. The precise means of implementing this principle stated in the Act and regulations should be determined locally. At the same time, the presence of a strong and viable element of community participation in each community education program will be important in the evaluation of an application.

(b) *Community Served.*

Comment. Several commenters suggested that the statement defining the community served be changed to read as follows: "The community shall include *but not be limited to* the attendance area for the regular instructional program of the school involved in administering and operating the program."

Response. A change is made. The regulations should not be overly restrictive in the definition of a community, therefore a change is made in § 163.4(b) (160c.4(b)). This change will make it clear that a community education program may serve an area larger than the immediate attendance area of the schools of the LEA involved in the program. For example, this might include the entire school district.

(c) *Community Center.*

Comment. One commenter suggested that public libraries be listed as eligible facilities. Another questioned the specific reference to recreation and park centers, since they are not specifically mentioned in the Act.

Response. The reference to recreation and park centers has been deleted. The Commissioner agrees that the inclusion of any specific group not designated in the Act might imply the exclusion of all other groups. The reason for any inclusions of groups is that they are specifically mentioned in the Act. It is not the intent of the Commissioner to eliminate particular groups from participation in, or facility from being used in any State or local community education effort. Rather, the Commissioner encourages the full participation of as many diverse groups and organizations and the use of a wide range of facilities as possible in community education programs.

Comment. One commenter expressed concern over the inclusion of satellite or mobile facilities as centers in § 163.4(c)(1)(ii) (160c.4(c)(1)(ii)).

Response. A change is made to clarify the use of other public facilities. This language is consistent with section 808(a)(8) of the Act which states that a community education program will provide for the identification and use of services outside the school "or other public facility". While a center should serve as a focal point for the community education program, community circumstances may create a need for additional facilities in addition to that center.

Comment. One commenter suggested that the phrase "to the extent feasible" be added to § 163.4(c)(2)(i) (160c.4(c)(2)(i)), since that phrase was used in the Act.

Response. A change is made. The phrase is added to the regulations.

Comment. One commenter expressed the opinion that § 163.4(c)(2)(ii) (160c.4(c)(2)(ii)) is of no benefit and questioned its inclusion in the regulations.

Response. A minor change is made. The Commissioner wishes to emphasize the importance of the school as a focal point in the community education program. This emphasis is based on Sec. 802(a) of the Act, and is illustrated through the regulations. The phrase "are merged with * * *" is deleted from this subsection because it can be seen as having a limiting effect. However, the remainder of the subsection is not changed.

(d) *Community needs.*

Comment. One commenter was concerned that the language of this section emphasized that all services must be provided, rather than attempting to meet local needs.

Response. No change is made. Section 163.4(d) (160c.4(d)) requires "systematic and effective procedures" for identifying, documenting, and responding, on a continuing basis, to the needs of a community. The Commissioner does not intend to designate specific services to be provided by all local programs, but establishes a procedure to assist local programs in determining their own needs, interests, and concerns. This is consistent with the Act's findings in Sec. 802(5) that community schools provide a great potential for the use of needs assessment as a basis for human resources policies.

(e) *Community resources.*

Comment. Several commenters wanted stronger language requiring cooperative agreements between the LEA and other public agencies. One suggested that the regulations mandate that program directors assist other agencies rather than replicate efforts of those agencies.

Response. A change is made. On August 6, 1979 Congress passed Pub. L. 96-46 that makes a technical amendment to Section 809(b) of the Community Education Act. The amendment reads as follows:

No grant may be made to a local educational agency to plan, direct or operate any program or activity that is being conducted by another public agency unless the Commissioner determines that cooperation exists between the local education agency and the public agency conducting such program or activity.

Though originally accepted as a part of the Act, this provision was inadvertently omitted from the final version of the Act. The technical amendment was therefore introduced into Congress in order to formally incorporate the provision into the Act.

Accordingly, a new paragraph has been added to § 163.4(e)(3) (160c.4(e)), to reflect this amendment.

Comment. One commenter questioned the use of the term cooperative "agreements" and suggested the term cooperative "arrangements" be substituted.

Response. A change is made. The word "arrangements" is more appropriate, since it allows for greater diversity of interagency cooperative networks. The language in § 163.4(c)(2) (160c.4(c)(2)) is changed to be consistent with the language of the Act.

Comment. One commenter questioned the use of the phrase "to avoid duplication of services" in § 163.4(e)(2) (160c.4(e)(2)) in relation to cooperation among public and private agencies.

Response. A change is made to encourage programs to avoid duplicating services to the extent feasible. It is not always possible to avoid some duplication of services when public and private agencies cooperate to provide community education services. At the same time, however, the intent of the program is to make the most efficient use of public buildings in providing a wide range of services to a wide variety of groups in a community. To effectively coordinate these services, duplication of services should be avoided.

Comment. One commenter requested that the phrase "or other public facility", used in the law, be added to § 163.4(e)(1) (160c.4(e)(1)).

Response. A change is made to conform § 163.4(e)(1) (160c.4(e)(1)) to the language and intent of the Act with respect to the utilization of community resources outside the school or other public facility. The language is added to § 163.4(e)(1) (160c.4(e)(1)).

Comment. One commenter requested that the phrase "to the fullest extent possible" be deleted from § 163.4(e)(1) (160c.4(e)(1), which provides for the identification and utilization of resources located outside the school to enhance the program.

Response. A change is made. The phase introduces confusion and uncertainty in measuring the identification that would constitute "fullest extent possible". To avoid varying and differing interpretations, the phrase is deleted.

Comment. One commenter questioned the use of the phrase "to enhance the size and quality of the program" in § 163.4(e)(1) (160c.4(e)(1)).

Response. No change is made. Section 808(a)(6) of the Act requires arrangements to make the maximum use of existing resources within the community. The Commissioner believes these arrangements can be "maximized" by increasing qualitative aspects of a program (number of services provided, number of agencies participating, etc.) or improving the quality of working arrangements (higher level of cooperative agreements, sharing of resources, coordination of activities, etc.). The intent is to provide the maximum latitude for local communities planning, establishing, expanding, or operating community education programs.

(f) *Program clients.*

Comment. One commenter wanted the regulation modified so that the community education program could specifically include exceptional children while a second commenter felt that there should be a statement prohibiting duplication of effort to mentally or physically handicapped children. Another commenter suggested that program clients should be expanded to include "women and girls with special educational needs, including, but not limited to single mothers, displaced homemakers, older women, and rural women." Another suggested the inclusion of the requirement: "Access shall include communicational access through the use of qualified spoken language and sign language interpreters".

Response. No change is made. The Commissioner encourages participation by these individuals and groups in a community education program. The regulations as currently written do not eliminate any of these groups. The Act provides that a community education program serve all age groups in the community. Only those groups specifically mentioned in the Act have been included in the regulations. The list of persons in § 163.4(f) (160c.4(f)) is illustrative and not exhaustive. Any program receiving Federal assistance under this Act must, of course, comply with the following statutes and regulations. These statutes prohibit in any Federally assisted activity discrimination based on (1) race, color, or national origin—Title VI of the Civil Rights Act of 1964 (42 CFR Part 80); (2) sex—Title IX of the Education Amendments of 1972 (45 CFR 86); (3) handicap—section 504 of the Rehabilitation Act of 1973 (45 CFR Part 84); and (4) age—The Age Discrimination Act of 1975 (45 CFR Part 90 "General Government-wide Age Discrimination Regulations").

(g) *Community involvement in governance.*

Comment. Several persons requested that the regulations emphasize more strongly the role of local citizens in the governance of the program. One commenter questioned why the regulations did not make a distinction between parents and other groups, why parent involvement in planning and developing the program is not reflected in the regulations, and why the regulations permit the involvement of students. Another suggested rewording the last sentence for clarity. Another commenter suggested that this section include specific provisions for measurable community involvement.

Response. The section is revised to incorporate the above mentioned concerns and to clarify Congressional intent. The revised section maintains the important role of citizen involvement in community education, provides for a greater involvement of parents of students, and clarifies areas of ambiquity. The revised section reflects more clearly the language and intent of the Act.

(a) The program shall be planned and operated in cooperation with the community to be served by the program, in order to fulfill the educational, recreational, health care, cultural and other related community and human services in accordance with the needs, interests and concerns of the community for individuals of the community; and

(b) Involvement shall include active and continuous involvement of (1) individuals, institutions, and groups representative of the community, on an advisory basis; and (2) parents of school children in the planning, development and implementation of programs.

Comment. Several commenters suggested the inclusion of specific citizens or official groups. One commenter wanted to specifically include teachers, another commenter wanted to include locally elected officials, while another suggested the section be expanded to include individuals and groups that represent women and miniorities, and public libraries. One commenter suggested that "local educational groups" be used instead of "community college".

Response. Section 163.4(g) (§ 160c.4(g)) is revised to require cooperation with the communuity

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from other Federal grants to meet a cost sharing or matching requirement.

Although coordination between a community education program under this Act and those programs listed in Sec. 808 of the Act, is not required, the requirements set forth in Sec. 806(a)(1) and (2) would most likely lead to coordination of effort. Additionally, since two purposes of the program as stated in Sec. 802(b) of the Act are "(1) * * * collaboration with * * * related human services * * *" and "(2) * * * coordinate the delivery of social services * * *", coordination is emphasized in the final regulations (i.e. § 163.4).

Other comments

Comment. One commenter suggested that a portion of funds be earmarked for exceptional members of the population, i.e. the deaf and blind. Another commenter suggested that a special Indian set aside funding is necessary to achieve the permanent existence of community education programs. Another commenter questioned whether Native American groups are eligible to apply for funding under the current regulations. Finally a commenter suggested that a provision supporting the participation of postsecondary technical and professional education programs for deaf people be included in the regulations.

Response. No change is made. The General Education Provisions Act, Section 421(c)(2)(B) states generally that funds appropriated to carry out a particular program cannot be allotted, apportioned, allocated or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation. Therefore, funds cannot be earmarked for groups not provided for in the Act.

Comment. One commenter stated that the regulations were unclear as to whether an applicant is eligible for simultaneous grants. For example, could an LEA receive a grant under the program for grants to LEAs (Sec. 809 of the Act) and also under the program for grants to public agencies and nonprofit private organizations (Sec. 810 of the Act)?

Response. Applicants should not be eligible for simultaneous grants. Technically, an LEA could qualify as an applicant under both of these programs. However, it is very unlikely that the LEA would receive a grant under both programs simultaneously. With limited funds available, the intent is to spread the benefits of community education to as many areas and individuals as much as possible. In evaluating applications from LEA's under the LEA program, the Commissioner considers the avoidance of duplication of projects in § 163b.30(b)(2) (§ 160c.34(b)(2)) and the funding of a diversity of community education methods in § 163b.30(b)(3) (§ 160c.34(b)(3)). It is unlikely that this duplication could be avoided if one agency received grants for two different community education programs.

Subpart B—State Community Education Program

Section 163a.10 (160c.10) Purpose of State grants.

Comment. One commenter expressed concern that the regulations language is much stronger than the law and House report in emphasizing the limited Federal role. Another commenter expressed support for the regulations language.

Response. A minor change is made. SEAs have played a pivotal role in implementing the Community Schools Act of 1974. They should take the leadership role in building a natural base for continued community education growth. The Community Schools and Comprehensive Community Education Act was developed by Congress, in part, to increase the role that SEA's are to play in the future development of community education. By creating the State formula program with monies flowing to LEAs through States, Congress placed States in a central position. The decreasing Federal match over the five-year period of the Act, also places States in a position to assume the burden of continued growth. However, the regulations do not attempt to limit Federal support for community education to the five years of this Act. In order to emphasize the importance of SEA's, yet not eliminate the possibility of continued Federal support, the phrase "full State responsibility" has been changed to "major State responsibility" for development of community education during the five year period of authorization in the final regulations.

Section 163a.11 (160c.11) Eligible activities.

Comment. One commenter suggested that public agencies and private nonprofit organizations should also be eligible for funds distributed by an SEA in the State formula program.

Response. No change is made. Section 808(a)(3) of the Act provides that the SEA must distribute 80 percent of the funds it receives from its allotment among LEAs. The subgrantee is thus delineated in the Act. Other public agencies and private nonprofit organizations are not included in the Act and therefore are not included in the regulations. Section 808 of the Act states that "payments will be used to expand community education programs of the schools of local educational agencies within the State;". No particular form of administration will be required as long as the school is genuinely involved in the administration of the program. The school must be directly and substantially involved in the administration and operation of the program. The means by which this takes place will vary from school to school and program to program. However, a community education program in which the role of the school is confined solely to making its facilities available and in the administration or operation of which the school plays no genuine role is not a community education program within the meaning of the law.

Comment. One commenter recommended that the word "program" be used instead of community education "activities" in § 163a.11(a)(2) (§ 160c.11(a)(2)).

Response. A change is made to clarify the subsection.

Comment. One commenter suggested that language allowing funds to be used for conferences and dissemination be added in order to be consistent with language in the Act.

Response. The section is changed accordingly.

Comment. One commenter suggested that language be added to allow SEAs to contract with other agencies to perform training functions in all aspects of community education.

Response. No change is made. The Commissioner encourages SEAs to coordinate all activities with appropriate agencies within the State. Each State can best develop a plan to fit its own situation. In doing this it must determine its own training needs and assure appropriate activities to respond to these needs. This assumes maximum State initiative without Federal interference in State and local systems.

Section 163a.20 (160c.12) Documents a State must submit to receive a grant.

Comment. One commenter supported this section as it is written, while two others wanted stronger assurances of citizen involvement in the community education program.

Response. No change is made. (See response to § 163a.23 (§ 160c.15)).

Comment. One commenter suggested that State plans be required on a rotating basis, so that only one-third of them would be forthcoming to OE each year.

Response. No change is made. Section 808(a) of the law requires any State desiring to participate in the program to

served in order to provide "educational, recreational, health care, cultural, and other related community and human services." The intent is to encourage the involvement of all of the above mentioned groups and at the same time give maximum opportunity for a local community to operate a program in accordance with the "needs, interests, and concerns of that community."

Section 163.5 (160c.5) How are the minimum elements of community education program applied?

Comment. One commenter expressed concern that this section does not allow funding for projects where progress is being made toward meeting the given minimum elements. Another suggested the elimination of the word "already" before the phrase "meet all the minimum elements". It was also mentioned that the language in this section is too broad and does not reflect the intent of the Act.

Response. No change is made. It is not the intent to prohibit funding projects that are progressing toward but have not yet achieved all the minimum elements. Section 163.5(a)(2) (§ 160c.5(b)(2)) of the regulations, which states that "Each community education program shall— * * * (2) Be able to meet all of the minimum elements with the assistance provided under the project", would allow funding of a project that was making progress toward meeting all seven elements. All seven elements do not have to be met when the project is funded, but the goals must include meeting all seven minimum elements before the project is completed.

Section 163.6 (160c.6) Scope of eligible project activities.

Comment. Several commenters supported this section of the regulation as written. Others supported the limits on the use of funds, but wanted to change the wording in the regulation to make this requirement even stronger. These commenters suggested that in the sentence "However, the project to which the Federal share is applied *may* include only the administrative and coordinating activities * * *", the word "may" be replaced with the word "shall". Another commenter supported the limitation, but suggested the inclusion of a provision to allow school districts in rural areas to use the Federal funds for other activities when no other funds are available.

There were additional commenters who opposed limiting the use of Federal funds. One commenter suggested that this limitation would kill the impetus for funding community education in the future. Another commenter suggested that the prohibition against the use of Federal funds for instructional materials and equipment is educationally unsound, and that there is no basis for it in the Act. Another commenter suggested that Federal funds should be used for maintenance and operations of school district buildings after school hours when they are used for community education program purposes.

One commenter questioned the legality of allowing only those activities listed in the regulations.

Response. The regulations are changed to allow projects to include costs beyond those described in the proposed regulations. Now, for example, costs directly related to the provision of program activities and services are allowed. However, the Commissioner believes that while a community education program may encompass virtually any type of educational or other social service, the Federal program was mainly intended to support the processes of organizing and coordinating these services. Therefore, funding of leadership, administrative, and coordinating activities is encouraged.

A major purpose of the legislation is to encourage the better use and coordination of existing resources. The purpose is not to displace other funding of recreational, cultural, or educational programs. It is assumed that the funding for those programmatic costs will continue to be met from other sources. The previous legislation stressed coordination of existing programs and resources and the results of such a funding philosophy have received considerable praise through the evaluation of the program and from various community education constituencies. The Commissioner emphasizes the importance of giving priority to using Federal funds under the Act to clearly establish the process (needs assessment, citizen involvement, etc.) rather than pay for programs (of adult education, recreation, child care, etc.). For further clarification, see response to § 163.1 (§ 160c.1).

Comment. One commenter suggested that § 163.7 (§ 160c.6(b)(2)) be clarified and expanded. Another commenter requested that this subsection be expanded to include: "Training for the administrator and appropriate members of staff and for the grantee's chief executive officer and appropriate members of staff". The same commenter suggested that § 163.7 (§ 160c.6(c)(8)) be amended to read "Organizing and training community education task forces or advisory councils * * *".

Response. These suggestions have been incorporated into the final regulations.

Comment. One commenter requested additional language to clarify § 163.7 (§ 160c.6(c)(12)) regarding how much flexibility LEA's will have to apply evaluation procedures in addition to those specified in the State plan.

Response. Section 163.7 (§ 160c.6(c)(12)) allows an LEA to contract with third party outside evaluators to evaluate the community education program assisted with Federal funds. Valid evaluations of programs funded under the Act will not only provide valuable information at the local level, but can produce important data to assess the impact of Federal involvement in community education. The regulations permit these evaluations. The responsibility of seeing that the evaluation is initiated and carried out is a local responsibility. The Commissioner encourages the greatest flexibility for LEAs to conduct the evaluations.

Comment. One commenter asked if Federal funds could be used for paid media advertising under § 163.7 (§ 160c.6(c)(3) and (5)).

Response. The Commissioner agrees that Federal funds could be used for activities that qualify as procedural activities necessary to providing services and activities or obtaining community participation in carrying out the program. Paid media advertising must be in accord with 45 CFR Part 74, Appendix C, Part II (B)(2).

Section 163.9 (160c.7) Non-Federal contribution for related Federal programs.

Comment. Several commenters supported this section as it was written. One commenter felt that the section could be supported only if there was coordination at the Federal level. Without this coordination the commenter felt that such a policy was worthless. This commenter also cited apparent conflict of this provision with 45 CFR Part 74, Subpart G, § 74.53(a)(1). Finally a few commenters expressed concern that the regulations were more restrictive than the Act and wished to change the term "cost" to "fair value" and "project" to "program".

Response. Minor changes are made in the final regulations. "Costs" and "product", used in the proposed regulations are changed to "fair value" and "program" respectively. These changes provide consistency between the Act and the regulations.

Section 806(a) of the Act provides authority for this section of the regulations. The language "Notwithstanding any other provision of law" eliminates any conflict with 45 CFR 74.53 that prohibits the use of funds

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submit a plan to the Commissioner. The regulations, in carrying out this Congressional intent, require States to submit State plans prior to receipt of Federal funds. Therefore, each State wishing to participate in the formula program must submit and have approved a State plan for community education development within the respective State. The Commissioner requires State plans prior to the first year of funding of the formula program for all States wishing to participate.

Section 163a.21 (160c.13) Assistance to community education programs.

Comment. One commenter felt that funding should include programs making progress toward meeting the minimum elements. This person also suggested that the regulations allow an SEA to conduct an assessment after, rather than before, receiving Federal funds.

Response. No change is made. As written, the regulations already include programs making progress toward meeting the minimum elements under § 163a.21(a) (§ 160c.13(a)). It is important that a community's needs be assessed before the receipt of Federal funds, since such an assessment is necessary in determining State and local involvement and resources available to effectuate that involvement.

Comment. One commenter recommended that SEAs and LEAs identified in § 163a.21(a) (§ 160c.13(a)) be specified by name and geographic location in the SEA proposal. Another commenter recommended that a State plan contain specific provisions beyond those identified in the regulations.

Response. No change is made. The regulations presently require that a State identify (1) existing and planned community education programs through out the State; (2) the locations with the strongest interests in and needs for new community education programs; and (3) resources available to plan, establish, expand, or operate community education programs throughout the State. To require additional provisions beyond those identified or based on the authorizing legislation would be inappropriate.

Section 163a.23 (160b.15) Expanding community education programs.

Comment. Several commenters expressed concern that the regulations should reflect a more comprehensive State plan than required in this section. These commenters recommended the regulations be strengthened by requiring States to involve citizens in the development of the State plan, develop procedures for continual advice and input, secure State board of education support, and develop and carry out State-level planning and interagency coordinating activities. Many suggested that the appendix be incorporated into this section.

Response. No change is made. Although the regulations are not as specific as many community educators had wished, the Commissioner requires SEAs to submit sufficient information necessary to determine that provisions of the Act are met. The Commissioner is aware that the principles of community education emphasize citizen involvement, cooperative use of public resources through interagency collaboration, assessment of needs that can serve as a basis for program plans. The Commissioner encourages these principles to be carried out by SEAs and has provided additional information in this regard in Appendix B. As administrator of the State program, the SEA must see that the minimum elements in § 163.4 (160c.4) are met in local, as well as the statewide programs. This assures cooperation with other agencies, community involvement, etc. The Commissioner is well aware that the SEAs will play a pivotal role in successful implementation of community education in the future.

Comment. One commenter questioned the inclusion of § 163a.23(b)(2)(ii) (§ 160c.15(b)(2)(ii)) and whether this section would result in expansion of the program.

Response. No change is made. The attempt has been made to provide the greatest flexibility to SEAs in determining the nature of "expanding" community education within the State. Expansion might be interpreted as developing new programs or providing increased services. It might also include increased numbers of individuals and groups participating in the planning and implementation of the program.

Comment. One commenter questioned the inclusion of § 163a.23(c)(1) (i) and (ii), (§ 160c.15(c)(1) (i) and (ii)), since these requirements are not directly stated in the law.

Response. No change is made. Section 808(a)(1) of the Act states that payments will be used to expand community education programs of the schools of LEAs within the State. The regulations require SEAs to conduct a statewide assessment in order to develop a program for expanding community education. The Commissioner believes that the statewide assessment may identify community education needs as well as resources available to meet those needs. Sections 163a.23(c)(i) and (ii), (§ 160c.15(c)(i) and (ii)), will enable an SEA to identify community education needs while § 163a.23(c)(iii) (§ 160c.15(c)(iii)), will allow SEAs to locate resources within the State.

Comment. One commenter wanted locally elected officials to be included in § 163a.23(b)(2)(ii) (§ 160c.15(b)(2)(ii)) which talks about "increasing the number of community organizations that participate in planning and implementing the programs and improving the quality of the participation." Another suggested that appropriate Indian tribes or their designees be included.

Response. No change is made. (See response to § 163.4(c) and (f) (§ 160c.4(c) and (f)).

Section 163a.24 (160c.16) Local distribution of funds.

Comment. One commenter suggested that § 163a.24(b)(2)(ii) (§ 160c.16(b)(2)(ii)) be deleted or changed to read "assistance to existing or proposed community education programs that meet or propose to meet the minimum elements. The same commenter suggested § 163a.24(b)(2)(iii) (§ 160c.16(b)(2)(iii)) be deleted. Another commenter questioned the inclusion of § 163a.24(b)(2) (§ 160c.16(b)(2)).

Response. No change is made. Section 808 of the Act requires among other things that the payments to LEAs under the State program be used to expand local programs, as well as establish and operate community education programs. Limited funds appropriated necessitate focusing on those programs of the highest quality to most effectively meet the community needs throughout the State.

Comment. One commenter suggested that the SEA should provide for quality approaches in granting funds to LEAs, and that because there will be insufficient funds at the SEA level to fund all programs, the regulations should establish a competitive program for distributing State formula Community Education funds. Another commenter wanted emphasis placed on demonstration type projects.

Response. No change is made. The strength of the community education concept and the magnitude of the results achieved have been due to the intense interest and support which is generated at the local level. Therefore, States should have the option of selecting those local programs where genuine commitment and possibility for success are demonstrated through a competitive process. Accordingly, regulations have been developed that allow each State to determine its own procedure for distributing funds, consistent with its own situation. By virtue of their authority over and proximity to LEAs, States are best suited to provide direct assistance in the planning, initiation, and development of local community education programs. State funds to LEAs should be utilized for the purposes of planning and initiating programs on a broad scale basis throughout the State. States must assume a primary role as the direct link to local community education programs. The Commissioner feels that which programs are assisted, and how such assistance is carried out, should, within the parameters of the Act itself and its regulations, be left to the discretion of each State.

Comment. One commenter asked what provisions and/or alternatives are available if an identified LEA chose not to accept budgeted funds.

Response. The State would have the discretion under (§ 163a.24(a) § 160c.16(a)) to choose another LEA. This would likely be one of "procedures for distribution" which must be included in the State plan.

Section 163a.25 (160c.17) Evaluation procedures.

Comment. One commenter wanted to delete "if possible" from clause (a)(2) so that SEA's had clear responsibility to evaluate LEA projects even if the LEA received direct Federal support. However, a few commenters were opposed to SEA evaluation of Federally funded LEA projects and felt that this paragraph should be deleted.

Response. No change is made. Section 808(a)(11) of the Act requires that a State plan "provide satisfactory assurance that effective procedures will be adopted to evaluate the effectiveness of the community education programs assisted under this title (including where possible payments made directly under § 809)." These regulations adequately reflect the requirements of the Act as written. There is no requirement that SEAs actually evaluate LEA projects.

Comment. One commenter requested that additional reciprocal responsibilities be required between SEA projects and USOE "direct funded" projects.

Response. No change is made. As presently written, the regulations are designed so that each funding category is complete within itself, yet reinforces and is supported by other categories. For example, the minimum elements outlined in the regulations require coordination of agency and citizen involvement. The State Community Education Program, emphasizes assessing the needs of local communities prior to the development of the State plan and provides for State review and comment on LEA discretionary programs. Likewise, LEA's can receive State developmental and technical assistance provided through the SEA.

Section 163a.26 (160c.18) Other State plan provisions.

Comment. Several comments were received concerning § 163a.26(b) (§ 160c.18(b)) regarding the use of the funds remaining in the State's allotment (5 percent) after 80 percent has been subgranted to locals and 15 percent has been used for administration and technical assistance. One commenter was concerned that the remaining five percent of the funds might get lost in the State bureaucracy and consequently its intent also lost. Another commenter suggested that the five percent should be used to "train and provide technical assistance to LEA personnel in the creation, implementation, and administration of community education activities." This commenter also felt that teachers should be included in the definition of LEA personnel. One commenter questioned the justification for using funds for State activities.

Another commenter suggested that the five percent be used to train SEA personnel, with the balance used to train LEA personnel. One commenter wanted to use the five percent for cost over-runs and contingencies and not for technical assistance to SEA personnel.

Finally, a few commenters suggested that the remaining five percent of the funds be used to provide training, travel and other support for State advisory councils or committees.

Response. Section 163a.26(b) (§ 160c.18(b)) is revised. The Commissioner agrees that the NPRM limited the potential use of the five percent remaining funds. Therefore, the subsection has been revised to include training and technical assistance to other State agencies and State community education advisory committees.

Section 163a.27 (160c.19) Ten-year plan.

Comment. Several commenters suggested that the ten-year plan would create difficulties and place a burden on State education agencies.

Although one commenter said that the ten-year plan is a strong aspect of the regulations, there were a few commenters who stated that ten years were too long and recommended changing to a five year plan. Another commenter stated that the Community Education program should be aware that a ten-year period is too long, and that requiring SEA's to develop such long range plans will cause a number of problems.

Response. A change is made. Section 808(a)(2) of the Act mandates States to develop the ten-year plan. This ten-year plan for coordination will require each SEA to carefully plan future growth of community education as it relates to other agencies within the State. Section 160c.19(a) (1), (2), (3), and (4) of the draft regulations have been deleted from § 163a.27 of the final regulations. This gives greater flexibility to the State to provide for coordination that best fits its needs. Additionally, § 163a.27(c) (§ 160c.19(c)) provides for a two-year period for the development of the ten-year plan. It is hoped that the two-year development period will result in quality coordination efforts.

Comment. A few commenters felt that the regulations were not specific enough in detailing which agencies should be included in the ten-year plan. One commenter suggested language mandatory participation of teachers in the development of the plan. Another commenter suggested including libraries in the development and carrying out of the plan. Another commenter suggested that the language of the regulations should be changed to make it clear that LEA's should be included in the development of the ten-year plan. One commenter suggested that Indian tribal governments or their designees be included. Another commenter emphasized the importance of involving and coordinating with existing recreation agencies. Finally, one commenter wanted the input of locally elected officials added to this section of the regulations.

Response. No change is made. The Commissioner encourages the participation of all the above groups in the development of ten-year plans for coordination. The regulations do not exclude any group from participating; rather they encourage States to consult with all appropriate State agencies. The Commissioner suggests that States involve LEA groups as well. Again, certain groups have been mentioned, i.e., State and local recreation authorities and associations, because they are specifically referred to in the Act. However, the Act suggests, but does not limit involvement to these groups. It is left to the State to involve those groups best suited to meet the needs of the State in community education.

Comment. One commenter suggested this section be amended to provide that "two years after" refers to the beginning of the grant period, not to its conclusion.

Response. No change is made. The regulations state that the ten-year plan "must be completed no later than two years after the State receives its first

grant" under the formula program. The two-year period from the time a State begins operating under the formula program should allow for the development of quality plans. The formulation of the ten-year plan will provide a State with a long range schedule for coordination.

Comment. One commenter questioned whether an update or revision of the ten year plan is required with each three year plan and if this up-date would add another three years to the ten-year plan.

Response. No change is made. The regulations do not require an up-date in succeeding three-year plans nor do they require additional years to be added to the original ten-year planning period. However, the Commissioner has provided additional guidance and direction in Section 10 of Appendix B.

Comment. One commenter questioned the amount of detail in the ten-year plan in the regulations, when there is no such detail in the Act. One commenter felt that the meaning of § 163a.27(a)(3) (§ 160c.19(a)(3)) was not clear. Another commenter questioned the meaning of § 163a.27(a)(4) (§ 160c.19(a)(4)).

Response. A change is made. The Commissioner anticipated that a large number of questions would result from the Congressional mandate that the States develop a ten-year plan. Examples of different types of coordination that a State education agency might undertake are deleted, since they do not represent all of the possibilities.

Comment. One commenter questioned the justification for the particular timetable in § 163a.27(c) (§ 160c.19(c)), since none is given in the law.

Response. No change is made. The two-year time period was developed to give State educational agencies additional time to create quality plans. The two-year timeline is considered to be more realistic than requiring the plan at the same time the three-year State plan is submitted to USOE for consideration.

Subpart C—Grants to Local Educational Agencies

Section 163b.10 (160c.30) Eligible projects.

Comment. One commenter asked if a junior or community college could apply as an LEA. Another commenter suggested that community colleges be permitted to apply as LEAs. One commenter suggested that public municipal recreation departments be eligible. One commenter felt public libraries should be included. Another asked if a residential school for the deaf and blind could qualify as an LEA.

Response. No change is made. Refer to the response to § 163.4(a) (§ 160c.4(a)), Role of local educational agency (school).

Section 163b.11 (160c.31) Purpose of projects.

Comment. One commenter suggested that the regulations allow SEAs to award funds to programs directed by agencies other than LEAs.

Response. No change is made. Regulations governing SEA formula grants to local agencies appear in the State Community Education Program. Please refer to the response to § 163a.11 (§ 160c.11), Eligible Activities.

Comment. One commenter questioned the rationale for going beyond showing "reasonable promise of success", as stated in the Act, by requiring funding of programs with national impact.

Response. No change is made. Clarification is provided in the response to comments under § 163b.30 (§160c.34).

Section 163b.21 (160c.33) State review of local educational agency applications.

Comment. A few commenters expressed support for State review of LEA applications. One commenter questioned why this section was included in the regulations, when SEA review is not required by the Act.

Response. No change is made. Among the primary purposes of the Community Schools and Comprehensive Community Education Act are (1) the promotion of coordination and better uses of facilities and resources, and (2) the promotion of a greater role for State education agencies in community education. It would therefore be counterproductive to not allow States to review LEA applications in relation to their own State plans for community education development. State review also gives States an opportunity to identify interested LEAs and to provide technical assistance to those desiring it. This review provides the SEA a mechanism for better overall coordination of community education under its own State program, rather than a veto power over local programs.

Comment. One commenter suggested that the SEA review of LEA applications should be strengthened by requiring the SEA to assign points to each LEA application. A second commenter stated that the time an SEA can review an LEA application should be limited to 45 days. A few commenters suggested that SEA comments be made in the context of LEA compatibility with SEA practices, guidelines, and the State plan. One commenter suggested that an SEA's comments should not have a negative effect on an LEA application, unless the SEA shows that the LEA proposal dramatically varies from the State plan and funding the LEA would have a deleterious effect on implementation of the State plan.

Response. No change is made. The Education Division General Administrative Regulations (EDGAR) govern the procedure for SEA review of LEA applications. These provisions are referenced in the final regulations. The State's views will be given full consideration by the Commissioner in reviewing applications in accordance with the requirements and criteria in these regulations. The SEA is not given a veto authority with respect to LEA applications by the statute, but its comments will serve to advise the Commissioner in reviewing applications under these regulations.

Comment. One commenter suggested the following addition to § 163b.21(a) (§ 160c.33(a)): "For LEAs with 10 percent or more enrolled Indian students, appropriate tribal governments or their designee have been given an opportunity to review and comment on such applications."

Response. No change is made. No group shall be given priority in the regulations. The overall purpose of the Act as stated in Section 882 is the provision of community education services in accordance with the needs, interests, and concerns of the residents of the community involved. This statutory purpose provides all interested groups an opportunity to provide input into a program.

Section 163b.30 (160c.34) How the Commissioner judges applications from local educational agencies.

Comment. One commenter suggested that ranking an LEA's proposal in terms of its capability of promoting community education nationally is an undue burden on the LEA. This commenter felt that projects holding "reasonable promise of success" would likely have a national impact. Therefore, LEA proposals should address local needs rather than concentrate on national impact. Another commenter questioned the rationale for this particular criteria.

Response. A change is made. To clarify the intent, the phrase "through exemplary approaches, methods, or information" is added. By emphasizing "national impact," the regulations concentrate on those projects that hold promise of success in the local community, and which have relevance to a national audience. Those programs which are relevant may then be replicated by other projects throughout the country.

The Federal effort in community education in terms of dollars has been a small experimental program. Such a program makes little sense unless it revolves around a strategy which produces significant national impact. Congress cannot justify Federal expenditures of funds on limited discretionary programs, unless these programs are exemplary in nature. Then, approaches used in these programs can be viewed in terms of their validity and in terms of an ongoing Federal role in their development. Congress, in funding the Community Schools Act of 1974 as well as the present legislation, provided resources in order to test this concept, and to distinguish the possible role of the Federal government from the roles of States, local governments, and other entities. Agencies have a responsibility to Congress to determine how this can best be done with limited funding and staff and in an almost unlimited field.

Some of the Federal dollars have been used to develop local community education models for future use and reference. Other Federal funds have been utilized to support the development of SEA community education capacity. Such an approach has proven to be the best way to achieve nationwide impact with limited dollars in a short time. The purpose is not an assumption of total Federal responsibility for community education at any level.

Comment. One commenter suggested that the phrase "to the extent possible" in § 163b.30(d) (§ 160c.34(b)(1)) is ambiguous and would make execution of the program more difficult.

Response. The suggested deletion is made.

Comment. One commenter suggested changing the wording in § 163b.30(d) (§ 160c.34(b)(2)) to read, "Avoidance of refunding of projects supporting the development and testing of strategies and methodolgies that have been previously demonstrated successful.

Response. A change is made. Section 163b.30(d) (§ 160c.34(b)(2)) has been reworded based on the above suggestion.

Comment. One commenter recommended striking § 163b.30(d) (§ 160c.34(c)), due to the current limited appropriation for the LEA program.

Response. The suggested change is made. Because of anticipated limited funding and considering the overall intent of funding discretionary programs, the Commissioner agrees with the point that it is unlikely that the program under this subsection could be carried out without seriously diminishing the overall impact of the program.

Section 163b.31 (160c.35) Criteria for evaluating applications.

Comment. Several commenters were concerned with the use of the word "new" throughout this section. In particular, these commenters were concerned that this meant only new projects as opposed to existing but innovative or exemplary projects. It was recommended by all these commenters that "new" be changed to "innovative" or "exemplary".

Response. A change has been made in those sections containing the phrase "develops new methods". The terms "exemplary" and/or "innovative" are used in this section and other sections of the regulations to replace the word "new".

Comment. One commenter wanted teacher involvement in the planning and implementation of the community education project to be included in § 163b.31(d) (§ 160c.35(b)(1)). Another commenter wanted to add locally elected officials to the criteria, in § 163b.31(d) (§ 160c.35(b)(3)).

One commenter wanted to add minority populations, handicapped and other disenfranchised group representation to the criteria for judging the application for funding.

Response. No change is made. See response to comments under § 163.4 (c) and (f) § 163a.27 (§§ 160c.4 (c) and (f) and 160c.19).

Comment. One person suggested that the word "integration" be deleted from § 163b.31(f)(1)(ii) (§ 160c.35(b)(1)(ii)), since this might exclude participation by public agencies other than public schools.

Response. The change is made. However, any agency qualifying under the definition of "local educational agency" as detailed in the response to § 163.4(a) (§ 160c.4(a)) (Role of local educational agency), must be "directly and substantially" involved in the project. Further, Section 802(1) of the Act states that "the school is an integral part of the local human service delivery system". A grantee is encouraged to make community education programs an integral part of its delivery system.

Comment. One commenter wanted clarification of (§ 163b.31 (§ 160c.35) regarding the relationship of advisory committees and local boards of education. Another commenter questioned the necessity for so much detail on the issue of citizen involvement, when such detail is lacking in the statute.

Response. No change is made. The presence of a strong element of community participation in each program and in the development of the project is emphasized in the regulations, specifically in the minimum elements in § 163.4(g) (§ 160c.4(g)), and will be important in the evaluation of any application. However, community participation must be on an advisory basis, since ultimate responsibility for the operation of a program or project must be in the administering agency.

Comment. One commenter perceived an over emphasis on innovation and replication in the criteria. Another commenter, agreeing with the need to differentiate purposes of LEA direct grants and LEA formula grants, wanted further clarification on the differences in these two LEA grant areas.

Response. No change is made. However, some clarification is appropriate:

The State formula program provides funds through SEAs to LEAs to expand community education by initiating new programs or increasing the scope of existing programs. Sections 163b.10 through .38 (§§ 160c.30 through .37) cover the provision of grants to LEAs to plan, establish, expand and operate community education programs.

By virtue of their authority over and proximity to LEAs, SEAs are best suited to provide a direct linkage between national and local community education efforts. All of this presumes that SEAs have a strong and pervasive leadership relationship with local community education programs, significant administrative roles and support within the SEA itself and with other agencies. The Act gives States the responsibility of making grants to local districts. It is emphasized that State funds to LEAs be utilized for the purposes of planning and initiating programs on a broad scale basis throughout the State, to provide on-going, long-term maintenance for community education, and basic development and support work. On the other hand, Federal funds should be used to support exceptionally strong projects. These projects then can be the sites for a variety of activities including dissemination of information and training.

Comment. One commenter questioned why outside evaluators are required for the LEA program, when they are not required in the law.

Response. The phrase is deleted from the final regulations. § 163b.12, § 163c.14, § 163d.13 (§§ 160c.37, 160c.48, 160c.66) *Project period.*

Comment. Several commenters stated that one year funding for a Community Education project is too short, and that a minimum of two years should be considered for community education project funding. One commenter wanted a five year maximum while another

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wanted a three year maximum. Some felt annual review was necessary and others wanted two years or more of funding guaranteed when the application was approved. Another commenter questioned why the regulations limit grants to two years.

Response. It is anticipated that the Community Education Program will fund primarily 12 month project grants, since this allows funding of more projects with limited funds. Projects may apply for competitive renewal.

Comment. One commenter suggested that the Commissioner delegate the task of selecting appropriate LEA projects for funding to a State liaison officer who would have more knowledge about local capabilities.

Response. No change is made. Section 809 of the Act authorizes the Commissioner to make grants to LEAs. It is the Commissioner's responsibility under the Act to select projects for funding. Delegating this responsibility to a State liaison officer is not authorized.

Comment. One commenter felt that State directors should be allowed to award funds to exemplary community education programs.

Response. No change is made. Each State must develop a plan for utilization of State monies under the State Community Education Program Funds in the Program for grants to LEAs apply to those discretionary monies flowing directly from the Office of Education Community Education Program to LEAs. For information regarding State formula grants, consult comments and responses under the State Program of this appendix.

Comment. One commenter questioned why the regulations did not refer to the list of eligible activities in Sec. 807 of the Act.

Response. Section 163.6 of the final regulations is revised to include activities listed in section 807 of the Act. This listing provides greater clarity and understanding to the regulations.

Comment. One commenter requested that the Kildee Amendment be incorporated into the regulations.

Response. A provision is added to the minimum elements § 163.4(e) to insure that cooperation exists between an LEA and other public agencies conducting programs or activities similar to those planned, directed, or operated by the LEA.

Subpart D—Grants to Public Agencies and Nonprofit Private Organizations

Section 163c.10 (160c.40) Eligible applicants.

Comment. One commenter was concerned that "nonprofit private organization" was not defined clearly enough. In particular, that individual wanted to know if churches are eligible for funding under this category. Another wanted to know if LEAs are eligible to apply under the public agency and nonprofit private organization category. Another commenter requested clarity by the way of examples of agencies and organizations eligible for funding.

Response. A change is made. EDGAR Part 100c provides clear definitions for these terms. It defines: (1) *"Public"* as applied to an agency, organization, or institution, to mean that the agency, organization, or institution is under the administrative supervision or control of a government other than the Federal government; (2) "Nonprofit" as applied to an agency, organization, or institution, to mean that it is owned and operated by one or more corporations as associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity; (3) "Nonpublic" as applied to elementary or secondary school to mean nonprofit elementary or secondary school that is operated or controlled by an organization that is not a public agency; and (4) "Private" as applied to an agency, organization, or institution, to mean that it is not under public supervision or control.

These terms are added to the EDGAR references in § 163.3(a) (§ 160c.3(a)). A church is not eligible for funding under this category since this would violate the establishment clause of the First Amendment. An LEA could qualify as a public agency under the program for grants to public agencies.

Comment. Several commenters felt that SEA's should be included in this category under the program for grants to Public Agencies and Nonprofit Private Agencies and hence be eligible for funding. There was one commenter who objected to inclusion of SEAs in this category, and one who felt that if SEAs were included, equal opportunity for grants should be given to public agencies and nonprofit private organizations. One commenter suggested that only those public agencies and nonprofit private organizations not already provided for in the other categories of funding be eligible to apply under this category. Two commenters expressed concern about double funding of SEA's. They were particularly concerned that with the money from the State formula distribution the SEA would have more staff time to devote to preparing a good proposal, thus making competition difficult for public agencies and nonprofit private organizations. Others questioned the reason for separating SEAs out and treating them differently than other public agencies and nonprofit private organizations.

Response. No change is made. These comments are closely related to comments on § 163c.11 (160c.41). Refer to the response to those comments for clarification.

Comment. One commenter questioned need for § 163c.11(b)(2) (§ 160c.40(b)(2)). The same commenter requested information as to why duplication is judged on the basis of the type of grantee rather than nature of the project.

Response. No change is made. The basis for determining the use of a contract or a grant is set out in the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224). That Act requires a Federal agency to use a grant, procurement contract, or cooperative agreement, depending on the relationship between the Federal government and the recipient. In the case of contracts and grants, if the relationship is one where the principal purpose is to acquire property or services for the direct benefit of the government, a procurement contract must be used. However, if the principal purpose is one of support or stimulation authorized by the statute, a grant must be used. Activities that would, for example, directly benefit the government would be carried out by contract and not by grant.

Further discussion regarding this comment is found in the first response on § 163c.12.

Section 163c.11 (160c.40) What kinds of projects does the Commissioner assist?

Comment. One commenter wanted the regulations revised to allow for the use of a wider variety of buildings, including those other than school buildings.

Response. No change is made. The minimum element in § 163.4(e)(1)(i) (§ 160c.4(e)(1)(i)) allows for community colleges, junior colleges, recreation, or park centers to serve as a community center; § 163.4(c)(1)(ii) (§ 160c.4(c)(i)(ii)) includes satellite centers; and § 163.4(e)(i) (§ 160c.4(e)(i)) includes "other public facilities" in addition to schools. This broad range of facilities should meet the commenter's concern.

Section 163c.12 (160c.41) State educational agency projects.

Comment. Several commenters expressed support for allowing SEAs to receive funds under the program for Grants to Public Agencies and Nonprofit Private Organizations. One commenter questioned the inclusion of § 163c.12(b) (160c.41(b)). Another approved the inclusion of the subsection, provided programs receiving Federal assistance are required to avail themselves of SEA assistance. Another commenter stated that SEA's should provide assistance to all community education programs, and not just to those that receive Federal funding.

Response. No change is made. SEAs have played a pivotal role in implementing the Community Schools Act of 1974. They have taken the leadership role in building a natural base for continued community education growth. The Community Schools Act has assisted States to develop a capacity to carry on after the withdrawal of Federal support. This modest Federal investment in a large number of States has provided a mechanism to assist LEAs and active State leadership in implementing community education nationwide.

Given the possibility that the State formula program may not be funded, an avenue is provided to preserve the SEA role in community education by funding SEAs as a separate category in the program for public agencies and nonprofit private organizations. Not to include SEAs would destroy the previous Federal investment. To group SEAs with all other public agencies would undermine any strategy to build SEA capacity. The language of Sec. 810 of the Act is broad enough to cover the funding of specific public agencies, including SEAs. This approach is consistent with the broader Congressional intent in enacting the Community Schools and Comprehensive Community Education Act of 1978. That intent is that SEAs play a larger, not a smaller, role in the Community Education Program. Indeed, the very purpose of the State formula program in Sec. 808 is to recognize the critical role of SEA leadership in community education and to make the SEAs increasingly responsible for community education in their States. Not to maintain a role for SEAs would cause a hiatus in State leadership activities that have been achieved under the program up to this point and impair the States' ability to undertake their responsibilities under the State formula program if it is funded in the future. Provisions in the regulations providing for the reservation of funds to support State technical assistance projects is consistent with overall congressional intent in creating the Community Schools and Comprehensive Community Education Act of 1978.

This does not mean that all funds under this program would necessarily be restricted to any one category. The regulations allow for annually establishing priorities among areas or reserving funds for them in a notice inviting applications.

Comment. One commenter inquired if SEAs can use § 163c.12 (§ 160c.41) monies for flow-through grants to LEAs as well as for general assistance.

Response. No change is made. These SEA funds are for SEA use and not intended for subgrants.

Section 163c.13 (160c.42) Nature of projects for other public agencies and non profit private organizations.

Comment. One commenter questioned why § 163c.13(b) (160c.42(b)) requires programs of national significance. Another strongly supported the "national significance" thrust in the regulations. Two other commenters were also concerned about the meaning of "national significance" and the fact that what is new in one area, may be standard practice in another, yet the first area may need the Federal funds to get a community education project off the ground.

Response. No change is made. Because of the newness of community education, the different funding categories under the Act, and the anticipated limited funding, the regulations continue to focus on projects that can have maximum impact on the nationwide development of community education.

"National in scope" means projects that may be of national significance, not necessarily projects that are national in coverage. This section does not exclude local models. A project may be national in scope or involve an approach that may be replicated by other national, State, or local agencies and organizations.

Comment. One commenter suggested that the language in § 163c.13(a) (§ 160c.42(a)) be added to the language describing eligible applicants in § 163c.10 (§ 160c.40) and that the language in § 163c.10 (§ 160c.40(a)) concerning types of projects eligible for funding be added to the criteria in § 163c.13 (§ 160c.42).

Response. No change is made. These two sections of the regulations should not be read in isolation, but considered in relation to the other sections of the regulations. An applicant must be aware of the requirements in §§ 163c.10 through 163c.13 (§§ 160c.40 and 160c.42), as well as other sections of the regulations, prior to developing a proposal for funding.

Comment. One commenter suggested that elected officials be specifically named in § 163c.13(a)(1) (§ 160c.42(a)(1)).

Response. No change is made. Please refer to response to comment in §§ 163.4(c), (f) and 163a.27 (§§ 160c.4(c), (f) and 160c.19).

Comment. Two commenters expressed concern regarding coordination between LEAs and other public agencies and nonprofit private organizations. One of these commenters suggested that public agencies and nonprofit private organizations be mandated to work cooperatively with the U.S. Office of Education, the SEA, and appropriate LEAs.

Response. No change is made. Coordination among relevant agencies is required in the regulations, including provisions aimed at preventing duplication of services. See §§ 163.1(b) (2) and (5); 163.4(3), (f), and (g) (§§ 160c.1(b) (2) and (5); 160c.4(3), (f), and (g)).

Comment. One commenter inquired as to the reason for including the requirements in § 163c.13(d) (§ 160c.42(c)).

Response. No change is made. Section 802(b) of the Act states that one of the purposes of the legislation is to provide for a research and development emphasis in community education which can contribute to an improved formulation of Federal, State, and local policy. The present legislation also requires evaluation and assessment of the community education program efforts. In order to meet these purposes, it is important that the Commissioner be able to show results of program efforts. The Commissioner considers evaluation and dissemination to be as important as the actual development of projects. A primary intent is to make program results accountable, understandable, and available to the Office of Education and the public as well as to the Congress. Program results will become a basis for research findings regarding the community education processes that have proven to have the greatest potential for success.

Comment. One commenter stated that the list of authorized activities in § 163c.13(c) (§ 160c.42(d)) appears narrower in scope than the law. Another felt that funding priority should be given to local projects that have potential for national significance.

Response. Grantees from national, regional, State, and local levels are eligible. The regulations do not restrict participation to a narrow clientele, nor have they restricted types of activities that can be carried out by that clientele beyond the authority of the Act.

Comment. A few commenters stated that SEA's should have the opportunity to review applications from public agencies and nonprofit private

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organizations just as they are afforded the opportunity to review LEA applications under the LEA program.

Response. No change is made. Certain problems arise if SEAs review and comment on these applications, since SEAs as potential grantees under the program for public agencies and nonprofit private organizations would be reviewing other potential grantees in the same program.

Comment. One commenter inquired as to why the regulations do not refer to Sec. 807 of the Act.

Response. The regulations have been revised to incorporate the list of programs in Sec. 807 of the Act. This list has been added to § 163.6 (Scope of eligible project activities) of the regulations.

Section 163c.31 (160c.45) Criteria for evaluating applications from State educational agencies.

Comment. One commenter questioned the appropriateness of these criteria and specifically questioned why SEAs are eligible under this program in light of similar activities in the State formula program.

Response. No change is made. This comment is directly related to similar comments made in relation to §§ 163c.10 and 163c.12 (§§ 160c.40 and 160c.41), concerning inclusion of SEAs within the public agencies and nonprofit private organizations. Please see responses to comments under § 163c.12 (§ 160c.41).

Comment. One commenter felt that the words "has planned for" should be inserted after "has developed" in § 163c.31(f) (§ 160c.45(b)). The commenter felt that grants to increase SEA capacity should not require the SEA to have all elements in place at the time the proposal is submitted.

Response. No change is made. The regulations provide grants to SEAs in this program to carry out State level planning and interagency coordination of activities and statewide dissemination activities and to provide support to one or more specific community education program. The regulations require only that an assessment of State-level organizations and resources be made, and a series of planning activities be prepared prior to presentation of an application to the Office of Education. Sufficient information is required to be able to judge program content and purpose.

Comment. One commenter stated that § 163c.31(g)(2)(i) (§ 160c.45(c)(2)(i)) is not clear. Another person recommended that this section be revised to read "assisting LEAs to meet all the minimum elements". Two commenters felt that more emphasis should be devoted to helping LEA's develop community education plans to meet the minimum standards.

Response. A change is made in accordance with the above comments. Refer to § 163c.31(g)(2)(i) (§ 160c.45(c)(2)(i)) in the final regulations.

Comment. One commenter suggested that § 163c.31(g)(2)(iii) (§ 160c.45(c)(2)(ii)) be made stronger by requiring LEAs to seek involvement and assistance from SEAs at the outset of application development.

Response. No change is made. The criteria in § 163c.31 (§ 160c.45) govern activities conducted by SEAs. Therefore, it is inappropriate that the Commissioner regulate LEAs in this section. All LEAs are encouraged to avail themselves of the assistance provided by SEAs as soon as possible and to assist SEAs in developing and carrying out a State plan for community education development.

Section 163c.32 (160c.46) Criteria for evaluating applications from other public agencies and nonprofit private organizations.

Comment. One commenter wanted the word "client" in § 163c.32(f) (§ 160c.46(b)) replaced with "initiators, administrators, and sponsors of community education projects."

Response. No change is made. The Commissioner agrees that "clients" may include initiators, administrators, and/or sponsors of community education projects, but has chosen to use a broader term that might include any individual or group involved in designing and operating a project.

Comment. Two commenters were concerned that § 163c.32(f) (160c.46(b)) does not reflect the specific requirement of Sec. 810 that nonprofit groups must enter into contractual or other suitable forms of agreement with the LEA concerned. Another commenter recommended that a public agency and nonprofit private organization be required to sign a cooperative agreement with the LEA in its service area.

Response. A change is made. New language is added to § 163c.32(f)(2) (§ 160c.46(b)(2)) to reflect this concern.

Comment. One commenter wanted to add language requiring citizen involvement and agency coordination.

Response. No change is made. As written, the criteria reflect a need for participation by clients who would be involved in the project and by appropriate agencies §§ 163c.32(f), 163c.32(g) (1) and (3) (§§ 160c.46(b), 160c.46(c) (1) and (3)) require involvement of one of these two groups. Additionally, the minimum elements require that all local programs include identification and utilization of community resources and interagency cooperative arrangements (§ 163.4(e)) and community involvement (§ 163.4(g)).

Subpart E—Training Grants to Institutions of Higher Education

Section 163d.10 (160c.60) Eligible applicants.

Comment. One commenter questioned the inclusion of "short term". Another commenter questioned why training is short term in nature.

Response. A change is made. The phrase "short term" has been deleted. However, the regulations focus on training in order to use the limited funds available to train the maximum number of people to have the greatest impact upon community education programs within the authorized life of the Community Schools and Comprehensive Community Education Act. Since private funds now support approximately 80 centers for community education which currently provide full-time degree training, Federal funds should not be utilized to supplant existing programs or duplicate the same training opportunities that they provide. Training should be offered at such times and in such a manner as to allow participation by those persons who are in fulltime positions yet need new skills, or retraining in community education. This type of training can be carried out with a minimum disruption to work responsibilities.

Comment. One commenter wanted to know if IHE/LEA consortia are eligible under this category.

Response. No change is made. The regulations reflect the statutory requirement for training grants; recipients must be institutions of higher education. However, an IHE and an LEA could enter into a cooperative arrangement or consortium to apply for a project. The requirements governing groups of applicants are set out in §§ 100a.127–100a.129 of EDGAR. The IHE must, under Section 812 of the Act, be the lead or administration agency of the group. In other words, the IHE must remain primarily responsible for the project.

Section 163d.11 (160c.61) Types of projects.

Comment. One commenter pointed out that the regulations make no attempt to require applicants to consult with publishers as required under Sec. 426 of the General Education Provisions Act (GEPA). This section requires consultation with publishers in projects that involve the development of curricula or instructional materials.

Response. No change is made. However, since this requirement as part of section 426 of GEPA applies to all Office of Education programs it will be included in EDGAR which will be soon published in final in the **Federal Register**. The Community Education Program is subject to EDGAR.

Section 163d.12 (160c.62) Training activities.

Comment. One commenter suggested that § 163d.12 (§ 160c.62) should be expanded to include training to improve leadership and administrative skills necessary to supervise and coordinate programs and to provide training and development of community leaders from among participants on local advisory councils. Another commenter recommended that training include "the training of individuals to work with public institutions and the training of public institutions to work with individuals within the context of the act".

Response. Appropriate changes are made in § 163d.12 (§ 160c.62) of the regulations.

Comment. Several commenters supported this section of the regulations as written. One commenter felt more emphasis needs to be devoted to training LEA personnel. Another expressed an opinion that this section should not limit proposals to those listed.

Response. A change is made. In developing § 163d.12 (§ 160c.62) of the regulations (Training activities) the primary concern was that the potential of this training category not be limited. Section 160c.62(a) of the draft regulations has been deleted from § 163d.12 of the final regulations. That section provides for a great diversity of training areas and of flexibility concerning the kind of information conveyed. Training is not geared to a specific audience; it does not eliminate particular groups. It is designed to fulfill the congressional mandate and provide general parameters to meet current training needs in community education.

Comment. One commenter pointed out that § 163d.12(c) (§ 160c.62(b)(3)) leaves out the legal requirement that institutions of higher education should show evidence of working with State and local educational agencies.

Response. A change is made. The final regulations reflect this requirement in Sec. 812(b)(2) of the Act.

Section 163d.31 (§ 160c.65) Criteria for evaluating applications for training projects from institutions of higher education.

Comment. One commenter suggested that extra criteria points be awarded to those applicants that involve publishers in the development of training materials.

Response. No change is made. Grantees are encouraged to consult with a wide variety of groups in carrying out the project. Section 426 of GEPA requires consultation with publishers when grants are awarded for the development of curricula or instructional materials. Training projects in community education do not necessarily involve this type of activity. The types of projects in § 163d.11 (§ 160c.61) and activities in § 163d.12 (§ 160c.62) are representative of the types of projects or activities that the training grant may include. The list is not all inclusive. Since all grantees may not wish to include a curriculum development component, it would be inappropriate to include criteria points for this consultation.

Comment. One commenter suggested that too many points are awarded in § 163d.31(i)(2) (§ 160c.65)(e)(2)) for programs which impact a given audience or group, given the program emphasis on serving all segments of the community. The same commenter felt too much weight was given to dissemination, since the law indicated no need to impact beyond the area served.

Response. No change is made. The Commissioner awards a maximum of 100 points for all criteria under § 163d.31 (§ 160c.65). The maximum for dissemination is only 15 points or 15 percent of the total possible. The maximum points for the total criteria, potential for advancing community education, is 20 percent of the total possible, of which § 163d.31(i)(2) (§ 160c.65(e)(2)) is one of three factors. Thus, weight for this criterion is approximately 7 percent of the total possible points. It is important to note that major weight is given to EDGAR criteria. An applicant must address all areas, yet the absence of only one (outside EDGAR criteria) may not adversely affect that applicant. However, the criteria mentioned above are important components of training grants. The Commissioner encourages projects that will develop quality methods and procedures to advance community education. A primary consideration in selecting projects is their potential for appylying project results to other settings.

Comment. One commenter recommended that the regulations provide that contracts for the dissemination of materials be awarded on a competitive basis to public or private organizations which will provide assurances that the curricula and instructional materials will reach the target population for which they were developed.

Response. No change is made. These sections of the regulations do not apply to procurement contracts under the Act. For information concerning contracts, please refer to § 163.2(c) (1) and (2) (§ 160c.2(c) (1) and (2)).

Note.—This Appendix B will not be published in Title 45 of the Code of Federal Regulations.

Appendix B—Guidelines for State Community Education Program

1. *Purpose.* These guidelines are recommendations and suggestions for meeting the funding requirements for States under Sec. 808 of the Community Schools and Comprehensive Community Education Act of 1978 and its implementing regulations.

The guidelines describe permissible means of meeting the legal requirements of the Act and regulations and may be relied upon to that extent. The guidelines are not to be construed as legal requirements. Programs that do not come within these guidelines will not be prejudiced.

While there is a variety of ways that an applicant may plan for and then implement a State plan for community education, the following suggestions and guidelines are intended to assist a State in meeting the minimum requirements of the Act and in going beyond those requirements to implement a high quality State program.

(20 U.S.C. 3288, 45 CFR 163a.10)

2. *State educational agency functions.* With respect to the State plan, the regulations specify several requirements that can be met more effectively if adequate planning is carried out prior to submission of the plan. It should be helpful to a State in preparing its plan to consider the dual functions of a State community education program staff:

(a) *State-level and statewide activities.* These include—

(1) Developing and carrying out activities related to State-level planning, interagency coordination, statewide dissemination of information, and obtaining and maintaining citizen participation in the statewide community education effort;

(2) Conducting needs and resource assessments of State agencies and organizations;

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(3) Cooperating with institutions of higher education for community education training;

(4) Coordinating activities with other statewide agencies, organizations, and associations; and

(5) Creating statewide awareness of community education.

(b) *Technical and financial assistance.* This includes—

(1) Providing technical and financial assistance to local community education programs within the State, including assistance to LEAs in meeting the minimum elements of the Act;

(2) Helping LEAs to develop applications for assistance under the Act;

(3) Helping LEAs to establish and maintain task forces and advisory bodies;

(4) Assisting local directors of community education, their staffs, and community members in the preparation of local budgets for community education;

(5) Helping evaluate local programs; and

(6) Assisting LEAs to work within the State plan for community education.

(20 U.S.C. 3284, 3288; 45 CFR 163a.11)

The guidelines that follow in sections (3) through (11) of this appendix apply to both State-level and statewide activities and assistance to local community education programs. Each State should consider the following areas while preparing the State plan and develop procedures to assist LEAs within the State consider these areas.

3. *Importance of citizen involvement in development of State plan.* The potential for success of both statewide and technical assistance programs will be greatly enhanced if there is broad representative involvement of diverse segments of the State's population prior to submitting the State plan, during the actual development of the plan, and during the carrying out and evaluation of the State plan.

The State is encouraged to consider developing an effective structure to citizen involvement. Involvement of a variety of interested individuals and groups within and outside the formal community education network increases the likelihood that the State's plan will reflect the needs of citizens.

(20 U.S.C. 3288; 45 CFR 163a.10)

4. *Ongoing citizen participation.* The State should form Advisory councils or groups of citizens to provide continual advice on the total State community education effort. A basic tenet of community education is citizen participation in education and in community problem solving and decision making. Therefore, it would be anomalous for a State that is supporting community education principles to operate a statewide program without the active and continuous involvement of individuals and appropriate groups, organizations, and agencies. This should include involvement in the planning, assessment, implementation, operation, and evaluation of the State program and local activities.

One method of participation might be an advisory council. While the council should be large enough to represent diverse groups and interests, it should not be so large that its size limits efficient operation. For some States a task force or several sub-unit task forces or study groups might be appropriate. Care should be taken to provide sufficient staff support for any council activities.

In keeping with the principles of community education, there should be active and continuous involvement of groups or individuals rather than short-term and interrupted. Also, in order to make citizen participation a component of all local community education projects, a State plan should include appropriate assistance to LEAs.

(20 U.S.C. 3288; 45 CFR 163a.10)

5. *Selection of community members.* In selecting individuals and groups to serve on an advisory council or otherwise provide advice to the State program, the State might consider the following for membership:

(a) Representatives of such groups as social agencies, recreation programs, community colleges, local action groups, and municipal agencies;

(b) Representatives of Federal and State programs, including the programs in Section 806 of the Act;

(c) Representatives of local community education programs, including personnel from cooperating agencies;

(d) Representatives of LEAs within the State;

(e) Representatives of the State education commission and the chief state school officer; and

(f) Representatives of volunteer organizations.

(20 U.S.C. 3288; 45 CFR 163a.10)

6. *Functions of council or citizen group.* The following are examples of functions that might be performed by an advisory council or citizens' group. The council or group might—

(a) Assist in statewide community education planning, including identification of target populations, assessment of needs, and selection of appropriate activities and priorities in response to these needs;

(b) Recruit personnel to assist State or local community education efforts and assist in identification of resources;

(c) Assist in the development of the staff of the community education program;

(d) Assist in identifying agencies that might desire to be involved in State or local community education efforts;

(e) Assist in disseminating information about community education;

(f) Coordinate the efforts of the community education program with appropriate State or local councils, community groups, professional organizations, public and private agencies; and

(g) Evaluate the State or local community education efforts.

(20 U.S.C. 3288; 45 CFR 163a.10)

7. *Program staff development.* The regulations set out several requirements that can be more effectively implemented if the State program staff have adequate experience and expertise in community education. For example, the State staff assists LEAs to: Work with all ages and with persons with special needs; conduct resource and needs assessments; work collaboratively with community agencies and organizations to provide diverse programs; and involve agencies, institutions, and groups in the community education effort.

While any one staff member may not have all of this experience or expertise, the State staff as a whole should have these experiences or should develop a statewide pool of individuals and groups who can provide assistance to LEAs. Additionally, quality staff training opportunities should be provided to enhance the total staff's ability to provide assistance to LEAs.

(20 U.S.C. 3288; 45 CFR 163a.10)

8. *Board of education support.* The Community Schools and Comprehensive Community Education Act includes a five-year program of decreasing Federal assistance to the States. It is assumed that at the end of the five-year cycle of Federal assistance, the State will have the capacity to sustain community education development from State and local resources. One important step toward establishing a base for this State capacity is to develop State education commission support for community education.

(20 U.S.C. 3288; 3295(a); 45 CFR 163a.10, .26)

9. *Expanding community education programs—needs assessment.* Knowledge of community education programs and services that exist in the State is helpful in determining how the State should plan to expand community education programs. These guidelines suggest that each State introduce a systematic and effective procedure, on a continuing basis, to identify and determine priorities among statewide and LEA needs and plan activities that directly respond to these needs.

Additional information could be obtained by involving public and private agencies and organizations that might be helpful in (a) recruiting participants in the statewide and local efforts and (b) serving as resources of, for example, expertise, training, materials, and volunteers.

The SEA must consider the level of assistance to be provided to each LEA in one or more of the areas of planning, establishing, operating or expanding community education programs based on the statewide and local needs and resources.

(20 U.S.C. 3288(a)(1); 45 CFR 163a.23(c))

10. *Ten-year plan.* The statute and regulations specify that every State provide assurances in its State plan that it will develop a ten-year plan for the coordination of educational programs with all relevant community services. Collaboration is emphasized with public and nonprofit agencies and in the use of various resources. The intent of the statute is for each State, through shared resources, to assume responsibility for community education development.

The regulations state that the ten-year plan shall be completed no later than two years after the State receives its first grant under the State Community Education Program. The State should attach a copy of its ten-year plan with all three-year State plans submitted to the Office of Education for funding. Also, the State should include any amendments to the ten-year plan and describe how it is implementing the ten-year plan.

The ten-year plan should reflect the long range community education goals of the SEA and detail SEA relationships with other State and local agencies involved in the development of community education.

It would be helpful if the SEA were to involve various agencies in resource identification and in the development of a plan for coordination. This plan should provide for commitment of these agencies to develop community education after the expiration of Federal assistance. Although the regulations specify the involvement of State and local recreation authorities and associations, other State and local service agencies—including agencies providing community education training and other services related to community education—should be involved in the total process.

(20 U.S.C. 3288(a)(2); 45 CFR 163a.27)

11. *Evaluation.* The regulations require each SEA to evaluate each LEA program assisted. Both process and impact evaluations should be conducted. Process evaluation can be defined as a timely examination of project activities with respect to—

(a) How they correspond to plans and resources;

(b) The extent to which they appear to be effective; and

(c) How they can be improved.

Impact evaluation examines final results and asks whether the objectives were achieved and to what degree.

(20 U.S.C. 3288(a)(11); 45 CFR 163a.25)

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federal register

Thursday
April 3, 1980

Part X

Department of Health, Education, and Welfare

Office of Education

Women's Educational Equity Act Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 160f

Women's Educational Equity Act Program

AGENCY: Office of Education, HEW.

ACTION: Final rule.

SUMMARY: This regulation governs awards for projects of general significance under the Women's Educational Equity Act of 1978. Its purpose is to promote educational equity for women in the United States and to enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972. This regulation includes two Subparts. Subpart A (General) includes requirements applicable to the Women's Educational Equity Act Program as a whole. Subpart B (Projects of General Significance) includes the description of authorized activities, program priorities, and evaluation criteria.

EFFECTIVE DATE: The regulation is expected to take effect 45 days after it is transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed if Congress disapproves the regulation or takes certain adjournments. If you want to know the effective date of this regulation, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Leslie R. Wolfe, Director, Women's Educational Equity Act Program, Room 2147 FOB 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202) 245–2181.

SUPPLEMENTARY INFORMATION:

Background

The Women's Educational Equity Act (WEEA) was enacted in 1974 to promote educational equity for women through a program of discretionary grants and contracts. The Act was reauthorized and substantially revised by the Education Amendments of 1976 and is recodified as Title IX, Part C of the Elementary and Secondary Education Act. The reauthorized Act includes a new purpose, to provide financial assistance to enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972.

Rulemaking History

The Commissioner of Education published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on May 25, 1979 (44 FR 30540) to amend the regulation governing the Women's Educational Equity Act Program. The amendments reflected the substantial changes in the Act. These statutory changes were described in detail in the preamble to the NPRM. Additional amendments were proposed for the purposes of program reform and conformity with the Education Division General Administrative Regulations (EDGAR).

The Commissioner received approximately 100 letters, including over 400 separate comments on various sections of the proposed regulation. Public hearings were held in June, 1979, in the ten HEW regional offices and transcripts of the testimony were submitted to the Commissioner. In addition, the National Advisory Council on Women's Educational Programs, which was consulted throughout the development of the proposed regulation, provided detailed comments on the NPRM.

Based on a review of all the comments, the Commissioner has made important changes in both the substance and structure of the final regulation. The next part of this preamble discusses major changes in the final regulation. The last part contains a summary of the comments received on each section of the regulation with a statement of changes made in response to those comments or an explanation of why recommended changes were deemed inappropriate.

Major Changes in the Final Regulation

1. *Assistance Grants of Local Significance:* The NPRM included rules governing awards under a new program entitled "Assistance Grants of Local Significance". The purpose of this program is to support activities incident to achieving compliance with Title IX and activities to ensure equal educational opportunities for both sexes. However, the program has not been funded for Fiscal Year 1980, the year in which this regulation takes effect.

Public comment on the rules proposed to govern this program reflect widespread confusion about their meaning and purpose and raise questions about the ability of the program to operate under the proposed rules. In order to respond to these serious concerns, substantial changes in the regulation are required. To make these changes, the Commissioner must publish a new notice of proposed rulemaking. As a result, publication of a final regulation governing assistance grants of local significance is being deferred.

Rather than issue a new NPRM at this time, particularly as the program is not funded for Fiscal Year 1980 and a final regulation, therefore, is not needed immediately, the Commissioner is initiating an intensive review of the regulation and intends to publish a substantially revised notice of proposed rulemaking next spring. Comments received on the NPRM will be considered in the development of the new proposed rules.

This final regulation, therefore, governs *only the program of projects of general significance.*

2. *Restructuring of the Regulation:* The proposed regulation included a "General" section (Subpart A) and two unnumbered sections: (1) "Demonstration Projects of General Significance", and (2) "Assistance Grants of Local Significance". Each of these unnumbered sections included its own Subparts B through E. The proposed regulation, therefore, had two Subparts B, two Subparts C, two Subparts D, and two Subparts E. This structure made the proposed regulation difficult to follow.

The structure of the final regulation has been changed to resolve this serious problem. The final regulation includes a "General" subpart (Subpart A) which includes all sections that apply to any WEEA grant. Subpart B describes the program of "Projects of General Significance", and Subpart C is reserved for the program of grants of local significance, for which new proposed regulations will be published next spring. Other changes have been made within each subpart to consolidate and clarify provisions of the NPRM. Matters that are treated in EDGAR, such as preapplications and the open meeting requirement, are not contained in the final regulation. There is no change in the substance of the NPRM provisions on these matters.

3. *Program Priorities:* A major change in the Act is a requirement that the Commissioner establish priorities to ensure the most effective use of the funds available. The NPRM identified and described six priorities, which generated extensive public comment. The comments received on these priorities and the Commissioner's responses are summarized in the last section of this preamble.

The final regulation establishes five priorities. Three of the priorities proposed in the NPRM have been eliminated: the priority for demonstrations of WEEA materials and programs; the priority for dissemination centers; and the priority for a national WEAA program for change.

One of the priorities proposed in the NPRM, the priority for groups to receive special emphasis, has been expanded into three priorities. The final regulation establishes separate priorities for model projects dealing with three groups: racial and ethnic minority women and girls; disabled women and girls; and leaders in educational policy and administration.

The other two priorities proposed in the NPRM, the priority for projects in elementary and secondary education and the priority for high risk-high potential projects, have been revised.

The next paragraphs summarize each of the priorities established in the final regulation.

(a) *Model projects on Title IX compliance:* The purpose of this priority is to develop model programs and materials that will assist educational institutions to achieve compliance with Title IX. Products developed by grantees under this priority can be used by local educational agencies (LEAs), institutions of higher education, community groups, student groups, women's groups and others; these products will be especially useful to applicants for grants to conduct projects of local significance, when the second program of grants of local significance is funded in the future.

The Commissioner expects to support a variety of projects under this priority, focused on various types of users, on various Title IX issues, and on various groups, including educators, parents, and students. The Commissioner also may support projects that include activities that address areas not covered by Title IX, such as textbook reform if these are tied to Title IX compliance activities to be carried out under the grant.

This priority reflects a shift in emphasis from the proposed regulation, which included a priority for "model programs on sex discrimination and sex bias in elementary and secondary education". The primary purpose of the proposed priority was to develop models for use by LEAs and other eligible applicants for grants of local significance. However, the focus was exclusively on elementary and secondary education and the content was broadly defined to include all activities to provide "equal educational opportunities for both sexes". The revised priority focuses on Title IX compliance activities at every level of education.

(b) *Model projects on educational equity for racial and ethnic minority women and girls:* The purpose of this priority is to focus much-needed attention on developing model programs and materials which address the situation of double discrimination faced by racial and ethnic minority women. The Commissioner expects to support a variety of projects that address issues of sex and race/ethnic bias, stereotyping, and discrimination at every level of education and that attempt to develop models for overcoming barriers imposed on minority women by combined race/ethnic and sex bias.

(c) *Model projects on educational equity for disabled women and girls:* The purpose of this priority is similar to that for priority (b) above. The Commissioner will focus attention on developing model programs and materials that address the educational needs of disabled women and that seek to overcome barriers to their full participation in educational programs resulting from double discrimination, bias, and stereotyping on the basis of sex and disability.

(d) *Model projects to influence leaders in educational policy and administration:* The purpose of this priority is to increase the commitment to Title IX compliance and to educational equity for women among educational policymakers, administrators, and organizations. The Commissioner expects to support a variety of projects which develop strategies to ensure Title IX compliance and educational equity. The Commissioner believes that true institutional change can occur only when commitment to it comes from the institution's leaders and is conveyed effectively as a priority for the institution. Many educational leaders need assistance in developing effective mechanisms for conveying their support for educational equity for women in concrete ways. This priority is designed to develop model projects to assist in this effort.

(e) *Model projects to eliminate persistent barriers to educational equity for women:* The purpose of this priority is to support projects that address the most critical and unyielding problems in achieving educational equity. The Commissioner will support projects that focus on critical issues related to intractable institutional or attitudinal barriers to the achievement of equity in areas where little change has occurred, such as physical education, vocational education or educational administration.

In the NPRM, this priority was proposed as a priority for "high risk-high potential" projects. The Commissioner recognizes that projects which try to eliminate the most persistent barriers to educational equity may entail a risk of failure, because solutions are extremely difficult to find and strategies for reaching them may not work. The Commissioner also believes that addressing these severe problems is of great importance in efforts to achieve the purpose of the WEEA—to ensure educational equity for women. The Commissioner, therefore, is willing to target some resources on new strategies to break down these barriers.

In addition to these priorities, the Commissioner may continue to provide funds for other authorized activities related to educational equity for women and girls. The establishment of priorities does not imply that the Commissioner discourages applications in other important areas.

4. *Annual designation of priorities for funding:* The NPRM proposed that the Commissioner would select from the priorities described in the regulation those to be funded each year; the NPRM did not provide for public involvement in this process. While the final regulation does not require the Commissioner to use public comment procedures, the Commissioner intends to solicit public comment each year on which priorities should be selected for funding and on the amount of funds to be allocated to each selected priority. The only circumstance under which the Commissioner foresees that public comment would not be solicited is when time does not permit the use of these procedures. Because of the lateness of the publication of this final regulation, it would not be possible to make Fiscal Year 1980 awards on a timely basis if public comment on this year's priorities were solicited. As a result, this year's priorities are set out in the application notice published in the Federal Register on February 28, 1980 at FR 45 12499. In future years, the Commissioner anticipates that public comment will be possible.

The Commissioner believes that the priorities set out in the final regulation reflect the WEEA Program's policy of targeting its resources on areas of greatest need, supporting the development of model projects to provide educational equity for the most underserved groups of women, and encouraging institutional change and the elimination of sexism in educational policy and practices. In addition, the Commissioner believes that, by making many changes suggested by public commenters, the WEEA Program expresses its commitment to public involvement in determining the Program's policy and programmatic strategies for achieving the purposes of the Act. The knowledge and experience of educators, students, the members of the National Advisory Council on Women's Educational Programs, feminist organizations, and other constituents are valuable resources for the WEEA Program. This is the basis for the Commissioner's decision to seek

public comment each year on the annual priorities.

5. *Evaluation criteria:* The criteria for evaluating an application focus on the extent to which the proposed project addresses significant educational equity needs in a realistic and effective manner. Five criteria are established for general grants, for a total possible score of 100 points. In addition to these, a sixth criterion applies only to small grants, for a total possible score of 105 points. These criteria are set forth in §§ 160f.30–35 and are briefly described below:

Section 160f.30—*Need and impact (24 points).* The purpose of this criterion is to determine the extent to which the needs addressed by the project are significant to the achievement of educational equity for women.

Section 160f.31—*Objectives (16 points).* The purpose of this criterion is to determine whether the project's objectives are likely to meet the identified needs and whether the approach to achieving the objectives is a realistic one.

Section 160f.32—*Plan of operation (40 points).* The purpose of this criterion is to evaluate the effectiveness of the proposed strategy and activities designed to achieve the project's objectives. In addition, the proposed management plan, budget, and evaluation plan are evaluated. The process by which the applicant plans to involve appropriate individuals and groups in the project also is reviewed. Finally, the Commissioner evaluates the applicant's specific plans to address the educational equity needs of racial and ethnic minority women in the project.

Section 160f.33—*Applicant's commitment to educational equity for women (10 points).* The purpose of this criterion is to evaluate the applicant's demonstrated commitment to educational equity for all women through review of various factors, including employment practices and programmatic activities.

Section 160f.34—*Staff qualifications (10 points).* Under this criterion the qualifications and capability of both the project director and staff are evaluated. Volunteer experience and involvement in feminist groups are considered, along with formal education and paid work experiences.

Section 160f.35—*Innovative approaches (5 points).* This criterion applies only to applicants for small grants and is designed to evaluate how well the application achieves the purpose of the small grant program, to develop innovative approaches to the achievement of educational equity.

These criteria differ in several respects from those proposed in the NPRM. The changes have been made in response to public comments which are described in detail in the next section of this preamble. The criteria have been rewritten with an eye to simplicity, clarity, and specificity. The following comments were submitted in response to the proposed regulation. After the summary of each comment a response states the changes that have been made in the regulation or the reasons why no change is considered appropriate. The comments are grouped according to the sections of the proposed regulation with which they are concerned.

Section 160f.1—Women's Educational Equity Act Program.

Comment: One commenter recommended that this section state specifically that the purpose of the program is to promote educational equity in all educational settings, including projects sponsored by non-educational institutions, such as the YWCA and other community groups.

Response: The regulation has not been changed. There is nothing in the regulation that would restrict the educational settings in which projects may be carried out. In addition, the regulation clearly states that all non-profit organizations, including community groups, are eligible to apply.

Section 160f.2—Eligible applicants and offerors.

Comment: One commenter criticized the exclusion of profit-making organizations as eligible applicants.

Response: The regulation has not been changed. Section 932(a) of the Act limits eligible applicants to public agencies, nonprofit organizations, and individuals.

Section 160f.4—Educational equity for women.

Comment: One commenter asked that a definition of "equality" be added. Another commenter asked that student organizations be added to the list of groups that should be responsive to the educational needs of women.

Response. The regulation has not been changed. "Educational equity for women" is the term that is relevant for purposes of the WEEA Program. A general definition of equality is unnecessary. The list of groups that should be responsive to the educational needs of women ("* * * policy makers, administrators, instructors, counselors, and other personnel") focuses on those who have authority in the education system. As a result, student organizations, along with other constituent groups, are not included.

Section 160f.10 Demonstration projects.

Comment. Several commenters criticized the prohibition on providing funds directly to an individual for college tuition. Others expressed confusion about whether such costs are, in fact, allowable.

Response. To avoid repetition and confusion, this paragraph has been deleted. However, the regulation states that costs for tuition and fees can be provided only when necessary to the success of a long-term training project funded under a WEEA grant.

Section 160f.12 Equity in education.

Comment. Several commenters objected to the requirement that projects "may address issues of women's rights only within education".

Response. The regulation has not been changed. However, this provision does not limit applicants to those from educational institutions nor does it discourage diversity of project focus. Rather, it limits the focus of WEEA projects to activities that will achieve the purpose of the Act, to "promote educational equity for women". The definition of educational equity for women" included in § 160f.4 is a very broad and inclusive one.

Sections 160f.14,160f.42 Participation by men: Non-discrimination.

Comment. Some commenters supported this provison. Others objected, believing that quotas would be required to prevent discrimination against men. Commenters also suggested that the language of the Act itself is clearer and sufficiently comprehensive. They recommended that the statutory language be used in place of the language in these sections.

Response. These sections have been consolidated and revised to more closely reflect the language of the Act. The regulation does not require that men participate in all WEEA projects. The participation of men in certain activities, such as continuing educational activities for underemployed or unemployed women, may not be appropriate. However, where the participation by men in a project activity would not frustrate the purpose of the activity they may not be barred from participation. This section does not impose an obligation on grantees to recruit men to participate in WEEA projects. As regards employment the elimination of language in the proposed rule prohibiting discrimination in that area is not intended to relieve applicants of their obligation to hire without regard to sex. Rather, repetition of this

requirement in the regulation was regarded as unecessary.

Section 160f.15 General grants.

Comment. One commenter requested clarification on the monetary limits on general grant awards.

Response. The regulation has not been changed. The WEEA Program does not limit the size of a general grant. Potential applicants should refer to the application notice published each year in the Federal Register for the range of awards for general grants.

Section 160f.16 Small grants.

Comments. One commenter expressed confusion about the meaning of this provision and another questioned the broad definition of innovative approaches in paragraph (b).

Response. The definition of "innovative approaches" in paragraph (b) has been deleted. In applying the statutory requirement that small grants support innovative approaches to achieving the purposes of the Act, the Commissioner will be guided by the meaning of the term "innovative" in common usage. In addition, a new evaluation criterion for small grants has been added to assess the extent to which the applicant's project will use a new or untried approach to achieving educational equity for women.

Section 160f.17 Contracts.

Comment. One commenter requested clarification regarding this provision.

Response. This section has been rewritten to indicate that contracts may be awarded for particular purposes to promote educational equity and to state the procedures that are used to award contracts.

Section 160f.20 How to use regulations and apply for a grant.

Comment. One commenter objected to the requirement that applicants refer to the regulation, its Appendix, and EDGAR.

Response. To simplify the application process, the Appendix has been omitted in the final regulation. The pertinent information contained in the Appendix, such as the amount of payments for stipends, has been incorporated into the text of the regulation. Applicants still are required to use EDGAR, as it contains many provisions which apply to the WEEA program.

Section 160f.21 State review.

Comment. One commenter requested clearer specification of the role of the State Department of Education.

Response. The requirements for State review of an LEA's application has been deleted because it is not required by the Act and creates an unnecessary burden on LEAs.

Section 160f.23 Preapplications.

Comment. Several commenters urged the Commissioner to institute the preapplication process. The commenters believed that this process makes proposal planning and preparation a much more manageable task.

Response. This section has been deleted because authority to request preapplications is contained in EDGAR (45 CFR 100a.130–100a.134). While it is impossible to require the preapplication process for Fiscal Year 1980 because the regulation will not be published in time to allow for submission and review of both preapplications and applications prior to the closing date the Commissioner intends to use the preapplication process in the future beginning with Fiscal Year 1981.

Section 160f.30 Award decisions for demonstration projects.

Comment. Many commenters agreed that award decisions should be based in part on the need to avoid duplication of previous WEEA projects and to ensure that a variety of delivery systems are supported. Some commenters recommended changes in the section, including the strengthening of the factor relating to the avoidance of duplication. These commenters suggested the addition of points under the evaluation criteria for these concerns. Two commenters critized the use of geographic diversity as a consideration, stating that experts in educational equity, as well as low income and minority women, who are concentrated in certain regions of the country, would be shortchanged. Other commenters suggested the inclusion of student organizations in the list of examples of possible delivery systems. One commenter suggested that postsecondary education (vocational colleges, specifically) be included in the list of levels of education. Finally, commenters suggested that "needs" be added as an additional factor to be considered in making awards.

Response. The regulation has been revised to include "diversity of needs" as a factor to be considered in making grants. Further, student organizations have been included in the list of examples of delivery systems. Because an evaluation criterion already focuses on the extent to which an applicant is knowledgeable about similar projects and demonstrates that its project makes a distinct contribution, the Commissioner believes that further strengthening the factor regarding avoidance of duplication is unnecessary. The factor relating to geographic distribution has been retained. This factor is one among several to be considered and will not lead to the ignoring of an applicant's expertise, nor will it limit support for projects for low income and minority women.

Section 160f.31(a), (b)—Evaluation criteria for demonstration projects (Need and Impact).

Comment: Several commenters suggested clarifications in the language and purpose of the criterion addressing "need". One commenter suggested that this criterion specify Title IX as a purpose of the Act. Other commenters recommended that the criterion include specific requirements that would enhance evaluation of the centrality of the needs to be addressed.

Several commenters were critical of the criterion addressing "impact" and objected to the requirements that applicants submit a dissemination plan and demonstrate financial commitment to the project. The commenters generally agreed that it was unreasonable to require a dissemination plan because it would be duplicative of the work currently performed by the WEEA Programs' dissemination contractor. Commenters suggested that non-traditional recipients, such as women's organizations, would find the requirement for in-kind contributions impossible to meet. Finally, commenters questioned whether organizations have the ability to make an honest commitment to incorporate project results in the on-going program of the agency after-termination of the WEEA-funded project. One commenter expressed the concern that such a provision could be misconstrued as a matching requirement for which there is no legal basis.

Response: The criteria for "Need" and "Impact" have been revised and combined into one criterion, for a total of 24 points. The requirements for a dissemination plan and a demonstration of financial commitment have been deleted, in part because they are likely to place an undue burden on many applicants, particularly women's, student, and other community organizations. The criterion has been rewritten to explicitly require applicants to demonstrate how the project focuses on needs that are central to the purpose of the Act, to document the significance of the needs addressed, to show knowledge of similar projects, and to demonstrate how the applicant's project makes a distinct contribution. Applicants also must demonstrate the

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national, statewide or general significance of the proposed project.

Section 160f.31(c)—Evaluation criteria for demonstration projects (Plan of operation).

Comment: Many commenters recommended that the criterion for "Plan of operation" be clarified and that the number of points awarded for the management plan and for the reasonableness of proposed costs be reduced. The commenters also objected to the subjectivity and lack of specificity of such terms as "quality" and "understanding", which were used throughout the description of the criterion. Some commenters also thought that the requirement (described in the Appendix to the NPRM) that applicants document the needs of women from special population groups and develop objectives, plans, and activities to address those needs, imposed an undue burden on applicants.

Response: The criterion for "Plan of operation" has been rewritten. A new criterion has been established to assess "Objectives". This criterion is assigned 16 points and evaluates the extent to which the project's objectives are likely to meet the identified needs. The criterion also evaluates the extent to which the approach to achieving the objectives is a realistic one. The criterion still is weighted heavily, with a total of 40 points. However, the number of points for reasonableness of costs has been slightly reduced. In addition, the criterion's requirement that applicants demonstrate "diverse approaches" to the needs of various population groups has been clarified. Specific language has been added to indicate that the criterion evaluates the extent to which the applicant's project will address or can be adapted to address the educational equity needs of racial and ethnic minority women.

Section 160f.31(d)—Evaluation criteria for demonstration projects, (Applicant and staff qualifications).

Comment: Many commenters supported the criterion's reduced emphasis on previous experience in the area of women's educational equity in order to permit the funding of new organizations, particularly grass roots women's groups. Other commenters opposed this provision because it would encourage large institutions and organizations that had exhibited little or no concern for women's educational equity issues to apply and would offer those groups unfair advantage over smaller groups that are less sophisticated in proposal writing. Some commenters suggested that one criterion could be established to consider the qualifications of the project director, staff, and consultants together. Commenters recommended that the Commissioner review the relative positions of women not only on the project staff, but also throughout the applicant institution. Finally, one commenter questioned the feasibility of attempting to judge an applicant's "commitment" to educational equity for women.

Response: The criterion of "Applicant and staff qualifications" has been rewritten. The final regulation includes two criteria, one for "Applicant's commitment to educational equity for women" and one for "Staff qualifications". Each criterion is assigned 10 points. The first criterion evaluates the applicant's demonstrated commitment to educational equity for all women through review of various factors, including programmatic activities and employment practices particularly with regard to positions throughout the applicant institution in which women have been underrepresented. The second criterion assesses the qualifications of the project director and the project staff. Additional points have been added to the criterion for "commitment". These changes indicate the Commissioner's desire to support institutions, organizations, and groups of various sizes, types, and levels of sophistication that have demonstrated a commitment to the full and fair participation of women in their activities at every level.

Section 160f.31(e)—Evaluation criteria for demonstration projects (Priority).

Comment: Several commenters stated that providing an additional ten points to those applicants that chose to compete in a priority area duplicated the evaluation criteria on need and impact and thus served no useful purpose.

Response. The criterion for "Priority" has been deleted. Each application in a particular priority area will be evaluated under the criterion for "Need and impact" on the extent to which it addresses significant needs, demonstrates the importance to those needs, and shows that the proposed project is likely to meet those needs, within the purpose of the priority.

Section 160f.32 Program priorities: General.

Comment. Some commenters questioned whether equal amounts of money would be allocated to each of the six priorities and, if not, who would determine the allocations. One commenter asked whether the priorities selected each year would be only those cited in the final regulation. Several commenters strongly recommended that the Commissioner publish the proposed annual priorities and allocations of funds each year in the **Federal Register** for public comment before final decisions are made. It was recommended that this procedure apply to small grants as well as general grants.

Several commenters objected to the provision that an application which does not identify a priority, or which incorrectly identifies a priority, will be rated with other applications outside the priority areas. Commenters felt that this policy was too harsh, particularly since the proposed regulation also provided an additional ten points in the evaluation criteria that can be earned only by applications within a priority area. Commenters recommended that the Commissioner be required to select the priority under which an application should compete, if the applicant fails to identify a priority or incorrectly selects a particular priority.

Response. The regulation has been revised to make clear that the Commissioner will select priorities to be funded during any given year only from among the priorities included in this regulation. Although it is possible that the Commissioner will decide to allocate equal amounts of money to each priority in a particular year, the Commissioner is not required to do so and will determine each year the appropriate amounts to allocate to each selected priority.

The regulation has not been amended to require the Commissioner to request public comment on proposed priorities and fund allocations each year. However, the Commissioner intends to use public comment procedures each year in which time permits.

The regulation has not been amended to require that the Commissioner select the correct priority for an applicant. Instead, the language of the regulation has been clarified to indicate that applications submitted in a priority area compete only against other applications in that priority and to specify that an applicant must identify the priority area in which it wishes to be considered. Further, applicants may choose to compete for funds allocated to other authorized activities outside the priority area. Applicants which do not identify a priority will compete in this category. The evaluation criterion that awarded up to ten additional points for applicants in any priority area has been deleted.

It is both inappropriate and impracticable for the Commissioner to decide for an applicant in which priority or priorities it should compete. Although the Commissioner wishes to be of assistance to prospective applicants, the

WEEA program expects to receive at least 750 applications in fiscal year 1980. It will be impossible for the Commissioner to review each of these applications in order to select priority areas for them. The Commissioner believes that the amended descriptions of the priorities are clear enough that applicants should not be confused about where their proposed projects are eligible.

Finally, the regulation has been revised to indicate that the Commissioner may apply these priorities to the small grant program and will announce that decision each year. The procedures that govern general grants will apply to small grants as well in any year in which the Commissioner uses priorities for the small grant program.

Section 160f.33 Priority for demonstrations of WEEA materials and programs.

Comment. Most of the comments on this priority were highly critical for a variety of reasons. Several believed that projects funded under this priority would not lead to more widespread use of WEEA materials. Some commenters felt that this priority would represent an unnecessary duplication of both ongoing grant activities and the activities of the WEEA contracts for National Demonstrations of Educational Equity for Women, recently awarded. Many commenters suggested alternative uses for the funds that might be allocated to this priority.

Response. The priority for demonstrations of WEEA materials and programs has been eliminated.

Section 160f.34 Priority for dissemination centers.

Comment. Several commenters suggested substantial revisions to this priority. Many commenters noted that the activities to be supported under this priority directly duplicate activities of both the WEEA dissemination contractor and the Women's Educational Equity Communications Network (WEECN), also funded under the Act. Many commenters wondered how LEAs could compete under this priority; others asked whether materials were to be produced locally or whether materials prepared for national dissemination were to be distributed locally.

Some commenters were confused regarding the definitions of "regional" centers and asked whether the boundaries would be those defined by the ten Federal regions or whether an applicant could form its own region from several counties, cities, or states. One group of commenters opposed the funding of "regional centers", because they might duplicate the activities of the ten regional Sex Desegregation Assistance Centers funded under Title IV of the Civil Rights Act of 1964. In addition, these commenters objected to the funding of centers that would promote the use of WEEA products to the exclusion of other important products developed without the benefit of WEEA grants. They proposed that the funds instead be used to support centers that would serve as network builders and catalysts for community involvement.

Response. The priority for dissemination centers has been eliminated. The confusion expressed regarding its purpose and the serious question of duplication of existing Title IV and WEEA contract activities are compelling arguments. The Commissioner agrees with those commenters who indicated that dissemination of products and materials is one of the WEEA Program's most important activities. Therefore, although this priority has been eliminated, the WEEA Program intends to reassess its dissemination policy and practices during the next year and propose changes where needed to meet more effectively the needs of its grantees and constituents. If necessary, proposed changes will be published for public comment in the **Federal Register**. In the meantime, the WEEA Program welcomes comments on its dissemination activities.

Section 160f.35 Priority for model projects on sex discrimination and sex bias in elementary and secondary education.

Comment. Most of the commenters on this priority proposed a shift in its emphasis. Several commenters objected to the exclusion of postsecondary education while another recommended that the preschool level be included. One commenter suggested that emphasis should be placed on the elimination of sex bias in textbooks through the development of a model textbook series. A group of commenters suggested directing the focus to one or two critical issues that most urgently need attention rather than using the "scattershot" approach. These commenters also objected to the requirement that grantees include in all materials developed an indication of which policies and practices discussed are required by Title IX. The commenters suggested that serious legal questions could arise regarding the competence of any but the official enforcement agency or the courts to determine how the Title IX regulation will be applied.

Response. This priority has been redefined and entitled "Priority for model projects on Title IX compliance". Its emphasis is more clearly on the development of model programs and materials to achieve compliance with Title IX. Products developed under these grants can be used by LEAs and others that will be eligible to apply for grants to conduct projects of local significance when the second program of grants for projects of local significance is funded in the future. The priority has been changed to include all levels of education, not only elementary and secondary education. In addition, clearer direction is provided on types of activities and projects to be supported under this priority.

Although the priority is not targeted narrowly on developing a model textbook series, as one commenter suggested, the regulation makes clear that activities such as textbook reform which are not covered by Title IX may be included in a proposed project if they are tied to other Title IX compliance activities carried out under the project. The provision requiring that applicants indicate in the materials they develop which policies and practices discussed are covered by Title IX has been deleted.

Section 160f.36 Priority for groups to receive special emphasis.

Comment. Numerous comments were received on this priority. More comments addressed § 160f.36(a), "Neediest girls and women", than any other priority area. All of the comments enthusiastically supported the priority's emphasis on the needs of minority, low income, and disabled women. Several commenters strongly recommended that a separate priority be established to address the educational needs of minority women or that special emphasis on minority women be included within the proposed priority. Other commenters recommended the inclusion of additional target groups, such as students, student organizations, community groups, teen-age mothers, single mothers, re-entry women, women over 45, incarcerated women, rural women, and displaced homemakers. Others suggested that discrimination on the basis of marital status and age be added.

Several commenters objected to combining the two subsections of this priority, ((a) Neediest girls and women, and (b) Leaders in educational policy and programs), because they are very different kinds of groups with different needs and concerns. Many commenters

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suggested that at least two priorities should be created from the proposed priority to reflect both the significance of each group and the differences between them.

Several commenters feared that the power differential between the educational leaders and the underserved groups represented by "neediest" girls and women would lead to a shortchanging of the latter. These commenters believed that proposals focused on educational leaders would inevitably have an unfair advantage over those focused on minority, low income, and disabled women and girls. Other commenters objected to the combination of poverty and current or past discrimination as criteria for "neediest", because of the implication that minority women must be poverty-stricken in order to achieve high priority. These commenters suggested that poverty and discrimination be separated as criteria for consideration because they reflect different needs and problems.

Most of the commenters on the subsection for "leaders in educational policy and programs" also recommended that this subsection be established as a separate priority. In addition, commenters recommended that the priority describe the agencies and organizations in more detail, include the information provided in the Appendix, and clarify the language substantially.

Response. The regulation has been changed to separate the priority for "special emphasis" groups into three priority areas. The first responds to the overwhelming concern addressed by commenters and establishes a priority for "model projects on educational equity for racial and ethnic minority women". The second, responding to a similar concern, establishes a separate priority for "model projects on educational equity for disabled women". The third new priority represents an expansion of subsection (b) "Leaders in educational policy and programs". It focuses specifically on the need to increase the commitment to Title IX compliance and to educational equity for women among educational policymakers, administrators, and influential organizations.

The titles of the new priority areas have been revised to more appropriately identify the particular population groups on which the priorities focus. Further, the language of the priorities has been clarified to more explicitly reflect their purpose. The priority for racial and ethnic minority women and the priority for disabled women have been rewritten to reflect their intended emphasis on issues of double discrimination, bias, and stereotyping.

Although some commenters recommended that these priorities focus on various other target populations, the Commissioner believes that the limited resources available to the WEEA Program can be used most effectively if they are targeted more narrowly. Although other groups certainly are in need of assistance in overcoming the effects of sex bias, the Commissioner believes, and most commenters agreed, that the WEEA Program now should address itself to the effects of immutable factors such as race/ethnicity and disability, which combine with sex to produce the most severe forms of oppression and "double discrimination". This is not to say that the needs of older women, teenage mothers, re-entry women, rural women, displaced homemakers, and other groups of women identified by commenters as in need of special attention will not be included in projects funded under the current priorities. The WEEA Program expects to continue its commitments to meeting the educational needs of all women and hopes to receive applications that address these needs under all five priorities, as appropriate, as well as in "other authorized activities" outside the priority areas.

Section 160f.37 Priority for a national WEEA program for change.

Comment. All of the comments on this priority reflected concern about its purpose and possible implementation. Those commenters who approve of the concept of training centers raised concerns regarding eligibility requirements, responsibilities of program participants, and selection criteria for participating school districts. In each case, recommendations for substantial change were made. Some commenters suggested the establishment of quotas for participants on the basis of race, national origin, or handicap. Others recommended that the priority be expanded to include baccalaureate training and long-term training in the area of vocational education. Others suggested that priority be given to women who already have earned certification in administration and supervision.

Several commenters were critical of the proposed priority and expressed doubts about the need to establish multiple training centers. Some commenters feared that the WEEA training centers would duplicate existing efforts, such as those under Title IV of the Civil Rights Act of 1964 and the National Endowment for the Humanities. Other commenters were concerned that employment opportunities would not be available to those women who completed the training. Commenters also were concerned about the concentration on developing new training programs at the graduate level rather than focusing on improving existing graduate programs. These commenters feared the establishment of training "ghettos" and the development of a cadre of unemployed or underemployed WEEA-trained women.

Response. The priority for a national WEEA program for change has been deleted. Although the Commissioner believes that it is both necessary and important to develop future leaders in educational equity for women, the concerns raised by commenters proved compelling, particularly the fear that this priority would lead to the development of a "ghetto" of educational equity workers who would not find long term employment in the field. The WEEA Program instead believes that a more effective strategy is to focus attention, through its other priorities, on training educational leaders and other individuals who have direct influence on educational policy and practices, and thereby increasing their commitment to compliance with Title IX and to advancement of educational equity for women and girls. In addition, to avoid duplication of existing training activities in this area, the WEEA Program will seek to coordinate its activities with existing training programs (particularly those funded under Title IV) and jointly determine the extent of need for additional training centers, programs, or courses.

Section 160f.38 Priority for high risk-high potential.

Comment. All of the commenters on this priority supported the special emphasis on difficult and unyielding problems in the achievement of educational equity for women. Many also offered suggestions for improvement of the priority. Several commenters recommended that the regulation identify a similar "critical issues" priority, that would address intransigent and important barriers to educational equity for women, but would be defined more precisely. These commenters suggested that the Commissioner annually select one critical issue from among those enumerated and invite applications to address different aspects of the problem. Other commenters requested additional guidance to applicants to enable them to determine whether their proposed projects would fall under this priority or another.

Response. The priority has been revised to clarify its purpose and to respond to commenters' concern that applicants need additional information to determine whether their proposed projects fall under it. The priority now is entitled "Priority for model projects to eliminate persistent barriers to educational equity for women". Although a separate "critical issues" priority has not been established, the rewritten priority incorporates the concepts embodied in the recommendation to the extent possible. The Commissioner has chosen not to limit the selection of issues in future years to only certain critical issues defined at this time. Rather, the regulation defines the concept of persistent barriers to be addressed by this priority. The particular issues may change over time. Each applicant has the opportunity to demonstrate the significance of the issues to the achievement of educational equity and the persistence of the barriers that the project addresses.

Section 160f.40 Evaluation.

Comment. One commenter questioned whether the Commissioner has the authority to require successful applicants to submit an additional evaluation plan as a condition of the grant award.

Response. The section has been rewritten to make clear that the detailed evaluation plan required of successful applicants is merely an expansion of the evaluation plan submitted in the grant application and is not an additional requirement. An applicant that submitted a sufficiently detailed evaluation plan with its application is not required to submit an additional plan.

Sections 160f.50–160f.82 Assistance grants of local significance.

Comment. The commenters on these sections generally were critical of the proposed regulation's provisions, and suggested substantial changes in each section.

Response. In order to respond to all of the serious concerns raised by commenters, major changes are required in the regulation for grants of local significance. To make these changes, the Commissioner must publish a new Notice of Proposed Rulemaking. Rather than issue new proposed rules at this time, the Commissioner is initiating an intensive review of the issues raised by public comment and intends to publish a substantially revised NPRM next spring.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of the regulation.

Accordingly, 45 CFR Part 160f is amended to read as set forth below.

Dated: February 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 13.565, Women's Educational Equity Act Program)

William L. Smith,

U.S. Commissioner of Education.

Part 160f of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Subpart A—General

Sec.

160f.1 Women's Educational Equity Act Program: Purpose.
160f.2 Eligible applicants.
160f.3 Regulations that apply to the Women's Educational Equity Act Program.
160f.4 Definitions.
160f.5 Equity in education.
160f.6 Equity for all women: Diverse approaches.
160f.7 Participation by men: Nondiscrimination.
160f.8 Evaluation.
160f.9 Indirect costs.
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Subpart B—Projects of General Significance

160f.20 Authorized activities.
160f.21 Types of awards.
160f.22 Program priorities—General.
160f.23 Priority for model projects on Title IX compliance.
160f.24 Priority for model projects on educational equity for racial and ethnic minority women and girls.
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160f.26 Priority for model projects to influence leaders in educational policy and administration.
160f.27 Priority for model projects to eliminate persistent barriers to educational equity for women.
160f.28 Award decisions.
160f.29 Evaluation criteria.
160f.30 Evaluation criterion: Need and impact.
160f.31 Evaluation criterion: Objectives.
160f.32 Evaluation criterion: Plan of operation.
160f.33 Evaluation criterion: Applicant's commitment to educational equity for women.
160f.34 Evaluation criterion: Staff qualifications.
160f.35 Evaluation criterion: Innovative approaches.

Authority: Title IX, Part C, of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95–561, 92 Stat. 2298–2301 (20 U.S.C. 3341–3348).

Subpart A—General

§ 160f.1 Women's Educational Equity Act Program: Purpose.

The purpose of the Women's Educational Equity Act Program is to award grants to—

(a) Promote educational equity for women in the United States; and

(b) Enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972 (relating to nondiscrimination on the basis of sex in Federally assisted education programs).

(20 U.S.C. 3341(b))

§ 160f.2 Eligible applicants.

Public agencies, nonprofit private agencies, organizations, and institutions—including student and community groups—and individuals are eligible to receive grants.

(20 U.S.C. 3342(a))

§ 160f.3 Regulations that apply to the Women's Educational Equity Act Program.

(a) The following regulations apply to the Women's Educational Equity Act Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and Part 100c (Definitions).

(2) The regulations in this Part 160f.

(b) If any provision in other regulations conflict with any provision in this part, the provision in this part applies.

(20 U.S.C. 1221e–3(a)(1))

§ 160f.4 Definitions.

"Act" means the Women's Educational Equity Act of 1978.

"Council" means the National Advisory Council on Women's Educational Programs established under section 936 of the Act.

"Discrimination on the basis of sex" means the denial of opportunity, privilege, role, or reward on the basis of sex, regardless of whether that denial is prohibited by law.

"Educational equity for women" means—

The elimination in educational institutions, programs and curricula of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization that prevent full and fair participation by women in educational programs and in American society generally;

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The responsiveness of educational institutions, programs, curricula, policymakers, administrators, instructors, counselors, and other personnel to the special educational needs, interests, and concerns of women that arise from inequitable educational policies and practices; and

The elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities.

"Sex role stereotyping" means attitudes and actions that reflect assumptions that because females or males share a common gender, they also share common abilities, interests, values, and roles.

"Title IX" means Title IX of the Education Amendments of 1972. (Pub. L. 92–318).

(20 U.S.C. 3341–3348)

§ 160f.5 Equity in education.

A project must be designed to advance equity for women in education and may address issues of women's rights only within education.

(20 U.S.C. 3341(b))

§ 160f.6 Equity for all women: Diverse approaches.

(a) A project that proposes to address the needs of all women shall address the diverse needs of racial and ethnic minority women, disabled women, women of various socio-economic and geographical backgrounds, and women of various age groups.

(b) A project may focus on the particular needs of women from one or more of these groups.

(c) A grantee shall use approaches to the achievement of educational equity appropriate for the groups on which the project focuses.

(20 U.S.C. 3341(b))

§ 160f.7 Participation by men: Nondiscrimination.

Nothing in these regulations prohibits men and boys from participating in any project or activity funded under this part.

(20 U.S.C. 3343(b))

§ 160f.8 Evaluation.

(a) In addition to the requirements in 45 CFR 100a.590–592 (EDGAR) a grantee shall cooperate with the Council in fulfilling its mandate to evaluate projects assisted under the Act.

(b) Before making an award, the Commissioner requires an applicant to submit a detailed expansion of the evaluation plan submitted with the application, unless the application contained a detailed plan that the Commissioner approves without changes.

(20 U.S.C. 3343(a)(3), 3347)

§ 160f.9 Indirect costs.

The provisions governing indirect costs in 45 CFR 100a.560–568 (EDGAR) apply. Individuals may not receive indirect costs.

(20 U.S.C. 1221e–3(a)(1))

160f.10 Allowable costs.

The Commissioner makes funds available only to pay costs that are directly related to the operation of an approved project.

(20 U.S.C. 3342(a))

160f.11 Payments for training and for participation in the testing of materials and programs.

(a) *General.*

(1) The Commissioner allows the payment of stipends, travel costs, and child care costs to persons who participate in training provided under a grant and to persons who participate in field testing of materials and programs developed under a grant.

(2) The Commissioner approves these payments only if the applicant or grantee demonstrates that the payments are necessary to achieve the objectives of the project.

(3) Participants in training or in field testing activities may receive stipends only if they are not otherwise paid for the time during which they participate in the training or field testing.

(b) *Stipends for short-term training and for testing materials and programs.* (1) Short-term training is part-time or full-time training with a duration of less than one academic year.

(2) *Educational personnel.* Payments to educational personnel may be at the rate of up to $30 for each full day of participation, up to $150 a week. For days involving fewer than 5 hours of attendance, payments may be at the rate of up to $6 an hour, subject to the weekly limit of $150. However, if participating educational personnel are covered by a collective bargaining agreement in which the minimum hourly rate for an individual is more than $6 an hour, they may be paid at the rate provided under the agreement.

(3) *Non-educational personnel.* Payment to non-educational personnel, such as parents, students, and school bus drivers, may be made at rates that are not lower than the current Federal minimum wage rate nor higher than the rate for educational personnel.

(c) *Reimbursement for substitutes.* (1) If an educational agency pays teachers or other educational personnel to participate in short-term training or field testing activities and must hire substitutes for those personnel, the grantee may use funds to reimburse the agency to pay these substitutes.

(2) Rates for substitutes may not exceed the rates set out in paragraph (b)(3) of this section.

(3) A grantee may pay either a stipend to a participant, or a reimbursement for the hiring of a substitute for that participant, but may not pay both.

(d) *Stipends for long-term training.* (1) Long-term training is full-time or part-time training with a duration of at least one academic year.

(2) Stipends for participants in long-term training may not exceed $2925 for a nine month academic year or $3900 for a twelve month academic year.

(e) *Tuition and fees.* The Commissioner makes funds available to cover the costs of tuition and fees for participants in a grantee's long-term training project if the grantee demonstrates that payment of these costs is necessary to achieve the objectives of the project.

(20 U.S.C. 3342(a))

Subpart B—Projects of General Significance

160f.20 Authorized activities.

(a) Grants may support demonstration, developmental, and dissemination activities that promote educational equity for women and girls at any level of education, including preschool, elementary and secondary education, higher education, and adult education.

(b) Types of authorized activities include:

(1) The development and evaluation of curricula, textbooks, and other educational materials.

(2) Model training programs for educational personnel.

(3) Research and development projects.

(4) Guidance and counseling activities, including the development of nondiscriminatory tests.

(5) Educational activities to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women.

(6) Expansion and improvement of educational programs and activities for women in vocational education, career education, physical education, and educational administration.

(c) A project must have national, statewide, or general significance.

(20 U.S.C. 3342(a))

§ 160f.21 Types of awards.

(a) *General Grants.* The Commissioner may award a general grant for demonstration, developmental, or dissemination activities—at any level of education—designed to promote educational equity for women.

(b) *Small Grants.* The Commissioner may award a small grant, not to exceed $25,000, to support an innovative approach to educational equity for women.

(c) *Contracts.* The Commissioner may award a contract for a particular purpose to promote educational equity for women in accordance with the requirements of the Act and 41 CFR Chapters 1 and 3.

(20 U.S.C. 3342(a))

§ 160f.22 Program priorities—General.

(a) The Commissioner establishes priorities for general grants to ensure that available funds are used for projects that are likely to achieve the purpose of the Act most effectively. The priorities appear in §§ 160f.23–160f.27.

(b) Each year, the Commissioner selects one or more of the priorities and allocates funds to each selected priority.

(c) Each year in the application notice, the Commissioner announces the selected priorities and the approximate amount of funds allocated to each priority.

(d)(1) Applicants may submit applications under one or more selected priorities. Applicants must identify the priorities under which they wish to compete in their applications.

(2) Applications under a priority compete against other applications under that priority for funds allocated to the priority.

(e)(1) An applicant may propose a project that is not under a priority, but is within the scope of the authorized activities described in § 160f.20. These applications compete for funds not allocated to any priority.

(2) If an applicant fails to identify a priority, the application competes with other applications that are not under a selected priority.

(f)(1) Each year the Commissioner may select one or more of the priorities establised for general grants to apply to small grants.

(2) In any year that the Commissioner establishes priorities for small grants, the procedures in paragraphs (b) through (e) of this section apply.

(20 U.S.C. 3345)

§ 160f.23 Priority for model projects on title IX compliance.

(a) The Commissioner gives priority to applications for the development of model programs and materials to enable educational agencies and institutions to meet the requirements of Title IX.

(b) The purpose of this priority is to develop a variety of models for use by local educational agencies and others that are eligible to apply for grants to conduct projects of local significance under section 932(a)(2) of the Act.

(c) Throughout the development and testing of model programs and materials, a grantee shall attempt to address the problems that local educational agencies and other users might have in implementing the models.

(d) An applicant may propose to develop models for one or more types of users, such as local educational agencies, State educational agencies, institutions of higher education, or community groups.

(e) An applicant may propose to develop models to address one or more Title IX issues.

(f) An applicant may propose activities which address areas not covered by Title IX, such as textbooks, if these activities are directly related to other activities designed to meet the requirements of Title IX.

(g) An applicant may focus on one or more groups, such as counselors, teachers, students, parents, principals, faculty, administrators, athletic directors, or deans.

(20 U.S.C. 3345)

§ 160f.24 Priority for model projects on educational equity for racial and ethnic minority women and girls.

(a) The Commissioner gives priority to applications for projects that focus on educational equity for women and girls who are members of racial and ethnic minority groups.

(b) The purpose of this priority is to address issues of double discrimination, bias, and stereotyping on the basis of sex and race or ethnic origin.

(20 U.S.C. 3345)

§ 160f.25 Priority for model projects on educational equity for disabled women and girls.

(a) The Commissioner gives priority to applications for projects that focus on educational equity for women and girls who are disabled.

(b) The purpose of this priority is to address issues of double discrimination, bias, and stereotyping on the basis of sex and disability.

(20 U.S.C. 3345)

§ 160f.26 Priority for model projects to influence leaders in educational policy and administration.

(a) The Commissioner gives priority to applications for model projects designed to increase commitment to Title IX compliance and to educational equity for women among individuals and organizations that affect education policy.

(b) The purpose of this priority is to encourage institutional change by assisting policymakers, administrators, and organizations to take positive steps to ensure Title IX compliance and educational equity for women.

(c) A project may focus on individuals responsible for policy making and administration of educational institutions, such as local educational agency or university administrators, school board members, or members of boards of trustees.

(d) A project may focus on organizations that influence educational policy and practice, such as professional associations, student organizations, parent-teacher associations, or labor unions.

(20 U.S.C. 3345)

§ 160f.27 Priority for model projects to eliminate persistent barriers to educational equity for women.

(a) The Commissioner gives priority to applications that address persistent barriers to achieving educational equity. Projects may focus on barriers that have received little attention in the past. Projects may also focus on barriers that past efforts have been unsuccessful in reducing.

(b) An applicant may propose to develop and demonstrate new approaches, or approaches that have not been tried in a particular area, that have the potential for substantial success but also have few guarantees of success.

(c) Projects may focus on one or more issues related to persistent barriers to the achievement of educational equity for women.

(d) An applicant shall demonstrate in its application the significance of the issue to the achievement of educational equity for women and the persistence of the barrier to be addressed.

(20 U.S.C. 3345)

§ 160f.28 Award decisions.

(a) The Commissioner prepares a rank ordering of the applications under each selected priority, and of those under no priority, on the basis of—

(1) The evaluation criteria in §§ 160f.30–160f.34, in the case of general grants; or

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(2) The evaluation criteria in §§ 160f.30–160f.35, in the case of small grants.

(b) The Commissioner selects projects on the basis of the following:

(1) The projects' quality based on the evaluation criteria.

(2) The need for projects that collectively—

(i) Address the diverse needs of women among various population groups;

(ii) Address all levels of education, including preschool, elementary and secondary education, higher education, and adult education;

(iii) Use a variety of strategies for addressing needs; and

(iv) Include a variety of grantees, such as community, student and women's organizations, including those that have a substantial membership of minority or disabled women.

(3) The need to avoid duplication of projects that have already been funded.

(4) The need for geographic distribution of projects throughout the Nation.

(20 U.S.C. 3345)

§ 160f.29 Evaluation criteria.

The evaluation criteria in §§ 160f.30–160f.34 apply to an application for a general grant. The evaluation criteria in §§ 160f.30–160f.35 apply to an application for a small grant. The number of points awarded for each criterion depends on how well the application addresses all the factors under the criterion. The total possible score for a general grant application is 100 points. The total possible score for a small grant application is 105 points.

(20 U.S.C. 3345)

§ 160f.30 Evaluation criterion: Need and impact. (24 points)

The Commissioner determines the extent to which:

(a) The proposed project focuses on needs that are central to the purpose of the Act. (9 points)

(b) The applicant documents the significance of the needs addressed by the project. (7 points)

(c) The applicant shows knowledge of similar projects in the subject area and shows how this project makes a distinct contribution. (4 points)

(d) The model program, product, or results of the proposed project has national, statewide, or general significance to the achievement of educational equity for women. (4 points)

(20 U.S.C. 3345)

§ 160f.31 Evaluation criterion: Objectives. (16 points)

The Commissioner determines the extent to which:

(a) The proposed project establishes objectives which are likely to meet the identified needs. (8 points)

(b) The proposed project describes a realistic approach to meeting the objectives. (8 points)

(20 U.S.C. 3345)

§ 160f.32 Evaluation criterion: Plan of operation. (40 points)

The Commissioner determines the extent to which:

(a) The strategy and activities proposed to implement the projects are likely to accomplish the project's objectives successfully. (8 points)

(b) The applicant plans to develop the project in cooperation with representative groups relevant to the project's success, such as potential participants, community representatives, women's groups, students, key administrators, teachers, or faculty. (7 points)

(c) The applicant demonstrates that the project will address or can be adapted to address the educational equity needs of racial and ethnic minority group women. (8 points)

(d) The applicant sets out an effective management plan including appropriate resource allocation, realistic schedules, and a sufficient amount of time to be spent on the project by the proposed staff members. (8 points)

(e) The applicant describes an effective general plan for evaluation. (3 points)

(f) The budget and narrative show that proposed costs are reasonable in relation to the objectives and scope of the project. (6 points)

(20 U.S.C. 3345)

§ 160f.33 Evaluation criterion: Applicant's commitment to educational equity for women. (10 points)

(a) The Commissioner determines the extent to which the applicant demonstrates its commitment to educational equity for all women, including racial and ethnic minority women and disabled women.

(b) Among the factors the Commissioner considers in determining the applicant's commitment to educational equity for all women, are—

(1) The applicant's staffing pattern, with emphasis on employment of women in positions in which they have been underrepresented;

(2) The applicant's recruiting methods; and

(3) The applicant's other efforts to ensure educational equity for all women.

(20 U.S.C. 3345)

§ 160f.34 Evaluation criterion: Staff qualifications. (10 points)

(a) The Commissioner determines the extent to which:

(1) The project director has the qualifications and capability to conduct the project successfully. (6 points)

(2) The staff has the qualifications and capability to implement the project successfully. (4 points)

(b) In evaluating the qualifications and capability of the project director and staff, the Commissioner considers—

(1) Formal educational training;

(2) Employment or volunteer experience;

(3) Experience in designing, managing, or implementing similar projects; and

(4) Experience in addressing issues of women's educational equity in various contexts and settings, such as community groups.

(20 U.S.C. 3345)

§ 160f.35 Evaluation criterion: Innovative approaches. (5 points)

The Commissioner considers the extent to which the applicant for a small grant demonstrates how the project uses a new or untried approach to achieving educational equity for women in a particular area.

(20 U.S.C. 3345)

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federal register

Thursday
April 3, 1980

Part XI

Department of Health, Education, and Welfare

Office of Education

Arts Education Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
45 CFR Parts 160g, 161c

Arts Education Program

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: These final regulations authorize grants and contracts to State educational agencies (SEAs), local educational agencies (LEAs), and other nonprofit public and private agencies, organizations, and institutions for programs that strengthen the arts in elementary and secondary education.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are transmitted to Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you wish to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Harold Arberg, Director, Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue, S.W., Mail Stop 113, Washington, D.C. 20202. Phone: 202–472–7793.

SUPPLEMENTARY INFORMATION: Proposed regulations published in the **Federal Register** June 18, 1979 at 44 FR 35186 contain background information on legislative and policy changes in the program and how the regulations are intended to work.

Summary of Comments and Responses

A 60-day public comment period followed publication of proposed regulations in the **Federal Register** (June 18, 1979) at 44 FR 35186. Most responses gathered during this period supporting proposed strategies to meet the new eligiblility provision in the law. Some commenters requested clarification of funding procedures, priorities, and program strategies. A few suggested specific changes in the regulations. About one-half of the respondents commented on three new regulation features—cost-sharing requirements, anticipated larger funding awards, and lack of special emphasis on handicapped children (which was part of the former regulation).

Comments that altered the proposed regulations are discussed in Section A below; other comments requiring clarification or explanation follow in Section B.

A. Comments Resulting in Change

Section 161c.4 Definition of handicapped children.

Comment. A number of commenters asked that the definition of handicapped children that was part of the original regulations also be included in the new regulations.

Response. The definition has been restored to the new regulations to guide applicants in designing programs to serve all children and to provide special consideration to the needs of handicapped children.

Section 161c.10 Elements of cooperation.

Comment. One commenter mentioned that the legislation speaks of "arrangements with public and private cultural organizations" which, in the opinion of the commenter, are not the same as the educational agencies and community resource groups referred to in this section of the regulations.

Response. This section has been altered to include the wording in the law as well as the other terms. "Educational and community groups" were included to promote flexible and realistic consideration of area resources which might help build or strengthen the arts in education. Available arts resources, particularly for rural applicants, may be public service organizations—for example, transportation services for the elderly, factories, and churches—which are not ordinarily viewed as "cultural."

Section 161c.23 and 161c.44 Participation of private school children.

Comment. Several commenters suggested specific language for inclusion of private school children, as required by the Act.

Response. Both §§ 161c.23 and 161c.44 now address requirements for SEAs and LEAs concerning participation by private school children. Appropriate EDGAR provisions are referenced.

Section 161c.32 Criteria for evaluation of applicants

Comment. A number of commenters asked that the criterion encouraging consideration of the special populations such as the handicapped, gifted, and underprivileged be worth 10 points, as in the former regulations.

Response. This change has been made. However, to maintain the 100-point total for criteria, weight of the dissemination criterion has been reduced 5 points. (See § 161c.32(h) and discussion on this point under Section B.)

Comment. A number of commenters felt that larger grants contemplated by the new regulations would discourage applicants and discriminate against poor and rural areas.

Response. A new provision has been added to clarify intent of the regulations in §161c.31, item (b). The regulations do not specify either the size or number of awards, so applicants have flexibility in proposing project funding levels. During the past four years awards were *limited* to $10,000 or less for small planning or "seeding" projects. Applicants may still propose a project at this level; however, some applicants are now ready to proceed beyond the *seed money* stages. Cost-sharing will result in budgets and projects of varying size, depending on local resources available and project needs.

Section 161c.41 Ongoing evaluation activities

Comment. Several commenters questioned the inclusion of this provision which is not mandated by the Act and cited potential paperwork burden on State and local education agencies. One commenter questioned the limit of 10 percent on outside evaluation; one objected to the inclusion of collection of data on teacher achievements.

Response. Wording has been changed to clarify the intent that information will be gathered by each project for its own management purposes, not to generate statistics and paperwork for submission to the Federal program. The provision was included to encourage grantees to develop ongoing evaluation to assist in program planning, improvement, and justification. Information and project documentation may help (1) assure that steps are being taken which will lead to project improvement and success; (2) develop and change strategies; and (3) alter the course of a program.

Outside evaluation is limited to 10 percent to build ongoing strengths into each project which might not otherwise result if the project were to employ only outside experts or teams to provide analysis and evaluation.

Section 161c.42 Funding

Comment. Several commenters requested clarification on sources of cash matching, specifically, whether State funds could be included in a project's budget contribution.

Response. A change has been made in the regulation to clarify program intent; however, the section does not *require* "cash" as part of an applicant's share of project costs. In addition, a new paragraph, item § 161c.42(b)(2), permits matching with Federal funds allocated to States, if an applicant chooses to make these funds part of a project contribution.

In addition to the above changes, typographical, editorial, and technical changes have been made.

B. Response to Other Comments

The following comments did not result in changes in the regulation either because they were beyond the authority of the Act or concerned matters already addressed in the regulations. Commenters are referred to the proposed regulations, which present the basis and rationale for change in the regulations. A number of comments pertained to administrative operation of the program; however, only comments considered to be regulatory issues are included in this section.

Informal questions and comments from a May 30, 1979, public meeting are included, even though this meeting did not occur during the official 60-day comment period.

Section 161c.1 Arts Education Program

Comment. One commenter inquired as to why the wording in this section did not quote the law.

Response. The wording in the law provides the definition of an "arts education program" in § 161c.4 of the regulations. This section simply indicates that funds are available for projects at the elementary and secondary levels of education.

Section 161c.2 Eligible parties

Comment. Several commenters suggested additional categories and subcategories of nonprofit agencies, organizations, and institutions (such as professional artists, teachers and arts educators, State training schools and community-based alternative education programs).

Response. The paragraph lists a series of examples, including those specifically mentioned in the law, and a few illustrative additional categories. The list is not intended to be exhaustive. Commenters are referred to the law, the background in the proposed regs, and the EDGAR definition of "nonprofit".

Section 161c.8 Program elements

Comment. One commenter felt that the comprehensive approach detracts from teaching the basic fundamentals in each discipline; one questioned the inclusion of the specific four art forms; several commenters felt the elements sacrificed "appreciation" in favor of "skills."

Response. The regulations were not designed to supplant the efforts of LEAs and SEAs in the discrete arts; the program is designed to strengthen, not replace, existing arts programs. In a comprehensive arts education program the arts are taught separately and in relation to each other; they may also be combined with other curriculum subjects. All students are exposed to all arts through integrated arts courses, and the arts are infused into various subject areas, in addition to being offered as elective courses. Students gain skills as well as understanding in, and appreciation of, various arts.

Involvement of all students in a school building in the spectrum of the arts—including at least music, drama, visual arts, and dance—was a central feature of the regulation developed when Congress created the Arts Education Program in the Education Amendments of 1974. All awards made over the past four years went only to SEA and LEA programs which addressed at least these four art forms. This comprehensive arts approach is well integrated into the program's history.

Section 161c.8 states that each project must be designed to "provide opportunities for all students * * * to acquire skills *and understanding* in and through several arts media * * *." (*Emphasis* added.) The term "understanding" implies aesthetic awareness and appreciation of the arts, and the two terms are of equal importance. For more background on this concept, see original regulations implementing Sec. 409 of Pub. L. 93–380.

Section 161c.9 Funding categories

Comment. One commenter inquired why, since the law does not specify it, the Commissioner reserves grants in State, urban, and rural categories.

Response. The "reservation" provision was introduced in the former regulation to ensure that States do not compete with local applicants for funds and, extending this technique to the new regulation, that both urban and rural applicants will be funded. Neither this reservation provision nor the definitions of "urban or large community", and "rural or small community" were intended to exclude any applicant from funding. Rather, the intent is to ensure that all applicants have an equal chance to compete for funds. There is flexibility so that, for example, a small community located on the fringe of a large standard metropolitan statistical area, and therefore "isolated", could apply for funds under the rural category rather than the urban category, but not under both. The demand each year warrants funding in each category.

In the proposed regulations, this section was a provision of § 161c.31. It now constitutes a new section, § 161c.9, which establishes that projects in all three categories—State, urban, and rural—will be funded.

Section 161c.10 Project advisory committees

Comment. One commenter inquired as to why advisory committees were required, since the law did not mandate their formation; others commented on committee composition, ranging from suggestions that the committee be more "open-ended" to suit the individual projects to suggestions for specific and narrowly defined committees. One commenter asked that at least one teacher be included on each committee.

Response. The regulation implementing the original program authorized under Section 409 of the Education Amendments of 1974 required that an advisory committee be established for each project funded. At the State level, the provision facilitated the organization of 50 Alliance for Arts Education Committees that now form a national network for information sharing, technical assistance, and review. At the local level, advisory committee members provided access for schools to the universities, museums, theaters, arts councils, and other cultural resources in rural and urban communities.

The regulations are intended to promote cooperation between the formal education system and the nonprofit public and private agencies, organizations, and institutions, which are now eligible for the first time to apply for funds. Advisory committees, which provided the links between schools and cultural resources in projects funded over the past four years, are again vital to collaboration on programs to "establish and conduct programs in which the arts are an integral part of elementary and secondary school curricula."

"Project advisory committee" has not been formally defined in § 161c.4 in order to allow wide diversity in composition. The statement was intended to suggest the types of people which *might* be represented, but in no way mandates the makeup of each committee.

Section 161c.9 & 10 Urban-rural categories

Comment. One commenter inquired as to why a distinction is made between urban and rural projects and why, in the urban category, minimum numbers of schools served and participating organizations are specified.

Response. The urban-rural distinction is an outgrowth of experience over the past four years with the original

program, which separated State and local applicants. In the "local" category, rural applicants often could not compete with large city school districts that had access to experienced proposal writers and Federal project coordinators. Each year proposal reviewers suggested the urban-rural distinction as a way of equalizing funding opportunities, however limited. Many rural areas may need "seed" money for planning or start-up; many urban school districts are ready to mount demonstration projects at various funding levels. The urban-rural project categories also provide guidance for others wishing to replicate or creatively adapt models of similar size and characteristics.

Urban projects must serve a minimum number of five cooperating schools to encourage development of a network of schools rather than a single program in only one school. The requirement encourages urban areas to design systems that reach as many children as possible. Funds and services concentrated on one school often prove too expensive to replicate or even maintain after Federal funding stops. Urban projects must include a minimum of three nonprofit, nonschool arts resources.

Comment. Several commenters requested an additional category for funding regional or interstate projects.

Response. The regulations do not prohibit either regional or interstate projects. Nonprofit organizations or educational service agencies serving several States might apply in any one of the three categories.

Section 161c.11 Eligible activities

Comment. Commenters suggested additions to the list of activities; some opted for definition of activities; several felt the list gives insufficient guidance as to the types of projects that would be considered eligible. One commenter recommended that funds support only the "excess costs" of planning, development, training and evaluation associated with the initiation of significant new programs.

Response. Neither the law nor the regulation prescribes specific activities to integrate the arts into elementary and secondary education. The list in § 161c.11 is not exhaustive, but includes categories of activities funded by the program over the past four years. Mandating specific activities is beyond the scope of the act. It is assumed that applicants will take the responsibility for program definition, strategies, and content, according to their specific needs and program priorities.

Section 161c.12 Project duration

Comment. Some commenters felt that, in view of the expected appropriation level, multiple-year grants would stagnate the program. Some suggested the regulations be more specific about renewal funding; that grants be made for more than one year initially; that continuing grants be competitive with other applications. Others suggested the regulations establish decreasing funding percentages for second and third year funding. One commenter inquired whether a multi-year project would receive preference over a one-year project.

Response. We envision few multiple-year grants in view of the expected appropriation level. However, a few small planning projects funded under the rural category and strong urban and State models may show considerable promise of self-sufficiency or survival within a given time period. These may be supported with decreasing Federal dollar commitments for up to three years, on a case-by-case basis.

In view of the appropriation level, continued funding is expected to be the exception rather than the rule. Even under the competitive refunding of past years, only about one in 10 programs was "refunded." In view of the program's intent to give priority to new projects, the provision remains flexible, and each project will be considered individually.

Section 161c.21 Limitation on number of applications

Comment. One commenter felt that the limit of one grant per applicant could discriminate against urban LEAs.

Response. The provision was established in view of limited funds and collaboration strategies. This limit is reinforced by § 161c.31(b), which allows the Commissioner to add extra points to an application to achieve equitable distribution of projects; i.e., no more than one project per urban area.

Section 161c.22 Joint application

Comment. A commenter inquired whether it is possible for two contiguous school districts in different States to apply jointly and, if so, what the role of each State would be in reviewing the proposal.

Response. Two contiguous school districts in separate States may apply jointly. Each would be subject to review by its own State department of education.

Section 161c.24 State review of local applications

Comment. Several commenters requested that SEA review be a required part of Federal application review.

Response. State review is not mandated by law; however, the regulations provide that State education departments are given 30 days in which to comment on local applications. Reviewers have access to these comments and, to the extent that comments bear upon the published criteria, they may be taken into consideration by reviewers. Although State review is not mandated, a local applicant must send its application to the SEA.

Although State review is not "required," the feature was part of the original regulations. States have in the past used the opportunity to comment in a variety of ways. Some States ranked applicants; some provided equal endorsements for all applicants; some chose not to comment at all or commented on only several applications.

Section 161c.31 How the Commissioner judges applications.

Comment. A commenter suggested that a national committee of experts in arts education be appointed to advise the Commissioner.

Response. This is beyond the scope of the Act. It should be noted that the Federal Council on the Arts and the Humanities may serve as a coordinating and review body to review recommendations of application readers; however, all proposal reviews are ultimately the responsibility of the Commissioner and the staff of USOE. Both review panels representative of the field and the Federal Council may, at the Commissioner's request, be asked to make recommendations.

Section 161c.32 Criteria for evaluation of applications.

Comment. One commenter mentioned that program management was weighted more heavily in the criteria than program content and suggested that this be changed.

Response. The criteria judge a variety of approaches to arts education. Program content has traditionally been the responsibility of the State and local education agencies, and mandating criteria for specific program content is beyond the scope of the Act.

Comment. Commenters inquired as to why dissemination is included as a criterion. One commenter suggested specifications for dissemination awards.

Response. The weight of the dissemination criterion has been reduced from 10 to 5 points to take account of a 5-point increase in the handicapped criterion. However, dissemination is a crucial aspect of a Federal demonstration program with a $1.25 million appropriation. From a project's standpoint, the dissemination criterion encourages projects to consider ways of sharing information. Many project sites are unprepared to handle even the most simple inquiry. In the opinion of program staff, dissemination also provides a way to maximize the investment the Federal program makes in the development of ideas.

National dissemination channels presently include only a few arts projects, and various panels and ad hoc committees have cited "dissemination" as a priority for attention. A guidebook for project directors of arts education programs developed under contract with the Office of Education has been distributed to answer some questions on planning for dissemination; hence, the issue is of concern both under the former and the new regulations.

Grants may include activities which lead to the development of curricula and instructional materials; however, the purpose of the program is not the publication and dissemination of curricula or instructional materials. Dissemination of information about a funded project is part of a grant; dissemination contracts are not contemplated.

Section 161c.32(i) Results, end products, or outcome.

Comment. Several commenters ask why "new and innovative" is included in the criteria, and how it is defined.

Response. In view of expected funding ($1.25 million in fiscal year 1980), application reviewers will be looking for ways in which the Federal dollar can make an impact on projects and, in turn, projects can serve as models which promise new and innovative *approaches, methods,* or *materials.*

What is "innovative" in rural areas may be standard in urban programs; what is routine in a densely populated industrial State may be innovative in a sparsely populated agricultural State. The purpose of the criterion is to spur forward-thinking, carefully planned projects which will result in progress toward increasing the effectiveness of arts education.

Most projects will employ one or several standard activities from the "suggested" list in § 161c.11 of the proposed regulations; however, the program believes that potential for innovation or newness may be in strategies that give form and substance to these activities.

Comment. Commenters questioned the ineligibility of salaries for regular full-time instructional personnel as part of project in-kind or Federal share of costs. One commenter asked if cost exclusion extends to full-time teachers who are moved from teaching positions to work on a project.

Response. The intent of this section is to discourage the use of grant funds for regular teachers' salaries, which are a local responsibility. Salaries of faculty released in whole or in part from teaching responsibilities may be counted in cost-sharing, if substitutes are provided. The percentage of allowable teachers' salaries, including college or university faculty, will be proportionate to the time spent on a project.

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance No. 13.586, Arts Education Program)

Dated: February 14, 1980.

William L. Smith,

U.S. Commissioner of Education.

45 CFR Part 160g is redesignated as Part 161c and revised to read as follows:

PART 160g—[REDESIGNATED AS PART 161c]

PART 161c—ARTS EDUCATION PROGRAM

Subpart A—General

Sec.
161c.1 Arts Education Program.
161c.2 Eligible parties.
161c.3 Regulations that apply to the Arts Education Program.
161c.4 Definitions.

Subpart B—Kinds of Projects Assisted Under This Program

161c.8 Program elements.
161c.9 Funding categories.
161c.10 Elements of cooperation.
161c.11 Eligible activities.
161c.12 Project duration.

Subpart C—How To Apply for a Grant

161c.21 Limitation on number of applications.
161c.22 Joint application.
161c.23 Application requirements.
161c.24 State review of local applications.

Subpart D—How a Grant Is Made

161c.31 How the Commissioner judges applications.
161c.32 Criteria for evaluation of applications.

Subpart E—Conditions That Must Be Met by a Grantee

161c.41 Ongoing evaluation activities.
161c.42 Funding.
161c.43 Limitations on costs.

Authority: Title III, Part C, of the Elementary and Secondary Education Act, as amended by the Education Amendments of 1978, Pub. L. 95-561, 92 Stat. 2212 (20 U.S.C. 2961).

Subpart A—General

§ 161c.1 Arts Education Program.

The Arts Education Program provides Federal financial assistance for the arts in elementary and secondary education.

(20 U.S.C. 2961)

§ 161c.2 Eligible parties.

(a) State educational agencies (SEAs), local educational agencies (LEAs), and nonprofit agencies, organizations, and institutions may apply for grants.

(b) Nonprofit agencies, organizations, and institutions may include, but are not limited to, libraries, museums, theaters, arts councils and centers, colleges and universities, performing arts groups, and parent, youth, and civic organizations.

(20 U.S.C. 2962)

§ 161c.3 Regulations that apply to the Arts Education Program.

(a) *Regulations for grants.* The following regulations apply to grants under the Arts Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions).

(2) The regulations in this Part 161c.

(b) *Regulations for procurement contracts.* The Commissioner may award contracts to carry out the purposes of the Act. The regulations in this part, however, do not apply to procurement contracts under the Arts Education Program. These contracts are subject to:

(1) Federal and HEW procurement regulations in 41 CFR Chapters 1 and 3; and

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(2) Requirements and criteria in particular requests for proposals (RFPs) published in the *Commerce Business Daily*.

(20 U.S.C. 1221e–3, 2962)

§ 161c.4 Definitions.

(a) The definitions in 45 CFR Part 100c of the Education Division General Administrative Regulations (EDGAR) apply to these regulations, including the following terms:

Budget
Commissioner
Equipment
Facilities
Local educational agency (LEA)
Nonprofit
Public
State
State educational agency (SEA)

(b) In addition, the following definitions apply in these regulations:

"Act" means the Arts in Education Act of 1978, enacted by Pub. L. 95–561 as Part C of Title III of the Elementary and Secondary Education Act of 1965.

"Arts" includes, but is not limited to, music, dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, and tape and sound recording; the presentation, performance, execution, and exhibition of these art forms; and the study and application of the arts to the human environment. (20 U.S.C. 2961, 952(b), Pub. L. 89–209)

"Arts education program" means a program in which the arts are an integral part of elementary and secondary school education and that complies with § 161c.8 (Program elements).

"Handicapped children" means children who need special education and related services because they are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or otherwise health impaired, or have specific learning disabilities.

(20 U.S.C. 1401, 2962)

"Rural or small community," for purposes of this regulation, means a geographic area—other than a State—isolated from a metropolitan area. Cultural resources outside the schools are nonexistent or limited.

"Urban or large community," for purposes of these regulations, means a standard metropolitan statistical area, as defined in section 617(9) of the Elementary and Secondary Education Act.

Subpart B—Kinds of Projects Assisted Under This Program

§ 161c.8 Program elements.

The Commissioner awards grants to assist in establishing, conducting, or improving arts education programs. Each arts education program to be assisted under a project must be designed to—

(a) Provide opportunities for all students in the schools served by the project to acquire skills and understanding in and through several arts media, including, at least, dance, music, theater, and the visual arts; and

(b) Integrate these arts disciplines into the regular educational program of the schools served, rather than to include them on an extra-curricular or peripheral basis.

(20 U.S.C. 2961, 2962)

§ 161c.9 Funding categories.

The Commissioner may fund grants in each of the areas of (a) State projects, (b) urban or large community projects, and (c) rural or small community projects.

(20 U.S.C. 2962)

§ 161c.10 Elements of cooperation.

(a) An applicant shall develop—and describe in its application—a strategy to work collaboratively with State and/or local agencies, including SEAs and LEAs, schools, community organizations, resource groups, colleges and universities, arts organizations, or other public and private cultural organizations in the geographic area to be served by the proposed project.

(b) The applicant or grantee shall involve these groups in planning, conducting, and improving the arts education program proposed for funding.

(c) To be considered for a grant, an arts education project must meet the following minimum elements of cooperation in the funding category under which the applicant applies:

(1) *All projects.* (i) The project must have a project advisory committee consisting of members broadly representative of education, the arts, business, the professions, and parent and youth groups in the project area. A State applicant shall use the State arts education advisory committee (such as the State Alliance for Arts Education Committee) if one exists. A local applicant shall have on its project advisory committee some representation from the State arts education advisory committee, if one exists.

(ii) The advisory committee shall provide advice to assist with the project, in areas such as—

(A) Planning the project proposal;

(B) Meeting with project staff to review and comment on the progress of the project;

(C) Acquainting the community with the project; and

(D) Disseminating information regarding the project.

(2) *State projects.* The proposed project shall provide for interagency program planning and implementation with at least the SEA, the State arts education advisory committee, the State arts agency, a minimum of three LEAs in the State, and a variety of other State and local arts resource organizations, agencies, and institutions.

(3) *Urban or large community projects.* Project cooperation shall include, but need not be limited to—

(i) Serving the elementary and secondary students of a minimum of five cooperating schools located in one or more LEAs; and

(ii) Participation of a minimum of three arts and educational organizations, institutions, and agencies.

(4) *Rural or small community projects.* The project shall utilize available arts and community resources within the project area and may also use resources from outside the area.

(20 U.S.C. 2962)

§ 161c.11 Eligible activities.

Projects to make the arts an integral part of elementary and secondary curriculums may include, but are not limited to—

(a) Leadership training and staff development;

(b) Community awareness programs;

(c) Technical assistance;

(d) Material and curriculum development;

(e) Planning and coordination;

(f) Documentation and evaluation; and

(g) Dissemination.

(20 U.S.C. 2962)

§ 161c.12 Project duration.

(a) The Commissioner may approve a project for a maximum of three years in accordance with EDGAR §§ 100a.250 and 100a.251.

(b) Any continuation awards for budget periods after the first budget period of an approved multi-year project are made for decreasing amounts of funds. See EDGAR §§ 100a.253–100a.254 for provisions on continuation awards and extension of a project.

(c) In deciding whether or not to make a continuation award, the Commissioner considers the factors in § 100a.253 of EDGAR and the degree to which a project shows school-community cooperation and direct benefit to elementary and secondary arts education, as evidenced by site visits, reports, project evaluation, and documentation.

(20 U.S.C. 1221e–3, 2962)

Subpart C—How To Apply for a Grant

§ 161c.21 Limitation on number of applications.

The Commissioner approves no more than one project application from an applicant in a fiscal year, whether or not that application is filed jointly with other applicants.

(20 U.S.C. 1221e–3, 2962)

§ 161c.22 Joint application.

A single application may be submitted by a group of eligible parties. Joint applications are subject to §§ 100a.127 through 100a.129 of EDGAR.

(20 U.S.C. 1221e–3, 2962)

§ 161c.23 Application requirements.

(a) An applicant must demonstrate in its application that the proposed project will meet the requirements in the following sections of these regulations:

(1) Program elements (§161c.8).

(2) Elements of cooperation (§ 161c.10).

(3) Cost-sharing requirements (§ 161c.42).

(b) In addition, in preparing a grant application, an applicant should address each criterion in § 161c.32.

(20 U.S.C. 1221e–3, 2962)

(c) *Special requirements for SEA or LEA applicants.* (1) An application from an LEA shall comply with the requirements in §§ 100a.138 through 100a.141 of EDGAR concerning an open meeting on the application.

(2) An application from a SEA or a LEA is subject to the requirements in section 302(b) of the Elementary and Secondary Education Act of 1965, as amended, concerning consultation with private school officials in developing the applications. The requirements are implemented in § 100a.650.

(20 U.S.C. 887e, 2942(b))

§ 161c.24 State review of local applications.

(a) The SEA, working with the State arts education advisory committee, may review and comment on local applications.

(b) If a State advisory committee does not exist, the SEA may assemble a committee for this purpose, using the elements for a project advisory committee in § 161c.10 as a guide.

(c) The local applicant shall send a copy of its application to the SEA, at the same time it sends the application to the Commissioner. The application must show that a copy was sent to the SEA.

(d) The SEA has 30 days after date of receipt of the application in which to review it.

(20 U.S.C. 1221e–3, 2962)

Subpart D—How a Grant Is Made

§ 161c.31 How the Commissioner judges applications.

(a) The Commissioner evaluates an application on the basis of the criteria in § 161c.32.

(1) The Commissioner awards up to 100 possible points for these criteria.

(2) The maximum possible score for each complete criterion is indicated in parentheses next to the heading of that criterion.

(b) To ensure geographic and programmatic diversity, the Commissioner may add up to 10 points to the score of an application that will contribute to—

(i) An equitable geographic distribution of arts education programs throughout the United States in both urban and rural areas;

(ii) A variety in types of projects funded that collectively demonstrate diverse approaches to the arts in elementary and secondary education; and

(iii) A range of funding levels, from small planning or development grants of $10,000 or less to larger awards for model or implementation projects.

(20 U.S.C. 2962)

(c) In selecting new or continuing applications the Commissioner may use the Federal Council on the Arts and the Humanities to review or comment on applications.

(1) The Commissioner may, in conjunction with the Council, identify applications that are within the priorities of other funding agencies on the Council.

(2) The Commissioner may decline to fund applications that are within other agencies' priorities.

(3) Applications may be considered for joint support by the Office of Education and other Federal agencies which are members of the Council.

(20 U.S.C. 1221e–3, 2962)

§ 161c.32 Criteria for evaluation of applications.

(a) *Needs assessment.* (10 points) The extent to which the applicant—

(1) Identifies and analyzes, objectively and comprehensively, the elementary and secondary arts education needs in the area to be served. In judging this criterion, the Commissioner considers the application's description of the geographic location to be served by the proposed project, including school population.

(2) Sets forth clear and measurable objectives that relate to the identified needs.

(b) *Coordination.* (25 points)

(1) Quality of the applicant's plan to mobilize and coordinate activities of all agencies, organizations, and institutions involved. In judging this criterion, the Commissioner considers the application's description of how and why each entity is cooperating in the project.

(2) Consistency with plans and/or activities previously carried out in arts education. In judging this criterion, the Commissioner considers how the project relates to the objectives of the State plan for the arts in education, if one exists.

(3) Extent of commitment and involvement of the SEA and LEAs in the proposed project.

(4) The extent to which the applicant makes effective use of the facilities and services of State and local agencies, institutions, and organizations, beyond the minimum requirements in § 161c.10.

(c) *Plan of operation.* (10 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner considers—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(vi) For grants made after October 1, 1980, if the applicant is a local educational agency or State educational agency, a clear description of how the applicant will provide an opportunity for participation of students enrolled in nonprofit private schools.

(d) *Quality of key personnel.* (7 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

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(2) The Commissioner considers—
(i) The qualifications of the project director (if one is to be used);
(ii) The qualifications of each of the other key personnel to be used in the project;
(iii) The time that each person referred to in paragraph (d)(2)(i) and (ii) of this section will commit to the project.
(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience in elementary and secondary arts education, as well as other information that the application provides.
(e) *Budget and Cost effectiveness.* (10 points)
(1) The Commissioner reviews each application for information that shows the project has an adequate budget and is cost effective.
(2) The Commissioner considers—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(f) *Evaluation plan.* (5 points)
(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project (see § 161g.41—Ongoing evaluation activities).
(2) The Commissioner considers whether the methods of evaluation are appropriate to the project and, to the extent possible, are objective and quantifiable.

(20 U.S.C. 1221e–3(a)(1), 3001, 3002)

(g) *Adequacy of resources.* (3 points)
(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(h) *Dissemination.* (5 points)
The Commissioner reviews each application for information that shows the adequacy of provisions for disseminating information about the project.
(i) *Results, end products, or outcome.* (15 points)
The extent to which the proposed project employs or will result in new and innovative approaches, methods, or materials of value in increasing the effectiveness of the arts in education.
(j) *Serving all students.* (10 points)
The extent to which the proposed project is designed to serve the needs of all students in the project area, including the handicapped, gifted, and underprivileged.

Subpart E—Conditions That Must Be Met by a Grantee

§ 161c.41 Ongoing evaluation activities.

(a) Throughout a project period, a grantee is responsible for evaluation acitivities that provide information for effective management of the project, including—
(1) Documentation of all activities for self-monitoring purposes; and
(2) Collection of statistics and data a grantee may feel are needed to assess progress and develop local support; for example, on students served, student and teacher achievements and attitudes, and relationships between other academic subjects and the arts.
(b) The Commissioner may require that some of the information in paragraph (a) of this section be included in project reports.

(20 U.S.C. 2962)

§ 161c.42 Funding.

(a) *OE share.* The Office of Education share is limited to a maximum of 50 percent of the costs of a project.
(b) *Project share.* The project share may include cash or in-kind contributions from the cooperating organizations, agencies, and institutions involved in the project.
(1) In-kind contributions may not include salaries of regular full-time instructional personnel.
(2) Cash contribution may include Federal funds that are awarded—
(i) through a State agency; or
(ii) under an authorized statute which expressly permits matching of Federal funds.

(20 U.S.C. 2962)

§ 161c.43 Limitations on costs.

(a) Federal funds may not be used for—
(1) Direct student financial aid; or
(2) Salaries for regular, full-time instructional personnel;
(3) Equipment worth more than five percent of the total grant amount;
(b) Not more than 10 percent of total project costs may be used for outside evaluation of the project.

(20 U.S.C. 2962)

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Thursday
April 3, 1980

Part XII

Department of Health, Education, and Welfare

Office of Education

Metric Education Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161b

Metric Education Program

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: The Commissioner of Education issues final regulations governing grants under the Metric Education Program as authorized by the Metric Education Act of 1978. These grants to State educational agencies (SEAs), local educational agencies (LEAs), and other public and nonprofit private agencies, organizations, and institutions are intended to encourage and support projects that prepare students to use the metric system of measurement with ease and facility as a part of the regular education program.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you wish to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Floyd A. Davis, Program Manager, Metric Education Program (Riviere Building, Suite 835), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202/653–5920).

SUPPLEMENTARY INFORMATION: The Metric Education Program, formerly authorized under Section 403 of Pub. L. 93–380 (Education Amendments of 1974) has been reauthorized by the Education Amendments of 1978, Pub. L. 95–561, Section 311.

On May 25, 1979 the Commissioner of Education published a notice of proposed rulemaking (NPRM) in the **Federal Register** (44 FR 30636). Interested persons were given forty-five days to comment on this notice. During this period, a number of comments were received. The paragraphs below summarize these comments and the Commissioner's response to them.

In response to the public comments on the NPRM, certain section numbers have changed (the NPRM section number appears in parenthesis following the new number).

Section 161b.1 What is the Metric Education Program?

Comment. One commenter suggested that the regulations should include a provision which ensures that grantees will consult with publishers in projects that involve the development of curricula or instructional materials.

Response. No change is made in these regulations. This requirement is contained in the Education Division General Administrative Regulations (EDGAR) and applies to all Office of Education Programs. The Metric Education Program is subject to EDGAR.

Comment. A commenter expressed a concern for the language used in § 161b.1 which describes the purpose of the Metric Education Program to be that of encouraging people to learn and use the metric system.

Response. A change is made in this section. The revision describes the purpose of the program as being that of encouraging educational agencies and institutions to develop programs to prepare students to use the metric system of measurement as a part of the regular school program.

Section 161b.2 Who is eligible to receive an award?

Comment. One commenter suggested that because the SEAs can reach more areas and people than can LEAs more funds should be given to SEAs. This would provide greater impact for metric education.

Response. No change is made. The Act does not distinguish between types of applicants (SEAs, LEAs, or other public and private nonprofit institutions) as to the amount of funds each applicant receives for a metric education project. The allowability of costs to support the activities described in the application coupled with the nature of the proposed project design are the bases upon which grant amounts are determined regardless of the applicant.

Comment. One commenter suggested that unsuccessful SEA applicants be given a predetermined minimum of funds, viz., $5,000 to support the development and refinement of their application.

Response. No change is made. This strategy is similar to the issuance of planning grants. The statutory authority does not provide for planning grants.

The Metric Education Program is discretionary in nature. The issuance of awards by the Commissioner is based on the outcome of a competitive process. Since all public and private nonprofit agencies and local educational agencies are eligible to submit applications for funding consideration, the provision of funds to unsuccessful SEAs to improve their applications would result in an unfair advantage for SEAs over other categories of eligible applicants. The Commissioner may provide a feasible level of technical assistance to any applicant in the preparation of their application(s). A national conference is generally held annually. This conference provides technical assistance to grantees including some training in application development. *Non-grantees may attend the conference on a space available basis and must pay their expenses.*

Section 161b.10 What categories of activities are supported?

Comment. Another commenter suggested that priorities be set to maximize the effective use of the U.S. Office of Education's limited (metric education) resources.

Response. No change is made. The Metric Education Program has supported metric educational opportunities and has achieved significant results. However, the Commissioner may, in any given year, emphasize one or more activities upon publication of a notice in the **Federal Register.**

Comment. One commenter felt that more emphasis should be placed on the dissemination of existing metric curricula and related materials rather than on developing new materials.

Response. A change is made in § 161b.10(a)(3) to make it clear that both new and existing instructional materials are covered. The Metric Education Program provides maximum flexibility in the designing of cost effective projects which are responsive to the assessed needs of the grantee's learner population(s). These needs might, in some cases, be met by disseminating existing materials, while in other cases it might be necessary to develop new materials. To the extent that the interest of cost-effectiveness can be accommodated by disseminating existing materials without compromising the needs of the learner population(s), the program encourages it. However, it is up to the grantee to determine the method that best meets the needs of its learner population.

On a national level, adequate effective dissemination of existing materials to educational institutions (including those isolated from national education trends) might be a very costly process.

Comment. One commenter suggested that funds "earmarked" for the "training of the parents of students and for developing metric education curricula for higher education", be used instead for teacher training or other "more productive" programs.

Response. A change is made in this section to eliminate the use of funds for training parents and other adults. However, no change is made with respect to redirecting funds to teacher training. Funds are not "earmarked" for any particular type of activity. The Commissioner makes discretionary awards as a result of a competitive process. Awards may support any of the types of activities in § 161b.10—What categories of activities are supported? However, the Commissioner may in any given year emphasize certain of these activities listed in § 161b.10 upon publication of a notice in the **Federal Register.** For example, experience with the program may indicate a need for a particular type of activity such as teacher training. The Commissioner may, through a notice in the **Federal Register,** seek applications for grants to support this type of activity.

Comment. A commenter expressed confusion over the types of activities that can be supported under a procurement contract, since the regulations state that procurement contracts cannot duplicate activities carried out under grants.

Response. A change is made in § 161b.10(c) to clear up any possible confusion. The Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224) requires a Federal agency to use a grant, procurement contract, or cooperative agreement, depending on the relationship between the Federal government and the recipient. In the case of contracts and grants, if the relationship is one where the principal purpose is to acquire property or services for the direct benefit of the government, a procurement contract must be used. However, if the principal purpose is one of support or stimulation authorized by the statute, a grant must be used. The activities in § 161b.10(a) are supported or assisted by grants. Procurement contracts may be awarded for activities such as technical assistance and other program supportive activities which are national in scope.

Section 161b.31 (§ 161b.30 of the NPRM) How does the Commissioner select a metric education project?

Comment. One commenter expressed a desire that the Metric Education Program encourage the dissemination of products produced at government expense as such products should be made available to anyone who wants to use them.

Response. No change is made. To the extent feasible, the Metric Education Program currently disseminates project products that can be easily duplicated. The staff, through technical assistance, is increasing its efforts to inform project directors of dissemination opportunities through the Educational Resources Information Center and the National Diffusion Network once specific requirements have been satisfied.

Comment. One commenter expressed a concern that to require the learner populations to participate in the planning of the various projects would be "punitive" to projects designed to serve elementary students because of the age of these students.

Response. The language in § 161b.31(f)(3), (§ 161b.30(c)(1)(iii) of the NPRM) is changed to require "feasible participation" by the learner population in the planning of projects. This means participation at a level that is appropriate to their age, experiences, and intellectual maturity. For example, this might include participation in pre-tests, the analysis of which can be used by educational personnel as a basis for identifying, designing, and implementing strategies and alternatives to meet the unique needs of the learner population. With respect to LEAs, the public must be given an opportunity to comment on the subject matter of the applications. In this way parents and other adults are given an opportunity to participate in the planning which reasonably represents and protects the best educational interests of the elementary students.

Comment. A commenter expressed a concern for teacher participation in planning inservice metric education training programs and in the development of metric education curriculum materials.

Response. No change is made. It is not felt that the Program should prescribe the specific areas of participation by teachers in planning activities. It is expected that a well planned project that effectively provides for the needs of the learner population and for staff development will have involved, at an appropriate level, participation of teachers in its development.

Comment. A commenter suggested that the evaluation procedures in § 161b.31 (§ 161b.30 of the NPRM) be changed to give points for providing for participation of children in nonprofit private schools in the metric education project.

Response. No change is made. Under Section 302 of the Elementary and Secondary Education Act, an award cannot be made to an SEA or an LEA for a metric education project, unless the Commissioner determines that the SEA or LEA: (1) Has consulted with nonprofit private school officials in developing the application and (2) Will provide an opportunity for private school children to participate in the project on a comparable basis with public school children. It is not a matter of giving a certain number of points to an application that provides for this participation. This is a basic requirement that must be met. Without it there can be no award. This requirement only applies to applications from SEAs and LEAs.

Section 161b.40 Are there restrictions on the types of costs that may be supported?

Comment. Several commenters suggested that stipends and dependency allowances be provided for educational personnel who receive training in metric education projects.

Response. No change is made. The provision of some staff development opportunities is within the purview of the various school districts. The Metric Education Act of 1978 provides that metric education will be taught "* * * as a part of the regular educational program". This is an applicant responsibility. In view of the fact that the provision of stipends would be very costly, it would seriously limit the metric educational opportunities for students throughout the nation. The program's appropriation is quite limited. It has been able to fund an average of only 10 percent of the applicants during each of the fiscal years that it has operated. The "no stipend" policy is consistent with the legislative intent for low cost metric educational activities.

Comment. One commenter expressed a concern that the acquisition of metric measurement apparatus out of grant funds was an inappropriate use of these funds.

Response. A clarifying change is made in § 161b.40(c) (§ 161b.40(b)(1) of the NPRM). Examples of types of apparatus are added to show that the intent is to include small, relatively inexpensive apparatus that is essential to the implementation of programs designed to prepare students to use the metric system. The acquisition of basic measurement educational equipment, supplies, and apparatus such as metric rulers, scales etc., is essential to the implementation of programs to prepare students to use the metric system of measurement. Measurement involves conceptual as well as manipulative skills. The acquisition of metric measurement materials and equipment is consistent with the legislative purposes to encourage and support programs to prepare students to use the metric system of measurement. It is also supportive of the effective implementation of metric instructional programs conducted by eligible and successful applicants that receive awards from the Commissioner. This is an experience-based program.

Section 161b.41 Must State and local educational agencies provide an opportunity for private school children to participate?

Comment. A commenter expressed concern that the regulations did not adequately provide for equitable treatment of students in nonprofit private elementary and secondary schools. In particular, the commenter suggested that a new section be added under Subpart E—"What conditions must be met by the grantee?" to clearly state the responsibilities for these students.

Response. A new § 161b.41—"Can private school children participate?" is added to delineate the responsibilities of SEAs and LEAs for providing for participation of private elementary and secondary school children in metric education activities under this program. In projects involving training of educational personnel, responsibility for providing an opportunity for private school personnel to participate in this training, is also clearly stated.

In case of an SEA or LEA, the regulations (§ 161b.41) require that the SEA or LEA (1) consult with nonprofit private school officials in developing its application and (2) provide an opportunity for private school children to participate in the proposed metric education activity on a basis comparable to that provided for public school children. These requirements are implemented in § 100a.650 and § 100b.650 through § 100b.663 of EDGAR.

Other Comments

Comment. One commenter expressed concern that a one-year award would not encourage long range planning.

Response. Project duration is not covered in these regulations. This is subject to requirements in § 100a.250 through § 100a.254 of EDGAR. The Commissioner generally approves a project period of not more than 12 months. Under certain conditions described in these provisions of EDGAR, a project period of up to 60 months may be approved. Continuation after the initial 12 month period is, of course, also subject to the availability of funds and the Commissioner's approval of the rationale provided for the continuation of an existing project or as part of the original plan of operation submitted by the applicant.

Comment. Another commenter expressed a concern that provision for including metric educational opportunities for teachers, parents, and other adults in the regulations goes beyond the legislative intent to prepare students to use the metric system of measurement. The commenter felt that this would divert funds from the expressed purpose of preparing students to use the metric system.

Response. The Commissioner agrees with this concern. Several changes have been made in § 161b.1, § 161b.10 and § 161b.31 (§ 161b.30) of the NPRM) to focus the program on students in the regular educational program, rather than on parents, adults, and other members of the public. However, parents and adults may participate in metric training if they are students in a school's regular educational program.

Comment. A commenter expressed a view that beneficiaries of metric education efforts should be informed that it is not national policy to favor one measurement system over another, i.e., the metric system of measurement over the "standared system" of measurement.

Response. Sections 161b.1 and 161b.10(a) have been changed to make clear that the Metric Education Program complies with current national policy on the metric system of measurement. Conversion to the metric system of measurement is voluntary in the United States. While the national policy is that conversion is voluntary, there are a number of States that have taken official positions supportive of metric conversion. In some other States, timelines have been set for metric conversion in specifiic areas of activity, especially education. The Metric Education Program does not advocate the metric system over the "standard system" of measurement. Instead it provides support for activities that focus on metric education activities to help people who wish to learn to use the metric system. It cannot reasonably be predicted that the national metric policy will be static. Activities, therefore, supported under the Metric Education program include orientation sessions which convey a history of metric measurement, and the status of its development in the United States. Included is information on our Nation's policy on metric measurements.

Comment. One commenter felt that there should be less variation in the amount of grant awards for agencies within each category of eligibility. Policies which allow for extreme differences in these grant amounts serve to limit or deny opportunities to many individuals for access to programs designed to prepare them to use the metric system of measurement. The commenter felt that a categorical grant maximum should be established. Grant awards should not exceed 10 percent of the maximum grant amount for the applicable category of eligibility.

Response. No change is made. Some of the awards that the Commissioner makes support the implementation of projects whose activities are national in scope. Others support project activities that are statewide or multi-state in scope. Some awards are made for projects to be carried out by a group of eligible parties including a consortium or cooperative arrangements. The budgetary resources required to implement these projects will be greater than for project activities for a single school district or institution. For these reasons, there are often variations in the levels of funding for some projects.

The range of funding for projects will be included in the notice of closing date for transmittal of applications and will be published annually in the Federal Register.

Comment. One commenter suggested that the final regulations should include a prohibition against teachers participating in metric training or curriculum development activities under this program unless their own local school board or comparable authority had first initiated metric education in the school or schools under its jurisdiction.

Response. No change is made. The statute contains no such prohibition. This type of prohibition would encroach on academic freedom and the individual rights of educational personnel to pursue professional growth. The inclusion of metric education in school classrooms of the Nation—unless specifically prohibited by statute—does not violate the general goals, philosophy, and purposes of education.

Comment. One commenter suggested that the final regulations should include a provision prohibiting the promotion or advocacy of the use or adoption of the metric system through actitivities funded under the program.

Response. No change is made. From an administrative standpoint, it is hard to differentiate between the teacher's effort to motivate the student and advocacy or promotion of the metric system of measurement. Motivation of the student is consistent with accepted strategies for effective teaching. If the student is motivated to learn the metric system and, as a consequence, chooses to use the system it is a choice that the student can make because of the newly acquired skills. Inclusion of the provision suggested by the commenter might be subject to possible criticism as violating section 432 of the General Education Provisions Act (20 U.S.C. 1232a) that prohibits the Federal government from exercising any "direction, supervision, or control over the curriculum, program of instruction,

administration, or personnel of any educational institution, school, or school system * * *"

Comment. A commenter expressed concern that the phrases "performance-oriented approaches" and "project impact potential" were somewhat like education jargon and did not contribute to the goal of using simple and clear language in regulations.

Response. A change is made. These phrases have been eliminated from the definitions in § 161b.4. Since the terms appear only once in § 161b.31 (How does the Commissioner select a metric education project?), the substance of these definitions have replaced these terms in § 161b.31(h) (ii) and (iii) (§ 161b.30 (c)(3) (ii) and (iii) of the NPRM).

These final regulations also contain minor editorial and organizational changes.

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to undestand better the requirements of this program without having to refer to these additional documents.

Dated: February 11, 1980.

(Catalog of Federal Domestic Assistance Number 13.561 Metric Education Program)

William L. Smith,

U.S. Commissioner of Education.

The Commissioner redesignates Part 160a of the Code of Federal Regulations (CFR) as Part 161b and revises the regulations to read as follows:

PART 160a—[REDESIGNATED AS PART 161b]

PART 161b—METRIC EDUCATION PROGRAM

Subpart A—General

Sec.

161b.1 What is the Metric Education Program?
161b.2 Who is eligible to receive an award?
161b.3 What regulations apply to the Metric Education Program?
161b.4 What definitions apply to this program?

Subpart B—What Kinds of Projects does the Office of Education Assist Under This Program?

161b.10 What categories of activities are supported?
161b.11 What are the outcomes of an effective metric education project?

Subpart C—How Does One Apply for a Grant?

161b.20 What rules must be followed?

Subpart D—How Is A Grant Made?

161b.30 How does the Commissioner evaluate an application?
161b.31 What selection criteria does the Commissioner use?

Subpart E—What Conditions Must be Met By the Grantee?

161b.40 Are there restrictions on the types of costs that may be supported?
161b.41 Must State and local educational agencies provide an opportunity for private school students to participate?

Authority: Part B of Title III of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561, 92 Stat. 2211 (20 U.S.C. 2951).

Subpart A—General

§ 161b.1 What is the Metric Education Program?

The Metric Education Program encourages educational agencies and institutions to develop programs to prepare students to use the metric system of measurement. Under this program, the Commissioner awards grants and procurement contracts for metric education projects to encourage the voluntary use of the metric system of measurement.

(20 U.S.C. 2951–2952)

§ 161b.2 Who is eligible to receive an award?

(a) The following are eligible to receive an award:

(1) State educational agencies (SEAs), local educational agencies (LEAs) and other public agencies and organizations,

(2) Public and private institutions of higher education (including junior and community colleges) and other private organizations; and

(3) Any two or more of the parties above.

(b) A grant can only be made to a public agency or nonprofit private organization or institution.

(20 U.S.C. 2952)

§ 161b.3 What regulations apply to the Metric Education Program?

The following regulations apply to the Metric Education Program:

(a) The Education Division General Administrative Regulations (EDGAR), Part 100a (Direct Grant Program) and Part 100c (Definitions);

(b) These regulations in this part 161b; and

(c) For procurement contracts, the applicable provisions of the Federal Procurement Regulations, 41 CFR Chapters 1 and 3.

(20 U.S.C. 2951–2953)

§ 161b.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in Part 100c: Applicant, Application, Award, Commissioner, Elementary school, Local educational agency (LEA), Nonprofit, Nonpublic elementary or secondary school, Private, Project, Public, Secondary school and State educational agency (SEA).

(b) *Specific program definitions.* As used in these regulations—"Act" means the Metric Education Act of 1978, Part B of Title III of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (Education Amendments of 1978).

"Adaptation" means the modification of a metric educational strategy or plan to meet the particular needs of a specific learner population.

(20 U.S.C. 2951–2952)

"Institution of higher education" (IHE) means an institution as defined in Section 1001 of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3381)

"Interdisciplinary" means the involvement of two or more academic disciplines, for example, the involvement of disciplines that may include, but are not limited to, mathematics and science.

"Learner population" means the group intended to benefit from or to participate in a metric education project.

"Metric system" or the "Metric system of measurement" means the international system of units (SI) as interpreted or modified for the United States by the Secretary of Commerce. SI was established in 1960 by the General Conference on Weights and Measures under the Treaty of the Meter and includes the meter (length), Kilogram (mass), second (time), Kelvin (thermodynamic temperature), Ampere (electric current), candela (luminous intensity), and the mole (amount of substance.) The radian (plane angle) and the steradian (solid angle) are supplementary units of the system.

(20 U.S.C. 2951–2952)

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Subpart B—What Kinds of Projects does the Office of Education Assist Under This Program?

§ 161b.10 What categories of activities are supported?

(a) *Metric education project grants.* To encourage the voluntary use of the metric system of measurement, funds are awarded for metric education projects. These projects may include but are not limited to the following types of activities:

(1) Training educational personnel to teach and carry out projects in the use of the metric system of measurement. This may include inservice and preservice training of teachers and other educational personnel.

(2) Developing an interdisciplinary metric curriculum.

(3) Developing and disseminating effective metric instructional materials (including existing materials).

(4) Developing, demonstrating, improving, expanding, continuing, or adapting metric education projects.

(5) Developing a statewide and multi-state metric education plan. This may include developing a master metric education interdisciplinary curriculum plan that sets forth metric education objectives, strategies, and activities for a variety of academic subjects which are taught in the schools of the local educational agencies.

(6) Developing metric education curriculum and instruction for use in institutions of higher education for purposes other than teacher training.

(7) Developing special strategies for supporting metric education projects in rural or isolated areas. This may include the use of mobile units (such as vans or other vehicles) to reach and provide metric instruction to persons in those areas.

(b) The Commissioner may, in any given year, select priorities for funding from one or more of the activities above upon publication of a notice in the Federal Register.

(c) *Procurement contracts.* The Commissioner may award procurement contracts under this program to support activities, usually national in scope, to meet the needs of the Metric Education Program. Requests for proposals are solicited for contracts in the Commerce Business Daily. The Commissioner does not award contracts for activities that duplicate activities that are typically conducted under a grant.

(20 U.S.C. 2952)

§ 161b.11 What are the outcomes of an effective metric education project?

A grantee receiving assistance under this part must demonstrate effective methods for—

(a) Improving the long-term capabilities of individuals to use and teach the metric system of measurement;

(b) Developing or adapting new techniques and approaches to meet the metric educational needs of the learner population(s);

(c) Identifying and using local and other resources for metric education purposes;

(d) Supporting new or existing metric educational activities of educational agencies and institutions;

(e) Continuing successful project activities after Federal funding is ended; and

(f) Evaluating the metric educational activities in meeting the project's objectives.

(20 U.S.C. 2952)

Subpart C—How Does One Apply for a Grant?

§ 161b.20 What rules must be followed?

The Commissioner only makes a grant to an eligible applicant that—

(a) Submits an application; and

(b) Complies with all procedural rules governing the submission of the application.

(20 U.S.C. 2953)

Subpart D—How is a Grant Made?

§ 161b.30 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application on the basis of the criteria in § 161b.31.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

§ 161b.31 What selection criteria does the Commissioner use?

(a) *Plan of opèration.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants made after October 1, 1980, if the applicant is a local educational agency or State educational agency, a clear description of how the applicant will provide an opportunity for participation of students enrolled in nonprofit private schools. (20 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use in the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides. (14 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (10 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (10 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (6 points)

(f) *Needs.* The Commissioner reviews each application for information that shows the extent to which the applicant—

(1) Provides for an effective response to the assessed metric education needs of the learner population;

(2) Focuses on enabling the learner population to acquire measurable skills for using the metric system of measurement; and

(3) Provides for the feasible participation by the learner population in planning project activities that contribute to their acquisition of measurable skills in using the metric system of measurement. (10 points)

(g) *Staff needs.* The Commissioner reviews each application for information that shows the extent to which the proposed project responds to staff development needs in metric education. (8 points)

(h) *Outcomes.* The Commissioner reviews each application for information that shows the extent to which the applicant—

(1) Contributes to the incorporation of metric educational activities and strategies into the regular educational program of the funded agency or institution;

(2) Contributes to metric education approaches that involve students in a sequence of problem solving activities that require concrete solutions and examples;

(3) Has a high potential for contributing to the cost effective adaptation, expansion, and replication of project strategies and activities in the regular educational programs of other agencies; and

(4) Includes a strategy for continuing support after Federal funding is ended. (12 points)

(i) *Dissemination.* The Commissioner reviews an application for information that shows the extent to which the applicant—

(1) Provides a clear description of a planned strategy (including mechanisms) for the dissemination of successful and promising metric education products and instructional strategies and practices which are developed and implemented by the project staff; and

(2) Provides a description of plans for non-participants to capitalize on the skills acquired by project participants. (10 points)

Subpart E—What Conditions Must Be Met by the Grantee?

§ 161b.40 Are there restrictions on the types of costs that may be supported?

(a) Allowable costs under a grant are subject to cost principles provided or referenced in §§ 100a.530 through 100a.535 of EDGAR.

(b) Funds may be used for the following types of travel:

(1) Travel by the project director or his or her designee to attend a national or regional conference sponsored by the Metric Education Program; and

(2) Travel by the project director or by the project's instructional staff to visit or to provide services at the grantee's project training site(s).

(c) Funds may be used for the purchase, replacement, and adaptation of metric measurement apparatus, e.g., metric measurement devices, scales, etc., and other instructionally essential metric supplies and materials if the Commissioner determines that they are necessary for carrying out the proposed metric education project. These costs are limited to 20 percent of the direct costs of the award.

(d) Funds may not be used for the provision of stipends, dependency allowances, substitute pay, or the purchase of textbooks that are not specifically for metric instruction.

(e) Funds may not be used by a private agency, organization or institution for the payment of costs of the regular instructional program.

(20 U.S.C. 5952)

§ 161b.41 Must State and local educational agencies provide an opportunity for private school students to participate?

(a) If an SEA or LEA receives a grant under this program, section 302 of the Elementary and Secondary Education Act requires that the agency provide an opportunity for participation by students enrolled in private elementary and secondary schools. EDGAR establishes the rules for their participation (See EDGAR § 100a.650).

(b) In SEA and LEA projects supporting the training of educational personnel, the grantee shall provide to educational personnel of private schools in the area served by the project, an opportunity to participate in this training on a basis comparable to that provided for educational personnel in the public schools.

(20 U.S.C. 2942(b), 2951–2953)

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federal register

Thursday
April 3, 1980

Part XIII

Department of Health, Education, and Welfare

Office of Education

Consumers' Education Program

V 45 / 66 APR 3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161e

Consumers' Education Program

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: The Commissioner of Education issues final regulations governing grants under the Consumers' Education Program as authorized by the Consumer Education Act of 1978. These grants to State and local educational agencies, institutions of higher education, and other public and private non-profit agencies, organizations, and institutions are intended to encourage and support projects that prepare consumers of all ages to function more effectively in the marketplace and in their roles as consumer-citizens. The final regulations simplify previous regulations.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are transmitted to the Congress several days before they are published in the **Federal Register.** If the Congress disapproves the regulations or takes certain adjournments, the effective date is changed by statute. To learn the effective date of these regulations, phone or write the contact person for the Office of Consumers' Education listed below.

FOR FURTHER INFORMATION CONTACT: Dr. Dustin W. Wilson, Jr., Director, Office of Consumers' Education (Room 807, Riviere Building), U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: 202–653–5983.

SUPPLEMENTARY INFORMATION: The Consumers' Education Program, formerly authorized under Section 811 of the Elementary and Secondary Education Act of 1965 has been reauthorized by the Education Amendments of 1978, Pub. L. 95–561. It is now Section 331 of the Elementary and Secondary Education Act.

The Commissioner published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on May 16, 1979 (44 FR 28758). Interested persons were given 45 days to comment on these proposed regulations. During this period a number of comments were received.

A major concern expressed in the comments involved the selection criteria of the Education Division General Administrative Regulations (EDGAR) which are referred to in § 161e.30 of the NPRM. It was felt that the EDGAR references were not sufficiently directed to the Consumers' Education Program. As a result, the selection criteria in § 161e.30 were revised to exclude any reference to the EDGAR criteria of the NPRM. Although the criteria in the final regulations remain substantially the same, the EDGAR criteria have been incorporated into the regulations so that each criterion is now specific to the Consumers' Education Program. It is no longer necessary to look outside of § 161e.30 for the selection criteria.

The paragraphs below summarize the comments and the Commissioner's responses to them.

Section 161e.1 What is the Commissioners' Education Program?

Comment. One commenter stated that the description of the Consumers' Education Program in § 161e.1 was too limiting and that it should be made consistent with the definition of Consumers' Education in § 161e.4.

Response. The Commissioner agrees with this comment. Sections 161e.1 and 161e.4 have been amended accordingly.

Section 161e.2 What types of agencies are eligible to receive awards?

Comments. Three commenters expressed fear that consumer and community agencies would be discouraged from applying for support because they would not recognize themselves as "non-profit, private organizations." Two commenters suggested that the term "consumer and community groups" be specifically included. One commenter suggested that the term "agencies or groups" appear in the section heading.

Response. The Commissioner agrees that these concerns are valid. Section 161e.2 has been amended to prevent any misunderstanding as to parties eligible for assistance under the Act.

Section 161e.4 What definitions apply specifically to this program?

Comment. Three commenters made recommendations for simplifying, clarifying, or adding to the definition of consumers' education in § 161e.4(a)(1)–(5). One commenter suggested an extensive revision, condensing the five parts of the definitions into three parts. Another commenter submitted a sample revised definition.

Response. The definition of consumers' education has been amended for clarity, specificity, and conciseness.

Comment. One commenter recommended that the definition of consumers' education in § 161e.4(a)(1) be made more explicit as to types of social and civic services which might be purchased by consumers.

Response. No change is made in this section. However, § 161e.12 has been amended to include examples of types of services that may be purchased.

Comment. A commenter suggested that the definition of consumers' education include a reference to the legislative process as an area in which consumers need to participate effectively.

Response. No change is made in this section. However, § 161e.12 has been amended to include a reference to the legislative process as an appropriate subject for inclusion in a consumers' education project.

Section 161e.10 What are the purposes of the projects?

Comment. One commenter questioned whether the purposes listed in § 161e.10 represented special project emphasis that could be changed each year at the discretion of the Commissioner. Any such change in emphasis should be circulated for consideration and comment, the commenter stated.

Response. The Commissioner does not emphasize different purposes listed in § 161e.10 in any particular year. Each purpose remains equally valid. There is no change from year to year. However, under § 161e.13, the Commissioner may, in any given year, emphasize projects in one or more of the subject matters listed in § 161e.12. This emphasis might reflect the emergence of unanticipated but critical consumer issues of national import. The Commissioner publishes a notice in the **Federal Register** if a particular subject matter listed in § 161e.12 is to be emphasized. Only those subject matters listed in § 161e.12 may be emphasized without further public rulemaking (including public comment).

Comment. One commenter recommended changing the word "impact" to "benefit" in § 161e.10(d).

Response. The Commissioner agrees that "benefit" is a more inclusive term and the regulation has been amended accordingly.

Section 161e.11 What categories of activities are supported?

Comment. One commenter stated that this section could be misconstrued to mean that organizations and groups named in § 161e.11(a)(2) of the NPRM were ineligible for grants.

Response. The Commissioner agrees that the wording is unclear. This section has been changed and the groups listed in this section of the NPRM are now included in § 161e.2 as examples of parties eligible for grants.

Comment. One commenter suggested the addition of "rural people" to the list of target groups having special needs.

Response. The term "low-income" is broadly interpreted to cover people wherever they might live. Both rural and urban areas are covered. The regulations have been changed to reflect this.

Comment. The addition of mentally retarded adults to the list of groups with special needs in § 161e.11(a)(3) was suggested by one commenter.

Response. No change is made. The term "handicapped" includes mentally retarded adults.

Comment. One commenter urged that the list of groups with special needs in § 161e.11(4) (now (3)) be identified as being examples rather than all inclusive.

Response. This section has been changed to indicate that the list is not all inclusive.

Comment. One commenter expressed concern that paragraph (3) of § 161e.11(b) (Procurement contracts) might be interpreted to mean that mass media is the only accepted means of distributing consumers' education materials.

Response. The Commissioner agrees that the meaning of this section is unclear. Changes have been made to indicate that contracts may be awarded for the preparation and distribution of consumers' education material through use of mass media, as well as by other appropriate means.

Section 161e.12 What subject matter may be included?

Comment. One commenter suggested simplifying this section by combining related topics and reducing the number of subject matter examples from eleven to eight.

Response. No change is made. The examples provide ideas for relevant projects and introduce applicants to the many aspects of consumers' education. Though several topics are related, applicants should be aware that there can be several approaches to similar areas of concern.

Comment. A commenter suggested that educating consumers in the use of alternatives for scarce and costly goods, services, or resources should be included.

Response. A change has been made to include this subject in § 161e.12(d). The Commissioner considers this to be a significant component of consumers' education.

Comment. The logic of the sequential listing in § 161e.12(d) (now § 161e.12(e)) was questioned by one person.

Response. The list is reordered in more appropriate sequence. The revision appears as § 161e.12(e).

Comment. Two commenters recommended that in § 161e.12(g) the legislative process be added to those processes in which consumer-citizens may be educated to participate.

Response. Omission of the legislative process was an oversight. The addition is made and appears in § 161e.12(h).

Comment. A commenter stated that medical services, medical insurance, etc., are subjects about which modern consumers require knowledge.

Response. The Commissioner concurs that this is a subject matter area of significance to consumers. Section 161e.12(j) is revised to reflect this.

Comment. Two commenters suggested that § 161e.12 (i) and (j) in the NPRM be combined.

Response. The change is made. These two paragraphs include subjects of critical and timely importance and are therefore combined. The revision appears in § 161e.12(j).

Comment. More emphasis on subject matter related to the purchase of services was suggested by one commenter.

Response. Section 161e.12(c) has been changed to include both the purchase of goods and services.

Comment. One commenter expressed concern that no attention had been paid to behavioral components such as assertiveness or consumer self-confidence, collective action, or organizing techniques.

Response. A new § 161e.12(d) has been added to incorporate instruction in consumer self-reliance as a subject appropriate for grant projects. A change has also been made in § 161e.12(h) to include individual or collective participation in economic and government systems as another appropriate subject.

Section 161e.13 Will particular program subject matter be emphasized?

Comment. One person recommended that energy, energy conservation, and the role of the consumer in determining energy policies be emphasized.

Response. No change is made. The Commissioner has provided opportunities for applicants to emphasize these subjects in § 161e.12(g). In addition, § 161e.12(j) specifically mentions energy as an area of critical importance.

§ 161e.30 What selection criteria does the Commissioner use?

Comment. Two commenters stated that the criteria and points assigned to them were slanted in favor of educational institutions experienced in educational grantsmanship.

Response. The criteria are revised to provide for more equitable and judicious distribution of weights. Other revisions in the criteria are discussed at the beginning of this preamble.

Comment. One commenter said that the allocation of 10 points for increasing the capacity of the applicant to continue the benefits of the project after the grant period (§ 161e.30(5)(ii)) was too high.

Response. Weights allocated to certain criteria have been reassigned and this section is given 7 points. With limited funds available for the program, the Commissioner considers the potential for continuing benefits of the project a significant criterion.

Comment. A commenter noted that the program selection criteria failed to incorporate a significant criterion from EDGAR. That criterion has to do with providing access to project activities and employment to traditionally underrepresented groups.

Response. The language in § 161e.30(b)(1) (i) and (2) (ii) has been changed to conform to the requirements of the EDGAR criteria.

Section 161e.31 What is the duration of a project?

Comment. A person indicated that it would be advantageous to permit some projects to be renewed for two years beyond the initial 12-month period.

Response. No change is made in the regulation. The Commissioner agrees in principle that a 12-month grant limit precludes the development of some types of projects. However, approximately 90 percent of the applicants each year are denied the opportunity to participate in the program because of limited funds. If monies were set aside for continuations or renewals, the number of organizations or groups participating in the program would be further limited. It is the Commissioner's judgement that a 12-month grant duration allows for maximum participation and results in greater innovation.

General

Comment. Three commenters expressed either confusion over or disapproval of the eligibility of profit-making organizations to receive funds under the Consumers' Education Program. One stated that there should be no provision allowing profit-making organizations access to funds from this program. A second commenter recommended that regulations specify non-profit groups as "preferred" recipients of awards. A third commenter suggested that profit-making organizations be awarded procurement contracts only after it is determined that non-profit groups listed in § 161e.2(a) are unable to carry out contract goals.

Response. No change is made in the regulation. Profit-making organizations are eligible for contracts under Section 333 of the Elementary and Secondary Education Act. They are not eligible for grants. Laws governing procurement contracts do not permit the prohibition of profitmaking organizations as bidders on contracts. The statute does not set priorities among types of applicants. Therefore, these regulations cannot exclude or give preference to a particular applicant.

Comment. Two commenters suggested that the distinction between grants and procurement contracts be clarified. One also suggested that the distinction be made under § 161e.1 (What is the Consumers' Education Program?) and the other suggested it appear under § 161e.2 (What types of agencies are eligible to receive awards?)

Response. The distinction between grants and contracts is made in § 161e.11 based on the initiating agency and type of activities to be carried out.

Comment. A commenter urged that requests for proposals (RFPs) for procurement contracts appear in the Federal Register and other appropriate journals as well as Commerce Business Daily.

Response. COMMERCE BUSINESS DAILY is designated as the official publication which carries these requests. Every effort is made to circulate information about the RFPs in consumer and other appropriate newsletters and publications. The Federal Register does not publish RFPs.

Comment. Three commenters suggested that applicants be required to coordinate with other agencies, organizations, or groups to strengthen and broaden the impact of a project.

Response. No change is made. Not all projects lend themselves to this coordination. The Commissioner feels there is ample opportunity within the regulations for groups to work in consortia or in cooperation with other groups if it appears advantageous or appropriate to do so.

Comment. One person submitted a rewritten version of the regulations and criteria suggesting revisions in all sections except §§ 161e.13, 161e.20, and 161e.40.

Response. Several changes have been made for greater clarity and specificity. Among these changes are the addition of examples of the types of public agencies and non-profit private organizations in § 161e.2 that are eligible for grants; revisions in the definition of consumers' education in § 161e.4; clarifying revisions and additions in the categories of supported activities in § 161e.11 and in the subject matter list of § 161e.12. Revisions in the selection criteria are discussed at the beginning of this preamble.

Comment. One commenter suggested that the regulations include a provision which ensures that grantees will consult with publishers as they proceed to develop curricula or instructional materials.

Response. No change is made. Since this requirement is contained in Section 426 of the General Education Provisions Act and applies to all Office of Education Programs, it will be included in EDGAR, when EDGAR is published in final form in the Federal Register. The Consumers' Education Program is subject to EDGAR requirements.

These final regulations contain minor editorial and organizational changes.

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the Notice of Proposed Rule Making. These include (1) additions in the categories of supported activities and subject matter which may be included and (2) the incorporation into Consumers' Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to additional documents.

Authority: These final regulations are issued under the authority of Part B of Title III of the Elementary and Secondary Education Act of 1965 as amended by Pub. L. 95–561.

(Catalog of Federal Domestic Assistance Number 13.564 Consumers' Education Program)

Dated: February 12, 1980.

William L. Smith,

Commissioner of Education.

The Commissioner redesignates Part 160e of the Code of Federal Regulations (CFR) as Part 161e and revises the regulations to read as follows:

PART 161e—FINANCIAL ASSISTANCE FOR CONSUMERS' EDUCATION PROJECTS

Subpart A—General

Sec.
161e.1 What is the Consumers' Education Program?
161e.2 Who is eligible to receive an award?
161e.3 What regulations apply to the Consumers' Education Program?
161e.4 What definitions apply specifically to this program?
161e.5–9 [Reserved]

Subpart B—What Kinds of Projects Does the Office of Education Assist Under this Program?

161e.10 What are the purposes of the projects?
161e.11 What categories of activities are supported?
161e.12 What subject matter may be included?
161e.13 Will particular program subject matter be emphasized?
161e.14–19 [Reserved]

Subpart C—How Does One Apply for a Grant?

161e.20 How does an applicant apply for funds?
161e.21–29 [Reserved]

Subpart D—How Is a Grant Made?

161e.30 What selection criteria does the Commissioner use?
161e.31 What is the duration of a project?
161e.32–39 [Reserved]

Subpart E—What Conditions Must a Grantee Meet?

161e.40 Are there restrictions on the kind of items a grant may support?
161e.41 What other restrictions apply?
161e.42 What provisions are made for participation of private school students?
161e.43–49 [Reserved]

Authority: Part E of Title III of the Elementary and Secondary Education Act as amended by Pub. L. 95–561, 92 Stat. 2214 (20 U.S.C. 2981–2986).

Subpart A—General

§ 161e.1 What is the Consumers' Education Program?

The Consumers' Education Program supports educational projects designed to assist consumers in developing the skills, knowledge, and understanding which will allow them to function effectively in the marketplace and in their roles as consumer-citizens. Support is through grants and procurement contracts.

(20 U.S.C. 2983)

§ 161e.2 Who is eligible to receive an award?

(a) *Grants.* The following are eligible to receive grants:

(1) Local educational agencies (LEAs);

(2) State educational agencies (SEAs);

(3) Institutions of higher education;

(4) Public agencies and non-profit private organizations, including, for example, State, county, or city government agencies, libraries, educational service agencies, labor unions, and

(5) Other non-profit private organizations including local, regional, and national consumer and community organizations or groups.

(b) *Procurement contracts.* The parties in paragraph (a) of this section and private profit-making organizations are eligible to receive procurement contracts.

(20 U.S.C. 2983)

§ 161e.3 What regulations apply to the Consumers' Education Program?

(a) *Regulations.* The following regulations apply to the Consumers' Education Program:

(1) the Education Division General Administrative Regulations (EDGAR) in Part 100a (Direct Grant Programs) and Part 100c (Definitions);

(2) The regulations in this Part 161e; and

(3) For procurement contracts, the applicable provisions of the Federal Procurement Regulations, 41 CFR, Chapters 1 and 3.

(b) *Definitions in EDGAR.* The following terms used in the part are defined in Part 100c:

"Applicant"
"Application"
"Budget"
"Commissioner"
"Contract"
"EDGAR"
"Elementary school"
"Facilities"
"Grant"
"Institution of higher education"
"Local educational agency"
"Non-profit"
"Private"
"Program"
"Project"
"Public agency"
"Secondary school"
"State educational agency"

(20 U.S.C. 2981)

§ 161e.4 What definitions apply specifically to this program?

(a) As used in these regulations—

"Act" means the Consumer Education Act of 1978, Part E of Title III of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561.

"Consumers' education" means the process by which consumers:

(1) Develop skills to make informed decisions in the purchase of goods and services in light of personal values, maximum utilization of resources, available alternatives, ecological considerations, and changing economic conditions;

(2) Become knowledgeable about the laws, rights, and methods of recourse in order to participate effectively and self-confidently in the marketplace and take appropriate action to seek consumer redress; and

(3) Develop and understanding of the consumer-citizen role in the economic, social, and government systems and how to influence those systems to make them responsive to consumers' needs.

"Curriculum" means an organized course of study. This includes print and non-print learning materials.

"Educational service agency" means an agency, formed jointly by several LEAs or by State law, to provide to those LEAs special services including, but not limited to, audio-visual aids, vocational training, data processing, and classes for the handicapped.

"Resources" means materials, personnel, methods, or information.

"Short-term training" means training for individual project participants that lasts less than an academic year. This training is usually in the form of workshops, seminars, or similar activities.

"Target group" means the specific group to benefit from or participate in a project.

"Technical assistance" means expert help provided to another agency, organization, or group, in the form of training, planning, consulting, or other specialized services.

(20 U.S.C. 2983)

Subpart B—What Kinds of Projects Does the Office of Education Assist Under this Program?

§ 161e.10 What are the purposes of the projects?

The purposes of the projects are to—

(a) Provide one or more elements of consumers' education as defined in § 161e.4;

(b) Increase the capacity of the applicant to continue the benefits of its consumers' education services on a long-term basis;

(c) Develop new methods, materials, or activities that may be duplicated or adapted by other groups; or

(d) Develop models or new activities with the potential for long-term local, State, regional, or national benefits.

(20 U.S.C. 2983)

§ 161e.11 What categories of activities are supported?

(a) *Grants.* Grants are awarded through a yearly competition to eligible parties in § 161e.2(a). These grants are for projects *initiated by the applicants,* which support activities designed to:

(1) Establish pilot or demonstration projects, or augment existing projects conducted by the parties listed in § 161e.2(a);

(2) Provide short-term training to prepare employees of these parties to plan, organize, and conduct consumers' education projects or teach consumer-related subject matter. Long-term training is not supported;

(3) Establish or expand pilot or demonstration projects to serve the needs of special groups including the elderly, Native Americans, persons with limited English-speaking ability, the handicapped, and urban and rural low-income groups;

(4) Research, develop, pilot test, evaluate, and disseminate curricula and other activities and materials in consumers' education; and

(5) Provide consumers' education at the elementary, secondary and higher education levels by State and local educational agencies and institutions of higher education.

(b) *Procurement contracts.* Procurement contracts are awarded to eligible parties in § 161e.2(b) to support activities, usually national in scope, which are *initiated by the Commissioner* to meet the needs of the Consumers' Education Program. Requests for Proposals (RFPs) are solicited through Commerce Business Daily, published by the Department of Commerce. Projects are designed to:

(1) Research, test, assess, evaluate, and disseminate existing consumers' education activities and materials, including those not otherwise assisted under this program;

(2) Disseminate information and provide developmental and technical assistance to agencies and organizations that are planning, developing, or carrying out consumers' education projects;

(3) Prepare and distribute consumers' education materials by the use of mass media or other appropriate means; and

(4) Support research and other activities the Commissioner determines are necessary for the development of the Consumers' Education Program.

(20 U.S.C. 2981–2983)

§ 161e.12 What subject matter may be included?

Consumers' education projects may include, but need not be limited to, the following—

(a) Basic economics of the marketplace.

(b) Management of personal and financial resources.

(c) Purchase of goods and services such as food, transportation, credit, insurance, housing, repairs, health care, and legal assistance.

(d) Methods of consumer self-reliance and alternatives to the use of scarce or costly goods, services, or resources.

(e) Consumer laws, rights, responsibilities, and redress.

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(f) Government assistance and services such as social security and education.

(g) The role of the consumer in determining energy, conservation, and ecological policies.

(h) Individual or collective consumer participation in the economic and governmental systems, including the regulatory and legislative processes.

(i) Special issues and problems, such as advertising or product safety.

(j) Areas of critical, timely importance in which consumer action can limit costs, such as energy, housing, food, and health care (including medical services and insurance).

(k) Emerging issues for consumers.

(20 U.S.C. 2983)

§ 161e.13 Will particular program subject matter be emphasized?

The Commissioner may, in any given year, emphasize projects in one or more of the subject matters in § 161e.12. This emphasis of subject matter would be published as a notice in the Federal Register.

(20 U.S.C. 2983)

Subpart C—How Does One Apply for a Grant?

§ 161e.20 How does an applicant apply for funds?

The "Introduction to Education Division Grant Programs" at the beginning of the Educational Division General Administration Regulations (EDGAR) includes general information on—

(a) How to use regulations that apply to Education Division programs; and

(b) How to apply for a grant under an Education Division Program.

(20 U.S.C. 2984)

Subpart D—How Is a Grant Made?

§ 161e.30 What selection criteria does the Commissioner use?

(a) The Commissioner evaluates an application for a grant on the basis of the selection criteria contained in these regulations which are specific to the Consumers' Education Program. Applicants are advised to read these criteria carefully.

(b) The following selection criteria total 100 points. The maximum number of points for each criterion indicates the relative importance assigned to the criterion. In evaluating the applications, the Commissioner looks for:

(1) *Project Design.* A project design which:

(i) Describes the consumer education needs of the target group; offers evidence that the target group supports the project; provides access to project activities to traditionally underrepresented groups; and, for grants made after October 1, 1980, if the applicant is a local educational agency or a State educational agency, contains a clear description of how the applicant will provide an opportunity for participation of students enrolled in private, non-profit schools; (10 points)

(ii) States specific goals which relate to the Consumers' Education Program, are relevant to stated needs, and are attainable within the time period of the grant; (5 points)

(iii) Identifies project activities related to the goals and describes how these activities will produce practical and significant results for the target group; (15 points) and

(iv) Reflects knowledge of present consumer education practices and resources, coordinates with other organizations where appropriate, and is innovative in concept. (10 points)

(2) *Management Plan.* A plan to ensure proper and efficient project administration which;

(i) Presents a time and work schedule that includes the use of resources and staff and the sequence of activities; (10 points) and

(ii) Clearly spells out the duties of key personnel, provides access to employment to traditionally underrepresented groups, and indicates the amount of time each person will commit to the project. (5 points)

(3) *Applicant qualifications.* Information on:

(i) Qualifications of the director and other key personnel, including consumer education experience or experience in the types of activities to be carried out in the project; (10 points) and

(ii) The extent and quality of agency or organization experience in consumer education or related activities. (5 points)

(4) *Evaluation.* A plan for:

(i) Evaluation of activities as they take place; (4 points) and

(ii) Evaluation of final outcomes of the project. (4 points)

(5) *Impact of the Project.* An impact which:

(i) Results in models that can be duplicated or adapted by others; (8 points) and

(ii) Increases the capacity of the applicant to continue the benefits of the project after the grant period. (7 points)

(6) *Budget.* A project budget which shows:

(i) Adequate funds to support the project activities and reasonable cost in relation to the Consumers' Education Program activities. (7 points)

§ 161e.31 What is the duration of a project?

Consumers' education grants under this part are for a period of 12 consecutive months.

(20 U.S.C. 2984)

Subpart E—What Conditions Must A Grantee Meet?

§ 161e.40 Are there restrictions on the kind of items a grant may support?

(a) Funds may not be used for construction, repair, remodeling, or alteration of facilities or sites.

(b) Allowable costs are subject to the applicable cost principles provided or referenced in §§ 100a.530 through 100a.535 of EDGAR.

(20 U.S.C. 2984)

§ 161e.41 What other restrictions apply?

Grants may be used to supplement or increase funds made available by the applicant for the project. Grants may not be used to supplant these funds.

(20 U.S.C. 2984)

§ 161e.42 What provisions are made for participation of private school students?

If an SEA or LEA receives a grant under this program, Sec. 302 of the Elementary and Secondary Education Act requires that agency to provide for participation by students enrolled in private elementary and secondary schools. EDGAR establishes the rules for this participation (See EDGAR, § 100a.680).

(20 U.S.C. 2942)

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federal register

Thursday
April 3, 1980

Part XIV

Department of Health, Education, and Welfare

Office of Education

Youth Employment Program

V45/66/AP 3 80 UMI

V 45 / 66 AP 3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161f

Youth Employment Program

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: The Commissioner of Education issues final regulations governing grants under the Youth Employment Program authorized by Part F of Title III of Elementary and Secondary Education Act, as amended. The grants to State and local educational agencies and other public and non-profit private agencies, organizations and institutions provide assistance to improve youth employment by relating education and work and by improving and coordinating educational and employment services.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the provsions of these regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ronald C. Tarlaian, U.S. Office of Education, 7th and D Streets, SW., Room 5008, ROB#3, Washington, D.C. 20202. Telephone: (202) 245–9730.

SUPPLEMENTARY INFORMATION: The Commissioner of Education published in the **Federal Register** on June 25, 1979 (44 CFR 37184) a notice of proposed rulemaking for this program. On August 3, 1979 public meetings were held on the proposed regulations in each of the HEW regional office cities. Interested persons were afforded 60 days to comment on the proposed regulations. During the comment period 20 persons submitted written comments and 10 person made statements or posed questions at 10 public meetings. The paragraphs that follow summarize those comments and suggestions and the Commissioner's responses to them.

Section 161f.4 Definitions.

Comment. Several commenters suggested that a definition of "youth" be included.

Response. A change has been made. Section 161f.4 has been changed to include a definition of "youth".

Section161f.1 Youth employment program and

Section161f.10 Purpose of the youth employment program.

Comment. A commenter said that neither of these sections make any reference to the research component of the program which is suggested by the language in section 341(b)(1) of the Act.

Response. A change has been made. Section 161f.10 has been changed to include conducting studies on youth employment problems as one of the ways to help prepare youth to take their places as working members of society.

Section 161f.11 What categories of activities are supported?

(1) *Comment.* Two commenters suggested that § 161f.11 be changed to emphasize the coordination of activities under the Youth Employment Program with activities under the Comprehensive Employment and Training Act (CETA) because the Act places particular emphasis on this coordination.

Response. Section 161f.11(b) has been changed to place greater emphasis on coordinating Youth Employment activities with CETA activities.

(2) *Comment.* A commenter suggested that § 161f.11(c) be changed by deleting the word "educational" and inserting the word "academic" before the terms agencies and institutions. Section 161f.11(c) provides assistance for encouraging educational agencies and institutions to develop means to award academic credit for competencies derived from work experience.

Response. No change has been made. The phrase "educational agencies and institutions" is taken from the Act. The use of the term "educational" instead of "academic" provides flexibility to include a broader range of institutions beyond the strictly academic school and, perhaps, better meet the needs of the youth population.

(3) *Comment.* Several commenters suggested the inclusion of a provision in the regulations for handicapped individuals.

Response. No change has been made. The Act authorizes the youth employment program to prepare children to become working members of society. It does not specify any particular group of children. Instead, the program is open to all children. The Youth Employment Program, like other Federal education programs, is subject to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations in 45 CFR Part 84, which prohibit any discrimination on the basis of handicap. Handicapped youth may participate in youth employment activities along with other youth.

(4) *Comment.* A commenter questioned the restriction of technical and other assistance to State educational agencies (SEAs) and local educational agencies (LEAs) because the Act provides for this assistance to "eligible entities".

Response. A change has been made. It was not the intent to exclude public and non-profit private groups from receiving technical assistance. A clarifying change has been made in § 161f.11(h) to include public and non-profit private groups.

Section 161f.12 Emphasis among categories of activities.

Comment. A commenter questioned the rationale in § 161f.12 for the Commissioner to emphasize different categories of activities in a particular year.

Response. No change has been made. The provision for emphasizing one or more of the categories of activities listed in § 161f.11 allows flexibility to meet unanticipated but critical issues that might arise in a given year; give greater support to needs revealed through experience with the program; or fund, in fewer areas but in greater depth, categories of activities that may yield greater benefits to youth.

Section 161f.30 Selection criteria the Commissioner uses.

(1) *Comment.* One commenter stated that the criteria in § 161f.30(c)(1) was confusing because it was unclear whether more points would be awarded on the basis of the percentage of unemployed youth, the number of unemployed youth, or the lack of other resources to address this unemployment problem.

Response. A change has been made. Section 161f.30 has been rewritten to give separate points for (a) the percentage of unemployed youth (§ 161f.30(d)(1)) and (b) resources to address this problem (§ 161f.30(d)(2)).

(2) *Comment.* A commenter stated that the 5 points for the evaluation plan in § 161f.30(c)(4) were insufficient.

Response. No change has been made. The Commissioner believes that the 5 points maximum score given for an evaluation plan is sufficient in relation to the other program specific criteria in § 161f.31(f)(1)–(6).

(3) *Comment.* One commenter felt that language should be included in § 161f.30 to insure that activities under the Youth Employment Act complement activities funded under the Career Education Incentive Act.

Response. A change has been made. The legislative history of the new Title III of the Elementary and Secondary Education Act of 1965 (ESEA) suggests that where feasible and appropriate, activities funded under the Youth Employment Section should complement activities under the Career Education Incentive Act. Section 161f.31(f)(5) has been revised to reflect this.

(4) *Comment.* Two commenters felt that language should be included in the regulations to assure that any coordination of projects under this Act with projects under the Vocational Education Act and CETA does not result in duplication of activities.

Response. A change has been made. Section 161f.31(d)(5) has been revised to ensure that there is no duplication of activities.

(5) *Comment.* A commenter suggested that the selection criteria in § 161b.30 be changed to give an applicant points for providing for participation of children in nonprofit private schools in a youth employment project.

Response. No change is made. Under Section 302 of the Elementary and Secondary Act, an award cannot be made to an SEA or an LEA for a youth employment project unless the Commissioner determines that the SEA or LEA: (a) Has consulted with non-profit private school officials in developing the application and (b) will provide an opportunity for private school children to participate in the project on a comparable basis with public school children. It is not a matter of giving a certain number of points to an application that provides for this participation; rather, it is a basic requirement that an applicant must meet in order to be considered for an award.

Section 161f.40 State and local educational agencies must provide an opportunity for private school students to participate.

Comment. A commenter expressed concern that the regulations did not adequately provide for equitable treatment of students in non-profit private elementary and secondary schools. In particular, the commenter suggested that a new section be added to clearly state the responsibilities of a grantee with respect to these students.

Response. A change has been made. A new § 161f.40 has been added to delineate the responsibilities of SEAs and LEAs to provide for participation by private elementary and secondary school children in youth employment activities under this program.

These provisions apply to SEAs and LEAs only. Under § 161f.2—Eligible applicants—a non-profit private agency (including an elementary or secondary school) is eligible to receive an award under this program in its own right.

General

Comment. A commenter suggested that greater emphasis be given to promoting sex equality and fairness in projects under the Youth Employment Program.

Response. No change has been made. The purpose of the Youth Employment Program as stated in title III of ESEA of 1965 as amended, is to prepare children to take their place as working members of society. There is no special emphasis on any particular group of children. The program is open to all children, regardless of their sex. However, a grantee under this program, must comply with title IX of the Education Amendments of 1972 and its implementing regulations in 45 CFR Part 86. Title IX prohibits discrimination on the basis of sex. The legislative history of the Youth Employment Program shows concern for coordinating activities under this program with activities under the Career Education Incentive Act, which emphasizes equal opportunities in making career choices without regard to sex. (H. Rep. No. 95–1137, 95th Cong., 2d Sess., 73 (1978)).

The Conference report (H. Rep. No. 95–1753, 95th Cong., 2d Sess., 269–270 (1978)) drops the House provision that would have conditioned the support of activities under the Youth Employment Act on those activities achieving the purposes of the Career Education Incentive Act. However, the Conference report does convey the intent that Youth Employment Act activities be carried out in a nondiscriminatory manner with due regard to sex equity.

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

Dated: January 29, 1980.

(Catalog of Federal Domestic Assistance Program Number—not assigned)

William L. Smith,

Commissioner of Education.

The Commissioner amends Title 45 of the Code of Federal Regulations by adding a new part 161f to read as follows:

PART 161f—YOUTH EMPLOYMENT PROGRAM

Subpart A—General

Sec.

161f.1 Youth Employment Program.
161f.2 Eligible applicants.
161f.3 Regulations that apply to the Youth Employment Program.
161f.4 Definitions that apply to the program.
161f.5–9 [Reserved]

Subpart B—Kinds of Activities Assisted Under This Program

161f.10 Purpose of the Youth Employment Program.
161f.11 What categories of activities are supported?
161f.12 Emphasis among categories of activities.
161f.13–19 [Reserved]

Subpart C—How to Apply for a Grant

161f.20 How to apply for a grant.
161f.21–29 [Reserved]

Subpart D—How a Grant is Made

161f.30 How the commissioner evaluates an application.
161f.31 Selection criteria the commissioner uses.
161f.32–39 [Reserved]

Subpart E—Conditions an Applicant Must Meet

161f.40 State and local educational agencies must provide an opportunity for private school students to participate.

Authority: Part f of Title III of the elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561, 92 Stat. 2215.

(20 U.S.C. 2991–2992)

Subpart A—General

§ 161f.1 Youth Employment Program.

The Youth Employment Program provides financial assistance for activities to improve youth employment by—

(a) Relating education and work; and

(b) Improving and coordinating educational and employment services.

(20 U.S.C. 2991)

§ 161f.2 Eligible applicants.

(a) The following are eligible to receive grants:

(1) State educational agencies (SEAs);

(2) Local educational agencies (LEAs);

(3) Other public and private non-profit agencies, institutions, and organizations.

(b) The following are eligible to receive procurement contracts:

(1) The agencies and organizations in paragraph (a); and

(2) Profit-making private organizations.

(20 U.S.C. 2942, 2991)

§ 1611.3 Regulations that apply to the Youth Employment Program.

(a) *Regulations for grants.* The following regulations apply to grants under the Youth Employment Program:

(1) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Programs) and part 100c (Definitions)

(2) Regulations in this part.

(b) *Regulations for procurement contracts.* The regulations in this part do not apply to procurement contracts under this program. Those contracts are subject to—

(1) Federal and HEW procurement regulations in 41 CFR chapters 1 and 3 and;

(2) Requirements and criteria in particular requests for proposal.

(20 U.S.C. 2991)

§ 1611.4 Definitions that apply to the program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in Part 100c of EDGAR:

Applicant
Applications
Commissioner
Grant
Local educational agency (LEA)
Nonprofit
Private
Program
Project
Public agency
State educational agency (SEA)

(b) *Specific program definitions.* As used in these regulations "Youth" means a person between the ages of 14 and 21.

(20 U.S.C. 1232(a))

Subpart B—Kinds of Projects Assisted Under This Program

§ 1611.10 Purpose of the Youth Employment Program.

The purpose of a Youth Employment Program is to prepare children to take their places as working members of society. This is done by developing ways to improve youth employment through—

(a) Relating education and work;

(b) Coordinating and improving educational and employment services; and

(c) Conducting studies on youth employment problems.

(20 U.S.C. 2991

§ 1611.11 What categories of activities are supported?

The Commissioner provides assistance for appropriate categories of activities such as the following:

(a) Developing ways to improve youth achievement in basic educational skills by involving youth in work experiences.

(b) Improving job opportunities for youth by coordinating educational activities with youth employment activities at the Federal, State, and local levels with particular emphasis on coordination with youth employment activities carried out by the Secretary of Labor, under the Comprehensive Employment and Training Act (CETA).

(c) Encouraging educational agencies and institutions to develop means to award academic credit for competencies derived from work experience.

(d) Studying the relationship of work to academic and intellectual achievement.

(e) Developing ways to improve career guidance and counseling services.

(f) Developing ways to improve placement and follow-up transition services from school to work, using school and community personnel.

(g) Developing ways to make the high school organization and operation more flexible as it relates to education and work. This includes, but is not limited to, flexibility of: course schedules, class locations, and school curricula;

(h) Providing technical assistance, information, training, and other assistance—to State Educational Agencies (SEAs), local educational agencies (LEAs) and other public and non-profit private agencies, organizations, and institutions—for the development of programs that enable students to make the transition from school to work more readily.

(20 U.S.C. 2991)

§ 1611.12 Emphasis among categories of activities.

The Commissioner may, in any given year, emphasize one or more of the categories of activities in § 1611.11 through a notice in the **Federal Register**.

(20 U.S.C. 2991)

Subpart C—How To Apply for a Grant

§ 1611.20 How to apply for a grant.

The "Introduction to Education Division Grant Programs" at the beginning of the EDGAR includes general information on—

(a) How to use regulations that apply to Education Division programs, and

(b) How to apply for a grant under an Education Division program.

(20 U.S.C. 2991)

Subpart D—How a Grant Is Made

§ 1611.30 How the Commissioner evaluates an application.

(a) The Commissioner evaluates an application on the basis of the criteria in § 1611.31.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

(20 U.S.C. 2991)

§ 1611.31 Selection criteria the Commissioner uses.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants made after October 1, 1980, if the applicant is a local educational agency or State educational agency, a clear description of how the applicant will provide an opportunity for participation of students enrolled in private schools. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory

employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project, including resources to meet the needs of persons to be served by the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) The criteria contained in the following paragraphs supplement the EDGAR criteria and constitute 70 possible points. The Commissioner evaluates the extent to which an applicant—

(1) Documents the need for the proposed project in terms of the percentage of youth unemployment in the area to be served; (5 points)

(2) Establishes a need for additional resources to address this unemployment problem; (5 points)

(3) Establishes clearly that the stated objectives of the plan of operation meet the needs identified in paragraph (f)(1); (5 points)

(4) Demonstrates how the proposed project will produce new and innovative approaches to solving the youth employment problem including activities linking education and work; (15 points)

(5) Includes appropriate, feasible approaches to foster and sustain communication, coordination, and collaboration—without duplication of efforts—among activities and providers of services under this Act and activities and providers of services under—

(i) The Vocational Education Act;

(ii) The Career Education Incentive Act; and

(iii) In particular, the Comprehensive Employment and Training Act (CETA); (20 points) and

(6) Shows how the results of the proposed project are likely to improve youth employment. (20 points)

(20 U.S.C. 1221e-3(a)(i), 2991)

Subpart E—Conditions an Applicant Must Meet

§ 1611.40 State and local educational agencies must provide an opportunity for private school students to participate.

If an SEA or LEA receives a grant under this program, section 302(b) of the Elementary and Secondary Education Act requires that agency to provide for participation by students enrolled in private elementary and secondary schools. EDGAR established the rules for this participation (See EDGAR, § 100a.650).

(20 U.S.C. 2942(b))

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Thursday
April 3, 1980

Part XV

Department of Health, Education, and Welfare

Office of Education

Financial Assistance for Environmental Education Projects

V 45 / 66 APR 3 1980 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161h

Financial Assistance for Environmental Education Projects

AGENCY: Office of Education, HEW.

ACTION: Final rule.

SUMMARY: The Commissioner of Education revises regulations governing grants under the Environmental Education Act of 1978. Grants assist educational projects that improve public understanding of environmental issues as they relate to the quality of life. The revised regulations incorporate a statutory amendment which permits multi-year funding of projects. The revisions also simplify the regulations.

EFFECTIVE DATES: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Sylvia Wright, Program Officer, Office of Environmental Education, Room 2025, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–9231).

SUPPLEMENTARY INFORMATION: On March 9, 1979 the Office of Education published proposed regulations (44 FR 13048) for financial assistance for environmental education projects. The proposed regulations simplified the existing regulations governing grant support for developmental, demonstration, and mini-grant projects in environmental education. They also incorporated a new rule for the award of multi-year grants.

Because of the inclusion of the Environmental Education Act in Title III of the Elementary and Secondary Education Act, local educational agencies (LEAs) and State educational agencies (SEAs) must meet the requirements in Title III for involvement of private schools.

A number of comments were received on the proposed regulations, and virtually all of them were favorable. No substantive changes were made in the regulations.

Section 161h.14 What is a mini-grant project?

Comment. One commenter suggested that the mini-grant project category be redefined to include regional groups and the possibility of increased funding if the project is regional in scope.

Response. No change has been made. In keeping with the language of the authorizing legislation, the proposed regulations emphasized community groups and projects. However, regional entities or groups are not excluded from support under the mini-grant project category.

No applicant for a mini-grant project may receive more than $10,000 under the statute. Broader-scoped projects (e.g., regional) that require a higher level of funding than that permitted under the mini-grant project category are eligible for support under other funding categories.

General Comment

Comment. Another commenter suggested that the definition of environmental education be made broader and, specifically, that the following be eligible for funding consideration:

(1) Interdisciplinary outdoor experience that is not exclusively nature study or science oriented and that helps people understand their personal relationship to their whole environment, natural and cultural.

(2) Wilderness living programs that are based on ecological concepts and provide natural world experience through a "structured trip or in-the-wilderness stay."

Response. No change has been made. The proposed regulations do not define the term "environmental education" since it is defined in the statute. The statute defines environmental education as concerned with the relationship of various aspects of the natural and manmade environment and the total human environment. The proposed regulations clarify the concepts of manmade environment or surroundings and total human environment by stating that economic, policy, social, and cultural aspects would be included. This clarification will not result in the exclusion of any specific environmental area of study, issue, or educational approach such as interdisciplinary outdoor education or wilderness living programs, that meets the statutory definition of environmental education.

Other comments

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

Section 161h.21 (To whom must an applicant submit its application for comment?) has been revised to indicate that (1) all applicants must meet the requirements for clearinghouse procedures; and (2) an applicant LEA Must meet the requirements for open meetings.

The requirements to be met by SEAs and LEAs for involvement of private schools are included in a new § 161h.43.

Finally, there were several editorial suggestions, most of which have been included in these regulations.

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: January 31, 1980.

(Catalog of Federal Domestic Assistance Number 13.522, Environmental Education Act)

William L. Smith,

Commissioner of Education.

The Commissioner redesignates Part 183 of 45 CFR as Part 161h and revises the regulations to read as follows:

PART 161h—FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS

Subpart A—General

Sec.

161h.1 What is the environmental education program?
161h.2 Who is eligible to receive grants?
161h.3 What regulations apply to this program?
161h.4 What definitions apply to this program?

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

161h.10 What are the Purposes of the projects?
161h.11 What types of projects are supported?
161h.12 What is a comprehensive multi-year project?
161h.13 What is a general project?
161h.14 What is a mini-grant project?
161h.15 Are priorities for funding established?

Subpart C—How Does One Apply for a Grant?

161h.20 What documents govern applications?
161h.21 To whom must an applicant submit its application for comment?

Subpart D—How is a Grant Made?

161h.30 How does the Commissioner evaluate an application?
161h.31 What selection criteria does the Commissioner use?

Subpart E—What Conditions Must a Grantee Meet?

161h.40 Must a grantee help defray part of its project's costs?
161h.41 Are there restrictions on the types of costs a grant may support?
161h.42 What other restrictions apply to the use of grants?
161h.43 Must State and local educational agencies provide an opportunity for private school students to participate?

Authority: Part H of Title III of the Elementary and Secondary Education Act as amended by Pub. L. 95–561 (20 U.S.C. 3011–3016; 92 Stat. 2217–2221).

Subpart A—General

§ 161h.1 What is the Environmental Education Program?

The Environmental Education Program assists educational projects that improve public understanding of environmental issues as they relate to the quality of life. Under this program, the Commissioner may make direct grants to public or nonprofit private institutions, agencies, or organizations for developmental, demonstration, or mini-grant projects.

(20 U.S.C. 3011–3016)

§ 161h.2 Who is eligible to receive grants?

The following are eligible to receive grants:

(a) Public and private institutions of higher education and other nonprofit private organizations. Each of these applicants shall have been in existence for one year or more prior to submitting an application.

(b) State Educational Agencies (SEAs), local educational agencies (LEAs), and other public agencies and organizations.

(c) Consortia of eligible applicants as defined in paragraphs (a) (1) and (2) of this section.

(20 U.S.C. 3013(b)(1) and 3016)

§ 161h.3 What regulations apply to this program?

(a) *Regulations.* The following regulations apply to the Environmental Education Program:

(1) The Education Division General Administration regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions); and

(2) The regulations in this part.

(b) The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

§ 161h.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in part 100c:

Applicant
Application
Commissioner
EDGAR
Grant
Grantee
Local educational agency (LEA)
Nonprofit
Private
Project
Project period
Public
State
State educational agency (SEA)

(20 U.S.C. 1232)

(b) *The following terms apply specifically to this program:* "Act" means the Environmental Education Act of 1978.

"Consortium" means a group consisting of representatives of various areas of expertise in environmental education, such as State and regional planning, economics, social policy, environmental protection, public interest, business, higher education, secondary education, and community education.

"Environmental area of study" means the study of the relationship between various aspects of the natural and manmade environment and the total human environment. These aspects include the relationship between energy, population, resource allocation and depletion, conservation, transportation, technology, economic impact, urban and rural planning and the total human environment. The term also encompasses specific environmental issues.

"Resources" means materials, personnel, methods, or information.

"Target group" means the group to benefit from or to participate in a project.

(c) The term "environmental education" is defined in the Act.

(20 U.S.C. 3011–3018)

Subpart B—What Kinds of Projects Does the Office of Education Assist under this Program?

§ 161h.10 What are the purposes of the projects?

In order to be considered for a grant, an applicant shall propose a project that—

(a) Includes the study of the policy, social, cultural, and economic aspects of the environmental area of study or issues to be addressed; and

(b) Provides an objective and balanced treatment of different views on environmental issues and resolutions of those issues.

(20 U.S.C. 3011)

§ 161h.11 What types of projects are supported?

The Commissioner may award funds for three types of projects:

(a) Comprehensive multi-year projects.

(b) General projects.

(c) Mini-grant projects.

(20 U.S.C. 3013, 3016)

§ 161h.12 What is a comprehensive multi-year project?

(a)(1) A comprehensive multi-year project is a developmental or demonstration project in environmental education that involves three or more activities and more than one target group.

(2) Specific target groups for a multi-year project may include educational administrators, teachers, students at the elementary, secondary, or post-secondary levels, community organizations, government employees, business and labor leaders, or the general public.

(b) A comprehensive multi-year project is intended to demonstrate effective methods for—

(1) Improving, over the long term, individual and institutional capabilities in environmental education;

(2) Adopting and adapting new knowledge as it becomes available;

(3) Identifying and using, in an appropriate and effective way, a broad range of local and regional resources;

(4) Achieving significant interaction between formal education and community education; and

(5) Facilitating local or regional adoption of the project's activities and the continuation of those activities after the project period ends.

(c) A comprehensive multi-year project requires more than 12 months to achieve its objective(s).

(20 U.S.C. 3013)

§ 161h.13 What is a general project?

(a) A general project is a developmental project in environmental education that focuses on a single activity, such as any one of the activities listed in section 353(b)(2) of the Act.

(b) A general project requires no more than 12 months to achieve its objective(s).

(20 U.S.C. 3013)

§ 161h.14 What is a mini-grant project?

(a) A mini-grant project is one or more community workshops, seminars, symposiums, or conferences on a community or local environmental issue.

(b) A mini-grant project is intended to assist the community—especially adults and members of community organizations other than the grantee organization—in understanding—

(1) The causes and effects of an environmental issue;

(2) Local policies and practices associated with the issue; and

(3) The options for resolving the issue.

(c) In addition to the primary activity, a mini-grant project may include a variety of preparatory and follow-up activities as needed to assure the project's success.

(d) A mini-grant project usually requires fewer than 12 months to achieve its objective(s).

(20 U.S.C. 3016)

§ 161h.15 Are priorities for funding established?

(a)(1) In any given year—through publication of a notice in the Federal Register—the Commissioner may give priority to one or more of the types of projects listed in § 161h.11 and further described in §§ 161h.12 through 161h.14.

(2) Within comprehensive multi-year projects, the Commissioner may in the notice give priority to projects that focus on one or more of the target groups specified in § 161h.12(a)(2).

(3) Within general projects, the Commissioner may in the notice give priority to one or more of the activities listed in section 353(b)(2) of the Act.

(b) In addition—

(1) In awarding grants for comprehensive multi-year projects, the Commissioner may give priority to consortia of eligible applicants; and

(2) In awarding grants for mini-grant projects, the Commissioner may give priority to nonprofit citizens' groups and volunteer organizations.

(20 U.S.C. 3013, 3016)

Subpart C—How Does One Apply for a Grant?

§ 161h.20 What documents govern applications?

The Commissioner considers making a grant to an eligible applicant only if the applicant prepares and submits an application according to—

(a) The regulations in this part;

(b) The applicable provisions in EDGAR;

(c) The procedures and priorities contained in the notices published in the Federal Register; and

(d) The instructions and forms included in the application package.

(20 U.S.C. 1232)

§ 161h.21 To whom must an applicant submit its application for comment?

(a) All applicants must meet the requirements described in EDGAR 45 CFR 100a.170 through 100a.173 (OMB Circular A–95 Clearinghouse Procedures).

(b) In addition, an applicant LEA must—

(1) Meet the requirements for open meetings described in EDGAR 45 CFR 100a.138 through 100a.141; and

(2) Submit a copy of its application to its SEA for review and comment. Procedures are described in EDGAR 45 CFR 100a.156 through 100a.158.

(20 U.S.C. 3014(b))

Subpart D—How Is a Grant Made?

§ 161h.30 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application on the basis of the criteria in § 161h.31 below.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses at the end of that criterion.

§ 161h.31 What selection criteria does the Commissioner use?

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants to be made after October 1, 1980, if the applicant is a local educational agency or State educational agency, a clear description of how the applicant will provide an opportunity for participation of students enrolled in nonprofit private schools.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate, and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(20 U.S.C. 1221e(3)(a)(1))

(f) *Adequacy of content treatment.* The Commissioner reviews each application to determine the extent to which the proposed project—

(1) Identifies and organizes into a meaningful relationship to one another the policy, social, economic, cultural, technological, bio-physical, and human health aspects of the environmental area of study or issue(s) to be addressed; (25 points)

(2) Reflects current knowledge of the environmental area of study or issue(s) to be addressed; (10 points)

(3) Is likely to communicate that knowledge in a manner that is appropriate to the project's objective(s) and target group(s). (10 points)

(g) *Project effectiveness.* The Commissioner reviews each application to determine the extent to which the proposed project will enhance the ability of its target group(s) to participate in environmental decision-making by improving the ability of the group(s) to—

(1) Contribute to the identification of environmental issues and alternative resolutions of those issues;

(2) Assess short- and long-term risks, benefits, costs, and acceptability of alternative resolutions; and

(3) Understand the need for practicable resolutions embodying different points of view. (15 points)

(h) *Potential impact.* The Commissioner reviews each application to determine the extent to which the proposed project gives evidence of—under one of the following categories—potential for improving the quality of environmental education:

(1) If the proposed project is a comprehensive multi-year project, the extent to which it has the potential for being a national demonstration project; or

(2) If the proposed project is a general project, the extent to which its results can be adapted for environmental education in other areas of the country; or

(3) If the proposed project is a mini-grant project, the extent to which it is likely to improve the ability of its target group(s) to understand local environmental issues in a broader context. (10 points)

(20 U.S.C. 1221e-3(a)(1); 3013; 3016)

Subpart E—What Conditions Must a Grantee Meet?

§ 161h.40 Must a grantee help defray part of its project's cost?

(a) If the project is a national-level curriculum development, evaluation, dissemination, or demonstration project, the grant may cover 100 percent of the cost.

(b) If the project is a mini-grant project, the grant may cover 100 percent of the cost up to $10,000.

(c)(1) For other types of projects, Federal funding may not exceed 80 percent of the approved project cost for the first year.

(2) In the second and third years, Federal funding decreases to 60 percent and 40 percent respectively, of the approved project cost for the first year, regardless of the actual project cost in the second and third years.

(3) The non-federal contribution to the approved project cost may be in cash or in kind, including fairly evaluated plant, equipment, and services contributions.

(20 U.S.C. 3014(d) and 3016)

§ 161h.41 Are there restrictions on the types of costs a grant may support?

(a) Federal funds may not be used for improvement or alteration of sites.

(b) Funds may not be used for subgrants.

(20 U.S.C. 3013, 3016)

§ 161h.42 What other restrictions apply to the use of grants?

Grants may be used to supplement or increase funds made available by the applicant for these types of activities. Grants may not be used to supplant those funds.

(20 U.S.C. 3014(a)(4))

§ 161h.43 Must State and local educational agencies provide an opportunity for private school students to participate?

If an SEA or LEA receives a grant under this program, the Act requires that agency to provide for participation by students enrolled in nonprofit private elementary and secondary schools. EDGAR establishes the rules for this participation (See EDGAR, 45 CFR 100a.650).

(20 U.S.C. 2942(b))

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Part XVI

Department of Health, Education, and Welfare

Office of Education

Adult Education State-Administered Program and Commissioner's Discretionary Programs

V45I66AP3 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 166, 166a, 166b, 166c

Adult Education State-Administered Program and Commissioner's Discretionary Programs

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: The Commissioner of Education issues final regulations to implement the Adult Education Act, amended by the Education Amendments of 1978. These regulations govern the State-administered program of adult education and the Commissioner's four discretionary programs. The primary thrust of these regulations is to significantly expand the State delivery system of educational services to adults who are least educated and most in need of assistance. The regulations also address educational programs for adult immigrants and adult Indochina refugees, planning grants to States, and a national development and dissemination program.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are transmitted to the Congress several days before they are published in the **Federal Register.** If the Congress disapproves the regulations or takes certain adjournments, the effective date is changed by statute. To learn the effective date of these regulations, phone or write the contact person for the Division of Adult Education listed below.

FOR FURTHER INFORMATION CONTACT:
Mr. Paul V. Delker, Director, Division of Adult Education, U.S. Office of Education, 400 Maryland Avenue SW., (ROB-3, Room 5056), Washington, D.C. 20202, (202) 245-2278.

SUPPLEMENTARY INFORMATION:

Background

Title XIII of the Education Amendments of 1978 (Pub. L. 95-561) contains the amendments to the Adult Education Act. The primary purpose of the Adult Education Act has been, and continues to be under the new amendments, to offer educationally disadvantaged persons 16 years of age and older the opportunity to acquire basic skills necessary to function in society and to become more employable, productive, and responsible citizens.

There are two major parts to the adult education program established under the Adult Education Act. One is the State-administered program and the other is comprised of four national discretionary programs.

The State-administered program establishes a cooperative effort between the Federal Government and the States. Funds are allocated to the States on a formula basis and the States, in turn, fund local programs based on need and resources available. Each State is required to match these Federal adult education funds at the rate of ten cents for every ninety cents of Federal money.

The Commissioner of Education considers the most important objective of this Act to be to provide adult basic education for those who are least educated and most in need of assistance. As the House Report on this subject stated, "The needs of those individuals have not been adequately met to date and now is not the time to loosen up the requirements of the Act to spend more funds on those who are better educated and closer to achieving high school equivalency. For this reason, the Committee [on Education and Labor] adopted amendments that specifically direct that the required State plans describe how the program in each State will reach some of the adult populations traditionally most in need of, and least likely to participate in, adult education." (H. Rept. No. 95-1137, p. 128)

Congress amended the Adult Education Act to stress a significant expansion of a State's delivery system and an increased emphasis on outreach activities. With respect to the expansion of its delivery system, a State may now award subgrants to public and private nonprofit agencies in addition to the traditional recipients (i.e., local educational agencies). A State is also required to seek the active participation of representatives of diverse interests in developing and carrying out its State plan.

The new amendments to the Act direct the States to increase their activities to inform the adult populations who are least educated and most in need of assistance of the availability and benefits of the adult education program. In order to ensure the participation of these adult populations, recipients of funds must provide reasonable and convenient access to the program. Programs must be more flexible in their course offerings, locations, and in terms of assuring the availability of additional services such as day care and transportation.

The Act now requires that a State include in its State plan the criteria it will use to assess the applications submitted by eligible applicants. This requirement constitutes a major departure from past practice and will lead to greater accountability for the expenditure of Federal funds.

In addition to the State-administered program, the Act authorizes—

1. A National Development and Dissemination Program;
2. Planning Grants;
3. An Emergency Adult Education Program for Indochina Refugees; and
4. An Adult Education Program for Adult Immigrants.

These regulations do not address contracts under the National Development and Dissemination Program and the Adult Education Program for Adult Immigrants. In the case of contracts, an offeror shall submit to the Commissioner a proposal that meets the requirements of a Request for Proposal (RFP) as announced by the Commissioner in the *Commerce Business Daily.* Selection criteria will be contained in the Request for Proposal. The proposal must meet the requirements of chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

How To Use These Regulations

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the Notice of Proposed Rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

In addition, the numbering system of these final regulations has been changed to a new format that signifies regulations for multiple programs under one statute. Part 166, covering adult education programs, includes: A general section that applies to all programs under these regulations; Part 166a that pertains only to the State-administered Adult Education Program; Part 166b that pertains only to the National Adult Education Development and Dissemination Program and Planning Grants; and Part 166c that pertains only to the Adult Education Programs for Immigrants and Indochina Refugees.

These regulations do not contain certain types of administrative requirements formerly found in the adult education program regulations. Those requirements are covered in the Education Division's General Administrative Regulations (EDGAR), which replace the General Provisions for Office of Education Programs regulations.

The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist recipients in using regulations that apply to Education Division programs.

Certain other administrative requirements are contained in the Department of Health, Education, and Welfare General Administration regulations in 45 CFR Part 74 (Administration of Grants). These HEW grants administration regulations cover, for example, cost principles, reporting requirements, property requirements, and procurement standards.

The General Education Provisions Act and the various civil rights authorities also govern the operation of the adult education program. The regulations implementing the civil rights authorities and those relating to the protection of human subjects and day care services are referenced in these regulations.

Public Participation

In October and November of 1978, the Office of Education convened four area workshops with State Directors of Adult Education. The purpose of these workshops was to raise issues concerning the fulfillment of the legislative intent with suggested alternatives for resolving the issues. These workshops also provided an opportunity to share with State Directors suggested models and processes for planning and carrying out state adult education programs.

On November 29, 1978, the Commissioner announced in the **Federal Register** (43 FR 58801) a Notice of Intent to Develop Regulations for the Adult Education Program. Following this announcement, ten area meetings were held across the country to identify and resolve major issues raised by the amended legislation before final regulations were implemented.

Many comments and suggestions were submitted at the four workshops and ten area meetings. In addition, over 200 persons mailed comments directly to the Office of Education. These comments were analyzed and, in many instances, incorporated into the proposed regulations.

The Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** on June 28, 1979 (44 FR 37866). Interested persons were given 60 days to comment on these proposed regulations. On August 7, 1979, public meetings were held in ten cities in order to receive public comment regarding the proposed regulations.

Over 300 public comments were received. The commenters were generally very supportive of the proposed regulations. It was frequently pointed out that the proposed regulations were written in a form that was not overly prescriptive or lengthy; that they retained reliance on the integrity of the State educational agency to administer the State grant program using the broadest delivery mechanism possible; and that they reflect the priorities of the law for the inclusion of those adults who are least educated and most in need of educational assistance.

Appendix B of these regulations contains comments, suggestions, and recommendations that were submitted either in writing or at the public meetings. After each comment summary, a response is given stating the changes that have been made in the regulations or the reasons why no change was considered necessary or appropriate. The comments are arranged in numerical order according to the section of the regulations to which they refer. Comments which could not be classified according to section are included under a general heading at the end of Appendix B.

Citation to Legal Authority

As required by section 431(a) of the General Education Provisions Act, a citation to the statutory or other legal authority for each provision of the regulations has been placed in parentheses on the line immediately following the text of the regulation.

Unless otherwise noted, the statutory citation is to the Adult Education Act, Pub. L. 91-230, as amended. Citation to the United States Code (U.S.C.) generally follows a citation to a section of the Act.

(20 U.S.C. 1232(a))

Dated: March 10, 1980.

William L. Smith,

Commissioner of Education.

(Catalog of Federal Domestic Assistance (CFDA) No. 13.400, Adult Education State-administered Program; No. 13.579, Emergency Adult Education Program for Indochina Refugees; No. 13.692, Adult Education Program for Adult Immigrants. CFDA Nos. not assigned for National Adult Education Development and Dissemination Program and Planning Grants.)

45 CFR is amended as follows:

1. Part 166 is revised to read as follows:

PART 166—ADULT EDUCATION STATE-ADMINISTERED PROGRAM AND COMMISSIONER'S DISCRETIONARY PROGRAMS

Subpart A—General

Sec.

166.1 What are the adult education programs?
166.2 What is the purpose of the Act?
166.3 What other regulations are applicable to the adult education programs?
166.4 What definitions apply to the adult education programs?
166.5–166.9 [Reserved]

Authority: Secs. 301–318 of Pub. L. 91–230, as amended by Title XIII of Pub. L. 95–561, 92 Stat. 2356, 20 U.S.C. 1201–1211c, unless otherwise noted.

Subpart A—General

§ 166.1 What are the adult education programs?

Part 166 contains regulations interpreting or implementing the programs authorized under the Adult Education Act. The programs included in this part are—

(a) State-administered Adult Education Program;

(b) National Adult Education Development and Dissemination Program and Planning Grants; and

(c) Adult Education Programs for Immigrants and Indochina Refugees.

(20 U.S.C. 1201 *et seq.*)

§ 166.2 What is the purpose of the Act?

The purpose of the Act is to—

(a) Expand educational opportunities for adults; and

(b) Encourage the establishment of programs of adult education that will—

(1) Enable all adults to acquire basic skills necessary to function in society;

(2) Enable adults who so desire to continue their education to at least the level of completion of secondary school; and

(3) Make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.

(Sec. 302; 20 U.S.C. 1201)

§ 166.3 What other regulations are applicable to the adult education program?

(a) The following regulations also apply to the State-administered program and the Commissioner's discretionary programs under the Adult Education Act:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs), 45 CFR Part 100b (State-administered Programs), and 45 CFR Part 100c (Definitions).

(2) The Department of Health, Education, and Welfare General Administration Regulations in 45 CFR Part 74 (Administration of Grants).

(3) The Federal Interagency Day Care Regulations in 45 CFR Part 71.

(4) 45 CFR Parts 80 and 81 relating to nondiscrimination on the basis of race.

(5) 45 CFR Part 84 relating to nondiscrimination on the basis of handicap.

(6) 45 CFR Part 86 relating to nondiscrimination on the basis of sex.

(7) 45 CFR Part 46 relating to the protection of human subjects.

(8) 45 CFR Part 90 relating to nondiscrimination on the basis of age.

(b) The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist recipients in—

(1) Using regulations that apply to Education Division programs; and

(2) Applying for assistance under an Education Division program.

(20 U.S.C. 1201, 1221)

§ 166.4 What definitions apply to the adult education programs?

(a) *Statutory definitions.* The following terms used in this part are defined in section 303 of the Act:

(1) The term "adult" means any individual who has attained the age of sixteen.

(2) The term "adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who—

(i) Lack sufficient mastery of basic educational skills to enable them to function effectively in society or who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; and

(ii) Are not currently required to be enrolled in schools.

(3) The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(4) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico and (except for the purposes of section 305(a)) Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands.

(5) The term "institution of higher education" means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

(Sec. 303; 20 U.S.C. 1202)

(b) *Definitions in EDGAR.* The following terms used in this part are defined in Part 100c:

(1) Applicant
(2) Application
(3) Award
(4) Budget period
(5) Commissioner
(6) Local educational agency
(7) Nonprofit
(8) Private
(9) Project
(10) Project period
(11) Public
(12) State educational agency

(c) *Definitions in Part 74.* The following terms used in this part are defined in 45 CFR Part 74:

(1) Budget
(2) Grant
(3) Grantee
(4) Subgrant
(5) Subgrantee

(d) *Program definitions.* The following definitions also apply to the adult education programs:

(1) "Act" means the Adult Education Act (20 U.S.C. 1201 *et seq.*).

(2) "Expansion" means that the State educational agency has increased during the period covered by the three-year plan—

(i) The number of agencies, institutions, and organizations—other than local educational agencies—used to provide adult education and support services; and

(ii) One or both of the following:

(A) The number of adults least educated and most in need of assistance participating in the adult education program.

(B) The percentage of adults least educated and most in need of assistance who met their educational objectives.

(3) "Immigrant," as used in this part, means any refugee admitted (paroled) into this country or any alien except one who is exempt under the provisions of the Immigration and Nationality Act, as amended.

(8 U.S.C. 1101(a)(15))

(4) "Indochina refugee," as defined in the Indochina Migration and Refugee Assistance Act of 1975, as amended by Pub. L. 94–313, and as used in this part, means an alien who because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; cannot return there because of fear of persecution on account of race, religion, or political opinion; and is in urgent need of assistance for the essentials of life.

(22 U.S.C. 2601)

(5) "Institutionalized person" means an adult, as defined in the Act, who is an inmate, patient, or resident of a special institution.

(6) "Limited English proficiency" or "limited English language skills" refers to difficulty in speaking, reading, writing, or understanding the English language so that adults are denied the opportunity to learn successfully in a learning environment where the language of instruction is English.

(7) "Outreach" means activities designed to—

(i) Inform adult populations who are least educated and most in need of assistance of the availability and benefits of the adult education program; and

(ii) Assist these adult populations to participate in the program by providing reasonable and convenient access.

(20 U.S.C. 1202)

PART 166a—STATE-ADMINISTERED ADULT EDUCATION PROGRAM

2. A new Part 166a is added as follows:

Subpart A—General

Sec.
166a.10 How is the adult education State-administered program governed?

Subpart B—How a State Applies for a Grant

166a.11 Who is eligible?
166a.12 What documents must a State submit to receive its grant?
166a.13 What must the State plan contain?
166a.14 How is the State plan developed?
166a.15 What other requirements must a State educational agency meet?
166a.16–166a.20 [Reserved]

Subpart C—State Advisory Councils

166a.21 What are a State's responsibilities regarding State advisory councils?
166a.22 How is a State advisory council established?
166a.23 How is the membership of a State advisory council determined?
166a.24 How is the membership of a State advisory council certified?
166a.25 What are the functions and responsibilities of a State advisory council?
166a.26 What are the requirements for State advisory council meetings?
166a.27 What costs are allowable?
166a.28–166a.30 [Reserved]

Subpart D—How a Grant is Made to a State

166a.31 How is the amount of each State's grant determined?
166a.32 What is each State's limitation on administrative costs?
166a.33–166a.40 [Reserved]

Subpart E—How To Apply to the State for a Subgrant

166a.41 Who is eligible for a subgrant?
166a.42–166a.50 [Reserved]

Subpart F—How a Subgrant is Made to an Applicant

166a.51 How will a State review annual applications?
166a.52–166a.60 [Reserved]

Subpart G—Conditions That Must Be Met by a State

166a.61 What are the matching requirements of the program?
166a.62 What are the maintenance of effort requirements of the program?
166a.63 How is a maintenance of effort waiver granted?
166a.64 What are exceptional and unforeseen circumstances?
166a.65 How is maintenance of effort computed in the event of a waiver?
166a.66 What are the percentage requirements with respect to State distribution of Federal funds?
166a.67–166a.70 [Reserved]

Subpart H—State-administered Special Experimental Demonstration Projects and Teacher Training Projects

166a.71 Who are the eligible applicants for these projects?
166a.72 What are the criteria and priorities in administering these projects?
166a.73 How will a State administer these projects?
166a.74 How will the results be disseminated?
166a.75–166a.100 [Reserved]

Authority: Secs. 301–318 of Pub. L. 91–230, as amended by Title XIII of Pub. L. 95–561, 92 Stat. 2356, 20 U.S.C. 1201–1211c, unless otherwise noted.

PART 166a—STATE-ADMINISTERED ADULT EDUCATION PROGRAM

Subpart A—General

§ 166a.10 How is the adult education State-administered program governed?

(a) *Federal-State relationship.* The adult education State-administered program is a cooperative effort between the Federal Government and the States to provide adult education. Federal funds are granted to the States on a formula basis. The States fund local programs of adult education based on need and resources available.

(b) *Other applicable provisions.* The provisions of §§ 166.1 through 166.4 of 45 CFR Part 166 apply to the State-administered Adult Education Program under this part.

(20 U.S.C. 1201)

Subpart B—How a State Applies for a Grant

§ 166a.11 Who is eligible?

Any State may apply for a grant under this part.

(Sec. 304(a); 20 U.S.C. 1206)

§ 166a.12 What documents must a State submit to receive its grant?

A State educational agency shall submit to the Commissioner:

(a) A single State application as required by section 435 of the General Education Provisions Act. If a State educational agency has on file with the Commissioner a single State application for all education programs, this requirement is satisfied.

(b) A State plan, developed once every three years, that meets the requirements of these regulations and the Act.

(c) The certification required by 45 CFR § 100b.104 of EDGAR.

(d) Program assurances, signed by an authorized official of the State educational agency, to provide that—

(1) The State educational agency, in carrying out the adult education program, will provide for—

(i) Adequate consultation, cooperation, and coordination among the State educational agency, State manpower service councils, State occupational information systems, and other agencies, organizations, and institutions in the State that operate employment and training programs or other educational or training programs for adults; and

(ii) Coordination of programs carried on under this title with other programs, including reading improvement programs, which are designed to provide reading instruction for adults and are conducted by State and local agencies.

(2) The State educational agency will make available not to exceed 20 percent of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school.

(3) The State educational agency will ensure that special emphasis will be given to adult basic education programs except where these needs have been met in the State.

(4) Adults enrolled in adult basic education programs will not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials that are needed for participation in the program.

(5) Not more than 20 percent of the funds granted to the State under the Act for any fiscal year shall be used for the education of institutionalized adults.

(6) The State educational agency will provide that special assistance be given to the needs of persons with limited English proficiency by providing bilingual adult education programs of instruction in English and, to the extent necessary to allow these persons to progress effectively through the adult education program, in the native language of these persons. These programs will be carried out in coordination with programs of bilingual education assisted under title VII of the Elementary and Secondary Education Act of 1965 and bilingual vocational education programs under the Vocational Education Act of 1963, as amended.

(7) For each fiscal year covered by this plan, the State will have available for expenditure for adult education from non-Federal sources an amount that is not less than the fiscal effort per student or the aggregate amount expended for adult education purposes from non-Federal sources during the preceding fiscal year.

Note.—In the event of exceptional and unforeseen circumstances, the State may, under § 166a.63, request a one-time waiver of this requirement.

(8) The State educational agency will monitor and report program performance in accordance with Subpart J of 45 CFR Part 74.

(Secs. 304(b), 306, 307(b); 20 U.S.C. 1203, 1205, and 1206)

§ 166a.13 What must the State plan contain?

(a) A State educational agency shall include in its State plan a description of the policies, procedures, and activities for carrying out the requirements—

(1) Listed in section 306(b) of the Act; and

(2) Included in these regulations.

(b) A State educational agency may meet the requirements of section 306(b)(2) and (6), covering administration, fiscal control, and fund accounting procedures, by submitting to the Commissioner a single State application under section 435 of the General Education Provisions Act.

(c) A State educational agency shall describe, for the three-year period covered by the plan, the adult education needs of all segments of the adult population in the State. A State educational agency shall specifically describe the needs of those adults who are least educated and most in need of assistance.

(d) A State educational agency shall identify the other Federal and non-Federal resources available to meet the needs described in paragraph (c) of this section.

(e)(1) A State educational agency shall identify the goals it intends to achieve in meeting the needs described in paragraph (c) of this section for the period covered by the plan.

(2) A State educational agency shall describe proposed activities and estimated expenditures of reaching each goal.

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(f)(1) A State educational agency shall describe the outreach activities that the State intends to carry out during the period covered by the plan.

(2) In conjunction with these outreach activities, a State educational agency shall describe the efforts it will undertake to assure support services during the period covered by the plan. Support services include flexible schedules, transportation, and day care services. A State educational agency shall identify the resources to be used for these support services. A concerted effort shall be undertaken to provide these services through other programs, agencies, and organizations.

(g) A State educational agency shall describe its procedures for ensuring that cooperative arrangements will be entered into with other agencies for delivering adult education and support services.

(h) A State educational agency shall describe the criteria for evaluating project applications.

(i) In any plan submitted subsequent to the initial three-year plan under the Act, a State educational agency shall describe—

(1) Its accomplishments, in meeting the goals included in the previous three-year plan; and

(2) How the assessment of accomplishments and the evaluation required by paragraph (k) of this section were considered in establishing the State's goals for adult education in the plan being submitted.

(j) A State educational agency shall describe its policies, procedures, and activities for carrying out special experimental demonstration projects and teacher training projects that meet the requirements of §§ 166a.71 through 166a.74 of these regulations.

(k) A State educational agency shall provide for an evaluation of activities under sections 306 and 310 of the Act. The evaluation shall be performed at least once every three years. Evaluation procedures, schedule of evaluations, and specific criteria to be used in assessing the effectiveness of all activities shall be included in the State plan. A summary of the State's evaluation of activities shall be sent to the Commissioner within 90 days of the close of each program year.

(l) If applicable, a State educational agency shall include in the plan a notification of the establishment of and membership of a State advisory council that meets the rquirements of §§ 166a.21 through 166a.27 of these regulations. Because the Act does not require a State educational agency to establish a State advisory council, only States that fund councils out of the Federal allotment or non-Federal matching funds are subject to these requirements.

(Secs. 306, 312; 20 U.S.C. 1205, and 1211)

§ 166a.14 How is the State plan developed?

(a) A State educational agency shall involve in the development of the plan one or more representatives of each of the following agencies and groups:

(1) The business community
(2) Industry
(3) Labor unions
(4) Public educational agencies and institutions
(5) Private educational agencies and institutions
(6) Churches
(7) Fraternal/sororal organizations
(6) Voluntary organizations
(9) Community organizations
(10) State manpower and training agencies
(11) Local manpower and training agencies
(12) Adult residents of rural areas
(13) Adult residents of urban areas with high rates of unemployment
(14) Adults with limited English language skills
(15) Institutionalized adults

(16) Other entities concerned with adult education, such as the Right to Read and Basic Skills programs, volunteer literacy programs, libraries, and organizations offering education programs for older persons and military personnel and their adult dependents.

(b) A State educational agency shall describe in its plan—

(1) How the representatives in paragraph (a) of this section were selected; and

(2) The means by which these representatives were involved in the development of the plan.

(c) The Commissioner considers the term "involved in the development of the plan" to mean that the representatives in paragraph (a) of this section are given an opportunity to actively participate in all stages of formulating the plan.

(d) If the participating representatives are not able to agree upon the provisions of the final plan, the State educational agency shall make the final decision. A State educational agency shall included in the plan—

(1) Any recommendation that is rejected; and

(2) The reasons for rejecting the recommendation.

(Sec. 306; 20 U.S.C. 1205)

§ 166a.15 What other requirements must a State educational agency meet?

(a) A State educational agency shall develop a statewide program in which the adult populations in the State that are least educated and most in need of assistance learn most effectively.

(b) A State educational agency shall design a statewide program to allow adult education services to be provided by those agencies that can reach the adult populations most in need. This expansion of the adult education program may require using agencies (i.e., a private for-profit organization) other than applicants eligible for subgrants under the Act.

(H.R. Rept. No. 95–1137, p. 128; Sen. Rept. No. 95–856, p. 103)

(c) If a private for-profit organization is used, a State educational agency or eligible applicant shall enter into a contractual arrangement for the provision of adult education services. A contract shall be entered into only upon a determination by a State or eligible applicant that—

(1) The contract is in accordance with State and local law and Subpart P, Procurement Standards, 45 CFR Part 74; and

(2) The service to be provided will constitute a reasonable and prudent use of funds available under the State plan.

(d) A State educational agency or eligible applicant may enter into a voluntary arrangement with a private for-profit organization for the provision of adult education services. For example, an eligible applicant may enter into a voluntary arrangement with a business organization for the use of facilities, personnel, or other services.

(e) At least annually a State educational agency shall give the representatives listed in § 166a.14(a) of these regulations the opportunity to comment on—

(1) How the State educational agency is carrying out the plan; and

(2) The expansion of the delivery system for providing adult education services.

(f) A State educational agency shall consider the comments submitted under paragraph (e) of this section in carrying out its State plan. A State educational agency shall include a summary of these comments in its subsequent three-year plan.

(Sec. 306(b) (7), (8); 20 U.S.C. 1205)

Subpart C—State Advisory Councils

§ 166a.21 What are a State's responsibilities regarding State advisory councils?

(a) A State that receives funds under section 304 of the Act may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council.

(b) A State advisory council that is funded solely from non-Federal sources that are not part of State or local

matching funds is not required to comply with the requirements of §§ 166a.22 through 166a.27.

(Sec. 312(a); 20 U.S.C. 1210)

§ 166a.22 How is a State advisory council established?

A State advisory council shall be appointed by the Governor or, in the case of a State in which members of the State board that governs the State educational agency are elected (including election by the State legislature), by that board.

(Sec. 312(a); 20 U.S.C. 1210)

§ 166a.23 How is the membership of a State advisory council determined?

(a) The membership of a State advisory council shall include a significant proportion of women, the elderly, minorities, and the educationally disadvantaged in the State in order to reflect the diverse interests and needs of the adult population served by the Act.

(b) The membership of the council shall be organized to include—

(1) Persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State;

(2) Persons who are receiving or who have received adult education services; and

(3) Persons who are representative of the general public.

(Sec. 312(b); 20 U.S.C. 1210)

§ 166a.24 How is the membership of a State advisory council certified?

(a) A State educational agency shall notify the Commissioner of the establishment of, and membership of, its State advisory council.

(1) The notification shall be attached to the State plan or be submitted at a subsequent time in cases where a State advisory council is established after the State plan has been approved.

(2) The notification shall include the name, education, experience, and current position of each person serving on the State advisory council and shall specify which interest under § 166a.23(b) each person represents.

(b) Upon receiving the notification, the Commissioner shall, as appropriate certify that the council membership is in compliance with the requirements set forth in the Act and in § 166a.23(b) of these regulations.

(Sec. 312(c); 20 U.S.C. 1210)

§ 166a.25 What are the functions and responsibilities of a State advisory council?

A State advisory council shall—

(a) Advise the State educational agency on the development and administration of the State plan approved under the Act and the regulations in this part;

(b) Advise the State educational agency on policy matters arising in the administration of the State plan approved under the Act and the regulations in this part;

(c) Advise the State educational agency with respect to long-range planning;

(d) Advise the State educational agency with respect to studies to evaluate adult education programs, services, and activities assisted under the Act; and

(e) Prepare and submit an annual report of its recommendations to—

(1) The State educational agency; and

(2) The National Advisory Council on Adult Education, established under section 313 of the Act. A copy of any comments of the State educational agency, as that agency considers appropriate, shall be included with this report.

(Sec. 312(b); 20 U.S.C. 1210)

§ 166a.26 What are the requirements for State advisory council meetings?

(a) A State advisory council shall meet within 30 days after certification by the Commissioner and select from its membership a chairperson.

(b) A State advisory council shall meet at least four times each year.

(1) Except as provided in paragraph (a) of this section, the time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council.

(2) At least one of the meetings each year shall be an open meeting, at which members of the public are given the opportunity to express views concerning adult education.

(Sec. 312(d); 20 U.S.C. 1210)

§ 166a.27 What costs are allowable?

(a) A State advisory council may obtain the services of professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under the Act.

(b) Members of a State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

(c) Costs incurred under paragraphs (a) and (b) of this section shall be included as part of the administrative expenditures reported by the State.

(Sec. 312(e); 20 U.S.C. 1210)

Subpart D—How a Grant is Made to a State

§ 166a.31 How is the amount of each State's grant determined?

(a) The Commissioner determines the amount of each State's grant according to the formula in section 305(a) of the Act.

(b) The Commissioner, from a one percent reserve, determines the amount of the grants to American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 305; 20 U.S.C. 1206)

§ 166a.32 What is each State's limitation on administrative costs?

The Commissioner notifies each State annually of the maximum amount allowable for administrative activities under section 315(b) of the Act. The non-Federal share of funds available under the State plan may also be used to pay administrative costs.

(Sec. 315; 20 U.S.C. 1211)

Subpart E—How To Apply to the State for a Subgrant

§ 166a.41 Who is eligible for a subgrant?

(a) A State educational agency shall distribute grants on the basis of annual applications submitted by eligible applicants. Eligible applicants are local educational agencies and public or private nonprofit agencies, organizations, and institutions.

(b) A State educational agency may not review an annual application from a public or private nonprofit agency, organization, or institution other than a local educational agency unless this applicant—

(1) Provides documentation to the State that advice on the development of its annual application has been sought from the applicable local educational agency. For the purpose of this section, "applicable local educational agency" refers to the legally constituted public board of education or administrative agency located in the same city, county, township, school district, or other political subdivision of the State to be served by the application; and

(2) Provides the local educational agency the opportunity to comment on the application prior to submitting it to the State.

(c) A State that is prohibited by State law from awarding Federal funds by grant or contract to public or private nonprofit agencies, other than local educational agencies, shall—

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(1) Include in its State plan the legal basis of this prohibition; and

(2) Give priority to local educational agencies that propose to enter into cooperative arrangements with public or private nonprofit agencies for the delivery of services.

(d) A State educational agency shall give public notification of the availability of Federal and State funds to eligible applicants.

(1) For the purpose of notifying local educational agencies, a State educational agency shall provide the notice directly.

(2) For the purpose of notifying public or private nonprofit agencies, organizations, and institutions, a State educational agency shall give sufficient public notice throughout all regions of the State.

(Secs. 304, 306(b)(7); 20 U.S.C. 1203)

Subpart F—How a Subgrant Is Made to an Applicant

§ 166a.51 How will a State review annual applications?

(a) A State educational agency shall review annually all applications submitted by eligible applicants to determine if the requirements of § 166a.41 are satisfied. A State educational agency shall disapprove applications that fail to meet the requirements of § 166a.41.

(b) In evaluating the quality of applications, a State educational agency shall employ a competitive process that considers the best possible combination of agencies, organizations, and institutions. In developing objective criteria for review of applications, a State educational agency shall take into account the following factors:

(1) The needs of the population to be served by the applicant.

(2) The extent to which the applicant proposes projects to reach adult populations least educated and most in need of assistance.

(3) The extent to which the applicant gives special emphasis to adult basic education projects.

(4) The adequacy of outreach activities, including—

(i) Flexible schedules to accommodate the greatest number of adults who are least educated and most in need of assistance;

(ii) Locations of facilities offering programs that are convenient to large concentrations of the adult populations identified by the State in response to § 166a.13(c) of these regulations or how the locations of facilities will be convenient to public transportation; and

(iii) The availability of day care services to participants in the project.

(5) The extent to which cooperative arrangements with other agencies will be used for delivering adult education and support services.

(6) The resources available to the applicant—other than Federal and State adult education funds—to meet these needs (e.g., the Comprehensive Employment and Training Act (CETA), Title XX of the Social Security Act, local cash or in-kind contributions).

(7) The extent to which the proposed activity addressed the identified needs.

(8) The extent to which the project objectives can be accomplished within the amount of the budget request.

(c) A State educational agency shall describe in its State plan the method of determining the amount of funds to be distributed to applicants approved for funding.

(d) A State educational agency that is prohibited by State law from awarding Federal funds by grant or contract to public or private nonprofit agencies, other than local educational agencies, shall describe in its State plan how priority will be given to local educational agencies that propose to enter into cooperative arrangements with public or private nonprofit agencies for the delivery of services.

(Secs. 304, 306; 20 U.S.C. 1205)

Subpart G—Conditions That Must Be Met by a State

§ 166a.61 What are the matching requirements of the program?

(a) The Federal share of expenditures made under the State plan shall not exceed 90 percent.

(b) No matching is required for American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(c)(1) The non-Federal share of expenditures under the State plan shall be the difference between the Federal share and the total expenditures for the purposes for which the Federal share is paid.

(2) The non-Federal share of expenditures under the State plan may be computed on a statewide basis and may come from any source other than Federal assistance so long as these expenditures are made to further the purposes of the State plan approved under this part.

(Sec. 307; 20 U.S.C. 1206)

§ 166a.62 What are the maintenance of effort requirements of the program?

(a)(1) To be eligible for Federal funds a State shall maintain its fiscal effort.

(2) A State shall expend for adult education from non-Federal sources an amount equal to the fiscal effort of the State in the preceding fiscal year.

(3) A State may determine its fiscal effort on a per student basis or on a total expenditure basis.

(b) The Commissioner does not make any payment to a State in any fiscal year unless the Commissioner finds that the fiscal effort of a State for adult education for the preceding fiscal year was not less than the fiscal effort expended for adult education purposes during the second preceding fiscal year.

(Sec. 307; 20 U.S.C. 1206)

§ 166a.63 How is a maintenance of effort waiver granted?

(a) During the life of the Act, the Commissioner may waive for *one* fiscal year only the maintenance of effort requirement in section 307(b) of the Act if the Commissioner determines it would be equitable to do so in view of exceptional and unforeseen circumstances affecting the State.

(b)(1) If a State educational agency wishes to receive a waiver from the maintenance of effort requirement under §166a.62(a) of these regulations, the State educational agency shall submit a request for a waiver with its three-year State plan or as an amendment to the plan.

(2) A State educational agency shall include in the request for a waiver the reason for the request and any additional information the Commissioner may require.

(Sec. 431A (GEPA); 20 U.S.C. 1232–1)

§ 166a.64 What are exceptional and unforeseen circumstances?

(a) The Commissioner considers exceptional and unforeseen circumstances to include situations in which the local educational agency or the State had no control of the events resulting in decreased expenditures but made a reasonable effort in a timely fashion to comply with the maintenance of effort requirement of the Act.

(b) Exceptional and unforeseen circumstances include, but are not limited to, the following situations:

(1) A sudden, substantial reduction in available revenue due to—

(i) A natural or man-made disaster;

(ii) The unforeseen removal of property from the tax roll by government action; or

(iii) The unforeseen departure of an industrial or commercial facility.

(2) A sudden and substantial diversion of available revenue to other purposes outside the control of the local educational agency or the State.

(3) Decreased expenditures by the State that are directly attributable to strikes involving educational or service personnel or both.

(4) Reductions of services to adults that are directly attributable to energy shortages or conservation measures resulting in a general reduction of educational services throughout the State or any of its local educational agencies.

(Sec. 431A (GEPA); 20 U.S.C. 1232–1)

§ 166a.65 How is maintenance of effort computed in the event of a waiver?

(a) In any case in which the Commissioner grants a waiver to a State under these regulations, the Commissioner reduces the amount of the Federal payment to that State for the current fiscal year in the exact proportion to which the fiscal effort of the State was less than 100 percent of its fiscal effort for the second preceding fiscal year. For example, if a State, having received a waiver under this section, reduced its expenditures in the preceding fiscal year 20 percent below the second preceding fiscal year, the Commissioner reduces the amount of the Federal payment for the current fiscal year by 20 percent.

(b) Fiscal effort for the year following the year for which a waiver is granted shall be based on the level of effort that existed prior to the waiver. For example, if in FY 1981 a State receives a waiver for its failure in FY 1980 to maintain fiscal effort at the level established in FY 1979, the State shall compute its fiscal effort for FY 1981 on the basis of the fiscal effort for FY 1979.

(Sec. 431A (GEPA); 20 U.S.C. 1232–1)

§ 166a.66 What are the percentage requirements with respect to State distribution of Federal funds?

(a) The percentage requirements in this section are applicable to a State's grant under section 305 of the Act.

(b) A State educational agency may expend an amount not to exceed 20 percent of its grant for programs of equivalency for a certificate of graduation from a secondary school.

(c) A State educational agency shall expend an amount not less than 10 percent of its grant for special experimental demonstration projects and teacher training projects described in §§ 166a.71 through 166a.74.

(d) A State educational agency may expend an amount not more than 20 percent of its grant for the education of institutionalized adults.

(Secs. 304, 306, 310; 20 U.S.C. 1203, 1205, 1208)

Subpart H—State-administered Special Experimental Demonstration Projects and Teacher Training Projects

§ 166a.71 Who are the eligible applicants for these projects?

(a)(1) Eligible applicants include any State of local educational agency or public or private nonprofit agency, organization, or institution.

(2) Unless precluded by State law, individuals are eligible applicants.

(b) A State may award funds under this subpart to eligible applicants outside the boundaries of the State if that award is determined to be in the best interest of the State in meeting its priorities and the purposes of the Act.

(Sec. 310; 20 U.S.C. 1208)

§ 166a.72 What are the criteria and priorities in administering these projects?

(a)(1) A State educational agency shall establish its own statewide criteria and priorities for administering special projects and teacher training projects.

(2) A State educational agency shall include the criteria and priorities in the State plan.

(3) In establishing statewide criteria and priorities, a State educational agency shall give consideration to serving adults who are least educated and most in need of assistance.

(b)(1) The Commissioner publishes national priorities in adult education in the **Federal Register**.

(2) Each State shall indicate in its State plan how the statewide criteria and priorities relate to published national priorities.

(Sec. 310; 20 U.S.C. 1208)

§ 166a.73 How will a State administer these projects?

(a) A State educational agency shall—

(1) Administer these projects consistent with the other regulations listed in 45 CFR 166.3 of these regulations;

(2) Make a general announcement of the availability of Federal and State funds for special projects and teacher training projects;

(3) Establish procedures for submitting and reviewing applications. These procedures shall be consistent with Subparts D and E of 45 CFR Part 100b of EDGAR; and

(4) Distribute funds to applicants approved for funding on the basis of the criteria and priorities developed under § 166a.72 of these regulations.

(b) A State educational agency may—

(1) Approve projects for a multi-year period; and

(2) In accordance with State law, policies, and procedures, make provisions for stipends and travel allowances for participants in teacher training projects.

(Sec. 310; 20 U.S.C. 1208)

§ 166a.74 How will the results be disseminated?

(a)(1) A State educational agency shall develop and describe in its State plan the procedures for disseminating results of these activities.

(2) A copy of each final report of special projects and teacher training projects supported under this subpart shall be sent to—

(i) The Commissioner; and

(ii) The adult education information clearinghouse authorized by section 309(a)(1)(C) of the Act.

(Secs. 435 (GEPA), 310; 20 U.S.C. 1208)

PART 166b—NATIONAL ADULT EDUCATION DEVELOPMENT AND DISSEMINATION PROGRAM AND PLANNING GRANTS

3. A new Part 166b is added as follows:

Subpart A—General

Sec.
166b.101 How do the National Adult Education Development and Dissemination Program and Planning Grants relate to the overall adult education program?
166b.102 Who is eligible to apply for a grant?
166b.103–166b.110 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

166b.111 What types of projects may be funded?
166b.112–166b.120 [Reserved]

Subpart C—How To Apply for a Grant

166b.121 What must an application for a grant contain?
166b.122 What is the duration of a project grant?
166b.123–166b.130 [Reserved]

Subpart D—How a Grant Is Made

166b.131 How does the Commissioner evaluate an application?
166b.132 What selection criteria does the Commissioner use?
166b.133–166b.140 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

166b.141 What are the cost requirements under this program?
166b.142 What documents must a State educational agency have on file with the Commissioner to be eligible for a planning grant?
166b.143 What records and reports are required of the grantee?
166b.144–166b.200 [Reserved]

Authority: Secs. 301–318 of Pub. L. 91–230, as amended by Title XIII of Pub. L. 95–561, 92

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Stat. 2356, 20 U.S.C. 1201–1211c, unless otherwise noted.

Subpart A—General

§ 166b.101 How do the National Adult Education Development and Dissemination Program and Planning Grants relate to the overall adult education program?

(a) *Program description.* This program provides Federal assistance for development, demonstration, and dissemination projects that will improve or be of national significance to the adult education program. Planning grants provide Federal assistance to State educational agencies to plan for the expansion of their systems for the delivery of adult education services. This program is authorized under section 309 of the Act.

(b) *Other applicable provisions.* The provisions of 45 CFR 166.1 through 166.4 of Part 166 apply to the National Adult Education Development and Dissemination Program and Planning Grants under this part.

(Sec. 309; 20 U.S.C. 1207a)

§ 166b.102 Who is eligible to apply for a grant?

(a) For a planning grant, only a State educational agency is eligible to apply.

(b) For all other projects, eligible applicants include public and private nonprofit agencies, institutions, and organizations.

(Sec. 309; 20 U.S.C. 1207a)

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

§ 166b.111 What types of projects may be funded?

(a) The Commissioner may fund projects and activities that improve and promote effective adult education programs and further the purposes of the Act by—

(1) Carrying out demonstration activities; and

(2) Developing, evaluating, and disseminating systems, materials, new approaches, and innovative methods.

(b) The Commissioner may award a planning grant to a State educational agency to plan the expansion of its adult education delivery system that—

(1) Involves adults with less than a high school education and those adults who are least educated and most in need of assistance in the process of identifying the adult education needs within the State;

(2) Develops a coordinated strategy to meet the adult education needs of the State; and

(3) Involves local educational agencies, business, industries, community organizations, and other institutions.

(c) Projects under paragraph (a) of this section shall address national priorities established and announced in the Federal Register by the Commissioner. The Commissioner will invite public comment on the national priorities.

(d) Projects for the development of curricula or instructional materials shall be conducted in accordance with section 426 of the General Education Provisions Act.

(e) The Commissioner may fund one or more of the types of projects described in paragraphs (a) and (b) of this section by publishing a notice in the Federal Register.

(Sec. 309; 20 U.S.C. 1207a)

Subpart C—How To Apply for a Grant

§ 166b.121 What must an application for a grant contain?

An application shall contain—

(a) Information required by the Notice of Closing Date published in the Federal Register;

(b) Information that meets the application content requirements of 45 CFR 100a.108 through 100a.116 of EDGAR;

(c) For a multi-year or for subsequent years of a development or dissemination project, information that meets the requirements of 45 CFR 100a.117, 100a.118, and 100a.250 through 100a.253 of EDGAR; and

(d) Any additional information required by the Commissioner in the application package.

(Sec. 309; 20 U.S.C. 1207a)

§ 166b.122 What is the duration of a project grant?

(a) A grant period is for not more than one year.

(b) Development and dissemination projects may be approved for a multi-year period.

(c) Planning grants may be approved for a period of not more than one year.

(Sec. 309; 20 U.S.C. 1207a)

Subpart D—How a Grant Is Made

§ 166b.131 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application on the basis of the criteria in § 166b.132 of these regulations.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses after the heading for that criterion.

§ 166b.132 What selection criteria does the Commissioner use?

(a) *Plan of operation* (40 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) In the case of projects offering educational services, a clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(b) *Quality of key personnel* (20 points).

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness* (15 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan* (10 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590 of EDGAR—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources* (15 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1221e–3(a)(1))

Subpart E—Conditions That Must Be Met by a Grantee

§ 166b.141 What are the cost requirements under this program?

(a) Allowable costs under grants awarded under section 309 of the Act are determined in accordance with the applicable cost principles of 45 CFR 100a.530 through 100a.534 of EDGAR and Subpart Q of 45 CFR Part 74.

(b) No cost sharing is required.

(c) Neither stipends nor dependency allowances are allowable.

(d) Projects combining funds under section 309 of the Act with other Federal, State, or local funds shall contain provisions for separate accounting.

(Sec. 309; 20 U.S.C. 1207a)

§ 166b.142 What documents must a State educational agency have on file with the Commissioner to be eligible for a planning grant?

A State educational agency must have on file with the Commissioner—

(a) An approved three-year plan. Regulations governing the development, submission, and approval of the plan are in 45 CFR 166.1 through 166a.74 of these regulations.

(b) A single State application required by section 435 of the General Education Provisions Act.

(Sec. 309; 20 U.S.C. 1207a)

§ 166b.143 What records and reports are required of the grantee?

(a) A grantee shall keep records that meet the requirements in 45 CFR 100a.730 through 100a.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements in 45 CFR 100a.720 of EDGAR and Subparts I and J of 45 CFR Part 74.

(Sec. 309; 20 U.S.C. 1207a)

PART 166 C —ADULT EDUCATION PROGRAMS FOR IMMIGRANTS AND INDOCHINA REFUGEES

4. A new Part 166c is added as follows:

Subpart A—General

166c.201 How do the Adult Education Programs for Immigrants and Indochina Refugees relate to the overall adult education program?
166c.202 Who is eligible to apply for a grant?
166c.203–166c.210 [Reserved]

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

166c.211 What is a special adult education project for immigrants or Indochina refugees?
166c.212 What are eligible activities under the special adult education programs for immigrants and Indochina refugees?
166c.213 What is the special population to be served by a project?
166c.214–166c.220 [Reserved]

Subpart C—How to Apply for a Grant

166c.221 What must an application for a grant contain?
166c.222 State review of applications.
166c.223 What is the duration of Federal support?
166c.224–166c.230 [Reserved]

Subpart D—How a Grant Is Made

166c.231 How does the Commissioner evaluate an application?
166c.232 What selection criteria does the Commissioner use?
166c.233–166c.240 [Reserved]

Subpart E—Conditions That Must Be Met by a Grantee

166c.241 What are the cost requirements under these programs?
166c.242 What records and reports are required of the grantee?
166c.243–166c.300 [Reserved]
Appendix A—Priorities for Programs of National Significance.
Appendix B—Comments and Responses.

Authority: Secs. 301–318 of Pub. L. 91–230, as amended by Title XIII of Pub. L. 95–561, 92 Stat. 2356, 20 U.S.C. 1201–1211c, unless otherwise noted.

Subpart A—General

§ 166c.201 How do the Adult Education Programs for Immigrants and Indochina Refugees relate to the overall adult education program?

(a) *Program description.* These programs provide Federal assistance to operate special adult education projects for immigrants and for Indochina refugees. These programs are authorized under sections 318 and 317 of the Act.

(b) *Other applicable provisions.* The provisions of §§ 166.1 through 166.4 of 45 CFR Part 166 apply to the Adult Education Programs for Immigrants and Indochina Refugees under this part.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 166c.202 Who is eligible to apply for a grant?

(a) Only the following are eligible to apply for a grant to operate an adult education project for immigrants:

(1) State educational agencies.

(2) Local educational agencies.

(3) Public nonprofit agencies, organizations, or institutions.

(4) Private nonprofit agencies, organizations, or institutions.

(b) Only the following are eligible to apply for a grant to operate an adult education project for Indochina refugees:

(1) State educational agencies.

(2) Local educational agencies.

(Secs. 316, 317; 20 U.S.C. 1211c, 1211b)

Subpart B—Kinds of Projects the Office of Education May Assist Under These Programs

§ 166c.211 What is a special adult education project for immigrants or Indochina refugees?

The Commissioner funds projects that—

(a) Enable adult immigrants or adult Indochina refugees to acquire basic skills necessary to function in American society; and

(b) Contribute to the employability of adult immigrants or adult Indochina refugees through development of basic educational and occupational skills.

(Secs. 316, 317; 20 U.S.C. 1211c, 1211b)

§ 166c.212 What are eligible activities under the special adult education programs for immigrants and Indochina refugees?

Grants awarded under section 316 or 317 of the Act may be used for—

(a) Programs of instruction (including administrative costs of planning and operating these programs) for adult immigrants or Indochina refugees for the purpose of enabling these adults to become employable and productive members of American society. These

programs of instruction may be in English as a second language, basic reading, mathematics, the promotion of language and literacy skills in English, and the development and enhancement of necessary skills, such as consumer, social, survival, occupational, and communication skills.

(b)(1) Adult education programs designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for adult immigrants or Indochina refugees, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 (20 U.S.C. 801) or under the Vocational Education Act of 1963, as amended (20 U.S.C 1241).

(2) Where occupational skills programs are otherwise unavailable or insufficient, combined occupational-adult education programs to provide adult immigrants or Indochina refugees with skills necessary to their obtaining employment;

(c) Programs providing educational support services that meet the needs of adult immigrants or Indochina refugees, including but not limited to (1) tutoring (in the case of geographically isolated adult immigrants or Indochina refugees) and (2) guidance and counseling with regard to educational, career, and employment opportunities (such as job placement and job follow-up services); or

(d) Any combination of programs described in paragraphs (a), (b), and (c) of this section.

(Secs. 318(a), 317(a); 20 U.S.C. 1211c, 1211b)

§ 166c.213 What is the special population to be served by a project?

(a) Only adult immigrants, as defined in § 166.4(d)(3) of these regulations, are eligible to participate in projects funded under the adult education program for immigrants.

(b)(1) Except as provided in paragraph (b)(2) of this section, only adult Indochina refugees, as defined in § 166.4(d)(4) of these regulations, are eligible to participate in a project assisted under the adult education program for Indochina refugees. An eligible participant is any Indochina adult refugee who—

(i) Has parole status, as indicated by an INS (Immigration and Naturalization Service) Form I–94;

(ii) Has voluntary departure status, as indicated by INS Form I–94;

(iii) Has conditional entry status, as indicated by INS Form I–94;

(iv) Was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by INS Form I–151 or I–551; or

(v) Has permanent resident status as a result of adjustment of status under Pub. L. 95–145, as indicated by INS Form I–151 or I–551.

(Pub. L. 95–145, 8 U.S.C. 1255)

(2) Participation of a very limited number of adults other than Indochina refugees is not precluded where the special needs of the Indochina refugees, as included in the application, are being met. This participation of non-Indochina refugees shall not result in a reduction in the quality or quantity of services to the special population as described in paragraph (b)(1) of this section.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

Subpart C—How to Apply for a Grant

§ 166c.221 What must an application for a grant contain?

An application shall contain—

(a) Information required by the Notice of Closing Date published in the Federal Register;

(b) Information that meets the application content requirements of 45 CFR 100a.108 through 100a.116 of EDGAR; and

(c) Any additional information required by the Commissioner in the application package.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 166c.222 State review of applications.

(a)(1) An applicant for a grant under the adult education program for immigrants shall first submit a copy of its application to the State educational agency (for the State in which that applicant is located). The State educational agency shall expeditiously review the application in accordance with the provisions of 45 CFR 100a.156 through 100a.159 of EDGAR.

(2) The State educational agency shall include in its comments submitted to the Commissioner whether the application is consistent with the State plan's objectives for meeting the adult education needs of adult immigrants.

(3) The State educational agency shall provide a copy of its comments and recommendations to the applicant.

(b)(1) The Commissioner does not approve an application for a grant under the adult education program for Indochina refugees unless the State educational agency (for the State in which that applicant is located) assures the Commissioner that the proposed activity will not duplicate existing and available (Federal and non-Federal) adult education programs that meet the special needs of adult Indochina refugees.

(2) An applicant shall submit a copy of its application to its State educational agency in accordance with the provisions of 45 CFR 100a.156 through 100a.159 of EDGAR.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 166c.223 What is the duration of Federal support?

(a) A grant period is normally for twelve months but in no event shall it exceed eighteen months.

(b) Projects may be approved for a multi-year period.

(Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

Subpart D—How a Grant is Made

§ 166c.231 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application on the basis of the criteria in § 166c.232 of these regulations.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses after the heading for that criterion.

§ 166c.232 What selection criteria does the Commissioner use?

(a) *Plan of operation* (20 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(b) *Quality of key personnel* (15 points).

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness* (5 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan* (5 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590 of EDGAR—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources* (10 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Addressing language and cross-cultural needs* (10 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to emphasize developing oral and aural English language proficiency.

(2) The Commissioner looks for information that shows—

(i) The use of the best available English language instruction as supported by current valid research findings;

(ii) The use of trained instructional personnel who are native speakers of English or who possess near-native fluency in English; and

(iii) The provision for bilingual personnel and materials in all aspects of the program.

(3) The Commissioner looks for information that demonstrates the applicant's understanding of the cultures of the various immigrant and Indochinese groups served by the programs.

(g) *Need* (10 points.)

(1) The Commissioner reviews each application for information that shows the need for the proposed educational activity.

(2) The Commissioner looks for information that shows—

(i) Specific evidence of the need;

(ii) Where appropriate, current and planned activities in the community relative to the need; and

(iii) Reasonable assurance that the population group to whom the project is addressed will participate in the project if it is available.

(h) *Reaching the geographically isolated* (5 points).

The Commissioner reviews each application for information that shows that the applicant plans to meet the educational needs of previously unserved adult immigrants or adult Indochina refugees living in isolated geographic areas.

(i) *Cooperative arrangements* (20 points).

(1) The Commissioner reviews each application for information that clearly describes cooperative arrangements and support services to be provided by existing agencies, in order to maximize the impact of the proposed project.

(2) The types of agencies with which cooperative arrangements are encouraged include, but are not limited to: Voluntary agencies; sponsor groups; public assistance agencies; social/vocational rehabilitation services; business and industry; social organizations; health services; legal aid; and other agencies operating State and local educational, employment, and training programs.

(20 U.S.C. 1221e–3(a)(1); Secs. 318, 317; 20 U.S.C. 1211c, 1211b)

Subpart E—Conditions That Must Be Met by a Grantee

§ 166c.241 What are the cost requirements under these programs?

(a) Allowable costs under grants awarded under the adult education programs for immigrants and Indochina refugees are determined in accordance with the applicable cost principles of 45 CFR 100a.530 through 100a.534 of EDGAR and Subpart Q of 45 CFR Part 74.

(b) No cost sharing is required.

(c) Neither stipends nor dependency allowances are allowable.

(d) The cost of day care, not to exceed 5 percent of the grant award, may be allowed only if the applicant can demonstrate that—

(1) The absence of this service is a barrier to providing effective educational services; and

(2) The services of volunteers or other community agencies are not available for this purpose.

(e) A grantee may not, under any circumstances, make payments for day care directly to participants.

(f) Transportation costs of participants are allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating exceptional need.

(g) The cost of developing curriculum materials is allowable up to one percent of the grant award. If more than one percent is necessary, the applicant shall include in its application a justification demonstrating that appropriate materials do not exist or cannot be obtained from existing sources.

(h) The cost of pre-service or in-service training of personnel is allowable up to 5 percent of the grant award. If more than 5 percent is necessary, the applicant shall include in its application a justification demonstrating that the required competence is not otherwise available on a cost-effective basis.

(i) Projects combining funds under the adult education programs for immigrants or Indochina refugees with other Federal, State, or local funds shall contain provisions for separate accounting.

(Sec. 318, 317; 20 U.S.C. 1211c, 1211b)

§ 166c.242 What records and reports are required of the grantee?

(a) A grantee shall keep records that meet the requirements in 45 CFR 100a.730 through 100a.734 of EDGAR.

(b) A grantee shall submit reports as part of the financial and performance reporting requirements in 45 CFR 100a.720 of EDGAR and Subparts I and J of 45 CFR Part 74.

(Sec. 318, 317; 20 U.S.C. 1211c,1211b)

Note.—This appendix A will not be published in Title 45 of the Code of Federal Regulations.

Appendix A—Priorities for Programs of National Significance

For the guidance of State Educational agencies the Commissioner suggests that the following national priorities merit special consideration by States in meeting the special project and staff

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development needs of their adult education programs under §§ 166a.71 through 166a.74 of these regulations and section 310 of the Act. These priorities are intended to be responsive to the 1978 amendments to the Adult Education Act.

(1) *Expanding outreach to those adults least educated and most in need.* Evidence indicates that the adult education program is not adequately meeting the needs of significant segments of the adult population that are most in need of and least likely to participate in adult education. New and innovative approaches will be required to expand outreach in order to effectively meet the needs of underserved populations, including adults who are: Older persons; rurally isolated and migrants; located in urban areas of high unemployment; minorities; handicapped; immigrants; refugees; limited in English language proficiency; and women with special needs. In considering support for outreach efforts States should ensure careful attention to innovative plans for informing underserved populations of the availability and benefits of the adult education program and of plans to provide reasonable and convenient access to the program.

States are encouraged to support projects such as those that—(a) Develop new and promising approaches to coordination with business and industry, labor unions, community organizations, and other non-[illegible]ernmental agencies;

(b) Prepare adult education personnel to serve those populations indicated above;

(c) Develop barrier-free and appropriate services based on the needs and life experiences of the learners; and

(d) Use mass media and technological innovations to increase outreach.

(2) *Identifying and preparing for new and emerging roles.* The 1978 amendments to the Adult Education Act emphasize expanded outreach to the least educated adults to enable them to acquire the basic skills necessary to function in society. Adult education personnel will need to perform new or expanded roles to fully implement this objective in the law.

States are encouraged to support projects such as those that—(a) Involve both adult education personnel and adult learners in educational program planning and implementation;

(b) Assist adult education personnel to identify and use non-traditional learning settings in which adult learners can interact with their peers;

(c) Assist in developing the adult's ability to cope with personal and family changes that occur with increased education, independence, and life options; and

(d) Assist adult education personnel to develop their own understanding of and ability to cope with the cultures, life-styles, and mores of the adults they serve, as well as the values and value systems in the American culture.

(e) Develop non-traditional adult education techniques, including, but not limited to, competency assessment and applied performance testing, and train staff in the use of these techniques.

(3) *Mastering basic and life skills necessary to function effectively.* A mastery of basic and life skills is fundamental to the effective functioning of adults in their own environments and in society at large. Without these skills, certifications are meaningless; and opportunities for employment and a productive life are limited.

As a means of addressing this concern, States are encouraged to support projects such as those that—

(a) Assess the statewide educational needs of adults who are least educated and most in need of assistance;

(b) Assess the skill levels of individual adult learners as a basis for providing meaningful and effective developmental experiences with appropriate support services;

(c) Provide curricula designed to enable special adult populations, including adults who are least educated and most in need to function effectively in society;

(d) Develop, demonstrate, and evaluate community-based programs that enable adults to function effectively; or

(e) Develop or adapt alternative high school programs.

(4) *Dissemination in adult education.* Adult education personnel have only limited means for learning of or assessing the kinds and quality of improved practices and products generated in adult education. Many States do not have a mechanism for systematic retrieval, review, assessment, diffusion, and adoption or adaption of improved practices and products. Without these capabilities, programs duplicate effort, lack planning ability, and continue traditional, non-progressive educational strategies. For example, many Adult Performance Level and competency-based adult education products have been developed by States with no effective means of further assessment and dissemination, either statewide or nationally.

States are encouraged to support projects such as those that—

(a) Develop a mechanism to locate improved practices and products and potential users of those practices and products;

(b) Disseminate the practices and products to users; and

(c) Provide training or assistance for adoption or adaption by users.

Note.—This Appendix B will not be published in Title 45 of the Code of Federal Regulations.

Appendix B—Comments and Responses

The following comments, suggestions, and recommendations were received in response to the Notice of Proposed Rulemaking. As explained in the preamble to these final regulations, the citations refer to the appropriate sections of the final regulations rather than to those of the proposed regulations.

§ 166.3 Other applicable regulations.

Comment. A commenter expressed concern that the various civil rights authorities referenced in EDGAR are not sufficient to ensure appropriate governance in the operation of the adult education program. This commenter cited a number of pertinent sections in the regulations requiring compliance with statutory nondiscrimination provisions. Another commenter called for reinstatement from the former State-Federal Agreement for Adult Education of the requirement for development of methods of administration in relation to prohibition of sex discrimination under title IX.

Response. A change is made. The Commissioner agrees that citations to applicable civil rights authorities, when placed within program regulations, prove more effective. The citations have been added in § 166.3 for easy reference. With respect to the suggestion that States submit a method of administration document to implement title IX, it should be noted that neither title IX nor its implementing regulations currently require a State agency carrying out a program of Federal financial assistance to submit methods of administration to assure compliance. If, in the future, the Office for Civil Rights adopts such a requirement, the States will be provided adequate guidance on the development of methods of administration.

§ 166.4(b)(6) Definition—Local educational agency.

Comment. One commenter, while supporting the intent to expand the system of deliverers of adult educational services, believes that public and private nonprofit agencies, organizations, and institutions should be declared as local educational agencies. More specifically, the commenter proposes that libraries qualify as local educational agencies.

Response. No change is made. The term "local educational agency" is defined in the Act and in EDGAR. The language offers a clear distinction between local educational agencies and public and private nonprofit agencies, organizations, and institutions. Therefore, the definition contained in EDGAR is referenced in § 166.4(b)(6).

§ 166.4(d)(2) Program definitions—Expansion.

Comment. Several commenters addressed the restrictiveness of the definition of "expansion" in that it focuses on quantitative change and does not take into account any qualitative changes. An example was offered—agencies could serve fewer adults with better programs for a longer period of time. Another commenter pointed to the additional costs imposed by inflation and program refinement and to the possibility that a fixed appropriation of funds could actually cause a decrease in numbers of adults served. Recognition of the efforts made by deliverers of educational services to reach those areas not previously served by the State was also suggested.

Response. The definition of expansion has been changed to accommodate the recommendations. A measurable element denoting quality has been added in § 166.4(d)(2). The regulations now define expansion as an increase in the number of agencies, institutions, and organizations—other than local educational agencies—used to provide adult education and support services plus *one or both* of the following two conditions: an increase in the number of adults least educated and most in need of assistance participating in the adult education program; *and/or* an increase in the percentage of these adults who met their educational objectives.

§ 166.4(d)(5) Program definitions—Institutionalized person.

Comment. One commenter suggested that the types of institutions be omitted from the definition of "institutionalized person," with that specificity left to the discretion of the funding agency. At the other extreme, commenters offered additional types of institutions. Among those suggested were substance abuse treatment facilities, residential facilities for the elderly, and nursing homes. Another commenter believes the definition is too broad and promotes competition with elementary and secondary school programs.

Response. A change is made. The Commissioner agrees that the specifics of defining environmental settings should be left to the funding agency. The definition is changed accordingly. It is also changed to show that the institutionalized person shall be an adult, as defined by the Act.

§ 166.4(d)(6) Program definitions—Limited English proficiency or limited English language skills.

Comment. One commenter questioned the use of the term "limited English proficiency" rather than "limited English language skills."

Response. A change is made. The Act uses three terms—"Adults with limited English language skills," "persons of limited English-speaking ability," and "persons with limited English proficiency" (sections 306(b) (1), (8), and (11), 310(1) (A) and (B), and 313(b)). The Commissioner believes that these terms are interchangeable. Since both "adults with limited English language skills" and "persons with limited English proficiency" are used in these regulations, § 166.4(d)(6) has been revised to encompass both terms.

Comment. Several commenters called for inclusion of the verbatim language of the definition in title VII of the Elementary and Secondary Education Act (ESEA) of 1965, as amended. Another commenter requested that the definition clarify the meaning of bilingual adult education. And one commenter questioned the use of "sufficient difficulty" as a qualifier for those to be served.

Response. The definition, as contained in § 166.4(d)(6), while not verbatim, has a like meaning to that included in title VII of ESEA. It was reworded for clarity and understanding. At the Commissioner's discretion, the definition has been tailored for purposes of adult education. No change is made in the definition.

The regulations have been changed in § 166a.12(d) to include program assurances to be signed by an authorized official of the State educational agency. Assurance (6) of that section addresses bilingual adult education.

§ 166.4(d)(7) Program definitions—Outreach.

Comment. A number of commenters expressed the concern that the definition should clearly describe "outreach" as both bringing the adult to the program and bringing the program to the adult. Commenters offered amended language to specifically include: Home instruction for the stationary poor and the socially and physically isolated; televised programs; telephone-assisted programs; and instructional settings where elderly persons congregate, such as senior centers, congregate meal sites, and residential facilities. One commenter viewed a delivery system which is culturally and socially compatible to these adult groupings as an important ingredient for effective outreach.

Response. No change is made. Providing reasonable and convenient access to adult education programs should not be interpreted as designating a specific location for delivery of services. The intent of outreach activities is that the State and local deliverers of adult education services must not only support activities designed to publicize the program but that they must also include efforts to facilitate the participation of eligible persons once those persons become aware of the program. Efforts should be made to create learning situations that are compatible with the educational, social, and psychological needs of participants. The definition allows a State the discretion to perform outreach activities in a manner that most effectively meets the needs of those adults in the State who are least educated and most in need of educational assistance. The Commissioner believes that outreach activities should be broadly construed.

§ 166.4(d) Additional program definitions.

Comment. One commenter suggested that the Adult Performance Level (APL) criteria be addressed in the regulations as a method for identifying adults "least educated and most in need."

Response. No change is made. Each of the three APL levels is related to educational attainment, economic level, and occupational status. States may wish to use these criteria and other indicators of functional competency in setting goals and program policy. Although there are many ways of measuring levels of economic and educational attainment, these measures are best determined at the State and local levels to assure program flexibility and to meet local needs. Therefore, it would be inappropriate to prescribe any particular method of defining the least educated and most in need.

Comment. A commenter suggested that definitions are needed for the terms—"most in need," "rural areas," and "urban areas." Commenters requested clarification of the term "fraternal organizations" referenced under participatory planning agencies and groups under § 166a.14(a)(7).

Response. A change is made. The Commissioner believes that definitions for the first three terms should be left to the discretion of the individual States.

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The reference to fraternal organizations in § 166a.14(a)(7) has been changed to fraternal/sororal organizations to clearly indicate that either men's or women's organizations could meet this planning requirement.

§ 166a.10 Purpose of the adult education State-administered program.

Comment. A number of commenters have expressed concern that the regulations do not address the three purposes of section 302 of the Act in relation to the Adult Performance Level (APL) research and subsequent Competency-based Adult Education (CBAE) developmemts.

Response. No change is made. The findings of the APL project have greatly influenced both the wording and the intent of the Statement of Purpose in section 302 of the Act. It is also recognized that the development of APL-based and CBAE programs throughout the Nation are positive and appropriate responses to the need to fulfill these purposes. However, it is inappropriate for the regulations to go beyond the law in requiring any specific approach to instruction. The regulations intentionally provide State and local agencies the flexibility to determine and implement the types of programs appropriate to the needs of adults in each State.

§ 166a.11 The State plan as an application.

Comment. One commenter feels Congress did not intend for States to "apply" for grants and that the State plan is simply a document of compliance.

Response. No change is made. Three requirements in section 306 of the Act are specified as a pre-condition to a State's eligibility to receive its allotment. One of these conditions is a State plan that describes the planned use of funds provided under this title. While there are compliance items contained in the State plan, the main purpose of the document is to set forth a program for the use of funds. The Commissioner has authority to approve or disapprove State plans under section 306(c). A State will not receive its allotment until the Commissioner determines that the proposed use of funds is acceptable under the law and these regulations. Therefore, the State plan is considerably more than a compliance document. It is also an agreement between the State and the Federal Government on the proposed use of funds that will be monitored by both parties.

§ 166a.12(d)(2) Adult secondary education.

Comment. A commenter suggested that the regulations contain more specific requirements to establish programs which provide secondary level education. Another commenter noted that lack of a high school diploma is still a barrier to entering the work force and advancing on the job.

Response. No change is made. Enabling adults who so desire to complete secondary school remains one of the purposes of this legislation as described in section 302 of the Act. However, two other provisions of the Act must also be considered when setting State priorities. Section 306 limits the expenditure of Federal funds for programs leading to completion of secondary school to 20 percent. Section 306 also requires that special emphasis be given to adult basic education programs except where these needs are shown to have been met in a State. Therefore, while secondary level instruction is clearly provided for in the legislation, it is also clear that it is not intended to be the major purpose of the program. A State must describe in its State plan the needs of all segments of the population as they relate to the purposes of the Act, including completion of secondary school.

A State is required under § 166a.12(d)(2) to provide assurance that not more than 20 percent of the State's allotment will be expended for programs of equivalency for a certificate of graduation from a secondary school.

§ 166a.12(d)(4) Tuition and fees.

Comment. Several commenters suggested that the regulations contain a statement relative to tuition and fees for adult education participants.

Response. A change is made. The regulations issued in 1975 and in effect immediately preceding the enactment of the 1978 amendments for the State-administered adult education program contained a prohibition on charging tuition, fees, or any other charges to adults enrolled in adult basic education programs. This provision was inadvertently omitted in the proposed regulations.

The prohibition on charging tuition and fees for adult basic education is an important requirement, especially in light of the legislative emphasis on serving those adults who are least educated and most in need of educational assistance. These adult participants are the ones least likely to have adequate financial resources to defray these costs. The State plan requirement is included as an assurance in § 166a.12(d)(4).

§ 166a.12(d) Program assurances.

Comment. One commenter questioned the rationale for placement of program assurances in an appendix rather than within the text of the regulations.

Response. A change is made. The Commissioner has determined that the program assurances would be more easily referenced if placed within the regulations. The assurances are now contained in § 166a.12(d).

§ 166a.12(d)(6) Bilingual adult education.

Comment. A commenter suggested that a State plan provide for the implementation of instructional programs of bilingual education. Another commenter recommended that the regulations require the submission of a State bilingual education plan. For the purpose of developing and disseminating materials for use in bilingual education classes, a commenter believes a Curriculum Development Center should be established.

Response. A program assurance regarding special assistance through bilingual adult education instruction for persons with limited English proficiency has been added in § 166a.12(d)(6). The Commissioner believes that the State plan requirements under § 166a.13 will adequately show the needs, goals, and activities relating to adults with limited English language skills. Therefore, the Commissioner does not find a separate State bilingual education plan necessary.

The legislation makes no provision for establishing a Curriculum Development Center for bilingual education. However, a State is not precluded from using its funds under section 310 of the Act for a Center of this nature. No other change is made in the regulations.

§ 166a.13(c) Addressing the educational needs of all segments of the adult population in a State.

Comment. The provision that generated the greatest number of comments was the listing of "special adult populations" to be included in the State plan's description of the educational needs of adults in the State. While many of the commenters endorsed the nine population groups specifically identified in this listing, others questioned the necessity for their separate designation since the regulation already required a description of the needs of *all* segments of the adult population in the State. Still others proposed the addition of other

population groups that they felt had in the past been outside the mainstream of the delivery system.

In addition, many of the commenters interpreted this provision as a set-aside or percentage funding requirement for these identified populations.

Response. A change is made. It was not the intent of the proposed regulations to establish funding requirements not contained in the Act. After extensive deliberations on all facets of this issue, the Commissioner has decided to eliminate from § 166a.13(c) the emphasis given to *any* special adult population. The list contained in the proposed regulations was so extensive that no segment of the population was singled out for special treatment. Nevertheless, all the special populations will still be accommodated because the States are clearly directed to describe in their three-year plans the adult education needs of all segments of the adult population in their States and to describe specifically the needs of those adults who are least educated and most in need of assistance. This change in the regulations is compatible with the primary thrust of the legislation, which is to reach the least educated and most in need.

§ 166a.13(d) Other Federal and non-Federal resources.

Comment. One commenter requested that the requirement to identify resources available to meet adult education needs in the State be deleted from the regulations.

Response. No change is made. The State plan requirement to identify other resources in the State available to meet the educational needs of adults is taken directly from the statute in section 306(b)(4).

§ 166a.13(e)(2) State plan goals.

Comment. Referring to the requirement that a State plan include the expenditures for reaching each of the State's identified goals, several commenters suggested inserting the modifier "estimated" before expenditures.

Response. The recommendation is accepted. Since a State must set forth the expenditures covering a three-year period, the Commissioner believes it is appropriate to direct a State to project its best estimate of expenditures covering this period. Therefore, the regulation is changed to include "estimated" before expenditures in § 166a.13(e)(2).

Comment. A commenter suggested that a State educational agency be required to describe personnel in relation to proposed program activities and estimated expenditures.

Response. No change is made. While a State educational agency may desire to show this degree of specificity, the Commissioner does not consider it an appropriate area in which to regulate. A description of proposed activities and estimated expenditures is adequate to enable the Commissioner to make a determination relative to a State educational agency's ability to reach its goals.

§ 166a.13(f) Outreach activities.

Comment. Some commenters questioned the advisability of using program dollars for support services such as transportation and child care. They were particularly concerned over the absence of a ceiling and prescribed monitoring for these expenditures.

Response. To implement section 306(b)(9) of the Act, the proposed rule required that the State agency describe in its plan the efforts it will undertake to *provide* support services such as flexible schedules, transportation, and child care services. Although the same section went on to require the identification of the resources to be used for these support services and further stipulated that a concerted effort be undertaken to provide these services through other programs, agencies, and organizations, many misinterpreted this rule to mean that the State was mandated to use adult education funds for these purposes. The use of adult education funds for support services is only one of the options the State educational agency has available for meeting its responsibilities under section 306(b)(9) of the Act. Therefore, for clarity, the word "provide" has been changed to "assure" in § 166a.13(f)(2) of the final regulations.

The issue of whether to impose a ceiling on these expenditures was discussed at ten public meetings held across the country in December 1978. It was the overwhelming consensus of the members of the public who attended these meetings, as well as of the written responses to this issue, that it would not be practicable to establish a ceiling for these expenditures because (1) the need for these support services and the resources available to meet these needs vary greatly from State to State and (2) any percentage limitation might be interpreted as a set-aside or minimum expenditure requirement. Therefore, this issue was left to the discretion of the States. This regulation has been changed only as noted in the above paragraph.

Comment. Several commenters expressed concern regarding the transportation needs of the elderly and of the physically and mentally handicapped. They suggest that Federal funds be made available for this purpose, as well as for securing buses that have special mechanical aids required by many teachable mentally retarded adults.

Response. No change is made. Since the Act permits a State to use Federal funds for transportation, the provision of transportation services for each of the above groups is permissible. The costs of special services and modifications to equipment for accommodating needs of the handicapped are also permissible under the Act and regulations. It is within the State's discretion to fund these services with Federal or non-Federal resources. Capital expenditures that would not normally be associated with program operations should be approved by the grantor agency prior to purchase.

Comment. A commenter noted that the language of the law regarding convenient locations had been omitted from the regulations.

Response. No change is made. Since the reference to convenient locations is included in the definition of "outreach" in § 166.4(d)(7), the term need not be repeated as an outreach activity.

Comment. Some commenters recommended that State and local outreach efforts to inform and assist adult populations be performed through local media with bilingual presentations, when and where appropriate. Activities to more effectively reach older adults were recommended. Others suggested outreach and support activities to be conducted by direct grants or contracts from a State educational agency.

Response. No change is made. These commenters reinforced the need for a strategy to help inform the least-educated adults. The Commissioner encourages deliverers of adult education services to adopt an effective mode of informing the diverse populations of available services. It is a State educational agency's prerogative to conduct these activities through direct grants or contracts in accordance with provisions of these regulations, 45 CFR Part 74, and its State plan.

§ 166a.13(g) Cooperative arrangements.

Comment. One commenter recommended that a State plan include only a description of the procedures a State educational agency will use to ensure cooperative arrangements with other agencies for delivering adult education and support services. This commenter interpreted the regulation to require that copies of agreements be

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submitted with a State plan. Other commenters called for agreements between a State educational agency and subgrantees to explicitly serve a special population group, such as the elderly. More effective use of facilities and support services was offered as a rationale. A general endorsement was made of greater cooperative efforts within States between all subgrantees.

Response. A change is made. The purpose of cooperative arrangements is to enhance the coordinated use of available resources in a State to better meet the needs of adults enrolled in adult education programs. It is recognized that a State enters into cooperative arrangements throughout the year, as needs arise. Therefore, this regulation will be satisfied when a State educational agency describes its procedures for ensuring that cooperative arrangements will be entered into with other agencies. The requirement should not be interpreted to mean that copies of signed agreements must become a part of a State plan. Neither will the regulations be so prescriptive as to cite specific agencies with which a State educational agency must seek cooperation.

The Commissioner gives full support to the call for greater cooperative efforts between a State educational agency and its subgrantees. A State educational agency has the responsibility to establish continuing cooperation and coordination with its subgrantees. However, the Commissioner does not believe a regulatory requirement is in order to effect the latter comment.

Comment. One commenter questioned the absence in the proposed regulations of the listing, contained in the law, of agencies with whom the State educational agency should consult, cooperate, and coordinate.

Response. This listing of agencies is included in the program assurances in § 166a.12(d)(1).

Comment. A commenter requested that the Office of Education publish its cooperative agreements as exemplary models for States.

Response. No change is made. The Office of Education holds interagency agreements with other Federal agencies such as the Administration on Aging, the Department of Labor, and the Department of Defense. However, these written agreements may not be relevant to the cooperative agreements addressed under § 166a.13(g) and may lose their value when considered as a State model. Though useful for Federal functions, these agreements may not be equally germane at State and local levels. Some States might regard models as being overly prescriptive. Federal models could be viewed as limiting the flexibility and innovativeness of agencies, organizations, and institutions within the States. The Commissioner does not consider it feasible to give general dissemination to the interagency agreements.

§ 166a.13(k) Evaluation of activities under sections 306 and 310 of the Act.

Comment. One commenter suggested the regulations require a State to submit a copy of any evaluation under sections 306 and 310 of the Act to the National Advisory Council on Adult Education.

Response. No change is made. Reports of evaluations performed in the States are transmitted to the Commissioner. Since these reports are public information and are available to the public for inspection, the Commissioner does not see the merit in requiring this additional paperwork burden on States. The Commissioner will gladly share any reports with the National Advisory Council on Adult Education.

Comment. One commenter questioned the legal basis for requiring an annual evaluation of activities under sections 306 and 310.

Response. A change is made. The single State application required by section 435(b) of the General Education Provisions Act contains an assurance that the State will evaluate the effectiveness of covered programs in meeting its statutory objectives, at such intervals (not less often than once every three years), and in accordance with such procedures as the Commissioner may prescribe by regulation.

The Commissioner has given further consideration to the proposed requirement for annual evaluations and has determined that this requirement may place an undue burden upon the States. Accordingly, the final regulations will require that evaluations for programs under sections 306 and 310 be performed at least once every three years. Evaluation activities performed during a given program year should be reflected in the narrative section of the annual performance report, to be forwarded to the Commissioner within 90 days of the close of the program year.

§ 166a.14(a) Representation in the development of a State plan.

Comment. A number of commenters gave reasons for the inclusion of additional group representatives in the planning process. The list included: Armed Services (military personnel, their adult dependents, and military educators); State Library Agencies and Libraries; State and Area Agencies on Aging and multi-purpose senior centers; students and teachers involved in the traditional K–12 educational program; minority, handicapped, and women's organizations; teacher organizations; State professional organizations; organizations representing adult educators; and any other agencies and groups that have officially declared in writing to the State their interest in participating in the planning process. It was further suggested that § 166a.14(a)(9) require participation of those community organizations that primarily serve minority or other special groups in need of adult basic education programs. This additional representation was sought to help ensure that the interests of traditionally underrepresented populations receive educational services. It was pointed out that these representatives could also provide a ready source of information concerning educational needs within the State.

Response. A change is made. The Act in section 306(b)(8) is specific relative to fifteen (15) agencies and groups required to be involved in developing and carrying out the State plan. A general category of "other entities in the State concerned with adult education" is added by the legislation and is cited as the sixteenth category in § 166a.14(a) of the regulations. This is the only category in which flexibility by regulation is allowed. The final regulations have added to the list of examples of these "other entites," organizations offering education programs for military personnel and their adult dependents. These examples are intended to be illustrative only and not required by statute. A State, of course, has the option to involve any additional entities it wishes in the planning process.

§ 166a.14(c) Involved in the development of the plan.

Comment. Comments on this requirement cover the entire spectrum from full support to rejection on the basis of exceeding the statute. One commenter called for more specific regulatory language to ensure that special population groups are heard. A commenter suggested that the requirement for participation in "all stages of" formulating the plan exceeds Congressional specifications and is technically impossible. For example, these interests cannot all be involved as voting members of the State board of education nor would it be feasible to include them in the mechanical procedures of writing and editing the plan. Another commenter pointed to the limited funds available at the State level for travel and other meeting expenses. The limiting effect caused by the energy crisis was also cited. Again, pointing to the excessive time and resources, a commenter took exception to the implied requirement to repeat the participatory process for any alteration or correction of language in the State plan, whether self-inflicted or imposed at the Federal level.

Response. No change is made. The Act and its legislative history reinforce the importance of actively involving the representatives in order to improve the delivery of educational services to those adults who are least educated and most in need of educational assistance.

Therefore, "involved in the development of the plan" is defined in § 166a.14(c) to mean that the representatives of the various agencies and groups are given an opportunity to actively participate in all stages of formulating the plan. In this way, the regulations assure substantive involvement without prescribing the methods or mechanisms through which diverse involvement is achieved. This requirement allows maximum flexibility to a State educational agency while also assuring that token participation will not qualify a State to receive funds. This regulation should not be interpreted to mean that a State educational agency is prohibited from altering its plan or program in the interest of meeting the educational needs of adults. A State educational agency develops procedures and methods for involving the required agencies and groups that best meet the particular needs, problems, and uniqueness of the respective State. Indicators point to positive results on improving and expanding adult education services. The Commissioner believes that any additional time and resources spent on behalf of participatory planning will be more than offset by the benefits derived.

§ 166a.14(d) Agreement by participating representatives.

Comment. Several commenters suggested modifications relating to the disposition of recommendations made by participating representatives. One commenter asked that a clearer explanation be given of how many or what percentage of the participating representatives needed to be in disagreement in order to guide the State as to when to take unilateral action. Comments were made that the State educational agency should only be required to submit documentation for recommendations that were rejected by a majority of representatives participating. This was viewed as a means to ease the paperwork burden.

Response. No change is made. The regulation requirements are intended to ensure that all recommendations receive due consideration by the State educational agency. This is true of a recommendation offered by one or any number of representatives participating. As stated in the preamble of the proposed regulations for this Part, these requirements will also serve as a safeguard against misunderstandings between a State educational agency and participating representatives and will prohibit superficial involvement without substantive impact. A listing of any recommendations that were rejected, with reasons for rejection, will satisfy the requirements. This process is not considered to be one that should result in a voluminous paperwork burden.

§ 166a.15 Delivery system.

Comment. A commenter called attention to the unmet educational needs of young adults, particularly minorities, who are drug abusers. It was recommended that the regulations permit the development of a special delivery system of educational services responsive to their needs.

Response. No change is made. In accordance with the Departmental regulations implementing section 504 of the Rehabilitation Act of 1973, handicapped persons, including drug abusers, are eligible for educational services within the provisions of these adult education regulations. A public or private nonprofit agency, organization, or institution may submit an application to a State educational agency for funds to deliver educational services to adult drug abusers. Any expenditures, however, must be limited to those for educational services; expenses for residential or therapeutic care are not allowable under the adult education program.

§ 166a.15(b) Expansion of the delivery system.

Comment. A number of commenters objected to an expansion of the delivery system through the use of community-based agencies, organizations, and institutions; and, conversely, this expansion was supported by a number of others. The major adversaries cited as their reasons: inadequate Federal, State, and local financial resources; absence of community-based entities in less populous areas of a State; and questionable qualifications of other than public school systems and their teachers to understand and deliver appropriate educational services to the least-educated adults. Established nutrition projects, senior citizens center networks, and regional economic planning authorities were suggested by some commenters as possible means of furthering the expansion efforts.

Response. No change is made. The Congress, in its passage of the 1978 amendments to the Act, placed major emphasis on expansion of the delivery system. Section 306(b)(7) of the Act now requires a State educational agency to describe the means by which the delivery of adult education services will be significantly expanded through the use of agencies, institutions, and organizations other than public school systems. The legislative history clearly indicates that existing cooperative efforts between public school systems and other agencies, organizations, and institutions have not always been adequate to meet the educational needs of those adults who are least educated and most in need of educational assistance. Participation by underserved segments of the population should be increased through the expansion of the delivery system. It is not appropriate for the Commissioner to dictate to State educational agencies which agencies, organizations, and institutions must be used in this expansion effort. Those decisions are left to the discretion of the individual State educational agencies.

§ 166a.15 (b) and (c) Contractual arrangements.

Comment. One commenter expressed the view that financial gain, rather than the provision of education services to needy adults, might be the primary concern of some private for-profit agencies.

Response. No change is made. A State educational agency will make the determination as to the necessity of entering into a contractual arrangement with a private for-profit organization. Such contractual arrangements must be in accordance with State and Federal procurement standards and must constitute a prudent use of funds. The State educational agency is responsible for describing the services and products it wishes to purchase from the private for-profit organization. Furthermore, these regulations will ensure that the needs of the least educated and most in need will be addressed through any contractual arrangements entered into under this provision.

Comment. Several commenters interpreted the provisions of § 166a.15 (b), (c), and (d) as permitting a State educational agency to award grants to, or enter into contracts with, private for-profit organizations. These commenters see the provisions as exceeding the intent of the Act and as direct violations of Federal law.

Response. No change is made. The regulatory provisions of § 166a.15 (b), (c), and (d) do not violate Federal law. The regulations do not authorize a State

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to award *grants* to private for-profit organizations. However, Departmental regulations allow State educational agencies and subgrantees to procure services and goods through a contract instrument with private for-profit organizations. Any contract must be in accordance with 45 CFR Part 74, the Education Division General Administrative Regulations, and the HEW Grants Administration Manual.

§ 166a.15(e) Frequency of comments by participating representatives.

Comment. Some commenters expressed the opinion that participating representatives should have an opportunity to comment at least once during the time period covered by a State plan—in this instance, a three-year period. Other commenters did not support the requirement that selected representatives be involved in carrying out the plan. Another commenter questioned a State educational agency's acceptance of comments regarding § 166a.15(e) (1) and (2) from other than selected participating representatives.

Response. No change is made. The planning process is intended to be performed on a continuing basis—from development stages on through the carrying out of the plan. The Act in section 306(b)(8) is specific in this requirement. The regulation is entirely consistent with the legislation.

Regarding the required frequency of comment, the Commissioner believes that the yearly basis is the minimum frequency for which comments could be useful to the State in operating its adult education program. A State plan may be amended at any time the State educational agency feels appropriate. In this manner, new objectives, goals, and directions may be incorporated into the program whenever feasible.

The adult education legislation and its regulations are silent on the solicitation and reaction to suggestions or recommendations from other than participating representatives. However, section 435(b)(7) of the General Education Provisions Act (GEPA) requires that the State provide "reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for and operation of each program * * *." Further, paragraph (B) of that section provides that "the State will publish each proposed plan, in a manner that will ensure circulation throughout the State, at least sixty days prior to the date on which the plan is submitted * * * with an opportunity for public comments on such plan to be accepted for at least thirty days * * *." GEPA and its accompanying regulations are applicable to the adult education programs.

§ 166a.15(f) Consideration of comments by State educational agency.

Comment. Several commenters objected to the requirement to include comments from participatory representatives in the State's subsequent three-year plan. A commenter believed this inclusion to be unnecessary since the State plan content should take into account those comments. This commenter could see no necessity for including comments that, in some cases, would be three years old. Another commenter recommended that the regulations require that comments from participatory representatives on carrying out the three-year plan be submitted with the subsequent three-year plan.

Response. A change is made. Activities of the participating representatives are intended to be on a continuous basis. To assure that these activities receive appropriate consideration, the Commissioner believes that there must be a procedure that requires a State to document its treatment of comments received. This does not eliminate the requirement for participation of representatives in the development of a new three-year plan as regulated in § 166a.14(b)(2). To satisfy the requirement in § 166a.15(f), a summary of comments is adequate rather than actual letters, statements, meeting transcripts, or other primary data.

§ 166a.23 Membership of State advisory councils.

Comment. One commenter believes that State advisory councils should be comprised of members who are representative of all segments of the adult population to be served under the Act. Another commenter suggests membership by military educators on these councils.

Response. A change is made. The Notice of Proposed Rulemaking did not regulate State advisory councils. Section 312 of the Act was referenced for guidance.

Regulations governing State advisory councils are now contained in §§ 166a.21 through 166a.27. Qualifications of membership are extracted from the legislation and included in § 166a.23(b). In an effort to best serve the educational needs of adults, the regulations require that a significant proportion of women, the elderly, minorities, and the educationally disadvantaged be included in the membership.

In response to the second comment, the Commissioner does not believe that the regulations should be so specific but rather that a State should have more flexibility in the selection of State advisory council members.

§ 166a.32 State's limitation on administrative costs.

Comment. Several commenters expressed concern that the 5 percent limitation on funds for administration and development of State plans and other required activities prevents some States from performing adequately those functions required by the statute. Another commenter suggested that a separate appropriation of Federal funds be made to defray administrative costs incurred by the States. Commenters requested clarification of the regulation with regard to any funds a State may contribute toward administrative costs. A further comment called for regulatory authority for the Commissioner to establish guidelines for State administrative costs and to approve these costs based on individual State justifications.

Response. No change is made. Section 315(b) of the Act authorizes an additional appropriation not to exceed 5 percent of the appropriation made under paragraph (a) of that section. The appropriations for each fiscal year have not been made on that two-part basis; rather, for each fiscal year a lump-sum appropriation has been made for the adult education State-administered program. The current policy is to divide the total appropriation into 105 parts, of which not more than 5 parts are available for administrative costs. The Commissioner notifies each State annually of its maximum amount allowable for administrative costs.

The Office of Education may reconsider this policy in the future. At this time, the Commissioner sees no benefits to be derived by requiring individual State justifications for the use of administrative funds.

The regulations provide that the non-Federal share of funds available under the State plan may also be used to pay administrative costs.

§ 166a.41 Eligible applicants for a subgrant.

Comment. A commenter suggested that eligible applicants for subgrants should include local *public* educational agencies and public or private nonprofit agencies, organizations, and institutions. The commenter maintained that this addition would more accurately communicate the actual Congressional intent for the public system to bear primary responsibility.

Response. No change is made. Both EDGAR and section 303(f) of the Act define a local educational agency as one that is governed by a public board of education. No further language is required to clarify this term.

Comment. To ensure special consideration, a number of commenters suggested that certain agencies, organizations, and institutions be specified in the regulations as eligible deliverers of adult education services. The suggested delivers include women's organizations, fraternal and sororal organizations, churches, labor unions, business and industry, libraries, State agencies for substance abuse and corrections, and agencies to serve the elderly.

Response. No change is made. Section 304(a) of the Act specifies that local educational agencies and public or private nonprofit agencies, organizations, and institutions are eligible to apply to a State educational agency for financial assistance to conduct an adult education program. This language provides sufficient guidance to the State on the question of eligible applicants.

Comment. Because facilities and cultural environments may provide security to the learner, one commenter favors the use of community-based organizations for adult education programs for minority populations. Another commenter suggested that community-based organizations experienced in conducting adult basic education programs apply directly to the Office of Education for funding rather than applying to the State educational agency.

Response. No change is made. Section 304(a) of the Act establishes the State-administered program for adult education. Funds are allocated to the States on a formula basis and the States fund local programs based on need and resources available. The Commissioner does not have the discretion under the authority to fund directly any applications from community-based organizations.

To the extent that community-based organizations qualify as nonprofit agencies, organizations, and institutions, they are eligible applicants for subgrants from State educational agencies. The legislative history clearly indicates that non-school-based programs are sought in an attempt to attract greater participation from many segments of the adult population. Participation by underserved segments, including minorities, should be increased through the legislative requirement for an expansion of the delivery system. Through the expanded delivery system, efforts will be strengthened to meet the educational needs of those adults who are least educated and most in need of educational assistance.

Comment. Several commenters expressed concern about the fairness of various aspects of a competitive application between local educational agencies and public and private nonprofit agencies, organizations, and institutions. One commenter wanted to require a minimum of 120 days lead time from the date a State announces the availability of funds to the closing date. Another recommended that a State be required to notify any interested party, so requesting in writing, of the availability of funds on the same basis as they regularly notify local educational agencies.

Response. No change is made. The Commissioner desires a competitive application process that results in funding the best possible combination of educational deliverers for reaching the adult populations most in need in the most efficient and economical manner. Activities, such as those suggested by the commenter, that may result in a State's improving the process of notifying all eligible applicants of the availability of funds is encouraged. The Commissioner feels, however, that a State should have the flexibility to design and implement a public notice system that best meets its needs. Therefore, it would be improper to regulate on this matter beyond what is already required in § 166a.41(d).

Comment. A commenter suggested that no percentage limitation on the amount of funds available to nonprofit agencies, organizations, and institutions be imposed by a State.

Response. No change is made. Neither the legislation nor the regulations permit a percentage limitation of funds for either local educational agencies or for public and private nonprofit agencies, organizations, and institutions.

Comment. A commenter questioned the proposed requirement that "advice and guidance" be sought from the applicable local educational agency. Some commenters expressed concern that the gap is so great between local educational agencies and nonprofit agencies in the understanding of the needs of the least educated, and in the confidence level in each other's performance capabilities, that consultation will not work. Other commenters feel that consultation will work only if the regulations prescribe the mode and frequency of the consultation that must take place. One commenter specifically suggested that consultation should not take place until after the grant awards are made by a State. Still others were concerned that a local educational agency could jeopardize a nonprofit agency's application through non-action on the request for consultation.

Response. Section 304 of the legislation clearly requires consultation *prior to funding* a nonprofit agency's proposal by a State. The Commissioner wishes to provide a State the flexibility to engage in the type of meaningful consultation determined most effective. It would not be appropriate for these regulations to go beyond the scope of the legislation by prescribing a specific mode or frequency of consultation. The purpose of consultation is to reduce duplication of effort and provide for the best possible delivery of services to the adult populations most in need. Consultation will enable different points of view and understanding, such as those expressed by these commenters, to be considered in an organized way. The initiative for seeking consultation is the responsibility of the public or private nonprofit agency. The local educational agency does not have the authority to certify, approve, or veto a proposal from a nonprofit agency. Nor can the local educational agency jeopardize the nonprofit agency's application through inaction on the request for consultation. If a local educational agency delays in commenting on a nonprofit agency's proposal, a State may still consider the proposal for funding if there is written evidence that consultation was requested in a timely manner. The Commissioner, upon further consideration, has amended § 166a.41(b) to delete the reference to "guidance." No other change is made in the regulations.

Comment. One commenter suggested that the regulations provide for a more equitable distribution of adult education funds to programs serving women and minorities.

Response. No change is made. Eligible applicants under this legislation (local educational agencies and public or private nonprofit agencies, organizations and institutions) expend funds awarded by the State on the basis of local applications. These applications address the needs of the least educated and most in need. Accordingly, the primary factor for eligibility in adult education programs is not the segment of the population to which an individual belongs, but the individual's level of mastery of basic educational skills necessary to function effectively in society. Women and minorities are eligible for services in adult education

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programs to the same extent as any other population group.

§ 166a.51 State review of applications.

Comment. Several commenters expressed concern about the capability of private nonprofit agencies to deliver quality educational services, provide adequate fiscal accounting, avoid duplicate purchasing of hardware and software that already exist in the local educational agency, and demonstrate that the least educated and most in need will be served effectively. Others recommended that the State educational agency give first consideration to funding those nonprofit agencies that have years of proven experience with a good track record in serving special populations. Others desired preferential consideration for postsecondary institutions over private enterprises. Some commenters felt that non-educational subgrantees will be inadequately monitored by State and Federal agencies.

Response. No change is made. All of these comments focus on the State educational agency's responsibility to determine which applicants will comprise the statewide delivery system for meeting the needs of underserved populations. The State educational agency must take into consideration each applicant's capability to avoid duplication of costs and overlapping of programs, as well as to provide quality services, fiscal accountability, and access to the least educated and most in need populations. There is no requirement in the Act or in the regulations that gives preferential consideration to private organizations with experience or to postsecondary institutions as part of the delivery system. Neither does the Act guarantee any specific category of eligible recipients for funding. The State educational agency is provided the flexibility to consider consortia made up of private and public nonprofit agencies and the local educational agency.

Furthermore, all applications to the State are judged on the basis of the criteria set forth in the plan. The process of State educational agency review and funding on the basis of the criteria does not preclude an applicant from appealing the decision to the State.

Comment. One commenter suggested that the number of persons needing educational assistance is the most accurate criterion to apply in justifying funds for a program. This commenter expressed the view that having to respond to extensive criteria could require lengthy applications that might be beyond the available resources of some local agencies.

Response. No change is made. The Commissioner believes it is inappropriate to regulate the content of local applications; and, therefore, a State may use the data and criteria it determines best for making funding decisions. However, the factors listed in § 166a.51(b) are what the Commissioner considers essential for developing criteria for the review of local applications that would implement the purpose of the legislation. The Commissioner believes the potential for improved programs outweighs any disadvantages that may occur from increased application requirements.

§ 166a.61 Matching requirements.

Comment. One commenter views the provision for computation of the non-Federal share of expenditures on a statewide basis as reassuring to less affluent deliverers of adult education services. The provision is also considered a factor in encouraging additional contributions from State resources. Another commenter requests that the regulations specifically state that in-kind contributions qualify toward meeting the matching requirement.

Response. No change is made. The Commissioner agrees with the content of the comments. The Department of Health, Education, and Welfare General Administration Regulations in 45 CFR Part 74 are applicable to the adult education programs. Under § 74.52(b) of that Part, the value of third-party in-kind contributions may be used in satisfying the matching requirement.

§§ 166a.62–166a.65 Maintenance of effort.

Comment. One commenter stated that a particular State was currently contributing as much as 60 percent of the total adult education expenditures in the State, substantially more than the 10 percent matching requirement. This commenter expressed concern that future legislation, such as Proposition 13, might prohibit a State appropriation of adult education funds equal to those of previous years. It was suggested that a new subsection (c) be added to § 166a.62 to read: "Notwithstanding § 166a.62 (a) and (b) above, a State shall be eligible for Federal adult education funds provided the State expends for adult education from non-Federal sources a sum equal to 10 percent of the cost of carrying out the State adult education programs in the preceding and in the second preceding fiscal years."

Response. Although the suggested language would conform to the matching requirement in section 307(a) of the Act, it would clearly violate the maintenance of effort requirement in section 307(b). Once a State generates a specific amount for adult education, it cannot decrease that amount without receiving a waiver from the Commissioner. The Notice of Proposed Rulemaking cited as an example of exceptional and unforeseen circumstances "a sudden and substantial diversion of available revenue to other purposes outside the control of the State or local educational agency." For clarification purposes, this provision in § 166a.64(b)(2) has been changed to read "* * * outside the control of the local educational agency or the State." A reduction in State-appropriated adult education funds, such as in a Proposition 13 initiative, would not qualify for a waiver since it does not appear to be an exceptional and unforeseen circumstance.

Comment. One commenter stated that the language of this section is punitive and outside Congressional intent. This commenter also opposed the reduction of the Federal grant in the succeeding year if the State was able to meet its matching requirements for that year.

Response. No change is made. The language of § 166a.65 is based on statutory authority. Section 431A(b) of the General Education Provisions Act specifically directs the Commissioner to reduce the amount of the Federal payment to the State for the *current* fiscal year in the exact proportion to which the amount expended (either on an average per pupil or aggregate basis) was less than the amount required by section 307(b) of the Adult Education Act. Since failure to maintain effort can only be determined on an after-the-fact basis, it would not be possible to reduce the Federal grant in the year in which the failure to maintain effort occurred. Although this commenter referred to waiver of the "matching" requirement, we have interpreted this to mean waiver of the maintenance of effort requirement since the law does not contain any provision for waiver of the matching requirement.

Comment. Several respondents recommended that the regulation governing maintenance of effort be made more lenient by—

(1) Removing the "one year only" provision of § 166a.53;

(2) Not requiring a pro rata reduction in the current year's allotment for failure to maintain effort; and/or

(3) Allowing some leeway for reduction of State and local effort. For example, an allowable percentage reduction could be established that could be applied prior to requiring any pro rata adjustment of the Federal payment for the current year.

Response. No change is made. Since both items (1) and (2) above are contained in the waiver authority of section 431A(b) of GEPA, the regulations must be consistent with these requirements. Although there is precedent in other program authorities for a percentage reduction in State and local maintenance of effort expenditures, the language of the existing legislation governing waivers for the adult education program does not permit such a reduction.

§ 166a.66(c) Funds for section 310 projects.

Comment. Commenters made suggestions ranging from repealing the authority for special experimental demonstration projects and teacher training projects to allowing flexibility by a State educational agency in determining amounts in excess of the 10 percent of a State's allotment as required by the legislation. Other commenters supported a flexible percentage provided that it is justified.

Response. No change is made. Section 310 of the Act requires each State to expend at least 10 percent of its allotment for special experimental demonstration projects and teacher training projects. This is the same minimum percentage contained in the former section 309 of the Act. The Commissioner believes a State is in the best position to determine its needs for section 310 projects and that no programmatic benefit would accrue as a result of establishing a justification requirement or an upper limit. Inflationary pressures appear to have forced State educational agencies to allocate as much as possible of their allotments for program operations.

§ 166a.72 Criteria and priorities for section 310 projects.

Comment. A commenter suggested that, in establishing statewide criteria and priorities for section 310 projects, a State educational agency should be required to give consideration to the degree to which an applicant can demonstrate that it has experience, qualifications, and a successful record in providing services.

Response. No change is made. The Commissioner believes that a State educational agency should be given flexibility in establishing its own statewide criteria and priorities. However, a State must follow the requirements in Subparts D and E of 100b of EDGAR in administering these funds. Those regulations address the general administration principles that consider the concerns expressed by the commenter.

Comment. Several commenters cited the need to upgrade the quality of ESL teachers. One commenter suggested that requiring that adult education teachers be certified would help to improve the quality of ESL teachers.

Response. No change is made. Teacher training is a State responsibility and is an allowable expenditure under the regulations as written.

§166b.111 Compliance with section 426 of GEPA.

Comment. A commenter is concerned that the regulations governing grants under section 309 do not comply with section 426 of the General Education Provisions Act, as amended. More specifically, the commenter suggests that the selection criteria in § 166b.131 be amended to include additional points to those applicants who plan to work with publishers on the development of curricula and instructional materials.

Response. Section 426 of GEPA places responsibility on the Commissioner to encourage applicants for grants that propose to develop curricula or instructional materials to consult with publishers, personnel of State and local educational agencies, teachers, administrators, community representatives, and other individuals experienced in dissemination.

The Commissioner does not view this provision as one for which points could be earned, but rather an area in which the Commissioner will encourage adherence by the applicant. The requirement for compliance with section 426 of GEPA is now contained in § 166b.111 of these regulations.

§166c.202 Applicant eligibility.

Comment. Several commenters questioned the differentiation between agencies eligible to apply for grants under the adult immigrant authority of section 318 and the adult Indochina refugee authority of section 317. The majority of these commenters stated that funding for the Indochina refugee program should not be limited to State and local educational agencies, but instead that this funding should also be available for private nonprofit agencies, organizations, and institutions that have historically provided substantial educational services for Indochina refugees.

Response. No change is made. The legislation is specific regarding who may apply for trants and contracts under these authorities. Section 318 of the Act mandates that not less than 50 percent of the funds appropriated for the adult immigrant program be used to enter into contracts with private nonprofit agencies, organizations, and institutions. However, the Indochina refugee authority in section 317 limits grants to State and local educational agencies, with no provision for the Commissioner to enter into direct contracts for the operation of programs. The evaluation criteria of § 166c.232(i), in recognition of the extreme importance of participation by organizations that are familiar and sensitive to the needs of the refugees, allow up to 20 points for applications that clearly describe cooperative arrangements with other agencies, which would include agencies that have in the past demonstrated experience and/or expertise in working with adult immigrants.

Comment. One commenter expressed the view that both of these programs should be funded directly to the States, based upon adult immigrant and Indochina refugee populations, and that the States, in turn, would fund local programs.

Response. No change is made. Since both sections 318 and 317 specifically describe discretionary programs by the Commissioner, it would be inappropriate to distribute funds to States on a formula basis.

Comment. One commenter misinterpreted the 50 percent minimum for contracts to immigrant programs to refer to State grant funds. This commenter expressed the view that local educational agencies have made an equally valuable contribution to providing educational services for immigrants. Another commenter stated that where schools can do the job effectively they should be funded even if this should result in greater than 50 percent of the total section 318 awards.

Response. No change is made. Under the provisions of section 318(e) of the Act, the Commissioner must use not less than 50 percent of the funds appropriated for the Adult Education Program for Adult Immigrants to enter into contracts with private nonprofit agencies, organizations, and institutions. This requirement does not apply to State grant funds made available under section 305(a). The distribution of State grant funds, as well as the criteria for evaluating applications for these funds, is left to the discretion of the States.

Comment. One commenter suggested that minority and women's organizations be specifically listed as eligible applicants for adult immigrant and Indochina refugee funds.

Response. No change is made. Minority and women's organizations could qualify under the "private nonprofit agencies, organizations, or intitutions" provision of § 166c.202(a)(4), governing eligible applicants under the immigrant authority. As stipulated in

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section 317 of the Act, only State and local educational agencies are eligible to apply for grant funds to operate adult education programs for adult Indochina refugees.

§166c.202 Distribution of grants.

Comment. One commenter expressed concern that with the quota lifted, more and more refugees will tend to migrate to already overpopulated areas, such as California. This commenter stated that State and local tax dollars have already been stretched to the limit to provide services for these special populations and that a greater percentage of Federal funds should go to those areas.

Response. No change is made. Since the Act specifically refers to a competitive application process for the distribution of funds under the adult immigrant and Indochina refugee programs, it is not possible to award grants on a quota or fomula basis. Need for the project is, however, taken into consideration as a proposal evaluation criterion in § 166c.232(g) of these regulations.

Comment. Several commenters referred to the need for English as a second language and basic skills programs for adult dependents of military personnel. They pointed out that the Department of Defense has a fully funded education program for active duty and military personnel, but no provision for their adult dependents.

Response. No change is made. Adult dependents of military personnel would be eligible to participate in projects funded under the State grant program. To the extent that these dependents also qualify as immigrants or Indochina refugees, they would also be eligible to participate in projects funded under section 317 or 318 of the Act.

§166c.212 Program purposes.

Comment. One commenter asked about the types of services to be provided adult immigrants and Indochina refugees.

Response. The proposed rule did not list the types of activities that are eligible for funding under these two programs, but instead cited sections 317(a) and 318(a) of the Act. These activities are now reflected, with examples, in § 166c.212 of the final regulations.

Comment. One commenter stated that educational agencies cannot and should not provide social support and that, conversely, other agencies that do provide such support should use educational agencies to teach their clients.

Response. Support services authorized under these regulations are limited in § 166c.212(c) to *educational* support services such as tutoring (in the case of geographically isolated immigrants or Indochina refugees) and guidance and counseling with regard to educational, career, and employment opportunities such as job placement and job follow-up services. As indicated above, these examples are included in the final regulations.

Comment. One commenter recommended that a portion of the funds authorized under section 318 and 317 be used for a national clearinghouse for these programs. This clearinghouse would establish a mechanism whereby technical assistance in both materials and training would be available, on a national basis, concerning languages and cultures of all refugee and immigrant groups.

Response. No change is made. The statute does not include as an eligible activity the establishment of a national clearinghouse for the adult immigrant and Indochina refugee programs. This could, however, be included as part of the dissemination activities of section 309 of the Act.

§§ 166c.212 and 166c.232(f) English as a second language/bilingual instruction.

Comment. Commenters expressed varying views on the language in which instruction and counseling should be offered in programs for adult immigrants and Indochina refugees. Some commenters supported English as a second language, while others gave strong justification for bilingual instruction.

Response. A change is made. The authorizing legislation provides programs of instruction for the purpose of enabling immigrants and Indochina refugees to become productive members of American society and emphasizes the development of literacy and language skills in the English language. Bilingual instruction is not explicitly required in the legislation and is therefore not required in the regulations. The Commissioner agrees, however, that bilingual staff capability may be needed to assist adult immigrants and Indochina refugees in learning English or in acquiring skills that will make them more employable. For this reason a new criterion, "Addressing language and cross-cultural needs," has been added in § 166c.232(f) (1) and (2) to give points for the application's emphasis on the development of oral and aural English language proficiency.

§ 166c.213(b)(1) Eligible participants under the program for adult Indochina refugees.

Comment. One commenter pointed out that the proposed regulations specifically limited eligibility in programs funded under section 317 to Indochina refugees who possess an INS Form I–94. This requirement, he stated, eliminates those adult Indochina refugees who have become permanent resident aliens and, therefore, possess either an INS Form I–151 or I–551.

Response. A change is made. Section 166c.213(b)(1) of the final regulations has been amended to include as eligible participants Indochina adults who: have parole, voluntary departure, or conditional entry status, as indicated by INS Form I–94; were admitted to the United States with permanent resident status on or after April 8, 1975, as indicated by INS Form I–151 or I–551; or have permanent resident status as a result of adjustment status under Pub. L. 95–145, as indicated by INS Form I–151 or I–551.

§ 166c.222 State review of applications.

Comment. Two commenters expressed the view that the procedures for the State review of applications for the adult immigrant and Indochina refugee programs are to cumbersome and that these procedures should be streamlined to encourage more private organizations to operate these programs.

Response. A change is made. The requirements for the State review of applications for these programs are contained in the authorizing legislation.

§ 166c.232(b) and 166c.241(h) Instructional personnel.

Comment. Several commenters referred to the need for pre-service and in-service training for instructional personnel. Many ESL teachers, they stated, are volunteers or retired teachers who want to help but who may not have the training and experience necessary to serve these special populations most effectively.

Response. A change is made. Under the proposed rule, expenditures for pre-service and in-service training were limited to one percent of the grant award, unless otherwise justified in the application. The final regulations, in § 166c.241(h), increase this limitation to 5 percent of the grant award.

Comment. In a closely related issue, one commenter recommended that teacher certification be required for all instructional personnel in both the adult immigrant and the adult Indochina refugee programs.

Response. No change is made. Since teacher certification requirements vary from State to State, it would be inappropriate for the Commissioner to regulate on the issue. However, the quality of key staff members, both administrative and instructional, will be taken into consideration under the application evaluation criterion contained in § 166c.232(b) of these regulations.

§§ 166c.241(d) and 166a.13(f)(2) Day care.

Comment. A few commenters pointed out that the proposed regulations referred both to "child care" and "day care." One commenter recommended that the provision for day care be expanded to include care for *any* persons residing with participants who are in need of supervisory care. Another commenter asked about the hours of operation of day care centers.

Response. A change is made. In order to conform with the Federal Interagency Day Care Regulations in 45 CFR Part 71, all references to child care in the proposed regulations have been changed to read "day care." Under the authority of 45 CFR 71.1, day care services provide for the direct care and protection of *infants, preschool,* and *school age children* outside of their own homes during a *portion of a 24-hour day.*

General Comments

Comment. A commenter suggested that the citation of legal authority also notes the applicable section or subsection of the Act to which it refers. This citation appears in parentheses on the line following each substantive provision in the regulations.

Response. Although the inclusion of reference sections to the legislation is not a requirement in drafting Federal regulations, the Commissioner agrees with the commenter. Accordingly, the addition has been made in citations to legal authority.

Comment. A commenter suggested postponing the implementation of changes in the administration of the program until fiscal year 1981 in order that the operation of established, successful projects not be disrupted.

Response. No change is made. The legislation became effective on November 1, 1978. Congress requires that laws and regulations be put into force within prescribed periods of time after enactment and final approval. It is not possible to delay the implementation until fiscal year 1981 as suggested by the commenter. However, the Commissioner has periodically since enactment provided States with advice and guidance on implementing the new procedures in the legislation. Therefore, there should be no disruption of established, successful projects that serve the needs of the least educated and most in need.

Section 311(a) Special Projects for the Elderly.

Comment. A commenter suggested that limiting special projects to the elderly who are culturally segregated is a disservice to the elderly and needlessly limits the potential of these programs. Elderly persons are very tolerant of cultural interchange, especially among their peers. Many elderly persons do not have the skills to deal successfully with the practical problems of daily living caused by rapid changes and increased complexity of life. Therefore, it would be more practical to allow these special projects to teach the elderly daily living skills and how to deal with governmental agencies, in addition to teaching English to those whose ability to read and write the English language is limited.

Response. No change is made. Funds have not been made available by Congress to date for Special Projects for the Elderly. However, the elderly are eligible for the types of programs suggested by the commenter under section 304 of the legislation.

Comment. With the increased emphasis in our society on providing educational opportunities for all individuals, one commenter suggested that a college preparatory remedial program is an area that deserves consideration for future support.

Response. The Act does seek to enable adults who so desire to continue their education to at least the level of completion of secondary school. Support for a more specific college preparatory remedial program would require amended or new legislation. Legislative proposals are outside the scope of the regulation process. Therefore, it is inappropriate to respond in these regulations.

Comment. Commenters voiced concern that the adult education reporting system does not adequately reflect the accomplishments of the adult education program. A commenter spoke specifically on behalf of accomplishments by local educational agencies.

Response. No change is made. The Commissioner agrees that the reporting system for adult education needs evaluation and revision. The statistical report and the narrative performance report are of limited value in portraying a true picture of the program. The House of Representatives during its deliberations on the 1978 amendments to the Act voiced a similar desire for improvement of the quality of data on adult education. While the Office of Education is responding with a concerted effort to improve the reporting system, this is not an appropriate area for inclusion in the regulations.

Comment. One reader found the Supplementary Information section of the preamble to the NPRM to be very useful and expressed the desire to see the section published as part of the final regulations.

Response. The supplementary information published on June 28, 1979, in the **Federal Register**, Vol. 44, No. 126, in the proposed rules will not be republished with the final regulations. However, most of the issues addressed in the supplementary information section of the proposed rules are reflected in the preamble and in the responses to comments from the public.

Comment. A commenter asked what procedures had been established for filing complaints regarding noncompliance to these regulations.

Response. No change is made. If a subgrantee, agency, organization, institution, or individual believes that there is a basis for noncompliance pertaining to programmatic issues, that entity should file a written, signed complaint with the State in accordance with the complaint procedures outlined in 45 CFR 100b.780 through 100b.782 of EDGAR. If a complaint deals with an issue or situation related to civil rights, the communication should be sent to the appropriate HEW Regional Office to the attention of the Office for Civil Rights.

Appendix A—National priorities.

Comment. Regarding the development of national priorities, one commenter recommended that national priorities be suggested rather than mandated, and that agencies such as State educational agencies, local educational agencies, and the National Advisory Council on Adult Education be involved in the development of these priorities. Another commenter thought State priorities should have first consideration over national priorities in meeting the special project and staff development needs in the States.

Response. All the points raised by these comments are already contained in the regulations. Section 166a.72(a)(1) of the regulations requires that a State educational agency "establish its own statewide criteria and priorities for administering special projects and teacher training projects." Appendix A (Appendix B of the NPRM) begins: "For the *guidance* of State educational agencies the Commissioner *suggests* that the following national priorities merit

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special consideration * * *" (emphasis added). Section 166a.72(b)(2), requiring each State to indicate how its priorities relate to published national priorities, assures that each State has taken the national priorities into consideration. In the event a State indicates its priorities are unique and do not relate to published national priorities, the State will have satisfied the requirements of § 166a.72(b)(2).

Comment. Several commenters addressed the first priority under Appendix A, directed to expanding outreach. These commenters supported the priority as generally stated, while several sought modifications to the expanded text. One commenter urged adding members of ethnic and racial minorities to those included in the list of underserved, while another suggested adding teenage mothers. Another commenter sought special attention for teacher training for those working with migrant populations. Still another commenter urged adding State and area agencies on aging and senior centers to those organizations mentioned in (1)(a) of Appendix A.

Response. The words "migrants" and "minorities" have been added to the list of suggested underserved populations. The phrase "women with special needs" has been substituted for the list of more specific female populations to suggest that all women who are least educated and most in need be addressed.

The Commissioner believes that specifying the types of agencies by broad categories, such as "community organizations and other non-governmental agencies" is preferable to listing organizations and agencies concentrating on only one of the underserved populations, such as aging. This is consistent with the legislative requirement to increase outreach by expanding services through a wide range of organizations, agencies, and institutions that can best provide services to those least educated and most in need. Therefore, no change is made in paragraph (1)(a) of Appendix A.

Comment. One comment was received supporting national priority (2), *Identifying and preparing for new and emerging roles,* while another commenter found the priority too general and lacking in clarity.

Response. The Commissioner has found that general statements of emerging and identified need best accommodate the multiplicity of conditions existing among the 57 States and Territories. Therefore, no change is made in the text of paragraphs (a) through (d) of priority (2). However, a new pararaph (e), relating to non-traditional adult education techniques, has been added to priority (2).

Comment. A wide range of comments was received on priority (3) of Appendix A. One commenter, who was highly supportive of the priority, suggested adding support services to paragraph (3)(b). Another commenter called for eliminating paragraphs (3)(c) and (3)(d) on the basis that further curriculum development is not needed and that special emphasis should be given to priority (4). Another commenter found paragraph (3)(d) unclear and called for adding the development of non-traditional techniques for assessment, and training of staff in these techniques. A countervailing comment pointed to effective assessment instruments already developed in support of the Adult Performance Level project and called for encouraging use of these instruments. Finally, another commenter recommended that the Adult Performance Level curricula be suggested as a means to teach the skills necessary to function in society. This commenter also called for retraining teachers in using the curricula.

Response. Priority (3) has been extensively revised to accommodate these suggestions. Paragraphs (3)(c) and (3)(d) have been revised to avoid duplication, while re-emphasizing the need for curricula effectively related to the least educated and most in need. A new paragraph (e) has been added to priority (2) to further emphasize staff and teacher training in non-traditional adult education techniques. In addition, priority (4) has been amended to emphasize the importance of assessing and disseminating existing developments in Adult Performance Level and competency-based adult education.

The final comment—that of suggesting Adult Performance Level curricula as the desirable ones to teach the skills necessary to function in society—is not adopted. Published national priorities are not the appropriate mechanism for suggesting curricula. The National Diffusion Network is a system developed for disseminating validated instructional programs. Two Adult Performance Level-Based curricula projects have recently been validated and are being disseminated under this system. Other projects are encouraged to utilize this national dissemination mechanism.

Comment. It was suggested that "Women with Special Needs" be added as a fifth national priority.

Response. A change is made. Because women have historically been the majority population served by the Adult Education Program, there appears to be no need to list them as a separate priority deserving special attention beyond the priority of least educated and most in need. However, in response to this comment, "Women with Special Needs" has been incorporated in priority (1) to assure that the needs of all women who are least educated and most in need will be considered.

[FR Doc. 80-9535 Filed 4-2-80; 8:45 am]
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Thursday
April 3, 1980

Part XVII

Department of Health, Education, and Welfare

Office of Education

Cooperative Education Programs

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 182

Cooperative Education Programs

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: The Commissioner of Education amends the regulations for the Cooperative Education Program. The amendment will permit multi-year funding of Demonstration/Exploration Awards from a single year's appropriation.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, write or call the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Morris Brown, Chief, Cooperative Education Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, Room 3053, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245–2146 or 245–2484.

SUPPLEMENTARY INFORMATION: The Commissioner finds that public comment on this amendment is unnecessary within the meaning of 5 U.S.C. 553(b) because it deals only with the allocation of funds to the different parts of the program and does not affect any substantive aspect of the regulations which were published after a public comment period, in May, 1978 (43 FR 18674). This amendment merely permits the funding of multi-year awards from a single year's appropriation.

Approved: February 5, 1980.

(Catalog of Federal Domestic Assistance No. 13.510; Cooperative Education Program: Demonstration/Exploration)

William L. Smith,

Commissioner of Education.

The Commissioner amends 45 CFR 182.34 by revising paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (d) and (e); and adding new paragraphs (b) and (c) to read as follows:

§ 182.34 Duration of awards.

(a) Awards made under this subpart may be for single-year or multi-year periods.

(b) Awards for multi-year projects will generally be made in accordance with the regulations as set out in 45 CFR 100a.250 and 100a.251 (EDGAR).

(c) The Commissioner may award a grant out of one year's appropriation for multi-year demonstration projects.

(20 U.S.C. 1133b)

[FR Doc. 80-9638 Filed 4-2-80; 8:45 am]

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federal register

Thursday
April 3, 1980

Part XVIII

Department of Health, Education, and Welfare

Office of Education

Selection Criteria for Fiscal Year 1981 Grants and Contracts

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 105, 121d, 121e, 121f, 121h, 121k, 131, 132, 133, 136, 146, 146a, 148, 154, 155, 157, 158, 159, 164, 169, 172, 173, 179, 182, 182a, 191, 194, 197, and 198

Selection Criteria for Fiscal Year 1981 Grants and Contracts

AGENCY: Education Division, HEW.

ACTION: Proposed rules.

SUMMARY: The Education Division proposes to amend the selection criteria for programs administered under the parts listed in the heading to this document.

The Education Division General Administrative Regulations (EDGAR) are published in today's **Federal Register** as final regulations. EDGAR establishes general selection criteria that are used with program selection criteria to select applications for funding. These proposed revisions are needed to repeat the EDGAR criteria in appropriate program regulations.

The Education Division also proposes to delete selection criteria in these programs that duplicate the EDGAR criteria. The effect of these proposed changes is to provide a uniform set of selection criteria on five subjects: Plan of operation, quality of key personnel, budget and cost effectiveness, evaluation plan, and adequacy of resources.

DATE: Comments must be received on or before June 2, 1980.

ADDRESS: Address comments to the Division of Regulations Management, U.S. Office of Education, Room 2129, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Connors (202) 245–7091.

SUPPLEMENTARY INFORMATION:

Background

The Education Division published the Education Division General Administrative Regulations (EDGAR) as proposed rules on May 4, 1979 (44 FR 26298). 45 CFR Part 100a of EDGAR describes the procedures an applicant to a direct grant program must follow to apply for a grant. EDGAR also describes the procedures the Education Division uses to make those grants. 45 CFR Part 100a of EDGAR covers may other issues relating to the administration of Education Division direct grant programs. For a full understanding of the scope of EDGAR, please review the EDGAR final regulations published in today's **Federal Register** in the rules and regulations section.

Discretionary Grant Programs and Selection Criteria

The majority of the direct grant programs administered by the Education Division are discretionary grant programs. 45 CFR 100a.200 of EDGAR describes what a discretionary grant program is and how selection criteria are used in this kind of program.

Section 100a.200 How applications for new grants are selected for funding.

(a) *Direct grant programs.* The Education Division administers two kinds of direct grant programs. A direct grant program is either a discretionary grant or a formula grant program.

(b) *Discretionary grant programs.* (1) A discretionary grant program is one that permits the appropriate official of the Education Division to use discretionary judgment in selecting applications for funding. (Cross-reference—See 45 CFR 100a.219 Exceptions to the procedures under § 100a.217).

(2) The appropriate offical of the Education Division uses selection criteria to evaluate the applications submitted for new grants under a discretionary grant program.

(3) Sections 100a.202 through 100a.206 contain the EDGAR selection criteria. The EDGAR criteria used by a program are repeated in the program regulations. If a program does not have selection criteria, the appropriate official uses the EDGAR criteria, with each criterion weighted equally, to evaluate applications.

(c) *Formula grant programs.*

* * * * *

The Changes to the Criteria

The Education Division proposes to revise program selection criteria in appropriate programs by repeating the EDGAR selection criteria. The Education Division also proposes to delete criteria in these programs that duplicate EDGAR criteria. The programs affected by these changes are existing programs of the Education Division other than those amended by the Education Amendments of 1978 (Pub. L. 95–561). The regulations for programs amended by Pub. L. 95–561 are being conformed to EDGAR through separate publications in the **Federal Register.**

The Education Division plans to use the criteria proposed in this document to select applications for grants funded in fiscal year 1981.

Comments

Please send your comments on these revisions to the address specified at the beginning of this document. In making your comments, please use the following guidelines:

1. Identify each section in these proposed regulations on which you want to comment.

2. For each of these sections, explain what you like or dislike about the section. Is the policy expressed in the section a good policy or a poor policy? Why do you think so?

3. If you believe that a section needs to be changed, explain what you want done and explain why your change would improve the proposed regulations.

All comments will be available for public inspection at the address at the beginning of this preamble between the hours of 8:00 a.m. to 4:30 p.m., except Saturdays, Sundays, and Federal holidays.

Dated: February 25, 1980.

Peter D. Relic,

Acting Assistant Secretary for Education.

Dated: February 6, 1980.

William L. Smith,

Commissioner of Education.

Dated: February 22, 1980.

Michael Timpane,

Director of the National Institute of Education.

Dated: February 25, 1980.

Lee Kimchee,

Director of the Institute of Museum Services.

Approved: March 20, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

The agencies of the Education Division propose to amend 45 CFR as follows:

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

1. Section 105.110 is revised to read as follows:

§ 105.110 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 34 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 8 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 7 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 7 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate, and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *National need.* (Maximum 15 points). The need section clearly—

(1) Describes the national need in vocational education for the proposed project;

(2) Provides specific evidence of the need;

(3) Indicates specificially who or what will be helped; and

(4) Describes the problem rather than symptoms of the problem.

(g) *Literature review.* (Maximum 5 points). The literature review is sufficiently comprehensive to—

(1) Establish the basis for the problem;

(2) Describe the problem in contrast to the symptoms of the problem;

(3) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along with the management, evaluation, dissemination, and training procedures, when appropriate; and

(4) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

(h) *Results, end products, outcomes, and dissemination.* (Maximum 9 points). The application clearly describes:

(1) What will be delivered to the government;

(2) The format in which the results, products, or outcomes will be delivered to the government.

(i) *Institutional capability and commitment.* (Maximum 4 points). The application provides adequate evidence of—

(1) Institutional or individual's experience and commitment to the proposed work; and

(2) Assurance of support from cooperating agencies, local educational agencies, postsecondary institutions, business, industry, and labor, where applicable for successful implementation of the project.

(j) *Sex bias and stereotyping.* (Maximum 8 points.) The application provides appropriate plans to eliminate sex bias and stereotyping in the proposed results, end products, and outcomes, and the proposed dissemination plans.

(20 U.S.C. 2401)

2. Section 105.211 is revised to read as follows:

§ 105.211 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Program improvement.* (Maximum 15 points). The application focuses on the improvement of occupational training opportunities for Indians and delineates the way in which the proposed program will contribute to improved programs for the specific target groups.

(b) *Need.* (Maximum 10 points). The need section clearly—

(1) Describes the need for the proposed activity;

(2) Provides specific evidence of the need;

(3) Indicates specifically how the need will be met; and

(4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(c) *Objectives.* (Maximum 10 points). The objectives—

(1) Relate to the need;

(2) Are significant for vocational education;

(3) Clearly describe proposed program outcomes;

(4) Are capable of being attained; and

(5) Are measurable.

(d) *Plan.* (Maximum 15 points). The plan clearly describes the way in which the objectives will be accomplished by—

(1) The overall design for the proposed program; and

(2) The use of specific procedures to implement activities designed to accomplish each objective of each segment of the proposed program;

(3) A description of—

(i) Specific activities to be conducted in the proposed program;

(ii) Instruments to be used in the proposed program;

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(iii) Instructional material to be used in the proposed program, if appropriate; and

(iv) Population to be served by the proposed program; and

(4) Statistical and analytical procedures, if appropriate.

(e) *Management plan.* (Maximum 10 points). The management plan adequately describes the way in which personnel and resources will be utilized to accomplish each objective, the overall design, and each major procedure.

(f) *Evaluation plan.* (Maximum 10 points). The plan includes valid and reliable instruments and procedures for assessing and documenting the impact of project results in terms of the achievement of project goals and objectives.

(g) *Applicant's staff competencies and experience.* (Maximum 10 points). Points will be awarded on the extent to which the application clearly describes—

(1) The competencies that are required for the proposed project;

(2) The names and qualifications (including project management qualifications) of the project director, key professional staff, advisory groups, and any consultants;

(3) Time commitments planned for the project by the project director, key staff, advisory groups, and any consultants;

(4) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects;

(5) Evidence of commitment to Section 7(b) of the Indian Self-Determination and Education Assistance Act.

(h) *Budget and cost effectiveness.* (Maximum 10 points). Points will be awarded on the extent to which the application provides a justifiable and itemized statement of cost which contains line items in the proposed budget and appears to be cost effective with respect to proposed results.

(i) *Institutional capability and commitment.* (Maximum 10 points). The application provides adequate evidence of—

(1) Institutional experience and commitment to the proposed work;

(2) Appropriate facilities and equipment; and

(3) Documented assurances of support from cooperating local educational agencies, postsecondary institutions, business, industry, or labor, if support from any of these groups is necessary for successful implementation of the project.

(20 U.S.C. 2303; 25 U.S.C. 450f.)

3. Section 105.606 is revised to read as follows:

§ 105.606 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 33 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 25 points).

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 12 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that show methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(i) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need.* (Maximum 10 points).

(1) Describes the need for the proposed bilingual vocational training;

(2) Provides specific evidence of the need;

(3) Indicates specifically how the need will be met; and

(4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(g) *Institutional capability and commitment.* (Maximum 7 points). The application provides adequate evidence of—

(1) Institutional experience and commitment to the proposed work;

(2) Documented assurance of support from cooperating agencies, institutions, or community groups where applicable for successful implementation of the project.

(20 U.S.C. 2420)

4. Section 105.616 is revised to read as follows:

§ 105.616 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 25 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the projects;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 25 points).

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs(b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 12 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need.* (Maximum 10 points). The need section clearly—

(1) Describes the need for the proposed instructor training;

(2) Provides specific evidence of the need;

(3) Indicates specifically how the need will be met; and

(4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(g) *Institutional capability and commitment.* (Maximum 7 points). The application provides adequate evidence of—

(1) Appropriate accreditation of the applicant institution by regional or national associations and approval by appropriate State agencies of the course offered; and

(2) Documented assurance of support from cooperating agencies, institutions, or community groups where applicable for successful implementation of the project.

(h) *Ongoing vocational training.* (Maximum 4 points). The extent to which the applicant actually has an ongoing vocational training or vocational education program in the field for which persons are to be trained. Include a listing of the vocational courses offered by the applicant.

(i) *Language capabilities.* (Maximum 4 points). The extent to which the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the instructors are being trained.

(20 U.S.C. 2420)

5. Section 105.626 is revised to read as follows:

§ 105.626 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 35 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrespresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 10 points).

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) the qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii)

of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 5 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 10 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need.* (Maximum 20 points). The need section clearly—

(1) Describes the national significance and the need in bilingual vocational training for the proposed project;

(2) Provides specific evidence of the need;

(3) Indicates specifically who are what will be helped; and

(4) Describes the problem rather than the symptoms of the problem.

(g) *Literature review.* (Maximum 5 points). The literature review is sufficiently comprehensive to—

(1) Establish the basis for the problem;

(2) Describe the problem in contrast to the symptoms of the problem;

(3) Provide a strong conceptual framework for the proposed objectives and proposed plan, including the general design and specific procedures of the proposed plan, along with the management, evaluation, dissemination, and training procedures (when appropriate); and

(4) Describe what has been done previously to alleviate the problem and point out the gaps that will be alleviated by this specific proposed work.

(h) *Results, end products, outcomes, and dissemination.* (Maximum 8 points). The application clearly describes—

(1) What will be delivered to the government; and

(2) The format in which the results, products, or outcomes will be delivered to the government.

(i) *Applicant's capability and commitment.* (Maximum 4 points). documented assurance of support from cooperating agencies, local educational agencies or postsecondary institutions, business, industry, and labor, where applicable for successful implementation of the project.

(20 U.S.C. 2420)

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

6. Part 121d is amended by adding a new § 121d.61 as follows:

§ 121d.61 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants under Subparts A, B, and C of this part. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evalution plan for the project.

Cross-reference—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible are

objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1423)

PART 121e—AUXILIARY ACTIVITIES

7. Section 121e.4 is revised to read as follows:

§ 121e.4 Selection criteria.

(a) Activities assisted under this part shall serve to enhance the effectiveness of the center or program to which they will be related.

(b) The activities shall serve to complement rather than displace the basic functions of the center or program to which they will be related.

(c) The criteria in paragraph (d) of this section apply to an application for a new grant under—

(1) 45 CFR Part 121b (Regional Resource Centers);

(2) 45 CFR Part 121c (Centers and Services for Deaf-Blind Children); or

(3) 45 CFR Part 121d (Early Education for Handicapped Children).

(d) *Additional criteria.*—(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(*2*) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (d)(2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(*3*) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(*4*) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

(Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that **are** appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(*5*) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1424)

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

8. Section 121f.20 is revised to read as follows:

§ 121f.20 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

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(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) The extent to which the applicant specifically provides evidence that program graduates are meeting the educational needs of handicapped children at the local, State, or national level.

(g) The extent to which program philosophy, program objectives, and activities implemented to attain program objectives are related to the educational needs of handicapped children.

(h) The extent to which—

(1) Present and former students;

(2) Employing agencies (school districts, State agencies, etc.); and

(3) Individuals (parents, practicing teachers, etc.), are involved in program planning, implemention, and evaluation.

(i) The extent to which the evaluation design and procedures—

(1) Provide for assessment of the effectiveness and efficiency of the use of program resources in the attainment of program objectives; and

(2) Provide for the collection of quantifiable program performance information including—

(i) The numbers of personnel prepared and placed in positions relevant to the education of handicapped children;

(ii) The type and location of positions accepted by program graduates;

(iii) The number of handicapped children served by program graduates;

(iv) The length of time that program graduates serve handicapped children;

(v) Employers evaluation of program graduates' proficiency; and

(vi) The effectiveness of program graduates in facilitating the educational progress of handicapped children.

(j) The extent to which the application describes procedures for assessing the impact, and in case of an application for continuation support, provides evidence of impact of the program upon other related programs within the institution, community programs for the education of handicapped children, and improvement of services for handicapped children at the local, State, and/or national level.

(k) The extent to which the application describes and specifies the various roles or positions for which students are prepared, the tasks associated with such roles, and the competencies that must be acquired to complete each task successfully.

(l) The extent to which the application includes a delineation of competencies that each program graduate will acquire and will subsequently exhibit and how the competencies will be evaluated.

(m) The extent to which substantive content and organization of the program are—

(1) Appropriate for the student's attainment of professional knowledge and competencies that are necessary for the provision of quality educational services for handicapped children; and

(2) Demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of qualified educators of handicapped children.

(n) The extent to which appropriate practicum facilities are—

(1) Utilized for observation, participation, practice teaching, laboratory or clinical experience, internship, and other supervised experiences of adequate scope, combination, and length; and

(2) Accessible to the applicant and students.

(o) The amount of fiscal and other effort the applicant will contribute to the program, and a delineation of the procedures that will be implemented for the increase of such effort over a specified time period in relationship to the amount of Federal funds awarded for support of the program.

(20 U.S.C. 1432, 1434)

PART 121h—RESEARCH IN EDUCATION OF THE HANDICAPPED

9. Section 121h.7 is revised to read as follows:

§ 121h.7 Selection criteria for research projects.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.*

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objection; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (10 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (10 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (5 points)

(f) The potential importance of the project to the education of the handicapped. (15 points)

(g) The probable impact of proposed research and development products and the extent to which products can be expected to have a direct influence on the handicapped or personnel responsible for the education of the handicapped. (15 points)

(h) Technical soundness of the research and development plan and adequacy of specification of procedures. (30 points)

(20 U.S.C. 1441, 1442)

10. Section 121h.8 is revised to read as follows:

§ 121h.8 Selection criteria for model programs.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (10 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 130a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (10 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (5 points)

(f) The importance and relevance of the program to the education of handicapped children. (10 points)

(g) The probable impact of proposed services and products. (10 points)

(h) The extent to which the program is eligible for consideration as a "model." (See § 121h.5). (15 points)

(i) Technical soundness of the proposal as judged by plans for assessment of a child's progress and appropriateness of program approach. (13 points)

(j) The extent to which the program plans for the development and implementation of individualized education programs. (See 45 CFR 121a.340). (5 points)

(k) The extent of coordination with other appropriate agencies. (5 points)

(20 U.S.C. 1441, 1442)

PART 121k—REGIONAL EDUCATION PROGRAM FOR HANDICAPPED PERSONS

11. Section 121k.18 is revised to read as follows:

§ 121k.18 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for

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new awards. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluaiton plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluating that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) Whether the program under this part will be carried out in facilities easily accessible to physically handicapped persons.

(g) Whether the program will be located in an area in which public transportation is readily available, or transportation will be provided at reasonable cost to handicapped persons participating in the program.

(h) Whether the program will serve handicapped persons for whom other appropriate education programs are not readily available.

(i) The likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding under this part as measured by evidence of financial and other commitment of the applicant to the program and other funds available to the program.

(20 U.S.C. 1424a)

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM

12. Section 131.22 is amended by revising the title and the introductory paragraph to read as follows:

§ 131.22 Selection criteria—supplemental grants.

The Commissioner uses the criteria in this section, in accordance with the point scores in Appendix A to this part, to evaluate applications for supplemental grants.

* * * * *

13. Section 131.32 is revised to read as follows:

§ 131.32 Selection criteria—special purpose grants.

The Commissioner uses the criteria in this section to evaluate applications for special purpose grants. The maximum score for all of the criteria is 30 points for a Type A, Type C, or Type D grant. The maximum score for all of the criteria is 25 points for a Type B grant.

(a) *Type A grant.* (1) Location in a community characterized by significant social and economic deprivation. (4 points)

(2) Location in a designated Model Cities area. (3 points)

(3) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other.) (3 points)

(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged and black communities described. (6 points)

(5) Degree to which grant and matching funds will meet the special needs described. (3 points)

(6) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (3 points)

(7) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (a)(7) (ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (3 points)

(8) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (2 points)

(9) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (2 points)

(10) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and (B) the equipment and supplies that the applicant plans to use are adequate. (1 point)

(b) *Type B grant.* (1) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other) in professional schools. (3 points)

(2) Availability of special collections to support the research and training of graduate students who expect to work in areas affecting the economically disadvantaged of the community. (7 points)

(3) Availability of printed catalog or other guides to collection and number of academic institutions receiving and utilizing the above catalogs and guides. (3 points)

(4) Degree to which the program of acquisition will contribute to the criteria described in subparagraphs (2) and (3) of this paragraph (b). (3 points)

(5) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and effective administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented; such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (3 points)

(6) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs(b)(6)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (2 points)

(7) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (2 points)

(8) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (1 point)

(9) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (1 point)

(c) *Type C grant.* (1) Degree to which members of combinations are supportive of research and training activities which prepare persons to work in areas affecting the disadvantaged, including those supported by other Federal programs. (4 points)

(2) Number of institutions applying as members of the combination submitting application. (4 points)

(3) Availability and adequacy of catalog or other guides to collection and existence of computerized system or other center in operation. (4 points)

(4) Adequate evidence that combination will be able to continue without the support of Federal funds. (4 points)

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(5) Degree to which grant and matching funds will meet the special needs described. (3 points)

(6) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (3 points)

(7) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The Qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (c)(7)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (3 points)

(8) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (2 points)

(9) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590. Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (2 points)

(10) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (1 point)

(d) *Type D grant.* (1) Number and type of institutions of higher education with which applicant has a formal, cooperative agreement to provide library and information services. (4 points)

(2) Availability of a published catalog of or other guides to the available collection. (4 points)

(3) Existence of a comprehensive collection which meets the special needs of institutions of higher education. (7 points)

(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged. (4 points)

(5) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (3 points)

(6) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (d)(6)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (3 points)

(7) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (2 points)

(8) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (2 points)

(9) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the appliant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (1 point)

(20 U.S.C. 1024)

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

14. Section 132.9 is revised to read as follows:

§ 132.9 Selection criteria—institute grants.

The Commissioner uses the criteria in paragraph (a) of Appendix A to this part to evaluate applications for institute grants. The maximum score for all of the criteria is 207 points.

(20 U.S.C. 1033)

15. Section 132.11 is amended by revising the title and paragraph (a) to read as follows:

§ 132.11 Selection criteria—fellowship grants.

(a) The Commissioner uses the criteria in paragraph (b) of Appendix A to this part to evaluate applications for fellowship grants. The maximum score for all of the criteria is 108 points.

* * * * *

16. Section 132.12 is amended by revising the title and the introductory paragraph to read as follows:

§ 132.12 Selection criteria and priorities—traineeship grants.

The Commissioner uses the criteria in paragraph (c) of Appendix A to this part to evaluate applications for traineeship grants. The maximum score for all of the criteria is 111 points. The review of applications will also take into account the following priorities:

* * * * *

16–1. Appendix A to Part 132 is revised to read as follows:

Appendix A—Grants for Training in Librarianship

Selection Criteria

(a) *Institute grants.* (Maximum 207 points):

(1) The extent to which the proposed program is jusitified. (10 points)

Consideration will be given to such questions as—

(i) Will the program contribute to reduction of staff shortage?

(ii) Does the program address itself to an appropriate training need?

(iii) Is the subject important and timely?

(iv) Is the applicant well prepared to offer such training?

(2) The extent to which participant selection is appropriate. (10 points)

Consideration will be given to such questions as—

(i) Are the selection criteria appropriate and realistic to meet program objectives?

(ii) Is the need as expressed in the program justification, above, related accurately to the duties of the participant?

(iii) Can the proposed number of participants be accommodated by proposed program method?

(3) The extent to which the proposed program will achieve high quality and effectiveness. (30 points)

Consideration will be given to such questions as—

(i) Is the subject appropriate for intensive or long-range traning?

(ii) Is there adequate program potential for the solution of the training problem or need?

(iii) Is the proposed professional education sound?

(iv) Is there a satisfactory blend of the theoretical and the practical?

(v) Are the training approaches new and imaginative?

(vi) Does the proposed program supplement existing training? Advance study level?

(vii) Will participants be involved in innovative and creative experiences?

(viii) Will the program maintain focus on the subject?

(4) The extent to which the institute format is appropriate. (5 points)

Consideration will be given to such questions as—

(i) Is the type of institute (self-contained or non-self-contained) properly chosen?

(ii) Is the proposed timing well chosen?

(iii) Is the length of the institute right? Too long? Too short?

(5) The extent to which program purposes will be achieved. (30 points)

Consideration will be given to such questions as—

(i) To what degree will the proposed program substantially contribute to librarianship training?

(ii) To what degree will prospects for employment and/or advancement be provided?

(iii) To what degree will training opportunities be provided for minority group and/or disadvantaged persons?

(6) Potential for using the results of the project in other projects or programs for similar educational purposes. (2 points)

(7) Provision for disseminating the results of the project and for making project materials available to interested parties. (5 points)

(8) *Plan of operation.*

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly (40 points)

(9) *Quality of key personnel.*

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(9)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the

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objectives of the project, as well as other information that the applicant provides. (25 points)

(10) *Budget and cost effectiveness.*

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (15 points)

(11) *Evaluation plan.*

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (25 points)

(12) *Adequacy of resources.*

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (10 points)

(b) *Fellowship grants.* (Maximum 108 points):

(1) *Adequacy of program content.* (9 points)

(i) Are the character and scope of the program appropriate, sound, modern, and cohesive?

(ii) Are contemplated changes well conceived?

(iii) Is the catalog information adequate?

(iv) Do common course requirements meet acceptable standards?

(v) Is the student practicum component sufficient?

(2) *Adequacy of program content as related to objectives.* (5 points)

(54 CFR 100a.28(b)(6)(i))

Consideration will be given to such questions as—

What is the extent to which objectives would be achieved by program content?

(3) *Adequacy of qualifications for admission.* (10 points) consideration will be given to such questions as—

(i) Are selection criteria for fellows suitable and sufficient?

(ii) Are applied tests well recommended?

(iii) Are scholarship requirements adequate?

(4) *Level of institutional expenditures.* (10 points)

Consideration will be given to such questions as—

(i) Are expenditures increasing for education in librarianship?

(ii) What is the relationship of expenditures to student enrollment changes?

(iii) Are expenditures high, medium, or low compared to other library education programs with similar curricula and student enrollment?

(5) *Quantity of enrollment and degrees awarded.* (5 points)

Consideration will be given to such questions as—

(i) Are enrollment and degrees increasing?

(ii) Is the ratio of degrees awarded to enrollment satisfactory?

(6) *Quantity of institutional fellowships and scholarships.* (5 points)

Consideration will be given to such questions as—

(i) Are institutional fellowships and scholarships increasing or decreasing?

(ii) What is the ratio of the requested number of Title II–B fellowships to the institutionally supported number?

(7) *Adequacy of prospects for increasing training opportunities.* (15 points)

Consideration will be given to such questions as—

(i) Is there any evidence that the program will be adequately promoted and that there will be effective recruitment?

(ii) Was the priority selected appropriate to the applicant's capabilities or record of experience in this field?

(8) *Prospect for increasing training opportunities for minority group and/or disadvantaged persons.* (10 points)

(9) *Plan of operation.* (14 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(10) *Quality of key personnel.* (10 points)

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(10)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(11) *Budget and cost effectiveness. (5 points)*

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(12) *Evaluation plan.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(13) *Adequacy of resources.* (5 points)

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(c) *Traineeship grants.* (Maximum 111 points)

(1) Whether and how the program to be offered substantially furthers the objective of increasing the opportunities of minority group persons and/or disadvantaged persons throughout the Nation for advanced training in librarianship and information science which would result in professional advancement and upward mobility. (17 points)

(2) Whether and how the program to be offered substantially furthers the objective of training librarians to work more responsively with the disadvantaged and of developing viable alternatives to traditional library service patterns. (16 points)

(3) Degree of internship opportunities available through cooperating library agencies and appropriateness of those opportunities to the program objectives. (16 points)

(4) Appropriateness of behavioral objectives as related to the program objectives and the recruitment criteria (16 points)

(5) Degree of individualization of program activities and objectives. (16 points)

(6) *Plan of operation.* (10 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program; and

(D) The way the applicant plans to use its resources and personnel to achieve each objective.

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(7) *Quality of key personnel.* (7 points)

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (c)(7)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(8) *Budget and cost effectiveness.* (5 points)

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(9) *Evaluation plan.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(10) *Adequacy of resources.* (3 points)

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1033)

PART 133—LIBRARY RESEARCH AND DEMONSTRATION

17. Section 133.7 is amended by revising the title of the section and paragraph (c) to read as follows:

§ 133.7 Special consideration; selection criteria.

* * * * *

(c) The Commissioner uses the criteria in Appendix A to this part to evaluate applications for new grants and proposals for new contracts. The maximum score for all of the criteria is 100 points.

(20 U.S.C. 1034)

18. Appendix A to Part 133 is revised to read as follows:

Appendix A—Selection Criteria

(a) The Commissioner uses the following criteria in accordance with § 133.7.

(1) *Significance.* The proposed project promises to contribute to the solution of an important library problem, the improvement of operations or services in a significant number of libraries, or the fulfillment of unmet informational cultural or educational needs; and the relevance of the project to special consideration as reflected in the program regulation. (16 points)

(2) *Problem and needs assessment.* The proposal identifies and demonstrates by objective evidence the nature and magnitude of the needs to be addressed by the proposed program, the degree of the applicant's demonstrated knowledge of previous successes and failures with the same or similar programs, and the ability to accommodate them. (5 points)

(3) *Resources and resource management.* The application indicates that the project will be operated with adequate resources and effective management. Consideration will be given to the following factors:

(i) Coordination with and maximum utilization of existing library resources—(3 points)

(ii) Appropriate utilization of specialists, consultants, community advisory boards, project advisory

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boards, and paraprofessionals where necessary—(3 points)

(iii) A budget that minimizes or excludes purchase of books, equipment, and printing and in general does not provide for operational money except as necessary to support the proposed project—(4 points)

(4) *Dissemination.* The proposal contains provisions which promise to result in adequate dissemination of the results of the proposed program and will make outputs available through commercial publications, published articles, conference papers, audio-visual presentations or in other ways as appropriate. (5 points)

(5) *Continuity and replication of project.* The proposed program is designed in a manner to insure the continuity of the project or parts of it at the site selected or its replication at other sites as well as strength of commitment to continuity and where appropriate replication at other sites in supporting letters and documents. (10 points)

(6) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (20 points)

(7) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(7)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the project, as well as other information that the applicant provides. (12 points)

(8) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (5 points)

(9) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(10) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate, and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(20 U.S.C. 1031–1034)

PART 136—STRENGTHENING RESEARCH LIBRARY RESOURCES.

19. Section 136.06 is revised to read as follows:

§ 136.06 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 110 points.

(a) *Significance as a major research library.* The strength of the applicant in meeting each of the following elements of a major research library:

(1) The extent to which the applicant's library collection makes a significant contribution to higher education and research (16 points). Consideration will be given to such factors as—

(i) Major research projects for which the library has made resources available in the past fiscal year (only a general and brief summary of information is expected in the application);

(ii) For institutions of higher education, the amount the institution expended in Federal and/or other research funds, and the number of projects conducted by the institution with these funds in the past fiscal year;

(iii) Other evidence of substantial service to researchers and scholars; and

(iv) For institutions of higher education, the number of doctoral programs offered and the number of doctoral degrees awarded in the past fiscal year.

(2) The extent to which the applicant's library collections are broadly based (12 points). Consideration will be given to such factors as—

(i) The breadth of the library collections with respect to the number of subject areas covered or the comprehensiveness of special collections in particular subject areas;

(ii) The size of the collection with respect to volumes and titles, manuscripts, microforms, and other types of materials; and

(iii) The number of current periodical subscriptions.

(3) The extent to which the applicant's library collections are recognized as having national or international significance for scholarly research (8 points). Consideration will be given to such factors as—

(i) The number of interlibrary loans (including copies in lieu of originals) made by the applicant during the past fiscal year to libraries located outside the State in which the applicant is located;

(ii) The number of such loans to libraries located outside the regional geographic area in which the applicant is located;

(iii) The number of such loans to libraries located outside the United States,

(iv) The extent to which loans of the applicant's materials described in paragraphs (a)(3) (i)–(iii) of this section are made under cooperative arrangements by the applicant with libraries in other States, regions, and countries; and

(v) Other evidence of national or international significance for scholarly research.

(4) The extent to which the applicant's library collections are of a unique nature, and contain material not widely available (8 points). Consideration will be given to such factors as—

(i) The number and nature of special collections containing research materials not widely available; and

(ii) The availability of printed (or otherwise published) catalogs or other guides to the special collections.

(5) The extent to which the library collections are in substantial demand by researchers and scholars not connected with the applicant institution (4 points). Consideration will be given to such factors as—

(i) The number and type of institutions with which the applicant has formal, cooperative agreements for library and information services;

(ii) The extent to which the library lends more on interlibrary loans than it borrows; and

(iii) The extent of loan requests from users outside the library's primary clientele.

(20 U.S.C. 1041, 1043)

(b) *Nature of project.* (1) The extent to which the specific objectives and activities of the project are designed to contribute to the purposes of this part (20 points) by—

(i) Helping the applicant to maintain and stengthen its library collections, with particular regard to whether the project builds upon one or more existing special collections of the applicant which have national or international significance for scholarly research; and/or

(ii) Making the applicant's research holdings available to other libraries for wider use by researchers and scholars. In applying this factor, the Commissioner considers—

(A) The extent to which the project is designed to increase the availability of existing collections of the applicant which have national or international significance for scholarly research; and

(B) The extent to which the project will strengthen the applicant's capacity for participating in library networks and other cooperative library arrangements for sharing of library resources.

(2) The applicant's institutional commitment and capability to continue and build upon the Federal project upon its expiration (4 points).

(3) The extent to which the specific proposed activities and expenditures under the project are new and innovative activities or are designed to expand upon and supplement the applicant's activities and expenditures (4 points).

(4) *Plan of operation.*

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (11 points)

(5) *Quality of key personnel.*

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(5)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (8 ponts)

(6) *Budget and cost effectiveness.*

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (6 points)

(7) *Evaluation plan.*

(i) The Commissioner reviews each application for information that shows the quality for the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (6 points)

(8) *Adequacy of resources.*

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(c) *Projects eligible under other Federal programs.* Notwithstanding the criteria in paragraphs (b)(8)(ii) (A) and (B) of this section, the Commissioner will not fund a project eligible for assistance under other Federal programs authorizing grants to support research libraries, such as the Medical Library Assistance Act of 1965 (Pub. L. 89–291), unless the application—

(1) Documents that payments under this part will not duplicate payments under other Federal programs; and

(2) Demonstrates a special need for funding under this part.

(20 U.S.C. 1041)

PART 146—MODERN FOREIGN LANGUAGE AND AREA STUDIES

20. The title and paragraph (a) of § 146.14 are revised as follows:

§ 146.14 Selection criteria-centers.

(a) The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 80 points.

(1) *Plan of operation.* (8 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

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(A) High quality in the design of the project;
(B) An effective plan of management that insures proper and efficient administration of the project;
(C) A clear description of how the objectives of the project relate to the purpose of the program;
(D) The way the applicant plans to use its resources and personnel to achieve each objective; and
(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(2) *Quality of key personnel.* (7 points)
(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(ii) The Commissioner looks for information that shows—
(A) The qualifications of the project director (if one is to be used);
(B) The qualifications of each of the other key personnel to be used in the project;
(C) The time that each person referred to in paragraphs (a)(2)(ii) (A) and (B) of this section plans to commit to the project; and
(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(3) *Budget and cost effectiveness.* (10 points)
(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(ii) The Commissioner looks for information that shows—
(A) The budget for the project is adequate to support the project activities; and
(B) Costs are reasonable in relation to the objectives of the project.
(4) *Evaluation plan.* (5 points)
(i) The Commission reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(5) *Adequacy of resources.* (5 points)
(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(ii) The Commissioner looks for information that shows—
(A) The facilities that the applicant plans to use are adequate; and
(B) The equipment and supplies that the applicant plans to use are adequate.
(6) (5 points) The quality of the institution's existing instruction for the world area or topic for which Federal assistance is requested, as evidenced by existing course offerings, faculty qualifications, and the nature and extent of relevant library holdings.
(7) (5 points) The extent to which the proposed instructional activities of the center will strengthen existing international studies of the institution both in range and in depth.
(8) (5 points) The extent to which cooperative arrangements have been worked out with other departments, schools, and special and professional programs of the grantee institution and the extent to which the center includes appropriate multi- and inter-disciplinary instruction.
(9) (5 points) The regular coursework, language training, courses in area of international studies, and provisions for overseas experience which will be provided students participating in center programs.
(10) (5 points) The nature and extent of assistance to be provided by the center for educational outreach activities.
(11) (5 points) The extent to which provision is made by the institution for overseas experience for faculty and students, and for cooperation with foreign scholars, institutions, and governments.
(12) (5 points) Likelihood of achieving results.
(13) (5 points) Need for the project in the area served by the applicant.
(14) (5 points) Expected potential for using the results of the project in other projects for similar purposes.

21. Paragraph (b) of § 146.14 is deleted.

§ 146.14 Selection criteria—centers.

* * * * *

(b) [Deleted].

22. Section 146.24 is revised to read as follows:

§ 146.24 Selection criteria—graduate and undergraduate international studies programs.

The Commissioner uses the criteria in this section to evaluate applications for graduate and undergraduate studies programs. The maximum score for all of the criteria is 70 points.
(a) *Plan of operation.* (8 points)
(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.
(2) The Commissioner looks for information that shows—
(i) High quality in the design of the project;
(ii) An effective plan of management that insures proper and efficient administration of the project;
(iii) A clear description of how the objectives of the project relate to the purpose of the program;
(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and
(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(b) *Quality of key personnel.* (5 points)
(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(2) The Commissioner looks for information that shows—
(i) The qualifications of the project director (if one is to be used);
(ii) The qualifications of each of the other key personnel to be used in the project;
(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and
(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (8 points)
(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(2) The Commissioner looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (7 points)
(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (14 points)
(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(f) (6 points) The international nature, contemporary relevance, and interdisciplinary and comparative dimensions of the program.
(g) (6 points) The extent to which a clearly improved educational experience will be available at the institution for students within two years and the caliber of program that will be continued after Federal support is withdrawn.
(h) (6 points) Need for the project in the area to be served by the applicant.
(i) (5 points) Likelihood of achieving results.

(j) (5 points) Expected potential for using the results of the project in other projects for similar purposes.

(20 U.S.C. 511(a))

23. Section 146.33 is revised to read as follows:

§ 146.33 Selection criteria—institutional fellowship quotas.

The Commissioner uses the criteria in this section to evaluate applications from institutions of higher education for quotas of foreign language and area studies fellowships. The criteria are not weighted.
(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.
(2) The Commissioner looks for information that shows—
(i) High quality in the design of the project;
(ii) An effective plan of management that insures proper and efficient administration of the project;
(iii) A clear description of how the objectives of the project relate to the purpose of the program;
(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and
(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(2) The Commissioner looks for information that shows—
(i) The qualifications of the project director (if one is to be used);
(ii) The qualifications of each of the other key personnel to be used in the project;
(iii) The time that each person referred to in paragraphs (b) (2)(i) and (ii) of this section plans to commit to the project; and
(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows the project has an adequate budget and is cost effective.
(2) The Commissioner looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(f)(1) The extent to which an institution which is applying for a quota of fellowships in African studies includes as part of its language and area studies program such disciplines as economics, history, humanities (art, drama, music, philosophy, religion), sociology, and languages other than Swahili;
(2) The extent to which an institution which is applying for a quota of fellowships in East Asian studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, sociology, and humanities (art, drama, music, philosophy, religion);
(3) The extent to which an institution which is applying for a quota of fellowships in East European Studies includes as a part of its language and area studies program such disciplines as anthropology, geography, humanities (art, drama, music, philosophy, religion);

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sociology, and languages other than Russian;

(4) The extent to which an institution which is applying for a quota of fellowships in Latin American studies includes as part of its language and area studies program such disciplines as humanities (art, drama, music, philosophy, religion); sociology, Portuguese, and American Indian languages;

(5) The extent to which an institution which is applying for a quota of fellowships in Middle Eastern studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, humanities (art, drama, music, philosophy, religion); political science, sociology, and languages other than Hebrew;

(6) The extent to which an institution which is applying for a quota of fellowships in South Asian studies includes as part of its language and area studies program such disciplines as anthropology, humanities (art, drama, music, philosophy, religion); linguistics, literature, sociology, and geography;

(7) The extent to which an institution which is applying for a quota of fellowships in Southwest Asian studies includes as part of its language and area studies program such disciplines as economics, history, humanities (art, drama, music, philosophy, religion), linguistics, literature, and sociology; and

(8) The extent to which an institution which is applying for a quota of fellowships in Western European studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, philosophy and religion, political economy, sociology, and languages other than French, German, Italian, or Spanish.

(g) The quality of the institution's existing foreign language and area studies program for the area for which a quota of fellowships is being requested as evidenced by course offerings, faculty, and library holdings.

(h) The degree to which the center or the program of the institution has provided for intra-institutional cooperation with other foreign language and area programs and the nature and extent of coordination with the institution's professional schools and other special university programs.

(i) The degree of institutional commitment to the development of its foreign language and area studies program or center as evidenced by faculty appointments, university scholarships and teaching assistantships, funding of library acquisitions, and continuing support from the institution's general funds.

(j) The degree requirements of the institution's foreign language and area studies center or program and whether proficiency in one or more foreign language is required.

(k) The extent to which the institution's foreign language and area studies center or program provides extra-curricular activities which enhance the student's foreign language proficiency and knowledge of the world area he is studying.

(l) The extent to which the institution's center or program includes in its offerings professional training such as business, law, journalism, or education, and the quality of such offerings.

(m) Likelihood of achieving results.

(n) Need for the project in the area to be served by the applicant.

(o) Expected potential for using the results of the project in other projects for similar purposes;

(p) Lowest priority will be given to applications for fellowships from centers or programs focusing on France, Germany, Italy, and Spain.

(20 U.S.C. 511(b))

24. Section 146.55 is revised to read as follows:

§ 146.55 Selection criteria—research projects.

(a) The Commissioner uses the criteria in this paragraph to evaluate applications for research, studies, and surveys. The maximum score for all of the criteria is 60 points.

(1) *Plan of operation.* (6 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the projects;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the application plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(2) *Quality of key personnel.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (5 points)

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation plan.* (4 points)

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (5 points)

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) (5 points) Need for the project in the area to be served by the applicant;

(7) (5 points) Expected potential for using the results of the project in other projects for similar purposes.

(8) (10 points) The extent to which the proposed activity may be expected to develop new knowledge significant to the purpose of section 602 of the Act.

(9) (5 points) The extent to which problems, questions, or hypotheses to be dealt with are well formulated, and reflect adequate knowledge of other related research;

(10) (5 points) The specificity of the statement of procedures to be followed, including sampling techniques, controls, data to be gathered, and statistical and other analyses to be done; and

(11) (5 points) The adequacy of the proposed teaching, testing, and research methodology.

(b) The Commissioner uses the criteria in this paragraph to evaluate applications for the development of instructional materials. The maximum score for all of the criteria is 65 points.

(1) *Plan of operation.* (7 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(2) *Quality of key personnel.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourage applications for employment from persons who are members of groups that have been traditionally under-represented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (5 points)

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation plan.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (3 points)

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) (5 points) Need for the project in the area to be served by the applicant;

(7) (5 points) Likelihood of achieving results;

(8) (5 points) Expected potential for using the results of the project in other projects for similar purposes.

(9) (5 points) The extent to which the proposed work may contribute significantly to strengthening international studies programs of educational institutions.

(10) (5 points) The extent to which all existing related materials are cited or accounted for, including a critical commentary on their adequacy, in the justification of the proposal.

(11) (5 points) The degree of specificity concerning the final form of the projected instructional materials.

(12) (5 points) The degree to which the proposed contents and final form of the materials reflect an empirical knowledge of the organization for instruction and academic practices of those American institutions in which they will ultimately be used; and

(13) (5 points) The extent to which provision has been made for pretesting the materials in the classroom and for revision before publication.

(20 U.S.C. 512)

PART 146a—CITIZEN EDUCATION FOR CULTURAL UNDERSTANDING PROGRAM

25. Section 146a.7 is revised to read as follows:

§ 146a.7 Selection criteria.

(a) The Commissioner uses the criteria in this section to evaluate applications. The criteria are not weighted.

(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

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(2) Women;
(3) Handicapped persons; and
(4) The elderly.

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(2)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(1) Members of racial or ethnic minority groups;
(2) Women;
(3) Handicapped persons; and
(4) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) The extent to which appropriate segments of the local community were consulted on the development of the application;

(7) The degree to which the proposed project or program provides specifically for cooperation with appropriate segments of the local community; and

(8) The commitment of the agency or organization to the establishment and operation of the program as evidenced by maximum use of non-Federal resources (including financial support). Non-Federal resources include components of the proposed program, such as teaching personnel committed to and available for the project for whom Federal reimbursement is not requested, existing library resources and facilities, volunteer services, and other ongoing activities of the applicant agency or organization which demonstrate a commitment to the additional activities proposed for Federal funding.

(b) In addition to considering the criteria applied to each application individually, the Commissioner seeks to achieve a wide distribution of awards throughout the United States.

(20 U.S.C. 512a)

PART 148—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

26. Section 148.14 is revised to read as follows:

§ 148.14 Selection criteria.

Doctoral dissertation research proposals will be evaluated by the Commissioner in accordance with the criteria contained in this section and in § 148.1(c) as well as program priorities as annually determined and announced by the Commissioner. The criteria are noit weighted. Preference will be given to modern foreign languages where adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used).

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application

for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

27. Section 148.24 is revised to read as follows:

§ 148.24 Selection criteria.

The Commissioner uses the criteria in this section and in § 148.1(c) to evaluate applications under this subpart. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Member of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) Relevance of the project to the institution's educational goals and to its plans for developing programs in modern foreign languages and area studies;

(g) The project's potential impact on modern foreign languages and area studies in American education;

(h) Relevance of the project to contemporary issues and problems significantly related to the national interest;

(i) Scholarly qualifications of the candidate and his previous opportunities for research abroad; and

(j) The extent to which direct experience abroad is necessary to conduct the project and the effectiveness with which host country resources would be utilized.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

28. Section 148.34 is revised to read as follows:

§ 148.34 Selection criteria.

The Commissioner uses the criteria in this section and in § 148.1(c) to evaluate applications under this Subpart. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commission looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(2) The Commissioner looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(f) The potential impact of the project on the development of modern foreign languages and area studies programs in American education;
(g) The project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in modern foreign languages and area studies;
(h) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources would be utilized; and
(i) Program priorities as annually determined and announced by the Commissioner.

29. Section 148.43 is revised to read as follows:

§ 148.43 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications under this subpart. The criteria are not weighted.
(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.
(2) The Commissioner looks for information that shows—
(i) High quality in the design of the project;
(ii) An effective plan of management that insures proper and efficient administration of the project;
(iii) A clear description of how the objective of the project relate to the purpose of the program;
(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and
(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups.
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(2) The Commissioner looks for information that shows—
(i) The qualifications of the project director (if one is to be used);
(ii) The qualifications of each of the other key personnel to be used in the project;
(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and
(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) to determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(2) The Commissioner looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.
(f) Potential impact on the applicant institution's plans for developing its modern foreign language and area studies programs;
(g) Potential effective use of the results of the consultant's work following the completion of the project;
(h) Appropriateness of the consultant's duties and the allocation of time among the duties;
(i) Number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;
(j) Likelihood that educational institutions other than the grantee will share the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;
(k) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director; and
(l) If the proposal is for curriculum development in area studies, focus on area studies in which the applicant institution lacks adequate instructional materials and trained personnel.

(22 U.S.C. 2452(b)(6))

PART 154—EDUCATIONAL OPPORTUNITY CENTERS

30. Section 154.6 is revised to read as follows:

§ 154.6 Selection criteria.

The Commissioner uses the criteria in this paragraph to evaluate applications. The criteria are not weighted.
(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.
(2) The Commissioner looks for information that shows—
(i) High quality in the design of the project;
(ii) An effective plan of management that insures proper and efficient administration of the project;
(iii) A clear description of how the objectives of the project relate to the purpose of the program;
(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and
(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(2) The Commissioner looks for information that shows—
(i) The qualifications of the project director (if one is to be used);
(ii) The qualifications of each of the other key personnel to be used in the project;
(iii) The time that each person referred to in paragraph (b)(2)(i) and (ii) of this section plans to commit to the project; and
(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women;
(C) Handicapped persons; and
(D) The elderly.
(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(2) The Commissioner looks for information that shows—
(i) The budget for the project is adequate to support the project activities; and
(ii) Costs are reasonable in relation to the objectives of the project.
(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(2) The Commissioner looks for information that shows—
(i) The facilities that the applicant plans to use to serve the low-income families in the target area;
(ii) The equipment and supplies that the applicant plans to use are adequate.
The degree to which services are needed to enchance access to postsecondary education, as indicated by—
(i) The number of secondary and postsecondary students and other persons residing in the area;
(ii) The number of low-income families in the target area;
(iii) The historical rate of participation in postsecondary education by residents in the area; and
(iv) The number of persons to be served by the Center;
(g) The extent to which the applicant has successfully operated a Center comparable or identical to those authorized under this part. If that Center was not funded under the Educational Opportunity Centers Program, the applicant shall provide a description of the that Center, including the number of low-income persons served and the kinds of services offered, the number of persons enrolled in and graduated from postsecondary institutions as a result of services offered, and the percentage of increase in postsecondary enrollment and graduation by residents of the area served.
(h) The comprehensiveness of the applicant's plan for carrying out the activities under § 154.7 and the extent to which these activities will result in increased enrollment and retention in and graduation of low-income, educationally disadvantaged persons from postsecondary institutions.
(i) The extent to which representatives from the community, secondary schools, and postsecondary schools have participated in the formulation of the proposal and will participate in the operation of the Center;
(j) The extent to which all members of a consortia will make resources available and participate in the activities of the Center to reach the goals and objectives of the proposed work program;
(k) The extent of the Center's relationship to Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects in the area and to such other similar programs and services, including those for the physically handicapped, in terms of—
(i) Coordinating services to individuals who participate in more than one such program;
(ii) Providing services not otherwise available from Talent Search, Upward Bound, and Special Services projects and other similar programs; and
(iii) Avoiding duplication of services;
(l) The degree to which the Center will draw upon and coordinate the resources and staff efforts of institutions of higher education and postsecondary education in admitting low-income, educationally disadvantaged persons.
(m) Geographic considerations. The Commissioner will award grants or contracts to insure that major concentrations of low-income persons, in both urban and rural areas, will be represented among the areas served by Centers.

(20 U.S.C. 1070d–1)

PART 155—UPWARD BOUND PROGRAM

31. Section 155.8 is revised to read as follows:

§ 155.8 Selection criteria.

(a) The Commissioner uses the criteria in this paragraph to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

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(1) *Plan of operation.* (10 points)
(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.
(ii) The Commissioner looks for information that shows—
(A) High quality in the design of the project;
(B) An effective plan of management that insures proper and efficient administration of the project;
(C) A clear description of how the objectives of the project relate to the purpose of the program;
(D) The way the applicant plans to use its resources and personnel to achieve each objective; and
(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(2) *Quality of key personnel.* (18 points)
(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(ii) The Commissioner looks for information that shows—
(A) The qualifications for the project director (if one is to be used);
(B) The qualifications of each of other key personnel to be used in the project;
(C) The time that each person referred to in paragraphs (a)(2)(ii)(A) and (B) of this section plans to commit to the project; and
(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(3) *Budget and cost effectiveness.* (5 points)
(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(ii) The Commissioner looks for information that show—
(A) The budget for the project is adequate to support the project activities; and
(B) Costs are reasonable in relation to the objectives of the project.
(4) *Evaluation plan.* (5 points)
(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(5) *Adequacy of resources.* (9 points)
(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(ii) The Commissioner looks for information that shows—
(A) The facilities that the applicant plans to use are adequate; and
(B) The equipment and supplies that the applicant plans to use are adequate.
(6) *Need.* (33 points) The number of youths who would be eligible to participate under this part who will be enrolled in the target schools or reside in the area to be served during the project period.
(7) *Design.* (20 points) (i) The comprehensiveness of the applicant's plan for identifying and selecting eligible participants, assessing and documenting their educational need and potential for postsecondary education through the use of standardized measurement instruments, and such other evaluative methods the applicant may choose to use, providing career and academic guidance and counseling, preparing and motivating project participants for admission to postsecondary institutions, and assisting participants in applying for admission to postsecondary institutions which are appropriate for such participants' abilities and ambitions; and
(ii) The extent to which the project will generate academic skills and motivation that will enable the participants to gain admission to postsecondary institutions and assist participants to attain a minimum of one year's growth, as measured by standardized measurement instruments stipulated in the application, in those academic skills such as reading, writing, mathematics and science which are essential for postsecondary education and in which participants are deficient.
(8) In selecting applications for funding, the Commissioner will consider the need for a project in the area that the applicant proposes to serve as compared to the need of the total target population to be served.
(9) Except for veterans projects, preference will be given to those applicants for new awards that proposed to carry out a summer residential component.
(10) Special consideration will be given to those applicants for new awards that propose to serve veterans if the applicant will serve an area in which the needs of eligible veterans for the services provided under this part cannot adequately be met without the project.
(11) National demonstration awards. The Commissioner will select a limited number of applications to be funded as Upward Bound national demonstration projects on the basis of the criteria set forth in paragraph (a)(9) of this section and the following additional criteria:
(i) Whether the proposed project is national or inter-regional in scope, or presents a clearly new or experimental technique or design for the provision of Upward Bound services to eligible participants;
(ii) Whether the proposed project duplicates or competes with existing regional or national programs, or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;
(iii) Whether, with regard to proposed projects presenting a new or experimental technique or design, the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;
(iv) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and
(v) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1)

PART 157—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAMS

32. Section 157.6 is revised to read as follows:

§ 157.6 Selection criteria.

(a) The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(1) *Plan of operation.* (10 points)
(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for this project.
(ii) The Commissioner looks for information that shows—
(A) High quality in the design of the project;
(B) An effective plan of management that insures proper and efficient administration of the project;
(C) A clear description of how the objectives of the project relate to the purpose of the program;
(D) The way the applicant plans to use its resources and personnel to achieve each objective; and
(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(2) *Quality of key personnel.* (7 points)
(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
(ii) The Commissioner looks for information that shows—
(A) The qualifications of the project director (if one is to be used);
(B) The qualifications of each of the other key personnel to be used in the project;
(C) The time that each person referred to in paragraphs (a)(2)(ii) (A) and (B) of this section plans to commit to the project; and
(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(*1*) Members of racial or ethnic minority groups;
(*2*) Women;
(*3*) Handicapped persons; and
(*4*) The elderly.
(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
(3) *Budget and cost effectiveness.* (5 points)
(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.
(ii) The Commissioner looks for information that shows—
(A) The budget for the project is adequate to support the project activities; and
(B) Costs are reasonable in relation to the objectives of the project.
(4) *Evaluation plan.* (9 points)
(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(5) *Adequacy of resources.* (3 points)
(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
(ii) The Commissioner looks for information that shows—
(A) The facilities that the applicant plans to use are adequate; and
(B) The equipment and supplies that the applicant plans to use are adequate.
(6) *Need.* (33 points) (i) The extent to which the institution has made available educational opportunites to students of deprived educational, cultural, or economic backgrounds, and to students of limited English-speaking ability, or with physical handicaps, or who are disadvantaged because of severe rural isolation.
(7) *Project plan.* (12 points) The comprehensiveness of the applicant's plan for selecting students to be served by the project, conducting an assessment of supportive services needed by the students, and providing the services.
(8) *Resources and organization.* (21 points)
(i) The degree to which student financial assistance at the applicant institution will be used to meet the needs of the students who will be participating in the project;
(ii) The degree to which administrative and academic policies have as their purpose the maximization of a student's chances for graduating from the host institution;
(iii) The extent to which the project director will be consulted on those administrative and academic policies that affect the participant's chances of completing an educational program at the institution; and
(iv) The extent to which the applicant proposes to orient the faculty and staff of the institution to the goals and objectives of the Special Services Program and to utilize institutional resources available to the project.
(v) In selecting applications for funding, the Commissioner will consider the need for the project in the area the applicant proposes to serve as compared to the need of the total target population to be served.
(b) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Special Services national demonstration projects on the basis of the criteria set forth in paragraph (a) of this section and the following additional criteria:
(1) Whether the proposed project is national or inter-regional in scope, or presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical handicaps or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;
(2) Whether the proposed project duplicates or competes with existing regional or national programs or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;
(3) Whether, with regard to proposed projects presenting a new or experimental technique or design, the applicant's proposed activities and expected results can be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;
(4) Whether the proposed project will provide services not readily available on a local or regional basis for participants; and
(5) Whether the proposed proposed will provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d–1)

PART 158—FOLLOW THROUGH PROGRAM

33. Section 158.15 is revised to read as follows:

§ 158.15 Selection criteria for refunding of projects.

The Commissioner uses the criteria in this section to determine whether an applicant has satisfactorily operated a project funded in the previous year under the Follow Through Program. Each of the criteria is rated on the

following scale: unsatisfactory, satisfactory, above average, outstanding.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the application will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants made after October 1, 1980, a clear description of how the applicant will provide an opportunity for participation of students enrolled in nonprofit private schools.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Mangement and Budget.

(g) The proportion of children enrolled in the schools of the project who are graduates of Head Start or similar preschool programs as required by § 158.12(a).

(h) The provision of parental and community involvement as required by § 158.26(b).

(i) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (d).

(j) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19(d) (3) and (4);

(k) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(l) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with §158.19(d);

(m) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(n) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(h)(3).

(o) The role of the Career Development Committee as required by § 158.19(d)(9).

(p) The provision for staff training as required by § 158.26(g);

(q) The extent to which the instructional component is implemented as required by § 158.26(a).

(r) The provision and coordination of comprehensive services as required by §§ 158.26 and 158.26(b):

(1) Nutrition.

(2) Medical and dental services.

(3) Social services.

(4) Psychological services.

(5) Career development.

(s) The use or the coordination, or both, of other resources and programs with the project in accordance with § 158.25(b).

(t) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(Economic Opportunity Act, Title V, Secs. 551(a) (1), (3), 554(a) (Pub. L. 93-644 Sec. 8(a))

34. The title and paragraph (b) of § 158.42 are revised to read as follows:

§ 158.42 Funding and selection criteria for grants or contracts.

* * * * *

(b) *Section criteria.* The Commissioner uses the criteria in this paragraph (b) to evaluate applications for grants and proposals for contracts under this subpart. The criteria are not weighted, but are each rated on the following scale: unsatisfactory, satisfactory, above average, outstanding.

(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of persons, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) *Programmatic.* (i) The extent to which the applicant has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) The extent to which the applicant will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) The extent to which the applicant will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) The extent to which the applicant will assist local projects in improving parent-school community relationships;

(v) The extent to which the applicant will assist local projects in evaluating project activities and disseminating information regarding project activities and their evaluation; and

(iv) The extent to which the applicant will assist local projects with staff training and development programs.

(7) *Management.* The extent to which the applicant will seek information from the local project sites to meet their project needs for technical assistance.

(Economic Opportunity Act, Title V, Sec. 553(a)(3) Pub. L. 93-644 Sec. 8(a))

35. Section 158.52 is revised to read as follows:

§ 158.52 Selection criteria.

The Commissioner provides financial assistance under this subpart only to those applicants who sponsor educational approaches currently being implemented in the Follow Through program. The Commissioner uses the criteria in this section to determine whether an applicant has satisfactorily operated a project funded in the previous year under the Follow Through program. Each of the criteria is rated on the following scale: unsatisfactory, satisfactory, above average, outstanding:

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

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(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adquate; and

(ii) The equipment and supplies that the applicant plans to use are adequate;

(f) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria in § 158.24(b).

(g) The extent to which parents have been and will be involved in sponsor activities.

(h) The extent to which the sponsor has provided and will provide for the training of—

(1) Administrators;

(2) Teachers;

(3) Teacher aides and other paraprofessionals;

(4) Parents, and

(5) Others.

(Economic Opportunity Act, Title V, Sec. 553(a)(1) (Pub. L. 93–644 Sec. 8(a)))

PART 159—TALENT SEARCH PROGRAM

36. Section 159.7 is revised to read as follows:

§ 159.7 Selection criteria.

(a) The Commissioner uses the criteria in this paragraph to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(1) *Plan of operation.* (10 points)

(i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(2) *Quality of key personnel.* (7 points)

(i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(2)(ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (5 points)

(i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation Plan.* (5 points)

(i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (3 points)

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) *Need.* (33 points) (i) The extent to which the target area of the project is characterized by having a percent of youths from low-income families, residing or attending school in the area, that exceeds the minimally acceptable 25 percent, or exceeds 15 percent for those proposing to serve sparsely populated or geographically isolated areas; and

(ii) The number of youths who are eligible to be served by a project who reside or attend schools in the target area.

(7) *Design.* (16 points) (i) the extent to which the project will, in the target area, increase the rate of secondary school completion and postsecondary admissions, decrease the rate of secondary school dropouts, and increase the number of secondary and postsecondary dropouts who reenter secondary and postsecondary educational programs; and

(ii) The comprehensiveness of the applicant's plan for—

(A) Identifying and selecting eligible participants and assessing and documenting their potential for postsecondary education;

(B) Providing career and academic guidance and counseling;

(C) Disseminating information on student financial aid to the target population;

(D) Assisting youths in gaining admission or readmission to secondary schools and a variety of postsecondary institutions which have adequate supportive services, if needed by the participants;

(E) Assisting youths enrolling in postsecondary institutions in obtaining student financial aid; and

(F) Determining whether the participants actually enrolled in secondary programs or postsecondary institutions received adequate financial aid.

(8) *Resources and organization.* (21 points)

(i) The extent to which the applicant has provided for the orientation of secondary and postsecondary schools in the target area to the goals and objectives of the Talent Search Program and has received written commitments by community and other relevant organizations for the utilization of community and other resources to supplement authorized activities.

(ii) *Population to be served.* In selecting applications for funding, the Commissioner will consider the need for the project in the area the applicant proposes to serve as compared to the need of the total target population to be served.

(iii) *National demonstration projects.* The Commissioner will select a limited number of applications to be funded as Talent Search national demonstration projects on the basis of the criteria in paragraph (a)(8)(i) of this section and the following additional criteria:

(A) Whether the proposed project is national or inter-regional in scope or presents a clearly new or experimental technique or design for the provision of Talent Search services to eligible participants.

(B) Whether the proposed project duplicates or competes with existing regional or national programs, or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution.

(C) Whether, with regard to proposed projects presenting a new or experimental technique or design, the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services to similar youths.

(D) Whether the proposed project will provide services not readily available on a local or regional basis to such youths.

(E) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1).

PART 164—CAPACITY BUILDING FOR STATISTICAL ACTIVITIES IN STATE EDUCATIONAL AGENCIES

37. Section 164.10 is revised to read as follows:

§ 164.10 Selection criteria.

The Administrator uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (16 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (14 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (9 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (3 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Significance of project.* (37 points).

The significance of the project in improving the long-term statistical capability of the State agency, as measured by a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in educational agencies, institutions of higher education or other agencies of the State; or similar statistical objectives.

(g) *Commitment.* (14 points) The adequacy of the educational agency's commitment and arrangements made to ensure the long-term effect of the proposed activities after the expiration of Federal funds.

(20 U.S.C. 1221–1(b)(3)6(e))

Part 169—Strengthening Developing Institutions Programs

38. Section 169.52 is revised to read as follows:

§ 169.52 Selection criteria.

The Commissioner uses the following criteria to select applications for new grants:

(a) *General criteria.* An applicant may receive up to 50 points for the general selection criteria in this paragraph as follows:

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(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (17 points)

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as–

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (14 points)

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (9 points)

(5) *Adequacy of resources.*

(i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(b) *Program criteria.* An applicant may receive up to 50 points under the following criteria:

(1) The extent to which the applicant's mission and goals statement reflects the needs of its constituents. (14 points)

(2) The extent to which the size, scope, and duration of the proposed activities will contribute to the stated goals. (22 points)

(3) The extent to which any proposed cooperative arrangements will help achieve project objectives. (9 points)

(4) The extent to which a plan has been developed to ensure continuation of the proposed activities after the grant ends. (5 points)

(c) The Commissioner considers for selection only those applications that receive a rating of 50 or more points.

(20 U.S.C. 1051, 1054)

PART 172—TEACHERS CORPS

39. The title of Subpart F and § 172.150 are revised to read as follows:

Subpart F—Selection Criteria

§ 172.150 General selection criteria.

(a) The Commissioner uses the criteria in §§ 172.151–172.154 and the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points.

(b) An applicant may receive up to 30 points under the general criteria in this section, as follows:

(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (10 points)

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2) (ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

((ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (5 points)

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(5) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(20 U.S.C. 1103(g))

40. Section 172.151 is revised to read as follows:

§ 172.151 School learning climate criterion.

(16 points)

In evaluating an application the Commissioner considers the extent to which—

(a) The objectives developed under § 172.62 (school objectives) (improved school climate) are likely to achieve the outcome in § 172.60(a) (8 points); and

(b) The project activities are likely to accomplish the objectives developed under § 172.62 (8 points).

(20 U.S.C. 1103(g))

41. Section 172.152 is revised to read as follows:

§ 172.152 Educational personnel development system criterion

(27 points).

In evaluating an application, the Commissioner considers the extent to which—

(a) The objectives developed under § 172.63 (educational personnel development) are likely to achieve the outcome in § 172.60(b) (improved educational personnel development system) (9 points);

(b) The project training activities are likely to accomplish the objectives developed under § 172.63(b) (Improved educational personnel development system) (9 points); and

(c) The project activities are likely to accomplish the objectives developed under § 172.63 (a) and (c). (9 points)

(20 U.S.C. 1103(g))

42. Section 172.153 is revised to read as follows:

§ 172.153 Institutionalization criterion

(15 points).

In evaluating an application, the Commissioner considers the extent to which—

(a) The objectives developed under § 172.64 (institutionalization) are likely to achieve the outcome in § 172.60(c) (continuation of educational improvements) (7 points); and

(b) The project activities are likely to accomplish the objectives developed under § 172.64 (8 points).

(20 U.S.C. 1103(g))

43. Section 172.154 is revised to read as follows:

§ 172.154 Adaptation of educational improvements criterion

(12 points).

In evaluating an application, the Commissioner considers the extent to which—

(a) The objectives developed under § 172.65 (demonstration and dissemination) are likely to achieve the outcome in § 172.60(d) (adaptation of educational improvements) (6 points); and

(b) The project activities are likely to accomplish the objectives developed under § 172.65 (6 points).

(20 U.S.C. 1103(g))

PART 173—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

44. Section 173.45 is revised to read as follows:

§ 173.45 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 180 points.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (18 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (13 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (10 points)

(d) *Evaluation of plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

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(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (18 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (10 points)

(f) Whether the proposed activity complements and does not duplicate current demonstrations or programs of experimentation in the field of community service and continuing education, including resource materials sharing (10 points).

(g) The extent to which the proposed activity is responsive to one of the priorities in § 173.42 (19 points).

(h) The potential replicability or adaptability of the project by other institutions of higher education (19 points).

(i) The sufficiency of size, scope, and duration of the project so as to secure productive results (10 points).

(j) The soundness of the proposed plan of operation, including the extent to which—

(1) Where appropriate, provision is made for satisfactory inservice training connected with project services (5 points); and

(2) Provision is made for disseminating the results of the project and for making materials, techniques, and other products available to the general public and specifically to those concerned with the area of education with which the project is itself concerned (19 points).

(k) The degree to which the project proposes to employ, or will result in the development of new approaches, methods, and materials of value in increasing the effectiveness of community service and continuing education programs, including resource materials sharing programs (19 points).

(l) The extent to which the project is coordinated with related Federal, State, or institutional programs in order to promote a comprehensive approach to the solution of national and regional problems of technological and social change, and environmental pollution (10 points).

(20 U.S.C. 1005a; H. (Conf.) Rept. No. 94–1701 at 178 (1976); S. Rept. No. 92–346 at 10 (1971))

PART 179—GRADUATE AND PROFESSIONAL STUDY FELLOWSHIPS AND INSTITUTIONS GRANTS

45. Section 179.26 is revised to read as follows:

§ 179.26 Selection criteria.

(a) The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria in paragraph (b) of this section is 87 points.

(b) *Weighted criteria*—(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (9 points.)

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (12 points)

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (9 points)

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (4 points)

(5) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project;

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(6) The project proposes activities which would assist in providing graduate and professional education to persons with varied backgrounds and experiences including, but not limited to, members of minority groups which are underrepresented in colleges and universities and in the academic and professional career fields to which the education leads. (17 points)

(7) The project is consistent with State, regional, or national priorities. (9 points)

(8) The project includes arrangements related to the thrust of the institution's program. These may be arrangements involving undergraduate, professional, or other graduate units within the institution, or arrangements with outside institutions or agencies. (9 points)

(9) The project provides activities which clearly enhance the institution's program emphasis or are innovative. (5 points)

(10) The overall graduate or professional academic program of the institution is strong enough to assure the success of the project. (10 points)

(c) *Unweighted criterion.* The Commissioner reviews each application to determine the extent to which funding the project would help provide, as far as practicable, a wide distribution of graduate and professional study programs throughout the United States.

(20 U.S.C. 1134(b))

PART 182—COOPERATIVE EDUCATION PROGRAMS

46. Section 182.16 is revised to read as follows:

§ 182.16 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards under this subpart. The maximum score for all of the criteria is 120 points.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (12 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (12 points)

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (8 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (6 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (12 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) The extent to which the applicant shows in its application that—

(1) The applicant will use its own resources to increase the size, scope and quality of its cooperative education program during the period of Federal support (13 points);

(2) The applicant has arranged for employment opportunities which to the extent practicable are related to its students' educational, professional, or occupational objectives (8 points);

(3) The applicant supervises its students during the work experience (4 points);

(4) The applicant makes continuing efforts to promote close interaction between its students' work experiences and academic study (4 points);

(5) The President and first-line administrators of the applicant support the program (8 points); and

(6) The applicant has or will develop a record-keeping system that keeps track of each student's status, attendance periods, and work periods (4 points).

(g) Whether the length of work experience is sufficient to make a significant contribution toward meeting the students' educational, professional, and occupational objectives (8 points).

(h) The extent to which the applicant has involved administrators, faculty, students, employers, and cooperative education specialists in both planning and, if the program is already in existence, carrying out the program (4 points).

(i) Whether the applicant has procedures for making curriculum and calendar changes as necessary to meet the particular needs of students (8 points).

(j) Whether the applicant has a written cooperative education philosophy appropriate to the needs and characteristics of the applicant (4 points).

(k) The extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by employers (7 points).

(l) The extent to which the applicant demonstrates its intention and ability to continue its cooperative education program after Federal financial assistance ends (7 points).

(20 U.S.C. 1133(a), 1133a(b), 1133a(d))

47. Section 182.32 is revised to read as follows:

§ 182.32 Selection criteria for training projects.

The Commissioner uses the criteria in this section to evaluate applications for new training projects under this subpart. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

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(ii) An efficient plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from person who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(f) The extent to which the applicant proposes to address the responsibilities of—

(1) Cooperative education directors at institutions of higher education to modify existing undergraduate teaching practices, academic calendars and curricula in order to administer cooperative education programs more effectively;

(2) Undergraduate guidance counselors to understand the relationship of the work experience to the students' academic program;

(3) Personnel officers of private or public employers to assist in placing and supervising cooperative education students in work situations; or

(4) Community representatives (10 points).

(g) The extent to which the applicant has based its project on its experience in cooperative education or on successful cooperative education programs, or on innovations which have been used successfully in a cooperative education program (15 points).

(h) The extent to which the applicant has clearly defined procedures that give evidence of comprehensive planning (15 points).

(i) The extent to which the proposed project has promise of developing trainees who can apply their expertise in more than one type of cooperative education program; or in more effective articulation between two and four-year institutions; or in improved employer participation in cooperative education programs; or in improved college-community relations affecting cooperative education programs (15 points).

(j) The extent to which the applicant provides evidence of a need for the training in its geographical area or for training of a specialized nature addressed to a nationwide clientele (15 points).

(20 U.S.C. 1133b)

48. Section 182.33 is revised to read as follows:

§ 182.33 Selection criteria for research and demonstration projects.

The Commissioner uses the criteria in this section to evaluate applications for new research and demonstration projects under this subpart. The maximum score for all of the criteria is 105 points.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (15 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (10 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (5 points)

(f) The extent to which the applicant demonstrates that the proposed research is responsive to a real problem or need in cooperative education and, further, that the findings would be of potential value to the cooperative education community, including directors of cooperative education and other institutional administrators (23 points).

(g) The extent to which the proposal includes—

(1) Well-defined experimental or data collection methodologies;

(2) A well-defined data analysis plan; and

(3) A well-defined plan for dissemination of the research findings (42 points).

(20 U.S.C. 1133b)

PART 182a—NATIONAL ALCOHOL* AND DRUG ABUSE PREVENTION PROGRAM

49. Section 182a.14 is revised to read as follows:

§ 182a.14 Selection criteria.

(a) The Commissioner uses the criteria in this section to evaluate applications for new awards under this subpart. The criteria are not weighted.

(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (a)(2) (ii)(A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project.

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(6) The extent of the alcohol and drug abuse problem in the schools and local community to be served.

(7) The extent to which team membership includes persons who have demonstrated leadership capabilities.

(8) The extent to which the proposed alcohol and drug abuse prevention and early intervention program activities of the applicant are addressing or will address unmet alcohol and drug abuse problems in the schools and local communities to be served.

(9) The extent to which alcohol and drug abuse prevention and early intervention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant.

(10) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially.

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(11) The extent and manner in which the team will be utilized after training in the development and administration of alcohol and drug abuse prevention and early intervention programs in the schools of the applicant educational agency.

(b) In the awarding of funds under this subpart, the Commissioner will take into consideration the extent to which the funds will be distributed throughout the Nation among school systems of varying characteristics such as geographic size, ethnic composition, concentration of persons with limited English-speaking ability, and socioeconomic levels in urban, suburban and rural areas.

(20 U.S.C. 1002)

50. Section 182a.25 is revised to read as follows:

§ 182a.25 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards under this subpart. The criteria are not weighted.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) The extent of the alcohol and drug abuse problem in the local community to be served.

(g) The extent to which team membership includes persons who have demonstrated leadership capabilities.

(h) The extent to which the proposed program acitivities address unmet alcohol and drug abuse prevention needs in the local community to be served.

(i) The extent to which alcohol and drug abuse prevention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant.

(j) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially.

(k) The extent and manner in which the team will be utilized after training in the development and administration of drug abuse prevention programs in the community.

(20 U.S.C. 1002)

PART 191—GUIDANCE AND COUNSELING

51. Section 191.33 is revised to read as follows:

§ 191.33 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants under this subpart. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel that applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in field related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Cost are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaulation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaulation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need.* (Maximum 9 points) The application clearly described the need, through documented evidence for training and/or improved supervisory services, and the procedures used in determining the need. The need should be based on the guidance needs of students in the location where trainees are employed.

(g) *Activities.* (Maximum 19 points) The application—

(1) Describes training or supervisory objectives and activities which respond effectively to the needs of students documented in the needs assessment;

(2) Describes project activities which are designed to serve as a resource for improving guidance and counseling services within schools which receive supervisory services, or which are served by teacher and counselor trainees;

(3) Gives evidence, in those applications proposing to provide training, of commitments from outside organizations, groups, or individuals to cooperate in the implementation of proposed activities or in those applications proposing to improve supervisory services, of plans for working with other appropriate units; and

(4) Clearly describes the criteria and proposes for selecting participants in training activities and clearly describes criteria and processes for developing comprehensive and coordinated guidance programs in activities to improve supervisory services.

(h) *Distribution of projects.* (Maximum 9 points) The extent to which approval of the project will contribute to—

(1) An equitable geographic distribution of programs funded under this subpart throughout the United States in both urban and rural areas; and

(2) The funding of a wide variety of projects which collectively can demonstrate diverse approaches to meet effectively the purposes of this subpart.

(i) *Models.* (Maximum 10 points) The extent to which approval of the project will contribute to the establishment of a model or models which can be replicated by other agencies or institutions with similar educational needs. In applying this criterion, the Commissioner shall consider—

(1) The extent to which similar needs to those addressed by the proposed project exists in other agencies or institutions; and

(2) The design of the proposed project.

(j) *Alleviation of unemployment among youth.* (Maximum 5 points) The extent to which approval of the project has potential for contributing to the alleviation of unemployment among youth through inter-relationships with business and industry, the professions, and other occupational pursuits.

(k) *World of work.* (Maximum 5 points) The project involves inservice training to—

(1) Increase the understanding of teachers and counselors of the world of business, industry, professions, and other occupational pursuits through exposure to these areas; and

(2) To provide for increased use of persons employed in business, industry, the professions and other occupational pursuits in the guidance and counseling programs by—

(i) Bringing these persons into the schools to assist teachers and counselors; and

(ii) Bringing students into the work-place for observation and participation in order to acquaint them with the nature of the work.

(20 U.S.C. 2534(a))

52. Section 191.45 is revised to read as follows:

§ 191.45 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants under this subpart. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (Maximum 47 points)

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 10 points)

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 3 points)

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need.* (Maximum 10 points) The need for the proposed plan to reduce duplication of efforts in the State in guidance and counseling is clearly established.

(g) *Cooperative arrangements.* (Maximum 10 points) The strength and quality of arrangements made by the applicant to work with other appropriate institutions and agencies.

(20 U.S.C. 2534(b))

53. Section 191.49 is revised to read as follows:

§ 191.49 Capacity to carry out the project.

Notwithstanding the specific selection criteria in § 191.45, the Commissioner will not fund an application under this subpart unless the Commissioner is satisfied that the applicant has the capacity successfully to carry out the project.

(a) In making this judgment, the Commissioner will consider such factors as—

(1) Both the programmatic and financial management capacities of the applicant organization and its staff;

(2) Past performance by the applicant—

(i) In carrying out any prior grant under this subpart; or

(ii) In carrying out similar projects—with respect to those matters as achievement of objectives, adherence to the project conditions, programmatic and financial management, and the governing board's assumption of responsibility; and/or

(3) Consideration of local community factors which may prevent the successful operation of the grant.

(b) If the Commissioner decides not to fund an application based upon this section, the Commissioner will do so only after providing reasonable notice and an opportunity to the applicant to rebut, in writing or in an informal meeting with the responsible officials of the U.S. Office of Education, the basis for the decision.

(20 U.S.C. 2534(b))

PART 194—PUBLIC SERVICE EDUCATION PROGRAM

54. Section 194.8 is revised to read as follows:

§ 194.8 Selection criteria.

(a) The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria in paragraph (b) is 100 points.

(b) *Weighted criteria.* The extent to which the proposed project ranks high on the criteria contained below, with the maximum point score for each criterion as shown:

(1) *Plan of operation.* (i) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(ii) The Commissioner looks for information that shows—

(A) High quality in the design of the project;

(B) An effective plan of management that insures proper and efficient administration of the project;

(C) A clear description of how the objectives of the project relate to the purpose of the program;

(D) The way the applicant plans to use its resources and personnel to achieve each objective; and

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly. (10 points)

(2) *Quality of key personnel.* (i) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(ii) The Commissioner looks for information that shows—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (2)(ii) (A) and (B) of this section plans to commit to the project; and

(D) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(*1*) Members of racial or ethnic minority groups;

(*2*) Women;

(*3*) Handicapped persons; and

(*4*) The elderly.

(iii) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (12 points)

(3) *Budget and cost effectiveness.* (i) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(ii) The Commissioner looks for information that shows—

(A) The budget for the project is adequate to support the project activities; and

(B) Costs are reasonable in relation to the objectives of the project. (10 points)

(4) *Evaluation plan.* (i) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(ii) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(5) *Adequancy of resources.* (i) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(ii) The Commissioner looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate. (3 points)

(6) It is likely to result in establishing, strengthening, or improving a program which prepares graduate and professional students for public service. (17 points)

(7) It is related to, or is part of, an academic program which prepares persons for leadership and management positions in local and State governments and nonprofit community service agencies, and for positions in program administration involving intergovernmental relations. (9 points)

(8) It is especially imaginative and innovative. (9 points)

(9) It is consistent with State and regional priorities. (8 points)

(10) The overall academic program of public service education is strong enough to assure the success of the proposed project when measured by such criteria as the following: (17 points)

(i) There is a clear statement of program objectives;

(ii) Institutional resources such as facilities, equipment, and libraries are adequate;

(iii) The multi-disciplinary background, education, and research ability of the faculty are of high quality;

(iv) The program offers opportunities for relevant, supervised practicum and internship experiences;

(v) The program has arrangements with government agencies or jurisdictions or other nonprofit agencies for such activities as program development, personnel exchange, and field work;

(vi) The program involves other graduate units of the institution in supportive or cooperative efforts of practical benefit to public service education; and

(vii) Graduates of the program have achieved leadership and management positions in public service careers.

(c) *Unweighted criteria.* The Commissioner also considers—

(1) The extent to which the institution requests funding of activities which received assistance under this part during the preceding fiscal year but have not been completed, provided there has been substantial progress in meeting the original goals; and

(2) The extent to which funding the application will assist in attaining a wider distribution throughout the United States of high quality public service education program.

(20 U.S.C. 1134a; 1134b(a))

PART 197—TEACHER CENTERS PROGRAM

55. Section 197.11 is revised to read as follows:

§ 197.11 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points. An application must receive a minimum of 50 points to be considered for funding.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the projects;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants made after October 1, 1980, a clear description of how the applicant will provide for participation of teachers employed at nonprofit private schools that choose to participate in the teacher center. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (7 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

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(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (5 points)

(f) The extent of the teacher center policy board's authority and responsibility for supervision of the project (10 points).

(g) The potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students (20 points).

(h) The adequacy of provisions for dissemination of the results of the project (3 points).

(i) The appropriateness of size, scope, and duration of the project so as to secure productive results (5 points).

(j) The potential of the teacher center to impact upon and improve the grantee's overall program of inservice training for teachers (15 points).

(k) The representativeness of the teacher center policy board under § 197.4(b) (10 points).

(l) The extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources (5 points).

(20 U.S.C. 1119a)

PART 198—TRAINING FOR HIGHER EDUCATION PERSONNEL

56. Section 198.7 is revised to read as follows:

§ 198.7 Selection criteria.

The Commissioner uses the criteria in this section to evaluate applications for new grants. The maximum score for all of the criteria is 100 points. An application must receive a minimum of 50 points to be considered for funding.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminator employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides. (15 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (10 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—45 CFR 100a.590 Evaluation by the grantee

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (10 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (10 points)

(f) The extent of need for the proposed training, as documented in the application, and the responsiveness of the proposed training to that need. (15 points)

(g) Sufficiency of size, scope, and duration of the project so as to secure productive results. (5 points)

(h) The extent to which provision is made for disseminating the results of the project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to those concerned with the area of education with which the project is itself concerned. (5 points)

(i) Adequacy of the methods used to determine the eligibility of persons to be served by the project. (5 points)

(20 U.S.C. 1119a–1)

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federal register

Thursday
April 3, 1980

Part XIX

Department of the Interior

Fish and Wildlife Service

Changes in Appendices to Endangered Species Convention

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Changes in Appendices to Endangered Species Convention

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a treaty controlling import, export, re-export and introduction from the sea of species listed in its appendices. At their recent meeting in Costa Rica, the Party nations adopted numerous changes in Appendices I and II that took effect on June 28, 1979. Because the appendices are included in Part 23 of Title 50 of the Code of Federal Regulations, the Service issues this rule to make the list of species in Part 23 conform to the list of species now included in the Appendices.

EFFECTIVE DATE: April 3, 1980.

ADDRESSES: Please address correspondence to the Director, U.S. Fish and Wildlife Service, Office of the Scientific Authority, Washington, D.C. 20240. Information on the amendments to the Appendices is available for review during business hours of 7:45 a.m. to 4:15 p.m. Monday through Friday, in room 536, 1717 H St., N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: Procedures for amending the list of wildlife and plant species included in Appendices I and II are provided in Article XV of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (T.I.A.S. 8249). Amendments can occur either at meetings of the Conference of the Parties or through a postal procedure. In the former situation, an amendment proposed by a Party is adopted if it is approved by a two-thirds majority of the Parties present and voting. A similar majority is required in postal votes when a vote is required as a result of the entering of an objection by any Party. The term "Party" is used here to mean a nation for which the Convention has entered into force.

The Parties considered numerous proposals to amend Appendices I and II at the second meeting of the Conference of the Parties, held in San Jose, Costa Rica, from March 19 to 30, 1979. The Service announced these proposals and its findings concerning them in a series of notices in the **Federal Register**. The most recent of these notices were published on February 14, 1979, for United States proposals (44 FR 9690–9697) and on March 26, 1979, for proposals by other Parties (44 FR 18150–18159).

In addition to proposals submitted for consideration at their second meeting, the Parties also considered two earlier postal proposals submitted by the United Kingdom to include the Grevy's zebra and Hartmann's mountain zebra in Appendix I. These proposals were referred to the meeting because less than one-half of the Parties voted on them when a postal vote was conducted (see 44 FR 5715, January 29, 1979).

The decisions by the Parties on the proposals were announced in the **Federal Register** on May 1, 1979 (44 FR 25480–25484). That publication listed only the adopted proposals; all other proposals were either withdrawn or defeated.

The regulatory requirements of 50 CFR Part 23 apply to specimens of species included in the Appendices to the Convention. The list of species to be included at 50 CFR 23.23 is provided in this rule for informational purposes. Only the Parties to the Convention, acting pursuant to its provisions, can determine whether species should be protected through inclusion in the appendices.

When the recent decisions of the Parties on proposals to amend the Appendices were announced in the **Federal Register**, comment was invited on whether the United States should enter a reservation with respect to species that would be included in the Appendices. All comments received were carefully considered and are discussed below. The Service determined, in the exercise of its responsibility to communicate with the Parties on these matters, that no reservations should be taken by the United States.

Several changes also have occurred in the list of species included in Appendix III since the list was first published in the **Federal Register** on February 22, 1977 (42 FR 10462–10488). Appendix III includes species that any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade. Inclusion of species in this appendix can be done unilaterally by any Party and does not require approval by the other Parties. The only action other Parties may take if they disagree is to enter a reservation, which means they would not be treated as Parties to the Convention with respect to the species. The present rule incorporates all changes in Appendix III to date.

The following list shows specific reservations now in force for species in all appendices.

Species	Appendix	Parties reserving
Mammals:		
Whales, porpoises, dolphins, (Order Cetacea)	II	Canada, South Africa.
Dolphins, humpback (*Sotalia* spp. and *Sousa* spp.).	I	Canada, South Africa
Porpoise, finless (*Neophocaena phocaenoides*).	I	Canada.
Whale, fin (*Balaenoptera physalus*)	I (except stocks in App. II)	Australia, Canada, South Africa, U.S.S.R.
Whale, fin	II (stocks in North Atlantic off Iceland and Newfoundland, stock in area from 60° to 120° west longitude from 40° south latitude to Antarctic Continent).	Canada, South Africa.
Whale, gray (*Eschrichtius robustus glaucus*)	I	Canada.
Whale, sei (*Balaenoptera borealis*)	I (North Pacific stock and stock in area from 0° longitude to 70° east longitude from equator to Antarctic Continent).	Australia, Canada, South Africa U.S.S.R.
Whale, sei (*Balaenoptera borealis*)	II (except stocks in App. I)	Canada, South Africa.
Bear, grizzly and brown (*Ursus arctos*—North American subspecies).	II	Canada
Bear, red (*Ursus arctos isabellinus*)	I	Switzerland.
Caracal (*Felis caracal*—Asian population)	I	Switzerland.
Cat, rusty spotted (*Felis rubiginosa*—Indian population).	I	Switzerland.
Lynx, European (*Felis lynx*)	II	U.S.S.R.
Otter, European (*Lutra lutra*)	I	U.S.S.R.
Wolf, gray (*Canis lupus*)	II	U.S.S.R.
Wolf, gray (*Canis lupus*—populations of Bhutan, India, Nepal and Pakistan).	I	Switzerland.
Antelope, Tibetan (*Pantholops hodgsoni*)	I	Switzerland.
Sheep, bighorn (*Ovis canadensis*)	II	Canada.
Birds:		
Goose, Aleutian (*Branta canadensis leucopareia*).	I	Switzerland.
Goose, Tule (*Anser albifrons gambelli*)	II	Canada.
Conure, Patagonia (*Cyanoliseus patagonus byroni*).	II	Switzerland.
Hemipode, collared (*Pedionomus torquatus*)	II	Switzerland.
Button quail, black-breasted (*Turnix melanogaster*).	II	Switzerland.

Species	Appendix	Parties reserving
Birds:		
Pigeon, Nicobar (*Caloenas nicobarica*)	I	Switzerland.
Bustard, Houbara (*Chalmydotis undulata*)	I	Switzerland.
Reptiles:		
Caiman, black (*Melanosuchus niger*)	I	France.
Crocodile, African slender-snouted (*Crocodylus cataphractus*).	I	France.
Crocodile, American (*Crocodilus acutus*—United States population).	I	Switzerland.
Crocodile, dwarf (*Osteolaemus tetraspis*)	I	France.
Crocodile, Nile (*Crocodilus niloticus*)	I	France.
Crocodile, saltwater (*Crocodilus porosus*—except Papua New Guinea population).	I	Federal Republic of Germany, France, Switzerland.
Sea turtle, hawksbill (*Eretmochelys imbricata*)	I	France.
Sea turtle, green (*Chelonia mydas*)	I	France.
Fishes:		
Cisco, longjaw (*Coregonus alpenae*)	I	Canada.
Pike, blue (*Stizostedion vitreum glaucum*)	I	Canada.
Sturgeon, Atlantic (*Acipenser oxyrhynchus*)	II	Canada.
Sturgeon, lake (*Acipenser fulvescens*)	II	Canada.
Molluscs:		
Mussel, Chilean (*Mytilus chorus*)	II	Switzerland.
All species of wildlife	III	Denmark.
Plants:		
Cereopegia spp.	II	Switzerland.
Frerea indica	II	Switzerland.
Bybis spp.	II	Switzerland.
Cephelotus follicularis	II	Switzerland.
Chloranthaceae spp.	II	Switzerland.
Anigozanthos spp.	II	Switzerland.
Macropidia fuliginosa	II	Switzerland.
Verticordia spp.	II	Switzerland.
Banksia spp.	II	Switzerland.
Conospermum spp.	II	Switzerland.
Dryandra polycephala	II	Switzerland.
Xylomelum spp.	II	Switzerland.
Boronia spp.	II	Switzerland.
Crowea spp.	II	Switzerland.
Geleznowia verrucosa	II	Switzerland.
Pimelea physodes	II	Switzerland.

The Service's **Federal Register** notice of May 1, 1979, requested information that might lead the United States to enter a reservation with respect to changes in appendices made at the second meeting of the Conference of the Parties. The Executive Director of the Texas Parks and Wildlife Department, in a letter dated May 24, 1979, requested that the United States enter reservations with respect to the orders Cetacea (whales, porpoises and dolphins), Falconiformes (hawks, eagles, etc.) and Strigiformes (owls) in Appendix II, on the grounds that insufficient evidence was presented to justify the listing of many member species in terms of criteria for listing that the Parties previously adopted.

The Service denied this request, citing the negotiations at the second meeting that led the U.S. Delegation to accept these amendments, the difficulties experienced by Customs officials of other nations in distinguishing between protected and unprotected species, and the absence of any significant trade in these species to or from the U.S.

The format of the appendices has been revised in this rule to list vertebrate wildlife species alphabetically by scientific name within each order instead of by common name within each class. Listing by scientific name overcomes the difficulty of finding the entry for a species by common name when the species has several common names. Organizing the species by order should make it easier to find an entry by eliminating the need to search the entire list. The Service plans to publish another list of the same species arranged alphabetically by common name for the convenience of persons accustomed to using such names.

The format includes a column for the date when the Convention applied to each species, for determining if specimens of listed species were acquired before the provisions of the Convention applied to them. Trade in specimens so acquired may occur without need for permits under the Convention if authorized by a certificate to that effect issued by the Management Authority.

The principle followed in applying dates is to use the date when the Convention first entered into force for a species, including circumstances where a species is later transferred from one appendix to another or is grouped with other species in the listing of a taxon above the species level. In the latter circumstance, each species or group of species in the higher taxon having a different date is listed separately.

The introduction to the appendices in 50 CFR 23.23 also has been revised in this rule for clarity and to conform to the new format. Because these paragraphs are explanatory and do not change the effect of the regulation, it has been determined that prior proposal of this revision is not required. For the same reasons, this action will become effective upon publication in the **Federal Register**. The revision includes an explanation of how the effective dates for species listings are determined. It also indicates more clearly whether or not the regulations apply to parts and derivatives of species in the different appendices, as set forth in Article II of the Convention.

The appendices include the following numbers of taxa as of June 28, 1979:

Group	Appendix I	Appendix II	Appendix III	Total
Mammals	174	81	99	274
Birds	116	90	24	230
Reptiles	52	27	3	82
Amphibians	6	4	0	10
Fishes	8	15	0	23
Molluscs	26	21	0	47
Insects	0	4	0	4
Plants	47	49	5	101
Total	429	271	71	771

The term "taxa" is used here to mean listings as they occur in the appendices, which range from geographically distinct populations up to entire orders. The term "species" as used in this rule is defined by the Convention to mean any species, subspecies, or geographically separate population thereof.

Certain of the listed taxa at or above the species level include species, subspecies or populations that have been listed for different reasons: some because they are currently or potentially threatened with extinction, others because of the need to effectively control trade in such currently or potentially threatened species. Information on the basis for listing species is available from the Office of the Scientific Authority.

Amendments to Appendices I and II contained in this rule have entered into force by the terms of the Convention and cannot be the subject of reservations by the United States. Earlier **Federal Register** notices allowed an opportunity for comment on these

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amendments. Therefore, this rule is made effective on the date of Federal Register publication, as provided in 43 CFR 14.5(b)(5).

This rule is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884, as amended), and was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Note.—The Department of the Interior has determined that Executive Order 12044 does not apply to this rule beause it involves a foreign affairs function of the United States.

Dated: February 6, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

Part 23 of Title 50 of the Code of Federal Regulations is amended by revising § 23.23 to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

(a) The list in this section includes species of wildlife and plants placed in Appendix I, II or III in accordance with the proviaions of Articles XV and XVI of the Convention.

The list of species is organized as follows:

Major group	Subgroups
Mammals	Orders, in taxonomic sequence.
Birds	Do.
Reptiles	Do.
Amphibians	Do.
Fishes	Do.
Molluscs	Classes.
Insects	None.
Plants	Families, in alphabetical sequence.

In each group, species are listed in alphabetical sequence. The scientific name takes precedence over the common name in determining if a species is listed.

(b) The appendix column of the list includes the annotation "pe" (=possibly extinct) for certain species. It also contains the names of Parties including species in Appendix III.

(c) For purposes of issuing United States certificates of exemption under Article VII(3), the date when the Convention applies to a species is the date when the inclusion of that species in the appendices enters into force under the terms of Article XV or XVI of the Convention. The date of first listing is retained if a species is transferred from one appendix to another or if a listed species is subsequently included with other species in the listing of a taxon above the species level. Such species are shown separately in this publication of the appendices. The date of a subsequent listing is used only if a species is entirely deleted from the appendices and is subsequently reincluded after an intervening period of time.

(d) All living or dead wildlife in Appendix I or II and plants included in Appendix I and all readily recognizable parts or derivatives thereof are subject to the regulations of this Part. All living or dead wildlife included in Appendix III and plants included in Appendix II or III, and any readily recognizable parts or derivatives thereof specified in the list of species are subject to the regulations of this part.

Species	Common name	Appendix	Date listed (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Monotremata:	Monotremes:		
Zaglossus spp	Spiny anteaters	II	2/4/77
Order Marsupialia:	Marsupials:		
Bettongia spp (except species listed below)	Rat kangaroos	I	6/28/79
B. penicillata	Brush-tailed rat kangaroo, Woylie	I	7/1/75
B. lesueur	Lesueur's rat kangaroo, Boodie	I	7/1/75
B. tropica	Queensland rat kangaroo, Northern rat kangaroo.	I	7/1/75
Burramys parvus	Mountain pigmy possum	II	7/1/75
Caloprymnus campestris	Desert rat kangaroo	I pe	7/1/75
Chaeropus ecaudatus	Pig-footed bandicoot	I pe	7/1/75
Dendrolagus bennettianus	Bennett's tree kangaroo, Dusky tree kangaroo.	II	6/28/79
D. inustus	Tree kangaroo	II	7/1/75
D. lumholtzi	Lumholtz's tree kangaroo	II	6/28/79
D. ursinus	Grizzled tree kangaroo	II	7/1/75
Lagorchestes hirsutus	Western hare-wallaby, Wurrup	I	7/1/75
Lagostrophus fasciatus	Banded hare-wallaby, Munning	I	7/1/75
Lasiorhinus krefftii	Queensland hairy-nosed wombat	I	7/1/75
Macrotis lagotis	Rabbit bandicoot, Bilby	I	7/1/75
M. leucura	Lesser rabbit bandicoot, Yallara	I	7/1/75
Onychogalea fremata	Bridled nail-tailed wallaby	I	7/1/75
O. lunata	Crescent nail-tailed wallaby	I	7/1/75
Perameles bougainville	Barred bandicoot, Long-nosed bandicoot, Marl.	I	7/1/75
Phalanger maculatus	Spotted cuscus	II	6/28/79
P. orientalis	Gray cuscus	II	6/28/79
Sminthopsis longicaudata	Long-tailed marsupial mouse, Long-tailed dunnart.	I	7/1/75
S. psammophila	Large desert marsupial mouse, Sandhill dunnart.	I	7/1/75
Thylacinus cynocephalus	Thylacine, Tasmanian wolf	I pe	7/1/75
Order Insectivora:	Insectivores:		
Erinaceus frontalis	African hedgehog	II	7/1/75
Order Chiroptera:	Bats:		
Vampyrops lineatus (all parts and derivatives)	White-lined bat	III (Uruguay)	7/14/76
Order Primates:	Primates: Monkeys, Apes, etc.:		
All species except those in app. I or with earlier date in app. II.		II	2/4/77
Allocebus spp	Hairy-eared dwarf lemur	I	7/1/75
Alouatta palliata (=*villosa*)	Mantled howler monkey	I	7/1/75
Ateles geoffroyi frontatus	Black-handed spider monkey	I	7/1/75
A. geoffroyi panamensis	Black-handed spider money	I	7/1/75
Avahi spp	Avahis, Woolly lemurs	I	7/1/75
Brachyteles arachnoides	Woolly spider monkey	I	7/1/75
Cacajao spp	Uakaris	I	7/1/75
Callimico goeldii	Goeldi's monkey, Callimico	I	2/4/77
Callithrix aurita	White-eared marmoset	I	2/4/77
C. flaviceps	Buff-headed marmoset	I	7/1/75
Cebus capucinus	White-throated capuchin	II	7/1/75
Cercocebus galeritus galeritus	Tana River mangabey, Agile mangabey	I	7/1/75
Cheirogaleus spp	Dwarf lemurs	I	7/1/75
Chiropotes albinasus	White-nosed saki	I	7/1/75
Colobus badius kirkii	Zanziber red colobus	I	7/1/75
C. badius rufomitratus	Tana River red colobus	I	7/1/75
C. badius gordonorum	Uhehe red colobus	II	7/1/75
C. versus	Olive colobus	II	7/1/75
Daubentonia madagascariensis	Aye-aye	I	7/1/75
Hapalemur spp	Gentle lemurs	I	7/1/75
Hylobates spp	Gibbons	I	7/1/75
Gorilla gorilla	Gorilla	I	7/1/75
Indri spp	Indri	I	7/1/75
Lemur spp	Lamurs	I	7/1/75
Lepilemur sp	Sportive or weasel lemur	I	7/1/75
Leontopithecus (*Leontideus*) spp	Golden lion tamarin	I	7/1/75
Loris tardigradus	Slender loris	I	7/1/75
Macaca silenus	Lion-tailed macaque	II	7/1/75
M. sylvanus	Barbary ape	III	7/1/75
Microcebus spp	Mouse lemurs	I	7/1/75
Nasalis larvatus	Probocis monkey	I	7/1/75
Nycticebus coucang	Slow loris	II	7/1/75
Pan paniscus	Pygmy chimpanzee, Bonobo	I	7/1/75
P. troglodytes	Chimpanzee	I	7/1/75
Phaner sp	Fork or fork-marked mouse lemur	I	2/4/77
Pongidae spp. (all species in family except those with earlier date)	Chimpanzees, Gorillas, Orangutans	I	7/1/75
Pongo pygmaeus abelli	Orangutan	I	7/1/75
P. pygmaeus pygmaeus	Orangutan	I	7/1/75
Presbytis entellus	Gray or common indian langur	I	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
P. geei	Golden langur	I	7/1/75
P. johni	Nilgiri langur	II	7/1/75
P. pileatus	Capped langur	I	7/1/75
P. potenziana	Long-tailed langur, Mentawai leaf monkey.	I	2/4/77
Propithecus spp	Sifakas	I	7/1/75
Pygathrix nemaeus	Douc langur	I	7/1/75
Rhynopithecus roxellanae	Snub-nosed langur	II	7/1/75
Saguinus bicolor	Pied tamarin	I	2/4/77
S. leucopus	White-footed tamarin, Silvery-brown bare-face tamarin.	I	2/4/77
S. oedipus	Cotton-top tamarin	I	2/4/77
Saimiri oerstedii	Red-backed squirrel monkey	I	7/1/75
Simias concolor	Pagai Island langur	I	7/1/75
Symphalangus syndactylus	Siamang	I	7/1/75
Order Edentata:	Anteaters, Sloths, Armadillos:		
Bradypus boliviensis	Three-toed sloth	II	7/1/75
B. griseus (all parts and derivatives)	Three-toed sloth	III (Costa Rica).	10/28/76
Choloepus hoffmanni (all parts and derivatives).	Two-toed sloth	(Costa Rica)	10/28/76
Cabassous centralis (all parts and derivatives).	Five-toed armadillo	III (Costa Rica).	10/28/76
C. gymnurus (*tatouay*) (all parts and derivatives).	Naked-tailed armadillo	III (Uruguay)	7/14/76
Myrmecophaga tridactyla	Giant anteater	II	7/1/75
Priodontes giganteus (=*maximus*)	Giant armadillo	I	7/1/75
Tamandua tetradactyla chapadensis	Tamandua, Collared anteater	II	7/1/75
Order Pholidota:	Pangolins, Scaly Anteaters:		
Manis crassicaudata	Thick-tailed or Indian pangolin	II	7/1/75
M. gigantea (all parts and derivatives)	Giant pangolin	III (Ghana)	2/26/76
M. javanica	Malayan pangolin	II	7/1/75
M. longicaudata (all parts and derivatives)	Long-tailed pangolin	III (Ghana)	2/26/76
M. pentadactyla	Chinese pangolin	II	7/1/75
M. temminckii	Common African ground pengoiin	I	7/1/75
M. tricuspis (all parts and derivatives)	African tree pangolin	III (Ghana)	2/26/76
Order Lagomorpha:	Rabbits, Hares:		
Caprolagus hispidus	Hispid hare, Assam rabbit	I	7/1/75
Nesolagus netscheri	Sumatra short-eared rabbit	II	7/1/75
Romerolagus diazi	Mexican volcano rabbit	I	7/1/75
Order Rodentia:	Rodents:		
Anomalurus spp., species native to Ghana, (all parts and derivatives).	Scaly-tailed flying squirrels	III (Ghana)	2/26/76
Chinchilla spp. (populations of South America, except subspecies listed below).	Chinchilla	I	2/4/77
C. brevicaudata boliviana	Chinchilla	I	7/1/75
Coendou spinosus (all parts and derivatives)	Prehensile-tailed porcupine	III (Uruguay)	7/14/76
Cynomys mexicanus	Mexican prairie dog	I	7/1/75
Dipodomys phillipsii phillipsii	Phillips kangaroo rat	II	7/1/75
Epixerus ebii (all parts and derivatives)	African palm squirrel	III (Ghana)	2/26/76
Hystrix, spp., species native to Ghana (all parts and derivatives).	Crested porcupines	III (Ghana)	2/26/76
Idiurus spp., species native to Ghana (all parts and derivatives).	Pigmy flying squirrels	III (Ghana)	2/26/76
Lariscus hosei	Four-striped or Bomean black-striped ground squirrel.	II	7/1/75
Leporillus conditor	Australian stick-nest rat	I	7/1/75
Notomys spp. (except species listed below)	Australian hopping mice	II	6/28/79
N. aquilo	Australian northern hopping mouse, Cape York hopping mouse.	II	7/1/75
Pseudomys fumeus	Smokey mouse	I	7/1/75
P. praeconis	Shark Bay mouse	I	7/1/75
P. shortridgei	Western pseudo rat, Shortridge's mouse	II	7/1/75
Ratufa spp	Giant squirrels	II	7/1/75
Sciurus deppei (all parts and derivatives)	Deppe's squirrel	III (Costa Rica).	10/28/76
Xeromys myoides	False water rat	I	7/1/75
Zyzomys pedunculatus	McDonnell Range rock rat	I	7/1/75
Order Cetacea:	Whales, Porpoises, Dolphins:		
All species except those in app. I or with earlier date in app. II.		II	6/28/79
Balaena mysticetus	Bowhead whale	I	7/1/75
Balaenoptera borealis (North pacific stock and stock in area from 0° longitude to 70° east longitude from equator to Antarctic Continent).	Sei whale	I	2/4/77
B. borealis (all stocks except those in app. I)	Sei whale	II	2/4/77
B. musculus	Blue whale	I	7/1/75
B. physalus (all stocks except those in app. II).	Fin whale	I	2/4/77
B. physalus (Stocks in North Atlantic off Iceland and Newfoundland, stock in area from 60° to 120° west longitude from 40° south latitude to Antarctic Continent).	Fin whale	II	2/4/77
Eubalaena spp.	Right whale	I	7/1/75
Eschrichtius robustus (*glaucus*)	Gray whale	I	7/1/75
Lipotes vexillifer	White flag dolphin, Chinese river dolphin	I	6/28/79
Megaptera novaeangliae	Humpback whale	I	7/1/75
Monodon monoceros	Narwhal	II	11/16/75
Neophocaena phocaenoides	Finless porpoise	I	6/28/79
Phocoena sinus	Gulf of California harbor porpoise, Cochito.	I	6/28/79
Platanista gangetica	Ganges River Dolphin	I	7/1/75

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Species	Common name	Appendix	Date listed (month/day/year)
P. minor	Indus River dolphin	I	5/28/79
Pontoporia (Stenodelphis) blainvillei	LaPlata River dolphin	II	7/14/76
Sotalia spp.	Humpbacked dolphins	I	5/28/79
Sousa spp.	Humpbacked dolphins	I	6/28/79
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
Acinonyx jubatus	Cheetah	I	7/1/75
Ailurus fulgens	Lesser panda	II	7/1/75
Aonyx microdon	West African "clawless" otter	I	7/1/75
Bassaricyon gabbii (all parts and derivatives)	Bushy-tailed olingo	III (Costa Rica).	10/28/76
B. sumichrasti (all parts and derivatives)	Cacomistle	III (Costa Rica).	10/28/76
Canis lupus (all subspecies and populations except those listed below).	Gray wolf	II	2/4/77
C. lupus (India, Pakistan, Bhutan and Nepal populations).	Gray wolf	I	2/4/77
C. lupus crassodon	Gray wolf	II	7/1/75
C. lupus irremotus	Gray wolf	II	7/1/75
C. lupus monstrabilis	Gray wolf	II	7/1/75
C. lupus pallipes	Gray wolf	II	7/1/75
Chrysocyon brachyurus	Maned wolf	II	7/1/75
Conepatus humboldti	Humboldt's hognose skunk	II	6/28/79
Cryptoprocta ferox	Fossa	II	2/4/77
Cuon alpinus	Dhole	II	7/1/75
Cynogale bennetti	Otter civet	II	7/1/75
Dusicyon culpaeus	Culepo fox	II	6/28/79
D. fulvipes	Chiloe fox	II	6/28/79
D. griseus	Chico gray fox Argentine gray fox	II	6/28/79
Enhydra lutris nereis	Southern sea otter	I	7/1/75
Eupleres goudoti	Malagasy mongoose	II	2/4/77
E. major	Malagasy mongoose	II	2/4/77
Felidae spp. (all species in Family except those in app. I or *Felis catus*).	Cats (not including house cats)	II	2/4/77
Felis bengalensis bengalensis	Leopard cat	I	7/1/75
F. caracal (Asian population)	Caracal	I	2/4/77
F. concolor coryi	Florida puma	I	7/1/75
F. concolor costaricensis	Costa Rican puma	I	7/1/75
F. concolor couguar	Eastern puma, Adirondack cougar	I	7/1/75
F. jacobita	Andean cat	I	7/1/75
F. (Lynx) rufa escuinapae	Mexican bobcat	I	7/1/75
F. marmorata	Marbled cat	I	7/1/75
F. nigripes	Black-footed cat	I	7/1/75
F. pardalis mearnsi	Ocelot	I	7/1/75
F. pardalis mitis	Brazilian ocelot	I	7/1/75
F. planiceps	Flat-headed cat	I	7/1/75
F. rubiginosa (Indian population)	Rusty spotted cat	I	2/4/77
F. temminicki	Asian golden cat	I	7/1/75
F. tigrina oncilla	Tiger cat	I	7/1/75
F. wiedii nicaraguae	Central American margay	I	7/1/75
F. wiedii salvinia	Guatemalan margay	I	7/1/75
F. yagouaroundi cacomitli	Gulf Coast jaguarundi	I	7/1/75
F. yagouaroundi fossata	Guatemalan jaguarundi	I	7/1/75
F. yagouaroundi panamensis	Panamanian jaguarundi	I	7/1/75
F. yagouaroundi tolteca	Sinaloan jaguarundi	I	7/1/75
Fennecus zerda (all parts and derivatives)	Fennec fox	III (Tunisia)	4/22/76
Fossa fossa	Fanaloka	II	2/4/77
Galictis allamandi (all parts and derivatives)	Grison	III (Costa Rica).	10/28/76
Hemigalus derbyanus	Banded palm civet	II	2/4/77
Helarctos malayanus	Sun bear	I	7/1/75
Hyaena brunnea	Brown hyaena	I	7/1/75
Lutrinae spp. (all species in subfamily except those in app. I).	Otters	II	2/4/77
Lutra felina	Marine otter	I	7/1/75
L. longicaudis	Long-tailed or neotropical otter	I	7/1/75
L. lutra	European otters	I	2/4/77
L. provocax	Southern river otter of South America	I	7/1/75
Mellivora capensis (all parts and derivatives)	Honey badger, Ratel	III (Ghana and Botswana).	2/26/76
Mustela nigripes	Black-footed ferret	I	7/1/75
Nasua nasua solitaria (all parts and derivatives).	Coatimundi	III (Uruguary)	7/14/76
Neofelis nebulosa	Clouded leopard	I	7/1/75
Panthera leo persica	Indian lion	I	7/1/75
P. onca	Jaguar	I	7/1/75
P. pardus	Leopard	I	7/1/75
P. tigris (all subspecies except *P. tigris altaica*)	Tiger	I	7/1/75
P. uncia	Snow leopard	I	7/1/75
Prionodon linsang	Banded linsang	II	7/1/75
P. pardicolor	Spotted linsang	I	7/1/75
Proteles cristatus (all parts and derivatives)	Aardwolf	III (Botswana)	4/24/78
Pteronura brasiliensis	Giant otter	I	7/1/75
Selenarctos thibetanus (except subspecies listed below).	Asiatic black bear	I	6/28/79
S. thibetanus gedrosianus	Baluchistan black bear	I	2/4/77
Speothos venaticus	Bush dog	I	2/4/77
Tremarctos ornatus	Spectacled bear	I	2/4/77
Ursus arctos (all North American subspecies except that listed below).	Brown bear, Grizzly	II	7/1/75
U. arctos (Italian population)	European Brown bear	I	7/1/75
U. arctos nelsoni	Mexican grizzly bear	I	7/1/75

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U. arctos pruinosus	Tibetan blue bear	I	7/1/75
U. arctos isabellinus	Red bear	I	6/28/79
U. (Thalarctos) maritimus	Polar bear	II	7/1/75
Viverra civetta (all parts and derivatives)	African civet	III (Botswana)	4/24/78
Vulpes cana	Blanford's fox	II	2/4/77
V. velox-hebes	Swift fox	I	7/1/75
Order Pinnipedia:	Seals, Sea lions:		
Arctocephalus spp. (except species listed below).	Southern fur seals	II	2/4/77
A. australis	Southern fur seal	II	7/1/75
A. galapagoensis	Galapagos fur seal	II	7/1/75
A. philippii	Juan Fernandez fur seal	II	7/1/75
A. townsendi	Guadalupe fur seal	I	7/1/75
Mirounga angustirostris	Northern elephant seal	II	7/1/75
M. leonina	Southern elephant seal	II	7/1/75
Monachus spp.	Monk seals	I	7/1/75
Odobenus rosmarus (all parts and derivatives)	Walrus	III (Canada)	11/16/75
Order Tubulidentata:	Aardvarks:		
Orycteropus afer	Aardvark	II	7/1/75
Order Proboscidea:	Elephants:		
Elephas maximus	Asian elephant	I	7/1/75
Loxodonta africana	African elephant	II	2/4/77
Order Sirenia:	Dugongs, Manatees:		
Dugong dugon (except for Australian population).	Dugong	I	7/1/75
D. dugon (Australian population)	Dugong	II	7/1/75
Trichechus inunguis	South American or Amazonian manatee	I	7/1/75
T. manatus	West Indian manatee	I	7/1/75
T. senegalensis	West African manatee	II	7/1/75
Order Perissodactyla:	Odd-toed ungulates:		
Equus grevyi	Grevy's zebra	I	6/28/79
E. hemionus (except subspecies listed below)	Asian wild ass	II	7/1/75
E. hemionus hemionus	Asian wild ass	I	7/1/75
E. hemionus khur	Asian wild ass	I	7/1/75
E. przewalskii	Przewalski's horse	I	7/1/75
E. zebra hartmannae	Hartmann's mountain zebra	II	6/28/79
E. zebra zebra	Cape mountain zebra	I	7/1/75
Tapirus bairdii	Central American tapir	I	7/1/75
T. indicus	Asian tapir	I	7/1/75
T. pinchaque	Mountain tapir	I	7/1/75
T. terrestris	South American tapir	II	7/1/75
Rhinocerotidae spp. (all species in the family except those with earlier date on app. I).	Rhinoceroses	I	2/4/77
Ceratotherium simum cottoni	Northern white rhinoceros	I	7/1/75
Diceros bicornis	Black rhinoceros	I	7/1/75
Didermocerus (=Dicerorhinus) sumatrensis	Sumatran rhinoceros	I	7/1/75
Rhinoceros sondaicus	Javan rhinoceros	I	7/1/75
R. unicornis	Great Indian one-horned rhinoceros	I	7/1/75
Order Artiodactyla:	Even-toed Ungulates:		
Addax nasomaculatus	Addax	II	7/1/75
Ammotragus lervia (all parts and derivatives)	Barbary sheep, Aoudad	III	4/22/76
Antilocapra americana mexicana	Mexican pronghorn	II	7/1/75
A. americana peninsularis	Baja pronghorn	I	7/1/75
A. americana sonoriensis	Sonoran pronghorn	I	7/1/75
Antilope cervicapra (all parts and derivatives)	Blackbuck antelope	III (Nepal)	11/16/75
Axis (=Cervus or Hyelaphus) calamianensis	Calamianes deer	I	7/1/75
A. kuhli	Kuhl's deer, Bawean hog deer	I	7/1/75
A. porcinus annamiticus	Indochina hog deer	I	7/1/75
Babyrousa babyrussa	Babirusa	I	7/1/75
Blastocerus dichotomus	Marsh deer	I	7/1/75
Bison bison athabascae	Woods bison	I	7/1/75
Boocercus (Taurotragus) euryceros (all parts and derivatives).	Bongo antelope	III (Ghana)	2/26/76
Bos gaurus	Seladang, Gaur	I	7/1/75
B. (grunniens) mutus	Wild yak	I	7/1/75
Bubalus bubalis (all parts and derivatives)	Water buffalo	III (Nepal)	11/16/75
B. (Anoa) depressicornis	Lowland anoa	I	7/1/75
B. (Anoa) mindorensis	Tamaraw	I	7/1/75
B. (Anoa) quarlesi	Mountain anoa	I	7/1/75
Capra falconeri (except subspecies listed below).	Markhor	II	7/1/75
C. falconeri chiltanensis	Chiltan markhor	I	7/1/75
C. falconeri jerdoni	Straight-horned markhor	I	7/1/75
C. falconeri megaceros	Kabal or straight-horned markhor	I	7/1/75
Capricornis sumatraensis	Sumatran serow	I	7/1/75
Cephalophus monticola	Blue duiker	II	7/1/75
Cervus duvaucelli	Swamp deer	I	7/1/75
C. elaphus bactrianus	Bactrian deer	II	7/1/75
C. elaphus barbarus (all parts and derivatives).	Barbary deer	III (Tunisia)	4/22/76
C. elaphus hanglu	Kashmir stag	I	7/1/75
C. eldi	Eld's brow-antlered deer	I	7/1/75
Choeropsis liberiensis	Pygmy hippopotamus	II	7/1/75
Dama mesopotamica	Persian fallow deer	I	2/4/77
Damaliscus dorcas dorcas	Bontebok	I	7/1/75
D. lunatus (all parts and derivatives)	Sassaby antelope, Korrigum	III (Ghana)	2/26/76
Gazella dorcas (all parts and derivatives)	Dorcas gazelle	III (Tunisia)	4/22/76
G. gazella cuvieri (all parts and derivatives)	Mountain gazelle	III (Tunisia)	4/22/76
G. leptoceros (all parts and derivatives)	Slender-horned gazelle	III (Tunisia)	4/22/76
Hippocamelus antisensis	North Andean huemal	I	7/1/75
H. bisulcus	South Andean huemal	I	7/1/75
Hippopotamus amphibius (all parts and derivatives).	Hippopotamus	III (Ghana)	2/26/76

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Hippotragus equinus (all parts and derivatives).	Roan antelope	III (Ghana)	2/26/76
H. niger variani	Giant sable antelope	I	7/1/75
Hyemoschus aquaticus (all parts and derivatives).	Water chevrotain	III (Ghana)	2/26/76
Kobus leche	Lechwe	II	7/1/75
Lama guanicoe	Guanaco	II	8/12/78
Moschus moschiferus (Himalayan population)	Musk deer	I	7/1/75
Moschus spp.* (all except population on app. I).	Musk deer	II	2/16/79
Nemorhaedus goral	Goral	I	7/1/75
Novibos (=Bos) sauveli	Kouprey	I	7/1/75
Oryx dammah	scimitar-horned oryx	II	7/1/75
O. leucoryx	Arabian Oryx	I	7/1/75
Ovis ammon (except subspecies listed below)	Argali	II	7/1/75
O. ammon hodgsoni	Tibetan argali	I	7/1/75
O. canadensis	Bighorn sheep	II	7/1/75
O. orientalis ophion	Cyprian red sheep	I	7/1/75
O. vignei	Shapo, Urial	I	7/1/75
Ozotoceros bezoarticus	Pampas deer	I	7/1/75
Pantholops hodgsoni	Tibetan antelope	I	7/1/75
Pudu mephistophiles	Pudu	II	7/1/75
P. pudu	Pudu	I	7/1/75
Rupicapra rupicapra ornata	Apennian chamois	I	7/1/75
Sus salvanius	pygmy hog	I	7/1/75
Tetracerus quadricornis (all parts and derivatives).	Four-horned antelope	III (Nepal)	11/18/75
Tragelaphus spekei (all parts and derivatives)	Sitatunga antelope	III (Ghana)	2/26/76
Vicugna vicugna	Vicuna	I	7/1/75
CLASS AVES:	BIRDS:		
Order Sphenisciformes:	Penguins:		
Spheniscus demersus	Jackass penguin, Blackfooted Cape penguin.	II	7/1/75
Order Rheiformes:	Rheas:		
Pterocnemia pennata (except subspecies listed below).	Lesser rhea	I	6/28/79
P. pennata garleppi	Lesser rhea	I	7/1/75
P. pennata pennata	Darwin's rhea	I	7/1/75
Rhea americana (except subspecies listed below; all parts and derivatives).	Greater or common rhea	III (Uruguay)	7/14/76
R. americana albescens	Greater rhea	II	7/1/75
Order Tinamiformes:	Tinamous:		
Rhynchotus rufescens maculicollis	Red-winged tinamou	II	7/1/75
R. rufescens pallescens	Southern red-winged tinamou	II	7/1/75
R. rufescens rufescens	Western red-winged tinamou	II	7/1/75
Tinamus solitarius	Solitary tinamou	I	7/1/75
Order Podicipediformes:	Grebes:		
Podilymbus gigas	Atitlan grebe	I	7/1/75
Order Procellariformes:	Albatrosses, Shearwaters, Petrels:		
Diomedea albatrus	Short-tailed albatross	I	7/1/75
	Tropicbirds, Pelicans, Frigatebirds:		
Fregata andrewsi	Andrews frigate bird	I	7/1/75
Pelecanus crispus	Dalmatian pelican	II	7/1/75
Sula abbotti	Abbott's booby	I	7/1/75
Order Ciconiiformes:	Herons, Storks, Ibises, Flamingos:		
Ardea goliath (all parts and derivatives)	Goliath heron	III (Ghana)	2/26/76
Bubulcus (=Ardeola) ibis (all parts and derivatives).	Cattle egret	III (Ghana)	2/26/76
Casmerodius albus (all parts and derivatives)	Great white egret	III (Ghana)	2/26/76
Ciconia ciconia boyciana	Oriental white stork	I	7/1/75
C. nigra	Black stork	II	7/1/75
Egretta garzetta (all parts and derivatives)	Little egret	III (Ghana)	2/26/76
Ephippiorhynchus senegalensis (all parts and derivatives).	Saddlebill stork	III (Ghana)	2/26/76
Geronticus calvus	Southern bald ibis	II	7/1/75
G. eremita	Hermit ibis	I	6/28/79
Hagedashia hagedash (all parts and derivatives).	Hadada ibis	III (Ghana)	2/26/76
Lampribis rara (all parts and derivatives)	Spotted-breasted ibis	III (Ghana)	2/26/76
Leptoptilos crumeniferus (all parts and derivatives).	Marabou stork	III (Ghana)	2/26/76
Nipponia nippon	Japanese crested ibis	I	7/1/75
Phoenicopterus andinus	Andean flamingo	II	7/1/75
P. jamesi	James flamingo	II	7/1/75
Phoenicopterus ruber chilensis	Chilean flamingo	II	7/1/75
P. ruber ruber	American flamingo	II	6/28/79
Platalea leucorodia	White spoonbill	II	7/1/75
Threskiornis aethiopicus (all parts and derivatives).	Sacred ibis	III (Ghana)	2/26/76
Order Anseriformes:	Ducks, Geese, Swans, Screamers:		
Anatidae, all species in family native to Ghana (all parts and derivatives).		III	2/26/76
Anas aucklandica aucklandica	Auckland Island flightless teal	II	7/1/75
A. aucklandica chlorotis	New Zealand brown teal	II	7/1/75
A. aucklandica nesiotis	Campbell Island flightless teal	I	7/1/75
A. bernieri	Madagascar teal	II	7/1/75
A. laysanensis	Laysan duck	I	7/1/75
A. oustaleti	Marianas mallard	I	7/1/75
Anser albifrons gambelli	Tule goose	II	7/1/75
Branta canadensis leucopareia	Aleutian goose	I	7/1/75
B. ruficollis	Red-breasted goose	II	7/1/75
B. sandvicensis	Hawaiian goose, Nene	I	7/1/75
Cairina scutulata	White-winged duck	I	7/1/75

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Coscoroba coscoroba	Coscoroba	II	7/1/75
Cygnus bewickii jankowski	Jankowski's swan	II	7/1/75
C. melanocoryphus	Black-necked swan	II	7/1/75
Dendrocygna arborea	Cuban tree duck, West Indian whistling duck.	II	7/1/75
Rhodonessa caryophyllacea	Pink-headed duck	I	7/1/75
Sarkidiornis melanotos	Comb duck	II	7/1/75
Order Falconiformes:	Hawks, Falcons, Vultures, Eagles:		
All species except Cathartidae and those species in app. I or with earlier date in app. II.	All species except New world vultures and species in app. I.	II	6/28/79
Accipiter gentilis	Northern goshawk	II	2/4/77
A. gundlachi	Gundlach's hawk	II	2/4/77
A. nisus	European sparrow hawk	II	2/4/77
Accipitridae spp. (all South American populations).	Hawks, Harriers	II	10/28/76
Aegypius monachus	European black vulture, Cinereous vulture.	II	2/4/77
Aquila spp., all species except that in app. I or with earlier date in app. II.	Eagles	II	2/4/77
A. chrysaetos	Golden eagle	II	7/1/75
A. heliaca	Imperial eagle	I	2/4/77
Chondrohierax wilsonii	Cuban hook-billed kite	I	2/4/77
Circaetus spp	Snake eagles	II	2/4/77
Circus spp	Harriers	II	2/4/77
Falconidae, all species in family except those in app. I.	Falcons, Caracaras	II	7/1/75
Falco arae	Seychelles kestrel	I	7/1/75
F. newtoni aldabranus	Aldabra kestrel	I	7/1/75
F. peregrinus	Peregrine falcon	I	7/1/75
F. punctatus	Mauritius kestrel	I	7/1/75
F. rusticolus	Gyrfalcon	II	7/1/75
Gymnogyps californianus	California condor	I	7/1/75
Gypaetus barbatus	Lammergeier	II	2/4/77
Gyps fulvus	Griffon vulture	II	2/4/77
Haliaeetus spp. (except species in app. I)	Sea and fish eagles	II	2/4/77
H. albicilla (except subspecies listed below)	White-tailed eagle	I	2/4/77
H. albicilla groenlandicus	Greenland white-tailed sea eagle	I	7/1/75
H. leucocephalus (except population listed below).	Bald eagle	I	2/4/77
H. leucocephalus leucocephalus	Southern bald eagle (Subspecies no longer recognized as valid).	I	7/1/75
Harpia harpyja	Harpy eagle	I	7/1/75
Harpyopsis novaeguineae	New Guinea harpy eagle	II	2/4/77
Milvus milvus	Red kite	II	2/4/77
Pandion haliaetus	Osprey	II	2/4/77
Pithecophaga jefferyi	Monkey-eating eagle	I	7/1/75
Sagittarius serpentarius	Secretary bird	II	2/26/76
Vultur gryphus	Andean condor	I	7/1/75
Order Galliformes:	Pheasants, Curassows, Megapodes, Hoatzins:		
Agelastes meleagrides (all parts and derivatives).	White-breasted guineafowl	III	2/26/76
Argusianus argus	Great argus pheasant	II	7/1/75
Catreus wallichi	Cheer pheasant	I	7/1/75
Colinus virginianus ridgwayi	Masked bobwhite	I	7/1/75
Crax blumenbachii	Red-billed curassow	I	7/1/75
C. rubra (all parts & derivatives)	Great curassow	III (Costa Rica).	10/28/76
Crossoptilon crossoptilon	White eared pheasant	I	7/1/75
C. mantchuricum	Browneared pheasant	I	7/1/75
Cyrtonyx montezumae mearnsi (Mexico population).	Mearn's harlequin quail	II	7/1/75
C. montezumae	Harlequin quail	II	7/1/75
Francolinus ochropectus	Tadjoura francolin	II	7/1/75
F. swierstrai	Sweirstra's francolin	II	7/1/75
Gallus sonneratii	Gray jungle fowl	II	7/1/75
Ithaginus cruentus	Blood pheasant	II	7/1/75
Lophophorus impeyanus	Himalayan monal	I	7/1/75
L. lhuysii	Chinese monal	I	7/1/75
L. sclateri	Sclater's monal	I	7/1/75
Lophura edwardsi	Edward's pheasant	I	7/1/75
L. imperialis	Imperial pheasant	I	7/1/75
L. swinhoii	Swinhoe's pheasant	I	7/1/75
Lyrurus mlokosiewiczi	Caucasian black grouse	II	2/4/77
Macrocephalon maleo	Maleo	I	7/1/75
Megapodius freycinet abbotti	Abbott's megapode or incubator bird	II	7/1/75
M. freycinet nicobariensis	Nicobar megapode	II	7/1/75
Mitu (=Crax) mitu mitu	Mitu, Razor-billed curassow	I	7/1/75
Oreophasis derbianus	Horned guan	I	7/1/75
Pavo muticus	Green peafowl	II	2/4/77
Pipile (=Aburria) jacutinga	Black-fronted piping-guan	I	7/1/75
P. (=Aburria) pipile pipile	Trinidad white-headed curassow	I	7/1/75
Polyplectron bicalcaratum	Gray peacock pheasant	II	7/1/75
P. emphanum	Palawan peacock pheasant	I	7/1/75
P. germaini	Germain's peacock pheasant	II	7/1/75
P. malacense	Malaysian peacock pheasant	II	7/1/75
Syrmaticus ellioti	Elliot's pheasant	I	7/1/75
S. humiae	Bar-tailed pheasant	I	7/1/75
S. mikado	Mikado pheasant	I	7/1/75
Tetraogallus caspius	Caspian snowcock	I	7/1/75
T. tibetanus	Tibetan snowcock	I	7/1/75
Tragopan blythii	Blyth's tragopan	I	7/1/75

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T. caboti	Cabot's tragopan	I	7/1/75
T. melanocephalus	Western tragopan	I	7/1/75
T. satyra (all parts and derivatives)	Satyr tragopan	III (Nepal)	11/16/75
Tympanuchus cupido attwateri	Attwater's greater prairie chicken	I	7/1/75
Order Gruiformes:	Cranes, Rails, Bustards:		
Balearica regulorum	Crowned crane	II	7/1/75
Chlamydotis undulata	Houbara bustard	I	7/1/75
Choriotis nigriceps	Great Indian bustard	I	7/1/75
Eupodotis bengalensis	Bengal floricon	I	7/1/75
Gallirallus australis hectori	Eastern weka rail	II	7/1/75
Grus americana	Whooping Crane	I	7/1/75
G. canadensis nesiotes	Cuba sandhill crane	I	7/1/75
G. canadensis pratensis	Florida sandhill crane	II	7/1/75
G. canadensis pulla	Mississippi sandhill crane	I	7/1/75
G. japonensis	Manchurian crane	I	7/1/75
G. leucogeranus	Siberian white crane	I	7/1/75
G. monacha	Hooded crane	I	7/1/75
G. nigricollis	Black necked crane	I	7/1/75
G. vipio	White-naped crane	I	7/1/75
Otis tarda	Great bustard	II	7/1/75
Pedionomus torquatus	Collared hemipode	II	5/26/76
Rhynochetos jubatus	Kagu	I	7/1/75
Tricholimnas sylvestris	Lord Howe wood rail	I	7/1/75
Turnix melanogaster	Black-breasted button quail	II	8/26/76
Order Charadriiformes:	Shorebirds, Gulls, Auks:		
Larus brunnicephalus	Brown-headed gull	II	7/1/75
L. relictus	Relict gull	I	7/1/75
Numenius borealis	Eskimo curlew	I	7/1/75
N. minutus	Little whimbrel	II	7/1/75
N. tenuirostris	Slender-billed curlew	II	7/1/75
Tringa guttifer	Nordmann's greenshank	I	7/1/75
Order Columbiformes:	Pigeons, Doves, Sand-grouse:		
Caloenas nicobarica	Nicobar pigeon	I	6/28/76
C. nicobarica pelewensis	Nicobar pigeon	I	7/1/75
Columbidae, all species in family native to Ghana (all parts and derivatives).	Pigeons	III (Ghana)	2/26/76
Ducula mindorensis	Mindoro imperial pigeon	I	7/1/75
Gallicolumba luzonica	Bleeding heart pigeon	II	7/1/75
Goura cristata	Common crowned pigeon	II	7/1/75
G. scheepmakeri	Maroon-breasted crowned pigeon	II	7/1/75
G. victoria	Victoria crowned pigeon	II	7/1/75
Nesoenas (=*Columba*) *mayeri* (all parts and derivatives).	Pink pigeon	III (Mauritius)	12/4/75
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories:		
Amazona guildingi	St. Vincent parrot	I	7/1/75
A. imperialis	Imperial parrot	I	7/1/75
A. leucocephala	Cuban parrot	I	7/1/75
A. pretrei pretrei	Red-spectacled parrot	I	7/1/75
A. rhodocorytha	Red-browed parrot	I	7/1/75
A. versicolor	St. Lucia parrot	I	7/1/75
A. vinacea	Vinaceous parrot	I	7/1/75
A. vittata	Puerto Rican parrot	I	7/1/75
Anodorhynchus glaucus	Glaucous macaw	I	7/1/75
A. leari	Indigo macaw	I	7/1/75
Ara ambigua (all parts and derivatives)	Great green macaw	III (Costa Rica).	10/28/76
A. macao (all parts and derivatives)	Scarlet macaw	III (Costa Rica).	10/28/76
Aratinga guarouba	Golden conure	I	7/1/75
Cacatua (*Kakatoe*) *tenuirostris*	Slender-billed cockatoo	II	2/4/77
Calyptorhynchus lathami	Glossy cockatoo	II	2/4/77
Coracopsis nigra barklyi	Seychelles vasa parrot	II	7/1/75
Cyanoliseus patagonus byroni	Patagonian conure	II	5/26/76
Cyanopsitta spixii	Red-capped parrot	I	7/1/75
Cyanoramphus auriceps forbesi	Forbe's or yellow-fronted parakeet	I	7/1/75
C. matherbi	Orange-fronted parakeet	II	7/1/75
C. novaezelandiae	New Zealand or red-fronted parakeet	I	7/1/75
C. unicolor	Antipodes green parakeet	II	7/1/75
Eunymphicus cornutus	Horned parakeet	II	7/1/75
Geopsittacus occidentalis	Australian night parrot	I pe	7/1/75
Neophema chrysogaster	Orange-bellied parakeet	I	7/1/75
N. splendida	Scarlet-chested parakeet	II	7/1/75
Opopsitta diophthalma coxeni	Double-eyed fig parrot	II	2/4/77
Pezoporus wallicus	Ground parrot	I	2/4/77
Pionopsitta pileata	Red-capped or pileated parrot	I	7/1/75
Poicephalus robustus	Cape parrot	II	7/1/75
Polytelis alexandrae	Princess parrot	II	2/4/77
Probosciger aterrimus	Great black cockatoo	II	7/1/75
Prosopoeia personata	Masked or yellow-breested musk parrot	II	7/1/75
Psephotus chrysopterygius	Golden-shouldered parakeet	I	7/1/75
P. pulcherrimus	Paradise parakeet	I pe	7/1/75
P. (*Northiella*) *haematogaster narethae*	Blue-bonnet parakeet	II	2/4/77
Psittacidae, all species in family native to Ghana (all parts and derivatives).	Parrots	III (Ghana)	2/26/76
Psittacula krameri echo	Mauritius ring-necked parakeet	I	7/1/75
Psittacus erithacus princeps	Principe parrot	I	7/1/75
Pyrrhura cruentata	Blue-throated or ochre-marked parakeet	I	7/1/75
Rhynchopsitta pachyrhyncha	Thick-billed parrot	I	7/1/75
Strigops habroptilus	Kakapo or owl parrot	I	7/1/75
Tanygnathus lucionensis	Blue-naped parrot	II	2/4/77
Order Cuculiformes:	Cuckoos, Plantain-eaters:		
Gallirex (=*Tauraco*) *porphyreolophus*	Violet-crested turaco	II	7/1/75
Musophagidae, all species in family native to	Turacos	III (Ghana)	7/16/76

Species	Common name	Appendix	Date listed (month/day/year)
Ghana except species in app. II (all parts and derivatives).			
Tauraco corythaix	Knysna loury	II	2/4/77
Order Strigiformes:	Owls:		
All species except those in app. I or with earlier date in app. II.		II	6/28/76
Athene blewitti	Forest little owl, Forest spotted owlet	I	6/28/76
Bubo bubo	Eurasian eagle owl	II	2/4/77
Ninox novaeseelandiae royana	Great hawk owl	I	2/4/77
N. squamipila natalis	Moluccan hawk owl	I	2/4/77
Nyctea scandiaca	Snowy owl	II	2/4/77
Otus gurneyi	Giant scops owl	I	7/1/75
O. nudipes newtoni	Virgin Island screech owl	II	7/1/75
Strigidae, all species in family native to Ghana.	Owls	II	2/26/76
Strix butleri	Hume's wood owl	II	2/4/77
S. nebulosa	Great gray owl	II	11/16/75
Tyto soumagnei	Madagascar owl	I	2/4/77
Tytonidae, all species in family native to Ghana.	Owls	II	2/26/76
Order Apodiformes:	Swifts, Hummingbirds:		
Ramphodon (=*Glaucis*) *dohrnii*	Hook-billed hermit	I	7/1/75
Order Trogoniformes:	Trogons:		
Pharomachrus mocinno costaricensis	Central resplendent quetzal	I	7/1/75
P. mocinno mocinno	Northern resplendent quetzal	I	7/1/75
Order Coraciiformes:	Hornbills, Kingfishers, Rollers, Bee-eaters, Motmots:		
Aceros narcondami	Narcondam hornbill	II	7/1/75
Buceros bicornis	Great hornbill	II	7/1/75
B. bicornis homrai	Great Indian hornbill, Great pied hornbill	I	7/1/75
B. hydrocorax hydrocorax	Luzon-Mariduque rufous hornbill	II	7/1/75
B. rhinoceros rhinoceros	Malay rhinoceros hornbill	II	7/1/75
Rhinoplax vigil	Helmeted hornbill	I	7/1/75
Order Piciformes:	Woodpeckers, Toucans, Jacamars, Barbets:		
Campephilus imperialis	Imperial woodpecker	I	7/1/75
Dryocopus javensis richardsi	Tristam's white-bellied woodpecker	I	7/1/75
Picus squamatus flavirostris	Green scaly-bellied woodpecker	II	7/1/75
Order Passeriformes:	Perching birds:		
Atrichornis clamosa	Noisy scrub-bird	I	7/1/75
Bebrornis rodericanus (all parts and derivatives).	Rodriquez Island warbler	III (Mauritius)	12/4/75
Cotinga maculata	Banded cotinga	I	7/1/75
Dasyornis brachypterus longirostris	Western bristlebird	I	7/1/75
D. broadbenti littoralis	Western rufous bristlebird	I pe	7/1/75
Emblema oculata	Red-eared firetail	II	6/28/76
Fringillidae, all species in family native to Ghana (all parts and derivatives).	Finches	III (Ghana)	2/26/76
Gubernatrix cristata (all parts and derivatives)	Yellow cardinal	III (Uruguay)	7/14/76
Leucopsar rothschildi	Rothschild's starling or myna	I	7/1/75
Meliphaga cassidix	Helmeted honey easter	I	7/1/75
Muscicapa (=*Niltava*) *ruecki*	Rueck's blue fly-catcher or niltava	II	7/1/75
Paradiseidae, all species in family	Birds of paradise	II	7/1/75
Picathartes gymnocephalus	Bare-headed or yellow-headed rock fowl	I	7/1/75
P. oreas	Gray-necked or red-headed rock fowl	I	7/1/75
Pitta brachyura nympha	Fairy pitta, Blue-winged pitta	II	7/1/75
P. kochi	Koch's pitta	I	7/1/75
Ploceidae, all species in family native to Ghana (all parts and derivatives).	Weaverbirds, weaver finches	III (Ghana)	2/26/76
Pseudochelidon sirintarae	White-eyed river martin	II	7/1/75
Psophodes nigrogularis	Western whipbird	II	7/1/75
Rupicola peruviana	Andean cock-of-the-rock	II	7/1/75
R. rupicola	Guianan cock-of-the-rock	II	7/1/75
Spinus cucullatus	Red siskin	I	7/1/75
S. yarrellii	Yellow-faced siskin	II	7/1/75
Tchitrea (*Terpsiphone*) *bourbonnensis* (all parts and derivatives).	Coq de Bois, Mascarene paradise fly-catcher.	III (Mauritius)	12/4/75
Xanthopsar flavus (all parts and derivatives)	Saffron-cowled blackbird	III (Uruguay)	7/14/76
Xipholena atropurpurea	White-winged cotinga	I	7/1/75
Zosterops albogularis	White-breested or Norfolk island silver-eye.	I	7/1/75
CLASS REPTILIA:	REPTILES:		
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Alligatoridae, all species in family except those in app. I or with earlier date in app. II.	Alligators, caimans	II	2/4/77
Alligator mississippiensis	American alligator	II	7/1/75
A. sinensis	Chinese alligator	I	7/1/75
Caiman crocodilus apaporiensis	Apaporis River caiman	I	7/1/75
C. crocodilus crocodilus	Common caiman	II	7/1/75
C. crocodilus yacare (=*C. yacare*)	Yacare	II	7/1/75
C. crocodilus fuscus (including *C. crocodilus chiapasius*).	Brown caiman	II	7/1/75
C. latirostris	Broad-snouted caiman	I	7/1/75
Crocodylidae, all species in family except those in app. I or with earlier date in app. II.	Crocodiles	II	2/4/77
Crocodylus acutus, except population of United States.	American crocodile	II	7/1/75
C. acutus, United States population	American crocodile	I	7/1/75
C. cataphractus	African slender-snouted crocodile	I	7/1/75
C. intermedius	Orinoco crocodile	I	7/1/75
C. johnsoni	Johnson's crocodile	II	7/1/75
C. moreleti	Morelet's crocodile	I	7/1/75
C. niloticus	Nile crocodile	I	7/1/75
C. novaeguineae (except subspecies listed below).	New Guinea or freshwater crocodile	II	7/1/75

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C. novaeguineae mindorensis	Philippine crocodile	I	7/1/75
C. palustris kimbula	Ceylon mugger crocodile	I	7/1/75
C. palustris palustris	Mugger crocodile	I	7/1/75
C. porosus, except population of Papua New Guinea.	Saltwater crocodile	I	7/1/75
C. porosus, Papua New Guinea population	Saltwater crocodile	II	7/1/75
C. rhombifer	Cuban crocodile	I	7/1/75
C. siamensis	Siamese crocodile	I	7/1/75
Gavialis gangeticus	Gavial, gharial	I	7/1/75
Melanosuchus niger	Black caiman	I	7/1/75
Osteolaemus tetraspis (except subspecies listed below).	Dwarf crocodile	I	2/4/77
O. tetraspis osborni	Dwarf crocodile	I	7/1/75
O. tetraspis tetraspis	Dwarf crocodile	I	7/1/75
Palaeosuchus trigonatus	Smooth-fronted caiman	II	7/1/75
Tomistoma schlegelii	Tomistoma, False gavial	I	7/1/75
Order Testudines:	Turtles, Tortoises:		
Batagur baska	River terrapin, Tuntong	I	7/1/75
Caretta caretta	Loggerhead sea turtle	I	7/1/75
Chelonia depressa	Flat-back sea turtle	II	7/1/75
C. mydas, except Australian population	Green sea turtle	I	7/1/75
C. mydas, Australian population	Green sea turtle	II	7/1/75
Cheloniidae, all species in family except those in app. I or with earlier date in app. II.	Sea turtles	II	2/4/77
Chersina (=*Testudo*) spp.	Bow-sprit tortoises	II	7/1/75
Clemmys muhlenbergi	Bog turtle	II	7/1/75
Dermochelys coriacea	Leatherback sea turtle	I	7/1/75
Eretmochelys imbricata	Hawksbill sea turtle	I	7/1/75
Geochelone spp. (except species listed below).	Land tortoises	II	7/1/75
G. (=*Testudo*) *elephantopus*	Galapagos tortoise	I	7/1/75
G. (=*Testudo*) *radiata*	Madagascar radiated tortoise	I	7/1/75
G. (*Testudo*) *yniphora*	Angulated tortoise	I	7/1/75
Geoclemys (=*Damonia*) *hamiltoni*	Spotted pond turtle	I	7/1/75
Geoemyda (=*Melanochelys* or *Nicoria*) *tricarinata*.	Three keeled Asian turtle	I	7/1/75
Gopherus spp. (except species listed below).	Gopher tortoises	II	7/1/75
G. flavomarginatus	Bolson tortoise	I	7/1/75
Homopus spp.	African parrot-beaked tortoises	II	7/1/75
Kachuga tecta tecta	Indian sawback turtle	I	7/1/75
Kinixys spp.	Hinged-back tortoise	II	7/1/75
Lepidochelys kempi	Kemp's or Atlantic ridley sea turtle	I	7/1/75
L. olivacea	Olive ridley sea turtle	I	7/1/75
Lissemys punctata punctata	Indian flap-shell tortoise	I	7/1/75
Malacochersus spp.	Pancake tortoises	II	7/1/75
Morenia ocellata	Burmese peacock turtle	I	7/1/75
Pelomedusa subrufa (all parts and derivatives).	Helmeted terrapin	III (Ghana)	2/26/76
Petusios spp. all species native to Ghana (all parts and derivatives).	African mud turtles	III (Ghana)	2/26/76
Podocnemis spp.	South American turtles	II	7/1/75
Psammobates geometrica	Geometric turtle	I	2/4/77
Pseudemydura umbrina	Short-necked swamp turtle	I	7/1/75
Pyxis spp.	Madagascar spider tortoises	II	7/1/75
Terrapene coahuila	Aquatic box turtle	I	7/1/75
Testudinidae, all species except those in app. I or with earlier date in app. II.	Land tortoises	II	2/4/77
Testudo spp.	Land tortoises	II	7/1/75
Trionyx ater	Cuatro Cienegas softshell turtle	I	7/1/75
T. gangeticus	Indian softshell turtle	I	7/1/75
T. hurum	Peacock softshell turtle	I	7/1/75
T. nigricans	Black softshell turtle	I	7/1/75
T. triunguis (all parts and derivatives)	Three-clawed turtle	III (Ghana)	2/26/76
Order Rhynchocephalia:	Tuatara:		
Sphenodon punctatus	Tuatara	I	7/1/75
Order Squamata:	Lizards, Snakes:		
Acrantophis spp	Madagascar boas	I	2/4/77
Amblyrhynchus cristatus	Galapagos marine iguana	II	7/1/75
Boidae, all species except those in app. I or with earlier date in app. II.	Boa constrictors, Pythons	II	2/4/77
Bolyeria spp.	Round Island boa	I	2/4/77
Casarea spp	Round Island boa	I	2/4/77
Chamaeleo spp.	Chameleons	II	2/4/77
Chemidophorus hyperythrus	Orange-throated whiptail lizard	II	7/1/75
Conolophus spp. (except species listed below).	Land lizards	II	2/4/77
C. pallidus	Barrington Island land lizard	II	7/1/75
C. subcristatus	Galapagos land iguana	II	7/1/75
Constrictor constrictor	Boa constrictor	II	7/1/75
Crocodilurus lacertinus	Dragon lizardet	II	2/4/77
Cyclagras (=*Hydrodynastes*) *gigas*	South American false water cobra	II	7/1/75
Cyclura spp.	Ground iguanas	II	2/4/77
Cyrtodactylus serpensinsula	Serpent Island gecko	II	2/4/77
Dracaena guianensis	Caiman lizard	II	2/4/77
Elachistodon westermanni	Indian egg-eating snake	II	7/1/75
Epicrates cenchris cenchris	Rainbow boa	II	7/1/75
E. inornatus	Puerto Rican boa	I	2/4/77
Eunectes notaeus	Yellow anaconda	II	7/1/75
E. subflavus	Jamaican boa	I	7/1/75
Heloderma spp. (except species listed below)	Beaded lizards, Gila monster	II	2/4/77
H. horridum	Beaded lizard	II	7/1/75
H. suspectum	Gila monster	II	7/1/75
Iguana spp	Iguanas	II	2/4/77

Species	Common name	Appendix	Date listed (month/day/year)
Paradelma orientalis	Snake lizard	II	2/4/77
Phelsuma spp.	Day geckos	II	2/4/77
Phrynosoma coronatum blainvillei	San Diego horned lizard	II	7/1/75
Pseudobos (=*Clelia*) *clelia*	Mussurana snake	II	7/1/75
Python spp. (except subspecies listed below)	Pythons	II	7/1/75
P. molurus molurus	Indian python	I	7/1/75
Sanzinia madagascariensis	Tree boa	I	2/4/77
Thamnophis elegans (=*couchi*) *hammondi*	Two-striped garter snake	II	7/1/75
Tupinambis spp	Tegu lizards	II	2/4/77
Uromastyx spp	Spiny-tailed lizards	II	2/4/77
Varanus spp. (all species except those in app. I).	Monitor lizards	II	7/1/75
V. bengalensis	Bengal monitor	I	7/1/75
V. flavescens	Yellow monitor	I	7/1/75
V. griseus	Desert monitor	I	7/1/75
V. komodoensis	Komodo island monitor, Komodo dragon	I	7/1/75
CLASS AMPHIBIA:	AMPHIBIANS:		
Order Caudata:	Salamanders:		
Ambystoma dumerilii	Lake Patzcuaro salamander	II	7/1/75
A. lermaensis	Lake Lerma salamander	II	7/1/75
A. mexicanum	Axolotl	II	7/1/75
Andrias (=*Megalobatrachus*) *davidianus*	Chinese giant salamander	I	7/1/75
A. (=*Megalobatrachus*) *japonicus*	Japanese giant salamander	I	7/1/75
Order Anura:	Frogs, Toads:		
Atelopus varius zeteki	Panamanian golden frog	I	7/1/75
Bufo periglens	Monteverde toad	I	7/1/75
B. retiformis	Sonoran green toad	II	7/1/75
B. superciliaris	Cameroon toad	I	7/1/75
Nectophrynoides spp	African viviparous toads	I	7/1/75
CLASS OSTEICHTHYES:	BONY FISHES:		
Order Acipenseriformes:	Sturgeons:		
Acipenser brevirostrum	Short-nosed sturgeon	I	7/1/75
A. fulvescens	Lake sturgeon	II	7/1/75
A. oxyrhynchus	Atlantic sturgeon	II	7/1/75
A. sturio	Baltic sturgeon	II	7/1/75
Order Osteoglossiformes:	Bonytongues:		
Arapaima gigas	Arapaima	II	7/1/75
Scleropages formosus	Asiatic bonytongue	II	7/1/75
Order Salmoniformes:	Salmon, Trout:		
Coregonus alpenae	Longjaw cisco	I	7/1/75
Salmo chrysogaster	Mexican golden trout	II	7/1/75
Stenodus leucichthys leucichthys	Beloribitsa	II	7/1/75
Order Cypriniformes:			
Chasmistes cujus	Cui-ui	I	7/1/75
Plagopterus argentissimus	Woundfin	I	7/1/75
Probarbus jullieni	Ikan temolek, Pla eesok	I	7/1/75
Ptychocheilus lucius	Colorado River squawfish	II	7/1/75
Order Atheriniformes:	Livebearers:		
Cynolebias constanciae	Annual tropical killifish	II	7/1/75
C. marmoratus	Annual tropical killifish	II	7/1/75
C. minimus	Annual tropical killifish	II	7/1/75
C. opalescens	Annual tropical killifish	II	7/1/75
C. splendens	Annual tropical killifish	II	7/1/75
Xiphophorus couchianus	Monterey platyfish	II	7/1/75
Order Coelacanthiformes:	Coelacanth:		
Latimeria chalumnae	Coelacanth, Gombessa	II	7/1/75
Order Ceratodiformes:	Lungfishes:		
Neoceratodus forsteri	Australian lungfish	II	7/1/75
Order Siluriformes:	Catfishes:		
Pangasianodon gigas	Thailand giant catfish	I	7/1/75
Order Perciformes:	Perchlike fishes:		
Cynoscion macdonaldi	Totoaba	I	2/4/77
Stizostedion vitreum glaucum	Blue pike	I	7/1/75
PHYLUM MOLLUSCA:	MOLLUSCS:		
Class Pelecypoda (=Bivalvia):	Clams, Mussels:		
Conradilla caelata	Birdwing pearly mussel	I	7/1/75
Cyprogenia aberti	Edible pearly mussel	II	7/1/75
Dromus dromas	Dromedary pearly mussel	II	7/1/75
Epioblasma (=*Dysnomia* or *Plagiola*) *florentina curtisi*.	Curtis' pearly mussel	I	7/1/75
E. florentina florentina	Yellow-blossom pearly mussel	I	7/1/75
E. sampsoni	Sampson's pearly mussel	I	7/1/75
E. sulcata perobliqua	White cat's paw mussel	I	7/1/75
E. torulosa gubernaculum	Green-blossom pearly mussel	I	7/1/75
E. torulosa rangiana	Tan-blossom pearly mussel	II	7/1/75
E. torulosa torulosa	Tuberculed-blossom pearly mussel	I	7/1/75
E. turgidula	Turgid-blossom pearly mussel	I	7/1/75
E. walkeri	Brown-blossom pearly mussel	I	7/1/75
Fusconaia cuneolus	Fine-rayed pigtoe mussel	I	7/1/75
F. edgariana	Shiny pigtoe mussel	I	7/1/75
F. subrotunda	Long solid mussel	I	7/1/75
Lampsilis brevicula	Ozark lamp pearly mussel	I	7/1/75
L. higginsi	Higgin's eye mussel	I	7/1/75
L. orbiculata orbiculata	Pink mucket mussel	I	7/1/75
L. satura	Plain pocketbook mussel	I	7/1/75
L. virescens	Alabama lamp pearly mussel	I	7/1/75
Lexingtonia dolabelloides	Slab-side pearly mussel	II	7/1/75
Mytilus chorus	Chilean mussel	II	5/26/78
Plethobasus cicatricosus	White wartyback mussel	I	7/1/75
P. cooperianus	Orange-footed pimpleback mussel	I	7/1/75
Pleurobema clava	Club pearly mussel	II	7/1/75
P. plenum	Rough pigtoe mussel	I	7/1/75
Potamilus (=*Proptera*) *capax*	Fat pocketbook mussel	I	7/1/75

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Species	Common name	Appendix	Date listed (month/day/year)
Quadrula intermedia	Cumberland monkey-face mussel	I	7/1/75
Q. sparsa	Appalachian monkey-face mussel	I	7/1/75
Toxolasma (=Carunculina) cylindrella	Pale lilliput pearly mussel	I	7/1/75
Unio (=Megalonaias) nickliniana	Nicklin's pearly mussel	I	7/1/75
U. (=Lampsilis or Cyrtonaias) tampicoensis tecomatensis.	Tampico pearly mussel	I	7/1/75
Villosa (=Micromya) trabalis	Cumberland bean mussel	I	7/1/75
Class Gastropoda:	Snails:		
Coahuilix hubbsi	Coahuilix de Hubbs Caracol	II	7/1/75
Cochliopina millieri	Cochliopina de Millier Caracol	II	7/1/75
Durangonella coahuilae	Durangonella de Coahuila Caracol	II	7/1/75
Mexipyrgus carranzae	Mexipyrgus de Carranza Caracol	II	7/1/75
M. churinceanus	Mexipyrgus de Churince Caracol	II	7/1/75
M. escobedae	Mexipyrgus de Escobeda Caracol	II	7/1/75
M. lugoi	Mexipyrgus de Lugo Caracol	II	7/1/75
M. mojarralis	Mexipyrgus del Oeste del Mojarral Caracol.	II	7/1/75
M. multirasatus	Mexipyrgus del Este del Mojarral Caracol.	II	7/1/75
Menithasma quadripaludium	Menithasma de Cuatro Cienegas Caracol.	II	7/1/75
Nymphophilus minckleyi	Nymphophilus de Minckley Caracol	II	7/1/75
Paludiscala caramba	Paludiscala Maravillosa Caracol	II	7/1/75
Papustyla (=Papuina) pulcherrima	Manus Island tree snail	II	7/1/75
Paraphanta spp. (New Zealand species only)	New Zealand amber snails	II	7/1/75
PHYLUM ARTHROPODA:	ARTHROPODS:		
Class Insecta:	Insects:		
Ornithoptera spp	Birdwing butterflies	II	2/16/79
O. alexandrae	Birdwing butterfly	II	2/4/77
O. allotei	Birdwing butterfly	II	2/4/77
O. chimaera	Birdwing butterfly	II	2/4/77
O. goliath	Birdwing butterfly	II	2/4/77
O. meridionalis	Birdwing butterfly	II	2/4/77
O. paradisea	Paradise birdwing butterfly	II	2/4/77
O. victoriae	Queen Victoria's birdwing butterfly	II	2/4/77
Parnassius apollo	Mountain apollo butterfly	II	2/4/77
P. apollo apollo	Mountain apollo butterfly	II	7/1/75
Trogonoptera spp	Birdwing butterflies	II	2/16/79
Troides spp	Birdwing butterflies	II	2/16/79
FLORA:	PLANTS:		
Family Apocynaceae:	Dogbanes:		
Pachypodium spp	Elephant's trunk	II	7/1/75
Family Araceae:	Arums:		
Arisaema sinaiterana		I	7/1/75
A. zebrinum		I	7/1/75
Family Araliaceae:	Ginsengs:		
Panax quinquefolius (roots)	American ginseng	II	7/1/75
Family Araucariaceae:	Monkey-puzzle trees:		
Araucaria araucana (timber), all populations except that of Chile.	Monkey-puzzle tree	II	7/1/75
A. araucana, population of Chile	Monkey-puzzle tree	I	7/1/75
Family Asclepiadaceae:			
Ceropegia spp	Ceropegias	II	6/26/79
Frerea indica		II	6/26/79
Family Byblidaceae:			
Byblis spp	Byblis, Rainbow plants	II	6/26/79
Family Cactaceae:	Cacti:		
All species in the Americas		II	7/1/75
Rhipsalis spp	Mistletoe cacti	II	7/1/75
Family Caryocaraceae:	Caryocars:		
Caryocar costaricense		I	7/1/75
Family Caryophyllaceae:	Pinks:		
Gymnocarpos przewalskii		I	7/1/75
Melandrium mongolicum		I	7/1/75
Silene mongolica		I	7/1/75
Stellaria pulvinata		I	7/1/75
Family Cephalotaceae:			
Cephalotus follicularis	Albany pitcher plant	II	6/26/79
Family Chicanthaceae:			
Populations of all species in Australia	Lambs tails	II	6/26/79
Family Compositae—(=Asteraceae):	Composites, Asters:		
Saussurea lappa (roots)	Costas	II	7/1/75
Family Cupressaceae:	Cypresses:		
Fitzroya cupressoides	Fitzroya, Alerce	I	7/1/75
Pilgerodendron uviferum	Pilgerodendron	I	7/1/75
Family Cyatheaceae:	Tree ferns:		
All species in the family (trunks) except those with earlier date.		II	2/4/77
Cyathea (Hemitelia) capensis (trunks)		II	7/1/75
C. dregei (trunks)		II	7/1/75
C. mexicana (trunks)		II	7/1/75
C. (Alsophila) salvinii (trunks)		II	7/1/75
Family Cycadaceae:	Cycads:		
All species except that listed in app. I (trunks)		II	2/4/77
Microcycas calocoma	Palma Corcho, Microcycas	I	7/1/79
Family Dicksoniaceae:			
All species in the family (trunks)		II	2/4/77
Family Didieraceae:			
All species in the family		II	2/4/77
Family Dioscoreaceae:	Yams:		
Dioscorea deltoidea (roots)		II	7/1/75
Family Euphorbiaceae:	Spurges:		
Euphorbia spp. excluding non-succulent species.	Euphorbias	II	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Family Fagaceae:	Beeches:		
Quercus copeyensis (timber)		II	7/1/75
Family Gentianaceae:	Gentians:		
Prepusa hookeriana	Scarlet-flowered prepusa	I	7/1/75
Family Gnetaceae:	Gnetums:		
Gnetum montanum (all parts and derivatives)		III (Nepal)	11/16/75
Family Haemodoraceae:	Bloodworts:		
Anigozanthos spp.	Kangaroo paws	II	6/26/79
Macropidia fuliginosa	Black kangaroo paw	II	6/26/79
Family Humiriaceae:			
Vantanea barbourii		I	7/1/75
Family Juglandaceae:	Walnuts:		
Engelhardtia pterocarpa		I	7/1/75
Family Leguminosae—(=Fabaceae):	Peas, Pulse:		
Ammopiptanthus mongolicum		I	7/1/75
Cynometra hemitomophylla		I	7/1/75
Platymiscium pleiostachyum		I	7/1/75
Tachigalia versicolor		I	7/1/75
Thermopsis mongolica		II	7/1/75
Family Liliaceae:	Lilies, Aloes:		
Aloe spp., all species except those in app. I	Aloes	II	7/1/75
A. albida		I	7/1/75
A. pillansii		I	7/1/75
A. polyphylla	Spiral aloe	I	7/1/75
A. thorncroftii		I	7/1/75
A. vossii		I	7/1/75
Family Magnoliaceae:	Magnolias:		
Talauma hodgsonii (all parts and derivatives)		III (Nepal)	11/16/75
Family Melastomataceae:	Meadow-Beauties:		
Lavoisiera itambana		I	7/1/75
Family Meliaceae:	Mahoganies:		
Guarea longipetiola		I	7/1/75
Swietenia humilis timber		II	7/1/75
Family Moraceae:	Mulberries:		
Batocarpus costaricensis		I	7/1/75
Family Myracaceae:	Myrtles:		
Verticordia spp	Feather flowers	II	6/26/79
Family Orchidaceae:	Orchids:		
All species except those in app. I		II	7/1/75
Cattleya skinneri		I	7/1/75
C. trianae	Christmas orchid	I	7/1/75
Didiciea cunninghamii		I	7/1/75
Laelia jongheana		I	7/1/75
L. lobata		I	7/1/75
Lycaste virginalis var. *alba*	White nun	I	7/1/75
Peristeria elata	Holy Ghost	I	7/1/75
Renanthera imschootiana		I	7/1/75
Vanda coerulea	Blue vanda	I	7/1/75
Family Palmae (Arecaceae):	Palms:		
Areca ipot		II	7/1/75
Chrysalidocarpus decipiens		II	2/4/77
C. lutescens	Yellow palm	II	2/4/77
Neodypsis decaryi		II	7/1/75
Phoenix hanceana var. *philippinensis*		II	7/1/75
Zalacca clemensiana		II	7/1/75
Family Papaveraceae:	Poppies:		
Meconopsis regia (all parts and derivatives)		III (Nepal)	11/16/75
Family Pinaceae:	Pines, Firs:		
Abies guatemalensis	Guatemalan fir	I	7/1/75
A. nebrodensis		I	7/1/75
Family Podocarpaceae:			
Podocarpus costalis		I	7/1/75
P. neriifolius (all parts and derivatives)		III (Nepal)	11/16/75
P. parlatorei	Parlatore's podocarp	I	7/1/75
Family Portulacaceae:	Portulacas:		
Anacampseros spp		II	7/1/75
Family Primulaceae:	Primroses:		
Cyclamen spp		II	7/1/75
Family Proteaceae:	Silk oaks:		
Banksia spp	Banksias	II	6/26/79
Conospermum spp	Smoke bushes	II	6/26/79
Dryandra formosa	Showy dryandra	II	6/26/79
D. polycephala		II	6/26/79
Orothamnus zeyheri	Marsh rose	I	7/1/75
Protea odorata		I	7/1/75
Xylomelum spp	Woody pears	II	6/26/79
Family Rubiaceae:	Madders:		
Balmea stormiae	Ayuque	I	7/1/75
Family Rutaceae:	Boronias, Rues:		
Boronia spp		II	6/26/79
Geleznowia verrucosa		II	6/26/79
Crowea spp	Crowea	II	6/26/79
Family Saxifragaceae—(Grossulariaceae):	Saxifrages:		
Ribes sardoum		I	7/1/75
Family Solanaceae:	Nightshades:		
Solanum sylvestre		II	7/1/75
Family Stangeriaceae:			
All species except that in app. I		II	2/4/77
Stangeria eriopus	Hottentot's head	I	7/1/75
Family Sterculiaceae:	Sterculias:		
Basiloxylon excelsum (timber)		II	7/1/75
Family Tetracentraceae:	Tetracentrons:		
Tetracentron spp. (all parts and derivatives)		III (Nepal)	11/16/75

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Species	Common name	Appendix	Date listed (month/day/year)
Family Thymelaeaceae:			
Pimelea physodes	Qualup bell	II	8/28/79
Family Ulmaceae:	Elms:		
Celtis aetnensis		I	7/1/75
Family Verbenaceae:	Verbenas:		
Caryopteris mongolica		II	7/1/75
Family Welwitschiaceae:	Welwitschias:		
All species except that in app. I		II	2/4/77
Welwitschia bainesii	Welwitschia	I	7/1/75
Family Zamiaceae:	Cycads:		
All species except those in app. I		II	2/4/77
Encephalartos spp	Bread palms	I	7/1/75
Family Zingiberaceae:	Gingers:		
Hedychium philippinense	Philippine garland flower	I	7/1/75
Family Zygophyllaceae:	Caltrops:		
Guaiacum sanctum (timber)	Lignum-vitae	II	7/1/75

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federal register

Thursday
April 3, 1980

Part XX

The President

Proclamation 4744—Petroleum Import Adjustment Program

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Presidential Documents

Title 3—

The President

Proclamation 4744 of April 2, 1980

Petroleum Import Adjustment Program

By the President of the United States of America

A Proclamation

In March 1979, the Secretary of the Treasury, having conducted an investigation of imports of petroleum and petroleum products in accordance with Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), concluded that such imports were entering the country "in such quantities and under such circumstances as to threaten to impair the national security." This finding confirmed the results of previous investigations conducted in 1959 and 1975.

The high level of the Nation's consumption of gasoline is the single most important cause of our dependence on foreign oil. At the same time, our consumption of gasoline can be reduced with less serious consequences to our economy than if similar action were taken with respect to other petroleum products, such as home heating oil. Consequently, the Secretary of Energy and the Secretary of the Treasury have advised that I take action to reduce oil imports by imposing a fee on imports of crude oil and gasoline and by establishing a program intended to ensure that the burden of the crude oil fee falls on gasoline. The Secretary of Commerce concurs.

I agree with their advice. To counter this threat to the national security of the United States, I deem it necessary to act pursuant to Section 232 of the Trade Expansion Act to adjust crude oil and gasoline imports through imposition of a gasoline conservation fee on imports of crude oil and gasoline and a system of passing the cost of this fee through on the price of gasoline in a manner consistent with and in furtherance of the objectives of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 751 *et seq.*).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), do hereby proclaim, effective March 15, 1980, that:

Section 1–1. *Gasoline Conservation Fee*

Sec. 1–101(a). Except as otherwise provided in this Proclamation, no crude oil (except crude oil which is exchanged in accordance with the provisions in the next to last sentence of Section 4(b)(1) of Proclamation 3279, as amended) or gasoline may be entered into the United States unless it is by or for the account of a person to which a license has been issued by the Secretary pursuant to this Proclamation and the entry is made in accordance with the terms of this Proclamation and of such license.

(b) Unexpried and unused licenses, or portions thereof, issued pursuant to Proclamation 3279, as amended, for the entry of crude oil and gasoline may be used for the purpose of entering those respective products through April 23, 1980; *provided,* that the entry is otherwise made in accordance with the terms of this Proclamation and that payment is made for all applicable gasoline conservation fees.

Sec. 1–102(a). Upon application, the Secretary shall issue licenses subject to the gasoline conservation fees provided for in this paragraph.

(1) Except as provided in paragraph (a)(2) of this section, such licenses shall require, among other appropriate provisions, the payment of the following gasoline conservation fees:

(A) With respect to the entry of crude oil, such fee shall be $4.62 per barrel;

(B) With respect to the entry of gasoline, such fee shall be equal to the dollar per barrel amount of the gasoline entitlement determined in accordance with Section 2–1 of this Proclamation for the month in which the entry was made, which amount shall be published by the Secretary on or about the fifteenth day of the second month after the month of entry.

(2) Gasoline conservation fees shall not be applicable with respect to the following types of entries:

(A) Crude oil which is entered into the United States for the Strategic Petroleum Reserve Program by the Department of Energy, or by any other person certified by the Department of Energy as acting on its behalf;

(B) Gasoline produced in the U.S. Virgin Islands or a U.S. Foreign Trade Zone which has incurred a gasoline entitlement obligation in accordance with Section 2–1 of this Proclamation.

(b) All monies received under this section shall be deposited into the Treasury of the United States. The Secretary shall credit to a deposit fund account a portion of the monies received under the terms of this section to be drawn upon by the Secretary for the payment of refunds of gasoline conservation fees. All other amounts shall be credited to miscellaneous receipts. Balances credited in the deposit fund account and not required to be reserved for payments hereinafter provided for shall be transferred at the end of the fiscal year to miscellaneous receipts.

Sec. 1–103(a)(1). Except as provided in paragraph (a)(2) or (a)(3) of this section, applications for licenses subject to payment of a gasoline conservation fee under Section 1–102(a)(1) of this Proclamation shall not be considered unless they are accompanied by payment in the following amounts:

(A) For licenses for the entry of crude oil, such payments shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by $4.62.

(B) For licenses for the entry of gasoline, such payment shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by $4.35. Upon the determination of the actual fee, in accordance with Section 1–102(a)(1)(B) of this Proclamation, for the month in which an entry is made, an adjustment of the amount paid shall be made in accordance with section 1–104(a)(1) of this Proclamation.

(2) In lieu of prepayment in accordance with paragraph (a) of this section, an applicant for a license may submit (A) a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury (Department of the Treasury Circular 570) or (B) other security acceptable to the Secretary; *provided,* that for all subsequent entries made pursuant to the license received, payment shall be made for the applicable gasoline conservation fees. Bonds or such other security shall be posted for the amount chargeable under the license, unless the applicant has made timely payment of any fees imposed pursuant either to this Proclamation or to Proclamation 3279, as amended, for the twelve previous calendar months in which the applicant was obligated to pay fees, in which case bonds or such other security may be posted for fifty percent (50%) of the total amount chargeable.

(3) Payment of gasoline conseration fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency.

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(b) Separate licenses shall be issued for crude oil and gasoline and for entries subject or not subject to payment of gasoline conservation fees.

(c) Licenses issued for crude oil and gasoline under this section shall be valid for a period of one year following the date of their issuance unless such licenses have been completely used prior to that time. A license shall be considered to be issued on the date the license is signed by the Secretary.

Sec. 1–104(a)(1). With respect to licenses for the entry of gasoline issued upon prepayment of gasoline conservation fees, the Secretary shall refund such prepaid fees by an amount equal to the difference between the actual fee for the month in which the entry was made and the prepaid amount of $4.35, multiplied by the number of barrels entered; *provided,* that the actual fee for the month in which the entry was made is less than $4.35 per barrel. In the event the actual fee exceeds $4.35 per barrel, the licensee must make payment for the difference.

(2) The Secretary is further authorized to refund fees paid or to reduce fees owed, in whole or in part:

(A) where the licensee prepaid the fees and failed to use the license issued to him;

(B) where the license fee has been improperly charged.

(b)(1) All applications for such refunds or reductions based on entries of crude oil and gasoline must be filed with the Secretary by the end of the sixth month following the month in which the entry was made.

(2) Applications for refunds of fees for any unutilized portion of a prepaid license shall not be acted upon until the license has been received by the Secretary. Such applications must be filed with the Secretary within six months of the expiration date of the license.

(c) Refunds or reductions made pursuant to this section shall be made without interest, and in no case may the total of the refunds or reductions claimed exceed the amount of the fees paid for the license.

Sec. 1–105(a). For the purposes of this Proclamation, crude oil or gasoline shall be deemed to have "entered" the United States when it is released for immediate delivery, or entered, or withdrawn from warehouse for consumption, whichever occurs first as evidenced by the dates on Customs Form 3461, 7501, or 7505, as appropriate, or successor forms.

(b) Licenses shall be presented to the District Director of Customs at a point of entry to be selected by the licensee and shall remain in Customs custody until fully utilized or expired, whereupon they shall be returned by the Customs Service to the Secretary.

Sec. 1–106(a). No license shall be required in connection with the entry into the United States of crude oil or gasoline which is transported from one point in the United States to another such point through a pipeline that passes through a foreign country. If, incidental to such transportation, the crude oil or gasoline is commingled with or displaced by foreign crude oil or gasoline, no license shall be required for the entry of quantities of like kind and quality equivalent to those which left the United States.

(b) In the event the volume of a particular shipment of crude oil or gasoline entered pursuant to a license exceeds, by five percent (5%) or less, the volume stated as remaining on the license against which the crude oil or gasoline is being entered, the Customs officer may permit the entry of the excess without license but in such an event he shall notify the Department of Energy. The licensee must, within ten days of such entry, remit payment for any gasoline conservation fees applicable to such excess.

(c) Customs officers are authorized to permit entry, without license, of quantities not to exceed 550 U.S. gallons of gasoline or 100 barrels of crude oil which otherwise would be subject to the payment of a fee, where the quantities entered are certified as:

(1) constituting samples for testing or analysis;

(2) included in shipments of machinery or equipment and intended for use in connection therewith; or

(3) baggage entries.

Sec. 1–107(a). Unless the Secretary directs otherwise, payment of fees shall be accomplished by wire transfer to an account specified by the Secretary, in accordance with such payment instructions as he may prescribe, or, at the licensee's option where the payment is for an amount less than $1,000,000.00, by delivery to the Secretary of a certified check or a cashier's check payable to the order of the Treasurer of the United States.

(b) Payments in accordance with Sections 1–101(b), 1–103(a)(2) and 1–104(a)(1) must be received by the last day of the second month following the month in which an entry is made if that day is a business day, and if not, by the end of the next business day.

Section 2–1. *Gasoline Entitlements*

Sec. 2–101. For each month beginning with March of 1980, the Secretary shall calculate the "total national fee."The total national fee for a particular month shall be the total amount of the gasoline conservation fees payable for all crude oil entered by all persons in that month.

Sec. 2–102. The price of a gasoline entitlement for each month shall be equal to the total national fee for that month divided by the total number of barrels of gasoline production in that month for which gasoline producers must purchase gasoline entitlements, as adjusted by the Secretary in accordance with Section 2–103 of this Proclamation.

Sec. 2–103. In order to correct for reporting or calculation errors, overpayments, underpayments, and similar occurrences in any month, the Secretary in one or more months subsequent to that month may adjust either or both the price of a gasoline entitlement and the number of gasoline entitlements issued to or required to be purchased by persons.

Sec. 2–104. For each month beginning with March 1980, the Secretary shall issue to each person who entered, during that month, crude oil subject to a gasoline conservation fee pursuant to Section 1–102(a), a number of gasoline entitlements equal in value to the total amount of gasoline conservation fees for crude oil entered in that month that were paid or are payable by that person pursuant to this Proclamation.

Sec. 2–105(a). Except as provided in paragraphs (b) and (c) of this section, with respect to its gasoline production in any month beginning with March 1980, a gasoline producer must purchase gasoline entitlements equal in number to the number of barrels of its gasoline production in that month.

(b) If in any full calendar month the per barrel amount of any additional levy imposed by Puerto Rico or the U.S. Virgin Islands after the effective date of this Proclamation on gasoline consumed in its jurisdiction or produced in its jurisdiction for consumption therein is at least equal to $4.20 or the value of a gasoline entitlement for that month, whichever is less, the number of barrels of gasoline production for which a gasoline producer must purchase gasoline entitlements for that month shall be reduced by the number of barrels of that producer's gasoline production in that month which is subject to the levy.

(c) A person which is issued gasoline entitlements for any month pursuant to Section 2–104 must sell each such gasoline entitlement to a gasoline producer required to purchase gasoline entitlements for that month.

Sec. 2–106. On or about the fifteenth day of the second month following any particular month beginning with March 1980, the Secretary shall publish a list which shall set forth the number of gasoline entitlements which each gasoline producer must purchase and which each person issued entitlements must sell for that particular month. Such purchases and sales shall be completed by the last day of the second month following that particular month. The Secretary

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may direct persons that have not purchased or sold the required number of entitlements within that time to purchase or sell such required number of entitlements from or to a person with reciprocal requirements. A person which in a particular month must both purchase and sell entitlements may purchase them from itself.

Sec. 2–107. Notwithstanding any provision to the contrary in the Energy Regulations, no portion of any cost of a gasoline conservation fee imposed under Section 1–1 of this Proclamation may be considered under the Energy Regulations as a cost or part of a cost of crude oil, as that term is defined in the Energy Regulations, or any petroleum product, except as provided in Sections 2–108 and 2–109 of this Proclamation. For purposes of such sections, gasoline conservation fees shall be deemed to have been paid at the time that actual payment of such fees has been made to the Secretary, except that, in the case of an entry made pursuant to a prepaid license, payment of the fee may, at the option of the licensee, be deemed to have been made at the time of entry.

Sec. 2–108. Notwithstanding any provision to the contrary in the Energy Regulations, any person that is not a refiner shall be deemed to have incurred an increased product or acquisition cost for gasoline in any particular month in an amount equal to the sum of (a) the amount of any gasoline conservation fees paid by that person in that month for gasoline entered into the United States, less the amount of any refunds with respect to licenses for gasoline that person has received pursuant to Section 1–104, and (b) the amount paid by such person during that month for gasoline entitlements; *provided*, that, prior to May 15, 1980, no person shall increase the price of gasoline as a result of such increased acquisition or product costs pursuant to this section.

Sec. 2–109. Notwithstanding any provision to the contrary in the Energy Regulations:

(a)(1) A person that is a refiner may add to its B_it factor for gasoline (its increased purchased product costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to $4.20 multiplied by the number of barrels of gasoline subject to the gasoline conservation fee which that refiner entered into the United States in the month two months prior to such month. Any increases in gasoline prices that are allowed as a result of such addition to the B_it factor shall not be made prior to May 15, 1980.

(2) If, in any month beginning with June 1980, the amount of gasoline conservation fees on gasoline paid by a refiner in the month immediately preceding that month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of gasoline subject to the gasoline conservation fee which were entered into the United States by that refiner in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's B_it factor for that month.

(b)(1) A person that is a refiner may add to its A_it factor for gasoline (its increased crude oil costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to $4.20 multiplied by the number of barrels of that refiner's gasoline production in the month two months prior to that month. Any increases in gasoline prices that are allowed as a result of such addition to the A_it factor shall not be made prior to May 15, 1980.

(2) If, in any month beginning with June 1980, the amount paid by a refiner for gasoline entitlements purchased in the month immediately preceding that particular month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of that refiner's gasoline production in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's A_it factor for that month.

(3) The amount added to or subtracted from the A_it factor pursuant to this section shall not be subject to the "gasoline tilt" provision found in the last sentence of the first paragraph of Section 212.83(a)(2)(iii)(C) of the Energy Regulations.

Section 3–1. *Administrative Provisions*

Sec. 3–101(a). The Secretary is delegated authority to provide for the administration and enforcement of this Proclamation. The Secretary shall, from time to time, in consultation with the Secretaries of Commerce, State, and the Treasury, and other Federal agencies as appropriate, review the status of imports of crude oil and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962, as amended.

(b) The Secretary is delegated the authority to adjust, from time to time, the amount of the gasoline conservation fee specified in Section 1–102(a)(1)(A) of this Proclamation in order to ensure that, as closely as practicable, the value of a resulting gasoline entitlement approximates $4.20.

(c) All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Secretary in achieving the purposes of this Proclamation.

Sec. 3–102(a). Persons applying for licenses pursuant to Section 1–1 of this Proclamation shall submit such information and make such reports as the Secretary determines necessary to fulfill his responsibilities under this Proclamation.

(b) By the fifth day of the second month following any particular month, beginning with May 5, 1980 for March 1980, each gasoline producer shall report to the Secretary its gasoline production for that month. A person with gasoline production in Puerto Rico or in the U.S. Virgin Islands in any month shall report separately its gasoline production in Puerto Rico or in the U.S. Virgin Islands in that month and the portion of such production which is produced for consumption in Puerto Rico or in the U.S. Virgin Islands.

(c) The Secretary may require a person subject to the reporting requirements of paragraph (a) or (b) of this section to report any additional information determined by the Secretary to be necessary to ensure that the objectives of this Proclamation are attained.

(d) A person required under this Proclamation to submit any report to the Secretary shall correct any errors contained in that report by filing an amended report as promptly as possible but not later than the last day of the eighth month following the month for which the report was filed.

Sec. 3–103(a). A person subject to any reporting requirement under Section 3–103 of this Proclamation shall prepare and maintain at its principal place of business sufficient records, including but not limited to records specifically required by the Secretary, to document its compliance with the provisions of this Proclamation.

(b) All records required to be maintained pursuant to this Proclamation shall be retained for a period of three years.

Sec. 3–104. The Secretary may initiate and conduct audits and investigations relating to the scope, nature, and extent of compliance by any person subject to any provision of this Proclamation.

Sec. 3–105(a). In addition to any other remedies or penalties available to enforce this Proclamation or Proclamation 3279, as amended, the Secretary may revoke or suspend, in accordance with the provisions set forth in Subpart T, Part 205, of Title 10 of the Code of Federal Regulations, licenses issued to any person that violates the terms of this Proclamation or Proclamation 3279, as amended. In addition or in the alternative, and notwithstanding the provisions in Section 1–103(a)(2) of this Proclamation, the Secretary, in his discretion, may require that any person that violates the terms of this Proclamation post bonds for license fees in the full amount chargeable or prepay all license fee amounts in order to receive a license.

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(b) In the event a person fails to fulfill an obligation arising under Section 2–1 of this Proclamation, that person shall be subject to the remedies and penalties available under the Emergency Petroleum Allocation Act of 1973.

Sec. 3–106. For purposes of this Proclamation, the following definitions shall apply:

"Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes, and does not include natural gas products. It also includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

"Energy Regulations" means Parts 210, 211 and 212 of Title 10, Code of Federal Regulations.

"Gasoline" means gasoline as that term is defined in Section 212.31 of the Energy Regulations, which definition, for purposes of reference, is as follows: "all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburant in internal combustion engines."

"Gasoline entitlement" means the proportionate share which each barrel of gasoline production for a particular month bears to the total gasoline conservation fees payable for that month.

"Gasoline producer" means that person which first manufactures a volume of gasoline by refining, blending or any other process.

"Gasoline production," for a particular gasoline producer in a particular month, means the total number of barrels of gasoline manufactured by refining, blending, or any other process in that month by that gasoline producer in the United States, the U.S. Virgin Islands, and a U.S. Foreign Trade Zone. Where incremental volumes of gasoline are manufactured through the addition of substances to gasoline for which gasoline entitlement obligations have already been incurred, only the incremental volumes of gasoline, less any volumes of alcohol, are gasoline production. For March 1980, a gasoline producer's gasoline production shall be determined by multiplying the number of barrels of that gasoline producer's gasoline production in March 1980 by 17/31; *provided,* that in the event a gasoline producer can demonstrate that the actual number of barrels of gasoline produced by that gasoline producer in the period March 15 through March 31 was less than 17/31 of that gasoline producer's total gasoline production in March 1980, that gasoline producer may report actual volumes of gasoline production for the period March 15 through March 31. Gasoline manufactured by a gasoline producer on behalf of another person shall be included within the gasoline production of the gasoline producer unless the other person is a refiner, in which case the gasoline shall be included within the gasoline production of the other person.

"Person" means any natural person, or a partnership, association, consortium or any other entity whether organized for a business or other purpose, or a department or other governmental unit of a state, territory of the Federal Government. A person shall include a parent organization and the consolidated and unconsolidated entities which it directly or indirectly controls.

"Refiner" means refiner as that term is defined in Section 212.31 of the Energy Regulations.

"Secretary" means the Secretary of Energy or his delegate.

"United States" means the fifty States, the District of Columbia, and Puerto Rico, but not U.S. Foreign Trade Zones.

Section 4–1 *Conforming Amendments*

Sec. 4–101. Section 1 of Proclamation 3279, as amended, is amended by the addition of a new paragraph (f) to read as follows:

"(f) Except with respect to licenses issued pursuant to the next to last sentence of Section 4(b)(1) of this Proclamation, all licenses issued pursuant to this Proclamation which could be utilized to enter crude oil or gasoline pursuant to another Proclamation shall expire effective 12:01 a.m. April 14, 1980. Notwithstanding any other provision of this Proclamation, no licenses shall be issued hereunder on or after that date for the entry of any crude oil, unfinished oils, or finished products governed by another Proclamation during any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect."

Sec. 4–102. Section 1(e) of Proclamation 3279, as amended, is amended by deleting the comma appearing after the word "Proclamation" and by adding the words " or any other Proclamation governing the entry of crude oil, unfinished oils or finished products," to immediately follow the word "Proclamation".

Sec. 4–103. Section 8 of Proclamation 3279, as amended, is amended by deleting the period at the end of the next to last paragraph and by adding at the end of that paragraph the following words: "; *provided,* that the system of issuing allocations and licenses with respect to exchanges under Section 4(b)(1) of this Proclamation shall remain in effect during any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect.".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year or our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80–10326
Filed 4–2–80; 11:40 am]
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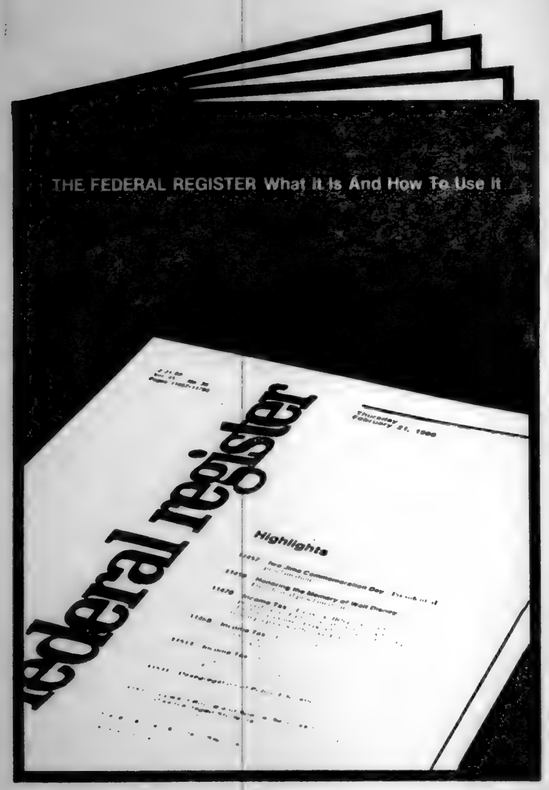

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federal register

Book 1 of 2 Books
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Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in **Reader Aids** section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; Salt Lake City, Utah; Seattle, Wash.;** and **Chicago, Ill.;** see announcement in the **Reader Aids** section at the end of this issue.

23384, 23400 **Taxes** Treasury/IRS provides temporary excise tax regulations and requests comments relating to the windfall profit tax on domestic crude oil; comments by 6–3–80 (2 documents) (Part XI of this issue)

22883 **Credit Restraint Program** FRS requires banking institutions to make monthly reports; effective 3–28–80

22888 **Loan Interest Rates** NCUA releases ruling which allows credit unions to charge up to 15% per year on unpaid balance inclusive of all finance charges; effective 3–31–80

22979 **Vietnam Era Veterans** VA proposes rules providing authority for the furnishing of readjustment counseling and/or related mental health services; comments by 5–5–80

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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23296 **Comprehensive Employment and Training** Labor/ETA proposes changes to regulations for programs under Titles I, II, VI and VII of the Act; comments by 5-5-80 (Part VI of this issue)

22904 **Weight Reduction** HEW/FDA establishes warning labels requirements for products wholly or partially prepared from protein, protein hydrolysates, and amino acid mixtures; effective 8-4-80

22921 **Certain Penicillin Drugs** HEW/FDA increases pyrogen test dose volume; effective 5-5-80

22901 **Chlorofluorocarbon** HEW/FDA adds two products to the list of products for an essential use; effective 5-5-80

23068 **Ionizing Radiation** HEW/FDA endorses recommendation for treatment of benign diseases

23208 **Bilingual Education** HEW/OE sets forth program regulations to govern the award of grants (Part III of this issue)

23236 **Bilingual Education** HEW/OE invites applicants for new projects; apply by 5-16, 6-2 and 6-16-80 (9 documents) (Part III of this issue)

23200 **Population Education** HEW/OE publishes rules governing program to enhance awareness of population issues among elementary and secondary schools (Part II of this issue)

22891 **Fuel Prices** DOE/FERC issues interim rule to establish revised alternative ceilings; effective 3-28-80; comments by 4-30-80

23374 **Petroleum Liquid Storage** EPA establishes equipment standards which limit emissions of volatile organic compounds from vessels; effective 4-4-80 (Part X of this issue)

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23103 **Sunshine Act Meetings**

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23288 **Part V, USDA/FNS**
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Rules and Regulations

Federal Register
Vol. 45, No. 67
Friday, April 4, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

4 CFR Parts 31, 33, and 34

Organization and Functions; Designation of Claims Group

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This rule amends Parts 31, 33, and 34 of Title 4, Code of Federal Regulations, to change the reference from the "Claims Division" to the "Claims Group, Financial and General Management Studies Division" wherever it appears. This change was made necessary because of a reorganization within this Office which designated the former "Claims Division" the "Claims Group" and placed it within the "Financial and General Management Studies Division" of this Office.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Steven G. Hunichen, Chief, Debt Branch, Claims Group, Financial and General Management Studies Division, United States General Accounting Office, 441 G Street, NW., Washington, D.C. 20548. (202) 275–5395.

Accordingly, the reference to "Claims Division" appearing in Parts 31, 33, and 34 of Title 4, Code of Federal Regulations is changed to read "Claims Group, Financial and General Management Studies Division".

Elmer B. Staats,
Comptroller General of the United States.

[FR Doc. 80-10249 Filed 4-3-80; 8:45 am]
BILLING CODE 1610-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Entire Executive Civil Service

AGENCY: Office of Personnel Management.

ACTION: Final rule effective date; correction.

SUMMARY: This document corrects the effective date of two excepted service appointing authorities published on March 18, 1980 at 45 FR 17125 in FR Doc. 80–8248. The authorities were established for career-related work-study programs, and will be published at § 213.3202 (f) and (g). The effective date should read "February 2, 1979."

FOR FURTHER INFORMATION CONTACT: James R. Poole, Office of Personnel Management, 202–632–5677.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

[FR Doc. 80-9970 Filed 4-3-80; 8:45 am]
BILLING CODE 6325-01-M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2500

Transfer and Redesignation of Regulations

Correction

In FR 80–9458 appearing on page 20453 in the issue of Friday, March 28, 1980, the heading which read "5 CFR 1500" should have read "5 CFR Part 2500" as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, and 274

Procedures for Reducing, Suspending or Cancelling Food Stamp Benefits

Note.—This document originally appeared in the **Federal Register** for Wednesday, April 2, 1980. It is reprinted in this issue to meet the Tuesday/Friday publication schedule assigned to the Food and Nutrition Service, USDA.

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule.

SUMMARY: These emergency regulations change the provisions of the rules issued by the Department in the June 12, 1979 **Federal Register** (44 FR 33762) which established procedures for reducing or cancelling food stamp benefits if the Secretary deemed it necessary in order to keep spending within the limits set by Congress. The changes contained in these regulations became necessary when Congress included a provision in the 1979 Amendments to the Food Stamp Act of 1977 (Pub. L. 96–58), which were signed into law on August 14, 1979, that changed the basis upon which the June 12, 1979, regulations were developed.

DATES: Effective date: These rules are effective April 2, 1980. The Department intends to consider comments received pertaining to these rules and will publish final rules in the future. Comments must be received on or before June 2, 1980, to be assured of consideration.

ADDRESS: Comments should be submitted to: Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street, S.W., Washington, D.C. Room 678.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Policy/Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, Washington, D.C. 20250, 202–447–9075. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Larry Carnes at the above address.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA Procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant." Robert Greenstein, Administrator of the Food and Nutrition Service, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action.

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This determination is based on the possibility that the procedures established by these rules will need to be used to suspend, reduce or cancel food stamp benefits as early as June 1980. While these rules are being published in final form without having been published proposed, it should be noted that all of the alternatives considered were included in a Notice of Intent to Propose Rulemaking which was published for comment on November 9, 1979. Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Background

The Department issued emergency rules in the June 12, 1979 **Federal Register** (44 FR 33762) which established procedures for reducing or cancelling food stamp allotments if the Secretary deems it necessary to do so to remain within the spending limits set by Congress. The Department intended to publish final rules based on the comments received on the June 12, 1979 emergency rules. However, the 1979 amendments to the Food Stamp Act (Pub. L. 96–58), which were signed into law on August 14, 1979, contained a provision changing the basis of the June 12 rules and necessitating another rulemaking. The Department issued a Notice of Intent to Propose Rulemaking in the November 9, 1979 **Federal Register** (44 FR 65077) to invite public participation in the formulation of new benefit reduction regulations. The Notice of Intent solicited comments on three proposed alternative methods of reducing food stamp benefits. In addition, the Notice of Intent requested comments on whether the Department should establish benefit reduction procedures that would favor the elderly and disabled in comparison with the rest of the caseload and whether the Department should include minimum benefit levels in its benefit reduction procedures.

The June 12, 1979 rule is being cancelled completely and replaced with this emergency final rule. This emergency final rule establishes procedures for cancelling, suspending or reducing food stamp allotments if the Secretary determines that such action is necessary. The Department had intended to publish proposed rules for benefit reduction procedures after considering the comments received in response to the November 9, 1979 Notice of Intent. However, because a cancellation, suspension or benefit reduction may be necessary this fiscal year and because of the lead-time which State agencies will need to implement the benefit reduction procedures, the administrator of the Food and Nutrition Service has determined that an emergency rulemaking is necessary to establish these procedures as expeditiously as possible.

Section 18(b) of the Food Stamp Act of 1977 (the Act) directs the Secretary to reduce the value of food stamp allotments issued to certified households in order to stay within the appropriations limits set by Congress. The June 12, 1979 emergency rules published in the **Federal Register** by the Department implemented this section of the Act. Those rules, if used, would have resulted in all households having their allotments reduced by the same percentage. This pro rata approach to benefit reductions was based on opinions both from the Department's General Counsel and the Comptroller General of the United States who agreed that the Act would permit only pro rata reductions.

While pro rata reductions result in all households having their allotments reduced by the same percentage, they also result in households with lower incomes having more food stamps taken away from them than are taken away from higher income households. This is so because lower income households receive higher allotments than households with higher income.

To correct this situation and ensure that the most needy participant households do not bear a disproportionate share of any ordered reduction, Congress included a provision in the 1979 amendments amending Section 18 of the Food Stamp Act by adding new sections (c) and (d) giving the Secretary the authority to establish a benefit reduction procedure that would result in benefits being reduced on other than a pro rata basis. (See, Senate Rpt. No. 96–236, 96th Cong., 1st Sess., p. 19.) Specifically, Section 1(4) of the 1979 amendments, states in part that: "In prescribing the manner in which allotments will be reduced . . . the Secretary shall ensure that such reductions reflect, to the maximum extent practicable, the ratio of household income, determined under sections 5(d) and 5(e) of the Food Stamp Act, to the income standards of eligibility for households of equal size." Although this amendment provides for reducing benefits on other than a pro rata basis, neither the amendments nor the legislative history prescribe a specific method under which benefits should be reduced.

The November 9, 1979 Notice of Intent proposed three alternative methods for reducing food stamp benefits in the manner suggested by Congress in Section 18(c) of the Food Stamp Act and solicited coments on these alternatives. This Notice of Intent also requested comments on whether benefit reduction methods should be established which would impact less on the elderly and disabled and whether minimum benefits levels should be established. In response to the November 9, 1979 Notice of Intent, 59 individuals, groups and agencies submitted comment letters. Although the comment period ended on December 10, 1979, all comments received have been given full consideration.

Methods of Benefit Reduction

Alternative 1

The first Alternative included in the November 9, 1979 Notice of Intent proposed that benefits to all households be reduced by applying varying percentage reduction rates to the coupon allotment tables. Under this method States would have to report to the Department the total amount of benefits issued each month, broken down by household size and monthly net income. The Department would need participation data broken down in this manner so that it could determine what percentage reduction rates to apply to each household size and income increment to achieve the savings in expenditures that were needed.

Only 4 commenters were in favor of reducing food stamp benefits by using the procedure outlined in Alternative 1. The primary reason cited by those few commenters choosing this method, as expressed by the Bread and Law Task Force, was that this method would reduce the benefits of the most needy participants less.

Twenty eight commenters, including 23 State agencies and 1 local agency, were opposed to the benefit reduction method proposed in Alternative 1. The reason most commonly expressed for opposing this method was that it would be extremely difficult, and in some cases impossible, to administer.

Some State agencies stated that implementation of Alternative 1 is simply not administratively feasible. For example, the Georgia Department of Human Resources expressed doubt that the extensive and costly reprogramming of computer systems that would be necessary could be accomplished in all States. Georgia also noted that in non-automated systems, a difficult and time consuming procedure for manual data gathering would have to be developed. Another State agency, the Social Service Board of North Dakota, opposed Alternative 1 because it would entail procedures that were incompatible with a manual system. Seven State agencies stated that their systems either could not supply the data which would be required by the Department under Alternative 1 (i.e., participation data by household size and net income level) or could do so only with greatly increased costs and/or processing time. The Maryland Department of Human Resources opposed Alternative 1 because the computer system being used in Baltimore cannot provide monthly issuance amounts by household size and by benefit levels and because the data gathering task would be beyond the staff capacity of non-automated project areas. Several State agencies also commented that the cost of implementation would be excessive or prohibitive and that developing reduced benefits would be very difficult because of the requirement that different percentage rates of reduction be applied.

The State of Florida Department of Health and Rehabilitative Services stated that in a manual system, a monthly review of each household record card would be required to obtain the household size and monthly net income data required by the Department so that the Department could determine the size of the benefit reduction. In addition, after the Department had determined the various percentages of reduction to be applied to allotments, another manual review of household record cards would be necessary to effect the reductions in allotments. The State agency estimated that approximately 20,000 man-hours would be required each month to implement and maintain the benefit reduction if the State's system were not automated.

Many other administrative difficulties in implementing Alternative 1 were cited by commenters. These include greater potential for errors in the issuance of manual ATP cards and the difficulty of designing and producing the required reports on benefit reduction. A number of State and local agencies also indicated that substantial lead-time would be required to implement Alternative 1.

Alternative 2

The second method outlined in the November 9, 1979 Notice of Intent would reduce benefits by altering the percentage of household net income that is subtracted from the Thrifty Food Plan in determining household benefit levels. Under current rules, benefit levels are determined by subtracting 30 percent of a household's net income from the Thrifty Food Plan amount for the household size. Under Alternative 2, 50% or more of the household's net income could be substracted from the Thrifty Food Plan amount used.

Nine commenters, seven State agencies and two local agencies, were in favor of adopting the method described in Alternative 2 to reduce food stamp benefits. Seven of the nine preferred Alternative 2 because they believed this method was the most compatible with their computerized systems and, therefore, would require the least reprogramming.

Nineteen commenters, including fifteen State agencies and two local agencies, were opposed to reducing benefits by the procedure outlined in Alternative 2. The primary reason given by State and local agencies for opposing Alternative 2 was that method would be incompatible with computer systems and would, therefore, require extensive reprogramming of those systems. Under Alternative 2, States would have to report to the Department the number of households receiving benefits at each net income increment on the coupon allotment tables. Half of those who indicated that incompatibility with computer systems was a problem also stated that the incompatibility existed because their computer systems do not contain household size and monthly net income as data elements. Six commenters believed that there would be significant difficulties in gathering the data that State agencies would have to report to the Department to allow implementation of Alternative 2. The State of Kentucky Department for Human Resources stated that Alternative 2 would require the development of a complex data program to produce the data required by the Department as well as reprogramming the computer to complete the more intricate calculation steps needed to implement this Alternative. Two State agencies also commented that the data gathering requirements included in Alternative 2 are incompatible with manual systems and would require time consuming efforts. Two State agencies specifically stated that the implementation of Alternative 2 is not administratively feasible. One of these, the State of Colorado, stated that this is so because of the amount of work which would be required to manually obtain from the household issuance records the information required by the Department. Some State and local agencies also indicated that substantial lead-time would be required to implement Alternative 2.

Alternative 3

As stated in the November 9, 1979 Notice of Intent, the third alternative for reducing benefits would reduce the Thrifty Food Plan amounts for each household size by the same percentage. By doing this, households with the highest net incomes would suffer the largest percentage reduction in their benefits, while households with the lowest net incomes would have the smallest percentage reduction in their benefits. All households of a given size would have their benefits reduced by the same dollar amount. The following example illustrates how this procedure would work.

Currently, the Thrifty Food Plan amount used to calculate food stamp benefits for four-person households in the 48 States and the District of Columbia is $209 per month. Thus, a four-person household with a monthly net income of $100 receives $179 in benefits; a four-person household with a monthly net income of $300 receives $119 in benefits. If the Thrifty Food Plan is reduced by 50 percent because of an ordered benefit reduction, the benefits of each of these households would be based on a Thrifty Food Plan amount of $104 per month. The household with $100 per month in net income would receive $74 in benefits; the household with $300 per month in net income would receive $14 in benefits. Each of these households would lose $105 in benefits. However, the household with $100 in net monthly income would see its benefits reduced by about 59 percent while the household with $300 in monthly net income would see its benefits reduced by about 88 percent.

Of those commenters expressing a preference for any of the three alternatives proposed in the Notice of Intent, 32 commenters, over 70%, including 22 State agencies and 3 local agencies, stated that they preferred Alternative 3. There were several reasons shared by a number of commenters for favoring this alternative. A total of 9 commenters indicated that implementation of Alternative 3 would be the most compatible with computer systems and, thus, would require the least reprogramming. Six commenters

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including the Kentucky Department for Human Resources stated that implementation of the method described in Alternative 3 would be the least costly of the three alternatives. A total of 14 commenters indicated that the data which would be required by the Department of State agencies would be less difficult to provide than that required in the other two Alternatives. More commenters (14) indicated that they believed Alternative 3 to be the most equitable for participants than indicated that either Alternative 1 or 2 was the most equitable. Another reason often expressed by commenters for favoring this alternative was that it would be easier to administer because it uses the same method used to implement semi-annual cost-of-food adjustments. Finally, State agencies indicated that, in general, less lead-time would be required to implement a benefit reduction under Alternative 3 than under either of the other alternatives.

Six comments opposed Alternative 3, largely on grounds that another alternative would be easier to implement. Some of these commenters apparently misunderstood Alternative 3 since it requires no new procedures not already in place to make the semi-annual adjustments.

Several commenters also proposed other benefit reduction methods, but no one such method drew support from more than two commenters with the exception of pro rata reductions. However, pro rata reductions were rejected by Congress when it enacted the 1979 Food Stamp Amendments.

Conclusion

After carefully considering all of the comments received on each of the three alternatives presented in the November 9, 1979 Notice of Intent and in spite of the evidence that many low income families will be unable to purchase nutritionally adequate diets if the basic allotment level is reduced under any available alternative, the Department has decided to adopt Alternative 3 as the mechanism for reducing food stamp benefits should a benefit reduction become necessary to remain within the spending limits set by Congress. As stated in the Notice of Intent, the Department paid particular interest to the caseload impact of each benefit reduction method and to the administrative feasibility of each method. More commenters favored Alternative 3 as the most equitable method for participants than favored either of the other alternatives for this aspect. Under Alternative 3, all households of a given size would have their benefits reduced by the same dollar amount. Since the dollar amount would be the same for each net income level the percent of reduction would be lowest for zero net income households and greatest for the highest net income households. Therefore, the poorer a food stamp family is the lower the percentage of reduction in its allotment. Higher income families would have their benefits reduced by larger percentages. This method ensures that the most needy participant households do not bear a disproportionate share of benefit reductions. Thus, the Department believes that the method adopted meets the congressional mandate that reductions reflect, to the maximum extent practicable, the ratio of household income to the income standards of eligibility for households of equal size, taking into account the administrative considerations described herein.

In considering the administrative feasibility of each method, the Department paid particular attention to the ability of States to implement the various alternatives. If even a single State indicated that it would be unable to implement a particular benefit reduction method, this posed very serious questions about adopting such a method. The failure of just one State to implement any ordered benefit reduction could result in exceeding the spending limits set by Congress and violation of the Food Stamp Act. As noted above, some States did indicate that they would be unable to implement Alternatives 1 or 2.

As previously noted, it was the strong consensus of the commenters, and especially of State agencies, that Alternative 3 would be the most feasible administratively. Commenters pointed out that this method is the most feasible administratively not only from the standpoint of the adjustments which would be required in existing systems but also in terms of the data which would be required of State agencies by the Department to determine the amounts of benefit reduction which would be necessary. The Department does not expect at this time to require any additional data to be reported by States prior to ordering a suspension, cancellation or reduction for fiscal year 1980, should such an action be necessary.

Another aspect of administrative concern which was given careful consideration is the amount of lead-time which would be required to implement benefit reduction methods. The method chosen for reducing benefits must be one that can be implemented quickly enough to ensure that spending does not exceed appropriations. The more complicated the procedure for reducing benefits, the greater is the amount of lead-time States would need to implement the reduction. Comments from State agencies show that implementation of Alternative 3 would require significantly less time that either Alternative 1 or 2.

The Department has made this decision with the recognition that a benefit reduction will result in inadequate nutritional assistance being provided to low-income families. Benefit reductions will be implemented only if they are required in order to avoid violating the Food Stamp Act.

The current food stamp allotment, which averages 36 cents per person per meal, is set at the cost of the Thrifty Food Plan (adjusted for family size) decreased by 30 percent of the household's net monthly income. The Thrifty Food Plan is the least costly of four food plans developed by the Department; it was designed specifically for low income families. Like the other food plans, the Thrifty Food Plan specifies amounts of foods from each of fifteen food groups which are combined to provide a nutritionally adequate diet.

The Department recognizes that a number of factors make it difficult for many families to obtain an adequate diet on the amount of money which represents the cost of the Thrifty Food Plan. In fact, data on food consumption among low income households indicates that fewer than one in ten families spending an amount of money equivalent to the cost of the Thrifty Food Plan received 100 percent of the Recommended Daily Allowances. Less than half received even two thirds of the Recommended Daily Allowances.

The Thrifty Food Plan does not represent what low income families actually eat. The plan contains less meat, poultry, and fish and more dry beans and grain products than families generally consume. In order to develop a plan which was nutritionally adequate at a very low cost, nutritionists at the Department used a computer model which could alter the average diet of low income households so that it met the Recommended Daily Allowances for most nutrients. The average food purchaser, without specific nutritional skills and training, would find it much more difficult to make the food choices which provide an adequate diet on the amount of money which represents the cost of the plan.

The Department has previously acknowledged that low income families may not get a nutritionally adequate diet using the amount of money which

represents the cost of the Thrifty Food Plan. The Agricultural Research Service has described the Economy Food Plan, a precursor to the Thrifty Food Plan at the same cost level, as a diet "for temporary use when funds are low". The Agricultural Research Service also noted that,

> Studies show that few families spending at the level of the Economy Plan select foods that provide nutritionally adequate diets. The cost of this plan is not a reasonable measure of basic money needs for a good diet. The public assistance agency that recongizes the limitations of its clientele and is interested in their nutritional well-being will recommend a money allowance for food considerably higher than the cost level of the Economy Plan. Many welfare agencies base their food cost standards on the USDA Low-Cost Food Plan which costs about 25 percent more than the Economy Plan. (U.S.D.A., Agricultural Research Service, "Sample Menus and Food Lists for One Week Based on U.S.D.A. Economy Food Plan", page 1.)

The Department is also aware that in areas where food costs are higher than average, low income families will find it even more difficult to obtain an adequate diet using the amount of money set as the cost of the Thrifty Food Plan. The cost of the plan represents average food costs for the nation as a whole. Many low income families live in areas where food costs tend to be higher than average, such as central city areas, and isolated rural areas.

While Alternative 3 will result in households having insufficient food available to obtain a diet of even minimum nutritional adequacy, this would also be the result of Alternatives 1 and 2, as well as any other Alternative to effect a reduction in benefits. It is the Department hope that benefit reductions do not become necessary at any time.

Special Provisions for the Elderly and Disabled

In amending the Food Stamp Act, Congress authorized, but not did not require, the Secretary to establish special provisions for reducing benefits to the elderly and disabled. The November 9, 1979 Notice of Intent solicited comments on whether the Department should establish benefit reduction procedures that would treat the elderly and disabled differently than the rest of the caseload.

This issue drew 36 comments. Of those who commented, only 7 favored establishing special provisions for the elderly and disabled. There was little consensus in the reasons expressed for favoring special provisions for the elderly and disabled. One commenter, the Southern Oklahoma Development Association, stated that its reason for favoring such a provision is that the elderly and disabled are most frequently affected by inflation.

Thirty commenters, including 18 State agencies, opposed special provisions for the elderly and disabled. Fourteen commenters, including 10 State agencies, indicated that implementing special provisions for the elderly and disabled would be administratively difficult, primarily because their systems cannot identify these households.

Several State agencies indicated that manual reviews of caseloads would be necessary to identify these households. Two State agencies, including the Iowa Department of Social Services, said that it would take up to a year to identify elderly and disabled households since this data is not completely in current computer systems.[1] The Iowa State agency further stated that implementing special provisions for the elderly would increase administrative costs and would also increase the potential for errors in handling cases.

The State of Connecticut Department of Income Maintenance cited as another administrative problem the fact that States may be forced to create a computer system within a system to handle elderly and disabled cases. A similar comment was made by the State of Minnesota Department of Welfare which stated that special treatment for the elderly and disabled would require developing and maintaining two different issuance systems and then using a third system after reductions were lifted. In addition, as the State of Connecticut pointed out, it would be necessary to track and record various household statistics to keep this group separate from other food stamp households.

The Commonwealth of Virginia Department of Welfare observed that the inclusion of any special provisions in benefit reduction procedures would necessitate a less accurate means of ascertaining the correct reduction to meet a shortfall and would, therefore, require more complicated benefit reduction procedures, creating serious problems for recipients and administering agencies alike.

In addition to opposition on administrative grounds, many commenters opposed special provisions for the elderly and disabled because these groups are already receiving special consideration of their shelter and medical expenses that no other low income households receive. A number of commenters observed that special provisions for the elderly and disabled would require other households to bear greater reductions.

The Department has decided not to include a special provision for elderly and disabled in these allotment reduction regulations. The decision was based primarily on the administrative infeasibility of such a provision. As State agencies noted in their comments, before they could implement a special provision for the elderly and disabled, they would need to identify those households with elderly and disabled members. In most States, this task would involve a costly and very time consuming, manual case by case search through every case in their caseload. At the time this was occurring, State agencies would have to alter their issuance systems so that benefits could be issued to households with elderly and/or disabled members on one basis while benefits are issued to the remainder of the caseload on another basis. In a computerized system, such an alteration would involve reprogramming the computers which would, again, be costly and time consuming. In a manual issuance system, cost and time are not major factors. However, since each households' issuance record is updated manually in these systems, the issuance of benefits on two different bases is likely to result in a larger amount of issuance error.

At the same time, the Department had determined (as explained below) to institute a $10 minimum benefit level. This minimum benefit level will be of primary benefit to the elderly and disabled, and will assist them in a way that is far more administratively practicable.

Minimum Benefit Levels

The 1979 Amendments to the Food Stamp Act contain a provision that gives the Secretary the authority to establish a benefit reduction procedure that provides for minimum benefit levels. The Notice of Intent solicited comments on whether such a provision should be made.

A total of 20 commenters including 14 State agencies favored establishing a minimum benefit level. Seven of these, 6 State agencies and one local agency, cited as a primary reason for favoring minimum benefits the administrative problems which would be associated with first identifying cases to be closed,

[1] A few commenters mistakenly thought that elderly and disabled households had already been identified when a medical deduction and an expanded shelter deduction were instituted earlier this year for households with elderly or disabled members. As a number of State agencies noted, however, a large number of elderly and disabled households do not receive these new deductions and have not been separately identified. These State agencies observed that locating and separately identifying these households would be costly and require a considerable period of time.

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then closing cases of households whose benefits were completely eliminated, and subsequently bringing these households back into the program. If a minimum benefit were adopted, they pointed out, these problems and resultant costs could be avoided.

Three State agencies, including New Jersey, suggested that a minimum dollar amount of benefits, rather than a maximum percentage beyond which benefits could not be reduced, be adopted. There were several reasons expressed for favoring a minimum dollar amount including the fact that maximum percentage reductions would be difficult and costly to administer whereas a minimum amount would be compatible with computer systems.

Six of the commenters favoring a minimum benefit suggested that a minimum benefit of ten dollars be adopted. The State of Connecticut observed that to do anything less would defeat the purpose and the intent of the program. One commenter pointed out that failure to adopt a minimum benefit level would adversely affect the elderly and disabled.

Seven commenters specifically expressed opposition to a minimum benefit level. Of those, the majority were opposed because of the administrative costs and/or complexities that would be involved in implementing such a provision. However, the comments in most cases were not specific about the administrative problems which would be involved.

The Department has decided to adopt a minimum benefit level for households. Although the Department has decided not to include special provisions for the elderly and disabled because it would be administratively impracticable to do so, the inclusion of a minimum benefit level will provide advantages for this portion of the caseload. This is so because many of the elderly and disabled are among those one- and two-person households currently receiving a minimum benefit of $10. These households are also the households whose benefits would most likely be eliminated if no minimum benefit level was established. The administration of a minimum benefit will be far simpler than a provision which singles out the elderly and disabled for special treatment while achieving essentially the same result.

In addition, a minimum benefit level will avoid the problems of having to identify cases to be closed, closing the cases, and later reopening these cases.

The Department has decided to establish the minimum benefit at $10 per month. No household will receive less than $10 per month in benefits when a benefit reduction is in effect except as provided for below. This is the amount which Congress set as the minimum benefit for one- and two-person households in the Food Stamp Act of 1977, and the Department has decided to apply it universally in its benefit reduction procedures.

Although the Department recognizes that establishing minimum benefits on a per person basis would provide more protection to large households, it has decided not to adopt that method because it would be administratively impracticable to do so. The Department chose the $10 minimum for all households because of the problems which States would have in implementing variable minimum benefits, particularly since States may have to implement benefit reductions within a short period of time. This minimum benefit will be suspended if it is determined that only a cancellation or suspension of benefits, not a reduction, can prevent spending from exceeding the limits set by Congress. Additionally, if a reduction of more than 90 percent of a particular month's projected issuance is needed to avoid exceeding appropriations, funds will not be sufficient to maintain the $10 minimum benefit level and the minimum benefit provision will be disregarded under this condition as well.

Nature of Suspension, Cancellation or Reduction Action

The Department has included "suspension" action as one of the actions that could be taken to avoid violating the Food Stamp Act. Essentially, a suspension of benefits is similar to a cancellation. However, it is viewed as being more temporary than a cancellation. Suspension would most probably be ordered for a particular month if the Department determined that some action was necessary that month and also determined that Congress was likely to act during the month to increase funding for the Program. Thus, if benefits were suspended and Congress acted, the net effect to participants would be delayed issuance.

The Department believes that the suspension of benefits is an action that affords several advantages. Primarily, it allows the Department and States agencies to react quickly to an increase in Program funding and thereby it will minimize the time participants could be without benefits. An added consideration is the view that it is administratively easier for State agencies to delay the issuance of benefits to participants than it is to cancel the issuance and provide retroactive benefits.

If the Department determines that a suspension, cancellation or reduction in food stamp allotments is necessary, a decision must be made as to how this is to be accomplished. The choices available are to suspend or cancel allotments for one or more months, reduce allotments for one or more months or use a combination of reduced, suspended and cancelled allotments. The manner in which the Secretary decides to make up the shortfall will depend on the extent of the shortfall and the number of months available to make up the shortfall.

If a decision is made to reduce allotments, reductions will be accomplished by reducing Thrifty Food Plan amounts for each household size by a percentage specified by the Department. Any household whose reduced allotment is less than $10 shall receive a minimum benefit of $10 per month except as noted above.

Reporting required of State agencies. The Department does not anticipate requiring State agencies to submit additional data on participation broken down by household size to FNS in order to determine the need for or amount of benefit reduction or the time period for which a reduction or cancellation will be imposed. States will, however, be required to maintain records on the amount of benefits each household receives during a month in which a reduction is in effect and a record of the amount of benefits each household would have received had full monthly allotments been distributed. In the event of a cancellation or suspension, States shall maintain records of the amount of benefits each household would have received had full monthly allotments been distributed.

Enactment of Allotment Reductions

Since State agencies are responsible for issuing food stamps to eligible households, they will be responsible for implementing reductions, suspensions and/or cancellations of allotments. This rulemaking establishes the procedures that States are to follow in carrying out such directives.

The Department will issue new Thrifty Food Plan levels reflecting the percentage reductions determined by the Department. States with computer systems will be required to ensure that the systems will allow for a minimum benefit of $10 for all households. Changes in computer systems must be accomplished in time to reduce allotments this fiscal year if required. In project areas with manual issuance systems, preparation for a reduction in allotments in these areas includes the printing and distribution of new issuance tables. The Department will prepare and distribute revised issuance tables for State agencies' use. It is the responsibility of the State agencies, however, to ensure that sufficient copies are obtained and distributed in time to effect reductions in allotments.

A reduction in allotments in an area with an HIR card system can be accomplished in one of two ways. State agency personnel can either adjust all of the Household Issuance Records prior to the affected month's issuance or they can adjust the records as each household appears at the issuance office to pick up its monthly allotment. The choice of which method to use is up to the State agency.

In States with fiscal months, the benefit reduction shall be applied to all normal allotments for the month in which reductions are ordered, even if the allotment is not received until the following month. At the same time, allotments issued in the reduced month, but which actually represent the household's benefits for the previous month, shall not be reduced if no benefit reduction had been ordered for the previous month. Likewise, any retroactive or restored benefits for a period other than the reduced month should not be affected by the ordered reduction.

Along with putting a reduction, suspension or cancellation into effect, State agencies must notify households of the action. The rules provide that the reduction or cancellation of allotments is to be considered a mass change and that the normal requirements for notifying households of mass changes are to be applied, with the one exception discussed below. The mass change requirements direct States to notify households through the news media, through posters in certification and issuance offices or through general explanatory notices mailed to partcipating households. The mass change requirements also give States the option of notifying households of changes by mailing individual notices of adverse action to households affected by the change. However, in view of the requirements of the law, the nature of the type of action involved and the time element involved, this rulemaking prohibits States from using notices of adverse action. Households are not, under any circumstances, entitled to continued benefits at their former level during the period of reduction, suspension, and/or cancellation of benefits. Therefore, a notice of adverse action (as opposed to an alternative type of notice) could serve no purpose other than to delay reductions, suspensions, or cancellations, thereby risking violation of the Food Stamp Act.

It is possible, however, that restoration of benefits could occur. A reduction or cancellation of allotments could result in a surplus of appropriated funds if the Department's projection of the amount of benefits that will be issued in a particular month is inaccurate and benefits are reduced somewhat more than turns out to have been necessary. In such circumstances, the Department will restore benefits to households affected by an allotment reduction or cancellation unless the surplus of funds is so small that a restoration is impracticable. However, because it is possible to have a surplus too small to be practicably restored, the Department is not making restoration of benefits an entitlement. This rulemaking contains a provision clarifying this issue.

A number of State agencies stressed the need for adequate lead-time to prepare for a benefit reduction should it become necessary. One of the considerations which the Department made in selecting the method for reducing benefits was that the more complicated the method selected the more lead-time States would require to implement the reductions. Because a more complicated reduction procedure would require detailed data to be supplied to FNS by States and the analysis of that data would be complex, it is possible that the Department would be in a position of having to order a reduction too soon and possibly cut benefits too much. The method for reducing benefits under Alternative 3, reducing Thrifty Food Plan amounts by the same percentage for each household, will require the least amount of lead-time prior to implementation and will allow the Department to make the most accurate determination regarding the amount by which benefits must be reduced and the appropriate time period for which benefits must be reduced, suspended and/or cancelled. While it is important to allow States as much lead-time as possible, the Department must be careful not to order a benefit reduction too soon. Unforeseen circumstances such as a disaster or a sudden rise in unemployment could occur which would increase program spending and, thus, alter the amount by which benefits must be reduced or the time period for which benefits must be reduced, suspended or cancelled. Therefore, it is important that the Department have the most complete information possible in order to determine the correct amount of benefit reduction needed and the proper length of time for which benefits must be reduced. In the event of a reduction, suspension or cancellation in benefits, the Department will make every effort to provide a minimum of one month lead-time for reductions in benefits and one-half month lead-time for suspensions or cancellations.

Effects of Reductions, Suspensions and Cancellations on Ongoing Program Operations

The reduction, suspension or cancellation of allotments is not intended to affect any aspect of Program operations other than the amount of benefits distributed to households. As noted in this rulemaking, applications are to be accepted and processed the same way during a month in which allotments are reduced, suspended or cancelled as they are in a normal month. Eligibility determinations are to be made according to the criteria in Part 273 and certification periods are to be assigned on a normal basis. Recertifications are also to be processed and not delayed.

As noted above, households affected by reductions, suspensions and cancellations would not have an entitlement to a continuation of benefits if they object to the reduction, suspension or cancellation action. Households may request fair hearings and State agencies are required to honor and process the requests. However, fair hearings will not result in a reversal of the reduction, suspension or cancellation of a household's allotment. They will, however, result in a correction of any incorrectly calculated allotment and to restored benefits if the reduction was too large because it was incorrectly computed.

Penalties

This rulemaking explains the penalties that may be invoked if State agencies fail to comply with a directive issued by FNS to reduce, suspend or cancel allotments. The penalties were developed with the realization that, in order to assure that the mandate of Congress is met, swift action would be necessary to induce noncomplying State agencies to take immediate corrective action. Failing that, the penalties include a provision for the recovery of funds from State agencies that do not comply.

The first two penalty provisions describe what may occur if the Department discovers that a State agency does not intend to comply with an order to reduce, suspend or cancel allotments. FNS may issue a warning to such a State agency that will advise the State agency that if the ordered

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reduction, suspension or cancellation of allotments does not occur, FNS will cancel 100 percent of the Federal share of the State agency's administrative costs for the affected month(s). The warning period will be short and action to cancel the funding will come quickly following confirmation of the State's noncompliance. At the same time that this activity is taking place, FNS may, through the Attorney General, seek a court injunction against the State in question in an effort to compel the State to comply with the ordered allotment reduction, suspension or cancellation.

The last penalty provision involves the recovery of funds that are lost due to a State's failure to comply with an order to reduce, suspend or cancel allotments. As the rulemaking indicates, State agencies will be held liable for 100 percent of any overissuances that occur due to a State's failure to implement a reduction, suspension or cancellation order. It is obvious that if such an order is issued and a State ignores it, the effect of the order will be compromised, and the Food Stamp Act could be in danger or violated as a result. Since the reason for the order would be to stay within the limits set by the amount of funds appropriated by Congress and since the State agency's action could serve to force spending above these limits, the Department has determined that the noncomplying State agency should be liable for making up the overissuances it caused.

If a State agency fails to comply with an order to reduce, suspend or cancel benefits, the Department will bill the State agency for any resultant overissuances. The billing will prescribe a period of time in which the Department expects to receive payment of the bills. If payment is not made within that time period, steps will be taken to recover the billed amount through offsets to the Federal share of the State's administrative costs.

The penalty provisions in the rulemaking are strict. However, since orders to cancel, suspend or reduce allotments will only be issued if they are absolutely necessary to comply with the law, full compliance by all States is imperative.

Amendments

In order to ensure that there are no misunderstandings, subparagraphs (e)(2)(ii) and (e)(2)(iii) of Section 273.10 are being amended with the issuance of this rulemaking. These subparagraphs explain how Thrifty Food Plan amounts are to be reduced and how benefit levels are to be calculated. They also specify that all households are guaranteed a minimum benefit of $10 per month during a benefit reduction unless the reduction is aimed at saving more than 90 percent of the benefits projected to be issued during the affected month.

There are other amendments included in this rulemaking as well. These are technical in nature. They apply to various subparagraphs of the issuance rules in Part 274 and are necessary to allow suspensions of benefits.

Implementation

Along with the rules establishing a procedure for reducing, suspending, or cancelling allotments are requirements for the implementation of the procedure. The Department believes that there is a possibility that a reduction, suspension or cancellation of allotments may be necessary this fiscal year. Therefore, expeditious implementation of these procedures is needed and States must be prepared, within 45 days of publication of these rules, May 19, 1980, to begin the actions necessary to implement a cancellation, suspension or benefit reduction. In addition, all State agencies are required to establish whatever internal procedures they need to be able to reduce allotments promptly if this proves necessary.

The timing of an order by the Department to reduce, suspend or cancel food stamp benefits in any fiscal year depends upon a great many factors. The legislative history of P.L. 96–58 makes clear that the Secretary is not expected to order a benefit reduction, suspension or cancellation simply because initial appropriations for the program fall short of projected needs. Among the factors that are to be considered before any action is taken are the likelihood of passage and the timing of any supplemental appropriations, economic forecasts and seasonal fluctuations in program participation. (Senate Rpt. No. 96–236, 96th Cong., 1st Sess., pp. 19–20.) At such time as there is a clear indication from Congress that the program will not be fully funded, prompt action must be taken to reduce, suspend or cancel food stamp benefits.

In the current fiscal year, Congress has expressed its intention to provide full funding for the Food Stamp Program at each juncture in the legislative process. However, the current level of FY 1980 food stamp appropriations will support full benefits only through May 1980. If Congress does not provide additional food stamp funding by May 15, States will be ordered to suspend the issuance of benefits for June, unless and until supplemental appropriations are provided. Benefits reductions, suspensions or cancellations for the months of July, August and September 1980 are also possible. The Department will carefully study available appropriations, any impending supplemental appropriations, as well as the likelihood of Congressional action to provide additional funds and the likely timing of any such Congressional actions, economic projections, and other relevant factors in reaching decisions on the necessity of benefit reductions.

Accordingly, Parts 271, 272, 273 and 274 are amended and read as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

Section 271.7 is revised to read as follows:

§ 271.7 Allotment reduction procedures.

(a) *General purpose.* This section sets forth the procedures to be followed if the monthly food stamp allotments determined in accordance with the provisions of § 273.10 must be reduced, suspended, or canceled to comply with Section 18 of the Food Stamp Act of 1977, as amended. The best available data pertaining to the number of people participating in the program and the amounts of benefits being issued shall be used in deciding whether such action is necessary.

(b) *Nature of reduction action.* Action to comply with Section 18 of the Food Stamp Act of 1977, as amended, may be a suspension or cancellation of allotments for one or more months, a reduction in allotment levels for one or more months or a combination of these three actions. If a reduction in allotments is deemed necessary, allotments shall be reduced by reducing Thrifty Food Plan amounts for each household size by the same percentage. This results in all households of a given size having their benefits reduced by the same dollar amount. The dollar reduction would be smallest for one-person households and greatest for the largest households. Since the dollar amount would be the same for all households of the same size the rate of reduction would be lowest for zero net income households and greatest for the highest net income households. All households affected by a reduction action shall be guaranteed a minimum benefit of $10 unless the action is a cancellation of benefits, a suspension of benefits, or a reduction of benefits of 90 percent or more of the total amount of benefits projected to be issued in the affected month.

(c) *Reduction method.* If a reduction in allotments is deemed necessary, the Thrifty Food Plan amounts shall be reduced by a percentage specified by FNS. For example, if it is determined that a 25 percent reduction in the Thrifty Food Plan amount is to be made for all four-person households, the reduction would be calculated as follows: The Thrifty Food Plan amount for a four-person household ($209) would be reduced by 25% to $157. Then 30 percent of the net food stamp income would be deducted from the reduced Thrifty Food Plan Amount. For example, 30 percent of a net food stamp income of $200, $60, would be deducted from the reduced Thrifty Food Plan Amount ($157), resulting in a reduced allotment of $97.

(d) *Implementation of allotment reductions.* (1) Reductions (i) If a decision is made to reduce monthly food stamp allotments, FNS shall notify State agencies of the date the reduction is to take effect and by what percentage Thrifty Food Plan amounts for each household size are to be reduced. (ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the reduction. Such action would differ from State to State depending on the nature of the issuance systems in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate percentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of $10. FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in Thrifty Food Plan Amounts and reduced Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS. In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusting allotments at the point of issuance as each household appears at the issuance office.

(2) Suspensions and cancellations. If a decision is made to suspend or cancel the distribution of food stamp benefits in a given month, FNS shall notify State agencies of the date the suspension or cancellation is to take effect. In the event of a suspension or cancellation of benefits, the provision for a $10 minimum benefit level shall be disregarded and all households shall have their benefits suspended or canceled. Upon receiving notification that an upcoming month's issuance is to be suspended or canceled, State agencies shall take immediate action to effect the suspension or cancellation. This action would involve making necessary computer adjustments, and notifying issuance agents and personnel.

(3) Affected allotments. Whenever a reduction, suspension or cancellation of allotments is ordered for a particular month, reduced benefits shall be calculated for all households for the designated month. However, any household whose reduced benefits would be less than $10 shall receive a minimum benefit of $10 except as provided in § 273.10(e)(2). Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month would not be reduced, suspended or canceled, even though they are issued during an affected month.

(4) Notification of eligible households. Reductions, suspensions and cancellations of allotments shall be considered to be Federal adjustments to allotments. As such, State agencies shall notify households of reductions, suspensions and cancellations of allotments in accord with the notice provisions of § 273.12(e)(1), except that State agencies shall not provide notices of adverse action to households affected by reductions, suspensions or cancellations of allotments.

(5) Restoration of benefits. Households whose allotments are reduced or canceled as a result of the enactment of these procedures are not entitled to the restoration of the lost benefits at a future date. However, if there is any surplus of funds as a result of the reduction or cancellation, and the Secretary determines that such a restoration is practicable, FNS will direct State agencies to provide affected households with restored benefits.

(6) Records of reductions and cancellations. States agencies must be able to produce a record of the amount of benefits each household receives during a month in which a reduction is in effect along with a record of the amount of benefits each household would have received had full monthly allotments been distributed. Similarly, in the event that allotments are canceled, State agencies must be able to produce a record of the amount of benefits each household would have received had full monthly allotments been distributed. These records will be used if FNS directs the provision of restored benefits.

(e) Effects of reductions, suspensions and cancellations on the certification of eligible households. (1) Determinations of the eligibility of applicant households shall not be affected by a reduction, suspension or cancellation of allotments. State agencies shall accept and process applications during a month(s) in which a reduction, suspension or cancellation is in effect in accordance with the requirements of Part 273. Determinations of eligibility shall also be made according to the provisions of Part 273. If an applicant is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated by reducing the Thrifty Food Plan amount by the appropriate percentage for the applicant's household size and then deducting 30 percent of the household's net food stamp income from the reduced Thrifty Food Plan amount. If an applicant is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the applicant.

(2) The reduction, suspension or cancellation of allotments in a given month shall have no effect on the certification periods assigned to households. Those participating households whose certification periods expire during a month in which allotments have been reduced, suspended or cancelled shall be recertified according to the provisions of § 273.14. Households found eligible to participate during a month in which allotments have been reduced, suspended or cancelled shall have certification periods assigned in accordance with the provisions of § 273.10.

(3) Any household that has its allotment reduced, suspended or cancelled as a result of the implementation of the requirements of this subpart may request a fair hearing if it disagrees with the action. However, since the reduction, suspension or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by Congress, the household does not have a right to a continuation of benefits. A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the amount by which the State agency was directed to reduce benefits.

(f) *Penalties.* Notwithstanding any other provision of this subchapter, FNS may take one or more of the following actions against a State agency that fails to comply with a directive to reduce, suspend or cancel allotments in a particular month.

(1) If FNS ascertains that a State agency does not plan to comply with a directive to reduce, suspend or cancel allotments for a particular month, a

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warning will be issued advising the State agency that if it does not comply, FNS may cancel 100 percent of the Federal share of the State's administrative costs for the affected month(s). If, after receiving such a warning, a State agency does not comply with a directive to reduce, suspend or cancel allotments, FNS may cancel 100 percent of the Federal share of the State agency's administrative costs for the affected month(s).

(2) If FNS ascertains after warning a State agency as provided in (1) above, that the State agency does not plan to comply with a directive to reduce, suspend or cancel allotments, a court injunction may be sought to compel compliance.

(3) If a State agency fails to reduce, suspend or cancel allotments as directed, FNS will bill the State agency for all overissuances that result. If a State agency fails to remit the billed amount to FNS within a prescribed period of time the funds will be recovered through offsets against the Federal share of the State agency's administrative costs, or any other means available under law.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

Paragraph 272.1(g)(3) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(3) Amendment 146. The procedures contained in Amendment No. 146 shall be implemented by State agencies in time to be able to issue reduced food stamp allotments or to suspend or cancel allotments within 45 days after the date of publication of this amendment in the **Federal Register.**

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PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

In § 273.10, subparagraph (e)(2)(ii) is amended and the words "Except as provided in subparagraph (iii) below," are added at the beginning. In addition, subparagraph (e)(2)(iii) is revised to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

(e) *Calculating net income and benefit levels.*

* * * * *

(2) Eligibility and benefits.

* * * * *

(iii) During a month when a reduction, suspension or cancellation of allotments has been ordered pursuant to the provisions of § 271.7, eligible households shall have their benefits calculated as follows:

(A) If a benefit reduction is ordered, State agencies shall reduce the Thrifty Food Plan amounts for each household size by the percentage ordered in the Department's notice on benefit reductions. State agencies shall multiply the Thrifty Food Plan amounts by the percentage specified in the FNS Notice; round the result to the nearest dollar amount; i.e., round it down if it ends in 1 through 49 cents and round it up if it ends in 50 through 99 cents; and, subtract the result from the normal Thrifty Food Plan amount. In calculating benefit levels for eligible households, State agencies would follow the procedures detailed in subparagraph (ii) above and substitute the reduced Thrifty Food Plan amounts for the normal Thrifty Food Plan amounts.

(B) Except as provided in (C) below, if the amount of benefits obtained by the calculation in paragraph (A) is less than $10, the household shall be provided a minimum benefit of $10.

(C) In the event that the national reduction in benefits is in excess of 90 percent of the benefits projected to be issued for the affected month, the provision for a minimum benefit may be disregarded and all households may have their benefits lowered by reducing Thrifty Food Plan amounts by the percentage specified by the Department. The benefit reduction notice issued by the Department to enact a benefit reduction will specify whether minimum benefits are to be provided to households.

(D) If the action in effect is a suspension or cancellation, eligible households shall have their allotment levels calculated according to the procedures in subparagraph (ii) above. However, the allotments shall not be issued for the month the suspension or cancellation is in effect. The provision for a $10 minimum benefit shall be disregarded and all households shall have their benefits suspended or cancelled for the designated month.

(E) In the event of a suspension or cancellation or a reduction exceeding 90 percent of the affected month's projected issuance, all households, including one and two-person households, shall have their benefits suspended, cancelled or reduced by the percentage specified by FNS.

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PART 274—ISSUANCE AND USE OF FOOD COUPONS

In § 274.2, paragraphs (e)(2) and (f)(6) are amended by adding the words "Except when benefits are suspended, as provided for in § 271.7," at the beginning of each subparagraph.

In addition, in § 274.3, paragraph (f)(6) is amended by adding the following sentence to the end of the subparagraph: "These rules do not apply during a benefit suspension, ordered under the provisions of § 271.7."

Authority: 91 Stat. 958 (7 U.S.C. 2011–2027).

(Catalog of Federal Domestic Assistance Program No. 10551 Food Stamps)

Dated: March 21, 1980.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 80-9382 Filed 4-1-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 246]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 6–12, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 6, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that his action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 1, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons shows a slight improvement.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in EO 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

§ 910.546 Lemon Regulation 246.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 6, 1980 through April 12, 1980, is established at 240,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1980.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10459 Filed 4-3-80; 11:59 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Filed Buried Wire Specification; File With Existing Specification

AGENCY: Rural Electrification Administration.

ACTION: Emergency final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to include a File With to REA Bulletin 345–70 to announce the elimination of the April 1, 1980, attenuation requirements of REA Specification PE–54. This action will enable all manufacturers of filled buried wires presently on the REA List of Materials to maintain their current listing.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, telephone (202) 447–3827. A Final Impact Analysis has been prepared and is available from the Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Addendum No. 3, PE–54, issued July 24, 1979, added attenuation requirements to the specification because of associated problems with the placement of subscriber carrier on filled buried wire. Addendum No. 3 specified a set of attenuation requirements with reasonable tolerances which could be met by all wire and cable manufacturers without significant design changes in their products.

REA is now developing a specification for filled buried service wire (BFW) to replace the existing PE–54. As system design considerations will restrict the length of BFW to be used in any circuit, electrical properties will be reduced significantly from those in the present PE–54. While the more stringent April 1 requirements could be retained for the nine months until the new specification is issued, this action would have the following undesirable results:

1. Manufacturers would refuse to redesign their product for the short production run, resulting in a shortage of wire, and delays or a halt of construction.

2. Manufacturers will pass on the costs of the short term redesign to REA borrowers, resulting in major cost increases for wire.

Although this is being issued as a final rule, interested persons may submit written comments, suggestions, data, or arguments to the contact address given above. Material thus submitted will be evaluated and acted upon in the same manner as if the document were a proposal. Until such time as further changes are made, the File With to REA Bulletin 345–70 shall remain in effect, thus permitting the public business to proceed more expeditiously.

This Final Rule has been reviewed under the USDA Criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: March 26, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80-10108 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R-0263]

Credit Restraint; Reports Under Special Credit Restraint Program

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. §§ 1901–1909) as implemented by Executive Order 12201, as part of its Special Credit Restraint Program issued on March 14, 1980, the Board has adopted provisions requiring monthly reports by large U.S. commercial banks, U.S. branches and agencies of foreign banks, finance companies, U.S. bank holding companies and certain selected corporations. In addition, small banks will be required to file similar reports on a quarterly basis. The purpose of this action is to enable the Board to monitor developments in the credit markets and compliance with the Program.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Bronwen Mason, Senior Attorney (202/452–3564) Legal Division, or Eleanor J. Stockwell, Senior Deputy Associate Director (202/452–3651), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board announced a Special Credit Restraint Program designed to encourage lenders and borrowers, in their individual credit decisions, to take specific account of the overall aims and quantitative objectives of the Federal Reserve in restraining growth in money and credit generally. The Program calls on domestic commercial banks and U.S. offices of

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foreign banks to maintain the growth of loans, particularly to U.S. residents, within specified guidelines. Finance companies, bank holding company affiliates and other lenders are asked to follow the general guidelines.

While compliance with the Program guidelines currently is on a voluntary basis, the Board indicated that it would monitor developments in the credit markets and compliance with the Program by instituting a reporting program, as authorized by section 1–104 of Executive Order 12201. Under this reporting program the affected lenders will be required to provide data periodically concerning types and amounts of outstanding loans and selected corporations will be required to provide data on certain types of borrowing. These reports must be furnished on forms prescribed by the Board, which may be obtained from the Federal Reserve Banks.

These actions are being taken in order to assist the Board to curb inflationary pressures. The Board believes that it is in the national interest to achieve this objective as quickly as possible, and that publication of this rule for comment or any delay in its effective date would prevent effective surveillance of domestic borrowing subject to the Special Credit Restraint Program, and that delay would frustrate the purpose of this regulation. The Board therefore finds for good cause that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. § 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. §§ 1901–1909) as implemented by Executive Order 12201 the Board hereby adopts Subpart D of its Credit Restraint Regulation (12 CFR § 229) effective March 28, 1980, as follows:

Subpart D—Reports under Special Credit Restraint Program

Sec.
229.31 Authority, Purpose and Scope.
229.32 Definitions.
229.33 Monthly Reports.
229.34 Quarterly Reports By Small Commercial Banks.
229.35 Penalties.

Subpart D—Reports under Special Credit Restraint Program

§ 229.31 Authority, purpose and scope.

(a) *Authority.* This Subpart is issued by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act (12 U.S.C. §§ 1901–1909) as implemented by Executive Order 12201, dated March 14, 1980.

(b) *Purpose and scope.* This subpart implements the reporting provisions of the Board's Special Credit Restraint Program, announced on March 14, 1980, to enable the Board to monitor compliance with the Program, as well as developments in the credit markets.

§ 229.32 Definitions.

For the purposes of this Subpart, the terms "Board," and "loan" shall have the meanings given them in the Credit Control Act. In addition the following definitions apply:

(a) "Commercial bank" means any commercial bank chartered under the laws of the United States, including its overseas offices, branches, agencies and subsidiaries.

(b) "Family of offices of a foreign bank" means all branches and agencies located in the United States of a bank not chartered in the United States and its majority-owned bank subsidiaries not chartered in the United States.

(c) "Financial corporation" means any company chartered in the U.S. or having its principal place of business in the U.S., whose primary business is making loans or which is registered as a broker-dealer under the Securities and Exchange Act of 1934. A financial corporation does not include a commercial bank or bank holding company.

(d) "Nonfinancial corporation" means any company chartered in the U.S. or having its principal place of business in the U.S. that is not a financial corporation, commercial bank or bank holding company.

(e) "United States" means the United States, any of the 50 States of the United States and the District of Columbia.

(f) "U.S." means the United States, and its territories and possessions.

(g) "U.S. finance company" means a company chartered in the U.S. or having its principal place of business in the U.S., whose primary business is making loans for personal or business purposes. For the purposes of this definition, a finance company that is owned by a nonfinance company parent (including a bank holding company) is regarded as a separate entity together with its finance company subsidiaries. A finance company does not include commercial banks, credit unions, savings and loan associations, cooperative banks, mutual savings banks or mortgage companies.

229.33 Monthly reports.

(a) *Large Commercial banks.* Each U.S. commercial bank having U.S. consolidated assets of $1 billion or more shall file monthly with the Board a report on its activities on forms prescribed by the Board in accordance with the instructions thereto.

(b) *U.S. agencies and branches of foreign banks.* Each family of U.S. offices of a foreign bank having worldwide banking assets of more than $1 billion monthly shall file with the Board a report on its activities on forms prescribed by the Board in accordance with the instructions thereto.

(c) *U.S. bank holding companies.* Each U.S. bank holding company with U.S. consolidated financial assets of $1 billion or more shall file monthly with the Board a report on its activities on forms prescribed by the Board in accordance with the instructions thereto.

(d) *U.S. finance companies.* Each U.S. finance company with total business receivables outstanding (that is, all loans excluding those made for personal, family or household uses) of $1 billion or more shall file monthly with the Board a report of its activities on forms prescribed by the Board in accordance with the instructions thereto.

(e) *Selected corporations.* Each financial corporation that has commercial paper outstanding of $1 billion or more and each nonfinancial corporation having commercial paper outstanding of $30 million or more *or* having annual worldwide revenues of $2 billion or more shall file with the Board a monthly report on its activities on forms prescribed by the Board in accordance with the instructions thereto.

229.34 Quarterly reports by small commercial banks.

Each U.S. commercial bank with U.S. consolidated assets of $300 million or more but less than $1 billion shall file quarterly with the Board a report on its activities on forms prescribed by the Board in accordance with the instructions thereto.

229.35 Penalties.

For each willful violation of this Subpart, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 or imprisonment of one year may be imposed for willful violation of this Subpart.

Board of Governors of the Federal Reserve System, effective March 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10212 Filed 4-3-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 304

Forms, Instructions, and Reports; Revision of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: As part of its regulatory reform program for improving the quality of its regulations, FDIC has revised Part 304. This part lists certain significant FDIC forms and reports by their respective numbers and titles and provides limited information regarding them. The revision updates the part so that it contains the correct numbers and information for the various forms and reports currently being used. Unnecessary information and forms and reports which are no longer used have been deleted.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389–4237.

SUPPLEMENTARY INFORMATION: Most of the changes were made to update the numbers and titles for the forms and reports currently listed in Part 304. However, seven of the forms and reports listed in the part before the revision have been deleted. These items and the reasons for their deletion are listed below:

1. *Form 82–M: Application of proposed mutual savings bank for Federal deposit insurance.* The requirements are combined with the commercial bank deposit insurance application requirements on Form 6200/05.

2. *Form 100: Application for consent to retirement of common or preferred stock, capital notes, or debentures.* No longer used.

3. *Form 545 (Savings): Certified statement (for mutual savings banks).* The requirements are combined with the commercial bank certified statement requirements on Form 6420/07.

4. *Form 645 (Savings): First certified statement (for mutual savings banks).* The requirements are combined with the commercial bank first certified statement requirements on Form 6420/10.

5. *Form 845 (Savings): Final certified statement (for mutual savings banks).* The requirements were combined with the commercial bank final statement requirements on Form 6420/11.

6. *Form 845A: Final certified statement—for use of an insured bank (other than mutual savings banks) whose deposit liabilities are assumed by another insured operating bank.* The requirements are reflected on Form 6420/11.

7. *Form 845A (Savings): Final certified statement—for use by insured mutual savings banks whose deposit liabilities are assumed by another insured operating bank.* The requirements are reflected on Form 6420/11.

Further the following five forms were added.

1. *Form 8020/46: Summary of accounts and deposits for mutual savings banks.*

2. *Form FFIEC 001: Annual Report of Trust Assets.*

3. *Form FFIEC 002: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.*

4. *Form FFIEC 003: Report on Ownership of the Reporting Bank and On Indebtedness of Its Executive Officers and Principal Shareholders to the Reporting Bank and to its Correspondent Banks.*

5. *Form FFIEC 004: Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks.*

Since the revision merely updates or shortens the information in the part with respect to forms and reports utilized by FDIC, it will have no adverse effect on insured banks. Therefore, no cost/benefit analysis was conducted and no flexible regulatory approach considerations were appropriate. The contents of the forms and reports are being reviewed separately and will be modified as necessary to simplify the requirements and minimize the regulatory burden.

Also, because of the nature of the revision, FDIC has determined that notice of, public participation in, and a delayed effective date for the revision are unnecessary.

Accordingly, under Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) the FDIC Board of Directors does hereby revise Part 304 of Title 12 of the Code of Federal Regulation as set forth below:

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

Sec.
304.1 Certified statements.
304.2 Reports of condition, etc.
304.3 Forms and instructions.
304.4 Report of loans to executive officers and principal shareholders.

Authority: 12 U.S.C. 1819.

§ 304.1 Certified statements.

The certified statements required to be filed by insured banks under the provisions of Section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817), shall be filed with the Fiscal Agent of the Corporation upon the forms, and in the manner, prescribed by the Board of Directors. The assessments required to be certified must be paid to the Corporation at the time the statements are required to be filed. The certified statement will be furnished to all insured banks by, or may be obtained upon request from, the Fiscal Agent.

§ 304.2 Reports of condition, etc.

Whenever required, insured State nonmember banks (except District banks) shall file reports of condition, reports of income, reports of trust assets and summaries of accounts and deposits with the Division of Management Systems and Financial Statistics upon the forms, and in the manner, prescribed by the Board of Directors from time to time. The form for the reports and the instructions for completing the reports will be furnished to all such banks by, or may be obtained upon request from, the Division of Management Systems and Financial Statistics. Each insured national bank and each insured District bank at the time of making reports of condition to the Comptroller of the Currency and each insured State member bank at the time of making reports of condition to the Federal Reserve bank, required under the Federal Deposit Insurance Act, shall furnish an executed and attested copy thereof to the Corporation.

§ 304.3 Forms and instructions.

The following forms and instructions have been prepared by the Corporation for the use of banks. Applications may be obtained by any person properly and directly concerned upon request at the FDIC regional office for the region in which the bank is or will be located.

(a) *Form 6200/05: Application of proposed bank for Federal deposit insurance.* The proposed incorporators are required to make statements and representations and to submit information regarding the several factors enumerated in Section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). The application on Form 6200/05 must be accompanied by a certified copy of the proposed articles of

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incorporation or association. In addition, applications filed on Form 6200/05 by proposed banks other than nonmember banks formed in connection with "phantom" bank mergers [1] must be accompanied by the requisite number of properly executed Form 6200/06. A proposed bank's application on Form 6200/05 must be accompanied by a properly executed Form 6210/06 for each branch, other than a remote service facility branch, which it intends to establish, and by a properly executed Form 6210/09 if it intends to establish one or more remote service facility branches.

(b) *Form 6200/19: Certificate of adoption of resolution.* Form 6200/19 is a copy of the resolution of the board of directors (or trustees) of the bank approving the action of the prospective incorporators in preparing and presenting its application for Federal deposit insurance on Form 6200/19, certified to be a true and correct copy by the president or vice president and cashier or secretary. After incorporation has been duly effected and the bank is chartered to do business by the proper State authority, four properly executed Forms 6200/19 must be transmited to the FDIC Regional Director for the region in which the proposed bank will be located. If not previously submitted, Form 6200/19 must be accompanied by a copy of the bank's articles of incorporation or association and a copy of the bank's license or authorization to engage in the business of receiving deposits.

(c) *Form 6200/07: Application for Federal deposit insurance by an existing noninsured State bank (other than mutual savings).* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in Section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. Applications filed on Form 6200/07 must be accompanied by the requisite number of properly executed Form 6200/06 and a certified copy of the articles of incorporation or association, including any amendments thereto.

[1] As used in paragraphs (a) and (e) of this section, the term "'phantom' bank merger" applies to any merger or other transaction involving an existing operating bank and a newly chartered bank or corporation which is for the purpose of corporate reorganization and which would have no effect on competition or otherwise have significance under the relevant statutory standards as set forth in 12 U.S.C. 1828(c).

(d) *Form 6200/08: Application for Federal deposit insurance by an existing noninsured mutual savings bank.* Form 6200/08, which is substantially the same as Form 6200/07, should be used by mutual savings banks and should be prepared and submitted in the same manner as Form 6200/07.

(e) *Form 6200/06: Financial statement.* Form 6200/06 must be executed in triplicate and certified to be true and correct by each individual director (or trustee) and officer of the bank or proposed bank (who is solely responsible for its contents) for the benefit of the Board of Directors of the Corporation in determining, with respect to the applicant bank, the general character of its management in accordance with Section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). The requisite number of properly executed and signed Form 6200/06 must accompany each applicaiton on Form 6200/05, Form 6200/07 or Form 6200/08; except that with respect to applications on Form 6200/05, Form 6200/06 is not required from proposed nonmember banks formed in connection with "phantom" bank mergers.

(f) *Form 6210/06, Form 6210/05, Form 6210/02, and 6210/10: Application of insured State nonmember bank (except District bank and mutual savings bank) to move its main office or establish or move a branch (other than remote service facility branch).* (1) Form 6210/06 is an application to establish a domestic branch other than a remote service facility branch. The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in Section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be accompanied by a certified copy of the bank's articles of incorporation or association, including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(2) Form 6210/05 is an application to move a main office or branch other than a remote service facility branch. It is similar to Form 6210/06 and should be prepared and submitted in the same manner as Form 6210/06.

(3) Form 6210/02 is an application to establish a branch other than a remote service facility branch pursuant to designation as depository and financial agent of the United States Government. It is similar to Form 6210/06 and should be prepared and submitted in the same manner as Form 6210/06.

(4) Form 6210/10 is an application to establish a foreign branch under § 347.3.

(g) *Forms 6210/04, 6210/03, 6210/07: Application by insured nonmember mutual savings banks to establish a branch other than a remote service facility branch, or move its main office or branch other than a remote service facility branch.* (1) Form 6210/04 is substantially the same as Form 6210/06 and should be prepared and submitted in the same manner as Form 6210/06.

(2) Form 6210/03 is substantially the same as Form 6210/05 and should be prepared and submitted in the same manner as Form 6210/05.

(3) Form 6210/07 is to be used by insured nonmember New York State mutual savings banks in lieu of Forms 6210/03 and 6210/04.

(h) *Form 6210/09: Remote service facility branch.* Form 6210/09 is an application by an insured State nonmember bank to establish a remote service facility branch or branches or a notice of intention to establish a remote service facility by a foreign bank which has an insured State branch. Form 6210/09 is to be filed with the FDIC Regional Director for the region in which the bank's main office or the insured State branch of a foreign bank is located.

(i) *Form 6220/01: Application for merger, consolidation, asset acquisition, or assumption.* Banks applying for prior written consent to a merger, consolidation or purchase and assumption transaction under Section 18(c) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1828(c)), and for consent to establish branches incident thereto under Section 18(d) of the Act are required to submit statements, representations, and information regarding the several factors enumerated in Section 18(c). The appropriate number of copies of the application and the required documents, schedules, and exhibits specified in the application are to be executed and forwarded to the FDIC Regional Director for the region in which the applicant bank is located. The application form contains detailed instructions, but further assistance may be obtained from the appropriate regional office.

(j) *Form 6200/09: Application.* Form 6200/09 should be used by all banks applying for the consent of the Corporation with respect to any application requiring such consent and for which no specific form is prescribed by this section or otherwise. The application must be accompanied by a copy of the bank's articles of incorporation or association including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(k) *Forms 6602/A, 6231/01: Statement of Principles of Trust Department Management; Supplementary Information. (Application for Trust Powers).* Forms 6602/A and 6231/01 are to be executed in conjunction with an application to exercise trust powers. The application is filed on the general application form (Form 6200/09) in quadruplicate and is evaluated on the basis of the six banking factors enumerated in Section 6 of the FDI Act, the minimum trust department standards stated on Form 6602/A, and the information provided on Form 6231/01. Form 6602/A is to be used for initial applications for consent to exercise trust powers. The bank's board of directors must adopt a resolution agreeing to observe the trust department standards listed on Form 6602/A and send a certified copy of the resolution with the application. Form 6231/01 contains supplementary information that is to be submitted with each application for consent to exercise trust powers. It should be executed and submitted with a statement concerning the status of any required action by a State banking authority on the trust power proposal.

(l) *Form FFIEC 001: Annual Report of Trust Assets.* This is an interagency report developed by the Federal Financial Institutions Examination Council. It replaces the former Trust Department Annual Report (FDIC Form 8020/33). All insured State nonmember commercial and mutual savings banks operating trust departments are required to submit the report no later than March 1 of each year. When circumstances require, additional information may be required about certain operations of the trust department.

(m) *Forms 8040/11, 8040/12, or 8040/13: Reports of Condition (from banks other than mutual savings).* Forms 8040/11, 8040/12, or 8040/13 are reports in the form of standard statements of the assets and liabilities of the reporting bank together with additional detailed breakdown of selected items and information for assessment purposes. When special circumstances so require, additional detail regarding specific asset or liability items may be required. Reports of condition must be prepared and submitted in accordance with the instructions contained in the booklet entitled "Instructions for the Preparation of Report of Condition", which is furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Management Systems and Financial Statistics.

(n) *Form 8040/18 (Savings): Report of Condition (from mutual savings banks).* Form 8040/18 (Savings) should be used by mutual savings banks. It is substantially the same as the report form for commercial banks.

(o) *Forms 8040/01, 8040/01A, 8040/02, or 8040/02A: Reports of Income (from banks other than mutual savings).* Forms 8040/01, 8040/01A, 8040/02, or 8040/02A are reports in the form of a standard profit and loss statement and a reconciliation of changes in total equity capital accounts. When special circumstances so require, additional detail with respect to specific income or expense items, chargeoffs or recoveries, profits or losses on assets sold, or changes in total equity capital accounts may be required. Reports of income and dividends must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the Preparation of Report of Income" which is furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Mangement Systems and Financial Statistics.

(p) *Form 8040/51 (Savings): Report of Income (from mutual savings banks).* Form 8040/51 (Savings) should be used by mutual savings banks. It is substantially the same as the report form for commercial banks.

(q) *Form 8020/05: Summary of Accounts and Deposits (Commercial Banks).* Form 8020/05 is a report on the amount of deposits and the number of deposit accounts in various types of categories for the bank as a whole and for each authorized office. Reports on such form as of June 30 of each year must be submitted no later than the immediately succeeding August 1. Upon written request to the Director of the Division of Management Systems and Financial Statistics, the Director may extend the deadline of the requesting bank for submitting the forms to no later than the immediately succeeding September 30.

(r) *Form 8020/46: Summary of Accounts and Deposits for Mutual Savings Banks.* The reporting requirements are substantially the same as those for Form 8020/05.

(s) *Form 6420/07: Certified statement.* Form 6420/07 must be submitted on or before January 31 and July 31 of each year by every insured bank, except any newly insured banks which must submit their first certified statement on Form 6420/10. Form 6420/07 shows the deposit liabilities, less authorized deductions, reported in two reports of condition in each semiannual assessment period. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. Any questions regarding the forms should be directed to the Fiscal Agenct.

(t) *Form 6420/10: First certified statement.* The first certified statement, Form 6420/10, must be submitted on or before July 31 or January 31 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, as provided by law, on the last date within the period for which it was required to submit a report of condition or, if the bank became an insured bank after the last date in such period for which a report of condition was required, the bank shall make a report of condition as of the last day of the semiannual period, and shall file with the Corporation a certified statement showing, as its assessment base for the period, its assessment base for the date of the special report. The form will show the computation of the assessment base and the amount of the assessment due the Corporation.

(u) *Form 6420/11: Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank.* This statement shows the deposit liabilities, less authorized deductions, of the bank in the report or reports of condition prior to the assumption date. Form 6420/11 accompanied by appropriate letter of explanation and instructions, will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 6420/11 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(v) *Form 6400/01: Consolidated Statement.* This form is for amending or correcting previously submitted certified statements. The form is prepared and mailed by the Fiscal Agent, signed by an official of the bank, and returned to the Fiscal Agent.

(w) *Form 6120/06: Notification of Performance of Bank Services.* Form 6120/06 may be used to satisfy the notice requirement for bank service arrangements that is contained in Section 5 of the Bank Service Corporation Act (12 U.S.C. 1865), as amended. In lieu of the form, a bank may satisfy the requirement by submitting a letter stating: the name of the servicer; the address at which the service is performed; the service being

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performed; and the date the service commenced. Either the form or the letter containing the notice information must be submitted to the Regional Director of the region in which the bank's main office is located within 30 days of the making of the bank service contract or the performance of the bank service, whichever occurs first. If a bank has existing bank service arrangements on March 26, 1979 which were not established pursuant to the assurance requirements of the revoked Part 334, it must submit the notice information with respect to such service arrangements.

(x) *Form 6300/02: Model deposit agreement.* Form 6300/02 is a model agreement which governs the pledge of assets by a foreign bank having an insured branch as required under § 346.19 of FDIC's regulations. This form sets out the provisions which must be included in any agreement among the foreign bank, the depository and the FDIC. Copies of the model agreement may be obtained from the FDIC Regional Office for the region wherein the insured branch is located.

(y) *Form FFIEC 002: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.* Form FFIEC 002 is a report of standard statements of the assets and liabilities of U.S. branches and agencies of foreign banks together with additional detailed breakdown of selected items and, in the case of insured branches, information for assessment purposes. When special circumstances so require, additional detail with respect to specific asset or liability items may be required. The report must be prepared in accordance with the instructions contained in the instructions booklet for the report, copies of which are furnished to all U.S. branches and agencies of foreign banks by the Federal Reserve System and which may be obtained on request from the Corporation's Division of Management Systems and Financial Statistics.

(z) *Form FFIEC 003: Report on Ownership of the Reporting Bank and on Indebtedness of its Executive Officers and Principal Shareholders to the Reporting Bank and to its Correspondent Banks.* Form FFIEC 003 is the form required by Section 304.4 for use by insured State nonmember banks in reporting to FDIC regional offices (1) a list of principal shareholders and (2) the aggregate indebtedness of executive officers, principal shareholders, and their related interests to the bank as provided in Part 349. Form FFIEC 003 is also used by banks to report on the aggregate indebtedness of the previously named persons and their related interests to correspondent banks as reported under Part 349. The reports are due by March 31 of each year and cover indebtedness to the bank and to correspondent banks during the preceding calendar year.

(aa) *Form FFIEC 004: Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks.* Form FFIEC 004 is a recommended form that may be used by executive officers and principal shareholders of an insured State nonmember bank to report to the Board of Directors of their bank on their indebtedness (and that of their related interests) to correspondent banks, as required by Part 349 of the FDIC's regulations. The reports are due January 31 of each year and cover indebtedness to correspondent banks during the preceding calendar year.

§ 304.4 Report of loans to executive officers and principal shareholders.

(a) *Filing and Content.* On or before March 31 of each year, each insured State nonmember bank shall file with the FDIC the report required by Section 7(k)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(k)(1)). The report shall include the following information with respect to the preceding calendar year:

(1) A list by name of each principal shareholder of the reporting bank as of December 31;

(2) A list by name of each executive officer and principal shareholder of the reporting bank during the preceding calendar year who borrowed or whose related interest borrowed from the reporting bank during that period; [2]

(3) The aggregate amount of all extensions of credit made by the reporting bank to such executive officers, principal shareholders and their related interest during the preceding calendar year;[2] and

(4) The information on indebtedness to correspondent banks required to be included under § 349.4(b) of Part 349 of this chapter.

(b) *Definitions.* For the purpose of this section:

(1) The terms "executive officer" and "extension of credit" have the meanings provided in § 215.2 and § 215.3 of Federal Reserve Regulation O, Subpart A (12 CFR 215.2 and 215.3); and

(2) The terms "principal shareholder" and "related interest" have the meanings provided in § 215.10(a) of Federal Reserve Regulation O, Subpart A (12 CFR 215.10(a)), except that the term "principal shareholder" is synonymous with the term "stockholder of record" as that term is used in the reporting provisions of titles VIII and IX of FIRIRCA (12 U.S.C. 1972(2)(G), 12 U.S.C. 1817(a)). All references to the term "member bank" in §§ 215.2, 215.3 and 215.10(a) shall be deemed to refer to an insured State nonmember bank for the purposes of this section.

By order of the Board of Directors March 31, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-10246 Filed 4-3-80; 8:45 am]

BILLING CODE 6714-01-M

[2] For 1979 only, the reporting period is from July 1 to December 31, inclusive.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Loan Interest Rates

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This final rule is issued pursuant to recent Congressional action that allows Federal credit unions to charge loan interest rates up to "15% per year on the unpaid balance inclusive of all finance charges" The rule requires notice to the members of the Federal credit union, on the first occasion on which a Federal credit union determines to break with the longstanding tradition of charging loan interest rates no greater than 12% per year. The rule also addresses the change, in the Federal Credit Union Act, from a maximum loan interest rate that is determined inclusive of all "service charges" to a maximum rate inclusive of all "finance charges". This change significantly lessens the burden on Federal credit unions in making computations on loans.

EFFECTIVE DATE: March 31, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Deputy General Counsel; Robert M. Fenner, Assistant General Counsel; or Edward J. Dobranski, Senior Attorney, Office of General Counsel, at the above address. Telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1980, the National Credit Union Administration Board (Board) issued a proposed rule (45 FR 15939) on loan interest rate amendments. The rule was issued in anticipation of Congressional action to amend Section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)) so as to allow Federal credit unions to increase their maximum loan interest rate from 12% per year on the unpaid balance inclusive of all service charges to "15% per year on the unpaid balance inclusive of all finance charges".

The proposed rule was issued 19 days prior to the projected effective date of final Congressional action. This reflected an attempt by the Board to provide Federal credit unions and the public in general with an opportunity to comment on the procedures necessary, in light of Congressional intent, for Federal credit unions to increase their loan interest rates above the traditional 12% ceiling, and at the same time minimize the implementation time after the effective date of the legislation. It was noted that the proposed regulation was subject to final Congressional action, and that the proposal might be withdrawn or modified as appropriate depending on the form of any final legislation. Comments were requested on the proposed regulation, to be submitted on or before March 31, 1980.

The specifics of the proposed regulation were, in part, a result of a Congressional directive (*see,* Cong. Rec., February 25, 1980, p. H 1248) that the Board develop special procedures for Federal credit unions to follow in implementing the new authority. The proposed regulation would have required the following procedures for exceeding the traditional 12% Federal credit union loan ceiling: (1) approval by ⅔ of the members of the Federal credit union's board of directors; (2) 30 days advance notice, to the Federal credit union's membership, of six specific items of information concerning the rate increase; (3) approval by the National Credit Union Administration through a system of "negative notice"; and (4) a presentation, at the Federal credit union's next annual meeting after the effective date of exceeding the 12% ceiling, of the reasons for the rate increase.

Decision

The legislation was signed by the President on March 31, 1980. (A Public Law number is not available as of this writing). Accordingly, the Board is issuing this final rule to establish a notification procedure for Federal credit unions that choose to increase their interest rates above the traditional 12% ceiling. This rule is thus substantially streamlined from the earlier proposed version, as a result of both a reassessment of the Congressional intent concerning implementation procedures and the Board's consideration of the approximately 40 sets of written comments received. The final rule requires only that when a Federal credit union first determines to exceed the traditional 12% ceiling, the members of the Federal credit union must be provided with notice of such action. This notice is required only for the first occasion on which a Federal credit union exceeds the 12% loan rate.

Federal credit unions that followed the procedures of the proposed final rule for exceeding the 12% ceiling will be considered by the Administration to have met the requirements of this rule.

The final rule also contains technical amendments to the Administration's existing regulations, to reflect the statutory change from all "service charges" to "finance charges." The significance of this change is discussed below.

Discussion

Loan Interest Rates

For over 45 years Federal Credit unions have charged maximum loan interest rates no greater than 12% per year. Such rates are simply too restrictive, however, for many Federal credit unions in today's economic environment. Congress has responded to this fact by establishing the new loan interest ceiling of 15% per year. (Congress has also authorized the NCUA Board to allow higher rates under certain conditions, although that issue is not addressed by this regulation). During the course of Congressional consideration of the legislation, statements were entered in the Congressional Record expressing an intent that NCUA establish procedures to be followed by any Federal credit union that chooses to increase loan interest rates above the traditional 12% per year. Also, a version of the proposed legislation would have expressly required that NCUA issue regulations setting forth those procedures. While that specific requirement does not appear in the legislation that has been enacted, the expression of Congressional intent remains. Accordingly, NCUA has issued this regulation containing a minimum procedural requirement that is substantially streamlined from the proposed version.

The essential procedure for charging loan rates above 12% is that some form of notice be given to the Federal credit union's members of the increase above the traditional 12% ceiling and the new maximum loan interest rate allowed by law. The final rule makes it clear that this notice is mandatory only on the first occasion on which the board of directors decides to charge loan rates above 12%. The NCUA Board believes that only the first instance of breaking with the 12% tradition need trigger the notice requirement imposed by this rule.

The Board has determined to not require the proposed ⅔ vote of all the members of the board of directors for purposes of increasing a loan interest rate above 12% per year. This provision was deleted in view of the fact that existing procedures to raise loan interest rates are considered sufficient.

Also, the Board has determined not to require NCUA approval, by negative notice or otherwise, of the increase above 12%. The setting of loan rates, within the legal ceiling, is properly a management decision. Any failure to follow the minimal procedures of this rule can be detected through the examination process and addressed accordingly. The Administration has further decided to eliminate the proposed requirement that the board of directors make a presentation concerning the increase above 12% at the next annual meeting after the effective date of the increase. The potential benefits of such an after-the-fact explanation do not outweigh the burden of an inflexible regulatory requirement.

Finally, although notice is required on the first occasion of exceeding 12% loan rates, the proposal that such notice be provided 30 days in advance of the effective date of any increase has been eliminated, and the specific items of information that the proposed regulation would have required in the notice have been substantially reduced.

The only requirements of the notice are (1) that it inform the membership of the new maximum rate the Federal credit union is authorized to charge by law (*suggested* language is included in the regulation) and of the reasons for exceeding the traditional 12% ceiling, and (2) that the notice be posted "immediately" in the main office and all branch offices. If the board of directors determines that the posted notice will not provide actual notice to a majority of the members, notice must also be provided at the earliest opportunity to all members receiving a statement of account. The NCUA Board believes this minimal notice meets the Congressional intent, is in the consumer's interest, and is not burdensome operationally.

As noted above, advance notice is not required by this regulation. Advance notice would be of no additional benefit

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to applicants for "closed end" loans, inasmuch as they will know of the interest rate before entering the loan obligation. While advance notice is clearly important to members with existing open end accounts, such notice is already required under Federal Reserve Regulation Z and in some cases by state laws. In this regard, § 226.7(f) of Regulation Z (12 CFR 226.7(f)) requires that notice of any change in the terms of an existing open end account be provided at least 15 days in advance of the beginning date of the "billing cycle" during which the change will take effect. After informal consultation with the Federal Reserve Board Staff, the Administration believes that Federal credit unions that do not technically have a billing cycle, but that are on a system of quarterly or other "statements of account," must meet this requirement by providing notice at least 15 days in advance of the statement period during which the change will take effect.

While the existing advance notice requirements of Regulation Z and various state laws are under review by the Board of Governors of the Federal Reserve System in connection with its recently issued credit restraint program (See NCUA Chairman Connell's letter of March 14, 1980, to all Federal credit unions), no changes have been made at this time. Also in connection with its credit restraint program, the Board of Governors is considering prohibiting lenders from increasing the minimum payment requirements for borrowers who do not make additional charges on their accounts. The Administration will, of course, continue to monitor that situation as it relates to this rule, and advise Federal credit unions of any relevant changes. As stated in the Supplementary Information to the proposed version of this rule, Federal credit unions that intend to increase the interest rates on existing open end accounts, and particularly on existing balances, must first determine that they have the legal right to do so under applicable law. In any event, the Administration encourages Federal credit unions to provide their open end borrowers with the option of paying off existing balances at the rate in effect at the time the credit advances were incurred. Federal credit unions that have any questions concerning these issues should feel free to contact the NCUA Staff persons identified at the beginning of this publication.

The changes to NCUA's regulation concerning the procedures for exceeding the 12% per year loan rate are contained in a new Section 701.21–1(c) as set forth below. Existing §§ 701.21–1(c), (d) and (e) are accordingly redesignated as § 701.21–1(d), (e), and (f), respectively, and references in the regulation to those sections are revised to reflect the redesignations.

Finance Charges

As previously indicated, the legislation, in addition to changing the maximum rate of interest from 12% to 15%, also changes the term "service charges" to "finance charges". The term "finance charges" is not defined in the legislation. It is the Administration's opinion, however, that the term "finance charge" in the Federal Credit Union Act should closely track the determination of the finance charge as set forth in § 106 of the Truth in Lending Act, whenever possible.

Consequently, any charges excluded from the finance charge computation under the Truth in Lending Act and Regulation Z are not finance charges for purposes of Section 107(5)(A)(vi) of the Federal Credit Union Act, as amended.

Pursuant to Section 106 of the Truth in Lending Act, as amended, the finance charge is the sum of all charges paid directly or indirectly by the borrower, and imposed directly or indirectly by the creditor, as an incident to the extension of credit. Under Section 106, those charges include interest, carrying charges, loan fees, etc. Section 106 also states that the finance charge does not include those charges of a type payable in a comparable cash transaction (e.g. taxes), nor does it include certain enumerated charges when incurred in connection with loans secured by an interest in real property (i.e., fees for title examination or title insurance; fees for document preparation; escrows for payments of taxes and insurance; notary fees; appraisal fees; and credit report fees).

In addition, Section 106 provides that certain other charges may be excluded from the finance charge determination if certain requirements are met, as follows:

(1) Charges or premiums for voluntary credit life, accident, or health insurance if certain disclosures are given;

(2) Charges or premiums for required property insurance, if the borrower is free to purchase the insurance from an insurer of his or her own choice;

(3) Fees prescribed by law which are paid to public officials for perfecting any security related to the loan, if itemized;

(4) Insurance premiums paid in lieu of perfecting any security interest (up to a defined maximum), if itemized.

This approach of following the TIL determination of finance charge has at least two beneficial effects for Federal credit unions. First, one finance charge computation is necessary for purposes of complying with the Truth in Lending Act and the Federal Credit Union Act. Second, a separate NCUA regulation is not necessary. The Administration does have, however, sufficient flexibility to deviate from the Truth in Lending approach with respect to specific charges, if that should be warranted in the future.

It is important to note that the relationship between finance charges in the Federal Credit Union Act and the finance charge computation for purposes of the Truth in Lending Act exists only with respect to Section 106 of the TIL Act (and § 226.4 of Regulation Z, which implements Section 106). It does not mean that the corresponding APR disclosure under the TIL Act and Regulation Z, if 15% or less, necessarily ensures that the 15% usury ceiling of the Federal Credit Union Act is being complied with. For example, the tolerance allowed for APR disclosure does not create a corresponding tolerance for purposes of complying with the 15% limit. Likewise, the "inclusive of all finance charges" requirement of the Federal Credit Union Act, and the Truth in Lending test for determining what constitutes a finance chage for purposes of that requirement, are applicable to any FCU loan to be a member, irrespective of whether such loan is excluded from the scope of the Truth in Lending Act (e.g., loans, for agricultural purposes). In short, only those charges which are or can be excluded from the finance charge computation under the Truth in Lending Act and Regulation Z are deemed to not be *finance charges* for purposes of the Federal Credit Union Act. (Conversely, those charges included in the Truth in Lending finance charge computation are finance charges for purposes of the Federal Credit Union Act). Other factors which may effect the rate of interest under the 15% usury limit, such as compensating balances, are not directly related to the Truth in Lending Act and Regulation Z, but rather are subject to the usury concepts inherent in the Federal Credit Union Act and NCUA interpretations thereon.

Again, the finance charge computation in the two acts is identical. The rate of interest and the Truth in Lending APR disclosure may not always be. NCUA will consider issuing an Interpretative Ruling concerning this subject at a later date.

Given the statutory change from "service charges" to "finance charges", and the change from "1% per month" to "15% per annum", the Administration is issuing this regulation to amend those provisions which reference the previous statutory requirements. In its proposed rulemaking, the Administration proposed to delete § 701.21–6(c)(5), which requires a recomputation of the interest rate on a long term mortgage loan in the event of an early repayment. The Administration stated that the recomputation requirement would nonetheless still be required even though not addressed in a regulation. In this final rule, the Administration has not deleted § 701.21–6(c)(5) (redesignated as § 701.21–6(c)(4) in the final rule), but rather has only amended it to reflect the changes to "finance charges" and "15% per annum". The Administration has determined that any such requirement is best expressed directly through its regulations. Other changes in the regulations are substantially as proposed: §§ 701.21–6(a)(14) and 701.21–6(c)(4) are repealed; § 701.21–6(c)(6) is redesignated; and § 701.21–3(b)(3) is revised to reflect the change from "service charges" to "finance charges."

Effective Date; Executive Order 12044

The Administration has determined that good cause exists for establishing an effective date of less than 30 days from publication of this regulation. It is the Administration's position that the serious constraints imposed on Federal credit union operations by the 12% loan interest rate ceiling, which necessitated the increase of that ceiling in the statute, should be removed immediately. For that same reason, compliance with all of the procedures set forth in E.O. 12044 has been determined to be contrary to the public interest. The person responsible for this determination is J. Leonard Skiles, Deputy General Counsel, Office of General Counsel.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789)

By the National Credit Union Administration Board on March 31, 1980.

Beatrix D. Fields,

Acting Secretary.

§ 701.21-1 [Amended]

1. 12 CFR 701.21–1(c), 701.21–1(d) and 701.21–1(e) are redesignated as 12 CFR 701.21–1(d), 701.21–1(e) and 701.21.1(f), respectively;

2. The words "subsection (c), below", in 701.21–1(b) are revised to read "paragraph (d) of this section".

3. The words "paragraph (d)" in redesignated § 701.21–1(f) are revised to read "paragraph (e)";

4. Section 701.21–1 is amended by adding a new paragraph (c), to read as follows:

§ 701.21-1 Lending Policies: Loans and lines of credit to members.

* * * * *

(c) On the first occasion on which the board of directors of a Federal credit union determines to charge a loan interest rate in excess of 12% per year on the unpaid balance inclusive of all finance charges, the Federal credit union shall provide notification to its members which shall:

(1) State the reasons for and the effective date of the increase;

(2) Adequately inform the members of the credit union of the maximum loan interest rate authorized by law. The notification may state, "Your credit union is authorized by law to charge a maximum loan interest rate of 15% per year on the unpaid balance inclusive of all finance charges, or such amount in excess of 15% as may be authorized by the National Credit Union Administration Board"; and

(3) Be effected by:

(i) Immediately posting a conspicuous written notice in the main office and all branch offices of the Federal credit union; and

(ii) Providing actual notice by mail or otherwise, at the earliest opportunity, to all members receiving the credit union's most recent statement of account, if the board of directors determines that the posting of the notification is not sufficient to provide actual notice to a majority of the Federal credit union's members.

§ 701.21-3 [Amended]

5. 12 CFR 701.21–3(b)(3) is amended by deleting the term "1 per centum per month on the unpaid balance inclusive of all service charges" and inserting in lieu thereof the term "15% per year on the unpaid balance inclusive of all finance charges";

§ 701.21-6 [Amended]

6. 12 CFR 701.21–6(a)(14) and 12 CFR 701.21–6(c)(4) are repealed;

7. 12 CFR 701.21–6(c)(5) and 12 CFR 701.21–6(c)(6) are redesignated as 12 CFR 701.21–6(c)(4) and 12 CFR 701.21–6(c)(5) respectively;

8. Redesignated 12 CFR 701.21–6(c)(4) is amended by: deleting in the first sentence the term "service charges" and inserting in lieu thereof the term "finance charges"; deleting in the second sentence the term "1 per centum per month" and inserting in lieu thereof "15 per cent per year".

[FR Doc. 80-10246 Filed 4-3-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-46]

Incremental Pricing; Rule Adopting Revised Alternative Fuel Price Ceilings for the Month of April 1980

Issued March 28, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim rule.

SUMMARY: The Federal Energy Regulatory Commission hereby issues an interim rule to establish revised alternative fuel price ceilings for the month of April 1980 under the incremental pricing program. The revised ceilings supersede those ceilings published by the Energy Information Administration of the Department of Energy on March 20, 1980.

DATES: Effective March 28, 1980. Comments due April 30, 1980. Date of public hearing to be announced later.

ADDRESS: All comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 No. Capitol Street, N.E., Washington, D.C. 20426. Hearing location to be announced. (Reference Docket No. RM80-46.)

FOR FURTHER INFORMATION CONTACT:
Alice Fernandez, Office of Pipeline and Producer Regulation, 825 No. Capitol St., N.E., Washington, D.C. 20426, (202) 357-8965.

Issued March 28, 1980.

I. Discussion

The Commission's incremental pricing regulations under the Natural Gas Policy Act of 1978 (NGPA) affect the price that industrial users subject to the regulations must pay for natural gas. Pursuant to section 204(e) of the NGPA, the Commission's rules (at §§ 282.402 through 282.405) place ceilings on price levels to incrementally priced users based on the cost of alternative fuel oils in each state or region. Under the Commission's regulations, ceiling prices each month are currently established on the basis of the price of high sulfur No. 6 fuel oil in the 48 contiguous states. These prices are published "on or before the twentieth day" of the preceding month. Because of the functions vested in the Energy Information Administration (EIA) of the Department of Energy, the responsibility for collecting and compiling this fuel price data, as well as the publication thereof, has been carried out by EIA.

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On March 18, 1980, alternative fuel ceilings for April were issued by EIA (45 FR 18109, March 20, 1980). The Commission has reviewed the published alternative fuel prices which were to be effective for April 1980. We observe that in a number of instances the published prices represent a significant increase over the March prices. The Commission has received notice from pipelines, distributors, end users, and EIA itself that current actual prices are lower than the published ceilings in some states. The Commission is therefore concerned that significant industrial fuel switching may occur.

The Commission has determined that the disparity in some states or regions between the alternative fuel prices published by EIA and the observed prices is aggravated by the application of a computational method employed by EIA that was designed to minimize month-to-month variations in published alternative fuel prices.

The Commission has determined that, under present market conditions, the employment of the computational method used for computing April ceilings may prove inconsistent with the statutory directive to reduce consumer price impacts resulting from, or likely to result from, significant loss of industrial load. We have, therefore, asked EIA to recalculate the alternative fuel prices that will be in effect for April 1980 using a method which is more responsive to changes in current prices. The recalculated prices are, in many cases, significantly lower than the previously published April prices. Moreover, the Commission takes official notice that the market price for high sulfur residual fuel oil appears to be continuing its recent downward trend. For this reason, and in order to guard against inadvertent industrial load loss occurring during this market transitional period, the Commission has determined to publish and make effective alternative fuel prices for the month of April 1980 which shall be the *lower* of (1) the alternative fuel price on March 20, 1980, or (2) the recalculated current prices supplied by EIA.

II. Amendment Adopted

The Commission's action in this matter is adopted as an amendment to its regulations. Specifically, the Commission hereby amends the regulation which provides that the alternative fuel price ceilings which shall be effective for any one month shall be those published on or before the twentieth day of the preceding month, § 282.404(a), to add a provision providing that the alternative fuel price ceilings for the month of April 1980 shall be those set forth in the regulations rather than those published on or before March 20. The effect of this provision is to supersede the provision that the ceilings for the month of April 1980 would be those published on or before March 20, 1980.

III. Effective Date

This regulation is being issued effective immediately on an interim basis, because the Commission finds that the need to revise the ceilings published on March 20 constitutes good cause to waive the thirty day publication requirement contained by section 553(d) of the Administrative Procedure Act.

IV. Comment Procedures

A. *Written Comments.* Interested persons are invited to submit written comments, data, views, or arguments with respect to this interim rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80– An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EDT, April 30, 1980, will be considered by the Commission prior to promulgation of a final regulation. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Office of Congressional and Public Affairs, Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

B. *Public Hearing.* A public hearing on this interim rule will be held on a date and at a location to be announced at a later date.

(Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350, 15 U.S.C. 3301, *et seq.*)

In consideration of the foregoing, the Commission amends Part 282 of Subchapter I, Chapter 1, Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Section 282.404 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.* * * * Such ceilings shall be effective for purposes of this part for the month following the month of publication, *provided that,* for the month of April 1980, the following ceilings shall be effective and shall supersede those ceilings published on March 20, 1980:

State	Dollar per million Btu's
Alabama	2.66
Arizona	2.69
Arkansas	2.47
California	2.68
Colorado	2.26
Connecticut	3.13
Delaware	3.60
Florida	2.71
Georgia	3.08
Idaho	2.26
Illinois	2.86
Indiana	3.20
Iowa	2.73
Kansas	2.73
Kentucky	2.86
Louisiana	2.61
Maine	3.67
Maryland	3.40
Massachusetts	2.81
Michigan	3.23
Minnesota	3.15
Mississippi	2.20
Missouri	2.56
Montana	2.26
Nebraska	2.73
Nevada	2.69
New Hampshire	3.80
New Jersey	3.37
New Mexico	2.47
New York	3.20
North Carolina	3.45
North Dakota	2.73
Ohio	3.20
Oklahoma	2.56
Oregon	3.23
Pennsylvania	3.33
Rhode Island	3.13
South Carolina	3.30
South Dakota	2.73
Tennessee	3.10
Texas	2.86
Utah	2.26
Vermont	3.80
Virginia	3.16
Washington	2.79
West Virginia	3.10
Wisconsin	3.13
Wyoming	2.26

* * * * *

[FR Doc. 80-10166 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-85-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Basin Regulations—Water Quality; Amendment

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted Basin Regulations—Water Quality on March 7, 1968. These regulations include water quality standards for the Delaware River Basin. The standards have been amended from time to time and are incorporated as amended by reference in 18 CFR, Part 410. Article III of the water quality standards applies to surface waters and contains certain effluent quality requirements, including limitations on the discharge of suspended solids. These limitations relating to suspended solids have been expressed in general terms and without quantitative detail.

Article III of the Commission's Basin Regulations—Water Quality also contains certain standards carried forward from the actions of the Interstate Commission on the Delaware (INCODEL), predecessor agency of the Delaware River Basin Commission. These standards relate to the BOD content of waste discharge to Zones 1 and 2 of the mainstem Delaware River.

On January 23, 1980, the Commission held a public hearing in Philadelphia on proposed amendments to Article III of its Basin Regulations—Water Quality. Notice of the hearing appeared at 45 FR 1934 (January 9, 1980). The proposed amendments were (1) to establish more specific, quantitative requirements relating to suspended solids; and (2) to delete certain referenced BOD requirements carried forward from INCODEL. The latter action was sought on the grounds that current federal and state requirements generally result in equal or more stringent limitation on the discharge of BOD. The amendments as adopted by the Commission are substantially in conformance with the proposed amendments as advertised for public hearing.

EFFECTIVE DATE: March 10, 1980.

FOR FURTHER INFORMATION CONTACT: Herbert A. Howlett, Chief Engineer, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628, 609–883–9500.

SUPPLEMENTARY INFORMATION: The text of Basin Regulations—Water Quality is relevant context for the amendments which are the subject of this notice.[1] Copies of the Basin Regulations—Water Quality may be obtained from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628. The same text also appears in an index entitled, "Water Code—Delaware River Basin", dated July 1978 which may be examined at state libraries in New Jersey, Delaware, New York and Pennsylvania.

PART 410—BASIN REGULATIONS—WATER QUALITY

§ 410.1 [Amended]

The Commission's Basin Regulations—Water Quality incorporated by reference in § 410.1 are amended as follows:

A. Amend Section 3.10.4D1. by the addition thereto of the following new subsection:

a. *Suspended Solids.*

1. For wastewater treatment facilities, not to exceed:

(i) 30 mg/1 as a 30-day average.

(ii) 45 mg/1 as a 7-day average.

2. For industrial wastewater treatment facilities' discharges with a concentration greater than 1(i) or 1(ii):

(i) up to 100 mg/1 as a 30-day average may be permitted; and

(ii) at least 85 percent reduction as a 30-day average is achieved as may be modified by Section 3.10.6D3.

(iii) The limit in 2(i) may be waived upon application, if it is determined that there is an established USEPA best conventional pollutant control technology (BCT) effluent limitation and that the treatment level meets the applicable BCT limitation.

B. Delete Sections 3.20.2D3., 3.20.2D4., 3.20.3D3., 3.20.3D4., 3.20.4D3., 3.20.4D4., 3.20.5D3., 3.20.5D4., 3.20.6D3., 3.20.6D4., 3.20.8D3., and 3.30.2D3.

W. Brinton Whitall,

Secretary.

[FR Doc. 80-10317 Filed 4-3-80; 8:45 am]

BILLING CODE 6360-01-M

[1] Resolution No. 80–2 filed with the Office of the Federal Register as part of the original document.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1307

Nondiscrimination With Respect to Handicap

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rulemaking.

SUMMARY: This document adds a new Part 1307 to TVA's regulations (as redesignated by 44 FR 30,682). The new part implements section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1976). Revisions have been made to reflect amendments to the Rehabilitation Act made by Pub. L. 95–602, to respond to comments received from the public and Federal and State agencies about TVA's proposed rulemaking, and to reflect the redesignation of TVA's regulations as 18 CFR Chapter XIII (Parts 1300–1399) from their former designation as Chapter II of that title. This part sets forth enforcement procedures, and standards for determining which persons are handicapped and for determining what practices by recipients are discriminatory.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Justin M. Schwamm, Sr., Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B25, Knoxville, Tennessee 37902, (615) 632–2361.

SUPPLEMENTARY INFORMATION: On May 2, 1978, TVA published in the **Federal Register** for public comment a notice of proposed rulemaking to implement section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (FR Doc. 78–11901, 43 FR 18693). The comment period was subsequently extended (FR Doc. 78–15073, 43 FR 23593). Comments were received on behalf of 12 organizations, including State and Federal agencies. No comments were received from recipients of TVA financial assistance. Public Law No. 95–602, 92 Stat. 2955 (1978), amended the Rehabilitation Act in several ways affecting the proposal. Further, on May 29, 1979, the Office of the **Federal Register** redesignated TVA's regulations (then codified to 18 CFR Chapter II (Parts 300–399)), as 18 CFR Chapter XIII (Parts 1300–1399) (44 FR 30602). The regulation implementing section 504 was originally proposed by TVA as Part 307 of 18 CFR. In addition to changes as a result of comments and legislative action, the final rule has been designated for adoption as 18 CFR Part 1307, and the sections correspondingly renumbered (The original numbering can be found by dropping the numeral "1" from the beginning of each of the section numbers contained in the final rule).

Background

TVA was created by the Tennessee Valley Authority Act of 1933, as amended, as a corporate agency and instrumentality of the Federal Government, with "the duty of constantly studying the whole situation presented by the Tennessee River Valley, and the adjoining territory, with the view of encouraging and guiding in the orderly and balanced development of the diverse and rich resources of that section" (H.R. Rep. No. 130, 73d Cong., 1st Sess. 19 (1933)). Under its broad statutory mandate, (16 U.S.C. 831–831dd (1976)), TVA engages in a number of programs including experiments and demonstrations concerned with the advancement of the national defense and the physical, social and economic development of the area in which TVA operates, energy supply and conservation, the development of agriculture and fertilizers, the improvement of navigation and control of destructive floods, the fostering of recreation, industrial development, and many other things.

The TVA Act does not provide for grants to State or local agencies, as do many Federal social development or welfare programs. However, TVA does carry out many aspects of its programs by contracts which in TVA's view

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involve the provision of Federal financial assistance within the meaning of section 504 of the Rehabilitation Act of 1973, as amended. The contracts include such activities as providing fertilizer materials for farm test demonstrations in cooperation with land grant colleges; granting land to State and local entities for recreational purposes; providing recreational planning and other technical services; and providing a variety of other types of assistance to meet the needs of individual communities, including mitigating the effects upon local housing, schools, public health, and law enforcement services, of the construction by TVA of electric power generating plants. Characteristically, the funds and value of property and services involved are relatively small, and the assistance is provided in localized areas, rather than on a regional or statewide basis. Moreover, TVA assistance is often provided "ad hoc," as contrasted with the long-range financial assistance programs administered by some Federal departments and other agencies.

Since TVA assistance programs are contractual in nature, the provisions of section 504 have not needed the issuance of regulations in order to be implemented by TVA. Financial assistance contracts already contain provisions binding the contractor to comply with section 504 and also containing agreements by the contractor to comply with all applicable TVA or other Federal regulations which may be issued. By virtue of Pub. L. No. 95–602, TVA's existing Title VI enforcement provisions are also already available to aggrieved beneficiaries who may feel that section 504 has not been complied with by recipients of TVA financial assistance. In view of the contractual nature of TVA's financial assistance program, many implementation functions are or will be carried out through standard contract provisions. Part 1307 will serve to inform the public of TVA's manner of implementing section 504, as well as of prohibited conduct and enforcement provisions.

TVA has generally worked at the local level as the best way of implementing its statutory goals, and understanding and meeting the needs of the people it serves. This part parallels the guidelines adopted by the Department of Health, Education and Welfare, so far as is practicable in light of the nature of TVA's programs, the small amount of funds, property or services involved in its financial assistance contracts, and the highly localized impacts. TVA has attempted to insure sufficient flexibility in the rule to avoid creating situations in which administrative and other costs required of recipient communities with very limited resources would result in decisions by those communities that these costs exceed the value of the assistance which TVA can provide. Such decisions, of course, would impair the usefulness of both the substantive program carried out by TVA and the purposes of section 504.

Summary of Changes and Comments

A. *Changes.* TVA has revised the rule in several respects. The changes and the reasons for them are summarized in this section; section B summarizes suggested changes which were not accepted, and the reasons why not.

1. The definitions of "handicapped person" (§ 1307.1(f)) and "qualified handicapped person" (§ 1307.1(g)) have been revised to reflect the exclusion from coverage of those current drug and alcohol abusers described in Pub. L. 95–602.

2. Three comments discussed the concept of program accessibility and structural alteration, particularly where historic properties are involved. These comments made the point, with which TVA agrees, that program accessibility, for the purposes of this part and the implementation of section 504, means that, when viewed as a whole, *programs* receiving TVA financial assistance are accessible to handicapped persons, not that existing buildings need be totally barrier free. Structural alterations may thus not necessarily be required to achieve this accessibility of programs. Accordingly, definitions of the terms "historic property," "building alterations," and "structural changes" have been added to § 1307.1 as paragraphs (h), (i), and (j), and a corresponding change, discussed in item 7 below, has been made to § 1307.6.

3. Two comments stated that the exemption in § 1307.3(b) for assistance extended before the effective date of this part should be removed. They contended it is contrary to section 504 and exempts recipients of assistance from compliance. The provision was not intended to and does not have such effect. As already noted, TVA's financial assistance contracts contain provisions requiring the recipient, with respect to TVA funded activities, to comply with section 504, with all amendments, and with all applicable TVA regulations which may be adopted. This part is thus read into contracts. The intent of the provision was to prevent a retroactive application to wholly executed contracts, not to exempt present or continuing recipients from compliance with the statute and this part, to which they have agreed to be subject. A clarification of this intent has been added to § 1307.3(b).

4. One comment complimented §§ 1307.4 and 1307.5 as being "good regulations which clearly spell out proscribed activities." Another, while calling their provisions (and those of § 1307.6) "excellent" overall, criticized their being called "guidelines," suggesting that this term might be confusing because these provisions "are not mere guidelines which recipients can choose to ignore; rather, they are affirmative obligations imposed on recipients to assure compliance with Section 504." TVA agrees with this suggestion. Although HEW's regulation sets forth the criteria in these sections as "guidelines" for agencies, it was not TVA's intent to adopt these sections as not having binding effect on TVA's recipients. The sections have been redrafted to clarify this intent.

5. One comment on § 1307.4(e) (now § 1307.4(d)) suggested that TVA provide a device for monitoring a recipient's actions in setting up separate programs for the handicapped which may not be unnecessary, but may in fact be discriminatory. A provision requiring TVA approval of such separate programs has been added. A new paragraph (e) has been added to § 1307.4 to include a provision on availability of materials to visually and hearing impaired persons. This paragraph parallels HEW's guideline (45 CFR § 85.51(e)) and was inadvertently omitted from TVA's proposal.

6. In response to comments, some examples of reasonable accommodation have been added to § 1307.5(f), and § 1307.5(h) has been revised to remove an incorporation by reference provision and to state the limitations and conditions on preemployment inquiries.

7. A number of comments were generated by § 1307.6. As noted in item 2 above, the section has been revised to clarify the concept of program accessibility. A paragraph has been added dealing with historic property. Suggestions were also made that TVA require recipients to follow the appropriate American National Standards Institute standard for building accessibility by the handicapped and the standards for historic property adopted by the Secretary of the Interior. TVA believes these suggestions that recipients follow the standards are useful, but in view of the contractual nature of TVA's assistance and to avoid problems of incorporation by reference, TVA believes these matters are best handled by appropriate contractual action, and has added language to that effect in this section and in § 1307.7. The three-year assistance provision of this section was not intended, as several comments correctly noted, to preclude structural alterations otherwise required by law. However, in view of the apparent misunderstandings generated by the provision, it has been rewritten to remove the apparent restriction.

B. *Other comments.* Other comments received, and the reasons why they were not adopted, are as follows.

1. One comment objected to the definition of "handicapped person" as overbroad and to the definition of "qualified handicapped person" as not containing a burden of proof on the questions of qualifications. TVA's definitions are consistent with the statutory definitions and those given by HEW in its guidelines to agencies. The concerns raised by this comment can be better addressed through enforcement proceedings.

2. One comment suggested a change in the "purpose" statement of § 1307.2. Since this section now tracks the language of section 504, the change does not seem appropriate and might only lead to unnecessary litigation.

3. One comment suggested that the term "contracts with other Federal agencies" was ambiguous and could be construed to exempt "contracts with Federal financial assistance" from section 504. This is not TVA's intent, and the term has never been so construed in the many years it has been used in TVA's contracts under Title VI of the 1964 Civil Rights Act.

4. One comment objected to the "reasonable accommodation" provisions of § 1307.5 because the only available accommodation may impose an undue hardship on a recipient. This is inherent in the nature of accommodation, and we believe the provision is necessary in light of the nature of TVA's programs, as well as consistent with HEW's guidelines.

5. TVA believes the last clause of § 1307.7(a) must be retained, because of the nature of TVA's programs. The further suggestion that the mortgagor enter into a written compliance agreement in case of a forebearance agreement by TVA is unnecessary—the basic property transfer agreement will already contain an agreement, binding on the mortgagor, to comply with this part, as provided by the first sentence of § 1307.7(b).

6. In light of the nature of its programs, TVA has not dropped suggestions that it revise § 1307.8 to require all published materials to contain information about section 504 rights, or to require certain employees to adopt grievance procedures for employees.

7. Several comments dealt with the investigation and conciliation procedures. One, dealing with involvement of the complainant, is already covered in the informal resolution provisions of § 1307.9(d), which involve the complainant. Another comment was concerned with the limitations provision of § 1307.9(b) if a complaint was filed in the wrong forum. This is also covered by the provision permitting TVA to extend time limits for filing. A last comment suggested that TVA adopt the investigatory time limits adopted by HEW's Office of Civil Rights. TVA does not condone "foot dragging" in investigations, but we do not feel that the suggested timetable is appropriate to TVA's circumstances or to the nature of its programs.

TVA appreciates the interest and effort shown by the comments. A copy of this rule will be available at TVA's Technical Library in Knoxville, Tennessee, in a format usable by the visually handicapped.

Since TVA financial assistance contractors are already bound to comply with section 504 and this part by agreement, and this part will aid in the better implementation of that section, the TVA Board has determined for good cause shown that a delayed effective date is not in the public interest and that this part shall be effective April 4, 1980.

In consideration of the foregoing, under the authority of 16 U.S.C. 831–831dd and section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, TVA's Board of Directors has adopted and added Part 1307 to chapter XIII of Title 18 of the Code of Federal Regulations, reading as set forth below.

Dated: March 27, 1980.

By order of the Board of Directors.

W. F. Willis,

General Manager.

PART 1307—NONDISCRIMINATION WITH RESPECT TO HANDICAP

Sec.

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Authority: TVA Act, 48 State. 58 (1933) as amended, 16 U.S.C. 831–831dd (1976) and section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended, 29 U.S.C. 794 (1976; Supp. II 1978).

§ 1307.1 Definitions.

As used in this part, the following terms have the stated meanings, unless the context otherwise requires:

(a) "Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended, 29 U.S.C. 794.

(b) "Recipient" means any individual, any State or its political subdivision, or any instrumentality of either, and any public or private agency, institution, organization, or other entity to which financial assistance is extended by TVA directly or through another recipient, including any successor, assignee, or transferee of a recipient as hereinafter set forth, but excluding the ultimate beneficiary of the assistance.

(c) "Financial assistance" means the grant or loan of money; the donation of real or personal property; the sale, lease, or license of real or personal property for a consideration which is nominal or reduced for the purpose of assisting the recipient; the waiver of charges which would normally be made, in order to assist the recipient; the entry into a contract where a purpose is to give financial assistance to the contracting party; and similar transactions.

(d) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(e) "Federal agency" means any department, agency, or instrumentality of the Government of the United States, other than TVA.

(f) "Handicapped person" means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, as further defined below, except that, as related to employment, the term "handicapped individual" does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current drug or alcohol abuse, would constitute a direct threat to property or the safety of others:

(1) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special

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sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a physical or mental impairment that substantially limits one or more major life activities.

(4) "Is regarded as having such an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but which is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward the impairment; or (iii) does not have a physical or mental impairment as defined in paragraph (f)(1) of this section but is treated by a recipient as having such an impairment.

(g) "Qualified handicapped person" means (1) with respect to employment, a handicapped person (except an alcoholic or drug abuser as defined in paragraph (f) of this section), who, with reasonable accommodation, can perform the essential functions of the job in question and (2) with respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(h) "Historic property" means an architecturally, historically, or culturally significant property listed in or eligible for listing in the National Register of Historic Places, or a property officially designated as having architectural, historic, or cultural significance under a statute of the appropriate State or local governmental body.

(i) "Building alterations" means those changes to existing conditions and equipment of a building which do not involve any structural changes, but which typically improve and upgrade a building, such as site improvements and alterations to stairways, doors, toilets or elevators.

(j) "Structural changes" shall mean those changes which alter the structure of a building, including but not limited to its load bearing walls and all types of post and beam systems in wood, steel, iron or concrete.

§ 1307.2 Purpose.

The purpose of this part is to effectuate section 504 to the end that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from TVA.

§ 1307.3 Application.

This part applies to any program in which financial assistance is provided by TVA, except that this part does not apply to any (a) TVA procurement contracts, contracts with other Federal agencies, or contracts of insurance or guaranty, (b) money paid, property transferred, or other assistance extended to a recipient under any program before the effective date of this part, or (c) assistance to any individual or entity which is the ultimate beneficiary under any such program. Nothing in clause (b) of this section exempts any recipient of financial assistance under a contract in effect on the effective date of this part from compliance with this part.

§ 1307.4 Program discrimination.

(a) *General.* No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity to which this part applies.

(b) *Specific discriminatory actions.* (1) A recipient under any program to which this part applies shall not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or services available under the program;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others under the program;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others under the program;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others, unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others under the program;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or entity that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards with respect to the program; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment under the program of any right, privilege, advantage, or opportunity enjoyed by others under the program.

(2) A recipient shall not deny a qualified handicapped person the opportunity to participate under the program in activities that are not separate or different, despite the existence of permissibly separate or different activities.

(3) A recipient shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control.

(4) A recipient shall not, in determining the site or location of a facility under the program, make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under the program, or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons. A recipient who wishes to establish a policy of separate programs or different treatment for handicapped and nonhandicapped persons shall request and receive written approval from TVA before instituting such policy or undertaking any such separate treatment.

(e) Recipients shall take appropriate steps to ensure that communications to their applicants, employees, and beneficiaries are available to such persons with impaired vision and hearing.

§ 1307.5 Employment discrimination.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity subject to this part.

(b) *Specific discriminatory actions.* With respect to a program or activity subject to this part, a recipient shall not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) A recipient shall make all decisions concerning employment under any program or activity subject to this part in a manner which ensures that discrimination on the basis of handicap does not occur, including the following activities:

(1) Recruitment, advertising, and processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A recipient shall not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this part, including relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(e) *Reasonable accommodation.* (1) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of the program or activity subject to this part. Reasonable accommodation may include:

(i) Making facilities used by employees readily accessible to and usable by handicapped persons; and

(ii) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, or other similar actions.

(2) In determining whether an accommodation would impose an undue hardship on the operation of a recipient's program or activity under this paragraph factors to be considered include but are not limited to:

(i) The nature and cost of the accommodation needed, and its effect, if any, on the recipient's programs.

(ii) The kind of operation conducted by the recipient, including the composition and structure of the recipient's workforce; and

(iii) The overall size of the recipient's program or activity with respect to number of employees, number and type of facilities, and size of budget.

(3) It is not an undue hardship with respect to a qualified handicapped employee or applicant if the sole basis for the claim of hardship is the need to make an accommodation to the physical or mental limitations of the otherwise qualified employee or applicant and the accommodation is deemed by TVA to be reasonable.

(f) *Employment criteria.* A recipient shall not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

(g) *Preemployment inquiries.* (1) A recipient shall not conduct a preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except as set out in this paragraph (g).

(2) A recipient may make a preemployment inquiry into an applicant's ability to perform job-related functions.

(3) When a recipient is taking remedial action to correct the effects of past discrimination, taking voluntary action to overcome the effects of conditions that resulted in limited participation in its TVA-assisted program or activity or is taking affirmative action pursuant to section 503 of the Rehabilitation Act of 1973, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped: *Provided,* That the recipient states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is so used, that:

(i) The information requested is intended for use solely in connection with such remedial, voluntary or affirmative action efforts;

(ii) The information is being requested on a voluntary basis and it will be kept confidential as provided in subpararaph (4) of this paragraph;

(iii) Refusal to provide the information will not subject the applicant or employee to any adverse treatment; and

(iv) The information will be used only in accordance with this part.

(4) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty: *Provided,* That:

(i) All entering employees are subjected to such an examination regardless of handicap; and

(ii) The results of such an examination are used only in accordance with the requirements of this part.

(5) Information obtained in accordance with this section as to the medical condition or history of an employee or applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(ii) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

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(iii) TVA officials investigating compliance with section 504 shall be provided information which they deem relevant upon request.

§ 1307.6 Program accessibility.

(a) *General.* No qualified handicapped person shall, because facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program subject to this part.

(b) *Existing facilities.* (1) Each program subject to this part shall be operated so that, viewed in its entirety, it is readily accessible to and usable by qualified handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons. A recipient is not required to make building alterations or structural changes if other methods are effective in achieving program accessibility. Such compliance methods may include (subject to the provisions of §§ 1307.4 and 1307.5), reassigning programs or activities to accessible locations within a facility; providing assistance to handicapped persons into or through an otherwise inaccessible facility; delivering programs or activities at other alternative sites which are accessible and are operated or available for use by the recipient; or other methods which comply with the intent of this paragraph.

(2) This subparagraph governs the timing of development of transition plans and the completion of necessary building alterations and structural changes to existing facilities, including historic property covered by paragraph (c) of this section. If building alterations or structural changes will be necessary to make covered programs or activities in existing facilities of a recipient accessible, the recipient shall develop a transition plan setting forth the steps necessary to complete the alterations or changes in accordance with such standards as TVA may specify in the contract or agreement, and shall have the plan approved by TVA. If the financial assistance from TVA is expected to last for less than three years, the contract or agreement shall specify the date by which the transition plan shall be developed and approved. If the financial assistance from TVA is expected to last for at least three years, the transition plan shall be developed and submitted to TVA within six months from the effective date of the contract or agreement, subject to extension by TVA for an additional six month period, for good cause shown to it. A transition plan shall:

(i) Be developed with the assistance of interested persons or organizations representing handicapped persons;

(ii) Be available for public inspection after approval by TVA (or at any earlier time required by state or local law applicable to the recipient);

(iii) Identify the official responsible for implementation of the approved plan; and

(iv) Specify the date by which the required alterations or changes shall be completed, which shall be as soon as practicable and in no event later than three years after the effective date that financial assistance is extended by TVA.

(3) Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(c) *Historic property.* If a recipient's program or activity uses an existing facility which is an historic property, the recipient shall endeavor to assure compliance with paragraph (b)(1) of this section by compliance methods which do not alter the historic character or architectural integrity of the historic property. The recipient must determine that program accessibility cannot be accomplished by such alternative methods before considering building alterations as a compliance method. To the maximum extent possible any building alterations determined to be necessary shall be undertaken so as not to alter or destroy architecturally significant elements or features. A recipient may determine that structural changes are necessary to accomplish program accessibility only if the recipient has determined that accessibility cannot feasibly be accomplished by any of the other foregoing methods. To the maximum extent possible, any structural changes determined to be necessary shall be undertaken so as not to alter or destroy architecturally significant elements or features.

(d) *New construction.* New facilities required under a program subject to this part shall be designed and constructed to be readily accessible to and usable by handicapped persons and shall comply with any standards specified by TVA in the contract. For the purposes of this part a new facility is one on which actual construction began on or after May 2, 1978.

§ 1307.7 Assurances required.

(a) TVA contributes financial assistance only under agreements which contain a provision which specifically requires compliance with this part and compliance with such standards for construction and alteration of facilities as TVA may provide. If the financial assistance involves the furnishing of real property, the agreement shall obligate the recipient, or the transferee in the case of a subsequent transfer, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where the financial assistance involves the furnishing of personal property, the agreement shall obligate the recipient during the period for which ownership or possession of the property is retained. In all other cases the agreement shall obligate the recipient for the period during which financial assistance is extended pursuant to the agreement. TVA shall specify the form of the foregoing agreement, and the extent to which an agreement shall be applicable to subcontractors, transferees, successors in interest, and other participants in the program.

(b) In the case of real property, structures or improvements thereon, or interests therein, acquired through a program of TVA financial assistance, or in the case where financial assistance was provided in the form of a transfer by TVA of real property or interest therein, the instrument effecting or recording the transfer of title shall contain a convenant running with the land assuring compliance with this part and the guidelines contained herein for the period during which the real property is used for a purpose for which the TVA financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of TVA financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained by transfer from TVA, the covenant against discrimination may also include a condition coupled with a right to be reserved by TVA to revert title to the property in the event of a breach of the covenant where, in the discretion of TVA, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, TVA may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§ 1307.8 Compliance information.

(a) *Cooperation and assistance.* TVA shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to TVA timely, complete and accurate compliance reports at such times, and in such form and containing such information, as TVA may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by TVA during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as TVA may require to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and set forth the efforts it has made to obtain the information.

(d) *Information to employees, beneficiaries and participants.* Each recipient shall make available to employees, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives financial assistance, and shall make such information available to them in such manner, as TVA finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this part.

§ 1307.9 Conduct of investigations.

(a) *Periodic compliance reviews.* TVA shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any individual who claims (individually or on behalf of any specific class of individuals) to have been subjected to discrimination prohibited by this part may, personally or by a representative, file with TVA a written complaint. A complaint must be filed not later than ninety (90) days from the date of the alleged discrimination, unless the time for filing is extended by TVA.

(c) *Investigations.* TVA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation shall include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, TVA will so inform the recipient and the matter will be resolved by informal means whenever possible. If TVA determines that the matter cannot be resolved by informal means, action will be taken as provided for in § 1307.10.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, TVA will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 504 or this part, or because the individual had made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1307.10 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue financial assistance or by any other means authorized by law. Such other means may include, but are not to be limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States, (2) institution of appropriate proceedings by TVA to enforce the provisions of the agreement of financial assistance or of any deed or instrument relating thereto, and (3) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1307.7.* If any entity requesting financial assistance from TVA declines to furnish the assurance required under § 1307.7, or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, financial assistance may be refused in accordance with the procedures of paragraph (c) of this section; and for such purposes, the term "recipient" includes one who has been denied financial assistance. TVA shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that TVA shall continue assistance during the pendency of such proceedings where such assistance was due and payable pursuant to an agreement therefor entered into with TVA prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue financial assistance.* No order suspending, terminating or refusing to grant or continue financial assistance shall become effective until (1) TVA has advised the recipient of the failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the recipient to comply with a requirement imposed by or pursuant to this part, including any act of discrimination on the basis of handicap in violation of this part, and (3) the action has been approved by the TVA Board pursuant to § 1307.12. Any action to suspend or terminate or to refuse to grant or to continue financial assistance shall be limited to the particular recipient as to whom such a finding had been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance had been so found.

(d) *Other means authorized by law.* No action to effect compliance by any

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other means authorized by law shall be taken until (1) TVA has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least ten (10) days from the mailing of such notice to the recipient or other person. During this period of at least ten (10) days additional efforts will be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 1307.11 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1307.10, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected recipient. This notice shall advise the recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and shall either (1) fix a date not less than twenty (20) days after the date of such notice within which the recipient may request of TVA that the matter be scheduled for hearing or (2) advise the recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. A recipient may waive a hearing and submit written information and argument for the record. The failure of a recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and a consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the time and place fixed by TVA unless it determines that the convenience of the recipient requires that another place be selected. Hearings shall be held before the TVA Board or before a "hearing officer" who shall be either a member of the TVA Board or, at the discretion of the Board, a person designated by the Board who shall not be employed in or under the TVA division through or under which the financial assistance has been extended by TVA to the recipient involved in the hearing.

(c) *Right to counsel.* In all proceedings under this section, the recipient and TVA shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both TVA and the recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence will not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. That officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal agencies issued under section 504, the TVA Board may, by agreement with such other agency, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 1307.12.

§ 1307.12 Decisions and notices.

(a) *Decision by a member of the TVA Board or a hearing officer.* If the hearing is held before a "hearing officer" as defined in § 1307.11(b), that hearing officer shall either make an initial decision, if so authorized, or certify the entire record including recommended findings and proposed decision to the TVA Board for a final decision. A copy of such initial decision or certification shall be mailed to the recipient. Where the initial decision is made by a hearing officer, the recipient may file with the TVA Board exceptions to the initial decision, which shall include a statement of reasons therefor. Such exceptions shall be filed within thirty (30) days of the mailing of the notice of initial decision. In the absence of exceptions, the TVA Board may on its own motion within forty-five (45) days after the initial decision serve on the recipient a notice that it will review the decision. Upon the filing of such exceptions or of such notice of review, the TVA Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of the TVA Board.

(b) *Decisions on record or review by the TVA Board.* Whenever a record is certified to the TVA Board for decision or it reviews the decision of a hearing officer pursuant to paragraph (a) of this section, or whenever the TVA Board conducts the hearing, the recipient shall be given reasonable opportunity to file with the Board briefs or other written statements of its contentions, and a copy of the final decision of the Board shall be given in writing to the recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived, a decision shall be made by the TVA Board on the record and a copy of such decision shall be given to the recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the recipient has failed to comply.

(e) *Approval by TVA Board.* Any final decision (other than a decision by the TVA Board) which provides for the suspension or termination of, or the refusal to grant or continue financial assistance, or the imposition of any other sanction available under this part or section 504 shall promptly be transmitted to the TVA Board which may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of

section 504 and this part, including provisions designed to assure that no financial assistance will thereafter be extended under such program to the recipient determined by such decision to have failed to comply with this part, unless and until it corrects its noncompliance and satisfies TVA that it will fully comply with this part.

(g) *Posttermination proceedings.* (1) A recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive financial assistance upon satisfaction of the terms and conditions for such eligibility contained in that order, or if the recipient otherwise comes into compliance with this part and provides reasonable assurance of future full compliance with this part.

(2) Any recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request that TVA fully restore the recipient's eligibility to receive financial assistance. Any such request shall be supported by information showing that the recipient has met the requirements of subparagraph (1) of this paragraph. If TVA determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If TVA denies any such request, the recipient may submit a request for a hearing in writing, specifying its reasons for believing TVA to have been in error. The recipient shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by TVA. The recipient, upon proving at such a hearing that the requirements of subparagraph (1) of this paragraph are satisfied, will be restored to such eligibility. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1307.13 Effect on other regulations; supervision and coordination.

(a) *Effect on other regulations.* Nothing in this part shall be deemed to supersede or affect any of the following (including future amendments thereof): (1) regulations by TVA and other Federal agencies issued with respect to section 503 of the Rehabilitation Act of 1973, or (2) any other regulations or instructions, insofar as they prohibit discrimination on the ground of handicap in any program or situation to which this part is inapplicable, or which prohibit discrimination on any other ground.

(b) *Supervison and coordination.* TVA may from time to time assign to officials of other Federal agencies, with the consent of such agencies, responsibilities in connection with the effectuation of the purposes of section 504 and this part (other than responsibility for final decision as provided in § 1307.12), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the government in the application of section 504 and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another federal agency acting pursuant to an assignment of responsibility under this part shall have the same effect as though such action had been taken by TVA.

[FR Doc. 80-10218 Filed 4-3-80; 8:45 am]
BILLING CODE 8120-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 654

Housing for Agricultural Workers

Correction

In FR Doc. 80-6779 appearing at page 14180 in the issue for Tuesday, March 4, 1980, make the following changes:

(1) On page 14182, second column, § 654.400(b), fifteenth line, "Subport" should read "Subpart".

(2) On page 14184, first column, § 654.409(c), first line, "19" should read "18".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 2

[Docket No. 76N-0460]

General Administrative Rulings and Decisions; Chlorofluorocarbon Propellants in Self-Pressurized Containers; Amendment of Essential Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is adding two products to the list of products containing a chlorofluorocarbon for an essential use. They are a polymyxin B sulfate-bacitracin zinc-neomycin sulfate skin wound antibiotic for human use and a topical anesthetic drug for human use where a cannula is used for application. FDA concludes that these products provide unique health benefits unavailable without the use of chlorofluorocarbon.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Ed Farha, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 8, 1979 (44 FR 33114), FDA proposed to amend § 2.125(e) (21 CFR 2.125(e)) to include the following drugs, for human use, as essential uses of a chlorofluorocarbon: Neosporin Aerosol, a polymyxin B sulfate-bacitracin zinc-neomycin sulfate skin wound antibiotic, and Cetacaine Aerosol, a topical anesthetic drug requiring a cannula for application and containing benzocaine, tetracaine hydrochloride, and butyl aminobenzoate. This action was taken in response to two citizen petitions stating that these products provide unique health benefits that would be unavailable without the use of chlorofluorocarbons.

Interested persons were allowed 30 days to submit comments on the proposal. Only two comments were received. They came from physicians who supported including Neosporin Aerosol as an essential use of chlorofluorocarbon.

Based on these comments and the information relied upon in the proposal the agency concludes that Neosporin Aerosol and Cetacaine Aerosol should be added to the list of drug products that provide unique health benefits unavailable without the use of chlorofluorocarbons. Therefore, subject to the conditions stated below, these products are essential uses of a chlorofluorocarbon. The use of Neosporin Aerosol provides a special benefit in the treatment of open skin wounds because this delivery system provides a desirable degree of fineness and uniform distribution, and it does not lead to maceration of the tissue. According to the information obtained by the agency this benefit is not available in other topical antibiotic products. Cetacaine Aerosol, on the other hand, provides a special benefit for patients requiring a topical anesthetic on accessible mucous membranes because of the product's rapid delivery of anesthetic and its ease in use. This benefit also, on the basis of the agency's information, is not available from other methods of delivery, such as swabs or bulb sprays.

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As discussed in the preamble to the June 8, 1979 proposal, the prescription drug product Neosporin Aerosol currently contains neomycin sulfate, polymyxin B sulfate, and bacitracin zinc, a combination of ingredients tentatively classified as Category III in the proposed OTC drug monograph for topical antibiotic products (See the **Federal Register** of April, 1977; 42 FR 17642). The determination in this document that Neosporin Aerosol is an essential use under § 2.125(e), therefore, is a conditional one, pending final classification of the effectiveness of the triple antibiotic combination.

As also discussed in the preamble to the proposal, a request for a hearing about Cetacaine Aerosol's effectiveness as a combination drug product is now being reviewed by FDA. Until a final ruling is made on this request, the determination in this document that Cetacaine Aerosol is an essential use of a chlorofluorocarbon is also conditional.

Although the language of § 2.125(d) does not specifically refer, in providing for the exemption for essential uses of drug products which use chlorofluorocarbons as a propellant, to antibiotic drug products subject to approved antibiotic Forms 5 or 6, § 2.125 was clearly intended to apply to all drugs, including antibiotics. This intent is evident in § 2.125(c), which states that *any* food, drug, device, or cosmetic in a self-pressurized container that contains a chlorofluorocarbon propellant is adulterated and/or misbranded in violation of the act. To make the coverage of antibiotic drug products more explicit, § 2.125(d) is being revised to provide for the exemption from the adulteration and/or the misbranding provisions of all certifiable antibiotic drug products for which an antibiotic Form 5 or 6 has been approved, a petition has been filed pursuant to paragraph (f) of the section, and paragraph (e) of the section has been amended to specify the use as essential.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 505, 507, 701(a), 52 Stat. 1042–1043 as amended, 1049–1053 as amended, 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 331, 351, 352, 355, 357, 371(a))) and the National Environmental Policy Act of 1969 (Sec. 102(2), 83 Stat. 853 (42 U.S.C. 4332)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 2 is amended in § 2.125 by revising paragraph (d) and by adding new paragraph (e)(7) and (8), to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(d) The use of a chlorofluorocarbon as a propellant in a self-pressurized container of a drug product will not result in the drug product being adulterated and/or misbranded provided a new drug application, a new animal drug application, or in the case of a certifiable antibiotic an Antibiotic Form 5 or 6 for the drug product has been approved, a petition has been filed as provided by paragraph (f) of this section, and paragraph (e) of this section has been amended to specify the use as essential.

(e) * * *

(7) Polymyxin B sulfate-bacitracin zinc-neomycin sulfate soluble antibiotic powder without excipients, for topical use on humans.

(8) Anesthetic drugs for topical use on accessible mucous membranes of humans where a cannula is used for application.

* * * * *

Effective date. This regulation is effective May 5, 1980.

(Secs. 301, 501, 502, 505, 507, 701(a), as amended 52 Stat. 1042–1043 as amended, 1049–1053 as amended, 1055–1056, 59 Stat. 463 as amended (21 U.S.C. 331, 351, 352, 355, 357, 371(a)); (sec. 102(2), 83 Stat. 853 (42 U.S.C. 4332)))

Dated: March 11, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10201 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 5

Redelegations of Authority From the Commissioner of Food and Drugs; Revised Organization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document revises the regulations setting forth the organization structure of the Food and Drug Administration (FDA). Several reorganizations have occurred since the structure was last issued. These revised regulations will present FDA's latest organization structure and give the latest addresses for the field organization.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended by revising §§ 5.100 and 5.115 to read as follows:

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Office of Regulatory Affairs.
Office of Health Affairs.
Office of Policy Coordination.
Office of Management and Operations.
Office of Planning and Evaluation.
Office of Legislative Affairs.
Office of Public Affairs.
Office of Consumer Affairs.

Bureau of Biologics [2]

Office of the Director.
Division of Compliance (Biologics).
Division of Virology.
Division of Blood and Blood Products.
Division of Control Activities.
Division of Pathology.
Division of Bacterial Products.
Division of Biologics Evaluation.

Bureau of Drugs [1]

Office of the Director.
Office of Planning, Evaluation, and Management.
Associate Director for Drug Monographs.
Division of OTC Drug Evaluation.
Division of Biopharmaceutics.
Division of Generic Drug Monographs.
Associate Director for Biometrics and Epidemiology.
Division of Biometrics.
Division of Poison Control.
Division of Drug Experience.
Associate Director for Compliance.
Division of Methadone Monitoring.
Division of Drug Product Quality.
Division of Drug Labeling Compliance.
Division of Drug Manufacturing.
Associate Director for Pharmaceutical Research and Testing.
Division of Drug Biology.
Division of Drug Chemistry.
National Center for Antibiotics Analysis.
National Center for Drug Analysis.
Associate Director for New Drug Evaluation.
Division of Anti-Infective Drug Products.
Division of Cardio-Renal Drug Products.
Division of Surgical-Dental Drug Products.
Division of Metabolism and Endocrine Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Radiopharmaceutical Drug Products.
Division of Drug Advertising.
Division of Scientific Investigations.
Associate Director for Information Systems.
Division of Drug Information Resources.
Division of Information Systems Design.
Medical Library.

Bureau of Foods [3]

Office of the Director.
Associate Director for Compliance.
Division of Compliance and Industry Programs.
Division of Food and Color Additives.
Division of Regulatory Guidance.
Division of Retail Food Protection.
Associate Director for Nutrition and Food Sciences.
Division of Consumer Studies.
Division of Nutrition.
Division of Microbiology.
Division of Food Technology.
Associate Director for Toxicology.
Division of Mathematics.
Division of Pathology.
Division of Toxicology.
Associate Director for Physicial Sciences.
Division of Chemical Technology.
Division of Color Technology.
Division of Cosmetics Technology.
Division of Chemistry and Physics.

Bureau of Medical Devices [4]

Office of the Director.
Office of Small Manufacturers Assistance.
Associate Director for Device Research and Testing.
Associate Director for Standards.
Division of General Medical Device Standards.
Division of In Vitro Diagnostic Device Standards.
Associate Director for Compliance.
Division of Compliance Programs.
Division of Compliance Operations.
Division of Product Surveillance.
Associate Director for Device Evaluation.
Division of Cardiovascular Devices.
Division of Gastroenterology/Urology and General Use Devices.
Division of Anesthesiology and Neurology Devices.
Division of Obstetrics/Gynecology and Radiology Devices.
Division of Surgical and Rehabilitation Devices.
Division of Clinical Laboratory Devices.
Division of Ophthalmic, Ear, Nose, Throat, and Dental Devices.

Bureau of Radiological Health [1]

Office of the Director.
Division of Compliance.
Division of Biological Effects.
Division of Electronic Products.
Division of Training and Medical Applications.

Bureau of Veterinary Medicine [1]

Office of the Director.
Associate Director for Scientific Services.
Associate Director for Research.
Division of Veterinary Medical Research.
Associate Director for Scientific Evaluation.
Division of Drugs for Avian Species.
Division of Drugs for Ruminant Species.
Division of Drugs for Swine and Minor Species.
Division of Drugs for Non-Food Animals.
Associate Director for Surveillance and Compliance.
Division of Compliance.
Division of Surveillance.
Division of Animal Feeds.

Executive Director for Regional Operations [1]

Office of the Executive Director.
Associate Director for Field Support.
Office of Resource Planning and Management.
Division of Field Science and Technology.
Division of Field Investigations.
Division of Field Regulatory Guidance.
Associate Director for Federal-State Relations.
Division of Federal-State Relations.

National Center for Toxicological Research [5]

Office of the Director.
Office of Scientific Intelligence.
Associate Director for Research Operations and Planning.
Associate Director for Research.
Division of Teratogenesis Research.
Division of Mutagenesis Research.
Division of Carcinogenesis Research.
Division of Microbiology and Immunology.
Division of Biometry.
Division of Chemistry.
Associate Director for Chemical Evaluation.
Division of Chemical Toxicology.
Division of Pathology.
Division of Animal Husbandry.
Associate Director for Management.
Division of Management Services.
Division of Toxicological Data Management Systems.
Division of Facilities, Engineering, and Maintenance.

§ 5.115 Field structure.

Region I

Regional Field Office: 585 Commercial St., Boston, MA 02109.
District Office: 585 Commerical St., Boston, MA 02109.
Winchester Engineering and Analytical Center: 109 Holton St., Winchester, MA 01890.

Region II

Regional Field Office: 850 Third Ave., Brooklyn, NY 11232.
District Office: 850 Third Ave., Brooklyn, NY 11232.
District Office: 599 Delaware Ave., Buffalo, NY 14202.
District Office: 20 Evergreen Place, East Orange, NJ 07018.
District Office: Post Office Box S–4427, San Juan Station, San Juan, PR 00905.

Region III

Regional Field Office: Rm. 1204, Second and Chestnut Streets, Philadelphia, PA 19106.
District Office: Rm. 1204, Second and Chestnut Streets, Philadelphia, PA 19106.
District Office: 900 Madison Ave., Baltimore, MD 21201.

Region IV

Regional Field Office: 880 W. Peachtree St., Atlanta, GA 30309.
District Office: 880 W. Peachtree St., Atlanta, GA 30309.
District Office: 297 Plus Park Boulevard, Nashville, TN 37217.
District Office: Post Office Box 118, Orlando, FL 32802.

Region V

Regional Field Office: Rm. A–1945, 175 W. Jackson Boulevard, Chicago, IL 60604.
District Office: Rm. 1222, 433 W. Van Buren St., Chicago, IL 60607.
District Office: 1141 Central Parkway, Cincinnati, OH 45202.
District Office: 1560 E. Jefferson Ave., Detroit, MI 48207.
District Office: 240 Hennepin Ave., Minneapolis, MN 55401.
Minneapolis Center for Microbiological Investigations: 240 Hennepin Ave., Minneapolis, MN 55401.

Regional VI

Regional Field Office: 3032 Bryan St., Dallas, TX 75204.
District Office: 3032 Bryan St., Dallas, TX 75204.
District Office: 4298 Elysian Fields Ave., New Orleans, LA 70122.
Houston Section: Suite 250, 1440 North Loop, Houston, TX 77009.

Region VII

Regional Field Office: 1009 Cherry St., Kansas City, MO 64106.
District Office: 1009 Cherry St., Kansas City, MO 64106.

Region VIII

Regional Field Office: 721 19th St., U.S. Customhouse, Denver, CO 80202.
District Office: 721 19th St., U.S. Customhouse, Denver, CO 80202.

Region IX

Regional Field Office: Rm. 526 U.N. Plaza Federal Office Bldg., San Francisco, CA 94102.
District Office: Rm. 526 U.N. Plaza Federal Office Bldg., San Francisco, CA 94102.
District Office: 1521 W. Pico Boulevard, Los Angeles, CA 90015.

Region X

Regional Field Office: Rm. 5003, 909 First Ave., Seattle, WA 98174.
District Office: Rm. 5003, 909 First Ave., Seattle, WA 98174.

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[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.
[2] Mailing address: 8800 Rockville Pike, Bethesda, MD 20014.
[3] Mailing address: 200 C St. SW., Washington, DC 20204.
[4] Mailing address: 8757 Georgia Ave., Silver Spring, MD 20910.
[5] Mailing address: Jefferson, AR 72079.

Effective date. This regulation shall be effective April 4, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 26, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10203 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 81

[Docket No. 79N-0194]

General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics; Temporary Tolerances; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Confirmation of effective date.

SUMMARY: This notice confirms the effective date of November 19, 1979 of a regulation that amends the temporary tolerances for certain provisionally listed color additives that are used in ingested cosmetics and drugs.

DATE: Effective date confirmed: November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) published a final regulation in the **Federal Register** of August 21, 1979 (44 FR 48964), to reduce the levels of the temporary tolerances for six color additives, and to add two color additives to the temporary tolerance list for lipstick use; to specify the tolerances for mouthwashes and dentifrices; and, for ingested drugs other than mouthwashes and dentifrices, to reduce the levels of the temporary tolerances for three color additives, to remove one color additive from the temporary tolerance list and to add three color additives to the temporary tolerance list (21 CFR 81.25). One objection was received.

The writer of the objection took exception to the temporary tolerance being placed on D&C Yellow No. 10 by the addition of this color to the temporary tolerance list (21 CFR 81.25). The objector requested that there be no restrictions on the use of D&C Yellow No. 10 other than good manufacturing practices. In support of this request, the objector cited this color's history of use along with an FAO/WHO evaluation which lists the completed safety studies and gives an acceptable daily intake (ADI) of 0.5 milligram per kilogram. The objector also quoted the concluding statement in an interim FDA report on the present toxicity studies with D&C Yellow No. 10 which states "We see no deleterious effects in either study that would preclude the provisional listing of the color." In addition, the objector cited comparable statements in interim reports for other color additives which are now being tested at lower or at the same feeding levels as D&C Yellow No. 10, and for which there are no temporary tolerances. Further, the objector called the usage data in the petition for D&C Yellow No. 10 obsolete. Many manufacturers, the objector claimed, have substituted D&C Yellow No. 10 for FD&C Yellow No. 5 because the FDA reported possible allergic reactions to the ingestion of FD&C Yellow No. 5. Finally, the objector pointed out that the lipstick tolerance for D&C Yellow No. 10 is lower than the tolerance levels for other colors which have been fed without adverse effects at lower levels than the feeding level for D&C Yellow No. 10. The objector did not request a hearing.

The safety studies listed by FAO/WHO were considered by FDA in its review of D&C Yellow No. 10. The ADI given by FAO/WHO is a temporary estimate, and further testing by that organization is required. Furthermore, the interim reports cited in the objection are concerned not with what levels should be considered safe, but only with the continued provisional listing of these colors because the ongoing safety studies have not shown serious deleterious effects at this time. FDA uses safety studies as a basis for tolerance levels only when the studies are completed. The assertion that many manufacturers have switched from FD&C Yellow No. 5 to D&C Yellow No. 10 increases the need for a temporary tolerance on this color because there is greater possibility for multiple exposures through the use of more than one product containing this color. The FDA has not prohibited the use of FD&C Yellow No. 5 in ingested products but will require a label declaration of its presence (see the **Federal Register** of June 26, 1979; 44 FR 37212). The lipstick tolerance for D&C Yellow No. 10 is not based on a comparison with other colors, but is set at the level that was requested by the petitioners for this color.

The FDA finds that this objection does not provide any new evidence regarding the safety of D&C Yellow No. 10. There is no basis for considering a different tolerance at this time. These temporary tolerances should not be increased before the safety tests now underway are completed. The results of the ongoing tests will be used, when completed, as a basis for determining whether D&C Yellow No. 10 should be permanently listed and, if so, the appropriate limitations for this listing. The agency concludes that the temporary tolerances for D&C Yellow No. 10 provided in the regulation of August 21, 1979, should not be changed.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203(d)(1)(C), 74 Stat. 405 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), there being no other objections or any request for a hearing in response to the regulation of August 21, 1979, the amendments promulgated thereby became effective on November 19, 1979.

Dated: March 25, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10199 Filed 4-3-80; 8:45 am]

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21 CFR Part 101

[Docket No. 77N-0404]

Protein Products; Warning Labeling

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing label warning requirements for products prepared in whole or in part from protein, protein hydrolysates, amino acid mixtures, or combinations of these, and that may be used to reduce weight. FDA is establishing these requirements because of evidence that very low calorie diets consisting primarily of protein may cause serious medical problems or death. The warning requirements will alert consumers of the potential health hazards of consuming these products of extended periods as the sole or primary source of calories in order to lose weight.

DATE: The effective date of this final rule shall be August 4, 1980.

FOR FURTHER INFORMATION CONTACT: Victor P. Frattali, Bureau of Foods (HFF-202), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1561.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the **Federal Register** of December 2, 1977 (42 FR 61285), FDA proposed to require warnings on the labels of protein

products that may be used for weight reduction. FDA considers the term "protein product" to include food products deriving 50 percent or more of their caloric value from protein and promoted for weight reduction or for food supplementation. The proposal was issued after FDA received numerous reports of illness and death among persons using these products in very low calorie diets for rapid weight loss. Since that time there has been an accumulation of evidence that prolonged use of a protein product as the sole or primary source of calories at very low daily intake levels may be causally associated with the sudden onset of heart irregularities and death in obese individuals who are otherwise well. Following issuance of the proposal, a tentative final rule was published on December 29, 1978 (43 FR 60883). Because the tentative final rule differed substantially from the proposal, an additional 60-day period was provided to allow interested parties to comment.

II. Summary of Data and Information Gathering Activities

1. The U.S. Public Health Service Protein Diet Task Force (USPHS Task Force) was established on December 6, 1977 by the Assistant Secretary for Health of the Department of Health, Education, and Welfare with members representing FDA, the Center for Disease Control (CDC), the National Institutes of Health (NIH), and the National Center for Health Statistics (NCHS). The purpose of the USPHS Task Force was to explore the public health problem of deaths and injuries associated with the use of protein products as the sole or primary source of calories to achieve weight reduction. The USPHS Task Force monitored the death and injury information and related activities and, at the time of issuance of the tentative final rule, concluded that the total body of knowledge on the subject supported the hypothesis that a cause-and-effect relationship exists between cardiac deaths and prolonged use of protein products as the principal or sole source of nourishment for purposes of rapid weight reduction. The USPHS Task Force concluded that the hypothesis is supported in cases where the daily caloric intake is significantly below 800 Calories (below 800 kilocalories). Newly available information on deaths summarized in the following paragraphs supports the USPHS Task Force's initial conclusion. Since the USPHS Task Force will have served its function when this final rule is published, the chairman of the Task Force has recommended to the Assistant Secretary for Health that the unit be dissolved at that time.

2. The Federal Trade Commission (FTC) in 1974 began an investigation of possible misrepresentations and unfair or deceptive nondisclosures in advertising and labeling of protein supplements. As a result of that investigation, FTC issued in 1975 a report recommending a proposed trade regulation rule to the Commission ("Protein Supplement Health Hazards and Marketing Deceptions: A Staff Report to the Federal Trade Commission," August 8, 1975). A proposed trade regulation rule was published by the Commission in the **Federal Register** of September 5, 1975 (40 FR 41144), and a series of public hearings on the proposed rule were held in 1976.

In 1977, FDA became increasingly concerned about the rapidly growing use of protein products as the primary or sole source of calories in very low calorie diets and the health hazards associated with such use. In the **Federal Register** of December 2, 1977 (42 FR 61285), FDA issued a proposal to establish label warning requirements for protein products that may be used for weight reduction. FTC also began in 1977 an independent investigation of advertising for protein products used in weight reduction and worked closely with FDA to ensure complementary and nonduplicative actions. FTC has closed that particular investigation and, in doing so, indicated that:

> [a]lthough no further action is warranted at this time, promotion of concentrated protein products for use as the principal or sole source of calories for rapid weight loss without disclosing the health risks inherent in such a diet regime or the need for medical supervision would, in the Commission's opinion, be a questionable business practice, especially in light of the Food and Drug Administration's tentative final rule requiring such disclosures in labeling.

A copy of the letter (LET 055) from FTC indicating closure of their investigation of advertising for products used for weight reduction is on file with the Hearing Clerk, Food and Drug Administration.

FTC is continuing its proceedings on advertising and labeling claims for protein supplements promoted to increase the amount of protein in the diet. Most recently the FTC staff issued a report related to the investigation of those products ("Advertising and Labeling of Protein Supplements: Staff Report and Recommendations on Proposed Trade Regulation Rule," Public Record No. 215-49, 16 CFR Part 454, January 15, 1979). In the report, the FTC staff recommended requirements for affirmative disclosure of the protein content of the product and health risks to infants and persons with liver or kidney damage. The FTC staff also recommended that false representations regarding protein use be prohibited and that affirmative disclosure of material facts be required when certain representations, standing alone, would be deceptive or misleading. Comments on that report will be reviewed and then final FTC staff recommendations will be made to the FTC Commissioners.

3. At the time of publication of the tentative final rule, FDA had reports of 60 deaths, involving men and women, associated with the use of protein or related products as the principal or sole source of calories for rapid weight loss. In evaluating these deaths, FDA and CDC used strict criteria to determine whether the deaths could be attributed to the use of a protein product as the sole or principal source of calories for an extended period. The primary criterion used was whether the death was a sudden cardiac-related death, clearly not atherosclerotic in origin, in an individual with no significant underlying heart disease who was either on a very low calorie protein diet or had recently discontinued such a diet. When the tentative final order was published, 16 of the 60 cases were found to meet the criterion. All of the 16 decedents were white women between the ages of 23 and 51 who were on some type of low calorie protein diet for a prolonged period of 2 to 8 months and who had achieved a major weight loss of between 20 and 139 pounds. Following issuance of the tentative final order, a seventeenth case (Case No. 56) was determined to have met the criterion. That case is particularly noteworthy for two reasons: (1) It is the only qualifying case that involves a male, and (2) it involves the use of a powdered product containing proteins of high biological quality. The decedent was a 43-year-old obese white male who lost 180 pounds over a 7-month period while consuming a product consisting of egg- and milk-derived protein as well as carbohydrate and vegetable oil. The protein ingredients of the product contributed 180 of the 320 Calories in the daily diet regimen.

The fact that Case No. 56 involved a male is significant because the 16 other very low calorie protein diet related deaths of a cardiogenic nature involved white women, 51 years of age or younger. There was a question as to whether premenopausal white females might be particularly susceptible to the sudden onset of heart irregularities as a consequence of strict adherence to a

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very low calorie protein diet. Moreover, although there are insufficient facts upon which to draw a conclusion, anecdotal information indicates that the frequency of dieting among males is less than that for females. Additionally, because the development of all case findings regarding very low calorie protein diets has been primarily a passive process consisting of voluntary submission by a variety of sources of reports of death, the cases on file probably do not constitute a representative sample for men and women and major racial groups. Thus, although only 1 case among 17 involved a male, these data are not regarded as indicating that men are less susceptible than women to the consequences of prolonged adherence to a very low calorie protein diet. Rather, these data appear to demonstrate that similar pathology can result in men as well as women. Case No. 56 involved a middle-aged male with a history of treated hypertension whose death during the early refeeding stage following a strict 7-month diet was attributed to a myocardial infarction ("heart attack"). However, the pattern of his death, syncope (blackout episodes) followed by intractable ventricular arrhythmia (a specific erratic functioning of the heart) and specific electro-cardiographic changes, was the same as that observed among the 16 females. Postmortem studies showed very little evidence for either significant coronary artery disease or hypertensive cardiovascular disease. Changes in the myocardium (heart muscle), however, were similar to those in the cases involving women, strongly indicating the possibility for a common pathological mechanism leading to death.

The biological quality of the protein product involved in Case No. 56 is significant. A number of objections to the proposed regulations have stated that the proposed label warnings should not apply to products of high biological quality, but rather should be limited to hydrolyzed collagen products, the type most commonly used in the "liquid protein" diet, because there is no evidence that the high quality products are harmful. The evidence from Case No. 56 and Case Nos. 29 and 37 supports the conclusion in the tentative final rule (43 FR 60889–60890) that neither the physical form (i.e., aqueous solution or dehydrated solid) nor the biological quality of these products is a demonstrably determinative factor relative to causation of death. For these reasons, this order is directed at use of these products in very low calorie protein diets, regardless of whether they are liquid or powdered, high- or low-quality protein products.

Since publication of the tentative final rule, FDA has received a few other reports of deaths that were purported to be associated with adherence to a very low calorie protein diet. These reported deaths have been investigated to the extent possible or deemed necessary. All appropriate information gathered in each of these cases was filed as part of the public record maintained by the Hearing Clerk, Food and Drug Administration. It is difficult to assess cause of death for most of the cases reported to FDA because of difficulties in collecting all the pertinent facts and because of a number of variables such as the preexistence of a serious illness in the decedent and adherence to a weight loss diet for a very limited period. It is extremely difficult to obtain accurate and complete information on these variables and to assess their effect on the cause of death. Accordingly, the practice of enumerating the additional reported deaths that are claimed to be associated with adherence to an extreme weight loss diet has been discontinued. Instead, only those cases which appear to meet the strict criteria mentioned above were selected for extensive followup and considered for inclusion among the 17 deaths for which a common pattern exists.

Although deaths associated with adherence to a very low calorie protein diet continue to be reported to FDA and CDC, the frequency with which such deaths are brought to the attention of the agencies has declined greatly since the latter part of 1977 and early 1978. Of the 17 cardiogenic deaths mentioned above, for example, most occurred in September and October of 1977, and the latest occurred in January 1978. It is assumed that the decline in the number of deaths is reasonably ascribable to the concomitant decline in use of protein products as a consequence of the publicity surrounding the first reports of death associated with very low calorie protein diets in late 1977.

Two scientific articles that review the epidemiology, general pathology, and cardiopathology for the 17 cases mentioned above have been prepared recently. Titles and references for both articles are as follows: "Sudden, Unexpected Death in Avid Dieters Using the Liquid-Protein-Modified-Fast Diet: Observations in 17 Patients and the Role of the Prolonged QT Interval," J. M. Isner, et al., *Circulation*, 60: 1401–1412 (1979), and "Sudden Death Associated with Protein-Supplemented Weight Reduction Regimens," H. E. Soure, et al., *American Journal of Clinical Nutrition*, in press.

4. The tentative final rule described in some detail the telephone interview probability survey conducted in early 1978 to determine the extent of use of protein products as the principal or sole source of nourishment for purposes of rapid weight reduction among women who were 25 to 44 years of age (43 FR 60884). One of the main reasons for conducting the survey was to determine the frequency of use throughout 1977 and early 1978 of the typical gelatin derived, "predigested liquid protein" products for two months or longer by women 25 to 44 years of age who were dieting to lose weight. This information, in combination with appropriate complementary data on deaths, was used to compute an adjusted annual rate for deaths of a sudden cardiogenic nature among female dieters who had used a liquid protein product. The death rate was computed to be 59 per 100,000 population per year. Because there have been no additional reports to the agency of deaths among white women 25 to 44 years of age that meet all other criteria, that death rate remains unchanged.

5. The tentative final rule stated that the annual death rate for white females 25 to 44 years of age in the general population whose deaths were etiologically similar to the pattern among the liquid protein dieters was derived from recent national statistics compiled by NCHS. That death rate is 2 per 100,000 population per year (43 FR 60884). The diagnostic criteria used to arrive at this rate were acute myocarditis, cardiomyopathy, cardiac arrest, ventricular fibrillation, and ill-defined heart disease. This normative death rate has served as a point of reference against which the estimated death rate for dieters (59 per 100,000 per year) has been compared to assess the relative risk of strict dieting (i.e., 2 deaths versus 59).

In an attempt to derive a better estimate of the normative death rate for obese females from the appropriate population subgroup whose deaths are not associated with antecedent serious illness, the USPHS Task Force recommended, and NCHS and CDC initiated, a study on information from death certificates. The procedure followed by NCHS and CDC involved identifying death certificates from 1975 and 1976 for women 25 to 44 years of age whose deaths were associated with one or more of the diagnostic criteria mentioned above. Copies of these death certificates were obtained from the State agencies maintaining these records. Certificates that were either

incomplete or indicated the presence of significant underlying disease were eliminated from further consideration. Of those remaining, the physicians who had signed the certificates were requested to provide information on the height and weight of each decedent and any other pertinent medical information. CDC planned to select from the larger population of decedents those whose degree of obesity was similar to that of those individuals whose deaths are associated with adherence to a very low calorie protein diet. The relative obesity of these individuals was to be determined by using the ratio of weight to the square of the height in appropriate units of measure as an index. It was hoped that this information, along with available data on the prevalence of obesity in the general population, would yield a better estimate of a normative mortality rate for obese, nondieting females. FDA expected to use this mortality rate to more precisely assess the relative risk of death for women on a very low calorie protein diet.

After responses from some of the States were received, it soon became evident that the high degree of variability from State to State in the quality of the required data would not permit an accurate calculation of the desired normative death rate. Therefore, this effort was discontinued. FDA does, however, plan to continue to use the rate of 2 per 100,000 population per year as a basis for comparison against the death rate among obese dieters. Although this rate is derived from the general female population, it is considered a reasonable basis for comparison because the normative death rate among obese, but otherwise healthy, premenopausal females is unlikely to be significantly different from that of the general female population.

6. In an attempt to explore the basic mechanisms for the cause of death, FDA initiated a study using the laboratory rat as a model. The tests were intended to examine the pathophysiology of laboratory rats under severe conditions of caloric restriction on diets formulated primarily from commercial protein products. The tests were designed to assess possible correlations of myocardial arrhythmias and death with various aberrant states of nutritional health and rate of weight loss. The tests, which have been completed, have not significantly increased the agency's understanding of the relationship between strict dieting and cardiac pathology. A report on some of the findings titled "Subacute Toxicity of Various Liquid Protein Diets Fed to Holtzman Rats—Histopathologic Evaluation" has been filed with the FDA Hearing Clerk under Docket No. 77N–0404 (RPT 331). When all data analyses are complete, the entire body of information will be subjected to peer review for consideration for publication in the scientific literature.

7. As noted in the tentative final order, FDA has made inspections of manufacturers, repackers, and reformulators of "predigested liquid protein" and other types of protein products promoted for weight control (43 FR 60894). During these inspections of manufacturing processes, product samples were collected for analyses as part of a food sanitation and quality control program. Samples were tested for their ability to support growth of microorganisms of public health significance and were analyzed for amino acid content. Product labels were reviewed for ingredient and nutrition labeling and other information. The program evaluation is currently being prepared and will be placed on file with the Hearing Clerk. As noted previously, the information obtained regarding manufacturing methods and analyses of products sampled during establishment inspections have not provided insight into the cause of death for individuals using these products in very low calorie diets.

8. A few additional complaints of illness or injury attributed to consumption of protein products by consumers attempting to lose weight have been reported to FDA since preparation of the tentative final rule for publication. Most of the complaints were directed to FDA district or regional offices located throughout the country. As noted previously, these reports of adverse reactions to a number of protein products usually consisted of anecdotal information regarding a diversity of conditions that included nausea, vomiting, allergic reactions, and the like. These reports, however, are generally regarded as providing insufficient information to indicate a cause-and-effect relationship between any one product or the whole class of products and the reported complaints and adverse reactions. These reports have been placed on file with the FDA Hearing Clerk.

9. As mentioned in the tentative final rule, the USPHS Task Force suggested that medical and scientific opinion be obtained from a select group of experts on the immediate and long-term research needs concerning the management of obesity by severe caloric restriction (43 FR 60885). In response to this recommendation, a review of the subject by a group of scientific and medical experts was performed in late November and early December of 1978 under the provisions of a contract for such services issued by FDA. The final report on this comprehensive review entitled "Research Needs in Management of Obesity By Severe Caloric Restriction" may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. Orders should contain the following information: Order number PB 80–128234 and price code A07. The price of a copy of the report is § 10.00* A microfiche copy of the report may also be ordered using price code A01 at a price of § 3.50.*

A copy of the report is available for review in the office of the Hearing Clerk, Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD. 20857.

10. As discussed in the tentative final rule, apart from the pursuit of epidemiological evidence regarding deaths, unequivocal establishment of a cause-and-effect relationship depends on a thorough understanding of the basic mechanisms causing the deaths in question (43 FR 60885). Unfortunately, a thorough understanding of the basic mechanisms of the reported deaths does not exist, although it does appear that the deaths are not related to the quality of protein consumed. Based on an evaluation by the CDC of information on the reported deaths, and the mortality rate data for dieting and nondieting females, it was concluded that adherence to a very low calorie protein diet, especially the liquid protein diet and its variations, for prolonged periods appears to be "associated with a significantly increased risk of dying suddenly from a cardiac arrhythmia resulting from myocardial damage. The clinical, electrocardiographic, and pathologic pattern of these deaths was highly suggestive of death by starvation." The basis for this determination is discussed more thoroughly in the final report prepared by the CDC, and a copy of that report has been filed with the FDA Hearing Clerk (REF 055).

III. Summary of Differences Between the Tentative Final Rule and the Final Rule

Objections received in response to the tentative final rule prompted the revisions that have been incorporated into this final rule. The final rule differs from the tentative final rule in the following respects:

1. The title of the regulation has been changed from "Protein Supplement,

* Prices subject to change.

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Warning Labeling" to "Protein Products, Warning Labeling."

2. Section 101.17(d)(4) has been added to clarify which warning statements should be used for protein products promoted for more than one purpose.

3. Section 101.17(d)(6) has been added to clarify that protein products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to consumers in such bulk form or container are exempt from the labeling requirements of § 101.17(d).

4. The type size requirements for the warning statements in § 101.17(d) have been changed to not less that 1/16 of an inch.

5. The effective date of the regulation has been extended from 60 to 120 days after publication of the final rule in the **Federal Register**.

6. Section 101.17(d)(3) has been amended to clarify its applicability to protein products promoted or intended for food supplementation deriving more than 50 percent of their caloric value from protein and promoted specifically for purposes other than weight reduction. It has also been amended to eliminate the term "protein supplement" from the regulation.

7. The label warning required by § 101.17(d)(1) has been amended to specify that the term "very low calorie protein diet" means a diet of less than 800 Calories per day.

IV. Summary of Comments and Agency Responses

Twenty-five comments were filed in response to the December 29, 1978 tentative final rule. A summary of the points raised in the comments and FDA's position on them are given below.

As with the proposal, comments were made on the general concept of requiring warning statements and the adequacy of that approach to solve problems associated with use of protein products. For the reasons described in the proposal and tentative final rule, FDA has concluded that requiring warning labels on protein products is the appropriate response to this public health problem. A few comments presented testimonial statements in support of specific products or objected to regulatory measures on the basis of personal experiences in which they benefited from use of protein products.

On the other hand, some comments supported the agency's initiatives, while others offered testimonials on adverse effects of using protein products and generally supported the agency's actions or encouraged a stronger regulatory response.

A. *Legal Issues.* The protein products label warning regulation is being promulgated under sections 701(a), 403(a) and 201(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a), 343(a), and 321(n)). Section 701(a) provides broad authority to FDA to issue regulations "for the efficient enforcement" of the act. *National Nutritional Foods Association* v. *Weinberger*, 511 F. 2d 688, 695–701. (2d Cir. 1975). Section 403(a) of the act provides that a food is misbranded if "its labeling is false or misleading in any particular," and section 201(n) of the act provides that in determining whether the label or labeling of a product is false or misleading, it is appropriate to consider both the information contained in, and that which is omitted from, the label and labeling. In light of the evidence of the risks to health associated with the use of protein products in very low calorie diets, failure to warn consumers of those risks on the label of protein products consitutes omission of a material fact about the products. Omission of that fact renders the label for the products "false or misleading" and the products, therefore, misbranded. The authority of the agency under sections 201(n), 403(a) and 701(a) of the act to issue regulations to impose a warning requirement to prevent the products from being misbranded is well established. *Almay, Inc.* v. *Califano*, 569 F.2d 674 (D.C. Cir. 1977); *Cosmetic, Toiletry and Fragrance Association* v. *Schmidt*, 409 F. Supp. 57 (D.D.C. 1976). Indeed, these three sections have been the basis for many labeling regulations issued by FDA in recent years. See, for example, 21 CFR 101.9 and Parts 102 and 104.

1. One comment repeated the allegation that FDA improperly convened an advisory committee meeting on October 20, 1977, in violation of the procedural provisions of the Federal Advisory Committee Act (FACA) regarding meeting notices. The comment contended that the proposed rule was issued, at least in part, as a result of that meeting and objected to the tentative final rule on that ground.

FDA acknowledges that in *National Nutritional Foods Association* v. *Califano*, 603 F.2d 327, (2d Cir. 1979) the Second Circuit Court of Appeals held that the meeting of October 20, 1977 between FDA representatives and five clinicians specializing in the treatment of obesity was subject to the Federal Advisory Committee Act (FACA) and was held in violation of the procedural provisions of the FACA. However, the Court refused to invalidate the tentative final rule on that basis because the agency's "rulemaking procedures afford ample opportunity to correct infirmities resulting from improper advisory committee action prior to the proposal." FDA agrees with the Court's conclusion that the opportunity to comment on the tentative final rule provides ample opportunity to remedy any infirmity resulting from the meeting.

2. One comment argued that the warnings required by the final rule must be issued under authority of section 403(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(j)) and, therefore, in accordance with procedures in section 701(e) of the act (21 U.S.C. 371(e)), which provide opportunity for a formal evidentiary hearing before a warning could be required.

This legal point was also argued in the case of *National Nutritional Foods Association* v. *Califano*, supra. The Court declined to grant relief to the plaintiffs because they had failed to exhaust their administrative remedies before the agency.

FDA's position on this matter was discussed in detail in the tentative final rule. Comments submitted on the tentative final rule have not provided persuasive justification for altering that position.

Section 403(j) of the act, upon which these comments rely, concerns FDA's authority to require a particular type of information on the labels of foods for special dietary use, i.e., information concerning their "vitamin, mineral and other dietary properties as the Secretary determines to be * * * necessary in order to fully inform purchasers as to" their value for dietary uses (21 U.S.C. 403(j)). In contrast, section 403(a) of the act embodies a broad prohibition on false or misleading labeling for all food, taking into account the extent to which the labeling fails to reveal facts about the consequences that may result from use of the article.

Although there would appear to be some overlap in the kinds of informational deficiencies at which these two provisions are directed, it is clear that they are not coextensive. Section 403(a) of the act applies to all foods, and therefore has a broader scope than does section 403(j) of the act. It also applies to any form of false or misleading statement, not merely to those relating to "vitamin, mineral or other dietary properties." Moreover, section 403(j) of the act authorizes FDA to affirmatively require label statements even where the failure to bear them would not make the labeling of a product false or misleading. Foods for special dietary use are subject to both sections, and compliance with FDA regulations issued under section 403(j) of the act does not obviate the need for the product to comply with regulations issued under other sections of the law, including section 403(a) of the act. *National Nutritional Foods Association* v. *FDA*, 504 F.2d 761, 755 (2d Cir. 1974); *United States* v. *An Article of Food * * * Labeled in Part * * * Nuclomin*, etc., 482 F.2d 581 (8th Cir. 1973) and *United States* v. *An Article of Food*, etc., 377 F. Supp. 746 (E.D. N.Y. 1974).

In short, special dietary foods are subject to the provisions and requirements of both section 403(a) of the act and 403(j) of the act. FDA has discretion to act under either section, depending upon the particular circumstances and the type of regulation it intends to issue. In this instance, FDA has elected to proceed under sections 403(a), 201(n) and 701(a) of the act. If the regulation is authorized by those sections (as FDA believes it is), its validity is not diminished by the fact that it may also be authorized by section 403(j) of the act. There is nothing to suggest that section 403(j) preempts section 403(a) with respect to labeling requirements of the kind at issue in this rulemaking. Sections 403(a), 201(n) and 701(a) of the act do not require, as does 701(e) of the act, that a formal evidentiary hearing be held. Accordingly, FDA will not hold a formal evidentiary hearing in connection with the promulgation of this regulation.

3. One comment asked that FDA hold an informal hearing on the matter.

FDA has concluded that the proceedings leading to this final rule have provided sufficient opportunity for the presentation of pertinent information related to use of protein products in very low calorie protein diets. A very large amount of information was submitted and used as the basis for this final decision. Therefore, FDA concludes that little, if any, additional public benefit could be derived from a costly and time-consuming informal hearing.

4. One comment contended that the regulation is not supported by substantial evidence, is arbitrary and capricious, and is not in accordance with the law.

FDA believes that throughout the proceedings leading to this final rule, substantial and persuasive evidence has been presented supporting its position. This evidence and the agency's position on the legal issues have been set forth in detail in the tentative final rule and in this document. Therefore, the comment's objection is unfounded.

B. *Alternative Courses of Action.* 1. One comment suggested that FDA wait for FTC to complete its report on protein products before making any pronouncements.

FTC and FDA have worked closely during their separate investigations of advertising and labeling for protein products for weight reduction and protein supplements. The regulatory initiatives of the two agencies are being coordinated to ensure complementary actions with nonduplicative requirements. FDA's rulemaking procedures have focused primarily on establishing warning labeling for protein products that are promoted for or may be used for weight reduction. The FDA final rule sets forth requirements for two different categories of protein products, depending on whether they are promoted for weight reduction, and is intended to increase consumer awareness of health hazard associated with use of protein products in very low calorie diets.

The FTC investigation of advertising and labeling for protein supplements was directed toward misrepresentations and deceptive nondisclosures for those products, including those promoted for weight reduction. As previously discussed, FTC has closed one aspect of its proceedings on advertising for protein products used for weight reduction. It has also issued a staff report disclosing the findings of its investigation and recommending to the Commission a trade regulation rule for advertising and labeling claims for protein supplements promoted to increase the amount of protein in the diet ("Advertising and Labeling of Protein Supplements: Staff Report and Recommendations on Proposed Trade Regulation Rule," Public Record No. 215–49, 16 CFR Part 454, January 15, 1979). Comments on that report were requested, and those received will be reviewed and evaluated before final staff recommendations are made to the FTC Commissioners. The two agencies are continuing to communicate on developments related to their separate proceedings. Publication of the FDA final rule before completion of the FTC proceedings will not hinder continued cooperative efforts to ensure complementary, nonduplicative actions.

2. One comment suggested that FDA wait until Congress acts on the proposed National Consumer Nutrition Information Act before proceeding.

FDA has the responsibility and authority under current law for appropriately informing consumers of risks associated with use of protein products. Further delay pending congressional action on this matter is neither necessary nor warranted.

C. *Scope of the Regulation.* 1. A comment expressed concern that no distinction was made between liquid and powdered protein products even though liquid protein products are primarily of low biological quality; while powdered protein products are generally manufactured from milk, egg, and soybean derivatives, which are sources of good quality protein. One comment concluded that there was no scientific justification for associating illness or death with the "proper" use of a powdered protein product.

The agency rejects these contentions. Evidence discussed in the tentative final rule suggested that neither the physical form nor the biological quality of protein products was a major factor for consideration relative to causation of death (43 FR 60889–60890). It was noted that in one of the reported deaths involving a woman with no known antecedent disease (Case No. 37), the implicated product was a powdered form promoted as a dietary supplement containing milk-derived proteins that are widely recognized for their high biological quality. In addition, as discussed above, Case No. 56 involved a man who was using a powdered protein product with high biological quality protein ingredients.

FDA therefore maintains the position that no distinction should be made in protein products on the basis of protein quality. Rather, FDA has concluded that it is necessary to inform consumers of risks associated with use of protein products in very low calorie diets, regardless of the protein quality of the product.

Although FDA has not made a distinction for protein products of high biological quality, it has provided an exemption to the requirements of § 101.17(d)(1) for products promoted for weight control if they are accompanied by a nutritionally sound diet plan that provides 800 or more Calories per day. These products, particularly high quality protein products, can be used safely under the aforementioned conditions for a limited time. This exemption, in § 101.17(d)(2), does not require that the label warning associate illness or death with use of a protein product, but requires that the label warning emphasize the necessity for following the accompanying diet plan and that it caution against use of the product as the sole or primary source of nourishment.

2. Two comments questioned the use of protein concentration of the food as a criterion for requiring labeling. One suggested that because the protein concentration, i.e., the percentage of calories derived from protein, bears no rational relationship to the health hazards associated with the products, the regulation should be based on protein quality.

The reasons for not distinguishing protein products on the basis of quality have been previously discussed. FDA

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does not contend that protein concentration, per se, is one of the causes of the problems resulting from use of protein products. However, protein concentration is related to the reported illnesses and deaths in that products of high protein concentration were used more frequently in the very low calorie regimens. It is reasonable, therefore, to use protein concentration as a criterion for this regulation.

3. One comment suggested that the final rule apply only to protein products that derive more than 50 percent of their calories from protein when used according to label directions.

As previously noted, the use of protein concentration for the label warning requirement is based upon evidence of illnesses and deaths associated with the misuse of products of high protein concentration. FDA decided to measure the protein concentration on an "as packaged" basis rather than an "as consumed" basis because, in some cases, persons consume protein products in a manner other than that described in the label directions for the product. In other words, a product of high protein concentration on an "as packaged" basis may be the subject of misuse even though its labeling recommends that it be mixed with milk, thereby reducing its protein concentration below the 50 percent level on an "as consumed" basis. Thus, use of the "as consumed" basis for determining protein concentration would exclude from the label warning requirement products that might be misused.

4. One comment contended that a warning was not needed for products labeled as part of nutritionally balanced 1,000-Calorie diets.

FDA has concluded that the evidence on record indicates that protein products promoted for weight reduction in conjunction with nutritionally balanced diet plans providing 800 or more Calories per day have been misused. The telephone survey of use of protein products among American women demonstrated that a number of powdered protein products, some of which are promoted for use as part of a nutritionally balanced diet plan, were in fact used for extended periods as the principal source of calories in a weight reduction regimen. The survey criterion of "sole or principal use" of a protein product allowed for only the occasional use of milk, juice, black coffee, tea with lemon, and diet soft drinks. The survey, which is filed with the FDA Hearing Clerk as RPT 300, also indicated that frequency of use of these powdered products in 1977 as the principal source of calories for periods greater than 2 months was about the same as that for liquid, primarily gelatin-derived, products. These facts support the need for a warning against the improper use of a product labeled as part of a 1,000-Calorie diet and promoted for weight reduction.

The warning statement prescribed in § 101.17(d)(2) for such products informs consumers of the necessity for following a prescribed nutritionally balanced diet plan and cautions against use of the products as the sole or primary source of calories for weight reduction. FDA believes this information should be conveyed to consumers because existing evidence suggests that the products might be used in a manner that is hazardous to health. Therefore, FDA disagrees with the comment's contention.

5. Two comments questioned the necessity for extending the regulation to all "protein supplements."

One of the comments said that neither the tentative final rule nor its preamble defines the term "protein supplement" and that there is no adequate explanation why purchasers of whole protein supplements should be instructed not to use them for weight reduction when no other food bears such a broad injunction against such use. In addition, the commenter contended that hydrolyzed collagen or gelatin products are mischaracterized when identified as "protein supplements" since they do not provide protein of high nutritional quality.

FDA's position in the tentative final rule and in this document continues to be that neither the biological quality nor other characteristics of a protein product (i.e., whole or hydrolyzed, in dry form or in solution) should be a factor in determining whether the product should bear warning labeling required by this rule. FDA believes there is ample evidence to support this position on file with the FDA Hearing Clerk. The evidence has been discussed in both the tentative final rule and in this document.

There is also evidence that included in the wide variety of protein products that have been used as the sole or principal source of calories in very low calorie protein diets are products characterized on the label or in labeling as "supplements." Case No. 56, which is discussed above, involved the use of a whole protein powdered product labeled as a "fasting supplement." The label of that product identifies it as a "fasting program supplement." Similarly, another product with good quality whole protein ingredients used in Case No. 37 contains the following label information: "(Product name) Dietary Supplement Non-Insulinizing Outpatient Fast * * * How to prepare—As a dietary supplement. Mix or blend well with coffee, tea, water, or low calorie soft drink."

FDA recognizes that there is a broad range of products consisting mostly of good quality protein that are intended for use as an addition to a diet that is normally adequate in protein and therefore might be classified as "supplements." Such products include powdered drink mixes, vegetable protein, milk protein, egg protein, and other substances that are legitimately promoted for use other than for weight reduction. Because of similarities in terminology that is used to describe protein products promoted for weight reduction and protein products intended for some use that does not include weight reduction, there is the potential that consumers will conclude that the latter type of product is safe for use in weight reduction in very low calorie diets. FDA is concerned that a label warning requirement limited only to protein products promoted for weight reduction could be easily circumvented by promoting the product as a "supplement" with no attempt to inform the consumer about potential misuse for weight reduction.

To prevent the reoccurrence of incidents of serious illness or death from products promoted as supplements, the agency has determined that any protein products promoted for purposes other than weight reduction should bear the warning statement specified in § 101.17(d)(3) because they are susceptible to misuse by consumers who may be unaware of the hazards of misuse. The tentative final rule used the term "protein supplements" in § 101.17(d)(3) to describe these products. As the comment points out, however, this term was not defined. Therefore, to make the applicability of § 101.17(d)(3) more clear, FDA is amending § 101.17(d)(3) to eliminate the term "protein supplements" and to specify that protein products promoted or intended for dietary (food) supplementation that derive over 50 percent of their caloric value from protein that are promoted specifically for purposes other than weight reduction are required to bear the warning statement specified in that section. Those products that derive 50 percent or more of their caloric value from protein that are promoted for weight reduction purposes must bear the warning statement specified in § 101.17(d)(1), (2), or (4), as appropriate.

FDA points out that § 101.17(d)(3) is not intended to extend to traditional foods such as fish products and low-fat cottage cheese that may derive over 50 percent of their calories from protein. Traditional foods deriving 50 percent of their caloric value from protein would, however, be subject to § 101.17(d)(1) and (2) if they are promoted for weight reduction.

As a further measure to make the intended scope of the regulation clear, the title of this regulation has been changed from "Protein Supplements, Warning Labeling" to "Protein Products, Warning Labeling."

6. One comment said that most of the products involved in incidents associated with low calorie protein diets are not really protein products and should not be so named. The comment pointed out that these products are partially hydrolyzed gelatin solutions or incomplete mixtures of amino acids having protein efficiency ratios (PER) near zero.

FDA is aware of the low protein efficiency ratio (PER) of the protein constituting many of the protein products. These products are nevertheless protein products and can be marketed as such, and, therefore, should be regulated as protein products. Regulating these products as protein products does not allow manufacturers of these products to make any claims regarding protein content that they would not otherwise be permitted to make. Moreover, it is unlikely that consumers would be misled by the prominent use of the word "protein" or nutrition claims made in the labeling or advertising for these products because such claims would trigger the requirements for full nutrition labeling. Full nutrition labeling would require that the labeling of the product state the quantity of protein in each serving of the food product in grams and in percentage of the U.S. Recommended Daily Allowance (U.S. RDA). Additionally, if a product has a PER of less than 20 percent of the PER of casein, the statement "not a significant source of protein" must be incorporated in the nutrition label as required by § 101.9(c)(7)(ii)(*a*) (21 CFR 101.9(c)(7)(ii)(*a*)).

It should be noted that FDA believes that the term "protein" should not be used in the labeling of products that are not significant sources of protein. For example, "partially hydrolyzed gelatin solution" would be a more appropriate product name than "predigested liquid protein."

7. One comment objected to the exemption provided in § 101.17((d)(1) for high-protein weight reduction foods labeled as "low calorie" or "reduced calorie" on the grounds that these directions for use lack specificity and that therefore a label warning should be required.

The exemption provided for "low calorie" or "reduced calorie" foods is intended to exempt from the label warning requirement traditional foods that contain a high protein concentration, such as "low calorie" cottage cheese. The exemption is applicable only if no other representations are made about the usefulness of the food in reducing caloric intake or body weight and the product is labeled in accordance with the provisions of 21 CFR 105.66, which governs the use of the terms "low calorie" and "reduced calorie." Those currently marketed protein products that are not traditional foods would not comply with the requirements of § 105.66 (21 CFR 105.66) and therefore could not be marketed under this exemption. Thus, this exemption would not allow a manufacturer to circumvent the requirements of § 101.17(d)(1).

If a manufacturer of a "reduced calorie" or "low calorie" cheese product or other food that derives 50 percent or more of calories from protein decides to promote that particular product for use in a weight reduction regimen and designs a nutritionally balanced diet of 800 or more calories that is promoted in conjunction with the product, § 101.17(d)(2) would apply.

D. *Text of the Warning Statements.* 1. One comment asked that clarification be provided in the regulation that the warning statements do not apply to traditional foods that derive 50 percent or more calories from protein, e.g., poultry white meat.

A traditional food that derives 50 percent or more calories from protein would not be subject to the warning requirements unless other criteria in the regulation were met.

The intent of the regulation to exclude these foods is apparent from the criterion that the product be promoted in its labeling for use to reduce weight or in the case of § 101.17(d)(3) that it be promoted for dietary (food) supplementation. Thus, further clarification is unnecessary.

1a. A comment asked that the regulation contain clarification that the warnings do not apply to bulk products sold only for use as components of other foods.

Although this point was clarified in the tentative final rule, FDA has decided to provide further assurance of the exemption in the regulation by adding § 101.17(d)(6) as follows:

(6) Protein products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to consumers in such bulk form or container are exempt from the labeling requirements of this paragraph.

1b. Several comments said the language of the regulation failed to recognize that some products have more than one use.

FDA recognizes that the warning statements in § 101.17(d) are prescribed, based in part, on the purposes for which protein products are promoted. Thus, because some products have more than one use and the use of more than one of the warnings on a particular product may cause confusion, it is necessary to further clarify when the different warnings are required.

The warning prescribed in § 101.17(d)(1) applies to all protein products that meet the criteria of that paragraph, even if they are promoted primarily or incidentally as protein dietary supplements. The warning in § 101.17(d)(3) applies only if the protein product is promoted for food supplementation and specifically for purposes other than weight reduction. The exemption provided in § 101.17(d)(2) is applicable only if the protein product is promoted as part of a nutritionally balanced diet plan providing 800 or more Calories per day and the diet plan accompanies each consumer unit of the product. These criteria for use of the warnings in §§ 101.17(d) (1) and (2) are inherent in the wording of the regulation. However, for products promoted both as part of a nutritionally balanced diet plan and for food supplementation, additional clarification has been provided in the regulation by adding the following provision:

(4) Protein products described in paragraph (d)(2) of this section which are also promoted for purposes other than weight reduction as described in paragraph (d)(3) of this section shall bear the warning statement set forth in paragraph (d)(2) of this section except that the phrase "or as a food supplement" may be inserted in the first sentence, i.e., "Use only as directed in the diet plan described herewith or as a food supplement."

2. One comment opposed the requirement that a copy of the diet plan be included with each package of a protein product promoted for use as part of a nutritionally balanced diet plan providing 800 or more Calories per day.

FDA recognizes that some protein products marketed primarily for purposes other than weight reduction may also be promoted incidentally as part of a nutritionally balanced diet plan. However, regardless of the relative frequency of promotional emphasis on usage of the product in conjunction with the diet plan, each package is required to be accompanied by a copy of the diet plan to ensure that each consumer who uses the product for the purpose of

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weight reduction is also advised of an appropriate diet plan. In the absence of an appropriate accompanying diet plan, the exemption provided by § 101.17(d)(2) does not apply. Therefore, if the product derives more than 50 percent of its total caloric value from whole protein, protein hydrolysates, amino acid mixtures, or a combination of these, and is promoted or represented for weight reduction purposes without an attendant diet plan, it is required to bear the warning prescribed in § 101.17(d)(1).

3. One comment said it was not clear in the regulation that the regulation is directed at the misuse problem. The comment suggested using a title other than "Protein Products" in § 101.17(d)(1) and requested that the first sentence in the warning in that section be changed from "Very low calorie protein diets may cause serious illness or death" to "Misuse of this product may cause serious illness or death".

FDA has not adopted these suggested changes. The comment did not propose an alternative title for the regulation. In the absence of an equally brief and more aptly descriptive heading for the regulation, which addresses the topic of warning statements for protein products derived from whole protein, protein hydrolysates and amino acid mixtures, or combinations of these, which are promoted for weight reduction or to supplement the diet, the title remains unchanged.

The suggested change in § 101.17(d)(1) was not adopted because it is believed that the phrase "very low calorie protein diets" effectively and succinctly identifies the type of misuse that should be avoided. If the suggested alternative language were used, consumers may not understand that very low calorie protein diets may cause serious illness or death.

4. One comment suggested that the term "notice" should be substituted for "warning" because characterization of the label statement as a "warning" will improperly interfere with consumer motivation in the purchase and use of the products so labeled. Similarly, one comment suggested that the term "caution" be used and another suggested either "warning" or "caution".

FDA rejects these suggestions. Statements prescribed in § 101.17(d) are intended to constitute warnings that apprise consumers of pertinent information related to the use of protein products. The term "warning" is used to heighten consumer awareness of the significance of the statements. It is, therefore, undesirable to diminish the strength of the statements by use of less explicit terms.

5. One comment objected to making a distinction in the regulation between products promoted as part of a diet plan and those not promoted as part of a diet plan, particularly since the products may not be inherently different. The comment also suggested that, in lieu of the warnings in §§ 101.17(d) (1) and (2) a more appropriate statement would be:

> How To Prepare and Use: As with any food product, one should follow the directions for use. If used in connection with a diet plan, follow the diet plan. If used for weight reduction, remember that a well balanced diet should be followed.

FDA has considered alternative means of defining and categorizing protein products and a wide range of warning, cautionary, and informational statements throughout the development of this regulation. Reasons for categorizing protein products according to the promoted use were discussed in depth in the tentative final rule and summarily in this final rule. FDA has not received convincing evidence that this manner of categorization for protein products is unreasonable or unworkable. Nor have there been persuasive arguments against differentiating compositionally equivalent products on the basis of intended usage. This distinction is necessary because the likelihood of misuse of a product varies depending on the use for which the product is promoted. Thus, varying the warning according to the intended use of the product is an appropriate means of ensuring that consumers are adequately cautioned against misuse of the product.

FDA further disagrees with the comment's allegation that the use of different warnings on compositionally equivalent products would be a source of confusion for consumers. Consumers should be able to understand the reasons for labeling such products differently, provided that the products are sold under distinct sets of labeling describing distinct uses. There is potential for consumer confusion, however, if improper and misleading promotional tactics are used to circumvent the effectiveness of a prescribed warning. The label warning requirements should therefore serve to avoid consumer confusion.

6. One comment requested that, for protein products distributed only through specially qualified physicians, the sentence, "Very low calorie protein diets may cause serious illness or death" be deleted from the warning statement in § 101.17(d)(1). The comment suggested that the warning would be:

> Warning—Do not use for weight reduction without medical supervision. Use with particular care if you are taking medication. Not for use by infants, children, or pregnant or nursing women.

The comment contended that, even with this change, the objectives outlined in the tentative final rule could still be achieved for products restricted for promotion and sale to physicians.

FDA does not agree that deletion of the first sentence from the warning statement in § 101.17(d)(1) would still ensure that consumers are informed of the health risks associated with use of protein products in a low calorie dietary regimen. Although a physician distributing these products should not hesitate to discuss the risk with the patient, FDA does not have authority to require physicians to do so or to regulate which physicians distribute the products. The first sentence informing users that there are risks would, at least, establish a basis for more open and effective physician-patient dialogue on the health risks.

7. One comment objected to use of the word "death" in the warnings prescribed in §101.17(d)(1). The comment contended that inclusion of the word "death" in a warning on food products was unprecedented and that the word would dissuade consumers from purchasing protein products.

FDA has concluded that the comment has not sufficently justified deletion of the word from the warning statement. The occurrence of deaths following strict adherence to very low calorie protein diets is substantiated in the record. In the absence of the phrase "or death", consumers would not be adequately informed of the health risks involved. Furthermore, the lack of precedent for use of the word "death" in a warning statement for food is irrelevant because in this case the record justifies such a warning for protein products to which the requirement applies.

8. One comment objected to the sentence in § 101.17(d)(2), "Do not use as the sole or primary source of calories for weight reduction." The comment contended that the statement was superfluous in the context of the first sentence in the warning. The comment also objected to the sentence in § 101.17(d)(3), "Do not use for weight reduction" as superfluous when appearing on a product promoted solely as a dietary supplement.

FDA does not agree with these contentions. The precise emphasis added by these sentences contributes to the clarity of the warnings and does not overstate the intended message.

9. One comment, previously discussed in the tentative final rule, objected to the lack of proper definition of the phrase "very low calorie protein diet" in the label warning required by section 101.17(d)(1) (43 FR 60892).

Although this comment was rejected in the tentative final rule, the agency has reconsidered the comment and decided that the phrase in question should be defined in the label warning. The label warning has therefore been amended to inform consumers that the agency considers a diet of less than 800 Calories per day a very low calorie diet.

E. *Miscellaneous Comments.* 1. A few comments opposed the placement of the warning statements on the principal display panel (PDP).

FDA maintains that the warning statements prescribed by the final rule warrant the conspicuousness provided by placement on the PDP and, thus, has retained this requirement.

2. One comment requested that the warnings be placed on the information panel and also suggested using small print for the warnings.

The type size requirement in the final rule for the warning statement in paragraph (d)(1) was, "shall not be less than one-half the height of the largest type appearing on the label of the product. In no case shall the warning statement be printed in letters less than 1/16 of an inch." The warnings in paragraphs (d)(2) and (d)(3) were to be printed "in letters no less than 1/16 of an inch." FDA has reconsidered these requirements and has determined that, because of the length of the warning in paragraph (d)(1) and the amount of label space that potentially could be necessary to meet the proposed height requirement, the type size specified for the warning in paragraph (d)(1) should be revised. Therefore, for each of the warnings in § 101.17(d), this final rule requires a type size of no less than 1/16 of an inch.

3. One comment objected that the regulation failed to address the substantial and continuing problem of irresponsible medical practitioners who refuse to acknowledge the high degree of risk associated with liquid protein diets. The comment expressed concern that the regulation would create among the public an unjustified sense of confidence in the safety of liquid protein dietary regimens when followed "under medical supervision." The comment recommended that FDA develop and urge the States to adopt a model statute designed to limit the use of very low calorie diets to specially trained doctors and medical personnel.

FDA acknowledges that medical supervision does not guarantee that all health risks from use of protein products in weight reduction diets will be avoided. FDA believes, however, that the first warning in the regulation will heighten the awareness of both consumers and medical practitioners of the seriousness of these health risks. A desired effect of this heightened awareness is that consumers will exercise more caution in seeking appropriate medical advice and that medical practitioners will be reminded of their responsibility to properly guide and monitor patients who follow low-calorie protein dietary regimens.

Because FDA does not have authority to regulate procedures used by physicians and other personnel in administering these diets, stringent requirements of that nature cannot be imposed by this regulation. FDA recognizes, however, the merit of a "model statute" for State regulations and that approach can be given additional consideration if further action becomes necessary.

4. One comment indicated that a labeling regulation may be unnecessary in view of the increase in consumer awareness of the hazards associated with misuse of protein products. The comment suggested that educational efforts and publicity may be a more effective approach than label warnings.

Although the value of educational programs and the effectiveness of publicity campaigns are recognized, use of these mechanisms for enhancing consumer awareness does not absolve FDA from responsibility to require that material information appear on food labels whenever necessary. Indeed, reliance on educational programs alone would not adequately ensure that information was disseminated to those who use the particular products. Effects of publicity campaigns may be short-lived or unpredictable, depending on the extent to which counteracting promotional tactics are developed and on other factors. For these reasons and considering the seriousness of the health hazards that have been associated with misuse of protein products, FDA has decided that warning statements, as prescribed by the final regulation, are necessary to maintain a heightened consumer awareness of the problem.

5. One comment submitted an abstract of a study regarding the cause of death of patients on a liquid protein diet. The comment expressed some disagreement with the FDA's "conclusions" on the causes of such deaths, indicating that this study disclosed the cause to be related to branched-chain amino acid deficits.

FDA acknowledges that the comment's hypothesis on the cause of death of strict adherents to a diet composed essentially of hydrolyzed gelatin is one of several plausible explanations warranting consideration. Research studies have been or are being conducted within the agency and at other laboratories to enhance understanding of the basic mechanisms involved in deaths associated with use of protein products. At this time, however, insufficient information is available to formulate a conclusive opinion about the exact mechanism for causation of such deaths. Nevertheless, for the reasons discussed above, FDA believes warning labeling is necessary.

6. Three comments suggested that the effective date proposed in the final rule apply to foods packaged on or after the 60th day following publication and to labeling ordered after that date. One comment requested that the effective date be extended to 120 days after publication.

FDA has decided to extend the effective date to 120 days after publication of this final rule in the **Federal Register** to allow manufacturers additional time to deplete existing stocks of labeling and to design and order new labeling. Protein products initially introduced into interstate commerce on or after August 4, 1980, shall bear appropriate warning statements as proposed in this final rule.

FDA rejects the suggestion that the date when new labeling is ordered should be dispositive. That approach would create an inappropriate incentive to stockpile labeling without a warning and would make enforcement of the labeling requirement difficult or impossible because FDA does not have mandatory access to records relating to food labeling.

The environmental impact analysis report prepared in conjunction with the proposed regulation has been reviewed and was determined to be valid for this final rule. A regulatory analysis assessment of the economic impact of the regulation has been prepared in accordance with Executive Order Number 12044. Copies of both of these documents have been placed on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))), it is ordered that Part 101 be amended in § 101.17 by adding new paragraph (d) to read as follows:

§ 101.17 Food labeling warning statements.

* * * * *

(d) *Protein products.* (1) The label and labeling of any food product that derives more than 50 percent of its total caloric

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value from either whole protein, protein hydrolysates, amino acid mixtures, or a combination of these, and that is represented on the label or in labeling or is otherwise promoted for use to reduce weight shall bear the following warning:

Warning.—Very low calorie protein diets (below 800 Calories per day) may cause serious illness or death. Do not use for weight reduction without medical supervision. Use with particular care if you are taking medication. Not for use by infants, children, or pregnant or nursing women. Food labeled in accordance with the provisions of § 105.66 of this chapter and bearing representations of "low calorie" or "reduced calorie" are exempt from the label warning requirements of this paragraph if no other representations are made with respect to the usefulness of the food in reducing caloric intake or body weight.

(2) Products described in paragraph (d)(1) of this section are exempt from the labeling requirements of that paragraph if the protein products are promoted as part of a nutritionally balanced diet plan providing 800 or more Calories (kilocalories) per day and the label or labeling of the product specifies the diet plan in detail and the label and labeling bear the following warning statement:

Warning.—Use only as directed in the diet plan described herewith (the name and specific location in labeling of the diet plan may be included in this statement in place of "diet plan described herewith"). Do not use as the sole or primary source of calories for weight reduction.

(3) The label and labeling of food products promoted or intended for dietary (food) supplementation that derive more than 50 percent of their total caloric value from either whole protein, protein hydrolysates, amino acid mixtures, or a combination of these, and that are promoted specifically for purposes other than weight reduction shall bear the following warning:

Warning.—Use this product as a food supplement only. Do not use for weight reduction.

(4) Protein products described in paragraph (d)(2) of this section that are also promoted for purposes other than weight reduction as described in paragraph (d)(3) of this section shall bear the warning statement set forth in paragraph (d)(2) of this section except that the phrase "or as a food supplement" may be inserted in the first sentence, i.e., "Use only as directed in the diet plan described herewith or as a food supplement".

(5) The provisions of this paragraph are separate from and in addition to any labeling requirements promulgated by the Federal Trade Commission for protein supplements.

(6) Protein products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to consumers in such bulk form or container are exempt from the labeling requirements of this paragraph.

(7) The warning statements required by paragraphs (d) (1), (2), (3), and (4) of this section shall appear prominently and conspicuously on the principal display panel of the package label and on any other labeling. The warning statements shall be printed in bold letters and shall be enclosed by lines forming a rectangle in an area separated from other written, printed, or graphic matter. The capitalized sentence in paragraph (d)(1) of this section shall be so capitalized on all labels and labeling. The height of the printed letters comprising the warning statements required by paragraph (d) of this section shall not be less than 1/16 of an inch.

Effective date. All protein products initially introduced into interstate commerce on or after August 4, 1980, shall bear appropriate warning statements as prescribed in this final rule.

(Secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a)))

Dated: March 20, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10270 Filed 4-3-80; 8:45 am]

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21 CFR Part 172, 182, 184 and 186

[Docket No. 78N-0174]

Affirmation of Gras Status for Ethyl Formate, Formic Acid, and Sodium Formate as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) affirms the generally recognized as safe (GRAS) status of ethyl formate as a direct human food ingredient and of formic acid and sodium formate as indirect human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review being conducted by FDA.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 27, 1979 (44 FR 18242), a proposal was published to affirm that ethyl formate is generally recognized as safe (GRAS) for use as a direct human food ingredient and that formic acid and sodium formate are GRAS for use as indirect human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on formic acid and derivatives, the report of the mutagenic tests for ethyl formate and the report of the Select Committee on GRAS Substances (the Select Committee) on ethyl formate, formic acid, and sodium formate are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857. Copies of these documents also are available for public purchase from the National Technical Information Service as announced in the proposal.

In addition to proposing to affirm the GRAS status of ethyl formate, formic acid, and sodium formate, FDA advised in the proposal that it was unaware of any prior-sanctioned food ingredient uses for these ingredients, other than for the proposed conditions of use. Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions so that the safety of the prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of ethyl formate, formic acid, and sodium formate approved by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), provided the prior-sanctioned use could be affirmed as safe on the basis of currently available data.

Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time. No reports of prior-sanctioned uses for ethyl formate, formic acid, and sodium formate were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for a use of ethyl formate, formic acid, and sodium formate under conditions different from those set forth in this regulation has been waived.

No comments were received in response to the proposal and supporting data and information on ethyl formate, formic acid, and sodium formate. FDA therefore concludes that no change in the proposal to affirm the GRAS status of these ingredients is warranted on the basis of comments.

In its original proposal, FDA proposed to establish food grade specifications for formic acid and sodium formate. Since then, however, FDA has reconsidered the necessity for imposing food grade specifications on indirect GRAS substances, such as formic acid and sodium formate. FDA has concluded that, as a general rule, food grade specifications are not necessary to assure the safety of an indirect GRAS substance, provided the substance is of a purity suitable for its intended use in accordance with § 170.30(h)(1). This conclusion is based on the fact that indirect uses generally result in extremely low levels of consumer exposure to the additive and correspondingly low levels of exposure to any impurities that may be present. If food grade specifications are found necessary in a particular case to assure the safety of an indirect GRAS ingredient, FDA will include them in the regulation. In the case of formic acid and sodium formate, FDA concludes that specifications are not necessary. Therefore, the final regulation governing the use of formic acid and sodium formate as indirect GRAS ingredients has been modified in proposed §§ 186.1316(b) and 186.1756(b) by removing the specifications. FDA intends to publish a proposal in the near future to amend its procedural regulations in Part 186 to reflect this new policy regarding specifications for indirect GRAS substances.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 172, 182, 184, and 186 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN COMSUMPTION

§ 172.515 [Amended]

1. In § 172.515 *Synthetic flavoring substances and adjuvants* by deleting the entry for "Ethyl formate."

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

2. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entry for "Formic acid or sodium salt."

§ 182.1295 [Deleted]

3. By deleting § 182.1295 *Ethyl formate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding new § 184.1295 to read as follows:

§ 184.1295 Ethyl formate.

(a) Ethyl formate ($C_3H_6O_2$, CAS Reg. No. 109-94-4) is also referred to as ethyl methanoate. It is an ester of formic acid and is prepared by esterification of formic acid with ethyl alcohol or by distillation of ethyl acetate and formic acid in the presence of concentrated sulfuric acid. Ethyl formate occurs naturally in some plant oils, fruits, and juices but does not occur naturally in the animal kingdom.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.05 percent in baked goods as defined in § 170.3(n)(1) of this chapter; 0.04 percent in chewing gum as defined in § 170.3(n)(6), hard candy as defined in § 170.3(n)(25), and soft candy as defined in § 170.3(n)(38) of this chapter; 0.02 percent in frozen dairy desserts as defined in § 170.3(n)(20) of this chapter; 0.03 percent in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter; and 0.01 percent in all other food categories.

(e) Prior sanctions for ethyl formate different from the uses established in this section do not exist or have been waived.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20037, or examined at the Office of the Federal Register Library.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

5. By adding new §§ 186.1316 and 186.1756 to read as follows:

§ 186.1316 Formic acid.

(a) Formic acid (CH_2O_2, CAS Reg. No. 64-18-6) is also referred to as methanoic acid or hydrogen carboxylic acid. It occurs naturally in some insects and is contained in the free acid state in a number of plants. Formic acid is prepared by the reaction of sodium formate with sulfuric acid and is isolated by distillation.

(b) Formic acid is used as a constituent of paper and paperboard used for food packaging.

(c) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

(d) Prior sanctions for formic acid different from the uses established in this section do not exist or have been waived.

§ 186.1756 Sodium formate.

(a) Sodium formate ($CHNaO_2$, CAS Reg. No. 141-53-7) is the sodium salt of formic acid. It is produced by the reaction of carbon monoxide with sodium hydroxide.

(b) The ingredient is used as a constituent of paper and paperboard used for food packaging.

(c) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

(d) Prior sanctions for sodium formate different from the uses established in this section do not exist or have been waived.

Effective date: May 5, 1980.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Note.—Incorporations by reference were approved by the Director of the Office of the Federal Register on July 10, 1973 and July 20 and 27, 1977 and are on file in the Federal Register Library.

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10108 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 177

[Docket No. 77F-0277]

Indirect Food Additives: Polymers; Methacrylic Acid Polymer With Ethylene and Isobutyl Acrylate, Sodium and Zinc Salts

AGENCY: Food and Drug Administration.

V45/67A P480 UMI

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations for indirect food additives to provide for the safe use of methacrylic acid polymer with ethylene and isobutyl acrylate, sodium and zinc salts as articles or components of articles intended for contact with food. E. I. DuPont de Nemours, and Co. has filed a petition for such use. The petitioned substances are new members of a class of polymeric resins listed in an existing regulation, and their incorporation into the regulation requires a number of editorial changes. These changes do not affect the regulatory status of substances currently listed in the regulation. Also, for simplicity, the title of the regulation will be shortened to "Ionomeric resins" rather than being lengthened by the addition of the petitioned substance.

DATES: Effective April 4, 1980; objections by May 5, 1980.

ADDRESSES: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of October 21, 1977 (42 FR 56156) stated that a petition (FAP 5B3115) had been filed by E. I. DuPont de Nemours and Co., Wilmington, DE 19898, proposing that § 177.1330 (21 CFR 177.1330) of the food additive regulations be amended by providing for the safe use of methacrylic acid polymer with ethylene and isobutyl acrylate, sodium and zinc salts as articles or components of articles intended for contact with food.

The present name of this family of copolymers has been suggested by the petitioner and Chemical Abstracts Service as preferable to the old name, ethylene-methacrylic acidisobutyl acrylate copolymers, and/or their sodium and/or zinc salts. The agency agrees that these copolymer resins should be referred to by a name more in keeping with that preferred by the Chemical Abstracts Service. This name change will help to make all nomenclature more uniform and will make the cataloguing and compiling of computer data bases for all food additive substances easier. The new name will be used throughout the revised regulation. However, because of the similarity between these new ionomeric resins and those already regulated in § 177.1330, it is appropriate that the new resins occupy the same regulation as those already included in § 177.1330. To avoid a cumbersome title to the regulation, its title is being changed to "Ionomeric resins."

The chemical names of the copolymers currently regulated in § 177.1330 will be appropriately brought into conformance with modern convention at a future time. However, these nomenclature considerations do not affect the regulatory status of the current substances included in § 177.1330.

Compliance tests for polymer resins have traditionally been abbreviated extraction tests which are easily and quickly conducted and provide a rapid method of insuring compliance of the particular polymeric food-contact article with the regulation. Such tests continue to be applicable to the currently regulated resins in § 177.1330, and the present regulation will in no way affect the compliance tests for these resins. Tests of this type have been provided also for the new ionomeric resins in this regulation under the title of "abbreviated tests" in paragraph (e)(2)(i). These tests will be sufficient for the majority of compositions and anticipated uses of these new resins.

Certain of the new resins defined in the regulation set forth below, because of a combination of composition, film thickness, and anticipated use, may have extractives measured by the appropriate abbreviated test that are in excess of the allowed values. A second "tier" of more elaborate "equilibrium" extraction tests has been provided for such articles. These equilibrium tests are to be used as alternative compliance tests, and instructions for performing them are provided in paragraph (e)(2)(ii) of the amended § 177.1330.

The method specified for conducting these compliance tests is referenced in the current § 177.1330 as ASTM Method F34–63T. The method has since been made a standard method, approved in 1968 and reapproved in 1976 with no significant changes from the 1963 version. The standard test method referenced in the present § 177.1330 has been changed therefore to ASTM Method F34–76.

The Food and Drug Administration having evaluated data in the petition and other relevant material, concludes that § 177.1330 should be amended as requested in the petition.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1)), 72 Stat. 1786 (21 U.S.C. 348 (c)(1)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 177 is amended by revising § 177.1330 as follows:

§ 177.1330 Ionomeric resins.

Ionomeric resins manufactured from either ethylene-methacrylic acid copolymers (and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts), ethylene-methacrylic acid-vinyl acetate copolymers (and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts), or methacrylic acid polymers with ethylene and isobutyl acrylate (and/or their sodium and/or zinc partial salts) may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methacrylic acid copolymers consist of basic copolymers produced by the copolymerization of ethylene and methacrylic acid such that the copolymers contain no more than 20 weight percent of polymer units derived from methacrylic acid, and the ethylene-methacrylic acid-vinyl acetate copolymers consist of basic copolymers produced by the copolymerization of ethylene, methacrylic acid, and vinyl acetate such that the copolymers contain no more than 15 weight percent of polymer units derived from methacrylic acid.

(b) For the purpose of this section, the methacrylic acid copolymers with ethylene and isobutyl acrylate consist of basic copolymers produced by the copolymerization of methacrylic acid, ethylene, and isobutyl acrylate such that the copolymers contain no less than 70 weight percent of polymer units derived from ethylene, no more than 15 weight percent of polymer units derived from methacrylic acid, and no more than 20 weight percent of polymer units derived from isobutyl acrylate. From 20 percent to 70 percent of the carboxylic acid groups may optionally be neutralized to form sodium or zinc salts.

(c) The finished food-contact article described in paragraph (a) of this section, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of § 176.170(c) of this chapter. yields net acidified chloroform-soluble extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in paragraph (l)(1) of this section, and if the finished food-contact article is itself the subject of a regulation in Parts 174, 175, 176, 177, 178 and § 179.45 of this chapter, it shall also comply with any specifications and limitations prescribed for it by that regulation. (NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(d) The finished food-contact article described in paragraph (b) of this section, when extracted according to the methods listed in paragraph (e)(2) of this section and referenced in this paragraph (d), using the solvent or solvents characterizing the type of food as determined from Table I of paragraph (f) of this section, shall yield net acidified chloroform-soluble extractives as follows:

(1) *For fatty food use.* (i) For films of 2 mil (0.002 inches) thickness or less, extractives shall not exceed 0.70 milligram/square inch [1] (0.109 milligram/square centimeter) of food-contact surface (*n*-heptane extractions) when extracted by the abbreviated method cited in paragraph (e)(2)(i) of this section.

(ii) For films of greater than 2 mils (0.002 inch) thickness, extractives shall not exceed 0.40 milligram/square inch [1] (0.062 milligram/square centimeter) of food-contact surface (*n*-heptane extractions) when extracted by the abbreviated method cited in paragraph (e)(2)(i) of this section, or

(iii) Alternatively, for films of greater than 2 mils thickness, extractives shall not exceed 0.70 milligram/square inch [1] (0.109 milligram/square centimeter) of food-contact surface (*n*-heptane extractions) when extracted by the equilibrium method cited in paragraph (e)(2)(ii) of this section.

(2) *For aqueous foods.* (i) The net acidified chloroform-soluble extractives shall not exceed 0.02 milligram/square inch [2] (0.003 milligram/square centimeter) of food-contact surface (water, acetic acid, or ethanol/water extractions) when extracted by the abbreviated method cited in paragraph (e)(2)(i) of this section.

(ii) Alternatively, the net acidified chloroform-soluble extractives shall not exceed 0.05 milligram/square inch [2] (0.078 mg/square centimeter) of food-contact surface (water, acetic acid, or ethanol/water extractions) when extracted by the equilibrium method cited in paragraph (e)(2)(ii) of this section. If when exposed to *n*-heptane, a particular film splits along die lines, thus permitting exposure of both sides of the film to the extracting solvent, the results for that film sample are invalid and the test must be repeated for that sample until no splitting by the solvent occurs. If the finished food-contact article is itself the subject of a regulation in Parts 174, 175, 176, 177, 178 and § 179.45 of this chapter, it shall also comply with any specifications and limitations prescribed for it by that regulation.

Note.—In testing the finished food-contact article, use a separate test sample for each required extracting solvent.

(e) *Analytical methods*—(1) *Selection of extractability conditions for ionomeric resins.* First ascertain the type of food (Table 1 of § 176.170(c) of this chapter) that is being packed or used in contact with the finished food-contact article described in paragraph (a) of this section, and also ascertain the normal conditions of thermal treatment used in packaging or contacting the type of food involved. Using Table 2 of § 176.170 (c) of this chapter, select the food-simulating solvent or solvents and the time-temperature test conditions that correspond to the intended use of the finished food-contact article. Having selected the appropriate food-simulating solvent or solvents and time-temperature exaggeration over normal use, follow the applicable extraction procedure.

(2) *Selection of extractability conditions for ionomeric resins.* Using Table I of paragraph (f) of this section ascertain the type of food that is being packed or used in contact with the finished food-contact article described in paragraph (b) of this section, and also ascertain the food-simulating solvent or solvents that correspond to the intended use of the finished food-contact article.

(i) *Abbreviated test.* For intended use involving food contact at or below 120° F (49° C), the appropriate food-simulating solvent is to contact the food-contact film for the time and temperatures as follows:

Solvent	Time	Temperature
n-heptane	[1] 2	120° F (49° C).
Water, 3% acetic acid, or 8%/50% ethanol	[1] 48	120° F (49° C).

[1] Hours.

(ii) *Equilibrium test.* For intended use involving food contact at or below 120° F (49° C), the appropriate food-simulating solvent is to contact the food-contact film at a temperature of 120° F until equilibrium is demonstrated.

Solvent	Minimum extraction times (hours)
n-heptane	8, 10, 12
Water, 3% acetic acid, or 8%/50% ethanol	72, 96, 120

The results from a series of extraction times demonstrate equilibrium when the net chloroform-soluble extractives are unchanging within experimental error appropriate to the method as described in paragraphs (d) (1)(i) and (2)(i) of this section. Should equilibrium not be demonstrated over the above time series, extraction times must be extended until three successive unchanging values for extractives are obtained. In the case where intended uses involve temporary food contact above 120° F, the food-simulating solvent is to be contacted with the food-contact article under conditions of time and temperature that duplicate the actual conditions in the intended use. Subsequently the extraction is to be continued for the time period and under the conditions specified in the above table.

(3) *Reagents*—(i) *Water.* All water used in extraction procedures should be freshly demineralized (deionized) distilled water.

(ii) *n-Heptane.* Reagent grade, freshly redistilled before use, using only material boiling at 208° F (97.8° C).

(iii) *Alcohol.* 8 or 50 percent (by volume), prepared from undenatured 95 percent ethyl alcohol diluted with demineralized (deionized), distilled water.

(iv) *Chloroform.* Reagent grade, freshly redistilled before use, or a grade having an established, consistently low blank.

(v) *Acetic acid.* 3 percent (by weight), prepared from glacial acetic acid diluted with demineralized (deionized), distilled water.

(4) *Selection of test method.* The finished food-contact articles shall be tested either by the extraction cell described in the Journal of the Association of Official Agricultural Chemists, Volume 47, No. 1, pages 177–179 (February 1964), also described in ASTM Method F 34–76 "Standard Test Method for Liquid Extraction of Flexible Barrier Materials"[2] which is incorporated by reference, or by adapting the in-container methods described in § 175.300(e) of this chapter.

(5) *Selection of samples.* Quadruplicate samples should be tested, using for each replicate sample the number of finished articles with a food-contact surface nearest to 100 square inches.

(6) *Determination of amount of extractives*—(i) *Total residues.* At the end of the exposure period, remove the

[1] Average of four separate values, no single value of which differs from the average of those values by more then ±10 percent.

[2] Average of four separate values, no single value of which differs from the average of those values by more than ±50 percent.

[2] Copies may be obtained from: The American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103, or examined at the office of the Federal Register Library.

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test container or test cell from the oven, if any, and combine the solvent for each replicate in a clean Pyrex (or equivalent) flask or beaker, being sure to rinse the test container or cell with a small quantity of clean solvent. Evaporate the food-simulating solvents to about 100 milliliters in the flask, and transfer to a clean, tared evaporating dish (platinum or Pyrex), washing the flask three times with small portions of solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking, low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 221° F (105° C). Cool the evaporating dish in a desiccator for 30 minutes and weigh the residues to the nearest 0.1 milligram, *e*. Calculate the extractives in milligrams per square inch of the container or material surface.

(*a*) *Water, 3 percent acetic acid, and 8 percent and 50 percent alcohol.* Milligraextractives per square inch= *e/s.*

(*b*) *Heptane.* Milligrams extractives per square inch=*(e)/(s)(F)*

Where:

e=Milligrams extractives per sample tested.

s=Surface area tested, in square inches.

F=Five, the ratio of the amount of extractives removed by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil under exaggerated conditions of thermal sterilization and use.

e'=Acidified chloroform-soluble extractives residue. *e'* is substituted for *e* in the above equations when necessary (See paragraph (e)(6)(ii) of this section for method to obtain *e'*).

If when calculated by the equations in paragraphs (e)(6)(i) (a) and (b) of this section, the extractives in milligrams per square inch exceed the limitations prescribed in paragraphs (c) or (d) of this section, proceed to paragraph (e)(6)(ii) of this section (method for determining the amount of acidified chloroform-soluble extractives residue).

(ii) *Acidified chloroform-soluble extractives residue.* Add 3 milliliters of 37 percent ACS reagent grade hydrochloric acid and 3 milliliters of distilled water to the evaporating dish containing the dried and weighed residue, *e*, obtained in paragraph (e)(6)(i) of this section. Mix well so every portion of the residue is wetted with the hydrochloric acid solution. Then add 50 milliliters of chloroform. Warm carefully, and filter through Whatman No. 41 filter paper (or equivalent) in a Pyrex (or equivalent) funnel, collecting the filtrate in a clean separatory funnel. Shake for 1 minute, then draw off the chloroform layer into a clean tared evaporating dish (platinum or Pyrex). Repeat the chloroform extraction, washing the dish, the filter paper, and the separatory funnel with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 221° F. Cool the evaporating dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the acidified chloroform-soluble extractives residue, *e'*. This *e'* is substituted for *e* in the equations in paragraphs (e)(6)(i) (a) and (b) of this section.

(f) The types of food and appropriate solvents are as follows:

Table 1

Types of food	Appropriate solvent
1. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.	Water, *n*-heptane.
2. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.	*n*-heptane, water, 3% acetic acid.
3. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.	Water, *n*-heptane, 3% acetic acid.
4. Dairy products and modifications:	
i. Water-in-oil emulsions, high or low fat.	Water, *n*-heptane.
ii. Oil-in-water emulsions, high or low fat.	
5. Low moisture fats and oils	*n*-heptane.
6. Beverages:	
i. Containing up to 8% alcohol	8% ethanol/water.
ii. Nonalcoholic	3% acetic acid.
iii. Containing more than 8% alcohol.	50% ethanol/water.
7. Bakery products	Water, *n*-heptane.
8. Dry solids (without free fat or oil)	No extraction test required.
9. Dry solids (with free fat or oil)	*n*-heptane.

(g) The provisions of paragraphs (c) and (d) of this section are not applicable to the ionomeric resins that are used in food-packaging adhesives complying with § 175.105 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 5, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 4, 1980, except as to any provisions that may be stayed by the filing of proper objections.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Note.—Incorporation by reference approved by the Director of the Office of the Federal Register on December 27, 1979 and is on file in the Federal Register Library.

Dated: March 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–10202 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 442

[Docket No. 79N–0172]

Cepha Antibiotic Drugs; Cephradine Tablets

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This document amends the antibiotic drug regulations to provide for the certification of a new dosage form, cephradine tablets. The manufacturer has supplied sufficient data and information to establish the safety and efficacy of cephradine tablets.

DATES: Effective April 4, 1980; comments by May 5, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form, cephradine tablets. The agency concludes that the data supplied by the manufacturer on cephradine tablets are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended in Part 442 (21 CFR Part 442) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(d)(9) (proposed December 11, 1979, 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 442 is amended by adding in Subpart B new § 442.140c to read as follows:

§ 442.140c Cephradine tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephradine tablets are composed of cephradine and one or more suitable and harmless diluents, binders, lubricants, and colorings. Each tablet contains 1,000 milligrams of cephradine. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephradine that it is represented to contain. Its moisture content is not more than 6.0 percent. It disintegrates within 30 minutes. The cephradine used conforms to the standards prescribed by § 442.40(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephradine used in making the batch for potency, safety, moisture, pH, cephalexin content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The cephradine used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 10.0 micrograms of cephradine per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii), except prepare the sample and calculate the cephradine content as follows:

(*a*) *Preparation of sample.* Blend a representative number of tablets in a high-speed glass blender jar with sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of this solution with distilled water to 1 milligram of cephradine per milliliter (estimated).

(*b*) *Calculations.* Calculate the cephradine content as follows:

$$\text{Milligrams per tablet} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000 \times n}$$

where

A_u=Absorbance of sample solution;

P_s=Potency of working standard in micrograms per milligram;

d=Dilution factor for sample;

A_s=Absorbance of working standard solution;

n=Number of tablets in the sample assayed.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

Because the conditions that must be met prior to providing for certification of this drug have been complied with and because the matter is noncontroversial, the Food and Drug Administration finds that notice and public procedure and delayed effective date are unnecessary, and that the amendment may become effective upon the date of publication in the **Federal Register.** However, interested persons may on or before May 5, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Agency regulations for the issuance, amendment or repeal of any regulation under section 507 of the act (21 CFR 430.20) require that any person who will be adversely affected by the foregoing regulation be given an opportunity to file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before May 5, 1980, a written notice or participation and request for hearing, and (2) on or before June 3, 1980, the data, information, and analyses on which the person relies to justify a hearing, as specified in § 430.20. The procedures and requirements governing this order are contained in § 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for a hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request the hearing, making findings and conclusions and denying a hearing.

All hearing requests submitted under this order must be filled in five copies, identifying the docket number appearing in the heading of this order, with the Hearing Clerk, Food and Drug Administration (HFA–305), Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 4, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

V 45 / 67 APR 80 UMI

Dated: March 10, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80-10197 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diphenylhydantoin Sodium Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for diphenylhydantoin sodium capsules to indicate those conditions of use for which approvals for identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences—National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 14, 1970 (35 FR 12965). In that document, the Academy concluded, and FDA concurred, that the product was probably effective as an aid in the control of epileptic convulsions and certain nervous symptoms in dogs.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal, Food, Drug, and Cosmetic Act.

Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, MI 48232, responded to the notice by submitting a supplemental NADA (6–032V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product in the control of epileptiform convulsions in dogs. The supplemental application was approved by a regulation published in the **Federal Register** of December 22, 1971 (36 FR 24214). The regulation reflecting this approval established a new section for the drug (21 CFR 135c.62, recodified at 21 CFR 520.704). The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approval for identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(ii) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.704 by adding the footnote reference "[1]" after paragraph (c)(1), (2), (3), and (4) and by adding at the end of the section the footnote to read as follows:

§ 520.704 Diphenylhydantoin sodium capsules.

* * * * *

(c) *Conditions of use.* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

(4) * * *[1]

Effective date. This regulation shall be effective May 5, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 7, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-10200 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

21 CFR Part 573

[Docket No. 79F-0354]

Food Additives Permitted in Feed and Drinking Water of Animals; Hydrogenated Corn Syrup

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for use of hydrogenated corn syrup as a humectant and plasticizer in pet foods. Lonza, Inc., filed a petition for such use.

DATES: Effective April 4, 1980, objections by May 5, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) announced, in a notice published in the **Federal Register** of November 16, 1979 (44 FR 66068), that a petition (FAP–2170) had been filed by Lonza, Inc., 22–10 Rt. 208, Fair Lawn, NJ 07410, proposing issuance of a food additive regulation to provide for safe use of hydrogenated corn syrup as a humectant and plasticizer in preparation of soft-moist dog and cat foods.

The agency, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 573 is amended by adding new § 573.530 to read as follows:

§ 573.530 Hydrogenated corn syrup.

(a) *Identity.* The product is produced by hydrogenation of corn syrup over a nickel catalyst.

(b) *Specifications.* The product contains 70 percent hydrogenated corn syrup and a maximum of 0.5 percent reducing sugars.

(c) *Uses.* The product is used as a humectant and plasticizer in preparation of soft-moist dog and cat foods.

(d) *Limitations.* The product is preferably stored in a closed, stainless steel or aluminum container. The level of use of the product shall not exceed 15 percent of the total weight of the pet food formulation.

(e) *Labeling.* The labeling shall bear, in addition to other information required by the act:

(1) The name of the additive.

(2) Adequate directions for use in accordance with the provisions in paragraph (d) of this section.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 5, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 4, 1980.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: March 12, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10196 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 436 and 440

[Docket No. 78N-0337]

Pyrogen Test for Certain Penicillin Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to increase the pyrogen test dose concentration or volume for certain penicillin drugs. This increase improves the sensitivity of the pyrogen test, assuring better quality control of these drug products.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 26, 1979 (44 FR 5462), FDA proposed to increase the pyrogen test dose concentration or volume for certain penicillin drugs.

The pyrogen test is a biological test using rabbits, and it is used to determine the presence of pyrogens (substances that can produce a febrile reaction) in injectable drug products. The antibiotic drug regulations in § 436.32 (21 CFR 436.32) prescribe the volume of the pyrogen test dose to be administered to the test animal; however, the amount of antibiotic drug substance in each dose (concentration) is established by applicable regulations for specific antibiotic drugs.

The test dose concentrations currently specified in the regulations for penicillin G potassium, carbenicillin disodium, nafcillin sodium, and penicillin G procaine are substantially below the recommended daily dose of each drug.

The January 26, 1979 proposal advised that based on its own laboratory findings, FDA has determined that the test dose concentrations for penicillin G potassium, carbenicillin disodium, and nafcillin sodium can be raised without harm to the test animal. FDA also found that with penicillin G procaine, which is not soluble at a higher concentration, the volume of test dose solution administered can be safely increased, thereby increasing the amount of antibiotic drug the test animal receives. The sensitivity of the test method in detecting the presence of pyrogens is improved by increasing the concentration or volume of the antibiotic drug administered to the test animal. The agency also proposed that, although not reviewed separately, the test dose concentration for penicillin G sodium be raised. Because the toxicity of penicillin G sodium is so similar to that of penicillin G potassium in the test animal, it can be assumed that the higher test dose will be tolerated. Finally, FDA proposed that a typographical error in the italicized heading of § 440.41a(b)(3) (21 CFR 440.41a(b)(3)) be corrected by changing the phrase "*Nafcillin content*" to read "*Pyrogens.*"

No comments were received in response to the proposal and the agency concludes that the amendments should be adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436 and 440 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended in § 436.32 by adding new paragraph (h) to read as follows:

§ 436.32 Pyrogen test.

* * * * *

(h) *Method 8.* Proceed as directed in paragraph (a) of this section, except inject a test dose of 2.0 milliliters of the diluted sample per kilogram of rabbit weight.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

2. Part 440 is amended:

a. In § 440.13a, by revising paragraph (b)(3) to read as follows:

§ 440.13a Sterile carbenicillin disodium.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 200 milligrams of carbenicillin per milliliter.

* * * * *

b. In § 440.41a, by revising paragraph (b)(3) to read as follows:

§ 440.41a Sterile nafcillin sodium monohydrate.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 80 milligrams of nafcillin per milliliter.

* * * * *

c. In § 440.74a, by revising paragraph (b)(3) to read as follows:

§ 440.74a Sterile penicillin G procaine.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

* * * * *

d. In § 440.80a, by revising paragraph (b)(3) to read as follows:

§ 440.80a Sterile penicillin G potassium.

* * * * *

V 45 / 67 AP 4 80 UMI

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

e. In § 440.81a, by revising paragraph (b)(3) to read as follows:

§ 440.81a Sterile penicillin G sodium.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

f. In § 440.241, by revising paragraph (b)(3) to read as follows:

§ 440.241 Nafcillin sodium monohydrate for injection.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 80 milligrams of nafcillin per milliliter.

* * * * *

g. In § 440.274b, by revising paragraph (b)(3) to read as follows:

§ 440.274b Sterile penicillin G procaine suspension.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

* * * * *

h. In § 440.274c, by revising paragraph (b)(3) to read as follows:

§ 440.274c Sterile penicillin G procaine for suspension.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

* * * * *

i. In § 440.280b, by revising paragraph (b)(3) to read as follows:

§ 440.280b Penicillin G potassium for injection.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

j. In § 440.281b, by revising paragraph (b)(3) to read as follows:

§ 440.281b Penicillin G sodium for injection.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

k. In § 440.1080a, by revising paragraph (b)(3) to read as follows:

§ 440.1080a Sterile penicillin G potassium buffered.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

l. In § 440.1081a, by revising paragraph (b)(3) to read as follows:

§ 440.1081a Sterile penicillin G sodium buffered.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

Any person who will be adversely affected by the foregoing regulation may file objections to it, request a hearing and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before (May 5, 1980) a written notice of participation and request for hearing, and (2) on or before (June 3, 1980) the data, information, and analysis on which the person relies to justify a hearing, as specified in § 430.20 (21 CFR 430.20). The procedures and requirements governing this order are contained in § 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All Submissions under this order must be filed in five copies, identifying the Docket Number appearing in the heading of this order, with the Hearing Clerk, Food and Drug Administration (HFA–305), Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This amendment shall be effective May 5, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: March 10, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80–10208 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Parts 510 and 558

Tylosin; Animal Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Ag-Mark, Inc., providing for safe and effective use of a 10-gram-per-pound tylosin premix for making complete swine feeds, and to add this firm to the list of approved NADA sponsors.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Ag-Mark, Inc., P.O. Box 127, Teachey, NC 28464, is sponsor of NADA 121–147 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 10 grams of tylosin (as tylosin phosphate) per pound for making complete swine feeds used to increase rate of weight gain and improve feed efficiency.

Approval of this NADA relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12–491. Use of the data in NADA 12–491 to support this NADA has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy, 42 FR 64367, approval of this NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 12–491.

Ag-Mark, Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are amended to reflect this approval and to include this firm in the list of sponsors.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address—Drug labeler code

* * * * *

Ag-Mark, Inc., P.O. Box 127, Teachey, NC 28464; 024174.

* * * * *

(2) * * *

Drug labeler code—Firm name and address

* * * * *

024174; Ag-Mark, Inc., P.O. Box 127, Teachey, NC 28464.

* * * * *

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(66) to read as follows:

§ 558.625 Tylosin

* * * * *

(b) * * *

(66) To 024174: 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective April 4, 1980.

(Sec. 512(j), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 13, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–10207 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 540

Sterile Benzathine Penicillin G and Procaine G Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories, providing for safe and effective use of a injectable combination drug for treatment of bacterial infections susceptible to penicillin G in horses, dogs, and beef cattle.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, 5th St., Bristol, TN 37620, filed an NADA 65–488 providing for use of the combination drug sterile benzathine penicillin G and procaine penicillin G suspension for treatment of bacterial infections susceptible to penicillin G in horses, dogs, and beef cattle. Beecham's product is identical to a product found effective subsequent to its inclusion in a National Academy of Sciences/National Research Council (NAS/NRC) review. The regulation for the product that was reviewed by NAS/NRC is codified in 21 CFR 540.255c. Beecham has submitted studies demonstrating bioequivalency between the two products with respect to blood levels and drug residue depletion from tissues of treated animals. Beecham's product is approved on the basis of generic equivalence to the NAS/NRC reviewed product. The aforementioned regulation is amended to add this approval.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360 (i) and (n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.255c by revising paragraph (c)(2) to read as follows:

§ 540.255c Sterile benzathine penicillin G and procaine penicillin G suspension.

* * * * *

(c) * * *

(2) *Sponsor.* See 000008, 000015, 000029, 000856, and 010271 in § 510.600(c) of this chapter.

* * * * *

Effective date. This regulation is effective April 4, 1980.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n)).)

Dated: March 13, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80–10209 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 880

[Docket No. R–80–663]

Section 8 Housing Assistance Payments Program for New Construction

Correction

In FR Doc. 80–8824, appearing on page 18922, in the issue of Monday, March 24, 1980 make the following correction.

On page 18923, in the third column, number "2" under § 880.102 [Amended], should have read:

"2. Section 880.201, Definitions, is revised to delete the definition of "Impacted Jurisdiction"."

BILLING CODE 1505-01-M

INDIAN CLAIMS COMMISSION

25 CFR Chapter III

Deletion of Chapter From CFR

Editorial note: The existence of the Indian Claims Commission terminated on September 30, 1978, and all pending cases were transferred to the Court of Claims for adjudication under Pub. L. 94-465 (90 Stat. 1990). Therefore, the Indian Claims Commission of Chapter III, Title 25 of the Code of Federal Regulations is deleted.

BILLING CODE 6320-27-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR 169a

[DoD Instruction 4100.33] [1]

Operation of Commercial and Industrial-Type Activities

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is revised to reflect the substantive procedural changes of OMB Circular A-76, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government," March 29, 1979, and implements the DoD policies established in Part 169 of this title. It outlines the procedures to be used in determining whether commercial or industrial work should be performed in-house or by contract.

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Mason, Office of the Deputy Assistant Secretary of Defense (Supply, Maintenance, and Transportation), OASD (MRA&L), Washington, D.C. 20301, telephone: 202-695-0338.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-35151 appearing in the **Federal Register** on November 14, 1979, the Office of the Secretary of Defense published this Part as a proposed rule (44 FR 65603). No substantive comments from the public sector were received. Internal comments and editorial changes have been incorporated in the final rule.

Accordingly, 32 CFR Chapter I, is amended by revising Part 169a, reading as follows:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

PART 169a—OPERATION OF COMMERCIAL AND INDUSTRIAL-TYPE ACTIVITIES

Sec.

169a.1 Reissuance and purpose.
169a.2 Applicability and scope.
169a.3 Procedures.
169a.4 Definitions.

Authority: The provisions of this Part 169a issued under 5 U.S.C. 301, 5 U.S.C. 552, and Pub. L. 93-400.

§ 169a.1 Reissuance and purpose.

(a) This Part is reissued to accommodate substantive changes required by OMB Circular A-76, and implements the policies established in 32 CFR 169; and establishes procedures and criteria for use by the Department of Defense to determine whether needed commercial or industrial work should be accomplished by:

(1) Contractor-Owned, Contractor-Operated (COCO) activities,

(2) Government-Owned, Contractor-Operated (GOCO) activities,

(3) Government-Owned, Government-Operated (GOGO) activities.

(b) Report Control Symbol DD-I&L(A)799 is hereby canceled.

(c) This Part authorizes the Deputy Assistant Secretary of Defense (Management Systems), in conjunction with the Deputy Assistant Secretary of Defense (Supply, Maintenance, and Transportation) to issue the publication DoD 4100.33-H, "DoD In-House vs. Contract Commercial and Industrial Activities Cost Comparison Handbook," that establishes DoD procedures for conducting cost comparisons.

§ 169a.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereinafter referred to as "DoD Components").

(b) Its provisions encompass all DoD commercial or industrial-type activities (CITA) in the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

(c) This Part also applies to the establishment (new start) or expansion of GOCO commercial and industrial activities.

(d) The annual DoD Appropriation Authorization and Appropriation Acts have, in recent years, contained certain provisions that restrict the DoD Components' implementation of Part 169 of this title and this Part and have imposed certain reporting requirements on DoD regarding the conduct of cost comparison analyses. Bakery, laundry, dry cleaning facilities, and facilities and equipment for metal scrap baling and shearing, and for melting or sweating aluminum scrap have also been subject to recurring restrictions contained in these Acts.

§ 169a.3 Procedures.

(a) Implementation of these procedures and responsibilities shall take account of the overall mission of the Department of Defense and the defense objective of ensuring that enough trained personnel are available to mobilize the defense force and support structure. Heads of DoD Components shall:

(1) Designate an official at the Assistant Secretary or equivalent level to implement this Part.

(2) Establish one or more offices as central points of contact to maintain cognizance of specific implementation actions. These offices shall have access to all decision documents and data pertinent to actions taken under this Instruction and shall respond, in a timely manner, to all requests concerning inventories, schedules, reviews, cost comparison analyses, and results of reviews and cost comparison analyses. However, no provision of this Part shall require the disclosure of information that is protected from disclosure by section 6 of Pub. L. No. 83-36 (1959). This provision shall not be construed to foreclose the intragency dissemination of information required to be reported by this Part. When considering requests that include information supplied by contractors or prospective contractors, DoD Components shall be guided by OFPP Letter 78-3, "Requests for Disclosure of Contractor Supplied Information Obtained in the Course of a Procurement," March 20, 1978.

(3) Ensure that contracts resulting from reviews conducted under this Part:

(i) Are awarded in accordance with the Defense Acquisition Regulation.

(ii) Contain applicable clauses and provisions relating to equal employment opportunities, safety and occupational health, veterans' preference, and minimum wages and fringe benefits as established by applicable labor standards acts and OFPP letter 78-2, "Preventing 'Wage Busting' for Professionals: Procedures for Evaluating Contractor Proposals for Service Contracts," March 29, 1978.

(iii) Include a provision, consistent with Government post employment conflict of interest standards, that the contractor shall give DoD employees, displaced as a result of the conversion to contract performance, the right of first refusal for employment openings on the contract in positions for which they are qualified.

(iv) Are performance-oriented to the maximum extent possible rather than prescribing in detail a single approach for the accomplishment of the work.

(4) Exert maximum effort to find suitable employment for any displaced DoD employee, including:

(i) Giving them priority consideration for suitable positions within the Department of Defense.

(ii) Paying reasonable costs for training and relocation when these will contribute directly to placement.

(iii) Arranging for gradual transition when conversions are made to provide greater opportunity for attrition and placement.

(iv) Coordinating with the Department of Labor and other agencies to obtain private sector employment for separated workers.

(b) *Inventories.* (1) DoD Components shall compile an inventory of all of their commercial and industrial activities subject to this Part. Specifically, Heads of DoD Components shall prepare and maintain an inventory that identifies:

(i) Their individual DoD CITAs, as defined in § 169a.4.

(ii) Service contracts in excess of $100,000 annually (including those awarded under a duly authorized set-aside program) that the Component determines could reasonably be performed in-house, including any contracts performed by private, commercial sources in Government-owned facilities.

(2) Information in each Component's inventory shall be used for management purposes at headquarters levels to assess DoD implementation of OMB Circular A-76 and for other purposes. Consequently, validity, accuracy, and completeness of the data are vitally important. Each Component's inventory shall be updated at least annually to reflect the results of each review conducted. Updated inventories for all DoD Components except National Security Agency/Central Security Service (NSA/CSS) shall be submitted to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)) within 90 days after the end of each fiscal year. Inventory data pertaining to NSA/CSS shall be held at that Agency for subsequent review by properly cleared personnel.

(c) *Review schedules.*—(1) *Purpose of reviews.* A review of a commercial or industrial activity is the examination of a DoD CITA or a service contract to determine whether the present method of performance should be continued, whether the function performed by that DoD CITA should be scheduled for conversion to contract, or if the function should be designated for a cost comparison analysis for possible change in method of performance.

(i) For DoD CITAs, the review determines applicability of exceptions based on the requirement to support national defense or on the lack of a satisfactory private, commercial source. If continued in-house performance of the activity cannot be justified under one of the above exceptions then:

(A) Activities with annual operating costs under $100,000 will normally be scheduled for conversion to contract without a cost comparison analysis. A cost comparison analysis may be conducted if there is reason to believe in-house performance may be less expensive;

(B) Activities with annual operating costs of $100,000 or more will be scheduled for a cost comparison analysis. The review and cost comparison analysis will not necessarily be completed in the same year. The requirement to budget for adequate funds for alternative modes of performance as well as the requirement to notify interested parties may result in the cost comparison analysis being completed in a fiscal year subsequent to the year the review is made.

(ii) For contracted functions, the review determines if there is a likelihood that the service could be performed in-house at a cost that is less than contract performance by 10 percent of Government personnel-related costs plus 25 percent of the cost of ownership of equipment and facilities. The assessment as to whether there is a likelihood should be based on an estimate of in-house and contract costs for the period in which the work was performed. A detailed cost comparison analysis is not required. However, the assessment should be based on an appraisal of data available and reflect the best judgment of the Commander. If a determination is made that a likelihood exists that in-house performance would meet the cost differential criteria, use of the cost comparison analysis procedure is required.

(2) *General requirements.* A complete review of all in-house and contract commercial and industrial activities, inventoried in FY 1980, shall be completed during FY 1980 through FY 1984.

(3) *Preparation of review schedules.* DoD Components shall be permitted to establish their own five-year review schedules as deemed appropriate. However, DoD CITAs that are also part of the Defense Retail Interservice Support (DRIS) program should be scheduled with consideration for scheduled DRIS reviews.

(i) In preparing their review schedules, DoD Components should consider that:

(A) DoD CITAs may be grouped into any logical combination determined to be of potential interest to prospective contractors. The grouping may be of commercial or industrial functional areas of subfunctions or groups of subfunctions, by geographical area, across DoD Components, or within any other framework considered appropriate.

(B) Reviews of Interservice Support Activities such as the San Antonio Real Property Maintenance Agency, should be scheduled by the lead service.

(ii) The five-year review schedule for DoD CITAs shall show the installation or activity, function, and fiscal year in which initiation of the next review is planned.

(iii) The five-year schedule for review of contracts shall show the principal place of performance; contract number; function; private, commercial source; contract period; and fiscal year that review of the workload requirement will be initiated to determine if commercial performance is to be continued.

(iv) When the number of DoD CITAs and the number of contracts in a Component's inventory is so great that reviews cannot be completed in the prescribed five-year time period, the DoD Component may request approval from the ASD(MRA&L) to schedule the reviews over a longer period.

(v) When a proposed expansion exceeds the threshold for capital investment or annual operating costs, it will be reviewed as though it were a scheduled review of an existing activity. At least 60 days notice shall be given to all affected parties.

(4) *Announcement of Review Schedules.* Each DoD Component shall complete the preparation of its five-year review schedule and provide it to the ASD(MRA&L) within 90 days of issuance of this Part. Thereafter, each Component's five-year review schedule shall be updated annually. Upon approval by the ASD(MRA&L) these schedules will be made available by each DoD Component to potentially affected employees, and their representatives and shall be published for the information of contractors.

(5) *Changes to the review schedule.* Each DoD Component shall conduct the

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review of its CITAs and contracts in accordance with the Component's approved schedule unless a change is determined to be in the best interest of the Government. Schedule changes must be approved and processed in the same manner as the original schedule. Schedule changes will become effective only after 60 days' notice to all affected parties.

(6) *Subsequent reviews.* After the initial review, DoD CITAs and contracts approved for continuation shall be reviewed at least once every 5 years. When it is determined by the ASD(MRA&L) (or a designee), that the circumstances that supported the initial approval are not subject to change, subsequent reviews may be waived. These DoD CITAs and contracts shall be retained in the Component's inventory, and so identified. A copy of the justification and waiver will be made available to all interested parties upon request to the DoD Component's contact point.

(d) *Review procedures.*

(1) *National Defense.* The first step of the review process for a DoD CITA addresses the national defense requirement. In most cases, application of this exception must be made on a case-by-case basis considering the specific positions involved rather than in terms of broad functions.

(i) A DoD CITA, operated by military personnel who are assigned to the activity, may be justified without a cost comparison analysis when:

(A) The CITA or military personnel assigned to the activity are utilized in, or subject to deployment in, a direct combat support role;

(B) The activity is essential for training in those skills that are exclusively military in nature; or

(C) The activity is needed to provide appropriate work assignments for a rotation base for overseas or sea-to-shore assignments.

(ii) If the Component has a large number of similar CITAs with a small number of essential military personnel in each CITA, management action should be initiated to consolidate the military positions so that economical in-house or contracting performance can be explored for accomplishing the workload.

(iii) A DoD CITA providing depot or intermediate-level maintenance may be justified in accordance with Part 169 of this title when it is needed to satisfy the requirement for:

(A) DoD Components to ensure a ready and controlled source of technical competence and resources for depot level maintenance to meet effectively and efficiently peacetime, mobilization, and sustained combat equipment readiness requirements, in accordance with Part 179 of this title.

(B) Combat and combat support activities in the DoD Components to be self-sufficient insofar as possible in providing direct (intermediate-organizational) maintenance support for assigned weapons systems and equipment. Contract engineering technical service activities will conform to the policies of Part 168 of this title.

(iv) Detailed documentation is required for Dod CITAs operated by military personnel justified for national defense reasons under § 169a.3(d)(1) (i), (ii), or (iii).

For DoD CITAs providing intermediate or depot-level maintenance justified for national defense reasons under § 169a.3(d)(1)(iii), a detailed explanation, on a case-by-case basis, as to why the needed capability cannot be supplied by a private commercial source, or contract operation of Government-owned facilities must be included.

(v) Justification for each DoD intermediate and depot-level maintenance CITA based on support of national defense must be approved by the Secretary of the Military Department or Director of Defense Agency except as delegated in Part 169, section 4(b)(3) of this title.

(2) *No satisfactory commercial source available.* If the Dod CITA is not required for national defense, the review process proceeds to the next step.

(i) Application of this exception must also be made on a case-by-case basis. Generally, a DoD CITA may be authorized without a cost comparison analysis when it can be demonstrated that:

(A) There is no satisfactory private, commercial source capable of providing the product or service that is needed; or

(B) Use of a private, commercial source would cause an unacceptable delay or disruption of a program considered essential by the DoD Component.

(ii) Before concluding that there is no satisfactory private, commercial source available, the DoD Component must make all reasonable efforts to identify available sources.

(A) As a minimum, the DoD Component concerned must place at least three notices of the requirement in the *Commerce Business Daily* over a 90-day period. In the case of urgent requirements, the publication period in the *Commerce Business Daily* may be reduced to two notices over a 30-day period.

(B) DoD Components' efforts to find satisfactory private, commercial sources, especially small and minority-owned businesses, should include seeking assistance from the General Services Administration, Small Business Administration, and the Domestic and International Business Administration in the Department of Commerce.

(iii) Authorization of a DoD CITA on the basis that use of a private, commercial source would cause an unacceptable delay or disrupt an essential DoD program requires a specific documented explanation.

(A) Delay or disruption must be specific as to cost, time, and performance measures.

(B) Disruption must be shown to be of a lasting or unacceptable nature. Transitory disruption by conversion to contract is not a sufficient ground for the use of this exception.

(iv) The fact that a DoD CITA involves a classified program, or is part of a DoD Component's basic mission, or that there is the possibility of a strike by contract employees is not adequate reason for in-house performance of that activity. Further, urgency by itself is not an adequate reason for starting or continuing a DoD CITA. It must be shown that private, commercial sources are not able and the Government is able to provide the product or service when needed.

(v) Detailed documentation is required for DoD CITAs when no satisfactory private, commercial source is available.

(vi) If operation of a DoD CITA cannot be authorized for national defense requirements, and if a satisfactory private, commercial source is available, the review process generally ends with the conclusion that a cost comparison analysis must be undertaken to determine if continued in-house performance is justified on the basis of lower cost.

(e) *Cost Comparisons Analyses.* A DoD CITA may be authorized if a cost comparative analysis, prepared in accordance with this instruction, indicates that the Government can provide or is providing a product or service at a cost lower than if it were obtained from a private, commercial source.

(1) *Criteria.* Ordinarily, Components should not incur the delay and expense of conducting a cost comparison analysis to justify a DoD CITA for products or services estimated to cost the Government less than $100,000 in annual operating costs. Activities below this threshold should be performed by contract unless in-house performance is justified in accordance with § 169a.3(d) (1) and (2). However, if there is reason to believe that inadequate competition or other factors are causing commercial prices to be unreasonable, a cost comparison analysis should be conducted. (A cost comparison analysis is never required to justify in-house performance under § 169a.3(d) (1) and (2).) When in-house performance to meet a new requirement is not feasible, or when contract performance of a new requirement would be under an authorized set-aside program, a contract can be awarded without conducting a cost comparison analysis.

(2) *Public notification.* (i) To provide interested parties adequate advance notification, public announcement, including notification to the Congress and the appropriate unions, (after approval in each case by the ASD(MRA&L)), is required before the initiation of a conversion without a cost comparison analysis and before the initiation of a cost comparison analysis associated with a possible conversion. Because these restrictions and the requirements for these notifications are subject to change, care should be taken to make certain that DoD Components comply with the most recent guidance.

(ii) Once the intention to initiate a cost comparison analysis has been announced to Congress, its status will be monitored by the DoD Component and reported quarterly to the ASD(MRA&L). Status reports for each announced cost comparison analysis are to be prepared.

(3) *Common ground rules are:* (i) Both Government and commercial cost estimates must be based on the same scope of work and the same level of performance. This requires the preparation of a precise work statement with performance standards than can be monitored for either mode of performance. DoD Components shall attempt to make maximum use of common work statements before undertaking the development of new ones.

(ii) Standard cost factors shall be used as prescribed by DoD 4100.33–H and as supplemented by DoD Components for particular operations. It shall be incumbent on each DoD Component to document and defend any variations in costing from one case to another. Therefore, each DoD Component should develop and annually update common factors. They should also issue specific definitional instructions and computational methods compatible with their existing accounting structures and the guidelines of DoD 4100.33–H. Common factors addressed should include:

(A) For each installation, a general and administrative rate for the DoD CITAs supported by the installation staff elements.

(B) For each installation material support activity a material overhead rate for material acquired, handled, and controlled through the activity.

(C) For major organizations, installations, or commands, personnel fringe benefits, severance pay, home owner's assistance, or pay rate retention.

(iii) Cost comparison analyses are to address full cost, to the maximum extent practicable in all cases. All significant Government costs including allocation of overhead and indirect costs must be considered both for direct Government performance and for administration of a contract.

(iv) In the solicitation of bids or offers from contractors for workloads that are of a continuing nature, unless otherwise inappropriate, solicitations should provide for prepriced or renewal options for the out-years. These measures guard against buy-in pricing by contractors. While recompetition also guards against buy-in, the use of prepriced or renewal options provides advantages, such as continuity of operation, the possibility of lower contract prices when the contractor is required to provide equipment or facilities, and reduced turbulence and disruption.

(v) The cost comparison analysis shall use a rate of 10 percent per annum as the opportunity cost of capital investments and of the net proceeds from the potential sale of capital assets, as prescribed in DoD 4100.33–H.

(4) *Calculating contractor cost.* (i) The contract cost estimate must be based on a binding firm bid or proposal, solicited in accordance with the Defense Acquisition Regulation. Bidders or offerors must be told that an in-house cost figure is being developed and that a contract may or may not result, depending on the comparative cost of the alternatives.

(ii) The factor to be used for the Government's cost of administering contracts, in addition to other costs of using contract performance as specified in DoD 4100.33–H, is 4 percent of the contract price.

(5) *Calculating costs of government operation.* (i) Each DoD Component should ensure that the in-house activity is organized and staffed for efficiency. This includes consideration of intraservice support or interagency support programs such as those covered by DoD Directive 400.19,[1] "Basic Policies and Principles for Interservice, Interdepartmental and Interagency Support," March 27, 1972. In accordance with DoD Component manpower and personnel regulations, DoD Components should precede cost comparison analyses under this Part with internal management studies and reorganizations. Care must be exercised to ensure that changes, if any, resulting from reorganization of in-house activities are reflected in the statement of work, as appropriate. No changes to the planned in-house activity that would affect the in-house estimate shall be made after submission of the in-house estimate to the contracting officer. If a change in the statement of work is appropriate, sufficient time must be given prospective contractors to adjust their proposals. DoD Components must ensure that sufficient resources will be available to accommodate specifications that reflect increases in workload as compared to work currently being performed.

(ii) The Government cost factor for Federal employee retirement benefits is 20.4 percent.

(iii) The Government cost factor for Federal employee insurance (life and health) benefits is 3.7 percent.

(iv) The Government cost factor for Federal employee workmen's compensation, unemployment programs, and bonuses and awards is 1.9 percent.

(v) An existing DoD CITA shall not be converted to contract performance on the basis of economy unless it will result in savings of at least 10 percent of the estimated Government personnel-related costs for the period of the comparative analysis.

(vi) The conclusion that an activity will be the subject of a cost comparison analysis reflects a management decision that the workload need not be accomplished by military individuals. Therefore, all direct personnel costs should be estimated on the basis of civilian performance. Funds should be budgeted in the operations and maintenance appropriation to cover either the cost of the appropriate in-house civilians required to accomplish the workload or the estimated cost of the contract. Staffing of in-house activities with civilian personnel should be based on the scope of work, level of performance required, and the productivity of civilian personnel. Civilian grades should be established on civilian grade standards and not on equivalency with military grade. Indirect military personnel costs, however, should be estimated in accordance with DoD 7220.9–H,[1] "Accounting Guidance Handbook," February 1, 1978, and DoD 4100.33.

(6) *Independent review.* All cost comparison analyses must be reviewed by an activity independent of the cost analysis preparation to ensure conformance to the guidance in this Part and DoD 4100.33–H.

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(f) *Documentation of Decisions.* The results of all reviews and cost comparison analyses shall be documented and signed by the appropriate officials and will show the rational and the data upon which the decision was reached to continue, convert, or expand each DoD CITA and contract.

(g) *New Starts.* (1) A new start should not be initiated by any DoD Component unless the justification for establishing the activity under the provisions of this Instruction has been reviewed and approved by the appropriate senior official of the Component. A new start that involves a capital investment or annual cost of $500,000 or more must be approved by the Secretaries of the Military Departments and Directors of Defense Agencies, except as delegated in Part 169, section 5(b)(2) of this title.

(2) The actions relating to new starts to be taken under this Part should be completed before the Component's budget request is submitted to OSD. Data in support of budget requests shall be submitted in accordance with DoD 7110.1–M,[2] "Budget Guidance Manual." In the case of a proposed new start involving a major capital investment where the item to be acquired requires a long lead time, approval of budget resources shall not constitute OSD approval of that method of meeting the DoD need. A final determination to initiate the new start or to rely upon a private, commercial source, within the resources approved, shall be made in accordance with this Part and other applicable policies, prior to any commitment to a particular acquisition strategy. See OMB Circular A–11, "Preparation and Submission of Budget Estimates," May 25, 1979.

(3) When Government ownership of facilities is necessary, the possibility of contract operation must be considered before in-house performance is approved as a new start. If justification of Government operation is dependent on relative cost, the comparative cost analysis may be delayed to accommodate the lead time necessary for acquiring the facilities.

(4) A new start may not be approved on the basis of economy unless it will result in savings compared to contract performance at least equal to 10 percent of Government personnel-related costs, plus 25 percent of the cost of ownership of equipment and facilities, for the period of the comparative analysis.

(5) Bakery, laundry, dry cleaning facilities, and scrap metal and aluminum facilities are subject to this Part and subject to provisions of DoD Directive 5126.8,[1] "Delegation of Authority with Respect to Certification of Construction, Replacement or Reactivation of Bakery, Laundry or Dry Cleaning Facilities," March 13, 1970, and DoD Directive 5126.15,[1] "Delegation of Authority with Respect to Facilities and Equipment for Metal Scrap Baling or Shearing, or for Melting or Sweating Alumimun Scrap," March 13, 1970. Regardless of, and in addition to, any requirement imposed by this Part, actions covered by DoD Directives 5126.8 and 5126.15 must be specifically approved by the ASD(MRA&L). Failure to obtain ASD(MRA&L) approval could result in violation of applicable statutes.

(6) Telecommunications projects and services are commercial and industrial activities requiring new start approval and periodic review under this Instruction. They are also subject to the provisions of DoD Directive 4630.1[1] "Programming of Major Telecommunications Requirements," April 24, 1968.

(7) Audiovisual activities, including motion picture processing, are commercial and industrial activities requiring new start approval and periodic review under this Part. They are also subject to the provisions of DoD Directive 5040.2,[1] "Audiovisual Activities," July 23, 1979.

(8) When in-house performance to meet a new requirement is not feasible, a contract may be awarded without conducting a cost comparison analysis.

(h) *Set aside programs.* (1) Contracts currently awarded under authorized set-aside programs may not be subjected to a cost comparison analysis for possible in-house performance. Additionally, new requirements that would be suitable for award under a set-aside program shall be satisfied by such a contract without a detailed cost comparison analysis.

(2) In-house activities (in excess of $100,000 annually) may not be considered for performance under a set-aside contract except when the conversion is justified by a cost comparison analysis.

(i) *Request for Reviews of Decisions.* (1) Each DoD Component shall establish a procedure for an informal administrative review of decisions made under this Part. This procedure shall only be used to resolve questions concerning the decision between contract and in-house performance, and may not apply to questions concerning award to one contractor in preference to another. DoD Component procedures shall provide for consideration of written requests filed by directly affected parties and raising specific objections. Such requests must be filed at the installation where the decision was made. Further, requests for review of decision must be filed within the time period (set forth in DoD 4100.33–H) for the type of case involved. Each Component's review procedure shall provide for:

(i) An independent, objective review of the initial decision and the rationale upon which the decision was based.

(ii) An expeditious determination, within 30 days, made by an official who is independent of the activity under study and at the same or a higher level than the official who approved the original decision.

(2) The objective of the procedure for review of decisions is to provide an administrative safeguard to ensure that DoD Component decisions are fair, equitable, and in accordance with established policy. The procedure does not authorize a request for review of decision outside the Component or a judicial review.

(3) Because the procedure for review of decision is intended to protect the rights of all affected parties, such as Federal employees and their representative organizations, contractors and potential contractors, and contract employees and their representatives, this procedure and DoD Component decisions may not be subject to negotiation, arbitration, or agreements with any one of those parties. DoD Component decisions are final.

(4) DoD Component procedures for review of decisions shall be submitted to ASD (MRA&L) for review as part of the implementing regulations of this Part.

[1] See footnote, page 1.

§ 169a.4 Definitions

(a) *DoD commercial or industrial-type activity (CITA).* An activity operated and managed by a DoD Component that provides a product or service obtainable from a private, commercial source. DoD CITA can be identified with an organization or a type of work, but must be (1) separable from other functions so as to be suitable for performance either in-house or by contract; and (2) a regularly needed activity of an operational nature, not a one-time activity of short duration associated with support of a particular project.

(b) *Government-owned, contractor-operated (GOCO) commercial or industrial-type activity.* Any activity that provides commercial or industrial goods or services needed by the Government, and which involves the operation, by a private, commercial source of a facility owned by the Federal Government.

(c) *Private, commercial source.* A private business, university, or other non-Federal activity located in the United States, its territories and possessions, or the Commonwealth of Puerto Rico that provides a commercial or industrial product or service required by Government agencies.

(d) *Conversion.* The transfer of work from a DoD CITA to a private, commercial source, under contract.

(e) *Direct combat support function.* Work that is essential to the support of combat operations; that is, work that if not performed could cause immediate impairment of combat capability.

(f) *Displaced employee.* Any employee adversely affected (including actions such as job elimination, grade reduction, or reassignment to another position) by the conversion to contract.

(g) *Expansion.* The modernization, replacement, upgrade, or enlargement of a DoD CITA that involves adding a capital investment of $100,000 or more or increasing the annual operating costs by $200,000 or more, provided the increase exceeds 20 percent of the total investment or annual operating costs. A consolidation of two or more activities is not an expansion unless the total capital investment or annual operating cost exceeds the total from the individual activities by the amount of the threshold.

(h) *Governmental function.* A function that must be performed in-house due to a special relationship in executing governmental responsibilities. (Note that the list of functions in enclosure 4 are nongovernmental functions.) Such governmental functions can fall into several categories including:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Military Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counterintelligence operations; and regulation of industry and commerce, including food and drugs.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(i) *New start.* A newly established DoD commercial or industrial-type activity of any dollar value, including a transfer of work from contract to in-house performance. Also included is any expansion that would increase capital investment or annual operating cost by 100 percent or more. New start does not include interim in-house operation of essential services pending reacquisition of the services prompted by such action as the termination of an existing contract operation. Also not included are actions required solely to comply with the requirements of the National Environmental Policy Act or the Occupational Safety and Health Act.

(j) *Nonappropriated Fund Instrumentality (NAFI).* A DoD organizational entity that acts in its own name to provide or assist other DoD organizations in providing morale, welfare, and recreational programs for military personnel and authorized civilians. It is established and maintained individually or jointly by the heads of the DoD Components. As a fiscal entity, it maintains custody of and control over its nonappropriated funds. It is also responsible for the exercise of reasonable care to administer prudently, safeguard, preserve, and maintain those appropriated fund resources made available to carry out its function. With its nonappropriated funds, it contributes to the morale, welfare, and recreational programs of other authorized organizational entities when so authorized. It is not incorporated under the laws of any State or the District of Columbia and it enjoys the legal status of an instrumentality of the United States.

(k) *Review of a DoD commercial or industrial activity.* The examination of a DoD CITA or a service contract to determine whether the present method of performance should be continued, whether the function performed by that DoD CITA should be scheduled for conversion to contract, or whether the function should be scheduled for a cost comparison for possible change in method of performance.

(l) *Cost comparison (or cost comparison analysis).* An accurate determination of whether it is more economical to acquire the needed products or services from a private, commercial source or from an existing or proposed DoD CITA, using the procedures in DoD 4100.33–H.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 31, 1980.

[FR Doc. 80–10220 Filed 4–3–80; 8:45 am]

BILLING Code 3810–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1456–2]

Designation of Areas for Air Quality Planning Purposes: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Section 107(d) of the Clean Air Act, as amended requires the states and EPA to determine the status of all areas in regard to the national ambient air quality standards. Designation of areas as either attainment, nonattainment or unclassified was published in the **Federal Register** on March 3, 1978. On October 25, 1978, the Missouri Air Conservation Commission (MACC) adopted recommendations for redesignating certain areas of the state from nonattainment to attainment. EPA is acting on these recommendations to redesignate some of these areas.

DATES: These regulations are effective on April 4, 1980.

ADDRESS: Copies of the state submission and the EPA prepared plan evaluation document are available at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Missouri Department of Natural Resources, 615 East 13th Street, Kansas City, Missouri 64100.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102.

Missouri Department of Natural Resources, 8460 Watson Road, St. Louis, Missouri 63229.

FOR FURTHER INFORMATION: Contact Robert J. Chanslor at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION:

A. General Discussion

The Clean Air Act Amendments of 1977 required each state to prepare a list of areas which had attained the national ambient air quality standards (NAAQS), had failed to meet the NAAQS, or had insufficient data to make a determination for each pollutant for which there is a standard. An attainment area is one in which measured air quality does not exceed the ambient air quality standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which

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there is insufficient data to determine whether the area is attainment or nonattainment.

In order to designate an area as attainment, the state was required to examine at least two years of valid air quality data. If the most current year's data showed that the standards were not exceeded, the state examined the data for the previous year. If there were two consecutive years showing the standards were not exceeded, the area could be classified attainment. However, certain rural or non-urban areas could also be designated attainment if the criteria for fugitive dust were met even if NAAQS were exceeded.

For rural parts of a state, the EPA allowed those areas which experienced violations of the total suspended particulate (TSP) matter standard which could be attributed to fugitive dust to be designated attainment, if such areas had (1) a lack of major industrial development or an absence of significant industrial particulate emissions, and (2) low urbanized population (44 FR 20378, April 4, 1979).

B. Area Designations

The State of Missouri provided a list of areas with recommendations for designations. The EPA promulgated this list adding Columbia as a secondary TSP nonattainment area. The designated nonattainment areas were published in the **Federal Register** (43 FR 8963) on March 3, 1978. At 40 CFR Part 81, Subpart C, the following 11 areas of the State are identified as nonattainment for one or more pollutants:

Nonattainment Areas [1]

Designated area	Pollutant			
	TSP	SO_2	Ozone	CO
St. Louis	1, 2		1	1
St. Louis "hot spot"	1, 2	1, 2	1	1
St. Louis County	2		1	1
Herculaneum	2			
Kansas City	1, 2		1	
St. Joseph	1, 2			
Kirksville	1, 2			
Mexico	1, 2			
Columbia	2			
New Madrid	1, 2			
Bixby		1, 2		

[1] The remaining areas of the State of Missouri were designated attainment or unclassifiable.

NOTE.—1 denotes primary nonattainment; 2 denotes secondary nonattainment.

C. Redesignation Requests

On October 25, 1978, the Missouri Air Conservation Commission (MACC) adopted recommendations for redesignating certain areas of the state from nonattainment to attainment. Other recommendations were adopted on August 23, 1978, and June 20, 1979.

In order for the EPA to redesignate an area from nonattainment to attainment there must be at least eight consecutive quarters of valid air quality data showing the air quality does not exceed the applicable standard. If there is an applicable emissions control strategy which demonstrates that legally enforceable emission reductions have contributed to improved air quality, less than eight consecutive quarters of air quality data may be used for redesignating an area as attainment.

The MACC submitted its recommendations for redesignation of certain areas of the state to the EPA on December 5, 1978. The EPA proposed to approve certain of these recomendations in notices published in the **Federal Register** on October 11 and 25, 1979, (44 FR 58758 and 61384). The EPA has not received any public comments on these proposed actions. The recommendations of the MACC and the actions by the EPA are as follows:

1. Total Suspended Particulate Matter

(a) *Kansas City.* The primary nonattainment area boundary and the secondary nonattainment area are changed. The state used monitoring data in conjunction with an EPA approved model to project a more accurate primary nonattainment boundary. This new boundary makes portions of Clay, Jackson and Platte Counties which were designated secondary nonattainment in the March 3, 1978, **Federal Register** (43 FR 8963) attainment. Likewise, portions of the Kansas City primary nonattainment area retain the secondary nonattainment designation. The SIP revision contains a detailed description of the specific areas affected by these changes.

Action: The EPA approves the MACC recommendation for the boundary changes for the Kansas City, Missouri primary and secondary TSP nonattainment area and changes the boundary accordingly.

(b) *Herculaneum.* The MACC found that three and one-half years of air quality data show an improvement trend in air quality with no violations of the TSP standard within the past eight quarters and recommends an attainment designation.

Action: The EPA approves the MACC recommendation that Herculaneum be redesignated attainment for TSP, and redesignates the area accordingly.

(c) *Kirksville.* Although the Kirksville area continues to experience violations of the TSP standards, the MACC found that Kirksville meets the EPA criteria for an attainment classification because there are no major industrial sources of practicuate emissions or major industrial development and a low population.

Action: The EPA approves the MACC recommendation that Kirksville be redesignated attainment for TSP.

(d) *Mexico.* The MACC recommended that Mexico be designated attainment for TSP because the monitor was source specific and not representative of the area. On December 29, 1978, the EPA informed the state that because Mexico had historically reported violations of the primary TSP standard and there is at least one major source in Mexico that an attainment classification is unacceptable. The state was further advised that the nonattainment area could be reduced in size as monitoring in other locations in the city had found no TSP violations. Further information provided by the State of Missouri states that the monitor upon which the nonattainment designation was based was unduly biased by emissions from the building upon which the monitor is located, and the data are not believed valid. On June 20, 1979, the MACC recommended an unclassified designation until sufficient valid data are available so that the attainment or nonattainment classification is clear and if nonattainment, a realistic boundary can be determined.

Action: The EPA approves the MACC recommendation that Mexico be redesignated unclassified for TSP.

(e) *New Madrid.* The New Madrid designation will be discussed in a separate action which will be proposed in the **Federal Register** in the near future.

2. Sulfur Dioxide—Bixby

The MACC recommended that the Bixby area be designated attainment for SO_2. The last eight quarters of ambient air quality data do not contain any violations of the standard. Furthermore, the state has demonstrated, through a modeling analysis using EPA approved techniques, that the area is presently attaining the standards.

Action: The EPA approves the MACC recommendation that Bixby be redesignated attainment for SO_2.

Under Executive Order 12044, the EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. The EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

These actions are being made effective immediately in order to lift the restriction on construction of new or modified sources in areas for which the designation is revised to attainment or unclassified.

This notice of final rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended.

Dated: March 28, 1980.

Barbara Blum,

Acting Administrator.

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

Section 81.326 is amended by revising the tables for total suspended particulates (TSP) and sulfur dioxide (SO_2) to read as follows:

§ 81.326 Missouri.

Missouri—TSP

Designated area	Does not meet primary standard	Does not meet secondary standard	Cannot be classified	Better than national standard
St. Louis AQCR (070):				
St. Louis (an area extending west about 2 miles from the Mississippi River, north to near I–270 and south to about 1 mile beyond the city limits)	X	X		
Remainder of the City of St. Louis		X		
Chambers area: Beginning at the St. Louis city limits and I–270, west to Highway 367, south to St. Louis city limits and along this boundary to point of origin		X		
St. Ann area:				
(An area of about 1 mile radius located in the City of St. Ann)		X		
Remainder of AQCR				X
Kansas City AQCR (094):				
Kansas City (an area extending approximately from the Kansas State line east along 55th St. to I–435, then north to I–70, east to Noland Rd., north to U.S. Highway 24 west to I–435, north to I–35, southwest to I–29, northwest to I–635, and southwest to the state line)	X	X		
Kansas City (an area extending approximately from the Kansas State line east along Red Bridge Rd. and 115th St. to Missouri Highway 291, then north to I–70, east to Missouri Highway 7, north to U.S. Highway 24 west to Missouri Highway 291, north to Missouri Highway 152, west to Missouri Highway 9, south to U.S. Highway FF, and due south to the state line)		X		
St. Joseph City limits	X	X		
Remainder of AQCR				X
Northern AQCR (137): Mexico (Township 51 north, range 9 west)			X	
Columbia City limits		X*		
Remainder of AQCR				X
Southeastern AQCR (138): Township 23 north, Range 14 east and Township 22 north, Range 14 east (New Madrid)	X	X		
Remainder of AQCR				X
Southwestern AQCR (139)				X

*EPA designation replaces state designation.

[FR Doc. 80–10221 Filed 4–3–80; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 180

[80P–92; FRL 1455–2]

Cross-Linked Nylon-Type Encapsulating Polymer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts from the requirement of a tolerance a cross-linked nylon-type encapsulating polymer when used as an inert encapsulating material for formulations of the insecticide methyl parathion on a variety of raw agricultural commodities. The regulation was requested by Pennwalt Corp. The regulation permits residues of the subject encapsulating polymer on a variety of raw agricultural commodities without the establishment of permissible levels.

DATE: Effective on April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Mitchell, Product Manager (PM) 12, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–2635).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 11, 1980 (45 FR 2351), the EPA published a notice of proposed rulemaking in response to pesticide petitions (PP 6E1724 and 7E1908) submitted to the Agency by Pennwalt Corp., 900 First Ave., PO Box C, King of Prussia, PA 19406. These petitions proposed that 40 CFR 180.1028 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenyl isocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an encapsulating material for formulations of the insecticide methyl parathion in or on the raw agricultural commodities beans (dry, lima, and snap), grapes, onions, peachs, peas,[1] rice, and wheat[2] (PP 6E1724) and artichokes, barley,[2] cabbage, cherries, nectarines, oats,[2] plums (fresh prunes), potatoes and tomatoes (PP 7E2908). No requests for referral to an advisory committee were received. One comment was received which raised the question of possible residues of methyl parathion in honey and honeybee pollen and questioned the possibility that the presence of the capsule in the digestive tract of larval honeybees may alter the course of certain bacteria such as *Bacillus larvae.*

In response to the first question, EPA tested samples of honey and honeybee pollen taken from hives in the vicinity where the product Penncap M, as well as other pesticides, had been applied. The honey samples were relatively free of methyl parathion. However, the pollen samples showed various amonts of methyl parathion, (all less than 0.3 part per million). Since other pesticides, including other formulations of methyl parathion were used in the area, it could not be established whether or not the residues were from the microencapsulated methyl parathion. EPA has requested the registrant of Penncap M to provide the agency with an analytical method to detect the capsule material.

In reponse to the second question, EPA contacted the U.S. Department of Agriculture's Bee Laboratory in Beltsville, MD and was informed that, although an altered course is a possibility, the relationship between pollen and bacterial activity within the digestive tract of larval honeybees has not been established.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.1028 should be adopted without change, and it has been determined that this regulation will protect the public health.

[1] An exemption currently exists restricting application prior to pod formation.

[2] An exemption currently exists restricting application prior to head formation.

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Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, May 5, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective April 4, 1980, Part 180, Subpart C, § 180.1028 is amended by adding an exemption from the requirement of a tolerance for residues of the subject polymer.

Part 180, Subpart C, § 180.1028 is revised to read as follows:

§ 180.1028 Cross-linked nylon-type encapsulating polymer, exemption from the requirement of a tolerance.

The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocycanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of methly parathion applied to growing alfalfa, apples, artichokes, barley, cabbage, cherries, corn (except popcorn), cotton, forage grasses, grapes, beans, (dry, lima, and snap), nectarines, oats, onions, (dry bulb), peaches, pears, peas, plums (fresh prunes), potatoes, rice, soybeans, tomatoes, and wheat.

(Sec. 408(e), 21 U.S.C. 346a(e))

Dated: March 27, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-10225 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-20, 101-21

[FPMR Amdt. D-75]

Reimbursable Special Space Alteration Services

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes provisions for involved Federal agencies to procure special space alteration services that are not in excess of $1,000 from GSA established indefinite quantity contracts and unit price agreements. The intent of this regulation is to expedite delivery of small special space alteration services and to reduce related administrative costs.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Roy S. Eckert, PBS Office of Contracts (PPB), (202-566-1860).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alteration

1. Section 101-20.103 is revised to read as follows:

§ 101-20.103 Leased buildings.

Space and services in leased buildings will be based on the same standards and levels of services provided in government-owned space. However, the scope of the operation and maintenance performed by GSA will be predicated on the extent of the lessor's liability therefore under the terms of the lease. Agencies are not authorized to negotiate with lessors, or to place orders against unit price agreements for alterations or building services without prior approval of GSA, except as provided in § 101-20.105(a).

* * * * *

2. Section 101-20.105 is amended by revising the introductory paragraph and paragraph (a) to read as follows:

§ 101-20.105 Reimbursable services.

Services over and above those prescribed in §§ 101-20.101, 101-20.102, 101-20.103, and 101-20.104 or those services that are requested by and performed for the convenience of occupant agencies shall be provided or arranged for by GSA on a reimbursable basis, except as provided in paragraph (a) of this section. These services include:

(a) Special space alterations required by occupant agencies above the standard level provided by GSA and prescribed in § 101-20.102. Where GSA has operative indefinite quantity contracts and unit price agreements for accomplishment of space alterations in Government-owned and -leased buildings, respectively, agencies may order against these contracts and agreements. Agencies wishing to avail themselves of this authority shall submit names and addresses of proposed ordering officials and their alternates to the GSA buildings manager who will submit them to the GSA contracting officer. Each agency shall be limited to one designated ordering official and one alternate in any building. The contracting officer shall appoint in writing the ordering official and alternate by name and will authorize the contractor to accept orders from only the designated ordering official or alternate. The GSA contracting officer shall advise the agencies' ordering officials and their alternates in writing of their responsibilities, authorities, and limitations under these contracts and agreements. Designated agency ordering officials may, with the prior written approval of the GSA buildings manager on each order, order special space alteration services available under these contracts and agreements. No individual order or combination of orders for a special space alteration project shall exceed $1,000. Requirements aggregating more than $1,000 shall not be split into several orders of less than $1,000. Agencies shall use Standard Form 147, GSA Form 300 or any other approved purchasing document to order special space alteration services under these contracts and agreements. Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work and for contractor compliance with the provisions of the indefinite quantity contract or unit price agreements. Agencies shall institute procedures which are adequate to ensure separation of the ordering process from the inspection and acceptance process. Agencies may not negotiate with indefinite quantity contractors or lessors for items not specifically priced under these contracts or agreements. Agency ordering officials shall furnish at the appropriate time one copy each of the ordering document and final payment document to the buildings manager and to the GSA contracting officer. The final payment voucher shall be supported with the following documents:

(1) GSA Form 1142, Release of Claims or equivalent forms.

(2) Certification that the work has been inspected and accepted and meets the provisions of the contract, and that the contractor has complied with all provisions of the contract in regards to the subject delivery order.

* * * * *

PART 101-21—FEDERAL BUILDINGS FUND

Subpart 101-21.4—Reimbursable Services

3. Section 101-21.401 is revised to read as follows:

§ 101-21.41 Special services.

Special services not included in the standard levels of service are provided or arranged for by GSA on a reimbursable basis, except as provided in § 101-20.105(a). Funds for reimbursable services should be included in occupant agency budget submissions

* * * * *

Subpart 101-21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

4. Section 101-21.604 is amended by adding a new paragraph (h) to read as follows:

§ 101-21.604 Billing procedures for reimbursable charges.

* * * * *

(h) Agencies shall ensure that bills for special space alteration services ordered by them under the provisions of § 101-20.105(a) shall be rendered by the contractor under indefinite quantity contracts or by the lessors under unit price agreements directly to the agencies' paying office. The agencies shall be responsible for timely payment and for resolving any billing problems in regard to orders they place under the contracts or agreements.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: March 28, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-10219 Filed 4-3-80; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Parts 405, 442, and 489

Medicare and Medicaid; Provider Agreements: Redesignation and Rewrite of Medicare Regulations; Effective Dates; Effect of Change in Ownership

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule with comment period.

SUMMARY: These regulations revise and redesignate the policies pertaining to provider agreements under the Medicare program to simplify them and to make them easier to read. We have made substantive changes only in the provisions relating to the effective date of the agreement and the effect of a change in ownership. These substantive changes were issued as proposed rulemaking on February 5, 1979, and will also apply to the Medicaid program.

The substantive changes make provider agreements effective on the date of the onsite health and safety survey if all Federal requirements are met. If all requirements are not met, the effective date is the date the requirements are met or the date the provider submits an acceptable plan of correction or waiver request. The revised regulations also provide that existing provider agreements be assigned to new owners, subject to the terms and conditions under which they were originally issued.

The intent of the substantive changes is to achieve maximum uniformity of policy for the two programs and to provide continuity of coverage for beneficiaries and recipients when there is change of ownership.

DATES: These regulations are effective for Medicare on May 5, 1980, and for Medicaid, on July 3, 1980.

Anyone who believes that we have made policy changes other than those described in the preamble may send comments to us. Comments should be received by June 3, 1980, to be considered.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17082, Baltimore, Maryland 21235.

Comments may also be hand delivered to:

Health Care Financing Administration, Room 5220, Switzer Building, 330 C Street. SW., Washington, D.C., or

Health Care Financing Administration, Room 780, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

Refer to file code HSQ-55-FC. The public may review the comments received beginning 2 weeks from today in Room 5220 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (telephone 202-245-0365).

FOR FURTHER INFORMATION, CONTACT: James Conrad, Telephone: (301) 594-7940.

SUPPLEMENTARY INFORMATION:

Background on Substantive Changes

Medicare and Medicaid had developed different practices for the effective date of provider agreements. Medicare permitted retroactivity, if requirements were met, to the date a facility first opened or the date on which it first requested participation. Medicaid's practice was to make participation effective on the date on which it was determined that the provider met all requirements. These revised rules establish uniform policy on effective dates.

Medicare and Medicaid also dealt differently with changes of ownership. Both Medicare and Medicaid issued new agreements. However, Medicare permitted the agreement to be backdated to the date the previous agreement was terminated. Under Medicaid, a new survey was usually made and a new agreement issued effective on the date compliance was determined. The difference could result in a coverage gap for Medicaid recipients. These revised rules provide for assignment of agreements to new owners in both programs.

Summary of Proposed and Final Rules:

On February 5, 1979 (44 FR 6958), we issued proposed rules to establish uniformity between the Medicare and Medicaid programs on (1) the effective date of provider agreements and (2) the effect of a change in ownership on the agreement.

1. *Effective Dates of Provider Agreements.* Under the proposed rules, provider agreements for both programs would be made effective on the completion date of the onsite health and safety certification survey, if all Federal requirements are met on that date. If all requirements are not met, the agreement would be made effective on the date on which (1) HCFA for Medicare, or the State survey agency, for Medicaid, determines that all requirements are met, or (2) the facility submits a plan of correction or waiver request that is

acceptable to HCFA (for Medicare) or the State survey agency (for Medicaid). The final rules retain these provisions, and have been revised to clarify that ownership and financial interest disclosure is one of the requirements to be met before a provider agreement will be accepted. The rules have also been modified to specify that they apply to recertification as well as certification actions and to make clear that HCFA approves providers for Medicare and the State Medicaid agency approves them for Medicaid.

2. *Assignment of Provider Agreement When There Is Change of Ownership.* Under the proposed rules, Medicare and Medicaid provider agreements would be automatically assigned to the new owner, subject to all the terms and conditions under which the original agreement was issued. This approach would make Medicare and Medicaid practices uniform. The final rule is substantively unchanged from the NPRM. It has been amended, however, in response to comments requesting more explicitness with respect to the terms and conditions of the agreement being assigned. The final rules specify that the new owner must: (1) Comply with civil rights requirements and (2) disclose ownership and financial interest information, as soon after the change in ownership as practical, but in any event, before recertification.

Analysis of Public Comments:

We received 24 comments on the February 5, 1979, Notice of Proposed Rulemaking. Most comments were favorable and recognized the need for the regulations. They were addressed primarily to whether the effective date of provider agreements should be based on the onsite survey date or the date of request for participation; whether the effective date rules apply only to initial certifications; whether assignment should be automatic on change of ownership; and whether assignment conflicts with other regulations.

1. *Effective Date of Provider Agreements.*

Comment: Some commenters argued that tying the effective date of the agreement to the onsite survey places an undue burden on the State survey agency, the provider, and beneficiaries. Survey agencies stated that they would be placed under great pressure to conduct their onsite visits the day a facility requests participation. Scheduling and staffing problems were cited. They urged that we allow retroactivity to the date the facility opened for business, or at least back to the date of request.

With respect to providers and beneficiaries, it was argued that administrative delays within the survey agency would have a negative impact on a provider's participation and reimbursement, and beneficiaries would be refused admission and coverage pending the survey agency's visit. Two provider organizations urged that the regulations require the State agencies to conduct their surveys within 15 days of a request.

Response: We do not consider that it is legally supportable to make provider agreements effective before the date of the onsite visit. Nor do we believe that a finding of compliance can, with any assurance, be made retroactively. The Social Security Act requires, as a condition of participation, that a provider meet the applicable requirements and enter into an agreement with the Secretary (for Medicare) or the Medicaid State agency (for Medicaid). We do not believe eligibility can be granted before the date on which the basis for the finding of compliance is documented. We believe that to project compliance earlier than the date of the survey, or allow retroactivity to the date a provider opens, based on a survey conducted at a later date, would be speculative.

We do not believe that it is in the best interests of either the beneficiaries or providers to allow the admission of patients, on the assumption that the provider will be found eligible, and then at a later date, deny participation based on onsite findings.

Further, we do not believe that it is necessary to require the States to conduct surveys within a specific time period. We are confident that, knowing the consequences of delay in the onsite visit, survey agencies will promptly respond to providers' requests for participation.

Comment: Two commenters asked for further clarification of the phrase "all Federal requirements are fully met" in § 405.606(d). In particular, they asked whether "requirements" include factors and elements which, though not met, do not put the provider out of compliance with the pertinent standard.

Response: The final regulations have been revised to specify that "all Federal requirements" includes the health and safety requirements (conditions, standards, factors, and elements), financial interest disclosure, and the civil rights provisions of 45 CFR Parts 80, 84 and 90.

Comment: Two commenters questioned whether making the agreement effective on the date of the onsite survey would result in constantly shortening the term of the agreement. In other words, if a provider is surveyed 9 months into an existing 12-month agreement, will the new agreement be effective on the date of survey rather than at the end of the full 12 months?

Response: The regulations have been modified to clarify that in recertification of long-term care providers, the new agreement becomes effective when the existing agreement expires. The onsite visit date is used only in the absence of an existing agreement. If, however, there are deficiencies and the provider fails to submit an acceptable plan of correction before the existing agreement expires, there would be a break in participation and reimbursement. A similar break in participation could occur if the State survey agency fails to conduct its survey before the existing agreement expires and there is no basis for a 60-day extension (See § 489.15(d)). The date of the onsite visit only establishes the earliest possible effective date, not the mandatory effective date.

Comment: One commenter believed that the regulation deals with new providers or program participants but does not specifically deal with recertification.

Response: The regulations have been modified to clarify that the rules apply at the time of recertification as well as initial certification.

Comment: Two commenters urged that the regulations be revised to clarify that (1) for Medicare, it is the Secretary that determines whether all requirements are met and whether plans of correction and waiver requests are acceptable, and (2) for Medicaid, it is the State survey agency that determines compliance and the acceptability of plans of correction and waiver requests.

Response: We agree on the need for clarification. The final rules specify that, for Medicare, HCFA has the approving authority and for Medicaid, that authority is shared by the survey agency and the Medicaid agency.

Comments: Two commenters suggested that we revise § 405.606(d)(2)(ii) by deleting the phrase "in acceptable form". The point was made that acceptable content, rather than correct format, is the important element.

Response: The regulations have been revised to adopt this suggestion.

2. *Assignment of Provider Agreements in Changes of Ownership.*

Most of the commenters recommending revisions expressed concern whether assignment should be automatic.

Comment: Two commenters urged that assignment not be automatic but follow an onsite visit, although a full survey need not be conducted. The commenting agencies objected to automatic assignment on the following grounds:

- Some State laws prohibit transfer of a license to a new owner. A new license is issued only after an onsite inspection. Since Federal regulations require compliance with State and local laws, some States would be violating their own rules.
- It has been the State's experience that some of the worst conditions noted in nursing homes have been found at the time of a change in ownership.
- The potential for fraud and abuse is great under the proposed rules. The selling owner usually knows about the sale months before the survey agency, and often cuts expenses so that the quality of care deteriorates.

Response: We realize that the State survey agency often learns of a change of ownership after the fact. We also acknowledge that there may be some unscrupulous owners who might take advantage of the situation. But we do not agree that this is the norm. Our primary goal is to protect beneficiaries and recipients against interruption of coverage. We believe the following safeguards will protect their health and safety and decrease the risk of fraud and abuse.

- Because of annual resurvey requirements, a new survey will be conducted in a matter of months after the change in ownership.
- New owners must meet the old plan of correction with no additional time allowed because they are new owners.
- The regulations do not prevent the State survey agency from going in at any time either under the Medicare/Medicaid authority or the authority of State licensure law.

If the State survey agency believes that compliance has deteriorated in any facility, it should conduct an onsite survey. If conditions are found to be out of compliance, termination action would be required.

All providers are required to be in compliance with State and local laws as a condition of participation. If the State, after a licensure survey, refuses to issue a license because of non-compliance with State law, the facility would no longer be eligible to participate in the Federal programs. It must be remembered that this regulation refers to transfers of provider agreements and not to transfers of State licenses.

Comment: One commenter urged that the regulations be modified to specify that a provider must disclose ownership and financial interest information as a condition of participation.

Response: The regulations have been revised to specify this requirement is necessary for eligibility.

Comment: One commenter suggested that the new owner should make a conscious choice to participate and agree to comply with all program requirements.

Response: In developing the proposed rules, we considered whether to make assignment contingent on acceptance by the new owner. Since the survey agency usually learns of a change of ownership after the fact, only automatic assignment can protect beneficiaries and recipients against loss of coverage. We believe that a prospective owner would ascertain all sources of revenue prior to the effective date of ownership change and decide whether to participate in one or both programs. If the new owner decides not to participate, it will terminate the agreement but in the meantime the beneficiaries and recipients would be covered pending transfer to another facility.

Comment: One commenter urged that the rules be modified to clarify that a new owner, assignment notwithstanding, is required to comply with Title VI of the Civil Rights Act of 1964 and, at some future date, with Section 504 of the Rehabilitation Act of 1973, as amended.

Response: The regulations have been revised to specify that before recertification and issuance of a new provider agreement, the owner will be subject to the requirements set forth in 45 CFR Parts 80, 84, and 90. Those are Departmental regulations that implement the laws cited in the comment, and apply to HCFA programs. Citing those regulations does not change the existing requirements. It is merely a clarification for those who need to know more about the conditions of participation in Medicare and Medicaid.

Recodification of Policies on Provider Agreements

The substantive changes proposed in February 1979 and adopted today affect a few of the policies on provider agreements. Those changes have been incorporated into a larger package that simplifies and clarifies all other policies pertaining to Medicare provider agreements (without substantive change), and redesignates them as a new Part 489. The changed provisions for Medicare appear in the following renumbered sections:

§ 489.13 Effective date of agreement. (Was § 405.606(d) in the February proposal.)

§ 489.18 Effect of change of ownership. (Was §§ 405.625 and 405.626 in February proposal.)

Parallel changes in the Medicaid regulations appear in §§ 442.13 and 442.14, respectively.

The creation of a new Part 489 is part of Operation Common Sense, our effort to simplify our regulations and make them easier to use. No substantive changes, other than those discussed above, are intended.

Redesignation Table

Current 42 CFR Part 405	New 42 CFR Part 489
Sec.	Sec.
405.602	489.10
405.603	489.12
405.604(a)(1)	489.15(b)
405.604(a)(2)	489.15(c)
405.604(b)	489.15(d)
405.604(c)(1)	489.15(a)
405.604(c)(2)	489.15(c)
405.604(c)(3)	489.16(b)(1) and (2)
405.604(d)	Deleted as outdated
405.605	489.2(b) & (c)
405.606(a)	489.11(a)
405.606(b)	489.11(b) & (c)
405.606(c)	489.53
405.607(a)	489.21(a)
405.607(b)	489.20(b)
405.607(c)	489.20(c)
405.608	489.30
405.609	489.31
405.610(a)	489.32
405.610(b)	489.22
405.612	489.21(b)
405.613	489.52
405.614	489.53
405.615	489.55
405.616	489.57
405.617	489.50
405.618	489.40
405.619	489.56
405.620(a)	489.41(c)
405.620(b)	489.41(a)
405.620(c)	489.41(b)
405.620(d)	Deleted as unnecessary
405.621	489.41(a)
405.622	489.42
405.625(a)	Superseded by 489.18(b) (c) and (d)
405.625(b)	Deleted because of change in policy
405.626(a)	489.18(a)(1)
405.626(b)	489.18(a)(2)
405.626(c)	489.18(a)(3)
405.626(d)	489.18(e)

Derivation Table

New 42 CFR Part 489	Current 42 CFR Part 405
489.1	New
489.2(a)	405.601, 1st sentence
489.2(b) and (c)	405.605
489.3	new
489.10	405.602
489.11(a)	405.606(a)
489.11(b) and (c)	405.606(b)
489.12	405.603
489.13	405.606
489.15(a)	405.604, introductory paragraph
489.15(b)	405.604(a)(1)
489.15(c)	405.604(a)(2)
489.15(d)	405.604(b)
489.16(a)	405.604(c)(1)
489.16(b)(1) and (2)	405.604(c)(3)
489.16(c)	405.604(c)(2)
489.18(a)(1)	405.626(a)
489.18(a)(2)	405.626(b)
489.18(a)(3)	405.626(c)
489.18(a)(4)	405.626(d)
489.18(b)	405.625(b)
489.18(c) and (d)	405.625(a) with substantive change
489.18(e)	405.626(d)
489.20(a)	405.607(a)
489.20(b)	405.607(b)
489.20(c)	405.607(c)

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Derivation Table—Continued

New 42 CFR Part 489	Current 42 CFR Part 405
489.21(a)	405.607(a)(1)
489.21(b)(1)	405.612(a)(2)
489.21(b)(2)	405.612(a)(3)
489.21(b)(3)	405.612(a)(4)
489.21(b)(4), 1st sentence	405.607(a)(2) and 405.612
489.21(b)(4), 2nd sentence	405.612(b)
489.21(c)	405.607(a)(3)
489.21(d)	405.607(a)(4)
489.22	405.610(b)
489.30	405.606
489.31	405.606
489.32	405.610(a)
489.35	405.619
489.40	405.616
489.41(a)	405.620(b) and 405.621
489.41(b)	405.620(c)
489.41(c)	405.620(a)
489.42	405.622
489.50	405.617
489.52(a)	405.613(a), 1st and 2nd sentences
489.52(b)(1)	405.613(a), 3rd and 4th sentences
489.52(b)(2)	405.613(b), except for last sentence
489.52(b)(3)	405.613(c)
489.52(c)	405.613(a), last two sentences and 405.613(b), last sentence
489.53	405.614
489.55	405.615
489.57	405.616

42 CFR Chapter IV is amended as set forth below:

A. Part 405, Subpart F, is amended as follows:

1. The table of contents is amended by vacating §§ 405.602 through 405.626.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

* * * * *

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

405.601 Scope of subpart.
405.602–405.626 [Vacated. See Part 489 of this chapter.]

* * * * *

2. Section 405.601 is revised to read as follows:

§ 405.601 Scope of subpart.

Section 405.640 deals with coverage of independent laboratories and portable X-ray services. Sections 405.658 and 405.659 deal with emergency services furnished by a hospital that does not have a provider agreement. Sections 405.651 through 405.656 and 405.660 through 405.678 discuss agreements under which Part A intermediaries and Part B carriers will perform specified functions necessary in the administration of the hospital insurance and supplementary medical insurance programs. Section 405.685 discusses agreements with any State for the purpose of assisting the Secretary in determining: (a) whether an institution or agency situated in that State is a hospital, skilled nursing facility, or home health agency; (b) whether an independent laboratory meets the conditions for coverage of services; or (c) whether a clinic, rehabilitation agency or public health agency meets the requirements for providing outpatient physical therapy services. Section 405.690 discusses agreements that HCFA will enter into with approved providers of services and renal dialysis facilities for full reimbursement of the reasonable cost of purchase, installation, maintenance, and reconditioning of home dialysis equipment. Section 405.691 discusses agreements that HCFA will enter into with approved providers of services and renal dialysis facilities for reimbursement for the cost of home dialysis supplies and equipment and self-care home dialysis support services on the basis of a target reimbursement rate.

3. The content of §§ 405.602 through 405.626 is revised and redesignated under a new Part 489.

§§ 405.602–405.626 [Vacated. See Part 489 of this chapter]

B. Part 442 is amended as set forth below:

1. The table of contents of Subpart B is amended as follows:

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

* * * * *

Subpart B—Provider Agreements

442.10 State plan requirement.
442.12 Provider agreement: General requirements.
442.13 Effective date of agreement.
442.14 Effect of change of ownership.
442.15 Duration of agreement.
442.16 Extension of agreement.
442.20 Additional requirements for agreements with SNF's participating in medicare.
442.30 Agreement as evidence of certification.

* * * * *

2. Section 442.12 is revised to read as follows:

§ 442.12 Provider agreement: General requirements.

(a) *Certification and recertification.* Except as provided in paragraph (b) of this section, a Medicaid agency may not execute a provider agreement with a facility for SNF or ICF services nor make Medicaid payments to a facility for those services unless the Secretary or the State survey agency has certified the facility under this part to provide those services. (See § 442.101 for certification by the Secretary or by the State survey agency.

(b) *Exception.* The certification requirement of paragraph (a) of this section does not apply with respect to Christian Science sanitoria operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass.

(c) *Conformance with certification condition.* An agreement must be in accordance with the certification provisions set by the Secretary or the survey agency under subpart C of this part.

(d) *Denial for good cause.* (1) If the Medicaid agency has adequate documentation showing good cause, it may refuse to execute an agreement, or may cancel an agreement, with a certified facility.

(2) A provider agreement is not a valid agreement for purposes of this part even though certified by the State survey agency, if the facility fails to meet the civil rights requirements set forth in 45 CFR Parts 80, 84, and 90.

3. New §§ 442.13 and 442.14 are added to read as follows:

§ 442.13 Effective date of agreement.

(a) *Basic requirements.* If the Medicaid agency enters into a provider agreement, the effective date must be in accordance with this section.

(b) *All Federal requirements are met on the date of the survey.* The agreement must be effective on the date the onsite survey is completed (or on the day following the expiration of a current agreement) if, on the date of the survey, the provider meets: (1) All Federal health and safety standards; and (2) Any other requirements imposed by the Medicaid agency.

(c) *All Federal requirements are not met on the date of the survey.* If the provider fails to meet any of the requirements specified in paragraph (b) of this section, the agreement must be effective on the earlier of the following dates: (1) The date on which the provider meets all requirements. (2) The date on which the provider submits a correction plan acceptable to the State survey agency or an approvable waiver request, or both.

§ 442.14 Effect of change of ownership.

(a) *Assignment of agreement.* When there is a change of ownership, the Medicaid agency must automatically assign the agreement to the new owner.

(b) *Conditions that apply to assigned agreements.* An assigned agreement is subject to all applicable statutes and regulations and to the terms and conditions under which it was originally issued, including, but not limited to, the following:

(1) Any existing plan of correction.

(2) Any expiration date.

(3) Compliance with applicable health and safety standards.

(4) Compliance with the ownership and financial interest disclosure requirements of §§ 455.104 and 455.105 of this chapter.

(5) Compliance with civil rights requirements set forth in 45 CFR Parts 80, 84, and 90.

(6) Compliance with any additional requirements imposed by the Medicaid agency.

C. A new Part 489 is added, to read as follows:

PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

Subpart A—General Provisions

Sec.
489.1 Statutory basis.
489.2 Scope.
489.3 Definition.
489.10 Basic requirements.
489.11 Acceptance of a provider as a participant.
489.12 Decision to deny an agreement.
489.13 Effective date of agreement.
489.15 Time limits on agreements with skilled nursing facilities (SNFs).
489.16 Nonrenewal of agreements with SNFs.
489.18 Change of ownership or leasing: Effect on provider agreement.

Subpart B—Essentials of provider Agreements

489.20 Basic commitments.
489.21 Specific limitations on charges.
489.22 Special provisions applicable to prepayment requirements.

Subpart C—Allowable Charges

489.30 Allowable charges: Deductible, coinsurance, and copayment.
489.31 Allowable charges: Blood.
489.32 Allowable costs: Noncovered and partially covered services.
489.35 Notice to intermediary.

Subpart D—Handling of Incorrect Collections

489.40 Definition of incorrect collection.
489.41 Timing and methods of handling.
489.42 Payment of offset amounts to beneficiary or other person.

Subpart E—Withholding of Payment; Termination of Agreement and Reinstatement after Termination

489.50 Withholding of payment for failure to make timely utilization review.
489.52 Termination by the provider.
489.53 Termination by HCFA.
489.55 Exceptions to effective date of termination.
489.57 Reinstatement after termination.

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart A—General Provisions

§ 489.1 Statutory basis.

This part implements section 1866 of the Social Security Act. Section 1866 specifies the terms of provider agreements and the providers that may enter into such agreements. The following other sections of that Act are also pertinent:

(a) Section 1861 defines the services covered under Medicare and the providers that may be reimbursed for furnishing those services.

(b) Section 1864 provides for the use of State survey agencies to ascertain whether certain entities meet the conditions of participation.

(c) Section 1871 authorizes the Secretary to prescribe regulations for the administration of the Medicare program.

§ 489.2 Scope of part.

(a) Subpart A of this part sets forth the basic requirements for submittal and acceptance of a provider agreement under Medicare. Subpart B of this part specifies the basic commitments and limitations that the provider must agree to as part of an agreement to provide services. Subpart C specifies the limitations on allowable charges to beneficiaries for deductibles, coinsurance, copayments, blood, and services that must be part of the provider agreement. Subpart D of this part specifies how incorrect collections are to be handled.

(b) The following providers are subject to the provisions of this part:

(1) Hospitals.

(2) Skilled nursing facilities (SNFs).

(3) Home health agencies (HHAs).

(4) Clinics, rehabilitation agencies, and public health agencies.

(c) Those listed in paragraph (b)(4) of this section may enter into provider agreements only for furnishing outpatient physical therapy and speech pathology services.

§ 489.3 Definition.

"Provider agreement" means an agreement between HCFA and one of the providers specified in § 489.2(b) to provide services to Medicare beneficiaries and to be reimbursed on a reasonable cost basis.

§ 489.10 Basic requirements.

(a) Any of the providers specified in § 489.2 may request participation in Medicare. In order to be accepted, it must meet—

(1) The conditions of participation set forth elsewhere in this chapter; and

(2) The civil rights requirements specified in 45 CFR Parts 80, 84, and 90.

(b) The State survey agency will ascertain whether the provider meets the conditions of participation and make its recommendation to HCFA.

§ 489.11 Acceptance of a provider as a participant.

(a) *Action by HCFA.* If HCFA determines that the provider meets the requirements, it will send the provider—

(1) Written notice of that determination; and

(2) Two copies of the provider agreement.

(b) *Action by provider.* If the provider wishes to participate, it must return both copies of the agreement, duly signed by an authorized official, to HCFA, together with a written statement indicating whether it has been adjudged insolvent or bankrupt in any State or Federal court, or whether any insolvency or bankruptcy actions are pending.

(c) *Notice of acceptance.* If HCFA accepts the agreement, it will return one copy to the provider with a written notice that—

(1) Indicates the dates on which it was signed by the provider's representative and accepted by HCFA;

(2) Specifies the effective date of the agreement; and

(3) If the agreement is with a SNF, specifies the term of the agreement.

§ 489.12 Decision to deny an agreement.

(a) *Bases for denial.*—HCFA may refuse to enter into or renew an agreement for any of the following reasons:

(1) Principals of the provider have been convicted of fraud (see § 420.204 of this chapter);

(2) The provider has failed to disclose ownership and control interests in accordance with § 420.206 of this chapter; or

(3) The provider has been adjudged bankrupt or insolvent.

(b) *Effect of bankruptcy or insolvency.* (1) HCFA will not enter into an agreement with a provider that has been adjudged insolvent or bankrupt under appropriate State or Federal law, or against which there is pending a court proceeding to make a judgment concerning this matter. The reason for denial is that the provider is unable to give satisfactory assurances of compliance with the requirements of title XVIII of the Act.

(2) If a provider who is participating and receiving payments under Medicare is subsequently adjudged insolvent or bankrupt by a court of competent jurisdiction, HCFA will not terminate its participation in the program because of

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that financial condition. However, the intermediary will adjust payments to the provider (as specified in § 405.454(k) of this chapter) to preclude overpayments.

(c) *Compliance with civil rights requirements.* HCFA will not enter into a provider agreement if the provider fails to comply with civil rights requirements set forth in 45 CFR Parts 80, 84, and 90.

§ 489.13 Effective date of agreement.

(a) *All Federal requirements are met on the date of the survey.* The agreement will be effective on the date the onsite survey is completed (or on the day following the expiration date of a current agreement) if, on the date of the survey, the provider meets all Federal health and safety standards, and any other requirements imposed by HCFA.

(b) *All Federal requirements are not met on the date of the survey.* If the provider fails to meet any of the requirements specified in paragraph (a) of this section, the agreement will be effective on the earlier of the following dates:

(1) The date on which the provider meets all requirements.

(2) The date on which the provider submits a correction plan acceptable to HCFA or an approvable waiver request, or both.

§ 489.15 Time limits on agreements with skilled nursing facilities (SNFs).

(a) *Basic limitation.* An agreement with a SNF must be for a specified term, determined by HCFA in accordance with paragraphs (b) and (c) of this section.

(b) *SNF in full compliance.* If the SNF is in full compliance with the conditions of participation specified elsewhere in this chapter, the term must be 12 calendar months.

(c) *SNF not in full compliance*—(1) *Alternatives.* A SNF that is not in full compliance may be issued a restricted agreement or a conditional agreement.

(2) *Restricted agreement.* This agreement must:

(i) Specify a date by which corrections must be made;

(ii) End no later than the 60th day following the date specified for correction of deficiencies; and

(iii) Be for a term that, including the 60-day period, is 12 months or less.

(3) *Conditional agreement.* This agreement must:

(i) Be for 12 months;

(ii) Specify a date for correction of deficiences that is no later than the end of the 10th month; and

(iii) Provide for automatic cancellation on the 60th day following the date specified for correction, unless HCFA determines that all deficiencies have been corrected or the SNF has made substantial effort and progress and has submitted an acceptable revised correction plan.

(d) *Extention of the agreement.* An agreement may be extended for 60 days if—

(1) HCFA determines the extension will not jeopardize the health and safety of beneficiaries; and

(2) The extension is needed—

(i) To prevent irreparable harm to the SNF or hardship to the beneficiaries receiving services from the SNF; or

(ii) To enable HCFA to determine whether the SNF is in compliance with the conditions of participation.

§ 489.16 Nonrenewal of agreements with SNFs.

(a) *No automatic renewal.* Except as provided in § 489.15(d), the term of an agreement may not be extended. The agreement shall terminate at the close of the last day of its specified term and will not be automatically renewable from term to term.

(b) *Notice of nonrenewal.* (1) If HCFA decides not to renew an agreement with a SNF, it will notify the SNF at least 30 days, and the public at least 15 days, before the end of the term.

(2) The notice will state the reasons for the determination, the effective date for the termination of the existing agreement, and the applicability of the termination to the SNF's services.

(c) *Right to hearing.* (1) The nonrenewal of an agreement under the conditions described in this section is a determination that the facility does not qualify as a provider of services for the period immediately following the term of the current agreement.

(2) The facility is entitled to a hearing as provided in Part 405, Subpart O, of this chapter.

§ 489.18 Change of ownership or leasing: Effect on provider agreement.

(a) *What constitutes change of ownership*—(1) *Partnership.* In the case of a partnership, the removal, addition, or substitution of a partner, unless the partners expresly agree otherwise, as permitted by applicable State law, constitutes change of ownership.

(2) *Unincorporated sole proprietorship.* Transfer of title and property to another party constitutes change of ownership.

(3) *Corporation.* The merger of the provider corporation into another corporation, or the consolidation of two or more corporations, resulting in the creation of a new corporation constitutes change of ownership. Transfer of corporate stock or the merger of another corporation into the provider corporation does not constitute change of ownership.

(4) *Leasing.* The lease of all or part of a provider facility constitutes change of ownership of the leased portion.

(b) *Notice to HCFA.* A provider who is contemplating or negotiating a change of ownership must notify HCFA.

(c) *Assignment of agreement.* When there is a change of ownership as specified in paragraph (a) of this section, the existing provider agreement will automatically be assigned to the new owner.

(d) *Conditions that apply to assigned agreements.* An assigned agreement is subject to all applicable statutes and regulations and to the terms and conditions under which it was originally issued including, but not limited to, the following:

(1) Any existing plan of correction.

(2) Any expiration date.

(3) Compliance with applicable health and safety standards.

(4) Compliance with the ownerhsip and financial interest disclosure requirements of Part 420, Subpart C, of this chapter.

(5) Compliance with civil rights requirements set forth in 45 CFR Parts 80, 84, and 90.

(e) *Effect of leasing.* The provider agreement will be assigned to the lessee only to the extent of the leased portion of the facility.

Subpart B—Essentials of Provider Agreements

§ 489.20 Basic commitments.

The provider agrees—

(a) To limit its charges to beneficiaries and to other individuals on their behalf, in accordance with provisions of Subpart C of this part;

(b) To comply with the requirements of Subpart D of this part for the return or other disposition of any amounts incorrectly collected from a beneficiary or any other person in his or her behalf.

(c) To comply with the requirements of § 420.203 of this chapter when it hires certain former employees of intermediaries.

§ 489.21 Specific limitations on charges.

Except as specified in Subpart C of this part, the provider agrees not to charge a beneficiary—

(a) For services for which the beneficiary is entitled to have payment made under Medicare.

(b) For services for which the beneficiary would be entitled to have payment made if the provider had complied with the following requirements:

(1) Had in its files the required certification and recertification by a physician relating to the services furnished to the beneficiary;

(2) Had furnished such information as the intermediary found necessary in order to determine the amount due the provider on behalf of the individual for the period with respect to which payment is to be made or any prior period;

(3) Had complied with the provisions requiring timely utilization review of long stay cases so that a limitation on days of service has not been imposed under section 1866(d) of the Act (see Part 405, Subparts J and K for utilization review requirements); and

(4) Had obtained, from the beneficiary or a person acting on his or her behalf, a written request for payment to be made to the provider, and had properly filed that request. If the beneficiary or person on his or her behalf refuses to execute a written request, the provider may charge the beneficiary for all services furnished to him or her.

(c) For inpatient hospital services furnished to a beneficiary who exhausted his or her Part A benefits, if HCFA reimburses the provider for those services.

(d) For custodial care and for services not reasonable and necessary for the diagnosis or treatment of illness or injury, if:

(1) The beneficiary was without fault in incurring the expenses; and

(2) The determination that payment was incorrect was not made until after the third year following the year in which the payment notice was sent to the beneficiary.

§ 489.22 Special provisions applicable to prepayment requirements.

(a) A provider may not require an individual entitled to hospital insurance benefits to prepay in part or in whole for inpatient services as a condition of admittance as an inpatient, except where it is clear upon admission that payment under Medicare, Part A cannot be made.

(b) A provider may not deny covered inpatient services to an individual entitled to have payment made for those services on the ground of inability or failure to pay a requested amount at or before admission.

(c) A provider may not evict, or threaten to evict, an individual for inability to pay a deductible or a coinsurance amount required under Medicare.

(d) A provider may not charge an individual for (1) its agreement to admit or readmit the individual on some specified future date for covered impatient services; or (2) for failure to remain an inpatient for any agreed-upon length of time or for failure to give advance notice of departure from the provider's facilities.

Subpart C—Allowable Charges

§ 489.30 Allowable charges: Deductible, coinsurance, and copayment.

(a) *Part A deductible and coinsurance.* The provider may charge the beneficiary or other person on his or her behalf:

(1) The amount of the inpatient hospital deductible or, if less, the actual charges for the services;

(2) The amount of inpatient hospital coinsurance applicable for each day the individual is furnished inpatient hospital services after the 60th day, during a benefit period; and

(3) The posthospital extended care services coinsurance amount.

(b) *Part B deductible and copayment.* (1) The basic allowable charges are the $60 deductible and 20 percent of the reasonable charges in excess of that deductible.

(2) For hospital outpatient services, the allowable deductible charges depend on whether the hospital can determine the beneficiary's deductible status.

(i) If the hospital is unable to determine the deductible status, it may charge the beneficiary its full customary charges up to $60.

(ii) If the beneficiary provides official information as to deductible status, the hospital may charge only the unmet portion of the deductible.

(3) In either of the cases discussed in paragraph (b)(2) of this section, the hospital is required to file with the intermediary, on a form prescribed by HCFA, information as to the services, charges, and amounts collected.

(4) The intermediary must reimburse the beneficiary if reimbursement is authorized and credit the expenses to the beneficiary's deductible if the deductible has not yet been met.

§ 489.31 Allowable charges: Blood.

(a) *Part A deductible.* A provider may charge the beneficiary (or other person on his or her behalf) for the first three pints of blood, or units of packed red blood cells furnished during a benefit period. Charges are subject to the following conditions:

(1) They may not exceed the provider's customary charges.

(2) No charge may be made for any whole blood or packed red cells that are replaced, pint for pint, or unit for unit, by or on behalf of the beneficiary.

(b) *Part B deductible.* (1) A provider may charge a beneficiary (or other person on his or her behalf) for the first 3 pints of whole blood or units of packed red cells furnished during a benefit period, even though a part A blood deductible has been charged during that same period.

(2) The charges are subject to the limitations specified in paragraph (a) of this section.

(c) *Excess charges.* If the charge exceeds the cost to the provider, that excess will be deducted from any Medicare payments due the provider.

§ 489.32 Allowable charges: Noncovered and partially covered services.

(a) *Services requested by beneficiary.* If services furnished at the request of a beneficiary (or his or her representative) are more expensive than, or in excess of, services covered under Medicare—

(1) A provider may charge the beneficiary an amount that does not exceed the difference between—

(i) The provider's customary charges for the services furnished; and

(ii) The provider's customary charges for the kinds and amounts of services that are covered under Medicare.

(2) A provider may not charge for the services unless they have been requested by the beneficiary (or his or her representative) nor require a beneficiary to request services as a condition of admission.

(3) To avoid misunderstanding and disputes, a provider must inform any beneficiary who requests a service for which a charge will be made that there will be a specified charge for that service.

(b) *Services not requested by the beneficiary.* For special provisions that apply when a provider customarily furnishes more expensive services, see § 405.461 of this chapter.

§ 489.35 Notice to intermediary.

The provider must inform its intermediary of any amounts collected from a beneficiary or from other persons on his or her behalf.

Subpart D—Handling of Incorrect Collections

§ 489.40 Definition of incorrect collection.

(a) As used in this subpart, "incorrect collections" means any amounts collected from a beneficiary (or someone on his or her behalf) that are not authorized under Subpart C of this part.

(b) A payment properly made to a provider by an individual not considered entitled to Medicare benefits will be deemed to be an "incorrect collection" when the individual is found to be retroactively entitled to benefits.

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§ 489.41 Timing and methods of handling.

(a) *Refund.* Prompt refund to the beneficiary or other person is the preferred method of handling incorrect collections.

(b) *Setting aside.* If the provider cannot refund within 60 days from the date on the notice of incorrect collection, it must set aside an amount, equal to the amount incorrectly collected, in a separate account identified as to the individual to whom the payment is due. This amount incorrectly collected must be carried on the provider's records in this manner until final disposition is made in accordance with the applicable State law.

(c) *Notice to, and action by, intermediary.* (1) The provider must notify the intermediary of the refund or setting aside required under paragraphs (a) and (b) of this section.

(2) If the provider fails to refund or set aside the required amounts, they may be offset against amounts otherwise due the provider.

§ 489.42 Payment of offset amounts to beneficiary or other person.

(a) In order to carry out the commitment to refund amounts incorrectly collected, HCFA may determine that amounts offset in accordance with § 489.41 are to be paid directly to the beneficiary or other person from whom the provider received the incorrect collection, if:

(1) HCFA finds that the provider has failed, following written request, to refund the amount of the incorrect collection to the beneficiary or other person; and

(2) The provider agreement has been terminated in accordance with the provisions of Subpart E of this part.

(b) Before making a determination to make payment under paragraph (a) of this section, HCFA will give written notice to the provider (1) explaining that an incorrect collection was made and the amount; (2) requesting the provider to refund the incorrect collection to the beneficiary or other person; and (3) advising of HCFA's intention to make a determination under paragraph (a) of this section.

(c) The notice will afford an authorized official of the provider an opportunity to submit, within 20 days from the date on the notice, written statement or evidence with respect to the incorrect collection and/or offset amounts. HCFA will consider any written statement or evidence in making a determination.

(d) Payment to a beneficiary or other person under the provisions of paragraph (a) of this section: (1) Will not exceed the amount of the incorrect collection; and (2) May be considered as payment made to the provider.

Subpart E—Withholding of Payment; Termination of Agreement and Reinstatement After Termination

§ 489.50 Withholding of payment for failure to make timely utilization review.

(a) If HCFA finds that there is a substantial failure to make timely utilization review of long-stay cases in a hospital or skilled nursing facility, HCFA may determine that no payment shall be made for inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services) or for posthospital extended care services furnished an individual after the 20th day of a continuing period of such services.

(b) Before making a determination to withhold payment, HCFA will notify the provider of its intention and will afford the institution or agency an opportunity for a hearing.

(c) The withholding of payment will become effective as of the date specified in the determination and be applicable to services furnished to individuals admitted after that date.

(d) The withholding will continue in effect until HCFA finds that:

(1) The reason for the withholding has been removed; and

(2) There is reasonable assurance that it will not recur.

§ 489.52 Termination by the provider.

(a) *Notice to HCFA.* (1) A provider that wishes to terminate its agreement must send HCFA written notice of its intent.

(2) The notice may state the intended date of termination which must be the first day of a month.

(b) *Termination date.* (1) If the notice does not specify a date, or the date is not acceptable to HCFA, HCFA may set a date that will not be more than 6 months from the date on the provider's notice of intent.

(2) HCFA may accept a termination date that is less than 6 months after the date on the provider's notice if it determines that to do so would not unduly disrupt services to the community or otherwise interfere with the effective and efficient administration of the Medicare program.

(3) A cessation of business is deemed to be a termination by the provider, effective with the date on which it stopped providing services to the community.

(c) *Public notice.* (1) The provider must give notice to the public at least 15 days before the effective date of termination.

(2) The notice must be published in one or more local newspapers and must—

(i) Specify the termination date; and

(ii) Explain to what extent services may continue after that date, in accordance with the exceptions set forth in § 489.55.

§ 489.53 Termination by HCFA.

(a) *Cause for termination.* HCFA may terminate an agreement if it determines that any of the failings listed in this paragraph (a) is attributable to the provider.

(1) It is not complying substantially with the provisions of title XVIII and the applicable regulations of this chapter or with the provisions of the agreement.

(2) It places restrictions on the persons it will accept for treatment and it fails either to exempt Medicare beneficiaries from those restrictions or to apply them to Medicare beneficiaries the same as to all other persons seeking care.

(3) It no longer meets the appropriate conditions of participation set forth elsewhere in this chapter.

(4) It fails to furnish information that HCFA finds necessary for a determination as to whether payments are or were due under Medicare and the amounts due.

(5) It refuses to permit examination of its fiscal or other records by, or on behalf of HCFA, as necessary for verification of information furnished as a basis for payment under Medicare.

(6) It has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application or request for payment under Medicare.

(7) It has submitted, or caused to be submitted, requests for payment under Medicare of amounts for items and services substantially in excess of the costs incurred by such provider for providing such items and services.

(8) It has furnished items or services which HCFA has determined to be substantially in excess of the needs of individuals or of a quality that fails to meet professionally recognized standards of health care. (See § 420.101 of this chapter.) HCFA will not terminate a provider agreement under this clause if it has waived a disallowance with respect to the services in question on the grounds that the provider and the beneficiary could not reasonably be expected to know that payment would not be made. (See section 1879(a) of the Act (42 U.S.C. 1395pp(a).))

(9) It failed to furnish information on business transactions as required in § 420.205 of this chapter.

(10) It failed at the time the agreement was entered into or renewed to disclose information on convicted individuals as required in § 420.204 of this chapter.

(11) It failed to furnish ownership information as required in § 420.206 of this chapter.

(12) It failed to comply with civil rights requirements set forth in 45 CFR Parts 80, 84, and 90.

(b) *Notice of termination.* (1) HCFA will give the provider notice of termination at least 15 days before the effective date of termination of the agreement. (2) HCFA will concurrently give notice of termination to the public. (3) The notice will state the reasons for, and the effective date of, the termination, and explain to what extent services may continue after that date, in accordance with the exceptions set forth in § 489.55.

(c) *Appeal by the provider.* A provider may appeal a termination of its agreement by HCFA, in accordance with Subpart O of Part 405 of this chapter. The termination of a provider agreement on grounds specified in paragraph (a)(6), (a)(7), or (a)(8) of this section is subject to the additional procedures specified in § 420.102 of this chapter.

§ 489.55 Exceptions to effective date of termination.

(a) In the case of inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services), or posthospital extended care services furnished to a beneficiary who was admitted before the effective date of termination except that payment may be made for up to 30 days after the date of termination.

(b) In the case of home health services furnished under a plan established before the effective date, payment may be made for services furnished through the end of the calendar year in which termination is effective.

§ 489.57 Reinstatement after termination.

When an agreement has been terminated in accordance with the provisions of this subpart, HCFA will not accept a new agreement from that provider unless the following conditions are met.

(a) HCFA finds that the reason for termination of the previous agreement has been removed and there is reasonable assurance that it will not recur.

(b) HCFA finds that the provider has fulfilled, or has made satisfactory arrangements to fulfill, all of the statutory and regulatory responsibilities of its previous agreement.

(Secs. 1102 and 1866 of the Social Security Act (42 U.S.C. 1302 and 1395cc).)

(Catalog of Federal Domestic Assistance Programs No. 13.714, Medical Assistance Program; 13.773, Medicare—Hospital Insurance: 13.774, Medicare—Supplementary Medical Insurance)

Dated: December 19, 1979.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: March 6, 1980.

Nathan J. Stark,

Acting Secretary.

[FR Doc. 80-10280 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5796]

List of Communities Eligible for the Sale of National Flood Insurance

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

PART 64—LIST OF COMMUNITIES ELIGIBLE FOR THE SALE OF NATIONAL FLOOD INSURANCE

§ 64.6 List of eligible communities

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Arkansas	Chicot	Eudora, city of	050027B	Mar. 4, 1980, suspension withdrawn	Mar. 1, 1974 and Oct. 10, 1975.
Do	Pulaski	Little Rock, city of	050181B	do	Feb. 21, 1974 and Mar. 1, 1974.
California	Sonoma	Healdsburg, city of	060378B	do	Mar. 1, 1974 and Apr. 16, 1976.
Connecticut	Litchfield	Kent, town of	090186B	do	Jan. 3, 1975 and May 21, 1976.
Georgia	Gwinnett	Lilburn, city of	130100B	do	June 7, 1974 and Feb. 6, 1976.
Do	Richmond	Unincorporated areas	130158A	do	Oct. 24, 1975.
Idaho	Ada	Eagle, city of	160003B	do	Dec. 7, 1973 and July 23, 1978.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois					Jan. 13, 1978.
Do	Henry	Fox River Valley Gardens, Village of.	170478B	do	Apr. 5, 1974 and Feb. 6, 1976.
Iowa	Clayton	Guttenberg, city of	190077B	do	Feb. 8, 1974.
Kentucky	Campbell	Mentor, city of	210275B	do	July 18, 1975 and July 15, 1977.
Michigan	St. Clair	Ira, township of	260199B	do	May 3, 1974 and May 14, 1976.
Do	Van Buren	South Haven, city of	260211B	do	June 7, 1974 and June 11, 1976.
Mississippi	Coahoma	Clarkedale, city of	280039B	do	June 7, 1974.
Do	Pearl River	Picayune, city of	280130B	do	June 28, 1974 and Oct. 31, 1975.
Nebraska	Cass	Louisville, village of	310031B	do	May 10, 1974 and Dec. 5, 1975.
New Hampshire	Merrimack	Concord, city of	330110A	do	Aug. 2, 1974.
New Jersey	Burlington	Pemberton, township of	340112A	do	Dec. 13, 1974.
Do	do	Southampton, township of	340115B	do	Jan. 9, 1974 and Sept. 17, 1976.
New York	Allegany	Almond, town of	360098B	do	Apr. 12, 1974 and July 29, 1977.
Do	Steuben	Arkport, village of	360763B	do	May 17, 1974 and Mar. 5, 1976.
North Carolina	Cabarrus	Concord, city of	370037B	do	Dec. 28, 1973 and Nov. 4, 1977.
Do	Guilford	Jamestown, town of	370114B	do	Dec. 7, 1973 and Apr. 30, 1976.
Oklahoma	Okmulgee	Henryetta, city of	400144B	do	Jan. 23, 1974 and Mar. 12, 1976.
South Carolina					
Do	Anderson	Honea Path, town of	450016A	do	July 25, 1975.
Tennessee	Bradley	Cleveland, city of	470015A	do	Apr. 16, 1976.
Do	Franklin	Decherd, city of	470054B	do	June 14, 1974 and June 25, 1976.
Texas	Hidalgo	Weslaco, city of	480349B	do	Mar. 29, 1974 and Feb. 6, 1976.
Washington	King	Carnation, town of	530076B	do	May 31, 1974.
Do	Lewis	Pe Ell, town of	530296B	do	July 18, 1975.
New Hampshire	Hillsborough	Pelham, town of	330100A	Mar. 14, 1980, suspension withdrawn.	Feb. 22, 1974 and Dec. 31, 1976.
New York	Oneida	Prospect, village of	361356A	March 3, 1980, emergency	Nov. 15, 1974.
Pennsylvania	Monroe	Delaware Water Gap, borough of.	420699B	do	June 18, 1974 and May 28, 1976.
Maryland	Allegany	Midland, town of	240006B	June 2, 1975, emergency; Aug. 15, 1979, regular; Aug. 15, 1979, suspended; Mar. 4, 1980, reinstated.	Aug. 9, 1974 and Feb. 20, 1976.
Minnesota	St. Louis	Duluth, city of	270421B	Aug. 16, 1974, emergency; Feb. 1, 1980, regular; Feb. 1, 1980, suspended; Mar. 3, 1980, reinstated.	Aug. 16, 1974.
Louisiana	Jackson	Jonesboro, town of	220252A	Mar. 4, 1980, emergency	May 28, 1979.
Michigan	Sanilac	Lexington, township of	260718—New	do	
Texas	Fort Bend	Simonton, village of	481564—New	do	
New York	Steuben	Fremont, town of	361601—New	Mar. 6, 1980, emergency	
Do	Livingston	Sparta, town of	361288	do	Nov. 8, 1974 and June 11, 1976.
Do	Yates	Dresden, village of	360956	do	Feb. 20, 1976.
South Dakota	Fall River	Edgemont, city of	460026A	do	Aug. 2, 1974 and Jan. 16, 1976.
Texas		Fayette County Water Control and Improvement District-Monument Hill.	481565—New	do	Jan. 31, 1978.
Alabama	Jefferson	Morris, town of	010264	Mar. 11, 1980, emergency	Oct. 8, 1976. and Dec. 29, 1976.
Georgia	Franklin	Franklin Springs, city of	130313	do	Apr. 4, 1975.
California	Alameda	Albany, city of	060003A	Mar. 11, 1980, emergency; Mar. 11, 1980, regular.	Nov. 19, 1976.
Texas	Travis	San Leanna, city of	481305A	Mar. 11, 1980, emergency; Mar. 11, 1980, regular.	July 11, 1978.
North Carolina	Hertford	Murfreesboro, town of	370419	Mar. 12, 1980, emergency	Nov. 10, 1978.
Utah	Rich	Laketown, town of	490099	do	Nov. 12, 1976.
Florida	Putnam	Pomona Park, town of	120418A	July 9, 1976., emergency; Dec. 4, 1979, regular; Dec. 4, 1979, suspended; Mar. 13, 1980, reinstated.	May 26, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: March 17, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-9854 Filed 4-3-80; 8:45 am]

BILLING CODE 6718-03-M

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14 CFR Part 65

[Docket No. FEMA 5797]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or May 5, 1980, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood-prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30-day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood-prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one-year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

PART 65—LIST OF COMMUNITIES WITH SPECIAL HAZARD AREAS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM

§ 65.3 List of communities with special hazard areas (FHBM's in effect).

State, county, community name, and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Missouri, Cass, village of Baldwin Park, 0001A.	290880A	E–5	I	F	Apr. 1, 1980	Apr. 1, 1980	Honorable Thelma Foote, Mayor, village of Baldwin Park, Route 2, Pleasant Hill, MO 64080 (816) 987–5997.
North Dakota, Richland, city of Walcott, 0001A.	380637A	N–5	I	F	Apr. 1, 1980	Apr. 1, 1980	Honorable Palmer Wigtil, Mayor, Walcott City Hall, Walcott, ND 58077 (701) 486–2274.
Texas, Sabine, city of Bronson, 0001A	481548A	N–5	I	F	Apr. 1, 1980	Apr. 1, 1980	Honorable Rhual Ellison, Mayor, Bronson City Hall, Bronson, TX 75930 (713) 585–2931.
Washington, Unincorporated area, Skagit County, 0011B.	530151B	E–12	I	F	Oct. 25, 1974, Sept. 13, 1974.	Apr. 1, 1980	Mr. Paul R. Shelver, Zoning Administrator, Room 226, Skagit County Administration Building, Mt. Vernon, WA 98273 (206) 336–9410.
Pennsylvania, Sullivan, township of Elkland, 0003A and 0004A only.	422061	E–11, 12, 14	I	F	Jan. 24, 1975	Apr. 4, 1980	Herbert King, Jr., R.D. #1, Forksville, PA 18616 (717) 924–3516.
Pennsylvania, Westmoreland, township of Fairfield, 0001B–0003B only.	422189	N–11, 12, 14	I	F	Sept. 6, 1974, May 21, 1976.	Apr. 4, 1980	Charles H. Short, R.D. #1, Bolivar, PA 15923 (412) 235–2140.
Pennsylvania, York, township of Heidelberg, 0001B–0002B.	422221	E–11, 12, 14	I	F	Jan. 10, 1975, Aug. 27, 1976.	Apr. 4, 1980	Kervin C. Hoover, Chairman, R.D. #3, Spring Grove, PA 17363 (717) 225–3537.
Pennsylvania, Perry, township of Southwest Madison, 0002A–0003A only.	421957	E–11, 12, 14	I	F	Dec. 13, 1974	Apr. 4, 1980	William E. Gray, Chairman, R.D. #1, Loysville, PA 17047 (717) 536–3171.
Pennsylvania, Potter, township of West Branch, 0001A–0004A only.	421992	E–11, 12, 14	I	F	Dec. 6, 1974	Apr. 4, 1980	Clyde Gorg, Chairman, R.D. #1, Galeton, PA 16922 (814) 435–6486.
Alabama, Walker, town of Dora, 0001	010381A	N–5	I	F	Apr. 4, 1980	Apr. 4, 1980	Town Hall, Town of Dora, P.O. Box K, Dora, AL 35062 (205) 648–3211.
New York, Tompkins, town of Ithaca, 0001–0004.	360851B	E–11, 12	I	F	June 4, 1976, Sept. 17, 1976.	Apr. 4, 1980	Town Hall, 126 East Seneca St., Ithaca, NY 14850 (607) 272–1713.
Mississippi, Tallahatchie, town of Webb, 01	280213A	E–12	I	F	Jan. 17, 1975	Apr. 4, 1980	Ms. Alice Long, Town of Webb, Webb, MS 38966.
California, Los Angeles, city of Los Angeles, 0001B–0031B.	060137B	E–8, 11, 12	C	F	Dec. 13, 1977	Apr. 8, 1980	Mr. Donald C. Tillman, City Engineer, Room 600, City Hall, Los Angeles, CA 90012 (213) 485–2121.
Pennsylvania, Lackawanna, township of Lehigh, 0001A–0002A.	422459	E–11, 12, 14	I	F	Feb. 28, 1975	Apr. 11, 1980	Joseph Howley, Chairman, Township Board of Supervisors, Box 116—Star Route, Gouldsboro, PA 18424 (717) 842–2482.
Pennsylvania, Wayne, township of Lehigh, 0001A–0002A.	422187	E–11, 12, 14	I	F	Nov. 29, 1974	Apr. 11, 1980	Stephen Place, Chairman, Main Street, Gouldsboro, PA 18424 (717) 842–9977.
Pennsylvania, Franklin, township of Letterkenny, 0001A–0004A only.	422425	E–11, 12, 14	I	F	Dec. 20, 1974	Apr. 11, 1980	Ross Foust, Chairman, Township Board of Supervisors, Pleasant Hall, PA 17246 (717) 532–4051.
Pennsylvania, Perry, township of Tuscarora, 0001A–0003A.	421980	E–11, 12, 14	I	F	Jan. 17, 1975	Apr. 11, 1980	Alfred J. Shull, Chairman, R.D. #1, Millerstown, PA 17062 (717) 589–3537.
Pennsylvania, Snyder, township of Washington, 0001A–0002A only.	422041	E–11, 12, 14	I	F	Jan. 17, 1975	Apr. 11, 1980	Richard Weller, Chairman, R.D. #3, Middleburg, PA 17842 (717) 837–3711.
Mississippi, George, city of Lucedale, 01	280056B	E–11	I	F	June 7, 1974, Jan. 16, 1976.	Apr. 11, 1980	W. A. Rouse, Mayor, P.O. Box 208, Lucedale, MS 39452 (601) 947–2062.
Georgia, Jenkins, city of Millen, 0001, 0002	130119B	E–8, 12	I	F	Apr. 12, 1974, Feb. 6, 1976.	Apr. 11, 1980	City Hall, City of Millen, P.O. Box 929, Millen, GA 30442 (912) 982–4542.
Iowa, Warren and Polk, city of Carlisle, 0001B	190274B	E–8, 11, 12	I	F	June 7, 1974, Oct. 24, 1975.	Apr. 15, 1980	Mr. Kenneth Miller, Carlisle City Clerk, P.O. Box 430, Carlisle, IA 50047 (515) 989–3224.

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List of communities with special hazard areas (FHBM's in effect).—Continued

State, county, community name, and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Washington, Unincorporated area, Pierce County, 0001B–0020B.	5301398	E–8, 11,12	I	F	Oct. 25, 1977	Apr. 15, 1980	Mr. William R. Thornton, Public Works Director, Pierce County, 1033 County-City Building, Tacoma, WA 98402, Attn.: Mr. John G. Comis, Planning Engineer (206) 593–4500.
Indiana, Clarke, town of New Providence, 0001A.	180464	N–5	I	F	Apr. 18, 1980	Apr. 18, 1980	Emil Starks, Town Board President, Town Hall, Borden, IN 47106 (812) 967–2585.
Pennsylvania, York, township of Manheim, 0001A–0002A, 0002A does not print.	422224	E–11, 12, 14	I	F	Dec. 27, 1974	Apr. 18, 1980	Lavere D. Miller, Chairman, Township Board of Supervisors, R.D. #1, Glen Rock, PA 17327 (717) 235–1988.
Pennsylvania, Potter, township of Ulysses, 0001A–0008A, 0002A does not print.	421991	E–11, 12, 14	I	F	Jan. 10, 1975	Apr. 18, 1980	Anthony Toman, Chairman, R.D. #1, Box 255, Ulysses, PA 16948 (814) 848–7425.
Pennsylvania, Lawrence, township of Wayne, 0001A–0002A.	422469	E–11, 12, 14	I	F	Jan. 17, 1975	Apr. 18, 1980	William A. Drotleff, Chairman, Township Supervisors, 4353 Ellwood, New Castle Road, New Castle, PA 16101 (412) 752–9950.
Pennsylvania, Butler, township of Worth, 0001A–0002A.	421425	E–11, 12, 14	I	F	Nov. 15, 1974	Apr. 18, 1980	William Taylor, Chairman, Township Supervisors, R.D. #3, Slippery Rock, PA 16057 (412) 368–8971.
North Carolina, Yadkin, town of Jonesville, 01	3702608	E–11	I	F	Mar. 4, 1974, May 28, 1976.	Apr. 18, 1980	Mr. Delcos Martin, Mayor, 136 W. Main Street, Jonesville, NC 28642 (919) 835–3426.
Nevada, unincorporated area, Lander County 0008B.	3200138	E–11	I	F	July 26, 1974, Feb. 21, 1978.	Apr. 22, 1980	Mr. Michael Lattin, County Engineer, Lander County, 421 Court Street, Elko, NV 89801 (702) 738–3106.
South Dakota, Brown, town of Warner, 0001A	4602958	N–5	I	F	Apr. 22 1980	Apr. 22, 1980	Ms. Darline Palmer, Town President, Warner Town Hall, Warner, SD 57479 (605) 256–3605.
Pennsylvania, Sullivan, township of Forks, 0001A–0003A.	422062	E–11, 12, 14	I	F	Apr. 4, 1975	Apr. 25, 1980	James Warburton, Chairman, Township Board of Supervisors, R.D. #2, New Albany, PA 18833 (717) 924–3984.
Pennsylvania, Perry, township of Jackson, 0001A–0004A only.	421952	E–11, 12, 14	I	F	Dec. 27, 1974	Apr. 25, 1980	Clark W. Bower, Chairman, R.D. #1, Blain, PA 17006 (717) 536–3394.
Pennsylvania, Potter, township of Pleasant Valley, 0001A–0002A.	421954	E–11, 12, 14	I	F	Nov. 29, 1974	Apr. 25, 1980	Howard Austin, Chairman, Township Board of Supervisors R.D. #1, Singlehouse, PA 16748 (814) 887–5287.
Pennsylvania, Monroe, township of Pocono, 0001A–0003A.	421692	E–11, 12, 14	I	F	Dec. 6, 1974	Apr. 25, 1980	John Wolfe, Chairman, Township Board of Supervisors, Box 207, Tannersville, PA 18372 (717) 629–1922.
Pennsylvania, Potter, township of Stewardson, 0001A–0003A only.	421956	E–11, 12, 14	I	F	Feb. 7, 1975	Apr. 25, 1980	Harry Taylor, Chairman, Township Board of Supervisors, Star Route, Cross Forks, PA 17729 (717) 923–UETE
Pennsylvania, Synder, township of West Beaver, 0002A–0003A only.	422507	E–11, 12, 14	I	F	Jan. 24, 1975	Apr. 25, 1980	Homer R. Fultz, Chairman, Township Board of Supervisors, R.D. #2, McClure, PA 17841 (717) 658–6658.
Maine, Androscoggin, town of Poland, 0002,0004.	2300NA	E–11, 12	I	F	Feb. 22, 1974, Aug. 27, 1976.	Apr. 25, 1980	Town Hall, Town of Poland, Box 38, Poland, ME 04273.
South Carolina, Allendale, town of Ulmer, 01..	4500128	E–12	I	F	Aug. 16, 1974, June 11, 1976.	Apr. 25, 1980	Louis Freeman, Mayor, Town of Ulmer, P.O. Box 126, Ulmer, SC 29849.
Maine, York, town of Sanford, 0001–0004	230156C	E–12	I	F	Sept. 13, 1974, Sept. 10, 1976, Aug. 23, 1977.	Apr. 25, 1980	Board of Selectmen, Town of Sanford, 267 Main Street, Sanford, ME 04073 (207) 324–4121.
Texas, Ellis town of Alma, 0001A	481545A	N–5	I	F	Apr. 29, 1980	Apr. 29, 1980	Honorable L. Whitfill, Mayor, Alma Town Hall, Route 1, Ennis, TX 75119 (214) 875–2054.
Texas, Fort Bend, town of Kendleton, 0001A..	481551A	N–5	I	F	Apr. 29, 1980	Apr. 29, 1980	Honorable Ennis Humphrey, Sr., Mayor, P.O. Box 700, Kendleton Town Hall-Kendleton, TX 77451 (713) 532–8240.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–9953 Filed 4–3–80; 8:45 am]

BILLING CODE 4210–23–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Amending Part 0 of the Commission's Rules With Respect to Delegation of Authority to the Chief, Common Carrier Bureau; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document corrects a rule change which granted delegated authority to Chief, Common Carrier Bureau to act on petitions for suspension and investigation.

EFFECTIVE DATE: December 19, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Anne Coffey, Common Carrier Bureau, 202–632–6387.

SUPPLEMENTARY INFORMATION:

Erratum

Released: March 28, 1980.

In the matter of amendment of Part 0 of the Commission's Rules with respect to delegation of authority to the Chief, Common Carrier Bureau.

Memorandum Opinion and Order, FCC 79–880, in the above-entitled matter, released January 18, 1980, and published as FR Doc. 80–2387, on Jan. 25, 1980 (45 FR 6105), is corrected by making paragraph 6 read as follows:

"6. It is further ordered that § 0.291 (e) through (i), 47 CFR 0.291 (e) through (i), are redesignated § 0.291 (d) through (h) respectively, effective December 19, 1979."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–10154 Filed 4–3–80; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1014

[Ex Parte No. 366]

Legal Assistance Referral Service

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rules.

SUMMARY: This document corrects the rulemaking published at 45 FR 20104, on March 27, 1980, which incorrectly gave 1013 as the Part of the CFR for these rules. The correct heading should read: PART 1014—SPECIAL REGULATIONS GOVERNING COMMISSION PARTICIPATION IN THE LEGAL ASSISTANCE REFERRAL SERVICE.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT:
Lee Alexander (202) 275–7597.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10286 Filed 4–3–80; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Directed Service Order No. 1462]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor, (William M. Gibbons, Trustee)

Decided: March 28, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1462

SUMMARY: Pursuant to 49 U.S.C. 11125, the Commission is authorizing various railroads to provide service as "directed rail carriers" (DRC's)—without federal subsidization under 49 U.S.C. 11125(b)(5)—of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI"). The involved carriers and lines are identified in the appendix to this decision.

This unsubsidized directed service order is necessitated by the continuing economic crisis on the Rock Island and the expiration of subsidized directed service under Directed Service Order No. 1398 (and subs thereunder), on March 23, 1980. See *Kansas City Term, Ry. Co.—Chicago, R. I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733, and 45 FR 14578 (1979–80).

DATES: Effective Date: Directed Service Order No. 1462 shall be effective on the service date of this decision. Each DRC shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date: Unless otherwise modified by the Commission, DSO No. 1462 will expire at 11:59 p.m. (central time) on May 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Richard J. Schiefelbein (202) 275–0826, or Joel E. Burns (202) 275–7849

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

The Rock Island has been in reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205) since March 1975. In September 1979 RI's cash flow position became so severe as to prevent RI from continuing normal rail operations. See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289, 290–92. Accordingly, we issued Directed Service Order No. 1398 authorizing the Kansas City Terminal Railway Company (KCT), under 49 U.S.C. 11125, to provide service as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system.

The carriers named in the appendix have expressed an interest in operating various RI lines without government compensation. In response to these expressions of interest, we served various service orders [1] authorizing interested rail carriers (designated as DRC's in this decision) to operate the RI lines described in the appendix without any government subsidization under 49 U.S.C. 11123. However, certain jurisdictional difficulties persuade us to reconsider the statutory basis for authorizing operations over the RI lines involved in the prior service orders.

On December 7, 1979, we issued Service Order No. 1411 authorizing the St. Louis Southwestern Railway Company (SSW) to provide temporary service over RI's Tucumcari Line (between Santa Rosa, NM, and St. Louis, MO), pursuant to 49 U.S.C. 11123. *St. Louis S. W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 539 (1979). On March 20, 1980, however, the U.S. Court of Appeals for the Seventh Circuit reversed and remanded Service Order No. 1411, finding its jurisdictional basis under 49 U.S.C. 11123 defective. *See* Nos. 79–2461 and 79–2478, *Atchison, Topeka & Santa Fe Railway Company v. United States of America.* Although we are considering seeking review of the Court's ruling on Service Order No. 1411, the DRC's have expressed reservations about conducting operations under our various service orders unless the jurisdictional basis is clarified.

KCT's subsidized directed service operations over the RI system terminated on March 23, 1980, due to a lack of funds as discussed in DSO No. 1398 (Sub-No. 2). *KCT—Operate—CRI&P), supra*, 360 I.C.C. 718. The RI Trustee indicates that he is unable to resume service after KCT's directed

[1] Service Orders No. 1287 (and amendment 5), 1435 (and amendment 1), 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450 (as revised), 1451, 1452, and 1461.

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service ends. Unless we reaffirm the DRC's authority to operate RI's involved lines, there will be a significant disruption in service with corresponding adverse economic effects on shippers and localities affected by these lines.

Accordingly, we have decided to authorize the DRC's to operate the involved lines under the authority of an uncompensated directed service order issued pursuant to 49 U.S.C. 11125.

Discussion and Conclusions

The jurisdictional factors supporting the issuance of Directed Service Order No. 1398 also support the issuance of this unsubsidized directed service order. As we found in DSO No. 1398 (and subs thereunder), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). See *KCT—Operate—CRI&P, supra*, 360 I.C.C. 289 at 290–92. Since the issuance of the KCT directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight. Accordingly, the RI emergency continues to exist and our jurisdiction to issue a directed service order remains intact.

Moreover, the need for service which warranted our prior service orders still exists. Shippers along the involved lines still require significant rail service. A prolonged cessation of service after the expiration of DSO No. 1398 on March 23, 1980, would disrupt local traffic all along these lines.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, we consider it imperative to authorize some form of interim service.

While the Commission lacks funds to order subsidized directed service after March 23, 1980, we find no impediment to authorizing unsubsidized directed service by the named DRC's for the remainder of the maximum 240-day directed service period which began October 5, 1979. Due to the emergency nature of the situation and the need for immediate action, we exercise our authority under 49 U.S.C. 11125(a) to waive advance public notice and hearings in this matter.

The terms and conditions of this directed service order are described below.

Terms and Conditions

Effective Date—DSO No. 1462 shall be effective on the service date of this decision. Each DRC shall immediately notify the Commission and all parties to this proceeding of the date it commences operations under this authority.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1462 will expire at 11:59 p.m. (central time) on the 240th day after directed service operations over the RI system first began on October 5, 1979 (*i.e.*, 11:59 p.m., May 31, 1980). The Commission lacks jurisdiction to extend directed service beyond that date.

Operations—The DRC's are authorized to operate over the RI tracks designated in the appendix to this decision. Operation over the designated tracks includes use of facilities and appurtenances thereto that are necessary or reasonably related to train operations, including but not limited to: yards; yard facilities; maintenance facilities; communication, electrical, and signal facilities; locomotive and car repair facilities; scales; etc.; subject, however, to the following notification requirements. The DRC's shall, within one week of commencing operations, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations. Any facilities or appurtenances not so identified in the notification shall not be deemed to be part of the operations authorized by this decision, unless contested. Disagreements concerning the scope of operations and use of facilities shall be resolved by appropriate Commission orders.

Operation over the designated RI tracks includes entry and exit to those tracks, for the purpose of handling traffic to or from stations on the lines, as well as for the purpose of handling traffic that neither originates nor terminates at any station on any such line.

Waiver of Compensation—Each DRC's authority under DSO No. 1462 is expressly conditioned upon its waiver of all compensation under 49 U.S.C. 11125(b)(5) and 49 CFR 1126 (1978).

Track Safety—In accordance with 49 U.S.C. 11125(b)(2)(A), no DRC need operate over any RI line segments certified by the Federal Railroad Administration (FRA) as being below Class I track safety standards. *See* 49 CFR Part 213 (1979).

However, with regard to any line segments below Class I condition, a DRC may either: (1) Rehabilitate the line; (2) Petition FRA for a waiver authorizing limited rail operations over the line; or (3) Implement ancillary rerouting under 49 U.S.C. 11124.

Cars and Operating Equipment—In operating the involved RI lines, each DRC shall use its own cars and operating equipment wherever possible. However, a DRC may use RI cars and operating equipment to the extent authorized in any subsequent orders of the Commission or its Railroad Service Board.

Employees—In providing service under this directed service order, each DRC shall afford affected RI employees the protection provided by the negotiated labor protection agreement signed March 4, 1980 (entitled *Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives Association).*

We interpret this negotiated labor protection agreement as satisfying the employee protection requirements of the Interstate Commerce Act—including the provisions of 49 U.S.C. 11125(b)(4)—for purposes of interim operations over the Rock Island and Milwaukee Railroads.

Preservation of RI Estate—During the period of its operation of RI's involved lines, each DRC shall be responsible for preserving the value of the lines to the RI estate. Each DRC shall thus have an affirmative duty to perform that degree of maintenance necessary to avoid deterioration of the lines and related facilities, unless otherwise agreed.

Rent—Each DRC and the RI Trustee shall negotiate regarding terms of compensation for use of the designated RI lines and related facilities. In the event of a failure to reach agreement, we reserve the right to set reasonable compensation terms.

If we are called on to set reasonable compensation terms, we shall be guided by the following general principles. We do not believe any DRC should be required to pay, as rent, more than one-half the net revenue derived from that DRC's operations over RI lines and facilities. Our determination of actual compensation may be less than this maximum, depending on such factors as the benefit to the RI estate of the DRC's assumption of security and maintenance obligations, the length of the line segment to be operated by the DRC, the revenue potential of that line segment, and similar considerations.

Rates—Each DRC is authorized to act on behalf of RI in all matters concerning rates and charges applicable to the RI lines over which it operates pursuant to this order.

Any DRC may seek changes in existing RI rates and charges regarding the line. All such charges shall accrue to the DRC's account during the effective period of this order, and shall not constitute assets of the RI estate.

DRC's Liability for Expenses—Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole liability of the DRC incurring the costs, and shall not in any way be deemed a liability of the United States Government.

Operational Difficulties—Any operational or other difficulties associated with the authorized operations shall be resolved by the involved DRC and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Permissive Nature of Order—In view of the particular circumstances surrounding this proceeding, our order shall be permissive rather than mandatory. Thus, each individual DRC may elect whether or not to commence the authorized operations.

We believe each DRC should have an opportunity to review the conditions contained herein before commencing operations. Since this directed service order is predicated upon a waiver of compensation under 49 U.S.C. 11125(b)(5) and 49 CFR Part 1126, each DRC should have an opportunity to weigh the costs and benefits of operating the involved line before commencing operations. Finally, a permissive order ensures that no DRC is compelled to provide service which could impair its financial or operational viability.

Reporting Requirements—To assist us in monitoring the DRC's operations of the involved lines, we shall require each DRC to file that data regarding the lines which RI would have otherwise filed.

Traffic Reports—Each DRC shall file with the Commission, on a monthly basis, a traffic report identifying: (a) The number of carloads transported daily over the lines it operates under this order; (b) The total gross revenue for those carloads; and (c) RI's normal portion of the total gross revenue. These traffic reports shall be submitted to the Commission once a month at the end of each calendar month.

We find: (1) RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

(2) In order to prevent severe transportation and economic disruptions, it is necessary for the Commission to authorize the DRC's to operate RI's lines described in the appendix under 49 U.S.C. 11125 with a waiver of any compensation.

(3) Our action in this decision will not cause any DRC to operate in violation of 45 U.S.C. 421. *See* 49 U.S.C. 11125(b)(2)(A).

(4) Our action in this decision will not substantially impair the ability of any DRC to serve its own patrons adequately, or to meet its outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B).

(5) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

In 49 CFR § 1033.1462, *Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)*

It is ordered: (1) *Entry*—Each DRC is authorized to enter upon and operate RI's lines set forth in the appendix pursuant to this unsubsidized directed service order under 49 U.S.C. 11125.

(a) The entry may occur on this decision's service date and shall continue no later than 11:59 p.m. (central time) on May 31, 1980.

(b) Each DRC shall immediately notify the Commission and the parties to this proceeding, in writing, of the date it commences operations under this order.

(2) *Other Matters*—Operations under this order shall conform with the directions prescribed above.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1462" and be sent to the following Commission offices in the Commission's headquarters at 12th and Constitution Avenue, NW., Washington, DC 20423:

- Office of the Secretary (Room 2215) (original)
- Section of Finance (Room 5417) Office of Proceedings (3 copies)
- Section of Rail Service Planning (Room 7375) Office of Policy and Analysis (3 copies)
- Railroad Service Board (Room 7115) Bureau of Operations (3 copies)
- Bureau of Accounts (Room 6133) (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign commerce.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Service on Parties*—This decision shall be served on all parties in DSO No. 1398, who shall be made parties to this proceeding. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Car Service Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(7) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) Depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) Filing a copy with the Director, Office of the Federal Register.

(8) *Effective Date*—This decision and order shall be effective on this decision's service date.

(9) *Expiration Date*—Unless otherwise modified by the Commission, this decision and order will expire at 11:59 p.m. (central time) May 31, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

RI Lines Authorized to be Operated by DRC's

1. *Louisiana and Arkansas Railway Company (L&A):*
   A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.
   B. From Hodge to Winnfield, Louisiana
   C. Alexandria Yard, Alexandria, Louisiana
2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois
3. *Union Pacific Railroad Company (UP):*
   A. Beatrice, Nebraska
   B. From Colby to Caruso, Kansas
   C. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska to RI Milepost 581.5 north of Hallam, Nebraska
4. *El Dorado and Wesson Railway Company (ED&W):* At El Dorado, Arkansas for the purpose of interchanging its traffic with the Missouri Pacific Railroad Company.
5. *Elgin, Joliet and Eastern Railway Company (EJE):* From the easternmost point of the existing EJE–RI interchange in Joliet, Illinois, to the end of RI ownership in Peoria, Illinois, identified as Iowa Junction (milepost 164.22)
6. *Toledo, Peoria and Western Railroad Company (TP&W):*
   A. Keokuk, Iowa
   B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois
7. *Burlington Northern, Inc. (BN):*
   A. Burlington, Iowa (milepost 0 to milepost 2.06)
   B. Fairfield, Iowa
   C. Ottumwa, Iowa
   D. Phillipsburg, Kansas, (milepost 282) to CBQ Junction, Kansas (milepost 325.9)
8. *Fort Worth and Denver Railway Company (FW&D):*
   A. Terminal trackage at Amarillo, Texas (milepost 754.1 to milepost 766) including all

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yard trackage within these points and including the spur tracks (old Liberal line) to the Asarco Plant.

B. Bowie, Texas (milepost 543.2) to North Fort Worth, Texas (milepost 609.6)

9. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota (milepost 236.4)

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.8)

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9)

K. From Rake (milepost 50.7) to Ocheyedan, Iowa (milepost 502)

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2), and to serve all industry formerly served by the RI at Cedar Rapids

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)

P. Sibley, Iowa

Q. Worthington, Minnesota

10. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland

B. From Seymour, to and including industry and team tracks at Centerville, Iowa

C. Washington, Iowa

D. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

11. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Davenport, Iowa

B. Moline, Illinois

C. Rock Island, Illinois, including 26th Street yard

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex

E. From East Moline to Silvis, Illinois

F. From Davenport to Wilton, Iowa

G. From Rock Island, Illinois to Davenport, Iowa, Sufficient to include service to Rock Island arsenal

12. *The Denver and Rio Grande Western Railroad Company (DRGW):*

A. From Sandown Junction, milepost .1 to and including Bell, milepost 3.9 (junction with DRGW Belt Line), all in the vicinity of Denver, Colorado

B. From Colorado Springs, milepost 609.1 to and including milepost 602.8, including all rail facilities at Colorado Springs and Roswell, all in the vicinity of Colorado Springs, Colorado.

13. *Norfolk and Western Railway Company (N&W):* Running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four miles to Kensington and continuing over owned or controlled track or operating rights or both in a more easterly direction approximately two additional miles to the termination at the southern end of Lake Calumet

14. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana

15. *Waterloo Railroad Company (Waterloo):* Waterloo, Iowa

16. *St. Louis Southwestern Railway Company (SSW):* Camden, Arkansas

17. [Reserved]

18. *Missouri-Kansas-Texas Railroad Company* (MKT): From McAlester, OK (milepost 365.3) to Oklahoma City, OK (milepost 495.6) including switching at Oklahoma City. This provision also includes authority to operate over the tracks of the Oklahoma Railway Company.

[FR Doc. 80-10211 Filed 4-3-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1047

Partial Exemption for Agricultural Commodities, Livestock, and Fish

AGENCY: Interstate Commerce Commission.

ACTION: Correction of rules.

SUMMARY: Section 1047.25 (originally published at 42 FR 44994, Sept. 8, 1977) lists generally those commodities which fall within or without the exemption for agricultural commodities, livestock or fish contained in Section 10526(a)(6) of the recodified Interstate Commerce Act (49 U.S.C. 10526(a)(6)) by reproducing Administrative Ruling No. 119. The original Administrative Ruling No. 119 which incorporated Administrative Ruling No. 107 lists Christmas Trees, plain, sprayed or coated as exempt under two separate entries, Christmas Trees and Forest Products (Trees). 49 C.F.R. 1047.25, however, lists Christmas Trees as non-exempt under the entry Christmas Trees but as exempt under the entry Forest Products (Trees). To eliminate this inconsistency the entry Christmas Trees, in Section 1047.25 of Title 49 of the Code of Federal Regulations will be revised to read:

Christmas trees, plain, sprayed or coated—Exempt—Law.

In all other respects the language of part 1047 of Title 49 of the code of Federal Regulations remains unchanged.

EFFECTIVE DATE: This correction will become effective upon publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John L. Chaney, 202–275–7842.

Section 1047.25 is amended in Administrative Ruling No. 119 by revising the first entry in the list for Christmas Trees to read as follows:

§ 1047.25 Status of selected agricultural commodities, livestock and fish under 49 U.S.C. 303(b)(6) and Administrative Ruling No. 119.

* * * * *

Composite Commodity List of Administrative Ruling No. 119

* * * * *

Christmas trees, plain, sprayed or coated—Exempt—Law.

* * * * *

Authority for Promulgation

This document is promulgated under the authority contained in 49 U.S.C. § 10321 and 5 U.S.C. §§ 553 and 559. Prior public notice and opportunity for hearing have been dispensed with for the reason that this document deals with the correction of a reproduction error and comment upon the notice of correction is unnecessary. The correction is made effective immediately to eliminate further confusion.

By the Commission,

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10289 Filed 4-3-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Whaling Provisions; Deletion of Regulations; Correction

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Deletion of regulations, correction.

SUMMARY: This document corrects a previous **Federal Register** document published at 45 FR 11134, February 20, 1980 relating to whaling provisions.

EFFECTIVE DATE: March 31, 1980.

ADDRESS: Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Deputy Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, 202–634–7461.

SUPPLEMENTARY INFORMATION: On page 11134, February 20, 1980 in FR Doc. 80–5305, 50 CFR Part 230 pertaining to regulations governing issuance of licenses and maintenance of records under the Whaling Conservation Act of 1949 was inadvertently deleted. 50 CFR Part 230 is hereby reinstated.

Amendments to 50 CFR Part 230, published March 28, 1980, which revised § 230.10(b) and §§ 230.70–230.77 are effective March 31, 1980.

Dated: March 31, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10297 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish Fishery; Emergency Regulations

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/ Commerce.

ACTION: Emergency amendments to the regulations governing the Atlantic groundfish fishery.

SUMMARY: The regulations governing the Atlantic groundfish fishery are amended by emergency action taken under the authority of Section 305(e) of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act). This action, while effective, constitutes an amendment to the Fishery Management Plan for Atlantic Groundfish. These amendments: (1) change the incidental catch allowance of yellowtail flounder for vessels using small mesh nets (cod-end mesh less than 5½ inches) to 1,000 pounds per trip; and (2) change the incidental catch allowance of yellowtail flounder during closure to 1,000 pounds per trip.

EFFECTIVE DATE: These emergency regulations take effect April 6, 1980. They will be in effect for 45 days (May 20, 1980) unless terminated earlier. They may be continued for an additional 45-day period. Public comment on the regulations is invited during the emergency period.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: The yellowtail flounder fishery is managed in accordance with the Fishery Management Plan for Atlantic Groundfish (FMP) which was prepared by the New England Fishery Management Council (Council) in consultation with the Mid-Atlantic Fishery Management Council. The FMP provides for the conservation and management of cod, haddock, and yellowtail flounder in the fishery conservation zone (FCZ) of the Northwest Atlantic Ocean. The FMP provides for managing yellowtail flounder on the basis of the existence of two fisheries: an offshore fishery east of 69° West Longitude, and an inshore fishery west of 69° West Longitude. The offshore fishery harvests the Georges Bank yellowtail flounder stock. The inshore fishery consists of fishing grounds off Cape Cod, Nantucket Island, Southern New England, and Long Island, and harvests the Cape Cod stock, the Southern New England stock, and populations endemic to the Mid-Atlantic area.

A formal Secretarial public hearing concerning yellowtail flounder management problems was held by the Department of Commerce at Riverhead, Long Island, on September 20, 1979. The Mid-Atlantic Fishery Management Council and fishermen in the Mid-Atlantic area had expressed concern that the distribution of the yellowtail flounder quota between two management areas and the present catch regulations under the FMP discriminate against the traditional yellowtail flounder winter fishery conducted by small draggers off Long Island. They petitioned the Secretary of Commerce to adjust future quotas and catch limitations to ensure that fishermen in the Mid-Atlantic area receive their historical share of this resource. The purpose of the hearing was to receive testimony concerning the alleged adverse effects of the yellowtail flounder management system on Long Island fishermen and to solicit suggestions for Secretarial action which would address these concerns. Representatives of Congress, the State of New York, the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council, the Town of Easthampton, Long Island, and several industry representatives and fishermen presented testimony.

The Long Island fishery is characterized primarily by small vessels (draggers) which conduct daily fishing trips in a true mixed species bottom trawl fishery. The fishery depends on harvesting from a wide variety of species, varying upon availability and market demands. Catches are relatively small and markets are restricted. These vessels normally use trawls with cod-end mesh smaller than 5½ inches because whiting, butterfish, squid, and similar species are the usual primary targets. When yellowtail flounder are abundant in the Long Island area in the winter and early spring, they can be an important part of the total daily catch of a small dragger (as much as one half). Because of the high value of yellowtail, this species makes winter fishing economically worthwhile for the Long Island fishermen.

Some of the hearing testimony alleged that the present management system encouraged misreporting of catch locations of yellowtail flounder which resulted in closure in the area west of 69° W. early in the last fishing year. Large draggers from New England ports were alleged to have reported catches as having been taken west of 69° W. so that this area quota would be reached first. A closure west of 69° W. would not impact on these large vessels because they can fish in the Georges Bank area (east of 69° W.), even in uncertain winter weather, whereas the smaller Long Island vessels are usually limited to fishing west of 69° W. There was a closure of the yellowtail fishery west of 69° W. in 1979 from February 4 to March 13, and also from April 28 through September 30. These closures caused considerable protests from New York fishermen and from the Mid-Atlantic Fishery Management Council. They charged that the closures caused undue economic hardships in their fisheries.

Testimony pointed out that the fishery off Long Island is a true mixed species fishery and that the present management regulations do not permit the fishermen to fish in their traditional manner and still harvest their historic share of the yellowtail flounder resource. When the fishery is open, use of nets with a cod-end mesh smaller than 5½ inches means that a vessel must have 2,000 pounds or more of fish other than groundfish on board before any yellowtail flounder can be landed legally. Small day-trip boats often do not catch this much fish per trip in the winter, thus any yellowtail flounder caught could not then be landed legally. Discarding them at sea is also illegal under the FMP. In a closure situation, such as occurred last winter, vessels are entitled to land yellowtail at a rate of the lesser of 500 pounds or 4 percent of all fish on board per trip. For most small vessels, this would amount to less than 100 pounds of yellowtail flounder per trip. In the winter, catches greater than 100 pounds often cannot be avoided and, therefore, neither can violation of

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the regulations. This situation is a financial hardship for a fleet that has historically depended on yellowtail flounder as a principal revenue source during the winter and spring months.

Misreporting of catches and catch location and non-reporting of catches has resulted from the constraining incidental catch allowances instituted during fishery closures and for the use of small mesh nets in a mixed species trawl fishery. As indicated before, small-boat fishermen can often violate regulations whether they land or discard yellowtail catches. This situation has angered the fishermen, caused contempt for the regulations, and encouraged a general violation of the regulations, either through reporting the catches from a location outside of a closed area or landing fish illegally and not reporting them at all. It is not an uncommon practice to report catches as taken in state waters rather than where actually caught. In some instances, yellowtail has been reported as some other species.

Because vital catch data are distorted or missed entirely, the ability of fishery scientists to develop accurate assessments of stock condition has been impeded significantly. More reliable stock assessments are an important basis for permitting the Council and NOAA to take proper management actions necessary to restore the health of the resource.

Section 305(a) of the Act permits the Secretary, upon finding that an emergency exists involving any fishery resource, to promulgate emergency regulations to amend any regulations which implement an existing fishery management plan. Such regulations remain in force and effect for up to 45 days and while effective, constitute amendments to the plan. They may be repromulgated for a second 45 day period.

The Assistant Administrator for Fisheries, acting on behalf of the Secretary of Commerce, has determined that an emergency exists with respect to yellowtail flounder. This emergency warrants immediate changes in the yellowtail flounder incidental catch allowance (1) for users of small mesh nets and (2) for closure conditions. The new incidental catch regulations do not represent any significant changes in the management policy for this fishery. They are a refinement of the current regulations to reflect better the realities of a mixed species fishery. The new regulations will have significant economic benefits for small-boat fishermen in the Southern New England/Mid-Atlantic area who, under existing regulations (particularly in event of a closure west of 69° W.), stand to lose an important and traditional source of revenue in their fishery.

Investigations and testimony indicate that a change in the catch regulations, which would permit vessels fishing with small mesh nets during open fishery conditions to land 1,000 pounds of yellowtail flounder per trip, would provide for a realistic catch level for most vessels. This change will allow Long Island fishermen to pursue legally their traditional winter fishery as well as remove incentives to misreport, discard, or not report catches at all.

A change in the incidental catch allowance for yellowtail flounder under closure conditions to 1,000 pounds per trip is also considered a realistic level, particularly for the mixed species fishery off Long Island. It should minimize adverse economic impacts of a yellowtail flounder fishery closure. An evaluation of the bottom trawl fishery during a closure indicates that a 1,000 pounds per trip limitation is somewhat constraining for larger vessels fishing multiple day-trips, but only occasionally constraining for the small day-boats. Since the larger vessels have fishing options not available to day-boats, the regulation changes are not inequitable.

The Assistant Administrator has determined that the changes in the incidental catch allowances made by this notice will not substantially affect the total harvest level of yellowtail flounder from Atlantic waters during this fishing year. No adverse biological impacts on the stocks are expected.

The Mid-Atlantic and New England Fishery Management Councils have strongly approved this action as an improvement in the regulations implementing the FMP.

The Assistant Administrator for Fisheries has determined that this emergency action is not a major Federal action significantly affecting the quality of the human environment and an Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

Public comment on the emergency regulations is invited during the period in which the regulations are in effect.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 1st day of April, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Part 651 is revised as follows:

1. Paragraph (e) of § 651.22 is amended to read:

§ 651.22 Vessel class and gear limitations.

* * * * *

(e) *Exception: Cod and haddock.* For catches of cod and haddock, the mesh size limitations contained in paragraphs (b) and (c) of this section do not apply to a vessel which can demonstrate that its catch of cod and haddock for the entire trip:

(1) Is less than each of the following amounts:

(i) The larger of 1,000 pounds or 10 percent of the total fish landed, by weight, for either cod or haddock;

(ii) The amount allowed under any applicable catch limitations established under § 651.23;

(iii) During a closure, the amount allowed under incidental catch provisions contained in § 651.24(d); and

(2) Includes at least 2,000 pounds of fish other than groundfish caught on the same trip (this subparagraph (2) does not apply to vessels in the northern shrimp fishery).

2. Add a new paragraph (f) to § 651.22 to read:

§ 651.22 Vessel class and gear limitations.

* * * * *

(f) *Exception: Yellowtail flounder.* For catches of yellowtail flounder, the mesh size limitations contained in paragraphs (b) and (c) of this section do not apply to a vessel which can demonstrate that its catch of yellowtail flounder for the entire trip is less than 1,000 pounds.

3. Paragraph (d)(2) of § 651.24 is amended to read:

§ 651.24 Closures.

* * * * *

(d) * * *

(2) Yellowtail flounder: All vessels—1,000 pounds per trip.

[FR Doc. 80-10227 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-22-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Special Salvage Timber Sales (SSTS); Set-Aside for Preferential Treatment for Small Business Concerns

AGENCY: Small Business Administration.

ACTION: Notice of Continuation of Test SSTS Program.

SUMMARY: This notice provides for the continuation of the special salvage timber sales (SSTS) test program, and expansion of the SSTS test program to all National Forests. This notice also sets forth the basic rule governing the administration of the SSTS test program involving Government property (timber). The initial rule providing for test expansion was published in the **Federal Register** of January 2, 1979. The SSTS program has been jointly tested by the U.S. Forest Service (USFS)/Small Business Administration (SBA) on eleven National Forests during calendar year 1979.

DATES: Effective April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Roland E. Berg, Chief, Property Sales Assistance Division, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416, 202/653-6078.

SUPPLEMENTARY INFORMATION:

General

On January 2, 1979, and January 5, 1979, the SBA and USFS published in the **Federal Register,** rules and policy which outlined operating procedures for an SSTS test program. The SBA rule change was implemented on a test basis initially, adding to, and not substituting for present rules and regulations defining small business concerns for the sale of Government-owned property (timber). The additional definition to purchase small business preferentially treated sales applies only to those USFS sales designated as special salvage timber sales (SSTS). The SSTS test program has been monitored on eleven Western National Forests during 1979; a joint review of the test program by the U.S. Forest Service and Small Business Administration officials in October 1979, found it to be highly successful. The SSTS program is to assist qualified small business logging and timber manufacturing firms to operate on additional salvage, timber volumes using the salvage sale volume established by Section 14h of the National Forest Management Act. Set-aside sales preferentially offered under this SBA/USFS joint program are separate and distinct from the existing small business set-aside program involving USFS timber.

During the period January 1 through September 30, 1979, a total of 187 individual sales with over 62 million board feet of timber were awarded as SSTS program offerings. The discretionary application of the 30/70 rule requiring that no more than 30 percent of the sale of sawtimber volume be sold to firms with more than 500 employees, was included in 112 of the 187 sales (the 30/70 rule application is flexible, wherein the rule is not applied where competition for manufacturing is lacking; competition is considered to exist where there are two or more qualified mills in the market area). New purchasers of individual test forest offerings were identified, and the small operator (25 or less employees) appeared to benefit from the program. The SSTS test program is to be continued without significant change, for calendar years 1980 and 1981, as outlined in the SBA Final Rule Notice published in the January 2, 1979 **Federal Register.** The only changes are a modification to Program Guideline item e(1); wherein "a sale is sold partway through a logging season, the sale may extend through the operating season," and an added Program Guideline, item e(8), material such as cedar products may be included.

Program Guidelines

The special guidelines to be followed in the expansion of the test SSTS program are:

a. The applicable SBA size standard definition for eligible concerns is to limit this program to a small business concern that: (1) Is primarily engaged in the logging or forest products industry, (2) Is independently owned and operated, (3) Is not dominant in its field of operation, and (4) togerher with its affiliates, its number of employees has not exceeded 25 persons during any pay period for the past 12 months;

b. Funding for the SSTS program would generally come from the revolving salvage sale account established by the National Forest Management Act of 1976, and that account would not be limited to the SSTS program;

c. "Salvage" would be defined as "insect-invested, dead, damaged, or down timber" as provided in the National Forest Management Act;

d. In general, the 30/70 (50/50 in Alaska) rule will apply to the SSTS program. This rule requires that no more than 30 percent (50 percent in Alaska) of the advertised sawtimber volume of a given sale may be manufactured by concerns exceeding 500 employees. Exception to the rule will be agreed to by the appropriate SBA area industrial specialist and the USFS representative. The prime basis for exception to the 30/70 (50/50 in Alaska) rule will be where competition for manufacturing is lacking; competition is considered to exist where there are two or more qualified mills in the market area. The advertised sawtimber volume for SSTS program purchases by nonmanufacturers will be accounted for and be credited to large or small business based on the estimated distribution for manufacturing purposes. The crediting to the appropriate industry size, based on anticipated distribution, insures full compatibility with the small business timber set-aside 6-month period analyses;

e. Specific individual sale volume limits will not be prescribed but sales of sawtimber will be defined and conducted as follows: (1) Sales period no more than 1 year, however, when a sale is sold partway through a logging season, the sale may extend through the operating season, (2) sale will involve only minor road construction or other improvements, (3) sale will not involve catastrophis damage, (4) relatively small sales to be completed by SSTS defined logger/forest products concerns of average capability in the area, (5) sales will be jointly selected by the appropriage Forest Service and the respective SBA representatives and will be comprised of timber normally used by small business in the market area, (6) sales procedures will include self-certification. Appropriate reports will be required to premit monitoring of the program, (7) bidding procedures and other applicable requirements, unless otherwise stated above, will be in accordance with existing procedures/regulations, (8) material such as cedar products may be included;

f. The program will be tested on National Forests with special salvage timber sale potential, during calendar years 1980 and 1981;

g. Appropriate rule/manual changes will be jointly developed by SBA/USFS to describe the program.

Size Rule

The SBA Final Rule published in the **Federal Register** of January 2, 1979, initially implementing the SSTS test program is not changed. The rule adds to and does not substitute for present rules and regulations defining small business concerns for the sale of Government owned property (timber). The additional definition of small business concerns eligible to purchase small business preferentially treated sales applies only to those USFS sales designated as special salvage timber sales (SSTS). The SBA Rule for the SSTS program is as follows:

121.3-8 Definition of small business for sales of Government property.

* * * * *

(c) Special salvage timber sales. (1) In connection with the sale of Government-owned special salvage timber, designated by the USFS as SSTS, a small business is a concern that:

(i) Is primarily engaged in the logging of forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 25 persons during any pay period for the last 12 months.

(2) In the case of Government-owned special salvage timber reserved for or involving preferential treatment of small businesses, restricting the disposal of timber

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and, when the special salvage timber being purchased is to be resold, a concern is a small business when: (i) It is a small business within the meaning of paragraph (c)(1) of this section and (ii) it agrees that it will not sell to a concern which is not a small business within the meaning of paragraph (b)(1) of this section more than 30 percent of such timber or, in the case of timber from certain geographical areas set forth in schedule E of this part, more than the percentage established therein for such area. The term "sell" includes but is not limited to the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment and an indirect transfer such as the sale of the assets of (or a controlling interest in) a concern after it has been awarded one or more set-aside sales of timber. Under the later circumstances, if, after being awarded a set-aside sale of timber a small business concern merges with or becomes subject to the control of a large business, so much of such timber (or sawlogs therefrom) shall be sold to one or more small businesses as is necessary for compliance with the 30 percent (50 percent in Alaska) restriction.

(3) In the case of Government-owned special salvage timber reserved for or involving preferential treatment of small businesses, restricting the disposal of timber, and when the special salvage timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when (i) it meets the criteria contained in paragraph (c)(1) of this section, and (ii) it agrees that in manufacturing lumber or timbers from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under paragraph (b)(1) of this section as a small business. This provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self-certifies as a small business concern for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in the form of sawlogs but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

(4) In the case of Government-owned special salvage timber reserved for or involving preferential treatment of small business, the special salvage timber may be disposed of without restrictions when there are less than two qualified mills in the market area.

Dated: March 31, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-10284 Filed 4-3-80; 8:45 am]

BILLING CODE 9025-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-46]

Rule Adopting Revised Alternative Fuel Price Ceilings for the Month of April 1980; Public Hearing

April 3, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Public Hearing.

SUMMARY: On March 28, 1980, the Federal Energy Regulatory Commission (Commission) issued an Interim Rule [1] which establishes revised alternative fuel price ceilings under the incremental pricing program for the month of April 1980. The preamble to the Interim Rule provides that the Commission will hold a public hearing on the proposed rule. Notice is hereby given that the public hearing will be held in Washington, D.C., on April 14, 1980. The exact time and location of the hearing are set forth below.

DATES: Requests to participate by April 11, 1980. Hearing date: April 14, 1980.

ADDRESS: Requests to participate should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 [Reference Docket No. RM80-46]. Hearing location: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Hearing Room A, Washington, D.C. 20426 (April 14, 1980, beginning at 9:30 a.m.)

FOR FURTHER INFORMATION CONTACT: Ms. Alice Fernandez, Office of Pipeline and Producer Regulation, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8985.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10501 Filed 4-3-80; 12:25 pm]

BILLING CODE 6450-85-M

[1] Published in this issue of the **Federal Register**.

Proposed Rules

Federal Register
Vol. 45, No. 67
Friday, April 4, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Disclosure of Information

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: These proposed changes would take account of OPM's notice of routine uses of Civil Service Retirement records published in the **Federal Register** under the Privacy Act of 1974. The purpose is to eliminate any misunderstanding that could result from the use of different language in retirement regulations.

DATE: Comments must be received on or before June 3, 1980.

ADDRESS: Send comments to Craig B. Pettibone, Director, Pay and Benefits Policy, Compensation Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: R. B. Hughes, Paralegal Specialist, Office of Pay and Benefits Policy, Compensation Group, Washington, D.C. 20415, phone (202) 632-5584.

SUPPLEMENTARY INFORMATION: For many years prior to the Privacy Act of 1974 disclosure rules for retirment records appeared in 5 CFR 831.106. Similar disclosure rules now appear in the annual notice of routine uses which the Privacy Act requires be published in the **Federal Register**. This revision would simplify 5 CFR 831.106 to call attention to the annual notice of routine uses; and § 831.1202 would be revised to reflect that change.

The current routine uses of the retirement and insurance records and the information therein were adopted by publication in the **Federal Register** on October 19, 1979. (44 FR 60450.) The text of these routine uses was published in the **Federal Register** on May 29, 1979. (44 FR 30865.) OPM has determined that this is a non-significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend Part 831 of Title 5, Code of Federal Regulations, as follows:

(1) § 831.106 is revised to read as follows:

Part 831—Retirement

§ 831.106 Disclosure of information.

(a)(1) The Office has in its possession or under its control records containing the following types of information:

(i) Documentation of Federal service subject to the Civil Service Retirement System.

(ii) Documentation of service credit and refund claims made under the Civil Service Retirement System.

(iii) Retirement and death claims files, including documents supporting the retirement application, health benefits and life insurance eligibility, medical records supporting disability claims, and designations of beneficiaries.

(iv) Claims review and correspondence files pertaining to benefits under the Federal Employees Health Benefits Program.

(v) Suitability determination files on applicants for Federal employment found unsuitable for employment on medical grounds.

(vi) Documentation of claims made for life insurance and health benefits by annuitants under a Federal government retirement system other than the Civil Service Retirement System.

(vii) Documentation of voluntary contributions made by eligible individuals.

(viii) Health Unit medical records for OPM employees.

(2) These records may be disclosed to the individual to whom the information pertains, or with prior written consent of such individual to any agency or other person, *except* that medical evidence that a prudent physician would hesitate to inform the individual of will be disclosed only to a licensed physician designated in writing for that purpose by the individual or by his or her representative.

(3) Civil service retirement records will be disclosed consistent with the disclosure provisions of the Privacy Act of 1974 (5 U.S.C. 552a):

(i) Pursuant to a routine use promulgated for such records and printed in the Office's annual publication of notices of systems of records, except that

(ii) A beneficiary designated in accordance with the provisions of the Civil Service Retirement law (5 U.S.C. 8342(b)) shall, during the lifetime of the designator, be disclosed to the designator only, at his signed, written request.

Such beneficiary designations that may appear in records being disclosed must be removed before access to a record is permitted. If information pertaining to a designation of beneficiary is specifically asked for by a court of competent jurisdiction, it may be released, but with a written notice that it is released under protest.

(4) Except as provided in paragraphs (a)(2) and (a)(3) of this section, the Office shall not disclose information from the files, records, reports, or other papers and documents pertaining to a claim filed with the Office, whether potential, pending, or adjudicated. This information is deemed privileged and confidential.

(b) On written request the Office shall return, to the person entitled to them, certificates of discharges, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, when they are no longer needed in the settlement of the claim. If papers returned constitute part of the material and essential evidence in a claim, the office shall retain in the file, photo or other copies of them or of the parts which appear to have evidential value.

* * * * *

(2) § 831.1202(b) is revised to read as follows:

§ 831.1202 General provisions.

* * * * *

(b) Reasons and findings that are required by this subpart to be given to an employee shall be specific and detailed except when the reasons or findings relate to details of a physical or mental condition about which a prudent physical would hesitate to inform the employee. In such a case only general reasons and findings are given to the employee and he/she is informed, as provided in § 831.106(a)(2), that the

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medical evidence in his/her file will be disclosed to a licensed physican the individual or his/her respresntative designates in writing for that purpose.

* * * * *

(Authority: 5 USC 552a and 8347(a))

[FR Doc. 80-9980 Filed 4-3-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 83

Screwworms; Release of Areas Restricted

AGENCY: Animal and Plant Health Inspection Service, (USDA).

ACTION: Proposed rule.

SUMMARY: This document proposes to release certain counties in Texas from designation as areas of recurring infestation of screwworms (myiasis). Surveillance activity indicates that recurring screwworm infestation no longer occur in these restricted areas.

DATE: Comments on or before May 5, 1980.

ADDRESSES: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 733, Federal Building, Hyattsville, MD 20782.

FOR FUTHER INFORMATION CONTACT: Dr. Floyd E. Smith (301) 436-8233.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of Sections 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264-1265, as amended; secs. 21 U.S.C. 111-113, 115, 117, 120, 123-128, 134b, 134f; (37 FR 28464; 28477; and 38 FR 19141 respectively), the Animal and Plant Health Inspection Service is considering amending Part 83, Title 9, Code of Federal Regulations.

Section 83.2 (9 CFR Part 83) gives notice that screwworm infestations exist, usually from April 15 through November 30 of each year, in the entire State of Texas and in portions of the States of Arizona, California, and New Mexico, as designated in paragraphs (a), (b), (c), and (d) of this section.

The Department maintains continuous surveillance in areas of recurring infestation and in adjacent areas in order to prevent the establishment of breeding populations of the screwworm fly. Individual animals found infested with screwworms are treated with an approved pesticide to kill the larvae.

This amendment proposes to release certain counties in Texas from the areas of recurring infestations of screwworms. Two hundred and fifteen northern counties of Texas would be released from designation as areas of recurring screwworm infestation as surveillance indicates that recurring infestations no longer occur in these counties. During 1979, only 9 animals on 6 different premises in these northern counties were found to be affected with screwworms.

Further, § 83.6(b) provides among other things, that livestock from any area of recurring screwworm infestation may be moved interstate into any state in the controlled zone if at the point of origin of the interstate movement, they have been sprayed with or dipped in a permitted pesticide. By releasing these 215 northern counties of Texas from designation as areas of recurring screwworm infestation, the use of pesticides in that area would be significantly reduced.

The thirty-nine counties in the southern tip of Texas, would be retained as areas of recurring screwworm infestation, to provide additional surveillance activities for the occasional infestation of screwworms flies from Mexico and to assist in monitoring the effectiveness of the joint Mexico/U.S. screwworm eradication program. It is not believed that such a buffer zone is necessary along Texas' western border with Mexico because those areas of Mexico have eradicated screwworm infestations.

Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from areas of recurring screwworm infestation contained in 9 CFR Part 83, as amended, would not apply to the excluded areas.

Accordingly, § 83.2 or Part 83, Title 9, Code of Federal Regulations, as amended, which restricts certain movements of livestock from Texas because of recurring screwworm infestations, a contagious and communicable disease, would be amended in the following respects:

In § 83.2, the first paragraph and subparagraph (d) would be amended to read as follows:

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas designated in paragraphs (a), (b), (c), and (d) of this section. Therefore, the following areas are hereby designated as areas of recurring infestation:

* * * * *

(d) *Texas.* Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Edwards, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata and Zavala Counties.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 733, 6505 Belcrest Road, Hyattsville, Maryland, 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(B)).

Comments submitted should bear a reference to the date and the page number of this issue of the **Federal Register.**

This proposal has not been classified "significant" and is being published under emergency procedures, as authorized by Executive Order 12044 and Secretary's Memorandum 1955, without a full 60-day comment period. It has been determined by Dr. M. J. Tillery, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal because these proposed amendments would relieve certain restrictions which no longer appear necessary to prevent the spread of screwworms (myiasis) and if adopted, should be made effective by April 15 in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A draft impact analysis has been prepared and is available from Program Services Staff, Room 733, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. 301-436-8695.

Done at Washington, D.C., this 28th day of March 1980.

Norvan L. Meyer,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 80-10090 Filed 4-3-80; 8:45 am]
BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedures; Proposed Revision

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: This proposed rule would significantly revise the Federal Deposit Insurance Corporation's regulations governing the practice and procedures in proceedings brought under Section 8 of the Federal Deposit Insurance Act and under certain other statutes. The proposed rule reorganizes and shortens Part 308 and corrects technical errors. The substantive content of Part 308, with a few minor exceptions, is identical to that of the existing Part 306.

DATES: Comments must be received on or before June 3, 1980.

ADDRESS: Interested persons are invited to submit written data, views or arguments regarding the proposed regulations to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Room 6108, 550 17th Street, NW., Washington, DC 20429. Written comments may be hand delivered to and reviewed at the above address between 8:30 a.m. and 5 p.m. during work days.

FOR FURTHER INFORMATION CONTACT: Werner Goldman, Assistant General Counsel, FDIC (202) 389-4324.

SUPPLEMENTARY INFORMATION: On May 21, 1979, the FDIC issued a policy statement setting forth procedures for improving and simplifying its regulations. The policy statement was adopted to formulate a voluntary program for achieving President Carter's goal for improved government regulations as stated in Executive Order 12044, "Improving Government Regulations" (43 FR 12661). The FDIC has revised Part 308 to comport with its policy statement and Executive Order 12044.

The proposed changes would not affect the recordkeeping or reporting requirements or the competitive status of insured banks. In view of this, and because the changes to the regulation are technical in nature, the FDIC has concluded that a cost benefit analysis (including a small bank impact statement) regarding the changes is unnecessary. Further, the FDIC finds that the regulation is not amenable to a flexible regulatory approach that distinguishes between banks on the basis of size because it sets forth administrative enforcement procedures which should apply equally to all insured banks for due process purposes.

Proceedings initiated under existing Part 308 will continue to be governed by the provisions of that part. The more important of the proposed changes to Part 308 are detailed below by subparts. The references to the sections in the following discussion are to the revised and renumbered sections of proposed Part 308, unless otherwise indicated.

1. Subpart A—Definitions and Rule of Construction

The definitions section incorporates definitions which were formerly in other subparts; and, for clarity, the following additional terms are included: "Board of Directors," "Executive Secretary," "presiding officer," "insured bank" (as defined in section 3(h) of the Federal Deposit Insurance Act). The term "trustee" has been included in the existing definition of "official."

2. Subpart B—Rules of Practice Applicable to all Hearings

(a) Section 308.06, entitled "Answer," relates only to the answer to the notice of charges. The references to the exceptions to a disapproval of an acquisition of control have been deleted from the section and included in § 308.76.

(b) Section 308.07 relating to the authority of the administrative law judge consolidates references formerly found throughout Subpart B.

(c) Section 308.08 relating to subpenas has been clarified and in addition now contains provisions formerly contained in § 308.52. Section 308.08 also contains a new provision dealing with service on foreign banks, as found in section 8(r)(5) of the Federal Deposit Insurance Act.

(d) Sections 308.09 and 308.21 relating to depositions and service of papers other than subpenas have been clarified.

(e) Section 308.13 provides that a party to a hearing has 20 days to file proposed findings with the administrative law judge, instead of 15 days as formerly provided.

(f) Section 308.19 relating to the filing of papers with the Executive Secretary of FDIC now provides that three copies of the papers must be filed, instead of seven copies as formerly provided.

(g) Section 308.20 relating to the confidentiality of documents in proceedings now provides that such documents shall be for the confidential use of certain listed persons, unless otherwise ordered by the Board of Directors or required by law.

(h) The new § 308.22 which deals with computing periods of time now refers to a "Federal" holiday, instead of a legal holiday in the District of Columbia.

3. Subpart C—Rules and Procedures Applicable to Proceedings for the Voluntary Termination of Insured Status

(a) In §§ 308.27 and 308.31 relating to termination of insured status, it has been clarified that Subpart B and the provisions of the Administrative Procedure Act apply to the proceedings.

(b) In §§ 308.30 and 308.31, technical modifications concerning the identification of the banking entity involved have been made to the notice that is sent to depositors regarding the termination of the insured status of a bank or branch.

4. Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

(a) Section 308.34 relating to notice given to the State supervisory authority has been included in this subpart. It was formerly in § 308.3.

(b) The effective date of a temporary cease-and-desist order is now correctly restated in § 308.37.

(c) Section 308.32(b)-(c) clarifies that the provisions of Subpart B apply to proceedings described in that section.

(d) Section 308.35 clarifies that the Board of Directors of FDIC, in its discretion, may set a later hearing date in a proceeding relating to cease-and-desist orders.

5. Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

Section 308.41 relating to notice given to the State supervisory authority has been included in this subpart. It was formerly in § 308.3. Cross references have been corrected throughout the subpart.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

(a) A new § 308.49, which describes the powers of the presiding officer, has been added. It is derived from former §§ 308.47, 308.49 and 308.50 and is further amended by reference to sections 8(n) and 10(c) of the Federal Deposit Insurance Act.

(b) Section 308.50 relating to the confidentiality of proceedings indicates that documents obtained in the course of

proceedings pursuant to section 10(c) of the Federal Deposit Insurance Corporation Act shall be disclosed in accordance with Part 309 of FDIC's rules and regulations, and as otherwise required by law.

(c) Section 308.51(a) now provides that at the discretion of the presiding officer, a witness in a section 10(c) proceeding may obtain a copy of the order initiating the proceeding.

(d) Section 308.53 now clarifies that a transcript of the proceeding is available upon payment of the cost for reproduction.

7. Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

(a) Section 308.71 has been amended to provide for a hearing to commence within 60 days in a proceeding relating to the assessment of civil penalties for violation of cease-and-desist orders and certain other Federal statutes.

(b) Section 308.76 deals with the exceptions that may be filed in response to the reasons given by FDIC for disapproving a proposed acquisition of control of an insured State nonmember bank. The provisions were formerly included in § 308.6.

(c) Section 308.72 now provides that civil penalties assessed pursuant to §§ 308.65, 308.66 and 308.67 are payable and to be collected within the 90-day period after the issuance of the notice of assessment. Formerly, the payment period started to run following the receipt of the notice by the assessed party.

8. Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

Section 308.77 relating to the disapproval of acquisition of control clarifies that the Board of Directors approves and disapproves such acquisitions by final order.

It is proposed to amend Title 12 of the Federal Code of Regulations by revising Part 308 as follows:

PART 308—RULES OF PRACTICE AND PROCEDURES

Subpart A—Definitions and Rule of Construction

Sec.
308.01 Definitions.
308.02 Rule of construction.

Subpart B—Rules of Practice Applicable to All Hearings

308.03 Scope.
308.04 Appearance and practice before the Corporation.
308.05 Notice of hearing.
308.06 Answer.
308.07 Conduct of hearings.
308.08 Subpenas.
308.09 Procedure on depositions.
308.10 Payment of witness fees.
308.11 Rules of evidence.
308.12 Motions.
308.13 Proposed findings and conclusions and recommended decision.
308.14 Exceptions to proposed findings and conclusions and recommended decision.
308.15 Briefs.
308.16 Oral argument before the Board of Directors.
308.17 Notice of submission to the Board of Directors.
308.18 Decision of the Board of Directors.
308.19 Filing papers with the Executive Secretary.
308.20 Documents in proceedings confidential
308.21 Service of papers other than subpenas.
308.22 Computing time.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

308.23 Scope.
308.24 Notice of finding grounds for termination of insurance.
308.25 Extraterritorial acts of foreign banks or their directors or trustees.
308.26 Failure of a foreign bank to secure removal of personnel.
308.27 Notice of intention to terminate insured status and hearing.
308.28 Order terminating insured status.
308.29 Consent to termination of insured status.
308.30 Notice ot depositors of termination of insured status.
308.31 Termination of insured status of bank not engaged in the business of receiving deposits, other than trust funds.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

308.32 Scope.
308.33 Grounds for cease-and-desist orders.
308.34 Notice to State supervisory authority.
308.35 Notice of charges and of hearing, and consent.
308.36 Issuance and effective date of cease-and-desist order.
308.37 Issuance and effective date of temporary cease-and-desist order.
308.38 Extraterritorial acts of foreign banks or their officials.

Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

308.39 Scope.
308.40 Grounds for removal or prohibition.
308.41 Notice to State supervisory authority.
308.42 Notice of intention to remove, hearing and consent.
308.43 Issuance and effective date of removal or prohibition order.
308.44 Grounds for suspension or prohibition.
308.45 Issuance and effective date of suspension or prohibition order.
308.46 Extraterritorial acts of officials of foreign banks.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

308.47 Scope.
308.48 Order to conduct proceedings.
308.49 Powers of presiding officer.
308.50 Proceedings confidential.
308.51 Rights of witnesses.
308.52 Service of subpena.
308.53 Transcripts.
308.54 Special examinations and examinations of closed banks.

Subpart G—Procedures and Standards Applicable to Suspension, Removal, and Prohibition Where Felony Charged

308.55 Scope.
308.56 Relevant considerations.
308.57 Notice of suspension or prohibition.
308.58 Order of removal or prohibition.
308.59 Notice of opportunity and request for hearing.
308.60 Waiver of hearing.
308.61 Hearing.
308.62 Decision of the Board of Directors.
308.63 Reconsideration by the Board of Directors.

Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

308.64 Scope.
308.65 Violation of order as ground for assessment.
308.66 Violation of laws limiting dealings with bank officials and affiliates as ground for assessment.
308.67 Violation of laws governing correspondent accounts as ground for assessment.
308.68 Relevant considerations.
308.69 Notice of assessment of civil penalty, and opportunity and request for hearing.
308.70 Waiver of hearing.
308.71 Hearing and order.
308.72 Period for payment of civil penalty.

Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

308.73 Scope.
308.74 Grounds for disapproval.
308.75 Notice of disapproval, and opportunity and request for hearing.
308.76 Exceptions.
308.77 Hearing and order.

Subpart J—Rules and Procedures Applicable to Proceedings Relating to Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

308.78 Scope.
308.79 Notice of intention to assess civil penalty, and opportunity and request for hearing.
308.80 Waiver of hearing.
308.81 Hearing.
308.82 Assessment.
308.83 Collection.

Subpart K—Rules and Procedures for Imposition of Sanctions Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Clearing Agencies or Transfer Agents

308.84 Scope.
308.85 Grounds for imposition of sanctions.
308.86 Notice and consultation with the Securities and Exchange Commission.
308.87 Notice of intention to impose sanctions.
308.88 Hearing.
308.89 Issuance and effective date of order imposing sanctions.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Section 12(h) of the Securities Exchange Act of 1934

308.90 Scope.
308.91 Application for exemption.
308.92 Newspaper notice.
308.93 Notice of hearing.
308.94 Hearing.
308.95 Decision of the Board of Directors.

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 76w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972).

Subpart A—Definitions and Rule of Construction

§ 308.01 Definitions.

For purposes of this part, except where explicitly stated to the contrary,

(a) The term "bank" means, in general, any bank to which reference is being made. For purposes of Subpart F, the term means an insured bank or its affiliate, an institution applying to become an insured bank, or a branch of a foreign bank (except where used in § 308.54);

(b) The term "Board of Directors" or "Board" means the Board of Directors of the Federal Deposit Insurance Corporation;

(c) The term "Corporation" means the Federal Deposit Insurance Corporation;

(d) The term "depositors" as used in Subpart D and § 308.37(a), notwithstanding any limitation in § 308.01, includes participants in a clearing agency and persons doing business with a transfer agent, for both of which the Corporation is the appropriate regulatory agency;

(e) The term "Executive Secretary" means the Executive Secretary of the Federal Deposit Insurance Corporation;

(f) For the purposes of § 308.07(c), the term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given. This does not include requests for status reports.

(g) The term "foreign bank" means any company which engages in the business of banking and which is organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands. "Foreign bank" includes, without limitations, foreign commercial banks, foreign merchant banks and other institutions which engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating;

(h) The term "insured bank" means any bank or banking institution (including a foreign bank having an insured branch) the deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(i) The term "insured branch" means a branch of a foreign bank any deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(j) The term "insured nonmember bank" means any bank or banking institution the deposits of which are insured in accordance with the Federal Deposit Insurance Act and which is not a national bank, a District bank, or a member of the Federal Reserve System. The term also includes a foreign bank having an insured branch, and any municipal securities dealer, clearing agency or transfer agent for which the Corporation is the appropriate regulatory agency (notwithstanding any limitation in § 308.01);

(k) For the purposes of enforcing any law, rule, regulation, or cease-and-desist order in connection with an interlocking relationship, the term "officer" as used in Subpart E means an employee or officer who has management functions and the term "director" includes an advisory or honorary director, a trustee of a bank under the control of trustees, or any person who has a representative or nominee serving in any such capacity. For other purposes, the terms "officer" and "director" as used in this part are defined according to common usage in the banking industry;

(l) The term "official" means any director, trustee, officer, employee or agent of a bank to which reference is being made, or any other person participating in the conduct of the affairs of a bank;

(m) The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party, unless the context otherwise suggests. A person or agency may be admitted for a limited purpose;

(n) For purposes of Subparts I and J, the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other entity;

(o) The term "presiding officer" means any person designated by the Board of Directors to conduct a hearing, or proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act;

(p) The term "proceedings pursuant to section 10(c)" means the exercise of any power specified in section 10(c) or 8(n) of the Federal Deposit Insurance Act, or any proceeding conducted pursuant to the exercise of such powers;

§ 308.02 Rule of construction.

Throughout this part, any use of a term in the singular shall include the plural, and the plural shall include the singular, if such use would be appropriate.

Subpart B—Rules of Practice Applicable to All Hearings

§ 308.03 Scope.

This subpart prescribes rules of practice and procedures followed by the Corporation in hearings pursuant to the provisions of the Federal Deposit Insurance Act pertaining to:

(a) Involuntary termination of the insured status of any bank including an insured branch of a foreign bank;

(b) Issuance of cease-and-desist orders against any insured nonmember bank or its official;

(c) Assessment of civil penalties against (1) an insured nonmember bank or its official, for violation of a cease-and-desist order which has become final, or (2) an insured nonmember bank or its official, for violation of (i) the provisions of section 22(h) or 23A of the Federal Reserve Act, made applicable by section 18(j) of the Federal Deposit Insurance Act, or (ii) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended;

(d) Issuance of orders that remove or suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank and director or officer, or that prohibit any other person from further participation in the conduct of the affairs of such a bank, except where the removal or suspension or prohibition is within the scope of Subpart G as set forth in § 308.55;

(d) Disapproval of a proposed acquisition of control of an insured nonmember bank; and

(e) Imposition of sanctions upon (1) any municipal securities dealer for which the Corporation is the appropriate regulatory agency, (2) any person associated or seeking to become associated with such a municipal

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securities dealer, or (3) any clearing agency or transfer agent for which the Corporation is the appropriate regulatory agency (except for hearings on postponement of registration by such clearing agency or transfer agent pending registration denial proceedings, and for hearings on suspension of registration by such clearing agency or transfer agent pending registration revocation proceedings).

§ 308.04 Appearance and practice before the Corporation.

(a) *Qualification, authorization and notice of appearance.* Any member in good standing of the bar of the highest court of any State, Commonwealth, possession, territory, or the District of Columbia, may represent others before the Corporation upon filing with the Executive Secretary a written declaration of current qualification to practice and an authorization to represent the particular party. Any other person desiring to appear before, or transact business with, the Corporation in a representative capacity may be required to file with the Executive Secretary a power of attorney showing authority to act in such capacity, and may be required to demonstrate to the satisfaction of the Board of Directors possession of the requisite qualifications. Attorneys and representatives of parties shall file a written notice of appearance with the Executive Secretary or the administrative law judge.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before an administrative law judge shall be grounds for exclusion and suspension for the duration of the argument or hearing.

§ 308.05 Notice of hearing.

Whenever a hearing within the scope of this subpart is ordered by the Board of Directors, a notice of hearing shall be given by the Executive Secretary (or designee of the Board) to the party afforded the hearing and to any appropriate supervisory authority. The notice shall indicate the time, place, and nature of the hearing, the legal authority and jurisdiction for the hearing, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing. The notice shall be delivered by personal service, by registered or certified mail to the party's last known address, or by other appropriate means, sufficiently in advance of the hearing date to comply with the provisions of the Federal Deposit Insurance Act.

§ 308.06 Answer.

(a) *Filing.* In a notice of hearing issued by the Board of Directors under this part, the Board may direct the party afforded the hearing to file an answer to the allegations contained in the notice. Any party to a proceeding may file an answer with the Executive Secretary within 20 days after service of the notice of hearing upon the party afforded the hearing, unless the Board specifies a different filing period of not less than 10 days after service of the notice. For good cause shown, the Board or the administrative law judge may permit filing of an answer after expiration of the filing period.

(b) *Requirements; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party lacks sufficient information to admit or deny each allegation. A statement of lack of information shall have the effect of a denial. When a party intends to deny part of an allegation, that part shall be denied and the remainder specifically admitted. Any allegation not denied shall be deemed admitted.

(c) *Admitted allegations.* If a party elects not to contest any of the allegations of fact in the notice, the party's answer shall consist of a statement that all of the allegations are admitted to be true. Such an answer shall constitute a waiver of hearing on the facts and allegations contained in the notice. This answer and the notice shall provide a record basis upon which the administrative law judge shall make a recommended decision (containing findings of fact, conclusions of law and proposed order) that shall be filed with the Executive Secretary. The recommeded decision shall be served on the party, who may file exceptions thereto within the time period provided in § 308.14(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed a waiver of the right to appear and contest the allegations of the notice of hearing and shall authorize the administrative law judge, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Executive Secretary a recommended decision containing such findings and appropriate conclusions.

§ 308.07 Conduct of hearings.

(a) *Selection of administrative law judge.* A hearing within the scope of this subpart shall be held before an administrative law judge selected by the Office of Personnel Management.

(b) *Authority of administrative law judge.* Hearings governed by this subpart shall be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 554–557), and the provisions of this subpart. The administrative law judge shall conduct the hearing in a fair and impartial manner and shall avoid delay in the disposition of proceedings. The administrative law judge shall have all powers necessary to that end, including the power:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To take depositions or cause depositions to be taken;

(4) To hold conferences for the settlement or simplification of issues or for any other proper purpose;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To receive relevant evidence and rule upon the admission of evidence and offers of proof;

(7) To grant extensions of time for filing or performing any act required or permitted within a specified time during the course of a proceeding for good cause shown;

(8) To continue or adjourn a hearing from time to time and place to place, as permitted by law or as agreed by the parties;

(9) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding, except that an administrative law judge shall not have power to decide any motion to dismiss the proceedings or other motion resulting in final determination of the merits of the proceeding;

(10) To call for the production of further evidence, to permit oral argument and submission of briefs, and to reopen a hearing in accordance with § 308.07(j); and

(11) The administrative law judge shall have all the authority provided in section 556(c) of the Administrative Procedure Act (5 U.S.C. 556(c)), subject to and without limitation upon, the foregoing provisions of § 308.07(b).

(c) *Ex parte communications prohibited.* (1) The following prohibitions against ex parte communications apply from the time a proceeding is noticed for hearing: However, when the person responsible for the communication has knowledge that the proceeding will be noticed, the prohibitions apply from the time such knowledge is acquired.

(i) No interested person outside the Corporation shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to anyone who is or may reasonably be expected to be involved in the decisional process.

(ii) No person who is or may reasonably be expected to be involved in the decisional process shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to any interested person outside the Corporation.

(2) Except as authorized by law, the administrative law judge shall not consult anyone within the Corporation on any fact in issue, unless upon notice and opportunity for all parties to participate. The administrative law judge shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of the Corporation engaged in the performance of investigative or prosecuting functions. An officer, employee or agent engaged in the performance of such functions in any case shall not, in that case or a factually related case, participate or advise in the decision of the administrative law judge, except as a witness or counsel in the proceedings, or as otherwise authorized by law.

(3) If an ex parte communication is made or knowingly caused to be made, all such written communications, any written responses, and memoranda stating the substance of any oral responses, shall be placed on the public record.

(4) Upon receipt of a communication knowingly made or caused to be made in violation of § 308.07(c)(1)(i), the responsible party may be required to show cause why such party's claim or interest should not be dismissed, denied, or otherwise adversely affected. To the extent consistent with the interests of justice and the policy of the Federal Deposit Insurance Act, knowing violation of § 308.07(c)(1)(i) may be ground for a decision adverse to a party in violation of that section.

(d) *Prehearing conferences.* (1) Upon the initiative of the administrative law judge, or at the request of any party, counsel for all parties may be directed to meet at a specified time and place prior to the hearing, or to make written submissions, for the purpose of considering the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, admissions of contents and authenticity of documents;

(iii) Matters of which official notice will be taken; and

(iv) Other matters which may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits to be introduced in evidence.

(2) At the request of any party, the conference shall be recorded. The administrative law judge shall enter in the record an order reciting the results of the conference, any rulings upon matters considered at the conference, and any directions to the parties. The subsequent course of the proceeding shall be controlled by this order, which may be modified to prevent manifest injustice.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings. To the extent authorized by law, the Board of Directors in its discretion may permit other persons to attend on written request by a party or on the Board's own motion, or the Board may order a public hearing.

(f) *Order of procedure.* The counsel for the Corporation shall open and close.

(g) *Transcript of testimony.* Hearings shall be recorded and copies of the transcript made available to any party upon payment of the cost therefor. When the hearing is public, copies of the transcript shall be similarly available to other interested persons.

(h) *Filing and transmittal of the record.* A copy of the transcript duly certified by the reporter, and all exhibits, papers and requests filed in the proceeding, shall be filed with the Executive Secretary, who shall transmit them to the administrative law judge. The Executive Secretary shall promptly serve notice upon all parties of such filing and transmittal.

(i) *Changes of time; change of hearing location; continuance.* Except as otherwise expressly provided by law, the Board of Directors may provide time limits different from those specified in this subpart or in a notice of hearing, upon its own initiative or for good cause shown, and the Board may change the time and place for a hearing to commence. The administrative law judge may continue or adjourn a hearing in accordance with § 308.07(b)(8).

(j) *Reopening of hearing.* The administrative law judge, upon appropriate notice, may reopen a hearing at any time prior to certification of the administrative law judge's recommend decision to the Executive Secretary. The Board of Directors may reopen a case in accordance with § 308.18.

(k) *Opportunity for informal settlement.* At any time, and without prejudice to the rights of the parties, any interested party may submit to the Executive Secretary for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding. An offer, proposal, or counter-offer shall not be admissible in evidence over the objection of any party. Steps taken toward informal settlement shall not preclude settlement of any proceeding through the regular adjudicatory process by filing an answer or exceptions as provided in § 308.06 and § 308.76, or by submission of the case to the administrative law judge on a stipulation of facts and an agreed order.

§ 308.08 Subpenas.

(a) *Issuance.* The administrative law judge, or the Board of Directors in the event the administrative law judge is unavailable, may issue subpenas or subpenas duces tecum at the request of any party, requiring the attendance or deposition of witnesses or the production of documentary evidence in connection with a hearing pursuant to Subparts B, C, D, E, H, I or K of this part, from any State, Commonwealth or territory at any designated place of hearing. Notice of issuance of the subpena or subpena duces tecum shall be served upon each of the parties within a reasonable time not less than five days before the date fixed for taking the deposition or production of documents.

(1) Where it appears to the administrative law judge or the Board that any subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required to show the general relevance and reasonable scope of the testimony or other evidence sought before the subpena is issued. If, after consideration of all circumstances, the administrative law judge or the Board determines the subpena in whole or in part is unreasonable, oppressive, excessive in scope or unduly burdensome, the administrative law judge or the Board may refuse to issue the subpena or may issue it upon such conditions as fairness requires.

(2) The administrative law judge or the Board by subpena may order that a deposition be taken, upon a showing that (i) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable, and (ii) the testimony will be material, and (iii) taking the deposition will not result in any undue burden to any other party or in undue delay of the proceeding. The subpena shall name the witness whose deposition is to be taken and specify the time and place for taking the deposition

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and the person before whom the deposition is to be taken. The time, place and person before whom the deposition is to be taken may differ from those stated in the application.

(b) *Application.* A party requesting the deposition of a witness or the production of documents, shall apply in writing to the administrative law judge, or to the Board of Directors in the event the administrative law judge is unavailable, stating the reasons for the application, the name and address of the witness or the person who is to produce the documents, the matters concerning which the witness is expected to testify or the contents of the documents, the relevance of the testimony or documents, the time and place for taking the deposition or production of documents, and the name and address of the person before whom the deposition is to be taken or the documents are to be produced. The party making the application shall serve a copy of the application on every other party to the proceeding.

(c) *Service of subpena.* Service of a subpena shall be made by delivering a copy of the subpena to the person named therein and by tendering the fees for one day's attendance and mileage as specified in § 308.10. A subpena issued on behalf of the Corporation shall be similarly served, however, the fees for attendance and mileage need not be tendered at the time of service. If service is made by the U.S. Marshall, a deputy U.S. Marshall or an employee of the Corporation, a return of service shall be made. If service is made by any other person, that person shall make a return of service by affidavit on or with the original subpena that states how service was made. The reasons for failure of service shall be stated. The original subpena with the required return shall be promptly delivered to the administrative law judge.

(1) *Natural persons.* Delivery of a copy of a subpena and tender of fees to a natural person may be made by handing them to the person; or by leaving them at the person's office with someone in charge; or by leaving them in a conspicuous place in the office if there is no one in charge; or by leaving them at the person's dwelling place or unusual place of abode with someone of suitable age and discretion residing there; or by mailing them by registered or certified mail to the last known address of the person; or by any method that gives actual notice to the person and makes the fees available prior to the return date.

(2) *Other entities.* When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees may be effected by handing them to a registered agent for service or to an officer or director or agent in charge of any office of the person; or by mailing them by registered or certified mail to the representative at the person's last known address; or by any method that gives actual notice to the person's authorized representative and makes the fees available prior to the return date. Any service on a foreign bank may be made on any branch or agency located within any State or the District of Columbia, but if the service is in connection with an action or proceeding involving one or more such branches or agencies, service shall be made on at least one branch or agency so involved.

(d) *Motion to quash.* A person named in a subpena or subpena duces tecum may apply to the administrative law judge, or to the Board of Directors if the administrative law judge in unavailable, to revoke, quash, or modify the subpena. A statement of the reasons for the application must accompany it and notice of the application must be given to the party requesting the subpena. The application must be made prior to the time for compliance specified in the subpena and not more than five days after the date of service of the subpena.

§ 308.09 Procedure on depositions.

(a) *When taken.* The Board of Directors or administrative law judge by subpena may order evidence to be taken by deposition at any stage of a proceeding. A deposition may be taken by the administrative law judge, or before any person having power to administer oaths and who is designated by the Board or the administrative law judge. A deposition shall be taken no sooner than five days after the parties to the proceeding have received notice of the deposition, where such notice has not been waived.

(b) *Procedure.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds for the objection. The person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground for the objection is one which might have been avoided or removed if presented at that time. All questions, answers, and objections (not including argument or debate) shall be recorded by the person taking the deposition, or under such person's direction. The deposition shall be subscribed by the witness, unless the parties by stipulation have waived the signing, or the witness is ill or cannot be found or has refused to sign. If the deposition is not subscribed by the witness, the person taking the deposition shall state this on the record and the reason therefor. The transcript shall be certified as a true and complete transcript of the deposition by the person taking it. Such person shall promptly send by registered or certified mail, the original and two copies of the deposition, and the original and two copies of all exhibits, to the Executive Secretary, unless otherwise directed in the order authorizing the deposition. Interested parties may make their own arrangements with the person taking the deposition for copies of the transcript and exhibits.

(c) *Introduction as evidence.* The deposition or any part of it may be read in evidence by any party to a proceeding, subject to appropriate rulings on objections to questions or evidence noted during the taking of the deposition and objections that would be valid were the witness testifying in person. This does not include objections waived in accordance with the fourth sentence of paragraph (b) of this Section. Only those portions of a deposition received in evidence at the hearing shall constitute a part of the record upon which a decision shall be based.

§ 308.10 Payment of witness fees.

Witnesses who testify or whose depositions are taken shall be paid the same fees for attendance and mileage paid in the United States district courts. Fees of the witness, the reporter and the person taking a deposition shall be paid by the party requesting attendance at a proceeding or deposition.

§ 308.11 Rules of evidence.

(a) *Evidence.* All parties shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds therefor. The record need not include argument on objections except as ordered, allowed, or requested by the administrative law judge. Rulings on such objections and on any other matters shall be a part of the record. Failure to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of the objection.

(c) *Official notice.* All matters officially noticed by the administrative law judge shall appear on the record.

§ 308.12 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion. Applications or requests shall be addressed to and filed with the administrative law judge prior to filing of the recommended decision with the Executive Secretary pursuant to § 308.13. At all other times, motions shall be addressed to the Board of Directors and filed with the Executive Secretary. Motions may be made orally upon the record at a session of a hearing, unless the administrative law judge requires a written motion. All other motions shall be in writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Oppositions.* Within 5 days after service of any written motion, or within such other period of time fixed by the administrative law judge or the Board of Directors, any party may file a written answer or opposition to the motion. The moving party shall not have a right to reply, except as permitted by the administrative law judge or the Board. As a matter or discretion, the administrative law judge or the Board may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* Oral argument shall not be heard on motions, except as directed by the administrative law judge or the Board of Directors. Supporting memoranda or briefs may be filed with motions or answers or oppositions thereto.

(d) *Rulings on motions.* The administrative law judge shall rule upon all motions properly submitted in accordance with the provisions of this part, and upon such other motions as directed by the Board of Directors. If the administrative law judge finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, the motion may be referred to the Board for decision. The Board shall rule upon all motions properly submitted.

(e) *Appeal from rulings on motions.* All motions, answers, oppositions and rulings shall become part of the record. Rulings of an administrative law judge on any motion may not be appealed to the Board of Directors prior to its consideration of the administrative law judge's recommended decision, findings and conclusions, except by special permission of the Board. Such rulings shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings shall be filed promptly in writing, and shall briefly state the grounds for the request. The moving party shall immediately serve a copy of the request on every other party to the proceeding.

(f) *Proceeding with hearing.* The hearing shall proceed pending the determination of any motion by the Board of Directors, unless otherwise ordered by the administrative law judge or the Board.

§ 308.13 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* After service of the notice by the Executive Secretary that the record has been filed and transmitted as provided in § 308.07(h), each party to a hearing shall have 20 days to file with the administrative law judge proposed findings of fact, conclusions of law and a proposed order. For good cause, the administrative law judge may allow additional time for filing. The proposals may be accompanied by a supporting brief or memorandum citing statutes, decisions, other authorities, and page references to the record. All proposals, briefs and memoranda shall become part of the record.

(b) *Recommended decision and filing of record.* Within 30 days after expiration of the time allowed for filing of proposed findings, conclusions and order by the parties, the administrative law judge shall file with the Executive Secretary and shall certify to the Board of Directors for decision, the record of the hearing. For good cause, the Board may extend the period for filing and certification. The record shall include a recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits, exceptions, rulings and briefs and memoranda filed in connection with the hearing. Upon request of any party, the record shall include exhibits excluded from evidence or tenders of proof. The Executive Secretary shall promptly serve upon each party a copy of the administrative law judge's recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph shall not apply to a hearing before the Board of Directors.

§ 308.14 Exceptions to proposed findings and conclusions and recommended decision.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the administrative law judge, a party may file with the Executive Secretary written exceptions thereto, exceptions to the failure of the administrative law judge to make any recommendation or finding or conclusion, exceptions to the admission or exclusion of evidence, and exceptions to any other rulings, subject to the provisions of this section. A supporting brief may also be filed. For good cause, the Board of Directors may allow additional time for filing. A party who has not filed an answer in accordance with paragraphs (a) and (d) of § 308.06, (unless the Board did not require such filing by the party) or exceptions in accordance with § 308.76 may not file exceptions pursuant to this section.

(b) *Waiver.* Failure of a party to file exceptions to those matters specified in paragraph (a) of this section within the time prescribed shall be a waiver of objection thereto.

(c) *Hearing before the Board of Directors.* The provisions of § 308.14 shall not apply to a hearing before the Board of Directors.

§ 308.15 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue, citing statutes, decisions, other authorities, and page references to the record or recommended decision of the administrative law judge. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Executive Secretary within 10 days after service of briefs, and shall be confined to matters in the original briefs of opposing parties. Additional briefs may be filed with special permission of the Board of Directors.

(c) *Late filing.* Briefs not filed on or before the time fixed in this subpart shall be received only with the special permission of the Board of Directors.

§ 308.16 Oral argument before the Board of Directors.

Upon the written request of a party or upon its own initiative, the Board of Directors may order an oral argument on the findings, conclusions and recommended decision of the administrative law judge, when it considers justice will best be served thereby. The request must be made within the time prescribed for filing exceptions, or filing a brief in support of exceptions, or filing a reply brief, if any. The oral argument shall be before the Board or one or more members of the

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Board, and shall be recorded, unless otherwise ordered by the Board.

§ 308.17 Notice of submission to the Board of Directors.

The Executive Secretary shall notify the parties that the case has been submitted to the Board of Directors for final decision after the record of the hearing has been filed with the Executive Secretary and at the expiration of the time for filing exceptions and all briefs and after oral argument, if any, before the Board.

§ 308.18 Decision of the Board of Directors.

(a) *Decision and reopening of case.* The Board of Directors shall render its decision within 90 days after the Executive Secretary has notified the parties pursuant to § 308.17 that the case has been submitted to the Board for final decision. Within the 90-day period, the Board may order that the notice be set aside and the case reopened.

(b) *Corporation staff participation.* Appropriate members of the staff, who are not participating in the performance of investigative or prosecutorial functions in the particular case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the particular case and in the preparation of documents for its disposition.

(c) *Copies.* The Executive Secretary shall furnish copies of the decision and order of the Board to the parties and to the bank concerned. Copies shall also be furnished to the appropriate State supervisory authority in the case of an insured nonmember bank, including a State branch of a foreign bank. Where the proceedings involve involuntary termination of the insured status of a State member bank, copies shall also be furnished to the Board of Governors of the Federal Reserve System. Where the proceedings involve involuntary termination of the insured status of a national bank, a District bank or a Federal branch of a foreign bank, copies shall also be furnished to the Comptroller of the Currency.

§ 308.19 Filing papers with the Executive Secretary.

(a) *Filing.* Papers required or permitted to be filed with the Board of Directors or the Executive Secretary, shall be filed with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The papers may be sent to the Executive Secretary by mail or express, but must be postmarked or received by the Corporation in Washington, D.C., within the prescribed time limit for filing.

(b) *Formal requirements.* All papers filed under this subpart shall be printed or typewritten, and copies shall be clear and legible. The original of all papers filed by a party not a natural person shall be signed by the party's duly authorized representative. Papers filed by a party who is a natural person shall be signed by the party or a duly authorized representative. The signer's address and telephone number must appear on the original. Counsel for the Corporation shall sign the original of all papers filed on behalf of the Corporation. All papers filed must name in the heading or on a title page, the party, the Corporation and the subject of the papers.

(c) *Copies.* An original and three copies of all documents and papers required or permitted to be filed or served upon the Board of Directors or the Executive Secretary under this subpart (except the transcript of testimony and exhibits), shall be furnished to the Executive Secretary, unless otherwise specifically provided in the notice of hearing.

§ 308.20 Documents in proceedings confidential.

Unless otherwise ordered by the Board or required by law, the notice of hearing, the transcript, the recommended decision of the administrative law judge, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers filed in connection with any hearing shall be for the confidential use of the Board, the administrative law judge or presiding officer, and appropriate supervisory authorities.

§ 308.21 Service of papers other than subpenas.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Executive Secretary or the Board's designee. Service shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of the Board, of a party's attorney or representative of record. If there is no attorney or representative of record, service shall be made upon a party at the party's last known address as shown on the records of the Board. Service may also be made in such other manner reasonable calculated to give actual notice, as the Board may provide by regulation or otherwise. The foregoing provisions do not apply to service by the Board on counsel for the Corporation.

(b) *By the parties.* Except as otherwise expressly provided, a party filing papers in accordance with this subpart shall serve them upon the attorneys or representatives of record of all other parties to the proceeding, or upon such other parties if there is no attorney or representative. Service may be made by personal service or by registered, certified, or regular first class mail addressed to the last known address of such parties, or their attorneys or representatives of record. When filed with the Board of Directors of the administrative law judge, all papers shall show that service has been made.

§ 308.22 Computing time.

(a) *Genral rule.* In computing any period of time prescribed or allowed by this part, the date of the act or event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday. When the last day is a Saturday, Sunday, or Federal holiday, the period shall run until the end of the next day that is not a Saturday, Sunday or Federal holiday, and intermediate Saturdays, Sundays and Federal holidays shall be included in the computation; however, when the period of time within which an act is to be performed is 10 days or less, intermediate Saturdays, Sundays and Federal holidays shall not be included.

(b) *Service by mail.* Under this part, when a party has the right or is required to perform an act within a prescribed time period after the service by mail or any papers upon the party, 3 days from the date the papers are deposited in the United States mail shall be added to the prescribed time period for performance.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.23 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors may terminiate the insured status of an insured bank or an insured branch of a foreign bank upon the grounds set forth in section 8 and enumerated in § 308.24, § 308.26, and § 308.31. Hearings required to terminate insured status shall be conducted in accordance with the rules and procedures of subpart B and this subpart.

§ 308.24 Notice of finding grounds for termination of insurance.

The Board of Directors shall notify the Comptroller of the Currency in the case of a national bank or a District bank or an insured Federal branch of a foreign bank, and shall notify the appropriate supervisory authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, and shall notify the Board of Governors of the Federal Reserve System in the case of a State member bank, when the Board finds (a) that an insured bank (including a foreign bank having an insured branch) or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or (b) that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or (c) that such bank or its directors or trustees have violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the bank, or have violated any written agreement entered into with the Corporation. The appropriate supervisory authorities shall be notified for the purpose of securing correction of the practices or violations of a bank or its directors or trustees, or of the condition of the bank. The Board shall furnish a copy of the notice to the bank.

§ 308.25 Extraterritorial acts of foreign banks or their directors or trustees.

An act or practice committed outside the United States by a foreign bank or its directors or trustees, which act or practice in and of itself would otherwise be a ground for termination of the insured status of a branch of the foreign bank under this subpart, shall be a ground for such termination only if the Board of Directors finds either that: (a) the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia that in and of itself would be an appropriate basis for action by the Corporation, or (b) the act or practice committed outside the United States, if proven, would adversely affect the insurance risk of the Corporation.

§ 308.26 Failure of a foreign bank to secure removal of personnel.

When any person associated with a foreign bank fails to appear promptly as a party to a proceeding pursuant to § 308.40 or § 308.44 for removal or suspension of that person, or fails to comply with an effective order or judgment issued in such proceeding, any failure by the bank to secure that person's removal from office and preclude the person from further participation in the conduct of the affairs of the bank, shall be a ground for termination of insurance of deposits in any branch of the bank.

§ 308.27 Notice of intention to terminate insured status and hearing.

(a) *Notice and period of correction.* Unless correction of the practices, condition or violations specified in the notice issued pursuant to § 308.24 is made within 120 days of service of the notice, or a specified period of correction of not less than 20 days, the Board of Directors, if it determines to proceed further, shall give the bank or insured branch of a foreign bank not less than 30 days written notice of its intention to terminate insured status. The period of correction of not less than 20 days shall be fixed by the Board in any case where the Board in its discretion has determined that the insurance risk of the Corporation is unduly jeopardized, or fixed by the Comptroller of the Currency in the case of a national bank, or a District bank or an insured Federal branch of a foreign bank, or fixed by the State authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, or fixed by the Board of Governors of the Federal Reserve System in the case of a State member bank.

(b) *Hearing.* The notice shall fix a time and place for a hearing on the proposed termination of insurance, before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of Subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply. After consideration of the record made at the hearing, the Board shall make written findings which shall be conclusive.

§ 308.28 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition, or violation specified in the notice issued pursuant to § 308.24 has been established and has not been corrected within the time prescribed in § 308.27(a), the Board may order that the insured status of the bank or branch be terminated on a subsequent date not earlier than the expiration of the time period specified in the notice of intention issued pursuant to § 308.27(a).

§ 308.29 Consent to termination of insured status.

If the bank does not appear by a duly authorized representative at the hearing pursuant to § 308.27(b), the bank shall be deemed to have consented to termination of the insured status of the bank or branch. The administrative law judge shall promptly report this failure to appear to the Board of Directors. The Board may then issue an order terminating the insured status of the bank or branch.

§ 308.30 Notice to depositors of termination of insured status.

Within the time specified by the Board of Directors and prior to the date of termination of the insured status of a bank or branch, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank or branch. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

1. The status of the ————————, as an (insured bank) (insured branch) under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the —— day of ————, 19—;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Insured deposits in the (bank) (branch) on the —— day of ————, 19—, will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the —— day of ————, 19—: Provided, however, that any withdrawals after the close of business on the —— day of ————, 19—, will reduce the insurance coverage by the amount of such withdrawals.

————————————————————

(Name of bank or branch)

————————————————————

(Address)

The notice may include any additional information the bank deems advisable.

§ 308.31 Termination of insured status of bank not engaged in the business of receiving deposits, other than trust funds.

(a) *Notice to show cause.* When the Board of Directors has evidence that an insured nonmember bank or an insured bank is not engaged in the business of receiving deposits, other than trust funds, the Board shall give written notice of this to the bank and shall direct the bank to show cause why its insured status should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The

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bank shall have 30 days after receipt of the notice, or such longer period prescribed by the Board, to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds.

(b) *Hearing and notice of termination date.* Upon written request of the bank, the Board shall authorize a hearing before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of Subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. If, upon consideration of the record made at the hearing, the Board finds that the bank is not engaged in the business of receiving deposits, other than trust funds, the finding shall be conclusive and the Board shall notify the bank that its insured status will terminate at the expiration of the first full semiannual assessment period following issuance of the notice.

(c) *Notice to depositors of termination of insured status.* Within the time specified by the Board and prior to the date of termination of its insured status, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

The status of the ———————— as an (insured bank) (insured branch) under the Federal Deposit Insurance Act, will terminate on the —— day of ————, 19—, and its deposits will thereupon cease to be insured.

(Name of bank or branch)

(Address)

The notice may include any additional information the bank deems advisable.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.32 Scope.

(a) The rules and procedures of Subpart B and this subpart apply to proceeding by the Board of Directors to order an insured nonmember bank or its official to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.33.

(b) The rules and procedures of Subpart B and this subpart apply to proceedings by the Board of Directors to order a municipal securities dealer or a person associated with the municipal securities dealer to cease and desist from any violation of law or regulation specified in section 15B(c)(5) of the Securities Exchange Act of 1934, as amended (15 U.S.C. o–4(c)(5)), where the municipal securities dealer is an insured nonmember bank as defined in §308.01, a subsidiary or department or division thereof.

(c) The rules and procedures of Subpart B and this subpart apply to proceedings by the Board of Directors to order a clearing agency or transfer agent to cease and desist from failure to comply with the applicable provisions of sections 17, 17A, and 19 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78q, 78q–1, 78s), and the applicable rules and regulations thereunder, where the clearing agency or transfer agent is an insured nonmember bank as defined in § 308.01, or a subsidiary thereof.

§ 308.33 Grounds for cease-and-desist orders.

The Board of Directors may issue and serve upon any insured nonmember bank or its official a written notice of charges and of hearing as specified in § 308.35, if (a) in the Board's opinion the bank or official is engaging or has engaged in an unsafe or unsound practice, or (b) the Board has reasonable cause to believe the bank or official is about to engage in an unsafe or unsound practice or (c) in the Board's opinion the bank or official has violated or the Board has reasonable cause to believe that the bank or official is about to violate a law, rule or regulation, or any condition the Board has imposed in writing in connection with granting an application or request of the bank, or any written agreement with the Corporation.

§ 308.34 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to intitute a proceeding pursuant to Subpart D, and the grounds therefor. The proceeding shall be conducted according to Subpart D, unless within the time period specified in the notice pursuant to § 308.35, the State supervisory authority has effected satisfactory corrective action.

§ 308.35 Notice of charges and of hearing, and consent.

The notice issued pursuant to § 308.33 shall contain a statement of the facts constituting any alleged violation or unsafe or unsound practice, and shall fix a time and place for a hearing to determine whether an order to cease and desist should issue against the bank or its offical. The hearing shall be not earlier than 30 days nor later than 60 days after service of the notice, uless an earlier or later date is set by the Board of Directors in its discretion at the request of any party served with the notice. If such party does not appear at the hearing personally or by a duly authorized representative, the party will be deemed to have consented to issuance of the cease-and-desist order.

§ 308.36 Issuance and effective date of cease-and-desist order.

(a) *Issuance.* Upon consent, or if upon the record made at any hearing referred to in § 308.35, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and cause to be served upon the bank or its official, an order to cease and desist from such violation or practice and to take affirmative action to correct any conditions resulting therefrom.

(b) *Effective date.* A cease-and-desist order shall become effective at the expiration of 30 days after the service of the order upon the bank or its official. A cease-and-desist order issued upon consent shall become effective at the time specified therein. All cease-and-desist orders shall remain effective and enforceable, except to the extent they are stayed, modified, terminated, or set aside by the Board of Directors or a reviewing court.

§ 308.37 Issuance and effective date of temporary cease-and-desist order.

(a) *Issuance.* When the Board of Directors determines that the violation, threatened violation or the unsafe or unsound practice (or the continuation of any of the foregoing) as specified in the notice of charges pursuant to § 308.35, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to weaken seriously the condition of the bank or otherwise to prejudice seriously the interests of its depositors prior to the completion of the proceedings pursuant to section 8(b)(1) of the Federal Deposit Insurance Act and § 308.35, the Board may issue a temporary order requiring the bank or its official to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings.

(b) *Effective date.* A temporary order shall become effective when served upon the bank or its official. Unless the order is set aside, limited or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act, it shall remain effective and enforceable pending completion of administrative proceedings pursuant to the notice of charges issued under § 308.35 and until the Board of Directors dismisses the charges.

§ 308.38 Extraterritorial acts of foreign banks or their officials.

An act or practice committed outside the United States by a foreign bank or its official that would otherwise be a ground for issuing a cease-and-desist order under § 308.36, or temporary cease-and-desist order under § 308.37, shall be a ground for an order only if the Board of Directors finds either that (a) the act or practice has been, is, or is likely to be a cause of, or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the Corporation, or (b) the act or practice, if proven, would adversely affect the insurance risk of the Corporation.

Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.39 Scope.

The rules and procedures of Subpart B and this subpart apply to proceedings by the Board of Directors to remove or suspend directors or officers of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank, or proceedings to prohibit such director, officer or other person from further participation in the conduct of the affairs of such bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act and enumerated in this subpart. The rules and procedures of this subpart and Subpart B do not apply to suspension, removal, or prohibition proceedings upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act and enumerated in Subpart G.

§ 308.40 Grounds for removal or prohibition.

(a) The Board of Directors may issue and serve upon a director or officer of any insured nonmember bank a written notice of its intention to remove the individual from office when the Board determines that (1) the individual has committed a violation of law, rule, regulation or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has engaged in any or omission or practice constituting a breach of fiduciary duty as a director or officer; and (2) the bank has suffered or will probably suffer substantial financial loss or other damage, or that the interests of its depositors could be seriously prejudiced by the violation or practice or breach of fiduciary duty, or that the director or officer has received financial gain by reason of the violation or practice or breach of fiduciary duty. The violation, practice, or breach of fiduciary duty must be one that involves personal dishonesty on the part of the individual, or that demonstrates the individual's willful or continuing disregard for the safety or soundness of the bank.

(b) The Board may issue and serve a written notice of its intention to remove any director or officer of an insured nonmember bank from office when the Board determines that the individual by conduct or practice with respect to another insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety or soundness, and, in addition, has evidenced unfitness to continue as a director or officer.

(c) The Board may issue and serve upon any other person participating in the conduct of the affaris of an insured nonmember bank a written notice of its intention to prohibit the individual's further participation in the conduct of the affairs of the bank when the Board determines that the individual by conduct or practice with respect to such bank or other insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for the safety or soundess of such insured bank and has evidenced unfitness to participate in the conduct of the affairs of such insured bank.

§ 308.41 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to institute a proceeding pursuant to Subpart E, and the grounds therefor. The proceeding shall be conducted according to Subpart E unless within the time specified in the notice pursuant to § 308.42, the State supervisory authority has effected satisfactory corrective action.

§ 308.42 Notice of intention to remove, hearing and consent.

A written notice issued pursuant to § 308.40 shall be served upon the director, officer or other person named therein, and a copy shall be served upon the bank concerned. The notice shall state the facts constituting the grounds for removal or prohibition and shall fix a time and place for a hearing. The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) the director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Failure of the individual to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of an order of removal or prohibition.

§ 308.43 Issuance and effective date of removal or prohibition order.

When the Board of Directors finds upon the record made at a hearing referred to in § 308.42 that any of the grounds specified in the notice have been established, the Board may issue orders of removal or prohibition that shall become effective at the expiration of 30 days after the date of service of the order upon the individual and the bank. A consent order issued by the Board in accordance with § 308.42 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court.

§ 308.44 Grounds for suspension or prohibition.

The Board of Directors may suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank, a director or officer of such bank or any other person participating in the conduct of the affairs of such bank, as referred to in § 308.40, when the Board deems it necessary for the protection of the bank or the interests of its depositors.

§ 308.45 Issuance and effective date of suspension or prohibition order.

(a) *Notice of suspension or prohibition.* Notice of suspension or prohibition shall be given by written order accompanying a notice issued pursuant to § 308.42, and setting forth the grounds for the suspension or prohibition as specified in § 308.44. The order shall be served upon the officer, director, or other person participating in the conduct of the affairs of the bank,

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and a copy shall be served upon the bank.

(b) *Effective date.* A suspension or prohibition shall become effective upon service of the order of suspension or prohibition and unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, the order shall remain in effect pending completion of the administrative proceedings pursuant to the notice served under § 308.42 and until the Board of Directors dismisses the charges specified in such notice.

§ 308.46 Extraterritorial acts of officials of foreign banks.

An act or practice committed outside the United States by a director or officer of a foreign bank or by any other person participating in the conduct of the affairs of a foreign bank, that would otherwise be a ground for suspension, removal, or prohibition proceedings under this subpart, shall be ground for such proceedings only if the Board of Directors finds that (a) the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of an act or practice within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the Corporation, or (b) the act or practice, if proven, would adversely affect the insurance risk of the Corporation.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

§ 308.47 Scope.

The procedures in this subpart shall be followed in proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act, conducted in connection with examinations or investigations of banks.

§ 308.48 Order to conduct proceedings.

A proceeding pursuant to section 10(c) shall be initiated only upon issuance of an order by the Board of Directors, the General Counsel or designee thereof, or the Director of the Division of Bank Supervision or designee thereof. The order shall designate a presiding officer as the Corporation's representative to conduct such proceedings. Upon application and for good cause shown, the Board or the person issuing the order may limit, quash, modify or withdraw the order.

§ 308.49 Powers of presiding officer.

The presiding officer in a section 10(c) proceeding shall have the power, among other things, to administer oaths and affirmations, to take and preserve testimony under oath, to issue subpenas and subpenas duces tecum and to apply for their enforcement to the United States District Court for the judicial district or the United States court in any territory in which the main office of the bank is located or in which the witness resides or conduct business. The Board or a person issuing the order initiating the proceeding may limit, quash, or modify any subpena or subpena duces tecum, upon application and for good cause shown. The presiding officer shall report to the Board of Directors any instance where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the proceeding, or any other instance involving a violation of these rules. The Board shall thereupon take such action as the circumstances warrant, and in addition may exclude the person from further participation in the proceeding.

§ 308.50 Proceedings confidential.

Proceedings pursuant to section 10(c) shall be confidential unless otherwise provided by § 308.51(c). Information or documents obtained by the Corporation in the course of such proceedings shall be disclosed in accordance with Part 309 of the Corporation's rules and regulations, and as otherwise required by law.

§ 308.51 Rights of witnesses.

In a proceeding pursuant to section 10(c):

(a) Any person compelled or requested to furnish testimony, documentary evidence, or other information, shall upon request be shown the order initiating the proceeding. At the discretion of the presiding officer, a copy of the order may be furnished to such person.

(b) Any person compelled, requested or permitted to appear and testify has the right to be accompanied, represented and advised by counsel. While testifying, such person may have counsel present who may (1) advise the witness before, during and after such testimony; (2) briefly question the witness at the conclusion of such testimony for clarification of answers; (3) make summary notes during such testimony solely for the use of the witness.

(c) All persons testifying shall be sequestered. Such persons and their counsel shall not be present during the testimony of any other person, unless permitted in the discretion of the presiding officer.

(d) If the record developed in the course of the proceeding contains allegations of wrongdoing by any person with repect to the affairs or ownership of any bank, such person shall be advised of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency, to produce rebuttal evidence in documentary form (including depositions and statements under oath), or in the form of testimony given before the presiding officer. The evidence shall be on the record.

(e) Witness fees shall be paid in accordance with § 308.10.

§ 308.52 Service of subpena.

Service of a subpena shall be in accordance with § 308.08(c).

§ 308.53 Transcripts.

Transcripts of testimony, if any, in a proceeding pursuant to section 10(c) shall be recorded by the official reporter, or by any other person or means designated by the presiding officer. A person submitting documentary evidence or testimony may obtain a copy of the transcript, if any, upon payment of the cost thereof.

§ 308.54 Special examinations and examinations of closed banks.

Procedures in this subpart shall be followed when proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank, any national or District bank, any insured Federal branch of a foreign bank, or the examination of any closed insured bank or branch, or the examination of an affiliate of any of the foregoing.

Subpart G—Procedures and Standards Applicable to Suspension, Removal and Prohibition Where Felony Charged

§ 308.55 Scope.

The rules and procedures set forth in this subpart apply to proceedings by the Board of Directors (a) to suspend any director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such a bank, or to prohibit such individuals from further participation in the conduct of the affairs of the bank where the individual is charged in any State, Federal or territorial information or indictment, or charged in any compliant authorized by a United States attorney, with the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law; and (b) to remove from office any such director or officer or other person, or to prohibit such individuals from further participation in the conduct of the affairs of the bank, except with the consent of the Board, where a judgment of conviction not subject to further appellate review has been entered against the individual for the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law.

§ 308.56 Relevant considerations.

In deciding whether to suspend, remove or prohibit under this subpart, the Board of Directors shall consider (a) whether the alleged offense is a crime which is punishable by imprisonment for a term exceeding one year under State or Federal law, and which involves dishonesty or breach of trust; and (b) whether the continued presence of the individual in a position with an insured bank may pose a threat to the interst of the bank's depositors or may threaten to impair public confidence in the bank. The Board of Directors may consider additional factors in the specific case that appear relevant to its decision to continue in effect, rescind, terminate or modify a suspension, removal or prohibition order. The Board shall not consider the guilt or innocence of the individual charged with the crime.

§ 308.57 Notice of suspension or prohibition.

Proceedings by the Board of Directors to suspend an individual from office or prohibit further participation in the conduct of the affairs of the bank as referred to in § 308.55(a), shall be initiated by written notice of suspension or prohibition served on the individual, upon prior determination by the Board that the offense alleged in the information or indictment or complaint involved dishonesty or breach of trust, and that the individual's participation in the conduct of the affairs of the bank may pose a threat to the bank's depositors or may threaten to impair public confidence in the bank. The suspension or prohibition shall remain in effect until final disposition of the information or indictment or complaint, and until the Board terminates the suspension or prohibition. A copy of the notice shall be served upon the bank concerned.

§ 308.58 Order of removal or prohibition.

When a final judgment of conviction not subject to further appellate review is entered against a director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank for a crime referred to in § 308.55(b), the Board of Directors may issue and serve upon the individual an order removing the individual from office or prohibiting further participation in the conduct of the affairs of the bank except with the Board's consent where continued service or participation by the director, officer, or other person may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank. A copy of the order shall be served upon the bank, at which time the director or officer named in the order shall be removed from office. The order shall remain effective until completion of the hearing or appeal authorized under section 8(g) of the Federal Deposit Insurance Act and this subpart, unless the order is terminated by the Board. A finding of not guilty or other disposition of the case will not preclude the Board from thereafter instituting proceedings to remove an individual from office or prohibit further participation in the conduct of the affairs of the bank, pursuant to section 8(e) of the Federal Deposit Insurance Act and Subpart E.

§ 308.59 Notice of opportunity and request for hearing.

A notice pursuant to § 308.57 and an order pursuant to § 308.58 shall be accompanied by (a) a statement that within 30 days of service of such notice or order, the individual may file with the Executive Secretary a written request for a hearing stating the relief desired and the grounds therefor and that is accompanied by supporting evidence when available; and (b) a description of the hearing procedure and relevant considerations specified in § 308.56.

§ 308.60 Waiver of hearing.

Failure to request a hearing pursuant to § 308.59 shall constitute a waiver of the opportunity of hearing. Failure to appear at a hearing in person, through counsel, or personally with counsel shall constitute a waiver of hearing. The individual may in writing waive a hearing and elect to have the matter determined by the Board of Directors on the basis of written submissions.

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, in Washington, D.C., or at another designated place, before a presiding officer designated by the Board of Directors. The Board may order a later hearing date upon petition of the individual afforded the hearing.

(b) The provisions of § 308.04, § 308.05, § 308.20 and § 308.22 apply to proceedings conducted under this subpart, except as otherwise specifically provided. The formal rules of evidence and the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) shall not apply to the hearing.

(c) The individual may appear at the hearing personally, through counsel, or personally with counsel, and shall have the right to introduce relevant and material documents and to present oral argument.

(d) Staff members of the Corporation's Office of the General Counsel may attend the hearing and participate as a party.

(e) The proceedings shall be recorded and a transcript shall be furnished to the individual afforded the hearing upon request and after payment of the cost thereof. At the discretion of the presiding officer witnesses may be presented within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by a party or the presiding officer. The presiding officer may ask questions of any witness. Each party shall have the opportunity to cross-examine any witness presented by an opposing party.

(f) In the course of, or in connection with any proceeding under this subpart, the Board of Directors or the presiding officer shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum. Where the presentation of witnesses is permitted, the presiding officer may require the attendance of witnesses from any State, territory or other place subject to the jurisdiction of the United States at any location where the proceeding is being conducted. Witness fees shall be paid in accordance with § 308.10. The Board or the presiding officer may require the production of documents from any such State, territory, or other place subject to the jurisdiction of the United States.

(g) Upon the request of the individual afforded the hearing or the staff members of the Corporation's Office of the General Counsel, the record shall remain open for 5 business days following the hearing for the parties to make additional submissions to the record. The record shall thereafter be closed.

(h) The presiding officer shall make recommendations to the Board, where possible, within 10 days after the record is closed.

§ 308.62 Decision of the Board of the Directors.

Within 60 days following the hearing or receipt of written submissions pursuant to § 308.60, the Board of Directors shall notify the individual

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whether the suspension or prohibition will be continued, terminated, or otherwise modified, or whether the order of removal or prohibition will be rescinded or otherwise modified. The notification shall state the basis for any decision of the Board adverse to the individual. The Board shall promptly rescind or modify an order of removal or prohibition where the decision is favorable to the individual.

§ 308.63 Reconsideration by the Board of Directors.

The individual afforded a hearing pursuant to § 308.61 shall have 10 days following receipt of the decision of the Board of Directors to petition the Board for reconsideration. The individual shall also be entitled to petition the Board for reconsideration of its decision after the expiration of 12 months from the date of the Board's decision. A petition shall state with particularity the basis for reconsideration, the relief sought, and any exceptions to the findings of the Board. It may be accompanied by a supporting memorandum and by other documentation. Promptly following receipt of the petition for reconsideration, the Board shall determine whether to grant a hearing.

Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

§ 308.64 Scope.

(a) The rules and procedures in this subpart and Subpart B apply to proceedings by the Board of Directors to assess and collect civil penalties from (1) an insured nonmember bank or its official (as defined in § 308.02(1)) where the bank or official has violated the terms of any cease-and-desist order which has become final, or (2) an insured nonmember bank or its official where the bank or official has violated the provisions of section 22(h) or 23A of the Federal Reserve Act (as made applicable by section 18(j) of the Federal Deposit Insurance Act), or (3) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended.

(b) As used in § 308.65, § 308.66, and § 308.67, the term "has violated" includes, but is not limited to, any action (alone or with another) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

§ 308.65 Violation of order as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any final order issued pursuant to section 8(b) or 8(c) of the Federal Deposit Insurance Act and Subpart D, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.66 Violation of laws limiting dealings with bank officials and affiliates as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 22(h) or 23A of the Federal Reserve Act, as amended, (made applicable by section 18(j) of the Federal Deposit Insurance Act), or has violated any lawful regulation issued pursuant thereto, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.67 Violation of law governing correspondent accounts as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.68 Relevant considerations.

In determining the amount of the penalty assessed pursuant to § 308.65, § 308.66, or § 308.67, the Board of Directors shall consider the financial resources and good faith of the insured nonmember bank or its official, the gravity of the violation, any previous violations, and such other matters as justice may require.

§ 308.69 Notice of assessment of civil penalty, and opportunity and request for hearing.

(a) Civil penalties pursuant to § 308.65, § 308.66, or § 308.67 shall be assessed by written notice served upon the bank or official. The notice shall state the amount of the penalty, the period for payment, the legal authority for assessment, and the matters of fact or law constituting the grounds for assessment.

(b) The notice shall further indicate that within 10 days of issuance of the notice, the individual assessed may file with the Executive Secretary or other designee of the Board of Directors a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the party assessed.

§ 308.70 Waiver of hearing.

Failure to request a hearing pursuant to § 308.69(b) shall constitute a waiver of the opportunity of hearing and the notice of assessment pursuant to § 308.69(a) shall constitute a final and unappealable order.

§ 308.71 Hearing and order.

The Executive Secretary or designee of the Board of Directors shall order a hearing to commence within 60 days after receipt of a request for hearing pursuant to § 308.69(b). The provisions of the Administrative Proceduce Act (5 U.S.C. 554–557) and Subpart B shall apply to the hearing. If, upon the record made at the hearing, the Board finds that the grounds for assessing the civil penalty have been established, the Board shall issue its final order and cause it to be served upon the party. The final order shall require payment of the penalty, as specified in the notice of assessment, or the Board, in its discretion, may reduce the amount of the penalty.

§ 308.72 Period for payment of civil penalty.

Civil penalties assessed pursuant to § 308.65, § 308.66, or § 308.67 are payable and to be collected within the 90-day period after issuance of the notice of assessment, unless the Board of Directors shortens the period for payment or makes the amount payable upon receipt of the notice, where the Board determines the purpose of the penalty would be better served thereby. Notwithstanding any other provision of this subpart, if a party has requested a hearing pursuant to § 308.69(b) to challenge a penalty or an antecedent finding, the party shall not be required to pay the penalty until the Board has issued a final order following the hearing.

Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

§ 308.77 Scope.

The rules and procedures in this subpart and Subpart B apply to proceedings by the Board of Directors in connection with the disapproval by the Board of a proposed acquisition of control of an insured nonmember bank.

§ 308.74 Grounds for disapproval.

The following are grounds for disapproval of a proposed acquisition of control:

(a) The proposed acquisition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the banking business in any part of the United States;

(b) The effect of the proposed acquisition of control in any part of the United States would be to substantially lessen competition or tend to create a monopoly or would in any other manner be in restraint of trade, and the anticompetitive effects of the proposed acquisition of control are not clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(c) The financial condition of any acquiring person might jeopardize the financial stability of the bank or prejudice the interest of the depositors of the bank;

(d) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit such person to control the bank; or

(e) Any acquiring person neglects, fails, or refuses to furnish to the Corporation all the information required by it.

§ 308.75 Notice of disapproval and opportunity and request for hearing.

(a) Within 3 days of its decision to disapprove a proposed acquisition of control of an insured nonmember bank, the Board of Directors shall serve a written notice of disapproval upon the party seeking to acquire control. The notice shall state the legal authority and the basis for the disapproval. A copy of any views and recommendations submitted to the Corporation by the appropriate State bank supervisory agency shall accompany the notice.

(b) The notice shall further indicate that within 10 days of receipt the individual may file with Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(b) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means to be the last known address of the party being afforded the notice.

(d) Failure to request a hearing pursuant to this section shall constitute a waiver of the opportunity of hearing and the notice of disapproval shall constitute a final and unappealable order.

§ 308.76 Exceptions.

(a) *Filing.* The Board of Directors may direct the party requesting a hearing pursuant to § 308.75(b) or the party may elect to file exceptions to the statement of the basis for disapproval contained in the notice of disapproval. Exceptions shall be filed with the Executive Secretary within 20 days after service of the notice upon the party, unless the Board specifies a different filing period of not less than 10 days after service of the notice. For good cause shown, the Board or the administrative law judge may permit filing of exceptions after expiration of the filing period.

(b) *Requirements.* Exceptions filed under this section to a statement of the basis for disapproval of a proposed acquisition of control shall specifically designate the part of the statement to which exception is taken. Only those parts of a statement of the basis for disapproval so designated may be challenged by the party at the hearing.

(c) *Effect of failure to except.* Failure of a party to timely file required exceptions to a statement of the basis for disapproval of a proposed acquisition of control shall be deemed a waiver of the party's right to appear and contest the disapproval and shall authorize the administrative law judge to conduct the hearing without further notice to that party. If every party has waived the right to appear in a disapproval proceeding, the administrative law judge is authorized to recommend to the Board that it dispense with further proceedings.

§ 308.77 Hearing and order.

The Executive Secretarty shall order a hearing to commence within 60 days after receipt of a request for hearing pursuant to § 308.75(b). If the appropriate State bank supervisory agency has submitted views and recommendations on the proposed acquisition, it shall be entitled as of right to appear as a party. The provisions of the Administrative Procedure Act (5 U.S.C. 554–557) and Subpart B shall apply to the hearing. If, upon the record made at the hearing, and after giving due consideration to any views or recommendations previously submitted by an appropriate State bank supervisory agency, the Board of Directors finds that there are adequate grounds for approving or disapproving the acquisition, the Board shall issue its final order approving or disapproving the acquisition and cause it to be served on the party seeking control.

Subpart J—Rules and Procedures Applicable to Proceedings Relating to Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

§ 308.78 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to assess civil penalties against any person for willful violation of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank.

§ 308.79 Notice of intention to assess civil penalty and opportunity and request for hearing.

(a) If, in the opinion of the Board of Directors, any person has willfully violated the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank, the Board may cause notice to be served upon the person of its intention to assess a civil penalty of not more than $10,000 per day for each day the violation continues. The notice shall state the legal authority and grounds for assessment and the amount of the penalty.

(b) The notice shall further state that within 10 days of issuance of the notice the individual may file with the Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the person assessed.

§ 308.80 Waiver of hearing.

Failure to request a hearing pursuant to § 308.79(b) shall constitute a waiver of the opportunity for hearing. The Board of Directors, for good cause shown, may extend the period to request a hearing. A party may in writing waive a hearing and elect to have the propriety of the penalty determined by the Board solely on the basis of written submissions.

§ 308.81 Hearing.

The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for a hearing pursuant to § 308.79(b), in Washington, D.C., or another place designated by the Executive Secretary, before a presiding officer designated by the Board of

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Directors. The provisions of § 308.61(b), (c), (d), (e), and (g) shall apply to the hearing.

§ 308.82 Assessment.

If, after considering the data, views, and arguments presented at the hearing pursuant to § 308.81, or any written submissions made pursuant to § 308.80, and the gravity of the violation and the financial resources and good faith of the party, the Board concludes that a civil penalty is warranted, it shall assess against the party a penalty of not more than $10,000 per day for each day the violation continues. Based upon the same consideration, the Board, in its discretion, may reduce the penalty from the amount stated in the notice of intention. The Board shall cause a final order of assessment to be served upon the party.

§ 308.83 Collection.

The Corporation may collect the civil penalty assessed pursuant to § 308.82 by agreement with the party, or the Corporation may bring an action against the party to recover the penalty amount in the appropriate United States District Court.

Subpart K—Rules and Procedures for Imposition of Sanctions Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Clearing Agencies or Transfer Agents

§ 308.84 Scope.

The rules and procedures in this subpart and Subpart B apply to proceedings by the Board of Directors (a) to censure, limit the activities of, suspend, or revoke the registration of, any municipal securities dealer for which the Corporation is the appropriate regulatory agency; and (b) to censure, or suspend or bar from being associated with such a municipal securities dealer, any person associated with such a municipal securities dealer; and (c) to deny registration to, censure, limit the activities of, suspend, or revoke the registration of, any transfer agent or clearing agency for which the Corporation is the appropriate regulatory agency. This subpart and Subpart B shall not apply to proceedings to postpone or suspend registration of a transfer agent or clearing agency pending final determination of denial or revocation of registration.

§ 308.85 Grounds for impositon of sanctions.

(a) The Board of Directors may issue and serve upon any municipal securities dealer for which the Corporation is the appropriate regulatory agency, a written notice of its intention to censure, limit the activities or functions or operations of, suspend, or revoke the registration of, such municipal securities dealer, when the Board determines (1) that such municipal securities dealer (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D), or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 780), or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (a).

(b) The Board of Directors may issue and serve upon any person associated or seeking to become associated with a municipal securities dealer for which the Corporation is the appropriate regulatory agency a written notice of its intention to censure, suspend or bar the person from being associated with the municipal securities dealer, when the Board determines (1) that such person (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D) or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended, or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of the commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to censure, suspend or bar such person.

(c) The Board of Directors may issue and serve upon any transfer agent or clearing agency for which the Corporation is the appropriate regulatory agency, a written notice of its intention to deny registration to, censure, place limitations on the activities or functions or operations of, suspend, or revoke the registration of, the transfer agent or clearing agency, when the Board determines (1) that the transfer agent or clearing agency has willfully violated, or is unable to comply with, any applicable provision of section 17 or 17A of the Securities Exchange Act of 1934, as amended, or any applicable rule or regulation issued pursuant thereto; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (c).

§ 308.86 Notice and consultation with the Securities and Exchange Commission.

Before initiating any proceedings under § 308.85 (a) or (b), the Board of Directors shall (a) notify the Securities and Exchange Commission of the identity of the municipal securities dealer or associated person against whom proceedings are to be initiated, and the nature of and basis for the proposed action, and (b) consult with the Securities and Exchange Commission concerning the effect of the proposed action on the protection of investors and the possibility of coordinating the action with any proceeding by the Commission against the municipal securities dealer or associated person.

§ 308.87 Notice of intention to impose sanctions.

A notice of intention to impose sanctions referred to in § 308.85 shall contain a statement of the proposed sanctions and the grounds for imposition of the sanctions, and shall fix a time and place for a hearing. The notice shall delivered by personal service by registered or certified mail, or by other appropriate means, to the last known address of the party upon whom sanctions are to be imposed.

§ 308.88 Hearing.

The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or later date is set by the Board of Directors at the request of the municipal securities dealer, associated person, or transfer agent or clearing agency, and for good cause shown. The procedures of Subpart B and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. Failure to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of the order by the Board.

§ 308.89 Issuance and effective date of order imposing sanctions.

If the Board of Directors finds upon the record made at the hearing pursuant to § 308.88 that the grounds specified in the notice pursuant to § 308.87 have been established, the Board may issue an order containing the sanctions specified in the notice. The order shall be effective at the expiration of 30 days after the service of the notice, except that an order of censure, denial or revocation of registration is effective when served. A consent order in accordance with § 308.88 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court; however, orders of suspension shall

continue in effect no longer than 12 months.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Section 12(h) of the Securities Exchange Act of 1934

§ 308.90 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to exempt in whole or in part, an issuer of securities from the provisions of section 12(g), 13, 14(a), 14(c), 14(d), or 14(f) of the Securities Exchange Act of 1934, as amended, or to exempt an officer or director or beneficial owner of securities of such an issuer from the provisions of section 16 of that Act.

§ 308.91 Application for exemption.

Any interested person may file a written application for an exemption under this subpart with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The application shall specify the exemption sought and the reason therefor, and shall include a statement indicating why the exemption would be consistent with the public interest or the protection of investors.

§ 308.92 Newspaper notice.

If the Board of Directors decides to further consider the application for exemption, it shall serve upon the applicant instructions to publish one notice in a newspaper of general circulation in the community where the main office of the issuer is located. The applicant shall furnish proof of such publication to the Executive Secretary. The notice shall contain (a) the name and address of the issuer and the name and title of the applicant, (b) the exemption sought, (c) a statement that a hearing will be held, and (d) a statement that within 30 days of publication of the newspaper notice, interested persons may submit to the Corporation written comments on the application for exemption and a written request for an opportunity to be heard. The address of the Corporation must appear in the notice.

§ 308.93 Notice of hearing.

Within 10 days after expiration of the period for receipt of comments pursuant to § 308.92, the Executive Secretary shall serve upon the applicant and any person who has requested an opportunity to be heard, a notice indicating the place and time of the hearing, to be held not later than 30 days after service of the notice of hearing. The notice shall contain the name and address of the presiding officer designated by the Board of Directors and a statement of the matters to be considered.

§ 308.94 Hearing.

Parties to the hearing may appear personally, through counsel, or personally with counsel. Parties shall have the right to introduce relevant and material documents and to make an oral statement. The formal rules of evidence, the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557), and Subpart B shall not apply. The Board of Directors or the presiding officer shall have discretion to permit presentation of witnesses within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn. The presiding officer may ask questions of any witness and each party may cross-examine any witness presented by an opposing party.

§ 308.95 Decision of the Board of Directors.

Following submission of the hearing transcript to the Board of Directors, the Board may grant the exemption where it determines by reason of the number of public investors, the amount of trading interest in the securities, the nature and extent of the issuer's activities, the issuer's income or assets, or otherwise, that the exemption is consistent with the public interest or the protection of investors. An exemption shall be granted by an order specifying the terms of the exemption, the person to whom it is granted, and the period for which it is granted. A copy of the order shall be served upon each party to the proceeding.

By Order of the Board of Directors, dated March 31, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-10247 Filed 4-3-80; 8:45 am]

BILLING CODE 6714-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rules.

SUMMARY: These proposed rules implement Section 8(a)(2) of the Small Business Act, as amended by Section 202(a) of Public Law 95–507, which authorizes the Administrator to waive, in whole or in part, any bond required by any Government Procurement Officer (whether pursuant to the Miller Act or otherwise) for and in connection with any 8(a) contract.

DATES: Interested persons may submit comments which must be received on or before June 3, 1980.

ADDRESSES: Comments should be submitted in duplicate to the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Milton Wilson, Jr., Director, Capital Ownership Development, Minority Small Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416; telephone; (202) 653–6526.

SUPPLEMENTARY INFORMATION: The proposed regulations establish criteria and establish conditions for the waiver of bonds for 8(a) contractors. They also establish procedures for the protection of persons furnishing materials and labor to an 8(a) contractor for whom bonds are waived by SBA.

Accordingly, the following Amendments to Part 124 of Chapter I of the Code of Federal Regulations are published in proposed form. Timely comments by interested persons will be reviewed, evaluated, and considered prior to promulgation of final rules.

Part 124 of Chapter I of Title 13 of the Code of Federal Regulations is amended by adding the following:

PART 124—MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE

§ 124.1–5 Waiver of bonds required by any Government procurement officer.

(a) *Policy.* It is the policy of SBA to waive any bid, payment and performance bonds required by any Government Procurement Officer whether pursuant to the Miller Act or otherwise, for and in connection with any 8(a) contract whenever it is determined by SBA that such bonding requirement is inappropriate for the 8(a) contractor in the performance of the 8(a) contract. The exercise of this authority by the Administrator is subject to the four conditions set forth in Section 8(a)(2) of the Small Business Act, as amended by Section 202(a) of Public Law 95–507.

(b) *Eligibility.* (1) The 8(a) contractor must have been engaged in activities which required it to provide payment and/or performance bonds for a period of no more than two years and

participating in the Section 8(a) Program for not more than one year.

(2) The concern cannot obtain the requisite bonds for the contract either with or without an SBA guarantee.

(c) *Conditions for SBA Waiver of Bond.* (1) SBA must find that the concern is an eligible concern for which the bonds required by the Miller Act or by the procurement officer are inappropriate for the performance of a specific contract.

(2) SBA must be satisfied that the small concern cannot secure, either with or without an SBA guarantee, the bonds required for the contract.

(3) SBA will provide such technical and management assistance, including construction management services if the contract is for construction, as is necessary to assist the 8(a) concern in performing the specific 8(a) subcontract. Such assistance will be provided by means of contracts awarded by professional consulting firms pursuant to Section 7(j) of the Small Business Act, as amended.

(4) SBA and the applicant concern must take measures as herein required to protect persons furnishing materials and labor to the 8(a) contractor whose bonds are waived by SBA.

(d) *Protection of Third Parties.* (1) The 8(a) concern must agree, by provision to be included in the Section 8(a) contract, that it will make timely payment to all persons furnishing materials and labor to the concern in the performance of the contract.

(2) The 8(a) concern must agree, also by provisions to be included in its contract with SBA, that the concern will establish a special bank account into which will be deposited all payments received in performing the contract. The concern must further agree that all disbursements from the special bank account shall be subject to approval and countersignature of an SBA representative. (This requirement for a controlled account will be satisfied if SBA makes an Advance Payment to the 8(a) concern pursuant to Section 124.1–2 of SBA Regulations and a special controlled bank account is established in connection therewith.

(3) If the 8(a) contract is a construction contract, the 8(a) contractor will notify persons supplying it with materials and labor that bonds required by the Miller Act have been waived for the contract.

(4) In the event of failure of an 8(a) contractor to pay its laborers, suppliers, materialmen, or subcontractors, SBA will contract with a qualified professional claims servicing organization to receive, evaluate, settle, and pay valid claims of such persons.

(e) *Notice of Nonpayment.* Persons not paid for the supplying of labor or materials to the contractor may notify the SBA contracting officer involved.

(Catalog of Federal Domestic Assistance Program No. 59.006, Minority Business Development)

Dated: March 27, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-10287 Filed 4-3-80; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Performance Under Automobile Warranties; Petition To Require Disclosure of Warranty Compensation Rates

AGENCY: Federal Trade Commission.

ACTION: Invitation to submit written comments.

SUMMARY: The Commission has received a petition for rulemaking concerning the quality of repair service provided under new car warranties. The petitioners believe that the quality of warranty service is directly affected by the rate automobile manufacturers use to reimburse their dealers for warranty work. The petitioners' proposed rule would require manufacturers which reimburse at less than the normal retail rate for nonwarranty repair to disclose that fact in the manufacturer's warranty.

The Commission is concerned about the quality of service provided under new car warranties and solicits written comment on the petition and on other warranty-related issues. This information will help the Commission to decide what action, if any, it should take on the petition.

DATES: Written comments must be received on or before June 2, 1980.

ADDRESSES: Send written comments to Michael Katz, Room 238, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Katz or Wallace Lovejoy, 202–523–1670, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580

SUPPLEMENTARY INFORMATION: The Commission is concerned about the quality of warranty performance provided under new car warranties. A recent study prepared for the FTC shows that new car warranty repairs take considerably longer time periods and produce substantially higher levels of consumer dissatisfaction with the service provided than do warranty repairs for other types of products.[1] The quality of new car warranty service is of particular interest to the Commission given the size of the consumer investment involved and the importance of the automobile in daily life.

The Commission would like to learn more about the quality of warranty service provided by different manufacturers and their respective authorized dealers. In particular, the Commission is interested in those factors which motivate a manufacturer or dealer to provide good or poor service under warranty. The Commission is also interested in learning to what extent the marketplace rewards providers of quality warranty service with repeat sales or other benefits. A related inquiry concerns the extent to which consumers in the market today are able to identify manufacturers or dealers who are likely to provide satisfactory service under warranty.

The Commission is also interested in learning whether manufacturers discourage their dealers from performing under warranty through the compensation systems used to reimburse the dealers for warranty work. The compensation rate issue was the focus of a petition for rulemaking received from Public Citizen, Inc., Indiana Public Interest Research Group (PIRG), Minnesota PIRG and New York PIRG which requests that the Commission promulgate a rule that would require all automobile warrantors who do not compensate their dealers for warranty repairs at the same rate the dealer would charge for nonwarranty repairs to disclose this fact in the warranty.[2]

The basis for the petition is a survey conducted in four states by petitioners. The survey covered 83 car dealers and 13 manufacturers. The results of the survey show that a majority of the car dealers interviewed were paid less by the manufacturer for performing warranty repairs than the dealer would normally charge customers for the same repairs if they were not covered by the warranty.

Petitioners assert that the lower compensation rates for warranty repairs cause dealers to prefer the more profitable nonwarranty repairs. As a result, petitioners claim, some dealers refuse to accept warranty work, or if they do accept it, delay warranty repairs or simply perform warranty repairs inadequately. Petitioners concluded that the likelihood of poor warranty performance resulting from the discrepancy between the two rates substantially lowers the value of the warranty to consumers and justifies the Commission's use of its rulemaking authority to require the disclosure of this discrepancy.

The Commission has indications that the problem of consumers obtaining satisfactory automobile warranty performance is a serious and continuing one. While the petition suggests one course of action aimed at improving warranty performance, many questions remain unanswered. Therefore, the Commission invites public comment on a number of questions raised directly and indirectly by the petition. The following questions are designed not only to solicit views and information concerning the action requested by the petition, but also to develop alternative approaches to that suggested by the petition. Answers to these questions will aid the Commission in determining what action, if any, is appropriate.

[1] Arthur Young and Co., *Warranties Rules Consumer Baseline Study* (March 2, 1979) at D–8 to D–10. This study is available through the Office of the Secretary, Room 130, Federal Trade Commission, Washington, DC 20580. Telephone 202–523–3598.

[2] The petition and supporting documents are available for public inspection at the Office of the Secretary, Room 130, Federal Trade Commission, Washington, DC 20580. Telephone 202–523–3598.

Questions for Comment

All interested parties are urged to provide data, studies, views or arguments on any or all aspects of the petition, including alternative approaches. The Commission specifically invites comments on the following questions:

1. What factors are most important to consumers when they seek repairs under new car warranties? What distinguished "good" warranty performance from "poor" performance?

2. Are some manufacturers or divisions of a manufacturer more efficient or effective in providing warranty service than others? If so, are consumers generally aware which manufacturers these are?

3. To what extent is the quality of warranty service a result of individual dealer attitudes rather than the manufacturer's attitude towards warranty performance? Is the quality of warranty service affected by manufacturers' incentives or disincentives to their dealers?

4. How, and to what extent, does the marketplace today reward manufacturers whose dealers provide good warranty service? How are individual dealers rewarded for their warranty services? Does a manufacturer whose dealers provide good warranty service benefit sufficiently through customer loyalty and repeat sales to justify the expense warranty work entails?

5. Do the current compensation rates used by automobile manufacturers adversely affect consumers' ability to obtain satisfactory warranty repairs? If so, how?

6. What factors other than the compensation rate influence the warranty service provided by a dealer? For example, to what extent is the quality of a dealer's warranty service affected by manufacturer-supplied training for dealer mechanics, parts availability, the quality and frequency of service bulletins, and the speed with which warranty repairs are reimbursed? To what extent do manufacturers police the quality of their dealers' warranty service?

7. Petitioners assert that the dealers' lower rate of compensation for warranty repairs is a "subsidy" of the manufacturer. Is this true? The Commission would particularly like to receive any studies or surveys concerning the profitability of warranty and non-warranty repairs for dealers.

8. Would the required disclosure requested by petitioners cause warrantors to adjust their warranty compensation rates rather than make the disclosure? Would a rise in warranty compensation rates affect the costs of non-warranty repairs? Would costs rise because dealers would have a "captive" market which must pay whatever rate they set? Would costs fall because dealers would no longer have to make up for losses resulting from lower compensation rates?

9. Would the disclosure requested by petitioners require the Commission to define what constitutes reasonable retail rates? If the manufacturer is obligated to pay whatever retail rate the dealer sets, would there be any controls on the rate?

10. Currently, dealers must use the manufacturer's flat rate manual to determine the number of hours labor that can be charged for a particular repair performed under warranty. For non-warranty repairs, the dealer can choose to use either the same manual or a different flat rate manual, or can charge for actual time expended. If the disclosure requirement would depend on equal compensation for warranty and non-warranty repairs, what should determine the number of hours paid for?

11. Would there be any anticompetitive consequences if the petition were granted and disclosure mandated? If so, what would they be?

12. Some states already have laws which address the warranty compensation rate problem in some manner. Which states have such laws, how do the laws work, and what have been their effects?

13. Two automobile manufacturers currently offer their servicers the choice of a warranty compensation plan based on the dealer's retail rates. What effect, if any, does the existence of these options have on warranty performance and on the need for regulation?

14. What other approaches could the Commission take, under the Magnuson-Moss Act or under Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45)?

Notice to Interested Persons: Written Comments

Please send written data, studies, views or arguments on any issue of fact, law or policy that may have some bearing on the petition or the issues presented above. Send these comments to Michael Katz, Federal Trade Commission, 6th & Pennsylvania Avenue, NW, Room 238, Washington, DC 20580. Mark them "New Car Warranty Performance Comments" for prompt identification and consideration.

Results of surveys and other research studies. If you submit the results of a survey or other research study, please also submit the following information, which is necessary to enable the Commission to evaluate the survey or study you have submitted:

(a) A complete report of the survey or other research study and the information and documents listed in (b) through (e) below if they are not included in that report.

(b) A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

(c) Copies of all questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

(d) A description of methodology used in conducting the survey or other research study including the selection of instructions to interviewers, introductory remarks by interviewers to respondents, and a sample questionnaire or other data collection instruments.

(e) A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Public Record. All materials submitted for the public record will be available for examination at the

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Commission's Public Reference Room 130, Federal Trade Commission Building, Sixth Street at Pennsylvania Avenue, NW, Washington, DC. Any person who desires to obtain copies of the above materials for his own use must make arrangements in advance with the Commission representatives specified above.

Issued: March 28, 1980.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-10162 Filed 4-3-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Revision of Registration Regulations; Proposed Rules

Correction

In FR Doc. 80-8580 appearing on page 18356, in the issue of Thursday, March 20, 1980 make the following corrections:

1. On page 18359, second column, the last line of "footnote 41" should have read: "should be of lesser or greater duration.".

2. On page 18360, third column, the fifth line of § 1.10(a) should have read: "7-R, completed and filed with the".

3. On page 18361, first column, the third line of § 1.10a(b) should have read: "this section, application for renewal of".

BILLING CODE 6351-01-M

17 CFR Part 1

Proposed Revision of Registration Regulations; Public Meeting

AGENCY: Commodity Futures Trading Commission.

ACTION: Public meeting on proposed regulations.

SUMMARY: The Division of Trading and Markets of the Commodity Futures Trading Commission will conduct a meeting to discuss the Commission's proposal to revise certain of its registration regulations and to receive public comments in connection with that proposal. The proposal was published for public comment in the **Federal Register** on March 20, 1980. (45 FR 18356)

DATE: Meeting date: April 16, 1980.

ADDRESS: The meeting, which will be open to the public, will be convened at 9:30 a.m. in the Commission Hearing Room (Room 538), 2033 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-9703.

Issued in Washington, D.C., on March 31, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-10161 Filed 4-3-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-10]

Implementation of Phase II of Incremental Pricing; Availability of Environmental Assessment

April 1, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of environmental assessment.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby gives notice that Commission staff has concluded that the proposed Phase II incremental pricing regulations in Docket No. RM80-10 would not significantly affect the human environment and that an environmental impact statement under the National Environmental Policy Act of 1978 is not required. The assessment is available for inspection at the location set forth below.

DATES: Public comments on the assessment must be received on or before April 23, 1980.

ADDRESSES: The assessment has been placed in the public files and is available for inspection at the following address: Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 1000, Washington, D.C. 20426. Copies may also be requested at this address.

Written comments should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments should reference Docket No. RM80-10.

FOR FURTHER INFORMATION CONTACT: Mr. Richard R. Hoffmann, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8098.

SUPPLEMENTARY INFORMATION: Notice is given that on April 3, 1980, the Commission staff issued an environmental assessment evaluating Phase II incremental pricing regulations proposed by the Commission in Docket No. RM80-10. The proposed regulations would implement Title II of the Natural Gas Policy Act of 1978, establishing incremental pricing of interstate natural gas for industrial use. The environmental assessment was prepared by the Commission staff and its consultant Energy and Environmental Analysis, Inc., to comply with the requirements of the National Environmental Policy Act of 1969.

The Environmental Staff of the Office of Pipeline and Producer Regulation has made a systematic interdisciplinary review and evaluation of the proposed rulemaking based on data and analysis provided by its consultant. The staff has concluded that the proposal would not significantly affect the human environment and that an environmental impact statement is not required.

The environmental assessment has been placed in the public files of the Commission and is available for public inspection in the Divison of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Copies are available in limited quantities from the Division of Public Information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10373 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 320

[Docket No. 79N-0464]

Vitamin K-Type Coagulants; Proposed Bioequivalence Requirements

Corrections

In FR Doc. 80-6623 appearing at page 14063 in the issue for Tuesday, March 4, 1980, make the following changes:

(1) On page 14063, third column, fifth line from the bottom should read "(21 CFR 5.79)".

(2) On page 14064, sixth line from the bottom, "phytonadineon" should read "phytonadione"; and in the second column, second line of the first full paragraph, delete the hyphen after "4".

BILLING CODE 1505-01-M

21 CFR Parts 610 and 640

[Docket No. 79N-0326]

Additional Standards for Human Blood and Blood Products, Antihemophilic Factor (Human)

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes Additional Standards for Antihemophilic Factor (Human). These proposed standards contain many of the provisions of the "Tentative Standards: Antihemophilic Factor (Human)," which were developed in 1969, together with changes and additions that reflect more recent experience and scientific knowledge. In addition this document deletes all references to be biological product fibrinogen (human), for which all manufacturing licenses were revoked as of December 7, 1977.

DATES: Comments by June 3, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Antihemophilic Factor (Human) is a freeze-dried material prepared by fractionation from pools of human plasma and is used for treating persons having hemophilia A (Factor VIII deficiency). Antihemophilic Factor (Human) is more concentrated then Cryoprecipitated Antihemophilic Factor (Human), a liquid product that is prepared by freezing and thawing single units of plasma and recovering the cold-precipitated Factor VIII.

Hemophilia A (classical hemophilia or Factor VIII deficiency) is a hereditary disorder characterized by abnormal and life-threatening bleeding due to a deficiency of coagulation Factor VIII. The disease is more common in males because it is transmitted genetically as an X-linked recessive trait. At one time, treatment of this condition was by transfusion with whole plasma, a therapy of limited use because of hypervolemia (expanded blood volume) and consequent pulmonary edema (fluid in the lungs). During the last 15 years, methods have been developed to purify and concentrate (fractionate) Factor VIII from human plasma. When these concentrated fractions of Factor VIII are reconstituted and given intravenously to the hemophiliac during spontaneous bleeding episodes, after injury, during surgery, or prophylactically, the defective bleeding of the hemophiliac may be completely corrected for approximately 1 day. The problem of hypervolemia does not arise with Antihemophilic Factor (Human) because of the small amounts of fluid and protein infused.

These concentrated preparations of Antihemophilic Factor (Human) containing the Factor VIII may be injected into the patient under a hospital/clinic outpatient treatment program or a home-infusion program. In a home-infusion program, the hemophiliac, or other family members, are taught to administer the plasma fraction at the first sign of bleeding. Treatment with Antihemophilic Factor (Human) profoundly reduces morbidity and the characteristic symptoms of this disease which causes the physical disability so often associated with hemophilia in the past.

Under section 351 of the Public Health Service Act (42 U.S.C. 262), biological products offered for sale in interstate commerce must be licensed and meet certain standards that ensure their continued safety, purity, potency, and efficacy. Licensing for the production and distribution of Antihemophilic Factor (Human) is currently guided by tentative standards developed in 1969 and distributed by the Division of Biologics Standards (subsequently the Bureau of Biologics).

The Bureau of Biologics, Food and Drug Administration, has reviewed the tentative standards and licenses for Antihemophilic Factor (Human) for revision and publication as codified additional standards. These proposed regulations would amend Part 640—Additional Standards for Human Blood and Blood Products (21 CFR Part 640) by adding a new Subpart L—Antihemophilic Factor (Human). These proposed additional standards under new §§ 640.120—640.126 (21 CFR 640.120—640.126) include many of the provisions of the 1969 tentative standards for Antihemophilic Factor (Human). They also contain changes and additions to those tentative standards that reflect more recent experience and scientific knowledge in the field, such as:

1. In proposed § 640.120(b) the source of plasma for manufacture into Antihemophilic Factor (Human) is expanded to include plasma for which no additional standards are effective, e.g., plasma that is recovered from outdated units of whole blood. Such plasma shall be required to meet provisions designed to insure compliance with the prescribed quality standards concerning the production of Antihemophilic Factor (Human).

2. In proposed § 640.123(a) the minimum antihemophilic activity has been changed from 200 units to 100 units per gram of protein. FDA has determined that a potency of 100 units per gram of protein represents a useful therapeutic product since this potency is equivalent to the antihemophilic factor activity present in a single unit of Cryoprecipitated Antihemophilic Factor (Human), a licensed product which has been found effective for treating hemophilia.

3. In proposed § 640.124(f) the container label shall bear intructions to use a filter in the administration equipment. The agency finds that Antihemophilic Factor (Human) is relatively insoluble when reconstituted and use of a filter is necessary to preclude the possibility of the use of an incompletely dissolved solution.

4. In proposed § 640.124 (i) the container label shall identify the total grams of protein per container because the total protein content of a preparation of Antihemophilic Factor (Human) is indicative of the degree of purification.

Consistent with these proposed new additional standards to ensure the safety, purity, potency, and efficacy of Antihemophilic Factor (Human), FDA is also proposing to amend § 610.13 (21 CFR 610.13) by specifying the dose used for intravenous injection into rabbits for the test for pyrogenic substances and § 610.20 (21 CFR 610.20) by listing Antihemophilic Factor (Human) as an available potency standard to be applied in testing.

Section 610.53 (21 CFR 610.53) specifies storage conditions and dating periods based upon clinical experience or laboratory tests within which licensed biological products are expected to be safe and yield their specific result. Consistent with these current regulations, licenses for Antihemophilic Factor (Human) provide that the product be stored between 2° and 8° C for no more than 1 year from the date of manufacture. Studies conducted by several manufacturers and submitted in support of amended product licenses demonstrate that the safety and potency of Antihemophilic Factor (Human) are not affected by storage between 2° and 8° C for 2 years. Based on these studies, the agency believes that this new dating period results in the same satisfactory rate and degree of stability as Antihemophilic

Factor (Human) stored at 2° to 8° C for 1 year. Therefore, FDA is also proposing to amend § 610.53 to extend the storage period for Antihemophilic Factor (Human) from 1 year to 2 years.

Pertinent background data on which the agency relies in proposing these amendments are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

In the **Federal Register** of January 8, 1978 (43 CFR 1131), the Commissioner of Food and Drugs announced that all licenses issued for the manufacture of the biological product fibrinogen (human) were revoked as of December 7, 1977, and the sale, barter, or exchange of fibrinogen (human) by any manufacturer was prohibited as of that date. The agency is therefore deleting all references to the biological product fibrinogen (human) in the proposed revision of §§ 610.13(b)(1)(i) and 610.53.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action will not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1040–1042 as amended, 52 Stat. 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter F of Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610:

a. By revising § 610.13(b)(1)(i), to read as follows:

§ 610.13 Purity.

* * * * *

(b) * * *

(1) * * *

(i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be at least 10 units of antihemophilic factor activity (Factor VIII) for Antihemophilic Factor (Human) and at least 1 milliliter for immune globulins derived from human blood;

* * * * *

b. By amending § 610.20(a) by inserting "Antihemophilic Factor (Human)" as the first listing under "Blood Derivative," as follows:

§ 610.20 Standard preparations.

* * * * *

Blood Derivative

Antihemophilic Factor (Human).
Thrombin.

* * * * *

c. By amending § 610.53(a) to extend the dating period of Antihemophilic Factor (Human) from 1 year to 2 years and deleting the entries for "Fibrinogen (Human)" and "Fibrinogen with Antihemophilic Factor (Human)," as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Antihemophilic Factor (Human)	Two years. Section 610.51 does not apply.

* * * * *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

2. In Part 640, by adding new Subpart L consisting of §§ 640.120 through 640.126, to read as follows:

Subpart L—Antihemophilic Factor (Human).

Sec.
640.120 Antihemophilic factor (Human)
640.121 Processing.
640.122 U.S. Standard preparation.
640.123 Potency.
640.124 Labeling.
640.125 Samples, protocols, and official release.
640.126 Equivalent methods.

Authority: Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1040–1042 as amended, 52 Stat. 1050–1051, as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and authority delegated to the Commissioner (21 CFR 5.1).

Subpart L—Antihemophilic Factor (Human).

§ 640.120 Antihemophilic factor (human).

(a) *Proper name and definition.* The proper name of this product shall be Antihemophilic Factor (Human). This product is defined as a preparation of antihemophilic factor derived from human plasma.

(b) *Source material.* The source material for Antihemophilic Factor (Human) shall be plasma obtained by whole blood collection or by plasmapheresis from human donors determined at the time of donation to have been free from disease-causative agents that are not destroyed or removed by the processing method, as determined by the medical history of the donor and from such physical examination and clinical tests as may appear necessary for each donor at the time the blood was obtained. Where source material is a product for which additional standards are effective, the requirements of those additional standards shall determine the property of the source material for use in the production of Antihemophilic Factor (Human). Where no additional standards are effective with respect to source material for the production of Antihemophilic Factor (Human), such source material shall:

(1) Be prepared by a procedure designed to ensure the integrity and to minimize the risk of contamination of the source material. The manufacturer of Antihemophilic Factor (Human) shall ensure that the preparation procedure shall be as described in its license;

(2) Be identified to relate it accurately to the individual donor and the dates of collection;

(3) Not contain a preservative; and

(4) Be stored and transported in a manner designed to prevent contimination by microorganisms, pyrogens, or other impurities.

(c) *Additives in source material.* Source material shall not contain an additive unless it is shown that the processing method yields a final product free of the additive to such extent that the continued safety, purity, potency, and effectiveness of the final product will not be adversely affected.

§ 640.121 Processing.

(a) *Processing method.* The processing method shall be capable of separating the antihemophilic factor activity from plasma, and shall ensure the safety, purity, potency and efficacy as prescribed for this product.

(b) *Microbial contamination.* All processing steps shall be conducted in a manner to minimize the risk of contamination form either microorganisms or other deleterious matter. Preservatives to inhibit growth of microorganisms shall not be used during processing or added to the final container.

(c) *Final container.* The final container used for Antihemophilic Factor (Human) shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under customary conditions of storage and use in such a manner as to have an adverse effect upon the safety, purity, potency, and effectiveness of the product.

(d) *Date of manufacture.* The date of manufacture shall be the date of initiation by the manufacturer of the last valid potency test reported on a protocol and submitted to the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.122 U.S. Standard preparation.

A U.S. Standard Antihemophilic Factor (Factor VIII) preparation may be obtained from the Bureau of Biologics, Food and Drug Administration, for use in the preparation of a working reference to be employed in a quality control potency test of Antihemophilic Factor (Human).

§ 640.123 Potency.

(a) *Minimum requirement.* Antihemophilic Factor (Human) shall have an antihemophilic factor activity (Factor VIII) of no less than 100 international units per gram of protein.

(b) *Potency determination.* Tests for potency of antihemophilic factor shall be conducted on at least three representative containers from each lot of Antihemophilic Factor (Human) by a method approved by the Director, Bureau of Biologics, Food and Drug Administration, no later than 30 days after lyophilization of the product, and the average of such tests shall constitute the potency.

§ 640.124 Labeling.

In addition to the applicable requirements of §§ 610.61 and 610.62 of this chapter, and in lieu of the requirement of § 610.60 of this chapter, the container label shall bear the following information:

(a) The proper name of the product.

(b) The expiration date.

(c) The statement "CAUTION: SOURCE MATERIAL FROM WHICH THIS PRODUCT WAS DERIVED WAS FOUND NONREACTION FOR HBsAG BY FDA-REQUIRED TEST. NO KNOWN TEST METHOD CAN OFFER ASSURANCE THAT PRODUCTS DERIVED FROM HUMAN BLOOD WILL NOT TRANSMIT HEPATITIS." If there is insufficient space on the container label to include the entire statement, the required statement may be included in the package insert and the statement "CAUTION: THIS PRODUCT MAY TRANSMIT HEPATITIS" shall be used on the container label.

(d) Instructions for proper storage.

(e) Instructions to administer the product within 3 hours after reconstitution.

(f) Instructions to use a filter in the administration equipment.

(g) The statement "DO NOT REFRIGERATE AFTER RECONSTITUTION."

(h) The international units of Factor VIII activity per container.

(i) The grams of total protein per container.

(j) The statement to see the package insert for directions for use.

(k) The statement "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT PRESCRIPTION."

(l) Name, address, and license number of the manufacturer.

§ 640.125 Samples, protocols, and official release.

(a) *Samples and protocols.* For each lot of the product, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

(1) A sufficient number of final containers packaged as for distribution to complete all tests prescribed by the regulations set forth in this subchapter.

(2) A protocol that consists of a summary of the history of manufacture of each lot, including all results of all tests and the date of testing for which test results are required by regulations, shall be submitted for each lot of the product.

(b) *Official release.* A lot of Antihemophilic Factor (Human) shall not be issued by the manufacturer until written notification of official release of the lot is received from the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.126 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Antihemophilic Factor (Human) shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, potency, and efficacy of the product that are equal to or greater than the assurances provided by such standards, and the Commissioner of Food and Drugs so finds and makes such findings a matter of official record.

Interested persons may, on or before June 3, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, Md 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above offices between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearig Clerk, Food and Drug Administration.

Dated: March 25, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–10091 Filed 4–3–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 335]

Standards of Fill for Wine; Miniature Wine Size

Correction

In FR Doc. 80–3776 appearing at page 17025 in the issue for Monday, March 17, 1980, first column, under DATE, the comment date should read "May 16, 1980".

BILLING CODE 1505–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Dockets Nos. S–019 and S–107]

Entry and Work in Confined Spaces in General Industry and Construction; Informal Public Meetings

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of public fact finding meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is developing proposed standards to protect employees against safety and health hazards related to entry and work in confined spaces in general industry and the construction industry. In addition to prior requests for written comment and information from the public, this notice announces that the

Agency will hold informal public fact finding meetings in Denver, Colorado; Houston, Texas; and Washington, D.C. to allow interested parties to make oral presentations.

DATES: Informal public fact finding meetings will be held in Houston, Texas on May 13 and 14, 1980; Denver, Colorado on May 20 and 21, 1980; and Washington, D.C. on May 28 and 29, 1980. Requests to make presentations at these meetings must be received no later than April 30, 1980.

ADDRESSES: Send written requests to appear to Tom Hall, Division of Consumer Affairs, Room N3635, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 523–8024.

Locations for each meeting are as follows:

Houston, May 13–14

Harley Hotel,
Terrace Ballroom A,
101 Main Street,
Houston, Texas 77002.

Denver, May 20–21

Main Post Office Building,
Room 269 (Auditorium),
1823 Stout Street,
Denver, Colorado 80202.

Washington, D.C., May 28–29

U.S. Department of Labor,
Room N5437–D,
200 Constitution Avenue, N.W.,
Washington, D.C. 20210.

Each meeting will begin at 9:00 a.m.

FOR FUTHER INFORMATION CONTACT: Paul J. Bouley, Office of Construction and Civil Engineering Safety Standards, Occupational Safety and Health Administration, Room N3457, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 523–8161.

SUPPLEMENTARY INFORMATION: Advance Notices of Proposed Rulemaking (ANPR) and requests for written comment and information concerning safety and health hazards related to entry and work in confined spaces were publihsed in the **Federal Register** on October 19, 1979 for general industry (44 FR 60334) and on March 25, 1980 for the construction industry (45 FR 19286). The comment period for the construction industry remains open until May 31, 1980.

OSHA's primary concerns in developing standards covering confined spaces were listed in the ANPR's and include defining the term "confined space", determining the hazards connected with rescue efforts; what procedures should be used for entry into confined spaces under inert atmospheric conditions; how to test and monitor confined spaces for oxygen content, toxic materials or flammable atmospheres; when continuous monitoring of confined spaces should be done; and the effectiveness of current OSHA standards which relate to limited aspects of working in confined spaces. OHSA suggests that interested parties review the questions set forth in the ANPR's.

By this notice, OSHA is scheduling public fact finding meetings to allow all interested parties, regardless or whether they have responded to the ANPRs, to orally state their views, comments, and suggestions for these proposed standards in an informal forum.

At each two day meeting, the first day will be scheduled primarily for presentations pertaining to hazards associated with entry and work in confined spaces in general industry. The second day will be scheduled primarily for presentations pertaining to hazards associated with entry and work in confined spaces in the construction industry.

OSHA requests that any person wishing to make an oral presentation at the public meetings notify OSHA in writing. To assure that time is provided for an oral presentation, the request should be received by OSHA no later than April 30, 1980. The request, submitted in quadruplicate if possible, should identify the person and/or organization intending to make a presentation, the amount of time requested for the presentation, the subject matter, a brief summary of the oral presentation, the location at which the presentation will be made and whether the presentation will be made on the first day (general industry) or the second day (construction).

The request should be addressed to Mr. Tom Hall, Division of Consumer Affairs, Room N3635, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Locations for each meeting are as follows:

Houston, May 13–14

Harley Hotel, Terrace Ballroom A, 101 Main Street, Houston, Texas 77002.

Denver, May 20–21

Main Post Office Building, Room 269 (Auditorium), 1823 Stout Street, Denver, Colorado 80202.

Washington, D.C., May 28–29

U.S. Department of Labor, Room N5437–D, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Each meeting will begin at 9:00 a.m. All persons making timely written requests to speak will have time allotted for oral presentations. Other persons wishing to speak should register at each meeting from 8:30 a.m. to 9:00 a.m. on the day they wish to speak. As long as time permits, all persons who wish to speak may do so. If time is limited, priority will be given to those who have requested time in advance.

During the meetings, OSHA's representatives, and when time permits, the public, may request that participants clarify their comments or provide additional information.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593, (29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059)).

Signed at Washington, D.C. this 2nd day of April 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–10440 Filed 4–3–80; 9:12 am]

BILLING CODE 4510–26–M

VETERANS ADMINISTRATION

38 CFR Part 14

Representatives, Agents, or Attorneys; Termination of Recognition

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: This proposed revision serves to clarify the existing regulation regarding the termination of the recognition afforded by the Veterans Administration to representatives, agents or attorneys of claimants in the presentation and prosecution of claims for veterans' benefits.

DATES: Comments must be received on or before May 5, 1980. It is proposed to make this revision effective on the date of final approval.

Comments will be available for inspection at the address shown below during normal business hours until May 15, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: N. C. Paulson, Acting Assistant General Counsel, Office of the General Counsel, Veterans Administration, Washington, DC 20420 (202–389–3004).

SUPPLEMENTAL INFORMATION: This section has been revised in order to clarify the rights and duties of recognized agents, attorneys and representatives. Procedures governing the termination process are outlined including, among others, the right to notice and an opportunity for a hearing prior to final termination of recognition where improper conduct is charged.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), until May 15, 1980. Any person visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 31, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Section 14.633 is revised to read as follows:

§ 14.633 Termination of recognition.

(a) Recognition may be canceled at the request of an agent, attorney, representative, or organization.

(b) Recognition shall be canceled at such time a determination is made that the requirements of § 14.629 are no longer met by an agent, attorney or representative.

(c) Recognition shall be canceled upon a finding by the General Counsel, by clear and convincing evidence, of one of the following:

(1) Violation or refusal to comply with the laws administered by the Veterans Administration or with the regulations governing practice before the Veterans Administration.

(2) Knowingly presenting or prosecuting a fraudulent claim against the United States.

(3) Demanding or accepting unlawful compensation for preparing, presenting, prosecuting, or advising or consulting, concerning a claim.

(4) Any other unlawful, unprofessional or unethical practice. (Unlawful, unprofessional or unethical practice shall include but not be limited to the following—deceiving, misleading or threatening a claimant or prospective claimant; neglecting to prosecute a claim for 6 months or more; failing to furnish evidence within 90 days of request by the Veterans Administration, or willfully withholding an application for benefits.)

(d) As to cancellation of recognition under paragraph (c) of this section, upon receipt of information indicating improper conduct, the District Counsel of jurisdiction shall initiate an inquiry into the matter.

(1) If the result of the inquiry does not justify further action, the District Counsel will close the inquiry and maintain the record for 3 years.

(2) If the result of the inquiry justifies further action, the District Counsel shall take the following action:

(i) As to representatives, suspend recognition immediately and notify the representative of the suspension, stating the reason(s) therefor. The National Organization shall be notified of the suspension. The notice to the representative will also inform the representative of a right to request a hearing on the matter or to submit additional evidence within 10 working days following receipt of such notice. Such time may be extended for a reasonable period upon a showing of sufficient cause.

(ii) As to agents or attorneys, inform the General Counsel of the result of the inquiry and notify the agent or attorney of an intent to cancel recognition. The notice will also state the reason(s) for the impending cancellation and inform the party of a right to request a hearing on the matter or to submit additional evidence within 10 working days of receipt of such notice. Such time may be extended for a reasonable period upon a showing of sufficient cause.

(iii) In the event that a hearing is not requested, nor additional evidence submitted by the agent, attorney or representative, the District Counsel shall forward the record to the General Counsel for final determination.

(e) If a hearing is requested, a hearing officer will be appointed by the Director of the regional office involved. The hearing officer shall not be from the Office of the District Counsel. The hearing officer will have authority to administer oaths. A member of the District Counsel's office will present the evidence. The party requesting the hearing will have a right to counsel, to present evidence, and to cross-examine witnesses. The hearing shall be conducted in an informal manner and court rules of evidence shall not apply. Testimony shall be recorded verbatim. The District Counsel will then submit the entire case within 10 working days after the close of the hearing to the General Counsel for decision.

(f) The decision of the General Counsel is final. The effective date for termination of recognition shall be the date upon which a final decision is rendered. The records of the case will be maintained in the General Counsel's office for 3 years. (38 U.S.C. 3402, 3404, 3405).

[FR Doc. 80–10250 Filed 4–3–80; 8:45 am]

BILLING CODE 3320–01–M

38 CFR Part 17

Medical Benefits; Readjustment Counseling for Vietnam Era Veterans

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The "Veterans' Health Care Amendments of 1979" mandates that the Veterans Administration provide readjustment counseling and related mental health services for Vietnam era veterans. The law allows the Veterans Administration to contract for the providing of these services. Contractors will be required to meet quality and effectiveness standards established by the Veterans Administration before they can be authorized to provide services. The proposed regulations will provide authority for the furnishing of readjustment counseling and/or related mental health services, and will establish criteria for determining the quality and effectiveness of the services offered by potential contract sources.

DATES: Comments must be received on or before May 5, 1980. We propose to make these regulations effective October 1, 1979, the effective date for furnishing these services under the law.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Donald G. Crawford, Readjustment Counseling Program Coordinator, Mental Health and Behavioral Sciences Service, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202–389–3317).

SUPPLEMENTARY INFORMATION: The following additional information describes the new benefits as they relate to existing entitlement in title 38, United States Code.

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The purpose of the readjustment counseling program is to make available resources of the Veterans Administration health care system to Vietnam era veterans who require counseling and related mental health services to help them in readjusting fully to civilian life. A "readjustment problem" is construed to be a low grade motivational or behavioral impairment which interferes with a veteran's normal interpersonal relationships, job or educational performance, or overall ability to cope reasonably and effectively with his or her daily life problems. A readjustment problem does not usually amount to a definable psychiatric illness requiring extended professional services but could become such an illness in the absence of early detection and counseling and follow-up care where necessary. It has been postulated that discharged Vietnam era veterans are reluctant to seek readjustment counseling due to the stigma attached to so-called "mental illness" and due to an unwillingness, on the part of the veterans, to admit that they have problems they cannot solve by themselves.

The proposed regulations will allow the Veterans Administration to make readjustment counseling available on an outpatient basis to Vietnam era veterans in such a manner that seeking such counseling does not imply or result in a stigmatizing diagnosis of mental illness. Authority for providing these types of services in the absence of a diagnosis of neuropsychiatric disability has not existed prior to passage of the Veterans' Health Care Amendments of 1979. The new authority for the establishment of the Readjustment Counseling Program is found in section 612A, title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 15, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by Central Office Veterans Services Unit in room 132. Such visitors to any VA field stations will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

Approved: April 1, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

A new centerhead and §§ 17.57 and 17.58 are added as follows:

Readjustment Counseling

§ 17.57 Readjustment counseling and related mental health services.

(a) Readjustment counseling, including a general mental and psychological assessment to ascertain whether an individual has mental or psychological problems associated with readjustment to civilian life, and, if indicated, related mental health services will be furnished, under the conditions stated, to veterans:

(1) Who have served on active duty during the Vietnam era, and

(2) Whose application is filed within 2 years from date of discharge or September 30, 1981, whichever is later.

(b) Mental health services may be provided, subject to the conditions of § 17.60(f), only when the Veterans Administration physician or psychologist who conducts the general assessment determines that the veteran needs such services to facilitate readjustment to civilian life. In areas where no Veterans Administration physican or psychologist is available, the Chief Medical Director or designee may arrange for contracts with physicians or psychologists to conduct such assessments.

(c) When the physician or psychologist conducting the assessment determines that the veteran needs services, authorized under paragraph (a) or (b) of this section, to facilitate readjustment to civilian life, the needed readjustment counseling and related mental health services will be provided within the Veterans Administration or other government facilities, or, when such facilities are not capable of furnishing the services required or cannot do so economically because of geographic inaccessibility, by contract under § 17.58.

(d) Mental health services under § 17.60(f) may be furnished if essential to the effective treatment and readjustment of a veteran furnished services under paragraph (b) of this section.

§ 17.58 Contracts for readjustment counseling or mental health services.

(a) Contracts for conducting general mental and psychological assessments authorized to be contracted for under § 17.57(b) may be awarded by the Chief Medical Director or designee, but only to responsible contractors determined by that official to be fully capable of making the general assessments.

(b) Contracts for providing readjustment counseling and related mental health services authorized under § 17.57 may be awarded by the Chief Medical Director or designee in accordance with applicable Veterans Administration and Federal procurement procedures.

(c) A provider of readjustment counseling and related mental health services must meet the following requirements to be eligible for award of a contract under paragraph (b) of this section.

(1) Be committed in principle, as evidenced by the provider's by-laws or established statement of goals and procedures, to furnishing readjustment or rehabilitative services to Vietnam era veterans, or have a mission statement reflecting a commitment to provide mental health or rehabilitative services.

(2) Demonstrate by means of an established written protocol, plan or procedure an existing capability to furnish Vietnam era veterans the following services:

(i) Family counseling,

(ii) Job and career counseling,

(iii) Substance abuse counseling,

(iv) Psychological counseling,

(v) Social or cultrual counseling,

(vi) Physical assessment, medical treatment or therapy, and

(vii) Peer group therapy.

(3) Demonstrate, where incapable of furnishing directly all of the services listed in paragraph (c)(2) of this section, the following:

(i) The manner by which it will assure that those services, which it is not capable of furnishing directly, will be delivered when needed, for example through an agreement with a community mental health center, consulting psychiatrist, or other mechanism,

(ii) The existence of systems to assure that such services as the provider is incapable of furnishing directly are delivered and to assure that the quality of such services is satisfactory,

(iii) That the consultant or other entity with which the primary contractor arranges for providing services listed in paragraph (c)(2) of this section, meets the other requirements of this paragraph as a prerequisite to contract award.

(4) Have evidence, prior to submitting an application to contract under this section, that the provider has satisfactorily furnished to other Vietnam era veterans those services for which the provider seeks to contract,

(5) Include at least one psychiatrist or clinical psychologist on its regular staff (in the case of a contract proposal from an entity which does not have either a psychiatric or clinical psychologist on its regular staff, but which lists a psychiatric or clinical psychologist as a consultant who is on call during regular working hours or otherwise determined by the Chief Medical Director or designee to be reasonably available to perform services under the contract, at no additional cost to the Veterans Administration, this staffing criterion may be considered to be met),

(6) Include at least one staff member who is a Vietnam era veteran or who has had documented, relevant experience in working with Vietnam era veterans, and

(7) Have a commitment to a set of established practices which include the following:

(i) Individualized plans for rendering readjustment counseling and related mental health services to each Vietnam era veteran,

(ii) Scrupulous safeguarding of the records, reports or other private information of clients against disclosure, except with the client's informed written consent, and

(iii) A spirit or atmosphere of helpfulness and dedication to stimulate motivation for self help in the clients.

(d) In making and approving awards under this section the Chief Medical Director or designee will give preference to the following factors:

(1) Experience in rendering readjustment counseling and related mental health services to Vietnam era veterans.

(2) Evidence of commitment to the purpose of 38 U.S.C. 612A, and to the interest of Vietnam era veterans generally.

(3) The degree to which the anticipated quantity and quality of the proposed services appears favorable in relation to the rates of compensation and other fees requested, particularly as contrasted with comparable data from other providers.

(4) Substantial and reliable evidence that the provider's staff conveys a spirit of helpfulness to its clientele and successfully motivates them for self help, particularly if this can be objectively demonstrated.

(38 U.S.C. 612A)

[FR Doc. 80-10254 Filed 4-3-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1454-5]

Approval and Promulgation of Implementation Plans: Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The State of Kansas has submitted a State Implementation Plan (SIP) revision for the Kansas City total suspended particulate nonattainment area and the Douglas County ozone nonattainment area to fulfill the requirements of the Clean Air Act Amendments of 1977. Interested persons are invited to examine the Kansas SIP revision and submit comments on it. A notice of proposed rulemaking describing the revision will be published in the **Federal Register** at a later date. The period for submittal of comments will extend for 30 days after publication of the proposed rulemaking.

ADDRESSES: Comments should be sent to David Doyle, Air Support Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The Kansas submission may be examined during normal busines hours at the above address and also at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

Kansas City, Kansas-Wyandotte County Health Department, 619 Ann Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: David Doyle, 816-374-3791 (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act as amended in 1977 requires that states revise their SIPs to provide for the attainment of the National Ambient Air Quality Standards (NAAQS) in areas which have been designated as nonattainment. The State of Kansas has submitted a SIP revision in response to requirements of the Clean Air Act.

The purpose of this notice is to announce that the revision has been formally submitted and is available for public inspection. The public is encouraged to submit written comments on it. A description of the revision and proposed EPA action on the revision will be published in the **Federal Register** as part of a notice of proposed rulemaking at a later date.

(42 U.S.C. 7410)

Dated: March 25, 1980.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 80-10228 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1455-4]

Approval and Promulgation of Implementation Plans for Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On July 16, 1979, United States Environmental Protection Agency (USEPA) issued a notice of proposed rulemaking (44 FR 41264) concerning a revision to the Ohio State Implementation Plan for sulfur dioxide for Gulf Oil Company's Toledo Refinery. The 30-day comment period ended August 15, 1979. This notice reproposes the July 16, 1979 proposed rulemaking for the Gulf Oil Company's Toledo Refinery because of information received during the public comment period. USEPA received comments from the Northern Ohio Lung Association on July 27, 1979 which necessitated that EPA request additional information from the Gulf Oil Company concerning the impact on air quality of various operating configurations of its Toledo Refinery. After completion of a detailed review of the submitted information, EPA is proposing to approve this revision to the Ohio State Implementation Plan. The purpose of this notice is to invite public comment on EPA's proposed revision.

DATE: Comments must be received on or before (30 days from date of publication). Requests for a public hearing on this revision must be received no later than (15 days from date of publication).

ADDRESSES: Comments and requests for a hearing should be submitted to Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The Technical Support Document and the docket (5A-79-2) for this revision are on file at the above address and at Central Docket Section, Room 2903, USEPA, 401 M Street, SW., Washington, D.C. 20460. They may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, U.S. Environmental

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Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6039.

SUPPLEMENTARY INFORMATION: This proposed rule is an amendment to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). This revision is specifically for sources owned and operated by the Gulf Oil Company. Gulf Oil Company operates a fossil fuel-fired refinery in Toledo, Ohio, which is located in Lucas County. The refinery is commonly known as the Gulf Oil Toledo Refinery.

On August 27, 1976 (41 FR 36324), the U.S. Environmental Protection Agency (U.S. EPA) promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio. The regulations were amended May 31, 1977 (42 FR 27588).

On October 31, 1978, Gulf Oil requested a revision of the Ohio SIP for SO_2 for its Toledo Refinery because it wished to redistribute SO_2 among the various refinery sources where fuel composition can be altered to permit the greatest SO_2 emissions flexibility, while at the same time attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Gulf's analysis procedures conformed to U.S. EPA's methodology outlined in the Final Technical Support Document, dated August 1976, and the Supplemental Technical Support Document dated May 1977.

Gulf Oil performed a detailed air quality modeling analysis for the proposed control strategy which utilized the USEPA RAM model. The emission inventory was updated to reflect regulatory changes affecting emissions from other sources in Lucas County, Ohio since August 1976 through the middle of 1978. The receptor network was expanded and adjusted to reflect the stack parameter and emissions changes. Critical meteorological days were selected and modeled in order to determine the emissions level that could be permitted at Gulf's Toledo Refinery.

Upon receiving comments from the Northern Ohio Lung Association, USEPA requested additional information from the Gulf Oil Company concerning the impact on air quality of various operating configurations of the Toledo Refinery. More specifically, USEPA requested a demonstration that shutting down any combination of sources B005, B006 and B016 and simultaneously operating more than one of sources B001–B004 would not cause the SO_2 NAAQS to be violated. Also information was provided by Gulf relative to the installation of a waste heat boiler to which flue gases from Gulf sources B017, B018, B019 and B020 are ducted. The waste heat boiler stack is indicated as source B017 in the Gulf Oil emission inventory. This additional data provided the necessary support for the revised control strategies contained in this proposal. These revisions are adequate for the attainment and maintenance of the NAAQS.

The following regulations for the control of SO_2 for Gulf's Toledo Refinery have been found acceptable by U.S. EPA. The supporting data is contained in the Technical Support Document which is available for review at the above locations. Final promulgation of this revision will follow analysis of the comments received and will depend on consistency with section 110 of the Clean Air Act. Comments are being solicited. A 30 day comment period will be observed because the emission limitation is not significantly changed.

Note.—The U.S. EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881(b)(39)(viii) is amended by revising (A) through (H) and adding (I) and (J) as follows:

§ 52.1881 Control Strategy: Sulfur Oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(39) In Lucas County, * * *

* * * * *

(viii) * * *

(A) 0.90 pound of SO_2 per million BTU actual heat input for fossil fuel-fired steam generating units numbered B001, B002, B003, and B004.

(B) 1.03 pound of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units number B005, B006, and B013.

(C) 1.21 pounds of SO_2 per million BTU actual heat input for process heater numbered B009 and for the stack connecting process heaters numbered B007 and B008.

(D) 1.29 pounds of SO_2 per million BTU actual heat input for process heater number B014.

(E) 1.57 pounds of SO_2 per 1,000 pounds of charging stock for catalytic cracking unit P003 and CO boiler B016 connected to the same stack.

(F) 200 pounds of SO_2 per 2,000 pounds of sulfur processed for sulfur recovery plant B005.

(G) Gulf Oil or any subsequent owner or operator of these facilities located in Lucas County, Ohio, shall not cause or permit the combustion of refinery fuel gas at process heaters numbered B010, B011, B012, B015 and for the waste heat boiler stack connecting process heaters numbered B017, B018, B019 and B020 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of SO_2 from any stack at the above units in excess of 0.04 pound of SO_2 per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall operate only one of the units numbered B001, B002, B003, and B004 simultaneously with the 3 units numbered B005, B006 and B016.

(I) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall not operate more than two of the units numbered B001, B002, B003, and B004 simultaneously with two of the units numbered B005, B006, and B016.

(J) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall limit the simultaneous operation of B001, B002, B003, and B004 to the operating configurations specified in § 52.1881(b)(39)(viii) (H) and (I).

Dated: March 24, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-10286 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1455-6]

Approval and Promulgation of Nonattainment Plan for Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Wisconsin has submitted to the EPA revisions to its State Implementation Plan (SIP) as required by Part D of the Clean Air Act. These revisions amend Wisconsin's particulate regulation, NR 154.11, to require more stringent controls on traditional and fugitive particulate sources which are in, or affect, areas not attaining the primary or associated areas not attaining the secondary National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP), and they amend the sulfur dioxide (SO_2) regulations to provide for attainment of the NAAQS in Madison and Brokaw. Additionally, the revisions add a definition to NR 154.01; amend NR 154.02 to provide a procedure for granting variances and to issue delayed compliance orders; revise NR 154.03 to provide a mechanism for noting which areas within the State are not attaining the NAAQS for each pollutant and for identifying those sources which contribute to the nonattainment of the NAAQS; and revise NR 154.06, which deals with reporting, record keeping, compliance testing, operation and inspection of sources, and air pollution control equipment malfunction prevention and abatement plans. The EPA is proposing today, with one exception, to approve or conditionally approve these changes to the Wisconsin SIP and is soliciting comments on the proposed SIP revision and on its proposed action. The one exception involves the process fugitive emissions from coking operations covered by NSR 154.11(2)(b)4.c. This portion of the regulations will be covered by a supplementary notice of proposed rulemaking at a later date.

DATE: Comments on these revisions and on the proposed EPA action on these revisions are due by May 5, 1980.

ADDRESSES: Copies of these revisions to the SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

WRITTEN COMMENTS SHOULD BE SENT TO: Gary V. Gulezian, Chief, Regulatory Analysis Section (5AHAP), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Regulatory Analysis Section (5AHAP), USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended in 1977, EPA designated certain areas in each state as not meeting the NAAQS for TSP, SO_2, carbon monoxide, photochemical oxidants, and nitrogen dioxide.

Part D of the Act, added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions the date may be extended to December 31, 1987 for photochemical oxidants and/or carbon monoxide.

In response to these requirements, on July 12, 1979, the Secretary of the Department of Natural Resources (DNR) submitted to the EPA revisions to the Wisconsin SIP. On September 4, 1979, the Secretary submitted additional background material. On November 27, 1979, the Secretary submitted all of Wisconsin's air regulations which were effective as of the date of submittal.

The EPA approved as a revision to the SIP Wisconsin's stationary source hydrocarbon control strategy on January 11, 1980, (45 FR 2319). The EPA will propose in the near future action on Wisconsin's ozone and carbon monoxide strategies, which include transportation control measures, and on whether Wisconsin's new source review (NSR) program meets the requirements of Part D.

Today EPA is proposing for public comment rulemaking action on the following portions of Wisconsin's submittals:

1. An addition to NR 154.01, Definitions;
2. Amendments to NR 154.02, Applicability, Delayed Compliance, Variances;
3. A revision of NR 154.03, Nonattainment Areas, Sources Affected;
4. A revision of NR 154.06 Sources Reporting, Recordkeeping, Testing, Inspection and Operation; and
5. Amendments to NR 154.11, Control or Particulate Emissions.

These regulations were forwarded by the Secretary to the EPA and the Wisconsin Revisor of Statutes on July 18, 1979 and were effective in Wisconsin as of October 1, 1979.

EPA is proposing for public comment rulemaking action on the SO_2 regulations for Madison and Brokaw. The SO_2 regulations have been adopted by the Wisconsin Natural Resources Board and were forwarded to the Wisconsin Revisor of Statutes for publication on September 21, 1979, and October 29, 1979, respectively. These regulations were effective in Wisconsin as of December 1, 1979 and February 1, 1980, but the final regulations have not been submitted to the EPA. The EPA will complete Federal Rulemaking on the SO_2 portion of the plan upon the State's submittal of the effective regulations. If the regulations submitted are significantly different from those being proposed today, the EPA will repropose those regulations for public comment.

Today's proposed action on Wisconsin's TSP and SO_2 control strategies does not lift the growth restrictions established under Section 110(a)(2)(I). The restrictions will remain in effect in each nonattainment area until EPA has taken final action to approve or conditionally approve as satisfying Part D both the NSR program and the specific TSP and SO_2 control strategy developed for that nonattainment area.

Wisconsin's recommended changes to the SIP and EPA's proposed action on these changes are discussed under each applicable regulation. Public hearings on the changes in NR 154.01, 154.02, 154.03, 154.06, and 154.11 were held in February 1979, in Beloit, Milwaukee and Wausau. A hearing on the TSP technical support document for Beloit was held in Beloit on May 21, 1979, a hearing on the TSP technical support document for southeast Wisconsin was held in Milwaukee on June 20, 1979, a hearing on the SO_2 regulation for Madison was held in Madison on June 1, 1979, and a hearing on the SO_2 regulation for Brokaw was held on February 19, 1979, in Wausau.

The measures proposed for rulemaking today have been integrated within Wisconsin's existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations. In some instances, the present emission control regulations contained in the federally approved SIP are different from the regulations currently being enforced by the the State. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with any applicable newly promulgated and federally approved regulations.

Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The principal exception to this rule is in cases where there is a conflict

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between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted will be reviewed and acted on by the EPA as a SIP revision.

In its review EPA has specified portions of the proposed SIP which are considered disapprovable, approvable, and conditionally approvable. For minor deficiencies, EPA is proposing that the SIP be approved on the condition that the state submit corrections on a specified schedule. The EPA Regional Office will negotiate with the State on an acceptable schedule. A conditional approval will mean that the restrictions on construction (under section 110(a)(2)(I) and the SIP) will not apply unless the state fails to submit corrections by the specified date, or unless the corrections are ultimately determined to be inadequate. Conditional approval will not be granted without strong assurance by the appropriate State officials that the deficiencies will be corrected. Conditional approval is discussed in more detail in separate notices published in the July 2, 1979, and the November 23, 1979, issues of the **Federal Register** (44 FR 38583 and 44 FR 76182).

EPA solicits comments on both the proposed SIP revisions and the proposed EPA action on these revisions from all interested parties. EPA specifically solicits public comment on the proposals for conditional approval. EPA also encourages residents and industries in adjoining States to comment on any interstate air quality impacts of the Wisconsin SIP.

Total Suspended Particulates

In the March 3, 1978, **Federal Register** notice, as modifed on October 5, 1978, the EPA designated portions of 4 Counties in Wisconsin as not attaining the primary and secondary NAAQS for TSP and portions of 11 additional Counties which, although the Counties have attained the primary NAAQS, have not attained the secondary NAAQS. Wisconsin requested under section 110(b) an extension until March 1980 for submittal of its plan for Counties which violate only the secondary NAAQS for TSP, and EPA approved this request on November 30, 1979, (44 FR 68829). EPA will propose for public comment rulemaking for the areas which are violating only the secondary NAAQS upon receipt from the State of revised regulations for these areas.

Wisconsin has adopted regulations more stringent than its existing regulations for nonattainment areas. Wisconsin calls these regulations reasonably available control technology (RACT) regulations. These regulations are applicable to sources affecting nonattainment areas, as determined by analysis under NR 154.03. Wisconsin has not yet officially submitted the list of sources determined under NR 154.03 to be affected by its RACT regulation, but a preliminary list for the Southeast district (Milwaukee and Waukesha) and the Beloit area was submitted as a part of the SIP. EPA's review of the particulate regulations is based on this preliminary list and on the nonattainment areas designated by the EPA in the **Federal Register**. The nonattainment areas preliminarily analyzed by Wisconsin are the same or contain the EPA designated nonattainment areas. Therefore, the analysis for the areas designated by the EPA are covered by the Wisconsin analysis.

However, an analysis for Pacific Township, Columbia County has not been submitted and, therefore, the requirements of Part D have not been met for the Columbia County nonattainment area.

Wisconsin has found that nonattainment RACT particulate regulations are not sufficient to attain the primary particulate standards by 1982 in Milwaukee, Waukesha and Rock Counties. Wisconsin's analysis for Rock County (Beloit) shows that the primary standard can be attained if, in addition to the RACT regulation, an open burning ban is placed in effect in Beloit.

In Milwaukee and Waukesha County the revised regulations will not provide for attainment of the primary standards by 1982 for an area around the Menomonee River Valley and in localized areas around quarries. Wisconsin's analysis further showed that large areas of these three Counties will not attain the secondary particulate standard by 1982.

In cases where the attainment of NAAQS cannot be demonstrated despite the application of RACT to traditional sources of particulate matter such as industrial point and industrial fugitive sources, EPA will approve State SIPs contingent upon a commitment by the State to (1) study further the causes for particulate nonattainment, including the degree to which nontraditional area sources affect air quality, and (2) develop and submit to EPA additional strategies and enforceable regulations adequate to demonstrate attainment by the statutory attainment date. These additional regulations may require point source controls more stringent than RACT if more stringent controls are necessary to demonstrate attainment.

Wisconsin submitted such a commitment as a part of the July 12, 1979, SIP package. The commitment included a schedule which calls for adoption of an additional commitment to implement fugitive dust control measures by May 1980, for completion of detailed analyses of the nonattainment areas by September 1980, and for adoption of appropriate regulations to be submitted as revisions to the SIP by May 1981. Wisconsin's commitment, which is expected in May 1980, must contain the commitment and a schedule to develop and seek adoption of point source controls beyond RACT, if such controls are shown to be necessary to demonstrate attainment in designated nonattainment areas. Because the Beloit attainment demonstration is based on an open burning ban, the State must commit to submitting an approvable and enforceable open burning ban for the Beloit area. The May 1981 package must contain a revised attainment demonstration based on the emissions predicted from sources upon compliance with the revised regulations.

Additionally the EPA has noted the following deficiencies in the attainment demonstration which it currently has received as a portion of the July 12, 1979, Wisconsin submittal .

(1) Wisconsin's demonstration analysis is based on the draft regulations as proposed by the State for public comment. As a result of this public comment certain portions of the regulations were modified before adoption. This has caused the emission reduction credits to be overestimated in Wisconsin's submitted analysis, because the analysis was based on the draft and not the adopted regulations. Some of these modifications were: (a) A revision to the regulations on minimum silt content and throughput requirement for storage piles before controls are needed, (b) a 10 vehicle in any hour requirement on roads before controls are needed, and (c) a grandfather clause for cupolas already meeting a 0.2 pounds/1000 pounds of exhaust gas emission rate. The resulting decrease in the emission reductions expected from these regulations should be quantified in the revised technical support document which is scheduled to be submitted to the EPA in May 1981. This will assist the DNR and the EPA in determining the attainment status of the Wisconsin primary nonattainment areas and what additional measures may be necesssary.

(2) Certain facilities in Wisconsin are currently emitting less than the amount which is allowable under the new regulations. Wisconsin's attainment demonstration is based on allowable or actual emission levels, whichever is lower. Wisconsin must either develop an enforceable method of keeping these facilities emitting below the allowable emission limitations or in its May 1981 analysis, the attainment demonstration must be based on only allowable limitations. This is because without an enforceable method for preventing sources from emitting at levels above their present actual emission rates the increment between actual and allowable emissions may be used for increased emission, emission offsets, or "bubbles."

Because Wisconsin has adopted RACT regulations and because it has committed to further study of possible fugitive dust problems, the EPA is proposing to approve the submitted attainment demonstration and schedules for developing any necessary additional regulations. However, future TSP attainment demonstrations must address the above observations. Wisconsin's new source review program, which is essential to an approvable Part D plan, will be addressed in a future **Federal Register** notice.

As to the TSP regulations themselves, Wisconsin has submitted new particulate regulations which Wisconsin has determined are RACT. Wisconsin's particulate nonattainment strategy, however, does not require stationary sources to control their emissions to RACT unless the sources significantly impact the ambient air in a nonattainment area, i.e., one microgram per cubic meter on an annual basis or five micrograms per cubic meter on a 24-hour basis. The RACT fugitive regulations apply to sources within the nonattainment area or to sources whose fugitive emissions of and by themselves significantly impact a nonattainment area. The RACT emission limitations on traditional sources, regardless of the location of the sources, only apply to sources whose emissions, excluding fugitive emissions, significantly impact a nonattainment area. Of course, Wisconsin's existing regulations continue to apply to those sources to which the RACT regulations do not apply.

A tentative list of sources to which the RACT requirements of proposed NR 154.11 apply is included within the State's technical support document. However, following the requirements of proposed NR 154.03(2), the sources which are in or significantly impact the nonattainment areas in Milwaukee, Rock, and Waukesha Counties will officially be identified in a document to be issued by the Department in early 1980 after 30-day notice and public hearing. This document and any subsequent modification to the document must be submitted for EPA approval.

However, in reviewing the tentative list of significantly impacting sources, the EPA has noted that there are major sources within the designated nonattainment areas which are not considered to significantly impact, and, therefore, the more stringent emission limitations do not apply to them. Section 172(b)(3) of the Act required States to adopt, as part of their Part D plan, RACT controls on sources within nonattainment areas. RACT, however, by definition is a source specific determination. It is possible, therefore, that Wisconsin considers that its revised NR 154.11 requires RACT for all major sources situated within the nonattainment areas in Milwaukee, Rock, and Waukesha Counties. If that is true, then NR 154.11 meets the requirements of Section 172(b)(3).

The EPA is proposing today to conditionally approve Wisconsin's nonattaninment particulate regulations. The conditional approval is based on the State submitting during the public comment period 1) a certification that revised NR 154.11 constitutes RACT for all major sources within the nonattainment areas of Milwaukee, Rock, and Waukesha Counties or a schedule for adopting RACT regulations for all of these sources, and 2) an approvable, enforceable list of geographic areas and sources to which the new RACT regulations apply.

NR 154.11(2)(b)3.a. and 4.b. specify opacity standards. The DNR needs to submit its opacity reading methodologies for all types of sources covered by NR 154.11(2)(b)3.a. and 4.b. EPA is not proposing for public comment rulemaking on the coke battery provisions of NR 154.11(2)(b)4.c. today, but will in the future issue a supplementary notice of proposed rulemaking on paragraph (2)(b)4.c. EPA is proposing to conditionally approve NR 154.11(2)(b), except for the coke battery provisions of NR 154.11(2)(b)4.c., if the DNR submits to the EPA its opacity reading methodologies.

The NR 154.11(2)(b)1. paving requirements only apply to private roadways and areas subject to traffic of 10 more vehicles in any hour. Wisconsin DNR should submit the methodology they will use to determine the 10 vehicle in any hour minimum, the criteria it will use to determine what roads and areas should be measured, and who will be responsible for performing the measurements. NR 154.11(2)(b)2. exempts storage piles from controls if its silt content is under 5%. The DNR should submit to the EPA the methodology it plans to use to sample and determine silt content in storage piles, the criteria it will use to determine what storage piles need to have its silt content measured, and who is responsible for doing the measuring. The methodology should include the silt variability allowed, the frequency of sampling, the procedures for sampling, and the record keeping requirements. Additionally, the DNR should submit the methodology it plans to use and the record keeping it will require to determine if the material transfer of a storage pile is greater than 100 tons in any year. Finally, NR 154.11(2)(b) contains such requirements as watering, chemical suppression, treatment with stabilizers, and cleaning. The DNR should submit to the EPA procedures which it will use in evaluating and enforcing these control techniques. For example, Wisconsin could require industrial sources subject to this rule to submit fugitive control plans which would include details such as frequency of control operation, quantities and methods of dust suppressant application, and the type of equipment to be used.

The EPA is proposing to conditionally approve NR 154.11(2)(b) subject to DNR's submittal of the methodoligies and procedures for enforcing this portion of the regulations.

NR 154.11(3)(b)1.a. requires controls on cupolas melting more than 200 tons of metal in any year. NR 154.11(3)(e) and NR 154.11(4) (e) and (f) provide less stringent regulations for existing sources which presently have good controls and have not allowed those controls to significantly deteriorate. EPA is proposing to conditionally approve these regulations subject to the State submitting the methodology which will be used to determine the continuing applicability of these provisions to specific sources. When the State determines to which sources the grandfather clauses of NR 154.11(3)(e), (4)(e), and (4)(f) apply, it should submit the list of these sources to the EPA and update the list periodically.

In NR 154.11(5)(d) 1. of the SIP, facilities of less than 250 MMBTU/hr in Southeast Wisconsin are prohibited from burning coal. Sources of this size are additionally limited to 0.15 lbs of particulate-MMBTU. Because of fuel shortages, in 1976 this prohibition on burning coal was lifted, and an emission limitation varying with the size of the facility from 0.30 to 0.15 lbs/MMBTU was promulgated in its stead by the

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State. EPA informed the State at that time because certain portions of Milwaukee had not attained the primary particulate standard and because the revision was a relaxation of particulate regulations, the EPA could not approve the revision until it was made a part of an integrated enforceable strategy designed to attain the standards. Wisconsin has now submitted this change to the EPA as a part of Wisconsin's revised particulate regulations which the EPA is proposing today. Additionally, the regulations being proposed today require that sources in primary, or associated secondary, nonattainment areas meet the requirements of NR 154.11(4) (c) and (f). EPA is proposing to approve this change in the Wisconsin SIP becaise it is an intrinsic part of Wisconsin's revised overall SIP strategy which was developed to apply RACT emission limitations to nonattainment area sources. EPA is specifically requesting public comment on its proposed course of action.

EPA is proposing today to approve or conditionally approve, as discussed above, NR 154.11 with the exception of the coke battery provisions of paragraph (2)(b)4.c.

Sulfur Dioxide

On March 3, 1979, the EPA designated an area within the City of Madison and the Village of Brokaw as not attaining the primary SO2 NAAQS. The Secretary of the DNR has submitted SO2 regulations for both areas to the Wisconsin Revisor of Statutes for publication. It is these regulations which the EPA is proposing today.

The DNR has developed SO2 regulations applicable to sources within the City of Madison. These regulations were developed using computer dispersion modeling and Wisconsin has found that the regulations are sufficient to attain the SO2 NAAQS. Wisconsin used only one year of meteorological data in the Madison analysis because that was the amount of data available when the analysis was performed. However, five years of meteorological data is now available for Madison and all subsequent modeling in Madison, or any other area in Wisconsin where five years is available, must utilize five years of meteorological data. EPA is proposing to approve the SO2 regulations for the City of Madison.

The DNR also utilized computer dispersion modeling to develop SO2 regulations applicable to sources within the Village of Brokaw. One year of meteorological data was also used in Brokaw because of data availability at the time of the analysis. Five years is currently available, and future analyses must utilize five years. The Brokaw SO2 regulations are stringent enough to attain the SO2 standards, assuming that sources in Brokaw continue to use natural gas or fuel oil. However, if a source in Brokaw would switch to coal, there would be no enforceable SO2 emission limitation on these emissions. Therefore, if a source in Brokaw presently has the capability of burning coal and does indeed to switch to coal, Wisconsin must submit to the EPA a revision to the SIP which would assure the attainment of the standards.

EPA is proposing to approve the SO2 regulations for the Village of Brokaw. However, if a major source in Brokaw switches to coal a SIP revision will be required.

Applicability, Delayed Compliance, Variances

NR 154.02 allows a source under specified circumstances to apply for a "delayed compliance order" (DCO). A DCO as termed by the DNR is not the same as the Section 113(d) Federal Delayed Compliance Order in the Clean Air Act, 42 U.S.C. Section 7413(d). A DCO issued by the State of Wisconsin is a variance from State regulation. Under State law, a DCO may be issued whenever a source is not in compliance with existing regulations either because of conditions beyond the source control or because of a malfunction. DCO's for sources must be submitted to the EPA for approval and will be treated as proposed revisions to the SIP. To be approved, any such submission must meet the applicable parts of the Act. The EPA cannot approve a compliance schedule for any source which extends beyond the deadlines contained in section 172(a) of the Act in any area which does not meet the primary standards by such deadlines. In NR 153.02 it is assumed (see NR 154.06(2)(f) and (h)) but never explicitly stated that a malfunction or noncompliance with the SIP constitute a violation. The EPA for Federal purposes will treat malfunction or noncompliance as a violation of the SIP. Wisconsin should modify NR 154.02 such that it explicitly states that a malfunction is a violation.

In addition, NR 154.02(3) gives the Department the right to grant source specific variances from RACT. For major sources these will be sumitted to the EPA for approval and will be treated as revisions to the SIP by the EPA. EPA is proposing to approve NR 154.02.

Nonattainment Areas, Sources Affected

NR 154.03 authorizes the Department to publish nonattainment area designations and to publish lists of sources which impact upon such nonattainment areas. Because these listings determine the applicability of emission limitations to specific sources; these lists of sources must be submitted as revisions to the SIP. EPA is proposing to approve NR 154.03.

Sources Reporting, Recordkeeping, Testing, and Operation

NR 154.06 (5)(b)3. requires sources to use the ASME performance test code 27, EPA approved methods, or other methods approved by the DNR in determining source compliance. However, EPA is not acting on these test methods because they are already part of the original SIP. EPA recommends that all States use EPA methods when conducting source tests. If alternative test methods are approved by the DNR, these test methods must be submitted to the EPA as SIP revisions.

NR 154.06(7), which is not significantly modified from the requirements in the present SIP, requires a source to allow an inspector to enter its facility for the purpose of inspection. It is not clearly stated within the regulation as to what constitutes an "inspection", but EPA interprets this term to allow, at the inspecting agency's discretion, any and all necessary inspection techniques and methods. EPA is proposing to approve NR 154.06.

Interested persons are invited to comment on these revisions to the Wisconsin SIP and on EPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. All comments received will be available for inspection at the Region V Office, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604. The EPA has determined that a 30 day comment period is proper because the public was notified on August 14, 1979, of the availability of Wisconsin's SIP submittal (44 FR 47759).

Under Executive Order 12044 (43 FR 12661), EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this proposed regulation pursuant to the guidance in EPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator, and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of proposed rulemaking is issued under the authority of Sections

110 and 172 of the Clean Air Act, as amended.

Dated: January 24, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-10224 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR 52

[FRL 1455-8]

Approval and Promulgation of State Implementation Plan Revision for Ohio

AGENCY: U.S. Environmental Protection Agency

ACTION: Corrections to the notice of proposed rulemaking.

SUMMARY: On March 10, 1980 (45 FR 15192) the U.S. Environmental Protection Agency (USEPA) published a Notice of Proposed Rulemaking (NPR) for the Ohio State Implementation Plan (SIP). These revisions were to the carbon monoxide and ozone portions of the Ohio SIP and were submitted to USEPA on July 27, 1979 and September 13, 1979. In the NPR USEPA proposed rulemaking on transportation control plans and attainment demonstrations for eight urban nonattainment areas; an inspection maintenance program for the Cincinnati and Cleveland urban areas; and revised regulations for controlling volatile organic compound (VOC) emissions from stationary sources. USEPA's proposed action was incorrectly published in specific portions of the March 10, 1980 Federal Register (45 FR 15192). The purpose of this notice is to correct those errors.

FOR FUTHRER INFORMATION CONTACT: Richard J. Clarizio, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6035.

SUPPLEMENTARY INFORMATION:

In the March 10, 1980 Federal Register (45 FR 15192) the following corrections should be made:

(a) On page 15201, the first column, first paragraph, second sentence presently reads as follows:

"USEPA therefore proposes to conditionally approve the carbon monoxide attainment demonstration for the Dayton Metropolitan Area if . . ."

However, this sentence should read as follows:

"USEPA proposes to approve the carbon monoxide attainment demonstrations for the Dayton Metropolitan Area if . . ."

(b) On page 15206, the third column, fourth paragraph, second sentence presently reads as follows:

"USEPA's review indicates that the data supporting the scheduled dates submitted for each of the sources and that these dates are expeditious."

However, this sentence should read as follows:

"USEPA has reviewed the data supporting the scheduled dates submitted for each of the sources and believes that these dates are expeditious."

(c) On page 15208, the second column in the paragraph beginning "USEPA proposes to approve . . ." the second sentence presently reads as follows:

"However, for those facilities with a throughput of greater than 120,000 gallons per year but less than 240,000 gallons per year USEPA proposes to conditionally approve the exemption if . . ."

However, this sentence should read as follows:

"However, for these facilities with a throughput of greater than 120,000 gallons per year but less than 240,000 gallons per year USEPA proposes to approve the exemption if . . . ."

Dated: March 26, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-10223 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 65

[FRL 1453-6]

Receipt of an Administrative Order Issued by the New Mexico Environmental Improvement Board to Public Service Co. of New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA has recieved and proposes to approve in part and disapprove in part an Administrative Order issued by the New Mexico Environmental Improvement Board to Public Service Company of New Mexico. The Order requires the company to bring emissions from two coal burning electric utility steam generators into compliance with certain regulations contained in the federally-approved New Mexico State Implementation Plan (SIP), San Juan Unit No. 1 by December 31, 1979, and San Juan Unit No. 2 by April 16, 1980. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Clean Air Act, 42 U.S.C. 7401 *et seq* (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on the actions EPA proposes to take with respect to this Order.

DATE: Written comments must be received on or before May 5, 1980.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270. The State Order, supporting materials, and comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Paige Murphy, Attorney, Legal Branch, Enforcement Division, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2760.

SUPPLEMENTARY INFORMATION: Public Service Company of New Mexico operates a coal burning electric utility steam generation plant located in San Juan County, New Mexico. The order under consideration addresses emissions from its San Juan Power Plant. San Juan Unit No. 1 is classified as a new source, subject to New Mexico Air Quality Control Regulation 602.A (NM 602.A), adopted by the New Mexico Environmental Improvement Board on March 25, 1972, and approved by EPA on May 31, 1972, and to New Mexico Air Quality Control Regulation 603.A (NM 603.A), adopted by the New Mexico Environmental Improvement Board on March 25, 1972, and approved by EPA on May 31, 1972. San Juan Unit No. 2, classified as an existing source, is subject to New Mexico Air Quality Control Regulation 602.B (NM 602.B) adopted by the New Mexico Environmental Improvement Board on June 9, 1978, and currently pending approval by EPA, and to New Mexico Air Quality Control Regulation 504.C (NM 504.C), adopted by the New Mexico Environmental Improvement Board on March 25, 1972 and approved by EPA on May 31, 1972.

The Order, received by EPA, Region 6, on December 7, 1979, requires that San Juan Unit No. 1 comply with NM 602.A, which limits emissions of Sulfur Dioxide, and NM 603.A, which limits emissions of Nitrogen Dioxide, by December 31, 1979. Because that date

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has passed, the Order is moot insofar as it addresses San Juan Unit No. 1's compliance with NM 602.A and NM 603.A. EPA will take no action approving or disapproving those portions of the Order which have become moot.

The Order further addresses NM 504.C which limits particulate emissions from existing coal-burning equipment (those units fully constructed or under construction prior to September 1, 1971). The Order requires final compliance with San Juan Unit No. 2 with NM 504.C by April 18, 1980. Under Section 113(d)(1)(D) of the Act, orders may be issued extending the date for final compliance to a date three years after the date for that final compliance specified in the applicable state implementation plan. NM 504.C, as approved by EPA at the present time, requires final compliance by December 31, 1974. EPA is consequently without authority to approve an order allowing compliance beyond December 31, 1977, and must disapprove that portion of the Order which would allow compliance with NM 504.C by April 18, 1980.

The Order additionally permits delayed compliance at San Juan Unit No. 2 with NM 602.B. New Mexico Air Quality Control Regulation NM 602.B limits the emissions of sulfur dioxide from existing coal-burning equipment (fully constructed or under construction prior to September 1, 1971). As a revision to a previously-promulgated New Mexico Air Quality Control Regulation, this regulation is currently under review by EPA. In the event NM 602.B is approved or conditionally approved by the Administrator pursuant to the requirements of Section 110(a)(3)(A) of the Act, EPA proposes to approve that portion of the Order requiring final compliance with 602.B by April 18, 1980. NM 602.B requires compliance as of July 9, 1978, and an Order authorizing compliance by April 18, 1980, clearly falls within the three year limitation prescribed by Section 113(d)(1)(D) of the Act. The source has consented to the terms of the Order, and has agreed to meet the requirements of the compliance schedule contained therein during the period of this informal rulemaking.

The portion of the Order proposed to be approved satisfies the applicable requirements of Section 113(d) of the Act. To the extent the Delayed Compliance Order is approved, compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against this source for violations of the state air pollution control regulation covered by the Order during the period the Delayed Compliance Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would also be barred. In the event of an emergency air pollution episode the source would have to comply with all of the provisions of Section 303 of the Act. Comments received by the date specified above will be considered in determining whether EPA should approve the Delayed Compliance Order. A transcript containing the testimony given at the public hearing concerning this Order held before the New Mexico Environmental Improvement Board on July 19, 1979, will also be considered. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

Frances E. Phillips,
Acting Regional Administrator, Region 6.

March 20, 1980.

[FR Doc. 80-10206 Filed 4-3-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 431

Medicare; Ambulance Service

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Health Care Financing Administration proposes to amend the Medicare regulations on ambulance service to provide coverage for round trip transportation of a hospital inpatient to another treatment facility (e.g., a hospital, physician's office, clinic or therapy center) to obtain medically necessary disgnostic or therapeutic services not available in the hospital in which he or she is an inpatient. We also propose to include, as a covered ambulance service, transporation of a patient to a more distant hospital when the nearest hospital is not adequately equipped or does not have medical personnel qualified and available to provide treatment for the individual's condition. The purpose of these regulations is to make the ambulance service benefit more responsive to patients' needs and consistent with changes in the health care delivery system.

The Department of Health, Education, and Welfare has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Henry J. Hehir, Health Care Financing Administration, Room 489, East High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-8561.

Dated: February 9, 1980.

Leonard D. Schaeffer,
Administrator, Health Care Financing Administration.

[FR Doc. 80-10251 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5798]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, S.W. Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4 (a).

These elevations, together with the flood plain management measures

required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Montgomery (City), Montgomery County.	Alabama River	Intersection of river and center of Interstate Highway 65	*163
			At confluence with Gailbraith Mill Creek	*158
		Tallapoosa River	At confluence with Oliver Creek	*173
		Catoma Creek	Intersection of creek and Georgia Railroad	*159
			100 feet upstream from center of U.S. Highway 31 and 80	*172
			100 feet upstream from center of Woodley Road	*202
		Caney Branch	100 feet upstream from center of U.S. Highway 80	*169
			Intersection of branch and center of Interstate Highway 65	*195
		Genetta Ditch	Intersection of ditch and U.S. Highway 31 and 82	*173
			100 feet upstream from center of Seaboard Coast Line Railroad	*185
		Cloverland Ditch	100 feet upstream from center of Interstate Highway 65	*179
			100 feet upstream from center of Court Street	*190
		Wiley Creek	At confluence with Catoma Creek	*176
			350 feet downstream from center of Teaque Road	*195
		Audubon Ditch	Intersection of ditch and U.S. Highway 331	*185
			50 feet upstream from center of Augusta Drive	*212
		Baldwin Slough	100 feet upstream from center of Narrow Lane Road	*184
			100 feet upstream from center of Kingsbury Drive	*233
		Hannon Slough	100 feet upstream from center of Seibles Road	*182
			100 feet upstream from center of Wildwood Drive	*219
		Snowdoun Creek	At confluence with Catoma Creek	*187
		White Slough	100 feet upstream from center of Narrow Lane Road	*187
			Intersection of slough and Vaughn Road	*243
		Ramer Creek	At confluence with Catoma Creek	*195
		West End Ditch	At confluence with Alabama River	*160
			100 feet upstream from center of Air Base Boulevard	*167
			Intersection of ditch and Terminal Road	*170
		Three Mile Branch	Intersection of branch and Lower Wetumpka Road	*168
			Intersection of branch and Seaboard Coast Line Railroad	*196
			150 feet upstream from center of Interstate Highway 85	*237
		Sherwood Ditch	Intersection of ditch and East Haven Road	*219
			100 feet upstream from center of Farwood Drive	*250
		Galbraith Mill Creek	At confluence with Alabama River	*158
			Intersection of creek and U.S. Highway 231	*171
			Intersection of creek and Seaboard Coast Line Railroad	*217
		Oliver Creek	Intersection of creek and Georgia Railroad	*174
			Intersection of creek and U.S. Highway 80	*211
	Maps are available at City Hall, 124 N. Perry Street, Montgomery, Alabama.			
	Send comments to the Honorable Emry Folmar, Mayor, City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36102. Attention: Mr. J. Aronstein Jr., Director, Planning and Development.			
Arizona	Peoria, City, Maricopa County	New River	Northern Avenue	*1,080
			99th Avenue	*1,092
			Mountain View Road	*1,004
			Peoria Avenue	*1,112
			Atchison, Topeka and Sante Fe Railroad	*1,140
			Upstream side of Thunderbird Road	*1,155
			5,400 feet downstream of Bell Road	*1,175
			Bell Road	*1,204
			Union Hill Drive	*1,230
			Beardsley Road	*1,253
			Dear Valley Road	*1,282
			Pinnacle Peak Road	*1,311
		Agua Fria River	Bel Road (Extended)	*1,162
	Beardsley Road (Extended)			*1,188
		Skunk Creek	Confluence with New River	*1,167
			33rd Avenue	*1,180
			Greenway Road	*1,184
			Arizona Canal	*1,205
			Upstream Corporate Limits	*1,210
	Maps available at the City Hall Complex, 8355 West Peoria Avenue, Peoria, Arizona.			
	Send comments to Honorable Edmund Tang, Mayor of Peoria, P.O. Box 38, Peoria, Arizona 85345.			
Connecticut	Hartland, Town, Hartford County	West Branch Farmington River	Corporate Limits	*532
			0.53 mile upstream of the Corporate Limits	*512
			0.96 mile upstream of the Corporate Limits	*522
			1.40 miles upstream of the Corporate Limits	*532
			1.576 miles upstream of the Corporate Limits	*536
	Maps available at the office of the Selectmen.			
	Send comments to Mr. William Flagg, First Selectman of Hartland, Town Hall, South Road, East Hartland, Connecticut 06027.			
Florida	City of Bartow, Polk County	Peace River	Just upstream of State Road 60	*99
	Maps available at City Hall, 250 North Central Avenue, Bartow, Florida 33830.			
	Send comments to Mayor Eugene L. Cole or Mr. James R. O'Conner, City Manager, City Hall, 250 North Central Avenue, Bartow, Florida 33830.			

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Tampa (City), Hillsborough County.	Hillsborough River	Intersection of river and center of 40th Street	*23
		Gulf of Mexico	Intersection of John F. Kennedy Boulevard and Hoover Boulevard	*10
			Intersection of Bayshore Boulevard and Interbay Boulevard	*11
			Intersection of Frank Adamo Drive (State Route 60) and 50th Street (U.S. 41).	*11
	Maps available City Hall, City Hall Plaza, Tampa, Florida.			
	Send comments to the Honorable Bob Martinez, Mayor, City of Tampa, City Hall, City Hall Plaza, Tampa, Florida 33602.			
Florida	Winter Springs (City), Seminole County.	Howell Creek		
		Bear Creek	250 feet downstream from center of Seaboard Coast Line Railroad Bridge.	
			100 feet upstream of center of Unnamed Road, east of confluence with Howell Creek and south of Seaboard Coast Line Railroad.	*16
				*23
		Gee Creek	300 feet upstream from center of Moss Road	*41
		Creek A	50 feet upstream from center of Shore Road	*34
		Soldier Creek	Area south of creek along northern corporate limits north of northeast bend in South Road.	*17
		Little Howell Creek	Intersection of creek and center of Celery Road	*22
		Lake Jessup	Along shoreline	*10
	Maps available at City Hall, 400 North Edgemon, Winter Springs, Florida.			
	Send comments to the Honorable Troy J. Pland, Mayor, City of Winter Springs, City Hall, 400 North Edgemon, Winter Springs, Florida 32707.			
Louisiana	City of Bastrop, Morehouse Parish.	Staulkinghead Creek	Just upstream of Henry Avenue-East	*86
			Just downstream of Arkansas and Louisiana Missouri Railroad	*91
			Just upstream of McFee Street	*103
			Just upstream of Cleveland Street	*113
		W-10 Canal	Approximately 100 feet upstream of Louisiana Highway 830-1 (Pleasant Drive).	*91
			Just downstream of Northern Corporate Limits (Colbert Avenue Extended).	*92
		Horse Bayou	Just upstream of Cherry Ridge Road	*99
			Just upstream of Donaldson Avenue	*109
			Just upstream of Klarah Avenue	*114
	Maps available at City Hall, 202 E. Jefferson Avenue, Bastrop, Louisiana 71220.			
	Send comments to Mayor John S. Bond or Ms. Kathy Martin, City Clerk, City Hall, 202 E. Jefferson Avenue, Bastrop, Louisiana 71220.			
Louisiana	City of St. Martinville, St. Martin Parish.	Bayou Teche	Berard Street (extended)	*15
			Just downstream of Cypress island Coulee canal	*16
	Maps available at City Hall, 121 New Market Street, St. Martinville, Louisiana 70582.			
	Send comments to Mayor Earl H. Willis or Mr. Robert G. Labbe, Administrative Assistant, City Hall, 121 New Market Street, St. Martinville, Louisiana 70582.			
Louisiana	Unincorporated areas of Terrebonne Parish.	Ouieki Bayou	At confluence of Bayou Cone	*5
			Just upstream of State Highway 311	*10
		Bayou Chauvin	Just upstream of Prospect Avenue	*7
		Bayou Grand Caillou	Just upstream Glynn Avenue	*9
		Gulf of Mexico	Northwest of Bay Cocodrie	*12
			Confluence of Bayou Petit Caillou and Robinson Canal	*11
			South of Chauvin	*9
			Just north of the confluence of Boudreaux Canal and Bayou Petit Caillou.	*9
			Vicinity of Dulac	*8
			Vicinity of Montegut at the intersection of State Highways 55 and 58	*8
			At the intersection of State Highways 55 and 655	*7
			Vicinity of Smith Ridge	*7
			Vicinity of Klondyke west of the intersection of State Highways 24 and 55.	*6
			Vicinity of Ashland	*6
			Vicinity of Crozier	*5
			Confluence of Bayou Terrebonne and Bayou Petit Caillou	*5
			Confluence of the Intracoastal Waterway and Bayou LaCarpe	*5
		Local Runoff	East of Johnson Ridge	*11
			West of Fairlane east of levee	*6
			Vicinity of Chacahoula	*5
			Vicinity of Gibeon	*4
			South of Oak Forest	*4
			Along Bayou Terrebonne northwest of Houma	*4
			Along Little Bayou Black near Hollywood	*5
			Along St. Louis Canal north and south of Broadmoor	*4
			West of Edward Daigle, east of levee	*4
			North of Oak Forest	*3
			Just south of Donner Canal at Gibeon	*3
		Shallow Flooding Area (Ponding)	Just north of the City of Houma east of St. Louis Canal	*5
			Between Houma Junior High School and Southdown High School west of Houma.	*7
			West of Cypress Garden near Bayou Cane	*3
			Vicinity of Donner	*3
	Maps available at Public Works Office, 500 School Street, Houma, Louisiana 70361.			
	Send comments to Mr. Johnny J. Swilley, Parish Administrator or Mr. Al Polencot, Permits Chief, Terrebonne Parish Police Jury, P.O. Box 4035, Houma, Louisiana 70361.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mississippi	Town of D'Lo Simpson County	Strong River	500 feet north east along Puckett Road from the intersection of Brandon Westville Road and Puckett Road.	*297
		Dobbs Creek (Backwater from Strong River).	At the intersection of Pinola-Jupiter Road and Illinois Central Gulf Railroad.	*295
	Maps available at: Town Hall, D'Lo, Mississippi 39062			
	Send comments to: Mayor Carroll Myrick, Town Hall, D'Lo, Mississippi 39062.			
Mississippi	Town of Madison, Madison County.	Culley Creek	Just upstream of St. Augustine Street	*317
		Brashear Creek	Just downstream of Old Canton Road	*301
			Just upstream of US Highway 51	*318
			Just upstream of Illinois Central Gulf Railroad	*323
			Just downstream of Dorroh Street	*325
			Just upstream of Interstate Highway 55 Southbound Lane	*340
	Maps available at City Hall, Dorroh Street, Madison, Mississippi 39110.			
	Send comments to Mayor L. H. Cox, City Hall, P.O. Box 40, Madison, Mississippi 39110.			
Missouri	City of Hayti Heights, Pemiscot County.	Lateral No. 21	Just downstream of Braggadocia Road	*267
			Just upstream of Braggadocia Road	*[illegible]
		Shallow Flooding Area (Ponding)	Northeast of the intersection of Braggadocia Road and County Road	*[illegible]
	Maps available at, City Hall, Rappaport Street, Hayti Heights, Missouri 63851.			
	Send comments to, Mayor David R. Humes, or Mr. Lacy Burns, City Clerk, City Hall, P.O. Box 426, Hayti Heights, Missouri 63851.			
New Hampshire	Gorham, Town, Coos County	Androscoggin River	Downstream Corporate Limits	*757
			100 feet downstream of Cascade Power Station Dam	*768
			Cascade Power Station Dam	*774
			Confluence of the Moose River	*787
			Boston and Maine Railroad	*795
			Downstream of Gorham Hydrostation Dam	*800
			Upstream of Gorham Hydrostation Dam	*815
			4,300 feet upstream of Gorham Hydrostation Dam No. 1	*818
			U.S.G.S. Gaging Station No. 01054000	*842
			Downstream of Cascade Hydrostation Dam	*864
			Upstream Corporate Limits	*904
		Peabody River	Downstream Corporate Limits	*757
			480 feet upstream of Corporate Limits	*763
			Grand Trunk Railroad Bridge	*778
			Footbridge	*794
			1,280 feet upstream of Footbridge	*812
			1,900 feet downstream of White Mountain National Forest	*854
			White Mountain National Forest	*890
		Moose Brook	Confluence with the Androscoggin River	*794
			Downstream of Grand Trunk Railroad Bridge	*805
			Upstream of Grand Trunk Railroad Bridge	*811
			Downstream of Private Road	*827
			Upstream of Private Road	*831
			425 feet upstream of Private Road	*832
			745 feet upstream of Private Road	*841
			Grand Trunk Railroad	*862
			1,090 feet upstream of Grand Trunk Railroad	*886
			Moose Brook State Park	*915
		Moose River	Confluence with the Androscoggin River	*787
			U.S. Route 2 and State Route 16	*792
			Upstream of Grand Trunk Railroad	*810
			2,310 feet upstream of Grand Trunk Railroad	*832
			5,350 feet upstream of Grand Trunk Railroad	*867
			6,870 feet upstream of Grand Trunk Railroad	*910
	Maps available at the Town Office.			
	Send comments to Mr. Dan Ayer, Town Manager of Gorham, Town Hall, Gorham, New Hampshire 03581.			
New Jersey	Milltown, Borough, Middlesex County.	Lawrence Brook	Confluence of Sawmill Brook	*27
			Upstream of Main Street	*29
			Confluence of Bog Brook	*30
			Upstream of Riva Avenue	*35
		Bog Brook	Confluence with Lawrence Brook	*30
			Culvert entrance 500 feet upstream of Kuhlthau Avenue	*37
		Sawmill Brook	Confluence with Lawrence Brook	*27
			Ryders Lane Culvert	*27
		Sucker Brook	Bridge Ruins	*36
			Upstream of Utility Road Culvert	*48
			Retaining wall at Corporate Limits	*57
	Maps available at the Clerk's Office, Municipal Building, Milltown, New Jersey.			
	Send comments to Honorable Jack Whitman, Mayor of Milltown, Municipal Building, Washington Avenue, Milltown, New Jersey 08850.			
New Jersey	Rocky Hill, Borough, Somerset County.	Millstone River	Downstream Corporate Limits	*51
			Upstream side of Rocky Hill Dam	*52
			Upstream Corporate Limits	*52
		Van Horn Brook	Confluence of Millstone River	*52
			Upstream side of River Road	*57
			Upstream side of Princeton Avenue	*102
			Upstream Corporate Limits	*110
	Maps available at the Borough Hall, Rocky Hill, New Jersey.			
	Send comments to Honorable Albert Robotti, Mayor of Rocky Hill, 138 Washington Street, P.O. Box 211, Rocky Hill, New Jersey, 08553.			

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Wanaque, Borough, Passaic County.	Wanaque River	Downstream Corporate Limits	*212
			Confluence with Meadow Brook	*217
			Upstream side of USGS at Spillway	*221
			Approximately 330 feet upstream of Ringwood Avenue	*227
			Approximately 760 feet upstream of Ringwood Avenue	*254
			Upstream of Raymond Dam Spillway	*305
			Upstream Corporate Limits	*305
		Post Brook	Downstream Corporate Limits	*212
			Upstream side of Union Avenue	*214
			Upstream side of First Avenue	*216
			Upstream side of Lake Washington Spillway	*224
			Upstream side of Doty Road	*224
			Upstream Corporate Limits	*243
		Post Brook Branch 1	Confluence with Post Brook	*214
			Downstream side of Upper Twin Lake Spillway	*215
			Upstream side of Upper Twin Lake Spillway	*220
			Upstream Corporate Limits	*221
		Post Brook Branch 2	Confluence with Post Brook	*222
			Makemoney Avenues	*230
			Upstream side of Thomas Lake Spillway	*233
			Downstream side of Unimproved Road approximately 490 feet upstream of Thomas Lake Drop Spillway.	*239
			Approximately 370 feet upstream of Unimproved Road	*243
		Meadow Brook	Confluence with Wanaque River	*217
			Downstream side of East Avenue	*236
			Upstream side of Prospect Street	*244
			Downstream side of Conklintown Road	*257
			Upstream Corporate Limits	*261
		Stephens Lake Brook	Confluence with Meadow Brook	*248
			Upstream side of Crescent Road	*255
			Corporate Limits at downstream crossing of Conklintown Road	*270
			Corporate Limits at upstream crossing of Conklintown Road	*316
			Approximately 500 feet upstream of upstream crossing of Conklintown Road.	*343
			Upstream side of Humbert Place	*358
			Downstream side of Stephens Lake Road	*360
			Approximately 300 feet upstream of Stephens Lake Road	*395
			Downstream side of Stephens Lake Spillway	*421
			Upstream side of Stephens Lake Spillway	*425
			Upstream side of Unimproved Road approximately 1,355 feet upstream of Stephens Lake Spillway.	*441
			Approximately 2,020 feet upstream of Unimproved Road	*448
		Stephens Lake Brook Branch 2	Downstream Corporate Limits	*363
			Approximately 300 feet upstream of Corporate Limits	381
			Approximately 600 feet upstream of Corporate Limits	*400
			Approximately 900 feet upstream of Corporate Limits	*420
			Approximately 1,200 feet upstream of Corporate Limits	*439
			Upstream Corporate Limits	*456

Maps available at the Municipal Building Wanaque, New Jersey.

Send comments to Honorable Frank Longo, Mayor of Wanaque, Municipal Building West, New Jersey 07465.

Oklahoma	City of Miami, Ottawa County	Neosho River	Just upstream of The K.O. & G. Railroad	*772
			Just upstream of Highway 66	*775
		Tar Creek	Just upstream of Frisco Railroad	*772
			Just downstream of 22nd Avenue N.W.	*777
		Belmont Run	Just downstream of E Street N.W.	*774
			Just upstream of Main Street	*782
			Just downstream of 26th Avenue N.W.	*798
		Quail Creek	Just upstream of Elm Avenue	*776
		Fairground Branch	Just downstream of 20th Avenue S.W.	*789

Maps available at, City Hall, 129 5th Street, N.W., Miami, Oklahoma 74354.

Send comments to, Mayor J. D. Wilhoit or Mr. Walter Beckham, Administrative Assistant, City Hall, 129 5th Street, N.W., Miami, Oklahoma 74354.

Oklahoma	City of Warr Acres, Oklahoma County.	Spring Creek	Just upstream of Shore Line Drive	*1,213
			Just upstream of NW 63rd Street	*1,251

Maps available at City Hall, 5930 N.W. 49th Street, Warr Acres, Oklahoma 73122.

Send comments to Mayor Charles W. Ferguson or Mr. Frank Wood, City Clerk, City Hall, 5930 N.W. 49th Street, Warr Acres, Oklahoma 73122.

Oklahoma	City of Woodward, Woodward County.	Spring Creek	Just downstream of Cheyenne Drive	*1,927
			Just upstream of Downs Avenue	*1,992
		Woodward Creek	Just upstream of Crystal Beach Lake	*1,905
			Just upstream of Downs Avenue	*1,917
		Woodward Creek Tributary	Just upstream of Edgewater Drive	*1,920
		Unnamed Tributary	Just upstream of Cedar Avenue	*1,938

Maps available at City Hall, 1219 8th Street, Woodward, Oklahoma 73801.

Send comments to Mayor Pratt Via or Mr. Gilbert H. Schumpert Jr., City Manager, City Hall, 1219 8th Street, Woodward, Oklahoma 73801.

Pennsylvania	Lower Southampton, Township, Bucks County.	Neshaminy Creek	Downstream Corporate Limits	*51
			Dam No. 1 (Upstream)	*54
			Intersection of Riverview Lane w/Summit Avenue (Extended)	*55

Maps available at the Office of the Township Manager, 1500 Desire Avenue, Feasterville, Pennsylvania.

Send comments to Mr. Michael Laputka, Township Manager, 1500 Desire Avenue, Feasterville, Pennsylvania 19047.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	City of Anderson, Anderson County.	Hartwell Reservoir Tributary	Just upstream of Valley Drive	*700
		Cox Creek	Just upstream of Calhoun Street	*682
			Just upstream of State Highway 81 (Greenville Street)	*669
		Cox Creek Tributary 2	Just downstream of Lindale Street	*727
		Rocky River	Approximately 100 feet upstream of U.S. Highway 29 By-Pass	*670
			At U.S. Highway 29	*670
		Rocky River Tributary	Just downstream of Gossett Street	*680
			Just upstream of Washington Street	*695
			Just upstream of Jefferson Street	*700
		Whitner Creek	Just upstream of Southwood Street	*698
			Approximately 100 feet upstream of West Market Street	*713
			Approximately 100 feet downstream of Beckley Street	*733

Maps available at City Manager's Office, City Hall, 401 South Main Street, Anderson, South Carolina 29621.

Send comments to Dr. Richard Woodruff, Acting City Administrator, City Hall, P.O. Box 4026, Anderson, South Carolina 29621.

South Carolina	Unincorporated Areas of Orangeburg County.	Edisto River	Just downstream of S.C. 74	*177
			100 feet upstream of S.C. 74	*177
		Limestone Creek	Just downstream of U.S. 178	*167
			Just upstream of Dam	*168
			Approximately 200 feet downstream of Dam	*167
		Mill Branch	Just upstream of Dam	*180
			Just upstram of U.S. 178	*213
		Gramling Creek	Just upstream of Dam	*175
			Just upstream of S.C. 33	*195
			Just downstream of State Highway 29	*204
		Gramling Creek Tributary	Just upstream of S.C. 33	*199
		Middle Pen Creek	Just upstream of S.C. 50	*152
			Just upstream of S.C. 475	*161
		Cow Castle Creek	Just upstream of S.C. 64	*158
			Just downstream of S.C. 1638	*179
			Just downstream of S.C. 793 (Woodbine Street)	*184
		Home Branch	Just downstream of S.C. 453	*82
			Just upstream of S.C. 68	*87
		Briner Branch	Just upstream of U.S. 176	*70
			Just upstream of S.C. 1256	*94
		Briner Branch Tributary	Just downstream of S.C. 103	*98

Maps available at County Administrator's Office, 367 Green Street, Orangeburg, South Carolina 29115.

Send comments to Mr. Robert Scarborough, County Administrator, or Mr. R. W. Grubbs, County Engineer, P.O. Drawer 589, Orangeburg, South Carolina 29115.

South Dakota	Edgemont (City), Fall River County.	Cottonwood Creek	Intersection of channel and northernmost corporate limits	*3,431
			Upstream side of the intersection of Tennessee Valley Authority Road and the channel.	*3,433
			Approximately 150 feet west of the intersection of H Street and Dakota Avenue.	*3,444
			Intersection of the channel and the southernmost corporate limits	*3,452

Maps available at City Hall, 601 2nd Avenue, Edgemont, South Dakota.

Send comments to the Honorable Peter Zeimet, Mayor, City of Edgemont, City Hall, 601 2nd Avenue, Edgemont, South Dakota 57735.

Texas	City of Mount Pleasant, Titus County.	Hart Creek Tributary	Just upstream of S. Florey Avenue	*341
			Just upstream of U.S. Highway 271	*354

Maps available at City Hall, 120 West 3rd Street, Mount Pleasant, Texas 75455.

Send comments to Mayor Robert E. Crooks or Mr. Floyd Socia, City Manager, City Hall, 120 West 3rd Street, Mount Pleasant, Texas 75455.

Vermont	Enosburg, Town, Franklin County.	Missisquoi River	Downstream Corporate Limits	*387
			Town Route 2	*402
			Approximately 5,900 feet upstream of Town Route 2	*405
			Approximately 8,305 feet upstream of Town Route 2	*409
			Upstream Corporate Limits	*411

Maps available at the Town Office.

Send comments to Mr. Paul Clark, Chairman of the Board of Selectmen of Enosburg, Town Office, 95 Main Street, Enosburg Falls, Vermont 05450.

Vermont	Enosburg Falls, Village, Franklin County.	Missisquoi River	Downstream Corporate Limits	*273
			50 feet Downstream of Old Route 108	*283
			Downstream Enosburg Water and Light Dam	*288
			Upstream Enosburg Water and Light Dam	*295
			Confluence of Trout Brook	*297
			Upstream Corporate Limits	*298

Maps available at the Village Office.

Send comments to Mr. Raymond Magmant, Chairman of the Village Trustees, 95 Main Street, Enosburg Falls, Vermont 05450.

Vermont	Essex, Town, Chittenden County	Winooski River	Downstream Colchester/Essex Corporate Limits	*216
			Downstream Essex/Essex Junction Corporate Limits	*218
			Upstream Essex/Essex Junction Corporate Limits	*287
			Upstream of Centeal Vermont Railroad	*290
			Confluence of Alder Brook	*292
			Upstream of North Williston Road	*295
			Upstream Essex/Jericho Corporate Limits	*296
		Browns River	Downstream Corporate Limits	*458
			12,600 feet upstream of Pettinghill Road	*463
			Upstream of State Route 128	*474

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Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Alder Brook	Upstream of State Route 15	*456
			Upstream Corporate Limits	*490
			Confluence with Winooski River	*292
			3,500 feet above confluence with Winooski River	*297
			Upstream of Snowmobile Bridge	*337
			10,000 feet above confluence with Winooski River	*355
			14,750 feet above confluence with Winooski River	*398
			16,650 feet above confluence with Winooski River	*409
			Downstream of State Route 15	*443
			Upstream of State Route 15	*449
			Upstream of State Route 128	*473
			1,500 feet upstream of State Route 128	*474
Maps available at the Town Office.				
Send comments to Mr. Kevin B. Ryan, Town Manager of Essex, 4 Lincoln Street, Essex Junction, Vermont 05452.				
Vermont	Essex Junction, Village, Chittenden County.	Winooski River	Downstream Corporate Limits	*216
			10,000 feet upstream of Downstream Corporate Limits	*219
			Downstream of U.S. Route 2A	*225
			Downstream of Green Mountain Power Dam	*248
			Upstream of Green Mountain Power Dam	*286
			Upstream Corporate Limits	*287
Maps available at the Village Office.				
Send comments to Mr. Robert Donahue, Village President, Village Office, 1 Pearl Street, Essex Junction, Vermont 05452.				
Washington	Sumner (City), Pierce County.	Puyallup River	Intersection of Sunrise Place and Sunrise Lane	*93
		White River	Intersection of river and State Highway 410	*46
Maps available at City Hall, 1104 Maple Street, Sumner, Washington.				
Send comments to the Honorable Lewis R. Noel, Mayor, City of Sumner, City Hall, 1104 Maple Street, Sumner, Washington 98390.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: March 6, 1980.

Gloria M. Jimenez,
Federal Insurance Administrotor.

[FR Doc. 80-9952 Filed 4-3-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5799]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100–year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Bessemer, Jefferson County.	Valley Creek	Just downstream of 19th Street	*463
			Intersection of U.S. Highway 11 and Brewer Drive	*485
		Fivemile Creek	Just upstream of Old U.S. Highway 11 (Tuscaloosa Highway)	*462
		Unnamed Creek 38	Just upstream of U.S. Highway 11	*477
			Just upstream of Lakeridge Drive	*480
		Unnamed Creek 41	Justs upstream of Carolina Avenue	*522
		Hallis Creek	Just upstream of 6th Avenue	*479
			Just downstream of the Southern Railway	*494
			Just upstream of the Southern Railway	*499
		Shades Creek	Just upstream of Morgan Road	*514
Maps available at City Hall, 1800 Third Avenue N, Bessemer, Alabama 35020.				
Send comments to Mayor Ed Porter or Mr. Mike Lynn, City Engineer's Assistant, Engineering Department, City Hall, 1800 Third Avenue N, Bessemer Alabama 35020.				
Alabama	Town of Brookside, Jefferson County.	Fivemile Creek	Just upstream of Main Street	*374
			Just upstream of Gardendale Road	*379
Maps available at Town Hall, P.O. Box 142, Brookside, Alabama 35036.				
Send comments to Mayor Paul Schaeffer, or Mayor Pro-Tem Rolan Burr, Town Hall, P.O. Box 142, Brookside, Alabama 35036.				
Alabama	City of Leeds, Jefferson County.	Little Cahaba	Just downstream of Elliot Lane	*604
			Just downstream of Jones Street	*601
		Dry Creek	Just downstream of Eleventh Street	*635
Maps available at City Hall, 100 Ninth Street, Leeds, Alabama 35094.				
Send comments to Mayor Edward Goodson or Mayor Pro-Tem Arthur Kelly, City Hall, P.O. Box 126, Leeds, Alabama 35094.				
Alabama	City of Lipscomb, Jefferson County.	Valley Creek	Just upstream of corporate limits on Unnamed Creek 43	*483
Maps available at City Hall, 512 Avenue H, Lipscomb, Alabama 35020.				
Send comments to Mayor J. C. Huey or Mayor Pro-Tem Donald Mooney, City Hall, 512 Avenue H, Lipscomb, Alabama 35020.				
Alabama	City of Mountain Brook, Jefferson County.	Shades Creek	Just upstream of Mountain Brook Parkway	*667
			Just upstream of Overbrook Road	*674
		Watkins Brook	Just upstream of Natkins Brook	*660
			Just upstream of Canterbury Road	*661
		Cahaba River	Approximately 300 feet south along Overton Road from the intersection of Oakdale Drive and Overton Road.	*477
		Little Shades Creek	Just upstream of Caldwell Mill Road	*529
			Just upstream of Old Brook Trail	*534
			Just upstream of U.S. Highway 280	*597
Maps available at City Hall, P.O. Box 9006, Mountain Brook, Alabama 35213.				
Send comments to Mayor Lee McGriff or Council President Laurens Jones, City Hall, P.O. Box 9006, Mountain Brook, Alabama 35213.				
Alabama	City of Warrior, Jefferson County.	Locust Fork	Just upstream of Interstate 65	*352
			Just upstream of Church Street	*359
Maps available at: City Hall, 215 Main Street, Warrior, Alabama 35180.				
Send comments to: Mayor Gene Gayle or Mayor Pro-Tem James Jett, City Hall, 215 Main Street, Warrior, Alabama 35180.				
Alaska	Juneau, City/Borough	Eagle River	1,400 feet downstream of Glacier Highway	*22
			Upstream of Glacier Highway	*27
			Downstream of confluence of Eagle River By-pass	*44
			Downstream of Inlet to Eagle River By-pass	*63
			1,100 feet upstream of confluence of Eagle River By-pass	*66
		Eagle River By-pass	Upstream of confluence with Eagle River	*45
			3,400 feet upstream of confluence with Eagle River	*52
			Downstream of Inlet from Eagle River	*62
		Herbert River	1,300 feet downstream of Glacier Highway	*22
			Upstream of Glacier Highway	*26
			Downstream of confluence with Herbert River By-pass	*58
			Upstream of confluence with Herbert River By-pass	*60
			4,250 feet upstream of confluence with Herbert River By-pass	*66
			Inlet to Herbert River By-pass	*79
			Upstream of Inlet to Herbert River By-pass	*79
		Herbert River By-pass	Upstream of confluence with Herbert River	*60
			3,400 feet upstream of confluence with Herbert River	*72
		Tributary to Favorite Channel	Upstream of Access Road	*24
			3,925 feet upstream of Access Road	*26
			Downstream of Glacier Highway	*29
		Tributary to Favorite Channel By-pass.	Downstream of Dirt Road	*22
			Upstream of Dirt Road	*23
			1,800 feet upstream of Dirt Road	*26
			Inlet from Tributary to Favorite Channel	*28
		Peterson Creek	2,950 feet downstream of Glacier Highway	*20
			Upstream of Glacier Highway	*24
			1,430 feet upstream of Glacier Highway	*28

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)
		Mendenhall River	3,975 feet downstream of Glacier Highway	*20
			Downstream of Glacier Highway	*21
			100 feet upstream of confluence of Montana Creek	*28
			Long Run Drive Extended	*33
			Lupine Lane Extended	*36
			Downstream of Mendenhall Loop Road	*51
			300 feet upstream of Mendenhall Loop Road	*54
			150 feet upstream of Private Road extended to Access Road	*63
		Montana Creek	Upstream of confluence with Mendenhall River	*26
			4,250 feet downstream of Mendenhall Loop Road	*36
			Upstream of Mendenhall Loop Road	*47
			1,250 feet upstream of Mendenhall Loop Road	*50
		Montana Creek Overbank Flow	Upstream of end of overbank flow from Montana Creek	*36
			At beginning of overbank flow from Montana Creek	*46
		Duck Creek	Downstream of Robertson Street	*20
			Upstream of Private Road to Shell Simmons Drive	*25
			Upstream of Berners Avenue	*26
			Upstream of Egan Drive	*30
			Upstream of Trail located between Trinity and Stephen Richards, Memorial Drive.	*38
			Upstream of Aspen Avenue	*42
			300 feet upstream of Taku Boulevard upstream of confluence with Duck Creek.	*48
		East Fork Duck Creek	Upstream of Confluence with Duck Creek at Private Road to Mendenhall Loop Road.	*31
			Downstream of Trinity Drive	*38
			Upstream of Nugget Drive	*47
		Jordan Creek	400 feet downstream of Alpine Avenue	*20
			Cascade Street	*26
			Upstream of Egan Drive	*29
			Tongass Boulevard extended	*35
			Jennifer Drive extended	*44
			1,100 feet upstream of Amalga Street extended	*51
		Lemon Creek	1,355 feet downstream of Glacier Highway	*20
			Mountain Avenue extended	*30
			1,250 feet upstream of Mountain Avenue extended	*40
			4,500 feet upstream of Mountain Avenue extended	*83
		Salmon Creek	Upstream of Glacier Highway	*20
			1,345 feet upstream of Glacier Highway	*34
		Gastineau Channel	Juneau Bridge to Douglas Harbor	*23
			Douglas Harbor to Bullion Creek	*26
			Mendenhall River to Juneau Airport extended	*23
			Juneau Airport extended to Sunny Point	*24
		Auke Bay	Auke Cape to Spuhn Island	*22
		Stephens Passage	Point Lena to Auke Lake	*25
		Favorite Channel	Point Lena to Lena Cove	*31
			Lena Cove to Tee Harbor	*27
			Huffman Harbor to Eagle Harbor	*25

Maps available at the City and Borough Office.

Send comments to Honorable W. D. Overstreet, Mayor of Juneau, 155 South Seward Street, Juneau, Alaska 99801.

Illinois	(V) Western Springs, Cook County.	Flagg Creek	Southern corporate limits	*640
			Just upstream of 53rd Street	642
			Upstream corporate limits, just downstream Interstate Highway 294	*643

Maps available at Village Hall, 740 Hillgrove Avenue, Western Springs, Illinois.

Send comments to Mr. Arthur H. Jens, Village President, Village of Western Springs, Village Hall, 740 Hillgrove Avenue, Western Springs, Illinois 60558.

Iowa	(C) Ames Story County	Unnamed Creek A	Approximately 650 feet west of East Corporate Limit	*874
			Approximately 150 feet south of Jewel Drive	*889
			Just upstream of Jewel Drive	*894
			Just upstream of U.S. Highway 69	*899
		Unnamed Creek B	Confluence with Unnamed Creek A	*885
			Just downstream of Garden Drive	*892
			Just downstream of Emerald Drive	*896
			About 300 feet upstream of U.S. Highway 69	*906
		Worle Creek	Confluence with Squaw Creek	*890
			About 100 feet downstream of South Riverside Drive	*891
			Just downstream of Elwood Drive	*904
			Approximately 2,100 feet upstream of Elwood Drive	*912
			About 1,600 feet upstream U.S. Highway 30	*923
			Western corporate limits (west of abandoned railroad)	*930
		Skunk River	About 2.1 miles downstream of South Sixteenth Street	*873
			Just upstream South Sixteenth Street	*883
			Approximately 1,100 feet downstream of Lincoln Way	*884
			Approximately 600 feet upstream of Chicago and North Western railroad.	*888
			Approximately 2,000 feet upstream of East 13th Street	*892
			About 1,400 feet downstream from Riverside Road	903

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)
		Squaw Creek	About 1,000 feet downstream of Duff Avenue	*853
			Just downstream of Duff Avenue	*856
			Just upstream of Chicago and North Western railroad (near Worle Creek).	*890
			Just upstream Thirteenth Street	*900
			About 150 feet upstream of confluence with Onion Creek	*908
		Onion Creek	Approximately 1,060 feet upstream of confluence with Squaw Creek	*905
			At upstream corporate limit	*923
		College Creek	Mouth at Squaw Creek	*896
			Approximately 400 feet upstream of Wallace Road	*902
			Approximately 600 feet upstream of Wallace Road	*916
			Approximately 800 feet upstream of Knoll Road	*917
			Just upstream of Hayward Avenue	*918
			About 150 feet upstream of Sheldon Avenue	*947
			About 150 feet downstream of State Avenue	*948
			Just upstream of State Avenue	*951
			Approximately 3,800 feet upstream of State Avenue	*970
			Corporate limit about 2,200 feet downstream of South Dakota Avenue	*980
			Just downstream of South Dakota Avenue	*982
			Approximately 1,300 feet downstream from west Corporate Limit	*1,005
			West corporate limit	*1,012
		Clear Creek	Confluence with Squaw Creek	*934
			Just downstream of 13th Street	*934
			Approximately 325 feet upstream of Chicago and North Western railroad.	*916
			Just upstream of North Dakota Avenue	*958
			About 0.8 mile upstream of North Dakota Avenue	*970
			Western corporate limit	*975

Maps available at City Hall, Ames, Iowa.

Send comments to Mr. Ronald Woldridge, Chief Planner, City of Ames, Deep Hole Annex, Ames, Iowa 50010.

Iowa	(C) Cherokee, Cherokee County	Little Sioux River	At southern corporate limits	*1,176
			Just upstream of Main Street	*1,181
			About 1,500 feet upstream of State Highway 3	*1,183
		Railroad Creek	Mouth at Little Sioux River	*1,179
			About 100 feet upstream of Main Street	*1,179
			Just upstream of Cedar Street	*1,187
			Just upstream of Bluff Street	*1,196
			At northern corporate limits	*1,226

Maps available at City Hall, 211 West Maple Street, Cherokee, Iowa

Send comments to The Honorable A. E. McCoy, Mayor, City of Cherokee, 211 West Maple Street, Cherokee, Iowa 51012.

Michigan	(Twp.) Argentine, Genesee County.	Shiawassee River	At downstream corporate limits	*831
			Just upstream of Meier Road	*853
			Just upstream of Duffield Road	*859
			Just upstream of Bird Road	*843
			Just upstream of Cole Road	*846
			At upstream corporate limits	*851

Maps available at Argentine Township Hall, 9048 Silver Lake Road, Linden, Michigan.

Send comments to Ms. Martha Lahring, City Clerk, Township of Argentine, Argentine Township Hall, 9048 Silver Lake Road, Linden, Michigan 48451.

Michigan	(Twp.) Vienna, Genesee County	Pine Run	About 200 feet upstream from Interstate 75	*674
			At the western corporate limit of Clio	*687
			At the eastern corporate limit of Clio	*702
			Just downstream of Saginaw Road	*718
		Mason Drain	About 150 feet downstream of Chessie System	*704
			Just upstream of Bingham Road	*715
			Just upstream from Dodge Road	*722
			Just downstream of Frances Road	*738

Maps available at Vienna Township Hall, 3370 West Vienna, Clio, Michigan.

Send comments to Mr. Verl R. Newman, Township Clerk, Township of Vienna, Township Hall, 3370 West Vienna, Clio, Michigan 48420.

Minnesota	(Uninc.), Benton County	Mississippi River	Upstream corporate limit of Sauk Rapids	*1,001
			Downstream corporate limit of Sartell	*1,002
			Upstream corporate limit of Sartell	*1,020
			Downstream corporate limit of Rice	*1,027
			Upstream corporate limit of Rice	*1,029
			About 0.4 mile upstream of confluence of Platte River	*1,031
		Platte River	Mouth at Mississippi River	*1,030
			Just downstream County Road 40	*1,042
			About 500 feet upstream U.S. Highway 10	*1,074
		Little Rock Lake	Shoreline	*1,022

Maps available at Benton County Courthouse, Foley, Minnesota.

Send comments to Mr. Dwayne J. Walters, Chairperson of the County Board of Commissioners, Benton County, Benton County Courthouse, Foley, Minnesota 56329 to the attention of: Larry Johnson, County Coordinator.

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Minnesota	(C) Cannon Falls, Goodhue County.	Cannon River	About 1.84 miles downstream of Third Street opposite the eastern most corporate limits.	*760
			Just upstream of Third Street	*791
			At the upstream corporate limit	*801
		Little Cannon River	Mouth at Cannon River	*793
			Just downstream of dam	*795
			Just upstream of dam	*816
			AT the upstream corporate limit	*821

Maps available at City Hall, 306 West Mill Street, Cannon Falls, Minnesota.

Send comments to the Honorable Randall Gallert, Mayor, City of Cannon Falls, City Hall, 306 West Mill Street, Cannon Falls, Minnesota 55009.

Minnesota	(C) Pine Island, Goodhue County.	Middle Fork Zumbro River	Eastern corporate limit	*993
			Just downstream from Douglas Trail	*994
			Just upstream from Douglas Trail	*995
			Just downstream from 8th Street	*997
		North Branch Middle Fork Zumbro River.	At the confluence with Middle Fork Zumbro River	*994
			Just upstream from Douglas Trail	*995
			Just upstream from First Avenue	*997
			Just upstream from Main Street	*998
			Approximately 200 feet upstream from Main Street	*1,000
			Just downstream from Township Road	*1,004

Maps available at City Hall, P.O. Box 1000, Pine Island, Minnesota.

Send comments to the Honorable Cliff Edstrom, Mayor, City of Pine Island, City Hall, P.O. Box 1000, Pine Island, Minnesota 55963. To the attention of: Kenneth Muth, City Administrator.

Montana	Billings (City), Yellowstone County	Yellowstone River	Intersection of river and center of Interstate 90	*3100
		Alkali Creek	200 feet upstream from center of U.S. Highway 87 and 312	*3159
			North edge of the bend in Indian Trail at approximately 250 feet north of its intesection with Wigwam Trail.	*3178

Maps available at Public Works Department, City Hall, 220 North 27th, Billings, Montana.

Send comments to the Honorable William Fox, Mayor, City of Billings, City Hall, P.O. Box 1178, Billings, Montana 59103.

Ohio	(Uninc.), Ashtabula County	Grand River	Just downstream of Windsor—Mechanicsville Road	*760
			At confluence of Coffee Creek	*767
			About 600 feet downstream of Sweitzer Road	*775
			About 1,100 feet downstream of U.S. Route 322	*785
			Just downstream of U.S. Route 322	*788
			Just upstream of U.S. Route 322	*792
			Just downstream of Old Plank Road	*802
			About 1.3 miles upstream of Plank Road (at the county boundary)	*804
		Phelps Creek	At downstream county boundary	*804
			About 950 feet downstream of Windsor Road	*804
			Just upstream of Windsor Road	*807
			About 2,200 feet upstream of Windsor Road	*808
			Just downstream of Noble Road	*811

Maps available at Ashtabula County Court House, 25 West Jefferson Street, Jefferson, Ohio.

Send comments to Mr. Alfred Mackey, President of County Commissioners, Ashtabula County, Ashtabula County Court House, 25 West Jefferson Street, Jefferson, Ohio 44047.

Ohio	(C) Bedford, Cuyahoga County	Tinkers Creek	50 feet downstream of Union Street	*878
			100 feet upstream of Union Street	*883
			Just upstream of Broadway	*886
			120 feet upstream of Northfield Road	*891
			Just downstream of Interstate 271	*903
			1,300 feet upstream of Interstate 271	*907
		Wood Creek	Downstream side of Norfolk and Western railway	*880
			Just upstream of Norfolk and Western railway	*885
			60 feet upstream of Broadway	*892
			Just downstream of Stone-Bowers Buick Inc. parking lot	*895
			100 feet upstream of Stone-Bowers Buick Inc. parking lot	*903
			Just downstream of Rockside Road	*908
			Just upstream of Rockside Road	*913
			Just downstream of Greencroft Road	*915
			Just upstream of Greencroft Road	*922
			Just downstream of Thames Avenue	*923
			Just upstream of Thames Avenue	*927
			Norther corporate limits	*932
		Bear Creek	130 feet downstream of Columbus Street	*980
			Just upstream of Columbus Street	*983
			770 feet upstream of Columbus Street	*989
			1,600 feet downstream of Rockside Road	*1,000
			Just downstream of Rockside Road	*1,003
			Northern corporate limits	*1,013

Maps available at City Hall, 65 Columbus Road, Bedford, Ohio.

Send comments to Mr. Arthur Dickard, City Manager, City of Bedford, City Hall, 65 Columbus Road, Bedford, Ohio 44146.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Ohio	(C) Brunswick, Medina County	Plum Creek	Downstream corporate limits (south of Thorpe Street)	*1,074
			Just upstream of Laurel Road	*1,079
			Corporate limits (about 2,200 feet upstream of Laurel Road)	*1,083
			Just upstream of Center Road	*1,089
			Just upstream of Fireside Drive	*1,103
			Just downstream of Carpenter Road North	*1,111
		Healey Creek	Just upstream of west 130th Street	*1,086
			Just upstream of Bettie Lane	*1,078
			Corporate limits (about 2,100 feet upstream of Bettie Lane)	*1,092
			Corporate limits (near intersection of Magnolia Drive and Claremont Drive).	*1,102
			Just downstream of Starview Drive	*1,121
		Tributary P-3	Mouth at Plum Creek	*1,079
			Just downstream of Berwick Drive	*1,104
		Tributary P-8	Just upstream of Center Road	*1,109
			About 1,800 feet upstream of Center Road	*1,116

Maps available at City Hall, 4095 Center Road, Brunswick, Ohio.

Send comments to Mr. Robert Trimble, City Manager, City of Brunswick, City Hall, 4095 Center Road, Brunswick, Ohio 44212.

Ohio	(Uninc.) Lake County	Grand River	Mouth at Lake Erie	*576
			Village of Grand River corporate limits, approximately 4,020 feet upstream of mouth at Lake Erie.	*576
			City of Painesville corporate limits near Fairport Road	*580
			City of Painesville corporate limits, approximately 1,800 feet upstream of North St. Clair Street.	*583
			City of Painesville corporate limits, approximately 1,580 feet upstream of Erie Street.	*596
			City of Painesville corporate limits, approximately 4,100 feet downstream of Walnut Avenue.	*610
			City of Painesville corporate limits, approximately 1,900 feet downstream of Walnut Avenue.	*611
			City of Painesville corporate limits, approximately 1,100 feet upstream of walnut Avenue.	*616
		Big Creek	About 5,360 feet upstream of Walnut Avenue	*619
			Mouth at Grand River	*619
			Just downstream of State Route 86	*624
			Just upstream of private drive, approximately 7,500 feet downstream of Interstate 90.	*652
			Approximately 4,200 feet upstream of Interstate 90	*691
			Approximately 1,500 feet downstream of Williams Road	*714
			Just Upstream of Williams Road	*738
			Just upstream of Cascade Road, (approximately 8,000 feet upstream of Williams Road.	*783
			Approximately 650 feet upstream of Cascade Road, (approximately 8,600 feet upstream of Williams Road).	*805
			Just downstream of Girdled Road	*826
		Arcola Creek	Approximately 4.5 miles above mouth, just upstream from Arcola Road.	*657
			Just upstream of private drive, about 5,900 feet downstream of State Route 528.	*665
			Just upstream State Route 528	*669
			Just upstream Burns Road	*678
			Just downstream McMackin Road	*679
		Kellogg Creek	About 1,400 feet downstream of Morley Road	*694
			Just upstream Morley Road	*696
			Just downstream Prouty Road	*718
			Just downstream dam	*720
			Just upstream dam	*731
			Just upstream Button Road	*744
			Just downstream Mountain Park Drive	*755
			About 1,950 feet upstream Mountain Park Drive	*760
		Church Creek	Just upstream Town Line Road	*582
			Just downstream McMackin Road	*590
			Just upstream McMackin Road	*596
			Just upstream Haines Road	*605
			Just downstream Old Mill Road	*605
			Just upstream Old Mill Road	*610
			Just downstream Green Road	*611
			Just upstream Green Road	*616
			Just downstream Golf Drive located about 2,280 feet upstream of Green Road.	*616
			Just upstream Golf Drive located about 2,280 feet upstream Green Road.	*624
			Just downstream Hubbard Road	*628
		Red Creek	At mouth with Grand River	*598
			Just upstream mentle Road	*600
			Just downstream Fairport, Painesville and Western Railway	*605
			Just upstream Fairport, Painesville and Western Railway	*620
			Just downstream U.S. Route 20	*620
			Just upstream U.S. Route 20	*628
			Just downstream Conrail	*628
			Just upstream Conrail	*643

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just downstream Bowhall Road	*843
			Just upstream Bowhall Road	*856
			Just upstream Fairport, Painesville and Eastern Railway (upstream of Bowhall Road).	*660
			Just downstream Park Road	*660
			Just upstream Park Road	*671
			About 2,300 feet upstream Park Road	*671
		Red Creek Tributary	Just downstream Fairport, Painesville and Eastern Railway	*643
			About 80 feet upstream Fairport, Painesville and Eastern Railway	*645
			About 650 feet downstream Bowhall Road	*648
			Just upstream Bowhall Road	*665
			Just upstream footbridge, about 1,800 feet upstream Bowhall Road	*677
			Just downstream Madison Road	*693
		Rand Ditch	At the Village of Madison corporate limits about 2,550 feet above the mouth.	*678
			About 3,500 feet above the mouth	*679

Maps available at H.T. Nolan Administration Building, 105 Main Street, Painesville, Ohio.

Send comments to Mr. John Platz, President of the County Board of Commissioners, Lake County, H. T. Nolan Administration Building, 105 Main Street, Painesville, Ohio 44077.

Ohio	(C) Xenia, Greene County	Shawnee Creek	At most downstream corporate limits	*837
			Just upstream from Tower Road	*885
			Just upstream from West Main Street	*905
			Just upstream from Washington Street	*925
			At corporate limit (located approximately 250 feet upstream from South Monroe Street).	*935
			Just upstream from South Columbus Street	*954
			At corporate limit (approximately 0.35 mile upstream from South Columbus Street).	*959
		Shawnee Park Tributary	At confluence with Shawnee Creek	*893
			Just upstream of North West Street	*899
			About 200 feet upstream of North King Street	*910
			Just upstream of Shawnee Park Dam	*914
			At corporate limits	*920
			Approximately 0.9 mile upstream from Monroe Drive	*934
		Shawnee Creek Tributary	At confluence with Shawnee Creek	*914
			Just downstream of Conrail	*934
			Just upstream of Conrail	*936
			At eastern corporate limits	*952
		Oldtown Creek	At northern corporate limits	*885
			At upstream corporate limits	*916
		West Junior High Tributary	At southern corporate limits	*888
			Just downstream of Bellbrook Road	*904
			Just upstream of Moccasin Trail	*911
			Just downstream of Buckskin Trail	*913
		Glady Run	At downstream corporate limits	*897
			Just downstream from private road located about 100 feet downstream from U.S. Route 42.	*917
			Just upstream from U.S. Route 42	*921

Maps available at City Hall, 101 North Detroit Street, Xenia, Ohio.

Send comments to The Honorable Walter Marshall, Mayor, City of Xenia, City Hall, 101 North Detroit Street, Xenia, Ohio 45215.

South Carolina	Unincorporated Areas of Anderson County.	Beaver Creek	Just upstream of State HWY 109	*614
			Just upstream of State HWY 152	*649
			Just downstream of State HWY 475	*727
		Big Generostee Creek	Just upstream of State HWY 258	*664
			Just downstream of Lewis Street	*687
		Byrum Creek	Just upstream of Booker Street	*695
			Just upstream of Market Street	*700
			Just downstream of Simpson Street	*715
		Hembree Creek	Just downstream of Phil Watson Road	*680
			Just upstream of Salem Church Road	*703
		Rocky River	Just downstream of State HWY 253	*653
			Just downstream of Rodgers Road	*674
			Just downstream of Cox Road	*688
		Salem Creek	Just downstream of Gerrard Road	*740
		Saluda River	Just upstream of State HWY 86	*778
			Just downstream of I-85	*792
		Eighteen Mile Creek	Just downstream of the Blue Ridge Railroad	*700
			Just downstram of U.S. Highway 76	*702
		Shanklin Creek	Just upstream of Thomas Court	*761
			Just upstream of East Queen Street (State HWY 300)	*782
		Cox Creek	At the confluence of Cox Creek Tributary	*694
		Rocky River Tributary	Just upstream of Gossett Street	*682

Maps available at Anderson County Planning and Development Board, Director Office, 201 N. Main Street, Suite 313, Anderson, South Carolina 29621.

Send comments to Mr. L. H. Sinns II, Director, Anderson County Planning and Development Board, 201 N. Main Street, Suite 313, Anderson, South Carolina 29621.

South Carolina	Town of Moncks Corner, Berkeley County.	California Branch	Approximately 40 feet upstream of California Avenue	*43
			Approximately 150 feet upstream of State Highway 6	*46
			Approximately 80 feet upstream of Hayneaville Road	*63

Maps available at City Hall, 118 Caroline Street, Moncks Corner, South Carolina 29461.

Send comments to Mayor E. F. Oliver, City Hall, 118 Caroline Street, Moncks Corner, South Carolina 29461.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
South Dakota	Custer (City), Custer County	French Creek	100 feet upstream from center of 11th Street	*5,292
			100 feet upstream from center of 4th Street	*5,313
			100 feet upstream from center of Mt. Rushmore Road	*5,325
		Laughing Water Creek	100 feet upstream from center of Burlington Northern Railroad	*5,294
			100 feet upstream from center of Clay Street	*5,308

Maps available at City Hall, 622 Crook Street, Custer, South Dakota.

Send comments to the Honorable Ed Gelles, Mayor, City of Custer, City Hall, 622 Crok Street, Custer, South Dakota 57730.

Texas	City of Gladewater, Upshur and Gregg Counties.	Victory Branch	Just upstream of East Lake Drive	*290
			Just upstream of Phillips Spring Road	*301
		Sabine River	Approximately 230 feet upstream of U.S. 271	*267
			At the confluence of Glade Creek	*288
		Moody Creek	Just upstream of U.S. Highway 80	*280
			Just upstream of Shell Camp Road	*298

Maps available at City Secretary's Office, City Hall, Gladewater, Texas 75647.

Send comments to Mayor James Walker or Tony Williams, City Manager, City Hall, P.O. Box 551, Gladewater, Texas 75647.

Texas	City of Jasper, Jasper County	Sandy Creek	Just downstream of South Peachtree Street	*208
			Just downstream of North Wheeler Street	*211
			Just upstream of Mandel Street	*213
			Approximately 80 feet upstream of Gulf Colorado & Santa Fe Railroad	*214
		Sandy Creek Tributary	Approximately 35 feet downstream of Mayo Street	*221
		Trotti Creek	Just upstream of Burch Street Extended	*241
			Approximately 30 feet downstream of Woodland Park Avenue	*218
			Approximately 80 feet upstream of Morris Street	*238
			Approximately 40 feet downstream FM 2800 (Munson Street)	*239

Maps available at City Clerk's Office, City Hall, 272 East Lamar Street, Jasper, Texas 75951.

Send comments to Mayor W. L. Neal or Mr. Wayne DuBose, City Manager, City, Hall, 272 East Lamar Street, Jasper, Texas 75951.

Washington	Ellensburg (City), Kittitas County...	Wilson Creek	100 feet upstream from center of Private Road, east of Interstate Highway 90.	*1,483
		Right Channel	Eastern most end of Industrial Way	*1
		Wilson Creek		
		Reecer Creek	Intersection of creek and center of Pott's Road	*2
		Currier Creek	1,100 feet south of intersection of Cascade Way Extension and Dolerway Road.	*2
		Whiskey Creek	760 feet upstream from intersection of creek and Fifth Avenue	*1,511
		Mercer Creek	100 feet upstream from center or Railroad Avenue	*1,506
			Intersection of creek and center of Helena Avenue	*1

Maps available at City Hall, 420 North Pearl, Ellensburg, Washington.

Send Comments to the Honorable Janiece Cook, Meyor, City of Ellensburg, City Hall, 420 North Pearl, Ellensburg, Washington 98926.

Washington	Washougal (City), Clark County....	Columbia River	400 feet south of intersection of A Street and 1st Street	*32
		Washougal River	300 feet northwest of intersection of J Street and 4th Street	*31
			500 feet north from intersection of G Street and 24th Street	*49

Maps available at City Hall, 1701 C Street, Washougal, Washington.

Send comments to the Honorable Robert E. Clark, Mayor, City of Washougal, City Hall, 1701 C Street, Washougal, Washington 98671.

Wisconsin	(V) Bangor, LaCrosse County	LaCrosse River	Downstream corporate limits (about 0.9 mile downstream 17th Avenue).	*712
			Just upstream 17th Avenue	*716
			Upstream corporate limits	*718
		Dutch Creek	Mouth at LaCrosse River	*716
			Just upstream Pearl Street	*721
			Upstream corporate limits	*728

Maps available at Village Clerk's Office, Bangor, Wisconsin.

Send comments to Mr. Ted Piske, Village President, Village of Bangor, Bangor Village Hall, Bangor, Wisconsin 54614.

Wisconsin	(C) Neenah, Winnebago County....	Lake Winnebago	Entire shoreline coincident with corporate limits	*750
		Fox River (Neenah Channel)	At northern coroporate limits	*743
			At Soo Line Railroad Bridge	*743
			Just downstream from Neenah Dam	*745
			Just upstream from Neenah Dam	*749
			At confluence with Lake Winnebago	*750
		Neenah Slough	At confluence with Fox River (Neenah Channel)	*743
			At Winneconne Avenue	*744
			Just downstream Green Bay Road	*745
			At southern corporate limits	*745

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available at City Hall, P.O. box 426, Neenah, Wisconsin. Send comments to The Honorable Donald Hassler, Mayor, City of Neenah, City Hall, P.O. box 426, Neenah, Wisconsin 54956.				
Wisconsin	(V) Rochester, Racine County	Fox River	Downstream corporate limits	*754
			Just downstream of Rochester Dam	*756
			Just downstream of Main Street	*758
			Upstream corporate limits	*759
		Wind Lake Channel	About 400 feet downsteam North River Road	*758
			About 1,050 feet upstream of North River Road	*759
			About 370 feet upstream State Highway 83 and State Highway 36	*770
Maps available at Village Clerk, Village Hall, Rochester, Wisconsin. Send comments to Mr. John Shniderer, Village President, Village of Rochester, Village Hall, Rochester, Wisconsin 53167.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9852 Filed 4-3-80; 8:45 am]

BILLING CODE 6715-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. MMPAH 1980-1]

Taking of Marine Mammals; Change of Hearing Location

AGENCY: National Oceanic and Atmospheric Administration, Deaprtment of Commerce.

ACTION: Change of hearing location.

SUMMARY: Information previously published in the **Federal Register** of March 7, 1980, (FR Doc. 80-7163, 45 FR 14909), announced a formal hearing before an Administrative Law Judge concerning the proposed regulations concerning the taking of marine mammals incidental to commercial fishing operations. This document changes the location of the California hearing effective April 1, 1980.

ADDRESSES: The California hearing will be held in Court Room No. 6, 3rd Floor, United States District Court, Front Street and Broadway, San Diego, California.

FOR FURTHER INFORMATION CONTRACT: Hugh J. Dolan, Administrative Law Judge, Department of Commerce (202) 377-3135.

Dated: April 1, 1980.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 80-10281 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 67
Friday, April 4, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Availability of a Supplement to the Draft Revised Environmental Impact Statement on the Rangeland Grasshopper Cooperative Management Program

AGENCY: Animal and Plan Health Inspection Service, USDA.

ACTION: Notice of availability of the supplemental draft revised environmental impact statement on the Rangeland Grasshopper Cooperative Management Program.

SUMMARY: This gives notice that the Department has prepared a supplemental draft revised environmental impact statement (DEIS) on the Rangeland Grasshopper Cooperative Management Program and comments are invited. The supplemental DEIS (USDA–APHIS–ADM–79–1–D) was sent to the Environmental Protection Agency (EPA) on March 28, 1980, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

DATE: Comments must be received on or before May 2, 1980.

ADDRESS: Requests for a copy of the supplemental and comments should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, by May 2, 1980.

FOR FURTHER INFORMATION CONTACT: Shannon W. Wilson, 301–436–8745.

SUPPLEMENTARY INFORMATION: A notice of the Department's intent to prepare the draft revised environmental impact statement on the Rangeland Grasshopper Cooperative Management Program was published in the **Federal Register** (44 FR 66008) on November 16, 1979. After consideration of comments received in response to this notice, a DEIS was prepared. A notice of availabilitry of the DEIS for review was published in the **Federal Register** (45 FR 1113) on January 4, 1980.

The public was given the opportunity to participate in the development of the DEIS. Based on comments received in response to the DEIS, it was determined a supplemental DEIS should be published to obtain further comments to assist in preparation of the final EIS.

All written submissions made pursuant to this notice will be made available for public inspection in Room 630, Federal Building, Hyattsville, MD 20782, during regular hours of business, unless the person makes the submission to the Pest Program Development Staff, Plant Protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of he request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the supplemental DEIS are invited from all interested members of the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any national program, issue, or environmental impact involved.

Grasshoppers are destructive native pests on rangeland, forage, and crops mainly in the States west of the Mississippi River. Infestations are often of such an extent as to be beyond the capability of individuals to handle. Additionally, the migratory and widespread nature of the pests makes coordination of cooperative control efforts across State boundaries essential. Therefore, the Department has, in conjunction with cooperating State Departments of Agriculture, provided direct supervision and leadership of grasshopper control programs. In 1979 widespread grasshopper infestations and subsequent Federal-State-rancher cooperative control programs were the basis for extensive public and cooperator involvement.

Copies of the supplemental DEIS are available for public inspection at the following locations.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302–E, Administration Building, 14th and Independence Avenue, Washington, DC 20250.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 7100 West 44th Avenue, Suite 102, Wheat Ridge, CO 80033.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 620 Central Avenue, Building 2B, Alameda, CA 94501.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Brownsville, TX 78521.

Interested persons may obtain a copy of the supplemental DEIS by writing the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C., this 28th day of March, 1980.

T. G. Darling,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 80-10284 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-34-M

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Federal Grain Inspection Service

Official Agency Geographic Area; Cancellation of Designation of the Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa, and Assignment of Geographic Area to the Eastern Iowa Grain Inspection & Weighing Service, Inc., Blue Grass, Iowa

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the cancellation of designation of the Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa and the assignment of geographic area to the Eastern Iowa Grain Inspection & Weighing Service, Inc. ("Eastern Iowa"), Blue Grass, Iowa, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

The area assigned of the area formerly serviced by the Burlington Chamber of Commerce Grain Fund, Inc., as well as that area proposed for assignment to Eastern Iowa in an earlier Federal Register Notice.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. The final Impact Statement describes the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant".

L. E. Bartelt, Administrator, Federal Grain Inspection Service (FGIS), has determined that an emergency situation exists which warrants making this action effective in less than 30 days. This is necessary because the existing agency, the Burlington Chamber of Commerce Grain Fund, Inc. ("Grain Fund, Inc."), has requested termination of its designation effective as soon as possible; and the Department has requested, and the existing agency has agreed, that it would continue to provide service until this expedited public procedure could be completed and a new agency designated. The Administrator has determined that continuation of official services is needed in the area and a replacement agency should be designated as soon as possible to assure uninterrupted service and transfer of responsibilities.

Thus, pursuant to the administrative provisions in 5 U.S.C. 553, good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register.

Eastern Iowa Grain Inspection & Weighing Service, Inc. ("Eastern Iowa"), R.R. 1, Box 588, Blue Grass, Iowa 52726, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on September 30, 1978. The designation also included an assignment of geographic area, on an interim basis within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The proposed geographic area assigned on an interim basis to Eastern Iowa was announced in the September 13, 1979 issue of the Federal Register (44 FR 53262). No comments were received regarding this proposal of geographic area.

As a result of the cancellation of designation request by the Grain Fund, Inc., Burlington, Iowa, the September 20, 1979 issue of the Federal Register (44 FR 54519) contained a notice from FGIS requesting applications for designation to provide official services under the Act in the Burlington, Iowa, area. A total of five applications were received, all of which appeared to meet the criteria for designation specified in Section 7(f)(1)(A) of the Act. The names of the applicants are: Eldon L. Davis, Fremont Grain Inspection Department, 603 East Dodge St., Fremont, NE 68025; Joe P. Jaimes, 9445 Connell Drive, Overland Park, KS 66214; James Parrish, 300 S. Main St., Burlington, IA 52601; F. E. Polaski, Cedar Rapids Grain Service, Inc., 1831 J. St., S.W., Cedar Rapids, IA 52404; and J. L. Slater, Eastern Iowa Grain Inspection & Weighing Service, Inc., R.R. #1, Box 588, Blue Grass, IA 52726.

FGIS announced the names of the applicants and requested comments on these applicants in the January 3, 1980, issue of the Federal Register (45 FR 812). Nineteen written comments were received.

Nine commentors recommended the designation of Joe P. Jaimes referring to his background in education-management and other personal attributes as qualification to be considered in the management of an official agency.

Six commentors recommended the designation of F. E. Polaski referring to his many years of experience in the grain inspection field, as well as management abilities and personal attributes as qualifications to be considered in the management of an official agency.

Two commentors recommended the designation of J. L. Slater referring to his agency's excellent service, grading accuracy, and professional attitude of his staff as qualifications to be considered in the management of an official agency.

Two commentors recommended the designation of James Parrish, referring to his experience as an inspector with the Grain Fund, Inc., and his knowledge of the grain industry in the Burlington area as qualifications to be considered in the management of an official agency.

No comments were received regarding Eldon L. Davis.

After evaluating comments received, and reviewing all available information and the criteria for designation in Section 7(f)(1)(A) of the Act, the Administrator, in accordance with Section 7(f)(1)(B), has determined that Eastern Iowa, owned and operated by J. L. Slater, is better able than any other applicant to provide official inspection services in the Burlington, Iowa, area and is assigned the area formerly serviced by the Grain Fund, Inc.

The area assigned herein, together with the area proposed for assignment in the September 13, 1979, issue of the Federal Register (44 FR 53262), will form a contiguous area within which Eastern Iowa will be responsible for providing official inspection services.

The description of the entire area assigned to Eastern Iowa is as follows:

Bounded: on the North by Interstate 80 from the western Iowa County line east to State Route 38; State Route 38 north to State Route 130; State Route 130 east to Scott County; the Scott County line east to Mississippi River (all in Iowa);

Bounded: on the East from the Mississippi River, the eastern Rock Island County line; the northern Henry and Bureau County lines east to State Route 88; State Route 88 south; the southern Bureau and Henry County lines; the eastern Knox County line (all in Illinois);

Bounded: on the South by the southern Knox County line west to Warren County; the Warren County line south; the southern Warren County line; the southern Henderson County line west to the Mississippi River (all in Illinois); the southern Des Moines, Henry, Jefferson, and Wapello County lines (all in Iowa);

Bounded: on the West by the western Wapello County line; the northern Wapello County line east to the western Keokuk County line; the western and northern Keokuk County lines to the western Iowa County line; the Iowa County line north to Interstate 80 (all in Iowa).

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by Eastern Iowa shall be considered as part of the Eastern Iowa's geographic area: Delaware County, Iowa; Dubuque County, Iowa; and Jo Daviess County, Illinois.

The exceptions for service within this designated geographic area shall be as follows:

(1) Central Soya, Inc., Dallas City, Illinois, and Lomax Grain Elevator, Lomax, Illinois, in Henderson County which is serviced by Keokuk Grain Inspection Service, Inc.

(2) Paris & Sons Grain Elevator, Masonville, Iowa, in Delaware County which is serviced by McGregor Grain Inspection and Weighing, McGregor, Iowa.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, Eastern Iowa will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Effective April 14, 1980, the designation of the Burlington Chamber of Commerce Grain Fund, Inc., Burlington, Iowa, is cancelled, and on that date persons seeking official service in the area described above should contact the Eastern Iowa Grain Inspection & Weighing Service, Inc.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting Eastern Iowa or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on April 1, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–10253 Filed 4–3–80; 8:45 am]

BILLING CODE 3410-02-M

Official Agency Geographic Area; Proposed Assignment of Additional Geographic Area to the Grain Inspection Services, Inc., Battle Creek, Mich.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and request for comment.

SUMMARY: This notice announces proposed assignment of additional geographic area to the Grain Inspection Services, Inc., for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

DATE: Comments to be postmarked on or before June 3, 1980.

ADDRESS: Written comments should be sent to the United States Department of Agriculture, Federal Grain Inspection Service, Compliance Division, Attention: Comments Section, Room 2405, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: Grain Inspection Services, Inc., 24 First Street, Battle Creek, Michigan 49017 (the "Agency"), was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (the "Act") for the performance of official grain inspection functions on August 31, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this agency would operate. The proposed geographic area assigned on an interim basis to the Agency was announced in the January 12, 1979, issue of the Federal Register (44 FR 2641). Final assignment of geographic area to the Agency was announced in the January 31, 1980, issue of the Federal Register (44 FR 6979). Subsequent to the publication of the January 12, 1979, notice, the Agency requested and was assigned the additional geographic area on an interim basis effective April 1, 1979, pending final determination of this matter.

The additional geographic area, as identified in this notice, was previously serviced by the Federal Grain Inspection Service (FGIS). Section 7(h) of the Act provides FGIS authority to perform official services at nonexport locations where the Administrator determines such services are needed and there is no official agency available or willing to provide these services. Further, FGIS can provide official services at nonexport locations only until such time as the service can be provided on a regular basis by a designated official agency.

The additional geographic area assigned on an interim basis pending final determination in this matter is:

Bounded: on the North by the northern Isabella County line; the eastern Isabella County line south to the northern Gratiot County line; the northern Gratiot County line east to the northern Saginaw County line; the northern Saginaw County line east to State Route 52;

Bounded: on the East by State Route 52 from the northern Saginaw County line south to State Route 21;

Bounded: on the South by State Route 21 from State Route 52, west to the western Shiawassee County line; and

Bounded: on the West by the western Shiawassee County line from State Route 21 north to the southern Gratiot County line; the southern Gratiot County line west to State Route 27; State Route 27 north to the southern Isabella County line; the southern Isabella County line west to the western Isabella County line; the western Isabella County line north to the northern Isabella County line.

Interested persons may obtain a map of the proposed additional geographic area for this Agency together with the originally proposed geographic area and a list of the specified service points from the Compliance Division, Delegation and Designation Branch. A specified service point for the purpose of this notice is a city, town, or other location specified by the Agency for the conduct of official inspections and where the Agency or one or more of its licensed inspectors is located.

The Agency has been performing official inspection services within the proposed additional geographic area since April 1979. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public affect. Therefore, the comment period shall be limited to 30 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the additional geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the aforementioned Comments Section. All materials should be postmarked on or before May 5, 1980.

All material submitted pursuant to this notice will be made available for public inspection at the Compliance Division, Comments Section (7 CFR

1.27(b)). Consideration will be given to the views and comments so filed with the Comments Section, and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 8(h), Pub. L. 94–562, 90 Stat. 2873, (7 U.S.C. 79(h))

Done in Washington, D.C. on March 31, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-10186 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-22-M

Forest Service

Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area; Filing of Wilderness Legal Description and Map

Note.—At 45 FR 13490, February 29, 1980, FR Doc. 80-6339 was published which omitted certain legal descriptions and maps. The entire document appears below.

Public Law 95–495, dated October 21, 1978, designated the Boundary Waters Canoe Area Wilderness and the Boundary Waters Canoe Area Mining Protection Area, Superior National Forest, State of Minnesota. Section 3 of the Act directs the Secretary of Agriculture to publish a detailed legal description and map showing the boundaries of the wilderness in the **Federal Register**. Such map and description shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Section 10 of the Act directs the Secretary of Agriculture to file a map and legal description of the mining protection area with the above named Committees. The Act further states that the legal description and maps shall be on file and available for public inspection in the offices of the Supervisor of the Superior National Forest and the Chief, Forest Service.

The Secretary of Agriculture, through the Chief, Forest Service, has elected to combine the legal description and map for both the wilderness and the mining protection area into one document. It should be noted that it is not possible to prepare a satisfactory map involving over one million acres on one page. Thus, the map involves an index and 21 map sheets. These maps are expected to be available for purchase about March 1, 1980. In the interim, they are on file for public inspection in the following offices:

Chief, Forest Service, U.S. Department of Agriculture, South Agriculture Building, Room 4238, 12th and Independence Avenue SW., Washington, D.C. 20013.

Regional Forester, Eastern Region, U.S. Department of Agriculture, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Forest Supervisor, Superior National Forest, U.S. Department of Agriculture, Federal Building, Duluth, Minnesota 55801.

Dated: February 21, 1980.

Douglas R. Leisz,

Associate Chief, Forest Service.

National Wilderness Preservation System—Boundary Waters Canoe Area Wilderness and Mining Protection Area

Superior National Forest

I hereby certify that the legal description and map herewith represent the location of the boundary of the Boundary Waters Canoe Area Wilderness and the Mining Protection Area on the Superior National Forest as covered in the National Wilderness Preservation System by the Act of October 21, 1978.

Signed October 12, 1979.

Norwood F. Robertshaw,

Acting Regional Forester.

Legal Description of the Boundary Waters Canoe Area Wilderness, Superior National Forest, Minn.

August 1979.

The legal description of the Boundary Waters Canoe Area Wilderness, Superior National Forest, Eastern Region, in accordance with Public Law 95–495 dated October 21, 1978.

The Boundary Waters Canoe Area Wilderness embraces three separate areas within the Superior National Forest, Minnesota, as shown on the index map and map sheets herein. The three units are defined as follows:

1. East Unit—Located in northeastern Cook County.

2. Central Unit—Located in northwestern Cook County, northern Lake County and northeastern St. Louis County.

3. Southwest Unit—Located in northeastern St. Louis County.

In the following descriptions of the exterior boundaries of the three units the intent is to define lines which can, if and when necessary, be accurately established and marked on the ground by an authorized land surveyor in accordance with the rules for dependent resurveys and section subdivision as set forth in the U.S. Department of Interior, Bureau of Land Management, Manual of Surveying Instructions for the Survey of the Public Lands of the United States, and with the Statutes of the State of Minnesota pertaining to land surveys, and in accordance with the intent of Public Law 95–495 dated October 21, 1978. The U.S. Government Public Land Survey corners are controlling for bearings and distances where recited. Distances expressed in miles represent the record distances of the U.S. Government land surveys and not precise statute miles, except along the International Boundary where precise statute miles are from the 1931 Report of the International Boundary Commission. In conformance with Public Law 95–495 written descriptions contains calls for boundary lines following lakeshores or the shoreline of waterways. In these cases the distances recited in the descriptions are map distances and subject to change with formal survey. The boundary line in these cases is intended to follow the ordinary high water line. In other cases the written descriptions contain calls for boundary lines following a line 400 feet from and parallel with the shoreline of waterways or lakeshore. In these situations the distances recited in the descriptions are map distances and subject to change with formal survey. The boundary line in these cases is intended to be established at a distance of 400 feet from and parallel with the ordinary high watrer line of the waterway or lakeshore.

The Boundary Waters Canoe Area Wilderness contains 1,084,105 acres more or less. Approximately 792,510 acres are Federally owned.

East Unit

T64N, R3E

1. Beginning at the section corner common to Sections 7, 8, 17 and 18, T64N, R3E, Fourth Principal Meridian;
2. Thence north 0.25 mile along the section line to the south one-sixteenth corner common to Sections 7 and 8, T64N, R3E;
3. Thence east 0.25 mile along the one-sixteenth line to the southwest one-sixteenth corner in Section 8, T64N, R3E;
4. Thence north 0.25 mile along the one-sixteenth line to the center west one-sixteenth corner in Section 8, T64N, R3E;
5. Thence east 0.25 mile along the one-quarter line to the center one-quarter corner in Section 8, T64N, R3E;
6. Thence north 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 5 and 8, T64N, R3E;
7. Thence east 0.27 mile along the section line to the east one-sixteenth corner common to Sections 5 and 8, T64N, R3E;
8. Thence north 0.75 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of McFarland Lake in Section 5, T64N, R3E;
9. Thence westerly 1.00 mile along the ordinary high water line of McFarland Lake to a point of intersection with the western extremity in section 6, T64N, R3E;
10. Thence west 0.05 mile to a point of intersection with the east one-sixteenth line in Section 6, T64N, R3E;
11. Thence north 0.10 mile along the one-sixteenth line to the east one-sixteenth corner common to Section 6, T64N, R3E, and Section 31, T65N, R3E;
12. Thence east 2.26 miles along the township line to the section corner common to Sections 3 and 4, T64N, R3E, and Sections 33 and 34, T65N, R3E;
13. Thence south 0.16 mile along the section line to a point common to Sections 3 and 4, T64N, R3E;
14. Thence east 0.13 mile to a point on the east side of the stream between Little John Lake and John Lake in Section 3, T64N, R3E, 4th P.M., said point being 400 feet southerly of the ordinary high water line of John Lake;
15. Thence easterly, southeasterly, northeasterly and northerly 3.10 miles along a line 400 feet from and parallel with the ordinary high water line of the south shore of John Lake, Royal River, Royal Lake and Royal River to a point of intersection with the east-west one-quarter line of Section 2, T64N, R3E;
16. Thence west 0.11 mile along the one-quarter line to the ordinary high water line on the west bank of the Royal River in Section 2, T64N, R3E;
17. Thence northerly 0.70 mile along the ordinary high water line of Royal River and North Fowl Lake to a point of intersection with the township line common to Section 2, T64N, R3E, and Section 35, T65N, R3E;
18. Thence west 0.20 mile along the township line to the one-quarter corner common to Section 2, T64N, R3E, and Section 35, T65N, R3E;

T65N, R3E

19. Thence north 0.73 mile along the one-quarter line to a point of intersection with the ordinary high water line of North Fowl Lake in Section 35, T65N, R3E;
20. Thence northwesterly 1.50 miles along the ordinary high water line of North Fowl Lake to a point of intersection with the International Boundary line on the northwest end of North Fowl Lake, in Section 27, T65N, R3E;

T65N, R2E; T65N, R1E; T65N, R1W; T65N, R2W

21. Thence westerly 27.42 miles along the International Boundary line to a point of intersection with the ordinary high water line on the south shore of North Lake in Section 22, T65N, R2W;
22. Thence westerly 1.00 mile along the ordinary high water line of North Lake to Frances Bay in Section 21, T65N, R2W;
23. Thence westerly, northerly and easterly 1.30 miles along the ordinary high water line of Frances Bay to North Lake in Section 21, T65N, R2W;
24. Thence northerly 0.69 mile along the ordinary high water line of North Lake to a point of intersection with a creek flowing from Susana Lake to North Lake in Section 21, T65N, R2W;
25. Thence northwesterly 0.09 mile along the creek to a point of intersection with the ordinary high water line of Susana Lake in Section 21, T65N, R2W;
26. Thence westerly 0.45 mile along the ordinary high water line of the south shore of Susana Lake to a point of intersection with the western extremity in Section 21, T65N, R2W;
27. Thence northwesterly 0.36 mile along a line to the section corner common to Sections 16, 17, 20 and 21, T65N, R2W;
28. Thence west and southwesterly 1.00 mile along the section line to the section corner common to Sections 17, 18, 19 and 20, T65N, R2W;
29. Thence south 1.65 miles to the point of intersection with the ordinary high water line on the north shore of Crab Lake common to Sections 29 and 30, T65N, R2W;
30. Thence southeasterly and southwesterly 0.10 mile along the ordinary high water line of Crab Lake to a point of intersection with the section line common to Sections 29 and 30, T65N, R2W;
31. Thence south 0.34 mile along the section line to the south one-sixteenth corner common to Sections 29 and 30, T65N, R2W;
32. Thence east 3.00 miles along the one-sixteenth line to the south one-sixteenth corner common to Sections 26 and 27, T65N, R2W;
33. Thence south 0.25 mile along the section line to the section corner common to Sections 26, 27, 34, and 35, T65N, R2W;

T65N, R1W

34. Thence east 2.49 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Partridge Lake common to Sections 30 and 31, T65N, R1W;
35. Thence southeasterly and northerly 0.30 mile along a line 400 feet from and parallel with the ordinary high water line of Partridge Lake to a point of intersection with the section line common to Sections 30 and 31, T65N, R1W;
36. Thence east 0.18 mile along the section line to the section corner common to Sections 29, 30, 31 and 32, T65N, R1W;
37. Thence south 0.36 mile along the section line to the south-north one sixty-fourth corner common to Sections 31 and 32, T65N, R1W;
38. Thence east 0.50 mile along the one sixty-fourth line to the center south-north one sixty-fourth corner in Section 32, T65N, R1W;
39. Thence south 0.30 mile along the one-quarter line to a point of intersection with the ordinary high water line of Moss Lake in Section 32, T65N, R1W;
40. Thence easterly 0.81 mile along the ordinary high water line of Moss Lake to a point of intersection with the east-west one-quarter line of Section 33, T65N, R1W;
41. Thence east 0.90 mile along the one-quarter line to the one-quarter corner common to Sections 33 and 34, T65N, R1W;
42. Thence north 0.04 mile along the section line to a point of intersection with the ordinary high water line of Bearsking Lake common to Sections 33 and 34, T65N, R1W;
43. Thence northerly 0.41 mile along the ordinary high water line of Bearsking Lake to a point of intersection with the section line common to Sections 33 and 34, T65N, R1W;
44. Thence north 0.05 mile along the section line to the south-north one sixty-fourth corner common to Sections 33 and 34, T65N, R1W;
45. Thence east 2.00 miles along the one sixty-fourth lines to the south-north one sixty-fourth corner common to Sections 35 and 36, T65N, R1W;
46. Thence north 0.23 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Daniels Lake common to Sections 35 and 36, T65N, R1W;
47. Thence northeasterly and easterly 0.40 mile along a line 400 feet from and parallel with the ordinary high water line of Daniels Lake to a point of intersection with the section line common to Sections 25 and 36, T65N, R1W;

T65N, R1E

48. Thence east 1.67 miles along the section lines to a point in Clearwater Lake, being the west one-sixteenth corner common to Sections 29 and 32, T65N, R1E;

T64N, R1E

49. Thence southeasterly and southerly 1.53 miles along the one-sixteenth line to a point of intersection with the ordinary high water line of Flour Lake in Section 5, T64N, R1E;
50. Thence easterly and westerly 0.20 mile along the ordinary high water line to a point of intersection with the west one-sixteenth line of Flour Lake in Section 5, T64N, R1E;
51. Thence south 0.19 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of Flour Lake in Section 5, T64N, R1E;
52. Thence easterly and westerly 0.15 mile along the ordinary high water line of Flour Lake to a point of intersection with the west one-sixteenth line in Section 5, T64N, R1E;
53. Thence south 0.24 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of East Bearskin Lake in Section 8, T64N, R1E;
54. Thence northeasterly 0.82 mile along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Sections 4 and 5, T64N, R1E;
55. Thence south 0.10 mile along the section line to a point of intersection with the ordinary high water line of East Bearskin Lake common to Sections 4 and 5, T64N, R1E;
56. Thence southwesterly and easterly 1.50 miles along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Sections 8 and 9, T64N, R1E;
57. Thence south 0.23 mile along the section line to a point of intersection with the ordinary high water line of East Bearskin Lake common to Sections 8 and 9, T64N, R1E;
58. Thence westerly 2.21 miles along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Section 7, T64N, R1E, and Section 12, T64N, R1W;
59. Thence south 0.30 mile along the 4th Principal Meridian to the section corner

common to Sections 7 and 18, T64N, R1E, and Sections 12 and 13, T64N, R1W;

T64N, R1E

60. Thence east 0.46 mile along the section line to the one-quarter corner common to Sections 7 and 18, T64N, R1E;
61. Thence south 1.00 mile along the one-quarter line to the one-quarter corner common to Sections 18 and 19, T64N, R1E;
62. Thence east 3.51 miles along the section lines to the section corner common to Sections 14, 15, 22 and 23, T64N, R1E;
63. Thence north 0.93 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Crocodile Lake in T64N, R1E;
64. Thence easterly 1.02 miles along a line 400 feet from and parallel with the ordinary high water line of Crocodile Lake to a point of intersection with the section line common to Sections 13 and 14, T64N, R1E;
65. Thence north 0.03 mile along the section line to the section corner common to Sections 11, 12, 13 and 14, T64N, R1E;

T64N, R2E

T64N, R3E

66. Thence east 8.01 miles along the section lines to the section corner common to Sections 7, 8, 17 and 18, T64N, R3E, being the point of beginning.

Central Unit

T67N, R16W;

1. Beginning at turning point 300 on the International Boundary in Little Vermilion Narrows in Section 6, T67N, R16W, Fourth Principal Meridian;
2. Thence north 0.31 mile along the International Boundary to a point of intersection with the north one-sixteenth line as extended in Section 6, T67N, R16W;
3. Thence west 0.47 mile along the one-sixteenth line to the north sixteenth corner common to Section 6, T67N, R16W, and Section 1, T67N, R17W;
4. Thence south 0.50 mile along the range line to the south one-sixteenth corner common to Section 6, T67N, R16W, and Section 1, T67N, R17W;
5. Thence east 0.25 mile along the one-sixteenth line to the southwest one-sixteenth corner of Section 6, T67N, R16W;
6. Thence south 0.25 mile along the one-sixteenth line to the west one-sixteenth corner common to Sections 6 and 7, T67N, R16W;
7. Thence east 0.50 mile along the section line to the east one-sixteenth corner common to Sections 6 and 7, T67N, R16W;
8. Thence south 0.25 mile along the one-sixteenth line to the northeast one-sixteenth corner of Section 7, T67N, R16W;
9. Thence east 0.25 mile along the one-sixteenth line to the north one-sixteenth corner common to Sections 7 and 8, T67N, R16W;

T66N, R16W

10. Thence south 5.76 miles along the section lines to the section corner common to Sections 5, 6, 7, and 8, T66N, R16W;
11. Thence east 1.00 mile along the section line to the section corner common to Sections 4, 5, 8, and 9, T66N, R16W;
12. Thence south 1.00 mile along the section line to the section corner common to Sections 8, 9, 16, and 17, T66N, R16W;
13. Thence east 3.00 miles along the section lines to the section corner common to Sections 11, 12, 13, and 14, T66N, R16W;
14. Thence south 3.00 miles along the section lines to the section corner common to Sections 25, 26, 35, and 36, T66N, R16W;
15. Thence east 1.00 mile along the section line to the section corner common to Sections 25 and 36, T66N, R16W;

T66N, R15W

16. Thence north 0.05 mile along the range line to the section corner common to Sections 30 and 31, T66N, R15W;
17. Thence east 4.23 miles along the section lines to the section corner common to Sections 26, 27, 34, and 35, T66N, R15W;
18. Thence south 0.25 mile along the section line to the north one-sixteenth corner common to Sections 34 and 35, R66N, R15W;
19. Thence east 0.75 mile along the one-sixteenth line to the northeast one-sixteenth corner in Section 35, T66N, R15W;

T65N, R15W

20. Thence south 0.86 mile along the one-sixteenth lines to the center-north northeast one sixty-fourth corner of Section 2, T65N, R15W;
21. Thence east 0.75 mile along the one sixty-fourth line to the center north north one sixty-fourth corner of Section 1, T65N, R15W;

T66N, R15W

22. Thence north 1.13 miles along the one-quarter lines to the one-quarter corner common to Sections 25 and 36, T66N, R15W;

T66N, R14W

23. Thence east 2.57 miles along the section lines to the section corner common to Sections 28, 29, 32, and 33, T66N, R14W;
24. Thence south 1.00 mile along the section line to the standard section corner common to Sections 31 and 33, T66N, R14W;

T65N, R14W

25. Thence east 0.88 mile along the township line to the closing section corner common to Sections 3 and 4, T65N, R15W;
26. Thence south 0.92 mile along the section line to the section corner common to Sections 3, 4, 9, and 10, T65N, R15W;
27. Thence east 1.00 mile along the section line to the section corner common to Sections 2, 3, 10, and 11, T65N, R14W;
28. Thence south 0.86 mile along the section line to the south-south one sixty-fourth corner common to Sections 10 and 11, T65N, R14W;
29. Thence east 0.50 mile along the one sixty-fourth line to the center south-south one sixty-fourth corner in Section 11, T65N, R14W;
30. Thence south 0.13 mile along the one-quarter line to the one-quarter corner common to Sections 11 and 14, T65N, R14W;
31. Thence east 0.75 mile along the section lines to the west one-sixteenth corner common to Sections 12 and 13, T65N, R14W;
32. Thence south 0.50 mile along the one sixteenth line to the center west one-sixteenth corner of Section 13, T65N, R14W;
33. Thence east 0.25 mile along the one-quarter line to the center one-quarter corner of Section 13, T65N, R14W;
34. Thence south 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 13 and 24, T65N, R14W;
35. Thence east 0.50 mile along the section line to the section corner common to Sections 13 and 24, T65N, R14W;

T65N, R13W

36. Thence south 0.02 mile along the range line to the section corner common to Sections 18 and 19, T65N, R13W;
37. Thence east 4.59 miles along the section lines to the one-quarter corner common to Sections 14 and 23, T65N, R13W;
38. Thence south 0.50 mile along the one-quarter line to the center one-quarter corner of Section 23, T65N, R13W;
39. Thence east 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 23 and 24, T65N, R13W;
40. Thence south 0.50 mile along the section line to the section corner common to Sections, 23, 24, 25, and 26, T65N, R13W;
41. Thence east 1.00 mile along the section line to the section corner common to Sections 24 and 25, T65N, R13W, and Sections 19 and 30, T65N, R12W;

T65N, R12W

42. Thence south 1.00 mile along the range line to the section corner common to Sections 25 and 36, T65N, R13W, and Sections 30 and 31, T65N, R12W;
43. Thence east 0.50 mile along the section line to the one-quarter corner common to Sections 30 and 31, T65N, R12W;
44. Thence south 1.00 mile along the one-quarter line to the standard one-quarter corner of Section 31, T65N, R12W;

T64N, R12W

45. Thence west 0.13 mile along the township line to the east-west one sixty-fourth corner of Section 6, T64N, R12W;
46. Thence south 2.25 miles along the one sixty-fourth lines to the center east-northwest on sixty-fourth corner of Section 18, T64N, R12W;
47. Thence east 1.13 miles along the one-sixteenth lines to the center north one-sixteenth corner of Section 17, T64N, R12W;
48. Thence north 0.75 mile along the one-quarter lines to the center one-quarter corner of Section 8, T64N, R12W;
49. Thence east 0.75 mile along the one-quarter line to the center west one-sixteenth corner of Section 9, T64N, R12W;
50. Thence north 1.13 miles along the one-sixteenth lines to the center south-northwest one sixty-fourth corner of Section 4, T64N, R12W;

51. Thence east 0.13 mile along the one-sixteenth line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Holy Lake in Section 4, T64N, R12W;
52. Thence southerly, easterly and northeasterly 0.56 mile along a line 400 feet from and parallel with the ordinary high water line of Holy Lake to a point of intersection with the township line on the north boundary line of Section 4, T64N, R12W;
53. Thence east 2.13 miles along the township line to the east one-sixteenth corner on the north boundary line of Section 2, T64N, R12W;
54. Thence south 2.00 miles along the one-sixteenth lines to the east one-sixteenth corner common to sections 11 and 14, T64N, R12W;
55. Thence west 0.25 mile along the section line to the one-quarter corner common to Sections 11 and 14, T64N, R12W;
56. thence south 0.25 mile along the one-quarter line to the center north one-sixteenth corner in Section 14, T64N, R12W;
57. Thence east 1.25 miles along the one-sixteenth lines to the northeast one-sixteenth corner in Section 13, T64N, R12W;
58. Thence south 0.75 mile along the one-siteeenth line to the east one-sixteenth corner common to Sections 13 and 24, T64N, R12W;

T64N, R11W

59. Thence east 2.25 miles along the section lines to the section corner common to Sections 16, 17, 20, and 21, T64N, R11W;
60. Thence south 3.00 miles along the section lines to the standard section corner on the township line common to Sections 32 and 33, T64N, R11W;

T63N, R11W

61. Thence east 0.21 mile along the township line to the closing section corner common to Sections 4 and 5, T63N, R11W;
62. Thence south 1.25 miles along the section lines to the one-quarter corner common to Sections 8 and 9, T63N, R11W;

T63N, R10W

63. Thence east 5.00 miles along the one quarter line to the one-quarter corner common to Sections 7 and 8, T63N, R10W;
64. Thence north 0.80 mile along the section line to the closing section corner common to Sections 5 and 6, T63N, R10W;

T64N, R10W

65. Thence east 2.70 miles along the township line to the standard section corner common to Sections 34 and 35, T64N, R10W;
66. Thence north 1.00 mile along the section line to the section corner common to Sections 26, 27, 34, and 35, T64N, R10W;
67. Thence east 1.92 miles along the section lines to a point of intersection with the ordinary high water line of Moose Lake common to Sections 25 and 36, T64N, R10W;

T64N, R9W

68. Thence easterly 0.83 mile along the ordinary high water line of Moose Lake to a point of intersection with the north-south one-quarter line of Section 30, T64N, R9W;
69. Thence north 0.06 mile along the one-quarter line to an iron pin 432.03 feet south of the northwest corner of Government Lot 6, Section 30, T64N, R9W;
70. Thence east 1113.20 feet to an iron pin located 432.03 feet south of the north boundary line of Government Lot 6, Section 30, T64N, R9W;
71. Thence south 0.06 mile to a point of intersection with the ordinary high water line of Moose Lake in Section 30, T64N, R9W;
72. Thence northeasterly 0.61 mile along the ordinary high water line to a point of intersection with the east-west one-quarter line of Section 29, T64N, R9W;
73. Thence east 4.80 miles along the one-quarter line to the one-quarter corner common to Section 25, T64N, R9W, and Section 30, T64N, R8W;
74. Thence south 1.50 miles along the range line to the township corner common to Section 36, T64N, R9W, and Section 31, T64N, R8W;

T63N,R9W

75. Thence east 0.29 mile along the township line to the closing township corner common to Section 1, T63N, R9W, and Section 6, T63N, R8W;
76. Thence south 0.35 mile along the range line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Parent Lake common to Section 6, T63N, R8W, and Section 1, T63N, R9W;
77. Thence southwesterly, southerly and easterly 1.00 mile along a line 400 feet from and parallel with the ordinary high water line of Parent Lake to a point of intersection with the range line common to Section 7, T63N, R8W, and Section 12, T63N, R9W;
78. Thence south 1.44 miles along the range line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Delta Lake common to Section 18, T63N, R8W, and Section 13, T63N, R9W;
79. Thence westerly and southerly 0.49 mile along a line 400 feet from and parallel with the ordinary high water line of Delta Lake to a point of intersection with the section line common to Sections 13 and 24, T63N, R9W;
80. Thence west 2.00 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Lake One common to Sections 15 and 22, T63N, R9W;
81. Thence northerly and westerly 1.31 miles along a line 400 feet from and parallel with the ordinary high water line of Lake One to a point of intersection with the section line common to Sections 15 and 16, T63N, R9W;
82. Thence north 0.15 mile along the section line to a point of intersection with the ordinary high water line of Lake One common to Sections 15 and 16, T63N, R9W;
83. Thence northeasterly, westerly and southerly 2.83 miles along the ordinary high water line of Lake One to a point of intersection with the south one-sixteenth line in Section 16, T63N, R9W;
84. Thence west 1.74 miles along the one-sixteenth lines to the southeast one-sixteenth corner of Section 18, T63N, R9W;
85. Thence south 0.25 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 18 and 19, T63N, R9W;
86. Thence west 0.75 mile along the section line to the section corner on the range line common to Sections 18 and 19, T63N, R9W;

T63N, R10W

87. Thence south 0.30 mile along the range line to the one-quarter corner to Section 24, T63N, R10W;
88. Thence west 0.75 mile along the one-quarter line to the center west one-sixteenth corner in Section 24, T63N, R10W;
89. Thence south 0.25 mile along the one-sixteenth line to the southwest one-sixteenth corner in Section 24, T63N, R10W;
90. Thence west 1.50 miles along the one-sixteenth lines to the southeast one-sixteenth corner in Section 22, T63N, R10W;
91. Thence north 0.15 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of Uranus Lake in Section 22, T63N, R10W;
92. Thence westerly and northerly 0.36 mile along the ordinary high water line of Uranus Lake to a point of intersection with the east-west one-quarter line in Section 22, T63N, R10W;
93. Thence west 0.65 mile along the one-quarter line to the one-quarter corner common to Sections 21 and 22, T63N, R10W;
94. Thence south 0.25 mile along the section line to the south one-sixteenth corner common to Sections 21 and 22, T63N, R10W;
95. Thence west 0.25 mile along the one-sixteenth line to the southeast one-sixteenth corner in Section 21, T63N, R10W;
96. Thence south 0.25 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 21 and 28, T63N, R10W;
97. Thence west 2.25 miles along the section lines to the one-quarter corner common to Sections 19 and 30, T63N, R10W;
98. Thence south 0.25 mile along the one-quarter line to the center north one-sixteenth corner in Section 30, T63N, R10W;

T63N, R11W

99. Thence west 0.73 mile along the one-sixteenth lines to a point of intersection with the ordinary high water line of Pickerel Lake in Section 25, T63N, R11W;
100. Thence westerly 0.25 mile along the ordinary high water line of Pickerel Lake to a point of intersection with the north one-sixteenth line in Sections 25, T63N, R11W;
101. Thence west 1.35 miles along the one-sixteenth lines to the north one-sixteenth corner common to Sections 26 and 27, T63N, R11W;

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T62N, R11W

102. Thence south 2.75 miles along the section lines to the section corner common to Sections 2, 3, 10, and 11, T62N, R11W;
103. Thence east 2.00 miles along the section lines to the section corner common to Sections 1 and 12, T62N, R11W, and Sections 6 and 7, T62N, R10W;
104. Thence south 1.42 miles along the range line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of the South Kawishiwi River common to Section 13, T62N, R11W, and Section 18, T62N, R10W;
105. Thence southwesterly and southerly 1.10 miles along a line 400 feet from and parallel with the ordinary high water line of the South Kawishiwi River to a point of intersection with the narrows at approximately the east-west one sixty-fourth line of Section 24, T62N, R11W;
106. Thence southeast 0.03 mile across the South Kawishiwi River to a point of intersection with the ordinary high water line of the South Kawishiwi River in Section 24, T62N, R11W;

T62N, R10W

107. Thence southeast and northeast 0.95 mile along a line 400 feet from and parallel with the ordinary high water line of the South Kawishiwi River to a point of intersection with the section line common to Sections 18 and 19, T62N, R10W;
108. Thence east 1.65 miles along the section lines to the east one-sixteenth corner common to Sections 17 and 20, T62N, R10W;
109. Thence south 0.25 mile along the one-sixteenth line to the northeast one-sixteenth corner in Section 20, T62N, R10W;
110. Thence east 0.25 mile along the one-sixteenth to the north one-sixteenth corner common to Sections 20 and 21, T62N, R10W;
111. Thence south 2.75 miles along the section lines to the standard section corner common to Sections 32 and 33, T62N, R10W;

T61N, R10W

112. Thence east 1.92 miles along the township line to the closing section corner common to Sections 2 and 3, T61N, R10W;
113. Thence south 1.94 miles along the section lines to the section corner common to Sections 10, 11, 14, and 15, T61N, R10W;
114. Thence east 2.00 miles along the section lines to the section corner common to Sections 12 and 13, T61N, R10W;

T61N, R9W

115. Thence south 0.26 mile along the range line to the section corner common to Sections 7 and 18, T61N, R9W;
116. Thence east 1.90 miles along the section line to a point of intersection with the north right-of-way line of Forest Road #381 being thirty-three feet from and parallel with the road centerline intersecting the section line common to Sections 8 and 17, T61N, R9W;
117. Thence northeasterly and southeasterly 0.50 mile along the north right-of-way line to a point of intersection with the section line common to Sections 9 and 16, T61N, R9W;
118. Thence east 1.38 miles along the section lines to a point of intersection with the north right-of-way line of Forest Road #361 being thirty-three feet from and parallel with the road centerline intersecting the section line common to Sections 10 and 15, T61N, R9W;
119. Thence easterly 1.25 miles along the north right-of-way line to a point of intersection with the section line common to Sections 11 and 14, T61N, R9W;
120. Thence east 1.22 miles along the section lines to the section corner common to Sections 12 and 13, T61N, R9W;

T61N, R8W

121. Thence south 0.06 mile along the range line to the section corner common to Sections 7 and 18, T61N, R8W;
122. Thence east 1.98 miles along the section lines to the section corner common to Sections 8, 9, 16, and 17, T61N, R8W;
123. Thence north 1.00 mile along the section line to the section corner common to Sections 4, 5, 8, and 9, T61N, R8W;
124. Thence east 1.74 miles along the section lines to a point of intersection with the west right-of-way line of the vacated railroad grade of the DM&IR Railroad being one hundred feet from and parallel with the roadbed centerline intersecting the section line common to Sections 3 and 10, T61N, R8W;
125. Thence northerly 1.11 miles along the west right-of-way line to a point of intersection with the section line common to Sections 2 and 3, T61N, R8W;
126. Thence north 0.15 mile along the section line to the section corner on the township line common to Sections 2 and 3, T61N, R8W, and Sections 34 and 35, T62N, R8W;
127. Thence east 1.13 miles along the township line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Isabella Lake in Section 1, T61N, R8W, and Section 36, T62N, R8W;
128. Thence easterly 1.23 miles along a line 400 feet from and parallel with the ordinary high water line of Isabella Lake to a point of intersection with the range line common to Section 36, T62N, R8W, and Section 6, T61N, R7W;
129. Thence south 0.06 mile along the range line to the township corner of Section 1, T61N, R8W;

T61N, R7W

130. Thence south 1.67 miles along the range line to the section corner common to Sections 7 and 18, T61N, R7W;

T61N, R6W

131. Thence east 8.41 miles along the section lines to the one-quarter corner common to Sections 9 and 16, T61N, R6W;

T62N, R6W

132. Thence north 2.25 miles along the one-quarter line to the center south one-sixteenth corner in Section 33, T62N, R6W;
133. Thence east 0.50 mile along the one-sixteenth line to the south one-sixteenth corner common to Sections 33 and 34, T62N, R6W;
134. Thence north 0.50 mile along the section line to the north one-sixteenth corner common to Sections 33 and 34, T62N, R6W;
135. Thence west 0.75 mile along the one-sixteenth line to the northwest one-sixteenth corner in Section 33, T62N, R6W;
136. Thence north 1.25 miles along the one-sixteenth line to the west one-sixteenth corner common to Sections 21 and 28, T62N, R6W;
137. Thence east 0.26 mile along the section line to a point of intersection with a line 400 feet from and parallel with the centerline of Forest Road #354 intersecting the section line common to Sections 21 and 28, T62N, R6W;
138. Thence northerly and westerly 0.82 mile along a line 400 feet from and parallel with the centerline of Forest Road #354 to the ordinary high water line of Kawishiwi Lake in Section 21, T62N, R6W;
139. Thence northwesterly and northeasterly 0.18 mile along the ordinary high water line to a point of intersection with a line 400 feet from and parallel with the centerline of Forest Road #354 where it intersects Kawishiwi Lake in Section 21, T62N, R6W;
140. Thence easterly and southerly 0.82 mile along a line 400 feet from and parallel with the centerline of Forest Road #354 to a point of intersection with the section line common to Sections 21 and 28, T62N, R6W;
141. Thence east 3.30 miles along the section lines to the section corner common to Section 24 and 25, T62N, R6W;

T62N, R5W

142. Thence south 0.07 mile along the range line to the section corner common to Sections 19 and 30, T62N, R5W;
143. Thence east 6.00 miles along the section lines to the section corner common to Sections 24 and 25, T62N, R5W, and Sections 19 and 30, T62N, R4W;
144. Thence north 2.25 miles along the range line to the south one-sixteenth corner common to Section 7, T62N, R4W, and Section 12, T62N, R5W;

T62N, R4W

145. Thence northeasterly 0.08 mile to a point of intersection with the ordinary high water line of Sawbill Lake in Section 7, T62N, R4W;
146. Thence northerly 1.10 miles along the ordinary high water line of Sawbill Lake to a point of intersection with the section line common to Sections 6 and 7, T62N, R4W;
147. Thence east 0.25 mile across a bay in Sawbill Lake to a point of intersection with the ordinary high water line of Sawbill Lake common to Sections 6 and 7, T62N, R4W;
148. Thence southerly, easterly and northerly along the ordinary high water line of Sawbill Lake to a point of intersection with the section line common to Sections 6 and 7, T62N, R4W;
149. Thence east 0.01 mile along the line to a point of intersection with the ordinary high water line on the west shore of an unsurveyed island in Sawbill Lake common to Sections 6 and 7, T62N, R4W;
150. Thence southerly and northerly 0.17 mile along the ordinary high water line of Sawbill Lake to a point of intersection with the section line common to Section 6 and 7, T62N, R4W;
151. Thence east 0.45 mile along the section line to the section corner common to Sections 5, 6, 7, and 8, T62N, R4W;
152. Thence south 1.00 mile along the section line to the section corner common to Sections 7, 8, 17, and 18, T62N, R4W;
153. Thence east 2.00 miles along the section lines to the section corner common to Sections 9, 10, 15, and 16, T62N, R4W;
154. Thence south 1.00 mile along the section line to the section corner common to Sections 15, 16, 21, and 22, T62N, R4W;
155. Thence east 3.00 miles along the section lines to the section corner common to Sections 13 and 24, T62N, R4W, and Sections 18 and 19, T62N, R3W;

T62N, R3W

156. Thence north 1.00 mile along the range line to the section corner common to Sections 12 and 13, T62N, R4W, and Sections 7 and 18, T62N, R3W;
157. Thence east 1.62 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Kinogami Lake common to Sections 8 and 17, T62N, R3W;
158. Thence southwesterly, northeasterly, easterly, northerly and westerly 4.25 miles along a line 400 feet from and parallel with the ordinary high water line of Kinogami Lake to a point of intersection with the section line common to Sections 9 and 10, T62N, R3W;
159. Thence north 0.80 mile along the section line to the section corner common to Sections 3, 4, 9, and 10, T62N, R3W;
160. Thence east 0.50 mile along the section line to the one-quarter corner common to Sections 3 and 10, T62N, R3W;
161. Thence north 0.50 mile along the one-quarter line to the center one-quarter corner of Section 3, T62N, R3W;
162. Thence east 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 2 and 3, T62N, R3W;
163. Thence north 0.50 mile along the section line to the section corner common to Sections 2 and 3, T62N, R3W, and Sections 34 and 35, T63N, R3W;
164. Thence west 0.50 mile along the township line to the one-quarter corner common to Section 3, T62N, R3W, and Section 34, T63N, R3W;

T63N, R3W

165. Thence north 2.36 miles along the one-quarter lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Juno Lake in Section 22, T63N, R3W;
166. Thence easterly and northwesterly 1.10 miles along a line 400 feet from and parallel with the ordinary high water line of Juno Lake to a point of intersection with the north-south one-quarter line of Section 22, T63N, R3W;
167. Thence north 0.01 mile along the one-quarter line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Jock Mock Bay of Brule Lake in Section 22,T63N, R3W;
168. Thence easterly, southeasterly and southerly 2.75 miles along a line 400 feet from and parallel with the ordinary high water line of Jock Mock Bay and Brule Lake to a point of intersection with the ordinary high water line of a narrow channel from a small bay in the southwest one-quarter of Section 24, T63N, R3W;
169. Thence southwesterly, easterly, northeasterly and southeasterly 2.21 miles along the ordinary high water line of a bay in Brule Lake and a small bay in the southwest one-quarter to a point of intersection with the south-north-south one two-fifty-sixth line in Section 24, T63N, R3W;
170. Thence west 0.37 mile along the one two-fifty-sixth line to a point of intersection with a line 400 feet from and parallel with the center line of Forest Road No. 326 in Section 24, T63N, R3W;
171. Thence southwesterly 0.61 mile along a line 400 feet from and parallel with the center line of Forest Road No. 326 to a point of intersection with the north-south one-quarter line in Section 24, T63N, R3W;
172. Thence south 0.60 mile along the one-quarter line to a point of intersection with the ordinary high water line of Star Lake in Section 25, T63N, R3W;
173. Thence easterly 0.60 mile along the ordinary high water line of Star Lake to a point of intersection with the range line common to Section 25, T63N, R3W, and Section 30, T63N, R2W;

T63N, R2W

174. Thence north 0.06 mile along the range line to the one-quarter corner common to Section 25, T63N, R3W, and Section 30, T63N, R2W;
175. Thence east 2.00 miles along the one-quarter corner common to Sections 28 and 29, T63N, R2W;
176. Thence south 0.06 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Eagle Lake common to Sections 28 and 29, T63N, R2W;
177. Thence northwesterly, southwesterly and southeasterly 0.25 mile along a line 400 feet from and parallel with the ordinary high water line of Eagle Lake to a point of intersection with the section line common to Sections 28 and 29, T63N, R2W;
178. Thence south 0.50 mile along the section line to the north one-sixteenth corner common to Sections 32 and 33, T63N, R2W;
179. Thence east 0.25 mile along the one-sixteenth line to the northwest one-sixteenth corner, Section 33, T63N, R2W;
180. Thence south 0.12 mile along the one-sixteenth line to the center-south-northwest one-sixty-fourth corner, Section 33, T63N, R2W;
181. Thence southwesterly 0.39 mile to the center-east-west-southwest one-two hundred fifty sixth corner, Section 33, T63N, R2W;
182. Thence southeasterly 0.28 mile to the west one-sixteenth corner common to Section 33, T63N, R2W, and Section 4, T62N, R2W;

T62N, R2W

183. Thence southeasterly 0.70 mile to the center one-quarter corner, Section 4, T62N, R1W;
184. Thence south 0.50 mile along the quarter line to the one-quarter corner common to Sections 4 and 9, T62N, R2W;
185. Thence east 2.50 miles along the section lines to the section corner common to Sections 1, 2, 11, and 12, T62N, R2W;

T63N, R2W

186. Thence north 3.00 miles along the section lines to the section corner common to Sections 23, 24, 25, and T63N, R2W;

T63N, R1W

187. Thence east 1.13 miles along the section lines to a point of intersection with the ordinary high water line of Ball Club Lake common to Sections 19 and 30, T63N, R1W;
188. Thence northeasterly, easterly and southeasterly 0.81 mile along the ordinary high water line of Ball Club Lake to a point of intersection with the section line common to Sections 19 and 30, T63N, R1W;
189. Thence east 2.40 miles along the section lines to the section corner common to Sections 21, 22, 27, and 28, T63N, R1W;
190. Thence north 1.62 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Lower Trout Lake common to Sections 15 and 16, T63N, R1W;
191. Thence easterly and northwesterly 1.10 miles along a line 400 feet from and parallel with the ordinary high water line of Bower Trout Lake to a point of intersection with the section line common to Sections 15 and 16, T63N, R1W;
192. Thence north 0.63 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Ram Lake common to Sections 9 and 10, T63N, R1W;
193. Thence northeasterly and westerly 0.80 mile along a line 400 feet from and parallel with the ordinary high water line of Ram Lake to a point of intersection with the section line common to Sections 9 and 10, T63N, R1W;
194. Thence north 1.10 miles along the section lines to the section corner common to Sections 3 and 4, T63N, R1W, and Sections 33 and 34, T64N, R1W;

T64N, R1W

195. Thence east 1.00 mile along the section line to the section corner common to Sections 2 and 3, T63N, R1W, and Sections 34 and 35, T64N, R1W;
196. Thence north 2.63 miles to the south-north one sixty-fourth corner common to Sections 22 and 23, T64N, R1W;
197. Thence northwest 0.69 mile to the one-quarter corner common to Sections 15 and 22, T64N, R1W;
198. Thence west 1.50 miles along the section lines to the section corner common to Sections 16, 17, 20, and 21, T64N, R1W;
199. Thence north 1.00 mile along the section line to the section corner common to Sections 8, 9, 16, and 17 T64N, R1W;

T64N, R2W

200. Thence west 3.00 miles to the section corner common to Sections 11, 12, 13, and 14, T64N, R2W;
201. Thence north 0.70 mile along the section line to a point of intersection with the

ordinary high water line of Poplar Lake common to Sections 11 and 12, T64N, R2W;
202. Thence westerly and northwesterly 0.40 mile along the ordinary high water line of Poplar Lake to a point of intersection with the section line common to Sections 11 and 12, T64N, R2W;
203. Thence north 0.30 mile along the section line to the section corner common to Sections 1, 2, 11, and 12, T64N, R2W;
204. Thence west 1.00 mile along the section line to the section corner common to Sections 2, 3, 10, and 11, T64N, R2W;
205. Thence north 0.50 mile along the section line to the one-quarter corner common to Sections 2 and 3, T64N, R2W;

T64N, R3W

206. Thence west 8.00 miles along the section line to the one-quarter corner common to Sections 4 and 5, T64N, R3W;
207. Thence north 0.50 mile along the section line to the closing section corner common to Sections 4 and 5, T64N, R3W;

T65N, R4W

208. Thence west 6.25 miles along the township lines to the standard section corner common to Sections 32 and 33, T65N, R4W;
209. Thence north 1.00 mile along the section line to the section corner common to Sections 28, 29, 32, and 33, T65N, R4W;
210. Thence west 0.20 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Brant Lake common to Sections 29 and 32, T65N, R4W;
211. Thence northwesterly and southwesterly 0.25 mile along a line 400 feet from and parallel with the ordinary high water line of Brant Lake to a point of intersection with the section line common to Sections 29 and 32, T65N, R4W;
212. Thence west 0.02 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Everett Lake common to Sections 29 and 32, T65N, R4W;
213. Thence northwesterly and westerly 0.50 mile along a line 400 feet from and parallel with the ordinary high water line of Everett Lake to a point of intersection with the section line common to Sections 29 and 30, T65N, R4W;
214. Thence north 4.37 miles along the section lines to the one-quarter position corner common to Sections 5 and 6, T65N, R4W;
215. Thence west 0.88 mile along the one-quarter line to a point of intersection with the ordinary high water line of the east end of Three Mile Island in Sea Gull Lake in Section 6, T65N, R4W;
216. Thence northwesterly and southwesterly 0.20 mile along the ordinary high water line of Three Mile Island in Sea Gull Lake to a point of intersection with the range line common to Section 6, T65N, R4W, and Section 1, T65N, R5W;
217. Thence north 0.37 mile along the range line to the township corner position common to T65N, R4W, T65N, R5W, T66N, R4W, and T66N, R5W;

T66N, R5W

218. Thence west 0.50 mile along the township line to the one-quarter corner common to Section 1, T65N, R5W, and Section 36, T66N, R5W;
219. Thence north 1.00 mile along the one-quarter line to the one-quarter corner common to Sections 25 and 36, T66N, R5W;
220. Thence east 0.50 mile along the section line to the section corner common to Sections 30 and 31, T66N, R4W, and Sections 25 and 36, T66N, R5W;
221. Thence north 1.00 mile along the range line to the section corner common to Sections 19 and 30, T66N, R4W, and Sections 24 and 25, T66N, R5W;

T66N, R4W

222. Thence east 2.00 miles along the section lines to the section corner common to Sections 20, 21, 28, and 29, T66N, R4W;
223. Thence south 2.00 miles along the section lines to the section corner common to Sections 32 and 33, T66N, R4W, and Sections 4 and 5, T65N, R4W;

T65N, R4W

224. Thence east 1.00 mile along the township line to the section corner common to Sections 33 and 34, T66N, R4W, and Sections 3 and 4, T65N, R4W;
225. Thence south 1.75 miles along the section lines to the south one-sixteenth corner common to Sections 9 and 10, T65N, R4W;
226. Thence southeast 0.35 mile to the west one-sixteenth corner common to Sections 10 and 15, T65N, R4W;
227. Thence east 0.75 mile along the section line to the section corner common to Sections 10, 11, 14, and 15, T65N, R4W;
228. Thence south 1.00 mile along the section line to the section corner common to Sections 14, 15, 22, and 23, T65N, R4W;
229. Thence east 1.63 miles along the section lines to a point of intersection with the ordinary high water line of Magnetic Lake common to Sections 13 and 24, T65N, R4W;
230. Thence northeasterly, northerly and northwesterly 1.10 miles along the ordinary high water line of Magnetic Lake to a point of intersection with the range line common to Section 18, T65N, R3W, and Section 13, T65N, R4W;
231. Thence north 0.02 mile on an extension of the range line to a point of intersection with the International Boundary line common to Section 18, T65N, R3W, and Section 13, T65N, R4W;

T66N, R4W; T66N, R5W; T66N, R6W; T65N, R6W; T65N, R7W; T65N, R8W; T64N, R9W; T65N, R9W; T64N, R10W; T65N, R10W; T65N, R11W; T66N, R11W; T66N, R12W; T66N, R13W; T67N, R13W; T68N, R13W; T68N, R14W; T68N, R15W; T67N, R15W; T66N, R15W; T66N, R16W; T67N, R16W;

232. Thence northerly and westerly 144.14 miles along the International Boundary line to the point of beginning.

Southwest Unit

T63N, R16W

1. Beginning at the section corner common to Sections 21, 22, 27 and 28, T63N, R16W, Fourth Principal Meridian;
2. Thence east 1.13 miles along the section lines to a point of intersection with the ordinary high water line of Vermilion Lake common to Sections 23 and 26, T63N, R16W;
3. Thence northerly, easterly and southerly 0.41 mile along the ordinary high water line of Vermilion Lake to a point of intersection with the section line common to Sections 23 and 26, T63N, R16W;
4. Thence east 0.79 mile along the section lines to a point of intersection with the ordinary high water line of Vermilion Lake common to Sections 24 and 25, T63N, R16W;
5. Thence northerly, easterly and southerly 0.10 mile along the ordinary high water line of Vermilion Lake to a point of intersection with the section line common to Sections 24 and 25, T63N, R16W;

T63N, R15W

6. Thence east 1.48 miles along the section lines to the east sixteenth corner common to Sections 19 and 30, T63N, R15W;
7. Thence south 1.00 mile along the sixteenth line to the east sixteenth corner common to Section 30 and 31, T63N, R15W;

T63N, R14W

8. Thence east 11.00 miles along the section lines to a point of intersection with the ordinary high water line of Burntside Lake common to Sections 25 and 36, T63N, R14W;
9. Thence northwesterly and northeasterly 0.61 mile along the ordinary high water line of Burntside Lake to a point of intersection with the section line common to Section 25, T63N, R14W, and Section 30, T63N, R13W;
10. Thence north 1.74 miles along the range line to the section corner common to Sections 13 and 24, T63N, R14W, and Sections 18 and 19, T63N, R13W;

T63N, R13W

11. Thence east 1.00 mile along the section line to the section corner common to Sections 17, 18, 19, and 20, T63N, R13W;
12. Thence north 2.00 miles along the section lines to the section corner common to Sections 5, 6, 7, and 8, T63N, R13W;
13. Thence east 1.00 mile along the section line to the section corner common to Sections 4, 5, 8, and 9, T63N, R13W;

T64N, R13W

14. Thence north 2.00 miles along the section lines to the section corner common to Sections 28, 29, 32, and 33, T64N, R13W;
15. Thence east 2.00 miles along the section lines to the section corner common to Sections 26, 27, 34, and 35, T64N, R13W;
16. Thence north 0.50 mile along the section line to the one-quarter corner common to Sections 26 and 27, T64N, R13W;
17. Thence east 0.25 mile along the one-quarter line to the center west one-sixteenth corner in Section 26, T64N, R13W;
18. Thence north 0.25 mile along the one-sixteenth line to the northwest one-sixteenth corner in Section 26, T64N, R13W;
19. Thence east 0.25 mile along the one-sixteenth line to the center north one-sixteenth corner in Section 26, T64N, R13W;
20. Thence north 0.25 mile along the one-quarter line to the one-quarter corner common to Sections 23 and 26, T64N, R13W;

21. Thence east 0.50 mile along the section lines to the section corner common to Sections 23, 24, 25, and 26, T64N, R13W;
22. Thence north 2.00 miles along the section lines to the section corner common to Sections 11, 12, 13, and 14, T64N, R13W;
23. Thence west 3.00 miles along the section lines to the section corner common to Sections 8, 9, 16, and 17, T64N, R13W;
24. Thence north 2.00 miles along the section lines to the closing section corner common to Sections 4 and 5, T64N, R13W;

T65N, R13W

25. Thence west 0.22 mile along the township line to the standard section corner common to Sections 32 and 33, T65N, R13W;
26. Thence north 0.13 mile along the section line to a point of intersection with the ordinary high water line of Big Lake common to Sections 32 and 33, T65N, R13W;
27. Thence southwesterly, westerly and northerly 1.38 miles along the ordinary high water line of Big Lake to a point of intersection with the section line common to Sections 28 and 33, T65N, R13W;
28. Thence west 2.28 miles along the section lines to the section corner common to Sections 30 and 31, T65N, R13W, and Sections 25 and 36, T65N, R14W;
29. Thence south 1.00 mile along the range line to the township corner common to T65N, R13W; and T65N, R14W;

T65N, R14W

30. Thence west 5.00 miles along the township line to the standard corner common to Sections 31 and 32, T65N, R14W;
31. Thence north 4.00 miles along the section lines to the section corner common to Sections 17, 18, 19, and 20, T65N, R14W;
32. Thence west 0.97 miles along the section lines to the section corner common to Sections 7 and 18, T65N, R14W;

T65N, R15W

33. Thence south 0.02 mile along the range line to the section corner common to Sections 12 and 13, T65N, R15W;
34. Thence west 1.97 miles along the section lines to the section corner common to Sections 10, 11, 14, and 15, T65N, R15W;
35. Thence south 4.00 miles along the section lines to the standard section corner common to Sections 34 and 35, T65N, R15W;

T64N, R15W

36. Thence west 0.50 mile along the township line to the closing section corner common to Sections 3 and 4, T64N, R15W;
37. Thence south 2.01 miles along the section lines to the section corner common to Sections 9, 10, 15, and 16, T64N, R15W;
38. Thence west 2.96 miles along the section lines to the section corner common to Sections 7 and 18, T64N, R15W, and Sections 12 and 13, T64N, R16W;

T64N, R16W

39. Thence south 1.00 mile along the range line to the section corner common to Sections 18 and 19, T64N, R15W, and Sections 13 and 24, T64N, R16W;
40. Thence west 0.38 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Oriniack Lake common to Sections 13 and 24, T64N, R16W;
41. Thence westerly 1.13 miles along a line 400 feet from and parallel with the ordinary high water line of Oriniack Lake to a point of intersection with the section line common to Sections 14 and 23, T64N, R16W;
42. Thence west 1.63 miles along the section lines to the section corner common to Sections 15, 16, 21, and 22, T64N, R16W;

T63N, R16W

43. Thence south 7.01 miles along the section lines to the section corner common to Sections 21, 22, 27, and 28, T63N, R16W, being the point of beginning.

Legal Description of the Mining Protection Area Boundary, Superior National Forest, Minn.

August 1979.

The legal description of the Mining Protection Area, Superior National Forest, Eastern Region, in accordance with Public Law 95–495 dated October 21, 1978.

The Mining Protection Area embraces three separate units within the Superior, National Forest, Minnesota, as shown on the index map and map sheets herein. The three units are defined as follows:

1. East Unit—Located in northeastern Cook County.
2. West Unit—Located in northeastern St. Louis County and northern Lake County.
3. Southern Unit—Located in northeastern St. Louis County.

In the following descriptions of the exterior boundaries of the three units the intent is to define lines which can, if and when necessary, be accurately established and marked on the ground by an authorized land surveyor in accordance with the rules for dependent resurveys and section subdivision as set forth in the U.S. Department of Interior, Bureau of Land Management, Manual of Surveying Instructions for the Survey of the Public Lands of the United States, and with the Statutes of the State of Minnesota pertaining to land surveys, and in accordance with the intent of Public Law 95–495 dated October 21, 1978. The U.S. Government Public Land Survey corners are controlling for bearings and distances where recited. Distances expressed in miles represent the record distances of the U.S. Government land surveys and not precise statute miles, except along the International Boundary where precise statute miles are from the 1931 Report of the International Boundary Commission. In conformance with Public Law 95–495 written descriptions contain calls for boundary lines following lakeshores or the shoreline of waterways. In these cases the distances recited in the descriptions are map distances and subject to change with formal survey. The boundary line in these cases is intended to follow the ordinary high water line. In other cases the written descriptions contain calls for boundary lines following a line 400 feet from and parallel with the shoreline of waterways or lakeshore. In these situations the distances recited in the descriptions are map distances and subject to change with formal survey. The boundary line in these cases is intended to be established at a distance of 400 feet from and parallel with the ordinary high water line of the waterway or lakeshore.

The Mining Protection Area contains 133,712 acres more or less.

East Minerals Reservation Boundary

T64N, R1E

1. Beginning at the section corner common to Sections 34 and 35, T64N, R1E, and Sections 2 and 3, T63N, R1E, Fourth Principal Meridian;

T64N, R1W

2. Thence west 5.98 miles along the township lines to the section corner common to Sections 34 and 35, T64N, R1W, and Sections 2 and 3, T63N, R1W;
3. Thence north 2.63 miles to the south-north one sixty-fourth corner common to Sections 22 and 23, T64N, R1W;
4. Thence northwest 0.69 mile to the one-quarter corner common to Sections 15 and 22, T64N, R1W;
5. Thence west 1.50 miles along the section lines to the section corner common to Sections 16, 17, 20, and 21, T64N, R1W;
6. Thence north 1.00 mile along the section lines to the section corner common to Sections 8, 9, 16, and 17, T64N, R1W;

T64N, R2W

7. Thence west 3.00 miles to the section corner common to Sections 11, 12, 13, and 14, T64N, R2W;
8. Thence north 0.70 mile along the section line to a point of intersection with the ordinary high water line of Poplar Lake common to Sections 11 and 12, T64N, R2W;
9. Thence westerly and northeasterly 0.40 mile along the ordinary high water line of Poplar Lake to a point of intersection with the section line common to Sections 11 and 12, T64N, R2W;
10. Thence north 0.30 mile along the section line to the section corner common to Sections 1, 2, 11 and 12, T64N, R2W;
11. Thence west 1.00 mile along the section line to the section corner common to Sections 2, 3, 10, and 11, T64N, R2W;
12. Thence north 0.50 mile along the section line to the one-quarter corner common to Sections 2 and 3, T64N, R2W;

T64N, R3W

13. Thence west 8.00 miles along the section lines to the one-quarter corner common to Sections 4 and 5, T64N, R3W;
14. Thence north 0.50 mile along the section line to the closing section corner common to Sections 4 and 5, T64N, R3W;

T65N, R4W.

15. Thence west 6.25 miles along the township lines to the standard section corner common to Sections 32 and 33, T65N, R4W;
16. Thence north 1.00 mile along section line to the section corner common to Sections 28, 29, 32, and 33, T65N, R4W;
17. Thence west 0.20 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary

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high water line of Brant Lake common to Sections 29 and 32, T65N, R4W;
18. Thence northwesterly and southwesterly 0.25 mile along a line 400 feet from and parallel with ordinary high water line of Brant Lake to a point of intersection with the section line common to Sections 29 and 32, T65N, R4W;
19. Thence west 0.02 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Everett Lake common to Sections 29 and 32, T65N, R4W;
20. Thence northwesterly and westerly 0.50 mile along a line 400 feet from parallel with the ordinary high water line of Everett Lake to a point of intersection with the section line common to Sections 29 and 30, T65N, R4W;
21. Thence north 4.37 mile along the section lines to the one-quarter corner position common to Sections 5 and 6, T65N, R4W;
22. Thence west 0.88 mile along the one-quarter line to a point of intersection with the ordinary high water line of the east end of Three Mile Island in Sea Gull Lake in Section 6, T65N, R4W;
23. Thence northwesterly and southwesterly 0.20 mile along the ordinary high water line of Three Mile Island in Sea Gull Lake to a point of intersection with the range line common to Section 6, T65N, R4W, and Section 1, T65N, R5W;
24. Thence north 0.37 mile along the range line to the township corner position common to T65N, R4W, T65N, R5W, T66N, R4W, and T66N, R5W;

T66N, R5W

25. Thence west 0.50 mile along the township line to the one-quarter corner common to Section 1, T65N, R5W, and Section 36, T66N, R5W;
26. Thence north 1.00 mile along the one-quarter line to the corner common to Sections 25 and 36, T66N, R5W;
27. Thence east 0.50 mile along the section line to the section corner common to Sections 30 and 31, T66N, R4W, and Sections 25 and 36, T66N, R5W;
28. Thence north 1.00 mile along the range line to the section corner common to Sections 19 and 30, T66N, R4W, and Sections 24 and 25, T66N, R5W;

T66N, R4W

29. Thence east 2.00 miles along the section lines to the section corner common to Sections 20, 21, 28, and 29, T66N, R4W;
30. Thence south 2.00 miles along the section lines to the section corner common to Sections 32 and 33, T66N, R4W, and Sections 4 and 5, T65N, R4W;
31. Thence east 1.00 mile along the township line to the section corner common to Sections 33 and 34, T66N, R4W, and Sections 3 and 4, T65N, R4W;

T65N, R4W

32. Thence south 1.75 miles along the section lines to the south one-sixteenth corner common to Sections 9 and 10, T65N, R4W;
33. Thence southeast 0.35 mile to west one-sixteenth corner common to Sections 10 and 15, T65N, R4W;
34. Thence east 0.75 mile along the section line to the section corner common to Sections 10, 11, 14, and 15, T65N, R4W;
35. Thence south 1.00 mile along the section line to the section corner common to Sections 14, 15, 22, and 23, T65N, R4W;
36. Thence east 1.63 miles along the section lines to a point of intersection with the ordinary high water line of Magnetic Lake common to Sections 13 and 24, T65N, R4W;
37. Thence northeasterly, northerly and northwesterly 1.10 miles along the ordinary high water line of Magnetic Lake to a point of intersection with the range line common to Section 18, T65N, R3W, and Section 13, T65N, R4W;
38. Thence north 0.02 mile on an extension of the range line to a point of intersection with the International Boundary line common to Section 18, T65N, R3W, and Section 13, T65N, R4W;

T65N, R3W

T65N, R2W

39. Thence southeasterly and easterly 13.47 miles along the International Boundary line to a point of intersection with the ordinary high water line on the south shore of North Lake in Section 22, T65N, R2W;
40. Thence westerly 1.00 mile along the ordinary high water line of North Lake to Frances Bay in Section 21, T65N, R2W;
41. Thence westerly, northerly and easterly 1.30 miles along the ordinary high water line of Frances Bay to North Lake in Section 21, T65N, R2W;
42. Thence northerly 0.69 mile along the ordinary high water line of North Lake to a point of intersection with a creek flowing from Susana Lake to North Lake in Section 21, T65N, R2W;
43. Thence northwesterly 0.09 mile along the creek to a point of intersection with the ordinary high water line of Susana Lake in Section 21, T65N, R2W;
44. Thence westerly 0.45 mile along the ordinary high water line of the south shore of Susana Lake to a point of intersection with the western extremity in Section 21, T65N, R2W;
45. Thence northwesterly 0.36 mile along a line to the section corner common to Sections 16, 17, 20 and 21, T65N, R2W;
46. Thence west 1.00 mile along the section line to the section corner common to Sections 17, 18, 19 and 20, T65N, R2W;
47. Thence south 1.65 miles to the point of intersection with the ordinary high water line on the north shore of Crab Lake common to Sections 29 and 30, T65N, R2W;
48. Thence southeasterly and southwesterly 0.10 mile along the ordinary high water line of Crab Lake to a point of intersection with the section line common to Sections 29 and 30, T65N, R2W;
49. Thence south 0.34 mile along the section line to the south one-sixteenth corner common to Sections 29 and 30, T65N, R2W;
50. Thence east 3.00 miles along the one-sixteenth line to the south one-sixteenth corner common to Sections 26 and 27, T65N, R2W;
51. Thence south 0.25 mile along the section line to the section corner common to Sections 26, 27, 34, and 35, T65N, R2W;

T65N, R1W

52. Thence east 2.49 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Partridge Lake common to Sections 30 and 31, T65N, R1W;
53. Thence southeasterly and northerly 0.30 mile along a line 400 feet from and parallel with the ordinary high water line of Partridge Lake to a point of intersection with the section line common to Sections 30 and 31, T65N, R1W;
54. Thence east 0.18 mile along section line to the section corner common to Sections 29, 30, 31 and 32, T65N, R1W;
55. Thence south 0.38 mile along the section line to the south-north one sixty-fourth corner common to Sections 31 and 32, T65N, R1W;
56. Thence east 0.50 mile along the one sixty-fourth line to the center south-north one sixty-fourth corner in Section 32, T65N, R1W;
57. Thence south 0.30 mile along the one-quarter line to a point of intersection with the ordinary high water line of Moss Lake in Section 32, T65N, R1W;
58. Thence easterly 0.81 mile along the ordinary high water line of Moss Lake to a point of intersection with the east-west one-quarter line of Section 33, T65N, R1W;
59. Thence east 0.90 mile along the one-quarter line to the one-quarter corner common to Sections 33 and 34, T65N, R1W;
60. Thence north 0.04 mile along the section line to a point of intersection with the ordinary high water line of Bearskin Lake common to Sections 33 and 34, T65N, R1W;
61. Thence northerly 0.41 mile along the ordinary high water line of Bearskin Lake to a point of intersection with the section line common to Sections 33 and 34, T65N, R1W;
62. Thence north 0.05 mile along the section line to the south-north one sixty-fourth corner common to Sections 33 and 34, T65N, R1W;
63. Thence east 2.00 miles along the one sixty-fourth lines to the south-north one sixty-fourth corner common to Sections 35 and 36, T65N, R1W;
64. Thence north 0.23 mile along the section line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Daniels Lake common to Sections 35 and 36, T65N, R1W;
65. Thence northeasterly and easterly 0.40 mile along a line 400 feet from and parallel with the ordinary high water line of Daniels Lake to a point of intersection with the section line common to Sections 25 and 36, T65N, R1W;

T65N, R1E

66. Thence east 1.87 miles along the section lines to a point in Clearwater Lake, being the west one-sixteenth corner common to Sections 29 and 32, T65N, R1E;

T64N, R1E

67. Thence southeasterly and southerly 1.53 miles along the one-sixteenth line to a point of intersection with the ordinary high water line of Flour Lake in Section 5, T64N, R1E;
68. Thence easterly and westerly 0.20 mile along the ordinary high water line of Flour Lake to a point of intersection with the west one-sixteenth line in Section 5, T64N, R1E;
69. Thence south 0.19 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of Flour Lake in Section 5, T64N, R1E;
70. Thence easterly and westerly 0.15 mile along the ordinary high water line of Flour Lake to a point of intersection with the west one-sixteenth line common to Section 5, T64N, R1E;
71. Thence south 0.24 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of East Bearskin Lake common to Section 5, T64N, R1E;
72. Thence northeasterly 0.82 mile along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Sections 4 and 5, T64N, R1E;
73. Thence south 0.10 mile along the section line to a point of intersection with the ordinary high water line of East Bearskin Lake common to Sections 4 and 5, T64N, R1E;
74. Thence southwesterly and easterly 1.50 miles along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Sections 8 and 9, T64N, R1E;
75. Thence south 0.23 mile along the section line to a point of intersection with the ordinary high water line of East Bearskin Lake common to Sections 8 and 9, T64N, R1E;
76. Thence westerly 2.21 miles along the ordinary high water line of East Bearskin Lake to a point of intersection with the section line common to Section 7, T64N, R1E, and Section 12, T64N, R1W;
77. Thence south 0.30 mile along the 4th Principal Meridian to the section corner common to Sections 7 and 18, T64N, R1E, and Sections 12 and 13, T64N, R1W;
78. Thence east 0.48 mile along the section line to the one-quarter corner common to Sections 7 and 18, T64N, R1E;
79. Thence south 1.00 mile along the one-quarter line to the one-quarter corner common to Sections 18 and 19, T64N, R1E;
80. Thence east 3.51 miles along the section lines to the section corner common to Sections 14, 15, 22 and 23, T64N, R1E;
81. Thence south 3.00 miles along the section lines to the section corner common to Sections 34 and 35, T64N, R1E, and Sections 2 and 3, T63N, R1E, being the point of beginning.

West Minerals Reservation Boundary

T66N, R16W

1. Beginning at the section corner common to Sections 9, 10, 15, and 16, T66N, R16W, Fourth Principal Meridian;
2. Thence east 2.00 miles along the section lines to the section corner common to Sections 11, 12, 13, 14, T66N, R16W;
3. Thence south 3.00 miles along the section lines to the section corner common to Sections 25, 26, 35, and 36, T66N, R16W;
4. Thence east 1.00 mile along the section line to the section corner common to Sections 25 and 36, T66N, R16W;

T66N, R15W

5. Thence north 0.05 mile along the range line to the section corner common to Sections 30 and 31, T66N, R15W;
6. Thence east 4.23 miles along the section lines to the section corner common to Sections 26, 27, 34, and 35, T66N, R15W;
7. Thence south 0.25 mile along the section line to the north one-sixteenth corner common to Sections 34 and 35, R66N, R15W;
8. Thence east 0.75 mile along the one-sixteenth line to the northeast one-sixteenth corner in Section 35, T66N, R15W;
9. Thence south 0.88 mile along the one-sixteenth lines to the center-north northeast one sixty-fourth corner of Section 2, R65N, R15W

T65N, R15W

10. Thence east 0.75 mile along the one sixth-fourth line to the center north north one sixty-forth corner of section 1, T65N, R15W;

T66N, R15W

11. Thence north 1.13 miles along the one-quarter lines to the one-quarter corner common to Sections 25 and 36, T66N, R15W;

T66N, R14W

12. Thence east 2.57 miles along the section lines to the section corner common to Sections 26, 29, 32, and 33, T66N, R14W;
13. Thence south 1.00 mile along the section line to the standard section corner common to Sections 32 and 33, T66N, R14W;

T65N, R14W

14. Thence east 0.88 mile along the township line to the closing section corner common to Sections 3 and 4, T65N, R14W;
15. Thence south 0.92 mile along the section line to the section corner common to Sections 3, 4, 9, and 10, T65N, R14W;
16. Thence east 1.00 mile along the section line to the section corner common to Sections 2, 3, 10, and 11, T65N, R14W;
17. Thence south 0.88 mile along the section line to the south-south one sixty-fourth corner common to Sections 10 and 11, T65N, R14W;
18. Thence east 0.50 mile along the one sixty-fourth line to the center south-south one sixty-fourth corner in Section 11, T65N, R14W;
19. Thence south 0.13 mile along the one-quarter line to the one-quarter corner common to Sections 11 and 14, T65N, R14W;
20. Thence east 0.75 mile along the section lines to the west one-sixteenth corner common to Sections 12 and 13, T65N, R14W;
21. Thence south 0.50 mile along the one-sixteenth line to the center west one-sixteenth corner of Section 13, T65N, R14W;
22. Thence east 0.25 mile along the one-quarter line to the center one-quarter corner of Section 13, T65N, R14W;
23. Thence south 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 13 and 24, T65N, R14W;
24. Thence east 0.50 mile along the section line to the section corner common to Sections 13 and 24, T65N, R14W;

T65N, R13W

25. Thence south 0.02 mile along the range line to the section corner common to Sections 18 and 19, T65N, R13W;
26. Thence east 4.59 miles along the section lines to the one-quarter corner common to Sections 14 and 23, T65N, R13W;
27. Thence south 0.50 mile along the one-quarter line to the center one-quarter corner of Section 23, T65N, R13W;
28. Thence east 0.50 mile along the one-quarter line to the one-quarter corner common to Sections 23 and 24, T65N, R13W;
29. Thence south 0.50 mile along the section line to the section corner common to Sections 23, 24, 25, and 26, T65N, R13W;
30. Thence east 1.00 mile along the section line to the section corner common to Sections 24 and 25, T65N, R13W, and Sections 19 and 30, T65N, R12W;

T65N, R12W

31. Thence south 1.00 mile along the range line to the section corner common to Sections 25 and 36, T65N, R13W, and Sections 30 and 31, T65N, R12W;
32. Thence east 0.50 mile along the section line to the one-quarter corner common to Sections 30 and 31, T65N, R12W;
33. Thence south 1.00 mile along the one-quarter line to the standard one-quarter corner of Sections 31, T65N, R12W;

T64N, R12W

34. Thence west 0.06 mile along the township line to the east-west one sixty-fourth corner of Section 6, T64N, R12W;
35. Thence south 2.25 miles along the one sixty-fourth lines to the center east-northwest one sixty-fourth corner of Section 18, T64N, R12W;
36. Thence east 1.13 miles along the one-sixteenth lines to the center north one-sixteenth corner of Section 17, T64N, R12W;
37. Thence north 0.75 mile along the one-quarter lines to the center one-quarter corner of Section 8, T64N, R12W;
38. Thence east 0.75 mile along the one-quarter line to the center west one-sixteenth corner of Section 9, T64N, R12W;
39. Thence north 1.13 miles along the one-sixteenth lines to the center-south-northwest one sixty-fourth corner of Section 4, T64N, R12W;
40. Thence east 0.13 mile along the one-sixteenth line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Holy Lake in Section 4, T64N, R12W;
41. Thence southerly, easterly and northeasterly 0.56 mile along a line 400 feet from and parallel with the ordinary high water line of Holy Lake to a point of intersection with the township line on the north boundary line of Section 4, T64N, R12W;
42. Thence east 2.13 miles along the township line to the east one-sixteenth corner on the north boundary line of Section 2, T64N, R12W;

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43. Thence south 2.00 miles along the one-sixteenth lines to the east one-sixteenth corner common to Sections 11 and 14, T64N, R12W;
44. Thence west 0.25 mile along the section line to the one-quarter corner common to Sections 11 and 14, T64N, R12W;
45. Thence south 0.25 mile along the one-quarter line to the center north one-sixteenth corner in Section 14, T64N, R12W;
46. Thence east 1.25 miles along the one-sixteenth lines to the northeast one-sixteenth corner in Section 13, T64N, R12W;
47. Thence south 0.75 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 13 and 24, T64N, R12W;

T64N, R11W

48. Thence east 2.25 miles along the section lines to the section corner common to Sections 18, 17, 20, and 21, T64N, R11W;
49. Thence south 3.00 miles along the section lines to the standard section corner on the township line common to Sections 32 and 33, T64N, R11W;

T63N, R11W

50. Thence east 0.21 mile along the township line to the closing section corner common to Sections 4 and 5, T63N, R11W;
51. Thence south 1.25 miles along the section lines to the one-quarter corner common to Sections 8 and 9, T63N, R11W;

T63N, R10W

52. Thence east 5.00 miles along the one-quarter line to the one-quarter corner common to Sections 7 and 8, T63N, R10W;
53. Thence north 0.80 mile along the section line to the closing section corner common to Sections 5 and 6, T63N, R10W;

T64N, R10W

54. Thence east 2.70 miles along the township line to the standard section corner common to Sections 34 and 35, T64N, R10W;
55. Thence north 1.00 mile along the section line to the section corner common to Sections 26, 27, 34, and 35, T64N, R10W;
56. Thence east 1.92 miles along the section lines to a point of intersection with the ordinary high water line of Moose Lake common to Sections 25 and 36, T64N, R10W;

T64N, R9W

57. Thence easterly 0.83 mile along the ordinary high water line of Moose Lake to a point of intersection with the north-south one-quarter line of Section 30, T64N, R9W;
58. Thence north 0.06 mile along the one-quarter line to an iron pin 432.03 feet south of the northwest corner of Government Lot 6, Section 30, T64N, R9W;
59. Thence east 1113.20 feet to an iron pin located 432.03 feet south of the north boundary line of Government Lot 6, Section 30, T64N, R9W;
60. Thence south 0.06 mile to a point of intersection with the ordinary high water line of Moose Lake in Section 30, T64N, R9W;
61. Thence northeasterly 0.81 mile along the ordinary high water line to a point of intersection with the east-west one-quarter line of Section 29, T64N, R9W;
62. Thence east 4.60 miles along the one-quarter line to the one-quarter corner common to Section 25, T64N, R9W, and Section 30, T64N, R8W;
63. Thence south 1.50 miles along the range line to the township corner common to Section 36, T64N, R9W, and Section 31, T64N, R8W;

T63N, R9W

64. Thence east 0.29 mile along the township line to the closing township corner common to Section 1, T63N, R9W, and Section 6, T63N, R8W;
65. Thence south 0.35 mile along the range line to a point of intersection with a line 400 feet from the parallel with the ordinary high water line of Parent Lake common to Section 6, T63N, R8W, and Section 1, T63N, R9W;
66. Thence southwesterly, southerly and easterly 1.00 mile a long a line 400 feet from and parallel with the ordinary high water line of Parent Lake to a point of intersection with the range line common to Section 7, T63N, R8W, and Section 12, T63N, R9W;
67. Thence south 1.44 miles along the range line to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Delta Lake common to Section 18, T63N, R8W, and Section 13, T63N, R9W;
68. Thence westerly and southerly 0.49 mile along a line 400 feet from and parallel with the ordinary high water line of Delta Lake to a point of intersection with the section line common to Sections 13 and 24, T63N, R9W;
69. Thence west 2.00 miles along the section lines to a point of intersection with a line 400 feet from and parallel with the ordinary high water line of Lake One common to Sections 15 and 22, T63N, R9W;
70. Thence northerly and westerly 1.31 miles along a line 400 feet from and parallel with the ordinary high water line of Lake One to a point of intersection with the section line common to Sections 15 and 16, T63N, R9W;
71. Thence north 0.15 mile along the section line to a point of intersection with the ordinary high water line of Lake One common to Sections 15 and 16, T63N, R9W;
72. Thence northeasterly, westerly and southerly 2.83 miles along the ordinary high water line of Lake One to a point of intersection with the south one-sixteenth line in Section 16, T63N, R9W;
73. Thence west 1.74 miles along the one-sixteenth lines to the southeast one-sixteenth corner of Section 18, T63N, R9W;
74. Thence south 0.25 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 18 and 19, T63N, R9W;
75. Thence west 0.75 mile along the section line to the section corner on the range line common to Sections 18 and 19, T63N, R9W;

T63N, R10W

76. Thence south 0.30 mile along the range line to the one-quarter corner to Sections 24, T63N, R10W;
77. Thence west 0.75 mile along the one-quarter line to the center west one-sixteenth corner in Section 24, T63N, R10W;
78. Thence south 0.25 mile along the one-sixteenth line to the southwest one-sixteenth corner in Section 24, T63N, R10W;
79. Thence west 1.50 miles along the one-sixteenth line to the southeast one-sixteenth corner in Section 22, T63N, R10W;
80. Thence north 0.15 mile along the one-sixteenth line to a point of intersection with the ordinary high water line of Uranus Lake in Section 22, T63N, R10W;
81. Thence westerly and northerly 0.36 mile along the ordinary high water line of Uranus Lake to a point of intersection with the east-west one-quarter line in Section 22, T63N, R10W;
82. Thence west 0.65 mile along the one-quarter line to the one-quarter corner common to Sections 21 and 22, T63N, R10W;
83. Thence south 0.25 mile along the section line to the south one-sixteenth corner common to Sections 21 and 22, T63N, R10W;
84. Thence west 0.25 along the one-sixteenth line to the southeast one-sixteenth corner in Section 21, T63N, R10W;
85. Thence south 0.25 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 21 and 28, T63N, R10W;
86. Thence west 2.25 miles along the section lines to the one-quarter corner common to Sections 19 and 30, T63N, R10W;
87. Thence south 0.25 mile along the one-quarter line to the center north one-sixteenth corner in Section 30, T63N, R10W;

T63N, R11W

88. Thence west 0.73 mile along the one-sixteenth lines to a point of intersection with the ordinary high water line of Pickerel Lake in Section 25, R63N, R11W;
89. Thence westerly 0.25 mile along the ordinary high water line of Pickerel Lake to a point of intersection with the north one-sixteenth line in Section 25, T63N, R11W;
90. Thence west 1.35 miles along the one-sixteenth lines to the north one-sixteenth corner common to Sections 26 and 27, T63N, R11W;
91. Thence north 1.15 miles along the section lines to a point of intersection with the center line of the Fernberg Road being County Road #18 common to Sections 22 and 23, T63N, R11W;
92. Thence westerly 3.90 miles along the center line of County Road 18 and State Highway #169 to a point of intersection with County Road 17 common to Section 19, T63N, R11W;
93. Thence northerly 0.04 mile, the shortest distance, to the ordinary high water line of Fall Lake common to Section 19, T63N, R11W;
94. Thence westerly 0.74 mile along the ordinary high water line of Fall Lake to a point of intersection with the east-west one-quarter line of Section 19, T63N, R11W;
95. Thence west 0.04 mile along the one-quarter line to a point of intersection with the ordinary high water line of Shagawa River in Section 19, T63N, R11W;

96. Thence northeasterly, westerly and northeasterly 1.24 miles along the ordinary high water line of Fall Lake to the point of intersection with the range line common to Section 18, T63N, R11W, and Section 13, T63N, R12W;

T63N, R12W

97. Thence north 1.76 miles along the range line to the section corner common to Sections 6 and 7, T63N, R11W, and Sections 1 and 12, T63N, R12W;
98. thence west 1.00 mile along the section line to the section corner common to Sections 1, 2, 11 and 12, T63N, R12W;
99. thence south 0.50 mile along the section line to the one-quarter corner common to Sections 11 and 12, T63N, R12W;
100. Thence west 1.25 miles along the one-quarter line to a point of intersection with the center line of the Hobo Lake portage trail in Section 10, T63N, R12W;
101. Thence southwesterly 0.56 miles along the center line of the portage trail to a point of intersection with the center line of County Road #116 common to Section 10, T63N, R12W;
102. Thence westerly and northwesterly 4.63 miles along the center line of County Road #116 to the township line common to Section 6, T63N, R12W, and Section 31, T64N, R12W;

T64N, R12W

103. Thence west 0.75 mile along the township line to the township corner common to T64N, R12W, T63N, R12W, T63N, R13W and T64N, R13W;

T64N, R13W;

104. Thence north 0.25 mile along the range line to the south one-sixteenth corner common to Section 31, T64N, R12W, and Section 36, T64N, R13W;
105. Thence west 1.00 mile along the one-sixteenth line to the south one-sixteenth corner common to Sections 35 and 36, T64N, R13W;
106. Thence north 0.74 mile along the section line to a point of intersection with the ordinary high water line of Burntside Lake common to Sections 35 and 36, T64N, R13W;

T63N, R13W

107. Thence northeasterly and southwesterly 20.73 miles along the ordinary high water line of Burntside Lake to a point of intersection with the section line common to Section 30, T63N, R13W, and Section 25, T63N, R14W;
108. Thence north 1.74 miles along the range line to the section corner common to Sections 13 and 24, T63N, R14W, and Sections 18 and 19, T63N, R13W;
109. Thence east 1.00 mile along the section line to the section corner common to Sections 17, 18, 19 and 20, T63N, R13W;
110. Thence north 2.00 miles along the section lines to the section corner common to Sections 5, 6, 7 and 8, T63N, R13W;
111. Thence east 1.00 mile along the section line to the section corner common to Sections 4, 5, 8 and 9, T63N, R13W;

T64N, R13W

112. Thence north 2.00 miles along the section lines to the section corner common to Sections 28, 29, 32 and 33, T64N, R13W;
113. Thence east 2.00 miles along the section lines to the section corner common to Sections 26, 27, 34 and 35, T64N, R13W;
114. Thence north 0.50 mile along the section line to the one-quarter corner common to Sections 26 and 27, T64N, R13W;
115. Thence east 0.25 mile along the one-quarter line to the center west one-sixteenth corner in Section 26, T64N, R13W;
116. Thence north 0.25 mile along the one-sixteenth line to the northwest one-sixteenth corner in Section 26, T64N, R13W;
117. Thence east 0.25 mile along the one-sixteenth line to the center north one-sixteenth corner in Section 26, T64N, R13W;
118. Thence north 0.25 mile along the one-quarter line to the one-quarter corner common to Sections 23 and 26, T64N, R13W;
119. Thence east 0.50 mile along the section line to the section corner common to Sections 23, 24, 25 and 26, T64N, R13W;
120. Thence north 2.00 miles along the section lines to the section corner common to Sections 11, 12, 13 and 14, T64N, R13W;
121. Thence west 3.00 miles along the section lines to the section corner common to Sections 8, 9, 16 and 17, T64N, R13W;
122. Thence north 2.00 miles along the section lines to the closing section corner common to Sections 4 and 5, T64N, R13W;

T65N, R13W

123. Thence west 0.22 mile along the township line to the standard section corner common to Sections 32 and 33, T65N, R13W;
124. Thence north 0.13 mile along the section line to a point of intersection with the ordinary high water line of Big Lake common to Sections 32 and 33, T65N, R13W;
125. Thence southwesterly and northerly 1.38 miles along the ordinary high water line of Big Lake to a point of intersection with the section line common to Sections 28 and 33, T65N, R13W;

T65N, R14W

126. Thence west 2.28 miles along the section lines to the section corner common to Sections 30 and 31, T65N, R13W, and Sections 25 and 36, T65N, R14W;
127. Thence south 1.00 mile along the range line to the township corner common to T65N, R13W, and T65N, R14W;
128. Thence west 5.00 miles along the township line to the standard section corner common to Sections 31 and 32, T65N, R14W;
129. Thence north 4.00 miles along the section lines to the section corner common to Sections 7, 8, 17 and 18, T65N, R14W;
130. Thence west 0.97 mile along the section line to the section corner common to Sections 7 and 18, T65N, R14W;

T65N, R15W

131. Thence south 0.02 mile along the range line to the section corner common to Sections 12 and 13, T65N, R15W;
132. Thence west 1.97 miles along the section lines to the section corner common to Sections 10, 11, 14 and 15, T65N, R15W;
133. Thence south 4.00 miles along the section lines to the standard section corner common to Sections 34 and 35, T65N, R15W;

T64N, R15W

134. Thence west 0.50 mile along the township line to the closing section corner common to Sections 3 and 4, T64N, R15W;
135. Thence south 2.01 miles along the section lines to the section corner common to Sections 9, 10, 15 and 16, T64N, R15W;
136. Thence west 2.96 miles along the section lines to the section corner common to Sections 7 and 18, T64N, R15W, and Sections 12 and 13, T64N, R16W;
137. Thence south 1.00 mile along the range line to the section corner common to Sections 13 and 24, T64N, R16W, and Sections 18 and 19, T64N, R15W;;

T64N, R16W

138. Thence west 0.38 mile along the section line to a point of intersection with a line 400 feet from and parallel with the normal high water line of Oriniack Lake common to Sections 13 and 24, T64N, R16W;
139. Thence westerly 1.13 miles along a line 400 feet from and parallel with the ordinary high water line of Oriniack Lake to a point of intersection with the section line common to Sections 14 and 23, T64N, R16W;
140. Thence west 1.63 miles along the section lines to the section corner common to Sections 15, 16, 21 and 22, T64N, R16W;
141. Thence north 3.00 miles along the section lines to the closing section corner common to Sections 3 and 4, T64N, R16W;

T64N, R16W

142. Thence west 0.56 mile along the township line to the standard section corner common to Sections 33 and 34, T65N, R16W;
143. Thence north 6.00 miles along the section lines to the closing section corner common to Sections 3 and 4, T65N, R16W;

T66N, R16W

144. Thence west 0.06 mile along the township line to the standard section corner common to Sections 33 and 34, T66N, R16W;
145. Thence north 4.00 miles along the section lines to the section corner common to Sections 9, 10, 15 and 16, T66N, R16W, being the point of beginning.

South Minerals Reservation Boundary

T63N, R14W

1. Beginning at the township corner common to T63N, R14W, T63N, R13W, T62N, R13W and T62N, R14W, Fourth Principal Meridian;

T63N, R15W

2. Thence west 8.51 miles along the township line to a point of intersection with the

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ordinary high water line of Vermilion Lake common to Section 3, T62N, R15W, and Section 34, T63N, R15W;

3. Thence northwesterly, easterly, northerly, and northwesterly 5.13 miles along the ordinary high water line of Vermilion Lake to a point of intersection with the east bank of Bear Creek in Section 32, T63N, R15W;
4. Thence northeast 0.25 mile along the east bank of Bear Creek to a point of intersection with the section line common to Sections 29 and 32, T63N, R15W;
5. Thence west 0.03 mile along the section line to a point of intersection with the west bank of Bear Creek common to Sections 29 and 32, T63N, R15W;
6. Thence southwest 0.25 mile along the west bank of Bear Creek to a point of intersection with the ordinary high water line of Vermilion Lake;

T63N, R16W

7. Thence westerly 7.04 miles along the ordinary high water line of Vermilion Lake to a point of intersection with the section line on the east bank of a small bay common to Sections 24 and 25, T63N, R16W;
8. Thence northerly, westerly and southerly 0.10 mile along the ordinary high water line of said small bay to a point of intersection with the section line to section line to sections 24 and 25, T63N, R16W;
9. Thence southerly and westerly 1.03 mile along the ordinary high water line of Vermilion Lake to a point of intersection with the section line common to Sections 23 and 26, T63N, R16W;
10. Thence east 0.79 mile along the section lines to a point of intersection with the ordinary high water line of Vermilion Lake common to Sections 24 and 25, T63N, R16W;
11. Thence northerly, easterly and southerly 0.10 mile along the ordinary high water line of Vermilion Lake to a point of intersection with the section line common to Sections 24 and 25, T63N, R16W;

T63N, R15W

12. Thence east 1.46 miles along the section lines to the east one-sixteenth corner common to Sections 19 and 30, T63N, R15W;
13. Thence south 1.00 mile along the one-sixteenth line to the east one-sixteenth corner common to Sections 30 and 31, T63N, R15W;

T63N, R14W

14. Thence east 11.10 miles along the section lines to a point of intersection with the ordinary high water line of Burntside Lake common to Sections 25 and 36, T63N, R14W;
15. Thence easterly and southerly 2.94 miles along the ordinary high water line of Burntside Lake to a point of intersection with the range line common to Section 36, T63N, R14W, and Section 31, T63N, R13W;
16. Thence south 0.35 mile along the range line to the township corner common to T63N, R14W, T63N, R13W, T62N, R13W, and T62N, R14W, being the point of beginning.

Effective on January 1, 1979 the use of motorboats is prohibited within the wilderness designated by Pub.L. 95–495, and that portion within the wilderness of all lakes which are partly within the wilderness, except for the following:

1. On the following lakes, motorboats with motors of no greater than twenty-five horsepower shall be permitted: Fall, Lake County; Newton, Lake County; Moose, Lake County; Newfound, Lake County; Sucker, Lake County; Snowbank, Lake County; East Bearskin, Cook County; South Farm, Lake County; Trout, Saint Louis County; Basewood, except that portion generally north of the narrows at the north end of Jackfish Bay and north of a point on the international boundary between Ottawa Island and Washington Island; Saganaga, Cook County, except for that portion west of American Point; PROVIDED: That, on the following lakes, until January 1, 1984, the horsepower limitations described in this paragraph shall not apply to towboats registered with the Secretary: Moose, Lake County; Newfound, Lake County; Sucker, Lake County; Saganaga, Cook County, as limited in this paragraph.

2. On the following lakes and river, motorboats with motors no greater than ten horsepower shall be permitted: Clearwater, Cook County; North Fowl, Cook County; South Fowl, Cook County; Island River east of Lake Isabella, Lake County; Sea Gull, that portion generally east of Threemile Island, Cook County; Alder, Cook County; Canoe, Cook County.

3. On the following lakes, or specified portions of lakes, motorboats with motors of no greater than ten horsepower shall be permitted until the dates specified: Basswood River to and including Crooked Lake, Saint Louis and Lake Counties, until January 1, 1984; Carp Lake, the Knife River, and Knife Lake, Lake County, until January 1, 1984; Sea Gull, Cook County, that portion generally west of Threemile Island, until January 1, 1999; Brule, Cook County, until January 1, 1994, or until the termination of operation of any resort adjacent to Brule Lake in operation as of 1977, whichever occurs first.

4. On the following lakes, or specified portions of lakes, motorboats with motors of no greater than twenty-five horsepower shall be permitted until January 1, 1984: Birch, Lake County; Basswood, Lake County, that portion generally north of the narrows at the north end of Jackfish Bay and north of a point on the international boundary between Ottawa Island and Washington Island.

No provision of this section shall be construed to limit mechanical portages or the horsepower of motors used on motorboats in the following areas within the wilderness:

Little Vermilion Lake, Saint Louis County; Loon River, Saint Louis County; Loon Lake, Saint Louis County; that portion of the Lac La Croix, Saint Louis County, south of Snow Bay and east of Wilkins Bay.

For the purposes of Pub.L. 95–495, a snowmobile is defined as any motorized vehicle which is designed to operate on snow or ice. The use of snowmobiles in the wilderness designated by this Act is not permitted except that the Secretary may permit snowmobiles, not exceeding forty inches in width, on (1) the overland portages from Crane Lake to Little Vermilion Lake in Canada, and from Sea Gull River along the eastern portion of Saganaga Lake to Canada, and (2) on the following routes until January 1, 1984:

Vermilion Lake portage to and including Trout Lake; Moose Lake to and including Saganaga Lake via Ensign, Vera and Knife Lakes, East Bearskin Lake to and including Pine Lake via Alder Lake and Canoe Lake.

In addition to the routes listed above, the Secretary may issue special use permits for the grooming by snowmobiles of specified cross-country ski trails for day use near existing resorts.

Nothing in Pub.L. 95–495 shall be deemed to require the termination of the existing operation of motor vehicles to assist in the transport of boats across the portages from Sucker Lake to Basswood Lake, from Fall Lake to Basswood Lake, and from Lake Vermilion to Trout Lake, during the period ending January 1, 1984. Following said date, unless the Secretary determines that there is no feasible nonmotorized means of transporting boats across the portages to reach the lakes previously served by the portages listed above, he shall terminate all such motorized use of each portage listed above.

The motorized uses authorized by Sec. 4 of Pub.L. 95–495 shall be confined to those types of snowmobiles, motorboats and vehicles which have been in regular use in the Boundary Waters Canoe Area prior to the date of enactment of this Act. The Secretary may set forth additional standards and criteria to further define the type of motorized craft which may be permitted.

Except for motorboats, snowmobiles, and mechanized portaging, as authorized and defined in Pub.L. 95–495, no other motorized use of the wilderness shall be permitted. Nothing in this Act shall prohibit the use of aircraft, motorboats, snowmobiles, or other mechanized uses in emergencies, or for the administration of the wilderness area by Federal, State, and local governmental officials or their deputies, only where the Secretary finds that such use is essential.

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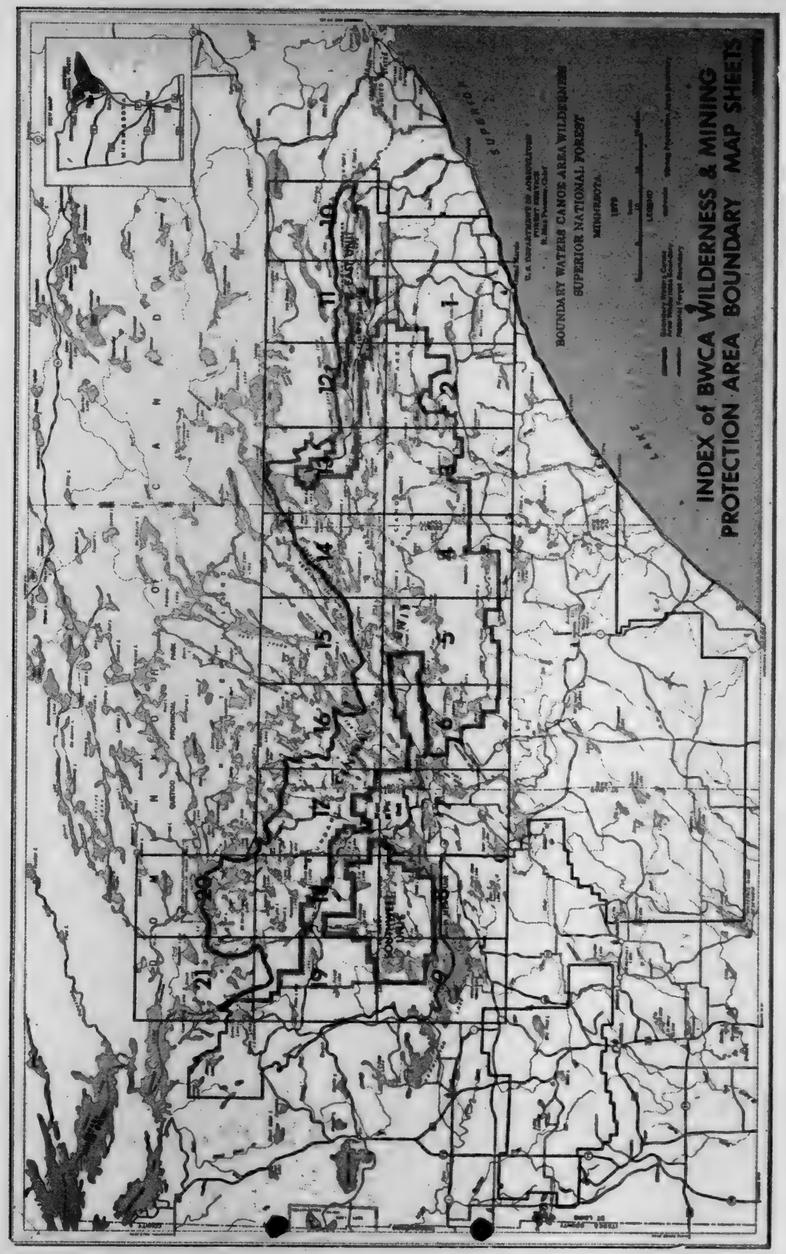

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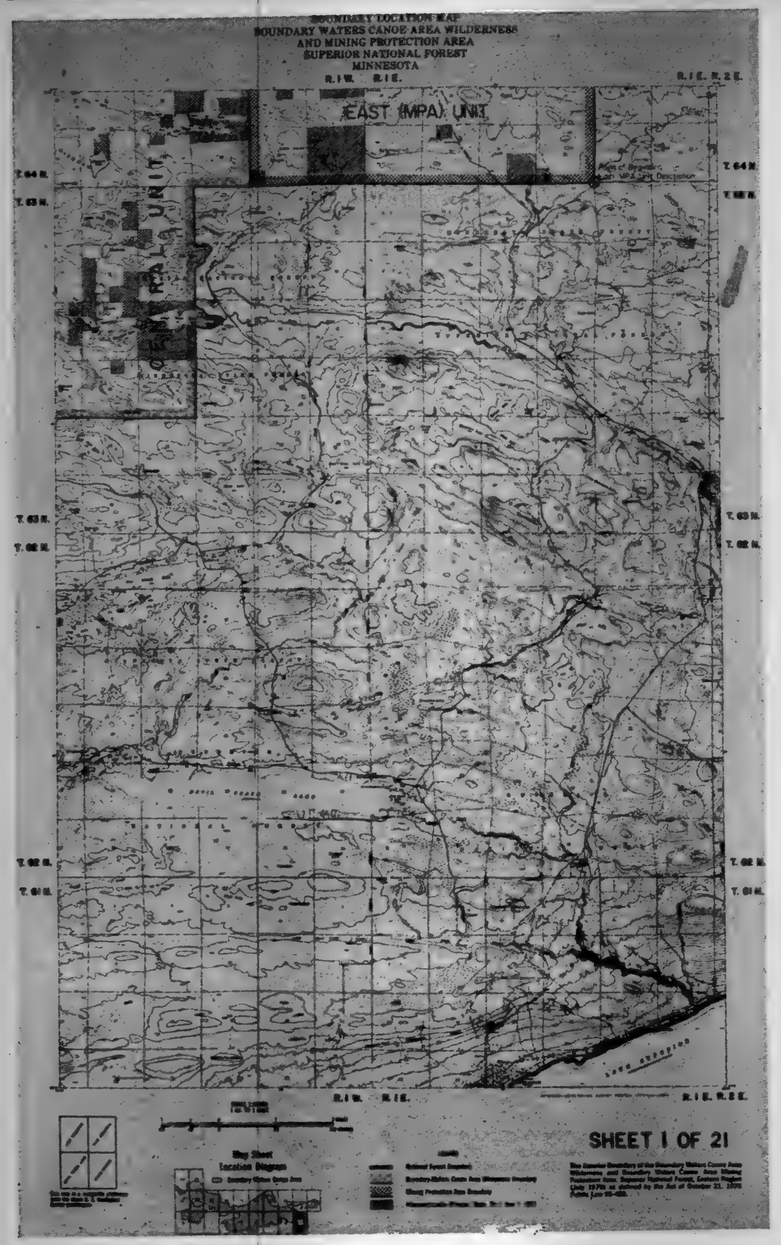

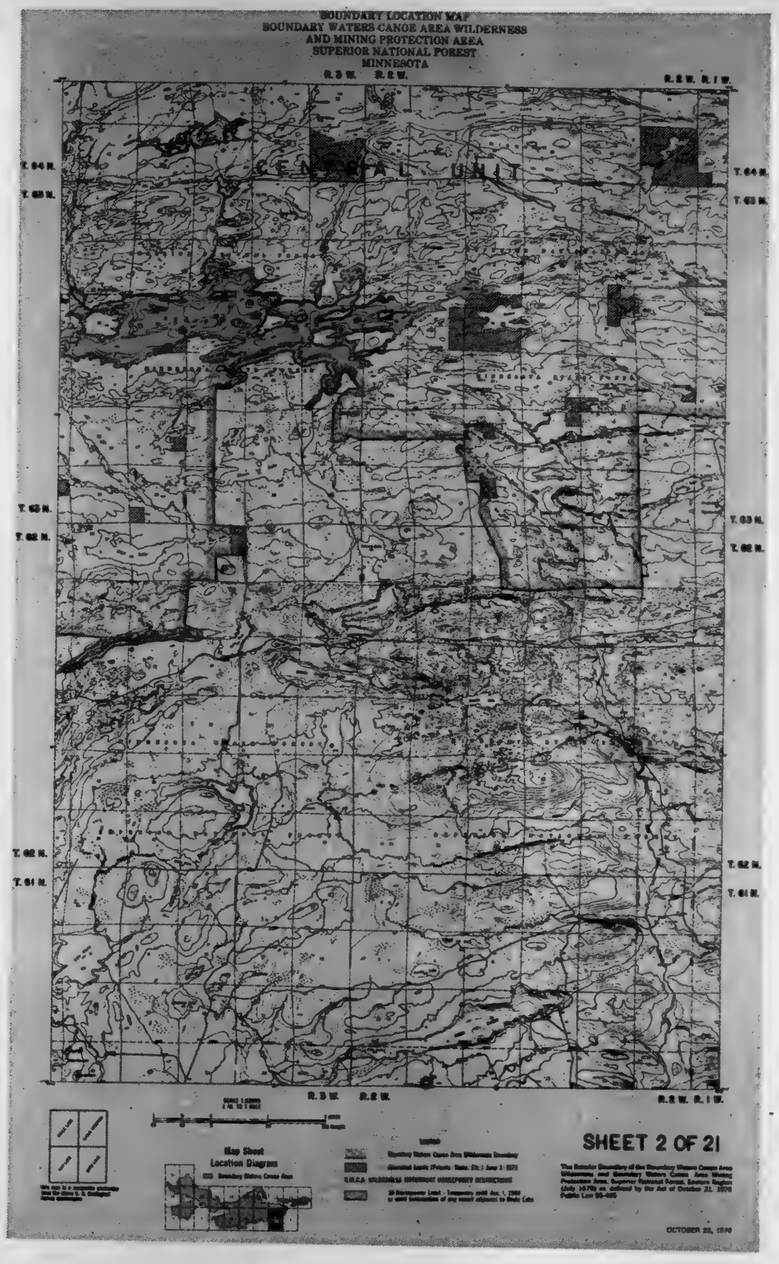

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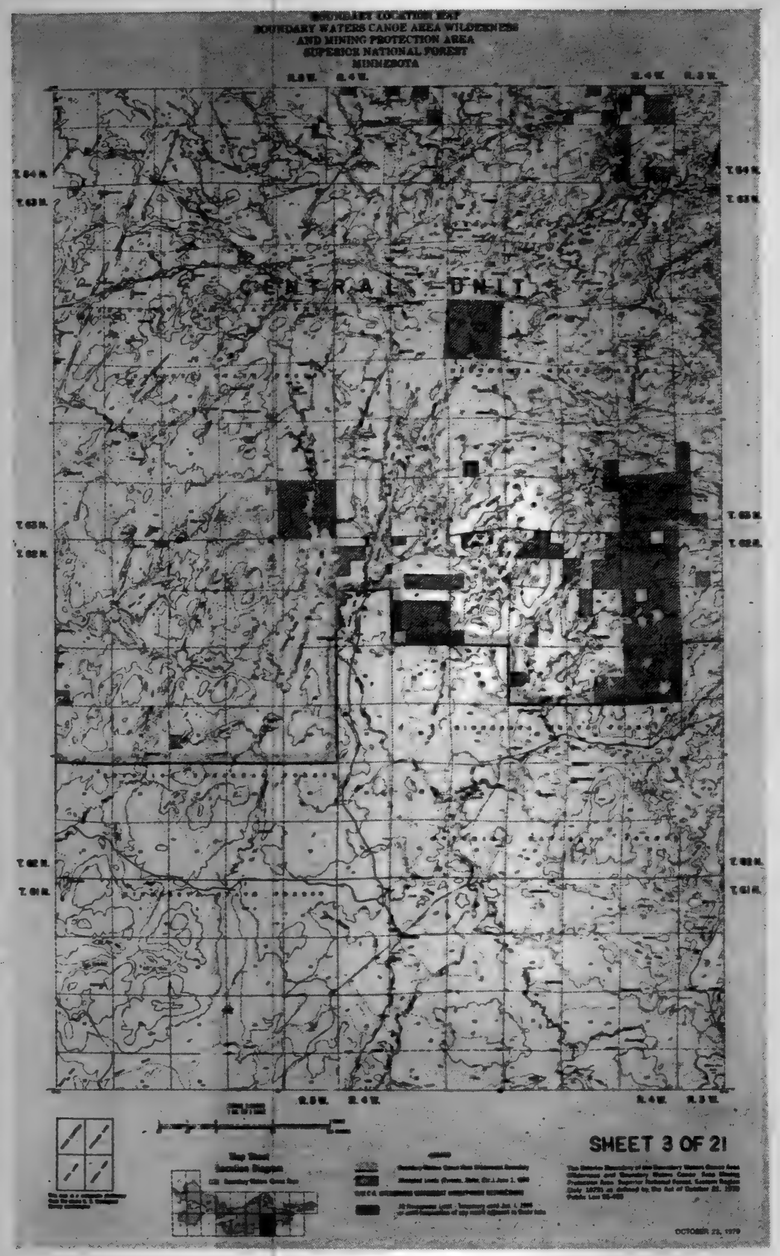

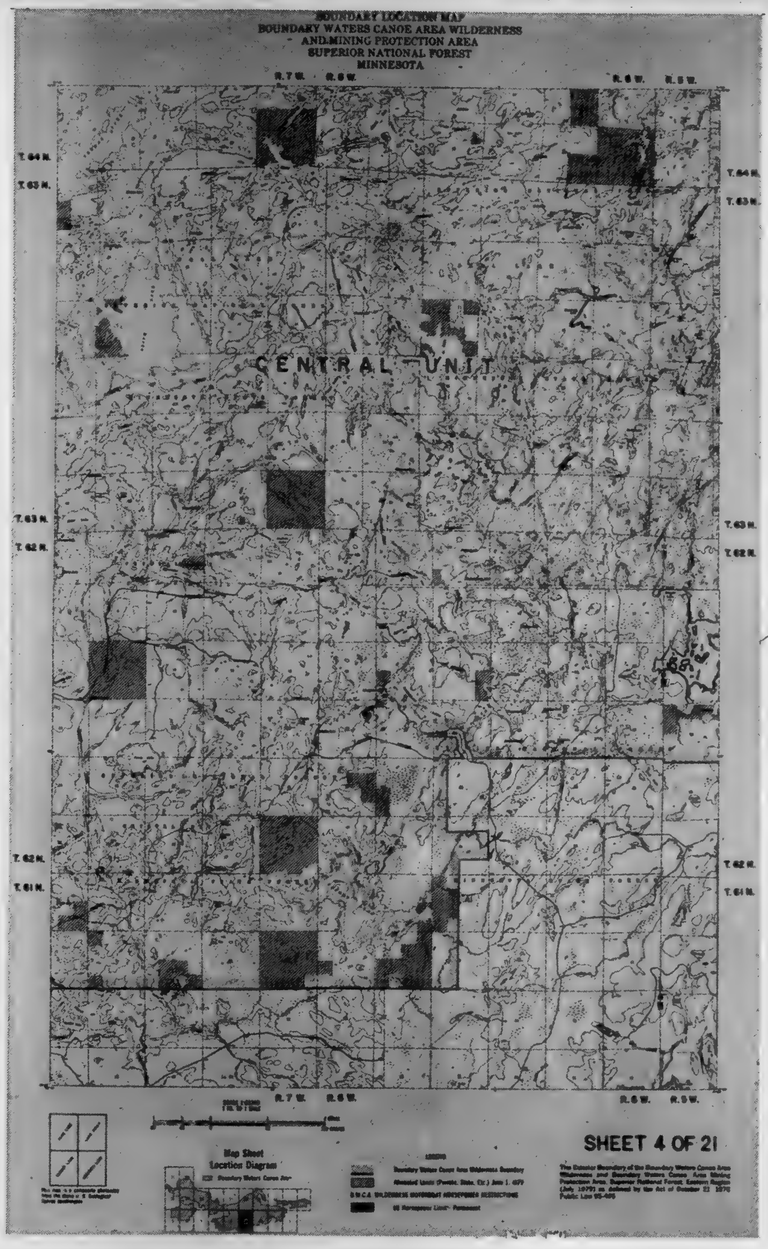

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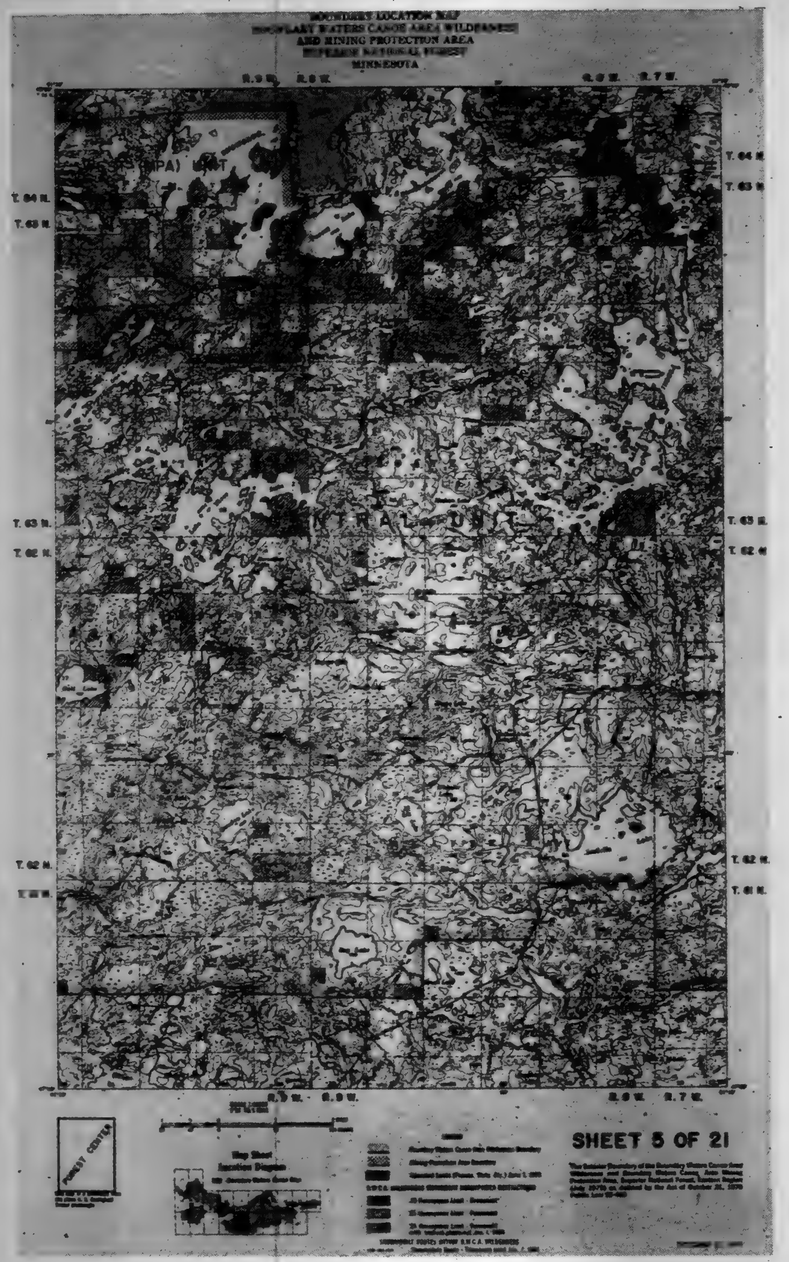

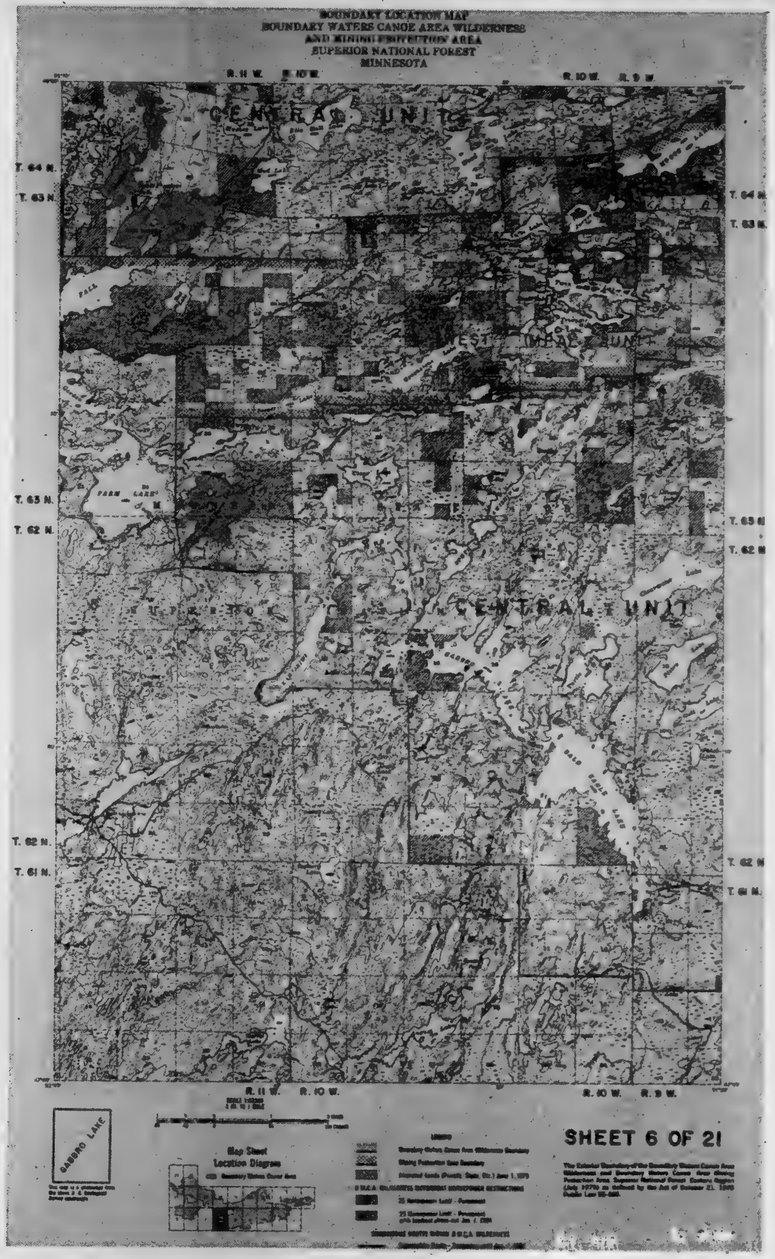

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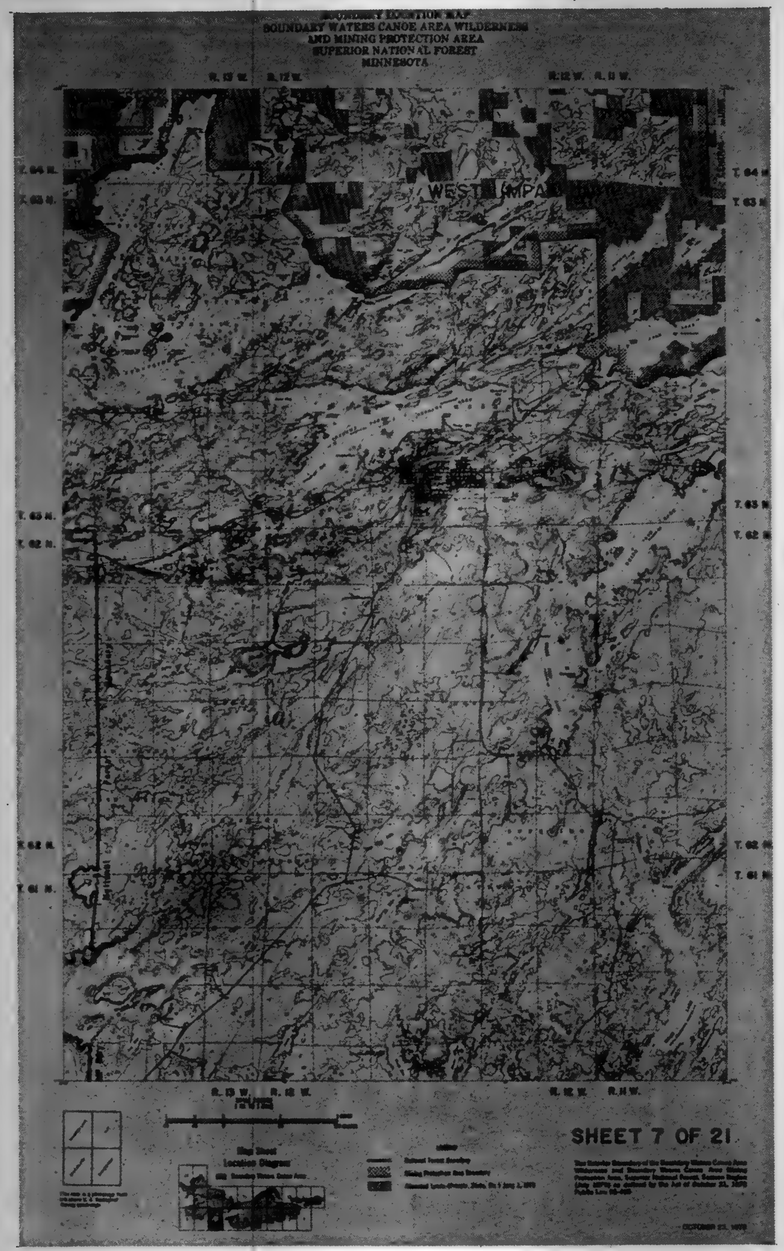

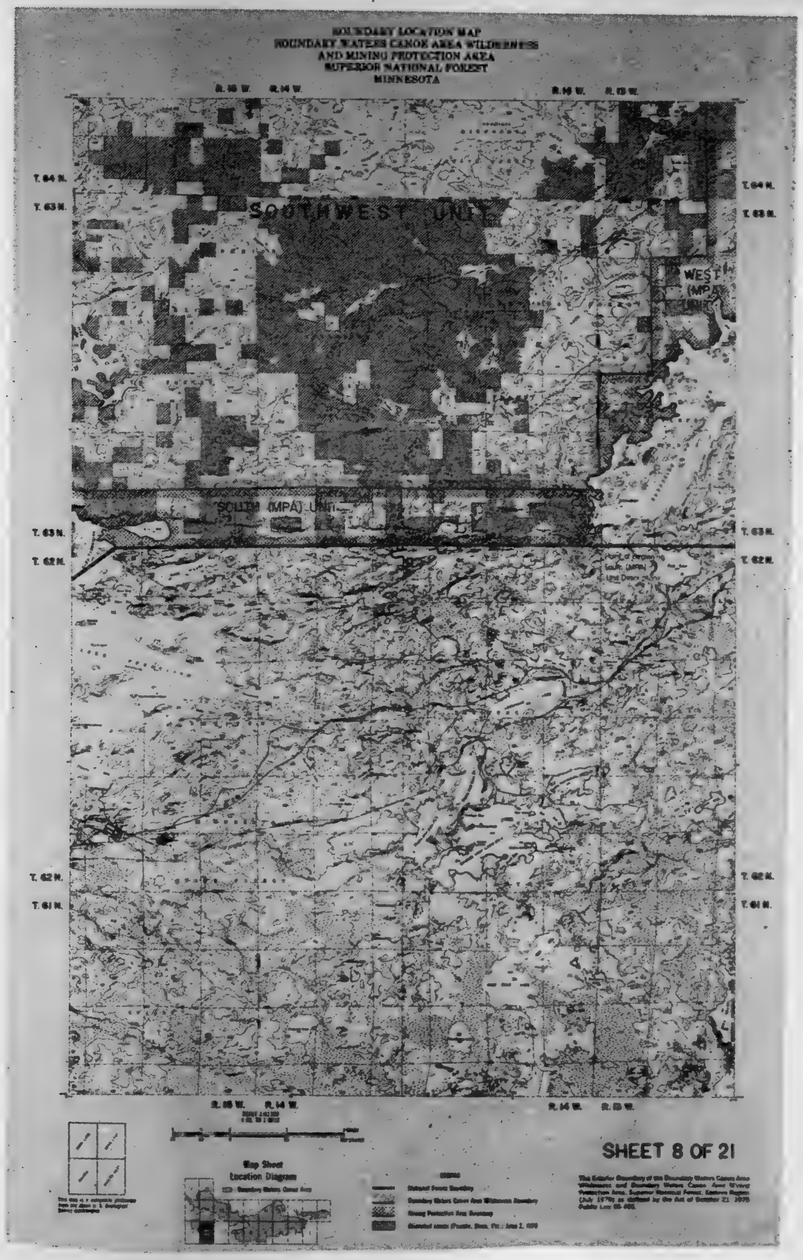

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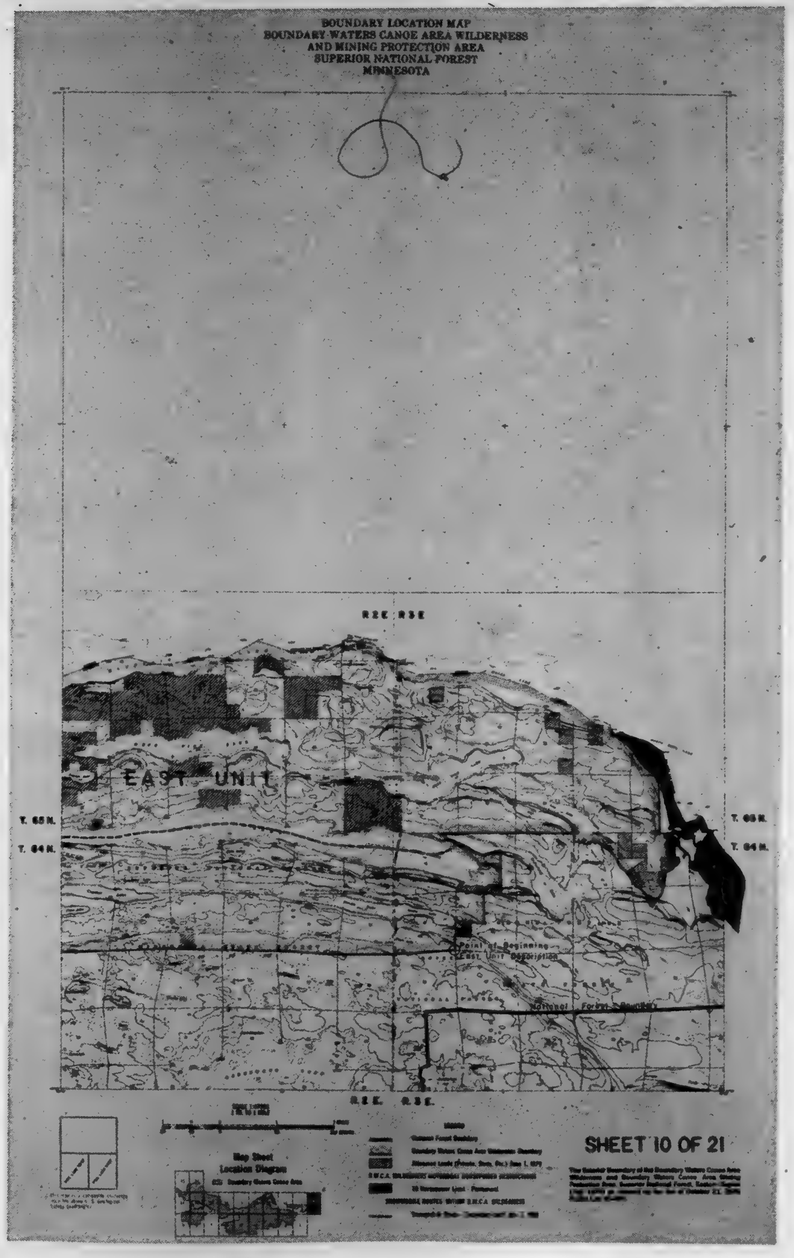

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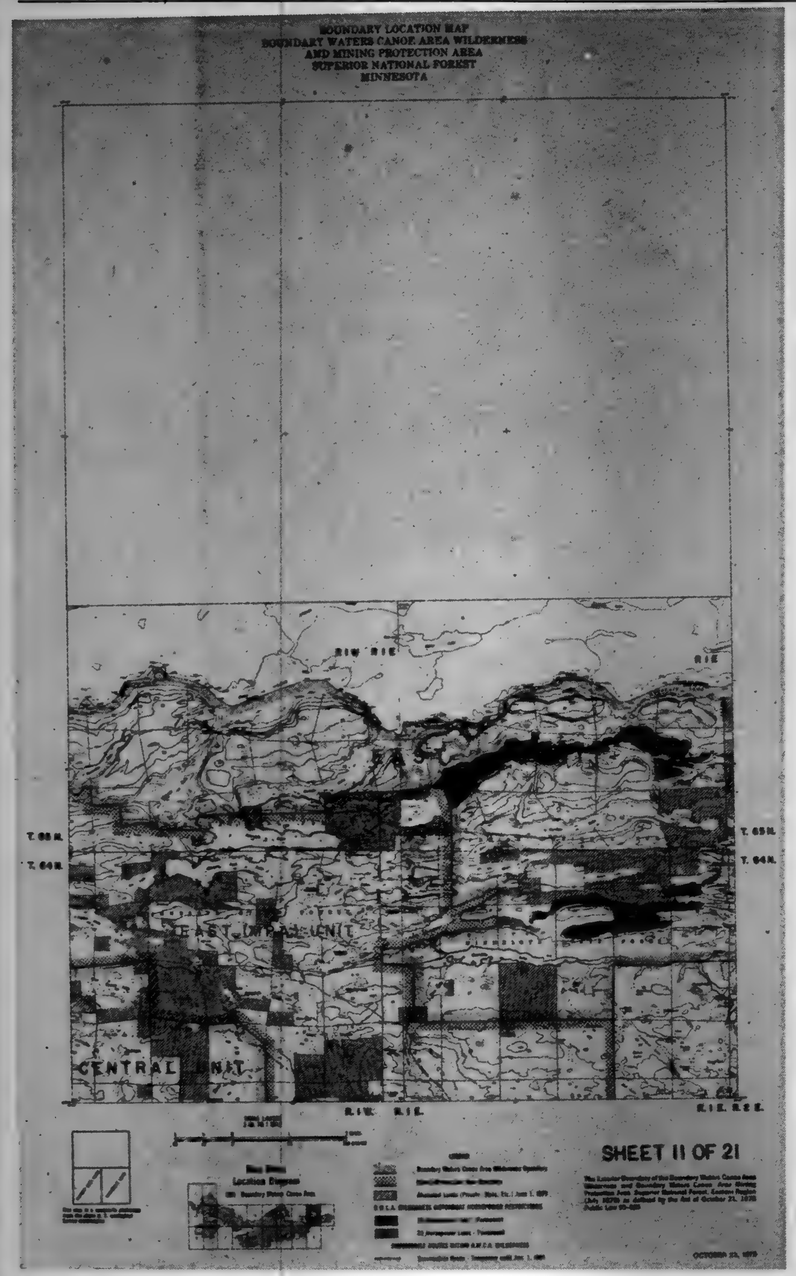
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AND MINING PROTECTION AREA
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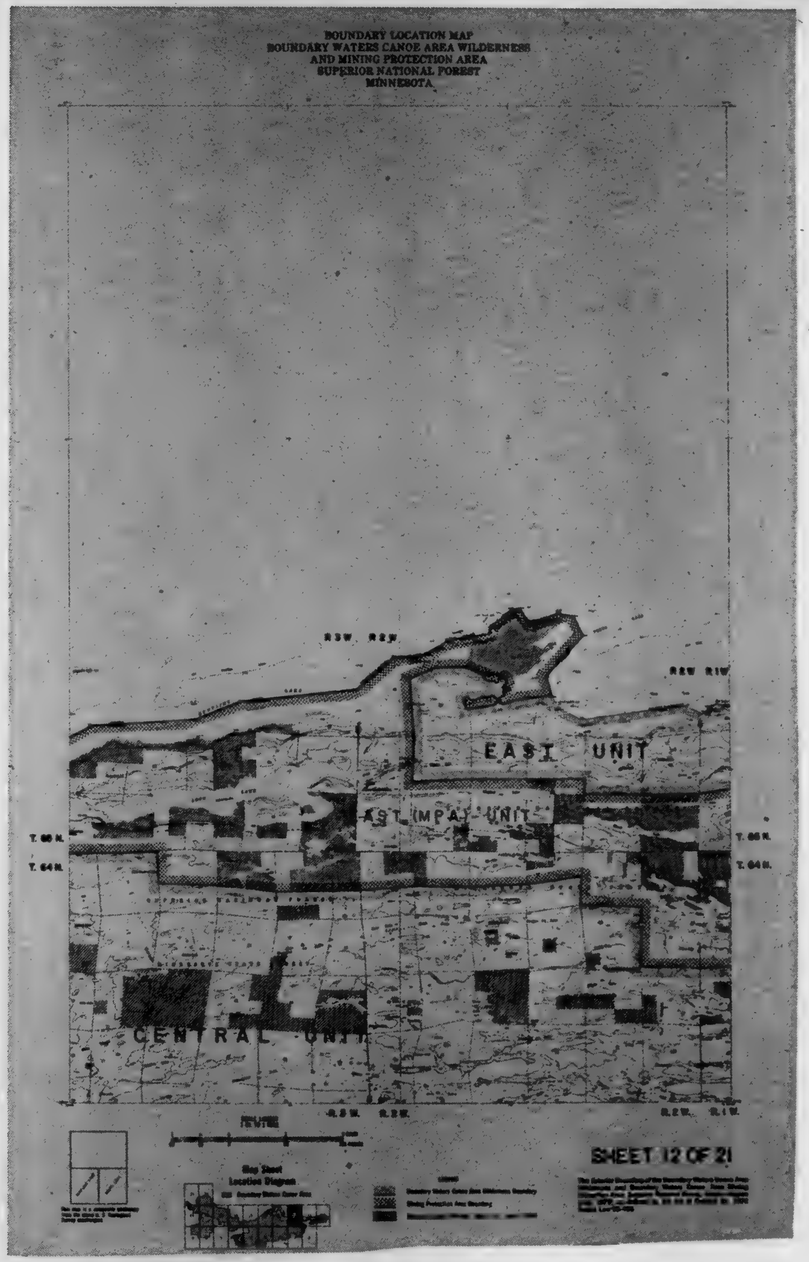
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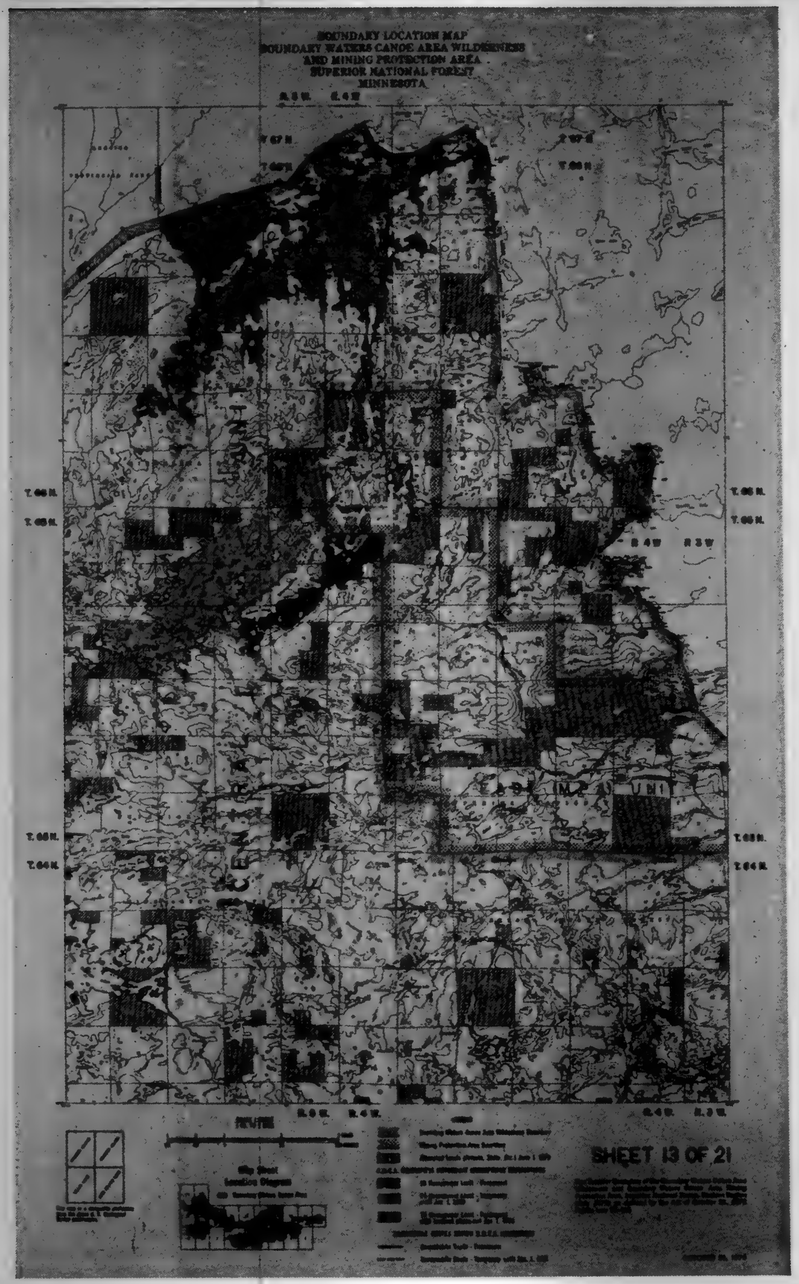

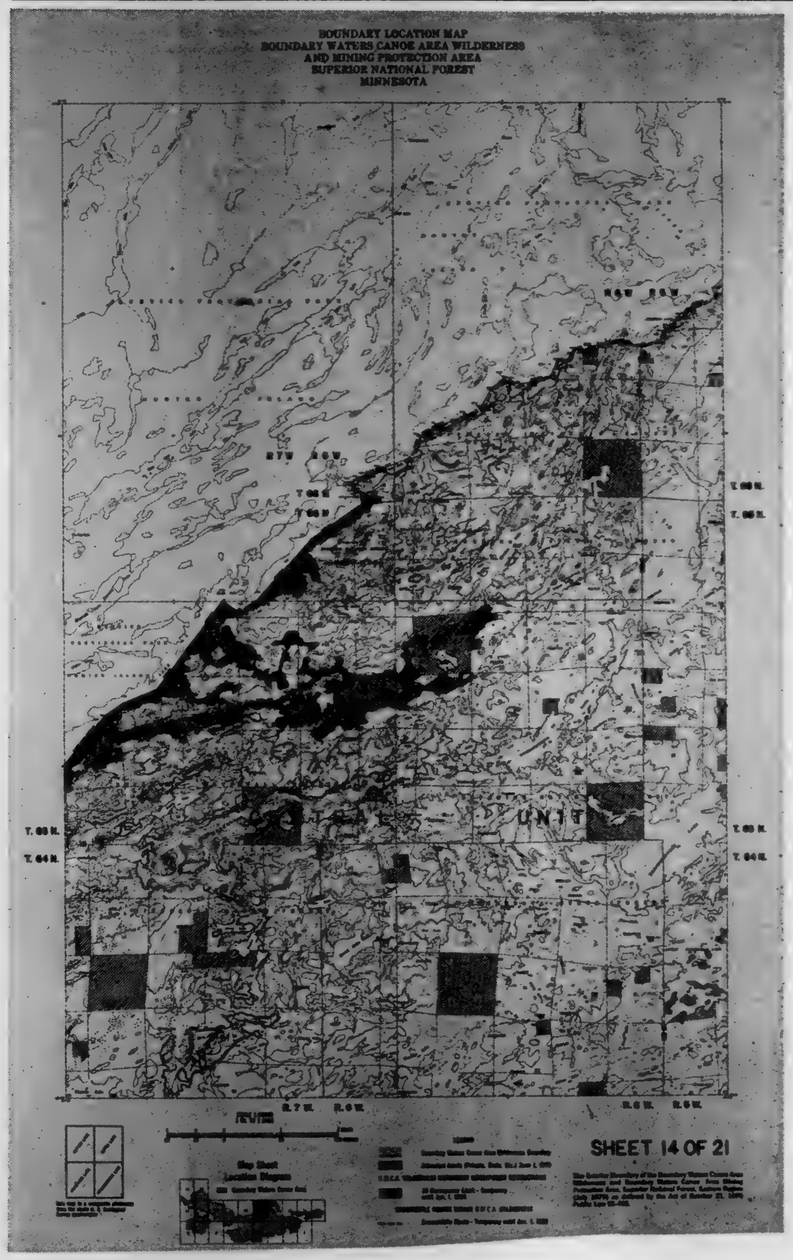

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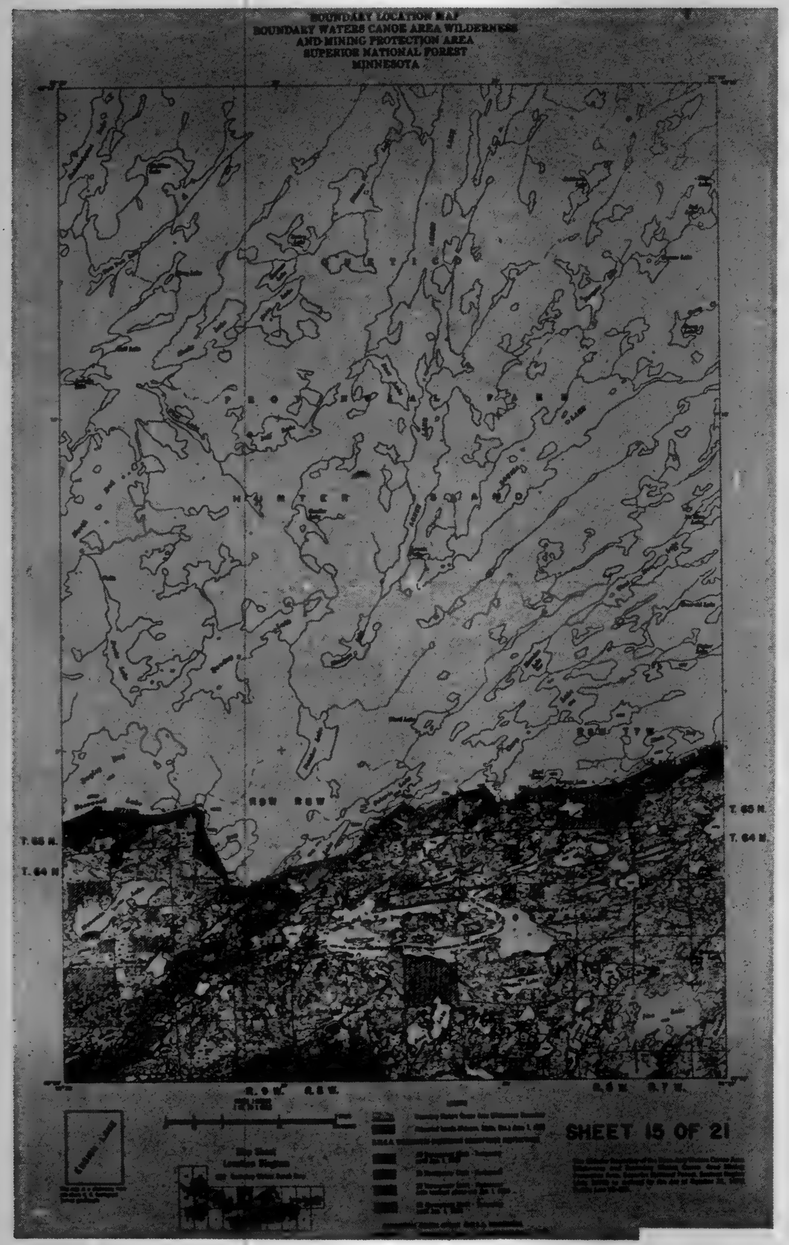

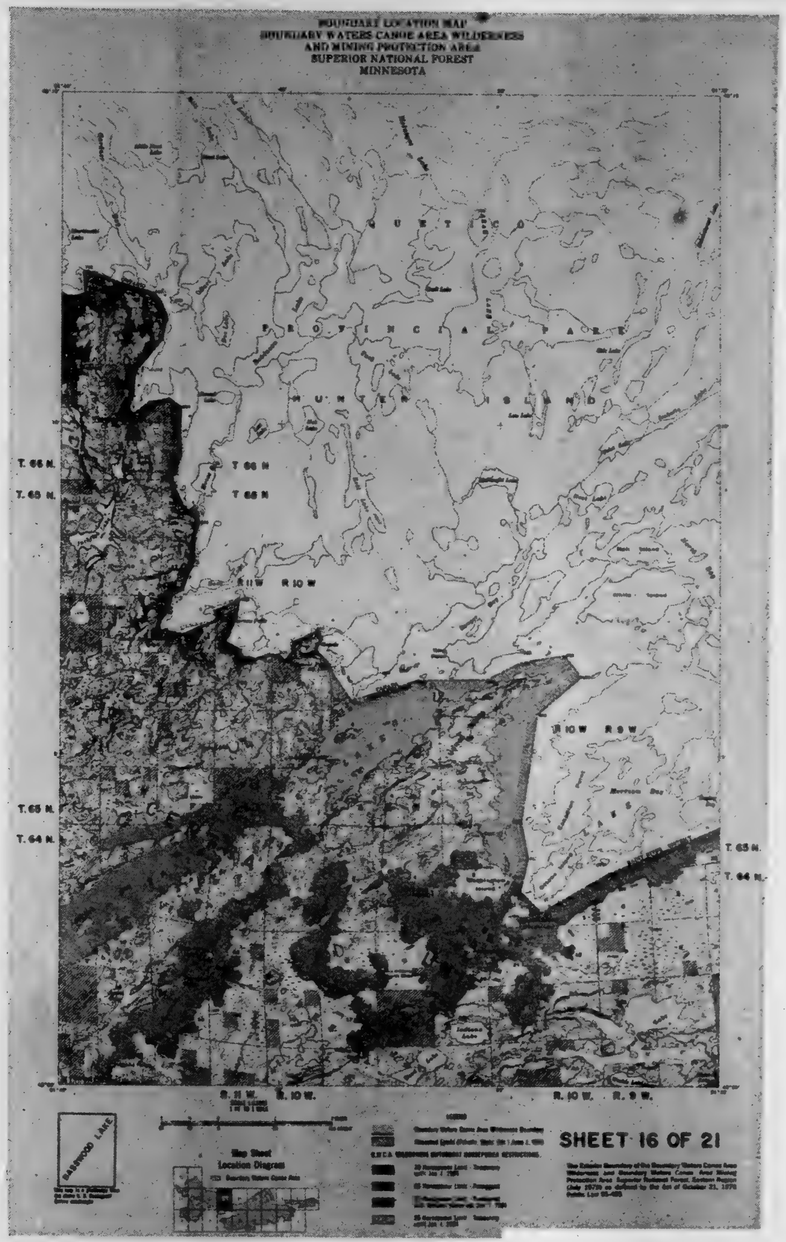

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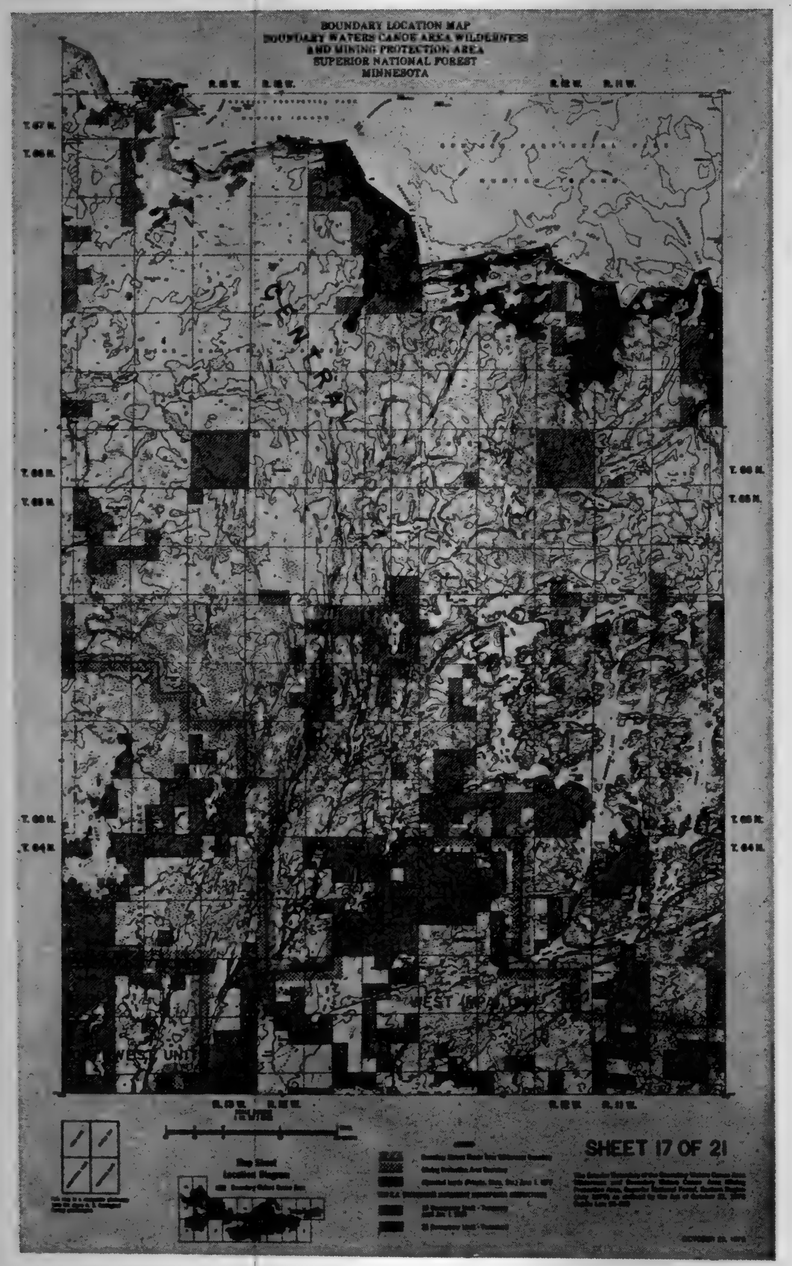

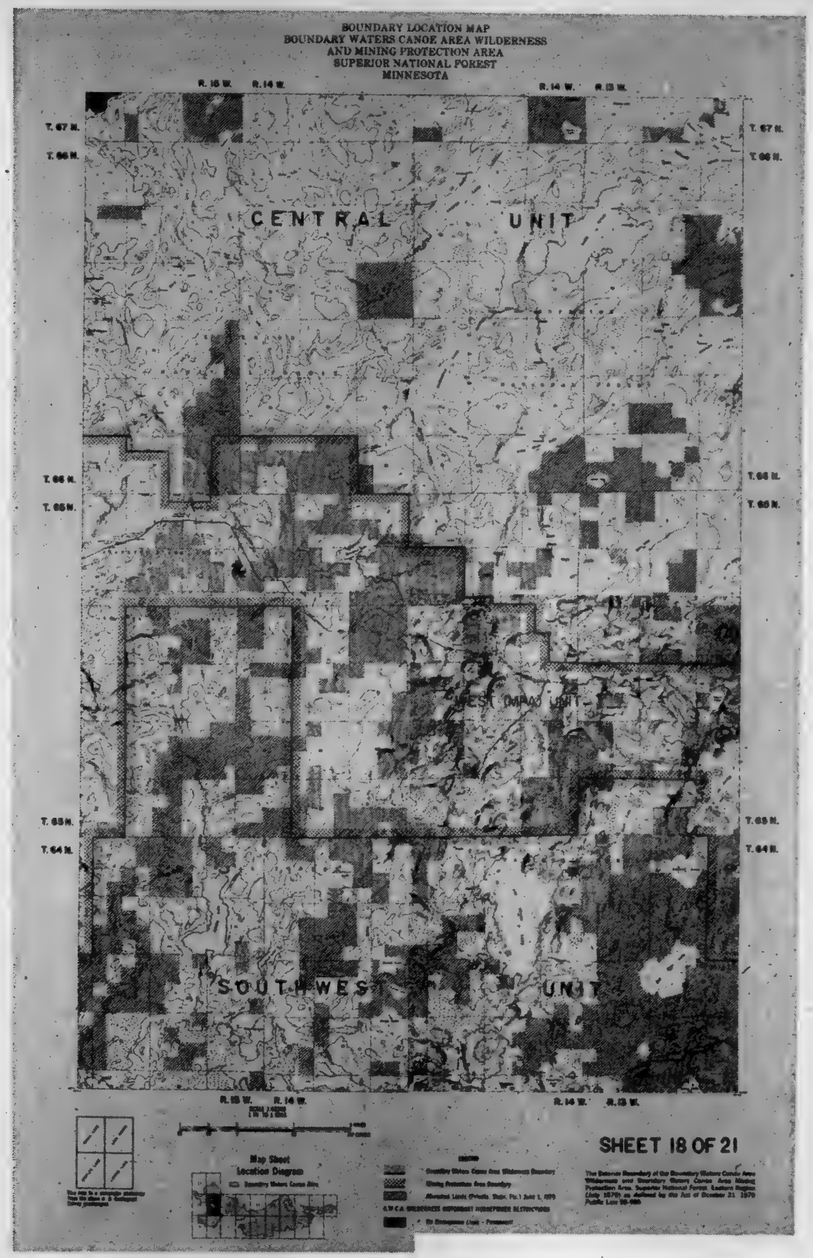

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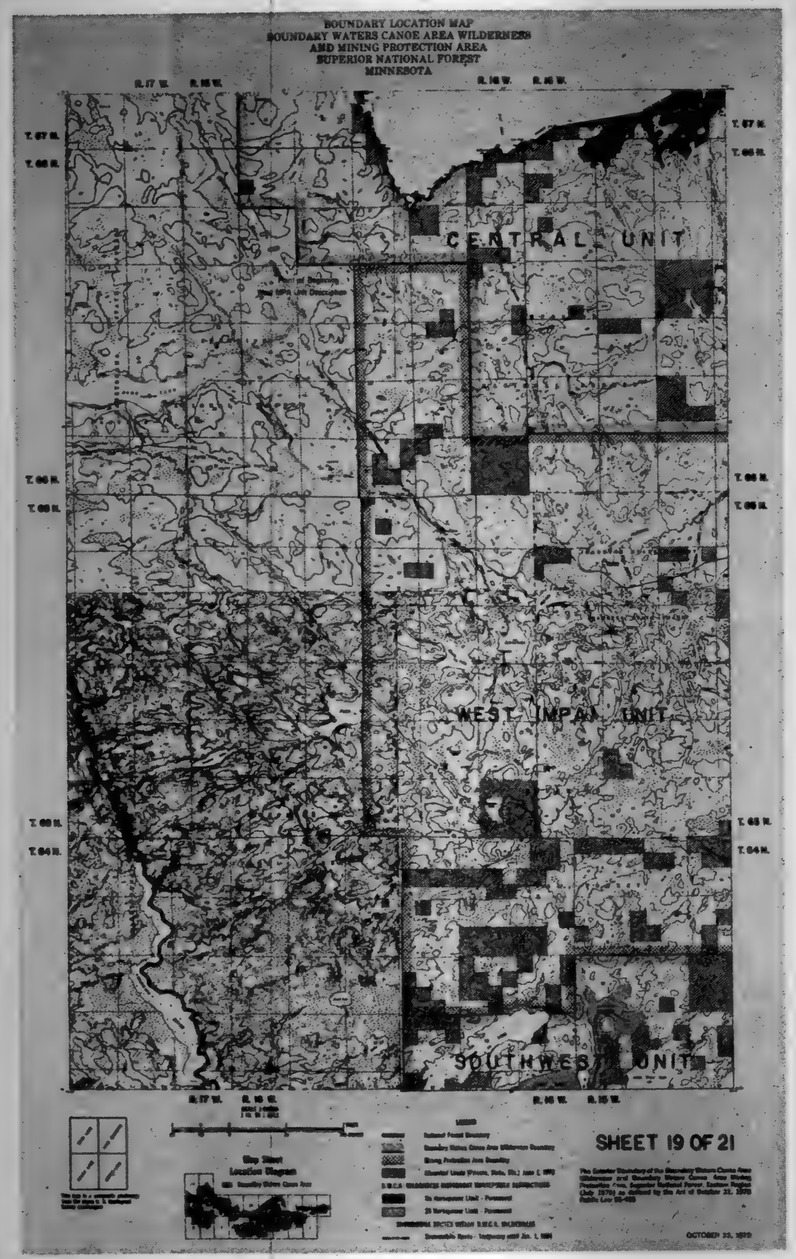

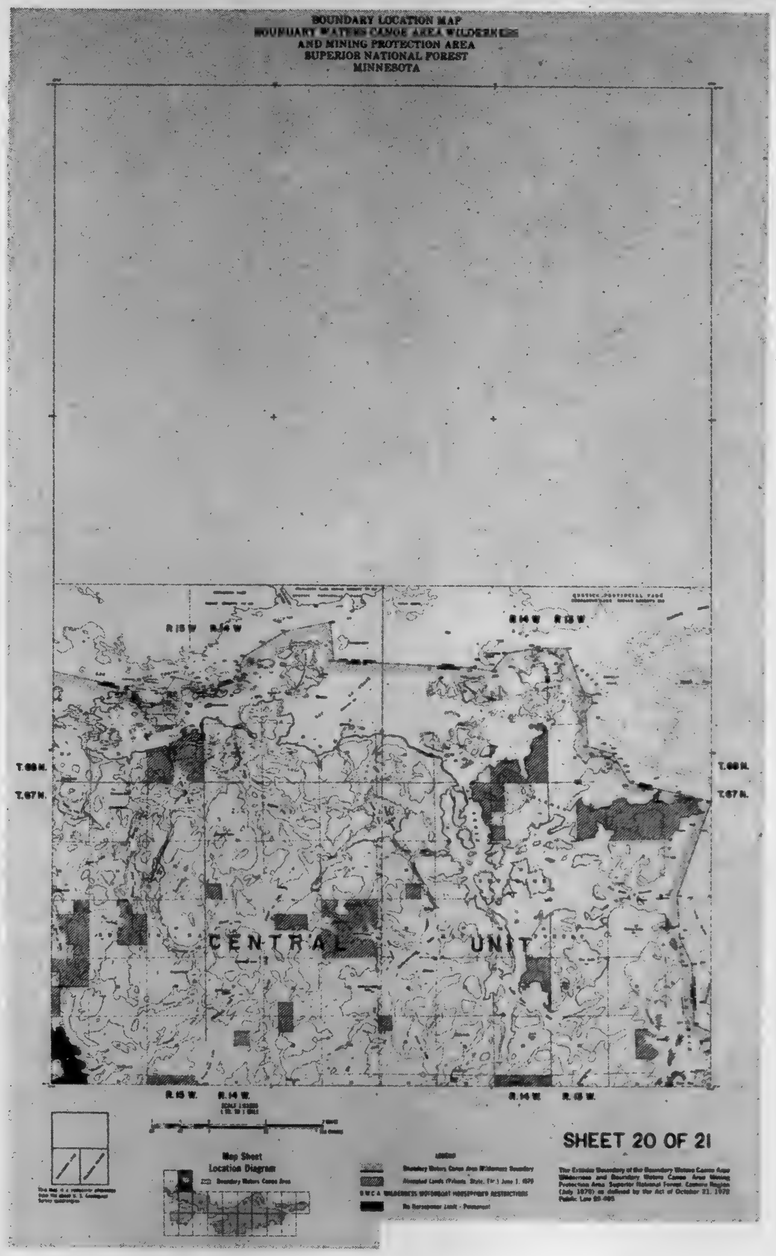

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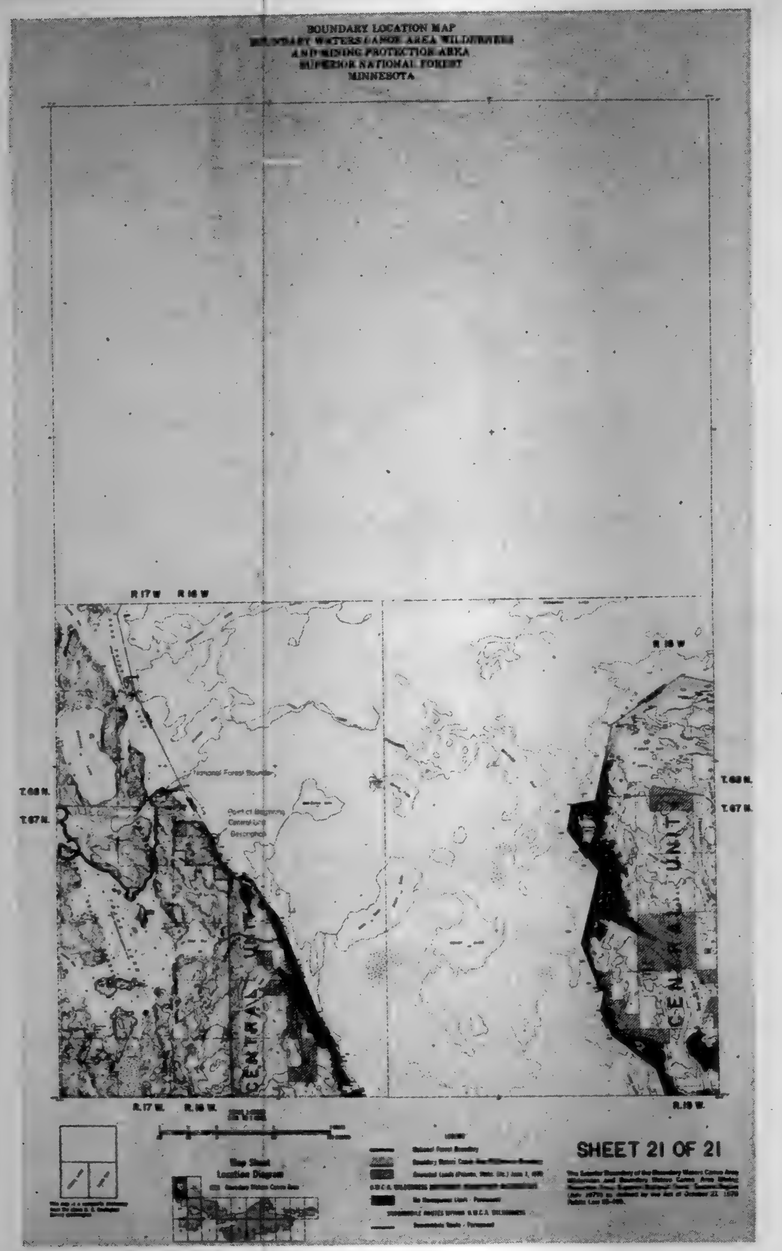

[FR Doc. 80-9339 Filed 3-28-80; 8:45 am]
BILLING CODE 3410-11-C

Soil Conservation Service

Cheboygan Area High School Critical Area Treatment and Land Drainage R.C. & D. Measure, Michigan

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cheboygan Area High School Critical Area Treatment and Land Drainage RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment and land drainage. The planned works of improvement include a grade stabilization structure along with 670 feet of diversion for critical area treatment and approximately 44,540 feet of tile on approximately 27 acres for land drainage. Total construction cost is estimated to be $53,400; $31,800 RC&D funds and $26,600 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmenal Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated May 5, 1980.

Dated: March 26, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Edward E. Thomas,
Assistant Administrator for Land Resources.

[FR Doc. 80-10245 Filed 4-3-80; 8:45 am]
BILLING CODE 3410-16-M

Fremont Middle School Critical Area Treatment R.C. & D. Measure, Missouri

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314–442–2271.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fremont Middle School Critical Area Treatment RC&D Measure, Carter County, Missouri.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include recreation area landgrading, diversions, heavy use area protection, lined waterways, subsurface drains, and critical area seeding. Approximately 4.6 acres of bare eroding lands will be shaped and planted to grass. The construction period for the measure is expected to be from one to two months.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314–442–2271. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

[Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: March 26, 1980.

Edward E. Thomas,
Assistant Administrator for Land Resources.

[FR Doc. 80-10243 Filed 4-3-80; 8:45 am]
BILLING CODE 3410-16-M

Manistee County Roads Critical Area Treatment R.C. & D. Measure, Michigan

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculure, gives notice that an environmental impact statement is not being prepared for the Manistee County Roads Critical Area Treatment RC&D Measure, Manistee County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the installation of five erosion control structures on county road rights-of-way. Total construction cost is estimated to be $39,900; $17,300 RC&D funds and $22,600 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H.

V 45 / 67 APR 80 UMI

Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a-f, q)

Dated: March 28, 1980.

Edward E. Thomas,

Assistant Administrator For Land Resources.

[FR Doc. 80-10244 Filed 4-3-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 37481]

Capitol International Airways, Inc.; Scheduled Flight Cancellations; Amended Notice of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter originally set for April 11, 1980 (45 FR 20147, March 27, 1980), has been rescheduled at the request of the Bureau of Consumer Protection and with the consent of Respondent Capitol International Airways, Inc., and will be held on April 10, 1980, at 1:30 p.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Argument concerning the motion filed by the Bureau of Consumer Protection on March 4, 1980, requesting consolidation of this proceeding with the consolidated proceedings in Dockets 36446 and 36946 will be entertained. Other matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 28, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-10237 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 32630]

Florida-Mexico City, Service Investigation (Remanded); Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., March 31, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-10235 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 36446 and 36946]

Lester Cohen and Stacey Schlau v. Capitol International Airways, Inc., and Gregory James Tharp v. Capitol International Airways, Inc.; Amended Notice of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled cases originally set for April 11, 1980 (45 FR 20147, March 27, 1980), has been rescheduled at the request of the Bureau of Consumer Protection with the consent of Respondent Capitol International Airways, Inc., and will be held on April 10, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judges.

Matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 28, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-10236 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33712]

Tiger International-Seaboard Acquisition Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 5, 1980 at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, *on or before April 18, 1980,* together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., March 28, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10234 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37937]

United States-London Case (1981); Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on April 16, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Elias C. Rodriguez.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and for evidence, (4) statements of position, (5) proposed procedural schedule, and (6) proposals for organizing cross-examination or otherwise expediting the hearing.

Parties with common interests are also encouraged to determine the feasibility of making joint, rather than individual, presentations at the hearing and at the conference.

The Bureau of International Aviation shall deliver its material with respect to items (1), (2), (4), (5), and (6), above, on or before April 9, 1980, and the other parties shall deliver their materials with respect to items (1) through (6) on or before April 14, 1980. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau, including Appendix A to Order 80–3–176, to facilitate cross-referencing. All persons making prehearing conference submissions must insure that their materials are *delivered* by the dates specified.

Dated at Washington, D.C., April 1, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-10238 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37937]

United States-London Case (1981); Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., April 1, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-10239 Filed 4-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37937; Order 80–3–176]

United States-London Case (1981); Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1980.

On March 5, 1980, representatives of the United States and the United Kingdom initialed an *ad referendum* amendment to the United States-United Kingdom Air Services Agreement (Bermuda 2) which provides for major expansion of route rights between our two countries. Specifically, it permits first-time nonstop service between St. Louis, New Orleans, Denver and London and additional nonstop service between Miami, Boston, and London.[1] Both countries are also permitted to name five additional U.S. points for nonstop London service between now and 1985. Gateway selections alternate between the U.S. and the U.K., with the U.S. having first choice in 1981. Both countries may nominate two cities in any one year of their choosing. In that case, each country may select the second point after the other has selected its first point for that year.

There has been a steady liberalization of U.S. policy in international aviation in recent years. As part of that policy the United States has negotiated pro-competitive bilateral agreements in an attempt to create a foreign air transportation system that is responsive to the needs of the traveling and shipping public. The newly acquired rights in the amendments to Bermuda 2 will not produce the same competitive climate that results from multiple entry. It will introduce additional competition into the U.S.-London market. To maximize benefits to the public as quickly as possible, we find that it is consistent with the public convenience and a necessity to exercise the U.S. option to select two new U.S. gateways to London, and carriers to serve them, in 1981.

To this end, we are instituting the *U.S.-London Case (1981),* Docket 37937, to be set for an oral hearing before an administrative law judge to choose the three most attractive city/carrier combinations. The ranking of three U.S. points is necessary since the U.K. could preempt our second selection. For the reasons explained below we plan to consider the following gateway candidates: Tampa; Pittsburgh; Baltimore; Newark; and Kansas City.

Our initial choice of these city candidates results from our recent investigation of potential U.S. gateways to London in the *Wild Card Route case,* Docket 35752, and the recent amendments to the Route Schedule of Bermuda 2. In the *Wild Card* case, we carefully reviewed the merits of fifteen cities for gateway status—concluding that all city candidates warrant U.S.-London nonstop service.[2] Several of those cities have now been added to the Bermuda 2 route schedule.[3] Tampa, Pittsburgh, and Kansas City rank first among the remaining cities as the most likely to immediately benefit the traveling and shipping public. Based on the record in the *Wild Card* case, they are most likely to receive substantial carrier proposals, flow traffic for other points, and maximize the competitive impact on other U.S.-London operations.[4] As for Baltimore and Newark, we have recently traded valuable economic rights for the opportunity to include these two cities in the route schedule as independent points.[5] We believe carriers should have the opportunity to demonstrate the advantages of nonstop service from both cities in this proceeding. Further, both points appear to be well-positioned to attract flow traffic from interior points, traffic from local catchment areas, and to exert competitive pressure on existing gateways.

We think it unlikely at this point that 1981 selection of other potential gateways will provide as many public benefits as soon as this group. However, we are prepared to consider other candidate cities on an equal footing with the named cities if they are backed up by substantial carrier proposals.

The tentative decision to focus attention on these five potential gateways should not be interpreted as casting doubt upon the attractiveness of other points for later nomination as London gateways. Since the agreement allows three additional points by 1985, we will consider other city candidates in the future. The addition of new gateways and services to the United States-United Kingdom aviation map—at least eight new gateways will be added by 1982, as well as additional service from two existing gateways, Boston and Miami—will undoubtedly alter current traffic flows, requiring carrier reassessment of their own gateway priorities. We anticipate that communities which appear less attractive today may well develop into superior choices at a later time.[6]

As we recently noted in our recommendation to the President in the *Wild Card Route Case,* city selection and carrier selection are inextricably linked and should be considered in tandem. We stated that:

> "we [could not], however, pick a city in the abstract, just by looking at a map or at its general air service or economic characteristics; a meaningful comparative analysis must also consider the actual service and fare options being proposed by the applicants at the various points." [7]

The parties and judge should, therefore, consider primarily which combination of gateway city and carrier will provide the greatest fare and service benefits to the greatest number of people while at the same time imposing maximum competitive pressures on other U.S.-London gateways. Since multiple entry is restricted, we believe that reliance on these criteria will promote optimum service alternatives at the lowest possible fares. We do not, of course, exclude other factors where they are relevant.

We expect this proceeding to consider which carriers should be selected for primary and back-up authority to implement these new rights under the *ad referendum* agreement and what conditions, terms and limitations, if any, should be attached to that authority. Because of the absence of the competitive incentives in limited-entry routes, we decided to issue three-year, experimental certificates under section 401(d)(8) of the Act in the *Wild Card Route Case.* We found that temporary, experimental awards were necessary to ensure that the selected carrier would reasonably adhere to the fare and

[1] The United States may designate a second carrier at Boston and one at the new Denver gateway starting April 14, 1980 (see Orders 80–3–66, 80–3–66, 80–3–67, and 80–3–85). We may select an additional carrier at Miami to begin London operations January 15, 1981. The United Kingdom may also add another carrier at Miami and one at St. Louis beginning April 14, 1980, and a carrier to operate at New Orleans on April 1, 1981.

[2] Cleveland; Denver, Ft. Lauderdale; Honolulu; Kansas City; Las Vegas; Minneapolis/St. Paul; New Orleans; Orlando; Phoenix; Pittsburgh; Portland; St. Louis; San Diego; and Tampa.

[3] The following *Wild Card* candidates have been added to the Route Schedule of Bermuda 2: Denver, Minneapolis/St. Paul, New Orleans, and St. Louis.

[4] See the *Wild Card Route Case,* Docket 35752, Order 80–3–170.

[5] Baltimore and Newark previously could receive nonstop service to London but only as alternatives to Washington, D.C. and New York, respectively.

[6] We intend to consider the issue of whether the third city should be the Board's 1982 city recommendation, if the British do not preempt it. We ask the parties to address this question.

[7] See Order 80–3–170, Docket 35752, at 3.

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service proposals which formed the bases for its selection. For the same reasons, we have decided that primary and back-up authority for these routes will also be limited to temporary experimental certificates. The duration of those certificates will be considered in the case.

We also wish to reduce the delay and costs of the evidentiary burdens typically associated with traditional carrier selection cases. Specifically, we expect the judge and the parties to make a concerted effort to reduce the quantity of required exhibit material, eliminate duplication and excessive detail, standardize methodology and focus on significant facts and assumptions. We are particularly concerned that this case, coming soon after the *Wild Card* case, not unduly tax the civic parties that already have devoted substantial resources to seeking London service. Where an adequate record can be developed by permitting incorporation of the exhibits from that case, we encourage the parties to do so. Resolution of these matters will, of course, remain with the administrative law judge. Since the bilateral agreement requires nomination of our first 1981 city choice by December 1, 1980, we are setting a November 1, 1980 target date for Board decision to permit the President sufficient time to review our recommendation. The recommended decision shall be rendered on or before September 8, 1980. We request the parties, staff and administrative law judge to move this case along with due speed to insure we meet this schedule. To this end we have attached, as Appendix A to this order, a preliminary evidence request prepared by the Board's Bureau of International Aviation. Objections and responses to the evidence request will be due two days before the date set by the judge for the prehearing conference.

Applications, petitions and motions to consolidate shall be filed within 7 days after the service date of this order. Answers shall be filed within 5 calendar days thereafter. We shall take review of the administrative law judge's recommended decision and require that all briefs to the Board be filed 14 days after the recommended decision service date.

Finally, we shall waive the requirement that the applicants submit an environmental evaluation. In PR–218 we adopted revisions to Part 312 of the Board's Regulations which, among other things, eliminated the requirement that environmental evaluations be filed by applicants for route awards. While these amendments are not currently effective, they will be applicable by the time this proceeding reaches us for decision. Therefore, we see no useful purpose to their submission.

Accordingly,

1. We institute the *U.S.-London Case (1981)*, Docket 37937, to be set for hearing before an administrative law judge of the Board at a time and place to be designated;

2. The proceeding instituted by paragraph 1 shall include consideration of the following issues:

a. which three U.S. cities, by rank, should be selected to receive nonstop service to London, England;

b. which air carrier or carriers should be authorized to engage in foreign air transportation of persons, property and mail between London, England and the U.S. cities to be nominated to receive nonstop service in 1981;

c. which carrier or carriers should be granted back-up authority; and

d. for the air carrier or carriers authorized to engage in this service, what terms, conditions, and limitations, if any, should be attached to that authority.

3. Applications, petitions and motions to consolidate shall be filed within 7 days of the service date of this order (i.e., no later than April 4, 1980); responsive answers shall be filed within 5 calendar days thereafter (i.e., no later than April 9, 1980);

4. We will take review of the Administrative Law Judge's recommended decision on our own initiative; and

5. Pursuant to § 312.6 of the Board's Procedural Regulations, we waive the requirement that carrier applicants file environmental evaluations with their applications.

We shall publish this order in the **Federal Register.**[2]

By the Civil Aeronautics Board: [1]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–10232 Filed 4–3–80; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended March 28, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

[1] Appendix A filed as part of the original document.

[2] All members concurred.

Subpart Q Applications

Date filed	Docket No.	Description
Mar. 24, 1979	37925	Cascade Airways, Inc., c/o Nathaniel P. Breed, Jr., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Cascade Airways, Inc. pursuant to Section 401 of the Act and Parts 201 and 302 of the Board's Regulations requests a certificate of public convenience and necessity so as to authorize Cascade to engage in scheduled air transportation with respect to persons, property and mail over the following route: Between the terminal point Pocatello, Idaho and the terminal point Salt Lake City, Utah. Answers may be filed by April 11, 1980.
Mar. 26, 1980	37932	Kelowna Flightcraft Air Charter Ltd., c/o Barry Lapointe, Kelowna Airport R.R. 2 Kelowna, B.C. Application of Kelowna Flightcraft Air Charter Ltd. pursuant to Section 402 of the Act requests a foreign air carrier permit for a charter service utilizing small aircraft in the form granted by the Board to other Canadian carriers pursuant to Order 74–11–154 approved by the President on November 27, 1974, between the United States and Canada. Answers may be filed by April 23, 1980.
Mar. 26, 1980	37933	Channing Aviation, c/o Raymond Chan, 4 Torryburn Place, Don Mills, Ontario, Canada M3B 1R3. Application of Channing Aviation pursuant to Section 402 of the Act requests a foreign air carrier permit for a charter service utilizing small aircraft in the form granted by the Board to other Canadian carriers pursuant to Order 74–11–154 approved by the President on November 27, 1974, between the United States and Canada. Answers may be filed by April 23, 1980.
Mar. 26, 1980	37934	Air Florida, Inc., c/o Robert P. Silverberg, 2020 K Street, N.W., Suite 435, Washington, D.C. 20006. Application of Air Florida, Inc. pursuant to Section 401(b) of the Act and Parts 201 and 302 of the Board's Regulations, requests amendment of its certificate of public convenience and necessity authorizing it to engage in foreign air transportation with respect to passengers, property and mail, as follows: Between the terminal point Miami/Ft. Lauderdale, Florida, the intermediate points Freeport, George Town, Great Harbor Cay, Marsh Harbour, Nassau, Rock Sound, Treasure Cay and West End, Bahama Islands, and South Caicos, Grand Turk and Providenciales, Turks and Caicos Islands, B.W.I., Barbados, Ponce and Mayaquez, P.R., Port Au Prince and Cap Haitien, Haiti, Pointe-A-Pitre, Guadeloupe, Puerto Plata and Santo Domingo, Dominican Republic, St. Martin, Leeward Islands, Ft. de France, Martinique, Kingston and Montego Bay, Jamica, San Andres Islands and Barranquilla, Columbia. Answers may be filed by April 23, 1980.
Mar. 27, 1980	37945	Pan American World Airways, Inc., Pan Am Building, New York, New York 10017. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's procedural Regulations, requests issuance of a certificate of public convenience and necessity authorizing it to engage in foreign air transportation of property (with accompanying attendants) and mail over the following route: Between the coterminal points New York, N.Y./Newark, N.J.; Chicago, Ill; Seattle, Wash.; Los Angeles/Ontario/Long Beach and San Francisco/Oakland, Calif. and the coterminal points Montreal and Toronto, Canada. Conforming Applications and Answers may be filed by April 24, 1980.
Mar. 28, 1980	37951	Pan American World Airways, Inc., Pan Am Building, New York, New York 10017. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of Segment 4 of its certificate of public convenience and necessity for Route 132 to authorize it to engage in foreign air transportation of persons, property and mail as follows: 4. Between the coterminal points Los Angeles and San Francisco–Oakland–San Jose, Cal., Seattle–Tacoma, Wash., Portland, Ore., Chicago–Rockford, Ill. Detroit, Mich., Houston, Tex., Washington, D.C.–Baltimore, Md., Philadelphia, Pa., New York, N.Y.–Newark, N.J., Boston, Mass., Bangor, Me.; Dover Air Force Base, Del.; and McGuire Air Force Base, N.J.; Intermediate points within the following areas: Ireland, including the intermediate point Dublin, United Kingdom, including Northern Ireland, The intermediate point Paris, France, Belgium, The Netherlands, Germany, Poland, The intermediate point Leningrad, U.S.S.R., Czechoslovakia, Austria, Hungary, The intermediate point Rome, Italy, Yugoslavia, Rumania, Bulgaria, Turkey, Lebanon, Syria, Iraq, Iran, Afghanistan, Pakistan, and India; and the terminal point Moscow, U.S.S.R. [New language underscored] Conforming Applications and Answers are due April 28, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–10233 Filed 4–3–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Countervailing Duties—Pig Iron From Brazil

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Countervailing duty order.

SUMMARY: This notice is to inform the public that the Government of Brazil has provided benefits considered to be subsidies within the meaning of the countervailing duty law to producers of pig iron exported to the United States and that the Secretary of Commerce has been advised by the International Trade Commission that an industry in the United States is being materially injured by reason of the importation of such merchandise benefiting from subsidies.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Import Administration, U.S. Department of Commerce, Room 3826, Washington D.C. 20230, 202 566–5492.

SUPPLEMENTARY INFORMATION: On November 26, 1979, a Notice of Final Countervailing Duty Determination was published in the **Federal Register** (44 FR 67554).

The Treasury Department determined at that time that the Government of Brazil has paid bounties or grants to producers or exporters of pig iron. (On January 2, 1980, responsibility for the administration of the countervailing duty law was transferred from the Treasury Department to the Department of Commerce.) A description of the programs determined to constitute the bounties or grants was provided, and the net amounts of the bounties or grants estimated or determined to be applicable to various exporters were listed in an appendix to the notice. Since pig iron enters the United States free of ordinary Customs duties, liquidation was suspended and the U.S. International Trade Commission ("Commission") was advised of the Determination.

The above actions were taken pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) ("the Act"), the law then in effect governing the imposition of

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countervailing duties on imports from all countries. Effective January 1, 1980, the Tariff Act of 1930 was amended by adding a new Title VII. Subtitle A of Title VII has replaced section 303 of the Act with regard to the imposition of countervailing duties on imports from each of those countries which have been determined to constitute "a country under the Agreement" pursuant to section 2(b) of the Trade Agreements Act of 1979, Pub. L. 96–39, and section 701 of the Tariff Act of 1930 (93 Stat. 151, 19 U.S.C. 1671(b)). Brazil has been determined to be "a country under the Agreement."

The Commission was conducting an investigation under Section 303 with respect to the subject product on the effective date of the application of title VII of the Act to imports from Brazil. The Commission terminated that investigation pursuant to Section 102(c) of the Trade Agreements Act of 1979 (93 Stat. 189), and initiated a new investigation under subtitle A of title VII of the Act.

On March 18, 1980, the Commission advised the Secretary of Commerce of its determination that an industry in the United States is being materially injured by reason of the importation of pig iron from Brazil, upon which the Secretary of the Treasury has determined that a bounty or grant is being paid. Under Section 102(c)(1) of the Trade Agreements Act, a final determination of the Secretary of the Treasury under section 303 is treated as a final determination under section 705(a) of the Act (93 Stat. 151, 19 U.S.C. 1671d(a)), and the net amount of the bounty or grant estimated or determined under section 303 is considered to be the net subsidy amount under subtitle A.

Accordingly, Customs Officers are hereby directed to assess a countervailing duty on entries of pig iron from Brazil equal to the amount of the net subsidy determined or estimated to exist, within 6 months after the date on which the Secretary of Commerce receives satisfactory information upon which the assessment may be based, but in no event later than 12 months after the end of the annual accounting period of the manufacturer or exporter within which the merchandise is entered, or withdrawn from warehouse, for consumption.

The pig iron covered by this countervailing duty order includes merchant pig iron of basic, foundary, malleable, and low phosphorous grades, and is classified under item number 606.1300 of the Tariff Schedules of the United States Annotated (TSUSA).

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such pig iron imported directly or indirectly from Brazil which benefit from these subsidies shall continue to be suspended, pending further declaration of the net amount of the subsidies paid. Effective with the date of publication of this notice in the **Federal Register** and until further notice, deposit of the estimated countervailing duty shall be required at the time of entry, or withdrawal from warehouse, for consumption. The amount to be deposited for each company is listed in the appendix to this notice.

Annex III to Part 355 of the Department of Commerce Regulations (19 CFR Part 355) is amended by inserting after the last entry for Brazil the words "Pig Iron" in the column headed "Commodity," the **Federal Register** citation of this notice in the column headed "Treasury Decision," and the words "net subsidy declared-rate" in the column headed "action".

This notice is published pursuant to Section 706 of the Tariff Act of 1930, as amended (19 U.S.C. 1671e), and § 355.36 of the Department of Commerce Regulations (19 CFR 355.36).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

March 28, 1980.

Appendix

Company	Amount
Sicafe—Productos Siderurgica Ltda	$7.04
Siderurgica Sao Paolo Ltda	2.85
Siderurgica Bandeirante Ltda	4.70
Siderurgica Uniao Bondespachense Ltda	7.70
Siderurgica Itatiaia S.A.	7.95
Siderurgica Altercosa Ltda	5.82
Cia. Satelagoana de Siderurgia	5.06
Siderurgica Valinho S.A.	4.12
Siderurgica Sao Sebastiao de Itatiaiuqu S.A	11.44
Usipa-Siderurgica Paraense S.A	5.62
Siderurgica Camargos S.A	3.06
Cimetal Siderurgia S.A.	5.41
Metalurgica N.S. da Penha S.A.	5.20
Cia. Brasileira de Ferro	10.40
Siderurgica Santa Maria Ltda	4.98
Cia. Siderurgica Pitangui	15.42
Companies not listed above	6.07

[FR Doc. 80-10282 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, April 24, 1980, at 10 a.m. in Room 1624, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)91) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production of technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Final discussion of accuracy parameters for numerically controlled machine tools.

(4) New business.

(5) Initiate discussions pertaining to robots and robot control.

Executive Session

(6) Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. Sec. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any Subcommittees thereof, was published in the **Federal Register** on October 25, 1978 (43 FR 49828).

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: April 1, 1980.

Saul Padwo,

Acting Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-10283 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes: Correction

In the Decision on Applications for Duty-Free Entry of Electron Microscopes appearing on pages 19285 through 19288 in the **Federal Register** of Tuesday, March 25, 1980, Docket No. 80–00015 is hereby amended to include a description of the article. The notice should read:

Docket No. 80–00015. Applicant: Columbia University, College of Physicians and Surgeons, 630 W. 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Article: The article is intended to be used for studies of sections of muscle and other biological specimens embedded in epoxy resins. The experiments will be physiological or pharmacological treatments of muscle fiber bundles or of single muscle cells to determine the alterations of muscle fiber structure produced. In addition, the article will be used for the training of advanced graduate students or postdoctoral fellows who will already be familiar with ordinary electron microscopes. Article Ordered: July 31, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10282 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council's public meeting notice, published in the **Federal Register**, Volume 45, No. 57, dated March 21, 1980, is amended as follows:

The meeting will convene on Wednesday, April 9, 1980, at 1 p.m., and will adjourn on Thursday, April 10, 1980, at approximately 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: April 1, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10185 Filed 4-3-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 7, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1980, November 27, 1979 (44 FR 67925):

Class 7530—NO NSN

Divider, Separation P.S. Item No. 01037B.

SIC 0782

Grounds Maintenance Sites F, G, H, I, Naval Air Station Miramar, San Diego, California.

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SIC 7349

Janitorial Service, Federal Building, 111 W. Huron Street, Buffalo, New York.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-10191 Filed 4-3-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 4, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 11, 1980, October 19, 1979, November 23, 1979, and January 25, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 2359, 44 FR 60352, 44 FR 67206, and 45 FR 6152) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1980:

Class 9905

Tag, Key 9905–00–245–7828.

Class 8135—NO NSN

Seal, Metal Band, P.S. Item #081 6A, P.S. Item #081 6B.

Class 7110

Credenza, 7110–00–762–5513.

SIC 7399

Assembly, Food Packet, Long Range Patrol, 8970–00–926–9222.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-10190 Filed 4-3-80; 8:45 am]

BILLING CODE 6820-33-M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee—Notice of Meeting

AUTHORITY OF COMMITTEE: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 1216 (44 FR 56863).

TIME AND PLACE OF MEETING: The Price Advisory Committee will meet on April 16, 1980, at 10 a.m. The meeting will take place in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

PURPOSE OF THE MEETING: The purpose of the meeting will be to discuss the issue of medical care costs.

PUBLIC PARTICIPATION: The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

ADDITIONAL INFORMATION: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: April 1, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-10374 Filed 4-3-80; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 27, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee on the Air Force in Space will meet on May 1 and 2 in Room 5D982 of the Pentagon.

The Committee will receive classified briefings from the Air Staff on current Air Force Space Doctrine and the Threat in Space. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-10242 Filed 4-3-80; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Draft Environmental Impact Statement (DEIS) for Water Resources Development in the Carmel River Basin, Monterey County, Calif.

AGENCY: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: 1. *Proposed Action.* The tentatively selected plan involves the construction of a multiple-purpose dam and reservoir on the Carmel River near San Clemente, Monterey County, California. The dam and reservoir would provide: (1) flood damage mitigation in Carmel Valley, (2) water supply for the residents of Carmel Valley and the Monterey Peninsula Cities, and (3) limited reservoir recreation. The new dam would consist of a compacted zoned earth embankment about 2,050 feet long with a crest width of 30 feet. The crest of the dam would be 455 feet above the streambed. The reservoir, which would inundate approximately 1,160 acres, would have a maximum storage capacity of 158,500 acre-feet with a firm annual yield of 45,000 acre-feet of M & I water. The withdrawal of the M & I water would take place downstream of the dam near Highway 1 to increase the flow in Carmel River.

2. *Alternatives.* In addition to the tentatively selected plan, the following alternatives will be studied in detail in the DEIS:

a. Alternative 1—the No Action Alternative. It is assumed that in the absence of a Federally constructed project, local interests would construct a single-purpose water supply alternative. This alternative would consist of a water supply reservoir at San Clemente. The crest of the new dam would be 425 feet above the existing streambed. The reservoir would inundate about 940 acres and have a storage capacity of 120,500 acre-feet with a firm annual M & I water supply yield of 40,000 acre-feet.

b. Alternative 2. This is the tentatively selected plan.

c. Alternative 3. This alternative is similar to the tentatively selected alternative in all aspects except that the M & I water would withdrawn at the dam instead of at the diversion structure near Highway 1.

d. Alternative 4. This alternative consists of a non-structural multiple-purpose flood damage mitigation and water supply plan. Under this non-structural plan, special protection levees would be constructed around structures subject to flooding and a water conservation program would be instituted to provide additional water for M & I purposes.

e. Alternative 5. This alternative, a non-strucutral single purpose water supply alternative, involves the implementation of a water conservation program to provide additional water for M & I purposes.

3. The Environmental Working Paper, in which an array of alternatives was presented, was circulated to concerned agencies and the general public in August 1973. The initial public meeting was held in March 1971. Other public meetings were held in December 1974 and August 1975 when the alternatives were reviewed. A Progress Report was presented to local interests in June 1977. The Draft Environmental Impact Statement is scheduled for circulation to coordinating agencies and the general public in September 1980.

4. *Scoping Process.*

a. To allow for the identification of significant issues and to facilitate communication between concerned agencies and interested parties, the San Francisco District, Corps of Engineers, has been and is coordinating the EIS and the planning processes with the Monterey Peninsula Water Management District, Monterey County; the California State Resources Agency; the U.S. Fish and Wildlife Service; the California-American Water Company; and environmental organizations. The Corps of Engineers formally requested comments from these agencies and organizations in the Environmental Working Paper in 1973.

b. The significant issues identified during the planning process will be analyzed in depth in the DEIS. The following environmental elements were identified as significant: fishery resources, wildlife, terrestrial and riparian habitat, the coastal wetlands, aesthetics, erosion/sedimentation, water quality, water supply, land use, cultural resources, traffic, air quality, and local government finance.

c. Consultation is being performed under the Fish and Wildlife Coordination Act (16 USC Sec 661 et seq.), the National Historic Preservation Act of 1966 (16 USC Sec 470 et seq.) and the Endangered species Act of 1973 (16 USC 1532 et seq.).

d. Because coordination with concerned agencies and organizations is already in progress, and because the significant resources in the study area have been identified, a scoping meeting as described in the CEQ Final Regulations dated 29 November 1978 is not planned.

5. It is estimated that the DEIS will be available to the public in September 1980.

6. Questions about the proposed action and the DEIS can be answered by Lars M. Forsman, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105.

Dated: March 27, 1980.

Thomas J. Edgerton,

Major, CE, Deputy District Engineer.

[FR Doc. 80-10108 Filed 4-3-80; 8:45 am]

BILLING CODE 3710-FS-M

Draft Environmental Impact Statement for a Proposed Flood Control Project in the Willapa River Basin in Western Washington at Raymond

AGENCY: U.S. Army Corps of Engineers, Department of Defense, Seattle District.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS) for a proposed flood control project in the Willapa River Basin in Western Washington at Raymond. The project is known as Willapa River at Raymond.

SUMMARY: 1. *Description of Action.* A flood damage reduction project is proposed for the city of Raymond, Washington. The project was authorized by Pub. L. 534, 78th Congress, 2d Session; approved 22 December 1944. Although a postauthorization project report was prepared in 1949, the project was deferred due to the lack of the required local financial support. A 1975 restudy of the authorized project resulted from an October 1970 letter from the Raymond City Commission requesting reactivation of the authorized flood protection project and stating the city's intent to provide the necessary items of local cooperation. The restudy concluded that the flood damage reduction project for the city of Raymond was still feasible and needed. The levee alinement recommended in the 1975 restudy would enclose the main downtown and residential area of Raymond (approximately 165 acres) and would tie into high ground on the eastern side of the city. The levee would be about 1.7 miles long and would provide 200-year flood protection. This alinement and others are currently under detailed study by the Seattle District, Corps of Engineers.

2. *Alternatives.* Alternatives to the plan proposed in the 1975 restudy include alternative levee alinements and the "no action" alternative. The variations among the alinements consist largely of differences in length of levee and total acreage protected. The no action alternative includes the continuation of flood plain management programs for the city of Raymond.

3. *Public Involvement and Review.* This project has been coordinated with elected and administrative officials of the city of Raymond and with Federal and state resource agencies including the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service, Washington State Department of Fisheries, and Washington State Department of Game. Coordination with Federal, state, and local agencies and the public will continue throughout preparation of the draft EIS.

4. *Significant Issues.* The major, project-related, environmental impact identified to date is loss of wetlands.

5. *Other Environmental Review and Consultation Requirements.* Because all alternative levee alinements involve construction of levee segments in waters of the United States, a Section 404(b) evaluation (pursuant to the Clean Water Act of 1977) will be accomplished and included in the draft EIS. A biological assessment is being conducted for the bald eagle, federally listed as a threatened species, identified by the U.S. FWS as potentially existing in the project area. A cultural resources reconnaissance of the project area will be conducted and results discussed in the draft EIS.

6. *Scoping Meeting.* A scoping meeting will not be held.

7. *Availability of Draft EIS.* The draft EIS is presently scheduled to become available to the public in October 1980.

Information regarding the draft EIS can be obtained by contacting: Lin Anderson, Environmental Coordinator, Environmental Resources Section, Department of the Army, Seattle District, Corps of Engineers, Post Office Box C–3755, Seattle, Washington, 98124, Telephone (206) 764–3624 or FTS 399–3624.

Dated: March 25, 1980.

Leon K. Moraski,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-10105 Filed 4-3-80; 8:45 am]

BILLING CODE 3710-GB-M

V45/67 APR 80 UMI

Department of the Army, Corps of Engineers

National Hydroelectric Power Study; Meeting

People interested in the U.S. Army Corps of Engineers National Hydroelectric Power Study are invited to a public meeting in Little Rock, Arkansas, on 15 April 1980. Brigadier General James C. Donovan, Southwestern Division Engineer, will preside at the meeting to be held at the Camelot Inn, Markham and Broadway Streets, at 10 a.m.

Study purposes and progress will be discussed, as well as the nationwide and regional study efforts to date, and a review of future work.

Views are solicited on the hydroelectric power facilities development in support of the nation's future energy needs, and all other study aspects. Participation by interested parties is an important study component.

Persons planning to speak are asked to mail a card to the address on this letterhead so that time and space requirements can be estimated. Also, speakers are asked to furnish a written text of their remarks either before or during the meeting for entry into the meeting record.

Please bring this notice to the attention of persons you know who are interested in this study.

Dated: April 1, 1980

John O. Roach, II,

Army Liaison Officer With the Federal Register.

National Hydroelectric Power Study—Public Meeting 15 April 1980, Little Rock, AR

Agenda

Opening remarks, General James C. Donovan, 10:00 A.M.
Study efforts (nationwide), Mr. R. J. McDonald,* 10:30 A.M.
Study efforts (SWPP), Mr. J. G. Dalton, 10:45 A.M.
Public comment, 11:00 A.M.
Break—12:00 A.M.
Public comment, 1:30 P.M.
Summary, General James C. Donovan, 2:30 P.M.

* National study director, Corps of Engineers Institute for Water Resources, Fort Belvoir, VA.

National Hydroelectric Power Study—Public Meeting, 15 April 1980, Camelot Inn, Little Rock, Ark.

Fact Sheet

- Why conduct a National Hydroelectric Power Study (NHS)?

It was directed by Congress in Section 167 of PL 94–587, The Water Resources Development Act of 1976.

- What are the study objectives?

Define US needs for hydropower.
Define physical limits to increased hydropower.
Analyze existing policy regarding hydropower.
Determine feasible increase in hydropower generation.
Identify the environmental and social effects of more hydropower.
Recommend hydropower programs and policies to Congress.

- Who is doing the study?

Common elements (policy, computer programs, contracts to define need, etc.) are being managed by the Institute of Water Resources (IWR).

Studies of specific damsites are being done by Corps District Offices. Divisions will readjust study boundaries along lines established for Reliability Councils. Southwestern Division (SWD) will publish a report on the Southwest Power Pool (SWPP).

- What is a Reliability Council?

SWPP is a voluntary association of utilities within a region whose purpose is to assure reliability and adequacy of bulk power supplies.

- What has been done to date?

Thousands of projects have been screened for hydropower potential and economic feasibility. In excess of 4000 sites in SWPP have been screened and at the present time there are approximately 400 potential sites being studied in more detail.

- What remains to be done?

Screen remaining projects based on their environmental and social impacts.
Make final economic evaluation.
Prepare Regional Plans for the Reliability Council Area for various estimates of future loads and environmental constraints and write the Regional Report.
Submit Regional Reports to IWR for use in preparing the National Report.

- What kind of imput could I make to this study?

Comments on trade-offs between:
Hydropower and recreation.
Hydropower and irrigation.
Hydropower and environmental impacts.
Anything else you consider pertinent to the study.

- Will there be other public meetings?

Yes. When our analyses are nearly completed and the time to prepare Regional Plans is at hand (tentatively scheduled for August 1980) another meeting will be held to discuss specific findings.

[FR Doc. 80-10143 Filed 4-3-80; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver of Post-Employment Restrictions

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91, hereinafter the "Act") authorizes the Secretary of Energy to waive the post-employment restrictions of section 605(a)(1) of the Act for a former employee with outstanding scientific or technological qualifications in connection with a particular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Eric S. Beckjord, who will be vacating shortly the position of Director, Nuclear Intergovernmental Affairs, Office of the Assistant Secretary for Nuclear Energy, has outstanding scientific and technological qualifications in the fields of nuclear power development, power plant design and nuclear research programs and that it will serve the national interest for him to be able to carry out the full responsibilities of Deputy Laboratory Director for Science and Technology at Argonne National Laboratory. I have therefore waived the post-employment appearance and communications prohibitions of section 605(a)(1) of the Act with respect to contact with DOE officials by Mr. Eric S. Beckjord in connection with his duties as Deputy Laboratory Director for Science and Technology at Argonne National Laboratory.

Dated: March 27, 1980.

Charles W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 80-10286 Filed 4-3-80; 8:45 am]
BILLING CODE 6450-01-M

National Petroleum Council; Oil Supply, Demand and Logistics Task Group of the Committee on Refinery Flexibility; Meetings Schedule Change

Notice is hereby given that the Oil Supply, Demand and Logistics Task Group of the National Petroleum Council's (NPC) Committee on Refinery Flexibility will meet on Thursday, April 10, 1980, rather than on Monday, April 7, 1980 as previously announced. The meeting will begin at 9:00 a.m. in Suite 601 of the NPC Headquarters, 1625 K. Street, N.W., Washington, D.C. The Agenda remains unchanged from our previous announcement.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

All meetings are open to the public. The Chairman of the Task Group is empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Membes of the public who wish to make oral statements at the meeting should inform Ms. Joan Walsh Cassidy, National Petroleum Council, (202) 393–6100, prior to the meeting, and provisions will be made for their appearance on the agenda.

Issued at Washington, D.C. on March 29, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary for Resource Development and Operations.

[FR Doc. 80-10288 Filed 4-3-80; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

National Helium Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: March 21, 1980.

FOR FUTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106; Telephone: (816) 374–5934.

SUPPLEMENTARY INFORMATION: On February 11, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between National Helium Corporation and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneoulsy, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments will respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and National Helium Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on February 11, 1980, and hereby gives Notice that the Consent Order is made effective by written notice to National Helium Corporation on this date.

Issued in Kansas City, Missouri on this 21st day of March, 1980.

William D. Miller,

District Manager, Central Enforcement District.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 80-10169 Filed 4-3-80; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 79–31–NG; DOE/ERA Opinion and Order No. 16]

Border Gas, Inc.; Order Granting Interim Emergency Approval To Pay an Increased Price for Natural Gas Imported From Mexico

March 27, 1980.

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I. Background

A. Initial Contract and Order

On September 21, 1979, the governments of the United States and Mexico issued a joint announcement of their agreement on a framework for the sale of 300 million cubic feet per day of natural gas by Petroleos Mexicanos (Pemex), the Mexican state oil company, to U.S. purchasers. The announcement stated that both countries agreed to authorize and support, as a matter of public policy and subject to the approval of Mexican and U.S. governmental agencies, commercial transactions within the framework established. The framework provided, *inter alia*, an initial base price of $3.625 (U.S.) per million Btu (MMBtu), subject to quarterly escalation in accordance with a formula to be specified in the resulting contracts for purchase. It also provided that the $3.625 price could be reconsidered prior to January 1, 1980, if the price for natural gas from comparable sources should exceed that amount prior to that date.

Pursuant to the Mexico-U.S. agreement, Border Gas, Inc. (Border), was formed by the six U.S. purchasers selected by Pemex to facilitate the purchase of natural gas from Mexico. Those six purchasers are Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Texas Eastern Transmission Corporation (which in turn sells one-third of its entitlement to an affiliated company, Transwestern Pipeline Company); El Paso Natural Gas Company, Transcontinental Gas Pipe Line Corporation; Southern Natural Gas Company; and Florida Gas Transmission Company. Border and Pemex executed a Contract of Purchase and Sale (Contract) on October 19, 1979 which implemented the terms of the framework reached by the two governments, and provides, with respect to quarterly price escalation, a formula based on increases in the prices of selected crudes.

In Opinion and Order No. 12, issued on December 29, 1979, the Economic Regulatory Administration (ERA) authorized Border to import, pursuant to the terms of the Contract, up to approximately 300 MMcf/d of natural gas from Mexico into the United States through existing facilities. On December 21, 1979, the Federal Energy Regulatory Commission (FERC), in Docket Nos. CP80–93, *et al.*, issued an order approving the transportation arrangements in the U.S. for delivery of the gas and allowing the purchasers to flow through to their customers the price paid to Pemex plus certain incidental expenses.

Pemex commenced deliveries to Border on January 15, 1980, at the specified level. Those deliveries have continued to the present.

B. ERA Opinion and Order No. 14

On February 16, 1980, the ERA issued Opinion and Order No. 14 authorizing on an interim basis the continued importation of natural gas from Canada at the newly established border price of $4.47 (U.S.) per MMBtu, an increase over

the previous border price of $3.45. ERA's temporary approval, effective February 17, 1980, through May 15, 1980, was limited to flowing gas volumes. While the ERA determined that the new price of $4.47 per MMBtu was higher than the price of alternate fuels and was therefore unreasonable standing alone, temporary approval was granted to prevent the potential adverse consequences resulting from an immediate shut-off of such volumes to dependent purchasers. While the interim price is in effect, the ERA will conduct further proceedings to determine whether and on what terms Canadian natural gas imports should be permitted after May 15, 1980.

C. Pemex Letter and Border Petition

On March 21, 1980, Border filed a petition requesting that both ERA and the FERC amend the authorization granted to Border in Opinion and Order No. 12 such that Pemex would receive a price for its natural gas sales to Border equal to the higher of the price determined by application of the formula contained in the contract or the Canadian border price for natural gas established by the Canadian National Energy Board and authorized by the U.S. Government. This change would be effective retroactively to March 1, 1980 and would therefore effectively result in approval of a price for Mexican gas from March 1, 1980 of $4.47 (U.S.) per MMBtu, the price which ERA temporarily approved for flowing Canadian gas in Opinion and Order No. 14.

On March 25, 1980, Border filed a motion with ERA and the FERC requesting that the agencies act "immediately" to issue an "emergency" approval of the proposed contract amendment.

The circumstances underlying Border's request for approval of the amendment and for consideration on an expedited basis are alleged as follows: On February 27, 1980,[1] Pemex wrote Border a letter demanding an adjustment to the price formula in the Border/Pemex contract to make the price equal to the higher of either the contract price or the Canadian border price. As stated in the February 27, 1980 letter, Pemex believes that the negotiations leading to the Mexican-U.S. Joint Announcement of September 21, 1979 contemplated that Pemex would always receive a gas price at least equal to the price paid by U.S. pipelines for gas from Canada, the source most comparable to Pemex.

Pemex stated that all parties to the government-to-government negotiations assumed that the Canadian border price would increase prior to January 1, 1980, and thus the Mexican-U.S. Joint Announcement made provision for adjustment of the initial price to reflect Canadian price increases occurring prior to January 1, 1980. However, Canada did not announce another increase in its border price until January 17, 1980 effective February 17, 1980. Pemex asserts that this difference in timing resulted in a circumstance unexpectedly different from the basic economic assumptions on which the Pemex-Border contract was authorized by the Mexican Government.

Accordingly, Pemex has now insisted that, notwithstanding the pricing mechanism established for Mexican imports by the Pemex/Border gas sales contract, Pemex receive a price adjustment. This proposed adjustment would leave unaltered the basic pricing formula approved for Mexican imports in Opinion and Order No. 12. However, it would provide, effective March 1, 1980, for the higher of the price derived from such pricing mechanism or the approved Canadian border price for flowing natural gas.

In its motion for emergency action, Border stressed the necessity for immediate approval of the requested adjustment, without the customary period for notice and comment. It stated that:

> It is Border's belief that in light of the insistence of Pemex on an adjustment to become effective March 1, 1980, and the length of time that has elapsed since this demand was first presented, a clear danger exists that further deliveries from Pemex and the continued viability of this arrangement may be jeopardized unless prompt U.S. regulatory approvals are secured. As stated in Border's petition, in light of the approval granted for the increased Canadian border price, it would be contrary to the public interest to deny such an adjustment to Pemex, thereby imperiling the continued importation of natural gas from Mexico. To prevent such a result, the ERA and the FERC should act immediately to grant the adjustment requested by Pemex. (p. 3.)

II. Discussion And Conclusions

A. The Need for a Price Increase

At the outset, we should note that the submission made by Border to support its petition leaves much to be desired in terms of its completeness and persuasiveness. First, it does not contain a copy of the contract amendment or even aver that such an amendment has been entered into. We are left to guess at the precise terms of the amendment by referring to the February 27, 1980 letter from Pemex to Border. Second, Border's petition and subsequent motion are vague and inconclusive as to precisely when relief is required and why action must be taken on an emergency basis.

Notwithstanding the deficiencies in the petition, we feel compelled, in view of the important foreign policy considerations present in this instance, to take notice of ongoing discussions between the United States and Mexico, as well as the United States and Canada, to establish a predictable, uniform and equitable means of establishing stable prices for the importation of gas from those two countries.

This process resulted yesterday in the announcement by the Secretary of Energy and the Canadian Minister of Energy, Mines and Resources of the completion of discussions on a mechanism for determining the export price of Canadian gas. The mechanism which the Canadians announced they would use in the future to determine their gas export prices should result in greater price predictability and market stability, provided that the prices are consistent with the prices of alternate fuels in U.S. markets. We note, however, that a final determination as to whether this pricing mechanism is consistent with the public interest must await completion of the procedures outlined in Opinion and Order No. 14, including the receipt of petitions to intervene and comments.

Representatives of the U.S. Government have also had similar discussions in recent weeks with the Government of Mexico for the purpose of achieving a similar result with regard to Mexican gas prices. It is apparent from these discussions that an important element in reaching the desired result is approval of the concept that Mexican prices will be at a level consistent with prices approved by the U.S. regulatory agencies for natural gas imports from Canada. The purpose of Pemex's February 27, 1980 letter to Border requesting amendment of the Contract effective March 1, 1980 and Border's subsequent petition to ERA for emergency relief was to obtain U.S. regulatory approval of the concept of parity as quickly as possible. Approval of the concept has been insisted upon by the Mexican government as a predicate to continued sales of Mexican gas and future discussions regarding U.S.-Mexico energy and trade relations.

In addition to the Border filings, ERA has received a communication from the U.S. Department of State, a copy of which is attached hereto as an Appendix, which sets forth the importance of prompt approval of the concept of parity in maintaining and improving relations between the two countries.

We are persuaded that it would not be consistent with the public interest to insist upon continuation of Mexican gas imports consistent with the pricing terms of the October 19, 1979 Contract. Even if, contrary to Pemex's assertions, it was not the original intention of the two governments to achieve approximate parity with Canadian prices, the significant changes in crude oil and alternate fuel prices in the past several months and the disruptive effect this has had on U.S. gas markets, the U.S. regulatory process and our energy relations with both Canada and Mexico convince us that it is in the United States' interests to establish a stable and equitable relationship between Canadian and Mexican import prices.

Thus, while Border might have a contractual right to insist upon the performance of the Contract as originally agreed to, we are convinced that such insistence would not be consistent with the public interest. For the foregoing reasons, we are approving a price increase to $4.47 per MMBtu, prospective from the date of this Order and as long as the current regulatory approval of the same price for flowing Canadian gas is in effect. In Opinion and Order No. 14 we approved a price of $4.47 per MMBtu for Canadian gas on an interim basis until May 15, 1980. The approval of the Mexican price will be on the same interim basis, commencing on March 27, 1980.

All that we are approving at this time is a temporary price increase for flowing gas that will put Mexican gas prices on an equal footing with Canadian gas prices for a 50-day period, in order that government-to-government discussions can proceed toward the development of a more permanent arrangement. While we are reluctant to approve any price increase on an emergency basis, we have been charged in applying Section 3 of the Natural Gas Act to take into account the important underlying foreign relations considerations as described in the State Department communication. We are not at this time, however, approving the specific petition filed by Border to amend our previous authorization to allow the higher of the Contract price or the Canadian price, and we are not at this time authorizing a price increase retroactive from the date of this decision.

B. Further Proceedings

While the interim price is in effect, ERA will develop a thorough administrative record upon which a decision will be made as to whether the pricing formula should be instituted as a permanent amendment to Opinion and Order No. 12, thereby allowing Pemex the higher of the contract or the Canadian border prices, and if so, whether it should be applied retroactively to March 1, 1980, as requested by Border.

In that regard, Border shall submit to ERA by April 24, 1980 a written statement of why the ERA should extend approval of the new price beyond May 15, 1980. The statement should contain as much factual material as possible. It may address any area of concern to Border but should specifically address the following matters:

1. Whether the pricing formula amendment described in its petition should be approved as a permanent amendment to Opinion and Order No. 12, thereby allowing Pemex to receive the higher of the Contract price or the Canadian border price. In particular, the following issues should be discussed:

a. Whether the pricing mechanism will result in prices that are both fair and reasonable to U.S. consumers and competitive with prevailing prices for alternate fuels in the U.S. markets in which the gas is sold.

b. Whether the volumes authorized in Opinion and Order No. 12 are needed, nationally or regionally, at the price resulting from the mechanism for which Border seeks approval.

2. Why, if the formula is instituted permanently, it should also be made retroactive to March 1, 1980 as requested by Border.

Border shall also submit to ERA by April 24, 1980 the specific language of the proposed amendment to the Contract.

In addition, petitions to intervene may be filed by any interested party no later than 4:30 p.m. on April 17, 1980. Such petitions are to be filed with the Import/Export Division, Office of Petroleum Operations, Economic Regulatory Administration, Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8). Any party who requests an evidentiary hearing in this proceeding should so indicate in the petition for intervention.

Any person wishing to become a party to these proceedings must file a petition to intervene. Any person desiring to make any protest with reference to the petitions to intervene may file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests will be considered by ERA in determining the appropriate action to be taken on petitions to intervene, but will not serve to make protestants parties to the proceeding.

All persons who have filed timely petitions for intervention are also invited to submit comments on the issues listed above and other relevant issues by April 24. All submissions must be served on Border and all persons who have filed timely petitions for intervention in this docket. A list of intervenors and petitioners for intervention will be maintained by ERA's Import/Export Division at the address indicated above (telephone (202) 653-3859). Comments shall be filed with that office and shall conform to the provisions of the procedural rules applicable to written submissions.

Responses to comments submitted to ERA will be accepted through May 1, 1980.

ERA will determine, on the basis of requests therefor and a review of the written submissions, whether an evidentiary hearing is necessary and appropriate. If such a hearing is determined to be necessary, due notice will be given to all parties.

Copies of all applications, petitions for intervention and written submissions to ERA are available for public inspection and copying in Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

III. Order

For the reasons set forth above, ERA hereby orders that:

A. Pursuant to authority under Section 3 of the Natural Gas Act, the order previously granted to Border Gas, Inc. (ERA 79-31-NG) authorizing the importation of natural gas from Mexico at $3.625 per MMBtu is hereby temporarily amended to permit the import of previously authorized volumes at $4.47 per MMBtu, effective March 27, 1980, through May 15, 1980.

B. Except as modified by paragraph A, all other terms and conditions in Opinion and Order No. 12 authorizing the importation of natural gas from Mexico shall remain in effect.

Issued in Washington, D.C., March 27, 1980.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic Regulatory Administration.

Assistant Secretary of State,
Washington, D.C., March 26, 1980.

Mr. Douglas G. Robinson,
Deputy Administrator for Policy, Economic Regulatory Administration, 2000 "M" Street NW., Washington, D.C.

[1] For reasons that are unexplained in the petition, the February 27 letter from Pemex which describes the proposed terms of and rationale for an amendment appears not to have been actually sent to Border until at least March 5, 1980 under a separate cover letter.

V 45 / 67 APR 4 80 UMI

Dear Mr. Robinson: From the standpoint of the foreign relations of the United States, I would like to emphasize the importance of the Economic Regulatory Administration's rendering expeditiously a decision which would ensure comparability of prices paid to Mexico and Canada for natural gas. We believe that this matter is urgent. Without a prompt, favorable ruling, it is our judgment that the continuing supply of Mexican gas will be adversely affected.

There are important foreign policy interests at stake. Natural gas purchases from Mexico have been a critical issue between our two countries for several years and affect the whole range of economic and political issues between us.

Sincerely,

Deane R. Hinton.

[FR Doc. 80-10286 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-011; OFC Case No. 62002-9026-05-12]

Exxon Co., U.S.A.; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration.

ACTION: Notice of acceptance of petition for exemption pursuant to the interim rules implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 21, 1980, Exxon Company, U.S.A. filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibits the use of petroleum and natural gas as a primary energy source in new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Part 500 *et seq.* (Interim Rules).

The MFBI for which the petition is filed will be a field-erected boiler (identified as Carbon Monoxide (CO) Boiler SG 501C), to be installed at the Baytown Refinery in Baytown, Texas. The planned boiler has a design heat input rate of 510 million BTU's per hour with a steam generating capacity of 300,000 pounds per hour and is designed to burn an 82% regenerator flue gas and 18% refinery blend gas (which contains natural gas) fuel mixture. Under § 505.28 of the Interim Rules, Exxon has requested a permanent exemption for this fuel mixture for CO Boiler SG 501C. FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether Exxon will be granted a permanent exemption to use a fuel mixture of regenerator flue gas and a refinery blend gas that contains natural gas in CO Boiler SG 501C.

ERA has determined that the petition for a permanent fuel mixtures exemption is complete in accordance with § 501.3(c) of the Interim Rules. A review of the petition is provided in the Supplementary Information section below.

As provided for in Sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before May 19, 1980. A request for public hearing must also be made within this same 45 day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461.

Docket Number ERA-FC-80-011, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B-110, Washington, DC 20461, Phone (202) 653-4055.

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, DC 20461, Phone (202) 653-3679.

Marilyn Ross, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6G-087, Washington, DC 20585, Phone (202) 252-2967.

Ellen Russell, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461, Phone (202) 653-3675.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption to do so has been granted by ERA.

The MFBI for which Exxon has requested the permanent fuel mixtures exemption is a field-erected boiler having a design heat input rate of 510 million BTU's per hour, a steam generating capacity of 300,000 pounds per hour and is designed to burn a mixture of regenerator flue gas and refinery blend gas which contains natural gas. This unit will be located at the Baytown Refinery's Fluid Catalytic Cracking Unit (FCCU) 3. There are two existing carbon monoxide (CO) boilers within FCCU 3. The two existing CO boilers at the site will remain in operation after the addition of CO boilers SG 501C. Exxon asserts that the addition of CO boilers SG 501C will not increase the level of steam production in the refinery. At the present time, when one CO boiler is out of service it is necessary to vent to the atmosphere the 800 F turbine exhaust and 1,350 F regenerator flue gas which causes Exxon to lose considerable energy and requires notification to the Texas Air Control Board of an environmental exception. The addition of CO Boiler SG 501C will allow continued operation of the FCCU 3 unit without venting when one of the CO boilers is out of service. Exxon estimates the addition of the CO boiler SG 501C boiler will result in an overall decrease in fuel consumption for the refinery of 106 MM Btu/hr (the equivalent of 150,000 barrels per year of crude oil).

Section 505.28 of the Interim Rules provides for a permanent exemption from the prohibitions of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify, a petitioner must demonstrate to the satisfaction of ERA that:

(1) He proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If the exemption is granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the installation.

In addressing the eligibility and evidentiary requirements in §§ 505.28(a)(1) and (c)(4), Exxon states that it will be using regenerator flue gas and refinery blend gas (which contains natural gas) as a primary energy source. The company asserts that the refinery blend gas must be used in a mixture with regenerator flue gas in order to maintain a combustion zone temperature high enough to sustain combustion of the CO and reduce the oxygen content of the stack gas to a level satisfactory for operation of a wet gas scrubber. The company further certifies that the total amount of refinery blend gas proposed for use in the mixture will not exceed 25 percent of the total annual Btu heat input of the boiler, although natural gas use is expected to average about 10 percent.

In accordance with Part 502 of the Interim Rules, and in support of its petition, Exxon addressed the remaining Fuels Decision Report (FDR) requirements by including design specifications for the unit for which this exemption is requested, an engineering assessment of the proportions of refinery blend gas needed to maintain operational reliability and a reasonable level of fuel efficiency, and an environmental impact analysis.

ERA hereby accepts the filing of the petition for a fuel mixture exemption as adequate for filing. ERA retains the right to request additional information from Exxon at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. As set forth in § 501.3(g) of the Interim Rules, the acceptance of the petition by ERA does not constitute a determination that Exxon is entitled to the exemption requested.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at:

ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday-Friday, 8:00 am-4:30 pm.

Issued in Washington, DC. on March 31, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-10287 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-11-NG]

St. Lawrence Gas Co., Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for an order authorizing permanent increased importations of natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt of the application of St. Lawrence Gas Company, Inc. (St. Lawrence) to amend previous orders of the Federal Power Commission (FPC) (FPC Docket No. G-17500) and ERA (ERA Docket No. 78-010-NG) to authorize an increase in natural gas imports from Canada into the United States to 43,000 Mcf per day and 9,700,000 Mcf for any consecutive twelve month period ending the 31st day of December, from the currently authorized 30,000 Mcf and 6,500,000 Mcf, respectively. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before April 21, 1980.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Director, Import/Export Division, Office of Petroleum Operations, 2000 M St., N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653-3859. Martin S. Kaufman, Deputy Assistant General Counsel for International Trade and Emergency Preparedness, 1000 Independence Avenue, S.W., Forrestal Building, Room 5E064, Washington, D.C. 20585, telephone (202) 252-2900.

SUPPLEMENTARY INFORMATION: St. Lawrence states that its supplier, Niagara Gas Transmission Limited, an Ontario, Canada Corporation, has received authorization from the National Energy Board of Canada to export increased quantities of natural gas to St. Lawrence. The proposed increased import would flow through existing facilities and no new construction would be required.

The application itself does not state the price to be paid for the gas. However, the underlying Gas Sales Contract (Exhibit A to the application) implies that the price to be paid by St. Lawrence will be the Canadian border price for natural gas exports, as established by the Canadian Government from time to time. That price is currently U.S. $4.47 per MMBtu. In ERA Opinion and Order No. 14 we conditionally approved that price for existing import volumes on an interim basis until May 15, 1980. That authorization does not pertain to the increased volumes which are the subject of this application.

OTHER INFORMATION: The ERA invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Economic Regulatory Administration, Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on or before April 21, 1980.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition and application for certificate should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such hearing is required. If such hearing is required, due notice will be given.

A copy of St. Lawrence's petition is available for public inspection and copying in Room 4126, 2000 M Street N.W., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March 25, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10286 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed With the Office of Hearings and Appeals; Week of February 1 through February 8, 1980

Notice is hereby given that during the week of February 1, 1980 through February 8, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 26, 1980.

V45/67 APR 80 UMI

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 1 through 8, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 1, 1980	Cities Service Co., Tulsa, Okla	BEA-0157	Appeal of Entitlements Notice. *If Granted:* Cities Service Company's entitlements purchase obligations specified in the October 1979 Entitlements Notice would be modified.
Feb. 1, 1980	Marathon Oil Corp./Dow Chemical, U.S.A., Inc., Washington, D.C.	BES, BED,<BEJ-0058.	Request for Stay, Motion for Discovery, Protective Order. *If Granted:* Discovery would be granted and a Protective Order would be entered into by the Marathon Oil Corporation and Dow Chemical U.S.A., Inc. regarding Dow's Application for Exception (Case No. BEE-0285). In addition, Marathon would receive a stay pending a determination on Dow's Application for Exception.
Feb. 1, 1980	Pester Refining Co./Midland Energy, Corp., Des Moines, Iowa.	BED-0032, BEJ-0032.	Motion for Discovery; Motion for Protective Order. *If Granted:* Discovery would be granted to the Pester Refining Company in connection with information submitted by the Midland Energy Corporation in Midland's application for extension of previously granted exception relief (Case No. BXE-0756). Pester would enter into a Protective Order with Midland which would ensure the confidentiality of information designated as confidential by Midland.
Feb. 1, 1980	Quaker State Oil Refining Corp., Oil City, Pa	BEE-0795	Exception from the Entitlements Program. *If Granted:* The Quaker State Oil Refining Corporation would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Feb. 1, 1980	U-Haul Corp. of Central Virginia, Richmond, Va	BEA-0158	Appeal of Assignment Order. *If Granted:* The January 7, 1980, Order issued to the U-Haul Corporation of Central Virginia by the Region III Office of the Economic Regulatory Administration would be rescinded and the firm would receive an assignment of base period supplies of motor gasoline.
Feb. 2, 1980	Barry Carl, Richland, Wash	BFA-0156	Appeal of Information Request Denial. *If Granted:* The January 7, 1979, Information Request Denial issued by the Richland Operations Office of the Department of Energy to Barry Carl would be rescinded, and Barry Carl would receive access to certain letters submitted by Rockwell Hanford Operations to the DOE.
Feb. 2, 1980	Chapel Hill Texaco, Indianapolis, Ind	BEE-0797	Allocation Exception. *If Granted:* Chapel Hill Texaco would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Charly's Texaco, Greenwood, Ind	BEE-0798	Allocation Exception. *If Granted:* Charly's Texaco would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Chevron U.S.A., Inc./Energy Cooperative, Inc., San Francisco, Calif.	BEJ-0033,<0034, 0035.	Motion for Protective Order. *If Granted:* Chevron U.S.A., Inc. would enter into a Protective Order with Energy Cooperative, Inc. which would ensure the confidentiality of information designated as confidential by the firms in connection with Energy Cooperative's Application for Exception. (Case No. DEE-8112).
Feb. 2, 1980	Heroldo Texaco Service, Greenwood, Ind	BEE-0799	Allocation Exception. *If Granted:* Heroldo Texaco Service would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Chevron U.S.A., Inc./Cities Service Co., San Francisco, Calif.	BEJ-0036	Motion for Protective Order. *If Granted:* Chevron U.S.A., Inc. would enter into a Protective Order with the Cities Service Company which would ensure the confidentiality of information designated as confidential by the firms in connection with Cities' Application for Exception. (Case No. BEE-0637).
Feb. 2, 1980	Heather Hills Texaco, Indianapolis, Ind	BEE-0800	Allocation Exception. *If Granted:* Heather Hills Texaco would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	J C Texaco, Franklin, Ind	BEE-0801	Allocation Exception. *If Granted:* J C Texaco would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	J & M Machine Shop, Inc., Glencoe, Okla	BEE-0793	Glencoe, OK. *If Granted:* J & M Machine Shop, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Marathon Oil Co./Dow Chemical U.S.A. Inc., Washington, D.C.	BES, BED,<BEJ-0057.	Request for Stay, Motion for Discovery and Protective Order. *If Granted:* Discovery would be granted to the Marathon Oil Company and a Protective Order would be entered into by Marathon and Dow Chemical U.S.A., Inc. regarding Dow's Application for Exception (Case No. BEE-0249). In addition, Marathon would receive a stay pending a determination on Dow's Application for Exception.
Feb. 2, 1980	Southern Union Refining Co., Dallas, Tex	BEA-0159	Appeal of Order. *If Granted:* The December 28, 1979, Decision and Order issued to the Southern Union Refining Company by the Office of Petroleum Operations of the Economic Regulatory Administration regarding the firm's emergency crude oil allocation would be rescinded.
Feb. 2, 1980	U.S. Gasohol Corp., Rector, Ark	BEE-0792	Allocation Exception. *If Granted:* The U.S. Gasohol Corporation would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol. In addition, the firm would receive an allocation of diesel fuel.
Feb. 2, 1980	Virgil's Interstate Texaco, Indianapolis, Ind	BEE-0802	Allocation Exception. *If Granted:* Virgil's Interstate Texaco would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Webber Oil Co., Walton Beach, Fla	BEE-0804	Allocation Exception. *If Granted:* The Webber Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 2, 1980	Wirey's Texaco Service, Franklin, Ind	BEE-0803	Allocation Exception. *If Granted:* Wirey's Texaco Service would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 4, 1980	American Petrofina, Inc./Husky Oil Co., Washington, D.C.	BEJ-0027	Motion for Protective Order. *If Granted:* American Petrofina, Inc. would enter into a Protective Order with the Husky Oil Company which would ensure the confidentiality of information designated as confidential by the firms in connection with American's Application for Exception (Case No. DEE-5568).
Feb. 4, 1980	Cabeon Corp., Everett, Wash	BEE-0812	Allocation Exception. *If Granted:* The Cabeon Corporation would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 4, 1980	Cloutier Oil Co., Natchez, Miss	BEE-0813	Allocation Exception. *If Granted:* The Cloutier Oil Co. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 4, 1980	Dawson Oil and Transport Co., Nebraska City, Nebr.	BEE-0826	Allocation Exception. *If Granted:* The Dawson Oil and Transport Co. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded gasoline for the purpose of blending gasohol.
Feb. 4, 1980	Exxon Company, U.S.A., Houston, Tex	BEA-0160	Appeal of Assignment Order. *If Granted:* The January 4, 1980, Assignment Order issued to the Exxon Co. U.S.A. by the Region IV Office of the Economic Regulatory Administration regarding Exxon's supply obligations to the Gas N' Sav would be rescinded.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Feb. 1 through 8, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 4, 1980	Exxon Company, U.S.A., Houston, Tex	BEA-0161	Appeal of a Redirection Order. *If Granted:* The January 4, 1980, Redirection Orders issued to the Exxon Co. U.S.A. by the Region IV Office of the Economic Regulatory Administration regarding Exxon's supply obligations to the Major Oil Co. would be rescinded.
Feb. 4, 1980	Marathon Oil Co., Findlay, Ohio	BEA-0162, BEA-0163, BEA-0164.	Appeal of Assignment Order. *If Granted:* The January 4, 7, and 11, 1980, Redirection Order issued to the Marathon Oil Co. by the Region IV Office of the Economic Regulatory Administration regarding Marathon's supply obligations to the Palmer Oil Co., the Telford Oil Co., and Freeway Gasoline Stations, Inc. would be rescinded.
Feb. 4, 1980	Marathon Oil Co., Findlay, Ohio	BEA-0165, BEA-0166, BEA-0167.	Appeal of Assignment Orders. *If Granted:* The January 4 and 7, 1980, Assignment Orders issued to the Marathon Oil Company by the Region IV Office of the Economic Regulatory Administration regarding Marathon's supply obligations to Coast Oil, Inc., Palm Beach Oil, and B. W. Simpkins Oil, Inc. would be rescinded.
Feb. 4, 1980	Marathon Oil Co., Findlay, Ohio	BEA-0165,BEA-0166,BEA-0167.	Appeal of Assignment Orders. *If Granted:* The January 4 and 7, 1980, Assignment Orders issued to the Marathon Oil Company by the Region IV Office of the Economic Regulatory Administration regarding Marathon's supply obligations to Coast Oil, Inc., Palm Beach Oil, Inc. and B. W. Simpkins Oil, Inc. would be rescinded.
Feb. 4, 1980	Priest Exploration, Inc., Oklahoma City, Okla	BEE-0816, BXE-0817, BXE-0818.	Price Exception and Extension of relief granted in *Priest Exploration, Inc.* 4 DOE Par. (December 25, 1979). *If Granted:* Priest Exploration, Inc. would be permitted to sell the crude oil produced from the Barnes Well 3A located in Seminole County, Oklahoma at upper tier ceiling prices. In addition, Priest would be permitted to continue to sell the crude oil produced from the Barnes Well 2A, Choate Well 3A and the Choate Well 4A located in Seminole County, Oklahoma at upper tier ceiling prices.
Feb. 5, 1980	Allied Materials Corp., Washington, D.C	BEA-0172	Appeal of Decision and Order. *If Granted:* The January 11, 1980, Decision and Order issued by the Economic Regulatory Administration to the Allied Materials Corporation would be modified with respect to Allied's participation in the Buy/Sell Program.
Feb. 5, 1980	Gulf Oil Corp., Houston, Tex	BEE-0814	Price Exception (Section 212.73). *If Granted:* The Gulf Oil Corporation would be permitted to sell the crude oil produced from the St. Martin Land Company "D" Lease located in St. Martin Parish, Louisiana, at market prices.
Feb. 5, 1980	I C G Vista Petroleum, Inc., Denver, Colo	BMR-0022	Motion for Modification. *If Granted:* The February 4, 1980, Decision and Order issued to I C G Vista Petroleum, Inc. granting the firm temporary exception relief would be modified to include a provision regarding the freeze rule (10 CFR 211.63).
Feb. 5, 1980	Mobil Oil Corp./Union Oil Co., Washington, D.C	BEJ-0039	Motion for Protective Order. *If Granted:* The Mobil Oil Corporation would enter into a Protective Order with the Union Oil Company which would ensure the confidentiality of information designated as confidential by the firms in connection with Union's Application for Exception (Case No. DEE-5748).
Feb. 5, 1980	Rally Oil Co., Washington, D.C	BEA-0173	Appeal of Assignment Order. *If Granted:* The January 24, 1980, Assignment Order issued to the Mobil Oil Corporation and Chevron, U.S.A., Inc. by the Region IV Office of the Economic Regulatory Administration regarding Chevron's and Mobil's supply obligations to the Rally Oil Company would be rescinded.
Feb. 6, 1980	Gas World No. 2, Wallace, N.C	BEE-0808	Allocation Exception. *If Granted:* Gas World No. 2 would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 6, 1980	Mobil Oil Corp., Valley Forge, Pa	BEA-0168	Appeal of Assignment Order. *If Granted:* The December 6, 1979, Assignment Order issued to the Mobil Oil Corporation by the Region IV Office of the Economic Regulatory Administration regarding Mobil's supply obligations to the Public Oil Company would be rescinded.
Feb. 6, 1980	Mobil Oil Corp., Valley Forge, Pa	BES, BEA-0170	Appeal of Assignment Order; Request for Stay. *If Granted:* The November 2, 1979, Assignment Order issued to the Mobil Oil Corporation by the Region IV Office of the Economic Regulatory Administration regarding Mobil's supply obligations to the Mountain Empire Oil Company would be rescinded. Mobil would receive a stay pending a final determination on its appeal.
Feb. 6, 1980	Watauga Oil Co., Johnson City, Tenn	BEA-0169	Appeal of Assignment Order. *If Granted:* The November 2, 1979, Assignment Order issued to the Mobil Oil Corporation regarding its supply obligations to the Mountain Empire Oil Company would be rescinded.
Feb. 7, 1980	Captain Jack Ross, Monroeville, Pa	BEE-0820	Price Exception. *If Granted:* Captain Jack Ross would receive an exception from the provisions of 10 CFR 212 which would permit the firm to sell motor gasoline at a prive above the applicable ceiling price.
Feb. 7, 1980	Commonwealth Oil Refining Co., Inc./Texaco, Inc., San Antonio, Tex.	BEJ-0040	Motion for Protective Order. *If Granted:* Texaco, Inc. would enter into a Protective Order with the Commonwealth Oil Refining Company, Inc. which would ensure the confidentiality of information designated as confidential by the firms, in connection with Commonwealth's Application for Exception. (Case No. BEE-0040).
Feb. 7, 1980	Expressway 66 (Harry Marra) Oklahoma City, Okla	BRW-0018	Interim Remedial Order finalization. *If Granted:* An Interim Remedial Order for Immediate Compliance issued to Expressway 66 on October 22, 1979, would be issued as a final Remedial Order for Immediate Compliance.
Feb. 7, 1980	Flajole Brothers, Seattle, Wash	BRW-0019	Interim Remedial Order finalization. *If Granted:* An Interim Remedial Order for Immediate Compliance issued to Flajole Brothers on December 3, 1979 would be issued as a final Remedial Order for Immediate Compliance.
Feb. 7, 1980	Freddie R. Hebert, Gueydan, La	BEE-0822	Allocation Exception. *If Granted:* Freddie R. Hebert would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 7, 1980	Midland Energy/Tosco Corp., Washington, D.C	BEJ-0042	Protective Order. *If Granted:* The Midland Energy Corporation would enter into a Protection Order with the Tosco Corporation which would ensure the confidentiality of information designated as confidential by the firms in connection with their Applications for Exception (Case Nos. DEE-3186, BSE-0756).
Feb. 7, 1980	Thomas Oil Co., Encino, Calif	BEE-0819	Allocation Exception. *If Granted:* The Thomas Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 7, 1980	Union Oil Co. of California/Amoco Oil Co., Washington, D.C.	BEJ-0041	Motion for Protective Order. *If Granted:* The Amoco Oil Company would enter into a Protective Order with the Union Oil Company of California which would ensure the confidentiality of information designated as confidential by the firms in connection with Union Oil's Application for Exception (Case No. DEE-5748).
Feb. 7, 1980	World Oil Co., Los Angeles, Calif	BEA-0170	Appeal of Assignment Order. *If Granted:* The December 11, 1979, Assignment Order issued to the World Oil Comapny by the Region IX Office of the Economic Regulatory Administration regarding World's request for a supplier of motor gasoline would be rescinded.
Feb. 7, 1980	Wright's Freeway Texaco, Clinton, Okla	BRW-0020	Remedial Order finalization. *If Granted:* A Proposed Remedial Order issued to Wright's Freeway Texaco on October 29, 1979, would be issued as a final Remedial Order.

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List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Feb. 1 through 8, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 7, 1980	Wykstra Oil Co., Martin, Michigan	BEE-0821	Allocation Exception. *If Granted:* The Wykstra Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 8, 1980	Joseph E. St. Sauver, Troy, N.Y	BFA-0175	Appeal of Information Request Denial. *If Granted:* The Information Request Denial (#12217905D) issued by the Division of Program Support, Office of Military Application, would be rescinded by Joseph E. St. Sauver would receive access to certain information regarding weapon development during June 1958 at the Radiation Laboratory located in Livermore, California.

Notices of Objection Received

[Week of Feb. 1, 1980, to Feb. 8, 1980]

Date	Name and location of applicant	Case No.
2/4/80	Nuzzen, Alex, Washington, D.C	DEE-7770
2/4/80	Beacon Oil Co., Washington, D.C	DEE-7635
2/4/80	Busler Enterprises, Inc., Evansville, Ind.	DEE-5175
2/4/80	University of Wisconsin, Madison, Wis.	BEO-1002
2/4/80	Keyport Mercantile, Keyport, Wash	BEO-1003
2/4/80	Bob's Mini Mart, Queenstown, Md	DEE-7585
2/1/80	Bowker's Auto Repair, Elk River, Minn.	BEO-1001
2/1/80	Copelin Brothers Skelly, Kansas City, Mo.	BEO-1000
2/1/80	Great Lakes Research Corp., Elizabethton, Tenn.	BEO-0999
2/5/80	Circle S Gas & Feed, Aragon, Ga	BEO-1005
2/5/80	Clark Super 100, Hazel Park, Mich	BEO-1006
2/5/80	Rally Oil Co., Merced, Calif	BEO-1007
2/5/80	Han's Skelly Service, Bettendorf, Iowa.	BEO-1008
2/5/80	Harmony Auto Center, Philadelphia, Pa.	BEO-1009
2/5/80	Marchwood Servicenter, Exton, Pa	BEO-1010
2/4/80	Southside Mobil, Fairmont, Minn	BEO-1074
2/5/80	Miller's Sunoco Servicenter, Chambersburg, Pa.	BEO-1011
2/1/80	Mont's Texaco, St. George, Utah	BEO-1012
2/5/80	Mountain View Coach Lines, Inc., Washington, D.C.	BEO-1013
2/5/80	Roy's Texaco, Emory, Tex	BEO-1014
2/5/80	Robandee Mobil, Kansas City, Mo	BEO-1015
2/6/80	Slaco Auto Service, Inc., New York, N.Y.	BEO-1016
2/5/80	Triple G Drive in, Barnett, Mo	BEO-1017
2/5/80	V.I.P. Limousine, Inc., Washington, D.C.	BEO-1018
2/6/80	Wantlands Car Wash & Standard Service, Allegan, Mich.	BEO-1019
2/4/80	Paul, Bernadette E., Peru, Ill	BEO-1020
2/6/80	Buck's Butane & Propane Service, Inc., San Jose, Calif.	DEE-5546
2/7/80	Harry's Brake & Alignment Service, Inc., East Hartford, Conn.	BEO-1022
2/7/80	Jeff Davis Service Co., Richmond, Va.	BEO-1021
2/8/80	Brown's Mobil, Brazil, Ind	BEO-1024
2/8/80	Mielke Oil Co., Swanville, Minn	BEO-1025
2/8/80	McLaughlin's Exxon Servicenter, Rocky Mount, Va.	BEO-1026
2/7/80	Fountain Hills Servicenter, Inc., Fountain Hills, Ariz.	DEE-2995
2/7/80	Frank Bower Chevron Service, Palms, Calif.	DEE-5906
2/7/80	Wagoner Gas & Oil Co., West Newton, Pa.	DEE-4837
2/7/80	Clean Linen Service, Inc., Pittsburgh, Pa.	BEO-1023

Notices of Objection Received—Continued

[Week of Feb. 1, 1980, to Feb. 8, 1980]

Date	Name and location of applicant	Case No.
2/8/80	Dave's Marathon, Xenia, Ohio	BEO-1027
2/8/80	Stepp's General Tires, Inc., Iarger, Va.	BEO-1028
2/6/80	Cone Oil Co., Inc., Washington, D.C	BEE-0545
2/8/80	Foust Oil Co., Mebane, N.C	DEE-7627
2/8/80	Joe's Auto Service Center, St. Cloud, Fla.	DEE-7627
2/5/80	County of Merced, California, Merced, Calif.	BEO-1007
2/8/80	Oakville Amoco, Mechanicsville, Md	BEO-1105
2/5/80	Buxton, F. M., Seminole, Okla	BRO-1004

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of February 1 Through February 8, 1980

If Granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline:

February 1, 1980

J. P. Bellamy Oil Co., BEE–0791, North Carolina.
Potomac Oil, Inc., BEE–0794, Virginia.
Pachar, Max A., Jr., BEE–0827, Texas.

February 2, 1980

Art's Auto, BEE–0807.
N. H. Public Works & Highways, BEE–0796, New Hampshire.

February 5, 1980

Swiney's Esso Service, BEE–0815, West Virginia.

February 6, 1980

Erie County (Lake Placid, N.Y.), BEE–0824, New York.
Thomas Service Station, BEE–0806, Tennessee.

February 7, 1980

Rayne Water System, BEE–0823, California.

February 8, 1980

Cooley Delivery, Inc., BEE–0945, North Carolina.
State of New Jersey, BXE–0843, New Jersey.
Sylvan Park Service Station, BEE–0810, Tennessee.
J&B Automotive, BXE–0828, New York.

Items Retrieved: 12.

February 4, 1980

Sessum's Grocery, BEE–0900, Louisiana.
One-Stop Conoco, BEE–0809, South Dakota.

[FR Doc. 80–10173 Filed 4–3–80; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed With the Office of Hearings and Appeals; Week of March 7, 1980 Through March 14, 1980

Notice is hereby given that during the week of March 7, 1980 through March 14, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

March 28, 1980.

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1980	Gas del Oro, Inc., Washington, D.C	BED-0063 and BEJ-0063.	Motion for Discovery and Protective Order. *If granted:* Discovery would be granted to Gas del Oro, Inc. in connection with the Statement of Objections submitted in response to the February 16, 1979 Proposed Decision and Order (Case No. DEE-1479) issued to Coastal States Gas Corporation. Gas del Oro, Inc. would enter into a protective order with Coastal States, Lo-Vaca Gathering Company and Valero Energy Corporation regarding the release of certain confidential material to Gas del Oro in connection with Coastal States' Application for Exception (Case No. DEE-1479).
Mar. 5, 1980	Locust Farm Dairy, Steep Falls, Maine	BEE-0968	Allocation Exception. *If Granted:* Locust Farm Dairy would receive an exception from the provisions of 10 CFR 211.9 which would permit the firm to return to its previous supplier, Texaco, Inc.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 7, 1980	Miller Enterprises, Inc., Crescent City, Fla	BEA-0256	Appeal of Assignment Order. *If Granted:* The Assignment Order (Case No. 04–057150–2–C) issued to United Fuels Corporation by the Economic Regulatory Administration, Region IV, regarding United's supply obligations to Miller Enterprises, Inc. would be modified.
Mar. 10, 1980	Committee to Bridge the Gap, Los Angeles, Calif	BFA–0257	Appeal of Information Request Denial. *If Granted:* The February 4, 1980 Information Request Denial issued by the Idaho Operations Office of the DOE would be rescinded, and the Committee to Bridge the Gap would receive access to photos of the SL–1 damaged reactor and the three victims of the January 3, 1961 accident.
Mar. 10, 1980	Exxon Co., U.S.A., Houston, Tex	BEA–0263 thru BEA–0266.	Appeal of an Assignment Order. *If Granted:* The February 5, 1980 Assignment Orders issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding the firm's supply obligations to Amber Oil Corp., Bemi, Inc., Clay Oil Corp. and Keystone Cargo Gas would be rescinded.
Mar. 10, 1980	Federal Information Tools, Burke, Va	BFA–0259	Appeal of an Information Denial. *If Granted:* The January 22, 1980 Information Request Denial issued by the Department of Energy would be rescinded and Federal Information Tools would receive access to certain DOE information.
Mar. 10, 1980	Gasol, Inc., Hillsboro, Oreg	BEE–0961	Allocation Exception. *If Granted:* Gasol, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 10, 1980	Marathon Oil Co., Findlay, Ohio	BEA–0260; BEA–0261 and BEA–0262.	Appeal of an Assignment Order. *If Granted:* The February 5, 1980 Assignment Orders issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV, regarding the firm's supply obligations to Palmer Oil Company, Campbell Service Station and Telford Oil Company would be rescinded.
Mar. 10, 1980	Swifty Distributors, Inc., Floydale, Fla	BEE–0963	Allocation Exception. *If Granted:* Swifty Distributors, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 11, 1980	Charles River Associates, Inc., Boston, Mass	BFA–0267	Appeal of Information Request Denial. *If Granted:* The February 1, 1980 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Charles River Associates, Inc. would receive access to information regarding procurement request RFP DE–RP01–79CS20192.
Mar. 11, 1980	David Harris, Evanston, Ill	BFA–0273	Appeal of Information Request Denial. *If Granted:* David Harris would receive access to the DOE report filed with the officers of Congress and certain documents regarding the handling and procedural changes of the Freedom of Information Act.
Mar. 11, 1980	Hi-Plains Alcohol Fuels, Inc., Yuma, Colo	BEE–0965	Allocation Exception. *If Granted:* Hi-Plains Alcohol Fuels would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 11, 1980	Special Counsel/Gulf Oil Corp., Washington, D.C	BEJ–0061	Motion for Prosective Order. *If Granted:* The Special Counsel for Compliance and Gulf Oil Corporation would enter into a Protective Order which would permit the transcripts of December 17 and 21, 1979 conferences with the Office of Hearings and Appeals in connection with Gulf's Case No. DRO–0194 thru 0199 to be made available only to counsel for the petitioners.
Mar. 11, 1980	Texaco, Inc. (Cadence Chemical), White Plains, N.Y.	BEA–0269	Appeal of Designation Order. *If Granted:* The Order issued by the Economic Regulatory Administration which designates Cadence Chemical Resources, Inc. as a producer of petroleum substitute in the Entitlements Program would be rescinded.
Mar. 11, 1980	Amoco Dealer (Rakowski), Washington, D.C	BRW–0022	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. 358–072) issued to Amoco Dealer on September 27, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Bay Shore Marina, Washington, D.C	BRW–0023	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE4PA002L) issued to Bay Shore Marina on November 30, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Bridge Tunnel Service Station, Washington, D.C	BRW–0024	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY026K) would be issued as a final Remedial Order.
Mar. 12, 1980	Cherokee Texaco, Washington, D.C	BRW–0025	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. SED–3254) issued to Cherokee Texaco on September 10, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Cities Service Co., Tulsa, Okla	BEA–0268	Appeal of Entitlements Notice. *If Granted:* The Entitlements Notice issued by the Economic Regulatory Administration for the month of November, 1979 would be modified.
Mar. 12, 1980	Cotten Service Stations & Rentals, Dallas, Tex	BEJ–0062	Motion for Protective Order. *If Granted:* Cotten Service Stations & Rentals would enter into a protective order with Diamond Shamrock Corporation and Sigmor Corporation regarding the exchange of certain confidential material in connection with Cotten's Application for Exception (Case No. DEE–5464).
Mar. 12, 1980	Dave James, Washington, D.C	BRW–0030	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE4PA057P) issued to Dave James on December 16, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Depco, Inc., Denver, Colo	BEE–0967	Price Exception. *If Granted:* Depco, Inc. would be permitted to sell the crude oil produced from Federal 42–27 well located in Harding County, South Dakota at market prices.
Mar. 12, 1980	De Luc Service Station (Sunoco), Washington, D.C	BRW–0026	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY0031) issued to De Luc Service Station on October 18, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Government of American Samoa, Pago Pago, American Samoa	BEE–0975	Price Exception. *If Granted:* The Government of American Samoa would receive an exception from the provisions of 10 CFR Parts 450 and 455 which would permit the territorial American Samoa to include "through-the-wall" air conditioners as an eligible type of cooling system for the purposes of the Institutional Buildings Grant Program.
Mar. 12, 1980	Hancock Exxon Service Station, Washington, D.C	BRW–0027	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE1MA0721) issued to Hancock Exxon Service Station on November 14, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Hilgton's Exxon, Washington, D.C	BRW–0028	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE3PA062E) issued to Hilgton's Exxon on November 6, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	James Bulloch, Inc., Washington, D.C	BRW–0029	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY015L) issued to James Bulloch, Inc. on November 28, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Kammerman Marina, Washington, D.C	BRW–0031	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE3NJ120C) issued to Kammerman Marina on November 6, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Little Reb. Auto Corp., Washington, D.C	BRW–0033	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY0300) issued to Little Reb. Auto Corporation on December 19, 1979 would be issued as a final Remedial Order.

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Date	Name and location of applicant	Case No.	Type of submission
Mar. 12, 1980	Marathon Heater Co., Inc., Cortland, N.Y	BEE-0972	Exception from the Energy Conservation Progrm for Consumer Products. *If Granted:* Marathon Heater Company, Inc. would receive an exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency test procedures applicable to furnaces and boilers.
Mar. 12, 1980	Mrs. Center (Geraci), Washington, D.C	BRW-0032	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY085J) issued to Mrs. Center on December 7, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Romeo's Service Station, Washington, D.C	BRW-0034	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY094J) issued to Romeo's Service Station on December 4, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	S & H Texaco, Washington, D.C	BRW-0035	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE3PA0091) issued to S & H Texaco on November 9, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Sherman Banks Service Station, Washington, D.C	BRW-0036	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE4NY0078) issued to Sherman Banks Service Station on November 10, 1979 would be issued as a final Remedial Order.
Mar. 11, 1980	Tekton Corp., Conway, Mass	BEE-0969	Exception from the Energy Conservation Program for Consumer Products. *If Granted:* Tekton Corporation would receive an exception from the provisions of 10 CFR 430 which would permit the firm to market its multi-fuel boiler without regard to the energy office test requirement.
Mar. 12, 1980	Terrace Mobil, Washington, D.C	BRW-0037	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE2NY091M) issued to Terrace Mobil on December 12, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Terzakis Brothers Getty, Washington, D.C	BRW-0038	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE-1-AA-031-G) issued to Terzakis Brothers Getty on November 26, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Welsh Brothers Amoco, Washington, D.C	BRW-0039	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE-4-NY-056-F) issued to Welsh Brothers Amoco on September 9, 1979 would be issued as a final Remedial Order.
Mar. 12, 1980	Wildwood Yacht Basin, Washington, D.C	BRW-0040	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE-3-NJ-121-E) issued to Wildwood Yacht Basin on January 2, 1980 would be issued as a final Remedial Order.
Mar. 12, 1980	Wolf Run Marina, Washington, D.C	BRW-0041	Proposed Remedial Order Finalization. *If Granted:* A Proposed Remedial Order (Case No. NE-4-PA-014-L) issued to Wolf Run Marina on November 30, 1979 would be issued as a final Remedial Order.
Mar. 13, 1980	Ancora-Citronelle Corp., Mobile, Ala	BRD-0434 and BRH-0434.	Request for Evidentiary Hearing and Motion for Discovery. *If Granted:* Discovery would be granted to Ancora-Citronelle Corporation and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the November 2, 1979 Proposed Remedial Order (Case No. BRD-0434) issued to W. P. Johnson.
Mar. 13, 1980	Blum & Nash, Washington, D.C	BFA-0272	Appeal of Information Request Denial. *If Granted:* The February 8, 1980 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Blum & Nash would receive access to documents which provide guidance to DOE regional auditors regarding the DOE regulations of the Lawful selling prices for crude oil resellers.
Mar. 13, 1980	County of Erie, Buffalo, N.Y	BFA-0275	Appeal of Information Request Denial. *If Granted:* The February 26, 1980 Information Request Denial issued by the Energy Information Administration would be rescinded, and the County of Erie would receive access to information regarding market shares in the County of Erie of Ashland Oil Company, Mobil Oil Company and United Oil Company in the wholesale and retail gasoline and fuel oil markets.
Mar. 13, 1980	Exxon Co., U.S.A., Washington, D.C	BMR-0029	Request for Modification/Rescission. *If Granted:* The February 19, 1980 Interim Decision issued to Big D & W Refining & Solvents Company by the Office of Hearings and Appeals (Case No. BEN-0017) which directs Exxon Company, U.S.A. to supply D & W with an immediate allocation of unleaded motor gasoline would be rescinded.
Mar. 13, 1980	Gulf Oil Corp., Houston, Tex	BEA-0277	Appeal of Economic Regulatory Administration Decision and Order. *If Granted:* The February 8, 1980 Decision and Order issued to Commonwealth Oil Refining Company (Corco) by the Economic Regulatory Administration which granted Corco an emergency allocation of crude oil under the buy/sell program would be modified.
Mar. 13, 1980	Milgrim, Thomajan, Jacobs & Lee, New York, N.Y	BFA-0271	Appeal of Information Request Denial. *If Granted:* The February 5, 1980 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Milgrim, Thomajan, Jacobs & Lee would receive access to certain documents relating to the Crude Oil Reseller's Self-Reporting Form (Form ERA-69).
Mar. 13, 1980	Pfanco, Inc., Dallas, Tex	BFA-0274	Appeal of Information Request Denial. *If Granted:* The Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Pfanco, Inc. would receive access to information regarding contract proposal #RFP 79PE70046.
Mar. 13, 1980	Standard Oil Co. of Ohio, Cleveland, Ohio	BEE-0974 and BEL-0974.	Price Exception and Request for Temporary Exception. *If Granted:* Standard Oil Company of Ohio would receive an exception and temporary exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Mar. 13, 1980	Stephens Oil Co., Atlanta, Ga	BFA-0278	Appeal of Information Request Denial. *If Granted:* The February 21, 1980 Information Request Denial issued by the Economic Regulatory Administration, Region IV, would be rescinded, and Stephens Oil Company would receive access to all information regarding an investigation of Stephens.
Mar. 14, 1980	Caribou Four Corners, Inc., Washington, D.C	BEX-0036	Supplemental Order. *If Granted:* The DOE, on its own motion, would stay the firm's obligation to purchase entitlements to the extent specified in a Proposed Decision and Order issued to the firm in Case No. BEE-0234.

Notices of Objection Received

[Week of Mar. 7, 1980 through Mar. 14, 1980]

Date	Name and location of applicant	Case No.
3/10/80	Steamboat Springs Station No. 1, Washington, DC.	DEE-7534
3/10/80	Kern County Refinery, Inc., Washington, DC.	DEX-0098
3/11/80	Lohr Petroleum Co., Columbus, Nebr.	BEE-0432

Notices of Objection Received—Continued

[Week of Mar. 7, 1980 through Mar. 14, 1980]

Date	Name and location of applicant	Case No.
3/12/80	Slattery's Standard Service, Elm Grove, Wis.	DEE-3322
3/12/80	Western Refining Co., Denver, Colo.	BEE-0263
3/11/80	Lally's Chevron, Tuckerton, N.J	DEE-3756
3/11/80	Rockside & 21 Shell, Cleveland, Ohio.	DEE-8559
3/11/80	Regen's Service, Inc., Newton, Mass.	DEE-7111

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of March 7, 1980 through March 14, 1980

If Granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

March 7, 1980

School Board of St. Lucie County, BEE-0960, Florida.

March 10, 1980

C & M of Abingdon, Inc., BEE-0964, Virginia.

March 12, 1980

Fredonia–I–Stop Market, BEE-0970, Tennessee.

March 12, 1980

G. T. Hamilton, Jr., BEE-0971, Alabama.

March 13, 1980

Kwik-Mart, BEE-0973, Virginia.

March 14, 1980

Broadalbin Central School, BEE-0977, New York.

March 14, 1980

Main Street Exxon, BEE-0976, New Hampshire.

[FR Doc. 80-10174 Filed 4-3-80; 8:45 am]

Objection To Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of February 25 through February 29, 1980

Notice is hereby given that during the week of February 25 through February 29, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before Thursday, April 24, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before Monday, May 5, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 28, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Don H. Duggan, John Franks, Shreveport, Louisiana; BRO–1142, BRO–1143, crude oil

On February 26, 1980, Messr. Don H. Duggan and John Franks, 907 First Bank Tower, Shreveport, Louisiana 71101 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to them on February 11, 1980. In the PRO the Southwest District found that during the period December 1973 through December 1977, Messrs. Duggan and Franks committed pricing violations in the State of Louisiana in connection with the production and sale of crude oil. According to the PRO, the violations resulted in overcharges to the purchasers of the crude oil in the amount of $254,977.

[FR Doc. 80-10170 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of March 10 Through March 14, 1980

Notice is hereby given that during the week of March 10 through March 14, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before Thursday, April 24, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C.

Dated: March 27, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Continental Service, Inc., d.b.a. Carriage Trade Car Wash, Coral Gables, Florida; BRO–0160, motor gasoline

Continental Service, Inc., d.b.a. Carriage Trade Car Wash, 4251 S. Lejeune Road, Coral Gables, Florida 33134 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on February 21, 1980. In the PRO the Southeast District found that during its investigation of the firm on February 20, 1980, Continental was conditioning the sale of motor gasoline on the purchase of a car wash in violation of 10 CFR 210.62. Accordingly, the PRO directed Continental to stop employing any form of discriminatory business practice.

[FR Doc. 80-10171 Filed 4-3-80; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of February 11 Through February 15, 1980

Notice is hereby given that during the week of February 11 through February 15, 1980 the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeal

Brock Exploration Corp., New Orleans, La.; BFA–0134, freedom of information

Brock Exploration Corporation filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Acts Activities of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that certain documents which were initially withheld under Exemption 5 should be released to the public. In addition, the DOE determined that the Director should (i) either release or provide adequate justifications for withholding other documents and (ii) conduct a further search for documents responsive to Brock's request.

Remedial Order

Chevron U.S.A., Inc.; Time Oil Co., San Francisco, Calif., Seattle, Wash.; DRO–0083, motor gasoline

Chevron U.S.A., Inc. and Time Oil Co. objected to a Proposed Remedial Order which was issued to Chevron on June 29, 1978. In the Proposed Remedial Order, the DOE Office of Special Counsel found that Chevron had violated the Mandatory Petroleum price regulations by placing Time in an improper class of purchaser. In considering the firms' objections, the DOE concluded that Chevron should have placed Time in the class of purchaser to which it had historically belonged. The DOE therefore concluded that the Proposed Remedial Order should be remanded. The important issues discussed in the Decision and Order include: (i) the appropriate method for determining the class of purchaser to which a customer belongs and (ii) the circumstances under which the DOE should substitute its judgment for a seller's in determining class-of-purchaser assignments.

Requests for Exception

Ahles Oil Co., Waubun, Minn.; DEE–5832, motor gasoline

Ahles Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought the assignment of a new base period supplier of motor gasoline to replace a supplier which planned to cease operations in Ahles' market area. In considering the request, the DOE concluded that appropriate regulatory remedies were already available to insure that Ahles would

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continue to receive its base period allocation of motor gasoline and that exception relief was therefore not necessary. Accordingly, the exception request was dismissed.

Atso Service Center, Alexandria, Va., DEE–7431, motor gasoline

Atso Service Center filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought the assignment of a base period supplier and an allocation of motor gasoline. In considering the request, the DOE concluded that since the firm could pursue regulatory remedies under Section 211.105(a), exception relief was not necessary. Accordingly, the exception request was dismissed.

Baker's Mobil Service Station, Blytheville, Ark., BEO–0206, motor gasoline

Baker's Mobil Service Station filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to alleviate financial difficulties which the firm was experiencing as a result of capital investments which it had made prior to the establishment of the new base period for the allocation of motor gasoline. Accordingly, exception relief was granted.

Bayshore Service Union 76, St. Petersburg, Fla., BEO–0363, motor gasoline

Bayshore Service Union 76 filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had purchased the retail outlet in question after the establishment of the new base period and therefore should have had no reason to believe that it would receive additional quantities of motor gasoline. Accordingly, exception relief was denied.

Bev's Beauty Salon, Concord, NH., BEO–0667, temperature restrictions

Bev's Beauty Salon filed an Application for Exception from the provisions of 10 CFR, Part 490, in which the firm sought permission to raise its maximum heating temperature above 65° F. In considering the request, the DOE determined that Bev's should be permitted to raise its maximum heating temperature to 70° F during those times which it designated as being for the exclusive use of senior citizens. Accordingly, exception relief was granted.

Bob Busse Standard, East Alton, Ill.; BEO–0259, motor gasoline

Bob Busse Standard filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to alleviate financial difficulties which the firm was experiencing as a result of capital investments which it had made prior to the establishment of the new base period for the allocation of motor gasoline. Accordingly, exception relief was granted.

Cole's Texaco Bulk, Madison, S. Dak.; BEO–0365, motor gasoline

Cole's Texaco Bulk filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE noted that the firm had constructed a convenience store and had renovated its motor gasoline retail outlet subsequent to the establishment of the new base period and therefore should have had no reason to believe that it would receive additional quantities of gasoline. Accordingly, exception relief was denied.

D & J Marathon, Bremen, Ind.; BEO–0604, motor gasoline

D & J Marathon filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had decided to make capital investments in the outlet after the new base period for motor gasoline had been established. The DOE concluded that the failure of D & J to consider the effect of the DOE allocation regulations prior to making the investments was the primary cause of the firm's financial difficulties. Accordingly, exception relief was denied.

Dave's Exxon Servicenter, Spartanburg, S.C.; DEE–3778, motor gasoline

Dave's Exxon Servicenter filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that its financial viability was jeopardized by the establishment of a new base period for motor gasoline or that potential customers who could not obtain gasoline at Dave's would have to drive excessive distances to purchase gasoline elsewhere. Accordingly, exception relief was denied.

Delozier Chevron, Decatur, Ga.; DXE–0067, motor gasoline

Delozier Chevron filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that Delozier could obtain adequate quantities of motor gasoline under the provisions of 10 CFR 211.104. Accordingly, exception relief was denied.

Dome Petroleum Corp., Calgary, Canada; DPI–0018, natural gas liquid products

Dome Petrolum Corporation filed an Application for Exception from the provisions of 10 CFR 213.38 in which the firm sought refunds of license fees which it paid on imports during the 1974–75 and 1975–76 allocation periods. In considering the request, the DOE found that exception relief was appropriate because Dome should have been granted fee-exempt licenses for the two allocation periods and should have been permitted to use a modified base period in calculating its fee-free allocations. Accordingly, exception relief was granted.

Jet Delivery, Inc., Los Angeles, Calif.; BEO–0107, motor gasoline

Jet Delivery, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had not shown that its operations would be jeopardized if it were required to continue purchasing a portion of its gasoline requirements from retail outlets. Accordingly, exception relief was denied.

Ken and Bud Car Wash, Independence, Kans.; BEO–0377, motor gasoline

Ken and Bud Car Wash filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was experiencing a financial hardship as a result of DOE regulations. Accordingly, exception relief was denied.

Leigh's Rockville Sunoco, Inc., Rockville MD.; BEO–0214, motor gasoline

Leigh's Rockville Sunoco, Inc. filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that the citizens of Rockville were experiencing an unfair distribution of burdens in obtaining motor gasoline. Accordingly, exception relief was denied.

Maplewood Auto Service; St. Paul, Minn.; DEO–0397, motor gasoline

Maplewood Auto Sevice filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period alloction of motor gasoline. In considering the request, the DOE found that Maplewood had made a substantial capital investment in the outlet and concluded that the firm would suffer a serious financial hardship if it were restricted to its base period volumes of motor gasoline. Accordingly, the DOE issued a Proposed Decision and Order which tentatively granted exception relief to Maplewood.

Mobil Oil Corporation filed a Statement of Objections to a provision in the Proposed Decision and Order which required Mobil to establish a tentative base period volume for Maplewood on the basis of the nearest comparable Mobil outlet. In considering Mobil's objections, the DOE determined that the "nearest comparable outlet" need not be in Maplewood's immediate vicinity. The DOE therefore concluded that the Proposed Decision and Order should be issued in final form.

Progress Avenue Exxon, Harrisburg PA.; DEO–0357, motor gasoline

Progress Avenue Exxon filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm's increased sales volume was attributable to a significant alteration in its marketing strategy and that in the absence of exception relief the firm would be unable to meet its monthly operating expenses. Accordingly, exception relief was granted.

R–J Enterprises, Inc., Scottsdale, AR.; DEE–3425, motor gasoline

On April 5, 1979, R–J Enterprises, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that R–J's allocation should be increased to enable the firm to realize an economic benefit from substantial capital investments which it had made. However, the DOE rejected the firm's claim that additional relief should be granted to reflect an increased demand for motor gasoline in R–J's market area. Accordingly, exception relief was granted in part.

Red Valley Grocery, Boones Mill, VA.; BEO–0512, motor gasoline

Red Valley Grocery filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had not made an investment in the retail outlet until after the base period for motor gasoline was revised and that the firm had made no showing that it was experiencing serious financial difficulties. Accordingly, exception relief was denied.

San Fernando Chevron Service, San Fernando, CA.; BEO–0284, motor gasoline

San Fernando Chevron Service filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sougt an increase in its base period allocation of motor gasoline. In considering the request, the DOE determined that the firm was not experiencing a serious financial hardship. The DOE also found that the residents of the market area served by the firm were not experiencing a gross inequity or an unfair distribution of burdens. Accordingly, exception relief was denied.

Tyson Oil CO., Savannah, GA.; DEE–7082, Gasohol

Tyson Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought additional volumes of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE determined that exception relief would lead to increased gasohol production and would thereby further the national objective of establishing a diversified energy base. Accordingly, exception relief was granted.

58 Highway Shell, Chattanooga, Tennessee; BEO–0127, motor gasoline

58 Highway Shell filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that 58 Highway Shell had failed to show that it was experiencing a serious financial hardship or that its competitive position was jeopardized by the establishment of a larger retail station in close proximity to the firm. Accordingly, exception relief was denied.

Requests for Stay

Ashland Oil, Inc., Ashland, Kentucky; BEO–0070, motor gasoline

Ashland Oil, Inc., filed an Application for Stay from the requirement that it supply unleaded motor gasoline to American Agri-Fuels Corporation pursuant to an assignment order issued by ERA Region VII. In considering the Application, the DOE determined that Ashland had failed to show that it or its customers would suffer an irreparable injury if it were required to supply gasoline to American Agri-Fuels or that it would experience logistical problems in complying with the assignment order. Ashland's stay request was therefore denied.

Phillips Petroleum Company, Bartlesville, Oklahoma; BES–0054, BST–0054, motor gasoline

Phillips Petroleum Company filed an Application for Stay and an Application for Temporary Stay from the requirement that it supply American Agri-Fuels Corporation with unleaded motor gasoline pursuant to an assignment order issued to the firm by ERA Region VII. In considering the Application, the DOE determined that because a fire in Phillips' Borger, Texas refinery had caused the firm to reduce its allocation fraction for February 1980, Phillips' customers would suffer irreparable injury in the absence of a stay. Phillips' stay request was therefore granted for the month of February 1980. The firm's Application for Temporary Stay was dismissed as moot.

Tucson Electric Power Company, Tucson, Arizona; BES–0047, BST–0047, motor gasoline

The Tucson Electric Power Compnay (TEP) filed an Application for Stay and an Application for Temporary Stay from the terms of an Interim Decision and Order which the DOE issued to the Southwest Gas Corporation. Under the terms of the Interim Order, a portion of TEP's motor gasoline entitlement was transferred to Southwest for use in a natural gas public utility which Southwest had acquired from TEP. In considering the Application for Temporary Stay, the DOE concluded that TEP would not suffer an irreparable injury in the absence of temporary stay relief. TEP's temporary stay request was therefore denied. In considering the Application for Stay, the DOE determined that the gasoline entitlement which was transferred to Southwest exceeded the portion of TEP's base period allocation attributable to its natural gas operations. Accordingly, TEP's Application for Stay was granted in part.

Motions for Discovery

Commonwealth Oil Refining Co., Inc., San Antonio, Texas; BED–0028, BEJ–0028, naphtha

Commonwealth Oil Refining Co., Inc. (Corco) filed a Motion for Discovery and Protective Order in which it requested that the DOE direct Peerless Petrochemicals, Inc. to provide Corco with certain data pertaining to Peerless's operations during the period January through September 1979. In considering the request, the DOE found that Corco was entitled to certain financial data from Peerless which would enable Corco to analyze the contentions which Peerless had raised in an exception proceeding. Accordingly, the Corco motion was granted.

Marathon Oil Company, Washington, D.C.; BED–0026, gasohol

Marathon Oil Company filed a Motion for Discovery in connection with an exception proceeding involving the Apollo Oil Company. In that proceeding, the DOE issued a Proposed Decision and Order in which it tentatively assigned Marathon to supply Apollo with 300,000 gallons of unleaded motor gasoline per month for use in Apollo's gasohol blending operations. In considering Marathon's Motion for Discovery, the DOE concluded that the requested factual information would provide the firm with the basis for the DOE's tentative determination that Marathon should supply Apollo with unleaded gasoline. Accordingly, the Motion for Discovery was granted.

Supplemental Order

Ashland Oil, Inc., Ashland, Kentucky; BEX–0032, crude oil

On November 27, 1979, a temporary exception was granted to Ashland Oil, Inc. assigning nine firms to supply Ashland with a portion of the crude oil which Ashland had previously obtained from Iran. On February 11, 1980, the DOE issued a Proposed Decision and Order with respect to Ashland's underlying Application for Exception. Since the relief tentatively granted to Ashland in the Proposed Decision and Order was different from the temporary exception relief, the DOE issued a Supplemental Order which modified the temporary exception.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name, Case No., and Location

Getty Refining & Marketing Co., et al., BEJ–0038; Washington, D.C.
Navajo Refining Co., BEJ–0030; Washington, D.C.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in orders issued on the same dates as the Interim Orders:

Company Name, Case No., and Location

Geib Oil Co., BEN–0367; Martin, MI
Petroleum Products Corp. DEN–2886; Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in increases in the firms' base period allocations of motor

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gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Bolduc Service Centers, Inc., DEE–4670; Ludlow, MA
Brilad Oil Co., DEE–2333; Vidalia, GA
Emerald Hills Citgo, DEE–2940; Hollywood, FL
I–44 Standard Service, BEO–0042; Lebanon, MO
Indian Rock "66", DEE–5935; Largo, FL
D & W Sanitation Service, DEE–6796; San Andreas, CA
Drexel Gas House, BEO–0009; Winston-Salem, NC
Hayes Chevron Service, BEO–0404; Melbourne, FL
James M. Brog, DEE–4240; Rohnert Park, CA
Kay Downs d.b.a. Kay's Korner, BEO–0230; Chipley, FL
Kentucky-Indiana Lumber Co., BEO–0304; Louisville, KY
Kreiner Bros. Motor & Implement Co., BEO–0395; Hampton, IA
Overhead Door Co. of Houston, Inc., BEO–0482; Houston, TX
Si's Super Shell, BEO–0433; Minong, WI
Thurston Fertilizer, BEO–0144; Paducah, KY
Tucker Standard Oil, BEO–0280; Tucker, GA
Whalen's Standard, BEO–0453; Chicago, IL

Petitions Involving the Emergency Building Temperature Restrictions

The following firm filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions Regulations. The request, if granted, would permit the firm to change the temperature in its facilities from the temperature level prescribed in the regulations. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Case No., and Location

Baggs Million Item Store, BEO–0630; Lakeview, OH

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Named and Case No.

Audio of Baton Rouge—BEE–0677
Dave's Sunoco, Inc.—DRA–0591
Ledford's Amoco—DEE–7043
Metropolitan Dade County Department of Public Facilities—BRO–0965
Russ Devore Texaco—DEE–7908
Robert G. Sands—BFA–0148
Addie Fuel & Drum Co.—DRO–0227
BP Oil Co.—DEA–0488
Conklin Mobil—DEE–6050; DES–6050; DST–6050
Bracewell & Patterson—BFA–0146
Handeyside Oil Corp.—DEE–6145
Henkel's Arco—DST–4203 Petroleum Products—DES–3886
Richmond-Scheuer Oil Co., Inc.—DEE–4310
Rogers Oil—DEE–2851
Ron's Interstate Chevron—DEE–7256
Brock Oil Co., Inc.—DEE–2643; DES–2643
Central Distributing Co., Inc.—DEE–2314; DES–2314

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
March 27, 1980.

[FR Doc. 80–10172 Filed 4–3–80; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1455–7]

Fuels and Fuel Additives; Receipt of an Application for a Waiver of the Prohibition Set Forth in Section 211(f) of the Clean Air Act, as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On January 17, 1980, Conservation Consultants of New England, Inc. submitted an application for a waiver of the section 211(f) prohibition set forth in the Clean Air Act (Act). This application is for a waiver to blend methanol (minimum—99 percent pure) into unleaded gasoline at a concentration of 10 volume percent. The Environmental Protection Agency (EPA) will consider any comments from interested parties that are submitted on or before May 19, 1980. Pursuant to section 211(f)(4) of the Act, the EPA has until July 14, 1980 (180 days from the date of receipt) to grant or deny the application.

PUBLIC DOCKET: Copies of information relative to this application are available for inspection in public docket EN–80–5 at the Central Docket Section (A–130) of the Environmental Protection Agency, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket, with a copy sent to Richard G. Kozlowski, Director, Field Operations and Support Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James J. Kohanek,-Attorney Advisor, Field Operations and Support Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer to first introduce or increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180-days of its receipt, the waiver shall be treated as granted.

An application for a waiver was submitted by Conservation Consultants of New England, Inc. on January 17, 1980, to blend methanol (minimum—99 percent pure) into unleaded gasoline at a concentration of 10 volume percent.

The EPA is currently reviewing the application and welcomes any comment on the same, including emission test data on this mixture. In order to permit proper evaluation of such data, the EPA requests that information be submitted on or before May 19, 1980. The 180 day review period terminates on July 15, 1980.

The application is available for public inspection in public docket EN–80–5 which is kept in the Central Docket Section of the Environmental Protection Agency (A–130), Room 2903B, 401 M Street, S.W., Washington, D.C. 20460. Any comments should be addressed to public docket EN–80–5, at the Central Docket Section, with a copy sent to Richard G. Kozlowski, Director, Field Operations and Support Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The decision as to whether to hold a public hearing has not yet been made. If the EPA determines that a hearing is appropriate, a notice will be published in the **Federal Register** detailing the time and place, and the type of information desired.

Dated: March 21, 1980.

Jeffrey G. Miller,
Acting Assistant Administrator for Enforcement.

[FR Doc. 80–10230 Filed 4–3–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1455–1]

J.E. Baker Co.; Millersville, Ohio; Final Determination

In the matter of the proceedings under Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to J.E. Baker Company (Baker), Millersville, Ohio.

On January, 8, 1979, Baker submitted an application to the U.S. Environmental Protection Agency (U.S. EPA) Region V office, for an approval to construct a limestone preheater to their existing rotary lime kiln. The application was complete and preliminary approval was granted.

On February 13, 1979, Baker was notified that its application was complete and preliminary approval was granted.

On April 5, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Baker. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Baker, the Company was notified on February 22, 1980, that U.S. EPA had determined that the proposed new construction in Millersville, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality as required by Section 165 of the Act.

This approval to construct does not relieve Baker of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2090

John McGuire,
Regional Administrator, Region V.
March 20, 1980.

U.S. Environmental Protection Agency

Region V

[PRL 1455–2]

In the Matter of J. E. Baker Company, Millersville, Ohio; Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct: EPA–5–A–80–15.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et. seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The J.E. Baker Company (Baker) plans to add a limestone preheater to their existing rotary lime kiln in Millersville, Ohio.

2. The section of Sandusky County in which the lime kiln is located has been designated as a non-attainment area for total suspended particulates (TSP). Sandusky County is a Class II area as determined pursuant to Section 162 of the Act.

3. The limestone preheater was determined to be subject ot PSD review for TSP. The increase in potential emissions was calculated to be greater than 250 tons per year, while allowable emissions were determined to be 74 tons per year. Baker applied for review prior to January 16, 1979, while the old Intepretative Ruling was still in effect. The new source review under the old Ruling was required for sources with 100 tons per year or more allowable emission rates. Because Baker's allowable rate was calculated to be 74 tons per year, the new source review fell under the purview of PSD.

4. Baker submitted a formal PSD application to the U.S. Environmental Protection Agency (U.S. EPA) on January 8, 1979. The application was determined to be complete and preliminary approval was granted on February 13, 1979.

5. On April 5, 1979, public notice appeared in the *Fremont News-Messenger*. No public comments were received and no public hearing was requested.

6. After review of all the materials submitted by Baker, U.S. EPA has found that emissions from the lime kiln modification will be controlled by the application of the best available control technology.

7. An air quality review was not performed because the actual emissions from the plant will not be increased.

Conditions for Approval

8. Particulate emissions from the venturi scrubber stack shall be limited to 0.03 grains per dry standard cubic foot. This condition represents the application of the best control technology as required by Section 165 of the Act.

9. Any change in Baker's proposed kiln modification might alter U.S. EPA's conclusion and therefore, any change must receive the prior written authorization of U.S. EPA.

Approval

10. Approval to construct the rotary lime kiln preheater is hereby granted to the J. E. Baker Company subject to the conditions expressed herein and consistent with the materials and data included in the application filed by Baker. Any departure from the conditions of this approval or the terms expressed in the application must receive the prior written authorization of EPA.

11. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program and approvals issued thereunder. It is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

12. This approval to construct does not relieve Baker of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation Plan, as well as all other applicable Federal, State and local requirements.

13. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

14. A copy of this approval has been sent to the Bircher Public Library, 423 Crogin, Fremont, Ohio 43420.

Dated: February 22, 1980.

John McGuire,
Regional Administrator

[FR Doc. 80–10228 Filed 4–3–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1455–3]

United States Gypsum Co.; Wabash, Ind.; Final Determination

In the matter of the proceedings under Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to United States Gypsum

Company (U.S. Gypsum), Wabash, Indiana.

In February, 1978, U.S. Gypsum submitted a PSD application to the Indiana Air Pollution Control Board (IAPCB). On November 15, 1978, U.S. Gypsum was advised by IAPCB that delegation of PSD review authority for the industrial category covered in their application was under the jurisdiction of the U.S. Environmental Protection Agency (U.S. EPA) and that the review would be performed by Region V. U.S. Gypsum submitted a PSD application to the U.S. EPA on December 6, 1978 proposing construction of a rockwool insulation line at their existing mineral process plant. On March 29, 1979, and August 10, 1979, additional information was received.

On September 17, 1979, U.S. Gypsum was notified that its application was complete and preliminary approval was granted.

On November 8, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to U.S. Gypsum. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by U.S. Gypsum, the Company was notified on February 6, 1980, that U.S. EPA had determined that the proposed new construction in Wabash, Indiana would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve U.S. Gypsum of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2090.

John McGuire,
Regional Administrator, Region V.

March 24, 1980.

February 6, 1980.
Mr. L. A. Pursell,
Manager, Corporate Environmental & Energy Services, United States Gypsum Company, 101 South Wacker Drive, Chicago, IL 60606.

Dear Mr. Pursell: We have completed our final review of the U.S. Gypsum Company's application for approval to construct a rockwool insulation manufacturing line at your existing mineral processing plant at Wabash, Indiana. A determination has been made to approve the construction of the manufacturing line with conditions. There were no public comments and no requests for a public hearing submitted concerning the preliminary approval to construct the manufacturing line by the U.S. Environmental Protection Agency (U.S. EPA). The approval to construct which delineates the required conditions of construction and operation is enclosed. Please be advised that this approval is based upon your written application, any departure from the terms in the application must receive the prior written authorization from U.S. EPA.

The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006) and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for consideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

I would like to stress that this approval only applies to the regulations contained in 40 CFR 52.21 concerning the Prevention of Significant Deterioration of Air Quality and the applicable sections of the Clean Air Act, as amended. This approval in no way relieves United States Gypsum Company of the responsibility to comply fully with all the other requirements of the Clean Air Act, the Clean Water Act or any other Federal, State or local legislation.

I appreciate your cooperaton and that of the United States Gypsum Company in this matter.

Sincerely yours,
John McGuire, Regional Administrator.

U.S. Environmental Protection Agency

Region V

In the Matter of United States Gypsum Company, Wabash, Indiana; Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct: EPA–5–A–80–14.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The United States Gypsum Company (U.S. Gypsum) proposes to construct a rockwool insulation line at their existing mineral process plant located west of the Wabash city limits, Wabash County, Indiana.

2. Wabash County is a Class II area as determined pursuant to the Act and has been designated as attainment for sulfur dioxide (SO_2) and total suspended particulates (TSP) and attainment/unclassifiable for ozone (O_3), carbon monoxide (CO) and nitrogen dioxide (NO_2) pursuant to Section 107 of the Act.

3. The proposed manufacturing line is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

4. The proposed rockwool insulation line was determined to be subject to a PSD review for TSP and CO.

5. In February, 1978, U.S. Gypsum submitted a PSD application to the Indiana Air Pollution Control Board (IAPCB). On November 15, 1978, U.S. Gypsum was advised by IAPCB that delegation of PSD review authority for the industrial category covered in their application was under the jurisdiction of the U.S. Environmental Protection Agency (U.S. EPA) and that the review would be performed by Region V.

6. U.S. Gypsum submitted a PSD application to the U.S. EPA on December 6, 1978. On March 29, 1979, and August 10, 1979, additional information was received. On September 17, 1979, the application was determined to be complete and preliminary approval was granted.

7. On November 8, 1979, notice was published in the *Plain Dealer*. The notice sought written comments from the public on U.S. Gypsum's application and the U.S. EPA's preliminary approval of the proposed construction. There were no public comments and no requests for a public hearing.

8. The proposed control equipment includes the installation of an afterburner on the cupola to control the CO emissions. This shall provide a minimum of 94 percent removal efficiency. To control the TSP emissions from the cupola, a baghouse will be installed after a drop out box for the larger particulates.

9. The spinner with primary cyclone and secondary cyclone is controlled by a dry filter media. The dry filter can control visible emissions.

10. After review and analysis of all materials submitted by U.S. Gypsum, U.S. EPA has determined that the source will be using the best available control technology (BACT) for TSP and CO and as shown by air quality modeling, will be in compliance with the PSD increment and the National Ambient Air Quality Standards.

Conditions for Approval

11. The maximum operating rate for the cupola shall be 12,000 pounds per hour.

12. The maximum hours of operation per year shall be 7488 hours.

13. The particulate emission rate from the dry filter controlling the spinner with primary and secondary cyclone shall be a maximum of 9.0 pounds per hour.

14. The carbon monoxide emission rate from the cupola control system shall not exceed 61 pounds per hour.

Conditions 11 through 14 represent the application of best available control technology as required by Section 165 of the Act.

15. U.S. Gypsum must construct and operate the rockwool insulation manufacturing line in accordance with the descriptions presented in their application for approval to construct. Any change must receive the prior written authorization of the U.S. EPA.

Approval

16. Approval to construct the rockwool insulation manufacturing line is hereby granted to U.S. Gypsum subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in the application, must receive the prior written authorization of U.S. EPA.

17. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

18. This approval to construct does not relieve U.S. Gypsum of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other Federal, State and local requirements.

19. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

20. A copy of this approval has been forwarded to the Wabash Carnegie Public Library, 188 Hill Street, Wabash, Indiana, for public inspection.

Dated: February 6, 1980.

John McGuire,
Regional Administrator.

[FR Doc. 80-10229 Filed 4-3-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COUNCIL ON AGING

Long-Term Care Committee; Meeting

The Federal Council on the Aging was established by the 1973 amendements to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special neeeds of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Tuesday, April 15, 1980 at 9:30 a.m. to 12:30 p.m. in Room 5549, Donohoe Building, 400 6th Street SW., Washington, D.C. 20201.

The agenda will consist of a discussion with Federal officials on two aspects of the committee's 1980 workplan; demographic assumptions and costs.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245–0441. FCA meetings are open for public observation.

Dated: March 31, 1980.

Nelson H. Cruikshank,
Chairman, Federal Council on the Aging.

[FR Doc. 80-10189 Filed 4-3-80; 8:45 am]
BILLING CODE 4110-02-M

FEDERAL RESERVE SYSTEM

Roger Billings, Inc.; Acquisition of Bank

Roger Billings, Inc., Delphos, Kansas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 50 per cent or more of the voting shares of The State Bank of Delphos, Delphos, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 28, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-10180 Filed 4-3-80; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Consumer Participation, Meeting; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 80–7241 appearing at page 15673 in the **Federal Register** of Tuesday, March 11, 1980, a notice announced a consumer participation meeting to be held April 17, 1980, in Knoxville, TN. The meeting date was incorrect—it should read April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

Dated: March 26, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9688 Filed 4-3-80; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office, Philadelphia, PA.

DATE: The meeting will be held at 10 a.m., Monday, May 12, 1980.

ADDRESS: The meeting will be held at the U.S. Customhouse, 2d and Chestnut Sts., Rm. 1001, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Bob Lockett, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, U.S. Customhouse, 2d and Chestnut Sts., Rm. 900, Philadelphia, PA 19106, 215–597–0837.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for

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current and future health concerns, to enhance relationships between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-9889 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77N-0422]

Ionizing Radiation Therapy for Benign Diseases; Endorsement of National Academy of Sciences Recommendations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces endorsement of the recommendations of the National Academy of Sciences on the use of ionizing radiation for the treatment of benign diseases. It also announces a decision not to develop separate FDA recommendations on this subject.

FOR FURTHER INFORMATION CONTACT: Melvyn R. Altman, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: On February 14, 1978 (43 FR 6244), under the authority of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263a et seq.), FDA published a notice of intent in the **Federal Register** announcing the possibility of development of recommendations on the use of ionizing radiation in the treatment of benign diseases.

The notice also announced the completion and availability of a contract report on the subject conducted for the FDA by the National Academy of Sciences (NAS). The conclusions and recommendations of the NAS were presented in the notice. The full NAS report was distributed widely among the medical community, particularly to those individuals and organizations who are involved in the decision-making process related to the use of radiation therapy for benign conditions.

The agency has decided that any formal action by the FDA other than agency endorsement of the NAS report's recommendations would not significantly change the practice of medicine in this use area. Thus, the agency is withdrawing its February 4, 1978 notice of intent to develop recommendations on the use of radiation for treatment of benign diseases.

FDA supports the concepts included in the conclusions and recommendations of the NAS report. The NAS recommendations are:

1. The potential risk of treatment with any form of ionizing radiation of a benign, non-life threatening, disease must be recognized. Ionizing radiation therapy may be considered if other safer and accepted methods have not succeeded in alleviating the condition and the potential consequences of no further treatment are unacceptable. Before institution of such therapy, account should be taken of the quality of radiation, total dose, overall time over which radiation is administered, underlying organs at risk and shielding factors.

2. Infants and children should be treated with ionizing radiation only in very exceptional cases after careful evaluation of the potential risk compared with the expected benefit.

3. Direct irradiation of the skin areas overlying organs that are particularly prone to late effects; e.g., thyroid, eye, gonads, bone marrow, and breast should be avoided.

4. The survey conducted by the Committee indicates that, as the use of radiation for the treatment of benign disease has decreased, the opportunities for adequate training in the techniques of radiation therapy and radiation protection are also diminishing outside of the specialty of radiology. Medical practitioners using ionizing radiation for the treatment of benign disease should be adequately trained in both the practical as well as the theoretical aspects of radiation therapy and protection.

5. Meticulous radiation protection techniques should be used in all instances. These include lead shielding of organs that might be affected. The use of cones and lead shields is strongly recommended in order to attenuate primary and reduce scattered radiation. Not only the medical practitioner but also all paramedical and technical assistants should be trained and knowledgeable concerning radiation protection techniques.

6. Since the less penetrating x-ray qualities, for example, grenz rays, offer a wider margin of safety, wherever possible the depth of the penetration of the x-ray beam should be chosen in accordance with the depth of the pathological process.

7. Laboratory and epidemiologic studies should be initiated and/or continued by appropriate agencies and investigative groups to fill the obvious gaps in our knowledge of the nature of the effects of ionizing radiation at the doses used in the past—and currently—in the treatment of benign diseases. One need is to determine the actual doses to various target organs, using realistic human phantoms. A second need is the followup of appropriate groups of individuals exposed to benign disease therapy in the past, those who may have had such exposure to the thyroid, breast, and other specific target organs.

A copy of the full report, "A Review of the Use of Ionizing Radiation for the Treatment of Benign Diseases," is available for public examination in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The report can be purchased from the National Technical Information Service, Springfield, VA 22161. Paper Copy Price Code No. A04, Microfiche Code No. A01, Document Purchase Code No. PB 274 032/AS.

Although the FDA is discontinuing development of separate recommendations at this time, new information or changing conditions in the future may convince the agency to reinstitute such development. However, for the present, this notice discontinues the development of FDA recommendations related to the use of ionizing radiation therapy for benign diseases.

Dated: March 25, 1980.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 80-10069 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0458]

Sunkyong Fibers, LTD.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 9B3437) proposing the safe use of trimethyl phosphate as a stabilizer in the processing of polyethylene phthalate polymers intended for food contact.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), S & P Associates, 5 Pitcairn Place, Lexington, MA 02173, on behalf of Sunkyong Fibers Ltd., Seoul, Korea, has withdrawn its petition (FAP 9B3437) notice of which was published in the **Federal Register** of January 25, 1980 (45 FR 6174), proposing that the food additive regulations be amended to provide for the safe use of trimethyl phosphate as a stabilizer in the manufacture of polyethylene phthalate polymers intended for food contact.

Dated: March 28, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-10082 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Education

Commission on the Review of the Federal Impact Aid Program; Meeting

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program, the members of which were appointed by the President on August 15, 1979, will hold a special meeting on April 22, 1980 in San Francisco, California. The meeting will be open to the general public and and all interested persons are invited to attend. Notice of this meeting is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 1).

DATE: April 22, 1980. The Commission will meet at 9:00 a.m. and continue until business is completed.

ADDRESS: The Georgian Room, Hotel St. Francis, 335 Powell, San Francisco, California 94119.

TENTATIVE AGENDA: The Commission members will conduct Commission business and receive a staff report on the work of the Commission.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, Suite 837, 1832 M Street, N.W., Washington, D.C. 20036, tel. no. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-561). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and the Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Pub. L. 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at Suite 837, 1832 M Street, N.W., Washington, D.C. 20036.

Signed at Washington, D.C. on the 1st day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-10232 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

National Advisory Committee on the White House Conference on Families; Special Subcommittee on the Appointment of At-Large Delegates; Second and Final Meeting

The National Advisory Committee on the White House Conference on Families was established to advise the Secretary, the Chair of the conference, and the Conference staff on matters pertaining to the Conference, including the development, implementation and execution of overall plans and procedures for the Conference. The Special Subcommittee on the Appointment of At-Large Delegates was appointed by the National Advisory Committee at its January 23-25 meeting to develop criteria for the selection of at-large delegates to the White House Conferences, and to make recommendations concerning such selections. This subcommittee is composed exclusively of members of the committee of the whole.

In accordance with Pub. L. 92-463, notice is hereby given of a meeting to be held on April 21, 1980, at 9 a.m. in Room 703A of the Hubert H. Humphrey Building, located at 200 Independence Avenue, S.W. in Washington, D.C.

From 9 a.m. to 9:30 a.m. a review will be made of the status of selection of at-large delegates. This portion of the meeting will be open for public observation.

At the conclusion of the review, the meeting will be closed for consideration of individual nominations. Since this portion of the meeting will involve discussion of characteristics and profiles of individual nominees, the Secretary of Health, Education, and Welfare has determined that this portion of the meeting may be closed in accordance with Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(6). This portion of the meeting will, therefore, be closed to the public.

Further information on the meeting may be obtained from the White House Conference on Families at 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6073.

Dated: April 1, 1980.

John L. Carr,

Executive Director, White House Conference on Families.

[FR Doc. 80-10203 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-19155-16]

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed selection application F-19155-16, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Koyukuk (Gana-a 'Yoo, Limited). The application excluded the following water bodies as being navigable which are considered nonnavigable:

Slough in Sec. 1, T. 5 S., R. 7 E., Kateel River Meridian; Bishop Creek.

As Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, these water bodies are considered selected.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 144,404 acres, are

considered proper for acquisition by Doyon, Limited and are hereby approved for conveyance pursuant to Sec. 14(e) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 6 S., R. 4 E.,
Secs 1 to 36, inclusive, all.
Containing approximately 22,854 acres.
T. 5 S., R. 5 E.,
Secs. 1 to 36, inclusive, all.
Containing approximately 22,782 acres.
T. 7 S., R. 5 E.,
Secs. 1 to 12, inclusive, all;
Secs. 25 and 26, excluding the Yukon River and its interconnecting slough;
Sec. 27, excluding the Yukon River and its interconnecting sloughs;
Sec. 28, excluding Native allotments F–17104 and F–026948, the Yukon River and its interconnecting sloughs;
Sec. 32, excluding Native allotments F–17121 and F–17129 and the Yukon River and its interconnecting sloughs;
Sec. 33, excluding the interconnecting sloughs of the Yukon River;
Secs. 34, 35 and 46, excluding the interconnecting sloughs of the Yukon River.
Containing approximately 12,099 acres.
T. 6 S., R. 6 E.,
Secs. 5 to 8, inclusive all;
Secs. 17 to 20, inclusive, all;
Sec. 30, all.
Containing approximately 5,600 acres.
T. 8 S., R. 6 E.,
Sec. 1, all;
Secs. 2 and 3, excluding the interconnecting slough of the Yukon River;
Secs. 4 and 5, all;
Sec. 6, excluding the interconnecting slough of the Yukon River;
Secs. 7 to 10, inclusive, all;
Secs. 11 and 12, excluding the interconnecting slough of the Yukon River;
Secs 13 to 36, inclusive, all
Containing approximately 22,884 acres.
T. 5 S., R. 7 E.,
Sec. 1, all.
Containing approximately 640 acres.
T. 7 S., R. 7 E.
Secs. 1 to 4, inclusive, all;
Secs. 9 to 16, inclusive, all;
Secs. 22 to 26, inclusive, all;
Sec. 31, excluding the Yukon River;
Sec. 35, all;
Sec. 36, excluding the Yukon River and its interconnecting slough.
Containing approximately 12,532 acres.
T. 9 S., R. 7 E.,
Secs. 1 to 36, inclusive, all.
Containing approximately 22,786 acres.
T. 6 S., R. 8 E.,
Sec. 1, excluding Nikolai Slough;
Secs. 2 to 5, inclusive, all.
Secs. 7 to 36, inclusive, all.
Containing approximately 22,225 acres.
Aggregating approximately 144,404 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–21779–16, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

a. (EIN 2b M, N) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 6 S., R. 7 E., Kateel River Meridian, southeasterly to Sec. 6, T. 7 S., R. 8 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
b. (EIN 22 C5) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 6, T. 6 S., R. 8 E., Kateel River Meridian, northwesterly to public lands in Sec. 36, T. 5 S., R. 4 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
c. (EIN 23 C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 C5 on the right bank of the Koyukuk River in Sec. 27, T. 5 S., R. 6 E., Kateel River Meridian, southwesterly to public lands in Sec. 1, T. 6 S., R. 5 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
d. (EIN 24 C5) An easement for a proposed access trail fifty (50) feet in width from public lands in Sec. 31, T. 6 S., R. 5 E., Kateel River Meridian, southwesterly to public lands in Sec. 1, T. 7 S., R. 4 E., Kateel River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.
e. (EIN 25 C5) An easement for a proposed access trail fifty (50) feet in width from public lands in Sec. 6, T. 7 S., R. 4 E., Kateel River Meridian, northwesterly to public lands in Sec. 36, T. 6 S., R. 3 E., Kateel River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.
f. (EIN 26 C4) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 31, T. 8 S., R. 7 E., Kateel River Meridian, southwesterly to public lands in Sec. 1, T. 9 S., R. 6 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
g. (EIN 31 C4) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 31, T. 6 S., R. 9 E., Kateel River Meridian, southwesterly to public lands in Sec. 1, T. 7 S., R. 8 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
h. (EIN 33 C4) An easement for a proposed access trail twenty-five (25) feet in width from public lands in Sec. 31, T. 9 S., R. 8 E., Kateel River Meridian, southwesterly to public lands in Sec. 1, T. 10 S., R. 7 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date approximately 1,713,816 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Nikolai Slough: The Yukon River and its interconnecting sloughs.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 5, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ricky M. Elliott,
Chief, Branch of Adjudication.

[FR Doc. 80-10167 Filed 4-3-80; 8:45 am]
BILLING CODE 4310-84-M

California; Seasonal Closure of Public Lands, Amendment

The Bureau of Land Management, Bakersfield District Office, in a notice in the **Federal Register** on March 13, 1980, (45 FR 16354) announced a seasonal closure of public lands and waters within one mile of Negit and Paoha Islands.

The notice is hereby amended to eliminate concurrence of the State Lands Commission of California specified in the last paragraph.

Dated: March 26, 1980

Helen C. Castillo,
Acting District Manager.

[FR Doc. 80-10165 Filed 4-3-80; 8:45 am]
BILLING CODE 4310-84-M

Alaska; Proposed Decision on Nonwilderness Assessment of the Alaska Natural Gas Transportation System Route, Bureau of Land Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the proposed nonwilderness assessment decision. The assessment is required at this time to quickly identify those public lands currently under the administration of the Bureau of Land Management that clearly do not have wilderness characteristics to expedite the approval of the Alaska Natural Gas Transportation System application for a pipeline and the application pending for the Golden Valley powerline right-of-way. Special permission from the Bureau Director has been granted to accelerate this nonwilderness assessment ahead of the planned wilderness review of public lands in Alaska. The U.S. Fish and Wildlife Service is responsible for the wilderness review of land within the Tetlin Wildlife Refuge.

SUPPLEMENTARY INFORMATION: In accordance with provisions of Section 603 of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management initiated a nonwilderness assessment of all the proposed Alaska Natural Gas Transportation System route and the Golden Valley powerline, and is prepared now to issue a proposed decision. The decision is issued in accordance with Bureau of Land Management guidelines of the September 27, 1978. BLM *Wilderness Inventory Handbook;* Organic Act Directive Numbers 78–61, and changes 2 and 3; and Special Project Directive 8500 (430), dated January 31, 1980.

The Bureau is undertaking an accelerated nonwilderness assessment of a corridor running from Prudhoe Bay to the Canadian border at the Alaska Highway. The accelerated nonwilderness assessment was approved to expedite the processing of the land use application for the construction of the Alaska Natural Gas Transportation System, as directed by the President. The Golden Valley powerline was included in the assessment because it would be cost and time saving, as it is in close proximity to the Alaska Natural Gas Transportation System.

This nonwilderness assessment covers 788 miles of linear corridor that ranges from 2 to 20 miles wide. The corridor is called the assessment area. The assessment area was selected to confine the assessment to a linear strip influenced by the existing trans-Alaska oil pipeline and its ancillary facilities, the Alaska Highway, Haines military fuel line, and other roads.

This assessment area was divided into nine segments. Each of the nine segments is described in a separate narrative, which generally covers existing developments and the nonwilderness or potential wilderness characteristics of the public lands. Public lands adjacent to the assessment area were taken into account only if they affect the total size of a roadless area contiguous to public lands inside the assessment area. An assessment decision is to be issued for each segment; proposed decisions are discussed below.

The term "assessment decision" rather than "inventory decision" is used. This is because the process used, although utilizing the same criteria as those described in the *Wilderness Inventory Handbook,* identifies only those public lands that clearly lack wilderness characteristics. The assessment includes all public lands and islands and identifies lines within which such lands and islands do not possess wilderness characteristics, as defined by Section 2(c) of the 1964 Wilderness Act. This line has been described using the nearest quarter section within the nonwilderness characteristic side to facilitate future reference. Lands beyond the assessment line may or may not possess wilderness characteristics and will be fully inventoried later.

To expedite the decisionmaking process, a 30-day comment period has been authorized. The public comment period will start on the publication date of this notice and will end 30 calendar days from that date.

The public is invited to comment on the nonwilderness assessment proposed decision. The public also is asked to submit additional information to assist the Bureau in the assessment of the nonwilderness or wilderness characteristics. Public comments and information should be mailed to the State Director (930), Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Copies of the summary narrative and maps are available upon request from the following BLM offices: Alaska State Office, 701 C Street, box 13, Anchorage, Alaska 99513; Fairbanks District Office, P.O. Box 1150, Fairbanks, Alaska 99707; Fortymile Resource Area Headquarters, P.O. Box 307, Tok, Alaska 99780.

Information, larger-scale maps, and aerial photographs are available for review at the following offices: Alaska State Office (907–271–5069); Fairbanks District Office, Fairbanks, Alaska (907–356–2025); Fortymile Resource Area Headquarters, Tok, Alaska (907–883–4181); Bureau of Land Management, Division of Wilderness and Environmental Areas (430), Main Interior Building, Room 5600, Washington, D.C. (202–343–6064).

During the formal public comment period, the following public meetings are scheduled:

Town	Location	Date	Time (p.m.)
Tok	Tok Multi-purpose Center	Apr. 16	7:30
Fairbanks	Noel Wien Memorial Library	Apr. 17	7:00

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Town	Location	Date	Time (p.m.)
Anchorage	BLM Anchorage District Office	Apr. 23	7:00

Prior to the public meetings, the U.S. Fish and Wildlife Service will have completed the wilderness assessment on lands under its jurisdiction and will be present at the meetings to discuss and clarify the results of this assessment. Public comments and information regarding that portion of the gas pipeline corridor passing through the Tetlin National Wildlife Refuge should be mailed to the Area Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

All comments received during this 30-day comment period will be recorded, considered, analyzed, and evaluated before the final decision is made. All comments will be filed for future reference, and will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. Comments received after the 30-day comment period may be considered as long as they can be reviewed along with all other public comments without delaying the final decisions.

The proposed nonwilderness assessment decisions is as follows:

1. There are 983,000 acres of public lands and islands assessed which may have wilderness characteristics and are recommended to be inventoried at a later date.

2. There are 1,499,000 acres of public lands and islands assessed, found to lack wilderness characteristics, and *proposed* to be *dropped* from further consideration under the wilderness review process and released from the constraints of interim management as specified in Section 603(c) of the Federal Land Policy and Management Act.

The following provides a further breakdown of the above totals by assessment area segments:

Summary Nonwilderness Assessment Proposed Decision (Statistical Breakdown)

[Segment acreage]

Segment and subsequent name and number	Total assessment segment	Public land requiring review	Public lands subject to inventory at later date	Public lands removed from further wilderness review and IMP requirements
Coast-01	445,000	0	0	0
Segavanirktok-02	512,000	512,000	187,000	325,000
Atigun-03	526,000	526,000	305,000	223,000
Prospect-04	535,000	551,300	249,000	302,300
Yukon-05	725,000	688,300	191,300	497,000
Fairbanks-06	956,000	0	0	0
Dot Lake-07	993,000	3,840	3,840	0
Macomb Plateau-07-01		(3,840)	(3,840)	(0)
Tanlin-08	501,000	85,800	18,800	67,000
Tetlin Indian Reservation-08-01		(72,800)	(5,800)	(67,000)
Ladue River-08-09		(13,000)	(13,000)	(0)
Round totals	4,725,000	2,369,000	955,000	1,414,000
Donnelly-09	161,000	113,000	28,000	85,000
Grand total	4,906,000	2,482,000	983,000	1,499,000

3. Any lands which are presently included in applications for State selection or Native selection, which for some reason are not transferred and which are located within the area recommended for nonwilderness, are considered to be covered the same as other nonwilderness public lands and are no longer subject to the provisions of Section 603 of the Federal Land Policy and Management Act of 1976.

After the 30-day comment period, considerations will be given to all public comments received and any additional data gathered by the Bureau for the purpose of changing or confirming the proposed decision. In either case, a final wilderness assessment decision will be published by June 1, 1980, in local Alaska news media and in the **Federal Register**.

Curtis McVee,

Alaska State Director.

[FR Doc. 80-10179 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-84-M

[Group 550]

California; Filing of Plat of Survey

March 27, 1980.

1. A plat of survey of the following described land, accepted March 6, 1980, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on May 23, 1980:

Mount Diablo Meridian, California

T. 32 S., R. 17 E.

2. The plat represents the dependent resurvey of the Eighth Standard Parallel South, south boundary, T. 32 S., R. 17 E., and a portion of R. 18 E., the east, west, and north boundaries and a portion of the subdivisional lines, and the survey to complete sections 18, 19, 30 and 31, T. 32 S., R. 17 E.

3. The above described lands are within the Los Padres National Forest, and not subject to disposition under the public land laws by reason of the official filing of the plat of survey.

4. The area resurveyed is rolling mountainous land with elevations ranging from 1000 to 3100 feet above sea level. The soil consists of sandy loam to light gravel and the vegetation consists of dense chamise, scattered groves of oak timber, and native grasses.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records and Data Management.

[FR Doc. 80-10231 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 94-579, that a meeting of the Las Cruces District Grazing Advisory Board will be held on Tuesday, May 6, 1980.

The meeting will begin at 10 a.m. in the Aggie Room of Howard Johnson's Los Pueblos Motor Lodge at 2600 S. Valley Drive, Las Cruces, New Mexico.

The agenda for the meeting will include:

(1) Old business and approval of minutes.

(2) Update on Environmental Statement efforts (Southern Rio Grande, Sacramento and McGregor).

(3) Board recommendation on involvement.

(4) Status of Fiscal Year 1980 range improvement projects.

(5) Board recommendation on FY '80 RI projects.

(6) Status of Public Rangeland Improvement Act, FLPMA, and Natural Resource Defense Council requirements.

a. Consultation/coordination.

b. Implementation strategy.

c. Monitoring.

d. Others?

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2 p.m. and lasting for at least one-half hour. The District Manager may establish a time limit for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1705 N Valley Drive (P.O. Box 1420) Las Cruces, New Mexico 88001, by May 2, 1980.

Summary minutes of the Board meeting will be maintained in the Las Cruces BLM District Office and will be available for public inspection repoduction (during regular business hours) for 30 days following the meeting.

March 28, 1980.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 80-10281 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

March 28, 1980.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on May 21, 1980:

Mount Deablo Meridian, Nevada

T. 39 N., R. 54 E.

Survey of Tracts 37, 38, 39, 40, 41, 42 and 43.

2. The land within the above township varies from nearly level hay meadows to high rolling hills. The soil is a clay loam mixed with gravel on the uplands and a sandy silt along the creeks.

Water is provided by Gance, Pie and McClellan Creeks which flow through the township in an easterly direction.

The vegetation is mostly sagebrush and bunchgrass on the uplands and wild meadow grasses along the creeks. The eastern portion of the township has been reseeded with crested wheat grass.

Principal uses of the township are cattle grazing and raising of native hay.

The Saval Ranch is located in secs. 5 and 8.

No mineral formations were noted during the course of the survey.

3.

Mount Diablo Meridian, Nevada

T. 12 N., R. 55½ E.

Survey of Tract 37.

4. The area surveyed within Township 12 North. Range 55½ East, is nearly level land. The elevation is about 5400 ft. above sea level. The soil is sandy clay loam. The vegetation consists of sagebrush, greasewood and native grass.

The tract is situated along the west boundary of the Duckwater Indian Reservation.

Access into the area is provided by Nevada State Highway No. 20, and numerous improved and unimproved roads.

5. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on May 21, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Dated: March 28, 1980.

Loyd C. Miller,

Chief, Branch of Records and Data Management.

[FR Doc. 80-10241 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Proposed Decision on Intensive Wilderness Inventory

This proposed decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and under the guidelines provided in Step 5 of the *Wilderness Inventory Handbook* of September 27, 1978, issued by the U.S. Department of the Interior, Bureau of Land Management.

Wyoming began the wilderness inventory of public lands by announcement in the **Federal Register** on November 16, 1978. The inventory has been done in two stages consisting of an initial inventory and an intensive inventory. The initial inventory was begun with the 1978 notice and the results of the initial inventory were announced in the **Federal Register** on February 7, 1979 (44 FR 7820). At that time 86 inventory units totaling 1,037,000 acres were proposed for intensive inventory and a 90-day comment period was begun. During that comment period 11 formal open houses and 12 public meetings were held to inform the public of the wilderness inventory process and obtain input.

The final decision on the initial inventory was announced in the **Federal Register** on July 10, 1979 (44 FR 40429). In that decision, 83 units totaling 1,186,400 acres were identified for intensive inventory. During the summer and fall of 1979 the intensive inventory was conducted. Files have been prepared on each inventory unit and these materials are now available for public review and comment.

The Secretary of the Interior directed that the wilderness inventory of all inventory units on the "Overthrust Belt" be completed by December 31, 1979. Wyoming had seven units on the Overthrust Belt plus six additional units on which the intensive inventory was completed which were announced in the **Federal Register** on August 15, 1979 (44 FR 47812). That notice proposed two of the Overthrust Belt units and a portion of one other unit as Wilderness Study Areas (WSA). The other 10 units were proposed to be released from the inventory due to lack of wilderness characteristics. The ensuing 90-day comment period did not generate any valid rationale to change the proposed decision and on December 14, 1979, the final decision for the Overthrust Belt units established the Raymond Mountain (WY-040-221) and Lake Mountain (WY-040-110) units and a portion of the Prospect Mountain (WY-030-303a) unit as Wilderness Study Areas. This decision was subject to protest and seven protests were received. Those protests were carefully reviewed and evaluated and a decision was published in the **Federal Register** on March 6, 1980 (45 FR 14667), stating that the December 14, 1979, decision remains unchanged except that a minor modification was made to the boundary of the Raymond Mountain WSA.

The decision on one of the six additional units (WY-030-115, Lysite Badlands) was deferred to be announced with the other 70 units in Wyoming. The proposed decision on that unit is included in this announcement.

This notice announces the proposed decision on 71 intensive inventory units encompassing approximately 1,059,000 acres. Beginning on the date of publication of this notice and running until July 7, 1980, the public is invited to review this proposed decision and make comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

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This proposed decision is set forth in the following table which lists each inventory unit and the proposed decision for each unit. About 496,724 acres have been tentatively determined to possess wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act and are proposed as WSA's. The remaining area, consisting of about 562,263 acres, has been tentatively determined not to possess wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act and is therefore, proposed to be dropped from further consideration under the wilderness review process and released from the constraints of interim management as specified in Section 603(c) of the Federal Land Policy and Management Act.

		Acres proposed to drop	Acres proposed as WSA's
Worland District:			
WY-010-104a, b, c	Owl Creek		710
126a	Big Draw	12,720	17,150
130a	Sheep Mountain	5,050	23,250
131a	Red Butte	150	11,350
220a	Bud Kimball Creek	27,300	
221a	Honeycombs	43,000	21,000
222a	Cedar Mountain	5,265	21,570
222b	Cedar Mountain	10,660	
236a	Lumen Creek		660
239a	Paint Rock		2,770
240a	Medicine Lodge	2,270	7,740
241a, b, c	Potato Ridge	56,580	
242a	Trapper Creek		7,200
334a	Emblem Draw	48,300	
335a	McCullough Peak		25,210
346a, b	Foster Gulch	30,210	
Rawlins District:			
WY-030-101	Sweetwater Canyon	9,056	
106	Whiskey Mountain	1,707	
107	Whiskey Mountain	421	
108	Whiskey Mountain	350	
109	Dubois Badlands	4,520	
110	Whiskey Mountain		487
111	Copper Mountain		6,856
113	Lysite Mountain	7,330	
115	Lysite Badlands	14,831	
120	Sweetwater Rocks		6,316
121	Sweetwater Rocks	8,506	
122	Sweetwater Rocks	596	12,789
123a	Sweetwater Rocks	7,747	7,041
123b	Sweetwater Rocks	7,514	
301	Encampment River Canyon	5,840	
304	Bennett Mountains	1,358	5,722
305	Pedro Mountains	5,990	
401	Adobe Town	22,000	33,000
407	Ferris Mountain	2,660	20,495
Rock Springs District:			
WY-040-104	South Seda Lake	70	
105	Cottonwood Creek	3,540	
106	East Fork	4,055	1,415
114, 115, 116	LaBarge Islands	180	
125	New Fork Island	72	
306	Buffalo Hump		10,300
307	Sand Dunes	3,816	27,200
311, 312	Alkali Draw/Bush Rim		16,990
313	South Pinnacles	560	10,826
314, 315	Pinnacles/Big Empty	13,797	
316, 317	Alkali Basin/East Sand Dunes	32,690	12,800
318	Red Lake	1,087	9,515
319	Bush Creek	15,186	
323	Honeycomb Buttes	31,161	41,620
324	Oregon Buttes	7,156	
325	Whitehorse Creek	6,690	
326	Harris Slough	13,225	
327	Elk Mountain	7,795	
335	Mill Creek	614	1,300
401, 402	Devil's Playground/Twin Buttes		25,605
403, 404	Anvil Wash/Butte Wash	22,560	
405	Wildhorse Basin	4,753	
406	Red Creek Badlands		12,064
407	Red Creek Badlands		9,556
408	Adobe Town	5,970	52,710
410	Teepee Mountain		3,572
Casper District:			
WY-060-101	LaBonte	3,800	
201a	Gardner Mountain	12,017	6,423
202	North Fork Powder River	10,017	10,089
204	Fortification Creek	15,681	12,419
Total acreage		562,263	496,724

After the close of the public comment period, on July 7, 1980, all public comments received will be evaluated and a final decision identifying Wilderness Study Areas as well as areas to be dropped from further consideration will be issued in early September 1980.

A detailed synopsis of this proposal, including 1:1,000,000 scale maps showing the wilderness inventory units affected, will be published in the form of a newspaper supplement which will appear in all daily newspapers in Wyoming the weekend of April 5–6, 1980. This supplement may also be obtained from any of the BLM offices listed at the end of this notice. Comment forms will be included in the newspaper supplements and may also be obtained from all BLM offices in Wyoming.

A 1:500,000 scale map plus a transparent overlay depicting the affected inventory units are available for purchase from the Wyoming State Office of BLM.

1:500,000 scale colored status map—$5.00 each copy. Transparent overlay No. 5 dated April 1980—$4.00 each copy. Paper copy of overlay No. 5—$2.50 each copy.

Anyone wishing to review the intensive inventory files for the above listed units may do so at the appropriate District Office or at the Wyoming State Office.

Copies of these files may be obtained for a copy fee of 25 cents per page. However, a photocopy of the ½-inch=1 mile scale maps showing inventory unit boundaries will be available at no charge for up to three inventory units. Additional map orders will be subject to the copy fee rate.

To facilitate public review and comment on this proposal, the following schedule of open houses and public meetings is established:

Informal Open Houses

Rawlins District

April 22, 23, 1980. Rawlins District Office, 1300 Third Street, Rawlins. 9 a.m.–5 p.m., 7–9 p.m.
April 24, 1980. Student Union, University of Wyoming campus, Laramie. 10 a.m.–4 p.m.
April 29, 30, 1980. Lander Resource Area Office, Highway 287 South, Lander. 9 a.m.–5 p.m., 7–9 p.m.

Rock Springs District

May 7, 1980. Big Sandy/Salt Wells Resource Area Office, Highway 187 North, Rock Springs. 1–4:30 p.m., 7–9 p.m.
May 8, 1980. Pinedale Resource Area Office, Molyneux Building, Pinedale. 1–4:30 p.m., 7–9 p.m.

Worland District

April 15, 1980. Commission's Office, Park County Court House, 1002 Sheridan Avenue, Cody. 2–8 p.m.
April 16, 1980. Big Horn Federal Savings & Loan, 33 North Sixth, Greybull. 2–8 p.m.
April 22, 1980. Commissioner's Hearing Room, Hot Springs County Court House, 400 Arapahoe, Thermopolis. 2–8 p.m.
April 23, 1980. BLM Annex, 1701 Robertson Avenue, Worland. 2–8 p.m.

Casper District

May 28, 1980. Buffalo Resource Area Office, Buffalo. 1–5 p.m.
June 4, 1980. Casper District Office, 951 Union Boulevard, Casper. 1–5 p.m.

Public Meetings

Casper District

May 28, 1980. Catholic Recreation Center, 106 East Snyder, Buffalo. 7:30 p.m.
June 4, 1980. Natrona County Public Library, Crawford Room, 307 East Second, Casper. 7 p.m.

Rawlins District

May 22, 1980. Lander Valley High School Auditorium, 1000 Main, Lander. 7 p.m.
May 29, 1980. Jeffrey Center, Third and Spruce, Rawlins. 7 p.m.
June 3, 1980. Commerce & Industry Auditorium, University of Wyoming campus, Laramie. 7 p.m.
June 4, 1980. Casper (coordinated with Casper District). 7 p.m.

Rock Springs District

June 4, 1980. Western Wyoming College, College Hill, Rock Springs. 7 p.m.
June 5, 1980. Pinedale Resource Area Office, Molyenux, Building, Pinedale. 7 p.m.

Worland District

June 4, 1980. Worland High School Little Theater, 19th and Washakie Avenue, Worland. 7 p.m.
June 5, 1980. Club Room, Convention Center, 1240 Beck Avenue, Cody. 7 p.m.

Those persons or organizational representatives planning to participate and make oral comment at one or more of the above public meetings are urged to also submit written comments. Those wishing to submit comments other than at the public meetings are requested to send their comments to the State Director, Bureau of Land Management, P.O. box 1828, Cheyenne, Wyoming 82001.

All public comments received during the 90-day comment period will be recorded, analyzed, evaluated, and filed for future reference. All comments will be treated equally, whether they are mailed or presented verbally or in writing at a public meeting. Comments received after the 90-day comment period may be considered as long as they can be reviewed along with all other public comments without delaying the final decision.

Additional information on this program is available on request from all BLM offices in Wyoming as listed below. These offices are also available for contact regarding input to the wilderness inventory.

State Director, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001, (307) 778–2220, extension 2413.
Worland District Office, District Manager, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401, (307) 347–6151.
Grass Creek Resource Area.[1]
Washakie Resource Area.[1]
Cody Resource Area, Area Manager, P.O. Box 528, 1131 13th, Cody, Wyoming 82414, (307) 587–2216.
Rawlins District Office, District Manager, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301, (307) 324–7171.
Divide Resource Area.[1]
Medicine Bow Resource Area.[1]
Lander Resource Area, Manager, P.O. Box 589, Lander, Wyoming 82520, (307) 332–4220.
Rock Springs District Office, District Manager, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901, (307) 382–5350.
Big Sandy Resource Area.[1]
Salt Wells Resource Area.[1]
Pinedale Resource Area, Area Manager, Molyneux Building, Pinedale, Wyoming 82941, (307) 467–4358.
Kemmerer Resource Area, Area Manager, P.O. Box 632, Kemmerer, Wyoming 83101, (307) 887–3933.
Casper District Office, District Manager, 951 Union Boulevard, Casper, Wyoming 82601, (307) 265–5550, extension 5101.
Platte River Resource Area.[1]
Buffalo Resource Areas, Area Manager, P.O. Box 670, Buffalo, Wyoming 82834, (307) 684–5586.
Newcastle Resource Area, Area Manager, Highway 16 Bypass, Newcastle, Wyoming 82701, (307) 746–4453.

Maxwell T. Lieurance,
State Director.

[FR Doc. 80-9243 Filed 4-3-80; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that ARCO Oil and Gas Company, lessee of OCS oil and gas leases OCS–G 2832 and OCS–G 3496, Blocks 205 and 206, West Cameron Area, submitted March 19, 1980, a proposed Development and Production Plan describing the development and production activities it proposes to conduct on lease OCS–G 3932 and OCS–G 3496. The proposed Development and Production Plan for leases OCS–G 2932 and OCS–G 3496 is available for review at the offices of the

[1] Located at the District Office.

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Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002. This notice solicits the submission of the comments and recommendations by interested parties for the consideration of the Geological Survey during its review and disposition of ARCO's proposed Development and Production Plan for OCS oil and gas lease OCS–G 2932 and OCS–G 3496.

DATES: Comments and recommendations must be received by May 5, 1980.

ADDRESS: Comments and recommendations must be written and submitted in sufficient time to insure their receipt by the date specified above. Comments and recommendations must be submitted to the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Mr. Terry Hight, Petroleum Engineer, Post Office Box 7944, Metairie, Louisiana 70010, Phone 837–4720, Ext. 206.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

The regulations in Section 250.34, Exploration, Development, and Production Plans, are specifically designed, among other things, to assist affected States in their efforts to protect the marine, coastal, and human environments. They recognize that the OCS oil and gas development and production activities described in proposed Development and Production Plans may have identifiable effects on the environment and provide for the participation of the Governors of affected States, the executives of affected local governments, and other interested parties, together with the U.S. Geological Survey, in its review and decision-making process.

The U.S. Geological Survey encourages the involvement of representatives of affected States and local governments and other interested parties in the Federal decision-making process relating to OCS oil and gas exploration, development, and production activities. It views as essential the establishment of an effective information exchange and consultation and coordination mechanisms between jurisdictions to the maximum extent possible without infringing upon the special responsibilities of the respective jurisdictions. It also views as essential the establishment of uniform practices and procedures for review and disposition of proposed Development and Production Plans which conform with the requirements of applicable laws, regulations, and lease terms.

It believes that it is important to provide documentation of the careful consideration given comments and recommendations made by others during the decision-making process relating to OCS oil and gas development and production activities (e.g., during the review and disposition of proposed Development and Production Plans and revisions of approved Development and Production Plans).

Public Availability

At the time that copies of a proposed Development and Production Plan are transmitted to other Federal Bureaus and Agencies for review, a copy of the proposed Development and Production Plan (except for those portions that have been determined to be exempt from disclosure in accordance with the Freedom of Information Act) and a copy of the accompanying Environmental Report (Development/Production), when there is an Environmental Report (Development/Production), are made available to the public.

The Conservation Manager is responsible for assuring that proposed Development and Production Plans submitted in accordance with the provisions of 30 CFR Section 250.34 are reviewed and acted upon in accordance with established practices and procedures which include a comprehensive review of the environmental impacts of the proposed activities and a comprehensive review of the technological aspects of the proposed activities. Both reviews must be completed in time for the Survey to approve, disapprove, or require modification of a proposed Development and Production Plan within 60 calendar days after the period of time provided for comments by the Governors of affected States and the executives of affected local governments or within 60 calendar days following the release of the final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act of 1969.

Reviewers of proposed Development and Production Plans are encouraged to expedite their review of the plans and to submit their comments and recommendations on the plans as quickly as possible. Comments and recommendations received in connection with a proposed Development and Production Plan are considered carefully during the decision-making process. The consideration given to each comment and recommendation received before the deadline stated in this notice will be documented either in the written materials prepared in connection with the environmental impact review process or in the decision document which sets forth the decision on the disposition of the proposed Development and Production Plan (i.e., approved, disapproved, or modification required) and the reasons behind that decision.

Dated: March 24, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10255 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that C & K Offshore Company, lessee of OCS oil and gas lease OCS–G 2860, Block 237, East Cameron Area, submitted March 20, 1980, a proposed Development and Production Plan describing the development and production activities it proposes to conduct on lease OCS–G 2860. The proposed Development and Production Plan for lease OCS–G 2860 is available for review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002. This notice solicits the submission of the comments and recommendations by interested parties for the consideration of the Geological Survey during its review and disposition of C & K's proposed Development and Production Plan for OCS oil and gas lease OCS–G 2860.

DATES: Comments and recommendations must be received by May 5, 1980.

ADDRESS: Comments and recommendations must be written and submitted in sufficient time to insure their receipt by the date specified above. Comments and recommendations must be submitted to the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Mr. Emile Simoneaux, Petroleum Engineer, Post Office Box 7944, Metairie, Louisiana 70010, Phone 837–4720, Ext. 206.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

The regulations in Section 250.34, Exploration, Development, and Production Plans, are specifically designed, among other things, to assist affected States in their efforts to protect the marine, coastal, and human environments. They recognize that the OCS oil and gas development and production activities described in proposed Development and Production Plans may have identifiable effects on the environment and provide for the participation of the Governors of affected States, the executives of affected local governments, and other interested parties, together with the U.S. Geological Survey, in its review and decision-making process.

The U.S. Geological Survey encourages the involvement of representatives of affected States and local governments and other interested parties in the Federal decision-making process relating to OCS oil and gas exploration, development, and production activities. It views as essential the establishment of an effective information exchange and consultation and coordination mechanisms between jurisdictions to the maximum extent possible without infringing upon the special responsibilities of the respective jurisdictions. It also views as essential the establishment of uniform practices and procedures for review and disposition of proposed Development and Production Plans which conform with the requirements of applicable laws, regulations, and lease terms.

It believes that it is important to provide documentation of the careful consideration given comments and recommendations made by others during the decisionmaking process relating to OCS oil and gas development and production activities (e.g., during the review and disposition of proposed Development and Production Plans and revisions of approved Development and Production Plans).

Public Availability

At the time that copies of a proposed Development and Production Plan are transmitted to other Federal Bureaus and Agencies for review, a copy of the proposed Development and Production Plan (except for those portions that have been determined to be exempt from disclosure in accordance with the Freedom of Information Act) and a copy of the accompanying Environmental Report (Development/Production), when there is an Environmental Report (Development/Production), are made available to the public.

The Conservation Manager is responsible for assuring that proposed Development and Production Plans submitted in accordance with the provisions of 30 CFR Section 250.34 are reviewed and acted upon in accordance with established practices and procedures which include a comprehensive review of the environmental impacts of the proposed activities and a comprehensive review of the technological aspects of the proposed activities. Both reviews must be completed in time for the Survey to approve, disapprove, or require modification of a proposed Development and Production Plan within 60 calendar days after the period of time provided for comments by the Governors of affected States and the executives of affected local governments or within 60 calendar days following the release of the final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act of 1969.

Reviewers of proposed Development and Production Plans are encouraged to expedite their review of the plans and to submit their comments and recommendations on the plans as quickly as possible. Comments and recommendations received in connection with a proposed Development and Production Plan are considered carefully during the decision-making process. The consideration given to each comment and recommendation received before the deadline stated in this notice will be documented either in the written materials prepared in connection with the environmental impact review process or in the decision document which sets forth the decision on the disposition of the proposed Development and Production Plan (i.e., approved, disapproved, or modification required) and the reasons behind that decision.

Dated: March 24, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10256 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Chevron U.S.A. Inc., lessee of OCS oil and gas leases OCS 0374 and OCS–G 1295, Blocks 41 and 37, Main Pass Area, submitted March 20, 1980, a proposed Development and Production Plan describing the development and production activities it proposes to conduct on leases OCS 0374 and OCS–G 1295. The proposed Development and Production Plan for leases OCS 0374 and OCS–G 1295 is available for review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002. This notice solicits the submission of the comments and recommendations by interested parties for the consideration of the Geological Survey during its review and disposition of Chevron's proposed Development and Production Plan for OCS oil and gas leases OCS 0374 and OCS–G 1295.

DATES: Comments and recommendations must be received by May 5, 1980.

ADDRESS: Comments and recommendations must be written and submitted in sufficient time to insure their receipt by the date specified above. Comments and recommendations must be submitted to the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Mr. Terry Hight, Petroleum Engineer, Post Office Box 7944, Metairie, Louisiana 70010, Phone 837–4720, Ext. 206.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised

Section 250.34 of Title 30 of the Code of Federal Regulations.

The regulations in Section 250.34, Exploration, Development, and Production Plans, are specifically designed, among other things, to assist affected States in their efforts to protect the marine, coastal, and human environments. They recognize that the OCS oil and gas development and production activities described in proposed Development and Production Plans may have identifiable effects on the environment and provide for the participation of the Governors of affected States, the executives of affected local governments, and other interested parties, together with the U.S. Geological Survey, in its review and decision-making process.

The U.S. Geological Survey encourages the involvement of representatives of affected States and local governments and other interested parties in the Federal decision-making process relating to OCS oil and gas exploration, development, and production activities. It views as essential the establishment of an effective information exchange and consultation and coordination mechanisms between jurisdictions to the maximum extent possible without infringing upon the special responsibilities of the respective jurisdictions. It also views as essential the establishment of uniform practices and procedures for review and disposition of proposed Development and Production Plans which conform with the requirements of applicable laws, regulations, and lease terms.

It believes that it is important to provide documentation of the careful consideration given comments and recommendations made by others during the decision-making process relating to OCS oil and gas development and production activities (e.g., during the review and disposition of proposed Development and Production Plans and revisions of approved Development and Production Plans).

Public Availability

At the time that copies of a proposed Development and Production Plan are transmitted to other Federal Bureaus and Agencies for review, a copy of the proposed Development and Production Plan (except for those portions that have been determined to be exempt from disclosure in accordance with the Freedom of Information Act) and a copy of the accompanying Environmental Report (Development/Production), when there is an Environmental Report (Development/Production), are made available to the public.

The Conservation Manager is responsible for assuring that proposed Development and Production Plans submitted in accordance with the provisions of 30 CFR Section 250.34 are reviewed and acted upon in accordance with established practices and procedures which include a comprehensive review of the environmental impacts of the proposed activities and a comprehensive review of the technological aspects of the proposed activities. Both reviews must be completed in time for the Survey to approve, disapprove, or require modification of a proposed Development and Production Plan within 60 calandar days after the period of time provided for comments by the Governors of affected States and the executives of affected local governments or within 60 calandar days following the release of the final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act of 1969.

Reviewers of proposed Development and Production Plans are encouraged to expedite their review of the plans and to submit their comments and recommendations on the plans as quickly as possible. Comments and recommendations received in connection with a proposed Development and Production Plan are considered carefully during the decision-making process. The consideration given to each comment and recommendation received before the deadline stated in this notice will be documented either in the written materials prepared in connection with the environmental impact review process or in the decision document which sets forth the decision on the disposition of the proposed Development and Production Plan (i.e., approved, disapproved, or modification required) and the reasons behind that decision.

Dated: March 24, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10257 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Supplemental Development and Production Plan.

SUMMARY: This notice announces that Gulf Oil Exploration and Production Company, lessee of OCS oil and gas lease OCS–G 3543, Block 24, Vermilion Area, submitted March 18, 1980, a proposed Development and Production Plan describing the development and production activities it proposes to conduct on lease OCS–G 3543. The proposed Development and Production Plan for lease OCS–G 3543 is available for review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002. This notice solicits the submission of the comments and recommendations by interested parties for the consideration of the Geological Survey during its review and disposition of Gulf's proposed Development and Production Plan for OCS oil and gas lease OCS–G 3543.

DATES: Comments and recommendations must be received by May 5, 1980.

ADDRESS: Comments and recommendations must be written and submitted in sufficient time to insure their receipt by the date specified above. Comments and recommendations must be submitted to the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Mr. Terry Hight, Petroleum Engineer, Post Office Box 7944, Matairie, Louisiana 70010, Phone 837–4720, Ext. 206.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

The regulations in Section 250.34, Exploration, Development, and Production Plans, are specifically designed, among other things, to assist affected States in their efforts to protect the marine, coastal, and human environments. They recognize that the OCS oil and gas development and production activities described in proposed Development and Production Plans may have identifiable effects on the environment and provide for the participation of the Governors of affected States, the executives of affected local governments, and other interested parties, together with the U.S. Geological Survey, in its review and decision-making process.

The U.S. Geological Survey encourages the involvement of representatives of affected States and local governments and other interested parties in the Federal decision-making process relating to OCS oil and gas exploration, development, and production activities. It views as essential the establishment of an effective information exchange and consultation and coordination mechanisms between jurisdictions to the maximum extent possible without infringing upon the special responsibilities of the respective jurisdictions. It also views as essential the establishment of uniform practices and procedures for review and disposition of proposed Development and Production Plans which conform with the requirements of applicable laws, regulations, and lease terms.

It believes that it is important to provide documentation of the careful consideration given comments and recommendations made by others during the decision-making process relating to OCS oil and gas development and production activities (e.g., during the review and disposition of proposed Development and Production Plans and revisions of approved Development and Production Plans).

Public Availability

At the time that copies of a proposed Development and Production Plan are transmitted to other Federal Bureaus and Agencies for review, a copy of the proposed Development and Production Plan (except for those portions that have been determined to be exempt from disclosure in accordance with the Freedom of Information Act) and a copy of the accompanying Environmental Report (Development/Production), when there is an Environmental Report (Development/Production), are made available to the public.

The Conservation Manager is responsible for assuring that proposed Development and Production Plans submitted in accordance with the provisions of 30 CFR Section 250.34 are reviewed and acted upon in accordance with established practices and procedures which include a comprehensive review of the environmental impacts of the proposed activities and a comprehensive review of the technological aspects of the proposed activities. Both reviews must be completed in time for the Survey to approve, disapprove, or require modification of a proposed Development and Production Plan within 60 calendar days after the period of time provided for comments by the Governors of affected States and the executives of affected local governments or within 60 calendar days following the release of the final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act of 1969.

Reviewers of proposed Development and Production Plans are encouraged to expedite their review of the plans and to submit their comments and recommendations on the plans as quickly as possible. Comments and recommendations received in connection with a proposed Development and Production Plan are considered carefully during the decision-making process. The consideration given to each comment and recommendation received before the deadline stated in this notice will be documented either in the written materials prepared in connection with the environmental impact review process or in the decision document which sets forth the decision on the disposition of the proposed Development and Production Plan (i.e., approved, disapproved, or modification required) and the reasons behind that decision.

Dated: March 24, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10258 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Placid Oil Company, lessee of OCS oil and gas leases OCS 0436 and OCS 0437, Blocks 198 and 199, Eugene Island Area, submitted March 19, 1980, a proposed Development and Production Plan describing the development and production activities it proposes to conduct on lease OCS 0436 and OCS 0437. The proposed Development and Production Plan for leases OCS 0436 and OCS 0437 is available for review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002. This notice solicits the submission of the comments and recommendations by interested parties for the consideration of the Geological Survey during its review and disposition of Placid's proposed Development and Production Plan for OCS oil and gas leases OCS 0436 and OCS 0437.

DATES: Comments and recommendations must be received by May 5, 1980.

ADDRESS: Comments and recommendations must be written and submitted in sufficient time to insure their receipt by the date specified above. Comments and recommendations must be submitted to the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Mr. Terry Hight, Petroleum Engineer, Post Office Box 7944, Metairie, Louisiana 70010, Phone 837–4720, Ext. 206.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

The regulations in Section 250.34, Exploration, Development, and Production Plans, are specifically designed, among other things, to assist affected States in their efforts to protect the marine, coastal, and human environments. They recognize that the OCS oil and gas development and production activities described in proposed Development and Production Plans may have identifiable effects on the environment and provide for the participation of the Governors of affected States, the executives of affected local governments, and other interested parties, together with the U.S. Geological Survey, in its review and decision-making process.

The U.S. Geological Survey encourages the involvement of representatives of affected States and local governments and other interested parties in the Federal decision-making process relating to OCS oil and gas exploration, development, and production activities. It views as essential the establishment of an effective information exchange and consultation and coordination mechanisms between jurisdictions to the maximum extent possible without infringing upon the special responsibilities of the respective jurisdictions. It also views as essential the establishment of uniform practices and procedures for review and

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disposition of proposed Development and Production Plans which conform with the requirements of applicable laws, regulations, and lease terms.

It believes that it is important to provide documentation of the careful consideration given comments and recommendations made by others during the decision-making process relating to OCS oil and gas development and production activities [e.g., during the review and disposition of proposed Development and Production Plans and revisions of approved Development and Production Plans].

Public Availability

At the time that copies of a proposed Development and Production Plan are transmitted to other Federal Bureaus and Agencies for review, a copy of the proposed Development and Production Plan (except for those portions that have been determined to be exempt from disclosure in accordance with the Freedom of Information Act) and a copy of the accompanying Environmental Report (Development/Production), when there is an Environmental Report (Development/Production), are made available to the public.

The Conservation Manager is responsible for assuring that proposed Development and Production Plans submitted in accordance with the provisions of 30 CFR Section 250.34 are reviewed and acted upon in accordance with established practices and procedures which include a comprehensive review of the environmental impacts of the proposed activities and a comprehensive review of the technological aspects of the proposed activities. Both reviews must be completed in time for the Survey to approve, disapprove, or require modification of a proposed Development and Production Plan within 60 calendar days after the period of time provided for comments by the Governors of affected States and the executives of affected local governments or within 60 calendar days following the release of the final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act of 1969.

Reviewers of proposed Development and Production Plans are encouraged to expedite their review of the plans and to submit their comments and recommendations on the plans as quickly as possible. Comments and recommendations received in connection with a proposed Development and Production Plan are considered carefully during the decision-making process. The consideration given to each comment and recommendation received before the deadline stated in this notice will be documented either in the written materials prepared in connection with the environmental impact review process or in the decision document which sets forth the decision on the disposition of the proposed Development and Production Plan (i.e., approved, disapproved, or modification required) and the reasons behind that decision.

Dated: March 24, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10259 Filed 4-3-80; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Applications; Decisions

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find that each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commerce operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergnovich,

Secretary.

MC–FC–78465. By decision of February 15, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Earle M. Gardner, Inc., of Pine Plains, NY, of Certificate No. MC–101868 (Sub-No. 1) issued June 14, 1965 to Earle M. Gardner, of Pine Plains, NY, authorizing the transportation of *dry feed* and *dry feed ingredients*, in bulk, in tank vehicles, from Albany, NY, to points in ME, NH, VT, MA, RI, and CT. Applicants' representative is: Neil D. Breslin, Attorney, 600 Broadway, Albany, NY 12207. Application for TA has not been filed. Transferee presently holds no authority.

MC–FC–78466. By decision of February 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Earle E. Harris d/b/a Earle E. Harris Banana Transport, of McKees Rocks, PA, of Certificate No. MC–118143 issued May 6, 1971, to Edward Bukowski, of McKees Rocks, PA, authorizing the transportation of *bananas*, and *agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Wilmington, DE, to points in NY, NJ, MD, PA, OH, and WV. From New York, NY, Weehawken, NJ, and Baltimore, MD, to points in that part of PA on and west of U.S. Highway 119 and on and south of U.S. Highway 422; restricted to shipments having an immediately prior movement by water and destined to points in the authorized destination territory; *wool waste* (carded, spun, woven, or knitted), from points in that part of PA on and west of U.S. Highway 119 and on and south of U.S. Highway 422, to New York, NY, and Newark, NJ. Applicant's representative is: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Application for TA has not been filed. Transferee presently holds no authority.

MC–FC–78467. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to J. W. and S. R. Messerschmidt d/b/a Allstate Van and Storage Company, Minneapolis, MN, of Certificate No. MC–35676, issued June 22, 1967, to Howe Transfer, Inc., St. Paul, MN, authorizing the transportation of *Household goods*, between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in WI, ND, SD, IA, and IL. Applicants' representative: Robert W. Johnson, 2210 American National Bank Bldg., St. Paul, MN 55101.

MC–FC–78468. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Joseph M. Trimble, Palco, KS, of Permit No. MC–125237 issued March 16, 1976 to Eldred Rahjes, Denver, Co, authorizing the transportation of *Plaster Board joining cement, paint, and patching materials* (except in tank vehicles), from the plant site of Weldo Manufacturing Company, in North Kansas City, MO, to points in CO, IL, IN, IA, MI, MN, NE, ND, SD, and WI, and Farmington, NM and Cheyenne, WY; *soya flour* (except in tank vehicles), from Mankato, MN, to the plant site of Welco Manufacturing Co., in North Kansas City, MO; *gypsum*, (except in tank vehicles), from Blue Rapids, KS, to the plant site of Welco Manufacturing Company in North Kansas City, MO; *white silica sand, animal glue, dry casein, cellulose, pumice, soya flour, dry pigments, calcium, carbonate, gypsum, mica, containers, paper bags, and paper cartons* (except in tank vehicles), from points in IL, to the plant site of Welco Manufacturing Company in North Kansas City, MO; *plaster board, joining cement, paint, and patching materials*, from the plant site of Welco Manufacturing Company, North Kansas City, MO, to points in AR, ID, KS, KY, NM, OK, TN, WY, OH, VA, and WV; *mica*, from points in TN to North Kansas City, MO; and from the plant site and storage facilities of Harris Mining Company, at or near Spruce Pine, NC, to North Kansas City, MO; *plaster and gypsum*, from points in OK, to North Kansas City, MO; and *steel pails*, from Cleveland, OH, to North Kansas City, MO. All under continuing contract(s) with Welco Manufacturing Company, North Kansas City, Mo. Applicants' representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203.

MC–FC–78470. By decision of March 20, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Witte Bros., Inc., Faribault, MN, of Certificates MC–140241 (Sub-Nos. 18, 33, and 35), issued March 8, 1979, June 20, 1979, and June 20, 1979, respectively, to Dalke Transport, Inc. (Ernest McRae, Trustee in Bankruptcy), authorizing the transportation of (1) *precut log buildings*, knocked down, between Claremore, OK, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *materials, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Claremore, OK, restricted in (1) and (2) above to the transportation of traffic originating at the named origin and destined to the named destinations; (3) *shredded rubber*, in bags, from Wichita, KS, to points in the United States (except AK and HI); (4) *pre-cut log buildings*, knocked down, between Chadron, NE, Brainerd, MN, and Malin, OR, on the one hand, and, on the other, points in the United States (except AK and HI); and (5) materials and supplies used in the manufacture of the commodities in (4) above (except commodities in bulk), from points in the United States (except AK and HI), to Chadron, NE, Brainerd, MN, and Malin, Or, restricted in (4) and (5) above to the transportation of traffic originating at the named origins and destined to the named destinations. Applicants' representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603.

MC–FC–78471. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to Knoxville tours, Inc., Knoxville, TN, of Certificate No. MC–134519 (Sub-No. 1), issued June 8, 1972, to James A. Autrey, d.b.a. Auco tours, Sevierville, TN, authorizing the transportation of *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Knoxville, Sevierville, and Pigeon Forge, TN, and extending to points in the Great Smoky Mountains National Park and Cherokee, NC. Applicants' representative is: James W. Bell, 712 Walnut St., Knoxville, TN, 37902.

MC–FC–78472. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to T. J. Kervin Leasing, Inc., Winnfield, LA, of Certificate No. MC–133168 and Permit No. MC–133501 (Sub-No. 3), issued May 18, 1971 to Delta Express, Inc., (Stanley J. Smith, Successor in interest) Natchitoches, LA, authorizing the transportation of *lumber and veneer lumber stock*, from Joyce, LA, to points in MS and those in that part of TX on and east of U.S. Hwy 281, restricted against the transportation of traffic originating at the plant sites of American Creosote Works, Inc. and South Ply, Inc. *Treated poles and piling*, from Winnfield, LA, to points in that part of TX on and east of U.S. Hwy 281, under continuing contract(s) with American Creosote Works, Inc., of Winnfield, LA. Applicants' representative: Jeff McHugh David, P.O. Box 458, Denham Springs, LA 70726.

MC–FC–78473. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to David A. Folken, D/B/A Folken Trucking, Austin, MN, of Certificate No. MC–124501, issued December 20, 1974, to Maurice D. Harmon, D/B/A Harmon Trucking, Austin, MN authorizing the transportation of *dry feed and dry feed ingredients*, between Austin, MN, on the one hand, and, on the other, Fremont and Omaha, NE, and points in that part of IA on and north of U.S. Hwy 20. Applicants' representative: David A. Folken, 805 12th Ave. SW, Austin, MN 55912.

MC–FC–78481. By decision of February 28, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Mark E. Larson, River Falls, WI, of Certificate No. MC–5019, issued July 18, 1962, to Arthur B. Bjornson, D/B/A Bjornson Truck Service, and transferred to Norma Bjornson D/B/A Bjornson Truck Service, River Falls, WI, in MC–FC–77898, effective November 24, 1978, but not reissued in the new name, authorizing the transportation of *Malt beverages*, from Duluth, MN, over U.S. Highway 61 to junction U.S. Highway 10, then over U.S. Highway 10 to Ellsworth WI, serving no intermediate points; *empty containers*, from Ellsworth WI, to Duluth, MN, serving no intermediate points, from Ellsworth over the above-specified route to Duluth; *agricultural commodities* and *feed*, between points in the villages of Elmwood, Spring Valley, and Ellsworth, WI, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul and Red Wing, MN; *livestock, agricultural commodities, farm machinery, lumber, logs, firewood, feed, seed*, and *groceries*, between points in the towns of El Paso, Gilman, Rock Elm, Ellsworth, Martell, and Spring Lake, Pierce County, WI, not including the villages specified above, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Red Wing, MN; and *livestock*, from South St. Paul, MN, to Whitehall, WI. Applicants' representative: James T. Flescher, 1745 University Ave., St. Paul, MN 55104.

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MC–FC–78482. By decision of February 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Maiers Transport and Warehousing, Inc., St. Cloud, MN of Permit No. MC–139177 (Sub-No. 1), issued November 7, 1974, to Maiers Transfer & Storage Co., Inc., St. Cloud, MN, authorizing the transportation of *paper and paper products,* from the facilities of Hoerner-Waldorf Corp., at St. Cloud, MN, to points in ND, under continuing contract(s) with Hoerner-Waldorf Corp., of St. Paul, MN. Applicants' representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402.

MC–FC–78483. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to THOMAS J. SPARISH, d.b.a. TOM SPARISH TRUCKING, Cumberland, WI, of Certificate MC 49898, issued April 30, 1959, to Percy L. Riley, Cumberland, WI, authorizing the transportation of *livestock,* from points in the towns of Bear Lake, Oak Grove, Cedar, Cumberland, Stanfold, Rice Lake, Doyle, Barron, Stanley, and Sumner, Barron County, WI, and the towns of Birchwood, Long Lake, and Sarona, Washburn County, WI, to South St. Paul and Newport, MN; *general commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Minneapolis, St. Paul, South St. Paul, and Newport, MN, to points in the above-specified towns in WI, and *household goods* and *emigrant movables,* between points in the above-specified towns in WI, on the one hand, and, on the other, points in MN and the Upper Peninsula of MI. Applicants' representative: James T. Fleacher, 1745 University Ave., St. Paul, MN 55104.

MC–FC–78496. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to AIRWAY SERVICES, INC., Delaware, Jamaica, NY, of Certificate MC 89221, issued September 18, 1974, to Frederick D. Holmes, d.b.a. HARFORD MOTOR COACH CO., Baltimore, MD, authorizing the transportation of *passengers and their baggage,* in same vehicle with passengers, restricted to traffic originating in the territory indicated, in charter operations, from Baltimore, MD and points within 10 miles of Baltimore, to points in VA, WV, NC, PA, NY, NJ, DE, and DC and return; *passengers and their baggage* in the same vehicle with passengers, in charter operations, in round-trip tours, beginning and ending at Baltimore, MD, and points within 10 miles of Baltimore, with no pick-up or discharge of passengers or their baggage at any other point, and extending to points in SC, GA, FL, CT, RI, MA, ME, NH, VT, and OH. Applicants' representative: L. C. Major, Jr., 6121 Lincolnia Rd., Alexandria, VA 22312.

MC–FC–78498. By decision of February 26, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to NORMAN P. DEMERS, Manchester, NH, of Permit MC 62288, issued September 13, 1956, to JAMES P. ANAGNOS, Manchester, NH, authorizing the transportation of *Petroleum products,* in bulk, in tank trucks, from Chelsea, MA, to Derry, NH; *petroleum products,* in bulk, in tank vehicles, from Chelsea and Boston, MA, to Lebanon, NH; and *Liquid petroleum products,* from Chelsea and Boston, MA, to Exeter and Pittsfield, NH, and from Boston, MA, to Derry, NH. Applicants' representative: Norman P. Demers, 840 Bodwell Rd., Manchester, NH 03103.

MC–FC–78500. By decision of February 26, 1980, issued under 29 U.S.C. 10931 or 10932 and the transfer rules at 49 C.F.R. 1132, The Motor Carrier Board approved the transfer to A. W. REID DRAYING COMPANY, INC., San Francisco, CA of Certificate of Registration MC 65185 (Sub-2) issued to JAMES S. MANLOWE, San Francisco, CA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Decision 51071 dated February 1, 1955, as amended by Decision 60386, dated July 12, 1960, issued pursuant to transfer by Decision 71128, dated August 16, 1966, modified by Decision 74082, dated May 7, 1968, and transferred by Decisions 74345 and 84779, dated July 2, 1968 and August 12, 1975, respectively, issued by the Public Utilities Commission of the State of California; The Public Utilities Commission of the State of California approved the transfer of the corresponding intrastate operating rights by Decision 88437, dated January 31, 1978. Applicant's representative: Blair F. Burton, 6318 Fairmount Ave., El Cerrito, CA 94530.

MC–FC–78501. By decision of February 26, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to DAVID L. McINTYRE, Detroit, MI, of Certificate MC 100129 (Sub-2), issued July 11, 1968, to ACME TOWING SERVICE, INC., Detroit, MI, authorizing the transportation of *wrecked, repossessed, or disabled vehicles,* between Detroit, MI, on the one hand, and, on the other, points in IL, IN, KY, OH, NY, and PA; *wrecked, repossessed, or disabled vehicles,* between Detroit, MI, on the one hand, and, on the other, points in IL, IN, KY, OH, NY, and PA; *wrecked repossessed, or disabled vehicles and replacements* thereof, except trailers designed to be hauled by passenger automobiles, between Detroit, MI, and ports of entry on the United States-Canada Boundary line within 100 miles of Detroit, on the one hand, and, on the other, points in IL, IN, OH, PA, NY, WI, KY, WV, and TN; and *wrecked, disabled, and repossessed motor vehicles,* by use of a wrecker equipment only, and *replacement vehicles,* for wrecked and disabled motor vehicles, between points in MI, on the one hand, and, on the other, points in IL, IN, KY, NY, OH, PA, TN, WV, and WI (except Madison, WI). Applicant's representative: William B. Elmer, 21635 E. Nine Mile Rd., St. Clair Shores, MI 48080.

MC–FC–78510. By decision of March 13, 1980, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to MERIDEN DELIVERY, INC., of Meriden, CT, of Certificate of Registration MC 99448 (Sub-2), issued November 5, 1970, to THE MERIDEN PARCEL-GIFT DELIVERY CO. of Meriden, CT, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Motor Common Carrier Certificate C–957, dated March 20, 1968, issued by the Public Utilities Commission of the State of Connecticut subject to the following conditions: transferee shall file the following with this Commission's Office of Proceedings (either prior to or concurrently with the consummation of this transfer): (i) a certified copy of the State certificate as reissued to transferee, or—if the State Commission does not reissue the certificate—a certified copy of the State order approving the transfer of the underlying intrastate rights; and (ii) a written notice confirming the date of consummation of that intrastate transaction. Applicant's representative is: James M. S. Ullman, P.C., 95 East Main Street, Meriden, CT, 06450. TA application has not been filed. Transferee hold no authority.

[FR Doc. 80-10161 Filed 4-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; authorization order No. 28]

Kansas City Terminal Railway Co.—Directed To Operate Over Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Decision

Decided: March 28, 1980.

Under Directed Service Order No. 1398 and 1398 (Sub-Nos. 1 and 2), the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. § 11125 over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI"). See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.,* 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733 and 45 FR 14578 (1979–80). Directed service extended through 11:59 p.m. (central time), March 23, 1980. The clean-up operations shall terminate as of 11:59 p.m. (central time) March 31, 1980.

Certain problems arose with the cessation of directed service at 11:59 p.m., March 23, 1980, by KCT(DRC) and its ensuing clean-up operations and the commencement of operation by various railroads on certain lines of the RI subsequent to 12:01 a.m., March 24, 1980.

Service orders have been issued by the Commission authorizing various railroads to commence operation over certain line segments and/or points of the RI. In order to provide an orderly transition between KCT(DRC) and the interim operators a memorandum of understanding has been signed by KCT(DRC) and various railroads.

These matters have been considered by the Railroad Service Board.

We find: 1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered: 1. The KCT(DRC) shall have the right to negotiate and contract with such railroads, as KCT's agent, as are authorized to conduct operations over the various line segments and/or points, for the provision of clean-up operations.

2. The Commission's Railroad Service Board has approved the memorandum of understanding, attached as Appendix A, which shall be entered into by the KCT(DRC) and the interim operator of those tracks as authorized by service order.

3. The railroads which have been granted service order authority to operate on RI tracks are directed to advise the Commission's Railroad Service Board and the KCT(DRC) when they intend to commence operations.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael.

Agatha L. Mergenovich,

Secretary.

Appendix A.—Memorandum of Understanding

This memorandum of understanding is made and entered into this ——— day of March, 1980, between the Kansas City Terminal Railway Company, a Missouri corporation, acting as the Directed Rail Carrier over the Chicago, Rock Island and Pacific Rail Company, pursuant to Interstate Commerce Commission Emergency Directed Service Orders Nos. 1398, 1398 (Sub-1) and 1398 (Sub-2), as modified, and the ———, a corporation, acting as the interim operator of the lines of the Chicago, Rock Island and Pacific Railroad Company identified below.

Definitions

1. The Chicago, Rock Island an Pacific Railroad Company shall be referred to as the "Rock Island".

2. The Kansas City Terminal Railway Company as Directed Rail Carrier shall be referred to as "KCT–DRC."

3. The ——— shall be referred to as "Railroad."

4. The line ———, including all rail related facilities and operating rights pursuant to Service Order ——— shall be referred to as "T/A Line."

5. The trustee of the Properties of the Chicago, Rock Island and Pacific Railroad Company, shall be referred to as the "Trustee."

6. The Interstate Commerce Commission shall be referred to as the "ICC."

7. The day Railroad enters on T/A Line pursuant to its authority, shall be referred to as the "Date of Entry."

Recitals

Whereas, KCT–DRC pursuant to Service Orders 1398, 1398 (Sub-No. 1) and 1398 (Sub No. 2) as modified, has operated certain Rock Island lines, including portions of the T/A Line;

Whereas, KCT–DRC's revenue operations terminated as of 11:59 p.m., CST, on March 23, 1980, and clean-up operations shall terminate as of 11:59 P.M. CST on March 31, 1980;

Whereas, Railroad pursuant to its authority, has the right to assume the interim operation of the T/A Line; and

Whereas, Railroad proposes to assume interim operation of the T/A Line on the Date of Entry;

Whereas, KCT–DRC acknowledges that Railroad's responsibilities and obligations for operation of the T/A Line under existing service orders, or ICC orders for directed service without compensation, may not be as extensive as those undertaken by KCT–DRC under Directed Service Order 1398, as modified, directing service with compensation.

Now, therefore, KCT–DRC and Railroad enter into this Memorandum of Understanding to facilitate a smooth transition betwen KCT–DRC's operation and Railroad's operation of the T/A Line and to identify and provide for the services to be performed by each for the other following Railroad's assumption of interim operation of the T/A Line, as detailed herein.

Covenants

1. Railroad will be the sole operator of the T/A Line as of the Date of Entry and KCT–DRC will as of that date no longer be responsible for the security and maintenance of all property located on the T/A Line including the inventory of material and supplies. Nothing herein is intended to, nor shall, create any obligation of Railroad for security and maintenance of any property located on or adjacent to the T/A Line. Responsibility of Railroad for security and maintenance shall be as specified in the Commission's order authorizing interim operations or as agreed upon between Railroad and Trustee.

2. KCT–DRC, prior to Railroad's Date of Entry or termination of KCT–DRC obligations under ICC orders, will use its best efforts to refrain from storing cars or other equipment on the T/A Line which would impair Railroad's operation of the T/A Line and related facilities.

3. KCT–DRC has completed a physical inventory effective February 22, 1980 of all equipment, materials and supplies on the T/A Line and arrangements are in effect to maintain a current inventory. Any use, purchase or other disposition of inventory items or equipment, including automobiles, trucks, maintenance of way equipment and tools must be pursuant to an agreement with the Trustee. KCT–DRC will make computer report verifications and field checks to provide a final rolling stock inventory on the T/A Line effective as of 11:59 P.M. March 31, 1980.

4. KCT–DRC shall cooperate with Railroad to the extent permitted by law by providing to Railroad upon request, at the latter's expense, copies of data, reports, accounts and files, including but not limited to, inspection reports of property and equipment (including those required by law or undertaken by federal or state authority), inventory reports personnel and payroll records kept or made by KCT–DRC during the period it operated the T/A Line as directed service carrier to the extent KCT–DRC is in possession of such records. Railroad acknowledges that certain of the reports, data, accounts and files may include information not pertinent to the T/A Line and that it and KCT–DRC agree that such information may be eliminated from that provided in a manner agreeable to KCT–DRC and the Railroad.

5. KCT–DRC will use best efforts to transfer responsibility for utilities on the T/A Line to Railroad, effective on the Date of Entry. Bills will be pro-rated according to each party's occupancy of the property during the term covered by the bill.

6. KCT–DRC will make reasonable efforts to leave a one to two week supply of diesel fuel at each fueling station upon the T/A Line

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or the maximum amount of fuel which can be stored at any such fueling station if the existing storage facilities cannot accommodate such a supply. Any use, purchase or other disposition of said diesel fuel must be pursuant to an agreement with Trustee.

7. All Rock Island owned or leased empty rolling stock and other equipment left on the T/A Line on the Date of Entry will not be the responsibility of KCT–DRC after the Date of Entry. Nothing herein is intended to or shall create any obligation upon Railroad for empty rolling stock, locomotives or equipment left on or adjacent to the T/A Line on the Date of Entry except as otherwise specifically provided herein. Responsibility of Railroad shall be as specified in the Commission order authorizing interim operations or as agreed upon between Railroad and the Trustee.

8. KCT–DRC will make every effort to clear all Rock Island lines of loaded cars and foreign line or privately owned empty cars. However, in the event loads and foreign or private cars remain on the T/A Line on or after the Date of Entry, Railroad will make appropriate disposition of such cars. Railroad agrees to cooperate with KCT–DRC and the ICC in handling, or making special arrangements for handling, of traffic destined to Rock Island lines not subject to interim operating authority in accordance with the provision of currently effective Embargo 6–80 and any special orders or procedures of the ICC pertaining to such matters. For these services Railroad will be compensated by KCT–DRC on the basis of customary industry practices and charges.

9. In the event there are any wrecked or damaged rolling stock or equipment located on the T/A Line which are disabled during the period of KCT–DRC directed service, KCT–DRC will advise Railroad of the identity and location of that equipment and Railroad will cooperate with KCT–DRC in picking up and/or making such equipment ready for movement. Railroad shall dispose of the equipment as directed by KCT–DRC. KCT–DRC shall pay to Railroad the cost so incurred, including applicable General Managers' Association (GMA) additives.

10. KCT–DRC has issued job abolishment notices covering all positions, including officers, with certain exceptions, employed upon the T/A Line to be effective at 11:59 p.m. on March 31, 1980. Upon request, KCT–DRC will provide Railroad with copies of necessary seniority rosters encompassing seniority districts and working agreements and a list of jobs abolished.

11. KCT–DRC has rescinded all adoption notices of Rock Island tariffs.

12. KCT–DRC will not perform any of the accounting functions necessary for operation of the T/A Line.

13. It will be the responsibility of the Railroad to obtain from the Trustee (or from KCT–DRC with Trustee's consent), copies of all leases, contracts, licenses, and other similar documents pertaining to the T/A Line.

14. In the event Railroad takes over any agency on the T/A Line, Railroad shall perform on behalf of KCT–DRC continuing agency work at those stations as required by KCT–DRC.

a. Said continuing agency work necessary to close out KCT–DRC's period of operations shall include, but not be limited to, the preparation of documents, collection and remittance of funds, maintenance of documents and all other normal agency functions.

b. For these services KCT–DRC shall pay to Railroad on a "document-count basis" or other agreed basis.

c. Upon completion of accounting for KCT–DRC, Railroad shall dispose of documents as directed by KCT–DRC at the sole expense of KCT–DRC.

15. Railroad shall accept the T/A Line in the condition existent on the Date of Entry.

16. Railroad shall not be responsible for claims, liabilities or damages of any nature of any amount whatsoever by employees or third-parties, including but not limited to claims for death, personal injury, loss or damage to property, freight claims, wages etc. arising from occurrences during the period of KCT–DRC operations. KCT–DRC shall not be responsible for claims, liability or damages of any nature arising from occurrences after the Date of Entry or termination of KCT–DRC operations pursuant to ICC orders, whichever occurs first.

17. Any and all work performed by KCT–DRC for Railroad or by Railroad for KCT–DRC shall be performed exclusively by the employees of the party performing such work, acting as an independent contractor for the other and such employees shall not be deemed to be joint employees.

18. KCT–DRC and Railroad will cooperate to insure the proper distribution of revenue on interline freight traffic.

19. Subject to ICC approval as indicated below, this Memorandum of Understanding shall take effect as of the Date of Entry and shall continue in effect during the period of Railroad's operation of the T/A Line pursuant to interim operating authority granted by the ICC.

20. This Memorandum of Understanding shall be effective only upon approval by the I.C.C., and upon entry of an appropriate order by the I.C.C., finding and ordering that all expenses and liability incurred by KCT–DRC under or as a result of this Memorandum of Understanding shall be compensable costs of directed service under 49 U.S.C. Section 11125, the substance of which shall be satisfactory to KCT–DRC.

Kansas City Terminal Railway Company as Directed, Rail Carrier of the Chicago, Rock Island and Pacific Railroad Company.

By: ———

[FR Doc. 80–10184 Filed 4–3–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 2(SDM)]

Louisville & Nashville Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the code of Federal Regulations, Part 1121.23, that the Louisville and Nashville RR. Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 2 (SDM). The Commission on March 3, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 2 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10182 Filed 4–3–80; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 29F)]

Seaboard Coast Line Railroad Co. Abandonment Between Gordonville and Bartow, Fla; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided February 20, 1980, a finding, which is administratively final, was made by the Commission, Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line Railroad Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of 3.05 miles of railroad in Polk County, FL, which extends from just north of the city limits of Bartow in a northerly direction to a point just south of the Bartow Municipal Airport, between Bartow and Gordonsville, FL. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10188 Filed 4–3–80; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions

Correction

In FR Doc. 80–1247, published at page 2927, on Tuesday, January 15, 1980, on page 2937, in the second column, in the last paragraph "MC 108119 (Sub-118F)", for the E. L. Murphy Trucking Company, should be corrected to read "MC 108119 (Sub-168F)".

BILLING CODE 1505–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–80–25–C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Room 1871, Martin Tower, Bethlehem, Pennsylvania 18016 has filed a petition to modify the application of 30 CFR 75.313 (Methane monitors) to its Cambria Slope Mine No. 33 located in Cambria County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. The petitioner states that the Cambria Slope Mine No. 33 operates three longwall units equipped with methane monitors.

2. Petitioner further states that the sensing heads of these monitors are located on the headgate side of the longwall face, monitoring quantities of methane in the return air as the longwall face advances.

3. Petitioner further states that the methane monitor is located under roof support provided by the chock line which provides continuous roof support for the methane monitor sensing head location as the longwall face advances.

4. As an alternative to complying with the standard, petitioner proposes:

a. To monitor for methane using a hand held detector in the event of a longwall methane monitor malfunction in the same area as the malfunctioning methane monitor sensing head;

b. To require that the individual doing the methane sampling be qualified in methane detection; and

c. To place the regular methane monitoring system back into operation upon completion of repairs to the malfunctioning unit.

5. Based on the above, petitioner requests a modification of application of the standard for its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 5, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 26, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–10272 Filed 4–3–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–49–C]

Monterey Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Monterey Coal Company, Post Office Box 496, Carlinville, Illinois 62626 has filed a petition to modify the application of 30 CFR 75.1700 (barriers around oil and gas wells) to its Monterey No. 2 mine located in Clinton County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns a recently drilled well that was abandoned as a dry hole and plugged to its total depth.

2. The location of the well places it within extremely close proximity to both the projected centerline of a crosscut and the projected centerline of the Main North belt entry.

3. Horizontal deviation may result in the actual location of the well, where it intersects the Illinois No. 6 coal seam, being in close proximity to the centerline of the projected belt entry. The actual well location underground could necessitate the relocation of the belt conveyor unless approval to mine through the well is granted.

4. Relocation of the belt conveyor would result in a diminution of safety to the miners for the following reasons:

a. At least two additional coal transfer points would be required, creating potential coal spillage sources;

b. At least two additional belt drives would be required, creating potential electrical and fire hazard problem sources;

c. Rerouting of the personnel and supply track haulage system may be necessary to avoid disruption of projected ventilation entries, creating potential derailment hazards at the required additional turns;

d. Increased intersection area required to accomplish the above could result in potential roof control problems.

5. Extensive research conducted by the U.S. Bureau of Mines and the Energy Research and Development Administration (ERDA) has disclosed certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits.

6. Although no traces of explosive gases were recorded in drilling the well, petitioner proposes, as a safety precaution, and in lieu of the provision to establish and maintain a barrier around subject well, to seal the Illinois No. 6 coal seam from the surrounding strata at the affected well by using proven techniques utilized in the past by Consolidated Coal Company.

7. Petitioner will run a directional survey down the wellbore to determine its exact location in the Illinois No. 6 coal seam prior to setting the cement plug.

8. During its normal mining cycle, petitioner will instruct all personnel in the affected area to proceed with caution when mining into and through the plugged wellbore area. Diligent

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efforts will be made to assure a gas free atmosphere in the area. Sampling for gas will occur immediately before, during and after mining through the plugged wellbore.

9. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 5, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 26, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-10271 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-17]

Exemption From the Prohibitions for Certain Transactions Involving the Rainwater Construction Co., Inc., Profit Sharing Plan and Trust Located in Atlanta, Ga. (Exemption Application No. D-1555)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of land and a building thereon by the Rainwater Construction Co., Inc., Profit Sharing Plan and Trust (the Plan) to Cecil B. Rainwater, Jr., and Steven L. Rainwater (the Buyers), who are officer-stockholders of Rainwater Construction Co., Inc., the sponsor and administrator of the Plan.

FOR FURTHER INFORMATION CONTACT: Dan O'Neil of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980, notice was published in the **Federal Register** (45 FR 9409) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of sections 4975(c)(1) (A) through (E) of the Code, for the sale of land and a building thereon by the Plan to Buyers. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice to interested persons has been given as set forth in the Notice of Proposed Exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and of the Plan.

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of the land and building located at 2555 Chantilly Drive, N.E., Atlanta, Georgia by the Plan to Cecil B. Rainwater, Jr., and Steven L. Rainwater for $76,000, the terms to be the assumption of the existing first mortgage note on the property between the Plan and the estate of Mrs. Irene C. Miller and the balance in cash, provided that this amount is at least the fair market value of the property at the time of sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 28th day of March 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Manangement Services Administration, U.S. Department of Labor.

[FR Doc. 80-10216 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-16; Exemption Application No. D-1443]

Exemption From the Prohibitions for Certain Transactions Involving the Sullivan, Long and Hagerty, Inc., Profit Sharing Plan of Bessemer, Ala.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale of certain real property in Bessemer, Alabama by the Sullivan, Long and Hagerty, Inc. Profit Sharing Plan (the Plan) to Sullivan, Long and Hagerty, Inc. (the Employer), a party in interest to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Newman of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 15, 1980 notice was published in the **Federal Register** (45 FR 2919) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a)(1) (A) and (D) and section 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A), (D) and (E) of the Code, for the cash sale of certain real property in Bessemer, Alabama by the Plan to the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of notification to interested persons as set forth in the notice of pendency. The Department has received six comments, all favorable to the exemption as proposed, and no requests for a public hearing.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a)(1) (A) and (D) and section 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A), (D) and (E) of the Code shall not apply to the sale by the Plan to the Employer of real property described as Block 223, Lots 7 through 16 inclusive, according to the Survey of the City of Bessemer, Map Book 2, Page 14, in the Office of Judge of Probate of Jefferson County (Bessemer Division) for $54,500 in cash provided that this amount is not less than the fair market value of the property at the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of March 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10217 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1821]

Proposed Exemption for Certain Transactions Involving the CPI Group, Inc., ADP Pension Services, Inc., International Trust Corp., International Central Bank and Other Subsidiaries of the CPI Group, Inc., Located in Newport Beach, Calif.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the transfer of certain plan assets to passbook savings accounts in the banking department of Internatinal Trust Corporation (ITC) or any other banking affiliate of the CPI Group Incorporated (CPI) of Newport Beach, California. CPI, ITC, and ADP Pension Services, Inc. (ADP/PSI) are fiduciaries and/or parties in interest with respect to certain employee benefit plans, individual retirement accounts and plans for self-employed individuals

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(Plans). The proposed exemption, if granted, would affect participants and beneficiaries of the Plans, Plan fiduciaries and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 14, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-1621. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Carol D. Gold, of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code. The proposed exemption was requested in an application filed by CPI on behalf of itself and its subsidiaries, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

(1) CPI, a Delaware corporation, is engaged in the business of providing administrative and fiduciary services for numerous Plans. CPI is a wholly-owned subsidiary of Automatic Data Processing Inc. (ADP), a Delaware corporation. As used herein, "CPI" also refers to any corporation, whether or not named CPI, that suceeds to all of the rights, duties and liabilities of CPI.

(2) ADP/PSI a California corporation, is a service company which designs, markets and performs administrative services for the Plans which are served by CPI. ADP/PSI is a wholly-owned subsidiary of CPI. As used herein, "ADP/PSI" also refers to any corporation, whether or not named ADP/PSI, that succeeds to all of the rights, duties and liabilities of ADP/PSI.

(3) ITC is a California corporation permitted to engage in a trust business by the Department of Banking of the State of California subject to the Department's supervision and examination. ITC serves as trustee and holds legal title to assets of Plans served by CPI. ITC is a wholly-owned susidiary of CPI.

(4) ICB is a California corporation permitted to engage in a banking business by the Department of Banking of the State of California subject to the Department's supervision and examination. ICB has been established in part for the purpose of receiving deposits made on behalf of the Plans for which ITC serves as trustee under circumstances described in paragraphs 9 and 10. ICB will also receive substantial demand deposits from non-Plan clients of ADP in connection with payroll and other services performed by ADP and its affiliates. ICB is a wholly-owned subsidiary of CPI.

(5) The Banking Department of the State of California authorized the organization of ICB by letter dated January 14, 1975. Condition number 3, of that authorization, as modified by the State Banking Department by letter dated November 29, 1979, states:

> 3. That the Bank may accept deposits, but shall make no loans or investments, and perform no other commercial banking functions except such as the Superintendent may from time to time approve. The Certificate of Authorization, authorizing the Bank to engage in the commercial banking business, issued on July 13, 1979, is deemed to have been issued subject to this condition. For purposes of this condition, approval is hereby granted for the Bank to invest in obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest. (A deposit by the Bank of funds with another bank (other than a time deposit of $100,000 or more) shall not constitute the making of a loan or an investment within the meaning of this condition.)

(6) CPI may form one or more additional subsidiaries in the future each of which would be permitted to engage in a trust business under the laws of the State in which it is incorporated and each of which would be subject to supervision and examination by the banking authorities of that State. Each of these subsidiaries, if established, would serve as trustee and hold legal title to assets of Plans served by CPI. In so doing they would perform functions for the Plans they served like the functions currently being performed by ITC. One or more of these subsidiaries may also be empowered to receive bank deposits from or on behalf of the Plans or others. Each of these subsidiaries would be wholly-owned by CPI.

(7) CPI is in the process of consummating a merger of ITC into ICB. ICB will be the surviving corporation, but it may be renamed. The surviving corporation, which will then possess all of the powers of the former ITC and ICB, will maintain both a trust department and a banking department. The trust department will continue to serve as trustee for Plans. The banking department will accept from the trust department, or from other subsidiaries formed by CPI for the purpose of holding legal title to assets of Plans served by CPI, deposits of Plan funds in passbook savings accounts under circumstances described in paragraphs 9 and 10. The banking department will also receive deposits from other non-Plan clients of ADP.*

(8) Most of the Plans trusteed by ITC are "earmarked" plans which give individual participants (including individuals for whose benefit individual retirement accounts are maintained) the exclusive authority to direct the investment of the assets in their accounts. Certain corporate Plans involve pooled accounts, the investment of which is directed exclusively by employer-appointed professional investment managers. The following description of Plan operations refers to participants in "earmarked" plans. In the case of pooled accounts the investment manager, not the participant, would be involved in investment decisions and related information.

(9) A Plan participant (or investment manager in the case of a pooled account) receives a report at least monthly when funds are deposited in the participant's account as a result of an employer contribution, a participant contribution or a transaction involving trust assets such as interest, dividends or proceeds of a sale of trust assets. Reports are also issued when there is a purchase or sale of assets or when there is a pending transaction requiring further participant action. Reports detail the transactions and indicate the participant's cash balance. If the participant has given no investment directions with respect to the cash balance, each Plan requires the deposit of those funds by the trustee in an interest-bearing passbook savings account in a bank. Pursuant to these provisions, ITC has since 1972 maintained undirected funds on deposit in interest-bearing passbook savings accounts with unaffiliated banks. Individual Plan participants must maintain a $50 cash balance at all times.

(10) In addition to the regular reports, each participant also receives an annual and a semi-annual Statement of Account summarizing account activity. Participants may also call a client service center toll-free to inquire about the amount of cash in their account available for investment.

(11) Investment transactions are effected by a participant through a broker or agent selected by the participant. The broker or agent communicates participant investment decisions to CPI and receives from CPI the necessary cash or documents to complete the transaction. CPI receives no commissions generated by an investment transaction.

(12) Detailed information on the procedures for making investments is supplied to each participant by CPI, together with appropriate forms that participants may use to transmit their investment instructions. This information explains that funds for which no investment directions have been received are placed in a savings account and earn interest at the normal passbook rate.

(13) CPI organized ICB in part for the purpose of receiving deposits of undirected funds in interest-bearing passbook savings accounts and in part to receive other deposits from non-Plan clients of ADP. In 1979 CPI capitalized ICB with an initial capitalization of one million dollars. ICB has applied for and received insurance of customers deposit through the Federal Deposit Insurance Corporation (FDIC). ICB will not accept deposits for the account of any Plan participant which would exceed the maximum insurance coverage available from the FDIC. The passbook savings accounts will earn the prevailing rate of interest paid on such accounts by banks in the State of California. Undirected funds deposited in these accounts will be immediately available if their investment is directed elsewhere. ADP/PSI will maintain the records and provide the accounting services for all passbook accounts, on an individual account basis, consistent with FDIC regulation 12 CFR § 330.1.

(14) The proposed passbook savings accounts in the banking department of banking subsidiaries of CPI will be comparable in all material respects to those now being maintained in unaffiliated banks. ADP, CPI, and their affiliates will not have any authority to determine whether, in what amount, or for what period of time any funds will maintained in passbook savings accounts. No management fee or variable trust fee will be charged by any subsidiary of CPI for maintaining such passbook savings accounts for the benefit of Plans.

(15) All funds deposited in the banking department of banking subsidiaries of CPI, including deposits received from non-Plan clients of ADP, will be invested solely in obligations of the United States or of the State of incorporation or in obligations for which the full faith and credit of the United States or the credit of the State of incorporation is pledged. All earnings from such investment shall constitute the sole property and earnings of the banking subsidiary of CPI and shall not belong to or be owed to the Plans or other depositors.

(16) Effective July 1, 1979, each Plan was amended to grant express authorization for the deposit of undirected funds in ITC's banking department as well as in other banks. After ITC's merger with ICB, the trust department of the surviving entity intends to deposit some or all of the undirected Plan funds in interest-bearing passbook savings accounts in its own banking department. Any subsidiaries formed by CPI to conduct a trust business under the laws of another state and to hold assets of Plans administered by ADP/PSI may also deposit some or all of the undirected Plan funds in interest-bearing passbook savings accounts in the banking department of a CPI subsidiary.

(17) The fees payable to ADP/PSI for Plan and Trust administration are a one-time setup or installation fee and annual administration fees. These fees vary depending on the type of Plan. Generally, they consist of a basic fee plus a fee for each participant for plan administration and variable trust fees for trust administration. The variable trust fees are based on a percentage of the value of plan assets in each account. For example, the variable trust fee for a trust account of $50,000 or less is ¾% of the value of stocks, bonds and real estate and ½% of the value of mutual funds in the account. There are also fees for each transaction in excess of a certain number of free transactions and a fee per policy for insurance policies or annuity contracts. Although a variable trust fee is charged currently by the applicants for the value of funds in passbook savings accounts in unrelated banks, the applicants represent that no management or variable trust fee will be charged for deposits maintained in passbook savings accounts at ITC or any other bank affiliated with CPI.

(18) Applicants represent that the proposed transactions will satisfy the criteria of section 408(a) of the Act as follows: (a) the proposed exemption will be administratively feasible because the transactions are of a single, simple type, and detailed records will be maintained on a daily basis with respect to the passbook accounts maintained for participants. These records will be retained for a reasonable period of time in accordance with normal record retention practices and will be available for inspection in the ordinary audit process; (b) the proposed transactions will be in the interests of the Plans and Plan participants and beneficiaries because the trustee will not charge any management fee or variable trust fee for any portion of Plan assets held in passbook savings accounts; and (c) the proposed transactions will be protective of the rights of Plan participants and beneficiaries because any passbook savings accounts maintained in ITC's banking department or with any other banking subsidiary of CPI will be comparable in all material respects to those now maintained in unaffilated banks; each account will earn the prevailing rate of interest paid on such accounts by banks in the State of incorporation; each account will be fully insured by the FDIC; ADP, CPI, ITC, and their affiliates will not have any authority to determine whether, in what amount, or for what period of time any funds will be maintained in passbook savings accounts; and undirected funds will be immediately available if their investment is directed elsewhere.

(19) The Department would like to call attention to the following facts and statutory provisions in connection with this exemption. Section 406(a)(1)(D) of the Act prohibits a fiduciary with respect to a plan from causing the plan to engage in a transaction if he knows or should know that such a transaction constitutes a direct or indirect transfer to, or use by or for the benefit of, a party in interest of any assets of the plan. Section 406(b)(1) of the Act prohibits a fiduciary with respect to the plan from dealing with the assets of a plan in its own interest or for its own account. In the absence of an exemption these provisions would prohibit ITC, a Plan fiduciary, from investing Plan assets in

*ADP's non-Plan clients are generally employers for whom ADP performs computer assisted payroll services. ADP has recently instituted a tax service for its clients by which ADP handles various federal tax payments for the employers. The funds held for tax service clients are deposited in ICB. ADP projects that when the tax service is fully operational there will be nearly as many non-Plan depositors as Plan depositors.

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ICB, a corporation under common control with ITC. Section 408(b)(4) of the Act and regulations 29 CFR 2550.408b–4(a) thereunder exempt from the prohibitions of section 406(a) and 406(b)(1) and (2) of the Act the investment of all or a part of a plan's assets in deposits bearing a reasonable rate of interest in a bank or similar financial institution supervised by the United States or a State, even though the bank or similar financial institution is a fiduciary or other party in interest with respect to the plan if the applicable conditions are met. Where the plan does not cover employees of the bank or similar financial institution, section 408(b)(4)(B) of the Act and 29 CFR 2550.408b–4(b)(2) provide, as here relevant that the bank or similar financial institution may invest plan assets in deposits in itself or its affiliates provided that the investment is expressly authorized by a provision of the plan or trust instrument.

However, the Department is concerned that the establishment of "special purpose" banks may result in the creation of investment vehicles whose principal purpose is the avoidance of the fiduciary responsibility provision of the Act. Accordingly, the Department has been reluctant to affirm that deposits in such banks are exempt from the provisions of section 406 of the Act by virtue of section 408(b)(4). The facts as presented with respect to the exemption here proposed indicate that there is a diversity of depositors so that the bank's assets will not be exclusively plan assets. Also, there are sufficient safeguards to justify an administrative exemption.

Notice to Interested Persons

All participants eligible for benefits, who are receiving benefit payments, or who have a vested deferred right to receive such payments at a later date, under any of the Plans that are the subject of the exemption, and any person who, under the terms of the Plans that are the subject of the exemption, is authorized to direct Plan investments will receive notice by mail.

The notices will be mailed within 10 days after publication in the **Federal Register** of the notice of pendency of the exemption. The notices will contain a copy of the notice of pendency of the exemption, and will inform the interested persons of their right to comment within the period set forth in the notice of the pendency of the exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) of the Code shall not apply to the deposit of Plan assets held by any trust company that is a subsidiary of CPI, and as to which no investment directions have been received, in passbook savings accounts maintained with the banking department of any trust company that is a subsidiary of CPI or any other banking subsidiary of CPI, subject to the following conditions:

(1) that any trust company that is a subsidiary of CPI will not charge any variable trust fee or other management fee for deposits maintained in passbook savings accounts in the banking department of any trust company that is a subsidiary of CPI or any other banking subsidiary of CPI;

(2) that the other components of the fee structure charged by the applicants with respect to the administration of the Plans and trust accounts that are the subject of this exemption will not be changed or increased to compensate for the absence of the variable trust fee for deposits maintained in passbook savings accounts;

(3) that any future changes in the fee structure charged by the applicants with respect to the administration of the Plans and trust accounts that are the subject of this exemption will be made solely by reference to normal cost and market considerations;

(4) that the applicants will not use the elimination of or nonexistence of a variable trust fee for passbook savings accounts to encourage Plan participants or investment managers to leave deposits in passbook savings accounts;

(5) that all Plan literature concerning fee structures charged by the applicants for Plan or trust administration must include this statement:

> Although no variable trust fee is charged for assets maintained in ICB passbook savings accounts, participants and investment managers are encouraged to direct the investment of these funds in accordance with their individual investment objectives.;

(6) that funds deposited in passbook savings accounts continue to be immediately available if their investment is directed elsewhere; and

(7) that any change in the investment options of the banking department of banking subsidiaries of CPI, as described in paragraph 15 of the Facts and Representations Section of this exemption be reported to the Department.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of March, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10215 Filed 4-3-80; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-1603]

Proposed Exemption for a Transaction Involving the Jim Wilson Co. Employee Stock Ownership Plan, Cape Girardeau, Mo.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of certain real property from the Jim Wilson Co. Employee Stock Ownership Plan (the ESOP) to the Jim Wilson Co. (the Employer). The proposed exemption, if granted, would affect participants and beneficiaries of the ESOP and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 14, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1603. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld, of the Department of Labor, telephone (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service.

However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Employer, a wholesale distributor of automotive parts, tires and sporting goods, established the Jim Wilson Co. Profit Sharing Trust in 1957. Effective January 1, 1975, the Employer converted the Profit Sharing Trust into the ESOP and a money purchase pension plan.

2. The ESOP owns a 54,000 square foot building and 6.7 acres of real property located in Cape Girardeau, Missouri. The ESOP bought the property in 1969 for $751,064 from an unrelated third party. At present, the building and parking lot area are being leased to the Kroger Company of Hazelwood, Missouri, an unrelated party, pursuant to a 15 year lease which expires on May 31, 1984, at an annual rental of $90,741.48. The lease also contains three five-year renewal options.

3. Due to increasing maintenance costs incurred by the ESOP since 1976, the real estate investment is yielding a decreasing rate of return and is presenting a cash flow problem for the ESOP.

4. The Employer has offered to purchase the real property from the ESOP for $1,328,364.97 cash in order to allow the ESOP to earn a higher rate of return on its investments. The sales price was determined by an independent appraisal as of January 1, 1980, using the replacement cost approach. Following the Employer's offer to purchase the real property, the ESOP contacted the Kroger Company regarding sale of the property pursuant to a right of first refusal contained in the lease. The Kroger Company declined the ESOP's offer to sell the property.

5. The applicant represents that the criteria of section 408(a) of the Act will be satisfied by the proposed sale because: (1) it will be a one time transaction for cash; (2) it will permit the ESOP to sell the property for a profit at a price determined by an independent appraisal; (3) it will not require the ESOP to pay a real estate commission and (4) it will allow the ESOP to eliminate an asset representing a large percentage of total plan assets, which provides the ESOP with a low rate of return.

Notice to Interested Persons

Notice will be given to all ESOP participants and beneficiaries within ten days of the publication of the notice of pendency in the **Federal Register.** The notice will contain a copy of the notice of pendency as published in the **Federal Register** and a statement informing interested persons of their right to comment or request a hearing within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

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(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and request for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedure set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale for cash of the real property described above by the ESOP to the Employer for $1,328,364.97, provided that this amount is not less than the fair market value of the property.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of March, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10214 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79–80]

Class Exemption for Certain Transactions Involving Employee Benefit Plans Maintained by Insurance Agents and Brokers

Correction

In FR Doc. 79–31491 appearing on page 59018 in the issue of Friday, October 12, 1979, on page 59020, second column, the heading at the top of the page should read **"Exemption".**

BILLING CODE 1505-01-M

Form Revisions Pertaining to Certain Information Required(on Annual Reports

Corrections

In FR Doc. 80–6549 appearing at page 14155 in the issue for Tuesday, March 4, 1980, make the following changes:

(1) On page 14156, third column, Schedule A (Form 5500), Item 3 was incorrectly published and should have been published as set forth below:

Schedule A (Form 5500)

Item 3

3. Insurance commissions and fees paid to agents and brokers:

(a) Contract or identification number	(b) Names and addresses of the agents or brokers to whom commissions or fees were paid	(c) Amount of commissions paid	(d) Fees paid	
			Amount	Purposes

(2) On page 14157, first column, insert the following after the second line from the top:

"Specific Instruction."

BILLING CODE 1505-01-M

Office of the Secretary

American Can Co., et al.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 24–28th, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely,

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–6829; American Can Co., Hammond, Ind.

The investigation was initiated on January 22, 1980 in response to a petition which was filed on behalf of workers at the Hammond, Indiana plant of the American Can Company. Workers at the plant process template for cans.

The investigation revealed that criterion (3) has not been met.

U.S. imports of all metal cans have been negligible. Imports of metal cans were 0.04 percent or less of U.S. production in each year from 1974 through 1979.

The petitioners allege that imports of steel coils have resulted in the layoff of chauffeurs at the Hammond plant. Steel coils are not produced by the American Can Company, therefore the chauffeurs cannot be considered engaged in employment related to the production of steel coils, nor can steel coils be considered like and directly competitive with cans.

In this case, therefore, the certifying officer has determined that all workers of the Hammond, Indiana plant of the American Can Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6830 Archer Rubber Co., Milford, Mass.

The investigation was initiated on January 22, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Archer Rubber Company, Milford, Massachusetts. The workers produce coated fabric and rain apparel.

The investigation revealed that criterion (2) has not been met with respect to hospital sheeting, pads and disaster bags; and that criterion (3) has not been met with respect to coated fabric and industrial rainwear.

The ratio of imports of coated fabric to U.S. production has been below 4.0 percent in the years 1975 through 1978.

Sales and production of hospital sheeting, pads, and disaster bags increased in 1979 compared to 1978.

None of the surveyed customers who purchased coated fabric from Archer Rubber purchased imported coated fabric. None of the surveyed customers who decreased purchases of industrial rainwear increased purchases of imported rainwear.

In this case, therefore, the certifying officer has determined that all workers of Archer Rubber Company, Milford, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6853; Banj-O-Manufacturing, Inc., Scranton, Pa.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union of America on behalf of workers at Banj-O-Manufacturing, Incorporated. The workers produced men's and boys' suits, sportcoats, vests, and outerwear and ladies' blazers.

The investigation revealed that criterion (3) has not been met.

Banj-O-Manufacturing, Incorporated produced on a contract basis for one manufacturer in 1978 and during the period January through May 1979. A Department survey of this manufacturer revealed that its total sales increased in 1979 compared to 1978. The manufacturer did not import men's and boys' suits, sportcoats, vests and outerwear nor use foreign contractors in 1978 or 1979.

U.S. imports of men's and boys' tailored dress coats and sportcoats, tailored suits, outercoats and jackets, and suit vests decreased in 1979 compared to 1978.

After careful review, I determine that all workers of Banj-O-Manufacturing, Incorporated, Scranton, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7197; Bethlehem Steel Corp.; South San Francisco Plant; San Francisco, Calif.

The investigation was initiated on January 29, 1980 in response to a petition filed on behalf of workers at the South San Francisco plant of the Bethlehem Steel Corporation in San Francisco, California. The workers produce fabricated reinforcing bar.

The investigation revealed that criterion (3) has not been met.

Imports of fabricated reinforcing bar are not separately identifiable in the Tariff Schedules of the United States. Officials of the U.S. Customs Service indicated that imports of fabricated reinforcing bar are negligible.

The investigation revealed that Bethlehem Steel's decision to close the reinforcing bar plant in mid-1980 is attributable to the impending sale of the entire South San Francisco facility. The majority of the South San Francisco facility had been closed in 1977, with only the reinforcing bar mill remaining in operation. Bethlehem Steel has announced that the reinforcing bar mill will be closed when the sale of the site is completed.

In this case, therefore, the certifying officer has determined that all workers of the South San Francisco plant of the Bethlehem Steel Corporation in San Francisco, California engaged in the production of fabricated rebar are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6854; Cappellari, Inc., Summersville, W. Va.

The investigation was initiated on January 28, 1980 in response to a petition which was filed by a company official on behalf of workers at Cappellari, Incorporated, Summersville, West Virginia. The workers produce metallurgical coal.

The investigation revealed that criterion (3) has not been met.

Cappellari, Incorporated sold all of its metallurgical coal to a coal broker. The sole domestic buyer of metallurgical coal from the broker increased its purchases of domestic coke in 1979, both absolutely and relative to all purchases of coke.

In this case, therefore, the certifying officer has determined that all workers of Cappellari, Incorporated, Summersville, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6856, 7370; Chrysler Corp., Export-Import Division Brownstown and Detroit, Mich.

The investigations were initiated on January 28, 1980 and March 17, 1980 in response to petitions which were filed on behalf of workers at the Brownstown, Michigan and Detroit, Michigan facilities, respectively, of the Export-Import Division of Chrysler Corporation. Workers at these two facilities are engaged in activities related to the exportation and importation of automotive products.

The investigation revealed that criterion (3) has not been met.

Workers at the Export-Import Division's Brownstown and Detroit, Michigan facilities are principally engaged in activities related to the exportation of finished Chrysler vehicles and automotive parts. Sales to foreign Chrysler subsidiaries and affiliates, most of which maintain their own automobile assembly facilities, accounted for a major portion of the Division's total business during the 1978–1979 period. During this period, therefore, employment at the Division's Brownstown and Detroit, Michigan facilities primarily depended upon the level of production and sales at Chrysler's foreign subsidiaries and affiliates. As such, these two facilities were more closely integrated into foreign production than domestic production of automobiles and trucks during the 1978–1979 period.

In this case, therefore, the certifying officer determined that all workers of the Export-Import Division of Chrysler Corporation, Brownstown and Detroit, Michigan are denied eligibility to apply for adjustment assisance under Section 223 of the Trade Act of 1974.

TA–W–7193, 7194; D & K Service and D & K Switching, Inc., Center Line, Mich.

The investigation was initiated on Feburary 25, 1980, in response to a petition which was filed on behalf of workers at D & K Service and D & K Switching, Incorporated, Center Line, Michigan. The workers at D & K Service and D & K Switching, Incorporated are engaged in providing the service of transporting automotive parts.

The investigation revealed that workers of D & K Service and D & K Switching, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be

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certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to D & K Service and D & K Switching, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

D & K Service and D & K Switching, Incorporated and its customers have no controlling interest in one another. The subject firms are not corporately affiliated with any other company which manufactures a product.

All workers engaged in transporting automotive parts at D & K Service and D & K Switching, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by D & K Service and D & K Switching, Incorporated. All employee benefits are provided and maintained by D & K Switching and D & K Service, Incorporated. Workers are not, at any time, under employment or supervision by customers of D & K Service and D & K Switching, Incorporated. Thus, D & K Service and D & K Switching, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of D & K Service and D & K Switching, Incorporated, Center Line, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7090; Foam Products Division, Lear Siegler, Inc., Marblehead, Mass.

The investigation was initiated on February 12, 1980 in response to a petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at the Foam Products Division of Lear Siegler, Incorporated, Marblehead, Massachusetts. Workers at the Marblehead plant produced urethane foam seating for automobiles and trucks.

The investigation revealed that criterion (3) has not been met.

The petitioners allege that increased imports of automobiles and trucks adversely affected production and employment at the Foam Products Division of Lear Siegler, Incorporated, Marblehead, Massachusetts. Imported automobiles and trucks cannot be considered to be like or directly competitive with urethane foam seating for automobiles and trucks. Imports of urethane foam seating for automobiles and trucks must be considered in determing import injury to workers who manufactured this product at the Foam Products Division's Marblehead, Massachusetts plant.

The Department surveyed the Foam Products Division's customers concerning their in-house production and purchases of automotive foam seating from all sources. The Foam Products Division's customers, which accounted for most of the decline in the Marblehead plant's sales from 1978 to 1979, reported an increase in both in-house production and total domestic purchases of automotive foam seating from 1977 to 1978 and from 1978 to 1979. These customers further indicated that they had reduced their reliance on foreign suppliers of this product during the same two periods.

In this case, therefore, the certifying officer has determined that all workers of the Foam Products Division of Lear Siegler, Incorporated, Marblehead, Massachusetts, are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA–W–6877; General Motors Corp., Harrison Radiator Division, Buffalo, N.Y.

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at the Buffalo, New York plant of the Harrison Radiator Divison of General Motors Corporation. Workers at the Buffalo, New York plant produce primarily heater defrosters.

The investigation revealed that criterion (3) has not been met.

The Buffalo, New York plant of the Harrison Radiator Divsion of General Motors Corporation produces heater defrosters for use in the manufacture of General Motors automobiles, light trucks and vans. Since the heater defrosters are specifically designed for General Motors automobiles, light trucks and vans and cannot be used in the manufacture of other models without design changes, the only imports of heater defrosters "like or directly competitive" with the heater defrosters produced at the Buffalo plant would be imports of similar heater defrosters by the General Motors Corporation for use in the manufacture of General Motors automobiles, light trucks and vans. General Motors does not import heater defrosters.

The heater defrosters produced at the Buffalo plant are used in the assembly of various General Motors automobiles, light trucks and vans. Workers at the Buffalo plant may be certified if a significant proportion of the plant's output is used in the production of General Motors automobiles, light trucks and vans which are determined to be importantly impacted by increased imports of like or directly competitive products. Investigations regarding workers producing General Motors automobiles, light trucks and vans are currently in progress (TA–W–699—7083). Further consideration will be given to workers at the Buffalo plant when a determination is made regarding the above investigation.

In this case, therefore, the certifying officer has determined that all workers of the Buffalo, New York plant of the Harrison Radiator Division of General Motors Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6902; Gloria's Fashions, Bayonne, N.J.

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Gloria's Fashions, Incorporated, Bayonne, New Jersey. The workers produce ladies' dresses, suits, skirts, blouses, pants and pantsuits.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's dresses, suits, skirts, shirts and slacks and shorts decreased absolutely in the January-September period of 1979 compared to the same period in 1978.

A Departmental survey conducted with the manufacturers that contracted work with Gloria's Fashions revealed that manufacturers which reduced contract work with Gloria's Fashions did not employ foreign contractors, nor did they import ladies' dresses, suits or sportswear from 1977 through 1979. A survey was then conducted with the retail customers of the manufacturers who experienced declining sales. Customers either decreased purchases of imported dresses, blouses, pantsuits and jumpsuits or did not import these products in 1979 compared to 1978. With respect to other sportswear items (skirts and pants), customers purchasing imports satisfied their demand primarily from domestic sources.

In this case, therefore, the certifying officer has determined that all workers of Gloria's Fashions, Incorporated (formerly known as M. Weiner Company, Incorporated), Bayonne, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7107; Goralnick Shoe Trimming Co., Inc., Haverhill, Mass.

The investigation was initiated on February 13, 1980 in response to a petition filed on behalf of workers at the Haverhill, Massachusetts plant of Goralnick Shoe Trimming Company, Incorporated. Workers at the Haverhill plant produce socklinings for shoes.

The investigation revealed that criterion (3) has not been met.

The petitioners allege that increased imports of shoes adversely affected production and employment at Goralnick Shoe Trimming Company, Incorporated of Haverhill, Massachusetts. Imported shoes cannot be considered to be like or directly competitive with socklinings for shoes. Imports of socklinings for shoes must be considered in determining import injury to workers who manufactured this product at Goralnick Shoe Trimming Company, Incorporated.

U.S. imports of socklinings are negligible.

In this case, therefore, the certifying officer has determined that all workers of the Haverhill, Massachusetts plant of Goralnick Shoe Trimming Company, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6851; Inland Steel Co., Harbor Works, E. Chicago, Ind.

The investigation was initiated on January 25, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Harbor Works of the Inland Steel Company, E. Chicago, Indiana. Workers at the Harbor Works produce the following basic steel products: hot rolled carbon steel sheet and strip, cold rolled carbon steel sheet, metallic coated steel sheet, carbon steel plate, carbon steel bars, and bar-size light shapes, carbon steel piling, and carbon steel structural shapes.

With respect to workers engaged in employment related to the production of carbon steel structural shapes, criterion (2) has not been met.

Sales and production of carbon steel structural shapes increased the Harbor Works in 1979 compared to 1978.

With respect to workers engaged in employment related to the production of the other basic steel products, the investigation revealed that criterion (3) has not been met.

U.S. imports of hot rolled carbon steel sheet and strip, cold rolled carbon steel sheet, metallic coated steel sheet, carbon steel plate, carbon steel bars and bar-size light shapes, and carbon steel piling declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of the Harbor Works of the Inland Steel Company, E. Chicago, Indiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7162; Interstate United Corp., Newark, Del.

The investigation was initiated on February 19, 1980, in response to a petition which was filed by the United Auto Workers on behalf of workers and former workers of the Interstate United Corporation, Newark, Delaware. The investigation revealed that the workers at Interstate United Corporation are engaged in providing cafeteria services.

The investigation revealed that workers of Interstate United Corporation do not produce an article within the meaning of section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Interstate United Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Interstate United Corporation and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company which manufactures a product.

All workers engaged in providing cafeteria services at Interstate United Corporation are employed by that firm. All personnel actions and payroll transactions are controlled by Interstate United Corporation. All employee benefits are provided and maintained by Interstate United Corporation. Workers are not, at any time, under employment or supervision by customers of Interstate United Corporation. Thus, Interstate United Corporation, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Interstate United Corporation, Newark, Delaware are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA–W–6892; Mason Chrysler-Plymouth, Inc., Royal Oak, Mich.

The investigation was initiated on January 30, 1980, in response to a worker petition which was filed on behalf of workers formerly at Mason Chrysler-Plymouth, Incorporated, Royal Oak, Michigan. The workers at Mason Chrysler-Plymouth, Incorporated, Royal Oak, Michigan were engaged in selling and servicing Chrysler Corporation products.

The investigation revealed that workers of Mason Chrysler-Plymouth, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Mason Chrysler-Plymouth, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Mason Chrysler-Plymouth, Incorporated and Chrysler Corporation have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in selling and servicing Chrysler Corporation products at Mason Chrysler-Plymouth, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Mason Chrysler-Plymouth, Incorporated. All employee benefits are provided and maintained by Mason Chrysler-Plymouth, Incorporated. Workers are not, at any time, under employment or supervision by the Chrysler Corporation. Thus, Mason Chrysler-Plymouth, Incorporated, and not any of its customers, or Chrysler Corporation, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer determined that all workers of Mason Chrysler-Plymouth, Incorporated, Royal Oak, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6899; True Temper Corp., Charleston, W. Va.

The investigation was initiated on January 30, 1980 in response to a worker petition which was filed by the United Steelworkers of America on behalf of workers and former workers at True Temper Corporation, Charleston, West Virginia. Workers at the Charleston plant produce striking tools.

The investigation revealed that criterion (3) has not been met.

A survey of customers of True Temper's Charleston plant was

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conducted by the Department. Survey results reveal that customers, in the aggregate, decreased purchases of imported striking tools while increasing purchases of striking tools from True Temper and from other domestic producers. Customers which decreased purchases from True Temper while increasing purchases of imports represent an insignificant percentage of the Charleston plant's sales decline in 1979 and early 1980.

In this case, therefore, the certifying officer has determined that all workers of True Temper Corporation, Charleston, West Virginia are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-6382; Stride Rite Manufacturing Corp., Salem, N.H.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by a company official on behalf of workers at the Salem, New Hampshire warehouse of the Stride Rite Manufacturing Corporation. The workers warehouse, ship and distribute children's sneakers.

The investigation revealed that criterion (3) has not been met.

Stride Rite Manufacturing Corporation markets children's shoes, boots, sandals and sneakers. While Stride Rite manufactures children's shoes and sandals, all boots are purchased from domestic producers and all sneakers are purchased from foreign sources.

In January 1979, Stride Rite opened its warehouse in Salem, New Hampshire. since it has been in operation the Salem warehouse has exclusively stored, shipped and distributed Stride Rite's imported children's sneakers.

Inasmuch as the Salem warehouse handles only imported sneakers and Stride Rite does not produce sneakers domestically, increased imports of sneakers by Stride Rite or its current customers could not have contributed importantly to separations of workers at the Salem warehouse.

In this case, therefore, the certifying officer determined has determined that all workers of the Salem, New Hampshire warehouse of Stride Rite Manufacturing Corporation are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-6383; Swank Refractories Co., Johnstown, Pa.

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers of Swank Refractories Company, Johnstown, Pennsylvania. The workers produce refractory products.

The investigation revealed that criterion (3) has not been met.

Imports of refractory products like or competitive with those produced by Swank Refractories Company are insignificant.

Industry sources indicate that there are little or no imports of refractory products like or directly competitive with those produced by Swank Refractories Company. A Department of Labor survey of Swank's major customers found only one customer which purchased any imported clay refractory products in 1978 or 1979. This customer purchased some imported refractory shapes in 1978 which were not available domestically at that time, but began purchasing from a domestic supplier in 1979.

In this case, therefore the certifying officer has determined that all workers of Swank Refractories Company, Johnstown, Pennsylvania are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aformentioned cases during the week of March 24–28th, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10275 Filed 4-3-80; 8:45 am]

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[TA-W-6035]

Barnes Worsteds, Inc.; Negative Determination Regarding Application for Reconsideration

By an application dated December 17, 1979, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of the workers and former workers producing worsted fabrics at Barnes Worsteds, Inc., Kingston, Massachusetts. The determination was published in the **Federal Register** on November 20, 1979 (44 FR 66707).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The Department denied the workers of Barnes Worsteds, Inc., eligibility to apply for worker adjustment assistance on the grounds that increases of imports of finished wool fabric did not contribute importantly to the workers' separations and to the closing of the workers' firm. The Department conducted a survey of the customers of Barnes Worsteds with which it had worked on a commission basis from January, 1977 through August, 1979. The results of the survey indicated that these customers did not employ foreign contractors nor did these customers import finished wool fabric during the period under review, January, 1977-August, 1979. These customers reported that their company sales increased in the January-August period of 1979 compared with the January-August period of 1978. Aggregate imports of finished wool fabric increased slightly in 1978 compared with 1977, though imports fell in the January-June period of 1979 compared with the same period in 1978.

In applying for reconsideration, the petitioners claim that the time frame on which the Department based its determination was arbitrary and detrimental to their case. The petitioners argue that a time frame of five years dating back to 1974, rather than the January, 1977-August, 1979 period considered by the Department, would be appropriate since their firm, Barnes Worsteds, remained in business from 1974 until its closing in August, 1979 only in the hope of regaining accounts lost to foreign producers during 1974.

The Department does not agree that the appropriate period of investigation in this case should extend back to five years. Though the Trade Act of 1974 does not specifically address what the appropriate period should be, the Act prohibits workers from obtaining adjustment assistance benefits if these workers' last separation occurred more than one year prior to the date of the workers' petition for adjustment assistance. The U.S. Court of Appeals for the 7th Circuit in another case has reviewed the Department's interpretation of the appropriate period of investigation. The court stated:

> Upon review of the Secretary's reasoning, the relevant legislative history, and the Secretary's previous determinations, we are convinced that deference should be given the Secretary's interpretation of increases in imports' in this case. The Secretary submits that be confining consideration to imports during the year of separation and the immediately preceding year, the Secretary can focus on those imports which are most likely to affect employment in the year of separation while diminishing the consideration of those factors which, while affecting employment, are not within the coverage of the Act. *(Paden* v. *United States Department of Labor,* 562 F. 2d 470, C.A. 7, 1977)

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justifiy reconsideration of the Department of Labor's prior decision. The Application is, therefore, denied.

Signed at Washington, D.C., this 13th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-10279 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

Chrysler Corp.; Plastic Products Division, et al.; Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period March 24–28th 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligiblity requirements of section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA-W-6801; Chrysler Corp., Plastic Products Division, Sandusky, Ohio

The investigation was initiated on January 17, 1980 in response to a petition which was filed on behalf of workers at Plastic Products Division of Chrysler Corporation, Sandusky, Ohio. The workers produce vinyl material used in Chrysler cars and trucks.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

The Department determined that the Plastic Products Division of Chrysler Corporation was substantially integrated into the production of one or more of the Chrysler car and truck lines which have been subject to import injury. During the 1977–1979 period, the Plastic Products Division of Chrysler Corporation produced vinyl materials primarily for use in the manufacture of soft trim at Chrysler's Detroit Trim plant.

In the course of earlier investigations, the Department determined that a significant share of the total output of the Detroit Trim plant was ultimately used in the production of trade-impacted Chrysler cars and trucks. A certification was issued on behalf of all workers at the Detroit Trim plant (TA-W-5989) on November 6, 1979.

In this case, therefore, the certifying officer has determined that:

All workers of Plastic Products Division of Chrysler Corporation, Sandusky, Ohio, who became totally or partially separated from employment on or after July 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6849, 6874; Ford Motor Co., Mahwah, New Jersey, Kansas City, Mo.

The investigations were initiated on January 25, 1980 and January 30, 1980, respectively, in response to petitions which were filed by the United Auto Workers on behalf of workers at the Mahwah, New Jersey (TA-W-6849) and Kansas City, Missouri (TA-W-6874) plants of Ford Motor Company. The workers at both plants produce mid-size cars and light trucks.

U.S. imports of mid-size cars increased both absolutely and relative to domestic production in model year 1979, compared with model year 1978, and increased relative to domestic production in the first quarter of model year 1980, compared with the same period of model year 1979. U.S. imports of pick-up trucks increased both absolutely and relative to domestic production in calendar year 1978, compared with 1977, and in calendar year 1979, compared with 1978.

Total company imports of mid-size cars increased both absolutely and as a percentage of total company U.S. sales of mid-size cars in model year 1979, compared with model year 1978. Nearly all of Ford's mid-size imports are of the Fairmont and Zephyr car lines, which are identical to Fairmont and Zephyr car lines produced at Mahwah and similar to Granada and Monarch car lines produced at both Mahwah and Kansas City. Production of such mid-size cars accounted for the majority of plant production at both Mahwah and Kansas City in model years 1978–1979, all of plant production at Mahwah in the first seven months of model year 1980, and the majority of plant production at Kansas City in the first seven months of model year 1980.

Total company imports of light trucks increased as a percentage of total company U.S. sales of light trucks in the first five months of model year 1980, compared with the same period of model year 1979. Light trucks imported by Ford were pick-up trucks, similar to those produced at Mahwah and Kansas City. Production of light trucks accounted for a significant percentage of plant production at both Mahwah and Kansas City in model years 1978–1979, and at Kansas City in the first seven months of model year 1980.

In this case, therefore, the certifying officer has determined that:

All workers at the Mahwah, New Jersey plant of Ford Motor Company who became totally or partially separated from employment on or after January 16, 1979, and all workers at the Kansas City, Missouri plant of Ford Motor Company who became totally or partially separated from employment on or after January 21, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6843; Fred Leathers, Inc., New York, New York

The investigation was initiated on January 24, 1980 in response to a worker petition which was filed on behalf of workers and former workers at Fred Leathers, Incorporated, New York, New York. The workers produce leather coats and jackets.

U.S. imports of leather coats and jackets—men's, boys', women's, misses', juniors', and children's—increased absolutely and relative to domestic production in 1978 compared to 1977.

A Department survey revealed a major manufacturer discontinued contracting work with Fred Leathers in 1979. Fred Leathers was the only domestic contractor used by this manufacturer in 1978 and 1979. During the same period this manufacturer substantially increased contracts with foreign contractors.

In this case, therefore, the certifying officer has determined that:

All workers of Fred Leathers, Incorporated, New York, New York who became totally or partially separated from employment on or after December 15, 1978 and before April 1, 1979 are eligible to apply for adjustment

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assistance under Section 223 of the Trade Act of 1974.

TA–W–6895; Gemini Fashions, Union City, N.J.

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Gemini Fashions, Union City, New Jersey. The workers produce ladies' coats.

U.S. imports of women's, misses' and children's coats and jackets increased both absolutely and relative to domestic production in each year from 1974 through 1978.

A Department survey revealed that customers accounting for a significant proportion of Gemini Fashions' sales declines indicated that they had decreased purchases from Gemini Fashions and had increased purchases of imported ladies' coats in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Gemini Fashions, Union City, New Jersey who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6795; Keller Furniture of Ky. Williamsburg, Kentucky

The investigation was initiated on January 16, 1980 in response to a petition which was filed by the Distillery, Wine, and Allied Workers International Union on behalf of workers at Keller Furniture of Kentucky, Williamsburg, Kentucky. The workers produce tubular steel contura lounges and chairs.

U.S. imports of metal outdoor furniture increased in 1979 compared to 1978.

Surveyed major customers of Keller Furniture of Kentucky decreased purchases from the subject firm and increased purchases of imports for FY 1980 compared to FY 1979.

In this case, therefore, the certifying officer has determined that:

All workers of Keller Furniture of Kentucky, Williamsburg, Kentucky who became totally or partially separated from employment on or after April 4, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7169; J. F. McElwain Co., B Factory, Manchester, N.H.

The investigation was initiated on February 19, 1980 in response to a petition which was filed by New Hampshire Shoe Workers' Union on behalf of workers at J. F. McElwain Company B Factory, Manchester, New Hampshire. The workers produce men's dress and casual shoes by the welt method.

U.S. imports of men's dress and casual shoes, except athletic, increased relative to domestic production in 1979 compared to 1978.

A Department survey revealed that major customers of J. F. McElwain Company decreased purchases from J. F. McElwain and increased purchases of imported men's shoes in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that:

All workers of J. F. McElwain Company B Factory, Manchester, New Hampshire who became totally or partially separated from employment on or after October 29, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6807; Lo-Bel Co., Inc.; Patterson, N.J.

The investigation was initiated on January 18, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at Lo-Bel Company, Inc. The workers produce boys' suits and outerwear.

Boys' suits and outerwear are aggregated with men's apparel, and therefore are not separately identifiable in U.S. import statistics. Imports of men's and boys' suits increased relative to domestic cuttings in 1979 compared to 1978.

A Department of Labor survey revealed that several customers of Lo-Bel decreased purchases from Lo-Bel and increased purchases of imported boys' suits and outerwear.

In this case, therefore, the certifying officer has determined that:

All workers of Lo-Bel Company, Inc., Patterson, New Jersey who became totally or partially separated from employment on or after January 9, 1979 are eligible to apply for adjustment assitance under Section 223 of the Trade Act of 1974.

TA–W–7113 Neatfit Knitting Mill, Inc., Los Angeles, Calif.

The investigation was initiated on February 13, 1980 in response to a petition which was filed on behalf of workers at Neatfit Knitting Mill, Incorporated, Los Angeles, California. The workers produce women's and men's sweaters.

U.S. imports of women's and misses' and children's sweaters increased relative to domestic production in 1978 compared with 1977. The ratio of imports to domestic production has been 115 percent or above in every year from 1974 through 1978.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely and relative to domestic pruduction in 1978 compared with 1977. The ratio of imports to domestic production reached its highest level in the most recent five years in 1978, at 94.1 percent.

The U.S. Department of Commerce conducted a survey of Neatfit's customers. Some respondents indicated they had reduced their contracts with Neatfit while increasing their purchases of imported sweaters. The Department of Commerce certified Neatfit Knitting Mill eligible to apply for firm adjustment assistance in November 1979.

In this case, therefore, the certifying officer has determined that:

All workers of Neatfit Knitting Mill, Incorporated, Los Angeles, California who became totally or partially separated from employment on or after January 24, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of March 24–28th, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10274 Filed 4-3-80; 8:45 am]

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[TA-W-6557]

Cohoes Fabrics Printers, Inc.; Affirmative Determination Regarding Application for Reconsideration

On February 26, 1980, the petitioners applied for administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Cohoes Fabrics Printers, Inc., Cohoes, New York. This determination was published in the **Federal Register** on February 22, 1980, (45 FR 11949).

In issuing the negative determination to the workers of Cohoes Fabrics Printers, Incorporated, the Department cited the results of a survey of a major customer of Cohoes Fabrics Printers to support the conclusion that increases of imports of finished fabric have not contributed importantly to the separation of workers and to the declines in sales and production at the workers' firm. The petitioners challenge the results of the Department's survey arguing that the survey was not comprehensive and not representative of the circumstances at their firm. The petitioners submit a list of firms which, the petitioners allege, may have substituted imported finished fabric for the fabric formerly purchased from Cohoes Fabrics Printers.

Conclusion

After review of the application, I conclude that this claim of the applicant is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted. Signed at Washington, D.C., this 14th day of March 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-10280 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7051]

General Motors Corp., Harrison Radiator Division; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 11, 1980 in response to a worker petition received on February 5, 1980 which was filed by the United Automobile, Aerospace and Agricultural Workers of America (U.A.W.) on behalf of workers and former workers producing heaters and air conditioning components at General Motors Corporation, Harrison Radiator Division, Kensington, New York. The investigation revealed that the plant is located in Buffalo, New York.

On January 25, 1980, a petition was filed on behalf of the same group of workers (TA–W–6877).

Since the identical group of workers is the subject of the ongoing investigation TA–W–6877, a new investigation would serve no purpose. Consequently, the investigation has been terminated. Signed at Washington, D.C., this 20th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10278 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6494]

Motor Wheel Corp.; Affirmative Determination Regarding Application for Reconsideration

On March 10, 1980, counsel for the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of the Motor Wheel Corporation, Newark, Delaware. This determination was published in the **Federal Register** on February 15, 1980, (45 FR 10483).

Counsel for the petitioner principally claims that imported mini-spares are like or directly competitive with the auto wheels produced by the Motor Wheel Corporation at Newark, Delaware.

Conclusion

After review of the application, I conclude that counsel's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C, this 26th day of March 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-10276 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6866]

St. Joe Lead; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 28, 1980 in response to a worker petition received on January 23, 1980 which was filed by the Teamsters on behalf of workers and former workers refining lead and lead alloy at St. Joe Lead, Herculaneum, Missouri.

In a letter, the petitioner requested withdrawal of the petition. On the basis of this request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 21st day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10277 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

U.S.M. Corp., Bailey Division, et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the worker's firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 14, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 14, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

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Appendix

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
U.S.M. Corp., Bailey Division (workers)	Seabrook, N.H	3/3/80	2/27/80	TA-W-7, 437	Auto accessories.
Great Lake Sugar Warehousing, Inc. (Teamsters).	Detroit, Mich	2/26/80	2/20/80	TA-W-7, 438	Warehousing of tires.
Armstrong Rubber Company, Special Products Division (URCL & PW).	Little Rock, Ark	3/11/80	3/4/80	TA-W-7, 439	Inner tubes and tire bladders.
Holiday Designs, Inc. (IBPAW)	Sebring, Ohio	3/7/80	2/18/80	TA-W-7, 440	Pottery ware: Canister sets, cookie jars, salt and pepper sets, mugs.
Dana Corporation, Parish Frame Division (workers).	Reading, Pa	3/4/80	2/28/80	TA-W-7, 441	Car and truck frames.
Junior Vanguard (ILGWU)	New York, N.Y	2/5/80	2/1/80	TA-W-7, 442	Ladies' coats.
Michael Mak Sportswear, Inc. (ILGWU)	New York, N.Y	3/4/80	2/29/80	TA-W-7, 443	Ladies' dresses and sportswear.
Firestone Tire & Rubber Company (URW)	Decatur, Ill	3/12/80	3/5/80	TA-W-7, 444	Radial tires and bias truck tires.
Terra Hall Clothier, Inc. (ACTWU)	New York, N.Y	3/18/80	3/14/80	TA-W-7, 445	Men's and women's tailored clothing.
Guardian Industries, Millbury Plant (company).	Millbury, Ohio	3/5/80	2/15/80	TA-W-7, 446	Tempered glass for fireplace screens.
Otto B. May (USW of A)	Newark, N.J	2/29/80	2/25/80	TA-W-7, 447	Chemical dyestuffs.
Fedders Automotive Components Company (USWA).	Buffalo, N.Y	2/25/80	2/15/80	TA-W-7, 448	Automotive radiators and heaters.
The General Tire & Rubber Company (URW)	Waco, Tex	2/27/80	2/22/80	TA-W-7, 449	Passenger tires, truck tires, and tractor tires.
Smart Modes, Inc. (ILGWU)	Los Angeles, Calif	3/10/80	3/3/80	TA-W-7, 450	Women's and Jr's coats and suits.
Wabash Transformer Corp. (workers)	Farmington, Mo	2/25/80	2/19/80	TA-W-7, 451	Constant voltage transformers for TV sets, also automobile rectifiers.
Firestone Tire & Rubber Co. (URW)	Des Moines, Iowa	3/7/80	3/3/80	TA-W-7, 452	Passenger tires, tractor tires and earthmover tires.
Inland Steel Mining Company, Minorca Mine (USWA).	Virginia, Minn	3/17/80	2/20/80	TA-W-7, 453	Taconite pellets.
Banjo Coal Company, Inc. (company)	Richlands, Va	3/20/80	3/17/80	TA-W-7, 454	Metallurgical coal.
Miller Plating Corp. (workers)	Jackson, Mich	3/20/80	3/17/80	TA-W-7, 455	Painting and plating of automotive parts also, plating of lawn mower blades and electrical valves.
Cyclops Corp., Empire Detroit Steel Division (USWA).	Portsmouth, Ohio	3/8/80	3/4/80	TA-W-7, 456	Pig iron, coke ingots.
Curtis & Marble Corporation (USWA)	Worcester, Mass	3/11/80	3/7/80	TA-W-7, 457	Textile finishing machinery, textile packaging machinery, recording instruments for heavy duty equipment.
Aneconda Aluminum Reduction Co. (workers)	Columbia Falls, Mont	3/18/80	3/12/80	TA-W-7, 458	Reduction of aluminum.
Roman Ceramics Corporation (IBPAW)	Mayfield, Ky	3/17/80	3/12/80	TA-W-7, 459	Ceramic containers also, ash trays.
Alison Ayres (ILGWU)	New York, N.Y	3/19/80	3/17/80	TA-W-7, 460	Ladies' dresses.
Stuart Fashion (ILGWU)	New York, N.Y	3/19/80	3/17/80	TA-W-7, 461	Ladies' coats and suits.
Birmingham Southern Railroad Company (United Transportation Union).	Fairfield, Ala	3/12/80	3/7/80	TA-W-7, 462	Transports raw materials and finished steel products.
Canteen Corporation (workers)	Detroit, Mich	3/4/80	2/27/80	TA-W-7, 463	In-plant food service.
Overland Western Limited (workers)	Detroit, Mich	3/10/80	2/29/80	TA-W-7, 464	Transports auto parts for Ford, G.M. and Chrysler.
Acme Precision Products, Inc. (workers)	Detroit, Mich	3/17/80	3/6/80	TA-W-7, 465	Components for original equipment manufacturers of automobiles, zinc die-cast original parts (chrome plated).
Bernie Shoe Co. (workers)	Haverhill, Mass	3/17/80	3/13/80	TA-W-7, 466	Women's shoes.
M.E. Trucking Co. (Teamsters)	Detroit, Mich	3/17/80	3/16/80	TA-W-7, 467	Hauling industrial waste.
E.W. Bliss Gulf & Western (UAW)	Hastings, Mich	3/7/80	2/29/80	TA-W-7, 468	Punch presses.
Encore Shoe Co. (workers)	Rochester, N.H	3/17/80	3/3/80	TA-W-7, 469	Women's shoes, sandals, boots.
American Steel & Supply Company (workers)	Eugene, Oreg	3/20/80	3/20/80	TA-W-7, 470	All forms of steel products.
Pretty Products, Inc. (URW)	Coshocton, Ohio	3/20/80	3/17/80	TA-W-7, 471	Auto floor mats; household goods.
Essex International (Southern Illinois Laborers' District Council).	DuQuoin, Ill	3/7/80	3/4/80	TA-W-7, 472	Automobile wire harnesses.
U.S. Steel Corp., Western Ore Operations (USWA).	Cedar City, Utah	2/15/80	2/13/80	TA-W-7, 473	Iron ore.
Eltra Corporation, Prestolite Wire Division (workers).	Rose City, Mich	3/17/80	3/13/80	TA-W-7, 474	Ignition wire assemblies.
Goodyear Tire & Rubber Company, St. Marys Industrial Products (URW).	St. Marys, Ohio	3/17/80	3/14/80	TA-W-7, 475	Industrial rubber components for automobiles.
Solbro Sportswear, Inc. (ACTWU)	Toxey, Ala	3/17/80	3/14/80	TA-W-7, 476	Ladies' blouses.
Robertson & Associates, Inc. (workers)	Fabious, Ala	2/18/80	2/11/80	TA-W-7, 477	Steam coal.
Lane Metal Products Company, Inc. (workers)	Bedford, Pa	3/6/80	3/3/80	TA-W-7, 478	Corregated steel pipe.
Bethlehem Steel Corporation (USWA)	Johnstown, Pa	2/15/80	2/13/80	TA-W-7, 479	Making and transporting steel.
Ivy Stevens (workers)	Harrison, N.J	3/17/80	3/7/80	TA-W-7, 480	Ladies' sportswear.
American Distilling Company (Distillery Workers Union).	Pekin, Ill	3/18/80	3/13/80	TA-W-7, 481	Bourbon corn and rye whiskey, blended whiskey, vodka, tequila, gin, cordials, scotch, Irish whiskey, Canadian whiskey, rum.
Uniroyal, Inc., Warsaw Plant (company)	Warsaw, Ind	3/5/80	2/29/80	TA-W-7, 482	Gear shift console for Chevy Camaro, Pontiac Firebird.
White Motor Corporation, Autocar Trucks Division (UAW).	Exton, Pa	3/18/80	3/7/80	TA-W-7, 483	Original equipment manufacturer of heavy duty trucks.
AIE (USWA)	Nashville, Tenn	3/7/80	2/23/80	TA-W-7, 484	Electrical components.
C.G. Conn, Ltd., Conn Organ Div. (company)	Oak Brook, Ill	2/25/80	2/20/80	TA-W-7, 485	Administrative office, sales and marketing for electronic organs.
C.G. Conn, Ltd., Conn Organ Manufacturing Plant (company).	Greer, S.C	2/25/80	2/20/80	TA-W-7, 486	Electronic organs.
C.G. Conn, Ltd., Conn Organ Engineering Facility (Company).	Lombard, Ill	2/25/80	2/20/80	TA-W-7, 487	Design of organs.
Sirton Brothers, Inc. (workers)	Los Angeles, Calif	3/10/80	3/3/80	TA-W-7, 488	Men's outerwear.
Kasle Steel Corp., Auto Press Products Division (Teamsters).	Dearborn, Mich	3/19/80	3/10/80	TA-W-7, 489	Process and form steel and aluminum.
Fiat Allis Construction Machinery, Inc (UAW)	Springfield, Ill	3/11/80	3/6/80	TA-W-7, 490	Large crawler tractor and large rubber tired earth moving equipment.
Herbert Kenzer, Inc. (ILGWU)	New York, N.Y	2/15/80	2/13/80	TA-W-7, 491	Ladies' coats.
Celanese Plastic & Specialties Company (workers).	Detroit, Mich	3/12/80	2/28/80	TA-W-7, 492	Automotive paints.
U.S. Truck Co., Inc. (Teamsters)	Flint, Mich	3/20/80	3/14/80	TA-W-7, 493	Transporting of all commodities.
Merrill Sharpe Ltd. (ACTWU)	New York, N.Y	3/14/80	3/10/80	TA-W-7, 494	Woven sport shirts and dress shirts.
Bethlehem Mines Corp., Fawn No. 91 Mine (UMWA).	Saxonburg, Pa	3/17/80	3/12/80	TA-W-7, 495	Coal.
Visa Fashions, Inc. (ILGWU)	Brooklyn, N.Y	2/19/80	2/14/80	TA-W-7, 496	Contractor of sportswear.
Puerto Rico Chemical Co. (workers)	Arecibo, P.R	3/21/80	3/14/80	TA-W-7, 497	Phthalic anhydrive and fumaric acid.
Americana Art & Glass Company (UPIU)	Sebring, Ohio	3/20/80	3/18/80	TA-W-7, 498	Decals for glass and ceramic products.
Queens China (UPIU)	Sebring, Ohio	3/20/80	3/18/80	TA-W-7, 499	Ceramic items and decals.

Appendix—Continued

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Chesterfield Chrom Company (workers)	Mt. Clemens, Mich	3/21/80	3/2/80	TA-W-7, 500	Auto trim.
Mayville Moulding (workers)	Mayville, Mich	3/21/80	3/2/80	TA-W-7, 501	Auto trim.
Lewiston Lustre (workers)	Lewiston, Mich	3/21/80	3/2/80	TA-W-7, 502	Auto trim.
Snover Stamping (workers)	Snover, Mich	3/21/80	3/2/80	TA-W-7, 503	Auto trim.
C.H. Symington and Company, Inc. (workers)	Royal Oak, Mich	3/18/80	3/11/80	TA-W-7, 504	Sell welding wire and equipment.
Jung Great Lakes Shoe, Inc. (workers)	Oconto, Wis	3/21/80	3/5/80	TA-W-7, 505	Men's slippers and insulated boots, also felt shoes.
Mary Roberts, Inc. (ILGWU)	New York, N.Y	3/21/80	3/7/80	TA-W-7, 506	Ladies' dresses.
Dyeing & Finishing Unlimited (ILGWU)	Hoboken, N.J	3/21/80	3/7/80	TA-W-7, 507	Dye and finish undergarments.
Milano Knitting Mills (ILGWU)	Hoboken, N.J	3/21/80	3/7/80	TA-W-7, 508	Ladies' undergarments.
Florsheim Shoe Company (ACTWU)	Mexico, Mo	3/25/80	3/15/80	TA-W-7, 509	Men's dress shoes.
Atlantic Dress (ILGWU)	Williamstown, N.J	3/10/80	3/4/80	TA-W-7, 510	Ladies' skirts.
Complete Auto Transit, Inc. (workers)	Atlanta, GA	3/14/80	3/10/80	TA-W-7, 511	Delivers new cars and trucks for General Motors.
General Electric Company Wiring Device Department, Middletown Plant (company).	Middletown, R.I	3/25/80	3/15/80	TA-W-7, 512	Electrical wiring devices.
Marx Auora Co., Inc. (RWDSU)	Girard, Pa	3/17/80	3/14/80	TA-W-7, 513	Toys.
Pyr-A-Larm, Inc. (company)	Brewer, Me	3/17/80	3/13/80	TA-W-7, 514	Residential smoke detectors, also residential intrusion alarms.
White Consolidated Industries, Duraloy Blaw-Knox Division (USWA).	Scottdale, Pa	3/13/80	3/10/80	TA-W-7, 515	High-alloy steel castings, also centrifugal cast tubes.
Evette Leather Fashions, Inc. (ACTWU)	New York, N.Y	2/18/80	2/4/80	TA-W-7, 516	Contractor of leather apparel.
Good Luck Glove Company (ACTWU)	Vienna, Ill	2/19/80	2/4/80	TA-W-7, 517	Work gloves made of leather, cotton or leather/cotton fabrics.
Good Luck Glove Company (ACTWU)	Metropolis, Ill	2/19/80	2/4/80	TA-W-7, 518	Work gloves made of leather, cotton or leather/cotton fabrics.
Hirsch Tyler, Ind. (ACTWU)	Philadelphia, Pa	2/18/80	2/4/80	TA-W-7, 519	Men's and women's military uniforms.
Huss Corporation (ACTWU)	Freeland, Pa	2/18/80	2/4/80	TA-W-7, 520	Men's outerwear.
Clair Glove Co. (ACTWU)	Gloversville, N.Y	2/15/80	2/4/80	TA-W-7, 521	Gloves (sport).
Elder Manufacturing Company (ACTWU)	Bloomfield, Mo	2/15/80	2/4/80	TA-W-7, 522	Boy's suits and dress pants, also jeans.
Elder Manufacturing Company (ACTWU)	Dexter, Mo	2/15/80	2/4/80	TA-W-7, 523	Boy's suits and dress pants, also jeans.
Cold Heading Co. (workers)	Detroit, Mich	3/21/80	3/8/80	TA-W-7, 524	Ferrous fasteners.
Motorcar Transport Company (workers)	Pontiac, Mich	3/21/80	3/15/80	TA-W-7, 525	Transport autos.
Wisconsin Steel Works (Progressive Steel Workers Union).	Chicago, Ill	3/15/80	3/13/80	TA-W-7, 526	Steel.

[FR Doc. 80-10273 Filed 4-3-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Advisory Committee, Humanities Panel; Meeting

February 8, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended) notice is hereby given that meetings of the Humanities Panel will be held at the National Endowment for the Humanities, Washington, DC from 9 a.m. to 5:30 p.m. on the following dates: April 23, 24, 1980 (Room 807) (Challenge Grants Panel).

The purpose of these meetings is to review NEH Museums and Historical Organizations Humanities Projects applications submitted to the National Endowment for the Humanities for projects beginning after July 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th St., NW, Washington, DC 20506 or call (202) 724-0327.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 80-10210 Filed 4-3-80; 8:45 am]

BILLING CODE 7536-01-M

SELECTIVE SERVICE SYSTEM

SES Performance Review Board; Appointment of Members

Announcement is made of the appointment of the following persons as members of the SES Performance Review Board for the Selective Service System:

Dr. James G. Bond
Mr. Raymond F. Wisniewski
Dr. Herbert C. Puscheck
Mr. David A. Cox

Bernard Rostker,

Director.

March 28, 1980.

[FR Doc. 80-10240 Filed 4-3-80; 8:45 am]

BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1812]

Louisiana; Declaration of Disaster Loan Area

The area of 100 Block of Scarbrough Street and the 300 Block of Lake Street in the city of Lake Providence, East Carroll Parish, Louisiana, constitutes a disaster area because of damage resulting from a fire which occurred on January 23, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until close of business on May 29, 1980, and for economic injury until the close of business on December 29, 1980, at: Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 28, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-10165 Filed 4-3-80; 8:45 am]

BILLING CODE 8025-01-M

V 45 / 67 A P 4 8 0 UMI

Pilot Loan Guaranty Program in Region X

The Small Business Administration ("SBA") has instituted a pilot loan guaranty program in Region X, comprised of the States of Alaska, Idaho, Oregon and Washington. As part of the second phase of that program, certain conditions of SBA's Loan Guaranty Agreement (Deferred Participation), SBA Form 750 ("Agreement"), will be modified. The pilot program was scheduled to end July 31, 1980; however, due to inadvertent delays in launching this experiment, the projected termination date is extended until January 31, 1981 for the SBA Form 750 amendment's utilization. The other aspects of the Seattle Region's experiment continue to have a July 31, 1980 termination date, though extension of this date is possible.

Paragraph 6 of the Agreement will be modified (1) to permit the holder of a note guaranteed by SBA ("holder") to grant one deferment (to loan maturity or earlier) of up to three monthly installments in any one calendar year; and (2) to permit holder to subordinate liens on accounts receivable or inventory collateral to its short-term (120 days or less) operating lines of credit, not to exceed 20% of the original loan amount.

Moreover, with respect to seasoned loans, holder may subordinate to any other loan, liens on, or release, collateral without the 20% limitation applicable to other loans. Seasoned loans are defined as loans with an outstanding balance of 75% or less, which have received no deferment of principal or interest and which have had no payments more than 20 days past due in the last twelve months.

A conforming amendment to Paragraph 9 will also be made.

Accordingly, notice is hereby given that, effective immediately, the application of the corresponding parts of the regulation on loan administration, specifically 13 CFR Section 122.20(c)(2), is hereby suspended for Region X until January 31, 1981.

(Catalog of Federal Domestic Assistance No. 59.012, Small Business Loans)

Dated: March 20, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-10164 Filed 4-3-80; 8:45 am]

BILLING CODE 8025-01-M

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; Availability of Annual Report

Pursuant to the provisions of Section 10(d) of Public Law 92-463 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Wage Committee for calendar year 1979 has been issued.

The report summarizes activities of the Committee on matters related to wage surveys and pay schedules for Federal prevailing rate employees. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Division, Rm. 1026, Thomas Jefferson Building, Washington, D.C. 20540; and

Veterans Administration, Secretary, VA Wage Committee, Room 1102, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: March 31, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-10194 Filed 4-3-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 67
Friday, April 4, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, April 8, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Foreign Trader Proposed Rules.
Disciplinary Rules for the New York Mercantile Exchange.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-668-80 Filed 4-2-80; 8:52 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Monday, April 7, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Common Carrier—1—*Title.* Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry) Docket No. 20828. *Summary.* This proceeding addresses the regulatory scheme that should be applied to the provision of various computer services provided over the telecommunications network and the carrier provision of customer-premises equipment.

Common Carrier—2—*Title.* Second Supplemental Notice of Inquiry and Proposed Rulemaking (In the Matter of MTS and WATS Market Structure—CC Docket No. 78-72). *Summary.* The FCC is conducting a proceeding to decide several questions relating to the MTS-WATS market structure including arrangements to compensate the operators of local telepone exchanges for the origination or termination of interstate telecommunications. Issues to be considered include: (1) Whether the Commission should prescribe such compensation arrangements? (2) If so, what compensation mechanisms and compensation formula should be prescribed? (3) Should any questions relating to such compensation arrangements be referred to a Joint Board?

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be otained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 31, 1980.

[S-692-80 Filed 4-2-80; 11:24 am]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in time and date of agency meeting. Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 2 p.m. on Monday, April 7, 1980, will be held instead at 2 p.m. on Tuesday, April 8, 1980, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. No earlier notice of the change in the time and date of the meeting was practicable.

Dated: April 1, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-694-80 Filed 4-2-80; 12:26 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in time and date of agency meeting. Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 2:30 p.m. on Monday, April 7, 1980, will be held instead at 2:30 p.m. on Tuesday, April 8, 1980, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. No earlier notice of the change in the time and date of the meeting was practicable.

Dated: April 1, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-695-80 Filed 4-2-80; 12:26 pm]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR, p. 20618, March 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 2, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:

Request for Waiver of Mortgage-Backed Bonds—Boardview Savings & Loan Co., Cleveland, Ohio.

Request for Extension of Time to Complete Sale of Conversion Shares—Citizens Federal Savings & Loan Association of Matteson, Matteson, Ill.

Hamilton County moratorium.

Request for Commitment to Insure Accounts—South Florida Savings & Loan Association, Unincorporated Dade County, Fla.

Announcement is being made at the earliest practicable time.

No. 332, April 2, 1980.

[S-693-80 Filed 4-2-80; 11:59 am]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 9, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

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MATTERS TO BE CONSIDERED:

1. Independent Ocean Freight Forwarder License—Crescent Navigation, Inc.
2. Docket No. 76–43: Matson Navigation Company—Proposed Rate Increase in the United States Pacific Coast/Hawaii Offshore Trade—Petition to reopen proceeding.
3. Docket No. 79–28: Independent Freight Forwarder License No. 1321—Ikeda International Corporation—Consideration of request for oral argument and possible consideration of the record.
4. Docket No. 79–87: TDK Electronics Co., Ltd. v. Japan Line, Ltd. and Kawasaki Kisen Kaisha, Ltd.—Consideration of the record.
5. Special Docket No. 683: Application of Flomerca Line for the Benefit of U.S. Department of Agriculture, A.S.C.S. Commodity Officer—Review of Initial Decision.
6. Docket No. 78–11: Exemptions of Certain Collective Bargaining Agreements—Consideration of comments received in response to notice of proposed rulemaking.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–687–80 Filed 4–1–80; 5:03 pm]

BILLING CODE 6730–01–M

7

FEDERAL RESERVE SYSTEM. Board of Governors.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 20619, March 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 2, 1980.

CHANGES IN THE MEETING: Determination by the Board to close the following previously announced open item(s): Proposed amendments to the Board's Credit Restraint regulations to provide for the seasonal nature of certain kinds of credit.

The above item(s) will be discussed in a closed meeting following a recess at the conclusion of the open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: April 1, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–689–80 Filed 4–2–80; 10:54 am]

BILLING CODE 6210–01–M

8

FEDERAL RESERVE SYSTEM. Board of Governors.

TIME AND DATE: 10 a.m., Wednesday, April 9, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed statement to be presented to the Joint Economic Committee regarding housing and the economy.
2. Proposed amendments to Regulation E (Electronic Fund Transfers) (a) to permit financial institutions operating certain cash-dispensing terminals to mail a terminal receipt on the next business day after the transfer is initiated, and (b) to delay the effective date of portions of the documentation requirements. (Proposed earlier for public comment; docket No. R–0272).
3. Proposed statement to be presented to the Subcommittee on General Oversight and Minority Enterprise of the House Committee on Small Business regarding the impact of inflation on small business.
4. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–690–80 Filed 4–2–80; 10:54 am]

BILLING CODE 6210–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, April 7, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

2 p.m.

1. Discussion of Interim Criteria for Radiation Release at TMI and Status Briefing by TMI Program Manager (approximately 1½ hours, public meeting).
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 1½ hours, closed—Ex. 2 and 6).

ADDITIONAL INFORMATION: The Briefing on Enforcement Action (closed—Ex. 5) held on March 27 will be continued at 4 p.m. on April 1.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498. Those planning to attend a meeting should re-verify the status whenever possible.

Walter Magee,

Office of the Secretary.

[S–691–80 Filed 4–2–80; 10:54 am]

BILLING CODE 7590–01–M

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Reader Aids

Federal Register

Vol. 45, No. 67

Friday, April 4, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202–523–5240.

Federal Register, Daily Issue:

202–783–3238	Subscription orders and problems (GPO) "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202–523–5022	Washington, D.C.
312–663–0884	Chicago, Ill.
213–688–6694	Los Angeles, Calif.
202–523–3187	Scheduling of documents for publication
523–5240	Photo copies of documents appearing in the Federal Register
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523–5227	Index and Finding Aids

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523–5233	Executive Orders and Proclamations
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523–5266 –5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275–3030	Slip Law Orders (GPO)

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523–5239	TTY for the Deaf
523–5230	U.S. Government Manual
523–3408	Automation
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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

14017 3-4-80 / Clarification of regulations on importation of animals from Mexico

ENVIRONMENTAL PROTECTION AGENCY

14496 3-5-80 / Standard for emission of particulate regulation for diesel-fueled light-duty vehicles and light-duty trucks

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Health Care Financing Administration—

14211 3-5-80 / Medicaid program; Medicaid management information system

Rules Going Into Effect April 5, 1980

SECURITIES AND EXCHANGE COMMISSION

12377 226-80 / Collection and dissemination of transaction reports and last sale data; amendment and redesignation of rules

12391 2-26-80 / Dissemination and display of transaction reports, last sale data and quotation information; establishment of minimum requirements

List of Public Laws

Last Listing April 2, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

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H.R. 3919 / Pub. L. 96-223 "Crude Oil Windfall Profit Tax Act of 1980". (Apr. 2, 1980; 94 Stat. 229) Price $3.25.

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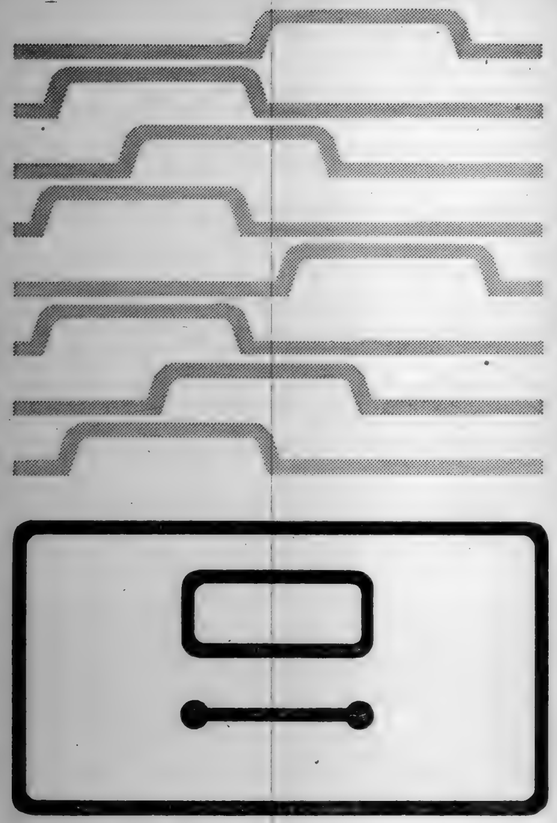

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Part II

Department of Health, Education, and Welfare

Office of Education

Population Education Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161m

Population Education Program

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: The Commissioner issues final regulations for the Population Education Program enacted by the Education Amendments of 1978. The regulations—which were developed in consultation with the Deputy Assistant Secretary for Population Affairs—govern the awarding of direct discretionary grants to State and local educational agencies, institutions of higher education, or other nonprofit organizations or institutions that are designed to encourage the training of educational personnel, the development and dissemination of instructional materials, and the support of elementary and secondary school programs in population education.

DATES: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest A. Crider, Education Program Specialist, Special Programs Staff, U.S. Office of Education, Room 2083, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–8866).

SUPPLEMENTARY INFORMATION:

A. No Funds

The Commissioner is required by law to publish regulations for programs authorized by Congress. Please note that the President's budget does not request funds to operate this program for Fiscal Year 1980.

B. Background

The purpose of the Population Education Program (Section 392, Title III, Part M of the Elementary and Secondary Education Act of 1965, as amended) is to enhance an awareness and knowledge of population issues in elementary and secondary school students throughout the Nation. Consistent with Senate and House Committee Reports on the Education Amendments of 1978 (S. Rep. No. 856, 95th Cong., 2d Sess. 44–45 (1978); H.R. Rep. No. 1137, 95th Cong., 2d Sess. 74–75 (1978)), the Population Education Program focuses on the nature and impact of population change and encourages the incorporation of population education into a broad variety of academic subjects.

The Population Education Program results from a recognition that population phenomena—such as births, deaths, migration, and characteristics relating to the size, distribution, and composition of the population—have a profound impact on the quality of life. This recognition reflects, in part, an increased understanding of the relationship between population issues and environmental issues and a growing awareness that natural resources are limited.

Recent events have contributed to an enhanced perception of how the size, rate of growth, composition, and distribution of the population affect social, economic, and political life; that is, how people affect and are affected by population trends. The following examples give some idea of the range of issues that can be explored in population education:

(1) The effects of changing age structure on the Social Security and pension systems.

(2) The impact of immigration—both legal and illegal—on the Nation's growth rate, the labor market, and the provision of health, educational, and social services.

(3) The impact of the post-World War II "baby boom" on a broad array of services, including education, health, housing, and employment.

(4) Changing age composition and family size and their impact on housing and other essential services.

(5) Changes in the modes and patterns of transportation and their impact on population distribution.

(6) The causes and consequences of rural-urban migration.

(7) The relationship between population growth and distribution and the availability and use of resources.

Increasing interest in, and concern about, population issues has generated activity at various levels. For example, in its 1972 report the congressionally established Commission on Population Growth and the American Future recommended the enactment of a Population Education Act. In a special 1976 report the Subcommittee on Population Education of the Federal Interagency Committee on Education recommended that population education be considered a national educational priority.

The Office of Environmental Education, within the U.S. Office of Education, has supported several curriculum development and demonstration projects in population education. At the local school level, the Baltimore City public school system, for example, has incorporated population education concepts into its curricula.

C. Overview of the Regulations

The regulations state the purpose of the Population Education Program, provide a definition of "population education," describe the nature of projects that the Commissioner funds under the program, and outline the Commissioner's criteria for judging the quality of project applications.

Education Division General Administrative Regulations

These regulations do not contain certain types of requirements. Those requirements are covered in the Education Division General Administrative Regulations (EDGAR), which replace the General Provisions for Office of Education Program Regulations and which have been published separately.

The following items applicable to this program are among those covered generally in EDGAR:

How to apply for a grant.

How grants are made.

Certain conditions that must be met by a grantee.

The administrative responsibilities of a grantee.

The Office of Education's procedures to assure compliance.

D. Summary of Comments and Responses

A notice of proposed rulemaking for the Population Education Program was published on May 10, 1979, in the Federal Register (44 FR 27632), and public meetings were held in 10 cities on June 19, 1979. During the 60-day comment period more than 80 individuals and organizations offered comments and recommendations.

The following is a summary of the comments that requested changes in the regulations and the Commissioner of Education's responses to those comments. The comments and responses are identified by the section number of the final regulations to which they refer followed by the relevant section number in the notice of proposed rulemaking (NPRM), if different. Those comments that do not refer to any particular section of the proposed regulations are discussed separately. A brief summary of comments beyond the scope of these regulations concludes this discussion.

§ 161m.1 Purpose.

Comment. One commenter asked why the language in section 392(a) of the Act—which states that the purpose of the Population Education Program is to "implement a program of population education in elementary and secondary schools"—is not simply repeated in the regulations.

Response. A change has been made. This section now states that the purpose of the Population Education Program is, "through Federal assistance, to implement a program of population education in elementary and secondary schools." The term "to implement" is sufficiently broad to include all permissible activities listed in the program statute.

Comment. One commenter inquired whether or not this program could provide support for community agency-based programs in population education. This commenter suggested that the regulation be modified to address the needs of individuals of school-age who are no longer in school.

Response. No change has been made. The statute specifically states that the purpose of the program is to implement population education programs in schools. However, this would not preclude the involvement of community agencies in the development of school-based projects that include efforts to reach school-aged individuals who are not enrolled in schools.

§ 161m.2 Eligible parties.

Comment. One commenter suggested that the exclusion of profit-making private organizations from the list of eligible parties was not supported by the Act.

Response. No change has been made. Section 302(a) of the Act, which applies to this program, provides that "no grant may be made under this title to other than a public agency or non-profit organization, or institution * * *". Profit-making private organizations are, however, eligible to compete for contracts in separate competition in response to Requests for Proposals (RFPs).

Comment. One commenter suggested that this section should be changed to ensure that Institutions of Higher Education (IHEs) would receive funding for the support of population education projects through this program.

Response. No change has been made. IHEs are eligible for grants under this program, and may apply on a competitive basis as may other agencies and organizations.

§ 161m.4(c) Definition of "educational personnel."

Comment. One commenter objected that the proposed definition of "educational personnel" would permit individuals outside the formal educational system to be involved in training activities and the development of curricular materials. The commenter asserted that this provision would permit the use of outside "population experts" with controversial values in the development of population education projects that affect the values of elementary and secondary school children.

Response. No change has been made. The definition allows State educational agencies (SEAs), local educational agencies (LEAs), private non-profit organizations, and other potential applicants to make use of the best available personnel in population education. It does not, however, require that outside educational personnel be used. The definition is consistent with both the Act and the intent of Congress that population education be incorporated into school programs throughout the Nation. Also, the provision requiring an applicant to cooperate with SEAs and LEAs in certain activities (§ 161m.41) and the criterion encouraging an applicant to obtain the cooperation of these agencies and other appropriate organizations for all activities (§ 161m.31(j)) are designed in part to encourage continued State and local control of curricular content and of school programs.

Comments. One commenter questioned the omission of counselors and guidance personnel from the proposed definition of educational personnel.

Response. A change has been made. In recognition of the important role played by these personnel in school systems, the definition has been expanded to include counselors and guidance personnel.

§ 161m.4(c) Definition of "population education."

Comment. Most commenters generally supported the proposed definition of population education. Many of these commenters, however, proposed the inclusion of a component specifically addressing family life education. A few asked that sex education be included, or that family and individual values and attitudes that relate to human reproduction be considered. One commenter asserted that the proposed definition was "too sophisticated" for elementary and secondary school children, and that it encouraged the discussion of values not encouraging to human reproduction.

Response. No change has been made. The definition of population education is carefully constructed to be consistent with the Congressional intent that the program focus on population dynamics and not include sex education (see S. Rep. No. 856, 95th Cong. 2d Sess. 44–45 (1978)). Therefore, the regulations specifically prohibit the teaching of the biological elements of human reproduction or techniques of contraception. Also, the definition, in and of itself, does not reflect a bias for any particular set of values concerning human reproduction. Furthermore, the requirement that applicants obtain the cooperation of SEAs and LEAs (§ 161m.41) may ensure that projects in schools do not conflict with prevailing community values.

§ 161m.10 Nature of projects. (§ 161m.100 of the NPRM)

Comment. Several commenters requested that this section repeat the language of the Act that specifies various academic disciplines to which population education might apply. Under the Act, these disciplines may include, but are not limited to, history, science, biology, social studies, and home economics.

Response. A change has been made. Although the Department of Health, Education, and Welfare is reducing the unnecessary repetition of statutory language in regulations, it is useful for potential applicants to have this information. Therefore § 161m.10 now states that these disciplines "may include, but are not limited to, history, science, biology, social studies, and home economics."

Comment. One commenter requested that it be possible for applicants to be eligible if they propose that population education be incorporated into a single subject area. This commenter asserted that it would be too demanding for individual projects to incorporate population education into a variety of subject areas.

Response. No change has been made. The Commissioner believes it to be both beneficial and possible to *encourage* the incorporation of population education into a variety of academic areas at the single project level. It should be noted that this does not imply that all possible academic areas must be involved in the specific activities of a given project. The infusion of population education concepts and materials into a number of academic areas should ensure: (1) That single disciplinary perspectives in the

teaching of population education will be avoided; and (2) that population education will be more thoroughly infused into a school curricular program. This approach is also consistent with the program statute.

Comment. One commenter recommended that this section stress the relationship between population education and environmental education, and that the Population Education Program be administered as part of the Environmental Education Program. Another commenter specifically opposed any such relationship.

Response. No change has been made. The Population Education Program and Environmental Education Program are separately legislated programs that address related, but different, issues. It should be emphasized, however, that the definition of population education (§ 161m.4(c)) does address issues related to environmental concerns.

§ 161m.11 Duration of projects. (§ 161m.101 of the NPRM)

Comment. One commenter questioned the inclusion of any requirement on duration of projects because the Act does not specifically limit the period of Federal assistance for any particular project.

Response. A change has been made. This section now states that the Commissioner "makes grant awards for a specified period of time" that generally "does not exceed three years." The reference in these regulations to a five year limit on the duration of project grants has been deleted as unnecessary. Applicants should also consult EDGAR, 45 CFR 100a.250–100a.254, for general rules governing multi-year projects, including project duration.

§ 161m.31(f) Selection criteria the Commissioner uses: Dissemination. (§ 161m.300(b)(1) of the MPRM)

Comment. One commenter stated that this criterion was confusing because it did not clarify whether dissemination activities must be local or national in nature.

Response. A change has been made. The language now states that dissemination activities are to be related to the scope of a project. If a project is local in scope, the project should focus its informational activities on the local level. If a project is national in scope, dissemination of information should be national.

§ 161m.31(i) Selection criteria the Commissioner uses: Potential for use by a variety of groups throughout the Nation. (§ 161m.300(b)(4) of the NPRM)

Comment. One commenter suggested that the criterion that awards up to 20 points to projects capable of "use by a variety of groups throughout the Nation" (and a stress upon "widespread dissemination" in § 161m.41) might lead to the development of projects that are too general or theoretical for local application. Another stated that the stress on "potential national significance" in the preamble was "too categorical."

Response. No change has been made. The stress of the Act on broad population phenomena and dissemination implies that it is important to have this particular criterion. For any project to be of potential national significance it must be adaptable for use in a variety of local settings. To be adaptable, these projects cannot be too general or theorectical for local application.

These regulations are designed to encourage projects that have potential for systemwide applicability. For example, the regulations encourage comprehensive in-service training activities rather than limited workshop efforts in isolated areas. It is the broad comprehensive project that provides a variety of elements that can be used by program planners in meeting the unique needs of other areas.

While the term "widespread dissemination" in § 161m.41 is taken directly from statutory language, nothing in these regulations precludes (1) the use of local examples to illustrate national phenomena; or (2) the discussion of the impact of national phenomena on local developments.

§ 161m.31(j) Selection criteria the Commissioner uses: Cooperation. (§ 161m.300(B)(5) of the NPRM)

Comment. One commenter questioned the inclusion of this criterion, suggesting that it may hinder the development of population education because of a lack of State or local educational personnel with knowledge of and interest in the subject.

Response. No change has been made. This criterion is intended to promote cooperative arrangements in categories of activities in which cooperation is not explicitly required by the Act. National studies—such as the Rand report "Federal Programs Supporting Educational Change, Vol. IV: The Findings in Review"—have shown that the involvement of SEAs and LEAs in the development and operation of innovative projects substantially increases the likelihood that the projects will be incorporated into existing elementary and secondary school programs. A task of the potential applicant, then, may be to develop in educational agencies a knowledge of population education and an appreciation of the importance of this subject.

Appropriate guidance concerning how applicants might meet this criterion will be contained in program guidelines.

§ 161m.31(k) Selection criteria the Commissioner uses: Focus of project. (§ 161m.300(b)(6) of the NPRM)

Comment. Many commenters generally supported the establishment of priorities in this program. One commenter, however, questioned the establishment of any priorities for categories of activities, and asserted that all activities authorized by the Act should receive equal consideration in the awarding of grants. This commenter noted that no systematic national survey exists to justify the establishment of priorities.

Response. No change has been made. In population education, as in other emerging fields of study, primary obstacles to development and implementation have been the lack of appropriate educational materials and training opportunities (see Heuther and Gustavus, "Population Education in the United States," *PRB Report*, III, No. 2). In its initial development, it is necessary to focus this program on these types of activities to ensure that the program has the broadest possible impact. Thus, the final regulations give preferences to certain types of activities.

§ 161m.31(k)(3) Selection criteria the Commissioner uses: In-service training projects. (§ 161m.300(b)(6)(iii) of the NPRM)

Comment. Many commenters claimed that preservice training is essential if population education is to be incorporated into elementary and secondary school programs. They requested that preservice training be included with in-service training as a preferred category of activity. Some of these commenters believed that not including preservice training as a priority activity was not consistent with the population education program statute.

Response. No change has been made. The Act identifies a number of examples of permissible activities but does not require that all the activities that are listed receive Federal assistance. For new programs of this nature the Commissioner prefers in-service training

because it addresses the needs of professionals already working in school systems and, therefore, can have a more immediate effect. Preservice training is indirect, long-term, and therefore diffuse in its impact.

Comment. Many commenters objected to the language in the preamble to the notice of proposed rulemaking that stated that "the primary objective of in-service training programs is the development of approaches to training, not the training of educational personnel." Most of these commenters requested that the language in this section of the regulations be modified to reflect that the objective of in-service training projects is the training of educational personnel. They assert that many "approaches" already exist in this field, and that the focus should be the direct training of educational personnel.

Response. No change has been made. The intent of this section is to encourage grantees to develop comprehensive strategies, procedures, and techniques to provide for the in-service training of educational personnel to prepare them to incorporate population concepts into a broad array of subject fields in order to accomplish the basic program objective—*the development and implementation of a "program of population education in elementary and secondary schools"* (sec. 392(a) of the Act). While many approaches to training may already exist in this field, they have not been adequately related to the variety of strategies which would accomplish the broad purpose of the Population Education Program. Therefore, the emphasis should be on developing comprehensive in-service training practices with the greatest potential for affecting school system change and commitment.

Comment. One commenter suggested that this criterion should be modified to ensure that training programs for teachers are carried out by teachers.

Response. No change has been made. The present provision permits, but does not require, teachers to carry out in-service training activities. It is important that SEAs, LEAs, and other organizations have the flexibility to make use of the best personnel available in population education field, whether or not those individuals are outside the formal school system.

§ 161m.40 Allowable costs. (§ 161m.400 of the NPRM)

Comment. Many commenters asserted that the proposed section on allowable costs limits the capacity of SEAs, LEAs, and other organizations to conduct projects under the Population Education Program. These commenters were especially concerned about the impact of this provision on the conduct of in-service training activities, and cited a recent trend in some school districts toward the constricting of budgets for the conduct of training activities. Although many of these commenters generally concurred with the necessity for applicants to "clearly demonstrate" the need for payments for stipends, the employment of substitutes, or released time, most strongly requested the deletion of the phrases "only in exceptional cases"and "limited" from the section. One commenter questioned the meaning of the term "limited."

Response. No change has been made. It is desirable that SEAs and LEAs demonstrate their commitment to project activities in part through their willingness to assume some project costs included in this section. However, it is recognized that "in exceptional cases" in order for a grantee to effectively operate a project a "limited" use of grant funds to pay for stipends, employment of substitutes, or released time may be necessary. Factors in determining whether or not an exceptional case exists might include: the status of the school system budget for training costs; the level of tax support for educational services in a given community; and existing expenditures for complementary program activities.

The term "limited" implies that in no case may grant funds be used to pay the entire cost of stipends, employment of substitutes, or released time necessary for the operation of a project. The determination of the amount any project might recieve for payment of these costs will be determined on a case-by-case basis.

Additional guidance concerning how to meet the requirements of this section will be contained in program guidelines.

Comment. One commenter recommended that this section be modified to permit the hiring of teachers to carry out in-service training projects.

Response. No change has been made. These regulations do not prohibit the hiring of teachers to carry out in-service training projects.

§ 161m.41 Cooperation with State and local educational agencies. (§ 161m.401 of the NPRM)

Comment. Many commenters expressed the view that the section requiring an applicant to obtain the cooperation of SEAs and LEAs in the conduct of certain activities is too restrictive in its present form. Many of these commenters requested that the section be modified to include the phrase "where feasible and appropriate." One suggested that the requirement be interpreted to allow "informal" arrangements between individual groups of teachers and outside organizations without obtaining the formal cooperation of SEAs and LEAs. Several noted that it was possible for curriculum development to take place without the cooperation required in this section. Some indicated that the nature of cooperation required was unclear.

Response. No change has been made. The requirements in § 161m.41 implement section 392(c) of the Act, which states that the cooperation of SEAs and LEAs must be obtained in the development of projects involving certain activities. These regulations, therefore, require the cooperation of these agencies in those activities. The inclusion of the phrase "where feasible and appropriate" would be inconsistent with the unequivocal requirement of the Act, and is therefore not legally permissible. Similarly, this requirement for institutional cooperation can not be met through "informal" arrangements between teachers and outside groups.

More specific information concerning how this cooperation may be carried out will be appropriately addressed in program guidelines.

General Comments

Preapplications or letters of intent.—Comment. A few commenters recommended that the application process include a letter of intent or preapplication process in order to screen out potential applicants whose proposals are not likely to meet requirements and standards of the program.

Response. No change has been made. Although appropriate for programs in which eligibility can be decided quickly, the preapplication process or letter of intent is not adequate in this case for evaluating proposed developmental or innovative projects under this program about which more complete information is necessary.

State review of applications.—Comment. One commenter recommended that all applications from LEAs be submitted to SEAs for review.

Response. For this program the Act does not require review of LEA applications by SEAs. However, cooperation is required for certain types of activities (§ 161m.41) and encouraged for all other activities (§ 161m.31(j)).

State educational agency grants for technical assistance.—Comment. One commenter suggested that SEAs be specifically designated as favored recipients of technical assistance grants

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to assist LEAs in the development of population education projects.

Response. No change has been made. The Act does not authorize specific technical assistance grants for this program. However, SEAs, with other applicants, may apply competitively for grants to support any of the activities listed by the Act. Some of these may include assisting LEAs in their individual projects through such activities as the conduct of workshops, the dissemination of materials, and the conveying of information.

Comment. One commenter suggested Federal funding support for planning grants. Another recommended that Federal funding be made available for State planning grants through this program.

Response. No change has been made. Because of limited resources these regulations do not provide for funding of planning activities. Planning activities should precede the development of grant applications for all projects.

Preference for studies of special groups.—Comment. One commenter suggested that preference be shown to applications that promote the study of the impact of population dynamics upon minority groups. Another suggested that preference be shown to projects which address population issues related to individuals over 60 years of age.

Response. No change has been made. The Population Education Program is designed to promote the study of population phenomena that affect all groups. It would be inappropriate to establish a criterion that favors projects that address the concerns of particular segments of the population.

Allocation of funds according to need and leadership.—Comment. One commenter suggested that funds be allocated according to: demonstrated need, areas and institutions that have demonstrated competency in population education and related fields of study, and agencies that have exercised leadership in population education. This commenter defined need to apply to those areas experiencing rapid population growth or those areas with fragile ecological systems threatened by excessive population.

Response. No change has been made. Both the regulations for this program and the Education Division General Administrative Regulations (EDGAR) provide for the selection, on a competitive basis, of projects that are of the highest quality. One criterion by which the Commissioner measures all project applications is the quality of the actual and potential project staff. Also, there is no basis in the Act for distributing funds according to rates of population growth or according to the likelihood of damage to ecological systems.

Required student participation in population education courses.—Comment. One commenter requested that all students be required to participate in population education courses.

Response. No change has been made. The Federal government has no jurisdiction over State or local curricula, and cannot require that any student take any course in any topic.

Comments Beyond the Scope of These Regulations

Administrative concerns. Comments on the following issues pertain to the administration of this program but not to the development of its regulations: The establishment of a clearinghouse on population education; the relationship of the Population Education Program to the Environmental Education Program; the relative distribution of funds for contracts and grants; and the relationship of the Population Education Program to SEAs. These comments will be considered in the development of overall planning and stategy for program administration.

EDGAR. Commenters also addressed issues that directly relate to the Education Division's General Administrative Regulations (EDGAR) governing all programs. These issues include: The definition of private schools; the relationship of private schools to public schools; dissemination grants; the consultation of private publishers in the development of institutional materials for distribution; the availability and use of travel funds in the conduct of project activities; and application contents. The appropriate officials of the Education Division considered these comments in the development of the final EDGAR.

E. Other Changes

In response to suggestions by the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. These include (1) certain provisions of the statute governing this program and (2) the general selection criteria found in the Education Division General Administrative Regulations (EDGAR §§ 100a.202 through 100a.206). The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of this program without having to refer to these additional documents.

In addition, a number of minor editorial and typographical changes have been incorporated into the final regulations.

Also, the sections in subparts B through E have been renumbered since the publication of the notice of proposed rulemaking.

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(Catalog of Federal Domestic Assistance No. not assigned, Population Education Program)

Dated: March 21, 1980.

William L. Smith,

Commissioner of Education.

The Commissioner amends Title 45 of the Code of Federal Regulations by adding a new Part 161m to read as follows:

PART 161m—POPULATION EDUCATION PROGRAM

Subpart A—General

Sec.

161m.1 Population education program.
161m.2 Eligible parties.
161m.3 Regulations that apply to the population education program.
161m.4 Definitions that apply to the population education program.

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

161m.10 Nature of projects.
161m.11 Duration of projects.

Subpart C—How Does One Apply for a Grant?

161m.20 Procedures for applying.

Subpart D—How Is a Grant Made?

161m.30 How the Commissioner reviews an application.
161m.31 Selection criteria the Commissioner uses.

Subpart E—What Conditions Must Be Met by a Grantee?

161m.40 Allowable costs.
161m.41 Cooperation with State and local educational agencies.
161m.42 State and local educational agencies must provide an opportunity for nonprofit private school students to participate.

Authority: Part M of Title III of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561; 92 Stat. 2227 and 2228) (20 U.S.C. 3062).

Subpart A—General

§ 161m.1 Population education program.

The purpose of the Population Education Program is, through Federal assistance, to implement a program of population education in elementary and secondary schools.

(Sec. 392(a) and (b); 20 U.S.C. 3062(a) and (b))

§ 161m.2 Eligible parties.

The Commissioner may make grants to institutions of higher education, State and local educational agencies, or other nonprofit organizations and institutions.

(Secs. 302(a) and 392(a); 20 U.S.C. 2942(a) and 3062(a))

§ 161m.3 Regulations that apply to the population education program.

(a) *Regulations.* The following regulations apply to the Population Education Program:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions).

(2) The regulations in this Part 161m.

(20 U.S.C. 1221e–3(a)(1))

§ 161m.4 Definitions that apply to the population education program.

(a) Definitions in EDGAR. The following terms used in this part are defined in 45 CFR Part 100c:

Applicant
Application
Commissioner
Elementary school
Project
Secondary school

(b) *Definitions in the Elementary and Secondary Education Act.* The following terms used in this part are defined in Section 1001 of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3381)

Local educational agency (LEA)
State
State educational agency (SEA)

(c) *Program definitions.* As used in this part:

"Appropriate State and local educational agencies" means State or local educational agencies representative of those State and local educational agencies affected, either directly or indirectly, by a project activity.

"Educational personnel" means—

(1) Teachers, teacher aides, counselors, and guidance personnel, and educational administrators and supervisors; and

(2) Other persons who teach students, train teachers, or perform professional services that are closely related to the teaching of students or to the training of teachers, educational administrators, supervisors, or planners.

"Population education" means the educational process by which an individual develops an awareness and understanding of—

(1) The nature of demographic trends, population characteristics, and population variables;

(2) The causes and consequences of population changes;

(3) The political, social, economic, environmental, and cultural implications of population phenomena;

(4) The direct and indirect impact of public and private policies on population phenomena;

(5) The variety of issues and events that are related to the study of population; and

(6) Methods by which individuals, families, communities, the Nation, and the world might effectively respond to and affect population processes.

(Sec. 392 (a) and (b); 20 U.S.C. 3062 (a) and (b); S. Rep. No. 856, 95th Cong. 2nd Session 44–45 (1978))

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

§ 161m.10 Nature of projects.

A project assisted under this part must encourage the development or incorporation of population education in a variety of subject areas at the elementary or secondary school levels. These subject areas may include, but are not limited to, history, science, biology, social studies, and home economics.

(Sec. 392 (a) and (b); 20 U.S.C. 3062 (a) and (b))

§ 161m.11 Duration of projects.

The Commissioner makes grant awards for a specified period of time. Generally, this period does not exceed three years.

(Sec. 392 (a) and (b); 20 U.S.C. 3062 (a) and (b); 20 U.S.C. 1221e–3(a)(1))

Subpart C—How Does One Apply for a Grant?

§ 161m.20 Procedures for applying.

In applying for a grant, each applicant shall follow the procedures and meet the requirements stated in Subpart C of 45 CFR Part 100a of EDGAR.

(20 U.S.C. 1232c(b)(3))

Subpart D—How Is a Grant Made?

§ 161m.30 How the Commissioner reviews an application.

(a) The Commissioner reviews an application on the basis of the criteria in § 161m.31.

(b) The Commissioner awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses at the end of that criterion.

§ 161m.31 Selection criteria the Commissioner uses.

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(vi) For grants to be made after October 1, 1980, if the applicant is a local educational agency or State educational agency, a clear description of how the applicant will provide an opportunity for participation of children enrolled in nonprofit private schools. (10 points)

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as

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other information that the applicant provides. (10 points)

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project. (5 points)

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See 45 CFR 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (5 points)

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate. (5 points)

(f) *Quality of dissemination plan.* the Commissioner reviews each application for information that shows the quality of the applicant's plan to disseminate information related to the project. Dissemination activities should be related to the scope of a project. (5 points)

(g) *Likelihood of incorporation into continuing activities.* The Commissioner reviews each application for information that shows the likelihood that the applicant will incorporate the results of the project into its continuing activities, or those of cooperating organizations, after Federal funding ends. (10 points)

(h) *Involvement of a variety of academic fields.* The Commissioner reviews each applicaton for information that shows the degree to which the project involves a variety of appropriate academic fields in all phases of its development and operation. (10 points)

(i) *Potential for substantial qualitative contribution.* The Commissioner reviews each application for information that demonstrates the overall potential of the project to make a substantial qualitative contribution toward improving population education at the elementary and secondary school levels. This includes the likelihood that the results of the project will be of potential use to a variety of groups throughout the Nation. (20 points)

(j) *Cooperation with appropriate SEAs and LEAs, and other organizations.* The Commissioner reviews each application for information that shows the extent to which the project is developed and operated in cooperation with appropriate SEAs and LEAs, as well as with other public and private organizations. (5 points)

(k) *Focus of project.* The Commissioner reviews each application for information that shows the extent to which the project focuses primarily on one or more of the following:

(1) The development, field testing, and dissemination of teacher and student educational, training, and instructional materials in population education.

(2) The identification, evaluation, improvement, and adaptation of existing population education curricula and educational materials.

(3) The development of in-service training programs for educational personnel who will implement population education activities at the elementary and secondary school levels. (15 points)

(Sec. 392 (a) and (b); 20 U.S.C. 3062 (a) and (b); 20 U.S.C. 1221e–3(a)(1))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 161m.40 Allowable costs.

(a) In accordance with Subpart E of 45 CFR Part 100a of EDGAR, a grantee may use funds awarded under this part to meet the costs of project activities, and of indirect costs of project activities. However, paragraph (b) of this section imposes an additional standard for certain costs.

(b) The following costs are allowable only in exceptional cases in which an applicant clearly demonstrates in its project application financial need and programmatic necessity—limited payments for stipends, released time, or employment of substitutes to enable educational personnel to participate in activities of the project.

(Sec. 392(a) and (b); 20 U.S.C. 3062(a) and (b); 20 U.S.C. 1221e–3(a)(1))

§ 161m.41 Cooperation with State and local educational agencies.

If a project assisted under this part includes any of the following population education activities, the grantee shall carry out the activity in cooperation with appropriate SEAs and LEAs:

(a) Development and dissemination of teacher and student educational, training, and instructional materials, including the identification, evaluation, improvement, and adaptation of existing curricula and educational materials.

(b) Research support to develop curriculum content and to evaluate programs and materials for the purpose of widespread dissemination.

(Sec. 392(b); 20 U.S.C. 3062(b))

§ 161m.42 State and local educational agencies must provide an opportunity for nonprofit private school students to participate.

If an SEA or LEA receives a grant under this program, the Act requires that agency to provide for participation by students enrolled in private nonprofit elementary and secondary schools. EDGAR establishes the rules for this participation (See EDGAR, 45 CFR 100a.650).

(Sec. 302(b); 20 U.S.C. 2942(b))

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federal register

Friday
April 4, 1980

Part III

Department of Health, Education, and Welfare

Office of Education

Bilingual Education Program—Regulation and Closing Date Notices for Transmittal of Grant Applications

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 123, 123a, 123b, 123c, 123d, 123e, 123f, 123g, 123h, and 123i

Bilingual Education Program

AGENCY: Office of Education, HEW.

ACTION: Final rules.

SUMMARY: The Commissioner of Education issues final regulations to govern the award of grants under the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended). These regulations reflect statutory changes with respect to the Education Amendments of 1978. Implementation of these regulations will provide equal educational opportunities for children of limited English proficiency.

EFFECTIVE DATE: These final regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the Federal Register. The effective date is changed if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these final regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–2600.

SUPPLEMENTARY INFORMATION:

I. Authority

The statutory authority for this program is Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561. (20 U.S.C. 3221–3261)

II. Background

On March 29, 1979, the Commissioner published interim final regulations (44 FR 18906) to implement the changes to the Bilingual Education Program made by the Education Amendments of 1978. Those regulations were used to govern fiscal year (FY) 1979 grant awards. On June 29, 1979, the Commissioner proposed more comprehensive regulations for the Bilingual Education Program in a notice of proposed rulemaking (NPRM) published in the Federal Register (44 FR 38416). Public meetings on the NPRM were held in the ten HEW regional office cities on July 31, 1979.

The Commissioner received extensive public comment on the proposed regulations. All comments and recommendations received in the Office of Bilingual Education prior to August 29, 1979 were considered in the development of these final regulations. A summary of those comments and the Commissioner's responses to them are contained in the appendix to the regulations.

With the exception of continuation awards under the Basic Projects, Training Projects, Support Services Projects: Evaluation, Dissemination, and Assessment Centers (EDACs), and Materials Development Projects programs, and renewals under the Desegregation Support Program, these regulations will govern the award of grants under programs authorized by the Bilingual Education Act ("the Act") beginning in FY 1980. The interim final regulations published in the Federal Register (44 FR 18906) on March 29, 1979 are applicable to fiscal year 1980 noncompetitive continuations. Renewal grants for FY 1980 under the Desegregation Support Program will be governed by the Act.

III. Summary of Changes

Based on a review of the comments on the NPRM, the Commissioner has made important changes in the substance and structure of the final regulations. Following is a discussion of some of the major changes in the final regulations.

Restructuring the Regulations.—In comparing the final regulations with the NPRM, the reader will notice many changes in format. Some of these changes were made in response to public comment; they will be discussed in greater detail in the appendix. Other changes resulted from the Commissioner's concern that the format of the regulations be easy to understand and follow, and that the structure of the regulations pertaining to each program authorized under the Act be consistent.

In the NPRM, the provisions governing the individual programs covered under the Direct Grants Program were contained in subparts under Part 123a. In the final regulations, each program is assigned a separate part. Thus, the Bilingual Education Program regulations now consist of Part 123 and Parts 123a–123i. Part 123 still contains the general provisions which apply to all programs, i.e., definitions, information on applicable regulations, and allowable costs. Some of the general information and requirements contained in the General Provisions in the NPRM have been restated in terms appropriate to the specific programs and placed in the parts governing those programs. In addition, the general selection criterion in § 123.30 of the NPRM (relating to whether project personnel are bilingual) has been removed from General Provisions and included, as appropriate, in the selection criteria for each program.

The regulations have been restructured and renumbered so that the numbering system, subparts, and section headings used in each part are more consistent. For each program, a section has been added under subpart E, "What Conditions Apply to a Grantee?", which describes the requirements in the Act that apply to grantees under the program.

In the NPRM, the Commissioner used the general criteria in the Education Division General Administrative Regulations (EDGAR), worth 30–40 points, along with program specific criteria, worth 60–70 points, to review applications under the following programs: State Educational Agency Projects for Coordinating Technical Assistance; Support Services Projects; Training Projects; and School of Education Projects. In many cases, the EDGAR criteria unnecessarily duplicated program specific criteria, causing confusion among many readers. In the final regulations, the EDGAR criteria and the program specific criteria have been combined and any duplication has been eliminated.

General Provisions (Part 123).—The section describing the regulations which apply to grants and fellowships awarded under the Act has been rewritten to clarify the applicability of the Education Division General Administrative Regulations (EDGAR) to the Bilingual Education Program. With the exception of provisions relating to nonprofit status (45 CFR 100a.51), Part 100a does not apply to the Fellowship Program. However, institutions of higher education applying for participation in the program must comply with the Federal civil rights statutes and regulations on nondiscrimination listed in Part 100a.500.

The Commissioner has revised several of the definitions in § 123.4 to more closely reflect the language in the Act. The definition and requirements in the Act pertaining to a "program of bilingual education" have been spelled out in greater detail in the regulations, both in this section and in the sections describing grant conditions under the Basic Projects in Bilingual Education Program.

The Commissioner has strengthened the requirements pertaining to the personnel to be employed in programs of bilingual education to ensure that children enrolled in these programs receive instruction from the best qualified personnel. Under the new definition of "qualified bilingual personnel" (the NPRM used the term "appropriate bilingual personnel"), the personnel are required to be proficient in English as well as in the native language of the children, as demonstrated by their ability to communicate effectively with both students and their parents in their native languages and in English. In addition, they must be qualified under State and local law to teach their assigned subjects and grades.

The provisions relating to the length of the project period for grantees under the Bilingual Education Program have been amended. A local educational agency (LEA) applying as a joint or sole applicant is limited by the Act to a maximum project period of three years. A grantee other than an LEA is limited to a maximum project period of five years by the Education Division General Administrative Regulations (EDGAR). However, in the case of School of Education Projects, the regulations set a project period of three years.

Although an institution of higher education (IHE) may be approved for participation in the Fellowship Program for a period of up to five years based on the quality of its bilingual education training program, the Commissioner approves a fellowship for one year at a time. A fellowship recipient must be renominated yearly by the participating IHE. However, the Commissioner will approve the continuation of a fellowship for students who are maintaining satisfactory progress in their programs of study before approving any fellowships for new students. A student enrolled in a doctoral program who maintains satisfactory academic progress may receive a fellowship for a maximum of three years. A student enrolled in any other post-master's degree program may be awarded a fellowship for a maximum of two years.

Basic Projects in Bilingual Education.—The Commissioner has revised the regulations to increase parental involvement in the planning and operation of programs of bilingual education supported under the Basic Projects and Demonstration Projects programs. The regulations now require that the advisory council, the majority of whose members must be parents and other representatives of children of limited English proficiency, be provided with adequate resources, including staff conversant in the native language of the council members. Applicants are required to solicit nominations for membership on the council. In addition, grantees are required to inform the parents of participating children of the instructional goals of the program and the academic progress of their children. To better meet the training needs of parents, training authorized under the Basic Projects, Demonstration Projects, and Support Services Projects programs includes training to enable parents to participate more fully in the education of their children and in the conduct of programs of bilingual education.

Guidance in the preparation of the evaluation plan required from applicants by the Act was not included in the NPRM. To correct that omission, requirements pertaining to the development of an evaluation plan have been included in § 123a.23, and a selection criterion worth 15 points which rates the adequacy of the applicant's evaluation plan has been added to § 123a.30.

The provisions in the NPRM relating to participation of private school students have been consolidated into one section in the final regulations. An applicant must meet the requirements in EDGAR relating to private school participation in providing services to private school students whose educational needs, language, and grade level are similar to those addressed by the project. In addition, an applicant is permitted, but not required, to provide a program of bilingual education for private school students in the area served by the applicant whose grade level or language is different from that of participating public school students.

The Commissioner has substantially revised the selection criteria under this program, placing a greater emphasis on criteria which rate the quality of the proposed project and deleting many of the criteria which awarded points based solely on the number of children to be served. After intensive review of the criteria in the NPRM relating to need, the Commissioner has determined that they might prove discriminatory against small or rural school districts and school districts which have achieved a racial or ethnic balance within their schools.

The Commissioner has retained the criterion relating to the percentage of children never served by a program of bilingual education, but has revised the criterion to read "children * * * who have never been served under the Act". The Commissioner was concerned that the criterion in the NPRM might discourage school districts from supporting their own programs of bilingual education.

The new amendments to the Act emphasized capacity building—the ability of the grantee to continue support for programs of bilingual education when Federal funds are reduced or no longer available. The Commissioner has added selection criteria which emphasize the commitment of the grantee to build programmatic and financial capacity.

The Commissioner has added a new criterion which rates the instructional approach of the project and has changed the name of the criterion which appeared under that title in the NPRM to "Rationale for selection of project sites and participants". Both criteria refer the applicant to the section describing the required initial assessment of the children to be served. The Commissioner will use that assessment as a basis for determining whether the project will adequately meet the needs of the children, as identified by the applicant.

A new section has been added which explains how the Commissioner will select projects for funding and permits the Commissioner to establish a cut-off score to ensure that only quality applications are considered. The Commissioner announces that score annually in the application notice published in the Federal Register. In selecting from among those applications which score above the cut-off point, the Commissioner considers the rank order of the applications as determined by applying the selection criteria in § 123a.30. The Commissioner may rerank applications based on the following factors:

(1) The need to assist children of limited English proficiency who have been historically underserved by programs of bilingual education. For purposes of awarding grants, the degree to which groups of children are judged to be "historically underserved" will be determined by comparing the number and distribution, by language group, of children of limited English proficiency who are in need of bilingual education, with the number and distribution, by language group, of children of limited English proficiency who are being served by programs of bilingual education.

(2) The need to provide assistance in proportion to the distribution of children of limited English proficiency throughout the Nation, and within each of the States.

(3) The LEA's need for financial assistance to establish, operate, or improve programs of bilingual education. Need for financial assistance will be considered at two times during the application selection process. The first consideration occurs during the initial review of applications when the Commissioner reviews the special justification presented by prior grantees. The justification must include evidence of a continuing need for Federal financial assistance. The second point of

consideration occurs when the Commissioner must select from among two or more equally meritorious applications. After consultation with the appropriate SEA(s), the Commissioner will make his or her funding decision on the basis of financial need.

Consistent with the statute, a new provision has been added which restricts the participation of children whose language is English to exclude children of limited English proficiency previously served by programs of bilingual education funded under the Act. Finally, the regulations now include a section pertaining to the termination of a grant when the grantee no longer needs assistance. This section repeats and references the provisions on termination in the Act.

Demonstration Projects.—The NPRM listed certain target populations that could serve as the focus for Demonstration projects, in addition to various components of a program of bilingual education for which Demonstration projects could demonstrate exemplary approaches. The final regulations include additional target populations and components of a program of bilingual education which the Commissioner may select in establishing priorities for Demonstration projects. The new target populations are children of migratory workers, recent immigrants, and high school students preparing to enter the job market. Two target populations listed in the NPRM, the handicapped and the gifted and talented, have been combined in the final regulations under the heading of exceptional children.

Under the category of exemplary approaches to components of a program of bilingual education, a priority has been added for exemplary approaches to the use of instructional technology such as computer assisted instruction. In addition, the final regulations include a new priority for exemplary approaches to providing for the participation of children whose language is English in a program of bilingual education. Under Section 703(a)(4)(B) of the Act, up to 40 percent of the participants in a program of bilingual education may be children whose language is English. Projects under this priority will demonstrate approaches to broadening the understanding of these children about languages and cultural heritages other than their own. These projects will demonstrate the benefits to all children of the use of multiple languages and cultural resources. As under the Basic Projects Program, these projects must be designed to meet the educational needs of children of limited English proficiency, and participation of children whose language is English must contribute to the purpose of assisting children of limited English proficiency to improve their English language skills.

The selection criteria have been revised, in response to public comment, to clarify the intent of the Commissioner that demonstration projects provide an exemplary approach, make use of the current research findings, and have a high probability for replication in other similar school districts. The final regulations also provide that in reviewing an application proposing an exemplary approach to one of the components of a program of bilingual education, the Commissioner gives special consideration to the applicant's approach to providing that component. Thus, in assigning points under the selection criteria in § 123b.31 to an application submitted under the priority for community or parental involvement, the Commissioner gives the greatest weight to the applicant's approach to obtaining community or parental involvement in the project.

State Educational Agency Projects for Coordinating Technical Assistance.—The regulations for State Educational Agency Projects for Coordinating Technical Assistance have been revised to clarify the SEA's role in the provision of technical assistance. SEA's are authorized to coordinate technical assistance provided by other agencies to programs of bilingual education funded under the Act.

Two new authorized activities have been added to the list which appeared in the NPRM. SEA's now are authorized (a) to coordinate efforts to improve the quality and reduce the costs of bilingual education data-gathering activities, and (b) to coordinate development of assessment procedures for determining the training needs of LEA personnel who are participating in programs of bilingual education funded under the Act.

The provisions relating to how funds are distributed have been modified to make clear that an application which does not meet the 50 points cut-off score, or which contains components that are not of sufficient quality to merit support, may be revised and resubmitted in whole or in part, as necessary. The final grant amount will be determined on the basis of the resubmitted application, subject to the limitations in the Act.

Support Services Projects.—An additional activity has been authorized for Bilingual Education Service Centers (BESC's). BESC's are now authorized to provide technical assistance, in coordination with the Commissioner and the SEA, to assist in the development of applications to be submitted under Title VII. This activity is intended to strengthen the planning process for programs of bilingual education supported under the Act. BESC's and EDAC's also are authorized to undertake other activities approved in advance by the Commissioner as designed to further the purposes of the Support Services Projects Program.

Finally, BESCs and EDACs are required to employ bilingual personnel for their projects to the extent possible. This implements a statutory requirement applicable to all projects supported under the Act.

Training Projects.—Provisions have been added which clarify the activities that an applicant may include in its application. Three separate competitions for grants will be conducted. One competition will include applications proposing any one or combination of the activities described in § 123e.10 (a), (b), or (c). An applicant proposing the innovation and reform activities described in § 123e.10(b) must also include in its application one or both of the training activities described in § 123e.10 (a) and (c). Applications for the training institutes described in § 123e.10(d) will be considered separately, as will applications for training SEA personnel, described in § 123e.10(e).

The selection criteria have been revised to provide separate, specific criteria for projects submitted under each of the three competitions. These criteria are based more closely on the objectives of each type of project.

School of Education Projects.—A selection criteria has been added which assesses the magnitude of need for the project in the language(s) and the geographic area to be served by the applicant. The criterion relating to the applicant's commitment and capacity has been expanded to address the applicant's plans to provide resources to ensure the project's success. Finally, a grantee is now required to hire a faculty member who is bilingual and who has experience in, and commitment to, bilingual education, if possible.

Desegregation Support Program.—The NPRM included regulations governing awards under a new program entitled the "Desegregation Support Program". The Education Amendments of 1978 transferred this program from the Emergency School Assistance Act (ESAA) to the Bilingual Education Act. According to the provisions of Section 751 of the Bilingual Education Act, current grantees under the ESAA bilingual program may have their grants renewed for FY 1980.

Public comment on the proposed rules to govern this program raised several questions and concerns that will require some revision of the regulations. Since regulations are not needed for FY 1980 awards, the Commissioner is deferring publication of final regulations until later this fiscal year.

Fellowship Program.—The procedures used in selecting fellows have been revised. Under the final regulations an IHE applies the criteria contained in § 123h.30 in recommending its nominees and forwards the names of the nominees in rank order to the Commissioner. Separate rankings are prepared for each language of study for which the IHE has been approved. Nominees are approved in the rank order prepared by the IHE, up to the maximum number of fellowships approved for that IHE.

The criterion addressing a student's financial need has been deleted from the criteria used by an IHE in selecting nominees. The criterion addressing the need for teachers in the language proposed by the student also has been deleted. Instead, the Commissioner considers the need for teachers by language in setting the number of fellowships to be awarded at each IHE.

Materials Development Projects Program.—Provisions relating to the Materials Development Projects Program were contained in an appendix to the proposed regulations. To alleviate the confusion among readers caused by the placement of the regulations in an appendix, provisions for this program have been set out in Part 123i as final regulations. General provisions relating to this program are contained in Part 123.

In addition to changes in format, selection criteria have been added to ensure that materials developed under this program do not duplicate existing materials and that projects focus on languages for which materials are not commercially available.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses in the line following each substantive provision of the regulations.

Dated: March 21, 1979.

William L. Smith,

Commissioner of Education.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

The Commissioner amends Title 45 of the Code of Federal Regulations by revising Part 123 and by adding the following new Parts 123a, 123b, 123c, 123d, 123e, 123f, 123g, 123h, and 123i to read as follows:

1. PART 123—BILINGUAL EDUCATION: GENERAL PROVISIONS

Subpart A—General

Sec.

123.1 What programs are authorized under the Bilingual Education Act?
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Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 123.1 What programs are authorized under the Bilingual Education Act?

The Bilingual Education Act authorizes the following programs:

(a) *Basic Projects in Bilingual Education* (45 CFR Part 123a). This program provides financial assistance to establish, operate, or improve programs of bilingual education to assist children of limited English proficiency to improve their English language skills. These projects are designed to build the capacity of the grantee to continue programs of bilingual education when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(b) *Demonstration Projects* (45 CFR Part 123b). This program provides financial assistance to demonstrate exemplary approaches to providing programs of bilingual education and to building the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(c) *State Educational Agency Projects for Coordinating Technical Assistance* (45 CFR Part 123c). This program provides financial assistance to State educational agencies (SEAs) to coordinate technical assistance to programs of bilingual education funded under the Act within their States.

(20 U.S.C. 3231(b)(5))

(d) *Support Services Projects* (45 CFR Part 123d). This program provides financial assistance to strengthen programs of bilingual education and bilingual education training programs. There are two types of centers authorized:

(1) *Bilingual Education Service Centers* (BESCs). These centers provide training and other services to programs of bilingual education and bilingual education training programs within designated service areas.

(2) *Evaluation, dissemination, and Assessment Centers* (EDACs). These centers assist programs of bilingual education and bilingual education training programs within designated service areas in assessing, evaluating, and disseminating bilingual education materials.

(20 U.S.C. 3231, 3233)

(e) *Training Projects* (45 CFR Part 123e). This program provides financial assistance to establish, operate, or improve training programs for persons who are participating in, or preparing to participate in, programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3233)

(f) *School of Education Projects* (45 CFR Part 123f). This program provides financial assistance to institutions of higher education (IHEs) to develop or expand their capability to provide degree-granting bilingual education training programs by—

(1) Establishing such programs at the undergraduate or graduate level; or

(2) Expanding the scope of existing programs to include curricula related to other fields of study useful in training personnel for participation in programs of bilingual education.

(20 U.S.C. 3233)

(g) *Desegregation Support Program* (45 CFR Part 123g). This program provides assistance to desegregating local educational agencies (LEAs) to meet the needs of children who are from an environment in which the dominant language is other than English and who lack equality of educational opportunity because of language barriers and cultural differences.

(20 U.S.C. 3261)

(h) *Fellowship Program* (45 CFR Part 123h). This program provides financial assistance to full-time graduate students who are preparing to become trainers of teachers for bilingual education.

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(20 U.S.C. 3233)

(i) *Materials Development Projects Program* (45 CFR Part 123i).

(1) This program awards grants and contracts to develop instructional and testing materials for use in programs of bilingual education and bilingual education training programs.

(2) Grants under this program are covered by these regulations.

(3) Contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 3; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3231 (a)(1), (a)(4))

(j) *Research and Development Program.*

(1) This program authorizes—

(i) Research activities funded by the Office of Education (OE);

(ii) Research—funded by the National Institute of Education (NIE) in consultation with OE—to enhance the effectiveness of bilingual education and other programs for persons who have language proficiencies other than English;

(iii) Coordination—by the Assistant Secretary for Education—of OE, NIE, the National Center for Education Statistics (NCES), and other appropriate agencies to develop a national research program for bilingual education; and

(iv) Development and dissemination of instructional materials and equipment suitable for programs of bilingual education.

(2) Awards under this program are made by contract and are not covered by these regulations.

(3) These contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 34; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3252)

§ 123.2 Who is eligible for assistance under these programs?

(a) *Basic Projects in Bilingual Education.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elementary or secondary school operated or funded by the Bureau of Indian Affairs (BIA) for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(b) *Demonstration Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elmentary or secondary school operated or funded by BIA for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(c) *State Educational Agency Projects for Coordinating Technical Assistance.* An SEA is eligible for assistance under this program.

(20 U.S.C. 3231(b)(5))

(d)(1) *Support Services Projects: BESCs.* Those eligible for assistance under this program are—

(i) An LEA;

(ii) An SEA;

(iii) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(iv) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(2) *Support Services Projects: EDACs.* Those eligible for assistance under this program are—

(i) An LEA; or

(ii) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

(e) *Training Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An SEA;

(3) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(4) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(f) *School of Education Projects.* Those eligible for assistance under this program are—

(1) An IHE with a school, department, or college of education or a bilingual education training program that applies after consultation with one or more LEAs or with an SEA; or

(2) An IHE with a school, department, or college of education or a bilingual education training program that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(g) *Desegration Support Program.* (1)(i) An LEA that meets the requirements of Sections 606(a) and 606(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and any regulations implementing those sections, may apply for a grant.

(ii) If an applicant LEA does not meet the requirements in Section 606(c) of ESEA, the Secretary uses the procedures for show cause conferences established by regulations under Title VI of ESEA.

(iii) The Secretary uses the procedures for granting a waiver of ineligibility described in Section 606(c) of ESEA and in regulations implementing that section.

(2) A nonprofit private agency, institution, or organization may apply for a grant if it has received a request for curriculum development from an LEA that is eligible under paragraph (g)(1)(i) of this section or that has received a waiver of ineligibility under paragraph (g)(1)(iii) of this section.

(20 U.S.C. 3261)

(h) *Fellowship Program.* (1) An IHE that offers a program of study leading to a degree above the master's level in the field of training teachers for bilingual education is eligible to participate in this program.

(2) An individual is eligible to apply for a fellowship under this program if this individual—

(i)(A) Is a citizen, a national, or a permanent resident of the United States;

(B) Is in the United States for other than a temporary purpose and can provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident; or

(C) Is a permanent resident of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territories of the Pacific Islands; and

(ii) Has been accepted for enrollment as a full-time student in a course of study offered by an IHE approved for participation in this program. The course of study must lead to a degree above the master's level in the field of training teachers for bilingual education.

(20 U.S.C. 3233)

(i) *Materials Development Projects.* Those eligible for assistance under this program are—

(1) An LEA; or

(2) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

§ 123.3 What regulations govern these programs?

(a) The following regulations apply to grants and fellowships awarded under the Act:

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions).

(2) The Education Appeal Board regulations in 45 CFR Part 100d.

(3) The regulations in these parts (45 CFR Parts 123 and 123a–123i).

(b)(1) However, the regulations in these parts do not apply to noncompeting continuation grants under the Basic Projects in Bilingual Education, Support Services Projects, Training Projects, and Materials Development Projects programs for fiscal year 1980.

(2) The interim final regulations for the Bilingual Education Program, published in the **Federal Register** on March 29, 1979 (44 FR 18906), apply to those grants for fiscal year 1980.

(c) The following provisions of EDGAR do not apply to the types of awards described:

(1) The provisions in 45 CFR Part 100a do not apply to the Fellowship Program (Part 123h), except for the provisions in 45 CFR 100a.51 (relating to proof of nonprofit status).

(2) The provisions in 45 CFR 100a.250(a), 100a.253 (a) and (b), and 100a.254 (relating to the approval of multi-year projects) do not apply to grants made to LEAs as sole or joint applicants under any of the Bilingual Education Programs.

(3) The provisions in 45 CFR 100a.217(a)(3) and (c)–(e) (relating to the review of applications) do not apply to the State Educational Agency Projects for Coordinating Technical Assistance Program. In addition, the provisions of 45 CFR 100a.217(a) and (b) do not apply to the review of applications from SEAs submitted under 45 CFR 123c.30(c).

(4) Any provision in EDGAR that conflicts with any provision in these parts does not apply to awards under these parts.

(20 U.S.C. 1221e–3)

§ 123.4 What definitions apply to these programs?

In addition to terms defined in 45 CFR Part 100c, the following terms are used in these parts:

"Act" means the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended).

(20 U.S.C. 3221)

"Full-time student" means a student who is carrying a full-time academic work load as determined by the institution at which he or she is enrolled. The institution's standard for determining the student's full-time status in a program of study must be applicable to all students enrolled in the program.

(20 U.S.C. 3221–3261)

"Institution of higher education" (IHE) means an educational institution, including a junior college or community college, in any State that meets the requirements of Section 1001(e) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3381(e))

"Limited English proficiency", with reference to an individual, means an individual—

(1)(i) Who was not born in the United States or whose native language is other than English;

(ii) Who comes from a home in which a language other than English is most relied upon for communication; or

(iii) Who is an American Indian or Alaskan Native student and comes from an environment in which a language other than English has had a significant impact on his or her level of English language proficiency; and

(2) Who, as a result of the circumstances described in paragraph (1) of the definition of "Limited English Proficiency" of this section, has sufficient difficulty in understanding, speaking, reading, or writing the English language to deny him or her the opportunity to learn successfully in classrooms in which the language of instruction is English.

(20 U.S.C. 3223(a)(1))

"Local educational agency" (LEA) means—

(1) An LEA as defined in EDGAR; or

(2) A nonprofit institution or organization of an Indian tribe that—

(i) Operates an elementary or secondary school in which Indian children constitute more than 50 percent of the enrollment; and

(ii) Is approved by the Commissioner for purposes of carrying out programs under the Act.

(20 U.S.C. 3232(a), 3381(f))

"Low income" means an annual family income that does not exceed the poverty level determined under Section 111(c)(2) of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3223(a)(3))

"Native language" means the language normally used by an individual, or, in the case of a child, the language normally used by the parents of the child.

(20 U.S.C. 3223(a)(2))

"Program of bilingual education" means a program of instruction designed for children of limited English proficiency in elementary or secondary schools, with the following characteristics:

(1) There is instruction given in, and study of, English and (to the extent necessary to allow children to achieve competence in the English language) the native language of the children of limited English proficiency.

(2) The instruction is given with appreciation for the cultural heritage of the children of limited English proficiency and of other children in American society, with emphasis on those cultures represented in the LEA.

(3) The instruction is given in all courses or subjects of study to the extent necessary to allow a child to progress effectively through the educational system.

(20 U.S.C. 3223(a)(4))

"Qualified bilingual personnel" means individuals—

(1) Who are qualified under State and local law to teach the subjects and grades to which they are assigned;

(2) Who have successfully completed a course of study or the equivalent inservice training in the use of classroom materials and instructional practices for bilingual education;

(3) Who are able to converse with proficiency in English and in the native language of the students, both on general topics and in their assigned areas of instruction. This includes the ability to understand, speak, read, and write the language; it neither implies nor precludes an extensive vocabulary which might be necessary to converse with native speakers on complicated matters not related to the subjects which they are required to teach; and

(4) Who are able to communicate effectively with parents in their native language and in English about school matters.

(20 U.S.C. 3231(b)(3))

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

§ 123.20 What are the requirements for SEA review of an application?

(a) Except as specified in paragraph (d) of this section, an applicant that seeks assistance for a project under 45 CFR Parts 123a, 123b, and 123d–123g shall submit its application for comment to the SEA of the State(s) in which the applicant proposes to conduct the project.

(b) If an applicant seeks assistance under Support Services Projects (Part 123d), the applicant shall submit its

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application for comment to the SEAs of all States within its designated service area.

(c) Procedures for State comment are specified in EDGAR (45 CFR 100a.155–100a.159) except that—

(1) The applicant shall provide a copy of its application to the SEA in advance of its submission to OE in order to afford the SEA a reasonable opportunity to comment on the application to the applicant; and

(2) If the applicant subsequently makes substantive revisions in its application, it shall submit a copy of the revised application to the SEA so that the SEA may comment to the Commissioner under the provisions in EDGAR.

(d) An eligible school operated or funded by BIA shall submit its application for comment to the Secretary of the Interior or his or her designee, using the procedures described in paragraph (c) of this section.

(20 U.S.C. 2331(b)(3)(D))

Subpart D—[Reserved]

Subpart E—What Conditions Apply to a Grantee?

§ 123.40 What is the length of the project period?

(a) *Grants to LEAs.* In the case of an application submitted by an LEA as either a sole or joint applicant, the Commissioner uses the following procedures:

(1) The Commissioner approves a project period of from one to three years based on—

(i) The severity and likely duration of the problems addressed by the project;

(ii) The nature of the proposed activities; and

(iii) The quality of the application based on the appropriate selection criteria.

(2) The Commissioner makes a continuation award for a budget period after the first budget period of an approved multi-year project under the conditions in Section 721(e)(2) of the Act.

(3) In determining whether the grantee is making satisfactory progress toward achieving the stated objectives of the program, the Commissioner—

(i) Compares the objectives contained in the approved application with the results of the grantee's annual evaluation; and

(ii) Considers the information attained through site review and any other contact with the grantee.

(20 U.S.C. 3231(e))

(b) *Grants to applicants other than LEAs.* (1) In the case of an application submitted by an applicant other than an LEA, the Commissioner uses the procedures and criteria in EDGAR for setting the project period and determining whether to make a continuation award.

(2) However, in the case of an application under the School of Education Projects Program, the Commissioner approves a project period of three years.

(20 U.S.C. 1221e–3, 3233)

(c) *Fellowship Program.*—(1) *Approvals of IHEs for participation.* The Commissioner approves an IHE's application for participation in the Fellowship Program (45 CFR Part 123h) for a period of from one of five years based on the quality of the applicant's bilingual education training program.

(2) *Fellowship awards.* (i) The Commissioner approves a fellowship for one year.

(ii) A recipient of a fellowship who seeks assistance beyond this period to continue in the program of study must be renominated by the participating IHE.

(iii) The Commissioner approves all renominations of recipients who maintain satisfactory progress in the program of study before approving nominations of new students.

(iv) A fellowship may be awarded for a maximum of two years to a student who maintains satisfactory progress in a post-master's program of study.

(v) A fellowship may be awarded for a maximum of three years to a student who maintains satisfactory progress in a doctoral program of study.

(vi) However, where adequate justification is provided by an IHE, the Commissioner may extend a fellowship beyond the maximum period to a recipient who, for circumstances beyond his or her control, is not able to complete the program of study in that period.

(20 U.S.C. 3233(a)(2))

§ 123.41 What requirements pertain to the use of funds for training activities and fellowships?

(a) *Allowable costs.* The allowable costs for training activities under those Bilingual Education Programs in which training is an authorized activity and for fellowships under the Fellowship Program may include—

(1) Tuition and fees—the normal and usual costs associated with the course of study;

(2) Books—up to $250;

(3) Travel—up to $250 for travel to field-study sites; and

(4) A stipend.

(b) *Stipends for long-term training.* (1) Long-term training is training with a duration in excess of 90 days.

(2) An individual may receive a stipend if he or she is—

(i) A full-time student in a program of study which was approved in the application; and

(ii) Gainfully employed no more than 20 hours a week or the annual equivalent.

(3) A stipend for an individual enrolled in a course of study leading to a master's degree or baccalaureate degree may not exceed $325 per month.

(4) A stipend for an individual enrolled in course of study leading to a degree beyond the master's level may not exceed $400 per month. However, an individual participating in the Fellowship Program who has been employed in the field of bilingual education for at least two years may receive a stipend of up to $500 per month.

(c) *Stipends for short-term training.* (1) Short-term training is training with a duration of 90 days or less.

(2) An individual may receive a stipend only if he or she is not otherwise compensated for his or her time during that training.

(3) The grantee may award a stipend to an individual participating in short-term training in accordance with its prevailing policies and rates for training not funded under the Act.

(20 U.S.C. 3231(b)(1), 3233(a)(3), 3233(b))

PART 123a—BILINGUAL EDUCATION: BASIC PROJECTS IN BILINGUAL EDUCATION

Subpart A—General

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Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284)

Subpart A—General

§ 123a.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3223, 3231)

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123a.10 What activities are eligible for assistance?

The following activities are authorized for Basic Projects in Bilingual Education:

(a) Establishing, operating, or improving programs of bilingual education.

(b) Providing auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs of bilingual education, including—but not limited to—activities such as—

(1) Adult education programs, particularly for parents of children who are participating in programs of bilingual education, to be carried out, where appropriate, in coordination with programs assisted under the Adult Education Act;

(2) Training for parents of students enrolled in programs of bilingual education to enable them to participate more fully in the education of their children; and

(3) Preschool programs preparatory and supplementary to programs of bilingual education conducted by LEAs under the Act or with State or local funds.

(c) Providing auxiliary and supplementary training activities for persons who are participating in, or preparing to participate in, programs of bilingual education. The following activities are authorized:

(1) Training in the languages used in the program.

(2) Providing opportunities for career development, including opportunities to—

(i) Enroll in degree-granting programs in bilingual education at IHEs; and

(ii) Improve the special skills necessary to conduct programs of bilingual education.

(3) Training designed to help particpants meet State and local certification requirements for teachers.

(d) Planning, providing technical assistance for, and taking other steps leading to the development of, programs of bilingual education.

(20 U.S.C. 3231(a), 3233(a)(7))

§ 123a.11 What is the purpose of a program of bilingual education?

The purpose of a program of bilingual education is to assist children of limited English proficiency to improve their English language skills.

(20 U.S.C. 3223(a)(4)(B))

§ 123a.12 What programs are there for children of limited Spanish proficiency?

(a) In the Commonwealth of Puerto Rico only, a grantee may offer a program of bilingual education to serve the needs of children of limited Spanish proficiency.

(b) This program may be in addition to a program designed to serve the needs of children of limited English proficiency.

(20 U.S.C. 3223, 3231(d))

Supart C—How Does One Apply for a Grant?

§ 123a.20 What requirements pertain to advisory councils and advisory committees?

(a) An applicant shall—

(1) Establish an advisory council to assist in the development of the application;

(2) Solicit nominations for advisory council membership from parents and other representatives of children of limited English proficiency;

(3) At a minimum, publish a solicitation of nominations for membership in a newspaper or other publication likely to bring the solicitation to the attention of potential members;

(4) Provide the council members with adequate resources, including staff with language skills in the native language of the council members; and

(5) Submit with its application documentation of its consultations with the council and the council's comments on the application.

(b) The advisory council must consist of at least seven persons, a majority of whom must be parents and other representatives of children of limited English proficiency;

(c) An applicant shall submit with its application an assurance that, in carrying out its project, it will provide for frequent consultations with, and participation by, the advisory committee described in § 123a.44.

(20 U.S.C. 3223(a)(4)(E))

§ 123a.21 How does the Commissioner provide for the participation of children enrolled in nonprofit private schools?

(a) An applicant shall provide for the participation in its project of children enrolled in nonprofit private schools in the area to be served whose educational needs, language(s), and grade level(s) are of a similar type to those which the project is intended to address.

(b)(1) In meeting the requirement in paragraph (a) of this section, the applicant shall comply with the requirements of EDGAR (45 CFR 100b.651–100b.662).

(2) For the purpose of this section, the terms "subgrantee" and "subgrant" as used in those sections of EDGAR mean "grantee" and "grant", respectively.

(c) If an applicant fails to provide for the participation of children enrolled in nonprofit private schools as required by this section, the Commissioner—

(1) Withholds approval of the application until the applicant demonstrates that it will provide for the participation of those children; or

(2) Reduces the amount of the grant by the amount the Commissioner needs to—

(i) Arrange to assess the needs of children in nonprofit private schools in the area to be served; and

(ii) Carry out a program of bilingual education for those children.

(d)(1) In addition to meeting the requirements in paragraphs (a) and (b) of this section, an applicant may, at its option, provide a program of bilingual education for children enrolled in nonprofit private schools in the area to be served whose language or grade level is not of a similar type to that of the public school participants.

(2) An applicant that proposes to provide services to children enrolled in

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nonprofit private schools under paragraph (d)(1) of this section shall comply with the requirements in 45 CFR 100b.657–100b.662.

(20 U.S.C. 3231(b)(3)(C)(ii), (f))

§ 123a.22 What requirements pertain to training activities?

An applicant shall—

(a) Include in the application a training component that includes one or more of the activities described in § 123a.10(c).

(b) Base these training activities on an assessment of the needs of the persons who will be participating in, or preparing to participate in, the project; and

(c) Include in its budget adequate funds for these training activities.

(20 U.S.C. 3231(a)(3)(B), (b)(3)(B))

§ 123a.23 What requirements pertain to the development of an evaluation plan?

(a) An applicant shall include in its application a plan for evaluating the progress and achievements of the proposed project.

(b) The evaluation plan must include—

(1) Provisions for measuring the accomplishment of the instructional objectives of the project;

(2) Provisions for measuring the students' progress in improving their English language skills; and

(3) A procedure for using the information gained from the evaluation to improve the operation of the project.

(20 U.S.C. 3231(b)(3)(C)(iii))

§ 123a.24 What requirements pertain to the identification of children of limited English proficiency?

(a) Before submitting an application, each applicant shall conduct an assessment of the children in the schools and grades to be served by the project to identify children of limited English proficiency.

(b) The assessment must include a determination of the proficiency in understanding, speaking, reading, and writing the English language of children who meet the requirements of paragraph (1) of the definition of "limited English proficiency" in 45 CFR 123.4.

(c) Assessments of proficiency in speaking English must be administered individually to each child.

(d) The assessment must differentiate between children with language problems related to learning disabilities and children who are of limited English proficiency, as defined in 45 CFR 123.4.

(e) If the applicant has an assessment procedure which has been approved by the Office for Civil Rights, the applicant may use that assessment procedure.

(20 U.S.C. 3223, 3231)

Subpart D—How Is a Grant Made?

§ 123a.30 What selection criteria does the Commissioner use?

In reviewing a Basic Projects application for assistance, the Commissioner considers the following criteria worth a total of 110 possible points:

(a) *Need.* (15 points)

(1) The Commissioner considers the percentage of the children of limited English proficiency to be served by the project who have never been served under the Act.

Percentage:	Points
95 to 100	10
90 to 94	9
85 to 89	8
80 to 84	7
75 to 79	6
70 to 74	5
65 to 69	4
60 to 64	3
55 to 59	2
50 to 54	1
49 and below	0

(2) The Commissioner considers the percentage of the children to be served by the project who are members of low-income families.

Percentage:	Points
85 to 100	5
70 to 84	4
55 to 69	3
40 to 54	2
25 to 39	1
24 and below	0

(b) *Rationale for selection of project sites and participants.* (10 points)

The Commissioner considers—

(1) The adequacy of the applicant's justification for concluding that the schools selected for the project enroll the children most in need of assistance within the district;

(2) The appropriateness of the methods used to select children to be served by the project;

(3) The extent to which the project serves the children most in need of assistance, within the schools selected, as determined by the initial assessment required in § 123a.24; and

(4) The extent to which resources have been concentrated in a limited number of project schools to more effectively serve students.

(c) *Instructional approach.* (15 points)

The Commissioner considers the extent to which—

(1) The program's instructional design addresses the needs of the children identified in the initial assessment described in § 123a.24;

(2) The instructional materials and techniques are designed to enhance the proficiency of children in the English language;

(3) The project provides adequate justification for the degree of usage of the children's native language in the program of instruction;

(4) The project integrates the use of the native language into the program of instruction in a systematic manner; and

(5) The project uses instructional materials and approaches which are of comparable quality and diversity to those used in English language classrooms.

(d) *Performance objectives.* (15 points)

The Commissioner considers the reasonableness of the project's time schedule and the cost effectiveness of its methods for accomplishing the following objectives:

(1) The achievement of goals set for the children served by the project, especially the goal of achieving English language proficiency.

(2) The identification of children who have achieved proficiency in the English language.

(3) The transfer of these children to instructional programs not funded under the Act.

(4) The training of persons who are participating in, or preparing to participate in, programs of bilingual education.

(e) *Evaluation plan.* (15 points)

The Commissioner reviews the evaluation plan and its relation to the scope and objectives of the project. Specifically, the Commissioner considers the extent to which—

(1) The overall evaluation design is consistent with, and appropriate for, the instructional and training objectives of the project;

(2) The design includes attention to—

(i) Assessing attainment of all objectives;

(ii) Data collection instruments and methods;

(iii) Data analysis procedures;

(iv) Time schedules; and

(v) Staff responsibilities;

(3) The evaluation design specifies a comparison procedure to estimate what the performance of participants would have been in the absence of the project;

(4) The methods to be used to identify nonparticipants for comparison or to utilize another comparison standard (e.g., a historical or statistical comparison) have been identified;

(5) Sampling procedures have been identified, if applicable, and steps have been taken to ensure that sample results will be representative of the entire project population;

(6) Data collection and analysis procedures have been identified which will address evaluation questions and which are appropriate for use with the project data; and

(7) The data obtained will contribute to improvements in the operation of the project.

(f) *Quality of personnel. (20 points)*

The Commissioner considers—

(1) The quality of key personnel as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project. (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons; and

(2) The quality of the applicant's plan to recruit and employ qualified bilingual personnel for the project.

(g) *Commitment and capacity.* (20 points)

The Commissioner considers—

(1) Evidence of the applicant's past commitment to bilingual education; and

(2) The likelihood that the applicant will continue or increase that commitment as indicated by—

(i) Its plan for continuing teacher training when Federal funds are reduced or no longer available;

(ii) Its plan for expansion of the project;

(iii) Its plan to provide follow-up services from State and local resources to children who have achieved proficiency in English;

(iv) Specific plans for its gradual assumption of the costs of the program during the project period; and

(v) Plans for providing non-Federal resources to meet bilingual education needs in future years.

(h) *Prior grantees.* (1) The Commissioner awards points under the criteria in paragraphs (f) and (g) of this section to an applicant which, within the three fiscal years prior to the fiscal year for which it is applying, has received a grant under the Act to carry out a program of bilingual education in the school(s), grade level(s), and language(s) to be served by the proposed project, only if it provides a special justification in its application.

(2) The special justification must include—

(i) Evidence of a continuing need for Federal assistance to carry out a program of bilingual education; and

(ii) Evidence that the applicant has significantly increased the number of qualified bilingual personnel in the project schools or improved the capability of existing staff.

(20 U.S.C. 3231 (b)(1), (b)(3), (c))

§ 123a.31 What factors does the Commissioner consider in awarding grants?

(a) The Commissioner establishes a cut-off score which an application must meet, based on the criteria in § 123a.30, in order to be considered for a grant. The cut-off score is announced annually in the application notice published in the **Federal Register.**

(b) The Commissioner considers the following in awarding grants:

(1) The rank order of the application as determined by applying the criteria in § 123a.30.

(2) The need to assist children of limited English proficiency who have been historically underserved by programs of bilingual education.

(3) The need to provide assistance in proportion to the distribution of children of limited English proficiency throughout the Nation, and within each of the States.

(4) The LEA's need for financial assistance to establish, operate, or improve programs of bilingual education.

(20 U.S.C. 3231 (b)(1), (b)(3), (b)(4), (c))

Subpart E—What Conditions Apply to a Grantee?

§ 123a.40 What restrictions are there on the participation of children whose language is English?

(a) A grantee may allow the participation of children whose language is English in order to—

(1) Prevent the segregation of children on the basis of national origin in the program of bilingual education; and

(2) Broaden the understanding of children about languages and cultural heritages other than their own.

(b) The participation of children whose language is English must be for the principal purpose of assisting children of limited English proficiency to improve their English language skills.

(c) Children whose language is English may not exceed 40 percent of those participating in the program.

(d) Children previously served as children of limited English proficiency in programs funded under the Act may not be counted as children whose language is English.

(20 U.S.C. 3223(a)(4)(B))

§ 123a.41 What restrictions are there on the participation of children of limited English proficiency in courses such as art, music, and physical education?

In courses such as art, music, and physical education, the grantee shall provide for the participation of children of limited English proficiency in classes that are not part of a program of bilingual education funded under the Act.

(20 U.S.C. 3223(a)(4)(C))

§ 123a.42 Where is a program of bilingual education offered?

(a) The grantee shall serve children in the schools that they normally attend.

(b) The grantee may provide for centralization of teacher training and curriculum development activities.

(20 U.S.C. 3223(a)(4)(B))

§ 123a.43 How shall children be grouped?

(a) If graded classes are used, a grantee shall, to the extent practicable, place each child enrolled in a program of bilingual education in a class or classes with children of approximately the same age and level of educational achievement.

(b) If the grantee places in the same class in a program of bilingual education children of significantly varying ages or levels of educational achievement, the grantee shall make every reasonable effort to ensure that each child is provided with instruction that is appropriate to his or her level of educational achievement.

(20 U.S.C. 3223(a)(4)(D))

§ 123a.44 What requirements pertain to the establishment of an advisory committee?

(a) The grantee shall establish an advisory committee within 60 days after it receives an award.

(b) The grantee shall consult frequently with the committee in carrying out its project.

(c) Parents of children participating in the project shall select the members of the committee.

(d) Parents of children of limited English proficiency who are participating in the project must be a majority of the committee.

(e) In the case of projects carried out in secondary schools, the committee must include secondary students participating in the project who are selected by secondary students participating in the project.

(f) The committee may also include—

(1) Parents of other children participating in programs of bilingual education;

(2) Teachers; and

(3) Other interested individuals.

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(g) A member of the advisory council described in § 123a.20 also may serve as a member of the advisory committee.

(20 U.S.C. 3223(a)(4)(E))

§ 123a.45 What requirements pertain to the children to be served by the project?

The grantee shall—

(a) Serve those children most in need of the assistance provided by the project;

(b) Set measurable goals for determining when children enrolled in a program of bilingual education no longer need assistance in developing proficiency in English;

(c) Conduct an evaluation, that meets the requirements in § 123a.24, of each child who has been enrolled in a program of bilingual education for two years to determine if the child should remain in the program;

(d) Transfer to programs not funded under the Act, children who meet the goals stated in paragraph (b) of this section, as determined by the evaluation described in paragraph (c) of this section. This transfer shall occur—

(1) At a time established by the grantee; but

(2) No later than the beginning of the school year following the evaluation; and

(e) Provide, from State and local sources, for necessary follow-up services to sustain the achievement of children after they have left the program.

(20 U.S.C. 3231(b)(1)(B), (b)(3)(F))

§ 123a.46 What other requirements apply?

(a) A grantee shall comply with the "supplement not supplant" requirement in Section 721(b)(3)(G) of the Act.

(b) A grantee shall use qualified bilingual personnel in the project, to the extent possible.

(c) A grantee shall inform parents of children participating in the program of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3223(a)(4)(F), 3231(b)(3))

§ 123a.47 How does the Commissioner terminate a grant when the grantee no longer needs assistance?

(a) Upon a determination that an LEA does not have a long-term need for continued assistance under the Act for a school or group of schools, the Commissioner may issue an order to that LEA to submit a revised application containing a schedule under which the school or group of schools will cease to receive assistance five years after the issuance of the order.

(b) The Commissioner issues this order in accordance with the conditions, criteria, and procedures contained in Section 721(b)(2) of the Act.

(20 U.S.C. 3231(b)(2))

3. PART 123B—BILINGUAL EDUCATION: DEMONSTRATION PROJECTS

Subpart A—General

Sec.

123b.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Does the Office of Education Assist

123b.10 What activities are eligible for assistance?
123b.11 What priorities may the Commissioner establish?

Subpart C—How Does One Apply for a Grant

123b.20 What are the requirements when applying for a Demonstration project?

Subpart D—How Is a Grant Made

123b.30 How does the Commissioner review applications for assistance?
123b.31 What selection criteria are specific to demonstration projects?

Subpart E—What Conditions Apply to a Grantee

123b.40 What requirements apply to all grantees?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 123b.1 What general provisions apply to this program?

The general provisions in Part 123 apply to this program.

(20 U.S.C. 3223, 3231)

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123b.10 What activities are eligible for assistance?

(a) The activities authorized for Basic Projects in Bilingual Education described in 45 CFR 123a.10 are also authorized for Demonstration Projects.

(b) A Demonstration project must be designed to carry out a national demonstration of an exemplary Basic project.

(c) A project may address the needs of all children of limited English proficiency in the area to be served, or it may focus on the needs of a special target population.

(20 U.S.C. 3231(a), 3233(a)(7))

§ 123b.11 What priorities may the Commissioner establish?

(a) Each year the Commissioner may select priorities from among the target groups and the components of a program of bilingual education described in paragraphs (e) and (f) of this section, respectively.

(b) The Commissioner announces the priorities selected and the approximate amount of funds reserved for the priorities in the application notice published in the Federal Register.

(c) Applications submitted under priority areas described in paragraph (e) of this section compete against other applications submitted under priority areas described in that paragraph for funds allocated to those priority areas.

(d) Applications submitted under priority areas described in paragraph (f) of this section compete against other applications under priority areas described in that paragraph for funds allocated to those priority areas.

(e) The Commissioner may select projects that propose to serve the following target groups of children:

(1) Exceptional children.

(2) Juvenile delinquents.

(3) Potential dropouts.

(4) Preschool children (A program proposing service to preschool children must be preparatory and supplementary to a program of bilingual education).

(5) Children of migratory workers.

(6) Recent immigrants.

(7) High school students preparing to enter the job market.

(f) The Commissioner may select projects that demonstrate exemplary approaches to the following components of a program of bilingual education:

(1) Community or parental involvement.

(2) Curriculum development.

(3) Instructional technology.

(4) Project management.

(5) Participation of children whose language is English.

(20 U.S.C. 3231)

Subpart C—How Does One Apply for a Grant?

§ 123b.20 What are the requirements when applying for a demonstration project?

The requirements when applying under the Basic Project in Bilingual Education Program (45 CFR 123a. 20–123a.24) also apply under the Demonstration Projects Program.

(20 U.S.C. 3223, 3231)

Subpart D—How Is a Grant Made?

§ 123b.30 How does the Commissioner review applications for assistance?

(a) The Commissioner uses the selection criteria for Basic Projects in Bilingual Education (45 CFR 123a.30) to evaluate applications.

(b) The Commissioner reduces by 50 percent the total points assigned under paragraph (a) of this section.

(c) The Commissioner also applies the selection criteria in § 123b.31 worth a total of 45 possible points.

(d) The total possible score for the criteria in paragraphs (a) and (b) of this section is 100 points.

(e) In making awards, the Commissioner considers—

(1) The rank order of the applications as determined by applying the selection criteria; and

(2) The need for geographic distribution of projects throughout the Nation.

(20 U.S.C. 3231(b)(1), (b)(3), (b)(4), (c))

§ 123b.31 What selection criteria are specific to demonstration projects?

(a) The Commissioner considers the extent to which the project's activities are designed to effectively—

(1) Demonstrate an exemplary approach not normally found in programs of bilingual education; (15 points)

(2) Make use of current research findings and exemplary instructional practices in bilingual education; (15 points) and

(3) Produce a plan which describes all the conditions and resources necessary for replication. (15 points)

(b) In assigning points to an application submitted under a priority area described in § 123b.11(f), the Commissioner gives special consideration to the applicant's approach to that priority area.

(20 U.S.C. 3231)

Subpart E—What Conditions Apply to a Grantee?

§ 123b.40 What requirements apply to all grantees?

The requirements that apply under Basic Projects in Bilingual Education (45 CFR 123a.40–123a.47) also apply under Demonstration Projects.

(20 U.S.C. 3223, 3231)

4. PART 123c.—BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROJECTS FOR COORDINATING TECHNICAL ASSISTANCE

Subpart A—General

Sec.

123c.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Does the Office of Education Assist?

123c.10 What activities are eligible for assistance?

Subpart C—How Does a State Educational Agency Apply for a Grant?

123c.20 What are the requirements when applying for a grant?

Subpart D—How Is a Grant Made?

123c.30 How are funds distributed to SEAs?
123c.31 What selection criteria does the Commissioner use?

Subpart E—What Conditions Apply to a Grantee?

123c.40 What requirements apply to all grantees?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 123c.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3231(b)(5))

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123c.10 What activities are eligible for assistance?

An SEA is authorized to carry out the following activities:

(a) Assisting in the exchange of information among programs of bilingual education funded under the Act and with State, local, and Federal programs that share similar purposes, goals, and approaches.

(b) Coordinating assistance to LEAs in developing budget and funding strategies for continuing programs of bilingual education when Federal funds are reduced or no longer available.

(c) Coordinating assistance to improve the assessment and use of curriculum materials developed under the Act.

(d) Disseminating information which will help personnel in programs of bilingual education funded under the Act to meet State certification requirements for teachers of bilingual education and for support personnel who work with the programs.

(e) Coordinating the evaluation of the effectiveness of these programs.

(f) Coordinating assistance to improve the quality of instruction and management in these programs.

(g) Coordinating the selection and use of instruments in these programs to measure the language proficiency of—

(1) Children of limited English proficiency;

(2) Personnel employed in the programs; and

(3) Trainers in IHE bilingual education training programs.

(h) Coordinating assistance to improve the quality and reduce the costs of bilingual education data-gathering activities.

(i) Coordinating the development of formal assessment procedures to determine the need for training LEA personnel who are participating in, or preparing to participate in, programs of bilingual education funded under the Act and communicating the identified training needs to the BESCs and EDACs serving the State.

(j) Performing other activities approved in advance by the Commissioner as designed to further the coordination of technical assistance to programs of bilingual education funded under the Act.

(20 U.S.C. 3231(b)(5))

Subpart C—How Does a State Educational Agency Apply for a Grant?

§ 123c.20 What are the requirements when applying for a grant?

An SEA must provide an assurance that it will comply with the "supplement not supplant" requirement in Section 721(b)(5)(A) of the Act.

(20 U.S.C. 3231(b)(5)(A))

Subpart D—How Is a Grant Made?

§ 123c.30 How are funds distributed to SEAs?

(a) The Commissioner awards a grant to each SEA that applies if the SEA—

(1) Meets the applicable requirements in the Act and these regulations; and

(2) Submits an application that achieves a score of at least 50 points under the selection criteria.

(b) The Commissioner approves only those proposed components of an application that are of sufficient quality, based on the selection criteria, to result in the proper and efficient conduct of the program.

(c) The Commissioner permits an SEA to modify and resubmit an application or component of an application that has been disapproved under paragraphs (a)(2) or (b) of this section.

(d) The Commissioner determines the amount of an award to an SEA according to the provisions of EDGAR (45 CFR 100a.232 and 100a.233), subject to the limitation of Section 721(b)(5)(B) of the Act.

(20 U.S.C. 3231(b)(5))

§ 123c.31 What selection criteria does the Commissioner use?

In reviewing an SEA application for assistance, the Commissioner uses the following criteria worth a total of 100 possible points:

(a) *Impact.* (25 points)

The Commissioner considers the extent to which the project will improve

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the quality of programs of bilingual education in the State that are funded under the Act.

(b) *Capacity building.* (25 points)

The Commissioner considers the extent to which the project activities will increase the capacity of other agencies and organizations to provide technical assistance to programs of bilingual education in the State that are funded under the Act.

(c) *Evaluation plan.* (15 points)

The Commissioner reviews each application for information that shows the quality of the evaluation plan. Specifically, the Commissioner looks for information showing that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(d) *Plan of operation.* (10 points)

The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—

(1) An effective plan of management that ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program; and

(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective.

(e) *Budget.* (5 points)

The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective. Specifically, the Commissioner considers—

(1) The adequacy of the budget to support project activities; and

(2) The reasonableness of costs in relation to project objectives.

(f) *Personnel.* (20 points)

The Commissioner considers—

(1) The quality of key personnel, as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons; and

(2) The quality of the applicant's plan to recruit and employ bilingual personnel for the project.

(20 U.S.C. 3231(b)(3), (b)(5))

Subpart E—What Conditions Apply to a Grantee?

§ 123c.40 What requirements apply to all grantees?

(a) A grantee shall use funds made available under this part to supplement, and to the extent practical, increase the level of funds that, in the absence of the grant, would be made available by the State for coordination of technical assistance to programs of bilingual education in the State, and in no case to supplant those funds.

(b) A grantee shall employ bilingual personnel for the project, to the extent possible.

(20 U.S.C. 3231(b)(3)(H), (b)(5)(A))

5. PART 123d—BILINGUAL EDUCATION: SUPPORT SERVICES PROJECTS

Subpart A—General

Sec.

123d.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Does the Office of Education Assist?

123d.10 How are services provided?

123d.11 What activities are eligible for assistance under a BESC project?

123d.12 What are the service areas for BESCs?

123d.13 What activities are eligible for assistance under an EDAC project?

123d.14 What are the service areas for EDACs?

Subpart C [Reserved]

Subpart D—How Is a Grant Made?

123d.30 What selection criteria does the Commissioner use?

Subpart E—What Conditions Apply to a Grantee?

123d.40 What requirements apply to all grantees?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 123d.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3231, 3233)

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123d.10 How are services provided?

(a) There are two types of centers authorized for support under this part: Bilingual Education Service Centers (BESCs) and Evaluation, Dissemination, and Assessment Centers (EDACs).

(b) BESCs and EDACs provide services within service areas designated by the Commissioner, as provided in § 123d.12 (for BESCs) and § 123d.14 (for EDACs).

(c) The centers may provide services to programs of bilingual education and bilingual education training programs whether or not these program are funded under the Act.

(20 U.S.C. 3231(a), 3233)

§ 123d.11 What activities are eligible for assistance under a BESC project?

A BESC is authorized to carry out the following activities:

(a) Providing training in the areas listed below to assist persons who are participating in, or preparing to participate in, programs of bilingual education or bilingual education training programs:

(1) Understanding the purpose and nature of bilingual education.

(2) Planning, implementing, and evaluating instructional programs and training activities.

(3) Selecting and using instructional and evaluative designs.

(4) Selecting and using assessment instruments to measure the English proficiency of—

(i) Children of limited English proficiency;

(ii) Personnel employed in bilingual education training programs; and

(iii) Trainers in bilingual education programs at IHEs.

(b) Providing training to assist parents of students who are participating in, or preparing to participate in, a program of bilingual education in—

(1) Understanding its goals and purposes;

(2) Participating in its development and implementation;

(3) Participating in its advisory council and advisory committee; and

(4) Obtaining and understanding information regarding the academic progress of their children.

(c) Providing technical assistance to grantees and potential applicants under the Act in the following activities:

(1) Selecting and using instruments for measuring the academic achievement of children of limited English proficiency.

(2) Identifying and using appropriate instructional and supplementary materials.

(3) Identifying and using community resources.

(4) Developing applications for programs under the Act in coordination with the Commissioner and the appropriate SEAs.

(d) Carrying out any other activity approved in advance by the Commissioner as designed to strengthen programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3231(a), 3233)

§ 123d.12 What are the service areas for BESCs?

(a) The Commissioner designates geographic areas to be served by BESCs based on the need for the services and for geographical distribution throughout the Nation. The Commissioner also may designate one or more language groups to be served in a geographic area.

(b) The Commissioner may require a BESC to provide assistance outside its designated service area when that BESC is the best equipped to provide the services needed.

(c) The Commissioner announces the service areas in the application notice published in the Federal Register.

(d) The Commissioner funds only one project in each of the designated service areas.

(e) An application competes only against other applications proposing to serve the same service area.

(20 U.S.C. 3231(a), 3233)

§ 123d.13 What activities are eligible for assistance under an EDAC project?

An EDAC is authorized to carry out the following activities:

(a) Evaluating the effectiveness and appropriateness of materials for use in programs of bilingual education or in bilingual education training programs.

(b) Publishing and disseminating—

(1) Appropriate evaluation methods and materials;

(2) Information on other available resources for evaluating programs of bilingual education; and

(3) Materials developed under the Act.

(c) In cooperation with the SEAs and LEAs within the service area, assessing—

(1) The number of children in need of bilingual education;

(2) The number of and need for bilingual education teachers and other personnel; and

(3) The need for curriculum materials and student assessment instruments.

(d) Developing instruments and procedures for use in needs assessment surveys.

(e) Training SEA personnel and other persons working with programs of bilingual education in the selection of appropriate evaluation and assessment methods and materials.

(f) Carrying out any other activity approved in advance by the Commissioner as designed to strengthen programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3231(a)(4))

§ 123d.14 What are the service areas for EDACs?

(a) The Commissioner designates geographic areas to be served by EDACs based on the need for services and for geographic distribution throughout the Nation. The Commissioner also may designate one or more language groups to be served in a geographic area.

(b) The Commissioner may require an EDAC to provide assistance outside its designated service area when that EDAC is the best equipped to provide the services needed.

(c) The Commissioner announces the service areas in the application notice.

(d) The Commissioner funds only one project in each of the designated service areas.

(e) An application competes only against other applications proposing to serve the same service area.

(20 U.S.C. 3231(a)(4))

Subpart C [Reserved]

Subpart D—How Is a Grant Made?

§ 123d.30 What selection criteria does the Commissioner use?

In reviewing a Support Services Projects application for assistance, the Commissioner considers the following criteria worth a total of 100 possible points:

(a) *Needs assessment.* (15 points)

The Commissioner considers the extent to which the applicant has assessed, by reliable and objective means, the needs in the proposed service area.

(b) *Project design.* (15 points)

The Commissioner considers the adequacy of the applicant's plans for conducting each of the activities authorized in § 123d.11 (for BESCs) or in § 123d.13 (for EDACs).

(c) *Coordination.* (15 points)

The Commissioner considers the extent to which the applicant has planned for coordination with the National Clearinghouse on Bilingual Education, other service centers (BESCs or EDACs), and SEAs serving programs of bilingual education within the designated service area.

(d) *Evaluation plan.* (10 points)

The Commissioner reviews each application for information that shows the quality of the evaluation plan. Specifically, the Commissioner looks for information showing that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Plan of operation.* (10 points)

The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—

(1) An effective plan of management that ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program; and

(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective.

(f) *Budget.* (5 points)

The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective. Specifically, the Commissioner considers—

(1) The Adequacy of the budget to support project activities; and

(2) The reasonableness of costs in relation to project objectives.

(g) *Personnel.* (30 points)

The Commissioner considers—

(1) The quality of key personnel, as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons;

(2) The quality of the applicant's plan to recruit and employ bilingual personnel for the project; and

(3) The extent to which the personnel who will provide training under the grant are knowledgeable of the history and culture(s) of the principal geographic areas where the native language(s) of the children of limited English proficiency served by programs

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of bilingual education in the service area is spoken.

(20 U.S.C. 3231(a), (b)(3), 3233)

Subpart E—What Conditions Apply to a Grantee?

§ 123d.40 What requirements apply to all grantees?

A grantee shall employ bilingual personnel for the project, to the extent possible.

(20 U.S.C. 3231(b)(3)(H))

6. PART 123e—BILINGUAL EDUCATION: TRAINING PROJECTS

Subpart A—General

Sec.

123e.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Does the Office of Education Assist?

123e.10 What activities are eligible for assistance?

Subpart C—How Does One Apply for a Grant?

123e.20 What combination of activities may be included in one application?

Subpart D—How Is a Grant Made?

123e.30 What are the funding procedures?
123e.31 What selection criteria does the Commissioner use for applications proposing to provide training programs at institutions of higher education?
123e.32 What selection criteria does the Commissioner use for applications proposing to provide short-term or year-round training institutes?
123e.33 What selection criteria does the Commissioner use for applications proposing to provide training projects for SEA personnel?

Subpart E—What Conditions Apply to a Grantee?

123e.40 What requirements apply to all grantees?
123e.41 What requirements apply to grantees carrying out degree-granting training activities at institutions of higher education?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284)

Subpart A—General

§ 123e.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3233)

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123e.10 What activities are eligible for assistance?

The following activities are authorized for Training Projects.

(a) Providing training that leads to an undergraduate degree or teaching credential with a specialization in bilingual education.

(b) Encouraging reform, innovation, and improvement in bilingual education training programs at IHEs by—

(1) Developing curricula for bilingual education training programs at IHEs;

(2) Providing training to improve language, research, instructional, or administrative skills of faculty members at IHEs who are directly involved in training personnel for programs of bilingual education; and

(3) Recruiting or retaining qualified bilingual faculty at IHEs to perform the activities authorized in paragraphs (b)(1) and (2) of this section.

(c) Providing specialized graduate bilingual education degree curricula in areas such as administration and supervision, guidance and counseling, evaluation, and curriculum development.

(d) Providing short-term or year-round training institutes designed to improve the skills of parents and other participants in the institutes in carrying out their responsibilities in programs of bilingual education.

(e) Providing non-degree training programs to increase the skills of SEA personnel in carrying out their responsibilities with regard to programs of bilingual education.

(20 U.S.C. 3233 (a)(1), (a)(7))

Subpart C—How Does One Apply for a Grant?

§ 123e.20 What combination of activities may be included in one application?

(a) An applicant may submit an application which proposes—

(1) Any one or combination of the activities described in § 123e.10 (a), (b), and (c), but not the activities described in (b) alone;

(2) The activities described in § 123e.10(d) that are designed exclusively for parents;

(3) The activities described in § 123e.10(d) that are designed for any participants, including parents; or

(4) The activities described in § 123e.10(e).

Subpart D—How Is a Grant Made?

§ 123e.30 What are the funding procedures?

(a) The Commissioner reviews separately—

(1) Applications proposing any of the activities described in § 123e.10 (a), (b), and (c);

(2) Applications proposing the activities described in § 123e.10(d) that are designed exclusively for parents;

(3) Applications proposing activities described in § 123e.10(d) that are designed for any participants, including parents; and

(4) Applications proposing the activity described in § 123e.10(e).

(b) The Commissioner announces the approximate amount of funds available for each competition in the application notice published in the **Federal Register**.

(20 U.S.C. 3233(a)(1))

§ 123e.31 What selection criteria does the Commissioner use for applications proposing to provide training programs at institutions of higher education?

The Commissioner considers the following criteria worth a total of 110 possible points:

(a) *Impact.* (20 points)

The Commissioner considers the extent to which the project will increase the number or qualifications of professional educational personnel who are participating in, or preparing to participate in, programs of bilingual education.

(b) *Instructional program design.* (20 points)

The Commissioner considers the extent to which—

(1) The project will incorporate the use of both English and the language(s) studied in the program as mediums of instruction; and

(2) The project includes field experience for participants.

(c) *Commitment and capacity.* (20 points)

The Commissioner considers—

(1) The commitment of the IHE to the operation of the project as evidenced by the IHE's plans for reducing Federal contributions during the grant period without reducing the scope of the project; and

(2) The extent to which the project will build the capacity of the IHE to support bilingual education training programs when Federal funds are reduced or no longer available.

(d) *Evaluation plan.* (5 points)

The Commissioner reviews each application for information that shows the quality of the evaluation plan. Specifically, the Commissioner looks for information showing that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Plan of operation.* (10 points)

The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—

(1) An effective plan of management that ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program;

(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective; and

(4) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women; and

(iii) Handicapped persons.

(f) *Budget.* (5 points)

The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective. Specifically, the Commissioner considers—

(1) The adequacy of the budget to support project activities; and

(2) The reasonableness of costs in relation to project objectives.

(g) *Personnel.* (30 points)

The Commissioner considers—

(1) The quality of key personnel, as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons;

(2) The quality of the applicant's plan to recruit and employ bilingual personnel for the project; and

(3) The extent to which the applicant will recruit and employ training personnel who are knowledgeable of the history and culture(s) of the principal geographic areas where the language(s) studied in the IHE's training program is spoken.

(20 U.S.C. 3233(a)(1))

§ 123e.32 What selection criteria does the Commissioner use for applications proposing to provide short-term or year-round training institutes?

The Commissioner considers the following criteria worth a total of 100 possible points:

(a) *Need.* (15 points)

The Commissioner considers the extent to which the project addresses a specific need for training not addressed by existing projects.

(b) *Impact.* (45 points)

The Commissioner considers the extent to which—

(1) The project affords promise of developing innovative approaches to training which will benefit programs of bilingual education;

(2) The project will increase the participants' knowledge and understanding of the objectives of bilingual education and ways of meeting the needs of children of limited English proficiency; and

(3) The project will improve the skills of the participants in carrying out their responsibilities in programs of bilingual education.

(c) *Evaluation plan.* (5 points)

The Commissioner reviews each application for information that shows the quality of the evaluation plan. Specifically, the Commissioner looks for information showing that the methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(d) *Plan of operation.* (10 points)

The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—

(1) An effective plan of management that ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program;

(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective; and

(4) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women; and

(iii) Handicapped persons.

(e) *Budget.* (5 points)

The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective. Specifically, the Commissioner considers—

(1) The adequacy of the budget to support project activities; and

(2) The reasonableness of costs in relation to project objectives.

(f) *Personnel.* (20 points)

The Commissioner considers—

(1) The quality of key personnel, as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons; and

(2) The quality of the applicant's plan to recruit and employ bilingual personnel for the project.

(20 U.S.C. 3233(a)(1))

§ 123e.33 What selection criteria does the Commissioner use for applications proposing to provide training projects for SEA personnel?

The Commissioner considers the following criteria worth a total of 100 possible points:

(a) *Impact.* (20 points)

The Commissioner considers the extent to which the activities are designed to improve the skills of SEA staff who are involved with or will be involved with bilingual education and have not received training in that field.

(b) *Training objectives and design.* (30 points)

The Commissioner considers—

(1) The extent to which the training objectives are—

(i) Clear and specific;

(ii) Measurable;

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(iii) Related to the duties and responsibilities of the participants; and
(iv) Based on an assessment of training needs in the SEA; and
(2) The extent to which the training will provide field based experience.
(c) *Commitment.* (15 points)
The Commissioner considers the level of the SEA's commitment to the project as evidenced by its plans for continued training of its personnel when Federal funding is reduced or no longer available.
(d) *Evaluation plan.* (10 points)
The Commissioner reviews each application for information that shows the quality of the evaluation plan. Specifically, the Commissioner looks for information showing that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
(e) *Plan of operation.* (10 points)
The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—
(1) An effective plan of management that ensures proper and efficient administration of the project;
(2) A clear description of how the objectives of the project relate to the purpose of the program;
(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective; and
(4) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
(i) Members of racial or ethnic minority groups;
(ii) Women; and
(iii) Handicapped persons.
(h) *Personnel.* (15 points)
The Commissioner considers—
(1) The quality of key personnel as evidenced by—
(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);
(ii) The time that each person plans to commit to the project; and
(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(A) Members of racial or ethnic minority groups;
(B) Women; and
(C) Handicapped persons.
(2) The quality of the applicant's plan to recruit and employ bilingual personnel for the project; and
(3) The extent to which the applicant will recruit and employ training personnel who are knowledgeable of the history and culture(s) of the principal geographic areas where the native language(s) of the children of limited English proficiency served in programs of bilingual education in the State is spoken.

(20 U.S.C. 3233(a)(1))

Subpart E—What Conditions Apply to a Grantee?

§ 123e.40 What requirements apply to all grantees?

(a) A grantee shall employ bilingual personnel for the project, to the extent possible.
(b) A grantee shall give priority to training persons who—
(1) Are bilingual; and
(2) Demonstrate a high degree of interest in bilingual education.

(20 U.S.C. 3231, 3233(a)(1))

§ 123e.41 What requirements apply to grantees carrying out degree-granting training activities at institutions of higher education?

A grantee that is carrying out an activity authorized under § 123e.10 (a) or (c) shall require that all participants in its training program(s) demonstrate proficiency in English and in the language(s) to be studied as a condition of successful completion of the program(s).

(20 U.S.C. 3233(a)(1))

7. PART 123f—BILINGUAL EDUCATION: SCHOOL OF EDUCATION PROJECTS

Subpart A—General

Sec.
123f.1 What general provisions apply to this program?
123f.2 What is a school of education?

Subpart B—What Kinds of Activities Does the Office of Education Assist?

123f.10 What activities are eligible for assistance?
123f.11 What priorities may the Commissioner establish?

Subpart C—[Reserved]

Subpart D—How Is a Grant Made?

123f.30 What selection criteria does the Commissioner use?
123f.31 What is the anticipated funding pattern?

Subpart E—What Conditions Apply to a Grantee?

123f.40 How are the activities to be carried out?
123f.41 What requirements apply to all grantees?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284)

Subpart A—General

§ 123f.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3233)

§ 123f.2 What is a school of education?

As used in this part, a "school of education" includes a school, department, or college of education, or a bilingual education training program, at any IHE.

(20 U.S.C. 3233(a)(1))

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123f.10 What activities are eligible for assistance?

An IHE may carry out the following activities:
(a) Planning and developing a program leading to a professional credential with a specialization in bilingual education.
(b) Planning and developing specialized programs in bilingual education in areas such as special education, reading, research and evaluation, counseling, early childhood education, and curriculum and instruction.
(c) Developing the capacity of the IHE to undertake the training activities described in 45 CFR 123e.10 (a) or (c).

(20 U.S.C. 3233(a)(1))

§ 123f.11 What priorities may the Commissioner establish?

(a) Each year, the Commissioner may establish priorities among the activities described in § 123f.10.
(b) The Commissioner announces the priorities selected and the approximate amount of funds reserved for the priorities in the application notice.
(c) Applications submitted under selected priority areas compete against other applications submitted under those priority areas for funds allocated to those priority areas.

(20 U.S.C. 3233(a)(1))

Subpart C—[Reserved]

Subpart D—How Is a Grant Made?

§ 123f.30 What selection criteria does the Commissioner use?

In reviewing a School of Education application for assistance, the Commissioner uses the following criteria worth a maximum of 100 possible points:
(a) *Need.* (25 points)
The Commissioner considers the magnitude of need in the applicant's geographic area for establishing or expanding bilingual education training programs at IHE's in the language(s) proposed by the applicant.
(b) *Impact.* (25 points)
The Commissioner considers the extent to which the project's activities will—
(1) Improve the instructional program in bilingual education training at the IHE;
(2) Increase the IHE's capacity to train persons who are participating in, or preparing to participate in, programs of bilingual education; and
(3) Integrate the bilingual education training program with related programs of study offered by the IHE.
(c) *Commitment and capacity.* (15 points)
The Commissioner considers—
(1) The applicant's level of commitment, as evidenced by the amount of time that the head of the school of education will devote to the project; and
(2) The applicant's plans to provide resources to ensure the success of the project.
(d) *Plan of operation.* (10 points)
The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—
(1) An effective plan of management that ensures proper and efficient administration of the project;
(2) A clear description of how the objectives of the project relate to the purpose of the program; and
(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective.
(e) *Personnel.* (25 points)
The Commissioner considers—
(1) The extent to which the applicant has recruited or plans to recruit for the project a faculty member(s) who has demonstrated experience in and commitment to bilingual education; (10 points)
(2) The quality of the applicant's plan to recruit and employ for the project a faculty member(s) who is bilingual; (5 points) and
(3) The extent to which the applicant will recruit and employ for the project a faculty member(s) who is knowledgeable in the history and culture(s) of the principal geographic areas where the language(s) proposed in the application is spoken; (5 points) and
(4) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—
(i) Members of racial or ethnic minority groups;
(ii) Women; and
(iii) Handicapped persons. (5 points)

(20 U.S.C. 3233(a))

§ 123f.31 What is the anticipated funding pattern?

The Commissioner reimburses the IHE for the salary of the faculty member(s) employed for this project according to the following schedule:
(a) First year—up to 100 percent of the total cost.
(b) Second year—up to ⅔ of the total cost.
(c) Third year—up to ⅓ of the total cost.

(20 U.S.C. 3233(a)(1))

Subpart E—What Conditions Apply to a Grantee?

§ 123f.40 How are the activities to be carried out?

(a) A grantee shall appoint one or more full-time faculty members to the project to design the program and provide leadership for its implementation.
(b) The faculty member(s) must report directly to the head of the school of education.
(c) In hiring the faculty member(s), the grantee shall—
(1) To the extent possible employ a faculty member(s) for the project who is bilingual and has experience in, and commitment to, bilingual education; and
(2) Give consideration to qualified applicants who have completed their doctoral training in the Fellowship Program.
(d) The grantee may not provide teaching responsibilities to the faculty members during the first year of the project.
(e) In the second and third year of the project, the grantee may assign teaching responsibilities to the faculty member(s) in proportion to the grantee's contribution to that person's salary.

(20 U.S.C. 3231(b)(3)(H), 3233(a)(1))

§ 123f.41 What requirements apply to all grantees?

(a) If the IHE awards tenure, it shall provide equal opportunity for tenure to the faculty member(s) hired for the project.
(b) Funds used to hire a faculty member(s) for the project must be in addition to funds that otherwise would have been spent for bilingual education training programs at the IHE.
(c) The grantee shall provide from its own resources adequate office space and supplies for the conduct of the project.
(d) The grantee shall coordinate the project's activities with existing bilingual education training and teacher preparation programs at the IHE.

(20 U.S.C. 3233(a)(1))

8. PART 123g—BILINGUAL EDUCATION: DESEGREGATION SUPPORT PROGRAM [RESERVED]

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284)

9. PART 123h—BILINGUAL EDUCATION: FELLOWSHIP PROGRAM

Subpart A—General

Sec.
123h.1 What general provisions apply to this program?

Subpart B—How Does an IHE Obtain Approval of Its Application for Participation?

123h.10 How does an IHE apply for participation in the Fellowship Program?
123h.11 How does the Commissioner review applications for participation?
123h.12 How does the Commissioner approve IHEs?

Subpart C—How Does an Individual Apply for a Fellowship?

123h.20 Where does an individual apply?

Subpart D—How Are Fellows Selected?

123h.30 How does the Commissioner select new fellows?

Subpart E—What Conditions Apply to a Fellowship Recipient?

123h.40 What is the period of a fellowship?
123h.41 What is the service requirement for a fellowship?
123h.42 What are the requirements for repayment of the fellowship?
123h.43 What is the repayment schedule?
123h.44 What interest is charged
123h.45 Under what circumstances is repayment deferred?
123h.46 What is the length of the deferment of repayment?
123h.47 Under what circumstances is repayment waived?
123h.48 How shall the recipient begin to account for his or her obligation?

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Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3221-3261; 92 Stat. 2268-2284).

Subpart A—General

§ 123h.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to this program.

(20 U.S.C. 3233)

Subpart B—How Does an IHE Obtain Approval of Its Application for Participation?

§ 123h.10 How does an IHE apply for participation in the Fellowship Program?

An IHE submits an application for participation which—

(a) Provides evidence of the IHE's eligibility; and

(b) Addresses the criteria in § 123h.11.

(20 U.S.C. 3233(a)(2))

§ 123h.11 How does the Commissioner review applications for participation?

In reviewing an application for participation, the Commissioner considers the quality of the IHE's graduate program of study in the field of bilingual education training, with emphasis on the following factors:

(a) The extent to which the program has been adopted as a permanent graduate program of study offered by the IHE, as evidenced by—

(1) The organizational placement of the program; and

(2) The staff and resources which the IHE has invested in the program.

(b) The qualifications of faculty members of the program, especially with regard to—

(1) Their bilingual competency;

(2) Their knowledge of the history and culture of the United States and of the principal geographic areas where the language(s) proposed for training is spoken;

(3) Their professional status in the IHE;

(4) The nature of their work; and

(5) The percentage of time they will spend on the program.

(c) The quality of the instructional program, including—

(1) The extent to which it will adequately prepare students to train teachers in elementary and secondary schools in teaching, testing, research, and linguistic skills;

(2) The extent to which it incorporates bilingual instruction;

(3) The quality of the standards used to determine satisfactory progress in, and completion of, the program; and

(4) The interdisciplinary aspects of the program.

(d) The extent to which the program provides field based experience through arrangements with LEAs, SEAs, and persons or organizations with expertise in bilingual education teacher training.

(20 U.S.C. 3233(a)(2))

§ 123h.12 How does the Commissioner approve IHEs?

(a) The Commissioner determines whether to approve an IHE for participation with regard to one or more languages based on—

(1) The quality of the application;

(2) The IHE's plans for recruiting and selecting nominees using the criteria in § 123h.30(d); and

(3) The relative needs for bilingual education teachers by region and language.

(b) The Commissioner designates the maximum number of fellowships by language that may be awarded at the IHE based on—

(1) The IHE's capacity to prepare teacher trainers in bilingual education; and

(2) The relative needs for bilingual education teachers by region and language.

(20 U.S.C. 3233(a)(2))

Subpart C—How Does an Individual Apply for a Fellowship?

§ 123h.20 Where does an individual apply?

(a) An individual submits an application for a fellowship to the participating IHE(s) which he or she wishes to attend.

(b) Each participating IHE establishes procedures for receipt of applications from individuals.

(20 U.S.C. 3233(a)(2))

Subpart D—How Are Fellows Selected?

§ 123h.30 How does the Commissioner select new fellows?

(a) Each participating IHE shall forward to the Commissioner the names of individuals nominated for new fellowships who have been accepted for enrollment in the proposed program of study.

(b) An IHE shall designate nominees in rank order by language and provide justification for the recommendations based on the criteria in paragraph (d) of this section.

(c) The Commissioner selects fellows according to the rank orders prepared by the IHE, subject to the maximum number of fellowships per language designated for that IHE.

(d) In recommending its nominees, the IHE shall apply the following criteria:

(1) *Academic Record.* The quality of the academic record of the applicant.

(2) *Bilingual Proficiency.* The applicant's proficiency in English and the language(s) to be studied.

(3) *Experience.* The quality and extent of the applicant's experience in providing services to, teaching, and administering programs of bilingual education.

(20 U.S.C. 3233(a)(2))

Subpart E—What Conditions Apply to a Fellowship Recipient?

§ 123h.40 What is the period of a fellowship?

A fellowship remains in effect only for the period that the recipient maintains satisfactory progress in an eligible program of study.

(20 U.S.C. 3233(a)(2))

§ 123h.41 What is the service requirement for a fellowship?

(a) Upon selection for a fellowship, the recipient shall sign an agreement provided by the Commissioner to work in one or more of the following activities for a period of time equivalent to the period of time for which he or she received assistance under the fellowship:

(1) Training personnel to develop and conduct bilingual education programs at IHEs.

(2) Conducting research related to training bilingual education personnel.

(3) Conducting evaluations of programs designed to train bilingual education personnel.

(4) Developing curriculum materials designed for bilingual instruction.

(5) Training personnel employed by SEAs, LEAs, or nonprofit private organizations to meet the needs of students of limited English proficiency.

(6) Training parents or community advisory groups in school districts serving children of limited English proficiency.

(7) Working full-time as an employee of an SEA unit which coordinates training and technical assistance to programs of bilingual education or an SEA unit concerned with the certification of teachers in these programs.

(8) Working in any other activity that relates to training bilingual education personnel which has been approved in advance by the Commissioner.

(b) A recipient shall begin working in one of these authorized activities within one year of the date he or she ceases to be enrolled at an IHE as a full-time student.

(20 U.S.C. 3233(a)(6))

§ 123h.42 What are the requirements for repayment of the fellowship?

(a) If a recipient does not work in one of the activities described in § 123h.40, he or she shall repay the amount of the fellowship.

(b) The Commissioner prorates the amount a recipient is required to repay based on the length of time the recipient worked in an authorized activity compared with the length of time during which he or she received assistance.

(20 U.S.C. 3233(a)(6))

§ 123h.43 What is the repayment schedule?

A recipient required to repay the amount of a fellowship shall—

(a) Begin repayments within one year of the date he or she ceases to be enrolled as a full-time student at an IHE;

(b) Repay the amount owed in equal monthly installments of at least $30 each; and

(c) Repay the required amount, including interest, no later than 15 years after the beginning of the repayment period. This period is extended if the Commissioner grants a deferment.

(20 U.S.C. 3233(a)(6))

§ 123h.44 What interest is charged?

(a) The Commissioner charges a recipient interest on the unpaid balance owed by the recipient at the rate of seven percent per year.

(b) No interest is charged for the period of time—

(1) That precedes the date on which the recipient is required to commence repayment; or

(2) During which repayment has been deferred.

(20 U.S.C. 3233(a)(6))

§ 123h.45 Under what circumstances is repayment deferred?

The Commissioner may defer repayment if the recipient—

(a) Suffers from a serious physical or mental disability that prevents or substantially impairs the recipient's employability in authorized work;

(b) Is unable to secure employment in any of the authorized work activities;

(c) Re-enrolls as a full-time student at an IHE;

(d) Is a member of the Armed Forces of the United States;

(e) Is in service as a volunteer under the Peace Corps Act;

(f) Is a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973; or

(g) Demonstrates to the Commissioner's satisfaction the existence of circumstances that prevents him or her from making a scheduled payment(s).

(20 U.S.C. 3233(a)(6))

§ 123h.46 What is the length of the deferment of repayment?

(a) A recipient shall renew a deferment on a yearly basis, unless the Commissioner determines otherwise.

(b) Deferments for military, Peace Corps, or Domestic Volunteer service may not exceed three years.

(20 U.S.C. 3233(a)(6))

§ 123h.47 Under what circumstances is repayment waived?

The Commissioner may waive repayment if the recipient—

(a) Suffers from a serious physical or mental disability that permanently prevents or substantially impairs the recipient's employability in authorized work; or

(b) Demonstrates the existence of other extraordinary circumstances that justify a waiver.

(20 U.S.C. 3233(a)(6))

§ 123h.48 How shall the recipient begin to account for his or her obligation?

(a) Within one year of the date a recipient ceases to be enrolled as a full-time student at an IHE, the recipient shall submit to the Commissioner one of the following items:

(1) A description of the authorized work in which he or she is employed.

(2) The first monthly payment required under §§ 123h.42–123h.43; or

(3) A request for a deferment or waiver as described in §§ 123h.45–123h.47, accompanied by a statement of justification.

(b) A recipient who submits a description of authorized work under paragraph (a)(1) of this section shall notify the Commissioner on a yearly basis of the period of time during the preceding year that he or she was employed in such work.

(20 U.S.C. 3233(a)(6))

10. PART 123i—BILINGUAL EDUCATION: MATERIALS DEVELOPMENT PROJECTS PROGRAM

Subpart A—General

Sec.

123i.1 What general provisions apply to this program?

Subpart B—What Kinds of Activities Does the Office of Education Assist?

123i.10 What activities are eligible for assistance?

Subpart C—[Reserved]

Subpart D—How Is a Grant Made?

123i.30 What selection criteria does the Commissioner use?

Subpart E—What Conditions Apply to a Grantee?

123i.40 What requirements apply to all grantees?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3221-3261; 92 Stat. 2268-2284)

Subpart A—General

§ 123i.1 What general provisions apply to this program?

The general provisions of 45 CFR Part 123 apply to grants awarded under this program.

(20 U.S.C. 3231 (a)(1), (a)(4))

Subpart B—What Kinds of Activities Does the Office of Education Assist?

§ 123i.10 What activities are eligible for assistance?

The following activities are authorized for Materials Development Projects:

(a) Developing, testing, and disseminating instructional and testing materials for use in programs of bilingual education.

(b) Developing instructional materials for use by IHEs in training persons who are participating in, or preparing to participate in, programs of bilingual education.

(c) Conducting needs assessments to determine specific needs for materials development.

(d) Carrying out any other activity which the Commissioner approves in advance as necessary for the development of bilingual education materials.

(20 U.S.C. 3231 (a)(1), (a)(4))

Subpart C—[Reserved]

Subpart D—How Is a Grant Made?

§ 123i.30 What selection criteria does the Commissioner use?

The Commissioner uses the following criteria. These criteria are worth a total of 115 possible points:

(a) *Needs identification.* (50 points)

The Commissioner considers the extent to which—

(1) The applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the kinds of materials to be developed in the language(s) proposed for the project; (15 points)

(2) The applicant proposes to develop needed materials in languages for which

materials are not available commercially; (15 points) and

(3) The project will not duplicate material that is currently available. (20 points)

(b) *Materials evaluation.* (15 points)

The Commissioner considers the adequacy of the applicant's plans to test the materials as they are developed to determine whether they meet the needs identified in the application.

(c) *Coordination.* (15 points)

The Commissioner considers the applicant's plan for arranging—through coordination with EDACs, agreements with commercial resources, and other similar arrangements—for the testing, publication, and dissemination of the materials to be developed.

(d) *Plan of operation.* (10 points)

The Commissioner reviews each application for information that shows the quality of the plan of operation for the project. Specifically, the Commissioner looks for information that shows—

(1) An effective plan of management that ensures proper and efficient administration of the project;

(2) A clear description of how the objectives of the project relate to the purpose of the program; and

(3) A clear description of the way the applicant plans to use its resources and personnel to achieve each objective.

(e) *Budget.* (5 points)

The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective. Specifically, the Commissioner considers—

(1) The adequacy of the budget to support project activities; and

(2) The reasonableness of costs in relation to project objectives.

(f) *Personnel.* (20 points)

The Commissioner considers—

(1) The quality of key personnel, as evidenced by—

(i) The qualifications of the project director and other key personnel used in the project (To determine the qualifications of a person, the Commissioner considers evidence of experience in fields related to the objectives of the project, as well as other information that the applicant provides.);

(ii) The time that each person plans to commit to the project; and

(iii) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages application for employment from persons who are members of groups that have been traditionally underrespresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons; and

(2) The quality of the applicant's plan to recruit and employ for the project bilingual personnel who are knowledgeable of the history and culture(s) of the principal geographic areas where the language(s) for which materials are to be developed is spoken.

(20 U.S.C. 3231(a)(1), (a)(4), and (b)(3))

Subpart E—What Conditions Apply to a Grantee?

§ 1231.40 What requirements apply to all grantees?

A grantee shall employ bilingual personnel for the project, to the extent possible.

(20 U.S.C. 3231(b)(3)(H))

Note.—This Appendix is being published for informational purposes only and will not be published in Title 45 Code of Federal Regulations.

Appendix

Summary of Comments and Responses

The following is a summary of the comments received on the notice of proposed rulemaking (NPRM) for the Bilingual Education Program. The comments are arranged in the order of the sections of the proposed regulations to which they pertain. Each set of comments is followed by a response that indicates any change that has been made to the regulations or why no change was considered appropriate.

Many of the added provisions and changes in the language and format of the final regulations are not discussed below. They were prompted by numerous commenters who expressed confusion about the intent or meaning of certain provisions and the inconsistencies between the language of the Act and the regulations.

Part 123—Bilingual Education: General Provisions.

§ 1231.1 Bilingual Education Programs.

Comment. Several commenters requested a clarification of the distinction between the Basic Projects and Demonstration Projects programs and asked what legal authority justified the Demonstration Projects Program.

Response. The legal authority for the Demonstration Projects Program is contained in Section 721(a)(1) of the Act, which states that funds "shall be used for the establishment, operation, and *improvement* of programs of bilingual education". (emphasis added)

The legal authority, eligible applicants, authorized activities, grant requirements, and several of the selection criteria are the same for the Basic Projects and Demonstration Projects programs. The distinction between the two programs is the emphasis of the Demonstration Projects Program on promoting innovative and exemplary approaches to operating programs of bilingual education which can be replicated in school districts where there are similar needs and resources. The Commissioner believes that identification and validation of successful Demonstration projects will enhance the capability of other school districts to operate successful programs of bilingual education and to improve services to their special populations.

Comment. Several commenters questioned the legal authority for the Support Services Projects Program.

Response. Section 721(a)(4) of the Act authorizes funds for "providing technical assistance for, and taking other steps leading to the development of, [programs of bilingual education]". This section provides the authority for Support Services Projects: Evaluation, Dissemination, and Assessment Centers (EDACs). EDACs (formerly Dissemination and Assessment Centers) provide assistance in evaluation, dissemination, and materials assessment to programs of bilingual education and bilingual education training programs within designated service areas. The legal authority for the Support Services Projects: Bilingual Education Service Centers (BESCs) is contained in Section 721 and in Section 723, which authorizes training programs. BESCs (replacing Training Resource Centers) provide training and other support services to programs of bilingual education and bilingual education training programs within designated service areas.

Comment. Several commenters questioned the legal authority for the new School of Education Projects Program.

Response. The legal authority for the School of Education Projects Program is contained in Section 723(a)(1)(A)(ii) of the Act which states that "* * * the Commissioner shall, through grants to, and contracts with, eligible applicants * * * provide for * * * special training programs designed * * * to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and selection of higher education and graduate school facilities [sic] as related to bilingual education * * *."

The law authorizes training programs and activities designed for innovation, reform, and improvement of curricula at institutions of higher education (IHEs). For the past four years, Title VII has funded teacher preparation training projects with innovation and reform components. However, in many instances IHEs do not have the capability to train teachers or to develop and implement curricula. This program will assist IHEs in developing their capability to provide training and expand their programs to include other fields of study useful in conducting programs of bilingual education.

Comment. One commenter questioned the use of the term "persons of limited English language proficiency" in describing the authorized activities under the Research and Development Program. The commenter suggested that the language in the Act be substituted.

Response. A change has been made. The Commissioner agrees with the commenter. The regulations now use the phrase "persons who have language proficiencies other than English".

Comment. Several commenters asked the meaning of § 123.1(f) which stated that funds may be reserved for each of the programs and competitions authorized in the regulations.

Response. A change has been made. The paragraph has been deleted to prevent confusion. Its purpose was merely to inform the public that the Commissioner publicly announces the availability of funds for each program annually. Those statements are included in the application notices published in the **Federal Register.**

§ 123.2 Who is eligible for assistance under these programs?

Comment. Several commenters suggested that the regulations should make it clear that a nonprofit institution or organization of an Indian tribe which operates an Indian school is eligible for a grant.

Response. No change is necessary. The definition of a "local educational agency" (LEA) in § 123.4 of the regulations includes "a nonprofit institution or organization of an Indian tribe that operates an elementary or secondary school in which Indian children constitute more than 50 percent of the enrollment". Section 123.2 states that an LEA is eligible to apply for a grant.

Comment. One commenter questioned the omission of the requirement that an IHE consult with an LEA or a State educational agency (SEA) prior to submitting an application for participation in the Fellowship Program.

Response. No change has been made. Section 721(b)(3)(D) of the Act requires that the SEA be given an opportunity to comment on an application for a grant. However, under the Fellowship Program, an IHE does not receive a grant. Rather, it receives approval of its request to have its program declared eligible for students who apply for fellowships. The IHE receives no financial assistance. As a result, the IHE is not subject to Section 721's requirement for SEA review.

Comment. Several commenters asked why eligibility for fellowships was limited to students enrolled in post-master's degree programs.

Response. The Commissioner has determined that the training provided in post-master's degree programs will best prepare students to become successful trainers of teachers for bilingual education.

§ 123.3 What regulations govern these programs?

Comment. Several commenters requested further explanation of the regulations which apply to the Bilingual Education Program. Specifically, they asked which sections of the Education Division General Administrative Regulations (EDGAR) applied.

Response. Section 123.3 has been rewritten to clarify the applicability of EDGAR to the Bilingual Education Programs.

§ 123.4 What definitions apply to these programs?

Comment. Several commenters suggested revisions in the definition of "appropriate bilingual personnel". One commenter questioned the use of that term instead of a term which more closely reflects legislative language. Other commenters suggested that the definition include a requirement that the personnel be qualified or certified under State and local law to teach their assigned subjects and grades. Another suggested that the personnel be trained in bilingual education teaching methods. Several commenters recommended that the definition require proficiency in the English language and the ability to communicate effectively with parents of the children served in the parents' native language(s).

Response. A change has been made. All the above recommendations have been incorporated into the definition. The term "appropriate bilingual personnel" has been replaced with "qualified bilingual personnel", a term more reflective of the statutory language.

Comment. Several commenters suggested revisions in the definition of "limited English proficiency" to parallel the language in the Act. Commenters questioned the use of "home" instead of "environment" and the use of "language most relied on for communication" instead of "dominant language".

Response. Several changes have been made to reflect the language used in the Act. However, there is no change in the language "who comes from a home in which a language other than English is most relied upon for communication". Section 703(a)(1)(B) of the Act authorizes the Commissioner to further define "individuals who come from environments where a language other than English is dominant". "Environments" is defined as the individuals' homes. "Dominant" language is defined as the language most relied upon for communication in the home. The Commissioner believes that these provisions clarify the statutory language.

Comment. Several commenters questioned why the regulations' definition of a "program of bilingual education" differed from the definition in the law. Specifically, commenters questioned why the definition of, and requirements pertaining to, a program of bilingual education appeared both in this section and in the sections on grant conditions under the Basic Projects Program. Commenters also questioned why the regulations emphasized appreciation of the cultures represented within the LEA.

Response. A change has been made. The definition in § 123.4 has been revised to reflect the language in Section 703(a)(4)(i) of the Act. The requirements pertaining to a program of bilingual education in Section 703(a)(4)(B)–(F) of the Act are included as grant requirements under the Basic Projects Program (§§ 123a.40–123a.44 of the final regulations).

We have retained the phrase, "with emphasis on those cultures represented in the LEA", in the definition. This provision is intended to encourage an applicant planning programs of bilingual education to focus on the cultures and backgrounds of the children in the LEAs schools, rather than on ethnic groups which have limited relevance for program participants.

§ 123.21 How does an applicant use regulations and apply for funds?

Comment. Several commenters suggested that this section was unnecessary.

Response. This section has been deleted.

§ 123.30 What general criterion does the Commissioner apply?

Comment. Several commenters questioned the placement of this criterion in the general provisions.

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Response. A change has been made. A criterion rating the applicant's plan to recruit and employ qualified bilingual personnel for the project has been added to the selection criteria for the Basic Projects and Demonstration Projects programs. A similar criterion rating the applicant's plan to recruit and employ bilingual personnel for the project has been included in the selection criteria for the State Educational Agency Projects for Coordinating Technical Assistance, Support Services Projects, Training Projects, School of Education Projects, and Materials Development Projects programs.

§ 123.40 What is the length of the project period?

Comment. Several commenters questioned whether it was our intention to require fellowship recipients to compete for their fellowships annually.

Response. A change has been made. That interpretation was not intended. Fellows are not required to compete annually for awards. If funds are available, fellowships will be awarded to recipients who maintain satisfactory progress in the approved program of study for the maximum number of years allowed by the regulations.

§ 123.41 What are other specific provisions?

Comment. One commenter questioned whether the Commissioner or the grantee sets the rates for stipend amounts for short-term training. Several commenters suggested that the regulations require that rates be established in accordance with locally negotiated labor contracts.

Response. No change is required. The regulations permit the grantee to set stipend amounts for short-term training in accordance with its prevailing policies and rates for compensation (which include negotiated labor contracts) for training not funded under the Act. The Commissioner does not establish the rate. However, the requested amount is reviewed to ensure that it is commensurate with the applicant's existing rate.

Part 123a—Direct Grants Program

Subpart B—Basic Projects in Bilingual Education Program

§ 123a.10 What activities are eligible for assistance?

Comment. One commenter questioned the use of the word "persons" instead of "personnel" in referring to individuals eligible for training activities. Several commenters recommended that training parents of children participating in a Basic project be allowed as an eligible activity.

Response. No change has been made in the use of the word "persons". The word "persons" rather than "personnel" is used in the regulations because "personnel" implies employment status in the project. Use of the word "personnel" might result in the exclusion of volunteers and others not directly employed by the project. The use of the word "persons" emphasizes that eligibility is open to individuals who are *participating* in, or preparing to participate in, the project.

The regulations have been revised to specifically include parents of students enrolled in programs of bilingual education as eligible participants in training programs. A new paragraph has been added to this section which authorizes training for parents to enable them to participate more fully in the education of their children.

§ 123a.11 What is a program of bilingual education?

Comment. While a few commenters questioned the lack of conformity between the language in this section and the language in the law describing the purpose of a program of bilingual education, a greater number criticized the stated purpose as too restricting. These commenters also disagreed with the requirement in the definition of a "program of bilingual education" (§ 123.4) that the native language of students be employed in these programs only to the extent necessary to assist children of limited English proficiency in improving their English language skills. The commenters asserted that the purpose of a program of bilingual education should be to promote bilingualism and urged that the regulations be revised to include several of the bilingual education objectives proceeding from the recent Report of the President's Commission on Foreign Languages and International Studies.

Response. The purpose of a program of bilingual education and the extent that native language may be used in instructing children of limited English proficiency are clearly defined in the law. The Act does not authorize foreign language instruction; local school districts are restricted in their provision of native language in a program under the Act. However, former grantees under the Act may adopt local strategies to overcome the foreign language deficiencies of United States citizenry that were identified in the Report of the President's Commission. After cessation of Federal support, a local school district could increase its emphasis on non-English language instruction to provide opportunities for English dominant children to learn a second language. A local school district, benefitting from the capability developed through Federal support, could implement many of the recommendations called for in the Report of the President's Commission.

In addition, the final regulations have been revised to include a new priority in the Demonstration Projects Program for exemplary approaches to providing for the participation of children whose language is English in a program of bilingual education. Under Section 703(a)(4)(B) of the Act, up to 40 percent of the participants in a program of bilingual education may be children whose language is English. Projects under this priority will demonstrate approaches to broadening the understanding of these children about languages and cultural heritages other than their own, in addition to assisting children of limited English proficiency to improve their English language skills.

§ 123a.12 Are there programs for children of limited Spanish proficiency?

Comment. Several commenters, citing the provisions in the statute pertaining to programs of bilingual education in Puerto Rico, suggested that all language groups be allowed to conduct activities to improve and retain the native language proficiency of children who are of limited English proficiency. Several commenters suggested that Native Americans be singled out for special consideration.

Response. No change has been made. The commenters appear to have misunderstood the purpose of the program authorized for Puerto Rico, where Spanish is the principal language of commerce and the official language of instruction. That program is designed to teach Spanish to non-Spanish speakers, such as children who move to Puerto Rico from the mainland. It is not intended as a Spanish language maintenance program. The statute authorizes services to children of limited Spanish proficiency only in Puerto Rico.

§ 123a.21 What requirements pertain to advisory councils?

Comment. One commenter questioned the need for the requirement that an applicant provide the advisory council with adequate resources. Several commenters recommended an additional requirement—that the resources include staff with skills in the native language(s) of the council members. Several commenters asked for the rationale for establishing a minimum number of advisory council members. One commenter questioned the requirement

that the council participate in the planning of the project.

Response. The Commissioner is retaining the requirement that the applicant provide adequate resources to the advisory council to carry out its advisory functions and has adopted the recommendation that those resources include staff with language skills in the native language of the council members. The regulations require that the council be composed of at least seven persons in the belief that a council composed of less than seven members would not be appropriately representative. The Commissioner has added a requirement that the applicant must solicit nominations for membership on the council. The requirement that the council participate in planning the project is intended to encourage advisory council involvement early in the process of developing the application before important decisions such as site selection, languages to be served, and means of determining language proficiency are made final.

§ 123a.22 What requirements pertain to participation of children enrolled in nonprofit private schools?

Comment. Commenters noted that requirements for participation of children enrolled in nonprofit private schools appeared in three sections of the regulations—§§ 123a.22, 123a.40, and 123a.60. They suggested that the requirements be combined into one section. Several commenters asked why the language in the law was not used to describe those requirements which pertain to serving private school children. Several commenters recommended that an LEA be allowed to provide programs for nonprofit private school children where languages and grades are not similar.

Response. A change has been made. The requirements of the three sections have been combined into one section, § 123a.21. The service requirements have been revised to reflect the statutory language. A provision has been added which allows an applicant to propose a program for private school children, even where the languages and grades to be served are not similar.

§ 123a.23 What are the requirements for training activities?

Comment. One commenter suggested the addition of a provision making clear that an applicant under the Basic Projects and Demonstration Projects programs must include auxiliary and supplementary training programs in its application. Several commenters questioned the regulations' use of the words "associated with" a program of bilingual education, rather than the legislative language "participating in, or preparing to participate in". Commenters also questioned the completeness of the list of persons eligible for training.

Response. A change has been made. A provision requiring an applicant to include a training component in its application has been added.

The words "participating in, or preparing to participate in" have been substituted for "associated with" throughout the regulations. The list of those persons eligible for training activities has been deleted from the regulations. Any person participating in, or preparing to participate in, a program of bilingual education is eligible for training.

§ 123a.24 What requirements pertain to identifying children of limited English proficiency?

Comment. Several commenters requested clarification of the provisions in this section. Commenters noted that the words "examination" and "evaluation" seemed to be used interchangeably and that the word "trained personnel", used to describe those conducting the assessment, was vague. Several commenters suggested that the assessment of English language skills be concentrated on the performance of the children within the context of the language arts curriculum. Several commenters suggested that, where possible, applicants should use assessment procedures previously approved by the Office for Civil Rights (OCR).

Response. A change has been made. The reference to the qualifications of the personnel conducting the assessment has been deleted to prevent confusion. The regulations now require that the assessment of children include their proficiency in understanding, speaking, reading, and writing English. An applicant which has an assessment procedure previously approved by OCR may use that assessment procedure. The reader will note that other revisions were made to clarify the intent of this section.

§ 123a.30 What are the selection criteria?

This section generated the greatest number of comments. The discussion of comments received on this section is arranged in the order of the paragraphs of the section to which they pertain.

§ 123a.30(a) Need.

Comment. Commenters almost uniformly opposed the selection criteria's emphasis on the need of the applicant rather than the quality of the proposal, and asked for the rationale for that emphasis. Many commenters questioned the fairness of awarding points based on the number and percentage of children of limited English proficiency enrolled in the school(s) and LEA(s) to be served by the project. Some commenters charged that those criteria unfairly discriminated against school districts that were small, rural, or did not have a heavy concentration of children of limited English proficiency. Others claimed that the quantitative criteria discriminated against those LEAs which had achieved a racial or language balance among its students.

Response. A change has been made. The intent of the need based funding criteria was to increase the objectivity of the review process and to direct support toward the highest concentrations of children of limited English proficiency. However, the negative public comment which these criteria generated indicated that the criteria would not accomplish those objectives and would, in some cases, prove discriminatory against small school districts, school districts which have achieved desegregation among students, and school districts which support their own programs of bilingual education. The criteria relating to the number of children of limited English proficiency to be served by the project has been withdrawn. Thirty-five of the 50 points assigned to the section on need were redistributed among criteria measuring the quality of an application.

Comment. Several commenters requested clarification of the criterion (paragraph (a)(4)) which awarded points based on the percentage of children of limited English proficiency never before enrolled in a bilingual education program. The commenters claimed that it discriminated against school districts which operated programs of bilingual education that were not funded under the Act. The proposed criterion would discourage school districts from continuing or establishing their own programs of bilingual education.

Response. Ten points were retained for the criterion which rates the percentage of children of limited English proficiency to be served by the project who have never been enrolled in a program of bilingual education. The words "under the Act" were added to eliminate possible discrimination against applicants operating programs of bilingual education without Title VII support.

Comment. Several commenters requested a clarification of the low-income funding criterion (paragraph (a)(5)) and questioned the difference

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between the high percentage of low-income children to be served used to assign points in this point system and the much lower percentage used to determine those school attendance areas eligible for funding under Title I of the Elementary and Secondary Education Act.

Response. The new cut-off for assigning points in the low-income criterion is based on the percentage of children to be served who are members of low-income families. The lower range is more compatible with the low-income eligibility criteria used by the Title I program.

§ 123a.30(b) Industrial approach.

Comment. Several commenters noted that paragraph (b) was misnamed. They suggested that a new criterion be added that did, in fact, rate the instructional approach of the project.

Response. A change has been made. Paragraph (b) has been renamed "Rationale for selection of project sites and participants", a title which more accurately reflects the intent behind the criteria contained in that paragraph. A new paragraph (c), "Instructional approach", includes funding criteria related to the quality of applicant's instructional plan.

§ 123a.30(d) Commitment and capacity.

Comment. Several commenters questioned the basis for requiring a special justification from certain grantees who have received a grant under the Act within three years prior to applying for an additional grant.

Response. The requirement for a special justification is based on the capacity building emphasis in the 1978 amendments to the Act. In the past, applicants have been able to reapply for essentially the same project—that is, a project proposing to serve the same school(s), language(s), and grade(s). As a result, numerous school districts have received what amounts to an entitlement for a certain segment of its students. This provision is designed to enable the Commissioner to scrutinize that kind of application to determine why previous support for training and instructional services has not had a lasting impact. If the language(s), school(s), and grade level(s) to be served by the project are significantly different, this provision would not apply. But, when an applicant proposes a project identical to one previously supported under the Act, this provision serves as the basis for questioning the applicant's commitment to bilingual education.

Comment. Several commenters asked whether improvements in the capabilities of existing staff would be considered as evidence that a prior grantee has employed, and will continue to employ, qualified bilingual personnel.

Response. The provision requiring evidence of increased employment of qualified bilingual personnel has been revised. Evidence of the improved capability of the existing staff will also be considered under this criterion.

§ 123a.30(e) Discretionary criteria.

Comment. Several commenters requested clarification of the factors which the Commissioner considers in awarding grants. Several commenters recommended that OBE establish a cut-off score above which an application must rank to be considered for funding.

Response. A new section has been added which contains the considerations for funding. This section also provides that the Commissioner will publish a cut-off score which applicants must meet, based on the selection criteria in § 123a.30, in order to be considered for funding. The cut-off score will be announced annually in the application notice published in the **Federal Register.**

§ 123a.41 Is there a requirement for an advisory committee?

Comment. Several commenters asked why 60 days were allowed as the time within which an advisory committee must be established.

Response. No change has been made. Sixty days seems a reasonable length of time for the applicant to have identified the children who will participate in the program, the parents of whom select committee representatives. Any less time may not be adequate to enable the parents to select the committee.

§ 123a.44 Where is a program of bilingual education offered?

Comment. Several commenters suggested that teacher training and curriculum development activities may take place outside the project school if those activities are centralized.

Response. A change has been made. The regulations state that centralization of those activities outside the project school is acceptable.

§ 123a.46 What children must be served?

Comment. One commenter asked why the language in the regulations differed from the language in the Act which contains these requirements. Several commenters requested clarification of the required biannual evaluation of each child enrolled in a program of bilingual education. A few commenters suggested that the evaluation should be conducted annually.

Response. A biannual evaluation of participating students is required by Section 721(b)(3)(F) of the Act. The regulations have been revised to clarify that the biannual evaluation must be based on the same standards used for the initial assessment to identify children of limited English proficiency.

Additional Comments on the Basic Projects Program

Comment. Several commenters recommended that the Commissioner publish guidelines for the development of an evaluation plan and rate the adequacy of the plan in a selection criterion.

Response. A change has been made. A new section has been added which sets out the requirements for an evaluation plan. A criterion rating the plan has been added.

Comment. Several commenters suggested that the regulations include the requirement that a grantee inform parents of children participating in the project of the instructional goals of the program and the progress of their children in the program.

Response. That requirement has been included in § 123a.46 of the final regulations.

Comment. One commenter questioned the absence in the NPRM of the conditions and procedures by which the Commissioner terminates a grant when a grantee no longer is in need of assistance.

Response. A change has been made. A new section, § 123a.47, states that the Commissioner may issue an order to an LEA that no longer has a long-term need for assistance under the Act to submit a revised application setting forth a schedule under which assistance will be terminated within five years after issuance of the order. The Commissioner issues such an order in accordance with the conditions, criteria, and procedures set forth in Section 721(b)(2) of the Act. Any additional procedures that the Commissioner determines are necessary to implement that section will be published as a proposed rule for public comment.

Subpart C—Demonstration Projects

Comment. Commenters asked whether the authorized activities and grant requirements under the Basic Projects Program also apply under the Demonstration Projects Program.

Response. All authorized activities and application and grant requirements under the Basic Projects Program also apply under the Demonstration Projects Program. References have been added to the appropriate sections in this part to make this clear.

§ 123a.110 What activities are eligible for assistance?

Comment. One commenter noted that a project serving preschool children must be preparatory and supplementary to a program of bilingual education. A number of commenters suggested that additional target groups and exemplary approaches be recognized as priorities. Several commenters requested clarification of the procedures the Commissioner uses to review applications proposing priorities.

Response. A change has been made. Language has been added which clarifies that a program proposing to serve preschool children must be preparatory and supplementary to a program of bilingual education.

In response to public comment, several priorities were added to the list in the NPRM. The following target groups were added: children of migratory workers; recent immigrants; and high school students preparing to enter the job market. In addition, instructional technology and participation of children whose language is English were added as components of a program of bilingual education for which exemplary approaches may be demonstrated.

New provisions were added to this section to explain how the Commissioner selects priorities and reviews applications.

§ 123a.131 What specific criteria are used to evaluate applications?

Comment. Most of the comments on this section questioned the relevance of the selection criteria. Commenters suggested that the criterion which rates the extent to which the project fulfills an identified need not currently addressed by funded projects is inappropriate. The Commissioner's selection of priorities is based on the need for projects proposing such activities. Commenters noted that the criterion which rates the extent to which the project will produce needed curricula is equally applicable to all Basic projects and, therefore not specific to the Demonstration Projects Program. Commenters suggested the addition of selection criteria which rate the exemplary nature of a proposed Demonstration project.

Response. The criteria in the NPRM have been replaced with criteria that are based on the distinctions between projects proposed under the Demonstration Projects Program and those proposed under the Basic Projects Program. The new criteria rate the extent to which the project's activities are designed to effectively demonstrate a unique, creative, or exemplary approach, make use of current research findings, and produce a plan for replication.

Subpart D—State Educational Agency (SEA) Projects for Coordinating Technical Assistance

§ 123a.210 What activities are eligible for assistance?

Comment. Several commenters asked whether the purpose of grants under this program was to coordinate or to provide technical assistance to programs of bilingual education. A few commenters questioned the appropriateness of some of the eligible activities as they were stated in the NPRM. In addition to recommending language changes in this section, several commenters suggested additional activities for inclusion in the list of activities eligible for support.

Response. This section has been revised to make it clear that the role of the SEA is one of coordinating technical assistance activities within the State. In response to suggestions from commenters, the following two activities were added to the list of eligible activities: Coordinating assistance to improve the quality and efficiency of bilingual education data-gathering activities; and coordinating the development of procedures for assessing the training needs of LEA personnel who are participating in, or preparing to participate in, programs of bilingual education funded under the Act.

§ 123a.230 How are funds distributed to SEAs?

Comment. A few commenters asked why a cut-off score was established for this program and requested clarification of the provision authorizing the Commissioner to request an SEA to revise and strengthen its proposed project. One commenter suggested that funds to tied directly to the quality of the proposed activities.

Response. The purpose of the cut-off score is to ensure the quality of the projects funded. There has been a change in, and clarification of, the procedures by which the Commissioner approves partial funding of those applications which meet the cut-off score. The Commissioner funds only those proposed components of an application that are of sufficient quality to result in the proper and efficient conduct of the project. However, the Commissioner permits an SEA to modify and resubmit an application or component previously disapproved. The Commissioner sets the amount of an SEA's award in accordance with the provisions in EDGAR, subject to the statutory limitation that an SEA receive no more than five percent of the amount received under the Act by LEAs in the State in the prior fiscal year.

Subpart E—Support Services Projects

§ 123a.310 What are the purposes of support services projects?

Comment. Several commenters asked if the centers could provide services to programs of bilingual education which were not supported by Title VII. One commenter questioned the strategy of using Support Services centers to deliver support services to programs of bilingual education and asked whether an applicant was required to be a center or form a center before applying for an award. Commenters also suggested that, in special cases, a center be allowed to provide services outside its designated service area.

Response. The regulations permit centers to provide services to any LEA developing or operating a program of bilingual education as defined in § 123.4, whether or not that program is supported under the Act. Although the recipient of a Support Services grant is called a "center", the regulations do not require an applicant to be a "center" beforehand.

The plan for delivery of these support services has been designed to centralize activities within regional service areas. In this way, efficient use of resources and dissemination of exemplary practices are encouraged. This approach has been used since 1975 and it has proved successful. A provision has been added which permits the Commissioner to request a BESC or an EDAC to provide assistance outside its designated service area when the Commissioner determines that center to be the one best equipped to provide the needed services.

§ 123a.311 What activities are eligible for support under a BESC project?

Comment. Several commenters suggested that the list of eligible activities include providing technical assistance to potential grantees under the Act in developing their applications. Several commenters asked whether the list of eligible activities was exclusive. They suggested that a BESC be permitted to propose other activities that would further the purpose of the program.

Response. A change has been made. The regulations now permit a BESC to provide technical assistance in application development. A provision has been added which allows a BESC to

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undertake any activity that is not included in this section but which has been approved in advance by the Commissioner as designed to strengthen programs of bilingual education or bilingual education training programs.

§ 123a.318 What activities are eligible for support under an EDAC project?

Comment. Several commenters asked if this section means that programs of bilingual education are limited to using *only* those materials which have been evaluated by the centers. Several commenters asked if the assessments of the number and needs of eligible children made by an EDAC would be coordinated with other assessments conducted in the service area. As under the section on BESCs, commenters thought that an EDAC should be permitted to propose activities not included on the list of authorized activities.

Response. The regulations do not require exclusive use of materials evaluated by a center, nor is materials evaluation restricted to materials produced under the Act. Any material, regardless of its source, may be evaluated by a center, and any material, whether or not evaluated by a center, may be used in a project.

A change has been made in the provision authorizing needs assessments within an EDAC's service area. The regulations now state that an EDAC may conduct assessments of the number and needs of eligible children within the EDAC's service area in cooperation with the SEAs and LEAs in its service area.

Finally, a provision has been added to this section which allows an EDAC to support any activity that is not included in this section but which has been approved by the Commissioner in advance as designed to strengthen programs of bilingual education and bilingual education training programs.

Subpart F—Training Projects

§ 123a.410 What types of activities are eligible for support?

Comment. One commenter asked for the rationale for including the activities described in paragraphs (a), (c), and (e) as eligible activities, since they are not specifically mentioned in the law.

Response. The undergraduate and graduate training programs authorized under the Training Projects Program provide preservice and inservice training to persons who are participating in, or preparing to participate in, programs of bilingual education. The undergraduate training program assists individuals in attaining undergraduate degrees or teaching credentials with a specialization in bilingual education, thus preparing the students for employment in programs of bilingual education. The graduate training program provides specialized curricula and training for individuals who need specialized skills or advanced degrees to participate more fully in the operation of programs of bilingual education.

Providing training projects for an SEA's personnel will improve the skills of those personnel who are working with, or preparing to work with, programs of bilingual education at the State level. This program is designed to increase the capability of SEA personnel to provide support for programs of bilingual education when Federal funds are reduced or no longer available.

§ 123a.430 What are the funding procedures?

Comment. Several commenters suggested that a student receiving stipend support from an IHE funded under the Training Projects Program should be guaranteed that support until completion of his or her program of study or degree, regardless of whether the IHE scores high enough in succeeding grant competitions to be funded.

Response. No change has been made. Although the Commissioner regrets the possible inconvenience to students, a grant cannot be made to fund an IHE unless its application receives a high enough score relative to other applicants, based on the selection criteria.

§ 123a.431 What are the specific criteria for short-term or year-round training institutes?

Comment. Several commenters questioned the appropriateness of the criterion in the NPRM which rates the extent to which the proposed project will use bilingual techniques in training participants. The commenters asked if that criterion meant that training institutes must be conducted bilingually.

Commenters also questioned the number of points assigned to the criterion rating the impact of the project. They suggested that the points assigned to this criterion be reduced from 40 points and that the remaining points be distributed among additional criteria which rate the need for the project.

Response. A change has been made. Training institutes need not be conducted bilingually. Therefore, the criterion rating the extent to which bilingual instruction techniques are used no longer applies and has been deleted.

The number of points assigned in the NPRM to the criterion rating expected improvements in participants' skills has been reduced from 40 to 15. Criteria which rate need (worth up to 15 points) and expected impact (worth up to 30 points) have been added.

§ 123a.432 What are the criteria for all other projects?

Comment. Commenters suggested that selection criteria be added which apply specifically to projects designed to train SEA personnel.

Response. A new section has been added which contains criteria specifically related to the objectives of projects designed to train SEA personnel.

§ 123a.441 What requirements apply to certain grantees?

Comment. One commenter questioned whether the requirement that persons who participate in activities described in § 123a.410(a), (b), or (c) demonstrate proficiency in both English and the target language should also apply to persons who participate in activity (d).

Response. A change has been made limiting the language proficiency requirement only to persons participating in activities (a) and (c). The purpose of the training institutes, activity (d), is to improve the skills of participants in carrying out their responsibilities in programs of bilingual education. The institutes may involve training in areas unrelated to the bilingual skills of the participants. Therefore, a language proficiency requirement does not seem reasonable. Similarly, since the innovation and reform activities in activity (b) are not programs of instruction, and therefore have no students, the language proficiency requirement is inappropriate. Since degree-granting programs in the field of bilingual education training, activities (a) and (c), are more comprehensive in scope, it does not seem unreasonable to require participants in those programs to demonstrate bilingual skills at the programs' completion.

Subpart G—School of Education Projects

§ 123a.530 What criteria are used to evaluate applications?

Comment. Several commenters asked why the selection criteria do not take into account the quality of the existing bilingual education training program at the IHE. Commenters also suggested that attention be given to the need for projects in the proposed language(s) in the geographic area to be served.

Response. The regulations do not take into account the quality of the existing bilingual education training program at an IHE because the purpose of the School of Education Projects Program is to develop the capacity of the IHE to offer such a program, either by establishing a program where none currently exists, or by expanding the scope and quality of a currently operating program. The selection criteria rate the expected impact of the project, including the extent to which the project is likely to improve the IHE's instructional program and increase its training capacity.

A criterion has been added which rates the need for assistance provided under this program in the geographic area and language(s) that the applicant proposes to serve.

§ 123a.540 How are the activities to be carried out?

Comment. One commenter suggested that requiring access to the head of the school of education would over involve the Federal Government in the university structure.

Response. This provision has been revised to require that the faculty member(s) hired for the project report directly to the head of the school of education. Past experience indicates that the position of the faculty member(s) in the university's organization and his or her accessibility to key decision makers greatly influence the chances for program success.

Part 123c—Fellowships for Preparation of Teacher Trainers in Bilingual Education

§ 123c.5 What is the purpose of the fellowships?

Comment. Several commenters asked why the regulations require fellows to be full-time.

Response. The Fellowship Program is designed to enable students to receive graduate degrees within the shortest possible time so that they may begin training teachers as quickly as possible since the need for teachers is so great. Part-time students might be fellowship recipients for many years to come.

§ 123c.30 How does the Commissioner select fellows?

Comment. Several commenters questioned the appropriateness and feasibility of the Commissioner rating fellowship applications from students based on criteria which the IHEs are better able and more qualified to apply. The commenters recommended that OE consider only those applicants recommended by the IHEs for assistance. Several commenters questioned the inclusion of the criterion rating the financial need of the student, and suggested that fellowships be awarded based on the students' qualifications and the need for teachers in the language(s) proposed by the students.

Response. A change has been made. The financial need of the student has been deleted as a selection criterion. An IHE applies the criteria contained in § 123h.30 in recommending its nominees. The IHE then forwards to the Commissioner only the names of individuals nominated for fellowships who have been accepted by the IHE for enrollment. The Commissioner does not review applications from prospective fellows.

Appendix A—Materials Development Projects for Programs of Bilingual Education

Comment. Several commenters expressed confusion over the placement of regulations for this program in an appendix. Several commenters suggested that selection criteria be added which rate the need for the materials to be developed in the proposed language(s). Commenters suggested that the program focus on specific populations whose needs are not currently met by commercial publishers. One commenter suggested that the testing of the materials to be developed by the project be directly related to the needs of the programs of bilingual education for which they are being developed. One commenter noted that commercial publishers might provide a good market for the materials to be developed and grantees should arrange for publication through them, as well as through EDACs.

Response. To be consistent with the changes in format made to the regulations governing other Bilingual Education Programs, the regulations for the Materials Development Projects Program have been placed in a separate part, Part 123i, and have been revised where needed to be consistent with the new format.

Selection criteria have been added which rate the need for the materials to be developed in the proposed language(s), as well as the extent to which the materials are not commercially available. A criterion rating the plan for testing the materials to be developed also has been added. The criterion rating the applicant's plans for coordination with EDACs in testing, publishing, and disseminating materials now permits the applicant to accomplish these tasks in agreement with commercial publishers.

[FR Doc. 80-9816 Filed 4-3-80; 8:45 am]
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Bilingual Education—Training Projects Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects Applications are invited for new projects under the Bilingual Education Act—Training Projects Program.

Authority for this program is contained in Section 723 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3233)

This program issues awards to local educational agencies; State educational agencies; and institutions of higher education and nonprofit private organizations which apply after consultation with, or jointly with, one or more local educational agencies or a State educational agency.

The purpose of the awards is to establish, operate, and improve bilingual education training programs for persons who are participating in, or preparing to participate in, the conduct of bilingual education programs.

Closing date for transmittal of applications: An application must be mailed or hand delivered by June 10, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403J, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the eligible activities and selection criteria in Part 123e, before preparing their applications. Applicants should also refer to § 123.41 for the rates for allowable costs for trainees participating in training activities.

The maximum project period which a local educational agency may propose is three years. The maximum project period which an applicant other than a local educational agency may propose is five years. An applicant that proposes a project period of more than one year must justify the need for the proposed project period.

Available funds: It is expected that approximately $3,250,000 will be available for new grants under the Training Projects Program in fiscal year 1980.

It is estimated that these funds could support 35 projects.

The anticipated award for each project is between $50,000 and $150,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Allocation of funds: Under § 123e.30 of the final regulations, the Commissioner holds separate competitions for: applications proposing any combination of the activities described in § 123e.10(a), (b), and (c); applications proposing the activities described in § 123e.10(d) that are designed exclusively for parents; applications proposing the activities described in § 123e.10(d) that are designed for any participants, including parents; and applications proposing the activity described in § 123e.10(e).

For fiscal year 1980, the Commissioner anticipates that funds will be allocated to those competitions in the figures stated below. However, these figures are only estimates and do not bind the Office of Education. The Commissioner may reallocate funds if too few applications of high quality are received under a competition.

Section 123e.10(a), (b), or (c)—Providing training that leads to an undergraduate degree or teaching credential with a specialization in bilingual education; encouraging reform, innovation, and improvement in graduate bilingual education programs; and providing specialized graduate bilingual education degree curricula in areas such as administration or supervision, guidance and counseling, evaluation, and curriculum development: $1,800,000.

Section 123e.10(d)—Providing short-term or year-round training institutes designed to improve the skills of parents and other participants in carrying out their responsibilities in programs of bilingual education: $1,200,000, of which $600,000 is allocated for applications proposing to train parents exclusively.

Section 123e.10(e)—Providing training projects to increase the skills of SEA personnel: $250,000.

The applicant must identify in its application which activity is being proposed. Applications compete only against other applications proposing the same activity.

Application forms: Application forms and program information are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(1) The regulations governing the Training Projects Program published in this issue of the Federal Register (45 CFR Parts 123 and 123e).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

Further information: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3233)

Dated: March 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9817 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Support Services Projects Program: Bilingual Education Service Centers (BESCs)

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects Applications are invited for new projects under the Bilingual Education Act—Support Services Projects Program: Bilingual Education Service Centers (BESCs).

Authority for this program is contained in Sections 721 and 723 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3231, 3233)

This program issues awards to local educational agencies; State educational agencies; and institutions of higher education and nonprofit private organizations which apply after consultation with, or jointly with, one or more local educational agencies or State educational agencies.

The purpose of the awards is to provide training and other services to programs of bilingual education and bilingual education training programs within designated service areas.

Closing date for transmittal of applications: An application must be mailed or hand delivered by June 16, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403L, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the authorized activities and the selection criteria in Part 123d, before preparing their applications.

The maximum project period which a local educational agency may propose is three years. The maximum project period which an applicant other than a local educational agency may propose is five years. An applicant which proposes a project period of more than one year must justify the need for the proposed project period.

An applicant under this program may include support for training activities in the project. Applicants should refer to § 123.41 of the regulations for the rates for allowable costs for training activities.

Available funds: It is expected that approximately $9,000,000 will be available for new grants under the Support Services Projects Program: BESCs in fiscal year 1980.

It is estimated that these funds could support 19 projects.

The anticipated award for each new project is between $250,000 and $500,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Service areas: Section 123d.12 of the final regulations states that the Commissioner designates service areas for BESCs. For fiscal year 1980, the Commissioner designates the service areas described in items (1) through (19) below. Unless otherwise indicated, a project may provide services to all language groups served by programs of bilingual education and bilingual education training programs within the geographic area described.

(1) Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine.

(2) New York (excluding New York City and Suffolk and Nassau Counties), New Jersey, Pennsylvania, Delaware, the District of Columbia, Maryland, Virginia, and West Virginia.

(3) New York City, and Suffolk and Nassau Counties in New York State.

(4) Florida, Georgia, South Carolina, and North Carolina.

(5) Louisiana, Mississippi, Alabama, Arkansas, and Tennessee.

(6) Michigan, Wisconsin, Minnesota, Indiana, Ohio, Kentucky, Illinois, Iowa, and Missouri.

(7) Colorado, Wyoming, Utah, Kansas, Nebraska, South Dakota, North Dakota, and Montana (excluding the Navajo language groups in Colorado and all Native American language groups in Utah).

(8) Oklahoma (excluding Native American Language groups), and Education Service Center Regions V–XIV, XVI, and XVII in Texas.

(9) Education Service Center Regions III, IV, XV, XVIII, and XX in Texas.

(10) Education Service Center Regions I and II in Texas.

(11) New Mexico (excluding Native American language groups), and Education Service Center Region XIX in Texas.

(12) Arizona; Counties of San Diego, Imperial, Riverside, San Bernardino, Kern, San Luis Obispo, and Santa Barbara in California; and Clark County in Nevada; (excluding Native American language groups in these States).

(13) Los Angeles, Ventura, and Orange Counties in California (excluding Native

American language groups in these counties).

(14) Del Norte, Siskiyou, Modoc, Lassen, Shasta, Trinity, Humbolt, Mendocino, Tehama, Plumas, Butte, Glenn, Lake, Colusa, Yolo, Sutter, Yube, Placer, Nevada, Sierra, El Dorado, Amador, Sacramento, Marin, Sonoma, Napa, and Solano Counties in California; all Counties in Nevada (except Clark County and excluding Native American language groups); the Counties of Douglas, Coos, Curry, Josephine, Jackson, Klamath, Lake, Harne, and Malheur in Oregon; the Commonwealth of the Northern Mariana Islands; the Trust Territories of the Pacific; Guam; American Samoa; and the State of Hawaii.

(15) Contra Costa, San Joaquin, Calaveras, Alphine Tuolumme, Mono, San Mateo, Alameda, Santa Cruz, Santa Clara, Stanislaus, Mariposa, Monterey, San Beniot, Merced, Fresno, Madera, Inyo, Kinds, and Tulare Counties in California (excluding Native American language groups in these counties).

(16) Washington, Idaho, Alaska, and the Counties of Clatsop, Columbia, Tillamook, Multonomah, Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, Wallowa, Baker, Grant, Wheeler, Crook, Jefferson, Marion, Pok, Lincoln, Benton, Deschutes, Yamhill, Clackamas, Linn, and Lane in Oregon.

(17) Puerto Rico and the Virgin Islands.

(18) The Navajo language group in Arizona, Colorado, and Utah and all Native American language groups in New Mexico and Oklahoma.

(19) Native American language groups in Arizona, Utah, Nevada, and the Counties in California listed in paragraphs 12, 13, and 15 above (excluding the Navajo language group in Arizona and Utah).

An applicant must identify in its application the service area which it proposes to serve. An application competes only against applications proposing to serve the same area. The Commissioner funds only one project for each of the designated service areas.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Application must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(1) The regulations governing the Support Services Projects Program published in this issue of the **Federal Register** (45 CFR Parts 123 and 123d).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

Further information: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3231, 3233)

Dated: March 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9618 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Materials Development Projects Program

AGENCY: Office of Education, HEW.

ACTION: Notice of closing date for transmittal of applications for new projects.

Applications are invited for new projects under the Bilingual Education Act—Materials Development Projects Program.

Authority for this program is contained in Section 721 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3231)

This program issues awards to local educational agencies and to institutions of higher education which apply jointly with one or more local educational agencies.

The purpose of the awards is to develop instructional and testing material for use in programs of bilingual education and bilingual education training programs.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application must be mailed or hand delivered by June 16, 1980.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403L, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The final regulations governing the Bilingual Education Programs are published in this issue of the **Federal Register**. Important changes were made between the proposed regulations and the final regulations. Provisions governing the Materials Development Projects Program were contained in an appendix to the notice of proposed rulemaking. Those provisions are contained in Part 123i of the final regulations. Applicants should review the final regulations, particularly the selection criteria in Part 123i, before preparing their applications.

The maximum project period which an applicant may propose is three years.

AVAILABLE FUNDS: It is expected that approximately $3,200,000 will be available for new grants under the Materials Development Projects Program in fiscal year 1980.

It is estimated that these funds could support 8 projects.

The anticipated award for each new project is between $300,000 and $500,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(1) The regulations governing the Materials Development Projects Program published in this issue of the **Federal Register** (45 CFR Parts 123 and 123i).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

FURTHER INFORMATION: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3231)

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9619 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—School of Education Projects Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects.

Applications are invited for new projects under the Bilingual Education Act—School of Education Projects Program.

Authority for this program is contained in Section 723 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3233)

This program issues awards to institutions of higher education which have schools or departments of education or bilingual education training programs and which apply after consultation with, or jointly with, one or more local educational agencies or with a State educational agency.

The purpose of the awards is to assist institutions of higher education in developing or expanding their capability to provide degree-granting bilingual education training programs.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application must be mailed or hand delivered by June 2, 1980.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403P, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing:

(1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The final regulations governing the Bilingual Education Programs are published in this issue of the **Federal Register**. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the selection criteria in § 123f, before preparing their applications.

The Commissioner approves a project period of three years for School of Education projects.

AVAILABLE FUNDS: It is expected that approximately $1,000,000 will be available for new grants under the School of Education Projects Program in fiscal year 1980.

It is estimated that these funds could support 25 projects.

The anticipated award for each new project is between $25,000 and $50,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

PRIORITIES FOR FUNDING: Section 123f.11 of the regulations permits, but does not require, the Commissioner to establish priorities among the activities described in 123f.10. For fiscal year 1980, the Commissioner does not establish any priorities. All applications for School of Education projects will be reviewed together.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building) 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 20 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

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(1) The regulations governing the School of Education Projects Program published in this issue of the Federal Register (45 CFR Parts 123 and 123f).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

FURTHER INFORMATION: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3233)

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9820 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Fellowship Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for Participation.

Applications are invited for participation in the Fellowship Program under the Bilingual Education Act.

Authority for this program is contained in Section 723 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3233)

The Commissioner approves for participation in the Fellowship Program an institution of higher education which offers a program of study leading to a degree above the master's level in the field of training teachers for bilingual education. The Commissioner awards fellowships to individuals nominated by the approved institutions of higher education.

The purpose of the fellowships is to provide financial assistance to full-time graduate students who are preparing to become trainers of teachers of bilingual education.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for participation must be mailed or hand delivered by May 16, 1980.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403K, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the evaluation criteria in Part 123h, before preparing their applications.

Institutions of higher education may be approved for participation in the Fellowship Program for a period of from one to five years based on the quality of the applicant's bilingual education training program.

AVAILABLE FUNDS: It is expected that approximately $2,400,000 will be available for new fellowships under the Fellowship Program in fiscal year 1980.

It is estimated that these funds could support 325 fellowships.

However, these estimates do not bind the Office of Education to a specific number of fellowships unless that number is otherwise specified by statute or regulations.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 30 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the regulations governing the Fellowship Program published in this issue of the Federal Register (45 CFR Parts 123 and 123h).

FURTHER INFORMATION: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3233)

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9821 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Support Services Projects Program: Evaluation, Dissemination, and Assessment Centers (EDACs)

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects.

Applications are invited for new projects under the Bilingual Education Act—Support Services Projects Program: Evaluation, Dissemination, and Assessment Centers (EDACs).

Authority for this program is contained in Section 721 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3231)

This program issues awards to local educational agencies and to institutions of higher education which apply jointly with one or more local educational agencies.

The purposes of the awards is to provide services to programs of bilingual education and bilingual education training programs within designated service areas for the evaluation, dissemination, and assessment of bilingual education materials.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application must be mailed or hand delivered by June 16, 1980.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403L, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the authorized activities and the selection criteria in Part 123d, before preparing their applications.

The maximum project period which an applicant may propose is three years.

An applicant under this program may include support for training activities in the project. Applicants should refer to § 123.41 of the regulations for the rates for allowable costs for training activities.

AVAILABLE FUNDS: It is expected that approximately $800,000 will be available for one new grant under the Support Services Projects Program; EDACs in fiscal year 1980.

However, this estimate does not bind the U.S. Office of Education to a specific number of grants or the amount of any grant unless that amount is otherwise specified by statute or regulations.

SERVICE AREAS: Section 123d.14 of the final regulations states that the Commissioner designates service areas for EDACs. For fiscal year 1980, the Commissioner designates the service area described in the following paragraph. This project may provide services to all language groups served by programs of bilingual education and bilingual training programs within the geographic area described.

HEW Regions V, VI, VII, and VIII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming).

Only applications proposing to serve this geographic area will be considered for a grant.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue,SW., Washington, D.C. 20202.

Applications must be prepared an submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(1) The regulations governing the Support Services Projects Program published in this issue of the Federal Register (45 CFR Parts 123 and 123d).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

FURTHER INFORMATION: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202)245–2600.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9822 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—State Educational Agency Projects for Coordinating Technical Assistance Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects.

Applications are invited for new projects under the Bilingual Education Act—State Educational Agency Projects for Coordinating Technical Assistance Program.

Authority for this program is contained in Section 721 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3231)

This program issues awards to State educational agencies (SEAs) in States where programs of bilingual education assisted under the Bilingual Education Act operated during the preceding fiscal year.

The purpose of the awards is to assist SEAs in the coordination of technical assistance to programs of bilingual education assisted under the Bilingual Education Act within their States.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application must be mailed or hand delivered by May 16, 1980.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail should be addressed to the U.S. Office of

Education, Application Control Center, Attention: 13.403H, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the eligible activities and selection criteria in Part 123c, before preparing their applications.

The maximum project period which an SEA may propose is five years. An applicant which proposes a project period of more than one year must justify the need for the proposed project period.

AVAILABLE FUNDS: It is expected that approximately $5,000,000 will be available for State Educational Agency Projects for Coordinating Technical Assistance Program in fiscal year 1980.

An award may not exceed five percent of the amount paid under the Bilingual Education Act to local educational agencies in the State in fiscal year 1979.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

APPLICATION FORMS: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 50 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(1) The regulations governing the State Educational Agency Projects for Coordinating Technical Assistance Program published in this issue of the Federal Register (45 CFR Parts 123 and 123c).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

FURTHER INFORMATION: For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3231)

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9623 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Demonstration Projects Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects Applications are invited for new projects under the Bilingual Education Act—Demonstration Projects Program.

Authority for this program is contained in Sections 703–722 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3223–3232)

This program issues awards to local educational agencies (including certain nonprofit institutions and organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Bureau of Indian Affairs) and to institutions of higher education applying jointly with these agencies.

The purpose of the awards is to demonstrate exemplary approaches to providing programs of bilingual education and to building the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

Closing Date for Transmittal of Applications.—An application must be mailed or hand delivered by June 16, 1980.

Applications Delivered by Mail.—An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403N, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an applicant is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand.—An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building, 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information.—The final regulations governing Bilingual Education Programs are published in this issue of the Federal Register. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the program priorities and selection criteria in Part 123b, before preparing their applications.

An applicant under the Demonstration Projects Program must include auxiliary and supplementary training programs for persons who are participating in, or preparing to participate in, programs of bilingual education to be supported by the proposed project. Applicants should refer to § 123.41 of the regulations for the rates for allowable costs for trainees participating in the training programs.

The maximum project period which an applicant may propose is three years.

Available Funds.—It is expected that approximately $10,000,000 will be available for new grants under the Demonstration Projects Program in fiscal year 1980.

It is estimated that these funds could support 30–40 projects.

The anticipated award for each new project is between $250,000 and $450,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Priorities for Funding.—Section 123b.11 of the final regulations authorizes the Commissioner to select priorities from among various target groups and components of a program of bilingual education described in that section. For fiscal year 1980, the Commissioner selects the following priorities for the Demonstration Projects Program:

§ 123b.11(e)(1)—Priority for projects serving exceptional children.

§ 123b.11(e)(4)—Priority for projects serving preschool children. (These projects must be preparatory or supplementary to programs of bilingual education).

§ 123b.11(e)(6)—Priority for projects serving recent immigrants.

§ 123b.11(f)(1)—Priority for projects with exemplary approaches to community or parental involvement.

§ 123b.11(f)(5)—Priority for projects with exemplary approaches to the participation of children whose language is English.

The Commissioner anticipates that approximately 20% of the funds allocated to the Demonstration Projects Program will be set aside for the priority for projects with exemplary approaches to community or parental involvement. An application submitted under this priority competes only with other applications submitted under the priority. An additional 20% of the funds allocated to the program will be set aside for the priority for projects with exemplary approaches to providing for the participation of children whose language is English. An application submitted under this priority competes only with other applications submitted under the priority. The remaining funds (approximately 60%) are reserved for projects proposing the other priorities listed above (§ 123b.11(e)(1), (e)(4), (e)(6)). An application submitted under any of those three priorities competes against all applications submitted under those priorities.

Application Forms.—Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations.—Regulations applicable to this program include the following:

(1) The regulations governing Bilingual Education Programs published in this issue of the Federal Register (45 CFR Parts 123 and 123b).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

Further Information.—For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245–2600.

(20 U.S.C. 3223–3232)

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-9624 Filed 4-3-80; 8:45 am]

BILLING CODE 4110-02-M

Bilingual Education—Basic Projects in Bilingual Education Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for new projects.

Applications are invited for new projects under the Bilingual Education Act—Basic Projects in Bilingual Education Program.

Authority for this program is contained in Sections 703–722 of the Elementary and Secondary Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3223–3232)

This program issues awards to local educational agencies (including certain nonprofit institutions and organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Bureau of Indian Affairs) and to institutions of higher education applying jointly with these agencies.

The purpose of the awards is to establish, operate, or improve programs of bilingual education to assist children of limited English proficiency and to build the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

Closing Date for Transmittal of Applications.—An application must be mailed or hand delivered by June 16, 1980.

Application Delivered by Mail.—An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.403D. Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand.—An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 and 4:30 p.m. (Washington, D.C. time) daily, except Saturday, Sunday, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information.—The final regulations governing Bilingual Education Act programs are published in this issue of the **Federal Register**. Important changes were made between the proposed regulations and the final regulations. Therefore, applicants should review the final regulations, particularly the selection criteria in § 123a.30, before preparing their applications.

As stated in § 123a.31 of the final regulations, the Commissioner annually establishes a cut-off score, based on the selection criteria in § 123a.30, which an application must meet to be considered for a grant. The Commissioner establishes 50 points as the cut-off score for applications under the Basic Projects in Bilingual Education Program for fiscal year 1980.

An applicant under the Basic Projects in Bilingual Education Program must include adequate auxiliary and supplementary training programs for persons who are participating in, or preparing to participate in, the programs of bilingual education to be supported by the proposed project. Applicants should refer to § 123.41 of the regulations for the rates for allowable costs for trainees participating in the training programs.

The maximum project period which an applicant may propose is three years.

Available Funds.—It is expected that approximately $22,750,000 will be available for 120 projects under the Basic Projects in Bilingual Education Program in fiscal year 1980.

The anticipated award for most new projects is between $50,000 and $250,000.

However, these estimates do not bind the Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms.—Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 30 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations.—Regulations applicable to this program include the following:

(1) The regulations governing the Basic Projects in Bilingual Education Program, published in this issue of the **Federal Register** (45 CFR Parts 123 and 123a).

(2) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

Further Information.—For further information contact Ms. Regina Robbins, Assistant to the Deputy Director, Office of Bilingual Education, U.S. Office of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245-2600.

(20 U.S.C. 3223-3232)

(Catalog of Federal Domestic Assistance No. 13.403, Bilingual Education)

Dated: March 25, 1980.

William L. Smith,
Commissioner of Education.

[FR Doc. 80-9825 Filed 4-3-80; 8:45 am]
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federal register

Friday
April 4, 1980

Part IV

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications To General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR79-4056	Mar. 30, 1979.
California:	
CA78-5122	Aug. 11, 1978.
CA78-5123	Aug. 18, 1978.
Connecticut:	
CT79-2010	Apr. 6, 1979.
CT79-2011	Apr. 6, 1979.
Massachusetts:	
MA80-2001	Mar. 7, 1980.
New York:	
NY79-3011	May 18, 1979.
Texas:	
TX79-4051	May 4, 1979.
TX79-4086	Oct. 5, 1979.
TX80-4001	Jan. 4, 1980.
TX80-4003	Jan. 4, 1980.
TX80-4004	Jan. 4, 1980.
TX80-4005	Jan. 4, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Iowa:	
NE76-4184 (NE80-4025)	Dec. 3, 1976.
Kansas:	
KS78-4009 (KS80-4009)	Feb. 3, 1978.
KS78-4008 (KS80-4011)	Feb. 3, 1978.
KS78-4010 (KS80-4010)	Feb. 10, 1978.
Nebraska:	
NE76-4184 (NE80-4025)	Dec. 3, 1976.
NE79-4027 (NE80-4022)	Feb. 16, 1979.
New York:	
NY79-3014 (NY80-3020)	July 6, 1979.
NY79-3025 (NY80-3022)	Aug. 10, 1979.
Pennsylvania:	
PA78-3013 (PA80-3010)	Apr. 14, 1978.
Texas:	
TX79-4045 (TX80-4024)	June 22, 1979.
Virginia:	
VA78-3061 (VA80-3004)	Sept. 15, 1978.
VA78-3063 (VA80-3005)	Sept. 22, 1978.
Wisconsin:	
WI78-2146 (WI80-2013)	Oct. 27, 1978.
WI78-2129 (WI80-2014)	Oct. 20, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 28th day of March 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA78-5123 - Mod. #10 (43 FR 36839 - August 18, 1978)					
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties California					
Change:					
Power Equipment Operators					
Group 1:	$11.60	1.10	2.60	.85	.14
Group 2:	11.88	1.10	2.60	.85	.14
Group 3:	12.17	1.10	2.60	.85	.14
Group 4:	12.31	1.10	2.60	.85	.14
Group 5:	12.53	1.10	2.60	.85	.14
Group 6:	12.64	1.10	2.60	.85	.14
Group 7:	12.76	1.10	2.60	.85	.14
Group 8:	12.93	1.10	2.60	.85	.14
Group 9:	13.06	1.10	2.60	.85	.14
Add:					
Line Construction:					
Kern County					
Linemen	16.00	1.10	3%+1.95		.15
Cable Splicers	17.60	1.10	3%+1.95		.15
Equipment Op.	16.00	1.10	3%+1.95		.15
Groundmen	12.00	1.10	3%+1.95		.15
Delete:					
Line Construction:					
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	12.44	.90	3%+1.60		.15
Linemen	15.75	.90	3%+1.60		.15
Cable Splicers	17.33	.90	3%+1.60		.15
Kern County (Remainder of County)					
Groundmen	9.94	.90	3%+1.60		.15
Linemen	13.25	.90	3%+1.60		.15
Cable Splicers	14.58	.90	3%+1.60		.15

MODIFICATION PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR79-4056-Mod. #5 (44 FR 19108-March 30, 1979 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	$11.17		3%		1/4%
Cable splicers	11.295		3%		1/4%
DECISION NO. CA78-5122 - Mod. #8 (43 FR 35835 - August 11, 1978)					
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties California					
Change:					
Power Equipment Operators					
Group 1:	$11.60	1.10	2.60	.85	.14
Group 2:	11.88	1.10	2.60	.85	.14
Group 3:	12.17	1.10	2.60	.85	.14
Group 4:	12.31	1.10	2.60	.85	.14
Group 5:	12.53	1.10	2.60	.85	.14
Group 6:	12.64	1.10	2.60	.85	.14
Group 7:	12.76	1.10	2.60	.85	.14
Group 8:	12.93	1.10	2.60	.85	.14
Group 9:	13.06	1.10	2.60	.85	.14

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MODIFICATION PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT79-2010 - MOD. #9 (44 FR 20913 - April 6, 1979) Fairfield, Litchfield and Windham Counties, Connecticut					
Change: Fairfield Co.; Rem. of Co.; Litchfield Co.; & Windham Co. Traffic Control and illumination of Streets, Roads and Highways					
Linemen, Cable Splicer	$ 10.48	.70	3%+.75	p	
Equipment Operator	8.96	.70	3%+.75	p	
Groundman Truck Driver	8.03	.70	3%+.75	p	
Groundman, Experienced	7.20	.70	3%+.75	p	
DECISION NO. CT79-2011 - MOD. #11 (44 FR 20921 - Arpil 6, 1979) Hartford, Middlesex, New Haven, New London, & Tolland Counties, Connecticut					
Change: ELECTRICIANS: Hartford Co.: Berlin, Bristol, New Britian, Newington, Plainville, & Southington	$12.50	1.07	3%+.65		4%
New Haven Co.: Remainder of co.; New London Co.; E. Lyme, New London, Fishers Island Sound Old Lyme, Groton, Waterford & Ledyard (Submarine Based Only)	12.50	1.07	3%+.65		4%

MODIFICATION PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA80-2001 - MOD. #2 (45 FR 15020 - March 7, 1980) Middlesex County, Massachusetts					
Change: PLUMBERS: Acton, Ayer (except portion lying West of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westboro and wilmington	12.62	1.10	1.10		.07

MODIFICATION PAGE 5

DECISION #NY79-3011 - Mod. #3 (44 FR 29249 - May 18, 1979) Bronx, Kings, Queens, New York & Richmond Counties, New York

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters: Building, Heavy and Highway: Carpenters, Piledrivermen, Soft Floor Layers, and Millwrights	12.69	1.70	1.78	1.06	.04
Dockbuilders	12.59	1.70	1.03	1.01	.05
Divers	15.03	1.725	1.78	1.03	.05
Diver Tenders	11.64	1.725	1.78	1.03	.05
Laborers:					
Asphalt Laborers	10.80	1.30	1.30	h	
Asphalt Rakers	11.06	1.30	1.30	h	
Asphalt Tampers	10.82	1.30	1.30	h	
Laborers; demolition:					
Bermen	11.30	8%	10%		
Bermen Helpers	11.00	8%	10%		
Ironworkers:					
Ornamental Finisher	11.53	1.51	3.05	1.00	.14
Structural	12.50	1.86	3.85	1.60+f	.11
Plasterers:					
Kings	11.70	1.45		1.45	
Plumbers:					
Bornx and NY	12.10	2.37	2.65	.72	
Kings and Queens	12.20	2.10	2.14	1.19	.22
Richmond	11.85	1.30+1	2.01	1.05	.30
Sheet Metal Workers	14.365	1.925	1.665		.16
Steamfitters and Sprinkler Fitters	13.38	2.75	1.12	1.00	.07
Stone Masons	13.50	.75	1.00		

MODIFICATION PAGE 6

DECISION NO. NY79-3011 - Mod. #3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Double Drum Hoist	12.98	1.00	3.05	.70+a	.10
Stone Derrick, Cranes, Cherry Pickers	12.74	1.00	3.05	.70+a	.10
Hoists, Fork Lifts, House Cars, Plasterer (platform machine), Plasterer Bucket, Plasterer Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	12.27	1.00	3.05	.70+a	.10
Cranes: All types-crawler or truck					
100' to 149' Boom	13.21	1.00	3.05	.70+a	.10
150' to 249' Boom	13.46	1.00	3.05	.70+a	.10
250' to 349' Boom	13.71	1.00	3.05	.70+a	.10
350' to 450' Boom	14.21	1.00	3.05	.70+a	.10
Steel Erection:					
Three Drum Derricks	13.87	1.00	3.05	.70+a	.10
Cranes, 2 Drum Derricks, Cherry Pickers	13.27	1.00	3.05	.70+a	.10
Compressors, Welding Machines	11.81	1.00	3.05	.70+a	.10
Tower Cranes	12.71	1.00	3.05	.70+a	.10

FOOTNOTE:

A. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

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MODIFICATION PAGE 7

DECISION NO. NY79-3011 - Mod. #3

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class 1	12.94	1.00	3.05	.70+a	.10
Class 2	12.85	1.00	3.05	.70+a	.10
Class 3	12.55	1.00	3.05	.70+a	.10
Class 4	12.30	1.00	3.05	.70+a	.10
Class 5	12.03	1.00	3.05	.70+a	.10
Class 6	12.02	1.00	3.05	.70+a	.10
Class 7	11.68	1.00	3.05	.70+a	.10
Class 8	11.42	1.00	3.05	.70+a	.10
Class 9	10.87	1.00	3.05	.70+a	.10
Class 10					
a	13.21	1.00	3.05	.70+a	.10
b	13.46	1.00	3.05	.70+a	.10
c	13.71	1.00	3.05	.70+a	.10
d	14.21	1.00	3.05	.70+a	.10
Class 11	13.31	1.40	.75		.05
Class 12	13.00	1.40	.75		.05
Class 13	12.78	1.40	.75		.05
Class 14	12.27	1.40	.75		.05

FOOTNOTE:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels.

Class 2: Mine hoist, Cranes, etc, used as mine hoists.

Class 3: Gradalls, Katstones, Cranes (with digging buckets including sand dock cranes, bridge cranes), Trenching machines.

Class 4: Rigs (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Piledrivers.

Class 5: Raise Bore Drill.

Class 6: Mucking machines, Back filling machines, Cranes, Paver dual drums.

MODIFICATION PAGE 8

DECISION NO. NY79-3011 - Mod. #3

POWER EQUIPMENT OPERATORS (CONT'D)
HEAVY AND HIGHWAY CONSTRUCTION

Class 7: Elevator (manually operated), Concrete pavers, Cableways, Land Derricks, Mixers, Power Houses (which contain low pressure units).

Class 8: Power Houses (other than above), Compressors (3 or more in battery), Stone Crusher, Double Drum Hoist, Concrete pumps, Well point pumps, Tugger machines (caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection), Concrete plant, Conveyor attachment, Well Drilling machine.

Class 9: River cofferdam pumps, Welding machines, Boilers, High pressure, Compressors (portable, single or two in a battery), not over 100' apart, Concrete breaking machines, Hoists, Single drum, Load Masters, Locomotives and Dinkies over 10 tons, Mixers (concrete with loading attachment), Push button machines.

Class 10: Long Boom Land Cranes:
a—100' to 149'
b—150' to 249'
c—250' to 450'
d—350' to 450'

Class 11: Junior engineers when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over.

Class 12: Junior engineers when operating the following equipment and attachments: Scrapers, Turnapulls, Tugger hoists used exclusively for handling excavated material, Tractors (rubber tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers under 20 tons, Austin Western and machines of a similar nature, Bulldozers, Loaders rubber tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards, Conveyors, Motor Graders, Curb and Gutter Pavers and machines of a similar nature.

Class 13: Junior engineers when operating the flowing pieces of minor equipment: Tractors, Locomotives 10 tons and under, Post hole diggers, Motor Generators, Road Finishing machines, Mixers 16S and under with or without loading devices, Rollers 5 tons and under, Tugger hoists, Dual purpose trucks, Fork lifts, Dumpster Dumpsters, Firemen tending to: Steam operated shovels, power boilers, steam operated piledrivers, steam operated derrick boats, steam operated water rigs.

Class 14: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in a battery); Power Houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck.

MODIFICATION PAGE 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX79-4051 - MOD. #9 (44 FR 26535 - May 4, 1979) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Bricklayers & stonemasons:					
Zone 2	$11.37	.57	.50		.07
DECISION NO. TX79-4086 - MOD. #5 (44 FR 57632 - October 5, 1979) Bexar County, Texas					
CHANGE:					
Roofers:					
Roofers; deckman	8.21	.50			
Kettlemen	7.27	.50			
Waterproofers	7.72	.50			
DECISION NO. TX80-4001 - MOD. #2 (45 FR 1376 - January 4, 1980) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Painters - Group 1	9.95		.50		
Group 2	10.07		.50		
Group 3	10.70		.50		
Group 4	10.20		.50		

MODIFICATION PAGE 10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4003 - MOD. #2 (45 FR 1380 - January 4, 1980) Jefferson & Orange Cos., Texas					
CHANGE:					
Carpenters:					
Carpenters - Commercial	$12.57	.55	.45		.065
Millwrights	12.905	.55	.45		.02
Piledrivermen	12.76	.55	.45		
Cement masons:					
North half of Jefferson Co. bounded on the south side by Nederland Ave. in Nederland Texas	12.70				
South half of Jefferson Co. & all of Orange Co.	12.62				
Elevator constructors:					
Mechanics	11.75	.895	.69	4%+a+b	.035
Glaziers:					
Northern 1/2 of Jefferson Co.	11.98	.60			
Ironworkers	11.90	.55	1.45		.10
Lathers	13.465	.55			.01
Painters:					
Northern 1/2 of Jefferson Co.:					
Group 1:					
Commercial	12.08	.60			
Residential	11.83	.60			
Group 2:					
Commercial	12.33	.60			
Residential	12.08	.60			
Group 3 - Commercial	12.25	.60			
Group 4:					
Commercial	12.50	.60			
Residential	12.25	.60			
Truck drivers: Group 1	9.91	.53			
Group 2	10.50	.53			
Group 3	10.69	.53			
Group 4	10.79	.53			
Group 5	10.87	.53			

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MODIFICATION PAGE 11

DECISION NO. TX80-4003(CONTD)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Group 1	$13.485		.25		
Group 2	11.21		.25		
Group 3	10.39		.25		
Group 4	10.14		.25		
DECISION NO. TX80-4004 - MOD. #2 (45 FR 1383 - January 4, 1980) Wichita County, Texas					
CHANGE:					
Bricklayers & stonemasons	11.30		.60		.05
DECISION NO. TX80-4005 - MOD. #5 (45 FR 1385 - January 4, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos Texas					
CHANGE:					
Building Construction:					
Plumbers & pipefitters:					
Zone 1	10.57	.30	.55		.04
Zone 2	11.28	.30	.55		.04
Sheet metal workers:					
Zone 1	10.40	3%+.45	.60		.09
Zone 2	10.90	3%+.45	.60		.09
Zone 3	11.40	3%+.45	.60		.09
Incidental Paving & Utilities:					
Plumbers (Bell & Coryell Cos.):					
Zone 1	10.57	.30	.55		.04
Zone 2	11.28	.30	.55		.04

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO.: KS80-4009 DATE: Date of Publication
Supersedes Decision No. KS78-4009 dated February 3, 1978 in 43 FR 4812
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.27	.60	1.55		.05
BOILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS: Stonemasons	11.49	.40	.25		
CARPENTERS:					
Carpenters	10.05	.40	.60		.05
Millwrights	10.55	.40	.60		.05
Piledrivermen	10.425	.40	.60		.05
CEMENT MASONS:					
Cement masons	8.85	.40	.35		
Machine operators	8.975	.40	.35		
Composition color or chloride additives	9.05	.40	.35		
ELECTRICIANS:					
Electricians	13.50	.75	3%+.65		.10
Cable splicers	14.875	.75	3%+.70		.10
ELEVATOR CONSTUCTORS	10.42	.745	.56	3%+a	.025
GLAZIERS	9.95	.75	.81		.03
IRONWORKERS	11.60	.75	1.40	1.00	.05
LABORERS (Building Construction):					
General laborers	8.10	.40	.50		.05
Power tool operators, compactors concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	8.30	.40	.50		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wreching)	8.40	.40	.50		.05
Sand and concrete gun nozzleman and powderman	8.50	.40	.50		.05
Laborers (Site Preparation and Grading):					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

DECISION NO. KS80-4009 Page 2

CLASSIFICATION DEFINITIONS

LABORERS (Site Preparation and Grading):
Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (machanically, operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; Mason tender; material batch hooper and scall man, mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duck line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distrubution

Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	11.10		.20		
LINE CONSTUCTION:					
Lineman	11.96	.45	3%		1/2%
Cable splicers	12.56	.45	3%		1/2%
Groundman, Powderman	7.44	.45	3%		1/2%
	9.91	.45	3%		1/2%
Line Truck and Equipment Operators	9.91	.45	3%		1/2%
PAINTERS:					
Brush, drywall, sandling and taping	11.14	.50			.03
Painting of structures over 50' (all types); spray	11.89	.50			.03
PLASTERERS	9.25		.20		
PIPEFITTERS; Plumbers	12.63	.80	1.00		.04
ROOFERS:					
Roofers, Flate Slate & Tile damproofers and Water-proofers	12.16		.60	b	
Roofers working in pitch, tar or Creosote, Coal	13.01		.60	b	
SHEET METAL WORKERS	11.99	3%+.50	1.29		.04
SOFT FLOOR LAYERS	10.70	.50	.55		.06
SPRINKLER FITTERS	12.90	.75	1.05		.08
TILE SETTERS	9.00				

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FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 6 paid Holidays.

b. After 6 months of employment $.26; after 5 years $.52

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTUCTION					
Master Mechanic	13.50	.75	1.00		.10
Cranes with lifting ring	12.50	.75	1.00		.10
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	11.75	.75	1.00		.10
Cranes and shovels-booms 200 ft. and over four (4) drum hoist, Frankie - type pile driving machines, and tower cranes and derricks	12.00	.75	1.00		.10
GROUP I	11.50	.75	1.00		.10
GROUP II	11.10	.75	1.00		.10
GROUP III					
CLASS A	9.80	.75	1.00		.10
CLASS B	10.05	.75	1.00		.10
GROUP IV					
CLASS A	9.25	.75	1.00		.10
CLASS B	9.50	.75	1.00		.10

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell dragline, doxer, scrapper, all typers, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist, two drum, mechanic or welder, mix-ermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditching machine - small, ele-vator operator, fireman, forklift, hoist, or active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment

GROUP III
CLASS A - Farm tractor (without attachments)
CLASS B - Farm tractor (with attachments)

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Site Preparation and Grading					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator
Group 2 - Asphalt plant operator; elevating grader operator
Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concret pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DIVERS - Light Station Wagons, Pickups	7.875	.40	.35		
TRUCK DRIVERS - Medium Flatbeds and dump five ton or less, Warehousemen & Partsmen	7.975	.40	.35		
TRUCK DRIVERS - Heavy - Over 5 ton, Semi-Trailers, Fork Lifts, Industrial Tractors as used in Teamsters jurisdiction, Staddle Trucks, A frame & Winch Trucks when used as such	8.225	.40	.35		
Mechanics and Dispatchers	8.375	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; eucid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment
WELDERS: Recieve rates prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO. KS80-4011 DATE: Date of Publication
Supersedes Decision No. KS78-4008, dated Feruary 3, 1978 in 43 FR 4812
DESCRIPTION OF WORK: Building Construction Project (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.76	.945	1.00		.02
BOILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS: STONEMASONS	11.23	.50	.50		.02
CARPENTERS:					
Carpenters	10.35	.50			.05
Millwrights, piledrivermen	10.65	.50			.05
CEMENT MASONS:					
Cement masons	9.85				
Troweling machine operator	10.10				
ELECTRICIANS	11.50	.75	3%+.50		1%
ELEVATOR CONSTUCTORS'	10.42	.745	.56	3%+a	.02
FOOTNOTE: A-Employer contributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate for 6 mons. to 5 years as vacation Pay Credit. Also 6 paid holidays.					
GLAZIERS	9.97	.75	.80	1.48	.05
IRONWORKERS	10.83		.75	.53	.02
LABORERS (BUILDING CONSTRUCTION):					
Group 1 Common laborers	7.60	.50	.50		.05
Group 2 - Power tool operators, compactors, concrete breaker chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders plaster tenders, mortar mixers for plasterers, mason and cement finishers, all stocking scaffold, clean up for masons (building & wrecking), Sand and concrete gun nozzleman, powderman	7.80	.50	.50		.05
LABORERS (SITE PREPARATION & GRADING)					
GROUP 1	5.30	.50	.25		.05
GROUP 2	5.45	.50	.25		.05
GROUP 3	5.55	.50	.25		.05
GROUP 4	5.70	.50	.25		.05
GROUP 5	5.80	.50	.25		.05

CLASSIFICATION DEFINITIONS

LABORERS:
GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated) Mixerman-no skip, lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter water pump up to 4 inches, & all other general laborer including flagmen
GROUP 2 - Air tool operators, cement handlers (bulk) chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumperdry batch, vibrator operator, wagon and churn drill operator
GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material handling & applying, nozzle burner (cutting torch and burning bar)
GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer layer, steel plate structure erectors, water and gas distrubution lines
GROUP 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.90		.15		.01
LINE CONSTRUCTION:					
Linemen	11.96	.45	3%		4%
Cable splicers	12.56	.45	3%		4%
Groundman,	7.44	.45	3%		4%
Powerman	9.91	.45	3%		4%
Line truck & equipement operator	9.91	.45	3%		4%
PAINTERS:					
GROUP 1 - Brush, sheetrock taping and finishing	10.07	.10	.30		.01
GROUP 2 - Stage chair and window jack work to and including five stories high	10.67	.10	.30		.01
GROUP 3 - Stage chair and window jack work over five stories high elevated tanks, towers, & stack over 75 ft. high; sandblasting & water blasting work from picks; stage chairs or platforms 24 ft. in height	10.67	.10	.30		.01
GROUP 4 - Structural steel not done from scaffolding	10.82	.10	.30		.01
PLASTERERS	10.50				
PIPEFITTERS, PLUMBERS	11.97	.80	.85		.04

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POWER EQUIPMENT OPERATORS BUILDING CONSTUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	13.25	.75	1.00		
Cranes with lifting ring	12.25	.75	1.00		
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	11.50	.75	1.00		
Cranes and shovels-booms 200 ft. and over four (4) drum hoist, Frankie - type pile driving machines, and tower cranes and derricks	11.75	.75	1.00		
GROUP I	11.25	.75	1.00		
GROUP II	10.85	.75	1.00		
GROUP III					
CLASS A	9.55	.75	1.00		
CLASS B	9.80	.75	1.00		
GROUP IV					
CLASS A	9.00	.75	1.00		
CLASS B	9.25	.75	1.00		

WAGE CLASSIFICATIONS

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell dragline, doxer, scrapper, all typers, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist, two drum, mechanic or welder, mix-ermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditching machine - small, elevator operator, fireman, forklift, hoist, or active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment

GROUP III
CLASS A - Farm tractor (without attachments)
CLASS B - Farm tractor (with attachments)

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler

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POWER EQUIPMENT OPERATORS Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; doser; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator
Group 2 - Asphalt plant operator; elevating grader operator
Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concret pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow. disc seeder; oiler; tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers, Kettlemen	8.80	.28	.20		
Pitch	9.55	.28	.20		
SHEET METAL WORKERS	11.725	3%+1.18	.66		.14
SPRINKLER FITTERS	12.90	.75	1.05		.08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
Group 1 - Pickups, Station wagons, flat beds 12,000 & under GVW lincense capacity	7.75	.50	.35		
GROUP 2 - Flat beds-16,000# GVW lincense capacity	7.825	.50	.35		
GROUP 3 - FLat beds-20,000# over GVW lincense capacity, dump, batch & water truck, single axle	7.90	.50	.35		
GROUP 4 - Lowboys, semi-trailers dumpstors, a-frame tandems winch truck when used as such & transit mix	8.00	.50	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; eucid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment
WELDERS: Recieve rates prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO. KS80-4010 DATE: Date of Publication
Supersedes Decision No. KS78-4010, dated February 10, 1978 in 43 FR 5976.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.27	.60	1.55		.05
Boilermakers	11.00	1.15	1.00		.02
Bricklayers, Stonemasos	11.49	.40	.25		
Carpenters:					
Carpenters	10.05	.40	.60		.05
Millwrights	10.55	.40	.60		.05
Piledrivermen	10.425	.40	.60		.05
Cement Masons:					
Cement Masons	8.85	.40	.35		
Machine operators	8.975	.40	.35		
Composition color or chloride addition	9.05	.40	.35		
Electricians	9.30	.45	3%+30		.05
Ironworkers	11.60	.75	1.04	1.00	.05
Laborers:					
General laborers	8.10	.40	.50		.05
Power tool oprs., compactors concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	8.30	.40	.50		.05
Mason tenders, plaster tenders, mortar mixers for plasterers, masons and cement finishers, all stocking scaffold, clean up for masons (building & wrecking)	8.40	.40	.50		.05
Sand and concrete gun nozzleman powderman	8.50	.40	.50		.05
Laborers (Site Preparation and Grading):					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

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CLASSIFICATION DEFINITIONS

LABORERS (Site Preparation and Grading):

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated);grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hooper and scale man, mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duck line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distrubution

Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	11.10		.20		
Painters:					
Brush, drywall, sanding and taping, roller	11.14	.50			.02
Painting of structures over 50' (all types); spray	11.89	.50			.02
Plasterers	9.25		.20		
Plumbers: Pipefitters	12.63	.80	1.00		.04
Roofers:					
Roofers flat slate and tile, dampproofers	12.16		.60	a	
Roofers working in pitch, tar or creosote, coal	13.01		.60	a	
FOOTNOTE: A- after 6 months of employement .26¢ after 5 years .52¢					
Sheet Metal Workers	11.99	3%+.50	1.29		.04
Soft Floor Layers	10.70	.50	.55		.06
Sprinkler Fitters	12.90	.75	1.05		.08
Tile Setters	9.00				
Line Construction					
Lineman	11.96	.45	3%		1/2%
Cable Splicer	12.56	.45	3%		1/2%
Groundman,	7.44	.45	3%		1/2%
Powderman	9.91	.45	3%		1/2%
Line truck and equipment operator	9.91	.45	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTUCTION					
Master Mechanic	13.50	.75	1.00		.10
Cranes with lifting ring	12.50	.75	1.00		.10
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	11.75	.75	1.00		.10
Cranes and shovels-booms 200 ft. and over four (4) drum hoist, Frankie - type pile driving machines, and tower cranes and derricks	12.00	.75	1.00		.10
GROUP I	11.50	.75	1.00		.10
GROUP II	11.10	.75	1.00		.10
GROUP III					
CLASS A	9.80	.75	1.00		.10
CLASS B	10.05	.75	1.00		.10
GROUP IV					
CLASS A	9.25	.75	1.00		.10
CLASS B	9.50	.75	1.00		.10

WAGE CLASSIFICATIONS

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell dragline, dozer, scrapper, all typers, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist, two drum, mechanic or welder, mix-ermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditching machine - small, elevator operator, fireman, forklift, hoist, or active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment

GROUP III
CLASS A - Farm tractor (without attachments)
CLASS B - Farm tractor (with attachments)

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS Site Preparation and Grading					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):

Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-mobile; track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader operator

Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concret pump operator; crusher operator, distributor operator; finish machinw operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DIVERS - Light Station Wagons, Pickups	7.875	.40	.35		
TRUCK DRIVERS - Medium Flatbeds and dump fivm ton or less, Warehosemen & Partsmen	7.975	.40	.35		
TRUCK DRIVERS - Heavy - Over 5 ton, Semi-Trailers, Fork Lifts, Industrial Tractors as used in Teamsters jurisdiction, Staddle Trucks, A frame & Winch Trucks when used as such	8.225	.40	.35		
Mechanics and Dispatchers	8.375	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; eucid, end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Recieve rates prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: IOWA & NEBRASKA

COUNTIES: That portion of Missouri River in Nebraska & Iowa down stream to the Kansas-Missouri Line

DECISION NO: NE-80-4025
DATE: Date of Publication
SUPERSEDES DECISION NO.: NE76-4184 dated December 3, 1976 in 41 FR 53259
DESCRIPTION OF WORK: Channel stabilization and associated work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$10.215	.83	.80		.10
GROUP 2	9.685	.83	.80		.10
GROUP 3	9.625	.83	.80		.10
GROUP 4	9.365	.83	.80		.10
GROUP 5	9.305	.83	.80		.10
GROUP 6	9.095	.83	.80		.10
GROUP 7	8.935	.83	.80		.10
GROUP 8	8.395	.83	.80		.10

POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITIONS

GROUP 1
Draglines, Clam Bucket, Orange Peel or Crane Side Boom, Derrick and Tow Operator

GROUP 2
Dredge Operator or Leverman, Engineer on Dredge (18" or Over)

GROUP 3
Pile Driver (or Engine Man)

GROUP 4
Mechanic or Welder, Engineer on Dredge (12" up to 18")

GROUP 5
Dozer, Front End Loader or High Lift, Scoop or Similar Equipment

GROUP 6
Winch (Power Operated), Winch or Boom Truck

GROUP 7
Boilerman (or Fireman)

GROUP 8
Oiler

SUPERSEDEAS DECISION

STATE: Nebraska
COUNTIES: Douglas, Sarpy, Otoe
DECISION NUMBER: NE80-4022
DATES: Date of Publication
Supersedeas Decision No. NE79-4027 dated February 16, 1979 in 44 FR 10234
DESCRIPTION OF WORK: Building projects, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.61	.70	.51	4%	.03
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS, Stonemason	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	11.95	.82	.70		.05
Piledrivermen	12.085	.82	.70		.05
CEMENT MASONS	11.81	.82	.90		
DRYWALL:					
Tapers and Finishers	10.34	.55		.50	.04
ELECTRICIANS - Douglas & Sarpy Cos.	13.61	.98	3%+.95		½ of 1%
Residential	9.30	.78	3%		½ of 1%
ELECTRICIANS - Otoe County	12.80	.75	3%+.85		.04
ELEVATOR CONSTRUCTORS	11.56	.745	.56	4%+a	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.745	.56	4%+a	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				

FOOTNOTES:
A. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 7 paid holidays

GLAZIERS	12.81	.75	.50		.01
IRONWORKERS	10.98	.82	1.00	1.00	.05
LABORERS:					
Common laborers	9.11	.65	.65		.05
Buggymobile oprs., mortar mixers, mason tenders	9.285	.65	.65		.05
Pipelayers	9.45	.65	.65		.05
Plasterers tenders	9.495	.65	.65		.05
LATHERS	8.95	.57	.50	1.00	
MARBLE SETTERS, TILE and Terrazzo workers	12.22	.30	.40		
MARBLE, Tile and Terrazzo Workers Finishers	8.96				

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DECISION NO. Ng80-4022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	10.45		.50		.05
Structural steel and Paperhangers	10.80		.50		.05
Spray, swing stage, hazardous and sandblasting	11.05		.50		.05
PLASTERERS	11.53	.57	.50		
PLUMBERS	13.04	.95	1.05		.10
ROOFERS:					
Composition - Douglas & Sarpy Cos.	10.35	.70	.20		.01
Otoe County	9.05		.10		
Slate; tile - Douglas & Sarpy Cos.	10.65	.70	.20		.01
Otoe County	9.45		.10		
SHEET METAL WORKERS	12.89	.75			.07
Residential	8.76	.50			.07
SOFT FLOOR LAYERS	10.50			b	.05

FOOTNOTES:
B. Eight paid Holidays, A thru H; Also employees with one years' continous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continous service with the same employer shall receive 2 weeks paid vacation.

SPRINKLER FITTERS	13.33	.75	1.05		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Linemen	11.98	.45	3%		½%
Cable splicers	12.87	.45	3%		½%
Truck Driver	8.65	.45	3%		½%
Equipment Operators	10.78	.45	3%		½%
Groundmen	7.82	.45	3%		½%

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DECISION NO.NE80-4022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	8.24	.57	.50		
Group 2	8.34	.57	.50		
Group 3	8.63	.57	.50		
Group 4	10.10	.57	.50		
Group 5	10.20	.57	.50		
Group 6	10.45	.57	.50		
Group 7	8.26	.57	.50		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (motor truck crane)

Group 3 - Conveyors; heaters; tractors, 35 hp or under; air compressors; pump and welding machine operator

Group 4 - Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoists; straddle trucks; spread oiler

Group 5 - Blades; end loaders; self-propelled scrapers

Group 6 - Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on highpressure boilers in construction work; economobile; electric hammers and extractors

Group 7 - Greasers

TRUCK DRIVERS:					
Single axle	8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.845	.57	.48		
Lumber carriers	9.02	.57	.48		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: BRONX, KINGS, NEW YORK, QUEENS, RICHMOND

DECISION NO.: NY80-3020

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY79-3014 dated July 6, 1979 in 44 FR 39908

DESCRIPTION OF WORK: Residential Construction projects consisting of single family homes and garden type apartments up to and including 4 stories.

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.38	1.02	1.82		
Boilermakers	13.18	5%	15%	7%	.02
Bricklayers	11.50	1.28	3.68		
Carpenters, Piledrivers and Soft Floor Layers	12.69	1.70	1.78	.95	.04
	12.69	1.70	1.78	1.06	.04
Millwrights	11.40	1.74	1.19		.02
Cement Masons	13.45	7%	3%+a	6%+b	4%
Electricians and Linemen	11.32	.745	.35+j	c+d	.02
Elevator Constructors	12.85	.66	1.91	.67	.01
Glaziers					
Ironworkers:					
Structural	12.50	1.86	3.85	1.60+i	.11
Ornamental Finisher	11.53	1.51	3.05	1.00	.14
Reinforcing	10.41	1.325	1.985	.75+n	.03
Laborers:					
Asphalt Rakers	11.06	1.30	1.30	m	
Asphalt Tampers	10.82	1.30	1.30	m	
Asphalt Laborers	10.80	1.30	1.30	m	
Cement Concrete Workers	10.40	1.4025	1.7525	q	
Mason Tenders	10.35	.887	1.595		
Laborers	9.05	1.35	1.48		
Plasterer Tenders (Kings)	9.70	2.80		.80	
Plasterer Tenders (Queens)	9.60	1.55		1.35	.01
Plasterer Tenders (NY-Bronx-Richmond)	8.60	.90	1.40	.35	
Lathers, Metallic	10.79	1.325	1.985	.75+l	.03
Lead Burners	10.75	.40	.25	g	.01
Marble Setters:					
Carvers	10.60	1.21	1.71	f	
Cutters and Setters	10.45	1.21	1.71	f	
Sawyers, Rubbers and Polishers	10.93	1.21	1.71	f	
Crane operators and Derrickmen	9.55	1.21	1.71	f	
Painters:					
Brush	10.92	9%	1.04+ h	3%	
Spray, Spray Gun and Scaffold	13.26	9%	1.40+ h	3%	
Plasterers:					
Kings	11.70	1.45		1.45	.01
Queens	10.10	1.75		1.35	.01
Bronx-NY	10.15	1.10	1.54	.90	.01
Plumbers:					
Bronx and NY	12.10	2.37	2.65	.72	
Kings-Queens	12.20	2.10	2.14	1.19	.22
Richmond	11.85	1.30+p	2.01	1.05	.30
Roofers:					
Composition, Damp, Waterproofers	9.65	1.79	2.65	.65	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	14.365	1.925	1.665		.16
Sprinkler Fitters & Steamfitters	13.38	2.75	1.12	1.00	.07
Stonemasons	13.50	.75	1.00		
Terrazzo Workers	11.88	1.32	1.50		
Terrazzo Workers helpers	9.84	1.21	1.50		
Tile Setters	11.225	1.15			
Tile Setters helpers	7.90	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	9.44	.9675	1.8525	k+l	
Buclids and Turnapulls	8.825	.9675	1.8525	k+l	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Columbus Day; H-Day after Thanksgiving

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity and Security Benefit Fund.

b. Paid Holidays: A through G, Washington's Birthday, Election Day.

c. Paid Holidays: A through G; Lincoln's Birthday, Washington's Birthday, Election Day, Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation.

f. Paid Holidays: ½ day's pay for Labor Day.

FOOTNOTES CONTINUED:

g. Paid Holidays: A through F; Washington's Birthday, Christmas Eve, Good Friday, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled worked days immediately preceding and following the holiday.

h. Employer contributes $5.00 per day to an Annuity Fund.

i. Paid Holidays: New Year's Eve and Christmas Eve, providing the employee works a full half day preceding the holiday.

j. Employer contributes $8.00 per day to an Annuity Fund.

k. Paid Holidays: A through G; Lincoln's Birthday, Washington's Birthday, Election Day, Veteran's Day, providing the employee works 2 days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

l. For each 15 days within the contract year an employee will receive 1 days vacation with pay, with a maximum vacation of 3 weeks per year.

m. Paid Holidays: B,C,D,E,G, Election Day and Veteran's Day providing the employee works at least 1 day in the week in which the holiday occurs.

n. Work on Christmas Eve and New Year's Eve will terminate at noon, but the employee will receive a full day's pay.

p. Employer contributes $6.01 per day to an Annuity Fund.

q. If men work the last regular work day before Christmas Day, or the last regular work day before New Year's Day, the work day will end at Noon but men will be paid for a full 7 hour day; however, if men are required to work after 12 Noon they will be paid additional time and one-half for the hours worked.

DECISION NO. NY80-3020 RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Double Drum Hoist Stone Derrick, Cranes, Cherry Pickers	12.98	1.00	3.05	.70+a	.10
Hoists, Fork Lifts, House Cars, Plasterer (platform machine), Plasterer Bucket, Plasterer Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	12.74	1.00	3.05	.70+a	.10
Cranes: All types-crawler or truck	12.27	1.00	3.05	.70+a	.10
100' to 149' Boom	13.21	1.00	3.05	.70+a	.10
150' to 249' Boom	13.46	1.00	3.05	.70+a	.10
250' to 349' Boom	13.71	1.00	3.05	.70+a	.10
350' to 450' Boom	14.21	1.00	3.05	.70+a	.10
Steel Erection:					
Three Drum Derricks	13.87	1.00	3.05	.70+a	.10
Cranes, 2 Drum Derricks, Cherry Pickers	13.27	1.00	3.05	.70+a	.10
Compressors, Welding Machines	11.81	1.00	3.05	.70+a	.10
Tower Cranes	12.71	1.00	3.05	.70+a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

Unlisted classifications needed for work not included within the scope of the classifications may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE
DECISION NO.: NY80-3022 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY79-3025 dated August 10, 1979 in FR 47225
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and apartments up to an including 4 stories), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.07	1.40	.80		..01
BOILERMAKERS	12.80	1.10	1.55		.03
BRICKLAYERS, CEMENT MASONS, PLASTERERS AND STONE MASONS	12.62	.75	.85		.04
CARPENTERS, BUILDING	11.65	1.23	1.06		.03
CARPENTERS & PILEDRIVERS, HEAVY AND HIGHWAY	9.57	1.23	1.05	a	.025
CEMENT MASONS, HEAVY AND HIGHWAY	10.09	.75	.85		[illegible]
ELECTRICIANS	12.95	1.00	3%+1.40		[illegible]
ELEVATOR CONSTRUCTORS	13.30	.745	.59	b+c	.025
GLAZIERS	10.93	1.02	.89		.06
IRONWORKERS:					
Ornamental, Reinforcing, Stone Derrickmen, Rigger, Rodman, Structural, Machinery Movers, Fence Erectors, Precast Concrete Erector	12.10	1.00	1.05		.10
Sheeter	12.35	1.00	1.05		.10
Sheeter Bucker-up	13.175	1.00	1.05		.10
LATHERS	10.78		.50		.01
LEADBURNERS	10.75	.40	.25	d	.01
MARBLE, TILE AND TERRAZZO WORKERS	13.71				
MARBLE, TILE AND TERRAZZO FINISHERS	9.85	.55	.89		
PAINTERS:					
Brush and Roller	10.82	1.36	1.09		.07
Swing Scaffold	11.32	1.36	1.09		.07
Structural Steel:					
Up to 40 feet	11.32	1.36	1.09		.07
Over 40 feet	11.52	1.36	1.09		.07
Spray	11.42	1.36	1.09		.07
PILEDRIVERMEN AND MILLWRIGHTS:					
Building	11.88	1.23	1.15		.05
PLUMBERS AND STEAMFITTERS	13.18	2.485	1.22	.32+e	.20

DECISION NO. NY80-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	12.77	.85	1.32		
SOFT FLOOR LAYERS	11.12	.90	.66		
SPRINKLER FITTERS	13.54	.75	1.05		.08
TRUCK DRIVERS, BUILDING	9.20	.45	.50		
WELDERS- RECEIVE RATE PRESCRIBED FOR CRAFT PERFORMING OPERATION TO WHICH WELDING IS INCIDENTAL					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Paid Holidays: C and D.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F, day after Thanksgiving

d. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

e. Paid Holidays: A, C, D, E, F.

DECISION NO. NY80-3022

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Traffic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8623	1.40	3%+.75	k	

DECISION NO. NY80-3022

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundmen Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundmen	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

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DECISION NO. NY80-3022	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
Common Laborers	8.75	1.95	1.14		
Blasters	10.12	1.95	1.14		
Powder Monkey	9.62	1.95	1.14		
Air Track Drill Asphalt Rakers and Wagon Drill Chuck Tender, all work on hanging or swinging scaffold, work at heights outside the building where safety lines or belts are required, and Bosun Chair	9.15	1.95	1.14		
Jackhammers, Paving Breakers, Mortar Mixers, Concrete Vibrators, Barco Tampers, and Jumping Jacks	8.95	1.95	1.14		
Pipelayers, Cutters for wrecking and demolition work, burners	9.05	1.95	1.14		
Concrete Vibrator for Architectural Concrete	9.05	1.95	1.14		
New Chimney Work:	9.25	1.95	1.14		
From base to 100'	9.75	1.95	1.14		
From 100' to 150'	10.00	1.95	1.14		
From 150' to 200'	10.25	1.95	1.14		
From 200' to 250'	10.50	1.95	1.14		
From 250' on	10.75	1.95	1.14		

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DECISION NO. NY80-3022	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY CONSTRUCTION (Excavating and Paving)					
Laborers & chuck tenders	7.95	1.75	1.04	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	8.20	1.75	1.04	a	
Curb cockmen, pipe layers, layers of conduit and all air, electric gas and deisel motor driven tool op.	8.15	1.75	1.04	a	
Relining of all types of pipe	8.35	1.75	1.04	a	
Blasters	9.70	1.75	1.04	a	
Meter setters and meter changers	8.25	1.75	1.04	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

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DECISION NO. NY80-3022	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HIGHWAY CONSTRUCTION					
CLASS A	7.70	1.75	1.04	a	
CLASS B	7.90	1.75	1.04	a	
CLASS C	8.10	1.75	1.04	a	
CLASS D	8.30	1.75	1.04	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
A. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breakers, handlers of all steelmesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

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DECISION NO. NY80-3022	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION (Includes excavating for site preparation)					
GROUP I	12.35	1.15	1.25	a	.15
GROUP II	11.98	1.15	1.25	a	.15
GROUP III	10.78	1.15	1.25	a	.15
GROUP IV	9.75	1.15	1.25	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), Blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sidebcom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capcity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D:

GROUP II (CONT'D) - lbs. and over), hoist (one drum Kolman plant loader and similar type loaders), locomotive maintenance/engineer/greaseman/welder, (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP III: Asphalt curb and gutter machine, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
GROUP I:					
I-A	11.81	1.05	1.15	a	.15
I-B	12.06	1.05	1.15	a	.15
I-C	12.31	1.05	1.15	a	.15
I-D	12.56	1.05	1.15	a	.15
I-E	13.06	1.05	1.15	a	.15
I-F	13.56	1.05	1.15	a	.15
I-G	14.06	1.05	1.15	a	.15
I-H	14.56	1.05	1.15	a	.15
GROUP II	11.81	1.05	1.15	a	.15
GROUP III	11.53	1.05	1.15	a	.15
GROUP IV	10.44	1.05	1.15	a	.15
GROUP V	8.75	1.05	1.15	a	.15
GROUP VI	12.36	1.05	1.15	a	.15

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I - Cranes (cable and hydraulic climbing and tower)
I-A 121 ft. and under
I-B 121 ft. and 151 ft.
I-C 151 ft. and 201 ft.
I-D 201 ft. and 251 ft.
I-E 251 ft. and 301 ft.
I-F 301 ft. and 351 ft.
I-G 351 ft. and 401 ft.
I-H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame, backfilling machine, hoist (1 or 2 drums), barber green and similar type machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machine, bituminous spreading machines, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane hoe shovel 3/8 yds. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft. in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float.

GROUP V - Truck Crane

GROUP VI - Master Mechanic

DECISION NO. NY80-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	9.24	.85	.80	a	
CLASS 2	9.29	.85	.80	a	
CLASS 3	9.34	.85	.80	a	
CLASS 4	9.49	.85	.80	a	
CLASS 5	9.64	.85	.80	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpster, greasers, truck tiremen.

CLASS 2
Tandems, batch trucks, and mechanics.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loader, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: PENNSYLVANIA

COUNTIES: Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango

DECISION NO.: PA80-3010

DATE: Date of Publication

Supersedes Decision No. PA78-3013 dated, April 14, 1978, in 43 FR 16097

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	13.47	.85	1.25		
ZONE 2	13.74	.55	1.25		.02

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson
ZONE 2 - Crawford and Venango

BOILERMAKERS					
ZONE 1	11.785	7.5%	7%		.01
ZONE 2	12.68	.90	1.20		.03

AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango
ZONE 2 - Crawford

BRICKLAYERS & STONEMASONS					
Zone 1	10.80		.90		.01
Zone 2	12.20	.75	.95		.05
Zone 3	11.90	.80	.40		
Zone 4	12.10	.70	.60		
Zone 5	9.90	.75	.90		.01
Zone 6	12.265	.75	1.63		.01

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Cambria
ZONE 2 - Clearfield, Jefferson, Venango, remainder of Clarion County
ZONE 3 - Crawford
ZONE 4 - Cameron
ZONE 5 - Bedford
ZONE 6 - Brady, Madison, perry, Tobe, porter, Redbank Twps. in Carion County

DECISION NO. PA 80-3010 PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & SOFT FLOOR LAYERS					
Zone 1	10.95	6%	8%	10%	1%
Zone 2	10.40	6%	8%	10%	1/2%
Zone 3	9.75	6%	6%	6.5%	1/2%

AREA COVERED BY CARPENTER & SOFT FLOOR LAYERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Crawford Counties
ZONE 2 - Venango County
ZONE 3 - Jefferson County

CEMENT MASONS					
ZONE 1	12.21	.68	1.98		
ZONE 2	10.45	12%	6%		
ZONE 3	13.00	.80	.60		
ZONE 4	9.65	.45	.45		

AREA COVERED BY CEMENT MASONS

ZONE 1 - Clearfield, Jefferson
ZONE 2 - Bedford, Cameron, Cambria
ZONE 3 - Crawford
ZONE 4 - Clarion & Venango

ELECTRICIANS					
ZONE 1	13.35	.55	3%+.40	.60	.10
ZONE 2	11.25	.60	3%+.40		1%
ZONE 3	13.35	.75	3%+.80		1/2 OF 1%
ZONE 4	13.65	3%	3%+.40		1/2%

AREA COVERED ELECTRICIANS ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion & Jefferson
ZONE 2 - Cameron
ZONE 3 - Crawford
ZONE 4 - Venango

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	11.44	.92	1.15	1.15	.02
ZONE 2	9.41	.30	.20		

AREA COVERED BY GLAZIERS ZONES

ZONE 1 Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson Counties
ZONE 2 - Crawford & Venango Counties

IRONWORKERS					
ZONE 1	12.11	.875	2.355		.07
ZONE 2	11.72	.60	1.10		
ZONE 3	13.00	1.85	1.01		.15
ZONE 4	13.00	.75	1.30		.09
ZONE 5	11.925	.975	1.47		.04

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion
ZONE 2 - Bedford County
ZONE 3 - Crawford County
ZONE 4 - Venango County
ZONE 5 - Cameron, Clearfield & Jefferson

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1					
CLASS I	10.08	9%	9%		
CLASS II	10.20	9%	9%		
CLASS III	10.32	9%	9%		
CLASS IV	10.55	9%	9%		
CLASS V	10.73	9%	9%		
ZONE 2					
CLASS I	9.72	9%	9%		
CLASS II	9.795	9%	9%		
CLASS III	9.82	9%	9%		
CLASS IV	9.87	9%	9%		
CLASS V	9.97	9%	9%		
CLASS VI	10.22	9%	9%		
CLASS VII	10.27	9%	9%		
ZONE 3					
CLASS I	10.00	9%	9%		
CLASS II	10.25	9%	9%		
CLASS III	10.80	9%	9%		
ZONE 4					
CLASS I	10.17	9%	9%		
CLASS II	10.26	9%	9%		
CLASS III	10.55	9%	9%		
CLASS IV	10.63	9%	9%		
CLASS V	10.42	9%	9%		
CLASS VI	10.76	9%	9%		
CLASS VII	10.42	9%	9%		
CLASS VIII	10.63	9%	9%		
ZONE 5					
CLASS I	8.70	10%	9%		
CLASS II	9.20	10%	9%		
CLASS III	9.30	10%	9%		
CLASS IV	9.20	10%	9%		
CLASS V	8.75	10%	9%		
ZONE 6					
CLASS I	8.95	10%	9%		
CLASS II	9.45	10%	9%		
CLASS III	9.55	10%	9%		
CLASS IV	9.45	10%	9%		
CLASS V	9.00	10%	9%		

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LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Clarion & Jefferson Counties

CLASS I - Laborers, carryable pumps, west brick buggy or similar (non-self-propelled) vibrator operators, walk behind forklift or similar, stripper & mover of forms, cement finisher, footers, window cleaner, all material conveyor (regardless of power used, incl. starting & stopping)

CLASS II - West brick buggy or similar (self-Propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill tender drill mounted on truck, track or similar blaster's tenders, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster

CLASS III - Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping) grout machine feeder & pump operastor, wagon drill operator, concrete saw operator wagon

CLASS IV - Gunnite nozzleman

CLASS V - Blaster

ZONE 2 - Venango County

CLASS I - Building laborer, west brick buggy or similar, walk behind forklift or similar (non-self-propelled), stripper and mover of forms, window cleaner, cement finisher, footers

CLASS II - Powered wheelbarrows, buggies

CLASS III - Mason tender, pipe layer, bottom man (10' below grade)

CLASS IV - Mortar mixer, mason plasterer, hod carrier, scaffold builder, concrete buster-jackhammer (air tool, electric, other) other mechanical or power tools concrete saw, carryable pumps and operating all operators of compacting equipment, grout machine feeder and pump operator, all material conveyors (regardless of power used, including starting & stoppping), bell and bottom man on furnaces & stacks

CLASS V - Burner (demolition) groundman, jackhammerman;drill man blaster tender, wagon drill tender

CLASS VI - High (climber)

CLASS VII - Blaster, wagon drill operator

ZONE 3 - Cameron County

CLASS I - Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and unloading) concrete pitman, puddler, mason tender

CLASS II - Mechanical tampers (power) powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on furnances and stacks, jackhammer man, concrete buster, wagon drill tender, concrete saw operator, blaster's tender, drill runner's tender (includes drill mounted trucks, track of similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner cutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators signal man, walk behind fork lift or similar, scaffold builder for plasterers; regardless of height, hod carrier, plasterers tender, form cleaning machine operator, plasterer application and/or pump machine operator, paving breaker asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool, dresser (cable tools)

CLASS III - Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, drill (cable tools)

ZONE 4 - Crawford County

CLASS I - Common laborers

CLASS II - Mason tender, hod carriers, mortar mixers, scaffold builder

CLASS III - Pipelayers (concrete & clay)

CLASS IV - Blaster, mechanical tampers, powered wheel-barrow, wagon drill operators

CLASS V - Material, buggy handler, blaster tender, all power tool operators, wagon drill tenders & drill runner

CLASS VI - Burners

WHEN WORKING IN PIERS, TRENCHES, OPERN COFFER DAMS & CAISSONS AT DEPTHS MORE THAN TEN (10)FEET BELOW THE LOWEST ADJACENT GRADE:

CLASS VII - Bottom man

CLASS VIII - All power operators, drill man

ZONE 5 - Bedford County

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons

CLASS III - Blasters

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, busun's chair

CLASS V - Plasterer tenders

ZONE 6 - Cambria and Clearfield Counties

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' depth including caissons

CLASS III - Blasters

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, bosun's chair

CLASS V - Plasterer tenders

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPING:					
ZONE 1					
CLASS I	7.25	12%	10%		
CLASS II	7.71	12%	10%		
ZONE 2					
CLASS I	7.17	12%	10%		
CLASS II	7.62	12%	10%		
ZONE 3					
CLASS I	9.00	9%	7%		

LANDSCAPE LABORERS DEFINITION AND AREA COVERED

Zone 1 - Clarion, Crawford, Jefferson & Venango Counties

CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job

CLASS II - Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work

ZONE 2 - Cambria, Clearfield and Bedford Counties

CLASS I - Landscape Laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job

CLASS II - Landscape Laborer Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work

ZONE 3 - Cameron County

Class I - Wrecking laborer

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	11.54		.30		.01
ZONE 2	12.52		.35		.01
ZONE 3	11.42	.90	1.30		.01

AREA COVERED BY LATHERS ZONE

ZONE 1 - Clearfield & Jefferson Counties

ZONE 2 - Bedford, Cameron & Cambria Counties

ZONE 3 - Clarion County

LEAD BURNERS	10.75	.40	.25	a	.01
LINE CONSTRUCTION					
ZONE 1					
CLASS I	14.83	.45	3%		3/8%
CLASS II	8.90	.45	3%		3/8%
CLASS III	10.38	.45	3%		3/8%
ZONE 2					
CLASS I	12.37	.55	3%		3/8%
CLASS II	8.68	.55	3%		3/8%
CLASS III	8.30	.55	3%		3/8%

LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties

CLASS I - Lineman

CLASS II - Groundman

CLASS III - Winch truck operator

ZONE 2 - Cameron, Crawford & Venango Counties

CLASS I - Linemen, dynamite man, heavy equipment operator

CLASS II - Winch truck operator

CLASS III - Groundman

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS					
ZONE 1	10.80		.90		.01
ZONE 2	11.16	.70	.40		
ZONE 3	10.35	.75	.95		
ZONE 4	11.47	.75	1.80		.01
ZONE 5	9.90	.75	.80		.01

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Cambria County

ZONE 2 - Crawford County

ZONE 3 - Venango County

Zone 4 - Jefferson County

ZONE 5 - Bedford County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble Finishers: Counties covered Bedford Cambria, Clarion and Jefferson	7.95		.10		
MILLWRIGHTS	11.20	6%	6%	25%	4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE - 1					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush & Roller	10.39	.75	.45		.02
Spray	10.44	.75	.45		.02
INDUSTRIAL - shall include sewage treatment plants, water works or authorities and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior					
Brush	10.94	.75	.45		.02
Spray	11.64	.75	.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 2					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush & Roller	11.95	.75	1.10		
Spray	12.95	.75	1.10		
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior					
Brush & Roller	12.45	.75	1.10		
Spray	13.45	.75	1.10		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bedford, Cambria Counties, Beaver, Ringgold, Porter, Perry, Young, Bell, Gaskill Twps., in Jefferson County; Remainder of Clearfield County

ZONE 2 - Cameron, Clarion, Crawford, Venango Counties, remainder of Jefferson County; Townships in Clearfield County - Bell, Burnside, Greenwood, Chest, Jordan, Beccaria, Knox, and Fergusen

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DECISION NO. PA80-3010	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	12.975	1.05	1.00		.09
CLASS 1-A	13.225	1.05	1.00		.09
CLASS 1-B	13.475	1.05	1.00		.09
CLASS 1-C	13.725	1.05	1.00		.09
CLASS 2	12.825	1.05	1.00		.09
CLASS 3	10.95	1.05	1.00		.09
CLASS 3-A	11.45	1.05	1.00		.09
CLASS 4	10.30	1.05	1.00		.09
CLASS 5	9.25	1.05	1.00		.09
CLASS 6	9.55	1.05	1.00		.09
CLASS 6-A	9.65	1.05	1.00		.09
CLASS 6-B	9.80	1.05	1.00		.09
CLASS 6-C	10.55	1.05	1.00		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

Class I - Austin-Western or similar type under 25 ton, austin-western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenace, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furnances) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASSIFICATION DEFINITIONS
DECISION NO. PA80-3010 POWER EQUIPMENT OPERATORS PAGE 14

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, athey loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator new buildings), euclid loader, excavating equipment (all other), forklift lull or similar, (grader), grader elevating, greaser-equipment (head), hi-lift-less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is , cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½ discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine operator (stationary), tire repairman (when assigned job), welder (repairmen)

CLASSIFICATION DEFINITIONS
DECISION NO. PA80-3010 POWER EQUIPMENT OPERATORS PAGE 15

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compressors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring mochine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to mot incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B _ Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C - Oiler - truck crane 100 ton and over

DECISION NO. PA80-3010 PAGE 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	12.98	5.5%	10%		4%
PLASTERERS					
ZONE 1	11.16	.70	.40		
ZONE 2	9.65	.45	.45		
ZONE 3	11.39	.85	1.55		
ZONE 4	12.85				.01

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Crawford County
ZONE 2 - Clarion, Venango Counties
ZONE 3 - Clearfield, Jefferson Counties
ZONE 4 - Bedford, Cambria Counties

PLUMBERS & STEAMFITTERS					
ZONE 1	12.97	.70	1.30		.08
ZONE 2	13.02	.75	1.05		.06
ZONE 3					
Contracts Under $10,000	8.20	.90	1.30		.10
Contracts Over $10,000	12.60	.90	1.30		.10
ZONE 4	12.07	.78	1.13	.75	.24

AREA COVERED PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Clarion County
ZONE 2 - Twps. in Crawford County, Beaver, Spring, Cussawago, Venango, Cambridge Rockdale, Bloomfield and Sparta
ZONE 3 - Venango County & Remainder of Crawford County
ZONE 4 - Bedford, Cambria, Cameron, Clearfield, Jefferson

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1	11.39	.60	.30		.05
ZONE 2	13.51	.77	1.50		.16

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Crawford, Venango Counties
ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

SHEET METAL WORKERS					
ZONE 1	10.90	.90	1.23		.12
ZONE 2	11.06	1.42	1.18		.14
ZONE 3	12.60	1.02	1.56		.21

AREA COVERED BY SHEET METAL ZONES

ZONE 1 - Cameron, Crawford & Venango
ZONE 2 - Bedford
ZONE 3 - Cambria, Clarion & Jefferson, Clearfield

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	13.55	.75	1.05		.08
TRUCK DRIVERS					
ZONE 1					
CLASS I	8.42	c	d		
CLASS II	8.35	c	d		
CLASS III	8.42	c	d		
CLASS IV	8.17	c	d		
ZONE 2					
CLASS I	9.85	9.6%	6.6%	e	
CLASS II	9.91	9.6%	6.6%	e	
CLASS III	9.92	9.6%	6.6%	e	
CLASS IV	10.01	9.6%	6.6%	e	
CLASS V	10.20	9.6%	6.6%	e	
CLASS VI	10.03	9.6%	6.6%	e	
CLASS VII	10.18	9.6%	6.6%	e	
ZONE 3					
CLASS I	7.20	.20	.20		
CLASS II	7.30	.20	.20		
CLASS III	7.40	.20	.20		
CLASS IV	7.50	.20	.20		
CLASS V	7.35	.20	.20		
CLASS VI	7.45	.20	.20		
CLASS VII	7.40	.20	.20		
CLASS VIII	7.70	.20	.20		
CLASS IX	7.80	.20	.20		
CLASS X	7.45	.20	.20		
CLASS XI	7.70	.20	.20		
ZONE 4					
CLASS I	7.12	f	g	h	

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TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clearfield & Jefferson Counties

CLASS I - Service, dump, flat top, jeep, fuel & water -
CLASS II - Transit mix, dump trailer, winch truck
CLASS III - Euclids & tractor trailer
CLASS IV - Helper

ZONE 2 - Clarion & Venango Counties

CLASS I Service Truck (pickup, Jeep, Buses, Station Wagon, Panel Truck Escort Vehicle, including Fuel and Water Trucks)
CLASS II - Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single Axle Trucks with power tailgate); Distributor Truck over 33,000 lbs. gross weight (Oil, Tar Aspahlt products Two man operation, Both men)
CLASS III - Transit Mix, Single Axle
CLASS IV - Transit Mix, Single Tandem Axle
CLASS VI - Heavy Duty Tractor and Trailer with low bed, 6 to 16 wheels and Role trailer and wide load.
CLASS VII - Distributor Truck up to 33,000 lbs. gross weight (oil, Tar Asphalt products) One Man Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water Tandem Axle Truck with power Tailgate and Scissor Truck; Euclids or Equivalent, Tri-axle inCluding Mixer, drivers towing equipement
CLASS VIII - Winch Truck and Form Truck

ZONE 3 - Cameron County

CLASS I - Trucks up to 30,000 lbs. includes pickups, fuel and water trucks)
CLASS II - Trucks over 30,000 lbs. (includes fuel and water trucks)
CLASS III - Tri-Axle Trucks over 30,000 (includes fuel and water trucks)
CLASS IV - Low boy
CLASS V - Concrete Mixer Trucks
CLASS VI - Concrete Mixer Truck (Tri-Axle)
CLASS VII - Semi-Trailer
CLASS VIII - Earth Moving Equipment up to 35 Tone (Belly Dump, End Dump, etc.)
CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)
CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)

ZONE 4
CLASS I - Truck Drivers

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental;

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. Holidays A throught F, plus Wahington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. Paid Holidays: Labor Day, provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occur.

c. $59.90 per month

d. $14.00 per week

e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

f. 1 week vacation after 1 year's work; tow weeks vacation after five years of service.

g. $67.94 per month

h. contributes $20.00 per week

Unlisted classifications needed for work not included within the scope of the classificaions listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX80-4024 DATE: Date of Piblication
Supersedes Decision No. TX79-4045, dated June 22, 1979, in 44 FR 36694.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.11	.57	1.30		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	8.10	.67	.20		.05
CARPENTERS:					
Carpenters	9.31	.77			.03
Millwrights & piledrivermen	9.90	.77			.03
Stationary radial arm power saw operator	9.50	.77			.03
Floor layers	9.31	.77			.03
CEMENT MASONS	7.87	.77	.25		.03
ELECTRICIANS:					
Electricians	10.15	.45	3%		1/10%
Cable splicers	10.40	.45	3%		1/10%
ELEVATOR CONSTRUCTORS	8.88	.895	.69	4%+a+b	.035
GLAZIERS	7.29	.30	.10		.02
IRONWORKERS	10.10	.55	1.40		.15
LABORERS:					
GROUP 1 - Powderman or blasterer	7.11	.63	.40		
GROUP 2 - Outside wagon drill; wagon drill tender; miner	6.86	.63	.40		
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	6.61	.63	.40		
GROUP 4 - Pipelayer, main sewer and drainage	6.49	.63	.40		
GROUP 5 - Jackhammer op.; asphalt raker; asphalt or pot man	6.36	.63	.40		
GROUP 6 - Common	6.21	.63	.40		
LATHERS	8.98				.01
LINE CONSTRUCTION:					
Lineman; Equipment op.	10.15	.45	3%		1/10%
Cable splicers	10.40	.45	3%		1/10%
Groundman	75%JR	.45	3%		1/10%

DECISION NO. TX80-4024 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS	$ 7.28		.20		.04
PAINTERS:					
GROUP 1 - Painters, paperhangers & tapers	7.70	.68			.02
GROUP 2 - Steel after erection, power tools	8.11	.68			.02
GROUP 3 - Spray, swing stage, stripping machine	8.415	.68			.02
GROUP 4 - Ames tools	7.92	.68			.02
GROUP 5 - Water tanks, smoke stacks, towers from 70-100 ft.	9.06	.68			.02
GROUP 6 - Spray texture	8.40	.68			.02
PLASTERERS	8.98	.77	.25		.01
PLUMBERS & STEAMFITTERS	9.66	.45	.70		.05
ROOFERS	9.10	.50			
SHEET METAL WORKERS	10.72	3%+.51	.485		.06
SOFT FLOOR LAYERS	7.45	.38	.10		.02
SPRINKLER FITTERS	12.79	.75	1.05		.08
TERRAZZO WORKERS & TILE SETTERS	7.28		.20		.04
TERRAZZO & TILE FINISHERS	4.70		.20		
TRUCK DRIVERS:					
GROUP 1 - Up to & including 2 tons	3.50	.26			
GROUP 2 - Flat bed dump trucks, mechanically; tanks trucks up to 2500 gallons; standard dump trucks up to & including 4 cu. yds.	3.60	.26			
GROUP 3 - Dump trucks over 4 cu. yds.; trucks over 4 tons including transit mix, all semitruck, etc.; lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. TX80-4024 Page 3

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 2%; over 5 years - 4% of basic hourly rate
b - Paid Holidays - A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 7.74	.70	.60		.15
GROUP 2	8.32	.70	.60		.15
GROUP 3	8.41	.70	.60		.15
GROUP 4	9.06	.70	.60		.15
GROUP 5	9.14	.70	.60		.15
GROUP 6	9.78	.70	.60		.15
GROUP 7	9.94	.70	.60		.15

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic; Grease truck; screedmen, pneumatic roller towed by farm type tractor or truck; scale operator & such as bin-a-batch; rubber-tired farm type tractors & tractors under 35 HP without attachments
GROUP 2 - Air compressors, power plants, pumps & welding machines; concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., gunnite & pumpcrete machine, mechanical bull floats, spreading & finishing machines. Screening plants. Drilling machines, diamond, rotary, core & cable drilling; well under 6". Hoists, scoopmobiles, A-frame air tugger; hydrolift, hydrocrane, winch truck. Loaders: elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; forklift & lumber staker on construction job site. Motor man & industrial locomotive. Tractors under 35 HP with attachments.
GROUP 3 - Concrete mixers 1 yd. & over & batch plants 1 yd. & over, single drum paving machines, crushing plant, drilling machine, 6" & over; front end loaders, 2 yds. & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown & tandem rollers. Steam Engineer. Trenching machines. Patrol, rough, not required to blue top or finish
GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker & Tractors 35 HP & up & Farm type tractors with backhoe & shovel type attachments
GROUP 5 - Concrete paving machine, double drum. Catcranes, Hysters, Cherry pickers, attachment cranes, side & swing boom tractors; Mechanic, welder, patrol, finish; grease truck operator (head oiler). Building hoist, 1 drum. Concrete Pump (Snorkle Type Trailer Mounted)
GROUP 6 -Shovel, Backhoe, clam & dragline 3/4 yds. & under; Crane 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Snorkle Type Truck Mounted)
GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler or skid rig, shovel, backhoe, clam & dragline over 3/4 yds.; crane over 25 tons. Pecco type cranes

SUPERSEDEAS DECISION

STATE: Virginia COUNTIES: Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Loudoun, Louisa, Madison, Orange, Prince William & Rappahannock
DECISION NO.: VA-80 -3004 DATE: Date of Publication
Supersedes Decision No. VA78-3061, dated September 15, 1978 in 43 FR 41366
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	5.11				
CARPENTER, STRUCTURE	6.15				
CARPENTER HELPER, STRUCTURE	4.55				
CONCRETE FINISHER	5 83				
CONCRETE FINISHER HELPER	4.66				
ELECTRICIAN	8.95				
FORM SETTER	5.63				
GUARDRAIL/FENCE ERECTOR	3.90				
IRON WORKER, REINF.	6.47				
IRON WORKER, STRUCTURAL	5.50				
LABORER, UNSKILLED	4.04				
LANDSCAPE WORKER	4.86				
MECHANIC	6.02				
MECHANIC HELPER	5.00				
PAINTER	6.25				
PAINTER, BRIDGE	7.40				
PIPE LAYER	4.48				
POWDERMAN BLASTER	6.00				
ASPHALT DISTRIBUTOR OPERATOR	4.90				
ASPHALT PAVER OPERATOR	5.88				
BACKHOE OPERATOR	5.84				
BULLDOZER OPERATOR	5.80				
CRANE, DERRICK, DRAGLINE OPERATOR (1YD & UNDER)	6.68				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD)	7.47				
DRILL OPERATOR	5.04				
LOADER OPERATOR (2YDS. & UNDER)	5.75				
LOADER OPERATOR (OVER 2YDS.)	6.76				
MOTOR GRADE OPERATOR (FINE GRADE)	6.79				
MOTOR GRADE OPERATOR (ROUGH GRADER)	5.91				
OILER GREASER	5.46				
PILE DRIVER OPERATOR	4.63				
PLANT OPERATOR	4.50				
POWER TOOL OPERATOR	5.37				
ROLLER OPERATOR (ROUGH	4.78				
ROLLER OPERATOR (FINISH)	5.26				
SCRAPER PAN OPERATOR	5.44				

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DECISION # VA-80-3004

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONE SPREADER OPERATOR	4.54				
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER	4.21				
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	4.50				
TRUCK DRIVER (MULTI-REAR AXLE)	4.92				
TRUCK DRIVER (SINGLE-REAR AXLE)	4.66				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO: VA-80 -3005

COUNTY: ALLEGHANY, AUGUSTA, BATH CLARKE, FREDERICK, HIGHLAND PAGE, ROCKBRIDGE, ROCKINGHAM SHENANDOAH, & WARREN

Supersedes Decision No. VA-78-3063, dated September 22, 1978 in 43 FR 43245
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	$3.75				
CARPENTER, STRUCTURE	5.53				
CARPENTER HELPER, STRUCTURE	4.03				
CONCRETE FINISHER	5.59				
CONCRETE FINISHER HELPER	4.54				
ELECTRICIAN	7.38				
FORM SETTER	5.00				
GUARDRAIL/FENCE ERECTOR	3.72				
IRONWORKER, REINF.	6.00				
IRONWORKER, STRUCTURAL	5.00				
LABORER, UNSKILLED	3.10				
LANDSCAPE WORKER	4.18				
MECHANIC	5.31				
PAINTER BRIDGE	5.00				
PIPE LAYER	4.15				
POWDERMAN BLASTER	4.50				
SIGN ERECTOR	4.50				
AIR COMPRESSOR OPERATOR	5.30				
ASPHALT DISTRIBUTOR OPERATOR	5.30				
ASPHALT PAVER OPERATOR	3.75				
BACKHOE OPERATOR	5.47				
BULLDOZER OPERATOR	5.22				
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD & UNDER)	5.35				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	6.18				
CRUSHER FEEDER OPERATOR	3.88				
DRILL OPERATOR	4.40				
LOADER OPERATOR (2 YDS & UNDER)	4.90				
LOADER OPERATOR (OVER 2 YD)	4.90				
MOTOR GRADER OPERATOR (FINE GRADE)	5.00				
MOTOR GRADER OPERATOR (ROUGH GRADE)	5.00				
OILER GREASER	3.75				
ROLLER OPERATOR (ROUGH)	3.98				
ROLLER OPERATOR (FINISH)	4.55				
SCRAPER PAN OPERATOR	4.75				
SHOVEL OPERATOR (OVER 1 YD)	5.00				
STABILIZER OPERATOR	6.00				
STONE SPREADER OPERATOR	4.25				

DECISION VA-80 -3005 CON'T PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRENCHING MACHINE OPERATOR	$3.50				
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER)	4.06				
TRUCK DRIVER HEAVY DUTY (OVER 7 C.Y.)	4.06				
TRUCK DRIVER (MULTI-REAR AXLE)	4.39				
TRUCK DRIVER (SINGLE-REAR AXLE)	4.10				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: WISCONSIN

COUNTIES: Milwaukee, Ozaukee, Waukesha and Washington

DECISION NO.: WI80-2013 DATE: Date of Publication
Supersedes Decision No. WI78-2146, dated October 27, 1978 in 43 FR 50360
DESCRIPTION OF WORK: Building Construction (Including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.55	.95	1.00	1.25	.14
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS & STONEMASONS	12.27	1.20	1.20	.56	.17
CARPENTERS:					
Carpenters	11.87	1.10	1.00	.51	.12
Millwrights	12.68	1.10	1.00	.51	.12
Piledrivermen	12.57	1.10	1.00	.51	
CEMENT MASONS	11.33	.125	1.00	.51	
ELECTRICIANS	12.79	1.10	3%+.45	10%	2%
ELEVATOR CONSTRUCTORS	13.24	1.045	.82	a+b	.035
GLAZIERS	12.09	.92	.80	.50	
IRONWORKERS:					
Structural, Ornamental and Reinforcing	11.36	1.20	1.00	1.21	.15
LATHERS	11.01	1.15	1.00	1.91	.05
LINE CONSTRUCTION:					
Linemen	11.82	.62	7%		1½%
Heavy Equipment Operator	10.64	.62	7%		1½%
Equipment Operator	9.46	.62	7%		1½%
Heavy Groundman, Truck Driver	8.27	.62	7%		1½%
Light Groundman, Truck Driver	7.68	.62	7%		1½%
Groundman	6.50	.62	7%		1½%
PAINTERS:					
Brush	10.95	1.06	1.00	.50	.04
Swing Stage, up to 80 Ft.	11.10	1.06	1.00	.50	.04
Structural Steel	11.30	1.06	1.00	.50	.04
Spray and Sandblasting	11.30	1.06	1.00	.50	.04
Swing Stage, 80 Ft. and over	11.20	1.06	1.00	.50	.04

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DECISION NO. WI80-2013

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	10.91	1.30	1.00	.86	.05
PLUMBERS & GASFITTERS	12.77	1.10	1.20	.56	.15
ROOFERS	11.60	1.10	.90	.51	.06
SHEET METAL WORKERS	12.37	1.19	1.33	.75	.14
SOFT FLOOR LAYERS	11.23	1.10	1.00	.51	.12
SPRINKLER FITTERS	13.40	.75	1.05		.02
STEAMFITTERS	12.37	1.44	1.00	.85	.12
TERRAZZO WORKERS	12.01	1.20	1.20	.50	.19
TILE SETTERS	11.30	.85	1.00	.65	
TERRAZZO FINISHERS	10.86	.60	1.00	.65	
TILE FINISHERS	9.95	.60	1.00	.65	
TRUCK DRIVERS:					
Building Material 2 Axle	9.34	c	d		
Building Material 3 axle	9.39	c	d		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to Vacation Pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay credit for employee who has worked in business less than 5 years.
b. Holidays: A through F.
c. $32.50 per week
d. $34.00 per week

DECISION NO. WI80-2013

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.42	1.05	1.10		.05
GROUP II	12.17	1.05	1.10		.05
GROUP III	11.87	1.05	1.10		.05
GROUP IV	11.77	1.05	1.10		.05
GROUP V	11.36	1.05	1.10		.05
GROUP VI	11.02	1.05	1.10		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor
GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer , Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket)
GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing Machine (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)
GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors(riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump Chipper (large), Boats, Safety, Work, Barges and launch)
GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFM or over)
GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip form), Compressors (under 300 CFM); Welding Machines, Heaters (mechanical), Prestress Machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and Greaser, Boiler Operators (temporary heat), Rotary Drill Helpers, Conveyors, forklift (12' and under)

DECISION NO. WI80-2013

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General Laborers, Form Stripper Concrete Worker, Mason Tender	$10.50	1.00	1.00	.51	.06
Scaffold Builder, Pitman or Dumpman, Building Wrecker, Mod Carrier, Mortar Mixer, Vibrator Operator, Kettleman, Air Spade Operator	10.61	1.00	1.00	.51	.06
Barco Tamper, Jackhammer Operator Sheeting Driver, Gunnite Man Concrete Buster	10.72	1.00	1.00	.51	.06
Topman on Chimney (up to 50')	10.61	1.00	1.00	.51	.06
Nozzleman	11.01	1.00	1.00	.51	.06
Plasterer Laborer	10.61	1.00	1.00	.51	.06
Topman (additional 50 ft.)	10.86	1.00	1.00	.51	.06
Caisson worker - Top Man	10.54	1.00	1.00	.51	.06
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTIES: Chippewa, Eau Claire & Pepin
DECISION NUMBER: WI80-2014 DATE: Date of Publication
Supersedes Decision No. WI78-2129 dated October 20, 1978 in 43 FR 49232
DESCRIPTION OF WORK: Building Construction including Residential

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.81	.60	1.00		.14
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS & STONEMASONS	10.97	.75	.40		.08
CARPENTERS	10.92	.60	.70		.05
Residential	6.72	.60	.40		.05
CEMENT MASONS	10.97	.75	.40		.08
ELECTRICIANS	12.43	3%	3%		½ of 1%
Electricians (Residential) Twps. of Hallie, Seymour, Union, Washington, Lafayette, Tilden, Wheaton, Eagle Point and Cities of Chippewa Falls, Eau Claire, & Altoona. Inside these Cities or Twps.	7.03	.62	3%		½ of 1%
Outside the above areas Electricians, Wireman	6.19	.62	3%		½ of 1%
ELEVATOR CONSTRUCTORS	11.85	1.045	.69	a+b	.03
IRONWORKERS:					
Structural, Ornamental, & Reinforcing	12.20	.85	.80		.04
LABORERS:					
Laborers, Common	8.98	.50	.45		.02
Mason Tender	8.98	.50	.45		.02
Mortar Mixer & Plaster Laborer, Air, Gas, Electric Equipment & Vibrator Operators, Kettlemen Dumpmen & Pitmen, Burner on Wrecking, Scaffold Builder & Washing Walls on Swinging Scaffold	9.13	.50	.45		.02
Gunnite Man & Nozzle Men, Pudlers (when concrete pumps & when working behind paving machine), Cement Dumper, Scaffold Builder, Kettlemen, burner on Wrecker, Dumpman & Pitman	9.13	.50	.45		.02
Jackhammer	9.23	.50	.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	12.00				
LINE CONSTRUCTION:					
Lineman	11.82	.62	7%		1½%
Heavy Equipment Operator	10.64	.62	7%		1½%
Light Equipment Operator	9.46	.62	7%		1½%
Heavy Groundman - Truck Drivers	8.27	.62	7%		1½%
Light Groundman - Truck Drivers	7.68	.62	7%		1½%
Groundman	6.50	.62	7%		1½%
MILLWRIGHTS & PILEDRIVERMEN	11.32	.60	.70		.05
PAINTERS:					
Brush	10.15		.15	5%	
Structural Steel & Iron Painting	10.40		.15	5%	
Spray & Sandblaster	10.65		.15	5%	
PLUMBERS AND STEAMFITTERS	11.67	.45	.65	1.30	
PLUMBERS (Residential)	10.47	.45	.65	1.30	
ROOFERS	11.57			3%	
SHEET METAL WORKERS	11.74	.75	.60		.03
(Residential)	7.53	.75	.60		.03
TRUCK DRIVERS:					
Two Axles	9.25	d	e	.20	
Three or more Axles	9.35	d	e	.20	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to Vacation Pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay credit for employee who has worked in business less than 5 years.
b. Holidays: A through F.
d. $18.85 per week for each employee.
e. $24.00 per week for each employee.

[FR Doc. 80-10044 Filed 4-3-80; 8:45 am]

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.02	1.05	.90		.05
GROUP II	11.77	1.05	.90		.05
GROUP III	11.47	1.05	.90		.05
GROUP IV	11.37	1.05	.90		.05
GROUP V	10.96	1.05	.90		.05
GROUP VI	10.62	1.05	.90		.05

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted hydraulic Backhoe; Tractor Truck Mounted Hydraulic Cranes (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Rotary Drill and Blaster; Trencher (Wheel Type Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor; Bulldozer, Endloader (Under 40 H. P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crusher and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines' Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor

federal register

Friday
April 4, 1980

Part V

Department of Agriculture

Food and Nutrition Service

Food Stamp Program Group Living Arrangements Provisions of 1979 Amendments

V 4 5 / 6 7 A P 4 8 0 UMI

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 273, 274, 278

[Amdt. 163]

1979 Amendments to the Food Stamp Act: Provisions for Group Living Arrangements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations implement the group living arrangements provisions of the 1979 Amendments to the Food Stamp Act of 1977 (93 Stat. 389; Pub. L. 96-58). The 1979 Amendments allow blind and disabled individuals who receive benefits under titles II and XVI of the Social Security Act and who live in small group living arrangements authorized under Section 1616(e) of the Social Security Act to be eligible to participate in the Food Stamp Program.

This rulemaking was published at 44 FR 62862, October 31, 1979 and republished at 44 FR 63496, November 2, 1979.

EFFECTIVE DATE: April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Policy/Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, FNS, USDA, Washington, D.C. 20250. (202) 447-9075. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Claire Lipsman, Director, Program Development Division, Food and Nutrition Service, USDA, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as not significant. The 1979 Amendments allow blind and disabled individuals who receive benefits under titles II and XVI of the Social Security Act and who live in small group living arrangements authorized under Section 1616(e) of the Social Security Act to be eligible to participate in the Food Stamp Program.

General Comments

Thirty-nine of the comment letters received concerning the proposed rule to implement the 1979 Amendments discussed the group living arrangements provisions. Nineteen commentors commended the new legislation and subsequent rulemaking. Three expressed concern over the possible effect of food stamp benefits on funding for group living arrangements or on fees charged to residents. One State agency requested clarification as to whether adjustments in State agency funding for food budgets for group living arrangements would be considered in violation of the statutory prohibition against reducing benefits of residents. Another State agency suggested that the facility reduce its fees for residents participating in the Program to allow the residents to benefit more from the Program. One commentor proposed that State agencies administering the facilities be prohibited from reducing funding to the group living arrangement due to the residents' receipt of program benefits. The Department does not have the authority to arbitrate funding arrangements arrived at between a State agency and a group living arrangement, and does not consider that adjustments in funding for group living arrangements as violations of the Food Stamp Act.

Two comments indicated that clarification should be added stating that the normal thirty-day processing period applies to residents of group living arrangements. The Department has not modified the final rules as this requirement is adequately covered in other parts of the regulations.

Three commentors asked that the regulations be expanded to cover other categories of residents or other types of group living arrangements. These included "for profit" group living arrangements, residents receiving welfare assistance, and homes for battered spouses. Puerto Rico specifically asked that residents receiving public assistance be allowed to participate as the Supplemental Security Income (SSI) program under title XVI of the Social Security Act is not applicable to Puerto Rico, Guam, and the Virgin Islands. However, as with the other residents and group living situations that the commentors asked to be included in the provision, the Department does not have the latitude to extend eligibility to any individuals not specified in the statute since it exempts only certain blind and disabled persons in specified group living arrangements from being considered ineligible as residents of an institution. These persons must meet several criteria to be considered eligible for program participation. First, they must be blind or disabled and recipients of benefits under title II (Retirement, Survivors, Disability Insurance benefits) or title XVI (SSI) of the Social Security Act. Further, the group living arrangement must be public or private non-profit, serving no more than sixteen residents and be certified by the agency or agencies of the State authorized under Section 1616(e) of the Social Security Act. Because of this statutory definition, this suggestion cannot be adopted.

One State agency suggested clarification on whether a portion of the individual's payment to a group living arrangement would be considered an allowable medical expense for that individual. Under Social Security Administration certification regulations, a group living arrangement must make available some services beyond food and shelter such as counseling, rehabilitation and similar social services; assistance with personal care; and occasional or incidental medical or remedial care. To the extent that allowable medical expenses can be identified apart from food and shelter payments to the group living arrangements and if the expenses are made by the residents from their own income, these can be deducted as a medical expense as these individuals are also eligible for this deduction. However, this is not specified in these regulations. Section 273.9(d)(3) already provides for this deduction.

Definitions

The Department received nine comments requesting clarification of the definition of group living arrangement. The National Association of State Mental Retardation Program Directors is the most representative of these comments. This group wrote that in the definition of the term "group living arrangement", rather than identifying the circumstances of the individual residing in the facility, the Department may have inadvertently added a requirement not in the law. This requirement is that *all* residents of the group living arrangement must be title II or title XVI recipients and be financially eligible for the Program before *any* individual resident can be considered eligible to participate. The Department has modified the final definition to reflect the statute's provisions as explained earlier and to delete any reference which could be construed as requiring that all persons residing in such settings meet the definition in order that those who may qualify can make application. For consistency, references to receipt of social security disability or SSI payments have been replaced by references to title II or title XVI benefits under the Social Security Act.

While preparing these regulations, the Department learned that elderly persons who are receiving SSI or title II benefits due to age, not disability or blindness, may also reside in group living arrangements. The wording of the statute allows any resident to participate if he or she is blind or disabled and is receiving title II or title XVI benefits, regardless of the type or basis of the payment. Therefore, residents receiving such benefits based on age must be determined to be blind or disabled in order to be eligible to participate. The Department does not believe it would be feasible or appropriate to define disability or blindness within the Food Stamp Program's regulations. Therefore, no additional requirement is placed on the State agency but the State agency is encouraged to use available means to determine if the residents are not receiving benefits based on their blindness or disability. The State agency may work through the resident, other agencies or programs that might be aware of the resident's history or the group living arrangement in making a determination of blindness or disability. For example, the State agency may request a doctor's statement, determine the resident previously received some sort of disability benefit, or use the group living arrangement's determination of blindness or disability if these condition are pre-requisites for residing in the facility. Because it is clear in the regulations that blind and disabled residents who receive SSI or title II benefits are eligible, no changes are made to the regulations in this area.

Six commentors requested that the term "facility" used in the definition of a group living arrangement be expanded to include residential settings such as neighborhood houses, apartment buildings, or a group of cottages. The Department of Health, Education, and Welfare, in rules published on November 28, 1978 (43 FR 55379), authorizing individuals residing in publicly-operated community residences to be eligible for SSI benefits, addressed this point. Congress clearly intended a community residence to refer to a small, free-standing, community-based living unit and that facilities on the grounds or immediately adjacent to large institutions be excluded as these are not considered as alternatives to institutional living. Therefore, any group living arrangement must meet the Social Security Administration's (SSA) definition of a community residence prior to certification under Section 1616(e) of the Social Security Act. The term "residential setting" is therefore substituted for "facility" in the final rules to conform with SSA's usage. For simplification, the term facility is used interchangeably with the term group living arrangement in this rulemaking. However, because of SSA's certification procedures for group living arrangements, any institutional setting is automatically excluded.

Three commentors requested that "care and protective oversight" be deleted from the Department's proposed definition of a "group living arrangement." This was based on the fact that only residents in group living arrangements certified in accordance with Section 1616(e) of the Social Security Act will be eligible. By adding the phrase "care and protective oversight" to the definition, it may be interpreted that an additional eligibility determination is established. Therefore, the Department has deleted that phrase from the final definition.

The use of "nonprofit" in the group living arrangement definition was discussed by five commentors. They expressed concern that group living arrangements which are not considered as nonprofit corporations under the Internal Revenue Code would be excluded. This suggestion did not need to be addressed in the regulations because it is the Department's understanding that SSA uses this definition of nonprofit. However, because SSA will also certify profit making facilities, the State agency must assure that only *nonprofit* group living arrangements are allowed to participate.

Implementation

One local agency, concerned with the amount of time needed to implement these provisions, requested six months from the date of receipt of final rules as the implementation deadline. The statute requires implementation no later than July 1, 1980; therefore, this suggestion cannot be adopted. Further, several State agencies have expressed an interest in implementing these regulations upon publication. In any event, the Department believes that this final rule is being promulgated sufficiently before the deadline to provide States with enough lead-time for implementation by July 1, 1980.

Authorized Representatives

The proposed rules mandated that group living arrangement residents be certified in the same manner as drug or alcoholic treatment program participants, i.e. through an authorized representative employed by and designated by the group living arrangement. Seven commentors recommended that other options be allowed in handling applications from residents of group living arrangements. Six commentors suggested that residents be allowed to apply on their own behalf as group living arrangements are trying to help residents acquire skills necessary to live more independent life styles. Application for and use of food stamps by capable residents could be a vital part of meeting this need. Mandatory use of an authorized representative appointed by the facility to act on behalf of *all* residents was seen as fostering dependency and contrary to the goals of a group living setting. Other commentors felt that a member of the State agency staff which is responsible for group living arrangement services or for fiscal oversight should be allowed as an authorized representative or that State agencies providing services to group living arrangements and the State agency administering the Food Stamp Program should be permitted to jointly develop their own application processing arrangements.

In response to these comments, the Department has modified the final language to allow the public or private nonprofit group living arrangement to either serve as the authorized representative for its residents or allow all or part of the residents to apply on their own behalf or through their own authorized representatives. Within the group living arrangement, any or all residents may apply either on their own behalf or through the facility's authorized representative. If the group living arrangement acts as the authorized representative, the individual residents apply as one-person households. Because a unit within the group living arrangement could be functioning as a household under the Program's definition, the group living arrangement may determine that some individuals should make application together as one household. Therefore, applications would be accepted from individuals or from any grouping of the residents in a given unit. If a resident or a group of residents apply on their own, they assume liability for any overissuances. The staff of the group living arrangement determines if any individual or group of individuals may apply on their own behalf. In making this determination, the physical and mental capabilities of the individual should be considered as well as the ability of the individuals to comprehend the application process and be responsible for their statements. The staff may wish to consult with other agencies or persons dealing with the residents, if appropriate, to discuss whether or not the individual is capable

of making application on his/her own behalf.

Considering the wide range of State agencies administering services plus the diversity of group living arrangements, the Department believes that the final rules provide flexibility in active participation by residents in the application process. Residents applying on their own behalf shall have all of the responsibilities of any other household, including reporting changes to the State agency. The regulations also explain that individuals applying through the facility's authorized representative have the same rights as all other households.

Responsibilities of Group Living Arrangements

Two comments were received on the requirement for the submittal of periodic listings of participating residents. One opposed the requirement and the other felt that monthly listings should be required in conjunction with quarterly State agency visits. The Department believes that the State agency should have flexibility as to when to require listings and to conduct random onsite visits and that the same reporting requirements as those imposed on the more transient narcotic addict and alcoholic treatment centers would be excessive. Therefore, the final rule continues to require listings and onsite visits but the timing of them is left to the discretion of the State agency.

The Department received four comments on how food stamps should be accounted for and used by the group living arrangement. The focus of these comments was to define whether a group living arrangement could purchase and prepare food for eligible residents as a group or have separate handling of the allotment for each individual recipient. For any resident applying through the facility's authorized representative, the coupons may be used to purchase food for communal meals or for meals distributed to the residents individually. Further, the group living arrangement may permit the resident to use his/her coupons to purchase meals supplied by the facility or to purchase and/or prepare food. The main factor that must be met is that each resident's food stamps must be used for meals intended for that resident.

If the resident applies as a one-person household or a group of residents apply as a separate household, the coupons may be returned to the facility to purchase food for meals consumed by these residents either communally or individually. In addition, the residents may keep the coupons and use them to purchase meals supplied by the group living arrangement or to purchase food for meals prepared by themselves.

A number of comments brought up the point that the proposed rules did not contain the same provision for group living arrangements as that required for drug and alcoholic treatment centers, i.e., to return one-half of the coupon allotment if a resident leaves in the middle of the month. This provision was inadvertently omitted from the proposed rules and has been added in the final regulations. This provision is only applicable if the group living arrangement is acting as an authorized representative for its residents or if a resident or group of residents has applied on their own behalf but has returned their coupons to the facility to use. Residents who apply on their own behalf and retain the use of their coupons and subsequently leave the group living arrangement at any time during the month are entitled to any remaining coupons. If a group of residents apply as one household, a pro-rata share of the remaining coupons are given to any resident leaving the facility either by the facility or the household, as appropriate. The final rules clarify that unused coupons issued through direct mail are handled in the same way as coupons issued through an authorization to participate (ATP) system or a Household Issuance Record (HIR) System. This clarification is also added to the provisions on drug addict and alcoholic treatment centers.

One commenter felt that the authorized representative should be provided copies of all notices sent to eligible residents. The Department believes, however, that such a requirement would be extremely burdensome to State agencies and that the authorized representative would discuss all aspects of the certification process, as needed. Therefore, this comment is not adopted.

Certification and Disqualification of Group Living Arrangements

As was discussed in the Preamble to the proposed rules, addict and alcoholic treatment and rehabilitation programs and group living arrangements will be authorized by FNS as retail food stores only if they wish to redeem food stamps through wholesalers. However, it is conceivable that addict or alcoholic treatment centers could obtain loose coupons from nonresidents who are obtaining meals from the center. The treatment center would then have to be authorized as a retail store in order to redeem these loose coupons. Since residents of group living arrangements may apply on their own behalf, the Department must address how the group living arrangement would handle coupons received directly from residents when the group living arrangement does not act as the authorized representative for coupon issuance and use. Any group living arrangement not acting in the capacity of an authorized representative for *all* of its eligible residents will require FNS authorization as a retail food store in the same manner as a communal dining facility if the facility wishes its residents to be able to purchase meals with coupons.

In response to several comments, language was added to the final rule to clarify that the State agency must verify that the treatment centers and group living arrangements are certified by the appropriate agencies of the State and meet the regulatory definitions. When FNS authorizes these facilities, certification is confirmed; however, if the facility does not redeem coupons as a retailer, the State agency must assure that the facility is properly certified including its nonprofit status. Further, the rule requires that certification be obtained for each individual site to avoid misunderstanding as to whether certification is necessary only for a sponsoring agency of the sites or for each individual facility. When verifying the treatment center's or group living arrangement's authorization, the State agency will need to consult either FNS or other agencies of the State responsible for certifying these sites to assure that the facility is a nonprofit organization as profit making organizations are certifiable under statutes governing these facilities.

When the treatment center or group living arrangement loses its basic certification from the responsible agency or agencies of the State, the residents are categorically ineligible. The residents receive written notice of this change in eligibility status but not a notice of adverse action because the loss of the facility's certification is not controlled by or appealable under the Food Stamp Program. When FNS disqualifies a treatment center or group living arrangement as a retailer, the State agency suspends its status as an authorized representative. Again, written notice is given but not a notice of adverse action as the State agency has no control over FNS's decision to disqualify the facility and therefore, cannot alter the result by a fair hearing. However, residents of group living arrangements applying on their own behalf are still eligible to participate if otherwise eligible and if they meet the definition of household when the facility loses its authorized representative status. Coupon use, however, is restricted in that coupons may not be turned over to the group living arrangement either to purchase food or meals.

The proposed regulations revised § 278.1 to require that only those drug and alcoholic treatment centers or group living arrangements that wish to redeem through wholesalers be authorized by FNS as retailers. A total of four comments were received on this area—one expressing support of allowing group living arrangements redeeming coupons through wholesalers and the remainder requesting clarification of various points. The proposed regulations were not changed as the Department believes that the regulations already clearly state that only those treatment centers or group living arrangements that wish to redeem coupons through wholesalers are required to have FNS authorization.

The same prohibition against redemption of coupons directly to banks applicable to alcoholic and drug centers also applies to group living arrangements. This requirement is unchanged in the final rules. Group living arrangements accepting coupons on behalf of or directly from residents are not allowed to redeem coupons at banks. Accordingly, wording on the redemption of coupons through wholesale food concerns and/or retail food stores has been added to the final language.

Therefore, Parts 271, 272, 273, 274, and 278 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In Section 271.2 the definitions of "eligible foods" and "retail food store" are revised and a new definition for "group living arrangement" is added to read as follows:

§ 271.2 Definitions.

* * * * *

"Eligible foods" means (1) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption; (2) seeds and plants to grow foods for the personal consumption of eligible households; (3) meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals; or meals served by a communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining; (4) meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to households eligible to use coupons to purchase those meals; (5) meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled recipients of benefits under title II or title XVI of the Social Security Act; and (6) in the case of certain eligible households living in areas of Alaska where access to food stores is extremely difficult and the households rely on hunting and fishing for subsistence, equipment for the purpose of procuring food for eligible households, including nets, lines, hooks, fishing rods, harpoons, knives, and other equipment necessary for subsistence hunting and fishing but not equipment for the purpose of transportation, clothing or shelter, nor firearms, ammunition or other explosives.

* * * * *

"Group living arrangement" means a public or private nonprofit residential setting that serves no more than sixteen residents that is certified by the appropriate agency or agencies of the State under regulations issued under Section 1616(e) of the Social Security Act. To be eligible for food stamp benefits, a resident of such a group living arrangement must be blind or disabled and receiving benefits under title II or title XVI of the Social Security Act.

* * * * *

"Retail food store" means (1) an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume is more than 50 percent staple food items for home preparation and consumption; (2) public or private communal dining facilities and meal delivery services and drug addict or alcoholic treatment and rehabilitation programs and public or private nonprofit group living arrangements; (3) any store selling equipment for procuring food by hunting and fishing to eligible households in Alaska, as specified in the defintion of eligible food; (4) any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and (5) a farmers' market.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new subparagraph is added to paragraph (g) to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation* * * *

* * * * *

(15) *Amendment 163.* State agencies shall implement the provisions in this amendment no later than July 1, 1980.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.1, a new subparagraph (3) is added to paragraph (e) and subparagraph (2) of paragraph (f) is revised to read as follows:

§ 273.1 Household concept.

* * * * *

(e) *Residents of institutions.* * * *

(3) Disabled or blind individuals who are residents of group living arrangements (as defined in § 271.2) and who receive benefits under title II or title XVI of the Social Security Act.

(f) *Authorized representatives.* * * *

* * * * *

(2) *Drug addict/alcoholic treatment centers and group homes as authorized representatives.* Narcotic addicts or alcoholics who regularly participate in a drug or alcoholic treatment program (as defined in § 271.2) on a resident basis and disabled or blind residents of group living arrangements (as defined in § 271.2) who receive benefits under title II or title XVI of the Social Security Act may elect to participate in the Food Stamp Program.

(i) The residents of drug or alcoholic treatment centers shall apply and be certified for program participation through the use of an authorized representative who shall be an employee of and designated by the private nonprofit organization or institution that is administering the treatment and rehabilitation program. The center shall receive and spend the coupon allotment for food prepared by and/or served to the addict or alcoholic and shall be responsible for complying with the requirements set forth in § 273.11(e).

(ii) Residents of group living arrangements shall either apply and be certified through use of an authorized representative employed and designated by the group living arrangement or apply and be certified on their own behalf or through an authorized representative of their own choice. The group living arrangement shall determine if any resident may apply for food stamps on his/her own behalf; the determination should be based on the resident's physical and mental ability to handle his/her own affairs. The group living arrangement is encouraged to consult with any other agencies of the State providing other services to individual residents prior to a determination. All of the residents of the group living

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arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used. Applications shall be accepted for any individual applying as a one-person household or for any grouping of residents applying as a household as defined in § 273.1. If the resident applies through the facility as the authorized representative, the group living arrangement may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his/her own behalf. If the residents are certified on their own behalf, the coupon allotment may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or to purchase meals prepared and served by the group living arrangement. In any case, the group living arrangement is responsible for complying with the requirements set forth in § 273.11(e). If the group living arrangement has its status as an authorized representative suspended by FNS (as discussed in § 273.2(f)(6)), residents applying on their own behalf shall still be able to participate if otherwise eligible.

4. In § 273.2 paragraph (i)(3)(ii) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(i) *Expedited service.* * * *

* * * * *

(3) *Processing standards.* * * *

* * * * *

(ii) *Drug addicts and alcoholics, group living arrangement facilities.* For residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements who are entitled to expedited service, the State agency shall mail an ATP or coupons or have the ATP or coupons available for pick-up no later than seven working days following the date the application was filed.

* * * * *

5. In § 273.11, a new sentence is added at the end of subparagraph (e)(1), subparagraphs (e)(2), (e)(5) and (e)(7) are revised, paragraph (f) is relettered as (g) and a new paragraph (f) is added to read as follows:

§ 273.11 Action on households with special circumstances.

* * * * *

(e) *Residents of drug/alcoholic treatment and rehabilitation programs.*

* * *

(1) * * * Prior to certifying any residents for food stamps, the State agency shall verify that the treatment center is authorized by FNS as a retailer or is certified by the appropriate agency or agencies of the State (as defined in § 271.2), including that agency's or agencies' determination that the center is a nonprofit organization.

* * * * *

(2) Each treatment and rehabilitation center shall provide the State agency with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The State agency shall require the list on either a monthly or semimonthly basis. In addition, the State agency shall conduct periodic random onsite visits to the center to assure the accuracy of the list and that the State agency's records are consistent and up to date.

* * * * *

(5) When the household leaves the center, the center shall provide the resident household with their ID card and any untransacted ATP cards; or the household, not the center, shall be allowed to negotiate any untransacted HIR cards. The departing household shall also receive its full allotment if issued by direct mail, and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment. If the household leaves after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.

* * * * *

(7) The organization or institution authorized by FNS as a retail food store may be penalized or disqualified, as described in § 278.6, if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. The State agency shall promptly notify FNS when it has reason to believe that an organization or institution is misusing coupons in its possession. However, the State agency shall take no action prior to FNS action against the organization or institution. The State agency shall establish a claim for overissuances of food coupons held on behalf of resident clients as stipulated in paragraph (e)(6) of this section if any overissuances are discovered during an investigation or hearing procedure for redemption violations. If FNS disqualifies an organization or institution as an authorized retail food store, the State agency shall suspend its authorized representative status for the same period. If the treatment center loses its authorization from FNS to accept and redeem coupons, or is no longer certified by the responsible agencies of the State, its residents are no longer eligible to participate. The residents are not entitled to a notice of adverse action but shall receive a written notice explaining the termination and when it will become effective.

(f) *Residents of group living arrangement who receive benefits under title II or title XVI of the Social Security Act.* (1) Disabled or blind residents of a group living arrangement (as defined in § 271.2) who receive benefits under title II or title XVI of the Social Security Act may voluntarily apply for the Food Stamp Program. If these residents apply through the use of the facility's authorized representative, their eligibility shall be determined as one-person households. If the residents apply on their own behalf, the household size shall be in accordance with the definition in § 273.1. The State agency shall certify these residents using the same provisions that apply to all other households. Prior to certifying any residents for food stamps, the State agency shall verify that the group living arrangement is authorized by FNS or is certified by the appropriate agency or agencies of the State (as defined in § 271.2) including that agency's (or agencies') determination that the center is a nonprofit organization.

(2) Each group living arrangement shall provide the State agency with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The State shall require the list on a periodic basis. In addition, the State agency shall conduct periodic random onsite visits to assure the accuracy of the list and that the State agency's records are consistent and up to date.

(3) The same provisions applicable in § 273.11(e)(3) to residents of treatment centers also apply to blind or disabled residents of group living arrangements who receive benefits under title II or title XVI of the Social Security Act when the facility acts as the resident's authorized representative.

(4) If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the State agency as provided in § 273.12(a). If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the State agency, as provided in § 273.12(a), of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's ATP card or coupons to the State agency if they are received after the household has left the group living arrangement.

(5)(i) When the household leaves the facility, the group living arrangement, either acting as an authorized representative or retaining use of the coupons on behalf of the residents (regardless of the method of application), shall provide residents with their ID card (if applicable) and any untransacted ATP cards; or the household, not the group living arrangement, shall be allowed to negotiate any untransacted HIR cards. Also, the departing household shall receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the group living arrangement prior to the 16th day of the month, the facility shall provide the household with its ID card (if applicable) and one-half of its monthly coupon allotment. If the household leaves after the 16th of the month and the coupons have already been issued and used, the household does not receive any coupons. If a group of residents have been certified as one household and have returned the coupons to the facility to use, the departing residents shall be given a pro-rata share of one-half of the household's monthly coupon allotment if leaving prior to the 16th day of the month. Once the resident leaves, the group living arrangement no longer acts as his/her authorized representative. The group living arrangement shall, if possible, provide the household with a change report form to report to the State agency the individual's new address and other circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office of the State agency within 10 days.

(ii) If a resident or a group of residents apply on their own behalf and if they retain use of their own coupons, these individuals are entitled to keep the coupons when they leave. If a group of residents have applied as one household, a pro-rata share of the remaining coupons shall be provided to any departing household member. The group living arrangement shall, if possible, provide the household with a change report form to report to the State agency the individual's new address and other circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office of the State agency within 10 days. However, the household is responsible for reporting the changes in household circumstances.

(6) The same provisions applicable to drug and alcoholic treatment center in § 273.11(e) (6) and (7) also apply to group living arrangements when acting as an authorized representative. These provisions, however, are not applicable if a resident has applied on his/her own behalf. The resident applying on his/her own behalf shall be responsible for overissuances as would any other household as discussed in § 273.18.

(7) The group living arrangement may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a central location as part of the group living arrangement services or if meals are prepared at a central location for delivery to the individual residents. If residents purchase and/or prepare food for home consumption, as opposed to communal dining, the group living arrangement shall ensure that each resident's food stamps are used for meals intended for that resident. If the resident retains use of his/her own coupon allotment, he/she may either use the coupons to purchase meals prepared for them by the facility or to purchase food to prepare meals for their own consumption.

5. In § 273.13, a new subparagraph (12) is added to paragraph (b) as follows:

§ 273.13 Notice of adverse action.

* * * * *

(b) *Exemptions from notice.* * * *

* * * * *

(12) The State agency is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement if the facility loses either its certification from the appropriate agency or agencies of the State (as defined in § 271.2) or has its status as an authorized representative suspended due to FNS disqualifying it as a retailer. However, residents of group living arrangements applying on their own behalf are still eligible to participate.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

7. In § 274.10, a sentence is added at the end of paragraph (d) to read as follows:

§ 274.10 Use or redemption of coupons by eligible households.

* * * * *

(d) Addict/alcoholics and residents of group living arrangements. * * * Eligible residents of a group living arrangement, acting on their own behalf, may use coupons issued to them to purchase meals prepared especially for them at a group living arrangement if the facility is authorized by FNS for that purpose.

* * * * *

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

8. In § 278.1, paragraph (e) is revised and a new paragraph (f) is added and paragraphs (f) through (l) are relettered (g) through (m). The revised paragraph (e) and the new paragraph (f) reads as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(e) *Treatment programs.* Drug addict or alcoholic treatment and rehabilitation programs wishing to redeem through wholesalers food stamps received from or on behalf of their participants shall in addition to meeting the requirements of paragraphs (a), (b) and (d)(1) of this section, be certified by the agency or agencies of the State designated by the Governor as responsible for the State's programs for alcoholics and drug addicts under Pub. L. 91–616, "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970," and Public Law 92–255, "Drug Abuse Office and Treatment Act of 1972," as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics. In addition, the certification must show that the treatment program meets the standards required of treatment programs under the supervision of the agency or agencies of the State designated by the Governor as responsible for the State's programs for alcoholics and drug addicts. Approval to participate is automatically cancelled at any time that a program loses its certification from the responsible agency or agencies of the State.

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(f) *Group living arrangements.* FNS shall authorize as retail food stores those group living arrangements wishing to redeem coupons directly through wholesalers. The group living arrangement must, in addition to meeting requirements of paragraphs (a), (b), and (d)(1) of this section, be certified by the appropriate agency or agencies of the State under regulations issued under Section 1616(e) of the Social Security Act. Approval to participate is automatically cancelled at any time that a program loses its certification from the State agency or agencies.

* * * * *

8. In § 278.2, paragraph (g) is revised to read as follows:

§ 278.2 Participation of retail food stores.

* * * * *

(g) *Redeeming coupons.* Authorized retail food stores may exchange coupons in accordance with this part for face value upon presentation through the banking system or through a wholesale food concern to accept coupons from that retailer. Authorized drug addict or alcoholic treatment and rehabilitation programs and group living arrangements may present coupons for redemption through authorized wholesale food concerns. A drug addict or alcoholic treatment center may purchase food in authorized retail food stores as the authorized representative of its participating households. A group living arrangement may also purchase food in an authorized retail store when acting as an authorized representative of an eligible individual or when using the coupons on the individual's behalf. Authorized drug addict and alcoholic treatment and rehabilitation programs and group living arrangements shall not present coupons directly to a bank for redemption.

* * * * *

Note.—Food Stamp forms are being revised in accordance with the requirements of this amendment. The reporting and/or record keeping requirements anticipated in this amendment resulting from the forms will be forwarded to the Office of Management and Budget for approval in accordance with the Federal Reports Act of 1942.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10551, Food Stamps)

Dated: March 28, 1980.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 80-10102 Filed 4-3-80; 8:45 am]

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federal register

Friday
April 4, 1980

Part VI

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act; Proposed Rules for Program Under Titles I, II, VI, and VII

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 675, 676, 677, 678, 679

Comprehensive Employment and Training Act; Regulations for Programs Under Titles I, II, VI, and VII of the Act; Proposed Rulemaking

AGENCY: Department of Labor

ACTION: Proposed rules.

SUMMARY: This document proposes revisions to the rules at 20 CFR 675–679, which implement provisions of the Comprehensive Employment and Training Act (Pub. L. 95–524). The purpose of this publication is to request comment on these proposed rules.

DATES: Comments on the proposed rules are due on or before May 5, 1980.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S Department of Labor, 601 D Street, NW., Washington, D.C. 20213. Attention: Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION: Robert Anderson, Telephone (202) 376–6254.

SUPPLEMENTARY INFORMATION: Final rules implementing the Comprehensive Employment and Training Act (CETA) Amendments of 1978 were published in the **Federal Register** on April 3, 1979. Since that time, these rules have been amended on five occasions. At the same time, State and local jurisdictions and other organizations involved in the implementation of CETA have noted sections of the regulations which they suggested be revised or clarified.

The purpose of this publication is to propose those changes which the Department considers necessary for the proper direction of the program.

This proposed rulemaking also incorporated all of the changes published in the **Federal Register** since April 3, 1978. These include:

44 FR 28654—May 15, 1979. CETA Regulations; Correction.

44 FR 47260—August 10, 1979. CETA Regulations; Procedures for Waivers of Time Limitations on Public Service Employment.

44 FR 48185—August 17, 1979. CETA Regulations Concerning Sectarian Activities.

44 FR 72584—December 14, 1979. CETA Regulations Concerning Self-Insured Worker's Compensation.

45 FR 1016—January 4, 1980. CETA Regulations Concerning Eligibility of Prisoners.

The Department intends to also include in the final rulemaking of these regulations the regulations at 20 CFR Part 680—Youth Programs Operated by Prime Sponsors under CETA. This will provide program operators with a single set of rules for all prime sponsor programs.

We have also corrected typographical errors in the table of contents, section headings, and throughout the body of the published regulations.

We have deleted those provisions in the published regulations which relate only to the transition period during FY 1979.

In order to facilitate review and comment, the following provides a brief summary of each of the principal proposed changes:

The definition of "Area of Substantial Unemployment" is amended by adding the word "and" to subsection (a) to make it clear that this requirement is in the conjunctive.

The definition of "dependent" is expanded to show that a participant may claim as a dependent anyone who may be claimed as a dependent on his or her individual income tax return. This will permit persons in a dependent status for less than twelve months to be claimed as a dependent.

The definition of "family" is amended to provide that offenders released within six months prior to application are considered a "family of one" for income determination purposes, when such person is not claimed as a dependent by another taxpayer for tax purposes and when the person's offender status presents a barrier to employment.

The definition of "Family Income" is clarified to indicate the period during which family members' income is to be counted.

The definition is also amended to include "black lung payments" as an exclusion from family income.

The definition of "Program of demonstrated effectiveness" is clarified to indicate that programs funded directly by the Department in an area are to be included in a prime sponsor's consideration.

The definition of "Residence" is clarified by substituting the word "principal" for the word "permanent" in order to make it clear that the legal concept of "domicile" is not applicable.

Eligibility Requirements

Section 675.5–1(c) is amended to insert the word "current" prior to "eligibility requirements" in order to clarify that individuals transferring to another title of CETA must meet the eligibility requirements for that title at the time of transfer.

Section 5675.5–3(a)(ii) is amended to allow applicants to be eligible for upgrading if they were employed by more than one employer during the previous six months.

Section 675.5–7 and § 679.2 are amended to revise the eligibility criteria for Title VII programs in order to permit the use of funds under Title II–C upgrading and retraining programs. New language is added which prescribes conditions and limits for the use of such eligibility authority.

Section 675.5–7 is revised to more clearly state the eligibility requirements for Youth Employment and Training Programs (YETP).

Grant Procedures

Section 676.6(d) is revised to more specifically reflect the provisions of the statute regarding prime sponsor service to veterans.

Section 676.11(c)(5)(viii) is added to require descriptions in the annual plan of efforts to be undertaken to provide special consideration with respect to the enrollment of veterans and public assistance recipients.

Section 676.12(b)(3) and § 676.16(d)(2) are amended by adding a new paragraph stipulating that prime sponsors are not required to publish subsequent modifications to its CETP provided that subsequent modifications may be reviewed upon request.

Section 676.24 is amended at (b)(1) to clarify that labor organization consultation must be undertaken in the planning of training programs and that training standards are included. Further clarification is included at (b)(2) to indicate that 30 working days are to be provided after written notification to the collective bargaining agent. Such written notification shall also include the deadline date for response.

Program Design and Management

Section 676.25–1(b)(3) is amended to indicate that the Department will consider training in the apparel industry as an allowable activity under CETA.

This change in policy reflects Congressional intent as expressed in the legislative history of the 1978 reauthorization of CETA. In order to assure that uniform judgments are made on the appropriateness of training plans, the Department will review and approve applications for such training. Application procedures and criteria for approval are set forth in these regulations.

Section 676.25–3(c) is amended to state the outstationing provisions more clearly.

Section 676.25–5(b)(8) is amended to indicate that the vocational exploration program is not exclusively for youth.

Section 676.25–5(d) is amended to extend the maximum period of post-termination services from 30 days to 90 days.

Section 676.26–1(c)(2) is amended to provide that in areas where the maximum wage decreases from one year to the next, participants receiving the previous maximum wage rate may continue to receive that rate.

Section 676.26–1(c)(5)(ii) is amended to clarify that the provision regarding the local share of PSE wage rates applies in subsequent years and not just during the initial implementation of these provisions. "Employing agency" is also substituted for "prime sponsor."

Section 676.26–2(a)(2) makes several clarifications to the allowance payment section, including setting the starting date for the 104 week limit on allowance payments for classroom training, and clarifying that an individual can continue participation without allowances beyond the 104 week period.

Section 676.26–2(a) (3) through (6) are amended to clarify reporting requirements and notification procedures in allowance payment systems.

Section 676.26–2(d)(2) is amended to clarify that allowances, other than dependent allowances, may be held in reserve for institutionalized persons.

Section 676.26–2 is clarified at (e) to more clearly state the provisions for dependent allowances, at (f) to make it clear that youths participating in programs under subparts A, B, and D of Part 680 shall be paid incentive allowances regardless of their public assistance status, and at (f)(3) to add provisions authorizing the downward adjustment of incentive allowances.

Section 676.26–2(h) is amended to clearly indicate that allowances are not to be reduced for receipt of unemployment compensation benefits which were earned prior to enrollment in the allowance paying activity but received after enrollment. The subsection is also revised to reorder and more clearly state the adjustment provisions.

Section 676.26–2(i) is amended to make rounding of allowances optional.

Section 676.26–2(j) is clarified to indicate that the restrictions on the waiver of allowances do not apply where a participant, who had received allowances, continues in an activity beyond the 104 week period which is the limit for the payment of allowances.

Section 676.26–2(k) clarifies the need for documenting the reason for not requiring the repayment of improperly paid allowances.

Section 676.26–3(a) is amended by adding the word "sequentially" to make it clear that the provision permitting wages to be paid for combined activities applies regardless of whether the activities are undertaken simultaneously or sequentially.

Section 676.26–3(b) clarifies that wages may be paid to all participants enrolled in upgrading or retraining activities in lieu of allowances.

Section 676.27(a)(2) on worker's compensation is amended to change the word "coverage" to "benefits" in regard to CETA participants where others similarly employed are not covered by an applicable worker's compensation statute. This clarifies that the benefits are to be comparable to those provided by State law while the method of coverage may be different. A new Section (§ 676.27(a)(3)) has been added to further amend § 676.27(a)(2). It indicates that CETA participants in a non-employment status need not be covered at the level of benefits provided by State law for workers. They must, however, receive adequate protection for on-site accidents.

Section 676.27(b)(5) clarifies that the restrictions on retirement payments to CETA participants do not apply to persons participating in on-the-job training programs.

Section 676.28–2 is amended to make it clear that the employer may not use CETA funds to maintain a reserve account for the employer's share of the contribution.

Section 676.28–3, "Packages of benefits," regarding CETA retirement issue is not revised in this document. The Department is aware that some prime sponsors have indicated that they cannot purchase the non-retirement portion of a benefits package, such as death and disability coverage, at the same levels as for similarly employed non-CETA employees. They have raised this concern with regard to CETA participants who have been excluded from the regular retirement system as provided under §§ 676.27(b)(1) and 676.28–3(a). The Department is currently reviewing this matter. If it is determined that a change to the regulations is necessary, it will be published in a separate issue of the **Federal Register**. The Department is not addressing this matter as part of this revision to the regulations. However, the Department encourages public comment on this issue.

Section 676.30 is amended at (a) to clarify that, except for the conditions set forth, CETA workers are subject to the general termination conditions applicable to comparably employed non-CETA workers, at (d) to clarify the manner in which classroom training is to be counted in determining compliance with the 78 week PSE limit, at (g)(1) to clarify the treatment of in-school youth within the 30 month overall participation limit, and at (g)(2) to clarify that an extension of the 1000 hour limit also serves to extend the 2000 hour limit.

Section 676.30(i) is amended to clarify that the 30 month total participation limit is not extended for those individuals under PSE waivers hired after October 1, 1978.

Section 676.30(k)(5)(ii) clarifies that the last quarter refers to that in the plan and not to the fiscal year.

Section 676.30(o) is amended to clarify that subsequent waivers may only be granted for participants completing an initial four-quarter waiver period.

Section 676.30(n)(4) is amended to clarify that participants terminated to meet a quarterly goal are only to be terminated from these groups specified for termination in that quarter.

Section 676.30a(a)(5) is amended to clarify prime sponsor responsibility to coordinate veterans activities and services.

Administrative Standards and Procedures

Section 676.32 is amended to add the word "subrecipient" to recipient to more specifically reflect the provisions of the statute.

Section 676.36 clarifies program income requirements for subrecipients to provide consistency with the Department's grant regulations at 41 CFR 29–70.205.

Section 676.40 (a) and (c)(2) are amended to conform these provisions to the policy regarding indirect costs included.

Federal Management Circular 74–4

Section 676.40–2(c) clarifies the circumstances under which CETA funds may be used for the travel of elected officials.

Section 676.43(b) clarifies that bonding is only required in the circumstance where a recipient or subrecipient operates on a cash advance basis.

Section 676.45(f)(2) clarifies that adding parties to a consortium agreement requires a new master plan.

Section 676.47 is amended at (d) to delete the requirement that consideration must first be given to reallocating funds to other deliverers

within the prime sponsor's area, and at (c) to delete the requirement that first consideration goes to areas of 6.5 percent unemployment or greater.

Nondiscrimination; Equal Opportunity; Equitable Service and Affirmative Action

Subpart D has been retitled to reflect the fact that the regulations go beyond nondiscrimination and incorporate the broader concepts of equal opportunity and the affirmative action required or recommended under the Act to ensure equal opportunity and the equitable provision of services.

The nondiscrimination section at § 676.52 has been amended to include the statutory prohibition against discrimination on the basis of citizenship. The affirmative action section (now § 676.54) has been reorded to clarify that prime sponsors are required to take affirmative action to recruit and hire staff which will reflect the significant segments of their population. Affirmative action is also recommended for participants as a means of ensuring equitable provision of services and achieving planned levels of participation. Also, as a mechanism for ensuring nondiscrimination and equal opportunity, prime sponsors may require their subrecipients and contractors to prepare affirmative action plans.

Prevention of Fraud and Program Abuse

Section 676.66 is amended to specify that the nepotism provisions in the Indian and Native American regulations shall be used when Indian and Native American organizations operate programs on Indian reservations as a subgrantee, contractor, or employing agency under a prime sponsor program.

Section 676.73 "Maintenance of Effort" provisions are amended to clarify that in a layoff circumstance, CETA participants in OJT, work experience or PSE may not remain working in the same or substantially equivalent job. It is also revised to more clearly present our current policy on positions affected by layoffs.

Complaints and Sanctions

There is no new proposal for Part 676, Subpart F, in these proposed regulations. The proposed Part 676, Subpart F, has been delayed because of the necessity of coordinating the CETA complaint procedures with the equal opportunity complaint procedures to be published in 29 CFR, Part 31, which are currently being reviewed by the Department of Justice. A separate proposal for Part 676, Subpart F will be published in the Federal Register at a later date.

Programs Under Title II B

Section 677.15(c) is amended to indicate that the annual plan subpart must include a list of organizations to whom the plan was sent.

Section 677.40 is amended to clarify that the provisions with respect to the Independent Monitoring Unit (IMU) do not apply to the Special Grants To Governors.

Public Service Employment

Section 677.53(g) and § 678.3(g) are amended to clarify that PSE jobs may be allocated to private non-profit agencies.

Section 678.3 is amended to clarify that 50 percent of the funds expended within a fiscal year by the prime sponsor must be used for PSE jobs in projects.

Section 678.7(b)(2)(iii) is amended to clarify that where the maximum wage decreases from the maximum in the previous year, the supplementation rate of the previous year remains in effect.

Section 678.7(g) has been added to clarify that the prohibition against reducing the non-CETA portion of a participant's wages where the maximum wage has been adjusted upward, is applicable to CETA participants generally and not only to those CETA participants who were receiving non-CETA wages on September 30, 1978.

Section 678.8(c) is amended to clarify that Title VI funds can be spent on PSE participants for non-PSE purposes, e.g., classroom training.

Private Sector Programs

Section 679.3–2 clarifies that a PIC member's business or organization must be within the area served by the PIC. It also requires that building and construction trade councils be consulted in the planning process.

Section 679.3–9 clarifies conflict of interest constraints on voting by PIC members.

Section 679.5 is clarified to indicate that the PIC must concur with all modifications to the Title VII Annual Plan Subpart.

Regulatory Impact

The financial and other impact of this regulation is less than specified in DOL criteria for determining when a regulatory analysis should be made (see 44 FR 5576, January 26, 1979). Therefore, the preparation of a regulatory analysis is not required for this regulation.

While these regulations are deemed significant within the meaning of Executive Order 12044, and the Department of Labor regulations thereunder, the comment period for these regulations is only 30 days rather than 60 days, since the changes to the regulations are minor and for the most part technical corrections, and since the regulations must be published in final form by May 15th.

Accordingly, it is proposed to amend Parts 675–679 of Title 20 of the Code of Federal Regulations to read as follows:

PART 675—INTRODUCTION TO THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

675.1 Scope and purpose of the Act.
675.2 Format of these regulations.
675.3 Table of contents for the regulations under CETA.
675.4 Definitions.
675.5 Eligibility requirements to participate to programs under CETA.
675.5–1 Eligibility requirements pertaining to all prime sponsor programs.
675.5–2 Eligibility requirements under title II B.
675.5–3 Eligibility requirements under title II C upgrading and retraining.
675.5–4 Eligibility requirements for special grants for Governors.
675.5–5 Eligibility requirements for title II D programs.
675.5–6 Eligibility requirements for title VI programs.
675.5–7 Eligibility requirements for private sector initiative programs.
675.5–8 Eligibility requirements for youth employment and training.
675.5–9 Eligibility requirements for youth community conservation improvement projects.
675.5–10 Eligibility requirements for summer youth employment programs.
675.6 Intake and assessment.

Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95.524 92 Stat. 1907), unless otherwise noted.

§ 675.1 Scope and purpose of the Act.

(a) It is the purpose of this Act to:

(1) Provide training and employment opportunities to increase the earned income of economically disadvantaged, unemployed, or underemployed persons;

(2) Establish a flexible, coordinated and decentralized system of Federal, State, and local programs so that services will lead to maximum employment opportunities and enhance self-sufficiency; and

(3) Provide for the coordination of programs under CETA with other social service, employment and training related programs, economic development, community development, and related activities, such as vocational education, vocational rehabilitation, public assistance, self-employment training, and social service programs.

(b) The Act is comprised of eight titles.

(1) Title I sets forth the administrative provisions governing programs under the other titles.

(2) Title II establishes programs administered by State and local prime sponsors to provide comprehensive employment and training services for economically disadvantaged persons.

(3) Title III establishes national programs administered by the Secretary:

(i) To provide employment and training services for groups of persons with disadvantages in specific and general labor markets or occupations.

(ii) To provide comprehensive employment and training programs for Indians and Native Americans, and for migrant and seasonal farmworkers.

(iii) To provide research, and technical assistance programs and to evaluate activities under CETA.

(4) Title IV establishes a broad range of coordinated employment and training programs for youth.

(5) Title V establishes a National Commission for Employment Policy to examine issues of development, coordination and administration of employment and training programs, and to advise the President and the Congress on these issues.

(6) Title VI authorizes temporary employment in public service jobs during periods of high unemployment.

(7) Title VII authorizes activities to increase the involvement of the private sector in employment and training.

(8) Title VIII establishes a Young Adult Conservation Corps to provide conservation work on public lands and waters and other benefits to youth.

§ 675.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the new provisions of the Act are set forth in Parts 675 through 695 of Title 20 of the Code of Federal Regulations.

(b) Statutory authority of the regulations is found at section 126(a)(1) of the Act. Specific statutory authorities other than section 126(a)(1) are noted throughout the regulations.

§ 675.3 Table of contents for regulations under CETA.

PART 675—INTRODUCTION TO THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

675.1 Scope and purpose of the Act.
675.2 Format of these regulations.
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675.5–1 Eligibility requirements pertaining to all prime sponsor programs.
675.5–2 Eligibility requirements under title II–B.
675.5–3 Eligibility requirements under title II–C upgrading and retraining.
675.5–4 Eligibility requirements for the special grants to governors.
675.5–5 Eligibility requirements for title II–D programs.
675.5–6 Eligibility requirements for title VI programs.
675.5–7 Eligibility requirements for private sector initiative programs (PSIP).
675.5–8 Eligibility requirements for youth employment and training programs (YETP).
675.5–9 Eligibility requirements for youth community conservation improvement projects (YCCIP).
675.5–10 Eligibility requirements for the summer youth employment programs (SYEP).
675.6 Intake and assessment.

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant Procedures

Sec.

676.1 General.
676.2 Prime sponsor applicants.
676.3 Preapplication for Federal assistance.
676.4 Consortium agreements.
676.5 Prime sponsor designation.
676.6 Planning process.
676.7 Prime sponsor planning councils.
676.8 Area planning bodies.
676.9 Comprehensive employment and training plan (CETP).
676.10 Master plan.
676.10–1 General.
676.10–2 Signature page.
676.10–3 Assurances and certifications.
676.10–4 Narrative description.
676.11 Annual plan.
676.12 Comments and publication procedures relating to submission of CETP.
676.13 Submission of CETP.
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676.25 Employment and training activities.
676.25–1 Classroom training.
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676.25–3 Public service employment.
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676.28 Retirement benefits for program participants.
676.28–1 General rules.
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676.28–3 Package benefits.
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Subpart C—Administrative Standards and Procedures

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676.34 Management information systems.
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676.38 Requirements for contracts with non-governmental organizations.
676.39 Property management standards.
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676.41 CETA cost allocation.
676.41–1 Classification of costs by category.
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676.42 Administrative annual plan subpart.
676.43 Administrative staff and personnel standards.
676.44 Reporting requirements for prime sponsors.
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676.46 Secretary's responsibilities.
676.47 Reallocation of funds based on nonutilization.

Subpart D—Nondiscrimination; Equal Opportunity; Equitable Service and Affirmative Action

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676.61 General.
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676.75 Responsibilities of recipients and subrecipients for prevention fraud and program abuse and for general program management.
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Subpart F—Complaints, Investigations and Sanctions

676.81–676.93 [Reserved]

PART 677—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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677.1 Purpose
677.2 Employability development plan.
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Subpart B—Training Activities for the Economically Disadvantaged

677.11 Purpose.
677.12 Participant eligibility.
677.13 Activities and services.
677.14 Allocation of funds.
677.15 Annual plan subpart.
677.16 Administrative limitations.

Subpart C—Upgrading and Retraining

677.21 Purpose.
677.22 Participant eligibility.
677.23 Activities and services.
677.24 Agreement with employers.
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Subpart D—Special Grants for Governors

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677.36 State employment and training council.
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Subpart E—Transitional Employment Opportunities for the Economically Disadvantaged

677.51 Purpose.
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677.53 Activities and services.
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677.56 Annual plan subpart.
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677.58 Special cost provisions.

PART 678—PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

678.1 Purpose.
678.2 Participant eligibility.
678.3 Activities and services.
678.4 Eligibility for funds.
678.5 Allocation of funds.
678.6 Annual plan subpart.
678.7 Wages and wage supplementation.
678.8 Special cost provisions.

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private industry councils (PIC's).
679.3–1 Purpose.
679.3–2 Appointments of PIC members.
679.3–3 Chairperson.
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679.3–5 Staff.
679.3–6 Multijurisdictional PIC's.
679.3–7 Functions of the PIC.
679.3–8 Accountability.
679.3–9 Conflict of interest.
679.4 Allocation of funds.
679.5 Annual plan subpart.
679.6. Administrative standards and procedures.
679.7 Allowable activities.

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT [1]

Subparts A and B—[Reserved]

Subpart C—Summer Youth Employment Program

680.200 Purpose
680.201 Eligibility for SYEP funds.
680.202 Allocation of funds.
680.203 Unexpended previous year funds.
680.204 Startup of program
680.205 Program planning; planning and youth councils.
680.206 Basic program design provisions.
680.207 Description of the SYEP annual plan subpart.
680.208 Activities and services.
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680.211 Eligibility for participation.
680.212 Participants compensation, benefits and working conditions.
680.213 Reallocation procedures.
680.214 Modifications.
680.215 Reporting requirements.
680.216 Termination date for the summer program.

[1] Part 680 added at 44 FR 12394, March 6, 1979.

§ 675.4 Definitions.

Academic Credit means credit for education, training or work experience applicable toward a secondary school diploma, a post secondary degree, or an accredited certificate of completion, consistent with applicable State law, regulations, and policy, and the requirements of an accredited educational agency or institution.

Act means the Comprehensive Employment and Training Act (29 USC § 801 *et seq.*)

Alternative Working Arrangements means the patterns or schedules of work which deviate from the regular work week. They may include staggered hours, flexible hours or flexi-time, compressed work weeks, part-time employment, job sharing, and work sharing.

Annual Plan means that part of the Comprehensive Employment and Training Plan which consists of the yearly description of program activities and services to be provided by prime sponsors.

Appropriate Labor Organization means a local labor organization that represents employees in the prime sponsor's area in the same or substantially equivalent jobs as those for which recipients provide, or propose to provide, employment and training under the Act.

Architectural Barriers means physical conditions of a building, facility, or other physical structure which reduce the accessibility to or usefulness of such building, facility or structure to handicapped individuals.

Area of Substantial Unemployment (ASU) means an area within a prime sponsor's jurisdiction:

(a) Which has a population of at least 10,000; and

(b)(1) Which has an average unemployment rate of at least 6.5 percent for the most recent twelve month period, as determined by the Bureau of Labor Statistics (BLS); or

(2) Which for fiscal year 1979, and for Parts A, B, and C of Title II of the Act for all fiscal years, has an average unemployment rate of at least 6.5 percent for any three consecutive months during the most recent 12 month period as determined by the Bureau of Labor Statistics.

Artificial Barriers to Employment means limitations (such as: age, sex, race, national origin, parental status, credential requirements, criminal record, lack of child care, physical or mental status and absence of part-time or alternative working patterns/schedules) in hiring, firing, promotion, licensing, and conditions of employment which are not directly related to an individual's fitness or ability to perform the tasks required by the job.

Balance of State (BOS) means the area which consists of all areas within a State which are not within the jurisdictions of local prime sponsors and, therefore, are served by the State acting as the prime sponsor.

Capital Improvement means any modification, addition, restoration or other improvement:

(a) Which increases the usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment;

(b) Which is classified for accounting purposes as a "fixed asset"; and

(c) The cost of which increases the recorded value of the existing bulding, structure, or major item of equipment and is subject to depreciation.

CETA means the Comprehensive Employment and Training Act.

Community Based Organization (CBO) means a private nonprofit organization which is representative of the community or a significant segment of a community, and which provides employment and training services or activities. (Examples include: Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, agencies serving women, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in Sec. 7(11) of the Rehabilitation Act of 1973, 29 USC § 706), agencies serving youth, union-related organizations, and employer-related nonprofit organizations).

Comprehensive Employment and Training Plan (CETP) means the plan of a prime sponsor for operating programs under the Act, consisting of the Master Plan and Annual Plan.

Construction means the erection, installation, assembly or painting of a new structure or a major addition, expansion, or extension of an existing structure, and the related site preparation, excavation, filling and landscaping or other land improvements.

Consumer Price Index means the "All Urban Consumer Index" as determined by the Bureau of Labor Statistics (BLS).

Contract means a procurement instrument by which the Department, a recipient, or a subrecipient pays for property, services, supplies, materials or equipment.

Contractor means any person, corporation, partnership, public agency, or other entity which enters into a contract with the DOL, a recipient or a subrecipient under the Act.

Department means the United States Department of Labor (DOL) including its agencies and organizational units.

Dependent means any person for whom, both currently and during the previous 12 months, the participant has assumed 50% of their support, and is

(a) A member of the immediate household; or

(b) Not a member of the household, but a parent or child of the participant, or a relative of the participant who is unemployed because of a mental or physical disability; or

(c) who may be claimed as a dependent on the person's tax under Section 151(e) of the Internal Revenue Code of 1954.

Displaced Homemaker means an individual who:

(a) Has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members; and

(b)(1) Has been dependent on public assistance or on the income of another family member but is no longer supported by that income; or

(2) Is receiving public assistance on account of dependent children in the home, especially where such assistance will soon be terminated; and

(c) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

DOL means the U.S. Department of Labor.

Economically Disadvantaged means a person who is either:

(a) A member of a family which receives public assistance;

(b) a member of a family whose income during the previous 6 months on an annualized basis was such that

(1) The family would have qualified for public assistance, if it had applied for such assistance; or

(2) It does not exceed the poverty level; or

(3) It does not exceed 70 percent of the lower living standard income level;

(c) A foster child on whose behalf State or local government payments are made;

(d) Where such status presents significant barriers to employment,

(1) A client of a sheltered workshop;

(2) A handicapped individual;

(3) A person residing in an institution or facility providing 24 hour support such as a prison, a hospital or community care facility; or

(4) A regular outpatient of a mental hospital, rehabilitation facility or similar institution.

Employing Agency means any public or private nonprofit employer which employs PSE or work experience participants and which establishes and maintains the personnel standards applicable to those participants covering such areas as wage rates, fringe benefits, job titles, and employment status.

Entry Level means the lowest position in any promotional line, as defined locally by collective bargaining agreements, past practice, or applicable personnel rules.

Family (a) Means one or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or a step-parent shall be considered to be related by marriage.

(b)(1) For purposes of paragraph (a) of this section, one or more persons not living in the single residence but who were claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family.

(2) An older worker, as defined in this section, whether living in the residence or not, or a handicapped individual who is 16 years of age or older may be considered a family of one when applying for programs under the Act.

(3) An individual 18 or older, except as provided in (2) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner shall not be considered a member of the family. Such an individual shall be considered a family of one.

(4) Any individual released within 6 months of the date of applying for programs under the Act, from an institution or facility providing 24-hour support such as a prison, hospital or community care facility may be considered a family of one, provided that such confinement status presents a significant barrier to employment and the person is not claimed as a dependent on a family members income tax return.

Family Income means all income actually received from all sources by all members of the family, during the income determination period. Family size shall be the maximum number of family members during the income determination period. When computing family income, income of a spouse and/or other family member's shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

(a) Family income shall include:

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(1) Gross wages and salary (before deductions);
(2) Net self-employment income (gross receipts minus operating expenses);
(3) Other money income received from sources such as net rents, OASI (Old Age and Survivors Insurance) social security benefits, pensions, alimony, child support, and periodic income from insurance policy annuities, and other sources of income.
(b) Family income shall exclude:
(1) Non-cash income such as food stamps, or compensation received in the form of food or housing;
(2) Imputed value of owner-occupied property, i.e., rental value;
(3) Public assistance payments;
(4) Cash payments received pursuant to a State plan approved under Titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;
(5) Federal, State or local unemployment benefits;
(6) Payments made to participants in employment and training programs (including payments received under CETA Title IV or Title VIII or Title V of the Older Americans Act), except wages paid for PSE and OJT.
(7) Capital gains and losses;
(8) One time unearned income, such as, but not limited to:
(i) Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;
(ii) One-time or fixed-term scholarship and fellowship grants;
(iii) Accident, health, and casualty insurance proceeds;
(iv) Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;
(v) One-time awards and gifts;
(vi) Inheritance, including fixed term annuities;
(vii) Fixed term workers' compensation awards;
(viii) Terminal leave pay;
(ix) Soil bank payments;
(x) Agriculture crop stabilization payments;
(9) Pay or allowances which were previously received by any veteran while serving on active duty in the Armed Forces; and
(10) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, United States Code.
(11) Payments received under the Trade Act of 1974.
(12) Black lung payments.

Financial Assistance means any grant, loan, or any other arrangement by which the Department or recipient provides or otherwise makes available assistance in the form of:
(a) Funds;
(b) Services of Federal or recipient's personnel; or
(c) Real and personal property or any interest in or use of such property, including:
(1) Transfers or leases sof such property for less than fair market value or for reduced consideration; and
(2) Proceeds from a subsequent transfer or lease of such property if the Federal or recipient share of its fair market value is not returned to the Federal Government or recipient.

Governor means the chief executive, or his or her designee, of any State.

Handicapped Individual means any person who has a physical or mental disability which constitutes a substantial barrier to employment and can benefit from CETA services as determined by the prime sponsor.

In-school means the status of being enrolled full-time and attending an elementary, secondary, trade, technical or vocational school, a college, including a junior community college or a university. An individual shall maintain the status of "in-school" between semesters or quarters or during the summer months provided that individual is scheduled to attend full-time the next regularly scheduled quarter of any of these schools.

In-School Youth means a person age 14 to 21, who:
(a) Is currently enrolled full-time in, and attending, a secondary, trade, technical, vocational school or junior or community college or is scheduled to attend full-time the next regularly scheduled quarter or semester of any of these schools; or
(b) Has not completed high school and is scheduled to attend or is attending, on a full-time basis, a program leading to a secondary school diploma or its equivalent. Full-time may be defined by the requirements of the agency administering the program.

Institutions of higher education means an educational institution in any State which:
(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;
(b) is legally authorized within such State to provide a program of education beyond secondary education;
(c) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;
(d) Is a public or other nonprofit institution;
(e) Is accredited by a nationally recognized accrediting agency or association; and
(f) Admits as regular students, persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the education offered by the institution.

Job restructuring means:
(a) The procedure which includes:
(1) Identifying the separate tasks that comprise a job or group of jobs;
(2) Developing new positions descriptions which retain some of the tasks of the original job; and
(3) Developing a career ladder which builds upward from the new positions containing the lesser skilled tasks to regular jobs.
(b) A restructered job shall be clearly different from the original one in terms of skills, knowledge, abilities, and experience needed to perform the work (sec. 432(a)(3)(L)).

Local Educational Agency means:
(a) Except for purposes of Youth Employment and Training Programs (YETP) under Part 680, a board of education or other legally constituted local school authority having administrative control and direction of public elementary of secondary schools in a city, county, township, school district or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocation education program;
(b) For purposes of YETP under Part 680, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or combination of such school districts or counties which are recognized in a State as an administrative agency for their public elementary or secondary schools.

Lower Living Standard Income Level means that income level (adjusted for selected Standard Metropolitan statistical areas and regional metropolitan and nonmetropolitan differences and family size) determined annually by the Secretary, based upon the most recent lower living family budget issued by the Bureau of Labor Statistics.

Low Income Housing means:
(a) For weatherization or winterization projects, those dwellings occupied by persons whose family income does not exceed 125 percent of the poverty level and which are
(1) Owned by the occupant;
(2) Publicly owned;
(3) Owned by a private nonprofit organization; or
(4) Cooperatively owned; or
(5) For projects funded and approved by the Federal Energy Administration, privately owned rental housing.
(b) For rehabilitation as part of community revitalization or stabilization, those dwellings occupied by persons whose family income does not exceed 80 percent of the median income for the area, in accordance with Section 8(f)(1) of the United States Housing Act of 1937, (42 U.S.C. 1437f) and which are:
(1) Owned by the occupant;
(2) Publicly owned;
(3) Owned by a private nonprofit organization; or
(4) Cooperatively owned.

Low Income Level means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

Master Plan means that part of the Comprehensive Employment and Training Plan (CETP) which serves as the long-term agreement between the Department and a prime sponsor.

Offender means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom employment and training services may be beneficial or who requires assistance in overcoming artifical barriers to employment resulting from a record of arrest or conviction.

Older Worker means a person who is 55 years of age or older.

Outstationing means the positioning of PSE or work-experience participants by an employing agency at a location or facility operated by an organization other than the employing agency so that the other organization supervises and assigns work to the participants.

Participant means an individual who is:
(a) Declared eligible upon intake; and
(b) Receiving employment, training or services (except post-termination services) funded under the Act following intake, except for an individual who receives only outreach or intake services.

Placement means the act of securing unsubsidized employment for or by a participant.

Poverty Level means the annual income level at, or below, which families are considered to live in poverty, as annually determined by the Office of Management and Budget.

Prime Sponsor A recipient of financial assistance designated pursuant to § 676.5.

Program Agent means:
(a) A unit of general local government with a population of at least 50,000 within the jurisdiction of a single prime sponsor.
(b) A combination of units of general local government (preferably contiguous) with a total population of at least 50,000 within the jurisdication of a single prime sponsor which possesses:
(1) The legal authority to receive funds and to transact business through out its jurisdiction in accordance with the Act and regulations; and
(2) The administrative capability to plan, administer and operate an employment and training program.

Program of Demonstrated Effectiveness means a program which has demonstrated the capacity to achieve planned goals at reasonable cost within acceptable timeframes, and is either:
(1) A program which has demonstrated to the prime sponsor that it has performed effectively within the prime sponsor's jurisdiction, or
(2) A program which can demonstrate to the prime sponsor that it has carried out a similar program under similar circumstances in other jurisdictions and can carry out such program effectively within the prime sponsor's jurisdiction; or
(3) A program funded by the Secretary which has demonstrated to the prime sponsor that it has performed effectively.

Project means:
(a) For the purpose of public service employment in Parts 677 and 678, a definable task or group of related tasks which will be completed within eighteen months, has a public service objective, will result in a specific product or accomplishment, and would otherwise not be done with existing funds;
(b) For the purposes of Youth Community Conservation and Improvement Projects in Part 680, an activity which provides constructive work, conducted by youth, under the guidance of skilled supervisors, which (1) result in tangible outputs or a specific product; (2) benefits the participants in terms of work habits, skills, and attainment of academic credit where applicable; and (3) will be completed within a definable period of time not to exceed 12 months (sec. 421).

Project Applicants means States and agencies thereof, units of general local governments and agencies thereof, combinations or associations of such governmental units when the primary purposes of such combinations or associations is to assist such governmental units to provide public service, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose within an area served by one or more units of general local government, local educational agencies, institutions of higher education, community based organizations, nonprofit groups and organizations serving Native Americans, and other private nonprofit organizations or institutions engaged in a public service.

Public Assistance means Federal, State, or local government cash payments for which eligibility is determined by a need or income test.

Public Service Employment means the type of work mormally provided by governments and includes, but is not limited to, work (including part-time work) in such fields as environmental quality, child care, health care, education, crime prevention and control, prisoner rehabilitation, transportation, recreation, maintenance of parks, streets and othe public facilties, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, verterans outreach, development of alternative energy technologies, and other fields of human betterment and community improvement.

RA means Regional Administrator of the Employment and Training Administration of the U.S. Department of Labor.

Recipient means State or local government, a Federally recognized Indian tribal government, a public or private institution of higher education, a public or private hospital, an Indian or Native American entity other than a Federally recognized Indian tribal government, or other quasi-public or private for profit or nonprofit organization which receives CETA financial assistance directly from DOL, through a grant to perform substantive work under the Act (employment, training, supportive services, etc.).

Residence means an individual's principal dwelling or home. Maintenance of an address is not necessarily the same as residence.

Secretary means the Secretary of Labor.

Significant Segments means the groups of the population identified in terms of the following demographic characteristics: Age, sex, race, and national origin. (Sec. 103(b)(2)).

Similarly Employed means the status of a person who is working for the same

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employer as the CETA participant, is doing the same type of work, and is similarly classified with respect to employment status (e.g., full time, permanent, or temporary).

Special Disabled Veteran means a person who served in the Armed Forces and was discharged or released, with other than a dishonorable discharge, and who had been given a disability rating of 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

State means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marianas Islands, American Samoa, and the Trust Territory of the Pacific Islands.

State Employment Security Agency (SESA) means the State agency which exercises control over the Unemployment Insurance Service and the Employment Service.

Subrecipient means any person, organization or other entity which receives financial assistance under CETA through a recipient to carry out substantive work (e.g., employment, training, supportive services).

Underemployed Person means:

(a) Persons who are working part time but seeking full time work; or

(b) Persons who are working full time but whose current annualized wage rate is not in excess of (for a family of one), the higher of either:

(1) The poverty level; or

(2) 70 percent of the lower living standard income level.

Unemployed Person means for purposes of determining eligibility:

(a) A person who is without a job for at least seven consecutive days prior to application for participation. A person shall be considered as being without a job if, for seven consecutive days, such person:

(1) Worked no more than 10 hours; and

(2) Earned no more than $30; and

(3) Was seeking and available for work; or

(b) A person who is:

(1) A client of a sheltered workshop;

(2) Institutionalized in a hospital, prison, or similar institution; or

(c) A person who is 18 years of age or older and whose family receives public assistance or whose family would be eligible to receive public assistance but for the fact that both parents are in the home; or

(d) A person who is a veteran who has not obtained permanent unsubsidized employment since being released from active duty. Such person shall be considered to meet "unemployed" elibility requirements regardless of the specific term of unemployment required.

Unit of general local government means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

Veteran means a person who:

(a) Served on active duty for more than 180 days, and was released with other than a dishonorable discharge; or

(b) Was discharged or released from active duty for a service connected disability.

Veterans Outreach means:

(a) The recruitment, counseling and registration of eligible veterans for participation in appropriate employment or training programs provided under the Act;

(b) Coordination with the outreach services program carried out under Subchapter IV of Chapter 3 of Title 38, United States Code (pertaining to the dissemination of information about Veterans Administration benefits and services and the provision of such services to eligible veterans), with full utilization of veterans receiving educational assistance or vocational rehabilitation under Chapter 31 or 34 of Title 38, United States Code.

Vietnam-era Veteran means a veteran under 35 years of age who served on active duty between August 5, 1964, and May 7, 1975 and who was discharged or released with other than a dishonorable discharge.

§ 675.5 Eligibility requirements to participate in programs under CETA.

§ 675.5–1 Eligibility requirements pertaining to all prime sponsor programs.

(a) All recipients shall establish effective systems to determine participant eligibility in accordance with § 676.75–3. To assist in eligibility determination, a consolidated list of all eligibility requirements for programs administered by prime sponsors under CETA is presented in this section.

(b) Participants shall be limited to citizens of the United States, United States nationals, permanent resident aliens, or other aliens who have been permitted to accept permanent employment in the United States by the Immigration and Naturalization Service (sec. 132(e) and 121(p)).

(c) Participants may be transferred from one title or program under the Act into another title or program under the Act within the prime sponsor jurisdiction, if they met the current eligibility requirements for such other title or program at the time that they were originally determined eligible for their first CETA title or program, except that if the subsequent title or program has an age limitation, participants shall meet the age limitation at the time of transfer into that title or program.

(d) Eligibility determinations for each program shall be made at the time of application. Applicants determined eligible may be enrolled as participants within 45 days of the date of the application without an update of the information on the application, and provided they did not obtain full-time permanent unsubsidized employment in the interim. This provision does not apply to the Summer Youth Employment Program (SYEP) or as otherwise specified in this section.

(e) Persons institutionalized in a prison, jail, or similar correctional institution shall be eligible only when such person has a reasonable expectation of release, parole, or work release within 12 months of enrollment in activities under the Act.

(f) Specific eligibility requirements for programs not found at § 675.5–2 through § 675.5–10 are found in the specific regulations for those programs.

§ 675.5–2 Eligibility requirements under title II–B.

For Programs described in Subpart B of Part 677, a person shall be:

(a) Economically disadvantaged; and

(b) Unemployed, underemployed, or in-school (sec. 213).

§ 675.5–3 Eligibility requirements under title II–C upgrading and retraining.

For Upgrading and Retraining Programs described in Subpart C of Part 677:

(a) For Upgrading, a person must be:

(1)(i) Operating at less than full skill potential, and

(ii) Working for at ieast the prior six month in either entry level, unskilled or semi-skilled positions or positions with little or no advancement opportunity in a normal promotional line;

(2) Priority consideration shall be given to those workers who have been in entry level positions for the longest period of time, and who have potential for upward mobilty.

(b) For retraining a person must:

(1) Have received a bona fide notice of impending layoff within the last 6 months; and

(2) Have been determined by the prime sponsor, with the assistance of the local employment Service, as having little opportunity to be reemployed in the same or an equivalent occupation or skill level within the labor market area.

§ 675.5–4 Eligibility requirements for special grants to Governors.

For programs under the Special Grants for Governors described in Subpart D of Part 677, a person unless otherwise approved in the grant must be economically disadvantaged, and unemployed, underemployed or in school. For PSE the eligibility requirements are the same as those for Titles II–D or VI which are described in § 675.5–5 or § 675.5–6.

§ 675.5–5 Eligibility requirements for title II–D programs.

For Title II–D funded programs described in Subpart E of Part 677, a person must:

(a)(1) Be economically disadvantaged, be unemployed at the time of application and have been unemployed during 15 of the 20 weeks immediately prior to application or

(2) Be a member of a family which is receiving public assistance (sec. 236(a)); and

(b) reside within the prime sponsor's jurisdiction, except that:

(1) Where a prime sponsor subgrants to units of general local government with a population of 50,000 or more, such units may not hire persons outside of their jurisdiction nor may prime sponsors hire persons from such jurisdictions. However, participants may be exchanged between such units when there are equivalent funds expended to support such persons by each unit. This does not require the layoff of present participants eligible under the residency requirements that were applicable at the time of their eligibility determination; and

(2) In cases where a prime sponsor is operating a program for a unit of general local government over 50,000, a formal subgrant is not necessary to enroll residents of that jurisdication. The prime sponsor shall assure that funds allocated for use within that jurisdiction's area are spent only for residents of that area.

(c) Not have, within the immediately prior six months, voluntarily terminated, without good cause, as described in the *Forms Preparation Handbook*, his/her last previous full-time employment at a wage rate not less than the highest of the minimum wage under Section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206) or under the applicable State or local minimum wage law (sec. 122(n)).

§ 675.5–6 Eligibility requirements for title VI programs.

(a) For Title VI funded programs described in Part 678, a person must reside within the prime sponsor's jurisdiction as provided in § 675.5–5(b); and

(1)(i) Be unemployed at the time of application; and

(ii) Have been unemployed for at least 10 out of the 12 weeks immediately prior to application; and

(iii) Have a family income which does not exceed 100 percent of the lower living standard income level based on the annualization of the three-month period prior to the individual's application for particiption; or

(2) Be a member of a family which has been receiving public assistance for 10 of the last 12 weeks immediately prior to application (sec. 607).

(b) The provisions of § 675.5–5(c) regarding individuals who voluntarily terminated their last employment shall apply (sec. 122(n)).

§ 675.5–7 Eligibility requirements for private sector initiative program (PSIP)

For PSIP programs described in Part 679, the eligibility requirements are the same as set forth for Title II–B and II–C of the Act in § 675.5–2 and § 675.5–3. Up to 6.5 percent of funds allocated under Title VII may be used to enroll persons using the § 675.5–3 criteria into upgrading and/or retraining programs. Up to 20 percent may be used if, in the case of upgrading programs, the employer agrees to hire at least one economically disadvantaged person for each employee upgraded, or if, in the case of retraining programs, regional administrator approval is first obtained.

§ 675.5–8 Eligibility requirements for youth employment and training programs (YETP).

(a)(1) For YETP programs described in Subpart A of Part 680, except as provided in § 675.5–8(b) of this section, at the time of application a youth must be (sec. 435):

(i) Unemployed or underemployed, or an in-school youth (excluding persons aged 14 and 15);

(ii) 16 through 21 years of age inclusive; and

(iii) A member of a family with a total family income, annualized on a 6-month basis, at or below 85 percent of the lower living standard income level; or

(iv) Economically disadvantaged.

(2) Programs funded under YETP shall give preference to economically disadvantaged youth within the eligible population. Appropriate efforts shall be made to give service to those youth who have severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military services, those who are offenders, those who are physically or mentally handicapped, those with dependents, or those who have otherwise demonstrated special needs as determined by the Secretary (sec. 444(a)).

(3) A youth may not be enrolled in full-time employment opportunities if:

(i) The individual has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except: (A) During periods when school is not in session and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; or (C) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth dropped out of high school in order to participate in YETP (sec. 443(f)).

(b) Youth who are 14 and 15 years of age, in school and otherwise eligible under paragraph (a) above of this section, may participate in YETP when that section of the annual plan specifies a youth development strategy which provides broad career exposure for these youth (sec. 435).

(c) Youth who are 16 through 21 years of age, but who do not meet the income or economically disadvantaged criteria may be offered services which are limited to:

(1) Counseling, including occupational information;

(2) Occupational, education, and training information including information on apprenticeship training;

(3) Placement services;

(4) Job referral information through coordinated intake systems; and/or

(5) Assistance in overcoming employment related sex-stereotyping in job development, placement, counseling, and guidance.

§ 675.5–9 Eligibility requirements for youth community conservation improvement projects (YCCIP).

(a) For YCCIP program described under Subpart B of Part 680, at the time of application a person must be:

(1) 16 through 19 years of age, inclusive; and

(2) Unemployed (sec. 442).

(b) *Selection.* In selecting eligible youth, prime sponsors shall give preference to the economically disadvantaged youth within the eligible population.

(1) Appropriate efforts shall be made to serve those eligible youths who have

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severe handicaps in obtaining employment (sec. 444(a)).

(2) A youth may not be enrolled in full-time employment opportunities if:

(i) The individual has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except: (A) During periods when school is not in session, and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for work experience; of

(ii) The individual has not attained a high school diploma or its equivalent and it is determined by the prime sponsor that the youth dropped out of high school in order to participate in YCCIP (sec. 443(f)).

(c) *Limitation.* Each participant shall be limited to a maximum enrollment of 12 months with no more than two reenrollments, provided age eligibility is met at the time of each reenrollment and the 12 month limitation is not exceeded. Consistent with the termination procedures specified in § 676.30(b), every effort shall be made to transition participants into unsubsidized jobs or other CETA opportunities upon completion of the 12 months enrollment (sec. 428).

§ 675.5–10 Eligibility requirements for the summer youth employment programs (SYEP).

For SYEP programs described in Subpart C of Part 680, a youth must be:

(a) At the time of application, economically disadvantaged; and

(b) At the time of enrollment, 14 through 21 years of age inclusive (sec. 402).

§ 675.6 Intake and assessment.

(a) Each recipient shall, at the time of intake, assess every individual to determine the person's eligibility and to decide whether CETA can offer the applicant those services or activities which will enable the applicant to obtain unsubsidized employment and increase earned income.

(b) In determining who shall be enrolled, recipients shall establish appropriate mechanisms to ensure that employment and training activities available under the grant are provided to those most in need (sec. 103(a)(5)(A)).

(c) Once enrolled, each prime sponsor shall make a more detailed assessment for each participant, and an employability development plan shall be prepared for each Title II participant in accordance with § 677.2. In doing the detailed assessment, recipients shall consider the utilization of all available CETA and community resources, such as those from SESA, the prime sponsor's Private Industry Council, area apprenticeship opportunities, CBO's, the educational system, and all other resources. Such assessment does not mandate a central intake system, but does require that recipients provide an opportunity for referral to the full range of available services.

(d) In designing programs, all recipients shall develop goals and provide maximum efforts for transitioning participants into unsubsidized employment. They shall periodically assess participant's progress towards these goals, as provided for each title in § 676.25–4(b), § 677.2(e), § 677.53(b) and § 678.3(f).

(e) In designing and operating programs, recipients and subrecipients shall give special consideration to providing for alternative working arrangements such as flexible hours of work, work-sharing and part-time jobs, particularly for older workers and those with household obligations and including parents of young children (sec. 121(d)(3)).

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 *et seq.*), unless otherwise noted.

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant Procedures

§ 676.1 General.

This Subpart specifies the procedures by which prime sponsors may obtain funds to operate programs under the Act.

§ 676.2 Prime sponsor applicants.

The following entities may apply to be prime sponsors (sec. 101):

(a) A State;

(b) A unit of general local government which has a population of 100,000 or more;

(c)(1) Any consortium of units of general local government which includes a unit of general local government qualifying under paragraph (b) of this section;

(2) Any consortium consisting of a State and a unit or units of general local government, at least one of which qualifies under paragraph (b) of this section;

(d) Existing Concentrated Employment Program (CEP) prime sponsors;

(e) Any unit of general local government previously designated as a prime sponsor, with a population below 100,000 persons, which the Secretary certifies has demonstrated its effectiveness in, and continues to have the capability for, adequately carrying out programs under the Act;

(f) Any unit of general local government or any consortium of such units with a population below 100,000 which demonstrates:

(1)(i) It has the capacity to serve a substantial portion of a functioning labor market area, or

(ii) It is a rural area having a high level of unemployment; and

(2)(i) It has the capability for adequately carrying out programs under the Act,

(ii) That there is a special need for services within the area to be served, and

(iii) That it will carry out programs and services in the area as effectively as any larger unit of general local government in its jurisdiction or as the State.

§ 676.3 Preapplication for Federal assistance.

(a) The Secretary, through a notice in the **Federal Register**, shall annually invite all potential prime sponsor applicants to apply for financial assistance by a specified date. The notice may include a list of those potential applicants which the Secretary believes may wish to apply. This, however, shall not preclude other applicants from applying. An applicant interested in being designated as a prime sponsor shall submit a preapplication to the RA, the Governor, and the appropriate State and areawide clearinghouses pursuant to Office of Management and Budget (OMB) Circular A–95, not later than 30 days prior to the submission of its completed Comprehensive Employment and Training Plan to the clearinghouse for formal review. The preapplication shall consist of Standard Form 424 described in 41 CFR Parts 29–70.

(b) All applicants with populations below 100,000 shall include documentation showing that they meet the requirements for such applicants.

(c) A consortium covering more than one State shall obtain the approval of the Governors of the States involved.

§ 676.4 Consortium agreements.

(a) Except as provided in paragraph (b) of this section, each consortium applicant, at a date established by the RA, shall submit to the RA a consortium agreement signed by the chief elected official or chief executive officer of each consortium member. The agreement shall include the following:

(1) A statement that the agreement has been formed under CETA or that another agreement has been amended to conduct programs under CETA and a statement of the duration of the agreement, which shall be for at least one fiscal year.

(2) A listing of the units of general local government which are members of the consortium.

(3) A listing of any unit of general local government which is within the area served by the consortium but has not joined the consortium.

(4) An identification of the geographical area(s) which will be served.

(5) A letter of certification from each member's chief legal officer assuring that:

(i) The member has the legal authority to enter the consortium agreement;

(ii) State and local law permits the provision of services within the entire geographical area covered by the agreement; and

(iii) Pursuant to State or local law, each consortium member jointly and separately accepts responsibility for the operation of the program.

(6) A statement that:

(i) The grant shall be signed by the chief-elected official or chief executive officer of each consortium member; or

(ii) As designated in the consortium agreement, the grant shall be signed by the chief-elected official or chief executive officer of one or more consortium members or by the chief executive of the administrative unit.

(7) A description of the powers and responsibilities reserved by the consortium members specifying the process by which decisions will be made, the process by which each member will review and approve the CETP, and the procedure by which chief-elected officials will participate in the planning and operation of the program. It shall also describe the powers and responsibilities which will be delegated to an administrative entity, which may be a consortium member or a separate entity, to operate the program, and the name and organizational structure of that entity. The administrative unit may be delegated the power to enter into contracts, subgrants and other necessary agreements; to receive and expend funds; to employ personnel including participants under the Act for the purposes of administering the program; to organize and train staff; to develop procedures for program planning, operation, assessment and fiscal management; to evaluate program performance and determine whether there is a need to reallocate resources; and, to modify the grant agreement with the Department. The administrative arm of the consortium should have responsibility for the entire operation of the program, except that the consortium members shall reserve to the consortium the right of evaluation and the decision to reprogram funds.

(b) The chief-elected official or chief executive officer of each member of a

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consortium which was a prime sponsor in the prior year shall attest in writing that the agreement remains the same or note the specific changes.

(c) In order to encourage the formation of consortia, that comprise at least 75 percent of labor market areas, the Secretary may use up to 5 percent of the funds available for Parts A, B, and C of Title II to provide additional funding only for such consortia. Prior to making decisions concerning these funds, the RA shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

§ 676.5 Prime sponsor designation.

(a) Upon receipt of a completed preapplication and a consortium agreement, if required, the RA shall designate prime sponsor applicants as prime sponsors and shall notify all applicants in writing of the determination. A grant application package (§ 676.9) shall be sent to each prime sponsor designee.

(b)(1) A State shall not be designated as a prime sponsor for any geographical area within the jurisdiction of any prime sponsor applicant described in § 676.2 (b), (c), (d), (e) and (f) unless such prime sponsor applicant has not submitted an approvable CETP for such area (sec. 101(b)(1)).

(2) A larger unit of general local government shall not be designated as prime sponsor with respect to the jurisdiction within its area of any smaller eligible unit of general local government unless such smaller unit has not submitted an approvable Comprehensive Employment and Training Plan for such area (sec. 101(b)(2).

(c) The Secretary shall not designate as a prime sponsor any applicant with less than 100,000 population except in exceptional circumstances and unless it has demonstrated that it qualifies pursuant to § 676.2 (e) or (f).

§ 676.6 Planning process.

(a) Each prime sponsor shall have a planning process which shall involve a broad spectrum of groups and individuals, in the development of the Comprehensive Employment and Training Plan. This process shall utilize the prime sponsor planning council and shall include community groups insofar as they are not represented on the planning council, local educational agencies, community-based organizations, appropriate labor organizations, organizations serving women, local apprenticeship programs, local advisory councils established under the Vocational Education Act of 1963, the youth and private industry councils, and post-secondary institutions (sec. 103(a) (6) and (14)).

(b) Prime sponsors are specifically encouraged to join or initiate local public and private approaches to the coordinated planning and operation of economic, community and employment development activities to accomplish such objectives as reducing outmigration from an area and encouraging private sector investment in order to enhance existing employment opportunities (sec. 103(a)(20) and 105(b)(5)).

(c) Where employment opportunities already exist, or where there is a reasonable expectation of expansion in the near furture of such employment potential, prime sponsors shall plan to provide, to the extent consistent with the needs and interests of program participants, employment and training opportunities in the development and use of solar, geothermal, hydroelectric and other alternative energy technologies, and conservation (sec. 121(m)).

(d) Prime sponsors shall coordinate services to veterans provided under this Act with appropriate benefits, programs, services, and activities authorized under Title 38, United States Code, particularly those authorized under Subchapter IV of Chapter 3 (relating to veterans outreach), Chapter 41 (relating to counseling and employment services to veterans provided by SESA's) and with other similar activities carried out by other public agencies and organizations. Prime sponsors shall also coordinate services with the appropriate Veterans Administration facilities including outreach, the Readjustment Professional Counseling Program authorized under Section 612A, the vocational and occupational counseling program authorized under Section 1663, and the utilization of apprenticeship and other on-the-job training activities available under Section 1787 of Title 39 United States Code (sec. 121(b)(2)(c)).

§ 676.7 Prime sponsor planning councils.

(a) Each prime sponsor shall establish a planning council (sec. 109(a)).

(b) Each prime sponsor shall appoint to its planning council members broadly representative of the significant segments, as defined in § 675.4, who are representative of the eligible population, CBO's, the employment service, veterans organizations (a congressionally chartered veterans organization or an organization incorporated as a veteran's service organization under appropriate laws of the State in which they are located), representatives of handicapped individuals, vocational education agencies, public assistance agencies, other education and training agencies and institutions, business (e.g., representatives of a locally based business firm, the National Alliance of Business, or Chamber of Commerce), organized labor (e.g., representatives of the central labor council, or the principal labor organizations in the areas where employment or training activities are expected or apprenticeship programs), employees who are not represented by organized labor, and, where appropriate, agricultural employers and workers (sec. 109(b)). Each mandated planning council member shall not represent more than one of the above groups or organizations and shall have voting privileges. Staff of State or local government agencies shall not take the place of representatives of the participant communities which their agencies serve.

(c) The prime sponsor shall designate a person who is not an elected official of or an employee of the prime sponsor as chairperson and furnish staff to provide professional, technical, and clerical assistance to the council (sec. 109(c)).

(d) The Planning Council shall:

(1) Meet no less than five times per year. The meetings shall be publicly announced, open and accessible to the general public, and a record of the proceedings shall be maintained by the prime sponsor at a location accessible to the public (sec. 109(d));

(2) Actively participate in the development of, and submit recommendations regarding, the prime sponsor's CETP and the basic goals, policies, and procedures of the prime sponsor's program (sec. 109(e));

(3) Consider any comments and recommendations of the Private Industry and Youth councils (sec. 109(f); and

(4) Continuously analyze the need for employment, training and related services in the prime sponsor area, including efforts to reduce and eliminate artifical barriers to employment, and shall monitor and evaluate employment and training programs in the prime sponsor area and make recommendations with respect to them (sec. 109(e)); and

(5) Plan for the coordination and involvement of the local CETA program with the Targeted Jobs Tax Credit Program established by the Revenue Act of 1978.

(e) Special consideration shall be given to the recommendations of the planning council, but any final decisions with respect to such recommendations shall be made by the prime sponsor (sec. 109(e)).

§ 676.8 Area Planning Bodies.

(a) Balance of State (BOS) prime sponsors, in coordination with units of general local government, shall make arrangements for appropriate area planning bodies to assist in the effective planning and delivery of programs in the BOS (sec. 101(d)).

(b) The BOS shall appoint members of area planning bodies, considering nominations made by local elected officials. The membership shall be composed of groups and organizations which represent a broad cross section of the area to be served and should include the groups and organizations on the Prime Sponsor Planning Councils described in § 676.7(b).

(c) The BOS shall convene the planning bodies at least quarterly to review plans and programs.

(d) Area planning bodies shall be given the opportunity to review and comment upon services to be provided in their area under the CETP.

§ 676.9 Comprehensive Employment and Training Plan (CETP).

(a) Designated prime sponsors shall submit a CETP to apply for financial assistance. The CETP shall consist of two distinct parts, the Master Plan and the Annual Plan.

(1) The Master Plan shall serve as the long-term agreement between the Department and the prime sponsor which describes the established administrative and programmatic arrangements that will govern all programs under the Act operated by the prime sponsor (sec. 103(a)).

(2) The Annual Plan shall be the prime sponsor's yearly plan for providing activities and services to the eligible population.

(3) Detailed instructions for completing the CETP are contained in the *Forms Preparation Handbook.*

(b) The Secretary will, not later than March 31, establish a date for submission of the Annual Plan. With respect to funds allocated to prime sponsors under the Act on the basis of a formula, the Secretary will also provide such prime sponsors a preliminary planning estimate. The Secretary will make available to each prime sponsor a complete and final set of all applicable regulations and necessary application materials no later than May 15, unless the Secretary extends the date. In such cases, the Secretary will allow prime sponsors and additional fiscal quarter to adapt to such regulations and to complete such materials unless such regulations, guidelines, or interpretations do not require a change in the prime sponsor's Annual Plan which is a condition for the Secretary's approval or disapproval of the Annual Plan. The prime sponsor, however, may at its own discretion submit the required change by the date it was originally due (sec. 104(e)).

§ 676.10 Master Plan.

§ 676.10-1 General.

(a) A prime sponsor applying for financial assistance for the first time shall have approved by the RA a signed copy of the Master Plan prior to the execution of an Annual Plan.

(b) A prime sponsor which already has an approved Master Plan shall submit to the RA with its Annual Plan a certification that the Master Plan remains the same or a modification reflecting any changes. In submitting the initial Master Plan and subsequent certification, the prime sponsor shall comply with the comment and publication procedures of § 676.12, and the planning process in § 676.6. The Master Plan shall consist of the Signature Page, Narrative Description and Assurances and Certifications.

§ 676.10-2 Signature page.

By signing the signature page the prime sponsor agrees that all work performed under its CETP will be in accordance with the Act and the regulations.

§ 676.10-3 Assurances and certifications.

Prime sponsors shall assure compliance with the Act, the regulations under the Act, the CETP, the Assurances and Certifications form appearing in the *Forms Preparation Handbook* and, for consortia, the approved consortium agreement (sec. 103(a)(21)).

§ 676.10-4 Narrative description.

The narrative description shall include:

(a) *Statement of purpose.*—(b) *Geographic Area, Population and Labor Market.* (1) A detailed description of the geographic area to be served and demographic characteristics of the population (with data, if available, indicating the number of potential eligible participants from each significant segment and their income and employment status) (sec. 103(a)(1)(A)).

(2) A comprehensive analysis of the local labor market and economic conditions, using existing sources such as the Employment Service, which includes identification of the availability of employment and training in the public and private sectors and the potential for job growth in those sectors (sec. 103(a)(1)(B)).

(3) A statement of long-term program goals related to the improvement of the labor market and economic conditions (sec. 103(a)(2)).

(c) *Approach.* (1)(i) A description of arrangements to ensure that employment and training services are provided to those individuals most in need, including low-income persons, handicapped individuals, older workers facing artificial barriers to employment and persons of limited English-language proficiency (sec. 103(a)(5)(A)).

(ii) The method used to determine priorities for service based on objective locally established criteria using such factors as employment status, household status, level of employability development, handicap, veteran status, age, race, sex or other criteria established by the prime sponsor (sec. 103(b)(12)).

(2) A description of the recruitment, intake, and selection methods to be used to identify, and place participants in programs (secs. 103(a)(4)(B) and 103(a)(5)(A)).

(3) A description of the system for developing participant employability plans, including the methods for determining the appropriate training and services to provide to each participant (sec. 205).

(4) A description of job development and placement services, and how these services will relate to, and be coordinated with, other area employment and training opportunities not provided under the Act, including any special activities designed to orient participants for their job responsibilities (sec. 103(b)(6)).

(5) A description of arrangements to provide participants with job search assistance, counseling and other services (secs. 103(a)(4)(B)).

(6) A description of methods to insure compliance with personnel procedures and collective bargaining agreements where participants are engaged in employment and training activities (secs. 103(a)(18)(B)).

(d) *Service Deliverers.* (1) A description of procedures and criteria used to select service deliverers in accordance with § 676.23 (sec. 103(a)(3)(B)).

(2) A description of the criteria used to designate programs of demonstrated effectiveness (secs. 103(a)(4)(A)).

(3) A description of procedures for giving special consideration to employment and training programs of demonstrated effectiveness which are operated by community-based organizations (sec. 123(1)).

(e) *Coordination.* (1) A description of the methods for coordination between the prime sponsor and local State Employment Security Agencies, as

provided in the agreement under § 676.23(g) (sec. 103(a)(15)).

(2) A summary of the agreement made with State or local educational agencies or post-secondary institutions for the conduct of employment and training programs (secs. 103(b)(16)).

(3) A description of procedures used to ensure the participation of, and consultation with, local educational agencies, vocational education agencies, community-based organizations, Federal and State agencies, organized labor, apprenticeship programs, business and other institutions and organizations, including women's organizations, in the conduct of programs (sec. 103(a)(8) (A) and (9)).

(4) A description of methods to coordinate programs with employment and training programs administered by the Secretary and other federally-funded programs in the area (sec. 103(a)(8)(B)).

(5) A description of arrangements for the use of skill centers established under section 231 of the Manpower Development and Training Act of 1962 and efforts to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available for veterans under Section 1787 of Title 38 United States Code, and coordination with the appropriate apprenticeship agency (sec. 103(a)(8) (A) and (c)).

(6) A description of procedures concerning academic credit developed in conjunction with the appropriate local educational agency or institution of higher education and approved by the appropriate State educational agency (sec. 103(a)(16)).

(7) A description of plans and activities to coordinate, strengthen, and expand employment and training activities with economic development activities in the private sector (sec. 103(a)(20)).

(8) A description of arrangements for implementing responsibilities under the Targeted Jobs Tax Credit program established by the Revenue Act of 1978.

(f) *Prime Sponsor Planning.* (1) A description of the functions and responsibilities of the prime sponsor Planning Council (secs. 109(e) and 103(a)(10).

(2) A description of the procedures used to ensure that council meetings are publicly announced, open and accessible to the general public, and that minutes of such meetings are maintained (sec. 109(d)).

(3) A description of staff support provided by the prime sponsor to the council (secs. 109(c)).

(4) A list of the groups within the community represented on the council (sec. 109(b)).

(5) A description of procedures used to select members of the council (sec. 103(a)(4)(C)).

(6) A description of the methods and arrangements for the participation of groups not directly represented on the council as required by § 676.6, Planning Process, (sec. 103(a)(6) and 103(a)(14)).

(7) A description of efforts to involve the private sector in the design and implementation of programs (sec. 103(b)(8)).

(8) A description of coordination and consultation linkages between the Prime Sponsor Planning Council, Youth Council, and Private Industry Council (secs. 109(f) and 103(a)(4)(C)).

(g) *Management and Administration.* (1) Organizational Structure and Staffing.

(i) A description of the prime sponsor's organizational structure (sec. 103(a)(4)(A)).

(ii) A description of procedures to recruit and select administrative staff (secs. 103(a)(4)(A)).

(iii) A description of the Personnel Merit System including any plan for obtaining an acceptable personnel system as required in § 676.43 (Administrative Staff and Personnel Standards).

(2) Administrative Controls. A description of arrangements and procedures for:

(i) Management Information System (including accounting, participant tracking system, client record and reporting systems) (sec. 103(a)(11);

(ii) Evaluation and monitoring system, including the independent unit responsible for monitoring programs and subrecipients (secs. 103(a)(12) and 121(o)(3));

(iii) Fiscal and program auditing, including procedures for auditing subrecipients and bonding (secs. 103(a)(12) and 134);

(iv) Supervising deliverers of services (secs. 103(a)(4)(A)).

(v) Determining and verifying eligibility of applicants, including the quarterly sampling procedures as required in § 676.75 (sec. 103(a)(11);

(vi) Allowance payments system, including waiver provisions (sec. 124);

(vii) A description of methods to ensure compliance with the retirement provisions set forth in § 676.28 (sec. 121(j)).

(viii) A description of procedures to ensure that funds received under the Act will be used in compliance with the maintenance of effort provisions set forth in § 676.73 (sec. 121 (e) and (g), 122 (c) and (e)).

(3) Grievance procedures. A description of the procedures for resolving any complaints or grievances alleging violation of the Act, regulations, and CETP from CETA participants, contractors, subrecipients and other parties (secs. 106 and 103(a)(4)(A)).

(h) *Nondiscrimination and equal opportunity.* (1) A description of the mechanisms which will be used to ensure nondiscrimination and the provision of equal opportunities (sec. 103(a)(5)(B)).

(2) A description of plans and procedures concerning affirmative action, as described in § 676.54

(3) A description of efforts and procedures to eliminate artificial barriers to employment and occupational advancement for CETA participants, including the hiring, licensing and contracting activities of subrecipients and contractors of the prime sponsor (sec. 103(a)(19) and 103(b)(11));

(4) A description of efforts to remove architectural barriers to employment of the handicapped (sec. 121(a)(5)).

(i) *Public Service Employment.* (1) An explanation of the basis for distributing funds and the basis upon which job allocation to each employing agency will be made (sec. 123(i) and 606(b)).

(2) A description of the process for selecting project applicants including (sec. 605 (a) and (b)):

(i) The methods and criteria to be used for soliciting and approving project applicants;

(ii) The role of the planning council in the approval process (sec. 109(e)(1));

(3) A description of the items required on the project applications including at least the following information (sec. 605(b)):

(i) Description of project;

(ii) Goals and objectives;

(iii) Number of persons to be served; and

(iv) Length of project.

§ 676.11 Annual plan.

(a) *General.* (1) The Annual Plan including its subparts shall be prepared pursuant to provisions in this section and §§ 676.41, 677.15, 677.33, 677.56, 678.6, 679.4, 680.5, 680.104, 680.207, and 680.304 as appropriate.

(2) In submitting the Annual Plan for RA approval, prime sponsors shall comply with the comment and publication procedures in § 676.12 and the planning process in § 676.6. The Annual Plan shall consist of an Application from Federal Assistance (SF–424), Narrative Description and Program Planning Summaries, Budget Information Summaries and other forms as appropriate.

(b) *Application for Federal Assistance.* The Application for Federal Assistance (SF–424) shall identify the total amount of funds requested for programs under Parts 677, 678, 679, and 680.

(c) *Narrative Description.* The narrative description shall include:

(1) A summary of any evaluation conducted of the program(s) in the previous year and current year to date and a description of the use made of such evaluation (sec. 103(b)(14)).

(2) A detailed summary of the expenditures made during the preceding year, and of results achieved and changes made in the Annual Plan for the program year (sec. 103(b)(5)).

(3) A summary of the extent to which special needs of the handicapped have been met during the previous year, including the number served, type of training provided and the number placed in unsubsidized employment (sec. 103(b)(15)).

(4) A list of the specific training subgrants and agreements from the current year, including the rate of positive termination for program completers (sec. 103(b)(13)).

(5) Approach.

(i) A description of specific programs or services, including apprenticeship programs, if any, designed specifically for those segments of the population who are experiencing severe handicaps in obtaining employment, including individuals who lack credentials, require basic and remedial skills development, have limited English-language proficiency, are handicapped, are disabled or Vietnam-era veterans, are offenders, are displaced homemakers, are public assistance recipients, are persons 55 years of age or older, are youth, are single parents, are women or other individuals having particular disadvantages in the labor market (sec. 103(b)(3); sec. 214; sec. 215; and sec. 216).

(ii) A statement of any intention to apply for and utilize funds provided under the Act which are not allocated by formula (sec. 103(b)(9)).

(iii) A description of the efforts to be undertaken to increase the participation of qualified disabled and Vietnam-era veterans in accordance with § 676.30a(a) (sec. 121(b)(2)(A)).

(iv) A description of the plans and methods to be used to provide opportunities for minority-owned businesses and small businesses (including those owned by women), to compete for procurement contracts such as the use of set-asides where appropriate (sec. 121(k)).

(v) A description of how program activities will contribute to occupational development, upward mobility, development of new careers and overcoming of sex stereotyping, including procedures which will lead to skill development and job opportunities for participants in occupations traditionally limited to individuals of the opposite sex (secs. 103(a)(5)(C) and 121(f)(1)).

(vi) A description of any outstationing of PSE participants in accordance with § 675.25 concerning employment and training activities and the reasons why such outstationing is necessary.

(vii) A description of provisions to safeguard programs from political activities.

(viii) A description of the plans and methods to be used in providing special consideration in filling public service jobs to qualified public assistance recipients (or persons who would be eligible to receive public assistance according to established criteria if they would apply for such assistance) and special disabled and Vietnam-era veterans with special emphasis on those who served in the Indo-China theater on or after August 15, 1964 and on or before May 7, 1975 (sec. 122(b)).

(6) Annual Plan Subparts for each program to be operated under the Act as required by §§ 677.15, 677.33, 677.56, 678.6, 679.4, 680.5, 680.104, 680.207, and 680.304

§ 676.12 Comment and Publication Procedures Relating to Submission of the CETP.

(a) Prime sponsors shall make public the provisions of the Plan prior to submission to the RA through such means as public hearings, public notice in newspapers, bulletins, or other media, including publications that primarily serve significant segments of the eligible population (sec. 104(a)(3)).

(b)(1) Each prime sponsor shall publish at a minimum in one issue of a newspaper or newspapers of general circulation in the prime sponsor's area (including minority newspapers, where applicable) a statement indicating the following information:

(i) The source of funds;

(ii) The amount requested;

(iii) A brief summary of the purpose of the proposed program and activities; and

(iv) The location and hours when the CETP and a comparison of performance against the prior year's plan through the most recent quarter, can be reviewed and the address and phone number where questions and comments may be directed.

(2) The prime sponsor shall publish the statement at least 45 days prior to the submission of the CETP to the RA in order to allow at least 30 days of review and comment. In addition, a copy of the newspaper article shall be transmitted to the Ra (sec. 104(a)(3)).

(3)(i) The prime sponsor may include a statement indicating that subsequent modifications to the CETP will not be subject to these publication requirements: *Provided,* That the notice states that interested groups, organizations, or individuals may notify the prime sponsor of their desire to review any subsequent modification during the grant year.

(ii) The prime sponsor shall maintain a list of such notifications and provide these parties with copies of modifications 30 days prior to submission to the RA.

(c)(1) Each prime sponsor shall, at least 45 days before submitting its CETP to the RA, allow at least 30 days for review and comment by providing the complete Plan, to the Governor, the State employment and training council, the prime sponsor planning council, appropriate labor organizations, and the private industry council, with notice of the opportunity to review the plan going to appropriate units of general local government in its area, and appropriate native American recipients (sec. 104(a)(1)).

(2)(i) Copies of the comments and recommendations of the Governor, the State employment and training council, and the prime sponsor planning council shall be transmitted to the RA with submission of the Plan, or if the comments are received after the submission of the Plan, they may be sent separately to the RA (sec. 104(b)).

(ii) The prime sponsor shall provide an explanation for the rejection of recommendations made by the planning council, including minority reports, which were not included in the Plan (sec. 103(a)(18)).

(d) At the same time, each prime sponsor shall provide written notification of the availability of the Plan to each House of the State Legislature for appropriate referral, to appropriate community-based organizations of demonstrated effectiveness including appropriate women's organizations veterans organizations, and appropriate educational and apprenticeship agencies and institutions (sec. 104(a)). Prime sponsors shall allow at least 30 days for review and comment.

(e) If a State or areawide clearinghouse notifies a prime sponsor that it wishes to review the complete Plan, the applicant shall also provide a copy of such to the clearinghouse(s) 45 days prior to its submission to the RA.

(f) When the PSE occupational summary has not been finalized at the time the Plan is made available for public comment, the prime sponsor shall make the PSE occupational summary

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available for a 30-day comment period at the time of submission to the RA as described in paragraph (c)(1) of this section

(g) A prime sponsor shall acknowledge all written comments and shall inform in writing any party submitting a substantive written comment of whether any Plan revision will be made in response to the comment and the reasons for the prime sponsor's determination. The prime sponsor shall provide, upon request, copies of all written comments to the planning council and the Governor (sec. 104(b)).

(h) If no comments are received from an A–95 Clearinghouse, or if the Clearinghouse has not requested to review the CETP, the prime sponsor applicant shall so note this on Standard Form 424.

§ 676.13 Submission of the CETP.

(a) Each designated prime sponsor shall simultaneously submit to the RA by a date set by the Secretary:

(1) An Annual Plan;

(2) A certification that the Master Plan remains the same or a modification reflecting any changes; and

(3) An Approval Request Letter.

(b) Newly designated prime sponsors shall submit and have the Master Plan approved by the RA prior to the approval of the Annual Plan. An Approval Request Letter shall accompany the submission.

§ 676.14 Review, Approval and Disapproval of the CETP.

(a) *Plan review.* The RA shall review each CETP to determine if:

(1) It is complete and meets the requirements of the Act and regulations (sec. 104(c)).

(2) Prime sponsor's performance and placement goals are adequate in light of performance standards which recognize that performance will vary with local conditions and the nature of employment barriers faced by the eligible population to be served (sec. 126(a)(2)).

(3) The Plan is adequately designed to carry out an effective and well-administered program, taking into account such factors as past program performance and the recommendations made by the Governor, the State employment and training council, and the prime sponsor planning council (sec. 104(c)(1)).

(b) If a clearinghouse has recommended against approval of a Plan because it conflicts with or duplicates another Federal or federally-assisted project, the RA shall consult with the agency assisting the reference projects prior to taking action on the Plan.

(c) *Plan Approval and Disapproval.* (1) The RA shall notify a prime sponsor applicant, the Governor, and the A–95 clearinghouse within 7 days after approving, disapproving, partially or conditionally approving the CETP on the Standard Form 424. In addition, a letter shall be sent to the prime sponsor and Governor. If any party commenting to the RA pursuant to the A–95 clearinghouse review process has made recomendations, and if the RA, after review of the recommendations, makes a determination contrary to the recommendations, the RA shall inform the party making the comment of the reasons for the determination on the Standard Form 424.

(2) With respect to approved plans, the Department shall issue a Notice of Funding Availability to provide funding authority. When funds are obligated incrementally, a new Notice of Funding Availability shall not require a revision of the Annual Plan, or publication, comment or A–95 clearance procedures.

(3) If the Plan is disapproved fully or partially or conditionally approved, the RA shall notify the prime sponsor and the Governor in the letter required by paragraph (c)(1) of this section:

(i) Of the reasons for disapproval;

(ii) Of corrective steps needed to remedy the defects within a specified time but not less than 30 days; and

(iii) That failure to comply with the corrective steps within the specified time will result in final disapproval, which shall be subject to the appeal procedures in Subpart F of this Part.

(4) The approval of the Plan shall not preclude DOL from a subsequent determination that the prime sponsor is in violation of the Act or regulations.

§ 676.15 Use of Alternative Prime Sponsors; Services by the Secretary.

If a Plan is not filed or is disapproved, or if a Plan is terminated in whole or in part, which results in services not being provided in the area:

(a) The Secretary may allocate the funds to service the area to another prime sponsor or, if this is inappropriate, to the Governor; or

(b) The Secretary may make financial assistance directly to public agencies or private nonprofit organizations as if the Secretary were the prime sponsor for that area (sec. 102).

§ 676.16 Modifications.

(a) The RA may require modification of the CETP only once each fiscal quarter, with the exception of changes in the funding allocation level or to ensure compliance with the Act and regulations after consultation with the prime sponsor (sec. 103(c), (108) and (108)).

(b) Modifications of the Master Plan.

(1) The Assurances and Certifications may only be modified by the RA.

(2) Prime sponsors shall obtain prior RA approval of a modification initiated by a prime sponsor which proposes to make a significant change in the Narrative Description.

(3) Modification requests from prime sponsors shall consist of the following:

(i) Approval Request Letter;

(ii) Revised Narrative Description or revised Assurances and Certifications, if appropriate; and

(iii) A copy of the newspaper announcement required in paragraph (d) of this section, for significant changes to the narrative description.

(c) Modifications to the Annual Plan.

(1) Prior RA approval is required to modify:

(i) The duration of the Annual Plan or Subparts of the Annual Plan.

(ii) The Annual Plan allocation;

(iii) An increase or decrease of 15% or more in the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placements, terminations or individuals to be served within significant segments;

(iv) For Annual Plan Subparts of $100,000 or less, a cumulative transfer of $15,000 among program activities or cost categories;

(v) For Annual Plan Subparts of over $100,000, the cumulative transfer among program activities or cost categories of $50,000 or more or 15 percent of the total plan budget, whichever is greater; or

(vi) Significant changes in program design.

(2) Prime sponsors may not modify their Annual Plan solely to adjust planned performance to meet actual performance.

(3) Modifications to the Annual Plan requested by prime sponsors shall consist of:

(i) Approval Request Letter;

(ii) Revised Form SF 424 (if required);

(iii) Revised Program Planning Summary and Budget Information Summary for current and future quarters only;

(iv) Description of any conforming changes made in the Narrative Descriptions;

(v) Revised Occupational Summary and other forms, if appropriate.

(4)(i) Modification of the Annual Plan pursuant to paragraph (c)(1) of this section must be made within 30 days from the beginning of the quarter in which changes are effective.

(iii) A prime sponsor may make any change, consistent with the regulations, in its Program Planning Summary, Budget Information Summary, or Narrative Description which is not set out in paragraph (c)(1) of this section without prior RA approval, but must notify the RA of any such change within 30 days from the beginning of the quarter in which changes are effective.

(d) Publication and comment procedures specified in § 676.12 shall apply to modifications for which prior RA approval is necesary except that:

(1) Each prime sponsor shall comply with the comment and publication requirements at least 30 days prior to submission of its modification to the RA.

(2)(i) The required newspaper announcement shall include a notice of the prime sponsor's intent to modify, a briet summary of the nature and purpose of the proposed modification, the location where and hours when the complete modification can be reviewed, and the telephone number to which questions may be directed.

(ii) This publication requirement may be waived by the prime sponsor if the notification process under § 676.12(b)(3)(i) and (ii) has been met.

(3)(i) The prime sponsor shall clear modifications through the A–95 clearinghouse only if:

(A) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the allocation for any Annual Plan Subpart for the current program year; or

(B) The Annual Plan, or any Subpart, is extended for a period of more than 3 calendar months.

(ii) When A–95 clearance is required, the notice from the prime sponsor to the clearinghouse shall consist of a revised SF 424 and a brief description of the anticipated modification. If within 15 days of the notice, the prime sponsor receives no notice from the A–95 clearinghouses that it wishes to review the modification, the prime sponsor may submit the modification to the RA without A–95 clearance.

(e) The RA shall approve or disapprove proposed modifications fully or partially within 30 days of receipt, and, within 7 days of such action, notify the prime sponsor and the Governor in writing of the decisions. The procedures in § 676.14 (b) and (c)(1) concerning review, approval and disapproval shall apply to modifications.

Subpart B—Program Design and Management

§ 676.21 General responsibilities of CETA recipients.

This Subpart sets out program operation requirements for CETA recipients, including: program management, linkages, coordination and consultation, allowable activities, participant benefits, and duration of participation provisions.

§ 676.22 Program management systems.

(a) All recipients shall establish management systems to assess all programs. Recipients shall take necessary corrective action to remedy deficient performance under their grant and to plan for more effective programs.

(b) Prime sponsors shall institute and maintain effective systems for the overall management of their programs, including but not limited to:

(1) Program monitoring systems as described in § 676.75–2;

(2) Eligibility verification systems as described in § 676.75–3;

(3) Complaint and Hearing Procedures as described in § 676.83;

(4) Mechanisms for taking immediate corrective action where problems have been identified.

(c) All recipients shall establish and maintain financial management and participant tracking systems in accordance with § 676.34. Such systems shall be designed to enable the recipient to effectively manage its program and to provide information necessary to design program activities and delivery mechanisms best suited to resolve employment and training problems (Sec. 104(c)(3)).

(d) Each recipient shall establish and use procedures for the systematic assessment on a quarterly basis of program performance in relation to the goals contained in its grant. Recipients shall:

(1) Establish written quantified goals for each activity and service and for each subrecipient based on the specific program purposes of the service, activity or subgrant;

(2) Establish and use procedures for collecting performance information (including information on the status of individuals subsequent to entering unsubsidized employment) and for assessing such information in terms of the goals contained in its grant;

(3) Establish and use procedures for identifying performance problems and for developing and implementing appropriate remedial actions (sec. 103(a)(4)(A)).

(e) Recipients shall establish and use procedures whereby the information collected and assessments conducted shall be considered in subsequent program planning and in the selection of deliverers. Prime sponsors shall provide program assessments to their Planning Council and, as appropriate, to their Youth and Private Industry Councils.

§ 676.23 Program Linkages and Selection of Deliverers.

(a) Prime sponsors shall follow the procedures in this section regarding the selection of deliveries of service.

(b) Prime sponsors shall compile and maintain a publicly available inventory of potential service deliverers which have expressed in writing an interest in being on the inventory (sec. 103(a)(3)(B)).

(c) In selecting service deliverers, prime sponsors shall give special consideration to community based organizations with programs of demonstrated effectiveness in the delivery of employment and training services (sec. 123(l)). Such special consideration shall consist of the following:

(1) Community based organizations shall be actively involved in the prime sponsor's planning process, as described in § 676.6, § 676.7, § 676.10–4, and § 676.12.

(2) Prime sponsors shall establish a mechanism for providing special consideration, including at least the following steps:

(i) Written or other public notification which ensures that appropriate CBO's are notified of the availability of funds with a request that all potential deliverers of employment and training services who wish to be placed on the inventory submit to the prime sponsor the following information:

(A) The name of the organization interested in receiving funds;

(B) The types of service and activities the organization is interested in providing; and

(C) The types of services and activities the organization has provided in the past, the number and types of people served, and documentation regarding the effectiveness of these services.

(ii) Using specific objective criteria, the prime sponsor shall determine which of the potential service deliverers on the inventory described in paragraph (b) have operated programs of demonstrated effectiveness, as defined in § 675.4.

(iii) The prime sponsor shall provide individual notice to each CBO, determined to be of demonstrated effectiveness, of the planned activities and services so that it may apply.

(iv) In the selection of service deliverers, the prime sponsor shall give special consideration to CBO's of demonstrated effectiveness in the delivery of employment and training services. For example, in competitive procurement procedures, the prime sponsor may afford special

consideration through additional points in a rating system.

(v) If the prime sponsor, after considering a CBO of demonstrated effectiveness as a service deliverer does not select such CBO, it shall, upon request, provide the reasons for non-selection in relation to its criteria for selection to the affected CBO and the RA.

(d) Consideration shall be given to making use of appropriate services currently available in the community, with or without reimbursement, which the prime sponsor has determined to be effective. Agencies which typically provide such services include, but are not limited to: the State Employment Security Agency, State Vocational Education and Rehabilitation agencies, State public assistance agencies, area skill centers established under Sec. 231 of the Manpower Development and Training Act of 1962, local education institutions, community based organizations, and other public agencies. The purpose of this consideration shall be to avoid duplication and to obtain such services at a cost saving over establishing another such service or activity (Sec. 103(a)(7) and 121(g)).

(e) Nothing in paragraphs (a) through (d) of this section shall be construed as prohibiting the prime sponsor from utilizing the services and facilities of public or private agencies, institutions or organizations, such as private business, labor organizations and private educational and vocational institutions which the prime sponsor reasonably believes can provide substantially equivalent or better services or facilities, on the basis of such factors as quality of service or cost effectiveness (sec. 103(a)(7)).

(f) In order to maximize the level of coordination and minimize duplication, each prime sponsor shall enter into a written cooperative agreement with the State Employment Security Agency which delineates the responsibilities of each and covers, at a minimum:

(1) Coordination of the employment and training services under the prime sponsor's plan with those funded under the Wagner-Peyser Act, 29 U.S.C- 49 *et seq.*

(2) A description of arrangements for coordination of employer contacts and other activities involving employers;

(3) Allowance payment systems;

(4) Arrangements to undertake and coordinate activities, including income determination, referral, and publicity functions under the Targeted Jobs Tax Credit program established by the Revenue Act of 1978, Pub. L. 95–600; and

(5) Arrangements to provide the SESA with information on available public service employment positions in order that such information may be provided to unemployment insurance recipients and other applicants for services from the State Employment Security Agency (sec. 122(1)).

(g) A copy of the agreement described in paragraph (f) of this section shall be made available to the RA upon request.

(h) If a prime sponsor plans to provide a service which is available from the SESA at no cost, the prime sponsor shall justify such non-use in its Annual Plan.

(i) Each prime sponsor shall to the maximum extent feasible:

(1) Coordinate the employment and training services provided under its plan with those available under other programs funded through the Department of Labor and with self-employment training programs (sec. 103(a)(6));

(2) Coordinate services to veterans provided under this Act with those activities authorized by Chapter 41 of Title 38, United States Code (relating to counseling and employment services to veterans provided by SESA's) and with other similar activities carried out by other public agencies and organizations. Coordinate services with the appropriate Veterans Administration facilities in utilizing the apprenticeship and other on-the-job training activities available under Section 1787 of Title 38 U.S. Code (sec. 121(b) and sec. 103(a)(8)).

(3) Consult with the appropriate apprenticeship agency concerning any training activities in apprenticeable occupations.

(j) When a prime sponsor plans to conduct training in an apprenticeable occupation, such training should be designed in conjunction with an appropriate registered apprenticeship program.

(k) Prime sponsors shall coordinate services to AFDC recipients with public assistance agencies and the local sponsor, if any, of the Work Incentive Program (WIN).

(l) In designing employment and training programs, the prime sponsor shall consider activities such as:

(1) Weatherization and winterization projects for the near poor, which are families having incomes which do not exceed 125 percent of the poverty level as determined by the Director of the Office of Management and Budget, and projects approved by the Community Service Administration pursuant to Section 222(a)(5) of the Economic Opportunity Act of 1964, 42 U.S.C. 2809, or Department of Energy pursuant to Title IV of the Energy Conservation and Production Act of 1976, 42 U.S.C. 6851.

(2) Housing rehabilitation as part of community betterment and improvement including code enforcement, upgrading of senior citizens housing, removal of physical barriers for handicapped residents, homesteading activities and other provided the dwellings where work is performed on low-income housing.

(3) Energy conservation projects for low-income housing, especially those that reduce nonrenewable resource consumption.

(4) Community and economic development activities such as beautification, recreation, organization, resource planning, park improvement and activities funded through Federal Agencies such as Department of Health, Education and Welfare, the Department of Energy, the Community Service Administration, and the Department of Commerce.

(m) Where activities in § 676.23(l)(1) are involved, the prime sponsor shall ensure that such activities are supervised by an adequate number of supervisory personnel who are adequately trained in the skills needed to carry out such activities and to instruct participants in the skills needed to perform the work involved.

§ 676.24 Labor organization consultation and/or concurrence.

(a) To ensure the most effective development of employment and training opportunities, prime sponsors are to provide for the participation of organized labor in the planning and design of programs and activities, and coordination in the subsequent operation of such programs (sec. 103(a)(9)).

(b) In addition to involving labor organizations in the planning process as specified in paragraph (a) of this section, prime sponsors and subrecipients as appropriate shall:

(1) Consult with appropriate labor organizations (as defined in § 675.4) in the planning design and content of the training, work experience, public service employment, Vocational Exploration Program (VEP), OJT, and other appropriate activities with respect to job descriptions, wage rates, training standards and arrangements, and occupations planned;

(2) Obtain written concurrence from the appropriate bargaining agent where a collective bargaining agreement exists with the participating employer covering occupations in which training or subsidized employment is proposed. Such concurrence shall apply to the elements of the proposed activity which affect the bargaining agreement, such as wages and benefits. If no response is received within 30 working days after written notification to the collective bargaining agent, the program may proceed. Such written notification shall include a deadline date for response (sec. 103(a)(18)).

(3) Maintain evidence of the results of such consultation or concurrence.

§ 676.25 Employment and training activities.

Recipients and subrecipients may conduct the following activities:

§ 676.25–1 Classroom training.

(a) This programs activity is any training of the type normally conducted in an institutional setting, including vocational education, and it is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses such as remedial education, training in the primary language of persons with limited English language proficiency, or English-as-a-second-language training.

(b) In designing and operating training programs recipients and subrecipients shall:

(1) Refer a person for occupational training only after determining that there is a reasonable expectation of employment in the occupation in which such person would be trained (sec. 121(f)(4)).

(2) Not refer a person to an occupation which requires less then two weeks of preemployment training unless there are immediate employment opportunities for that person available in that occupation (sec. 121(f)(2)).

(3) Not train persons for jobs which are in industries with lower wages than those in comparable industries in the area. Notwithstanding the above, training is permissable for such jobs when there exists a training program of a specified length of time designed to teach specific skills, and when the rate of labor turnover does not exceed substantially the rates of labor turnover for all jobs in the same area. Training for the position of sewing machine operator in the apparel industry must be approved by the Assistant Secretary for ETA before being initiated.

(i) Prime sponsors who wish to undertake sewing machine operator training shall submit a training plan to the RA which includes the wage and fringe benefits during the training and at completion, a description of the training, the length of the training, and the prospects for placement. The training plan shall document the fact that the rate of turnover for the occupation shall not exceed by more than 30% the rate of labor turnover in other industries in the same area. It shall also include the following information on the employer:

(A) A list of products;

(B) The straight-time average hourly wage rate of its sewing machine operators;

(C) The fringe benefits of its sewing machine operators;

(D) The ratio of non-mandatory fringe benefit costs to gross payroll;

(E) Number of production workers;

(F) Previous experience with formal training programs.

(G) Number of employees in each job title for which training is proposed and straight-time average hourly rates for such job title;

(H) Evidence that job titles are not newly created to secure approval under this section; and

(I) Level of employment over the preceding three years.

(ii) The Assistant Secretary for ETA will consider applications for approval on the basis of general criteria such as suitability of wages and fringe benefits, stability of the firm, potential for placement and appropriate length of training (Sec. 123(a)).

§ 676.25–2 On-the-job training.

(a) *General.* (1) This section applies to private and public sector on-the-job training (OJT) alike, except that public sector OJT agreements entered into prior to April 1. 1979, may be honored as originally executed.

(2) On-the-job training (OJT) is training in the private or public sector given to a participant, who has been hired first by the employer, and which occurs while the participant is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job. This does not preclude a participant who has been hired by, and received OJT from, one employer from being ultimately placed with another employer.

(3) OJT may be coupled with other CETA employment and training activities as specified in § 676.25–7 and § 676.26–3. OJT participants may receive any of the employment and training services or supportive services specified in § 676.25–5 through the CETA system, through community resources, or through employer resources.

(b) *Participation.* All OJT participants must meet the eligibility requirements described in § 675.5. Recipients shall establish procedures for the referral of participants to OJT. Such procedures should use the information available through the system for Intake and Assessment (see § 675.6). These procedures shall insure that, to the maximum extent feasible, those most in need are served in accordance with the following guidelines:

(1) Primarily, OJT opportunities should be offered to those most in need, who lack the related education, training, or work experience for the job for which training is offered.

(2) Recipients may also refer persons to OJT who have related education, training or work experience when no other suitable opportunities exist for such individuals, either in unsubsidized employment or within the CETA system.

(c) *Selection.* From among those referred for OJT opportunities, the employer may make the final selection of participants based on suitability for the training opportunity.

(d) *Length of Training.* The length of time for which payments from CETA funds may be made shall not exceed that period of time generally required for acquisition of skills needed for the position within a particular occupation (sec. 121(1)). Recipients shall develop standardized methods for determining the length of training for OJT occupations, and shall describe or identify such methods in the Annual Plan. The Dictionary of Occupational Titles' Specific Vocational Preparation (S.V.P.) codes, or other equivalent standardized tools should be used to fulfill this requirement.

(e) *Eligible Jobs.* The training limitations of § 676.25–1(b) (1), (2) and (3) shall apply to OJT. In the selection of jobs for which training will be offered, recipients shall consider those which provide opportunities not otherwise available, lead to economic self-sufficiency, and provide upward mobility.

(f) *Reimbursement.* Costs incurred by employers are to be reimbursed in accordance with §§ 676.41–1 (a), (d) and (e) and 676.41–3(b).

(1) Based upon past experience, DOL has determined that a fixed unit cost method of reimbursement for OJT training costs based on 50 percent of the participant's wages (but not fringe benefits) represents the difference between the costs of recruiting and training and the costs of lower productivity associated with employing CETA participants to perform the job and the costs for others similarly employed.

(2) To maximize limited available resources, recipients may negotiate lower reimbursement levels with employers.

(3)(i) Should an employer or recipient believe that special circumstances, as discussed in paragraph (f)(3)(iii) of this

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section warrant a reimbursement level for OJT training costs higher than the 50 percent limitation, each circumstance, along with the specified level and its rationale, shall be presented in the recipient's Annual Plan. Recipients may then negotiate OJT agreements under these circumstances at the reimbursement level approved in the plan without any further DOL approval. The circumstances and the reimbursement level in such cases should also be documented in each OJT agreement.

(ii) If a circumstance not covered in the Annual Plan arises which the recipient believes warrants reimbursement for OJT training costs at higher than the 50 percent level, an Annual Plan modification request shall be submitted to the RA in accordance with § 676.16 (c)(1) and (c)(3). No publication or comment procedures will be required. Once the modification is approved, the recipient may sign the OJT agreement, documenting the approved circumstances and the reimbursement level in the OJT agreement.

(iii) Special circumstances are envisioned as those where the characteristics of the participant indicate greater obstacles to employment than those of the normal CETA participant or where the training would provide the participant with unusually high skills. Examples include the following, among others: Handicapped or mentally retarded participants; disabled veterans; exoffenders; and exceptionally costly programs providing an above-average intensity of training.

(4) Recipients may provide OJT reimbursement on a scheduled declining ratio to wages over the period of training, as long as the planned average reimbursement does not exceed the specified reimbursement level for the planned period of training. Recipients shall monitor the declining reimbursement provisions of OJT agreements closely. Should abuse occur (e.g., significant numbers of participants leaving after the "high end of the scale" reimbursement period), this reimbursement procedure shall be immediately altered or curtailed.

(5)(i) In addition to the reimbursement for OJT training costs allowed by paragraphs (f) (1) through (4) of this section, the actual costs incurred by an employer for classroom training or for employment and training services and supportive services for OJT participants, as defined in § 676.25–5 (b) and (c), may be reimbursed. As indicated in § 676.25–7(b), an employer may also be reimbursed for the costs of participant wages paid by the employer for any time spent during working hours by an employee in such activities. All costs incurred as a result of the provisions of this paragrpah must be documented by the employer.

(ii) Any reimbursement made pursuant to paragraph (f)(5)(i) of this section may only be for classroom training, employment and training services and supportive services which are different than or above the level of such training or services normally provided by the employer to regular employees.

(g) *OJT Agreements.* Employers will be held responsible with respect to CETA costs only in accordance with the provisions of their OJT agreement. The OJT agreement shall contain at a minimum the elements listed below. Recipients may place additional provisions in the OJT agreement only after a careful assessment is made of the additional burdens imposed on participating employers. Agreements may only be entered into with employers which have not been seriously deficient in their conduct of or participation in any DOL program described in § 676.38(b). The minimum elements are (sec. 121(o)):

(1) A brief training outline, including the length of training and the nature of the training;

(2) The method and maximum amount of reimbursement for OJT training; justification if the reimbursement amount exceeds 50 percent of the participant's wages;

(3) The number of participants to be trained;

(4) A job description and specification of participant wage rates;

(5) Reporting requirements;

(6) A requirement that employers are to keep track of participant's attendance, and a description of the payroll records, time and attendance records, and job duties statements that the employer will be required to maintain;

(7) Specification of any costs to be reimbursed above the OJT training costs (i.e., classroom training costs, employment and training services, and supportive services costs), as indicated in paragraph (f)(5) of this section, and the documentation the employer will be required to maintain on such costs;

(8) A termination clause for nonperformance; and

(9) An assurance that the employer will comply with the Act and regulations.

§ 676.25–3 Public Service Employment.

(a) Public service employment (PSE) is subsidized employment with public and private nonprofit employers who provide public services.

(b) PSE jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector (Sec. 122(m)).

(c)(1)(i) PSE participants may not be outstationed to worksites, except if the prime sponor demonstrates in its annual plan that:

(A) The worksite lacks the administrative capability to perform the personnel, recordkeeping, reporting or other required functions for these additional employees; or

(B) Requiring the worksite to be the employing agency would create a significant administrative or programmatic impediment to accomplishing the purposes of the Act such as requiring subagreements with an excessive number of worksites with a small number of participants; or

(C) The wages, benefits and working conditions for those similarly employed at the employing agency are the same or substantially equivalent to those similarly employed at the worksite.

(ii) Administrative arms of consortia, which are also units of general local government, may outstation participants under the conditions specified in paragraphs (c)(1)(i) of this section. For all other administrative arms of consortia, outstationing may take place under the following conditions:

(A) When the wages and benefits of the participants are the same as those of the similarly employed regular employees at the worksite;

(B) When the specific concurrence of the bargaining agent at the worksite is obtained; and

(C) When the worksite is other than a State or a unit of general local government of 50,000 population or greater.

(iii) Nothing in the preceding paragraphs shall limit outstationing to a federal agency.

(2) No PSE participants shall be outstationed for the purpose of denying or reducing the wages or beneifts to which the participant would otherwise be entitled. No PSE participant shall be outstationed to a worksite where the employees of that worksite performing the same or substantially similar job duties are paid at a rate less than the highest of that established under Section 6(a)(1) of the Fair Labor Standards Act or the applicable State or local minimum wage.

(3) PSE participants who were outstationed as of March 31, 1979 may continue to be outstationed to the same worksite until transferred to a different worksite or terminated from PSE.

(4) When filling teaching positions in schools under local educational agencies under Title VI, prime sponsors shall not outstation but shall subgrant with the appropriate local educational agencies (Sec. 603(b).)

(5) Outstationed participants are to be considered employees of the employing agency and shall have the same working conditions and benefits as those received by other similarly employed employees of the employing agency. However, maximum efforts should be made by the employing agency to accommodate the outstationed worksite by coordinating work hours and holidays.

(d) PSE participants shall not be employed in building and highway construction work (except that which is normally performed by the recipient or subrecipient) or in any work which primarily benefits a private-for-profit organization.

(e) Except for Title VI projects under Part 678, PSE jobs shall be entry level (sec. 232(a)(1) and sec. 605(a)).

(f) To the extent feasible, the public services provided by the jobs should be designed to benefit the residents of the area (sec. 122(a)).

(g) Recipients shall take into account household obligations and give special consideration to providing alternative working arrangements such as flexible hours of work, work-sharing and part-time jobs, particularly for older workers, and parents of young children (sec. 121(d)(3)).

§ 676.25–4 Work experience.

(a)(1) Work experience is a short-term or part-time work assignment with an employing agency. It is prohibited in the private-for-profit sector. It shall be designed to enhance employability of individuals through the development of good work habits and basic work skills.

(2) Work experience shall be limited to persons who need assistance in becoming accustomed to basic work requirements including basic work skills, in order to be able to compete successfully in the labor market. It is for persons who have either never worked or who have not been working for an extended period of time, such as students, youth in transition from school to employment, youth with no definite employment goals, chronically unemployed, retired persons, handicapped individuals, residents of institutions, and older workers in such programs as Operation Mainstream, who have no alternative job opportunities (sec. 121(i)).

(3) Persons who do not satisfy the conditions of paragraph (a)(2) of this section may be placed in work experience for no more than 30 days while an appropriate classroom training, OJT, PSE or unsubsidized job is being developed for them (sec. 211(6)).

(4) Work experience shall not be used as a substitute for PSE. Recipients shall distinguish between the work experience and PSE activities in their programs as specified in § 677.15 on the Title II Annual Plan Subpart. The activities shall be distinguished on the basis of the types of individuals employed, the level of supervision required, and the level of proficiency or performance required.

(5) Participation in work experience shall be for a reasonable length of time based on the needs of the participant, and subject to the restrictions on duration set forth in § 676.30.

(6) The provisions of § 676.25–3(g) regarding household obligations and alternative working arrangements apply to work experience.

(b) At least every 60 days, recipients shall review and document the progress of each work experience participant to determine whether transfer to another activity or placement in unsubsidized employment is more appropriate than remaining in work experience, based on whether the work experience has achieved its purpose. However, this shall not apply to a participant in the summer Youth Employment Program.

(c)(1) A supported work program is a specialized type of work experience in which the primary goal is to transition participants into the regular work force after a specified term of program employment. The work experience provided by the program shall include the following programmatic techniques: (i) Crew work; (ii) intensive supervision at worksites; (iii) progressive levels of difficulty; (iv) a system of wage increases and bonuses tied to participant performance and (v) a system of regularized performance evaluation.

(2) Supported work programs shall be designed to provide job readiness training and job placement assistance to participants when their program performance indicates readiness for transition to unsubsidized employment. Referrals to this program shall be primarily those individuals who have worked no more than three months in one regular job during the six months prior to program enrollment, and who have a verifiable personal history which tends to limit their employment prospects (e.g., drug or alcohol addiction, incarceration, long-term receipt of welfare payments). Participation limitations for individuals enrolled in this program may be extended based on the waiver provisions for work experience found in § 676.30(g).

§ 676.25–5 Services.

This program activity includes services to applicants, employment and training services, supportive services, and post-termination service. Such services are designed to lead to maximum employment opportunities and retention of employment or to facilitate participation in other employment and training program activities funded under this Act or in another Act, leading to eventual placement in unsubsidized employment.

(a) *Services to applicants.* Such services include:

(1) Outreach; and

(2) Intake: This includes screening for eligibility; the initial determination as to whether the program can benefit the individual; the determination of the employment and training activities and services which would be appropriate for the applicant; the determination of the availability of an appropriate employment and training activity; a decision on selection; and dissemination of information on the program.

(b) *Employment and training services.* Such services include but are not limited to:

(1) Orientation to the world of work;

(2) Counseling. This includes employment related counseling, and testing;

(3) Employability assessment (other than that involved during intake);

(4) Job development;

(5) Job search assistance. This includes transition services, such as job seeking skills instruction, individualized job search plan, labor market information, and other special activities for transition to unsubsidized employment;

(6) Job referral and placement;

(7) Targeted Jobs Tax Credit eligibility determination and referrals; and

(8) Vocational exploration program (VEP). A recipient may conduct a VEP program to expose participants to jobs available in the private sector through observation of such jobs, instruction, and, if appropriate, limited practical experience (sec. 432).

(i) A detailed curriculum shall be developed prior to enrollment in VEP.

(ii) Organizations which participate in VEP through an agreement with a recipient may be reimbursed for the costs incurred in the conduct of the program except that private-for-profit organizations may be reimbursed only for costs of training which is over and above that normally provided by the organization.

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(iii) An individual may not be involved in any activity that contributes, or could be expected to contribute, to additional sales or profit, or results in the subsidization of wages, of a private-for-profit organization.

(iv) Where a vocational exploration program funded directly by DOL operates in a recipient's area, the recipient shall enter into an agreement with the local representative of the program which contains arrangements for recruitment, selection, referral and eligibility certification.

(c) *Supportive services.* Such services include but are not limited to:

(1) Health care and medical services;

(2) Child care. Child care programs shall comply with applicable State and local standards including State licensing requirements;

(3) Transportation;

(4) Temporary shelter;

(5) Assistance in securing bonds;

(6) Family planning services. These shall be made available to a participant only on a voluntary basis and shall not be a prerequisite for participation in, or receipt of, any services or benefits from the program;

(7) Legal services; and

(8) Financial counseling and assistance.

(d) *Post-termination services.* For 90 days following termination from the program employment and training services and supportive services, as described in §§ 676.25–5 (b) and (c) of this subsection, may be provided to participants who have obtained unsubsidized employment to enable them to retain employment.

§ 676.25–6 Other activities.

Recipients may conduct activities not described in §§ 676.25–1 through 676.25–5. The approved grant application shall describe the basic design of activities undertaken as "other activities" and their objectives. These activities may include but are not limited to:

(a) Removal of artificial barriers to employment;

(b) Job restructuring;

(c) Revision or establishment of merit systems; and

(d) Development and implementation of affirmative action plans.

§ 676.25–7 Combined activities.

(a) A participant may be simultaneously or sequentially enrolled in two or more activities.

(b)(1) Reimbursement may be up to 100 percent to employers, including private-for-profit employers, for expenditures for the costs of classroom training, employment and training services or supportive services for participants in combined activities including the costs of participant wages paid by the employer for time spent in these activities during working hours.

(2) Reimbursement may be made on a cost reimbursement or fixed cost basis and shall be supported by business receipts, payroll, or other records normally kept by the employer.

(3) Nothing in this paragraph shall allow reimbursement to private-for-profit employers for the costs of on-the-job training in excess of the amounts allowable in § 676.25–2.

§ 676.26 Payments to participants.

§ 676.26–1 Payment of wages.

General. Except as authorized under § 676.26–3, each participant in on-the-job training, work experience, and public service employment shall be paid wages.

(a) *Wages for on-the-job training.* Participants in OJT shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographic region, and the participant's skill. In no event shall the wage rate be less than the highest of the following (sec. 124(c)):

(1) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act;

(2) The minimum wage rate prescribed by applicable State or local law (sec. 124(c));

(3) The prevailing wage rate for persons similarly employed;

(4) The minimum entrance wage rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance wage rate for the occupation in other establishments in the area;

(5) The wage rate required by an applicable collective bargaining agreement; or

(6) The prevailing wage rate established by the Secretary in accordance with the Davis-Bacon Act, when required by § 676.26–1(d).

(b) *Wages for work experience.* Participants in work experience shall be paid at a wage rate not less than the highest of (sec. 124(d));

(1) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act;

(2) The minimum wage rate prescribed by applicable State or local law; or

(3) The prevailing wage rate established by the Secretary in accordance with the Davis-Bacon Act, when required by § 676.26–1(d); or

(4) The wage rate required by an applicable collective bargaining agreement.

(c) *Wages for Public Service Employment*—(1) *Minimum wage rates.* A participant in PSE shall be paid wages not less than the highest of the rates specified in (a) (1) through (6) (sec. 124(b)).

(2) *Maximum wage rates payable with CETA funds.* (i) The wages (including those received for overtime work and leave taken during the period of employment) paid to any PSE participant from funds under the Act shall be limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if full-time and annualized, would equal a rate of $10,000 per year), unless the Secretary adjusts this maximum upward by the area wage adjustment index. In areas where the maximum wage rate for a fiscal year is decreased from the rate for the previous fiscal year, participants hired in the previous fiscal year may receive the maximum rate from that previous year in the current fiscal year. For school employees whose work is done only during the school year, that school year shall be considered a full year for wage rate annualization purposes.

(ii) Fringe benefits payable from funds under the Act to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA workers earning an amount equal to the maximum wage.

(3) *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed $7,200, as adjusted upward or downward by the Secretary on an area basis by the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal minimum wage rate. The total average of federally supported payments per month, including such payment to those engaged full-time in a combination of PSE and training who spend at least 50% of their time in PSE and who are compensated for training at the minimum wage, shall not exceed the pro rata monthly share of the annual average wage. Where PSE participants are in a part-time (less than a normal full time schedule for the occupation) PSE position, the average annual wage rate for these participants shall be computed by converting to full time rates and annualizing the PSE wages. For fiscal year 1980 and each subsequent fiscal year, the average annual wage rate shall be further

adjusted by a percentage equal to the change in the average wage rate in employment not supported under the Act (sec. 122(i)).

(4) *Area wage adjustment index.* (i) The Secretary shall publish annually a wage adjustment index for each appropriate area. For each area, the index shall equal the ratio of the annual average wage rate in regular public and private employment in such area to the average wage rate for all such areas.

(ii) The area wage adjustment index shall be used as a basis for adjusting the average and maximum wage rates for areas. With respect to maximum wage rates, the $10,000 shall not be adjusted upward by more than 20 percent, except that this limitation shall not apply to Alaska.

(5) *Supplementation of wages from non-CETA funds.* (i) Except as provided for Title VI PSE participants in § 678.7 and in paragraphs (c)(5) (ii) and (iii) of this section, no PSE participant may be paid wages for any public service employment job from sources other than the Act. For participants hired after September 30, 1978 this applies even if a participant is entitled to a promotion, a general salary increase or overtime pay. Where the participant is eligible for such an increase which would mean a salary in excess of the area's maximum wage rate, the participant would be entitled to it if other employees similarly employed would receive such benefits. However, because public service employment wages may not be supplemented from sources other than the Act, in such cases participants must be transferred to other positions or be terminated (sec. 122(i)(4)(A)).

(ii) Any PSE participant on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages and may receive any subsequent increase which is either a bona fide cost of living increase or a scheduled raise, so long as the participant remains in the same position or a PSE position with the same or lower wage rate. However, the non-CETA portion shall not be reduced if the maximum wage rate has been adjusted upward above $10,000 until the incumbent participant leaves this position, or a PSE position with the same or lower wage rate or until the next employing agency budgetary cycle, whichever comes earlier (sec. 122(i)(4)(B)).

(iii) Any PSE participant who was receiving only CETA wages on September 30, 1978, at a wage rate less than $10,000 per year may have such wages supplemented above $10,000 from non-CETA sources after September 30, 1978, if such increase is a bona fide cost of living increase or a scheduled raise, and the person remains in the same position.

(d) *Davis-Bacon wages.* (1) Contractors with the Department shall insure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid by themselves and their subcontractors to laborers and mechanics including participants employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act.

(2) Recipients and subrecipients shall insure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid:

(i) By their contractors and subcontractors to laborers and mechanics, including participants, employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act and related to a facility or building which is used primarily for programs under the Act; and

(ii) To laborers and mechanics, including participants who are employed in construction (including alteration, repair, painting, decorating, etc.) or any project which is funded wholly or partially under a Federal statute, other than CETA, which requires the payment of prevailing wage rates determined in accordance with the Davis-Bacon Act.

§ 676.26–2 Payment of allowances.

(a) *General.* (1) Except for persons receiving incentive allowances, a basic hourly allowance shall be paid to participants for time spent in classroom training. In addition, allowances may be paid to a participant enrolled in *Services* and *Other Activities* when such services or activities are combined with another activity or are provided on a regularly scheduled basis.

(2) No participant shall receive allowances (or other payments) for classroom training for more than 104 weeks in a 5-year period, beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA. Participants who have exhausted the 104-week limitation on receipt of allowances or other payments may continue to be enrolled in classroom training without payments: *Provided,* That they have not exhausted the 30-month limitation on total CETA participation described in § 676.30. (sec. 121(c)(1)).

(b) *The allowance payment system.* A standard system for payment of allowances shall be maintained by every recipient to ensure prompt and efficient payment to all participants (sec. 124(a)). The standard payment system shall consist of a uniform set of procedures, but may be operated by one or more service deliverers. It shall include:

(1) Determination of entitlement and computation of amount to be paid;

(2) Maintenance of a system for requesting payment of training allowances, including the certification, issuance and distribution of payments;

(3) Maintenance of payment records and preparation of required statistical and fiscal reports;

(4) Maintenance of a system to detect and collect overpayment;

(5) Issuance of written notification to participants when allowances are reduced, denied or overpaid; and

(6) Arrangements with other agencies to obtain information to minimize unauthorized payments, including arrangements with:

(i) The State Employment Security Agency for the initial and periodic verification of a participant's receipt of unemployment compensation (sec. 124(a));

(ii) Appropriate agencies for verification of public assistance payments (e.g., local welfare agencies); and

(iii) Training facilities for submittal of payment requests and certifications of attendance.

(c) *Selection of service deliverer.* The recipient shall provide a standard allowance payment system either directly or through an organization or organizations it considers appropriate for its particular circumstances. The recipient, in selecting the service deliverer for the payment of allowances, shall give first consideration to the use of the unemployment insurance component in the SESA before using other agencies that may have experience in operating an allowance payment system (sec. 103(a)(7)).

(d) *Basic allowances.* (1) A basic hourly allowance shall, except as provided in paragraphs (h) and (j) of this section, equal the higher of:

(i) The minimum hourly wage prescribed by State or local law for most employment in the recipient's area, multiplied by the number of hours during which the participant attends or is absent for good cause; or

(ii) The minimum hourly wage specified in Section 6(a)(1) of the Fair Labor Standards Act, multiplied by the number of hours during which the participant attends or is absent for good cause.

(2) For participants who are institutionalized, including prisoners, all or part of the allowances, as determined by the recipient and the head of the

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institution, may be held in reserve by the institution and delivered upon the participant's release from the institution. The institution shall not retain any portion of these funds, or interest earned on these funds, while held in reserve. In addition , dependent allowances may not be held in reserve.

(e) *Dependent allowances.* (1) Participants receiving basic allowances or who would be receiving full basic allowances were it not for adjustments under paragraph (h) of this section shall receive dependent allowances of $5 per week for each dependent in excess of two dependents, up to a maximum of $20 for six or more dependents (sec. 124(a)(1)).

(2) Dependent allowances shall be reduced prorata for absence without good cause. The methodology for making the reduction shall be described in the recipient's CETP (sec. 124(a)).

(f) *Incentive allowances for persons receiving public assistance.* (1) Incentive allowances in the amount of $30 per week, in lieu of basic allowances, shall be paid to participants, including youths participating in summer youth programs under Subpart C of Part 680, who are receiving public assistance, or whose needs or income are taken into account in determining public assistance payments to others. Youths participating in programs under Subparts A, B, and D of Part 680 shall be paid basic allowances, if applicable, regardless of their public assistance status (sec. 124(a)(3)).

(2) Incentive allowances shall be reduced prorata for absences without good cause. The methodology (e.g., daily or hourly proration) for making the reduction shall be described in the recipient's CETP.

(3) Incentive allowances may be adjusted downward, provided that the adjustment shall not result in an incentive allowance payment at a rate less than the higher of the Federal, State, or local minimum wage multiplied by the number of hours of participation or absences with good cause. Such procedures shall be described in the CETP.

(4) Incentive allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs (sec. 124(a)(3)).

(g) *Additional allowances.* Additional reasonable allowances, such as allowances for transportation or subsistence, may be paid to participants to cover extraordinary costs associated with participation in an activity. The circumstances in which additional allowances will be paid shall be described in the recipients's CETP (sec. 124(a)).

(h) *Adjustments in basic allowances.* (1) The basic allowance shall be reduced on a weekly basis by the amount of any unemployment compensation received by the participant for the same week. The basic allowance shall not be reduced because of any unemployment compensation that is payable for a week(s) prior to the participant's enrollment in an activity where allowances are paid. If unemployment compensation is paid on a biweekly basis, it shall be prorated over the two weeks before the allowance is reduced. Where eligible, participants should be encouraged to apply for and claim unemployment compensation if they are not already receiving such benefits (sec. 124(a)).

(2) The basic allowance may be adjusted upward if conditions for such increases are described in the CETP.

(3) Periodic increases to the basic allowances may be provided as an incentive to participation when such increases are described in the CETP.

(4)(i) The basic hourly allowance for a participant may be reduced, at the option of the recipient, on a weekly basis, by the total amount of any Basic Education Opportunity Grant (BEOG) during the period in which the participant is enrolled in the classroom training; or

(ii) The recipient may make arrangements with training institution to apply BEOG payment to tuition, books and related training costs normally funded by the recipient. The recipient should then pay the training institution the difference, if any, between the actual training costs and the BEOG.

(5) The basic allowance may be reduced by the amount of wages received by classroom training participants who are also enrolled full-time during the same payment period in work expereince, PSE or OJT. The determination of whether the activity is full-time shall be based on the number of hours that constitute full-time employment for employees similarly employed.

(i) *Rounding of amount of allowance payable.* Allowance payments under this section, if rounded, may only be rounded to the next higher multiple of a dollar.

(j) *Waivers of allowances.* (1) The payment of all or part of the basic allowance may be waived only in accordance with paragraphs (j) (2) or (3) of this section under the conditions described in the CETP or grant. When all or part of the basic allowance is waived, the recipient shall maintain documentation that the waiver accomplishes the goals established by the recipient when requesting the waiver. However, when participants, who had received either basic or incentive allowances, continue to participate in classroom training without compensation after their 104 weeks of receipt of allowances, these waiver provisions do not apply, since these participants have exhausted their eligibility for allowances and are not waiving them (sec. 1239a)).

(2) Waivers of basic allowances shall be allowable only when the following conditions have been met and documented:

(i) That the waiver will be applied to the total enrollment in a course and will not be imposed on an individual basis, except as provided in paragraph (j)(3) of this section; and

(ii) That the waiver will not have the effect of denying participation to individuals who could not participate without receipt of allowances; and

(iii) That the waiver will increase the number of participants served or the level of services provided; and

(iv) That the waiver will otherwise promote the purposes of the Act; and

(v) That all participants for whom allowances are waived will be so notified in writing; and

(vi) That documentation of the participant's notification of the waiver will be made a part of the participant's record.

(3) In exceptional circumstances, individual waivers, when described in the CETP or grant may be granted under the following conditions:

(i) The waiver is at the written agreement of the participant; and

(ii) All of the funds allocated in the Budget Information Summary for allowances have been obligated and training opportunities are still unfilled and available.

(4) The dependent allowances may not be waived, except in cases where the entire basic allowance is waived.

(5) Allowance payments shall not be waived solely because a participant receives benefits through the Vietnam Era Veteran's Readjustment Assistance Act, as amended.

(6) Incentive allowances shall not be waived.

(k) *Repayments.* Recipients shall require participants to repay the amount of any overpayment of allowances under this Part, except if the overpayment was made in the absence of fault on the part of the participant. Where the recipient does not require repayment, the recipient shall maintain written documentation of the overpayment specifying the absence of fault on the part of the participant. Where the recipient requires repayment, any overpayment not repaid may be set off against any future allowance or other payments under the Act to which the participant may become entitled, but in no case shall the wage be reduced below the applicable minimum wage.

§ 676.26–3 Combined activities.

(a) *Primary activity.* A primary activity is one in which a participant is enrolled for more than 50 percent of scheduled time. Participants enrolled in a primary activity for which wages are payable and simultaneously or sequentially in an activity for which allowances are payable may, at the recipient's option, be paid wages for all hours of participation. A participant enrolled in a primary activity for which allowances are payable may, at the recipient's option, be paid allowances for all hours of participation, except when OJT is the non-primary component. However, in the latter case, before placing an individual in such an activity, the recipient shall request a determination from the Internal Revenue Service as to whether income from the non-primary component is taxable. Nothing in this subsection shall authorize compensation at rates less than those required by §§ 676.26–1 (a), (b) and (c).

(b) *Employed Participants.* Wages may be paid to a participant enrolled in OJT by the participant's employer for hours spent in classroom training, whether or not such hours constitute a primary component. For upgrading or retraining participants whose only activity is classroom training, wages may be paid in lieu of allowances.

§ 676.27 Benefits and working conditions for participants.

(a) *General.* (1) Each participant in OJT, PSE, or work experience shall be assured of workers' compensation including medical, accident, and income maintenance insurance at the same level and to the same extent as others similarly employed who are covered by a workers' compensation statute or system (sec. 121(d)(5)).

(2) Each participant who is employed in any CETA program activity where others similiarly employed are not covered by an applicable workers' compensation statute shall be provided with medical and accident insurance benefits. Such benefits shall be adequate and comparable to the medical and accident insurance provided under the applicable State workers' compensation statute. Recipients are not required to provide these participants with income maintenance coverage (sec. 121(d)(5)).

(3) Each participant enrolled in a nonemployment status shall be provided with adequate on-site medical and accident insurance.

(b)(1) Each participant in an on-the-job training or public service employment program shall also be provided health insurance, collective bargaining agreement coverage, and other benefits and working conditions at the same level and to the same extent as other employees similarly employed (sec. 122(k)).

(2) All classifications with respect to employment status (e.g., full time, permanent, or temporary) in which CETA participants are placed shall be reasonable and shall include nonfederally financed employees (sec. 122(k)). Where only federally subsidized employees work for an employer, classifications may be limited to them.

(3) Classifications shall not be established exclusively for CETA participants nor shall participants be placed in existing or new classifications in order to reduce or deny benefits to which they are entitled.

(4) CETA participants who prior to April 1, 1979, are in classifications which include only federally financed employees may remain in such classificatons for the duration of their participation. After April 1, 1979, no CETA participant shall be so classified.

(5) Within a single classification, a distinction may be made between CETA, PSE and work experience participants and other employees with respect to retirement systems or plans which provide benefits based on age or service or both pursuant to § 676.28 (sec. 122(k)).

(c)(1) PSE and OJT participants who are paid wages and who perform services that are the same or similar to other employees of the employer who have unemployment compensation coverage shall be provided unemployment compensation coverage by election if such coverage is not otherwise required by the applicable State unemployment compensation law.

(2) Unemployment compensation coverage is not provided to work experience participants unless otherwise required under State unemployment compensation law. Most States do not provide unemployment compensation coverage for work experience participants.

(3) In order to ensure unemployment compensation coverage of appropriate CETA participants, prime sponsors must ensure that employers submit quarterly contribution and wage reports or their equivalent required by the SESAs for PSE and OJT participants, and for work experience participants where they are covered by State unemployment compensation provisions.

(d) Conditions of employment and training shall be appropriate and reasonable, in light of such factors as the type of work, geographical region, and proficiency of the participant (sec. 121(d)(1)).

(e) Every participant, prior to entering upon employment or training, shall be informed of his or her rights and benefits in connection with such employment or training including the information that family planning services are voluntary. Participants shall be informed of the name of their employer and the complaint and hearing procedure applicable to them pursuant to Subpart F (sec. 121(a)(3)).

(f) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participant's health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (sec. 121(d)(2)).

§ 676.28 Retirement benefits for program participants.

§ 676.28–1 General Rules.

(a) *Exclusion.* CETA participants may be excluded from retirement systems or plans which provide benefits based on age or service or both which cover similarly employed, non-CETA employees (sec. 122(k)).

(b) *Use of CETA Funds—General.* Where, however, the CETA participants are included in a retirement system or plan, CETA funds may not, except as provided in paragraph (c) of this section, be used for a contribution to such system or plan on behalf of a participant unless such contribution bears a reasonable relationship to the cost of providing benefits to that participant (sec. 121(j)).

(c)(1) *Use of CETA Funds—Grandfather.* CETA funds may be used for contributions to retirement systems or plans on behalf of participants (for the duration of their participation):

(i) Who are enrolled in PSE or work experience on June 30, 1979; and

(ii) Who are enrolled in a retirement system or plan on June 30, 1979.

(2) For those recipients and subrecipients which are in compliance with the provisions of paragraph (b) of this section on the effective date of this regulation (April 1, 1979), and for those which come into compliance before July

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1, 1979, the date of compliance shall be substituted for June 30, 1979 in paragraph (c)(1) of this section.

(d) *Description of Method Adopted.* When a recipient intends to use CETA funds for retirement contributions on behalf of participants, the method for doing so shall be described in the CETP or grant.

§ 676.28-2 Allowable cost.

(a) *Definitions.* For purposes of this section:

(1) *"Employer"* shall include any employer whose employees are covered by a retirement system or plan under which periods of CETA participation are creditable towards benefit entitlements.

(2) *"Unsubsidized Employment"* means employment for which wages are not paid from CETA funds.

(b) *Reasonable Relationship.* A contribution by an employer to a retirement system or plan shall be considered to bear a reasonable relationship to the cost of providing benefits to CETA participants if the requirements of one of the methods authorized in paragraphs (c), (d), (e), or (f), of this section are met. These methods are the following:

(1) Vesting Method;

(2) Actuarial Methods;

(3) Reserve Account/Buy-Back Methods.

(4) Alternative Methods;

(c) *Vesting Methods.* This method is available only with respect to retirement systems or plans of other than the "defined benefit" type. An employer may use CETA funds to make a contribution to a retirement system or plan only to the extent that the contribution is allocated to the CETA participant and only to the extent that the contribution is vested at the time it is made. A contribution by an employer to a retirement system or plan shall be deemed to be "vested" to the extent that, at the time when the contribution is made, the portion of the participants account balance in the retirement system or plan derived from employer contributions is not subject to forfeiture.

(d) *Actuarial Method.* This method is available only with respect to retirement systems or plans of the "defined benefit" type (a system or plan under which a specified benefit is promised to employees at retirement). Under this method an employer may use CETA funds to make a contribution to a retirement system or plan only on the basis of a separate actuarial determination that there is a reasonable likelihood that CETA participants will actually receive benefits as a result of the contribution and then only in an amount sufficient to fund benefits for this group of participants. The amount of employer contributions shall be determined on the basis of reasonable actuarial assumptions which take into account the unique characteristics of CETA participants, including the short-term nature of CETA participation. The calculation shall be revised at least annually to reflect the actual experience of CETA participants. The basic rule under this method is that CETA funds expended for an employer contribution to a retirement system or plan may not exceed the present value, determined as of the date the contribution is made, of the benefits which CETA participants accrue in that year, reduced by any contributions made by CETA participants during that year.

(e) *Reserve Account/Buy Back Method.* (1) This method is available for both defined benefit and other types of retirement systems or plans. This method can only be used for CETA participants who were excluded from coverage in the retirement system or plan while they were CETA participants. Under this method, the employer may make a contribution for the previous service using funds from the current CETA grant in an amount described in paragraph (3) if:

(i) A former CETA participant obtains unsubsidized employment with the employer (within a time specified in paragraph (e)(2) of this section), and

(ii) The former CETA participant is granted credit under the retirement system or plan for the period of CETA participation, and

(iii) Where employee contributions are required, the employee elects to participate in the retirement system or plan by making contributions under the reserve account or buy-back systems described in paragraph (2).

(2)(i) *Buy Back.* A former CETA participant who, within 90 days after termination of the period of CETA participation, obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit for the period of CETA participation under the system or plan shall be given an opportunity to make a contribution or contributions to the retirement system or plan within 18 months after obtaining unsubsidized employment. The amount of the contribution shall be no greater than the sum of:

(A) The contributions which such individual would have been required to make during the individual's period of CETA participation, in order to obtain credits for that period under the plan or system, and

(B) Interest on the amounts described in paragraph (e)(2)(i)(A) equal to the return the system or plan would have earned on the contributions.

(ii) *Reserve Account.* Any individual who is a CETA participant, and who might be eligible to receive credit under the employer's retirement system or plan for CETA service in the event that such individual obtains unsubsidized employment with the employer upon leaving CETA shall be permitted to authorize deductions to be made from salary or wages during CETA participation in amounts equal to the contributions to the retirement system or plan which the individual would be required to make if the individual were not excluded from participation in the retirement system or plan during CETA participation. Any such deductions shall be credited to a reserve account and such account shall be credited with interest in amounts equal to the return the system or plan would have earned on the deductions. If the individual obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit under the retirement system or plan immediately after termination of the period of CETA participation, and so elects, the balance in the reserve account shall be transferred to the retirement system or plan; otherwise the balance shall be distributed in full to the individual. The employer may not use CETA funds to maintain a reserve account for the employer's share of the contribution. This share can only be paid from current CETA funds as specified in paragraph (a) of this section.

(3) CETA funds may be expanded for an employer contribution to the retirement system or plan under this method only to the following extent: (i) In the case of a plan other than one of the "defined benefit" type, the amount of the contribution may be no greater than the amount by which the former CETA participant's account balance in the retirement system or plan would have increased during CETA participation as a result of employer contributions if they had been made during that period.

(ii) In the case of a plan of the "defined benefit" type, the amount of the contribution can be no greater than the present value of the additional accrued benefits which the former CETA participant accrues as a result of the credit granted for CETA participation. Present value shall be determined on the basis of reasonable actuarial assumptions, but such assumptions need not take into account the unique characteristics of former CETA participants.

(f) *Alternative Methods.* Upon the written approval of the Assistant Secretary, CETA funds may be used in accordance with methods which are combinations of the methods described in paragraphs (c), (d) and (e) of this section, or in accordance with any alternative method which assures that the employer's contribution to a retirement system or plan bears a reasonable relationship to the cost of providing benefits to the CETA participants.

§ 676.28-3 Packages of benefits.

(a) Where non-CETA, similarly employed employees are covered under a benefits package which includes retirement, CETA participants shall receive the non-retirement benefits (e.g., health, death, and disability benefit coverage), at the same level and to the same extent as other employees. CETA funds may be used to pay for those benefits in accordance with § 676.27(b) (sec. 122(k)).

(b) CETA funds may be used to purchase a package of benefits including retirement, provided the retirement portion of the package can be factored out of the package and adjusted according to the methods described in § 676.28.

§ 676.28-4 FICA.

(a) Expenditures may be made from CETA funds for taxes under the Federal Insurance Contribution Act (FICA), 26 USC 3101, *et seq.*

(b) In States and units of general local government where exclusion of CETA participants from retirement systems or plans would automatically result in exclusion of such participants from coverage under FICA, pursuant to requirements of the Social Security Administration (SSA), FICA coverage is not mandated for such participants. This does not apply to jurisdictions in which CETA participants remain covered by FICA, notwithstanding exclusion from a retirement system or plan. Recipients are encouraged to work out appropriate arrangements with the SSA for FICA coverage on behalf of CETA participants who have been automatically excluded from FICA due to exclusion from a retirement system or plan.

§ 676.29 Non-Federal status of participants.

Except where specifically provided to the contrary, participants in a program under the Act shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those related to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 676.30 Termination conditions; participant limitations.

(a) (1) When a job offer or offer of referral to a suitable job is made to and rejected by a participant, the recipient may terminate the participant regardless of how long the individual has been in the program. Suitable job shall mean a job which: (i) Is comparable to the participant's CETA job in terms of working conditions and benefits; and (ii) is commensurate with the participant's skill level; and (iii) is located within a commuting distance of the participant's home comparable to the distance normally travelled by others in the area; and (iv) is not vacant due to a strike or lockout, and (v) does not require that an employee resign from a union.

(2) Except as provided in paragraph (a)(1) of this section, participants may be terminated in accordance with procedures and legal protections afforded comparably employed non-CETA workers.

(b) A recipient or subrecipient which has not successfully placed a participant in unsubsidized employment or training within the established time limits for participation set forth in paragraphs (c) through (f) of this section shall provide the participant with written notice of the impending termination from their particular program activities or from the total CETA program and a contact person for questions and further information at least two (2) weeks prior to the effective date. A dated copy of the notice shall be maintained in the participant's file.

(c) Except as provided under paragraph (g) of this section and for participants in programs that have other statutory limits, e.g., YCCIP and Job Corps, participation in work experience shall be limited to a maximum of: 1000 hours during any one year period; and 2000 hours during the five year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA.

(d) Except as provided in paragraph (h) of this section no participant may receive payments for public service employment for more than 78 weeks during a five year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA. In computing this 78 weeks, recipients shall include any PSE participation from April 1, 1978, to October 1, 1978. The time spent by a PSE participant in classroom training shall be counted toward the 78 weeks if such training is counted toward the percentage requirements for programs under Subpart E of Part 677 and Part 678. (sec. 122(h)(2)).

(e) No participant may receive payments for classroom training for more than 104 weeks in a five year period begining October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA (sec. 121(c)(1)).

(f) Except as otherwise provided in paragraphs (g) of this section, recipients shall limit participation in CETA by any person to a maximum of 30 months during a five year period beginning October 1, 1978, or the subsequent date of the participant's initial enrollment in CETA.

(g) The limitation on work experience participation in CETA set forth in paragraph (c) of this section:

(1) Shall not apply to time spent by in-school youth enrolled in a work experience program under the Act, including time spent in a combined activity where work experience is the primary activity, nor shall such time be included when determining if an individual has reached such limitation or the limitation on total participation in CETA specified in paragraph (f) of this section. (secs. 121(c)(2), 121(i) and 212(b)); and

(2) May be waived for each fiscal year by the RA with respect to other persons enrolled in a work experience program under the Act based on the inclusion in the Annual Plan or grant application, or subsequent modification to that document, of satisfactory evidence that, due to the lack of alternative job opportunities in the area, this limitation is impractical. Depending on the circumstances in the recipient's area the waiver may be granted for all work experience participants or for one or more subgroups, such as older workers. Waivers shall not be granted for individual participants. Those individuals granted such waivers may continue to participate beyond the 30-month limitation as specified in paragraph (f) of this section if they continue in a work experience activity. Any waiver of the 1,000 hour limitation shall extend the period of time an individual may participate in work experience during a year and shall also extend the 2,000 hour limitation in five years (secs. 121(c)(2) and 212(b)).

(h) A temporary waiver of the 78 week limitation may be granted by the Department to a prime sponsor for PSE participants hired on or after October 1, 1978, if at the time of the waiver request, the prime sponsor or a unit of general local government (as defined in § 675.4) within its jurisdiction:

(1) Has an average BLS official unemployment rate or hold harmless supplemental unemployment rate of at

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least 7 percent for the most recent three months for which data is available; and

(2) Has faced unusually sever hardship in its efforts to transition PSE participants into regular public or private emplyoment not supported under the Act (sec. 122(h)(4)(B)).

(i) A temporary waiver of the 78 week limitation does not extend the 30 month limitation for total CETA participation except for participants hired prior to October 1, 1978, in which event the 30 month limitation shall be considered as waived as long as the PSE participant is in the same PSE position or another position with the same or lower wage rate.

(j) The Department will provide waivers, conditioned on transition plans and other requirements as specified in these regulations, to prime sponsors only for the purpose of affording additional time to transition, transfer, or otherwise terminate a limited number of the individuals who reach the limit of their PSE participation. As the waiver is provide to the prime sponsor for a specified number of participants, no specific individual shall be entitled to a waiver, or to a waiver of a specific period of time.

(k) A prime sponsor desiring a waiver of the 78 week limitation on PSE participation for itself or for any unit of general local government within its jurisdiction shall submit a written waiver request to the RA not more than 90, nor less than 60, days prior to the first day of the quarter during which the participants' 78 week limit occurs. Wavier requests must be submitted separately for each quarter in which a prime sponsor seeks a waiver. Every waiver request shall include:

(1) A description of the unusually severe hardships experienced by the prime sponsor in transitioning PSE participants;

(2) Local hiring patterns in the last 12 months of the employing and worksite agencies were PSE participants are working;

(3) A description of transition efforts which have already been undertaken;

(4) A description of the immediate efforts to be made to transition as many participants as possible prior to the beginning of the waiver period;

(5) A transition plan which specifies by quarter the number and groups of participants who will leave the PSE program through transition, transfer, or termination.

(i) Except for waivers described in paragraph (o), the plan shall not extend beyond 4 quarters following the quarter in which the participants' 78 week limit occurs. Prime sponsors shall take into account local circumstances in determining the number of quarters necessary to transition, transfer or otherwise terminate participants, i.e., in some areas prime sponsors may only need one or two quarters, while conditions in other areas may necessitate a three or four quarter plan.

(ii) Regardless of the number of quarters covered, plans must not show any participants remaining at the end of the last quarter of the plan and plans of more than one quarter must: show some portion of individuals leaving the PSE program at the end of each quarter. Except where a subsequent waiver pursuant to paragraph (o) is granted, prime sponsors will be responsible for ensuring that no participant remains in the program more than one year after the date he/she reaches the 78 week limit.

(iii) Plans that cover four quarters must show no more than 35 percent of all participants covered by the waiver remaining at the end of the third quarter except as provided in paragraphs (iv) and (v).

(iv) Plans must show no more than 50% of the participants covered by the waiver remaining at the entl of the third quarter if:

(A) The average BLS official unemployment rate or the hold harmless supplemental unemployment rate for the area for the most recent three months for which data are available is at least 9%;

(B) The employment growth rate for the area is generally lower than the national average; and the prime sponsor can demonstrate as part of its plan that:

(C) Projected economic conditions indicate a stagnant or worsening situation during the next 12 months;

(D) There are exceptional circumstances and employment barriers which impede in transitioning groups of participants covered by the waiver;

(E) There has been a good faith and full effort to transition participants; and

(F) Any other factors indicating extraordinarily severe transition difficulties.

(v) Plans must show no more than 80% of the participants covered by the waiver remaining at the end of the third quarter if the average BLS official unemployment rate or the hold harmless supplemental unemployment rate for the area for the most recent three months for which data is available is at least 12%, the employment growth rate for the area is generally lower than the national average, and the prime sponsor can demonstrate as part of its plan that it meets the conditions of paragraph (k)(5)(iv)(C–F) of this section.

(vi) In order to develop the plan, the prime sponsor shall group participants based on occupational or other categories determined on the basis of the difficulty of transitioning those groups of participants into unsubsidized employment. The prime sponsor shall then determine the length of time (e.g., number of quarters) necessary to transition each group. Prime sponsors are not, however, required to show all group members leaving the PSE program in any one quarter. Further, for the purpose of meeting its numerical goal, prime sponsors may count persons in other groups who are transitioned, transferred, or who otherwise leave the program.

(vii) The plan shall also describe the continuing efforts that will be taken to transition all the participants covered by the waiver as soon as possible.

(8) A description of consultation with appropriate labor organizations, as required in § 676.30(1)(2).

(l) *Comment and Publication.* (1) Ten days prior to submission of the waiver request to the R.A. the prime sponsor shall submit the waiver request to its planning council for review and comment. Simultaneously, the prime sponsor, at a minimum, shall publish in a newspaper or newspapers of general circulation in the prime sponsor's area (including minority newspapers, where appropriate) a statement indicating the following information:

(i) The number of participants to be covered by the waiver;

(ii) The schedule for transitioning participants covered by the waiver;

(iii) The reason(s) for the waiver request;

(iv) The groups of participants to be covered by the waiver; and

(v) The location and hours where the complete waiver request can be reviewed and the address and phone number to which questions and comments may be directed.

(2) Prior to submission of the waiver request to the RA, the prime sponsor shall consult with appropriate labor organizations and obtain their comments and recommendations.

(3) Copies of the comments and recommendations of the planning council and appropriate labor organizations shall be submitted to the RA along with the waiver request, or, if the comments are received after the submission of the request, they may be sent separately to the RA.

(m)(1) The Department will approve or disapprove the waiver request based on a review of:

(i) The information required in paragraph (k);

(ii) The average BLS official unemployment rate or the hold harmless supplemental unemployment rate for the area for the most recent three months for which data is available; and

(iii) The employment growth rate for the most recent 12 months for which data is available.

(2) The RA, within 30 days of receipt of the waiver request, or the effective date of these regulations whichever is later, will notify the prime sponsor in writing of the Department's approval or disapproval and specific reasons for any disapproval. Any waiver approval will include a written condition that the prime sponsor is subject to disallowance of costs under its grant for noncompliance with terms of its approved waiver. All waiver approvals will also state that the prime sponsor must make continuing transition efforts on behalf of all participants. All waiver approvals shall be incorporated into the Annual Plan as a modification to the Annual Plan. No waiver request will be approved for the total number of PSE participants whose 78 week limit occurs in a quarter.

(3) If a waiver pursuant to § 676.30(i) is provided to a prime sponsor on behalf of a unit of general local government within its jurisdiction, only persons residing in that smaller area shall be eligible for a waiver.

(n)(1) Prime sponsors shall maintain as of the beginning of the period covered by the transition plan,

A list of the names of the PSE participants covered by the waiver, and the original termination date of each such participant; and

(ii) A breakdown by significant segments of both the participants covered by the waiver and those that were terminated without a waiver.

(2) As an addendum to the Quarterly Program Status Summary, the prime sponsor shall furnish the total number of all waived participants who are transitioned, transferred, or otherwise terminated at the end of each quarter, and in the case of terminations, the group(s) of which the terminees were members.

(3) Prime sponsors shall maintain a list of the names of waived participants transitioned, transferred, or otherwise terminated during each quarter of the waiver period and the date that each left the PSE program.

(4) If the prime sponsor is unable to meet its numerical quarterly goal through transition and transfer efforts and normal attrition, then it will have to terminate participants. In undertaking terminations to meet its quarterly goal, the prime sponsor shall only terminate persons from those groups specified in the plan for that quarter.

(o) *Subsequent waivers.*

(1) Where waivers were initially approved for the four quarter period, the Department will consider granting subsequent waivers of up to 6 months beyond the approved waiver period only if:

(i) The waiver covers only PSE participants hired prior to October 1, 1978; and

(ii) The average unemployment rate for the area for each of the most recent 3 months for which data are available is significantly above the average national unemployment rate for the same period; and

(iii) The employment growth rate is significantly lower than the national average; and

(iv) The prime sponsor demonstrates extraordinarily difficult transition problems in its request for a subsequent waiver, based on consideration of criteria such as the following:

(A) The projected economic conditions and transition circumstances indicate a stagnant or worsening situation during the next 12 months;

(B) There is extreme difficulty in transitioning groups of participants being considered for subsequent waiver;

(C) There has been a good faith and full effort to transition participants;

(D) Only the allowable percentage of participants remain with the balance of participants having been transitioned, transferred or otherwise terminated by the end of the third quarter; and

(E) Any other factors indicating extraordinarily severe transition difficulties.

(2) The subsequent waiver request shall be submitted between 60 and 90 days prior to the end of the initial waiver request period.

(3) The Department shall not grant a subsequent waiver for more than a limited number of the participants covered by the initial waiver request.

(4) The subsequent waiver request shall include the information required in paragraph (k) and paragraph (o)(1)(iv) of this section. The comment and publication procedures of paragraph (1) and the requirements of paragraph (n) shall also be applicable.

§ 676.30a Procedures for serving specific target groups.

(a) *General.* Recipients shall take appropriate steps to provide for the increased participation of qualified special disabled and Vietnam-era veterans with special emphasis on qualified veterans who served in the Indo-China theater on or after August 5, 1964, and on or before May 7, 1975, through assuring adequate training and employment opportunities for such veterans in their programs. Such steps shall include:

(1) Cooperative arrangements and programs with other agencies or programs (such as veterans' service organizations; VETS projects of the National League of Cities; veterans' cost of instruction programs; national and local organizations of business and labor community and mental health centers; the Veterans Administration and community-based veterans organizations) to provide comprehensive education, employment, training, outreach, job development, veterans' benefits counseling, and personal adjustment counseling.

(2) Creation, development, maintenance, or expansion of private sector veterans employment and training programs, such as special OJT efforts for veterans, and cooperative programs using supplemental funding for eligible persons pursuing on-the-job training under Chapters 31 and 34, of Title 38, United States Code.

(3) Programs to facilitate effective placement of, and entry by, veterans into readjustment or employment programs.

(4) Programs or initiatives, such as split-work experience programs, claims presentation and discharge upgrading necessary to serve veterans (sec. 121(b)(2)).

(5) Prime sponsors shall make special efforts to acquaint veterans and veterans organizations with the employment and training opportunities available under CETA, and to coordinate efforts on behalf of veterans with those activities authorized under Chapter 31 of Title 38, U.S. Code, (relating to job counseling and employment services to veterans), and other similar activities carried out by public agencies or organizations (sec. 121(b)(2)(B)).

(b) *Public service employment programs.* (1) Within a PSE program preference in enrollment shall be given to those who are the most severely disadvantaged in terms of length of unemployment and their prospects for finding unsubsidized employment (sec. 122(b)(1)).

(2)(i)(A) Recipients shall give special consideration in filling public service jobs to qualified public assistance recipients (or persons who would be eligible to receive public assistance according to established criteria if they would apply for such assistance).

(B) Recipients shall give special consideration in filling public service jobs to special disabled and Vietnam-era veterans with special emphasis on those who served in the Indo-China theater on or after August 5, 1964, and

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on or before May 7, 1975 (sec. 122(b)). Special emphasis shall be given to the development of jobs which utilize the skills veterans acquired with their military service and training.

(ii) Special consideration shall at a minimum consist of the following:

(A) Outreach mechanisms;

(B) Special referral and selection mechanisms, which may include point systems for weighing applications; and

(C) Specific local goals for participation of target groups.

(iii) In providing special consideration, the prime sponsor shall take advantage of community resources to identify and reach specific target groups. The Master Plan shall specify the mechanism for providing special consideration and shall specify the involvement of SESA's and organizations representing the target groups in the design and implementation of these procedures.

(3)(i) Recipients shall provide special emphasis to eligible persons who are offenders, persons of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, and individuals who lack educational credentials (sec. 122(b)).

(ii) Such special emphasis shall include, but not be limited to, taking into consideration the needs of these groups when developing program services and activities, establishing outreach procedures to facilitate the participation of such groups and other steps as the recipient determines to be appropriate.

(iii) Special efforts (e.g., newspaper notices) shall be made to acquaint these groups with the services and activities available under the Act and to coordinate those efforts with other programs serving such persons (sec. 122(b)(3)(B)).

Subpart C—Administrative Standards and Procedures

§ 676.31 General.

(a) This section describes Federal requirements relating to the administration of grants by recipients under CETA. Administrative requirements found in this subpart apply to all programs under the Act unless stated to the contrary for any specific program.

(b) As referenced in this subpart, the requirements set forth in 41 CFR 29–70, "Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies award funds to State and local governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and other Quasi-Public and Private Nonprofit Organizations," shall apply to grants under CETA.

(1) The requirements in 41 CFR 29–70.1 set forth the policies which apply to all basic grants and agreements.

(2) The requirements in 41 CFR 29–70.2 implement OMB Circular Nos. A–102 and A–110, and apply to all CETA grants and agreements.

§ 676.32 Methods of payment to recipients or subrecipients of CETA funds.

Payments will be made to all recipients or subrecipients according to provisions in 41 CFR 29–70.210, "Grant or Agreement Payment Requirements."

§ 676.33 Depositories for CETA funds.

The standards covering the use of banks and other institutions as depositories for CETA funds are found at 41 CFR 29–70.201, "Cash Depositories."

§ 676.34 Management information systems.

(a) All recipients shall establish and maintain a financial management system which meets the standards set forth in 41 CFR 29–70.207, "Standards for Grantee Financial Management Systems." These systems will include audit procedures in conformance with the "Audit Requirements and Responsibilities" in 41 CFR 29–70.207.4 (sec. 103(a)(11), (sec. 133)).

(b)(1) *Audit Provisions.* The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of recipients, subrecipients and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts, and transcripts (sec. 133).

(2) *Unified Audit.* Recipients may be required to participate in a unified audit. When the Secretary arranges for a unified audit to provide for the audit of both recipients and their respective subrecipients and contractors the following conditions will apply (sec. 106(j)):

(i) DOL staff or one audit agency, organization, or public accounting firm will be responsible for the audit of each recipient, its subrecipients and contractors.

(ii) A common audit cutoff date through the end of a Federal fiscal year will be used for the recipient and all subrecipients and contractors of that recipient.

(iii) Sufficient audits will be made of the subrecipients and contractors as well as the recipient to allow the audit entity to render an opinion on the CETA financial reports of the recipient and on its compliance with regulations. Audits of subrecipients and contractors shall be conducted on a sample basis.

(iv) If the DOL has notified the recipient that it has arranged for a unified audit three months before the end of the earliest fiscal year to be audited, the recipient shall pay out of CETA administrative funds for that portion of the audit costs allocable to its subrecipients and contractors. The method of allocation used will be decided on an individual basis by mutual agreement between the Office of the Inspector General (OIG) and the recipient.

(c) All recipients shall establish and maintain a client tracking system consisting of records on applicants, participants and terminees which will allow for the audit and monitoring of the recipient's programs, particularly with respect to the eligibility of participants and the propriety of participant selection procedures and practices (sec. 103(a)(11)).

(d) Procedures for establishing additional management controls are specified in § 676.22 (Program Management Systems) and § 676.75 (Fraud and Program Abuse).

§ 676.35 Retention of records.

(a) All records, reports, documents and files required under these regulations shall be the responsibility of the recipient. Retention of and access to those records, reports, documents and files shall be as provided for at 41 CFR 29–70.203, "Retention of and Custodial Requirements for Records" (sec. 133(a)(1)).

(b) Notwithstanding paragraph (a) of this section, the recipient shall maintain a record of each participant's participation in a CETA program, including dates of entry and termination in each activity; and shall retain such records for each participant for a period of five years from the date of enrollment into the program.

(c) Financial records relating to public service employment programs and records of the names, addresses, positions and salaries of all persons employed in public service jobs shall be maintained and made available to the public (sec. 122(g)).

§ 676.36 Program income.

(a) Except as provided in paragraph (b) of this section, all income realized in CETA activities shall be subject to 41 CFR 29–70.205, "Program Income and Interest Earned."

(b) A recipient or subrecipient, during the grant or agreement period and for the periods specified in paragraphs (c) and (d) of this section shall apply any income generated under a Youth Community Conservation and Improvement Project (YCCIP) to costs of the project. However, if, at the end of the grant or agreement period the project is not continued, the recipient or subrecipient may use program income for any approved activity under its CETA grant pursuant to paragraphs (c) and (d) of this section.

(c) The recipient may use program income generated in an approved activity under CETA grants or agreements other than YCCIP during the grant or agreement period and for 2 years thereafter to carry out any CETA activity authorized under the former grant or agreement. The grant officer may require the recipient to account for the expenditure of such income for a period not to exceed 2 years from the expiration date of the Annual Plan (or grant, agreement, subgrant, or subagreement, as appropriate). After the 2-year period, the recipient shall return the balance of any unexpended program income to DOL (sec. 123(h)).

(d) A subrecipient may use program income generated in approved activity under CETA grants or agreements other than YCCIP during the grant or agreement period and for one year thereafter to carry out any CETA activity authorized under the former grant or agreement. Recipients shall require subrecipients to report the expenditures of such income. Any income still unexpended by any subrecipient one year from the expiration of financial assistance to the subrecipient shall be returned to the recipient to continue any CETA activity (sec. 123(h)).

§ 676.37 Recipient contracts and subgrants.

(a) *Recipient responsibility.* (1) The recipient is responsible for development, approval and operation of all contracts and subgrants and shall require that its contractors and subrecipients adhere to the requirements of the Act, regulations promulgated under the Act, and other applicable laws.

(2) The recipient shall require contractors and subrecipients to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant.

(3) The recipient shall ensure that contractors and subrecipients maintain and make available for review by the recipient and the Department of Labor all records pertaining to the operations of programs under such contracts and subgrants, consistent with the maintenance and retention of record requirements.

(4) Subrecipients are entitled to funding for administrative costs. The amount of such funding will be determined during the development of subgrants.

(5) Recipients shall comply with the procurement systems and procedures found in 41 CFR 29–70.216, "Procurement Standards."

(b) In the event an agreement or subgrant is cancelled, in whole or in part, the recipient shall develop procedures for ensuring continuity of service to participants.

(c) Recipients are authorized to enter into contracts or subgrants which extend past the expiration date of the Annual Plan, but such extension shall not exceed 1 year. In such cases, the recipient shall continue to be responsible for the administration of such contracts and subgrants.

(d) Small and minority-owned businesses, including small businesses owned by women, within the jurisdiction of the prime sponsor and to the extent necessary to those in other parts of the labor market area, shall be provided maximum reasonable opportunity to compete for contracts for supplies and services. One means to provide for this is the use of set-asides (sec. 121(k)).

(e) Prime sponsors shall maintain an inventory of potentially available deliverers of services, including their names, addresses and types of services offered, which have expressed an interest in writing, and use this inventory to select such deliverers of services. This inventory shall be available for public review (sec. 103(a)(3)(B)).

(f) Selection of deliverers shall be in accordance with § 676.23.

§ 676.38 Requirements for contracts with nongovernmental organizations.

(a) No funds will be paid to any nongovernmental organization for the conduct of programs (other than under Title VII or on-the-job training) under the Act unless:

(1) It has submitted an acceptable proposal;

(2) Selection is performed on a merit basis after thorough review by the prime sponsor, or Secretary as appropriate;

(3) It has not been seriously deficient in its conduct of, or participation in, any Department of Labor program in the past, or is not a successor organization to one that was seriously deficient in the past, unless the Secretary certifies after a clear, convincing and detailed showing that the deficiencies will be eliminated and performance substantially improved;

(4) A comprehensive monitoring system operated in accordance with § 676.75–2 is in effect;

(5) It has the administrative capability to perform effectively (sec. 121(o)).

(b) No funds will be paid to any nongovernmental organization for the conduct of on-the-job training and Title VII programs under the Act unless:

(1) Payment is supported by a written agreement which has been evaluated and found acceptable against standards established by the recipient;

(2) It has not been seriously deficient in its conduct of, or participation in, any Department of Labor program in the past, or is not a successor organization to one that was seriously deficient in the past, unless the Secretary certifies after a clear, convincing and detailed showing that the deficiencies will be eliminated and performance substantially improved.

§ 676.39 Property management standards.

Recipients shall comply with the property management standards set forth in 41 CFR 29–70.215.

§ 676.40 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of the recipient.

(b) *Direct costs.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

(c) *Indirect costs.* (1) Indirect costs are those:

(i) Incurred for a common or joint purpose benefitting more than one cost objective; and

(ii) Not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the recipient entity, as well as those incurred by other entities in supplying goods, services, and facilities, to the recipient.

(2) Only the indirect cost rate approved by the cognizant Federal agency may be used by the recipient in

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determining indirect costs properly chargeable to CETA. The cognizant Federal agency is the Federal agency designated to determine the indirect cost rate or rates on behalf of all Federal agencies which award financial assistance to the recipient. These rates are negotiated on the basis of equity, reasonableness, allocability and allowability of costs.

(d) *Restrictions on use of funds.* (1) The amount of funds available for any specific cost category or activity shall be limited as specified in the regulations for the specific programs.

(2) Funds made available through one grant or Annual Plan subpart may not be used to support costs properly chargeable to another grant or Annual Plan subpart with the exception that funds available for administration shall be pooled under a separate subpart and used to cover all allowable administrative costs incurred under the Annual Plan (sec. 123(f)).

§ 676.40–1 Allowable CETA costs.

(a) Except as modified by these regulations, the cost principles to be used in determining allowable CETA costs are referenced in 41 CFR 29–70.103 "Cost Principles."

(b) CETA funds may be used to satisfy cost sharing or matching requirements where authorized by Federal law, other than CETA, when seeking other Federal funds and shall be subject to the provisions of 41 CFR 29–70.206, "Matching Share."

(c) Funds may be used for construction activities only to:

(1) Pay wages and fringe benefits for participants employed by public or private non-profit agencies;

(2) Purchase equipment, materials, and supplies for use by participants while on the job and for use in the training of such participants;

(3) Cover costs of a training program in a constrction occupation, including costs such as instructors' salaries, training tools, books, and allowances and wages (sec. 123(c));

(4) Cover costs of material and supplies, in Titles II D and VI projects, weatherization activities and Youth Community Conservation and Improvement Projects, which become part of the construction. Such costs shall be charged to the Administration cost category.

(d) Costs associated with building repairs, maintenance, and capital improvements of existing facilities used primarily for programs under the Act are allowable.

(e) The costs of home repair, weatherization and rehabilitation are allowable when:

(1)(i) The work is performed on dwellings of individuals whose family income is at or below 125 percent of the proverty level and which are privately owned and owner occupied, privately owned by a nonprofit organization or are units of public housing; or

(ii) The work is performed in weatherization projects funded by the Community Services Administration pursuant to section 222(a)(5) of the Economic Opportunity Act of 1964, 42 U.S.C. section 2809, or the Department of Energy pursuant to Title IV of the Energy Conservation and Production Act of 1976, 42 U.S.C. section 6850; or

(iii) The work is performed in rehabilitation projects of housing for lower income families as defined in section 8(f)(1) of the United States Housing Act of 1937 as part of community revitalization or stabilization projects (sec. 123(c)(4)); and

(2) Such activities are supervised by an adequate number of supervisory personnel who are adequately trained in the skills needed to carry out such activities and to instruct participants in the skills needed to perform in the work involved (sec. 123(c)).

(f) Recipients shall not use funds under the Act to assist an establishment in relocating from one area to another, or locating new branches, subsidiaries, or affiliates, including participants in such establishment, nor shall they use funds under the Act in training programs in an establishment which has relocated within the past one year, when such relocation or location has resulted in an increase in unemployment in the area of original location or any other area (sec. 121(e)(4)).

(g) Unemployment compensation costs are allowable for administrative staff hired in accordance with the administrative provisions of the regulations, and for participants required by § 676.27(c) to be covered for unemployment compensation purposes; except that such costs shall not be allowable for PSE participants to the extent that unemployment compensation paid to them is reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567, as amended by sec. 6 of Pub. L. 94–444, 26 U.S.C. section 3304 note).

(h) CETA funds may be used to pay the cost of incorporating a private-nonprofit PIC or consortium administrative unit for the purpose of carrying out programs under the Act. These costs shall be charged to administration.

§ 676.40–2 Administration and travel costs.

(a) The administrative cost contribution shall not exceed 20 percent of the total allocation for each Annual Plan Subpart other than Title II D, Title VI, the Youth Community conservation and Improvement Projects and the Special Governor's Grant unless the Program Narrative Description set forth an explanation of how all administrative costs have been determined and a detailed documentation to support that amount. The restriction on the contribution of funds to the Administrative Annual Plan Subpart for Title II D and Title VI programs is set forth in § 677.58(a) and §678.8(b)(1)(iii). The restriction on the contribution of administrative funds in the Youth Community Conservation and Improvement Projects is set forth in Part 680. Administrative cost contribution limitations for Title VII programs are found in Part 679 and for Special Governor's Grant programs in Part 677 Subpart D.

(b) No funds made available for administrative costs under any Title of the Act may be used by a prime sponsor for legal or other associated services from contractors unless the prime sponsor certifies in writing that:

(1) The payments are not unreasonable in relation to the fees charged by other contractors providing similar services; and

(2) The services could not be competently provided through employees of the prime sponsor or other available State or local governmental employees (sec. 123(f)(2)).

(c) The cost of participant travel and staff travel necessary for the operation or administration of programs under the Act is allowed as provided herein:

(1) Travel costs of governmental officials not part of the Office of the Governor of a State or the Chief executive of a political subdivision are allowable if costs specifically relate to programs under the Act. These costs shall be charged to administration. Travel costs of the Governor of a state or chief executive of a political subdivision (and their immediate staff who do not have a continuing CETA programmatic responsibilities), are allowable only if travel specifically relates to programs or activities under the Act, and is approved in advance by the RA.

(2) Travel costs for CETA administrative staff including participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under the Act.

(3) Travel costs for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimbursed its other employees in this manner. Such costs shall be charged to fringe benefits.

(4) Travel costs to enable participants to participate in programs under the Act are allowable. Such travel shall be restricted to the recipient's jurisdiction or within daily community distance, except:

(i) To pay for transportation costs at the beginning and end of a training course which is more than daily commuting distance but within the State in which the receipient is located;

(ii) As permitted for good cause by the RA, on a case-by-case basis, within the U.S.

§ 676.41 CETA cost allocation.

Allowable costs shall be charged against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services.

(a) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(b) All recipients are required to plan, control, and report expenditures against the aforementioned cost categories.

(c) All recipients are responsible for ensuring that subrecipients and contractors plan, control, and report expenditures against the aforementioned cost categories.

§ 676.41–1 Classification of costs by category.

(a) Participants' wages shall be charged to wages. All wages paid to participants in public service employment, work experience, classroom training, employment and training services, or supportive services shall be reported as wages. Cost-of-living increases are considered wages.

(b) Participants' fringe benefits shall be charged to fringe benefits. Fringe benefits costs for participants include, but are not limited to, the following: Provisions for annual, sick, court and military leave pursuant to an approved leave system; employees' life and health insurance plans, unemployment insurance, workers' compensation insurance and retirement benefits; and, under public service employment programs, uniforms, tools, or other equipment ordinarily provided by the employer to its regular employees, provided these are for the benefit and ownership of the participants.

(c) Allowances shall be charge to allowances.

(d) Training costs consisting of goods and service which directly and immediately affect program participants in either a work environment or classroom setting including classroom training in conjunction with a Vocational Exploration program shall be charged to training. Training costs include, but are not limited to, the following: Salaries; fringe benefits; equipment and supplies of personnel engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; and that part of tuition and entrance fees which represent instructional costs have a direct and immediate impact on participants. The compensation of individuals who both instruct and supervise other instructors must be prorated among the training and administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees, and the costs of supplies used in the course of both participant instruction and other activities should be prorated among the benefiting uses.

(e) Supportive, and employment and training service costs, which consist of goods and services which affect program participants, shall be charged to services. Services costs include, but are not limited to, salaries and fringe benefits; space, utility, equipment and travel costs, when an integral part of the job personnel engaged in providing services to participants; and that part of single unit charges for child care, health care and other services which represent only the costs of services directly beneficial to participants. Transportation of participants, as provided in § 676.40–2(c)(4), is properly chargeable to services.

(f) Administrative costs shall consist of all direct and indirect costs associated with the management of the program. These costs shall include the administrative costs, both direct and indirect, of subrecipients and contractors. Administrative costs shall be limited to those necessary to effectively operate the program:

(1) Indirect administrative costs represent the general management and support functions of an organization as well as secondary management and support functions at the bureau or division level. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, maintenance, and similar function; related materials, supplies, equipment, office space costs, and staff training.

(2) Direct administrative costs are comprised of goods and services which neither contribute to the general management and support functions of an organization, nor directly and immediately affect participants (e.g. training costs). Included are salaries and fringe benefits of direct program administrative positions such as supervisors, program analysts, labor market analysts, and project directors. Additionally, all cost of clerical personnel, materials, supplies, equipment, space, utilities, and travel which are identifiable with these program administration positions shall be charged to administration. Some examples of administrative costs are: The salary of a clerical assistant to a supervisor, that part of an instructor's salary representing time spent supervising other instructors; desk top supplies used by supervisors; and, in general, office administration, rent, depreciation or maintenance of nonclassroom space; staff training; consultant services under contract not involving direct training or services to participants; costs incurred in the establishment and maintenance of a planning or advisory council under CETA, or in publishing a grant application; and costs of monitoring and providing technical assistance to contractors and subrecipients.

(3) Services normally chargeable to administration shall be charged to wages or fringe benefits, as appropriate, when performed by program participants.

§ 676.41–2 Allocation of fixed unit charge.

(a) When contractors or subrecipients bill the recipient with a single unit charge containing costs which are chargeble to more than one cost category, the recipient will charge these costs to the cost categories in § 676.41 (CETA Cost Allocation). For unit charges such as tuition fees for which the necessary detail cannot be provided, a reasonable estimate of the breakdown of the single unit charge among cost categories in § 676.41 will be sufficient, including for audit purposes. When such unit charges are normally billed as a single charge and the cumulative amount of such charges does not exceed $25,000 within the Annual Plan year, proration will not be required. These costs may be charged to the category receiving the most benefit.

(b) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(1) Is for classroom training;

(2) Is fixed unit price; and

(3) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant

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and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(c) The provisions of this section shall not apply to vendors selling or leasing equipment and attendant services at a commercially established rate to recipients or subrecipients.

(d) In the case of multiuse equipment there must be a proration of costs or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(e) Any single cost, such as staff salaries or fringe benefits, which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) Any profit or loss may be prorated among all affected cost categories.

§ 676.41-3 Cost categories assignable to program activities.

(a) Classroom training. Cost categories are: training; allowances; services; wages when paid to participants during classroom training; and fringe benefits (medical and accident insurance for participants only).

(b) On-the-job training. Cost categories are: training and services.

(c) Public service employment. Cost categories are: wages; fringe benefits; services; allowances; and training.

(d) Work experience. Cost categories are: training; services; wages; and fringe benefits.

(e) Services to participants (not part of another program activity). Cost categories are: allowances; fringe benefits (medical and accident insurance for participants only); training (when provided under VEP) and services.

(f) Other activities. Cost categories are: training; allowances; and services.

§ 676.42 Administrative annual plan subpart.

(a) All administrative funds from all Annual Plan subparts shall be contained in a separate Administrative Annual Plan Subpart unless specifically exempted by regulations or grant agreement. The amount each subpart contributes to the Administrative Subpart shall not exceed the limits set in §§ 676.40–2(a), 677.58 (a) and (b), 678.8(b)(1)(iii), and 680 (sec. 123(f)(1)).

(b) The Administrative Annual Plan Subpart shall consist of the following:

(1) Budget Information Summary (BIS). Provide on the BIS the proposed administrative costs for the program year. This shall include the sum of the contributions from all subparts under the Annual Plan.

(2) Budget Information Summary Backup. List separately on this attachment to the BIS each Annual Plan Subpart and the amount it contributed to the administration pool.

(c) When the Administrative Annual Plan Subpart is approved, the funds may be expended for allowable administrative costs. There is no requirement that administrative costs be allocated back to title or program activity.

(d) The Administrative Annual Plan Subpart may be modified during the program year. The amount of funds in the subpart may be decreased with the funds going back to the program subparts provided that no program subpart receives back more than it contributed to the Administrative Subpart. The Administrative Subpart may also be increased up to the percent allowed by the regulations for each program. All modifications to the Administrative Subpart must be submitted to the RA for prior approval.

(e) At the end of a program year unexpended administrative funds may be carried over into the subpart for the subsequent program year or they may be returned to the program subparts. In the new program year the amount of new funds which will go into the Administrative Annual Plan Subpart will be determined by using only the new allocation.

§ 676.43 Administrative staff and personnel standards.

(a) *Basic Personnel Standards.* (1) Methods of personnel administration will be established and maintained in public agencies administering a program under the Act in conformity with the Standards for a Merit System of Personnel Administration, which incorporate the Intergovernmental Personnel Act Merit Principles prescribed by the Office of Personnel Management in 5 CFR, Part 900, Subpart F.

(2)(i) Except as provided in paragraph (3) of this section, any prime sponsor whose administrative staff is not covered under a personnel system that meets 5 CFR, Part 900, Subpart F shall develop a plan outlining corrective actions to be taken and reasonable dates for implementing those steps within the grant year. The Office of Personnel Management will advise the RA as to the acceptability of the plan.

(ii) Recipients whose personnel systems have been accepted by the U.S. Office of Personnel Management as being in conformity with the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F, shall be deemed to be in compliance with this section.

(3) The following are not subject to the requirements of paragraphs (a)(1) and (2) of this section:

(i) Any subrecipient or nongovernmental recipient;

(ii) A consortium administrative unit which is not a unit of government;

(iii) Employees of the recipient not engaged in the administration or operation of programs under the Act.

(4) Units whose staff are exempt under paragraph (a)(3) of this section shall ensure equal employment opportunity based on objective personnel policies and practices for recruitment, selection, promotion, classification, compensation, performance evaluation, and employee-management relations. Such units may be asked to demonstrate adherence to the objectives of this paragraph by submittal of a personnel action plan similar to that outlined in paragraph (a)(2)(ii) of this section, and these plans may be requested at the discretion of the RA.

(b) *Bonding.* Every officer, director, agent or employee of a recipient or subrecipient of CETA funds on a cash advance basis, who is authorized to act on behalf of a recipient or subrecipient for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs, shall be bonded to provide protection against loss. The provisions of the bonding arrangements shall be included in the description of the administrative systems in the Master Plan or grant application. The amount of coverage shall be the lower of the following:

(1) $100,000; or

(2) The highest advance received through check or drawdown during the preceding grant year, or for new recipients, the highest advance through check or drawdown planned for the present grant year (sec. 134).

§ 676.44 Reporting requirements for prime sponsors.

(a) Each prime sponsor shall submit five periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. Reports 1, 2 and 3 of this section shall be prepared to coincide with the ending dates of Federal fiscal year quarters. These five reports are:

(1) The Program Status Summary (sec. 127(d)(1));

(2) The Financial Status Report (sec. 127(d)(3));

(3) The Quarterly Summary of Participant Characteristics (sec. 127(d)(2));

(4) Annual CETA Program Activity Summary (sec. 127(d)); and

(5) Annual Report of Detailed Characteristics (sec. 127(d)).

Prime sponsors may from time to time be required to prepare and submit additional reports requested by DOL and other Federal agencies for the performance of the legal responsibilities of these agencies. Detailed descriptions of the five reports are in the *Forms Preparation Handbook.*

(b) The Periodic reports shall be sent by the prime sponsor to be received by the RA no later than 30 days after the end of the reporting period. The annual reports shall be sent to arrive no later than 60 days after the end of the fiscal year.

(c) Separate reports will be required for each Annual Plan Subpart.

§ 676.45 Annual plan subpart settlement procedures; termination of master plan.

(a) The settlement of an Annual Plan Subpart is the process by which the Department of Labor determines that all applicable administrative actions and all required work of the Annual Plan Subpart have been completed by the prime sponsor and DOL.

(b) The RA shall determine, from the best information available, for each expiring Annual Plan Subpart:

(1) Total fund availability;

(2) Estimated accrued expenditures;

(3) Estimated carryout.

(c) The RA shall issue a Notice of Fund Availability to transfer estimated carryout from the previous Annual Plan Subpart. A second Notice of Fund Availability shall be issued by the RA to transfer the carryout into the new Annual Plan Subpart.

(d) By a date specified by the RA, each recipient shall submit a final Financial Status Report for each of the previous year's Annual Plan Subparts.

(e) If the final reports are acceptable, the RA shall effect a preliminary settlement by transferring remaining funds into the current year's Annual Plan Subpart. Final settlement of expired Annual Plan Subparts shall not be complete until an audit has been performed, audit findings have been resolved, and final reports have been submitted.

(f) End of the Master Plan. The Master Plan shall terminate only if:

(1) All activity under the Annual Plan has been completed or the Annual Plan has been terminated and final settlement of the Annual Plan, including an inventory settlement, has been reached; or

(2) The Master Plan is a multiparty agreement and one or more signatory parties has legally withdrawn from or been added to the agreement and an inventory settlement under the Master Plan has been reached.

§ 676.46 Secretary's responsibilities.

(a) As used in this section, the term "assessment" refers to the Federal review of the performance of individual recipients and the term "evaluation" refers to the Federal study of overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary shall provide for the continuing assessment and evaluation of all programs, activities, and research and demonstration projects including their cost effectiveness in achieving the purposes of the Act, their impact on communities and participant, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services. In conducting evaluations the Secretary shall compare the effectiveness of programs conducted by prime sponsors of the same class and of different classes, and shall compare the effectiveness of programs conducted by prime sponsors with similar programs carried out by the Secretary under the Act. The Secretary shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs (sec. 313(a)).

(c) To carry out these responsibilities, special reports may be requested from recipients, as deemed necessary and appropriate by the Secretary (sec. 133(a)(1)).

§ 676.47 Reallocation of funds based on nonutilization.

(a) The RA may reallocate any amount of any allocation under the Act to the extent that it is determined that a recipient will not be able to use such amount within a reasonable period of time.

(b) When the Department reallocates funds, the Department shall not consider as nonutilization a carryover into the next fiscal year by a prime sponsor of up to 10 percent of its annual allocation for each Annual Plan Subpart.

(c) When the RA determines that a reallocation from a prime sponsor is appropriate, the prime sponsor, the general public, and the appropriate Governor shall be given a notice of proposed action to remove funds from the grant. Such notice shall include specific reasons for the action being taken and shall invite the prime sponsor, the appropriate Governor, and general public to submit comments on the proposed reallocation of funds. These comments shall be submitted to the RA within 30 days from the date of the notice. After considering any comments timely submitted, the RA shall notify the Governor and affected prime sponsors on any decision to reallocate funds and shall have any such decision published in the **Federal Register** (sec. 106(b)(1) and (2)).

(d) The procedures set out in this section are in lieu of any other procedures which might otherwise be applicable under the Complaints and Sanctions provisions in Subpart F.

(e) In reallocating funds from the prime sponsor, priority shall be given first to other prime sponsors within the same State and second to prime sponsors within other States. In determining where to reallocate funds, consideration should be given the number of unemployed individuals in the area as well as the ability of the prime sponsor to effectively utilize any reallocated funds (sec. 108(b)(3)).

Subpart D—Nondiscrimination; Equal Opportunity; Equitable Service and Affirmative Action

§ 676.51 General.

This subpart sets out the Department of Labor's regulations for insuring that discrimination prohibited by section 132 of the Act does not occur in any CETA programs. The subpart also implements various equal opportunity and equitable provision of service requirements in the Act and sets forth affirmative action provisions which implement these requirements.

§ 676.52 Nondiscrimination and equal opportunity.

(a) No person shall, on the ground of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief, be discriminated against, or denied employment as a participant, administrator, or staff person, in connection with any program under the Act. With respect to participants, discrimination on the basis of citizenship is also prohibited and is covered by this Subpart and the procedures for handling discrimination complaints in § 676.86(f)(9) (sec. 132(e)). Recipients shall also comply with the Department of Labor's nondiscrimination requirements at 29 CFR Part 31 and subsequent amendments thereto. The 29 CFR Part 31 regulations are currently being revised to implement section 132 of the Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Age

Discrimination Act of 1975, as amended and Title IX of the Education Amendments of 1972, as amended. The Department's proposed regulations under Section 504 of the rehabilitation Act, published for comment on January 4, 1980 (45 FR 1392), will be incorporated into the revised 29 CFR Part 31.

(b) All programs, to the maximum extent feasible, shall contribute to the elimination of sex stereotyping. Prime sponsors, in planning their program activities, shall:

(1) Recruit for, and encourage, female entry, through such means as training, into occupations with skill shortages where women represent less than 25 percent of the labor force; and

(2) Recruit for, and encourage, male entry, through such means as training, into occupations with skill shortages where men represent less than 25 percent of the labor force.

(c) All programs shall contribute to the maximum extent feasible to the elimination of architectural barriers (sec. 121(a)(4) and (5)).

(d)(1) No person shall be denied training or employment in any program because of artificial barriers to employment.

(2) Prime sponsors shall analyze and reevaluate job descriptions and qualification requirements at all levels of employment, including civil service requirements and practices relating thereto, with a view toward removing artificial barriers to public service employment, as defined in § 675.4 (sec. 122(f)).

(3) Where tests or selection procedures have an adverse impact on any race, sex, or national origin group in the selection of participants or staff, such tests or selection procedures shall be validated in accordance with the Uniform Guidelines on Employee Selection Procedures (41 CFR Part 60–3). Tests or selection procedures which have been validated shall not be considered to be artificial barriers to employment.

(e) Prime sponsors shall establish procedures to ensure against discrimination and foster equal opportunity.

(f) Each prime sponsor shall assign equal opportunity (EO) responsibilities on a full-time basis to an individual or staff, or if this is not practicable, explain why in the Master Plan.

(g) Members of the eligible population shall be provided maximum feasible opportunities for employment in the administration of programs, including staff positions in which they will have opportunities for occupational training and career advancement.

§ 676.53 Equitable provision of services to significant segments of the eligible population.

(a) CETA recipients shall provide employment and training opportunities on an equitable basis to significant segments of the eligible population (age, race, sex, or national origin group) (sec. 121(b)(1)).

(b) When planning and developing employment and training opportunities, prime sponsors shall first set planned service levels, taking into consideration the age, race, sex, and national origin composition of the eligible population. Whenever giving affirmative action to handicapped individuals, or members of other groups, or giving special consideration to Vietnam-Era and special disabled veterans and public assistance recipients, giving special emphasis to groups such as the target groups set forth in the Act, or otherwise serving those most in need will result in service to a significant segment at a level more or less than the incidence of persons in that significant segment in the total eligible population, the prime sponsor's Annual Plan shall provide adequate justification, including an explanation of how the make-up of the target groups by age, race, sex, and national origin will impact on the overall service levels by age, race, sex, and national origin. Prime sponsors may design program and services to assist specific target groups.

(c) The recipient shall take positive steps, such as active recruitment and other affirmative action efforts as described in § 676.54, ensure that the planned levels of participation are realized. If service levels by prime sponsors to a significant segment (age, race, sex, or national origin group) differ by more than 15 percent from the levels set forth in the approved CETP, the RA shall require corrective action of any prime sponsor which is not able to adequately justify the variance.

§ 676.54 Affirmative action.

(a) Each recipient shall take affirmative action to recruit and hire qualified staff who will reflect the significant segments of the population residing in the area by age, race, sex and national origin (sec. 121(b)(1)(B)).

(b) Each recipient shall establish an affirmative action plan for outreach to, and training, placement, and advancement of, handicapped individuals in employment and training programs under the Act. Such an affirmative action plan shall be decribed in the Annual Plan or grant application (sec. 103(b)(15)). In identifying and removing architectural barriers, recipients shall be guided by the standards of American National Standards Institute (ANSI).

(c) Any recipient, which has been determined by DOL or another Federal, State or local government agency to have discriminated in its CETA program, shall take affirmative action to overcome the effects of that discrimination. Other recipients are also encouraged to undertake affirmative action in order to increase the participation of previously underrepresented groups, to ensure that planned levels of participation are realized or as one of the mechanisms described in the Master Plan to ensure nondiscrimination and foster equal opportunity and equitable provision of services (676.10(c) and (h)). As one recommended means of ensuring nondiscrimination and equal opportunity, prime sponsors may require subrecipients and contractors to prepare affirmative action plans.

(d) The affirmative action plans referred to in paragraphs (a), (b) and (c) of this section shall include as a minimum:

(1) The development and implementation of specific steps, including the assignment of management responsibility, to achieve objectives within specific timeframes, e.g., special recruitment efforts, test validation, job analysis, display of EEO posters, identification of artificial barriers to employment and development of upward mobility programs.

(2) The establishment of monitoring and evaluation procedures to measure progress in meeting the goals of the affirmative action plan within the projected timeframes;

(3) Internal dissemination of an affirmative action policy statement to all CETA management officials, staff, and participants, and external dissemination of the statement to community groups, community-based organizations, minority and women's organizations, and the general public;

(4) Written documentation that subgrantees and contractors are aware of the affirmative action plan including the specific staffing and service goals; and

(5) Placement of advertisements regarding programs in minority owned or operated newspapers and magazines.

Subpart E—Prevention of Fraud and Program Abuse

§ 676.61 General.

(a) To ensure the integrity of the CETA programs, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this Subpart E identifies and addresses those specific program problems which were of most concern to the Congress during the reauthorization of CETA.

(b) This Subpart sets forth specific responsibilities of recipients and subrecipients and of the Secretary to prevent fraud and program abuse in CETA programs.

§ 676.62 Conflict of interest.

(a) No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member directly represents or on any matter which would financially benefit such member or any organization such member represents (sec. 121(h)(2)). However, members of the PIC may vote on the title VII Annual Plan subpart even if that subpart provides funds to the PIC.

(b) Each recipient and subrecipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act, in accordance with the code of conduct requirements for financial assistance programs set forth in 41 CFR 29–70.216–4 (sec. 123(g)).

(c) Neither the Secretary nor any recipient or subrecipient shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor (sec. 121(h)(1)).

§ 676.63 Kickbacks.

No officer, employee or agent of any recipient or subrecipient shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential subrecipient or contractor (sec. 123(g) and 41 CFR 29–70.216–4).

§ 676.64 Commingling of funds.

Recipients shall comply with the applicable requirements of 41 CFR 29–70.201–2, regarding separate bank accounts (sec. 123(g)).

§ 676.65 Charging of fees.

(a) No funds under this Act shall be used for the payment of a fee charged to an individual for the placement of that individual in a training or employment program under the Act.

(b) No person or organization, including private placement agencies, may charge a fee to any individual for the placement or referral of the individual in any CETA program. Any contract requiring the individual to pay such fees therefore shall not render the individual liable for such fees (sec. 123(j)).

(c) Nothing in this section shall be interpreted as prohibiting the recipient or subrecipient from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee.

§ 676.66 Nepotism.

(a) Restriction. No recipient, subrecipient, or employing agency may hire a person in an administrative capacity, staff position, public service employment position, or on-the-job training position funded under the Act if a member of that person's immediate family is engaged in an administrative capacity for that recipient, subrecipient, or employing agency.

(b) No subrecipient or employing agency may hire a person in an administrative capacity, staff position, public service employment position or on-the-job training position funded under the Act, if a member of that person's immediate family is engaged in an administrative capacity for the recipient or program agent from which that subrecipient or employing agency obtains its funds. To the extent that an applicable State or local legal requirement regarding nepotism is more restrictive than this provision, such State or local requirement shall be followed (sec. 123(g)).

(c) For purposes of this section: (1) The term "immediate family" means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(2) The term "person in an administrative capacity" includes those persons who have overall administrative responsibility for a program, including all elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under the Act, as well as other officials who have influence or control over the administration of the program, such as the projected director, deputy director and unit chiefs, and persons who have selection, hiring placement or supervisory responsibilities for public service employment or OJT participants. Persons who are economically disadvantaged and serving on the prime sponsor's planning council, youth council, PIC, or State employment and training council shall not be considered persons in an administrative capacity.

(3) The term staff position includes all CETA staff positions funded under the Act, such as instructors, counselors and other staff involved in administrative, training or service activities.

(d) The nepotism provisions at 20 CFR 688.120 shall apply to Indian and Native American subgrantees, contractors or employing agencies which receive funds under the Act from prime sponsors for the operation of programs for Indians and Native Americans.

§ 676.67 Child labor.

All recipients and subrecipients shall comply with applicable Federal, State, and local child labor laws.

§ 676.68 Political patronage.

(a) No recipient or subrecipient may select, reflect, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage whether or not the political service or patronage is partisan in nature, is prohibited.

(b) There shall be no selection of subrecipients of contractors based on political patronage or affiliation (sec. 123(g)).

§ 676.69 Political activities.

(a) No program under the Act may involve political activities (sec. 131(a)).

(1) No participant may engage in partisan or nonpartisan political activities during hours for which the participant is paid with CETA funds.

(2) No participant may, at any time, engage in partisan or nonpartisan political activities in which such participant represents himself/herself as a spokesperson of the CETA program.

(3) No participant may be employed or outstationed in the Office of a member of Congress or a State or local legislator or on any staff of a legislative committee.

(4) No participant may be employed or outstationed in the immediate office of any chief-elected executive official (or officials, if the office of chief executive is shared by more than one person) of a

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State or unit of general local government, except that:

(i) Prime sponsors or units of local government in rural areas may employ participants in such positions provided that documentation is presented to and approved by the RA which makes clear that such positions are nonpolitical; and

(ii) Where positions are technically in such office, but are actually program activities not in any way involved in political functions documentation attesting to the nonpolitical nature of the positions is to be provided to the Secretary for approval prior to enrollment of participants in such positions.

(5) No participant may be employed or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such nonpolitical positions is permissible. Prime sponsors shall develop safeguards to ensure that participants placed in these positions are not involved in political activities. These safeguards shall be described in the Annual Plan and will be subject to review and monitoring.

(b) Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

(1) To persons (including participants) employed by States and local government in the administration of the CETA program; and

(2) Generally to any participant whose principal employment is in connection with an activity financed by other Federal grants or loans (sec. 131(b)).

§ 676.70 Lobbying activities.

No funds provided under the Act may be used in any way:

(a) To attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress (sec. 123(g) and 18 USC 1913); or

(b) To attempt to influence in any manner State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with State and local legislators for purposes of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying (sec. 123(g)).

§ 676.71 Sectarian activities.

(a) No funds under the Act may be used to support any religious or antireligious activity. However, this does not preclude religious organizations from administering or operating CETA programs or from the use of the facilities of religious organizations for the operation of such programs within the limits set forth in the Act or other applicable law.

(b) Section 121(a)(2) of the Act (29 U.S.C. 823(a)(2)) provides that:

> Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or will be used for sectarian instruction or as a place of religious worship.

Section 123(g) of the Act (29 U.S.C. 825(g)) provides that the Secretary, by regulation, shall establish such standards and procedures for recipients of funds under the Act as are necessary to assure against program abuses including, but not limited to, the use of funds for religious or antireligious activities. Pursuant to these statutory provisions, a participant may not be employed by a religiously affiliated elementary or secondary school to perform the functions of a teacher, librarian, guidance counselor, janitor or maintenance worker, clercial worker, or teacher aide, unless the participant is performing functions or working in programs such as those described in paragraphs (c) and (e) of this section. In applying this prohibition, it is the function actually to be performed by the participant that is to be regarded as controlling, rather than the technical job title given the participant. For example, it would be permissible for a participant (whatever the participant's title) to be employed as an escort to bring students safety to and from school.

(c) Religiously affiliated elementary or secondary schools, may, subject to supervision by the prime sponsor, employ participants in programs such as adult education, recreation, summer programs or other similar activities including remedial tutorial activities, provided that such programs are not offered during regular school hours, are not a part of the regular school curriculum (including summer school), are open to the community at large, and in which the community is encouraged to participate, and provided further that such programs do not involve religious activities.

(d) Nothing in this section shall preclude a prime sponsor or a subrecipient other than a religious organization from outstationing a participant to a religiously affiliated elementary or secondary school for the purpose of providing remedial education services, provided that such services do not involve religious activities and provided further that the prime sponsor or subrecipient complies with the Elementary and Secondary Education Act, 20 U.S.C. 241(e), and the regulations thereunder at 20 CFR Parts 1801 *et seq.*

(e) Participants may be employed by a religiously affiliated elementary or secondary school in the following capacities, or performing functions characteristic of these capacities.

(1) Cafeteria work or other work directly related to the provision of food services to students including clerical, custodial or maintenance work related to such services.

(2) Diagnostic or therapeutic speech and hearing services including clerical work related to such services.

(3) Nursing or health services or any other activities relating to the health or safety of students (*e.g.*, assisting on school buses or in escorting children to and from school, acting as attendance clerks or school crossing guards, removing asbestos hazards or performing other similar emergency service relating to the health or safety of students), including clerical work related to such services.

(4) Any functions (including secretarial or clerical activities) where such activities are limited to providing support services for the administration of federally funded or regulated programs made applicable to religious institutions.

(5) Functions performed with respect to the administration and grading of State-prepared examinations.

(6) Custodial child care after school hours provided the participant is not providing educational services.

(f) The Secretary may consider, on a case-by-case basis, applications for participation in programs other than those set forth in paragraphs (c), (d), and (e) of this section and may approve those applications for programs that are not inconsistent with the requirements of this section.

§ 676.72 Unionization and antiunionization activities/work stoppages.

(a) No funds under the Act shall be used in any way to either promote or oppose unionization (sec. 123(g)).

(b) No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement which contains a union security provision (sec. 121(n)(2)).

(c) No participant in work experience, vocational exploration or public service employment may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must (1) be relocated to positions not affected by the dispute; (2) be suspended through administrative leave; or (3) where participants belong to the labor union involved in the work stoppage, be treated in the same manner as any other union member except such members must not remain working in the effected position. The grantee shall make every effort to relocate participants, who wish to remain working, into suitable positions unaffected by the work stoppage.

(d) No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

(e) Nothing in this section shall prevent an employer from checking off union dues or service fees pursuant to applicable collective bargaining agreements or State law.

§ 676.73 Maintenance of effort.

(a) Recipients and subrecipients shall ensure that such programs:

(1) Result in an increase in employment and training opportunities over those which would otherwise be available (sec. 121(e)(1));

(2) Do not result in the displacement of currently employed workers, including partial displacement, such as reduction in hours of nonovertime work, wages, or employment benefits (sec. 122(e)(2));

(3) Do not impair existing contracts for services or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed (sec. 121(e)(3) and (g)(1)), including services normally provided by temporary, part-time or seasonal workers or through contracting such services out; and

(4) Result in the creation of jobs that are in addition to those that would be funded in the absence of assistance under the Act (sec. 121(g)(1)(B)).

(b) Funds under this Act shall supplement, and not supplant, the level of funds that would otherwise be made available from non-Federal sources for the planning and administration of programs (sec. 121(g)(1)(c)).

(c) No participant shall be hired into, or remain working in, any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.

(d) No participant shall be hired into or remain working in any position when any other person not supported under the Act:

(1) Is on lay-off from the same or substantially equivalent job within the same organizational unit. A layoff is in effect:

(A) Until the expiration of the period required by a recall list; or

(B) If no recall list or reemployment rights exist, for a period of one year from the last layoff or until the next operating year of the department or agency, whichever occurs later.

(2) Is on layoff or has been bumped and has recall or bumping rights to that position, per a personnel code or practice or a collective bargaining agreement.

(e) When termination of CETA participants is imminent due to conditions noted in paragraph (c) and (d) of this section, the prime sponsor shall make every feasible attempt to place such participants into other nonaffected positions or otherwise attempt placement into unsubsidized jobs or into another CETA program or activity.

(f) In addition to the other requirements of paragraph (a) of this section, for public service employment programs funded under this Act:

(1) Recipients and subrecipients shall insure that such public service employment positions shall not

(i) Substitute for existing federally assisted jobs (sec. 122(e)); and

(ii) Be created in any promotional line that will infringe in any way upon promotional opportunities of persons currently in jobs not funded under the Act (sec. 122(d)).

(2) Whenever a promotional freeze affects non-CETA funded employees it shall apply to CETA participants similarly employed.

(3) No former employees laid off or terminated in anticipation of CETA funding of a position may be rehired under CETA into such a position.

(4) A recipient or subrecipient shall not use CETA funds in any manner which results in a reduction of the customary level of public service provided by itself or another public entity in the area, by allowing PSE participants to be placed with or outstationed to private nonprofit organizations.

(g) Prime sponsors shall notify the RA in writing of any layoff or hiring freeze and of any recall rights of employees on lay off, in a department or agency where public service employment participants are employed. Prime sponsors shall, at the direction of the RA, submit documentation and budgetary expenditure records, revenue statements, and other available information relevant to a determination under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this Section.

§ 676.74 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.

The criminal provision of 18 U.S.C. 665 states that:

(a) Whoever, being an officer, director, agent or employee of, or connected in any capacity with, any agency receiving financial assistance under the Comprehensive Employment and Training Act knowingly hires an ineligible individual or individuals; embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to such Act shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) Whoever, by threat of procuring dismissal of any person from employment, or of refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Employment and Training Act, induces any persons to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both.

(c) Whoever willfully obstructs or impedes, or endeavors to obstruct or impede, an investigation or inquiry under the Comprehensive Employment and training Act or the regulations thereunder, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

(d) In addition to the criminal provisions set forth in paragraph (a), (b) and (c) of this section, individuals may be held criminally liable under other Federal laws. For example, 18 USC sections 600 and 601 hold them liable if they:

(1) Directly or indirectly, promise any employment, position, compensation, contract, appointment, or other benefit,

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provided for or made possible in whole or in part by funds under the Act, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of, or opposition to, any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office (18 USC 600); or

(2) Directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of any employment or benefits funded under the Act (18 USC 601).

§ 676.75 Responsibilities of recipients and subrecipients for preventing fraud and program abuse and for general program management.

§ 676.75–1 General requirements.

(a) Each recipient and subrecipient shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

(b) Each recipient and subrecipient shall ensure the sufficient, auditable, and otherwise adequate records are maintained which support the expenditure of all funds under the Act. Such records shall be sufficient to allow the Secretary to audit and monitor the recipients' and subrecipients' programs and shall include the maintenance of a management information system in accordance with the requirements of § 676.34 (sec. 103(a)(1) and 123(g)).

§ 676.75–2 Prime sponsor monitoring procedures.

(a)(1) Prime sponsors, as part of their internal program management procedures, shall establish a monitoring unit which shall be independent of, and not accountable to, any unit being monitored. This unit shall report to a level of management such as the CETA director or the chief-elected official, which will be high enough to ensure adequate monitoring coverage and appropriate action on findings and recommendations. The organizational location of this unit shall be positioned to maximize its objectivity, facilitate its access to information necessary to carry out its monitoring responsibilities and to minimize organizational conflict of interest.

(2) The independent monitoring unit shall periodically monitor and review through on-site visits, and program data, all progam activities and services and program administration and management practices supported with funds under the Act in order to ensure compliance with the Act, the regulations and the terms of any subagreements entered into under the prime sponsor's grant. Examples of areas of monitoring are:

(i) Reviewing all systems for controlling program administration, particularly systems for determining participant eligibility;

(ii) Reviewing pay records and attendance reports to insure controls are established for preventing unauthorized payments;

(iii) Interviewing participants to determine job-related problems;

(iv) Examining worksites and work conditions;

(v) Reviewing plans and procedures and subrecipient capability to carry out programs and activities;

(vi) Monitoring subrecipient maintenance of records on all expenditures of CETA funds;

(vii) Reviewing affirmative action plans as applicable.

(3) The independent monitoring unit shall:

(i) Make recommendations to the prime sponsor for corrective action whenever it identifies noncompliance with the Act, the CETP or these regulations;

(ii) Document its monitoring and review activities, the findings resulting therefrom, and any recommendation made for corrective action;

(iii) Maintain on file the prime sponsor's replies to its monitoring reports pursuant to paragraph (a)(5) of this section.

(4) The prime sponsor shall ensure that the monitoring unit is adequately staffed and trained to fulfill its responsibilities (sec. 121(q)).

(5) The prime sponsor shall review all monitoring reports submitted to it by the monitoring unit, acknowledge receipt thereto and respond to the monitoring unit with respect to the action taken or planned in response to the recommendations made.

(6) The prime sponsor shall further require each subrecipient to establish monitoring procedures, and may require, for those subrecipients which have the administrative capability, that they establish and maintain an independent monitoring unit to monitor their programs through review of data, observation of operations and examination of records related to their agreement in order to ensure compliance with:

(i) The Act and the regulations;

(ii) The provisions of its subagreement;

(iii) The provisions of subagreements awarded by it.

(b) Nothing in paragraph (a) of this section should be interpreted as prohibiting the monitoring or review and assessment of the recipients' or subrecipients' program activities and performance by designated CETA staff, in addition to the monitoring undertaken by the independent monitoring unit. When such efforts are undertaken, they shall be considered as distinct from those of the independent monitoring uunits.

§ 676.75–3 Eligibility Determination and Verification.

(a) *General.* (1)(i) Each recipient and any subrecipient delegated responsibility for eligibility determination, shall establish procedures as described in paragraphs (b)(1), (2), and (3) of this section for the establishment of an eligibility determination system.

(ii) The system is based on the attestation by the applicants that the full and complete information on the application form is true to the best of their knowledge. The recipient or subrecipient makes the determination of participant eligibility based on the information on the form. This determination is backed up by a complete review of the form as soon after enrollment as possible but no later than 30 days. This review is to check the completeness of the information on the form and accuracy of the determination as well as the consistency of the information presented. This review is followed by a quarterly verification of a sample of the applications of participants enrolled in the quarter. It is this sample where specific documentation will be examined to establish the accuracy of the elements presented on the application form. These three basic steps are described in paragraphs (b) (1), (2), and (3) of this Section.

(2) The specific procedures for eligibility determination are included in the *Forms Preparation Handbook.*

(3) Each recipient shall be responsible for describing its eligibility determination system in its grant application and for the subsequent effective operation of such system. Liability for questioned costs relating to participant eligibility shall be based on the manner in which the recipient manages its system and the procedures included in § 676.88(b) regarding grant officer authority to allow question costs.

(b) *Elements of the determination system.* All recipients' and subrecipients' eligibility determination systems are to be based on the requirements at paragraphs (b) (1), (2), and (3) of this section.

(1) *The application.* A full and complete application must be taken on all applicants in order to establish participant eligibility.

(i) The application form must include each of the following elements:

(A) Name
(B) Social Security Number
(C) Birthdate and age
(D) Application date
(E) Citizenship Status
(F) Residential Address
(G) Family Status
(H) Number in family
(I) Institutionalized Status
(J) Handicapped Status
(K) Public Assistance Status
(L) Work History (list all jobs held in the past twenty-six weeks)
(M) Labor Force Status:
(*1*) Employed
(*2*) Unemployed
(*3*) In-school Youth
(*4*) Underemployed
(*5*) Others
(*6*) Unemployment Insurance Claimant
(N) Family Income
(O) Farm Residence
(P) Economic Status
(*1*) LLSI does not exceed 70%
(*2*) LLSI does not exceed 85%
(*3*) LLSI does not exceed 100%
(Q) Economically Disadvantaged
(R) Veteran's Status
(S) Record of prior CETA Participation
(T) Relatives in administrative capacity

(ii) *Signature of the applicant.* The signature of the applicant and the date of application shall be required on an application form attesting that the information on the application is true to the best of the applicant's knowledge and that there is no intent to defraud. It should also acknowledge that such information is subject to verification and that the participant shall be subject to termination subsequent to enrollment if found ineligible. In the case of an applicant who is a minor (except minors who are heads of households), the signature of the parent, responsible adult or guardian is also required.

(iii) *Signature of the intake officer.* The signature of the intake officer shall be included on the application.

(iv) If there is greater than a 45 day period between the time of application and enrollment, the original application form must be updated, re-signed, and re-dated.

(2) *30 Day Review.*

(i) There shall be a review of all applications as soon as possible after enrollment but not later than 30 days of the date of enrollment, by someone other than the intake officer, to determine that:

(A) The application is complete;

(B) The determination based on the information contained on the application was correct; and

(C) The information on the application is internally consistent and in all other regards reasonable.

(ii) There shall be immediate *verification* of the eligibility of those participants whose applications are determined by the review in paragraph (b)(2)(i) above to be deficient or internally inconsistent.

(3) *Sample Verification and Documentation.*

(i)(A) There shall be a verification of participant eligibility on a quarterly basis of a random sample of participants which is adequate to establish the credibility of the system and to determine whether it is reliable. The random sample should consist of participants enrolled during the preceding 3 months. The size of the sample shall be based on the total participants enrolled during the quarter in accordance with the percentage shown for that number in the *Forms Preparation Handbook.* In no case shall the required random sample exceed 10%.

(B) Specific sources for verifying each element of eligibility are identified in the *Forms Preparation Handbook.*

(C) Where the percentage of ineligibles identified through the quarterly verification exceeds 5% of the number verified, the recipient shall initiate the necessary action to identify and correct deficiencies in the system, and expand the sample taken in order to determine whether the percentage represents a consistent pattern. When the percentage of ineligibles identified through the quarterly verification exceeds 10% of the number verified, the recipient shall present a specific corrective action plan to the grant officer.

(ii) Adequate documentation shall be maintained to ensure the credibility of the eligibility determination. Such documentation shall at a minimum consist of the following:

(A) A completed application for participation;

(B) Documentation of the review conducted pursuant to paragraph (b)(2) of this section and the verification conducted pursuant to subparagraphs (b)(2)(ii) and (b)(3)(i)(A) of this section including the numbers of applications taken, the number of ineligible participants identified, and the reasons for ineligibility; and

(C) Records of all actions taken to correct deficiencies identified in the eligibility determination procedures.

(d) *Other Responsibilities.*

(1) There shall be an immediate termination of any participant determined to be ineligible.

(2) Prime sponsors may delegate the responsibility for determination of eligibility, under reasonable safeguards which include, in addition to the requirements of paragraphs (a), (b), (c), and (d) of this section, provision for reimbursement of costs incurred as a result of erroneous determinations made deliberately or with insufficient care. Where funds cannot be recovered the prime sponsor is responsible for such liabilities (sec. 123(i)).

§ 676.76 Action required of the Secretary.

The Secretary shall annually assess the effectiveness of the monitoring units established in accordance with the requirements of § 676.75–2 of these regulations (sec. 121(g)).

Subpart F—Complaints, Investigations, and Sanctions

§ 676.81—§ 676.93 [Reserved.]

PART 677—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., P.L. 95.524 92 Stat. 1907), unless otherwise noted.

Subpart A—General Provisions

§ 677.1 Purpose.

It is the purpose of this Part to provide employment and training to ease barriers to labor force participation encountered by economically disadvantaged persons, to enable such persons to secure and retain employment at their maximum capacity, and to increase their earned income.

§ 677.2 Employability development plan.

(a) Prime sponsors shall assess each participant in accordance with § 675.6. Based on the assessment, the prime sponsor, in conjunction with each participant, shall develop an Employability Development Plan identifying the available services and activities for the participant.

(b) In establishing such a plan, the prime sponsor shall consider the participant's skills, interest and career objectives, and barriers to employment or occupational advancement faced by the participant (sec. 205(a)).

(c) The Employability Development Plan shall include, but need not be limited to, the following (sec. 205):

(1) Assessment data showing the participant's employability readiness;

(2) Barriers to employment faced by the participant;

(3) Specific employment and training needs;

(4) Specific services and activities to be developed and provided to meet those needs; and

(5) An individualized plan for transition from program activities to placement in unsubsidized employment.

(d) A copy of the plan shall be retained in the permanent record, and a copy given to the participant.

(e) The Employability Development Plan (EDP) shall be reviewed periodically throughout the duration of participation, and revised accordingly (sec. 205(b)). When developing EDPs for participants who receive assistance from other agents or programs which require similar assessments, such as

§ 677.12 Participant eligibility.

Eligibility requirements governing this program may be found in § 675.5–2.

§ 677.13 Activities and services.

(a) Activities and services which may be undertaken are:

(1) Those described in § 676.25, except PSE.

(2) Any programs or activities authorized by Part A of Title III, Title IV and Title VII of the Act with prior approval of the RA (sec. 211(14)).

(b) Examples of programs and activities which may be undertaken within the four categories of allowable activities and services (classroom training, OJT, work experience, other activities and services to participants), which may be appropriate for Title II B include:

(1) Job search assistance as described in § 676.25–5(b)(5) (sec. 211(1));

(2) Supported work programs as described in § 676.25–4(c) (sec. 211(3));

(3) Training leading to self-employment in small business (sec. 211(5));

(4) Development of labor market information;

(5) Activities such as job restructuring (sec. 211(1));

(6) Part-time, flexi-time, and other alternative work arrangements for individuals who, because of age, handicap, or other factors are unable to work full-time (sec. 211(1));

(7) Post-termination services to individual to enable them to retain employment such as post-placement follow-up, counseling, and supportive services which shall not exceed 30 days (sec. 211(8)).

(c) *Youth.* (1) Activities and services for youth shall be designed to assist them in overcoming barriers to employment. Such barriers include: lack of basic educational or vocational skills; insufficient preparation for labor force participation; inability to find or successfully apply for employment; financial barriers to labor force participation; and lack of appropriate job opportunities including job opportunities offering alternative working arrangements (sec. 214(a)).

(2) Prime sponsors shall coordinate activities with those under Part A of Title IV of this Act, and have plans reviewed by the youth council. To the maximum extent feasible, programs similar to those authorized in Title IV, Part A, Subpart 3, except for public service employment will be utilized to serve youth under this Part (sec. 214(b)).

(3) Prime sponsors are not to reduce the level of services for youth under their Title II subpart. All Title II subparts must provide for a level and general mix of services to youth which continues without reduction the level of service to youth provided during the operation of their fiscal year 1977 Title I grant (secs. 421 and 431).

(d) *Older Workers.* (1) Activities and services for older workers shall be designed to assist them in overcoming the particular barriers to employment experienced by older workers, including: skills that are obsolete or no longer needed in the community; physical characteristics associated with aging; employer reluctance to hire older workers; financial barriers to labor force participation; and the lack of appropriate job opportunities, including job opportunities offering alternative working arrangements (sec. 215(a)).

(2) Prime sponsors shall use activities described in Section 308 of the Act (projects for Middle-Aged and Older Workers) and coordinate activities under this Part with programs and services provided by senior centers, area agencies on aging, and State agencies on aging (as designated under the Older Americans Act 42 USC S3001 note). (sec. 215(b)).

(e) *Public Assistance Recipients.* (1) Activities and services for public assistance recipients shall be designed to assist them in overcoming the particular barriers to employment experienced by such recipients, including: lack of basic education or vocational skills; insufficient preparation for adapting to labor force participation; inability to find or successfully apply for employment; inability to obtain satisfactory child care; and inability to obtain transportation to employment opportunities; inability to obtain proper needed services; and lack of appropriate job opportunities including job opportunities offering alternative work arrangements (sec. 216(a))

(2) Prime sponsors shall coordinate services with other programs under the Act, Work Incentive Program (WIN), and services provided by State and local public assistance agencies (sec. 216(b)).

(3) Prime sponsors and WIN sponsors should particularly coordinate in the following areas: Over all planning; eligibility determination/intake; client employability planning; and mutual referral mechanisms.

§ 677.14 Allocation of funds.

Allocations shall be provided to States and prime sponsors pursuant to section 202 of the Act (section 202).

§ 677.15 Annual plan subpart.

(a) *General.* To receive financial assistance under Parts B and C of Title II, a prime sponsor shall submit the following information, which will become part of the Annual Plan described in § 676.11. This Subpart shall consist of a Narrative Description, Program Planning Summary, and Budget Information Summary specific to Parts B and C of Title II.

(b) The Narrative Description shall include: (1) *Objectives and needs for assistance.* (i) identify those groups that have been determined for priority of service and most in need.

(ii) A breakout of the eligible population by race, sex, national origin, and age, and the planned level of services to be provided for these significant segments in terms of the percent each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity;

(ii) Any performance and placement goals, with respect to groups designated to be served (sec. 103(b)(4));

(iii) Explain any variation between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4); and

(iv) Any non-quantifiable goals or outcomes.

(3)*Approach.* (i) Program Activities and Services.

(A) A description of the program activities and services to be provided including a description of how the proposed work experience activities conform to the program requirements for work experience as distinct from PSE.

(B) A description of the circumstances that warrant a waiver of the work experience limitations set forth in § 676.30(g)(2), if appropriate.

(C) A description of upgrading or retraining activities including the prime sponsor's system for determining eligibility for participation, the criteria used for selection of occupations and employers, and the length of the training period (sec. 221(a) and (b)).

(ii) A description of arrangements to ensure that funds under Subparts 2 and 3 of Part A Title IV of the Act will not be used to replace opportunities available for eligible youth under Title II (secs. 421 and 431).

(iii) A list of the selected service delivers (summary of recipients and contractors) and the services or facilities to be provided by each. (sec. 103(b)(7)).

(c) The prime sponsor shall attach a Program Planning Summary (PPS) which reflects the goals, objectives and activities for the program year.

(d)(1) The prime sponsor shall attach a Budget Information Summary (BIS) containing the proposed budget for programs under Parts A, B, and C of Title II.

(2) If any item of capital equipment which indiivdually costs more than $1,000 is to be purchased, a list, including quantity and prices of items, must be provided.

(3) If administrative costs are planned to exceed 20% of the funds allocated, adequate justification must be provided.

(e) Attach a list of all organizations who were sent a copy of the Annual Plan Subpart for review and comment.

§ 677.16 Administrative limitations.

(a) Prime sponsors shall not use funds allocated under Title II—B of the Act for public service employment (sec. 212(a)).

(b) Not more than 6.5 percent of each prime sponsor's allocation may be used for programs and activities under Subpart C (Upgrading and Retraining) of this Part (sec. 203(b)).

(c)(1) At least 80 percent of the funds allocated to a prime sponsor shall be expended for wages, fringe benefits, allowances, training, and services to participants enrolled under Subparts B and C of this Part.

(2) The remaining funds may be used for administrative costs incurred by the prime sponsor, and its subrecipients and contractors.

(3) The RA may waive the limitations on expenditures in paragraph (c) (1) and (2) of this section when adequate justification is provided in the Annual Plan Subpart.

Subpart C—Upgrading and Retaining

§ 677.21 Purpose.

This part contains the regulations for upgrading and retraining services, under Title II, Part C of the Act. Upgrading and retraining programs offer additional opportunities to those groups, particulary minorities and women, who are frequently locked into low-paying, dead-end jobs.

§ 677.22 Participant eligibility.

Eligibility requirements governing these programs are found in § 675.5–3.

§ 677.23 Activities and services.

(a) Classroom training and on-the-job training are the only allowable program activities for upgrading and retraining programs. Supportive and employment and training services are the only allowable services to participants (sec. 221(a)). These activities and services are to be conducted in accordance with the requirements contained in § 676.25, except as noted in this Section.

(b)(1) Prime sponsors may conduct retraining programs directly or through public and private employers or other organizations and agencies.

(2) Prime sponsors may conduct upgrading programs for their own employees or through written agreements with public and private employers who in turn may conduct upgrading training through other organizations.

(c) Prime sponsors should coordinate upgrading and retraining programs with Private Industry Councils, particularly in developing and conducting upgrading and retraining programs.

(d) Upgrading Programs. (1) The positions for which participants are being upgraded shall be those:

(i) Which would not otherwise have been available to entry-level employees;

(ii) Which provide opportunities in highly skilled jobs or for upward mobility beyond the occupation for which training is provided; and

(iii) For which adequately trained personnel are not currently available within the employing organization (sec. 221(a)(1)).

(2) The education and skill content of upgrading programs shall provide participants with qualifications for positions of greater skill, responsibility, remuneration or career advancement in the employer's own enterprise (sec. 221(3)).

(3)(i) The upgrading program must clearly qualify trainees to work at a particular occupation, identified prior to the start of training.

(ii) The training period shall be consistent with periods customarily required for comparable training (sec. 221(a)(4)).

(4) The prime sponsor shall make every effort to ensure that participants receive, upon completion, placement in the occupation for which training was provided, and at not less than the prevailing wage rate for the occupation (sec. 221(a)(8)).

(5) Prime sponsors shall give first consideration to those employers who indicate that, for every employee to receive upgrading, at least one new individual is to be hired into unsubsidized employment at the entry level:

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(i) Under this agreement, the filling of the unsubsidized, vacated or lower-level job should occur by or before the time the participant completes training; and

(ii) Employers shall hire from the prime sponsor's pool of eligible applicants or from those individuals currently enrolled in activities funded under any of the Titles.

(e) Retraining Programs. (1) Retraining programs must teach participants new skills distinct from those possessed upon entering the program, and shall be for those occupations in which skill shortages exist (sec. 221(b)(3)).

(2) The skill training shall be for those occupations which provide a reasonable expectation of continued employment (sec. 221(b)(3)).

(3)(i) Programs are to be operated only if there is a prior commitment from an employer to hire the participant into the position for which the participant has been retrained (sec. 221(b)(3)).

(ii) Where an individual's current employer expresses no interest in retraining programs, the individual may seek retraining services elsewhere in anticipation of securing employment with another employer.

§ 677.24 Agreements with employers.

Prime sponsors shall enter into a written agreement with any employer whose employees are to receive upgrading or with the providers of retraining services prior to the start of the program. This agreement shall suffice in fulfilling the requirements of § 676.25–2 with respect to OJT agreements. A separate OJT agreement need not be executed. The agreement shall include.

(a) Identification of parties and a signatory page;

(b) Identification of providers(s) of classroom training or services to participants if to be provided by other than the employer;

(c) Training outline:

(1) Criteria for successful completion of the program;

(2) Occupation and wage rate of participant prior to training;

(3) Identified occupation and wage rate upon completion of training;

(4) Identified skills of participant prior to and completion of training;

(d) Mehtodology and maximum amount of reimbursement;

(e) Reporting requirements.

§ 677.25 Compensation and benefits to participants.

(a) Except as provided in paragraph (b), participants in OJT, classroom training, or combined activities and receiving other services, shall receive compensation in accordance with § 676.26, as appropriate.

(b) Participants in upgrading programs shall not be compensated at a rate lower than that received before entering the program.

§ 677.26 Reimbursement to employers.

(a) Reimbursement to employers shall be as provided in § 676.25, except as provided in paragraph (b) of this section.

(b) The reimbursement rate of OJT in upgrading programs shall not exceed 40 percent of the participant's wage for the portion of time spent in OJT, except when documented in the manner described in § 676.25–2(f)(3).

Subpart D—Special Grants to Governors

§ 677.31 Purpose.

(a) This Subpart contains the regulations for programs to be operated under the Special Grant to Governors which are authorized in Section 202(b)(c)(d) and (e) of the Act. These programs address issues of employment and training which are generally beyond the scope of local prime sponsor programs. These regulations also implement the administrative provisions found in sections 105, 110, and 204 of the Act. The regulations found in Part 676 and Subpart (B) and (C) of this part also apply to programs under the Special Grants To Governors except as indicated in this Subpart.

(b) It is the purpose of the programs under the Special Grant to:

(1) Provide supplemental vocational education assistance in areas served by prime sponsors;

(2) Encourage coordination and establish linkages between prime sponsors and appropriate educational agencies and institutions;

(3) Conduct Governors' coordination and special services within the State; and

(4) Provide support to State employment and training councils.

§ 677.32 Allocation of funds.

(a) An amount equal to 6 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for supplemental vocational assistance in the State, as described in sec. 202(b) of the Act.

(b) An amount equal to 1 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for costs of the State Employment and Training Council provided for in sec. 202(c) of the Act.

(c) An amount equal to 1 percent of the funds available for Parts A, B, C, and D of Title II shall be made available to Governors for coordination and establishment of linkages with educational agencies as provided in sec. 202(d) of the Act.

(d) An amount equal to 4 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for coordination and special services as provided for in sec. 202(e) of the Act.

§ 677.33 Grant application; annual plan.

(a)(1) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Annual Plan to the RA. Copies of all forms and instructions are contained in the *Forms Preparation Handbook*.

(2) The Governor shall comply with the comment and publication requirements specified in § 676.12(a), (b) and (d).

(3) In addition, the Governor shall 45 days prior to submission of the plan to the RA, provide (sec. 104(a)):

(i) A summary of the Special Grant Annual Plan to each prime sponsor in the State and to units of general local government within the Balance of State with a population of at least 25,000;

(ii) A summary of the Special Grant Annual Plan to appropriate Native American program sponsors and to appropriate labor organizations, and

(iii) A description of any programs to be funded within a prime sponsor's area with State coordination and special services funds to the prime sponsor in whose jurisdiction the program is to be funded.

(b) The Governor shall develop a separate Master Plan for the Special Grant as described in § 676.10, as applicable.

(c) The Special Grant Annual Plan shall contain the following: (1) Application for Federal Assistance, Standard Form 424.

(2) Special Grant Program Planning Summary specifying the number of participants to be served by vocational education projects and State Coordination and Special Services and educational linkages.

(3) Special Grant Budget Information Summary specifying funding of vocational education projects, State Employment and Training Councils, State Coordination and Special Services, activities or projects, and activities for establishing linkages and services between prime sponsors and educational agencies.

(4) Special Grant Program Narrative as set forth in (d) below.

(d) The Special Grant Program Narrative shall consist of:

(1) Vocational Education Services Program Narrative:

(i) A description of the manner in which the Governor will allocate funds to prime sponsor areas and the rationale for the method used;

(ii) A description of the arrangements for conducting the vocational education programs and activities through the State Board for Vocational Education, and for ensuring the accountability of the State Board to the Governor for these funds;

(iii) A description of the statewide activities, training or services that will be developed including, but not limited to:

(A) The utilization of funds under this Act and the Vocational Education Act, as amended, to enhance economic growth and development in the State (sec. 204(c)(2)(B));

(B) The extent to which information, curriculum materials, and technical assistance in curriculum and staff development will be provided to prime sponsors by State Vocational Education agencies (sec. 204(c)(2)(E)).

(iv) A description of the activities and services provided to, or with, prime sponsors for the prime sponsor areas, including:

(A) How such funds are to be used to coordinate programs under this Act with existing vocational education programs (sec. 204(c)(2)(A));

(B) How linkages between vocational education, education, and training programs under this Act and private sector employers will be developed (sec. 204(c)(2)(C));

(C) How technical assistance will be provided to local vocational education and educational institutions to aid them in making cooperative arrangements with prime sponsors 204(c)(2)(D)).

(v) An explanation of any nonfinancial agreements which have been negotiated between a prime sponsor and the State Vocational Education Board, including:

(A) The steps the Governor will use to ensure that agreement will be reached; and

(B) The process for mediating and resolving any disagreements over the provision of training or services under the nonfinancial agreements.

(2) *State Employment and Training Council Program Narrative*

(i) A list of groups represented on the council;

(ii) A description of the Council's responsibilies pursuant to § 677.36(e).

(3) *State Coordination and Special Services Program Narrative.*

A description of arrangements or planned activities for carrying out each of the activities provided for in § 677.37.

(4) *State Coordination and Establishment of Linkages Between Prime Sponsor and Educational Agencies and Institutions Program Narrative.* A description of arrangements for carrying out each of the activities provided for in § 677.38.

§ 677.34 Governor's distribution of vocational educational funds.

Upon notification of the funds available to the State for vocational education, the Governor shall inform in writing the State Vocational Education Board and each prime sponsor of the amount of funds available to be spent in each prime sponsor's area and the methodology used to determine that amount. If a prime sponsor elects not to used all or part of the funds available for its area, it shall notify the Governor, who shall redistribute the funds among other eligible prime sponsors.

§ 677.35 Nonfinancial agreement between prime sponsor and vocational education board.

(a)(1) Upon notification of the funds available for its area, the prime sponsor shall develop a non-financial agreement in conjunction with the Vocational Education Board, consisting of a statistical, and narrative plan for the expenditure of the funds from the Governor by the Vocational Education Board in the prime sponsor's area. (sec. 204(a)(1)).

(2) Prior to making any agreement with a prime sponsor, the State Vocational Education Board shall consult with, and obtain, the written advice of the State agencies' committee involved in the formulation of the plan for vocational education required by Section 107(a)(1) of the Vocational Education Act, as amended. (sec. 204(a)(2)).

(b) The nonfinancial agreement shall consist of: (1) Prime sponsor's vocational education nonfinancial agreement signature sheet;

(2) Part I of the Special Grant Annual Plan Program Planning Summary;

(3) Appropriate columns of the Special Grant Annual Plan's Budget Information Summary; and

(4) Vocational education program narrative, including the identification of the potential recipient(s) of the funds for program administration.

(c) After the agreement is signed, a copy shall be sent by the Vocational Education Board to the Governor for review and approval.

(d) The Governor shall develop procedures for modifying the nonfinancial agreement.

(e) The Governor shall ensure that the Vocational Education Board provides services consistent with the Governor's Special Grant plan for vocational education services and the nonfinancial agreements.

(f) If, within 90 days after the notification of available funds for the area, the prime sponsor and the Board are unable to reach an agreement, the Governor shall mediate the dispute, so that the local vocational needs of the prime sponsor's area are met. If mediation by the Governor does not result in a solution acceptable to both parties within 120 days after the notification of available funds, the RA shall arbitrate the dispute.

§ 677.36 State Employment and Training Council.

(a) The Governor shall establish a State Employment and Training Council (SETC) which except as provided by paragraph (g) of this section shall be in addition to the Balance of State planning council, and representative of the geographic area to be served. The SETC function is advisory and does not relieve the State of its final decisionmaking responsibilities under the Act.

(b) The Governor shall appoint Council members, as follows:

(1) At least one quarter of the membership of the Council shall be representatives of units or combinations of units of general local government, including those which are prime sponsors, who have been nominated by their chief executive officers (sec. 110(a)(3)(A)).

(2) One quarter of the membership of the council shall be representatives from organized labor, business and agricultural employers and workers (sec. 110(a)(3)(B)).

(3) One quarter of the council shall be representatives of the eligible population to be served under the Act and of the general public. At least one half of such representatives should be economically disadvantaged at the time of appointment (sec. 110(a)(3)(c)).

(4) Not more than one quarter of the council shall be representatives of service deliverers, including:

(i) One representative from each of the following: the State Public Employment Service; the State Advisory Council on Vocational Education; the State Board of Vocational Education; the State public assistance agency; any State agency which the Governor believes has an interest in employment and training and human resource utilization within the State.

(ii) Representatives of community-based organizations, veterans organizations, and organizations

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representative of handicapped individuals (sec. 110(a)(3)(d)).

(c) The Governor shall provide the Council with professional, technical, and clerical staff, and other necessary support services (sec. 110(a)(2)).

(d) The Governor shall appoint someone other than an elected official, appointed official or employee of the State as chairperson of the Council. The Council shall meet as it deems necessary, but not less than five times annually. All meetings shall be announced in advance, and shall be open and accessible to the general public (sec. 110(a)(2)(B)(4)).

(e) Funds not needed for the State Employment and Training Council may be used for State coordination and special services (sec. 202(c)).

(f) The Council shall: (1) Review continuously the operation of programs conducted by prime sponsors in the State and the availability, responsiveness, and adequacy of State services provided by all employment-related agencies. The reviews conducted by SETC's shall include an emphasis upon the following: statewide and inter-prime sponsor issues of utilization and coordination; employment and training resources of State agencies, and the coordination of plans and operations in contiguous areas. The review procedures must be publicized to all prime sponsors and affected State agencies prior to being implemented;

(2) Submit a public Annual Report to the Governor no later than February of each year, with copies to the State Advisory Council on Vocational Education and the RA, and issue such other studies, reports or documents to the Governor and prime sponsors as the SETC believes necessary to effectively carry out the Act. The Annual Report shall analyze the coordination of employment and training programs during the previous fiscal year, and recommend improvements. It shall also describe any special programs or linkages.

(3) Consult with the State Advisory Council on Vocational Education to identify employment, training, and vocational education needs of the State and to assess the extent of coordination among employment and training, vocational education, vocational rehabilitation, public assistance and other such programs.

(4) Comment at least once annually on the reports of the State Advisory Council on Vocational Education which shall incorporate such comments in the annual report it submits pursuant to Section 105 of the Vocational Education Act, as amended.

(5) Review proposed CETP and modifications of prime sponsors, and comment thereon, particularly with respect to non-utilization or duplication of existing services.

(6) Review plans of State agencies providing employment, training and related services. Provide comments and recommendations to the Governor, appropriate State agencies, prime sponsors, the general public and the appropriate Federal agencies on the relevancy and effectiveness of employment, training and related service delivery systems in the State and on means of improving effectiveness.

(7) Participate in the development of the Governor's coordination and special services plan.

(8) No later than May 15, to the maximum extent feasible, the council shall share with prime sponsors information on economic development, vocational rehabilitation, SESA activities, occupational demands and labor market demands.

(g) *Combined planning and services councils.* In any State where the State is the only prime sponsor, the prime sponsor planning council may also serve as the State Employment and Training Council. In such instances, the membership of the prime sponsor's planning council shall reflect the membership requirements of the State Employment and Training Council, in addition to meeting the membership requirements of a prime sponsor planning council, except that paragraph (b)(1) of this section is not applicable.

§ 677.37 Governor's coordination and special services.

(a) Funds provided under § 677.32(d) of these regulations shall be used for the following activities (sec. 105(b)):

(1) Coordination of all employment, training, education and related services provided by the State, by prime sponsors, by State education agencies and other appropriate institutions of vocational and higher education, by State and local public assistance agencies, by apprenticeship programs and by other providers of such services (sec. 105(b)(1));

(2) Coordination of programs financed under the Wagner-Peyser Act, 29 USC § 49 *et seq.* and this Act, including assisting in the negotiation of any agreement (including partnership arrangements described in section 307) between prime sponsors and State employment security agencies (sec. 105(b)(2));

(3) Minimizing the duplication of services (sec. 105(b)(3));

(4) Assistance to the Secretary in enforcing the requirements for Federal contractors and subcontractors to list all suitable employment openings with local offices of the State employment service agencies and to take affirmative action, on behalf of veterans as required in Section 2012(a) of Title 38, United States Code (sec. 105(b)(4));

(5) Promotion of prime sponsor planning that takes into account conditions prevailing in labor market areas covering more than one prime sponsor area, as well as related activities such as community development, economic development, vocational education, vocational rehabilitation, and social services (sec. 105(b)(5));

(6) Exchange of information between States and prime sponsors with respect to State, interstate and regional planning for economic development, human resources development, education and other subjects relevant to employment and training planning (sec. 105(b)(6));

(7) Development and provision to prime sponsors of information on a State and local area basis regarding economic, industrial and labor market conditions (sec. 105(b)(7));

(8) Provision to prime sponsors, upon request, of appropriate information and technical assistance to assist them in developing and implementing their programs (sec. 105(b)(8));

(9) Conduct of special model training and employment programs and related services which may include programs for offenders (sec. 105(b)(9));

(10) Provision of financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas (sec. 105(b)(11));

(11) Provision of labor market and occupational information to prime sponsors and appropriate educational agencies and institutions without reimbursement (sec. 105(b)(11));

(12) Facilitating and fostering the activities of the State Occupational Information Coordination Committee established with special emphasis on the systematic use of occupational information for prime sponsor planning as well as assisting and encouraging the development and use of career outlook information for individuals who are receiving rehabilitation services, students in local schools and individuals using the services of prime sponsors and local offices of State employment security agencies (sec. 105(b)(11));

(13) Assistance or support to State or local activities under the Targeted Jobs Tax Credit program.

(b) Funds may be used for additional support of the State Employment and Training Council, if explained in the Special Grant Annual Plan.

(c) When using funds provided under § 677.32(d) for employment and training activities the appropriate requirements of § 676.25 (Employment and Training Activities) apply.

(d) PSE may be funded with funds provided under § 677.32(d) only as a model or demonstration program with the approval of the RA.

§ 677.38 Coordination and establishment of linkages with education agencies.

(a) Funds provided under § 677.32(c) shall be available for encouraging coordination and establishing linkages between prime sponsors and appropriate educational agencies and institutions, and institutions providing training programs approved by the Secretary such as apprenticeship programs. Funds may be used for activities such as:

(1) Providing assistance to prime sponsors or education institutions in the development of agreements between prime sponsors and State Boards of Vocational Education and State or local educational agencies or institutions of higher education (sec. 203(c), sec. 433(d)(2), and sec. 436(c));

(2) Establishing mechanisms to increase information exchange between prime sponsors and educational agencies and institutions;

(3) Developing and disseminating models of linkages which can be shared with all prime sponsors in the State;

(4) Providing technical assistance to prime sponsors and educational agencies in the extension of educational offerings to prime sponsor jurisdictions which lack access to various education opportunities;

(5) Providing information, curriculum materials and technical assistance in curriculum development and staff development to prime sponsors;

(6) Providing assistance in development of systems for assessment and testing of the educational attainment of participants in prime sponsor programs;

(7) Providing assistance to eliminate barriers in the educational system which hamper employment and training activities, such as development of open entry/open exit courses and academic credit for CETA training.

(b) Funds for services to eligible participants shall be used for the purposes of encouraging and supporting training activities which are jointly delivered by employment and training agencies and appropriate educational agencies and institutions, including apprenticeship programs or hometown plans. Funds may be used to:

(1) Expand the size of jointly delivered programs;

(2) Enhance training and services available to particpants in jointly delivered programs;

(3) Assist in the planning, development and evalution of jointly delivered programs.

§ 677.39 Vocational education activities.

(a) The Governor shall provide vocational education funds received by special grant to the State Vocational Education board as described in § 677.34 of this Subpart D and approve the plans for expenditure of those funds.

(b)(1) The State Vocational Education Board representatives will provide the training and services detailed in a nonfinancial agreement with the prime sponsor as described in § 677.35 of this Subpart D.

(2) If no Vocational Education Board exists within a State, the Governor may provide financial assistance to an alternate agency which serves the same purpose as a State Vocational Education Board. If the Vocational Education Board refuses to participate in this program the Governor shall make alternative arrangements to provide these services.

(c) Vocational education services which may be provided by a State Vocational Education Board include, but are not limited to, basic or general education, educational programs conducted for offenders, institutional training, and supportive services. Vocational education funds may be used for the payment of allowances to participants in vocational education training and for administrative costs incurred for the vocational education programs funded under the Act.

(d) When funds for vocational education services are used for the payment of allowances to participants, the method of payment utilized must be that of the prime sponsor whose participants are receiving such allowances.

(1) Where the prime sponsor has an established delivery system for the payment of allowances pursuant to § 676.26 (Compensation for participants), the State Vocational Education Board shall utilize the agency or agencies administering that system.

(2) Where the prime sponsor has no allowances payment delivery system, the method of payments shall be developed between the prime sponsor and the State Vocational Education Board subject to the requirements of § 676.26.

(e) For funds for vocational education assistance, not less than 85 percent shall be used for providing vocational education services to prime sponsor's participants in programs under the Act.

(1) Of this amount, not more than 20 percent of the funds used for such education and services may be used for administration.

(2) At least fifty percent of the vocational education funds allocated to administration shall be made available to local prime sponsor areas unless adequate justification for not doing so is provided to the RA by the Governor.

(f) Subject to the limitations specified in § 676.40 (Allowable costs under CETA), and § 677.39(e)(1) above, the remaining funds may also be used by the Vocational Education Board for the following activities:

(1) To coordinate programs under this Act with existing vocational education programs;

(1) To coordinate the utilization of funds under this Act with the Vocational Education Act, as amended, to enhance economic growth and development in the State;

(3) To develop linkages between vocational education and training programs under this Act with private sector employers;

(4) To provide technical assistance to vocational education agencies to aid them in making cooperative arrangements with appropriate prime sponsors;

(5) To provide information, curriculum materials and technical assistance in curriculum development and staff development to prime sponsors.

(g) Of the total amount provided for vocational education assistance, the Governor may retain only the nominal amount of administrative funds necessary to carry out his or her responsibilities to provide for passing the funds through to the Vocational Education Board.

§ 677.40 Funding; grant administration.

(a) Funding. Special grants to Governors will be funded in the same way as grants to prime sponsors under this Part.

(b) Grant Administration. The requirements related to grant administration contained in Part 676 are applicable to special grants to Governors, except as provided in this Subpart. Requirements pursuant to § 676.75–2 do not apply. The overall 20 percent limitation on funds used for administration as set out in § 676.40 shall not apply to the special grant, except as specified in sec. 677.39 (e) and (f).

§ 677.41 Reporting.

(a) Financial and statistical reports, as described in the *Forms Preparation*

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Handbook, shall be submitted quarterly. In addition, an end of year narrative report will be submitted which describes achievement during the year.

(b) The following financial and statistical reports are required:

(1) A Special Grant Program Status Summary;

(2) A Special Grant Financial Status Report; and

(3) A Quarterly Summary of Participant Characteristics (QSPC). The QSPC shall be required only for participants where the State coordination and special services or educational linkages funds are utilized to fund training and employment opportunities. A QSPC shall not be required for vocational education services since all participants will be involved in a prime sponsor program and will be reported through regular quarterly reports.

(c) The Governor shall supply to each prime sponsor to which vocational education services are provided, a Special Grant Program Status Summary and a Special Grant Financial Status Report for funds expended in the prime sponsor's area and shall submit a summary Special Grant Program Status Summary and a Special Grant Financial Status Report to the RA.

(d) Each of the three reports in paragraph (b) of this section shall be submitted to the RA no later than 30 days after the end of the reporting period. The narrative report required under paragraph (a) shall be submitted no later than 30 days after the end of the fiscal year. Instructions for completion of these reports are in the *Forms Preparation Handbook*.

§ 677.42 Coordination with prime sponsor.

(a) The financial and statistical information from the approved Nonfinancial Agreement Program Planning Summary and Budget Information Summary shall be entered into the relevant columns of the Governor's Special Grant Program Planning Summary and Budget Information Summary. If the Governor's Special Grant Annual Plan has been signed prior to final approval of the Vocational Education Agreement, a modified Special Grant Program Summary and Budget Information Summary shall be submitted.

(b) The prime sponsor shall provide on a quarterly basis to the State Vocational Education Board a list of the participants enrolled in classroom training under the nonfinancial agreement. The list shall include names, social security numbers, date of birth and Title under which enrolled. The State Vocational Education Board shall prepare the Vocational Education Program Status Summary and submit the report to the Governor for submittal to the RA.

(c) The prime sponsor need not report the participant or financial information in the Program activity section on the Program Status Summary or their Financial Status Report unless prime sponsor funds are also expended.

Subpart E—Transitional Employment Opportunities for the Economically Disadvantaged

§ 677.51 Purpose.

This Subpart contains the regulations governing prime sponsors for transitional employment opportunities for economically disadvantaged persons under Title II, Part D of the Act. This program provides public service employment only for unemployed, economically disadvantaged persons and provides related training and services to these individuals to enable them to move into employment or training not supported under the Act. This program targets resources to those structurally unemployed persons who lack the necessary skills and/or employment experience to enable them to successfully compete in the labor market. The program combines public service employment with other employment and training activities including employability counseling and job search assistance (sec. 231).

§ 677.52 Participant eligibility.

Eligibility requirements applicable to this Subpart may be found in § 675.5–5.

§ 677.53 Activities and services.

(a) Subject to the cost provisions of § 677.58, prime sponsors shall use funds for entry-level public service employment, including projects, carried out by project applicants, or for activities authorized under § 677.13 (secs. 232(a)(1) and 234).

(b) Prime sponsors shall periodically assess each participant in relation to that participant's employability development plan to determine if the participant needs additional training or services (sec. 205(b)).

(c)(1) For those public service employment participants who are determined, on the basis of their employability development plans, to be in need of additional training and services, appropriate training and services shall be given such participants, when such training and services are available from the prime sponsor or other sources in the area (sec. 232(a)(2)).

(2) Training and services may be offered before, during, or after the public service employment to which they are related, in accordance with the participant's employability development plan.

(3)(i) For the purposes of meeting the requirements of § 677.58(a)(1)(ii), training shall be in the form of classroom training or individualized instruction as described in § 676.26–1 which:

(A) Provides technical skills and information required to perform a specific job or group of jobs;

(B) Is designed to enhance the employability of the participant in terms of upgrading basic skills (e.g., remedial education); or

(C) Provides skills in job-search techniques.

(ii) Training shall not be in the form of on-the-job training.

(d) Training and services conducted by program agents shall be coordinated with those conducted by the prime sponsor.

(e) Prime sponsors should work with the Bureau of Apprenticeship and Training to develop public sector apprenticeship programs that provide training applicable to the private sector.

(f) In carrying out PSE activities, the provisions of § 676.73, relating to maintenance of effort, shall apply.

(g)(1) Jobs shall be allocated among State and local public agencies and subdivisions thereof, such as educational agencies, within the prime sponsor's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies and the ratio of jobs in the area at each governmental level. The prime sponsor has the ultimate responsibility for determining the equitable distribution and for the selection, job structure, participant benefits, and all other aspects of the jobs funded under this Subpart.

(2) Jobs may also be allocated to private non-profit agencies such as educational, social service, and health agencies, which provide public services, within a prime sponsor's jurisdiction. Jobs may be allocated to such agencies provided: they offer public services for the general public and not primarily or exclusively for the benefit of their membership or constituencies; and they are determined to best serve the eligible population based on the considerations stated in paragraph (g)(1) of this section.

(h) Where prime sponsors undertake public service employment in projects, the provisions of § 678.3(b), (c), and (d) shall apply.

§ 677.54 Eligibility for funds.

(a) Prime sponsors, designated under § 676.5, are eligible to receive funds under this Subpart.

(b)(1) A jurisdiction or a combination of jurisdictions desiring to become a program agent shall so notify the prime sponsor, in writing, no later than May 15, preceding the fiscal year in which such arrangement is to take effect. Prime sponsors shall subgrant to program agents those funds allocated to the prime sponsors for the use of those program agents (sec. 606(b)(1)).

(2) Program agents shall have administrative responsibility for developing, funding, overseeing, and monitoring programs within their areas, consistent with the comprehensive employment and training plan. The subgrant shall be jointly developed by the prime sponsor and the program agent (sec. 606(b)(2)).

(3) If a program agent fails to comply with paragraph (b)(2) of this section, the prime sponsor, after review and concurrence of the RA, shall ensure compliance by such action as reallocating funds to an alternative program agent to serve the area, or serving the area itself.

(4) When two or more units of general local government attempt to qualify as program agents with respect to the same area, the designation provisions in § 676.5(b)(2) shall apply (sec. 606(b)(3)).

§ 677.55 Allocation of funds.

Funds shall be allocated by the Secretary in accordance with Section 233 of the Act.

§ 677.56 Annual plan subpart.

(a) *General.* To receive financial assistance under Part D of Title II of the Act, a prime sponsor shall submit the following information as the Annual Plan Subpart which will become part of its Annual Plan:

Narrative Description.
Program Planning Summary.
Budget Information Summary.
Monthly Schedule, and
PSE Occupational Summary.

(b) *Narrative Description.* The narrative description shall include:

(1) *Objectives and Needs for Assistance.* A breakout of the eligible population by race, sex, national origin, and age, and the planned level of services to be provided these groups in terms of the percentage each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* The results and benefits expected including:

(i) Specific quantifiable performance and placement goals by program activity:

(ii) Performance and placement goals with respect to groups designated to be served (sec. 103(b)(4));

(iii) The relationship between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)); and

(iv) Non-quantifiable goals which the prime sponsor intends to achieve.

(3) *Approach.* The approach to be used in producing the expected results and benefits, including:

(i) Program activities and services to be provided, including a description of the arrangements for the provision of training and services that will assist participants in obtaining unsubsidized employment;

(ii) How the prime sponsor will provide for an orderly transition from the number of jobs funded in the current fiscal year to the number of jobs that will be funded with the allocation for the next fiscal year (sec. 602(c));

(iii) The wages or salaries and fringe benefits for public service employment participatants and a comparison of these with the wages or salaries and fringe benefits paid to persons in similar public occupations by the same employer; levels of employment not supported under the Act; layoffs, and hiring and promotional freezes in each imploying agency (sec. 103(b)(10));

(iv) The methods to be used to ensure that, at the end of the fiscal year, the annual average wage rate does not exceed the area's required annual average wage rate, as described in § 676.26–1(c)(3);

(v) The methods to be used to determine wage rates if wage rates for comparable jobs have not been established; and

(vi) How the public service employment program is integrated with other programs under the Act.

(4) *Service Deliverers.* A list of the selected service deliverers and the services or facilities to be provided by each (summary of subrecipients and contractors).

(c) *Program Planning Summary (PPS).* A PPS reflecting the goals and activities for the program year.

(d) *Budget Information Summary (BIS).* A BIS containing the proposed budget and a list specifying the quantity and price of each piece of capital equipment exceeding $1,000 to be purchased during the fiscal year.

(e) *Monthly Schedule.* A monthly schedule which contains an estimate of the total number of participants who will be enrolled in Title II, Part D programs at the end of each month and the total cumulative expenditures expected to have been incurred by the end of each month by the PSE and non-PSE programs.

(f) *Public Service Employment Occupational Summary.* A Public Service employment Occupational Summary which includes a listing, by employing agency, of proposed public service employment positions and wages and a comparison of such wages with those paid persons in similar unsubsidized jobs.

§ 677.57 Wages and wage supplementation.

Wages paid to public service employment participants and the supplementation of such wages shall be in accordance with § 676.26–1(c) (sec. 237).

§ 677.58 Special cost provisions.

(a)(1) Of the funds utilized by prime sponsors for project and non-project public service employment programs:

(i) Not more than 10 percent may be contributed to the administrative cost pool (sec. 232(b)(1));

(ii) Not less than the following percentages shall be used only for training for PSE participants:

(A) 10 percent of such funds available for expenditure after April 1, 1979;

(B) 15 percent of such funds for fiscal year 1980;

(C) 20 percent of such funds for fiscal year 1981;

(D) 22 percent of such funds for fiscal year 1982 (sec. 232(b)(2)).

(iii) The remaining funds may be expended only for wages, fringe benefits, training and services to persons employed in public service employment (sec. 232(b)(3)).

(2) Wages, a proportional share of fringe benefits, and allowances paid to PSE participants for the period of their training may be counted towards the percentage amounts that are required to be used for such training. Records of these wages, fringe benefits, and allowances shall be maintained separately by the prime sponsor to be available for audit.

(b) Funds under this title may be utilized by prime sponsors for other activities as set forth in § 677.13 for eligible persons not in PSE (sec. 234); however, not more than 10 percent of the funds utilized for such activities may be contributed to the administrative cost pool.

(c) Unless otherwise agreed to, at least 50% of the amount available for administration of the program shall be

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available to program agents for administrative costs.

PART 678—PUBLIC SERVICE EMPLOYMENT PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
678.1 Purpose.
678.2 Participant eligibility.
678.3 Activities and services.
678.4 Eligibility for funds.
678.5 Allocation of funds.
678.6 Annual plan subpart.
678.7 Wages and wage supplementation.
678.8 Special cost provisions.

Authority.—Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95–524 92 Stat. 1907), unless otherwise noted.

§ 678.1 Purpose.

This Part contains the regulations governing prime sponsors for countercyclical public service employment (PSE) under Title VI of the Act. This program provides temporary employment during periods of high unemployment when the national rate of unemployment is in excess of 4 percent. It is intended that the number of jobs funded shall be sufficient to provide jobs for 20 percent of the number of unemployed in excess of 4 percent, and, when the national rate of unemployment is in excess of 7 percent, to provide jobs for 25 percent of the number of unemployed in excess of 4 percent (sec. 601).

§ 678.2 Participant eligibility.

Eligibility requirements applicable to this Part may be found in § 675.5–6.

§ 678.3 Activities and services.

(a) Prime sponsors shall use at least fifty percent of the funds expended each fiscal year for PSE jobs in projects.

(b)(1) Public service jobs in projects are not limited to entry level positions (sec. 605(a)).

(2) To the extent feasible, all public service jobs shall be provided in occupational fields which are most likely to expand (sec. 122(m)).

(c) Each prime sponsor shall establish procedures for its own use and the use of its program agents:

(1) For notifying potential project applicants of the application process and cut-off date for acceptance of project applications;

(2) For submitting, upon receipt, a copy of each project application to the prime sponsor's planning council to allow the council to submit comments and recommendations with respect to the project application.

(d) Prime sponsors and program agents should provide at least one-third of the project funds to project applicants that are nonprofit organizations.

(e) All projects shall be planned not to exceed eighteen months from their commencement. A project may be extended in increments of up to eighteen months, if, after a documented review of the project, the prime sponsor determines that the project has been effective. Projects may be extended for reasons such as:

(1) Expanding the geographic area of the project; or

(2) Expanding the project to serve additional persons; or

(3) Expanding the scope and design of the original project; or

(4) Continuing weatherization projects.

(f) In addition to providing public service employment in projects, prime sponsors may utilize funds under this Part for entry level PSE not in such projects, in accordance with the special cost provisions in § 678.8.

(g)(1) Jobs shall be allocated among State and local public agencies and subdivisions thereof, such as educational agencies, within the prime sponsor's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies and the ratio of jobs in the area at each governmental level. The prime sponsor has the ultimate responsibility for determining the equitable distribution and for the selection, job structure, participant benefits and all other aspects of the jobs funded under this Part.

(2) Jobs may also be allocated to private nonprofit agencies which provide public services within a prime sponsor's jurisdiction. Jobs may be allocated to such agencies provided: they offer public services for the general public and not primarily or exclusively for the benefit of their membership or constituencies; and they are determined to best serve the eligible population based on the considerations stated in § 678.3(g)(1).

(h) Prime sponsors shall periodically assess each public service employment participant to determine whether the participant needs additional training, employability counseling or other services, in order to obtain unsubsidized employment. Prime sponsors shall utilize funds in accordance with the special cost provisions in § 678.8(b)(1)(ii) to provide services, such as employability counseling, including job search techniques, intensified job development, and training, as described in § 677.53(c)(3)(i), for public service employment participants to enable them to obtain unsubsidized employment. Such training or services conducted by program agents shall be coordinated with those conducted by the prime sponsor.

(i) Activities other than PSE authorized under Title II, Part A of Title III, Title IV, and Title VII may be provided in accordance with the special cost provisions in § 678.8(c) (sec. 610).

(j) Prime sponsors should work with the Bureau of Apprenticeship and Training to develop public-sector apprenticeship programs that provide training applicable to the private sector.

(k) In carrying out public service employment activities, the provisions of § 676.73 relating to maintenance of effort shall apply.

§ 678.4 Eligibility for funds.

(a) Prime sponsors, designated under § 676.5, are eligible to receive funds under this Part.

(b)(1) A jurisdiction or a combination of jurisdictions desiring to become a program agent shall so notify the prime sponsor, in writing, no later than May 15 preceding the fiscal year in which such arrangement is to take effect. Prime sponsors shall subgrant to program agents those funds allocated to the prime sponsors for the use of those program agents (sec. 606(b)(1)).

(2) Program agents shall have administrative responsibility for developing funding overseeing, and monitoring programs within their areas consistent with the comprehensive employment and training plan. The subgrant shall be jointly developed by the prime sponsor and the program agent (sec. 606(b)(2)).

(3) If a program agent fails to comply with paragraph (b)(2) of this section, the prime sponsor, after review and concurrence of the RA, shall ensure compliance by such action as reallocating funds to an alternative program agent to serve the area, or serving the area itself.

(4) When two or more units of general local governments attempt to qualify as program agents with respect to the same area, the designation provisions in § 676.5(b)(2) shall apply (sec. 606(b)(3)).

§ 678.5 Allocation of funds.

Funds shall be allocated by the Secretary in accordance with Section 604 of the Act.

§ 678.6 Annual plan subpart.

(a) *General.* To receive financial assistance under Title VI of the Act, a prime sponsor shall submit the following information as the Annual Plan Subpart which will become part of its Annual Plan: Narrative Description, Program Planning Summary, Budget Information Summary, Monthly Schedule, and PSE Occupational Summary.

(b) *Narrative Description.* The narrative description shall include:

(1) *Objectives and needs for assistant.* A breakout of the eligible population by race, sex, national origin and age, and the planned level of services to be provided these groups in terms of the percentage each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and Benefits.* The results and benefits expected including:

(i) Specific quantifiable performance and placement goals by program activity;

(ii) Performance and placement goals, with respect to groups designated to be served (sec. 103(b)(4));

(iii) The relationship between the prime sponsor's performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)); and

(iv) Non-quantifiable goals which the prime sponsor intends to achieve.

(3) *Approach.* The approach to be used in producing the expected results and benefits including:

(i) Program activities and services to be provided, including a description of the arrangements for the provision of training and services that will assist participants in obtaining unsubsidized employment;

(ii) How the prime sponsor will provide for an orderly transition from the number of jobs funded in the current fiscal year to the number of jobs which will be funded with the allocation for the next fiscal year (sec. 602(c));

(iii) The extent to which the prime sponsor will supplement wages of persons other than those who were in the program on September 30, 1978, including:

(A) The maximum amount of funds used to supplement any one particular job funded under this Part; and

(B) The total amount of funds used to supplement all jobs funded under this Part;

(iv) The wage rates or salaries and fringe benefits for public service employment participants and a comparison of these with the wages or salaries and fringe benefits paid to persons in similar public occupations by the same employer; levels of employment not supported under the Act; layoffs, and hiring and promotional freezes in each employing agency (sec. 103(b)(10);

(v) The methods to be used to ensure that, at the end of the fiscal year, the annual average wage rate does not exceed the area's required annual average wage rate, as described in § 676.26–1(c)(3);

(vi) The methods to be used to determine wage rates if wage rates for comparable jobs have not been established; and

(vii) How the public service employment program is integrated with other programs under the Act.

(4) *Service Deliverers.* A list of the selected deliverers and the services or facilities to be provided by each (summary of subrecipient and contractors).

(c) *Program Planning Summary (PPS).* A PPS reflecting the goals and activities for the program year.

(d) *Budget Information Summary (BIS).* A BIS containing the proposed budget and a list specifying the quantity and price of each piece of capital equipment exceeding $1,000 to be purchased during the fiscal year.

(e) *Monthly Schedule.* A monthly schedule which contains an estimate of the total number of participants who will be enrolled in Title VI programs at the end of each month, and the total cumulative expenditures expected to have been incurred by the end of each month by the PSE and non-PSE programs.

(f) *Public Service Employment Occupational Summary.* A Public Service Employment Occupational Summary which includes a listing by employing agency of proposed public service employment positions and wages and a comparison of such wages with those paid persons in similar unsubsidized jobs.

§ 678.7 Wages and wage supplementation.

(a) Wages paid to public service employment participants and the supplementation of such wages shall be in accordance with § 676.26–1(c) (sec. 608).

(b) Wages paid to public service employees hired on or after January 26, 1979 under this Part may be supplemented by additional wages from non-CETA sources only if:

(1) The total amount of funds used in any fiscal year to provide such supplemented wages does not exceed an amount equal to 10 percent of the prime sponsor's Title VI allocation for such fiscal year; and

(2) The wage supplementation to any public service employee is not at a rate which exceeds:

(i) Ten percent of the maximum wage applicable for the prime sponsor's area; or

(ii) Twenty percent of the maximum wage applicable for the prime sponsor's area in any area where the average wage rate (during the period for which the most recent data is available) in employment covered under Federal or State unemployment compensation laws (without regard to any limitation on the amount of such wages subject to contribution under such law) exceeds 125 percent, but does not exceed 150 percent, of the national average wage rate in such employment; or

(iii) In areas where the maximum wage for a fiscal year decreases from the maximum wage in a previous year, the rate for the previous year pursuant to paragraphs (b)(2)(i) and (ii) of this section.

(c) Any public service employee hired between September 30, 1978, and January 26, 1979, receiving wages supplemented from non-CETA sources may continue to receive such wage after January 26, 1979, only if such supplementation is in accordance with the provisions in paragraph (b) of this section.

(d) Any PSE participant who was on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages, and may receive any subsequent increase which is either a bona fide cost of living increase or a scheduled raise, so long as the participant remains in the same position or a PSE position with the same or lower wage rate. These wages are not subject to the limitations of, nor counted in determining compliance with, paragraph (b) of this section (sec. 122(i)(3)(B)).

Any PSE participant who was receiving only CETA wages on September 30, 1978, at a rate less than $10,000 a year may have such wages supplemented above the $10,000 rate from non-CETA sources after September 30, 1978, if such increase is the result of a bona-fide cost of living increase or a scheduled raise, and the person remains in the same position. These wages are not subject to the limitations of, nor counted in determining compliance with, paragraph (b) of this section.

(f) When a public service employment participant, hired after September 30, 1978, is eligible for a promotion, a general salary increase or overtime pay, the employer shall pay from non-CETA funding sources that amount in excess of the maximum amount payable from CETA funds as well as a pro rata share of the increased fringe benefits, unless such payments would be in violation of the limitations on public service wage supplementation contained in paragraph

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(b) of this section. If such payment would be in violation, then the participants affected must be transferred to other positions or be terminated.

(g) In areas where the maximum wage is adjusted upward for a new fiscal year, the non-CETA portion shall not be reduced for any participant hired during a previous fiscal year until the incumbent participant leaves the position or until the next employing agency's budget cycle, whichever comes earlier.

§ 678.8 Special cost provisions.

(a) In accordance with § 678.3(a), prime sponsors shall use at least fifty percent of the funds received under this Part for public service jobs in projects.

(b)(1) Of the funds utilized by prime sponsors for project and non-project public service employment programs:

(i) At least 80 percent shall be expended for wages and fringe benefits (sec. 603(a));

(ii) At least 5 percent shall be expended for training and services to PSE participants employed in public service jobs under this Part (sec. 603(a));

(iii) Not more than 15 percent may be contributed to the administrative cost pool (sec. 603(a)).

(2) Wages, a proportional share of fringe benefits, and allowances paid to PSE participants for the period of their training or services may be counted towards the percentage amounts that are required to be used for such training or services. Records of these wages, fringe benefits, and allowances shall be maintained separately by the prime sponsor to be available for audit.

(c) Funds under Title VI may be utilized by prime sponsors for activities and services other than PSE, authorized under Title II, Part A of Title III, Title IV and Title VII for eligible persons not in PSE (sec. 610). Not more than 20 percent of the funds utilized for such activities may be contributed to the administrative cost pool.

(d) Unless otherwise agreed to, at least 50 percent of the amount available for administration of the program shall be available to program agents for administrative costs.

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private Industry Councils (PIC's).
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679.3–3 Chairperson.
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679.7 Allowable activities.

Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., P.L. 95–524, 92 Stat. 1907), unless otherwise noted.

§ 679.1 Scope and purpose.

This Part contains the regulations for activities under Title VII of the Act, known as the Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration Title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for persons eligible under this Part.

(c) As a primary vehicle to assist prime sponsors in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the prime sponsor in the local development and implementation of programs under this Part, and to consult with the prime sponsor on other employment and training activities. Title VII encourages the formulation of a local partnership between the private sector and the prime sponsor in order to meet its purposes.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, State and local agencies. Accordingly, PIC's formed by prime sponsors to assist in Title VII implementation are encouraged to work with Job Service Improvement Program (JSIP) employer committees, the Bureau of Apprenticeship and Training, and State Apprenticeship Councils, as well as the Economic Development Administration, Small Business Administration, Community Services Administration, and U.S. Department of Housing and Urban Development among others, in order to increase the effectiveness of programs under this Part and under the Act in securing employment for economically disadvantaged persons (sec. 701).

(f) This Part, in conjunction with Parts 675 through 677, Subpart B, comprise the regulations for Title VII of the Act.

§ 679.2 Participant eligibility

Eligibility requirements applicable to this Part may be found in § 675.5–7.

§ 679.3 Private Industry Councils (PIC's).

§ 679.3–1 Purpose.

(a) To receive financial assistance under this Part, each prime sponsor shall establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including small business, minority business enterprises, and labor organizations in employment and training activities under the Act, and to increase private sector employment opportunities for economically disadvantaged persons (secs. 701 and 704(a)(1)).

(b) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one prime sponsor jurisdiction to another.

(c) Generally, meetings of the PIC shall be open and accessible to the general public, and minutes shall be maintained.

§ 679.3–2 Appointment of PIC members.

Each prime sponsor shall appoint the members of the PIC (sec. 704).

(a) *General.* (1) A majority of the PIC membership shall be representatives of industry and business (including small business and minority business enterprises). The PIC shall also include members representing organized labor, community-based organizations, and educational agencies and institutions.

(2) Existing local councils or committees may be designated or adapted to serve as the PIC (sec. 704(a)).

(3) The prime sponsor shall make ultimate decisions regarding the membership of the PIC after soliciting and considering the recommendations of the business and industrial community. Additionally, the prime sponsor should consult with labor organizations, community-based organizations, educational agencies and institutions, the appropriate apprenticeship agency, the State employment security agency (SESA), and women's organizations, existing councils and committees, and other organizations expressing an interest in the Title VII program (sec. 704(a)).

(4) In prime sponsor jurisdictions in which a National Alliance of Business (NAB) metro organization exists, it should be given consideration in the establishment of the PIC.

(5) Nothing in this section is meant to give a presumptive role to any particular organization in the establishment of the PIC (sec. 704(d)).

(b) *Business and industry members.* (1) The prime sponsor shall make every effort to recruit business and industry members for the PIC who will be representative of the private for profit employment community in terms of the types of business represented, such as small businesses, minority-owned businesses, businesses owned by women and others reflective of the commercial and industrial makeup of the area (sec. 704(a)(1)).

(2) Where possible, at least half of the industry and business representatives shall be representatives from small business. For purposes of this requirement, "small business" means any private for profit enterprise employing five hundred or fewer employees (sec. 704(a) (1) and (2)).

(3) Minority business enterprises shall be represented on the PIC, at least consistent with their representation in the business community (sec. 704(a)(1)).

(4) Prime sponsors may consider either the residence of the prospective PIC member or the location of the business or organization with which that person is associated in considering appointments to the PIC.

(c) *Other required members.* At least one representative of each of the following shall be included among the PIC membership:

(1) Organized labor. In appointing members from organized labor, the prime sponsor should consult State or central labor bodies, building and construction trades councils, the Human Resources Development Institute (HRDI), appropriate apprenticeship agencies, and unions representing major occupations in the area.

(2) Community-based organizations that have demonstrated to the prime sponsor a record of effectiveness in their relationships with the business community.

(3) Educational agencies and institutions that have demonstrated to the prime sponsor a record of effectiveness in providing education or vocational training oriented toward the needs of the business community.

(d) *Other members.* Prime sponsors may also appoint to the PIC other members, such as representatives of persons eligible to participate in activities under this Part and representatives of organizations having unique relationships to both the CETA system and the private sector, such as SESA's and appropriate apprenticeship agencies (sec. 704(a)(1)).

§ 679.3–3 Chairperson.

(a) A chairperson pro tem from the business and industrial community should be appointed by the prime sponsor to assist in identifying potential members and in establishment of the PIC.

(b) Once established, the PIC shall have a permanent chairperson selected by the members of the PIC, who should be a representative of business and industry.

§ 679.3–4 Organizational position.

(a) The organizational position occupied by the PIC within the overall employment and training delivery system shall be determined by the prime sponsor in consultation with the PIC. Such position and relationship shall be designed to enable the PIC to carry out its responsibilities.

(b) To carry out its duties, the PIC should appoint subcommittees to deal with particular areas of concern and secure, either through its staff or other means, the expertise of persons in the private sector having knowledge of business practices and policies (sec. 704(c)).

(c) PIC relationship to the prime sponsor's planning council.

(1) The activities of the PIC shall be coordinated by the prime sponsor with those of the prime sponsor's planning council, and area planning bodies in the case of State prime sponsors. The planning council shall be consulted in the development of the Title VII program, and shall be afforded the opportunity to review and comment on the Title VII Annual Plan subpart (sec. 703(b)(4)).

(2) For purposes of Title VII, the PIC shall not be subordinate in its authority to the prime sponsor's planning council.

(3) The PIC chairperson (or designee) shall, at a minimum, serve as an ex officio, nonvoting member of the prime sponsor's planning council, and the chairperson (or designee) of the prime sponsor's planning council shall, at a minimum, serve as an ex officio, nonvoting member of the PIC. However, the prime sponsor may assign either chairperson the status of a full voting member on the respective councils (sec. 704(b)).

(d) Due to the unique nature of Balance-of-State organizational structures, such prime sponsors are authorized to develop alternate measures regarding the organization and structure of PIC's, such as PIC's covering sub-State planning areas, a single PIC for the entire prime sponsor jurisdiction with a decentralized staff, and other special arrangements.

§ 679.3–5 Staff.

The PIC shall be appropriately staffed, commensurate with its responsibilities. The staffing composition of the PIC shall be determined through mutual agreement between the PIC and the prime sponsor.

(a) When the PIC is a subgrantee or contractor of the prime sponsor, staff shall be hired in a manner consistent with that status and with the terms of the PIC's subgrant or contract with the prime sponsor.

(b) If the PIC is other than a subgrantee or contractor, it shall be consulted by the prime sponsor on the matter of its staffing. To the extent possible, consistent with applicable personnel rules, the PIC should be party to decisions on staff selection or hiring.

§ 679.3–6 Multijurisdictional PIC's.

A PIC may be established to cover more than one prime sponsor area, pursuant to arrangements and written agreements between the prime sponsors and the PIC.

(a) A PIC may be established to cover a multijurisdictional area with the affected prime sponsors submitting and reporting upon separate Title VII Annual Plan subparts.

(b) The above approach does not preclude other arrangements. Prime sponsors may propose alternatives as part of their Title VII Annual Plan Subpart. The RA may approve such arrangements after considering the desirability of the proposed arrangements in view of the purposes of Title VII and after reviewing their feasibility in terms of reporting and otherwise meeting Comprehensive Employment and Training Plan requirements of § 676.9, § 676.10 and § 676.11.

(c) Financial incentives shall be provided to prime sponsors establishing multijurisdictional PIC's that meet criteria discussed in § 679.4.(b)(2) (secs. 702(b) and 704(a)(1)).

§ 679.3–7 Functions of the PIC.

The prime sponsor and the Private Industry Council shall determine those functions that the PIC will perform, based upon local conditions, the interests of the private sector, and the needs of the community. Those functions include the following, among others:

(a) *General.* (1) The PIC shall serve as an intermediary to assist the local

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employment and training structure to become more responsive to the business community.

(2) The PIC shall serve as the business and industry contact point in the local employment and training system, to present the private sector's view and recommendations for making programs more responsive to local employment needs.

(3) The PIC shall advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Part (secs. 701 and 704(c)).

(b) *Planning and coordination.* (1) The PIC shall, in conjunction with the prime sponsor, design and develop the Title VII program and subpart to the prime sponsor's Annual Plan (sec. 703(b)).

(2) In designing the plan, and on a continuing basis, the PIC shall analyze private sector job opportunities, including estimates by occupation, industry, and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programing so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as the SESA and appropriate apprenticeship agencies (sec. 703(b)(3)).

(3) The PIC should, in conjunction with the prime sponsor, develop specific private sector employment and training projects.

(4) The PIC should, in conjunction with the prime sponsor, develop criteria for the types of occupations to be selected for the expenditure of training funds.

(5) The PIC should, in conjunction with the prime sponsor, develop standards and specifications for training in particular occupations.

(6) In designing the plan, the PIC and prime sponsor should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies. For planning purposes and to coordinate with activities under other Federal programs, the PIC and prime sponsor should where possible review and comment on such plans and funding applications, especially regarding ways in which they affect employment and training, including apprenticeship, in the private sector (including those of the Economic Development Administration, Department of Housing and Urban Development, Small Business Administration and Community Services Administration) (secs. 103(a)(20), 704(c) and 705(a)(4)).

(7) The PIC should consult with the prime sponsor and its planning council during the development of, and shall have the opportunity to review and comment on, other Annual Plan subparts under the Act (sec. 704(c)).

(8) In undertaking activities under this Part, the requirements of § 676.24, "Labor organization consultation and/or concurrence", shall be observed.

(c) *Operational functions.* (1) The PIC should actively solicit public and private support for and participation in the Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(2) The prime sponsor may involve the PIC through arrangements and written agreements so that the PIC can carry out its responsibilities. In particular, the PIC should be involved with the SESA, Job Service Improvement Program (JSIP) Committees, local WIN sponsors and other private sector intermediaries in marketing and disseminating information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (P.L. 95-600), and the WIN Tax Credit.

(3) The prime sponsor and the PIC may decide that the PIC will administer and directly operate local private sector employment and training programs. Such an operational function could involve directly marketing on-the-job and other training agreements with private employers, developing training programs, entering into contracts with private firms, community-based organizations, educational agencies and institutions and SESA's and other related activities. Consistent with State and local law, PIC's may incorporate for these purposes.

(4) Organizations represented on the PIC may be directly involved in the operation of employment and training programs funded under this Part, consistent with the conflict of interest provisions of § 679.3-9.

(5) In accordance with § 676.38(b), the PIC may participate with the prime sponsor in developing criteria for the selection of any nongovernmental organization, association, firm or other entity for the conduct of programs or activities under this Part (secs. 121(o) and 704(c)).

(d) *Review and Assessment.* (1) The PIC shall participate with the prime sponsor in overseeing activities under this Part. Programs under this Part are subject to the prime sponsor's monitoring responsibilities (sec. 704(c)).

(2) The PIC may, in consultation with the prime sponsor, identify the factors to be addressed in an assessment of the effectiveness of activities under this Part.

(3) In consultation with existing groups, such as JSIP employer committees and prime sponsor's planning and youth councils, the PIC may examine the performance of the local CETA and SESA delivery system to determine how to better meet the needs of business and industry and increase private sector employment opportunities for the economically disadvantaged, and advise the prime sponsor and the SESA of its observations and recommendations (sec. 704(c)).

(e) Nothing in this section is intended to limit the functions of the PIC, with respect to assisting the prime sponsor to improve the responsiveness of employment and training programs to employment opportunities in the private sector. The business community should be involved in determining the functions of the PIC so that these will be responsive to the needs and interests of business and industry.

§ 679.3-8 Accountability.

The Department holds the prime sponsor accountable for activities conducted and funds expended under this Part.

(a) The PIC, in working with the prime sponsor to develop activities under this Part, must recognize the prime sponsor's ultimate liability for all of the PIC's activities. The PIC and the prime sponsor are thus both responsible for program performance, and the Department in assessing the Title VII program will take both the prime sponsor's and the PIC's performance of functions into account.

(b) Where the PIC is a contractor or subgrantee of the prime sponsor, it is financially liable to the prime sponsor for funds received.

§ 679.3-9 Conflict of interest.

(a) Except for voting on the Title VII Annual Plan Subpart, no member of the PIC may cast a vote on any matter which has a direct bearing on services to be provided by that member or by any organization which such member directly represents on any matter which would financially benefit such member or any organization such member represents.

(b) Contracts in excess of $10,000 between the PIC and any private organization with which a PIC member is associated as an officer, member or employee shall be subject to the final written approval of the prime sponsor, prior to execution of the contract or subgrant.

(c) In addition, the provisions of § 676.62 (b) and (c) apply.

§ 679.4 Allocation of funds.

(a) *Prime sponsor basic allocations.* Ninety-five percent of funds available under Title VII of the Act shall be allocated to prime sponsors as provided in section 202(a) of the Act except that:

(1) In order to ensure that every prime sponsor receives an allocation of sufficient size to mount a viable program, a minimum allocation level may be established; and

(2) in the case of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Northern Marianas, these shall be allocated the same percentage of Title VII funds as the percentage of Title II Parts A, B and C funds allocated to them.

(b) *Other allocations.* The remaining five percent of the funds shall be allocated in the following manner:

(1) *Assistance to Native American entities.* No less than two percent of the total funds available under Title VII of the Act will be used to support Title VII programs for Native American entities described in sections 302(c)(1)(A) and (B) of the Act.

(2) *Assistance to prime sponsors who establish a single Private Industry Council.* Additional funds shall be provided to prime sponsors who establish a single Private Industry Council that serves a substantial portion of a functioning labor market area, as determined by the Secretary. Included may be:

(i) An existing consortium covering a substantial portion of a functioning labor market area that qualifies for incentive funds under § 676.4(c);

(ii) Two or more prime sponsors establishing a PIC that serves at least 75% of a functioning labor market area; and

(iii) To the extent that funding is available, other combinations of prime sponsors forming a single PIC (sec. 702(b)).

(c) Funds may be reallocated pursuant to the provisions of § 676.47 (sec. 108).

§ 679.5 Annual plan subpart.

(a) *General.* To receive financial assistance under this Part, a prime sponsor shall submit the following information, which will become part of the Annual Plan as described in § 676.11. This subpart shall consist of a Narrative Description, Statement of Concurrence, Program Planning Summary, and Budget Information Summary, specific to Title VII (sec. 103(b)).

(b) The prime sponsor shall transmit a copy of the Title VII Annual Plan subpart to the prime sponsor's planning council, to appropriate labor organizations, community-based organizations, educational agencies and institutions, Overall Economic Development Program committees and to such other parties as are required by § 676.12(d). The comment and publication procedures of § 676.12 apply to this Part (secs. 703(b) (4) and (5)).

(c) The Annual Plan subpart shall have the concurrence of both the PIC and the prime sponsor in order to be approved. Therefore, a Statement of Concurrence shall be submitted, signifying the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan subpart or any modifications thereto.

(d) *Narrative Description.* The narrative description shall include:

(1) *Objectives and need for assistance.* (i) State the objectives and need for funding under this Part, including an identification of private sector occupations where there are labor shortages.

(ii) Analyze the eligible population by race, sex, national origin and age, and present the planned levels of service to be provided these significant segments in terms of the percent each group will constitute of those to be served (sec. 103(b)(2)). Where the planned level of service to any significant segment varies above or below the group's incidence in the eligible population, a justification must be provided.

(2) *Results and benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity.

(ii) Any performance and placement goals with respect to groups designated to be served (sec. 103(b)(4)).

(iii) Explain any variation between such performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)).

(iv) Any nonquantifiable goals or outcomes.

(3) *Approach.* Provide a description of:

(i) The specific activities to be conducted, and how these activities will be integrated with other training and placement activities under the Act (sec. 703(a)).

(ii) The procedures and standards to be used for the selection of occupations in which training is to be provided.

(iii) The system that will be used to review and assess the success of activities, including a description of the role of the PIC.

(4) *Private Industry Council (PIC).* Provide the following:

(i) The responsibilities assumed and the functions to be performed by the Private Industry Council in the planning, operation and review of programs.

(ii) A list of the PIC membership indicating representation from among those membership categories identified in § 679.3-2.

(iii) Staffing arrangements for support of the PIC agreed upon the PIC and the prime sponsor.

(iv) A description of procedures established to ensure periodic consultation and coordination of activity between the PIC and the prime sponsor's planning council and other appropriate agencies in the labor markrt area.

(v) For multijurisdictional PIC's (except for existing consortia) identify the geographic area to be served, the prime sponsors participating, administrative and programmatic relationships between the PIC and the participating prime sponsors and the functions to be performed by each. A copy of the written agreement cited in § 679.3-6 must be included as an attachment to the Annual Plan Subpart.

(e) *Statement of Concurrence.* This statement documents the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan Subpart.

(f) *Program Planning Summary (PPS).* The PPS reflects the goals, objectives and activities planned under Title VII for the program year.

(g) *Budget Information Summary (BIS).* The BIS contains the planned budget under Title VII for the program year.

(h) Attach a list of all organizations who were sent a copy of the Annual Plan subpart for review and comment.

§ 679.6 Administrative standards and procedures.

(a) *General.* The General Provisions of § 676 shall apply except as otherwise indicated.

(b) *Allowable costs and cost allocation.* The provisions of § 676.40 and § 676.41 shall apply to programs under Title VII except as follows:

(1) *Employment generating services.*

(i) For programs funded under Title VII only, costs for activities which are not directly related to the immediate provision of training or employment for participants but which are intended to

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result in the creation or expansion of employment opportunities for persons eligible under this Part may be classified as employment generating services and charged to the "Services" cost category. Examples are:

(A) Those items enumerated in paragraphs (b)(1), (2), (3), (4), (6), (7), (9), (10), (12), (13), (14) and (15) of § 679.7, Allowable Activities.

(B) The costs for the salaries and fringe benefits of labor market and program analysts, for consultants under contract for employment generating services, and for technical assistance to contractors and subgrantees.

(ii) While such activities are allowable and desirable under Title VII, no more than 30 percent of a prime sponsor's Title VII funds may be used for employment generating services.

(iii) The program activity against which the costs for employment generating services are to be allocated is "Other Activities."

(iv) No costs attributable to the general administration of the Title VII program shall be charged to the "Services" cost category.

(2) *Administrative costs.* (i) For purposes of Title VII, administrative costs are those costs which fall within the category of administration as defined in § 676.41–1(f), exclusive of employment generating services.

(ii) The total amount of funds expended for administration by all prime sponsors in carrying out programs under this Part shall not exceed 20 percent of the total expenditures for all prime sponsor Title VII programs. Each prime sponsor and PIC must make every effort to limit administrative costs to only those that are necessary to assure the effective operation of programs under this Part. If the prime sponsor and PIC determine that more than 20 percent is necessary to operate the planned program, a higher amount may be requested by providing a satisfactory explanation of the need for such amount in the Title VII Annual Plan Subpart. The special needs of urban and rural areas and other relevant factors shall be considered by the RA in reviewing requests for administrative costs in excess of 20 percent (sec. 705(b)).

(iii) It is recognized that startup and initial implementation of programs under this Part may require administrative expenditures greater than those necessary for the operation of established program. Thus, it should subsequently become possible for administrative costs to be reduced such that they are brought to a more appropriate level of 10 percent. Prime sponsors and PIC's should therefore plan to reduce administrative costs after startup and initial implementation.

(3) Payments to private-for-profit employers through methods not specifically authorized under Parts 676 through 677, Subpart B shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted. Prime sponsors shall transmit to the RA requests to permit such new payment methods. The RA shall transmit such requests, with comments and recommendations, to the Assistant Secretary for Employment and Training. Action on a request shall be taken within 60 days after the prime sponsor's submission of the request to the RA. Nothing in this paragraph authorizes wage subsidies (sec. 703(c)).

§ 679.7 Allowable activities.

Funds under this Part shall be used to augment private sector-related activities under Part 677, including on-the-job training with private employers (sec. 703(b)(2)). Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(a) Activities and services authorized in § 677.13;

(b) Upgrading and retraining in accordance with § 675.5–7, and Subpart C of Part 677; and;

(c) The following:

(1) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(2) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(3) Developing relationships between employment and training programs, educational institutions, and the private sector;

(4) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

(5) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(6) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(7) Coordinating programs under this Part with other job development, placement, and employment and training activities carried out by public and private agencies;

(8) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(9) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(10) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

(11) Using direct contracts for training and employment programs with private for profit and private nonprofit organizations;

(12) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not presently exist in the area;

(13) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(14) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(15) Disseminating information to private employers so that they may more fully utilize programs under the Act; and

(16) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Part (sec. 705(a)).

Signed in Washington, D.C., this 24th day of March 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-10089 Filed 4-3-80; 8:45 am]

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Part VII

Endangered Species Committee

Functions and Procedures of the Endangered Species Review Board and Endangered Species Committee; Final Rules

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ENDANGERED SPECIES COMMITTEE

50 CFR Part 450, 451, 452, and 453

Final Rules on Endangered Species Review Board and Endangered Species Committee

AGENCY: Endangered Species Committee.

ACTION: Final rules.

SUMMARY: These regulations describe the functions and the procedures of Endangered Species review boards (review boards) and the Endangered Species Committee (the Committee) under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* (the Act). According to section 7(a)(2) of the Act, each Federal agency must, in consultation with the Secretary, insure that its actions are not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of critical habitats. An exemption from these requirements may be granted by the Committee, however.

In accordance with section 7(g) of the Act, review boards are responsible for initially examining applications for exemption. If a review board makes certain threshold determinations, it is required to prepare and submit a report to the Committee. The Committee then makes the final determination whether or not to grant an exemption.

These rules cover the exemption application processing period from the appointment of a review board to the final determination by the Committee. Rules covering procedures for applying for an exemption and for initial review and handling of an exemption application, including appointment of a review board, have been promulgated as 50 CFR Part 451, 45 FR 8624, February 8, 1980, and have been reprinted here for the convenience of the reader.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Jon H. Goldstein, Office of Policy Analysis, Department of the Interior, Room 4153, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, 202–343–8501.

SUPPLEMENTARY INFORMATION:

The Exemption Process

The Endangered Species Act Amendments of 1978 (Pub. L. 95–632), enacted on November 10, 1978, establish a procedure for obtaining exemptions from Section 7 of the Endangered Species Act. This procedure was amended by the 1979 Amendments to the Act (Pub. L. 96–159) enacted December 28, 1979. Section 7(a)(2) requires Federal agencies to insure, in consultation with the Secretary of the Interior or Commerce, that their actions are not likely to jeopardize the continued existence of endangered or threatened species or destroy or adversely modify critical habitats. Applications for exemption from this requirement may be made by a Federal agency, by the Governor of a State in which a proposed action would occur, or by a person whose permit or license application has been denied primarily because of section 7(a)(2) considerations. An application is to be directed to the appropriate Secretary, who determines if it is properly presented. It is then evaluated by a review board and, if certain criteria are met, decided upon by the Endangered Species Committee.

These regulations implement section 7(g), paragraphs (4) to (12); section 7(e); and sections 7 (h) through (l) of the Act.

Review Boards: A review board is to be established for each exemption application. Review boards make threshold determinations on the application and develop a comprehensive record and report for the Endangered Species Committee. They consist of three members: one member appointed by the Secretary; one member (who shall be a resident of the State, if any, in which the agency action would be, or is being carried out) appointed by the President; and an Administrative Law Judge. Within 60 days of appointment or a longer period mutually agreed upon by the exemption applicant and the Secretary, a review board must determine by majority vote:

(1) Whether any required biological assessment was conducted;

(2) Whether the Federal agency and permit or license applicant, if any, refrained from making any irreversible or irretrievable commitment of resources that forecloses any reasonable or prudent alternatives that would avoid an irresolvable conflict;

(3) Whether the Federal agency and permit or license applicant, if any, carried out consultation responsibilities in good faith, and have made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives that would have avoided an irresolvable conflict; and

(4) Whether there is an irresolvable conflict. In making this determination the review board will give considerable deference to the findings reached during consultation by the acting agency and the appropriate Service. The review board will find that an irresolvable conflict exists if: the biological opinion is based on the best available commercial and scientific data and, based on that data, there has been no clear error in judgment on the question of jeopardy to the continued existence of the endangered or threatened species at issue or adverse modification or destruction of the critical habitat at issue.

If a review board makes affirmative determinations on all four questions, the application will be forwarded to the Endangered Species Committee. If a review board determines that the application fails to meet these requirements and the deficiency is subsequently corrected, a new application can be made to the Secretary. Any determination by the review board that the exemption applicant has not met one of the threshold requirements is final agency action and may be appealed to a Federal court. In the event of a negative finding by a review board on the issue of irresolvable conflict, the acting agency and the appropriate Service will reinitiate consultation. A finding of no irresolvable conflict is not to be construed as an exemption and does not absolve the Federal agency of its obligations to comply with section 7(a)(2) of the Act.

If the review board determines that all four requirements are met, it must submit a report to the Committee within an additional 180 days, discussing:

(1) The availability of reasonable and prudent alternatives to the proposed action, and the nature and extent of the benefits of the agency action and of alternative courses of action consistent with conserving the species or the critical habitat;

(2) A summary of the evidence concerning whether or not the proposed action is in the public interest and is of national or regional significance; and

(3) Appropriate and reasonable mitigation and enhancement measures which should be considered by the Committee in granting an exemption.

Section 7(g) authorizes a review board to take testimony, received evidence, request information, use the United States mails as a Federal agency, detail Federal agency personnel, and obtain administrative support services from the General Services Administration. It requires that any review board hearings be conducted in accordance with the adjudicatory procedures of the Administration Procedure Act, to the extent practicable within the time limits and other constraints of the exemption process. It further requires all review board meetings and records to be open to the public.

Endangered Species Committee: Sections 7(e) and 7(h) require the Endangered Species Committee to review all applications submitted to it by a review board and to determine whether or not to grant exemptions. The Endangered Species Committee is composed of:

(1) The Secretary of the Interior, who is the Chairman;

(2) The Secretary of Agriculture;

(3) The Secretary of the Army;

(4) The Chairman of the Council of Economic Advisors;

(5) The Administrator of the Environmental Protection Agency;

(6) The Administrator of the National Oceanic and Atmospheric Administration; and

(7) A person from each affected State, or if no State is affected an otherwise qualified individual, appointed by the President for each exemption application.

The Committee must determine whether or not to grant an exemption within 90 days after receiving the review board's report. An exemption requires an affirmative vote of five or more Committee members voting in person. To grant an exemption, the Committee must:

A. Determine that—

(1) There are no reasonable and prudent alternatives to the proposed action;

(2) The benefits of the action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat and the action is in the public interest;

(3) The action is of regional or national significance; and

B. Establish reasonable mitigation and enhancement measures that are necessary and appropriate to minimize the adverse effects of the agency action upon the species or critical habitat concerned.

Any final determination by the Committee on (A) and (B) is final agency action and subject to judicial review under Chapter 7 of Title 5 of the United States Code.

If an exemption is granted by the Committee, the exemption applicant must carry out and pay for the mitigation and enhancement measures ordered by the Committee. The exemption applicant also must report to the Council on Environmental Quality annually until the mitigation and enhancement measures are completed.

Sections 7(e) and 7(h) authorize the Committee to hold hearings, take testimony, receive evidence, request information, use the United States mails as a Federal agency, detail Federal agency personnel, obtain administrative support services from the General Service Administration, promulgate and amend rules, regulations and procedures, issue and amend orders, and issue subpenas. All meetings and records of the Committee shall be open to the public.

Description of Rulemaking

The scope of the these regulations is limited to procedures for the period between the submission of an application to a review board and the Committee's determination whether or not to grant an exemption. These regulations do not cover procedures for filing or initial review and handling of exemption applications, which are set out in 50 CFR Part 451, 45 FR 8624, February 8, 1980, adopted by the Secretaries of Commerce and the Interior pursuant to section 7(f) of the Act. The regulations establish procedures for information gathering by review boards and by the Endangered Species Committee, including procedures for conduct of review board and Committee hearings.

Note.—It has been determined that this rule is not a "significant rule" under criteria established by Executive Order 12044 (March 23, 1978) ("Improving Government Regulations").

Interim Final Rules

Interim final rules and a request for public comment were published in the **Federal Register** on June 8, 1979, 44 FR 33127. The comment period closed on September 4, 1979. Action on final regulations was deferred, however, pending Congressional action on technical amendments to section 7 of the Endangered Species Act.

Interim final rules, rather than proposed rules, were published because a review board was scheduled to commence consideration of two exemption applications on or about June 4, 1979, and it was determined that the regulations needed to be effective immediately.

These regulations will appear as Parts 450, 452, and 453 of Title 50. Part 451 of Title 50 pertains to procedures for filing exemption applications, and for the sake of completeness is reprinted in this document.

Comments and Modifications in Interim Rules.

Four timely comments on the interim final rules were received. These comments have been carefully considered and numerous suggestions made by the commenters have been adopted. Commenters presented differing opinions and arguments on how four issues should be resolved: (1) The scope of deliberations conducted by a review board in making the determination of whether an irresolvable conflict exists, (2) whether the regulations should require consultation to be reinitiated in the event of a negative finding by a review board on an irresolvable conflict, (3) what evidentiary procedures should govern a review board's determination of irresolvable conflict if the issue had previously been the subject of an evidentiary hearing, and (4) which party should bear the burden of proof on the review board's threshold determinations. These were submitted to the permanent members of the Committee for resolution. In addition, a number of minor changes were made in response to suggestions of commenters. Finally, in several places technical changes were made in order that the regulations conform to the 1979 Amendments to the Act and the decisions of the Committee on the primary issues.

The comments received and the reasons for accepting or rejecting them are as follows:

A. Comments on the Definition of Irresolvable Conflict

Three commenters indicated concern over inclusion of the term cumulative effects in the definition of "irresolvable conflict", and recommended that the definition conform closely to the statutory definition. The 1979 Amendments to the Endangered Species Act altered the definition of irresolvable conflict. The regulations have been modified to reflect these changes. The reference to cumulative effects has been deleted, although cumulative effects remain an integral part of the jeopardy determination during consultation.

B. Comments on the Review Board's Scope of Review of Consultation and the Jeopardy Opinion

Four commenters addressed the scope of review, focusing on two topics: the extent of review of the jeopardy opinion and the standard of review. Two commenters contended that in fulfilling its obligation under Section 7(g)(5) of the Act to make a full review of consultation and determine whether an irresolvable conflict exists, a substantive review was mandatory.

The other two commenters argued the reverse, contending that only a procedural review was required. The Committee decided unanimously that a substantive review was necessary, but that in making the irresolvable conflict determination, the review board should give considerable deference to the findings reached during consultation. All four commenters objected to "substantial evidence" as a review standard. The suggestion to adopt a different standard of review was accepted. The regulations now state that "the review board will find that an irresolvable conflict exists if: The biological opinion is based on the best available commercial and scientific data and * * * there has been no clear error in judgment on the question of jeopardy

* * *" (Section 452.03(c)(4)). This language reflects the 1979 Amendments to the Act, Section 7(a)(2).

C. Comments on the Reinitiation of Consultation Following a Negative Determination on Irresolvable Conflict

Two commenters took issue with the statement in the preamble which indicated the Committee's expectation that consultation would be reinitiated in the event of a negative determination by the review board on irresolvable conflict. Both commenters argued that the Act provides no explicit authority to remand a case for additional consultation. One commenter contended further that if, after a substantive review of the evidence, a review board concluded that there was no irresolvable conflict, the Federal agency could proceed with the proposed action; i.e., this commenter interpreted a negative finding by a review board on irresolvable conflict as equivalent to an exemption. The Act is silent on the reinitiation of consultation following a review board finding of no irresolvable conflict. However, remand is consistent with the undisputed Congressional intention that endangered species conflicts be resolved at the consultation level whenever possible. In keeping with this objective the Committee has amended § 452.03(e) to require reinitiation of consultation in the event of a negative finding. Although it is clear from the Act that exemptions may be granted only by the Committee, § 452.03(e) has been further amended to avoid any possible misinterpretation of a review board finding: "A finding of no irresolvable conflict is not to be construed as an exemption and does not absolve the Federal agency of its obligations to comply with section 7(a)(2) of the Act."

D. Comments on Evidentiary Procedures Governing Review Board's Determination of Irresolvable Conflict Following an Adjudicatory Hearing

One commenter took exception to restricting the review board to consideration of the record in making its determination of irresolvable conflict, if the issue had previously been the subject of an adjudicatory hearing conducted under 5 U.S.C. 554, 556, and 557. The statute grants broad powers to a review board to develop an evidentiary record. The Committee limited the board in circumstances where an adjudicatory hearing has been previously conducted, because Congress intended that the exemption process be a last resort and because of the limited time allotted in the legislation for the review board to consider all the threshold issues. The limitation encourages all parties to develop a thorough record at the adjudicatory level and eliminates any incentive to withhold evidence at this level in the hope of obtaining a more sympathetic hearing from the review board. As worded in the Interim Final Rules, however, the restriction could have precluded the board from considering evidence which, for legitimate reasons, was not introduced at the initial adjudicatory level. Consequently, although the general restriction to the previously developed record has been retained, the circumstances under which a review board may exercise discretion has been broadened.

E. Comments on Burden of Proof

One commenter suggested that it is inappropriate for the applicant to bear the burden of proof on the threshold issues when that applicant is a permit or license seeker, because the applicant will not have been a party to consultation. The suggestion to alter the burden in such instances was not adopted. Potential difficulties which might have developed because an exemption applicant was not a party to consultation would be largely resolved by proposed revisions in the consultation regulations (appearing in 50 CFR Part 402) which encourage participation of non-Federal persons in the consultation process and make such participation a matter of right for permit or license applicants. In developing the Interim Final Rules the Committee and its staff recognized that both equity and logic might not be best served in all instances if the applicant bore the burden of proof on all four threshold determinations. (By "burden of proof" the Committee means "burden of persuasion.") However, there were two persuasive arguments for imposing the burden on the applicant: (1) Identifying a unique distribution of burden, which would prove satisfactory in all instances, seemed improbable. (2) It is traditionally the case in litigation that the party seeking relief bears the burden of proof.

F. Other Comments

1. One commenter stated that the person appointed to the review board by the Secretary should be a recognized authority on the "endangered species" in question. This suggestion was not adopted since these regulations are procedural only; appointment of the review board is covered by the application regulations, 50 CFR Part 451.

2. One commenter argued that an exemption application may be submitted and considered only as a matter of last resort, after all other administrative mechanisms have been exhausted. The 1979 Amendments to the Act amended section 7(g)(2)(A) to clarify the fact that final agency action on a permit or license application is required prior to submission of an application for an exemption. This amendment clarifies an ambiguity in the Act.

3. One commenter stated that the regulations should encourage citizen participation through intervention in review board proceedings and state that only in unusual cases should a request for intervention be denied. The Committee believes that all interested persons should be allowed to express relevant opinions and submit relevant materials to a review board, especially if that point of view is not adequately represented by a party or another intervenor. However, the Committee also is concerned that a review board be able to adequately review the record and make their threshold determinations within the prescribed time. Thus the committee believes it is important to require potential intervenors to show that their participation will assist in the determination of the issues before the review boards.

4. One commenter stated that the regulations should explicitly require that the Secretary of State hold a hearing prior to making a determination on whether an exemption would violate international treaty obligations. This suggestion was adopted by modifying the language in § 452.03(g) of the regulations.

5. One commenter stated that a review board should be required to issue a statement following a prehearing conference in order to insure that all parties are adequately informed of the subsequent course of proceedings. This recommendation was adopted by requiring such a statement if time permits and if a statement is necessary to materially clarify issues raised at the prehearing conference.

6. One commenter noted that the interim regulations did not delineate procedural rules to be followed when two review boards sit together in a joint proceeding. The 1979 Amendments to the Act added a subparagraph to section 7(g)(3) of the Act to allow review boards to be jointly convened. The Committee believes that these regulations are sufficient for such jointly convened review boards.

Drafting Information

The primary authors of these regulations are Jan Chrisman, Deborah Williams, and John Trezise, Office of the Solicitor, Department of the Interior, and James Douglas and Jon H. Goldstein, Endangered Species Committee staff.

These regulations are issued under the authority of the Endangered Species Act, as amended 16 U.S.C. 1531 *et seq.* Accordingly, Chapter IV of Title 50 is amended to designate present parts 401 and 402 as Subchapter A, reserve Subchapter B and add a Subchapter C with Parts 450, 452 and 453 as set forth below:

CHAPTER IV—JOINT REGULATIONS (U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR AND NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE; ENDANGERED SPECIES COMMITTEE REGULATIONS)

SUBCHAPTER C—ENDANGERED SPECIES EXEMPTION PROCESS

PART 450—GENERAL PROVISIONS

Sec.
450.01 Definitions.

Authority: Endangered Species Act of 1979, 16 U.S.C. 1531, *et seq.*, as amended.

§ 450.01 Definitions.

The following definitions apply to terms used in this subchapter.

(1) "Act" means the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, *et seq.*

(2) "Agency action" means all actions of any kind authorized, funded or carried out, in whole or in part by Federal agencies.

(3) "Alternative courses of action" means all reasonable alternatives, including both no action and alternatives extending beyond original project objectives and acting agency jurisdiction.

(4) "Benefits" means all benefits of an agency action, both tangible and intangible, including but not limited to economic, environmental and cultural benefits.

(5) "Biological assessment" means the report prepared pursuant to Section 7(c) of the Act, 16 U.S.C. 1536(c).

(6) "Biological opinion" means the written statement prepared pursuant to section 7(b) of the Act, 16 U.S.C. 1536(b).

(7) "Chairman" means the Chairman of the Endangered Species Committee, who is the Secretary of the Interior.

(8) "Committee" means the Endangered Species Committee established pursuant to section 7(e) of the Act, 16 U.S.C. 1536(e).

(9) "Critical Habitat" refers to those areas listed as Critical Habitat in 50 CFR Parts 17 and 226.

(10) "Destruction or adverse modification" is defined at 50 CFR 402.02.

(11) "Federal agency" means any department, agency or instrumentality of the United States.

(12) "Irresolvable conflict" means, with respect to any action authorized, funded, or carried out by a Federal agency, a set of circumstances under which, after consultation as required in section 7(a)(2) of the Act, completion of such action would violate section 7(a)(2).

(13) "Jeopardize the continued existence of" is defined at 50 CFR 402.02.

(14) "Mitigation and enhancement measures" means measures, including live propagation, transplantation and habitat acquisition and improvement, necessary and appropriate (i) to minimize the adverse effects of a proposed action on listed species or their critical habitats and/or (ii) to improve the conservation status of the species beyond that which would occur without the action. The measures must be likely to protect the listed species or the critical habitat, and be reasonable in their cost, the availability of the technology required to make them effective, and other considerations deemed relevant by the Committee.

(15) "Permit or license applicant" means any person whose application to an agency for a permit or license has been denied primarily because of the application of section 7(a)(2) of the Act, 16 U.S.C. 1536(a)(2).

(16) "Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any public body or officer, employee, agent, department, or instrumentality of the Federal government, of any State or political subdivision thereof, or of any foreign government.

(17) "Proposed action" means the action proposed by the Federal agency or by a permit or license applicant, for which exemption is sought.

(18) "Secretary" means the Secretary of the Interior or the Secretary of Commerce, or his or her delegate, depending upon which Secretary has responsibility for the affected species as determined pursuant to 50 CFR 402.01.

(19) "Service" means the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate.

(20) "To the extent that such information is available to the applicant" means all pertinent information the applicant has on the subject matter at the time the application is submitted, and all other pertinent information obtainable from the appropriate Federal agency pursuant to a Freedom of Information Act request.

PART 451—APPLICATION PROCEDURE

Sec.
451.01 Definitions.
451.02 Applications for exemptions.
451.03 Review boards.
451.04 Endangered Species Committee.

Authority: Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

§ 451.01 Definitions.

All definitions contained in 50 CFR 450.01 are applicable to this part.

§ 451.02 Applications for exemptions.

(a) *Scope.* This section prescribes the application procedures for applying for an exemption from the requirements of section 7(a)(2) of the Endangered Species Act, as amended.

(b) *Where to apply.* Applications should be made to the appropriate Secretary(ies) by writing:

(1) The Secretary, Attention: Endangered Species Committee, Room 4160, Department of the Interior, 18th and C Streets, N.W., Washington, D.C., 20240.

(2) The Secretary, Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20030.

(c) *Who may apply.* Applications for exemptions shall only be made by (1) a Federal agency, (2) the Governor of a State in which the proposed agency action may occur, or (3) a person who has received a final denial for the purposes of chapter 7, Title 5, United States Code of an application to a Federal agency for a permit or license primarily because of section 7(a)(2) considerations.

(d) *When to apply.* (1) Except in the case of agency action involving a permit or license application, an application for an exemption must be submitted to the Secretary within 90 days following the termination of the consultation process.

(2) In the case of agency action involving a permit or license application, an application for an exemption must be submitted within 90 days after the date on which the Federal agency concerned takes final action, for purposes of chapter 7 of title 5, United States Code, with respect to such agency action.

(3) In either case, an application for exemption which otherwise meets the requirements of section 7(g) of the Act, 16 U.S.C. 1536(g), may be submitted within 90 days following the effective date of these regulations.

(e) *Contents of the application when submitted.* Exemption applicants must provide the following information at the time the application is submitted.

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(1) Applicant's name, mailing address, and phone number, including the name and telephone number of an individual to be contacted regarding the application.

(2) If the applicant is a Federal agency:

(i) A comprehensive description of the proposed agency action.

(ii) In the case of a denial of a license or permit, a description of the permit or license sought from or by the Federal agency, including a statement of who in the Federal agency denied the permit or license and the grounds for the denial.

(iii) A description of all permit(s), license(s) or other legal requirement(s) which have been satisfied or obtained, or which must still be satisfied or obtained, before the proposed action can proceed.

(iv) A description of the consultation process carried out pursuant to section 7(a) of the Act.

(v) A copy of the biological assessment, if one was prepared.

(vi) A copy of the biological opinion. If the biological opinion was issued before the effective date of these regulations, a statement by the agency which issued such opinion that it has reviewed the opinion since the effective date of these regulations and has found it valid and sufficient under the Act.

(vii) A description of each alternative to the proposed action considered by the Federal agency.

(viii) A statement describing why the proposed agency action cannot be altered or modifed to avoid jeopardizing the identified endangered species, threatened species or critical habitat(s).

(ix) A list of resources committed by the agency to the proposed action subsequent to the initiation of consultation.

(3) If the applicant is a permit or license applicant:

(i) A comprehensive description of the applicant's proposed action.

(ii) A description of the permit or license sought from the Federal agency, including a statement of who in the Federal agency denied the permit or license and the grounds for the denial.

(iii) A description of all permit(s), license(s) or other legal requirement(s) which have been satisfied or obtained, or which must still be satisfied or obtained, before it can proceed with the proposed action.

(iv) A copy of the permit or license denial.

(v) A copy of the biological assessment, if one was prepared.

(vi) A copy of the biological opinion. If the biological opinion was issued before the effective date of these regulations, a statement by the agency which issued such opinion that it has reviewed the opinion since the effective date of these regulations, and found it valid and sufficient under the Act.

(vii) A description of the consultation process carried out pursuant to section 7(a) of the Act, to the extent that such information is available to the applicant.

(viii) A description of each alternative to the proposed action considered by the applicant, and to the extent that such information is available to the applicant, a description of each alternative to the proposed action considered by the Federal agency.

(ix) A statement describing why the applicant's proposed action cannot be altered or modified to avoid jeopardizing the endangered species, threatened species or critical habitat(s).

(x) A list of resources committed to the proposed action by the permit or license applicant subsequent to the initiation of consultation.

(4) If the applicant is the Governor of a State in which the proposed agency action may occur:

(i) A comprehensive description of the proposed agency action.

(ii) A copy of the biological assessment, if one was prepared.

(iii) A copy of the biological opinion. If the biological opinion was issued before the effective date of these regulations, a statement by the agency which issued such opinion that it has reviewed the opinion since the effective date of these regulations and has found it valid and sufficient under the Act.

(iv) A description of the consultation process carried out pursuant to section 7(a) of the Act, to the extent that such information is available to the Governor.

(v) A description of all alternatives considered by the Federal agency, to the extent that such information is available to the Governor.

(vi) A statement describing why the proposed Federal action cannot be altered or modified to avoid jeopardizing the identified endangered species, threatened species or critical habitat(s).

(vii) A list of resources committed to the proposed action subsequent to the initiation of consultation, to the extent that such information is available to the Governor.

(5) Each applicant, whether a Federal agency, permit or license applicant, or Governor, must also submit the following:

(i) A full statement of the nature and the extent of the benefits of the proposed action.

(ii) A full discussion of why the benefits of the proposed action clearly outweigh the benefits of each considered alternative course of action.

(iii) A full discussion of why none of the considered alternatives are reasonsble and prudent.

(iv) A full statement explaining why the proposed action is in the public interest.

(v) A full explanation of why the action is of regional or national significance.

(vi) A full discussion of mitigation and enhancement measures proposed to be undertaken if an exemption is granted.

(f) *Additional information required from the applicant.* If the review board makes a positive finding on each of the threshold determinations set forth in section 7(g)(5) of the Act, the review board may require the applicant to submit further discussions of the information required by § 451.02 (e)(5)(ii), (iii), (iv), (v), and (vi).

(g) *Initial review of the application.* (1) Upon receiving the application, the Secretary shall review the contents thereof and consider whether the application complies with the requirements set forth in § 451.02 (c), (d) and (e).

(2) The Secretary shall reject an application within 10 days of receiving it if he determines that it does not comply with § 451.02 (c), (d) and (e). When the Secretary rejects an application, a review board will not be empaneled.

(3) If the Secretary does not reject the application within 10 days of receiving it, but if the Secretary determines that a serious question exists regarding the application's compliance with requirements set forth in § 451.02 (c), (d) or (e), he shall refer the issue to the review board for consideration at a pre-hearing conference within 30 days of empanelling. The review board shall reject the application if the review board finds that the application does not comply with § 451.02 (c) or (d) or (e).

(h) *Notification of the Secretary of State.* The Secretary will promptly transmit to the Secretary of State a copy of all applications submitted in accordance with section 451.02 of this part.

(i) *Public notification.* Upon receipt of an application for exemption, the Secretary shall promptly publish a notice in the **Federal Register** (1) announcing that an application has been filed, (2) stating the applicant's name, (3) briefly describing the proposed agency action and the result of the consultation process, (4) designating the place where copies of the application can be obtained and (5) specifying the name of the person to contact for further information. The Secretary will mail copies of the **Federal Register** notice to each member of the Committee.

§ 451.03 Review boards.

(a) *Scope.* This section contains provisions governing the relationship between the Secretary and review boards.

(b) *Appointment.* Review boards will be appointed as follows:

(1) A member appointed by the Secretary. One member of the review board will be appointed by the Secretary not later than 15 days after an application is submitted.

(2) A State member. (i) When one or more States are affected, the Secretary will notify the Governors of each affected State in writing and request them to recommend residents of the State(s) in which the agency action will be, or is being, carried out for appointment to the review board. Written recommendations of these Governors must be received by the Secretary within 10 days after receipt of notification. The Secretary will transmit the Govenor's recommendations to the President and will request the President to appoint, within 30 days after the application for exemption was submitted, a State resident from the State(s) in which the agency action will be, or is being carried out.

(ii) When no State is affected, the Secretary will submit to the President a list of individuals with expertise relevant to the application, and will request the President to appoint an individual to the review board within 30 days after the application for exemption was submitted.

(3) An Administrative Law Judge. The Secretary will request the Office of Personnel Management to appoint, within 30 days after the application is submitted, an Administrative Law Judge to serve on the review board.

(4) If biological opinions of both the Secretary of the Interior and the Secretary of Commerce indicate that an agency action would violate section 7(a)(2) of the Act, the Secretaries shall jointly convene a review board to consider any application for exemption filed with respect to such agency action.

(c) *Submission of application to the review board.* Following appointment of all members of a review board under § 451.03(b), the Secretary will submit a copy of the exemption application to each member.

(d) *Secretary's views.* Within 60 days after receiving an exemption application in accordance with § 451.02, the Secretary shall (unless a longer time is agreed to with the exemption application) submit his views on the application to the review board in writing.

§ 451.04 Endangered Species Committee.

(a) *Scope.* This section contains provisions governing the relationship between the Secretary and the Endangered Species Committee.

(b) *Appointment of State member.* (1) Concurrently with notification under § 451.03(b)(2)(A), the Secretary will request the Governors of each affected State to recommend individuals to be appointed to the Endangered Species Committee. Written recommendations of these Governors must be received by the Secretary within 10 days of receipt of notification. The Secretary will transmit the Governors' recommendations to the President and will request that the President appoint a State resident to the Endangered Species Committee from each affected State, within 30 days after the application for exemption was submitted.

(2) When no State is affected, the Secretary will submit to the President a list of individuals with expertise relevant to the application and will request the President to appoint an individual to the Endangered Species Committee on or before 30 days after the application for exemption was submitted.

PART 452—ENDANGERED SPECIES REVIEW BOARDS

Sec.

452.01 Purpose and scope.
452.02 Definitions.
452.03 Threshold review and determinations.
452.04 Preparation and submission of informational report.
452.05 Review board hearings.
452.06 Other meetings.
452.07 Open meetings and records.
452.08 Parties and intervenors.
452.09 Separation of functions and ex parte communications.
452.10 Additional review board powers.

Authority: Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.*, as amended.

§ 452.01 Purpose and scope.

This part prescribes the procedures to be used by endangered species review boards when examining applications for exemption from section 7(a)(2) of the Endangered Species Act.

§ 452.02 Definitions.

Definitions applicable to this part are contained in 50 CFR 450.01.

§ 452.03 Threshold review and determinations.

(a) *Initiation of review.* Upon receiving an exemption application, a review board shall promptly initiate its review of the application.

(b) *Notice.* Upon receiving an exemption application, a review board shall promptly publish a notice in the **Federal Register** containing: (1) A brief description of the exemption application; (2) the time and place for parties to file written submissions; (3) a date by which all motions to intervene must be filed; and (4) the time, place and location of planned review board meetings or hearings on its threshold determinations.

(c) *Threshold determinations.* Within 60 days after its appointment, or a longer time agreed upon between the exemption applicant and the Secretary, the review board shall conclude its review and, by majority vote, determine:

(1) Whether any required biological assessment was conducted;

(2) Whether the Federal agency and permit or license applicant, if any, have refrained from making any irreversible or irretrievable commitment of resources which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative which would avoid jeopardizing the continued existence of an endangered or threatened species or result in the adverse modification or destruction of a critical habitat;

(3) Whether the Federal agency and permit or license applicant, if any, have carried out consultation responsibilities in good faith and have made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives to the proposed action which would not violate section 7(a)(2) of the Act; and

(4) Whether there is an irresolvable conflict. In making this determination, the review board will give considerable deference to the findings reached during consultation by the acting agency and the appropriate Service. The review board will find that an irresolvable conflict exists if: The biological opinion is based on the best available commercial and scientific data and, based on that data, there has been no clear error in judgment on the question of jeopardy to the continued existence of the endangered or threatened species at issue or adverse modification or destruction of the critical habitat at issue.

(d) *Burden of proof.* The exemption applicant has the burden of proof on its position on the threshold determinations.

(e) *Negative finding.* If a review board makes a negative finding on any threshold determination, the review board shall notify the exemption applicant and all other parties in writing of its finding and grounds therefor. The

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exemption process shall terminate when the applicant receives such written notice. A negative finding by the review board shall constitute final agency action for purposes of judicial review under Chapter 7 of Title 5 of the United States Code. In the event of a negative finding by a review board on the issue of irresolvable conflict, the acting agency and the appropriate Service will reinitiate consultation. A finding of no irresolvable conflict is not to be construed as an exemption and does not absolve the Federal agency of its obligations to comply with section 7(a)(2) of the Act. If the deficiency that resulted in the negative determination(s) is subsequently corrected, a new application may be made to the Secretary.

(f) *Positive finding.* If the review board makes a positive finding on each of the threshold determinations, it shall notify the exemption applicant and all other parties in writing that the application qualifies for consideration by the Endangered Species Committee.

(g) *Secretary of State opinion.* The review board process shall terminate immediately if the Secretary of State, pursuant to his obligations under section 7(i) of the Act, certifies in writing to the Committee that granting an exemption and carrying out the proposed action would violate an international treaty obligation or other international obligation of the United States.

§ 452.04 Preparation and submission of the information report.

(a) *Preparation of the report.* If the review board has made a positive finding on each of the threshold determinations, it shall proceed to gather information according to procedures set out in 50 CFR 452.05 through 452.07 and prepare a report for the Endangered Species Committee; (1) Discussing the availability of reasonable and prudent alternatives to the proposed action;

(2) Discussing the nature and extent of the benefits of the proposed action;

(3) Discussing the nature and extent of the benefits of alternative courses of action consistent with conserving the species or the critical habitat;

(4) Summarizing whether the proposed action is of national or regional significance;

(5) Summarizing whether the proposed action is in the public interest; and

(6) Discussing appropriate and reasonable mitigation and enhancement measures which should be considered by the Committee in granting an exemption.

(b) *Submission of report.* The review board shall submit its report and the record of its proceedings to the Committee within 180 days after making its threshold determinations.

(c) *Applicant responsibility.* In review board proceedings conducted pursuant to this section, the exemption applicant has the burden of going forward with evidence concerning the criteria for exemption.

§ 452.05 Review board hearings.

(a) *Hearings.* (1) A review board may hold such hearings as it determines are necessary in making its threshold determinations. If the issue of irresolvable conflict has previously been the subject of a hearing required to be conducted under 5 U.S.C. 554, 556, and 557, however, the review board's determination of irresolvable conflict shall be based solely on a review of the record, unless the review board determines intervening or unusual circumstances require that the record be supplemented.

(2) A hearing shall be held to aid the review board in preparing its information report under 50 CFR 452.04.

(b) *Prehearing conferences.* (1) The review board may, on its own motion or the motion of a party or intervenor, hold a prehearing conference to consider: (i) The possibility of obtaining stipulations, admissions of fact or law and agreement to the introduction of documents; (ii) the limitation of the number of witnesses; (iii) questions of law which may bear upon the course of the hearings; (iv) prehearing motions, including motions for discovery; and (v) any other matter which may aid in the disposition of the proceedings.

(2) If time permits and if necessary to materially clarify the issues raised at the prehearing conference, the review board shall issue a statement of the actions taken at the conference and the agreements made. Such statement shall control the subsequent course of the hearing unless modified for good cause by a subsequent statement.

(c) *Notice of hearings.* Unless announced in the notice published upon receipt of an exemption application pursuant to 50 CFR 452.03(b), review board hearings and prehearing conferences will be announced by a notice in the **Federal Register** stating: (1) The time, place and nature of the hearing or prehearing conference; and (2) the matters of fact and law to be considered. Such notices will ordinarily be published at least 15 days before the scheduled hearing.

(d) *Conduct of Hearings.*—(1) *General conduct.* To the extent practicable within the time required for action by the review board, and except to the extent inconsistent with the requirements of section 7(g) of the Endangered Species Act, the conduct of all review board hearings shall be in accordance with 5 U.S.C. 554, 555 and 556 (other than section (b)(3) of section 556).

(2) *Presence of members.* Absent unforeseen circumstances, the review board members shall be physically present during the hearings.

(3) *Evidence.*—(i) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Immaterial, irrelevant, unreliable, or unduly repetitious parts of an admissible document may be segregated and excluded so far as practicable.

(ii) *Official notice.* When a review board finding rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted to any party making a timely motion.

(4) *Motions, objections, rebuttal and cross-examination.* Motions and objections may be filed with the review board, rebuttal evidence may be submitted, and cross-examination may be conducted, as required for a full and true disclosure of the facts, by parties, witnesses under subpena, and their respective counsel.

(i) *Objections.* Objections to evidence shall be timely, and the party making them may be required to state briefly the grounds relied upon.

(ii) *Offers of proof.* When an objection is sustained, the examining party may make a specific offer of proof and the review board may receive the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record for consideration by any reviewing authority.

(iii) *Motions.* Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing and shall be filed and served on all parties. If made at the hearing, they may be stated and responded to orally, but the review board may require that they be reduced to writing. Oral argument on motions and deadlines by which to file responses to written motions will be at the discretion of the review board.

§ 452.06 Other meetings.

(a) In addition to hearings and prehearing conferences held pursuant to § 452.05, a review board may hold such other meetings as it determines are necessary.

(b) Unless announced in the notice published upon receipt of an exemption application pursuant to 50 CFR 452.02(b), such meetings shall be announced by a notice in the **Federal Register** stating: (1) The time and place of the meeting; and (2) the nature or purpose of the meeting. Such notices will ordinarily be published at least 15 days before the scheduled meeting.

§ 452.07 Open meetings and records.

All review board meetings and hearings and all review board records shall be open to the public.

§ 452.08 Parties and intervenors.

(a) *Parties.* The parties shall consist of the exemption applicant, the Federal agency responsible for the agency action in question, the Service, and intervenors whose motions to intervene have been granted.

(b) *Intervenors.* (1) A review board shall provide an opportunity for intervention in its proceedings. A motion to intervene must state the petitioner's name and address, identify its representative, if any, set forth the interest of the petitioner in the proceeding and show that the petitioner's participation would assist in the determination of the issues in question.

(2) A review board shall grant leave to intervene if it determines that an intervenor's participation would contribute to the fair determination of issues before the board. In making this determination, the review board may consider whether an intervenor represents a point of view not adequately represented by a party or another intervenor.

§ 452.09 Separation of functions and ex parte communications.

(a) *Separation of Functions.* A review board and its members shall not:

(1) Be responsible for or subject to the supervision or direction of any person engaged in the performance of the endangered species consultation at issue;

(2) Allow an agency employee or agent engaged in the endangered species consultation at issue or a factually related matter to participate or advise in a determination under this part except as a witness or counsel in public proceedings.

(b) *Ex Parte Communications.* As provided in 5 U.S.C. 557(d), review board members and staff shall not communicate with parties or their respective counsel concerning the merits of issues before the review board without reasonable prior public notice and opportunity to participate.

§ 452.10 Additional review board powers.

(a) *Request assistance.* (1) The review board may request and receive:

(i) Administrative support services, on a reimbursable basis, from the Administrator of the General Services Administration;

(ii) Personnel, from any Federal agency, on a nonreimbursable basis, to assist the review board in carrying out its duties.

(2) The review board should minimize reliance on personnel provided on a reimbursable basis by the GSA and maximize use of personnel provided by heads of Federal agencies on a nonreimbursable basis.

(b) *Use of the mails.* A review board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(c) *Request information.* Subject to the Privacy Act of 1974, a review board may request of any person information necessary to carry out review board duties. Any Federal agency or the exemption applicant shall furnish such information to the review board.

(d) *Request subpenas.* A review board may request the Committee to issue subpenas for the attendance and testimony of such witnesses, and the production of such relevant papers, books, and documents as are necessary for consideration of an exemption application.

(e) *Take depositions.* A review board may take depositions or have depositions taken as necessary to carry out its functions.

(f) *Delegate Functions.* A review board may delegate its functions under paragraphs (a) through (e) of this section to any member.

(g) *Consolidated and Joint Proceedings.* (1) When two or more exemption applications are referred to the same review board, the board may consolidate proceedings on the applications, if consolidation would expedite or simplify consideration of the issues.

(2) When two or more review boards are considering related exemption applications, the review boards may conduct joint proceedings, if joint proceedings would expedite or simplify consideration of the issues.

PART 453—ENDANGERED SPECIES COMMITTEE

Sec.

453.01 Purpose.
453.02 Definitions.
453.03 Committee review and final determinations.
453.04 Committee information gathering.
453.05 Committee meetings.
453.06 Additional committee powers.

Authority: Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., as amended.

§ 453.01 Purpose.

This part prescribes the procedures to be used by the Endangered Species Committee when examining applications for exemption from seciton 7(a)(2) of the Endangered Species Act of 1973, as amended.

§ 453.02 Definitions.

Definitions applicable to this part are contained in 50 CFR 450.01.

§ 453.03 Committee review and final determinations.

(a) *Initiation.* Upon receiving a review board's report and record, the Committee shall promptly initiate its review of the application.

(b) *Final Determinations.* Within 90 days of receiving a review board's report and record, the Committee shall grant an exemption from the requirements of section 7(a)(2) of the Act for an agency action if, by a vote of not less than five of its members voting in person:

(1) It determines on the record, based on the report of the review board and on such other testimony or evidence as it may receive, that—

(i) There are no reasonable and prudent alternatives to the proposed action;

(ii) The benefits of such action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat, and such action is in the public interest; and

(iii) The action is of regional or national significance; and

(2) It establishes such reasonable mitigation and enhancement measures as are necessary and appropriate to minimize the adverse effects of the proposed action upon the endangered species, threatened species, or critical habitat concerned.

(c) *Decision and Order.* The Committee's final determinations shall be written and shall be based on the whole public record of testimony, evidence and other written comments submitted to the Committee. If the Committee determines that an exemption should be granted, the Committee shall issue an order granting the exemption and specifying required mitigation and enhancement measures. The Committee shall publish its decisions in the **Federal Register** as soon as practicable.

(d) *Permanent Exemptions.* Under section 7(h)(2) of the Act, an exemption granted by the Committee shall constitute a permanent exemption with respect to all endangered or threatened species for the purposes of completing such agency action (i) regardless of

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whether the species was identified in the biological assessment, and (ii) only if a biological assessment has been conducted under section 7(c) of the Act with respect to such agency action. An exemption shall be permanent unless (A) the Secretary finds, based on the best scientific and commercial data availble, that such exemption would result in the extinction of a species that was not the subject of consultation under section 7(a)(2) of the Act or was not identified in any biological assessment conducted under section 7(c) of the Act, and (B) the Committee determines within 60 days after the date of the Secretary's finding that the exemption should not be permanent. If the Secretary makes a finding that the exemption would result in the extinction of a species, as specified above, the Committee shall meet with respect to the matter within 30 days after the date of the finding. During the 60 day period following the Secretary's determination, the holder of the exemption shall refrain from any action which would result in extinction of the species.

(e) *Review by the Secretary of Defense.* If the Secretary of Defense finds in writing that an exemption for the agency action is necessary for reasons of national security, the Committee shall grant the exemption notwithstanding any other provision in this part.

§ 453.04 Committee information gathering.

(a) *Written Submissions.* When the Chairman or four Committee members decide that written submissions are necessary to enable the Committee to make its final determinations, the Chairman shall publish a notice in the **Federal Register** inviting written submissions from interested persons. The notice shall include: (1) The address to which such submissions are to be sent; (2) the deadline for such submissions; and (3) a statement of the type of information needed.

(b) *Information Gathering Proceedings.* (1) When the Chairman or four Committee members decide that oral presentations are necessary to enable the Committee to make its final determinations, an information gathering proceeding shall be held.

(2) The information gathering proceeding shall be conducted by (i) the Committee or (ii) a member of the Committee or other person, designated by the Chairman or by four members of the Committee.

(3) *Notice.* The Chairman shall publish in the **Federal Register** a general notice of an information gathering proceeding, stating: (i) The time, place and nature of the information gathering proceeding; and (ii) the type of information needed. The **Federal Register** notice shall be published at least 15 days prior to the proceeding.

(4) *Procedure.* The information gathering proceedings shall be open to the public and conducted in an informal manner. All information relevant to the Committee's final determinations shall be admissible, subject to the imposition of reasonable time limitations on oral testimony.

(5) *Transcript.* Information gathering proceedings will be recorded verbatim and a transcript thereof will be available for public inspection. Any person may obtain a copy of the transcript upon payment of the actual cost of duplication.

§ 453.05 Committee meetings.

(a) The Committee shall meet at the call of the Chairman or five of its members.

(b) Five members of the Committee or their representatives shall constitute a quorum for the transaction of any function of the Committee, except that in no case shall any representative be considered in determining the existence of a quorum for the transaction of a Committee function which involves a vote by the Committee on the Committee's final determinations.

(c) All meetings and records of the Committee shall be open to the public.

(d) The Chairman shall publish a notice of all Committee meetings in the **Federal Register.** The notice will ordinarily be published at least 15 days prior to the meeting.

§ 453.06 Additional committee powers.

(a) *Request and Receive Assistance.* The Committee may request and receive:

(1) Administrative support services on a reimbursable basis, from the Administrator of the General Services Administration; and

(2) Personnel from any Federal agency on a nonreimbursable basis, to assist the Committee in carrying out its duties.

(b) *Use of the Mails.* The Committee may use the mails in the same manner and under the same conditions as a Federal agency.

(c) *Secure Information.* Subject to the Privacy Act, the Committee may secure information directly from any Federal agency when necessary to enable it to carry out its duties.

(d) *Subpenas.* (1) For the purpose of obtaining information necessary for the consideration of an application for an exemption, the Committee may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents;

(2) The Chairman shall receive review board subpena requests and may issue the subpenas on behalf of the Committee to aid the review board.

(e) *Rules and orders.* The Committee may issue such rules and orders as are necessary to carry out its duties.

(f) *Delegate Authority.* The Committee may delegate its authority under paragraphs (a) through (d) of this section to any member.

Dated: March 28, 1980.

Cecil D. Andrus,

Chairman, Endangered Species Committee.

Note.—These regulations have been concurred in by all permanent members of the Committee, except that the Secretary of the Army withholds concurrence on §§ 452.03(e), 450.01(2), and 453.05(b).

[FR Doc. 80-10065 Filed 4-3-80; 8:45 am]

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Friday
April 4, 1980

Part VIII

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates; Rule and Proposed Rule

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 527, 549, 551, 572

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains the Bureau of Prisons final rules relating to (1) Transfer of Inmates After Conviction, (2) Hunger Strikes, Inmate, (3) Non-Discrimination Towards Inmates, and (4) Parole Commission and Reorganization Act—Procedures for the implementation of Section 4205(g).

The rules on Transfer of Inmates After Conviction describe Bureau procedures regarding Rule 38(a)(2) of the Federal Rules of Criminal Procedure. The rules on Hunger Strikes, Inmate provide guidelines for the medical and administrative management of inmates who engage in hunger strikes. The rules on Non-Discrimination Towards Inmates places into writing the Bureau's longstanding policy of non-discrimination. The rules on Parole Commission and Reorganization Act—Procedures for the Implementation of Section 4205(g) describe Bureau procedures relating to parole eligibility under 18 U.S.C. Section 4205(g).

DATES: Effective date: May 5, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 910, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTAL INFORMATION: On January 12, 1979, the Bureau of Prisons published its proposed rules relating to: (1) Transfer of Inmates After Conviction [at 44 FR 2982], and (2) Parole Commission and Reorganization Act—Procedures for the Implementation of Section 4205(g) [at 44 FR 2992–2993]. On October 29, 1979, the Bureau of Prisons published its proposed rules relating to: (1) Hunger Strikes, Inmate [at 44 FR 62256–62257], and (2) Non-Discrimination Towards Inmates [at 44 FR 62257]. Interested persons were invited to submit comments on the proposed rules. On the basis of comments received and internal staff review, changes have been made in the rules. Members of the public may, of course, submit further comments concerning these rules by writing to the previously cited address. These comments will be considered, but will receive no formal response in the **Federal Register.** Public comments which were received in these areas and the changes which were made are discussed below.

Summary of Changes/Comments

I. Part 527—Subpart C—Transfer of Inmates After Conviction

(1) The final rule pertains to Rule 38(a)(2), Federal Rules of Criminal Procedure. Proposed reference to Rule 35 is deleted as its subject matter, Correction or Reduction of Sentence, is not specifically related to Rule 38, Stay of Execution, and Relief Pending Review. Proposed § 527.21(c) is therefore withdrawn.

(2) § 527.20—Final § 527.20 has been revised and is retitled "Policy". Proposed § 527.21(a) and § 527.21(b) are deleted. The Bureau of Prisons has no way of monitoring whether an inmate has filed an appeal. This function is within the purview of the sentencing court which notifies the U.S. Marshals Service when the inmate is ready to leave the judicial district. It is not the Bureau's intent to limit an inmate's stay within the judicial district when there is an appeal. Rather, the Bureau makes every effort to accommodate requests from the court of conviction for the inmate to be retained in a place of confinement which allows the inmate to participate in preparation of the appeal. Where reason exists for not retaining the individual, the court of conviction is notified and an attempt made to arrive at an acceptable place of confinement. Final § 527.20 states this intent. Reference in proposed § 527.20 to an inmate having access to his attorney or the sentencing court is deleted as its substance is encompassed within other Bureau rules, including Inmate Legal Activities, Telephone Regulations for Inmates, and Correspondence.

II. Part 549—Subpart E—Hunger Strikes, Inmate

(1) Proposed Subpart C is renumbered final Subpart E. § 549.62(b) is amended to recognize that medical staff may place an inmate requiring isolation in either a "locked hospital or other medically appropriate room". This change recognizes that locked hospital rooms may not always be available or warranted. § 549.63(d) is amended to specify that an inmate may be transferred to another Bureau of Prisons institution when medical staff considers it medically appropriate. The phrase "or to another hospital" is deleted as the intent is encompassed within the phrase "community hospital".

(2) § 549.64(a) is amended to state that staff shall "deliver" as opposed to "bring" the meal to the inmate's room. In recognition that an inmate's medical condition may require a greater or lesser frequency than three meals per day, the final rule authorizes the physician to specify the number of meals per day delivered to an inmate on hunger strike. The word "every" is deleted from final § 549.65(b) as the language "reasonable efforts" expresses the same intent.

(3) A public comment appears to favor the position that an individual has a right to end his or her own life. For support, the commenter points out that the ACLU "supports a prisoner's right to end his or her own life and certainly for the purpose of expressing his or her beliefs." Intervention by the government is limited to assuring "that the individual has had the opportunity rationally to consider whether to take this irreversible action." 18 U.S.C. 4042 charges the Bureau of Prisons with the responsibility "for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States . . .". Allowing an inmate to take his or her life violates that statutory requirement. While the Bureau recognizes an inmate's right to protest, many means other than suicide (for example, litigation, filing of a grievance, letter writing, etc.) are available.

III. Part 551—Subpart I—Non-Discrimination Towards Inmates

Proposed Subpart J, § 551.120 becomes final Subpart I, § 551.90 and is expanded to accommodate a suggestion that the rule prohibit discrimination against the handicapped. We see no necessity for adopting another suggestion that further expansion be provided in respect to sex discrimination and the access of women to programs, resources and opportunities. The rule clearly states discrimination on the basis of sex is prohibited. Adherence to this standard is reflected in our actual operation. In our co-correctional institutions, men and women have equal access to available services and programs. Our separate institutions for men and women provide essential equality, with limitations primarily the result of the greater number of male institutions available and the greater program opportunity this affords in some areas.

IV. Part 572—Subpart E—Parole Commission and Reorganization Act—Procedures for the Implementation of Section 4205(g)

(1) in § 572.42(a)(1), the phrase "request warrants approval" is substituted for "request has merit." The intent is unchanged, as the revised language is inserted for consistency with the language of § 572.42(a)(2) and (a)(3).

(2) Comments on § 572.42 concerned the lack of specific standards for use by recommending officials in implementation of § 4205(g), their discretion to deny a request, their right to refuse to forward a request to the next higher official and the lack of specific time limits for responding to an application. § 572.40 provides a framework, with examples, by which an inmate may determine eligibility for a §4205(g) motion. The statute itself, 18 U.S.C. § 4205(g), gives the Bureau of Prisons complete latitude and discretion regarding petitions under that section. The final rule (§ 572.43) requires written notification to the inmate and a statement of reasons for denial if the request is denied. To reflect the actual review process, the format of § 572.43 is revised with proposed § 572.43(c), (b), and (a) becoming final § 572.43(a), (b), and (c). An inmate dissatisfied with a decision may appeal under the Administrative Remedy Procedure. Similarly, the inmate may appeal if the inmate believes the reviewing official is delaying an assessment of the application.

(3) A comment called for the Bureau to index, publish, and make available to prisoners final decisions granting or denying § 4205(g) requests. The requested information is already available under the Freedom of Information Act and, as pertains to Administrative appeals, by obtaining a copy of Administrative Remedy indexes.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V, is amended as set forth below. The effective date of these rules is May 5, 1980.

Dated: March 31, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter B is amended by adding Subpart C to Part 527.

PART 527—TRANSFERS

* * * * *

Subpart C—Transfer of Inmates After Conviction

Sec.

527.20 Policy.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Transfer of Inmates After Conviction

§ 527.20 Policy.

The Bureau of Prisons adheres to Rule 38(a)(2) of the Federal Rules of Criminal Procedure. When the court of conviction recommends that the inmate be retained in a place of confinement which will allow the inmate to participate in the preparation of the appeal, the Bureau of Prisons shall make every effort to place the inmate in such a facility, unless a reason exists for not placing the inmate in that facility, in which case the matter is called to the attention of the court and an attempt is made to arrive at an acceptable place of confinement.

2. Subchapter C is amended as follows:

A. In Part 549, Subpart E is added.

B. In Part 551, Subpart I is added.

PART 549—MEDICAL SERVICES

Subpart E—Hunger Strikes, Inmate

Sec.

549.60 Policy.
549.61 Definition.
549.62 Initial referral.
549.63 Initial medical evaluation and management.
549.64 Food/liquid intake/output.
549.65 Refusal to accept treatment.
549.66 Release from treatment.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4005, 4042, 4081; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Hunger Strikes, Inmate

§ 549.60 Policy.

The Bureau of Prisons provides guidelines for the medical and administrative management of inmates who engage in hunger strikes. It is the responsibility of the Bureau of Prisons to monitor the health and welfare of individual inmates, and to ensure that procedures are pursued to preserve life.

§ 549.61 Definition.

As defined in this rule, an inmate is on a hunger strike:

(a) When he or she communicates that fact to staff and is observed by staff to be refraining from eating for a period of time, ordinarily in excess of 72 hours; or

(b) When staff observe the inmate to be refraining from eating for a period in excess of 72 hours. When staff consider it prudent to do so, a referral for medical evaluation may be made without waiting 72 hours.

§ 549.62 Initial referral.

(a) Staff shall refer to medical staff for evaluation and, when appropriate, for treatment, an inmate who is observed to be on a hunger strike.

(b) When considered medically appropriate, medical staff shall place the inmate in a hospital. When isolation is necessary to measure food and liquid intake/output, medical staff may place the inmate in a locked hospital or other medically appropriate room.

§ 549.63 Initial medical evaluation and management.

(a) Medical staff shall ordinarily perform the following procedures upon initial referral of an inmate on a hunger strike:

(1) Measure and record height and weight;

(2) Take and record vital signs;

(3) Urinalysis;

(4) Psychological and/or psychiatric evaluation;

(5) General medical evaluation;

(6) X-Ray—flat plate of abdomen and chest; and

(7) Complete blood count, sedimentation rate and blood chemistry tests as indicated by medical evaluation.

(b) Medical staff shall take and record weight and vital signs at least once every 24 hours while the inmate is on a hunger strike. Other procedures identified in paragraph (a) of this section shall be repeated as medically indicated.

(c) When valid medical reasons exist, medical staff may modify, discontinue, or expand any of the medical procedures described in paragraphs (a) and (b) of this section.

(d) When medical staff consider it necessary in order to provide appropriate medical treatment, an inmate on a hunger strike will be transferred to the Medical Center for Federal Prisoners, to another Bureau institution considered medically appropriate, or to a community hospital.

§ 549.64 Food/liquid intake/output.

(a) Staff shall prepare and deliver to the inmate's room three meals per day or as otherwise authorized by the physician.

(b) Staff shall provide the inmate an adequate supply of drinking water. Other beverages shall also be offered.

(c) Staff shall remove any commissary food items and private food supplies of the inmate while the inmate is on a hunger strike. An inmate may not make commissary purchases while under hunger strike management.

§ 549.65 Refusal to accept treatment.

(a) When, as a result of inadequate intake or abnormal output, a medical officer determines that the inmate's life or permanent health will be threatened if treatment is not initiated immediately, the medical officer shall give

consideration to forced medical treatment of the inmate.

(b) Prior to medical treatment being administered against the inmate's will, staff shall make reasonable efforts to convince the inmate to voluntarily accept treatment. Medical risks faced by the inmate if treatment is not accepted shall also be explained to the inmate. Staff shall document their treatment efforts in the medical record of the inmate.

(c) When, after reasonable efforts, or in an emergency preventing such efforts, a medical necessity for immediate treatment of a life or health threatening situation exists, the medical officer may order that treatment be administered without the consent of the inmate. Staff shall document their treatment efforts in the medical record of the inmate.

(d) Staff shall continue clinical and laboratory monitoring as necessary until the inmate's life or permanent health is no longer threatened.

(e) Staff shall continue medical, psychiatric and/or psychological follow-up as long as necessary.

§ 549.66 Release from treatment.

Only the medical officer may order that an inmate be released from hunger strike evaluation and treatment. This order shall be documented in the medical record of the inmate.

PART 551—MISCELLANEOUS

Subpart I—Non-Discrimination Toward Inmates

Sec.
551.90 Policy.

Authority: 18 USC 4001, 4042; 28 CFR 0.95–0.99.

Subpart I—Non-Discrimination Toward Inmates

§ 551.90 Policy.

Inmates may not be discriminated against on the basis of race, religion, nationality, sex, handicap, or political belief. Each Warden shall ensure that administrative decisions and work, housing, and program assignments are non-discriminatory.

3. Subchapter D is amended by adding Part 572.

PART 572—PAROLE

Subpart A-D [Reserved]

Subpart E—Parole Commission and Reorganization Act—Procedures for the Implementation of Section 4205(g)

Sec.
572.40 Purpose and scope.
572.41 Initiation of request.
572.42 Approval of request.
572.43 Denial of request.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4205, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A-D [Reserved]

Subpart E—Parole Commission and Reorganization Act—Procedures for the Implementation of Section 4205(g)

§ 572.40 Purpose and scope.

Under 18 U.S.C. 4205(g), a sentencing court, on motion of the Bureau of Prisons, may make an inmate immediately eligible for parole by reducing the minimum term of the sentence to time served. The Bureau utilizes Section 4205(g) only in particularly meritorious or unusual circumstances which could not reasonably have been foreseen by the court at the time of sentencing. The section may be used, for example, if there is an extraordinary change in an inmate's personal or family situation or if an inmate becomes severely ill.

§ 572.41 Initiation of request.

(a) An inmate may submit a written request for a motion under 18 U.S.C. 4205(g) to the Warden. In the request, the inmate shall relate the circumstances that the inmate believes warrant consideration under 18 U.S.C. 4205(g). In addition, the inmate shall include the following information in the request:

(1) Offense,
(2) Plea,
(3) Length and date of sentence,
(4) Name and location of sentencing court,
(5) Date service of sentence began,
(6) Parole eligibility date, and
(7) Mandatory release date.

(b) The Bureau of Prisons processes a request made by another person on behalf of an inmate in the same manner as an inmate's request. Staff shall refer a request received at the Central Office or at a Regional Office to the Warden of the institution where the inmate is confined.

§ 572.42 Approval of request.

(a) The Bureau of Prisons makes a motion under 18 U.S.C. 4205(g) only after review of the request by the Warden, the Regional Director, the General Counsel, the Medical Director or the Assistant Director, Correctional Programs Division, and with the approval of the Director, Bureau of Prisons.

(1) If the Warden upon an investigation of the inmate's request determines that the request warrants approval, the Warden shall refer the matter in writing with recommendation to the Regional Director.

(2) If the Regional Director determines that the request warrants approval, the Regional Director shall prepare a written recommendation and refer the matter to the Office of General Counsel.

(3) If the Counsel determines that the request warrants approval, the General Counsel shall solicit the opinion of either the Medical Director or the Assistant Director, Correctional Programs division depending upon the nature of the basis for the request. With this opinion, the General Counsel shall forward the entire matter to the Director, Bureau of Prisons, for final decision.

(4) If the Director, Bureau of Prisons, grants a request, the Director shall ask the U.S. Attorney in the district in which the inmate was sentenced to move the sentencing court on behalf of the Bureau of Prisons to reduce the minimum term of the inmate's sentence to time served.

(b) Upon receipt of notice that the sentencing court has entered an order granting the motion under 18 U.S.C. 4205(g), the Warden of the institution where the inmate is confined shall schedule the inmate for hearing on the earliest Parole Commission docket.

(c) In event of medical emergency certified by the physician of the institution where the inmate is confined, staff shall expedite the request at all levels.

§ 572.43 Denial of request.

(a) When an inmate's request is denied by the Warden or Regional Director, the Warden or Regional Director shall provide the inmate with a written notice and statement of reasons for the denial. The inmate may appeal the denial through the Administrative Remedy Procedure (Part 542, Subpart B).

(b) When an inmate's request for consideration under 18 U.S.C. 4205(g) is denied by the General Counsel, the General Counsel shall provide the inmate with a written notice and statement of reasons for the denial. This denial constitutes a final administrative decision.

(c) When the Director, Bureau of Prisons, denies a request, the Director shall provide the inmate with a written notice and statement of reasons within 20 workdays after receipt of the referral from the Office of General Counsel. A denial by the Director constitutes a final administrative decision.

[FR Doc. 80-10125 Filed 4-4-80; 8:45 am]
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28 CFR Part 552

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons.

ACTION: Proposed rules.

SUMMARY: The Bureau is proposing another set of rules for the management of inmates in Federal Correctional Institutions. This proposal is part of the Bureau's program to publish in the Federal Register, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rules relating to Searches of Housing Units, Inmates, and Inmate Work Areas.

DATES: Comments must be received on or before June 3, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 910, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTAL INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the Federal Register its proposed rules on Searches of Housing Units, Inmates, and Inmate Work Areas.

Portions of this rule were proposed previously in the Federal Register. Body Searches of Inmates was proposed previously in the Federal Register (43 FR 30578–30579), and is now withdrawn. The rules on Searches of Housing Units, Inmates, and Inmate Work Areas discuss the various types of searches which may be conducted within a Bureau of Prisons institution and criteria for each type of search.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 910, 320 1st Street NW., Washington, D.C. 20534. Comments received before June 3, 1980 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 910, 320 1st Street NW., Washington, D.C. 20534. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend Subchapter C of 28 CFR, Chapter V by adding Part 552 to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 552—CUSTODY

Subpart A [Reserved]

Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

Sec.
552.10 Purpose and scope.
552.11 Body searches of inmates.
552.12 X-ray, major instrument, fluoroscope, or surgical intrusion.
552.13 Search of inmate housing and work areas.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A [Reserved]

Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

§ 552.10 Purpose and scope.

In order to further the safe, secure and orderly running of its institutions, the Bureau of Prisons conducts searches of inmate and of inmates housing and work areas to locate contraband and deter its introduction and movement. Staff shall employ the least intrusive method of search practicable, as indicated by the type of contraband and the method of suspected introduction.

§ 552.11 Body searches of inmates.

(a) Pat search—an inspection of a fully-clothed inmate, using the hands, including a search of the inmate's clothing and personal effects. A metal detector search may be done under the same circumstances.

(1) Staff may conduct a pat search of an inmate on a routine or random basis to control contraband.

(2) Ordinarily, staff of the same sex as the inmate shall make the search, except where circumstances are such that delay would mean the likely loss of contraband, or where it would be operationally inconvenient to arrange for a member of the same sex.

(b) Visual search—a visual inspection of all surfaces and body cavities.

(1) Staff may conduct a visual search where there is reason to believe that contraband has been concealed on the person, or a good opportunity for concealment has occurred. For example, re-entry into an institution after contact with the public (after a community trip or after a "contact" visit in a visiting room) is sufficient to justify a visual search. The visual search shall be made in a manner designed to assure as much privacy to the inmate as practicable.

(2) Staff of the same sex as the inmate shall make the search, except where circumstances are such that delay would mean the likely loss of contraband. Where staff of the opposite sex makes a visual search, staff shall document the reasons for the opposite sex search in the inmate's central file.

(c) Digital or simple instrument search—inspection for and/or removal of contraband or any other foreign item from a body cavity of an inmate by use of fingers or simple instruments, such as an otoscope, tongue blade, short nasal speculum, and simple forcep. A digital or simple instrument search may be conducted only by medical staff upon approval of the Warden and only if the Warden has reasonable belief that an inmate is concealing contraband in or on his person. If located, the contraband or foreign item may be removed immediately by medical staff if such removal can easily be effected by use of fingers or the simple instruments referred to above. Staff shall document all digital and simple instrument searches and the reasons in the inmate's central file.

(1) Staff shall solicit the inmate's written consent prior to conducting a digital or simple instrument search. However, the inmate's consent is not required.

(2) Staff may not conduct a digital or simple instrument search if it is likely to result in injury to the inmate.

§ 552.12 X-ray, major instrument, flouroscope, or surgical intrusion.

(a) The institution physician may authorize use of a fluoroscope, major instrument (including anoscope or vaginal speculum), x-ray, or surgical intrusion for medical reasons only, with the inmate's consent.

(b) Where there exists no reasonable alternative, and an x-ray examination is determined necessary for the security, order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to perform a non-repetitive x-ray examination for the purpose of determining if contraband is concealed in or on (for example: in a cast, body cavity) the inmate. The x-ray examination may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file.

(1) The Warden and Regional Director may not redelegate the authority to

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approve an x-ray examination for the purpose of determining if contraband is present.

(2) Staff shall solicit the inmate's consent prior to the x-ray examination. However, the inmate's consent is not required.

(c) The Warden may direct x-rays of inanimate objects where the inmate is not exposed.

§ 552.13 Search of inmate housing and work areas.

(a) Staff may search an inmate's housing and work area, and personal items contained within those areas, without prior approval from the inmate and without his presence.

(b) Staff conducting the search shall leave the housing or work area as nearly as practicable in its original order.

Dated: March 31, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 80-10126 Filed 4-3-80; 8:45 am]

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federal register

Friday
April 4, 1980

Part IX

Department of the Interior

Fish and Wildlife Service

Convention on International Trade in Endangered Species of Wild Fauna and Flora, Information Sought on Proposals To List Animals and Plants in Appendices

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Information Sought on Proposals To List Animals and Plants in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Request for information and data.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a 59-nation treaty controlling import and export of species listed in three appendices. Appendices I and II may be amended only by agreement of the Party nations. The Parties will consider such amendments at their forthcoming meeting in February 1981. The Service requests information on animal and plant species for the purpose of determining if the United States should propose any amendments for consideration at that meeting. Amendments may include additions to the appendices, deletions from the appendices, or transfers from one appendix to another.

DATE: All information and comments received by June 3, 1980 will be considered.

ADDRESS: Please address correspondence to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240. Materials received will be available for public inspection from 7:45 am to 4:15 pm, Monday through Friday, in room 536, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: The Convention (T.I.A.S. 8249) regulates the import, export, re-export and introduction from the sea of certain animal and plant species. The species protected by such trade controls are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control. Such listing frequently are required because of the difficulty in distinguishing specimens of currently or potentially threatened species from other species at ports of entry. Appendix III includes species that any Party nation identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and for which it needs the cooperation of other Parties in controlling trade.

Any Party nation may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The text of any proposal must be communicated to the Convention's Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and interested inter-governmental bodies, and communicate their responses to all Parties not later than 30 days before the meeting. Amendments are adopted by a two-thirds majority of the Parties present and voting.

The Service is examining the status of species that may be candidates for proposal, as part of its responsibility to carry out the functions of the Scientific Authority and Management Authority of the United States for purposes of the Convention. The scope of this examination is worldwide. The U.S., as a Party to the Convention, may propose amendments to Appendix I or II concerning species of animals and plants occurring in any nation or in international waters. The purpose of this notice is to request information that might lead the Service to develop proposed amendments for consideration at the Third Meeting of the Conference of the Parties in February 1981 at New Delhi, India.

The Parties agreed at their meeting in March 1979 to require the following types of information for proposals:

1. Taxonomy

(a) Class
(b) Order
(c) Family
(d) Genus, species or subspecies, including author and year
(e) Common name(s), when appicable
(f) Code numbers, when applicable

2. Biological data

(a) Distribution (current and historical)
(b) Population (estimates and trends)
(c) habitat (trends)

3. Trade data

(a) National utilization
(b) Legal international trade
(c) Illegal trade
(d) Potential trade threats
(i) Live specimens
(ii) Parts and derivatives

4. Protection status

(a) National
(b)International
(c) Additional protection needs

5. Information on similar species

6. Comments from countries of origin

7. Additional remarks

8. References

To clarify these requirements, the Parties added to following instructions to be followed by governments in making proposals:

1. All data should be supported by reference to published literature or other evidence appended to the proposal.

2. When there are no data or information available on a particular format subject, or when this is not relevant, the fact should be clearly stated.

3. (a) When the proposal concerns a taxon above the species level, sufficient information should be provided, according to the standard format, to justify the inclusion of any representative species selected from that taxon. When the proposal concerns vertebrate animals, detailed information should be provided on each species according to that format (it will be permissible to list species on one form where the same information applies).

(b) When the proposal concerns Appendix II, please indicate in item 7 (Additional remarks) whenever possible whether the proposal is made under convention Article II.2(a) as potentially threatened or II.2(b) for purposes of controlling trade in other species; in cases where groups of species or subspecies are entered for the same reason it will be sufficient so to indicate, *i.e.*, species a, b and c under II. 2(a) as potentially threatened, the remainder of the higher taxon under II.2(b) for purposes of effectively controlling trade in other species. If the latter, information on the need to control trade in such species should be included in item 5 (information on similar species).

4. The proponent can be only a State party to the Convention, in accordance with Article XV of the Convention.

5. It would be useful if the common names, item 1(e), are provided in as many languages as possible, but particularly in the official languages of the Countries of origin.

6. Code numbers, item 1(f), can refer to computerized systems being developed in the field of systematics, to Red Data Book, International Species Inventory System (ISIS) or FAO Coding.

7. In order that item 6 (Comments from countries of origin) be as complete as possible, countries of origin shall be consulted whether they are Parties to the Convention or not.

8. Under item 2 (Biological data), it is essential that the world status of the taxon be assessed in addition to the national status.

Accordingly, the Service requests any information of these types that might lead to proposals to amend Appendix I or II. Please transmit any such information to the Service on or before the date given above.

The tentative schedule of events concerning prosposed amendments is as follows:

September 5, 1980—Deadline for communicating proposals of amendments to appendices to the Secretariat.
February 2–13, 1981—Third Meeting of the Conference of the Parties, at which proposals will be considered.
May 13, 1981—Effective date for any amendments adopted at the Third Meeting, and deadline for entering any reservations (under which reserving Party is treated as a nation not party to the Convention for the concerned species).

Public meetings are planned to discuss proposed amendments and negotiating positions prior to the Third Meeting. The time and place of these meetings will be announced in the **Federal Register**. Notices will also appear in the **Federal Register** requesting comments on proposed amendments and negotiating positions of the U.S. and amendments proposed by other Parties.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Dated: March 28, 1980.

Robert S. Cook,

Director, Fish and Wildlife Service.

[FR Doc. 80-10141 Filed 4-3-80; 8:45 am]

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V 45/67 AP 480 UMI

federal register

Friday
April 4, 1980

Part X

Environmental Protection Agency

Petroleum Liquid Storage Vessels; Standards of Performance for New Stationary Sources

V 45/67 APR 80 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1370-5]

Standards of Performance for New Stationary Sources; Petroleum Liquid Storage Vessels

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes equipment standards which limit emissions of volatile organic compounds (VOC) from new, modified or reconstructed petroleum liquid storage vessels. The standards implement the Clean Air Act and are based on the Administrator's determination that emissions from petroleum liquid storage vessels contribute significantly to air pollution. The intended effect of this regulation is to require new, modified or reconstructed petroleum liquid storage vessels to use the best demonstrated system of continuous emission reduction considering costs and nonair quality health, environmental and energy impacts.

EFFECTIVE DATE: April 4, 1980.

ADDRESSES: Docket No. OAQPS-78-2, containing all supporting information used by EPA in developing the standards, is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Director, Emission Standards and Engineering Divison (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone no. (919) 541-5271.

SUPPLEMENTARY INFORMATION:

The Standards

The standards promulgated under Subpart Ka require each new, modified or reconstructed petroleum liquid storage vessel of greater than 151,416 liters (40,000 gallons) capacity containing a petroleum liquid with a true vapor pressure greater than 10.3 kPa (1.5 psia) to be equipped with one of the following:

1. An external floating roof fitted with a double seal system between the tank wall and the floating roof;
2. A fixed roof with an internal-floating cover equipped with a seal between the tank wall and the edge of the cover;
3. A vapor recovery and disposal or return system which reduces VOC emissions by at least 95 percent, by weight; or
4. Any system which is demonstrated to the Administrator to be equivalent to those described above.

Each affected vessel storing a petroleum liquid with a true vapor pressure greater than 78.6 kPa (11.1 psia) must be equipped with a vapor recovery and disposal or return system, or equivalent. Storage vessels of less than 1,589,800 liters (420,000 gallons) capacity used for petroleum or condensate stored prior to custody transfer are exempt from the standards.

Many of the petroleum liquid storage vessels covered by the standards are likely to be in locations other than petroleum refineries. If the storage vessel contains petroleum or condensate, or finished or intermediate products manufactured at a petroleum refinery, and the size and true vapor pressure applicability criteria are met, the vessel would be covered by the standards regardless of its location. For example, cyclohexane may be produced at a petroleum refinery and then stored at a chemical plant before being used in the plant. The storage vessel at the chemical plant would be covered by the standards if its size and the true vapor pressure of the cyclohexane are greater than the cut-offs in the standards.

The regulation contains allowable seal gap criteria based on gap surface area per unit of storage vessel diameter. The standards require owners or operators to measure and report seal gaps annually for the secondary seal and every five years for the primary seal for each affected storage vessel. The standards also require owners or operators to monitor and maintain records of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of the petroleum liquid during its storage period for each affected storage vessel.

Several definitions and the monitoring and record keeping requirements of Subpart K have been revised to make them consistent with those in Subpart Ka. These revisions to Subpart K clarify the regulation and make it less burdensome for owners and operators but do not affect the emission reductions required by Subpart K.

The promulgated standards are in terms of equipment specifications and maintenance requirements rather than mass emission rates. It is extremely difficult to quantify mass emission rates for petroleum liquid storage vessels because of the varying loss mechanisms and the number of variables affecting loss rate. Section 111(h)(1) of the Act provides that equipment standards may be established for a source category if it is not feasible to prescribe or enforce a standard which specifies an emission limitation.

Environmental and Economic Impact

Compliance with these standards will reduce VOC emissions to the atmosphere from petroleum liquid storage vessels with external floating roofs by about 75 percent. This estimate is based on a comparison of VOC emissions between storage vessels equipped with external floating roofs and single seals and storage vessels equipped with any of the systems required in the standards. The standards will reduce VOC emissions by about 4,545 megagrams per year (5000 tons per year) by 1985.

This emission reduction will be realized without adverse impacts on other aspects of environmental quality, such as solid waste disposal, water pollution, or noise. There will be no adverse energy impacts associated with the standards. In fact, energy savings will result because the standards will help prevent the loss of valuable petroleum products. The economic impact of the standards is considered reasonable. The cost of complying with the standards will be only the incremental cost of installing a secondary seal. This will increase the cost of a new 61-meter diameter storage vessel by about 0.6 to 1.3 percent. The incremental capital costs will be about $12,000 to $19,000, and the average incremental annualized costs will vary between $1,100 and $3,300 per storage vessel depending on the true vapor pressure of the petroleum liquid, the average wind velocity, and the cost of the petroleum liquid.

Public Participation

The Standards were proposed in the **Federal Register** on May 18, 1978 (43 FR 21615). To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on June 7, 1978, in Washington, D.C. In addition, during the public comment period from May 18, 1978, to July 19, 1978, a total of 35 comment letters was received. These comments have been carefully considered and, where determined to be appropriate, changes have been made in the final regulation.

Significant Comments and Changes Made

Comments were received from industry representatives, utility companies, and State and Federal agencies. Most of the comment letters contained multiple comments. The comments have been divided into the following areas for discussion: testing and monitoring, technology, impacts, and general.

Testing and Monitoring

Most of the comments concerned the proposed requirements for inspecting the seals on external floating roof storage vessels. The proposed standards required that inspection of the seals be performed while the roof was floating. They also required, however, that the secondary seal be kept in place at all times if the storage vessel contained a petroleum liquid with true vapor pressure greater than 10.3 kPa (1.5 psia). This meant that if the secondary seal would have to be dislodged or removed to inspect the primary seal, the vessel would have to be empted of petroleum liquid and the roof raised with some other liquid. The preamble suggested using water to do this. Commenters pointed out that the use of a liquid other than a petroleum liquid would put the storage vessel out of service for an indefinite period, that water was unavailable in many areas, and that water, if used, would become contaminated with petroleum liquids which would have to be separated prior to discharge.

EPA has determined that these comments are valid and that the VOC emissions occurring during the relatively short inspection period would be insignificant when compared to the impact of using water as the test fluid. Therefore, the final regulation allows the removal of the secondary seal for the inspection of the primary seal while the storage vessel is in operation. Higher emissions will, however, result from the removal of the secondary seal. To reduce this period of increased emissions, the final standards require inspection of the primary seal to be performed as rapidly as possible and the secondary seal replaced as soon as possible.

Many commenters stated that seal gap measurement at one level would provide sufficient indication of seal integrity and that the proposed requirement for measuring at eight levels would be too burdensome, expensive, and would provide little, if any, additional information. Most of these commenters recommended measuring seal gaps at the "as found" level. It is not clear whether the benefits of the eight-level gap measurement would outweigh the adverse impacts. In addition, since the final standards allow removal of the secondary seal during measurement and inspection of the primary seal, it is important to minimize the amount of time the secondary seal is not in place. Reducing the number of required measurement levels thus will help to minimize the VOC emissions during primary seal gap measurements. Therefore, the final regulation requires that seal gaps be measured at one level with the stipulation that the roof be floating off the roof leg supports. The owner or operator is required to notify EPA prior to gap measurement and provide all of the results of such measurements to EPA each time they are performed.

The proposed seal gap measurement frequency of five years was criticized by many commenters. Some claimed this to be too frequent while two commenters suggested performing gap measurements during scheduled storage vessel maintenance periods. Requiring seal gap measurements only during scheduled maintenance would not provide uniform impacts on owners and operators. Those with more frequent maintenance periods would be required to measure seal gaps more often than those with less frequent maintenance periods. Therefore the same measurement frequency is required of all owners and operators regardless of their maintenance schedules. The promulgated standards require a different frequency, however, for the primary seal than for the secondary seal. Data derived from tests conducted by Chicago Bridge and Iron Company (CBI) on a 20-foot diameter test storage vessel clearly indicate that secondary seal gaps increase VOC emissions to a greater degree than gaps in the primary seal. Because of its greater sensitivity, a more frequent inspection of the secondary seal is considered necessary. Consequently, the final regulation requires the secondary seal gaps to be measured at initial fill and at least once annually and the primary seal gaps at initial fill and at least once every five years. The requirement for more frequent gap measurements for secondary seals is not expected to increase the impact of the final standards in comparison to the proposed standards. In fact, the impact will be less because gap measurements are required at only one roof level instead of the proposed eight levels, and they may be conducted without taking the storage vessel out of service. If a storage vessel is out of service (i.e., empty) for more than one year, gap measurements must be conducted upon refilling. This is considered necessary to ensure that the seal system integrity has not severely deteriorated during the period of inactivity. The final regulation therefore, defines such refilling as "initial fill" and the required frequency of gap measurements would be based upon the date of refilling.

One commenter suggested requiring visual seal inspections instead of seal gap measurements. This approach was considered but rejected because of the inability to develop a visual inspection procedure which could be applied uniformly. The subjectiveness of such a procedure would preclude the use of the data that would be obtained.

The gap criteria by size classes specified in the proposed regulation were unfair, claimed two commenters, and are not consistent with the CBI data. As pointed out by one commenter, a three-sixteenths inch gap around the entire storage vessel would produce less gap surface area than the proposed standards allowed yet would be out of compliance with the proposed gap criteria. To eliminate this possibility, the final regulation specifies total gap surface area criteria specific to the storage vessel diameter for the primary and the secondary seal. Since the seal gap surface area allowed in the final standards is approximately equal to that allowed in the proposed standards, about the same VOC emission reduction and cost of performing gap measurements will result. The final standards, however, will provide a more effective and uniform procedure for ensuring that seals are properly installed and maintained.

Two commenters questioned the apparently inflexible requirement in the proposal that only pre-sized probes were to be used for gap measurements. As pointed out by one commenter, use of an L-shaped probe, in some cases, could eliminate the need to remove the secondary seal when measuring gaps in the primary seal. The secondary seal, in many cases, could merely be pulled back and the L-shaped probe inserted for accurate gap determinations. Such an approach may be reasonable, and there may be other suitable methods for measuring gaps. Therefore, the regulation specifies one method of gap measurement but includes provisions for allowing other methods provided they can be demonstrated to be equivalent.

According to four commenters, the monitoring requirements specified in the proposed rule were too burdensome and were probably of little value. They also pointed out problems with Reid vapor pressure conversions and true vapor pressure determinations in some cases.

EPA agreed with this comment and has re-evaluated the amount of monitoring information needed to be able to ensure that owners or operators of storage vessels covered by the regulation are complying with the standards. As a result, the final regulation has been revised to require that a record be kept of the maximum true vapor pressure and the periods of storage of each vessel's contents. This maximum true vapor pressure can be determined from available data on the typical Reid vapor pressure and the maximum expected storage temperature. This precludes the proposed requirement that an average temperature record be kept. For any crude oil with a true vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended methods, the true vapor pressure is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia). The final regulation allows two exemptions from the monitoring requirements: (1) If the petroleum liquid has a Reid vapor pressure less than 6.9 kPa (1.0 psia) and the true vapor pressure will never exceed 6.9 kPa (1.0 psia) or (2) if the storage vessel is equipped with a vapor return or disposal system in accordance with the requirements of the standard. This revision relieves much of the record keeping and monitoring burden of the proposed regulation but is not expected to impact the amount of VOC emissions.

Two letters commented on the requirement in the proposed standard that there be four access points through the secondary seal to the primary seal to allow inspection while the storage vessel is in operation. One commenter said it was unnecessary while the other commenter stated that the access points should be chosen at random by the inspector. Since the regulation has been revised to allow removal of the secondary seal for primary seal inspections and gap measurements while the vessel is in operation, requiring the owner or operator to provide four access points to the primary seal is not necessary. Therefore, this requirement has been deleted.

Technology

Seven commenters questioned the validity of scaling up the CBI test vessel data by linear extrapolation to field size storage vessels as was done to calculate actual emission reductions. Many of these commenters also believed that the static test conditions were not representative of dynamic field conditions. These commenters recommended awaiting results of the American Petroleum Institute (API) study of VOC emissions from petroleum liquid storage vessels in actual field conditions. Preliminary results of the API study have been released, however, and indicate that VOC emissions from field storage vessels are directly proportional to vessel diameter. Therefore, the VOC emission estimates based on CBI data are considered valid.

Four commenters stated that storage vessels could not meet seal gap specifications even if they met current plumbness and roundness specifications contained in API Standard 650 which is used for construction standards for new storage vessels. The out-of-plumbness specification in API Standard 650 allows ½ percent of the height of the vessel and the roundness specification is grouped by vessel diameter as follows:

Storage Vessel Diameter and Radius Tolerance

	Inches
0 to 40 feet exclusive	±½
40 to 150 feet exclusive	±¾
150 to 250 feet exclusive	±1
250 feet and over	±1¼

Some of these commenters felt that the construction tolerances would have to be reduced considerably for primary and secondary seals to maintain compliance with the gap criteria at all roof levels, thereby effecting a significant economic impact of increased construction costs which EPA failed to consider. However, a compilation by EPA of the California Air Resources Board (CARB) petroleum liquid storage vessel inspection reports showed that a majority of existing welded vessels inspected in California would have been in compliance with the seal gap criteria in both the proposed and final regulations had these regulations been in effect. Since the majority of those tanks were found to be in compliance with the seal gap standards, it is EPA's judgement that all new petroleum liquid storage vessel seals could meet the gap standards. Therefore, EPA believes the standards are attainable under present construction standards.

In the proposed regulation, the requirement that a vapor recovery and return or disposal system be capable of collecting and preventing the release of all VOC vapors implied 100 percent control efficiency, and four commenters stated that this was impossible to achieve. EPA did not intend to necessarily require 100 percent control but rather to require that the system be properly designed, installed, and operated. There are two parts to a vapor recovery and return or disposal system. The vapor recovery portion collects the VOC vapors and gases from the storage vessel and vents them to a control device which then processes them by either recovering them as product or disposing of them. A properly designed collection system would be capable of collecting all the VOC vapors and gases except when pressure relief vents on the storage vessel roof would open and release VOC emissions to the atmosphere. The only time these vents would open is during periods when the emission control system is not operating properly and VOC vapors are not being vented to the control device, causing a pressure buildup in the storage vessel. Such an occurrence would be considered a malfunction if it could not be avoided through proper operation and maintenance and, therefore, would not cause the storage vessel to be out of compliance with the standard. Therefore, EPA considers the requirement that the system "collect all the vapors and gases discharged from the storage vessel" to be achievable and reasonable and has retained it in the final regulation. EPA agrees with the commenters that the second part of the system, the return or disposal portion, is not likely to be able to achieve 100 percent control efficiency. It is generally acknowledged, however, that greater than 95 percent VOC emission reduction can be achieved by at least two commonly used types of vapor control devices, thermal oxidation and carbon adsorption. Therefore, the final regulation requires that any vapor recovery and return or disposal system used to comply with the standard must collect all the VOC vapors and gases discharged from the storage vessel and be capable of processing them so as to reduce their emission to the atmosphere by at least 95 percent by weight.

To enable EPA to determine compliance with the requirements for vapor recovery and return or disposal systems, the regulation requires the owner or operator to submit plans and specifications for the system to EPA on or before the date on which construction of the storage vessel is commenced. Owners and operators are encouraged to provide this information as far in advance as possible of commencing construction.

One commenter suggested that the section on "Equivalent Equipment" be expanded to include the use of innovative vapor control equipment other than the three types specified in the proposed standards. To encourage innovation, an equivalency clause is provided in the final regulation that applies to all parts of the standards provided no decrease in emission

reduction will result and can be so demonstrated. Determinations of equivalency for VOC emission reduction systems not specifically mentioned in the regulation will generally be made by comparing the VOC emissions from such a source to the VOC emissions calculated for an external floating roof welded storage vessel with secondary and primary seals according to equations in API Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks," February 1980. There will probably be cases in which determinations of equivalency cannot be made through a strict comparison of emission reduction, and these will be based on sound engineering judgment. Therefore, the regulation requires that any request for an equivalency determination be accompanied by VOC emission reduction data, if available, and also by detailed equipment and procedural specifications which would enable a sound engineering judgment to be made. In accordance with section 111(h)(3) of the Clean Air Act, any equivalency determination shall be preceded by a notice in the Federal Register and an opportunity for a public hearing.

Non-metallic, resilient primary seals were considered by four commenters to be equivalent to metallic shoe seals. A reevaluation of available data, some of which were received after issuance of the proposed regulation, indicates that various types of seals may provide essentially the same degree of emission reduction. The final regulation, therefore, allows use of liquid-mounted, foam-filled seals; liquid-mounted, liquid-filled seals; or vapor-mounted, foam-filled seals in addition to metallic shoe seals as primary seals on external floating roofs. Vapor-mounted seals, however, are equivalent to the others only when the gap area of vapor-mounted seals is significantly less than the gap area of the others. Therefore, the final regulation requires more stringent gap criteria for vapor-mounted primary seals.

Several commenters recommended exemption from the standards for storage vessels involved in oil field and production operations. Such vessels are generally small, bolted, and equipped with fixed roofs. This is to enable them to be dismantled, transported and reerected as needed. Therefore, to comply with the standards, a new production field vessel would have to be equipped with either an internal floating roof or a vapor recovery system. Commenters provided information which indicated that vapor recovery would be very difficult and expensive due to the remote location of many vessels. One commenter also submitted data to show that internal floating roofs would generally not be cost-effective for production vessels with capacities less than 1,589,873 liters (420,000 gallons). Therefore, the final regulation exempts each storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer. This exemption applies to storage between the time that the petroleum liquid is removed from the ground and the time that custody of the petroleum liquid is transferred from the well or producing operations to the transportation operations. If it is determined in the future that VOC emissions from new production field vessels smaller than 1,589,873 liters (420,000 gallons) are significant, separate standards of performance will be developed.

One commenter indicated that internal non-contact floating roofs do not reduce emissions to the same degree as contact floating roofs and points out that API Standard 650 recommends the use of the contact type. EPA is concerned about the difference in emission control of these two types of floating roofs although insufficient data exist at present to justify a revision to the standards for petroleum liquid storage vessels. One type of non-contact floating roof was tested at CBI and the results were forwarded to EPA in late 1978. The results indicate that the roof did not reduce emissions to the same degree as a contact roof. However, slight auxiliary equipment differences such as different seals used with the different roofs prohibit development of valid conclusions. Therefore, more information is necessary to determine if the petroleum liquid storage vessels standard should be revised. Consequently, EPA is considering a study specifically to determine differences in VOC emission control of these two types of internal floating roofs.

Impacts

The proposed regulation specified that the roof must be floating on the liquid at all times except when the storage vessel is completely emptied, during initial fill, or performance tests. Three commenters stated that the level of the liquid should be allowed to go below the level where the roof comes to rest on the roof leg supports even if the vessel is not completely emptied. This would avoid the loss of working capacity and, thus, the need for more storage vessels. A significant amount of VOC emissions, however, would result upon refilling. The intent of the regulation is to avoid having a vapor space between the roof and the petroleum liquid surface for extended periods. The quantity of petroleum liquid remaining in the bottom of a storage vessel with the floating roof on its leg supports and the time it remains in this condition determines the amount of VOC saturation of the vapor space and the subsequent emissions upon refilling the storage vessel. It is therefore considered beneficial to the environment for the roof to be kept floating at all times except when the tank is initially filled or completely emptied and refilled for such purposes as routine tank maintenance, inspections, petroleum liquid deliveries, or transfer operations. Therefore, the final regulation requires that the roof be floating on the liquid at all times except during initial fill and when the vessel is completely emptied and refilled. To minimize the amount of time the petroleum liquid remains in the storage vessel while the roof is resting on the roof leg supports, the final regulation also requires that the process of emptying and refilling be performed as rapidly as possible.

As mentioned before, the proposed regulation did not require the roof to be floating on the petroleum liquid during performance tests. This exemption was needed since the proposal required that gap measurements be conducted with a liquid other than a petroleum liquid in the storage vessel (the preamble suggested using water). Therefore, the storage vessel would have had to be emptied and the roof re-floated on the non-petroleum liquid. Since the final regulation allows gap measurements to be conducted while the vessel contains petroleum liquid, this exemption has been removed.

General

It was pointed out by two commenters that because the proposed regulation stated that a secondary seal gap would exist only if the probe touched the primary seal, gaps in the same location in the primary seal and the secondary seal would not be allowed. The proposed regulation stated that "a gap is deemed to exist under the following conditions: * * * for a secondary seal, the probe is to touch the primary seal without forcing." This erroneously implied that a secondary seal gap would not exist should the probe be able to pass between the secondary and primary seals and the tank wall and touch the liquid surface. These commenters concluded that EPA intended to regulate not only the size and area of seal gaps but also their locations in each seal. This was not the

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intent of the proposed regulation. The final regulation eliminates this ambiguity and redefines "gaps" as those places where a uniform one-eighth inch diameter probe passes freely between the seal and the tank wall.

Two commenters stated that a person walking on an external floating roof could alter gap configuration and would pose a safety hazard because the roof could possibly sink. Three commenters felt that a fire hazard would be created by the vapor that would become trapped between the primary and secondary seals. These comments were expressed as opinions without any supporting data or information. Since no such incidents have been reported to EPA, and since external floating roofs with double seals are commonly used and apparently operating safely even during inspections, it is EPA's judgement that the standards will not create either of these hazards. A person walking on an external floating roof should not cause significant gap alterations since these roofs are designed and built for this purpose. Any small gap alteration should not affect compliance status of seal gaps since the allowable gap criteria are based on total surface area of all gaps.

The term "hydrocarbon" has been changed to "volatile organic compounds (VOC)" in the final regulation. This change in terminology is consistent with current EPA policy concerning compounds which react photochemically in the atmosphere to form ozone. Reference has been made in the past to "organic solvents," "thinners," and "hydrocarbons," in addition to "VOC" to represent these compounds. Some organics which are ozone precursors are not hydrocarbons in the strictest definition and are not always used as solvents. Therefore, all reference to emissions and emission reduction in the standards refer to the organic compounds which are ozone precursors and have been designated VOC.

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by the Administrator in the development of this rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the promulgated rule and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review.

Miscellaneous

The effective date of this regulation is April 4, 1980. Section 111 of the Clean Air Act provides that standards of performance become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (May 18, 1978).

EPA will review this regulation four years from the date of promulgation. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emission control technology.

It should be noted that standards of performance for new stationary sources established under section 111 of the Clean Air Act reflect:

> * * * Application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any non air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated (section 111(a)(1)).

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate in achievable emission control. In fact, the Act requries (or has the potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources locating in nonattainment areas, i.e., those areas where statutorily-mandated health and welfare standards are being violated. In this respect, section 173 of the Act requires that a new or modified source constructed in an area which exceeds the National Ambient Air Quality Standard (NAAQS) must reduce emissions to the level which reflects the "lowest achievable emission rate" (LAER), as defined in section 171(3), for such category of source. The statute defines LAER as that rate of emissions based on the following, whichever is more stringent:

(A) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event can the emission rate exceed any applicable new source performance standard (section 171(3)).

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require that certain sources [referred to in section 169(1)] employ "best available control technology" (BACT) as defined in section 169(3) for all pollutants regulated under the Act. Best available control technology must be determined on a case-by-case basis, taking energy, environmental and economic impacts, and other costs into account. In no event may the application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 (or 112) of the Act.

In all events, State implementation plans (SIP's) approved or promulgated under section 110 of the Act must provide for the attainment and maintenance of National Ambient Air Quality Standards designed to protect public health and welfare. For this purpose, SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources.

Finally, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for revisions of standards of performance which the Administrator determines to be substantial. An economic impact assessment has been prepared and is included in the docket. All the information in the economic impact assessment was considered in determining the cost of these standards.

Dated: March 26, 1980.

Douglas M. Costle,

Administrator.

40 CFR Part 60 is amended by revising § 60.11(a); the heading of Subpart K; § 60.110(c)(1) and (c)(2); § 60.111(b) and (c); the heading of § 60.112; § 60.113; and by adding a new Subpart Ka as follows:

1. Paragraph (a) of § 60.11 is revised to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by § 60.8, unless otherwise specified in the applicable standard.

* * * * *

2. The heading for subpart K is revised to read as follows:

Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978

3. Paragraphs (c)(1) and (c)(2) of § 60.110 of Subpart K are revised to read as follows:

§ 60.110 Applicability and designation of affected facility.

* * * * *

(c) * * *

(1) Has a capacity greater than 151,416 liters (40,000 gallons), but not exceeding 246,052 liters (65,000 gallons), and commences construction or modification after March 8, 1974, and prior to May 19, 1978.

(2) Has a capacity greater than 246,052 liters (65,000 gallons) and commences construction or modification after June 11, 1973, and prior to May 19, 1978.

* * * * *

4. Paragraphs (b) and (c) of § 60.111 of Subpart K are revised to read as follows:

§ 60.111 Definitions.

* * * * *

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM–D–396–78, gas turbine fuel oils Nos. 2–GT through 4–GT as specified in ASTM–D–2880–78, or diesel fuel oils Nos. 2–D and 4–D as specified in ASTM–D–97578.

(c) "Petroleum refinery" means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

* * * * *

5. The heading of § 60.112 of Subpart K is revised to read as follows:

§ 60.112 Standard for volatile organic compounds (VOC).

* * * * *

6. Section 60.113 of Subpart K is revised to read as follows:

§ 60.113 Monitoring of operations.

(a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).

(d) The following are exempt from the requirements of this section:

(1) Each owner or operator of each affected facility which stores petroleum liquids with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).

(2) Each owner or operator of each affected facility equipped with a vapor recovery and return or disposal system in accordance with the requirements of § 60.112.

7. A new Subpart Ka is added to read as follows:

Subpart Ka—Standards of Performance for Storage vessels for Petroleum Liquids Constructed After May 18, 1978

Sec.

60.110a Applicability and designation of affected facility.
60.111a Definitions.
60.112a Standard for volatile organic compounds (VOC).
60.113a Testing and procedures.
60.114a Equivalent equipment and procedures.
60.115a Monitoring of operations.

Authority: Sec. 111, 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After May 18, 1978

§ 60.110a Applicability and designation of affected facility.

(a) Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel for petroleum liquids which has a storage capacity greater than 151,416 liters (40,000 gallons) and for which construction is commenced after May 18, 1978.

(b) Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this subpart.

§ 60.111a Definitions.

In addition to the terms and their definitions listed in the Act and Subpart A of this part the following definitions apply in this subpart:

(a) "Storage vessel" means each tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(1) Pressure vessels which are designed to operate in excess of 204.9 kPa (15 psig) without emissions to the atmosphere except under emergency conditions.

(2) Subsurface caverns or porous rock reservoirs, or

(3) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM–D–396–78, gas turbine fuel oils Nos. 2–GT through 4–GT as specified in ASTM–D–2880–78, or diesel fuel oils Nos. 2–D and 4–D as specified in ASTM–D–975–78.

(c) "Petroleum refinery" means each facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, extracting, or reforming of unfinished petroleum derivatives.

(d) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(e) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the

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temperature or pressure, or both, and remains liquid at standard conditions.

(f) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid such as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.

(g) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM-D-323-58 (reapproved 1968).

(h) "Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the liquid between the tank wall and the floating roof continuously around the circumference of the tank.

(i) "Metallic shoe seal" includes but is not limited to a metal sheet held vertically against the tank wall by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(j) "Vapor-mounted seal" means a foam-filled primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(k) "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

§ 60.112a Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel to which this subpart applies which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but not greater than 76.6 kPa (11.1 psia) shall equip the storage vessel with one of the following:

(1) An external floating roof, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank wall and the roof edge. Except as provided in paragraph (a)(1)(ii)(D) of this section, the closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal. The roof is to be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

(i) The primary seal is to be either a metallic shoe seal, a liquid-mounted seal, or a vapor-mounted seal. Each seal is to meet the following requirements:

(A) The accumulated area of gaps between the tank wall and the metallic shoe seal or the liquid-mounted seal shall not exceed 212 cm^2 per meter of tank diameter (10.0 in^2 per ft of tank diameter) and the width of any portion of any gap shall not exceed 3.81 cm (1½ in).

(B) The accumulated area of gaps between the tank wall and the vapor-mounted seal shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (½ in).

(C) One end of the metallic shoe is to extend into the stored liquid and the other end is to extend a minimum vertical distance of 61 cm (24 in) above the stored liquid surface.

(D) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (a)(1)(ii)(B) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (½ in).

(C) There are to be no holes, tears or other openings in the seal or seal fabric.

(D) The owner or operator is exempted from the requirements for secondary seals and the secondary seal gap criteria when performing gap measurements or inspections of the primary seal.

(iii) Each opening in the roof except for automatic bleeder vents and rim space vents is to provide a projection below the liquid surface. Each opening in the roof except for automatic bleeder vents, rim space vents and leg sleeves is to be equipped with a cover, seal or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use or as described in pargraph (a)(1)(iv) of this section. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting.

(iv) Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

(2) A fixed roof with an internal floating type cover equipped with a continuous closure device between the tank wall and the cover edge. The cover is to be floating at all times, (i.e., off the leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the cover is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible. Each opening in the cover except for automatic bleeder vents and the rim space vents is to provide a projection below the liquid surface. Each opening in the cover except for automatic bleeder vents, rim space vents, stub drains and leg sleeves is to be equipped with a cover, seal, or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the cover is floating except when the cover is being floated off or is being landed on the leg supports. Rim vents are to be set to open only when the cover is being floated off the leg supports or at the manufacturer's recommended setting.

(3) A vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.

(4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in § 60.114a.

(b) The owner or operator of each storage vessel to which this subpart applies which contains a petroleum liquid which, as stored, has a true vapor pressure greater than 76.6 kPa (11.1 psia), shall equip the storage vessel with a vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least 95 percent by weight.

§ 60.113a Testing and procedures.

(a) Except as provided in § 60.8(b) compliance with the standard prescribed in § 60.112a shall be determined as follows or in accordance with an equivalent procedure as provided in § 60.114a.

(1) The owner or operator of each storage vessel to which this subpart applies which has an external floating roof shall meet the following requirements:

(i) Determine the gap areas and maximum gap widths between the primary seal and the tank wall, and the secondary seal and the tank wall according to the following frequency and furnish the Administrator with a written report of the results within 60 days of performance of gap measurements:

(A) For primary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every five years thereafter. All primary seal inspections or gap measurements which require the removal or dislodging of the secondary seal shall be accomplished as rapidly as possible and the secondary seal shall be replaced as soon as possible.

(B) For secondary seals, gap measurements shall be performed within 60 days of the initial fill with petroleum liquid and at least once every year thereafter.

(C) If any storage vessel is out of service for a period of one year or more, subsequent refilling with petroleum liquid shall be considered initial fill for the purposes of paragraphs (a)(1)(i)(A) and (a)(1)(i)((B) of this section.

(ii) Determine gap widths in the primary and secondary seals individually by the following procedures:

(A) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

(B) Measure seal gaps around the entire circumference of the tank in each place where a ⅛" diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the tank wall and measure the circumferential distance of each such location.

(C) The total surface area of each gap described in paragraph (a)(1)(ii)(B) of this section shall be determined by using probes of various widths to accurately measure the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(iii) Add the gap surface area of each gap location for the primary seal and the secondary seal individually. Divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the appropriate ratio in the standard in § 60.112a(a)(1)(i) and § 60.112a(a)(1)(ii).

(iv) Provide the Administrator 30 days prior notice of the gap measurement to afford the Administrator the opportunity to have an observer present.

(2) The owner or operator of each storage vessel to which this subpart applies which has a vapor recovery and return or disposal system shall provide the following information to the Administrator on or before the date on which construction of the storage vessel commences:

(i) Emission data, if available, for a similar vapor recovery and return or disposal system used on the same type of storage vessel, which can be used to determine the efficiency of the system. A complete description of the emission measurement method used must be included.

(ii) The manufacturer's design specifications and estimated emission reduction capability of the system.

(iii) The operation and maintenance plan for the system.

(iv) Any other information which will be useful to the Administrator in evaluating the effectiveness of the system in reducing VOC emissions.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

§ 60.114a Equivalent equipment and procedures.

(a) Upon written application from an owner or operator and after notice and opportunity for public hearing, the Administrator may approve the use of equipment or procedures, or both, which have been demonstrated to his satisfaction to be equivalent in terms of reduced VOC emissions to the atmosphere to the degree prescribed for compliance with a specific paragraph(s) of this subpart.

(b) The owner or operator shall provide the following information in the application for determination of equivalency:

(1) Emission data, if available, which can be used to determine the effectiveness of the equipment or procedures in reducing VOC emissions from the storage vessel. A complete description of the emission measurement method used must be included.

(2) The manufacturer's design specifications and estimated emission reduction capability of the equipment.

(3) The operation and maintenance plan for the equipment.

(4) Any other information which will be useful to the Administrator in evaluating the effectiveness of the equipment or procedures in reducing VOC emissions.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.115a Monitoring of operations.

(a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

(b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).

(d) The following are exempt from the requirements of this section:

(1) Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).

(2) Each owner or operator of each storage vessel equipped with a vapor recovery and return or disposal system in accordance with the requirements of §§ 60.112a(a)(3) and 60.112a(b).

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

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Part XI

Department of the Treasury

Internal Revenue Service

Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7690]

Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Crude Oil Windfall Profit Tax

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The temporary regulations provide rules to be followed by operators, producers, and purchasers of domestic crude oil. In addition, the text contained in the temporary regulations set forth in this document also serves as the comment document for the notice of proposed rulemaking published in the Proposed Rules section of this issue of the Federal Register.

DATES: These temporary regulations are generally effective with respect to oil removed after February 29, 1980. However, certain rules are effective at later dates. A complete explanation of the effective dates is contained in the Supplementary Information section of this document. Written comments and requests for a public hearing must be delivered or mailed by June 3, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–48–80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T) (202–566–3926 or 202–566–3299).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under sections 4986, 4987, 4988, 4989, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 6050C, 6076, and 6402 of the Internal Revenue Code of 1954. The temporary regulations are required to implement various sections of the Crude Oil Windfall Profit Tax Act of 1980.

The regulations promulgated in this document are also proposed to be prescribed as final Income Tax Regulations (26 CFR Part 51).

Explanations of Provisions

In general

The windfall profit tax is a temporary excise tax imposed upon the windfall profit from domestically produced taxable crude oil removed from the premises during each taxable period (generally a calendar quarter). The rate of tax varies with each of three tax tiers. Tier 1 oil is all taxable crude oil other than tier 2 or tier 3 oil. Tier 2 oil is oil (other than tier 3 oil) from a stripper well property or from a National Petroleum Reserve. Tier 3 consists of newly discovered oil, heavy oil, and incremental tertiary oil. Generally, the tax rate is 70 percent for tier 1, 60 percent for tier 2, and 30 percent for tier 3. However, "independent producer oil" is subject to a 50 percent rate in tier 1 and a 30 percent rate in tier 2. Oil attributable to qualified governmental interests or qualified charitable interests, Indian oil, certain Alaskan oil, and oil used to finance certain tertiary recovery projects is exempt from tax.

The term "windfall profit" is defined as the excess of the removal price of the barrel of oil over the sum of the adjusted base price and the severance tax adjustment. The removal price is generally the amount for which the barrel is sold, but in certain cases is the constructive sales price used for percentage depletion purposes. The adjusted base price is the base price adjusted for inflation. The base price for tier 1 oil is the ceiling price which would have applied to the oil under the March 1979 energy regulations if it had been sold in May 1979 as upper tier oil, reduced by 21 cents. The base price for tier 2 oil and tier 3 oil is determined under an interim rule provided in section 4989(d)(2) until regulations providing a permanent method are promulgated. These regulations will be issued in a separate document.

Administrative provisions

Introduction

Although the windfall profit tax is imposed upon the producer, the Act provides that the first purchaser of domestic crude oil generally is liable for deducting and withholding tax from the purchase price, for depositing the tax, and for filing quarterly tax returns. The obligations of the first purchaser arise except when the oil is removed from the premises before sale, purchased from an integrated oil company, or refined on the premises. In these cases the producer of the oil rather than the purchaser deposits the tax and files the returns.

Withholding System

When the purchaser is obligated to withhold, the amount to be withheld is generally the amount of windfall profit tax imposed by section 4986 on the oil purchased. Since it is the operator of the well who is in a position to know the type of oil sold, section 6050C requires the operator to provide the purchaser with the information necessary for a correct computation of the tax. Therefore, the regulations establish the general rule that the operator must certify detailed information regarding the type of oil purchased, the volume in each tax tier, and other data necessary for a correct computation of the tax.

However, the type and amount of information needed by a purchaser will vary depending upon various factors. For instance, if the operator sells all the production from a particular property to one purchaser, the purchaser may be able to determine the correct amount of tax based upon minimal information provided by the operator. In other situations, however, the purchaser may not know the tier into which the oil falls and other necessary information unless informed by the operator.

In order to facilitate the various arrangements that operators and purchasers may wish to make, the regulations provide that the operator and purchaser may agree to relieve the operator of the duty of providing any or all of this information if the purchaser is able to meet its obligations without it.

Oil attributable to qualified governmental interests or qualified charitable interests and Indian oil is exempt from the tax. Under the regulations, these persons may furnish a certificate to the operator or to the purchaser certifying their exempt status and setting forth the facts that establish entitlement to the exemption. An operator who receives a producer's certificate is required to furnish the information to each purchaser of that oil. A purchaser who receives an exemption certificate and who has no reason to believe it is not correct must not withhold any windfall profit tax from payments for oil to which the certificate applies. A similar procedure is to be followed by persons who produce independent producer oil qualifying for the lower rates of tax. These persons may certify their entitlement to the lower rate, and the purchaser adjusts the amount to be withheld accordingly. If payment for the oil is made by the purchaser to the operator or to a partnership rather than directly to the producer of the oil, the amount to be withheld from the payment generally is based on information

received from the operator or partnership that summarizes the status of the producers.

The amount of tax withheld by the purchaser from the purchase price generally is the amount of the windfall profit tax determined on the basis of the information provided in the operator's certification and any producers' certificates. However, situations may arise in which the purchaser does not have the necessary information for a correct computation of the tax. This may result during the initial implementation of the tax or when a purchaser first begins purchasing oil from a property. Therefore, special withholding rules are to be followed by the purchaser if the purchaser has not received from the operator the information necessary to properly compute the tax or if the purchaser has reason to believe that information contained in the operator's certification that affects the tax computation is not correct.

The special withholding rules establish an amount to be withheld from the purchase price based upon the amount paid for the crude oil purchased even though the purchaser does not have specific knowledge of the windfall profit tax category into which the oil falls. The rules provide different amounts to be withheld depending upon whether, pursuant to the price control regulations, the purchaser has paid the lower tier ceiling price, the upper tier ceiling price, or an uncontrolled price.

No windfall profit tax liability arises upon the removal of crude oil which is sold at the lower tier ceiling price. Therefore, withholding is not required when the purchaser pays the lower tier ceiling price for oil. However, if the purchaser pays either the upper tier ceiling price or an uncontrolled price, the purchaser is required to withhold. The amount to be withheld per barrel is 70 percent (the windfall profit tax rate on tier 1 oil) of the excess of the purchase price over the amount equal to (1) $11.01 [the lowest upper tier ceiling price as of May 1979 reduced by the 21 cent "balancer" provided in section 4989(c)(2)), plus (2) the inflation adjustment for the calendar quarter in which the oil was removed, plus (3) the amount of any severance tax adjustment known by the purchaser.

An interim withholding rule is provided for use until the generally applicable rules take effect. This rule requires withholding on the excess, if any, of the purchase price over $11.22 for oil removed during March 1980 and $11.47 for oil removed after March (the amount equal to the lowest upper tier ceiling price as of May 1979 reduced by the section 4989(c)(2) "balancer" and increased by the inflation adjustment for the applicable taxable period). However, purchasers may withhold under the permanent rules during the interim period if they choose to.

In certain situations the purchaser will withhold more or less than the amount of tax imposed by section 4986 with respect to oil purchased. For instance, the special rules to be followed in the absence of a valid operator's certificate may result in the withholding of tax in excess of the amount that would have been withheld if the certificate had been received, or computational errors by one of the parties to a transaction may cause under or overwithholding. Furthermore, due to the retroactive effective date of the windfall profit tax, payments may be made for taxable crude oil from which no tax is withheld. Therefore, rules are provided to be followed by the purchaser in withholding on later payments in order to adjust the under or overpayment.

The regulations also provide that a purchaser is not liable to any other person for the amount of tax withheld and deposited. However, every purchaser required to withhold is liable for the payment of the tax whether or not it is actually collected from the producer by the purchaser.

Purchasers that are not integrated oil companies generally deposit the amounts required to be withheld not later than 45 days after the end of the calendar month in which the oil was removed. Independent refiners purchasing oil under a contract under which no payment is required to be made before the 46th day after the end of the month in which the oil is purchased must deposit before the first day of the third month which begins after the end of the month in which the oil was removed. Independent refiners not purchasing pursuant to a delayed payment contract deposit in accordance with the generally applicable 45 day rule. If a purchaser underwithholds on a producer for a calendar year, the producer must attach payment to the return filed after the end of the year or must deposit payment on or before the last day for filing the return. Integrated oil companies must deposit both amounts required to be withheld and amounts of the tax liability from their own production twice monthly.

All purchasers subject to the withholding rules must provide each producer from whom they have purchased crude oil a monthly statement of the amount of tax withheld. An annual statement of the producer's tax liability and other pertinent information is to be sent both to the producer and to the Internal Revenue Service. If the purchaser withheld tax from payments made to an operator or partnership rather than directly to the producer of the oil, the purchaser is to furnish the statement to the person who received the payment. That person is then required to promptly relay the information and to file information returns with the Internal Revenue Service.

For most taxpayers, the income tax deduction for the windfall profit tax will be the amount actually withheld during the year, rather than the amount of tax imposed upon oil removed during the year, therefore, the annual statement must set forth the amount withheld in the course of the year.

Generally, it is the purchaser rather than the producer who is to file the quarterly windfall profit tax return. However, the producer must file the return if the oil removed during the taxable period was not subject to withholding. Furthermore, the producer must file an annual return if the producer's liability for the tax exceeds the amount of tax withheld. The quarterly windfall profit tax return is to be filed no later than the last day of the second month following the close of the taxable period. However, a producer who has a liability remaining at the end of the year due to underwithholding is required to file only one return at the end of the calendar year with respect to which the underpayment occurred. This return is due by the last day of February.

In the case of overwithholding, it is anticipated that later adjustments made by the purchaser will generally correct for the overpayment. However, if an amount remains overpaid for a calendar year, the producer may either file a claim for credit or refund in connection with the producer's income tax return for that year or claim a refund on Form 843.

An exception to the annual refund rule is provided for producers whose oil interests are exempt from the windfall profit tax and have been withheld upon during the initial implementation of the tax. These producers may file an early claim for credit or refund on or after July 1, 1980.

Section 4995 (a) (7) permits an election substituting the operator for the purchaser in the administration of the windfall profit tax. That section also authorizes the Secretary to limit the election to situations where the substitution is administratively more practicable. The regulations provide that the operator and purchaser may elect to have the operator responsible for all windfall profit tax responsibilities otherwise imposed upon the purchaser when the operator is otherwise required

to make deposits as a purchaser of oil produced from a different reservoir. Consideration will be given to providing for this election in other circumstances in response to public comment.

Procedures When Purchaser Not Required To Withhold

As noted earlier, the withholding system is in effect unless the oil is removed from the premises before sale, refined on the premises, or purchased from an integrated oil company. If withholding is not required, the purchaser does not perform such other duties as furnishing information or filing returns.

When the oil sold is not subject to withholding, the operator must supply each producer with the information required to enable the producer to compute the amount of the windfall profit tax liability on the producer's share of production. This is the same information that would be furnished to the purchaser if the oil were subject to withholding.

A producer that is not an integrated oil company must deposit its tax liability (if it is $100 or more) for the calendar quarter within 45 days after the end of the month in which the oil is removed (or deemed removed) from the premises. An integrated oil company must deposit not later than 9 days after each semimonthly period the amounts required to be withheld from payments made to other producers for oil removed in that period plus the company's windfall profit tax liability as a producer of oil removed in that period. A semimonthly period means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month. The depositary requirements are considered met for a month or a semimonthly period if one of the safehaven rules is met.

Deposits are to be made with a Federal Reserve bank or an authorized financial institution.

When the windfall profit tax is not withheld by the purchaser, the return filing requirement is imposed directly upon the producer. Thus, the producer must file the quarterly windfall profit tax return not later than the last day of the second month following the close of the taxable period.

Generally, if a producer overpays his windfall profit tax liability for a taxable period, the producer may either file a claim for refund on or after the date for filing the return for the taxable period of the overpayment or may claim credit for the overpayment by making an adjustment on the windfall profit tax return for later taxable periods within the applicable period of limitation. However, a claim for credit or refund based on an overpayment due to the operation of the net income limitation on windfall profit provided in section 4988 (b) may not be claimed until the producer's income tax return is filed for the taxable year that includes the last day of the taxable period for which the overpayment was made.

Other Rules

Tertiary Recovery Projects

These regulations also provide rules for the certification of tertiary recovery projects. In order to self-certify a tertiary recovery project the regulations require the operator to submit a certification from a petroleum engineer to the service center with which the operator files an income tax return. Rules are also provided for the certification of a tertiary recovery project approved by a jurisdictional agency.

In determining a project beginning date, a special rule is provided for certifications submitted by May 1, 1980.

A taxpayer may request a ruling with respect to whether a project for which a jurisdictional agency's certification is submitted is a qualified tertiary recovery project. The ruling generally must be issued within 180 days of the request. The regulations set forth the information that must be supplied in the request in addition to the information normally required to be included in a ruling request.

Post-1978 Transfers

The regulations also provide special rules for post-1978 transfers of portions of a property. If a porton of a property is transferred after December 31, 1978, the oil produced from the property transferred consititutes oil from a stripper well property, newly discovered oil, or heavy oil only if it would be so classified if there had been no transfer.

Effective Dates

Except as otherwise provided, the temporary regulations are effective with respect to oil removed after February 29, 1980. Certain sections of the temporary regulations contain a different effective date. Paragraphs (a), (b), and (c) of § 150.4995–1 (relating to the requirement of withholding) are effective with respect to payments made after June 3, 1980 for oil removed on or after March 1, 1980. However, for purposes of applying paragraph (c) (relating to adjustments in the amount required to be withheld) of § 150.4995–1 to payments described in the preceding sentence, payments made before June 4, 1980 for oil removed on or after March 1, 1980, are treated as if paragraphs (a) and (b) applied to them. The rules of paragraph (d) (relating to an interim withholding rule) apply to payments made after April 18, 1980 and before June 4, 1980 with respect to oil removed on or after March 1, 1980. The rules of paragraph (d) may, at the option of the purchaser, be applied with respect to payments made prior to the above period with respect to such oil. Paragraph (a) of § 150.4995–3 (relating to depositary requirements) contains a special effective date rule for integrated oil companies which provides that, for purposes of the depositary rules, oil removed prior to April 4, 1980 is considered to have been removed on April 4, 1980. Section 150.6050C–1 (relating to information furnished by the operator of a property) contains a rule providing that, for purposes of § 150.6050C–1, the statement for oil removed during March 1980 shall be furnished no later than April 25, 1980. The proposed regulations are to be effective for the same period as the temporary regulations.

Waiver of Procedural Requirements of Treasury Directive

The expeditious adoption of the provisions contained in this document is necessary because of the need for immediate guidance to taxpayers liable for the windfall profit tax on domestic crude oil and to other persons required to withhold and deposit tax, file returns, provide information, etc. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Comments and Requests for a Public Hearing

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new part 150, Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980, is added to title 26 of the Code of Federal Regulations and the following temporary regulations are adopted:

PART 150—TEMPORARY EXCISE TAX REGULATIONS UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Sec.

150.0 Introduction
150.4986–1 Imposition of tax.
150.4987–1 Amount of tax.
150.4988–1 Windfall profit; removal price.
150.4989–1 Adjusted base price.
150.4991–1 Taxable crude oil; tiers of oil.
150.4992–1 Independent producer oil.
150.4993–1 Incremental tertiary oil.
150.4993–2 Self-certification of tertiary recovery projects.
150.4993–3 Jurisdictional agency certification of tertiary recovery projects.
150.4993–4 Internal Revenue Service rulings relating to qualified tertiary recovery projects.
150.4994–1 Exemptions.
150.4995–1 Requirement of withholding.
150.4995–2 Producer's certificate.
150.4995–3 Depositary requirements.
150.4995–4 Election of purchaser and operator to have operator withhold, deposit tax, etc.
150.4996–1 Definitions.
150.4996–2 Severance tax adjustment.
150.4996–3 Special rules for post-1978 transfers of property.
150.4997–1 Returns and recordkeeping.
150.4997–2 Certain information to be furnished by purchaser and others.
150.6050C–1 Information furnished by operator for purposes of windfall profit tax.
150.6076–1 Time for filing return of windfall profit tax.
150.6402–1 Credit or refund of overpayment of windfall profit tax.

Authority: 26 U.S.C. 4992, 4993, 4995, 4996, 4997, 6050C, 6402, and 7805 and Sec. 101(i)(2) of the Crude Oil Windfall Profit Tax Act of 1980.

§ 150.0 Introduction.

Each section of the regulations in this part is designated by a number composed of the part number followed by a decimal point [150.] the section of the Internal Revenue Code of 1954 to which it relates, a hyphen [-] and a number identifying the section. By use of these designations, the reader can associate sections of the regulations with provisions of the Code. For example, § 150.4986–1 pertains to section 4986 of the Code.

§ 150.4986–1 Imposition of tax.

Section 4986 imposes an excise tax on the windfall profit from taxable crude oil removed from the premises on or after March 1, 1980, and before the end of the phaseout period. See §§ 150.4988–1, 150.4991–1, and 150.4996–1 for the definitions of "windfall profit", "taxable crude oil", and "removed from the premises", respectively. See section 4990(c) for the definition of "phaseout period". The tax imposed by section 4986 is to be paid by the producer of the crude oil. However, see § 150.4995–1, relating to the requirement of withholding by the purchaser of the crude oil. See § 150.4996–1 for the definitions of "purchaser" and "producer".

§ 150.4987–1 Amount of tax.

Section 4987 establishes that the amount of tax imposed by section 4986 with respect to any barrel of taxable crude oil is the applicable percentage of the windfall profit on that barrel. The applicable percentage for tier 1 oil and tier 2 oil which is not independent producer oil is 70 in the case of tier 1 and 60 in the case of tier 2. The applicable percentage for independent producer oil is 50 for tier 1 and 30 for tier 2. The applicable percentage for tier 3 oil is 30. In the case of a fraction of a barrel, the tax is the same fraction of the amount of the tax imposed on the whole barrel.

§ 150.4988–1 Windfall profit; removal price.

(a) *Windfall profit.* For purposes of this part and chapter 45 of the Code, the term "windfall profit" means the excess of the removal price of the barrel of crude oil over the sum of—

(1) The adjusted base price of the barrel, and

(2) The amount of the severance tax adjustment with respect to the barrel provided by section 4996(c) and § 150.4996–2.

Section 4988(b) provides that the windfall profit on any barrel of crude oil shall not exceed 90 percent of the net income attributable to the barrel. The computation of the net income limitation is determined under special rules set forth in section 4988(b).

(b) *Removal price*—(1) *In general.* The "removal price" generally is the amount for which the barrel is sold (including any adjustments to the sales price made after sale). However, in the case of a sale between related persons (within the meaning of section 103(b)(6)(C)), the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613. Also, if crude oil is removed from the premises before it is sold (or is deemed removed under section 498(c)(4) or § 150.4996–1(d)), the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

(2) *Alaskan oil from Sadlerochit reservoir.* In the case of Sadlerochit oil, the removal price of such oil removed during any calendar month shall be the average of the producer's removal prices for such month.

(3) *District director's authority.* In determining the removal price of oil from a property in the case of any transaction, a district director may adjust the removal price to reflect clearly the fair market value of oil removed.

§ 150.4989–1 Adjusted base price.

(a) *Adjusted base price defined.* For purposes of this part and chapter 45 of the Code, the "adjusted base price" is the base price for the barrel of crude oil plus the amount equal to the base price multiplied by the inflation adjustment for the calendar quarter in which the crude oil is removed from the premises, rounded to the nearest cent. The inflation adjustment, which is determined under a formula set out in section 4989(b), is greater for tier 3 oil than it is for tier 1 oil or tier 2 oil. For March 1980, the inflation adjustment is .0195 in the case of tier 1 or tier 2 oil and .0246 in the case of tier 3 oil. Future inflation adjustments will be published periodically by the Internal Revenue Service. For a special adjustment to the base price for Alaskan oil from the Sadlerochit reservoir, see section 4996(d).

(b) *Base price for tier 1 oil.* The base price for tier 1 oil is the ceiling price which would have applied to the oil under the March 1979 energy regulations (see § 150.4996–1(f)) if it had been produced and sold in May 1979 as upper tier oil, reduced by 21 cents. For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

(c) *Base prices for tier 2 and tier 3 oil*—(1) *General rule.* [Reserved].

(2) *Interim rule.* This subparagraph and subparagraph (3) apply to oil removed during a month beginning before October 1980 (or such earlier date as may be provided in regulations taking effect before such earlier date). Except as provided in subparagraph (3), the base prices for tier 2 oil and tier 3 oil, respectively, shall be the product of—

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(i)(A) The highest posted price for December 31, 1979, for uncontrolled crude oil of the same grade, quality, and field, or

(B) If there is no posted price described in inferior subdivision (A), the highest posted price for such date for uncontrolled crude oil at the nearest domestic field for which prices for oil of the same grade and quality were posted for such date, multiplied by:

(ii) A fraction the denominator of which is $35, and the numerator of which is—

(A) $15.20 for purposes of determining base prices of tier 2 oil, and

(B) $16.55 for purposes of determining base prices of tier 3 oil.

In determining the base price for tier 2 or tier 3 oil, the grade and quality of the oil produced from the property in December 1979 shall be used. For purposes of determining the highest posted price for December 31, 1979, no price which was posted after January 14, 1980, shall be taken into account. For a posted price to qualify for use in determining a producer's base price, the price must be published in writing by a purchaser of a substantial volume of crude oil in the field.

(3) *Minimum interim base price.* The base price determined under paragraph (c)(2) of this section for tier 2 oil or tier 3 oil shall not be less than the sum of—

(i) The ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, plus

(ii)(A) $1 in the case of tier 2 oil, or

(B) $2 in the case of tier 3 oil.

For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

(d) *Variations in grade or quality of oil.* For purposes of paragraphs (b) and (c) of this section, if the production from a property in May or December 1979 varied in grade or quality during the month, the per barrel average grade and quality for the month shall be used. If there was no commercial production in May or December 1979, the grade and quality of the oil produced in the first month of commercial production after such month shall be used. Once the base price is determined, it is not to be adjusted for later changes in grade or quality.

§ 150.4991–1 Taxable crude oil; tiers of oil.

(a) *Taxable crude oil.* Section 4991 defines the term "taxable crude oil" to mean all domestic crude oil (including crude oil derived by the producer from the production of natural gas) other than exempt oil. The term "exempt oil" is any crude oil from a qualified governmental interest (see section 4994(a)) or a qualified charitable interest (see section 4994(b)), any exempt front-end oil (see section 4994(c)) any exempt Indian oil (see section 4994(d)), and any exempt Alaskan oil (see section 4994(e)).

(b) *Tiers of oil.* Section 4991 defines the tiers of taxable crude oil. Tier 1 oil is any taxable crude oil other than tier 2 oil and tier 3 oil. Tier 2 oil is any oil which is produced from a stripper well property within the meaning of the June 1979 energy regulations (see § 150.4996–1(f)) and any oil from an economic interest in a National Petroleum Reserve held by the United States. However, the term "tier 2 oil" does not include tier 3 oil. Tier 3 oil is newly discovered oil, heavy oil, and incremental tertiary oil. The term "newly discovered oil" has the meaning given to that term by the June 1979 energy regulations. The term "heavy oil" means all crude oil which is produced from a property if crude oil produced and sold from that property during either—

(1) The last month before July 1979 in which crude oil was produced and sold from that property, or

(2) The taxable period,

had a weighted average gravity of 16 degrees API or less (corrected to 60 degrees Fahrenheit). For the definition of incremental tertiary oil, see § 150.4993–1.

§ 150.4992–1 Independent producer oil.

(a) *General rule.* "Independent producer oil" is that portion of an independent producer's qualified production for the quarter which does not exceed such person's independent producer amount for the quarter.

(b) *Independent producer defined.* An "independent producer", with respect to any quarter, is any person other than a person to whom subsection (c) of section 613A does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A (d) (or to whom subsection (c) would not apply if subsection (d)(2) or (4) were applied on a quarterly rather than an annual basis).

(c) *Independent producer amount.* A person's independent producer amount for any quarter is the product of 1,000 barrels multiplied by the number of days in the quarter. For March 1980, the independent producer amount is 31,000 barrels. If a person's qualified production for any quarter exceeds that person's independent producer amount for the quarter, the independent producer amount is to be allocated between tiers 1 and 2 in proportion to the person's production for the quarter of domestic crude oil in each such tier, and is to be allocated within any tier on the basis of the removal prices for such person's domestic crude oil in that tier removed during that quarter, beginning with the highest of those prices.

(d) *Qualified production of oil defined*—(1) *In general.* An independent producer's qualified production of oil for any quarter is the number of barrels of taxable crude oil of which such person is the producer which is removed during that quarter, which is tier 1 oil or tier 2 oil, and which is attributable to the independent producer's working interest in a property.

(2) *Working interest defined.* The term "working interest" means an operating mineral interest (within the meaning of section 614(d)) which was in existence as an operating mineral interest on January 1, 1980, or which is an operating mineral interest derived from a qualified overriding royalty interest after that date. A "qualified overriding royalty interest" is an overriding royalty interest in existence as such an interest on January 1, 1980, but only if on or before February 20, 1980, there was in existence a binding contract under which such interest was to be converted into an operating mineral interest.

(3) *Production from transferred property*—(i) *In general.* Except as otherwise provided in this subparagraph, in the case of a transfer (as defined in § 150.4998–3(b)) on or after January 1, 1980, of an interest in any property, the qualified production of the transferee shall not include any production attributable to such interest.

(ii) *Small producer transfer exemption*—(A) *In general.* Subdivision (i) shall not apply to any transfer of an interest in property if the transferee establishes, to the satisfaction of the district director for the district in which the property is situated, that at no time after December 31, 1979, has the property been held by a person who was a disqualified transferor for any quarter ending after September 30, 1979, and ending before the date such person transferred the interest.

(B) *Disqualified transferor.* The term "disqualified transferor" means, with respect to any quarter, any person who either had qualified production for such quarter which exceeded such person's independent producer amount for such quarter or was not an independent producer for such quarter.

(C) *Special rules.* For purposes of this paragraph, property held by a partnership at any time shall be treated as owned proportionately by the partners of such partnership at such time. Property held by any trust or estate shall be treated as owned both by such trust or estate and proportionately by its beneficiaries. Chapter 45 and this part shall be treated as having been in effect for periods after September 30, 1979, for purposes of making any determination under subdivision (ii)(B).

(iii) *Other exceptions.* Subdivision (i) shall not apply in the case of—

(A) A transfer of property at death,

(B) A change of beneficiaries of a trust which qualifies under clause (iii) of section 613A(c)(9)(B) (determined without regard to the exception at the end of such clause), and

(C) Any transfer so long as the transferor and transferee are required by section 4992(e) to share the 1,000 barrel amount referred to in paragraph (c) of this section.

The preceding sentence shall apply in the case of any property only if the production from the property was qualified production for the transferor.

(e) *Allocation within related group*—(1) *In general.* Section 4992(e) contains rules for the allocation of the 1,000 barrel per day amount among all persons who are members of the same related group.

(2) *Special rules.* [Reserved]

§ 150.4993–1 Incremental tertiary oil.

(a) *In general*—(1) *Incremental tertiary oil.* "Incremental tertiary oil" is the excess of the amount of crude oil which is removed from a property during any calendar month and which is produced on or after the project beginning date and during the period for which a qualified tertiary recovery project is in effect on the property over the base level for the property for that month.

(2) *Base level.* (i) The base level for any property for any month is determined by ascertaining (under the principles reflected in the rules used in determining the base production control level in the June 1979 energy regulations) the average monthly amount of crude oil removed from the property during the 6-month period ending March 31, 1979. To arrive at the base level, that average monthly amount is then reduced (but not below zero) by the sum of 1 percent of such amount for each month which begins after 1978 and before the first calendar month beginning after the project beginning date, and 2½ percent of such amount for each month which begins after the project beginning date (or after 1978 if the project beginning date is before 1979) and before the month for which the base level is being determined.

(ii) [Reserved]

(3) *Minimum amount.* If a qualified tertiary recovery project has been certified under the June 1979 energy regulations, and the certification is in effect, the amount of the incremental tertiary oil shall not be less than the incremental production determined under the June 1979 energy regulations.

(4) *Allocation rules.* The determination of which barrels of crude oil removed during any calendar month are incremental tertiary oil shall be made—

(i) First by allocating the amount of incremental tertiary oil between oil which (but for this paragraph) would be tier 1 oil, and oil which (but for this paragraph) would be tier 2 oil, in proportion to the respective amounts of each such oil removed from the property during such month, and

(ii) Then by taking into account barrels of crude oil so removed in the order of their respective removal prices, beginning with the highest of such prices.

(b) *Qualified tertiary recovery project*—(1) *In general.* A "qualified tertiary recovery project" is either a qualified tertiary enhanced recovery project with respect to which a certification as such has been approved and is in effect under the June 1979 energy regulations or any project for enhancing recovery of crude oil which meets the requirements of subparagraph (2) of this paragraph. Because the energy regulations, as in effect on June 1, 1979, did not permit self-certification of projects, such a project must meet the requirements of subparagraph (2) of this subparagraph to be a "qualified tertiary recovery project".

(2) *Requirements.* A project meets the requirements referred to in subparagraph (1) of this paragraph if it satisfies subdivisions (i) through (iv) of this subparagraph.

(i) The project involves the application (in accordance with sound engineering principles) of one or more tertiary recovery methods which can reasonably be expected to result in more than an insignificant increase (determined in light of all the facts and circumstances) in the amount of crude oil which will ultimately be recovered;

(ii) The project beginning date is after May 1979;

(iii) The portion of the property to be affected by the project is adequately delineated; and

(iv) The operator submits either—

(A) A certification from a petroleum engineer that the project meets the requirements of subdivisions (i), (ii), and (iii), or

(B) A certification that a jurisdictional agency (as defined in section 4993(d)(5)) has approved the project as meeting those requirements, and that such approval is still in effect.

For rules relating to the submission of a certification from a petroleum engineer, see § 150.4993–2. For rules relating to the submission of a certification from a jurisdictional agency, see § 150.4993–3.

(c) *Definitions and special rules.* Under section 4993(d), the term "tertiary recovery method" means any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the June 1979 energy regulations, or any other method to provide tertiary enhanced recovery which is approved in writing by the Office of the Assistant Commissioner (Technical). The "project beginning date" is the later of—

(1) The date on which the injection of liquids, gases, or other matter begins, or

(2) The date on which—

(i) The project is certified as a qualified tertiary enhanced recovery project under the June 1979 energy regulations, or

(ii) All of the requirements of § 150.4993–2 are met with respect to the submission of a petroleum engineer's certification, or all of the requirements of § 150.4993–3 are met with respect to the submission of a certification of jurisdictional agency approval. However, for purposes of the preceding sentence only, in the case of a submission received by an Internal Revenue Service Center on or before May 1, 1980, such submission shall be considered to have been received on the later of March 1, 1980, or the date on which the petroleum engineer executed the certification or the jurisdictional agency issued its approval.

If a qualified tertiary recovery project can reasonably be expected to increase the ultimate recovery of crude oil from only a portion of a property, the portion shall be treated as a separate property for purposes of this section. A significant expansion of any project shall be treated as a separate project. A taxpayer may request a ruling with respect to whether a project is a qualified tertiary recovery project. For rules relating to the request for such a ruling see § 150.4993–4.

§ 150.4993–2 Self-certification of tertiary recovery projects.

(a) *Certification of petroleum engineer.* In order to qualify under section 4993(c)(2)(D)(i), relating to the self-certification of a qualified tertiary recovery project, the operator shall submit a certification, signed under penalties of perjury by a petroleum engineer (who has been duly registered or certified in accordance with applicable state law, if any), to the Internal Revenue Service Center for the

region with which the income tax return of the operator is filed. The certification shall contain the following:

(1) A statement that the project involves a tertiary recovery method (as defined in section 4993(d)(1) and § 150.4993–1(c)) that is expected to result in more than an insignificant increase in the ultimate recovery of crude oil, together with a description of the process used and the increase in the amount of oil to be recovered by reason of the application of the method,

(2) A descriptionof the implementation and operation of the project sufficient to establish that its implementation and operation are in accordance with sound engineering principles,

(3) An identification of the area from which the ultimate recovery of crude oil is expected to be increased as a result of the implementation and operation of the project, and, if that area is less than the entire property, a precise delineation of the portion of the property that is expected to yield the increase in the ultimate recovery of oil,

(4) The date on which the tertiary injectant was, or is expected to be, initially introduced into the reservoir,

(5) An explanation of the number and frequency of injections to be made and the expected duration of the project,

(6) If the project involves a single injection, an estimate of the period of time during which the injectant will continue to increase the recovery of crude oil,

(7) Data on oil reserve estimates covering the project area with and without the tertiary recovery process,

(8) The past production history and estimates of future production,

(9) The number of wells in the project area and the number of both producing and injection wells expected to be drilled,

(10) Projected future income and expenses, and

(11) The operator's employer identification number.

The Petroleum engineer's certification may be submitted at any time. However, for purposes of section 4993(d)(2)(B) and paragraph (c) of § 150.4993–1 relating to the "project beginning date", a petroleum engineer shall not be considered as having certified a project until the certification is received by the Internal Revenue Service Center. If the certification is sent to the Service Center by mail, it shall be considered received when posted by United States mail, properly addressed, and with sufficient postage.

(b) *Termination of injection.* If any project certified under paragraph (a) of this section involves the continuous or repetitious injection of liquids, gases, or other matter and if the injection is terminated, the operator shall promptly send a written statement to that effect to the Intneral Revenue Service Center setting forth the date that the injection was terminated.

(c) *Significant expansion.* If a project is significantly expanded, the expansion shall be treated as a separate project requiring separate certification.

§ 150.4993–3 Jurisdictional agency certification of tertiary recovery projects.

(a) *Initial certification.* In order to qualify under section 4993(c)(2)(D)(ii), relating to the approval of tertiary recovery projects by a jurisdictional agency, the operator shall submit the certification to the Internal Revenue Service Center for the region with which the income tax return of the operator is filed. The certification shall state that the appropriate jurisdictional agency has approved the project as having met the requirements set forth in section 4993(c)(2) (A), (B), and (C), and the operator shall attach the approving document or a certified copy thereof. The certification of the jurisdictional agency's approval may be submitted at any time. However, for purposes of section 4993(d)(2)(B)(ii) and paragraph (c) of § 150.4993–1, relating to the "project beginning date", a jurisdictional agency shall not be considered as having approved a project until the certification is received by the Service Center. If the certification is sent to the Service Center by mail, it shall be considered received when posted by United States mail, properly addressed, and with sufficient postage.

(b) *Revocation of certification.* If the agency revokes the approval, it shall immediately notify the operator and the Service Center of the revocation setting forth the date of the revocation and stating whether the revocation has retroactive effect (and, if so, to what date the revocation is retroactive), and the operator shall send a copy of the revocation to the Service Center within 10 days after receiving it.

§ 150.4993–4 Internal Revenue Service rulings relating to qualified tertiary recovery projects.

(a) *In general.* Either the operator of a property or any producer of oil from that property may request a ruling from the Internal Revenue Service as to whether any tertiary recovery project involving that property is a "qualified tertiary recovery project" within the meaning of section 4993(c). If a producer submits the request, the producer shall notify the operator in writing that the request was submitted.

(b) *Manner of requesting ruling.* The request for a ruling described in paragraph (a) of this section shall be made by submitting the request to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), Washington, D.C. 20224. In addition to meeting the requirements of § 601.201(e) of this chapter (Statement of Procedural Rules), the request shall contain the following:

(1) A statement as to whether a jurisdictional agency has approved the project, and if so, a copy of the approving document and a copy of the material upon which the approval was based together with any certification submitted to a Service Center and identification of such Service Center,

(2) A statement from the operator of the property as to whether the operator has previously submitted a request for a ruling on that project and as to whether any producer has notified the operator that a request has been submitted, as well as to the date and name of the person who made a request,

(3) A description of the location of the project,

(4) The type of tertiary recovery process instituted,

(5) Data on oil reserve estimates covering the project area with and without the tertiary recovery process,

(6) The past production history and estimates of future production,

(7) The characteristics of the formation such as the name, depth, lithology, thickness, porosity, permeability, and reservoir pressure and temperature history,

(8) A description of any secondary or tertiary process previously used, or in use, in the project area,

(9) A full and complete description of the tertiary process stating how it will be developed from the pilot flood through full development, and

(10) A complete description of the geological and engineering factors taken into consideration, together with sufficient data to support the conclusion that the project meets the requirements of section 4993(c) for a "qualified tertiary recovery project".

(c) *Special rule for projects for which a certification of approval by a jurisdictional agency has been submitted.* If, pursuant to section 4993(c)(2)(D)(ii) and § 150.4993–3, the operator of the property has submitted a certification of approval by a jurisdictional agency, the ruling described in paragraph (a) of this section will be issued within 180 days of the date that a request for the ruling, meeting the requirements of paragraph (b) of this section and § 601.201(e) of this chapter (Statement of Procedural Rules) is received by the Office of the Assistant Commissioner (Technical). However, if the request for a ruling is not complete as to the information required in paragraph (b) (1) through (10) of this section, the Office of the Assistant Commissioner (Technical) may send written notice to the person making the request specifying the further information that must be submitted. The 180-day period shall not include any days after the date of the mailing of the written notice and before the date on which the additional information is received.

§ 150.4994–1 Exemptions.

Section 4994 defines the terms "qualified governmental interest", "qualified charitable interest", "exempt front-end oil", "exempt Indian oil", and "exempt Alaskan oil", the categories of oil that are exempt from the tax imposed by section 4986.

§ 150.4995–1 Requirement of withholding.

(a) *General rule; when required.* Except as otherwise provided in this section, the purchaser (as defined in § 150.4996–1(a)) of domestic crude oil shall deduct and withhold tax from amounts payable by that purchaser for the oil. However, the preceding sentence shall not apply if—

(1) The crude oil is removed from the premises (as defined in § 150.4996–1(d)) before it is sold, or

(2) The manufacture or conversion of crude oil into refined products begins before the oil is removed from the premises, or

(3) The producer of the oil is an integrated oil company (as defined in § 150.4996–1(g)).

The amount of tax to be deducted and withheld shall be determined in accordance with the rules of paragraphs (b) and (c) of this section. See, however, paragraph (d) of this section for rules applicable to certain payments made prior to June 4, 1980. The producer shall be treated as having paid on the last day of the first February after the calendar year in which the oil is removed from the premises the amount deducted and withheld with respect to such oil by the purchaser under this section.

(b) *Amount to be deducted and withheld*—(1) *Operator's certification.* If the purchaser has received the certification required to be furnished by the operator pursuant to section 6050C and § 150.6050C–1, and if the purchaser has no reason to believe that any information contained in that certification that affects the computation of the windfall profit tax is not correct, the amount of tax to be deducted and withheld under paragraph (a) of this section is the amount of tax imposed by section 4986 based on the information provided in the operator's certification. However, in determining the amount to be deducted and withheld, section 4988(b) (relating to the net income limitation on windfall profit) shall not apply.

(2) *Absence of effective operator's certification.* If the purchaser has not received the certification required to be furnished by the operator pursuant to section 6050C and § 150.6050C–1, or if the purchaser has reason to believe that any information contained in that certification that affects the tax computation is not correct, the purchaser shall deduct and withhold in accordance with the following rules:

(i) If the purchaser pays the lower tier ceiling price for oil, the purchaser shall not deduct and withhold any windfall profit tax from the pruchase price of that oil.

(ii) If the purchaser pays either the upper tier ceiling price or an uncontrolled price for oil, the purchaser shall deduct and withhold from the purchase price of each barrel of such oil an amount equal to 70 percent of the excess, if any, of the removal price over the amount equal to the sum of—

(A) $11.01, plus

(B) The amount equal to $11.01 multiplied by the inflation adjustment provided under section 4989(b)(1) for the calendar quarter in which the oil was removed, plus

(C) The amount of the severance tax adjustment provided by section 4996(c), if the amount of that adjustment is known by the purchaser.

(3) *Producer's certification.* If, pursuant to § 150.4995–2 or § 150.6050C–1, the purchaser has received a certification that a producer's share of production from a property qualifies as "exempt oil" or "independent producer oil", and if the purchaser has no reason to believe that any statement in the certification bearing on such qualification is not correct, the purchaser—

(i) Shall not withhold tax from amounts payable for the share of production that has been certified as exempt oil (the provisions of paragraph (b) (1) and (2) of this section notwithstanding), and

(ii) In determining the amount to be withheld under paragraph (b)(1) of this section from amounts payable for the share of production that has been certified as independent producer oil, shall apply the rates provided in section 4987(b)(2) and, in determining the amount to be withheld under paragraph (b)(2) of this section, shall substitute 50 percent for 70 percent.

If a payment by a purchaser is made to an operator or to a partnership, rather than directly to the producer of the oil, the amount of exempt oil and independent producer oil shall be determined on the basis of information provided to the purchaser by the operator pursuant to § 150.6050C–1 or by the partnership pursuant to paragraph (e) § 150.4995–2.

(4) *Lower tier and upper tier ceiling prices.* For purposes of this section, the terms "lower tier ceiling price" and "upper tier ceiling price" have the same meaning as those terms are given in the energy regulations (see § 150.4996–1(f)).

(c) *Withholding adjustments*—(1) *General rule.* (i) A purchaser who ascertains that the amount of tax withheld from any payment for crude oil was more or less than the amount of tax imposed by section 4986 (computed without regard to the net income limitation) with respect to that crude oil shall make adjustments in the amount to be withheld from subsequent payments to the same person as provided in this paragraph. For purposes of this paragraph, a purchaser has ascertained that the amount withheld was more or less than the tax imposed when the purchaser has sufficient information to be able to determine the amount of tax imposed by section 4986 (computed without regard to the net income limitation) with respect to that crude oil. Thus, adjustments are generally required when the purchaser made an incorrect calculation with respect to a prior payment, when the purchaser has withheld in accordance with the rules of paragraph (b)(2) because of the absence of an effective operator's certification and the purchaser later receives an effective certification, when an earlier certification is corrected, or when the purchaser has withheld tax from a producer at the generally applicable rates and the purchaser subsequently receives a retroactively effective independent producer's certificate. Every adjustment under this paragraph shall be reflected on Form 720 (the return form which is prescribed for use in reporting windfall profit tax withholding). If the entire adjustment would be reported in the return for the same taxable period as the withholding giving rise to the adjustment, the return for that period shall reflect only the amount withheld as adjusted. Otherwise, every return on which an overpayment or underpayment is adjusted pursuant to this paragraph must include a statement explaining the adjustment, designating the return

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period to which the adjustment relates, and setting forth such other information as may be required by the instructions to the return.

(ii) Except as otherwise provided in subparagraph (3) of this paragraph, the purchaser must make a full adjustment by underwithholding or overwithholding in subsequent payments to the same person (whether or not from the same property) so that the total amount withheld is equal to the tax imposed by section 4986 (computed without regard to the net income limitation) as soon as possible. The full adjustment must be made, if possible, in the next payment. If it is not possible to complete the adjustment in the next payment, the purchaser shall adjust by underwithholding or overwithholding to the fullest extent possible in each subsequent payment until the adjustment is completed. However, no adjustment is to be made in the amount withheld from payments made for oil removed in a later calendar year or from payments made after the statement required by § 150.4997–2(c) (relating to annual statement of windfall profit tax liability) is furnished. If the error is one of underwithholding that cannot be fully adjusted under this paragraph (*e.g.*, where the relationship between the producer and the purchaser has terminated, or where the next payment is for oil removed in the following calendar year), the producer is required to file a return at the end of the year in accordance with § 150.4997–1 unless the producer's liability for tax under section 4986 has been completely satisfied by reason of overwithholding with another purchaser. If the error is one of overwithholding that cannot be fully adjusted under this paragraph, the rules of § 150.6402–1 with respect to claims for credit or refund are applicable to the producer.

(2) *Special rules.* (i) If the need for an adjustment arises with respect to a payment for oil removed in a calendar year prior to the year within which the purchaser ascertains the need for an adjustment, no adjustment shall be made unless the adjustment can be made in a payment for oil removed in the prior year and unless that payment is made prior to the furnishing of the statement required by § 150.4997–2(c). However, see § 150.4997–2(c)(2) (relating to certain information furnished by purchaser to producer).

(ii) No amount shall be deducted or withheld from any payment in excess of the windfall profit with respect to the oil giving rise to that payment.

(iii) If, pursuant to section 4995(a)(3)(D), the producer and purchaser agree to additional withholding, any amount withheld pursuant to the agreement shall be treated as an amount required to be withheld.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, a purchaser of crude oil, has been withholding in accordance with the special rules of paragraph (b)(2) because the operator of the property from which A purchases oil has not provided A with the certification required by § 150.6050C–1. Subsequently, the operator does provide A with the certification, and A, withholding under the rules of paragraph (b)(1), ascertains that the amount withheld earlier exceeds the amount of tax imposed by section 4986 based upon the information provided by the operator. Although A withheld properly in accordance with the information available during the earlier period, the amount withheld is subject to the adjustment rules of this paragraph.

Example (2). Purchaser B, in the third calendar quarter of the year, ascertains that too little tax was withheld from payments for oil purchased in the preceding calendar quarter with respect to producer C. B must attempt to fully adjust the underwithholding by increasing the amount withheld from subsequent payments made to C to the full amount of windfall profit. If the adjustment has not been completed when B makes the final payment for oil removed during the calendar year, B should not continue the adjustments in payments for oil removed after the close of the calendar year. However, B is required to inform C of C's liability for the amount remaining unadjusted and to provide that information to the Internal Revenue Service in accordance with the rules of § 150.4997–2.

(d) *Interim withholding rule*—(1) *Effective date.* The rules of this paragraph apply to payments made after April 18, 1980, and before June 4, 1980, with respect to oil removed on or after March 1, 1980. These rules may, at the option of the purchaser, be applied with respect to payments made prior to the above period with respect to such oil.

(2) *General rule.* The purchaser of domestic crude oil shall deduct and withhold from amounts payable by that purchaser for the oil the amount specified in subparagraph (3) of this paragraph unless—

(i) The crude oil is removed from the premises (as defined in § 150.4996–1(d)) before it is sold, or

(ii) The manufacture or conversion of crude oil into refined products begins before the oil is removed from the premises, or

(iii) The producer of the oil is an integrated oil company (as defined in § 150.4996–1(g)).

For purposes of section 4995 (a) (1) (B), the amount specified in subparagraph (3) of this paragraph shall be considered the tax required to be withheld under section 4995 (a) (1) (A).

(3) *Amount to be deducted and withheld; options of purchaser.* The amount to be deducted and withheld under subparagraph (2) of this paragraph is, at the option of the purchaser, either—

(i) 70 percent of the excess, if any, of the purchase price per barrel of crude oil over $11.22 ($11.47 for oil removed after March 31, 1980), or

(ii) the amount that would be required to be withheld under paragraph (a) and (b) (or, at the purchaser's option, paragraphs (a), (b), and (c)) of this section if those paragraphs were in effect.

The purchaser may choose from among the above options with respect to each payment to which this paragraph applies.

(e) *Extent of purchaser's liability.* Every purchaser required to deduct and withhold tax under this section is liable for the tax required to be withheld, whether or not it is actually withheld by the purchaser. However, in no event shall the purchaser's liability for the tax required to be withheld exceed the producer's liability for the tax imposed by section 4986 (including the application of the net income limitation provided in section 4988(b) if all the data necessary for computing that limitation are available) with respect to oil sold to that purchaser, and the purchaser's liability shall abate to the extent that the producer's liability for the tax is paid (including payments by the producer or by the purchaser through adjustments in amounts later withheld). See paragraph (c) relating to adjustments in withholding. The producer from whom the correct amount was not withheld shall be liable to any purchaser for the amount of the producer's tax liability paid by the purchaser pursuant to this paragraph. The purchaser is relieved of liability to any other person for the amount of any tax withheld pursuant to this section and paid to the Internal Revenue Service or deposited with a duly designated depositary of the United States. See § 150.4995–3 relating to depositary requirements.

(f) *Effective date.* The rules of paragraphs (a), (b), and (c) of this section are effective with respect to payments made after June 3, 1980, for oil removed on or after March 1, 1980. However, for purposes of applying paragraph (c) to payments described in the preceding sentence, payments made before June 4, 1980, for oil removed on or after March 1, 1980, shall be treated as if paragraphs (a) and (b) applied to them.

§ 150.4995–2 Producer's certificate.

(a) *In general.* The producer of "exempt Indian oil", as defined in section 4994 (d), or the holder of any interest in crude oil that is a "qualified governmental interest" as defined in section 4994(a) or is a "qualified charitable interest" as defined in section 4994(b), may furnish an exemption certificate with respect to such oil to the purchaser of the oil or to the operator of the property from which the oil is produced (or, if the producer is a partner, to the partnership (see paragraph (e) of this section)), in accordance with the rules of paragraph (b) of this section. Any producer of "independent producer oil", as defined in section 4992, may furnish a certificate with respect to such oil to the purchaser of the oil or to the operator of the property from which the oil is produced (or, if the producer is a partner, to the partnership (see paragraph (e) of this section)), in accordance with the rules of paragraph (c) of this section. Any certificate provided under this section must set forth the facts that establish entitlement to the exemption or lower rates claimed. The certificate (or any revocation of a certificate) shall identify the producer by name, address, and employer identification (or social security) number and shall be signed by the producer (under the penalties of perjury except in the case of a revocation). For the requirement that the operator of a property who has received such a certificate furnish a copy of the certificate, or certify as to its contents, to each purchaser of oil from that property, see § 150.6050C–1(f). For the effect of the furnishing of such a certificate see § 150.4995–1(b) (3) (relating to the withholding requirement). For the criminal penalty applicable to the furnishing of a false statement, see section 7206.

(b) *Exemption certificate.* For purposes of this section, an exemption certificate is a written statement certifying that the producer's oil is exempt from the tax imposed by section 4986 because the oil constitutes exempt Indian oil or the oil is from a qualified governmental interest or a qualified charitable interest. Any producer who furnishes an exemption certificate to an operator, purchaser, or partnership shall also file an exemption certificate with the Internal Revenue Service Center for the region with which the producer's income tax return is filed. Only one such certificate need be filed even though the producer may furnish certificates to more than one operator or purchaser.

(c) *Independent proucer's certificate.* An independent producer's certificate is a written statement certifying that the entire amount of the producer's oil expected to be sold to the purchaser is subject to the rates of tax provided in section 4987(b)(2) because the oil constitutes "independent producer oil" as defined in section 4992. No certificate may be furnished with respect to oil if it is reasonable to believe that the number of barrels to be affected by the certificate, taken together with all other oil with respect to which a certificate has been furnished by the producer to any operator, purchaser, or partnership, will exceed the producer's independent producer amount (see section 4992 (c) and (e)).

(d) *Revocation of certificate.* If the producer has furnished a certificate with respect to oil, and the producer subsequently discovers that the oil is not, or has ceased to be, eligible for certification under the rules of paragraphs (a) through (c) of this section, the producer shall furnish notice within 10 days to the person to whom the certificate was furnished that the certificate is revoked.

(e) *Partnerships.* If payment for oil sold by a partnership is to be made to the partnership rather than to each partner individually, any certifications permitted by this section shall be furnished by the partnership. Each certification shall state the percentage of the oil that is certified as exempt from tax or subject to a lower rate of tax. The partnership certification may certify oil as exempt from tax or subject to a lower rate of tax only to the extent that the partnership has received certifications from its partners. Any partnership furnishing a certification shall retain in its records, for so long as material in the administration of any internal revenue law, each certification from a partner that was used as the basis for the certification furnished by the partnership under this section.

(f) *Substitution of operator for purchaser.* If a purchaser of crude oil and the operator of the property from which the crude oil is produced make the election described in § 150.4995–4, the purchaser shall forward to the operator, at the time of the election, any exemption certificate or any notice of revocation previously received by the purchaser. The purchaser shall immediately forward to the operator any exemption certificate or any notice of revocation received after the election. The operator shall treat any exemption certificate or any notice of revocation forwarded by a purchaser as an exemption certificate or notice of revocation from the producer.

§ 150.4995–3 Depositary requirements.

(a) *Deposits by integrated oil companies other than independent refiners*—(1) *In general.* Every integrated oil company (as defined in § 150.4996–1 (g)) other than an independent refiner (as defined in § 150.4996–1 (h)) that is either liable as a producer for the tax imposed by section 4986 or is required as a purchaser to deduct and withhold tax pursuant to § 150.4995–1 shall make deposits with respect to semimonthly periods (as defined in subparagraph (3)(i) of this paragraph). The amount to be deposited for each semimonthly period is the amount of tax imposed by section 4986 on oil removed from the premises during that semimonthly period for which the company is liable as a producer, plus the amount required to be withheld by the company as a purchaser pursuant to § 150.4995–1 from payments that have been or will be made for oil removed from the premises during that semimonthly period. The deposits shall be made on or before the depositary date (as defined in subparagraph (3)(ii) of this paragraph) for the semimonthly period in which the oil was removed. These depositary requirements will be considered to have been met for a semimonthly period with respect to estimated deposits only if—

(i)(A) The company's deposit for such semimonthly period is not less than 90 percent of the total amount otherwise required by this section to be deposited by it for such period, and (B) if such period occurs in a month other than the last month in a taxable period, it deposits any underpayment for such month by the 9th day of the second month following such month; or

(ii)(A) Its deposit for each semimonthly period in the month is not less than 45 percent of the total amount otherwise required by this section to be deposited by it for the month, and (B) if such month is other than the last month in a taxable period, it deposits any underpayment for such month by the 9th day of the second month following such month; or

(iii) (A) Its deposit for each semimonthly period in the month is not less than 50 percent of the total amount required by this section to be deposited by it for the second preceding calendar month (determined without regard to subdivisions (i) through (iv) of this subparagraph), and (B) if such month is other than the last month in a calendar quarter, it deposits any underpayment for such month by the 9th day of the second month following such month; or

(iv) (A) The requirements of (i) (A), (ii) (A), or (iii) (A) are satisfied for the first

semimonthly period of a calendar month, and (B) the company's deposit for the second semimonthly period of that calendar month is, when added to the deposit for the first semimonthly period, not less than 90 percent of the total amount otherwise required by this section to be deposited by it for that month, and (C) if such period occurs in a month other than the last month in a calendar quarter, the company deposits any underpayment for such month by the 9th day of the second month following such month.

However, subdivisions (ii) and (iii) of this subparagraph shall not apply to any company that normally incurs in the first semimonthly period in each month more than 75 percent of its total liability for deposit for the month (determined without regard to subdivisions (i) through (iv)).

(2) *Special requirement.* If the aggregate amount of deposit liability for a taxable period (determined without regard to subdivisions (i) through (iv) of subparagraph (1) of this paragraph) exceeds the total amount deposited by the company pursuant to subparagraph (1) of this paragraph for such taxable period, then the company shall, on or before the last day of the first month following the close of the taxable period, deposit an amount equal to the amount by which the deposit liability exceeds the total deposits made pursuant to subparagraph (1) of this paragraph for the taxable period.

(3) *Definitions.* For purposes of this part—

(i) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(ii) *Depositary date.* The depositary date for deposits for semimonthly periods is the 9th day of the semimonthly period following the semimonthly period in which the oil was removed.

(4) *Special rule for oil removed prior to April 4, 1980.* For purposes of this paragraph, oil removed after February 29, 1980, and before April 4, 1980 shall be considered to have been removed on April 4, 1980.

(b) *Independent refiners purchasing oil pursuant to a delayed payment contract.* Purchasers that are independent refiners (as defined in § 150.4996–1(h)) shall make deposits for each calendar month in accordance with the rules of paragraph (c) of this section except in the case of oil purchased under a contract therefor under which no payment is required to be made by the purchaser before the 46th day after the close of the month in which the oil is purchased. In the case of oil purchased under such a contract, the deposits shall be made for each calendar month not later than the last day of the second month which begins after the month in which the oil was removed. The amount to be deposited for each month is the amount required to be withheld pursuant to § 150.4995–1 from payments that have been or will be made for oil removed during that month.

(c) *Deposits by other purchasers.* Except as provided in paragraph (a) or (b) of this section, purchasers shall make deposits for each calendar month not later than 45 days after the close of that month. The amount to be deposited for each month is the amount required to be withheld pursuant to § 150.4995–1 from payments that have been or will be made for oil removed from the premises during that month.

(d) *Special rule for determining operator's status.* See section 4995(a)(7)(A)(ii) for a special rule for determining the status of the operator when the election provided by § 150.4995–4 is made.

(e) *Payments by producers to correct underwithholding.* If the amount of tax withheld from a producer for a calendar year is less than the total liability of the producer for the tax imposed by section 4986 with respect to oil removed during the calendar year and subject to withholding under § 150.4995–1, the producer shall remit the difference with a timely return filed under § 150.4997–1 or shall, on or before the last day for filing a return under § 150.4997–1, deposit such difference.

(f) *Deposits by producers of tax due on oil not subject to withholding.* (1) *In general.* Except as provided in paragraph (a) (relating to certain integrated oil companies), every producer shall deposit for each calendar month the tax imposed by section 4986 on the removal in that month of oil that is not subject to withholding under § 150.4995–1. The deposits shall be made not later than 45 days after the close of the month in which the oil was removed (or deemed removed under section 4988(c)(4)) from the premises. These deposit requirements will be considered to have been met for a month with respect to estimated deposits only if—

(i)(A) The producer's aggregate deposit liability under this subparagraph (1) for the three months of a taxable period is less than $100 and (B) the producer deposits the amount of tax owed on or before the last day for filing the return required by § 150.4997–1 for that taxable period or remits the tax owed with that return; or

(ii)(A) The producer's deposit for the month is not less than 90 percent of the total amount otherwise required by this section to be deposited by it for the month, and (B) the producer complies with the requirements of subparagraph (2) of this paragraph; or

(iii)(A) The producer's deposit for each month of the taxable period is not less than 30 percent of the total amount otherwise required by this section to be deposited by it for the three months of the taxable period, and (B) the producer complies with the requirements of subparagraph (2) of this paragraph; or

(iv)(A) The producer's deposit for the month is not less than 100 percent of the amount required by this section to be deposited by it for the third preceding month (determined without regard to subdivisions (i) through (iv)), and (B) the producer complies with the requirements of subparagraph (2) of this paragraph.

However, subdivisions (iii) and (iv) of this subparagraph shall not apply to any producer that normally incurs in the first month in each taxable period more than 45 percent of its total liability for deposit for the taxable period (determined without regard to subdivision (ii) through (iv)).

(2) *Special requirement.* If the total liability for the tax imposed by section 4986 for a taxable period exceeds the total amount deposited by the producer pursuant to subparagraph (1) of this paragraph for such taxable period, then the producer shall deposit the difference not later than 45 days after the close of the last month in the taxable period.

(g) *Government depositaries.* Deposits required by this section shall be made with a Federal Reserve bank or, at the depositor's election, with an authorized financial institution. See paragraph (h)(2) of this section.

(h) *Depositary forms*—(1) *In general.* A person may make one, or more than one, remittance of the amount required to be deposited. However, a deposit for one taxable period shall be made separately from any deposit for another taxable period.

(2) *Tax deposit forms.* Each remittance of amounts required to be deposited by this section shall be accompanied by an FTD (Federal Tax Deposit, Excise Taxes) Form (Form 504). Such form shall be prepared in accordance with the instructions applicable thereto. The remittance, together with FTD Form 504, shall be forwarded to a Federal Reserve bank or, at the election of the person remitting the tax, to a financial institution authorized in accordance with Treasury Department Circular No. 1079, 31 CFR

Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date the deposit is received (or is deemed received under section 7502(e)) by a Federal Reserve bank or by the authorized financial institution, whichever is earlier. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return.

(3) *Procurement of prescribed forms.* Copies of the applicable deposit forms will so far as possible be furnished to purchasers and producers. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. A person may secure the forms or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. The address of the person as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of FTD Form 504 may be secured by application to a director of an Internal Revenue Service Center.

§ 150.4995–4 Election of purchaser and operator to have operator withhold, deposit tax, etc.

(a) *General rule.* Pursuant to section 4995(a)(7)(B), it has been determined that the substitution of the operator for the purchaser will make the administration of the windfall profit tax more practicable only when the operator is otherwise required by § 150.4995–3 to make deposits as a purchaser of oil produced from a different oil reservoir. Consequently, a purported election pursuant to section 4995(a)(7) is invalid except in that circumstance. In the allowed case, the operator of the property and a purchaser of crude oil produced from that property may make a joint election under this section with respect to oil produced from the entire property or any portion thereof. While the election is in effect, all the requirements otherwise imposed upon the purchaser by chapter 45 or subtitle F of the Code or by this part are imposed upon the operator. The purchaser shall not be held responsible for failing to meet those requirements. The operator shall promptly notify all producers of oil from that property (or portion) that a joint election has been made and that all information otherwise required to be sent to the purchaser should be sent to the operator. If the operator makes payment for oil produced from the property to a partnership rather than directly to the producers, the notice shall be sent to the partnership. The operator and the purchaser must agree to transfer to the operator responsibility for meeting all the requirements otherwise imposed upon the purchaser in order for the agreement to constitute an effective election.

(b) *Method of making election; termination of election.* The joint election shall be made by the execution of a document, signed and dated by both the purchaser and operator, that states that both parties have agreed that the operator of the property shall be responsible for all the requirements otherwise imposed upon the purchaser by chapter 45 (or related provisions of subtitle F) of the Code or by this part. The purchaser and operator shall, within 10 days of the execution of the document, each forward a copy of the document to the Internal Revenue Service Center for the region with which it files its income tax return. The election shall remain in effect from the date of its execution (or later effective date specified in the election document) until either of the parties executes a document, signed, dated, and delivered to the other party, that declares that the joint election is to be terminated. The termination shall not take effect for at least 60 days after the execution of the termination document unless both the operator and the purchaser agree on an earlier effective date. The party executing the termination document shall promptly notify all producers of oil from that property of the termination and the resulting changes in responsibilities and shall, within 10 days of executing the termination document, forward a copy to the Internal Revenue Service Center for the region with which its income tax return is filed. The party receiving the termination document shall, within 10 days of receipt, forward a copy to the Internal Revenue Service Center for the region with which its income tax return is filed. Both the purchaser and operator shall retain in their records, for so long as they may be material in the administration of any internal revenue law, a copy of the joint election and any subsequent termination.

§ 150.4996–1 Definitions.

For purposes of this part and chapter 45 of the Code—

(a) *Purchaser.* The term "purchaser" includes only the first person (as defined in section 7701(a)(1)) purchasing domestic crude oil.

(b) *Producer.* The term "producer" means the holder of the economic interest with respect to the crude oil in place in the ground. However, in the case of a partnership, the partnership's economic interest in the oil shall be allocated among the partners on the basis of each partner's proportionate share of the partnership's income from the crude oil, and the partner to whom the oil is allocated shall be treated as the producer of the oil. In the case of a trust or estate, the entity is the producer rather than the beneficiaries.

(c) *Operator.* The term "operator" means the person that holds an operating mineral interest in the property and bears more of the responsibility for the management and operation of crude oil production from the property than any other holder of such an interest. In the case of a business entity, the operator is the entity and not its employee or owner. However, under section 4996(a)(2)(B), another person may be designated as the operator, provided that the district director for the district in which the property is located issues a written statement that the district director is satisfied that the designation does not jeopardize the collection of the tax and related interests of the Federal Government. Such a designation must be made in writing and signed by all persons holding operating mineral interests in the property.

(d) *Removed from the premises; deemed removed.* Oil is removed from the premises when the oil is physically transported off the premises. The term "premises" means "a tract or parcel of land" as that term is defined in paragraph (a)(3) of § 1.614–1. Except as otherwise provided in this paragraph, if oil is used on the premises or if the manufacture or conversion of crude oil into refined products begins on the premises, the oil shall be treated as removed on the day the use, manufacture or conversion, begins. However oil that is produced and then reinjected into the reservoir or used on the same tract or parcel of land to power a production process or production equipment is not removed from the premises so long as the oil is at no time transported off the tract or parcel of land from which it was produced. Furthermore, oil used to power a production process or production equipment will not be considered removed from the premises if it is transported from one tract or parcel of land to a contiguous tract or parcel of land, provided that 100 percent of the

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economic interest in the oil produced from both tracts or parcels of land is held by the same persons.

(e) *Taxable period.* The term "taxable period" means March 1980 and each calendar quarter beginning after March 1980.

(f) *Energy regulations.* The term "energy regulations" means regulations prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)) as amended (crude oil price control regulations). See section 4996(b)(8).

(g) *Integrated oil company.* The term "integrated oil company" means a taxpayer that both produces oil and is either a "retailer" or a "refiner".

(1) *Retailer.* The term "retailer" means any taxpayer described in section 613A(d)(2), *i.e.*, one who directly, or through a related person, sells oil or natural gas (excluding bulk sales to commercial or industrial users) or any product derived from oil or natural gas—

(i) Through any retail outlet operated by the taxpayer or a related person, or

(ii) To any entity—

(A) Obligated under an agreement or contract with the taxpayer or related person to use a trademark, trade name, or service mark or name owned by such taxpayer or related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

(B) Given authority, pursuant to an agreement or contract with the person or related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or related person.

However, notwithstanding the preceding sentence, this subparagraph shall not apply in any case where the combined gross receipts from the sale of such oil, natural gas, or any product derived therefrom, for the taxable period of all retail outlets taken into account for purposes of this subparagraph do not exceed $1,250,000. For purposes of this subparagraph, sales of oil, natural gas, or any product derived from oil or natural gas shall not include sales, made of such items outside the United States, if no domestic production of the person or a related person is exported during the calendar year or immediately preceding calendar year.

(2) *Refiner.* The term "refiner" means any taxpayer described in section 613A (d) (4), *i.e.*, one who is engaged in the refining of crude oil or is related to a person so engaged, provided that on any day during the taxable period the refinery runs of the person and any related person exceed 50,000 barrels. For purposes of this paragraph, the term "related person" has the same meaning as in section 613A (d) (2) and (4).

(h) *Independent refiner.* The term "independent refiner" means a refiner who

(1) Obtained, directly or indirectly, in the second preceding calendar quarter, more than 70 percent of his refinery input of domestic crude oil (or 70 percent of his refinery input of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with such refiner, and

(2) Marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers. The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(i) An agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(ii) An agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with, any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (1) (i) or (ii)) and who does not control such refiner. The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner, is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and is not a branded independent marketer.

(i) *Property.* Except as otherwise provided in section 4988 (b) (relating to the net income limitation on windfall profit), the term "property" has the same meaning as that term is given by the energy regulations. See 10 CFR 212.72 (a); FEA Rul. 1977–1, 42 FR 3628 (1977).

(j) *Other.* See section 4996 (b) and (d) for definitions of "crude oil", "barrel", "domestic", "United States", "possession of the United States", "Indian tribe", and "Alaskan oil from Sadlerochit reservoir".

§ 150.4996–2 Severance tax adjustment.

(a) *In general.* The severance tax adjustment with respect to any barrel of crude oil is the amount by which any severance tax imposed with respect to that barrel exceeds the severance tax which would have been imposed if the barrel had been valued at its adjusted base price.

(b) *Severance tax defined.* For purposes of this section, the term "severance tax" means any tax imposed by a State (not including a political subdivision of a State) with respect to the extraction of oil that is determined on the basis of the gross value of the extracted oil. The term "severance tax" does not include a tax levied on the value of reserves in the ground or a tax levied on the basis of net proceeds from production. Furthermore, a tax on the removal of crude oil from the ground levied as a fixed fee per barrel is not a severance tax because the amount of that tax is not determined by reference to the gross value of the extracted oil.

(c) *Limitations*—(1) *15 percent limitation.* A severance tax shall not be taken into account to the extent that the total rate thereof exceeds 15 percent.

(2) *Increases after March 31, 1979.* The amount of a State's severance tax taken into account under paragraph (a) of this section shall not exceed the amount which would have been imposed under that State's severance tax, as in effect on March 31, 1979, unless that excess is attributable to an increase in the rate of the severance tax (or to the imposition of a severance tax) which applies equally to all portions of the gross value of each barrel of oil subject to that tax. For purposes of this subparagraph, the conversion of a tax levied at a fixed fee per barrel into a tax based on the gross value of oil removed constitutes an initial imposition of a severance tax.

§ 150.4996–3 Special rules for post-1978 transfers of property.

(a) *In general.* The rules of this section apply for all purposes of this part and chapter 45 of the Code, including the application of the June 1979 energy regulations for purposes of this part and chapter 45 of the Code.

(b) *Classification of oil from property transferred after 1978.* If a portion of a property (as defined in paragraph (i) of § 150.4996–1) is transferred after December 31, 1978, any crude oil produced from any portion of the property constitutes oil from a stripper well property, newly discovered oil, or heavy oil only if such oil would be so

classified if there had not been a transfer. The term "transfer" means any sale, exchange, lease, sublease, gift, bequest, devise, or other disposition (including a distribution by an estate, or a contribution to or distribution by a corporation, partnership, or trust, whether or not a taxable event) of rights (including rights less than fee simple) with respect to the property. Thus, for example, a change in the identity of the holder of a lease, mineral rights, royalty rights, or fee simple ownership rights with respect to a portion of the property is a transfer, even if such change is the result of corporate reorganization, gift, devise, or inheritance.

§ 150.4997–1 Returns and recordkeeping.

(a) *Returns.* Returns with respect to windfall profit taxes imposed by section 4986 shall be made as provided in this section.

(1) *Quarterly return.* A return for each taxable period (on Form 720, with Form 6047 attached thereto, in accordance with the instructions on those forms) shall be made by the following:

(i) Each purchaser of crude oil required to deduct and withhold tax pursuant to § 150.4995–1;

(ii) Each operator of a property who, having made an election pursuant to § 150.4995–4, is required to deduct and withhold tax; and

(iii) Each producer of crude oil the tax with respect to which is excepted from the withholding requirement by a subparagraph of § 150.4995–1(a).

(2) *Annual return.* A return for each calendar year shall be made by each producer of crude oil whose liability for tax with respect to oil that was removed during the four taxable periods of the calendar year exceeds the amount of tax withheld with respect to that oil.

See § 150.6076–1 for the rules relating to the time for filing the returns required by this section.

(b) *Recordkeeping requirements.* Each taxpayer liable for tax under section 4986, each producer or purchaser of domestic crude oil, each operator of a property from which domestic crude oil was produced, and each partnership or other person receiving information on behalf of or providing information to producers under this part shall keep records of all documents, material, and information necessary to the determination of the windfall profit tax or that affect his or her administrative obligations under the Crude Oil Windfall Profit Tax Act of 1980 or the regulations in this part, including material furnished to other persons, as well as information received from other persons. The records shall be kept at all times available for inspection by authorized internal revenue officers or employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

§ 150.4997–2 Certain information to be furnished by purchaser and others.

(a) *In general.* If a purchaser is subject to the rules for collection and deposit of tax under §§ 150.4995–1 and 150.4995–3 with respect to any crude oil purchased (or would be subject to such rules in the absence of an exemption certificate given pursuant to § 150.4995–1(b)(3)), such purchaser shall furnish the monthly statement required by paragraph (b) of this section and the yearly statement required by paragraph (c) of this section to each producer of the crude oil purchased, except that, if payment for the oil purchased is made to the operator rather than to the producer or to a partnership rather than the partners, the statements shall be furnished to the operator or the partnership, as the case may be. Such purchaser shall also file the information return required by paragraph (c) of this section with the Internal Revenue Service (in the case of yearly statements). Any person who receives a statement with respect to oil of which such person is not the producer shall, within 15 days of receipt of the statement, furnish to each producer or partnership of producers (and the Internal Revenue Service in the case of a yearly statement) the information relating to that producer's or partnership's share of the oil purchased.

(b) *Monthly statement*—(1) *In general.* The purchaser shall furnish statements for each calendar month showing the total amount of windfall profit tax withheld by the purchaser from payments made to the producer, operator, or partnership with respect to oil removed during that month. If the purchaser did not withhold tax from payments to that person because of the receipt of an exemption certificate, the monthly statement need only state the reason for the absence of withholding.

(2) *Time for furnishing monthly statement.* Any statement required to be furnished by a purchaser under this paragraph for any calendar month shall be furnished before the first day of the second month which begins after the close of the month to which the statement applies.

(c) *Yearly statement of windfall profit tax liability and windfall profit tax deduction*—(1) *In general.* For each calendar year, the purchaser shall furnish statements and shall file information returns with the Internal Revenue Service. A separate statement shall be furnished to and a separate information return shall be filed for each producer, operator, or partnership to whom the purchaser made payments for oil purchased during the calendar year. Each statement and information return shall contain the following information with respect to oil for which that person received payment:

(i) The quantity, removal price, severance tax adjustment, TAPS adjustment (if any), adjusted base price, and windfall profit tax liability (computed without regard to the net income limitation) for oil in each tier that was removed during that calendar year;

(ii) The total quantity of the taxable crude oil that was removed during that year;

(iii) The total amount of the windfall profit tax liability with respect to the oil incurred during that year; and

(iv) The amount of windfall profit tax withheld by the purchaser with respect to the oil removed during each month of that year and the total tax withheld with respect to oil removed during the year.

For purposes of the preceding sentence, each category of tier 3 oil, independent producer oil withheld upon at a 50 percent rate, and independent producer oil withheld upon at a 30 percent rate shall be treated as a separate tier. If the purchaser did not withhold tax from payments to that person because of the receipt of an exemption certificate, the yearly statement and information return shall state that fact and shall set forth the above information clearly identified as relevant to tax consequences that would have occurred had the exemption certificate not been received.

(2) *Additional information in the case of withholding adjustments.* In the case of withholding adjustments that were not completed during the course of the year under paragraph (c) of § 150.4995–1, the purchaser shall provide additional information in the yearly statement and information return with respect to the person subject to the adjustment. The statement and information return shall set forth the amount ascertained to have been underwithheld or overwithheld, the amount actually adjusted, and the amount remaining unadjusted. If the adjustment was due to underwithholding, the statement shall also inform the recipient that the producer is liable for the amount of the tax under section 4986 in excess of the amount of such tax withheld by the purchaser and that this information is being supplied to the Internal Revenue Service. If the withholding adjustment was due to overwithholding, the statement shall inform the recipient that

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the purchaser was unable to fully adjust the overpayment under paragraph (c) of § 150.4995–1 and that the producer is eligible for a credit or refund which he may claim in accordance with the rules provided in § 150.6402–1.

(3) *Statement of windfall profit tax deduction.* The statement and information return required by this paragraph shall also set forth as the amount deductible for income tax purposes the total amount of windfall profit tax withheld from payments made to the producer, operator, or partnership during the calendar year without regard to when the oil was removed.

(4) *Prescribed form.* The statement and information return required by this paragraph shall be furnished and filed on Form 6248. The statement and return shall also contain such other information as is required by the form or its instructions. If the statement includes the information required by subparagraph (2) of this paragraph, the statement shall be furnished in duplicate. The information return shall be filed in the place and in the manner provided in the instructions to Form 6248.

(5) *Time for furnishing yearly statement of windfall profit tax liability and filing yearly information returns.* Each yearly statement required to be furnished by a purchaser under this paragraph for any calendar year shall be furnished on or before January 31 of the year immediately following the calendar year to which the statement applies, and each yearly information return required to be filed by a purchaser shall be filed on or before the due date for the return of tax imposed by section 4986 for the last taxable period of the calendar year.

(d) *Cross reference.* For the requirement that the operator furnish the statements and file the returns required by this section in the event that the operator and purchaser elect to have the operator deduct and withhold tax, etc., see § 150.4995–4.

§ 150.6050C–1 Information furnished by operator for purposes of windfall profit tax.

(a) *In general.* The operator of any property from which domestic crude oil is removed during a calendar month shall furnish a monthly statement, signed under the penalties of perjury, certifying the information specified in paragraph (b) of this section to:

(1) The purchaser of the oil, if the purchaser is required to withhold tax from payments for the oil pursuant to § 150.4995–1, or

(2) The producer, in any other case, except that if the producer of oil is a partner in a partnership, this statement may be furnished to the partnership if the producer and the partnership so agree. In that case, the partnership shall furnish the information to the producer with respect to that producer's share of the oil within 15 days of receipt.

(b) *Information to be certified.* In the case of exempt Alaskan oil or exempt front-end oil, the statement shall certify that the oil is exempt from tax. If a producer of the oil is an integrated oil company, the statement shall state the portion of which the integrated oil company is the producer. In all statements not certifying exemption, the following information is to be certified in the statement required under paragraph (a) of this section:

(1) The tier, for purposes of the tax imposed by section 4986, of the oil removed during the month and, if the oil is tier 3 oil, whether the oil constitutes newly discovered oil, heavy oil, or incremental tertiary oil;

(2) The amount of the oil removed and, if the oil removed includes oil of different tiers or categories, the amount of oil removed of each tier or category;

(3) The adjusted base price (within the meaning of section 4989) for each tier of oil removed;

(4) The severance tax adjustment, if any, provided under section 4996(c) with respect to each tier of oil removed;

(5) The TAPS adjustment, if any, provided under section 4996(d), and the average removal price for the month, in the case of oil from the Sadlerochit Reservoir;

(6) The property from which the oil was removed.

In the case of a statement furnished to a purchaser, the operator shall provide the information with respect to the aggregate amount of oil sold to that purchaser removed during the month. In the case of a statement furnished to a producer or partnership, the operator shall provide the information with respect to that person's allocable share of all oil removed from the premises during the month (including any oil delivered in kind to that producer).

(c) *Time and manner of certifying information.* The operator shall furnish the statement required under paragraph (a) of this section to the purchaser or producer, as the case may be, no later than the fifteenth day of the month following the calendar month in which the oil was removed. However, the statement with respect to oil removed during March 1980 shall be furnished no later than April 25, 1980.

(d) *Agreement between operator and recipient of statement.* If the purchaser or producer agrees in a signed statement that the operator shall be relieved of the duty of furnishing to such purchaser or producer—

(1) The statement otherwise required under paragraph (a) of this section, or

(2) Some or all of the information required under paragraph (b) of this section,

the operator shall be relieved of such duty, provided that the purchaser or producer has the information necessary to comply with all of the requirements of this part without such statement or information. Such an agreement shall immediately cease to have effect when the operator, purchaser, or producer, by a written statement signed by an authorized person, notifies the other party that it is terminating the agreement.

(e) *Special rule.* If an agreement under § 150.4995–4 is in effect between the operator and purchaser under which the operator assumes the obligations of the purchaser, the statement otherwise required by this section is not required with respect to oil subject to withholding pursuant to § 150.4995–1.

(f) *Producer's certificate.* If, pursuant to § 150.4995–2, the operator receives a producer's certificate certifying a share of production to be exempt or subject to a lower rate of tax, the operator shall either (1) furnish a copy of that certificate to each purchaser of oil from that property by the 15th day of the month following the month in which the certificate was received, or (2) if payment is to be received by the operator on behalf of the producers, furnish a certificate that summarizes the contents of the producers' certificates and states that the operator has received and has such certificates available for inspection.

(g) *Penalties.* See sections 6652(b), 7206, and 7241 (relating to civil and criminal penalties).

§ 150.6076–1 Time for filing return of windfall profit tax.

Each quarterly return required by paragraph (a)(1) of § 150.4997–1 shall be filed not later than the last day of the second month following the close of the taxable period. Each annual return required by paragraph (a)(2) of § 150.4997–1 shall be filed not later than the last day of the first February following the close of the calendar year in which the oil giving rise to the underpayment was removed.

§ 150.6402–1 Credit or refund of overpayment of windfall profit tax.

(a) *In general.* Any producer who pays, or is deemed to have paid under section 4995(a)(4), to the district director, director of the regional Internal Revenue Service Center, or the Director of the Office of International Operations more than the correct amount of the crude oil windfall profit tax imposed by chapter 45 for a taxable period may file a claim for refund of the overpayment or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration).

(b) *Overpayments not attributable to amounts deducted and withheld*—(1) *In general.* Except as provided in paragraph (b) (2) of this section, in the case of any overpayment of tax imposed by chapter 45 attributable solely to tax paid on crude oil not subject to withholding, the producer may file a claim for refund of the overpayment on or after the date for filing the return of such tax for such taxable period under section 6076, or may claim credit for such overpayment by making an adjustment on the return of windfall profit tax for the current or subsequent taxable periods in accordance with Form 720 and the instructions for such adjustments.

(2) *Net income limitation.* A producer who, due to the application of the net income limitation on windfall profit provided in section 4988 (b), has overpaid the tax imposed by chapter 45 for any taxable period shall not file a claim for credit or refund of that overpayment until the income tax return is filed for the taxable year that includes the last day of the taxable period. The producer may file a claim for refund of the overpayment or claim credit for the overpayment against any liability for a tax imposed by chapter 1 in accordance with the form and instructions provided for that purpose.

(c) *Overpayment attributable to amounts deducted and withheld.* Under section 4995(a)(4), the producer of oil is treated as having paid any amount withheld on the last day of the first February after the calendar year in which the oil was removed from the premises. Therefore, if the sum of the producer's liability for the tax imposed by chapter 45 on oil subject to withholding under § 150.4995–1 for all taxable periods of a calendar year is less than the amount deducted and withheld from the producer under § 150.4995–1 with respect to oil removed during the calendar year, the producer may file a claim for credit or refund of the overpayment after such last day of February, except that, in the case of an overpayment due to the application of the net income limitation provided in section 4988(b), the claim for credit or refund shall not be filed until the income tax return is filed for the taxable year that includes the last day of the last taxable period of such calendar year. The producer may file a claim for refund of the overpayment or may claim credit for the overpayment against any liability in respect to a tax imposed by chapter 1 in accordance with the form and instructions provided for that purpose. The producer shall attach to the claim a copy of all Forms 6248 furnished to the producer pursuant to § 150.4997–2.

(d) *Special interim rule for exempt producers.* If a producer of any crude oil from a qualified governmental interest (as defined in section 4994(a)) or qualified charitable interest (as defined in section 4994(b)), or a producer of exempt Indian oil (as defined in section 4994(d)), has had tax withheld from payments made for oil removed before July 1, 1980, the producer may file a claim for refund on or after July 1, 1980. The claim shall be filed on Form 843 and shall have attached a copy of each monthly statement received pursuant to § 150.4997–2.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4992, 4993, 4995, 4996, 4997, 6050C, 6402, and 7805 of title 26 of the United States Code and section 101(i)(2) of the Crude Oil Windfall Profit Tax Act of 1980.

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: April 2, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 80–10327 Filed 4–2–80; 1:24 pm]
BILLING CODE 4830–01–M

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR–48–80]

Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Crude Oil Windfall Profit Tax; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary excise tax regulations relating to title I of the Crude Oil Windfall Profit Tax Act of 1980. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 3, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–48–80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC: LR:T) (202–566–3926 or 3299).

SUPPLEMENTARY INFORMATION: The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** adds a new part 150 to title 26 of the Code of Federal Regulations. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR by adding a new Part 51.

For the text of the temporary regulations, see FR Doc. 80–10327 (T.D. 7690) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–10328 Filed 4–2–80; 1:24 pm.

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23474 **Consolidated Grants to Insular Areas** HEW/HDSO proposes rules to implement program; comments by 5–22–80

23486 **Business and Industrial Loans** USDA/FmHA amends current interest rate for private entrepreneurs to 13½ percent; effective 4–7–80

23441 **Uniform Tire Quality Grading** DOT/NHTSA amends certain standards, and also issues interpretation for measurement of tread depth; (2 documents)

23419 **Fair Market Rent Schedules** HUD/FHC revises schedules for existing housing; effective 3–29–79 and 11–1–79

23428 **Performance Certificates** FMC amends rules to increase maximum amount of insurance, escrow account, guaranty and surety bond required; effective 2–20–81

23441 **Pipeline Transportation of Natural and Other Gas** DOT/RSPA establishes requirements for testing separately protected service lines; effective 4–7–80

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Rules and Regulations

Federal Register
Vol. 45, No. 68
Monday, April 7, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 25

Advisory Committee Management; Amendment To Reflect Change in Appointment Authority

AGENCY: U.S. Department of Agriculture.
ACTION: Final rule.

SUMMARY: This document amends paragraph (a) of § 25.17 to provide for flexibility in the authority to appoint members to advisory committees.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Carolyn Wright, Management Staff, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–9895.

SUPPLEMENTARY INFORMATION: Current regulations require that national and/or statutory advisory committee members be appointed by the Secretary, while regional, state and local committee members may be appointed by the responsible agency. This regulation is being amended to provide that the Secretary may authorize the agency official responsible for any advisory committee to appoint members to that committee. This change is intended to provide the Department with increased flexibility and efficiency in the management of advisory committees.

Accordingly, paragraph (a) of § 25.17 is hereby amended to read as follows:

§ 25.17 Appointment of members.

(a) *Authority.* National and/or statutory advisory committee members shall be appointed by the Secretary. Regional, State and local advisory committee members shall be appointed by the agency official responsible for the committee, unless determined otherwise by the Department's Committee Management Officer. The Secretary may, however, provide in the establishment document of any advisory committee that members of that committee shall be appointed by the agency official responsible for that committee.

* * * * *

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044, "Improving Government Regulations."

(5 U.S.C. 301; sec. 8, Pub. L. 92–463, 86 Stat. 773, (5 U.S.C. App. I); secs. 1801–1809, Pub. L. 95–113, 91 Stat. 1401, 7 U.S.C. 2281–2289)

Dated: March 31, 1980.

Joan S. Wallace,
Assistant Secretary for Administration.

[FR Doc. 80-10376 Filed 4-4-80; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 1004

[Milk Order No. 4; Docket No. AO–160–A56]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.
ACTION: Final rule.

SUMMARY: This action changing present order provisions is based on industry proposals which were considered at a public hearing held July 10, 1979. The amendments change the funding rate for the advertising and promotion program from a fixed level to a rate tied to the level of producers' pay prices in the market. The funding level would be increased from seven cents to an initial level of twelve cents per hundredweight. Producers who do not want to participate in the program would submit one refund request for the year's remaining calendar quarters. Refunds to producers would be made on a monthly basis rather than quarterly. Another amendment provides a charge of 1 percent per month on any overdue obligation of a handler with such charge accruing to the administrative expense fund. The amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective July 1, 1980, except that the provisions amending §§ 1004.72, 1004.120 (b) and (c), and 1004.121(c) and the new §§ 1004.78 and 1004.121 (e) and (f) shall become effective on June 1, 1980.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing: Issued June 20, 1979; published June 25, 1979 (44 FR 36985). Recommended Decision: Issued November 19, 1979, published November 26, 1979 (44 FR 67427). Final Decision: Issued February 22, 1980, published February 27, 1980 (45 FR 12811).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order, except for the advertising and promotion program, is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the order amending the order relative to provisions of the advertising and promotion program is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1004.61 is revised to read as follows:

§ 1004.61 Computation of weighted averge price and uniform prices for base milk and excess milk.

(a) For each month the market administrator shall compute the "weighted average price" per hundredweight of milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.71 for the preceding month:

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer settlement fund;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included pursuant to paragraph (a)(1) of this section; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(e); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

(b) Subject to paragraph (c) of this section, for each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to paragraph (a) of this section as follows:

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(ii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iii) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and round to the nearest cent:

(3) Subtract the withholding rate for the advertising and promotion program as computed in § 1004.121(e). The result shall be the uniform price for excess milk;

(4) From the amount resulting from the computations of paragraphs (a)(1) through (3) of this section subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(5) Subtract the aggregate value of excess milk determined in paragraph (b)(1) of this section;

(6) Divide the result obtained in paragraph (b)(5) of this section by the total hundredweight of base milk for handlers included in the computations pursuant to paragraph (a) of this section and subtract not less than 4 cents nor more than 5 cents per hundredweight; and

(7) Subtract the withholding rate for the advertising and promotion program as computed in § 1004.121(e). The result shall be the uniform price for base milk.

(c) If the base milk price obtained in paragraph (b)(7) of this section should exceed the Class I price, the aggregate amount in excess thereof shall be included in the computation of the excess milk price pursuant to paragraph (b)(1) of this section, except that if by such addition the excess milk price should exceed the base milk price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk.

2. In § 1004.71, paragraph (b)(2) is revised to read as follows:

§ 1004.71 Payments to the producer settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b), with respect to other source milk for which a value was computed pursuant to § 1004.60(e).

* * * * *

3. Section 1004.72 is revised to read as follows:

§ 1004.72 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.71(b) exceeds the amount computed pursuant to § 1004.71(a), subject to the following conditions:

(a) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) If the 16th day after the end of the month is a Saturday, Sunday, or national holiday, the market administrator may delay payments pursuant to this section until the next

day his office is open for public business.

4. In § 1004.73, paragraph (a)(2) is revised to read as follows:

§ 1004.73 Payments to producer and to cooperative associations.

(a) * * *

(1) * * *

(2) On or before the 20th of the following month at not less than the uniform price for base milk computed pursuant to § 1004.61(b) with respect to base milk received from such producer and not less than the uniform price for excess milk computed pursuant to § 1004.61(b) for excess milk received from such producer, subject to the following adjustments:

(i) Proper deductions authorized in writing by such producer;

(ii) Partial payment made pursuant to paragraph (a)(1) of this section;

(iii) The butterfat differential computed pursuant to § 1004.74;

(iv) Less the location differential applicable pursuant to § 1004.75; and

(v) If by such date such handler has not received full payment from the market administrator pursuant to § 1004.72 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

* * * * *

5. In § 1004.75, paragraph (b) is revised to read as follows:

§ 1004.75 Location differentials to producers and on nonpool milk.

* * * * *

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.72 the weighted average price shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class II price.

6. In § 1004.76, paragraph (b)(5) is revised to read as follows:

§ 1004.76 Payments by a handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price, subtract its value at the weighted average price, and add for the quantity of reconstituted skim milk specified in paragraph (b)(3) of this section its value computed at the Class I price less the value of such milk at the Class II price (except that the Class I price and the weighted average price shall be adjusted for the location of the nonpool plant and shall not be less than the Class II price).

7. A new § 1004.78 is added to read as follows:

§ 1004.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1004.71, 1004.73, 1004.76, 1004.77, 1004.79, 1004.85, or 1004.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid, subject to the following conditions:

(a) The amount payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously computed pursuant to this section and all such amounts shall be paid to the administrative assessment fund maintained by the market administrator;

(b) Any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due; and

(c) Payments shall be deemed not to have been made until such payments have been received, except:

(1) Any payment received after the due date in an envelope that is postmarked not later than the second day prior to the due date shall be considered to have been received by the due date; and

(2) If the date by which payments must be received falls on a Saturday or Sunday or on a national holiday, payments shall be considered to have been received by the due date if received not later than the next day on which the market administrator's office is open for public business.

8. In § 1004.120, paragraphs (b), (c) and (d) are revised to read as follows:

§ 1004.120 Procedure for requesting refunds.

* * * * *

(b) Except as provided in paragraph (c) of this section, the request must be submitted within the first 15 days of December for milk to be marketed during the following calendar year and during the first 15 days of March, June, or September for milk to be marketed from the first of the immediately following month through the remainder of the calendar year.

(c) Upon first acquiring producer status under this part, a dairy farmer shall, upon application filed with the market administrator pursuant to paragraph (a) of this section by the end of the month immediately following the month in which producer status is acquired, be eligible for refund on all marketings against which an assessment is withheld during the current calendar year and if producer status was first acquired in December such producer shall be eligible for a refund on all marketings during December and the following calendar year.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of the rate computed pursuant to § 1004.121(e).

9. In § 1004.121 the introductory text of paragraph (b), paragraphs (b) (2), (3), and (4), and paragraph (c) are revised and new paragraphs (e) and (f) are added to read as follows:

§ 1004.121 Duties of the market administrator.

* * * * *

(b) Set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the computation of uniform prices for such month. The amount set aside shall be disbursed as follows:

* * * * *

(2) To producers, a refund of the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) To any State, a payment on behalf of any producer for which a specific authorization has been received pursuant to § 1004.120(d), but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the

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volume of milk pooled by any such producers for which deductions were made pursuant to this paragraph.

(4) After the end of each month, make a refund to each producer who made application for such refund pursuant to § 1004.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section times the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such month, less the amount of any refund otherwise made to, or on behalf of, the producer pursuant to paragraph (b) (2) and (3) of this section.

(c) Promptly after the issuance of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1104.110 through 1104.122).

* * * * *

(e) As soon as possible after September of each year compute the rate of withholding as follows:

(1) Compute the simple average of the monthly weighted average prices for the six-month period ending September 30; and

(2) Multiply the price computed pursuant to paragraph (e)(1) of this section by one percent and round to the nearest full cent. This rate shall apply during the following calendar year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: The order provisions set forth herein shall become effective July 1, 1980, except that the provisions amending §§ 1004.72, 1004.120 (b) and (c), and 1004.121(c) and the new §§ 1004.78 and 1004.121 (e) and (f) shall become effective on June 1, 1980.

Signed at Washington, D.C., on April 1, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-10401 Filed 4-4-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1032, 1050, and 1062

[Milk Order Nos. 32, 50, and 62]

Milk in the Southern Illinois, Central Illinois, and St. Louis-Ozarks Marketing Areas; Order Terminating Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This action terminates order provisions providing for seasonal payment plans (Louisville plans) for producers under the Southern Illinois, Central Illinois and St. Louis-Ozarks milk orders. The plan in each order provides for withholding 15 cents per hundredweight during March and July and 25 cents per hundredweight during April, May and June for distribution to producers during September through December. The payment plans are used to encourage more level production throughout the year.

Comments regarding the proposed termination were invited from interested parties. No views in opposition were received.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTAL INFORMATION: Prior documents in this proceeding: Notice of proposed termination: Issued March 3, 1980; published March 7, 1980 (45 FR 14867).

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. *et seq.*), and of the orders regulating the handling of milk in the Southern Illinois, Central Illinois and St. Louis-Ozarks marketing areas.

Notice of proposed rulemaking was published in the **Federal Register** (45 FR 14867) concerning a proposed termination of certain provisions of the orders. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposals set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the Southern Illinois, Central Illinois and St. Louis-Ozarks orders no longer tend to effectuate the declared policy of the Act:

§ 1032.61(e) [Amended]

1. In 7 CFR Part 1032 (Southern Illinois) that part of § 1032.61(e) which reads ", except for the months specified below, shall be", and the provisions contained in § 1032.61(f) through (j) in their entirety.

§ 1050.61 [Amended]

2. In 7 CFR Part 1050 (Central Illinois) that part of § 1050.61(e) which reads ", except for the months specified below, shall be", and the provisions contained in § 1050.61(f) through (j) in their entirety.

§ 1062.61 [Amended]

3. In 7 CFR Part 1062 (St. Louis-Ozarks) the provisions contained in § 1062.61(f) through (j) in their entirety and that part of § 1062.61(1) that reads "Subtract not less than 4 cents nor more that 5 cents per hundredweight".

Statement of Consideration

The termination would delete those provisions of 7 CFR Parts 1032, 1050, and 1062 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions (the "take out-payback" or "Louisville" plan), money withheld from the pool during March through July (15 cents per hundredweight during March and July and 25 cents per hundredweight during April, May and June) is paid out to producers for deliveries of milk during September through December (20 percent in September and December and 30 percent in October and November).

The termination of these provisions in the orders was requested or supported by cooperative associations representing a majority of the producers supply each of the three markets.

As the cooperatives indicated in their petition, the seasonal payment plans are no longer resulting in orderly marketing conditions for producers regularly associated with these markets. Milk supplies normally associated with other markets are often shifted to the three markets in question to take advantage of the higher uniform prices that result from the operation of the Louisville plan during the fall "payback" months. Then, during the spring "takeout" months, such milk supplies are shifted back to the market from which the milk originated. Such shifting of milk supplies works to the disadvantage of producers who are regularly associated with the three markets. As a consequence of such shifting, a portion of the producer returns contributed by the "regular" producers during the spring months is distributed during the fall months to

dairy farmers who are normally associated with other markets during the remainder of the year.

As the cooperatives also pointed out, the current payment plans reduce the blend prices in the three markets during the spring months below the competitive pay prices in overlapping milksheds of other Federal order markets where no seasonal payment plans are used. Under these circumstances, there has been a tendency for the milk supplies in the three markets to shift to markets that do not have seasonal production incentive plans. This loss of milk supplies to other markets is causing a disruption in the availability of milk supplies for the three markets.

In response to the requests received from cooperatives, the Department issued a proposed termination order on March 3, 1980 (45 FR 14867) inviting interested parties to submit comments on the cooperatives' requests. A cooperative association that markets milk in the Southern Illinois and Central Illinois markets responded in favor of the proposed action for these two markets. Also, a dairy farmer submitted views in favor of the termination action for all three orders. No views in opposition were submitted.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the three marketing areas in that continuation of the plans could cause a disruption in the availability of milk supplies for the three markets. Also, as previously noted, the operation of the Louisville plans affects the level of the uniform prices for these markets during March–July and September–December. For this reason, the termination action needs to be made effective April 7, 1980.

(b) This termination does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this termination.

Therefore, good cause exists for making this order effective April 7, 1980.

It is therefore ordered, That the aforesaid provisions of the Southern Illinois, Central Illinois, and St. Louis-Ozarks orders are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: April 7, 1980.

Signed at Washington, D.C., on April 1, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-10403 Filed 4-4-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1068

[Milk Order No. 68]

Milk in the Upper Midwest Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends a requirement under the Upper Midwest marketing order that handlers make a partial payment for milk received from producers for whom a cooperative association is not collecting payments by the 25th day of the month. The operators of three proprietary pool plants and a cooperative association indicated that the suspension would accommodate producers in spacing payments for milk about 15 days apart. The suspension was opposed by a dairy farmer who preferred a different payment schedule. The suspension would be for the period May 1980 through April 1981.

DATE: Effective May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTAL INFORMATION: Prior document in this proceeding: Notice of proposed suspension issued February 28, 1980, published March 4, 1980 (45 FR 14059).

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and of the order regulating the handling of milk in the Upper Midwest marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (45 FR 14049) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

Three proprietary handlers and a cooperative association filed comments supporting the suspension. A dairy farmer filed a comment opposing the suspension.

After consideration of all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of May 1980 through April 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1068.73 [Amended]

In § 1068.73, paragraph (a)(4) in its entirety.

Statement of Consideration

The Upper Midwest milk order, which became effective June 1, 1976, initially required a partial payment to producers and cooperative associations on the 25th day of the month for milk received during the first 15 days of the month. Final payment was due, and still is, by the 18th day of the following month. These were the dates provided in the prior order for the Minneapolis-St. Paul area.

Many of the producers who were brought under the merged order, particularly those in Wisconsin, had been accustomed to receiving payments 15 days apart. They preferred such payments to being paid on the 18th and 25th of the month. To accommodate this, the pertinent provisions of the order have been suspended since November 1976 (41 FR 51389, 42 FR 22360, 42 FR 59747, 43 FR 19341, and 44 FR 23065). As requested, the suspensions were limited to payments to producers from whom a cooperative was not collecting payments.

A continuation of the suspension through April 1981 is supported by three proprietary handlers who operate pool plants and a cooperative association. The handlers stated that continuation of the suspension would accommodate producers supplying their plants who desire receiving payment for their milk on the 3rd and 18th days of the following month. The cooperative association stated that it and other cooperatives in the market follow the practice of making partial payments to their members about 15 days in advance of the final payment date and the suspension would give proprietary handlers the opportunity to pay their producers on about the same schedule.

A dairy farmer opposed the suspension because, in his view, it would not be in the best interests of producers. He stated that high interest rates and lack of working capital available to producers is causing cash flow to be a major concern for dairymen in the upper midwest states. He stated that if a 15 day interval for payments is vital, then he would prefer that the 25th day of the month be the partial payment date and that the final payment date be

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changed from the 18th to the 10th day after the end of the month.

As indicated, these provisions have been suspended since November 1976 and this action merely extends the suspension for another temporary period. The dairy farmer who opposed the suspension can negotiate an earlier payment date with the handler who receives his milk. However, it would not be appropriate to deny other dairy farmers who prefer to have their payments spaced about 15 days apart the opportunity to receive a partial payment on the 3rd day of the following month. The suggested change in the final payment date from the 18th to the 10th day of the following month cannot be considered in connection with this suspension action, which can apply only to existing provisions for a temporary period. The payment date preferred by the dairy farmer might be appropriate for consideration at a future amendment hearing.

The suspension should be extended for an additional period of 12 months pending a hearing at which proposals to amend the partial payment provisions may be considered. The suspension will enable handlers to continue to accommodate their producers who request that their payments be spaced about 15 days apart.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date and notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the suspension.

Therefore, good cause exists for making this order effective May 1, 1980.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May 1980 through April 1981.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: May 1, 1980.

Signed at Washington, D.C., on April 1, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-10402 Filed 4-4-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 79-SO-43]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of Federal Airway; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was made in a rule published in the **Federal Register** on March 20, 1980, (45 FR 17950). Victor Airway V–290 was extended from Elizabeth City, N.C., to Hatteras Inlet, N.C., via Manteo, N.C. Recently, the Manteo VOR was renamed "Wright Brothers." The nondirectional beacon (NDB), which is collocated with the VOR retains the name "Manteo." This action corrects the error in the description of the V/290.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION: FR Doc. 80–8289 was published on March 20, 1980, which extended V–290 from Elizabeth City, N.C., to Hatteras Inlet, N.C., via Manteo, N.C., to provide a charted route that avoids all military special use airspace, thereby increasing air safety and reducing controller workload. Inadvertently, the name change of the Manteo VOR to "Wright Brothers" was overlooked (the nondirectional beacon (NDB) retains the name of Manteo). This action corrects the description of V–290.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 80–8289 as published in the **Federal Register** on March 20, 1980, is corrected as follows:

Under § 71.123, in V–290, beginning on line three: "Elizabeth City, N.C. From Manteo NDB via INT Manteo 139° bearing" is deleted and "Elizabeth City, N.C., to Wright Brothers, N.C. From Manteo NDB via INT Manteo 139° bearing" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 28, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-10205 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1241

Contract Appeals

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule with comments requested.

SUMMARY: NASA proposes to amend the rules of procedure for the adjudication of contract appeals before the NASA Board of Contract Appeals by adding a new subpart 1241.2. 14 CFR Subpart 1241.2 is necessary to implement the practices and procedures required by the Contract Disputes Act of 1978, Pub. L. 95–563, effective March 1, 1979.

As this new subpart relates to rules applicable solely to Agency practice and procedure and substantially adopts the Final Uniform Rules of Procedure for Boards of Contract Appeals published pursuant to Pub. L. 95–563 by the Office of Federal Procurement Policy at 44 FR 34227, *et seq.*, rulemaking and public procedures are unnecessary pursuant to section 563 of Title 5, United States Code. NASA is, nevertheless, inviting public comment and will consider such comments for future revisions. Comments and suggestions are invited and should be addressed to the Chairperson at the address provided below.

EFFECTIVE DATE: April 7, 1980.

ADDRESS: Comments should be sent to Frederick J. Lees, Chairperson, Board of Contract Appeals, Code NC–9, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Frederick J. Lees, 202–755–3481.

SUPPLEMENTARY INFORMATION: These regulations are intended to provide rules and procedures for contract appeals

filed pursuant to the Contract Disputes Act of 1978, or, where pursuant to that Act, an appellant elects the option to proceed in accordance with the Act. These rules do not replace or supersede the rules of practice and procedure published in 14 CFR Subpart 1241.1, effective August 26, 1977, (NASA Management Instruction 5154.2) which will continue to be used in appeals involving contracts for which an election under the Act is not available, or is not made.

This new subpart incorporates the Final Uniform Rules of Procedure for Boards of Contract Appeals under the Contract Disputes Act of 1978 issued as final guidelines for adoption by agency Boards of Contract Appeals by the Office of Federal Procurement Policy on June 14, 1979, 44 FR 34227.

14 CFR Part 1241 is amended by adding a new subpart 1241.2 reading as follows:

Subpart 1241.2—General Procedures

Sec.
1241.20 Scope.

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1241.212–4 Motions for reconsideration in § 1241.212 cases.
1241.213 Settling the record.
1241.214 Discovery—depositions.
1241.215 Interrogatories to parties, admission of facts, and production and inspection of documents.
1241.216 Service of papers other than subpoenas.

Hearings

1241.217 Where and when held.
1241.218 Notice of hearings.
1241.219 Unexcused absence of a party.
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1241.223 Posthearing briefs.
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Representation

1241.226 The appellant.
1241.227 The government.

Decisions

1241.228 Decisions.

Motion for Reconsideration

1241.229 Motion for reconsideration.

Suspensions; Dismissals and Defaults; Remands

1241.230 Suspensions; dismissal without prejudice.
1241.231 Dismissal or default for failure to prosecute or defend.
1241.232 Remand from court.

Sanctions

1241.233 Sanctions.

Effective Date

1241.234 Effective date.

Authority: 42 U.S.C. 2473.

Subpart 1241.2—General Procedures

§ 1241.20 Scope.

Subpart 1241.2 prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereinafter referred to as the "Board") which are filed pursuant to the Contract Disputes Act of 1978, Public Law 95–563, or, where pursuant to the Act, an appellant elects the option to proceed in accordance with the Act.

Preface to the rules

§ 1241.21 Jurisdiction of the Board.

The NASA Board of Contract Appeals (referred to herein as the "Board") shall consider and determine appeals from decisions of contracting officers pursuant to the Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601–613) relating to contracts made by (a) the National Aeronautics and Space Administration, or (b) any other executive agency when such agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal. The Board is authorized to grant any relief that would be available to a litigant asserting a contract claim in the Court of Claims. In addition, the Board may perform other duties as assigned by the Administrator which are not inconsistent with its statutory duties.

§ 1241.22 Location and organization of the Board.

(a) The Board is located in Washington, D.C., and its mailing address is the Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546. The telephone number of the Board is (202) 755–3481.

(b) The Board consists of a Chairperson, Vice Chairperson, and other members, all of whom are attorneys at law duly licensed by any state, commonwealth, territory, or the District of Columbia. Normally, the appeals are assigned to a panel of at least two members of the Board. If a panel of two members is unable to agree upon a decision, the Chairperson may assign a third member to consider the appeal. The Chairperson is designated as Chief Administrative Judge and the other Board members are designated as Administrative Judges.

§ 1241.23 General guidelines.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing and stating good cause therefore.

§ 1241.24 Ex parte communications.

No members of the Board or the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal, submit to the

Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

Preliminary Procedures

§ 1241.201 Appeals, how taken.

(a) Notice of an appeal shall be in writing and mailed or otherwise furnished to the Board within 90 days from the date of receipt of a contracting officer's decision. A copy thereof shall be furnished to the contracting officer from whose decision the appeal is taken.

(b) Where the contractor has submitted a claim of $50,000 or less to the contracting officer and has requested a written decision within 60 days from receipt of the request, and the contracting officer has not done so, the contractor may file a notice of appeal as provided in paragraph (a) of this section, citing the failure of the contracting officer to issue a decision.

(c) Where the contractor has submitted a claim in excess of $50,000 to the contracting officer and the contracting officer has failed to issue a decision within a reasonable time, the contractor may file a notice of appeal as provided in paragraph (a) of this section citing the failure to issue a decision.

(d) Upon docketing of appeals filed pursuant to paragraphs (b) or (c) of this section, the Board may, at its option, stay further proceedings pending issuance of a final decision by the contracting officer within such period of time as is determined by the Board.

(e) In lieu of filing a notice of appeal under paragraphs (b) or (c) of this section, the contractor may request the Board to direct the contracting officer to issue a decision in a specified period of time, as determined by the Board, in the event of undue delay on the part of the contracting officer.

§ 1241.202 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is being taken and should identify the contract (by number), the decision from which the appeal is taken, and the amount in dispute, if known. The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by the appellant's duly authorized representative or attorney. The complaint referred to in § 1241.206 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 1241.203 Docketing of appeals.

When a notice of appeal in any form has been received by the Board, it shall be docketed promptly. Notice in writting shall be given to the appellant with a copy of these rules, and to the contracting officer.

§ 1241.204 Preparation, content, organization, forwarding, and status of appeal file.

(a) *Duties of Contracting Officer*—Within 30 days of receipt of an appeal, or notice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(1) the decision from which the appeal is taken;

(2) the contract including specifications and pertinent amendments, plans, and drawings;

(3) all correspondence between the parties relevant to the appeal, including the letter or letters of claim in response to which the decision was issued;

(4) transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) any additional information considered relevant to the appeal.

Within the same time above specified the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those in paragraph (a)(2) of this section. As to the latter, a list furnished appellant indicating specific contractual documents transmitted will suffice.

(b) *Duties of the appellant*—Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall transmit to the Board any documents not contained therein which he considers relevant to the appeal, and furnish two copies of such documents to the government trial attorney.

(c) *Organization of appeal file*—Documents in the appeal file may be originals or legible facsimiles or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents*—Upon request by either party, the Board may waive the requirements to furnish to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when inclusion would be burdensome. At the time a party files with the Board a document as to which such a waiver has been granted he shall notify the other party that the document or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file*—Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision. However, a party may object, for reasons stated, to consideration of a particular document or documents reasonably in advance of hearing or, if there is no hearing, of settling the record. If such objection is made the Board shall remove the document or documents from the appeal file and permit the party offering the document to move its admission as evidence in accordance with § 1241.213 and § 1241.220.

(f) Notwithstanding the foregoing, the filing of the § 1241.204 (a) and (b) documents may be dispensed with by the Board either upon request of the appellant in his notice of appeal or thereafter upon stipulation of the parties.

§ 1241.205 Motions.

(a) Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party. However, the Board may defer its decision on the motion pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own initiative to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(b) The Board may entertain and rule upon other appropriate motions.

§ 1241.206 Pleadings.

(a) *Appellant*—Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of its claims. Appellant shall also set forth the basis, with appropriate reference to contract provisions, of each claim and the dollar amount claimed, to the extent known. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form is required. Upon receipt of the complaint, the Board shall serve a copy of it upon the Government. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently

defined, be deemed to set forth its complaint and the Government shall be so notified.

(b) *Government*—Within 30 days from receipt of the complaint, or the aforesaid notice from the Board, the Government shall prepare and file with the Board an original and two copies of an answer thereto. The answer shall set forth simple, concise and direct statements of Government's defenses to each claim asserted by appellant, including any affirmative defenses available. Upon receipt of the answer, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 1241.207 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend its pleading upon conditions fair to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable it to meet such evidence.

§ 1241.208 Hearing election.

After filing of the Government's answer or notice from the Board that it has entered a general denial on behalf of the Government, each party shall advise whether it desires a hearing as prescribed in § 1241.217 through § 1241.225, or whether it elects to submit its case on the record without a hearing, as prescribed in § 1241.211.

§ 1241.209 Prehearing briefs.

Based on an examination of the pleadings, and its determination of whether the arguments and authorities addressed to the issue are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 1241.208. If the Board does not require prehearing briefs either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 1241.210 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 1241.211 or heard pursuant to § 1241.217 through § 1241.225, the Board may upon its own initiative, or upon the application of either party, arrange a telephone conference or call upon the parties to appear before an administrative judge of the Board for a conference to consider:

(1) simplification, clarification, or severing of the issues;

(2) the possibility of obtaining stipulations, admissions, agreements and rulings on admissibility of documents, understandings on matters already of record, or similar agreements that will avoid unnecessary proof;

(3) agreements and rulings to facilitate discovery;

(4) limitation of the number of expert witnesses, or avoidance of similar cumulative evidence;

(5) the possibility of agreement disposing of any or all of the issues in dispute; and

(6) such other matters as may aid in the disposition of the appeal.

(b) The administrative judge of the Board shall make such rulings and orders as may be appropriate to aid in the disposition of the appeal. The results of pretrial conferences, including any rulings and orders, shall be reduced to writing by the administrative judge and this writing shall thereafter constitute a part of the record.

§ 1241.211 Submission without a hearing.

Either party may elect to waive a hearing and to submit its case upon the record before the Board, as settled pursuant to § 1241.213. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submissions to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 1241.223.

§ 1241.212 Optional small claims (expedited) and accelerated procedures.

These procedures are available solely at the election of the appellant.

§ 1241.212–1 Election to utilize small claims (expedited) and accelerated procedures.

(a) In appeals where the amount in dispute is $10,000 or less, the appellant may elect to have the appeal processed under a small claims (expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in § 1241.212–2 of this Rule. An appellant may elect the accelerated procedure of paragraph (b) of this section rather than the small claims (expedited) procedure for any appeal eligible for the small claims (expedited) procedure.

(b) In appeals where the amount in dispute is $50,000 or less, the appellant may elect to have the appeal processed under an accelerated procedure requiring decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. The details of this procedure appear in § 1241.212–3 of this Rule.

(c) The appellant's election of either the small claims (expedited) procedure or the accelerated procedure may be made by written notice within 60 days after receipt of notice of docketing, unless such period is extended by the Board for good cause. The election may not be withdrawn except with permission of the Board and for good cause.

(d) In deciding whether the small claims (expedited) procedure or the accelerated procedure is applicable to a given appeal, the Board shall determine the amount in dispute by adding to the amount claimed by the appellant against the Government the amount claimed by the Government against the appellant. If either party making a claim against the other party does not otherwise state in writing the amount of its claim, the amount claimed by such party shall be the maximum amount which such party represents in writing to the Board that it can reasonably expect to recover against the other.

§ 1241.212–2 The small claims (expedited) procedure.

(a) In cases proceeding under the small claims (expedited) procedure, the following time periods shall apply:

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(1) Within 10 days from the Government's first receipt from either the appellant or the Board of a copy of the appellant's notice of election of the small claims (expedited) procedure, if not previously accomplished under § 1241.204, the Government shall send the Board a copy of the contract, the contracting officer's final decision, and the appellant's claim letter or letters, if any; remaining documents required under § 1241.204 shall be submitted in accordance with times specified in that rule unless the Board otherwise directs;

(2) Within 15 days after the Board has acknowledged receipt of appellant's notice of election, the assigned administrative judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties: (i) identify and simplify the issues; (ii) establish a simplified procedure appropriate to the particular appeal involved; (iii) determine whether either party wants a hearing, and if so, fix a time and place therefor; (iv) require the Government to furnish all the additional documents relevant to the appeal, and (v) establish an expedited schedule for resolution of the appeal.

(b) Pleadings, discovery, and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the date scheduled, or if no hearing is scheduled, to close the record on a date that will allow decisions within the 120-day limit. The Board, in its discretion, may impose shortened time periods for any actions prescribed or allowed under these rules, as necessary to enable the Board to decide the appeal within the 120-day limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(c) Written decision by the Board in cases processed under the small claims (expedited) procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single administrative judge. If there has been a hearing, the administrative judge presiding at the hearing may, in the judge's discretion, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the starting date for the period for filing a motion for reconsideration under § 1241.229.

(d) A decision against the Government or the contractor shall have no value as precedent, and in the absence of fraud shall be final and conclusive and may not be appealed or set aside.

§ 1241.212-3 The accelerated procedure.

(a) In cases proceeding under the accelerated procedure, the parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs. The Board, in its discretion, may shorten time periods prescribed or allowed elsewhere in these rules, including § 1241.204, as necessary to enable the Board to decide the appeal within 180 days after the Board has received the appellant's notice of election of the accelerated procedure, and may reserve 30 days for preparation of the decision.

(b) Written decision by the Board in cases processed under the accelerated procedure will normally be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single administrative judge with the concurrence of the chair or a vice chair or other designated administrative judge, or by a majority among these two and an additional designated member in case of disagreement. Alternatively, in cases where the amount in dispute is $10,000 or less as to which the accelerated procedure has been elected and in which there has been a hearing, the single administrative judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes, and to establish the starting date for the period for filing a motion for reconsideration under § 1241.229.

§ 1241.212-4 Motions for reconsideration in § 1241.212 cases.

Motions for reconsideration of cases decided under either the small claims (expedited) procedure or the accelerated procedure need not be decided within the original 120-day or 180-day limit, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this Rule.

§ 1241.213 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the documents furnished under § 1241.204 and § 1241.212 to the extent admitted in evidence, and the following items, if any: pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, post-hearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will, at all reasonable times, be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 1241.214 Discovery—depositions.

(a) *General policy and protective orders*—The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order required to protect a party or person from annoyance, embarrassment, or undue burden or expense. Those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted*—After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions*—The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence*—No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the deponent given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions to supplement the record.

(e) *Expenses*—Each party shall bear its own expenses associated with the taking of any deposition.

(f) *Subpoenas*—Where appropriate, a party may request the issuance of a subpoena under the provisions of § 1241.221.

§ 1241.215 Interrogatories to parties, admission of facts, and production and inspection of documents.

After an appeal has been docketed and complaint filed with the Board, a party may serve on the other party: (a) written interrogatories to be answered separately in writing, signed under oath and answered or objected to within 30 days after service; (b) a request for the admission of specified facts and/or the authenticity of any documents, to be answered or objected to within 30 days after service; the factual statements and the authenticity of the documents to be deemed admitted upon failure of a party to respond to the request; and (c) a request for the production, inspection and copying of any documents or objects not privileged, which reasonably may lead to the discovery of admissible evidence, to be answered or objected to within 30 days after serivce. Any discovery engaged in under this Rule shall be subject to the provisions of § 1241.214 with respect to general policy and protective orders, and of § 1241.233 with respect to sanctions.

§ 1241.216 Service of papers other than subpoenas.

Papers shall be served personally or by mail, addressed to the party upon whom service is to be made. Copies of complaints, answers and briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board that a copy has been so furnished. Subpoenas shall be served as provided in § 1241.221.

Hearings

§ 1241.217 Where and when held.

Hearings will be held at such places determined by the Board to best serve the interests of the parties and the Boad. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, § 1241.212 requirements, and other pertinent factors. On request or motion by either party and for good cause, the Board may, in its discretion, adjust the date of a hearing.

§ 1241.218 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will consider the desires of the parties and the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearings shall be promptly acknowledged by the parties.

§ 1241.219 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 1241.211.

§ 1241.220 Hearings: nature, examination of witnesses.

(a) *Nature of hearings*—Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and the Government may offer such evidence as they deem appropriate and as would be admissible under the Federal Rules of Evidence or in the sound discretion of the presiding administrative judge. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may require evidence in addition to that offered by the parties.

(b) *Examination of witnesses*—Witnesses before the Board will be examined orally under oath or affirmation, unless the presiding administrative judge shall otherwise order. If the testimony of a witness is not given under oath, the Board may advise the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provision of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 1241.221 Subpoenas.

(a) *General*—Upon written request of either party filed with the recorder, or on his own initiative, the administrative judge to whom a case is assigned or who is otherwise designated by the chair may issue a subpoena requiring:

(1) testimony as a deposition—the deposing of a witness in the city or county where he resides or is employed or transacts his business in person, or at another location convenient for him that is specifically determined by the Board;

(2) testimony at a hearing—the attendance of a witness for the purpose of taking testimony at a hearing; and

(3) production of books and papers—in addition to paragraphs (a) (1) or (2) of this section, the production by the witness at the deposition or hearing of books and papers designated in the subpoena.

(b) *Voluntary Cooperation*—Each party is expected (1) to cooperate and make available witnesses and evidence under its control as requested by the other party, without issuance of a subpoena, and (2) to secure voluntary attendance of desired third-party witnesses and production of desired third-party books, papers, documents, or tangible things whenever possible.

(c) *Requests for subpoenas*—

(1) A request for subpoena shall normally be filed at least:

(i) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought;

(ii) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought. In its discretion the Board may honor requests for subpoenas not made within these time limitations.

(2) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any books and papers sought.

(d) *Requests to quash or modify*—Upon written request by the person subpoenaed or by a party, made *within* 10 days after service but in any event not later than the time specified in the supoena for compliance, the Board may (1) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (2) require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books and papers. Where circumstances require, the Board may act upon such a request at any time after a copy has been served upon the opposing party.

(e) *Form; issuance*—

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(1) Every subpoena shall state the name of the Board and the title of the appeal, and shall command each person to whom it is directed to attend and give testimony, and if appropriate, to produce specified books and papers at a time and place therein specified. In issuing a subpoena to a requesting party, the administrative judge shall sign the subpoena and may, in his discretion, enter the name of the witness and otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(2) Where the witness is located in a foreign country, a letter rogatory or subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. 1781–1784.

(f) *Service*—

(1) The party requesting issuance of a subpoena shall arrange for service.

(2) A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place. A subpoena may be served by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by personally delivering a copy to that person and tendering the fees for one day's attendance and the mileage provided by 28 U.S.C. 1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(3) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and of the officer who serves the subpoena. The failure to make payment of such charges on demand may be deemed by the Board as a sufficient ground for striking the testimony of the witness and the books or papers the witness has produced.

(g) *Contumacy or refusal to obey a subpoena*—In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the board or a member thereof to give testimony or produce evidence or both. Any failure of any such person to obey the order of the Court may be punished by the Court as a contempt thereof.

§ 1241.222 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 1241.223 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be directed by the presiding administrative judge at the conclusion of the hearing.

§ 1241.224 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Waiver of transcript may be especially suitable for hearings under § 1241.212–2. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter.

§ 1241.225 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

Representation

§ 1241.226 The Appellant.

An individual appellant may appear before the Board in person, a corporation by one of its officers; and a partnership or joint venture by one of its members; or any of these by an attorney at law duly licensed in any state, commonwealth, territory, the District of Columbia, or in a foreign country. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 1241.227 The government.

Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or appellant's attorney in the form specified by the Board from time to time.

Decisions

§ 1241.228 Decisions.

Decisions of the Board will be made in writing and copies of the decision will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board. Decisions of the Board will be made solely upon the record, as described in § 1241.213.

Motion for Reconsideration

§ 1241.229 Motion for reconsideration.

A motion for reconsideration may be filed by either party. It shall set forth specifically the grounds relied upon to sustain the motion. The motion shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Suspensions; Dismissals and Defaults; Remands

§ 1241.230 Suspensions; dismissal without prejudice.

The Board may suspend the proceedings by agreement of counsel for settlement discussions, or for good cause shown. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. Where the suspension has continued, or may continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 1241.231 Dismissal or default for failure to prosecute or defend.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may, in the case of a default by the appellant, issue an order to show cause why the appeal should not be dismissed or, in the case of a default by the Government, issue an order to show cause why the Board should not act thereon pursuant to § 1241.233. If good cause is not shown, the Board may take appropriate action.

§ 1241.232 Remand from court.

Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board recommending procedures to be followed so as to comply with the court's order. The Board shall consider the reports and enter special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, such orders shall conform to these rules.

Sanctions

§ 1241.233 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may then make such order as it considers necessary to the just and expeditious conduct of the appeal.

Effective Date

§ 1241.234 Effective date.

These rules shall apply (a) mandatorily, to all appeals relating to contracts entered into on or after March 1, 1979, and (b) at the contractor's election, to appeals relating to earlier contracts, with respect to claims pending before the contracting officer on March 1, 1979, or initiated thereafter.

Frederick J. Lees,

Chairperson, NASA Board of Contract Appeals.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 46

[Docket No. RM80-9]

Public Utility Filing Requirement and Requirements for Persons Holding Interlocking Positions; Order Issuing Final Regulations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: This rule implements, in part, section 211 of the Public Utility Regulatory Policies Act of 1978 which created new section 305(c) of the Federal Power Act. Congress authorized the Federal Energy Regulatory Commission to prescribe, in form and manner, a written statement to be filed by any person holding interlocking positions in both a public utility and in any of certain other specified entities. Persons subject to this rule will be required to file such written statement concerning such positions annually. The written statement is due by April 30, 1980.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Colette K. Bohatch, Federal Energy Regulatory Commission, Office of the General Counsel, Room 3335, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8608.

April 2, 1980.

I. Introduction

This rule implements, in part, section 211 of the Public Utility Regulatory Policies Act of 1978 (PURPA) which amended section 305 of the Federal Power Act (the Act) by adding a new subsection (c). Section 305(c) states two separate requiremtns. One directs any person holding certain executive positions [1] in both a public utility and any one of certain other entities [2] to file with the Commission a written statement regarding such positions. The second requirement directs public utilities to name their twenty largest purchasers who are entities covered by this rule.

The first statutory requirement is set forth in section 305(c)(1) which states that:

> On or before April 30 of each year, any person, (holding certain executive positions with a public utility and any one of a number of other entities identified in section 305(c)(2)) * * * shall file with the Commission, in such form and manner as the Commission shall by rule prescribe, a written statement concerning such positions held by such person.

This second statutory requirement is set forth in section 305(c)(2)(F) which states that:

> On or before January 31 of each calendar year, each public utility shall publish a list, pursuant to rules prescribed by the Commission, of (its twenty largest purchasers of electric energy within the meaning of section 305(c)(2)(D)) * * * for purposes of any filing under * * * (section 305(c)(1)).

Proposed regulations concerning both of these statutory requirements were issued by the Commission on November 14, 1979.[3] A five week comment period ended on December 21, 1979. For the purpose of providing the public utilities sufficient time to publish the purchaser lists by January 31, 1980, the Commission decided to implement that statutory requirement as soon as possible, leaving implementation of the requirement concerning the filing of the written statement regarding interlocking positions to a later order.

Accordingly, the Commission issued a final rule on January 11, 1980 in Order No. 67 implementing section 305(c)(2)(F) by directing public utilities to file with the Commission, by January 31, 1980, lists of their largest purchasers.[4] The balance of the regulations relating to the filing requirement for persons holding certain executive positions are being finalized herein.

II. Background

Interlocking positions involving public utilities have been subject to regulation by the Federal Energy Regulatory Commission (Commission) and its predecessor pursuant to section 305 of the Act. Section 305(b) [5] requires that any person desiring to hold the positions of officer and director with a public utility and any one of other specified entities must receive prior authorization from the Commission. Section 305(b) covers interlocking positions between public utilities, and between a public utility and any of the following:

> Any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or * * * any company supplying electrical equipment to such public utility.

Section 305(c) [6] imposes a filing requirement upon persons who hold certain executive positions with public utilities and with other entities, including persons who may have been authorized under section 305(b) to hold interlocking positions. Under section 305(c), such person must also file an annual written statement concerning those positions. The entities other than public utilities covered by section 305(c) are the following:

(1) Any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility *(parallel provision in section 305(b));*

(2) Any investment bank, bank holding company, foreign bank or subsidary thereof doing business in the United States, insurance comapny, or any other organization primarily engaged in the business of providing financial services or credit, a mutual savings bank, or a savings and loan association;

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[1] The term "executive positions" as used in these regulations means any partner, appointee, representative, director, chief executive officer, president, vice president, secretary, treasurer, general manager, comptroller, chief purchasing agent, or any position for which a person performs a similar executive duty or function. The term "interlocking positions" is used to refer to executive positions held by a person in both a public utility and one of the other section 305(c) entities.

[2] The term "entities" includes the category of purchasers identified in accordance with Order No. 67, see note 4 and accompanying text, as the largest purchasers of each public utility in terms of kilowatt-hours purchased at retail for each year of a three year period.

[3] 44 FR 66205 (November 19, 1979).

[4] 45 FR 3569 (January 18, 1980). On January 21, and February 4, 1980, notices were issued correcting minor technical errors in § 46.2 (a) and (c) and § 46.3(a). 45 FR 6377; 45 FR 9729.

[5] Section 305(b) has been implemented by Part 45 of the Commission's Regulations.

[6] Section 305(c) is being implemented by this final rule to be included in Part 46 of the Commission's Regulations.

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(3) Any company, firm, or organization which produces or supplies electric equipment or coal, natural gas, oil, nuclear fuel, or other fuel, for the use of any public utility *(parallel provision in section 305(b) as to any company supplying electrical equipment to the interlocked utility)*;

(4) Any entity specified as one of a utility's twenty largest retail purchasers pursuant to Order No. 67; and

(5) Any company, firm, or organization which is controlled by any company, firm, or organization listed above.

III. Summary of Comments and Final Rule

A. Comparison with Regulations in Part 45

Forty-three written comments were received by the Commission in this docket. Many of the commenters requested that the Commission reconcile certain differences between the proposed rule concerning reporting of interlooking positions and the existing regulations in Part 45.

One difference between the proposed regulations for Part 46 and those in Part 45 is the definition of "electrical equipment." Part 45 does not define "electrical equipment." Edison Electric Institute (EEI) treated this issue at length and concluded that any definition adopted in Part 46 will alter the scope of the term "electrical equipment" which has been developed through case law construing Part 45.

The Commission has chosen to define "electrical equipment" in Part 46 in order to provide necessary guidance but intends to institute a rulemaking to amend Part 45 to add an appropriate definition for "electrical equipment" for that part. The Commission will at that time request the public to comment on whether such conformity would be in the public interest.

A second difference between Part 45 and Part 46 stems from a difference between sections 305(b) and 305(c) regarding the scope of the term "public utility." Section 305(b) does not explicitly define "public utility," but the applicable definition appearing in section 201(e) of the Act states, in pertinent part:

> The term "public utility" when used in this Part (Part II) or in the Part next following means any persons who owns or operates facilities subject to the jurisdiction of the Commission under this Part * * *

Section 305(c), in contrast, explicitly states that, for purposes of that section, "public utility" includes "any company which is part of a holding company system which includes a registered holding company unless no company in such system is an electric utility" but does not otherwise define that term.

A comprehensive definition for "public utility" in Part 46 is crucial for determining which entities are covered and who may have to file a written statement. The final regulations, therefore, define "public utility" in § 46.2(a) [7] as follows:

> "Public utility" has the same meaning as in section 201(e) of the Federal Power Act and further includes any company which is part of a holding company system which includes a registered holding company unless no company in such system is an electric utility within the meaning of section 3 of the Federal Power Act. Such term does not include any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture or any other entities covered in section 201(f) of the Federal Power Act.

Certain organizations are excluded from this definition because they have been excluded from the Commission's jurisdiction by statute. Such organizations include political subdivisions of a State, e.g., irrigation districts, drainage districts, and municipalities. Certain electric cooperatives approved by the Rural Electrification Administration (REA) have also been excluded by Commission decision.[8] The REA, which finances these cooperatives, also exercises extensive regulatory authority over their development and operation. In the past the Commission has not exercised jurisdiction over such REA approved cooperatives. We see no reason to change such policy here. In order to make this clear, the Commission has also amended two definitions to explicitly exclude such REA cooperatives, namely, "purchaser" in § 46.2(c), and "entity" in § 46.2(e).

A final difference between Parts 45 and 46 involves the categories of covered executive positions. The executive positions subject to Part 45 are defined for all covered entities as follows:

> The positions subject to this part shall include those of any person elected or appointed to perform the duties or functions ordinarily performed by a president, vice president, secretary, treasurer, general manager, comptroller, chief purchasing agent, director or *partner*, or to perform any other similar executive duties or functions, in any corporation within the purview of section 305(b) of the act (emphasis added).

Part 46 uses similar language, excluding the term "partner," to define the executive positions applicable to public utilities but adds the terms "partner, appointee, or representative" to define the positions applicable to all other covered entities. The addition of these terms is supported by the statute. Section 305(c) explicitly uses "partner, appointee, or representative" in describing positions applicable to only certain covered entities while section 305(b) does not use these terms. Therefore, the Commission does not believe conformity of Part 46 to Part 45 in this regard is warranted.

B. General Rule—Definitions

Nature and Degree of Control. In the Notice of Proposed Rulemaking, the Commission requested that the public recommend a quantitative definition for "control" which, as proposed, was defined only by qualitative standards. Most commenters suggested language from various other Federal statutes which define "control."

Sullivan & Cromwell, Duke Power Company, Troutman, Sanders, Lockerman & Ashmore, and Central Illinois Light Company referred specifically to the following statutes:

(1) The Investment Company Act of 1940, under which ownership of 25 percent of the voting securities of a company creates a presumption of control;[9]

(2) The Bank Holding Company Act of 1956, under which ownership, control, or power to vote 25 percent of voting securities raises a rebuttable presumption of control, while ownership of 5 percent raises a rebuttable presumption of noncontrol;[10] and

(3) The Public Utility Holding Company Act of 1935, which establishes a presumption of control with ownership of 10 percent of voting stock.[11]

Ohio Edison Company also referred to the 25 percent ownership test of the Investment Company Holding Act of 1940. Dayton Power & Light Company stated, without reference to any statute, that a 10 percent ownership test is indicative of true control. In sharp contrast, Public Service Electric & Gas Company, Newark, New Jersey (Public Service—New Jersey) suggested an 80 percent ownership test based on the provisions in the Internal Revenue Code for tax-free organizations.[12]

Using percentage of ownership or power to vote securities as the measure of control makes it difficult to set a limit applicable to large corporations as well as small. A control test which not only uses a percentage limit but also a rebuttable presumption provides some degree of certainty for the definition of "control" while incorporating flexibility to meet diverse corporate ownership circumstances.

The Commission has concluded, therefore, that the following test is appropriate for the purposes of section 305(c): Ownership or power to vote, directly or indirectly, 10 percent or more of the voting securities of any entity raises a rebuttable presumption of control. If a company, however, owns or has power to vote less than 10 percent of the voting securities of another company, there is no presumption of non-control. The Commission recognizes that control can exist when ownership of voting securities is less than 10 percent but under this circumstance there must be a demonstration that control does exist.

Parent and Subsidiary Question. Gulf Power Company, Ohio Edison Company, Consolidated Edison Company of New York, Sullivan & Cromwell, Troutman, Sanders, Lockerman & Ashmore, and Central Illinois Light Company recommended deleting the phrase "any parent and subsidiary of any corporation" from the definition of "business entity." They argued that, as proposed, this definition exceeds the scope of section 305(c)(2)(F) which defines as a covered entity "any company, firm or organization which is *controlled by* any company, firm or organization (identified in section 305(c)(2))" (emphasis added). They contended that the phrase "controlled by" does not cover a parent of any company, firm, or organization identified in section 305(c)(2).

Regarding subsidiaries, they further stated that the concept of "controlled by" is already included in § 46.4(f) (Covered entities) of the proposed rule and therefore, as to "subsidiary," the definition of "business entity" [13] is redundant.

The Commission has reviewed the statute in light of these comments and, pursuant to its authority under section 305(c), has concluded that parents of entities described in section 305(c) are not covered but that subsidiaries are. Therefore, the Commission has modified the final rule to exclude parents of these entities from coverage of these regulations. The Commission, however, believes that it has adequate authority under other provisions of the law to ask for the filing of a written statement from parent companies and makes no judgment at this time as to whether or not it should exercise its authority.

Entity. Niagara-Mohawk Power Corporation (Niagara-Mohawk) suggested expanding the exemption for municipalities in the definition of "entity" to include Federal, State and local governmental agencies. Niagara-Mohawk argued that many public agencies authorized by Federal or State law rely for leadership upon community leaders who are appointed to such positions and who serve with little or no compensation from these public agencies. Because these people serve in such positions as a public service to their communities, Niagara-Mohawk contended that there is little likelihood of their exercising harmful influence in such positions and that, in any event, there are other, more appropriate checks on the local level for any possible problems.

The Commission has adopted this suggestion because it believes that the statutory purpose of monitoring certain interlocking positions will not be frustrated by excluding these governmental agencies from the definition of "entity."

Electrical Equipment. The definition of "electrical equipment" was the subject of many comments which collectively suggested that the definition was overly broad and should either be narrowed or deleted altogether. They stated that this definition encompasses equipment which has a variety of industrial and non-industrial uses which do not always serve an electrical purpose and concluded that the definition unjustifiably expands the Commission's jurisdiction by broadening the filing requirements to include companies which do not supply electrical equipment.

Various suggestions were offered for modifying the proposed definition. Southern California Edison Company (Southern California), Potomac Electric Power Company, and Carolina Power & Light Company suggested eliminating the term "component" from the definition. Duke Power Company and Southern California commented further that a supplier of small components may not know how the components are used by its utility customers to determine if the components are "electrical equipment."

Sullivan & Cromwell, Detroit Edison, Southern California, and Central Illinois Light Company recommended adding language to emphasize design, purpose, or function of the equipment. Public Service-New Jersey suggested that "electrical equipment" should be limited to equipment manufactured solely for the use of an electric utility (Consolidated Edison Company of New York suggested the terms "primary" and "directly"; the law firm of Leva, Hawes, Symington, Martin & Oppenhiemer suggested the use of the terms "primary" and "customary"). Alabama Power suggested covering only major electrical equipment traditionally used by utilities and designed for a specific utility customer.

Public Service-New Jersey, Cambridge Electric Light Company, and EEI suggested substituting pertinent categories from the Standard Industrial Classification System developed by the Department of Commerce [14] instead of the categories from the Commission's Uniform System of Accounts which are included as a footnote to the definition.

Further commenting on the breadth of the definition, Public Service-New Jersey and DeBevoise & Liberman argued that the definition was not consistent with portions of the legislative history for section 305(b) and pertinent case law. Reid & Priest and Steel, Hector & Davis discussed narrowing the scope of the definition of "electrical equipment" in view of the statutory purpose of section 305(b) to eliminate the evils of interlocking business relationships.

Lastly, a *de minimis* test was proposed by Steel, Hector & Davis, San Diego Gas & Electric Company, Central Illinois Light Company, and EEI that required a minimum of electrical equipment transactions be completed between the utility and a supplier before such supplier would be covered by the rule.

In view of these suggestions, the Commission has decided to narrow the scope of the definition of "electrical equipment." The revised definition set forth in § 46.2(f) states:

> "Electrical equipment" means any apparatus, device, integral component, or integral part used in an activity which is electrically, electronically, mechanically, or by legal prescription necessary to the process of generation, transmission, or distribution of electric energy.

This revised definition also includes, as a guide only, a footnote reference to various accounts in the Commission's Uniform System of Accounts even though certain items can be found in the

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[7] This definition is set forth in Order No. 67, 45 FR 3568, 3569 (January 18, 1980). The phrase "which includes a registered holding company" was inadvertently omitted from this definition and was subsequently added by an errata notice which was issued on February 4, 1980, 45 FR 9729 (February 13, 1980).

[8] *Dairyland Power Cooperative*, 37 FPC 12 (1967); *Salt River Project Agricultural Improvement and Power District* v. *Colorado Ute Electric Assoc.*, 37 FPC 68 (1967), *aff'd sub nom. Salt River Project Agricultural Improvement and Power District* v. *FPC*, 391 F.2d 470 (D.C. Cir. 1968).

[9] 15 U.S.C. 80a–2.

[10] 12 U.S.C. 1841.

[11] 15 U.S.C. 79b.

[12] 26 U.S.C. 368.

[13] The word "business" was deleted from the term "business entity" in accordance with several comments as it is an unnecessary qualification for "entity."

[14] 13 U.S.C. 224.

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accounts which are clearly not "electrical equipment" within this definition. For example, a master clock, although electrically operated, is not used in an activity which is "necessary to the process of generation, transmission, or distribution of electric energy." [15] For this reason, the accounts merely serve as a guide.

The Commission believes that the revised definition of "electrical equipment" also eliminates the small component problem raised by Duke Power Company because equipment covered by the rule must be *necessary* to the process of generating, transmitting, or distributing electric energy. "Nuts and bolts" purchased off the shelf are not intended to be covered by the revised definition of "electrical equipment."

To further deal with the concerns regarding the scope of the rule expressed by the commenters, the Commission has defined the term "produces or supplies" in section 305(c)(2)(C) which covers "any company, firm or organization which produces or supplies electrical equipment or coal, natural gas, oil, nuclear fuel, or other fuel, for the use of any public utility." The new definition set forth in § 46.2(g) states that:

> "Produces or supplies" means any transaction including a sale, lease, sale-leaseback, consignment, or any other transaction in which an entity provides electrical equipment, coal, natural gas, oil, nuclear fuel, or other fuel to any public utility either directly or through an entity controlled by such entity.[16]

For example, such a transaction not made *directly* between the utility and the supplier or an entity which controls the supplier is not covered by "produces or supplies." Consequently, an entity engaging in such a transaction would not be a covered entity under § 46.5(c) which incorporates the above-quoted language of section 305(c)(2)(C). Of course, under § 46.5(f), if an entity produced electrical equipment, coal, natural gas, oil, nuclear fuel, or other fuel but supplied it through its parent, any interlock between the subsidiary and a public utility supplied by such subsidiary would have to be reported because the parent would be a qualifying entity under § 46.5(c).

[15] Examples of other items in the referenced accounts which do not qualify as "electrical equipment" are fire alarms, atmospheric measuring devices, and batteries.

[16] Note that this definition would bring within the coverage of this rule, a bank which leases nuclear fuel to a public utility. A person holding interlocking positions with such bank and such utility would have to comply with this rule.

With regard to the *de minimis* test, the Commission considered the adoption of such a test. The Commission recognizes, however, that application of a *de minimis* test would be inconsistent with our recent order in *Charles T. Fisher, III*, Docket No. ID–1758 issued October 25, 1979.

In that case, Mr. Fisher applied for an approval to hold interlocking positions with a public utility and with a supplier of electrical equipment pursuant to section 305(b) of the Act. Mr. Fisher argued that because the supplier's sales to the interlocked utility were small, the supplier should not be found to qualify as a supplier of electrical equipment within the meaning of section 305(b). Noting that this section refers merely to sales of electrical equipment without specifying any quantity threshold, the Commission rejected the argument that a *de minimis* test could be applied to determine whether it had the jurisdictional obligation to authorize or reject this kind of interlocking position. However, the Commission did consider the volume of sales in determining whether, on the merits, his application should be approved.

Similarly, we find that section 305(c)(2)(C) contains no minimum quantity threshold for electrical equipment supply. Moreover, section 305(c), unlike section 305(b), bases jurisdiction on the *production or supply* of electrical equipment for the use of any public utility, not simply on sales to the interlocked public utility. Here as in *Fisher*, we require compliance with the statutory requirements and make no exclusion based on the amount of sales.

The suggestion that the Standard Industrial Classification System be substituted for the Uniform System of Accounts must be rejected. There is no compelling reason advanced by the commenters for this substitution, particularly when the latter system was developed by the Commission for use in its daily work. Since the footnote reference to the Commission's accounts system serves as only a guide, there is even less reason to make the suggested substitution.

Appointee and Representative. In the proposed rule, the Commission did not define the statutory terms "appointee" and "representative" but solicited comments on their scope with the intention of incorporating pertinent definitions in the final rule. Many commenters [17] suggested that these terms be limited to cover only persons having the ability to contractually bind or to serve a management function for the subject entity. Many of the commenters recommended excluding attorneys, accountants, and consultants from the scope of the rule. Based upon the issues raised in these comments, the Commission has added the following definitions to the rule in § 46.2 (h) and (i), respectively:

> "Appointee" means any person appointed on a temporary or permanent basis to perform any duties or functions as described in § 46.4(a).
>
> "Representative" means any person empowered, through oral or written agreement, to transact business on behalf of an entity and any person who serves as advisor regarding policy or management decisions of the entity. The term does not include attorneys, accountants, architects, or any other persons who render a professional service on a fee basis.

An exclusion has been provided in the definition of "representative" for attorneys, accountants, architects, and other persons who render a professional service on a fee basis. Many commenters suggested that the Commission incorporate an exclusion for such persons who render advice to clients but who do so without having power over policy or management decisions of their clients. Consultants who render their service on a fee basis would also be excluded.

The Commission believes that consultants, particularly if they are former officers or directors of a company, may well be in a position which permits them to continue to influence the decisions of that company. Consultants, from time to time, may direct the policy or managment of a company without being visible policy makers. If they do so and are not paid on a fee basis they would be covered by this rule.

C. General Rule

The word "executive" has been inserted in § 46.4(a) (General rule) preceding the phrase "duties or functions" in accordance with a suggestion by Gulf Power Company. This addition emphasizes the types of functions and the levels of management deserving scrutiny under this rule. When a person is responsible for such executive duties or functions in a public utility and any covered entity, the opportunities to transmit significant information from one company to the other and thus to influence the decisions of another company are increased.

[17] Gulf Power Company, Duke Power Company, Consolidated Edison Company of New York, Cincinnati Gas & Electric Company, Public Service Middle South Utilities, Sullivan & Cromwell, Central Illinois Light Company, Dayton Power & Light Company, EEI, and Alabama Power. Detroit Edison also suggested that each entity refer to its by-laws for a definition of "officer" or "director" eliminating the need for related definitions in the rule.

D. Filing Requirements—Compensation

As proposed, the regulations would have required that a person holding interlocking positions must report the compensation received from the public utility and from the other interlocked entity, if the compensation from either is greater than $10,000. The Commission requested comments regarding the $10,000 limit.

Rochester Gas & Electric Corporation, Baltimore Gas & Electric Company, Central Illinois Light Company, Potomac Electric Power Company, and Florida Power & Light Company questioned, as a threshold matter, whether the Commission has authority to inquire as to compensation that a person filing under the rule receives from any section 305(c) entity or should inquire of such a confidential matter when not explicitly mandated to do so.

Hy-Vee Food Stores, San Diego Gas & Electric Company, Iowa Southern Utilities Company (EEI concurred in Iowa's comment), Florida Power & Light Company, and Baltimore Gas & Electric Company argued against disclosure of compensation on other grounds; they contended that the Commission should not require such disclosure for any entity which is beyond the traditional regulatory jurisdiction of the Commission. They also alleged that it would be harsh for persons holding executive positions with an entity which is not publicly held or with an entity which is their principal employer to disclose their salaries. The result of such a required disclosure, these commenters stated, would be to discourage some experienced business leaders from accepting executive positions with utilities which could benefit in a positive way from their experience.[18]

In view of these comments, the Commission is persuaded, for the time being, to delete the requirement that interest and compensation be disclosed under this final rule. However, the Commission has the discretion to inquire at a later time about interest and compensation. Although compensation received by the person filing may be significant in appraising the nature of the business relationship between the interlocked entities, the Commission does not believe that this information should be required as part of the routine filing. In the event the Commission finds that certain interlocking positions should be investigated, it may at that time take appropriate steps to obtain disclosure of interest or compensation.

[18] Comments filed by Mr. C. Malcolm Davis discussed the problem of lack of experienced persons willing to serve on the boards of utilities.

In view of the above discussion, the Commission further believes that there is no reason to exclude, as suggested by commenters, privately held entities or entities which are the principal employers of persons holding interlocking positions.

In view of the decision to delete the compensation disclosure requirement the remaining comments regarding the $10,000 floor, specific kinds of compensation, and the nature of the interest in the covered entities need not be addressed.

E. Filing Requirements: Other Information

The proposed rule required that the following information be reported: the name and business address of the person reporting, the duties for the executive positions held, the nature of the business relationship between the public utility and the other interlocked entity, and the nature and an indication of the level of interest in and compensation received from both entities.

Several commenters suggested that the content of the statement as proposed be substantially reduced to require merely identification of the person holding the interlocking positions and the interlocking entities. American Public Power Association, in contrast, suggested that additional information be reported, *i.e.*, specific transactions, if any, between the person filing the statement and the interlocked entities. Cincinnati Gas & Electric Company argued that material business transactions between the entities be disclosed.

In this final rule, the Commission has modified the contents of the written statement. This modification applies not only to the disclosure of the amount of the interest and compensation but also to the disclosure of the nature of any interest in or compensation received from the interlocked entities.

Other changes were made so that the final rule now requires the following information: Name and business address of the person filing; identification of the public utilities and other covered entities involved; and identification of the interlock. In addition, the following information is to be provided if the interlock includes an entity producing or supplying electrical equipment for the use of the interlocked public utility:

(1) The aggregate amount of revenues received by such entity from producing or supplying electrical equipment to the interlocked public utility in the subject calendar year (§ 46.6(d)) in $100,000 increments; and

(2) The nature of the business relationship between the interlocked entities.

By this modification, the Commission decided to focus the filing requirement more directly on the relationship between the interlocked entities rather than on the person holding the interlocking positions.

The Commission believes that it has the discretion under section 305(c) as well as under its general information gathering authorities under the Act to inquire further, as some commenters suggested, regarding the interlocked entities and the person filing the statement. However, the Commission does not choose, at this time, to exercise its discretion to the fullest extent possible.

Regarding the above-mentioned suggestion by American Public Power Association to inquire about transactions between the person holding the interlocking positions and the interlocked entities, the Commission believes this information could be significant in evaluating the nature of the relationship between interlocked entities. Rather than require this information *ab initio*, the Commission has decided to make this inquiry on a case-by-case basis if circumstances surrounding certain interlocked entities indicate that closer scrutiny is needed.

Requiring this information, although of interest, would not be consistent with the objective of the Commission in promulgating these rules; namely, to require only the information necessary to adequately discharge its duties under section 305(c). If information disclosed in the statement indicates that further investigation is necessary, the Commission is free to inquire as to specific transactions between such person and either or both of the interlocked entities. At the outset, however, the Commission is not convinced that this additional inquiry is necessary.

Lastly, the rule has been revised to require the following additional information where pertinent: the docket number and the date the interlocking positions covered under Part 46 were authorized by the Commission under Part 45. This information merely serves as a cross-reference to the section 305(b) authorizations.

V. Effective Date

There is a statutory deadline of April 30, 1980, for compliance with these regulations. The Commission therefore finds good cause under 5 U.S.C. 553(d) to make the rules promulgated in this order effective immediately.

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These rules have been promulgated under the Federal Power Act, as amended by PURPA, and, therefore, a right to rehearing exists under section 313 of the Federal Power Act.

(Federal Power Act, as amended, (16 U.S.C. 792–828c); Public Utility Regulatory Policies Act of 1978, (16 U.S.C. 2601–2645); Department of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 142 (1978).)

In consideration of the foregoing, the Commission amends Part 46 to Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 46 is amended by revising the title to read:

PART 46—PUBLIC UTILITY FILING REQUIREMENTS AND FILING REQUIREMENTS FOR PERSONS HOLDING INTERLOCKING POSITIONS

2. Part 46 is further amended in the table of contents and in the text of the regulations, to read as follows:

Sec.
46.1 Purpose.
46.2 Definitions.
46.3 Purchaser list.
46.4 General rule.
46.5 Covered entities.
46.6 Contents of the written statement and procedures for filing.

Authority: Federal Power Act, as amended, (16 U.S.C. 792–828c); Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645; Department of Energy Organization Act, (42 U.S.C. 7101–7352); E.O. 12009, 3 CFR 142 (1978).

§ 46.1 Purpose.

* * * * *

§ 46.2 Definitions.

For the purpose of this part:

(a) "Public utility" has the same meaning as in section 201(e) of the Federal Power Act and further includes any company which is part of a holding company system which includes a registered holding company unless no company in such system is an electric utility within the meaning of section 3 of the Federal Power Act. Such term does not include any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture or any other entities covered in section 201(f) of the Federal Power Act.

(b) The following terms have the same meaning as in the Public Utility Holding Company Act of 1935:

(1) Holding company system; and

(2) Registered holding company.

(c) "Purchaser" means any individual or corporation within the meaning of section 3 of the Federal Power Act who purchases electric energy from a public utility. Such term does not include the United States or any agency or instrumentality of the United States or any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture.

(d) "Control" and "controlled" mean the possession, directly or indirectly, of the power to direct the management or policies of an entity whether such power is exercised through one or more intermediary companies or pursuant to an agreement, written or oral, and whether such power is established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means. A rebuttable presumption that control exists arises from the ownership or the power to vote, directly or indirectly, ten percent (10%) or more of the voting securities of such entity.

(e) "Entity" means any firm, company, or organization including any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing. Such term does not include "municipality" as defined in section 3 of the Federal Power Act and does not include any Federal, State, or local government agencies or any rural electric cooperative which is regulated by the Rural Electrification Administration of the Department of Agriculture.

(f) "Electrical equipment" means any apparatus, device, integral component, or integral part used in an activity which is electrically, electronically, mechanically, or by legal prescription necessary to the process of generation, transmission, or distribution of electric energy.[1]

(g) "Produces or supplies" means any transaction including a sale, lease, sale-leaseback, consignment, or any other transaction in which an entity provides electrical equipment, coal, natural gas, oil, nuclear fuel, or other fuel to any public utility either directly or through an entity controlled by such entity.

(h) "Appointee" means any person appointed on a temporary or permanent basis to perform any duties or functions described in § 46.4(a).

(i) "Representative" means any person empowered, through oral or written agreement, to transact business on behalf of an entity and any person who serves as an advisor regarding policy or management decisions of the entity. The term does not include attorneys, accountants, architects, or any other persons who render a professional service on a fee basis.

§ 46.3 Purchaser list.

* * * * *

§ 46.4 General rule.

A person must file a written statement in accordance with § 46.6 with the Office of Secretary of the Commission if such person:

(a) Serves for a public utility in any of the following positions: A director or a chief executive officer, president, vice president, secretary, treasurer, general manager, comptroller, chief purchasing agent, or any other position in which such person performs similar executive duties or functions for such public utility; and

(b) Serves for any entity described in § 46.5 in any of the positions described in paragraph (a) of this section or is a partner, appointee, or representative of such entity.

§ 46.5 Covered entities.

Entities to which the general rule in § 46.4(b) applies are the following:

(a) Any investment bank, bank holding company, foreign bank or subsidiary thereof doing business in the United States, insurance company, or any other organization primarily engaged in the business of providing financial services or credit, a mutual savings bank, or a savings and loan association;

(b) Any entity which is authorized by law to underwrite or participate in the marketing of securities of a public utility;

(c) Any entity which produces or supplies electrical equipment or coal, natural gas, oil, nuclear fuel, or other fuel, for the use of any public utility;

(d) Any entity specified in § 46.3;

(e) Any entity referred to in section 305(b) of the Federal Power Act; and

(f) Any entity which is controlled by any entity referred to in this section.

§ 46.6 Contents of the written statement and procedures for filing.

Each person required to file a written statement under the general rule in § 46.4 shall comply with the following requirements:

(a) Each person shall provide the following information: full name and business address; identification of the public utilities and the covered entities in which such person holds executive positions described in § 46.4; and identification of the interlock described in § 46.4;

(b) If the interlock is between a public utility and an entity described in § 46.5(c), which produces or supplies electrical equipment for use of such public utility, such person shall provide the following information:

(1) The aggregate amount of revenues received by such entity from producing or supplying electrical equipment to such public utility in the calendar year specified in paragraph (d) of this section, rounded up to the nearest $100,000; and

(2) The nature of the business relationship between such public utility and such entity.

(c) If the person is authorized by the Commission to hold the positions of officer or director in accordance with Part 45, such person shall identify the authorization by docket number and shall give the date of authorization.

(d)(1) Each person shall file an original and two copies of such written statement with the Office of Secretary of the Commission on or before April 30 of each year immediately following the calendar year during any portion of which such person held a position described in § 46.4. The original of such statement shall be dated, signed by such person, and verified under oath in accordance with § 131.60 of this chapter. Each copy shall bear the date that appeared on the original; the signature may be stamped or typed on the copy, and the notarial seal may be omitted.

(2) Such statement shall be available to the public during regular business hours through the Commission's Office of Public Information and shall be made publicly available through the principal business offices of the public utility and any entity to which it applies on or before April 30 of the year the statement was filed with the Commission.

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BILLING CODE 6450-85-M

[1] Guidance in applying the definition of "electrical equipment" may be obtained by examining the items within the following accounts described in Part 101, Title 18 of the Code of Federal Regulations: Boiler/Reactor plant equipment (Accounts 312 and 322); Engines and engine driven generators (313); Turbogenerator units (314 and 323); Accessory electrical equipment (315, 324, 334 and 345); Miscellaneous power plant equipment (316, 325, 335 and 346); Water wheels, turbines and generators (333); Fuel holders, producers, and accessories (342); Prime movers (343); Generators (344); Station equipment (353 and 362); Poles, towers and fixtures (354, 355 and 364); Overhead conductors and devices (356 and 365); Underground conduit (357 and 366); Underground conductors and devices (358 and 367); Storage battery equipment (363); Line transformers (368); Services (369); Meters (370); Installation on customers' premises (371); Street lighting and signal systems (373); Leased property on customers' premises (372); and Communication equipment (397). Excepted from these accounts, are vehicles, structures, foundations, settings, and services.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 803 and 888

[Docket No. R-80-670]

Sections 8 and 23 Housing Assistance Payments Program—Amendment of Fair Market Rent Schedules, Existing Housing; Correction

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Correction of final rule.

SUMMARY: In FR Doc. R–79–670 appearing at page 59112 in the **Federal Register** of Friday, October 12, 1979, HUD amended, for selected housing market areas, the schedules that set forth the Fair Market Rents for the Section 23 and Section 8 Existing Housing Assistance Payments Programs (pages 59113 through 59150). The amended schedules contained several errors. For twenty-one housing market areas, the proposed Fair Market Rents were republished instead of the revised rents. In thirteen market areas, there were mistakes in the dollar amounts. In certain areas, where HUD revised the rents for 3 and 4 bedroom units based on local comments, the rents for 5 or more bedroom units did not reflect the variation betweeen actual market rents for 4 and 5 or more bedroom units. This occurred because the 5 or more bedroom rents were computed by taking a percentage of the rent for 2 bedroom units which were not changed. These errors, applicable to selected housing market areas, are corrected by revision of Title 24, Part 803, Schedule B, and Part 888, Schedule B, as set forth below.

EFFECTIVE DATE: November 1, 1979, retroactive to March 29, 1979 for annual rent adjustments and PHA administrative fees.

FOR FURTHER INFORMATION CONTACT: Nancy S. Chisholm, Director, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410, 202–755–4977. This is not a toll-free number.

Accordingly, Title 24, Part 803, Schedule B, and Part 888, Schedule B, are revised as set forth below.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1408); sec. 10(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1410(b)); and sec. 23 of the U.S. Housing Act of 1937 (42 U.S.C. 1421b)

Issued at Washington, D.C., March 28, 1980.

Clyde McHenry,

Acting Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

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PART 803—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART:YORK STATE:ME	171	193	238	261	288
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY:ESSEX STATE:NY	153	176	202	232	256
COUNTY:FRANKLIN STATE:NY	135	159	182	202	222
COUNTY:JEFFERSON STATE:NY	142	164	195	211	233
COUNTY:LEWIS STATE:NY	135	159	182	202	222
COUNTY:ST LAWRENCE STATE:NY	144	168	200	222	246
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: EVANSVILLE, IN-KY					
COUNTY:HENDERSON STATE:KY	180	200	240	265	295
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: EVANSVILLE, IN-KY					
COUNTY:GIBSON STATE:IN	180	200	240	265	295
COUNTY:POSEY STATE:IN	180	200	240	265	295
COUNTY:VANDERBURGH STATE:IN	180	200	240	265	295
COUNTY:WARRICK STATE:IN	180	200	240	265	295
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY: BOONE STATE: MO	160	194	228	262	296
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:CALDWELL STATE:MO	133	152	190	210	249
COUNTY:DAVIESS STATE:MO	133	162	190	219	249
COUNTY:GRUNDY STATE:MO	133	162	190	219	249
COUNTY:HARRISON STATE:MO	133	162	190	219	249
COUNTY:LINN STATE:MO	133	162	190	219	249
COUNTY:LIVINGSTON STATE:MO	133	162	190	219	249
COUNTY:MERCER STATE:MO	133	162	190	219	249
COUNTY:PUTNAM STATE:MO	133	162	190	219	249
COUNTY:SULLIVAN STATE:MO	133	162	190	219	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), NOVEMBER 15, 1979

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
SMSA: SIOUX CITY, IA-NE					
COUNTY:WOODBURY STATE:IA	160	206	255	296	328
NON SMSA					
COUNTY:AUDUBON STATE:IA	137	166	196	225	255
COUNTY:CARROLL STATE:IA	137	166	196	225	255
COUNTY:CRAWFORD STATE:IA	137	166	196	225	255
COUNTY:GREENE STATE:IA	137	166	196	225	255
COUNTY:GUTHRIE STATE:IA	137	166	196	225	255
COUNTY:MARSHALL STATE:IA	142	173	204	234	265
COUNTY:SAC STATE:IA	137	166	196	225	255
COUNTY:STORY STATE:IA	155	179	216	242	265
SMSA: SIOUX CITY, IA-NE					
COUNTY:DAKOTA STATE:NE	160	206	255	296	328
NON SMSA					
COUNTY:ADAMS STATE:NE	130	175	227	286	315
DENVER, COLORADO REGIONAL:AREA OFFICE					
SMSA: FORT COLLINS, CO					
COUNTY:LARIMER STATE:CO	168	204	240	276	312
SMSA: BILLINGS, MT					
COUNTY:YELLOWSTONE STATE:MT	188	229	269	309	350
SMSA: GREAT FALLS, MT					
COUNTY:CASCADE STATE:MT	184	224	263	314	342
SMSA: RAPID CITY,S.D.					
COUNTY:MEADE STATE:SD	170	207	243	279	316
COUNTY:PENNINGTON STATE:SD	170	207	243	279	316
SMSA: SIOUX FALLS, SD					
COUNTY:MINNEHAHA STATE:SD	179	217	256	294	332
HONOLULU, HAWAII AREA OFFICE					
SMSA: HONOLULU, HI					
COUNTY:HONOLULU STATE:HI	275	331	394	464	517
LOS ANGELES, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY:IMPERIAL STATE:CA	188	228	286	340	387

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), NOVEMBER 15, 1979

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PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

CALCULATION OF FAIR MARKET RENTS FOR FIVE-OR MORE-BEDROOM UNITS. SELECTED FAIR MARKET RENT AREAS. FOR THE FMR AREAS LISTED BELOW, THE FMRs FOR FIVE-OR MORE-BEDROOM UNITS SHALL BE CALCULATED AS FOLLOWS: 5-BR = 115 PERCENT OF 4-DR FMR; 6-BR = 130 PERCENT OF 4-BR. LIKEWISE, THE FMRs FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGES USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

JACKSON, MISSISSIPPI AREA OFFICE

NON SMSA COUNTY: LOWNDES, MS

LOS ANGELES, CALIFORNIA AREA OFFICE

SMSA: BAKERSFIELD, CA
COUNTY: KERN

SMSA: LOS ANGELES - LONG BEACH, CA
COUNTY: LOS ANGELES

SMSA: RIVERSIDE - SAN BERNARDINO - ONTARIO, CA
COUNTY: RIVERSIDE
COUNTY: BERNARDINO

SMSA: ANAHEIM - SANTA ANA - GARDEN GROVE, CA
COUNTY: ORANGE

PREPARED BY HUD - EMAD (CO), NOVEMBER 15, 1979

SAN FRANCISCO, CALIFORNIA AREA OFFICE

SMSA: MODESTO, CA
COUNTY: STANISLAUS

NON SMSA COUNTY: MERCED, CA

NON SMSA COUNTY: TULARE, CA

NON SMSA COUNTY: PLUMAS, CA

NON SMSA COUNTY: SHASTA, CA

NON SMSA COUNTY: SUTTER, CA

SMSA: SALINAS - SEASIDE MONTEREY, CA
COUNTY: MONTEREY

SAN FRANCISCO, CALIFORNIA AREA OFFICE

SMSA: SAN FRANCISCO - OAKLAND, CA
COUNTY: ALAMEDA
COUNTY: CONTRA COSTA
COUNTY: MARIN
COUNTY: SAN FRANCISCO
COUNTY: MATEO

SMSA: SANTA CRUZ, CA
COUNTY: SANTA CRUZ

SMSA: SANTA ROSA, CA
COUNTY: SONOMA

SMSA: VALLEJO-FAIRFIELD-NAPA, CA
COUNTY: NAPA
COUNTY: SOLANO

PREPARED BY HUD - EMAD (CO), NOVEMBER 15, 1979

PORTLAND, OREGON AREA OFFICE

SMSA: EUGENE-SPRINGFIELD, OR
COUNTY: LANE

NON SMSA COUNTY: YAMHILL, OR

SEATTLE, WASHINGTON AREA OFFICE

NON SMSA COUNTY: COWLITZ, WA

NON SMSA COUNTY: KITSAP, WA

NON SMSA COUNTY: WHATCOM, WA

NON SMSA COUNTY: WHITMAN, WA

[FR Doc. 80-10370 Filed 4-4-80; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 953

Fraud and Violations of Public Trust in Contract, Acquisition and Other Matters

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by revising Part 953 of Subchapter O, 32 CFR. The revision clarifies the criteria for reporting fraud and violations of public trust and updates terminology. It applies to all Air Force members involved with contracts or the acquisition process and the Air Force Office of Special Investigations.

EFFECTIVE DATE: December 14, 1979.

FOR FURTHER INFORMATION CONTACT: Major Martin J. Connolly, phone: (202) 767-5126.

SUPPLEMENTARY INFORMATION: On August 1, 1979, the Department of the Air Force published a proposed rule (44 FR 45193) to revise Part 953 of Subchapter O, 32 CFR. At that time, interested persons were invited to participate in the proposed rulemaking by submitting comments to the contact person. No public comments were received. Minor administrative changes to the proposed rule have been included in the final rule.

Accordingly, Part 953 is revised to read as follows:

PART 953—FRAUD AND VIOLATIONS OF PUBLIC TRUST IN CONTACT, ACQUISITION AND OTHER MATTERS

Sec.
953.1 Purpose.
953.2 Fraud and violations of public trust.
953.3 Reporting responsibilities.
953.4 Investigative responsibilities.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 124-8, December 14, 1979.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 953.1 Purpose.

This part assigns responsibilities and prescribes procedures for reporting and investigating suspected fraud and violations of public trust—in Air Force contract, acquisition and other matters—and of Air Force standards of conduct. The part applies to all Air Force members involved with contracts or the acquisition process and the Air Force Office of Special Investigations.

Note.—All of the personally identificable records established under the provisions of this regulation are affected by the Privacy Act of 1974 (5 U.S.C. 552a). The authority for establishing and maintaining records concerning these matters is 44 U.S.C. 3101. Records established in accordance with this regulation are maintained in Air Force System F124100?YLNGA Criminal Records. The description of this system of records, its uses and contents have been published in the **Federal Register**, according to the Privacy Act. The Secretary of the Air Force has exempted this system of records from certain provisions of the Privacy Act, according to 5 U.S.C. 552a(j)(2) (see AFR 12-35).

§ 953.2 Fraud and violations of public trust.

(a) Fraud against the Air Force in acquiring, using, and disposing of resources may occur in two basic forms. First individuals or companies outside of the Air Force, who are performing contracts in support of Air Force needs, may independently attempt to defraud the Air Force. This form of fraud includes, but is not limited to, false billings, willful diversion or misuse of Government property, willful delivery of nonconforming supplies, and collusive bidding. The second form of fraud involves violations of public trust. Air Force personnel (military or civilian), either independently or in concert with individuals or companies outside of the Air Force, may attempt to use their positions of public trust for personal gain at the expense of the Air Force. Violations of public trust include, but are not limited to, collusion, favoritism, bribery, offering, soliciting or accepting gratuities, and conflicts of interest.

(b) The public trust in the integrity of Air Force contract, acquisition, disposal, and all other business transactions is of the utmost importance and must be maintained. All Air Force personnel (military and civilian) who have reason to believe fraud or violations of public trust have been or are being committed, must promptly report all information within their knowledge or belief to the responsible Air Force authorities. Violations of the standards of conduct, as defined in Part 920 of this Chapter, also will be reported and investigated in the same manner as fraud and violations of public trust.

§ 953.3 Reporting responsibilities.

The prompt reporting of any indications of fraud or violations of public trust mentioned in § 953.2 is extremely important.

(a) All personnel who have information leading to the belief that any of the violations referred to in § 953.2 have been or may be committed, must report all such information to the nearest Air Force Office of Special Investigations (AFOSI) activity or to the Commander having:

(1) Immediate jurisidiction over the Air Force personnel allegedly involved; or

(2) Administrative responsibility for the contract(s) involved.

(b) The commander who receives information that shows possible fraud or violations of public trust, as described in § 953.2, must promptly refer the matter to the nearest AFOSI activity for investigation.

(c) All personnel are required to prevent the disclosure of such information to unauthorized persons. Unauthorized or premature disclosure could compromise any subsequent investigation or could damage, without cause, the reputation of persons ultimately determined as innocent of wrongdoing.

(d) Fraudulent activities often appear on the surface as administrative or managerial irregularities; therefore, an individual should never assume the responsibility for deciding the significance of the information under consideration. Any question of fault on the part of any individual or company is resolved by reporting the information.

§ 953.4 Investigative responsibilities.

(a) Within the Air Force jurisdiction, AFOSI investigates all suspected fraud in Air Force contract, acquisition, disposal transactions, and other matters, when requested by the appropriate commander. The AFOSI forwards initial, interim, and final reports of investigation to the commander concerned, for information and necessary action. In appropriate cases, AFOSI coordinates investigations conducted outside the United States with host country authorities, as provided for in the Status of Forces Agreement or related agreements.

(b) AFOSI refers appropriate cases in these categories to the Department of Justice (including the Federal Bureau of Investigation) and coordinates Air Force investigations with all interested Government agencies. Air Force commanders must not refer allegations or complaints on such matters, either to the local or the national office of the Department of Justice (or the Federal Bureau of Investigation); however, they must cooperate fully with representatives of the Department of Justice, when requested.

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(c) The AFOSI district serving the commander concerned (see 953.3(a)) informs the commander when information of the type covered by this part is furnished directly to any echelon of the AFOSI. It also informs the commander of the nature of the information, so the commander can determine if an investigation should be requested.

[FR Doc. 80-10612 Filed 4-4-80; 8:45 am]
BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1448-2]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a temporary variance from the Maryland State Implementation Plan for Unit #2 of the C.P. Crane Generating Station of the Baltimore Gas and Electric Company of Baltimore County, Maryland. The variance applies to those regulations prohibiting visible emissions, particulate matter regulations for solid-fuel burning equipment, and regulations on usage of fuel with sulfur content in excess of one percent by weight.

The variance applies to Unit #2 only and requires that sulfur oxide emissions shall not exceed 3.5 pounds per million BTU actual heat input (equivalent to approximately 2.1 percent sulfur coal) and particulate matter emissions shall not exceed 0.6 pounds per million BTU actual heat input.

EFFECTIVE DATE: April 7, 1980.

ADDRESSES: Copies of the SIP variance and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan.

Air Quality Programs, State of Maryland, O'Conor Office Building, 201 W. Preston St., Baltimore, MD 21201, ATTN: George Ferreri, Administrator.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW (Waterside Mall), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Miss Patricia Sheridan, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On October 24, 1979, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, region III a proposed temporary variance from the Maryland State Implementation Plan. The proposed variance consisted of a Secretarial Order for the Baltimore Gas and Electric Company—Unit #2 of the C.P. Crane Generating Station, Baltimore County, Maryland. In his letter, the Administrator of Maryland Air Quality Programs certified that the order was adopted in accordance with the public hearing and notice requirements of 40 CFR 51.4 and all relevant State procedural requirements, and asked that EPA consider the Secretarial Order as a temporary revision of the State Implementation Plan. This order was initiated in anticipation of a Department of Energy "notice of effectiveness" to convert the Crane Station to burn coal. The variance, effective for a period of 120 calendar days, applies to the regulations which prohibit visible emissions (COMAR 10.18.04.02(A)), limit particulate matter from solid fuel burning equipment (COMAR 10.18.04.03(B)(3)), and which prohibit usage of fuel with sulfur content in excess of one percent by weight (COMAR 10.18.04.04(B)(1)).

The variance applies to Unit #2 only and requires that sulfur oxide emissions from the unit shall not exceed 3.5 pounds per million BTU actual heat input (equivalent to approximately 2.1 percent sulfur coal). Although particulate matter emissions have been shown in supporting documentation from the State not to exceed 0.6 lbs. per million BTU heat input, which is the limit used in the air quality demonstration this limit was not made a condition of the original Secretarial Order. Subsequently, after discussions between all parties involved, Maryland amended the Order to include this limit for particulate matter. Both the sulfur oxides and particulate matter shall be averaged over a 24-hour period.

II. Control Strategy Demonstration

Diffusion modeling indicates that air quality standards for both sulfur dioxide and particulate matter will not be violated nor will there be a significant impact on a nonattainment area, as a result of granting the temporary variance. Furthermore, the applicable PSD increments will not be exceeded by the increased emissions due to the variance.

III. Approvability of the Proposed Variance

Based upon an evaluation of the material submitted by the State of Maryland, the Agency believes that the proposed variance satisfies the applicable requirements of Section 110 of the Clean Air Act and EPA's regulations, 40 CFR Part 51. Therefore, the Administrator approves these variances from the Maryland State Implementation Plan.

Concurrently, the Administrator amends 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) to incorporate this plan variance into Maryland's SIP.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401—642)

Dated: April 1, 1980.

Douglas M. Costle,
Administrator.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070 *Identification of plans,* paragraph (c)(29) is added to read as follows:

§ 52.1070 Identification of plans.

* * * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(29) Variances from Maryland regulations 10.18.04.02(A), 10.18.04.03(B)(3), and 10.18.04.04(B)(1) relating to visible emissions, particulate matter from solid fuel burning equipment and prohibition of usage of fuel with sulfur content in excess of one percent by weight, respectively. The variance request was submitted on October 24, 1979 by the Governor of Maryland.

[FR Doc. 80-10445 Filed 4-4-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

[PP 8F2085/PP 8F2110; FRL 1457-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Diclofop-methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide diclofop-methyl in or on barley grain, barley straw, wheat grain, wheat straw and soybean seed at 0.1 ppm. The regulation was requested by American-Hoechst Corporation. This rule establishes a maximum permissible level for residues of diclofop-methyl.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Ph. D, Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202-755-1397).

SUPPLEMENTARY INFORMATION: On February 27, 1980, the EPA published a notice of proposed rulemaking in the **Federal Register** (45 FR 12855) in response to pesticide petitions (PP 8F2085/PP 8F2110) submitted to the Agency by American Hoechst Corporation, Agricultural Division, Somerville, New Jersey 08876, under provisions of the Federal Food, Drug, and Cosmetic Act. The position proposed that 40 CFR 180 be amended by the establishment of a tolerance for combined residues of the herbicide diclofop-methyl (methyl 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoate) and its metabolites 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoic acid and 2-[4-(2,4-dichloro-5-hydroxyphenoxy)phenoxy]propanoic acid in or on the raw agricultural commodities: barley grain, barley straw, soybean seed, wheat grain, and wheat straw at 0.1 ppm.

No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. A number of comments were received from farmers, university co-operators, and businesses that diclofop-methyl is needed for control of escape grasses and volunteer corn in soybeans this year. The analytical method has been validated at Biospheric Inc., Laboratory with EPA personnel observing and is available for enforcement purposes. The analytical method has not yet been validated at the Agency's laboratory, however, the validation is in progress.

It has been concluded, therefore, that the proposed amendment to 40 CFR Part 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register,** May 7, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M Street, S.W., Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on the date of publication in the FEDERAL REGISTER, April 7, 1980, Part 180, Subpart C, is amended by adding a tolerance for residues of diclofop-methyl as set forth below.

Part 180, Subpart C, § 180.385 is added, as follows:

§ 180.385 Diclofop-methyl; tolerances for residues.

Tolerances are established for the combined residues of the herbicide diclofop-methyl (methyl 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoate) and its metabolites, 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoic acid and 2-[4-(2,4-dichloro-5-hydroxyphenoxy)phenoxy]propanoic acid, in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, grain	0.1
Barley, Straw	0.1
Soybean seed	0.1
Wheat, grain	0.1
Wheat, straw	0.1

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: March 28, 1980.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-10556 Filed 4-4-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 30

[CGD 79-081a]

Evaluation of Programs for Licensing and Certification of Foreign Tank Vessel Personnel

AGENCY: Coast Guard, DOT.

ACTION: Interim final rules.

SUMMARY: These regulations contain interim procedures for evaluating tank vessel personnel licensing and certification programs of foreign countries. The regulations provide that evaluations are to be done for countries which license or certificate personnel serving on tank vessels that enter or operate in U.S. navigable waters and ports. The Port and Tanker Safety Act of 1978 requires that evaluation procedures be developed, and these interim procedures will be followed pending the development of additional or revised procedures. Tank vessels manned with officers licensed by a country receiving an unfavorable evaluation will be subject to the Act's prohibition against operation in U.S. navigable waters and ports with those officers.

DATES: 1. *Effective Date.* These regulations become effective on May 7, 1980.

(2) *Comment Closing Date.* Comments on these regulations, as requested below, should be submitted on or before May 22, 1980.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24) (CGD 79-081a), U.S. Coast Guard, Washington, D.C. 20593. The comments will be available for inspection and copying between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays, at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR Daniel E. Struck, c/o Commandant (G-MVP/14), U.S. Coast Guard, Washington, D.C. 20593. Telephone: (202) 426-6259.

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SUPPLEMENTARY INFORMATION: 1. In accordance with 5 U.S.C. 553, these interim regulations are being issued without a prior notice of proposed rulemaking and they become effective immediately. Timely exercise of the Coast Guard's statutory responsibilities under the Port and Tanker Safety Act of 1978 (Pub. L. 95–474) requires this action, and to do otherwise would be contrary to the public interest. The evaluations described in the regulations are required by Section 5 of the Act. The evaluation process has already begun and implementing regulations and procedures, which are also required by the Act, are needed to govern the process. Any substantial delays in completing evaluations would prevent timely enforcement of the Act's prohibition on operation of foreign tank vessels in U.S. navigable water with officers licensed by a country receiving an unfavorable evaluation.

2. Although an opportunity for public comment has not been provided in advance of issuing these regulations, public input is nevertheless needed to assure that the procedures are workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the address listed above. Commenters should include their names and addresses, identify the docket number for these regulations (CGD 79–081a) and give reasons for the comments. Persons desiring acknowledgment of their comments should enclose a self-addressed postcard or envelope. Comments should be submitted before the closing date in order to receive timely consideration. Based upon comments received, the regulations may be revised or additional regulations may be issued.

Drafting Information

The principal persons involved in drafting these interim regulations are LCDR Daniel E. Struck, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

Discussion of Regulations

General

3. The Port and Tanker Safety Act of 1978 contains, among other things, detailed requirements concerning foreign tank vessel personnel. Specifically, Section 5 of the Act, as set out in 46 U.S.C. 391a(11), requires that regulations be adopted concerning verification of manning, training, qualification, and watchkeeping standards promulgated by foreign countries that license or certificate personnel serving on tank vessels which enter or operate in U.S. navigable waters and ports. The Act requires the regulations to include, at a minimum, provisions relating to:

(A) the receipt through the Inter-Governmental Maritime Consultative Organization or from the certificating state of the English text of laws, decrees, orders, regulations, specimen licenses and certificates, and other pertinent documents pertaining to manning, training, qualification, and watchkeeping of seafarers;

(B) the publication and distribution of, or otherwise making available to the public and appropriate enforcement personnel, copies of materials received as provided for in paragraph (A);

(C) the evaluation, at intervals of not less than five years, of each foreign state's system for licensing and certification of seafarers, including study course content and duration, examination requirements and prerequisites for licensing and certification, and related controls;

(D) determination after the evaluation required by clause (C) of whether the foreign state, whose system for licensing and certification of seafarers was evaluated, has standards which are comparable to or more stringent than United States standards or international standards which are accepted by the United States;

(E) publication in the **Federal Register** of each determination made pursuant to clause (D), together with a brief explanation of the reasons therefor; and

(F) manning levels, based on vessel size and type of operation, when operating in the navigable waters of the United States, or in the safety zone in connection with utilization of deepwater ports.

4. These regulations contain the minimum provisions required by 46 U.S.C. 391a(11), except the regulations prescribing manning levels for foreign tankers as required by subsection (f). Proposed manning level regulations are being prepared in a separate rule making docket (CGD 79–081b) and a notice of proposed rule making will be published in the near future.

5. These regulations are being issued on an interim basis. Additional or revised procedures may be necessary depending upon analysis of comments received and upon experience gained in evaluating various foreign licensing and certification programs in accordance with these regulations. Also, as explained more fully in paragraph 10 of this preamble, revisions can be expected as improved U.S. and international licensing and certification standards are developed.

Specific Provisions.

6. Section 30.30–1 explains the scope and purpose of the regulations. As provided in that section, evaluation of vessel personnel licensing and certification programs will be done for countries which license or certificate personnel on tank vessels that enter or operate in U.S. waters and ports. If an evaluation shows that licensing and certification standards of a foreign country are not comparable to or more stringent than U.S. standards, tank vessels manned with officers licensed by that country will be subject to the prohibition in 33 U.S.C. 1228(a)(5) on operation with those officers in U.S. navigable waters and ports. This prohibition was enacted as a part of Section 2 of the Port and Tanker Safety Act of 1978.

7. Section 30.30–3 lists the various materials to be submitted for evaluation. These materials include the English text of all laws, regulations, and other documents pertaining to manning, training, qualification, and watchkeeping of personnel on tank vessels engaged in foreign trade, as well as copies of specimen licenses and certificates issued to tank vessel personnel. The principal materials to be considered in each evaluation will be those concerning training and qualification of tank vessel personnel. The other materials will be considered to the extent that they relate to training and qualification.

8. During March 1979, requests for the evaluation materials listed in § 30.30–3 were sent to 72 countries and, to date, 38 responses have been received. Twelve countries provided the materials in English text and thirteen countries sent materials in their own language indicating that English text was not available. The remaining responses did not provide materials and indicated that tankers from those countries do not operate in U.S. waters. It is apparent from these responses that § 30.30–3 may not be a workable provision in its present form. Accordingly, comments are specifically requested on the various available means, if any, for providing English text of materials. Based upon comments received, revised procedures may be necessary.

9. Section 30.30–5 provides the Coast Guard address for submitting evaluation materials. Although 46 U.S.C. 391a(11)(A) provides that materials may also be sent to the United States through the Inter-Governmental Maritime Consultative Organization, in all probability that organization will not have the resources to reproduce the materials and transmit them to the United States and other countries requesting them. It is anticipated that most submissions will be sent directly to the Coast Guard.

10. Section 30.30–5(b) provides that updated materials may be submitted at any time during the evaluation process. This provision is necessary since many countries are currently upgrading their licensing and certification requirements to be consistent with the standards in the recently finalized International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (STCW–1978).

11. Section 30.30–7 provides that evaluation materials will be available for inspection and copying at Coast Guard Headquarters in Washington, D.C. The volume of materials already received is lengthy and precludes extensive publication or distribution of copies. If copies of materials are desired, the fees for this service are as prescribed in 49 CFR 7.95.

12. Section 30.30–9 contains evaluation standards. As stated in that section, evaluation will be by comparison to the U.S. vessel personnel licensing and certification regulations in Part 5, Part 10, and Part 12 of Title 46, Code of Federal Regulations, and by comparison to the laws referenced in those regulations. Periodic revision of this section can be expected as improved United States and international standards are developed. For example, U.S. regulations on qualifications of tankermen are currently being prepared in separate proposed rule making (CGD 79–116), and when those regulations are finalized consideration will be given to referencing them in § 30.30–9 as regulations used for comparison purposes in each evaluation. Also, upon U.S. ratification of the STCW–1978, consideration will be given to replacing the comparison regulations listed in § 30.30–9 with STCW–1978 standards.

13. Section 30.30–11 contains procedures for making and issuing determinations required by 46 U.S.C. 391a(11). As provided in § 30.30–11(c), each determination remains in effect for 5 years unless sooner cancelled. A five year period has been selected to coincide with the requirement in 46 U.S.C. 391a(11) that reevaluations of foreign licensing programs be conducted at intervals of not less than 5 years. However, these regulations do not include reevaluation procedures, and a decision on what procedures are needed will be based on the progress of international ratification of the STCW–1978. In the case of countries adopting the Convention, extensive reevaluations will probably not be necessary and, accordingly, reevaluation procedures should be straightforward.

Evaluation

14. An evaluation of the economic consequences of these regulations has been prepared and placed in the public docket. Comments on the content and accuracy of the evaluation may be submitted to the address listed above and will be considered in conjunction with comments submitted on the regulations. As stated in the evaluation, the total cost to translate the licensing and certification materials described in the regulations is estimated to be $940,000. Approximately 47 sets of materials will need translation at an average cost of $20,000 per set. Some administrative expenses will also be incurred in collecting and transmitting materials to the Coast Guard. The principal benefits of these regulations, and of subsequent action taken to enforce the prohibition in 33 U.S.C. 1228(a)(5), will be a reduction in the probability of tanker collisions, groundings, and oil spills in U.S. waters resulting from operational error by vessel personnel.

Regulations

In accordance with the foregoing, Part 30 of Title 46, Code of Federal Regulations, is amended as follows:

1. By adding a new paragraph (h) to § 30.01–5 to read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * *

(h) Subpart 30.30 contains procedures for evaluating vessel personnel licensing and certification programs of foreign countries which license or certificate personnel serving on tank vessels that enter or operate in U.S. navigable waters and ports.

2. By adding a new subpart 30.30 to read as follows:

Subpart 30.30—Interim Procedures for Evaluating Vessel Personnel Licensing and Certification Programs of Foreign Countries

Sec.

30.30–1 Scope and purpose.
30.30–3 Evaluation materials.
30.30–5 Submission of evaluation materials.
30.30–7 Availability of materials.
30.30–9 Evaluations.
30.30–11 Determinations.

Authority: 46 U.S.C. 391a, as amended by Sec. 5 of Pub. L. 95–474; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 30.30—Interim Procedures for Evaluating Vessel Personnel Licensing and Certification Programs of Foreign Countries

§ 30.30–1 Scope and purpose.

(a) This subpart contains procedures for evaluating vessel personnel licensing and certification programs of foreign countries. Evaluations are done for countries which license or certificate personnel serving on tank vessels that enter or operate in U.S. navigable waters and ports.

(b) The purpose of each evaluation is to determine whether a foreign licensing and certification program has standards that are comparable to or more stringent than U.S. standards.

(c) A determination that licensing and certification standards of a foreign country are not comparable to or more stringent than U.S. standards will subject tank vessels manned with officers licensed by that country to the prohibition in 33 U.S.C. 1228(a)(5) on operation with those officers in U.S. navigable waters and ports.

§ 30.30–3 Evaluation materials.

The materials to be submitted for evaluation must include the English text of the following:

(a) All laws, decrees, orders, and regulations relating to manning, training, qualification, and watchkeeping of personnel on tank vessels engaged in foreign trade.

(b) A copy of each type of license and certificate issued by the country to tank vessel personnel.

§ 30.30–5 Submission of evaluation materials.

(a) The evaluation materials listed in § 30.30–3 should be sent to Commandant (G-MVP/14), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. The materials should include the name and address of the person to whom correspondence concerning the evaluation can be sent.

(b) Updated materials may be submitted at any time during the evaluation process.

§ 30.30–7 Availability of materials.

Evaluation materials submitted in accordance with this subpart will be available for inspection and copying between 7:30 a.m. and 4:30 p.m., Monday through Thursday, except holidays, at Coast Guard Headquarters, Room 1400, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: (202) 426–1500.

§ 39.30–9 Evaluation.

Materials submitted in accordance with this subpart will be evaluated by comparison to the regulations in Part 5, Part 10, and Part 12 of this chapter, and by comparison to the U.S. laws referenced in those regulations.

§ 30.30–11 Determinations.

(a) After evaluation of materials submitted in accordance with this subpart, a determination will be made as to whether the licensing and certification program described by the materials has standards that are comparable to or more stringent than standards set by the regulations and laws referenced in § 30.30–9.

(b) Notice of each determination made in accordance with this section and a brief explanation of reasons therefor

will be published in the Federal Register. A copy of this notice will also be sent to the person whose name is provided in accordance with § 30.30–5.

(c) Each determination remains in effect for 5 years unless sooner cancelled.

(d) Any request to reconsider a determination must be submitted to the address listed in § 30.30–5 and must include a statement of reasons in support. The person submitting the request will be notified in writing of the action taken.

(46 U.S.C. 391a, as amended by Sec. 5 of Pub. L. 95–474; 49 U.S.C. 1655(b); 49 CFR 1.46.)

Dated: March 31, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-10644 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[General Order 20; Amdt. 6; Docket No. 79-93]

Security for the Protection of the Public

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This amends the Commission's regulations to increase the maximum amount of insurance, escrow account, guaranty and surety bond required of holders of a Certificate (Performance) from $5,000,000 to $10,000,000. These changes are necessary to offset the impact of inflation, the decline in the value of the dollar, and the rise in the consumer price index.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Certification & Licensing, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5840.

SUPPLEMENTAL INFORMATION: This proceeding was instituted by notice of proposed rulemaking published in the Federal Register on October 31, 1979, (44 FR 62546–62547) to: (1) amend § 540.9(j) of the Commission's regulations (46 CFR 540.9(j)) by increasing the maximum amount of insurance, escrow account, guaranty and surety bond required of an applicant (certificant) from $5,000,000 to $10,000,000, as evidence of financial responsibility; and (2) effect corresponding revisions to Form FMC–131, Application For Certificate of Financial Responsibility. This amendment will not alter the existing requirements with respect to a self-insurer who must demonstrate financial responsibility by maintenance of working capital and net worth each in an amount no less than 110 percent of highest unearned passenger revenue within the preceding two fiscal years.

In its notice the Commission explained its belief that the maximum amount of coverage by insurance, escrow account, guaranty or surety bond should be increased to $10,000,000 based upon the inflationary impact since 1967 when the $5,000,000 maximum was established, the decline in the value of the dollar, the rise in the consumer price index, the increase in price of fuel oil and the increase in wages, all resulting in the doubling of most fares.

Comments were received from (1) The International Committee of Passenger Lines (ICPL) whose membership is made up of 16 major foreign flag passenger operators which operate some 55 passenger vessels subject to the Commission's regulations; (2) The Liverpool and London Steam Ship Protection and Indemnity Association, Limited, The Standard Steamship Owners' Protection and Indemnity Association, Limited, The Standard Steamship Owners' Protection and Indemnity Association (Bermuda) Limited, Sveriges Angfartygs Assurans Forening, The United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited and The West of England Ship Owners Mutual Protection and Indemnity Association (Luxembourg) (referred to herein as "the Associations") who are insurance associations composed of shipowners and operators who mutually insure one another against various liabilities arising out of the operation of their vessels and who are part of a group of protection and indemnity associations which collectively insure approximately 85% of the world's ocean-going vessel tonnage; and (3) The Steamship Mutual Underwriting Association (Bermuda) Limited (Steamship Mutual Bermuda) which is also an insurance association.

Positions of the Commentators

It is the position of ICPL that (1) the $5,000,000 ceiling is still adequate to protect against all reasonably foreseeable risks of nonperformance; (2) that the proposed increase will result in unnecessary costs which must ultimately be borne by cruise passengers; and (3) that, in any event, should the proposed increase be adopted, the effective date of the new regulation should be postponed for a 12-month period. ICPL argues that there have been only two publicized instances in which it has been necessary to resort to guaranties filed with the Commission and in both instances the $5,000,000 guaranty was more than adequate and proved to be approximately 5 times more than was ultimately required for full restitution; that apart from these two isolated instances, the cruise lines have achieved a remarkable record of satisfying their performance obligations to more than ten million passengers transported over the past 13 years since General Order 20 has been in effect; that since there is nothing to substantiate that the existing $5,000,000 maximum coverage will be inadequate to deal with any reasonably foreseeable future nonperformance, ICPL members consider the Commission's proposed increase as unnecessary and unwise; that if the increase is put into effect, many passenger vessel operators now using guaranties are likely to resort to other permissible methods of establishing their financial responsibilty in an amount less than $10,000,000 resulting in increased administrative expenses on the part of the lines themselves and additional supervision expenses on the part of the Commission in order to insure compliance with the Commission's regulations; and that from any standpoint such extra outlays are excessive and without any commensurate benefit to the traveling public at all.

For the reasons put forward by ICPL, the Associations join in ICPL's comments both as to the lack of need for the rule change and the existence of a need for a substantial "lead time" before its effective date if the Commission should decide to adopt it, such as an effective date 12 months following adoption of the change. The Associations argue that adoption of the rule change would necessitate a substantial expenditure of time and effort, not only on the part of the passenger vessel owners and operators but on the part of the Associations, in negotiating terms whereon the Associations would be prepared to issue guaranties on behalf of their members for increased amounts. If in any instance negotiations were to fail, steps would have to be taken by the member concerned to arrange for some other form of evidence of financial responsibility which would require the approval of the Commission and necessitate steps to terminate the existing guaranty of the Association concerned; and that these problems are aggravated by the distances involved with the Associations located in Europe and Bermuda, their members scattered over the world, and the Commission in Washington.

Steamship Mutual Bermuda opposes the proposed increase in the guaranty "ceiling" on the grounds that it is unnecessary and that it will result in a substantial increase in the cost of doing business for cruise operators, which increase will ultimately be borne by passengers. However, in the event that the proposed increase is adopted, the Association requests that its implementation be delayed for at least one year. Steamship Mutual Bermuda states that delaying implementation is necessary because of the financial arrangements behind each guaranty; that cruise operators submitting guaranties to the Commission are required to post counter-security with the Association amounting to cash or its equivalent, such as bank guaranties or letters of credit; that a doubling of the guaranty requirement to $10,000,000 will necessitate a substantial rearrangement of the member-operator's finances; and since company budgets and cash flow projections from cruises are prepared at least a year in advance a sudden implementation of the guaranty increase could cause hardship, particularly for small operators.

Discussion

The Commission has given serious consideration to the comments received realizing that the increase in the maximum to $10,000,000 could increase the cost of operations of some applicants (certificants). The Commission is also well aware of the commendable record to date of the cruise lines in satisfying their performance obligations, a fact that it hopes will not be lost on guarantors and sureties.

However, since 1967 when the $5,000,000 maximum was established, the inflationary impact has been severe and continues. In January, 1980, a 1967 dollar was worth 42.9 cents and the Consumer Price Index reached 233.2. The price of fuel oil has increased approximately 8 times since 1967 and wages have more than doubled. The inflationary spiral and rising fuel costs have resulted in at least a doubling of most fares, which continue to rise to meet increased operating costs. Unearned passenger revenue of many owners and charterers has increased substantially and should continue to increase as they add vessels to their fleets, increase the number of available accommodations of their present vessels and raise their fares to meet increased costs.

Accordingly, the Commission continues of the belief that the increase of the maximum amount of coverage to $10,000,000 with respect to insurance, escrow account, guaranty and surety bond is warranted. None of the commentators claim that $10,000,000 of unearned passenger revenue is unattainable. Consequently, it is the position of the Commission that a maximum of $10,000,000 is fair and reasonable and necessary to provide greater protection to the passenger public.

It should be noted that this is a maximum, not a minimum requirement. Most applicants (certificants) presently qualifying for their Certificate (Performance) by submitting less than the present $5,000,000 maximum will not be affected, except, of course, as their unearned passenger revenue experience requires changes in the amount of coverage. Consequently, we do not believe implementation of the increase will cause any real hardship for small operators.

With the maximum increased to $10,000,000 those cruise lines presently submitting less than the present maximum of $5,000,000 will continue to report unearned passenger revenue. The cruise lines affected will be those whose unearned passenger revenue presently and in the future will exceed $5,000,000. The Commission anticipates that fewer cruise lines will submit the $10,000,000 maximum than now furnish the $5,000,000 maximum resulting in an increased number of certificants reporting unearned passenger revenue. While this will increase both the workload of the certificants and of the Commission and its staff, the increase should not be overwhelming for either.

All commentators request that should the Commission, after considering their positions and arguments, decide to increase the maximum to $10,000,000, that implementation of the increase be delayed at least one year. As justification for such delay in implementation, the commentators variously state that cruise programs, cash flow projections and budgets are estimated at least 12 to 18 months in advance; that time is required to negotiate terms with the P & I Associations to issue guarantees for increased amounts; that additional time may be needed to arrange for some other form of evidence of financial responsibility; and that sudden implementation of the increase could cause hardship.

The Commission is of the opinion that a delay in implementation is justified since many applicants (certificants) now providing $5,000,000 may not wish to increase the amount of the evidence of financial responsibility to $10,000,000. This will require the reporting of unearned passenger revenue to the Commission, determining the amount of coverage required and considering possible changes in the method of establishing financial responsibility. All of these matters require Commission approval. The delay in implementation will also permit the cruise lines and the Commission staff to explore any new method of establishing financial responsibility.

The Commission considers the request for delay of implementation reasonable and sets the effective date of this final rule as February 20, 1981, to conform to the policy year of the P & I Associations which write most of the guarantees.

The Commission has considered all filed comments and arguments submitted in this rulemaking proceeding. Accordingly, pursuant to section 3 of Public Law 89–777 (46 U.S.C. 817e); and section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Federal Maritime Commission hereby amends 540.9(j) of the Commission's General Order 20 (46 CFR 540.9(j)) and Application for Certificate of Financial Responsibility (Form FMC–131) to read as follows:

1. 540.9(j) is revised to read as follows:

"§ 540.9 Miscellaneous.

* * * * *

"(j) The amount of (1) insurance as specified in § 540.5(a), (2) the escrow account as specified in § 540.5(b), (3) The guaranty as specified in § 540.5(c), or (4) the surety bond as specified in § 540.6 shall not be required to exceed 10 million dollars (U.S.)."

2. Introductory paragraph of "Part II—Performance" of the Application Form FMC–131 is revised to read as follows:

"Answer items 8–15 if applying for Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance. If you are filing evidence of insurance, escrow account, guaranty or surety bond under Subpart A of 46 CFR Part 540 and providing at least ten (10) million dollars (U.S.) of coverage, you need not answer questions 10–15."

3. Item 8 of the Application Form FMC–131 is revised to read as follows:

"8. If you are providing at least ten (10) million dollars (U.S.) of coverage, state type of evidence and name and address of applicant's insurer, escrow agent, guarantor or surety (as appropriate)."

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By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-10818 Filed 4-4-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-237; RM-2937; FCC 80-134]

Radio Broadcast Services; Amending the Primers on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants and Noncommercial Educational Broadcast Applicants, Permittees and Licensees

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: The Commission has adopted amendments to the procedural requirements governing the obligation of commercial radio and television license renewal applicants and noncommercial educational television broadcast applicants to ascertain the needs of all significant elements in their communities of license. These amendments to the *Primer on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants* and the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants* are intended to improve the procedures which a broadcaster would use in ascertaining the needs and interests of significant segments of its community of license which are taken into account in developing programming responsive to local needs and interests. This action was initiated by a petition filed by the National Gay Task Force and 142 gay organizations.

EFFECTIVE DATE: July 7, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the Primers on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants and Noncommercial Educational Broadcast Applicants, Permittees and Licensees, BC Docket No. 78-237, RM-2937. See 43 FR 49021, October 20, 1978.

Report and Order—Proceeding Terminated

Adopted: March 12, 1980.

Released: April 4, 1980.

By the Commission: Chairman Ferris issuing a separate statement; Commissioner Lee absent; Commissioners Quello and Jones concurring in the result.

1. The Commission has before it the proposal set forth in the *Memorandum Opinion and Order and Notice of Proposed Rule Making* (hereafter called the *"Notice of Proposed Rule Making"*), 43 Fed. Reg. 35357, published August 9, 1978, and the *Further Notice of Proposed Rule Making*, 43 Fed. Reg. 41241, published September 15, 1978, in this proceeding. In these documents, the Commission proposed to change language appearing in the *Primer on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants* (hereafter called the *"Commercial Primer"*),[1] and the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants* (hereafter called the *"Noncommercial Primer"*),[2] which sets forth the ascertainment requirements applicable to commercial radio and television license renewal applicants,[3] and noncommercial educational television broadcast applicants,[4] respectively. In response to these two *Notices*, a large number of parties filed formal or informal comments which will be considered herein. A list of the parties filing formal comments and/or reply comments is contained in Appendix D.

2. We note at the outset that the Commission has initiated a rule making proceeding (BC Docket No. 79-219) looking toward the substantial deregulation of commercial radio broadcasting. In fact, the formal ascertainment requirements imposed on commercial radio broadcasters are one of the categories of regulations being considered for repeal. The deregulation proceeding was begun to consider whether a competitive marketplace can operate to meet the underlying public interest concerns of the Communications Act and thus be relied upon to take the place of specific Commission requirements. Although future action may require different treatment of radio and television stations, for the moment we believe that commercial radio and television should be treated in the same fashion for the sake of uniformity.

Background

3. In order to place the proposal in proper perspective, we begin with a brief discussion of the community ascertainment procedure. As part of the material submitted in commercial radio and television renewal and noncommercial educational television applications, applicants are called upon to provide a showing of their efforts to ascertain and respond to the problems, needs and interests of the community to which they are licensed or which they propose to serve. In fulfilling this obligation, the Commission requires these applicants to consult with community leaders who represent the institutions and elements contained in the Community Leader Checklist (hereafter called "the Checklist")[5] of the *Commercial* and *Noncommercial Primers*.[6] This Checklist embodies nineteen "socio-economic elements" which can be added to or subtracted from to match the particular characteristics of any applicant's present or potential service area. Thus, the commercial radio and television renewal broadcast applicant or noncommercial educational television broadcast applicant may demonstrate

[1] 57 F.C.C. 2d 418 (1976).

[2] 58 F.C.C. 2d 526 (1976).

[3] A separate *Primer* provides ascertainment guidelines for applicants for construction permits for new radio and television commercial broadcast stations. *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971) (hereafter called the *"1971 Primer"*). Commercial broadcast renewal applicants were required to comply with the *1971 Primer* as an interim measure until standards particularly appropriate to them were adopted. These standards were adopted in the *Commercial Primer* of 1976.

[4] The *Noncommercial Primer* applies to all noncommercial educational radio and television applicants, renewal and otherwise.

[5] The Checklist contains nineteen institutions and elements, as follows: (1) Agriculture; (2) Business; (3) Charities; (4) Civic, Neighborhood and Fraternal Organizations; (5) Consumer Services; (6) Culture; (7) Education; (8) Environment; (9) Government (local, county, state and federal); (10) Labor; (11) Military; (12) Minority and ethnic groups; (13) Organizations of and for the Elderly; (14) Organizations of and for Women; (15) Organizations of and for Youth (including children) and students; (16) Professions; (17) Public Safety, Health and Welfare; (18) Recreation; and (19) Religion.

[6] Applicants for construction permits for new commercial radio and television broadcast stations are not provided a checklist but are required to determine the composition of the community and select for consultations those community leaders that reflect that composition. Commercial radio and television stations licensed to communities of 10,000 or less outside all Standard Metropolitan Statistical Areas (hereafter called "SMSA's") and noncommercial educational radio applicants and existing licensees are also not provided a checklist, but rather are permitted to ascertain by any reasonable methods designed to provide them with an understanding of the problems, needs and interests of their service areas. Although noncommercial radio applicants and licensees must document their ascertainment process by a narrative statement, the Commission does not inquire into how the commercial licensee in a community of 10,000 or less outside all SMSA's discern its community's problems and needs.

that one or more of these elements or institutions is not present in its community. Alternatively, these applicants, at their own option, may utilize a category called "other" provided for in the *Commercial* and *Noncommercial Primers* for certain elements not on the Checklist but peculiar to a given community. However, if an applicant has consulted with leaders in all nineteen defined Checklist categories, its coverage of all significant elements will not be open to question. Through these community leader consultations, as well as through contacts with the public at large,[7] a community's local problems and needs are to be ascertained. Broadcasters are then to plan responsive programming. However, decisions relating to the specifics of programming, such as which ascertained community problems are chosen for treatment, what programs are selected as responsive to those problems, and the time of the presentation and duration of the program, are left to the broadcaster's discretion.

4. In response to a petition filed on behalf of the National Gay Task Force and 142 gay organizations (hereafter called "NGTF" or "petitioners"), requesting the addition of a category entitled "Organizations of and for the gay community" to the Checklist, the Commission issued the two *Notices* in this proceeding. Petitioners argued that the "other" category does not adequately provide for ascertainment of the needs of the gay community, which they allege is a significant element constituting ten percent of the national population. NGTF asserted that even though applicants are not restricted to consultations with leaders of the identified elements, in view of the fact that an applicant's coverage of all significant elements will not be open to question if it has consulted with leaders in all nineteen Checklist categories, it is logical to assume that most will go no further to identify community groups than those listed categories.

[7] Commercial radio and television applicants for both new stations and renewal are required to consult with a random sample of members of the general public as part of the ascertainment process. Although applicants for new noncommercial educational television stations are obligated to consult with a random sample of members of the general public, applicants for renewal of noncommercial educational television licenses may seek the views of the general public through a random survey of periodic call-in programs or public meetings or some combination of the last two methods. As to applicants for noncommercial educational radio licenses, renewal and otherwise, they may use any reasonable method designed to provide them with an understanding of the problems, needs and interests of their service areas.

The Notices

5. After carefully considering NGTF's arguments and comments submitted in response to its petition, we concluded that a rule making proceeding should be initiated. We stated that if broadcasters are not contacting certain elements which are significant in their communities because they do not appear on the Checklist, a question might arise regarding the adequacy of their ascertainment efforts. Concern was expressed that the category "other" might not be serving the purpose for which it is intended, that is to provide for consultations with unlisted elements or institutions which are significant in particular communities. We concluded, however, that amendment of the language appearing in the *Commercial* and *Noncommercial Primers* which refers to an applicant's obligation with respect to the "other" category seemed to be a better alternative for remedying this difficulty than amendment of the Checklist. Such a modification would have the effect of requiring applicants to consult with any element or institution which is significant in their communities even if it is not one of the nineteen categories on the Checklist.[8] This proposal was thought not only to serve petitioners but to benefit other elements, most notably the handicapped, which are significant in certain communities but are not on the Checklist. Thus, we proposed to change language appearing in both the *Commercial* and *Noncommercial Primers to* indicate that commercial radio and television renewal applicants and noncommercial educational television applicants have a responsibility to insure that all significant elements or institutions which are readily accessible within their communities, whether or not they are one of the nineteen categories on the Checklist, are ascertained. As to other elements or institutions which may be significant in a particular community but not readily accessible, it was proposed that they should be ascertained if their existence is brought to the attention of the applicant. We indicated that the changes proposed could aid broadcasters and the public by underlining the basic purpose of ascertainment. Although the Commission thought it was important to insure that the needs and interests of the community are taken into account in fulfilling the broadcaster's public trustee programming responsibilities, the Commission wanted to avoid any direct involvement in broadcaster programming judgments.

[8] In this regard, we note that the broadcaster has the discretion to decide which representative organizations or individuals of a particular element or institution it will contact.

Summary of Formal Comments

6. Fifty-one parties have filed formal comments in response to the Notices released in this proceeding. Approximately thirty percent of these submissions support the above-described proposal. Much of the support for the Commission's proposal came from gay groups and from organizations representing the disabled. On behalf of the former category, filings have been made by organizations such as Maturity, Dignity/Chicago and the Gay Activists Alliance. Representing the handicapped are organizations such as the Council of Organizations Serving the Deaf of Metropolitan Baltimore, the Epilepsy Foundation of America and the California Association of the Physically Handicapped.

7. In the filings in favor of the proposal, there was considerable support for the original suggestion set forth in the NGTF petition recommending the addition of a specific category entitled "organizations of and for the gay community" to the Checklist as well as the proposal set forth by the Commission. Although the Gay Activists Alliance believes that amending the Checklist is a better alternative than the Commission's proposal, it does believe that where the gay community is organized and visible, the proposed amendment might prove as effective as specific inclusion of gays in the Checklist. The shortcoming of the Commission's approach, the Alliance argues, is that it fails to take proper account of localities where gays are not yet visible or well organized. In regard to the disabled, the California Association of the Physically Handicapped agreed that the proposal is an improvement over the present guidelines. However, it believed that an even better solution would be to expand the Checklist from nineteen to twenty, with the twentieth category being "the handicapped." In contradistinction to this view is the United Church of Christ's suggestion that the Commission eliminate the Checklist approach and instead provide for local licensee initiated and developed lists of significant community groups.[9] It asserts that the Commission cannot escape the

[9] Prior to 1976, commercial broadcast license renewal applicants were governed by the *1971 Primer* (see n. 3, *supra*) and thus were required to determine the composition of the community and select for consultations those community leaders that reflected that composition. Prior to 1976, however, noncommercial educational broadcast applicants were excluded from formal ascertainment requirements.

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impression, however unintentional, that its Checklist confers a kind of official status and that exclusion is tantamount to disenfranchisement in the forum of broadcasting. If the Commission is determined to have a checklist for ascertainment, however, the United Church of Christ favors including elements (such as gay and handicapped persons) which are significant in some communities but are not now included.

8. Supporters of the proposal believe it could bring important benefits. One of the most frequently used arguments in support of the proposed amendment is that it would encourage an accurate portrayal of homosexuals rather than a stereotypic one as is alleged to be the case at present. Beyond this they feel that the inclusion of the gay community in the ascertainment process can only benefit the population as a whole. Thus, the Atlanta Lesbian Feminist Alliance asserts that tolerance and understanding can only come about through abolishing ignorance and dispelling the myths which are held concerning gays. The National Center for Law and the Deaf take a similar tack regarding the handicapped, arguing that broadcasters do not give adequate coverage in news and public affairs programs to the problems, needs and interests of handicapped persons. Commenters further submit that this failure is a result of ignorance more than anything else. When broadcasters understand a situation, it is said, in many instances they have given coverage of it in a satisfactory fashion. Finally, as to the noncommercial educational sphere, it is argued by one commenter that more rigorous ascertainment requirements should be imposed on such applicants than those imposed on commercial broadcasters since the former group receives federal funds.

9. In opposition to the proposal, comments were submitted to the Commission by private individuals, broadcasters and organizations. A significant number of these parties, although objecting to the proposal as outlined in the *Notices*, are not adverse to the addition of gays and handicapped persons to the Checklist as specific categories if a case can convincingly be made for across-the-board significance of these elements. The National Association of Broadcasters (hereafter called "NAB") asserts that a procedure allowing for the addition of significant groups to the Checklist would still preserve the predictability and stability which presently exists under the ascertainment procedure. Indeed, an overwhelming number of opponents of the proposal make this same argument. For example, American Broadcasting Companies (hereafter called "ABC") contend that the benefits of the Checklist setting forth specified categories would be quickly dissipated by the addition of an extremely broad cleanup category. It further submits that if it were unable to rely on the Checklist for meaningful guidance, broadcasters would be thrust into the same perilous posture they were forced to assume prior to the initiation of the Checklist approach. (See n. 9, *supra*). Columbia Broadcasting System (hereafter called "CBS") also asserts that under the present proposal a licensee—in order to be safeguarded—would have to perform a full compositional study of its community in order to clearly establish the basis for its selection of community leader interviewees.

10. Group One, among others, asserts that the proposal would spawn a host of controversies leading to litigation such as that over the Commission's failure to define the terms "significant" and "readily accessible" while serving no cognizable public interest. In this context, other parties allege that the Commission appears to be saying in the *Notices* that any group with a claim to significance within a community must be included so long as it brings itself to the licensee's attention.

11. Word Today and Streator Broadcasting Corporation oppose the proposal arguing that it would put the broadcaster in the dubious position of consulting and programming to meet the needs of a group, *i.e.*, gays, involved in illegal activities. According to statistics provided by the National Religious Broadcasters, engaging in homosexual acts is illegal in 27 states, Washington, D.C., Puerto Rico, the Virgin Islands, Guam and American Samoa. According to those opposing the proposal, it is unwise because it invites similar treatment of a range of other questionable groups. In this context, some parties, such as Women to Rescind the Equal Rights Amendment in Rhode Island, submit that there are few developments more threatening to the moral well-being of this nation than requiring broadcasters to consult with openly immoral groups of our society in planning the content of their programming. Many of these commenters object to what they see as the result of such gay ascertainment, that is programming favorably espousing the homosexual lifestyle.

12. A number of parties, including ABC, note that when the *Commercial Primer* was adopted, the Commission rejected a proposal by the Gay Coalition Task Force to include the gay community as a specific category in the Checklist. According to these parties, there has been no credible showing that gay organizations are a significant element in nearly all broadcast communities or that in those communities where gay groups are demonstrably a significant element, they are being ignored in the ascertainment process. ABC submits that its stations are located in large and diverse markets and, as such, regularly ascertain representatives of the gay community including such interviews in category (12), minority and ethnic groups. Other parties also comment to this effect, stating that homosexuals are ascertained either under category (12) or the category "other," while the handicapped are ascertained under category (17), Public Safety, Health and Welfare, or, the "other" category. NAB asserts that the experiences of the National Gay Task Force and other gay rights organizations in being refused interviews by broadcasters on the grounds that groups other than the nineteen enumerated on the Checklist are not required to be contacted cannot be the basis for a generalization that no unlisted groups are contacted. Finally, various parties assert that if gays do represent a significant proportion of the population, it is likely that there will be considerable input from the gay perspective from licensee contact with leaders in the nineteen enumerated categories. Thus, no separate category is thought to be needed.

13. As to the proposal's impact on noncommercial educational television new and renewal applicants, only a few formal comments were filed on their behalf. Ball State University asserts that the proposed amendment reinjects precisely the ambiguity and confusion which the Commission sought to remove in 1976 when it gave public broadcasters clear and definite standards to use in community ascertainment. Ball State further submits that the proposal presents public television licensees with the unpalatable alternatives of diverting substantial resources from programming to a needlessly prolonged ascertainment effort or spending it on needed programming and becoming the subject of meritless petitions to deny. Ball State also states that, as the Commission itself noted in its *Noncommercial Primer*, noncommercial educational broadcasters generally operate under closer financial constraints than commercial licensees.

14. Only a few parties, including the petitioners, filed reply comments in this proceeding.[10] Petitioners assert that the broadcaster is obligated to program to serve all significant voices in a community, but that he cannot serve those voices unless they are first heard. Unless the Commission's proposal is adopted, it is said, the Commission will be admitting that the communities possess unique and significant community elements, but that in the interest of uniformity and convenience, these elements can be ignored in ascertainment and, thus, in programming. Although broadcasters have argued that they will ascertain significant community elements even if they are not specifically listed on the Checklist, petitioners assert that licensees simply have no incentive to do so. Why should broadcasters, it is asked, willingly devote more time and attention to conducting additional interviews when even the Commission does not consider it important enough to require such interviews.

15. NGTF addresses the often asserted argument that gays probably will be found among the nineteen listed categories and, as a result, that the gay community will be represented. Petitioners respond that these individuals are consulted because they are representative on one of the existing categories and it is their views on this aspect that are being sought. For that reason they question whether such responses can be an adequate substitute even if volunteered by the consulted person. As to the frequent assertion that the terms "significant" and "readily accessible" are unclear and will result in voluminous litigation, petitioners submit that broadcasters in ascertaining community leaders in the nineteen categories representing significant community elements must have gained a facility in determining whether an interest area is of sufficient significance as to require ascertainment. All broadcasters need to do is apply the same standards of significance—*e.g.*, total numbers, influence, distinct character of problems, needs and interests—to any new elements under consideration. As to the term "readily accessible," petitioners submit that it also can be defined by looking at the nineteen categories already on the Checklist. For instance, is an element well-know to the community as are most, if not all, of the nineteen elements? Is an element "in the news?" Is the element part of a current controversy? NGTF contends that although these terms cannot be distilled to some precise, mechanistic definition, the Commission does not seek from its licensees a mechanistic performance, but rather the reasonable exercise of discretion.

16. Petitioners also contend that broadcasters would not need surveys in order to comply with the proposed amendment. According to them, the Commission is not asking applicants to learn any more about the composition of their communities than they already know. It is only asking broadcasters to take advantage of the knowledge within their possession. As to significant elements of which applicants are unaware, the obligation is upon the element, not the applicant, to become initially acquainted. In regard to the noncommercial sphere, MGTF agrees that when coupled with the educational broadcaster's other ascertainment interviews, the marginal cost of these additional interviews may not be *de minimis*. Even so, NGTF questions whether such a requirement would place noncommercial educational broadcasters in financial distress.

17. Addressing yet another of the opponents' contentions, NGTF argues that while it is certainly true that many states do have sodomy laws which have been used to convict homosexuals of committing illegal acts, the status of being a homosexual is not a crime. Extending ascertainment to gay citizens, it is noted, would be affording recognition primarily to an affinity group, not a sexual practice. By recognizing the gay community for what it is—a significant community element—petitioners argue, the Commission would be doing no more than recognizing that many individuals possess the status of gay persons and not endorsing homosexual practices or be placing broadcasters in violation of any state law.[11]

18. Two other parties filed reply comments in favor of NGTF's original proposal. The Gay Activists Alliance argued that under the Commission's proposal, stations would not have an obligation to explain why they did not ascertain the gay community. Thus, the Gay Activists support petitioners' original suggestion which would put the burden of proof on broadcasters to show that they have made good faith efforts to locate the local gay community. The other commenter, Lee Enterprises and Gaylord Broadcasting, in a joint submission, argues that even the presumptive beneficiaries of the Commission's proposal—the gays and the handicapped—prefer the approach broadcasters regard as the more effective solution to the problem, that is expanding the Checklist to include these two elements as categories twenty and twenty-one. However, the National Center for Law and the Deaf submits that failing the addition to the Checklist of a specific category of "handicapped persons," implementation of the proposed amendment would aid it constituency.

Summary of Informal Comments

19. A large number of informal comments have been filed in this proceeding. Those favoring the proposed amendment were private individuals and groups such as the Fresno Human Rights Coalition, the Unitarian Society of Germantown, the Episcopal Church at the University of Pennsylvania, the Franciscan Fathers of St. Joseph's Church at Cerillos, New Mexico, the Philadelphia Gay Task Force and the Gray Panthers. Opponents were also indivduals, broadcasters and groups such as the Wesleyan Hour, the Missionary Church and Anglican Orthodox Church.

20. Of those favoring the proposal, some parties merely make simple statements in support, others offer more extensive statements. Both are from the perspective that "for far too long, homosexuals have been victims of strange social taboos that choke off rational consideration of the gay point of view." Many parties reiterate points made by formal supporters such as that the proposal will aid in destroying sterotypes. Also, a few informal comments recommend the listing of gays as a specific category rather than the adoption of the Commission's proposal. As to those informal comments opposing amendment of the Checklist, a

[10] On January 3, 1979, the National Religious Broadcasters, Inc. (hereafter called "NRB") filed a motion to strike various sections of the reply comments submitted on December 18, 1978, by the National Gay Task Force, petitioners herein. NRB alleges that certain parts of petitioners' pleading should be stricken because they raise new issues rather than respond to issues raised in the previously filed comments. Petitioners filed an opposition on January 16, 1979, to the Motion to Strike arguing that its reply contained no new or counterproposals. We agree. The material objected to, such as an historical development of the Commission's community ascertainment policies, is already in the docket of this proceeding. It appears not only to a large extent in the comments, but also in the originally filed petition, as well as in the first *Notice* released by the Commission. Furthermore, since this is an informal rule making involving broad policy considerations, a great deal more leeway is given as to the scope of comments than in a rule making involving specific allocation of channel frequencies or in adjudicatory proceedings. Accordingly, the Motion will be denied.

[11] A number of other commenting parties state in reply that relatively little of the programming desired by gay citizens can be properly interpreted as a political statement on behalf of repealing sodomy laws. More than anything else, it is argued, gays need programming that will depicit them in non-stereotypic fashion.

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substantial number vehemently express their disagreement with the proposal that the needs of the gay community be ascertained. Many of these filings appear to be form letters. Typical of such submissions is the following statement: "I can think of nothing more threatening to the moral well being of this nation than this proposal."

Discussion

21. After studying the record of this proceeding, we have concluded that the proposal, in a modified form, should be adopted for commercial television renewal applicants and noncommercial television applicants and, on an interim basis only, for commercial radio renewal applicants. Those changes will be set out in the course of the following discussion.

22. The purpose of ascertainment is to have the licensee become familiar with the needs and interests of the community so that these needs and interests can be reflected in the station's programming. To this end the Commission has developed a Checklist for use in the ascertainment effort. It lists 19 elements thought to be common to most communities and applicants are expected to contact representatives of each of these categories. Although there is a 20th category called "Other," applicants are not specifically required to go beyond the list of 19. In general terms the *Notice* approach was to call upon applicants to consult with significant elements in the community even if not on the Checklist. Nothing in the record suggests that the premise is an inappropriate one. We remain convinced that contacts with significant elements are important and that this should remain our focus. Petitioners suggested one approach, the Commission suggested a variation, and filing parties have offered their suggestions. Which approach to follow is the product of our examination of the practical consequences of each and the value they offer to the ascertainment process.

23. Most of the commenting parties disagree with the proposal as outlined in the *Notices*. However, for the most part, we do not find their arguments compelling. We do not think it is either necessary or preferable to add the categories of gay and handicapped persons to the Checklist in order to insure that the needs of these elements are ascertained and the predictability and stability of the Checklist be preserved. The Checklist was provided to lend greater certainty to the survey coverage of a community. Complete certainty is not possible in matters such as this. Further, the listed categories are socio-economic elements thought common to most communities. Since the record evidence does not indicate that gay and handicapped persons are significant in all or most communities, we believe it more appropriate to modify the language of the "Other" category than to add two new elements to the Checklist. Of further significance, our proposal will allow for the ascertainment of the needs of emerging elements which, at least at their outset, probably will not have an across-the-board significance.

24. As to the issue of predictability, we note that nothing has changed our minds as to the value of the Checklist in providing certainty for the ascertainment procedure. In order to provide programming addressing the problems of their communities, however, broadcasters need to know their service areas. We believe this is best accomplished by ascertaining all significant elements, whether or not they are one of the nineteen enumerated categories. Rather than returning to the pre-1976 era, when commercial renewal broadcast applicants were required to determine the composition of the community and select for consultations those community leaders that reflected that composition, we believe that the present Checklist structure, slightly modified, can offer both certainty and flexibility. Given this, it appears that our original proposal, which indicates that broadcasters are obligated to contact all significant elements which are "readily accessible" within their community of license, is inadvisable. We have come to believe that the term "readily accessible" is not only unnecessarily ambiguous but would destroy the certainty provided by the checklist approach. Instead, we believe it is preferable to follow a procedure which provides the necessary certainty and which avoids ambiguity and confusion. This can be accomplished by using an approach which calls upon the non-listed element to come to the licensee so that it can decide if the element in fact is significant. Then, once a non-listed element has been brought to a broadcaster's attention and the broadcaster has decided that indeed the element is significant, it would be the licensee's responsibility during future community ascertainment surveys to contact representatives of that element provided that it has remained significant. We believe that this modification recognizes a legitimate broadcaster concern without substantially burdening those "other" significant community elements which now must be ascertained. The proposal as adopted essentially meets petitioners' needs while creating little, if any, burden on broadcasters.

25. We find little merit in the remaining objections to the proposal's adoption. As to the term "significant" being vague and resulting in voluminous litigation, ample case law on the subject and pre-1976 experience will aid broadcasters in determining which "other" elements contacting them are significant. Any element or institution which claims significance need not be included in the ascertainment study unless the broadcaster confirms the fact that indeed the element is significant. In making this determination, he should be guided by, among other things, the total numbers comprising the element or institution, the influence of an element and the distinct character of the element's needs and interests. Any system has a degree of uncertainty. However, we believe that this uncertainty has been reduced to the extent possible while at the same time providing a meaningful opportunity for improving ascertainment procedures. Our proposal as modified provides, in our view, an optimum solution, that is certainty with flexibility.

26. Opponents also argue that the proposal is unnecessary since gay and handicapped persons are not being ignored in the ascertainment process.[12] If this is an accurate portrayal of events, then it should make little difference to broadcasters if the proposal mandating the ascertainment of significant other elements is adopted. If the needs of these elements are already ascertained, then no additional effort need be taken by broadcasters performing in this manner. In those situations where this is not the case, however, our proposal will insure ascertainment of all significant elements whether or not they are one of the nineteen categories appearing on the Checklist. Additionally, we cannot agree with the contention that if gays are, in fact, a significant proportion of the population [13] their views will be made

[12] The "other" category is being employed to some degree by broadcasters in preparing their community leader surveys. Very rarely is there any indication, however, which elements or institutions are represented by those "other" interviews. Nor is it apparent from the material submitted in applications that the needs of gays and handicapped persons are ascertained under categories twelve and seventeen of the Checklist when these elements are significant.

[13] Under the approach we are adopting, any group (gay or otherwise) feeling itself to be significant is asked to approach the licensee and to demonstrate that this is the case. We have not singled out the gay community in this regard, nor need we pass on the moral or legal questions which have been raised by parties regarding state laws dealing with homosexual acts. It is not the Commission's function to enforce criminal sanctions nor is it

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known during the survey of listed community elements. This argument misses the point of the community leader survey, which is to ascertain the needs of community elements by interviewing their leaders from each element's particular perspective. For instance, a leader of the agricultural community who happened to be handicapped, is expected to focus on agricultural concerns and not those of the handicapped.

27. Although the above discussions of the proposal is applicable to noncommercial educational television applicants, as well as commercial broadcast radio and television renewal applicants, we wish to address ourselves to one particular concern expressed by noncommercial commenters. In response to their argument that public television licensees would be required by the Commission's proposal to invest tremendous amounts of time and spend scarce public funds which could be used more constructively for responsive programming, we note that programming cannot be responsive unless the community of license is adequately ascertained. In other words, the needs and interests of all significant segments of a community should be taken into account by the broadcaster in fulfilling his public trustee programming responsiblities. Further, we believe that by modifying the proposal, that is requiring other elements believing themselves to be significant to initially contact the applicant, whatever additional resources will be needed for ascertainment probably will be minimal. Moreover, formal ascertainment procedures are only required of noncommercial educational television applicants and not noncommercial educational radio applicants who are less able to bear the financial costs incurred by specific ascertainment procedures.

28. We note our statement in the *Noncommercial Primer* that the rules for noncommercial education broadcasters need not be the same for radio and television. We therein recognized that the educational radio service was not nearly as developed as its television counterpart, and thus different ascertainment requirements were imposed on these two services. We now also perceive differences between commercial radio and television which may be significant from a regulatory perspective. The Commission is therefore reviewing the existing scope of radio regulation in the rule making proceeding mentioned above. We are then considering whether, given the multiplicity of radio oulets, the public interest in programming diversity would be better implemented by allowing individual radio stations to seek to serve a segment of the total market which has an interest in a particular type of programming. This approach would appear to be inconsistent with a requirement that each licensee must ascertain and serve all elements of the community and, if adopted, could mandate removal of the ascertainment requirements currently imposed on radio broadcasters, including the modifications adopted today.

29. Accordingly, it is ordered, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, That §§ 73.3526(a)(11) and 73.3527(c)(v) of the Commission's rules, the *Primer on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants* and the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants* and Instructional Pamphlet for FCC Form 303–R (Application for Renewal of License for Commercial AM or FM Radio Broadcast Station) are amended, effective July 7, 1980, as described above and set forth in the attached Appendices A, B and C. The reporting requirement included herein is adopted subject to GAO clearance and, unless advised to the contrary, will be effective July 7, 1980.

30. *It is further ordered,* That the Motion to Strike filed by the National Religious Broadcasters is denied.

31. *It is further ordered,* That this proceeding is terminated.[14]

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico,[15]

Secretary.

Appendix A

1. Section 73.3526(a)(11)(v) and the flush paragraph which follows it are revised to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) * * *

* * * * * *

(11) Each licensee or permittee of a commercially operated radio or TV station (except as provided in Note 2, below) shall place in the station's public inspection file appropriate documentation relating to its efforts to interview a representative cross-section of community leaders within its service area to ascertain community problems and needs. Such documentation shall be placed in the station's public inspection file within a reasonable time after the date of completion of each interview but in no event later than the due date for filing the station's application for renewal of license and shall include:

(i) * * *

* * * * * *

(v) for interviews conducted by non-principals or non-managers, the date of review of the interview record by a principal or management level employee of the station.

Additionally, upon the filing of the application for renewal of license each licensee shall forward to the FCC as part of the application for renewal of license a checklist indicating the numbers of community leaders interviewed during the current license term representing the several elements found on the form; provided that, if a community lacks one of the enumerated institutions or elements, the licensee or permittee should so indicate by providing a brief explanation on its checklist. The licensee or permittee should also indicate the number of leaders, if any, it has interviewed in the other category.

* * * * * *

2. Section 73.3527(c)(1)(v) and the flush paragraph which follows it are revised to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(a) * * *

* * * * * *

(c) * * *

(i) * * *

* * * * * *

(v) For interviews conducted by non-principals or non-managers the date of review of the interview record by a principal or management-level employee.

Additionally, upon the filing of the application for renewal of license each licensee shall forward to the FCC as part of the application for renewal of license and each licensee and permittee shall place in the station's public inspection file, a checklist indicating the

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appropriate for it to regulate morality. However, it is important to bear in mind that laws dealing with homosexual conduct do not make it a crime to be a homosexual. Indeed, penalizing persons for their status rather than their conduct is constitutionally impermissible. See *Robinson* v. *California* 370 U.S. 660 (1962). Therefore, we believe that it would be improper to exclude the gay community from the ascertainment process where it is significant.

[14] This final *Order* terminates this proceeding, but the action taken herein will not be effective until completion of the GAO clearance process.

[15] See attached Separate Statement of Chairman Ferris.

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number of community leaders interviewed during the current license term representing elements found on the sample Community Leader Checklist (see *Ascertainment of Community Problems by Broadcast Renewal Applicants*, 41 FR 1372, 1384 (1976)); provided that, if a community lacks one of the enumerated institutions or elements, the licensee and permittee should so indicate by providing a brief explanation on its checklist. The licensee and permittee should also indicate the number of leaders, if any, they have interviewed in the other category. The same rules apply to applicants for other than renewal of license except that the checklist for an ascertainment of community leaders shall reflect information obtained within six months prior to filing and shall be placed in the public file no later than the time the application is filed.

* * * * *

Appendix B

1. In the *Primer on Ascertainment of Community Problems by Commercial Broadcast Applicants*, paragraph 19 is revised to read as follows:

* * * * *

19. Among the commenters' suggestions we shall adopt are: (a) Alphabetical listing of the elements; and (b) inclusion of a separate reporting category for women (the numbers of leaders contacted in all elements who are women) matching that for minorities. We have also included a category, "Other." This latter addition is intended to provide for elements not on the Checklist but peculiar to a given community, which the licensee must interview if (a) the licensee is contacted by such elements and (b) determines that they are significant. It is the licensee's responsibility during future ascertainment surveys to contact representatives of these other elements if the licensee believes they have remained significant. If a licensee conducts interviews in all Checklist categories that apply in its community and is not contacted by other significant elements, its coverage of all significant elements will not be questioned. Whether the interviews performed in each element actually establish representatives would depend not only on coverage, but on such above-mentioned factors as size and/or influence of these elements in the community. See discussion of numbers at paragraph 25, *infra*.

* * * * *

2. In the *Primer on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants*, Questions 5, 7, 8 and 19 are revised to read as follows:

Question 5. Must a compositional study of the community be conducted?

* * * * *

Answer. A special compositional study of the community need not be conducted. We have identified typical community institutions and elements normally present in most communities and we expect the licensee to utilize this listing in conducting its community leader survey. (See Question and Answer 7, below.) We recognize that all communities are not the same and that other significant institutions or elements may be indigenous to a particular community. These other elements must be ascertained (a) if their leaders or representatives contact a licensee; and (b) the licensee determines that these elements are significant. It is the licensee's responsibility during future ascertainment surveys to contact representatives of these "other" elements if the licensee believes they have remained significant. However, if no other significant element initiates contact a licensee's coverage of all significant elements will not be open to question if it interviews a representative sample of leaders from among the elements in this listing that apply to its community.

* * * * *

Question 7. What community leaders should be consulted?

* * * * *

Answer. The community leaders consulted should constitute a representative cross-section of those who speak for the interests of the service area. This requirement may be met by interviews within the following institutions and elements commonly found in a community: (1) Agriculture; (2) Business; (3) Charities; (4) Civic, Neighborhood and Fraternal Organizations; (5) Consumer Services; (6) Culture; (7) Education; (8) Environment; (9) Government (local, county, state and federal); (10) Labor; (11) Military; (12) Minority and ethnic groups; (13) Organizations of and for the Elderly; (14) Organizations of and for Women; (15) Organizations of and for Youth (including children) and Students; (16) Professions; (17) Public Safety, Health and Welfare; (18) Recreation; and (19) Religion. A licensee is permitted to show that one or more of these institutions or elements is not present in its community. However, a licensee must utilize the "other" category to interview leaders in elements not on the Checklist once the licensee is contacted by such elements and determines that they are significant. It is the licensee's responsibility during future ascertainment surveys to contact representatives of these elements if the licensee believes they have remained significant.

Question 8. If a licensee interviews in all of the above categories will the licensee be considered to have contacted all the significant groups in its community?

* * * * *

Answer. The Checklist is thorough enough for most communities and yet not overly detailed. Interviews in all of its elements will establish the requisite coverage of significant community groups if a licensee is not contacted by any "other" element the licensee determines to be significant. Whether this coverage is also representative will depend on such factors as number of interviews in each element, size and influence of that element in the community, etc. A licensee is permitted to show that one or more of these categories is not present in its community but it must interview leaders of other elements once the licensee is contacted by such elements and determines that they are significant.

* * * * *

Question 19. What documentation relating to the community leader interviews must be submitted with the station's application for renewal of license?

* * * * *

Answer. Upon the filing of an application for renewal of license, the licensee must certify that the documentation noted in Question and Answer 18, above, has been placed in the station's public inspection file at the appropriate times. Additionally, the licensee must submit as part of its renewal application a checklist indicating the number of community leaders interviewed during the license term in the enumerated categories set forth at Question and Answer 7 above. If one or more of the institutions or elements is not present in the community, a brief explanation must be included with the checklist. The licensee should also indicate the number of leaders, if any, it has interviewed in the other category.

* * * * *

3. In the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, paragraph 39 is revised to read as follows:

* * * * *

As to the selection of community leaders in a fashion that will represent the community, we believe that the Checklist proposed in the *Further Notice* in this docket—and, again, actually adopted for triennial filing in Docket 19715 for commercial renewals—is sufficiently comprehensive to embrace not only those cultural and "life-enriching" interests which CPB sees as the special province of educational broadcasting (Para. 12, *supra*) but also those traditional sources of opinion about problems and needs that no broadcaster wishing to serve its community should ignore. Whether a Checklist would tend to reflect majority preferences is not relevant. We are not suggesting that licensees program only to those needs that receive the greatest Checklist response. Ascertainment is merely a vehicle for determining the problems, needs and interests of the licensee's service area. The licensee, of course, has broad discretion in determining which needs it proposes to serve. We specifically have considered requests that we add the elements "media" and "handicapped" to the Checklist. We shall decline to do so. These groups may qualify as significant in some cities, and even be subsumable under elements presently found on the Checklist. In any event, a licensee must utilize the "other" category to interview leaders in elements not on the Checklist if the licensee is contacted by such elements and determines that they are significant. It is the licensee's responsibility during future ascertainment surveys to contact representatives of these other elements if the licensee believes they have remained significant. In a related matter, Temple University suggested that we permit programming material presented on Subsidiary Communications Authorizations (SCA), (see 47 CFR 73.593 *et seq.*) to qualify as meeting local needs. We recognize that such offerings often greatly assist the visually handicapped.[1] They are presently authorized, however, only as ancillary to the main broadcast service, and thus ought not be mingled in our evaluation of the main service. (Footnote omitted.)

Appendix C

1. In the Instructional Pamphlet For FCC Form 303–R (Application for Renewal of License for Commercial AM or FM Radio Broadcast Station), Question 12 is revised to read as follows:

* * * * *

Question 12. As a part of its renewal application (Exhibit No. 12), the licensee must forward to the Commission a checklist indicating the numbers of community-leaders interviewed during the current license term representing the following institutions and elements common to most communities.

(1) Agriculture
(2) Business
(3) Charities
(4) Civic, Neighborhood and Fraternal Organizations
(5) Consumer Services
(6) Culture
(7) Education
(8) Environment
(9) Government (local, county, state and federal)
(10) Labor
(11) Military
(12) Minority and ethnic groups
(13) Organizations of and for the elderly
(14) Organizations of and for women
(15) Organizations of and for youth (including children) and students
(16) Professions
(17) Public Safety, Health and Welfare
(18) Recreation
(19) Religion
(20) Other

The licensee should also indicate therein the number of leaders interviewed in the above elements who are (a) Blacks not of Hispanic origin; (b) Hispanics; (c) American Indians or Alaskan natives; (d) Asian of Pacific Islanders; and (e) Women.

Where one or more of the aforementioned institutions or elements is not present in its community, the licensee should so indicate by providing a brief explanation in Exhibit No. 12. The licensee also should utilize the "Other" category to interview leaders in elements not on the Checklist if (a) the licensee is contacted by such elements and (b) determines that they are significant. It is the licensee's responsibility during future ascertainment surveys to contact representatives of these other elements if the licensee believes they have remained significant. A sample checklist follows Part IV of this pamphlet. If used in responding to this question, it should be completed in the manner described in *Exhibit Identification, supra.*

A commercial radio broadcast station located in a community with a population of 10,000 or less that is not within a Standard Metropolitan Statistical Area is exempt from the submission of a community leader checklist. An applicant seeking to renew the license for such a station should therefore indicate the inapplicability of Question 12 by checking the box entitled "DOES NOT APPLY."

Appendix D—Parties Filing Comments

ACLU Gay Rights Chapter*
Ammann, Jack, Jr.*
American Broadcasting Companies, Inc.
Atlanta Lesbian Feminist Alliance*
Ball State University
Bell, J. Paul
Bonneville International Corp.
Broadcast Financial Management Association
Columbia Broadcasting System, Inc.
California Association of the Physically Handicapped, Inc.
Christian Broadcasting Network, Inc.
Commonwealth of Pennsylvania, Department of Justice
Community Activities Coordinator for University of South Florida
Consumers Protection Institute, *et al.*
COSD Deaf Media Committee
Dignity/Chicago
Epilepsy Foundation of America
Fort Wayne Bible College
Gay Activists Alliance
Gaylord Broadcasting Co. and Lee Enterprises
Georgia Association of Broadcasters
Greater Media, Inc.
Group One Broadcasting Co.
Hart-Hanks Southern Communications, Inc. and Basic Media, Ltd.
Jesup Broadcasting Corporation
Johnson, Elmer W.
KEZY Radio, Inc.
Klingensmith, Thelma H.
Marschner, Mary and William
Maturity
McCarty, Henry R.
Metromedia, Inc.
National Association of Broadcasters
National Broadcasting Company, Inc.
National Center for Law and the Deaf
National Media, STOP E.R.A., Eagle Forum
National Radio Broadcasters Association
National Religious Broadcasters, Inc. and Midwest Chapter
Nebraska Broadcasters Association
New Jersey Public Broadcasting Authority and Community Television, Inc.
Office of Communications for United Church of Christ
Seeley, Larry C.
Streator Broadcasting Corporation
Sweeny, Carol*
The Word Today
Utah Congress for Educational Excellence
WMHT
WMPC
Women for Responsible Legislation
Women to Rescind the ERA
Wright, Janice S.*

Parties Filing Reply Comments

Gay Activists Alliance
Gaylord Broadcasting Company and Lee Enterprises
National Center for Law and the Deaf*
National Gay Task Force
Wheaton, Robert G.**
March 12, 1980.

Separate Statement of Charles D. Ferris, Chairman

Re: Amendment of the Primers on Ascertainment of Community Problems (Report and Order in Docket No. 78–237)

Today's action does not impose undue additional regulatory burdens on broadcasters. It simply clarifies the FCC's existing Ascertainment *Primers* to help broadcasters and community leaders alike determine what satisfactory ascertainment comprises. Ever since the FCC explicitly recognized the need for broadcast licensees to ascertain community members to formulate programming "in the public interest," it has struggled to articulate that obligation with sufficient clarity to satisfy the desires of both sides of the process.

No one, I believe, seriously questions the need for a broadcaster to maintain contact with what its community desires and needs. The disagreement is only as to the lengths broadcasters must go to canvas the community, as well as in the degree of necessary record-keeping of that process.

Today's decision takes account of both potential benefits of the ascertainment process and the potential pitfalls of its becoming an empty, paper-pushing process. Groups that do not fall into the previously identified categories must come forward before broadcasters will be charged with a need to ascertain them as significant portions of the community. Moreover, the applicant for a license will be the one to make the initial determination whether that group is in fact significant. Once these steps have been taken, however, the group becomes part of the applicant's community for ascertainment and for broadcast service, so long as it remains a significant community element.

As new communities of interest within our geographical communities emerge broadcasters need to recognize these changes. Today's action in effect does no more than bring our ascertainment process in line with this fact. I believe that the Commission could have adopted today's *Primer* changes without a notice and comment period, proceeding by means of a Public Notice. In order to afford maximum opportunity for input by interested parties, however, the Commission chose to issue a *Notice of Proposed Rule Making.*[1]

*The comments marked with an asterisk were late filed but since their consideration is not prejudicial to any party and their lateness for the most part did not exceed a few days, we have decided to consider them in this proceeding.

**Although titled comments, we believe that Robert G. Wheaton intended his filing to be considered reply comments and consequently we will consider them as such.

[1] 43 FR 35357 (1978).

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Our action today does acknowledge that groups constituting significant elements in the community—handicapped, gays, new immigrant arrivals such as the Vietnamese in some areas—are part of our diverse American people. Whether wealthy or impoverished, politically powerful or weak, they deserve to be heard. That is the essence of the American system.

Today's action adopts these ascertainment guidelines for radio on an interim basis only, in light of our ongoing radio deregulation proceeding, which looks in part to further modification or elimination of the Ascertainment *Primer* for radio stations. In that proceeding, on which the first round of comments are due in a few weeks, we will be looking in greater depth into the applicability of our ascertainment guidelines to the radio, as opposed to television, marketplace.

[FR Doc 80-10378 Filed 4-4-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket 79-326; RM-3305; RM-3341]

FM Broadcast Station in Fayette, Miss.

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns FM Channel 249A to Fayette, Mississippi, as that community's first FM assignment, in response to a petition filed by Fayette Broadcasters. The assigned channel to Fayette will provide that community with its first local aural broadcast service.

EFFECTIVE DATE: May 12, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fayette and Port Gibson, Mississippi) (BC Docket No. 79-326, RM-3305, RM-3341): Report and order; Proceeding Terminated.

Adopted: March 25, 1980.

Released: April 2, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted December 10, 1979, 44 FR 75418, in reponse to two separate petitions filed by Donald G. Manuel ("Manuel"), proposing Channel 249A to Port Gibson, Mississippi, and Fayette Broadcasters ("FB"), proposing the same channel for Fayette, Mississippi. The proposals are mutually exclusive because the communities are only 32 kilometers (20 miles) apart versus the required spacing of 104 kilometers (65 miles). Although the *Notice* proposed the assignment of Channel 249A to either Port Gibson or Fayette, we indicated that Fayette should be favored since Port Gibson already has local service from Station WRPG(AM), daytime-only. Additional support for the Port Gibson assignment was requested. Supporting comments were filed by FB reaffirming its intention to file for the channel in Fayette, if assigned. Manuel filed comments in which he stated that since a showing of continuing interest has been shown by FB in the assignment to Fayette, he does not oppose the assignment of Channel 249A to that community. Therefore, on the basis that the needed supporting information was not provided, we shall give no further consideration to the Port Gibson proposal.

2. Fayette (pop. 1,725),[1] seat of Jefferson County (pop. 9,295), is located approximately 32 kilometers (20 miles) south of Port Gibson. It has no local aural broadcast service. FB has submitted sufficient information persuasive as to Fayette's need for an FM assignment. We believe it would be in the public interest to make this assignment since it would provide Fayette with its first local aural broadcast service.

3. In view of the foregoing, it is ordered, That effective May 12, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended to read as follows:

City	Channel No.
Fayette, Mississippi	249A

4. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

5. *It is further ordered*, That the petition filed by Donald G. Manuel proposing the assignment of FM Channel 249A to Port Gibson, Mississippi, is denied.

6. *It is further ordered*, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

[1] Population figures are taken from the 1970 U.S. Census.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-10380 Filed 4-4-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-325; RM-3444]

FM Broadcast Station in Bernalillo, N. Mex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns Channel 269A to Bernalillo, New Mexico, as that community's first FM assignment, in response to a petition filed by RFC Partners. The proposed assignment could provide for a first local aural broadcast service to the community.

EFFECTIVE DATE: May 12, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bernalillo, New Mexico) (BC Docket No. 79-325, RM-3444) Report and order; Proceeding Terminated.

Adopted: March 25, 1980.

Released: April 2, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted December 10, 1979, 44 Fed. Reg. 75683, in response to a petition filed by RFC Partners ("petitioner"), which proposed the assignment of FM Channel 269A to Bernalillo, New Mexico. Supporting comments were filed by petitioner in which it stated it will promptly apply for the channel, if assigned.

2. Bernalillo (pop. 2,016)[1] seat of Sandoval County (pop. 17,492), is located in central New Mexico, approximately 27 kilometers (17 miles) north of Albuquerque, New Mexico, and 72 kilometers (45 miles) south of Santa Fe.

3. Petitioner states that, according to the current Population Reports, U.S. Department of Commerce, Bernalillo had a 24% population increase between 1970-1976. Petitioner has submitted information with respect to Bernalillo which is persuasive as to its need for a first FM assignment.

4. The Commission believes it would be in the public interest to assign Channel 269A to Bernalillo, New Mexico. The channel would provide for a first local aural broadcast service to the community and to Sandoval County. The assignment can be made in conformity with the minimum distance separation requirements.

5. Accordingly, it is ordered, That effective May 12, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to the community listed below as follows:

City	Channel No.
Bernalillo, New Mexico	269A

6. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding it terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

[1] Population figures are taken from the 1970 U.S. Census.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-10379 Filed 4-4-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-75; RM-3161]

FM Broadcast Stations in Ponce, Puerto Rico and Charlotte Amalie, Virgin Islands; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns Class C Channel 266 to Ponce, Puerto Rico, substitutes Channel 226 for Channel 266 at Charlotte Amalie, Virgin Islands, and modifies the license of the Charlotte Amalie station to specify operation of the substituted Class C channel.

EFFECTIVE DATE: May 5, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ponce, Puerto Rico, and Charlotte Amalie, Virgin Island) BC Docket No. 79-75, RM-3161, Report and order proceeding terminated.

Adopted: March 13, 1980.

Released: April 2, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it the *Notice of Proposed Rule Making* (44 FR 30168, released April 6, 1979), which proposed the assignment of Class C Channel 266 to Ponce, Puerto Rico, as its fourth FM assignment and the substitution of Channel 226 for Channel 266 at Charlotte Amalie, Virgin Islands. Comments were filed in response to the *Notice* by the petitioner, Radio Stereo Ivanhoe ("petitioner"), Ponce Broadcasting Corp. ("Ponce B/C"), licensee of Stations WLEO (AM) and WZAR (FM) Ponce, and Radio Virgin, Inc. ("RVI"), licensee of FM Channel 266, Charlotte, Amalie, Virgin Islands. Reply comments were filed by petitioner, by Ponce B/C and by Voice of Puerto Rico, Inc. ("WIOC"), licensee of FM Station WIOC, Ponce.[1]

2. Ponce (pop. 128,233) [2], is located on the south shore of Puerto Rico, approximately 74 kilometers (46 miles) southwest of San Juan. Ponce is served locally by five fulltime commercial AM stations (WISO, WLEO, WPAB, WPRP and WZBS); an educational AM station (WEUC); and three FM stations (WPAB (Channel 227); WZAR (Channel 270); and WIOC (Channel 286)).

3. The *Notice* proposed a fourth FM assignment to Ponce which, according to our population criteria, does not have its full complement of assignments (4 to 6 channels for population of 100,000 to 250,000). RVI, licensee of the affected Charlotte Amalie station was requested to respond to our proposal to modify its license to specify a different Class B channel for which it was entitled to reimbursement for reasonable expenses.

4. Petitioner, in its comments, restated its interest in the proposed Ponce assignment, and reaffirmed its commitment to reimburse RVI for its change in frequency.

5. RVI responded by withdrawing its previous position in opposition to the proposed modification of its license on the assumption that the successful applicant for Channel 226 in Ponce will be required to reimburse RVI for all reasonable expenses incurred in the change from Channel 226 to Channel 266. RVI also asks that it be required to initiate the steps looking to the change of frequency no earlier than 30 days, and that it be required to change frequency no earlier than 90 days after the date on which grant of a permit to construct the new Ponce station is no longer subject to administrative or judicial review. Ivanhoe, in reply comments, does not object to these requests.

6. Ponce B/C states opposition to the additional Ponce assignment because it believes that Ponce is already adequately served by existing stations. It argues, in this regard, that due to the state of the economy of Ponce, an additional station will be harmful to the poor financial base available to the existing broadcast media at Ponce, citing declines in employment and only modest increases in per capita income. Ponce B/C has also brought to our attention an incorrect reference in the *Notice* to the proposed assignment as being Class C. Ponce B/C is correct that the designation should be Class B.

7. In reply comments, petitioner suggests that the assertions of Ponce B/C that another FM station could be economically harmful to existing stations is a matter more appropriately considered in a hearing context.[3] Ponce B/C, for its part, restates the harmful effects it foresees to the economic outlook of existing stations which must accept another competitor. WIOC's reply comments agree substantially with those of Ponce B/C as they pertain to the economic impact and the Commission's error in referring to Channel 266 as a Class C channel. One other point raised is the charge that RVI withdrew its objection to the proposed switch in its frequency to what must have been an offer of compensation from the petitioner.

8. Petitioner responded to this charge by urging the Commission not to consider it because it was not timely raised. If considered, petitioner asserts that there is no evidence of enticement to RVI and petitioner's expression of compensation is in accordance with

[1] Petitioner submitted a Motion to Strike or, in the Alternative, Motion for Leave to File Further Reply and Further Reply" concerning new matters allegedly raised in the reply comments of WIOC to which WIOC filed an opposition and petitioner submitted a reply. We have considered these pleadings herein at paragraphs 8 and 10.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner cites *Rome, New York*, Dkt. 20663, 43 FR 10343, 42 RR 2d 618 (1978); *Ogalalla, Neb.*, Dkt. 20070, 41 FR 23955, 37 RR 2d 627 (1976); *Healdsburg, Cal.*, 52 F.C.C. 2d 244 (1975) and *Naples, Flo.*, 49 F.C.C. 2d 1266 (1974).

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Commission requirements for reimbursement of channel changes. WIOC responded that petitioner's response is untenable because, as a procedural matter, only a counterproposal would have been untimely, not a reply to matters raised initially in comments, as it has done.

9. Channel 266 can be assigned to Ponce without causing any new preclusion. The assignment of Channel 226 to Charlotte Amalie will not cause significant preclusion since the only communities affected already have AM and FM stations.

10. The assignment of Channel 266 to Ponce can be made in conformity with the minimum distance separation requirements, if the Charlotte Amalie substitution is made. The transmitter site for the Ponce station must be located at least 4.8 kilometers (3 miles) west of Ponce. We believe the Ponce assignment is warranted. The requested assignment would provide for a fourth FM station to a community whose population falls within our guidelines for that number of assignments. The objections concerning competitive impact are, as stated by petitioner, more appropriate for disposition at the application stage. As to reimbursement, RVI is entitled to reimbursement for the frequency change to Channel 226. As requested by RVI, it would not have to switch until the construction permit issued for the Ponce station has become final. Finally, as to WIOC's charge of additional compensation, we have been given no basis, other than WIOC's suspicion, for making such a finding. We do not agree that RVI's consent must have been motivated by financial enticement because the consent request was more of a formality than an important factor to our decision on the merits here.

11. In view of the foregoing, and pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, that effective May 5, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules is amended with respect to the following communities:

City	Channel No.
Ponce, Puerto Rico	227, 266, 270, 280
Charlotte Amalie, Virgin Islands	226, 250

12. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license of WCRN (FM), Radio Virgin, Inc., Charlotte Amalie, Virgin Islands, is modified, effective May 5, 1980, to specify operation on Channel 226 instead of Channel 266. The licensee shall inform the Commission in writing no later than May 5, 1980, of its acceptance of this modification. Station WCRN (FM) may continue to operate on Channel 266 until a construction permit is issued for the Ponce channel subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 226, the licensee of Station WCRN (FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 226.

(b) At least 10 days prior to commencing operation on Channel 226, the licensee of Station WCRN (FM) shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station WCRN (FM) shall not commence operation on Channel 226 without prior Commission authorization.

13. It is further ordered, That the Motion to Strike filed by Radio Stereo Ivanhoe, is denied.

14. It is further ordered, That this proceeding is terminated.

15. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-10381 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

Editorial Amendment Relative to the Carriage of Sports Program on Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein deletes Appendices A and B of § 76.67 (Sports Broadcasts) of Part 76 of Chapter I of Title 47 of the Code of Federal Regulations which were inadvertently included in the text of the rule and were originally attached for informational purposes only.

EFFECTIVE DATE: April 8, 1980.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Bailey, Cable Television Bureau (202) 632-6468.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 76.67 of Part 76 of Chapter I of Title 47 of the Code of Federal Regulations Relative to the Carriage of Sports Programs on Cable Television Systems.

Order

Adopted: March 24, 1980.

Released: March 28, 1980.

1. On July 22, 1975, the Commission issued its *Report and Order in Docket 19417*, FCC 75-819, 54 FCC 2d 265 (1975), in which it adopted § 76.67 of the Commission's rules and regulations which imposed restrictions on the carriage of sports programs on the signals of distant television broadcast stations by cable television systems. Appendices A and B of this *Report and Order* contained the texts of Pub. L. 87-331 (as amended) (Telecasting of Professional Sports Contests) and Pub. L. 97-107 (Broadcast of Games of Professional Sports Clubs) which were included as an attachment only for informational purposes. Appendix C of this document contained the actual amendments, specifically newly-adopted § 76.67, to Part 76 of the Commission's rules and regulations. In the process of incorporating § 76.67 in Part 76 of Chapter I of Title 47 in the Code of Federal Regulations, Appendices A and B, as described above, were inadvertently included under § 76.67 even though these appendices were not part of the Commission's rules and regulations. Their inclusion in the Code of Federal Regulations appears to have been an oversight in the printing process and, accordingly, should be deleted from the Code of Regulations.

2. In view of the foregoing and under the authority of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, § 76.67 in Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended by deletion of Appendix A and Appendix B. Since this amendment is editorial in nature, the prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable.

3. In view of the above, it is ordered, Section 76.67 (Sports Broadcasts) of Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended by the deletion of Appendix A and Appendix B, effective April 8, 1980.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

[FR Doc. 80-10438 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

Participation by Minority Business Enterprise in Department of Transportation Programs

Correction

In FR Doc. 80-9859, appearing on page 21172, in the issue of Monday, March 31, 1980 make the following correction:

On page 21172, first column, in the *"Dates:"* paragraph the date in the first line should have read "April 30, 1980", and the date in the third line should have read "April 30, 1981".

BILLING CODE 1505-01-M

Research and Special Programs Administration

49 CFR Part 192

[Amdt. 192-35A; Docket No. PS-52]

Transportation of Natural and Other Gas by Pipeline; Separately Protected Service Lines

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: A final rule was published (Amdt. 192-35; 44 FR 75384 December 20, 1979) establishing requirements for testing, on a sampling basis, cathodic protection on short sections of transmission lines. That final rule unintentionally altered the requirement for testing cathodic protection on separately protected service lines. This amendment reinstates the original requirement, which allowed separately protected service lines, regardless of their length, to be tested on a sampling basis if annual tests are impractical.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow on (202) 426-2392.

SUPPLEMENTARY INFORMATION: On August 28, 1978, MTB issued a notice of proposed rulemaking to amend the cathodic protection monitoring requirements of § 192.465(a) (43 FR 39401, September 5, 1978). The purpose of the notice was to invite comments on a propsoal to allow transmission line sections that are impractical to monitor annually to be monitored by the sampling procedure applicable to service lines and mains.

The language of the proposal read: "However, if tests at those intervals are impractical for separately protected service lines or short sections of protected mains and transmission lines, not in excess of 100 feet, these pipelines may be surveyed on a sampling basis." (The proposal merely would have added the words "and transmission lines," immediately after the word "mains" in the original rule.) In Amendment 192-35, this proposed language was changed to read: "However, if tests at those intervals are impractical for separately protected sections of pipeline not in excess of 100 feet, these pipeline sections may be surveyed on a sampling basis." This language change was intended merely to clarify that the phrase "not in excess of 100 feet" in the original rule applied to service lines as well as mains. The change appeared justified by the plain meaning of the original rule, and it did not appear that any contrary interpretation had been made.

Following adoption of Amendment 192-35, MTB has received letters and petitions from several interested persons pointing out that ever since the issuance of section 192.465(a) (Docket No. OPS-5, 36 FR 12302, June 30, 1971), the gas industry has been permitted to monitor separately protected service lines that are impractical to monitor annually, on a sampling basis, regardless of their length. Various arguments (technical, legal, and cost/benefit) have been advanced to support the position that the 100-foot limitation in the original rule was intended only to define "short sections of protected mains" and not to modify the term "service lines."

MTB has evaluated these arguments by checking the record of Docket No. OPS-5 and consulting knowledgeable field enforcement personnel. Both the record and enforcement practices are consistent with the view that until issuance of Amendment 192-35, separately protected service lines have been eligible for monitoring on a sampling basis, regardless of length. It also appears that Departmental training material provided to industry participants indicates that separately protected service lines were not considered subject to the 100-foot limitation. As a result, because Amendment 192-35 was not intended to modify the existing rule with regard to service lines, MTB is hereby amending section 192.465(a) as set forth below to eliminate any further misunderstanding about application of the 100-foot limitation to separately protected service lines.

In consideration of the foregoing, section 192.465(a) is revised to read as follows:

§ 192.465 External corrosion control: monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of section 192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

* * * * *

(49 U.S.C. 1672; 49 CFR 1.53 and Appendix A of Part 1)

Issued in Washington, D.C., on April 1, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-10193 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 38]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Interpretation.

SUMMARY: This notice clarifies the procedure to be used under the Uniform Tire Quality Grading (UTQG) Standards in measuring tread depth of tires without circumferential grooves or with a limited number of grooves. The regulation's provision for measurement of tread depth in tire grooves has given rise to questions concerning the proper means of measurement for such tires. This notice is intended to facilitate testing of tires of this type.

EFFECTIVE DATE: This interpretation is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Hipolit, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh

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Street SW., Washington, D.C. 20590, 202–426–1834.

SUPPLEMENTARY INFORMATION: The UTQG Standards (49 CFR 575.104) require the grading of passenger car tires on three performance characteristics: treadwear, traction and temperature resistance. In setting forth the procedure to be followed in evaluating treadwear performance, the regulation states that, after an 800-mile break-in, tires are to be run for 6,400 miles over a designated course, with tread depth measurements to be taken every 800 miles. The regulation specifies that tread depth is measured at six equally spaced points in each tire groove other than shoulder grooves, avoiding treadwear indicators. Tire grooves are typically arranged symmetrically around the center of the tread.

On May 24, 1979, the National Highway Traffic Safety Administration (NHTSA) published in the **Federal Register** (44 FR 30139) an interpretation that tires designed for year round use do not qualify as "deep tread, winter-type snow tires", which are excluded from the coverage of the UTQG regulation by 49 CFR 575.104(c). In response to this interpretation, the Goodyear Tire & Rubber Company commented to NHTSA (Docket 25; Notice 32–011) that a technical problem may exist in the measurement of tread depth of tires for year round use since circumferential grooves are absent in the designs of many such tires.

NHTSA is aware that certain other standard tire designs, as well as year round designs, may incorporate lugs, discontinuous projections molded in the tread rubber, separated by voids, in place of ribs defined by circumferential grooves. In other cases, the limited number of grooves on the tire could lead to inaccurate results if measurements were made in only those grooves.

To assure accurate tread depth measurements on tires lacking circumferential grooves, and tires with fewer than four grooves, measurements are to be made along a minimum of four circumferential lines equally spaced across the tire tread surface. These lines are to be symmetrically arranged around a circumferential line at the center of the tread. The outer most line on each side of the circumferential tread centerline is to be placed within one inch of the shoulder.

Measurements are to be made at six equally spaced points along each line. If the design of the tire is such that, on a particular circumferential line, six equally spaced points do not exist at which groove or void depth exceeds by ⅛th of an inch the distance from the tread surface to the tire's treadwear indicator, measurements are not to be taken along that line. If measurements cannot be taken on four equally-spaced, symmetrically-arranged lines, the requirement for equal spacing does not apply. Measurements in that case are to be taken along a minimum of four lines, with an equal number of symmetrically arranged measured lines on either side of the tread centerline.

NHTSA recognizes that, due to the implementation schedule of the regulation, certain manufacturers may have already conducted treadwear tests on tires falling within the scope of this interpretation. The Agency does not object to the use in grading of treadwear data generated prior to the publication date of this notice, if such data was acquired using a test method varying only in minor, non-substantive respects from the method described in this interpretation.

The principal author of this notice is Richard J. Hipolit of the Office of Chief Counsel.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.50)

Issued on March 24, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-10308 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 575

[Docket No. 25, Notice 39]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This notice amends the Uniform Tire Quality Grading (UTQG) Standards to exclude from the requirements of the regulation tires produced in small numbers, which are not recommended for use on recent vehicle models. The amendment is intended to reduce costs to consumers and reduce regulatory burdens on industry in an area where the purchase of tires based on comparison of performance characteristics is limited.

EFFECTIVE DATE: The amendment is effective immediately.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: The UTQG Standards, 49 CFR 575.104, are intended to enable consumers to make an informed choice in the purchase of passenger car tires through the use of comparative performance information relating to tire treadwear, traction and temperature resistance. The standards apply to new pneumatic tires for use on passenger cars manufactured after 1948. Deep tread, winter-type snow tires, space-saver or temporary use spare tires, and tires with nominal rim diameters of 10 to 12 inches have been excluded from the application of the regulation (49 CFR 575.104(c)).

Several tire manufacturers and dealers have informed the National Highway Traffic Safety Administration (NHTSA) that a small class of tires exists for which marketplace competition based on performance characteristics is extremely limited. These tires, which are purchased for use on vehicles manufactured after 1948 but nonetheless considered by their owners to be classic or antique, are produced in small numbers in a wide variety of designs and sizes. Purchasers of these tires are reportedly concerned primarily with appearance, authenticity, and availability rather than tire performance.

Information supplied by Intermark Tire Company indicates that a similar limited market exists for tires used on older vehicles requiring tire sizes no longer employed as original equipment on new vehicles. Intermark petitioned NHTSA to remove these tires from the coverage of the regulation on the basis that little market competition exists in their sale and that availability is the primary factor in the purchase of this class of tire.

In order to reduce costs to consumers and eliminate the need for industry to grade the multiplicity of small lines of tires in which comparative performance information would have limited value, NHTSA published a notice proposing to remove certain limited production tires from the application of the UTQG regulation (45 FR 807; January 3, 1980). Four criteria were specified to define limited production tires. First, the annual production by the tire's manufacturer of tires of the same design and size could not exceed 15,000 tires. Second, if the tire were marketed by a brand name owner, the annual purchase by the brand name owner could not exceed 15,000 tires. Third, the tire's size could not have been listed as a manufacturer's recommended size designation for a new motor vehicle produced or imported into this country in quantities greater than 10,000 during the preceding calendar year. Fourth, the annual production by the tire's manufacturer, or the total annual purchase by the tire's brand name owner, if applicable, of different tires otherwise meeting the criteria for limited production tires could not exceed 35,000 tires. The proposal also clarified that differences in design would be determined on the basis of structural characteristics, materials and tread pattern, rather than cosmetic differences.

Commenters on the proposal, including the Rubber Manufacturers Association, the National Tire Dealers and Retreaders Association, Dunlop Limited, Intermark, Kelsey Tire Company and McCreary Tire and Rubber Company agreed that tire quality grading should not be required for limited production tires. Among the reasons stated for support of the proposal were expected cost savings to industry and the consumer and the special considerations affecting the purchase of these tires. After consideration of these comments, the agency has adopted the proposed amendment with minor modifications.

Intermark pointed out a possible anomalous situation which could result from the wording of subparagraph (c)(2)(iv) of the proposal. That provision placed a 35,000 tire limit on a manufacturer's total annual production of tires meeting the limited production criteria, *or*, in the case of tires marketed under a brand name, on the total annual purchase of limited production tires by a brand name owner. Thus, under this commenter's reading of (c)(2)(iv), 40,000 tires meeting the criteria of subparagraphs (c)(2)(i), (ii), and (iii) could be produced by a manufacturer, sold in groups of 10,000 to four different brand name owners, and still qualify as limited production tires. At the same time, another manufacturer could produce 40,000 tires meeting the first three criteria for sale in its own company outlets and be required to grade the tires. To make it clear that the 35,000 tire limitation on manufacturer's production applies whether or not the tires are marketed by a brand name owner, subparagraph (c)(2)(iv) has been modified by substituting the word "and" for "or."

Kelsey Tire Company asked how the criteria would apply to tires which are produced abroad in large numbers but are imported in quantities which would fall within the unit limitations of subparagraphs (c)(2)(i), (ii), and (iv) of the proposal. To make clear that the criteria are to be applied to foreign tires only insofar as they are imported in this country, subparagraphs (c)(2)(i) and (iv) have been modified to refer to "annual domestic production or importation into the United States by the tire's manufacturer". The reference to "importation * * * by the tire's manufacturer" includes in the total all tires entering the United States for sale under the name of the manufacturer, regardless of the shipping or title arrangements made by the manufacturer with distributors. Similarly, subparagraphs (c)(2)(ii) and (iv) have been modified to clarify the status of tires purchased by brand name owners.

McCreary and Intermark argued that the unit restrictions on production of tires meeting the criteria are too restrictive and should be eliminated or eased significantly. McCreary predicted that the total number of classic car tires produced by individual manufacturers will grow, although production runs of individual designs and sizes will remain small. Intermark contended that production limitations unfairly penalize efficient manufacturers and that a new vehicle recommended size designation provision such as proposed subparagraph (c)(2)(iii) would be sufficient to define the intended class of limited production tires.

NHTSA considers the stated limitations broad enough to encompass the "classic" car tire market as it is presently constituted. With regard to the larger production runs of tires in outdated sizes, NHTSA believes that the production of tires in numbers greater than the proposed limitations is suggestive of wider availability and resulting increased competition which would make UTQG information of greater value. Further, relaxing or eliminating unit restrictions could result in the exclusion from the application of the standard of high performance or racing tires which are not recommended as original equipment. The agency believes that comparative tire grading information should be available to purchasers of tires of this type. NHTSA will monitor the limited production tire market to determine whether future market changes require revision of the 35,000 tire limitation.

Pursuant to EO 12044, "Improving Government Regulation," and implementing departmental guidelines, the agency has considered the effects of this amendment. It reaffirms its earlier determination that the amendment is not significant and that the effects are so minimal as not to warrant preparation of a regulatory evaluation. NHTSA has determined that these amendments will result in modest cost savings to industry and consumers, while having no appreciable effect on safety or the environment.

Because this amendment relieves a restriction and because the agency desires to minimize any possible interruption in tire production pending the effective date of this amendment, the amendment is effective immediately.

In consideration of the foregoing, 49 CFR § 575.104(c) is amended to read:

§ 575.104 Uniform tire quality grading standards

* * * * *

(c) *Application.* (1) This section applies to new pneumatic tires for use on passenger cars. However, this section does not apply to deep tread, winter-type snow tires, space-saver or temporary use spare tires, tires with nominal rim diameters of 10 to 12 inches, or to limited production tires as defined in paragraph (c)(2) of this section.

(2) "Limited production tire" means a tire meeting all of the following criteria, as applicable:

(i) The annual domestic production or importation into the United States by the tire's manufacturer of tires of the same design and size as the tire does not exceed 15,000 tires;

(ii) In the case of a tire marketed under a brand name, the annual domestic purchase or importation into the United States by a brand name owner of tires of the same design and size as the tire does not exceed 15,000 tires;

(iii) The tire's size was not listed as a vehicle manufacturer's recommended tire size designation for a new motor vehicle produced in or imported into the United States in quantities greater than 10,000 during the calendar year preceeding the year of the tire's manufacture; and

(iv) The total annual domestic production or importation into the United States by the tire's manufacturer, and in the case of a tire marketed under a brand name, the total annual domestic purchase or purchase for importation into the United States by the tire's brand name owner, of tires meeting the criteria of paragraphs (c)(2)(i), (ii), and (iii) of this section, does not exceed 35,000 tires.

Tire design is the combination of general structural characteristics, materials, and tread pattern, but does not include cosmetic, identifying or other minor variations among tires.

The principal authors of this notice are Dr. F. Cecil Brenner of the Office of Automotive Ratings and Richard J. Hipolit of the Office of Chief Counsel.

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(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.50)

Issued on: March 24, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-10407 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 1 to Service Order No. 1418]

The Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of Southern Pacific Transportation Co. Near Houston, Tex.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1418

SUMMARY: This order authorizes the Atchison, Topeka and Santa Fe Railway Company to operate over tracks of the Southern Pacific Transportation Company near Houston, Texas and is amended to extend expiration date to 11:59 p.m., June 28, 1980.

EFFECTIVE: 11:59 p.m., March 28, 1980, and continuing in effect until 11:59 p.m., June 28, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

Decided: March 28, 1980.

Upon further consideration of Service Order No. 1418, (45 F.R. 8303), and good cause appearing therefor:

It is ordered,

§ 1033.1418 The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of Southern Pacific Transportation Company near Houston, Texas.

Service Order No. 1418 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration.* The provisions of this order shall expire at 11:59 p.m., June 28, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 28, 1980.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10407 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 1033

[Revised Service Order No. 1431]

Cedar Rapids and Iowa City Railway Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1431.

SUMMARY: This order authorizes the Cedar Rapids and Iowa City Railway Company (CIC) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) located between Middle Amana, Iowa, and Cedar Rapids, Iowa; over the Chicago, Rock Island and Pacific Railroad Company 4th Street Corridor in Cedar Rapids where MILW has been operating under trackage rights; and over certain terminal and industry tracks in Cedar Rapids between Milepost 86 and Milepost 87 in order to serve the 6th Street Power Station for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates.

The Cedar Rapids and Iowa City Railway Company (CIC) requests an emergency service order to operate over embargoed Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) tracks in order to continue service to shippers on these lines.

It is the opinion of the Commission that an emergency exists requiring the operation by CIC over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1431 Cedar Rapids and Iowa City Railway Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

(a) The Cedar Rapids and Iowa City Railway Company (CIC), is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Middle Amana, Iowa, and Cedar Rapids, Iowa; over the Chicago, Rock Island and Pacific Railroad Company 4th Street Corridor in Cedar Rapids where MILW has been operating under trackage rights; and over certain terminal and industry tracks in Cedar Rapids between Milepost 86 and Milepost 87 in order to serve the 6th Street Power Station.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by CIC over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CIC become effective.

(e) In transporting traffic over these lines, CIC and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this

order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10409 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1339-A]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service order No. 1339-A

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to operate over tracks of Union Pacific Railroad Company (UP) between Blakeslee Junction Interlocker, Washington, and Helsing Junction, Washington. The order is being vacated account MILW no longer operates in the above named territory.

EFFECTIVE DATE: 11:59 p.m., March 28, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

Decided: March 28, 1980.

Upon further consideration of Service Order No. 1339 (43 FR 43719, 44 FR 3712, and 44 FR 42697), and good cause appearing therefor:

It is ordered,

§ 1033.1339 Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company.

Service Order No. 1339 is vacated effective 11:59 p.m., March 28, 1980.

(49 U.S.C. 10304-10305 and 11121-11126)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10406 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1448]

The Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1448.

SUMMARY: This order authorizes The Denver and Rio Grande Western Railroad Company (DRGW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from Sandown Junction, Milepost .1 to and including Belt, Milepost 3.9 (junction with DRGW Belt Line), all in the vicinity of Denver, Colorado, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Denver and Rio Grande Western Railroad Company (DRGW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by DRGW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1448 The Denver and Rio Grande Western Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).

(a) The Denver and Rio Grande Western Railroad Company (DRGW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) from Sandown Junction, Milepost .1 to and including Belt, Milepost 3.9 (junction with DRGW Belt Line), all in the vicinity of Denver, Colorado, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) A similar application has been received from Cadillac and Lake City Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the DRGW to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a

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prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the DRGW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via DRGW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, DRGW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interest of affected employees.

Accordingly, if DRGW chooses to excercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10411 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Revised Service Order No. 1440]

El Dorado and Wesson Railroad Co. Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1440.

SUMMARY: This order authorizes the El Dorado and Wesson Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. El Dorado, Arkansas for the purpose of interchanging its traffic with the Missouri Pacific Railroad Company.

2. From El Dorado to Velsico Plant at Catesville, Arkansas, a station 8 miles south of El Dorado.

EFFECTIVE: 12:01 a.m., April 4, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: April 1, 1980.

The lines of the Chicago, Rock Island and Pacific Railroad Company (RI) at El Dorado, Arkansas are embargoed depriving shippers located between El Dorado and Newell, Arkansas, on the lines of the El Dorado and Wesson Railroad Company (EDW) of essential railroad service. The EDW connects with the RI at El Dorado and has consented to operate over these tracks in order to interchange its traffic with the Missouri Pacific Railroad Company and to serve industries located adjacent to RI tracks.

It is the opinion of the Commission that an emergency exists requiring the operation of EDW trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1440 El Dorado and Wesson Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

(a) El Dorado and Wesson Railroad Company (EDW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

1. El Dorado, Arkansas for the purpose of interchanging its traffic with the Missouri Pacific Railroad Company.

*2. From El Dorado to Velsicol Plant at Catesville, Arkansas, a station 8 miles south of El Dorado.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the EDW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs

*Addition.

naming rates and routes specifically applicable via EDW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, EDW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if EDW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) Effective date. This order shall become effective at 12:01 a.m., April 4, 1980.

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10410 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Revised Service Order No. 1450]

Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1450.

SUMMARY: This order authorizes the Illinois Central Gulf Railroad Company (ICG) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Ruston, Louisiana, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., March 28, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Illinois Central Gulf Railroad Company (ICG) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1450 Illinois Central Gulf Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

(a) The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) located at Waterloo, Iowa, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the ICG over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via ICG become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) Effective date. This order shall become effective at 12:01 a.m., March 24, 1980.

(i) Expiration date. The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10408 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 45, No. 66

Monday, April 7, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

[CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops]

Cotton Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture is considering changes in the regulations governing the 1980 and subsequent crops cotton loan program to facilitate the price support program for producers who desire the use of a marketing service to market their cotton. The major changes being considered are: (1) authorizing disbursement and repayment of Form A cotton loans through a central county ASCS office designated by CCC, and (2) providing for centralized holding of warehouse receipts and related documentation at a central county ASCS office or at any financial institution approved by CCC. This notice invites written comments on the proposed changes.

DATES: Comments must be received on or before June 6, 1980, in order to be assured of consideration.

ADDRESS: Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, ASCS, (202) 447–7973.

SUPPLEMENTARY INFORMATION: The proposed changes are necessary to allow producers to most effectively use a marketing service in order to obtain the best price available in marketing their cotton and at the same time use the CCC loan program to facilitate orderly marketing. The existing regulations provide that Form A cotton loans will be disbursed by the county office which maintains the farm program records for the farm on which the cotton was produced. In the case of repayment, the same procedure applies except that a producer may request that the warehouse receipts, (and classification memorandums) be forwarded to a bank for payment in which case the amount of the loan, interest and charges must be paid to the bank within 5 business days after the documents are received by the bank. Under the proposed change in the regulations, CCC would authorize disbursement and repayment of Form A cotton loans through a central county ASCS office designated by CCC to provide centralized service to a person or firm, as a producer's agent, under a written agreement with CCC. Existing regulations further provide that warehouse receipts are held in custody of the county office that disburses the loan. Under the proposed change, CCC would provide for centralized holding of warehouse receipts at a central county ASCS office designated by CCC, or at any financial institution under written agreement with CCC, setting forth the obligations of the financial institution as custodian of the warehouse receipts and as an agent for CCC in validating CCC sight drafts to the person or firm that advanced funds to the producer. In view of the above proposed changes, CCC would authorize a person or firm under written agreement with CCC to be agent to perform certain functions for CCC in addition to preparation of CCC sight drafts and the power of attorney form with the producer as an agent in the execution of loan documents, to obtain Form A cotton loans and repayment of the loans through a central county ASCS office designated by CCC to provide centralized service to the agent. Other minor changes are proposed to the present regulations which would provide continuity of this program with respect to the General Regulations at Part 1421 and changes which would remove detailed operating procedures from the existing Cotton Loan Program Regulations.

Proposed Rule

Accordingly, it is proposed to amend 7 CFR sections 1427.1 through 1427.26, effective for the 1980 and subsequent crops of cotton, to read as provided below.

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

Sec.
1427.1 General statement.
1427.2 Definitions.
1427.3 Administration.
1427.4 Eligible producer.
1427.5 Eligible cotton.
1427.6 Program availability and disbursement of loans.
1427.7 Maturity of loans.
1427.8 Weight, loan rate, and amount of loans.
1427.9 Classification and micronaire reading of cotton.
1427.10 Approved storage.
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1427.12 Warehouse receipts and insurance.
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1427.18 Special procedure where note amount advanced.
1427.19 Reconcentration of cotton.
1427.20 Custodial office.
1427.21 Loss of or damage to pledged cotton.
1427.22 Repayment of loans.
1427.23 Cotton cooperative marketing association loans.
1427.24 Death, incompetency, or disappearance.
1427.25 Kansas City Commodity Office and Management Field Office.

Authority: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421). Sec. 602, 91 Stat. 934 (7 U.S.C. 1444).

Subpart—Cotton Loan Program Regulations

§ 1427.1 General Statement.

The regulations in this subpart, including any amendments and the annual supplements hereto, set forth the requirements with respect to price support loans on cotton of the 1980 crop and each subsequent crop for which an annual supplement to this subpart issued. Price support loans will be made available by CCC to eligible cotton producers on eligible upland and extra long staple cotton. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

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§ 1427.2 Definitions.

As used in the regulations in this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them therein unless the context or subject matter otherwise requires.

(a) "Person", "State Executive Director", "County Executive Director", and "farm", respectively, shall each have the same meaning as the definition of such term in part 719 of this title and any amendment thereto.

(b) "Management Field Office" shall mean the Management Field Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 8930 Ward Parkway, Kansas City, Missouri 64114 (mailing address P.O. Box 205, Kansas City, Missouri 54141).

(c) "Kansas City Commodity Office" shall mean the Kansas City Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Brymer Office Center, 2400 West 75th Street, Praire Village, Kansas 66208 (mailing address P.O. Box 8377, Shawnee Mission, Kansas 66208).

(d) "State committee" shall mean Agricultural Stabilization and Conservation State Committee and shall include only the State committee and not its representative.

(e) "County committee" shall mean the Agricultural Stabilization and Conservation county committee and shall include only the county committee and not its representative.

(f) "Loan clerk" shall mean a person approved by CCC to assist producers in preparing loan documents.

(g) "Charges" shall mean all fees, costs, and expenses paid by CCC incident to insuring or reinsuring, reconcentrating, carrying, handling, storing, conditioning, and otherwise protecting the interest in the loan collateral of CCC and the producer.

(h) "Financial institution" shall mean (1) a bank in the United States which accepts demand deposits, (2) an association organized pursuant to State law and supervised by State banking authorities, or (3) a production credit association.

(i) "False-packed", "water-packed", "mixed-packed", "reginned", and "repacked" cotton shall each have the same meaning as the definition of such term in part 28 of this title and any amendment thereto.

(j) "Authorized agent" shall mean a person or firm under written agreement with CCC designated by a producer as an agent to execute loan documents, prepare CCC sight drafts and power of attorney forms, obtain Form A cotton loans and repay such loans through a central county ASCS office.

§ 1427.3 Administration.

(a) *Responsibility.* The Price Support and Loan Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees) the Kansas City Commodity Office, and the ASCS Management Field Office.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called county office) designated in writing by the county executive director to act in the county executive director's behalf (such delegation to be filed in the county office) is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. County committees or county executive directors also may approve loan clerks at convenient locations to assist producers in preparing loan documents.

(c) *Limitation of authority.* County executive directors, State and county committees, the Kansas City Commodity Office, and the ASCS Management Field Office do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(d) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(e) *Executive Vice President, CCC.* No delegation herein to a State or county committee, the Kansas City Commodity Office, or the ASCS Management Field Office shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, the Kansas City Commodity Office, or the ASCS Management Field Office.

§ 1427.4 Eligible producer.

(a) *Producer.* An eligible producer is any individual, partnership, corporation, association, trust, estate, or other legal entity, a State or political subdivision thereof, or any agency of such State or political subdivision producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper. If eligible cotton is produced on a farm by a landlord and a share tenant or sharecropper, a price support loan may be obtained only as follows:

(1) If the cotton is divided among the producer's entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on the producer's separate share.

(2) If the cotton is not divided, all producers having a share in the cotton may obtain a joint loan on such cotton.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate represented by the executor or administrator. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if the minor meets one of the following requirements. (1) The right of majority has been conferred on the minor by court proceedings or by statute; (2) a guardian has been appointed to manage the minor's property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been an adult.

§ 1427.5 Eligible cotton.

Upland cotton produced by eligible producers or extra long staple cotton produced by eligible producers in

counties listed in part 722 of this title and any amendment thereto is eligible cotton if it meets the following requirements:

(a) Upland cotton must have been produced on a farm by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, who has complied with the set-aside and the normal crop acreage requirements, if any, specified in parts 718, 722, 728, 775, and 791 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm on which it has been determined that the acreage planted to such cotton does not exceed the farm allotment as prescribed in parts 718, 722, and 791 of this title and any amendment thereto. The cotton in any bale may have been produced by two or more cooperators on one or more farms if the bale is not a repacked bale.

(b) Such cotton must be tendered for a loan within the availability period of § 1427.6(d) and must be cotton of a crop for which loans are available as provided in an annual supplement to the regulations in this subpart.

(c) Such cotton must be of a grade and staple length specified in (1) the schedule of premiums and discounts for upland cotton, or (2) the schedule of loan rates for extra long staple cotton, contained in the applicable annual supplement to the regulations in this subpart and must be represented by a warehouse receipt meeting the requirements of § 1427.12.

(d) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced more than two grades because of preparation; extra long staple cotton must have been ginned on a roller gin, must not have a micronaire reading of 2.6 or less, and must not have been reduced in grade for any reason.

(e) Such cotton must be in existence and in good condition.

(f) Such cotton must not be compressed to universal density where side pressure has been applied or to high density at a warehouse.

(g) The producer or cooperative marketing association tendering the cotton for a loan must have the legal right to pledge it as security for a loan.

(h) Such cotton must not have been produced on land owned by the Federal Government if such land is occupied without a lease, permit, or other right of possession.

(i) The producer or cooperative marketing association tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(j) Each bale of cotton must weigh not less than 325 pounds net weight.

(k) Cotton which has been compressed to standard or higher density, either at a warehouse or at a gin, must have not less than eight bands.

(l) Each bale must be packaged in materials which meet CCC specifications according to regulations at 7 CFR Part 1427, Sections 1427.1901–1427.1905, for bale coverings and bale ties or must be packaged in material and/or bale ties identified with the experimental programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council. Heads of bales must be completely covered.

(m) Each bale must be ginned by a ginner (1) who has entered the tare weight of the bale (bagging and ties used to wrap the bale) on the gin bale tag, and (2) who has entered into CCC–809, Cooperating Ginners' Bagging and Bale Ties Certification and Agreement, or certified that the bale is wrapped with bagging and bale ties meeting the requirements of paragraph (1) of this section.

(n) The beneficial interest in the cotton must be in the producer tendering the cotton for a loan (or in the producer-member delivering the cotton to the cooperative marketing association which tenders the cotton for a loan) and must have always been in the producer or in the producer and a former producer whom the producer succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. The producer's beneficial interest in cotton shall not be considered to have been divested if the producer enters into a contract to sell, or gives an option to buy, the cotton if, under the contract or option, the producer retains control and risk of loss of and title to the cotton and retains control of its production.

(o) If the person tendering cotton for a loan is a landowner, landlord, tenant, or sharecropper, the cotton must be such persons's separate share of the crop and must not have been acquired by such person directly or indirectly from a landowner, landlord, tenant, or sharecropper or have been received in payment of fixed or standing rent.

(p) Each bale of upland cotton sampled by the warehouseman upon initial receipt which has not been sampled by the ginner must not show more than one sample hold on each side of the bale. If more than one sample is desired when the bale is received by the warehouseman, the sample shall be cut across the width of the bale, broken in half or split lengthwise, and otherwise drawn in accordance with AMS dimension and weight requirements. This requirement will not prohibit sampling of the cotton at a later date if authorized by the producer.

§ 1427.6 Program availability and disbursement of loans.

(a) *Where to request price support.* A producer should request price support at the local county ASCS office, except that an authorized agent under agreement with CCC and designated by producers to obtain loans in their behalf, may obtain loans through a central county ASCS office designated by CCC. An approved cooperative marketing association must request price support at a servicing bank approved by CCC or at the county ASCS office for the county in which the principal office of the cooperative is located unless the State ASC committee designates some other county ASCS office.

(b) *Disbursement of loans.* Disbursement of loans will be made by local county ASCS offices, or by central county ASCS offices when designated by CCC to provide centralized service to a person or firm, as a producer's agent, under a written agreement with CCC, by drafts drawn on CCC or by credit to the producer's account. Loans may be disbursed by approved servicing banks to approved cooperative marketing associations. The drafts will be validated by an approved financial institution which executes a servicing agreement with CCC. Service charges and cotton research and promotion fees, when required under the regulations in §§ 1205.500–1205.540 of this title, and any amendment thereto, will be deducted from the loan proceeds. If the producer so elects, clerk fees may be deducted from the loan proceeds instead of being paid in cash. The loan documents shall not be presented for disbursement unless the commodity covered by the mortgage or pledge is in existence and in good condition.

If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly.

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(c) *Program availability.* Loans on cotton represented by warehouse receipts will be available to eligible producers on:

(1) Eligible upland cotton stored at CCC approved warehouses.

(2) Eligible extra long staple cotton produced in counties listed in part 722 of this title and any amendment thereto and stored at CCC approved warehouses.

(d) *Period of availability of loans.* Producers may request loans on a crop of cotton from the beginning of harvest of the crop through May 31, following the calendar year in which such crop is grown. Notes for loans must be signed by the producer and mailed or delivered to the county office within 15 days after the producer signs the notes and within this period of loan availability. Whenever the final date of availability falls on a nonworkday for county ASCS offices, the applicable final availability date shall be extended to include the next workday.

§ 1427.7 Maturity of loans.

(a) *Time and maturity and extension of loans.* Loans of Form A cotton as referred to in § 1427.11(a) of this subpart (and loan advances to cotton cooperative marketing associations on Form G cotton) mature on the last day of the 10th calendar month from the first day of the month in which the loan (or loan advance) is made, or upon such earlier date as CCC may make demand for payment, except that whenever such date falls on a nonworkday for county ASCS offices, the date of maturity shall be the next workday. Upland cotton loans may at the producer's request be extended for an additional eight (8) months during the 10th month of the initial loan provided the average spot market price for Strict Low Middling 1⅛ inch cotton during the ninth month of the loan did not exceed 130 percent of the average spot market price for Strict Low Middling cotton for the preceding 36 months. CCC may, by public announcement, extend the time for repayment of the loan indebtedness or carry the loan in a past due status.

(b) *When CCC takes title to commodity.* On or after maturity and nonpayment of the note, title to the cotton shall, at CCC's election, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges. In the event the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the producer shall be personally liable for any amount by which the amount due on the loan exceeds the market value of the cotton securing the loan as of the date title vests in CCC, as determined by CCC.

(c) *Sale by CCC.* Upon maturity and nonpayment of a note, CCC is authorized without notice to the producer to sell, transfer, and deliver the cotton, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton at its market value, as determined by CCC. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan, interest, and charges, shall be paid to the producer or to the producer's personal representative without right of assignment to or substitution of any other person. In the event the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the proceeds received from the sale of the cotton shall be credited by CCC against the amount due on the loan, and the producer shall be personally liable for any balance due on the loan.

(d) *Small amounts.* To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less will be paid to the producer only upon the producer's request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1427.8 Weight, loan rate, and amount of loans.

(a) *Weight.* Loans will be made on the net weight of the cotton as shown on the warehouse receipt, except that in the case of a bale which has a net weight of more than 600 pounds, the weight to be used in determining the amount of the loan on the bale shall be 600 pounds. Notes for loans on cotton pledged on reweights will not be accepted if CCC determines that such reweights reflect an increase in weight due to the absorption of moisture.

(b) *Loan rate for upland cotton.* (1) The base loan rate for strict low middling 1⅛ inch upland cotton of each crop at each approved warehouse location will be stated in the schedule of base loan rates for upland cotton by warehouse locations contained in the supplement to this subpart for such crop. The schedule will be available at county ASCS offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton of each crop and the discount, if any, for each micronaire reading will also be contained in the supplement to this subpart for such crop.

(c) *Loan rate for ELS cotton.* Loan rates and micronaire discounts, if any, for extra long staple cotton of each crop will be contained in the supplement to this subpart for such crop.

(d) *Amount of loans.* The amount of the loan for each bale will be determined by multiplying the net weight of the bale, as determined under paragraph (a) of this section by the applicable loan rate, as determined under paragraph (b) of this section, and subtracting any unpaid warehouse receiving charges, any warehouse storage charges in excess of 60 days as of the date of tender to CCC, as provided in § 1427.12(c), and any unpaid charge for furnishing new bale ties as prescribed in § 1427.12(c) of this subpart. CCC will not increase the amount loaned on any bale of cotton as a result of a redetermination of the quality of the bale after it is tendered to CCC and will not increase the amount loaned as a result of any redetermination of weight after the cotton is tendered to CCC, except that if it is established to the satisfaction of CCC that a bona fide error was made in the weight of the bale or the loan rate for the bale on the Form A–1, such error may be corrected. In establishing the correct weight of the bale, CCC will deduct from the current weight of the bale any estimated weight gained while in storage.

§ 1427.9 Classification and micronaire readings of cotton.

(a) References made to "classification" in this subpart shall include micronaire readings. All cotton tendered for loan must be classed by a USDA, AMS, Marketing Services Office (referred to in this subpart as "the Marketing Services Office") and tendered on the basis of such classification. A Cotton Classification Memorandum form 1 showing the classification of a bale must be based upon a representative sample drawn from the bale in accordance with instructions to samplers drawing samples for organized improvement groups under the Smith-Doxey program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouse shall sample such cotton and forward the samples to the Marketing Services Office serving the district in which the cotton is located. Such warehouse must be licensed by the Agriculture Marketing Service, U.S. Department of Agriculture, to draw samples for submission to the board. If a sample has been submitted for a Form 1 or Form A classification, another sample shall not be drawn and forwarded to a board except for a review classification. Where review classification is not involved, if through error or otherwise two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. The classification Form 1 or Form A must be dated not more than 15 days prior to the date the warehouse receipt was issued (State committees may in arid regions extend this period to not to exceed 30 days prior to the date the warehouse receipt was issued upon determining that such extension will not result in reduction in the grade of the cotton during the extension period), otherwise a new sample must be drawn and a review classification based on the new sample will be required. If a Form 1 or Form A review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) The applicable classification charge shall be collected from the producer by the warehouse for all cotton for which samples are submitted to a board for a Form A review classification. The board will bill the warehouse at the end of each month for such charges. Payment of these bills shall be made by check or money order payable to "Commodity Credit Corporation" and mailed to the Kansas City Commodity Office.

§ 1427.10 Approved storage.

Except as provided otherwise in § 1427.19, cotton will be accepted as security for loans only if stored at warehouses approved by CCC. When the operator of a warehouse receives notice from CCC that a loan has been made by CCC on a bale of cotton, the operator shall, if such cotton is not stored within the warehouse, promptly place such cotton within the warehouse. Persons desiring approval of their facilities should communicate with the Kansas City Commodity Office. The names of approved warehouses may be obtained from the Kansas City Commodity Office or from State or county offices. Storage charges paid by a producer to CCC as security for a loan will not be refunded by CCC. If cotton is redeemed from the loan, the person removing the cotton from storage shall pay all unpaid warehouse charges at the established tariff rate.

§ 1427.11 Applicable forms.

The forms for use in connection with this program shall be as follows:

(a) Cotton producer's Note and Security Agreement, form CCC Cotton A (referred to in this subpart as "Form A").

(b) Schedule of Pledged Cotton, Form CCC Cotton A–1 (referred to in this subpart as "Form A–1").

(c) Warehouse receipts complying with the provisions of § 1427.12.

(d) Cotton Classification Memorandum, Form 1 or Form A3, for each bale showing the classification (including micronaire reading) assigned by a board of examiners of the U.S. Department of Agriculture.

(e) Lien Waiver, Form CCC–679 (referred to in this subpart as "Form 679") or other form approved by CCC, or Lienholder's Subordination Agreement, Form CCC–864, if used in lieu of execution of Lienholder's Waiver on Form A in accordance with provisions of § 1427.13.

(f) *Powers of attorney.* A producer who desires to appoint an attorney-in-fact to act in the producer's place and stead in obtaining loans may use power of attorney, Form ASCS–211 (referred to in this subpart as "Form 211"), or a power of attorney on another form if it is determined by CCC to be legally sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the local county ASCS office or with a central county ASCS office when designated by CCC.

(g) Servicing Agreement with Financial Institution, executed by CCC and a financial institution setting forth the obligations of the financial institution as custodian of the warehouse receipts and as agent for CCC in validating CCC sight drafts to the person or firm that advances funds to the producer.

§ 1427.12 Warehouse receipt and insurance.

(a) *General.* Producers may obtain loans on cotton represented by warehouse receipts only if the warehouse receipts are negotiable machine cardtype warehouse receipts, are issued by CCC approved warehouses, provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank, so as to vest title in the holder of the receipt, and otherwise are acceptable to CCC. The warehouse receipt must contain the tag number (warehouse receipt number), must show that the cotton is covered by fire insurance, and must be dated on or prior to the date the producer signs the note. If a bale is stored at the origin warehouse (the warehouse to which the bale was first delivered for storage after ginning), the warehouse receipt must contain the gin bale number. If a bale has been moved from the origin warehouse, the warehouse receipt shall, in lieu of the gin bale number, contain the tag number and identification of the origin warehouse. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "open yard disclaimer deleted" with appropriate signature of the warehouseman or the authorized representative. Block warehouse receipts will not be accepted.

(b) *Weight.* Each receipt must set out in its written or printed terms the tare and the net weight of the bale represented thereby. The net weight shown on the warehouse receipt shall be the difference between the gross weight as determined by the warehouse at the warehouse site and the tare weight, except that the warehouse receipt may show the net weight established at a gin (1) in case the gin is in the immediate vicinity of the warehouse and is operated under common ownership with such warehouse or in any other case in which the showing of gin weights on the warehouse receipts is approved by CCC, and (2) if the showing of gin weights on the warehouse receipts is permitted by the licensing authority for the warehouse. The tare shown on the receipt shall be the tare furnished to the warehouse by the ginner or entered by the ginner on the gin bale tag. A warehouse receipt reflecting an alteration in tare or net weight will not be accepted by CCC unless it bears, on the face of the receipt, the following legend or similar wording approved by CCC, duly executed by the warehouse or an authorized representative of the warehouse:

Corrected (tare or net) weight _____

_____

(Name of warehouse)

By _____

Date _____

Alterations in other inserted data on the receipt must be initialed by an authorized representative of the warehouse.

(c) *Storage and receiving charges.* If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show that date through which the storage charges have been paid. For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouse and

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CCC. If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact. If the receipt does not show that receiving charges have been paid or waived, the loan amount will be reduced by the amount of the receiving charges specified in the storage agreement: *Provided, however,* That except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if receiving charges due on the bale include a charge, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused, the warehouse receipt must show such receiving charges and state: "rec. charges due include charge for new set of ties," or similar notation, and the loan amount will be reduced by the amount of the receiving charges shown on the warehouse receipt (this will be the amount payable by CCC if it pays for receiving, notwithstanding the provisions of the storage agreement). In any case where the loan amount is reduced by unpaid storage or receiving charges the charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status. Except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, or Virginia, if the bale is stored at a warehouse which does not have compress facilities or arrangements, and if the bale ties are not suitable for reuse when the bale is compressed, the warehouse receipt must show this fact, and the loan amount will be reduced by the charge which will be assessed by the nearest compress in line of transit for furnishing new bale ties.

(d) *Rail shipments.* If the bale was received by rail, the receipt must be stamped or otherwise noted to show such fact.

(e) *Compression.* The warehouse receipt must show the compression status of the bale, i.e., flat, modified flat, standard, gin standard, gin universal, or warehouse universal density. If the compression charge has ben paid, or if the warehouse claims no lien for such compression, the receipt must be stamped or otherwise noted to show such fact.

§ 1427.13 Liens.

Except as otherwise provided in this section, cotton tendered for loan must be free and clear of all liens, except the warehouse lien (including a warehouse lien held by a cooperative warehouse for its producer-patrons) for those charges which are authorized in the storage agreement with CCC. The signatures of the holders of all such existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees, must be obtained on the lienholder's waiver on each Form A, except that in lieu of signing the lienholder's waiver on each Form A, the lienholder may waive his/her lien on all cotton of that crop produced by a producer on a form (or on all farms) or pledged on one Form A by use of Form 679 or by use of another form approved by CCC. In lieu of waiving a prior lien on cotton tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which the lienholder subordinates the lienholder's security interests to the right of CCC in the cotton. If cotton is subject to warehouse lien for advances or charges not authorized in the storage agreement, the cotton will be acceptable hereunder if such liens are subordinated to the rights of CCC. A fraudulent representation as to prior liens or otherwise will render the producer personally liable and subject the producer, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act.

§ 1427.14 Service charges.

A producer shall pay a service charge to CCC for each loan disbursed at the rate of $1.50 per loan plus 25 cents for each bale thereon. The service charge to be paid to CCC by the producer shall be in addition to any clerk fee paid to a loan clerk as authorized in § 1427.15. The service charge is not refundable.

§ 1427.15 Clerk fees.

Loan clerks may collect fees from producers for preparing loan doucments not to exceed the fees shown in the following schedule:

Number of Bales on Note and Maximum Fee Allowed

1—25 cents.
2 to 6—25 cents plus 15 cents for each bale over 1.
7 and over—$1 plus 10 cents for each bale over 6.

§ 1427.16 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the **Federal Register.**

§ 1427.17 Setoffs.

(a) If any installment(s) on any loan made available by CCC on farm-storage facilities or drying equipment is due and payable under the provisions of the note evidencing such loan out of any amount due to producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installment(s), but not to exceed that portion of the amount remaining after deduction of clerk fees, service charges, research and promotion fees, and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable under paragraph (a) of this section shall be applied to such indebtedness as provided in the Secretary's Setoffs and Withholding Regulations, Part 13 of this title and any amendments thereto.

(c) Compliance with the provisions of this section shall not deprive the producer of any right the producer otherwise has to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1427.18 Special procedure where note amount advanced.

(a) *Purpose.* This special procedure is provided to assist persons or firms which in the course of their regular business of handling cotton for producers have made advances to eligible producers on eligible cotton to be placed under loan and desire to obtain credit at a financial institution for the amounts advanced. A financial institution which has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) *Eligible documents.* This special procedure shall apply only to loan documents covering cotton on which a person or firm has advanced to the producers (including payments to prior lienholders and other creditors) the note amounts shown on the Form A, except for authorized loan clerk fees, the research and promotion fee collected for transmission to the Cotton Board, and CCC loan service charges, and shall apply only if such person or firm is entitled to reimbursement from the proceeds of the loans for the amounts advanced and has been authorized by the producer to deliver the loan documents to a county ASCS office for disbursement of the loans.

(c) *Delivery of notes to county offices.* Each Form A and related documents as required by § 1427.11 shall be mailed or delivered to a county ASCS office which shall show the entire proceeds of the loans, except for CCC loan service charges, for disbursement to (1) the financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees, or (2) the financial institution which made the loan advances to the producers. When received in a county ASCS office (or postmarked, if mailed) warehouse receipts and loan documents must reflect not more than 60 days accrued storage, or the loan amount must be reduced by the excess storage as specified in § 1427.12. The documents shall be accompanied by Form CCC–825, transmittal schedule of Form A Cotton Loans, in original and two copies, numbered serially for each county office by the financial institution. The Form CCC–825 shall show the amounts invested by the financial institution in the loans, which shall be the amounts of the notes minus the amounts of CCC loan service charges shown on the notes. Upon receipt of the loan documents and Form CCC–825, the county office will stamp one copy of the Form CCC–825 to indicate receipt of the documents and return this copy to the financial institution.

(d) *Disbursement of loans.* County ASCS offices will review the loan documents prior to disbursement and will return to the financial institution any documents determined not to be acceptable because of errors or illegibility. County ASCS offices will disburse the loans for which loan documents are acceptable by issuance of one draft to the payee indicated on the Form A and will mail the draft to the address shown for such payee on the Form A with a copy of Form CCC–825. The Form CCC–825 will show the date of disbursement by a county ASCS office and amount of interest earned by the financial institution.

(e) *Investment of funds by the financial institution.* The financial institution shall be deemed to have invested funds in the loans as of the date loan documents acceptable to CCC were delivered to a county ASCS office or, if received by mail, the date of mailing as indicated by postmark or the date of receipt in a county ASCS office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

(f) *Basis of computing interest earned.* Interest will be computed on the total amount invested by the financial institution in the loan represented by accepted loan documents from and including the date of investment of funds by the financial institution to, but not including, the date of disbursement by a county ASCS office.

(g) *Interest rate.* Interest will be at the same rate(s) as announced in separate notice(s) published in the **Federal Register.**

(h) *Payment of interest.* Interest earned by the financial institution in the investment in loans disbursed during a month will be paid by county ASCS offices after the end of the month.

§ 1427.19 Reconcentration of cotton.

(a) *As cotton enters loan.* Loans on cotton to be reconcentrated shall be available only on cotton received at CCC approved warehouses in areas where there is a shortage of storage space and the local warehouse certifies such fact to CCC. A producer who desires to obtain a loan on cotton to be reconcentrated under the provisions of this paragraph shall request such reconcentration and present the same documents as required for a regular loan. The Forms A–1 and warehouse receipts covering cotton to be reconcentrated must show the reconcentration order number furnished by the county office under which the cotton will be shipped. The county office shall arrange for reconcentration of the cotton under the direction of the Kansas City Commodity Office. Any fees, cost, or expenses incident to such actions shall be charges against the cotton. That office shall obtain new warehouse receipts, allocate to individual bales shipping and other charges incurred against the cotton, and return new warehouse receipts and reconcentration charges applicable to each bale to the county office. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loans.

(b) *Cotton under loan.* CCC may under certain conditions, before loan maturity, compress, store, insure, or reinsure the cotton against any risk, or otherwise handle or deal with the cotton as it may deem necessary or appropriate for the purpose of protecting the interest therein of the producer or CCC. CCC may also move the cotton from one storage point to another with the written consent of the producer or borrower and upon the request of the local warehouse and certification that there is congestion and lack of storage facilities in the area: *Provided, however,* That if CCC determines such loan cotton is improperly warehoused and subject to damage, or if any of the terms of the loan agreement are violated, or if carrying charges are substantially in excess of the average of carrying charges available elsewhere and the local warehouse, after notice, declines to reduce such charges, such written consent need not be obtained. Any fees, costs, or expenses incident to such actions shall be charges against the cotton. After the cotton is reconcentrated, the Kansas City Commodity Office shall allocate shipping and other charges incurred against the cotton and return new warehouse receipts and reconcentration charges applicable to each bale to the county office. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loans.

§ 1427.20 Custodial offices.

Forms A and A–1, collateral warehouse receipts, cotton classification memorandums, and related documents will be maintained in custody of loan county ASCS offices, central county ASCS offices, or any financial institution, as defined in § 1427.2, when approved by CCC. Such financial institution shall enter into a servicing agreement with CCC as provided in § 1427.11(g).

§ 1427.21 Loss of or damage to pledged cotton.

In any case where loss of or damage to cotton occurs while such cotton is pledged to CCC, CCC shall have the right to determine and file claims against any liable parties for the resulting loss. Upon determination of the identity of the bales of loan cotton lost or damaged, CCC will give credit on the producer's note for the loan value (including interest and charges) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or to the party repaying the loan if the loan has been repaid.

§ 1427.22 Repayment of loans.

(a) If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a loan, the producer may receive the warehouse receipts (and the classification memorandums applicable to such cotton, if requested) upon payment of the loan, interest, and charges applicable to the bales of cotton being redeemed at the local county ASCS office except that an authorized agent under agreement with CCC and designated by producers to repay loans on their behalf may repay loans through a central county ASCS office designated by CCC. The producer may also request that the warehouse receipts (and classification memorandums) be forwarded to a bank for payment, in which case the amount of the loan, interest, and charges must be paid to the bank within 5 business days after the

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documents are received by the bank. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the receipts are sent must be paid by the producer.

(b) A producer who desires to appoint an attorney-in-fact to act in the producer's place and stead in redeeming the producer's loan cotton, selling the producer's equities in loan cotton, or executing Forms CCC–813, release of Warehouse Receipts (referred to in this subpart as "Form 813"), shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be sufficient. The original or facsimile of the owner of attorney or a copy certified by a notary public as a true and correct copy must be filed with the local county ASCS office or central county ASCS office designated by CCC. The attorney-in-fact must execute and file with the local county ASCS office or central county ASCS office designated by CCC, an agreement of attorney-in-fact, Form CCC–815 (referred to in this subpart as "Form 815"), and the attorney-in-fact will not be allowed to redeem cotton, or to execute Form 813, pursuant to the power of attorney if the attorney-in-fact does not file the required Form 815. The attorney-in-fact shall not make any purchase of cotton redeemed from a CCC loan or producers' equities in such cotton for the attorney-in-fact's own account or as agent for others, or sell any such cotton or equities therein to any person by whom the attorney-in-fact is employed or who has the right to control or direct the attorney-in-fact's sale of the redeemed cotton or equities in any case where the attorney-in-fact redeems the cotton under authority of the power of attorney or signs the Form 813 under authority of the power of attorney. The attorney-in-fact shall not adopt any scheme or device to circumvent the intent of the regulations in this subpart or Form 815. If the attorney-in-fact holds powers of attorney from more than one producer, the attorney-in-fact may not pool their cotton or the proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton or the equities therein and will make an accounting to each producer for the proceeds of each bale of the producer's cotton which the attorney-in-fact redeems and sells and each equity which the attorney-in-fact transfers, unless the attorney-in-fact has a valid annual marketing agreement with such producers authorizing the attorney-in-fact to pool the cotton or the proceeds therefrom.

(c) A producer or the producer's authorized agent may enter into an agreement with a person or persons to redeem the producer's cotton and may authorize the release of the applicable warehouse receipts to such person(s) or transferee (hereinafter called the buyer) on Form 813. If the buyer executes and files the Form 813 with the local county ASCS office or central county ASCS office designated by CCC, the buyer shall be obligated to redeem the cotton specified on such form on or before the maturity date of the loan on such cotton. CCC will use its best efforts to make certain that the cotton is not redeemed by anyone other than the buyer and to provide for the delivery to the buyer of the warehouse receipts (and the classification memorandums, if requested) covering the cotton on payment to the local county ASCS office or central county ASCS office designated by CCC, of the loan, interest and charges within 5 business days after the documents are received by the bank. All charges assessed by the bank to which the documents are sent must be paid by the buyer. Redemptions will not be permitted after the maturity date of the loan. On failure of the buyer to redeem all such cotton:

(1) At CCC's election, title to the cotton shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan thereon, plus interest and charges. The buyer shall be personally liable for any amount by which the amount due on the loan on such cotton exceeds the market value of the cotton as of the date title vests in CCC, as determined by CCC.

(2) At CCC's election, CCC is authorized, without notice to the buyer, to sell, transfer and deliver the cotton or documents evidencing title thereto, at such time, and in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and upon such sale, CCC may become the purchaser of the whole or any part of such cotton at its market value,as determined by CCC. Any over-plus remaining from the proceeds the amount of the loan on such cotton, plus interest and charges, shall be paid to the buyer or the buyer's personal representative without right of assignment to or substitution of any other person. If the proceeds from the sale do not cover the amount of the loan on such cotton, plus interest and charges, the buyer shall be liable to CCC for any difference.

(d) Warehouse receipts will not be released except as provided in paragraphs (a), (b), and (c) of this section.

§ 1427.23 Cotton cooperative marketing association loans.

A cotton cooperative marketing association which meets the eligibility requirements established by CCC as contained in the regulations in part 1425 of this chapter and any amendment thereto may enter into a cotton cooperative loan agreement, Form CCC Cotton G, which provides for loans through the association to its producer-members. Copies of the form of agreement will be furnished to all associations which have been approved under such regulations. The loan rates under this agreement will be the same as for loans made to individual producers on Forms A and eligibility requirements for cotton and producers tendering cotton to the association and other loan provisions will be similar to those for Form A loans made to individual producers.

§ 1427.24 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any proceeds in settlement of a loan, payment shall, upon proper application to the county office which disbursed the loan, be made to the person or persons who would be entitled to such producer's payment as provided in the regulations entitled Payment Due Persons Who Have Died Disappeared, or Have Been Declared Incompetent, part 707 of this title, and any amendment thereto.

§ 1427.25 Kansas City Commodity Office and Management Field Office.

(a) Kansas City Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas 66208, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through Management Field Office, P.O. Box 205, Kansas City, Missouri 64141.

Note.—This proposed action has been determined "not significant" under USDA criteria implementing Executive Order 12044, Improving Government Regulations." An approved Draft Impact Analysis is available from Harold L. Jamison, Price Support and Loan Division (ASCS), Room 3749 South Building, Washington, D.C. 20013.

Signed at Washington, D.C., on April 1, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-10404 Filed 4-4-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 18605/79–AWE–18]

Proposed Group II Terminal Control Area; Phoenix, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety of Flight Operations in the National Airspace System, the FAA proposes to establish a Group II Terminal Control Area (TCA) at Phoenix, Arizona. Operation in the proposed TCA would be subject to the operating and equipment rules for operation in Group II TCAs specified in § 91.90(b) of Part 91 of the Federal Aviation Regulations. This includes, among other rules, the requirement to have an operable VOR, TACAN receiver, two-way radio, and a transponder to operate in the TCA. An altitude encoder would not be required. This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace around the Phoenix Sky Harbor International Airport, Phoenix, Arizona. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involves visual flight rules (VFR) aircraft that are not required to be under ATC control. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users.

DATES: Comments must be received on or before July 6, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 18605/79–AWE–18, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

The docket for this action may be examined at the office of the Regional Air Traffic Division, at the above address, or at the FAA, Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Richard Morrison, Airspace and Procedures Branch, Air Traffic Division, (AWE–530), Western Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536–6180.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before July 6, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the FAA Regional and Headquarters Rules Dockets for examination by interested persons.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice shall submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 18605/79–AWE–18." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avene, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Prior Public Participation

The proposal contained in this notice was preceded with broad and helpful public participation with the FAA in considering the development of an airspace description for a TCA that is responsive to the need to increase safety and to the needs of both transient and local aircraft operators who might be affected. An extensive publicity effort was made to invite all interested persons to participate in those meetings. In addition to published notices, notice was given through mailing of notices to hundreds of persons believed to have an interest in the proposal, through posting of notices in airports, and through press, radio, and TV coverage. As a result of the meetings, adjustments to TCA configurations were made and are reflected in the configuration proposed in this notice. An additional opportunity for public participation is provided by this notice to ensure full consideration of public concerns at every stage of the rulemaking process. Based on the public participation and other available data, several locations that were included among the 44 candidates for new TCAs have been dropped from further consideration. Other locations may be dropped later if commensurate levels of safety can be sustained without TCA designations or operational requirements do not justify such designations.

Background: The Need for Increased Positive Control in Terminal Airspace

The takeoff and landing phases of flight result in the concentration of inflight aircraft in a relatively limited volume of airspace surrounding an airport. The number of aircraft per unit volume of airspace at a specific instant of time is a function of the number of aircraft using that airport and its proximity to one or more adjacent airports that share or abut that airspace. As air traffic activity at an airport increases, the need for increasingly precise control of aircraft and protection of airspace from unknown aircraft becomes essential for continued safe operations. The FAA has developed a spectrum of air traffic procedures which, when coupled with precision navigational aids, airport surveillance radar facilities, automated radar data processing capability, and a highly skilled work force, forms a comprehensive system to provide safe and efficient flight operations at all controlled airports.

The scope of services range from simple suggested airport traffic flows at lowest density airports, to terminal control areas at the busiest airports which provide positive controlled airspace. Within the latter, all aircraft are subject to specific operating rules and avionics equipment requirements.

The FAA is proposing to take action to extend or enhance the application of

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these proven control techniques and hardware subsystems to more airports to assure greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

An analysis of the need for extending the ability of ATC to separate visual flight rules (VFR) aircraft and instrument flight rules (IFR) aircraft in terminal airspace is contained in the Administrator's Plan for Enhanced Safety which announced FAA's intent to propose, for public comment, establishment of 44 new Group II TCAs, and the vertical and lateral enlargement of the 21 previously established TCAs. This proposal to establish a Group II TCA at the Phoenix Sky Harbor International Airport is in accordance with that plan.

Near Midair Collisions in Terminal Airspace

The FAA experience since the establishment of mandatory TCAs and voluntary Terminal Radar Service Areas (TRSAs) indicates that, in terminal airspace, ATC control of VFR aircraft reduces the potential for hazardous traffic conflicts. A comparison of periods before and after the establishment of TCAs and TRSAs is instructive. In 1968, the FAA conducted an extensive study of near midair collision hazards in the U.S. airspace. The results of this study were published in the "Near Midair Collision Report of 1968," July, 1969. A major portion of the report was devoted to the collision potential in terminal airspace. For the year 1968 (which preceded the establishment of TCAs), the report concluded that, for the airports now served by TCAs, there were 271 incidents reported as "hazardous" to flight. In response to that study, since 1970, 21 TCAs were established. For the fiscal years 1975, 1976, and 1977, there were a total of 64 reported near midair collisions (NMACs) in these TCAs. For comparison purposes, this translates into an average of approximately 20 reported incidents per year, under TCA requirements, in contrast with the 271 incidents for the year 1968. These figures are not conclusive indicators of the absolute numbers of incidents, but are viewed as pointing toward the critical relationship between the absence of control of all aircraft and the likelihood of hazardous traffic conflicts in terminal airspace. As a result of public comments, in response to Notice No. 78-19 (44 FR 1322, January 4, 1979), questioning the adequacy of FAA's near midair collision information, a comprehensive review of that information has been undertaken.

The mix of controlled and uncontrolled aircraft in the Phoenix terminal area is extensive. Within 20 nautical miles (NM) of Phoenix Sky Harbor International Airport there are three general aviation, two military and five airports without control towers. In calendar year 1978, these eleven airports generated in excess of 20 million aircraft operations. The proximity of these airports to each other and the mix of various type aircraft using the airspace around Phoenix Sky Harbor International Airport illustrates the existence of a collision potential between controlled and uncontrolled aircraft in the Phoenix terminal airspace.

The "Highest Degree" of Air Transportation Safety

The near midair collision statistics cited above indicate that, for all classes of users of terminal airspace, the furnishing of separation service by ATC, in addition to the duty of pilots to see and avoid each other, can result in a higher level of air traffic safety. For the millions of air carrier passengers who enter and leave the major air terminals each year, Congress has directed that the highest feasible degree of safety be achieved. The FAA believes that the continued presence of a "mix" of ATC controlled aircraft and uncontrolled VFR aircraft can interfere unnecessarily with this safety objective.

The congressional mandate is clear with respect to the high level of safety intended for passengers in air transportation. Section 601 of the Federal Aviation Act of 1958 requires that the FAA give full consideration to the duty resting on air carriers to perform their services with the "highest possible degree of safety in the public interest * * *" This congressional concern for air transportation, as a distinct class to be protected, was restated in the Airline Deregulation Act of 1978 (Pub. L. 95-504, October 24, 1978) which amended Section 102 of the Federal Aviation Act of 1958 to emphasize the "dedication of Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public" (49 U.S.C. 1302(a)). The Airline Deregulation Act of 1978 also directed the Secretary of Transportation ("Secretary") to complete a thorough review of the safety regulations applicable to air carriers in order to ensure that "all classes of air carriers are providing the highest level of safe, reliable air transportation to all the communities served by those air carriers." The Administrator is directed to respond to the Secretary's review by promulgating regulations that may be needed to "maintain the highest standard of safe, reliable air transportation in the United States." The "high standard of safety in air transportation" is also stressed in relation to annual reports to be submitted to Congress by the Secretary beginning not later than January 31, 1980, (new Section 107 of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978). The orderly and extensive expansion of positive controlled airspace, including the proposal in this notice, would ensure that the systemwide capability of the FAA to assure separation protection for air carrier passengers remains commensurate with the encouragement and growth of a vigorous, safe and efficient air transportation system under the new act.

Building on Past Programs

While the TCA action described herein is proposed as part of the Administrator's Plan for Enhanced Safety, it follows, and is a logical extension of, programs that first gained momentum in 1962. That year, initiating many years of pilot participation in terminal radar service programs, such a program was established at Atlanta to solve communications workload problems and assist in aircraft sequencing. This was followed by a similar program at Merced Air Force Base, California, in 1965. This service was gradually extended until 1970, when the National Terminal Radar Program signalled a major expansion of ATC separation service following the 1968 Near Midair Collision Report (discussed below). Beginning with the TRSA at Nashville, a total of 86 nonregulatory TRSAs covering 105 airports were established under that program, the last being the Peoria TRSA in 1978. The safety enhancement program includes the proposed addition of 80 new TRSAs in phases ending in 1983.

In addition to these nonregulatory programs, the 1970 National Terminal Radar Program initiated the regulatory development of TCAs, also in response to the 1968 Near Midair Collision Report. The TCA concept, as a regulatory means of providing positive control in terminal airspace, was added to the Federal Aviation Regulations in Amendments 71-6 and 91-78, which were published in the **Federal Register** (35 FR 7782) on May 21, 1970, to be effective on June 25 of that year. Those amendments, which defined the nature and operational aspects of TCAs,

followed extensive public comment in response to Notice No. 69-41, issued on September 30, 1969, (34 FR 15252); 22 public meetings; and a supplemental notice of proposed rulemaking (Notice No. 69-41B) issued on March 11, 1970, (35 FR 4519). That regulatory history led to the issuance of § 71.12 of Part 71 of the Federal Aviation Regulations, under which TCAs are issued, and § 91.90 of Pasrt 91 of the Federal Aviation Regulations, which describes the equipment and operating rules for participating in a TCA. The TCA action proposed in this notice is issued under § 71.12 and incorporates, without changing, the provisions of § 91.90. While the safety enhancement plan identifies 44 new locations for possible Group II TCAs, the legal basis for, and description of, the TCA concept was established under these 1970 amendments to Parts 71 and 91. That regulatory concept would not be changed by this notice. It is to be noted that the 44 locations were only proposals. Each site is being evaluated on its own merits. In fact, the FAA's analysis to date has led to dropping the following cities from the original list—Des Moines, Iowa; El Paso, Texas; Jacksonville, Florida; Lihue, Hawaii; Salt Lake City, Utah; and Tucson, Arizona. The evaluation is continuing with the very real possibility that other cities may be dropped, even before the issuance of a notice of proposed rulemaking.

National Benefits

The Plan for Enhanced Safety contains an analysis of the safety increases, in terms of passengers protected, that were expected to result from the establishment of the 44 new TCAs originally under consideration. Six of those proposed sites are on longer under consideration at this time. However, if all of those TCAs were established the original analysis indicates that the percentage of air carrier enplaned passengers protected by mandatory ATC separation, compared with the 21 TCAs in existence in January 1978, would rise from 62 percent to 87 percent. In addition, those TCAs would expand the protected commuter passenger enplanements from 38.5 percent to 49.7 percent (in the contiguous 48 states). While those figures have been reduced because of the reduction of the number of candidate sites, the increased protection at the remaining locations is still substantial. This is during a period in which substantial increases in total enplanements are forecast for both classes of air transportation, with annual air carrier and commuter air carrier enplanements expected to exceed 418 million and 14 million, respectively, by 1989.

Parallel increases are also expected for general aviation. For this large and expanding class, the numbers of aircraft, and the total operations, are forecast to increase by more than 60 percent between 1977 and 1989. In addition, manufacturing trends indicate that increasing proportions of the general aviation fleet are being purchased with equipment intended for operation in the busy terminal airspace in which the "mix" of controlled and uncontrolled aircraft has been identified as a common factor in reported near midair collisions.

For all classes of airspace user, therefore, the FAA believes that the extensive expansion of TCAs at the remaining proposed sites would significantly increase the ability of ATC to provide an effective, additional margin of safety to that furnished by the pilot's duty to see and avoid other aircraft.

Local Benefits

The establishment of a Group II TCA, as proposed in this notice, would make a meaningful contribution to the systemwide increase in safety. At Phoenix Sky Harbor International Airport, enplanements for 1979 were 2.85 million and are forecast to increase to 4.74 million by 1990; aircraft operations are forecast to increase from 444,000 to 550,000 during the same period. Enplanements at Phoenix Sky Harbor International Airport for 1979, based on these forecasts, would represent 1.05 percent of national enplanements while aircraft operations would represent .66 percent of the national total.

Economic Impacts

The FAA is committed to ensuring that the costs of establishing the Phoenix, Arizona, TCA are considered before final regulatory decisions are made. Since these costs may affect other TCA proposals announced in the Plan for Enhanced Safety, a comprehensive economic assessment, covering the entire program as described in that plan, was made available to attendees at the informal airspace meetings held in Phoenix on March 27-28, 1979, and is in the Regional and Washington dockets for public comment. The assessment included systemwide assumptions concerning the impact of all 44 proposed TCAs, including the Phoenix, Arizona, TCA proposal. Since six of the original sites are no longer under current consideration, the cost impact systemwide is even less but the underlying assumptions are still valid as applied to the remaining candidate sites. A detailed addendum to the broad national study has been prepared. This addendum is appended to the national assessment and is also in the Regional and Washington dockets. To assist in this determination, public comment on these economic assessments in invited.

Environmental Impacts

In a manner similar to that described above for the national and local economic assessments, an environmental assessment has been prepared which addresses the overall national environmental assessment effect of the 44 proposed TCAs. This assessment addresses the aircraft noise, aircraft emissions, and fuel consumption impacts of the program as a whole, and concludes that these impacts would not significantly affect the quality of the human environment. This national assessment is in the Regional and Washington dockets. In addition, like the economic study, this program-wide assessment has been supplemented with an environmental assessment, to the site-specific impacts of the Phoenix, Arizona, TCA proposal. This local assessment is in both dockets for public comments. The local supplement will assist the Administrator in evaluating local and national environmental impacts before decisions are made concerning the proposed TCA. Public comment on these environmental assessments is invited.

The Proposed Terminal Control Area

The airspace description for the proposed TCA action in this notice was developed by the FAA Western Region in consultation with affected users to minimize the potential impact of the proposal. On February 20, 1979, the FAA held a meeting in Phoenix with airspace user group representatives to consider their operational requirements and to discuss the proposed TCA. Ten additional meetings were subsequently held with the user group representatives. The total spectrum of civil, commercial, and military operations were covered which included, sailplanes, crop dusters, helicopters, law enforcement, and other local aviation interests. On March 27-28, 1979, two informal airspace meetings, open to the public, were held in Phoenix to obtain public participation in the development of an airspace description responsive to the needs of both trasnsicent and local users who might be affected. A report describing these meetings has been placed in the Regional and Washington dockets for public review. Public comment is invited on FAA's proposed disposition of comments and options discussed at the

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informal airspace meetings. There was both support and opposition expressed about the FAA's intention to propose a TCA at Phoenix. The rationale for the proposal to establish additional TCAs has been discussed previously in this notice. This TCA is proposed in order to limit the presence of uncontrolled aircraft in that airspace around Phoenix Sky Harbor International Airport in which the transport of passengers by air carrier and other aircraft is involved, thereby reducing the potential of a midair collision between aircraft. As a result of these meetings and subsequent reviews, the size of the proposed TCA was considerably reduced with the appendage of ingress/egress corridors to the traditional circular TCA configuration as recommended by local user group representatives. These changes will provide additional airspace to all users and release operating areas to sailplanes, crop dusters, experimental aircraft, and other special operations. The proposed TCA airspace over Luke and William Air Force Bases was deleted, as requested by military representatives, to reduce the compression factor and allow freer use of these areas by the military. In addition, approach and departure profiles at Phoenix Sky Harbor International Airport were prepared to evaluate the feasibility of a VFR corridor through the proposed TCA. As a result of this study, a VFR corridor is included in this proposed incorporating the comments and requests by the public.

The following are proposed responses to the remaining comments and recommendations the FAA proposes not to incorporate in the final action. However, specific public comments providing details and data regarding the proposed dispositions are invited so the FAA can assess the correctness of its initial perceptions.

(a) It was stated, fixed wing aircraft operations such as law enforcement surveillance, traffic watch, news gathering the aerial advertising would virtually be eliminated and aerial photography severely hampered.

Traffic density would be the primary controlling factor for authorizing those operations; however, delays would be minimal or nonexistent. The use of positive separation would allow a continual flow of traffic and provide added safety to those operations.

(b) Concern was expressed that the stall and spin practice areas north of Phoenix (Areas J and K) would be eliminated.

To minimize the impact on VFR practice areas, consideration can first be given to restricting the altitude of practice areas to underlie the TCA floor. If this cannot be accomplished, relocation of these areas will be evaluated and only as a last resort would they be eliminated.

(c) It was stated that local conditions, such as an abundance of good sunny weather, should be considered in the design of the TCA.

It is necessary to emphasize that near misses and midair collisions have resulted primarily because of the random mix of uncontrolled VFR and IFR traffic and that the purpose of establishing a TCA is to enhance the safety level between these two types of air traffic. Therefore, the local weather conditions encourages an environment that leads more credence to the need for the proposed TCA. Also, as previoulsy mentioned, a VFR corridor which will provide free transit to airports north and south of Phoenix has been included in this proposal. While uncongested areas (unpopulous) in the terminal area can be a factor in considering the design of a TCA a major concern is congestion in the air rather than the area being overflown.

(d) A statement was made that a 12,500-foot ceiling is unnecessary, unsafe, and economically wasteful.

To provide positive separation for aircraft, the TCA needs to extend to 12,500 feet where a transponder and automatic altitude reporting equipment requirement currently exists. Otherwise, the continuity of the positive separation would not be provided between the TCA and the 12,500-foot level. For the same reason, the FAA is considering raising the upper limits of existing TCAs. The ingress/egress and VFR corridors as proposed in the Phoenix TCA are provided for efficiency as well as safety and should minimize the impact to operators remaining outside of the TCA.

(e) A comment was made that the FAA has already demonstrated the inability of the ATC system to provide adequate Stage III service and a large TCA will compound the delays, inconvenience, expense, and will serve only in compromising safety.

In the original TRSAs, in which State III service is voluntary, approximately 92 percent of all VFR arrivals and approximately 85 percent of all VFR departures elected to participate. This represents an overall arrival and departure participation of approximately 88 percent. The FAA also recognizes there may be some delay as a result of the TCA, particularly in its early phase, but it is anticipated that these delays would be minimal and the FAA will continue to work to minimize the delays while providing an appropriate level of safety. The FAA is continuing its assessment of the fuel consumption impact of the proposed TCA configuration.

(f) It was stated, a TCA will result in procedures that are too restrictive. Futher, the requirements for navigating to remain clear of the TCA will further distract from practicing the "see-and-be-seen" concept.

Procedurally, there would be little or no change from the present Stage III service being provided in the TRSA when the TCA is incorporated at Phoenix. The "see-and-be-seen" concept is still a viable concept to air safety and is being approached by the FAA on two fronts. We are continuing our efforts to improve cockpit visibility by encouraging to use a "Heads Up Display" which would permit the viewing of cockpit instruments at eye level thus markedly improving their ability to look for traffic. Secondly, we are reemphasizing the need to increase pilot vigilance through our Flight Standards Service which administers an ongoing collision avoidance program which includes pilot instruction in visual scanning techniques.

(g) A TCA stagnates airspace usage and, in many cases, renders it unusable.

As previously stated, adjustments to TCA configurations were made and are reflected in the configuration proposed in this notice. As much free airspace for satellite airport operations and for VFR transiting traffic will be designed into the TCA with safety requirements being the primary determining factor. Further, the FAA has and will continue to work with local user groups to ensure the TCA is effective for all users.

(h) The proposed TCA should be designated as a part-time TCA, i.e., in use only during peak traffic periods.

To base on "on-again, off-again" status of a TCA upon varying traffic density periods would compromise safety. The time periods involved in transitioning from an "On-again, off-again" status would result in a false sense of security during the transition period. The users would be separated from all traffic at one moment and only from other IFR traffic the next moment.

(i) The TCA should be designated with two corridors instead of the four ingress/egress corridors being considered.

A two corridor concept TCA would not provide the airspace necessary to effectively and efficiently satisfy the airspace requirements for vectoring, sequencing, and metering the flow of traffic to and from the principle airport. Unnecessary delays would occur under that concept.

(j) There are over 1,300 general aviation (GA) aircraft based in the Phoenix area. The proposed TCA will dangerously compress many of these aircraft into non-TCA airspace.

That comment assumes all or most GA aircraft will not be equipped to operate within the TCA. Our data shows that approximately 80 percent of the aircraft in the Phoenix area have avionics equipment necessary to operate in the TCA. Even so, the floor of the proposed TCA will be established as high as possible, to provide additional amounts of airspace for use by aircraft operating to and from airports underlying the TCA. Additionally, a VFR corridor has been excluded from the TCA airspace in the proposal. This should alleviate many of the anticipated problems associated with the competence of traffic under the controlled airspace.

(k) An alternative to the Phoenix TCA would be the commissioning of ILSs and VORs at satellite airports to help alleviate the congestion at Phoenix Sky Harbor International Airport.

Additional satellite airport navigational aids are being considered for the Phoenix areas as part of our ongoing airport modernization plan. We expect that the addition of ILSs and VORs at Phoenix satellite airports would help alleviate some of the congestion at Phoenix Sky Harbor International Airport. However, they would not solve the safety problem concerning the "mix" of controlled and uncontrolled VFR aircraft.

The Proposed TCA Configuration

The FAA is considering the establishment of the proposed TCA under Part 71. The TCA is described in detail below, but in general terms would be multi-tiered and consist of nine "hub and spoke" areas, designated alphabetically, with a VFR corridor. The airspace would extend vertically up to and including 12,500 feet MSL. Base altitudes of the various subdivisions would increase outward from the airport along four ingress/egress corridor appendages from the surface up to and including 10,000 feet MSL. The design is considered to contain the flight paths of large turbine-powered aircraft operating to and from the Phoenix Sky Harbor International Airport and provide added separation to other users close to the airport. A 3 NM wide VFR corridor is provided passing north-south over the Phoenix Sky Harbor International Airport from 4,100 feet MSL up to and including 5,500 feet MSL, and will provide free transit to airports north and south of Phoenix.

The proposed TCA would be established as a Group II TCA; therefore, the requirements of § 91.90(b) would apply to operations within the TCA. This includes ATC authorization to enter the TCA, two-way radio communications within the TCA, and the requirement that large turbine engine powered airplanes remain at or above the designated floors of the TCA segments while operating to or from the primary airport within the TCA. Aircraft operating within the TCA would be required with a VOR or TACAN receiver (except for helicopters), two-way radio, and a transponder. Section 91.90(b) should be reviewed for the details of these provisions.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 669) by adding a new Group II Terminal Control Area to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

Primary Airport

Phoenix Sky Harbor International Airport (Lat. 33°26'10"N., Long. 112°00'31"W.)

Boundaries—Based on DME distances and arcs of the Phoenix VORTAC (PHX), Phoenix ASR antenna, Buckeye VORTAC (BXK) and the Casa Grande VORTAC (CZG).

VFR corridor—That airspace extending upward from 4,100 feet MSL to and including 5,500 feet MSL, 3 NM wide centered on a line drawn perpendicular to the PHX 269°T(255°M)/089°T(075°M) radial drawn through the geographical center of the Phoenix Sky Harbor International Airport; and bounded on the north and south by lines 4 NM north and south, respectively, of the PHX 269°T(255°M)/089°T(075°M) radial.

Area A. That airspace extending from the surface upward to and including 12,500 feet MSL bounded by a line beginning at a point 7 NM west of the Phoenix ASR antenna and 4 NM south of the PHX 272°T(258°M) radial; thence north perpendicular to the PHX 272°T(258°M) radial to a point 4 NM north of the PHX 272°T(258°M) radial; thence east to a point 6 NM east of the Phoenix ASR antenna and 4 NM north of the PHX 092°T(078°M) radial; thence south along a line perpendicular to the PHX 092°T(078°M) radial to a point 4 NM south of the PHX 092°T(078°M) radial; and thence to the point of origin; excluding that airspace within the VFR Corridor.

Area B. That airspace extending upward from 2,600 feet MSL to and including 12,500 feet MSL within two areas—

(1) East of the Phoenix Sky Harbor International Airport, bounded on the east by the 10 NM arc of the Phoenix ASR antenna; on the north by a line 4 NM north of, and parallel to, the PHX 092°T(078°M) radial; on the south by a line 4 NM south of, and parallel to, the PHX 092°T(078°M) radial; on the west by a line drawn perpendicular to the PHX 092°T(078°M) radial 6 NM east of the Phoenix ASR antenna; and

(2) West of the Phoenix Sky Harbor International Airport, bounded on the west by the 10 NM arc of the Phoenix ASR antenna; on the north by a line 4 NM north of, and parallel to, the PHX 272°T(258°M) radial; on the south by a line 4 NM south of, and parallel to, the PHX 272°T(258°M) radial; on the east by a line drawn perpendicular to the PHX 272°T(258°M) radial 7 NM west of the Phoenix ASR antenna.

Area C. That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL within two areas—

(1) East of Phoenix Sky Harbor International Airport, bounded by a line beginning at the intersection of the 10 NM arc of the Phoenix ASR antenna and a line 4 NM south of, and parallel to, the PHX 092°T(078°M) radial; thence east along this line to the 13 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 13 NM arc until intercepting a line 1.5 NM southeast of, and parallel to, the PHX 066°T(051°M) radial; thence northeast along this line to the 15 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 15 NM arc until intercepting a line 4 NM northwest of, and parallel to, the PHX 051°T(037°M) radial; thence southwest to the 10 NM arc of the PHX ASR antenna; and thence clockwise along the 10 NM arc to the point of origin; and

(2) West of Phoenix Sky Harbor International Airport, bounded on the east and west by the 10NM and 15 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM north of, and parallel to, the PHX 272°T(258°M) radial; and on the south by a line 4 NM south of, and parallel to, the PHX 272°T(258°M) radial.

Area D. That airspace extending upward from 4,000 feet MSL to and including 12,500 feet MSL, excluding Area J and that airspace underlying Area J below 5,600 feet MSL within four areas—

(1) and (2) North of the Phoenix Sky Harbor International Airport, within the area bounded by the 10 NM arc of the Phoenix ASR antenna and a line drawn 4 NM north of, and parallel to, the PHX 272°T(258°M)/092°T(078°M) radial; excluding that airspace within Area J, which divides the area into two sectors; and

(3) and (4) South of the Phoenix Sky Harbor International Airport, within the area bounded by the 10 NM arc of the Phoenix ASR antenna and a line drawn 4 NM south of, and parallel to, the PHX 272°T(258°M)/092°T(078°M) radial; excluding that airspace within area J, which divides the area into two sectors.

Area E. That airspace extending upward from 5,000 feet MSL to and including 12,500 feet MSL, within four areas—

(1) and (2) North of the Phoenix Sky Harbor International Airport, bounded by a line

beginning northeast of the Phoenix ASR antenna at the intersection of the 10 NM arc of the Phoenix ASR antenna and a point 4 NM north of, and parallel to, the PHX 051°T(037°M) radial; thence counterclockwise along the 10 NM arc until intercepting a line 4 NM north of, and parallel to, the PHX 092°T(078°M) radial; thence west to the 15 NM arc of the Phoenix ASR antenna; thence clockwise along the 15 NM arc until intercepting a line 1 NM north of, and parallel to, the BXK 079°T(065°M) radial northeast of the Phoenix Sky Harbor International Airport; thence east along this line to the 20 NM arc of the Phoenix ASR antenna; and thence southeast to the point of origin; excluding that airspace within Area J and that airspace underlying Area J above 5,000 feet MSL, which divide the area into two sectors; and

(3) and (4) South of the Phoenix Sky Harbor International Airport, bounded by a line beginning southeast of the Phoenix ASR antenna at the intersection of the 15 NM arc of the Phoenix ASR antenna and the PHX 159°T(145°M) radial; thence north to the intersection of the PHX 150°T(136°M) radial and the 13 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 13 NM arc until intercepting a line 4 NM south of, and parallel to, the PHX 092°T(078°M) radial; thence west along this line to the 10 NM arc of the Phoenix ASR antenna; thence clockwise along the 10 NM arc until intercepting a line 4 NM south of, and parallel to, the PHX 272°T(258°M) radial; thence west until intercepting the 15 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 15 NM arc until intercepting a line 9 NM south of, and parallel to, the PHX 272°T(258°M) radial; thence east along this line until intercepting the 12 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 12 NM arc until intercepting a line 2 NM west of, and parallel to, the Casa Grande VORTAC 339°T(325°M) radial; thence southeast along this line until intercepting the 15 NM arc of the Phoenix ASR antenna; and thence counterclockwise along the 15 NM arc to the point of origin; excluding that airspace within Area J and that airspace underlying Area J above 5,000 feet MSL, which divide the area into two sectors.

Area F. That airspace extending upward from 5,000 feet MSL to and including 12,500 feet MSL within two areas—

(1) Northeast of the Phoenix Sky Harbor International Airport, bounded on the west and east by the 15 NM and 20 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM northwest of, and parallel to, the PHX 051°T(037°M) radial; and on the south by a line 1.5 NM southeast of, and parallel to, the PHX 066°T(052°M) radial; and

(2) West of the Phoenix Sky Harbor International Airport, bounded on the east and west by the 15 NM and 20 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM north of, and parallel to, the PHX 272°T(258°M) radial; and on the south by a line 4 NM south of, and parallel to, the PHX 272°T(258°M).

Area G. That airspace extending upward from 7,000 feet MSL to and including 12,500 feet MSL within four areas—

(1) North of the Phoenix Sky Harbor International Airport, bounded on the south and north by the 15 NM and 20 NM arcs of the Phoenix ASR antenna, respectively; on the east by a line 1.5 NM east of, and parallel to, the PHX 349°T(335°M) radial; and on the west by a line drawn from the PHX 279°T(265°M) radial/20.5 NM DME fix to the PHX 329°T(315°M) radial/27 NM DME fix;

(2) Northeast of the Phoenix Sky Harbor International Airport, bounded on the west and east by the 20 NM and 25 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM northwest of, and parallel to, the PHX 051°T(037°M) radial; and on the south by a line 1.5 NM southeast of, and parallel to, the PHX 066°T(052°M) radial;

(3) Southeast of the Phoenix Sky Harbor International Airport, bounded on the north and south by the 15 NM and 20 NM arcs of the Phoenix ASR antenna, respectively; on the east by the PHX 159°T(145°M) radial; on the west by a line drawn 2 NM west of, and parallel to, the CZG 339°T(325°M) radial; and

(4) West of the Phoenix Sky Harbor International Airport, bounded on the east and west by the 20 NM and 30 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM north of, and parallel to, the PHX 272°T(258°M) radial; and on the south by a line 4 NM south of, and parallel to, the PHX 272°T(258°M) radial.

Area H. That airspace extending upward from 8,500 feet MSL to and including 12,500 feet MSL within three areas—

(1) North of the Phoenix Sky Harbor International Airport, bounded on the south and north by the 20 NM and 25 NM arcs of the Phoenix ASR antenna, respectively; on the east by a line 1.5 NM east of, and parallel to, the PHX 349°T(335°M) radial; and on the west by a line drawn from the PHX 279°T(265°M) radial/20.5 NM DME fix to the PHX 329°T(315°M) radial/27 NM DME fix;

(2) Northeast of the Phoenix Sky Harbor International Airport, bounded on the west and east by the 25 NM and 30 NM arcs of the Phoenix ASR antenna, respectively; on the north by a line 4 NM northwest of, and parallel to, the PHX 051°T(037°M) radial; and on the south by a line 1.5 NM southeast of, and parallel to, the PHX 066°T(052°M) radial;

(3) Southeast of the Phoenix Sky Harbor International Airport, bounded on the north and south by the 20 NM and 25 NM arcs of the Phoenix ASR antenna, respectively; on the east by the PHX 159°T(145°M) radial; on the west by a line drawn 2 NM west of, and parallel to, the CZG 339°T(325°M) radial.

Area I. That airspace extending upward from 10,000 feet MSL to and including 12,500 feet MSL within four areas—

(1) North of the Phoenix Sky Harbor International Airport, bounded on the north by a line extending from Lat. 33°54'30"N., Long. 112°11'00"W.; to Lat. 33°54'40"N., Long. 112°10'00"W.; thence along a line to Lat. 33°52'20"N., Long. 111°57'40"W., thence southeast along a line 1.5 NM east of, and parallel to, the PHX 340°T(325°M) radial until intercepting the 25 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 25 NM arc to the PHX 329°T(315°M) radial/27 NM DME fix; and thence north to the point of origin;

(2) Northeast of the Phoenix Sky Harbor International Airport, bounded by a line extending from Lat. 33°46'30"N., Long. 111°30'30"W.; to Lat. 33°44'45"N., Long. 111°25'45"W.; thence along a line to Lat. 33°36'20"N., Long. 111°20'45"W.; thence to the intersection of the 30 NM arc to the Phoenix ASR antenna and a line 1.5 NM south of, and parallel to, the PHX 066°T(052°M) radial; thence counterclockwise along the 30 NM arc until intercepting a line 4 NM north of, and parallel to, the PHX 051°T(037°M) radial; and thence northeast to the point of origin;

(3) South of the Phoenix Sky Harbor International Airport, bounded by a line extending from Lat. 32°58'30"N., Long. 111°41'10"W.; to Lat. 33°00'00"N., Long. 112°00'20"W.; thence northwest along a line 2 NM west of, and parallel to, the CZG 339°T(325°M) radial to the 25 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 25 NM arc until intercepting the PHX 159°T(145°M) radial; and thence southeast along the PHX 159°T(145°M) radial to the point of origin; and

(4) West of the Phoenix Sky Harbor International Airport, bounded by a line extending west from the intersection of the 15 NM arc of the Phoenix ASR antenna and a line 9 NM south of, and parallel to, the PHX 272°T(258°M) radial (Lat. 33°18'00"N., Long. 112°41'20"W.) to Lat. 33°19'20"N., Long. 112°42'00"W.; thence clockwise along the 21 NM arc of Luke Air Force Base TACAN to Lat. 33°31'10"N., Long. 112°47'40"W.; thence east along a line 4 NM north of, and parallel to, the PHX 272°T(258°M) radial to the 30 NM arc of the Phoenix ASR antenna; thence counterclockwise along the 30 NM arc until intercepting a line 4 NM south of, and parallel to, the PHX 272°T(258°M) radial; thence east along this line to the 15 NM arc of the Phoenix ASR antenna; and thence clockwise along the 15 NM arc to the point of origin.

Area J. That airspace extending upward from 5,600 feet MSL to 12,500 feet MSL within two areas—

(1) North of the Phoenix Sky Harbor International Airport, centered on a line drawn perpendicular to the PHX 269°T(255°M)/089°T(075°M) radial and through the geographical center of the Phoenix Sky Harbor International Airport; within an area between the 15 NM and 10 NM arcs of the Phoenix ASR antenna and east and west boundaries that are parallel lines 3 miles from, and on each side of, the perpendicular centerline; and within the additional area bounded on the southwest, south and southeast by a line drawn from the intersection of the 10 NM arc and the west parallel boundary, thence southeast along a line to a point 4 NM north of the PHX 269°T(255°M) radial and 1.5 NM west of the perpendicular centerline; thence east along a line to a point 4 NM north of the PHX 089°T(075°M) radial and 1.5 NM east of the perpendicular centerline, thence northeast along a line to the intersection of the east parallel boundary and the 10 NM arc; and

(2) South of the Phoenix Sky Harbor International Airport, centered on a line drawn perpendicular to the PHX 269°T(255°M) radial and through the geographical center of the Phoenix Sky Harbor International Airport; within an area between the 15 NM and 10 NM arcs of the Phoenix ASR antenna and east and west boundaries that are parallel lines 3 miles from, and on each side of, the perpendicular centerline; and within the additional area bounded on the northwest, north and northeast by a line drawn from the intersection of the 10 NM arc and the west parallel boundary, thence southeast along a line to a point 4 NM south of the PHX 269°T(255°M) radial and 1.5 NM west of the perpendicular centerline; thence east along a line to a point 4 NM south of the PHX 089°T(075°M) radial and 1.5 NM east of the perpendicular centerline; thence southeast along a line to the intersection of the east parallel boundary and the 10 NM arc.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). However, establishment of this terminal control area in concert with the proposed establishment or alteration of many other terminal control areas has been determined to be significant. Therefore, this action is included in the draft evaluation prepared in conjunction with that comprehensive action. Copies of the evaluation are in the Washington and Regional dockets, and may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT * * *"

Issued in Washington, D.C., on April 2, 1980.

R. J. Van Vuren,

Acting Director, Air Traffic Service.

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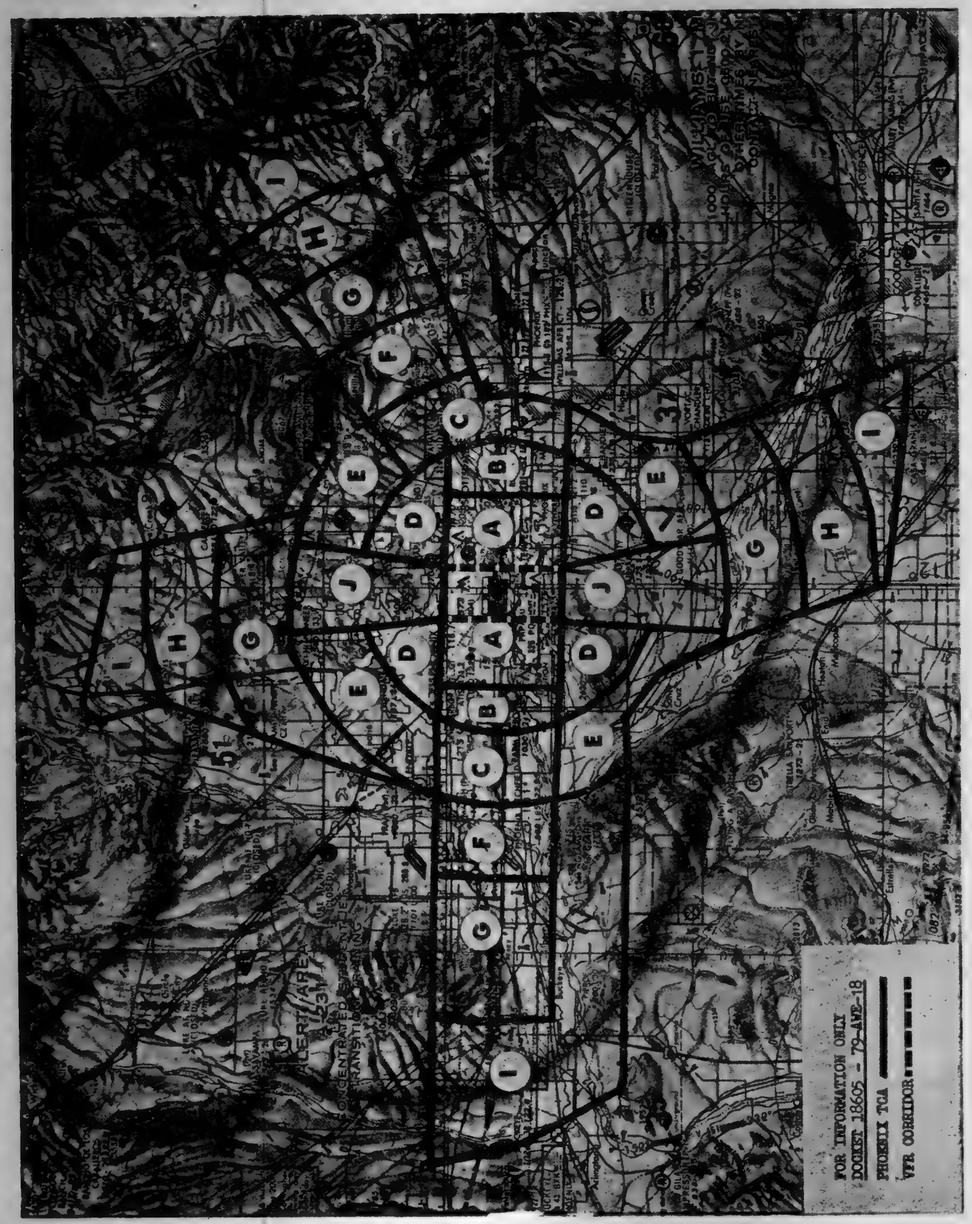

[FR Doc. 80-10275 Filed 4-4-80; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 80-AAL-2]

Alteration of Transition Area, Homer, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to alter the Homer, Alaska transition area by expanding the 1,200-foot portion to include the airspace within 30 miles northeast through southeast of the Homer VORTAC. A review of the existing LOC/DME Back Course instrument approach procedure revealed a need for additional controlled airspace northeast of the airport to protect the final approach course to Runway 21. The 1,200-foot transition area expansion to the east and southeast would provide adequate controlled airspace for ATC to more efficiently control aircraft operations using radar control procedures from the en route radar facility which will be relocated from Fire Island to the vicinity of Kenai, Alaska.

DATE: Comments must be received on or before May 3, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 80-AAL-2, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513. An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: John G. Costello, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-5902.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before May 3, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, or by calling (907) 271-5902. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

The Proposal

The FAA is considering an amendment of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Homer, Alaska, transition area. This alteration is necessary to provide protected airspace for aircraft conducting the LOC/DME BC RWY 21 instrument approach procedure to the Homer Airport. It will also provide adequate controlled airspace for ATC to more efficiently control aircraft using a new radar facility near Kenai, Alaska, which will replace the en route radar facility on Fire Island.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Homer, Alaska

Delete all after "(latitude 59°39'08"N., longitude 151°27'22"W.);" and substitute therefor "and that airspace extending upward from 1,200 feet above the surface with a 30-mile radius of the Homer VORTAC extending from the 027°T (003° M) radial clockwise to the 252°T (228°M) radial excluding the portion within Control 1218."

(This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Anchorage, Alaska, on March 19, 1980.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 80-10204 Filed 4-4-80; 8:45 am]
BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Chapter V

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Semiannual agenda of significant regulations.

SUMMARY: This semiannual agenda describes the significant regulations being considered for redevelopment or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

EFFECTIVE DATE: April 7, 1980.

ADDRESS: Director, Information Systems Division (Code NSM-12), Office of Management Operations, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202-755-3140.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," and NASA

Management Instruction 1410.10B, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a semiannual agenda of significant regulations under development and review be published in the **Federal Register** on the first Monday in April and the first Monday in October.

Robert A. Frosch,
Administrator.

National Aeronautics and Space Administration

Semiannual Agenda of Significant Regulations

Title	Description	Legal citation	Status	Contact	Regulations analysis required
Space Transportation System (STS) Insurance Indemnification Requirements.	Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users.	Pub. L. 96-48....	Advance Notice of Proposed Rulemaking.	Richard A. Reaves, Office of General Counsel, NASA Headquarters, Washington, D.C. 20546, 202/755-3924.	No.
STS Services for Users of Small Self-Contained Payloads [1].	Describes the policy for services provided by NASA to users of small self-contained payloads and the implementation of the policy.	42 U.S.C. 2473 .	Proposed Rule.....	Donna J. Miller, Manager, Small Self-Contained Payloads Program, Office of Space Transportation Operations, NASA Headquarters, Washington, D.C. 20546, 202/755-2427.	No.

[1] This Proposed Rule appeared in the FEDERAL REGISTER, Vol. 44, No. 247, Friday, Dec. 21, 1979. Comments were due by Feb. 19, 1980. Comments were received by 21 individuals and are being reviewed and recommendations for revisions to this Proposed Rule will be presented to NASA top management within the next two months.

[FR Doc. 80-10175 Filed 4-4-80; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 752 3122]

Hooper Holmes, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law probiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Basking Ridge, N.J. firm, through its Credit Index Division, a consumer reporting and collection agency, to cease violating federal credit laws by failing to maintain reasonable procedures designed so as to ensure that reports are furnished only for lawful purposes and assure the maximum accuracy of reported information. In its role as a debt collector, the agency would be required to include in collection communications prescribed notices informing consumers of their rights under federal credit laws. Consumers requesting information in their credit files would have to be provided with a copy of this information. Additionally, the agency would be required to mail to its subscribers, each year for a five-year period, a prescribed notice informing them of their statutory obligations.

DATE: Comments must be received on or before June 6, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C., 20580.

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR (b)(14)).

[File No. 752-3122]

Hooper Holmes, Inc., and Credit Index Division; Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Hooper Holmes, Inc., through its Credit Index Division, and it now appearing that Hooper Holmes, Inc., a corporation, through its Credit Index Division, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Hooper Holmes, Inc., through its Credit Index Division, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Hooper Holmes, Inc., is a corportion organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 170 Mt. Airy Road, Basking Ridge, New Jersey.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service on respondent. Mailing of the complaint and decision containing the agreed to order to the undersigned officer at proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of the complaint here attached.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

Order I

It is ordered, That respondent, Hooper Homes, Inc., a corporation, through its Credit Index Division, it successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection, assembing or furnishing of consumer reports, as "consumer report" is defined in Section 603(d) of the Fair Credit Reporting Act (Pub. L. No. 91-508, 15 U.S.C. 1681, *et seq.*), shall forthwith cease and desist from:

(1) Failing to maintain reasonable procedures designed to limit the furnishing of consumer reports for the purposes listed under Section 604 of the Fair Credit Reporting Act.

(2) Failing, when preparing a consumer report, to follow reasonable procedures designed to assure maximum possible accuracy of the information concerning the individual about whom the report relates as required by Section 607(b) of the Fair Credit Reporting Act.

(3)(a) Providing reports containing information concerning accounts of individuals having inconsistent courtesy titles, different first names, different last names, different mailing addresses or inconsistent suffixes from the creditor's inquiry unless the respondent can show on a statistically valid basis that its reporting system is reasonably designed to retrieve and report such information only in instances in which the individual consumer inquired on is using different first names and identical or similar last names as a means of deceiving respondent or its subscribers. Respondent shall provide the Commission with copies of any such statistical studies not less than 90 days prior to implementing changes to its system based on such studies and if requested by the Commission will delay implementation of changes an additional 120 days.

(3)(b) For the purposes of this Order:

(i) The last name of the individual reported upon shall not be considered different from the last name of the inquiry if;

(A) The last name contains five or more letters and all but two of the letters are identical to the letters of the last name of the inquiry; or,

(B) The last name has four letters and all but one are identical to the letters of the last name of the inquiry; and

(C) The address used in the inquiry under either A or B is a full street address (specific house or building number plus street name) or post office box number, and does not contain an inconsistent apartment number, a rural route number, general delivery or similar mailing address, and

(D) The inquiry contains a full first name, not initials, which, subject to the tolerances provided in (A) and (B) for last names, is not inconsistent with the first name or initial on the report.

(ii) A first initial which is not inconsistent with the individual's first name shall not be considered a different first name, if respondent:

(A) Instructs its subscribers to use the full first name, whenever available, in making inquiries or submitting information to the file; and

(B) The address used in the inquiry is a full street address (specific house or building number plus street name) or post office box number, and does not contain an inconsistent apartment number, general delivery, rural route number or similar mailing address; and

(C) The inquiry is not made with an inconsistent courtesy title or suffix.

(iii) A first name which is a commonly accepted nickname for the first name of the individual inquired upon shall not be considered a different first name.

(4) Including in any consumer report a "Summary Item", "Activity Summary Item" or other information concerning the credit worthiness of other individuals with the same mailing address as, but with a different last name from, the individual inquired on, provided that the above restriction on Summary Items and Activity Summary Items does not apply to summary or activity reports generated by respondent internally for use by respondent identifying credit applications for which respondent will conduct additional investigation but respondent shall not reject, recommend rejection or otherwise directly or indirectly issue a negative report based solely on a summary or activity item, or on the applicant's failure to respond to a request for additional information from respondent.

Order II

It is ordered, That respondent, Hooper Holmes, Inc., a corporaton, through its Credit Index Division, its successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of consumer debts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from: Failing to disclose to consumers, in any communication relating to debt collection activities, their rights under the Fair Credit Reporting Act and Fair Debt Collection Practices Act as set forth in the exact facsimile of Exhibit A attached hereto.

(A) *It is further ordered,* That respondent, each year for a five year period, mail to each subscriber the following notice in not less than 12 point bold face type:

Important Notice

Credit Index is a consumer reporting agency subject to the provisions of the Federal Fair Credit Reporting Act. As a user of these reports you also are subject to the

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requirements of this law. If you use any information reported by Credit Index in whole or in part in your decision to deny credit, employment or insurance, you must notify the rejected applicant of that fact and provide our name, street address and phone number. Your failure to do so would violate Federal law.

[Insert Name, street address and phone number]

Additionally, Credit Index, upon request and proper identification will disclose all information in its file to consumers by mail and we would appreciate your including this information in your notice also.

(B) *It is further ordered,* That respondent make the disclosures required by Sections 609 and 610 of the Fair Credit Reporting Act for credit reports issued by its Credit Index subsidiary, by mailing a copy of all information (except medical information) in its files on the consumer at the time of the request (or a transcription of all such information) to the consumer upon request and proper identification or, in lieu thereof, in person or by telephone upon specific request by the consumer. If the consumer is provided with a copy of the actual report, he shall also be provided with all information necessary to decode the report.

(C) *It is further ordered,* That respondnet herein shall deliver a copy of this order cease and desist to all present and future personnel of its Credit Index division, including employees and representatives, engaged in the preparation of reports including consumer reports, and engaged in the disclosure and reinvestigation of information in said reports, and that respondent secure a signed statement acknowledging receipt of said order from each person.

(D) *It is further ordered,* That respondent shall provide each consumer who requests disclosure of information in his or her file in accordance with the Fair Credit Reporting Act, with an exact facsimile of Exhibit B attached hereto.

(E) *It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligation arising out of the order.

Exhibit A—Fair Debt Collection Practices Act Notice

Credit Index is a debt collector. We are attempting to collect [*insert amount of debt or reference to amount of debt contained elsewhere in communication*] which you allegedly owe [*insert name and address of creditor*].

If you dispute the validity of all, or part, of this debt, we will mail to you a verification of the debt, [or a copy of the judgment] in writing within thirty days of receipt of this notice. *[We will also give you the name of the original creditor, if different from the creditor named above provided you request this information in writing within the same thirty day period.]

If you do *not* dispute the validity of the debt within 30 days from receipt of the notice, we will assume the debt is valid. If you *do* notify us in writing, that all, or part, of the debt is disputed *[or that you wish the name of the original creditor], we will stop collection of the debt until we verify it [or obtain a copy of the judgment against you] *[or provide you the name and address of the original creditor].

Fair Credit Reporting Act Notice

Credit Index is also a "consumer reporting agency". Under the Fair Credit Reporting Act, Credit Index must report information in a manner that is fair and equitable to consumers.

The Fair Credit Reporting Act Gives You the Right:

1. To have incomplete or incorrect information reinvestigated by Credit Index, unless the request is frivolous, and, if the information is found to be inaccurate or cannot be verified, to have such information removed from your file.

2. When a dispute between you and Credit Index about information in your file cannot be resolved, you have the right to have your version of such dispute placed in the file and included in future consumer reports.

3. To be notified whenever information reported by Credit Index is used to deny you credit, or to increase the cost of credit.

4. To telephonic or in-person disclosure, upon proper identification, of the nature and substance and names of sources of the information in your file.

In addition, Credit Index will mail you a copy of all information in your file if you so request. We will also provide you with a more detailed disclosure of your rights under the Fair Credit Reporting Act at the time you request disclosure.

Exhibit B—Know Your Rights Under the Fair Credit Reporting Act

The Fair Credit Reporting Act became law on April 25, 1971. It was passed by Congress to protect consumers against the distribution of inaccurate or obsolete information and to ensure that consumer reporting agencies, such as Credit Index Division, exercise their responsibilities in a manner that is fair and equitable to consumers.

Under this law you can take steps to protect yourself if you have been denied credit, insurance, or employment, or if you believe you have had difficulties because of a consumer report on you. Upon request Credit Index will provide disclosure of file information by mail.

The fair Credit Reporting Act gives you the Right:

1. *To have incomplete or incorrect information reinvestigated, unless the request is frivolous, and, if the information is found to be inaccurate or cannot be verified to have such information removed from your file.*

2. *When a dispute between you and the reporting agency about information in your file cannot be resolved, you have the right to have your version of such dispute placed in the file and included in future consumer reports.*

3. To be told the name and address of the consumer reporting agency responsible for preparing a consumer report that was used to deny you credit, insurance or employment or to increase the cost of credit or insurance.

4. To telephonic or in-person disclosure, upon proper identification, of the nature and substance and names of sources of the information (except medical information) in your file. (To obtain telephonic disclosure you must first make a written request, with proper identification, and you must pay toll charges.)

5. To take any one person of your choice with you when you visit the consumer reporting agency to check your file.

6. To obtain all information to which you are entitled, free of charge (except telephone toll charges), if you request a consumer interview within thirty days after you have been denied credit, insurance or employment. Otherwise, the reporting agency is permitted to charge a reasonable fee for giving you the information.

7. To be told the names of persons or businesses who have received a consumer report on you within the preceding six months, or within the preceding two years if the report was furnished for employment purposes.

8. To have the agency notify (at no cost to you) those you specify who have previously received the incorrect or incomplete information within two years if the report was for employment purposes or within six months for any other purpose, that this information has been deleted from your file.

9. To request the reporting agency to send your version of the dispute to those you name who received reports concerning the disputed information within the past six months (two years if received for employment purposes).

10. To sue a reporting agency for damages if it willfully or negligently violates the Fair Credit Reporting Act, and, if you are successful, you may be entitled to collect attorney fees and court costs.

11. In most instances not have adverse information reported after seven years. One major exception is bankruptcy, which may be reported for ten years.

The Fair Credit Reporting Act does not:

1. Give you the right when you visit the agency to receive a copy of or physically handle your file; however, Credit Index will provide you with a copy upon request either in person or by mail.

2. Compel anyone to do business with an individual consumer.

3. Apply when you request commercial (as distinguished from consumer) credit or business insurance.

*Bracketed provisions to be used only as applicable: i.e. when the name and address of the original creditor is different from the current creditors or when a judgment has been obtained.

4. Authorize any federal agency to intervene on behalf of an individual consumer.

For more detailed information on the Fair Credit Reporting Act or to report a violation of the Act, contact the New York Regional Office of the Federal Trade Commission, 26 Federal Plaza, New York, New York 10007.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Hooper Holmes, Inc., through its Credit Index Division.

The proposed consent order has been placed on the public record for 60 days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw the agreement or make final the agreement's proposed order.

Credit Index is a consumer reporting agency which issues reports concerning previous delinquent or unpaid obligations reported to it by its subscribers.

The first section of the complaint accompanying the order alleges that Credit Index violated Section 604 of the Fair Credit Reporting Act by responding to requests for information on a consumer applying for credit or other business transactions by including in its reports information concerning individuals having the same mailing address as the individual inquired upon and similar last names. The complaint alleges that in some to these instances, the respondent has furnished information on individuals other than the one inquired on, in violation of the FCRA.

The proposed order generally prohibits Credit Index from future violations of Section 604.

The second complaint allegation, which supplements the first, is that respondent has also violated Section 607(b) of the Fair Credit Reporting Act by including in its reports information concerning all individuals having similar last names but the same mailing address as the consumer inquired upon. Inclusion of this information is alleged to have interfered with the accuracy of the report.

The proposed order generally prohibits future violations of Section 607(b) of the Fair Credit Reporting Act. The order further provides that the respondent may provide reports including information listed under identifiers (e.g. names and addresses) that are inconsistent with the identifiers used in the inquiry only if it can show, on a statistically valid basis, that its reporting system is reasonably designed to retrieve and report such information only in instances in which an individual consumer is using different identifiers as a means of deceiving respondent or its subscribers. The proposed order also prescribes specific rules which respondent must use in determining whether a particular last name or first name is inconsistent with the name in which the inquiry is made prior to performing a statistical analysis of its reporting system.

The third section of the complaint alleges that the respondent has violated Section 5 of the Federal Trade Commission Act through unfair practices in connection with the collection of debts. Respondent is alleged to have forwarded letters to consumers threatening inclusion in respondent's national delinquent debtor file unless the consumer pays allegedly delinquent debts. The following is typical of the demands contained in the letter:

We have received a report from your creditor on your overdue account. This information is being included in our computerized national delinquent debtor file, and will be reported to anyone of the credit granting firms using our services should they order a credit report on you.

Your record will remain in our system for at least five years unless you take action now to settle this account.

Your credit file will show this serious past due amount with * * *

Enclose this letter with payment in full today * * *

The complaint alleges that in making these demands the respondent failed to disclose to the debtors the material fact that the Fair Credit Reporting Act covers its reporting of credit information and that the consumer has the right to dispute the accuracy of any item of information contained in his or her file, have the respondent investigate such information and delete any inaccurate information or record the current status of incomplete information.

The proposed order corrects this problem by requiring the respondent to provide each consumer to whom it sends such a collection letter with a notice of the consumer's rights under the Fair Credit Reporting Act as well as the notice prescribed by Section 809 of the Federal Fair Debt Collection Practices Act.

The final section of the complaint alleges that respondent has violated Section 5 of the Federal Trade Commission Act by reporting a summary of all items of adverse information reported at the same address as the consumers inquired upon in a name other than the name of the consumer reported on. Similarly, the compliant alleges that respondent violated Section 5 of the Federal Trade Commission Act by reporting in connection with inquiries on a specific consumer, a summary of all inquiries which the respondent has received at the address of the consumer but under names other than the consumer's. The complaint alleges that in a substantial number of instances these summary items have been used to deny credit to consumers based on information which in fact relates to individuals other than the consumers who have applied for credit, including individuals, such as prior residents, neighbors and relatives of the consumer, who have or at some time in the past have had the same mailing address as the consumer.

The proposed order prohibits Credit Index from issuing reports containing "activity" or "summary" items. The order allows Credit Index to use "activity" or "summary" item reports internally to identify credit applications for which respondent will conduct additional investigation, but prohibits respondent from recommending rejection or otherwise directly or indirectly issuing a negative report based solely on a summary or activity item or on an applicant's failure to respond to a request for additional information.

Finally, the order seeks to establish a mechanism under which consumers will have notice of use of respondent's reports and a meaningful opportunity to correct any error by requiring Credit Index to remind its subscribers of their obligation to notify applicants who are rejected based, in whole or in part, on a Credit Index report of that fact and of Credit Index's name and address. The order further requires Credit Index to provide consumers who request disclosure of the information in their file with a copy (or transcription) of the report by mail and a summary of the consumer's right under the Fair Credit Reporting Act.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

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A copy of advertising material explaining respondent's reports is attached.[1]

Carol M. Thomas,
Secretary.

[FR Doc. 80-10441 Filed 4-4-80; 8:45 am]
BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 230, 240, 250, and 270

[Releases Nos. 33-6201; 34-16702; 35-21496; IC-11105; File No. S7-827]

Reporting of Supplementary Information on the Effects of Changing Prices

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing amendments to Regulation S-K, the standard instructions for filing forms under the Securities Act of 1933 and the Securities Exchange Act of 1934, and to various registration and reporting forms which would require that certain companies include supplementary information on the effects of changing prices (as specified by Statement No. 33, "Financial Reporting and Changing Prices," of the Financial Accounting Standards Board) in filings with the Commission. In addition, the Commission is proposing an expansion to its safe harbor rule for projections to cover the changing prices information.

DATES: Comments should be received by the Commission on or before May 30, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-827. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D C. 20549.

FOR FURTHER INFORMATION CONTACT: James L. Russell or Clarence M. Staubs, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices" ("FAS 33"), issued by the Financial Accounting Standards Board ("FASB") in September 1979, establishes standards applicable to certain large, publicly held enterprises for the reporting of information relating to certain effects of price changes on such business enterprises. The information called for by FAS 33 is to be presented as supplementary information in any published annual report that contains the primary financial statements of the enterprise. Thus the information is required in annual reports to shareholders and in annual reports on Form 10-K.

Rule 3-17 of Regulation S-X, adopted by the Commission in Accounting Series Release ("ASR") No. 190 (March 23, 1976) (41 FR 13596), requires the disclosure of certain replacement cost information. Subsequent to the FASB's issuance of FAS 33, the Commission announced in ASR No. 271 (October 23, 1979) (44 FR 62888) the deletion of Rule 3-17 with respect to filings containing financial statements for fiscal years ending on or after December 25, 1980, at which time the requirements of FAS 33 will be fully operational. The Commission also announced that, until that time, it would waive the replacement cost requirement with respect to registrants who present current cost information pursuant to FAS 33. In ASR No. 271, the Commission also stated its intention to propose amendments to Regulation S-K [1] that would require registrants subject to the disclosure requirements of FAS 33 to include the specified supplementary information on the effects of changing prices in filings with the Commission under the securities acts. In addition, that release indicated that the Commission intended to propose a safe harbor provision applicable to such disclosures, in recognition of the fact that some of the data is not subject to precise calculation and because various approaches may be taken in its preparation and disclosure. A safe harbor, similar to that provided for replacement cost disclosures, would protect registrants from the imposition of liability for such disclosures unless prepared without a reasonable basis or disclosed other than in good faith.

I. Discussion of Proposed Amendments

The Commission is proposing to amend various reporting provisions to require disclosure by certain registrants of supplementary information on the effects of changing prices pursuant to the provisions of FAS 33 and to provide a safe harbor with respect to changing prices disclosure. Although specific amendments to these reporting provisions are not set forth in this release,[2] the Commission proposes to amend Item 15 of Schedule 14A (17 CFR 240.14a-101) and the following registration forms so as to require changing prices information: Forms S-1 (17 CFR 239.11), S-7 (17 CFR 239.26), S-8 (17 CFR 239.16b), S-11 (17 CFR 239.18), and S-14 (17 CFR 239.23) under the Securities Act of 1933 and Form 10 (17 CFR 249.210) under the Securities Exchange Act of 1934. The amendments specifically proposed in this release are: (1) an addition to proposed Item 12, "Supplementary financial information," of § 229.20 of Regulation S-K [3] and (2) amendments to the general rules and regulations adopted under the various securities acts in order to provide a safe harbor from the applicable liability provisions of these laws for disclosure of information on the effects of changing prices.

The proposed amendments to Regulation S-K would affect only those registrants subject to the reporting requirements of FAS, i.e., public enterprises that prepare their primary financial statements in U.S. dollars and in accordance with U.S. generally accepted accounting principles and that have, at the beginning of the fiscal year for which financial statements are being presented, either (1) inventories and gross property, plant and equipment amounting in the aggregate to more than $125 million, or (2) total assets amounting to more than $1 billion (after deducting accumulated depreciation). The supplementary information would be required on a consolidated basis for registrants who present consolidated financial statements; it would not need to be presented separately for a parent company, an investee company, or other enterprise whose results are included in consolidated financial statements. Furthermore, the information would not be required to be presented for segments of a business enterprise, although such presentations are encouraged by the FASB in FAS 33.

[1] Copies filed with the original documents.

[1] Regulation S-K (17 CFR Part 229) states the requirements applicable to the non financial statement portions of registration statements under the Securities Act of 1933 and registration statements, annual or other reports under sections 13 and 15(d) and proxy and information statements under section 14 of the Securities Exchange Act of 1934.

[2] This release contains only the proposed amendments to Regulation S-K and to the general rules and regulations. Final rules, if adopted, would include individual amendments to Schedule 14A and to each of the registration forms listed above.

[3] Item 12 has been proposed to be added to Regulation S-K as part of the Commission's development of an integrated reporting system under the securities acts. See Release No. 33-6178, "General Revision of Regulation S-K," January 15, 1980 (45 FR 5943).

The Commission is not proposing to extend the disclosure requirements of FAS to foreign registrants who prepare their financial statements in accordance with generally accepted accounting principles in their country and/or in local currency, even though they have previously been reporting replacement cost information pursuant to ASR No. 190. This is in recognition of the active consideration being given by accounting standard-setting groups in a number of other countries to the development of standards for reporting the effects of changing prices on business enterprises.

The Commission continues to be concerned about the adequacy of disclosures with respect to the impact of inflation and changing prices on an individual registrant's business. The disclosures specified by FAS 33 should be viewed as minumum requirements, and registrants should provide such additional information as may be appropriate for achieving the most relevant reporting in the particular circumstances. Furthermore, the Commission believes that all registrants, including those not required to present FAS 33 information, should provide some discussion of these mattters. Accordingly, the Commission recently proposed amendments [4] to Regulation S-K which would require the inclusion of a description of the effects of changing prices on the registrant's business activities within the management's discussion and analysis of the registrant's financial condition and results of operations.

The other amendments proposed in this release are intended to extend a safe harbor rule to the changing prices information presented by registrants pursuant to either FAS 33 or the above-mentioned proposed amendments to the management's discussion and analysis, as well as to changing prices information of the type required by FAS 33 presented voluntarily by registrants. This safe harbor would be provided by amending the existing safe harbor rule for projections [5] (adopted as a part of the rules and regulations under the various securities acts) to extend its coverage to the changing prices information and by adopting a safe harbor rule under the Investment Company Act of 1940, in view of the absence of a safe harbor rule for projections under the Act.

[4] Release No. 33-6178, "Proposed Amendments to Form 10-K, Regulation S-K, and Related Forms, Rules and Guides" (January 15, 1980) (45 FR 5972).

[5] Although the format to the safe harbor rule for projections will be modified to accommodate this extension, its existing provisions will not be affected by the amendment.

II. Text of Proposed Amendments

It is proposed to amend 17 CFR Chapter II as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S-K

1. By adding a new paragraph (b) to Item 12 of § 229.20 to read as follows:

§ 229.20 Information required document.

* * * * *

Item 12. Supplementary Financial Information

* * * * *

(b) *Supplementary information on the effects of changing prices.* Information on the effects of changing prices on business enterprises shall be presented by registrants subject to the reporting provisions of Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," in accordance with the provisions of that Statement. (Disclosures made pursuant to this paragraph are expresly covered by the safe harbor provisons of the general rules and regulations adopted pursuant to the various securities acts.)

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

2. By revising § 220.175 to read as follows:

§ 230.175 Liability for certain statements by issures.

(a) A statement within the coverage of paragraph (b) below which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) below), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a-3(b) and (c) or 14c-3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward looking statement: *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10-K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940; and

(2) Information relating to the effects of changing prices on the business enterprise, presented in accordance with the provisions of Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," or pursuant to Item 11 of Regulation S-K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," and disclosed in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "forward looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of the summary of earnings (as called for by Guides 22 and 1 under the Securities Act of 1933 and the Securities Exchange Act of 1934 and by instruction 5 to the Quarterly Report on Form 10-Q); or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in paragraphs (c) (1), (2), or (3) of this section.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of

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business, or an artifice to defraud, as those terms are used in the Securities Act of 1933 or the rules or regulations promulgated thereunder.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. By revising § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

(The text of the proposed revision is identical to § 230.175 above except that reference to the Securities Act of 1933 in paragraph (d) should read "Securities Exchange Act of 1934.")

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

4. By revising § 250.103A to read as follows:

§ 250.103A Liability for certain statements by issuers.

(The text of the proposed revision is identical to § 230.175 above except that reference to the Securities Act of 1933 in paragraph (d) should read "Public Utility Holding Company Act of 1935 and other acts referred to in Section 16(b) thereof.")

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

5. By adding § 270.0–9 to read as follows:

§ 270.0–9 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) of this section which is made by an issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (c) below), unless it is shown that such statement was made without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to information relating to the effects of changing prices on the business enterprise, presented in accordance with the provisions of Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," and disclosed in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Investment Company Act of 1940 or the rules or regulations promulgated thereunder.

* * * * *

These amendments are proposed to be effective for filings that include financial statements for fiscal years ending on or after December 25, 1980.

(These amendments are being proposed pursuant to authority in sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78*l*, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; section 20 (15 U.S.C. 79t) of the Public Utility Holding Company Act of 1935; and section 38(a) (15 U.S.C. 80a–37(a)) of the Investment Company Act of 1940)

Note.—Pursuant to section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposed amendments on competition and is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 27, 1980.

[FR Doc. 80–10313 Filed 4–4–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CCGD5–80–06R]

Safety of Life on Navigable Waters

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This proposed rule details the special local regulations which are intended to be established for the City of Norfolk Harborfest regatta. These special local regulations are being established to limit access to and control vessel traffic within the immediate vicinity of the regatta. Due to the confined nature of the waterway and the expected congestion at the time of the regatta, these regulations are necessary to promote the safety of life on the Elizabeth River at Norfolk and Portsmouth, Virginia, immediately before, during, and immediately after the regatta. The area subject to these regulations will be those waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

DATES: All comments received before April 14, 1980 will be considered. The proposed effective date is from 5 p.m. EDST until 9:30 p.m. EDST on May 24, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the Office of the Commander (b), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ronald T. Via, Commander (b), Chief Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth Virginia 23705 (804–398–6202).

SUPPLEMENTARY INFORMATION: The establishment of special local regulations to ensure the safety of life on the navigable waters of the United States immediately before, during, and immediately after a regatta is authorized by 46 U.S.C. 454 and 33 CFR 100.35, as amended.

Drafting Information

The principal persons involved in drafting this proposal are LCDR Ronald T. Via, Project Manager, Fifth Coast Guard District, Boating Safety Division, and Lt. Cheryl J. Avery, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Accordingly, the following local regulations are proposed:

§ 100.35 Special local regulations.

(a) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard Patrol Officer, no persons or vessel may enter or remain in the area of the waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) The operator of any vessel in the immediate vicinity of this area shall:

(1) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer displaying a Coast Guard emblem, and

(2) Proceed as directed by any Coast Guard officer or petty officer.

(c) Any spectator vessel may anchor outside of the area specified in paragraph a. of these regulations;

(d) The Coast Guard Patrol Commander is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at the reviewing platform at Town Point; and

(e) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(Sec. 1, Pub. L. 80–102, 35 Stat. 69, 46 U.S.C. 454; Sec. 6(b)(1), Pub. L. 92–401, 80 Stat. 937, 49 U.S.C. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b))

Dated: March 27, 1980.

T. T. Wetmore, III,

Commander, Fifth Coast Guard District.

[FR Doc. 80–10503 Filed 4–4–80; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 80–035]

Drawbridge Operation Regulations; Port Clinton, Ohio; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 80–9644 appearing on page 20983 in the **Federal Register** of Monday, March 31, 1980, the location of the Monroe Street Bridge was incorrectly identified as Portage, Ohio. This should be changed to Port Clinton, Ohio where it appears in the heading of the document, the summary statement, and the heading of § 117.705b.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–0942).

Dated: April 2, 1980.

K. G. Wiman,

Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Environment and Systems.

[FR Doc. 80–10451 Filed 4–4–80; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1453–8]

Receipt of Supplementary Information for Arkansas Implementation Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt.

SUMMARY: This is a notice of receipt of supplemental information requested from the State of Arkansas as required by the notice of final rulemaking published in the **Federal Register** on January 29, 1980 (45 FR 6569).

ADDRESSES: Copies of the Arkansas supplemental information are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460

Arkansas Department of Pollution, Control, and Ecology, 8001 National Drive, Little Rock, Arkansas 72209

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2742.

SUPPLEMENTAL INFORMATION: The State of Arkansas was required to submit additional information by December 15, 1979 to satisfy the conditions of approval as stipulated in the Arkansas notice of final rulemaking. The State has complied with this requirement and their submission is presently being reviewed by the Environmental Protection Agency (EPA). The Arkansas submittals are as follows:

§ 52.174 Compliance schedule.

(a)(1) Regulation 4.5(a) of the Regulations for the Control of Volatile Organic Compounds has been revised to include a final compliance date.

§ 52.177 Review of new sources and modifications.

(a)(1) The State of Arkansas modified and submitted to EPA a definition for lowest achievable emission rate (LAER).

The conditional approval of the State Implementation Plan (SIP) will be continued until final action on the State's submittal is published in the **Federal Register.**

This notice is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410(a).

Dated: March 21, 1980.

Adlene Harrison,

Regional Administrator.

[FR Doc. 80–10091 Filed 4–4–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 712

[OTS–082004b; FRL 1385–4]

Pesticides and Toxic Substances; General Recordkeeping Requirement: Preliminary Assessment Information

Correction

In FR Doc. 80–5188 appearing on page 13646 in the issue of Friday, February 29, 1980, the date given for the receipt of comments now reading "May 6, 1980" should have read "May 14, 1980".

BILLING CODE 1505–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Publication of the Semiannual of Regulations (Improving Government Regulations).

SUMMARY: The President's Executive Order on improving Govnernment Regulations Executive Order 12044, requires each Federal agency to publish at least twice a year a list of a significant regulations under development. The Foundation plans to publish its semiannual agenda by the first Monday in October and the first Monday in April.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Wade, General Counsel, National Endowment for the Arts, 2401 E Street, N.W., Washington, D.C. 20506, 202 634–6586, or Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506 202–724–0367.

SEMIANNUAL AGENDA OF REGULATIONS: At the present time there are no significant regulations under development or review in the Foundation itself or in its components, the Federal Council on the Arts and the Humanities, the National Endowment for the Arts, or the National Endowment for the Humanities.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities, and Chairman, Federal Council on the Arts and the Humanities.

Livingston L. Biddle,

Chairman, National Endowment for the Arts.

[FR Doc. 80–10713 Filed 4–4–80; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Part 1300

Consolidated Grants to Insular Areas

AGENCY: Office of Human Development Services (HDS), HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Human Development Services is proposing this regulation to implement the program of consolidated grants to the Insular Areas authorized by Title V of Pub. L. 95–134, the Omnibus Territories Act, as amended. Title V authorizes each Federal agency to consolidate into a single grant award all grant funds to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (The "Insular Areas"). The Department of Health, Education, and Welfare decided that only formula grant funds would be eligible for consolidation. This regulation specifies the formula grant funds eligible for consolidation, describes the general application process and specifies post award requirements.

EFFECTIVE DATE: Written comments will be specified until May 22, 1980.

ADDRESS: Send comments on these regulations to: Division of Policy Coordination, Office of Human Development Services, Room 324E, HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 472–3077. Comments received will be available for inspection and copying at: Room 334F–4, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: William F. Renahan, Division of Policy Coordination, Office of Human Development Services, Room 334F–4, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 472–3077.

SUPPLEMENTARY INFORMATION:

Background

Section 501 of Pub. L. 95–134, the Omnibus Territories Act, as amended, permits Federal agencies to revise existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (The "Insular Areas"). Specifically that section permits:

(a) A Federal agency to consolidate any or all grants to each of these Insular Areas and to waive requirements for matching funds, applications, and reports with respect to the consolidated grants, and

(b) An Insular Area to use the consolidated grant funds for any purpose or purposes authorized under any of the grant programs that have been consolidated.

The Secretary of Health, Education, and Welfare has decided that the Public Health Service, the Office of Education and the Office of Human Development Services (HDS) would allow consolidation of formula grant funds *only* and that matching, application, and reporting requirements would *not* be waived.

This regulation applies only to formula grant funds available from the Office of Human Development Services to the Insular Areas. The specific procedures on how to apply, report and use the funds will be published at a later date with an opportunity for public comment.

Affected HDS Formula Grants

Under these proposed regulations, an Insular Area may apply for a grant consolidating funds available for social services under the following titles of the Social Security Act:

Title I—Grants to States for Old-Age Assistance and Medical Assistance for the Aged
Title IV, Part A—Aid to Families with Dependent Children
Title IV, Part B—Child Welfare Services
Title X—Grants to States for Aid to the Blind
Title XIV—Grants to States for Aid to the Permanently and Totally Disabled
Title XVI—Grants to States for Aid to the Aged, Blind, or Disabled
Title XX—Grants to States for Services (as funds are available)

Effect on Insular Area

This regulation would allow an Insular Area to apply for one grant award consolidating all social service funds available under the above Social Security Act titles. If an Insular Area chose to apply for a consolidated grant award, it could submit a single application and a single post-award report. Except for funds made available under Title XX, the Insular Area would be able to spend the funds received under the consolidated grant for any of the titles included in the consolidated grant award. Under Section 2002(a)(2)(C) and (D) of the Act, we can make available to the Insular Areas Title XX funds that States verify they will not need. However, the Insular Areas may use those funds only for services authorized under Titles I, IV, X, XIV, and XVI. The Insular Area would be able to decide how to allocate all funds received under the grant among the various titles consolidated under the grant award.

Participation by an Insular Area in the consolidated grant program is voluntary. If an Insular Area does not wish to participate in the consolidated grant program, it must follow current application and reporting procedures to receive funds for each of the above Social Security Act titles.

Summary of this Regulation

Section 1300.1 Describes the statutory basis and purpose of this regulation
Section 1300.2 Identifies the eligible Insular Areas and lists the Social Security Act titles which may be included in a consolidated grant award
Section 1300.3 Defines terms used in this subpart
Section 1300.4 Describes the general procedures for applying for consolidated grant award
Section 1300.5 Describes the matching funds requirements
Section 1300.6 Describes how funds may be used under the consolidated grant award
Section 1300.7 Describes the reporting requirements

Regulatory Analysis: This regulation has been reviewed under Executive Order 12044. It does not require a regulatory analysis since it does not meet the threshold of the criteria on economic impact.

Authority: These regulations are issued under Sec. 501 of Title V of Pub. L. 95–134, The Omnibus Territories Act, as amended 48 U.S.C. 1469.

Dated: November 9, 1979.

Joseph A. Mottola,
Acting Assistant Secretary for Human Development Services.

Approved: March 31, 1980.

Patricia Roberts Harris,
Secretary.

PART 1300—GENERAL REGULATIONS

HDS Proposes to Amend Title 45 to add a New Part 1300 consisting of Subpart A to read as follows:

Subpart A—Consolidated Grants to Insular Areas

Sec.
1300.1 Basis and purpose.
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1300.6 Use of consolidated grant funds.
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Authority: Sec. 501 of Title V of Pub. L. 95–134, the Omnibus Territories Act, as amended (48 U.S.C. 1469).

Subpart A—Consolidated Grants to Insular Areas

§ 1300.1 Basis and purpose.

The purpose of this subpart is to implement Title V of Pub. L. 95–134, the Omnibus Terrritories Act, as amended, by allowing an Insular Area to submit a single application and other supporting documentation in order to receive a single grant award consolidating the formula grant funds available for social services under certain titles of the Social Security Act. An additional purpose of this subpart is to permit an Insular Area to allocate the funds among the various titles consolidated under the grant award.

§ 1300.2 Scope.

These regulations apply to the consolidation of formula grant funds for social services available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands under the following Social Security Act titles administered by the Office of Human Development Services:

Title I—Grants to States for Old-Age Assistance and Medical Assistance for the Aged
Title IV, Part A—Aid to Families with Dependent Children
Title IV, Part B—Child Welfare Services
Title X—Grants to States for Aid to the Blind
Title XIV—Grants to States for Aid to the Permanently and Totally Disabled
Title XVI—Grants to States for Aid to the Aged, Blind, or Disabled.
Title XX—Grants to States for Services (as funds are available)

§ 1300.3 Definitions.

(a) "Assistant Secretary" means the Assistant Secretary for Human Development Services.

(b) "Consolidated Grant Award" means the single quarterly grant award to an Insular Area, the funds for which are derived from the formula allocations under the programs specified in § 1300.2, *Scope.*

(c) "Insular Area" means the Virgin Islands, Guam, American Samoa, The Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 1300.4 Grant application procedures.

An Insular Area may apply for a grant award consolidating the formula grant funds specified in § 1300.2, *Scope,* by submitting a single grant application and budget rather than the various applications, budgets, and any supporting documents which must be submitted under any of the Social Security Act titles specified in § 1300.2, *Scope.* The single application must be submitted within time limits and in the format prescribed by the Assistant Secretary in guidelines.

§ 1300.5 Matching funds requirements.

Grant funds awarded under a consolidated grant are subject to the matching funds requirements applicable to the Social Security Act titles under which the funds are made available.

§ 1300. Use of consolidated grant funds.

(a) An Insular Area may use funds awarded in any fiscal year under the titles listed in § 1300.2, *Scope,* for any social services authorized by any of the titles listed in that section, except that funds made available under Title XX may only be used for social services authorized by Titles I, IV-A, X, XIV or XVI.

(b) Except as provided in these regulations, social services funds spent for an social services authorized by any of the Titles listed in § 1300.2, *Scope,* are subject to the statutory and administrative requirements applicable to those social services.

§ 1300.7 Reporting requirements.

An Insular Area which receives a consolidated grant under this subpart must submit a single report on the use of the funds to the Assistant Secretary. The single report must be in the format and contain the information prescribed by the Assistant Secretary in guidelines.

[FR Doc. 80-10359 Filed 4-4-80; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30 and 151

[CGD 80–02]

Revisions to Subchapter D Lists of Flammable and Combustible Bulk Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: The Coast Guard proposes to revise two tables found in its regulations which lists flammable and combustible cargoes that may only be transported in bulk in certificated tank vessels. The revisions would add to the lists cargoes that the Coast Guard has evaluated and determined to be flammable or combustible in the period since the tables were last revised. In addition, certain editorial corrections would be made to the present tables.

DATE: Comments must be received on or before May 22, 1980.

ADDRESS: Comments should be mailed to Commandant (G–CMC/24) (CGD 80–02), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7:30 a.m. and 4:30 p.m., Monday through Thursday, except holidays, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Payne, Office of Merchant Marine Safety (G–MHM/14), Room 1403, U.S. Coast Guard Headquarters, Washington, DC 20593 (202) 426–6260.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each should include the name and address of the person submitting the comment, identify this notice (CGD 80–02), and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments will be available for examination by interested persons. No public hearing is planned but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Curtis Payne, Project Manager, Office of Merchant Marine Safety, and Mr. Coleman Sachs, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulation

Table 30.25–1 in Title 46, Code of Federal Regulations contains a listing of cargoes that have been found to be flammable or combustible and may therefore be transported in bulk only in vessels certificated under the rules of Subchapter D, which prescribe construction, equipment, and operational standards for tank vessels carrying such cargoes. Table 151.01–10(d), also in Title 46, contains what should be an identical listing of bulk

cargoes to advise those dealing with tank barges certificated under Subchapter D of the restrictions on the carriage of these cargoes. If a flammable or combustible cargo is not included in these lists, Coast Guard approval must be obtained before it is transported in bulk in tank vessels. Through its processing of requests for such approval, the Coast Guard has evaluated and classified a number of additional flammable and combustible cargoes. In establishing the presence of these characteristics, the Coast Guard considers a liquid to be combustible if it has an open cup flashpoint above 80° F and flammable if it gives off flammable vapors at or below a temperature of 80° F. By revising the tables to include recently classified flammable or combustible cargoes, this proposal would eliminate the necessity for Coast Guard approval to be obtained to transport these cargoes in bulk.

In addition, this proposal would correct a number of entries in the present tables which contain typographical errors or misspellings, or which are not placed in proper alphabetical order, or had been previously omitted as a result of printer's error.

The revised list of flammable and combustible cargoes that would replace those presently found in both tables is printed below, with a asterisk (*) placed beside each new entry that would be included under this proposal.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" published on February 26, 1979 (44 FR 11034), and is not considered a significant rulemaking. A draft evaluation of the proposal has been prepared and included in the public docket. This may be obtained from the Marine Safety Council at the address indicated above.

In consideration of the foregoing, the Coast Guard proposes to amend Parts 30 and 151 of Title 46, Code of Federal Regulations as follows:

§§ 30.25–1 and 151.01–10 (Amended)

1. By revising the contents of Table 30.25–1 in Part 30 and Table 151.01–10(d) in Part 151 to read as follows:

Acetone.
Acetophenone.*
Acetyl Tributyl Citrate.*
Alcohols (Mixed).*
Alkenylsuccinic Acid.*
Alkenylsuccinic Anhydride.*
Alkyl Benzene Sulfonic Acid (4 % or less).*
Alkyl Phthalates (n-).*
Alkyl Succinate Formaldehyde Hydroxy Amino Condensate (3.2 % or less).*
Amyl Acetate (iso-, n-).
Amly Alcohol (n-).
Amylene.*
Amyl Methyl Ketone.*
Amyl Tallate.
Asphalt.
Asphalt Blending Stocks:
  Roofers Flux.
  Straight Run Residue.
Behenly Alcohol.*
Benzyl Alcohol.*
Bicyclic Terpenel Polyamine Amide Salt.*
Butane.
Butyl Acetate (iso-, n-, sec-).
Butyl Alcohol (iso-, n-, sec-, tert-).
Butyl Benzyl Phthalate.
Butylene.
1,3 Butylene Glycol.
Butylene Polyglycol.*
Butyl Heptyl Ketone.*
Butyl Methyl Ketone.*
Butyl Sterate.*
Butyl Toluene.*
Butyrolactone (Gamma).*
Calcium Alkylphenate.*
Calcium Alkyl Salicylate.*
Calcium Amino Nonly Phenolate.*
Calcium Carboxylate.*
Caprolactam Solutions.*
Carbon Black Base.*
Cetyl Alcohol (Hexadecanol).*
Cetyl Stearly Alcohol.*
Cleaning Spirit (unleaded).*
Cumene.
Cycloaliphatic Resins.
Cyclohexane.
Cyclohexanol.
Cyclopentadiene Polymers.*
Cymene (para-1).
Decaldehyde (iso-, n-).
Decane.*
Decene.
Decyl Alcohol (iso-, n-).
Decyl Benzene (n-).
Detergent Alkylate.*
Diacetone Alcohol.
Dibutyl Carbinol.*
Dibutyl Phthalate (ortho-).
Dicyclopentadiene.*
Diethylbenzene.
Diethylene Glycol.
Dietylene Glycol Diethl Ether.*
Diethylene Glycol Monobutyl Ether (Methyl Carbitol).
Diethylene Glycol Monobutyl Ether Acetate.
Diethylene Glycol Monobutyl Ether.
Diethylene Glycol Monobutyl Ether Acetate.*
Diethylene Glycol Monobutyl Ether.
Diethylene Glycol Monobutyl Ether Acetate.*
Diethylene Glycol Monobutyl Ether.*
Di (Ethylhexyl) Phthalate.*
Diethly Phthalate.*
Diglycidly Ether of Bispenol A.
Diheptyl Phthalate.
Dihexyl Phthalate.*
Diisobutyl Carbinol.
Diisobutylene.
Diisobutyl Ketone.
Diisobutyl Phthalate.*
Diisodecyl Phthalate.
Diisononyl Phthalate.*
Diisooctyl Phthalate.*
Diisopropl Benzene.*
Dimethyl Phthalate.*
2,2-Dimethly propane-1, 3-Diol.*
Dinonyl Phtahlate.
Di(Octyl Phenyl) Amine.*
Dioctyl Phthalate.
Dipentene.*
Diphenyl.*
Diphenyl-Diphenyl Oxide.
Diphenyl Ether.*
Dipropylene Glycol.*
Dipropylene Glycol Monomethly Ether.*
Distillates:
  Flashed Feed Stocks.
  Straight Run.**
Diundecyl Phthalate.*
Dodecane.*
Dodecanol.
Dodecene.*
Dodecylbenzene (commercial).
Epoxylated Linear Alcohols, C11–C15.
Ethane.
Ethoxyethanol.*
Ethoxyethyl Acetate.*
Ethoxylated Alcohols, C11–C15.
Ethoxy Triglycol (crude).
Ethyl Acetate.
Ethyl Alcohol.
Ethyl Amyl Ketone.*
Ethyl Benzene.
Ethyl Butanol.
Ethyl Cyclohexane.*
Ethylene.
Ethylene Carbonate.*
Ethylene Glycol.
Ethylene Glycol Diacetate.*
Ethylene Glycol Methyl Butyl Ether.*
Ethylene Glycol Monobutyl Ether.
Ethylene Glycol Monobutyl Ether Acetate.
Ethylene Glycol Monoethyl Ether.
Ethylene Glycol Monoethyl Ether Acetate.
Ethylene Glycol Monoisopropyl Ether.*
Ethylene Glycol Monomethyl Ether.*
Ethylene Glycol Monomethyl Ether Acetate.*
Ethylene Glycol Phenyl Ether.*
Ethylene-Propylene Copolymer.*
Ethylhexaldehyde.
Ethylhexanoic Acid.*
2-Ethyl Hexanol.
Ethylhexoic Acid.*
Ethyl Hexyl Phthalate.*
Ethyl Hexyl Tallate.
Ethyl Toluene.*
Fatty Acid Amides.*
Formamide.*
Furfuryl Alcohol.
Gas Oil, Cracked.
Gasoline Blending Stocks:
  Alkylates.
  Reformates.
Gasolines:
  Automotive (containing not over 4.23 grams lead per gallon).
  Aviation (containing not over 4.86 grams lead per gallon).
  Casinghead (natural).
  Polymer.
  Straight Run.
Glycerine.
Glycerol.*
Glyceryl Triacetate.*
Glycidy Ester of tertiary Carboxylic Acid.*
Glycidyl Ester of Versatic Acid.*
Glycol Diacetate.
Glycols, Resins, & Solvents Mixture.*
Glycol Triacetate.*
Glyoxal (40%).
Grease.*
Heptadecane.
Heptane.
Heptanoic Acid.*
Heptanol.

Heptene.*
Herbicide (C_{15}-H_{22}-NO_2-Cl).*
Hexaethylene Glycol.*
Hexamethylene Glycol.*
Hexane (iso-, n-).
Hexanol.
Hexene.
Hexyl Actetate.*
Hexylene Glycol.
Hog Grease.*
Isophorone.
Jet Fuels:
  JP–1 (Kerosene).
  JP–3.
  JP–4.
  JP–5 (Kerosene, Heavy).
Kerosene.
Lactic Acid.*
Lard.*
Latex, Liquid Synthetic.
Magnesium Nonly Phenol Sulfide.*
Magnesium Sulfonate.*
Maleic Anhydride Copolymer.*
2-Mercaptobenzothiazole.*
Methane.**
Methoxy Triglycol.*
Methyl Acetate.
Methyl Acetoacetate.*
Methyl Alcohol.
Methyl Amyl Acetate.
Methyl Amyl Alcohol.
Methyl Amyl Ketone.*
Methyl Butanol.*
Methyl Ethyl Ketone.
Methyl Formal (Dimethyl Formal).
Methyl Heptyl Ketone.*
Methyl Isobutyl Carbinol.
Methyl Isobutyl Ketone.**
Methyl Naphthalene.*
Methyl Pentene.*
Methyl Pyrrolidone (n-).*
Methyl tert-Butyl Ether.*
Mineral Spirits.
Naphtha:
  Aromatic (10% or less benzene).*
  Cracking Fraction.*
  Heavy.*
  Paraffinic.*
  Petroleum.
  Solvent.
  Stoddard Solvent.
  Varnish Makers' and Painters' (75%).
Naphthenic Acid.*
Nonane.
Nonanoic Acid.*
Nonanoic-Tridecanoic Acid Mixture.*
Nonene.
Nonyl Alcohol.
Nonyl Phenol.
Nonyl Phenol (ethoxylated).
Nonyl Phenol Sulfide (30% or less).*
Octadecene.*
Octadecenoamide (Oleamide).*
Octane.*
Octene.
Octyl Acetate.*
Octyl Alcohol (iso-, n-).
Octyl Aldehyde (iso-).
Octyl Epoxytallate.
Octyl Phthalate.*
Oils:
  Absorption.
  Aliphatic.*
  Animal.*
  Aromatic.
  Aviation F2300.*
  Clarified.
  Coal.
  Coal Tar.
  Croton.
  Crude.
  Diesel.
  Fuel Oils:
  No. 1 (Kerosene).
  No. 1–D.
  No. 2.
  No. 2–D.
  No. 4.
  No. 5.
  No. 6.
  Gas, Low Pour.*
  Gas, Low Sulphur.*
  Heartcut Distillate.
  Lanolin.*
  Linseed.
  Lubricating.
  Mineral.
  Mineral Seal.
  Motor.
  Neatsfoot.
  Oiticica.*
  Penetrating.
  Perilla.*
  Pilchard.*
  Pine.*
  Range.
  Residual.
  Resin.
  Resinous Petroleum.
  Road.
  Rosin.
  Seal.*
  Soapstock.*
  Sperm.
  Spindle.
  Spray.
  Tall.
  Tall, Fatty Acid.*
  Tanner's.
  Transformer.
  Tung.*
  Turbine.
  Whale.*
  White (Mineral).*
  Wood.*
Edible Oils, including:
  Babassu.*
  Beechnut.*
  Castor.
  Cocoa Butter.*
  Coconut.
  Coconut Oil Fatty Acid.*
  Coconut Oil, Esterified.*
  Coconut Oil, Methyl Ester.*
  Cod Liver.*
  Corn.*
  Cotton Seed.
  Cotton Seed Fatty Acid.*
  Fish.
  Grapeseed.*
  Groundnut.*
  Hazelnut.*
  Lard.
  Maize.*
  Mustard Seed.*
  Nutmeg Butter.*
  Olive.
  Palm.
  Peanut.
  Poppy.*
  Raisin Seed.*
  Rapeseed.*
  Rice Bran.*
  Safflower.
  Salad.*
  Sesame.*
  Soya Bean.
  Soybean (Epoxidized).
  Sunflower Seed.*
  Tucum.
  Vegetable.
  Walnut.*
Oleic Acid.*
Oleyl Alcohol (Octadecenol).*
Organic Amine 70 (mixture of high molecular weight alcohol amines).*
Pentadecanol.
Pentaethylen Glycol.*
Pentane (iso-, n-).
1-Pentene.
Petrolatum.
Phosphosulfurized Bicyclic Terpene.
Phthalate Plasticizers.
Pinene.*
Polyalkenyl Succinic Anhydride Amine.*
Polyamine, Amide Mixture.*
Polybutene.
Polyethylene Glycols.
Polyisobutylene.*
Polymerized Esters.
Polypropylene.
Polypropylene Glycols.
Polypropylene Glycol Methyl Ether.
Polystyrene Dialkyl Maleate.*
Propane.
Propyl Acetate (iso-, n-).
Propyl Alcohol (iso-, n-).
Propyl Benzene.*
Propylene.
Propylene Butylene Polymer.
Propylene Glycol.
Propylene Glycol Monethyl Ether.*
Propylene Glycol Monomethyl Ether.*
Propylene Polymer.*
Propylene Tetramer.*
Propylene Trimer.*
Propyl Ether (iso-).
Pseudocumene (1,2,4-Trimethylbenzene).*
Rum.*
Sodium Acetate, Glycol, Water Solutions.*
Sodium Sulfonate.*
Stearic Acid.*
Stearyl Alcohol (Octadecanol).*
Sulfolane.
Tallow.
Tallow Alcohol.*
Tallow Nitrile.*
Tetradecanol.
Tetradecene.
Tetradecyl Benzene.
Tetraethylene Glycol.
Tetrathydronaphthalene.
Tetrapropyl Benzene.*
Toluene.
Triarylphosphate.*
Tricresyl (Tritolyl) Phosphate (containing less than 1% of the ortho isomer).*
Trideance.*
Trideancoic Acid.*
Trideanol.
Tridecene.
Tridecyl Benzene.
Triethyl Benzene.
Triethylene Glycol.
Triethylene Glycol Diethyl Butyrate.
Triethylene Glycol Monomethyl Ether.*
Triethyl Phosphate.*
Triisooctyl Trimellitate.*

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Trimethyl Benzene.
2,2,4-Trimethyl Pentanediol-1,3-Diisobutyrate.*
2,2,4-Trimethyl-3-Pentanol-1-Isobutyrate.*
Tripropylene.*
Tripropylene Glycol.
Tripropylene Glycol Monomethyl Ether.*
Trixylonyl Phosphate.*
Turpentine.
Turpentine Substitute (White Spirit).*
Undecanol.
Undecene.
Undecylbenzene.
Vinyl Acetate, Fumarate Copolymer.*
Waxes:
Candelilla.*
Carnauba.
Paraffin.
Petroleum.*
White Spirit.*
White Spirit, Low Aromatic.*
Wine.*
Wool Grease.*
Xylene (meta-,Para-,ortho-).
Zinc Dialkyldithiophosphate.

(46 U.S.C. 391a, 49 CFR 1.46(n)(4))

Dated: May 27, 1980.

Henry Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-10442 Filed 4-4-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 78-393]

Television Receiver Performance Standards; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission has received a Report relevant to the subject matter of Docket 78-393, and is re-opening the comment and reply comment period in order to receive public comments on the Report.

DATES: Comments must be received on or before May 16, 1980 and Reply Comments must be received on or before June 13, 1980.

ADDRESSES: Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Larry Middlekamp, Office of Science and Technology (301) 725-1585.

SUPPLEMENTARY INFORMATION: In the matter of Television Receiver Performance Standards, Gen. Docket No. 78-393, 44 FR 3361, January 17, 1980.

Order Setting Deadline for Filing Comments and Reply Comments

Adopted: March 26, 1980.

Released: March 27, 1980.

1. The Commission has received a report on Television Receiver Noise Figure Study, by J. B. O'Neal, Jr. The report has been entered into the file in this Docket, as it relates closely to the matters being considered therein. The report has also been releaded to the public, and is available for distribution from the FCC's Public Information Division.

2. It is appropriate to reopen the comment period, in order to receive comments of interested parties and the general public. We invite comments and reply comments, to be confined to the aforementioned report.

3. Accordingly, it is ordered, that the deadline for filing comments on the above mentioned report be set for May 16, 1980, and the deadline for reply comments be set for June 13, 1980.

Action is taken pursuant to 47 CFR 0.241(d).

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 80-10360 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-121; RM-3318]

FM Broadcast Station in San Luis Obispo, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposed the assignment of a third FM assignment to San Luis Obispo, California, in response to a petition filed by the John Brown Schools of California, Inc. The proposed assignment could provide for an additional FM service in a growing community.

DATES: Comments must be filed on or before May 19, 1980, and reply comments on or before June 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (San Luis Obispo, California) (BC Docket No. 80-121, RM-3318).

Adopted: March 13, 1980.
Released: March 31, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] submitted by John Brown Schools of California, Inc. ("petitioner"), requesting the assignment of FM Channel 251 to San Luis Obispo, California, as that community's third commercial FM assignment. No comments in opposition have been filed.

2. San Luis Obispo (pop. 28,036)[2], seat of San Luis Obispo County (pop. 105,690), is located 322 kilometers (200 miles) north of Los Angeles. San Luis Obispo is presently served by three fulltime AM stations, two commercial FM stations, KZOZ (Channel 227), KUNA (Channel 241) and two noncommercial educational FM stations.

3. Petitioner states that San Luis Obispo is a rapidly growing community with a 1978 estimated population of 35,469. While this population figure does not meet the criteria for assignment of three FM channels, petitioner argues that the projected population of 65,000 in 20 years will meet the criteria. Further, petitioner argues that this allocation will provide a second FM service to approximately 1,186 persons living in a 243 square kilometer (95 square miles) area.

4. The assignment of Channel 251 to San Luis Obispo, California, will cause preclusion to ten communities with population greater than 1,000. Of these, four communities have no FM assignments. The four communities, all in California, with their respective preclusions and populations are: Cambria (1,716) (Channels 249A, 251, 252, 254); Mooro Bay (7,109) (Channels 249A, 251, 252, 254); Arroyo Grande (7,454) (Channels 251, 252); and Guadalupe (3,145) (Channels 251, 252). Mooro Bay and Arroyo Grande, however, have AM stations. Petitioner notes that Channels 261A, 265A, 288A and 296A are generally available throughout the precluded areas.

5. In view of the interest demonstrated in a third FM assignment in this growing community, and the fact that alternate channels are available for assignment to the precluded communities, the Commission feels consideration of this proposal would be in the public interest.

6. Accordingly, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to the listed community;

[1] Public Notice of the petition was given on February 16, 1979, Report No. 1164.

[2] Population figures are taken from the 1970 U.S. Census.

City	Channel No.	
	Present	Proposed
San Luis Obispo, California	227, 241	227, 241, 251

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragaph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 19, 1980, and reply comments on or before June 9, 1980.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, the Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed late than that, they will not be considered in connection with decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-10384 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-116; RM-3391]

FM Broadcast Stations in Saco and Scarborough, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of Channel 240A to Saco, Maine, as a first local service in response to a petition filed by Harry B. Bailey, Jr., and Remi S. Rioux, and the reassignment of a Class A channel from Saco to Scarborough, Maine, to reflect its use there.

DATES: Comments must be filed on or before May 19, 1980, and reply comments on or before June 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Saco and Scarborough, Maine) (BC Docket No. 80-116, RM-3391).

Adopted: March 13, 1980
Released: April 2, 1980

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Harry B. Bailey, Jr., and Remi S. Rioux ("petitioners"), proposing the assignment of FM Channel 240A to Saco, Maine, as its first FM assignment. WPNO, Inc., licensee of WPNO(AM), Auburn, Maine, has suggested that the Commission consolidate its petition for rule making (RM-3561) requesting, *inter alia*, assignment of Class B Channel 238 to Lewiston, Maine, with the instant petition because the requests will cause preclusion in the same area. Petitioners have opposed consolidation on the grounds that there is no mutual exclusivity, there are no conflicting claims, the issues and applicants are different and consolidation might delay expedited processing of their petition. We have not consolidated the Lewiston proposal herein because the Saco petition seeks the first assignment of a Class A channel and preclusion is not an issue. No other comments have been received.

(b) The proposed channel can be assigned in conformity with the

[1] Public Notice of the petition was given on July 11, 1979, Report No. 1183.

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minimum distance separation requirements.

(c) Petitioners state they will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Saco, in eastern York County, on the Saco River, is located 26 kilometers (16 miles) southwest of Portland, Maine.

(b) *Population:* Saco—11,678 [2]; York County—132,300.

(c) *Local Aural Broadcast Service:* None.

(d) *Economic Considerations:* Petitioners state that Saco has the second largest growth rate in Maine, which they believe is particularly significant since numerous Maine cities are experiencing population declines. They further state that retail trade and industrial manufacturing are growing in Saco. Petitioners have submitted information regarding Saco which is sufficient to warrant consideration of a first local aural broadcast service. Petitioners also state that they intend to provide service to a large French speaking population comprising 28.5% of Saco. In addition, we have proposed to amend the Table to reflect the use of Channel 282A (Station WJBQ–FM) at Scarborough, Maine.

3. Canadian concurrence on the assignment will be required.

4. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Rules, with respect to the communities listed below:

City	Channel No.	
	Present	Proposed
Saco, Maine	282A	240A
Scarborough, Maine		282A

5. Interested parties may file comments on or before May 19, 1980, and reply comments on or before June 9, 1980.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advance in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-10082 Filed 4-4-80; 8:45 am]

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47 CFR Part 73

[BC Docket No. 80–123; RM–3460]

FM Broadcast Station In Hagerstown, Md.; Proposed Changes In Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a second commercial television channel to Hagerstown, Maryland. Petitioner, James Resh, states the proposed assignment would provide for a station which could render a first independent television programming service to Hagerstown.

DATES: Comments must be filed on or before May 19, 1980, and reply comments must be filed on or before June 9, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 19, 1980.

Released: March 31, 1980.

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Station. (Hagerstown, Maryland), BC Docket No. 80–123, RM–3460.

1. Before the Commission is a petition for rule making (Public Notice No. 1190, issued August 27, 1979), submitted by James Resh ("petitioner"). The petition seeks amendment of 73.606(b) of the Commission's rules, the Television Table of Assignments, by assigning UHF television Channel 68 to Hagerstown, Maryland, as that community's second commercial television assignment. Comments were filed by the Association of Maximum Service Telecasters ("MST"). Oppositions were filed by Henson Aviation, Inc. ("Henson"), licensee of Station WHAG-TV, Hagerstown, Maryland, and Shenandoah Valley Educational Television Corporation ("Shenandoah"), licensee of noncommercial educational television Station WVPT, Staunton, Virginia. Reply comments were filed by the Maryland Center for Public Broadcasting ("Center") and by petitioner.

2. Hagerstown (pop. 35,862)[1], seat of Washington County (pop. 103,829), is located in north central Maryland, approximately 100 kilometers (60 miles) west of Baltimore. Hagerstown is currently assigned Channel 25 (WHAG-TV) and Channel *31 (WWPB) which is reserved for non-commercial educational use.

3. In support of his proposal, petitioner asserts that there is a need for additional television service. He notes that agriculture has played an important part in the area's economy and that commercial and industrial enterprises have grown in significance and size over the past decade. He claims that the city's population has grown from 35,862 in 1970, to a 1978 estimated metropolitan population of 75,270, which is expected to increase to 80,400 by 1980.[2] Petitioner contends that there is a lack of adequate local television service to Hagerstown, and he contends there is a need for an additional channel based on Hagerstown's size, significance in the area and other public interest factors. He asserts that the proposed channel could provide viewers with a choice of local commercial television broadcast signals from a new, independent and community oriented programmer.

4. MST[3] states it does not oppose the proposed assignment to Hagerstown provided the site chosen meets the separation requirements. A site 3.2 miles northwest of Hagerstown would meet the requirements to all existing stations and assignments, except for Channel 68 proposed for assignment to Seaford, Delaware, in the New Jersey UHF rule making proceeding (BC Docket 79–269). If Channel 68 is to be assigned to both Seaford and Hagerstown, a total of 22 miles in site restrictions will be necessary. A site restriction of 10 miles east of the proposed Seaford assignment would allow the proposed Hagerstown channel to be used in the area of the existing Hagerstown Channel 25 and *31 stations, about 13 miles west of Hagerstown.

5. Shenandoah's opposition was based on a proposed substitution of Channel *61 for Channel *42 at Front Royal, Virginia (BC Docket 79–52) which would have created an additional short spacing. However, on September 27, 1979, the Commission declined to substitute Channel *61 for *42 at Front Royal, Virginia, in the proceeding.

6. Henson contends that petitioner has failed to demonstrate that the Hagerstown area can support a second commercial television station. It claims that Hagerstown is served by extensive cable television systems throughout the market, plus numerous independent stations from Washington, Baltimore, and elsewhere. Because of these television signals, Henson asserts, the proposed station in Hagerstown would be faced with significant competition for audience, in addition to severely diluting the very limited advertising pool upon which Henson's station (WHAG-TV) now depends. It contends that petitioner presented no analysis of the extent of preclusion or the availability of other channels to communities located in the preclusion area.

7. Petitioner, in response to the Center and MST comments, claims that sufficient site flexibility exists so that the proposed assignment of Channel 68 to Hagerstown would conform with the minimum separaton requirements and minimum field strength intensity over the community of license. In response to Henson's comments, petitioner asserts that cable service is not a substitute for off-the-air television service. He contends that Henson's objections relate to the ability of the market to support a second commercial television broadcast service, and as such, should not be raised at the rule making stage but at the time an application is filed.

8. We agree with petitioner that Henson's comments are directed to the effects of competition on its station (WHAG-TV, Channel 25). No showing has been made that the public would suffer an adverse impact from the new competition. The applicable site restrictions will be coordinated with the proceeding involving Seaford, Delaware (BC Docket 79–269).

9. Based on these facts, the Commission believes that it is appropriate to consider whether there is a need for a second commercial television service in Hagerstown. Therefore, the Commission finds it would be in the public interest to consider amending § 73.606(b) of the Commission's rules, the Television Table of Assignments, for that community as follows:

City	Channel No.	
	Present	Proposed
Hagerstown, Maryland	25–, *31	25–, *31, 68+

10. Authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements is contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before May 19, 1980, and reply comments on or before June 9, 1980.

12. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[2] Petitioner does not indicate the source of this information.

[3] In reply comments, Center supported MST, stating that it, too, did not oppose the proposed assignment to Hagerstown provided a site was chosen which would meet the separation requirements to Station WMPB-TV (Channel *67), Baltimore, Maryland.

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Appendix

[BC Docket No. 80-123 RM-3460]

1. Pursuant to authority found Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-10385 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-120; RM-3311]

FM Broadcast Station in Defiance, Ohio; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of Class B FM Channel 251 to Defiance, Ohio, as that community's first FM assignment, in response to a petition filed by Defiance Broadcasting Company. It also proposes the reassignment of Channel 240A from Defiance to Archbold, Ohio, to reflect its current usage.

DATES: Comments must be filed on or before May 19, 1980, and reply comments on or before June 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Defiance, Ohio) (BC Docket No. 80-120, RM-3311).

Adopted: March 18, 1980

Released: March 31, 1980

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed by Defiance Broadcasting Company ("petitioner") proposing the assignment of Class B FM Channel 251 to Defiance, Ohio, as a first FM assignment. No other comments were received.

2. Defiance (pop. 15,800 [2]), seat of Defiance County (pop. 36,949), is located in the northwest corner of Ohio, approximately 85 kilometers (53 miles) southeast of Toledo, Ohio. Defiance is served locally by fulltime AM Station WONW.

3. Since Channel 240A, presently assigned to Defiance, is being used in Archbold, Ohio, by Station WHFD, pursuant to Section 73.203(b) of the Commission's Rules,[3] we shall propose to modify the FM Table of Assignments to reflect the use of Channel 240A in Archbold.

4. The Assignment of Channel 251 to Defiance, Ohio, would cause preclusion to one community with a population greater than 1,000. The community, Morenci, Michigan (pop. 2,132), has no current AM stations or FM assignments. Petitioner states that there are no channels available for assignment to Morenci. However, Morenci is said to receive AM and FM service from nearby Adrian, Michigan.

5. Petitioner has submitted a community profile which adequately demonstrates the need for a first FM channel assignment. Petitioner indicates that there are no Class A channels available for assignment to Defiance. Further in support of a Class B assignment we are told that Defiance is located in a rural area far removed from any larger communities.

6. In order to meet the spacing requirements, the successful applicant for Channel 251 will have to locate its transmitter facilities approximately 11 kilometers (7 miles) west of Defiance.

7. In view of the public benefit to be derived from providing Defiance, Ohio, with its first local FM service and the absence of significant preclusion impact, the Commission feels consideration of the below mentioned proposal will be in the public interest.

8. Accordingly, It Is Proposed To Amend, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as follows, for the below named communities:

City	Channel No.	
	Present	Proposed
Archbold, Ohio		240A
Defiance, Ohio	240A	251

9. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before May 19, 1980, and reply comments on or before June 9, 1980.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assigment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-10383 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-122; RM-3320]

FM Broadcast Station in Ashland, Oreg.; Proposed Changes in Table of Assignments and Order To Show Cause

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making and Order to Show Cause.

SUMMARY: This action proposes to assign two Class C FM channel assignments to Ashland, Oregon, in response to a petition filed by A-Train Inc. The present Class A licensee at Ashland is proposed to have its license modified to specify one of the Class C channels. The assignments could provide significant first and second FM and aural services and would avoid intermixture of classes of channels at Ashland.

DATES: Comments must be filed on or before May 19, 1980, and reply comments must be filed on or before June 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792

SUPPLEMENTARY INFORMATION:

Adopted: March 13, 1980.

Released: March 31, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Ashland, Oregon), BC Docket No. 80-122, RM-3320.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by A-Train Radio, Inc. ("petitioner"), seeking the assignment of Class C FM Channel 286 to Ashland, Oregon. An opposition to the proposal was received from Rogue Radio Corp. ("Rouge"), licensee of Stations KCMX(AM) and KKIC(FM), Ashland, Oregon, to which petitioner responded.

2. *Demographic Data.*—(a) *Location.* Ashland, in Jackson County, is located near the Oregon-California border, approximately 360 kilometers (225 miles) south of Portland, Oregon.

(b) *Population.* Ashland—13,600 [2]; Jackson County—94,533.

(c) *Present Aural Service.* Ashland is served locally by fulltime AM Station KCMX, daytime-only AM Station KDOV, FM Station KKIC (Channel 269A) and noncommercial educational FM Station KSOR (Channel 211).

3. *Economic Data.* Petitioner states that the principal industry in Ashland is tourism which is attributed to the community's abundant natural resources. It noted that Ashland has other industries which include lumber, steel fabrication, and wood products. Oregon's Department of Economic Development estimates Ashland's population for the year 1978 to be 14,885, as compared to 13,600 in 1970, according to petitioner. In support of its proposal, petitioner submitted information with respect to recreation facilities, transportation, form of government and educational facilities, in an effort to demonstrate the need for another commercial FM assignment at Ashland.

4. *Proposed Service.* A revised *Roanoke Rapids/Anamosa* showing submitted by petitioner indicates that the proposed channel would provide a first FM service to 1,236 persons in a 1,093 square kilometer (427 square miles) area, and second FM and nighttime aural services to 5,081 persons in a 3,107 square kilometer (1,214 square miles) area. Channel 286 can be

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[1] Public Notice of the petition was given on January 30, 1979, Report No. 1162.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Archbold is 29 kilometers (18 miles) north of Defiance. Section 73.203(b) previously permitted the use of a channel within 23 miles of the community of assignment before the provision was amended in 1968, to permit such use within 10 miles for Class A assignments.

[1] Public Notice of the petition was given on February 16, 1979, Report No. 1164.

[2] Population figures are taken from the 1970 U.S. Census.

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assigned to Ashland in conformity with the minimum distance separation requirements.

5. *Preclusion Considerations.* The assignment of Channel 286 to Ashland would cause preclusion to twenty-one communities with populations greater than 1,000. Of these, eight have no FM assignments; [3] one of the eight (Fortuna) has an AM station. Petitioner indicates that alternate channels are available for assignment to Dunsmuir, and Fortuna, California, and Central Point, Oregon. In comments it should state whether alternate channels are available for assignment to Jacksonville, Oregon, and Blue Lake, Ferndale, McCloud and Weaverville, California.

6. Petitioner asserts that the proposed Class C channel would provide Ashland with its second local FM service and would render service as a multi-county regional facility in the Ashland-Medford-Grant's Pass market. It points out that Medford lies approximately 19 kilometers (12 miles) north of Ashland and Grant's Pass is about 56 kilometers (35 miles) northwest of Ashland. It adds that the Rand McNally 1978 Commercial Atlas and Marketing Guide classifies the area as a single Basic Trading Area with a population of 168,700 as of January 1978. It notes that Arbitron has classified this tri-city areas as the Area of Dominant Influence of the Medford Television Market. Petitioner contends that these facts demonstrate that Ashland and its surrounding area are of sufficient size, population and economic strength to warrant and support a Class C assignment. Petitioner maintains that the proposed channel would present no intermixture problem in its market area since a Class A and Class C channel are assigned to Medford and two Class C assignments have been made to Grant's Pass. [4]

7. In opposition, Rogue, licensee of Ashland's Class A station, argues that petitioner's proposal violates the Commission's well-established policy against intermixture of classes of FM channels in the same community. Citing several Commission cases, [5] Rogue points out that while exceptions to this policy have been approved by the Commission, it has been premised on the paucity of channels of the same class available to provide service to the area. As to the Commission's willingness to add the Class C channel to a market already intermixed, Rogue maintains that Ashland and Medford are separate and distinct markets and the fact that Class C channels have been assigned to Medford and Grant's Pass is irrelevant to consideration of the instant proposal. Rogue takes exception to the Ashland-Medford-Grant's Pass theory contending that the Commission does not recognize this as a market despite the relative proximity of Ashland and Medford, and adds that Grant's Pass is too remote (35 miles from Ashland) to be considered as part of the market. It contends that petitioner's sole support for classifying Ashland-Medford-Grant's Pass as a market comprising a single Basic Trading Area is Rand McNally, the publisher of a commercial atlas and marketing guide. Rogue contends that the Commission's policy against intermixture is strictly applied to the community in which the assignment is sought. Rogue claims an exception is not warranted because here there are numerous Class A channels available for assignment to Ashland. Rogue also questions the figures submitted by petitioner regarding first and second aural service as to population and area, alleging the showing to be incomplete and inadequate. In the event the Commission nevertheless determines that a Class C channel is appropriate for assignment to Ashland, it requests that we propose a modification of its station license to specify a different Class C channel in accordance with established policy, citing *Gillette, Wyo.*, Dkt. 21119, 42 FR 47557, 41 RR 2d 725 (1977).

8. In response, petitioner argues that a Class C assignment is justified at Ashland since (1) it would bring the community its first competitive FM outlet; (2) it would provide first and second aural service to significant areas and populations; (3) it would not result in the preclusion of an assignment to any community of significant size which is presently without service; and (4) the market is already intermixed. Petitioner asserts that its proposal is well-suited as an exception to the policy to avoid intermixture based on these facts. It points out that not only has Rand McNally recognized Ashland-Medford-Grant's Pass as tri-city market, but Arbitron also recognizes it as a single classification. Petitioner states that Rogue is in error in claiming that intermixture is to be viewed exclusively on a community-only basis, citing *Fairmont, West Virginia*, 40 F.C.C. 1021 (1965) where the Commission substituted a Class C for a Class A assignment as Fairmont's second FM assignment, in light of the pre-existing intermixture at nearby Clarksburg and Morgantown. Petitioner claims the same situation pertains here, since nearby Medford and Grant's Pass both have Class C assignments. Petitioner asserts that Rogue's attack on the *Roanoke Rapids* showing submitted by petitioner is without merit since its revised engineering study submitted in a supplement to its petition complies fully with the requirements of the proposal. Petitioner states that should the Commission find it in the public interest, two Class C channels appear to be available for assignment to Ashland, and Rogue would apparently support such a proposal, with concomitant order to show cause why its facilities should not be upgraded.

9. Since the proposed channel could provide first and second FM and second nighttime aural service to a significant area and substantial population, and Ashland is of sufficient size to warrant a Class C assignment, these factors in themselves justify our proposing herein to assign Channel 286 to Ashland. However, to avoid intermixture and since both petitioner and Rogue have stated that if the Commission decided to make this proposal then it should also consider assigning a second Class C channel to Ashland, we shall propose an additional Class C assignment and propose to modify Rogue's license to specify operation on a Class C channel. Since this would follow the Commission's policy of avoiding intermixture of classes of channels [6], and would provide for a competitive balance, we are proposing two Class C channels at Ashland. In doing so, the second Class C assignment could provide a second FM service to part of the area now unserved. Petitioner is requested to make clear its intent, should it become the ultimate licensee of one of the Class C channels, if assigned, to reimburse Rogue Radio Corp., for reasonable costs which would result from the change of frequencies. It would not be responsible for paying for the increase in facilities.

10. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as it pertains to the community listed below:

City	Channel No. Present	Proposed
Ashland, Oregon	269A	270, 286

11. It is ordered that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the licensee of Station KKIC (FM, Ashland, Oregon, shall show cause why its license should not be modified to specify operation on Channel 270 if the Commission determines that the public interest would best be served by adopting the proposed assignment.

12. Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station KKIC (FM), Ashland, Oregon, may no later than May 19, 1980, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, KKIC (FM) may, not later than May 19, 1980, file a written statement showing with particularity why its license should not be modified as proposed in this *Order* modifying the license as provided in the *Order to Show Cause*. In this case, the Commission may call on KKIC (FM) to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, KKIC (FM) will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

13. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

14. Interested parties may file comments on or before May 19, 1980, and reply comments on or before June 9, 1980.

15. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Rogue Radio Corporation, Box 128, Ashland, Oregon 97520, the party to whom the *Order to Show Cause* is directed.

16. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 80-122 RM-3320]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-10615 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

[3] *Oregon:* Jacksonville (1,611) (Channels 285A, 286, 288); Central Point (4,004) (Channels 285A, 286, 288); *California:* Blue Lake (1,112) (Channels 286); Ferndale (1,351) (Channel 286); McCloud (1,643) (Channels 286, 287); Dunsmuir (2,214) (Channels 286, 287); Weaverville (1,439) (Channel 286); and Fortuna (4,203) (Channel 286).

[4] In support, petitioner cites *Richland, Washington*, 41 FR 47050, 36 RR 2d 1070 (1976), and *Palm Springs, Cal.*, Dkt. 21174, 42 FR 30962, 41 RR 2d 301 (1977).

[5] *Cadillac and Traverse City, Mich.*, Dkt. 15542, 29 FR 16066, 3 RR 2d 1643 (1964); *West Palm Beach, Fla.*, Dkt. 18794, 35 FR 7731, 19 RR 2d 1519 (1970).

[6] See *Mitchell, S. Dak.*, 62 F.C.C. 2d 70 (1976); *Gillette, Wyo.*, Dkt. 21119, 42 FR 47557 (1977); and *Iron Mountain, Mich.*, Dkt. 78-133, 44 FR 67660 (1979).

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Notices

Federal Register
Vol. 45, No. 68
Monday, April 7, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Business and Industrial Loans; Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR 1980.423(b) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of thirteen and one-half percent (13½%). This rate will remain in effect until a change is published in the Federal Register.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne A. Isenberg, Room 4118, Farmers Home Administration, USDA, Washington, DC 20250. Phone: 202–447–4871.

Dated: March 24, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–9044 Filed 4–4–80; 8:45 am]

BILLING CODE 3410–07–M

Fiscal Year 1980 Allocations of EE Loan Funds

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration is publishing a notice concerning the allocation by States of Economic Emergency (EE) loan funds for the balance of fiscal year 1980. This action is taken as a result of a Pub. L.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Lee, Assistant Administrator, Farmer Programs, Room 5313, S. Agriculture Building, 14th and Independence SW, Washington, D.C. 20250. Phone: (202) 447–4597.

SUPPLEMENTARY INFORMATION: On November 27, 1979 (44 FR 67682) the Farmers Home Administration published its "Administrative Notice" regarding "Fiscal Year 1980 Allocation" which provided that no State allocation of EE loan funds would be made and that obligations would be handled directly by the Finance Office. We now find it is necessary to allocate EE loan funds to States for the balance of the fiscal year. Therefore, as a part of its ongoing attempt to keep the public informed of its actions the Farmers Home Administration is providing notice of the amount of funds the Agency has available for EE loans for the balance of this fiscal year in the following Administrative Notice No. 405 (1940) dated March 31, 1980.

Dated: April 1, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

FmHA AN No. 405 (1940)
March 31, 1980

SUBJEC: Allocation of EE Loan Funds—Fiscal Year 1980.

TO: All State Directors, FmHA, Director, Finance Office.

On March 30, 1980, President Carter signed S. 2269, "An Act to Amend the Emergency Agricultural Credit Adjustment Act of 1978". This Act extends the Economic Emergency Loan program until September 30, 1981, and increases the authorization for principal balances outstanding by $2 billion. We are holding $1 billion in reserve for use during fiscal year 1981 and are making an allocation of $1 billion to States in accordance with the following schedule for the balance of fiscal year 1980. However, we will have some from principal collections that we intend to use for extreme hardship cases if you frugally use your allocated funds and find they are inadequate.

Economic Emergency Funds (000) Dollars

State	Allocation
Alabama	$7,469
Alaska	300
Arizona	5,413
Arkansas	37,535
California	12,552
Colorado	16,103
Connecticut	1,602
Delaware	1,910
Florida	14,758
Georgia	25,447
Hawaii	664

Economic Emergency Funds (000) Dollars—Continued

State	Allocation
Idaho	33,017
Illinois	35,727
Indiana	37,085
Iowa	41,766
Kansas	26,371
Kentucky	27,685
Louisiana	25,075
Maine	6,204
Maryland	7,443
Massachusetts	2,800
Michigan	24,508
Minnesota	40,269
Mississippi	15,200
Missouri	41,900
Montana	13,564
Nebraska	44,726
Nevada	2,356
New Hampshire	379
New Jersey	1,036
New Mexico	8,023
New York	34,660
North Carolina	41,768
North Dakota	37,655
Ohio	19,990
Oklahoma	40,663
Oregon	9,994
Pennsylvania	17,214
Rhode Island	158
South Carolina	9,632
South Dakota	44,137
Tennessee	30,951
Texas	31,859
Utah	4,583
Vermont	3,477
Virginia	18,391
Washington	25,117
West Virginia	4,585
Wisconsin	48,055
Wyoming	5,943
Puerto Rico	8,311
Virgin Island	0

Expiration date: September 30, 1980.

Filing instruction: Preceding FmHA Instruction 1941–A.

State Directors should give preference to family farmers in utilization of these funds and are expected to maintain control of the funds to see that they do not exceed their State's allocation.

When borrowers are indebted for EM loans, their additional credit needs should be met to the extent possible with subsequent EM loans instead of with EE loans. Also, in accordance with § 1945.61 (a)(4) of FmHA Instruction 1945–B, (Subpart B of Part 1945 of Chapter XVIII, Title 7, "Code of Federal Regulations") *paid-up* EM loan borrowers can obtain EM loans for annual production purposes provided they are made within the authorized periods set forth in § 1945.66 (b) (1) (i) and (ii) of FmHA Instruction 1945–B (Subpart B of Part 1945). This paid-up EM loan authority should be used for annual production purposes when applicants qualify instead of making EE loans for such purposes.

We will consider pooling unobligated funds on September 1, 1980. The unobligated funds will be used by the National Office to fund

hardship cases until the end of the fiscal year.

Gordon Cavanaugh,

Administrator.

[FR Doc. 80–10314 Filed 4–4–80; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Colorguard Corporation, One Johnson Drive, Raritan, New Jersey 08869, a producer of chain link fence; pipe and tubing (accepted March 21, 1980); (2) Corcol Energy, Inc., 3000 Marcus Avenue, Lake Success, New York 11040, a producer of coal (accepted March 21, 1980); (3) Wall Tube and Metal Products Company, P.O. Box 330, Newport, Tennessee 37821, a producer of metal automotive parts, tubing and outdoor furniture (accepted March 21, 1980); (4) Montclair Jewelry Manufacturing Corporation, 243 East Shore Road, Manhasset, New York 11030, a producer of jewelry (accepted March 21, 1980); (5) John C. Kohaut Inc., 15 Meeker Street, West Orange, New Jersey 07052, a producer of handles, nightsticks, and other wood turnings (accepted March 21, 1980); (6) Toll-Gate Garment Corporation, Route 3, Box 1, Hamilton, Alabama 35570, a producer of men's, womens's and boys' shirts, blouses and caps (accepted March 21, 1980); (7) Steffi Fashions, Inc., 500 Seventh Avenue, New York, New York, 10018, a producer of women's coats and jackets (accepted March 24, 1980); (8) Moss Sportswear Company, Inc., 410 West Lombard Street, Baltimore, Maryland 21201, a producer of men's shirts (accepted March 24, 1980); (9) Fort Plain Packing Company, Inc., P.O. Box 390, Fort Plain, New York 13339, a processor of meat (accepted March 25, 1980); (10) Martin Greenfield Clothiers Limited, 239 Varet Street, Brooklyn, New York 11206, a producer of men's suits, coats and slacks (accepted March 25, 1980); (11) Hi-Craft Clothing Company, 3111 West Allegheny Avenue, Philadelphia, Pennsylvania 19132, a producer of women's jackets, slacks, skirts and blouses (accepted March 25, 1980); (12) Newton Cedar Products, Inc., P.O. Box 1519, Forks, Washington 98331, a producer of cedar shakes, shingles, and shims (accepted March 25, 1980); (13) Donald MacMillan & Son, Inc., 347 Hazel Street, Macon, Georgia 31201, a producer of tire retreading presses and other equipment (accepted March 26, 1980); (14) Johnston, Incorporated, 28 Green Street, Somersworth, New Hampshire 03878, a producer of cheese and yogurt (accepted March 27, 1980); (15) L. E. Smith Glass Company, Inc., P.O. Box 149, Mt. Pleasant, Pennsylvania 15666, a producer of glass giftware (accepted March 27, 1980); (16) Realt Images, Inc., 161 North Morgan, Shelbyville, Illinois 62565, a producer of acrylic key chain and sunglass holders; photo frames (accepted March 31, 1980); (17) Barclay Knitwear Company, Inc., Edmond Road, Newton, Connecticut 06470, a producer of men's and boys' sweaters, shirts, jeans and jackets (accepted March 31, 1980); (18) Schachter and Salles, Inc., 1239 Broadway, New York, New York 10001, a producer of men's and boys' coats and jackets (accepted March 31, 1980); (19) Leather-Mates, Inc., 266 West 37th Street, New York, New York 10018, a producer of men's leather coats, jackets and pants (accepted March 31, 1980); and (20) Beelner & Thomas Furniture Companies, Inc., 475 E. Duarte Road, Monrovia, California 91016, a producer of desks and other office furniture (accepted March 31, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80–10312 Filed 4–4–80; 8:45 am]

BILLING CODE 3510–24–M

Maritime Administration

Presidential Oil Pollution Insurance Study; Final Extension of Time To File Comments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final Extension of Time to File Comments.

SUMMARY: On January 21, 1980, the Maritime Administration published in the **Federal Register** a Notice of Request for Comments on the Presidential Oil Pollution Insurance Study. On February 7, 1980 a second Notice was published extending the closing date for comments to March 31, 1980. Several interested persons have requested a further extension. Notice is hereby given that the closing date for comments on the Study is extended to April 15, 1980. No further requests for extensions will be granted.

FOR FURTHER INFORMATIOIN CONTACT: Robert J. Patton, Jr. (202) 377–2188, Paul C. Johnson (202) 377–4091, or Gary Reger (202) 377–3952.

Dated: April 1, 1980.

Robert J. Patton, Jr.,

Secretary, Maritime Subsidy Board.

[FR Doc. 80–10285 Filed 4–4–80; 8:45 am]

BILLING CODE 3510–15–M

COMMUNITY SERVICES ADMINISTRATION

Implementation of the Federal Employees Part-Time Career Employment Act of 1978

AGENCY: Community Services Administration (CSA).

ACTION: Proposed implementation of the Federal Employees Part-Time Career Employment Act of 1978.

SUMMARY:

I. General Provisions

A. Purpose—These internal regulations are to establish a continuing program to provide career and career-conditional part-time employment opportunities within the Community Services Administration.

B. Delegation—The regulations may be supplemented ar amended, as required, from time-to-time by the Director of Personnel.

C. Policy—It is the policy of CSA to provide part-time career employment opportunities in positions through GS–15, or equivalent subject to Agency resources and mission requirements. Selections of part-time employees shall be made without regard to religion, race, color, national origin, marital status,

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sex, age, non-disqualifying physical handicap.

D. Part-Time Employment—Employment of at least one year, for 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day.

II. Exceptions

1. These regulations do not apply to positions in the Senior Executive Service or positions at GS–16 (or equivalent) and above, or to positions where an existing collective bargaining agreement establishes the number of hours of employment per week; nor do they apply to part-time employees who were working on a temporary/permanent part-time basis on April 8, 1979.

2. In no case will part-time employees under this program be allowed to work 33 to 39 hours per week except for very limited periods due to heavy workload.

3. Employment of part-time staff for less than 16 hours per week may be permitted when absolutely necessary to carry out CSA's mission.

III. Program Implementation

CSA will establish part-time employment goals and time tables, coordinating with budget and ceiling control.

The Agency Part-Time Employment Coordinator is assigned the following responsibilities:

(a) Reviewing goals and time tables for part-time employment.

(b) Obtaining regular input from Agency Equal Opportunity Program staff in order to assure that specific needs for providing employment opportunities for minorities and women are addressed and to assess the effect of the Agency Part-Time Employment Program on employment patterns and occupational concentration of minorities and women.

(c) Consulting on the Agency Part-Time Employment Program with interested parties in special emphasis areas (e.g., employment of the handicapped, employment of veterans, and upward mobility) and with representatives of employee organizations, etc.

(d) Responding to Agency requests for advice and assistance on part-time employment.

(e) Maintaining Agency liaison with groups that indicate interest in promoting part-time employment opportunities.

(f) Preparing consolidated Agency reports on part-time employment for transmittal to the Office of Personnel Management; and

(g) Overall monitoring of progress in expanding part-time employment opportunities within the Agency.

The Agency shall set annual nationwide goals for establishing and converting positions for part-time employment, and a time table setting forth interim and final deadlines for achieving such goals. Goals for each fiscal year (beginning with FY 1980) must be established and reported to the Agency coordinator by the end of the preceding fiscal year.

In establishing goals and time tables, such factors as the following must be considered:

(a) Agency mission occupational mix;

(b) Workload fluctuations;

(c) Size of work force, turnover rate, or employment trends;

(d) Affirmative actions;

(e) Past experience with part-time employment (to include analysis of current part-time employment utilization);

(f) Patterns of overtime utilization;

(g) Potential for improving service to the public; and

(h) Personnel ceiling allowances and fiscal constraints.

The Part-Time Career Employment Program will be subject to continuing review and evaluation as a part of the regular personnel management evaluations conducted by the Agency and the Office of Personnel Management.

Limitations—The Agency will develop procedures to permit employees to request and receive consideration to change from full-time employee to part-time schedule, however, no full-time employee shall be required to accept part-time employment.

Part-time employees under this program are prohibited from converting to a full-time schedule until they complete at least one year of part-time service.

Additionally, these appointments do not convey transfer or reinstatement eligibility (except to other career/career-conditional part-time positions) until the employee has completed at least one year of service in a part-time status.

IV. Publicizing Vacancies

Part-time vacancies will be published in accordance with merit staffing requirements. When applicants from the outside are needed, published vacancy announcements may be distributed to recruitment sources such as Job Information Center, State Employment Offices, Federal applicable organizations.

William W. Allison,

Acting Director.

[FR Doc. 80-10478 Filed 4-4-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Keystone Fuel Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Keystone Fuel Oil Company, 25 South Heald Street, Wilmington, Delaware 19801. This Proposed Remedial Order charges keystone with pricing violations in the amount of $2,950,026.00, connected with the sale of fuel oil and kerosene during the period from August 19, 1973 through June 30, 1975.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained by writing, Department of Energy, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pa. 19102. On or before April 22, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 31st of March, 1980.

Edward F. Momorella,

Acting District Manager, Northeast District Enforcement.

[FR Doc. 80-10372 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-296]

Appalachian Power Co.; Filing

March 31, 1980.

The filing Company submits the following:

Take notice that Appalachian Power Company (APCo), on March 24, 1980, tendered for filing a power sales agreement executed with the City of Danville, Virginia dated February 1, 1980. This agreement is intended to supersede the existing service agreement between APCo and the City of Danville, designated by the Commission as Appalachian Power Company FERC Rate Schedule No. 75. The new agreement provides for an increase in contract capacity from 82,000 Kw to 125,000 Kw effective June 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10332 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-294]

Arizona Public Service Co.; Proposed Tariff Change

March 31, 1980.

The filing Company submits the following:

Take notice that on March 24, 1980, Arizona Public Service Company tendered for filing proposed Supplement to APS–FPC Rate Schedule No. 33 for sale of non-firm energy to United States-Western Area Power Administration.

The parties request waiver under the provisions of Section 35.11 so that this Supplement may become effective as of January 24, 1980.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10333 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-93, etc.]

Border Gas, Inc.; Order

March 26, 1980.

On March 21, 1980, Border Gas, Inc. (Border), filed in Docket No. CP80–93, *et al.*, a petition to amend authorizations granted to it by the Commission on December 21, 1979 (pursuant to Sections 3 and 7 of the Natural Gas Act) and by the Economic Regulatory Administration (ERA) on December 29, 1979 [1] (pursuant to Section 3 of the Natural Gas Act). This petition was followed by a motion for emergency action filed on March 26, 1980.[2]

The project, as authorized, provided for the implementation from Mexico of approximately 300,000 Mcf per day of natural gas purchased by Border from Petroleos Mexicanos (Pemex), and the resale by Border at the international boundary to six interstate pipelines who jointly own Border in proportion to the percentage of their entitlements to the gas.[3] The price was determined to be $3.625 per MMBtu, subject to an escalator, as provided for by the joint announcement of an agreement between the Governments of the United States and Mexico of September 21, 1979, as more fully explained in a contract between Border and Pemex executed on October 19, 1979 and filed with the original application.

The proposed amendment would permit Pemex to receive a price equal to or greater than the price charged U.S. customers by Canadian companies for natural gas, or the existing approved price with its escalator, whichever is greater. Pemex insists upon approval of a price of $4.47 per MMBtu, retroactive to March 1, 1980, due to the interim approval of that price for Canadian imports as authorized in DOE/ERA Opinion and Order No. 14, issued February 16, 1980.

On March 27, 1980, ERA issued DOE/ERA Opinion and Order No. 16 granting interim emergency approval to Border to pay the increased price for natural gas imported from Mexico. The Opinion finds, in part, that:

All that we are approving at this time is a temporary price increase for flowing gas that will put Mexican gas prices on an equal footing with Canadian gas prices for a 50-day period, in order that government-to-government discussions can proceed toward the development of a more permanent arrangement. While we are reluctant to approve any price increase on an emergency basis, we have been charged in applying Section 3 of the Natural Gas Act to take into account the important underlying foreign relations considerations as described in the State Department communication. We are not at this time, however, approving the specific petition filed by Border to amend our previous authorization to allow the higher of the Contract price or the Canadian price, and we are not this time authorizing a price increase retroactive from the date of this decision.

The ERA Order only approves the interim Mexican border price of $4.47 per MMBtu from the Order's date of issuance until May 15, 1980, to correspond to the termination of the interim approval given to the Canadian Border price in DOE/ERA Opinion and Order No. 14.

The ERA Order further establishes procedures to determine whether the proposed pricing mechanism in Border's petition: (1) Should be made a permanent amendment to Border's previous authorizations; (2) Will result in prices that are fair and reasonable, and whether the volumes imported at those prices are needed on a national or regional basis; (3) Should be made retroactive to March 1, 1980, as requested by Pemex.

Pursuant to Department of Energy Delegation Order No. 0204–54, the Administrator of ERA has exclusive jurisdiction to approve the import price, including subsequent increases in that price.[4] The petition to amend, when read in conjunction with DOE/ERA Opinion and Order No. 16, does not present any Section 3 issue under the Commission's express or residual jurisdiction.

Based on the record before us, which does not include any contract amendment, we are not aware of any issues cognizable by us under Section 7

[1] DOE/ERA Opinion and Order No. 12.

[2] Both the petition and motion were jointly captioned for filing before both the Commission and ERA.

[3] The six pipelines and their proportionate share is as follows: Tennessee Gas Pipeline Company, a Division of Tenneco Inc., 37½%; Texas Eastern Transmission Corporation, 27½%; El Paso Natural Gas Company, 15%; Transcontinental Gas Pipe Line Corporation, 10%; Southern Natural Gas Company, 6¾%; Florida Gas Transmission Company, 3½%.

[4] Pursuant to Sections 301(b) and 402(a)(1) of the Department of Energy Organization Act (DOE Act), the Secretary of Energy has been vested with exclusive jurisdiction to resolve issues arising under Section 3 of the Natural Gas Act (NGA). The DOE Act (Sections 402(e) and 642), however, also authorizes the Secretary to delegate and assign such functions to the Commission. The Secretary of Energy has issued delegation orders to the Administrator of ERA (Delegation Order No. 0204–54) and the Commission (Delegation Order No. 0204–55), assigning and delegating jurisdiction under Section 3.

The delegation orders vest in the Administrator of ERA exclusive jurisdiction to make the determinations set forth in paragraphs (a)(1) through (a)(4) of Delegation Order No. 0204–54. In the context of imports of natural gas, these determinations encompass security of supply and balance of payments considerations, the import price, consistency with certain DOE regulations, and national need for the gas.

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of the Act, nor are we aware of any necessity to amend the order issuing the certificates of public convenience and necessity. Based on the record currently before us, the pass-through of the price increase approved by ERA appears to present a matter solely to be considered under Section 4 of the Act. The Commission agrees in principle that such pass-through should be permitted, effective as of the date of DOE/ERA Opinion and Order No. 16, but we cannot implement that decision until such time as appropriate revised tariff sheets are filed with the Commission. Because the existing contract and tariff does not provide for the instant rate change request and neither a contract amendment nor new tariff sheets have been filed with the Commission, the rates and charges are subject to the filing of an appropriate contract amendment and tariff sheets as required by the Natural Gas Act and the Regulations thereunder.

The Commission finds:

(1) The pass-through of costs associated with the increased price should be approved subject to the filing of appropriate tariff sheets.

(2) Good cause exists for waiver of the notice requirements of Section 4 of the Natural Gas Act and § 154.22 of the Regulations to permit the filing of tariff sheets by Border.

(3) The circumstances surrounding the instant petition prevent the noticing of the requested action prior to the issuance of this order.

The Commission orders:

(A) Rates to be charged herein by Border are subject to the filing of suitable tariff sheets and contract amendment within 30 days of the date of issuance of this order.

(B) In consideration of all of the circumstances of the request in the instant petition, this order is issued prior to the issuance of a notice of the filing of the petition. However, any person desiring to be heard or to make any protest with reference to the instant petition may on or before April 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining further action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's Rules.

(C) The Secretary shall cause prompt publication of this order in the **Federal Register**.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10334 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-495]

Carolina Power and Light Co.; Filing

March 31, 1980.

The filing company submits the following:

Take notice that on March 21, 1980, Carolina Power and Light Company (CPL) tendered for filing a refund report pursuant to Commission Opinion Nos. 19 (issued August 2, 1978) and 19-A (issued February 21, 1979) in the above-styled proceeding.

Copies of this report have been filed with the affected customers, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 21, 1980. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10335 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-300]

Commonwealth Edison Co.; Proposed Tariff Change

March 31, 1980.

The filing company submits the following:

Take notice that Commonwealth Edison Company on March 26, 1980, tendered for filing proposed changes in its FERC Electric Service Tariff No. 7, an Interconnection Agreement, dated May 1, 1964, between Commonwealth Edison Company and Interstate Power Company.

The proposed change, which the parties have agreed upon, modifies the compensation provision in Service Schedule C.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois, the Minnesota Public Service Commission, St. Paul, Minnesota the Iowa State Commerce Commission, Des Moines, Iowa and Interstate Power Company, Dubuque, Iowa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10336 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-295]

Connecticut Valley Electric Co., Inc.; Proposed Tariff Change

March 31, 1980.

The filing Company submits the following:

Take notice that Connecticut Valley Electric Company Inc., on March 24, 1980, tendered for filing proposed changes in its Transmission Service Agreement with the New Hampshire Electric Cooperative, Inc. The proposed changes would decrease revenues from jurisdictional sales and service by $530 based on the 12 month period ending May 1980.

The filing is made to comply with the provisions of the Transmission Agreement (FPC No. 8) which requires that charges shall be modified annually to incorporate the applicable cost data contained in the Company's current FERC Form No. 1.

Copies of the filing were served upon the New Hampshire Electric Cooperative, Inc., and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10337 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-16]

Michael Doyle; Extension of Time

March 31, 1980.

Mr. Michael Doyle has requested a 30-day extension of time within which to file a petition for review of the Department of Energy's Decison and Order of February 20, 1980 (Case No. DEO-0231).

Based on the circumstances presented by Mr. Doyle in his request, an extension is granted to and including April 21, 1980, for filing a petition for review.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10338 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-298]

El Paso Electric Co; Filing

March 31, 1980.

The filing Company submits the following:

Take notice that on March 24, 1980, El Paso Electric Company (El Paso) tendered for filing a Service Agreement, as an initial rate schedule to its FERC Electric Tariff, for the following additional customer:

Purchaser and Dote of Execution
Southern California Edison Company, 3/10/80

El Paso has requested waiver of the notice requirements of the Federal Power Act and the Commission's Regulations to allow this schedule to become effective March 24, 1980.

El Paso also states that copies of this filing have been served upon Southern California Edison Company, the Public Utilities Commission of Texas and the New Mexico Public Utilities Commission.

Any Person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,D.C. 20426, in accordance with §§ 1.5 an 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10339 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-299]

Florida Power & Light Co.; Filing

March 31, 1980.

The filing Company submits the following:

Take notice that on March 24, 1980 Florida Power & Light Company (FPL) tendered for filing four (4) Exhibits A which provide for the contract demands for the City of Starke, the New Smyrna Beach Utilities Commission, the Fort Pierce Utilities Authority and Florida Keys Electric Cooperative, Inc.

The proposed effective date for the contract demands for Starke, New Smyrna Beach and Florida Keys is March 1, 1980; and the proposed effective date for the contract demand for Fort Pierce is April 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in Accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10340 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-304]

Minnesota Power & Light Co.; Filing

March 31, 1980.

The filing Company submits the following:

Take notice that on March 27, 1980, Minnesota Power & Light Company (MP&L) filed pursuant to the Federal Power Act an executed Amendment and related exhibits, dated March 10, 1980, to the revised Integrated Transmission Agreement (ITA) between MP&L and United Power Association (UPA) that is on file with the Commission as MP&L's Rate Schedule FERC No. 126. The proposed Amendment, when made effective by the Commission, will increase the system control and load dispatching charge paid by UPA to MP&L under the ITA and further provides that either party may from time to time perform operation and maintenance duties on the facilities owned by the other party. MP&L requests a retroactive effective date of March 10, 1980.

MP&L states that copies of the filing were served on UPA and the Minnesota Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10341 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-301]

Missouri Power & Light Co.; Amendment to Electric Service Agreement

March 31, 1980.

The filing Company submits the following:

Take notice that Missouri Power & Light Company (MPL) on March 26, 1980 tendered for filing a proposed Amendment to Electric Service Agreement between MPL and the City of Perry, Missouri.

MPL states that the Amendment, approved by Ordinance No. 233 of the

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City of Perry, Missouri, effects a change in language in one paragraph of the existing Electric Service Agreement dated February 1, 1977. The Amendment requires notification to and consultation with MPL should the City of Perry desire to interconnect distribution facilities of two substations serving the city. The current Agreement requires the consent of MPL before any interconnection. The Amendment language was suggested by the United States Justice Department.

MPL states that copies of the Amendment have been mailed or delivered to the Mayor of the City of Perry, Missouri and the Missouri Public Service Commission, located in Jefferson City, Missouri.

MPL also states that the Amendment itself requires no installation or modification of facilities or change in the quality or quantity of service provided or the rate therefor.

MPL also states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10942 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-303]

Northern States Power Co.; Filing

March 31, 1980.

The filing Company submits the following:

Take notice that Northern States Power Company, on March 26, 1980, tendered for filing a Letter Agreement, dated February 29, 1980, with the Department of Energy, United States of America.

The filed Letter Agreement extends certain provisions of Contracts No. 14-06-600-1556 and No. 14-06-600-1940 through November 30, 1980, or until a new interconnection contract is executed, whichever is earlier.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10343 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-214 and ER80-215]

Pacific Gas & Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Waiver of Notice Requirements, Granting Intervention, and Establishing Hearing Procedures

March 28, 1980.

On January 31, 1980, Pacific Gas and Electric Company (PG&E) tendered for filing two sets of rate changes. In Docket No. ER80-214, PG&E submitted a proposed two-step increase in wholesale rates for service to Sierra Pacific Power Company (Sierra) under Rate Schedule FPC No. 8 and to nine wholesale electric customers [1] being served under FPC electric tariff Original Volume No. 2.[2] In Docket No. ER80-215 PG&E submitted a two-step increase for service to the County and City of San Francisco (San Francisco). [3] Both dockets are based on the same cost of service data.

PG&E proposes that the first step, consisting of a $4.8 million (7.56%) increase for the calendar 1980 test year, be made effective on April 1, 1980. The second step would produce an additional increase of $5.2 million and would become effective when PG&E's Diablo Canyon Nuclear Unit No. 1 goes into commercial operation.

Step One rates are designed on the basis of a cost of service which excludes all Diablo No. 1 in-service costs. These rates reflect increased demand and energy charges over present rates with no change in the fuel adjustment clause.

Step Two rates are designed on the basis of a cost of service which reflects inclusion of Diablo No. 1 for the entire test period. The supporting cost of service reflects an investment in Diablo No. 1 with AFUDC accumulated through January 31, 1980. Accordingly, Step Two rates include a daily demand charge adjustment to recover any AFUDC accumulated from January 31, 1980, to the actual Diablo No. 1 in-service date.[4] Step Two demand charges will thus be increased for each day by which the Diablo No. 1 operation date goes beyond January 31, 1980—this is a one-time adjustment to be made at the time the Step Two rates are placed in effect. Additionally, in order to synchronize Step Two demand and energy costs, PG&E proposes to modify its Step Two fuel adjustment charges to immediately reflect the effect of lower Diablo No. 1 nuclear energy costs.[5] PG&E indicates that it desires to implement its Step Two rates in a manner compatible with concurrent retail rates. To this end, PG&E states that it will prorate its Step Two rates should the California Public Utilities Commission order less than full inclusion of Diablo No. 1 costs in retail rates. Accordingly, PG&E has filed preliminary Step Two tariff and rate schedule sheets at this time—reflecting full Diablo No. 1 operation. The company proposes to submit finalized Step Two rate schedules and tariff sheets when Diablo No. 1 comes on line, adjusted downward, if appropriate, to coincide with then current retail rates.

Notices of the filings were issued on February 26, 1980, with comments due on or before February 26, 1980. On February 26 the Northern California Power Agency (NCPA), consisting of the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Alto, Redding Roeville, Santa Clara, Ukiah, and the Plumas-Sierra Rural Electric Cooperative, filed a petition and protest. On February 26, 1980, Modesto and Turlock Irrigation Districts, resale coustomers of San Francisco, filed petitions to intervene. On February 27, 1980, California Pacific Utilities Company and Sierra Pacific Power Company filed untimely petitions to intervene in Docket No. ER80-215.

[1] Cities of Alameda, Healdsburg, Lompoc, Ukiah, Santa Clara, Lodi, Palo Alto, Bay Point Light and Power Company, and California Public Utilities Company.

[2] See Attachment A for rate designations.

[3] PG&E indicates that its submittal in Docket No. ER80-215 is the result of pre-filing negotiations with San Francisco aimed at settlement of any potential differences before submittal. PG&E submits that San Francisco consents to the proposed rate changes, pending formal approval by the city's utilities commission. As part of these pre-filing negotiations PG&E states that it has agreed to a rate increase moratorium for this customer until January 31, 1982, unless changes are needed to reflect the commercial operation of Diablo Canyon Nuclear Unit No. 2.

[4] The demand adjustment is stated in $/kw/day and is equivalent to Diablo No. 1 annual AFUDC per kw of annual billing demand.

[5] PG&E's present fuel adjustment clause is based upon a 12-month rolling average. Accordingly, the full effect of lower Diablo No. 1 nuclear energy costs would accrue to the customers only after a full year's operation. PG&E therefore, proposes to modify its fuel clause during the first 12 months of Diablo No. 1 operation to reflect its best estimate of average system fuel costs with a full year of Diablo. Once Diablo No. 1 has been in service a full year, standard fuel clause charges are proposed to be resumed.

Discussion

We shall grant waiver of § 35.3 of the Regulations to permit PG&E's step-two rates in each dockets to be submitted more than 120 days before the proposed effective date. The proposed rates shall not become effective prior to the commercial operation of PG&E's Diablo Unit No. 1, upon which the rates are predicated. We will grant PG&E's request for wavier of notice subject to the conditions stated hereafter.

NCPA made requests for summary disposition of three issues. We find that these issues are not appropriate for summary disposition but should be a subject for the hearing ordered below.

NCPA also requested that the Commission order an investigation into the reasonableness of the present rates under Section 206 of the Federal Power Act. Such a request is unnecessary. As a matter of practice, the Commission sets every proceeding arising under Section 205 of the Federal Power Act for hearing under Section 206 as well. And because of the test-year approach to ratemaking reflected in the filing requirements of § 35.13 of the Commission's regulations, the entire rate, not just the increase, is the subject of investigation in proceedings institututed under Section 205.[6] Central Maine Power Co., Docket No. ER79-539, order issued September 28, 1979, mimeo at 4.

NCPA alleges the potential of price squeeze between PG&E's retail and wholesale rates. We shall order price squeeze procedures in accordance with Arkansas Power and Light Company, Docket No. ER79-339, order issued August 6, 1979 (mimeo at 6). The proceeding shall be phased so that a Commission decision may first be reached on cost of service, rate of return and capitalization issues. If in the view of NCPA price squeeze persists after first phase, a second phase on this issue may be established. This procedure, however, should not foreclose a determination by the presiding judge that special circumstances warrant immediate consideration of price squeeze issues. Any such ruling by the presiding judge is discretionary and thus not appealable to the Commission under § 1.28 of our rules of practice and procedure.

Our review of the filings by PG&E indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept PG&E's submittals for filing, and suspend their effectiveness as follows: Phase one in Docket Nos. ER80-214 and ER80-215 will be suspended and allowed to become effective, subject to refund, on September 1, 1980, five months from the proposed effective date of April 1, 1980. The second phase will be suspended and allowed to become effective, subject to refund, three months from the commercial operation date of Diablo Unit No. 1. Waiver of our notice requirements is concurrently granted in order to permit the second phase increase to go into effect more than 120 days after filing. If PG&E lowers and finalizes its phase two rates concurrent with the retail rates as part of its notification that Diablo Unit No. 1 has gone into commercial operation, the company may request reconsideration of the three month suspension period on a prospective basis. All petitions to intervene indicate material interest in the outcome of this proceeding, may be in the public interest, and will be granted. Docket Nos. ER80-214 and ER80-215 will be consolidated for hearing and decision in view of the common issues of law and fact involved.

The Commission orders

(A) The first phase of the proposed increases is suspended for five months, to become effective September 1, 1980, subject to refund.

(B) Waiver of the notice requirements of Section 35.3 of our regulations is granted in order that the second phase increase may be submitted for filing more than 120 days before its proposed effective date.

(C) The second phase of the proposed increases is accepted for filing and the proposed effective date deferred until Diablo Canyon Nuclear Unit No. 1 is declared in commercial operation. The phase two rates shall be suspended to become effective, subject to refund, three months after the proposed effective date. PG&E shall file with the Commission a notice of the declaration of Diablo Canyon Nuclear Unit No. 1 in commercial operation by the Nuclear Regulatory Commission within 7 days thereafter.

(D) Notice is hereby provided that the suspension period in ordering paragraph (C) may be modified to take effect prospectively on the basis of a lowering of finalized second phase rates. PG&E shall file its finalized rates as soon as practicable after the commercial operation date is determined.

(E) All petitions to intervene are granted subject to the rule and regulations of the Commission; *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* That the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) Docket Nos. ER80-214 and ER80-215 are consolidated.

(G) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The Presiding Judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I (1979)), a public hearing shall be held concerning the justness and reasonableness of PG&E's proposed rates.

(I) Staff shall serve top sheets in this proceeding on July 17, 1980.

(J) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten (10) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and

[6] As provided in Section 205, the burden of proof as to the proposed increase is on the applicant, whereas the burden of proving that an existing Commission-approved or accepted rate should be lowered is on the party proposing the rate decrease. If such a rate reduction is found to be appropriate, it would be effective prospectively only.

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motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Pacific Gas & Electric Co. Rate Schedule Designations

Dated: Undated.
Filed: Jan. 31, 1980.

Designations	Description	Other party
Docket No. ER80-214		
(1) Supplement No. 15 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 12 to Rate Schedule FPC No. 8).	Fifth Revised Sheet No. 1 and Second Revised Sheet No. 2.	Sierra Pacific Power Company.
(2) FPC Electric Tariff Original Volume No. 2:		
(a) First Revised Sheet No. 1 (Supersedes Original Sheet No. 1)	Table of Contents	Tariff Customers.
(b) Fourth Revised Sheet No. 4 (Supersedes Third Revised Sheet No. 4).	R-1 Resale Rates	Do.
(c) Second Revised Sheet No. 5 (Supersedes First Revised Sheet No. 5).	do	Do.
(d) Original Sheet No. 5A	R-2 Resale Rates	Do.
(e) Original Sheet No. 5B	do	Do.
(f) First Revised Sheet No. 27 (Supersedes Original Sheet No. 27)	Service Agreement Information.	Do.
(g) Third Revised Sheet No. 28 (Supersedes Second Revised Sheet No. 28).	Index of Purchasers	Do.
Docket No. ER80-215		
(3) Supplement No. 6 to Rate Schedule FPC No. 53 (Supersedes Supplement No. 5 to Rate Schedule FPC No. 53).	Second Revised Sheet No. 5	City and County of San Francisco.

Filed: (4)–(8) June 21, 1976; (9) Aug. 8, 1977.
Dated: (4) Mar. 14, 1945; (5) June 8, 1976; (6) June 8, 1976; (7), (8), and (9) undated.
Effective: (4), (5), and (7) Aug. 1, 1975; (8) July 22, 1976; (9) Jan. 1, 1977.

Designations	Description	Other party
(4) Rate Schedule FPC No. 53 (Redesignation of Schedule FPC No. 53).	Exhibit A to Rate Agreement for Disposal of Hetch Hetchy Power.	City and County of San Francisco.
(5) Supplement No. 1 to Rate Schedule FPC No. 53 (Redesignation of Exhibit B to Rate Schedule FPC No. 53).	Amendment for Disposal of Hetch Hetchy Power.	Do.
(6) Supplement No. 2 to Rate Schedule FPC No. 53 (Redesignation of Exhibit C to Rate Schedule FPC No. 53).	Letter Agreement of June 1, 1976.	Do.
(7) Supplement No. 3 to Rate Schedule FPC No. 53 (Redesignation of Supplement No. 1 to Rate Schedule FPC No. 53).	Settlement Rates	Do.
(8) Supplement No. 4 to Rate Schedule FPC No. 53 (Redesignation of Rate Schedule FPC No. 53).	Company Tariff Sheets 3–7	Do.
(9) Supplement No. 5 to Rate Schedule FPC No. 53 (Redesignation of Supplement No. 3 to Rate Schedule FPC No. 53).	First Revised Sheet No. 5	Do.

[FR Doc. 80-10344 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-306]

Pacific Power & Light Co.; Filing

March 31, 1980.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on March 26, 1980, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, letters of agreement with Portland General Electric Company (PGE) and Puget Sound Power & Light Company (Puget) dated March 10, 1980 providing for a sale of firm daytime peaking power.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective March 10, 1980, which it claims is the date of commencement of service.

Copies of the filing were supplied to PGE and Puget.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10345 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-19]

Panhandle Eastern Pipe Line Co.; Third-Party Protest [1]

Issued: March 31, 1980.

Take notice that on January 28, 1980 and February 25, 1980 the State of Michigan and the Michigan Public Service Commission in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23–B,[2] and "Order on Rehearing of Order No. 23–B," [3] jointly filed Supplemental Third-Party Protests to their original protest. Both parties protest the Panhandle Eastern Pipe Line Company (Panhandle) contracts in Appendix A and B, stating they do not constitute contractual authority for the producer to increase prices to the applicable NGPA maximum lawful price.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before April 14, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

Appendix A

January 28, 1980.

Appendix 3.—*Type "A" Area Rate Contracts*

Seller	Rate schedule number	Date
Beaver Mesa Exploration Co	SPC	9/14/71
Beaver Mesa Exploration Co. (3 contracts).	SPC	5/6/75
Chamberlain Family Group (6 contracts).	SPC	12/15/71
Chamberlain Family Group	SPC	8/4/71
Corpening Cos. 1973 Ltd	SPC	9/25/74

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure." Docket No. RM79–22, issued June 21, 1979.

[3] Docket No. RM79–22, issued August 6, 1979.

Appendix 3.—*Type "A" Area Rate Contracts*—Continued

Seller	Rate schedule number	Date
Crystal Expl. & Prod. Co	SPC	9/24/73
Escor Inc	SPC	2/8/74
Mary A. Hamilton	SPC	11/19/71
E. Lyle Johnson	SPC	6/9/72
W. B. Osborn Jr. (3 contracts)	SPC	7/1/67
W. B. Osborn Jr.	SPC	7/23/70
Charles Sarratt	SPC	9/25/74
Guy M. Steele Jr. (2 contracts)	SPC	6/22/67

Appendix 4.—*Type "B" Area Rate Contracts*

Seller	Rate schedule number	Date
Beaver Mesa Exploration Co	SPC	11/4/70
Beaver Mesa Exploration Co. (4 contracts).	SPC	7/30/71
Beaver Mesa Exploration Co. (6 contracts).	SPC	8/1/71
Husky Oil Co	SPC	2/13/78

Appendix 5.—*Type "C" Area Rate Contracts*

Seller	Rate schedule number	Date
John P. Castleman Jr	SPC	9/14/78
John P. Castleman Jr	SPC	10/4/78
Husky Oil Co. (2 contracts)	SPC	3/1/78
Nova Energy Corp	SPC	5/24/78

Appendix 6.—*Type "D" Area Rate Contracts*

Seller	Rate schedule number	Date
John P. Castleman Jr. (4 contracts).	SPC	5/19/77
Chamberlain Family Group	SPC	1/29/76
Krizmen Enterprises	SPC	4/13/76
W. B. Osborn Jr. (3 contracts)	SPC	11/17/77
W. B. Osborn Jr.	SPC	6/8/78
W. B. Osborn Jr.	SPC	9/23/78

Appendix 8.—*Miscellaneous*

Seller	Rate schedule number	Date
Global Oils Inc	SPC	4/10/63

Appendix 3.—*Type "A" Area Rate Contracts*

Seller	Rate schedule number	Date of contract
Murphy, David L	000	5/15/72
Samedan Oil Corporation, et al	000	8/20/70

Appendix 6.—*Type "D" Area Rate Contracts*

Seller	Rate schedule number	Date of contract
Phoenix Resources Company	000	5/1/67
Phoenix Resources Company	000	5/1/67
Phoenix Resources Company	000	5/1/67
J. D. Simmons, Inc	000	2/4/76

[FR Doc. 80-10346 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-307]

Public Service Co. of Indiana, Inc.; Proposed Tariff Change

March 31, 1980.

The filing Company submits the following:

Take notice that on Public Service Company of Indiana, Inc. on March 27, 1980, tendered for filing pursuant to the Kentucky-Indiana Power Planning And Operating Agreement between East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Company, Kentucky Utilities Company, and Public Service Company of Indiana, Inc. Amendment No. 6 to become effective May 24, 1980.

Said Amendment No. 6 increases the demand charge for Back-Up Power and Short Term Power from 70¢ per kilowatt per week to 85¢ per kilowatt per week.

Copies of the filing were served upon East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Company, Kentucky Utilities Company, Public Service Commission of Indiana, and Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10347 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-302]

Public Service Co. of Oklahoma; Cancellation

March 31, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Oklahoma on March 26, 1980, tendered for filing a notice of Cancellation of the Letter Agreement dated November 3, 1977, Supplement to Rate Schedule FERC No. 181 between Public Service Company of Oklahoma and The Empire District Electric Company. PSO indicates that this cancellation is to be effective as of May 31, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file petition to intervene. Copies of this application are filed with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10348 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-283]

Texas Eastern Transmission Corp.; Application

March 28, 1980.

Take notice that on March 18, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-283 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application on file with the Commission and open to public inspection.

Public Service has arranged to purchase natural gas from Equitable Gas Company (Equitable) for electric generation to displace the use of No. 6 fuel oil, it is stated.

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Applicant requests authorization to transport for Public Service up to 51,394 dekatherms (dt) equivalent of natural gas per day, less volumes for shrinkage and fuel use, pursuant to a gas transportation agreement dated March 11, 1980. Applicant would receive the stated quantities of natural gas from Equitable at the existing point of interconnection between Applicant and Equitable in Westmoreland County, Pennsylvania, or at other mutually agreeable points of receipt in Applicant's Zone C, and would transport and redeliver equal quantities, less quantities for fuel and shrinkage, to Public Service at the existing point of interconnection with Applicant in Union County, New Jersey, or at other mutually agreeable points of delivery, for a term ending May 31, 1980.

Applicant proposes to charge Public Service a rate of 16.08 cents per dt equivalent delivered by Applicant to Public Service. Additionally, Public Service would pay Applicant 18.80 cents per dt equivalent, subject to the outcome of proceedings at Docket No. RP78–87, which, when added to quantities delivered by Applicant to Public Service under Applicant's Rate Schedules TS–1 and TSS or proposed Rate Schedule SS–II and other transportation agreements, would exceed the combined total curtailment of gas sales to Public Service under all of Applicant's firm rate schedules, it is stated. Applicant states that it would retain for fuel use and shrinkage an amount of gas equal to 6 percent of the quantities transported through April 15, and 3 percent through May 31, 1980.

Applicant asserts that the service proposed herein would not adversely affect or displace capacity for services or sales to high priority users.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10349 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-305]

Tucson Electric Power Co.; Filing Tucson-Los Angeles Interchange Agreement

March 31, 1980.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on March 27, 1980, tendered for filing an Interchange Agreement between Tucson and Los Angeles Department of Water and Power ("Los Angeles"). The primary purpose of this Agreement is to establish the terms and conditions relative to the exchange of generating capacity and energy between the electric systems of Tucson and Los Angeles. Tucson states that copies of the filing were served upon Los Angeles.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10350 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-297]

Wisconsin Power & Light Co.; Filing

March 31, 1980.

Take notice that on March 24, 1980, Wisconsin Power & Light Company (WP&L) tenderd for filing a revision of its rate schedules for "Resale Service" based on the proposed interim annual increase of $171,094 for the twelve months preceding the effective date of October 1, 1980.

WP&L states that it has no other rates for similar wholesale services.

WP&L further states that no additions or changes to facilities are to be made in order to supply the service to be furnished under the proposed rate schedule.

WP&L is asking for Period II, the calendar year 1980, permanent annual increases of $2,609,000 for wholesale electric service.

According to WP&L the following is a brief description of the proposed changes in the rate schedules:

1. The level of energy and demand rates has been changed to recover proposed revenue under bond and final revenue.

2. Energy charges have been changed to time-of-day rates to more closely track costs.

3. The fuel cost adjustment factor base has been changed to reflect test year costs and sales.

4. The fuel cost adjustment factor calculation has been changed to use estimated fuel costs and sales to eliminate the lag from when expenses are incurred to collection of revenues. A reconciliation provision adjusts for differences in estimates and actual expenses and sales.

WP&L indicates that the statement of the cost of service as contained in this filing for Period I (twelve months ended September 30, 1979), is the most recent twelve months for which actual data is available. The test period (Period II), for which data based on estimates is contained in this filing, is for the Test Year 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of

practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10351 Filed 4-4-80; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. PV-1452]

Chase Transportation Co.; Basic Tentative Valuation

April 3, 1980.

Notice is hereby served that the Federal Energy Regulatory Commission is considering a basic tentative valuation, effective December 31, 1974, for Chase Transportation Company, an interstate oil pipeline, P.O. Box 2256, Wichita, Kansas 67201.

On or before May 6, 1980, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act may file with the Federal Energy Regulatory Commission, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of petitions for leave to intervene in this proceeding. The petitioner shall attach to the petition a certificate of service as prescribed in rule 20 (49 CFR 1100.20).

If the petition for leave to intervene is granted, the petitioner is eligible to protest the valuation. Persons designated in Section 19a(h) of the Act may protest without filing a petition.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 80-10386 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-282]

Columbia Gas Transmission Corp; Petition to Amend

April 1, 1980.

Take notice that on March 17, 1980, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77–282 a petition to amend the order issued in the instant docket on July 1, 1977 [1], as amended May 2, 1978, pursuant to Section 7[c] of the Natural Gas Act so as to authorize the facilities actually installed in Petitioner's Coco Storage Complex, Kanawha County, West Virginia, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that on July 1, 1977, it was authorized to drill and operate 33 additional storage wells, to construct and operate 8.8 miles of additional 4, 6, and 8-inch well and field pipelines, and to install and operate an additional 4,250 horespower compressor unit in its Coco Storage Complex. The Commission's order further required that the authorized facilities be constructed and placed in actual operation before July 1, 1980, it is stated.

By order of May 2, 1978, the Commission amended its July 1, 1977, order, which amendment substituted the 4,250 horsepower compressor unit with one of 4,000 horsepower, it is said.

Petitioner states that it has drilled and connected to the field pipeline system in its Coco Storage Complex, 24 additional storage wells in lieu of the 33 wells originally proposed. Petitioner asserts that the reduction in the number of wells drilled resulted from an inability to secure satisfactory drilling sites at either the original or alternate sites. As a result of the reduction in the number of wells drilled, it is stated that only 24 wellhead measuring facilities were utilized and only 6.1 miles of 4, 6, and 8-inch connecting well and field pipeline were installed. Additionally it is said that the master measuring facilities were completed and placed in service as authorized.

Annual storage turnover volume from the Coco Storage Complex was increased by approximately 7,640,000 Mcf, 760,000 Mcf less than originally estimated because of the reduced number of wells drilled.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10387 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-289]

Columbia Gas Transmission Corp.; Notice of Application

April 1, 1980.

Take notice that on March 20, 1980, Columbia Gas transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80–289 an application pursuant to Section 7[c] of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate approximately 30.4 miles of 4, 10 and 12-inch transmission pipeline as an extension to Applicant's existing Mayville area pipeline system, all of which is located in Chautauqua County, New York. the 10 and 12-inch pipeline would extend approximately 23.8 miles in an easterly direction from the northern terminus of the existing 12-inch pipeline which is located aproximately three-fourths of a mile north of the village of Mayville, New York, it is stated. Applicant further states that lateral pipelines varying in length from 0.2 mile to 4.5 miles would be constructed to transport gas to the above-described pipeline.

Applicant estimates that the 57,000 acres accessed by the proposed facilities contain a 83,400,000 Mcf natural gas reserve. Applicant states that this new natural gas supply would be delivered to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. for transportation and exchange.

The costs of the proposed facilities is estimated to be $5,497,700 which cost would be financed from funds generated internally, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

[1] This proceeding was commenced before the FPC. By joint Regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Commission.

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protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10388 Filed 4-4-80; 8:45 am]

BILLING CODE: 6450-85-M

[Docket No. CP 80-290]

Columbia Gas Transmission Corp.; Notice of Application

April 1, 1980.

Take notice that on March 21, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-290 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 94 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspecton.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc. 4 taps for residential service; Estimated annual usage of 800 Mcf.

(2) Columbia Gas of Ohio, Inc. 55 taps for residential service, 1 tap for commercial service, 1 tap for combined residential and industrial service; Estimated annual usage of 13,650 Mcf.

(3) Columbia Gas of Pennsylvania, Inc. 3 taps for residential service; Estimated annual usage of 450 Mcf.

(4) Columbia Gas of Virginia, Inc. 1 tap for residential service, 1 tap for commercial service; Estimated annual usage of 330 Mcf.

(5) Columbia Gas of West Virginia, Inc. 27 taps for residential service; Estimated annual usage of 4,200 Mcf.

(6) West Ohio Gas Company. 1 tap for residential service; Estimated annual usage of 160 Mcf.

Applicant states that the additional volumes to be provided through the new points of delivery are within Applicant's currently authorized level of sales.

The total cost of the proposed interconnections is estimated to be $28,300 which cost would be financed by funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a heaing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10387 Filed 4-4-80; 8:45 am]

BILLING CODE: 6450-85-M

[Docket No. CP80-281]

Columbia Gulf Transmission Co. Notice of Application

April 1, 1980.

Take notice that on March 14, 1980, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-281 an application pursuant to Section 7 of the Natural Gas Act and Sections 157.7(b) and 157.7(g) of the Regulations thereunder (18 CFR 157.7(b) and (g)) for (1) a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing with the calendar year 1980 and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, and (2) authorization for the construction and operation and for permission and approval to abandon, for a 12-month period commencing with the date of the order, various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget type application is (1) to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies natural gas which may become available from various producing areas generally coextensive with its pipeline system which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978, and (2) to enable Applicant to Act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed gas supply facilities would not exceed $20,000,000 with no single offshore project expenditure to exceed $3,500,000 and no single onshore project

to exceed $2,500,000 and that the total cost of its proposed construction, relocation, operation, removal and abandonment of field compression facilities would not exceed $2,000,000 with no single project to exceed $1,000,000. Applicant states that these costs would be financed from internally generated funds.

Because of increased costs due to inflation, as more fully set forth in the application, Applicant requests a waiver of the single project cost limitations set forth in Section 157.7(g)(iii) of the Commission Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a aproceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10390 Filed 4-4-80; 8:45 am]

BILLING CODE: 6455-85-M

[Docket Nos. RP79-23 and RP79-24]

Distrigas of Massachusetts Corp. and Distrigas Corp.; Order Approving Settlement With Modification

Issued: April 1, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

Distrigas of Massachusetts Corporation (DOMAC) and Distrigas Corporation (Distrigas), both wholly-owned subsidiaries of the Cabot Corporation, are engaged in the importation of Algerian liquefied natural gas (LNG) for sale to gas distribution companies in the United States. Distrigas imports the LNG and sells it to its sole customer, DOMAC. DOMAC receives and stores the LNG at it terminal in Everett, Massachusetts, and resells it to its distribution company customers.

The proceeding in Docket No. RP79-23 involves a rate increase application filed by DOMAC on January 5, 1979, seeking an increase of approximately $4.4 million annually in revenues derived from the terminalling service it provides for eleven distribution company customers. As part of this filing, DOMAC included tariff sheets which provided for collection of demurrage charges through its purchased gas adjustment (PGA) clause. DOMAC also filed alternative tariff sheets which would provide recovery of an estimated annual demurrage expense of $1 million under its TS (terminalling service) Rate Schedule. On the same date as the DOMAC filing, Distrigas filed revised tariff sheets in Docket No. RP79-24 to specify demurrage charges as a component of the delivered cost of LNG to be recovered in the Distrigas sales to DOMAC. This filing would not change the effective rate, but would provide DOMAC with justification for considering the demurrage charge part of its purchased gas costs eligible for automatic adjustment through its PGA.

By order of February 2, 1979, the Commission consolidated the dockets, accepted for filing the proposed tariffs which included treatment of the demurrage costs through the PGA, suspended their effectiveness for five months, and rejected the alternative sheets providing for including demurrage costs in the TS rate.

The parties to these proceedings [1] subsequently entered into settlement negotiations culminating in a proposed settlement agreement which was filed with the Commission on October 2, 1979. The settlement was referred to the presiding judge for consideration pursuant to the terms of Order No. 32.[2] Initial and reply comments on the settlement were received by the judge. While all parties supported the settlement, the staff of the Commission objects to certain of the settlement provisions.

The staff voices three principal objections to the settlement. First, the settlement provides for a 13-percent overall rate of return based on DOMAC's existing capital structure. The staff objects to this rate of return and to the use of the existing capital structure for deriving DOMAC's cost of capital, claiming that the existing structure fails to reflect DOMAC's true operating risks. The staff recommends using the capital structure of DOMAC's parent, Cabot Corporation, as it believes this would yield a representative cost of capital under competitive market conditions. According to the staff, use of Cabot's capital structure would show DOMAC entitled to only a 10.71 percent overall rate of return.

Second, the staff objects to the settlement sales volume of 24 trillion Btu (TBtu) upon which the settlement rates are predicated. Upon an appraisal of DOMAC's future supply posture, the staff finds the 24 TBtu settlement volume unreasonably low and estimates that DOMAC is capable of selling at least 32 TBtu annually.

Finally, the staff takes issue with the formulation of the settlement rate base and the calculation of the settlement cost of service. It urges the disallowance of certain items it finds inappropriately included both in the rate base and in the cost of service, and cites several adjustments it deems necessary. If adopted, the staff's recommended adjustments would reduce the rate base from $32.2 million to $30.2 million and the cost of service from $15.3 million to $13.3 million.

Notwithstanding the staff's objections, the presiding judge concluded that the settlement was reasonable in all respects and in his certification recommended that it be approved.

Upon review of these matters, the Commission finds that two of the staff's

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[1] Bay State Gas Company, The Berkshire Gas Company, Boston Gas Company, The Connecticut Gas Company, Fall River Gas Company, Haverhill Gas Company, New Jersey Natural Gas Company, The Providence Gas Company, South Jersey Gas Company, Valley Gas Company, and The Brooklyn Union Gas Company.

[2] Docket No. RM78-16, issued June 13, 1979. In order No. 32, the Commission enunciated a policy encouraging settlements to be made when in the public interst and prescribed procedures to expedite consideration of settlements either filed directly with the Commission or certified by presiding officers. These new procedures may be found at section 1.18(e) of the Commission's Regulations.

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objections, though valid in identifying a necessary reduction in DOMAC's rate base and in questioning the reliability of its projected sales volume, are capable of remedy through modification which, if concurred in by DOMAC, would warrant approval of this settlement. The staff's rate of return objections are found to be without merit.

Rate of Return and Captial Structure

The settlement provides for a 13 percent overall rate of return on existing capitalization, or 0.8 percent less than the rate of return sought by DOMAC in its filing. The settlement rate of return was computed from DOMAC's capital structure consisting of 68.29 percent equity and 31.71 percent debt.

The staff objects both to the overall rate of return resulting under the settlement and to the use of DOMAC's existing capital structure in computing this return. The staff argues that the existing capital structure should not be used because it fails accurately to reflect the company's true operating risks. Rather, it advocates using the capital structure of DOMAC's parent company, Cabot Corporation, in calculating the cost of capital for DOMAC. The staff relies on the Commission's decision in Opinion No. 7, *Kentucky West Virginia Gas Company*, Docket No. RP73–97, issued Februrary 16, 1978, which it claims supports the imputation of a parent's captial structure and cost of capital to a subsidiary for rate-setting puposes under circumstances found here. In addition, the staff argues that the certification proceeding cited in support of the settlement carries no precedential weight since the initial rates aproved there were not scrutinized under the same standard of review applicable here.

DOMAC argues that the Commission previously approved this same rate of return derived from essentially the same capital structure in Docket Nos. CP77–216 *et al.*, order issued December 28, 1978, where DOMAC was granted authorization both for the construction of LNG facilities and for the initial sale of LNG to the identical parties in this proceeding. It thus claims the Commission's prior conclusions of that proceeding foreclose the staff's attempts here to relitigate the capital structure and rate of return questions.

Upon review of this matter, the Commission concludes that the overall rate of return provided under the proposed settlement has been based appropriately on a capital structure which reasonably reflects DOMAC's present operating risks. We thus decline to require use of an alternative capital structure for deriving an overall rate of return or to impose a reduction in the return level itself.

We base this decision largely on findings arrived at little more than a year ago when we had occasion to evaluate DOMAC's existing capital structure and operating risks in the certification proceeding in Docket Nos. CP77–216, *et al.*[3] The instant record is devoid of evidence demonstrating that since then DOMAC has assumed any greater debt or in any fashion altered its manner of capitalization. DOMAC's capital structure today it thus identical to that at the time that proceeding was decided. Moreover, no evidence is found in this record showing any reduction or shift in those operating risks previously considered. Absent a showing of any material change in circumstances, we conclude that our prior decision on this issued should be deemed controlling. Accordingly, the settlement rate of return is found to be reasonabe and is approved.

Sales Volume and Rate Design

The settlement rate design consists of a straight line rate and a charge for excess sales, in contrast to the former three-tier design. The straight line rate is fashioned to allow DOMAC to recover its total cost of service based upon a test period sales volume of 24 TBtu. ($15.3 million ÷ 24TBtu = 63.75 cents per MMBtu) The charge for all volumes sold in excess of the test period annual sales volume is 10 cents per MMBtu.

The staff argues that the settlement sales volume is understated and that an analysis of DOMAC's supply posture shows a capability of purchasing (and reselling) volumes greater than 24 TBtu. The staff points out that DOMAC has contracted with Algeria to purchase 43.5 TBtu annually over a 20-year period. It presently receives deliveries from three liquefication lines at Skikda, Algeria, to which it is entitled to 12 percent of production capacity plus any excess. Even though each of these lines has exceeded design capacity in the past, the three have not been operated simultaneously. Therefore, the staff believes that DOMAC reasonably can expect growth in supply from these lines. In addition, the staff claims the Skikda supply will be increased when service, scheduled for November 1979, is initiated from a fourth line to which DOMAC holds priority. The staff further notes that DOMAC also has been receiving regular shiploads of surplus production from facilities in Arzew, Algeria. These deliveries show signs not only of continuing at present levels but of possibly increasing since the purchaser holding priority to these volumes has been unable to utilize it full entitlement.

Staff's recommended rate design consists of three charges, including a straight line rate for all sales up to 22.104 TBtu, a straight line rate for the remainder of sales necessary to meet the staff's claimed test period sales of 32 TBtu, and a charge of 1.3 cents per MMBtu for all sales in excess of the test period level. The first block or tier rate is designed to recover approximately 80 percent of staff's cost of service. The second tier or block rate is designed to recover the remainder of the total cost of service. The charge of 1.3 cents per MMBtu for all sales in excess of staff's test period annual sales is based on the variable cost incurred. As is evident, DOMAC must sell at least 32 TBtu in order to recover the fixed cost portion of the staff's total cost of service.

DOMAC argues that the staff fails to appreciate the serious nature of forecasting the appropriate test year level of LNG volumes, the result of which holds grave implications not only for itself, but for its purchasers and the customers of its purchasers. DOMAC points out that should the cost recovery ceiling be raised to 32 TBtu as recommended by the staff, this would result in a shortfall in annual revenues of $1.5 million below the revenues yielded under the underlying rates.

Upon review of this matter, the Commission finds the staff has shown there is a clear possibility that DOMAC will realize sales in excess of the 24 TBtu settlement volume. There can be no doubt that to the extent DOMAC does in fact realize sales in excess of the settlement level, it will realize revenues in excess of its stipulated costs. DOMAC's general exhortations concerning the difficulty of reliably forecasting sales, without more, carry scant weight. Nonetheless, we decline to adope the staff's recommended solution of raising the volume ceiling to 32 TBtu as we find this figure also to be without adequate support in the record.

A feasible solution may be found not in raising the settlement volume but in fashioning a sales refund obligation which would take effect in the event DOMAC's sales exceed 24 TBtu. In this manner both DOMAC and its customers would be protected. DOMAC would be permitted sufficient revenue to meet its costs while its customers would be refunded any excess revenues earned from sales exceeding the volume on which the settlement rates are predicated. This would appear to be a reasonable solution in light of the uncertainty of accurate supply forecasting suggested by the disparate projections of both DOMAC and the staff.

Accordingly, approval of this settlement will be conditioned upon inclusion of a sales refund obligation. On sales made in excess of 24 TBtu, DOMAC would recover more than its total cost of service by an amount equal to the fixed costs included in its delivery rate. The settlement rate of 10 cents per MMBtu for sales in excess of 24 TBtu reflects fixed costs of 8.2 cents per MMBtu.[4] Therefore, the sales refund obligation should be designed to require DOMAC to refund its customers the product of 8.2 cents times all volumes sold in excess of 24 TBtu. Moreover, it should include a provision for interest on all amounts refunded. Should DOMAC find this condition acceptable, it shall formulate a sales refund obligation along these lines and shall submit the same to the Commission for review and approval.

Other Cost of Service and Rate Base Issues

The settlement cost of service totals $15.3 million. DOMAC's rate base is stipulated to be $32.2 million. The staff claims certain adjustments are warranted which, if adopted, would reduce the rate base to approximately $30.2 million and the cost of service to $13.3 million. Upon review of this matter, the Commission concludes that one of the adjustments argued by the staff is meritorious and should be adopted.

The staff claims that prior to 1976 DOMAC utilized accelerated depreciation but neglected to account adequately for accumulated deferred income taxes carried in its account 282. It thus recommends the inclusion of $1.56 million to this account, an amount representing the difference between accumulated accelerated and straightline depreciation for the years 1972 through 1978 and the additional six month period ended June 30, 1979. If included in the account 282, the $1.56 million would be added to the existing $416,082 in the account and the total of approximately $1.98 million would be deducted from DOMAC's rate base in accordance with the Commission's established policy.[5]

DOMAC objects to a claimed need to augment its account 282, alleging that the staff's demand erroneously assumes that taxable income was realized during the full period in question. To the contrary, DOMAC cites $10.8 million in operating losses incurred prior to October 1, 1976.

The Commission concurs with the staff that DOMAC has neglected to account properly for its accumulated deferred income taxes. By utilizing accelerated tax depreciation, the consolidated group (Cabot Corporation) of which DOMAC is a member continued to receive tax benefits even though DOMAC sustained operating losses on a separate return basis. Were this adjustment reflecting the consolidated group's past utilization of such tax benefits not imposed at this time, customers eventually would be required to contribute to DOMAC's increased tax burden because of the unavailability of these tax deductions. The full receipt of these benefits thus should have been reflected in DOMAC's accumulated deferred tax account notwithstanding the absence of taxable income on a separate return basis during a portion of this period. Since DOMAC failed to maintain a proper accounting, this now necessitates an adjustment of $1.56 million to its account 282 and an equivalent reduction in its rate base.

Accordingly, approval of this settlement will be conditioned upon the foregoing modification of DOMAC's account 282 and corresponding reduction of its rate base.

The Commission orders:

(A) The settlement agreement certified by the presiding judge on November 27, 1979, is approved, subject to the modifications described in this order.

(B) Within 30 days from the date of this order DOMAC shall advise the Commission whether the settlement as modified is acceptable to it. If so, DOMAC shall submit, concurrently, revised rates and a revised cost of service reflecting the terms of the settlement agreement as modified.

(C) Within 30 days following approval of the rates, if any, submitted pursuant to paragraph (B) above, DOMAC shall refund to its jurisdictional customers all amounts collected in excess of the approved rates together with interest at the rates specified in section 154.67(d) of the Commission's regulations. Within 10 days thereafter DOMAC shall submit a statement showing the calculation of refund and interest paid.

(D) Upon compliance by DOMAC with paragraphs (C) and (D) above, this proceeding shall be terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10391 Filed 4-4-80; 8:45 am]

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[3] There we approved a 13 percent overall rate of return, giving significant weight to the fact that the customers stated a willingness to pay for this return in exchange for DOMAC's bearing a greater portion of risks which resulted from certain of its minimum bill provisions. The instant record shows these provisions to be unchanged here.

[4] DOMAC shows variable costs of $427,308 or 1.8 cents per MMBtu based on 24 TBtu. Subtracting this from the 10 cents rate yields 8.2 cents.

[5] Since 1964 the Commission has consistently required deferred taxes carried in the account 282 to be deducted from the rate base. See *Alabama-Tennessee Natural Gas Co.*, 31 F.P.C. 206 (1964), *aff'd sub nom. Alabama-Tennessee Natural Gas Co. v. F.P.C.*, 359 F. 2d 318 (5th Cir. 1966), *cert. denied*, 385 U.S. 847 (1966). This policy also is articulated in the Commission's regulations. See 18 CFR 2.67 (1979).

[Project No. 3064]

City of Fayetteville, N.C. Public Works Commission; Application for Preliminary Permit

March 31, 1980.

Take notice that on March 3, 1980, the City of Fayetteville, North Carolina, Public Works Commission (Applicant) filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for the proposed hydroelectric power project to be known as the William O. Huske Project (FERC Project No. 3064), located on the Cape Fear River in Bladen County, North Carolina. The proposed project would be located on a navigable waterway of the United States and would utilize the Corps of Engineers' William O. Huske Lock and Dam. Correspondence with the Applicant should be directed to: Mr. R. A. Muench, Jr., General Manager, City of Fayetteville, Public Works Commission, 508 Person Street (P.O. Drawer 1089), Fayetteville, North Carolina 28302.

Purpose of Project—Project energy would be utilized in meeting power requirements of the residents of the City of Fayetteville, North Carolina.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months during which time the Applicant proposes to study the feasibility of installing hydroelectric generating units at the existing William O. Huske Lock and Dam of the U.S. Army Corps of Engineers. Applicant estimates the cost of studies under the permit would be $50,000.

Project Description—Applicant's proposed project would consist of: (1) a powerhouse constructed adjacent to the east end of the ungated spillway section of the U.S. Dam; (2) hydroelectric generating units (number, size and type to be determined in the course of the study) with a total estimated installed capacity of between 6,000 and 10,000 kW; (3) approximately 1.5 miles of

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transmission line to connect to an existing electric distribution system; and (4) appurtenant facilities.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (Copies of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 9, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 8, 1980. A notice of intent must conform with requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 9, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10982 Filed 4-4-80; 8:45 am]

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[Docket No. EL80-22]

General Public Utilities Corp. et. al.; Complaint and Request for Investigation

March 31, 1980.

In the matter of General Public Utilities Corp.; Public Service Electric and Gas Co.; Philadelphia Electric Co.; Pennsylvania Power and Light Co.; Baltimore Gas and Electric Co.; Potomac Electric Power Co.

Take notice that on March 21, 1980, General Public Utilities Corporation (GPU) on behalf of itself and its subsidiaries, Jersey Central Power and Light Company, Metropolitan Edison Company and Pennsylvania Electric Company filed a complaint alleging that, under present conditions, the pricing arrangement contained in the Pennsylvania-Jersey-Maryland power pooling agreement (PJM agreement) is unjust and unreasonable insofar as it applies the "split-savings" concept to those additional energy purchases made by GPU and its subsidiaries as a result of the accident at Three Mile Island No. 2 generating unit. GPU alleges that the split-savings concept is unjust and unreasonable as applied to GPU's current situation in that it produces revenues substantially in excess of the seller's cost. GPU contends that the net effect has been that extraordinary costs to the GPU companies and their customers resulting from the accident has resulted in a reduction in the charges to their customers by the selling PJM companies. GPU requests (1) an investigation of same, and (2) that the Commission order that such additional sales be made at a price equal to the seller's cost of supplying such service, namely the incremental production cost plus any other costs reasonably allocable to supplying such service.

Concurrently with the filing of this Complaint, GPU filed a pleading entitled "Motion For Issuance Of Interim Order." Respondents are advised that they have 30 days from the date which they are served by the Commission with the Complaint, to respond both to the Complaint and the pleading entitled "Motion For Insurance Of Interim Order".

All parties who are not Respondents who desire to be heard or protest the Complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make parties protestants to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10999 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-286]

Michigan Wisconsin Pipe Line Co.; Notice of Application

April 1, 1980

Take notice that on March 18, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-286 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide natural gas transportation service for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Tennessee have entered into a transportation agreement dated March 11, 1980, which provides for Applicant to take receipt of Tennessee's share of the production from Eugene Island Area Block 327 (Block 327), offshore Louisiana, up to 5,200 Mcf of natural gas per day for the account of Tennessee, to provide transportation onshore for such supplies, and to make redeliveries of equivalent volumes to Tennessee at the tailgate of The Superior Oil Company's Lowry Plant in Cameron Parish, Louisiana, and at an interconnection of the facilities of Applicant and Tennessee at the tailgate of Placid Oil Company's Patterson Plant in St. Mary's Parish, Louisiana.

Applicant states that redeliveries would be reduced by 1.5 percent of the quantity transported to compensate it for its compressor fuel usage. Applicant further states that the term of the agreement is for fifteen years commencing from the date of initial deliveries. It is stated that, as consideration for providing the transportation service, Tennessee has agreed to pay Applicant a monthly transportation charge equal to the contract demand multiplied by a demand charge of $8.34 per Mcf of natural gas. Applicant further states that the facilities connecting Block 327 to its existing offshore pipeline system have been placed in service are are presently available to provide the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10304 Filed 4-4-80; 8:45 am]

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[Docket Nos. ER80-66, *et al.*]

New England Power Co.; Order Accepting for Filing and Suspending Proposed Interim Rate as to Brayton Point Coal Conversion Costs and Granting Waivers

Issued: March 31, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On February 20, 1980, New England Power Company (NEPCO) submitted a supplement to its original rate increase filing in Docket Nos. ER80-66 and ER80-67. The supplement contains proposed interim rates that reflect the costs of NEPCO's program to convert its Brayton Point and Salem Harbor generating units from oil to coal-fired capacity. NEPCO submitted this interim rate supplement pursuant to the Commission's rehearing order of February 13, 1980, in these dockets.[1] NEPCO requests waiver of the Commission's notice requirements under § 35.11 of the regulations so that the interim rates could be accepted for filing as of January 1, 1980. NEPCO also requests waiver of § 36.2 (filing fees), § 35.13(b) (cost support) and § 35.17(b) (changes relating to suspended rate schedules) of the regulations. NEPCO urges the Commission to limit any suspension period to one day.

Notice of the supplemental filing was issued on February 27, 1980, with responses due on or before March 18, 1980.

On March 14, 1980, NEPCO's unaffiliated customers submitted a protest, various motions concerning NEPCO's interim rate proposal and a request for oral argument. They acknowledge that NEPCO has converted its Brayton Point units for a short-term coal burn during 1980 and do not object to NEPCO's collection of the related fuel handling costs (estimated by NEPCO to be $2,289,000) upon a demonstration of the actual expenses incurred. The customers request, however, that NEPCO be summnarily directed to exclude similar costs for the Salem Harbor units (estimated by NEPCO as $6,504,200) from the interim rates. This rejection, according to the customers, should be without prejudice to a remedial rate filing when and if these units are converted to coal. The customers assert that rejection is appropriate because NEPCO has not received waivers of the applicable environmental laws and regulations required to burn coal at Salem Harbor. The customers further state that NEPCO has not indicated when such waivers will be obtained.

The customers also object to NEPCO's proposed normalization of the tax benefits associated with the coal conversion construction work in progress (CWIP) included in NEPCO's rate base. They urge that the inclusion of such CWIP should be conditioned by an order requiring the flow-through of the tax savings associated with this construction program. The customers again renew their motion [2] for summary judgment concerning NEPCO's assignment of long-term capital costs associated with coal conversion to customers taking what the customers describe as short-term inferior grades of utility service.

Discussion

As noted in the Commission's February 13, 1980, rehearing order, NEPCO has proposed rates that reflect costs of approximately $17 million for its coal conversion programs. Of this amount about $8.8 million covers short-term fuel handling and operations and maintenance expenses—$2,289,000 for Brayton Point, and $6,504,000 for Salem Harbor. Expenses for 1980 for the long-term conversion program at Brayton Point are estimated to be $2,729,000. An additional $5,365,000 in increased costs is attributable to the inclusion in

[1] By order dated December 31, 1979, the Commission suspended for five months NEPCO's proposed rate increases in Docket Nos. ER80-66 and ER80-67. On January 14, 1980, NEPCO filed an application for rehearing and requested a reduction of the five-month suspension on the ground that otherwise it would be unable to recover approximately 42 percent of its coal conversion expenditures for the 1980 calendar test year. NEPCO characterized the five-month suspension as being unresponsive to a national policy of achieving energy independence. By order issued February 13, 1980, the Commission denied NEPCO's application for rehearing of the suspension period. The Commission found that NEPCO's proposed rates were substantially excessive even assuming that NEPCO could fully recover all of the filed coal conversion costs. The Commission recognized, however, that NEPCO's energy conservation, load management and coal conversion programs would further national energy goals. Accordingly, the Commission stated that NEPCO, if it so chose, could file (subject to a request for waiver of §§ 35.11 and 35.17 of the regulations) a proposed interim rate supplement to recover only the costs directly related to its coal conversion program. The Commission further stated that, upon review of the supplement, it would consider the appropriateness of a one-day suspension of the proposed interim rate which would permit the rate to become effective on January 2, 1980, subject to refund.

[2] *See* the Customers Application for Rehearing filed January 28, 1980.

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NEPCO's rate base of coal conversion CWIP relating to Brayton Point.

For purposes of determining an appropriate interim rate, we note that NEPCO has not as yet received the required environmental waivers for Salem Harbor. NEPCO's supplemental filing does not provide any updated information that would indicate that the conversion of Salem Harbor has been approved.[3] We also note that counsel for NEPCO informed the customers by letter dated February 27, 1980, that the waivers had not been obtained.

Accordingly, NEPCO's proposed interim rates with the Salem Harbor coal conversion costs excluded [4] will be accepted for filing, suspended for one day and permitted to become effective, subject to refund, as of January 2, 1980.[5] Conversion costs relating to the Salem Harbor units may not be reflected in an interim rate because NEPCO's customers have as yet not obtained the lower fuel cost benefits that will flow from conversion of the units.[6] Upon notifying the Commission that it has received the necessary environmental waivers and has commenced the burning of coal at Salem Harbor prior to the end of the suspension period, and provided that the benefits of lower costs are passed on to its customers, NEPCO may collect an interim rate subject to refund that reflects the Salem Harbor conversion costs.[7]

The customers have requested that NEPCO be directed to file quarterly revised tariff sheets that reflect actual coal conversion investments. We find little merit to this suggestion because the interim rates will only be collected for the duration of the five month suspension period.

Further, we find that the matters raised by the customers concerning tax normalization and the assignment of long-term coal conversion costs to allegedly short-term inferior grades of utility service are best resolved on the basis of record developed during the evidentiary hearing that shall be held in these dockets. [8] The customer's request for oral argument is denied.

For purposes of considering NEPCO's requests for waiver of the filing fee requirement of our regulations we note that the interim rate is included in NEPCO's original rate request. Because a filing fee has paid based on the original request, waiver of § 36.2 of the regulations is granted. Waiver of § 35.13 is also granted.

The Commission orders:

(A) Waiver of §§ 35.11, 35.13(b), 35.17(b) and 36.2 of the regulations is hereby granted.

(B) NEPCO's proposed interim rates as revised to reflect the exclusion of all Salem Harbor coal conversion costs (see Attachment A) are accepted for filing and suspended for one day, to become effective as of January 2, 1980, subject to refund at the outcome of these proceedings.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

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[3] Previously, NEPCO indicated that the environmental waivers had not been obtained but that the company hoped it could burn coal at Salem Harbor during 1980. *See* the filed testimony of NEPCO's witness John F. Kaslow, page 4.

[4] *See* Attachment A. NEPCO's proposed interim rates have been calculated so as to exclude all costs relating to the proposed conversion of Salem Harbor. The costs that will be evaluated during the hearing in this case to determine the justness and reasonableness of the revised interim rates will be the net conversion costs directly relating to just Brayton Point as already submitted by NEPCO. Any refunds ordered by the Commission concerning portions of the interim rates that may be found to be excessive will be determined solely by reference to the interim rates specified in Attachment A. This refund obligation shall be independent of any determination made covering the rates collected after the suspension period.

[5] Waiver of §§ 35.11 and 35.17(b) of the regulations is hereby granted.

[6] In our rehearing order dated February 13, 1980, we stated (at 4): . . . NEPCO should be permitted prompt and full recovery of its net coal conversion costs so long as its customers obtain the benefits of conversion through fuel savings passed through NEPCO's fuel adjustment clause.

[7] In this event, the costs that will be evaluated during the hearing concerning the portion of the proposed interim rates reflecting Salem Harbor conversion costs will be the net conversion costs directly relating to Salem Harbor as already submitted by NEPCO. *See* footnote 4 *supra.*

[8] *See* Ordering Paragraph (H) of the Commission's order in these dockets, issued December 31, 1979.

Attachment A

Modified to Exclude Salem Harbor March 26, 1980

NEW ENGLAND POWER COMPANY

Determination of Rate W-2 (C) - Coal Conversion
Based on Test Year 1980 (Period II)

(Thousands)

Coal Utilization Costs

1. Coal conversion CWIP (rate base)	$32,425			
2. Return, FIT, FT on above			$5,365	
3. Operation and Maintenance:	Brayton Point	Salem Harbor		
4. Long term conversion	$2,729	$ -		
5. Short term O&M	2,289	~~6,504~~		
6. Total O&M	$5,018	~~$6,504~~	~~$11,522~~	$5,018
7. Total Coal Expense			~~$16,887~~	$10,383
8. Less: Eliminations (unit sales)			(551)	
9. Total Primary coal expense			~~$16,336~~	$9,832

Rate Design

	Resale	Contract Demand
10. Allocation factors (C/S p. 10)	99.74%	3.01%
11. Design revenue (1)	$9,511 ~~$15,803~~	$296 ~~$492~~
12. Billing units (demand)	32,613,303 KW	986,036 KW
13. Incremental demand rate (line 11 ÷ line 12)	$0.29/KW ~~$0.48/KW~~	$0.30/KW ~~$0.50/KW~~
14. Plus: Present rate W-1(S)	$6.79/KW	$8.22/KW
15. Total Demand rate W-2(C)	$7.08/KW ~~$7.27/KW~~	$8.52/KW ~~$8.72/KW~~

(1) C.D. = coal expense (1.9) x 3.01%
Resale = (coal expense (1.9) - C.D. revenue) x 99.74%

[FR Doc. 80-10385 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-C

V 45/68 AP 7 80 UMI

[Docket No. PV—1453]

Osage Pipe Line Co.; Basic Tentative Valuation

April 3, 1980.

Notice is hereby served that the Federal Energy Regulatory Commission is considering a Basic tentative valuation, effective December 31, 1976, for Osage Pipe Line Company, an interstate oil pipeline, 1437 South Boulder Avenue, Tulsa, Oklahoma 74119.

On or before May 6, 1980, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act may file with the Federal Energy Regulatory Commission, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of petitions for leave to intervene in this proceeding. The petitioner shall attach to the petition a certificate of service as prescribed in rule 20 (49 CFR 1100.20).

If the petition for leave to intervene is granted, the petitioner is eligible to protest the valuation. Persons designated in Section 19a(h) of the Act may protest without filing a petition.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 80-10396 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Notice of Petition To Amend

April 1, 1980.

Take notice that on March 19, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23 a petition to amend the order issued March 7, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of two delivery points, the Lake Boudreaux and East Lake Decade delivery points in Terrebonne Parish, Louisiana, for the receipt of natural gas from Tenneco Oil Company (TOC), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes the establishment of two new points of receipt located at Lake Boudreaux and East Lake Decade, Terrebonne Parish, Louisiana. It is stated that deliveries at Lake Boudreaux would be made by TOC to Columbia Gulf Transmission Company (Columbia Gulf), which volumes Columbia Gulf would then transport to an existing authorized point of interconnection with Petitioner located at Egan, Louisiana. It is further stated that deliveries from East Lake Decade would be made by TOC to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Petitioner, which volumes Transco would then transport and deliver to Petitioner at existing points of interconnection located at Louise, Wharton County, Texas; Crowley, Acadia Parish, and Kinder, Allen Parish, Louisiana.

Petitiner states that approval of the two proposed delivery points would allow TOC to meet existing obligations to deliver natural gas for the account of Air Products and Chemicals Inc. Petitioner further states that no new facilities would be constructed at either of the two proposed delivery points.

Petitioner states that it has entered into an amendment to the existing gas transportation agreement with TOC dated March 11, 1980, pursuant to which TOC agrees to reimburse Petitioner for all charges to Petitioner for the transportation service rendered by Columbia Gulf and Transco. Further, Petitioner proposes to charge for transportation services as follows:

(1) For deliveries by Transco to Petitioner at Louise and delivered to Creole Gas Pipeline Company (Creole) at Ysclosky, Louisiana, 13.76 cents per Mcf;
(2) For deliveries for Transco to Petitioner at Kinder and delivered to Creole at Ysclosky, Louisiana, 3.85 cents per Mcf;
(3) For deliveries from Transco to Petitioner at Crowley and delivered to Creole at Ysclosky, Louisiana, 5.03 cents per Mcf; and,
(4) For deliveries from Columbia Gulf to Petitioner at Egan and delivered to Creole at Ysclosky, Louisiana, 4.96 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10397 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-8]

Wallace Energy Corp. Petition for Declaratory Order

March 31, 1980.

Take notice that on March 3, 1980, Wallace Energy Corporation (Wallace), First National Bank Building, Suite 3210, Mobile, Alabama 36602, filed a petition for a declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure. Wallace petitions the Commission for a determination that Wallace's sales of natural gas to Mobile Gas Service Corporation (Mobile) and Conecuh-Monroe Counties Gas District (Conecuh-Monroe) are not "first sales" under the Natural Gas Policy Act of 1978 (NGPA) and not subject to any maximum lawful prices under the NGPA.

Wallace purchases natural gas from Ciba-Geigy Corporation (Ciba) pursuant to an intrastate contract signed on or about May, 17, 1976. Wallace resells the gas which it purchases from Ciba to Mobile and Conecuh-Monroe pursuant to intrastate contracts dated September 15, 1976, and March 8, 1977, respectively. The parties to these contracts now dispute whether the maximum lawful prices established under the NGPA limit the price which may be charged thereunder. This issue arose because Exxon Company, U.S.A., Ciba's supplier, is subject to the NGPA and has reduced the price for natural gas which it sells to Ciba from the contract price to a maximum lawful price. Ciba, however, has continued to invoice Wallace for the full contract price. Wallace, in turn, continues to invoice Mobile and Conecuh-Monroe for the full contract price.

Mobile has also filed for a petition for declaratory order in Docket No. SA80-8 (notice issued February 8, 1980) requesting that the Commission find sales by Wallace to Mobile to be first sales. Furthermore, several petitions for a declartory order have been filed in Docket No. GP80-68 (notice issued March 12, 1980), requesting a Commission determination regarding the "first sale" status of sales made by Ciba and its subsidiary, Delvan Development Corporation, to Wallace, Mobile and others.

Any person desiring to be heard on or before April 22, 1980, or to make any protest with reference to said petition should on or before April 22, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, a petition to intervene or a protest in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in Docket No. SA80-8 is not required to file a further petition.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10398 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Office of Intergovernmental Affairs

Local Government Energy Policy Advisory Committee and Subcommittees; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Local Government Energy Policy Advisory Committee.

Date and time: Wednesday, April 23, 1980—9:00 a.m.–5:00 p.m., Thursday, April 24, 1980—9:00 a.m.–5:00 p.m., Friday, April 25, 1980—9:00 a.m.–12:00 noon.

Place: Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. See agenda below for specific time and room number of full committee and subcommittee meetings.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of committee: To advise and make recommendations to the Secretary of Energy on matters relating to Federal energy policies, programs, and legislation so that the Secretary may reach a judgement as to whether national energy policies are reflective of and responsible to the needs of local governments, that components of the Department are coordinating their activities with local governments, where appropriate, and that intergovernmental communication exists with local governments.

Tentative Agenda: Wednesday, April 23, 1980

Full Committee, Room GJ-015

9:00 a.m.—Welcome by Chairman Maynard Jackson, Mayor of Atlanta.
9:20 a.m.—Presentation by Floyd Correa, Office of Intergovernmental Affairs, on the activities of the DOE Intergovernmental Affairs Council.
9:45 a.m.—Subcommittee meetings, Room 6E-069. Subcommittee on Procedural Mechanisms; Subcommittee on Legislation; Subcommittee on Local Energy Planning; Subcommittee on Local Energy Emergency Contingency Planning.
12:00 noon—Lunch.
1:30 p.m.—Subcommittees reconvene, Room 6E-069.
5:00 p.m.—Subcommittees recess until 3:00 p.m., Thursday, April 24, 1980, in Room 6E—069. Public Comment (10 minute rule).

Thursday, April 24, 1980

Full Committee, Room GJ-015

9:00 a.m.—Welcome by Deputy Secretary Sawhill.
9:30 a.m.—Legislative Update by Richard Wright, Director, DOE Office of Legislative Affairs.
11:00 a.m.—Briefing on DOE initiatives in Transportation Conservation by Cathy Frazier, Special Assistant to the Secretary.
11:30 a.m.—Briefing on the LGEPAC budget by Richard Stone, Director, Office of Intergovernmental Affairs.
12:00 noon—Lunch.
1:15 p.m.—Reports from LGEPAC Subcommittee Chairpersons.
2:15 p.m.—Full Committee discussion.
2:50 p.m.—Break.
3:00 p.m.—Subcommittee meetings, room 6E-069. Subcommittee on Procedural Mechanisms; Subcommittee on Legislation; Subcommittee on Local Energy Planning; Subcommittee on Local Energy Emergency Contingency Planning.
5:00 p.m.—Subcommittee sessions conclude. Public Comment (10 minute rule).

Friday, April 25, 1980

Full Committee, Room GJ-015

9:00 a.m.—Reports from Subcommittee Chairpersons.
10:30 a.m.—Full Committee discussion.
11:45 a.m.—Closing remarks by Chairman Maynard Jackson and Richard Stone. Public Comment (10 minute rule).

Public participation: The meetings are open to the public. The Chairpersons of the Committee and Subcommittees are empowered to conduct the meetings in a fashion that will, in their judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or Subcommittees will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting concerned and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on March 28, 1980.

Tina C. Hobson,

Advisory Committee Management Officer.

[FR Doc. 80-10377 Filed 4-4-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51046; FRL 1456-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN, within 5 working days after receipt. This Notice annonces receipt of four PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-41—April 27, 1980, PMN 80-42—April 27, 1980, PMN 80-43—April 27, 1980, PMN 80-44—April 27, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Notice Manager, Paul Wilson, PMN Nos. 80-41, 80-42, 80-43, and 80-44, Telephone 202/426-3980. Mail Address for Notice Manager: Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances complied by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal

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Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 58764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemcial identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51048]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80–41.

Close of Review Period. May 26, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter states that the firm has a total annual sales over $500,000,000 and intends to produce the new chemical substance in the West South Central region of the United States in a facility whose three digit Standard Industrial Classification Code is 286.

Chemical Identity. Claimed confidential. Generic name provided by submitter: Alpha alkene copolymer with alpha alkene.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential. However, the manufacturer claims that the substance will be used in a contained use, releasing more than 50 kg, but less than 5,000 kg, of the substance to the environment annually. Both chemical and nonchemical employees may be exposed to the substance, but the manufacturer states that there is very low potential for contact and that such exposure would be limited to daily sampling and laboratory analysis activities. The substance will be released to the environment as an industrial waste to landfill and an underground injection disposal well.

Production volume. Claimed confidential.

Test data.

Vapor pressure (20°C.)	0 to 10^{-5}
Density (solid)	< 0.9.
Solubility (in water)	$< 10^{-6}$
Melting point	> 100°C.
Boiling point/sublimation point	> 200°C.
Average molecular weight	> 150,000.

Exposure from manufacturing operations.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Manufacture:			
Dermal	12	0.5	365
Disposal:			
Dermal	3	1	10

Exposure at sites controlled by parties other than the manufacturer.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Processing:			
Dermal	3	0.5	50
Processing:			
Dermal	4	1.0	50

Disposal. All disposal from manufacturing processes will be offsite in a commercial underground injection well.

PMN 80–42.

Close of Review Period. May 26, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter states that the firm has a total annual sales over $500,000,000 and intends to product the new chemical substance in the West South Central region of the United States in a facility whose three digit Standard Industrial Classification Code is 286.

Chemical Identity. Claimed confidential. Generic name provided by submitter: Alpha alkene copolymer with alpha alkene.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential. However, the manufacturer claims that the substance will be used in a contained use, releasing more than 50 kg, but less than 5,000 kg, of the substance to the environment annually. Both chemical and nonchemical employees may be exposed to the substance, but the manufacturer states that there is very low potential for contact and that such exposure would be limited to daily sampling and laboratory analysis activities. The substance will be released to the environment as an industrial waste to landfill and an underground injection disposal well.

Production volume. Claimed confidential.

Test data.

Vapor pressure (20°C.)	0 to 10^{-5}
Density (solid)	< 0.9.
Solubility (in water)	$< 10^{-6}$
Melting point	> 100°C.
Boiling point/sublimation point	> 200°C.
Average molecular weight	> 150,000.

Exposure from manufacturing operations.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Manufacture:			
Dermal	12	0.5	365
Disposal:			
Dermal	3	1	10

Exposure at site controlled by parties other than the manufacturer.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Processing:			
Dermal	12	0.5	365
Processing:			
Dermal	3	1	10

Disposal. All disposal from manufacturing processes will be offsite in a commercial underground injection well.

PMN 80–43.

Close of Review Period. May 26, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter states that the firm has a total annual sales over $500,000,000 and intends to produce the new chemical substance in the West South Central region of the United States in a facility whose three digit Standard Industrial Classification Code is 286.

Chemical Identity. Claimed confidential. Generic name provided by submitter: Alpha alkene copolymer with alpha alkene.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential. However, the manufacturer claims that the substance will be used in a contained use, releasing more than 50 kg, but less than 5,000 kg, of the substance to the environment annually. Both chemical and nonchemical employees may be exposed to the substance, but the manufacturer states that there is very low potential for contact and that such exposure would be limited to daily sampling and laboratory analysis activities. The substance will be released to the environment as an industrial waste to landfill and an underground injection disposal well.

Production volume. Claimed confidential.

Test data.

Vapor pressure (20°C.)	0 to 10^{-5}
Density (solid)	< 0.9.
Solubility (in water)	$< 10^{-6}$
Melting point	> 100°C.
Boiling point/sublimation point	> 200°C.
Average molecular weight	> 150,000.

Exposure from manufacturing operations.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Manufacture:			
Dermal	12	0.5	365
Disposal:			
Dermal	3	1	10

Exposure at sites controlled by parties other than the manufacturer.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Processing:			
Dermal	3	0.5	50
Processing			
Dermal	4	1.0	50

Disposal. All disposal from manufacturing processes will be offsite in a commercial underground injection well.

PMN 80–44.

Close of Review Period. May 26, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter states that the firm has a total annual sales over $500,000,000 and intends to produce the new chemical substance in the West South Central region of the United States in a facility whose three digit Standard Industrial Classification Code is 286.

Chemical Identity. Claimed confidential. Generic name provided by submitter: Alpha alkene copolymer with alpha alkene.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential. However, the manufacturer claims that the substance will be used in a contained use, releasing more than 50 kg, but less than 5,000 kg, of the substance to the environment annually. Both chemical and nonchemical employees may be exposed to the substance, but the manufacturer states that there is very low potential for contact and that such exposure woud be limited to daily sampling and laboratory analysis activities. The substance will be released to the environment as an industrial waste to landfill and an underground injection disposal well.

Production volume. Claimed confidential.

Test data.

Vapor pressure (20°C.)	0 to 10^{-5}
Density (solid)	< 0.9.
Solubility (in water)	$< 10^{-6}$
Melting point	> 100°C.
Boiling point/sublimation point	> 200°C.
Average molecular weight	> 150,000.

Exposure from manufacturing operations.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Manufacture:			
Dermal	12	0.5	365
Disposal:			
Dermal	3	1	10

Exposure at sites controlled by parties other than the manufacturer.

Activity and exposure route(s)	Number of persons exposed	Duration of exposure	
		Hr./da.	Da./yr.
Processing:			
Dermal	3	0.5	50
Processing			
Dermal	4	1.0	50

Disposal. All disposal from manufacturing processes will be offsite in a commercial underground injection well.

[FR Doc. 80–10429 Filed 4–4–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS–51039; FRL 1455–5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN, within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:
PMN 80–33—April 13, 1980.
PMN 80–47—April 17, 1980.
PMN 80–38—April 20, 1980.

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PMN 80-39—April 20, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT:

Notice manager	PMN No.	Telephone
Paige Bevile	80-33	202-426-8815
George Bagley	80-47	202-426-3936
Ann Radkevich	80-38	202-426-2601
	80-39	

Mail Address for Notice Managers: Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" Chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d) (1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51039]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-33.

Close of Review Period. May 13, 1980.

Manufacturer's Identity. Sherwin-Williams Company, 10909 South Cottage Grove Avenue, Chicago, IL 60628.

Chemical Identity. Claimed confidential. Generic name provided by submittee: Vegetable oil fatty acid ester.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. The manufacturer claims that specific use for the substance is confidential; however, it will be incorporated into an organic coating material.

Production volume. Sherwin-Williams intends to produce approximately 2,000 gallons of solution containing the PMN substance.

Physical/Chemical Properties. Melting point: Undefined. Physical state: Semi-solid at room temperature. Non-volatile content: 100%.

Exposure. Exposure of workers during the manufacture of the polymer and subsequent manufacture of the coating will be negligible since at no time will the polymer be isolated.

Customer exposure will be negligible since this material is incorporated into the organic coating prior to sale to the customer.

Disposal. There will be no waste effluent from the manufacture of this polymer. Some organic solvent will be utilized to clean manufacturing equipment. This solvent will be reclaimed through distillation with any residues disposed of in an approved site.

Health/Environmental Effects. The submitter claims that there is no known data on adverse environmental or health effects related to this polymer. Furthermore, polymers with similar compositions have been used in commerce without adverse effect to health or the environment.

PMN 80-47.

Close of Review Period. May 17, 1980.

Manufacturer's Identity. Claimed confidential. However, the manufacturer has annual sales between $10,000,000 and $99,999,999 and will produce the new material in the East North Central Region.

Chemical Identity. Claimed confidential. Generic name provided: Polymer of Isonanoic, phthalic anhydride, trimethylol propane.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Baking enamels.

Physical/Chemical Properties. Claimed confidential.

Exposure.

Activity and exposure route(s)	Number exposed	Maximum duration Hr/Da	Da/Yr	Concentration average peak
Manufacture: Inhalation	2	1	312	1–10 mg/m³.
Processing: Inhalation	30	8	312	1–10 mg/m³.
Use: Inhalation		8	312	1–10 mg/m³.
Disposal: Inhalation	2	3	312	1–10 mg/m³.

Environmental Release/Disposal.

Media	Duration of release Hr/da	Da/yr	Amount of chemical
Air	8	312	Less than 10 Kg/yr.
Water	8	312	Less than 10–100 Kg/yr.

PMN 80-38.

Close of Review Period. May 20, 1980.

Manufacturer's Identity. Claimed confidential. The submitter has total annual sales of under $1,000,000 and intends to produce the new chemical substance at a plant in the mountain region of the country whose three digit Standard Industrial Classification Code is 289.

Chemical Identity. Claimed confidential. Generic name provided: Alkyl ammonium salt of a halogen oxyacid.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential.

Physical/Chemical Properties.

Chemical form:	Liquid
Vapor pressure (20°C)	0–10 $^{-5}$ torr.
Density	>1.1 gm/cc.
Solubility in water (15°C)	>10 gm/l.
Melting point	>100°C.
Sublimation point	>200°C.

Exposure. Occurrence only accidental. If there is a spill in the packaging operation the one worker would be dermally exposed to the mixture of which the new chemical is about 14 percent by weight.

Environmental Release and Disposal. There are no release points in the process. The only possible release to the environment would come from spills. A small retention pond will be used to contain all wash down from the processing and manufacturing areas.

PMN 80-39.

Close of Review Period. May 20, 1980.

Manufacturer's Identity. Claimed confidential. The submitter has total annual sales of under $1,000,000 and intends to produce the new chemical substance at a plant in the mountain region of the country whose three digit Standard Industrial Classification Code is 289.

Chemical Identity. Claimed confidential. Generic name provided: Nitrogen-base salt of an inorganic oxidizing acid.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Claimed confidential.

Physical/Chemical Properties.

Chemical form:	Liquid
Vapor pressure (20°C)	0–10 $^{-5}$ torr.
Density	>1.1 gm/cc.
Water Solubility (15°C)	>10 gm/l.
Sublimation point	>200°C.
Melting point	>100°C.

Production volume.

Production year	Production (kg/yr) Minimum	Maximum
First year	150,000	200,000
Second year	210,000	300,000
Third year	300,000	500,000

Exposure.

Activity	Exposure route(s)	Maximum No. exposed	Concentration average
Processing	Dermal	1	0–1 ppm.

The only phase of the manufacture and operation at which a worker would be exposed is the packaging operation. All other phases of the manufacture and process are totally enclosed operations.

Disposal. None.

[FR Doc. 80-10430 Filed 4-4-80; 8:45 am]

BILLING CODE 6560-01-M

[PF-180; FRL 1456-7]

Filing of Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed requests with the EPA to establish tolerances for residues of pesticide chemicals on raw agricultural commodities and animal feeds.

ADDRESS: Written comments and inquiries should be directed to the Designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the Agency. The comments are to be identified by the document control number "[PF-180]" and the specific petition number. All written comment filed pursuant to this notice will be available for public inspection in the product manager's office from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency to establish tolerances for residues of pesticide chemicals on certain raw agricultural commodities and animal feeds in accordance with the Federal Food, Drug, and Cosmetic Act. the analytical method for determining residues, where required, is given in each specific petition.

PP 9F2159. Elanco Products Co., PO Box 1750, Indianaplis, IN 46206. Proposes that 40 CFR 180.207 be amended by establishing a tolerance for residues of the herbicide and plant regulator trifluralin (alpha, alpha, alpha-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity asparagus at 0.05 part per million (ppm). The proposed analytical method for determining residues is gas-liquid with thin layer chromatography.

PM-23, Ms. Willa Garner, Rm. E-351, 202/755-1397.

PP OF2303. Union Carbide, Brookside Ave., Ambler, PA 19002. Proposes that 40 CFR 180.325 be amended by establishing tolerances for residues of the plant regulator 2-(*m*-chloro-phenoxy)-propionic acid in or on the raw agricultural commodities pineapple (fresh fruit) at 0.3 ppm; pineapple forage and fodder at 0.2 ppm; kidneys of cattle, hogs, horse, goats, and sheep at 0.5 ppm; and meat (except kidneys, fat, and meat byproducts) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography with microcoulometric detector.

PM-25, Mr. Robert Taylor, Rm. E-301, 202/755-2196.

FAP OF 5248. Union Carbide. Proposes that 21 CFR 561.95 be amended by establishing a tolerance for residues of the plant regulator 2-(*m*-chloro-

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phenoxy)-propionic acid in or on the commodity pineapple bran at 0.3 ppm.

PM–25.

PP OF2228. Monsanto Co., 1101 17th St., Washington, DC 20036. Proposes that 40 CFR 180.364 be amended by establishing tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethyl-phosphonic acid in or on the raw agricultural commodities peanut at 0.1 ppm, peanut hay and forage at 0.3 ppm, and peanut shells at 0.4 ppm. The proposed analytical method for determining residues is gas chromatography with a phosphorus-specific flame photometric detector.

PM–25.

(Secs. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)

Dated: March 31, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-10431 Filed 4-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1452-8]

Petition To Remove 1,1,1-Trichloroethane and Methylene Chloride From the Toxic Pollutant List; Final Action

AGENCY: United States Environmental Protection Agency.

ACTION: Denial of a petition to remove 1,1,1-trichloroethane and methylene chloride from the toxic pollutants list under Section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. 1317(a).

SUMMARY: This action is a final denial of a petition from Dow Chemical, U.S.A. to remove 1,1,1-trichloroethane and methylene chloride from the toxic pollutant list. It addresses public comments on the proposal to deny the Dow petition, published in the **Federal Register** on June 15, 1979 (44 FR 34685) and affirms that 1,1,1-trichloroethane and methylene chloride be retained on the toxic pollutant list.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Krivak, Acting Director, Criteria and Standards Division (WH–585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460 (202–755–0100).

SUPPLEMENTARY INFORMATION: On August 2, 1978, Dow Chemical, U.S.A. petitioned EPA to remove 1,1,1-trichloroethane and methylene chloride from the toxic pollutant list under Section 307(a) of the Clean Water Act. EPA reviewed information supplied by Dow in support of its petition, as well as other available information, and proposed that 1,1,1-trichloroethane and methylene chloride be retained on the list. A request for public comment on the proposed denial of the petition was published in the **Federal Register**, June 15, 1979 (44 FR 34685). Dow Chemical, U.S.A. and the Air Transport Association of America submitted comments.

Background

The Clean Water Act of 1977 (the Act) directed the Administrator to publish as toxic pollutants those substances listed in table 1 of Committee Print Number 95–30 of the Committee on Public Works and Transportation of the House of Representatives. Substances on this list were classified as toxic pollutants pursuant to Section 307(a) on January 31, 1978 (43 FR 4109). The list contained as item 15, Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane and hexachlorane): and as item 38, "Halomethanes (other than those listed elsewhere; includes methylene chloride, methyl chloride, methyl bromide, bromoform, dichlorobromomethane, dichlorodifluoromethane)."

The Act also authorizes the Administrator to add to or remove from such list any pollutant. In revising the toxic pollutant list, the Administrator is directed to take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the pollutant on such organisms.

Action on Petition

The EPA concludes that the petition from Dow to delist 1,1,1-trichloroethane and methylene chloride must be denied because data available to EPA indicate that both chemicals meet several criteria for listing as toxic pollutants under § 307(a)(1) of the Clean Water Act.

Toxicity

Experimental evidence suggests that 1,1,1-trichloroethane is a potential carcinogen. It is mutagenic, has carcinogenic-transforming activity and has a molecular structure similar to known carcinogens. 1,1,1-Trichloroethane is presently being investigated in long-term animal bioassay for carcinogenicity.

Methylene chloride is mutagenic and is structurally similar to known carcinogens. It is presently being investigated in long-term animal bioassay for carcinogenicity.

Degradability

1,1,1-Trichloroethane can be hydrolyzed to 1,1,-dichloroethylene (vinylidene chloride), a known animal carcinogen.

Usual and Potential Presence in Water

Data available to the Agency indicate that all 1,1,1-trichloroethane producers have direct discharges to surface waters. 1,1,1-Trichloroethane is produced in excess of a half-billion pounds annually (with projected increases in production) and data indicate that it has been detected in industrial effluents, surface waters and drinking water.

Methylene chloride has been detected in industrial effluents, surface waters and 8 to 14 percent of United States finished drinking waters. It is produced and used in large volume (in excess of a half-billion pounds annually) and its production is expected to increase in the near future.

Response to Comments

I. Comments from the Dow Chemical Company, U.S.A.

General

Dow asserted that EPA has no objective criteria on which to justify inclusion of a toxic substance on the Section 307(a) list.

The legislative history of the Clean Water Act of 1977 indicates Congress' clear intent that the Administrator have "the widest latitude" in designating pollutants as toxic and that "no pollutant listed in House Report 95–30 should be deleted without a clear finding that delisting will not compromise adequate control over the discharge of toxic pollutants (Cong. Rec. daily ed. S. 19649)."

The Clean Water Act listed several factors which the Administrator should consider in making a decision to add or remove chemicals from the list. It is not necessary that a pollutant meet any particular criteria within these categories in order to be listed under Section 307(a). For instance, a pollutant which demonstrates significant toxicity but is not persistent (or conversely) may be listed under Section 307(a). In the March 27, 1979 **Federal Register** (44 FR 18279), EPA published a list of guidance factors for petitioners to address when supplying information to support requests to revise the 307(a) list of toxic pollutants. These factors are based on the criteria specified in the Act, and the Agency considers them in making a decision to revise the list.

1,1,1-Trichloroethane

(1) Dow asserted that 1,1,1-trichloroethane does not meet the EPA criterion for persistence and should not be listed as a toxic pollutant because its rapid volatilization and low hydrolysis rate provide little chance for the build-up of 1,1,1-trichloroethane or its breakdown products in water. Dow compared the volatility half-life calculated by Dilling, 1977 for 1,1,1-trichlorethane (6 hrs) to those calculated by Mackay and Leinonner, 1975 for the persistent chemicals, DDT (73.9 hrs) and dieldrin (12,940 hours) and concluded that 1,1,1-trichlorethane is not persistent in the aquatic environment because it volatilizes from water at a faster rate than the selected persistent chemicals. To argue the non-persistence of 1,1,1-trichloroethane solely on the basis of its comparative volatility is scientifically unsound as evidenced by additional data from the work of Mackay and Leinonner, 1975, which showed volatility half-lives for polychlorinated biphenyls (PCBs), a group of aquatically-persistent chemicals, to be of the same order of magnitude as that of 1,1,1-trichloroethane. Obviously there are additional processes which influence persistence such as binding and degradation.

Additional data are required to assess the significance of the 6 hour half-life of 1,1,1-trichloroethane and any threat to the aquatic environment. These data include the quantities of this chemical discharged in industrial effluents; levels in surface water, and data pertaining to the onset, nature and extent of effects of 1,1,1-trichloroethane in aquatic organisms. Data available to the Agency indicate that all 1,1,1-trichloroethane producers have direct discharges to surface waters and, at present, levels discharged by most industries are unknown (U.S. EPA, 1979). 1,1,1-trichloroethane is produced in excess of a half-billion pounds annually. Limited data indicate its presence in industrial effluents, surface waters, and drinking water (U.S. EPA, 1979, U.S. EPA, 1977; Kopfler et al, 1977.). A concentration of 1,1,1-trichloroethane as high as 7,100 ug/1 has been detected in one industrial effluent (U.S. EPA, 1979). More extensive monitoring of effluents, surface waters, and drinking water is needed.

(2) Dow objected to the Agency's use of mouse data as the basis for asserting that vinylidene chloride, a hydrolytic product of 1,1,1-trichloroethane is an animal carcinogen. The Agency cited a study by Maltoni (1977) which showed that vinylidene chloride induced kidney and mammary adenocarcinomas in male and female mice, respectively. Dow argued that the mouse is a sensitive species because there are other studies which show vinylidene chloride to be noncarcinogenic to the Sprague-Dawley and CD rat, the Chinese hamster and the CD–1 mouse (Humiston et al., 1978; Maltoni, 1977, Maltoni et al., 1977; Viola, 1977, Hong et al., 1979). Dow further asserted that the kidney tumors in Swiss mice exposed to vinylidene chloride were formed by epigenetic mechanisms.

The Agency recognizes that species and strains of animals vary in their susceptibility to carcinogens, as do humans. The failure of vinylidene chloride to induce cancers in several other tested species and strains is not an assurance that it poses no carcinogenic threat. Since there are no data which show that the tumors in Swiss mice were not causally related to vinylidene chloride, the Agency considers this positive result evidence that vinylidene chloride is an animal carcinogen. The mutagenicity of vinylidene chloride in *S. typhimurium* strains TA 1530 and TA 100 and *E. Coli* K–12 is evidence that it acts via genetic mechanisms.

(3) Dow challenged the investigator's (National Cancer Institute, (NCI) decision that conclusions could not be made about the carcinogenicity of 1,1,1-trichloroethane because of high mortality among control and treated mice and rats used in a 1977 NCI study. In its comments to the Agency's proposed denial, Dow presented the survival rates of male and female mice in the 1977 NCI study and concluded that the survival rates were high enough in the low dose groups to preclude discounting the significance of the lack of a tumorgenic response in the mouse. Dow lists the following survival rates among mice at the end of the study: 10 percent survival in control males; 30 percent in males treated at low dose; 55 percent in control females and 46 percent in treated females. When the Agency multiplied the number of animals per group by these percentages, the survivors were 2 control males, 15 treated males, 11 control females and 23 treated females at the low dose. Upon further investigation of the NCI data, the Agency observed that there were no survivors among control or treated male rats and 3, 2, and 1 animal survived in control, low and high dose treated female rats, respectively. The NCI is presently retesting 1,1,1-trichloroethane.

(4) Dow challenged the Agency's use of positive findings in the rat embryo cell transformation assay and *Salmonella typhimurium* mutagenesis assay as suggestive evidence of the carcinogenic potential of 1,1,1-trichloroethane. Dow asserted that scientific opinion is that short-term tests for chemical carcinogens are not viewed as evidence of the potential carcinogenicity of a chemical in laboratory animals, but rather as a screening tool for priority setting in conducting long-term animal studies. Dow further questioned the reliability of the transformation assay (based on a personally communicated message that positive results with methylene chloride could not be reproduced in this system) and cited a preliminary Dow study, which Dow asserts showed two other systems (yeast cell gene mutation and host-mediated assay) in which 1,1,1-trichloroethane was not mutagenic. Dow supplied no data to disprove the positive results observed with 1,1,1-trichloroethane specifically in the rat embryo cell transformation assay.

The Agency considers the positive results in *S. typhimurium* TA 1530, TA100, *E. coli* K–12 and the rat embryo transformation assay suggestive evidence of the carcinogenic potential of 1,1,1-trichloroethane. Epidemiology and animal bioassay data constitute definitive evidence of carcinogenicity. This is the position taken by members of the Interagency Regulatory Liaison Group (IRLG) in its report entitled "Scientific Bases for Identification of Potential Carcinogens and Estimation of Risks" (44 FR 39870, July 6, 1979) and the Regulatory Council in its statement on "Regulation of Chemical Carcinogens" (44 FR 60038, October 17, 1979).

Additional suggestive evidence of the carcinogencity of 1,1,1,-trichloroethane is its structural similarity to chloroform and carbon tetrachloride. Four chlorinated ethanes, which have been tested by the NCI and determined to be animal carcinogens, are 1,2-dichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and hexachloroethane.

Methylene Chloride

(1) Dow objected to a summary statement the Agency made about the toxicity of methylene chloride, i.e., "evidence exists for its carcinogencity in at least two animal species." The Agency intended to state that *suggestive* evidence of the carcinogenicity of methylene chloride exists in at least two animal species. The Agency's statement was based on: (a) a study by Theiss (1977), in which methylene chloride produced increases in the number of pulmonary adenomas per mouse in strain A mice; these increases were not statistically significant, however, when compared to the high tumor frequency in untreated controls; (b) a Dow chemical study by Farber (1978), which showed

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that methylene chloride produced a significant increase in benign mammary tumors in both male and female rats; (c) a study by Simmon et al. (1977) in which methylene chloride induced mutations in *Salmonella typhimurium* TA 100; and (d) a study by Price et al. (1978) in which Fischer rat embryo cells (F 1706), transformed by methylene chloride, produced fibrosarcomas when injected into rats.

(2) Dow pointed out several deficiencies in the data used by the Agency to suggest potential carcinogenic effects of methylene chloride. Dow stated that the Theiss data (1977) showed no dose-related mortality and produced an inverse dose-related increase in the number of lung tumors per mouse. The Agency acknowledges these deficiencies but maintains that the results, though deficient, raise questions about the carcinogenicity of methylene chloride and demonstrate a need for further investigation.

Dow pointed out that the study by Simmon et al. (1977) indicated mutagenic response to methylene chloride in a non-activated gas-phase system and needs further research to support a scientifically sound interpretation of the data.

The Agency considers positive results in the absence of metabolic activation appropriate evidence of the mutagenicity of methylene chloride although information supplied by metabolic activation on the mutagenicity of metabolites would also be useful. The results of Simmon et al. (1977) have been confirmed by Jongen et al. (1978) in *Salmonella* TA98 and TA 100. Microsomal activation of methylene chloride was not essential for mutagenic activity although a slight enhancement in the mutation rate was obtained with rat liver homogenate (Jongen et al., 1978).

Dow questioned the reliability of the rat embryo cell transformation assay based on a personally-communicated message from A. D. Little, Inc. that it was unable to reproduce the positive response observed with methylene chloride by Price et al. (1978). The Agency has no way of evaluating the A. D. Little data or comparing it to that published by Price et al. (1978).

The Agency contends that the mutagenic activity displayed by methylene chloride in *S. typhimurium* and results in the two animal studies raise questions about the nature of its chronic effects and suggest a need for more extensive testing of this chemical in long-term animal bioassay for carcinogenicity. A 2-year carcinogenesis bioassay with rats and mice is underway at the NCI. The report of this study is scheduled to be released in September, 1981.

II. Comments from the Air Transport Association of America

The Air Transport Association (ATA) of America did not comment on the technical aspects of the Dow petition or the Agency's proposed denial but expressed concern that severe restrictions on the use of 1,1,1,-trichloroethane and methylene chloride would be economically burdensome to the airline industry and could result in an adverse safety impact.

It is because of its concern about potential adverse impacts on health, that the Agency proposed retention of 1,1,1,-trichloroethane and methylene chloride on the list of toxic pollutants. Listing chemicals as toxicants, under Section 307(a)(1) is not intended to impose restrictions on the use of a chemical. The purpose of listing is to control the discharge of such chemicals into the aquatic environment through the implementation of appropriate effluent limitations or standards.

Dated: March 31, 1980.

Douglas M. Costle,

Administrator.

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[FR Doc. 80-10428 Filed 4-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1456-3]

Science Advisory Board, Toxic Substances Subcommittee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a two-day meeting of the Toxic Substances Subcommittee of the Science Advisory Board will be held on April 24–25, 1980. The meeting will begin at 9 AM at the HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. in Room 4131–37.

The Subcommittee will be meeting for the ninth time in order to review the roles of the various segments of the Office of Pesticides and Toxic Substances in the implementation of different sections of the Toxic Substances Control Act, accomplishments to date and implementation schedule for 1980–81.

The meeting will be open to the public. Any member of the public who wishes to attend should pre-register by contacting Dr. Helene N. Guttman, Deputy Staff Director, Science Advisory Board (A–101M), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

March 28, 1980.

[FR Doc. 80-10427 Filed 4-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1457-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104) U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of March 24, 1980 to March 28, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from April 4, 1980 and will end on May 19, 1980. The 30-day review period for final EIS's as calculated from April 4, 1980 will end on May 5, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 24, 1980 to March 28, 1980 the 30-day review period will be calculated from April 4, 1980. The review period will end on May 5, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 24, 1980 to March 28, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Fedeal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal Agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: April 2, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS'S Filed With EPA During the Week of March 24 Through 28, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Final

1980 Cooperative Gypsy Moth Suppression, Regulatory, March 28: Proposed is the 1980 Cooperative Gypsy Moth Suppression and Regulatory Program and activities. The suppression program will affect 143,000 acres in New Jersey, New York, and Pennsylvania. The regulatory program will afffect 78,955 acres in New Jersey, Illinois, New York, New England States Pennsylvania, Michigan, Ohio and Virginia. The alternatives consider finanical assistance for: (1) Chemical insecticide treatment, (2) biological insecticide treatment, (3) integrated pest management, and (4) no action. (FES–80–01). Comments made by: EPA, USDA, HEW, DOI, State Agencies, Groups, Individuals and Businesses (EIS Order No. 800222.)

Animal Plant and Health Inspection Service

Draft Supplement

Rangeland Grasshopper Cooperative Management Program, Several, March 28: Proposed is the Rangeland Grasshopper Cooperative Management Program. The program involves the aerial application of insecticides, either malathion or carbaryl. The alternatives considered are: No control program, biological control, cultural and mechanical control, intergrated pest management, and eradication. This statement supplements draft EIS, No. 791277, filed 12–28–78 (USDA–APHIS–ADM–79–1–D) (EIS Order No. 800229.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C., 20314, (202) 272–0121.

Draft

Marshall Island Docks, Pacific Islands, U.S. Territory, March 25: Proposed is the Marshall Island Docks project located in the US Trust Territory of the Pacific Islands. The project consists of the construction of new piers on 14 islands and upgrading and extension of the existing dock on one island. The piers are pile-supported, reinforced concrete structures requiring no dredging or fill. The alternatives considered were: (1) No action, (2) site locations, and (3) design (Pacific Ocean Division) (EIS ORDER No. 800215.)

Final

Lake of the Ozarks 161 kV Transmission, Permit, Camden County, Mo., March 25: Proposed is the issuance of a permit for the construction and installation of a 161kv, three phase, five-wire overhead electric transmission line across the Osage River and the Niangue River on the Lake of the Ozarks in Camden County, Missouri. The purpose of the line is threefold: (1) To provide a source of energy for present and future demands, (2) to provide loop integrity for both the Sunrise Beach and Lakeview Substations to insure continued operation in the case of a failure, and (3) to meet long-range loop requirements of connecting the Southern and Northern Missouri networks (Kansas City District).

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Comments made by: USDA, DOC, HUD, DOI, DOT, EPA, DOE, FERC, State and Local Agenies, businesses and Individuals (EIS Order No. 800213.)

Final

Whiteoak Creek Local Flood Protection, Morgan County, Tenn., March 27: Proposed is a local flood protection project for whiteoak Creek within Sunbright, Morgan County, Tennessee. The plan would consist of widening the creek to 60 feet along a 0.7 mile reach. Selective riprapping of the stream bank would be provided where necessary. The alternatives consider: (1) Clearing and snagging, (2) a reservoir, (3) flood plain management, (4) flood insurance, (5) flood warning system, (6) flood proofing, (7) relocation, and (8) no action (Nashville District). Comments made by: DOI, TVA, HUD, USDA, HEW, DOT, SBA, DOC, EPA, COE, State and Local Agencies, Individuals (EIS Order No. 800218.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

National Oceanic and Atmospheric Administration

Draft

Connecticut Coastal Mgmt. Program, CZM, Connecticut, March 28: Proposed is a coastal management program for the State of Connecticut. The major components of the program include: (1) Management of coastal land and water resources, (2) management of coastal uses, and (3) management of governmental programs that affect the coastal area. Other features will include: (1) Implementation of special management techniques for certain areas; and (2) implementation of special planning procedures in the areas of shoreline erosion, shore front access and protection, energy facilities, and dredging and disposal of dredged materials. (EIS Order No. 800224.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G–064, Forrestal Bldg., Washington, D.C. 20585, (202) 252–4600.

Bonneville Power Administration

Final

Boardman Coal Plant and Associated Transmission, Morrow County, Oreg., March 28: Proposed is the transmission of power over a BPA system, from the Boardman coal-fired generating plant in Morrow County, Oregon. The power would be wheeled from a non-Federal plant over the BPA system to the point of use by utilities owning, or purchasing output of, such plant. The alternatives considered include: No action, site locations for the plant and transmission lines, and purchase of power from other sources. This EIS is an adopted REA final EIS, No. 780148, filed 2–13–78. (DOE/EIS) (USDA–REA–EIS–77–4F). Comments made by: EPA, DOI, USDA, DOE, State agencies. (EIS Order No. 800221.)

Final Supplement

Okanogan Area Service Facility, Location (FS–2), Okanogan and Douglas Counties, Wash., March 28: This statement supplements the final EIS on the BPA 1976 fiscal year program, No. 750349, filed 3–14–75. Proposed are facility locations for transmission facilities to serve the Okanogan Valley Area of Okanogan and Douglas Counties, Washington. The preferred alternative extends for 63 miles from the Chief Joseph Substation in Okanogan County to the Tonasket Substation in Douglas County. (DOE/EIS–0048–FS–1). Comments made by: DOE, DOI, State agencies, businesses. (EIS Order No. 800220.)

ENVIRONMENTAL PROTECTION AGENCY

Region I

Contact: Mr. Wallace Stickney, Region I, Environmental Protection Agency, John F. Kennedy Federal Bldg., Room 2203, Boston, Massachusetts 02203, (617) 223–4635.

Final Supplement

Scarborough Wastewater Collection and Treatment, Cumberland County, Maine, March 25: Proposed are wastewater collection and treatment facilities for the City of Scarborough, Cumberland County, Maine. This supplement discusses another site as the preferred alternative. This site is located on Black Point Road (Spurwick Road) opposite Massacre Pond. The site would encompass 17.3 acres. Also being considered is the enlargement of this site to allow both treatment and on-site disposal by means of land application. This statement supplements final EIS, No. 770551, filed 5–3–77. (EIS Order No. 800219.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6300.

Draft

Sabal Point Villages PUD, Mortgage Insurance, Seminole County, Fla., March 28: Proposed is the issuance of HUD home mortgage insurance for the Sabal Point Villages planned unit development in Seminole County, Florida. The development would encompass 760 acres of land. Presently 421 homesites have been built, 898 homesites are in various planning stages, and a 150-acre 18-hole golf course is under construction. For the remaining 1904 homesites mortgage insurance is requested. (EIS Order No. 800227.)

Echo Fams Subdivision, Wilmington, New Hanover County, N.C., March 25: Proposed is the issuance of HUD home mortgage insurance for the Echo Farms Subdivision, located in Wilmington, New Hanover County, North Carolina. The development would contain 522 single-family detached houses and 120 townhouses. The development would also contain a golf course, tennis courts, a clubhouse and pool. (HUD–RO4–EIS–78–22). (EIS Order No. 800214.)

Homestead Planning Development, Stutsman County, N. Dak., March 25: Proposed is the issuance of HUD home mortgage insurance for the Homestead planned development in Stutsman County, North Dakota. The development would include 540 single-family and multifamily units on 120 acres. Insurance has been requested for 50 units to be located on an 18 acre tract to be known as Homestead III (HUD–RO8–EIS–80–VD). (EIS Order No. 800216.)

Final

Country Club West and Westmoor West, Greeley Weld, County, Colo., March 25: Proposed is the issuance of HUD home mortgage insurance for the Country Club West and Westmoor West planned developments in the City of Greeley, Weld County, Colorado. The developments encompass 305.15 acres and will contain 765 lots for single and multi-family housing units (HUD–RO8–EIS–79XXD). Comments made by: DOI, COE, DOT, EPA, State and local agencies. (EIS Order No. 800212.)

Burke Center, Mortgage Insurance, Fairfax County, Va., March 28: Proposed is the issuance of HUD home mortgage insurance for the Burke Center located in Fairfax County, Virginia. The uncompleted portion covers the development of approximately 2,945 units over the next 3 years. At completion of the development, it will contain 300 acres of park and open space, 123 acres of commercial and industrial uses and 1,026 acres of residential uses and streets. Comments made by: USDA, EPA, FERC, DOT, COE, State and local agencies. (EIS Order No. 800228.)

Draft Supplement

Interstate Land Sales Registration, Regulations, Regulatory, March 28: This statement supplements final EIS No. 790373, filed 4–10–79. Proposed are amendments to the Interstate Land Sales Full Disclosure Act. The alternatives considered include: (1) Substantive regulation, (2) land use planning, (3) no disclosure, and (4) improved disclosure. (EIS Order No. 800223.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C 20240, (202) 243–3891.

Bureau of Land Management

Draft

Royal Gorge Domestic Livestock Grazing Mgmt., several counties, Colorado, March 28: Proposed is a livestock grazing management plan for the Royal Gorge Resource Area in the Counties of Chaffee, Custer, El Paso, Fremont, Huerfano, Lake, Park, and Teller, Colorado. This encompasses approximately 589,675 acres of public land. Components of the proposed action are: (1) Intensive grazing management on 379,380 acres, (2) less intensive management on 189,000 acres, (3) elimination of grazing on 20, 395 acres, and (4) completion of vegetation manipulation projects and range facilities. The alternatives consider: no action, elimination of grazing, management constraints, and nonintensive grazing. (DES–80–17). (EIS Order No. 800226.)

National Park Service

Draft Supplement

Fire Island National Seashore, Suffolk County, N.Y., March 28: Proposed is the designation of approximately 1,330 acres of land on Fire Island National Seashore as part of the National Wilderness Preservation System. Approximately another 17 acres presently qualify as wilderness but will automatically become wilderness when incompatible uses and facilities are eliminated. Approximately 113 acres are identified as exclusions either because they are not federally owned or because they are needed to fulfill other purposes of the seashore. This statement supplements final EIS No. 771472, filed 12–1–77 (DES–80–16). (EIS Order No. 800217.)

EIS' Filed During the Week of Mar. 24 Through Mar. 28, 1980

[Statement title Index—By State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Colorado	Several	Draft	Royal Gorge Domestic Livestock Grazing Mgmt	800226	Mar. 28, 1980	DOI
	Weld	Final	Country Club West and Westmoor West, Greeley	800212	Mar. 25, 1980	HUD
Connecticut		Draft	Connecticut Coastal Mgmt. Program, CZM	800224	Mar. 28, 1980	DOC
Florida	Seminole	Draft	Sabal Point Villages PUD, Mortgage Insurance	800227	Mar. 28, 1980	HUD
Maine	Cumberland	Supple	Scarborough Wastewater Collection and Treatment (FS).	800219	Mar. 25, 1980	EPA
Missouri	Camden	Final	Lake of the Ozarks, 161 kV Transmission, Permit	800213	Mar. 25, 1980	COE
New York	Suffolk	Supple	Fire Island National Seashore (DS)	800217	Mar. 26, 1980	DOI
North Carolina	New Hanover	Draft	Echo Farms Subdivision, Wilmington	800214	Mar. 25, 1980	HUD
North Dakota	Stutsman	Draft	Homestead Planned Development	800216	Mar. 25, 1980	HUD
Oregon	Morrow	Final	Boardman Coal Plant and Associated Transmission	800221	Mar. 25, 1980	DOE
Regulatory		Final	1980 Cooperative Gypsy Moth Suppression	800222	Mar. 28, 1980	USDA
		Supple	Interstate Land Sales Registration, Regulations (DS).	800223	Mar. 28, 1980	HUD
Several		Supple	Rangeland Grasshopper Cooperative Management (DS).	800229	Mar. 28, 1980	USDA
Tennessee	Morgan	Final	Whiteoak Creek Local Flood Protection	800215	Mar. 27, 1980	COE
U.S. Territory		Draft	Marshall Island Docks, Pacific Islands	800218	Mar. 25, 1980	COE
Virginia	Fairfax	Final	Burke Center, Mortgage Insurance	800228	Mar. 28, 1980	HUD
Washington	Douglas	Supple	Okanogan Area Service Facility, Location (FS)	800220	Mar. 28, 1980	DOE
	Okanogan	Supple	Okanogan Area Service Facility, Location (FS)	800220	Mar. 28, 1980	DOE

Appendix II.—*Extension/Waiver of Review Periods on EIS' Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in Federal Register	Waiver/ extension	Date review terminates
DEPARTMENT OF INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	Royal Gorge Resource Area, Livestock Grazing Management Program, Colorado.	Draft Supp. 800226	Apr. 7, 1980 (see app. I).	Extension	May 27, 1980.
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.	Rangeland Grasshopper Cooperative Management Program.	Draft Supp. 800229	Apr. 7, 1980 (see app. I).	Waiver	May 2, 1980.

Appendix III.—*EIS' Filed With EPA Which Have Been Officially Withdrawn By the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in Federal Register	Date of withdrawal
None				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in Federal Register	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS' Previously Filed With EPA*

Federal Agency Contact	Title of report	Date made available to EPA	Accession No.
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	Amplification of Extent of Impacts of the EIS for Duralde des Cannes Watershed, Evangeline Parish, Louisiana.	Mar. 28, 1980	800225

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Appendix VI.—Official Correction

Fedral agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.	Transportation Efficiency Act of 1980.	Draft 800163	Mar. 14, 1980	In the FEDERAL REGISTER dated Mar. 24, 1980, EPA published a correction which stated that the status of this EIS had been published incorrectly as a draft and that the correct status was final. It has been determined by the EPA and DOT that the EIS will stand as a draft EIS.

[FR Doc. 80-10420 Filed 4-4-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1457-2; 80P-104]

Colorado Department of Agriculture; Amendment to Specific Exemption To Use Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an amendment to a specific exemption issued to the Colorado Department of Agriculture (hereafter referred to as the "Applicant"), under the Federal Insecticide, Fungicide, and Rodenticide Act, to use paraquat as a desiccant on faba beans in the San Luis Valley of Colorado. The specific exemption permits the use of the treated faba beans as human food.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Rm. 124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 426–0223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 22, 1979 (44 FR 60814), EPA published a notice which announced the granting of a specific exemption to the Applicant to use paraquat as a desiccant on faba beans that were to be used only as animal feed. Since then, the Applicant has requested that the treated faba beans be permitted for use as human food.

EPA had approved the use of treated faba beans for human food in connection with the original application since residue levels of 0.4 part per million (ppm) paraquat in or on faba beans were judged to be adequate to protect the public health, and that level was not expected to be exceeded by the proposed use. The limitation that the treated beans could be used for animal feed only was included because the Applicant had indicated that was the intended use.

After reviewing the application and other available information, EPA has determined that the requested amendment would not result in significant environmental risks. Accordingly, EPA has amended the specific exemption for the use of paraquat as a desiccant on faba beans in the San Luis Valley of Colorado by substituting the following for item 7 as found on p. 60814 of the **Federal Register** of Monday, October 22, 1979:

7. Faba beans with residues of paraquat not exceeding 0.4 ppm as a result of use in accordance with the specific exemption may be used as human food or animal feed. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare has been advised of this action. All other terms and conditions of the specific exemption granted on September 13, 1979 still apply.

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 28, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-10434 Filed 4-4-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1456-8; OPP—180424]

Michigan Department of Agriculture; Issuance of Specific Exemption To Use Permethrin To Control Cutworms and Grape Flea Beetle on Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Michigan Department of Agriculture (hereafter referred to as the "Applicant") to use permethrin to control cutworms and the grape flea beetle on 5,000 acres of grapes in Michigan under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on June 15, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Room: E–124, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202–426–0223.

It is suggested that interested persons telephone before visiting the EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, cutworms (spotted cutworm, brown cutworm, spotted-sided cutworm, darksided cutworm, and *Amathes smithii*) have become serious pests of grapes since the loss of the chlorinated hydrocarbons for soil treatment. Cutworms adversely affect crop yield by damaging the young developing buds early in the spring. Flea beetle damage occurs at the same time and is very diffcult to differentiate. While carbaryl is registered for this use, it is temperature dependent. During the pre-bloom stage of grape development, nocturnal temperature may drop to 30–40 degrees. According to the Applicant, carbaryl is not effective in this temperature range, but will provide adequate control for the balance of the year. Permethrin has traditionally shown high biological activity against lepidoptera.

The Applicant proposed to use the product Ambush, which contains the active ingredient (a.i.) permethrin, in the counties of Allegan, Berrien, Cass, Grand Traverse, Kalamazoo, Leelanau, and Van Buren. Although cutworm damage reportedly affects fifty percent of Michigan's 15,800 acres of grapes, a maximum of 5,000 acres are expected to require treatment. The Applicant estimates the gross loss to the grape industry without adequate control of these pests could be as high as $20 million.

EPA has determined that residues of permethrin in or on grapes and raisins are not likely to exceed 0.5 part per million (ppm) and 2 ppm respectively from this use. These levels have been judged adequate to protect the public health. The proposed use is not expected to have an unreasonable adverse effect on the environment.

After reviewing the application and other available information, EPA has determined that (a) pest outbreaks of cutworm and grape flea bettle have occurred or are likely to occur; (b) there are no effective pesticides currently registered and available for control of these pests in Michigan; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the cutworm and grape flea beetle are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 15, 1980, in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Up to two applications of the product Ambush (EPA Reg. No. 10182–18) may be made at a maximum rate of 0.2 pound a.i. per acre in 200 gallons of water. If an unregistered label is used, it must contain the identifical applicable precautions and restrictions which appear on the registered label;

2. Application will be limited to ground equipment;

3. A maximum of 5,000 acres may be treated in the counties named above;

4. This specific exemption authorizes the application of a maximum of 2,000 pounds of permethrin;

5. All applications will be made by State-certified private or commercial applicators;

6. Applications will be made prior to the bloom stage of development;

7. This product is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the area. Protective information may be obtained from the State Cooperative Extension Service;

8. Permethrin should not be applied with ground equipment any closer to fish-bearing waters than indicated in the chart below:

Application rate (lbs. A.I.)	0.1	0.2
Freshwater (distance in feet)	47	84

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills;

9. This product is toxic to fish. It must be kept out of lakes, streams or ponds. Water must not be contaminated by the cleaning of equipment or disposal of wastes. It may not be applied when weather conditions favor drift from the target area;

10. Residue levels of permethrin are not expected to exceed 0.5 ppm in grapes and 2.0 ppm in raisins. Grapes and raisins with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. All directions, restrictions, and precautions on the EPA-registered must be followed;

12. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by December 15, 1980; and

13. The EPA shall be immediately informed of any adverse effects resulting from the use of permethrin in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: March 28, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-10432 Filed 4-4-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1457-1; 80P-68]

North Carolina Department of Agriculture; Specific Exemption To Use Triforine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the North Carolina Department of Agriculture (hereafter referred to as the "Applicant") to use triforine (Funginex EC) to control mummyberry on 1,000 acres of blueberries in North Carolina.

DATE: The specific exemption ends on May 31, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: Mummyberry is caused by the fungus *Monilinia vaccinii corymbosi*. Primary infection by ascospores takes place early in the spring just as the leaf and flower buds begin to grow. These ascospores are released from spore cups that develop from mummified fruit. Spore cup emergence coincides with the emergence of the young susceptible tissues of the plant.

Mummies are a result of the disease from the previous crop and have overwintered on or near the surface of the soil beneath the bushes. Infected blossoms and leaves turn brown and wither as a result of these primary infections. The fungus then produces a second spore type on these infected tissues. These are blown onto remaining blossoms where secondary infection takes place on the developing pistils of the flowers. These flower infections remain undetected until the fruits begin to enlarge. The infected fruits turn off-color and usually drop to the ground before healthy berries mature. These mummified fruits persist through the winter and act as a source of the fungus for the primary infection of the following spring.

Currently there are four fungicides registered for the control of the primary infection stage: benomyl, captan, ferbam, and ziram. Data indicate that these fungicides are relatively ineffective in controlling primary infections of this disease. Cultural practices have also not been successful in commercial planting. However, triforine (N,N-[1,4-piperazine-diylbis (2,2,2-trichloroethylidene)]-bis-[formamide]) appeared to be efficacious in suppressing this pathogen. Triforine is

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registered in the United States under the trade name Funginex EC. It was estimated by the Applicant that the economic loss might be as much as $250,000 with no control program, while losses with the use of triforine are estimated at $150,000.

The Applicant proposed to use Funginex EC at a maximum rate of 0.3 pound active ingredient (a.i.) per acre, in a maximum of three applications. 90% of the acreage would be treated using ground equipment and the remaining 10% would be treated using aerial equipment. EPA has determined that residues of triforine from this use should not exceed 0.1 part per million (ppm). This level has been deemed adequate to protect the public health. Based on the low toxicity, short half-life, and low application rate, no serious hazards to fish and wildlife are expected.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Monilinia* mummyberry has occurred or is likely to occur this year on blueberries in North Carolina; (b) there is no effective pesticide presently registered and available for use to control this pest in North Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above, under the Federal Insecticide, Fungicide, and Rodenticide Act, until May 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is subject to the following conditions:

1. The product Funginex EC, EPA Reg. No. 21137–4, may be applied;

2. A maximum of 1,000 acres may be treated using ground or aerial equipment;

3. Triforine will be applied at a rate of 24 ozs. of formulation (0.3 pound a.i.) per acre;

4. A maximum of three applications may be made. The first may be made at bud break. Thereafter, applications may be made at 7- to 10-day intervals.

5. A maximum of 560 gallons of Funginex EC may be used;

6. Harvested blueberries with a triforine residue level not exceeding 0.1 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. The EPA will be immediately informed of any adverse effects resulting from the use of triforine in connection with this exemption and;

8. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1980.

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 28, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-10433 Filed 4-4-80; 8:45 am]

BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Equal Pay Act Administration; Federal Sector; Delegation of Authority

Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978), transferred all functions related to enforcing or administering Section 6(d) of the Fair Labor Standards Act (FLSA), as amended, 29 U.S.C. § 206(d), to the Equal Employment Opportunity Commission. Included in this transfer is authority to administer and enforce the Equal Pay Act (EPA) insofar as it covers federal employees. This authority was previously vested in the Civil Service Commission pursuant to Section 4(f) of the FLSA, 29 U.S.C. § 204(f). The Equal Employment Opportunity Commission has voted to continue in effect the substance of EPA portions of Federal Personnel Manual Letter 551–9, *see* 43 FR 60900 (December 29, 1978), which provides for federal agency compliance with the FLSA.

As provided in Sections 4(f), 11 and 16 of the FLSA, 29 U.S.C. §§ 204(f), 211 and 216, the Commission and its authorized representatives may, with regard to allegations of violations of the Equal Pay Act by federal agencies: (1) investigate and gather data; (2) enter and inspect places of employment and records, and make transcriptions thereof, and interview individuals; (3) advise federal agencies regarding any changes necessary or desirable to comply with the Act; and (4) supervise the payments of amounts owing pursuant to Section 16(c) of the FLSA, 29 U.S.C. § 216(c).

The District Directors and the Director of Field Services, or the designees of any of them, are hereby delegated authority to exercise the powers enumerated in Items (1), (2), (3) and (4) above.

Complaints and information relating to possible violations of the Equal Pay act by agencies of the federal government may be received at any of the offices of the Commission in Washington, D.C., or any of its district or area offices, or by any of its designated representatives.

The identity of persons giving information as to violations of the Act shall not be disclosed unless necessary in a court proceeding.

Effective date. This delegation of authority shall be effective upon date of signature.

Signed at Washington, D.C. this first day of April, 1980.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 80-10293 Filed 4-4-80; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[Rpt. No. A-10]

AM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: March 31, 1980.

Cutoff date: May 15, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after May 15, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 15, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on May 15, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 15, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP–20,824: WMRO, Aurora, Illinois, Stevens Communications Corp. Has: 1280 kHz, 0.5 kW, 1 kW–LS, DA–2, U. Req: 1280 kHz, 0.5 kW, 2.5 kW–LS, DA–2, U.

BP–790807AF: KCRE, Crescent City, California, Pyramid Properties. Has: 1310 kHz, 1 kW, D. Req: 1310 kHZ, 1 kW, DA–N, U.

[FR Doc. 80-10416 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 78–331]

Interconnection of Communications Equipment or Security Devices to the Public Switched Telephone Network

In the Matter of Applications by the Federal Executive Agencies of the U.S. Government for authority to qualify for the interconnection of communications equipment or security devices to the public switched telephone network pursuant to § 68.2(d) of the Commission's rules, CC Docket 78–331. See also 45 FR 1454, January 7, 1980.

Order

Adopted: March 31, 1980.

Released: April 2, 1980.

1. The Commission's Order (FCC 79–728) released November 14, 1979 amended § 68.2 of the Commission's rules and regulations, 47 CFR § 68.2, to permit governmental departments, agencies or administrations to connect communications equipment or security devices to the public switched telephone network without compliance with Part 68 of the rules provided that proper written certification is made to the appropriate common carrier and provided proper written certification has been approved in writing by the commission pursuant to § 68.2(d).

2. On December 19, 1979 we received a request for permanent authority and a request for special temporary authority to qualify for the interconnection of communications equipment or security devices to the public switched telephone network pursuant to § 68.2(d) of the Commission's rules on behalf of:

Department of State
Department of Defense
General Services Administration
Department of Treasury
Central Intelligency Agency
Federal Bureau of Investigation
Department of Justice
Department of Commerce
Department of Transportation
Federal Reserve Board

3. These request state that each of these organizations employ communications equipment and security devices which connect to the public switched telephone network in support of at least one of the following purposes:

a. Communications support of the President and other senior U.S. government officials;

b. Communications support of the U.S. intelligency activities; including counter-intelligence;

c. Communications support of criminal investigative activities; and

d. Communications support of other classified/sensitive U.S. government activities.

Authority for the above-named governmental entities to act pursuant to § 68.2(d) is being requested to avoid the public release of classified information regarding communications equipment or security devices employed in support of the above purposes.

4. The Commission's Order indicated that a list of governmental departments, agencies or administrations filing requests to act pursuant to § 68.2(d) will be published in the **Federal Register** and that the Commission would act on such request only upon the expiration of 30 days after such publication. That Order also instructed American Telephone & Telegraph Company to amend all applicable tariffs to implement the national security exemption from Part 68 effective January 1, 1980. The Order stated that the Commission may grant on less than the normal notice or without notice, special temporary authority not to exceed 90 days for governmental departments, agencies or administrations that wish to qualify for interconnection of equipment or security devices pursuant to Section 68.2(d). Temporary authority was granted by order released December 31, 1979.

5. The request for permanent authority for exemption from Part 68 of the Commission's rules, was published in the **Federal Register** on January 7, 1980. No comments or oppositions have been received. Having reviewed this request we find it consistent with the Commission's rules and policies. Therefore, it will be granted.

6. Accordingly, pursuant to the authority delegated in § 0.291 of the Commission's rules and regulations, 47 CFR § 0.291, it is hereby ordered that permanent exemption is granted to the Federal Executive Agencies identified in paragraph (2) above for permanent exemption to Part 68 of the Commission's rules and regulations, as provided in § 68.2(d) (47 CFR 68.2(d)) effective immediately. Notice of this action will be published in the **Federal Register.**

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-10417 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1222]

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

March 28, 1980.

Docket or RM No.	Rule No.	Subject	Date received
21005		Interface of the International Telex Service with the Domestic Telex and TWX Services. (Filed by Francis J. DeRose and Charles M. Lehrheupt, Attorneys for RCA Global Communications, Inc.).	3–17–80

Note.—Oppositions to petitions for reconsideration must be filed on or before April 22, 1980. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-10316 Filed 4-4-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Proposed Implementation of the Federal Employees Part-time Career Employment Act of 1978

AGENCY: Federal Labor Relations Authority.

ACTION: Notice proposed implementation of the Federal Employees Part-time Career Employment Act of 1978.

SUMMARY: The Federal Labor Relations Authority (FLRA) proposes to issue internal regulations to govern the operation of a part-time career employment program mandated by the Federal Employee Part-time Career Employment Act of 1978 (5 U.S.C. 3401 *et seq.*). The proposed internal regulations define the purpose and coverage of the program as it will be implemented by the FLRA and designates the Director of Personnel as the part-time employment coordinator with responsibility for implementing and overseeing the program. The proposed internal regulations also provide criteria to be used in establishing or converting vacant jobs to part-time positions, and provide for the creation of a plan for promoting part-time employment. Certain part-time employee rights with respect to training and merit promotion are set forth.

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DATES: Submit written comments, suggestions, or objections on or before May 30, 1980. Comments may be addressed to: Federal Labor Relations Authority, Attn.: Director of Personnel, Room 7469, 1900 E St. NW., Washington, D.C. 20424. All written comments will be available for public inspection in Room 7469, 1900 E St. NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde B. Blandford, Jr., Director of Personnel (telephone: 202–632–6880).

Part-Time Employment Program

Section 1—Purpose

The purpose of these regulations is to implement P.L. 95–437, the Federal Employees Part-time Career Employment Act of 1978, by establishing a continuing program within the Federal Labor Relations Authority (the "FLRA" or the "Authority") so as to provide career part-time employment opportunities. The intent of this program within the FLRA is two-fold: (1) to promote the unrealized capabilities and/or potential of individuals who are unable to work on a full-time basis—for example, handicapped individuals, parents who wish to balance family responsibilities with the need for additional income—as well as persons reentering the work force, individuals who wish to make a gradual transition into retirement, students who must finance their education; and (2) to draw upon valuable untapped human resources for the good of the FLRA and the Federal Government in general.

Section 2—Policy

It is the policy of the FLRA to provide career part-time employment opportunities in positions through GS–15 to the maximum extent consistent with agency resources and mission requirements.

Section 3—Definitions

3–1 *Part-time Career Employment*

Described as regularly scheduled work of from 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to this section or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis. These positions are in either the competitive or excepted service in tenure groups I or II. Tenure group I applies to employees in the competitive service under career appointments who are not serving probation and permanent employees in the excepted service whose appointments carry no restrictions or conditions. Tenure group II applies to employees in the competitive service serving probation, career-conditional employees and career employees in obligated positions. It also includes employees in the excepted service serving trial periods, whose tenure is indefinite solely because they occupy obligated positions; or whose tenure is equivalent to career-conditional in the competitive service.

3–2 *Scope*

These procedures apply within all organizations and geographical areas of the FLRA.

3–3 *Exclusions*

Excluded from this program are positions above GS–15. Also excluded are temporary and intermittent positions.

3–4 *Exceptions*

The Authority Members, General Counsel, or Members of the Federal Service Impasses Panel may except positions from inclusion in this program as necessary to carry out the mission of the FLRA. In making such determinations, consideration will be given to the criteria set forth in section 5–1, below.

Section 4—Responsibilities

4–1 *Program Coordination*

The Director of Personnel, FLRA, is designated as part-time employment coordinator with responsibility for:

a. Overseeing development and implementation of part-time employment goals and timetables established by the Authority Members, the General Counsel, or the Members of the Federal Service Impasses Panel.

b. Responding to requests for advice and assistance on part-time employment within FLRA.

c. Monitoring agency progress in expanding part-time employment opportunities.

d. Adhering to reporting requirements established by the Office of Personnel Management and the Congress.

e. Assuring that the general public is notified of vacant part-time positions.

Section 5—Position Management

5–1 *Review of Vacant Positions*

Positions becoming vacant, unless excepted as provided in paragraph 3–4, above, will be reviewed to determine the feasibility of converting the positions from full-time to part-time. Among the criteria which may be considered when conducting such reviews are:

—mission requirements
—occupational mix
—workload fluctuations
—employment ceilings and budgetary considerations
—size of work force (including turnover rate)
—affirmative action
—number of potential applicants for part-time employment

5–2 *Establishing/Converting Positions*

Based on the procedures discussed in paragraph 5–1, above, once a decision has been made to convert to, or establish, a part-time position, position management and classification procedures already established by the Office of Personnel Management will be followed. No full-time position occupied by an incumbent will be abolished for the purpose of converting the position to part-time. Additionally, no full-time employee will be required to accept part-time employment as a condition of continued employment.

5–3 *Publicizing Vacancies*

The public will be notified of part-time vacant positions by agency vacancy announcement, notification to Federal Job Information Centers, and other appropriate sources. Recruiting will be reasonably extensive, and positive efforts will be made to notify groups and organizations which either focus directly on part-time employees or which deal with individuals who are unavailable to work on a full-time basis, such as those listed in section 1. In this regard, positive efforts will be made to locate qualified minorities and women.

5–4 *Employee Benefits and Reductions-in-Force*

Part-time employees are entitled to coverage under the Civil Service Retirement System, and are eligible for coverage under the Federal Employees Group Life Insurance and Federal Employee Health Benefits programs. It should be noted that the Government contribution toward the cost of an enrollment under the Federal Employee Health Benefits program will be determined by comparing the number of hours a part-time employee works with the number of hours a full-time employee in the same position works. Part-time employees will receive full civil service retirement credit; i.e., even though the employee will be working less than a 40-hour week, he/she will receive credit for the full 40-hour week for service computation purposes. Part-time employees will earn sick and annual leave on a prorated basis, based on the number of hours worked, and the amount of Federal service. During reductions-in-Force, part-time employees will compete with full-time employees on an equal basis (based on years of service, veterans preference, etc.)

Section 6—Goals, Timetables, and Evaluation

A plan for promoting part-time employment opportunities—including goals and timetables—will be developed annually by the Director of Personnel, FLRA—in consultation with appropriate operating elements. This plan will establish annual goals and set deadlines for achieving these goals.

Section 7—Merit Promotion and Training

Part-time employees are eligible to compete for any position—either part-time or full-time—for which he/she qualifies. Additionally, part-time employees will be granted consideration for job-related training courses in the same manner as full-time employees.

Section 8—Tours of Duty

Requests for changes in established work schedules (within the 16–32 hour limit) must be approved by: (1) the Executive Director of the Authority or his/her designee for Authority employees, the Deputy General Counsel or his/her designee for Office of General Counsel employees, the Executive Director, Federal Service Impasses Panel, or his/her designee, for FSIP employees; and (2) the Director of Personnel as Program Coordinator.

Dated: March 28, 1980.

Harold D. Kessler,

Deputy Executive Director.

[FR Doc. 80-10178 Filed 4-4-80; 8:45 am]

BILLING CODE 6727-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1246]

E. Allen Brown; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of E. Allen Brown, P.O. Box 38022, Jacksonville, Florida 32206, FMC No. 1246, was cancelled effective December 23, 1979.

By letter dated December 7, 1979, E. Allen Brown was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1246 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

E. Allen Brown has failed to furnish a valid surety bond.

The licensee was the subject of Federal Maritime Commission Docket 79–16. The Commission's Final Order on Docket 79–16, *E. Allen Brown—Independent Ocean Freight Forwarder License No. 1246,* was issued on March 24, 1980, disposing of that matter.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1246 be and is hereby revoked effective December 23, 1979.

It is ordered, That Independent Ocean Freight Forwarder License No. 1246, issued E. Allen Brown be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon E. Allen Brown.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-10354 Filed 4-4-80; 8:45 am]

BILLING CODE 6730-01-M

Performance Review Board

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director, Office of Personnel, Federal Maritime Commission, 1100 L Street, N.W. Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Federal Maritime Commission.

Richard J. Daschbach,

Chairman.

The members of the Performance Review Board are:

1. Thomas F. Moakley, Vice Chairman
2. Dr. Leslie L. Kanuk, Commissioner
3. James V. Day, Commissioner
4. Dr. George Biles, Dean, School of Business Administration, The American University
5. Nicholas N. Kittrie, Dean, Washington College of Law, The American University
6. William L. Crump, Dean, College of Business and Public Management, University of the District of Columbia
7. Dr. William G. Droms, Associate Dean, School of Business Administration, Georgetown University
8. Professor Jeanus B. Parks, Jr., Howard University School of Law
9. John E. Cograve, Chief Administrative Law Judge
10. William Beasley Harris, Administrative Law Judge
11. Seymour Glanzer, Administrative Law Judge
12. Charles E. Morgan, Administrative Law Judge
13. Norman D. Kline, Administrative Law Judge
14. Joseph N. Ingolia, Administrative Law Judge
15. Paul J. Fitzpatrick, Administrative Law Judge
16. Arthur Pankopf, Managing Director
17. Wm. Jarrel Smith, Jr., Deputy Managing Director
18. James K. Cooper, Director, Bureau of Ocean Commerce Regulation
19. Daniel J. Connors, Deputy Director, Bureau of Ocean Commerce Regulation
20. John Robert Ewers, Director, Bureau of Hearing Counsel
21. Robert G. Drew, Director, Bureau of Certification and Licensing
22. Albert J. Klingel, Jr., Director, Bureau of Industry Economics
23. Francis C. Hurney, Secretary
24. Brien E. Kehoe, General Counsel
25. Robert D. Bourgoin, Deputy General Counsel
26. Edward G. Gruis, Deputy General Counsel

[FR Doc. 80-10353 Filed 4-4-80; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 31, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC requests are invited from all

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interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 25, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Form 308, Application for Permit to Deliver Programs to Foreign Broadcast Stations. Form 308 is used to apply for authority to locate, use, or maintain a studio in the United States for the purpose of supplying program material to a foreign radio or television broadcast station whose signals are consistently received in the United States. The form is required by Section 325(a) of the Communications Act of 1934, as amended, and §§ 73.3511 and 73.3545 of the FCC Rules and Regulations. The FCC receives approximately 10 applications annually and estimates that respondent burden averages 22 hours per application.

The FCC requests an extension-without-change clearance of Form 309, Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station. Form 309 is used to apply for authority to construct a new international, experimental television, experimental facsimile, or a developmental broadcast station. The Form is required by Sections 308 and 309 of the Communications Act of 1934, as amended, and §§ 73.3500 and 73.3533 of the FCC Rules and Regulations. The FCC receives approximately 30 applications annually and estimates that respondent burden averages 84 hours per application.

The FCC requests an extension-without-change clearance of Form 310, Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License. Form 310 is submitted by permittees of classes of radio stations indicated who apply for licenses following construction of new or changes facilities. The form is required by Sections 308 and 309 of the Communications Act of 1934, as amended, and §§ 73.731, 73.3500 and 73.3636 of the FCC Rules and Regulations. The FCC receives approximately 10 applications annually and estimates that respondent burden averages 158 hours per application.

The FCC requests an extension-without-change clearance of Form 316, Application for Consent to Assignement of Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License. Form 316 is used for voluntary or involuntary assignment or transfer of control of a radio broadcast station. The form is required by §§ 73.3540 and 73.3541 of the FCC Rules and Regulations and Sections 308 and 309 of the Communications Act of 1934, as amended. The FCC receives approximately 413 applications annually and estimates that respondent burden averages 4 hours per application.

The FCC requests an extension-without-change clearance of Form 330–L, Application for Educational Television Fixed-Station License. Form 330–L is used to apply for an instructional television fixed-station license. The form is required by §§ 73.3536, 74.901 and 74.911 of the FCC Rules and Regulations, and Sections 308 and 309 of the Communications Act of 1934, as amended. The FCC receives approximately 15 applications annually and estimates that respondent burden averages 73 hours per application.

The FCC requests an extension-without-change clearance of Form 345, Application for Consent to Assignment of Broadcast Translator Station Construction Permit or License. Form 345 is used for requesting assignment of a translator station construction permit or license and associated auxilliary stations, such as translator microwave relay stations, and UHF translator booster stations. The form is required by Sections 308 and 309 of the Communications Act of 1934, as amended, and §§ 73.3500, 73.3511, 73.3540, and 74.731 of the FCC receives Rules and Regulations. The FCC approximately 67 applications annually and estimates that respondent burden averages 10 hours per application.

The FCC requests an extension-without-change clearance of Form 346, Application for Authority to Construct or Make Changes in a TV or FM Broadcast Translator Station. Form 346 is filed by those applying for authority to construct or make changes in an existing television or FM broadcast translator station. The form is required by §§ 73.3533, 74.701, 74.751 and 74.3500 of the Commission's Rules and Regulations, and Sections 308 and 309 of the Communications Act of 1934, as amended.

The FCC requests an extension-without-change clearance of Form 347, Application for TV or FM Broadcast Translator Station License. Form 347 is submitted by permittees of VHF and UHF television or FM broadcast translator stations who apply for a license following construction of new or changed facilities. The form is required by Sections 308 and 309 of the Communications Act of 1934, as amended, and §§ 74.702 through 74.732, and 74.1201 through 74.1232, and 73.3536 of the FCC Rules and Regulations. The FCC receives approximately 418 applications annually and estimates respondent burden averages 3 hours per application.

The FCC requests an extension-without-change clearance of Form 348, Application for Renewal of TV or FM Broadcast Translator Station License. Form 348 is submitted by licensees for renewal of VHF or UHF television or FM broadcast translator stations when current operating authority is expiring. The form is required by §§ 73.3539 and 73.3511 of the FCC Rules and Regulations, and Sections 308 and 309 of the Communications Act of 1934, as amended. The FCC receives approximately 1,302 applications annually and estimates respondent burden averages 8 hours per application.

The FCC requests an extension-without-change clearance of the Standard Broadcast and FM Station Program Logging Rules. §§ 73.1800 through 73.1850 of the Commission's Rules and Regulations require that standard broadcast and FM licensees maintain program logs so the Commission can assess the licensees' performance in serving the public interest. The FCC estimates that approximately 9,116 standard broadcast and FM stations maintain program logs and that respondent burden averages 4,380 hours annually per station.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80–10405 Filed 4–4–80; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Dr. David Boyd, Bureau of Medical Services, Federal Building #3, Room 11–64, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436–6284.

Dated: March 28, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80–10352 Filed 4–4–80; 8:45 am]

BILLING CODE 4110–84–M

Office of the Secretary

Board of Advisors to the Fund for the Improvement of Postsecondary Education; Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on May 29, 1980 at 5:00 p.m. through May 31, 1980 at 2:30 p.m. at the Belmont Conference Center, 6555 Belmont Woods, Elkridge, Maryland.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under Section 404 of the General Education Provisions Act.

The meeting will not be open to the public. It will be for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. The meeting will involve discussion of project designs, personnel, and other information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. It has therefore been determined that closing this meeting is in accordance with 5 U.S.C. 552b(c)(4) and (6) and the policies of the Federal Advisory Committee Act.

A summary of the proceedings of the meeting and a roster of members may be obtained from the fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3123, Washington, D.C. 20202, telephone (202) 245–8091.

Signed at Washington, D.C. on March 10, 1980.

Charles I. Bunting,

Acting Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 80–10358 Filed 4–4–80; 8:45 am]

BILLING CODE 4110–12–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D–80–597]

Redelegation of Authority

David E. Pinsky, Daniel F. Martini, Herbert E. Muse, and Robert S. Ernst, each of whom is an attorney in the Office of the General Counsel, is each hereby redelegated the authority to convey and to execute in the name of the Secretary deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the National Housing Act, 12 U.S.C. § 1701 *et. seq.*

EFFECTIVE DATE: This redelegation is effective January 1, 1980.

(§ 204(g), National Housing Act, 12 U.S.C. § 1710(g); 36 FR 5005 (1971); 41 FR 24755 (1976))

Issued at Washington, D.C., March 27, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80–10309 Filed 4–4–80; 8:45 am]

BILLING CODE 4210–01–M

Office of the Secretary

[Docket No. N–80–991]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of new system of records.

SUMMARY: The Department is giving notice of a new system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: The system shall become effective May 7, 1980, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Departmental of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Department Privacy Act Officer, Telephone 202–557–0605. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is Claims Collection Records which will contain information about individuals who are delinquent in their debts to the Department. The system is being published separate from HUD/DEPT–2, Accounting Records, to more clearly identify its purpose and to more accurately describe its character. A new system report was filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget on February 25, 1980. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 44 FR 72288 (December 13, 1979). Appendix A, which lists the addresses of HUD's field offices was published at 44 FR 72307 (December 13, 1979) and supplemented at 45 FR 6479 (January 28, 1980). A description of HUD/DEPT–2, Accounting Records, was published at 44 FR 72289 (December 13, 1979).

HUD/DEPT–62

SYSTEM NAME:

Claims Collection Records

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors; mortgagees; grant/project and loan applicants and recients; HUD personnel; vendors; brokers; bidders; managers; tenants; builders, developers, contractors, and appraisers; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files; fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; bills of lading; vouchers; invoices; receipts; mortgagors, builder's and contractor's financial statements, records and audit reports;

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deposit and receipt records; disbursements and cancelled checks; repurchases of mortgages; adjustments from recoveries, defaults, acquired home property records; sales closing papers; statements of accounts; tax records; certifications and applications for assistance; and notices of court action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966 (Section 1, Pub. L. 89-506).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: Justice Department—for prosecution of fraud revealed in the course of claims collection efforts, and for the institution of foreclosure or other procedings to effect collection of claims; FBI—for investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for the institution of proceedings to effect collection of claims; other Federal Agencies—to facilitate collection of claims against Federal employees; Office of Personnel Management—for offsetting retirement payments; and to commercial credit bureaus—to facilitate claim collection consistent with Federal Claims Collection Standards 4 CFR § 102.4.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Desks; safes; locked file cabinets.

RETRIEVABILITY:

Name, Social Security Number, Project Name and Number, and Contract Number.

SAFEGUARDS:

Locked files; limited access by authorized individuals.

RETENTION AND DISPOSAL:

GSA schedules of retention and disposal; destruction one year after statute of limitation expiration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD; Federal and non-Federal government agencies; HUD personnel.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., March 27, 1980.

William A. Medina,

Assistant Secretary for Administration.

[FR Doc. 80-10310 Filed 4-4-80; 8:45 a.m.]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska; Filing of Plat of Survey

March 27, 1980.

1. Plant of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10 a.m. May 12, 1980.

Seward Meridian

T. 20 N., R. 1 E.
Sec 24: S½;
Sec 25: Lots 1, 2, NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼, SE¼;
Sec 36: Lots 1,2 N½, S½SW¼, SE¼;
Tract A;
Tract B;
Tract C;
Tract D;
Tract E;
Tract F;
Tract G;
Tract H;
Tract I;
Containing 20,034.05 acres.

2. Township 20 North, Range 1 East is situated approximately 14½ miles northeasterly of the community of Palmer, Alaska, accessible by the Wasilla Fishhook Road. Willow Creek Road traverses through Sections 35 and 36, with connecting mining roads extending into Sections 14, 15, 23, 24, and 25.

Except for the area in the southern part of the township along the Little Susitna River and Hatcher and Willow Creeks, the area is mountainous, with elevations ranging from 1600 to 6100 feet above sea level. General drainage is to the southwest. Alpine lakes and glaciers are located in the northern ⅓ of township.

Vegetation consists of willow and alder along the streams, with alpine tundra above timberline. In some places, clumps of young alder grow in the areas with rocky soil.

Numerous mineral claims are located in the general area of the southern two-thirds of the township. The abandoned mill site for the Mabel Mine is located in Section 25.

Little Susitna Roadhouse, the only permanent dwelling in the area, is located on Willow Creek Road at the junction with a trail road extending easterly in Section 36.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquires concerning the lands should be addressed to the State Director, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Irving Zirpel, Jr.,

Chief, Division of Cadastral Survey.

[FR Doc. 80-10362 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-84-M

Alaska; Filing of Plat of Survey

March 26, 1980.

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10 a.m. May 12, 1980.

Seward Meridian

T. 12 N., R. 2 W.
Sec 5: Lots 1, 2, 3, 4, S½N½, S½;
Containing 640.39 acres.

2. The land encompassed in this survey is located on the westerly slope of the foothills of the Chugach Mountains between the North and South Forks Campbell Creek. The North Fork Campbell Creek traverses the north boundary of section 5.

The southeast portion of section 5 is above timber line at about 2,500 feet above sea level, sloping northwesterly to an elevation of about 1,500 feet above sea level in the northern portion of the section.

There is no roads in the survey, however a labyrinth of foot trails exist and are used by recreationists.

The highest elevations are rocky and void of vegetation. The lower elevations are covered with spruce, birch, cottonwood and hemlock timber with dense alder undergrowth. No minerals were noted.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the State Director, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Irving Zirpel, Jr.,

Chief, Division of Cadastral Survey.

[FR Doc. 80-10363 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-84-M

Alaska; Filing of Plat of Survey

March 19, 1980.

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10:00 a.m., May 6, 1980.

Seward Meridian

T. 33 S., R. 45 W,
Sec 1: Lot 6.
Containing 0.87 acres.

2. This island survey is located adjacent to the northwest shore of Wide Bay, approximately 70 airline miles southeast of Egegik, Alaska.

The soil is sandy loam with salt grass vegetation. There are no improvements in this general area.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the State Director, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Irving Zirpel, Jr.,

Chief, Division of Cadastral Survey.

[FR Doc. 80-10364 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-84-M

Alaska; Filing of Plat of Survey

March 19, 1980.

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10:00 a.m. May 6, 1980.

Seward Meridian

T. 32 S., R. 44 W,
Sec. 33: Lots 1, 2, 3, 4, 5, 6, 7, N½, W½SW¼;
Sec. 34: Lots 1, 2, 3, 4, 5, 6, NW¼NE¼, NW¼.
Containing 883.01 acres.

2. This survey is located on the northwest shore of Wide Bay. The land is rolling hills of tundra with scrub alder and willow underbrush. Short Creek flows easterly through both sections 33 and 34.

The soil is second rate. The beaches are sandy and gravelly. Access is by boat or aircraft. An oil company runway extends through both sections 33 and 34. It is located principally in section 34. The improvements, outfitters cabins, are described in the body of the field notes.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the State Director, Alaska State Office, 701 C Street, Box 13 Anchorage, Alaska 99513.

Irving Zirpel, Jr.,

Chief, Division of Cadastral Survey.

[FR Doc. 80-10365 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-84-M

[I-14943 (943); OR-20112]

Oregon; Application

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation, Salt Lake City, Utah 84111 has applied for a natural gas pipeline and appurtenances across the following described Federal lands:

U.S.A. Lands

Willamette Meridian, Oregon

T. 2 S., R. 38 E.,
Sec. 5, SW¼SW¼;
Sec. 8, SE¼SW¼ and SW¼SE¼;
Sec. 16, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 17, N½NE¼ and SE¼NE¼;
Sec. 21, N½NE¼ and SE¼NE¼;
Sec. 22, SW¼NW¼, N½W¼, SE¼SW¼ and S½SE¼;
Sec. 25, W½SW¼ and SE¼SW¼;
Sec. 26, SW¼NE¼, W½NW¼, SE¼NW¼ and N½SE¼;
Sec. 27, NE¼NE¼.
T. 7 S., R. 39 E.,
Sec. 26, SE¼SE¼;
Sec. 35, NE¼NE¼.
T. 9 S., R. 40 E.,
Sec. 34, SW¼NW¼.
T. 10 S., R. 41 E.,
Sec. 14, NE¼SW¼;
Sec. 24, E½SE¼SE¼.
T. 10 S., R. 42 E.,
Sec. 19, Lot 4;
Sec. 28, SW¼SW¼;
Sec. 30, W½NE¼ and NE¼NW¼;
Sec. 33, NW¼NW¼.
T. 11 S., R. 42 E.,
Sec. 12, SE¼SE¼.
T. 11 S., R. 43 E.,
Sec. 7, Lot 4;
Sec. 18, Lot 1, SW¼NE¼ and NE¼NW¼.
T. 12 S., R. 43 E.,
Sec. 10, W½NE¼ and NE¼NW¼;
Sec. 13, S½SW¼;
Sec. 14, NE¼NW¼.
T. 12 S., R. 44 E.,
Sec. 19, SE¼NE¼;
Sec. 29, S½NW¼, NE¼SW¼ and W½SE¼.
T. 13 S., R. 44 E.,
Sec. 4, Lot 4;
Sec. 21, W½NE¼, SE¼NW¼ and NE¼SW¼.
T. 14 S., R. 44 E.,
Sec. 11, W½SE¼;
Sec. 14, W½NE¼;
Sec. 24, E½NW¼, NE¼SW¼ and NW¼SE¼.
T. 15 S., R. 45 E.,
Sec. 9, E½SW¼;
Sec. 15, SW¼NW¼, N½SW¼ and SE¼SW¼;
Sec. 16, E½NE¼;
Sec. 22, W½NE¼ and NE¼NW¼.
T. 16 S., R. 46 E.,
Sec. 6, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, SW¼NW¼;
Sec. 27, SW¼NW¼, W½SW¼ and SE¼SW¼;
Sec. 34, W½NE¼, NE¼NW¼ and NW¼SE¼.

Boise Meridian, Idaho

T. 2 N., R. 1 E.,
Sec. 14, SW¼NW¼;
Sec. 24, N½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 25, N½NE¼.
T. 1 N., R. 2 E.,
Sec. 3, SW¼NW¼;
Sec. 10, NE¼NE¼;
Sec. 11, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 12, S½SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼ and NE¼SE¼.

T. 2 N., R. 2 E.,
Sec. 30, Lot. 2.
T. 1 N., R. 3 E.,
Sec. 18, Lot 3, E½SW¼ and SW¼SE¼;
Sec. 28, NE¼SE¼;
Sec. 34, N½NE¼, SE¼NE¼ and NE¼NW¼.
T. 5 N., R. 2 W.,
Sec. 29, NW¼NW¼.
T. 5 N., R. 3 W.,
Sec. 2, SW¼SW¼.
T. 6 N., R. 3 W.,
Sec. 7, Lots 3 and 4;
Sec. 20, W½SE¼ and SE¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼NE¼.
T. 6 N., R. 4 W.,
Sec. 1, W½SW¼ and SE¼SW¼;
Sec. 2, Lots 2 and 3, S½NE¼ and NE¼SE¼;
Sec. 12, W½NE¼, SE¼NE¼, NE¼NW¼ and NE¼SE¼.
T. 7 N., R. 4 W.,
Sec. 35, SE¼SW¼.
T. 1 S., R. 3 E.,
Sec. 1, Lots 3 and 4, SW¼NE¼ and S½NW¼;
Sec. 2, Lot 1.
T. 1 S., R. 5 E.,
Sec. 31, N½SE¼;
Sec. 32, W½SW¼ and SE¼SW¼.
T. 2 S., R. 5 E.,
Sec. 5, Lot 2, S½NE¼;
Sec. 10, SW¼NW¼;
Sec. 15, N½NE¼ and SE¼NE¼;
Sec. 23, NE¼NE¼;
Sec. 24, Lots 3 and 4, NW¼NW¼, S½NW¼, NE¼SW¼ and NW¼SE¼.
T. 2 S., R. 6 E.,
Sec. 19, Lot 4;
Sec. 29, W½SW¼ and SE¼SW¼;
Sec. 30, Lot 1, S½NE¼, E½NW¼ and NE¼SE¼;
Sec. 32, W½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 33, SW¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼.
T. 3 S., R. 6 E.,
Sec. 4, Lots 1 and 2, SE¼NE¼;
Sec. 10, NE¼NE¼.
T. 3 S., R. 7 E.,
Sec. 18, SE¼SW¼ and SW¼SE¼;
Sec. 19, E½NE¼ and NW¼NE¼;
Sec. 20, SW¼NW¼, N½SW¼, W½SE¼ and SE¼SE¼;
Sec. 27, SW¼SW¼;
Sec. 28, SW¼NE¼, NW¼NW¼, S½NW¼, N½SE¼ and SE¼SE¼;
Sec. 29, NE¼NE¼;
Sec. 34, S½NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼;
Sec. 35, NW¼SW¼ and S½SW¼.
T. 4 S., R. 7 E.,
Sec. 1, Lot 7, E½SW¼, NW¼SW¼ and S½SE¼;
Sec. 2, Lots 5, 6, 7 and 12;
Sec. 12, NE¼NE¼.
T. 4 S., R. 8 E.,
Sec. 7, Lots 1 and 2, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, S½NE¼, N½NW¼, SE¼NW¼ and N½SE¼;
Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼.
T. 4 S., R. 9 E.,
Sec. 31, Lots 3 and 4, SE¼SW¼ and SW¼SE¼.
T. 5 S., R. 9 E.,
Sec. 5, SE¼SE¼;
Sec. 6, Lots 2 and 3;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 10, S½SW¼;
Sec. 14, SW¼NW¼, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 15, W½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 23, NE¼NE¼;
Sec. 24, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼.
T. 5 S., R. 10 E.,
Sec. 33, W½SE¼ and SE¼SE¼.
T. 6 S., R. 10 E.,
Sec. 3, Lots 3 and 4, S½NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, W½NW¼, N½SW¼, W½SE¼ and SE¼SE¼;
Sec. 13, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 14, NE¼NE¼.
T. 6 S., R. 11 E.,
Sec. 18, Lot 4;
Sec. 19, Lot 1, S½NE¼, E½NW¼ and NE¼SE¼;
Sec. 20, W½SW¼ and SE¼SW¼;
Sec. 28, SW¼NW¼, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 29, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 33, NE¼NE¼;
Sec. 34, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 35, SW¼SW¼.
T. 7 S., R. 11 E.,
Sec. 1, Lots 3 and 4, NE¼SW¼, NW¼SE¼ and S½SE¼;
Sec. 2, Lot 1;
Sec. 12, NE¼NE¼.
T. 7 S., R. 12 E.,
Sec. 7, Lots 1 and 2, SW¼NE¼, N½SE¼ and SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, S½NE¼, E½NW¼, NW¼NW¼ and NE¼SE¼;
Sec. 20, SE¼NW¼ and NE¼SW¼.
T. 8 S., R. 13 E.,
Sec. 5, SW¼SW¼;
Sec. 6, N½SE¼ and SE¼SE¼;
Sec. 8, S½NE¼, E¼NW¼, NW¼NW¼ and NE¼SE¼;
Sec. 9, NW¼SW¼ and S½SW¼;
Sec. 15, SW¼NW¼, E½SW¼, NW¼SW¼ and SW¼SE¼;
Sec. 22, NW¼NE¼;
Sec. 25, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼.
T. 8 S., R 14 E.,
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, NE¼NW¼.
T. 9 S., R 14 E.,
Sec. 9, SW¼NE¼ and NW¼NW¼.
T. 11 S., R 21 E.,
Sec. 1, SE¼SW¼.

The pipeline will be constructed in two segments: the first running from a point near Stanfield, Oregon, to a terminus near Twin Falls, Idaho; the other traversing approximately 14 miles near Burley, Idaho.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the State Director, Bureau of Land Management, Box 042, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,
Chief, Branch of L&M Operations.

[FR Doc. 10418 Filed 4-4-80; 8:45 am]
BILLING CODE 4310-84-M

Guidance for Compliance With the National Environmental Policy Act (NEPA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Retraction of proposed guidance for NEPA implementing procedures.

SUMMARY: On March 19, 1980 (45 FR 17782) BLM published draft material related to its Environmental Protection and Enhancement System for implementing NEPA and the CEQ regulations (40 CFR 1500–1508). This material was published for interim use, testing, and public comment.

This publication was in error. The draft is not yet available for public review, and is still subject to internal Departmental review and clearance. Consequently, the March 19 publication and request for public comment is hereby retracted.

April 2, 1980.

Ed Hastey,
Associate Director, Bureau of Land Management

[FR Doc. 80-10371 Filed 4-4-80; 8:45 am]
BILLING CODE 4310-84-M

Montana; Notice of Invitation; Coal Exploration License Application

March 26, 1980.

Members of the public are hereby invited to participate with Northern Resources Inc. in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in McCone County, Montana:

T. 20 N., R. 44 E., P.M.M.
Sec. 24: E½, SE¼NW¼, E½SW¼
Sec. 26: S½
Sec. 34: E½
T. 20 N., R. 45 E., P.M.M.
Sec. 2: Lots 1,2,3,4, S½N½, S½
Sec. 4: Lots 1,2,3, S½N½, S½
Sec. 6: All
Sec. 18: Lots 1,2,3,4, E½, E½W½
Sec. 20: All
Sec. 30: Lots 1,2,3,4, E½, E½W½
Sec. 32: All

T. 21 N., R. 45 E., P.M.M.
Sec. 26: SW¼, NE¼SE¼, S½SE¼
Sec. 28: SE¼SW¼
Sec. 32: S½NE¼, NW¼NW¼, S½
Sec. 34: All

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Northern Resources Inc., 704 First Northwestern Bank Center, 175 North 27th Street, Billings, Montana 59101. Such written notice must refer to serial number M 46024 and be received no later than May 7, 1980 or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by Northern Resources Inc. may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Roland F. Lee,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-10294 Filed 4-4-80; 8:45 am]
BILLING CODE 4310-84-M

Oregon; Filing of Plat of Survey

March 28, 1980.

1. Plat of survey of the lands described below will be officially filed in the Oregon State Office, Portland, Oregon, effective at 10:00 a.m. on May 5, 1980.

Willamette Meridian

T. 20 S., R. 6½ W.,
Secs. 1, 12, 13

2. This plat represents a survey of the subdivisional lines of said township.

3. The lands encompassed in this survey are located in the Coast Range approximately 25 miles southwest of Eugene, Oregon. Elevations range from about 800 ft. to 1,250 ft. above sea level. The soil is best suited for growing of timber, with timber harvesting and recreation being the chief activities of the area.

4. The above described lands are classified for Multiple Use Management pursuant to the Act of September 19, 1964 (78 Stat. 986).

Roger F. Dierking,
Chief, Branch of Records and Data Management.

[FR Doc. 80-10295 Filed 4-4-80; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Natural Gas From Tight Formations; Interim Notice to Lessees for Implementation of Section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA)

AGENCY: Geological Survey, Department of the Interior.

ACTION: Interim notice.

SUMMARY: Section 107(c)(5) of the NGPA provides for a ceiling price for high-cost natural gas when "* * * produced under such other conditions as the Commission determines to present extraordinary risks or costs."

Within the authority of NGPA, the Federal Energy Regulatory Commission (FERC) has issued the regulations 18 CFR 271.701 through 271.705 and 274.205(e), effective March 22, 1980, published in the **Federal Register** February 28, 1980 (45 FR 13414).

The stated FERC regulations provide criteria such that a given formation may be designated as a tight formation for purposes of natural gas pricing upon recommendation by a jurisdictional agency and approval by FERC. Once approved as a tight formation, wells, drilled and completed in the formation can be submitted to the jurisdictional agency for category determination, thus making the well's natural gas eligible for a given ceiling price. To implement these FERC regulations, and Interim Notice to Lessees, complete with guidelines for making application for a tight formation designation and for a tight formation well determination, is set forth below.

An operator of a Federal lease, either on public lands or on the Outer Continental Shelf (OCS) or on Indian allotted or tribal lands except for the Osage Reservation, Osage County, Oklahoma, may make application. The application shall be filed with the appropriate Oil and Gas Supervisor as indicated by the addresses listed in 18 CFR 274.501. Other provisions of the Notice to Lessees for Implementation of the NGPA, as amended February 14, 1980, and published in the **Federal Register**, February 22, 1980 (45 FR 12136), shall apply as appropriate, including use of the Geological Survey Form 9–2009.

DATES: The Interim Notice becomes effective April 7, 1980. Interested persons may submit comments until 60 days hence.

ADDRESSES: The address for commenting is: Chief, Conservation Division, Geological Survey, National Center, MS 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION: Contact Price McDonald, telephone (703) 860–7517, Billy Shoger, telephone (703) 860–7535, Conservation Division, Reston, Virginia.

SUPPLEMENTARY INFORMATION: The principal author is Price McDonald, Physical Scientist, Conservation Division, Reston, Virginia, telephone (703) 860–7517.

Interim Notice to Lessees

General Provisions

The regulation 18 CFR 271.705 provides that a jurisdictional agency may submit a written recommendation to the Federal Energy Regulatory Commission (FERC) for approval to the designation of a natural gas formation in a basin, field, or field area as a tight formation. By this Interim Notice, the Geological Survey proposes that its Area Oil and Gas Supervisors, respectively, shall make such a recommendation based on applications from one or more operators of Federal leased lands that a certain formation be designated as tight.

The application should encompass all lands within the areal limits of the formation, or a portion of the formation, but with the understanding that the Oil and Gas Supervisor's ruling can only apply to Federal, Indian, or OCS lands. Where appropriate, applications may be limited areally to formation segments which are definitively separated through faults or other barriers from adjoining segments.

Whatever the case, support data from all lands should be furnished to the Suprevisor and to the State, when multiple agencies are involved, in order to provide information without land gaps for the formation being examined. This will permit completed applications to be submitted simultaneously to the appropriate agencies when State or private lands are intermixed with Federal, Indian, or OCS lands.

Operator Requirements for a Formation Designation

The requirements below are for the application and support data to be supplied for designation that a formation is tight. The requirements are drawn from FERC regulation 18 CFR

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271.705. Two copies of the support data are necessary.

All such data shall be supplied, if reasonably available; however, by Office of Management and Budget Guidelines no data can be required which has been submitted before for another purpose. If an operator prefers not to voluntarily submit the data again, he/she shall so indicate that the data by subject matter and date is on file with the Supervisor.

(1) A transmittal letter formally requesting that a given formation or portion of a formation be designated as tight.

(2) A lease or field map showing the areal extent of the formation as appropriate and the areal extent of the application.

(3) A structure map and well cross sections of the formation of interest, in parts, as necessary to be readable.

(4) A list showing all wells which have produced natural gas from the formation, with their locations and formation top depths respectively. Such a listing may be omitted if the required data is entered legibly on the map required under number three above.

(5) Geographical and geological descriptions of the formation, including specific mention of the formation's location and development, rock texture, porosity, homogeneity, pore volume, saturation, thickness, dip, areal limits, and faults and other barriers.

(6) Geological and engineering data, including core analyses, well log interpretations, transient pressure information, well flow tests (before fracing), drill stem tests, and other tests or surveys useful for, and perhaps resulting in, permeability estimation.

(7) The means for determining that development of the formation will not adversely affect freshwater aquifers that may be used for domestic or agricultural water supply.

(8) The name, size, and cost of any currently anticipated treatment or other action considered to be an enhanced recovery technique.

(9) The expected production increase from the enhanced recovery actions above. Also, the data, experiences, and reasoning which lead to such expectations.

(10) An estimate of the average in situ gas permeability throughout the pay section with basic data, calculations, and reasoning. If an average is inappropriate, indicate the permeability by location with calculations and reasoning. If data is lacking, indicate the basis for expecting the permeability to not exceed 0.1 millidarcies.

(11) The expected stabilized production rate prior to stimulation, using the depth table supplied under 18 CFR 271.705.

Operator Requirements for a Well Determination

Once FERC approves a designated formation as tight, an operator may submit a well application for category determination in accordance with 18 CFR 274.205(e). The operator shall file by the guidelines of the Notice to Lessees for Implementation of the NGPA, issued February 14, 1980, and published in the **Federal Register**, February 22, 1980 (45 FR 12136), except for the support data which shall be enclosed with the front page of the Form 9–2009, as follows:

For Section 107(c), High-Cost Natural Gas (Tight Formation). Mark below to indicate the materials reviewed and relevant to the request. Attach accordingly.

In conformance with Office of Management and Budget Guidelines, data of a specific nature such as a Geological Survey form, a directional drilling survey, etc., which has already been submitted to the Supervisor for another purpose, shall not be submitted again as a requirement but may be submitted voluntarily. If such data is not submitted, the applicant shall so indicate below that the data is on file with the Supervisor.

1. Form FERC 121, Application for Determination of Maximum Lawful Price Under the Natural Gas Policy Act. ____
2. A statement that completed copies of Form FERC 121 have been forwarded to the purchaser(s) and to the colessees and/or the working interest owners. ____
3. A statement of certification for each of the supporting documents, except for the conventional Geological Survey agreements and forms already certified. ____
4. Complete a or b as follows:
   a. *New Onshore Wells*
      (1) 2.5-mile test:
      Form 9–330, Well Completion or Recompletion Report and Log. ____
      Directional drilling survey. ____
      A plat locating and identifying the well of interest and any other well within a 2.5-mile radius which produced natural gas after January 1, 1970, and before April 20, 1977. ____
      The oath statement as per 18 CFR 274.202(c)(1). ____
      (2) 1,000 feet deeper test:
      Form 9–330, Well Completion or Recompletion Report and Log. ____
      Directional drilling survey. ____
      A plat locating and identifying the well of interest and any other well within a 2.5-mile radius which produced natural gas after January 1, 1970, and before April 20, 1977, including identification of all marker wells and specific identification of the deeper marker wells which may be critical to the application. ____
      A listing of the deeper marker wells with elevations and completion locations. ____
      The oath statement as per 18 CFR 274.202(c)(2). ____
   b. *New Onshore Production Wells*
      Form 9–330, Well Completion or Recompletion Report and Log. ____
      A plat locating and identifying the well of interest and the outline of the proration unit. Also, identification and explanation of any other wells within the proration unit. ____
      A copy of the State Spacing Order, or, as applicable, the appropriate reference to a State regulation and/or a Federal unit agreement. ____
      For a new well which was spudded on or after February 19, 1977, and drilled as an additional well into an existing proration unit, a copy of the record developed prior to the commencement of drilling (as reasonably possible to do so), with geological and engineering support data included, sufficient to support a finding that the new well is necessary. Also, support data acquired after commencing of drilling, as appropriate. ____
      The oath statement as per 18 CFR 274.204, except for the part under (d)(1). ____
5. A structure map with the well of interest identified as having penetrated the tight formation and being completed within its approved limits ____
6. Well log heading plus a section sufficiently long to clearly define the top and bottom of the designated tight formation and to show the completed interval. ____
7. Additional statements under oath as prescribed by 18 CFR 274.205(e). ____
8. Other: ____

H. William Menard,

Director.

[FR Doc. 80-10414 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Nevada; Amendment and Republication of Proposed Withdrawal

March 28, 1980.

Notice of the Fish and Wildlife Service (formerly the Bureau of Sport Fisheries and Wildlife), Department of the Interior, application for withdrawal of 70,000 acres of public land to expand the Desert National Wildlife Range and to withdraw the entire range from entry under the mining laws, but not the mineral leasing laws was published as **Federal Register** document 74–7022 on page 11316 on March 27, 1974 and document 74–4474 on page 7474 February 26, 1974.

The applicant agency has amended the application to expand the Desert National Wildlife Range by eliminating 6,109 acres from the proposed withdrawal. The public land proposed for withdrawal is now described as follows:

Mount Diablo Meridian, Nevada

T. 8 S., R. 61 E., (partially unsurveyed)
- Secs. 8 and 9, all;
- Sec. 10, W½, W½E½;
- Sec. 14, W½SW¼SW¼;
- Sec. 15, NW¼NE¼NE¼, S½NE¼NE¼, S½NE¼, NW¼NE¼, NW¼, S½;
- Sec. 16 to 22, incl., all;
- Sec. 23, W½NW¼, S½SE¼NW¼, NW¼SE¼NW¼, SW¼;
- Sec. 25, SW¼NW¼, NW¼SW¼, S½SW¼;
- Secs. 26 to 35, incl., all;
- Sec. 36, NW¼NE¼, S½NE¼, NW½, S½.

T. 8 S., R. 62 E.,
- Sec. 31, lots 3, 4, SE¼SW¼.

T. 9 S., R. 62 E.,
- Secs. 10, 11, 14, 15, 22, 23, 26, 27, 34 and 35, those portions lying between the east boundary of the existing Desert National Wildlife Range (D.N.W.R.) to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.

T. 10 S., R. 62 E.,
- Secs. 1, 2, 12, 13 and 24, those portions lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.
- Sec. 11, all;
- Sec. 14, NE¼, NE¼NW¼, SW¼SE¼;
- Sec. 23, SE¼NE¼, W½NE¼, E½SE¼;
- Sec. 25, SW¼SW¼;
- Sec. 36, that portion lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the westerly line of right-of-way of U.S. Highway 93.

T. 11 S., R. 62 E.,
- Sec. 1, that portion lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.

T. 11 S., R. 63 E.,
- Secs. 18, 19, 30 and 31, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.

T. 12 S., R. 63 E.,
- Secs. 6, 7, 18, 19, 29, 30 and 32, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;
- Sec. 31, all.

T. 13 S., R. 63 E.,
- Secs. 5, 8, 17, 20, 28, 29 and 33, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;
- Secs. 6, 7, 18, 19, 30, 31 and 32, all.

T. 13½ S., R. 63 E., (unsurveyed)
- Secs. 31 and 32, all;
- Sec. 33, that portion lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.

T. 14 S., R. 63 E., (unsurveyed)
- Secs. 4, 9, 16, 21, 28 and 33, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;
- Secs. 5 to 8, incl., 17 to 20, incl., 29 to 32, incl., all.

T. 15 S., R. 63 E.,
- Secs. 3, 4, 10, 15, 22, 27 and 34, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;
- Secs. 5 to 9, incl., 16 to 21, incl., 28 to 33, incl., all.

T. 16 S., R. 63 E.,
- Secs. 3, 4, 9, 16, 20, 21, 29 and 32, those portions lying between the east boundary of the D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;
- Secs. 5 to 8, incl., 17, 18, 19, 30 and 31, all.

The lands described aggregate approximately 54,950 acres.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

The applicant agency amended the original proposed withdrawal on July 24, 1974 by deleting 8,940.54 acres from the application. On January 17, 1980 the application was amended again by deleting 6,109.09 acres. All lands deleted from the application are no longer segregated. These amendments reduce the original proposed withdrawal by 15,049.63 acres. A public hearing regarding the original proposed withdrawal was held on July 10, 1974 in Las Vegas.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Division of Technical Services.

[FR Doc. 80-10355 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Contract Negotiations With the Washington Water Power Co. and Boise Cascade Corp.; Intent To Begin Negotiations for Water Service Contracts

The Department of the Interior, through the Water and Power Resources Service, intends to initiate negotiations of terms and conditions for separate 40-year water service water contracts with the Washington Water Power Company (WWP) and Boise Cascade Corporation. The service would be provided from storage available in Franklin D. Roosevelt (FDR) Lake, Washington, which has an active capacity of about 5.2 million acre-feet of water. FDR Lake is formed by Grand Coulee Dam on the Columbia River in Eastern Washington.

WWP needs about 1,000 acre-feet of water per year to operate a proposed 40 megawatt powerplant. The powerplant, located near the town of Kettle Falls, Washington, would be fueled by wood waste, a by-product of sawmills located in the surrounding area. Such fuel would be hauled to the Kettle Falls plant instead of being burned at the sawmills.

Boise Cascade needs about 300 acre-feet of water for use at an existing plywood plant and small log sawmill also located near Kettle Falls. The water is used in a wet scrubber to control air pollution emissions from a fluidized bed waste wood combustor.

Statutory authority for each contract would be section 9(c)(2) of the Reclamation Project Act of 1939. Compliance with the National Environmental Policy Act of 1969 is a prerequisite to executing contracts with each of the entities. The proposed contracts will specify quantities of water, water charges, and other terms and conditions consistent with Reclamation law and Service policy.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and submitted at least 1 week prior to any session. Requests must specify that the requesting party is interested in the proposed contract(s) with WWP or Boise Cascade. Inquiries should be addressed to the Regional Director, Attention Code 440, Water and Power Resources Service, 550 West Fort Street, Box 043, Boise, Idaho 83724.

Proposed draft contracts will be made available for public review following completion of contract negotiations. Thereafter, a 30-day period will be allowed for receipt of written comments from the public. Unless significant public interest in the proposed contract negotiations is demonstrated in response to this notice, announcement of availability of the draft contracts will be limited to those parties who have expressed an interest therein.

All written correspondence concerning the proposed contract will be made pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Mr. Richard Mr. Rigby, Water and Power Resources Service, Repayment and Statistics Branch, Division of Water, Power, and Lands at the above address, or telephone (208) 384–9503.

Dated: March 31, 1980.

David R. Schuster,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-10182 Filed 4-4-80; 8:45 am]

BILLING CODE 4310-09-M

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INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-6968 appearing at page 14673 in the issue for Thursday, March 6, 1980, on page 14682, in the second column, the heading "Volume No. J" should be corrected to read "Volume No. 5".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Applications

Important notice: The following are notices of filing of applications for temporary authority under 49 U.S.C. § 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 21

(Republication)

MC 146808 (Sub-1TA), filed May 8, 1979. Applicant: D & B TRUCKING, INC., d.b.a. ALCO EXPRESS, 4800 West Jefferson, Detroit, MI 48209. Representative: James A. Russo, 4800 West Jefferson, Detroit, MI 48209. By supplemental decision of March 26, 1980, the Motor Carrier Board granted the petition of applicant and approved temporary authority to transport iron and steel articles, between points in the Lower Peninsula of Michigan, restricted to the transportation of shipments having a prior or subsequent movement beyond the State of Michigan. The notice of this application published in the **Federal register** issue of June 26, 1979, inadvertently omitted "iron" from the commodity description, and did not reflect the restriction sought by the applicant. Any interested person may file a petition for reconsideration within 20 days from the publication of this notice. Send petitions for reconsideration to: The Secretary, Team 5, Room 2367, Interstate Commerce Commission, Washington, D.C. 20423.

Notice No. F-15

The following applications were filed in Region 1.

Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 78687 (Sub-1-4TA), filed March 24, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: Lester R. Gutman, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Lumber and forest products,* from Sussex and Dinwiddie Counties and the City of Richmond, VA and Elizabeth City and Weldon, NC to Newark, NJ, points in NY, and points in PA on and east of U.S. Hwy 15. Supporting shipper: Payne & Gunderson Lumber Co., Inc., P.O. Box 1149, Petersburg, VA 23803.

MC 138802 (Sub-1-1TA), filed March 28, 1980. Applicant: SUMMIT TOWN TRANSIT RENTAL, INC., 211 Wilmer Street, P.O. Box 526, Glassboro, NJ 08028. Representative: George Bell, 15A Park Crest Apartments, P.O. Box 526, Glassboro, NJ 08028. *Passengers and baggage, common carrier* over regular routes between Clayton, NJ and Philadelphia, PA over the following route: Commencing at the intersection of NJ Route 47 and Clayton Ave. in Clayton, NJ and traveling north of NJ Route 47 to the intersection of NJ Route 47 and Heston Road in Glassboro, NJ; west on Heston Road to Main Street, then north on Main Street to and over Broadway through Pitman, NJ to Lambs Road; east on Lambs Road to NJ Route 47 in Hurffville, NJ, then north on NJ Route 47 to and over NJ Route 41 to the intersection of NJ Route 41 and County House Road in Deptford Township; west on County House Road to and over Almonesson Road to Clements Bridge Road, then east on Clements Bridge Road to NJ Route 42; north on NJ Route 42 to and over Walt Whitman Bridge into Philadelphia, PA, then south on U.S. Route I-95 to and over South Broad Street into the Philadelphia Naval Shipyard to Porter Street; then south on Porter Street to Seventh Street Terminal; return via same route. Supporting shipper: There are twelve (12) supporting copies attached to application.

MC 148867 (Sub-1-1TA), filed March 28, 1980. Applicant: TRANS-ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman Associates, 36 South Main Street, Sharon, MA 02067. *Contract carrier,* irregular routes, *materials, machinery, equipment and supplies used in the course of providing the services of direct mail advertising and hand distribution advertising* between all points and places in the 48 contiguous U.S. and DC in interstate commerce; restricted to service on behalf of Advo-System, Inc., 239 Service Road, West, Hartford, CT 06101. Supporting shipper: Advo-System, Inc., Hartford, CT.

MC 148607 (Sub-1-1TA), filed February 7, 1980. Applicant: MAIN LINE TRANSPORT, INC., 184 Read Street, Portland, ME 04112. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. *Paper in truckload quantities,* from Jay, ME to Portland, ME. Supporting shipper: International Paper Company in New York City, NY 10017.

MC 150030 (Sub-1-1TA), filed February 7, 1980. Applicant: NICHOLAS POLSELLI, d.b.a. TEMPERATURE CONTROL TRANSPORT, 74 South Street, Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *(1) Meats, smoked, and (2) cured meats in containers in vehicles equipped with mechanical refrigeration,* from the facilities of Colonial Provision Co., Inc., at Boston, MA to points in FL. Supporting shipper: Colonial Provision Co., Inc., Boston, MA 02125.

MC 2860 (Sub-1-5TA), filed March 26, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Gerald S. Duzinski, (same address as applicant) *canned or preserved foodstuffs* from the facilities of Heinz USA at or near Holland, MI to points in the states of VA, MD, DE, NJ, DC, PA, NY, CT, MA, RI, ME, NH, VT, and in each case, restricted to traffic originating at the named facilities and destined to the named states. Supporting shipper: Heinz USA, Division of H. J. Heinz Co., Pittsburgh, PA.

MC 10875 (Sub-1-1TA), filed March 28, 1980. Applicant: BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York NY 10011. Applicant's representative: G. G. Heller (same address as applicant). *Carburetors,* from the facilities of Walbro Corporation at Cass City MI, to the facilities of Homelite Division, Textron Corporation, at Gastonia, NC. Supporting shipper: Homelite Division, Textron Corporation, Gastonia, NC.

MC 144122 (Sub-1-1TA), filed March 19, 1980. Applicant: CARETTA TRUCKING, INC., S 160 Route 17, Paramus, New Jersey 07652. Applicant's representative: Joseph Carretta, President, S 160 Route 17, Paramus, New Jersey 07652. *Cleaning, washing, buffing or polishing compounds, textile softeners, lubricants, hypochlorite solution, deodorants or disinfectants, paints, stains or varnishes. Materials, equipment and supplies used in the distribution, manufacture and sale there.* (Except commodities in bulk) Between points in the United States (Except AK and HI.) Restricted to freight originating at or destined to the facilities of Economic Laboratories Inc. Supporting shipper: Economics Laboratory, Inc., Osborn Blvd., St. Paul, Minn. 55102.

MC 114896 (Sub-1-3TA), filed March 21, 1980. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Applicant's representative: Carl T. Kessler (same address as applicant). *Contract carrier,* over irregular routes, transporting *precious metals,* moving in armored vehicles under armed guard; Between Indianapolis, IN, Chicago, IL and its Commercial Zone, Newark, NJ, Union, NJ and Plainville, MA. Supporting shipper: Logistics Operations, General Motors Corporation, Suite 1300—Top of Troy, 755 West Big Beaver Road, Troy, Michigan 48084.

MC 52574 (Sub-1-1TA), filed March 20, 1980. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Applicant's representative: Michael R. Werner, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier* over irregular routes, transporting *Bakery products,* from Wayne, NJ to Navarre and Martins Ferry, OH, under continuing contract(s) with Drake Bakeries, Division of Borden Company. Supporting shipper: Drakes Bakeries, Division of Borden Company, 75 Demarest Drive, Wayne, NJ 07470.

MC 144428 (Sub-1-1TA), filed March 25, 1980. Applicant: TRUCKADYNE, INC., Route 16, Mendon, MA 01756. Representative: Joseph A. Reed, Pres., Truckadyne, Inc., Route 16, Mendon, MA 01756. *Contract carrier,* irregular routes. *Confectionery, bakery goods, candy, foodstuffs and materials and supplies used in the manufacture, processing, distribution and sale of such commodities (except commodities in bulk).* Between points in CA, CO, CT, FL, GA, IL, MA, MI, MO, NJ, NY, NC, OR, PA, RI, SC, TN, TX, VA, WA, under a continuing contract with Nabisco, Inc. Supporting shipper: Nabisco Confections, Inc., 810 Main Street, Cambridge, MA 02139.

MC 123233 (Sub-1-2TA), filed March 25, 1980. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville d' Anjou, PQ, Canada H1J 1C4. Representative: J. P. Vermette (same address as applicant). *Fish oil, in bulk, in tank vehicles,* from the Ports of Entry on the International Boundary Line between the United States and Canada to Bayway, Elizabeth, Newark and Weehawken, NJ to Salem, Saugus and Somerville, MA; and to Pawtucket, RI. Supporting shippers: Agradex International LTD, 300 ST-Sacrement Street, Montreal, PQ, Canada H2Y 1X4; Wilbur-Ellis Co. of Canada LTD, 701 Evans Ave, Suite 909, Etobicoke, ON, Canada, M9C 1A3; National Sea Foods LTD, P.O. Box 2130, Halifax, NS, Canada B3J 3B7.

MC 144598 (Sub-1-1TA), filed March 25, 1980. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro, MA 04962. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. *Coal,* from PA and WV to points in ME located on and south of Maine State Highway 16. Supporting shipper(s): John P. Cullinan Co., 6 Charles Street, S. Parris, ME 04281.

MC 127524 (Sub-1-1TA), filed March 25, 1980. Applicant: QUADREL BROS. TRUCKING CO, INC., 1603 Hart Street, Rahway, N.J. 07065. Representative: David L. Middleton (same address as above). *Tomato paste in bulk in tank vehicles,* from the facility of Hunt-Wesson Foods, Inc. Bridgeton, N.J. to Hanover, PA and Hunt Valley, MD. Supporting shipper: Hunt-Wesson Foods, Inc. of Fullerton, CA 92634.

MC 61294 (Sub-1-1TA), filed March 20, 1980. Applicant: PEOPLE'S FUEL AND TRUCKING, INC., 73 City Hall Avenue, Gardner, MA 01440. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Coal, anthracite and scrap metals,* in bulk, in dump vehicles, between points in Worcester County, MA, on the one hand, and, on the other, points in RI, CT, NY, NJ and PA. Supporting shippers: Garbonse Metal Company, 155 Mill Street, Gardner, MA 01440; Seaman Paper Company, Main Street, Otter River, MA 01436 and, Farmers' Exchange, 15 Elm Street, Townsend, MA 01469

MC 73866 (Sub-1-1TA), filed March 24, 1980. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, CT 06852. Representative: Winthrop E. DeLapp (same address as above). *Liquor, malt, ale, beer, beer tonic, porter, stout, in inner containers, in boxes, in bulk, in barrels or drums,* from Merrimack, NH, on the one hand, to, on the other hand, Hartford, Wallingford, West Haven, and Orange, CT. Supporting shipper: Dichello Distributors, Inc. of West Haven, CT.

MC 150384 (Sub-1-1TA), filed March 25, 1980. Applicant: AVON DISPATCH, INC., 240 Ash Street, Reading, MA. 01867. Representative: Joseph T. Bambrick, Jr. Esq., P.O. Box 2087, Sebastian, FL 32958. (1) *Uncrated office machine and equipment* (2) *Materials, supplies and parts used in the manufacture,installation, and distribution of the commodities named in (1) above,* Between points in CT, ME, MA, NH, RI, and VT. Supporting shipper: Burroughs Corporation of Lexington, MA, A.B. Dick Company of Waltham, MA, Vydec, Inc., of MA.

MC 134197 (Sub-1-1TA), filed March 25, 1980. Applicant: JACKSON AND JOHNSON, INC., Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice PK, Webster, NY 14580. *Foodstuffs* (except in bulk), *materials, supplies, and equipment used in the distribution thereof,* in straight or mixed shipments, between the facilities of Lincoln Foods, Inc., at Lawrence, MA; on the one hand, and, on the other, all points in NY State. Supporting shipper: Lincoln Foods, Inc. of Lawrence, Mass.

MC 112750 (Sub-1-2TA), filed March 25, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11042. Representative: Elizabeth L. Henoch (same address as Applicant). *Contract,* irregular *Commercial Papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between DeFuniak Springs, AL, on the one hand,

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and, on the other, Mobile, AL. Supporting shipper: Financial Data Center of Mobile, 2248 Michigan Avenue, Mobile, AL 36615.

MC 59640 (Sub-1-2), filed March 24, 1980. Applicant: PAULS TRUCKING CORP., Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Contract carrier,* irregular routes, *Chemicals, acids, drugs, medicines, toilet preparations, shampoo, animal feeds, sugar, and printed matter (except commodities in bulk),* between Nutley and Belvidere, NJ, on the one hand, and, on the other, Decatur, GA; Dallas and Fort Worth, TX; San Leandro, Fresno, Lyoth, Los Angeles, and Bell, CA; Des Plains, IL; and Ames, IA, under a continuing contract(s) with Hoffmann-LaRoche, Inc., Nutley, NJ. Supporting shipper: Hoffmann-LaRoche, Inc., Nutley, NJ.

MC 129913 (Sub-1-1TA), filed March 25, 1980. Applicant: W. C. DEAN SR. TRUCKING, INC., 495 South Road, Poughkeepsie, New York 12601. Representative: Neil D. Breslin, Egquire, Garry, Cahill, Edmounds and Breslin, 600 Broadway, Albany, New York 12707, 518-465-3391. *Contract carrier.* Irregular routes. *Battery trailers, diesel engines, batteries, central office equipment, generators, traliers, and materials and supplies,* between Greenwich, CT, on the one hand, and, on the other, all points in the following counties in New York State: Dutchess, Greene, Orange, Sullivan, Ulster, Columbia, Delaware, Putnam, Rockland, Westchester, Queens, Suffolk, and Nassau, under a continuing contract with New York Telephne Company, 500 Westchester Avenue, White Plains, New York 10604. Supporting shipper: New York Telephone Co., White Plains, NY.

MC 148890 (Sub-1-1TA), filed March 25, 1980. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Road, Bronx, New York 10469. Representative: Ronald Shapss, Esq., 450 Seventh Avenue, New York, N.Y. 10001. *Contract carrier,* Irregular routes, *Coin and Currency,* between New York, N.Y. on the one hand, and, on the other, points in Morris, Somerset, Sussex, Warren and Hunterdon Counties, N.J., under a continuing contract with the Federal Reserve Bank of New York. Supporting shipper: Federal Reserve Bank of New York, New York, NY.

MC 147524 (Sub-1-1TA), filed March 11, 1980. Applicant: SINED LEASING, INC., 108 High Street, Mt. Holly, NJ 08060. Representative: Frank L. Newburger, III, Esquire, White and Williams, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. *Products derived from corn and blends containing products derived from corn, in bulk,* From Clinton, IA; Lexington, NC; Frazier, PA; Chicago, IL ; Montezuma, NY. To Points in WI, IL, MI, IN, OH, PA NY, NJ, CT, RI, MA, NH, VT, DE, MD, VA, DC, WV, NC, SC, GA, KY, FL and TN. Supporting shipper: Clinton Corn Processing Company, Clinton, IA 52732.

MC 148963 (Sub-1-1TA), filed March 21, 1980. Applicant: MR. LAKHU JETHANI, an individual d.b.a. RAVI TRANSPORT, 42-55 Colden Street, Flushing, New York 11355. Applicant's Representative: Mr. Lakhu Jethani, 42-55 Colden Street, Flushing, New York 11355. *Passengers and their baggage,* in special (or charter) operations in round-trip sightseeing, pleasure, and educational tours, beginning and ending at points in NYC, NY and extending to points in NY, NJ, PA, MD, IL and FL.

MC 145115F (Sub-1-1TA), filed March 19, 1980. Applicant: N.Y. N.J., CONN., FREIGHT & MESSENGER CORP., 351 West 38th Street, New York, New York 10001. Representative: Ronald L Shapss, Esq., 450 Seventh Avenue, New York, New York 10001. *Such merchandise as is dealt in by retail department stores.* Between the New York, NY commercial zone and the Los Angeles, CA, commercial zone, on the one hand, and, on the other, Portland, OR. Under contract with Meier & Frank, Inc. Supporting shipper: Meier & Frank, Inc.

MC 147242 (Sub-1-1TA), filed March 21, 1980. Applicant: 12-90 PLAZA CORP. t.a., PLAZA FREIGHT TRANSPORT, 12-90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, Esq., 888 Seventh Avenue, New York, NY 10019. *Contract carrier:* irregular routes: *Cleaning compounds, chelates, chemicals and dyestuffs o/t coal tar; drugs, medicines, toilet preparations, deodorants and disinfectants; herbicides and insecticides, agricultural and o/t agricultural; plastics, resins and paints and photographic paper and film* between points in NJ, NY and RI on the one hand and, on the other, points in CA, IL, KS, MI, MO, OR and TX. Supporting shipper: Ciba-Geigy Corporation, Ardsely, NY 10502.

MC 60186 (Sub-1-1TA), filed March 24, 1980. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Ct. 06066. Representative: Clifford J. O. Nelson (same address as applicant). *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles and those requiring special equipment.) Between Alexandria, VA and its Commercial Zone, on the one hand, and on the other, points in DE, MD, NY, PA and VT. Restricted to the transportation of shipments having a prior or subsequent movement by rail. Supporting shippers: There are 8 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 150238 (Sub-1-1TA), filed March 20, 1980. Applicant: ARTHUR MOODY d.b.a. S.W.D. TRANS., Main Street, P.O. Box 731, Southwest Harbor, ME 04679. Representative: Mr. Arthur Moody, (same as above applicant). *Contract carrier* irregular routes *commodities for recycling* (glass, plastic, scrap aluminum, scrap metal and paper products) shipped whole, crushed, shredded, baled or flatened under a bilateral contract with E.M.R., Inc., from Southwest Harbor, Me, to Dayville, CT, Taylor, MI, Atwood, IN, Johnsonville, SC, and Cranston, RI. Supporting shipper: E.M.R., Inc. Southwest Harbor, ME.

MC 141245 (Sub-1-1TA), filed March 24, 1980. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington VT 05401. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington D.C. 20006. *Calcium Chloride,* in 100# bags and in bulk from the Facilities of Allied Chemical Corp. at or near Solvay NY to points in Vermont and New Hampshire. Supporting shipper: James J. Lowe, Sales Broker 68 Fairfield Street St. Albans VT 05478.

MC 118803 (Sub-1-1TA), filed March 19, 1980. Applicant: ATLANTIC TRUCK LINES, INC., 45 Gilpin Avenue, Hauppauge, NY 11787. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract,* irregular, *Dry plastic materials,* except in bulk, and *materials, supplies and equipment* used in the manufacture, distribution and sale thereof, except in bulk, (1) between points in IA, IL, NJ, NY, OH, and WV, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK and TX, and (2) between points in TX and LA, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, AR and LA. Supporting shipper(s): Polymer Materials div. of Georgia-Pacific Corporation, 100-120 Adams Blvd., Farmingdale, NY 11735. Send protests to: ICC Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 139349 (Sub-1-2TA), filed March 18, 1980. Applicant: E Z FREIGHT LINES, 70 E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. A *contract carrier,* irregular route transporting: *Foodstuffs, Health & Beauty Aids, cleaning compounds, kitchen gadgets, dog food, coffee, milk, tea, candy, nuts* and *cookies,* from Chicago, IL to points in AL, CT, GA, MD, MA, MS, NY, NC, OH, and PA under a continuing contract with Topco Associates, Inc. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 119552 (Sub-1-1TA), filed March 21, 1980. Applicant: JTL, INC., 49 Rosedale Street, Providence, RI 02903. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, NW, Washington, DC 20036. *Contract carrier,* irregular routes, *Paper* and *paper products,* and *material, equipment* and *supplies* used in the manufacture and distribution of paper and paper products, between Dallas, TX, on the one hand, and, on the other, AR, AL, CA, CO, CT, FL, IL, KS, LA, MD, MI, MS, MO, NM, OK, TN, and UT. Restriction: The operations authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts with Simkins Industries, Inc. Supporting shipper: Simkins Industries, Inc.

MC 150290 (Sub-1-2TA), filed March 17, 1980. Applicant: MIDLAND TRANSPORTATION CO., INC., 72 West 45th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Lighting fixtures,* and *lamps, plastic articles, and materials, equipment, and supplies* used in the manufacture and sale thereof, except in bulk between Fairlawn, Clifton, North Bergen, and Secaucus, NJ, New York, NY, Elk Grove, IL, and Warren, OH, on the one hand, and, on the other, points in CA, GA, IL, IN, KY, MA, OH, PA, RI and TX. Supporting shipper(s): Duro Test Corporation, Duro Tite Corporation and Tungsten Products Corporation, 2321 Kennedy Boulevard, North Bergen, NJ 07047.

MC 78687 (Sub-1-4TA), filed March 24, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: Lester R. Gutman, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Lumber and forest products,* from Sussex and Dinwiddie Counties and the City of Richmond, VA and Elizabeth City and Weldon, NC to Newark, NJ, points in NY, and points in PA on and east of U.S. Hwy 15. Supporting shipper: Payne & Gunderson Lumber Co., Inc., P.O. Box 1149, Petersburg, VA 23803.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 150349 (Sub-II-1TA), filed March 20, 1980. Applicant: A & A TRUCKING CO., INC., 1013 Huron Trail, Jamestown, OH 45335. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. *Contract carrier:* irregular routes: *Paint, paint ingredients and materials, putty, caulking and glazing compounds, adheasive cement and glue (Except in bulk in tank vehicles), and adhesive tape,* between Dayton, OH, and Michigan City, IN, under a continuing contract with Dap, Inc., Dayton, OH. An underlying ETA seeks 90 days authority. Supporting shipper: Dap, Inc., 5300 Huberville Rd., Dayton, OH 45431.

MC 124111 (Sub-2-3TA), filed March 17, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *General commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between the facilities of Circle Airfreight Corp. at Romulus, MI, and the facilities of Pan Am Airlines at Jamaica, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Circle Airfreight Corp., 6930 Metroplex Dr., Romulus, MI.

MC 52614 (Sub-II-1TA), filed March 20, 1980. Applicant: R. S. POWELL, INC., P.O. Box 338, Madison Heights, VA 24572. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract;* irregular: *Cast iron pipe, fittings and accessories,* from Radford, VA to pts. in MC, SC, GA, WV, TN and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Griffin Pipe Products Co. 2000 Spring Rd., Oak Brook, IL 60521.

MC 27817 (Sub-2-1TA), filed October 3, 1979. Applicant: H.C. GABLER, INC., Rd 3, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Paper bags, NOI,* from Charleston, SC to Baltimore, MD; Philadelphia, PA; New York, NY; and Boston, MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amstar Corp., 1251 Avenue of Americas, New York, NY 10020.

MC 69052 (Sub-II-3TA), filed March 20, 1980. Applicant: REED TRUCKING CO., INC., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Avenue & 13th St., N.W., Washington, D.C. 20004. *Flour (except in bulk),* from Buffalo, NY, to pts. in Wicomico and Worcester Counties, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Robinson Chemical Corp., P.O. Box 264, Cambridge, MD 21613.

MC 114569 (Sub-II-17TA), filed March 21, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Charcoal briquettes,* (1) From Salem (Howes), MO, to IL, IN, OH, and MI, (2) From Kenbridge, VA to DC, MD, PA, NY; and NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cupples Co. Mfrs., 1034 South Brentwood Blvd. Suite 1660, St. Louis, MO 63117.

MC 11569 (Sub-II-16TA), filed March 21, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Foodstuffs,* from Lodi, Green Bay, Eau Claire, WI to the facilities of Weis Markets, Inc. in Northumberland County, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weis Markets, Inc., 1000 South 2nd St., Sunbury, PA 17801.

MC 146032 (Sub-II-1TA), filed March 20, 1980. Applicant: SKYCAB, INC., 137 N. 4th St., Phila., PA 19106. Representative: Steven Tannenbaum, 133 N. 4th St., Phila., PA 19106. *Medical test kits, (except in bulk),* between the facilities of Roche Diagnostics at Belleville, NJ and points in the US (an non-radial authority), for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic moving on Bills of lading of Roche Diagnostics. Supporting shipper(s): Roche Diagnostics, 1 Franklin Ave., Belleville, NJ 07109.

MC 94265 (Sub-2-5TA), filed March 20, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rte. 460 W., Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs,* from the facilities used by Seabrook Foods, Inc., at or near Alamo and Brownsville, TX, to the facilities used by Seabrook Foods, Inc., at points in GA, for 180 days. Supporting shipper(s): Seabrook Foods, Inc., 111 N. 7th St., Alamo, TX 78516.

MC 94265 (Sub-2-6TA), filed March 20, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs,* from facilities of and used by Texsun Corp. at or near Weslaco, TX to points in AR, AL, CO, IL, IN, KS, KY, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN and WI for 180 days. Supporting shipper(s): Texsun

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Corp., 800 West Highway 83, Weslaco, TX 78596.

MC 110683 (Sub-169TA), filed December 5, 1979, originally published in the **Federal Register** of January 28, 1980. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, VA 24401. Representative: W. D. Kirkpatrick (same as applicant) and Francis W. McInerny, 1000 16th St., NW., Washington, D.C. 20036. *Common; regular: General commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment* Between Des Moines, IA, and Springfield, MO, serving no intermediate points: From Des Moines over U.S. Hwy 65 to Springfield and return over the same route. Between Davenport, IA, and Springfield, MO, serving all intermediate points in Iowa: From Davenport over U.S. Hwy 61 to its junction with MO Hwy 19, then over MO Hwy 19 to its junction with U.S. Hwy 54, then over U.S. Hwy 54 to its junction with MO Hwy 73, then over MO Hwy 73 to its junction with MO Hwy 32, then over MO Hwy 32 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to Springfield and return over the same route. Between Paducah, KY, and Springfield, MO, serving no intermediate points: From Paducah over U.S. Hwy 60 to Springfield and return over the same route. Between Paducah, KY, and Little Rock, AR, serving no intermediate points: From Paducah over U.S. hwy 60 to its junction with U.S. Hwy 67, then over U.S. Hwy 67 to Little Rock and return over the same route. Supporting shipper(s): There are 31 supporting shippers. Their statements may be examined at the ICC regional office in Philadelphia, PA. The purpose of this re-publication is to show the entire scope of authority requested which was published incorrectly in the first publication.

Note.—No duplicating authority sought. Tacking and interlining is intended. This application is directly related to MC-F-14155.

MC 113666 (Sub-168TA), filed October 24, 1979. Originally published in the **Federal Register** of March 12, 1980. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: Daniel R. Smetanick (same as applicant). *Grouting compounds, materials and supplies used in the production and installation of grouting compounds, except in bulk,* between Cincinnati, OH and Pekin, IL, on the one hand and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: U.S. Grout Corp., 3 West End Ave., Old Greenwich, CT 06870. The purpose of the re-publication is to show the correct destination which was previously published incorrectly.

MC 114989 (Sub-2-1TA), filed February 21, 1980. Originally published in the **Federal Register** of March 12, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, OH 45150. Representative: James M. Roudebush (same as applicant). *Fertilizer and fertilizer ingredients, in bulk and in bags,* from Terre Haute, IN to points in KY and IL; on and South of U.S. Rt. 40, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Estech General Chemicals Corp., 30 N. LaSalle St., Chicago, IL 62202. The purpose of this re-publication is to show the correct destination points which were previously published incorrectly.

MC 143267 (Sub-98TA), filed November 9, 1980. Originally published in the **Federal Register** of March 19, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156–15th St., NW, Washington, DC 20005. *Metal buildings, prefabricated building parts and materials and accessories used in the manufacture and installation there* (1) from the facilities of National Steel Products Co., Inc., at or near Monroe, LA, to points in the U.S. in and east of WI, IL, MO, AR, and LA; (2) from Ashland, KY, Baltimore and Sparrows Point, MD, Ecorse and Detroit, MI, Weirton, WV, Chicago, Alton, East St. Louis and Granite City, IL, St. Louis, MO, and Middletown, OH, to the facilities of National Steel Products Co., Inc., at or near Terre Haute, IN, and La Grange, GA, and (3) from Weirton, WV, Chicago and Granite City, IL, and Murrysville, PA, to the facilities of National Steel Proaducts Co., Inc., at or near Monroe, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: National Steel Products Co., Inc., P.O. Box 40490, Houston, TX 77040. The purpose of this re-publication is to show the correct destination points which were partially omitted in the first publication.

MC 562446 (Sub-2-1TA), filed February 15, 1980. Originally published in the **Federal Register** of March 12, 1980. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 N. 3rd St., P.O. Box 1146, Harrisburg, PA 17108. (1) *Automotive steering assemblies and parts,* and *(2) materials, supplies and equipment used in connection with or incidental to the manufacturing or distribution of said commodities (except in bulk),* between the facilities of R. H. Sheppard Co., Inc., at Hanover, PA and points in its commercial zone, on the one hand and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MO, NH, NJ, OH, PA, RI, TN, VA, VT, and WV. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, for 180 days. Supporting shipper: R. H. Sheppard Co., Inc., 101 Philadelphia St., Hanover, PA 17331. The purpose of this re-publication is to show the restriction which was originally published incorrectly.

MC 145870 (Sub-2-3TA), filed March 19, 1980. Applicant: L-}-R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. *Mining and construction machinery and equipment, and parts therefor* between points in AL, GA, IL, IN, KY, MD, NC, OH, PA, SC, TN, VA, and WV. Restricted to transportation of traffic moving between the plantsites, storage facilities and job-sites of Coalfield Services, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Coalfield Services, Inc., Rt. #1, Box 31 N, Wytheville, VA 24382.

MC 107403 (Sub-2-14TA), filed March 19, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave. Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquied argon, in bulk, in shipper-owned trailers,* from Provo, UT to points in ID, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Liquid Air, Inc., One Embarcadero Center, Suite 1200, San Francisco, CA 94111.

MC 145125 (Sub-2-1TA), filed March 19, 1980. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., 109 Electric Ave., Lewistown, PA 17044. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Extruded aluminum products.* from the facilities of Cressona Aluminum Co. at or near Cressona, PA to Phoenix, AZ and points in the commercial zone thereof. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cressona Aluminum Co. Cressona, PA 17929.

MC 113828 (Sub-II-6TA), filed March 21, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Sodium silicate* from Chester, PA to pts. in CT, DE, MA, DC, MD, NJ, and NY for 180 days. Supporting shipper(s): PQ Corp., P.O. Box 840, Valley Forge, PA 19482.

MC 111611 (Sub-II-2TA), filed March 21, 1980. Applicant: NOERR MOTOR FRIEGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Products and materials manufactured and/or distributed by FMC Corporation from its facilities at Newark, DE and/or Downingtown, PA* from the facilities of FMC Corporation at Downingtown, PA and/or Newark, DE to CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FMC Corp., Prudential Plaza, Chicago, IL 60691.

MC 150406 (Sub-II-1TA), filed March 24, 1980.. Applicant: MOTOR DRAYAGE CO., INC., 5215 Salem Hills Ln., Cincinnati, OH 45230. Representative: Ronald J. Denicola, 1800 First National Bank Bldg., Cincinnati, OH 45202. *Contract; Irregular: Valve, valve parts and rough castings* from Cincinnati, OH to pts. in the U.S. for 180 days. Supporting shipper: Wm Powell Co., 2503 Spring Grove Ave., Cincinnati, OH 45214.

MC 150407 (Sub-II-1-TA), filed March 24, 1980. Applicant: SPECIAL SERVICE DELIVERY COMPANY, INC., 2514 Bridge Ave., Cleveland, Ohio 44113. Representative: David A. Turano, 100 East Broad St., Columbus, Ohio 43215. (1) *such commodities as are dealt in or used by manufacturers of photographic products (except commodities in bulk) and (2) cleaning compounds, toilet preparations, cosmetics, jewelry, food supplements, cooking utensils, and household and personal care products (except commodities in bulk)* between Cleveland, Columbus and Toledo, OH, and points in their respective commercial zones, on the one hand, and, on the other, points in OH. for 180 days. Restricted to traffic having a prior or subsequent movement in interstate commerce. An underlying ETA seeks 90 days authority. Supporting shippers: Eastman Kodak Company 1187 Ridge Road West, Rochester, NY 14650. Amway Corporation, 7575 East Fulton Rd., Ada, MI 49355.

MC 135170 (Sub-II-1-TA), filed March 24, 1980. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract Carrier, Irregular Route:* (1) *Containers, Paper and Paper Articles, and Plastic Articles,* from Hartsville, SC to points in VA, and (2) *Scrap Paper,* from points in VA to Hartsville, SC, under a continuing contract or contracts with Sonoco Products Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Sonoco Products Company, Hartsville, SC 29550.

MC 109124 (Sub-II-1-TA), filed March 24, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad, St., Suite 1800, Columbus, OH 43215. *Lime, limestone and limestone products, high temperature bonding mortar and roasted dolomite,* from Sandusky County, OH to points in AR, FL, MS, NC, and SC, for 180 days. Supporting shipper: Martine Marietta Chemicals, Refractories Division, Executive Plaza II, Hunt Valley, MD 21030.

MC 8958 (Sub-2-6-TA), filed March 24, 1980. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, OH 44591. Representative: Philip Cianciolo 825 West Federal St., Youngstown, OH 44501. *Cold Rolled Specialty Steel VIZ: Band and/or Strip Steel, Box and/or Steel Strapping,* Between the facilities of the Stanley Works, Inc. at New Britain, CT and points in AL, FL, GA, MS, NC, SC, TN, TX and VA for 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): The Stanley Works, P.O. Box 1800, New Britain, CT 06050.

MC 8771 (Sub-II-3-TA), filed March 26, 1980. Applicant: SM TRANSPORT INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John Sims, Jr., 915 Pennsylvania Building, 425 13th St., N.W., Washington, DC 20004. *Cranes, traveling, storage racks, and parts and accessories thereof,* from Mendota, IL to points in CT, DE, DC, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, PA, RI, TN, VT, and VA. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heico Inc., Mendota, IL 61342.

MC 121420 (Sub-II-1TA), filed March 21, 1980. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, OH 44406. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Coal,* in bulk, in dump vehicles, from Mahoning Creek Mine, Armstrong City, PA to points in OH (including Brookpark, Canton, Cleveland, Grand River, Lima, Lorain, Sandusky and Walton Hills), and those points in NY on and west of a line beginning at the PA–NY state line and extending over U.S. Highway 11 to junction NY Highway 13, and then over NY Highway 13 to Lake Ontario, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sharon Steel Corporation, Carpentertown Coal & Coke Co., P.O.B. 291, Sharon, PA 16146.

MC 150390 (Sub-II-1TA), filed March 24, 1980. Applicant: JAMES R. COLLINS d/b/a, J & J TRUCKING COMPANY, Route 2, Box 148, Boonsboro, MD 21713. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Contract carrier, irregular routes, (1) *Bagged cement,* from Security, MD and its commercial zone to points in DC and VA; (2) *Stone dust,* from Frederick, MD and its commercial zone to Herndon, VA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cherrydale Cement Block Company, 220 Spring Street, P.O. Box 687, Herndon, VA 22070.

The following applications were filed in Region 5. Send protests to: Consumer Assistant Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

MC 22509 (Sub-5-5TA), filed March 28, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, Missouri 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, Missouri 64196. *Containers and container ends,* between St. Paul, MN and Burlington, WI, and points and places in the states of IA, NE, KS and MO. Supporting shippers: Foster Forbes Glass Co., E. Charles Street, Marion, IN 46952; National Can Corporation, 6101 West Higgins Road, Chicago, IL 60631; St. Joseph Packaging, Inc., 4515 Easton Road, St. Joseph, MO 64503; Hoover-Universal, Inc., 9939 Widmer Road, Lenexa, KS 66215; Continental Can Co., 10050 Regency Circle, Omaha, NE 68114; American Can Co., American Lane, Greenwich, CT 06830.

MC 40757 (Sub-5-1TA), filed March 17, 1980. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, Missouri 63379. Representative: Richard A. Mehley, 1000–16th Street, NW, Washington, D.C. 20036. Common; Regular. *General commodities (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* between Troy, MO and Kansas City, MO–KS, from Troy over U.S. Hwy 61 to junction with Interstate Hwy 70 to Kansas City, MO–KS, or from Troy over MO Hwy 47 to junction with Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, MO–KS, and return over the same routes, serving no intermediate points and serving Bowling Green, Clarksville, Elsberry, Foley,

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Louisiana, Old Monroe, Vandalia, Farber, and Winfield, MO as off-route points in connection with the sought regular route authority and applicant's existing regular route authority. Supporting shippers: There are 23 supporting shippers.

MC 83835 (R5–1TA), filed March 25, 1980. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237 (214) 339–4106. *Oilfield and earth drilling equipment, materials, and supplies.* From Memphis, TN to points in TX, restricted to shipments destined to the drilling sites and assembly sites of Trans-Tex Energy. Supporting shipper: Trans-Tex Energy, Inc., 12700 Park Central Place, Suite #1202, Dallas, TX 75251.

MC 105566 (Sub-5–3TA), filed March 28, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, Missouri 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Virginia 22150. *Such commodities as are dealt in or used by manufacturers of glass containers, glassware, closures, plastic articles, chinaware and hardware (except in bulk in tank or hopper vehicles),* from, to or between the facilities of Anchor Hocking Corporation in CA, FL, TX, IL, IN, MD, MA, NV, OH, PA, and WV on the one hand, and, on the other, all points in the United States except AL and HI. Supporting shipper: Anchor Hocking Corporation, 109 North Broad St., Lancaster, OH 43130.

MC 105984 (Sub-5–1TA), filed March 27, 1980. Applicant: JOHN B. BARBOUR TRUCKING CO., Post Office Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Iron and steel articles and pipe.* From the facilities of Maverick Tube Corporation at or near Union, MO to points in OK, TX and CO. Supporting shipper: Maverick Tube Corporation, 311 N. Lindbergh Blvd., St. Louis MO 63141.

MC 106398 (Sub-5–9TA), filed March 27, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Metal products* from the facilities of Birmingham Ornamental Iron Company at Birmingham, AL to points in the state of PA. Supporting shipper: Birmingham Ornamental Iron Company, P.O. Box 1357, Birmingham, AL.

MC 106398 (Sub-5–10TA), filed March 27, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Iron and steel products* from the facilities of Cicero Wire Rod Company at Syracuse, New York to points in AZ, MO, TX, and NC. Supporting shipper: Cicero Wire Rod Company, P.O. Box 2869, Syracuse, NY.

MC 106398 (Sub-5–12), filed March 28, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Iron and steel articles from:* Ashville, AL to: Points in OH, PA, NY, NJ, KY, NC, SC, GA, IL, MO, TN, FL, MS and MN. Supporting shipper: Dietrich Industries, P.O. Box 400, Ashville, AL.

MC 106207 (Sub-5–4TA), filed March 27, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M.W. Smith (same address as applicant). *Canned and bottled foodstuffs, in vehicles equipped with mechanical refrigeration,* from Cade and Lozes, LA to points in IL and IN. Supporting shipper: Bruce Foods, P.O. Box 1030, New Iberia, LA 70560.

MC 111231 (Sub-5–4TA), filed March 27, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Iron and steel articles including steel tubing,* from the facilities of the Bull Moose Tubing Company at or near Gerald, MO, to the facilities of Huffy Corporation in Ponca City, OK. Supporting shipper: Huffy Corporation, 3305 N. 14th Street, Ponca City, OK 74601.

MC 114211 (Sub-5–7TA), filed March 28, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. *Such commodities as are manufactured, distributed, dealt in, or used by manufacturers, distributors or dealers of agricultural, construction, and industrial machinery and equipment, and parts, accessories, and attachments for such commodities,* between Claremore, OK, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Parham Industries, Inc., 903 West Blue Star, Claremore, OK 74017.

MC 117765 (Sub-5–2TA), filed March 28, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R.E. Hagan (same address as applicant. *Petroleum products, in containers,* from Eldorado, KS to AR, CO, LA, NM, OK, TX and WY. Supporting shipper: Getty Refining and Marketing Co., P.O. Box 1650, Tulsa, OK 74102.

MC 118292 (Sub-5–1TA), filed March 21, 1980. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. Common; Irregular. *Frozen Foods,* from Minneapolis, MN to points in MO, AR, OK, LA, and TX. Supporting shipper: Northern Star Company, 3171 Southeast 5th Street, Minneapolis, MN 55414.

MC 119399 (Sub-5–5TA), filed March 28, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara, 2900 Davis Boulevard, Joplin, MO 64801. *Corrugated fibreboard partitions, KDF,* from the facilities of Four-M Corporation at North Kansas City, MO to Ada, Henryetta, Muskogee, Okmulgee, Sand Springs, and Sapulpa, OK. Supporting shipper: Four-M Corporation; 600 East 16th Avenue; North Kansas City, MO 64116.

MC 119399 (Sub-5–6TA), filed March 28, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara, (same as applicant). *Glassware,* from the facilities of Bartlett-Collins Company, Sapulpa, OK to New Orleans, LA to points in AR south of interstate Hwy 40 (except Little Rock and Fort Smith, AR and their commercial zones), and to points in TX east of U.S. Hwy 75 and interstate Hwy 45 (except Dallas and Houston, TX and their commercial zones). Supporting shipper: Bartlett-Collins Company; P.O. Box 1288; Sapulpa, OK.

MC 119493 (Sub-5–11TA), filed March 27, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Such commodities as are dealt in by wholesale and retail discount or variety stores (except commodities in bulk)* from points in the U.S. (except AK and HI) to facilities of Wal-Mart Stores, Inc. in AL, IL, KY, KS, LA, MO, MS, OK, TN, and TX. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 119493 (Sub-5–12TA), filed March 27, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas

D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. *Canned and preserved foodstuffs (except commodities in bulk)* from: facilities of Woldert Canning Co. at or near Lindale, TX to: AL, AR, FL, GA, KY, LA, MO, MS, NC, OK, SC, and TN. Supporting shipper: Chris Woldert, Woldert Canning Co., P.O. Box 1140, Tyler, TX 75710.

MC 119789 (Sub-5–9TA), filed March 28, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Nebold, P.O. Box 226188, Dallas, TX 75266. *Urea Molding Compound,* from Dallas, TX to Del Rio, TX. Supporting shipper: Plastics Manufacturing Co., 2700 South Westmoreland Avenue, Dallas, TX 75223.

MC 120031 (Sub-5–1TA), filed March 28, 1980. Applicant: WOODARD TRUCKING COMPANY, INC., 1273 Sheffield, Houston, Texas 77015. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, Texas 77002. *Iron or steel reenforcing bar* from the facilities of Bethlehem Steel Corporation at Jacintoport Terminal in Houston, TX, to points in AR. Supporting shipper: Bethlehem Steel Corporation, P.O. Box 2966, Houston, TX 77001.

MC 120633 (Sub-5–1TA), filed March 28, 1980. Applicant: SPECIALIZED CARRIERS, INC., d.b.a. KISZKIEL TRUCKING, 7119 Wright Road, Houston, Texas 77041. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, Texas 77002. *Iron and steel articles and machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products* between points in TX, on the one hand, and, on the other, points in LA and OK. Supporting shippers: Ken Wind Company, 1225 Brittmoore, Houston, TX; Gulf Lab & Supply, 3223 Smith, Houston, TX; Pyramid Mfg. Co., P.O. Box 38660, Houston, TX; M. G. Maher & Co., Inc., 609 Fannin, Houston, TX 77042; and The Superior Oil Co., P.O. Box 1521, Houston, TX 77001.

MC 133591 (Sub-5–1TA), filed March 28, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Paper and paper products,* from the facilities of Potlatch Corporation at Lewiston, ID, to points in TX. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, ID 83501.

MC 135007 (Sub-5–3TA), filed March 21, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebraska 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. Contract, irregular: *chemicals* from points in CA, KY, WY, MT, IL, KS and TX to the facilities utilized by Thompson-Hayward Chemical Company at Omaha, NE. Supporting shipper: Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, KS 66106.

MC 135797 (Sub-5–18TA), filed March 28, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. (1) *Such commodities as are dealt in by manufacturers and distributors of swimming pools and swimming pool components, and* (2) *Materials, equipment and supplies utilized in the manufacturing and distribution of the commodities named in (1) above.* Between East Greenwich, RI and Atlanta, GA; Burlington, Robeling and Boundbrook, NJ; Petersburg, VA; Marietta, OH and Arlington, TN. Supporting shipper: Weatherking Pools, 1485 South County Trail, East Greenwich, RI 02818.

MC 135797 (Sub-5–20TA), filed March 28, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Wood shavings (except in bulk).* From Laramie, WY to points in the United States (except AK and HI). Supporting shipper: Willis Products, Inc. 268 Orphum Bldg., Sioux City, IA 51101.

MC 135797 (Sub-5–21TA), filed March 28, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Plastic articles (except in bulk).* Between points in and east of MN, IA, NE, KS, OK and TX. Restricted to shipments for the account of Nycel, Inc. Supporting shipper: Nycel, Inc., 600 Prospect, Piscataway, NJ 08854.

MC 135861 (Sub-5–7TA), filed March 28, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides and commodities in bulk in tank vehicles), from Dodge City, KS to points in the US (except AK & HI). Supporting shipper: Hyplains Dressed Beef, Inc., Dodge City, KS.

MC 136220 (Sub-5–2TA), filed March 27, 1980. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. *Ferroalloys,* in bulk, in dump vehicles, from Theodore, AL, to Houston, TX. Supporting shipper(s): Autlan Metals International Co., 4710 Bellaire Blvd., Bellaire, TX 77401.

MC 136220 (Sub-5–3TA), filed March 27, 1980. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, OK 73036. *Clay,* in bulk, in dump vehicles, from the facilities of Stauffer Chemical Company at Little Rock, AR to the facilities of Stauffer Chemical Company at Springhill, LA. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880.

MC 136786 (Sub-5–13TA), filed March 28, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Commodities dealt in by retail and wholesale grocery warehouses and stores (except commodities in bulk)* from the facilities of Hunt-Wesson Foods, Inc., located in the Chicago, IL Commercial Zone to points in IL, IN, and KY. Supporting shipper: Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, OH 43460.

MC 136786 (Sub-5–14TA), filed March 28, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Canned goods* (1) from the facilities of Joan of Arc Company, at or near Hoopeston, Princeville, IL and Turkey, NC, to points in FL and TX; and (2) from the facilities of Joan of Arc Company at or near St. Francisville and Belledeau, LA to points in AZ, CA, ID, NV, OR, UT, and WA. Supporting shipper: Joan of Arc Company, 2231 West Altorfer Drive, Peoria, IL 61614.

MC 139495 (Sub-5–4TA), filed March 27, 1980. Applicant: NATIONAL

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CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, N.W., Washington, DC 20006. *Canoes, camping, and out door recreational and camping equipment and car top carriers* from New Braunfels, TX, to points in the United States (except AK and HI). Supporting shipper(s): The Coleman Company, Inc., 250 North St. Francis Avenue, Wichita, KS 67201.

MC 139495 (Sub-5–5TA), filed March 28, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, N.W., Washington, DC 20006. *Heating and air conditioning equipment, supplies and materials such as are used in the manufacture, repair, installation and distribution thereof* from Wichita, KS, to points in the United States (except AK and HI). Supporting shipper(s): The Coleman Company, Inc., 250 North St. Francis Avenue, Wichita, KS 67201.

MC 140629 (Sub-5–8TA), filed March 28, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. *Foodstuffs (except in bulk in tank vehicles),* from Franklin Park, IL to points in CT, MA, NJ, NY, OH and PA. Supporting shipper: Fearn International, Inc., 9353 Belmont, Franklin Park, IL 60131.

MC 141197 (Sub-5–2TA), filed March 27, 1980. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Dry bulk ammonium nitrate* in dump vehicles, from Lawrence, KS to points and places in AR and OK. Supporting shipper: Missouri Farmers Association, Inc., 201 South 7th Street, Columbia, MO 65201.

MC 142364 (Sub-5–5TA), filed March 21, 1980. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Charcoal briquettes, lighter fluid, hickory chips and related BBQ items*—from the facilities of Husky Industries, Inc., at or near Branson, MO—to points in AR, CO, NM, OK and TX. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 142508 (Sub-5–17TA), filed March 27, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen potatoes* from the facilities of the Carnation Company at Nampa, ID to Jacksonville and Miami, FL; Savannah, GA; New Orleans, LA and Charleston, NC (Restricted to traffic having a subsequent movement by water). Supporting shipper: A. J. Cunningham Meat Corporation, Raj Gundavda, Export Traffic, 1776 Heritage Drive, North Quincy, MA 02171.

MC 143433 (Sub-5–1TA), filed March 28, 1980. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING CO., 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Meat, meat products, and meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from points in FL to Muskogee, OK; and (2) from Muskogee, OK to points in AZ, AR, CA, GA, IL, KS, LA, MS, MO, NM, and TX, restricted to traffic originating at or destined to the facilities of Muskogee Meat Packing Company. Supporting shipper: Muskogee Meat Packing Co., P.O. Box 2306, Muskogee, OK 74401. Send protests to: Regional Consumer Assistance Center, Suite 600, 411 West Seventh Street, Fort Worth, TX 76102.

MC 143433 (Sub-5–2TA), filed March 28, 1980. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING CO., 310 South First Avenue, Stroud, Oklahoma 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, Oklahoma 73034. *Meat, meat products, meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Oklahoma City, OK to points in the United States (except AK, HI, WA, OR, ID, MT, WY, ND, and SD), restricted to traffic originating at the facilities of Cornett Packing Company. Supporting shipper: Cornett Packing Company, P.O. Box 26947, Oklahoma City, OK 73126.

MC 144616 (Sub-5–2TA), filed March 28, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Foodstuffs* (except in bulk) from the facilities of Knouse Foods, Inc. at Peach Glen, Chambersburg and Orrtanna, PA to points in AR, LA, NM, OK and TX. Supporting shipper: Knouse Foods, Inc., Peach Glen, PA 17306.

MC 145441 (Sub-5–10TA), filed March 27, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, Arkansas 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, Arkansas 72119. *Canned goods and non-alcoholic mixes, (except commodities in bulk),* from Byhalia, MS to Little Rock, AR; Jacksonville, Miami, Tampa, FL; Atlanta, GA; Chicago, IL; Baton Rouge, Shreveport, LA; Detroit, MI; Kansas City, St. Louis, MO; Columbus, OH; Dallas, San Antonio, TX. Supporting shipper: Master of Mixers, Inc., 10975 Grandview Street, Overland Park, KS 66210.

MC 145950 (Sub-5–4TA), filed March 27, 1980. Applicant: BAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco, TX 76706. Representative: Michael D. Bromley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. *Wheels and tires,* from the facilities of Empco Industries at or near Glendale, CA to Jonesboro, AR; Denver and Pueblo, CO; Jacksonville, Orlando and Tampa, FL; Mountain View, GA; Des Moines, IA; Kansas City, KS; Grand Rapids, MI; Batesville, MS; Somerset, NJ; Memphis, TN; Dallas, El Paso, Houston and McAllen, TX, and their commercial zones. Supporting shipper: Empco Industries, 900 Allen Avenue, Glendale, CA 91201.

MC 146448 (Sub-5–1TA), filed March 28, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Disposable specimen containers* from the facilities of Superior Plastic Products Corp. at or near Cumberland, RI to points in CA. Supporting shipper: Superior Plastic Products Corp., Industrial Road, Cumberland, RI 02984.

MC 148035 (Sub-5–1TA), filed March 17, 1980. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Denatured alcohol* in bulk, from the facilities of American Agri-Fuels Corporation at Rockport, MO to Omaha, NE and its Commercial Zone. Supporting shipper: American Agri-Fuels Corporation, Suite 1010; 1006 Grand, Kansas City, MO 64106.

MC 150014 (Sub-5–2TA), filed March 27, 1980. Applicant: TRANSWAY, INC., 1320 E. 6th St., Irving, TX 75060. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Contract; Irregular. *Swimming pool equipment, chemicals and supplies,* from Livonia, MI, Charleston, TN and Doraville, GA, to points in AR, KS, LA, MS, OK and TX. Supporting shipper: Holiday Industries, Inc., Rock Island Road, Grand Prairie, TX 75050.

MC 150088 (Sub-5–2TA), filed March 28, 1980. Applicant: STERLING TRANSPORT DIVISION, INC., 801 Heinz Way, Grand Prairie, TX 75071. Representative: Robert K. Frisch, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. *Commodities, equipment, materials and supplies dealt in or used by retail, variety or department stores* from the facilities of Sterling Apparel Systems, Inc. in Grand Prairie, TX to the Target Store in Lubbock, TX. (Restricted to the transportation of traffic owned by Target Stores Division of Dayton Hudson and destined to the Target Store in Lubbock, TX, and having an immediate prior move by rail or motor common carrier in interstate commerce.) Supporting shipper: Target Stores Division of Dayton Hudson, 7120 Hwy 65, Fridley, MN 55432.

MC 150098 (Sub-5–1TA), filed March 27, 1980. Applicant: CHARLES OFFUTT CO., 105 W. Broadway, Bossier City, La. 71111. Representative: Charles E. Offutt, 105 W. Broadway, Bossier City, La. 71111. *Sporting goods and recreational equipment.* Between Bossier City, La., and points in Arkansas, Mississippi, Missouri, Alabama, Florida, Pennsylvania, California, and Michigan. Supporting shipper: Gabriel Industries, Gym-Dandy, Inc., 415 Hamilton Road, Bossier City, La. 71111.

MC 150114 (Sub-5–1TA), filed March 21, 1980. Applicant: EARL EDWARDS, an Individual, Route 1, Prairie Grove, AR 72753. Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, P.O. Box 869, Springdale, AR 72764. Contract, irregular, *soybean meal, ground wheat and bran, in bulk,* from Kansas City, MO and Coffeyville, KS to Westville, OK. Supporting shipper: Cargill, Inc., 706 S. West Street, Lincoln, AR 72744.

MC 150249 (Sub-5–3TA), filed March 26, 1980. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, Arkansas. 71670. Representative: Fred Weatherly, Route 1, Tillar, Arkansas. 71670. *Containers and trailers, empty or loaded with paper and paper products.* Between the facilities of Potlatch Corporation at or near Cypress Bend, AR and Railroad facilities at McGehee, AR. Restriction: Restricted to traffic moving in containers and trailers having prior or subsequent movement by rail in interstate commerce. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501.

MC 150311 (Sub-5–2TA), filed March 27, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Meats, meat products, meat byproducts, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the Report in Motor Carrier Descriptions, 61 M.C.C. 209 and 766, (except hides and commodites in bulk in tank vehicles).* From the facilites of Calhoun Packing Company at Palestine, TX to points in AL, CT, FL, GA, IL, IN, OH, MD, MA, MS, NJ, NY, NC, PA, RI, SC, VT, VA, WV and DC. Supporting Shipper: Calhoun Packing Company, P.O. Box 709, Palestine, TX 75801.

MC 150410 (Sub-5–1TA), filed March 26, 1980. Applicant: WILLIAMS TRUCKING COMPANY, INC., 626 South Louisiana Street, Mangum, Okahoma 73554. Representative: Rick L. Williams, 610 South Louisiana, P.O. Box 185, Mangum, Oklahoma 73554. (1) *Steel, steel products and pipe* from Houston, San Antonio, Borger, TX and their commercial zones to points in OK, KS, CO, AZ, NM and CA; (2) *Oil field machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products and *heavy equipment,* between TX and OK and from points in TX and OK to points in KS, CO, AZ, NM and CA. Fourteen (14) shippers support the application.

MC 150422 (Sub-5–1TA), filed March 27, 1980. Applicant: OKLAHOMA-KANSAS GRAIN CORP, P.O. Box N, 5150 West Channel Road, Catoosa, OK 74015. Representative: Clyde N. Christey, KS Credit Union Bldg, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Salt and salt products,* From Port of Catoosa, OK to points in KS on and South of U.S. Hwy 56. Supporting shipper: Cargill, Inc., Salt Div., P.O. Box 9300, Minneapolis, MN 55440.

Republication

MC 147517 (Sub-5–2TA), filed January 16, 1980. Applicant: TEXAS HIGHWAY TRANSPORT, INC., 2311 Butler, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX 75245. *Trailers loaded or empty having a prior or subsequent movement by rail on trailer-or-flat-car (TOFC) service between rail facilities* located in Anderson, Angelina, Aransas, Archer, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Cherokee, Clay, Collin, Colorado, Comal, Comanche, Cooke, Coryell, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shackelford, Shelby, Smith, Sovervell, Starr, Stephens, Tarrant, Taylor, Throckmorton, Titus, Travis, Trinity, Tyler, Upsher, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala counties, Texas on the one hand, and on the other, points located in Anderson, Angelina, Aransas, Archer, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Cherokee, Clay, Collin, Colorado, Comal, Comanche, Cooke, Coryell, Dallas, Delta, Denton, De Witt, Dimmit, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Tarrant, Taylor,

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Throckmorton, Titus, Travis, Trinity, Tyler, Upsher, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wichita, Willbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala counties, Texas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Texas Shippers Association, Inc., 2311 Butler Street, Dallas, TX; Florida-Texas Freight, 2700 Gaston Avenue, Dallas, TX 75226; and ITOFCA, Inc., P.O. Box 188, Clarendon Hills, IL 60514.

Republication

MC 102546 (Sub-5–4TA), filed January 31, 1980. Applicant: BLUE FLASH EXPRESS INC., Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard, same as above. Contract carrier, irregular routes, *Chemicals, in bulk, Liquid or Dry No exceptions* between points in LA on the one hand, and, on the other, points in the States of MS, NC, TN, KS, TX, AR, GA, AL, SC, and OK; between points in LA having prior or subsequent movement by rail or water for 180 days. Underlying ETA filed. Supporting shippers: Kaisers Alum & Chemical Corp., Suite 615, 10001 Lake Forest Blvd., New Orleans, LA; ICI Americas, Inc., P.O. Box 271, Baton Rouge, LA 70821.

Republication

MC 35320 (Sub-5–34TA), filed: January 30, 1980. Applicant: T.I.M.E.–DC, INC., P. O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, Regular. General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, CO and its commercial zone and San Francisco, CA and its commercial zone. From Denver, CO over Interstate 25 to its junction with Interstate 80, then over Interstate 80 to San Francisco and return over the same route. Applicant will tack and interline with existing authority. Supporting shipper: None.

Republication

MC 35320 (Sub-5–34TA), filed: January 30, 1980. Applicant: T.I.M.E.–DC, INC., P. O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, Regular. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salt Lake City, UT and its commercial zone and El Paso, TX and its commercial zone. Serving the intermediate point of Albuquerque, NM and its commercial zone for the purpose of joinder only. From Salt Lake City, UT over Interstate Highway 15 to its junction with U. S. Highway 6, then over U.S. Highway 6 to its junction with U.S. Highway 666, then over U.S. Highway 666 to its junction with U.S. Highway 64, then over U.S. Highway 64 to its junction with New Mexico Highway 44, then over New Mexico highway 44 to its junction with Interstate Highway 25, then over Interstate Highway 25 via Albuquerque, NM to El Paso, TX and return over the same route. Will tack and interline at Salt Lake City, UT, Albuquerque, NM and El Paso, TX. Supporting shipper: None.

Republication

MC 139190 (Sub-5–1TA), filed February 13, 1980. Applicant: KOCH TRUCK LINE, INC., 619 Iowa Street, Sabetha, KS 66534. Representative: Eugene W., Hiatt, Hiatt, Crocket, Hiatt & Carpenter, Chartered, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. Contract, Irregular. *Metal, livestock panels, portable corrals, loading chutes, hay bale movers, hay bale feeders, livestock handling equipment* from Plymouth, NE to WY, CO, MT, ID, UT, CA, OR, NM, AZ, KS, ND, SD, WI; *steel products, steel plates, steel bars, steel structurals, steel tubing for livestock handling equipment* from IA, IL, MO, IN, KS, and OH to Plymouth, NE. Supporting shipper: Molzer Manufacturing Company, P.O. Box 217, Plymouth, NE 68424.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 133097 (Sub-VI–1TA), filed March 25, 1980. Applicant: SYSTEM REFFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Representative: Charles E. Creager, Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract Carrier:* Irregular routes: *Such commodities as are dealt in by a manufacturer of power tools* and the *materials, supplies and equipment* used in the conduct of such business, between all points in the United States, except AK and HI, for the account of Black & Decker (U.S.) Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Black & Decker (U.S.) Inc., 701 E. Joppa Road, Towson, MD 21204.

MC 55174 (Sub-VI–1TA), filed March 26, 1980. Applicant: ASSOCIATED TRANSPORTATION CO., INC., "B" and Craddock, P.O. Box AG, Yuba City, CA 95991. Representative: Michael J. Stecher, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street, San Francisco, CA 94104. *Truck parts, tractor parts and agricultural implement parts and related items,* between points in Alameda and San Joaquin Counties, CA, on the one hand, and, on the other, points in Ventura, Kern, Santa Barbara, Tulare, Merced and Fresno Counties, CA, restricted to shipments having a prior to subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. There are 9 supporting shippers and their statements may be examined at the office below.

MC 63562 (Sub-6–5TA), filed March 27, 1980. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22694, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Meat, meat products, and meat by-products* (except commodities in hulk) (1) From the facilities of The Rath Packing Company at Columbus and Waterloo, IA to points in AZ, CA, CO, NV, NM, OK, OR, TX, and WA; and (2) From the facilities of Spencer Foods, Inc. at Fremont and Schuyler, NE to points in CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704; Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661.

MC 52793 (Sub-VI–1TA), filed March 28, 1980. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Penn. Ave. & 13th St., N.W., Washington, DC 20004. *Swimming pools, parts and materials used in the manufacture or installation* of swimming pools and equipment (except commodities in bulk), from points in NJ to points in the U.S. except AK and HI, for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shippers: Ester Williams Swimming Pools, Inc., Traffic Manager, 9000 River Rd., Delair, NJ 08110; Johnny Weismiller Pools, Inc., Traffic Manager, 9000 River Rd., Delair, NJ 08110.

MC 149118 (Sub-6–1TA), filed March 27, 1980. Applicant: BEST WAY TRANSPORT, INC., d.b.a. BEST TRANSPORT, INC., 3841 North Columbia Boulevard, Portland, Oregon 97217. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, Oregon 97204. *Equipment, materials and supplies used in the transmission and switching of telephonic communications and empty telephone cable reels,*

between points in OR, WA and Nez Perce, Lewis, Clearwater and Idaho Counties, IDA, for 180 days. Restriction: Service provided pursuant to this authority is restricted to transportation for the account of Pacific Northwest Bell Telephone Company. An underlying ETA for 90 days has been granted. Supporting shipper: Pacific Northwest Bell Telephone Company, 1235 N.E. 47th Avenue, Portland, Oregon 97213.

MC 148744 (Sub-6TA), filed March 26, 1980. Applicant: BOWMAN TRUCKING, INC., 2606 2nd Street, La Grande, OR 97850. Representative: Lenora Brewer, d.b.a. Double L's Bookkeeping Service, 1604 U Avenue, La Grande, OR 97850. *Wood Chips,* from the facilities of Christaad Enterprises, Inc. at or near La Grande, OR to Longview, WA and Wallula, WA for 180 days. Supporting shipper: Christaad Enterprises, Inc., P.O. Box 1678, La Grande, OR 97850.

MC 71652 (Sub-VI–1TA), filed March 27, 1980. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart, Ph.D., 4669 Crater Lake Hwy., P.O. Box 280, Medford, OR 97501. *(1) Iron and steel articles, as described in Appendix V to the report in descriptions in Motor Carrier Certificates, 61 MCC 209, (2) crushed automobile bodies, and (3) scrap metals and scrap metal alloys* between points and places in the states of ID, MT, OR, UT, WA, and WY; restricted to shipments moving for the account of Metra Steel for 180 days. Supporting shipper: Metra Steel, P.O. Box 3154, Portland, OR 97208.

MC 142748 (Sub-VI–1TA), filed March 26, 1980. Applicant: GENARO T. CAMACHO, d.b.a. Gene's Freight Lines, 3230 W. Mississippi Ave., Denver, CO 80219. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Contract carrier:* Irregular routes: *metal containers* from Oklahoma City, OK to Denver CO for the account of Columbine Beverage Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Columbine Beverage Co., 4301 Broadway, Denver, CO 80216.

MC 150413 (Sub-VI–1TA), filed March 27, 1980. Applicant: JOE COSTA TRUCKING, Highway 299-West End Road, P.O. Box 748, Arcata, CA 95521. Representative: Marvin Handler, Handler, Baker, Greene & Taylor, P.C., 100 Pine Street-Suite 2550, San Francisco, CA 94111. *Contract carrier:* Irregular routes: *Wood residuals,* from Brookings, OR to Fairhaven, Smith River and Crescent City, CA, for the account of South Coast Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: South Coast Lumber Co., P.O. Box 670, Brookings, OR 97415.

MC 115826 (Sub-VI–4TA), filed February 25, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore, 6015 East 58th Avenue, Commerce City, CO 80022. (1) *such commodities as are dealt in by a manufacturer of power tools;* (2) *materials, supplies and equipment* (except commodities in bulk) used in the conduct of such business, between all points in the United States (except AK and HI) for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Black and Decker (U.S.) Inc., Black and Decker, Ltd. and The McCullock Corp. Supporting shipper: Black and Decker (U.S.) Inc., 701 East Joppa Road, Towson, MD 21204.

MC 75302 (Sub-VI–2TA), filed March 25, 1980. Applicant: DOUDELL TRUCKING COMPANY, P.O. Box 842, San Jose, CA 95106, (555 East Capital Avenue, Milpitas, CA). Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Waste paper for reuse or recycling,* from Las Vegas, NV to Los Angeles, CA restricted to shipments moving for the account of Ecology Paper Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ecology Paper Company, Inc., 420 South 48th Street, Phoenix, AZ 85034.

MC 52914 (Sub-VI–1TA), filed March 26, 1980. Applicant: FITCHETT TRUCK LINES, INC., P.O. Box 10799, 3641 N.W. Front Avenue, Portland, Oregon 97210. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oregon 97210. *Plastic articles,* from the facilities of Nalle Plastics, Inc. at Portland, OR, to points in WA and CA, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Nalle Plastics, Inc., 2244 N.E. Columbia Blvd., Portland, Oregon.

MC 115354 (Sub-VI–1TA), filed March 27, 1980. Applicant: GOODMAN MOTOR TRANSPORT CO. (1973) LTD., 8510 Jellicoe Street, Vancouver, B.C. Canada V5S 3V1. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Contract Carrier:* Irregular routes: *Lumber, lumber products, poles and pilings,* between points in the International Boundary at or near Blaine, Lynden and Sumas, WA and points in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, WA and Multnomah, Clackamas, Marion, Linn and Lane Counties, OR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Interex Forest Products Ltd., 1832 Vine Street, Vancouver, B.C. V6K 3J7; Balker Softwoods Ltd., No. 2–8431 Granville Street, Vancouver, B.C. V6P 4Z9; MacMillan Bloedel Limited, P.O. Box 279, Postal Station "A", Vancouver, B.C.

MC 142686 (Sub-VI–3TA), filed March 27, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. *Contract Carrier:* Irregular routes: *Bedding, related materials and supplies used in the manufacture thereof,* From (1): Mineral Wells, TX.; to: Ogden, UT; Columbus, Ohio; Richmond, VA; New Cumberland, PA; Mechicsburg, PA; Memphis, Tenn.; and San Francisco, CA. From (2): Los Angeles, CA; Memphis, Tenn.; To: Dallas and Mineral Wells, TX, for the account of Airline Instruments, Inc., for 180 days. Supporting shipper: Airline Instruments, Inc., 1371 Crampton Street, Dallas, TX 95209.

MC 142686 (Sub-VI–4TA), filed March 21, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 90670. *Contract Carrier:* Irregular routes: *Air Conditioning Equipment, and materials and supplies used in the manufacture, distribution, and installation thereof,* from, the facilities of Bohn Heat Transfer Division Gulf & Western Manufacturing Co. at Beardstown, IL; to points in the United States except Alaska and Hawaii, for 180 days. Supporting shipper: Bohn Heat Transfer Division, 1625 E. Voordes Street, Danville, IL 61832.

MC 32882 (Sub-VI–2TA), filed March 26, 1980. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. (1) *Trucks or tractors, platform or warehouse; cars, electric with or without batteries; barrows, trucks or wagons with platforms and parts thereof and rectifiers* from, the facilities of Taylor-Dunn at/or near Anaheim, CA to points in the United States, excluding AK and HI and (2) *Iron and steel articles* from East Chicago, IN to the facilities of Taylor-Dunn at/or near Anaheim, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Taylor-Dunn, 2114 West Ball Road, Anaheim, CA.

MC 142960 (Sub-VI–1TA), filed March 26, 1980. Applicant: PIXLEY

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TRANSPORTATION INC., 1410 Oak Street, Box 927, Forsyth, MT 59327. Representative: Laila Pixley (same as applicant). *Contract carrier,* irregular routes, to transport *Railroad crews and their baggage in the same vehicle with passengers,* within a 300 mile radius of Missoula MT (in counties of Spokane, WA and Bundry, Bonner, Kootena & Shoshone, ID); and within a 300 mile radius of Havre, MT and a 300 mile radius of Glasgow, MT (MT and Divide, Williams, McKenzie, Burke, Mountrail, Renville, and Wardin Counties, ND), for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Burlington Northern Inc., 235 Main St., Havre, MT 59501; Burlington Northern Inc., N. End Higgins Ave., Missoula, MT 59801.

MC 129857 (Sub-VI–2TA), filed March 27, 1980. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Avenue, Long Beach, California 90810. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *Imported trucks and automobiles* from, Los Angeles County, CA, to points in AZ, NV, UT, and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, California 90504.

MC 150411 (Sub-VI–1TA), filed March 25, 1980. Applicant: JERRY REID TRUCKING LTD., 16726–111 Avenue, P.O. Box 5364, Edmonton, Alberta, Canada T5P 4C9. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract; irregular: Styrofoam containers,* from the ports of entry on the United States-Canada International Boundary Line located in MT, ID, and WA, to points in CA, ID, MT, NV, OR, and WA. An underlying ETA seeks 90 days authority. Supporting shipper: Beaver Plastics Ltd., 12806–63 Street, Edmonton, Alberta, Canada T5A OW2.

MC 150412 (Sub-6–1TA), filed March 26, 1980. Applicant: VERNON EQUIPMENT, INC., 2115 East 27th Street, Los Angeles, CA 90058. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract Carrier,* Irregular routes: *Such merchandise as is dealt in by retail department stores,* between Ontario, CA, on the one hand, and, on the other, points in AZ, NV, NM and UT, under continuing contract or contracts with Mervyn's, for 180 days. Supporting shipper: Mervyn's, 25001 Industrial Blvd., Hayward, CA 94545.

MC 149166 (Sub-6–1TA), filed March 11, 1980. Applicant: VIA EXPRESS, INC., 3151 Diablo Ave., Hayward, CA 94545. Representative: J. H. Gulseth, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. *General Commodities,* except those of unusual value, class A & B explosives, household goods, commodities in bulk, and those requiring special equipment. Between the Via Express, Inc. facilities in Hayward, CA, on the one hand, and, on the other, points on and within a line beginning at Fort Bragg, CA and extending south along CA Hwy 1 to Carmel, CA, then along CA Hwy 1 and 68 to junction of CA Hwys 68 and 183 and US Hwy 101, then south along US Hwy 101 to junction of CA Hwy 166, then east along CA Hwy 166 to junction of CA Hwy 99, then north along CA Hwy 99 to junction of CA Hwy 65, then north along CA Hwy 65 to junction of CA Hwy 198, then west on CA Hwy 198 to junction of CA Hwy 245, then north along CA Hwy 245 to junction CA Hwy 180, then west along CA Hwy 180 to junction of Clovis Avenue, then north on Clovis Ave. to junction of Herndon Ave., then west on Herndon Ave. to junction CA Hwy 41, then north on CA Hwy 41 to junction of CA Hwy 49, then northwest on CA Hwy 49 to junction Interstate 50, then east on Interstate 50 to junction of CA Hwy 89, then north on CA Hwy 89 to junction Interstate 80, then east on Interstate 80 to Truckee, CA, then west on Interstate 80 to junction CA Hwy 49, then north on CA Hwy 49 to junction of CA Hwy 20, then west on CA Hwy 20 to junction of CA Hwy 70, then north on CA Hwy 70 to junction of CA Hwy 149, then northwest on CA Hwy 149 to junction of CA Hwy 99, then north on CA Hwy 99 to junction of Interstate 5, then north on Interstate 5 to junction of CA Hwy 273, then north on CA Hwy 273 to junction of Interstate 5, then south on Interstate 5 to junction of CA Hwy 20, then west on CA Hwy 20 to junction of CA Hwy 1, including points on the portions of the specified Highways for 180 days. An underlying ETA seeks 90 days authority. *Restricted* to transportation of articles aggragating less than 650 pounds from one consignor at one location to one consignee at one location on any one day. And further restricted against single-line service to points north of River Road in Sonoma and Mendocino Counties, CA.

MC 129994 (Sub-6–1TA), filed March 20, 1980. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Salt Lake City, UT 84107. Representative: Marilyn McNeil (same as applicant). *Common Lime* (except in bulk), from Dolomite, UT to points in AZ, CA, CO, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Lime Co., 4700 Ramona Blvd., Monterey Park, CA 91754.

MC 138313 (Sub-6–1TA), filed March 24, 1980. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111

1. *Fertilizer, except in bulk in tank vehicles* (1) from Bannock and Caribou Counties, ID to Siskiyou County, CA, OR & WA and (2) from Bannock County, ID to MT, for 180 days. Supporting shipper; Donald A. Fletcher, Occidental Chemical, 8700 SW 26th Ave., Portland, OR 97219.

MC 149290 (Sub-6–1TA), filed March 24, 1980. Applicant: GARY G. BUNDAY, d.b.a. GARY BUNDAY TRUCKING, 1710 Terrace Avenue, Bozeman, MT 59715. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th Street, Denver, CO 80202. *Frozen foodstuffs,* from the facilities of Foodways National, Inc. located at Wethersfield and Hartford, CT, to Plover, WI; Greenville, MI; Burley, ID; and Ontario, OR, for 180 days, restricted to the transportation of traffic originating at the facilities of Foodways National, Inc. at Wethersfield and Hartford, CT. Supporting shipper: Foodways National, Inc., P.O. Box 41, Boise, ID 83707.

MC 138624 (Sub-6–1TA), filed March 25, 1980. Applicant: CARGO TRANSPORT, INC., Rt. 1, Box 510, Corvallis, MT 59828. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. *Salt and salt products,* from Solar, UT and the commercial zone thereof, to points in ID, MT, WA and those points in OR on and east of US HWY 97, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: American Salt Company, 3142 Broadway, Kansas City, MO 94111; Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63116.

MC 150378 (Sub-6–1TA), filed March 20, 1980. Applicant: CHASE EXPRESS, INC., 555 Strander Blvd., Seattle, WA 98188. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General commodities* (except Class A & B explosives) between points within the Seattle, WA commercial zone and between points within the Tacoma, WA commercial zone, restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Hawaiian Marine Lines, 2401 4th Avenue, Seattle, WA 98111; A. J. Fritz & Co., 1400 South 192nd Street, Seattle, WA 98148; Evergreen United Corp. (agents for Evergreen) 4th & Battery Bldg., Seattle, WA 98121; Nippon Yuren Kaisha, 1203 Pacific Bldg., 720 3rd Avenue, Seattle, WA 98104.

MC 149138 (Sub-6–1TA), filed March 21, 1980. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS CO., d.b.a. CKM EXPRESS CO., P.O. Box 1183 (I–70, exit 243), Idaho Springs, CO 80452. Representative: Dan R. Sheehy, 201 Court Square Bldg., 1301 Spruce St., Boulder, CO 80302. (1) *Malt beverages and related advertising materials,* from Jefferson County, CO to AR; and (2) *empty used containers and materials and supplies used in and dealt with by breweries,* from AR to Jefferson County, CO, for 180 days. ETA was applied for these same commodities. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 135185 (Sub-6–2TA), filed March 24, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract Carrier,* Irregular Routes, *Vermin Exterminators, non-Agricultural Insecticides, and Insect Repellant.* From: Alliance, OH and points in its commercial zone; to Los Angeles and Union City, CA and points in their commercial zones. For the account of Lehn and Fehn Products Company, a Division of Sterling Drug, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lehn and Fink Products Company, a Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, NJ 07645.

MC 42487 (Sub-6–10TA), filed March 20, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* Regular routes: *General commodities, except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading.* (1) Between Chattanooga, TN and Nashville, TN: From Chattanooga over Interstate Hwy 24 to Nashville, and return over the same route. (2) Between Nashville, TN and Memphis, TN: From Nashville over Interstate Hwy 40 to Memphis, and return over the same route. (3) Between Memphis, TN and Dallas, TX: From Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, and return over the same route. (4) Between Dallas, TX and junction Interstate Hwy 20 and U.S. Hwy 290: From Dallas over Interstate Hwy 20 to junction Interstate Hwy 290, and return over the same route. Serving no intermediate point in connection with (1) through (4) described above, as alternate routes for operating convenience only in connection with carrier's presently authorized regular route operations, for 180 days; an underlying ETA seeks 90 days authority. Applicant intends to tack the authorities described above.

MC 113678 (Sub-6–3TA), filed March 24, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Lighting fixtures and parts of lighting fixtures* from the facilities of Lithonia Lighting Division of National Services, Inc., at or near Chattanooga, TN, to all points in ID, OR, WA, NV, UT, WY, CA, CO, MT, AZ and NM for 180 days. Supporting shipper: Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box h, 1400 Lester Road, Conyers, GA.

MC 115826 (Sub-6–3TA), filed March 21, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same as applicant). *General commodities* (except foodstuffs and commodities in bulk), between points in the United States (except AK and HI) for 180 days. Restricted to transportation of traffic originating at or destined to the facilities used by Hexcel Corporation. Supporting shipper: Hexcel Corporation, 11711 Dublin Boulevard, Dublin, CA 94566.

MC 124679 (Sub-6–10TA), filed March 24, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT. 84119. Representative: Robert H. Cannon (same as applicant). *Sporting goods, sporting goods apparel, and materials and supplies used in the manufacture and distribution and sale of such commodities* from Williston and Colchester, VT and Boston, MA to points in the States of CA, WA, and CO. Representative points: WA: Bellevue, Auburn, Seattle, Kent and Spokane; CO: Denver, Aspen, Lakewood, Boulder and Vail; CA: Santa Maria, Anaheim, Pasadena, San Francisco and San Rafael for 180 days. Supporting shipper: Rossignol Ski Company, Inc., P.O. Box 298, Williston, VT 05495.

Note.—Applicant holds motor contract carrier authority in number MC 128813 and sub numbers thereunder, threfore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 125433 (Sub-6–15TA), filed March 24, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Fireplaces, fireplace parts and related materials and supplies,* from Lynwood, CA to points in the United States (except AK and HI). Restricted to traffic originating at the facilities of Marco Manufacturing Co., Inc., for 180 days. Supporting shipper: Marco Manufacturing, Inc., 2520 Industry Way, Lynwood, CA 90262.

MC 150377 (Sub-6–1TA), filed March 20, 1980. Applicant: DAN FISHER, d.b.a. DAN FISHER TRUCKING CO., E. 9615 43rd, Spokane, WA 99206. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier:* irregular routes: *Garbage compactors, wood burning stoves and balers* from Spokane, WA to points in OR, CA, NV, AZ, UT, WY, CO, ID, NM, MT, TX and WA for 180 days. Supporting shipper: Kilkom, Inc., Bldg. 13, Spokane Industrial Park, Spokane, WA 99216.

MC 150377 (Sub-6–2TA), filed March 20, 1980. Applicant: DAN FISHER, d.b.a. DAN FISHER TRUCKING CO., E. 9615 43rd, Spokane, WA 99206. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier:* irregular routes: *Borax in bags,* from Boron, Westend and Los Angeles, CA to Seattle, Spokane and Coleville, WA for 180 days. Supporting shipper: Thermoguard Insulation Co., E. 8277 Kent Ave., Spokane, WA 99206.

MC 146588 (Sub-6–1TA), filed March 17, 1980. Applicant: FRONTIER TRANSPORT, INC., P.O. Box 15751, Salt Lake City, UT 84115. Representative: Byron W. Thomas (same address as applicant). *Contract carrier:* irregular routes: *salt* in bulk in end dump vehicles from Little Mountain, UT, to points in McKinley County, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Great Salt Lake Minerals and Chemicals Corp., P.O. Box 1190, Ogden, UT 84402.

MC 150379 (Sub-6–1TA), filed March 20, 1980. Applicant: MARVIN FRYE, 2916 S. 200th, Seattle, WA 98188. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle WA 98104. *Contract carrier:* irregular routes: *such commodities as are dealt in by retail department stores,* from Los Angeles, CA to Portland, OR and Seattle, WA for 180 days. Supporting shipper: Nordstrom, Inc., 1201 Andover Park East, Tukwila, WA.

MC 150347 (Sub-6–1TA), filed March 17, 1980. Applicant: HOBIN TRUCKING CO., INC., P.O. Box 709, Philomath, OR

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97370. Representative: Thomas Y. Higashi, Attorney at Law, 2075 S.W. First Avenue—Suite #2–N, Portland, OR 97201. *Lumber and lumber mill products,* between the facilities of Hobin Lumber Co., Inc. and its affiliates, Hobin Forest Products and Hobin Planing Mill at or near Philomath, OR on the one hand and points and places in AZ, CA, NV, WA, and UT on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Hobin Lumber Co., Inc. and Hobin Forest Products, P.O. Box 709, Philomath, OR 97370; Evergreen Lumber Sales, Inc., P.O. Box 47, Junction City, OR 97448.

MC 148846 (Sub-6–1TA), filed March 20, 1980. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Molasses and condensed steffens filtrate (in tank vehicles),* from Scottsbluff and Gering, NE and their commercial zones to the facilities of Cargill, Inc. at or near Sterling, CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440.

MC 148999 (Sub-6–1TA), filed March 24, 1980. Applicant: KAIBAB INDUSTRIES, INC., P.O. Box 36007, 2000 West Oxford Avenue, Denver, CO 80236. Representative: James C. Seccombe, Jr., Suite 717, American National Bank Building, 818 Seventeenth Street, Denver, CO 80202. *Contract carrier;* irregular routes; *flattened automobile bodies (Scrap metal)* from Rapid City, SD, and points in WY to Arapahoe County, CO., under a continuing contract with Milford Pepper d.b.a. Century Enterprises, 234 Columbine Street, Denver, CO 80206. Hearing site: Denver, CO.

MC 128527 (Sub-6–1TA), filed March 21, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Feed and Feed Supplements,* from Portland, OR and points in its commercial zone to points in ID south of the southern boundary of Idaho County, for 180 days. Supporting shipper: Albers Milling Co. (Division of Carnation Co.), 1118 N.W. Front Ave., Portland, OR 97209.

MC 128527 (Sub-6–2TA), filed March 21, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Roofing Materials,* from the facilities of Bird and Son, Inc. at or near Portland, OR to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bird & Son, Inc., 6350 N.W. Front, Portland, OR 97210.

MC 147712 (Sub-6–2TA), filed March 21, 1980. Applicant: MID–WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. *Products delt in by Super Markets,* between the facilities and retail outlets operated by Arden, Mayfair Markets in the eleven (11) Western States and Points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Harold Davis, Deli Buyer Merchandiser & Assistant Meaf Buyer, Arden Mayfair Markets, 6191 Peach Tree, City of Commerce, CA 90040.

MC 70903 (Sub-6–1TA), filed March 25, 1980. Applicant: OKANOGAN–SEATTLE TRANSPORT CO., INC., P.O. Box 722, Ellensburg, WA 98926. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *Decorative white rock and dolomite lime* from points on the international boundary line between the United States and Canada at or near Oroville, WA to points in ID, MT, OR and WA, for 180 days. Supporting shipper: Dolowhite Mines Ltd., PO Box 10, Rock Creek, B.C., Canada, V0H 1Y0.

MC 124692 (Sub-6–2TA), filed March 24, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Empty wooden reels and wooden pallets,* from Lodi, CA to Billings, MT, for 180 days. Supporting shipper: Wickes Forest Industries, 214 South Cluff Avenue, Lodi, California 95240.

MC 146360 (Sub-6–1TA), filed March 25, 1980. Applicant: FLOYD SMITH, JR., TRUCKING, INC., P.O. Box 816, Meridian, ID 83642. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. (1) *Frozen Concentrated Orange Juice,* from points in FL to the facilities of Allied Sysco Food Services, Inc. at or near Hayward, CA, and, (2) *Potato Products,* from points in WA and WI to the facilities of Allied Sysco Food Services, Inc. at or near Hayward, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Allied Sysco Food Services, Inc., 30977 San Antonio St., Hawyard, CA 94544.

MC 125561 (Sub-6–1TA), filed March 24, 1980. Applicant: SUNNYSIDE TRANSFER, INC., P.O. Box 526, Sunnyside, WA 98944. Representative: R. Sanders (same address as above). *Common carrier; regular routes: Furniture* having had previous movement by rail, from Kennewick and Pasco, WA to Aloha, Beaverton, Clackamas, Gresham, Hillsboro, Milwaukee, Oregon City, Portland, Tigard, and Woodburn, OR for 180 days. Supporting shipper(s): Pasco Pool Car Agency, P.O. Box 65, Pasco, WA 99301.

MC 125561 (Sub-6–2TA), filed March 24, 1980. Applicant: SUNNYSIDE TRANSFER, INC., 7th & Railroad, P.O. Box 526, Sunnyside, WA 98944. Representative: R. G. Sanders (same address as above). *Common carrier; regular routes: Furniture* having had previous movement by rail, from Kennewick and Pasco, WA, to Aberdeen, Auburn, Bellevue, Bellingham, Centralis, Chehalis, Dayton, Ellensburg, Everett, Grandview, Hoquiam, Issaquah, Kennewick, Kent, Kirkland, Longview, Olympia, Pasco, Prosser, Pullman, Puyallup, Raymond, Renton, Richland, Seattle, Selah, Shelton, Spokane, Sunnyside, Tacome, Toppenish, Vancouver, Walla Walla, Wapato, and Yakima, WA, for 180 days. Supporting shipper(s): Pasco Pool Car Agency, P.O. Box 65, Pasco, WA 99301.

MC 28398 (Sub-6–13TA), filed March 24, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Barbara S. George (same as applicant). *Drilling mud and drilling mud additives* (except in bulk, in tank vehicles), from Gascoyne, ND; Malta, MT; Lovell, Upton, Greybull, Colony and Green River, WY; and Custer, SD to points in AL, AR, KS, LA, MS, NM, OK and TX, for 180 days. Supporting shipper: Milchem, Inc., 3920 Essex Lane, P.O. Box 22111, Houston, TX 77027.

MC 28398 (Sub-6–14TA), filed March 24, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Barbara S. George, P.O. Box 31357, Billings, Montana 59107. *Chemicals and additives used in petroleum and gas exploration and water treatment* between the facilities of Van Waters & Rogers at or near Denver, CO on the one hand, and on the other, points in GA, ID, IN, KY, MT, ND, OH, TN, TX, WA, WV and WY, for 180 days. Supporting shipper: Van Waters & Rogers, Division of Univar, Box 30453, Billings, MT 59107.

MC 28398 (Sub-6–15TA), filed March 24, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Drilling Mud and Drilling Mud Additives* (except in bulk) from points in and east of WI, IL, MO, OK and TX, to ports of entry on the International Boundary line between the U.S. and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Calgary, Alberta T3C 2B3.

MC 140016 (Sub-6–1TA), filed March 25, 1980. Applicant: TRANSPORTATION SERVICES, INC., 1320 E. Glendale Avenue, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson, City, NV. 89701. (1) *Commodities ordinarily dealt in by retail food stores* and materials and supplies used in cleaning, maintenance and operation of retail food stores, (2) *commodities which are exempt from economic regulation per USC, 49, Section 10526(a),* when moving in the same shipments with commodities described in (1) above, between the facilities of Buttrey Food Stores located in Washoe County, NV and facilities of Buttrey Food Stores and their suppliers located in AZ, CA, OR, WA, WY, MT, MN, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Buttrey Food Stores, 601 6th Street S.W., Great Falls, MT 59601.

MC 135803 (Sub-6–3TA), filed March 24, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy. 140 (P.O. Box 67), Planada, CA 95365. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Confectionery,* (1) from the plantsite of Hershey Chocolate Company at or near Oakdale, CA to points in NV; and (2) from the plantsite of E. J. Brach & Son at Reno, NV to points in CA, for 180 days. Supporting shippers: Hershey Chocolate Company, 1400 S. Yosemite Ave., Oakdale, CA 95361; E. J. Brach & Son.

MC 141804 (Sub-6–18TA), filed March 21, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). (1) Such commodities as are dealt in by manufacturers and distributors of *small electric appliances* and (2) such materials, equipment and supply commodities as are dealt in by manufacturers and distributors of *small electric appliances,* (1) from facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NV and Byesville, OH to points in the U.S. (except AK and HI), and (2) from points in the U.S. (except AK and HI), to facilities of Hamilton Beach Div. at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Betty Godley, Traffic Manager, Hamilton Beach, Division of Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 141804 (Sub-6–19TA), filed March 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Electrical appliances and electrical sending and receiving equipment, parts and accessories for the above items,* from Little Ferry, NJ to points in CA, IL, IN, MI, OH, PA, TX and VA, for 180 days. Supporting shipper: Walter Kahl, Traffic/Import Manager, Sanyo Electric, Inc., 200 Riser Road, Little Ferry, NJ 07643.

MC 141804 (Sub-6–20TA), filed March 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Bathroom and lavatory supplies and equipment* from the facilities of Bootz Manufacturing at or near Evansville, IN to Colton and City of Industry, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: W. C. Phelps, Manager of Sales, 1400 Park Street, Evansville, IN 47710.

MC 117786 (Sub-6–7TA), filed March 24, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Malt beverages and materials and supplies used in and dealt with by breweries (except commodities in bulk),* from the facilities of Carling National Breweries, Inc. at Phoenix, AZ to points in CA, CO, NM, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carling National Breweries, Inc., 150 S. 12th St., Phoenix, AZ 85034.

MC 117786 (Sub-6–8TA), filed March 25, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Alcoholic beverages (except in bulk in tank vehicles),* from Peoria and Plainville, IL and CA to the facilities of McKesson Wine & Spirits Co. in Denver, CO., for 180 days. Supporting shipper: McKesson Wine & Spirits Co., P.O. Box 5388 TA, Denver, CO 80217.

MC 89684 (Sub-6–1TA), filed March 21, 1980. Applicant: WYCOFF COMPANY, INC., 560 South 300 West, P.O. Box 366, Salt Lake City, UT 84110. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, D.C. 20006. Common carrier, regular and irregular routes, *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) restricted against the transportation of shipments which weigh in the aggregate more than 500 pounds, from one consignor to one consignee on one day, and in which any single piece exceeds 100 pounds in weight; over presently authorized routes in UT, NV, CA, ID, WY and CO; including the right to interline at Reno, NV for 180 days. Applicant is seeking to increase its existing aggregate weight limit from 200 to 500 pounds. An underlying ETA seeks 90 days authority. There are 51 shippers. Their statements may be examined at the office listed below.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–10899 Filed 4–4–80; 8:45 am]

BILLING CODE 7035–01–M

Agricultural Cooperatives; Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: April 2, 1980.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Dawson Mills.

Principal Mailing Address (Street No., City, State, and Zip Code): Diagonal and 8th St., Dawson, MN 56232.

Where Are Records of Your Motor Transportation Maintained (Street No.,

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City, State and Zip Code): Diagonal and 8th St., Dawson, MN 56232.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Keith R. Springer, P.O. Box BB, Dawson, MN 56232.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Hungry Valley Trucking Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Route No. 4, Box 315, Vale, NC 28168.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and Zip Code): Rt. 4, box 315, Vale, NC 28168.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): K. Dean Black, 201 S. Poplar St., Lincolnton, NC 28092.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Land O'Lakes, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 116, Minneapolis, MN 55440.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and Zip Code): 614 McKinley Place, N.E., Minneapolis, MN 55413.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Nationwide Distributors, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 26 Willis Street, Framingham, MA 01701.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and Zip Code): 26 Willis Street, Framingham, MA 01701.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Gene S. Bula, Rt. 1, Plainfield, WI.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Sterling Colorado Beef Company.
Principal Mailing Address (Street No., City, State, and Zip Code): Box 1728, Sterling, CO 80751.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and Zip Code): Box 1728, Sterling, CO 80751.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): William J. Lippman, 50 South Steele Street, Denver, CO 80209.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10367 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: April 1, 1980.

In our decisions of February 26, March 4, 11, 18, and 25, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.4 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, in the 1.3-percent surcharge for United Parcel Service, nor in the 5.0-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is Ordered: This decision shall become effective Friday 12:01 a.m., April 4, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Chairman Gaskins not participating, Commissioner Stafford absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix—Fuel Surcharge

	(1) From transportation performed by owner-operators[1]	(2) Other[2]	(3) Bus Carrier	(4) UPS
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	13.4	2.3	5.0	[3] 2.1
Percent surcharge allowed	13.0	2.3	5.0	[4] 1.3

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

Date of current price measurement and price per gallon (including tax)	
March 31, 1980	114.0¢

[FR Doc. 80-10386 Filed 4-4-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and practicipation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request it dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-14253F, filed December 10, 1979. Applicant: MALONE FREIGHT LINES, INC. (Malone) (3400 Third Avenue South, Birmingham, AL 35202)—Purchase (portion)—STRICKLAND TRANSPORTATION CO., INC. (Strickland) (11353 Reed Hartman Hwy, Cincinnati, OH 45241). Representatives: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, and Milton H. Bortz, 11353 Reed Hartman Hwy, Cincinnati, OH 45241. Malone seeks to purchase a portion of the interstate operating rights of Strickland. J. R. Oden, Sr., the majority stockholder of Malone, also seeks to acquire control of such rights through the transaction. Malone is purchasing the interstate operating rights that are contained in Strickland's certificates in MC-59680 and sub-numbers thereunder which authorize the transportation of the following: (A) Over regular routes: (1) *general commodities* (a) between Fordyce, AR, and junction U.S. Hwy 70 and AR Hwy 11: From Fordyce over U.S. Hwy 79 to Stuttgart, AR, then over AR Hwy 11 to junction U.S. Hwy 70, and return over the same route; (b) between Little Rock, AR, and Cariola Landing and Wilmot, AR, and West Monroe, LA: (i) from Little Rock over U.S. Hwy 65 to Dumas, AR, then over unnumbered hwy via Winchester and McGehee, AR, to junction U.S. Hwy 65, then over U.S. Hwy 65 via Lake Village, AR, to Eudora, AR, and then over unnumbered hwy to Cariola Landing, (ii) from Little Rock to McGehee as specified above, then over unnumbered hwy to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction unnumbered hwy, then over unnumbered hwy via Dermott, AR, to junction U.S. Hwy 165, then over U.S. Hwy 165 to Montrose, AR, then over U.S. Hwy 82 to Lake Village, and then as specified above to Cariola Landing, (iii) from Little Rock to Montrose as specified above, then over U.S. Hwy 165 to Wilmot, and (iv) from Little Rock over U.S. Hwy 65 to junction AR Hwy 81, then over AR Hwy 81 to Hamburg, AR, then over unnumbered hwy (formerly U.S. Hwy 82) to junction U.S. Hwy 82, then over U.S. Hwy 82 to Crossett, AR, then over AR Hwy 133 to junction AR-LA State line, then over unnumbered hwy to junction LA Hwy 204, then over LA Hwy 204 to Bastrop, LA, then over U.S. Hwy 165 to Monroe, LA (also from Bastrop over LA Hwy 14 to Monroe), and then over U.S. Hwy 80 to West Monroe and return over these routes to Little Rock; (c) between Pine Bluff, AR, and Monticello, AR: from Pine Bluff over AR Hwy 15 to Warren, AR, then over AR Hwy 4 to Monticello, and return over the same route; and (d) between Lake Village, AR, and Greenville, MS, over U.S. Hwy 82, with service authorized in (a) through (d) above to and from all intermediate points on the above-specified routes; and (2) *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pine Bluff, AR, and the Pine Bluff Municipal Airport, AR: from Pine Bluff over U.S. Hwy 65 to junction unnumbered hwy, then over unnumbered hwy to Pine Bluff Municipal Airport, and return over the same route, with service not authorized to or from intermediate points except as otherwise authorized. (B) Over alternate routes for operating convenience only: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hamburg, AR, and Bastrop, LA, in connection with carrier's authorized regular-route operations between Little Rock, AR, and Monroe, LA, serving no intermediate points: from Hamburg over AR Hwy 81 to the AR-LA State line, then over LA Hwy 139 to Bastrop, and return over the same route. (C) Over alternate routes for operating convenience only: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wilmot, AR, and Bastrop, LA, over U.S. Hwy 165, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, restricted against the transportation of traffic originating at and destined to points in LA. (D) Over alternate routes for operating convenience only: *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), (a) between Fordyce, AR, and Warren, AR, over AR Hwy 8, (b) between Monticello, AR, and McGehee, AR, over AR Hwy 4, (c) between Monticello, AR, and Dermott, AR, over AR Hwy 35, (d) between Hamburg, AR, and Montrose, AR, over U.S. Hwy 82, (e) between Hamburg, AR, and Parkdale, AR, over AR Hwy 8, (f) between Parkdale, AR, and Eudora, AR, over AR Hwy 8, (g) between Little Rock, AR, and Fordyce,

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AR, over U.S. Hwy 167, (h) between Star City, AR, and Gould, AR, over AR Hwy 114, (i) between Rison, AR, and Calmer, AR; from Rison over AR Hwy 35 to junction AR Hwy 114, then over AR Hwy 114 to Calmer, and return over the same route, (j) between Calmer, AR, and Star City, AR, over AR Hwy 114, and (k) between Monticello, AR, and Dumas, AR: from Monticello over AR Hwy 83 to junction AR Hwy 54, then over AR Hwy 54 to Dumas, and return over the same route, service in (a) through (k) above is in connection with carrier's authorized regular-route operations, serving no intermediate points. (E) Over regular routes: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Orleans, LA, and Monroe, LA: from New Orleans over U.S. Hwy 61 to Natchez, MS, then over U.S. Hwy 84 to Ferriday, LA, then over U.S. Hwy 65 to Clayton, LA, then over LA Hwy 15 to Monroe, and return over the same route, serving those intermediate points in LA between Baton Rouge and Monroe, including Baton Rouge. (F) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) over regular routes, between New Orleans, LA, and Monroe, LA, serving all intermediate points in LA: from New Orleans, over U.S. Hwy 61 to Natchez, MS, then over U.S. Hwy 84 to Ferriday, LA, then over U.S. Hwy 65 to Clayton, LA, then over LA Hwy 15 to Monroe, and return over the same route, restricted to the transportation of shipments moving to, from or through New Orleans and points within 10 miles thereof, and further restricted against tacking with the underlying irregular-route authority contained herein, and subject to the conditions that the authority shall not be severable by the sale or otherwise from the following underlying irregular-route authority; and (2) over irregular routes, between New Orleans, LA, and points within 10 miles of the corporate limits of New Orleans, on the one hand, and, on the other, points in LA within the area bounded by a line drawn from New Orleans along Interstate Hwy 10 to the LA–MS State line, then northerly along the MS–LA State line to the junction of the AR–LA–MS State line at or near Milikin, LA, then along the AR–LA State line to junction with U.S. Hwy 167 at or near Junction City, AR, then southerly along U.S. Hwy 167 to its junction with U.S. Hwy 71 at or near Alexandria, LA, then along U.S. Hwy 71 to its junction with U.S. Hwy 190 at or near Krotz Springs, LA, then along U.S. Hwy 190 to its junction with LA Hwy 30 at or near Baton Rouge, then along LA Hwy 30 to its junction with LA Hwy 74 at or near St. Gabriel, then along LA Hwy 74 to its junction with LA Hwy 75 at or near St. Gabriel, then along LA Hwy 75 to its junction with LA Hwy 22 at or near Darrow, then along LA Hwy 22 to its junction with LA Hwy 44, at or near Burnside, then along LA Hwy 44 to Reserve, then along the Mississippi River to the point of beginning at New Orleans, LA, subject to the restrictions that with the exception of New Orleans, LA, service is not authorized at any points located on the boundary hwys along which the described boundary-line has been drawn and that the carrier shall not, pursuant to the underlying irregular-route authority contained herein, serve any points authorized herein as well as points in their respective commercial zones, which are to be served by it in regular-route operations. Malone is authorized to operate pursuant to Certificate MC–75840 and sub-numbers thereunder, as a motor common carrier, in the States of FL, AR, TX, LA, MS, TN, AL, GA, SC, NC, KY, VA, OH, WV, MD, DE, DC, PA, NJ, NY, MD, CT, and RI. (Hearing site: Atlanta, GA.)

Notes.—(1) Application for temporary authority has been filed. (2) A directly related Gateway Elimination and Conversion application has been filed in MC–75840 (Sub-No. 134F) which seeks to allow Malone to join or tack the above-described irregular-route authority to vendee's present irregular-route operating authority at the common point of New Orleans, LA, and to convert the above-described regular-route authority to irregular-route authority and to join or tack such resulting irregular-route authority to vendee's irregular-route authority at the common points of Little Rock, AR, New Orleans, LA, and Greenville, MS, and to eliminate those three gateway points.

Decided: March 26, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor & Williams.

MC–F–14323F, filed February 26, 1980. Applicant: COLES EXPRESS (Coles) (444 Perry Road, Bangor, ME 04401)—Purchase—Lorne E. Ayer, Jr., d.b.a. Ayer's Express (Ayer) (41 Greenfield Avenue, Warwick, RI 02886). Representative: John F. O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. Coles seeks authority to purchase the interstate operating rights of Ayer. Cole Enterprises, a non-carrier and sole stockholder of Coles, and in turn, Galen L. Cole, the majority stockholder of Cole Enterprises, seek authority to acquire control of said rights through the transaction. Coles is purchasing the interstate operating rights of Ayer Contained in Certificate No. MC–79019 which authorizes the transportation, as a motor common carrier, over irregular routes, of *general commodities* (usual exceptions), between points in MA and RI within 10 miles of Providence, RI, including Providence. Coles is authorized to operate as a motor common carrier in the States of MA, NH, and ME, pursuant to certificates issued in MC–93682 and sub-numbers thereunder. Condition: Concurrently with consummation of this transaction, Cole Enterprises, a non-carrier with investments and functions primarily related to transportation, will be considered a motor carrier within the meaning of 49 U.S.C. 11348. Therefore, it will be subject to the applicable provisions of 49 U.S.C subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Boston, MA.)

Notes.—(1) Application for temporary authority has been filed. (2) A directly related gateway application has been filed in MC–93682 (Sub-No. 20F), published in this same Federal Register issue.

Decided: March 26, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor & Williams.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before May 7, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 5, Members.

MC 75840 (Sub-134F), filed December 10, 1979. Applicant: MALONE FREIGHT LINES, INC.—gateway elimination and conversion—3400 Third Avenue, South, Birmingham, AL 35202. Representative: Guy H. Postell, suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. To operate as a *common carrier*, in interstate or foreign commerce, by motor vehicle, over irregular routes, transporting (A) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in LA within the area bounded by a line drawn from New Orleans along Interstate Hwy 10 to the LA–MS State line, then along the MS–LA State line to the junction of the AR–LA–MS State line at or near Milikin, LA, then along the AR–LA State line to junction U.S. Hwy 167 at or near Junction City, AR, then along U.S. Hwy 167 to junction U.S. Hwy 71 at or near Alexandria, LA, then along U.S. Hwy 71 to junction U.S. Hwy 190 at or near Krotz Springs, LA, then along U.S. Hwy 190 to junction LA Hwy 30 at or near Baton Rouge, then along LA Hwy 30 to junction LA Hwy 74 at or near St. Gabriel, then along AL Hwy 74 to junction with LA Hwy 75 at or near St. Gabriel, then along AL Hwy 75 to junction LA Hwy 22 at or near Darrow, then along LA Hwy 22 to junction LA Hwy 44 at or near Burnside, then along LA Hwy 44 to Reserve, then along the Mississippi River to the point of beginning at New Orleans, LA (except service is not authorized at any point located on the boundry highways along which the boundry-line has been drawn), on the one hand, and, on the other, Montgomery, AL, points in DE, VA, MD, NJ, PA, DC, those points in AL within 65 miles of Birmingham, including Birmingham, and points within 25 miles of Florence, including Florence, and those points in NY on the south of a line beginning at Oswego and extending along NY Hwy 104 to Mexico, then along NY Hwy 69 to Rome, then along NY Hwy 49 to Utica, then along NY Hwy 5 to Schenectady, then along NY Hwy 7 to Troy, and then along NY Hwy 2 to the NY–MA State line, restricted against the transportation of traffic to or from any point located in the territory embraced in (B), paragraphs (1) through (6) below. (B) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between junction U.S. Hwy 70 and AR Hwy 11, Fordyce and Stuttgart, AR, those points in AR on U.S. Hwy 79 between Fordyce and Stuttgart, AR, and those in AR on AR Hwy 11 between Stuttgart, AR, and junction U.S. Hwy 70 and AR Hwy 11; (2) Between Little Rock and Lake Village, AR, Greenville, MS, those points in AR on U.S. Hwy 65 between Little Rock and Lake Village, AR, and those in AR and MS on U.S. Hwy 82 between Lake Village, AR, and Greenville, MS; (3) Between Little Rock and Wilmont, AR, and those points in AR on U.S. Hwy 165 between Wilmont, AR, and junction U.S. Hwy 165 and U.S. Hwy 65 near Dermott, AR; (4) Between Liitle Rock, Pine Bluff, Hamburg, Crossett, Warren, and Monticello, AR, Bastrop, LA, those points in AR on AR Hwy 81 between Pine Bluff and Hamburg, AR, those in AR on U.S. Hwy 82 between Hamburg and Crossett, AR, those in AR on AR Hwy 15 between Warren and Pine Bluff, AR, and those in AR on AR Hwy 4 between Warren and Monticello, AR; (5) Between Little Rock, Eudora, and Lake Village, AR, and those points in AR on U.S. Hwy 65 between Lake Village and Eudora, AR; (6) Between Bastrop, New Orleans, Monroe, and Ferriday, LA,

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those points in LA on U.S. Hwy 165 between Bastrop and Monroe, LA, those in LA on LA Hwy 15 between Monroe and Ferriday, LA, and those in LA on U.S. Hwy 61 between the LA–MS State line and New Orleans, LA. (7) Between points in (1) through (6) above, on the one hand, and, on the other, Montgomery, AL, points in DE, VA, MD, NJ, PA, DC, those points in AL within 65 miles of Birmingham, including Birmingham, and points within 25 miles of Florence, including Florence, and those points in NY on and south of a line beginning at Oswego and extending along NY Hwy 104 to Mexico, then along NY Hwy 69 to Rome, then along NY Hwy 49 to Utica, then along NY Hwy 5 to Schenectady, then along NY Hwy 7 to Troy, and then along NY Hwy 2 to the NY–MA State line. This application is directly related to MC–F–14253F, a proceeding pursuant to 49 U.S.C. 11343, published in this same **Federal Register** issue.

Notes.—The operating authorities in (1) through (6) above may be tacked or joined together at common points for providing a through service.

The purpose of (A) above is to allow joinder or tacking with applicant's present irregular-route authority and that authority sought to be purchased in MC–F–14253F, and to eliminate the gateway of New Orleans, LA, in order to provide a through service.

(i) The purpose of the authority described in (B) (1 through 6) above, is to convert regular-route authority to irregular-route authority and to allow the tacking or joining of such rights at authorized common points. (ii) The purpose of (B)(7) above is to eliminate the internal gateways of Bastrop, LA, Pine Bluff, AR, Little Rock, AR, and all others that are created in (B) (1 through 6) and to allow joinder or tacking of all points in (B) (1 through 6) above with applicant's present irregular-route authority, and to eliminate the gateways of New Orleans, LA, Greenville, MS, and Little Rock, AR, in order to provide a through service.

MC 93682 (Sub-20F), filed February 28, 1980. Applicant: COLES EXPRESS—gateway elimination—444 Perry Road, Bangor, ME 04401. Representative: John F. O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in ME, MA, and those in Hillsboro and Rockingham Counties, NH, on the one hand, and, on the other, Providence, RI, and points within 10 miles of Providence.

Note.—(1) The purpose of this application is to eliminate the gateways at points in MA within 10 miles of Providence in order to provide a through service. This through service also includes the elimination of several of Cole's internal gateways that fall within the 300-mile exemption of Ex Parte No. 55 (Sub-No. 8). (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. § 11343 in MC–F–1433F, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 19888 Filed 4–4–80; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

U.S. Circuit Judge Nominating Commission First Circuit Panel; Chairperson: Jerome P. Facher

The First Circuit Panel of the United States Circuit Judge Nominating Commission will meet on April 15 at the office of Hale and Dorr, 60 State Street, Boston, Massachusetts at 2:00 p.m. This meeting will be closed to the public pursuant to Pub. L. 92–463, Section 10(d) as amended (CF 5 U.S.C. 552b(c)(6)). Due to the short time allotted the panel to make its recommendations to the President, it was not possible to provide a full 15 day notice.

Phillip B. Cover,

Advisory Committee Control Officer.

[FR Doc. 80–10357 Filed 4–4–80; 8:45]

BILLING CODE 4410–01–M

Vacancy on U.S. Court of Appeals for the First Circuit

By appointment of the President, a panel of the U.S. Circuit Judge Nominating Commission has been constituted to consider prospective nominees to fill a vacant judgeship on the Court of Appeals in this Circuit. The panel must submit to the President by May 20, 1980 the names of not more than six persons deemed well qualified to be a judge of the U.S. Court of Appeals.

Anyone may submit suggested nominees to the panel for consideration, and anyone may request that he or she be considered.

To be considered by the panel a person must be a member of the bar in good standing. Important factors in determining whether a person is well qualified are professional competence, extent and nature of legal experience, character, temperament, and health. A proposed nominee should normally have 12 to 15 years of legal experience and be physically and mentally capable of sustained work on difficult intellectual problems, with the potential for rendering long and energetic service on the Federal bench.

Experience of particular relevance may have been acquired in these areas: (a) substantial appellate experience as a lawyer or judge; (b) substantial trial court experience as a lawyer or judge; (c) substantial Federal law mastery as demonstrated by teaching or by professional association with public or private offices dealing extensively with Federal law; (d) substantial legal writing with relationship to Federal law; (e) substantial experience in judicial education or law reform activity of a highly professional nature, with some correlation to Federal matters. Generally experience in at least two of three areas will be required. In cases of substantial and outstanding service as a Federal or state judge, experience in one of these areas will be sufficient.

For this vacancy the panel will confine its consideration to persons from Massachusetts, Rhode Island and Puerto Rico.

Persons who wish to be considered or who wish to submit names of proposed nominees should do so in writing addressed to the Chairman of the Panel, Jerome P. Facher, Esq., Hale and Dorr, 60 State Street, Boston, Massachusetts 02109. Though not required, it will be helpful if reasons are given why the person suggested is well qualified for this judicial position.

Suggested nominees, or persons who wish to be considered, should complete application questionnaires which must be mailed to the Chairman of the Panel no later than May 1, 1980. Application forms will be available from Jerome P. Facher at the address listed above.

Other members of the panel are:

Rae B. Condon, Providence, Rhode Island.
Paul A. Freund, Cambridge, Massachusetts.
Ida Marie Wilson, Augusta, Maine.
Clifford J. Ross, Manchester, New Hampshire.
Thomas R. Peterson, O.P., Providence, Rhode Island.
Charles H. Abbott, Lewiston, Maine.
Franklin Delano Lopez, San Juan, Puerto Rico.
Geraldine Limbardo, Hingham, Massachusetts.
Diane Lund, Cambridge, Massachusetts.
Frieda Garcia, Boston, Massachusetts.

Phillip B. Cover,

Advisory Committee, Control Officer.

[FR Doc. 80–10356 Filed 4–4–80; 8:45 am]

BILLING CODE 4410–01–M

Law Enforcement Assistance Administration

Request for Comments on the Proposed LEAA Guideline: Delinquency Prevention Research and Development; Correction

In FR Doc. 80–7519 appearing on page 16126 in the issue of Wednesday, March 12, 1980, in the last line of the first column, change *on or before April 1, 1980* to *on or before April 11, 1980.*

David D. West,

Director, Formula Grants and Technical Assistance Division.

[FR Doc. 80–10560 Filed 4–4–80; 8:45 am]

BILLING CODE 4410–18–M

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups

Correction

In FR Doc. 80–8962 appearing on page 19524 in the issue of Tuesday, March 25, 1980, in the second line of the second column of page 19524, change ". . . April 15, 1980 . . ." to ". . . April 25, 1980 . . .".

BILLING CODE 1505–01–M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Full Council Meetings; Time Change

April 2, 1980.

On March 19, 1980, the National Advisory Council on Economic Opportunity announced that it will hold meetings on April 21 and 22, 1980 starting at 9:30 a.m. EST at its office, 1725 K Street, N.W., Suite 405, Washington, D.C. (45 FR 17702). The time of the April 21 meeting has been changed to 1 p.m. All other information remains the same.

Walter B. Quetsch,

Executive Directar.

[FR Doc. 80–10399 Filed 4–4–80; 8:45 am]

BILLING CODE 6820–42–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–2909]

Alabama Nuclear Fuel Fabrication Plant (ANFFP), Westinghouse Electric Corp.; Issuance of Special Nuclear Material License; Extension of Opportunity To Request for Hearing

AGENCY: U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety.

ACTION: Notice of Extension to June 14, 1980, of Opportunity to File Request for Hearing.

Notice has previously been given (March 6, 1980, 45 FR 14724) that Westinghouse Electric Corporation has submitted an application for a Special Nuclear Material license authorizing Westinghouse to acquire, deliver, receive, possess, use and initially transfer special nuclear material, for its Nuclear Fuel Division, Alabama Nuclear Fuel Fabrication Plant (ANFFP), a new facility proposed for location near Prattville, Alabama. The **Federal Register** notice cited above further stated that persons who wished to file a request for hearing should do so by April 7, 1980.

The March 6, 1980, **Federal Register** notice also stated that the applicant's Environmental Report and supplements thereto would be provided to the State Clearinghouse, Alabama Development Office, c/o State Capitol, Montgomery, Alabama 36130; and the Metropolitan Clearinghouse, Central Alabama Regional Planning and Development Commission, 808 Lawrence Street, Montgomery, Alabama 36104. Because these documents did not arrive in sufficient time for review, the deadline for filing petitions requesting a hearing has been extended to June 14, 1980.

Questions should be directed to W. T. Crow, U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, 396–SS, Washington, D.C. 20555, Phone (301) 427–4510.

Dated at Silver Spring, Maryland this 3rd day of April 1980.

For the Nuclear Regulatory Commission.

R. G. Page,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 80–10628 Filed 4–4–80; 10:06 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Licensee Event Reports (LERs); Meeting

The ACRS Subcommittee on Licensee Event Reports (LERs) will hold a meeting on April 22, 1980, in Room 1046, 1717 H St., N.W., Washington, DC 20555. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 22, 1980, 8:30 a.m. until conclusion of business

The Subcommittee will review plans of the new NRC Office of Analysis and Evaluation of Operational Data, and NRC action in response to the ACRS LER Report (NUREG–0572).

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated April 1, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–10289 Filed 4–4–80; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Meeting

The ACRS Subcommittee on Site Evaluation will hold a meeting on Tuesday, April 22, 1980 in room 1046, 1717 H St. NW., Washington, DC 20555 to review the proposed Emergency Planning Rule (10 CFR, Part 50) published in the **Federal Register** December 19, 1979, and NUREG–0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants."

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only

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by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 22, 1980, 1:00 p.m. until the conclusion of business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 1, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10300 Filed 4-4-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Concrete and Concrete Structures; Meeting

The ACRS Subcommittee on Concrete and Concrete Structures will hold a meeting on April 22-23, 1980 in Room 1167, 1717 H St., NW., Washington, DC to review "user needs" in structural engineering and the way in which these needs have been and are being met. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Tuesday and Wednesday, April 22 and 23, 1980, 8:30 a.m. until the conclusion of business each day

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio G. Igne (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated April 1, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10301 Filed 4-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the License and Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications to modify the power-to-flow curve and allow additional operational flexibility during plant load changes. In addition, corrections have been made to the license to reflect the present power limitations at the end of cycle.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 28, 1979, (2) Amendment No. 36 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Dircector, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of March 1980.

For The Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-10303 Filed 4-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Availability of Draft Supplement to the Draft Environmental Statement for Susquehanna Steam Electric Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Supplement to the Draft Environmental Statement (NUREG-0564) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania, is being made available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC, and in the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. The Draft Supplement is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, Intergovernmental Relations Division, Harrisburg, Pennsylvania, and at the Luzerne County Planning Commission, Court House, Wilkes-Barre, Pennsylvania, and the Economic Development Council of Northeast Pennsylvania, Avoca, Pennsylvania. The Draft Supplement is related to the construction and operation of the Pond Hill Low-Flow Augmentation Reservoir. The purpose of the proposed reservoir is to supply water to the Susquehanna River during periods of low riverflow to replace the water consumptively used by the Susquehanna Steam Electric Station. Requests for copies of the Draft Supplement to the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Director, Division of Technical Information and Document Control.

The Applicant's Environmental Report, as supplemented, submitted by Pennsyvania Power and Light Company and Allegheny Electric Cooperative, Inc., is also available for public inspection at the above designated locations. Notice of availability of the Applicant's Environmental Report was published in the **Federal Register** on August 9, 1978 (43 FR 35406). Notice of availability of the Draft Environmental Statement was published in the **Federal Register** on July 6, 1979 (44 FR 39648).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, the Draft Environmental Statement, and the Draft Supplement to the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report, the Draft Environmental Statement and the Draft Supplement to the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 27, 1980. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, DC and the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. Upon consideration of comments submitted with respect to the Draft Environmental Statement and the Draft Supplement to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Supplemental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 31st day of March 1980.

For the Nuclear Regulatory Commission.

Donald E. Sells,

Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 80-10308 Filed 4-4-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 and 64 to Facility Operating License Nos. DPR-44 and DPR-56, issued to the Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications relating to core monitoring, core flooding and cooling system operability requirements. The effect of the revised Technical Specifications would be (1) to allow dewatering of the suppression chambers (tours) during refueling outages, provided adequate core flooding inventory is available and no operations are being performed which have a potential for draining the reactor vessel, (2) to allow unloading and reloading the core under special conditions without having 3 counts per second (cps) on the source range monitors (SRMs) and (3) to allow the reactor protection system instrumentation to be inoperable when the reactor is compeltely defueled.

The application for the amendements complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated January 14, 1980, (2) Amendment Nos. 65 and 64 to License Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director: Division of Operating Reactors.

Dated at Bethesda, Maryland this 28th day of March 1980.

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For The Nuclear Regulatory Commission.
Thomas A. Ippolito, Chief,
Operating Reactors Branch No. 3, Division of Operating Reactors.
[FR Doc. 80-10302 Filed 4-4-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to reflect plant operating limits for the fuel loading to be used during Cycle 4.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated October 3, 1979, as supplemented February 19, 1980 and February 27, 1980, (2) Amendment No. 29 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of March, 1980.

For the Nuclear Regulatory Commission.
Robert W. Reid,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.
[FR Doc. 80-10305 Filed 4-4-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to allow for a delay in the testing of the reactor vessel internals vent valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 10, 1980, (2) Amendment No. 23 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of March 1980.

For the Nuclear Regulatory Commission
Robert W. Reid,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.
[FR Doc. 80-10304 Filed 4-4-80; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 2, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

National Oceanographic and Atmospheric Administration
Survey of Private Marine Aquaculture 88
Other (See SF-83)
Private Marine Aquaculture Enterprises, 300 responses; 99 hours
William T. Adams, 395-4814

Revisions

Maritime Administration
Subsidy Voucher—Operating-Differential Subsidy—Bulk Cargo Vessels
SF 1034 and Supporting Schedules
Monthly
Shipping Companies Under Bulk Carrier Contracts, 332 responses; 562 hours
William T. Adams, 395-4814

Reinstatements

National Oceanic and Atmospheric Administration
Report of Observations/Samples Collected by Oceanographic Programs
24-23
On Occasion
Universities/Laboratories/Private Industry, 1,050 responses; 262 hours
William T. Adams, 395-4814

DEPARTMENT OF ENERGY

Agency Clearance Offices—John Gross—633-9770

New Forms

Attitudes and Experiences Relating to Electrical Power Outages
ERA-435
Single time
Indiv. in 3 Selected Regions, 1,500 responses; 500 hours
Jefferson B. Hill, 395-5867

Revisions

Energy Company Financial Reporting System EIA-28
Annually
Major energy companies, 27 responses; 122,904 hours
Jefferson B. Hill, 395-5867
Entitlements Program Transaction Report ERA-116
Monthly
Petroleum refiners and eligible firms, 2,520 responses; 12,600 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245-6511

New Forms

Office of the Secretary
AFDC and food stamp client surveys OS-5-80
Single time
AFDC and food stamp clients in Springfield, MA., 1,050 responses; 788 hours
Barbara F. Young, 395-6132
Social Security Administration
Application for Federal Assistance (Nonconstruction programs) Schedule of Estimated Cost for Assistant Services Training and Administration
SSA-96 & 97
On occasion
St./Loc Govt nonprof and edu. inst apply. for Fed. assist., 1,000 responses; 14,000 hours
Barbara F. Young, 395-6132

Reinstatements

Social Security Administration Work Activity Report (for Disability Beneficiary)
SSA-820-F4 & 821-F4
On occasion
SSA disability claimants and beneficiaries, 150,000 responses; 75,000 hours
Barbara F. Young, 395-6132

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523-6341

Reinstatements

Employment Standards Administration
Coal Mine Employment Statements
CM-913, CM-918, & CM-1093
On occasion
Coal miners and survivors, 55,000 responses; 17,500 hours
Arnold Strasser, 395-5080

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632-0084

New Forms

Contractor's Certificate for Project Commodities—Invoice
On occasion
Commodity suppliers, 8,000 responses; 2,000 hours
Phillip T. Balazs, 395-4814

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

Revisions

Claim For Unemployment Benefits UI-3
On occasion
Claimant for unemployment benefits, 575,000 responses; 47,917 hours
Barbara F. Young, 395-6132

Extensions

Notice of Payment of Separation Allowance UI-13
On occasion
Railroad employers, 1,500 responses; 375 hours
Barbara F. Young, 395-6132
Claim for Sickness Benefits SI-3
On occasion
Claimant for sickness benefits, 460,000 responses; 15,333 hours
Barbara F. Young, 395-6132
Notice of Death and Statement of Compensation AA-12
On occasion
Railroad employers, 5,000 responses; 833 hours
Barbara F. Young, 395-6132

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SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653–6890

New Forms

Government Procurement Opportunities for small Business SBA 1167
Single time
Small firms interested in getting Government contracts, 20,000 responses; 10,000 hours
John M. Allen, 395–3785

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—854–2596

Revisions

Salary Survey TVA 5322
Annually
Description not furnished by agency, 45 responses; 45 hours
Charles A. Ellett, 395–5080

C. Louis Kincannon,

Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80-10439 Filed 4-4-80; 8:45 am]

BILLING CODE 3110-01-M

Senior Executive Service Performance Review Board; Membership

March 31, 1980.

Pursuant to the Civil Service Reform Act, 4314(c)(4) requires the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Board, which oversees the utilization and evaluation of the Office of Management and Budget's Senior Executive Service:

Performance Review Board

James M. Frey, Chair (term expires July 1981).
Harrison Wellford.
Donald E. Crabill (term expires July 1980.)
Nathaniel Scurry (term expires July 1981).
John Merck (term expires July 1980).

The Assistant to the Director for Administration will serve as Executive Secretary for the Board.

This notice is a revision to the notice published in 44 FR 42354, dated July 19, 1979.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-10361 Filed 4-4-80; 8:45 am]

BILLING CODE 3115-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Articles That May Be Considered for Modification or Continuance of U.S. Duties or Additional Duties

1. In conformance with section 131 of the Trade Act of 1974 (19 U.S.C. 2151) I hereby give notice of articles that may be considered for modification or continuance of United States duties or for additional duties. These articles are set forth below.

2. I have requested the U.S. International Trade Commission to advise me, in accordance with section 131 of the Trade Act of 1974, of the probable economic effects on producers of like or directly competitive products, and on consumers, of increases in the current duty rate of the listed items.

3. Articles which will be considered for modification or continuance of United States duties or additional duties in international trade negotiations, in particular with the United States and Mexico, to the extent permitted by sections 124 and section 109 of the Trade Act of 1974:

Tariff Schedules of U.S. Annotated

Item No.	Description
135.92	Cucumbers—If entered during the period from March 1 to June 30, inclusive, or the period from September 1 to November 30, inclusive, in any year.
135.94	Cucumbers—If entered during the period from July 1 to August 31, inclusive, in any year.
136.22	Eggplant—Other.

Reubin O'D. Askew,

United States Trade Representative.

[FR Doc. 80-10232 Filed 4-4-80; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16709; SR-Amex-80-5]

American Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

March 28, 1980.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on March 14, 1980, the American Stock Exchange, Inc. ("Amex") filed with the Commission copies of a proposed rule change which would amend Article IV, Section 1(a)(1) of the Amex Constitution to increase the number of regular memberships from 650 to 675. Under the Amex's Membership Offering Plan ("Plan"), the 25 additional memberships would be offered for sale to members and member organizations for a period of 30 days on a first-come first-served basis. The price of the memberships would be an amount equal to the average price of the last four regular membership transfers (other than private sales), immediately preceding the date of commission approval of the proposed rule change.

Under the Plan a member or member organization would be able to apply for more than one membership. All rights and obligations currently applicable to existing regular members would be extended to the additional memberships.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–Amex–80–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Sections 6(b)(2) and 6(b)(5), in that it would increase access by eligible persons to the exchange, and would further the objective of a free and open market and a national market system.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that additional memberships will aid in the maintenance of fair and orderly markets by enhancing the ability of the Amex to accommodate the increased volume the exchange has been experiencing recently and may experience in the future.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10320 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11109; 811-2427]

Golden Gate Income Securities, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

March 28, 1980.

In the matter of Golden Gate Income Securities, Inc., 44 Montgomery Street, 21st Floor, San Francisco, California 94104.

Notice is hereby given that Golden Gate Income Securities, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified management investment company, filed an application on February 11, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant had ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated under the laws of the State of Maryland on October 17, 1973. It registered under the Act on October 19, 1973, and on the same date it filed a registration statement under the Securities Act of 1933 ("1933 Act") covering 2,400,000 shares of Common Stock. Such registration statement under the 1933 Act has not become effective nor has any public offering commenced. Thus, Applicant has no assets, outstanding securities or shareholders.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 22, 1980 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon.

Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10325 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21497; 70-6402]

Louisiana Power & Light Co.; Proposal by Utility To Obtain a 60-Year Franchise To Operate a Municipal Electric System and an Option To Acquire That System

March 27, 1980.

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174.

Notice is hereby given that Louisiana Power & Light Company ("LP&L"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), and 10 of the Act as applicable to the proposed transaction. All interetsted persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

LP&L is engaged in the business of generating, transmitting, distributing and selling electric power and energy. It operates in 46 of the 64 parishes in the State of Louisiana, including the Parish of Jackson.

The Town of Jonesboro ("Town") is a municipal corporation of the State of Louisiana, located in the Parish of Jackson, in the north central part of the State. Its population is approximately 5,500 people. The Town owns, operates and maintains a system for the generation, distribution and sale of electric power and energy to customers within and outside its corporate limits ("Electric System"). As of October 31, 1979 the Town had 2,857 electric customers, of which 2,382 were classified as residential (1,590 inside the corporate limits and 792 outside the corporate limits), 433 were classified as commercial (368 inside the corporate limits and 65 outside the corporate limits), and 42 were classified as government and municipal customers (all inside the corporate limits). The Electric System immediately adjoins and is connected to the LP&L system and facilities. LP&L proposes to enter into an agreement with the Town whereby LP&L will be granted a sixty-year franchise to operate the Electric System and given an option to acquire the Electric System.

The Electric System has a generating capability of 17.440 megawatts and served a peak load for 1979 of 10.6 megawatts. It is estimated that such load will grow at a rate of 6 percent per year over the next five years, amounting to 14.4 megawatts in 1984. During that period LP&L's service margin is expected to be at least 1,035 megawatts. The existing connection between the Electric System and the LP&L System has a capability of 28 megawatts. LP&L states that it intends to shift the Town's load to its own transmission system as the fuel supply for and the capability and reliability of the Town's generating facilities require or make desirable.

Modifications costing approximately $50,000 will be made to LP&L's facilities and to the Town's distribution system in preparation for such load shift. At June 30, 1979 the undepreciated original cost of the Electric System was $6,472,791. LP&L estimates that the depreciation value of the Electric System at that date was $4,363,000. For the year ended June 30, 1979, the Electric System had operating revenues of $1,949,840 and operating expenses, exclusive of depreciation expense and interest of debt, of $1,658,811.

The Town presently has outstanding bonds in the aggregate principal amount of $4,239,000 which are payable from the income and revenues of its waterworks, sewerage and electric systems and plants ("Bonds"), consisting of the

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principal amounts presently outstanding of eight different series of such bonds issued during the years 1955 through 1977, maturing on September 1st of the years 1980 through 2002, and bearing interest at rates from 3½% to 6¾% per annum. Further, $670,000 principal amount of a series of such bond bearing interest rates from 6% to 6¾% per annum bear additional interest at the rate of ¾% per annum to March 1, 1980; and $495,000 principal amount of series of such bonds bearing interest at rates from 5¾% to 6¼%per annum bear additional interest at the rate of ¾% per annum to September 1, 1982 or to the maturity date thereof, whichever is earlier. The average rate of the Bonds is 5.62% per annum.

LP&L states that, for financial and other reasons, including difficulty in obtaining assured quantities of fuel, and reasonably or acceptably priced fuel, the Town has been encountering increasing difficulty in the operation and maintenance of the Electric System on a profitable basis and has concluded that these problems would continue to become worse in the future.

It is further stated that, after negotiating with the Town, LP&L extended an offer for the operation and possible ultimate ownership of the Electric System. The Town, at LP&L's request, called a special election on whether LP&L's offer should be accepted. On December 8, 1979, the electorate voted to accept the offer.

Under the terms of the Operating Agreement between the Town and LP&L, the utility will be obligated, at its own expense, to operate, maintain and make necessary additions and improvements to the entirety of the Electric System exclusive of the generating facilities ("Distribution System"), providing for the entirety of the electric power supply requirements of the Distribution System and its customers, and LP&L may, but will not be obligated to, operate and maintain the Electric System's generating facilities ("Generating Facilities") or any part thereof; to read the meters and bill the customers of the Distribution System; and to maintain in effect certain insurance coverages with respect to the Electric System. Additions, improvements, replacements and extensions so made shall be and shall remain the property of LP&L, but provision is made for the acquisition thereof by the Town, exclusive of extensions of the Distribution System located outside of its corporate limits, in the event the Operating Agreement is terminated or nullified without LP&L acquiring ownership of the Electric System. The rates to be charged by LP&L to the various classes or categories of customers of the Distribution System shall be the same rates which LP&L charges its customers of the same classes or categories elsewhere in Louisiana.

LP&L will retain revenues collected for the electric service rendered by it under the Operating Agreement. However, in addition to meeting the expenses mentioned above, the Company is obligated to make certain payments as hereinafter set forth: (a) LP&L will meet a schedule of payments to be made to a designated fiscal agent of amounts necessary to pay the principal of and interest on the Bonds as such principal and interest become due. The aggregate annual amounts of such payments vary from a high of $349,277.25 in 1980 to a low of $5,265.00 in 2002, averaging out to $314,659 per year over the period 1980 through 2002, (b) As long as the Operating Agreement or the franchise to be granted to LP&L remains in effect, LP&L is also obligated to pay the Town 2% of the revenues from residential and commercial customers within the corporate limits of the Town, but if the aggregate of such 2% payments and LP&L's ad valorem taxes in the Town for any calendar year total less than $95,000, LP&L will pay the Town the difference within 30 days after the end of such calendar year, and if residential and commercial revenues within the corporate limits exceed $1,600,000 in any calendar year, the $95,000 will be increased for such calendar year by an amount equal to 1% of such excess. It is also provided that if the cost of LP&L's electric service to municipal facilities exceeds the aggregate of the annual payments set forth in this item (b), LP&L will add to such payments an amount equal to that part of the difference resulting from increases in electric rates (including fuel adjustment charges). LP&L will not assume or be liable for any contracts, accounts payable or financial obligations or liabilities of the Town. LP&L will have the right, under the Operating Agreement to pay and refund any or all of the bonds, and to pre-refund any of the Bonds which may not then be callable.

The Operating Agreement will give LP&L the further right, at any time that LP&L considers it economically feasible to do so, to require the Town to issue and sell refunding bonds in an amount sufficient to pay and refund and/or pre-refund all of the Bonds then outstanding, either (a) on the basis of the replacement of the Operating Agreement with a lease-purchase agreement whereunder LP&L would become the lessee of the Electric System, the lease payments made by LP&L would be sufficient to assure the payment of the refunding bonds, and LP&L would have the right to acquire the Electric System on the same basis as provided for in the Operating Agreement, or (b) on the basis of the replacement of the Operating Agreement with a new operating agreement reflecting such changes as necessarily result from such refunding but otherwise having substantially the same terms, conditions and provisions as the Operating Agreement. The Town may require LP&L to participate in such a refunding provided that the last maturing refunding bonds mature no later than the last maturity date of any of the Bonds and that the annual debt service on the refunding bonds is no greater for any year than the amount of the Sinking Fund Deposit for such year.

The Operating Agreement will further provide that at such time as no Bonds or refunding bonds are outstanding (pre-refunded Bonds and pre-refunded refunding bonds being considered as no longer outstanding), LP&L will have the right and option, for no further consideration, to acquire from the Town the entirety of the Electric System.

In the event that the Operating Agreement is terminated or nullified without LP&L acquiring the ownership of the Electric System and LP&L's franchise is still effective, the offer also provides that LP&L will, on demand, release and relinquish such franchise.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $11,000, including legal fees of $9,000. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 21, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10331 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21502; 70-6429]

Middle South Utilities, Inc.; Proposal To Issue and Sell Common Stock at Competitive Bidding

March 28, 1980.

In the matter of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration and an amendment thereto with this Commission purusant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Middle South proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to 7,000,000 authorized but unissued shares of its common stock, $5 par value, to underwriters or investment bankers who will promptly make a public offering thereof. If market conditions at the time of the offering of the securities are unfavorable, Middle South may request an exception from the competitive bidding requirements of rule 50, so that the common stock may be offered pursuant to a negotiated underwriting.

The net proceeds to be derived from the sale of the common stock (presently estimated to be approximately $91,000,000) will be applied toward the reduction of Middle South's then outstanding bank loans, pursuant to the credit agreement between Middle South and various commercial banks, dated as of June 29, 1979. The amount then to be outstanding is estimated to be $224,000,000. Proceeds derived from bank borrowings are used to make investments in certain of Middle South's subsidiary companies which apply such funds to construction, acquisition of property or retirement of short-term indebtedness.

The consolidated capitalization of Middle South and its subsidiaries as of December 31, 1979, was as follows:

Common Stock	$452,165,000
Paid-in surplus	630,450,000
Retained earnings	581,445,000
Subsidiaries preferred stock	524,474,000
Subsidiaries long-term debt	9,017,816,000
Total	$5,206,350,000

These amounts include term bank notes and first mortgage bonds issued by Middle South Energy, Inc. ("MSEI"), a wholly-owned subsidiary of Middle South whose sole function, at present, is to construct Grand Gulf Electric Generating Units No. 1 and No. 2 near Port Gibson, Mississippi. As of December 31, 1979 such bank notes due December 31, 1985 amounted to $547 million under an $808 million revolving loan agreement. MSEI then also had outstanding $400 million principal amount of its first series of first mortgage bonds due 1989. Such bonds are held by a group of insurance companies. In January, 1980 MSEI entered into an agreement with a group of insurance companies under which it will issue and sell on or prior to July 1, 1980 an additional $98.5 million principal amount of first mortgage bonds due 2000. Its common equity, supplied by Middle South, was about $385 million. Under a Capital Funds Agreement, Middle South is obligated to supply MSEI's capital requirements, except to the extent it is obtained by MSEI from other sources.

MSEI has covenanted with its bondholders and with the holders of its bank notes that Grand Gulf Unit No. 1 will be placed in commercial operation no later than December 31, 1982, and, with the bondholders, that Grand Gulf Unit No. 2 will be placed in commercial operation no later than December 31, 1986. If either of these convenants is not fulfilled or if MSEI defaults with respect to either the bonds or the bank borrowings, MSEI's outstanding obligations will become due and payable by MSEI and by Middle South under its Capital Funds Agreement, unless extensions of time can be arranged. MSEI has assigned, as security, to the banks and to the trustee for the bondholders its rights under its Availability Agreement with Middle South's five electric utility subsidiaries. It provides that no later than December 31, 1982, the operating companies will begin paying MSEI such amounts as will be at least equal to MSEI's operating expenses or an equivalent amount, if Unit No. 1 is not in operation, including MSEI's interest charges and depreciation expense.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 21, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10321 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16707; SR-MSRB-79-6]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

March 28, 1980.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

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On June 6, 1979, the Muncipal Securities Rulemaking Board (the "MSRB") filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change to modify certain provisions of its customer confirmation rule, MSRB rule G–15.[1] The proposed rule change would require a municipal securities broker or municipal securities dealer, when confirming transactions involving callable securities, to include on the confirmation a statement indicating that the yield shown may be affected by the exercise of a call provision, and that information concerning call provisions will be provided upon request. In addition, the proposed rule change would provide that a confirmation of a transaction effected on the basis dollar price, including a transaction in "dollar bonds," would be required to include not only the dollar price at which the transaction was effected, but also the lowest of the resulting yield to premium call, par option, or maturity. Currently, transactions effected at a dollar price are exempted from the requirements in MSRB rule G–15 to show yield information on confirmations.

The text of the proposed rule change is as follows:

Rule G–15. Customer Confirmations

(a)(i) through (vii) No change.

(viii) yield and dollar price, as follows:

(A) for transactions effected on a yield basis, the yield at which transaction was effected and the resulting dollar price shall be shown. Such dollar price shall be calculated to the lowest of price to premium call, price to par option, or price to maturity. In cases in which the dollar price is calculated to premium call or par option, this must be stated.

(B) for transactions effected on the basis of dollar price, the dollar price at which transaction was effected, and the lowest of the resulting yield to premium call, yield to par option, or yield to maturity shall be shown.

(C) for transactions at par, the dollar price shall be shown;

(ix) through (xiii) No change.

(b) No change.

(c) In addition to the information required by paragraphs (a) and (b) above, each confirmation to a customer shall contain the following information, if applicable:

(i) through (iii) No change.

(iv) If the securities are callable, a statement that the yield set forth pursuant to subparagraph (viii) of paragraph (a) may be affected by the exercise of a call provision, and that information relating to call provisions is available upon request. A statement to the following effect will be deemed to satisfy this requirement:

Call features may exist which could affect yield; complete information will be provided upon request;

(v) denominations of notes and, it other than the following, denominations of bonds;

(A) for bearer bonds, denominations of $1,000 or $5,000 par value, and

(B) for registered bonds, denominations which are multiples of $1,000 par value, up to $100,000 par value;

(vi) any special instructions or qualifications, or factors affecting payment of principal or interest, such as (A) "ex legal," or (B), if the securities are traded without interest, "flat," or (C) if the securities are in default as to the payment of interest or principal, "in default," and

(vii) such other information as may be necessary to ensure that the parties agree to the details of the transaction.

(d) through (h) No change.

The Commission received four letters of comment on the proposed rule change. All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's public reference room. The comments received focused on the proposed amendment which would require yield information on confirmations of transactions effected at a dollar price, which was opposed as inappropriate or meaningless. In addition, commenters indicated that a requirement to include yield information on confirmations of such transactions would be burdensome or expensive.[2]

It appears, nevertheless, that increased yield information on customer confirmations of transactions effected at a dollar price would be beneficial. For example, the comment letters received by the MSRB on its exposure draft of the proposed amendment to rule G–15, and those received by the Commission on the proposed rule change, indicated that the current exemption from the rule's yield disclosure requirements for transactions effected at a dollar price has been read as not requiring yield information for purchases of securities from customers, since such transactions may be viewed as effected on the basis of dollar price. Under the proposed amendment, a confirmation would be required to show yield information as well as the dollar price paid for purchases of securities. It appears that providing such yield information to customers will permit them, among othe things, to compare the merits of securities being sold with those which they contemplate purchasing.

The MSRB requested a delayed effective date for the proposed amendments in order to reduce any costs associated with the proposed yield disclosure requirement. Accordingly, the proposed rule change will become effective six months from the date of Commission approval. This will allow municipal securities professionals sufficient time to reporgram computers or redesign confirmation forms, as necessary. In addition, the MSRB has stated its belief that calculation of approximate yield to the nearest five-hundredths of a percentage point would sufficient to satisfy the rule's requirement to show resulting yield.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the avove-mentioned proposed rule change be, and it hereby is, approved, effective with espect to transactions occurring on or after September 24, 1980.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10319 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Notice of that filing was published in Securities Exchange Act Release No. 15938 (June 19, 1979) (44 FR 39673 (1979)).

[2] Currently, many computer-generated confirmations do not calculate or print yield information from dollar prices, while computer programs to calculate dollar prices from specified yields are standard.

[Release No. 34–16708; File No. SR–NYSE–80–10]

New York Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 18, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendments to NYSE Rules 13 and 123A.30 would enable specialists to convert percentage orders into regular limited price orders to participate in trades on "zero plus" (in the case of buy percentage orders) and "zero minus" ticks (in the case of sell percentage orders) but would prohibit him, except in the case of ITS stocks, from taking on behalf of the buy percentage orders more than 50% of all the stock offered, or supplying, on behalf of the sell percentage orders, more than 50% of all the stock bid for.

The Exchange's Statement of Purpose of Proposed Rule Change

The purpose of the proposed rule change is (i) to enhance the ability of Exchange specialists to handle percentage orders efficiently and diligently and (ii) to increase the potential for such orders—which are usually of block size—to be absorbed by the market. The proposed rule change is also expected to result in a number of other benefits to Exchange markets, as a whole, and to the various participants therein.

Allowing converted percentage orders to participate in "zero" tick transactions is entirely consistent with percentage order philosophy since the investor who enters a percentage order is trying to purchase a block of stock without driving the price of the stock up, or sell a block of stock without depressing its price. Thus, the investor wants to avoid creating new price levels. Instead, he wants to trade along at price levels created in previous transactions—and this is exactly the case in a "zero" tick trade.

The purpose of the 50% restriction in non-ITS stocks is to create a buffer against the erosion of a price level in the case where the specialist executes a converted percentage order (or a portion thereof) on a "zero" tick transaction by taking, on behalf of a buy percentage order, stock that is offered, or supplying on behalf of a sell percentage order stock that is bid for. However, the Exchange believes it would be inappropriate to require the specialist to maintain such a buffer in ITS stocks because of the intense intermarket competition in such stocks.

NYSE's Statement of Basis Under the Act for Proposed Rule Change

The proposed rule change would further the objectives of the following sections of the Act: Section 11(b) which prevents a specialist from effecting on the Exchange, as broker, any transaction except upon a market or limited price order;

Section 11A(a)(1)(C)(ii) of the Act, which provides that "[it] is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure . . . fair competition among brokers and dealers . . .;"

Section 6(b)(5) of the Act which requires that Exchange rules be designed to foster cooperation and coordination between persons engaged in facilitating transactions in securities; And Section 11A(a)(1)(C)(v) of the Act which seeks to assure an opportunity for investors' orders to be executed without the participation of a dealer.

Comments Received From Members, Participants, or Others on Proposed Rule Changes

The Exchange has not solicited comments regarding the proposed rule change.

Burden on Competition

The NYSE states that the proposed rule changes will not impose any burden on competition. The proposed rule change is designed partially to enable Exchange specialists to compete more effectively for block-size orders.

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 28, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

March 26, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10323 Filed 4-4-80; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 34–16706; File No. SR–PSE–80–1]

Pacific Stock Exchange, Inc.; Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–24, 16 (June 4, 1975), notice is hereby given that on March 12, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated proposes to adopt a new Rule XII regarding Exchange arbitrations replacing existing Rule XII. The new rule incorporates the Uniform Code of Arbitration for resolving disputes between investors and member firms.

The basis and purpose of the foregoing proposed rule change is as follows:

New Rule XII is being adopted to conform PSE Arbitration Rules to the proposed Uniform Arbitration Code developed by the Securities Industry Conference on Arbitration ("SICA"). The PSE is one of ten self-regulatory organizations which are members of the SICA. The purpose of the proposed rule change is to provide investors with a simple and inexpensive procedure for resolution of controversies with broker-dealers.

The proposed rule is consistent with Sec. 6(b) of the Act in general, and furthers the objectives of Sec. 6(b)(5) of the Act, in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest. It does so by providing improved uniform procedures for the arbitration of disputes involving members and member organizations of the Exchange.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burden on competition.

Within 35 days of the date of publication of this notice in the **Federal**

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Register, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 28, 1980.

[FR Doc. 80-10324 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21499; 70-6409]

Southern Ohio Coal Co. and Ohio Power Co.; Proposed Financing for Coal Mining Subsidiary

March 28, 1980.

In the matter of Southern Ohio Coal Company, Post Office Box K, Moundsville, West Virginia 26401 and Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702.

Notice is hereby given that Ohio Power Company ("Ohio Power"), an electric utility subsidiary of American Electric Company, Inc. ("AEP"), a registered holding company, and Southern Ohio Coal Company ("SOCO"), a coal mining subsidiary of Ohio Power, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SOCO is engaged in the development and mining of coal reserves for use at Ohio Power's Mitchell Plant located in Captina, West Virginia, and at its General James M. Gavin Plant, located in Cheshire, Ohio. The transaction proposed herein involves the installation by SOCO of additional coal preparation facilities at its Meigs Mine Complex located in Gallia and Meigs Counties in southeastern Ohio. SOCO proposes to 1) install at Meigs Mine No. 1 a heavy-medium cyclone and a froth flotation system to augment the heavy-medium bath preparation; 2) install at Racoon Mine No. 3 a froth-flotation system; and 3) modify the Baum jig plant at Racoon Mine No. 3. These additions and modifications are estimated to cost approximately $40,600,000.

Ohio Power and SOCO believe that the cost of the proposed project is justifiable on the basis of the anticipated savings in the cost of coal delivered to Ohio Power. In the case of Meigs Mine No. 1, the preparation plant additions will lead to improved quality of the coal and to a relative reduction in the cost per million British thermal units ("MBtu") of delivered coal. It is estimated that such cost in present-day dollars will be reduced from 181.75¢ per MBtu to 175.61¢ per MBtu. The Racoon Mine No. 3 addition will cause an increase in Btu recovery and an estimated decline in relative delivered cost per MBtu in present-day dollars from 170.98¢ to 157.77¢. The annual savings in delivered fuel costs alone upon completion of the proposed projects are estimated to be approximately $16,674,000 at capacity or planned output. Additional savings will accrue annually to Ohio Power through improved availability and lower maintenance expense of the Gavin Plant boilers. Although these savings are difficult to quantify precisely, they are conservatively estimated at $10 million annually. It is proposed that these projects will be financed through a combination of long-term loans and cash capital contributions by Ohio Power to SOCO of approximately $40,600,000. It is expected that Ohio Power will make its investment in SOCO in two increments, one to be made in 1980 and the second to be made sometime in 1981. In return for the loans, SOCO will issue to Ohio Power long-term promissory notes. Each of the notes will mature and become payable on December 31, 2009.

The price at which SOCO's coal will be sold to AEP system companies will not exceed the cost thereof to the seller. For this purpose, cost will include reasonable compensation for necessary capital.

The investments made by Ohio Power in SOCO will be assumed to be made in the same proportion as the debt-equity ratio of Ohio Power at the end of the year prior to the investment. As of December 31, 1979, the debt-equity ratios of Ohio Power were 56.3% long-term debt, 11.9% preferred stock, and 31.8% common equity. The interest rate on long-term debt will be equal to the effective interest cost of Ohio Power's last issue of First Mortgage Bonds prior to the investment, the preferred dividend rate will be equal to the dividend rate of Ohio Power's last issue of preferred stock prior to the investment, and the return on common equity will not exceed the rate of return on common equity specified by the Federal Energy Regulatory Commission (FERC) in the most recent wholesale rate proceeding involving Ohio Power. In the absence of such a determination at this time, it is proposed that the cost of common equity capital of SOCO be set at 13% until such time as FERC should take action specifying a rate of return in a wholesale rate proceeding involving Ohio Power in which case the rate then established by FERC shall then become applicable on a prospective basis to the then total common equity investment of Ohio Power in SOCO. The allowed rate of return on common equity shall not be applied to any of SOCO's retained earnings. No return allowance will be applied to such retained earnings.

It is stated that the issuance of such securities is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(3) thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $2,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 21, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rules 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10322 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11110; 812-4641]

American Variable Annuity Life Assurance Co., et al.; Application Approving Certain Offers of Exchange for Exemption From the Provisions

March 31, 1980.

Notice Is Hereby Given That American Variable Annuity Life Assurance Company (the "Company") and American Variable Annuity Life Assurance Company Separate Accounts D, E and F (the "Separate Accounts"), 440 Lincoln Street, Worcester, MA 01605, as issuers of the Company's individual, non-qualified, variable annuity contracts funded by the Separate Accounts (the "Contracts") filed an application on March 25, 1980 for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting the Company and the Separate Accounts (collectively referred to as "Applicants") from Sections 26(a) and 27(c)(2) of the Act and pursuant to Sections 11(a) and 11(c) of the Act approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein which are summarized below.

The Company is a stock life insurance company organized under the provisions of the Delaware Insurance Code in July 1974. It is the successor in interest by virtue of merger to the stock life insurance company of the same name which was incorporated in the State of Arkansas in January 1967. The Company is a wholly-owned subsidiary of State Mutual Life Assurance Company of America ("State Mutual"), a mutual life insurance company incorporated under the laws of the Commonwealth of Massachusetts in 1844. The Company's principal operational office is in Worcester, Massachusetts. As of December 31, 1979, the Company had total assets in excess of $87 million and capital and surplus in excess of $4 million.

The Separate Accounts are separate accounts of the Company established by vote of the Board of Directors of the Company, pursuant to Section 2933 of the Delaware Insurance Code, to fund certain of the Company's variable annuity contracts. The Separate Accounts are registered collectively as a unit investment trust under the Act. The assets of Separate Account D are invested entirely in shares of Colonial Option Income Fund, Inc. (COIF); the assets of Separate Account E are invested entirely in shares of Colonial Income Fund, Inc. (CIF). Subject to the receipt of the requested order and to the effectiveness of an amendment to a registration statement filed on behalf of the Company and the Separate Accounts, the assets of Separate Account F will be invested entirely in shares of Colonial High Yield Securities, Inc. (CHYS).

The Company issues a series of individual, single payment, deferred, variable annuity contracts currently funded through Separate Accounts D and E. Net purchase payments, in a minimum amount of $10,000, may be allocated to either or both Separate Accounts, subject to a minimum of $1,000 allocated to each Separate Account to which net purchase payments are allocated. Purchase payments under the Contracts may be allocated to accumulate in either or both Separate Accounts.

From the single purchase payment the Company deducts a charge for sales and administrative expenses and for a minimum pre-retirement death benefit ranging from a minimum of 2.50% to a maximum of 7.75%. A charge is also made for applicable state premium taxes, if any.

COIF, CIF and CHYS (hereinafter known as the "Funds") are registered with the Commission as open-end, diversified, management investment companies under the Act. The Funds are managed and distributed by Colonial Management Associates, Inc. ("Colonial") which is indirectly a wholly-owned subsidiary of State Mutual. Colonial is registered with the SEC as an investment adviser under the Investment Adviser's Act of 1940 and as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. Colonial also serves as principal underwriter for the Contracts.

The minimum initial investment in shares of CIF, COIF and CHYS is $250 (except for a $25 minimum in connection with a Colonial Fundamatic Program or a Colonial Retirement Plan). Sales charges on purchases of shares of CIF, COIF and CHYS range from a minimum of 1.25% to a maximum of 8.50% of the offering price.

On December 28, 1978, the Commission issued an order ("1978 Order"), to the Company and Separate Accounts D and E pursuant to Section 11 of the Act approving certain offers of exchange and providing an exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act, pursuant to Section 6(c) of the Act. The 1978 Order approved the transfer of accumulated value under the Contracts between Separate Accounts D and E prior to the annuity commencement date, subject to certain nondiscriminatory restrictions on transfer imposed by the Company, without imposition of any charge for sales and administrative expense.

The 1978 Order also provided an exemption from Sections 26(a) and 27(c)(2) of the Act to permit State Mutual to serve as custodian of the assets of the Separate Accounts.

In addition to the 1978 Order, on April 16, 1979, the Commission issued an order ("1979 Order") to the Company and Separate Accounts D and E pursuant to Section 11 of the Act approving an offer of exchange to shareholders of CIF and COIF to exchange shares of CIF and COIF for a Contract for a $50 fee for contract issue and conversion expense but with no deduction for sales and administrative expenses or the pre-retirement minimum death benefit.

The Company proposes to amend the Contracts to permit purchase payments to be allocated to newly organized Separate Account F. The assets of Separate Account F will be invested as described above.

The Company proposes to operate Separate Account F in an identical manner with Separate Accounts D and E, and has requested exemptions similar to those issued to Separate Accounts D and E in the 1978 and 1979 Orders.

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Section 11

Transfers Among the Separate Accounts

The Contracts permit, subject to consent of the Company, a Contract owner to transfer, prior to the annuity commencement date, all or a portion of the accumulated value in one Separate Account to another Separate Account without imposition of any charge for sales and administrative expense, subject to certain nondiscriminatory restrictions on the amount and timing of such transfer imposed by the Company.

Applicants state that the purpose of the transfer provisions of the Contracts is to provide the Contract owners the flexibility to redirect their investments as they deem appropriate from time to time.

Section 11(a) of the Act makes it unlawful for any registered open-end investment company to make an offer to the holder of a security of such company to exchange that security for a security in the same or any other investment company on any basis other than the net asset value of such securities, unless the terms of the offer have been first submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants state that the transfer provision of the Company's Contracts would permit a transfer of accumulated values among Separate Accounts, D, E and F, all three Separate Accounts being registered collectively as a unit investment trust. Thus, the transfer would involve an "exchange" from one "division" of the unit investment trust to another "division" of the same unit investment trust. Applicants state that there would be no change in, or exchange of, the variable annuity Contract for which the Separate Accounts serve as funding vehicles. However, in the event Section 11(a) may be considered applicable by virtue of Section 11(c), Applicants are seeking, to the extent necessary, approval of the Commission pursuant to Section 11 of the Act so that the transfer privilege described above may include transfers to and from Separate Account F in addition to the transfers between Separate Accounts D and E previously exempted by the 1978 Order. All such transfers would be subject to the right of the Company to change the non-discriminatory restrictions on such transfers described above by reducing or increasing the minimums and/or time period between transfers.

Applicants argue that the transfer privilege proposed by Applicants can in no way be deemed to be inequitable to any such Contract owners. Applicants state that the transfer provision is undertaken on an entirely no-load basis. The transfers will be effected at the current unit values of the Separate Accounts as described above which is equivalent to an exchange at net asset value per share. Neither the Company nor the Separate Accounts will receive any charge or load in connection with the exercise of the transfer provision. Applicants state that current prospectuses of the Separate Accounts and the Fund requested by the investor will be provided to any such Contract owner, as required by law, in connection with the exercise of this transfer provision. The terms of the Contract will remain the same. Applicants assert that extending the transfer privilege to include Separate Account F will provide Contract owners with an opportunity to transfer accumulated values to a Separate Account which operates under investment objectives more closely aligned to such Contract owner's current financial objectives and will provide such Contract owner greater flexibility in planning for his or her financial future. Applicants further assert that approving such exchange privilege is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Exchange Offer to Fund Shareholders

Pursuant to the 1979 Order, the Company permits shareholders of CIF and COIF to exchange shares of such Funds for a Contract. Applicants propose to extend this privilege to shareholders of CHYS. Applicants state that in such cases purchase payments for the Contract will be amounts which result from the redemption of shares of a Fund by a shareholder who has elected to purchase a Contract. The amount of the purchase payment will be the net asset value of the Fund shares redeemed for the purpose of purchasing a Contract at the time the election to purchase is made. The minimum single purchase payment in connection with an exchange is $5,000. At the time an initial purchase payment for a Contract is received by the Company in connection with an exchange for Fund shares, a $50 fee will be deducted to reimburse the Company for Contract issue and conversion expense. Other than such fee, no deduction for sales and administrative expense or the pre-retirement minimum death benefit will be made from the purchase payment. A charge will be made for state premium taxes, if applicable.

Applicants state that the proposed exchange would occur on the application of the individual, and any issued Fund share certificates would be tendered to the Fund transfer agent for this purpose. The exchange would be on the basis of the net asset values of the securities to be exchanged, except for the $50 exchange fee and state premium taxes, if any, deducted at the time of exchange. Applicants assert that the exchange fee is deducted as reimbursement for the cost of establishing the variable annuity account, for the cost of issuing the Contract, and to cover expected expenses which result from the exchange of Fund shares for the Contracts. The amounts received from the exchange fee are not used to pay sales commissions but are devoted to costs related to initial administrative and conversion expenses.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2) of the Act provide, in substance, that a registered unit investment trust or issuer of a periodic payment plan certificate and any depositor and underwriter for such investment company are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee and are held under an indenture or agreement containing the following provisions: (1) That the trustee or custodian be a bank of a designated size; (2) that the assets be held in trust and only certain charges be made against them; (3) that the trustee or custodian may only resign in a specified fashion; and (4) that certain records be kept and notice given to securities holders in the event of substitution of the trust's securities.

Applicants state that the provisions of Sections 26(a) and 27(c)(2) were designed to assure performance of contractual obligations under periodic payment plans, to minimize the opportunities for misuse of the assets of unit investment trusts and to prevent sponsors from reaping hidden profits.

Applicants further state that under the provisions of the Delaware Insurance Laws, the Company is not permitted to hold itself out as a trustee of the property of a Separate Account (and cannot place such property in trust in the hands of another). However, Internal Revenue Service regulations require use of a custodian for the purpose of establishing certain tax records which will permit the Company to minimize the impact of capital gains taxes on the Separate Accounts. Applicants are seeking an exemption from Section 26(a) and Section 27(c)(2) to the extent necessary to permit State Mutual to serve as custodian of the assets of Separate Account F, as well as for Separate Accounts D and E pursuant to the 1978 Order, on the ground that State Mutual's and the Company's status as regulated insurance companies and the Company's obligations as an insurance company to the Contract owners provide substantially the protection contemplated by the requirements of Sections 26(a) and 27(c)(2).

Applicants state that Fund shares owned by the Separate Account will be held on an open account basis and will not be represented by any transferable stock certificates.

The record of the Separate Account will reflect its ownership of Fund shares and Fund records will reflect Separate Account ownership as indicated above. The records of the Fund and of the Separate Account will be cross-verified to insure accuracy. The Company will perform all accounting functions relating to the Separate Accounts. The accounting systems for the Separate Accounts will incorporate internal controls existing in the Company's Accounting Department, and will be subject to audit by the Internal Auditing Department of the Company and a firm of independent accountants. Applicants assert that under the foregoing circumstances, the danger against which Sections 26(a) and 27(c)(2) are directed are not present.

The Applicants consent to this requested exemption being made subject to the conditions (a) that deductions under the Contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, the Commission reserving jurisdiction for such purpose, and (b) that the payment of sums and charges out of the assets of the Separate Accounts shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: provided, the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and the applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Notice Is Further Given that any interested person may, not later than April 28, 1980 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following April 28, 1980, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10423 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21503; 70-6391]

Consolidated Natural Gas Co. and CNG Producing Co. et. al., Proposed Acquisition of Oil and Gas Leaseholds and Mineral Rights From Nonaffiliate

March 31, 1980.

Notice Is Hereby Given that Consolidated Natural Gas Company ("Consolidated"), Four Gateway Center, Pittsburgh, Pennsylvania 15222, a registered holding company, and CNG Producing Company ("CNG Producing"), 1800 Bank of New Orleans Building, 1010 Common Street, New Orleans, Louisiana 70112, a wholly-owned gas exploration and development subsidiary of Consolidated have filed a post-effective amendment to an application-declaration previously filed with this Commision pursuant to the Public Utility Holding Company act of 1935 ("Act"), designating Sections 6, 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated February 6, 1980 (HCAR No. 21425) CNG Producing was authorized to acquire certain properties ("Properties") from Hidalgo-Willacy Oil Company ("Hidalgo") and further authorized Consolidated to deliver to CNG such number of shares of its authorized but unissued common stock whose market value would, in the aggregate, have equaled $7,000,000. CNG Producing, in turn, would have: (i) delivered such shares to Hidalgo for distribution to the shareholders of Hidalgo, in exchange for the Properties and (ii) delivered to Consolidated in consideration for the Consolidated stock 70,000 shares of its own common stock, $100 per value, at the par value thereof.

Since the issuance of the Commission's order, the terms and conditions proposed for the acquisition of the properties have, at the instance of Hidalgo and its shareholders, been renegotiated. Under the revised terms of the contract, CNG Producing would acquire all of the authorized and outstanding stock of Hidalgo in exchange for an aggregate of $7.6 million in cash and CNG Producing promissory installment notes. Consoldated is not a party to the contract. The notes will be payable in for equal annual installments, and bear interest equal to the prime commerical lending rate at Chase Manhattan Bank, N.A., New York, N.Y., in effect from time to time. At least 50% of such consideration is expected to be in cash; however, under the terms of the renogotiated contract, the exact amount of cash and notes required to be delivered will not be known to CNG Producing until a date not less than 15 days prior to closing. Any cash required by CNG Producing to purchase the Hidalgo stock will be advanced to it by Consolidated. Since the Hidalgo stockholders now have a taxable transaction, a new purchase price of $7,600,000 was negotiated, an increase of $600,000.

Despite the increase in the purchase price, the acquisition becomes even more attractive than before as a result of substantial additional federal income tax deductions which will become available to CNG Producing. These deduction arise through the depreciation and amortization of the much larger tax basis acquired for the properties as a result of the purchase of Hidalgo stock for cash and notes. The tax benefit from these deductions will more than offset the $600,000 in additional purchase price. Under the former agreement, the tax-free nature of the transaction gave

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CNG Producing a minimal carry-over basis from Hidalgo in the properties.

Inasmuch as the revised contract calls for CNG Producing to acquire the stock of Hidalgo, Hidalgo will, prior to closing, have disposed of all of its properties other than those intended to be acquired by CNG under the original proposed contract. Simultaneously with the closing or promptly thereafter, Hidalgo will be merged into CNG Producing, CNG Producing being the surviving corporation, and the outstanding Hidalgo stock cancelled. Through this vehicle, CNG Producing will become owner of all the properties originally sought.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $164,600, including mineral consultant's fee of $80,000, service charge of Consolidated Natural Gas Service Company of $30,000 for services performed at cost, and legal fees of $13,000. It is stated that no state or federal regulatory authority, other then this Commission, has jurisdiction over the proposed transaction.

Notice Is Further Given that any interested person may, not later than April 23, 1980 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10424 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6998]

Emerson Radio Corp.; Application to Withdraw From Listing and Registration

March 31, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Emerson Radio Corporation's ("Emerson") common stock, which was listed and registered for trading on February 22, 1978 on the Amex, also became, as of February 6, 1980, listed and registered for trading on the New York Stock Exchange, Inc. ("NYSE"). Simultaneously, pursuant to Rule 12d2-1 of the Act, Amex suspended trading in the issue.

2. Emerson determined the direct and indirect costs and the possibility of market fragmentation do not justify maintaining listings of the shares on both the Amex and NYSE.

This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before April 27, 1980, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it; will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10425 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11107; 812-4565]

Fidelity Fund, Puritan Fund et al.; Filing of Application for Exemption for an Order Exempting Certain Transactions

March 28, 1980.

Notice Is Hereby Given that Fidelity Fund, Puritan Fund, Fidelity Trend Fund, Salem Fund, Fidelity Equity-Income Fund, Contrafund, Congress Street Fund, Magellan Fund, Fidelity Destiny Fund, Fidelity Corporate Bond Fund, Fidelity Daily Income Trust, Fidelity Thrift Trust, Fidelity Limited Term Municipals, Fidelity Municipal Bond Fund, Fidelity Aggressive Income Fund, Fidelity High Yield Municipals, Fidelity Asset Investment Trust, Fidelity Money Market Trust, Fidelity Government Securities Fund, Fidelity Cash Reserves, Fidelity Tax-Exempt Money Market Trust and Fidelity Triad Fund ("Applicants"), 82 Devonshire Street, Boston, Massachusetts 02109, each an open-end investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 9, 1979, and amendments thereto on Juanuary 21, 1980, and February 29, 1980, pursuant to Section 6(c) of the Act, for an order of the Commission declaring that Bertram H. Witham, Jr., a director, trustee or general partner of Applicants, shall not be deemed to be an interested person of Applicants within the meaning of Section 2(a)(19) of the Act solely by reason of his status as a consultant to Merrill Lynch International Incorporated ("MLI") and, pursuant to Section 10(f) of the Act, for an order exempting certain transactions of Applicants from the provisions of Section 10(f) of the Act so as to permit Applicants to purchase securities in public offerings in which Merrill Lynch, Pierce, Fenner & Smith, Inc., which may be deemed to be an affiliated person of Mr. Witham, participates as a principal underwriter. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants represent that Mr. Witham presently serves as either a director, trustee or general partner, as the case may be, of each of the Applicants, each of which has entered into an Advisory and Service Contract with Fidelity

Management and Research Company. Applicants further state that Mr. Witham proposes to become a consultant to MLI, a holding and management company all of whose stock is held by Merrill Lynch & Co. ("Merrill Lynch"). Merrill Lynch further holds all the stock of Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Broker"), a broker-dealer registered with the Commission under the Securities Exchange Act of 1934. According to the application, MLI owns through MLI subsidiaries, 95% of the stock of Merrill Lynch International Bank ("Bank") whose activities are currently primarily making loans to non-U.S. borrowers, accepting interbank and individual deposits and trading in foreign exchange, in addition to managing both foreign and domestic syndicated loans, and underwritten offers of floating rate notes of off-shore companies, the majority of which are Japanese banks. Applicants further state that the Bank intends to engage in transactions traditional for merchant banks in London where its principal office is located. Although most of the Bank's business activities are outside of the United States, Applicants state that the Bank also has a representative office in New York. Applicants further state that MLI owns the stock of all of the corporate partners to Merrill Lynch International & Co. C.V. ("International"), a Netherlands Antilles Limited Partnership, which is an off-shore broker-dealer that distributes new issues of Eurodollar bonds to non-U.S. purchasers and trades seasoned Eurodollar issues.

Section 2(a)(19)(A) (v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser of an investment company, or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer.

Section 10(f) of the Act further provides, in pertinent part, that no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser or employee of such investment company, or is a person of which any such officer, director, investment adviser or employee is an affiliated person. Rule 10f-3, adopted by the Commission pursuant to rule-making authority granted by Section 10(f) of the Act, permits certain conditional underwriting transactions prohibited by Section 10(f) of the Act, none of which are asserted by Applicants to be applicable to existing or future purchases of securities between Applicants and the Broker.

An "affiliated person" under Section 2(a)(3) of the Act includes any person directly or indirectly controlling, controlled by or under common control with such other person. Section 2(a)(9) of the Act provides that "control" means the power to exercise a controlling influence over the management or policies of a company, unless the power is solely the result of an official position with such company.

The application states that, while there is a statutory presumption in Section 2(a)(9) of the Act that a natural person is not a control person, that presumption may be rebutted by evidence and upon a contrary determination made by a Commission order an employee of one subsidiary may be determined to be under common control with another subsidiary. Assuming that Mr. Witham, in his status as consultant to MLI, could be termed an employee of MLI, Mr. Witham would be deemed an affiliated person of the Broker by virtue of the Broker and MLI being under the common control of Merrill Lynch. Under such an interpretation, Mr. Witham could also be deemed to be an interested person of Applicants and of their investment adviser and principal underwriter within the meaning of Section 2(a)(19)(A)(v) and (B)(v) of the Act. Mr. Witham could further be considered an affiliated person of the Broker for purposes of determining the applicability of the prohibitions contained in Section 10(f) of the Act. The application states that, while the Applicants do not necessarily agree with such an interpretation, they have deemed it advisable to clarify the status of Mr. Witham by requesting the Commission to exercise its exemptive authority under Section 6(c) and Section 10(f) of the Act.

In support of the relief requested, Applicants assert that Mr. Witham's consulting services for MLI would be performed pursuant to a consulting contract pursuant to which Mr. Witham will be an independent contractor rather than an employee since, among other things he will not be entitled to participate in any plan providing pension, profit sharing or other benefits to the employees of MLI or its affiliates. Applicants further assert that Mr. Witham's duties under the proposed consulting contract will consist of consulting with MLI regarding international financing and the financial management of MLI as a company, with initial emphasis on the development of more efficient financial reporting and control systems and the coordination of MLI's financial operations with those of the Broker, and will not affect the domestic activities of MLI, the Broker or the Bank. While these consulting responsibilities may require that Mr. Witham consult with employees and directors of the Broker itself, Applicants contemplate that any such consultations would be for the purpose of assisting in the foregoing activities and not with respect to either the brokerage or the investment banking business of the Broker, and that Mr. Witham would not otherwise be involved with the Broker.

Applicants further represent that under the proposed consulting contract, neither Merrill Lynch, MLI, International, the Bank or the Broker will have the right to control the specific way in which Mr. Witham's consulting services are to be performed. According to the application, the proposed consulting contract provides that Mr. Witham's work thereunder may be performed to the extent reasonably possible in places and time convenient to Mr. Witham, and that such work would not ordinarily require more than 25 hours per month of his time. The proposed consulting contract further provides that in consideration for his services MLI will pay Mr. Witham a substantial retainer and provide Mr. Witham with office space and part-time secretarial assistance, if he wishes, and that the proposed consulting contract will be automatically renewable each year but is subject to termination upon 30 days' prior written notice by either MLI or Mr. Witham.

On the basis of the foregoing, Applicants submit that Mr. Witham should not be considered an employee of MLI, and thus possibly an affiliated person of the Broker for purposes of determining the appropriateness of granting exemptive relief from the provisions of Section 2(a)(19) and Section 10(f) of the Act.

Applicants represent that none of the Applicants invest in the normal course of their investment activities in the securities distributed or traded in the active market by International, nor in the floating rate notes of off-shore companies placed by the Bank. Applicants further state that even if one or more of the Applicants desired to purchase these types of securities there are sufficient alternate sources for such securities so that Applicants would suffer no loss of investment freedom by reason of being unable to transact business with International or the Bank. Moreover, each Applicant has specifically undertaken in the

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application not to transact any business with MLI, International or with the Bank. Applicants further represent that no material business relationship exists between Mr. Witham and the Broker. Moreover, the Applicants allege that even though they expect to engage in transactions with the Broker, since Mr. Witham's consulting activities will be solely those of a consultant to MLI for purposes of financial management, no potential for conflict of interest on Mr. Witham's part will be created. Finally, according to the application, each Applicant desires Mr. Witham to be a member of its Board of Directors or Board of Trustees or to be a Managing General Partner, as the case may be, because he is a person of recognized integrity, judgment, independence and competence in the business world and has proven himself in the past to be a truly disinterested director, trustee or managing general partner, as the case may be.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 10(f) of the Act further provides that the Commission by rules or regulations upon its own motion, or by order upon application may conditionally or unconditionally, exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Notice Is Further Given that any interested person may, not later than April 22, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–10422 Filed 4–4–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11108; 811–2760]

INA Capital Bond Trust; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

March 28, 1980.

Notice Is Hereby Given that INA Capital Bond Trust ("Applicant"), Three Parkway, Philadelphia, Pennsylvania 19101, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 29, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Applicant is a trust organized and existing under the laws of the Commonwealth of Pennsylvania. On August 16, 1977, the Applicant registered under the Act by filing its Notification of Registration on Form N–8A and, on the same date, it filed Registration Statements under the Act on Form N–8B–1 and under the Securities Act of 1933 on Form S–5. Applicant's Registration Statement on Form S–5 was ordered effective on January 31, 1978. Thereafter, the Applicant made a continuous offering of its units until September 28, 1979.

The application indicates that on September 28, 1979, both unitholders of the Applicant redeemed all of their units of beneficial interest. Thus, Applicant has no outstanding securities or security holders. In addition, Applicant disposed of all of its portfolio securities in connection with the redemption of their units by both unitholders.

On November 19, 1979, the Board of Trustees of Applicant authorized the filing of the present application, payment of the outstanding debts and liabilities of the Applicant, and distribution of any remaining assets after such payment ratably among the holders of the outstanding units of the Applicant as of September 27, 1979. Upon completion of the foregoing, Applicant shall terminate and the right, title and interest of all trustees in the assets of the Applicant shall be cancelled and discharged.

The application states that Applicant has retained assets of less than $7,000.00 to cover miscellaneous expenses connected with its liquidation. Such assets consist entirely of cash and receivables based on expense reimbursement provisions under the investment management agreement between Applicant and INA Capital Management Corporation, Applicant's investment adviser. The outstanding debt and liabilities of the Applicant consist entirely of accrued expenses for professional fees and fees and expenses for the Applicant's Trustees which have not yet been paid or which are expected to be incurred in the course of the liquidation of the Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice Is Further Given that any interested person may, not later than April 22, 1980 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–10421 Filed 4–4–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16712; File No. SR–MSRB–80–1]

Municipal Securities Rulemaking Board; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board is filing herewith amendments to rule G–12 and rule G–15 (hereafter sometimes referred to as the "proposed rule changes"). The text of the proposed rule changes is as follows:

G–12. Uniform Practice*

(a) through (b). No change.
(c) Dealer Confirmations.
(i) through (iv). No change.
(v) (A) through (H). No change.
(I) yield at which transaction was effected and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to premium call or to par option, this must be stated *and the call or option date and price used in the calculation must be shown,* and where a transaction is effected on a yield basis, the dollar price shall be calculated to the lowest of price to premium call, price to par option or price to maturity).
(J) through (N). No change.
(vi). No change.
(d) through (l). No change.

Rule G–15. Customer Confirmations

(a) At or before the completion of a transaction in municipal securities with or for the account of a customer, each broker, dealer or municipal securities dealer shall give or send to the customer a written confirmation of the transaction containing the following information:
(i) through (vii). No change.
(viii) yield and dollar price, as follows:
(A) for transactions affected on a yield basis, the yield at which transaction was affected and the resulting dollar price shall be shown. Such dollar price shall be calculated to the lowest of price to premium call, price to par option, or price to maturity. In cases in which the dollar price is calculated to premium call or par option, this must be stated [.] *and the call or option date and price used in the calculation must be shown.*
(B) through (C). No change.
(ix) through (xiii). No change.
(b) through (l). No change.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

Rules G–12 and G–15 require brokers, dealers and municipal securities dealers to send written confirmations of municipal securities transactions to dealers and customers, respectively, and prescribe the information to be set forth on the confirmations. These rules currently require that, in the case of transactions affected on the basis of yield price, the dollar price must be calculated to the lowest of price to premium call, price to par option, or price to maturity. The rules further require that, if the dollar price is calculated to a premium call or par option feature, this must be stated on the confirmation.

The proposed rule changes would require that the confirmation of a transaction in which the dollar price has been calculated to a call or option feature set forth the call or option date and price used in the calculation. The Board believes that this information should be on a confirmation so that the contra-party knows the exact basis for the price calculation. Among other purposes, such information will assure that parties to a transaction agree with respect to the determinants of the price of the transaction. The proposed amendment to rule G–15 will also provide customers with important additional information regarding the call or option feature upon which their yield is calculated.

If the Commission determines to approve the proposed rule changes, the Board hereby respectfully requests that the Commission make the proposed rule changes effective on the same date that the proposed rule changes effective on the same date that the proposed amendments to rule G–15 become effective (File No. SR–MSRB–79–6). In File No. SR–MSRB–79–6, the Board requested that the Commission make the proposed amendments effective six months following the date of approval, so that municipal securities dealers would have sufficient time to re-program their data processing systems and to prepare and order new confirmation forms, if necessary. The delay requested herein would enable municipal securities dealers to make all necessary changes in their computer processing systems and confirmation forms at one time.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules—

* * * designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Comments Received From Members, Participants or Others on Proposed Rule Changes

The Board did not solicit or receive comment on the proposed rule changes. The Board's consideration of the proposed rule changes was prompted by a recommendation made by several industry members currently serving on the Board's Professional Qualifications Advisory Committee.

Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition in the municipal securities industry insofar as the proposed rule changes will affect all participants equally.

*Italics indicate new language; [brackets] indicate deletions. The text of rule G–15 reflects amendments to the rule approved by the Commission in Securities Exchange Act Release No. 16707 (Mar. 28, 1980) (File No. SR–MSRB–79–6).

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On or before May 12, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 25049. Copies of the filing with respect to the foregoing and all of written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 28, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 31, 1980.

[FR Doc. 80-10428 Filed 4-4-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

First American Investment Corp.; Filing of Application for Transfer of Control of Licensed Small Business Investment Company

[License No. 04/05-0023]

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1979)) for the transfer of control of First American Investment Company (First American), a Georgia Corporation, and a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), with its office presently located at 300 Interstate North, Atlanta, Georgia 30339.

It is proposed that First American will be merged with and into FAIC Corp., a Georgia Corporation and a wholly owned subsidiary of Alpine Geophysical Associates, Inc., described below, and that FAIC Corp. will immediately be renamed First American Investment Corporation. Following the merger FAIC Corp., then named First American Investment Corporation and its successor in interest, will continue the business of First American and will succeed to all of its assets and liabilities, except for four portfolio concerns which will be acquired by Cousins Properties, Inc. for cash. The capitalization of FAIC Corp. will be the same as First American's without significant change. Alpine Geophysical Associates, Inc. (AGA) has its principal office located all 11 Brook Street, Scarsdale, New York and it is a publicly held company whose shares are traded in the over-the-counter market. AGA owns and will continue to own 100 percent of the issued and outstanding capital stock of FAIC Corp., and it will provide all of the funds [approximately $6,500,000) required by FAIC Corp. to consummate the purchase of 100 percent of the issued and outstanding capital stock of First American Investment Corporation from its parent, Cousins Properties, Inc. There are no shareholders of AGA who own directly or indirectly 10 percent or more of the voting securities of AGA other than Ronald B. Durning, who owns approximately 30 percent of such securities.

The principal office FAIC Corp. will be located at 560 North, Omni International, Atlanta, Georgia 30303, and its officers and directors will be:

Name, address, and relationship

Ronald B. Durning, 45 Mamaroneck Road, Scarsdale, N.Y., Chairman of the Board of Directors.
A. Anderson Huber, 4600 Tuxedo Road, N.W., Atlanta, Ga., President and Director.
Peter J. Chase, 66 Butternut Hollow Road, Greenwich, Conn., Vice President, Secretary-Treasurer, Director.
Steven S. Elbaum, 172 Pacific Street, Brooklyn, N.Y., Director.

FAIC does not intend to continue the policy of its predecessor whereby 100 percent of its assets were allocated to real estate investments. Instead, it intends to pursue a policy of diversifying it portfolio and does not wish real estate related loans and activity to exceed 60–70 percent of its overall business.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed new officers and directors, and the probability of a successful operation of FAIC Corp. (name to be changed to First American Investment Corporation) under their control in accordance with the Act and Regulations promulgated thereunder.

Notice is hereby given that any person may not later than April 17, 1980, submit written comments on the Application to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by FAIC Corp. in a newspaper of general circulation in Atlanta, Georgia, and in Scarsdale, New York.

(Catalogue of Federal Domestic Program No. 59.011, Small Business Investment Companies)

Dated: April 1, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 10435 Filed 4-4-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting; Change in Meeting Date of Scheduled Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, has changed the date for its public meeting to be held on Wednesday, April 23, 1980, at 9:00 a.m. The meeting is now scheduled to be held Wednesday, May 7, 1980, at the Research and Development Tower Building, 7th Floor Conference Room, 3825 Ridgewood Road, Jackson, Mississippi, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Sid Spiro, Acting District Director, U.S. Small Business Administration, Suite 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201—(601) 969–4363.

Dated: April 1, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10436 Filed 4-4-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-5258]

Sun Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Sun Capital Corporation (Sun), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and stockholders of Sun are as follows:

John Tai-Keung Sun, 35 Willard Lane, Hillsborough, CA 94010, Chairman of the Board, President, Director and 100 Percent Stockholder.
Thomas M. Chin, 233 Sansome Street, San Francisco, CA 94104, Treasurer and Director.
Donald D. Thornton, 20 Amboy Court, San Mateo, CA 94402, Secretary and Director.

Sun, a California corporation, with its principal place of business located at 3360 Geary Boulevard, Suite 305, San Francisco, California 94118, will begin operations with $500,000 of net combined paid-in capital and paid-in surplus derived from the sale of 50,500 shares of common stock. The principal owners and the Board of Directors are the same as set forth above.

Sun will conduct its activities primarily in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may on or before April 22, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 2, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10437 Filed 4-4-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-80-9]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 23, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-204), Peition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

(This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).)

Issued in Washington, D.C., on March 28, 1980.

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
20203	Capital Aero, Inc	14 CFR § 135.261(a)(1)	To allow petitioner to use a minimum rest period of less than 10 hours in a 24-hour period.
20204	Aeroservice International, Inc	14 CFR Part 63, Appendix C(a)(3)(iv)(a).	To permit a Student Flight Engineer to receive credit for the required five hours training on an aircraft if accompanied by a qualified instructor or flight engineer when observing a flight deck crew in operation on a normal line flight in the aircraft type to be used in an approved training course.

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Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
16137	Viking International Airlines, Inc	14 CFR § 121.59(a)	Amend Exemption No. 2341B to permit petitioner to employ Mr. Douglas Mattson as its Chief Inspector without meeting the full-time employment requirements. *Granted 3/21/80.*
19647	Eli Lilly International Corp	14 CFR § 61.58(c)	To allow the petitioner's pilots to perform all the required maneuvers for a 24-month check in an FAA approved BAC–111 Visual Flight Simulator. *Granted 3/20/80.*
19781	Presidential Airways	14 CFR § 135.261	To allow the petitioner to operate in accordance with FAR 121 Subpart S, flight and duty time limitations, Air Carriers and Commercial Operators, until such time as FAR 135.261 is reviewed and amended. *Denied 3/25/80*
19834	Seaboard World Airlines & Venezolana Internacional de Aviacion, S.A. (VIASA).	14 CFR Parts 21, 91, and 121	An exemption to the extent necessary to allow Seaboard to periodically dry lease certain of its B–747–200's to VIASA. *Granted 3/25/80.*
19943	Airline Training Institute	14 CFR §§ 61.157(d)(1) and 61.63(d)(2).	To allow petitioner's trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate, in an airplane simulator as set forth in Appendix A of Part 61 in lieu of a flight test. *Granted 3/24/80.*
19944	Tracy A. Barnett	14 CFR § 63.61	To allow the petitioner to be certified as a flight engineer prior to his twenty-first birthday. *Denied 3/25/80.*
19955	Frederick Community College	14 CFR §§ 65.71, 65.75, and 65.77.	To allow petitioner's students to take the general portion of the mechanic written examination prior to completing either the airframe or powerplant portion of the approved curriculum. *Denied 3/21/80.*
20046	Transcargo Airlines, Ltd	14 CFR Parts 21, and 91	To permit the operation of a leased U.S.-registered B–707–321C aircraft N473RN using an FAA–approved MEL, and maintenance program. *Granted 3/19/80.*
20061	Bar Harbor Airlines	14 CFR § 121.61(d)(2)	To permit petitioner to employ Mr. Neil Gillissen as their Chief Inspector without meeting the requirement for 3 years experience on large aircraft with an air carrier. *Granted 3/21/80.*
20168	Republic Airlines, Inc	14 CFR § 121.291(a)	To permit the introduction of the B–727–200 aircraft into passenger-carrying operations, configured with 164 passenger seats, without conducting a full-scale emergency evacuation demonstration. *Granted 3/25/78.*
20197	Malaysian Airline System Berhad (MAS) and World Airways, Inc.	14 CFR Parts 21, 43, 91, and 121	To allow MAS to operate U.S.-registered DC–10–30CF aircraft N108WA leased from World and for World to maintain that aircraft. To allow MAS to use World's FAA–approved minimum equipment list (MEL) and airworthiness maintenance program and that the aircraft be automatically reinstated on World's operating specifications upon termination of the aircraft lease arrangement. *Granted 3/25/80.*

[FR Doc. 80–10188 Filed 4–4–80; 8:45 am]
BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. I), notice is hereby given of a meeting of the Committee's Task Force on Driver, Vehicle and Highway Compatibility. The meeting will be held April 24–25, 1980. The meeting will start at 9:00 a.m. on both days in room 4234 of the DOT Headquarters Building, 400 7th Street, S.W., Washington, D.C. The Task Force will meet to discuss and prepare its report on compatibility issues.

Attendance is open to the interested public, but limited to the space available. Members of the public may present a written statment to the Task Force.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 7th Street, S.W., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C., April 1, 1980.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 80–10298 Filed 4–4–80; 8:45 am]
BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). Egypt has been deleted from this list in response to the fact that Egypt's participation in the Arab economic boycott of Israel was formally terminated on January 25, 1980, in accordance with Article 2, Annex III of the Peace Treaty between Egypt and Israel. Accordingly, the deletion of Egypt from the list of countries requiring cooperation with an international boycott is retroactively effective to January 26, 1980.

Taxpayers are reminded of the reporting requirements of section 999(a)(1)(B), which are relevant to all countries not included on the Secretary's list.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen Arab Republic, Yemen, Peoples Democratic Republic of.

Dated: April 1, 1980.

Donald C. Lubick,

Assistant Secretary (Tax Policy).

[FR Doc. 80–10315 Filed 4–4–80; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 68
Monday, April 7, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of meeting, *April 9, 1980.* The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m., April 9, 1980.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone 202–357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—445th Meeting, April 9, 1980, Regular Meeting (10:00 a.m.)

CAP–1. Docket No. ER79–332, Ohio Power Co.
CAP–2. Docket No. ER79–121, Utah Power & Light Co.
CAP–3. Dockets Nos. ER79–166 and ER80–9, Kansas City Power & Light Co.
CAP–4. Docket No. ER79–566, Interstate Power Co.
CAP–5. Docket No. E–7777(II), Pacific Gas & Electric Co.; Docket No. E–7796, Pacific Power & Light Co.
CAP–6. Dockets Nos. E–7631 and E–7633, City of Cleveland, Ohio v. Cleveland Electric Illuminating Co.; Docket No. E–7713, City of Cleveland, Ohio.
CAP–7. Docket No. EL79–8, Central Power & Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co. and West Texas Utilities Co.

Miscellaneous Agenda—445th Meeting, April 9, 1980, Regular Meeting

CAM–1. Docket No. RA80–14, Tyson Oil Co.

Gas Agenda—445th Meeting, April 9, 1980, Regular Meeting

CAG–1. Docket No. RP75–106(Appalachian production), Columbia Gas Transmission Corp.
CAG–2. Docket No. CP77–337, Algonquin Gas Transmission Co.
CAG–3. Docket No. RP79–70, Oklahoma Natural Gas Gathering Corp.
CAG–4. Dockets Nos. RP72–155, RP79–12 (PGA79–2) (AP79–2) and RP79–37, El Paso Natural Gas Co.
CAG–5. Docket No. RP71–125, Natural Gas Pipeline Co. of America.
CAG–6. Docket No. CI80–21, Louisiana Land Offshore Exploration Co., Inc.; Docket No. CI78–580, Union Oil Co. of California; Docket No. CI78–672, Cities Service Co.; Docket No. CI79–421, Marathon Oil Co.; Docket No. CI80–25, Transwestern Gas Supply Co.; Docket No. CI79–520, The Louisiana Land & Exploration Co.; Docket No. CI79–416, Diamond Shamrock Corp.; Docket No. CI79–510, Cotton Petroleum Corp.; Docket No. CI79–30, Amoco Production Co.; Docket No. CI79–462, Cities Service Co.; Docket No. CI76–705, MRT Exploration Co.; Docket No. CI77–345, Et al., Amoco Production Co., et al.; Docket No. CI79–572, Pioneer Production Co.; Docket No. CI79–597, Anadarko Production Co.; Docket No. CI79–615, Terra Resources, Inc.; Docket No. CI79–663, Quintana Gulf, Inc.; Docket No. CI79–664, Quintana Offshore, Inc.; Docket No. CI79–665, Quintana Oceanic, Inc.; Docket No. CI79–673, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI79–679, Getty Oil Co.; Docket No. CI80–3, Conoco, Inc.; Docket No. CI80–4, The Louisiana Land & Exploration Co.; Docket No. G–9299, Et al., Phillips Petroleum Co., et al.; Dockets Nos. CI79–348, CI79–433 and CI79–465, Transco Exploration Co.; Docket No. CI64–664, Texaco, Inc.; Docket No. CI78–728, Cotton Petroleum Corp.; Docket No. CI79–535, Pogo Producing Co.; Docket No. CI79–536, Pennzoil Oil & Gas, Inc.; Docket No. CI72–620, Et al., Chevron U.S.A., Inc., et al.; Docket No. CI79–551, Pogo Producing Co.; Dockets Nos. CI79–555, CI79–556, CI79–558, CI79–561, CI79–562, CI79–584, CI79–588, Pogo Producing Co.; Docket No. CI79–565, Pennzoil Oil & Gas Inc.; Dockets Nos. CI79–566, CI79–567, CI79–568, and CI79–570, Pennzoil Oil & Gas Inc.; Docket No. CI79–579, Sabine Production Co.; Docket No. CI79–596 (CS69–25), Anadarko Production Co.; Docket No. CI79–611, Union Oil Co. of California; Docket No. CI79–603, Amoco Production Co.; Dockets Nos. CI79–625, CI79–629, and CI79–630, Amerada Hess Corp.; Docket No. CI79–595, Anadarko Production Co.; Docket No. CI80–146, Phillips Petroleum Co.; Docket No. CI77–123, Gulf Oil Corp.; Docket No. CI80–31, Texas Eastern Exploration Co.; Docket No. CI78–1117, Texas Eastern Exploration Co.; Docket No. G–13746, Et al., Mobil Oil Exploration & Producing Southeast, Inc., et al.; Docket No. CI77–365, General American Oil Co. of Texas; Docket No. CI79–574, Quintana Offshore, Inc.; Docket No. CI79–577, Aminoil U.S.A., Inc.; Docket No. CI80–37, GAO; Docket No. CI80–58, Transco Exploration Co.; Docket No. CI78–1124, Terra Resources, Inc.; Docket No. CI79–528, Amerada Hess Corp.; Docket No. CI79–530, Amerada Hess Corp.; Dockets Nos. CI79–554, and CI79–562, Terra Resources, Inc.; Docket No. CI79–573, Quintana Oil & Gas Corp.; Docket No. CI79–614 CNG Producing Co.; Docket No. CI77–557, Et al., Gulf Oil Corp., et al.; Docket No. CI79–594, Anadarko Production Co.; Docket No. CI65–453, Et al., Atlantic Richfield Co., et al.; Docket No. CI78–460, Kerr-McGee Corp.; Docket No. CI69–691, Atlantic Richfield Co.; Docket No. CI79–205, Tenneco Oil Co.; Docket No. CI80–45, Pennzoil Producing Co.; Docket No. CI80–46, Pogo Producing Co.; Docket No. CI80–50, Pennzoil Oil & Gas, Inc.; Docket No. CI74–734, The Superior Oil Co.; Docket No. CI75–22, Gulf Oil Corp.; Docket No. CI78–1018, CNG Production Co.; Docket No. CI79–600, Northwestern Mutual Life Insurance Co.; Dockets Nos. CI79–577 and CI80–60, Ocean Production Co., et al.; Dockets Nos. CI79–33 and CI79–51, Amoco Production Co.
CAG–7. Docket No. CS71–383, Texasgulf, Inc.
CAG–8. Docket No. G–4143, Gulf Oil Corp.
CAG–9. Docket No. CI77–42, Mobil Oil Exploration & Producing Southeast, Inc.
CAG–10. United Gas Pipe Line Co.
CAG–11. Elizabethtown Gas Co.
CAG–12. Docket No. RP71–29, United Gas Pipe Line Co.
CAG–13. Docket No. TC80–60, Alabama-Tennessee Natural Gas Co.; Docket No. TC80–61, Algonquin Gas Transmission Co.; Docket No. TC80–62, Arkansas-Louisiana Gas Co.; Docket No. TC80–63, Cities Service Gas Co.; Docket No. TC80–64, Colorado Interstate Gas Co.; Docket No. TC80–65, Columbia Gas Transmission Corp.; Docket No. TC80–66, Consolidated Gas Supply Corp.; Docket No. TC80–67, East Tennessee Natural Gas Co.; Docket No. TC80–68, Eastern Shore Natural Gas Co.; Docket No. TC80–69, El Paso Natural Gas Co.; Docket No. TC80–70, Florida Gas Transmission Co.; Docket No. TC80–71, Michigan-Wisconsin Pipe Line Co.; Docket No. TC80–72, Midwestern Gas

Transmission Co.; Docket No. TC80-73, Mississippi River Transmission Co.; Docket No. TC80-74, National Fuel Gas Supply Corp.; Docket No. TC80-75, Natural Gas Pipeline Co. of America; Docket No. TC80-76, Northern Natural Gas Co.; Docket No. TC80-77, Northwest Pipeline Corp.; Docket No. TC80-78, Panhandle Eastern Pipe Line Co.; Docket No. TC80-79, Southern Natural Gas Co.; Docket No. TC80-80, Tennessee Gas Pipeline Co.; Docket No. TC80-81, Tennessee Natural Gas Lines, Inc.; Docket No. TC80-82, Texas Eastern Transmission Corp.; Docket No. TC80-83, Texas Gas Transmission Corp.; Docket No. TC80-84, Transcontinental Gas Pipe Line Corp.; Docket No. TC80-85, Transwestern Pipeline Co.; Docket No. TC80-86, Trunkline Gas Co.; Docket No. TC80-87, United Gas Pipe Line Co.

CAG-14. Dockets Nos. CP78-123, Et al., CP79-59, CP79-170, Northwest Alaskan Pipeline Corp.; Docket No. CP79-56, Northwest Pipeline Corp.; Docket No. CP79-57, El Paso Natural Gas Co.; Docket No. CP79-58, Pacific Interstate Transmission Co.; Docket No. CP79-60, Pacific Gas Transmission Co.; Docket No. CP78-124, Northern Border Pipe Line Co.

CAG-15. Docket No. CP79-198, Iowa Power & Light Co., applicant Northern Natural Gas Co., respondent Docket No. CP80-259, Northern Natural Gas Co.

CAG-16. Docket No. CP80-224, Union Texas Petroleum, a division of Allied Chemical Corp.; Docket No. CP80-225, West Lake Arthur Corp.

CAG-17. Docket No. CP80-33, Columbia LNG Corp. & Consolidated System LNG Co.

CAG-18. Docket No. CP79-457, Mississippi River Transmission Corp.; Docket No. CP79-376, Panhandle Eastern Pipeline Corp. & Trunkline Gas Co.; Docket No. CP80-143, Kansas-Nebraska Natural Gas Co.

CAG-19. Docket No. CP80-229, Mississippi River Transmission Corp.

CAG-20. Docket No. CP80-219, Southern Natural Gas Co.; Docket No. CP80-230, Mid Louisiana Gas Co.; Docket No. CP80-239, Cities Service Gas Co.

CAG-21. Docket No. CP80-157, Tennessee Gas Pipeline Co., a division of Tenneco, Inc.

CAG-22. Docket No. CP77-566, Transcontinental Gas Pipe Line Corp. and Michigan Wisconsin Pipe Line Co.; Docket No. CP79-389, Transcontinental Gas Pipe Line Corp.

CAG-23. Docket No. CP79-218, Transcontinental Gas Pipe Line Corp.

CAG-24. Docket No. CP79-354, Columbia Gulf Transmission Co.

CAG-25. Docket No. CP80-97, Southern Natural Gas Co.

CAG-26. Docket No. CP74-157, Michigan Wisconsin Pipe Line Co.

CAG-27. Docket No. CP78-290, Mountain Fuel Supply Co.

CAG-28. Docket No. CP79-360, Northern Natural Gas Co.

CAG-29. Docket No. CP80-164, Michigan Wisconsin Pipe Line Co.

CAG-30. Docket No. CP80-183, Southwest Gas Corp.

CAG-31. Docket No. CP80-191, Columbia Gas Transmission Corp.

CAG-32. Docket No. CP80-11, Southern Natural Gas Co.

CAG-33. Docket No. CP80-171, Cities Service Gas Co.

CAG-34. Docket No. CP76-370, Tennessee Gas Pipeline Co., a division of Tenneco Inc. and Natural Gas Pipeline Co. of America.

CAG-35. Docket No. CP80-150, Transcontinental Gas Pipe Line Corp.

CAG-36. Docket No. CP80-14, Columbia Gas Transmission Corp.

Power Agenda—445th Meeting, April 9, 1980, Regular Meeting

I. Electric Rate Matters

ER-1. Docket No. ER80-71, Central Illinois Public Service Co.

ER-2. Docket No. ER80-106, Commonwealth Edison Co.

ER-3. Docket No. ER80-222, Georgia Power Co.

ER-4. Docket No. ER80-241, Superior Water, Light & Power Co.

ER-5. Docket No. ER80-220, New England Power Co.

ER-6. Docket Nos. ER80-379, ER78-381, ER78-382 and ER78-383, Indiana & Michigan Electric Co.

ER-7. Docket Nos. E-9520 and ER77-531, Illinois Power Co.

ER-8. Docket No. E-9563, U.S. Department of the Interior, Bonneville Power Administration.

ER-9. Docket Nos. ER78-337 and ER78-338 (Phase II), Public Service Co. of New Mexico.

ER-10. Docket No. ER77-488 and ER78-520 (Phase I), El Paso Electric Co.

ER-11. Docket No. ER76-827, Minnesota Power & Light Co.

ER-12. Docket No. EL79-10, Wisconsin River Power Co.

ER-13. Docket No. EL80-4, Metropolitan Edison Co.

ER-14. Docket No. EL78-23, Sierra Pacific Power Co. v. Utah Power & Light Co.

Miscellaneous Agenda—445th Meeting, April 9, 1980, Regular Meeting

M-1. Docket No. RM79-35, exemptions of small conduit hydroelectric facilities from part I of the Federal Power Act.

M-2. Docket No. RM79-52, Continuance of service.

M-3. Docket No. RM79-28, Amendments to part 32 of the regulations under the Federal Power Act; regulation governing interchange energy transmission rates for section 202(c) emergencies.

M-4. Docket No. RM79-29, Amendments to part 35 of the regulations under the Federal Power Act; proposed limitations on addebs for all electric rates.

M-5. Reserved.

M-6. Reserved.

M-7. Docket No. RM78-22 (Part 11), revision to rules of practice; settlements.

M-8. Docket No. RM78-22 (Part 12), revision to rules of practice; format for briefs.

M-9. Docket No. RM79-78, final rule under the NGPA defining the term new well.

M-10. Docket No. RM79-67, procedures governing applications for special relief under sections 104, 106, and 109 of the Natural Gas Policy Act of 1978.

M-11. Docket No. GP80- , section 108 NGPA determinations, Southland Royalty Co., Oliver No. 1 well, JD79-203, McClanahan No. 18 well, JD79-11326; Docket No. GP80- , section 108 NGPA determinations, Conoco Inc., AXI Apache J. No. 19 well, JD79-1803 Lockhart B-11 No. 16 well, JD79-18202.

Gas Agenda—445th Meeting, April 9, 1980, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket Nos. OR79-1 and OR78-1, Williams Pipe Line Co. and Trans Alaska Pipeline System.

II. Producer Matters

CI-1. Docket No. G-17136, Trice Production Co.; Docket No. G-18516, Oleum Inc.; Docket No. RI80-234, Trice Production Co.

CI-2. Docket Nos. AR61-2, et al., and AR69-1, et al., area rate proceeding, et al. (South Louisiana area).

III. Pipeline Certificate Matters

CI-1. Docket No. CP75-104, et al., High Island offshore system; Docket No. CP76-118, U-T offshore system.

CP-2. Docket No. CP79-234, Algonquin Gas Transmission Co.; Docket No. CP79-338, Texas Eastern Transmission Corp.; Docket No. No. CP79-339, Texas Eastern Transmission Corp.; Docket CP79-368, Transcontinental Gas Pipe Line Corp.; Docket No. CP79-369, Transcontinental Gas Pipe Line Corp.

CPI-3. Docket No. CP79-473, Alabama-Tennessee Natural Gas Co.

CPI-4. Docket No. CP79-174, Kansas-Nebraska Natural Gas Co., Inc.

CPI-5. Docket Nos. CP79-123, et al., Northwest Alaskan Pipeline Co., et al.

CPI-6. Docket No. CP79-123, et al., Northwest Alaskan Pipeline Co., et al. (Eastern Leg Prebuild).

Kenneth F. Plumb,

Secretary.

[S-698-80 Filed 4-3-80; 10:37 am]

BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—First Federal Savings and Loan Association of Lake Worth, Lake Worth, Florida.

Application for Limited Facility—AmeriFirst Federal Savings and Loan Association, Miami, Florida.

Merger—Tuscan Savings and Loan Association, Baltimore, Maryland, INTO Chesapeake Federal Savings and Loan Association, Baltimore, Maryland.

Conversion to a State-Chartered Mutual Association—Washington Federal Savings and Loan Association, Miami Beach, Florida.

Application for a Commitment to Insure Accounts—People's Savings and Loan Association, Honolulu, Hawaii.

Voluntary Termination of Insurance of Accounts and Withdrawal From Bank Membership—Inter Valley Savings Association, Elmwood Place, Ohio.

Request for Waiver of Liquidity Penalties—United Savings and Loan Association, Ogden, Utah.

No. 334, April 3, 1980.

[S-704-80 Filed 4-3-80; 3:32 pm]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR page 21436, April 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 4, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The meeting previously scheduled for Friday, April 4, 1980 has been changed to Thursday, April 3, 1980. The time has also been changed to 11:30 a.m. instead of 9:30 a.m.

The following items have been added to the agenda for the open meeting: Regulation on Renegotiable Rate Mortgages; Regulation on Service Corporation Investment; Preemption of State Usury Laws.

Announcement is being made at the earliest practicable time.

No. 333, April 2, 1980.

[S-701-80 Filed 4-3-80; 2:56 pm]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 20619, March 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 2, 1980.

CHANGES IN THE MEETING: Addition of the following open item to the meeting: Proposal that the Board initiate rulemaking proceedings in regard to implementation of the Credit Control Act.

CONTACT PERSON FOR MORE INFORMATION: MR. JOSEPH R. COYNE, ASSISTANT TO THE BOARD; 202-452-3204.

Dated: April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-699-80 Filed 4-3-80; 11:53 am]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Forwarded to Federal Register on April 2, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 9, 1980.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda: Proposed statement to be presented to the Subcommittee on General Oversight and Minority Enterprise of the House Committee on Small Business regarding the impact of inflation on small business.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; 202-452-3204.

Dated: April 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-700-80 Filed 4-3-80; 11:53 am]

BILLING CODE 6210-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 2 p.m., Thursday, April 10, 1980.

PLACE: Seventh Floor Board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Central Liquidity Facility Dividend.
3. Proposed Rule—Deregulation of Section 701.21-1 (c) of the National Credit Union Administration Rules and Regulations.
4. Report on actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 2:30 p.m.

TIME AND DATE: 3 p.m., Thursday, April 10, 1980.

PLACE: Seventh floor Board room 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Administrative Actions. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
2. Department of Labor proposed regulation. Closed pursuant to exemptions 9(B), (10).

CONTACT PERSON FOR MORE INFORMATION: Beatrix D. Fields, Acting Secretary of the Board, Telephone (202)-357-1100.

[S-705-80 Filed 4-3-80; 3:56 pm]

BILLING CODE 7535-01-M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 20275, March 27, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, April 3, 1980, 9 a.m. [NM-80-15].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first four items are open to the public; the fifth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Downeast Airlines, Inc., deHavilland DHC-6-200, N68DE, Rockland, Maine, May 30, 1979.
2. *Highway Accident Report*—Two Vehicle Collision and Fire, U.S. Route 422, Indiana, Pennsylvania, September 22, 1979.
3. *Railroad Accident Report*—Head-End Collision of Amtrak Train No. 51 at Harvey, Illinois, on October 12, 1979.
4. *Proposed Special Study*—Vehicle Size and Effects.
5. *Order*—Administrator V. McHenry, Dkt. SM-2316; disposition of petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

April 3, 1980.

[S-706-80 Filed 4-3-80; 4:13 pm]

BILLING CODE 4910-58-M

8

[NM-80-16]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Wednesday, April 16, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Fishing Vessel LOBSTA-1 Capsizing and Sinking in Atlantic Ocean Southeast of point Judith, Rhode Island, September 23, 1978.

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2. *Pipeline Accident Report*—Columbia Liquefied Natural Gas Corporation, Substation Explosion and Fire, Cove Point, Maryland, October 6, 1979.

3. *Aircraft Accident Report*—Thurman L. Munson, Cessna Citation CE–501, N15NY, Canton, Ohio, August 2, 1979.

4. *Discussion* of recommended policy on credits for studies and reports.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

April 3, 1980.

[S–707–80 Filed 4–3–80; 4:13 pm]

BILLING CODE 6910–58–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, April 9, 1980.

PLACE: Commissioners' Conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

10 a.m.

1. Discussion of Comments and Options on Indian Point Nuclear Power Station (approximately 1½ hours, public meeting).

2. Affirmation Session (Approximately 10 minutes, public meeting).

a. Amendments on Updating FSARs (TENT).

b. ENO Determination for TMI Accident.

c. PRM by W. Eddleman re Late Filings.

3. Time Reserved for Discussion and Vote on Affirmation Items, (if required 15 minutes, public meeting).

2 p.m.

1. Time Reserved for Possible Briefing on Low-Power License for Salem (2 hours, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee 202–634–1410.

Automatic telephone answering service for daily update: (202)–634–14198. Those planning to attend a meeting should reverify the status whenever possible.

Walter Magee,

Office of the Secretary.

[S–697–80 Filed 4–3–80; 10:12 am]

BILLING CODE 7590–01–M

10

POSTAL SERVICE (Board of Governors)

Notice of Closed Meeting. On April 1, 1980, the Governors of the United States Postal Service unanimously voted to close to public observation a portion of the meeting of that date, at which the Governors discussed the Opinion and Recommended Decision upon Reconsideration of the Postal Rate Commission dated March 24, 1980, re Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2).

The Governors determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed was exempt from the open meeting requirement of the Government in the Sunshine Act in that it was likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest did not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service certified that in his opinion the portion of a meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

The persons who attended the closed portion of the meeting were Board members Wright, Allen, Camp, Ching, Hardesty, Sullivan, Bolger and Conway, Senior Assistant Postmaster General Finch, Assistant Postmaster General McCaffrey, and Secretary of the Board Cox.

Louis A. Cox,

Secretary.

[S–702–80 Filed 4–3–80; 2:56 pm]

BILLING CODE 7710–12–M

11

POSTAL SERVICE (Board of Governors)

Notice of Vote to Close Meeting. On April 1, 1980, the Board of Governors of the United States Postal Service voted to close to public observation its next meeting, scheduled for April 20, 1980. Each of the members of the Board voted in favor of closing each portion of this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch; Assistant Postmaster General McCaffrey, and Secretary of the Board Cox.

A portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies concerning future postal ratemaking which was commenced at the Board's meeting of December 4, 1979, and continued at its meetings of January 7, March 4, March 31, and April 1, 1980.

The Board is of the opinion that public access to the planned discussion of future postal ratemaking strategies would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Board able to provide policy guidance to postal management on ratemaking issues on the basis of candid exploration of those issues, without concern for unreasonably influencing particular litigation. A number of these issues are likely to be the subjects both of administrative litigation during the course of the Postal Service's next general rate proceeding before the Postal Rate Commission and of the appellate judicial litigation which will probably follow that proceeding.

Accordingly the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal service), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible ratemaking strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), and 552b(c)(10) of title 5 and section 410(c)(4) of title 39, United States Code, and sections 7.3(c) and 7.3(j) of title 39, Code of Federal Regulations.

The second portion of the meeting to be closed will consist of a continuation of the discussion by the Governors of the Opinion and Recommended Decision Upon Reconsideration of the Postal Rate Commission dated March 24, 1980, re Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2).

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public interest in having the Governors candidly discuss the pro's and con's of possible alternatives open to them under the pertinent part of the Postal Reorganizaiton Act (39 U.S.C. § 3625(d)) without concern for unreasonably influencing particular litigation, including both litigation that may arise from the Governors' final decision in the Carrier Route Presort case and the litigation involving the next general rate proceeding referred to earlier in this Notice.

Accordingly, the Governors have determined that, pursuant to section 552b(c)(10) of Title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of a meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

The third and final portion of the meeting to be closed will consist of a discussion by the Governors of the anticipated Opinion and Recommended Decision Upon Reconsideration of the Postal Rate Commission re Electronic Mail Classification Proposal, 1978 (Commisison Docket No. MC78–3), the Commission having issued a news release stating that it will issue its Further Recommended Decision on April 8, 1980.

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Governors candidly discuss the pro's and con's of possible alternatives open to them under the pertinent part of the Postal Reorganization Act (39 U.S.C. § 3625(d)) without concern for unreasonably influencing particular litigation, including both litigation that may arise from the Governors final decision in the Electronic Mail case and litigation currently pending before the Court of Appeals for the D.C. Circuit concerning the jurisdiction of the Federal Communications Commission over the Postal Service's planned Electronic Computer Originated Mail (E-COM) service.

Accordingly, the Governors have determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of a meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S–703–80 Filed 4–3–80; 2:56 pm]

BILLING CODE 7710–12–M

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published.]

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, March 25, 1980.

CHANGES IN THE MEETING: Additional items:

The following additional items will be considered at a closed meeting scheduled for Thursday, April 3, 1980, at 10 a.m:

Litigation matter.

Institution of injunctive action and administrative proceeding.

Settlement of injunctive action.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

April 2, 1980.

[S–696–80 Filed 4–3–80; 5:04 pm]

BILLING CODE 8010–01–M

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federal register

Monday
April 7, 1980

Part II

Department of Health, Education, and Welfare

Office of Education

Grants to State Educational Agencies for Educational Improvement, Resources, and Support

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 134

Grants to State Educational Agencies for Educational Improvement, Resources, and Support

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These final regulations govern programs and projects for educational improvement, resources, and support under Title IV of the Elementary and Secondary Education Act (ESEA). The regulations are required by the Education Amendments of 1978 and by additional program experience. These regulations:

(a) Clarify which provisions of the Education Amendments of 1974 still apply;

(b) Reflect statutory changes with respect to such issues as (1) the creation of a separate Part D for the guidance, counseling, and testing program; (2) the distribution of Part B funds; and (3) the participation of private school children; and

(c) Reflect program management revisions with respect to (1) uses of title IV funds; (2) allowable costs; (3) program evaluation; and (4) control of materials and equipment.

EFFECTIVE DATE: These regulations are expected to be effective forty-five days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact persons.

FOR FURTHER INFORMATION CONTACT: For Part B—Instructional Materials and School Library Resources Program: Louise V. Sutherland, School Media Resources Branch, 400 Maryland Avenue, S.W., (Room 3125–B, ROB–3), Washington, D.C. 20202, Telephone 202–245–2488.

For Part C—Improvement in Local Educational Practice Program: Allen J. King, Division of State Educational Assistance Programs, 400 Maryland Avenue, S.W., (Room 3010, ROB–3), Washington, D.C. 20202, Telephone 202–245–2592.

For Part D—Guidance, Counseling, and Testing Program: Bryan T. Gray, Division of State Educational Assistance Programs, 400 Maryland Avenue, S.W., (Room 3010, ROB–3), Washington, D.C. 20202, Telephone 202–472–1357.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** on May 14, 1979 (44 FR 28238) that proposed changes in 45 CFR Part 134 and the deletion of parts 134a and 134b. These regulations implement new requirements resulting from the Education Amendments of 1978, Pub. L. 95–561, reflect certain program management revisions, and clarify existing program requirements. These regulations also reflect the technical amendments made to the title IV statute by Pub. L. 96–46.

During June 1979 the Commissioner held public hearings on the proposed regulations in ten cities throughout the United States. Interested parties were also given sixty days to make written comments on the proposed regulations.

The Office of Education informed Chief State School Officers in a memorandum dated July 18, 1979, that guidance, counseling, and testing activities may be conducted by LEAs, at their discretion, during fiscal year 1980, with Part B funds. For school year 1980–81 it appears likely that funds will be appropriated for Part D of the Title IV program. In that event, the regulations of 45 CFR Part 134 that apply to Part D will govern those funds. The appendix to the preamble reflects the many comments on the proposed regulations that were received and the Commissioner's response to them, and indicates whether or not the regulations have been changed. Certain other typographical corrections have been made to the regulations for clarification. The major issues raised by the commenters are summarized below.

1. General

Participation of private school children in Parts C and D. Several commenters objected to the requirement that children attending private schools may participate in a Part C or Part D project only if the LEA in which the private school is located is participating in that program and children attending public schools within that LEA are also receiving Part C or Part D benefits, respectively.

No change has been made from the proposed rules. While all LEAs are eligible to participate in the various title IV programs, only an LEA that submits an application that is approved by the SEA is "eligible to receive funds" within the meaning of section 406 of the law. Section 134.71 of the regulations explains the requirements for the LEA's consultation with representatives of private school children regarding the LEA's decision to participate in the title IV program. The basic principle that LEAs provide equitably for children attending private schools applies only to those LEAs that choose to participate in the title IV program. The exception to this principle authorized by Congress in the 1978 amendments applies to Part B alone.

2. Part B

(a) *Exclusion of "band instruments" and "gym equipment" as eligible types of instructional equipment.* A very large number of commenters objected to the exclusion of these items because of the educational and social values of music and physical education in instructional programs. The definition of "instructional equipment" has been changed to allow the acquisition of "musical instruments" and "physical education equipment" if used for instructional purposes in music or physical education classes in the school's regular instructional program.

(b) *Formula for distribution of part B funds.* Commenters generally felt that the proposed rules (§ 134.40) were unclear and that the percentage of additional funds to be allocated to LEAs selected under high cost or tax effort factors was too high. The regulations are reworded and include an example. However, the requirement that the higher per pupil amount awarded to LEAs qualifying under the high tax effort or high cost factors be *at least* 200 percent of the per pupil amount—based on enrollment—that the SEA awards to an LEA not selected under the other two factors remains.

(c) *Special indirect cost rate.* Commenters objected to the requirement that an LEA that desires to use an indirect cost rate negotiate a special indirect cost rate for Part B with its SEA. This requirement, which is imposed by 45 CFR Part 74, *Administration of Grants*, has been clarified. The SEA may obtain information on negotiating these indirect costs from the Director, Regional Administrative Support Center, in each of the ten HEW Regional Offices. An LEA may consider the cost of processing, cataloging, and delivering instructional materials and equipment to the first point of use as indirect costs.

3. Part C

(a) *Five year limitation on project funding.* A large number of commenters objected to the five year limit on the funding of a Part C project. No change has been made from the proposed rule. Section 432(a) of the Act provides that "funds may be made available to an LEA under [Part C] for a particular activity not to exceed five fiscal years * * *." However, as used in the statute, the term "activity" refers to the substantive nature of authorized projects, such as projects for handicapped children or projects for educationally deprived children, not the stages of a project, such as development and demonstration. Also, the legislative history of the Education Amendments of 1978 indicates that Congress intended to limit the length of Part C projects to approximately five years.

(b) *Continued support of successful Part C projects with non-Federal funds.* A large number of commenters objected to the requirement that an LEA intend to support successful Part C project activities with non-Federal resources as a part of its regular school program when Part C funds are no longer provided. The regulations have been changed. They now provide that, for the purpose of this requirement, an activity that is supported by funds for which the LEA must compete against other LEAs or similar applicants may not be considered as part of the LEA's regular school program.

(c) *Limitation on the use of Part C program funds for dissemination of information and technical assistance.* A large number of commenters objected to provisions of the proposed regulations which limited an LEA's use of Part C funds to disseminate information and provide technical assistance outside its boundaries to no more than 25 percent of the LEA's subgrant during the project's last two years of part C funding.

The limitations upon an LEA's use of Part C funds to demonstrate its Part C project for the benefit of children enrolled in schools outside its boundaries have been rewritten (§ 134.57). The inflexible restriction to 25 percent of the LEA's last two subgrants has been deleted. These final regulations state that an SEA may award Part C funds to an LEA for demonstration of its project outside its boundaries when the SEA determines that certain prerequisites have been met.

In addition, these final regulations prescribe the criteria by which the SEA determines the amount of Part C funds it is appropriate to devote to this type of demonstration, subject to a "ceiling." The Commissioner believes these final regulations implement in a more purposeful and flexible manner the statutory emphasis upon meeting the educational needs the LEA identifies within its own boundaries.

In response to suggestions of the public and other interested parties, these final regulations contain provisions that were not in the notice of proposed rulemaking. This includes certain provisions of the statute governing the programs. The purpose of incorporating these provisions into the final regulations is to enable applicants and grantees to understand better the requirements of these programs without having to refer to additional documents.

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: April 3, 1980.

William L. Smith,

Commissioner of Education.

(Catalog of Federal Domestic Assistance Numbers 13.570, Instructional Materials and School Library Resources; 13.571, Improvement in Local Educational Practice Program; 13.577, Guidance, Counseling, and Testing Program)

Accordingly, the Commissioner deletes 45 CFR Parts 134a and 134b, and revises Part 134 to read as follows:

PART 134a—[Deleted]

PART 134b—[Deleted]

PART 134—GRANTS TO STATE EDUCATIONAL AGENCIES FOR EDUCATIONAL IMPROVEMENT, RESOURCES, AND SUPPORT

Subpart A—General

Sec.
134.1 Educational improvement, resources, and support.
134.2 Eligibility.
134.3 Regulations that apply to title IV.
134.4 Definitions as used in this part.

Subpart B—How a State Applies for a Grant

134.10 Documents the State must submit to get a grant.
134.11 Conditions the State must meet before submitting a plan—State advisory council.
134.12 Conditions the State must meet before submitting a plan—maintenance of effort.

Subpart C—How a Grant is Made to a State

134.20 Determination of the total amount available for a State grant.
134.21 Reallocation of excess funds.

Subpart D—How To Apply to the State for a Subgrant

134.30 Documents the applicant must submit to get a subgrant.
134.31 Provisions required in the documents.

Subpart E—How a Subgrant Is Made to an Applicant

134.40 Determination of the amount of the subgrant.
134.41 Multi-year Part C projects.
134.42 Reallocation.

Subpart F—Conditions That Must Be Met by the State and Its Subgrantees

Sec.
134.50 Use of funds—SEA's
134.51 Use of funds—Insular Areas.
134.52 Use of funds—Departments of Defense and the Interior.
134.53 Use of Part C funds—SEA's, Insular Areas, and Departments of Defense and the Interior.
134.54 Use of Part C funds—supplementing part C subgrants.
134.55 Use of Part D funds—SEA's, Insular Areas, and Departments of Defense and the Interior.
134.56 Use of Part B funds—LEA's.
134.57 Use of Part C funds—LEA's.
134.58 Use of Part D funds—LEA's.
134.59 Allowable costs—Part B

Subpart G—Administrative Responsibilities of the State and Its Subgrantees

134.60 Project application review and approval by the State.
134.61 Monitoring and enforcement by the State.
134.62 Evaluation by the State.
134.63 Evaluation by the State advisory council.
134.64 Standards for Part B.
134.65 Consultation procedures—Part B.
134.66 Control of instructional equipment and materials.
134.67 Audit resolution.
134.68 Part C projects for the education of handicapped children; requirements under Part B of the Education of the Handicapped Act (EHA).

Subpart H—Participation of Children Enrolled in Private Schools

134.70 Responsibilities.
134.71 Consultation with representatives of private school students.
134.72 Needs; number of students; types of services.
134.73 Benefits.
134.74 Expenditures.
134.75 Separate classes.
134.76 Funds not to benefit a private school.
134.77 Administrative control.
134.78 Public employees.
134.79 Separate compliance.

Subpart I—Section 406 Compliance Procedures

134.80 Complaint procedure.
134.81 Waiver of section 406.
134.82 By-pass.

Subpart J—Other Compliance Procedures Used by the Office of Education

134.90 Waivers of maintenance of effort.
134.91 Maintenance of effort waiver procedures.
134.92 Effect of waiver of maintenance of effort.

Appendix A—State Plan
Appendix B—Amendments to State Plan
Appendix C—Comments and Responses to the Notice of Proposed Rulemaking

Authority: 20 U.S.C. 3081 et seq., 92 Stat. 2229.

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Subpart A—General

§ 134.1 Educational improvement, resources, and support.

These regulations apply to the following programs authorized by Title IV of the Elementary and Secondary Education Act:

(a) Instructional Materials and School Library Resources (Part B). The basic purpose of Part B is to assist local educational agencies (LEAs) in the acquisition of necessary books, educational materials, library resources, and instructional equipment.

(b) Improvement in Local Educational Practice (Part C). The basic purpose of Part C is to strengthen the quality of elementary and secondary education through support of locally initiated projects and activities designed to improve educational practices.

(c) Guidance, Counseling, and Testing (Part D). The basic purpose of Part D is to strengthen and expand guidance, counseling, and testing programs in elementary and secondary schools.

(Sec. 401 of the Act; 20 U.S.C. 3061)

§ 134.2 Eligibility.

Title IV is a State-administered program to benefit public and private elementary and secondary school children. A State may apply for funds under Title IV by submitting to the Commissioner a plan describing its programs for Parts B, C, and D. Following approval of the plan, the Commissioner awards grants for these programs to the State educational agency (SEA). The SEA then awards subgrants to an LEA—or groups of LEAs—for these programs on the basis of written project applications submitted to the SEA. The Department of the Interior may apply for title IV funds for children and teachers in elementary and secondary schools it operates for Indian children. The Department of Defense may apply for Title IV funds for children and teachers in schools it operates for overseas dependents.

(Sections 403 and 404 of the Act; 20 U.S.C. 3083 and 3084)

§ 134.3 Regulations that apply to title IV.

(a) The following regulations apply to the title IV program—

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100b (State-administered Programs), except §§ 100b.650–100b.662 (Participation of Students Enrolled in Private Schools);

(2) EDGAR 45 CFR Part 100c, (Definitions);

(3) The regulations in this part.

(b) If an SEA administers title IV under the provision of Title V, Part A of the Elementary and Secondary Education Act (ESEA), the regulations in 45 CFR Part 120 also apply.

(Sec. 401 of the Act; 20 U.S.C. 3061)

§ 134.4 Definitions as used in this part.

"Academic subjects" means, but is not limited to, the following elementary and secondary school subjects: the arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, foreign languages, reading, and science.

(Sec. 421 of the Act; 20 U.S.C. 3101)

"Act" means Title IV of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561) and Technical Amendments Related to the Education Amendments of 1978 (Pub. L. 96–46).

(Sec. 401 of the Act; 20 U.S.C. 3061)

"Handicapped children" means those children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or have specific learning disabilities, and who because of those impairments need special education and related services. The specific terms used in this definition are defined in 45 CFR 121a.5.

(Sec. 432(c) of the Act; 20 U.S.C. 3112(c))

"Instructional equipment" means equipment that is appropriate for use in providing education in academic subjects in elementary and secondary schools and that is used to teach or learn an academic subject. The eligibility of instructional equipment is determined by its intended use and its direct relationship to instruction in an academic subject. Depending upon use, typical examples of instructional equipment include—

(a) Laboratory or other special equipment that contributes directly to the objectives of an instructional program;

(b) Electronic or mechanical audiovisual equipment, such as audio and computer devices and TV monitors;

(c) Equipment for the storage and protection of instructional materials and equipment; and

(d) Equipment for the maintenance and repair of audiovisual materials.

The term does not include general purpose classroom or library furniture, shelving, stoves, refrigerators, bleacher seats, equipment for staff offices, or other equipment not directly related to instruction in academic subjects. The term, however, does include musical instruments and physical education equipment if used for instructional purposes in music or physical education classes in the school's regular instructional program.

(Sec. 421 of the Act; 20 U.S.C. 3101)

"Instructional materials" means school library resources, textbooks, realia, raw materials for the preparation of instructional resources, and all printed and published materials that are suitable for providing instruction in elementary and secondary schools. Instructional materials are, with reasonable care, expected to last more than one year. The term does not include furniture, supplies consumed in the instructional process (e.g., paper, pencils, chalk, chemicals), or instructional equipment.

(Sec. 421 of the Act; 20 U.S.C. 3101)

"Insular area" means Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Sec. 401 of the Act; 20 U.S.C. 3061)

"Part B" means the Instructional Materials and School Library Resources Program.

(Sec. 421 of the Act; 20 U.S.C. 3101)

"Part C" means the Improvement in Local Educational Practice Program.

(Sec. 431 of the Act; 20 U.S.C. 3111)

"Part D" means the Guidance, Counseling, and Testing Program.

(Sec. 441 of the Act; 20 U.S.C. 3121)

"Preceding fiscal year" means the twelve-month fiscal period most commonly used in the State for official reporting purposes prior to the beginning of the Federal fiscal year for which funds are available.

(Sec. 404(a)(7) of the Act; 20 U.S.C. 3084(a)(7))

"Private school" means a nonprofit elementary or secondary school that is operated or controlled by an agency, organization, or institution that is not under Federal or public supervision or control.

(Sec. 408(a)(1) of the Act; 20 U.S.C. 3086(a)(1))

"Realia" means artifacts, dioramas, games, models, and educational toys.

(Sec. 401 of the Act; 20 U.S.C. 3061(a)(1))

"School library resources" means printed and published materials that are cataloged or organized for the instructional use of elementary and secondary school children and teachers. The term includes books, periodicals, documents, pamphlets, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, processed slides, transparencies, films, filmstrips, video tapes, or any other printed or audiovisual materials of a similar nature available now or in the future.

(Sec. 421(1) of the Act; 20 U.S.C. 3101(1))

"Second preceding fiscal year" means the second twelve-month fiscal period most commonly used in a State for official reporting purposes prior to the Federal fiscal year for which funds are available.

(Sec. 404(a)(7) of the Act; 20 U.S.C. 3084(a)(7))

"Strengthening State Educational Agency (SEA) Management" refers to the program authorized by title V, part B of the Act.

(Sec. 521 of title V of the Act; 20 U.S.C. 3161)

"Testing" means the use of tests to measure abilities, educational achievements, interests, or aptitudes pertaining to an individual's educational or career development.

(Sec. 441(a) of the Act; 20 U.S.C. 3121(a))

"Textbook" means a book, reusable workbook, or manual, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in the class or group.

(Sec. 421(1) of the Act; 20 U.S.C. 3101(1))

Subpart B—How a State Applies for a Grant

§ 134.10 Documents the State must submit to get a grant.

(a) To receive a grant a State shall submit to, or have on file with, the Commissioner—

(1) A general application that in the opinion of the Commissioner satisfies the single State application requirements of title V of ESEA (sec. 501) and 45 CFR part 120, or of section 435 of the General Education Provisions Act (GEPA), whichever applies; and

(2) A State plan that describes the purposes for which the funds applied for will be spent. The State plan must be detailed enough to allow the Commissioner to determine whether it satisfies the requirements of the Act and these regulations. The State shall include in its plan the specific assurances and items of information listed in the appendix to this part.

(b) To receive a grant, the Department of the Interior or Department of Defense shall submit to the Commissioner a program plan that describes the purposes for which the funds will be used. The program plan—

(1) Need not be submitted more often than once every three years; and

(2) Must contain the assurances and information required by the Commissioner.

(Secs. 403(c) and 404(a) of the Act; 20 U.S.C. 3083(c) and 3084(a))

§ 134.11 Conditions the State must meet before submitting a plan—State Advisory council.

A State that desires to receive title IV funds shall establish a State advisory council (SAC).

(a) The SAC shall be broadly representative of the cultural and educational resources of the State, including—

(1) Teachers, principals, superintendents, and other professional employees of LEAs and private schools;

(2) Teachers from institutions of higher education;

(3) School librarians, personnel involved in operating media programs in local schools, and guidance counselors;

(4) Individuals from fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantages, and limited English proficiency or because they are gifted or talented, and of professional competence in guidance and counseling; and

(5) Parents, students, and other interested members of the public.

(b) A single member of the council may represent more than one of these resources.

(c) The State's annual certification of council membership must provide the name of each member of the council, including its chairperson, as well as the specific resource or resources each member represents. In addition, the State shall retain, and furnish to the Commissioner upon request, a description of the qualifications of each council member.

(d) The Commissioner notifies the SEA in writing when the certification has been accepted.

(Sec. 404(b) of the Act; 20 U.S.C. 3084(b))

§ 134.12 Conditions the State must meet before submitting a plan—maintenance of effort.

(a) *General requirements.* (1) To receive Part B funds, Part C funds to conduct the Strengthening SEA Management program, or Part D funds, a State shall have expended during the preceding fiscal year for the purposes of each of these programs an amount of non-Federal funds that at least equals the amount of non-Federal funds it expended for the purposes of each of these programs during the second preceding fiscal year.

(2) The comparison of expenditures for the two years may be made on the basis of—

(i) Either the aggregate non-Federal expenditures for each of these programs made by the State, its LEAs, and the private schools in the State; or

(ii) The aggregate per student expenditures of the State, its LEAs, and private schools.

(b) *Aggregate expenditures.* The State may measure aggregate non-Federal expenditures for programs described in Part B, Part D, or in Title V, Part B, respectively, by either of the following methods:

(1) Totalling the expenditures made by the State, all its LEAs, and the private schools in the State that enroll students who will participate during the fiscal year for which funds are available or

(2) Totalling the expenditures made by the State, its LEAs that will participate in the fiscal year for which funds are available, and the private schools in the State that enroll students who will participate in the fiscal year for which funds are available.

(c) *Aggregate per student expenditures.* The State may measure aggregate per student non-Federal expenditures for programs described in Part B, Part D, or in Title V, Part B, respectively, by either of the following methods:

(1) Dividing the aggregate expenditures computed under paragraph (b)(1) of this section by the total number of students in average daily attendance (ADA)—or any other basis commonly and consistently used in a State from year to year—in all the public schools in the State and in private schools that enroll students who will participate in the fiscal year for which funds are available; or

(2) Dividing the aggregate expenditures computed under paragraph (b)(2) of this section by the total number of students in ADA—or on any other basis commonly and consistently used in the State from year to year—in public schools in LEAs that will participate in the fiscal year for which funds are available and in private schools that enroll students who will participate in the fiscal year for which funds are available.

(d) *Averaging expenditures.* (1) If non-Federal expenditures for programs described in Part B, Part D, or in Title V, Part B, depend upon a State or local appropriation that is not an annual appropriation, the State may average its

non-Federal expenditures for those programs over the number of fiscal years for which the appropriation was made.

(2) A State that chooses to average its expenditures in this way shall continue to use this method for computing maintenance of effort for each fiscal year for which the State or local appropriation was made.

(3) A State that does not average its expenditures shall attribute all expenditures to the fiscal year in which they were incurred.

(e) *State's authority to exclude LEAs or children enrolled in private schools.* A State, by rule, may exclude from participation in Parts B or D—

(1) An LEA that has failed to maintain its non-Federal expenditures, if the Commissioner declines to waive the State's requirement to maintain its expenditures, and if that LEA's failure to maintain its expenditures would prevent the State from complying with paragraph (a) of this section;

(2) Students enrolled in a private school that has failed to maintain its expenditures, if the Commissioner declines to waive the State's requirement to maintain its expenditures, and if that private school's failure to maintain its expenditures would prevent the State from complying with paragraph (a) of this section; or

(3) An LEA, or students enrolled in a private school, that fails to submit data that the State requires to determine compliance with this section.

(f) *Collecting and maintaining data.* The SEA shall collect and maintain data—including data from private schools—that verify the State's compliance with this section or §§ 134.90–134.92 of these regulations. The State shall make these data available to the Commissioner upon request.

(g) *Separate compliance.* The Commissioner determines whether a State is complying with the maintenance of effort requirement separately for the programs authorized by Part B, Part D, and Title V, Part B of the Act.

(Sec. 404(a)(7) of the Act and Sec. 431(A) of GEPA; 20 U.S.C. 3084(a)(7) and 1232–1)

Subpart C—How a Grant is Made to a State

§ 134.20 Determination of the total amount available for a State grant.

The Commissioner determines for each fiscal year the total amount of Parts B, C, and D funds for which a State, an insular area, the Department of Defense and the Department of the Interior may apply.

(a) In determining the amounts for which a State—other than an insular area—may apply, the Commissioner allots to each State an amount which bears the same ratio to the amounts appropriated, respectively, for Parts B, C, and D as the number of children aged five to seventeen, inclusive, in the State bears to the number of those children in all the States.

(b) In determining the amount for which an insular area may apply, the Commissioner considers the number of children enrolled in the elementary and secondary schools in that insular area.

(c) In determining the amount for which the Department of Defense and the Department of the Interior may each apply, the Commissioner considers the number of children enrolled in elementary and secondary schools operated by that department.

(Sec. 403 of the Act; 20 U.S.C. 3083)

§ 134.21 Reallocation of excess funds.

The Commissioner may, for any fiscal year, determine that the amount of Parts B, C, or D funds made available to a State—other than an insular area—exceeds the amount of funds that the State requires to carry out projects under that part for that fiscal year. The Commissioner may then reallocate these excess funds.

(Sec. 403(b) of the Act; 20 U.S.C. 3083(b))

Subpart D—How To Apply to the State for a Subgrant

§ 134.30 Documents the applicant must submit to get a subgrant.

(a) To receive a subgrant of Part B, C, or D funds, an LEA shall submit to, or have on file with, the SEA—

(1) A general application that satisfies the single LEA application requirements of title V of ESEA (sec. 502) and 45 CFR Part 120 or of GEPA (sec. 436), whichever applies; and

(2) A project application, in the form required by the SEA, that describes the purposes for which the funds will be spent. The LEA shall include in its project application sufficient detail to enable the SEA to determine whether the application satisfies the requirements of the Act and these regulations.

(b) To receive a subgrant of Part B or D funds, an LEA need not submit a project application more often than once every three years. However, an SEA may require an LEA to supplement annually its project application for Part B or D funds with the information it needs to determine whether the LEA is complying with the requirements of the Act, including:

(1) Enrollment and expenditure data needed by the SEA to determine if the State is maintaining its fiscal effort,

(2) Information needed by the SEA to determine whether the LEA is complying with the requirements dealing with the participation of private school children; and

(3) Information pertaining to any material changes in project objectives or use of funds.

(c)(1) An SEA may approve an LEA application for a multi-year part C project—subject to the availability of funds—in accordance with § 134.41 (*Multi-year part C projects*).

(2) Each year after the first year of the project, the LEA shall supplement its project application with the information the SEA requires to determine whether the LEA is making satisfactory progress toward meeting the objective of its project, and is complying with the requirements of the Act and these regulations.

(d) The Department of Defense, the Department of the Interior, or an insular area may designate administrative units to submit project applications that are consistent with the requirements of this section.

(Sec. 403(c), 404(a), and 432(a) of the Act; 20 U.S.C. 3083(c), 3084(a), and 3112(a))

§ 134.31 Provisions required in the documents.

(a)(1) In each project application it submits to the SEA, an LEA shall clearly demonstrate that it has complied with § 134.71 (*Consultation with representatives of private school students*).

(2) In each project application it submits to the Department of Defense, the Department of the Interior, or insular area, an administrative unit shall clearly demonstrate that it has complied with § 134.71.

(b) Each project application submitted by an LEA to an SEA—or by an administrative unit to an insular area or department—must include—

(1) The number of public and private school children enrolled in the schools located within its boundaries;

(2) The number of public and private school children to be served by the project;

(3) A description of how the public and private school children selected to participate were chosen;

(4) A description of when and where public and private school children will be served by the project;

(5) An explanation of any differences noted in paragraph (4) of this section;

(6) An explanation of any adjustments made in per student expenditures under § 134.74 (*Expenditures*); and

(7) If required by the SEA, the names and addresses of all private schools within its boundaries.

(c) An SEA may require an LEA—or an insular area or department may require an administrative unit—to provide the information required by paragraphs (a) and (b) of this section for each fiscal year during which the LEA or administrative unit participates in Parts B, C, or D of the Act.

(Secs. 406(a), 408(b), and 432(d) of the Act; 20 U.S.C. 3086(a), 3086(b), and 3112(d))

Subpart E—How a Subgrant is Made to an Applicant

§ 134.40 Determination of the amount of the subgrant.

(a)(1) An SEA shall make a subgrant to an LEA of Part B funds based on enrollments in public and private schools within the school districts of those agencies, adjusted to provide higher per pupil allocations to—

(i) LEAs whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under Title I of this Act) is no greater than the average per pupil expenditure in the State; and

(ii) LEAs which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language.

(2) For the purpose of computing the amount of a subgrant to an LEA selected by the SEA because of high tax effort or because of a large number or percentage of high cost children, a higher per pupil allocation means an additional per pupil amount that is at least equal to the per pupil amount the SEA awards to each LEA based on enrollment.

(3) An SEA may decline to award higher per pupil allocations to LEAs because of high tax effort only if it provides enough information in its State plan to allow the Commissioner to determine that—

(i) No LEA in the State is making a substantially greater than average local tax effort; or

(ii) If any LEA in the State is making a substantially greater than average local tax effort, its per pupil expenditures exceed the State average per pupil expenditure.

Example. Assume that a State received $2,112,500 in Part B funds and that the maximum administrative allowance for Title IV is $225,000. The State chooses to use $112,500 to administer the Part B program. This amount ($112,500) is subtracted from the Part B allocation ($2,112,500) leaving $2,000,000 for LEA program funds. The State has a total enrollment of 500,000 public and private school children, and has identified as "high cost" children, those in (1) rural LEAs, and (2) bilingual children in LEAs whose enrollment is more than 10 percent bilingual. Allotting 50 percent of the $2,000,000 total ($1,000,000) on the basis of enrollment (500,000 children) will generate $2.00 to be allotted for benefits for each child in the State. The remaining $1,000,000 might be divided by allotting 20 percent of the total grant ($400,000) to 200,000 children in LEAs that are eligible under the high tax effort factor, or an additional $2.00 per child (as much as is received under the enrollment factor). From the remaining 30 percent of the grant, the State might allocate $400,000 to 200,000 children enrolled in rural LEAs (that is, an additional $2.00 per child) and $200,000 to LEAs with 100,000 bilingual children (again, $2.00 additional per child). Note that this formula provides for the cumulation of higher per pupil allocations. For example, a child enrolled in an LEA selected under the high tax effort factor as well as one high cost factor would generate $6.00 per child.

Example of Formula Meeting Proposed Minimum Requirement

Total Part B Allotment—$2,112,500; State Administration—$112,500

	Enrollment	High tax effort	High cost	
			Rural	Bilingual
Percent program funds	50	20	20	10
Program funds ($)	1,000,000	400,000	400,000	200,000
Number of children	500,000	200,000	200,000	100,000
Amount per child ($)	2.00	2.00	2.00	2.00
Number of LEA's	170	65	120	60

(b) An SEA shall make a subgrant of Part C funds to an LEA on an equitable, competitive basis.

(c) An SEA shall make a subgrant of Part D funds to an LEA in accordance with the distribution procedures described in the State plan. These funds may be allocated on the basis of a formula, such as student enrollment, or an equitable competition.

(Secs. 404(a)(5), 422(a), and 441(a) of the Act; 20 U.S.C. 3084(a)(5), 3102(a), and 3121(a))

§ 134.41 Multi-year Part C projects.

(a) Subject to the availability of funds, an SEA may make a commitment to an LEA to fund a particular project with Part C funds for more than one fiscal year, but for not more than five fiscal years, excluding the period during which the LEA received a planning grant for the project. A subgrant to plan a project may be for no more than one fiscal year.

(b) Before the SEA makes a commitment to multi-year funding, it shall determine that the LEA intends to adopt the project activities, if successful, as part of its regular educational program when Part C funds are no longer provided. For the purpose of this requirement, no activity that is supported by funds for which the LEA must compete against other LEAs or similar applicants may be considered part of its regular educational program.

(c) If an SEA makes a subgrant to an LEA for a particular project that has been supported by Part C funds during three preceding years, the SEA shall, in comparison to the amount of the subgrant for the third fiscal year, reduce the amount of the subgrant substantially. Similarly, if an SEA makes a subgrant of Part C funds to an LEA for a particular project for a fifth fiscal year, the SEA shall, in comparison to the amount of the subgrant for the fourth fiscal year, reduce the amount of the subgrant substantially.

(d) An LEA shall include the following information in its application for part C funds for the fourth or fifth year of a particular project:

(1) How the LEA will compensate for the reduction of Part C funds in the fourth and fifth year of the project without reducing the project's scope and quality.

(2) How the LEA will incorporate the activities of the project into its regular educational program after Part C funds are no longer provided.

(3) How the LEA will continue to provide with Federal funds equitable benefits to private school children who participate in the project.

(e) For the purpose of applying the requirements of this section to multi-year Part C projects already in operation for three years prior to the effective date of these regulations, the SEA may consider the subgrant it makes to an LEA for school year 1979–80 to continue this type of multi-year Part C project as though it were for the third year of that project.

(Secs. 406(a) and 432(a) of the Act; 20 U.S.C. 3086(a) and 3112(a))

§ 134.42 Reallocation.

(a) An SEA may, from time to time, reallocate Part B funds from an LEA that has chosen not to participate or does not choose to expend the full amount made available to it. A reallocation of funds must be consistent with the requirements for the participation of private school children and with the procedure described in the State plan

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for determining the amount of subgrants for Part B.

(b) If an SEA makes subgrants of Part D funds available to LEAs on the basis of a formula, such as student enrollment, it may similarly reallocate excess Part D funds.

(Secs. 422(a) and 441(a) of the Act; 20 U.S.C. 3102(a) and 3121(a))

Subpart F—Conditions That Must Be Met by the State and its Subgrantees

§ 134.50 Use of funds—SEAs.

(a) In a fiscal year in which the provisions of Title V of ESEA dealing with the conditions for appropriations of State administrative funds are not met—

(1)(i) A State—other than an insular area—may use to administer its State plan the larger of the following amounts—

(A) Five (5) percent of the Title IV funds received for that fiscal year, excluding any funds used for the purpose of the State's strengthening program, or

(B) $225,000.

(ii) The State shall then make available to LEAs—for purposes described in paragraph (a)(1) of this section (iii)—the remaining amount of its total Title IV allotment, after any reallocation by the Commissioner. However, the SEA shall exclude from the amount made available to LEAs any amount of Part C funds to be expended for the strengthening SEA Management program or of Part D funds for State leadership in guidance, counseling, and testing.

(iii) An LEA shall use the amount made available under paragraph (a)(1)(B)(ii) of this section only to acquire instructional materials and equipment under Part B; improve local educational practices under Part C; and conduct guidance, counseling, and testing programs under Part D.

(b) In a fiscal year in which the provisions of Title V of ESEA dealing with the conditions for appropriations of State administrative funds are met, all the above requirements apply except those pertaining to State administrative funds.

(Secs. 403(a), 403(c), 404(a)(8), and 441(b) of the Act; 20 U.S.C. 3083(a), 3083(c), 3084(a)(8), and 3121(b))

§ 134.51 Use of funds—Insular Areas.

(a) In any fiscal year an insular area may use no more than $75,000 to administer its State plan.

(b) The insular area shall then use for the purposes described in paragraph (c) of this section, the remaining amount of its total Title IV allotment. However, the insular area shall exclude from the amount available for paragraph (c) of this section any amount to be expended for the Strengthening SEA Management program or for State leadership in guidance, counseling, and testing.

(c) The insular area shall use the amount made available under paragraph (b) of this section only to acquire instructional materials and equipment under Part B; improve local educational practices under Part C; and conduct guidance, counseling, and testing programs under Part D.

(d) Each insular area shall use a substantial amount of its Part B grant and its Part D grant, if distributed on a formula basis, to benefit children who have the greatest educational need.

(Secs. 403(a), 403(c), 404(a)(8), and 441(b) of the Act; 20 U.S.C. 3083(a), 3083(c), 3084(a)(8), and 3121(b))

§ 134.52 Use of Funds—Departments of Defense and the Interior.

(a) In any fiscal year the Department of the Interior may use no more than $75,000 to administer its program plan.

(b) The department shall then use the remaining amount of its total Title IV allotment only to acquire instructional materials and equipment under Part B; improve local educational practices under Part C; and conduct guidance, counseling, and testing programs under Part D.

(c) The Department of Defense and the Department of the Interior shall use a substantial amount of its Part B grant and its Part D grant, if distributed on a formula basis, to benefit children who have the greatest educational need.

(Sec. 403(c) of the Act; 20 U.S.C. 3083(c))

§ 134.53 Use of Part C funds—SEAs, Insular Areas, and Departments of Defense and the Interior.

(a) In a fiscal year in which the provisions of Title V of ESEA dealing with the conditions for appropriations for the Strengthening SEA Management program are not met, a State—including an insular area—may use the larger of the following amounts—

(1) Fifteen (15) percent of the Part C funds received for that fiscal year; or

(2) The amount it received for Strengthening State and Local Educational Agencies for fiscal year 1973 to conduct the Strengthening SEA Management program as described in the approved State plan.

(b) In any fiscal year the Department of Defense and the Department of the Interior may not use Title IV funds for the Strengthening SEA Management program.

(c) In awarding subgrants of Part C funds, an SEA shall comply with—

(1) Section 431(b)(2) of the Act which requires that in any fiscal year in which the State receives more Part C funds than it received in fiscal year 1979, at least 50 percent of the additional amount must be used for innovatives and improved compensatory education projects;

(2) Section 432(b)(1) and (2) of the Act which require that—

(i) In fiscal year 1980 any State that receives mor Part C funds than it received in fiscal year 1979 must allocate at least 5 percent of the additional amount for projects to improve school management;

(ii) In fiscal year 1981 and each succeeding fiscal year any State that receives more Part C funds than it received in fiscal year 1979 must allocate at least 10 percent of the additional amount for projects to improve school management;

(iii) The SEA may not approve a project to improve school management unless the LEA has developed its project application in consultation with a committee composed of administrators, teachers, other staff at the school, and parents whose children attend the school, and that committee has approved that project application.

(3) Section 432(c) of the Act which requires the State to expend no less than 15 percent of its Part C grant—excluding funds available for the Strengthening SEA Management program—for special projects for handicapped children. The special projects for handicapped children must be designed to meet the special educational needs of those children.

(d) In judging a competition among LEAs for Part C funds, an SEA may take into consideration which of the program purposes or activities an LEA seeks to support.

(Secs. 403(c), 404(a)(9), 431, 432(b), and 432(c) of the Act; 20 U.S.C. 3083(c), 3084(a)(9), 3111, 3112(b), and 3112(c))

§ 134.54 Use of Part C funds—supplementing Part C subgrants.

(a) An SEA may reserve a small amount of Part C funds for the purpose of supplementing its subgrants for Part C projects.

(b) Alternatively, if—after awarding all of its Part C funds for a fiscal year for Part C subgrants—the SEA determines that not all of those funds will be obligated by one or more LEAs during that grant period, the SEA may recover those funds and use them to supplement other Part C projects.

(c) An SEA that intends to supplement Part C projects in any way shall include in its State plan a description of the process and the competitive criteria it will use in considering an LEA's request for supplemental funding.

(d) If an SEA reserves funds for supplementation, it shall include the amount in its State plan.

(e) An SEA may not award supplementary Part C funds to enable an LEA to conduct activities beyond the scope of that LEA's approved application.

(Sec. 404(a)(5) of the Act; 20 U.S.C. 3084(a)(5))

§ 134.55 Use of Part D funds—SEA, Insular Areas, and Departments of Defense and the Interior.

(a) An SEA may use no more that 7½ percent of its Part D grant for any fiscal year for State leadership and supervisory activities.

(b) The Departments of Defense and the Interior may not use Part D funds for State leadership and supervisory activities.

(c) If Part D funds are distributed on a competitive basis, the criteria for selection must be based on the quality of proposed projects and not the purposes for which the funds will be used.

(Secs. 441 and 442 of the Act; 20 U.S.C. 3121 and 3122)

§ 134.56 Use of Part B funds—LEAs.

(a) Subject to the requirements dealing with the participation of private school children, and LEA that receives a subgrant of Part B funds shall have complete discretion in selecting which of the program purposes it wishes to support with those funds.

(b) Subject to the requirements dealing with the participation of private school children, an LEA may, when acquiring instructional materials and equipment with Part B funds, concentrate upon meeting the educational needs of children in one or more of the schools within its boundaries.

(c) When selecting instructional materials and equipment, an LEA that receives higher per pupil allocations of Part B funds due to the presence of a large number or percentage of children whose education imposes a higher than average per pupil cost shall consider the special educational needs of those children.

(d) The LEA shall make available to all children attending a school, all the instructional materials and equipment acquired with Part B funds and placed in that school.

(Secs. 421 and 422 of the Act; 20 U.S.C. 3101 and 3102)

§ 134.57 Use of Part C funds—LEAs.

(a) An LEA that receives a subgrant of Part C funds shall use those funds primarily for activities that will improve its own educational practices. This means that an LEA that receives a subgrant of Part C funds—

(1) May not transmit those funds to another LEA to pay the costs of the other LEA's project unless the LEA that receives the subgrant is acting as the agent for a consortium (of which it is a member) whose joint project application for Part C funds has been approved by the SEA;

(2) May not use those funds to disseminate training materials or project information to the representatives of children enrolled in schools outside the LEA, except in response to a specific request;

(3) Shall give priority to requests for training received from the representatives of children enrolled in schools within its own boundaries;

(4) May not use those funds to provide training to the representatives of school children enrolled in a school located in another State.

(b) In connection with the educational practices it has either developed or adopted with Part C funds, an LEA may, in response to a specific request, use Part C funds within the State to—

(1) Disseminate training materials and project information—including evaluation results—to representatives of children enrolled in public and private schools outside its boundaries;

(2) Provide technical assistance and training to the representatives of children enrolled in public and private schools outside its boundaries; and

(3) Attend meetings to describe its project to representatives of children enrolled in public and private schools outside its boundaries.

(c) An LEA may not use Part C funds for the purposes described in paragraph (b) of this section unless the SEA specifically approves. Before approving, the SEA must determine—

(1) That the educational practices developed or adopted by the LEA with Part C funds—

(i) Are successful in that LEA, as shown by data that clearly demonstrate significant improvement of its educational practices;

(ii) Have been installed in the schools within the LEA's boundaries (or are in the process of being installed in accordance with a plan approved by local school authorities) where appropriate and feasible;

(iii) Are being adequately supported, irrespective of the source of funds, for the benefit of children enrolled in public and private schools within the LEA boundaries; and

(2) That the amount of Part C funds to be used for the purposes described in paragraph (a) of this section is reasonable considering the extent to which—

(i) The educational practices developed or adopted by the LEA with Part C funds have already been installed in the schools within the LEA's boundaries;

(ii) There is a demand for demonstrations of the educational practices elsewhere in the State.

(d) In any fiscal year the amount of Part C funds an LEA may use under paragraph (b) of this section to demonstrate educational practices outside its boundaries may not exceed the amount of funds, irrespective of the source, the LEA uses to support those educational practices within its boundaries.

Example: To *operate* the program for public and private school children within its boundaries the LEA determines that the following amounts will be needed:

ESEA Title IV–C	$2,000
Other Federal	3,000
LEA	1,000
Total	6,000

To *demonstrate* the program outside its boundaries for the benefit of public and private school children, the maximum amount available is: $6,000. The maximum amount of the Title IV–C grant would be: $8,000.

Note.—If this grant is for the fourth year of funding, the total amount would have to be substantially less than the ESEA Title IV–C grant for the third year. Likewise, the grant for the fifth year would have to be substantially less than that for the fourth year.

(e) An SEA shall not make a subgrant of Part C funds to a consortium of LEAs or to an LEA that contains more than one school district within its boundaries to disseminate information or provide technical assistance concerning educational practices unless those uses of Part C funds are consistent with the requirements of this section. For example, Part C funds may not be used by one LEA within a consortium to disseminate information or provide technical assistance concerning educational practices that LEA has developed or adopted with Part C funds to another member of the consortium unless the SEA determines that the requirements of paragraph (c) of this section are met.

(Sec. 431(a) of the Act; 20 U.S.C. 3111(a))

§ 134.58 Use of Part D funds—LEAs.

Subject to the requirements dealing with the participation of private school children, an LEA that receives a subgrant of Part D funds shall have complete discretion in selecting which of the Part D program purposes it wishes to support with those funds.

(Sec. 442 of the Act; 20 U.S.C. 3122)

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§ 134.59 Allowable costs—Part B.

(a) Expenditures of Part B funds for instructional equipment may include the cost of raw or processed materials, or component parts to be made into finished products, as well as the cost of making or assembling the instructional equipment.

(b) No administrative costs, except those properly incurred by SEAs, are allowable under Part B of the Act unless the SEA approves a special indirect cost rate for use by LEAs.

(Secs. 401 and 421 of the Act; 20 U.S.C. 3061 and 3101)

Subpart G—Administrative Responsibilities of the State and its Subgrantees

§ 134.60 Project application review and approval by the State.

(a) An SEA shall review and approve the project applications of LEAs:

(1) According to the requirements of section 503 of Title V of ESEA, if applicable;

(2) In a manner consistent with its assurances under 45 CFR 100b.102(e) of EDGAR; and

(3) According to its State plan.

(b) The Department of Defense, the Department of the Interior, or an insular area shall review the project applications of its administrative units, if applicable. The relevant Department or the insular area may approve only those applications that comply with the requirements of the Act and these regulations, as well as with the Department's program plan or the insular area's State plan.

(Sec. 404(a) of the Act; 20 U.S.C. 3084(a))

§ 134.61 Monitoring and enforcement by the State.

In each fiscal year, the SEA shall carry out a plan for monitoring and enforcing compliance by LEAs with Federal requirements according to the following standards:

(a) The purpose of monitoring shall be—

(1) To review federally funded projects to determine whether a subgrantee is complying with applicable statutes, regulations, and grant provisions; and

(2) To review project purposes, activities, and results.

(b) An SEA shall—

(1) Take into account the size, scope, and purpose of the project in determining the frequency of on-site visits;

(2) Visit each multi-year Part C project at least once during the duration of the project or the applicable State plan; and

(3) Visit a sample of all Title IV projects annually to insure the integrity of the Title IV program.

(c)(1) Within 60 days of a monitoring visit, the SEA shall provide the LEA with a written report that contains the SEA's findings.

(2) If the LEA disagrees with those findings, it may reply in writing to the SEA within 60 days of the SEA's report.

(3) The SEA shall respond in writing to the LEA within 60 days of receiving the LEA's reply.

(d) All monitoring reports, replies, and responses are public documents and shall be made available to the public by both the SEA and LEA.

(Sec. 401 of the Act and Sec. 434 of GEPA; 20 U.S.C. 3081 and 1232c)

§ 134.62 Evaluation by the State.

An SEA shall comply with the evaluation requirements of Title V of ESEA (sec. 501(b)(4)) or of GEPA (sec. 435(b)(4)), whichever applies, and evaluate, at least once every three years, the effectiveness of Parts B, C, and D of the Title IV program in that State. The purposes of the evaluation are to determine—

(a) The extent to which educational needs identified in the State plan are being met by Parts B, C, and D;

(b) The quality and effectiveness of administrative activities undertaken by the SEA under its State plan, such as project application review, technical assistance, dissemination, and project monitoring; and

(c) For Part C projects—

(1) The extent to which the educational priorities identified in the State plan are being improved in participating LEAs;

(2) The extent to which LEAs are incorporating successful practices, originally supported by Part C funds, into their regular educational programs;

(3) The extent to which Part C funds are being used for the various program activities authorized under the Act; and

(4) The extent to which the educational needs that prompted the project are still viewed as important by the LEA when Federal funding concludes.

(Sec. 435(b)(4) of GEPA; 20 U.S.C. 3141(b)(4))

§ 134.63 Evaluation by the State advisory council.

At least every three years the SAC shall evaluate and report—through the SEA to the Commissioner—on the Part B, C, and D programs in that State and on all Title IV projects in the State, including those conducted for children enrolled in nonprofit private elementary and secondary schools. These evaluations must reflect consideration of—

(a) The needs addressed by the Part B, C, and D programs and by the individual LEA projects;

(b) The objectives of the Part B, C, and D programs and of the individual LEA projects;

(c) The extent to which these objectives have been achieved;

(d) The educational improvements that have resulted from the Part B, C, and D programs and from the individual LEA projects; and

(e) In the case of a Part C project, the extent to which the educational practices associated with that project have been incorporated throughout the LEA.

(Secs. 401 and 401(b)(1) of the Act; 20 U.S.C. 3061 and 3064(b)(1))

§ 134.64 Standards for Part B.

A State shall adopt standards to be used by its LEAs—or, in case of an insular area, by its administrative units—in acquiring instructional equipment and materials under Part B of Title IV of the Act. The purpose of these standards shall be to insure that all equipment and materials acquired—

(a) Are of appropriate quality and quantity for instructional use in that LEA or administrative unit; and

(b) Will be used solely for instructional purposes.

(Sec. 421 of the Act; 20 U.S.C. 3101)

§ 134.65 Consultation procedures—Part B.

(a) In determining how Part B funds will be divided among the Part B program purposes, an SEA shall insure that a participating LEA has adopted appropriate procedures to coordinate the selection of instructional equipment and materials with the curricula carried out in that LEA's schools.

(b) These procedures shall include periodic consultation with teachers, librarians, media specialists, and other professional staff in the schools and with representatives of participating private school children. These consultations must take place before decisons are made on the expenditure of Part B funds.

(Sec. 422(b) of the Act; 20 U.S.C. 310(b))

§ 134.66 Control of instructional equipment and materials.

An LEA—or other public agency—that administers a Title IV project shall take whatever steps are necessary to insure that it maintains effective control over instructional equipment and materials acquired with Title IV funds.

(Sec. 406(c) of the Act and Sec. 436(b)(2) of GEPA; 20 U.S.C. 3086(c), 3101, and 1232e(b)(2))

§ 134.67 Audit resolution.

If an SEA administers Title IV under the authority of Part A of Title V of ESEA, the minimum standards for audit resolution contained in 45 CFR Part 120 apply.

(Sec. 509 of the Act; 20 U.S.C. 3149)

§ 134.68 Part C projects for the education of handicapped children; requirements under Part B of the Education of the Handicapped Act (EHA).

(a) An SEA shall ensure that each project for handicapped children that is funded with Title IV, Part C funds—

(1) Is under the general supervision of the persons in the SEA who are responsible for educational programs for handicapped children; and

(2) Meets the SEA's educational standards.

(b) An SEA shall ensure that all Title IV, Part C funds it awards for projects for handicapped children will be used only in a manner consistent with a goal of providing a free appropriate public education for all handicapped children. However, this paragraph does not limit the specific requirements of the Act or these regulations.

(c) Under the withholding provisions of EHA (sec. 616), the Commissioner may withhold Part C funds available for projects for handicapped children if the Commissioner determines that there has been a—

(1) Failure to comply substantially with any provision of sections 612 or 613 of EHA; or

(2) Failure in the administration of the State plan under part B of EHA to comply with—

(i) Any provision of Part B of EHA; or

(ii) Any requirement in the approved application under part B of an LEA or intermediate educational unit.

(d) The regulations for Part B of EHA are in 45 CFR Part 121a.

(Secs. 612(6), 613(a)(2), and 616(a)(2)(B) of EHA; 20 U.S.C. 1412(6), 1413(a)(2) and 1416(a)(2)(B))

Subpart H—Participation of Children Enrolled in Private Schools

§ 134.70 Responsibilities.

(a) *General.* Section 406 of the Act provides that children enrolled in private schools are entitled to participate equitably in the purposes and benefits of the Title IV program. This subpart establishes the rules governing their participation. For the purposes of this subpart and Subpart I the term LEA includes an administrative unit of an insular area.

(b) *SEA responsibilities.* An SEA may not make a subgrant of Title IV funds that does not meet the requirements dealing with the partiicpation of private school children. An SEA shall ensure that each LEA complies with these requirements. If an SEA carries out a Title IV project under §§ 134.73(d) or 134.82(a), it shall comply with these requirements as if it were an LEA.

(c) *LEA responsibilities.* (1) An LEA shall provide children enrolled in the private schools within its boundaries genuine opportunities to participate equitably in Title IV projects. These opportunities shall be consistent with the number and needs of those children.

(2) The LEA shall maintain continuing administrative direction and control over the Title IV funds and property that benefit children enrolled in private schools.

(Sec. 406 of the Act; 20 U.S.C. 3086)

§ 134.71 Consultation with representatives of private school students.

(a) An LEA shall consult with appropriate representatives of the children enrolled in the private schools within its boundaries during all phases of the development and design of the project covered by the application, including consideration of—

(1) Which children will receive benefits under the program;

(2) How the children's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) An LEA shall consult with appropriate representatives of children enrolled in private schools before the LEA makes any decision that affects the opportunities of those children to participate in the project.

(c) The LEA shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(Sec. 406(a) of the Act; 20 U.S.C. 3086(a))

§ 134.72 Needs; number of children; types of services.

An LEA shall determine the following matters on a basis comparable to the one it uses in providing for the participation of children attending public schools:

(a) The needs of children enrolled in the private schools.

(b) The number of those children who will participate in a project.

(c) The benefits the LEA will provide to those children.

(Sec. 406 of the Act; 20 U.S.C. 3086)

§ 134.73 Benefits.

(a) *General.* An LEA that receives a subgrant of Title IV funds shall provide to children enrolled in private schools located within its boundaries secular, neutral, non-ideological benefits that are authorized by Title IV, other than projects for improving school management.

(1) If the LEA determines that it is either unnecessary or not feasible to provide these benefits on the premises of one or more of those private schools, it shall make other arrangements for their provision to those children.

(2) These other arrangements must allow the private school children to participate equitably in the LEA's project.

(b) *Same benefits.* If an LEA concentrates Title IV funds on a particular group, attendance area, or grade or age level, the LEA shall ensure equitable participation by children enrolled in private schools who—

(1) Have the same needs; and

(2) Are in that group, attendance area, or age or grade level.

(c) *Different benefits.* An LEA shall provide Title IV benefits to children enrolled in private schools that are different from the Title IV benefits it provides to children enrolled in public schools if the differences are necessary to meet the needs of the children enrolled in private schools. However, the Title IV benefits for the children enrolled in private schools must be comparable in quality, scope, and opportunity for participation to those provided for children enrolled in public schools.

(d) *Part B benefits.* (1) If no project under Part B of Title IV is carried out for the benefit of children enrolled in public schools within the school district of an LEA, the SEA shall make appropriate arrangements to provide benefits authorized by part B to the children enrolled in private schools.

(2) These arrangements—which may include contracts with nonprofit private agencies or organizations—must provide part B benefits to these children as if they were provided by the LEA within whose district the private schools are located.

(e) *Part C and Part D benefits.* Children enrolled in private schools located within the boundaries of an LEA may receive benefits authorized by Part C or D of title IV only if:

(1) That LEA applied for and received a subgrant; and

(2) Children enrolled in the public schools within the boundaries of that LEA receive, respectively, Part C or D benefits.

(Sec. 406(a) of the Act; 20 U.S.C. 3086(a))

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§ 134.74 Expenditures.

(a) Subject to paragraph (b) of this section, and LEA shall spend the same average amount of Title IV funds on a child enrolled in a private school who participates in the Title IV project as a child enrolled in a public school who participates in the project.

(b) The LEA shall spend a different average amount of Title IV funds for a child enrolled in a private school if the costs of meeting the needs of children enrolled in private schools are different from the costs of meeting the needs of children enrolled in the public schools.

(Sec. 406(b) of the Act; 20 U.S.C. 3066(b))

§ 134.75 Separate classes.

An LEA may not use Title IV funds for classes that are organized separately on the basis of school enrollment or the religion of the children if—

(a) The classes are at the same site; and

(b) The classes include children enrolled in public schools and children enrolled in private schools.

(Sec. 406(a) of the Act; 20 U.S.C. 3066(a))

§ 134.76 Funds not to benefit a private school.

(a) An LEA may not use Title IV funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

(b) The LEA shall use Title IV funds to meet the specific educational needs of children enrolled in private schools rather than—

(1) The needs of a private school, or

(2) The general needs of the children enrolled in a private school.

(Sec. 406(a) of the Act; 20 U.S.C. 3066(a))

§ 134.77 Administrative control.

(a) An LEA may place the materials or equipment acquired with Title IV funds on the premises of a private school for the period of time needed for the purpose of the project.

(b) An LEA shall insure that the materials or equipment placed on the premises of a private school—

(1) Are used only for the purposes of the Title IV program; and

(2) Can be removed from the private school without remodeling its facilities.

(c) An LEA shall remove the materials or equipment from the premises of a private school if—

(1) The materials or equipment are no longer needed for the purposes of the program or

(2) Removal is necessary to avoid use of the materials or equipment for other than title IV purposes.

(Sec. 406(c)(1) of the Act; 20 U.S.C. 3066(c)(1))

§ 134.78 Public employees.

An LEA may use Part C or D funds to employ personnel to provide services to children enrolled in a private school only—

(a) If the personnel are public employees;

(b) If the services these persons provide are not normally provided by the private school; and

(c) To the extent necessary to provide equitable Part C or D benefits designed for children enrolled in private schools.

(Sec. 406(c)(2) of the Act; 20 U.S.C. 3066(c)(2))

§ 134.79 Separate compliance.

(a) Each SEA and LEA that participates in Title IV shall comply with the requirements of this subpart in connection with each Title IV program—Part B, C, or D—in which it participates.

(b) A determination that an SEA or LEA is not complying with the requirements of this subpart in one part of Title IV has no bearing on whether it is complying with those requirements in connection with another part.

(Sec. 406 of the Act; 20 U.S.C. 3066)

Subpart I—Section 406 Compliance Procedures

§ 134.80 Complaint procedures.

(a) Any person or organization may file with an SEA a written complaint alleging that in one or more Title IV projects children enrolled in private schools are not receiving benefits on an equitable basis. The written complaint must include a detailed statement of the facts upon which the allegation is made.

(b) The SEA shall, within 60 days of its receipt, investigate the complaint and submit to the Commissioner a report stating the nature of the complaint and the actions taken to resolve it. If the SEA believes that one or more LEAs have substantially failed, or are unwilling to provide equitably for children enrolled in private schools, it shall comply with § 134.81(b).

(c) If, after the 60 day period, the SEA, an affected LEA, the person or organization making the complaint, or the Commissioner believes the complaint has not been satisfactorily resolved, the Commissioner may review the matter and take appropriate action. The Commissioner determines when a complaint is finally resolved.

(Sec. 406 of the Act; 20 U.S.C. 3066)

§ 134.81 Waiver of section 406.

(a) The Commissioner waives the requirements of Subpart H if the Commissioner determines that an SEA is prohibited by State law from providing for the equitable participation of children enrolled in private schools. If an SEA believes that it is prohibited by State law from providing equitably for private school children, it shall promptly—

(1) Notify the Commissioner of its belief;

(2) Provide the Commissioner with a written interpretation of State law prepared by the State Attorney General or other appropriate State legal officer;

(3) Certify in its State plan—by amendment, if necessary—that it cannot, under State law, comply with the requirements of section 406 of the Act; and

(4) Refrain from approving any project application until the Commissioner either—

(i) Waives the requirements of Subpart H for that State; or

(ii) Determines that, despite the provisions of State law, the SEA is able to comply with the requirements of section 406 of the Act.

(b) The Commissioner may waive the requirements of Subpart H if the Commissioner determines that an SEA or LEA has either substantially failed or is unwilling to provide for the equitable participation of children enrolled in private schools. If, at any time, an SEA believes that an LEA has substantially failed, or is unwilling, to provide equitably for private school children, the SEA shall promptly—

(1) Notify both the Commissioner and the affected LEA of its belief;

(2) Provide both with a written, detailed statement of the reasons for its belief; and

(3) Notify the affected LEA that it will not make additional subgrants to the LEA or approve project applications submitted by the LEA until the Commissioner either—

(i) Waives the requirements of Subpart H for the affected LEA; or

(ii) Determines that the affected LEA is in compliance with the requirements of section 406 of the Act.

(c) A waiver under this section lasts until the Commissioner determines that there is no longer any failure on inability of the part of the SEA or affected LEA to comply with the requirements of Subpart H.

(Secs. 406(d), 406(e), and 406(f) of the Act; 20 U.S.C. 3066(d), 3066(e), and 3066(f))

§ 134.82 By-pass.

(a) If the Commissioner waives the requirements of section 406 for a State or one or more of its LEAs, the Commissioner arranges for the equitable provision of Title IV benefits to the affected private school children. However, if the Commissioner—

(1) Waives the requirements of Subpart H for one or more LEAs; and

(2)(i) Determines that the affected SEA is not, under State law, prohibited from complying with the requirements of section 406, the Commissioner may offer the SEA the opportunity to make an arrangement, either directly or by contract, for the equitable provision of Title IV benefits to the affected private school children.

(ii) The SEA shall promptly notify the Commissioner if it intends to make these arrangements.

(b) Pending the final resolution of a complaint or the results of any investigation which may lead to a waiver of the requirements of section 406 under § 134.81, the Commissioner may withhold from the allocation of the affected State or LEA the amount needed to pay the cost of an arrangement under paragraph (a) of this section.

(c) If, after consultation with the appropriate representatives of the public and private school children—

(1) The Commissioner makes an arrangement under paragraph (a) of this section, the Commissioner pays the cost of that arrangement—including necessary administrative expenses—from the appropriate Title IV allotment of the affected State; or

(2) An SEA makes an arrangement under paragraph (a) of this section, the SEA shall pay the cost of that arrangement from the appropriate Title IV allotment of the affected LEA. If that arrangement requires the SEA to perform administrative activities it would not otherwise perform, it may pay the cost of those additional activities from the appropriate allotment of that LEA.

(Secs. 406(d), 406(e), and 406(g) of the Act; 20 U.S.C. 3066(d), 3066(e), and 3066(g))

Subpart J—Other Compliance Procedures Used by the Office of Education

§ 134.90 Waivers of maintenance of effort.

Because of exceptional and unforeseen circumstances affecting one or more LEAs in a State, the Commissioner may waive the maintenance of effort requirements in § 134.12, if it is equitable to do so. This waiver is effective for one fiscal year only, and may not be repeated.

(a) Examples of exceptional and unforeseen circumstances include—

(1) An unforeseen, substantial removal of property from the tax roll due to—

(i) A disaster of human or natural causes;

(ii) A government action; or

(iii) The departure of an industrial or commercial facility.

(2) An unforeseen, substantial diversion of available revenue to other purposes outside the control of the SEA or LEA due to emergency circumstances such as those resulting from a disaster of human or natural causes.

(3) An unforeseen, substantial decrease in expenditures by a State or LEA due to a strike of educational or service personnel;

(4) An unforeseen, substantial decrease in expenditures by a State or LEA due to energy shortages or other emergency circumstances;

(5) An extraordinary State or local appropriation to meet an unexpectedly acute educational need.

(b) Examples of circumstances the Commissioner does not consider to be exceptional and unforeseen include—

(1) A deliberate substantial reduction of available revenue due to an act of a State or local legislature or electorate in other than emergency circumstances; and

(2) The failure of an SEA or LEA to maintain its fiscal effort when it had the financial resources available to do so.

(c) In determining whether it is equitable to grant a waiver under subsection (a), the Commissioner considers—

(1) The extent to which the circumstances claimed to be exceptional and unforeseen were of the SEA's or LEA's own making;

(2) The extent to which the SEA or LEA attempted to maintain its expenditures for programs described in Parts B and D and the Strengthening SEA Management program despite those circumstances; and

(3) Any other relevant factors.

(Sec. 431A of GEPA and H. Rept. 95-1137, 95th Congress, 2d Sess., at 139; 20 U.S.C. 1232-1)

§ 134.91 Maintenance of effort waiver procedures.

If a State discovers that it cannot comply with the assurance in its State plan to maintain expenditures, it shall—

(a) Promptly notify the Commissioner and request a waiver for the appropriate fiscal year; and

(b) Amend its State plan to reflect the request for a waiver.

(Sec. 404(a)(7) of the Act; 20 U.S.C. 3064(a)(7))

§ 134.92 Effect of waiver of maintenance of effort.

(a) If the Commissioner grants a waiver of maintenance of effort under § 134.90, the Commissioner reduces the total amount a State may receive for that fiscal year by the exact proportion its expenditures for the preceding fiscal year fell short of its expenditures for the second preceding fiscal year. Those expenditures may be calculated on either an aggregate or aggregate per student basis.

(b) Subsequent determinations of whether that State has maintained its effort are made on the basis of the expenditures that would have been required had the Commissioner not granted a waiver.

(Sec. 431A(b) of GEPA; 20 U.S.C. 1232-1(b))

Note.—These appendices are being published for informational purposes only and will not be published in Title 45 of the Code of Federal Regulations.

Note on Appendices.—Appendix A contains the information the State must include in its State plan, and Appendix B contains examples of changes in program administration which would require the SEA to amend its State plan. Appendix C contains comments on the Notice of Proposed Rulemaking and the Commissioner's responses.

Appendix A—State Plan

General

As required by section 404(a) of Title IV, an SEA shall submit a State plan containing that information the Commissioner considers necessary. An SEA shall—

(a) Designate the SEA as the sole State agency responsible for administration of the plan, as required by section 404(a)(1).

(b) Describe a program for expenditure of funds for the purpose of Parts B, C, and D, as required by section 404(a)(2). This program description must include an identification of the units responsible for administering Title IV in general, and Parts B, C, and D in particular, and show how the relationship among these units results in program coordination. This description must also include any priorities in Part C program purposes or activities the SEA intends to implement.

(c) Describe the application review process; criteria for fund distribution; and the procedures for program monitoring, evaluation, and dissemination, as required by section 501(b) of Title V of ESEA or section 435(b) of GEPA, whichever applies.

(d) Assure that it will meet the requirements pertaining to equitable participation of pupils and teachers in private schools, as required by section 404(a)(3), or certifies that these requirements cannot legally be met. The rules implementing a waiver of this requirement are contained in subpart I of this part.

(e) Submit policies and procedures, as required by section 404(a)(10), that it

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will follow to insure that it will not commingle Federal funds with State funds.

(f) Explain how it will provide technical assistance to private school officials, as required by section 404(a)(11). The rules implementing this requirement are contained in 45 CFR 119.10(b). (State plan).

(g) Present its plan to coordinate Federal and State funds for preservice and inservice education of educational personnel in the State, as required by section 404(a)(12). The rules implementing this requirement are contained in 45 CFR 119.10(c) (State plan).

(h) Explain the activities that the SAC will conduct to carry out its advisory, evaluation, and reporting functions required by section 404(b).

(i) Describe any rule or other requirement it adopts under section 504 of Title V of ESEA and the reason for its adoption.

(j) Assure that it will submit to the Commissioner each year the following information:

(1) For Part B, current enrollment figures for public and private elementary and secondary schools, and State supported special schools.

(2) For Part C, information about each LEA project funded, including the following:

(i) Name of LEA and title of project.
(ii) Enrollment.
(iii) Congressional district.
(iv) Curriculum area.
(v) Target population.
(vi) Number of public and private school children, teachers, and other participants.
(vii) Grade level.
(viii) Number of years project has been in operation.
(ix) Amount of subgrant.
(x) Fiscal year source of funds.
(xi) Budget period.
(xii) Type of project (e.g., to plan and develop new and promising local educational practices; to adopt successful practices developed by other LEAs).

(3) For Part D, the information in paragraph (1) if funds are distributed to LEAs on a formula basis or the information in paragraph (2) if the funds are distributed on a competitive basis.

State Plan—Part B

An SEA shall include in its State plan assurances and other information that apply specifically to Part B.

An SEA shall—

(a) Describe the administration of the Part B program, including the staffing pattern, as required by section 404(a)(2);

(b) Describe the means by which technical assistance will be provided to LEAs, as required by section 404(a)(4);

(c) Describe the procedure that LEAs will follow in submitting applications for Part B funds not more often than once every three years, as required by section 404(a)(6);

(d) Assure that, for each fiscal year covered by the State plan, the amount expended per student or the aggregate expenditure by the State, its LEAs, and private schools from funds derived from non-Federal sources for programs described in Part B was not less for the preceding fiscal year than the amount per student or the aggregate expenditure for the second preceding fiscal year, as required by section 404(a)(7);

(e) Show what part of the funds received for administration of the State plan, as provided in section 404(a)(8), it will use for administration of Part B;

(f) Explain how its distribution formula for Part B funds complies with section 422(a) of the Act and § 134.40(a) of these regulations;

(g) Assure that LEAs will be given complete discretion—subject to the provisions of section 406—in determining how Part B funds will be divided among the purposes described in section 421, as required by section 422(b);

(h) Assure that, as required by section 422(b), each LEA—in making its determination about the division of Part B funds among the authorized program purposes—has adopted appropriate procedures to coordinate the selection of equipment and materials with curricula being carried out in the schools within that LEA. These procedures must include periodic consultation with teachers, librarians, media specialists, other professional staff in the schools, and private school officials.

State Plan—Part C

An SEA shall include in its State plan assurances and other information that apply specifically to Part C. An SEA shall—

(a) Describe the administration of the Part C program, including the staffing pattern, as required by section 404(a)(2);

(b) Describe the means by which technical assistance will be provided to LEAs, as required by section 404(a)(4);

(c) Assure that it will distribute part C funds to LEAs on an equitable, competitive basis and assist LEAs less able to compete, as required by section 404(a)(5). The SEA shall also describe the procedures it will use to comply with these assurances.

(d) Show what part of the funds received for administration of the State plan, as provided in section 404(a)(8), it will use for administration of part C;

(e) Assure that funds it receives under section 404(a)(9) will be used to carry out the authorized activities for strengthening SEA management in accordance with section 521 of Title V and its approved Title V–B State plan;

(f) Assure that it will use the amount prescribed in section 431(b)(2) for the purpose of encouraging innovation and improvement in compensatory educational efforts.

(g) Describe how it will apply the criteria prescribed by the Commissioner to reduce Federal funding to LEAs during the fourth and fifth years of Part C projects, as required by section 432(a) and § 134.41;

(h) Assure that it will allocate the amounts prescribed in section 432(b)(1) for LEA projects to coordinate Federal, State, and local resources to improve school management;

(i) Assure that it will not approve a project under section 431(a)(6) unless it has been developed in accordance with section 432(b)(2);

(j) Assure that 15 percent of the amount it receives for part C projects will be used for special projects for the education of handicapped children, as required by section 432(c);

(k) Describe the procedures it will use to ensure that all Part C funds it awards for projects for handicapped children will be used in a manner that meets the requirements of § 134.68(b);

(l) Assure that it will not approve the application of an LEA for Part C funds unless it has determined that the LEA has taken into account the needs of private school children, as required by section 432(d); and

(m) Describe the procedures and criteria it will use to supplement the funding of LEA projects, as permitted by § 134.54.

State Plan—Part D

An SEA shall include in its State plan assurances and other information that apply specifically to Part D. An SEA shall—

(a) Describe the administration of the Part D program, including the staffing pattern, as required by section 404(a)(2);

(b) Describe the means by which technical assistance will be provided to LEAs, as required by section 404(a)(4);

(c) Describe the means by which State leadership and supervisory services will be provided, as required by section 441(a)(1), if not described in (a) or (b) of this section;

(d) Describe the procedures that LEAs will follow in submitting applications for Part D funds not more often than once every three years, as required by section 404(a)(6);

(e) Assure that, for each fiscal year covered by the State plan, the amount expended per student or the aggregate expenditures by the State, its LEAs, and private schools from funds derived from non-Federal sources for programs described in Part D was not less for the preceding fiscal year than the amount per student or the aggregate expenditure for the second preceding fiscal year, as required by section 404(a)(7);

(f) Show what part of the funds will be used for State leadership and supervision, as provided by section 441(b);

(g) Show what part of the funds received for administration of the State plan, as provided in section 404(a)(8), it will use for administration of Part D;

(h) Assure that LEAs will be given complete discretion—subject to the provisions of section 406—in determining how Part D funds will be divided among purposes described in section 441, as required by section 442.

Appendix B

Amendments to State Plan (See 45 CFR 100b.140–100b.142 of EDGAR.)

Examples of occasions when an SEA is required to amend its State plan include;

(a) For Part B—

(1) When material changes in program administration are made; or

(2) When changes in criteria affecting the distribution of funds are made; or

(3) When a request for a waiver of the maintenance of effort requirement is necessary; or

(4) When changes are made in the authorizing statute and regulations.

(b) For Part C—

(1) When material changes in program administration, purposes, priorities, or funding requirements for LEA projects are made; or

(2) When changes are made in the authorizing statute and regulations.

(c) For Part D—

(1) When changes in criteria affecting the distribution of funds are made; or

(2) When material changes in program administration or funding requirements for LEA projects are made; or

(3) When a request for a waiver of the maintenance of effort requirement is necessary; or

(4) When changes are made in the authorizing statute and regulations.

Appendix C

Comments and Responses to the Notice of Proposed Rulemaking

General comments on the regulations are responded to first, followed by specific comments arranged in order of the sections of the final regulations to which they pertain. Where the section number in the final regulations differs from that in the proposed rule, the proposed number is also identified.

General

Comment. One commenter recommended that USOE require the involvement of teacher's associations throughout the administation of State ESEA Title IV programs to insure their success.

Response. No change has been made. While desirable in many instances, the Commissioner has no authority to impose this requirement.

Comment. A commenter asked if grouping all regulations that applied to the separate programs of Title IV—Parts B, C, and D—was considered since most LEAs would be applying for subgrants separately and since the programs are separately administered in the Office of Education.

Response. No change has been made. The grouping of all regulations that apply to the separate parts of Title IV was considered.

A competing consideration is that many of the requirements of the regulations apply either to all three parts, e.g., participation of private school children, or to two parts, e.g., the three year local application. To repeat these requirements for the different programs would unduly lengthen the regulations. Wherever possible, the section heading highlights the part or parts to which the section applies.

Comment. A commenter suggested that the regulations require States to encourage funding of testing, counseling, and guidance under Part D in those LEAs that currently support those activities with Part B funds. The commenter felt that these LEAs had a demonstrated need for counselors and that this practice would ease the transition to Part D.

Response. No change has been made. This suggestion was not incorporated in the regulations because expressions of encouragement are not appropriate for regulations. The Office of Education informed Chief State School Officers in a memorandum dated July 18, 1979, that guidance, counseling, and testing activities may be conducted by LEAs, at their discretion, during fiscal year 1980 with Part B funds. The Part D program will be implemented in fiscal year 1981.

Section 134.1 Educational improvement, resources and support.

Comment. A number of commenters suggested that the purpose of the Act as described in § 134.1(c) be expanded to specify early intervention, an interdisciplinary team model, and services for children with special needs.

Response. No change has been made. Section 134.1(c) adheres to the language of section 401(3) of the Act. The statutory and regulatory language is clearly broad enough to include the particular types of activities suggested.

Section 134.4 Definitions as used in this part.

"Academic subjects"

Comment. A number of commenters objected to the definition of "academic subjects" because they believed it was too restrictive. Some commenters said that music education and physical education should be added to the list of academic subjects. One commenter said any subject for which an LEA gives academic credit should be considered an academic subject. One commenter asked whether an SEA could add subject areas to those already listed, and another said that SEAs or LEAs should be able to define the term for themselves.

However, several commenters said the definition should include only the twelve subject areas specifically mentioned; another commenter opposed the expansion of the definition except for subjects such as sociology, psychology, and physiology. One commenter expressed approval of the definition as written.

Response. No change has been made. SEAs may not narrow the definition of "academic subjects," which includes any subject included in an LEA's elementary and secondary school program except religious instruction. This interpretation is long-standing and is rooted in the very broad purposes for which Part B program funds may be spent. LEAs need to have broad choices among curricular areas.

"Counseling"

Comment. A number of commenters suggested that the regulations should define "counseling", and that the regulatory definition of "counseling services" for the purpose of part B of the Education of the Handicapped Act, Pub. L. 94–142—that is, "services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel"—be used. Several commenters said the definition of counseling should be restricted to the activities of school counselors. Several other commenters, however, supported the proposed regulations for not defining "counseling."

Response. No change has been made. The regulations that implemented the

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guidance and counseling programs formerly authorized by Title IV, Part B of ESEA and, prior to the Education Amendments of 1974, Title III of ESEA did not define the term with reference to the particular qualifications of individual counselors. It is the Commissioner's desire to afford maximum flexibility to the States and, in any event, the Commissioner has no authority to regulate with respect to certifications, licensure, or other individual qualification requirements.

"Handicapped children"

Comment. One commenter suggested that for the sake of consistency, the definition of "handicapped children" should be changed to that provided by 45 CFR 121a.5 which applies to the program authorized by Pub. L. 94–142.

Response. A change is made. The definition of "handicapped children" has been changed to agree with the definition in 45 CFR 121a.5 of the regulations for Part B of the Education of the Handicapped Act, Pub. L. 94–142.

"Instructional equipment"

Comment. Over 300 comments were received protesting the exclusion of "band instruments" from the definition of instructional equipment, and more than one hundred protested the exclusion of "gym eqaipment." Generally their objections were based on the educational and social values of music and physical education in instructional programs. Several noted that exclusion of this equipment affected the very programs most frequently sacrificed when school systems encounter local budget limitations. Some commenters also noted that many parents are unable to furnish band instruments for their children's use.

Many commenters also raised questions about the eligibility of related types of equipment, e.g., orchestral instruments and athletic equipment. Other commenters said that only persons involved in instructional programs at the the State and local level could properly decide whether particular items of equipment were directly related to instruction in an academic subject. A few commenters approved of the definition of instructional equipment as written; two protested the exclusion of stoves and refrigerators; and one said furniture for staff offices should be permitted.

Response. A change has been made. House Report No. 95–1137, 95th Cong., 2d Sess. indicates the concern of Congress that Part B funds "were being misused to purchase general office equipment such as typewriters, ice machines, and filing cabinets and for items peripheral to basic learning such as uniforms and a background music system" (at 63).

The same report requests the Commissioner to take this concern into account and provide "very clear guidelines . . . to local educational agencies on the use of these funds as intended by Congress" (at 63). The House Report does not make clear, however, whether the Committee intended to make all band instruments and gym equipment ineligible, or merely to respond to those particular abuses brought to its attention, that is, items "peripheral to basic learning" such as office furniture, stoves and refrigerators, band uniforms, sound systems and bleacher seats.

The proposed definition of "instructional equipment" attempted to interpret the intent of the Committee in a way best suited to accomplish the goal of providing "very clear guidelines" to State and local educational agencies while at the same time satisfying the concerns of Congress over the misuse of funds. Additionally, while it may be true that music and physical education programs are often sacrificed when school systems encounter budget limitations, it is not the purpose of part B to ameliorate these situations.

There is little doubt, however, that the fundamental objective of the Part B program is to make materials and equipment available to local educational agencies "for instructional purposes only" (sections 421(1) and (2) of the Act). The commenters have demonstrated the widespread belief that, in some instances, certain musical instruments and gym equipment can be regarded as appropriate for providing instruction in academic subjects. In view of the lack of clarity in the House Report, the Commissioner believes the total exclusion of all band instruments and gym equipment is too sweeping and not necessary to achieve the fundamental objective of Congress.

Therefore, the definition of "instructional equipment" has been rewritten to explain that Part B funds may be used to acquire musical instruments and physical education equipment if used for instructional purposes in music or physical education classes in the school's regular instructional program. The definition excludes musical instruments and gym equipment acquired for non-instructional purposes, such as recreational use. The specific exclusion of office furniture, stoves, refrigerators, band uniforms, and bleacher seats are retained as these items appear to be "peripheral to basic learning" and within the scope of the specific abuses to which Congress was reacting in Pub. L. 95–561.

It is the responsibility of SEAs and LEAs to see that requests for the acquisition of equipment in the areas of music and physical education, as in all areas, are supported by evidence of the intent to use the equipment for instructional purposes only.

"Instructional materials"

Comment. A commenter objected to the inclusion of raw materials for the preparation of instructional resources within the definition of "instructional materials." The commenter noted that raw materials used to prepare instructional materials are consumed in the process of creating a new product and that raw materials might be fashioned into products used for religious instruction.

Response. No change has been made. Under the program authorized by Title III of the National Defense Education Act of 1958—one of the predecessors of the Title IV, Part B program—grantees were permitted to acquire raw or processed materials or component parts to be made into finished products for instruction in the academic subjects. Moreover, such materials are not truly consumed in use but may be considered converted into items of a useful and durable nature.

Of course, the instructional resources created from these raw materials may only be used for instructional purposes and not for religious instruction or worship. In any event, because the participation of children attending private schools is planned cooperatively by the LEA and the representatives of those children, the intended use of the raw materials will be apparent prior to their acquisition.

Comment. A commenter stated that "school library resources" should be deleted from the definition of "instructional materials" because its inclusion made it difficult to monitor and evaluate the impact of Part B upon school library programs. The commenter said that "school library resources" should be defined separately.

Response. No change has been made. Section 421(1) of the Act authorizes, in part, "the acquisition of school library resources, textbooks, and *other* printed and published instructional materials" (emphasis added). Therefore it seems clear that Congress considers "school library resources" to be a type of "instructional material." These regulations do contain a separate definition of school library resources.

Comment. One commenter asked why the definition of "instructional materials" limited the eligibility of

materials to those items that with reasonable care are expected to last more than one year.

Response. No change has been made. This provision has been a part of the Part B program, and its predecessors, for a number of years. The legislative history surrounding Pub. L. 95–561 does not indicate that Congress intended to alter this long-standing interpretation. The requirement insures that the materials purchased will be durable enough to withstand ordinary use. There have been very few problems with LEAs purchasing short-lived materials in previous years.

"Private school"

Comment. One commenter requested a more restrictive definition of "private school." Another commenter said the regulations should give SEAs and LEAs the authority to define "private schools."

Response. No change has been made. Section 406 of the Act explains that children attending private, nonprofit elementary and secondary schools are intitled to participate in Title IV. The definition of "private school" is consistent with the definition of "private" provided in EDGAR. The term "nonprofit" is defined in EDGAR; the terms "elementary school" and "secondary school" are defined in section 1001 of the Act.

"Testing"

Comment. One commenter requested that the definition of "testing" be expanded to include personality testing, specifically "the use of measures to assess the emotional functioning of students who are suspected of being seriously emotionally disturbed in order to determine how their educational needs can be met."

Response. No change has been made. The regulatory definition of testing for the purpose of this program has remained materially the same for a number of years. The legislative history of Pub. L. 95–561 does not indicate that Congress sought to expand it.

"Textbooks"

Comment. A commenter was concerned about the definition of "textbooks" because it does not state that textbooks acquired with Part B funds must be supplementary. This commenter feared that in the absence of this qualifying language, Part B could become merely a basic textbook acquisition program, and not be used to improve library and media services. It was the view of the commenter that Part B funds, if used to acquire textbooks, should be used only for supplementary texts.

Response. No change has been made. There is no statutory basis for this type of requirement. The improvement of school library and media services is only one of the specific purposes of Part B; the acquisition of textbooks is another. All Part B projects are designed to meet the identified needs of the children selected to participate. While it would be desirable that Part B funds earmarked for textbook purchases be used for supplementary texts, the specific educational needs of the participating children must be regarded as controlling, and in some cases it may be appropriate to acquire basic textbooks.

Section 134.10 Documents the State must submit to get a grant.

Comment. One commenter suggested that the regulations should require a greater degree of involvement from institutions of higher education in the development of State plans.

Response. No change has been made. Teachers from institutions of higher education must be represented on the advisory council under section 404(b)(1)(A)(ii) of the Act. Section 404(a)(12) of the Act also requires the involvement of institutions of higher education in the development of the comprehensive plan for inservice and preservice education. The Title IV statute does not authorize the Commissioner to require further involvement of institutions of higher education. This type of involvement is, of course, permissible.

Comment. One commenter recommended that the State plan and LEA applications set forth "programmatic and training strategies to eliminate sexism in guidance and counseling" and "assurances for developing bias-free competency testing."

Response. No change has been made. Title IV of the Act does not authorize OE to impose these requirements. Of course, as indicated by 45 CFR 100b.500 (EDGAR), SEAs and LEAs are required to comply with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

Section 134.11 Conditions the State must meet before submitting a plan—State advisory council (proposed section 134.12).

Comment. A commenter stated that this provision would be clearer if the regulations indicated how Pub. L. 95–561 alters the required membership of the State advisory council from Pub. L. 93–380.

Response. A change has been made. Section 134.11(a) of the regulations clearly lists the required membership of the State advisory council. Therefore, it is not necessary to list those resources added to the State advisory council by Pub. L. 95–561.

Comment. One commenter questioned the legal authority for permitting a single member of the State advisory council to represent more than one of the cultural or educational resources specified by section 404(b)(1)(A) of the Act.

Response. No change has been made. House Report No. 95–1753, 95th Cong., 2d Sess. at 278 clarifies that "States may appoint one person to their advisory councils to fulfill more than one of the requirements for membership."

Comment. One commenter suggested that the State advisory council include "women who are knowledgeable of and sensitive to the problems of sex discrimination and stereotyping in guidance, counseling, and testing programs." Another commenter suggested that a social worker be added to the State advisory council.

Response. No change has been made. Section 404(b)(1)(A) of the Act identifies the resources that must be represented on the advisory council. The Commissioner does not have the authority to add to or subtract from these statutory requirements. However, States are not restricted in the selection of persons to represent each resource and may add representatives of other resources.

Comment. Several commenters suggested that the regulations specifically require that a practicing teacher or a member of a teacher organization serve on the State advisory council.

Response. No change has been made. Section 404(b)(1)(A) of the Act does not authorize the Commissioner to impose such a requirement. States may choose to include such resources, of course.

Comment. One commenter questioned if the use of the phrase "teachers from institutions of higher education" in section 404(b)(1)(A)(ii) of the Act excluded administrators of institutions of higher education as members of the State advisory council.

Response. No change has been made. Section 404(b)(1)(A) identifies the resources that must be represented on the advisory council; however, this list does not exclude other resources.

Section 134.12 Conditions the State must meet before submitting a plan—maintenance of effort. (proposed Section 134.13)

Comment. A commenter objected to the maintenance of effort requirement, stating that it should be deleted because of declining enrollment.

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Response. No change has been made. Section 404(a)(7) of the Act requires maintenance of effort for Parts B and D of Title IV and section 521 of Title V. Of course, SEAs may measure maintenance of effort on a per student basis, in the case of declining enrollment.

Comment. A commenter asked why proposed § 134.13(e) gave the State authority to exclude LEAs or children enrolled in private schools from participation in Part B or part D under certain circumstances.

Response. No change has been made. These exclusions are permitted to ensure that an entire State is not denied participation in the Part B or Part D program if the Commissioner declines to waive the State's requirement to maintain expenditures *and* if an LEA's or private school's failure to maintain expenditures prevents the State from complying with the maintenance of effort requirement. Unless this exclusion is permitted, decreased expenditures in one or more LEAs or private schools, under circumstances that would not be regarded as grounds for a waiver, would throw the entire State out of compliance.

Comment. A commenter suggested that proposed § 134.13 be revised by insertion of the phrase "or Federal funds for which the recipient is not directly accountable to the Federal or State government" immediately following the phrase "non-Federal funds" each time that phrase appears. The commenter stated that many LEAs receive Federal funds under such programs as Impact Aid, Pub. L. 81–874, for which they are not directly accountable to the Federal or State government.

Response. No change has been made. The statutory maintenance of effort requirement is expressed in terms of "funds derived from non-Federal sources."

Comment. A commenter pointed out that proposed § 134.13(d)(1) refers to averaging "appropriations" while proposed § 134.13(d)(2) refers to averaging "funds."

Response. A change has been made in § 134.12(d)(1) to clarify that under the conditions described, a State may choose to average its non-Federal *expenditures* for programs described by Part B and part D and section 521 of Title V of the Act.

Comment. A commenter questioned whether a State could exclude more than one LEA that had failed to maintain non-Federal expenditures.

Response. No change has been made. However, under § 134.12(e)(1) an SEA may exclude more than one LEA that has failed to maintain non-Federal expenditures.

Comment. A commenter suggested that the maintenance of effort requirement should not be applied to the expenditures of private schools because LEAs and SEAs have no control over private schools, and SEAs do not normally require for their own purposes any data from private schools.

Response. No change has been made. Section 404(a)(7) of the Act requires that the maintenance of effort determination be made on the basis of the State's total expenditures—that is, expenditures of the State, its LEAs, and private schools—for program purposes.

Comment. A commenter requested clarification of maintenance of effort for Part B and Part D regarding State, LEA, and private school expenditures for testing, counseling, and guidance. The commenter wondered whether non-Federal expenditures for testing, counseling, and guidance should be separated from those for instructional materials and equipment.

Response. No change has been made. To fulfill the maintenance of effort requirement for part B as amended by Pub. L. 95–561, which transferred the guidance, counseling, and testing program to Part D of Title IV, SEA, LEA, and private school expenditure data for school library resources, textbooks, other instructional resources, and instructional equipment must be reported for the first and second preceding fiscal years. Similarly, for Part D, SEA, LEA, and private school expenditures for guidance, counseling, and testing must be reported for the first and second preceding fiscal years.

Comment. Two commenters said that complying with the maintenance of effort requirement for Part D will prove difficult and proposed amending or deleting the requirement.

Response. No change has been made. The maintenance of effort requirement for Part D is statutory.

Section 134.30 Documents the applicant must submit to get a subgrant.

Comment. One commenter suggested that § 134.30(b) (1), (2), and (3) unduly restrict the ability of SEAs to obtain the information they need annually to determine whether LEAs are complying with Federal requirements.

Response. A change has been made. Proposed § 134.30(b) has been rewritten to provide "An SEA may require an LEA to supplement annually its project application for Part B or D funds with the information it needs to determine whether the LEA is complying with the requirements of the Act, including * * *" This clarifies that SEAs are not restricted to the types of information specifically mentioned by the regulations, but may require LEAs to provide whatever information is reasonably necessary to determine compliance with statutory and regulatory requirements.

Section 134.31 Provisions required in the documents.

Comment. Several commenters suggested changes in the data to be included in an LEA application concerning the participation of private school children. One commenter objected to the requirement that the number of private school children enrolled in schools located within its boundaries be included, suggesting that only the number attending eligible and participating private schools was necessary.

Another suggested that all documentation should be eliminated because of the paperwork required, in favor of an assurance that the LEA has complied with the requirements for consultation with the representatives of the private school children. One commenter requested that no change be made.

Response. No change has been made. It is believed that the SEA needs to know the number of public and private school children enrolled in schools located within the boundaries of the LEA if it is to determine whether the LEA is providing equitably for private school children.

Comment. One commenter felt that LEAs should be required to list the names and addresses of all private schools within its boundaries.

Response. A change has been made. Paragraph (b) has been revised to permit SEAs to request the names and addresses of all private schools within the boundaries of an LEA. To require all LEAs to include this information might duplicate information already known to the SEA.

Section 134.40 Determination of the amount of the subgrant.

Comment. Six commenters objected to using 200 percent of the per pupil amount used for the enrollment factor as the higher per pupil allocation for the tax effort and high cost child factors because it was too high, and suggested amounts ranging between 125 and 175 percent. Other commenter said that the 200 percent amount was too inflexible, was unfair to States whose tax levels are frozen, and would concentrate part B funds in too few LEAs. One commenters said the 200 percent amount tended to reward LEAs whose tax effort is above average, but not as far as some other LEAs. Two commenters suggested that the States should have sole control of the amount of Title IV–B funds distributed to LEAs.

Several commenters complained that the provision was not clearly written or demonstrated that they had not understood it. Several commenters requested an example of the formula's operation. One commenter asked for the rationale for the 200 percent level.

Response. A change has been made. With respect to the distribution of Part B funds among LEAs, section 422(a) of the Act requires the Commissioner to prescribe criteria that will "provide higher per pupil allocations to (1) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure * * * is no greater than the average per pupil expenditure in the State, and (2) local educational agencies which have the greatest numbers of percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas and children from families in which English in not the dominant language."

An additional per pupil amount that is at least equal to the per capita enrollment allocation is reasonable because it allocates enough Part B funds to have an impact upon the two categories of LEAs identified by the statute and is not unduly burdensome; 34 States are already in compliance, or very close to it. Moreover, the regulations afford States substantial freedom to identify which LEAs qualify on the basis of their high tax effort and what categories of children will be regarded as "high-cost children."

For clarity, the provision has been reworded and an example of its operation included.

Comment. One commenter said that an SEA that was unable to provide information regarding the tax effort and expenditures of each LEA should be permitted to decline to award higher per pupil allocations under the tax effort factor.

Response. No change has been made. Section 422(a) of the Act requires the State to provide higher per pupil allocations to LEAs whose tax effort is substantially greater than the State average tax effort but whose per pupil expenditure (excluding funds awarded under Title I of ESEA) is no greater than the average per pupil expenditure in the State. It is therefore appropriate to allow a State to decline to use the tax effort factor only where enough information is provided to allow the Commissioner to determine that no LEAs in the State satisfy the statutory standards.

Comment. A commenter asked why an exemption from the high tax effort factor in relation to the part B distribution formula (§ 134.40(a)(2)) was granted in terms of substantially equal expenditures. The commenter felt that the exemption should be in terms of equal tax effort since a State could have substantially equal expenditures among LEAs that tax themselves quite differently.

Response. A change has been made. A State is permitted to decline awarding higher per pupil allocations for high tax effort only if no LEA in the State satisfies the statutory requirement. Therefore, an SEA may decline to award higher per pupil allocations to LEAs only if it provides enough information in its State plan to allow the Commissioner to determine that no LEA is making a substantially greater than average tax effort, or, if any LEA is making a substantially greater than average tax effort, its per pupil expenditures exceed the State average.

Section 134.41 Multi-year part C projects.

Comment. A large number of commenters objected to the five year limitation on funding an ESEA Title IV–C project imposed by § 134.41(a). These commenters argued that the statute refers to a 5-year limitation on funding a *particular activity.* In essence, they maintain that the development and demonstration aspects of a project are entirely different project activities.

Response. No change has been made. While the Title IV statute is not absolutely clear on this matter, the Commissioner believes it was the intent of Congress to impose a 5-year limitation (excluding planning grants) upon the duration of Part C projects.

Section 432(a) of the Act states that "funds may be provided to a local educational agency under Part C *for a particular activity* for a period of not to exceed five fiscal years * * *" (Emphasis added.) In addition, the Title IV statute clearly does contemplate the award of "planning," "development," and "demonstration" subgrants (sections 431(a)(1), 431(a)(2) and 432(a)), each of which has commonly understood characteristics that might be considered as distinct activities.

However, a careful reading of section 431 shows that Congress used the term "activities" to refer to the substantive nature of authorized projects, such as projects for handicapped children or projects for educationally deprived children, and not to the possible stages through which a single project may progress. It should be noted that when the statute refers to development, demonstration, or planning it does so in a way that distinguishes those concepts from the statutory meaning of the term "activities." For example, section 431(a)(1) authorizes the use of subgrants for "the development and demonstration of activities designed to address serious educational problems * * *"

The legislative history of these provisions supports this view. House Report No. 95–1137, 95th Cong., 2d Sess. at 64 explains that Congress noted "a major problem" in "getting the local districts to continue projects * * * once Federal funding terminates." To remedy this problem, Congress observed that "although States for the most part have limited Part C projects to three or five years of Federal funding * * * this ought to be clearly spelled out, so that other districts can benefit from Federal seed money." As a result Pub. L. 95–561 "states explicitly that these Federal funds will be available for no more than five years * * *." In short, in the Education Amendments of 1978, Congress sought to limit, not lengthen, the duration of Part C projects.

Against this background it would be anomalous to construe development and demonstration subgrants as separate project "activities." The result of doing so would be to implicitly sanction Part C projects of ten (or more) years' duration—much longer than the practice prior to Pub. L. 95–561.

Comment. A large number of commenters objected to the requirement in paragraph (b) that LEAs intend to support successful Part C project activities with non-Federal resources when Part C funds are no longer provided. They pointed out that this requirement would prohibit an LEA that uses Title IV–C funds to develop a successful compensatory education project or a successful project for handicapped children from using Title I, ESEA or Pub. L. 94–142 funds to continue those successful activities beyond the life of the Title IV–C project—while an LEA that merely adopts those successful activities presumably could use those Federal funds.

Response. A change has been made. Section 432(a) of the Act explains that it is the intent of Congress "to ensure that successful practices developed with (Title IV–C funds) be adopted and supported as part of the *regular program* of the (participating LEAs)." (Emphasis added.)

Neither the Title IV statute nor its legislative history clearly defines the meaning of the term "regular program" or explains what sources of funding Congress believed would be used to provide an LEA's regular program. The

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proposed regulations implemented the Congressional intent by requiring the SEA to determine, before making a funding commitment, that the LEA intends to adopt successful project activities as part of its regular program. Based upon language in House Report No. 95–1137, 95th Cong. 2d Sess., at 64–65, the proposed regulations defined the LEA's regular program, in part, as those activities supported by non-Federal funds.

Many commenters objected to this restrictive interpretation and argued that activities supported by Federal funds under programs such as Title I, ESEA or Pub. L. 94–142 (EHA) are widely considered to be part of an LEA's "regular program," although targeted upon the needs of a specific student population. The Commissioner agrees and believes it would be inappropriate to discourage the adoption of successful activities developed with Title IV–C funds. Therefore, the regulations have been changed to indicate that for the purpose of this requirement a State may not consider an activity that is supported by funds for which the LEA must compete against other LEAs or similar applicants as part of its "regular program." Of course an LEA may use funds made available under other Federal programs to continue successful Title IV–C activities only if that use is consistent with all the legal requirements of those other programs. For example, ESEA Title I funds could be used to support an effective program developed with ESEA IV–C funds, provided that it met the statutory requirements for ESEA Title I.

Comment. One commenter suggested that § 134.41(c) provide guidance for determining precisely what constitutes a "substantial reduction" in the amount of the forth and fifth year Title IV–C grants.

Response. No change has been made. The purpose of the required reduction is to promote the continuation of successful practices after Title IV–C support has been terminated. Many SEAs already have funding strategies designed to accomplish this. To prescribe rigidly the amount of the reduction would interfere with these strategies.

SEAs should be given maximum flexibility—consistent with the purposes of the requirement—to establish the amount of the reduction during the fourth and fifth year.

Comment. One commenter raised a number of questions about the requirement, in § 134.41(d)(3), that the LEA include in its application for the fourth and fifth year how it will continue to provide with Federal funds, equitable benefits to private school children who participate in the project. This commenter suggested the requirement be modified to require information on (a) how the private schools will compensate for the reduction of part C funds in the fourth and fifth year without reducing the project's scope and quality, and (b) how the private school will incorporate the activities into its regular school program after part C funds are no longer provided.

Response. No change has been made. The application requirements of § 134.41(d) were designed to assist the SEA in determining whether successful part C activities are being incorporated into the LEA's regular school program as Congress intended. While it is hoped that private schools will also incorporate successful Part C practices, the Commissioner has no authority to require it. Similarly, it is hoped that during the fourth and fifth years private schools will be able to contribute resources to the Part C project so that the scope and quality of the project need not be reduced for the children attending those schools. Again, however, the Commissioner has no authority to require such a contribution. If resources—either cash or in-kind—are not available for this purpose, adjustments may have to be made either in the numbers of private school children participating in the project, or in the activities provided to those children.

Section 134.50 Use of funds—SEAs. (proposed Section 134.51)

Comment. Three commenters interpreted proposed § 134.51(a)(1)(ii) to mean that of the total State allotments for Parts B, C, and D, 15 percent was to be used for strengthening the SEAs and 7.5 percent for State leadership in guidance, counseling, and testing.

Response. A change has been made. The proposed regulations refer to those sections of the statute that authorize the use of funds for stengthening the SEA (sec. 404(a)(9)) and State leadership in guidance, counseling, and testing (sec. 441(b)). Section 404(a)(9) limits the amount of funds for State strengthening to 15 percent of the Part C allocation; similarly, section 441(b) limits the funds for State leadership activities in guidance, counseling, and testing to 7.5 percent of the Part D allocation. However, for clarity, the regulations have been changed to read as follows:

"* * * the SEA shall exclude from the amount made available to LEAs any amount of Part C funds to be expended for strengthening the SEA or of Part D funds to be expended for State leadership in guidance, counseling, and testing."

Comment. One commenter asked whether the requirement in proposed § 134.51(a)(1)(ii) that the SEA make all remaining funds available to LEAs, after reserving an amount for administration, would preclude the "carryover" of program funds.

Response. No change has been made. The intent of this rule is merely to distinguish between the amount of funds the State is permitted to retain for administrative purposes and the amount of funds that must be subgranted to LEAs for projects. It does not affect the provisions of subpart G, EDGAR, pertaining to the "carryover" of Title IV funds.

Section 134.52 Use of funds—Departments of Defense and the Interior. (proposed Section 134.51(j))

Comment. A commenter stated that the requirement of proposed § 134.51(j)—that the Departments of the Interior and Defense use a substantial amount of their grants for children with the greatest educational need—was not required by the statute and should not be included as a regulatory requirement.

Response. A change has been made. This requirement now applies only to Part B of Title IV, and Part D of Title IV when the grant is distributed on a formula basis. The Departments are unable to comply with the tax effort and high cost child factors.

Section 134.53 Use of Part C funds—SEAs, Insular Areas, and Departments of Defense and the Interior. (proposed Section 134.51)

Comment. A commenter asked why there was no reference in the proposed regulations to the new requirements regarding the expenditure of certain set-asides of Part C funds on projects for improving school management and compensatory education.

Response. A change has been made. Section 134.53(c) includes a reference to the expenditure of Part C funds to improve school management and encourage innovation and improvement in compensatory educational efforts.

Comment. One commenter recommended that the 15 percent set-aside for handicapped students under Part C should be reassessed in light of the requirements of Pub. L. 94–142 and programs in some States which provide funds to LEAs for educating handicapped children.

Response. No change has been made. The 15 percent set-aside of Part C funds for handicapped children is required by section 432(c).

Comment. One commenter objected to the wording of the requirement in proposed § 134.51(e)(2) concerning the use of Part C funds for the handicapped. The commenter said that the use of "may" suggests that the 15 percent is optional rather than mandatory.

Response. A change has been made in § 134.53(c)(3). "Shall" has been substituted for "may."

Section 134.54 Use of Part C funds—supplementing Part C subgrants. (proposed Section 134.51(f))

Comment. One commenter recommended that proposed § 134.51(f)(2), (3), and (4) be deleted because SEAs should have the flexibility, once a project has been selected through a competitive process, to adjust the amount of the grant without going through another competitive process.

Response. No change has been made. Section 404(a)(5) of the Act requires SEAs to assure that all the Part C funds they receive will be distributed among LEAs on an equitable, competitive basis. This requirement applies to all Part C funds made available to LEAs, whether as a part of an initial grant or a supplement to it.

Comment. One commenter suggested that proposed § 134.51(f)(5) be strengthened to assure the SEAs understand that supplemental Part C funds may be awarded to conduct activities within the scope of the approved application.

Response. No change has been made. Sections 134.54 (a) and (b) clearly state that SEAs may supplement Part C subgrants. However, § 134.54(e) prevents a State from awarding supplementary Part C funds to an LEA to enable it to conduct activities outside the scope of its approved application.

Comment. A number of commenters opposed the restriction of funds for Statewide dissemination in proposed § 134.51 (h) to (1) administrative funds, authorized by section 404(a)(8) of the Act, (2) funds for State strenghtening authorized by section 404(a)(9), or (3) funds for State leadership in guidance, counseling, and testing, authorized by section 441(b), as it failed to consider the use of State funds.

Response. A change has been made. The subsection has been deleted. It was, of course, not the intent of that provision to regulate with respect to the SEA's use of State funds. An SEA may also use Title IV funds to disseminate information about educational practices to the extent permitted by section 404(a)(8) (or section 510 of Title V, ESEA), 404(a)(9) (or section 523 of Title V, ESEA) or section 441(b) of the Act.

Section 134.55 Use of Part D funds—SEAs, Insular Areas, and Departments of Defense and the Interior. (proposed section 134.51(i))

Comment. One commenter asked whether proposed § 134.51(i) prohibits the use of Part D funds to supplant State mandated programs.

Response. No change has been made. Section 134.55(c) does not address supplanting. The provision does, however, explain the type of competition an SEA may conduct for Part D projects. Under Part C, the SEA may establish priorities among the statutory program purposes and may evaluate LEA project applications in terms of these priorities. In contrast, under Part D the State may not establish priorities among the program purposes described in section 441(a)(2), but must give LEAs complete discretion in determining which Part D purposes they wish to address. Consequently the Part D competition must be judged solely on the basis of the qualitative aspects of the proposed projects, for example, the quality of the needs assessment, staff, evaluation procedures, and the likelihood of project success.

Section 134.56 Use of Part B funds—LEAs. (proposed section 134.52)

Comment. A commenter stated that proposed § 134.52(b)(2) of the regulations does not make clear if the additional funds generated by "high cost" children under section 422(a)(2) of the Act may be spent at the discretion of the LEA.

Response. No change has been made. Section 134.56(a) of the regulations does clarify that LEAs have complete discretion (subject to the provisions of section 406 of the Act regarding the participation of private school children) in determining how all funds they receive under Part B will be divided among the Part B program purposes. This includes the additional funds received by LEAs because of the enrollment of large numbers or percentages of children whose education imposes a higher than average cost. Section 134.56(c) requires merely that the LEA receiving the higher per pupil allocations consider the special educational needs of those children when selecting instructional materials and equipment.

Comment. Two commenters expressed concern that proposed § 134.52(b)(2) implied that any additional funds allotted to an LEA because of the presence of "high cost" children must be spent in the school buildings attended by these children. These commenters referred to House Report No. 95–1137, 95th Cong., 2d Sess. which stated (at 66) that such a requirement exceeded the law and imposed a paperwork burden on these LEAs.

Response. No change has been made. There is no intent to require that the additional Part B funds received by an LEA because it enrolls a large number or percentage of "high cost" children be spent solely for the benefit of these children. The regulations merely provide that the special educational needs of these children shall be *considered* when the selection of materials and equipment to be bought with the "higher per pupil allocation" earned by the presence of "high cost" children is made.

Section 134.57 Use of Part C funds—LEAs. (proposed section 134.52)

Comment. A large number of commenters objected to provisions of the proposed regulations which limited an LEA's use of Part C funds to disseminate information and provide technical assistance outside its boundaries to no more than 25 percent of the LEA's subgrant during the project's last two years of Part C funding. In addition, some commenters objected to interpreting section 431(a) of the Act to the effect that Part C funds may be used solely to improve the subgrantee's own educational practices. Many commenters did, however, express support for the requirement that the SEA determine the success and worth of an LEA's Part C project activities before allowing that LEA to disseminate information and provide technical assistance outside its boundaries.

Response. A change has been made. The limitations upon an LEA's use of Part C funds to demonstrate its Part C project for the benefit of children enrolled in schools outside its boundaries have been rewritten. The provision of the proposed regulations that restricted this use of Part C funds to 25 percent of the LEA's Part C subgrant during the last two years of its project has been deleted. Under these final regulations, an SEA may award Part C funds to an LEA for demonstration of its project outside its boundaries when the SEA determines that the prerequisites contained in § 134.57(c) have been met. In addition, these final regulations prescribe the criteria by which the SEA determines the amount of Part C funds it is appropriate to devote to this type of demonstration, subject to the "ceiling" imposed by § 134.57(d).

The Commissioner believes these final regulations implement more purposefully and flexibly the statutory emphasis upon meeting the educational

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needs the LEA identifies within its own boundaries. The purpose of the Part C program is "to provide assistance to local educational agencies within the State for activities that will improve the educational practices of those agencies." This language, enacted by the 1978 Education Amendments, emphasizes and clarifies what has been the traditional understanding of the Part C program and its predecessors—that it is primarily intended to improve the educational practices of the LEAs that receive the subgrants.

This understanding is reflected elsewhere in the statute. It is found, for example, in section 435(b)(3)(D) of the GEPA (and section 501(b)(3)(D) of Title V, ESEA) which makes it the SEA's administrative responsibility to disseminate information about successful educational practices, in section 521(7) of Title V–B, ESEA (Strengthening State Educational Agency Management) which authorizes the use of State strengthening funds for essentially the same purposes, and in section 406 of the Act, which, in establishing the right of children attending private elementary and secondary schools to participate equitably in the Title IV program, does so in terms of the number and needs of the children enrolled in schools within the boundaries of the LEA that receives the subgrant.

On the other hand, section 431 of the Act specifically authorizes the use of Part C funds by an LEA to "demonstrate" its Part C project activities—presumably to the benefit of children in other LEAs. Accordingly § 134.57(a) of these regulations indicates that it is the primary but not exclusive purpose of Part C funds to improve the educational practices of the LEAs that receive the subgrants. In addition § 134.57(c) of these regulations clarifies the relationship between an LEA's authority to demonstrate its Part C project outside its boundaries and the SEA's underlying responsibility to disseminate information about successful educational practices. The basic requirement that before an SEA awards Part C funds to an LEA for "demonstration" outside its boundaries, the SEA must determine that the educational practice developed or adopted with Part C funds is successful and warrants wider circulation, has been retained.

Comment. A number of commenters stated that the provisions of this section would prohibit the support of "facilitators" with Title IV–C program funds. One commenter asked, in effect, whether these provisions could be avoided by the practice of awarding subgrants to large groups of LEAs, such as consortia.

Response. No change has been made, although the restrictions upon the use of Part C funds by LEAs to disseminate information about educational practices and provide technical assistance outside their boundaries have been rewritten.

A facilitator is commonly understood to be an entity whose purpose is to aid school districts by informing them of the existence of educational practices developed elsewhere, and then, if a school district wishes to adopt one of the educational practices of which it has learned, providing technical assistance. Customarily the facilitator neither develops nor adopts educational practices on its own. Instead it circulates written information and conducts meetings to disseminate information about educational practices developed elsewhere. In essence, a facilitator functions as a "clearinghouse" of information about existing educational projects for the benefit of other school districts that are potentially interested in adopting their practices.

In enacting the 1978 Education Amendments, Congress has clarified the traditional understanding of the Title IV program that this clearinghouse function is the responsibility of the SEA, while Part C funds are to be used by LEAs to improve their own educational practices through the development or adoption of educational practices that address their particular educational needs. For example, section 435(b)(3)(D) of GEPA (as well as section 501(b)(3)(D) of Title V, ESEA), explains that in administering the Title IV program the SEA is required to "disseminat[e] throughout the State" information about "successful [educational] practices."

In addition, an SEA is expressly permitted to "disseminat[e] information concerning effective educational practices" with the funds it receives under the Title V–B ESEA program (Strengthening State Educational Agency Management). (Section 521(7)). At the same time, the express purpose of the Part C program is "to provide assistance to local educational agencies * * * for activities that will improve the educational practices of those agencies." (Section 431(a)). Consequently the final regulations prohibit the use of Part C funds solely to support this clearinghouse function.

However, the Title IV statute does specifically authorize the use of Part C funds by LEAs to "demonstrate" (to other LEAs) the educational practices they have adopted or developed with Part C funds. To some extent this authority to demonstrate successful Title IV–C projects—usually considered to include the circulation of information and the provision of technical assistance concerning the project—overlaps the SEA's statutory obligation to function as a clearinghouse. Because of this overlap it is necessary for the regulations to define with some precision exactly what things an LEA can do with Part C funds to "demonstrate" its project to other LEAs within the State, and when it is permissible to do them. Sections 134.57 (b) and (c) accomplish this in a reasonable and flexible manner.

Because consortia of LEAs are authorized to apply for Part C subgrants, as are "intermediate units" to the extent permitted by the statutory definition of "local educational agency," the possibility of widespread avoidance of the limitations upon demonstration with Part C funds imposed by § 134.57 was clear. Therefore it was necessary to add § 134.57(e) to eliminate this particualr problem. Consortia and intermediate units, of course, may apply for and receive subgrants to develop or adopt—and then demonstrate outside their boundaries to the extent permitted by § 134.57(b)—educational practices suited to the needs they identify within their boundaries.

Finally, it is important to note the limitations imposed upon "demonstration" by § 134.57 apply only to activities conducted with Part C funds for the benefit of children enrolled in schools outside the LEA. These regulations impose no restrictions upon similar uses of Part C funds for the benefit of children enrolled in schools within the LEA's boundaries.

Comment. Several commenters stated that prohibiting the use of part C funds to provide training outside the State will result in LEAs being unable to adopt programs developed in other States.

Response. No change has been made. Section 431(a) states that it is the purpose of Part C "to provide assistance to local educational agencies *within the State* for activities that will improve the educational practices of those agencies. (Italic added.) Thus an SEA may not award a subgrant of Part C funds to an LEA to enable it to conduct activities for the benefit of persons outside the State in which it is located. However, the statute and regulations clearly do not prohibit interstate adoption of successful educational practices.

For example, an LEA in one State that receives a part C subgrant from its SEA to adopt an educational practice developed in another State could enter into a contract with the developers of that practice for the purpose of obtaining their assistance in adopting the project.

Comment. One commenter said that this provision would preclude an LEA that has developed a successful educational practice with its own funds from receiving Part C funds solely to disseminate information or provide technical assistance concerning those practices to other LEAs.

Response. No change has been made. Section 134.57(b) of these regulations explains that Part C funds may be used by an LEA to disseminate information and provide technical assistance to other LEAs within the State only in connection with the educational practices it has either developed or adopted with Part C funds. As explained above, the purpose of the Part C funds is primarily to improve the educational practices of those LEAs that compete for and receive subgrants—and the SEA retains the basic responsibility to disseminate information about successful educational practices on a Statewide basis. In the instance posed by the commenter, the LEA's Part C project clearly would not primarily benefit the LEA itself.

It should also be noted that this interpretation is consistent with the view expressed above that while the statute permits the demonstration of a project and its associated educational practices outside the LEA, demonstration is not itself an "activity" within the meaning of the statute, and cannot alone constitute a project.

Section 134.59 Allowable costs—Part B. (Proposed section 134.53)

Comment. A number of commenters objected to the requirement that LEAs negotiate with their SEA a special indirect rate for Part B because doing so would be burdensome. One commenter felt that there was no basis in law for this provision and that the administrative costs of purchasing equipment and materials were not burdensome. Many commenters felt that the prior practice of charging the costs of ordering, processing, cataloging, and delivery of materials and equipment directly to Part B was a simpler administrative procedure. Two commenters said that the application of an indirect cost rate needs to be clarified for Part B; another commenter suggested that the indirect cost rate for Part B should be the same as for other Federal programs. Still other commenters suggested using the special indirect cost rate only where special circumstances justify it, for example, in large LEAs that have a large number of participating schools within their boundaries. Two commenters supported the proposed regulation.

Response. No change has been made. "Acquisition," as defined in 45 CFR Part 100c of EDGAR, includes the costs to LEAs of processing, cataloging, and delivery. Thus, the costs of cataloging, processing, and delivery to the first point of use are allowable as direct costs. When requested by LEAs, SEAs must approve a special indirect cost rate for their use for Part B. This requirement is imposed by 45 CFR Part 74, *Administration of Grants.* SEAs may obtain information for negotiating these rates from the Director, Regional Administrative Support Center (RASC) in each of the ten HEW Regional Offices.

Comment. A commenter asked why it was necessary to mention raw or processed materials or component parts that are to be made into finished products—either equipment or materials. Another commenter questioned the eligibility of component parts of *equipment* to be made into finished products as well as the costs of making and assembling equipment.

Response. No change has been made. Under the predecessor programs to Title IV–B, grantees were permitted to acquire raw or processed materials or component parts to be made into finished products for instruction in the academic subjects. (See *Response* under *Definitions*). The legislative history surrounding Pub. L. 95–561 does not indicate that Congress sought to alter this practice.

Section 134.62 Evaluation by the State. (Proposed section 134.62(a))

Comment. One commenter stated that proposed § 134.62(a) which described the purposes of the SEA's evaluation of Title IV was too broadly stated and should specifically refer to the Title IV statute and the Title IV State plan.

Response. A change has been made. The provisions dealing with the SEA's evaluation have been changed to specify that an SEA's determinations regarding the extent to which educational needs are being met and the performance of administrative activities are to be made in the context of its State plan. Determinations regarding the conduct and results of local projects are also to be framed by the State plan contents. Furthermore, these latter determinations have been limited to Part C projects only.

Comment. One commenter wondered whether the requirement that the SEA evaluate the extent to which Part C funds are being used for various program activites authorized under the Act would be met by describing the amount of Part C funds used for each of these activities.

Response. No change has been made. The requirement would be satisfied by a description of the amount of Part C funds used for various project activities.

Section 134.63 Evaluation by the State advisory council. (Proposed Section 134.62(b))

Comment. Two commenters suggested that the required components of the State advisory council's evaluation report be eliminated. These commenters said that the content of the evaluation should be left to the discretion of the advisory council.

Response. No change has been made. Section 404(b)(1)(C) of the Act requires State advisory councils to "evaluate all programs and projects" assisted under Title IV. Section 404(b)(1)(D) requires State advisory councils to, among other things, report the results of its evaluation to the Commissioner at least every third year. To aid the State advisory councils in complying with these generally worded statutory provisions, the Commissioner has identified the minimum requirements of a useful evaluation report. The Commissioner does not believe that these basic requirements will prove burdensome or force State advisory councils into any particular evaluative approach or format.

Comment. One commenter said proposed § 134.62(b)(5) implied that a Title IV–C project must be incorporated throughout the LEA and asked that this provision be deleted.

Response. No change has been made. Adoption throughout the LEA of the educational practices associated with a particular Title IV–C project is not only a good measure of the success of a project but is one of the purposes of the Title IV–C program. In any event, § 134.63(e) merely requires the advisory council to consider—as part of its evaluation—the extent to which the Part C project has been incorporated throughout the LEA.

Comment. One commenter questioned whether the evaluation requirement referred to in proposed § 134.62(b)(5), namely, the need for the State advisory council to evaluate the extent to which the educational practices associated with a project have been incorporated throughout the LEA, applies to one year Part C projects.

Response. No change has been made. The requirement applies to all Part C projects, including one year projects, although it is expected that the extent to which practices are incorporated throughout the LEA may vary with the length of Part C projects.

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Section 134.64 Standards for Part B. (proposed Section 134.63)

Comment. One commenter inquired whether the standards developed for part B must identify all eligible instructional equipment in order to assure that such equipment is used "solely for instructional purposes." Another commenter suggested that proposed § 134.63 be amended by adding to the term "instructional equipment" the following phrase: "in academic subjects."

Response. No change has been made. The purpose of the standards is to insure that all equipment and materials acquired with Part B funds are of appropriate quality and quantity for instructional use and are used solely for instructional purposes. However, it is not necessary to have a specific standard for each type of eligible equipment.

For example, with respect to the acquisition of equipment, the term "standards" might include general criteria, categories of eligible equipment, or any other relevant information the SEA wishes LEAs to use in making an appropriate selection of equipment for a specific instructional program. The phrase "in academic subjects" is not added because the term "instructional equipment" is defined, in part, as "equipment that is appropriate for use in providing education in academic subjects."

Section 134.65 Consultation procedures, Part B. (proposed Section 134.64)

Comment. One commenter objected to the use of the terms "librarian" and "media specialist" in proposed § 134.64(b) and suggested instead the terms "school librarians and/or media specialists." One commenter suggested that the following sentence be added to this paragraph: "This periodic consultation must take place prior to selection or purchase of any instructional equipment or materials with Part B funds."

Response. A change has been made. The terminology used in the regulations adheres to that of section 422(b) of the Act. Section 422(b) clearly indicates that the librarians and media specialists referred to are "professional staff in the schools." The change made clarifies that the required consultation with teachers, librarians, media specialists and other professional staff in the schools as well as private school officials must occur before decisions are made about the expenditure of Part B funds.

Section 134.68 Part C projects for the education of handicapped children; requirements under Part B of the Education of the Handicapped Act (EHA). (Proposed Section 134.67)

Comment. Two commenters suggested deleting proposed § 134.67(a)(1) to eliminate the possibility of dual administration at the State level.

Response. No change has been made. This provision is required by section 612(6) of EHA.

Comment. One commenter suggested that the Title IV–C funds for handicapped children be withheld only when Title IV–C funds are involved with the aspect of the handicapped annual program plan that is not in compliance.

Response. No change has been made. Section 616(a) of the "Education of the Handicapped Act" does not so limit the Commissioner's discretionary authority to withhold Part C funds available for projects for handicapped children.

Subpart H—Participation of Children Enrolled in Private Schools

General.

Comment. One commenter suggested that the regulations be revised to require each State to incorporate into its State plan assurances that the private schools are given an opportunity equal to that of the public schools for participation in Part C and D projects. The commenter said this would alleviate the problem associated with conducting a funding competition for Part C and D projects when project applications describe different project activities for public and private school children.

Response. No change has been made. Private schools are not eligible to apply for Title IV benefits. In accordance with the requirements of section 404(a)(3) of the Act, States do make an assurance in their State plans that private school children will be provided equitable opportunities to participate in the purposes and benefits of Title IV. In addition, the beneficiaries of Title IV are children enrolled in schools within the boundaries of the LEA applying for program funds, not the schools themselves. The agency charged with the responsibility for providing these benefits on an equitable basis to both public and private school children is the LEA.

Comment. One commenter expressed concern over the failure of the proposed regulations to guarantee continuity of services to private school children.

Response. No change has been made. The regulations implement the statutory requirement that children attending private schools be afforded the opportunity to participate equitably in the purposes and benefits of Title IV. This requirement includes the right to participate in the planning of Title IV projects. The need of project participants—whether they attend public or private schools—for the continuation of program services is best addressed at the local level, where projects are planned.

Comment. One commenter requested that private schools enrolling participating children be required to repair the instructional equipment that is acquired with Title IV funds and that the LEA places on their premises, rather than returning it to the LEA for repair.

Response. No change has been made. The Commissioner lacks the authority to require private schools enrolling participating children to bear the cost of repairing instructional equipment.

Comment. One commenter pointed out that requiring small LEAs to provide services for private school children such as planning, purchasing, inventorying, and maintaining equipment may cost more than the dollars being requested.

Response. No change has been made. With respect to Part B, the costs of processing, cataloging, and delivery are allowable costs. Also, the LEA may request the SEA to approve a special indirect cost rate which will permit the recovery of the cost of procurement from Part B funds. Indirect costs are allowable charges to Part C and D subgrants, provided the SEA has approved the rates.

Comment. One commenter asked whether SEAs and LEAs were required to consult with representatives of children attending schools—such as private schools—that do not meet State standards, and, further, whether a State could obtain a waiver of the private school participation requirements so that it would not be necessary to deal with those schools that do not meet those State standards.

Response. No change has been made. However, States may exclude from participation in the Title IV program children that attend schools that do not meet appropriate State standards (for the purpose of compulsory attendance laws, for example).

Section 134.70 Responsibilities.

Comment. A commenter suggested that § 134.70 be expanded to include a private school's responsibility for maintenance of effort, preparing an application form, and providing information and appropriate assurances relating to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

Response. No change has been made. Under section 404(a)(7) of the Act, compliance with the maintenance of effort requirement is determined on the basis of total State expenditures for program purposes. There is no requirement that individual private schools maintain their effort although in certain circumstances the children attending a private school that has not maintained its effort may be excluded from participation in the Title IV program. See § 134.12(e)(2).

A private school has no responsibility to complete an application form. LEAs are the only eligible applicants. It is assumed that the representative of private school children will readily provide whatever information is necessary to provide equitable benefits for those children.

EDGAR (45 CFR 100b.500) describes the nondiscrimination provisions applicable to States and LEAs participating in Title IV programs. The application of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 to private institutions is governed by the regulations that implement those statutes, 45 CFR Parts 80, 84 and 86 respectively. However, because they are not recipients of Federal funds, private schools are not required to complete HEW Form 441.

Comment. One commenter said § 134.70(c) did not convey the statutory right of private school children to participate equitably, and suggested using the word "provide."

Response. A change has been made. The first sentence of § 134.70(c)(1) reads "An LEA shall provide children enrolled in the private schools within its boundaries genuine opportunities to participate in Title IV projects."

Section 134.71 Consultation with representatives of private school students.

Comment. Several commenters objected to the requirement in § 134.71(b) that the LEA consult with appropriate private school officials concerning whether the LEA will participate in a Title IV program. They said that the decision to participate in the Title IV program is solely the LEA's.

Response. A change has been made. As revised, paragraph (a) provides that appropriate representatives of private school children are to be consulted during all phases of the development and design of the project. The list of examples does not include decisions to participate or not to participate since it would be too difficult to determine when those "decisions" are made. The emphasis should be on early and comprehensive consultation, so that appropriate representatives have a fair opportunity for involvement in the development and design of the project.

Section 134.73 Benefits.

Comment. One commenter said that it is very difficult to serve equitably children attending private schools located on the opposite side of a large urban LEA if the LEA's Part C project is concentrated in a single public school. Therefore, the commenter suggested that § 134.73(a) be modified by changing "within its boundaries" to "within the attendance area of affected LEA schools" and adding "if the private schools choose to participate."

Response. No change has been made. Section 134.73(a) implements the requirements of section 406 of the Act. Section 406(b) states that if Part C funds are used to "concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within that group, attendance area, or grade or age level * * * shall * * * be assured equitable participation in the purposes and benefits of such programs or projects." Therefore, if, after consultation with the representatives of the children attending private schools within the LEA, the LEA determines that it will concentrate its Part C project upon a particular group, attendance area, age or grade, the private school children within that particular sphere of concentration are entitled to participate in the project on an equitable basis. In essence, this rule is stated in § 134.73(b).

However, in some instances, the design of the LEA's project, including the group of children selected to participate in it, may not correspond with the educational needs of the children attending private schools within its boundaries.

For example, the LEA may wish to provide with Part C funds a science project for secondary school students, but there are no private secondary schools within the LEA; or the LEA may wish to provide a supplementary reading project for 4th grade students, but the need of the students attending the 4th grade in private schools is instead supplementary math instruction. In instances such as these, the LEA shall, as part of its project, provide to the private school children who are selected to participate in the project different benefits than those provided to the public school children, as long as the differences are necessary to meet the educational needs of the participating private school children. This rule is stated in § 134.73(c).

Comment. One commenter said that § 134.73(b)(1) should be modified because the statute does not require that the private school children within the particular group or area of concentration have the same needs as the public school children.

Response. No change has been made. The Title IV program is intended to address the educational needs of children attending elementary and secondary schools whether they be public or private. Section 134.73(b) and (c) clarify that when the needs of the participating public and private school children are the same, Title IV benefits must be equitably available to the similar types of students. On the other hand if the educational needs of the participating public and private school children are different, it is presumed that the Title IV benefits will also be different. Section 134.73(b)(1) is needed to clarify that an LEA is not required to provide the same Title IV benefits to public and private school children even though superficially they are similar because they are both within the same area or group of concentration, if their educational needs are dissimilar.

Comment. One commenter suggested that the wording of paragraph (b) implied that only those private school children who have the same needs as public school children are eligible to participate in Part B.

Response. No change has been made. Section 134.73(b) provides that if an LEA concentrates Title IV funds on a particular group, attendance area, or grade or age level, the LEA will provide equitable benefits to those children enrolled in private schools who (1) belong to the same group, attendance area, grade or age level, and (2) exhibit the same educational needs as the public school children served by the project.

On the other hand, § 134.73(c) provides that if the private school children selected to participate in the LEA's project exhibit educational needs different from those of the participating public school children, the LEA must accommodate those different needs by providing different benefits. These different benefits must be comparable in quality, scope and opportunity for participation to those provided for children enrolled in public schools. The section has been reorganized to highlight these requirements.

Comment. One commenter objected to the requirement that a Part C project provide benefits for children attending nonpublic schools who have different

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needs than the children for whom the project was initially planned.

Response. No change has been made. The Title IV statute and regulations require the LEA to consult with the appropriate representatives of the children enrolled in the private schools within its boundaries regarding the design of the Part C project, what needs it will address, and what children will participate. It is hoped that this consultation will result in a proposed set of project activities that meet the educational needs of participating children, whether they attend public or private schools, equally well. However, if after this consultation it appears that the participating private school children have different educational needs, and it is necessary to provide them different benefits to meet those needs, the LEA shall provide them benefits different than those it provides to the participating public school children.

Comment. Several commenters said that a Part C application which addressed different educational needs for public and private school children would not survive the competitive review process and would be pointless to develop.

Response. No change has been made. As indicated in response to other comments, the requirements for serving the needs of participating private school children, even where they differ from those of public school children, is required by the statute. The commenter's concern, however, underlines the importance of early consultation and cooperative planning with the representatives of the children attending private schools within the LEA. It is hoped that this type of consultation and planning will usually eliminate the need to address different educational needs within the same project.

However, in some cases differing educational needs may necessitate different program benefits or components—and the LEA must assume responsibility for the quality of all aspects of the project. Similarly, the SEA evaluation process must deal with the project as a whole, not with the separate components.

The Commissioner recognizes that these basic principles may be difficult to apply in particular cases, and is prepared to offer assistance in applying them on a case-by-case basis.

Comment. One commenter objected to the apparent requirement of proposed § 134.73(c)(1) that the appropriate representatives of children enrolled in private schools located within an LEA that does not participate in Part B "request" the SEA to make an arrangement for the benefit of those children. Another commenter said the regulations should prescribe the procedures by which those representatives request Part B benefits.

Response. A change has been made. The proposed regulations were not intended to require a formal request for participation in the Title IV–B program from the representatives of the private school children who desire to participate. Under section 408(a)(2) of the Act children attending private schools in an LEA that does not participate in part B have a right to participate in that program. Effective exercise of this statutory right, of course, presumes that the appropriate representatives of these children are aware of it, and this is the SEA's responsibility. For clarification, the language referring to a "request" has been deleted.

The final regulations do not prescribe detailed administrative procedures for implementing a Title IV–B project for private school children in an LEA that does not participate. It will be necessary, of course, for the SEA to maintain continuing administrative direction and control over the Part B benefits provided to these children. (§ 134.70(b)). However, the Commissioner believes that additional and possibly restrictive regulations in this area are not warranted.

Comment. One commenter said that proposed § 134.73(c)(2) of the regulations did not clearly explain the amount of Part B funds available, under section 408(a)(2) of the Act, to children attending a private school in an LEA that does not participate.

Response. No change has been made. Title IV funds are not identifiable as funds for public school children on the one hand, and funds for private school children on the other. Title IV funds are made available to LEAs, on the basis of student enrollment, for projects to benefit elementary and secondary school children, both public and private.

Section 406(b) of the Act establishes the principle that when both public and private school children are participating in the LEA's project, expenditures will be equal considering the number of children served and their respective needs. Section 406(b), however, does not prohibit an LEA from conducting a project even though no eligible private school children choose to participate. Similarly, section 406(b) does not prevent an SEA from making an arrangement under section 406(a)(2) to provide part B benefits to private school children within an LEA even though no public school children are participating in the Part B program.

It is neither feasible nor desirable to prescribe inflexible rules to govern the allocation of Title IV–B funds in those instances in which only public or only private school children will receive program benefits. It is expected that in those instances, the funds allocated to the LEA will be used prudently to meet the identified educational needs of the children participating in the project. Certainly, in those cases where public school children or private school children are not participating in a project, it might be appropriate for the SEA to reallocate excess program funds to other LEAs under § 134.42 of these regulations.

Comment. Several commenters objected to proposed § 134.73(d) which provides, briefly, that children attending a private school may participate in a Part C or D project only if the LEA in which that private school is located is participating and children attending a public school within that LEA are also receiving Part C or D benefits respectively. They said that section 406(a)(2) of the statute (which requires an SEA to arrange for the provision of Part B benefits to children attending a private school who desire to participate in the Part B program even if the LEA in which their school is located does not) should not be read to prohibit an LEA or an SEA from providing Part C or D benefits to private school children even if the public school children in that LEA do not receive them. One commenter observed that section 408(a) requires LEAs that are "eligible to receive Title IV funds" to provide equitably for private school children. Another argued that the "equal expenditure" requirement of section 406(b) of the statute seemed to apply even though public school children were not participating in the program.

Response. No change has been made. Like other State-administered Federal elementary and secondary education programs, the Title IV program is conducted on a subgrant basis. In the Title IV program only LEAs may be subgrantees. Apart from the exceptions posed by section 406(a)(2) of the Act, and § 134.82(a)(2), of these regulations, an SEA has no authority to provide a Part B, C, or D benefit to students except by making a subgrant to an LEA. And except as specifically authorized by the Title IV statute, an SEA or LEA may not depart from these limitations by acting as a "conduit" for some other agency or group of students.

No LEA is required to participate in the Title IV program. Those that choose to do so submit an application to the SEA for its approval. Thus, while any

LEA is eligible to participate in the various Title IV programs, only an LEA that submits an application that is approved by the SEA is "eligible to receive funds" within the meaning of section 408. Logically, an LEA that does not receive a subgrant of Title IV funds has no obligation to provide Title IV benefits to children attending private schools within its boundaries. The basic principle that LEAs provide equitably for children attending private schools—including the requirement of "equal expenditures"—applies only to those LEAs that do receive Title IV subgrants.

Finally, the language of section 406(a)(2) strongly suggests that with respect to the Part C and D programs, Congress did not intend to alter the well-established Title IV practice that private school children, along with public school children, participate in a project developed by the LEA in consultation with the representatives of those private school children. The legislative history to Pub. L. 95–561 amply documents that Congress was dissatisfied with the amount of participation of children attending private schools in the existing Title IV program. (Senate Report No. 95–856, 95th Cong., 2d Sess. at 52–53; House Report No. 95–1137, 95th Cong., 2d Sess. at 65–66.)

To remedy this problem, Congress enacted a new section 432(d), which essentially prohibits an SEA from approving an LEA's application under Part C unless the SEA can determine that in designing the project the needs of private school children have been taken into account, and section 406(a)(2) which provides that: "If no program or project is carried out *under part B* (by an LEA), the State educational agency shall make arrangements * * * under which children in private schools in that LEA are provided with services and materials *under that part* to the extent that would have occurred if the LEA had received funds under this title." (Emphasis added.) Therefore, it seems clear that Congress intended to depart from the well-established Title IV practices with respect to serving private school children in connection with the Part B program only.

Comment. One commenter, objecting to the requirements of proposed paragraph (d) that there must be public school participation in order for private school children to receive Part C or D benefits, suggested that intermediate units, such as county school districts, act as the fiscal agent for addressing the needs of private school children within its boundaries.

Response. No change has been made. The use of an intermediate unit as a "fiscal agent" would not be consistent with the statutory principles discussed in the preceding response. Assuming it satisfied the statutory definition of an LEA, of course, an intermediate unit may apply for and receive a grant to conduct a project for children attending schools, both public and private, within its own boundaries. In this case only the boundaries of the intermediate unit are relevant and, for example, an intermediate unit could conduct a Part C or D project in which public and private school children participate even though no public school children from the school district in which the private school is located do so.

Section 134.74 Expenditures

Comment. One commenter said that the requirement that the LEA spend the same average amount for public and private school participants in a project is at variance with the statute. This commenter said that section 408(b) of the Act requires expenditures for the private school children served by the project to be equal to expenditures for the public school children enrolled in the LEA.

Response. No change has been made. The statute and the regulations are not in conflict. Section 406(b) clearly states that the equality of expenditures between children enrolled in public schools and children enrolled in private schools is to be determined, among other things, in a manner "consistent with the number of children to be served [by the project]."

Comment. One commenter said that the proposed regulations emphasize the quantitative measure of benefits without considering the underlying equitable participation standard. It was recommended that a section be added which would provide that any differences in expenditures shall be designed to assure the equitable participation of private school children in the purposes and benefits of Title IV.

Response. No change has been made. The requirement of equal expenditures, considering the needs of individual participants and other factors, is statutory in nature and reflects the equitable participation standard. Other sections of these regulations, however, clearly establish the qualitative nature of this standard as well.

Section 134.75 Separate classes.

Comment. One commenter objected to this requirement because there could well be legitimate non-discriminatory reasons why separation of the classes based on school enrollment may be administratively justifiable and educationally sound.

Response: No change is made. The purpose of this requirement is to preclude the separation of project participants solely on the basis of school enrollment or religion.

Section 134.76 Funds not to benefit a private school.

Comment. One commenter suggested that proposed § 134.76(b) be deleted because it seemed to create a distinction between generalized and specialized needs which does not exist in title IV.

Response. No change has been made. Projects supported with Title IV funds must be designed to meet the specific educational needs of the group of students selected for participation in the program. The identification of needs and the selection of participants is accomplished by a needs assessment conducted by the LEA.

Comment. One commenter inquired if proposed § 134.76(b)(2) precluded using Title IV–B funds to acquire school library resources for the use of children attending a private school.

Response. No change has been made. Title IV–B funds may be used to acquire school library resources for the use of children attending a private school. However, those benefits must be selected on the basis that they meet the specific educational needs of the private school children chosen to participate in the LEA's project—and not the need of the private school, or the general needs of the children enrolled in it.

Section 134.77 Administrative control.

Comment. Two commenters objected to the requirements of proposed § 134.77(b). One recommended it be deleted, or "limited period of time" defined. A third commenter recommended that the entire section be deleted because it could be interpreted in a manner which would limit the participation of private school children.

Response. A change has been made. "Limited period of time" has been changed to "the period of time needed for the purpose of the project." Thus Title IV benefits may remain on the premises of a private school for as long as they are needed for the purposes for which they were acquired.

Comment. A commenter asked how the requirements of proposed § 134.77(b) regarding the placement of materials and equipment bought with Title IV funds on the premises of a private school for a limited period of time altered present practice. The commenter asked if it would be necessary to rotate books between children enrolled in public and private schools.

Response. The requirement does not change present practice. The return of

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benefits to the LEA is not required as long as the benefits are needed on the premises of a private school for the purposes for which they were acquired.

Comment. One commenter said the provision requiring a public agency to maintain administrative control over equipment placed on the premises of private schools for the use of participating children should address the situation posed by the closing of a private school on the premises of which Title IV benefits have been placed.

Response. No change has been made. Section 134.70(c)(2) establishes that the LEA must exercise continuing administrative control over the Title IV materials and equipment that benefit children enrolled in private schools. Moreover, § 134.77(c) clearly requires that these materials and equipment be removed from the premises of the private school when no longer needed for the purposes of the program.

Section 134.80 Complaint procedures.

Comment. One commenter suggested that "complaint" be defined so that every critical inquiry regarding the participation of children attending a private school need not be considered a "complaint."

Response. No change has been made. To assist SEAs, the rule requires that the complaint be written, and that it include a detailed statement of the facts upon which the allegation is made. The Commissioner does not believe that further regulation with respect to the form or contents of complaints is warranted. Thus, while SEAs are not required to treat manifestly frivolous written comments as "complaints," this regulation prohibits SEAs from ignoring *bona fide* complaints because of alleged technical defects in format.

Section 134.81 Waiver of section 406.

Comment. One commenter objected to proposed § 134.81(b)(3) as exceeding the statutory authority of section 406 of the Act. This commenter pointed out that section 406(e)(2) authorizes the Commissioner—not the SEA—to withhold funds, and then only the amount estimated as necessary to provide equitable services to private school children.

Response. A change has been made. Section 134.81(b)(3) was not intended to authorize the SEA to withhold funds that it had already awarded to the LEA as a subgrant under an approved project application. While the Commissioner is authorized to do this under section 406(e)(2) of the Act, an SEA is not (except under Title V–A of the Act). Proposed § 134.81(b)(3) was intended to require the SEA to refrain from awarding additional funds—making new subgrants—to the LEA. Therefore, § 134.81(b)(3) has been changed to clarify that if an SEA believes that an LEA has substantially failed or is unwilling to provide equitably for private school children, the SEA must refrain from making additional subgrants to the LEA or approving project applications submitted by the LEA, pending action by the Commissioner.

Proposed Section 134.90 Withholding of funds; cease and desist order.

Comment. One commenter suggested that the discussion in House Report 95–1137, 95th Cong., 2d Sess., dealing with the misuse of Title IV–B funds in purchasing ineligible equipment should be included in the regulations with a statement that OE could withhold Title IV–B funds or issue a cease and desist order to an SEA or LEA in the event of non-compliance.

Response. A change has been made. In drafting these regulations, the Commissioner has interpreted the applicable statutory provisions in the light of their legislative history. However, the Commissioner does not believe it is appropriate to repeat that legislative history in the regulations themselves.

Regulations to implement the Commissioner's authority to withhold funds (section 453 of GEPA) and issue cease and desist orders (section 454 of GEPA) were published in the **Federal Register** on May 25, 1979 at 44 FR 30528. Proposed § 134.90 has been deleted in favor of those published May 25, 1979.

Section 134.91 Waivers of maintenance of effort. (proposed section 134.91)

Comment. A commenter objected to this section because it indicated that a waiver is effective for only one fiscal year and may not be repeated.

Response. No change has been made. Section 431A(b) of GEPA provides that the Commissioner may grant a waiver "for one fiscal year only." Both House Report No. 95–1137, 95th Cong., 2d Sess., and Senate Report No. 95–856, 95th Cong., 2d Sess. state that the waiver authority is "for a single fiscal year" (at 139 and 121, respectively). House Report No. 95–1753, 95th Cong., 2d Sess. refers to this provision as a "1-year waiver" (at 317).

Comment. A commenter asked several questions about the examples of exceptional and unforeseen circumstances included in proposed § 134.91 as those when a waiver of the maintenance of effort requirement may be appropriate: (1) What sort of activities would constitute a government action that would remove property from tax rolls? (2) Why was a strike of educational or service personnel included? (3) Why was an energy shortage included? The commenter inquired if these examples would apply to other programs, e.g., ESEA Title I, and how loosely they would be interpreted.

Response. The particular examples of exceptional and unforeseen circumstances reflect program experience and were, to the degree possible, considering program differences, coordinated with the Adult Education regulations, which is the only other program affected by section 431 of GEPA. ESEA Title I has a separate statutory maintenance of effort requirement. An example of government action that might remove property from the tax rolls would be a taking of land for a public purpose. A strike of educational personnel and an energy shortage are included as examples because they might justify a diversion of revenue, or a decrease of expenditures for program purposes. These provisions will be interpreted purposefully, on a case-by-case basis.

Comment. Two commenters noted that section 431A(b) of GEPA limits the Commissioner's authority to waive the maintenance of effort to those instances in which it would be equitable to do so in view of "exceptional *and* unforeseen circumstances." (Emphasis added.)

Response. A change has been made. The error in proposed § 134.91 was inadvertent. Section 134.90 now reads: "Because of exceptional *and* unforseen circumstances. . . ." (Emphasis added.)

Comment. Two commenters suggested that the regulations permit an allowable percentage reduction of fiscal effort rather than requiring strict equality of expenditures (on either an aggregate or per pupil basis) during the preceding fiscal years.

Response. No change has been made. In enacting the Education Amendments of 1976, Pub. L. 94–482, Congress authorized States to take advantage of an allowable percentage reduction of 5 percent in complying with the maintenance of effort requirement. House Report No. 95–1137, 95th Cong., 2d Sess. at 139–40 demonstrates that Congress, in enacting the Education Amendments of 1978, Pub. L. 95–561, clearly intended to repeal any percentage reduction.

Comment. A commenter suggested that the phrase "a government action" be replaced by "a Federal government action such as the closing of a military installation."

Response. No change has been made. This paragraph refers to an unforeseen

substantial diminution of the tax base due to an action such as a "taking" of land by some governmental authority, including the Federal government, for a public purpose. Proposed section 134.91(b)(1), on the other hand, refers to the deliberate substantial reduction of revenue available for elementary and secondary education in other than emergency circumstances. This might include either a reduction in the education budget itself, or a reduction of the applicable tax rate.

Comment. Several commenters objected to the inclusion of "a deliberate substantial reduction of available revenue due to an act of a State or local legislature or electorate in other than emergency circumstances," as an example of circumstances the Commissioner does not consider exceptional and unforeseen.

Response. No change has been made. This paragraph merely implements section 431A of the GEPA in the manner intended by Congress. House Report No. 95–1137, 95th Cong., 2d Sess. and Senate Report No. 95–856, 95th Cong., 2d Sess., state: "The decision of a State or local legislature to slash the education budget would not in and of itself constitute a valid decrease of financial resources since this is a voluntary and controllable act; such a reduction is, in effect, a refusal to use revenue resources which are available." (at 139 and 121, respectively)

Comment. A commenter suggested that proposed § 134.91(a) include as an example of "exceptional and unforeseen circumstances" a one-time special appropriation by a State. This commenter observed that Congress did not intend to penalize a State for temporarily providing additional funds for education.

Response. A change has been made. A new § 134.90(a)(5) has been added to allow a waiver of the maintenance of effort requirement in the event of an extraordinary State or local appropriation to meet an unexpectedly acute educational need.

Comment. A commenter suggested that the section listing the circumstances which the Commissioner does not consider to be exceptional and unforeseen (proposed § 134.91(b)) be deleted.

Response. No change has been made. Section 134.90(b) provides examples of circumstances which the Commissioner does not consider to be exceptional and unforeseen and is intended to provide States with further information concerning waiver requests.

Appendix A

Comment. One commenter said that the State plan for ESEA Title IV did not include the requirement, in section 404(a)(11) of the Act, that the SEA explain how it will provide technical assistance to private school officials who desire to arrange for children in those schools to participate in Federal elementary and secondary education programs.

Response. No change has been made. Section 134.10(a)(2) of the regulations states that "the State shall include in its plan the specific assurances and items of information listed in the appendix to this part." The requirement imposed by section 404(a)(11) of the Act is included as item (f) under the heading State Plan—General.

Comment. One commenter questioned the requirement, in item (g) under the heading State Plan—General, that Title IV officials in the SEAs be responsible for the coordination of all Federal and State funds for staff development when they have little actual authority to accomplish it.

Response. No change has been made. The requirement of a comprehensive plan for the coordination of Federal and State funds for training activities for educational personnel in the State is statutory, section 404(a)(12) of the Act. However, neither the Act nor these regulations identify any particular group of SEA administrators as those responsible for developing or implementing the comprehensive plan. Additional guidance on the comprehensive plan can be found in the regulations implementing Title V of the Act, 45 CFR Part 119.

Comment. Three commenters suggested that States be permitted more flexibility regarding the due date for submission of the comprehensive plan for the coordination of funds for preservice and inservice education. Submission sometime during 1980 was suggested.

Response. No change has been made. States are permitted to submit the comprehensive plan in final form by June 30, 1980 in accordance with the regulations implementing Title V of the Act, 45 CFR Part 119.

Comment. Two commenters suggested that information be provided on how the Federal government will monitor States' implementation of their comprehensive plan for the coordination of funds for preservice and inservice education, required by section 404(a)(12).

Response. No change has been made. While it is expected that the States will derive benefit from developing their comprehensive plans, the Commissioner has no authority to regulate with respect to the States' compliance with their own plans developed under section 404(a)(12) of the Act.

Comment. Several commenters suggested that Federal funds be made available to assist States in the development of the comprehensive plan for preservice and inservice education.

Response. No change has been made. 45 CFR 119.10(c) clarifies that States may use their Title IV administrative funds or their Title V State strengthening funds to develop the comprehensive plan required by sections 404(a)(12) and 522(2) of the Act, so long as that activity is provided for in the appropriate State plan.

Comment. Two commenters suggested that all Federal categorical programs requiring a State plan should be linked to the State's comprehensive plan for preservice and inservice education and that States should be required to attach a copy of the comprehensive plan to each State plan they submit to the Commissioner.

Response. No change has been made. The Commissioner lacks the authority to impose this requirement.

Comment. Several commenters suggested that the regulations encourage the involvement of all interested and affected parties, including teachers, in the development of the comprehensive plan for preservice and inservice education.

Response. No change has been made. Resources that must be involved in the development of the plan are identified in section 404(a)(12) of the Act. This section clearly permits the States to involve other interested parties.

Comment. One commenter stated that the State plan assurances pertaining to the reservation of Title IV funds for handicapped children and for innovation and improvement in compensatory education are inappropriate because other programs are funded to meet these needs.

Response. No change has been made. Sections 431(b)(2) and 432(c) of the Act impose these requirements.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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14559 3–6–80 / Air pollution; Guam implementation plan

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14215 3–5–80 / FM broadcast station in Bentonville, Ark.; changes made in table of assignments

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75165 12–19–79 / Listing of *Sarracenia oreophila* as an endangered species
(Originally published at 44 FR 54922, 9–21–79 and 44 FR 61351, 10–25–79)

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14214 3–5–80 / FM broadcast station in Staunton, Va.; changes made in table of assignments

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14835 3–7–80 / Requirements for apportionment of retirement benefits

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15175 3–10–80 / COLREGS Demarcation Lines; movement of Boston Harbor entrance

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15930 3–12–80 / Procurement; contract clauses

List of Public Laws

Last Listing April 4, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 463 / Pub. L. 96–224 Designating the week of October 5 through October 11, 1980, as "National Diabetes Week". (Apr. 2, 1980; 94 Stat. 309) Price $1.00.

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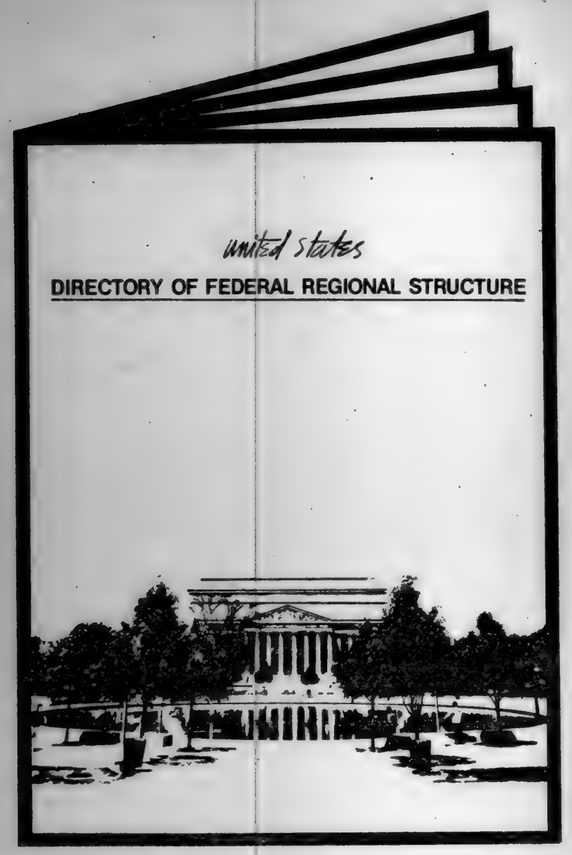

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4-8-80
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federal register

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April 8, 1980

Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in **Reader Aids** section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; Salt Lake Lake City, Utah; Seattle, Wash.; Chicago, Ill.; and New Orleans, La.;** see announcement in the **Reader Aids** section at the end of this issue.

24044 **Small Cities Program** HUD/CPD proposes changes to clarify existing policies and procedures; comments by 5-8-80 (Part VI of this issue)

24030 **Solar Energy Systems for Agriculture** USDA/SEA invites research and development proposals for grants for fiscal year 1980; apply by 5-9-80 (Part IV of this issue)

24070 **Territorial Teacher Training Assistance Program** HEW/OE issues proposal governing grant award; comments by 6-9-80 (Part VII of this issue)

23833 **Criminal Justice** Justice/NIJ announces competitive research program; apply by 5-23-80

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Highlights

23745 **Veterans' Cost-of-Instruction Payments Program** HEW/OE invites applications; apply by 5–23–80

23721 **PURPA Grant Program** DOE/ERA announces date of receipt of applications; apply by 5–30–80; effective 4–8–80

23706 **General Grant Regulations and Procedures** EPA request comments as to readability of regulations and suggestions for areas requiring clarification; comments by 6–1–80

23686 **Interest Rates** HUD increases the FHA maximum interest rate on mortgage insurance and home improvement loans; effective 4–3–80

23687 **Interest Rate** VA increases maximum permissible interest rate on new guaranteed, insured and direct loans for homes and condominiums; effective 4–3–80

23645 **Federal Deposit Insurance** FDIC issues regulations increasing basic deposit insurance coverage from $40,000 to $100,000; effective 3–31–80

23847 **Treasury Bonds** Treasury announces 12⅝ percent interest rate on 1995 bonds

24074 **Handicap** Interior/Sec'y issues guidelines intended to interpret and define requirements of law related to DOI Federal assistance programs; comments by 6–9–80 (Part VIII of this issue)

23631 **Federal Employees Benefits** OPM issues regulations regarding retirement, life insurance and health benefits; effective 5–8–80

23642 **Credit Restraint** FRS issues regulations regarding expansion of short term credit through money market funds and similar creditors; effective 3–26–80

23836 **Privacy Act** OMB

23848 **Sunshine Act Meetings**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 831, 870, 871, 890 and 891

Retirement; Federal Employees Group Life Insurance; Optional Life Insurance; Federal Employees Health Benefits Program; Retired Federal Employees Health Benefits Program—Reconsideration Procedures

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations provide (1) uniform reconsideration procedures for the Civil Service Retirement, Federal Employees Group Life Insurance, Federal Employees Health Benefits, and Retired Federal Employees Health Benefits Programs, and (2) hearing procedures for annuity overpayment collections. These changes are required by the Civil Service Reform Act, Reorganization Plan 2 and the final order in the case of *Shannon* v. *U.S.C.S.C.*

EFFECTIVE DATE: May 8, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Rochester, Paralegal Specialist, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, 1900 E St., N.W., Washington, D.C. 20415 (Telephone: 202–632–4634).

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is publishing regulations to supplement and implement the Civil Service Reform Act of 1978, (Pub. L. 95–454); Reorganization Plan 2 of 1978; and the final order in the case of *Shannon* v. *U.S.C.S.C.*, 444 F. Supp. 354, (N.D. CA 1977). Interim regulations, effective for six months, were published in the **Federal Register** on June 29, 1979 [44 FR 37888–37896]. By notice published in the **Federal Register** on December 31, 1979 [44 FR 76748] that effective date was revised to continue until superseded by final rulemaking. Certain changes have been made in the regulations, in order to clarify them, and a number of substantive changes have also been made.

Analysis of Comments. The interim regulations provided a 60-day period for public comment. The Office of Personnel Management received comments from two agencies, one employee organization, and one individual. These comments, for the most part, pointed out specific provisions which need clarifying or modifying. As a result, the Office has amended the final regulations as discussed below.

(1) Two comments expressed concern over the length and complexity of the initial decision-reconsideration-reopening process. After restudying the process, we have eliminated the reopening step, since the circumstances under which annuitants or employees could avail themselves of that review would by its terms be fairly limited. We are, however, reserving the right to change a decision unfavorable to an annuitant or employee at any time should the available evidence so warrant. Accordingly, revisions have been made to the table of sections in Parts 831, 870, 871, 890, and 891 and §§ 831.110, 831.1205, and 831.1305 in Part 831. § 870.206 in Part 870, § 871.207 in Part 871, § 890.105 in Part 890, and § 891.107 in Part 891 have been entirely deleted.

(2) Two commenters felt there was a need for a time limit for issuing decisions once OPM has received a request for reconsideration. We agree that OPM must issue a decision within a reasonable time frame. However, we find, in comparing the incoming workload of both current and retroactive cases with the number of examiners available for processing decisions, that imposing such a time limit now would be impractical. We have thus deferred adoption of this comment until the review process can begin to operate on a more current basis.

(3) Another comment recommended that the time limit for submission of a request for reconsideration be reduced to 15 or 20 days. In our previous regulations, the time limits for submitting appeal requests varied depending on the subject matter of the appeal. In some instances, the time limit was shorter than 30 days—in others, longer. We have attempted to reach a uniform, but equitable time frame for submitting a request for reconsideration in many different types of cases, thus 30 days will continue to be the applicable time limit.

(4) The language in Part 831, § 831.109(c), Part 870, § 870.205 (b) and (c), Part 871, § 871.206 (b) and (c), Part 890, § 890.104 (b) and (c), and Part 891, § 891.106(b) has been clarified in response to one commenter's argument that every decision must be an initial decision so that reconsideration rights can be exercised. This provision was intended to cover those instances where, for one reason or another, the initial decision is made by the office which would ordinarily make the reconsideration decision. It is unlikely that the same office would change its opinion if the same question was submitted to them a second time, thus the reconsideration step is eliminated so that the individual may proceed to the next step in the review process.

(5) One comment suggested that § 831.109(g) was unclear as to whether competing claimants would be advised about the delay in paying benefits because of the provisions for reconsideration and appeal. This provision continues policy that was in effect under previous regulations and the parties will continue to be notified, as they have in the past, that a decision where there are adverse claimants will not be implemented until the various reconsideration and appeal rights are exhausted. However, § 831.109(g) has been amended to make these provisions clearer.

(6) Section 831.1203 caused one commenter to be concerned that an employee's right to participate in selecting a medical examiner when the employing agency is initiating an application for his/her disability retirement, had been reduced. Current § 831.1203 is virtually a repetition of the previous regulation, however. The more detailed instructions concerning selection of a medical examiner are contained in the Federal Personnel Manual Supplement 831–1, Subchapter S10, Disability Retirement.

(7) Another comment objected to the ambiguity of § 831.1206 provisions for placing an employee on forced leave

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when his or her retention in an active duty status would be "detrimental to the interests of the government." The commenter suggested that the whole sentence be deleted. However, deleting this provision would leave no guidance at all on the matter, and would not necessarily be in the best interest of the employee. Accordingly, we have rejected adoption of this comment, but, we will continue to publish further guidance from time to time in the Federal Personnel Manual Supplement 831–1.

(8) One comment expressed concern over the provisions of § 831.1301, which appeared to limit its application to retirement annuity overpayments. Thus, we have made editorial changes in this section to clarify its meaning. The same commenter, also expressed concern that §§ 831.1303(a)(4) and 831.1306(c)(1) provided that a precondition to the oral pre-recoupment hearing is a request for reconsideration. Accordingly, editorial changes have also been made in those two sections to clarify the meaning.

(9) Another comment objected to § 831.1306(a) which provides for collection of an overpayment in one lump sum where possible. This section is limited, however, to those cases where the overpayment is less than 25 percent of the monthly annuity rate or when we have a lump sum for payment in addition to the monthly benefit. Further, no reductions are made in an annuitant's monthly payments without allowing the annuitant the opportunity to request reconsideration, and/or waiver, as provided in § 831.1303.

(10) One comment objected to § 831.1306(b)(3) which provides for the payment of interest on collections. However, we do not foresee across-the-board application of interest charges in every collection case. We will be issuing further guidance on this matter at a later date.

(11) Section 831.1402(a) outlines certain considerations to be made when determining fault in overpayment waiver determinations. A commenter expressed concern that we are not following the General Accounting Office guidelines on this subject. We must point out, however, the fact that GAO guidelines are issued under the authority of 5 U.S.C. 5584, while the guidelines for waivers of overpayments made in retirement and related areas are authorized under 5 U.S.C. 8346(b), which specifically provides that waiver determinations are to be made where "in the judgment of the Office of Personnel Management" the annuitant is without fault and recovery would be against equity and good conscience. This comment has, thus, been rejected.

(12) Section 831.1404 defining financial hardship has been modified to clarify its meaning in response to a comment suggesting that there may be some invasion of the annuitant's privacy. The information stated is not mandatory—annuitants can and sometimes do refuse to submit such information. Under those circumstances, we use whatever evidence the annuitant has submitted to make our decision.

(13) Another comment suggested that there is no basis for the requirement in § 831.1407(b), that the annuitant show "by substantial evidence that he/she is eligible for waiver or an adjustment." The language of 5 U.S.C. 8346(b) makes waiver mandatory once the OPM determines the conditions for waiver have been met. Since the OPM must make the determination and the evidence is frequently solely in the control of the annuitant, something must be submitted to us before the decision can be made. As we are also the caretaker for the Civil Service Retirement and Disability Fund, we feel that a simple statement of eligibility by the annuitant is insufficient—there must also be "substantial" evidence to support the statement. Once this evidence has been submitted, the burden will shift to this agency to refute the evidence. Under the circumstances, we have retained § 831.1407(b) as is.

(14) The final comment argues that the hearing procedures set out in Subpart P of Part 831 are inadequate since there is no provision for having witnesses subpoenaed and cross-examined. However, since OPM has no subpoena power, the only provisions we can make are for the voluntary appearance of a witness or for submission of an affidavit in the absence of an appearance. OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management,
Roderick S. Speer,
Assistant Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5 of the Code of Federal Regulations as set forth below:

1. The table of sections for Subparts A, L, M, N, and P at the beginning of Part 831 is amended as follows:

PART 831—RETIREMENT

Subpart A—Administration and General Provisions

Sec.
831.101 Administration.
831.102 Basic records.
831.103 Evidence.
831.104 Applications.
831.105 Computation of interest.
831.106 Disclosure of information.
831.107 Computation of time.
831.108 Major reduction in force.
831.109 Initial decision and reconsideration.
831.110 Appeals.
* * * * *

Subpart L—Disability Retirement on Application of an Agency and Reconsideration of Disability Retirement Decisions

831.1201 Scope.
831.1202 General provisions.
831.1203 Agency action.
831.1204 Office of Personnel Management action.
831.1205 Appeals.
831.1206 Duty status.

Subpart M—Recovery of Annuity Overpayments

831.1301 Scope.
831.1302 Definitions.
831.1303 Processing.
831.1304 Hearings.
831.1305 Appeals.
831.1306 Recovery of overpayment.

Subpart N—Standards for Waiver of Overpayments

831.1401 Conditions for waiver.
831.1402 Fault.
831.1403 Equity and good conscience.
831.1404 Financial hardship.
831.1405 Ordinary and necessary living expenses.
831.1406 Waiver precluded.
831.1407 Burdens of proof.
* * * * *

Subpart P—Procedures for Overpayment Hearings

831.1601 Coverage.
831.1602 Failure to prosecute.
831.1603 Right to hearing.
831.1604 Hearing procedures.
831.1605 Final decision.

Authority: 5 U.S.C 8347, unless otherwise noted.

2. Section 831.109 is revised to read as follows:

§ 831.109 Initial decision and reconsideration.

(a) *Who may file.* Except as noted in paragraph (b) of this section any individual or agency whose rights or interests under the Civil Service Retirement System are affected by an initial decision of the Office of Personnel Management (OPM) may request OPM to review its initial decision.

(b) *Actions covered elsewhere.* (1) A request for reconsideration of termination of annuity payments under 5 U.S.C. 8311–22 must be made in accordance with the procedures set out in Subpart K of this part.

(2) A request for reconsideration of a decision to collect an erroneous annuity overpayment shall be made in accordance with § 831.1303(b) of this part.

(3) A request for reconsideration of an initial decision on an application for disability retirement shall be made in accordance with the procedures set out in § 831.1204(c).

(c) *Initial decision.* A decision shall be considered an initial decision when rendered by OPM in writing and stating the right to reconsideration. However, a decision initially rendered at the highest level of review available within OPM will not be subject to reconsideration, but will give an appeal right direct to the Merit Systems Protection Board (MSPB).

(d) *Reconsideration.* A request for reconsideration must be in writing, must include the individual's name, address, date of birth and claim number, if applicable, and must state the basis for the request.

(e) *Time limits on reconsideration.* (1) A request for reconsideration must be received by OPM within 30 calendar days from the date of the original decision.

(2) The representative of the Associate Director for Compensation responsible for reconsiderations may extend the time limit for filing when the individual shows that he/she was not notified of the time limit and was not otherwise aware of it, or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(f) *Final decision.* After reconsideration, the Associate Director's representative shall issue a final decision which shall be in writing, shall fully set forth the findings and conclusions of the reconsideration, and shall contain notice of the right to request an appeal provided in § 831.110. Copies of the final decision shall be sent to the individual, to any competing claimants and, where applicable, to the agency.

(g) *Competing claimants.* (1) When a competing claimant files a request for reconsideration under this section, the other competing claimants shall be notified of the request and given an opportunity to submit written substantiation of their claim.

(2) When a determination in favor of one claimant would affect another claimant, all claimants concerned will be notified of that decision and those adversely affected will be given an opportunity to request reconsideration. OPM shall not execute its decision until the time limit for requesting reconsideration has expired. If reconsideration has been requested, OPM shall take no action after the reconsideration decision is rendered until the time limit to appeal has expired.

3. Section 831.110(a) is revised to read as follows:

§ 831.110 Appeals.

(a) *Appeals to MSPB.* Except as noted in this paragraph, an individual or agency whose rights or interests under the Civil Service Retirement System (Subchapter III of Chapter 83, title 5, United States Code) are affected by a final decision of the representative of the Associate Director for Compensation, Office of Personnel Management, may request the Merit Systems Protection Board to review such decision in accord with procedures prescribed by the Board. Decisions of OPM and the Associate Director for Compensation made in accord with the procedures referenced in § 831.109(b)(1) are made under Subchapter II of Chapter 83, title 5, United States Code. Such decisions are not appealable to the Merit Systems Protection Board under 5 U.S.C. 8347(d).

* * * * *

4. Section 831.1203(a) and § 831.1204(c) are adopted unchanged from the interim rules, and to assist the reader, are set out below:

Subpart L—Disability Retirement on Application of an Agency and Reconsideration of Disability Retirement Decisions

* * * * *

§ 831.1203 Agency action.

(a) *Examination.* When the agency has reason to believe an employee may be totally disabled within the meaning of paragraph (c)(1) of this section, and satisfactory medical evidence is not otherwise available, the agency may direct the employee to report for an examination. However, in the case of an employee with a suspected mental or emotional illness when the examination being considered is psychiatric, two or three agency officials, including a manager or supervisor, a personnel official, and a medical officer if available, must agree, in the light of all available facts of the case, that such an examination appears to be necessary. The employee is entitled to an advance written notice of the examination. The notice shall set forth the reasons for the examination and the general scope and character of the examination. An employee has the right to participate in the selection of another medical examiner if he or she objects to the first. When the refusal to submit to the examination appears to be the result of a mental, emotional, or nervous condition, and the employee does not want to participate in the selection of another medical examiner, the agency shall make a finding to this effect and continue to process the application for retirement on the basis of other available evidence.

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§ 831.1204 Office of Personnel Management action.

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(c) *Reconsideration decision.* (1) *Who may file.* Any individual or agency whose rights or interests are affected by an initial decision on an application for disability retirement may request the representative of the Associate Director for Compensation responsible for reconsideration to review the initial decision.

(2) *Requests for reconsideration.* A request for reconsideration must be in writing, must include the individual's name, address, date of birth and claim number, and must state the basis for the request.

(3) *Time limits on reconsideration.* (i) A request for reconsideration must be received in OPM within 30 calendar days after the receipt of the initial decision on the application.

(ii) The Associate Director's representative for reconsiderations may extend the time limit for filing when the individual shows that he/she was not notified of the time limit and was not otherwise aware of it, or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(4) *Final decision.* After reconsideration, the Associate Director's representative for reconsiderations shall issue a final written decision and a copy shall be given to the employee and the agency concerned. The decision shall fully set forth the findings and conclusions of the representative and shall inform the employee and agency of the right to request an appeal provided by § 831.1205.

5. Section 831.1205 is revised to read as follows:

§ 831.1205 Appeals.

After receipt of the final reconsideration decision, an agency or an employee may appeal directly to the MSPB in accord with procedures prescribed by the Board.

6. Section 831.1206 is adopted unchanged from the interim rule, and to assist the reader, is set out below:

§ 831.1206 Duty status.

An agency shall retain an employee in an active duty status until it receives the initial decision of the Associate Director

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for Compensation on an agency application for disability retirement, except that the agency on the basis of medical evidence, may place an employee on leave with his/her consent, or without his/her consent when the circumstances are such that his/her retention in an active duty status may result in damage to Government property, or may be detrimental to the interests of the Government, or injurious to the employee, his/her fellow workers, or the general public. If the leave account of the employee is or becomes exhausted, any suspension or involuntary leave without pay shall be effected in accordance with applicable laws, Executive orders, and regulations.

7. Sections 831.1301 through 831.1304 are adopted unchanged from the interim rules, and to assist the reader, are set forth below:

§ 831.1301 Scope.

This subpart prescribes the procedures to be followed by the Office of Personnel Management when it attempts to recover overpayments made in the course of its administration of Civil Service Retirement and related laws.

§ 831.1302 Definitions.

(a) *Adjustment in the recovery scedule* is any change in the deduction scheduled from an annuitant's monthly check to recover an overpayment. The annuitant may negotiate with the Office of Personnel Management's Associate Director for Compensation on the amount of this deduction.

(b) *Compromise* is an adjustment of the total amount of the overpayment to be collected, based upon the considerations established by the Federal Claims Collection Standards, 4 CFR 103.1 *et seq.*

(c) *Reconsideration* is the process of reexamining the overpayment for—

(1) Proper utilization of applicable laws and regulations; and

(2) Correctness of the mathematical computation.

(d) *Waiver* is a decision not to recover an overpayment.

§ 831.1303 Processing.

(a) *Notice.* When overpayment is discovered, the Associate Director for Compensation shall notify the annuitant, in writing, of—

(1) The reason(s) there appears to be an overpayment;

(2) The right to request reconsideration of the findings of overpayment;

(3) The right to request waiver or compromise and the standards for determining whether to waive or compromise;

(4) The right to request and appear at a *de novo* evidentiary hearing as described in § 831.1304 on his/her request for waiver or for reconsideration where there is an issue of credibility or veracity, prior to the initiation of recoupment; and

(5) The time limit for submitting the request(s).

(b) *Requests for reconsideration.* (1) Reconsideration and consideration of waiver or compromise, may be processed separately.

(2) A request for reconsideration and/or waiver-compromise shall be submitted within 30 calendar days of the issuance of the notice referred to in § 831.1303(a). The Associate Director for Compensation's representative for reconsideration may extend the time limit for filing when the annuitant shows that he/she was not notified of the time limit and was not otherwise aware of it, or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(3) When a request for reconsideration and/or waiver-compromise covered by this subsection is properly filed before the death of the recipient of the overpayment it shall be processed to completion unless the relief sought is nullified by the overpayment recipient's death.

(4) Any annuitant requesting reconsideration and/or waiver-compromise shall be given a full opportunity to present any and all pertinent written information and documentation supporting his/her position.

(c) *Reconsideration and/or waiver-compromise decision.* (1) Decisions shall be based upon the annuitant's written submissions supported by evidence of record and other pertinent available information.

(2) After consideration of all pertinent documented information, a written decision as to whether the overpayment occurred, and/or whether it will be waived or compromised shall be issued. The decision shall inform the annuitant of the right to request a hearing as provided by § 831.1304.

§ 831.1304 Hearings.

(a) *Right to a hearing.* (1) After the written decision described in § 831.1303(c)(2) is issued, an annuitant is entitled to a hearing upon request prior to the commencement of collection, on—

(i) Any waiver issue; and

(ii) Any other issue which raises a significant question as to the credibility or veracity of any individual or individuals involved in the particular case.

(2) The decision of whether a genuine issue exists under paragraph (a)(1)(ii) of this section shall rest with the Office of Personnel Management.

(b) *Time limit.* A request for a hearing shall be made in writing within 30 calendar days of the date of the written reconsideration and/or waiver-compromise decision.

(c) *Hearing procedures.* Hearings under this subpart shall be conducted in accordance with the procedures set forth in Subpart P of Part 831 of these regulations, except that entitlement to a hearing shall be governed by paragraph (a) of this section.

8. Sections 831.1305 and 831.1306 are revised to read as follows:

§ 831.1305 Appeals.

After receiving the hearing decision, an annuitant may appeal directly to the MSPB in accord with procedures prescribed by the Board.

§ 831.1306 Recovery of overpayment.

(a) *Method of recovery.* If possible, OPM will collect overpayments in one lump sum. However, recovery may be effected by withholding installments from the annuitant's monthly benefit.

(b) *Installment collection.* Where recovery must be made in monthly installments—

(1) Collection shall be completed within a reasonable period after discovery, considering the annuitant's expected period of entitlement, age and physical condition;

(2) If OPM has established a maximum percentage rate for automated monthly collections, a monthly maximum need not be applied where fraud or misrepresentation has been established;

(3) Interest charges may be made where applicable by law.

(c) *Commencement of collection.* Recovery according to a monthly recovery schedule shall commence in the next monthly check vouchered for payment after—

(1) An annuitant who has been overpaid does not submit a request for reconsideration or waiver within the time limit specified in § 831.1303(b)(2) or for a hearing within the time limit specified in § 831.1304(b); or

(2) The Associate Director for Compensation issues a final decision that the annuitant was overpaid and that waiver should not be granted.

9. Sections 831.1401 through 831.1403 are adopted unchanged from the interim rules, and to assist the reader, are set forth below:

Subpart N—Standards for Waiver of Overpayments

§ 831.1401 Conditions for waiver.

Recovery of an overpayment from the Civil Service Retirement and Disability Fund may be waived pursuant to section 8346(b), of title 5, United States Code, when the annuitant (a) is without fault and (b) recovery would be against equity and good conscience. Where it has been determined that the recipient of an overpayment is ineligible for waiver, the individual is nevertheless entitled to an adjustment in the recovery schedule if he/she shows that it would cause him/her financial hardship to make payment at the rate scheduled.

§ 831.1402 Fault.

A recipient of an overpayment is without fault if he/she performed no act of commission or omission which resulted in the overpayment. The fact that the Office of Personnel Management may have been at fault in initiating an overpayment will not necessarily relieve the individual from liability.

(a) *Considerations.* Pertinent considerations in finding fault are—

(1) Whether payment resulted from the individual's incorrect but not necessarily fraudulent statement, which he/she should have known to be incorrect;

(2) Whether payment resulted from the individual's failure to disclose material facts in his/her possession which he/she should have known to be material; or

(3) Whether he/she accepted a payment which he/she knew or should have known to be erroneous.

(b) *Mitigation factors.* The individual's age, physical and mental condition or the nature of the information supplied to him/her by OPM or a Federal agency may mitigate against finding fault if one or more contributed to his/her submission of an incorrect statement, a statement which did not disclose material facts in his/her possession, or his/her acceptance of an erroneous overpayment.

§ 831.1403 Equity and good conscience.

(a) *Defined.* Recovery is against equity and good conscience when—

(1) It would cause financial hardship to the person from whom it is sought;

(2) The recipient of the overpayment can show (regardless of his or her financial circumstances) that due to the notice that such payment would be made or because of the incorrect payment either he/she has relinquished a valuable right or changed positions for the worse; or

(3) Recovery could be unconscionable under the circumstances.

10. Section 831.1404 is revised to read as follows:

§ 831.1404 Financial hardship.

Financial hardship may be deemed to exist in—but not limited to—those situations where the annuitant from whom collection is sought needs substantially all of his/her current income and liquid assets to meet current ordinary and necessary living expenses and liabilities.

(a) *Considerations.* Some pertinent considerations in determining whether recovery would cause financial hardship are as follows:

(1) The individual's financial ability to pay *at the time collection is scheduled to be made.*

(2) Income to other family member(s), if such member's ordinary and necessary living expenses are included in expenses reported by the annuitant.

(b) *Exemptions.* Assets exempt from execution under State law should not be considered in determining an individual's ability to repay the indebtedness, rather primary emphasis shall be placed upon the annuitant's liquid assets and current income in making such determinations.

11. Sections 831.1405 through 831.1407 are adopted unchanged from the interim rules, and to assist the reader, are set forth below:

§ 831.1405 Ordinary and necessary living expenses.

An individual's ordinary and necessary living expenses include rent, mortgage payments, utilities, maintenance, food, clothing, insurance (life, health and accident), taxes, installment payments, medical expenses, support expenses when the annuitant is legally responsible, and other miscellaneous expenses which the individual can establish as being ordinary and necessary.

§ 831.1406 Waiver precluded.

(a) *When not granted.* Waiver of an overpayment cannot be granted when—

(1) The overpayment was obtained by fraud; or

(2) The overpayment was made to an estate.

§ 831.1407 Burdens of proof.

(a) *Burden of OPM.* The Associate Director for Compensation must establish by the preponderance of the evidence that an overpayment occurred.

(b) *Burden of annuitant.* The recipient of an overpayment must establish by substantial evidence that he/she is eligible for waiver or an adjustment.

12. Subpart P is revised to read as follows:

Subpart P—Procedures for Overpayment Hearings

§ 831.1601 Coverage.

This subpart prescribes procedures for conducting hearings prior to a final decision by the Associate Director for Compensation in regard to overpayment reconsideration decisions under subpart M of this Part.

§ 831.1602 Failure to prosecute.

The representative of the Associate Director shall dismiss a request for hearing (hereinafter referred to simply as "request") for failure to prosecute if the annuitant or his/her representative does not furnish required information and duly proceed with the advancement of his/her request. However, instead of dismissing for failure to prosecute, the Associate Director's representative may adjudicate the request if sufficient information for that purpose is available. The Associate Director's representative may reopen a hearing request under this section only on a showing by the annuitant that circumstances beyond his/her control prevented him/her from prosecuting his/her request.

§ 831.1603 Right to a hearing.

Under the provisions of § 831.1304(a), an annuitant is entitled to an informal evidentiary hearing before a representative of the Associate Director for Compensation.

§ 831.1604 Hearing procedures.

(a) The annuitant is entitled to appear at the hearing personally or through or accompanied by a representative. If the annuitant appears through a representative, the representative must provide the annuitant's signed authorization to act in his/her behalf.

(b) The representative of the Associate Director shall allow the annuitant the opportunity to introduce additional evidence, and to cross-examine witnesses.

(1) *Evidence.* The Associate Director's representative shall make available and discuss all relevant representation and evidence with the annuitant.

(2) *Witnesses.* The Associate Director's representative is not authorized to subpoena witnesses. Such witnesses as the annuitant or his/her representative require for cross-examination purposes will be requested to appear, provided the annuitant submits a list of such witnesses with a summary of the points the annuitant will seek to establish during the course of his/her cross-examination to the

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Associate Director's representative at least 30 calendar days prior to the date of the hearing. The Associate Director's representative shall make a ruling on the need for such witnesses and request the appearance of all such persons employed by the Federal Government. Federal employees shall be in an official duty status for all purposes in connection with their provision of sworn statements or their appearance as witnesses and shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony. In the event such witnesses are employed by a Federal agency other than OPM, appropriate reimbursement will be made for the employee's appearance. If the witness' employing agency determines that it is not administratively practicable to comply with the request of the associate Director's representative, it shall submit its written reasons for the declination. The Associate Director's representative shall then insert the explanation in the record, notify the annuitant that the witness(es) will not be provided and of the reason therefor and, when appropriate, inform the annuitant of the procedures under which a signed sworn statement or letter of interrogatory will be obtained from the witness(es).

(c) The hearing shall be recorded. A transcript will be produced from the recording unless the annuitant requests a stenographer at least 30 calendar days before the date of the hearing. A copy of the transcript will be furnished to the annuitant or his/her representative.

(d) If possible, the hearing will be held in a Federal office building close to the annuitant's home. However, hearings may be scheduled so that several cases can be heard in one location. In such cases, the hearings will be scheduled in a location centrally located to all requesting parties.

(e) The Associate Director's representative shall close the record in any case after the parties to the request have had a full opportunity to present any and all relevant and material evidence. When there is a hearing, the record shall be closed at the conclusion of the hearing except that the Associate Director's representative has discretion to permit the annuitant to submit written argument or briefs after the record is closed.

(1) When the record is closed there is no right to submit additional evidence into the record, except at the discretion of the Associate Director's representative.

(2) The Associate Director's representative shall recommend a decision based upon the evidence of record.

§ 831.1605 Final decision.

(a) OPM shall issue a written decision and send copies thereof to the annuitant and his/her representative. The decision on each request covered by this part shall contain an analysis of the evidence, findings, a statement of the reasons for the conclusions reached, and recommendations for any corrective action required.

(b) This decision is final and shall inform the annuitant of the right to appeal provided by § 831.1305.

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13. The table of sections for Subpart B at the beginning of Part 870 is revised to read as follows:

PART 870—REGULAR LIFE INSURANCE

* * * * *

Subpart B—Coverage

Sec.
870.201 Coverage.
870.202 Exclusions.
870.203 Effective dates of insurance coverage.
870.204 Cancellation of waiver of insurance coverage.
870.205 Reconsideration.

Authority: 5 U.S.C. 8716.

* * * * *

14. Section 870.205 is revised to read as follows:

§ 870.205 Reconsideration.

(a) *Who may file.* An individual or annuitant may request OPM to reconsider an agency decision or an initial decision of OPM denying regular life insurance coverage.

(b) *Agency decision.* A request for reconsideration of an agency decision must be filed within 30 calendar days from the date of the written decision stating the right to reconsideration by OPM. The time limit may be extended as provided in paragraph (e) of this section.

(c) *Initial OPM decision.* An OPM decision shall be considered an initial decision as used in § 870.205(a) above when rendered by OPM in writing and stating the right to reconsideration. However, a decision initially rendered at the highest level of review available within OPM will not be subject to reconsideration.

(d) *Reconsideration.* A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, claim number, if applicable, and reasons for the request.

(e) *Time limit.* A request for reconsideration of an initial OPM decision must be filed within 30 calendar days from the date of the initial decision. OPM may extend the time limit for filing when the individual shows that he/she was not notified of the time limit or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(f) *Final decision.* After reconsideration, OPM shall issue a final decision which shall be in writing, and shall fully set forth the findings and conclusions of OPM.

15. Section 870.206 is revoked.

16. The table of sections for Subpart B at the beginning of Part 871 is revised to read as follows:

PART 871—OPTIONAL LIFE INSURANCE

* * * * *

Subpart B—Coverage

Sec.
871.201 Eligibility.
871.202 Election or declination.
871.203 Effective date of insurance.
871.204 Declination.
871.205 Cancellation of declination.
871.206 Reconsideration.

Authority: 5 U.S.C. 8716. Interprets and Applies 5 U.S.C. 8714a.

* * * * *

17. Section 871.206 is revised to read as follows:

§ 871.206 Reconsideration.

(a) *Who may file.* An individual or annuitant may request the OPM to reconsider an agency decision or an initial decision of OPM denying optional life insurance coverage.

(b) *Agency decision.* A request for reconsideration of an agency decision must be filed within 30 calendar days from the date of the written decision stating the right to reconsideration by OPM. The time limit may be extended as provided in paragraph (e) of this section.

(c) *Initial OPM decision.* An OPM decision shall be considered an initial decision when rendered by OPM in writing and stating the right to reconsideration. However, a decision initially rendered at the highest level of review available within OPM will not be subject to reconsideration.

(d) *Reconsideration.* A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, claim number, if applicable, name of carrier and reasons for the request.

(e) *Time limit.* A request for reconsideration of an initial decision must be filed within 30 calendar days from the date of the initial decision. OPM may extend the time limit for filing when the individual shows that he/she was not notified of the time limit or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(f) *Final decision.* After consideration, OPM shall issue a final decision which shall be in writing and shall fully set forth the findings and conclusions of OPM.

18. Section 871.207 is revoked.

* * * * *

19. The table of sections of Subpart A of Part 890 is revised to read as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Subpart A—Administration and General Provisions

Sec.
890.101 Definitions, time computations.
890.102 Coverage.
890.103 Corrections of errors.
890.104 Initial decision and reconsideration.
890.105 Review of claim for payment or service.
890.106 Delegation of authority for resolving certain contract disputes.
890.107 Legal action.

Authority: 80 Stat. 607; 5 U.S.C. 8913.

* * * * *

20. Section 890.103 is adopted unchanged from the interim rules, and to assist the reader, is set forth below:

§ 890.103 Correction of errors.

(a) The employing office can make prospective correction of administrative errors as to enrollment at any time.

(b) OPM may order correction of an error, mistake, or omission upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

(c) OPM may order the termination of an employee's or annuitant's enrollment in a group practice plan and permit his/her enrollment in another plan upon a showing satisfactory to OPM that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the plan's medical staff.

21. Section 890.104 is revised to read as follows:

§ 890.104 Initial decision and reconsideration.

(a) *Who may file.* An employee or annuitant may request OPM to reconsider a decision of an employing office or an initial decision of OPM refusing to permit registration for or change of enrollment or refusing to permit enrollment of an individual as a family member.

(b) *Agency decision.* A request for reconsideration of an agency decision must be filed within 30 calendar days from the date of the written decision stating the right to reconsideration by OPM. The time limit may be extended as provided in paragraph (e) of this section.

(c) *Initial decision.* An OPM decision shall be considered an initial decision as used in § 890.104(a) above when rendered by OPM in writing and stating the right to reconsideration. However, a decision initially rendered at the highest level of review available within OPM will not be subject to reconsideration.

(d) *Reconsideration.* A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, claim number, if appropriate, name of carrier and reasons for the request.

(e) *Time limit.* A request for reconsideration of an initial OPM decision must be filed within 30 calendar days from the date of OPM's initial decision. OPM may extend the time limit on filing when the individual shows that he/she was not notified of the time limit and was not otherwise aware of it, or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(f) *Final decision.* After consideration, OPM shall issue a final decision which shall be in writing, and shall fully set forth the findings and conclusions of OPM.

* * * * *

22. Section 890.105 is revoked and §§ 890.106, 890.107, and 890.108 are renumbered as §§ 890.105, 890.106, and 890.107, respectively.

23. The table of sections for Subpart A of Part 891 is revised to read as follows:

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

Subpart A—Administration and General Provisions

Sec.
891.101 Relationship to Part 890 of the chapter.
891.102 Definitions.
891.103 Eligibility.
891.104 Responsibilities of retirement offices.
891.105 Correction of errors.
891.106 Reconsideration.

Authority: 80 Stat. 607; 5 U.S.C. 8913.

* * * * *

24. Section 891.105 is adopted unchanged from the interim rules and to assist the reader, is set out below:

§ 891.105 Correction of errors.

OPM may order correction of administrative errors at any time upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

25. Section 891.105 is revised to read as follows:

§ 891.106 Reconsideration.

(a) *Who may file.* A retired employee may request OPM to reconsider its initial decision that he/she is not eligible to make an election or to receive a Government contribution under the part or that he/she may not enroll another individual as a family member.

(b) *Initial OPM decision.* An OPM decision shall be considered an initial decision as used in § 891.106(a) above when rendered by OPM in writing and stating the right to reconsideration. However, a decision initially rendered at the highest level of review available within OPM will not be subject to reconsideration.

(c) *Reconsideration.* A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, claim number, if appropriate, and reasons for the request.

(d) *Time limit.* A request for reconsideration of an initial OPM decision must be filed within 30 calendar days from the date of OPM's initial decision. OPM may extend the time limit on filing when the individual shows that he/she was not notified of the time limit and was not otherwise aware of it, or that he/she was prevented by circumstances beyond his/her control from making the request within the time limit.

(e) *Final decision.* After reconsideration, OPM shall issue a final decision which shall be in writing and shall fully set forth the findings and conclusions of OPM.

§ 891.107 [Revoked]

24. § 891.107 is revoked.

[FR Doc. 80-10598 Filed 4-7-80; 8:45 am]
BILLING CODE 8325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 275

[Amdt. No. 160]

Food Stamp Program—Performance Reporting System

Corrections

In FR Doc. 80-7491 appearing at page 15884 in the issue for Tuesday, March 11, 1980, make the following changes:

(1) On page 15901, second column, § 275.6(b)(1)(i), the undesignated paragraph should be "(ii)".

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(2) In § 275.7(b)(i), on page 15902, first column, second line from the top, insert "not" after "those".

(3) On page 15911, first column, insert the following heading above § 275.20:

"Subpart F—Responsibilities for Reporting on Program Performance"

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 640]

Valencia Oranges Grown in Arizona and Designated Part of California; Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh California-Arizona Valencia oranges shipped to market from Districts 1, 2, and 3 to be at least 2.32 inches in diameter for the period April 11 through June 12, 1980. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This document is issued under marketing agreement and Order No. 908, both as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and a designated part of California. This marketing order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met on March 25, 1980, to consider crop and market conditions and other factors affecting the need for regulation, and recommended that Valencia oranges in fresh domestic shipments from Districts 1, 2, and 3 be required to be 2.32 inches in diameter or larger. The 1979–80 season crop of Valencia oranges is currently estimated by the committee at 57,000 carlots. The committee reports that demand in regulated fresh market channels is expected to require about 35 percent of this volume. The remaining 65 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencia oranges are such that more than ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes of fruit. In the circumstances, elimination of sizes smaller than 2.32 inches in diameter is in the interest of growers and consumers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until May 8, 1980 (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective date.

§ 908.940 Valencia Orange Regulation 640.

Order. (a) During the period April 11 through June 12, 1980, no handler shall handle any Valencia oranges grown in Districts 1, 2, or 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler," "handle," "District 1," "District 2," and "District 3" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10606 Filed 4-7-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 928

[Papaya Regulation 10, Amdt. 2]

Papayas Grown in Hawaii; Amendment to Final Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment suspends grade and size requirements for papayas handled within the production area and for export shipment during the period April 2 through April 15, 1980. The amendment also specifies less stringent requirements for papayas shipped during the period April 16 through December 31, 1980, to permit a larger proportion of the crop to be shipped. Such action recognizes the current and prospective marketing situation for Hawaiian papayas and is consistent with the composition of the crop and would be in the interest of producers and consumers.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Papaya Administrative Committee and upon other information. This action would tend to effectuate the declared policy of the act.

The Papaya Administrative Committee reports recent heavy rains in the production area have reduced available supplies of papayas. Papaya production is presently at very low levels. Therefore, the Committee has recommended suspension of grade and size requirements for papayas handled to destinations within the production area and for export shipments during the period April 2 through April 15, 1980. This action would increase supplies available to meet current demand and would permit growers to market all the papayas that are suitable for shipment. Recognizing that the supply will continue to be reduced below that previously contemplated, the committee has also recommended lower requirements for all papaya shipments during the period April 16 through December 31, 1980. During this period, the amended regulation would allow shipment of papayas that grade Hawaii No. 1 with 10 percent tolerance for defects (including not more than 5 percent serious damage, 1 percent immature fruit, and 1 percent decay), and weigh at least 11 ounces. This action would be consistent with the anticipated quality and volume of papayas available during the balance of the year.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until May 8, 1980 (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas grown in Hawaii.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this amendment warrants publication without opportunity for further public comment. The amendment has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Wahington, D.C. 20250, telephone (202) 447–5975.

Accordingly, § 928.310 Papaya Regulation 10 (44 FR 77134, 45 FR 18370) is amended by revising paragraph (a) thereof to read as follows:

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.310 Papaya Regulation 10.

Order. (a) During the period April 16 through December 31, 1980, no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part), unless said papayas grade at least Hawaii No. 1, except that allowable tolerances for defects may total 10 percent: *Provided,* That not more than 5 percent shall be for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided further,* That such papayas shall individually weigh not less than 11 ounces each.

(b) * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1980, to become effective April 2, 1980.

D. S. Kuryloski

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10507 Filed 4-7-80; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2859

Inspection of Eggs and Egg Products; Miscellaneous Amendments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing the mandatory inspection of eggs and egg products by providing for the termination of plant approval for egg products plants under the mandatory inspection program that do not operate under certain conditions for over 90 days. In addition, the regulations are amended to make minor changes in plant operating procedures and to make some changes of an administrative or housekeeping nature.

EFFECTIVE DATE: May 8, 1980.

FOR FURTHER INFORMATION CONTACT: Ashley R. Gulich, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3506.

SUPPLEMENTARY INFORMATION: The Egg Products Inspection Act requires continuous USDA inspection of all plants processing liquid, frozen, and dried egg products. Occasionally, due to financial, management, or marketing problems, a plant will cease operations. This may continue indefinitely, often without any assurance that operations will never be resumed. Under the present regulations, such plants must be listed as official plants and must continue to be visited periodically to determine their status unless they voluntarily request termination of plant approval or until formal withdrawal proceedings are completed. These amendments provide for the termination of plant approval at plants that do not operate for a period of over 90 days. This will not apply to seasonal operations which operate for a period, shut down operations, and then begin again, or where operations have ceased due to extraordinary circumstances such as damage to the plant by fire or flood or for other reasons as determined by the Administrator to justify continuation of plant approval.

Some miscellaneous amendments regarding minor changes in plant operating procedures or solely for housekeeping purposes are also made in the mandatory egg and egg products inspection regulations as follows:

(1) Egg products plants applying for inspection where the operations thereof may result in any discharge into the navigable waters of the United States are required to obtain certification that such discharge will comply with the provisions of the Federal Water Pollution Control Act as cited in the present regulations. Because the Act has been amended and is currently named the Clean Water Act, the amendments reflect the new name of the Act, correct references to sections in the Act, as amended, and delete unnecessary wording. The amendments to the Act do not affect the requirements for plant certification; therefore, the adjustments are only editorial.

(2) Several references to the labeling of ingredients in egg products by volume have been clarified to indicate weight rather than volume.

(3) An alternative method for refuse disposal, other than requiring refuse rooms, has been provided to relieve a restriction in certain operations. Such operations as moving refuse by conveyors directly to an enclosed truck have proved to be satisfactory. In small plants, the volume of refuse may be so small that it can be handled in sealed plastic bags or by other means.

(4) "Drums" or other containers, excluding tanks and vats, are no longer considered as acceptable receptacles for holding liquid eggs since industry practice has shown that they are often not satisfactory for this purpose. Drums or other containers which are designed primarily for shipment or transport have been found to be unsatisfactory for holding liquid eggs. In addition, the installation of thermometers and agitators in holding receptacles such as drums has for the most part been impractical and unsatisfactory.

A notice of proposed rulemaking on the amendments was published in the August 10, 1979, issue of the **Federal Register** (44 FR 47096–47098), allowing interested parties until October 10, 1979, to comment.

Comments were received from two egg products processors and two trade organizations. The processors and one

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trade organization expressed concern about the provisions for termination of plant approval when the plant has not operated for a period of at least 90 days. As stated previously, this amendment will not apply to plants with a history of seasonal operations even if these operations do not follow a specific pattern and may cease for over 90 days. Specialty operations may have extended shutdown periods but as long as operations will undoubtedly be resumed, they will be considered seasonal operations. This provision is intended for plants where operations have ceased for at least 90 days due to financial, management, or marketing problems with little or no indication that operations will resume. Past history indicates that, on an average, one plant a year would be in this category.

Seasonal operations and damage to a plant due to such things as flood or fire are specifically exempt from the provisions. The trade organization was concerned that the wording "due to extraordinary circumstances such as damage to the plant by flood or fire" may not cover all circumstances warranting exemption. The Administrator agrees and has amended the wording to read "due to extraordinary circumstances determined by the Administrator as not warranting termination of plant approval."

Apprehension was expressed that paperwork might be increased for the operation of seasonal plants. This amendment will not increase the paperwork for such plants.

One of the trade organizations was concerned that the wording "drums and other containers," when deleted from the section of the regulations listing receptacles suitable for holding liquid eggs, would prohibit the use of drums and other containers in packaging and shipping egg products. The change in the regulations restricts holding egg products in the plant for storage or processing to permanent receptacles such as tanks or vats that are so constructed that thermometers and agitators can be installed in them. It does not affect the other provisions of the regulations which provide for the packaging and shipment of egg products in drums and other containers and, thus, they can still be used for these purposes. As a matter of fact, the Department has not been permitting the use of drums and other containers to store egg products in the plant day after day so the amendment is for clarification and does not change present policy.

The other trade organization commented that it is not always practical to locate tanks completely in a room or building as required by the following: "Tanks and vats used for holding liquid eggs shall be of approved construction, fitted with covers, and located in rooms maintained in a sanitary condition." The Administrator agrees with the comment and, to provide for desirable flexibility, has amended the wording concerning storage receptacles by adding immediately after the sentence previously quoted in this paragraph the following: "Notwithstanding the foregoing, tanks designed for installation partially outside of a room or building are acceptable, providing all openings into the tanks terminate in the processing room." A comment was also made that no distinction is made betweeen edible and inedible liquid in the previously cited reference to "tanks and vats used for holding liquid eggs * * * and located in rooms maintained in a sanitary condition" contending that under certain circumstances inedible liquid eggs would not have to be stored in a room. Throughout the regulations, reference is specifically made to identify inedible or adulterated eggs in certain instances. All other references to egg product(s) and liquid egg(s) have always been generally understood to mean edible eggs. The Department is not aware that any confusion or misunderstanding of operating procedures has resulted from the present wording; therefore, no change is warranted.

Another comment suggested that provision for other containers, in addition to tanks and vats, be made for holding liquid eggs. The Administrator has determined the terms "tanks and vats" to be broad enough to cover any equipment that would be approved for holding liquid eggs.

The proposal included provisions for handling refuse in systems other than in refuse rooms. One of the trade organizations was concerned that this would not include egg shell drying systems. To clarify the provision, the Administrator has changed the wording "Alternative systems of handling refuse may be approved by the Administrator" to read "Alternative systems of handling shells, trash, and other refuse may be approved by the Administrator."

Options Considered

Two options were considered by the Department regarding this rule:

1. Take no regulatory action at this time.

2. Amend the regulations by providing for the termination of plant approval for egg products plants not operating under certain conditions for a period of over 90 days.

Option 2 was selected because of reasons previously stated herein.

Other than the modifications indicated above, the regulations are amended as proposed to read as follows:

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS

1. In § 2859.160 (7 CFR 2859.160), paragraphs (d) and (e) are amended to read as follows:

§ 2859.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 401(a)(1) (33 U.S.C. 1341) of the Clean Water Act as amended (86 Stat. 816, 91 Stat. 1566; 33 U.S.C. 1251 *et seq.*), to provide the Administrator with a certification, as prescribed in said subsection, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Act (33 U.S.C. 1311, 1312, 1313, 1316, and 1317). No grant of inspection can be issued unless such certification has been obtained, or is waived, because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by subsection 401(a)(1) of the Clean Water Act, the Administrator (as defined in § 2859.5) is required by subparagraph (2) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that subsection. No grant of inspection can be made until the requirements of 401(a)(1) and (2) have been met.

(e) Inspection may be suspended or revoked and plant approval terminated as provided in subsection 401(a) (4) and (5) of the Clean Water Act, as amended (33 U.S.C. 1341(a) (4) and (5)).

* * * * *

2. A new § 2859.161 (7 CFR 2859.161) is added to read as follows:

§ 2859.161 Termination of plant approval.

When inspection service is not performed at any plant for a period of at least 90 days, plant approval shall terminate upon notice by the Administrator without further proceedings; provided, however, that this section shall not apply to any plant where the Administrator determines that such a plant operates on a seasonal basis and the inspection service has not been used as a result of such seasonal operation, or where operations have ceased due to extraordinary circumstances determined by the Administrator as not warranting termination of plant approval.

3. In § 2859.411 (7 CFR 2859.411), paragraph (c)(1) is amended to read as follows:

§ 2859.411 Requirement of formulas and approval of labels for use in official egg products plants.

* * * * * *

(c) * * *

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions by weight. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to a liquid or frozen egg product or to an ingredient of such products (in excess of the normal water content of that ingredient), the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product weight in the ingredient statement on the label.

* * * * *

4. In § 2859.500 (7 CFR 2859.500), paragraph (o) is amended to read as follows:

§ 2859.500 Plant requirements.

* * * * *

(o) Refuse rooms shall be provided for the accumulation and storage of shells, trash, and other refuse. They shall be separate rooms completely enclosed without doorways opening into breaking rooms or rooms where egg products or packaging materials are handled or stored and have concrete floors with approved drains, facilities for cleaning, and an approved exhaust system vented to the outside. Alternative systems of handling shells, trash, and other refuse may be approved by the Administrator when such systems adequately contain all refuse and provide equivalent sanitary methods for the handling and removal of refuse.

5. In § 2859.532 (7 CFR 2859.532), paragraph (a) is amended to read as follows:

§ 2859.532 Liquid egg holding.

(a) Tanks and vats used for holding liquid eggs shall be of approved construction, fitted with covers, and located in rooms maintained in a sanitary condition. Notwithstanding the foregoing, tanks designed for installation partially outside of a room or building are acceptable, providing all openings into the tanks terminate in the processing room.

* * * * *

6. In § 2859.950 (7 CFR 2859.950), paragraph (a) is amended to read as follows:

§ 2859.950 Labeling of containers of eggs or egg products for importation.

(a) Immediate containers of product offered for importation shall bear a label, printed in English, showing: (1) The name of product; (2) the name of the country of origin of the product, and for consumer packaged products, preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the quality or description of shell eggs; (4) for egg products, the word "Ingredients" followed by a list of the ingredients in order of descending proportions by weight; (5) the name and place of business of manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product; (6) an accurate statement of the quantity; (7) for egg products, the inspection mark of the country of origin; and (8) the plant number of the plant at which the egg product was processed and/or packed.

* * * * *

(84 Stat. 1620 *et seq.*, 21 U.S.C. 1031–1056)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Ashley R. Gulich, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on April 2, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-10400 Filed 4-7-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214 and 248

Nonimmigrant Classes, Change of Nonimmigrant Classification; Amendment of Regulations to Change Designation of Form DSP–66 to IAP–66

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to change the form designation for Form DSP–66 to read "IAP–66", wherever it appears. The designation was changed by the International Communication Agency which is the Government agency now principally charged with responsibility for foreign educational and cultural exchange programs. The amendments are necessary and intend to update our regulations.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: In order to substitute Form IAP–66 for Form DSP–66 in the regulations, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

1. § 214.2(j)(1) is amended by changing "DSP–66" to "IAP–66", wherever it appears.

2. § 214.2(j)(2) is amended by changing "DSP–66" to "IAP–66", wherever it appears.

3. § 214.2(j)(3) is amended by changing "DSP–66" to "IAP–66", wherever it appears.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

§ 248.3 [Amended]

* * * * *

4. § 248.3(b) is amended by changing "DSP–66" to "IAP–66", wherever it appears.

(Sec. 103, 8 U.S.C. 1103)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with

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the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order are editorial in nature.

Effective date: These amendments become effective on April 8, 1980.

Dated: April 2, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-10609 Filed 4-7-80; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL ELECTION COMMISSION

11 CFR Chapter I

[Notice 1980-13]

Corrections

AGENCY: Federal Election Commission.

ACTION: Final Rule: Corrections.

SUMMARY: The Commission publishes corrections to two final rule notices published in the **Federal Register** on April 1, 1980 (45 FR *21209, 21210).* The two notices were Technical Amendments and Corrections and promulgation of regulations on Funding and Sponsorship of Federal Candidate Debates.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Ann Fiori, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, (202) 523-4143.

The following corrections are made to the Technical Amendments and Corrections, FR Doc. 80-9878, published on April 1, 1980, at 45 FR *21209:*

1. Amendatory items 26 and 28 are deleted.

2. Item 49 should read: 11 CFR 9036.2(a)(3): Delete "principal place of business", insert "name of employer".

3. Item 51 should read: 11 CFR 9036.2(a)(3): Delete "2 U.S.C. 432(c)(2), 434(b)(2) and 11 CFR 102.9(a)(2), 104.2(b)(2)", insert "2 USC 432(c)(3), 434(b)(3)(A), and 11 CFR 102.9(a)(2), 104.3(a)(4)(i)".

The following clarification is added to the end of the "supplementary information" of the notice promulgating regulations on the Funding and Sponsorship of Federal Candidate Debates, FR Doc. 80-9877, published on April 1, 1980, at 45 FR *21210:*

These regulations were originally published including new subparagraphs to be added to 11 CFR 100.4(b) and 100.7(b). The subparagraphs are listed as 11 CFR 100.4(b)(16) and 100.7(b)(18). The numbering of 11 CFR 100.4 and 100.7 has been changed to 11 CFR 100.7 and 100.8, respectively. Therefore the new citation for the material published as 11 CFR 100.4(b)(16) is 11 CFR 100.7(b)(21) and for the material published as 11 CFR 100.7(b)(18) is 11 CFR 100.8(b)(23).

Dated: April 2, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-10627 Filed 4-7-80; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R-0281]

Credit Restraint; Short-Term Financial Intermediaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On March 14, 1980 the Board adopted this Subpart pursuant to the Credit Control Act (12 U.S.C. § 1901-1909) as implemented by Executive Order 12201 to restrain the expansion of short term credit through money market funds and similar creditors. The Board now amends the Subpart to reflect comments it has received. The effect of the amendments is to:

—Exclude from coverage the assets of money market funds representing shares or units held by banks and other fiduciaries investing funds that would be eligible for collective investment by a bank.

—Exempt from coverage the tax exempt assets of money market funds that invest at least 80 percent of their assets in obligations the income from which is exempt from Federal income taxation.

—Exemption from coverage unit investment trusts whose units are held by unit holders of expiring trusts that were in existence on March 14, 1980, and their successors.

—Provide that in calculating its base, a covered creditor in existence on March 14, 1980, can use the amount of its covered credit or $100 million whichever is greater.

—Revise the reporting and deposit maintenance schedule to weekly rather than monthly.

—Allow covered funds and similar creditors until April 8, 1980, to file a base report.

EFFECTIVE DATE: March 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), C. Baird Brown, Attorney (202/452-3285), or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board adopted this Subpart pursuant to the Credit Control Act (12 U.S.C. § 1901-1909) as implemented by Executive Order 12201 to restrain the expansion of short term credit through money market funds and similar creditors (45 FR 17930). The Board has received a variety of comments on the Subpart and on the basis of those comments has made several revisions. The various comments are discussed below together with changes made to the Subpart or interpretive positions that the Board has taken in response to those comments.

Trust Assets

The original Subpart exempted moneys contributed to common trust funds of banks provided they were held by the bank incidentally to the management of other trust assets. Also exempt were bank collective investment funds for pension, retirement, profit sharing and other tax exempt trusts. Commenters pointed out that such moneys were also managed for banks, pension plan trustees, and similar fiduciaries by money market funds. In order to place banks, other fiduciaries, and money market funds on an equal footing in managing such moneys, and to permit small banks to avail themselves of the services of money market funds as an alternative to internal operation of a short term investment fund, the Subpart has been revised to reduce the amount of covered credit by the proportion of moneys from these sources. Thus, a money market fund that had 30 percent of its outstanding shares held by bank trust departments would reduce its covered credit for both its base report and weekly reports by 30 percent. Additional shares could be sold to bank trust departments or other fiduciaries managing funds eligible for collective investment by banks without incurring a special deposit liability.

Shifting the exclusion from the definition of covered creditor to the definition of covered credit has no effect on the type of activities permitted to bank trust departments or trust companies. All collective investment funds of a bank are covered creditors, but they need not file reports unless they hold covered credit, and their holdings are generally excluded from covered credit. Moneys that are not held incidentally to the management of other trust assets are covered. For example, a revocable, *inter vivos* trust, with the settler's spouse as beneficiary and with instructions to a bank trustee to invest the corpus in its short term investment fund, gives rise to covered credit. It should be noted, however, that under the revised Subpart a bank trustee would incur a special deposit liability only on increases insuch covered credit, not on the entire increase in a short term investment fund that contained money from one or more nonexempt accounts.

Generally, moneys held by a bank or trust company pursuant to a *bona fide* trust purpose are within the "incidentally" exclusion even though they may temporarily be invested largely in a short term investment fund. However, Individual Retirement Accounts are not exempt. The exclusion for moneys from pension, retirement, profit sharing and other tax exempt trusts in the Subpart is identical to the provisions of the trust regulation of the Comptroller of the Currency (12 CFR § 9.18), and the Comptroller's interpretations of that provision apply. Money market funds may only exclude from covered credit funds from sources that a bank would be permitted to commingle.

Tax Exempt Bond Funds

The Board has received comments regarding certain money market funds which, by their investment objectives, are limited to the purchase of tax exempt bonds of state and local governments and their agencies. The Board's Credit Restraint Regulation is not generally intended to limit extensions of credit to state and local governments. Moreover, the tax exempt assets have generally low yields and will appeal to a very limited class of investors who would in all likelihood purchase such securities directly in the absence of the funds. Accordingly, these funds may reduce their covered credit for both base and weekly calculations by the proportion of their extensions of credit which are tax exempt obligations.

Unit Investment Trusts

The Board has received comments regarding the provisions of the original Subpart that assigned a base of zero to newly established unit investment trusts. Commenters felt that this represented different treatment for sponsors of those trusts than was accorded to the investment advisors of open end management funds, which were permitted to retain an existing base. However, the base provided for the management funds serves generally to benefit existing shareholders, and cannot, consistent with the fund's fiduciary duties, serve as a basis for major expansion of fund's activities. Accordingly, the Board has revised the definition of the term base for unit investment trusts to permit unit holders of record in those trusts in existence on March 14, 1980, to roll over their investments into new trusts when the old ones expire without incurring a special deposit liability for the trust. The unit holders are persons who subsequently purchase units from them could continue to roll over their units into new trusts. To prevent the expansion of a sponsor's activity through the creation of trusts with a partial base, any new trust must consist entirely of prior unit holders. A new trust for prior unit holders must also be marketed with substantially similar fees as the sponsor's previous trusts. The Board is aware that the sponsors of some unit investment trusts do not market them directly but through broker-dealers. Where the sponsor does not know the identity of its unit holders, it may treat the broker-dealers as holders of record.

The Board has also received questions about the period during which unit investment trusts must maintain special deposits. While the trust is established by the exchange of any assets, such as a contract for purchase of a certificate of deposit and letters of credit, for the units of the trust, the special deposit must be maintained starting when the trust acquires its investment assets, such as a certificate of deposit, which typically occurs at the end of an initial underwriting period. The special deposit must be held from that day until the day before the trust dissolves. However, in the event that a unit holder elects to redeem his units, the trust may request from the Federal Reserve Bank a *pro rata* return of the special deposit. The subpart has been amended to reflect this possibility.

Minimum Base

Several comments suggested that small money market funds that had not yet achieved viable size would be unfairly disadvantaged by the Subpart. The Board has amended the definition of base to permit a fund in operation, but with less than $100 million in extensions of credit on March 14, 1980, to calculate its base as if it had $100 million in extensions of credit on March 14, 1980. For example, a fund which has $50 million in extensions of credit and has 50 percent of its shares owned by bank trust departments has covered credit of $25 million. However, it may calculate its base as 50 percent of $100 million = $50 million. If during a later weekly reporting period it has $80 million in covered credit and 25 percent of its shareholders are bank trust departments, it would report $60 million of covered credit for the week, and its special deposit requirement would be $1.5 million.

Other Comments

The Board also considered requests that it exempt money market funds that provide corporate cash management services and exempt funds that invest solely in securities of the Small Business Administration and the Farmers Home Administration. The Board rejected the former request because such funds serve to expand types of credit which the Board wishes to restrain and because moneys invested in such funds might otherwise be invested in regional markets. The Board rejected the second request because it believes it would be difficult to make meaningful distinctions between these securities and obligations of a wide variety of other Federal government agencies.

Weekly Reporting

Under the original regulation, funds would have reported on a monthly basis and held a special deposit for a period of roughly one month beginning approximately two weeks after the end of the reporting period. Thus, a special deposit could be held as long as two and one half months after the increase in covered credit for which it was required. Since the shareholders of a fund may change considerably over such a period, the return of the later shareholders could be reduced by the investments of the earlier shareholders. In order to lessen the impact of such changes, the Board has changed to weekly reporting periods running from Monday of each week to Sunday of the following week, with a weekly report due on the following Wednesday. Except for the first two reporting periods the special deposit will be maintained for a week beginning eight days after the end of the reporting week. For example, for the week of April 7 to 13, 1980, a report must be filed by April 16, 1980, and a special deposit maintained for the week of April 21 to 27, 1980. For the first three weekly reporting periods, which begin on March 17, 24, and 31, 1980, reports must be filed by April 10, 1980, and a special deposit equal to the sum of the special deposits required for the three periods must be maintained for the week of April 14 to April 20.

Base Reporting Date

In view of the amendments to the regulation and related revisions of reporting forms, the Board has extended the time for filing of base reports to April 8, 1980.

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These actions are being taken in view of the comments received, as indicated above, on Subpart B of the Board's Credit Restraint regulation. Because these revisions affect the operations and compliance responsibilities of creditors covered by the regulation, the Board therefore for good cause finds that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) the Board hereby revises Subpart B of its Credit Restraint regulation (12 CFR Part 229) effective March 28, 1980, as follows:

PART 229—CREDIT RESTRAINT

* * * * *

Subpart B—Short-Term Financial Intermediaries

Sec.
229.11 Authority, purpose, and scope.
229.12 Definitions.
229.13 Reports.
229.14 Maintenance of special deposit.
229.15 Penalties.

Authority: Credit Control Act (12 U.S.C. 1901–1909) as implemented by E.O. 12201.

Subpart B—Short-Term Financial Intermediaries

§ 229.11 Authority, purpose, and scope.

(a) *Authority.* This Subpart is issued by the Board of Governors of the Federal Reserve System pursuant to the Credit Control Act (12 U.S.C. 1901–1909), as implemented by Executive Order 12201.

(b) *Purpose and Scope.* This Subpart is intended to curb inflation generated by the extension of credit by certain of those financial intermediaries that are not subject to either the amendments of law effected by Pub. L. 89–597, as amended, or section 19 of the Federal Reserve Act, as amended (12 U.S.C. 461), and that are primarily engaged in the extension of short-term credit, specifically money market funds and other similar creditors.

§ 229.12 Definitions.

(a) For the purposes of this Subpart, the terms "credit," "creditor," and "extension of credit" shall have the meanings given them in the Credit Control Act. In addition, the following definitions apply.

(b) "Base" means:

(1) For a managed creditor that was a managed creditor on March 14, 1980, the amount of covered credit it held on March 14, 1980: provided, however, that a managed creditor (A) that was engaged in continuously offering its shares to the public on March 14, 1980, or, in the case of a collective investment fund or closed end investment company, held investment assets on March 14, 1980, and (B) that held less than $100 million in total extensions of credit on March 14, 1980, may calculate its base as if it held $100 million in total extensions of credit on March 14, 1980;

(2) For a managed creditor that becomes a managed creditor after March 14, 1980, the amount of covered credit with maturities of 13 months or less that it held on March 14, 1980;

(3) For a unit investment trust in existence on March 14, 1980, the amount of covered credit it held on the date it acquired investment assets; and

(4) For a unit investment trust established after March 14, 1980, zero: provided, however, that a unit investment trust shall have a base equal to the amount of covered credit it held on the date it acquired investment assets if (A) the sales charges and other fees of the unit investment trust are substantially identical to those of previous trusts of the same sponsor, and (B) the units are held (i) entirely by persons who held units in an expiring trust of the same sponsor with a base equal to the amount of its covered credit, and (ii) in amounts not exceeding the individual holdings of such persons in expiring trusts.

(c) "Covered credit" means all extensions of credit originated through the acquisition of a security, deposit, or other instrument,[1] including but not limited to domestic and Eurodollar certificates of deposit, U.S. Treasury bills, repurchase agreements, commercial paper, bankers acceptances, and State and local government obligations, and any interest accrued thereon, held as assets by a covered creditor, multiplied by the proportion of shares, units, or other interest in a covered creditor not held (1) by a bank, trust company or other fiduciary provided all moneys invested therein would be eligible for collective investment by a bank in its capacity as a trustee executor, administrator or guardian, and are held incidentally to the management of other trust assets, or (2) by or as agent for the trustee of a retirement, pension, profit sharing, stock bonus, or other trust that is exempt from Federal income taxation under the Internal Revenue Code and whose funds are eligible for collective investment by a bank. To determine its covered credit, a covered creditor whose stated investment objective is to invest 80 per cent or more of its assets in obligations of State and local governments and agencies and subdivisions thereof, the income from which are exempt from Federal income taxation, shall further multiply its covered credit as determined above by the proportion of its extensions of credit that are not tax exempt.

(d) "Covered creditor" means any creditor (1) that is (A) an investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, (B) any series of shares or units of such a company, or (C) any collective investment fund maintained by a bank or trust company; and (2) whose investment portfolio consists primarily of securities, deposits or other instruments with maturities of 13 months or less,[2] including but not limited to domestic and Eurodollar certificates of deposits, U.S. Treasury bills, repurchase agreements, commercial paper, and State and local obligations. However, a unit investment trust is not a covered creditor unless its investment portfolio consists primarily of securities, deposits, or other instruments with maturities of 13 months or less[2] at the time the unit investment trust acquires those assets.

(e) "Managed creditor" means any covered creditor that is not a unit investment trust.

(f) "Unit investment trust" means any unit investment trust as defined in the Investment Company Act of 1940, or a series of units of such a trust.

(g) "Collective investment fund" means collective investment fund as defined in section 9.18 of regulations of the Comptroller of the Currency (12 CFR § 9.18).

(h) "Security" means any security as defined in the Securities Act of 1933.

§ 229.13 Reports.

(a) Each managed creditor that holds covered credit shall file a base report and weekly reports. The base report shall state the amount of the covered creditor's base and shall be submitted no later than April 8, 1980, or in the case of a managed creditor that becomes a managed creditor or begins holding covered credit after March 14, 1980, within one week of acquiring or holding assets or accepting trust moneys that require it to file reports. Weekly reports shall be filed for reporting periods which begin on Monday and end on the following Sunday, and shall state the amount by which the average of the daily amounts of covered credit outstanding during the reporting period exceeds the base. Reports for the reporting periods beginning March 17, 24, and 31, 1980, shall be submitted by close of business on April 10, 1980. Reports for each succeeding period, or in the case of a covered creditor that becomes a covered creditor after March 14, for each full reporting period after it becomes a covered creditor, shall be filed by close of business on the first Wednesday following the reporting period.

(b) A covered creditor that is a unit investment trust established after March 14, 1980, shall file a base report stating its base and the amount of covered credit it holds. This report shall be filed 2 days prior to acquistion of investment assets by the unit investment trust.

(c) All reports shall be filed with the Federal Reserve Bank in the District where the covered creditor has its principal place of business.

§ 229.14 Maintenance of special deposit.

(a)(1) Each managed creditor that holds covered credit shall maintain a non-interest bearing special deposit equal to 15 per cent of the amount by which the average of the daily amounts of its covered credit outstanding during each reporting period exceeds its base.

(2) During the seven-day deposit maintenance period beginning April 14, 1980, each managed creditor shall maintain a special deposit equal to the sum of the special deposits required for the reporting periods beginning March 17, March 24, and March 31. During the seven-day deposit maintenance period beginning April 21, 1980, and for each seven-day deposit maintenance period thereafter, each managed creditor shall maintain the special deposit required for the reporting period ending eight days prior to the beginning of the corresponding deposit maintenance period.

(b) Each covered creditor that is a unit investment trust established after March 14, 1980, shall maintain a non-interest bearing special deposit equal to 15 per cent of the amount by which the covered credit it holds as of the date it acquires investment assets exceeds its base. This special deposit shall be maintained during the period beginning the day the covered creditor acquires assets consisting of covered covered credit and ending one day prior to final distribution of trust assets by the trustee pursuant to the terms of the trust agreement. Upon two weeks notice, the special deposit will be returned to the trustee one day prior to maturity or final distribution pursuant to the terms of the trust agreement. The deposit may also be returned *pro rata* in the event of redemption of units of the trust.

(c) Special deposits shall be maintained in collected funds in the form of U.S. dollars at the Federal Reserve Bank to which the covered creditor reports.

§ 229.15 Penalties.

For each willful violation of this Part, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of one year may be imposed for willful violation of this part.

Board of Governors of the Federal Reserve System, effective March 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10034 Filed 4-7-80; 8:45 am]

BILLING CODE 6210-01-M

[1] Assets should be valued for purposes of this Subpart by the same procedure used by a registered investment company to value assets in calculating net share or unit value under the Investment Company Act of 1940 and rules promulgated thereunder.

[2] This includes variable rate securities, deposits or other instruments with longer nominal maturities but with interest rates subject to adjustment at intervals shorter than 13 months.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 328, 330, and 331

Amendment To Reflect Increase in Basic Deposit Insurance Coverage From $40,000 to $100,000

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: Effective March 31, 1980, the Consumer Checking Account Equity Act of 1980 amended the provisions of the Federal Deposit Insurance Act to increase the basic deposit insurance coverage from $40,000 to $100,000. FDIC has amended those provisions of its rules and regulations which made reference to the $40,000 limit to conform them to the changes effected by the Consumer Checking Account Equity Act of 1980.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Roger A. Hood, Assistant General Counsel, 550 17th Street NW., Washington, D.C. 20429, (202) 389–4628.

SUPPLEMENTARY INFORMATION: The limitations on the amount of deposit insurance coverage afforded by the Federal Deposit Insurance Corporation to depositors in insured banks are prescribed by the Federal Deposit Insurance Act, Public Law No. 797; 64 Stat. 873 (12 U.S.C. 1811–1831c), as amended. The Consumer Checking Account Equity Act of 1980 amended the Federal Deposit Insurance Act, effective March 31, 1980, to increase the basic deposit insurance coverage for each depositor from $40,000 to $100,000. In order to conform the rules and regulations of the Federal Deposit Insurance Corporation to the provisions of the Federal Deposit Insurance Act, the FDIC's Board of Directors has amended Parts 328, 330 and 331 to change the figure "$40,000" to read "$100,000" each place that it appears. The rulemaking procedures prescribed in the FDIC's Policy Statement adopted May 30, 1979 (44 FR 31007), as amended (44 FR 76858) were not followed because the amendments are mandated by law, their specific content is prescribed by law and they are merely conforming amendments. Accordingly, the rulemaking procedures prescribed in the Policy Statement would result in unnecessary delay and would not be in the public interest. The amendments will not affect the regulatory burden of insured banks generally, or small banks in particular, and because the increase in the basic deposit insurance limit was effected by statute, no cost-benefit analysis of the conforming regulatory amendments is feasible or necessary.

Under its authority in subsection 3(m) and section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1813(m), 1819), the FDIC Board of Directors hereby amends Parts 328, 330 and 331 of the Code of Federal Regulations (12 CFR Parts 328, 330 and 331) as set forth below.

PART 328—ADVERTISEMENT OF MEMBERSHIP

§ 328.1 [Amended]

1. The design of the official sign prescribed by § 328.1 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 328.2 [Amended]

2. Subparagraph (11) of paragraph (c) of § 328.2 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

§ 330.1 [Amended]

3. Subparagraph (2) of paragraph (c) of § 330.1 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.2 [Amended]

4. The first sentence of § 330.2 is amended by deleting the figure "$40,000"

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and by inserting the figure "$100,000" in lieu thereof.

5. Paragraph (a) of § 330.2 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

6. Paragraph (b) of § 330.2 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

7. Paragraph (c) of § 330.2 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.3 [Amended]

8. Paragraph (a) of § 330.3 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

9. Paragraph (b) of § 330.3 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.4 [Amended]

10. Section 330.4 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.5 [Amended]

11. The first sentence of paragraph (a) of § 330.5 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

12. The second sentence of paragraph (a) of § 330.5 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.6 [Amended]

13. The first sentence of § 330.6 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

14. The second sentence of § 330.6 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.8 [Amended]

15. The second sentence of subparagraph (1) of paragraph (a) of § 330.8 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

16. Subparagraph (5) of paragraph (a) of § 330.8 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

17. Paragraph (b) of § 330.8 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.9 [Amended]

18. Paragraph (c) of § 330.9 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

19. Paragraph (d) of § 330.9 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

20. Paragraph (e) of § 330.9 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

§ 330.10 [Amended]

21. The first sentence of § 330.10 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

PART 331—INSURANCE OF TRUST FUNDS

§ 331.1 [Amended]

22. Paragraph (d) of § 331.1 is amended by deleting the figure "$40,000" and by inserting the figure "$100,000" in lieu thereof.

(Sec. 3(m), 9, 64 Stat. 881; 12 U.S.C. 1813(m), 1819)

By order of the Board of Directors, March 31, 1980.

Federal Deposit Insurance Corporation,

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-10510 Filed 4-7-80; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 315

[Reg. PR-221; Procedural Regulations Enactment of Part 315; Docket 37970]

Information Submitted in Section 408 Applications

AGENCY: Civil Aeronautics Board.

ACTION: Interim rule.

SUMMARY: The CAB sets forth the information that must be submitted with a merger application. Incomplete applications will delay the issuance of a final decision by the Board. This action is taken at the Board's own initiative to enable it to meet the short deadline imposed by the Federal Aviation Act for issuing a final order or decision on a merger application.

DATES: Effective: April 2, 1980. Adopted: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Attorney-Advisor, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION:

Background

Section 408 of the Federal Aviation Act gives jurisdiction to the Civil Aeronautics Board to determine the lawfulness of mergers and acquisitions involving two air carriers. If an air carrier holds a certificate under section 401(d) of the Act to engage in interstate or overseas air transportation or is a foreign air carrier, it must seek the approval of the Board to merge or acquire control of another air carrier. Any person that controls, is controlled by, or under the common control of such an air carrier or foreign air carrier must also obtain Board approval before merging with or acquiring control of an air carrier. To initiate the process of obtaining this approval, an application must be presented to the Board, with copies to the Attorney General and Secretary of Transportation.

In the past, the Act did not specify a time within which the Board had to approve or disapprove a merger application. Section 38 of the Deregulation Act (Pub. L. 95-504), however, added a new section 1010 to the Federal Aviation Act that set a 6-month deadline for the Board to issue its final order or decision. This period begins on the date that the section 408 application is received by the Board.

The new statutory deadline compels the Board to alter its procedure to expedite the process of disposing of merger applications. We can no longer wait for prehearing conferences, normally held weeks after an application is filed, to acquire necessary data and information. Given the time that the carrier must have to collect and submit the requested information, it is clear that the statutory deadline cannot be met unless the information gathering process is initiated by the applicants in advance of filing. This should not disadvantage applicants in any way. It allows carriers to begin the collection of data and information in whatever degree of confidentiality they consider necessary. If they so desire, they can limit the period of public awareness—with attendant financial, labor, and management uncertainty—to the statutory 6-month period.

This rule does not apply to all transactions that are covered by section 408 of the Act, so that many applicants will not have to comply with the information requirements set forth below. Most transactions involving all-cargo carriers (14 CFR 291.31(b)), air taxis (14 CFR 298.11(g)), and indirect air carriers (14 CFR 380.20(b)) have been exempted from section 408, and they are not affected by this rule. Also, under § 315.1, the Board is limiting this rule to

combinations that involve, either directly or indirectly, two operating air carriers. Transactions involving a person who is substantially engaged in the business of aeronautics but who is not an air carrier usually will not be covered by this rule unless the person controls an air carrier. In addition, any air carrier that considers the submission of the required information to be unnecessary or unduly burdensome in its case may petition for an exemption from this rule, in whole or in part.

In order for this rule to accomplish its purpose, it is imperative that section 408 applications be complete when they are filed. This requires that all the information required by Subpart B of this rule be submitted for both parties to the section 408 transaction. In a non-consensual case the applicant must submit the required information for its target, to the extent it is available. After the initial filing, § 315.3(g) allows 10 days for any interested person to move that the application be dismissed on the grounds that it is not complete. In response to such a motion or on its own motion, the Board may dismiss an incomplete application without prejudice to the refiling of a completed one. During this 10-day period the Board will also decide whether the application should be processed by show-cause order rather than by hearing. Applications will be processed by hearing unless the Board states otherwise.

The Board will not dismiss the application in the case of minor deficiencies. It is not our intention to allow an opponent of the merger to litigate the question of the application's completeness for the purpose of delay. This would be inconsistent with the purpose of this rule of expediting merger proceedings. Nor is § 315.3(g) meant to provide a way for an adverse party to have an application rejected merely because it lacks information that party may desire. After the completed application is submitted, there will be an opportunity to ask for additional information.

Our response to an incomplete application will depend largely on the seriousness of the omission and on whether the Board has enough information to act on it. The possibility of dismissal, however, must be retained as a live sanction.

The filing of a motion to dismiss for incompleteness will not itself affect the start of the statutory period. Only if the motion is granted and the application is dismissed will the start of the 6-month period be delayed. When a motion to dismiss is denied, the statutory time period will continue from the original filing date. Such a denial will not preclude a dismissal of the application at a later date if it is then found that the application is incomplete. A dismissal later in the statutory period will occur only in extreme cases, however, where the omission is so substantial that the Board cannot act on the application.

The information and evidence requirements set out below are based on the recent experience of the Board and its staff in the processing of several section 408 applications. There are a variety of subjects covered, and there is no question that an applicant must expend some effort to comply with this rule. The effort is necessary, because section 408 requires analysis of issues that range from monopolization to fuel consumption. The rule is not in excess of what would be required after pre-hearing conference if traditional, but potentially more time-consuming, procedures were followed. This rule does not eliminate the possibility of additional evidentiary requests by Board staff or other affected parties. Nor does it eliminate the possibility of a pre-hearing conference if an oral hearing is held. Rather, it is designed to speed the process by allowing all parties to begin their evaluation immediately, and by reducing the size of post-application requests that applicants would otherwise need time to supply.

An applicant who is concerned about the release of documents or information that it submits may request confidential treatment under Board rules. (See 14 CFR 302.39.) Twenty copies of the documents for which confidential treatment is sought should be filed in a sealed, captioned envelope that is segregated from the other documents. It is normally accompanied by a motion requesting confidential treatment and explaining the basis for the request. No document will be given confidential treatment if it is already public. Confidential treatment will not preclude us from making these documents available to attorneys of record and their experts providing that they file affidavits promising to use the documents only for the purpose of the pending case and not to disclose their contents. The Board intends, in fact, to permit counsel and their experts to begin analysis of confidential documents as soon as the affidavits are filed. Information for which confidential treatment has been requested will not be part of the record of the case unless it is later ruled admissible. If such a ruling is made the confidential information affected will be placed in the public docket or an *in camera* portion of the record.

Required Information

The rule requires applicants to detail the actions and decisions leading to the proposed merger or acquisition, and to disclose any stock interests that may be held in either of the two joint applicants, or in the target company in the case of a unilateral acquisition. This information, along with other general information about corporate identities, is required by section 315.10 of the rule. Section 315.10 also requires the applicants to provide all studies, reports, or analyses of the proposed transaction. Many of these reports are requested more specifically in the following sections, and duplicate submission is unnecessary. Cross-referencing by index will be sufficient.

Section 315.14 requires the applicant(s) to provide any useful corporate information on fuel availability, certain airport congestion problems, and environmental limitations at affected airports. This is also required to aid the Board's analysis of competitive impact.

Several provisions in the rule will provide the Board with insight into the applicant's plan for its own future growth and expansion, formulated during the previous 2 or 3 years, concerning such matters as fares, routes and capital assets.

We are also requiring that information on the effect of the merger on the employees of the two companies be submitted. An applicant should state whether it intends to accept the Board's standard labor protective provisions. These provisions are set forth in Appendix B of the Board order granting the Allegheny-Mohawk merger application. They guarantee compensation for displaced and dismissed employees who qualify and for those who must change their place of residence as a result of the merger. There are also provisions for the protection of employees' seniority rights. A dispute resolution mechanism is also included. See Board Order 72-4-31 for further details.

Section 315.18 requires the submission of information on energy consumption. The purpose of this section is to compare the amount of fuel that the merged carrier would use if the application is approved with the projected consumption of each individual carrier involved should the application be denied. The relevant period for these estimates is the calendar year that begins 6 months after the completed application is submitted. This section is also needed for the

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required analysis under the Energy Policy and Conservation Act. See 14 CFR Part 313 for further details.

Some provisions of the rule require the submission of documents and others require only a descriptive statement. Where documents are required, we recognize that the applicant may not have any documents on a subject, or that the documents that it does have may not adequately describe it. In those cases, the applicant should, in addition to the reports and studies provided, submit a narrative statement setting forth the company's policy and plans on the subjects listed. Where only a descriptive statement is required, a party may still request that the applicant be required to produce an underlying document if the descriptive statement indicates that there is such a document and that it would be useful in deciding the case. An order to produce that document would not necessarily affect the original finding that the application is complete.

Timing

Congress has, in section 1010 of the Act, decided that the Board should issue its final decision in a merger case within 6 months. This rule is designed to provide the Board with enough information at the outset of a merger proceeding to enable it to do this. If this rule were not made immediately effective, potential applicants who had not yet finalized their merger plan might be tempted to submit a section 408 application before the rule was made effective. By doing so, they could evade the requirements of this part and impede our efforts to comply with section 1010 of the Act. The Board therefore finds that notice and public procedure before the adoption of a final rule are impractical and contrary to the public interest, and that there is good cause for an immediate effective date.

We realize, however, that the public may have valuable suggestions concerning the information to be included in merger applications. By a separate notice to be issued soon, therefore, we will institute a rulemaking proceeding to seek comments on the procedures set forth in this new rule. In response to the comments received, the Board will amend this rule or reissue it, as appropriate.

Accordingly, the Civil Aeronautics Board adds a new Part 315, *Information Submitted in Section 408 Applications*, to Title 14 of the Code of Federal Regulations as set forth below:

PART 315—INFORMATION SUBMITTED IN SECTION 408 APPLICATIONS

Subpart A—General Provisions

Sec.

315.1 Pupose and applicability.
315.2 Definitions.
315.3 Filing of applications.
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315.16 Potential adverse impact of the proposed transaction.
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315.18 Fuel consumption.

Authority: Secs. 204, 407, 408, and 1010 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 767, 92 Stat. 1743, 49 U.S.C. 1324, 1377, 1378, 1490.

Subpart A—General Provisions

§ 315.1 Purpose and applicability.

This rule sets forth the form and content of applications that must be submitted to the Board under section 408(b)(1) of the Act. It applies to any proposed consolidation or acquisition of control that is not exempt from section 408 and that directly or indirectly involves either two air carriers or an air carrier and a foreign air carrier, including transactions involving persons in control of such carriers.

§ 315.2 Definitions.

As used in this part, "documents" means (1) all written, recorded, transcribed or graphic matter including letters, telegrams, memoranda, reports, studies, forecasts, lists, directives, tabulations, logs, or minutes and records of meetings, conferences, telephone or other conversations or communications; and (2) all information contained in data processing equipment or materials. The term does not include daily or weekly statistical reports in whose place an annual or monthly summary is submitted.

§ 315.3 Filing of applications.

(a) Each person required to file an application under Section 408(b)(1) of the Act for Board approval of transactions described in § 315.1 shall file 20 copies of a complete application as required by Subpart B of this part in the Board's Docket Section.

(b) For each consensual transaction covered by this part, all the information required by Subpart B of this part shall be submitted, as part of the application, for each party to the section 408 transaction. The parties to the section 408 transaction may file either separate applications or one joint application.

(c) For each non-consensual transaction covered by this part, the applicant shall also provide the information required by Subpart B of this part for its target company to the extent that such information is available to it. The Board may order the target company or other persons to submit some or all of the information required by Subpart B, or other information.

(d) The application shall be indexed to correspond to the individual sections of Subpart B of this part. Each page of the application and each document submitted with the application shall be marked with the name, initials, or some other identifying symbol of the applicant. The application shall also indicate the date of preparation and the name and corporate position of the preparer and recipient of each document submitted.

(e) Where the required information is in data processing equipment, on microfilm or is otherwise not eye-readable, the applicant shall provide such information in eye-readable form.

(f) Evidence that applicants wish the Board to consider in addition to that required by Subpart B of this part shall also be filed with the application. This evidence shall include all exhibits, data, and testimony on which the applicant intends to base its direct case and the names and addresses of all witnesses whom it will seek to call in the event that an oral evidentiary hearing is held. An applicant is not precluded from later filing answers, replies, or rebuttal exhibits or testimony.

(g) Within 10 days after a section 408 application is filed, any interested person may file a motion with the Board asking that the application be dismissed on the grounds that it is incomplete. An application is complete if it is not in substantial compliance with Subpart B of this part.

(h) If an application is found to be incomplete, the Board may dismiss it without prejudice to refiling. If the application is dismissed, the statutory time period will not begin until a completed application is filed.

(i) After the 10-day period provided in § 315.3(g) has elapsed or after the Board has disposed of all motions filed during that period seeking dismissal of the application on the grounds of incompleteness, the application will not later be dismissed unless there is a finding that there is an omission so substantial that the Board cannot reasonably act on it or do so within the statutory time period.

(j) The information provided by the applicant shall be updated in a timely fashion throughout the period of consideration of the application.

(k) If any information or documents required by Subpart B of this part are not available, the applicants shall file an affidavit executed by the individual responsible for the search explaining why they cannot be produced.

(l) The Board or the Administrative Law Judge may order the applicant(s) to submit information in addition to that required by Subpart B of this part.

(m) An applicant may withhold a document required by this part on the grounds that it is privileged, but each document so withheld shall be identified and a brief description of the nature of the document, a statement indicating the basis of the privilege claimed, and the names of the preparers and recipients of the document shall be supplied. If any interested party contests the assertion of privilege, the document shall be promptly submitted to the Board or the Administrative Law Judge for *in camera* inspection.

§ 315.4 Confidentiality.

(a) An applicant may request that any part of its section 408 application be withheld from the public by filing a motion for confidentiality under § 302.39(d) of this chapter. In cases assigned to an Administrative Law Judge, that Judge will rule on motions for confidential treatment.

(b) No person shall have access to the confidential information except (1) attorneys of record and their experts who file affidavits promising not to disclose the information and to use it only in connection with the section 408 proceeding to which the information is directed, and (2) Board personnel. Inspection of confidential documents may begin as soon as the affidavits are filed.

(c) That portion of a section 408 application for which confidential treatment has been requested shall be considered received for purposes of filing only. It shall not be part of the public record or an in camera record of the case until it has been admitted into evidence.

§ 315.5 Copies to interested persons.

(a) A copy of the complete application shall be filed with the Department of Justice and the Department of Transportation at the same time it is filed with the Board.

(b) Upon request, the complete application shall be promptly made available to any person who has petitioned to intervene under § 302.14 or § 302.15 of this chapter. The applicant shall have copies of the complete application for distribution and shall, if requested, be responsible for expeditiously providing the application to any requesting party.

§ 315.6 Conformity with Subpart A of Part 302.

Except where they are inconsistent, the provisions of Subpart A of Part 302 of this chapter shall apply to this part.

§ 315.7 Exemptions.

Any person may petition the Board to exempt any transaction from all or part of the requirements of this part.

Subpart B—Information Requirements

§ 315.10 Background information.

The application shall contain the following information:

(a) The names and mailing addresses of the parties to the transaction and the names, titles, and duties of the officers and directors of each corporation;

(b) A description of the transaction, including the exchange ratio, the terms of any tender offer, and the form of financing;

(c) A copy of the final or most recent draft agreement between the parties relating to the transaction;

(d) The percentage of the outstanding voting securities of either corporation that is owned or controlled by the other corporation or by its officers or directors. The application shall also set forth the consideration paid for these securities, the date and method of their purchase, and the form of payment;

(e) A list of all offices and directorships held in any other corporation which is a common carrier or is substantially engaged in the business of aeronautics by officers or directors of any party to the transaction;

(f) A list of all other financial relationships between the parties to the transaction, or between their officers, directors or major shareholders;

(g) All studies, reports and analyses regarding the proposed transaction or the other party to the transaction made by or for an applicant within 3 years preceding the application. These materials shall include, but not be limited to, any discussion of the proposed transaction or other party to the proposed transaction with respect to—

(1) Competition, markets, market shares, actual competitors, or potential entrants;

(2) Potential for sales growth or expansion into new markets;

(3) Efficiencies or costs of the proposed transaction; or

(4) The financial condition or operating strengths or weaknesses of the proposed partner or target company.

§ 315.11 Financial information.

The application shall contain the following:

(a) The following reports filed with the United States Securities and Exchange Commission within three years prior to the date of the application:

(1) All reports filed on Form 10K;

(2) All registration statements and all reports filed on Forms 10–Q and 8–K;

(3) All proxy statements; and

(4) All schedules 14 D–1 with all amendments.

(b) Annual reports to shareholders for the 3 years preceding the application;

§ 315.12 Equipment information.

The application shall include the following—

(a) A list of aircraft owned or leased by the applicant by aircraft type and age;

(b) If the aircraft is leased from others, the owner of the aircraft and the terms of the lease; if the applicant leases aircraft to others, the lessee and the terms of the lease;

(c) A detailed description of all plans and orders for the acquisition, lease or major modifications of flight equipment, including the price and projected delivery date of any aircraft; and

(d) A detailed description of all plans and agreements for the sale or lease of aircraft.

§ 315.13 Competitive information.

The application shall contain the following:

(a) Separate lists of all non-stop city-pairs (1) that are served by the applicant, (2) that are served by the other party to the proposed transaction, and (3) into which the applicant or the other party to the proposed transaction is considering entry;

(b) All studies, reports, and analyses that were submitted to the applicant's chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, within 2 years prior to the filing of the application, that discuss route development, internal expansion, service expansion or the marketing plans or strategies of the applicant;

(c) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss any of the following subjects in relation to

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any area served by both parties (whether the area discussed in the document is one or more cities, city-pairs, routes, hubs, regions, states, tiers, service to foreign points or any other geographical area):

(1) Competition;
(2) The possibility of new entry;
(3) Profitability or yield;
(4) Fare levels or availability of discount fares;
(5) Capacity or scheduling;
(6) Load factors or break-even levels;
(7) Identity of potential entrants; or
(8) Possible responses to new entry or to changes in a competitor's fares, scheduling, capacity or number of discount seats offered.

(d) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss any of the topics listed in § 315.13(c) in relation to any area served by the other party to the proposed transaction (whether the area discussed in the document is one or more cities, city-pairs, routes, hubs, regions, states, tiers, service to foreign points or any other geographical area).

(e) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss the effect of changes in conditions in any area served by one party to the proposed transaction on traffic, fares, profitability or availability of discount fares in any area served by the other party.

§ 315.14 Availability of resources.

For each airport served by both parties to the proposed transaction, the applicant(s) shall supply a detailed description of the following:

(a) The availability of fuel and the policy of fuel suppliers as to the supply and price of fuel to new entrants;

(b) The availability of landing slots at any of the airports that have access allocated by the FAA;

(c) The environmental constraints on each airport that limit or regulate additional service, whether of new entrants to the airport or of expanded service by incumbents. The report on environmental constraints shall include a description of any regulation that affects airport use, including but not limited to noise, air, and surface pollution;

(d) Airport constraints as to the size or type of aircraft that can be operated at that airport, including, but not limited to, such considerations as runway length, availability of ramp space, and safety considerations; and

(e) Any constraints with respect to terminal facilities, including but not limited to counter or ticketing space, gate space, baggage or cargo consolidation space, and ramp space.

§ 315.15 Potential public benefits of the proposed transaction.

(a) If the applicant intends to rely on public benefits to justify approval of its proposed transaction, the applicant shall describe those benefits in detail and include all documents submitted to its chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, that discuss the following subjects:

(1) Any decrease in operating costs or increase in operating efficiencies. This should include an estimate of when the savings will be realized;

(2) Service benefits and proposed changes in price/quality options;

(3) Any enhancement of competition and the regions where that enhancement will occur; or

(4) Any changes in employment opportunities.

(b) The applicant shall provide all data, and set forth the method of calculation, upon which its claims of benefits rely. Any categories of cost savings provided shall be consistent with the financial data filed in CAB Form 41.

(c) In describing the public benefits, the applicant shall distinguish between a one-time cost saving or benefit resulting from the transaction and continuing operational efficiencies or benefits.

§ 315.16 Potential adverse impact of the proposed transaction.

The application shall include all documents that were submitted to the applicant's chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, that discuss the following in relation to the proposed transaction:

(a) Any increase in the operating costs of the applicant with an estimate of when the increased cost will be incurred;

(b) Any decrease in the quantity or quality of air service;

(c) Any lessening of competition as a result of the proposed merger; and

(d) Any costs that would result from labor protective provisions that are necessary to complete the transaction.

§ 315.17 Labor relations.

Applicants shall provide the following information:

(a) Whether the surviving carrier will accept the Board's standard labor protective provisions as a condition of Board approval of the transaction;

(b) The number of employees, by each class or craft, employed by each party to the transaction, and the number of employees by class or craft in their employ but on furlough. With respect to those employees on furlough, they shall indicate the reasons for such furlough. They should also indicate the order of recall (and the basis thereof) of these employees;

(c) Whether any plans exist for the dismissal, displacement, transfer, reduction of flying time or furlough of any employees in any class or craft as a result of operating changes which would flow from the proposed merger. If so, applicants shall list for each such class or craft the number of employees affected, the type of action (*e.g.*, dismissal, transfer, furlough, etc.) anticipated, and the manner in which the plans would be implemented;

(d) The domiciles for their flight personnel. With respect to each domicile, they shall state the number of flight personnel based there, according to class or craft;

(e) Their position with respect to the survivability of existing collective bargaining agreements when the merger becomes effective;

(f) Copies of the collective bargaining agreements they have with the different classes of employees; and

(g) A copy of each pension plan covering their employees and copies of all reports concerning such plans filed by the companies with government agencies pursuant to the Employee Retirement Income Security Act.

§ 315.18 Fuel consumption.

(a) The applicant shall estimate the amount of fuel that would be consumed by—

(1) The consolidated or commonly controlled entities during the next calendar year following the approval; and

(2) Each carrier individually during the next calendar year following disapproval.

(b) With both estimates in paragraph (a), the applicant shall include a statement as to the availability of the required fuel.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10607 Filed 4-7-80; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 240, and 249

[Releases Nos. 33-6203 and 34-16718]

Timely Reporting—Final Amendment of Rule and Form

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of amendments to Rule 12b-25 and related Form 12b-25 which will eliminate the present extension application procedure and, in lieu thereof, institute a system requiring notification of a registrant's inability to file timely all or any portion of an annual report on Form 10-K, 20-F or 11-K or a quarterly report on Form 10-Q. In addition, the amended rule provides a procedure whereby a late annual report or portion thereof filed on or before the fifteenth day after the prescribed due date or a late quarterly report or portion thereof filed on or before the fifth day after the prescribed due date will be deemed to have been filed timely. The rule will provide disclosure with respect to non-timely filing and will alleviate the burdens attendant to the application procedure while, at the same time, allowing for appropriate relief.

EFFECTIVE DATE: May 8, 1980.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date of the amendments contact Bruce S. Mendelsohn at (202) 272-2589, thereafter contact Stephen W. Hamilton (202) 272-2573.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today adopted amendments to Rule 12b-25 (17 CFR 240.12b-25) under the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. I 1977)] which will eliminate the extension of time to file procedure and, in lieu thereof, will require notification on revised Form 12b-25 (17 CFR 249.322) when an issuer is unable to file on a timely basis all or any required portion of an annual report on Form 10-K (17 CFR 249.310), 11-K (17 CFR 249.311) or 20-F (17 CFR 249.220f) or a quarterly report on Form 10-Q (17 CFR 249.308a) required by Section 13 or 15(d) of the Exchange Act and rules thereunder. In addition, the Commission is adopting a procedure that will provide relief with respect to reports that are not timely filed because of unreasonable effort or expense. Under this provision a report will be deemed to have been filed timely if: (1) The required notification on Form 12b-25 (a) discloses that the reasons causing the inability to file timely could not be eliminated without unreasonable effort or expense, and (b) undertakes that either the subject annual report or portion thereof will be filed no later than the fifteenth calendar day following the prescribed due date or the subject quarterly report or portion thereof will be filed no later than the fifth calendar day following the prescribed due date; (2) The exhibit (statement from expert) required by Rule 12b-25(c) is attached when applicable; and (3) In fact, the report is filed within the represented time period. Concurrently, the Commission is adopting a revision to Form 8-K which will retain a procedure for extensions of time to file audited financial statements required for certain acquired businesses.

Background

On September 6, 1979, the Commission published for comment proposed amendments to Rule 12b-25 and its related form, proposed Rule 12b-26 and a proposed revision to Form 8-K.[1] The proposal would have eliminated the present extension procedure under Rule 12b-25 and substituted a new procedure which would have required notification when an issuer or reporting person was unable to file on a timely basis any report or portion thereof required by Section 13 or 15(d) of the Exchange Act. Proposed Rule 12b-26 would have required prominent disclosure on the cover page of a periodic report if a required portion of such report was omitted.[2]

Amendment of Rule 12b-25

All of the eight public comment letters received recommended that the Commission retain some provision for extensions of time because there are cases when a report cannot be timely filed without unreasonable effort or expense. With regard to the Commission's specific inquiry concerning automatic extensions of time, three of the commentators suggested that if amended Rule 12b-25 were adopted provisions for an automatic extension should be incorporated therein. The commentators generally believed that the proposed notification system should not be implemented without a corresponding automatic extension of time procedure.

In adopting these amendments to Rule 12b-25, the Commission affirms its position that required reports should be filed when due. The purposes of the Exchange Act "to insure the maintenance of fair and honest markets in securities transactions * * *"[3] may be better served without an extension application procedure. Presently, Form 12b-25 is a voluntary filing and, therefore, disclosure with regard to the timeliness of the filing of required information to which the marketplace is entitled is not always available. Because the limited benefits of the present system in terms of extension procedures are outweighed by the detriment to informed markets resulting from the lack of disclosure regarding the timeliness of the filings and by the burden imposed on the staff, the Commission believes that the system should be revised. Accordingly, the Commission is adopting the amendments essentially in the form of the proposal. However, in response to the public comment and the Commission's experience, certain revisions have been made, i.e., notifications are required only for specified forms and a relief procedure has been provided in Rule 12b-25(b) (see detailed discussion *infra*).

As with the proposal, under amended Rule 12b-25, with one exception,[4] there will no longer be applications for extensions of time that necessitate action by the Commission or its staff. By eliminating the review requirement for extension of time requests, the Commission will be able to redeploy some resources toward the review of Exchange Act filings. As a result, this action should serve to implement one of the recommendations of the advisory Committee on Corporate Disclosure, which noted that a substantive review of periodic reports consistent with the quality of information sought in registration statements is essential to the end product of a high quality disclosure document.[5] Finally, the amended rule will have limited consequences to registrants and will facilitate the system of continuous disclosure to investors envisioned by the Exchange Act.

Notification Requirement

Concurrent with the elimination of the extension application procedure, the

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[1] Release No. 34-16162 (September 6, 1979) (44 FR 53430).

[2] While not adopting proposed Rule 12b-26 as a separate rule, the substance thereof has been adopted in Rule 12b-25(e). Therefore, proposed Rule 12b-26, to the extent it is not adopted in Rule 12b-25, is withdrawn.

[3] Section 2 of the Securities Exchange Act of 1934, 15 U.S.C. 78b.

[4] The Commission has retained an extension of time to file procedure for audited financial statements required by Items 2 and 7 of Form 8-K for certain acquired businesses. See revised Instruction 4 to Item 7(a) of Form 8-K, *infra*.

[5] Report of the Advisory Committee on Corporate Disclosure, Chapter XIV, Page 427 (1977).

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Commission has adopted a new notification procedure under the rule which, unlike the proposal, relates only to annual reports on Forms 10–K, 20–F and 11–K and quarterly reports on Form 10–Q. The new procedure requires that, no later than one business day after the end of the specified period when the subject report is due, the registrant file with the Commission a notification on revised Form 12b–25 which identifies the report or portion thereof in question and gives reasons why the filing cannot be made on time. Since Form 12b–25 is intended to serve as a disclosure mechanism, it will be placed in the public files. In this manner, disclosure will be available to the public with regard to the reasons that a report or portion thereof cannot be filed within the prescribed time period.

Rule 12b–25(b)

Although an automatic extension procedure has not been incorporated into the amendment, the revision is meant to be responsive to the concerns of the commentators. The Commission believes that the rule will provide relief in those areas where it is necessary. In this regard, Rule 12b–25(b) provides that with respect to an annual or quarterly report or portion thereof which is not timely filed because the registrant is unable to do so without unreasonable effort or expense, such report shall be deemed to be filed on the prescribed due date for such report if: (1) The required notification on Form 12b–25 (a) discloses that the reasons causing the inability to file timely could not be eliminated without unreasonable effort or expense, and (b) undertakes that either the subject annual report or portion thereof will be filed no later than the fifteenth calendar day following the prescribed due date or the subject quarterly report or portion thereof will be filed no later than the fifth calendar day following the prescribed due date; (2) The registrant attaches as an exhibit to the Form 12b–25 a statement from any person, other than the registrant (such as the independent auditors), whose inability to furnish any required opinion, report or certification was the reason the report could not be timely filed without unreasonable effort or expense; and (3) The report is filed within the represented time period.

The Commission believes that this procedure will afford appropriate relief in case of unexpected circumstances that may prevent the timely filing of annual and quarterly reports. In addition, this procedure will require no responsive or affirmative action by the Commission or its staff.

It should be noted that registrants utilizing the Rule 12b–25(b) relief will not be eligible to use any registration statement form under the Securities Act of 1933 (the "Securities Act") the use of which is predicated on timely filed reports until the subject report is actually filed. Therefore, if a registrant uses Rule 12b–25(b) and complies with all of its terms, *including* the actual filing of the report within the represented time frame, Form S–7 and its counterpart registration statement forms may be available.

Timely Reporting

It should be emphasized that the new notification and relief procedures should not be taken as an excuse for non-timely reporting. Failure by public companies to observe the periodic reporting requirements presents an obstacle to the maintenance of fair and informed trading markets in the securities of publicly-held companies. The pricing mechanism of the market is dependent on timely information and, thus, late reporting may adversely affect the quality of this process. In this regard, the Commission will, of course, continue to consider enforcement actions in connection with delinquent reporting. In addition, as stated in the proposing release, the applicability of various rules and availability of certain disclosure forms under the Securities Act of 1933 is predicated upon full compliance with the periodic reporing requirements. For example, the use of Form S–7 or S–16 for registration of certain public offerings of securities depends in part upon a company having filed *timely* reports pursuant to Section 13 or 15(d) of the Exchange Act for at least the twelve calendar months preceding the filing of the registration statement. Rule 15c2–11 under the Exchange Act requires a dealer to have certain information concerning an issuer before its securities may be quoted by that dealer. Rule 144 under the Securities Act requires the filing of all Exchange Act reports required to be filed for the 12 months immediately preceding a sale.

Certain Findings

As required by Section 23(a)(2) of the Exchange Act, the Commission has specifically considered the impact which the amendments adopted herein would have on competition and has concluded that they impose no significant burden on competition. In any event, the Commission has determined that any possible burden will be outweighed by, and is necessary and appropriate to achieve, the benefits of these amendments to investors and registrants.

Text of Amended Rule and Forms

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. By revising General Instruction A(b)(2) of § 239.26 to read as follows:

§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers.

General Instructions

A. Rule as to Use of Form S–7 * * *

(b) * * *

(2) has filed in a timely manner all reports required to be filed during the twelve calendar months preceding the filing of the registration statement and if the registrant has utilized Rule 12b–25(b) of the Securities Exchange Act of 1934 with respect to a report, that report has *actually* been filed within the time period prescribed by that rule.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

2. By revising § 240.12b–25 to read as follows:

§ 240.12b–25 Notification of inability to timely file all or any required portion of a Form 10–K, 20–F, 11–K, or 10–Q.

(a) If all or any required portion of an annual report on Form 10–K, 20–F or 11–K or a quarterly report on Form 10–Q required to be filed pursuant to sections 13 or 15(d) of the Act and rules thereunder is not filed within the time period prescribed for such report, the registrant, no later than one business day after the due date for such report, shall file a Form 12b–25 (17 CFR 249.322) with the Commission which shall contain disclosure of the inability to file the report timely and the reasons therefor in reasonable detail.

(b) With respect to any report or portion of any report described in paragraph (a) of this section which is not timely filed because the registrant is unable to do so without unreasonable effort or expense, such report shall be deemed to be filed on the prescribed due date for such report if:

(1) The registrant files the Form 12b–25 in compliance with paragraph (a) of this section and, when applicable, furnishes the exhibit required by paragraph (c) of this section;

(2) The registrant represents in the Form 12b–25 that:

(i) The reason(s) causing the inability to file timely could not be eliminated by the registrant without unreasonable effort or expense; and

(ii) Either the subject annual report/portion thereof will be filed no later than the fifteenth calendar day following the prescribed due date or the subject quarterly report/portion thereof will be filed no later than the fifth calendar day following the prescribed due date; and

(3) The report/portion thereof is actually filed within the period specified by paragraph (b)(2)(ii) of this section.

(c) If paragraph (b) of this section is applicable and the reason the subject report/portion thereof cannot be filed timely without unreasonable effort or expense relates to the inability of any person, other than the registrant, to furnish any required opinion, report or certification, the Form 12b–25 shall have attached as an exhibit a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, report or certification on or before the date such report must be filed.

(d) Notwithstanding pragraph (b) of this section, a registrant will not be eligible to use any registration statement form under the Securities Act of 1933 the use of which is predicated on timely filed reports until the subject report is actually filed pursuant to paragraph (b)(3) of this section.

(e) If a Form 12b–25 filed pursuant to paragraph (a) of this sectin relates only to a portion of a subject report, the registrant shall:

(1) File the balance of such report and indicate on the cover page thereof which disclosure items are omitted; and

(2) Include, on the upper right corner of the amendment to the report (required to be filed on Form 8) which includes the previously omitted information, the following statement:

The following items were the subject of a Form 12b–25 and are included herein: (*List Item Numbers*)

(f) The provisions of this section shall not apply to:

(1) Financial statements to be filed by amendment in accordance with Instruction 3(b) of Instructions as to Financial Statements of Form 10–K or schedules to be filed by amendment in accordance with General Instruction A to Form 10–K; or

(2) Reports required to be filed by an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) pursuant to the provisions of that Act or the rules provided thereunder, notwithstanding the fact that such reports are also required to be filed by the Securities Exchange Act of 1934 or the rules adopted thereunder.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

3. By revising Instruction 4 to Item 7(a) of Form 8–K to read as follows:

§ 249.308 Form 8–K, for current reports.

* * * * *

Item 7. Financial Statements and Exhibits.

* * *

(a) Financial statements of business acquired

Instructions

[Instructions 1 through 3 remain unchanged.]

4. Filing of Other Financial Information in Certain Cases. The Commission may, upon the written request of the registrant and where consistent with the protection of investors, extend the time for filing the financial statements herein required or permit the omission of one or more of such financial statements or the filing in substitution therefor of appropriate statements of comparable character, if the required audited financial statements are not reasonably available to the registrant, because the obtaining thereof would involve unreasonable effort, expense or practical difficulties. A written request for such relief should be submitted separately from the subject report or the cover letter to the report. The request other than a request for an extension of time to file (except where necessary for a determination of the request) shall set forth the following information:

* * * * *

4. By revising § 249.322 to read as follows:

§ 249.322 Form 12b–25—Notification of late filing.

This form shall be filed pursuant to § 240.12b–25 of this chapter by issuers who are unable to timely file all or any required portion of an annual report on Form 10–K, 20–F or 11–K or a quarterly report on Form 10–Q required by sections 13 or 15(d) of the Act. The filing shall consist of a signed original and three conformed copies, and shall be filed with the Commission at Washington, D.C. 20549, no later than one business day after the due date for the periodic report in question. Copies of this form may be obtained from "Publications," Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202–272–2960.

(Secs. 6, 7, 10, 19 (a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051. Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570–574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500. 15 U.S.C. 77f, 77g, 77j, 77s(a), 78m, 78o(d), 78w(a))

The commission is adopting these amendments pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof, and the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a).

The Commission finds that any changes in the amended rule and forms[6] adopted from those published in Securities Exchange Act Release No. 16162 have already been generally subject to comment so that further notice and rulemaking procedures pursuant to the Administrative Procedure Act (5 U.S.C. 553) are not necessary.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 2, 1980.

[FR Doc. 80–10480 Filed 4–7–80; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Parts 239 and 249

[Releases Nos. 33–6202; 34–16717]

Amendment to Registration Statement Form S–8 and Annual Report Form 11–K

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of amendments to Form S–8, the form for registration of securities to be offered to employees pursuant to certain plans, and to Form 11–K, the form for annual reports of employee stock purchase, savings and similar plans. The purpose of the amendments is to make disclosure and updating features utilizing filings made under the Securities Exchange Act of 1934 available to issuers with certain types of employee plans.

EFFECTIVE DATE: June 1, 1980.

FOR FURTHER INFORMATION CONTACT: William E. Toomey, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–272–2573).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced certain amendments to Form S–8 (17 CFR 239.16b), the form for registration under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a et seq.] of securities to be offered to employees pursuant to certain plans, and to Form 11–K (17 CFR 249.31), the form for annual reports of employee

[6] Form 12b–25 has been filed in the Office of Federal Register as part of the original document. Copies may be obtained from "Publications," Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202–272–2960.

stock purchase, savings and similar plans pursuant to Section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. I 1977)]. The amendments will make the disclosure and up-dating features of Form S–16 (17 CFR 239.27) available to many issuers using Form S–8. In particular it will allow updating generally to be accomplished by means of periodic reports, such as Forms 10–K, 11–K, 8–K and 10–Q made under the Securities Exchange Act of 1934, thereby eliminating the necessity, in many situations, of filing a post effective amendment. The proposed changes are being made in furtherance of the Commission's efforts to reduce or eliminate unnecessary or duplicative disclosure without reducing the quality of information available to plan participants and others.

General Background

On November 19, 1979 the Commission issued a release requesting public comments on proposed amendments to Form S–8 and proposed related rules under the Securities Act of 1933.[1] That release requested comments on three distinct subjects: (1) Form amendments and new rules to provide a means whereby all filings on Form S–8 would become effective automatically without affirmative action on the part of the Commission or its staff; (2) Proposals to allow issuers with employee benefit plans to utilize disclosure techniques comparable to those available with respect to Form S–16; and (3) A request for comments on the feasibility of incorporating one or more Employee Retirement Income Security Act ("ERISA") filings to register or update registration statements covering securities issued under ERISA qualified employee benefit plans. The proposals concerning automatic effectiveness were adopted by the Commission on February 22, 1980.[2] At that time the Commission announced that amendments to form S–8 to permit updating through the use of Exchange Act reports would shortly follow and that additional study would be needed to determine how the duplication with ERISA filings might be eliminated. The amendments adopted today provide, in large measure, a means whereby the Form S–16 format and up-dating procedures will be available to many users of Form S–8. These changes complete the efforts to update Form S–8 filings through the use of Exchange Act reports.

Sixty-one commentators addressed various aspects of the general subject of utilizing Exchange Act reports to up-date Securities Act registration forms for employee benefit plans. While a number of various approaches to the problem were suggested, there was overwhelming agreement that some method of using Exchange Act reports to solve the updating problem should be implemented as soon as possible.

Effective Date

To prevent these amendments from constituting a burden on those registrants who have already commenced the preparation of their Form S–8 filings in accordance with existing requirements or on other registrants for whom the changes would otherwise be onerous if made at this time, the effective date of the amendments has been deferred until June 1, 1980. While the amendments will not be effective until such date, in view of the cost and other savings the amended form may provide to certain registrants the Commission will accept filings on the new form beginning immediately for those wishing to utilize it. It should be noted that the first filing on Form S–8 (pre-effective or post-effective) which complies with the amended form, whether done so voluntarily prior to June 1, 1980 or as required on or after June 1, 1980, commences the integrated disclosure process whereby all Exchange Act filings made thereafter (pursuant to Sections 13, 14 and 15(d)) by an issuer (and a plan) are incorporated into and up-date the associated Form S–8. For example, if registrant A, a calendar year company, files a post-effective amendment on Form S–8 on April 30 which complies with the Form S–8 requirements as in effect prior to June 1, Exchange Act filings made subsequent thereto, but prior to any future post-effective amendment filed after June 1, will not constitute part of that Form S–8. A post-effective amendment or a new filing on Form S–8 made on July 15, however, would result in the next Form 10–Q of the issuer being incorporated into the Form S–8.

Discussion of the Amendments

Outline—Previous Form

The following table presents, in outline form, the Form S–8 as it existed until amended by this release and the changes (if any) made in each item or part thereof.

Item and Status

General Instructions—Revised

Information Required in the Prospectus

Item 1. General Information Regarding the Plan—Revised
Item 2. Securities to be Offered and Employees Who May Participate in the Plan—Unchanged
Item 3. Purchase of Securities Offered—Revised
Item 4. Payment for Securities Offered—Unchanged
Item 5. Contributions Under the Plan—Revised
Item 6. Withdrawal from the Plan—Assignment of Interest—Unchanged
Item 7. Defaults Under the Plan—Unchanged
Item 8. Administration of the Plan—Revised
Item 9. Investment of Funds—Revised
Item 10. Charges and Deductions and Liens Therefor—Unchanged
Item 11. Financial Statements of the Plan—Deleted
Item 12. Capital Stock to be Registered—Renumbered and Revised
Item 13. Other Securities to be Registered—Renumbered and Revised
Item 14. Summary of Operations of the Issuer—Deleted
Item 15. Market Prices of the Issuer's Securities and Dividend Policy—Deleted
Item 16. Description of Certain Significant Developments in the Last Three Years—Deleted
Item 17. Financial Statement of the Issuer—Deleted
Item 18. The Issuer's Business and Management—Deleted
Item 19. Parents of Registrant—Deleted

Part II. Information Not Required in Prospectus Undertakings—Revised

Signatures—Unchanged

Instructions As To Exhibits—Revised

Outline—New Form

The following is an outline of the new Form S–8:

General Instructions

Part I. Information Required in the Prospectus

Item 1. General Information Regarding the Plan
Item 2. Securities to be Offered and Employees Who May Participate in the Plan
Item 3. Purchase of Securities Pursuant to the Plan
Item 4. Payment for Securities Offered
Item 5. Contributions Under the Plan
Item 6. Withdrawal From the Plan—Assignment of Interest
Item 7. Defaults Under the Plan—Assignment of Interest
Item 8. Administration of the Plan
Item 9. Investment of Funds
Item 10. Charges and Deductions and Liens Therefor
Item 11. Securities to be Registered
Item 12. Incorporation of Certain Documents by Reference
Item 13. Additional Information

[1] Securities Act of 1933 Release No. 6151 (November 19, 1979) [44 FR 67671].

[2] Securities Act of 1933 Release No. 6190 (February 22, 1980) [45 FR 13436].

Part II. Undertakings and Other Information Not Required in Prospectus

Signatures

Instructions As To Exhibits

Discussion of Items Which Are Deleted From Previous Form S–8

Former Item 11, "Financial Statements of Plan," has been deleted. In general, Form S–8 has been used to register stock option, stock purchase and certain employee benefit plans. Typically only employee benefit plans, such as pension, profit sharing or other retirement plans are separate entities with separate financial statements. The revised form contemplates that the financial statements for such entities will appear in an Exchange Act report filed with the Commission or in the issuer's annual report to shareholders, will be expressly incorporated by reference into the amended Form S–8 (New Item 12(a)), and will be made available to any plan participant, without cost, upon written request (Revised Item A(1) of Part II of amended Form S–8).

Former Items 14, 15, 17 and 18, "Summary of Operations of the Issuer," "Market Prices of the Issuer's Securities and Dividend Policy," "Financial Statements of the Issuer," and "The Issuer's Business and Management," have all been deleted because they are in the issuer's annual report to shareholders which is supplied to plan participants and are also included for the most part in the issuer's annual report on Form 10–K filed with the Commission which is incorporated by reference.[3]

Former Items 16 and 19, "Description of Certain Significant Developments in the Last Three Years" and "Parents of the Registrant," have been deleted, but the substance of the disclosure required by these items is contained in the issuer's annual report to shareholders or in the issuer's Form 10–K.

Discussion of Items in New Form S–8 Which Are Revised From Previous Form S–8 or Are New

Instruction A of the General Instruction has been revised to make it clear that a prerequisite to the use of Form S–8 is that the issuer, whether a registered company reporting under Section 13 of the Exchange Act or a company reporting under Section 15(d) of the Exchange Act, must supply its security holders with an annual report for its last fiscal year containing substantially the information required by Rule 14a–3 (17 CFR 240.14a–3) under the Exchange Act. This change is necessary because of the increased reliance the revised Form S–8 places on the disclosures contained in the annual report to security holders. Additionally, the instruction has also been amended to require plans with separate financial statements to have those financial statements and other plan annual report information on file at least concurrently with the filing of the registration statement or any post-effective amendment with respect thereto. This change is required since the new Form incorporates financial information from the Form 11–K annual report.

Item 1(d) pertains to disclosure of the number of employees participating in the plan and of the number eligible to participate. Unlike the former sub-item, revised Item 1(d) provides a procedure under which this information need not be included in filings on Form S–8 made by the registrant. Under the proviso to Item 1(d), this information may be omitted if it is otherwise delivered, no less frequently than annually, to employees participating in the plan.

Instruction 3 to Item 3, which imposes a requirement to provide a table of outstanding options, has been revised to indicate that the issuer may omit the table and thereby avoid the necessity to file posteffective amendments pursuant to Section 10(a)(3) of the Securities Act or otherwise to update the table if this information is contained either in the issuer's annual report to shareholders or proxy statement. Since the information called for in the table may or may not be considerably more extensive than that required in footnotes to financial statements or in proxy statements, it is believed that the choice as to where the information should be set forth should be left to the issuer. The issuer ordinarily would be in the best position to determine which form of presentation will involve the least duplication or expense.

The requirements to provide a five-year history of the employer's discretionary contributions previously contained in Item 5(a) and to provide a three-year history and description of brokerage commissions paid by the plan previously contained in Item 9(d) and in related instructions have both been moved to become requirements in Form 11–K. Again, as is indicated in Forms 10–K and 11–K and in Rule 15d–21 [17 CFR 240.15d–21], issuers are encouraged to combine this information and other information required by Forms 10–K and 11–K with the issuer's annual report to shareholders. It is anticipated that by moving these informational requirements to Form 11–K some issuers and plans will be relieved of the obligation to file updating post-effective amendments on an annual or other periodic basis. At the same time, however, information as to discretionary contributions and brokerage commissions will remain available to plan participants.

Paragraph (c) of Item 8, requiring the disclosure of the annual amount of compensation to plan administrators, has been deleted because it duplicates a requirement in Form 11–K.

New Item 11, "Securities to be Registered," combines Items 12 and 13 of the previous Form S–8, "Capital Stock to be Registered" and "Other Securities to be Registered". This new combined item also permits incorporation by reference of the description of any such security registered under Section 12 of the Exchange Act.

New Items 12 and 13, "Incorporation of Certain Documents by Reference" and "Additional Information," are based upon Items 7 and 8 of Form S–16 (17 CFR 239.27) and have as their purpose establishing the Form S–16 format in the Form S–8. The only changes from Form S–16 are such technical ones as were necessary to coordinate the items with Form S–8.

A new subparagraph (3) has been added to subpart A of Part III, "Undertakings and Other Information Not Required In Prospectus," to provide an undertaking to deliver a Form 11–K or other document filed in lieu of a Form 11–K upon request. This undertaking is necessary to provide information to interested parties which would otherwise not be available to them, such as the financial statements of the plan, and is also necessary if certain disclosures, such as the financial statements of the plan, are to be up-dated by Exchange Act filings and not by post-effective amendments. It should be noted, however, that this requirement, in the case of new filings on Form S–8 registering interests in certain plans, will necessitate the filing of a Form 11–K at least concurrently with the Form S–8. To effect this result a new Instruction A(2) has been inserted limiting the use of the new form.

The undertaking in Subpart B of Part II, now entitled "Undertaking to Update Annually," has been expanded to reflect the anticipated updating of Form S–8 by Exchange Act annual reports rather than by post-effective amendments. The new undertaking deems annual reports (but not interim or other Exchange Act reports) filed with the Commission pursuant to Section 13 or 15(d) of the

[3] The Commission recently has proposed revisions to Form 10–K which, if adopted, would revise all of these items and would reduce present differences in the disclosure required in the annual report to shareholders and in the Form 10–K. (Securities Act of 1933 Release No. 6176 (January 15, 1980) [45 FR 5972]).

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Exchange Act and use for up-dating purposes to constitute a new registration statement for statute of limitation purposes. This change is necessary to prevent the statute of limitations from tolling in situations where sales continue to be made under the prospectus updated by Exchange Act reports, an incongruous result.

The "Instructions As to Exhibits" have been revised to delete the reference to copies of waviers or undertakings required by Note (a) to Rule 460 (17 CFR 230.460), which is now inappropriate as a result of the automatic effectiveness of all filings on Form S–8.[4]

Discussion of Items Added to Form 11–K

New Items 3 and 8, relating to a five year history of the employer's discretionary contributions and to information concerning brokerage commissions, have been added to Form 11–K. In moving these items from Form S–8, no substantive change is intended.

Need for Posteffective Amendments

Although the Commission expects that the changes in Form S–8 will permit most stock purchase and stock option plans registering issuer's shares on Form S–8 to update their registration statements through Exchange Act filings, the Commission is aware that despite the simplifications of the form and the readjustment of items many employee pension and profit sharing plans will continue to require annual post-effective amendments because of the requirement in Item 9(a) to provide data to evaluate alternative investment media. The Commission invites suggestions from interested parties as to how this updating requirement might be avoided, while still providing this highly relevant information to plan participants. In this regard persons providing suggestions should be aware that the Commission believes that information as to the performance of investment media should be delivered to participants on a reasonably current basis at or within a short time prior to the time when a participant makes a choice or election to change or continue the investment of his or her account. Informal suggestions as to appropriate alternative means of dissemination of performance data should be submitted in writing to the attention of the Chief of the Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

[4] Securities Act of 1933 Release No. 6190 (February 22, 1980) [45 FR 13438].

Certain Technical Amendments

In the course of reorganizing Form S–8 to facilitate integration with Exchange Act reports and automatic updating, the Commission has adopted a number of technical amendments designed to clarify the form.

Although the Commission does not believe that any of the technical amendments involve substantive change, it does believe that the technical amendments dealing with the use of reoffer and resale prospectuses deserve mention. The notes relating to reoffer prospectuses following the General Instructions have been relocated to follow Instruction E, the instruction dealing with reoffers and resales. Additionally these notes have been expanded and revised in several respects. First, the administratively imposed requirement that shares may not be registered unless there is an intention to offer and sell has been added as a new Note 1. Second, Note 2 to Instruction E of the General Instructions has been amended to correct an existing error and to clarify some confusing language. The existing reference to Item 5 of Form S–16, "Use of Proceeds to Issuers," is erroneous and has been corrected to refer to Item 4, "Securities to be Offered and Identity of Offeror(s)." Moreover, the language in the last sentence of the note has been revised to make it clear that "additional amounts of securities" refers only to those previously registered on this Form S–8. Third, the Commission's policies as to the inclusion of unregistered shares has been added to Note 3 (formerly Note 2).

Text of the Amendments to Form S–8

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Section 239.16b is amended as follows:

§ 239.16b Form S–8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

The entire form is amended to read as follows:

Form S–8—Registration Statement Under the Securities Act of 1933

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of Principal Executive Offices)

(Zip Code)

(Full title of the plan)

(Name and address of agent for service)

(Telephone number, including area code, of agent for service)

Calculation of Registration Fee

Title of securities to be registered	Amount to be registered	Proposed maximum offering price per share	Proposed maximum aggregate offering price	Amount of registration fee

General Instructions

A. Rule as to Use of Form S–8

(1) Any issuer which at the time of filing a registration statement on this Form has been subject to the requirement to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the prior 90 days, has filed all reports and other materials required to be filed by such requirements during the preceding 12 months (or for such shorter period that the registrant was required to file such reports and materials), and has furnished or will furnish an annual report to security holders for its last fiscal year containing substantially the information required by Rule 14a–3 (17 CFR 240.14a–3) under the Securities Exchange Act of 1934, may use this Form for registration under the Securities Act of 1933 (the "Act") of the following securities:

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any employee benefit plan. (See General Instruction B defining "plan").

(b) Interests in the above plans, if such interests constitute securities and are required to be registered under the Act. (See Securities Act Release No. 6188 (February 1, 1980) and Section 3(a)(2) of the Act.)

(2) Where interests in a plan are being registered and the plan's latest annual report filed pursuant to Section 15(d) of the Securities Exchange Act is to be incorporated by reference pursuant to the requirements of Form S–8, the Plan shall either: (i) Have been subject to the requirement to file reports pursuant to Section 15(d) for the prior 90 days and shall have filed all reports and other materials required to be filed by such requirements during the preceding 12 months (or for such shorter period that the plan was required to file such reports and materials) or, (ii), If the plan has not previously been subject to the reporting requirements of Section 15(d), concurrently with the filing of the registration statement on Form S–8 the plan shall file an annual report in the form required under Section 15(d) for its latest fiscal year (or if the plan has not yet completed its first fiscal year, then for a period ending not more than 90 days prior to the filing date). [See instructions to Form 11–K and Rule 15d–21 (17 CFR 240.15d–21)].

B. Application of General Rules and Regulations

Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly Regulation C (17 CFR 230.400–494). Regulation C contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in Rule 405 [17 CFR 230.405] of Regulation C should be especially noted. For purposes of this Form the term "employee" is defined as any director, trustee, officer or other employee. The term "issuer" as used in this Form means the person whose securities are to be offered pursuant to the plan. As used in General Instruction A to this Form, the term "plan" shall include any purchase, savings, option, bonus, appreciation, profit sharing, thrift, incentive, pension or similar plan.

C. Documents Comprising the Registration Statement

The registration statement shall consist of the facing sheet of the Form, the prospectus, the required undertakings, signatures, consents of experts, exhibits and any other information or documents filed as part of the registration statement. There shall be no need to file copies of any documents incorporated by reference pursuant to Item 12 hereunder.

D. Preparation of Prospectus

The prospectus shall contain the information called for by all of the items of the Form, and negative answers to any items may be omitted.

The information required should be presented in a clear, concise and understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language.

E. Unavailability of the Form S–8 Prospectus for Reoffers or Resales

The Form S–8 prospectus will not be available for reoffers or resales of securities acquired pursuant to this registration statement by affiliates of the issuer, as defined in Rule 405 under the Act. However, such affiliates may reoffer or resell such securities pursuant to a separate prospectus, filed with the registration statement on this Form S–8, prepared in the following manner:

(1) Such prospectus may be prepared in accordance with the requirements of Form S–16 if:

(a) The issuer, at the time of filing such prospectus, satisfies the conditions set forth in the Rule as to the Use of Form S–7; or

(b) The amount of securities proposed to be reoffered or resold pursuant to the prospectus, by each person affiliated with the issuer, and any other persons with whom he is acting in concert for the purpose of selling securities of the issuer, does not exceed, during any three month period, the amount specified in Rule 144(e) (17 CFR 239.144(e)), calculated as of the date of filing such prospectus.

(2) If subparagraph (1), above, does not permit the use of a prospectus on Form S–16, registered reoffers or resales must be made by means of a separate registration statement utilizing whichever form is applicable.

Notes

1. Each of the persons named as a selling shareholder in a prospectus used for reoffers or resales shall have an intent to make such offers and sales within not more than sixteen months following the effective date of the prospectus. If after the effective date a person acquires an intent to reoffer or resell and the issuer wishes to add such person to the list of selling shareholders the issuer may do so by filing a post-effective amendment. Selling shareholder letters required by Guide 43 shall be filed as an exhibit at the time a person is named as a selling shareholder in the prospectus.

2. The information in a prospectus used for reoffers or resales shall be updated through an amended prospectus filed in accordance with Section 10(a)(3) of the Act. The information responding to Item 4 of Form S–16 may be updated more frequently through the filing of a post-effective amendment, or through a supplement to the prospectus filed pursuant to Rule 424(c) (17 CFR 230.424(c)) under the Act, to reflect new volume limitations and additional amounts of securities previously registered on this Form S–8 which are proposed to be reoffered.

3. Registered securities may be included in a reoffer prospectus if they have been acquired by the selling security holder pursuant to the plan, or if it is reasonably expected that they will be so acquired within 16 months after the effective date of the prospectus. Unregistered securities issued pursuant to the plan prior to the effective date of the first registration statement covering securities issued by the plan may be included in a reoffer prospectus, if each of the following conditions has been met:

(a) Such securities were issued in accordance with a lawful exemption from registration, and the issuer files as an exhibit a statement indicating the section of the Securities Act or Rule of the Commission under which exemption from registration was claimed, which statement shall set forth briefly the facts relied upon to make the exemption available.

(b) The prospectus indicates the number of previously unregistered shares being reoffered and such number does not exceed ten percent of the total number of shares issuable under the plan.

(c) All persons (including non-affiliates) holding unregistered shares to be reoffered pursuant to the prospectus are named as selling shareholders in the prospectus: *Provided, however,* That any non-affiliate who holds less than the lesser of 400 shares or 1% of the shares issuable under the plan need not be named if the prospectus indicates that certain unnamed non-affiliates, each of whom may sell up to 400 shares, may use the prospectus for reoffers and resales.

4. The term "person" as used in General Instruction E shall be the same as is set forth in Rule 144(a)(2) under the Act.

F. Filing and Effectiveness of Registration Statement; Requests for Confidential Treatment; Number of Copies

Original registration statements on this Form S–8 will become effective automatically on the twentieth day after the date of filing (Rule 456, 17 CFR 230.456), pursuant to the provisions of Section 8(a) of the Act (Rule 459, 17 CFR 230.459). Pre-effective amendments may be filed prior to effectiveness, and such amendments will be deemed to have been filed with the consent of the Commission (Rule 475a, 17 CFR 230.475a). Accordingly, the filing of a pre-effective amendment will not commence a new twenty-day period. Post-effective amendments on this form shall become effective upon the date of filing (Rule 464, 17 CFR 230.464). Delaying amendments are not permitted in connection with either original filings or amendments (Rule 473(d), 17 CFR 239.473(d)), and any attempt to interpose a delaying amendment of any kind will be ineffective. All filings made on or in connection with this form become public upon filing with the Commission. As a result, requests for confidential treatment made under Rule 485 (17 CFR 230.485) must be processed with the Commission staff prior to the filing of the registration statement. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (17 CFR 230.402, 230.472) shall be filed with the Commission; *Provided, however,* That the number of additional copies referred to in Rule 402(a)(2) may be reduced from ten to two and the number of additional copies referred to in Rule 472(a) may be reduced from eight to two, each of which shall be marked to clearly and precisely indicate changes.

Part I. Information Required in the Prospectus

Item 1. General Information Regarding the Plan

(a) Give the title of the plan, the name, address of the principal executive office and phone number of the issuer whose securities are to be offered pursuant to the plan, and the name of each company whose employees are entitled to participate in the plan.

Instruction. If employees of all subsidiaries and parents of the issuer are entitled to participate in the plan, a statement to that effect will suffice without naming each. However, if each such employer is not named in the prospectus, an exhibit should be filed naming them.

(b) State the general purpose of the plan, when it was created, the parties thereto, the manner of its creation, its duration, and any provisions for its modification, earlier termination or extension.

(c) Describe briefly any tax effects which may accrue to employees as a result of participation in the plan, the tax effects, if any, upon the issuer, and state whether or not the plan is qualified under Section 401(a) of the Internal Revenue Code.

Note.—If the plan is not qualified under Section 401 of the Internal Revenue Code of 1954, as amended, consideration should be given to the applicability of the Investment Company Act of 1940. See Securities Act Release No. 4790 (July 13, 1965).

(d) State, as of the latest practicable date, the approximate number of employees participating in the plan and the number eligible to participate: *Provided, however,* That no response to this sub-item need be

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furnished if such information is otherwise delivered to employees participating in the plan no less frequently than annually.

(e) Briefly indicate whether the plan is subject to any provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"), and identify those provisions to which it is subject. If the plan is subject to some but not all of the principal protective provisions of Titles I and IV of that Act, briefly describe the protective provisions not applicable and state whether such protections will be extended to participants of the subject plan by the registrant.

(f) In situations in which participation in the plan may involve unusual risks to the participant, as, for example, when the plan imposes a substantial restriction on the ability of a participant to withdraw his contributions, or when participation in the plan may obligate the participant's general credit in connection with purchases on a margin basis, prominent disclosure of such risks should be set forth in the prospectus.

Item 2. Securities To Be Offered and Employees Who May Participate in the Plan

(a) State the title and total amount of securities to be offered pursuant to the plan. Indicate the source of any limitation on the amount of securities to be offered.

(b) Describe briefly any restrictions on resale of the securities purchased under the plan which may be imposed upon the employee purchaser.

(c) Indicate each class or group of employees who may participate in the plan and state the basis upon which the eligibility of employees to participate therein is to be determined.

(d) With respect to the plan, state either (1) the maximum and minimum amounts of securities which may be purchased by or issued to, or options which may be granted to, any director or executive officer, any other officer, and any employee, or (2) the basis for determining such amounts.

Instruction. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other officer who performs similar policy-making functions for the registrant.

Item 3. Purchase of Securities Pursuant to the Plan

State the period of time within which employees may elect to participate in the plan, the price at which the securities may be purchased or the basis upon which such price is to be determined.

Instructions. 1. If the securities are to be offered pursuant to options, state when the options become exercisable, the exercise price, the basis for determining such price, whether and under what circumstances such price may be modified and by whom, the maximum amount which may be exercised in any year, whether such amounts are cumulative, and the period during which all options must be exercised.

2. Indicate whether adjustment will be made for changes in the securities resulting from stock dividends, stock splits and similar changes.

3. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups, then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase price of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

4. Notwithstanding the provisions of the preceding instructions, if the information as to options, including the amounts outstanding, exercises, prices and expiration dates, is included in the issuer's annual report to shareholders containing the information required by Rule 14a–3 or in the issuer's proxy statement meeting the requirements of Section 14(a) of the Securities Exchange Act of 1934 (or information statement meeting the requirements of Section 14(c) of the Securities Exchange Act of 1934) and rules promulgated thereunder, which has or will be delivered to participants pursuant to an undertaking in Part II of this form, then such information may be incorporated by reference to the document where it appears. Issuers electing to incorporate information pursuant to the preceding sentence should be aware that the information required hereunder is more extensive than that otherwise called for in annual reports or proxy statements (or information statements) and that the information incorporated by reference must be updated no less frequently than is required by Section 10(a)(3) of the Securities Act of 1933.

Item 4. Payment for Securities Offered

(a) State when and the manner in which employees are to pay for the securities purchased pursuant to the plan. If payment is to be made by payroll deductions or other installment payments, state the percentage of wages or salaries or other basis for computing such payments, and the time and manner in which an employee may alter the amount of such deduction or payment.

(b) State the nature and frequency of any reports to be made to participating employees as to the amount and status of their accounts.

Instruction. If the plan is one under which credit is extended to finance the acquisition of securities and Regulation G (12 CFR Part 207) or T (12 CFR Part 220) is applicable, it should be noted whether the respective requirements of Regulation G or T have been met.

Item 5. Contributions Under the Plan

(a) If contributions are to be made under the plan by the issuer or any employer, state who is to make such contributions, when they are to be made and the nature and amount of each contribution. If such contributions are not a fixed amount, state the basis for computing contributions.

(b) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions.

Item 6. Withdrawal From the Plan—Assignment of Interest

(a) Describe the terms and conditions under which a participating employee may (1) withdraw from the plan and terminate his interest therein, or (2) withdraw funds or investments held for his account without terminating his interest in the plan.

(b) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

Item 7. Defaults Under the Plan

State separately every event of default under the plan with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

Item 8. Administration of the Plan

(a) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustee or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employees, the issuer or its affiliates.

(b) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

Item 9. Investment of Funds

(a) If participating employees may direct all or any part of the assets under the plan to two or more investment media, describe the provisions of the plan with respect thereto and set forth in tabular form, where appropriate, for each of the past five years (or such lesser period as each such investment medium has been available) financial data which, in the opinion of the issuer, will enable such employees to make informed investment decisions concerning such investment media.

(b) If any person other than a participating employee has discretion with respect to the investment of all or any part of the assets of the plan in one or more investment media, name such person and describe the policies followed and to be followed with respect to the type and proportion of securities or other property in which the funds of the plan may be invested.

(c) State whether assets are to be purchased under the plan in the open market or otherwise. If they are not to be purchased in the open market, then state from whom they are to be purchased and describe the fees, commissions or other charges paid. If the employer or any of its affiliates, or any person having a material relationship with the employer of any of its affiliates, directly or indirectly, receives any part of the aggregate purchase price (including fees, commissions or other charges), explain.

(d) If a substantial part of the assets of the plan is invested in securities other than those of the employer, its parents or subsidiaries, describe how brokers will be selected to effect securities transactions for the plan and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

Instructions to Item 9(d). (i) If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.

(ii) If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

(iii) State whether persons acting on behalf of the plan are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(iv) If applicable, explain that research services furnished by brokers through whom the plan effects securities transactions may be used by the plan's investment manager in servicing all of its accounts, and that not all such services may be used by such investment adviser in connection with the plan; or, if other policies or practices are applicable to the plan with respect to the allocation of research services provided by brokers, explain such policies and practices.

Item 10. Charges and Deductions and Liens Therefor

(a) Describe all charges and deductions, (other than deductions described in Item 4(a) and taxes) which may be made against employees participating in the plan or against funds, securities or other property held under the plan and indicate who will receive, directly or indirectly, any part therefor. Such description should include charges and deductions which may be made upon the termination of an employee's interest in the plan, or upon partial withdrawals from the employee's account thereunder.

(b) State whether or not under the plan, or pursuant to any contract in connnection therewith, any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

Item 11. Securities To Be Registered

(a) If capital stock is to be registered hereunder, and such class of stock is already registered under Section 12 of the Securities Exchange Act of 1934, comply with Item 12(d).

(b) If capital stock is to be registered hereunder, and such class of stock is not registered under Section 12 of the Securities Exchange Act of 1934, state the title of the class and furnish the following information:

(1) Outline briefly (i) dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) pre-emptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the issuer.

(2) If the rights of holders of such stock may be modified otherwise than by a vote of a majority of the shares outstanding voting as a class, so state and explain briefly.

(3)Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the government instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities to be registered.

(c) If securities other than capital stock are to be registered outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by paragraph (b) above and the instructions thereto shall be furnished.

Item 12. Incorporation of Certain Documents by Reference

The issuer and, where interests in the plan are being registered, the plan, shall incorporte by reference into the prospectus the documents listed in (a) through (d) below and shall state that all documents subsequently filed by them pursuant to Sections 13, 14 and 15(d) of the Securities Exchange Act of 1934, prior to the filing of a post-effective amendment which indicates that all securities offered have been sold or which deregisters all securities then remaining unsold, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filing of such documents. Copies of these documents are not required to be filed with the registration statement.

(a) The issuer's and, where interests in the plan are being registered, the plan's latest annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or, in the case of the issuer, the latest prospectus filed pursuant to Rule 424(b) or (c) under the Securities Act of 1933, which contains, either directly or by incorporation by reference, certified financial statements for the issuer's latest fiscal year for which such statements have been filed.

(b) All other reports filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual reports or the prospectus referred to in (a) above.

(c) The issuer's definitive proxy statement or information statement, if any, filed pursuant to Section 14 of the Securities Exchange Act of 1934 in connection with the latest annual meeting of its stockholders, and any definitive proxy or information statements so filed in connection with any subsequent special meetings of its stockholders.

(d) If the class of securities to be offered is registered under Section 12 of the Securities Exchange Act of 1934, the description of such class of securities which is contained in a registration statement filed under such Act, including any amendment or report filed for the purpose of updating such description.

Instruction. If any accountant, engineer, or any person whose profession gives authority to a statement made by him is named as having prepared or certified any part of the material incorporated by reference or is named as having prepared or certified a report or valuation for use in connection with any of the material so incorporated, the written consent of such person shall be included in the registration statement unless express consent to the incorporation by reference is contained in the material incorporated by reference. The written consent of persons so named in future material incorporated by reference shall be filed by amendment to the registration statement no later than the date on which such material is filed with the Commission unless express consent to such incorporation by reference is contained in the material incorporated by reference. Attention is directed to Rule 439.

Item 13. Additional Information

(a) Describe any material changes in the issuer's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in an annual report or prospectus incorporated by reference in response to Item 12(a) and which have not been, nor will be, described in a timely-filed report on Form 8–K or 10–Q (17 CFR 249.308 and 249.308a) or in a proxy or information statement filed under the Securities Exchange Act of 1934.

(b) State that reports, proxy statements and other information filed by the issuer can be inspected and copied at the public reference facilities maintained by the Commission in Washington, D.C. and at certain of its Regional Offices, stating the current address of each such facility, and that copies of such material can be obtained from the Public Reference Section of the Commission, Washington, D.C. 20549 at prescribed rates. In addition, name any national securities exchange on which the issuer's securities are listed, and state that reports, proxy statements and other information concerning the registrant can be inspected at such exchanges.

Part II. Undertakings and Other Information Not Required in Prospectus

A. To Transmit Certain Material

(1) The undersigned issuer hereby undertakes to deliver or cause to be delivered with the prospectus to each employee to whom the prospectus is sent or given, a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise has received a copy of such report in which case the issuer shall state in the prospectus that it will promptly furnish, without charge, a copy of such report on written request of the employee. If the last fiscal year of the issuer has ended within 120 days prior to the use of the prospectus, the annual report of the issuer for the preceding fiscal year may be so delivered, but within such 120 day period the annual report for the last fiscal year will be furnished to each such employee.

(2) The undersigned issuer hereby undertakes to transmit or cause to be transmitted to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, at the time and in the manner such material is sent

to its stockholders, copies of all reports, proxy statements and other communications distributed to its stockholders generally.

(3) Where interests in a plan are registered herewith, the undersigned issuer and plan hereby undertake to transmit or cause to be transmitted promptly, without charge, to any participant in the plan who makes a written request, a copy of the then latest annual report of the plan filed pursuant to Section 15(d) of the Securities Exchange Act of 1934 (Form 11–K). If such report is filed separately on Form 11–K, such form shall be delivered upon written request. If such report is filed as a part of the issuer's annual report on Form 10–K, that entire report (excluding exhibits) shall be delivered upon written request. If such report is filed as a part of the issuer's annual report to shareholders delivered pursuant to paragraph (1) or (2) of this undertaking additional delivery shall not be required.

B. Undertaking to Update Annually

The undersigned issuer hereby undertakes: (1) To file any prospectus required by Section 10(a)(3) as a post-effective amendment to this registration statement; (2) that for the purpose of determining any liability under the Act each such post-effective amendment and each filing of the issuer's annual report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (or, where applicable, each filing of the plan's annual report pursuant to Section 15(d) of the Securities Exchange Act of 1934) shall be deemed to be a new registration statement relating to the securities offered therein and the offering of such securities at that time shall be deemed to be the initial bona fide offering thereof; (3) that all such new registration statements will comply with the applicable forms, rules and regulations of the Commission in effect at the time such post-effective amendments or annual reports are filed; and (4) to remove from registration by means of a post-effective amendment any of the securities being registered which remain unsold at the termination of the plan.

Signatures

The Issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer certifies that it meets all of the requirements for filing on Form S–8, undertakes to comply with the requirements of Part II of Form S–8 and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ———, and the State of ———, on this —— day of ———, 19—.

(Issuer)
By ———
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated. Moreover, the undersigned hereby also certify that to the best of their knowledge and belief the issuer meets all of the requirements for filing of Form S–8.

(Signature)

(Title)

(Date)

The Plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ———, and State of ———, on the —— day of ———, 19—.

(The Plan)
By ———
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)

(Title)

(Date)

Instruction. 1. The registration statement shall be signed by the issuer, (and where interests in the plan are being registered, by the plan), their respective principal executive officers, principal financial officers, controllers or principal accounting officers, and by at least the majority of the respective boards of directors or persons performing similar functions (or, in the event there is no board of directors or persons performing similar functions, by the majority of the persons having the power of management).

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

Note.—Reference is made to the provisions concerning powers of attorney and resolutions of the board of directors contained in Rule 402(c) of Regulation C.

Instructions as to Exhibits

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

1. Copies of the plan as presently in effect.

2. Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

3. An opinion of counsel as to the legality of the interests and the securities to be registered, indicating whether they will when sold be legally issued, fully paid and non-assessable. If the plan is subject to the requirements of ERISA, either (i) an opinion of counsel which confirms compliance of the provision of the written documents constituting the plan with the requirements of that Act pertaining to such provisions, or (ii) a copy of the Internal Revenue Service determination letter that the plan is qualified under Section 401 of the Internal Revenue Code, or (iii) an option of counsel, attaching a copy of the determination letter that any amended provisions of the plan adopted subsequent to such determination comply with the requirements of that Act pertaining to such provisions.

4. Copies of all summaries of the plan or other written communications intended to be used in connection with the offer or sale of the securities to be registered.

5. Copies of the issuer's annual report to security holders for its last fiscal year. Such report, except for any portions thereof which are incorporated by reference is to be furnished for the information of the Commission and is not to be deemed "filed" as part of the registration statement. If the financial statements in the report have been incorporated by reference in the registration statement, the accountant's certificate shall be manually signed in one copy.

6. Copies of the exhibit called for by the Instructions to Item 1(a), if applicable.

Text of the Amendments to Form 11–K

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Section 249.311 is amended as follows:

§ 249.311 Form 11–K, for annual reports of employee stock purchase, savings and similar plans pursuant to section 15(d) of the Securities Exchange Act of 1934.

The form is amended to read as follows:

Form 11–K

Securities and Exchange Commission,
Washington, D.C. 20549

For annual reports of employee stock purchase, savings and similar plans pursuant to section 15(d) of the Securities Exchange Act of 1934

General Instructions

* * * * *

Securities and Exchange Commission,
Washington, D.C. 20549

Form 11–K—Annual Report

Pursuant to Section 15(d) of the Securities Exchange Act of 1934.

For the fiscal year ended———

A. Full title of the plan and the address of the plan, if different from that of the issuer named below:

B. Name of issuer of the securities held pursuant to the plan and the address of its principal executive office:

Items To Be Answered

Item 1. Changes in the Plan

Describe briefly any material changes in the provisions of the plan during the fiscal year.

Item 2. Changes in Investment Policy

Describe briefly any material changes during the fiscal year in the policy with respect to the kind of securities or other investments in which funds held under the plan may be invested.

Item 3. Contributions Under the Plan

If contributions are to be made under the plan by the issuer, and (a) if the issuer has discretion concerning such distributions or (b) if contributions are measured other than by reference to the employee's contributions, provide information for the past five fiscal years describing the amount of the issuer's contributions.

Item 4. Participating Employees

State the approximate number of employees who were participants in the plan at the end of its fiscal year.

Item 5. Administration of the Plan

(a) Give the names and address of the persons who administer the plan, the capacity in which they act (such as trustees or managers) and list all positions or offices held with the issuer or any of its affiliates.

(b) State the total amount of compensation received from the plan by each of the administrators for services in all capacities during the fiscal year.

Item 6. Custodian of Investments

(a) Give the names and addresses and nature of the business of each person who acts as custodian of any of the securites or other investments of the plan.

(b) State the total amount of compensation recieved from the plan by each person for services in all capacities during the fiscal year.

(c) State the nature and amount of the coverage of any bond furnished by any such custodian or its officers or employees in connection with the custody of the security investments or other assets of the plan.

Item 7. Reports to Participating Employees

State the nature of the reports made to participating employees during the fiscal year in regard to the operations of the plan or the status of the employees' accounts under the plan.

Item 8. Investment of Funds

(a) If a substantial part of the assets of the plan is invested in securities other than those of the employer, its parents or subsidiaries, state:

(1) The aggregate dollar amount of brokerage commissions paid by the plan during the three most recent fiscal years;

(2)(i) The Aggregate dollar amount, if any, of brokerage commissions paid by the plan during the three most recent fiscal years to any broker (A) which is an affiliated person of the plan, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the plan, or its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement; (ii) the percentage of the plan's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of the plan's aggregate dollar amount of tranactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentge of brokerage transactions effected through, any such broker, the reasons therefor.

Instruction. For the purpose of this Item, "affiliated person", "principal underwriter" and "investment adviser" shall have the same meaning as in the Investment Company Act of 1940. These definitions shall be read as if the plan were an investment company within the meaning of that Act.

(b) If, during the last fiscal year, the plan or its investment manager, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed the plan's brokerage tranactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

Item 9. Financial Statements and Exhibits

List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

Signatures

Pursuant to the requirements of the Securities Exchange Act of 1934, the trustees (or other persons who administer the plan) have duly caused this annual report to be signed by the undersigned thereunto duly authorized.

(Name of Plan)———
Date ———
By ———

*Print name and title of the signing official under his signature.

Instructions as to Financial Statements

The following financial statements shall be furnished for the plan.

(a) An audited statement of financial condition as of the end of the latest two fiscal years of the plan (or such lesser period as the plan has been in existence).

(b) An audited statement of income and changes in plan equity for each of the latest two fiscal years of the plan (or such lesser period as the plan has been in existence).

Instructions

1. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Article 6C, Regulation S–X (17 CFR Part 210) and shall be accompanied by the schedule specified in that Regulation.

2. Notwithstanding Rule 6.34(a) of Regulation S–X, Schedule 1 need be filed only for the most recent period for which each statement of financial condition is filed.

Instructions as to Exhibits

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report:

(a) Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

(b) Copies of all documents relating to the plan which are of a character required to be filed as an exhibit to a registration statement and which have been executed or otherwise put into effect and not previously filed.

Statutory Authority and Findings

The Commission hereby adopts the amendments to Form S–8 pursuant to the Securities Act of 1933, particularly Sections 7, 10 and 19 thereof, and the amendments to Form 11–K pursuant to the Securities Exchange Act of 1934, particularly Sections 12, 13, 15(d) and 23(a) thereof.

As required by Section 23(a)(2) of the Exchange Act, the Commission has specifically considered the impact which the amendments adopted herein would have on competition and has concluded that they would impose no significant burden on competition. In any event, the Commission has determined that any possible burden will be outweighed by and is necessary and appropriate to achieve the benefits of these amendments to investors and registrants.

(Secs. 7, 10, 19, 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 2, 52 Stat. 1075; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 10, 78 Stat. 565–568, 569, 570–574, 580; secs. 1, 2, 82 Stat. 454; secs. 28(c), 1, 2, 7(d), 84 Stat. 1435, 1497, 1653; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 16, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77g, 77j, 77s, 78*l*, 78m, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,
Secretary.

April 2, 1980.

[FR Doc. 80-10461 Filed 4-7-80; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Dockets Nos. RM79–54 and RM79–55]

Small Power Production and Cogeneration Facilities—Environmental Findings; No Significant Impact and Notice of Intent To Prepare Environmental Impact Statement

March 31, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of finding of no significant impact and notice of intent to prepare environmental impact statement.

SUMMARY: The FERC has issued rules implementing Section 210 of PURPA, which provide that electric utilities must purchase electric power from and sell

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electric power to qualifying cogeneration and small power production facilities. In addition they exempt qualifying facilities from State and Federal regulation of rates and financial organization of electric utilities. The rules implementing Section 201 of PURPA set forth criteria by which a cogeneration or small power production facility can qualify for these rate and exemption provisions.

The FERC has prepared an environmental assessment, in which it determined that, with the exception of new diesel cogeneration facilities, these rules will not significantly affect the environment. The FERC also gives notice that it intends to prepare an environmental impact statement (EIS) evaluating the effects of the increased use of diesel cogeneration that would result from qualification of that technology.

ADDRESS: The appendices to the environmental assessment are available at the Commission's Division of Public Information, Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, (202) 357–8228.
Ross D. Ain, Esq., Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, (202) 357–8446.
Adam Wenner, Executive Assistant to the Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, (202) 357–8330.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Energy Regulatory Commission (FERC) has prepared an environmental assessment (EA) of the rules implementing Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The rules implementing Section 210 of PURPA provide that electric utilities must purchase electric power from and sell electric power to qualifying cogeneration and small power production facilities.[1] In addition they exempt qualifying facilities from State and Federal regulation of rates and financial organization of electric utilities. The rules implementing Section 201 of PURPA set forth criteria by which a cogeneration or small power production facility can qualify for these rate and exemption provisions.[2]

The scoping process carried out by the Commission has included the preparation of a preliminary EA which was circulated for comment on October 19, 1979. Four regional public meetings were held in which extensive comments were presented. The EA and Appendices to the EA are on file in the FERC Division of Public Information, 825 North Capitol St. NE., Washington, D.C., and are available for public review upon request. These documents are also available for public review at the following FERC locations:

Atlanta Regional Office, 730 Peachtree Building, Room 500, Atlanta, GA 30308.
Chicago Regional Office, 31st Floor, Federal Building, 230 Dearborn Street, Chicago, IL 60604.
Fort Worth Regional Office, 819 Taylor Street, Room 9A05, Fort Worth, TX 76102.
New York Regional Office, 26 Federal Plaza, Room 2207, New York, NY 10007.
San Francisco Regional Office, 333 Market Street, Sixth Floor, San Francisco, CA 94105.

Notice of Intent To Prepare an Environmental Impact Statement

The proposed rules in Docket No. RM79–54 [3] would permit all diesel cogeneration facilities to qualify. On the basis of the EA, and the comments received during the scoping process, the Commission believes that, with regard to new diesel cogeneration facilities, the rule as proposed may constitute a major Federal action significantly affecting the environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). Accordingly, prior to issuance of final rules on the qualification of new diesel cogeneration, the Commission will prepare and circulate an environmental impact statement evaluating the PURPA-induced environmental implications of this technology.

For further information on the environmental assessment or environmental impact statement contact:

Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D. C. 20426, Telephone (202) 357–8228.
Ross D. Ain, Esq., Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St. N.E., Washington, D. C. 20426, Telephone (202) 357–8445.
Adam Wenner, Executive Assistant to the Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D. C. 20426, Telephone (202) 357–8336.

Upon completion of the draft EIS, notice will be given in the Federal Register, at which time comment will be solicited from Federal agencies and other interested parties.

Kenneth F. Plumb,
Secretary.

Environmental Assessment

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1. Summary

Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) amend the Federal Power Act to remove many of the jurisdictional provisions that act as disincentives to certain types of electric generation. The Federal Energy Regulatory Commission's (FERC) regulations implementing Section 201 (RM79–54) establish criteria for qualifying cogeneration facilities and small power producing facilities, collectively called qualifying facilities (QF).[1] The rules implementing Section 210 (RM79–55) establish rates at which power should be exchanged between QFs and electric utilities, and exemptions from certain State and federal regulations for QFs.

Issuance of rules under Section 201, acting in concert with the 210 rules, will encourage cogeneration and small power production and increase the number of such facilities in the United States. However, there are certain other incentives for such facilities even without these regulations; many cogeneration facilities have been in use for over half a century and new ones are being added, although in recent decades a considerable number have been phased out. The projected increase in facilities that will result from these regulations will provide approximately 12,000 Mw of electric capacity by 1995. This includes 5,900 Mw of industrial and commercial cogeneration, 3,500 Mw from small-scale hydropower at existing dams, 360 Mw from municipal solid waste systems, and 1,900 Mw from wind energy conversion systems.

The market projection analysis indicated that before 1995 these rules are not expected to encourage significant amounts of electrical generation using biomass, geothermal, or solar thermal and photovoltaic energy.

The Federal action requiring scrutiny under the National Environmental Policy Act of 1969 (NEPA) is a product of the rules under Section 201 of PURPA, acting together with the rules under Section 210 of PURPA. The environmental effects are not related to the total environmental impacts of the numerous technologies and facilities covered by PURPA, but only that increment of those effects that result from the incentives provided by these rules. Therefore, the environmental assessment concentrates on the PURPA-induced technologies of wind, small-scale hydropower at existing dams, municipal solid waste, and cogeneration. The results of that assessment are summarized as follows:

- Industrial and commercial cogeneration, particularly new facilities utilizing steam topping cycles, diesel engines and combustion turbines will result in slight increases in air emissions (nitrogen oxides, sulfur oxides, particulates, carbon monoxides and hydrocarbons) on a national basis. However there may be significant increases of certain pollutants (NO_x) from new diesel cogeneration on a localized basis in highly urbanized areas. Overall, QFs will have a small beneficial effect by reducing national emission levels of sulfur oxides (−0.07 percent), whereas NO_x, hydrocarbons and total suspended solids will increase slightly [0.32 percent, 0.05 percent, and 0.02 percent] respectively. On a nationwide basis, carbon monoxide emissions will remain the same.
- Wind energy systems, especially those over 5 kilowatts, may create aesthetic impacts, electromagnetic interference and conflicts in land use.
- Municipal solid waste to energy systems create localized effects due to emissions of nitrogen oxides, sulfur oxides and particulates, waste water discharges and consumptive water usage, and disposal of toxic and hazardous wastes.
- Small-scale hydropower development creates local water quality and related ecological impacts as well as potential conflicts over the use of resources. These impacts are generally not significant for existing dams (ones maintaining a constant pool), but can be significant if breached dams are rehabilitated as part of the hydropower development at a site, or if new dams are constructed.

Directly related to the energy and capacity provided by QFs are certain environmental benefits and tradeoffs that result from these rules. First, utilities will be able to defer or cancel construction of certain facilities, originally scheduled for construction between 1980-1995. These deferrals are expected to include some eleven—500 Mw coal-fired steam plants, one-1,000 Mw nuclear plant, a number of 75 Mw gas turbines, and certain large scale hydropower and combined cycle installations. All of the environmental impacts associated with the construction and operation of these facilities would be avoided.

PURPA will produce significant energy savings of non-renewable resources. An estimated 40,000 bbl/day of oil will be conserved, plus an additional 40,000 bbl/day equivalent of natural gas and 120,000 bbl/day equivalent of coal by 1995.

On the basis of the environmental assessment of PURPA-induced technologies, the Commission has made the following findings:

- The program, taken as a whole, will not have a significant impact on the quality of the human environment within the meaning of section 102 of NEPA. The Commission also has noted certain beneficial environmental impacts that may result from this program.
- Where the expected market-penetration of technologies which could qualify under this program is not expected to cause any significant environmental effects in the near term, the Commission will allow qualification of these technologies without delay.
- Where a technology is expected to cause significant environmental effects in the near term, an EIS covering the technology will be prepared and considered before the Commission acts on qualification.
- The Commission is establishing a monitoring program to alert the Commission to the likelihood or extent of market penetration by technologies which qualify under this program. This procedure is designed to produce information that may be relevant to taking appropriate action to protect the environment in the future before technologies under the program reach a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

2. Preface

Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA) mandates that the Commission prescribe rules under which small power production facilities and cogeneration facilities can obtain "qualifying" status.[1] The proposed rules for such status in Docket No. RM79–54 were issued June 27, 1979.[2]

Section 201 of PURPA defines a "small power production facility" as a facility which:

- Produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof; and
- Has a power-production capacity which, together with any other facilities located at the same site (as determined by the Commission) is not greater than 80 megawatts.

A cogeneration facility is defined as a facility which produces electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes.

A cogeneration or small power production facility may not be owned by a person primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration or small power production facilities).

On October 19, 1979, the Commission issued a request for further comments on its proposed rulemaking establishing requirements for determining qualifying status for cogeneration and small power production facilities. One purpose of renoticing Docket No. RM79–54 was to provide an opportunity for the public to comment on the findings of the staff's preliminary environmental assessment.[3]

While the legislation permits certain facilities to be exempt from State and Federal laws, it excludes exemptions from environmental laws. Thus, a qualifying facility may not be built or operated unless it complies with all

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[1] RM79–55, issued Feb. 19, 1980, 45 FR 12214 (Feb. 25, 1980).

[2] RM79–54, issued Mar. 13, 1980, 45 FR 17959 (Mar. 20, 1980).

[3] 44 FR 38873 (July 3, 1979).

Footnotes continued on next page

* Available at the FERC and the regional FERC offices.

[1] A cogeneration facility produces both electricity and steam or some other useful form of energy, such as heat. A small power production facility uses biomass, waste, renewable resources (including hydropower, solar, geothermal, wind) or any combination thereof as a primary energy source; and

Footnotes continued from last page

does not have a capacity of greater than 80 megawatts.

[1] Pub. L. 95–617.

[2] Small Power Production and Cogeneration Facilities—Qualifying Status, Docket No. RM79–54 (44 FR 38873, July 3, 1979).

[3] Available at the Office of Congressional and Public Affairs, Room 1000, 825 North Capitol St. NE., Washington, D.C.

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applicable local, State, and Federal zoning, air, water, and other environmental quality laws, and unless it obtains all required permits.

On February 9, 1980, the Commission issued final rules implementing Section 210 of PURPA.[4] The rules provide that electric utilities must purchase electric energy and capacity made available by qualifying cogenerators and small power producers at a rate reflecting the cost that the purchasing utility can avoid as a result of obtaining energy and capacity from these sources, rather than generating an equivalent amount of energy itself or purchasing the energy from other suppliers.

The Section 210 rules also provide that electric utilities must furnish electric energy to qualifying facilities on a nondiscriminatory basis, and at a rate which is just and reasonable and in the public interest. Utilities must also provide certain types of service which may be requested by qualifying facilities to supplement or back up those facilities' own generation.

The Section 210 rules exempt all qualifying cogeneration facilities and certain qualifying small power production facilities from rate regulation under the Federal Power Act, from the provisions of the Public Utility Holding Company Act of 1935 related to electric utilities, and from State laws regulating electric utility rates and financial organization.

The implementation of the Section 210 rules is to be carried out by the State regulatory authorities and nonregulated electric utilities within 1 year of the issuance of the Commission's rules under Section 210. The implementation may be accomplished by the issuance of regulations, on a case-by-case basis, or by any other means reasonably designed to give effect to the Commission's rules.

The rules provide encouragement to the development of certain types of facilities. They do not prevent any facility which does not qualify from using cogeneration or small power production, or from using any type of fuel. The rules merely grant or deny certain benefits to certain facilities.

In this environmental assessment, the environmental effects of these rules are limited to the effects resulting from the construction and/or operation of facilities which occur as a result of the granting of these benefits, or from changes in the operating characteristics of existing facilities which results from the granting of these benefits. If a cogeneration or small power production facility would be constructed or operated without the incentives of these rules, the environmental effects resulting therefrom cannot properly be described as environmental effects of these rules. However, a technical and environmental discussion of each technology is provided whether or not its use is expected to be encouraged by these rules.

[4] Small Power Production and Cogeneration Facilities—Rates and Exemption, Docket No. RM79-55 (45 FR 12214, Feb. 25, 1980).

3. Introduction

3.1 Background

Numerous strategies have been adopted during the 1970's to deal with the nation's serious energy problems. These strategies have been directed toward increasing domestic energy supplies, decreasing dependence on foreign oil, expanded energy research and development, conservation, and increased efficiency of energy use.

One such strategy is a once-common industrial technology now called cogeneration—the combined production of electrical and/or mechanical energy and useful energy, such as heat or steam, through sequential use of an energy resource. An important means of conserving energy, cogeneration can increase the usable energy derived from a given amount of fuel compared to conventional generation of electricity and production of heat or steam.

Cogeneration was widely applied in the early 1900's when the majority of industrial plants generated their own electricity. In 1920, on-site industrial electrical generation accounted for about 30 percent of total U.S. electrical generation. Today, less than 4 percent of this country's electric energy is produced by industrial generation. (*1*)

Interest in cogeneration gradually waned as electricity supplied by public utilities became more available and less expensive. The cost of electricity decreased as new technologies and larger central generating stations captured increased economies of scale. For several decades electric utility rates steadily declined. The difficulties and costs of self-generation increasingly gave industrial consumers incentives to rely on public utilities.

Since 1970, however, the cost of electricity to industrial consumers has dramatically increased. Further, State and Federal government efforts to reduce institutional, regulatory and economic barriers are making cogeneration more attractive.

One barrier to cogeneration has been that, under certain circumstances, the sale of power subjected cogenerators to regulation as a public utility. This means that a cogenerator would be required to have the rates which it charged for the sale of excess power approved by a State or Federal regulatory agency. In addition to the time and expense of participating in regulatory proceedings, the cogenerator would also have to adhere to utility accounting standards and submit to the government data required of public utilities. The complications and cost of complying with these regulations in many cases could far outweigh the economic benefits to be gained by a company from cogeneration.

Many cogenerators also need to be assured that they can sell excess electricity and buy back-up power at fair and nondiscriminatory rates. In the past, some electric utilities have refused to buy or sell the cogenerated electric power or have charged high back-up rates when a cogenerator needed to buy electricity.

Section 210 of PURPA requires the FERC to establish rules to ensure fair rates for both the sale of excess power and the purchase of back-up power by cogeneration facilities. Under that Section the Commission was also given the authority to exempt qualifying cogeneration facilities from certain State and Federal regulations.

Many of the regulatory barriers that have impeded the development of cogeneration have also hindered small-scale efforts to generate electricity using renewable resources. For this reason, these sections of PURPA also apply to non-utility-owned small power production facilities that use renewable resources such as geothermal energy, wind power, solar power, municipal waste, biomass, or the hydraulic energy potential of small-scale dams to generate electricity.

3.2 Technological Aspects

(a) *Cogeneration.*—Cogeneration involves the production of both electric power and heat at a single facility through the sequential use of an energy resource. Under the PURPA definition, one of the energy streams so produced must be electricity. Steam is mentioned in the definition apparently because the cogeneration of steam and electricity is the most common industrial practice. But the production of steam is not a requirement; any form of thermal energy will suffice.

The advantages of cogeneration can be shown by considering some examples. Consider an industrial furnace used for melting glass where the glass is melted by direct combustion of a fuel, typically natural gas, and a stream of hot exhaust gases is produced; if a means could be found to harness the heat energy in the exhaust for generating electricity, significant energy savings could occur.

Another example is the use of an internal combustion engine to turn an electric generator, where the hot exhaust from the engine is subsequently used. The exhaust can be directed through a heat exchanger in which water is heated to near its boiling point or boiled into steam. The hot water or steam can then be used for space heating. Again, the advantage is that energy ordinarily wasted in the exhaust is recovered and put to use. It is noted that the term "cogeneration" has only recently come into common use; previously the term "total energy system" was more common for the system just described.

The total energy system concept can be used to provide space heating, hot water, central air conditioning (through use of absorption cycle refrigeration units), and electricity for many applications. Apartment complexes, hospitals, university campuses, and shopping centers have used such systems. Although diesel engines are popular for use in total energy systems, numerous other engines have been used—for example, combustion turbines (similar to the jet engines used on aircraft) and spark-ignition engines (automobile-type engines) running on natural gas.

In the industrial sector, other forms of cogeneration provide both electricity and process steam. In a typical example, steam at a high temperature and pressure is produced in a boiler. From the boiler the steam passes through a turbine which drives an electric generator. After passing through the turbine, the steam still has sufficient energy to be used in an industrial process. Pulp and paper mills, chemical plants, and oil refineries frequently require large quantities of steam; thus cogeneration using steam turbines is sometimes practical in these industries.

Cogeneration is feasible with a variety of technologies and energy sources, including, in addition to the examples mentioned above, fuel cells, magneto-hydrodynamic (MHD) generators, solar-electric converters, geothermal energy, municipal waste, biomass and nuclear energy. The basic concept can be applied in many ways, with technical feasibility and economics being the principal selection factors.

Within the wide spectrum of possibilities, cogeneration systems can be grouped broadly into topping-cycles and bottoming-cycles. In a topping-cycle, power is generated first with the waste heat from the power cycle used to meet process heat requirements or for space heating. In a bottoming-cycle, a high temperature industrial process occurs first, and power generation is accomplished with the low temperature waste heat. Because of the low temperature of the available heat, bottoming-cycle power generation systems of practical importance are vapor systems, based upon boiling and condensing a fluid such as water (steam) or various organic fluids.

For topping-cycles, however, the power generation possibilities of practical value cover a wider range, including as a class, internal combustion engines (diesel engines, spark-ignition engines, and dual-fuel engines). Combustion turbines and steam turbine systems are another class, both back-pressure turbines and extraction turbines.

The steam topping systems have the greatest flexibility in usable energy sources. In contrast, the internal combustion engines generally require specialized fuels such as diesel fuel, distillate oil, natural gas or synthetic gas.

(b) *Small Power Production.*—The Commission rules also apply to small power production facilities. A small power production facility is defined by Section 201 of PURPA as a facility that is not greater than 80 MW and produces electric energy solely by the use, as a primary source, of biomass, waste, renewable resources, or any combination thereof.

These rules do not present an exhaustive list of specific primary energy sources. Guidance is provided in the preamble, where certain energy sources are identified as being renewable, waste, or biomass. Any form of solar or wind energy is considered renewable. Hydropower development may occur at existing dams (those currently maintaining a constant pool) or at structures built, repaired or modified after the issuance of the PURPA regulations. For the purposes of these rules, the term "biomass" means any organic material not derived from fossil fuels. A technology will fall within the biomass category if 50 percent or more of its energy content is biomass. For example, municipal solid waste conversion (MSW) may also be classified as a biomass technology as long as 50 percent of the energy input is organic material not derived from fossil fuels. Waste is defined as by-product materials other than biomass.

Small power production technologies include hydraulic turbines, wind turbines, steam turbines where energy sources can generate appropriately high temperatures, organic fluid power cycle systems for low-temperature sources such as some geothermal resources, and photovoltaic systems.

3.3 Environmental Issues

The environmental effects of the Commission rules for purposes of NEPA evaluation do not encompass all of the environmental impacts of the technologies encompassed by PURPA, but only the *increment* of those effects that results from the incentives provided by PURPA. As discussed in the subsequent section on methodology, this EA is concerned with these incremental environmental effects.

This environmental assessment evaluates the environmental issues raised by the Commission's rules. In promulgating the rules, the Commission used the EA to determine:

(a) the overall environmental significance of its regulatory program in implementing PURPA;

(b) the types of QFs which, as a result of the incentives under this program, will not cause significant environmental impacts, and for which the Commission prepares appropriate findings of no significant impact (FONSI);

(c) the types of QFs which, as a result of the incentives under this program, may cause significant environmental impacts. The Commission will not grant these technologies qualifying status until it completes and evaluates an environmental impact statement (EIS); and

(d) the types of QFs which, as a result of the incentives under this program, will not cause significant environmental effects in the near-term but which may have the potential to cause significant impacts in the long term. The Commission will proceed with qualification of these QFs, however, the market penetration will be monitored. If the program appears to approach a level of development likely to foreclose or restrict future alternatives, the Commission will take appropriate environmental protection action.

4. Analysis

4.1 General Outline of Approach

During the next 15 years (to 1995) the use of a variety of energy technologies may be stimulated by sections 201 and 210 of PURPA. The extent of PURPA stimulation affects the extent of the environmental impacts of interest here. Staff has evaluated the environmental effects of these rules in a three-step process:

(1) Identify the technologies affected by these rules;

(2) Assess the environmental effects and specific resource conflicts related to

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the development of each technology; and

(3) Identify those technologies which at a predicted level of market penetration may produce significant environmental effects.

4.2 Market Penetration Analysis

The market-penetration analysis is based on the assumptions that section 210 of PURPA provides economic incentives to QFs by requiring utilities to purchase electricity from them at a price that equals the utilities avoided costs, by requiring utilities to provide fair backup rates, and by exempting QFs from certain State and Federal regulations.

The degree of growth in the various QF technologies was estimated by the following procedure:

1. Retail electric rates from utilities and utility avoided costs were projected for representative transactions between utilities and potential QFs.

2. Electricity generating costs were projected for potential QFs.

3. Technologies and regions of the U.S. were identified where prices and costs indicated an economic advantage to a potential QF.

4. Market penetration limits were established on the basis of availability of renewable resources, equipment manufacturing capacity, and technology status.

5. Net market penetration rates were estimated for those technologies and regions identified to have positive PURPA inducements.

Each of the steps in this procedure is discussed briefly below. The logic network for selecting QF technologies for evironmental analysis is shown in Figure 1.

Selling price.—The utility selling prices were based on historical data. These data present total sales and revenues by class of user. A limited trend analysis was performed with double weighting of 1977 and 1978 data because these two years were considered representative of current utility conditions. A fuel adjustment charge was added to this trend based on an estimate of oil and gas prices and their projections. Regional oil and gas prices paid by electric utilities in 1978 were adjusted to incorporate the effect of the mid-1979 OPEC crude oil price increase and the initial effects of natural gas price deregulation. These step increases were estimated as 60 percent for oil and 40 percent for natural gas. The preliminary data for 1977 regional thermal power generation by fuel type are assumed to be relatively unchanged for 1980 and were combined with the fuel price projections to obtain the 1980 incremental fuel charges. Regional variations in the use of oil and gas affect the incremental fuel charges, e.g., these charges vary from 10.8 mills/kWh in the Pacific and 7.1 mills/kWh in New England, to 0.8 and 0.9 mills/kWh in the East South Central and East North Central areas respectively. Also, the 1979 tariffs of a reference utility in each region were examined to construct a selling price for a representative large customer using the power and demand charges given in those tariffs.

Avoided costs.—Buying prices are the avoided costs. The options for avoided costs were calculated on the basis of the weighted average of oil and gas in each region, and a nominal O & M charge of 4 mills/kWh. The consumption rate of fuels was based on representative 12,000 BTU/kWh heat rate.

Generation costs for QFs.—For cogenerators the generation costs were the incremental costs associated with electricity generation. These incremental costs were determined from the capital investment for the steam generator and the turbine. The incremental capital cost was determined by subtracting from this investment the cost of a low-pressure steam generator that would be used only for meeting steam requirements of a facility that did not cogenerate, but instead purchased its electricity. The fuel charge assigned to the electricity was the net cost of fuel for that electricity. Net heat rates of 5000, 5500, and 6500 BTU/kWh were used for steam turbines, combustion turbines and diesel motor-generator sets respectively.

For small production generating facilities, generation costs were determined on the basis of the total capital investment plus any fuel charges (such as disposal costs for wastes) minus by-product credits and tipping fees (such as from scrap metal sold from solid waste plants).

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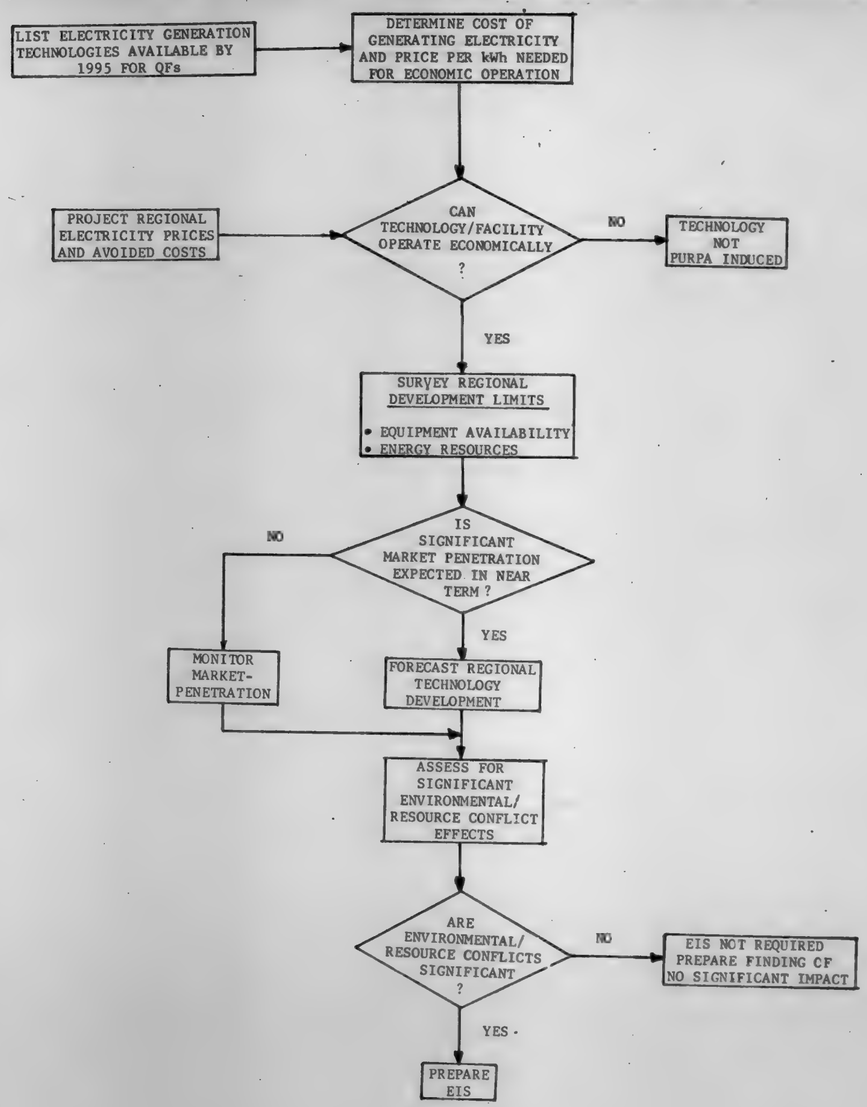

FIGURE 1

LOGIC FOR SELECTING TECHNOLOGIES TO BE INCLUDED IN AN ENVIRONMENTAL IMPACT STATEMENT

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Technologies with an economic advantage.—For cogenerators, electricity from the lowest cost technology was compared with the avoided cost in each region to determine whether or not it had an economic advantage. When such advantage appeared it was assumed that the simultaneous buy-sell privilege from PURPA would induce cogeneration. Where commercial cogeneration technologies were estimated to generate electricity at lower cost than the average commercial price obtained by utilities, it was assumed that the protection from discriminatory standby charges as offered in PURPA would act to induce commercial cogeneration, especially as it relates to diesel cogeneration. For SPPFs the costs of available technologies were compared with avoided costs; when there was an economic advantage the growth rate was attributed to PURPA.

Market penetration limits.—It was assumed that the incremental fuel for cogeneration would be oil or natural gas. For biomass the incremental fuel could be wood wastes or municipal solid wastes. For wind power and hydropower the limitation is not on fuel but on wind or water availability. For these technologies estimates of regional wind conditions and the number of existing dam sites were used. In addition there are current production capability limits on the number of large windmills and on the number of appropriate size diesel motor-generator sets that can be manufactured in the near-term. Thus wind power and commercial cogeneration growth is limited by equipment availability. For geothermal facilities, the availability of hot water hydrothermal convection resources was used, because dry steam resources are already fully exploited by utilities.

Capacity Installation.—in order to estimate the capability of U.S. industry to produce and install new electrical generation equipment, it was assumed that a doubling of the production rate for windmills and diesel motor-generator sets could be achieved every three years. This rate is typical of production rates that have been achieved historically for new products.

Results

The results of the analysis are shown in Tables 1, 2, and 3, which summarize estimated electricity production by QFs for 1985, 1990, and 1995 respectively. The results are shown by census region for each technology that may be stimulated by PURPA. Figure 2 depicts these regions and the estimated numbers and types of facilities that will be operational or deferred as the result of PURPA by 1995. Appendix A describes the methodology, analysis and estimates of regional avoided cost and electricity prices in detail.

These results indicate this program will not provide significant incentives to accelerate the development of biomass (excluding municipal solid waste), geothermal, solar photovoltaic and solar thermal. However, this program will accelerate the development of industrial and commercial cogeneration, small-scale hydropower at existing dams, municipal solid waste and wind power. Figures 3 through 7 show that significant encouragement to these four technologies will not occur in the near-term but rather indicate steadily increasing growth.

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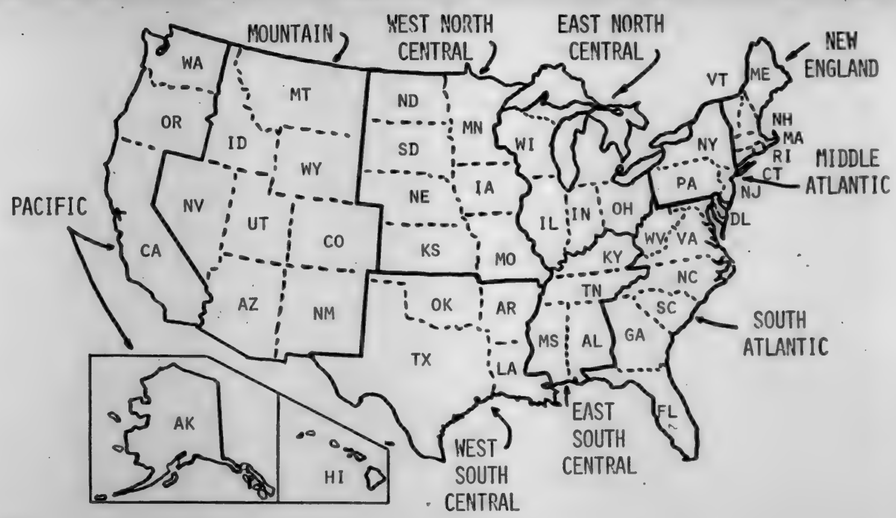

KEY:

(+) FACILITIES IN OPERATION

IC = Industrial Cogeneration (20-50 MW)
CC = Commercial Cogeneration (0.5 MW)
SSH = Small-Scale Hydropower (≤ 30 MW)
MSW = Municipal Solid Waste (60 MW)
LSW = Large Wind Systems (2.5 MW)

(-) FACILITIES NOT BUILT

C = Coal (500 MW)
N = Nuclear (1000 MW)
LSH = Large-Scale Hydropower (150 MW)
CC = Combined Cycle (250 MW)
GT = Gas Turbine (75 MW)

REGION	IC	CC	SSH	MSW	LWS	C	N	LSH	CC	GT
PACIFIC	+17	+0	+248	+4	+0	-3	-0	-1	-1	-3
MOUNTAIN	+0	+0	+58	+0	+144	-1	-0	-0	-0	-1
WEST NORTH CENTRAL	+9	+0	+6	+0	+160	-1	-0	-0	-0	-1
WEST SOUTH CENTRAL	+0	+0	+0	+0	+395	-1	-0	-0	-1	-3
EAST NORTH CENTRAL	+23	+0	+138	+2	+0	-2	-0	-0	-2	-1
EAST SOUTH CENTRAL	+0	+0	+5	+0	+0	-0	-0	-0	-0	-1
NEW ENGLAND	+4	+0	+39	+0	+15	-0	-0	-0	-1	-1
MIDDLE ATLANTIC	+17	+5000	+88	+0	+46	-3	-1	-1	-2	-4
SOUTH ATLANTIC	+0	+0	+44	+0	+0	-0	-0	-0	-0	-3

Figure 2. LOCATION, BY CENSUS REGION, TYPE, AND NUMBER OF FACILITIES THAT WILL BE IN OPERATION OR DEFERRED BECAUSE OF PURPA BY 1995.

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Table 1.—*1985 Electricity Production by QF's Resulting From PURPA*[a]

[These are estimates of the incremental increases in capacity and energy caused by PURPA]

	United States		New England		Middle Atlantic		South Atlantic		East North Central	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial	1,136	8.5	69	0.4	286	2.1			365	2.7
Commercial	160	0.8			160	0.8				
Small Power Production Facilities:										
Biomass	0	0								
Silviculture	0	0								
Sewage	0	0								
Agriculture Residue	0	0								
Municipal Solid Waste*	0	0								
Other Wastes	0	0								
Geothermal	0	0								
Hydropower	1,180	4.2	50	0.2	190	0.2	70	0.2	197	0.7
Solar	0	0								
Photovoltaic	0	0								
Thermal	0	0								
Wind	140	0.4	2.5	0.007	7.5	0.02				
Total installed capacity in MW	2,836		112.5		665.5		70		562	

[a] Totals may not add because of rounding.
*When municipal solid waste is 50% or more biomass.

Table 1.—*1985 Electricity Production by QF's Resulting From PURPA*[a]—Continued

	East South Central		West North Central		West South Central		Mountain		Pacific	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial			110	0.8					313	2.3
Commercial										
Small Power Production Facilities:										
Biomass										
Silviculture										
Sewage										
Agriculture Residue										
Municipal Solid Waste*										
Other Wastes										
Geothermal										
Hydropower	17	0.7	23	0.07			150	0.5	483	1.8
Solar										
Photovoltaic										
Thermal										
Wind			32.5	0.09	70	0.18	27.5	0.07		
Total installed capacity in MW	17		165.5		70		177.5		798	

[a] Totals may not add because of founding.
* When municipal solid waste is 50% or more biomass.

Table 2.—*1990 Electricity Production by QF's Resulting From PURPA*[a]

[These are estimates of the incremental increases in capacity and energy caused by PURPA]

	United States		New England		Middle Atlantic		South Atlantic		East North Central	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial	2,273	16.7	120	0.9	576	4.3			730	5.5
Commercial	320	2.6			690	2.6				
Small Power Production Facilities:										
Biomass	360	2.3								
Silviculture	0	0								
Sewage	0	0								
Agriculture Residue	0	0								
Municipal Solid Waste*	(360)	(2.3)							120	0.8
Other Wastes	0	0								
Geothermal	0	0								
Hydropower	2,358	8.7	100	0.4	380	1.3	140	0.5	392	1.4
Solar	0	0								
Photovoltaic	0	0								
Thermal	0	0								
Wind	550	1.46	10	0.03	32.5	0.09				
Total installed capacity in MW	6,231		230		1,678.5		140		1,242	

[a] Totals may not add because of rounding.
*When municipal solid waste is 50% or more biomass.

Table 2.—*1990 Electricity Production by QF's Resulting From PURPA*[a]—Continued

	East South Central		West North Central		West South Central		Mountain		Pacific	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial			220	1.7					627	4.7
Small Power Production Facilities:										
Biomass										
Silviculture										
Sewage										
Agriculture Residue										
Municipal Solid Waste*									240	1.5
Other Wastes										
Geothermal										
Hydropower	33	0.13	47	0.16			300	1.1	966	3.5
Solar										
Photovoltaic										
Thermal										
Wind			115	0.3	287.5	0.75	105	0.3		
Total installed capacity in MW	33		382		287.5		405		1,833	

[a] Totals may not add because of rounding.
*When municipal solid waste is 50% or more biomass.

Table 3.—*1995 Electricity Production Resulting From PURPA*[a]

[These are estimates of the incremental increases in capacity and energy caused by PURPA]

	United States		New England		Middle Atlantic		South Atlantic		East North Central	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial	3,410	25.4	180	1.3	865	6.4			1,095	8.2
Commercial	2,500	10			2,500	10				
Small Power Production Facilities:										
Biomass	360	2.3								
Silviculture	0	0								
Sewage	0	0								
Agriculture Residue	0	0								
Municipal Solid Waste*	(360)	(2.3)							120	0.8
Other Wastes	0	0								
Geothermal	0	0								
Hydropower	3,540	12.7	150	0.6	570	2.0	210	0.7	590	2.1
Solar	0	0								
Photovoltaic	0	0								
Thermal	0	0								
Wind	1,900	5.3	38	0.1	114	0.3				
Total installed capacity in MW	11,710		368		4,049		210		1,805	

[a] Totals may not add because of rounding.
*When municipal solid waste is 50% or more biomass.

Table 3.—*1995 Electricity Production Resulting From PURPA*[a]—Continued

	East South Central		West North Central		West South Central		Mountain		Pacific	
	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y	MW	10^6 MWh/y
Technology Cogeneration:										
Industrial			330	2.5					940	7.0
Commercial										
Small Power Production Facilities:										
Biomass										
Silviculture										
Sewage										
Agriculture Residue										
Municipal Solid Waste*									240	1.5
Other Wastes										
Geothermal										
Hydropower	50	0.2	70	0.2			450	1.6	1,450	5.3
Solar										
Photovoltaic										
Thermal										
Wind			399	1.1	988	2.7	361	1.0		
Total installed capacity in MW	50		799		988		811		2,630	

[a] Totals may not add because of rounding
*When municipal solid waste is 50% or more biomass.

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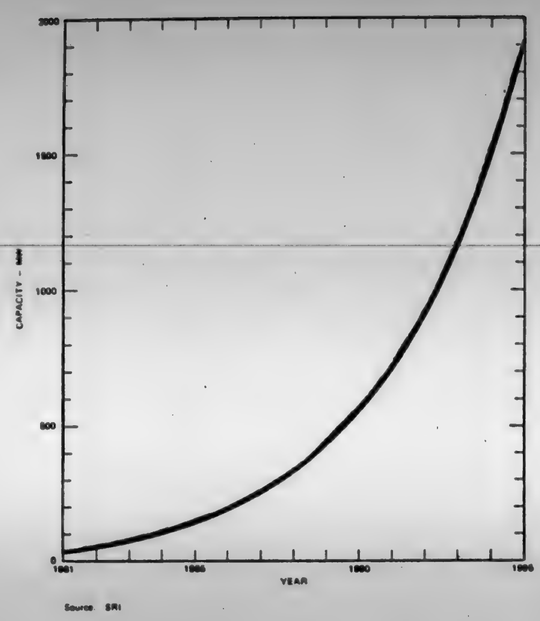

FIGURE 3. TOTAL U.S. ELECTRIC POWER CAPACITY OF WIND GENERATORS DEVELOPED DUE TO PURPA.

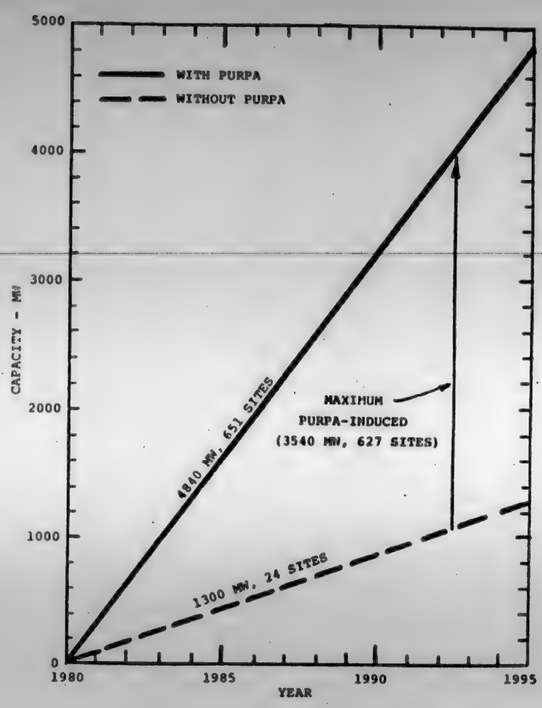

FIGURE 4. TOTAL U.S. POTENTIAL PURPA-INDUCED ELECTRIC POWER CAPACITY AT EXISTING SMALL-SCALE HYDROPOWER DAMS.

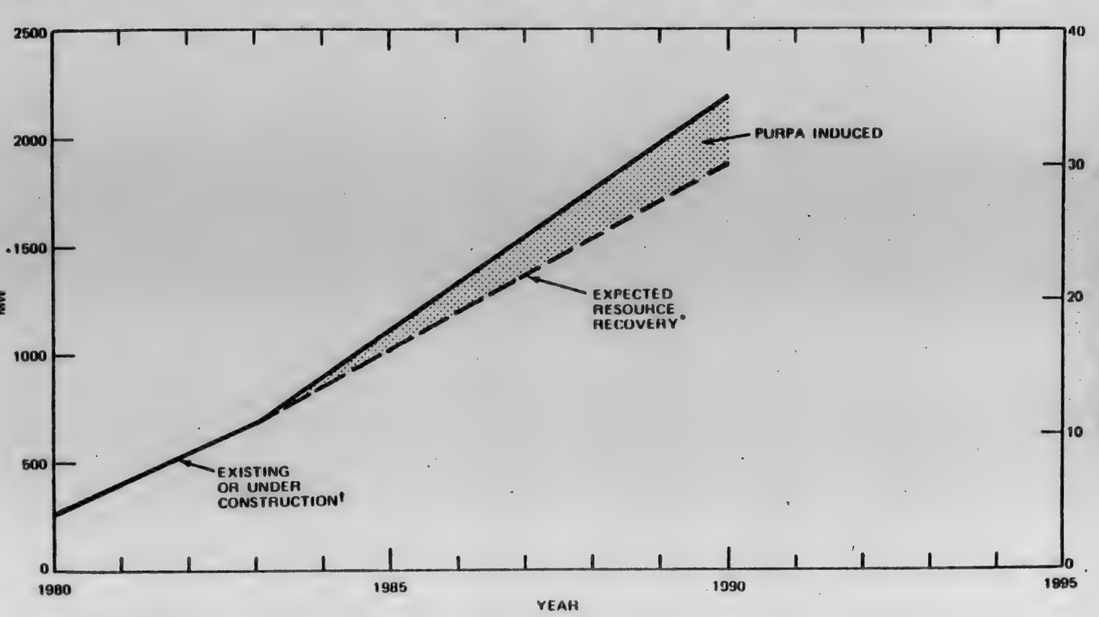

° GORDON (1978)
† NCRA (1979b)

FIGURE 5. TOTAL RESOURCE RECOVERY EXPECTED BY 1990 WITH AND WITHOUT PURPA

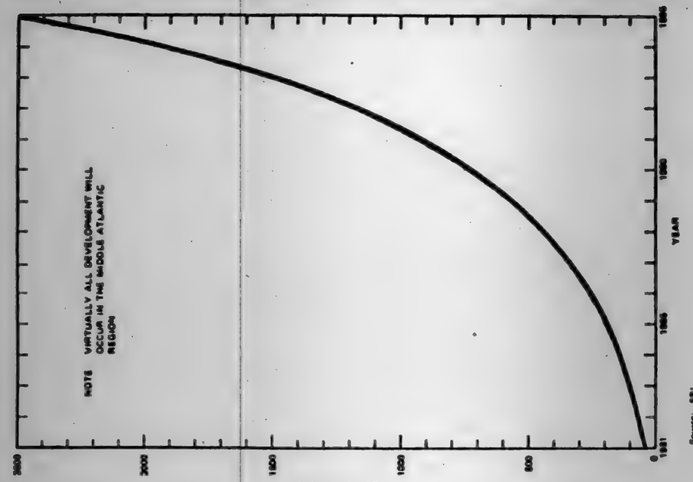

FIGURE 7. TOTAL U.S. POWER CAPACITY OF COMMERCIAL DIESEL CO-GENERATION UNITS DEVELOPED BECAUSE OF PURPA.

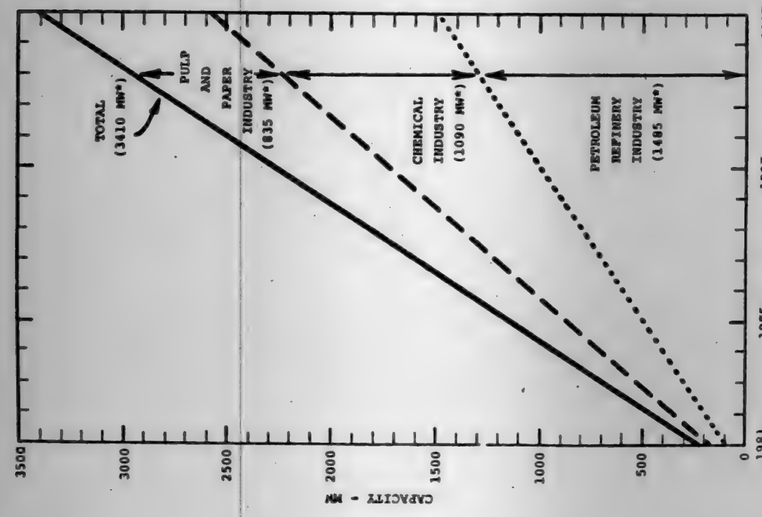

FIGURE 6. TOTAL U.S. POWER CAPACITY OF INDUSTRIAL COGENERATION UNITS DEVELOPED BECAUSE OF PURPA.

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4.3 Environmental Impact Assessment

The environmental effects associated with the technologies eligible for qualification have been extensively analyzed by the Department of Energy and other Federal agencies.[1] These detailed assessments, appropriate EISs, written comments on the rulemakings, comments and data presented during public hearings held on cogeneration, as well as numerous other sources of information have been utilized by staff to determine the significance of the impacts associated with each technology.[2] The technologies are grouped for general discussion in three categories based upon the severity of known or potential effects that could be expected from the maximum potential development of each technology, irrespective of PURPA. PURPA-selected effects are described in the general discussion of each technology and summarized in the section on Environmental Findings.

I. *Minimal environmental effects.*—Generally small-scale facilities operating at decentralized locations close to the user. Effects will be site-specific.

II. *Moderate environmental effects.*—Mostly technologies that exist commercially, but where certain aspects of the technology may present impacts unless mitigated. Effects will usually be site-specific.

III. *Significant environmental effects.*—Deployment in sensitive areas or use of new processes may result in severe impacts.

Technologies With Minimal Environmental Effects

For these technologies, the likelihood of finding unexpected adverse environmental effects that could delay deployment is considered to be quite small. While there may be selected problems with the technologies, these are expected to be easily manageable with existing control technologies. Siting in sensitive environments will be the most difficult problem to overcome, requiring site-specific attention at the planning stage. Also, it is likely that these technologies will produce net environmental benefits as they may be substituted for existing, fossil-fuel based technologies.

Included in this group are:

- Solar Thermal Power Systems
- Small Wind Systems (<2 kW)

4.3.1 Solar Thermal Power Systems

Solar thermal systems collect and concentrate the sun's radiant energy in order to heat or vaporize a working fluid at high temperatures. The thermal energy thus produced can be applied to industrial processes directly or converted into electrical or mechanical power. Two generic methods presently exist for the utilization of solar thermal energy: the central receiver system and the distributed collector system. The central receiver, "power tower," systems may provide power up to 500 Mw. Distributed collectors are to be used in 0.5- to 10-Mw applications, powering irrigation systems or as components in total energy systems. (*3, 4*)

In the case of the central receiver, a site near Barstow, California, was selected in 1978 for a 10-Mw pilot plant. (*5*) The plant will adapt a high-temperature solar heat collection subsystem to supply steam to a turbine plant provided by a public utility. Scale-up to 25 Mw is scheduled for 1981. Operational 50- to 300-Mw systems will be ready for testing by 1983.

During 1978, dispersed power applications activity made progress toward initial operation of three large-scale total energy system experiments at Ft. Hood, Texas; Shenandoah, Georgia; and Blytheville, Arkansas. Another component of the dispersed power application are two developmental solar irrigation projects initiated during 1977 as part of the effort to provide experimental systems on privately owned and operated farms. One system, installed at Willard, New Mexico, is currently providing a demonstrated capability for using small solar thermal systems for irrigation. A second larger experiment to be located at Coolidge, Arizona, has been scheduled for operation. Lower systems costs through higher operating temperatures and high efficiencies are sought in this experiment.

Tables 1–3 indicate that solar thermal systems development will proceed without the incentives of PURPA. The basic reasons that PURPA will not induce significant development are twofold: first, the commercially economic size will probably be greater than 80 Mw. Secondly, utilities will most likely be the entities which will invest in this technology.

Key environmental concerns are:

- There are significant land and water requirements for central STPS, which may conflict with existing land use and ecosystems;
- Consequences of misdirected solar radiation from heliostat arrays pose serious health and safety problems;
- Alteration of microclimate may adversely affect indigenous flora and fauna.

4.3.2 Small Wind Systems

Wind systems or wind energy conversion systems (WECS) convert the kinetic energy of wind to mechanical motion, which may then be used to drive an electric generator. Designs under evaluation have wind-driven rotors on a horizontal or vertical axis. The horizontal-axis machines, popularly referred to as windmills and once widely used in rural areas, are the most technologically developed at present. About 70 percent of the 3,500 units currently sold in the United States each year produce less than 1 kW of power and are used to drive agricultural water pumps.(*6*)

Only selected areas of the U.S. are suitable for WECS deployment.(*7*) Wind speed variability, which effects reliability, makes small WECS more suitable for isolated or independent operations than for interconnected service.

Small WECS, for the purposes of the PURPA regulations, are those that generate 2 kW or less. Generally the diameter of the blades on these machines are between 10–25 feet, allowing them to be mounted on homes, farm buildings and short towers or telephone-type poles. Of the total 1,900 Mw expected by 1995 from all WECS (Table 3), it has been estimated that up to 50 Mw of that total can be produced by small WECS. This is equivalent to 50,000–1 kW installations that will receive encouragement from PURPA, especially from the buy-back provisions. Figure 3 shows the total installed capacity of wind generation expected during the next 15 years. In the near-term, about 140 Mw are expected, with about 5 Mw from small WECS. Appendix D contains a detailed discusion of the market-penetration analysis for this technology. A commercialization or mass-production program that can produce more cost-effective units could increase the potential for reaching or exceeding this amount of capacity.

The principal environmental, health, and safety concerns related to small scale machines are:

[1] Each technology has been the subject of a DOE Environmental Development Plan and a DOE Environmental Readiness Document. Certain technologies were also assessed in detailed Environmental Assessments and EISs.

[2] Four public hearings were held pursuant to section 210(a) of PURPA to afford an opportunity for interested persons and agencies to submit oral as well as written comments on various issues. As part of FERC's environmental scoping process, opportunity was afforded for submittal of comments on environmental issues. Meetings were held in Seattle, WA (Nov. 19, 1979), New York City, NY (Nov. 20, 1979), Denver, CO (Nov. 30, 1979), and Washington, D.C. (Dec. 4–5, 1979).

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- Structural safety of the blade and tower under sudden gusts;
- Electromagnetic interference, especially to UHF and VHF video signals.

Technologies With Moderate Environmental Effects

Several technologies appear to have a moderate probability of serious adverse environmental impacts. Design options are available in most of these technologies will mitigate serious effects within acceptable control costs limits. Included in this group of technologies are:

- Fuels from Biomass,
- Photovoltaics,
- Small-scale hydropower—Category I dams,
- Energy Recovery Systems for Municipal Solid Wastes, and
- Large Wind Systems.

4.3.3 Fuels From Biomass

The biomass definition contained in the rules implementing section 201 of PURPA contemplates the use of any organic material not derived from fossil fuel including all forms of plant materials including high-yielding field crops, peat tree species and aquatic plants. Biomass conversion processes are thermochemical (direct combustion, gasification, and liquefaction) and biochemical (anaerobic, digestion, fermentation and biophotolysis). These include conversion of agricultural and municipal solid waste. Municipal solid waste is discussed later in this assessment.

Biomass offers a significant potential for reducing this country's dependence on fossil fuels through the conversion of a renewable energy source to electric energy. Conversion of forest products to electric power and steam is currently carried out at competitive costs in several parts of the United States. Residues supply fuel for the production of electricity to many U.S. industrial facilities and, in some cases, supply power to local communities from industrial or central conversion sites.(*8*)

By the end of this century, the potential contribution of biomass to the national energy requirements is estimated at 7 quadrillion Btu (quads) per year.(*9, 10*) The market projections reflected in Table 3 show that biomass-derived electricity will not be PURPA-induced at least until after 1995, except for 360 MW from MSW. The reasons for these market projections are discussed subsequently.

Biomass can be used to produce electricity in two basic ways. First, biomass must either be burned directly to produce electricity or converted into low Btu fuel gas or methane. If converted into fuel gas, this product may either be burned directly (to produce electricity) or upgraded to pipeline quality for marketing to commercial pipelines.(*11*)

Sizable amounts of organic material, such as wood residues, wood pulp, corn stalks, and other plant materials and by-products can be converted to fuel gas by either biological (anaerobic digestion) or thermal gasification processes. Wood chips and pulp materials and by-products may be converted to fuel gas by pyrolysis and methanization. Because of the seasonal nature of agricultural production, the product materials and by-products may also be seasonal and thereby limit the activity of the qualifying facility's operation. The cost of most facilities (and associated transportation systems if necessary) are very high when compared to the avoided cost, even given a range of financing success and feedstock prices. This is true even for a woodchip boiler installation which is the most efficient and inexpensive type of conversion. Most industries with suitable feedstocks, such as sugarcane operations and pulp and paper plants, are already using all of the biomass by-products for cogeneration and other in-plant needs. Therefore, PURPA incentives would not appear to resolve these institutional issues and encourage this technology.

The methanization of cattle manure from feedlots is relatively new. The amount of manure from swine and poultry operations may not be of sufficient quantity at individual locations to make it economical for a methanization plant. The size of the cattle feedlot industry in Arizona, California, Colorado, Kansas, Nebraska and Texas appear to make the conversion of cattle manure to methane economically feasible. It is possible that in areas where chicken farming is extensive, such as the Delmarva peninsula, there might be an adequate source of raw material to operate a gas plant. Because animal manure cannot be economically transported very far to a methanization plant it appears that large cattle feedlots offer the best animal source for methanization of manure. The newer feedlots produce manure with a higher percentage of sand and grit than the older concrete feedlots. This creates greater disposal problems which provides incentives for on-site conversion to fuel. Currently the few animal waste conversion systems in operation either produce fuel gas for on-site needs or upgrade the fuel gas to methane for sale to natural gas pipelines.

Sewage sludge, the sewage/water mixture produced from waste-water treatment operations, can be converted to energy either by direct combustion or from burning a sludge-derived fuel gas called digester gas. The latter method, an anaerobic process, is the most widely used conversion method and produces a gaseous mixture of methane (CH_4) and carbon dioxide (CO_2), having a heating value of 500–600 Btu/cu. ft. Based upon the amount of sludge produced in a waste-water treatment plant, the electric power generated on site from digester gas only meets about 70 percent of the total daily electric power demand of a plant. Since the availability of the feedstock sludge, is relatively fixed, there is no apparent way to produce excess digester gas-derived electricity for off-site sale.

Potential environmental effects from conversion of biomass into electric energy may arise at three district stages: (1) biomass production, (2) biomass transportation, and (3) biomass conversion.

Production and transportation of the biomass fuel, from the harvest area to the point at which it will be processed, will impact air quality. Other aspects of the environment may be effected due to development of new communities, roads, railroad facilities, and other infrastructures.

In most cases, however, biomass energy conversions systems utilizing biomass that would otherwise be disposed of would have net environmental benefits due to reduction of current disposal problems for these materials and the infrastructures needed to carry out that disposal.

The impact of biomass conversion on the atmosphere is critical in the commerical development of biomass use. Direct combustion of biomass can emit quantities of carbon monoxide, partially burned hydrocarbons and particulates, and lesser amounts of nitrogen oxides and sulfur oxides as air pollutants. Other thermochemical conversion processes (gasification, pyrolysis, and liquefaction) emit potentially harmful pollutants such as phenols, photochemically reactive compounds, and potential carcinogens; tars and oils are also generated. Very little work has been done to characterize and monitor the production of pollutants from processes utilizing biomass feedstocks and to develop appropriate control technologies or disposal practices.

The major potential water quality impact of intensive forest cultivation for biomass production is sedimentation in surface water caused by rain erosion or irrigation runoff from exposed soils. The sediment loads from large energy farms may be of equal, or even higher, magnitude to that of conventional crop or forest lands since residual materials, which normally protect the soil from wind and water erosion, are removed.

Major environmental concerns related to biomass development are as follows:

- Emission of undesirable quantities of CO, hydrocarbons and particulates from direct combustion of biomass.
- Clear-cutting with removal of all slash causes a loss of ground cover that leads to faster runoff, increases soil erosion, degradation of water quality, and destruction of ecosystems sustained by the decaying organic material.
- Soil erosion carried by the action of wind and water on open farmland following removal of crops can lead to increased particulate air pollution, increased sedimentation of surface water supplies, and impaired productivity of exposed cropland due to loss of soil, organic binders, and nutrients.
- Effluents emitted from the operation of anaerobic digesters can cause degradation in water quality.
- The liquefaction and gasification of biomass may produce gases and oils that may be hazardous to health and safety and to ecological communities.
- Large land and water requirements for terrestrial biomass production may create significant ecological disturbance. A 50 Mw biomass fueled plant, for example, could require up to 25 square miles of production land, and create resource conflicts.

4.3.4 Photovoltaics

Photovoltaic technology includes the collection of incident solar radiation, its conversion to electrical energy by means of photovoltaic cells, and alteration of the resultant electrical energy to a form compatible with the desired application. It also may include storage of the energy produced. (*8, 12*)

The major types of technologies that may be commercially available are:

1. Flat panel arrays with silicon cells or cadmium sulfide and other thin film photovoltaic cells.
2. Concentrating arrays using silicon or gallium arsenide films.
3. Combined collectors employing solar-thermal components as well as photovoltaics.

Numerous technological breakthroughs will be necessary before there is widespread development of photovoltaic systems which will be interconnected to utility grids.

Projected growth in this technology within the next 10–15 years appears to be in remote, non-grid-connected applications. Table 3 reflects this by showing no significant electricity production due to PURPA through 1995.

A salient feature of the photovoltaic technologies is the relative absence of hazardous residuals at the end use. The only significant pollutant is heat, released from the collectors to the atmosphere.

The most serious environmental concerns with the use of photovoltaics are:

- Large land requirements per kilowatt;
- Microclimatic and ecological changes where large arrays are deployed;
- Health and safety hazards due to accidential over-temperature conditions in an array; and
- Mining operations to support manufacture of silicon, cadmium and other components of the cells.

4.3.5 Small-Scale Hydropower—Category I

Two categories of small-scale hydropower dams have been identified for purposes of this assessment. Category I dams currently maintain a pool and would not be repaired or modified to increase the normal maximum surface area or normal maximum surface elevation. Category II dams either, (1) are not in existence and impounding water on the date of issuance of regulation allowing qualifications of Category I structures, or (2) require repairs or modifications to increase or maintain the normal maximum surface area or maintain the normal maximum surface elevation of its impoundment. Partially or totally breached dams fall within Category II, which are discussed on page 41. In almost all cases, both categories of dams require a license from the FERC.

There are approximately 5,000 existing dam sites in the United States in the capacity range of 0–25 Mw at which approximately 8,800 Mw of hydropower could be developed. (*13, 14*) Small-scale dams, generally less than 65 feet in height with impoundments of 500 acres or less, can be developed for local power supplements in at least four ways: (*15*)

a. Reactivation of the many existing hydropower stations with installed, but idle, turbines and generators;

b. Installation of turbines in outlet works;

c. Use of a siphon to move water over a dam and through a bulb turbine; and

d. Construction of a power house with tube turbines driven by impounded water flowing through offset piping.

The market penetration analysis has forecasted PURPA-induced hydropower development at existing dams of 1,180 Mw by 1985, 2,358 Mw by 1990, and 3,540 Mw by 1995 (Tables 1, 2, 3). This represents a significant proportion of the overall small-scale hydro capacity projected by the year 2000. Appendix F contains a detailed discussion of the market-penetration analysis for this technology.

Of the 627 sites expected to be developed due to PURPA by 1995, shown in Figure 4, 83 percent (520) are in the capacity range of 0.05–15 Mw, 15 percent (92) would have capacities of 15–25 Mw, and two percent (12) would be as large as 30 Mw. Based upon the projected rate of development shown in Figure 4, it appears that about 185 Category I dams could be developed due to PURPA in the near-term, with the majority of these sites in five regions: New England (12); Middle Atlantic (30); East North Central (40); Mountain (15); and Pacific (88).

These hydroelectric facilities may impose various degrees of control on the streamflow. Minimal modifications would involve rerouting water from a spillway through a turbine without changing the downstream flow. This run-of-river mode contributes to base load power generation. However, peak load production could involve fluctuations in the impoundment level and downstream flow that could be environmentally damaging. (*16, 17*)

Environmental effects associated with retrofitting and management of Category I hydropower plants are as follows:

- Aquatic and semiaquatic organisms may be adversely impacted if reservoir level fluctuations occur. Careful design and management would limit the fluctuations to variations caused by peak demands. The presence of endangered species will bar development in some locales.
- Downstream environment and ecosystems could be impacted from the release of abnormal amounts of impounded chemicals, sediments, and silts.
- There may be conflicts with established recreational use of impoundments.

In almost all cases, these facilities must obtain a license from the FERC because of the breadth of the licensing requirements under section 23(b) of the Federal Power Act. Since the application for license must involve an environmental report that discusses the environmental effects listed above, early identification of issues, results and problems can be eliminated or mitigated prior to construction. A detailed environmental assessment of the development of small-scale hydropower is included in Appendix G.

4.3.6 Municipal Solid Waste (MSW)

Organic materials can be converted into fuel gas which can be used to fire boilers to produce electricity. The fuel gas generally would be of low-Btu content. Municipal solid waste can be

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burned to reclaim energy that can be converted into electricity. (*18*)

Many of the basic environmental issues and problems are similar to those occurring in the biomass technology since similar processes may be used to convert the organic material to useful energy sources.

Currently, less than 1 percent of the Nation's total MSW is processed for energy recovery, although up to 65 percent of the energy contained in MSW, 1.95 quads per year by the year 1985, is deemed to be recoverable. Current estimates indicate that about 0.33 quads will be recovered by 1985 if the DOE and EPA programs for MSW energy recovery are successful. Table 3 shows that PURPA will encourage the development of 360 Mw of electricity by 1995. Figure 5 shows that in the near-term PURPA-induced capacity will first become evident around 1983, with under 100 Mw of capacity by 1985 due to PURPA. Appendix E contains a detailed discussion of the market-penetration analysis for this technology.

The basic processes for converting MSW to energy are combustion, pyrolysis, and bioconversion. The latter two processes require some mechanical preprocessing to separate the MSW into a refuse derived fuel and noncombustible materials. Ferrous metal is routinely recovered today, and the technology program will encourage the increased recovery of energy-intensive materials such as aluminum and glass.

Combustion in waterwall boilers is the most developed of the energy recovery processes, with eight plants commercially operating in the United States. Co-combustion with coal in existing suspension-fired furnaces is being demonstrated at several locations. One advantage of co-combustion is that the low sulfur content of urban waste can be used to offset the sulfur emissions from coal combustion. Qualification of co-combustion activities would be subject to fuel use standards.

Several pyrolysis processes have been tested in pilot plants. These include the Refu-Cycles, Occidental (Garrott), Purox and Landgard systems. They vary in input material requirements, costs, energy and environmental results. The Purox and Refu-Cycles processes produce low-Btu gas, the Occidental process produces oil, and the Langard process produces steam using on-site auxiliary boilers. (*19*)

The pyrolysis concept has a reduced potential for air pollution compared to incineration systems. The Landgard system, however, has caused some air pollution problems from on-site waste heat boilers. Where chars are produced, they represent a potential heavy metals pollution source. The Purox and Refu-Cycles slugging process produces a sterile, chemically inert material which should reduce pollution problems. However, quenching of the by product material may represent a minor environmental problem in liquid effluent disposal. The full effect of pyrolytic products on the environment is still unknown.

All municipal waste energy recovery processes (except those recovering methane from land fills) reduce landfill requirements.

There are four areas of environmental concern:

- Air emissions (fly ash, hydrocarbons) from combustion and pyrolysis processes may impact ambient air quality in urban areas.
- Effluents from bioconversion, combustion, and pyrolysis processes and disposal sites may pose a hazard to water resources and ecosystems.
- Landfills and impoundments of waste process residuals may pose a hazard to water supplies through leaching.
- Mechanical preprocessing may pose an industrial health hazard and cause siting problems.

4.3.7 Large Wind Systems

Large WECS, with blade diameters up to 300 feet can generate up to 3 Mw of power. Test units of various sizes and configurations with capacities of up to 2 MW have been installed. Tests on 8 kW and 200 kW systems are scheduled to be completed in the FY 1980–81 time, frame. As shown in Table 3, PURPA is expected to encourage the deployment of 1,900 Mw of wind generation by 1995, concentrated in the West South Central (1,000 Mw), West North Central (420 Mw), and Mountain region (360 Mw). As indicated previously in the discussion on small WECS, about 50 Mw of these totals could be from small systems.

Figure 3 shows the total installed capacity of wind generators expected during the next 15 years. In the near-term about 140 Mw are expected, with about 95 percent generated by large wind systems, especially those in the 2.5 Mw range. Appendix D contains a detailed discussion of the market-penetration analysis for this technology.

Large WECS require up to 40 acres per unit. Wide scale commercialization will require extensive manufacturing with associated environmental control costs. (*20*) The other principal concerns related to large scale wind systems are:

- Unresolved conflicts related to land use and the alternate uses of proposed sites and associated resources, specifically in the northeastern U.S.
- Structural safety of the blade and tower under sudden gusts.
- Electromagnetic interference, especially to UHF and VHF video signals, may limit acceptance of WECS.
- Visual impacts will require particular care in siting, especially for large systems or arrays.
- Noise becomes an increasing problem as the size of the WECS increases.
- Potential hazard to low-flying aircraft and birds.

Technologies With Significant Environmental Effects

Technologies for which the probability of adverse environmental effects is relatively high are:

- Geothermal,
- Cogeneration,
- Small-scale, hydropower—Category II dams.

Site location, controls and disposal techniques present problems on a selective basis that can delay deployment on a commercial scale, and some local and institutional impacts may be of major societal importance.

4.3.8 Geothermal

Geothermal resources are convective systems of water or steam trapped in fractured rocks or sediments by impermeable earth layers. A geothermal resource is classified as "vapor" or "liquid" dominated, according to the physical state of the fluid released when such systems are tapped by drilling. Large scale utilization has only recently been demonstrated in the United States, but has been successful in New Zealand, Iceland, Mexico, and Japan. (*8*)

At present, the only geothermal power plant in the United States is the 900 Mw hydrothermal plant located at the Geysers in California. However, DOE has estimated that by 1990, the electrical generation from geothermal sources could rise to 9,490 Mw (5,940 Mw in California and Hawaii, 2,350 Mw from the Midwest, and 1,200 Mw from the Gulf Coast). (*15, 21*) Table 3 indicates that none of this capacity is expected to be influenced by PURPA since most installations, to be economically viable, will be larger than 30 Mw.

A recent estimate of total geothermal resources in the United States shows a potential for generation of about 3,400 quads (10^{15} Btu). (*22*) The hot geothermal fluid may be used either to generate electricity or for space and industrial process heat. Geothermal resources suitable for heating applications (50°C to 150°C) are more numerous than those for electric generation which requires higher temperatures.

Three types of conversion cycles can be used in the application of geothermal energy for the generation of electricity:

1. Dry Steam: Scrubbed steam drives a turbine generator, with condensate water used for cooling;
2. Direct flash: High-temperature steam is produced by flashing the brines from a well; the spent brine may be reinjected;
3. Binary cycle: This system, generally employed to utilize lower temperature brines, uses secondary fluid in a closed system. The secondary fluid (isobutane, propane, Freon, or ammonia) is vaporized via a heat exchanger. The brine side of the heat exchanger may operate as a closed system by having the spent brine injected into a disposal well.

The relative importance of the environmental problems associated with geothermal energy are dependent on the conversion cycle used and are also highly site-specific; water requirements and airborne emissions, particularly hydrogen sulfide (H_2S) are of major concern in all cases. (*23, 24, 25*) The continued operation of the present plants at Geysers, California, is contingent on successful demonstration of the H_2S emissions abatement system.

Primary environmental concerns are as follows:

- Fugitive airborne emissions and objectionable odors are present from all conversion cycles.
- Effluents from cooling tower drifts may affect local ecology and human health.
- Waterborne effluents, spent brine (direct flash and binary cycle techniques), and secondary fluids will require great care during disposal or replacement.
- High noise levels, particularly with the dry steam cycle.
- Possible enhanced seismicity and subsidence can result from either extraction or reinjection of subterranean brine.
- Water requirements for cooling towers may pose resource conflicts since most of the prime geothermal sites are in water-deficient areas of the U.S.

4.3.9 Cogeneration

The majority of cogeneration installations are expected to be based upon the use of fossil fuels, in conjunction with steam turbine systems, combustion turbine systems, or internal combustion engines. However, because there is no restriction on the size of a qualifying cogeneration facility, there may be a greater magnitude of effect at a particular site for a cogeneration facility than for equivalent generation by a group of dispersed small power production facilities. Also, a cogeneration facility is likely to be in an industrial or populated area. This can be a factor in assessing its overall environmental effect.

Conventional generation of electric power, whether by steam turbines, combustion turbines or diesel engines, produces more than half of the primary energy consumption being discharged into the environment in the form of low-grade heat. Cogeneration facilities utilize this heat.

A further benefit available from cogeneration plants is reduced transmission losses due to the proximity of the plant to its load center.

The national potential for cogeneration in the industrial sector could be 16,600 Mw by 1995, of which 3,410 Mw would be PURPA-induced (Table 3). (*26, 27*) The three largest industrial segments that are likely to participate in PURPA-induced cogeneration are the pulp and paper, chemical, and petroleum refining industries. The primary fuels that would be used as input energy by these industries and the types of cogeneration technology utilized will vary. In general, pulp and paper plants and petroleum refineries will utilize steam-topping boiler cycle installations, with pulp and paper plants using wood and other process by-products, augmented with oil or gas for an estimated capacity of 835 Mw. Petroleum refineries will generally use various refinery products and off-gases derived from petroleum to fuel an estimated capacity of 1,485 Mw. The chemical industry is expected to cogenerate with either gas-fired combustion turbines or steam-topping cycle installations using various process-derived fuels or natural gas. Each type of facility is estimated to produce about 50 percent of the 1,090 Mw of capacity projected from the chemical industry. Figure 6 shows the relative capacity contribution of each industry. Appendix B discusses the market penetration analysis for industrial cogeneration.

The market penetration analysis shows that PURPA will induce 2,500 Mw of commercial cogeneration by 1995, almost exclusively in the Middle Atlantic Region. Diesel engines and dual-fuel use engines are likely to be the primary equipment choice for commercial cogeneration. Commercial cogeneration users will use natural gas as a fuel for dual-fuel engines whenever gas is available or less expensive than diesel fuel. In rural areas and in some urban areas of the Middle Atlantic region, no natural gas pipelines exist, and distillate fuel will be used. Thus, in these areas cogenerators will choose diesel engines. In large urban areas, because natural gas is available for potential cogenerators, congenerators will install dual-fuel engines to take advantage of low-priced natural gas, even though a dual-fuel engine costs 20% to 30% more initially. The percentage of the commercial capacity that will be developed in rural or small urban areas, is difficult to determine; however, it is estimated that cogeneration in larger urban regions may account for 25% to 75% of the total 2,500 Mw by 1995. It is expected that PURPA will act to encourage the use of diesel engines for commercial cogeneration, but that other factors, expecially favorable natural gas prices, will act as overriding incentives for development of dual-fuel type cogeneration. On this basis, and for the purpose of this assessment, all PURPA-induced cogeneration is assumed to be diesel powered. Figure 7 depicts the development of this technology in the commercial sector. Appendix C discusses the market-penetration analysis for commercial cogeneration.

If cogeneration were not used, a facility would utilize a low-pressure steam boiler, or a furnace, to obtain its thermal requirements, and would purchase electricity from a utility. The environmental effects of cogeneration are therefore limited to any increases or qualitative changes in the type or quantity of emissions produced by cogeneration, rather than that from the separate production of thermal energy and utility electricity.

A common characteristic of cogeneration systems is that the electrical generation equipment is located at a site at which a non-congeneration facility would otherwise be used to supply thermal energy, with the result that little or no new land use impact is involved. The resulting reduction in demand upon the utility grid reduces the requirement for central station generating capacity thus conserving land and reducing associated pollutant emissions.

Bottoming-Cycle Cogeneration

In a bottoming-cycle cogeneration facility, electricity is generated from a source of waste heat—typically a stream of hot gases emitted from an industrial process heating facility. For example, bottoming-cycle equipment can be retrofitted to such industrial heating processes as annealing furnaces, cement kilns, and glass production furnaces. If retrofitted to an existing industrial facility, a bottoming-cycle is unlikely to lead to an increase in environmental emissions since no additional fuel is burned. Even in new facilities, the use of bottoming-cycle equipment is unlikely to lead to increased fuel use and resulting emissions since most industrial heating processes cannot be substantially modified to operate at higher temperatures.

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In both retrofit and new bottoming-cycle applications, additional fuel can be burned as supplementary firing. In this case, fuel is burned to increase the efficiency of the electrical generation equipment. No extra heat is added to the industrial thermal process. Supplementary firing is not expected to result in significant air quality effects, because the fuel is burned in an external combustion application since internal combustion engines are not suitable for bottoming-cylce use.

Little market penetration is projected for bottoming-cycle cogeneration. Industries generally can find other ways to use waste heat (such as combustion air preheating) that cost less than bottoming-cycle equipment. Additionally, as energy costs increase, conservation practices will reduce the amount of waste heat available for use in bottoming-cyle facilities.

Topping-cycle Cogeneration

Topping-cycle facilities utilize the energy input first to produce power, and then use the waste heat from power production to provide useful heat. For steam turbine systems, the fuel combustion system is essentially a boiler. The emissions are identical in nature to the emissions of an industrial boiler facility producing steam alone, without cogeneration. By adding cogeneration equipment, however the industrial facility burns somewhat more fuel than a facility producing industrial process steam. Thus the quantity of emissions may be increased while the characteristics remain unchanged. Table 4 shows the relative emission rates for the major classes of topping-cyle prime movers.

In general, the environmental effects of fuel-burning steam cogeneration can be pictured as a moderate increase in the fuel consumption and stack emissions of a large industrial facility. However, the total emissions will be less than those which would occur if the power and heat systems operated separately. In addition, the resulting reduced demand upon the utility grid generally results in less consumption of fuel by the utility and hence less environmental effects.

For cogeneration facilities employing internal combustion engines or combustion turbines, the emissions will be essentially the traditional outputs from these units. Since diesels produce a very high ratio of electricity to thermal energy and, further, cannot produce the moderately high temperature and pressure steam needed for some industrial applications, these units are not expected to find much industrial cogeneration use. Combustion turbines will be more common in industry, especially where a relatively high ratio of electrical to thermal output is desired and the requirement for premium fuels poses no special problem. The environmental effect of the cogeneration equipment is not likely to be significant.

Table 4.—*Emission rates (g/kWh) of topping-cycle prime movers*

	SO_x[1]	NO_x[1]	CO[1]	HC[1]	TSP[1]
Steam-Topping-Boiler (Oil)	0.88	0.19	0.05	0.03	0.09
Steam-Topping-Boiler (Gas)	0.0009	0.19	0.03	0.01	0.03
Diesel (Oil)	1.12	17.30	2.41	(4)	0.30
Dual Fuel Engine[2]	0.11	11.00	2.68	(4)	(4)
Spark Ignition (Gas)[3]	(4)	(4)	(4)	(4)	(4)
Gas Turbine (Oil)	1.26	3.06	0.69	(4)	0.22
Gas Turbine (Gas)	0.003	2.09	0.69	(4)	0.07

[1] SO_2 (sulfur dioxide); NO_x (nitrogen oxides); CO (carbon monoxide); HC (hydrocarbons); TSP (total suspended solids).
[2] Dual fuel engines normally operate on a mixture of approximately 90 percent natural gas and 10 percent diesel oil.
[3] Emission characteristics are similar to those of dual fuel engines.
[4] No data.

General Operating Conditions

Cogeneration facilities may use a variety of fuels. For example, steam turbine systems can burn any fuel. Combustion turbine systems, and spark-ignition internal combustion engines, and dual-fuel engines burn liquid and gaseous fuels—chiefly distillate fuel oil and natural gas. Diesel engines ordinarily burn distillate fuel oil. The industrial or commercial application process, the cogeneration technology, and the fuel selection and controls used, all determine the environmental characteristics.

With regard to application of this technology in commercial settings, typical applications include large apartment complexes, university campuses, hospital facilities, and shopping centers. Since the primary product desired is electricity, and the thermal output need not be at a high temperature, gas-fuel internal combustion engines or diesel engines are the favored prime movers. Major environmental problems are not likely to arise from individual units but could arise from a number of installations in a single airshed.

A number of factors may interact to produce adverse environmental impacts from a topping-cycle cogeneration facility. (*28*) These factors include the following:

- *Type of prime mover.*—Diesel engine, dual-fuel engine, spark-ignition engine, or combustion or steam turbine.
- *Fuel use.*—Light petroleum fractions and natural gas are the most common fuels although some large facilities may be able to burn lighter grades of residual oil.
- *Type of pollution control equipment.*—Numerous technologies exist for control of pollution from such facilities. Catalytic converters similar to those used in automotive applications are feasible for the control of some pollutants (chiefly hydrocarbons and carbon monoxide). Other means are available to control particulate emissions.
- *Siting.*—In urban areas, adjacent structures can cause the exhaust to downwash to ground level or alternatively the exhaust plume may impinge upon other downwind structures.
- *Stack height.*—A tall stack can mitigate the air stagnation and blocking effects of nearby structures in an urban location.
- *Atmospheric conditions.*—Wind speed, air stability, air temperature, humidity, and solar radiation.

Diesel Engines

Diesel cogeneration units employ an exhaust heat recovery boiler or a water jacket heat exchanger to generate steam or hot water from the heat rejected by the diesel engine. Currently, standard industrial diesel engines burn only distillate fuels. The future adaptation of heavy residual oil-fueled diesel engines to industrial cogeneration applications appears promising. The major emissions from diesel engines are particulates, nitrogen oxides, gaseous hydrocarbons, sulfur oxides, carbon monoxide, odor constituents, and noise. Currently, a significant contribution to the total atmospheric concentrations of the first three pollutants emanate from diesel sources, as shown in Table 4.

The emissions from diesel engines has been most effectively controlled by modifying the combustion process itself rather than the post-combustion stage. However, current research indicates that more time will be required before a satisfactory technical solution to the diesel emission problem can be attained.

In major high-density urban areas, the significance of environmental impact from an air quality point of view will be a function of the number of diesel units operating and the efficacy of environmental controls utilized. The national ambient air quality standards within a region will become a controlling factor for the potential number of units which may be sited therein. (*29*) Noise levels and odor also pose environmental problems in urban areas. Noise impact and annoyance factors can be particularly serious from residential and commercial cogeneration facilities due to induced piping or building vibrations.

Dual-Fuel Engines

A dual-fuel engine can operate on either fuel oil or natural gas and a small quantity of oil known as pilot oil. During fuel oil operation, a dual-fuel engine operates essentially as a diesel engine. During gas operation, the engine operates much as a spark-ignition engine, with ignition accomplished by an injection of pilot oil rather than a spark. The pilot oil serves only to ignite the gas-air mixture and contributes only a small percentage of the total energy input during full-load operation. Typically, conversion from one fuel to another is automatic. Should gas pressure decrease to some predetermined level, a control valve automatically shuts off the gas and the engine reverts to diesel operation.

Dual-fuel engines are more costly than either diesel or spark-ignition engines. They are typically installed when natural gas is available at lower cost than fuel oil but on an interruptible basis. The efficiency of a dual-fuel engine operating at full power is approximately the same as that of a diesel engine of similar size. However, at partial loads the performance decreases in the same manner as a spark-ignition engine.

The environmental impact of dual-fuel engines clearly depends upon the fuel use, in addition to the other engine parameters such as size and speed. Table 4 shows that when operating in its normal mode (90/20 mixture of natural gas and diesel oil) SO_x emissions are significantly lower than a diesel, and NO_x is about one-third less. Generally, natural gas is available during the spring, summer, and fall. Interruption of gas supply, with the resulting diesel operation, would likely occur during the winter, if at all. This fact should mitigate the air quality impacts, since gas operation would be the norm during the summer months when air quality problems are generally most pronounced.

Retrofit of heat recovery equipment to an existing dual-fuel engine will pose no adverse environmental impact as no additional fuel will be burned. For the same reason, granting qualifying status to an existing dual-fuel cogeneration facility will have no adverse environmental impact.

Combustion Turbines

Combustion turbines are widely used to produce electric power. They are used by electric utilities for peak power applications and do not require large quantities of cooling water. However, their thermal efficiency is lower than that of steam generating sets because of the higher exhaust temperatures. (*30*) Efficiency is improved by using them in conjunction with steam turbines, known as a combined cycle system, but electricity is the only product and this application is not cogeneration.

Combustion turbine cogeneration provides for use of the waste heat directly for industrial processes or for space heating. Combustion turbines produce more electricity per unit of thermal energy ouptput compared to steam turbines, and can provide a better match for the energy needs of some industrial facilities than other alternatives. Another characteristic affecting selection of a combustion turbine is the fact that capital costs per kilowatt are relatively low, but because premium fuels are required, fuel costs are high. Generally, industrial or commercial installations of combustion-turbine units are economic only if the waste heat is effectively used. The increased rates for sales to electric utilities, coupled with lower natural gas fuel costs available through the Commission's rules, are expected to result in larger numbers of combustion turbine installations. The opportunity for qualifying facilities to burn lower cost natural gas should encourage some reductions in oil burning and result in improvement of air quality.

Steam Turbines

The operation of a steam-turbine generating plant can cause a variety of environmental impacts which may range from inconsequential to potentially important. The impact is primarily due to emissions to the atmosphere. Thermal discharges to water bodies are typically less than is a non-cogeneration, electric generating facility. Noise levels can be significant at the turbine, but may be mitigated on a site-specific basis.

Emissions to the atmosphere may include particulates, sulfur oxides, nitrogen oxides, hydrocarbons and carbon monoxide. Sulfur oxides and particulate emissions are the pollutants of primary importance. Control for those pollutants is available either by removing them from the exhaust gas stream, changing the fuel, or dispersing the exhaust gases via a well-designed stack. Nitrogen oxides and carbon monoxide emissions can be controlled to some extent by proper combustion technology. Lack of pollution controls can cause adverse effects on human health, degrade visibility, and cause deterioration of the built environment through chemical effects on structures. The extent of these effects will depend upon the size of the facility in question and the proximity to other sources of similar pollutants.

The ash removal from the boilers fired with solid fuels may present a solid-waste problem in some locations. Storage of coal or solid waste poses groundwater and fugitive emissions problems. However, it is not expected that coal-fired steam turbine cogeneration will achieve significant market penetration during the next 15 years.

The largest steam turbine cogeneration facilities may produce effects on air quality similar to those of a central station generating unit and would require similar pollution control systems. However, most cogeneration systems will be smaller and will generally provide increased dispersal of environmental effects as compared to central generation. In any event the incremental air quality effect from a topping-cycle steam turbine cogeneration facility will be small compared to the air quality effects of a boiler producing the required thermal energy supply.

Overall, the use of steam turbines for cogeneration resulting from the Commission's rules should not pose significant environmental impacts because of the inherent higher efficiency and reduced emissions from such systems compared to the separate production of heat and power.

Spark-Ignition Engines

A spark-ignition engine when used for cogeneration applications, typically uses natural gas. Propane or liquified petroleum gas (LPG) gas may be used, but high fuel costs limit this practice to short periods of time. Heat recovery is achieved from the exhaust or the engine cooling system Approximately 30 percent of the total energy input to the engine appears as heat in the exhaust. About 60–65 percent of this thermal energy can be recovered. For all spark-ignition engines the overall heat balance depends upon the load placed on the engine. At partial loads, engine efficiency decreases, and the fraction of energy input ending up as heat increases.

Addition of waste-heat recovery equipment to existing spark-ignition engines will not add to the environmental effects of the original equipment since no additional fuel is consumed during operation even with a moderate increase in fuel consumption. Instead, a net environmental benefit would be expected from these facilities since waste heat normally expelled to the air is captured for use.

Construction of new facilities will result in some localized environmental impacts, but the impact of individual units is expected to be minor. Although

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a spark-ignition engine will emit much more carbon monoxide than an equivalent diesel engine, emissions of sulfur dioxide are negligible. Emissions of nitrogen oxides have been found to be extremely dependent on engine output, but in any case, they are much less than those from a diesel engine.

Environmental Effects of Cogeneration

The significant environmental effects associated with the development of PURPA-induced cogeneration are mainly those caused by diesel cogeneration, therefore most of the effects listed here are related to that technology.

- Diesel engines that use distillate as fuel generate 50 to 80 times the particulate matter that natural gas fueled engines emit. The effect on human health is not fully known. New source performance standards (NSPS) for stationary diesel engines are currently being developed by EPA.
- The performance standards currently being developed may require control techniques to limit NO_x emissions.
- NSPS standards, which do not recognize the fuel savings inherent in cogeneration, could inhibit the market penetration of cogeneration technology.
- Environmental control costs for flue gas desulfurization or low-sulfur oil and regulatory uncertainties (EPA's proposed short-term NO_x standard may affect NSPS permits for cogeneration) associated with direct-fired steam boilers may impede their acceptance for steam turbine cogeneration.

4.3.10 Small-Scale Hydropower—Category II

There are about 3,000 undeveloped sites in the U.S. with the potential for small-scale hydropower development that correspond to Category II dam or locations. These sites have a potential for 15,700 Mw.(*13*) However, the market-penetration analysis, contained in Appendix F, showed that the cost of a new dam would increase the cost of the facility so much that avoided costs would not result in sufficient economic incentives to justify this category of dams.

Recent filings with the FERC for small-scale hydropower have almost been exclusively for existing dams. The average construction costs in these filings are $2,000/kWh of installed capacity. Cost estimates developed for Category II hydropower have ranged from $3,000–$5,000/kWh, which are significantly higher than avoided costs, even for municipalities and cooperatives which have the ability to obtain the lowest cost financing.

Figure 4 depicts the national picture of development for small-scale hydropower by 1995. Appendix F discusses the market-penetration analysis of this technology. A detailed technical and environmental assessment of small-scale hydropower is found in Appendix G.

Based on the market-penetration analysis, and the recent experience with small-scale hydropower filings at FERC, it does not appear the PURPA will encourage a measurable amount of Category II development in the near-term. Development of this high cost form of hydropower will probably appear when fossil fuel (mainly oil) prices reach levels where its development is cost-effective. Regions where this might be expected by 1995 include New England, Middle Atlantic, and the Pacific (Alaska and California).

Environmental concerns associated with construction, repairing or modification of Category II dams are as follows:

- Aquatic ecosystems are converted from those of free-flowing streams to those of standing water.
- Inundation of land resources, including wildlife habitats, forests, and agricultural lands.
- Inundation of human habitats (home sites, towns, industrial and commercial locations, scenic and historic sites, etc.)
- Aquatic and semiaquatic organisms may be adversely impacted if reservoir level fluctuations occur. Careful design and management would limit the fluctuations to variations caused by peak demands. The presence of endangered species will bar development in some locales.
- Downstream environment and ecosystems could be impacted from the release of abnormal amounts of impounded chemicals, sediments, and silts.
- There may be conflicts with established recreational use of impoundments.

Environmental Findings

The market penetration analysis and the environmental analyses presented in the previous sections provide the basis for these environmental findings:

1. The regulatory program, taken as a whole on a national basis, will not have a significant impact upon the quality of the human environment within the meaning of section 102 of NEPA, primarily for the following reasons:

- Most of the technologies rely upon operating principles that are unique to each technology and the environmental effects associated with the basic operation of each are dissimilar and not cumulative. Technologies that involve combustion of fossil fuels and biomass are special exceptions.
- The geographical distribution of PURPA-induced technology development shows few cases where cumulative effects could occur, even on a regional basis. This is shown in Figure 8. Careful evaluation of regions where potential cumulative effects might occur (Pacific, East North Central, Middle Atlantic) indicates that only in the Mid-Atlantic region is there potential for two technologies to interact to produce cumulative environmental effects. For example, in the Pacific region, most industrial cogeneration will occur in the northern part of the region, whereas municipal solid waste development is expected in the southern portion, so adverse air quality effects would not be cumulative.

Technologies	Census regions								
	PAC	MTN	WSC	WNC	ESC	ENC	SA	MA	NE
Industrial cogeneration	X				X		X	X	X
Commercial cogeneration								X	
Municipal solid waste	X						X		
Small-Scale hydropower	X	X		X	X	X	X	X	X
Wind		X	X	X				X	X

Summary	PAC	MTN	WSC	WNC	ESC	ENC	SA	MA	NE
Potential for cumulative adverse environmental effects	No	No	No	No	No	No	No	Yes	Nil

Figure 8. Regional occurrence of PURPA-induced technologies and potential for cumulative adverse environmental effects (see map (Figure 2) for delineation of census regions).
PAC—Pacific; MTN—Mountain; WSC—West South Central; WNC—West North Central; ESC—East South Central; ENC—East North Central; SA—South Atlantic; MA—Middle Atlantic; NE—New England.

- In the near-term, only one technology, commercial cogeneration, was found to reach a level of development that might cause potentially significant environmental effects. These effects would only be expected in one region.

The Commission notes that certain benefits have been found as the result of this program that tend to mitigate possible environmental effects, as well as improve the Nation's energy picture. These include the potential deferral or cancellation of some eleven 500–MW coal-fired steam plants, one 1,000–MW nuclear plant, a number of 75–MW gas turbines, certain large-scale hydropower facilites, and some combined cycle installations with all associated effects due to construction and operation being avoided. (See Figure 2.) In addition, PURPA-induced facilities are projected to save an estimated 40,000 bbl/day of oil, 40,000 bbl/day equivalent of natural gas, and 120,000 bbl/day equivalent of coal by 1995.

2. The projected market penetration of technologies which can qualify under PURPA is shown in Table 5 (also see Tables 1–3). Certain technologies, will not, as the result of incentives under PURPA, reach levels of development that create significant environmental impacts. Solar thermal and solar photovoltaic, biomass fuels and geothermal technologies fall in this category, and a finding of no significant impact (FONSI) is appropriate for these technologies.

3. Qualification of existing facilities utilizing any of the cogeneration or small power production technologies encompassed under PURPA, including existing diesel engines, is not expected to create significant PURPA-induced environmental effects because these facilities are likely to continue to be operated with or without the incentives of PURPA. The Commission has made a finding of no significant impact (FONSI) for this category of facilites and will proceed with qualification thereon.

4. The incentives of this program will encourage the development of only one technology, commercial cogeneration primarily by new diesel engines, at a level where significant environmental effects may occur in the near-term. These effects are expected to be limited to the Mid-Atlantic region. The Commission will not grant qualifying status to this technology until it completes and evaluates an EIS.

5. The Commission is establishing a monitoring program to alert the Commission to the likelihood or extent of market penetration by technologies which qualify under PURPA. This procedure is designed to produce mid-, and long-term information that may be relevant to taking appropriate environmental protection action before these technologies reach a stage of investment or commitment likely to determine subsequent development or restrict later alteration.

Table 5.—*Market Penetration/Environmental Assessment Results*

Technology	Market penetration from PURPA		Environmental effect at projected market penetration of PURPA-induced market penetration	
	Near term by 1985	Long term by 1995	Near term by 1985	Long term by 1995
Solar Thermal	None	None	None	None.
Wind:				
Small	Minimal	Significant	Minimal	Minimal.
Large	None	Significant	None	Moderate.
Biomass Fuels (except MSW)	None	None [1]	None	None.[1]
Municipal Solid Waste	None	Moderate	None	Moderate.
Photovoltaics	None	None	None	None.
Small-scale hydro:				
Category I	Moderate	Significant	Minimal	Moderate.
Category II	None	Moderate	None	Significant.[2]
Geothermal	None	None [1]	None	None.[1]
Cogeneration:				
New Diesel	Moderate	Significant	Significant	Significant.
Other	Minimal	Moderate	Minimal	Moderate.

[1] While the market penetration analysis show little or no PURPA-induced market penetration, the comments in this rulemaking indicated that the encouragement provided by this program may result in some development of this technology, the extent of which remains unclear.

[2] The Commission notes that hydroelectric projects generally must be licensed by the Commission under Part I of the Federal Power Act. License applications are evaluated on a case-by-case basis to determine the significance of the environmental impacts and the need for a site-specific EIS. In addition, impacts of individual projects on a waterway may be cumulative, and the Commission reviews each project in relation to others on the waterway under the "comprehensive development" standard of section 10(a) of the Federal Power Act. Therefore, reqiirements of NEPA will be met as each application is filed.

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V45I69P8080 UMI

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[FR Doc. 80-10198 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 294

[Docket No. RM79-52]

Interim Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978; Amendment To Extend Interim Regulations

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amendment to extend interim regulations.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations which extend, through a period ending April 30, 1981, its interim regulations implementing accommodation and reporting procedures for shortages of electric energy and capacity, under section 206 of the Public Utility Regulatory Policies Act of 1978. This Order extends the effectiveness of the interim regulations, and make no other changes. Under the regulations, each public utility now serving firm power wholesale customers must report to the Commission, the utility's customers, and appropriate State authorities, any shortages of electric energy or capacity anticipated to occur prior to April 30, 1981. Also, the regulations require each public utility to report any modifications of its plans for accommodating shortages which may occur before April 30, 1981.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Bernard B. Chew, Office of Electric Power Regulation, 825 North Capitol Street, N.E., Room 504RB, Washington, D.C. 20426, (202) 376-9264.

Christine P. Benagh, Division of Regulatory Development, Office of General Counsel, 825 North Capitol Street, N.E., Room 3331-A, Washington, D.C. 20426, (202) 275-4932.

Issued April 1, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On June 15, 1979, the Commission issued interim regulations implementing, in part, section 206 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] Section 206 of PURPA amended the Federal Power Act to direct the Commission to require, by rule, public utilities to report to the Commission and to appropriate State authorities anticipated shortages of electric energy or capacity and to submit to the Commission and to appropriate State authorities contingency plans to accommodate any shortages of electric energy or capacity.

Paragraph (b) of the interim regulations requires each public utility serving firm power wholesale customers to submit by July 23, 1979, "a brief statement indicating how it would accommodate any shortages of electric energy or capacity affecting its firm power customers, should such a shortage occur prior to September 30, 1979."[2]

Paragraph (c) of the interim regulations requires each utility to report immediately any shortage of electric energy or capacity which the utility anticipates will occur. In that report the utility must provide the Commission with certain information, including information regarding any procedures for accommodating a particular shortage, if they differ from the procedures set out in the utility's statement submitted pursuant to paragraph (b) of the interim regulations.

Prior to this Order, paragraph (a) defined "anticipated shortages of electric capacity or energy" as those situations which would result in shortages "anticipated to occur prior to April 30, 1980."[3] The purpose of this amendment is to extend the reporting requirements for a period ending April 30, 1981, so that the Commission will be advised of any anticipated shortages which may occur during the coming year while responses to a Notice of Inquiry to be issued in connection with this Order are being made and considered.

Accordingly, the Commission hereby amends the interim regulations as follows: first, the reporting requirements of paragraph (c) are extending through April 30, 1981, by amending the definition of "anticipated shortages of electric energy or capacity" in paragraph (a) to include those situations anticipated to occur prior to April 30, 1981. Second, if a plan to accommodate a shortage occurring prior to April 30, 1981, differs from the plan submitted pursuant to paragraph (b) of the interim regulations, the utility is hereby required to file a supplemental statement setting forth those changes. A utility need not file a statement of its plan to accommodate shortages prior to April 30, 1981, if that plan does not vary from that set out in the statement already filed pursuant to § 294.101(b).

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. § 792 et seq.; Exec. Order No. 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. § 553)

In consideration of the foregoing, Part 294 of Subchapter K, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 294—INTERIM PROCEDURES FOR SHORTAGE OF ELECTRIC ENERGY AND CAPACITY UNDER SECTION 206 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

§ 294.101 [Amended]

Section 294.101 is amended in paragraph (a)(1), paragraphs (a)(2), and (b)(4) to delete the date "1980" each time it appears and insert in lieu thereof "1981".

[FR Doc. 80-10508 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

[1] Interim Regulations, 18 CFR. § 294.101 (1979), Docket No. RM79-52 (issued June 15, 1979), issued under the Federal Power Act, 16 U.S.C. § 824a(g) (Supp. II, 1978), as amended by PURPA, § 206(a), Pub. L. 95-617, 92 Stat. 3117 (1978).

[2] This language was adopted by an Amendment to Interim Regulations, 44 FR 46455 (Aug. 8, 1979), Docket No. RM79-52 (issued August 1, 1979), in order to make clear the Commission's intent that all public utilities serving firm customers must submit statements concerning the methods by which they accommodate possible shortages. Before this amendment, the language appeared to suggest that only those utilities which anticipated shortages prior to September 30, 1979, were obliged to file accommodation reports under seciton 206(a) of PURPA.

[3] This date was initially September 30, 1979, but was extended to April 30, 1980, by Interim Regulations, 44 FR 61953 (Oct. 29, 1979), Docket No. RM79-52 (issued Oct. 23, 1979).

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Antidumping Duty Order: Spun Acrylic Yarn From Italy

AGENCY: International Trade Administration, U.S. Commerce Department.

ACTION: Final rule (Antidumping Duty Order).

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, of 1921, as amended (19 U.S.C. 160 *et seq.*) and its superseding legislation, the Tariff Act of 1930, as amended (93 Stat. 162 *et seq.*), by the Commerce Department (and its predecessor in interest, the Treasury Department) and the United States International Trade Commission, respectively, have resulted in determinations that spun acrylic yarn from Italy is being sold at less than fair value and that these sales are materially injuring an industry in the United States. All unappraised entries of this merchandise made on and after December 20, 1979, the date on which liquidation was suspended, will be liable for the possible assessment of special dumping duties. Deposits of estimated antidumping duties shall be required of all entries made on and after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT:
Mary S. Clapp, Office of Investigations, International Trade Administration, U.S. Commerce Department, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230 (202-566-5492).

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) gave the Secretary of the Treasury responsibility for determining whether imported merchandise is being sold at less than fair value. Pursuant to this authority, the Secretary of the Treasury determined that spun acrylic yarn from Italy is being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act of 1921 (19 U.S.C. 160(a)). (Published in the Federal Register of December 20, 1979 (44 FR 75547-8)).

Pursuant to section 102(c)(2) of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 189-190) the final determination of the Secretary of the Treasury under the Antidumping Act of 1921, shall be treated as a final determination under section 735(a) of the Tariff Act of 1930, as amended (93 Stat. 169-170, 19 U.S.C. 1673d(a)).

Section 735(b) of the Tariff Act of 1930, as amended (93 Stat. 170, 19 U.S.C. 1673d(b)) gives the United States International Trade Commission responsibility for determining whether by reason of such sales at less than fair value a domestic industry is being or is likely to be materially injured. The Commission has determined and on March 17, 1980, it notified the Secretary of Commerce that an industry in the United States is materially injured by reason of the importation of spun acrylic yarn from Italy that is being sold at less than fair value within the meaning of the Act.

In accordance with section 736 of the Tariff Act of 1930, as amended (93 Stat. 172, 19 U.S.C. 1673e), Customs officers are directed to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise for all entries subject to the "Withholding of Appraisement" notice published in the Federal Register on December 20, 1979 (44 FR 75547-8), and all future entries until further notice. Furthermore, Customs officers shall require a deposit of estimated antidumping duties pending liquidation of entries of the subject merchandise at the same time as estimated normal Customs duties on the merchandise are deposited. Deposits of estimated antidumping duties shall be required on all entries, or withdrawals from warehouse, for consumption, made on or after the date of publication of this antidumping duty order in the Federal Register. The amount of the estimated duty is 48.05 percent *ad valorem.*

On behalf of the Secretary of Commerce, I hereby make public these determinations, which constitute an antidumping duty order with respect to spun acrylic yarn from Italy.

For the purposes of this notice, the term "spun acrylic yarn" means spun yarn of acrylic, provided for in item 310.50, Tariff Schedules of the United States Annotated.

Accordingly, Part 353, Annex I of the Commerce Regulations (19 CFR Part 353, Annex I, 45 FR 8208) is being amended by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Treasury Decisions
Spun Acrylic Yarn	Italy	45 FR ———

This notice is published pursuant to section 736 of the Tariff Act of 1930, as amended (19 U.S.C. 1673e), and Section 353.48 of the Department of Commerce Regulations (19 CFR 353.48, 45 FR 8204).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

April 3, 1980.

[FR Doc. 80-10586 Filed 4-7-80; 8:45 am]
BILLING CODE 3510-25-M

19 CFR Part 355

Frozen Boneless Beef From the European Community; Revocation of Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Revocation of countervailing duty determination.

SUMMARY: This notice is to advise the public that the countervailing duty determination on frozen boneless beef from the European Community is being revoked under section 104 of the Trade Agreements Act of 1979.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT:
Charles F. Goldsmith, Office of Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 566-2951.

SUPPLEMENTARY INFORMATION:
A notice entitled "Countervailing Duties—Frozen Boneless Beef from the European Community", T.D. 76-109, was published in the Federal Register of April 23, 1976 (41 FR 16931). The notice stated that it had been determined that exports of frozen boneless beef from the European Community (EC) were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). Accordingly, the subject merchandise was subject to countervailing duties.

Under the provisions of section 104 of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note, 93 Stat. 190), the subject case was entitled to expeditious injury consideration by the International Trade Commission (ITC). However, the original petitioners for the investigation, the American Farm Bureau Federation and the National Cattlemen's Association, informed the ITC that they wished to withdraw their complaint and requested that the investigation be terminated. The ITC published a notice in the Federal Register of March 18, 1980 (45 FR 17283) accepting the withdrawal of the complaint and terminating its investigation. Commerce was then informed of the ITC's action in this matter.

Given the request by the petitioners and the action taken by the ITC, which is tantamount to a negative determination under section 104(a)(3)(B) of the Trade Agreements Act, Commerce hereby revokes T.D. 76-109 with respect to all entries of dutiable frozen boneless beef from the EC which have not been liquidated, or the liquidation of which has not become final, on or after April 8, 1980. Customs officers will be instructed

to proceed with liquidation of all such entries without regard to countervailing duties.

The table in Part 355, Annex III, Commerce Regulations (19 CFR Part 355, Annex III, 45 FR 4949) is amended under the country heading, "European Communities", by deleting from the column headed "Commodity", the words "Frozen boneless beef"; from the column headed "Treasury Decision", the numbers "76–109"; and from the column headed "Action", the words "Bounty declared-rate".

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.
April 2, 1980.

[FR Doc. 80-10823 Filed 4-7-80; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Farmers Union Grain Terminal Assn., providing for use of a 10-gram-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Farmers Union Grain terminal Assn., P.O. Box 1447, Sioux Falls, SD 57101, filed a supplemental NADA (96–160) providing for safe and effective use of a premix containing 10 grams of tylosin (as tylosin phosphate) per pound, in addition to an existing approval for use of a 0.4-gram per pound premix, used in manufacturing a complete swine feed for increased rate of weight gain and improved feed efficiency. The regulations are amended to reflect approval of this supplement. Approval of this supplemental application is based on safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12–491. Use of the data in NADA 12–491 to support this approval has been authorized by Elanco. Approval of this application does not change the approved use of the drug (see 21 CFR 558.625). Consequently, this approval poses no increased human risk from exposure to tylosin residues, nor does it change the conditions of the drug's safe use in the target species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval did not require a reevaluation of the safety and effectiveness data in the parent application (12–491) or this NADA.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(7) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(7) To 017162: 0.4 and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective April 8, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 2, 1980.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.

[FR Doc. 80-10454 Filed 4-7-80; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 861

[Docket No. 78N-0002]

Procedures for Performance Standards Development; Medical Devices; Correction

AGENCY: Food and Drug Administration.
ACTION: Correction.

SUMMARY: In FR Doc. 80–2995 appearing at page 7474 in the **Federal Register** of Friday, February 1, 1980, the following correction is made: On page 7484, in the third column, paragraph (c) of § 861.1 *Purpose and scope* is revised to read: "(c) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted."

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

Dated: April 1, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10453 Filed 4-7-80; 8:45 am]
BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner, Federal Housing Administration

24 CFR Parts 201, 213, 234

[Docket No. R-80-791]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.
ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum interest rate on insured home mortgage loans and the maximum allowable finance charge on Title I property improvement, mobile home loans, and combination and mobile home lot loans. The change is necessitated by the current realities of high discounts and declining availability of FHA financing. This action by HUD is designed to bring the maximum interest rate and financing charges on HUD/FHA-insured loans into line with other competitive market rates and help assure adequate supply of FHA financing.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202–426–4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on FHA home mortgage insurance programs has been raised from 13.00 percent to 14.00 percent. Maximum finance charges on mobile home loans and the property improvement loans have been raised from 17.00 percent to 18.00 percent, and the finance charges on combination loans for the pruchase of a mobile home and a developed or undeveloped lot has been raised from 16.50 percent to 17.50 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. In § 201.4 paragraph (a) is amended to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (B) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed an 18.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

1. In § 201.540 paragraph (a) is amended to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 18.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a 1 percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

1. In § 201.1511 under paragraph (a), subparagraph (1) is amended to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* (1) 17.50 percent per annum.

* * * * *

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after April 3, 1980.

* * * * *

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 14.00 percent per annum with respect to loans insured on or after April 3, 1980.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after April 3, 1980.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

1. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after April 3, 1980.

* * * * *

(Sec. 3(a), 82 Stat. 113; (12 U.S.C. 1709–1); sec. 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 2, 1980.

Lawrence B. Simon,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-10498 Filed 4-7-80; 8:45 am]
BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums

AGENCY: Veterans Administration.
ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a

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maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Morgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

The increase in the maximum interest rate is accomplished by amending §§ 36.4311(a) and 36.4503(a), Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: April 1, 1980

Max Cleland,

Administrator.

PART 36—LOAN GUARANTY

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 14 per centum per annum, effective April 3, 1980, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 14 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 14 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 15 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 1803(c)(1))

[FR Doc. 80-10509 Filed 4-7-80; 8:45 am]

BILLING CODE 3320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 1

[FPR Temp. Reg. 53]

Contracting for Motion Picture Productions and Videotape Productions; Temporary Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes a uniform system for the acquisition of motion picture and videotape productions. The basis for this temporary regulation is the Office of Federal Procurement Policy (OFPP) Policy Letter No. 79–4, dated November 28, 1979 (44 FR 70015, December 5, 1979). The intended effect is to correct problems previously encountered in contracting for motion picture and videotape productions.

DATES: Effective date: March 31, 1980. Expiration date: March 31, 1982, unless canceled earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following FPR Temporary Regulation is added to the appendix at the end of the chapter.

[Federal Procurement Reg.; Temporary Reg. 53]

March 31, 1980.

Contracting for Motion Picture Productions and Videotape Productions

1. *Purpose.* This temporary regulation implements the Office of Federal Procurement Policy (OFPP) Policy Letter No. 79–4, dated November 28, 1979.

2. *Effective date.* This regulation is effective on March 31, 1980.

3. *Expiration date.* This regulation will continue in effect until March 31, 1982, unless canceled earlier.

4. *Background.* The Acting Administrator of OFPP issued Policy Letter No. 79–4, dated November 28, 1979 (44 FR 70015, December 5, 1979), which directed the establishment of a uniform Government-wide system for contracting for motion picture and videotape productions and prescribed the system to be followed.

5. *Explanation of change.* This change implements OFPP Policy Letter No. 79–4 regarding videotape and motion picture productions. The policy letter is set forth in attachment A of this temporary regulation.

Note.—Attachment A, which is referenced in paragraph 5, is filed with the original document and does not appear in this volume.

R. G. Freeman III,

Administrator of General Services.

Attachment A

Executive Office of the President; Office of Management and Budget

November 28, 1979.

[Policy Letter No. 79–4]

Contracting for Motion Picture Productions and Videotape Productions

1. *Purpose.* This Policy Letter directs the establishment of a uniform Government-wide system for contracting for motion picture and videotape productions. It replaces Policy Letter 78–5 issued by the Office of Federal Procurement Policy (OFPP) on August 28, 1978.

2. *Background.* Beginning in the early 1970's, various management studies were made of the Government's audiovisual contracting programs. These studies indicated widespread dissatisfaction with the policies and procedures followed by Federal agencies and departments in contracting for the production of audiovisuals, particularly motion pictures. OFPP Policy Letter 78–5 corrected many of the motion picture contracting problems noted in the studies and established a Government-wide system for contracting for motion pictures. Since the issuance of Policy Letter 78–5, members of the audiovisual industry, Congress, and individual Federal agencies have urged OFPP to develop a similar system for videotape productions. This policy letter responds to those suggestions and establishes a Government-wide system for both motion picture and videotape productions.

3. *Policy.* Executive agencies and departments shall use the uniform Government-wide system described in paragraph 7 below in contracting for motion picture and videotape productions. The uniform system is intended to:

a. Reduce waste and inefficiency inherent in many existing departmental and agency contracting procedures;

b. Ensure that the Government obtains quality motion picture and videotape productions at fair, competitive prices;

c. Provide a central point within the Government where producers can obtain information on motion picture and videotape contracting procedures and opportunities; and

d. Increase competition for Government contracts.

4. *Implementation.* The General Services Administration and the Department of Defense shall make such changes to the Federal Procurement Regulations and the Defense Acquisition Regulation as are necessary to make the uniform contracting system operational on March 31, 1980. The motion picture contracting system required by this policy letter was initially implemented on March 30, 1979, by Policy Letter 78–5. That system shall continue in effect until March 31, 1980, when solicitations and awards for both motion pictures and videotape productions shall be in accordance with the herein prescribed system. The Executive Agent shall take immediate steps to assure that the prescribed system is fully functional on March 31, 1980.

5. *8(a) Contracts.* Contracts made pursuant to Section 8(a) of the Small Business Act will be handled in accordance with existing regulations and use of the uniform system is not required.

6. *Definitions.* As used in this Policy Letter:

a. "Motion picture production" refers to those productions in which the majority of the photographic and editorial work was accomplished in 8-mm, 35-mm, or 70-mm sound-on-film. It does not include videotape, sound slide, multi-media productions, or separate media services.

b. "Videotape production" refers to those productions in which the majority of the recording and editorial work was accomplished in magnetic videotape, videocassette, or videodisc. It does not include motion picture film, sound slide, or multimedia productions or separate media services.

c. "Federal Audiovisual Committee" refers to an interagency committee chaired by OFPP. The Committee is made up of representatives from more than 20 Federal agencies. Its purpose is to advise and assist in the formulation of Government-wide audiovisual policy.

d. "Executive Agent" refers to the Directorate for Audiovisual Management Policy of the Department of Defense. The Executive Agent is designated by OFPP and is responsible for administering and maintaining the motion picture and videotape contracting system. The Executive Agent also serves as the central information source about the system.

e. "Interagency Audiovisual Review Board" refers to a sub-group of the Federal Audiovisual Committee. It is chaired by the Executive Agent and is used to evaluate motion picture and videotape productions submitted by producers interested in obtaining Government contracts for motion picture and videotape work.

7. *Uniform System.*—a. *Open Invitation.* All persons and firms interested in producing Government motion picture or videotape productions are required to submit samples of their work to the Executive Agent. The Executive Agent will place notices, at least semi-annually, in the Commerce Business Daily inviting the submission of such work samples. Similar notices will be placed in the trade press where feasible.

b. *Submission of Work Samples.* (1) Producers interested in motion picture work must submit a 16-mm sound sample film that they have produced within the previous three years.

(2) Producers interested in videotape work must submit a sample program on ¾ inch, U-format videocassette that they have produced during the previous three years.

(3) Each sample film and videotape must be accompanied by a statement explaining its purpose, the sponsor, production medium, the contract price, and/or production cost.

c. *Review of Work Samples.* Work samples submitted to the Executive Agent will be reviewed and evaluated by the Interagency Audiovisual Review Board (IARB). A minimum of five IARB members must participate in the evaluation of each work sample. The public may attend meetings of the IARB during which sample motion picture and videotape productions are viewed. The public may not, however, be present nor participate in the formal evaluation of the productions.

d. *Criteria for Evaluating Work Samples.* Films and videotapes reviewed by the IARB will be evaluated on the basis of the following criteria:

(1) Achievement of Purpose(s): Did the production accomplish its stated purpose? Was it appropriate for the intended audience? 0–20 Points.

(2) Creativity: Did the production provide a fresh or innovative way of conveying the message? Was the manner of presentation appropriate? 0–20 Points.

(3) Continuity: Did the subject develop in a logical or understandable manner? 0–10 Points.

(4) Technical Quality: Did the following elements, if included in the production, exhibit technical competence? Direction; Writing; Photography/Camera Work; Editing; Artwork/Animation; Narration/Dialogue; Music and Sound; Special Effects, 0–50 Points.

e. *Obtaining Contracts and Placement on Qualified Producers Lists.* (1) Contracting with the Executive Agent. The Executive Agent will offer contracts to all producers whose films and/or videotapes receive an average composite score of 70 or more from the IARB. The contracts will contain standard provisions covering Government motion picture or videotape work. Orders for production and other work will be awarded under these contracts. The authority for the contracts is this Policy Letter and 41 U.S.C. 252(c)(10).

(2) Placement on the Qualified Lists. Producers who sign contracts with the Executive Agent will be placed on a Qualified Film Producers List (QFPL) or a Qualified Videotape Producers List (QVPL). Producers, who qualify on the basis of motion picture and videotape work samples, may be placed on both lists.

(3) Continuous Qualification. The QFPL and QVPL will remain open and producers may submit work samples to the Executive Agent at any time. Producers whose initial films and/or videotapes do not receive a score of 70 or more may continue to submit samples until they qualify. All samples will be reviewed on a first-in, first-out basis. Producers who initially qualified for the QFPL under the "granfather arrangement" in Policy Letter 78–5 must still submit a work sample to the Executive Agent within one year of the date of their original contracts.

(4) Removal from the QFPL or QVPL. A producer will remain on the QFPL or QVPL until an agency complains of unsatisfactory work on a specific production or until the producer requests removal. If an agency complains of unsatisfactory work, the IARB will review the production and the complaint. When warranted, the IARB may recommend that the Executive Agent terminate the producer's contract and remove the producer from the QFPL or QVPL. Also, producers not responding to five consecutive solicitations will be asked if they wish to be removed from the list(s).

(5) Structure and Distribution of the QFPL and QVPL. Firms placed on the QFPL or QVPL will not be classified by subject matter or geographic area unless they so request. Copies of the qualified lists will be distributed by the Executive Agent to all using agencies and to persons requesting them.

f. *Agencies' Use of QFPL and QVPL.* (1) Contacting the Executive Agent. When an agency is prepared to contract for the production of a motion picture or videotape, the contracting officer will contact the Executive Agent and request the names of a specific number of producers from the QFPL or QVPL. The Executive Agent will furnish names in increments of five. The names furnished will be selected from the QFPL or QVPL on a random number, rotational basis. For every increment of five names requested, the procuring agency may select a maximum of two additional names from the appropriate list. The names provided by the Executive Agent will be placed at the bottom of the list for future use.

(2) Use of Names. The agency will solicit proposals from all firms referred by the Executive Agent and from those appropriately selected by the agency itself. Proposals must be solicited from at least five producers for each requirement (unless a noncompetitive acquisition is justified in accordance with agency regulations). Agencies will determine in light of the specific film or videotape to be produced whether more than five proposals should be solicited. As a general guide, however, agencies should not request more than two increments of producers from the Executive Agent for productions estimated to cost less than $100,000.

g. *Soliciting Proposals.* (1) Use of Solicitation Formats. Agencies shall use the solicitation formats developed by the Federal Audiovisual Committee in soliciting

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proposals for specific productions. The contracts between the producers on the qualified lists and the Executive Agent contain standard terms and conditions and those terms and conditions will not be repeated in each solicitation or award. The solicitation formats developed by the Federal Audiovisual Committee may be obtained from the Executive Agent.

(2) Two Approaches. When using the solicitation formats obtained from the Executive Agent, agencies must first determine whether scripting will be separated from production. This is a matter of judgment involving two approaches to production. The first approach holds that a clear separation can be made in some instances between scripting and production and that any producer can produce a satisfactory motion picture or videotape production from a completed script. The second approach holds that production of some films and videotapes (from initial research through treatment, scripting, and production) is a continuous process which requires the continuous involvement of one creative individual from start to finish. Solicitation formats have been developed for each of these approaches and the proper format must be used depending on the approach selected.

h. *Scripting Separated from Production.* (1) Obtaining Scripts. When an agency determines that scripting for a particular film or videotape should be separated from production, the agency will obtain and approve a script. Generally, scripts may be obtained directly from writers under existing small purchase procedures.

(2) Obtaining Production Proposals. Once the script has been acquired it will be included in the production specifications and used by the agency in soliciting competitive proposals from the firms on the QFPL or QVPL. Proposals will be solicited in the appropriate format, in accordance with paragraph g.(1) above.

(3) Evaluation Criteria. (a) Motion picture and videotape production proposals, submitted by producers when scripting has been separated from production, will be evaluated on the basis of:

—Qualifications and relevant experience of proposed production team members.
—Creativity as demonstrated in sample production.
—Technical quality of sample production.

(4) Production Awards. The production award will be made to the responsible producer submitting the best proposal, price and other factors considered.

i. *Scripting Included with Production.* (1) Obtaining Treatments. Where scripting is to be included as part of the production effort, agencies will solicit treatment proposals from firms on the QFPL or QVPL. The appropriate solicitation format must be used in accordance with paragraph g.(1) above.

(2) Evaluation Criteria. Proposals for treatments will be evaluated by the agency on the basis of:

—Qualifications and relevant experience of proposed production team members.
—Creativity as demonstrated in sample production and sample treatment.
—Technical quality of sample production.
—Offeror's understanding of the production's purpose and subject matter.

(3) Awards for Treatments. Awards for the development of treatments should generally be made to at least two producers submitting proposals. These awards will be made at a preestablished fixed price determined by the agency and included in the solicitation. Subsequent awards for the development of multiple scripts (not treatments) should be made only in unusual cases.

(4) Production Awards. The treatments will be evaluated together with technical and price proposals for the production, and the award for the scriptwriting and production work will be made to the responsible producer whose proposal is most advantageous to the Government, price and other factors considered.

j. *Responsibility Determinations.* The evaluation criteria contained in paragraphs h. and i. will be used by agencies in evaluating producer proposals. Agency contracting officers, however, will determine a particular offeror's responsibility prior to making an award. For this purpose, financial and other data may be requested.

8. *Effective Date.* This Policy Letter shall be effective January 1, 1980.

9. *Concurrence.* The Director of the Office of Management and Budget concurs in the issuance of this policy directive.

James D. Currie,
Acting Administrator.

[FR Doc. 80-10462 Filed 4-7-80; 8:45 am]
BILLING CODE 3125-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Atchison, Topeka & Santa Fe Railway Co. Authorized To Transport Grain to Mexico Via Presidio, Tex., Without Collection of Out of Line Charges

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1458.

SUMMARY: This order authorizes the Atchison, Topeka and Santa Fe Railway Company to waive out of line charges on grain for Mexico moved through Presidio, Texas, crossing to avoid congestion at El Paso, Texas, crossing.

EFFECTIVE: 12:01 a.m., March 27, 1980, and continuing in effect until 11:59 p.m., June 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275-7840.

Decided: March 27, 1980.

The Atchison, Topeka and Santa Fe Railway Company (ATSF) has supplemented ATSF Tariff 9003 effective March 27, 1980, to include Hereford, Texas, as a transit station for grain moving to Mexico via Presidio, Texas.

The Tariff, as supplemented, allows freight to move out of transit to Mexico, via Presidio, Texas, crossing, without penalty of "out of line" charges. Tonnage which entered into transit arrangements prior to March 27, 1980, remains subject to these out of line charges prohibiting ATSF from using a less congested crossing at Presidio, Texas, and causing accumulation and delay at El Paso, Texas, crossing.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1458 Service Order 1458.

(a) *The Atchison, Topeka and Santa Fe Railway Company Authorized to Transport Grain to Mexico Via Presidio, Texas Without Collection of Out of Line Charges.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) is authorized to transport grain from Hereford, Texas, to Presidio, Texas, without collection of "out of line" charges required by ATSF Tariff 9003 when such grain is destined to Mexico and entered into the transit account prior to March 27, 1980, at Hereford, Texas.

(b) *Applications.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) Bills of lading covering movements authorized by this order shall contain a notation that the grain entered into the transit account prior to March 27, 1980, and "out of line charges" waived under the authority of Service Order No. 1458.

(d) *Rules and regulations suspended.* The application of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., March 27, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1980, unless otherwise modified, changed or suspended by order of the Commission.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10465 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. Authorized To Cancel Uncompleted Trips of Certain Unit-Grain-Trains

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1459.

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to cancel uncompleted trips of unit-grain-trains from certain stations in Iowa which cannot be completed due to the embargo.

EFFECTIVE: 12:01 a.m., March 28, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275-7840.

Decided: March 27, 1980.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) has published ICC-MILW-4007 tariff which authorizes the shipment of grain in unit-grain-trains which require the use of a specified number of cars or shipment of an aggregate minimum weight in consecutive trainload shipments. The MILW has issued embargo 13-80 effective 11:59 p.m., March 23, 1980, on all traffic originating from various MILW stations, including 29 stations in the State of Iowa.

Shippers, in many instances, have been forced to cancel the remaining unit-grain-trains which were required to meet the minimum number of unit-grain-trains specified in the tariffs. These shippers have requested that the railroad be authorized to cancel the uncompleted trips of unit-grain-trains because the shippers are unable to fulfill the tariff requirements due to the embargo.

It is the opinion of the Commission that an emergency exists and that there is good cause to authorize the MILW to cancel uncompleted trips of unit-grain-trains without penalty to the shipper. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1459 Service Order 1459.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Cancel Uncompleted Trips of Certain Unit-Grain-Trains.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) operates unit-grain-trains under tariff ICC-MILW-4007 which requires the use of a specified number of cars or shipment of an aggregate minimum weight in consecutive trainload shipments. MILW has placed an embargo on all traffic originating at the following stations in the State of Iowa:

Manilla, Aspinwall, Manning, Templeton, Dedham, Coon Rapids, Bayard, Bagley, Herndon, Jamaica, Dawson, Perry, Bouton, Woodward Switch, Madrid, Slater, Adel, Kennedy, Redfield, Linden, Panora, Yale, Des Moines, Consumer Switch, Clive, Rider, Grimes, and Granger.

On the request of any shipper using unit-grain-trains from these stations, the MILW is authorized to cancel the remaining unit-grain-trains required to meet the aggregate minimum weight requirement or minimum number of trainload shipments required by tariffs. The rates charged should be those applicable to the shipments as if tariff requirements had been satisfied.

(b) The provisions of this order apply to any unit-grain-trains in operation on March 23, 1980.

(c) *Unit-Grain-Trains Defined.* The term "unit-grain-train" as used in this order means a multiple-car shipment of grain, grain products, or soybeans subject to a tariff provision which requires the use of twenty-five (25) or more covered hopper cars in a single shipment, on one bill of lading, on one day.

(d) *Consecutive Trainload Shipments Defined.* Consecutive trainload shipments shall consist of three or more trainload shipments, each trainload shipment shall precede or follow unloading of a trainload shipment at destination and return the set of equipment to one origin.

(e) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign tariff.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 28, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304-10305 and 11121-11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission. Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10466 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1446.

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. West Davenport, Iowa through and including Muscatine, Iowa to Fruitland, Iowa including the Iowa-Illinois Gas and Electric Company near Fruitland Iowa.

2. Seymour, Iowa to and including industry and team tracks at Centerville, Iowa.

3. Washington, Iowa.

4. Newport, Minnesota, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

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EFFECTIVE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided March 24, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company is depriving shippers located adjacent to those tracks of essential railroad service. The Chicago, Milwaukee, St. Paul and Pacific (MILW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by MILW over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1448 Service Order 1446.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized to Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) for the purpose of serving industries located adjacent to such tracks:

1. West Davenport, Iowa through and including Muscatine, Iowa, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland, Iowa.

2. Seymour, Iowa, to and including industry and team tracks at Centerville, Iowa.

3. Washington, Iowa.

4. Newport, Minnesota, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

Temporary service authorized in this Order requires continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Chicago and Northwestern Transportation Company and Davenport, Rock Island and Northwestern Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the MILW to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the MILW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via MILW become effective.

(f) In transporting traffic over these lines, MILW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if MILW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10481 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1432.

SUMMARY: This order authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; between Jefferson and Marathon, Iowa; between Jefferson and Waukee, Iowa, and between Manning and Huxley, Iowa, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided March 21, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates. A subsequent court order authorized the Trustee to embargo additional lines named in Embargo No. 13–80, effective 11:59 p.m., March 23, 1980.

The Chicago and North Western Transportation Company (CNW) intersects MILW lines at various locations in Iowa, South Dakota and Minnesota, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and at Tama and between Jefferson and Marathon, Iowa.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1432 Revised Service Order No. 1432.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; between Jefferson and Marathon, Iowa; *between Jefferson and Waukee, Iowa, and between Manning and Huxley, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by CNW over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CNW become effective.

(d) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10488 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

Chippewa River Railroad Co. Authorized To Operate Over Tracks Leased From the State of Wisconsin

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1463.

SUMMARY: This order authorizes the Chippewa River Railroad Company to operate over tracks leased from the State of Wisconsin, between Eau Claire and Durand, Wisconsin, in order to continue to provide rail service.

EFFECTIVE: 12:01 a.m., March 31, 1980, and continuing in effect until 11:59 p.m., July 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 28, 1980.

The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Eau Claire, Wisconsin, and Durand, Wisconsin, has been approved for sale to the Wisconsin Department of Transportation by the Commission in its decision in Finance Docket No. 29237. The Wisconsin Department of Transportation has leased the line between Eau Claire, Wisconsin, and Durand, Wisconsin to the Chippewa River Railroad Company in order to continue essential rail service to shippers on this line. On March 20, 1980, the U.S. District Court for the Northern District of Illinois, Eastern Division, authorized the transfer of this line to Wisconsin Department of Transportation. Chippewa River Railroad Company will file an application with the Commission for permanent authority.

Recently, in *Atchison, T. & S.F. Ry. Co. v. United States*, Nos. 79–2461 and 79–2478 (7th Cir. March 20, 1980), the United States Court of Appeals for the Seventh Circuit set aside the Commission's decision in *St. Louis S.W. Ry. Co.—Temp. Authority—Chicago*, 360 I.C.C. 539 (1979) (*Tucumcari Case*). On petition for review, the Seventh Circuit concluded that, in the circumstances presented, the Commission lacked authority under 49 U.S.C. § 11123(a)(2) and (4) to permit one railroad to operate over a 1,000-mile mainline of another.

Although the Commission has not yet determined whether to appeal the

*Addition.

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Seventh Circuit's ruling, we note certain factors which distinguish this service order request from that involved in the *Tucumcari Case*. First, the Milwaukee has transferred the Chippewa Falls/Eau Claire-Durand branch to the State of Wisconsin, with the result that the trackage is no longer a part of an operating railroad's system. The state is incapable of operating it in its own right, but must rely on service being provided by a third party such as the Chippewa River Railroad Co., Inc., whose application for temporary authority the State supports.

Further, the request here involves only about 33 miles of light density track serving approximately a dozen shippers. We believe that these additional factors present an even more compelling argument for Commission authority than raised by the *Tucumcari Case* situation.

It is the opinion of the Commission that an emergency exists requiring the operation by Chippewa River Railroad Company over tracks leased from the State of Wisconsin in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1463 Service Order 1463.

(a) *Chippewa River Railroad Company authorized to operate over tracks leased from the State of Wisconsin.* The Chippewa River Railroad Company is authorized to operate over tracks leased from the State of Wisconsin, between Eau Claire, Wisconsin, and Durand, Wisconsin, a distance of approximately 33 miles, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of Chippewa River Railroad Company seeking authority to operate over these tracks.

(d) *Rate applicable.* Inasmuch as this operation by Chippewa River Railroad Company over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rate applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via Chippewa River Railroad Company become effective.

(e) In transporting traffic over these lines, Chippewa River Railroad Company and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 31, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11128))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10482 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka & Santa Fe Railway

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1400.

SUMMARY: This order authorizes the Denver and Rio Grande Railroad Company (DRGW) to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) near Fountain, Colorado, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service, and is amended to extend expiration date until 11:59 p.m., June 30, 1980.

EFFECTIVE: 11:59 p.m., March 31, 1980 and continuing in effect until 11:59 p.m., June 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 28, 1980.

Upon further consideration of Service Order No. 1400 (44 FR 58913), and good cause appearing therefor:

It is ordered, § *1033.1400 Service Order No. 1400* (The Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1980, unless modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1980.

(49 U.S.C. (10304–10305 and 11121–11128))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10469 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Escanaba and Lake Superior Railroad Co., Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1433

SUMMARY: This order authorizes the Escanaba and Lake Superior (ELS) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Iron Mountain, Michigan, and Green Bay, Wisconsin, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Decided: March 27, 1980.

The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Ontonagon, Michigan, and Green Bay, Wisconsin, will be embargoed by the MILW on March 8, 1980. The Escanaba and Lake Superior Railroad Company (ELS) operates a line of railroad between Wells and Channing, Michigan. The ELS has signed a purchase agreement with MILW for the purchase of the trackage from Ontonagon, Michigan, to Iron Mountain, Michigan, and the United States District Court for the Northern District of Illinois, Eastern Division, (Reorganization Court), has notified the ELS that it will issue an interim service order under Section 5(b)(3) of the Milwaukee Road Restructuring Act when ELS files an appropriate application with the Interstate Commerce Commission.

The ELS has signed an agreement for Options and Right of First Refusal for the MILW line from Iron Mountain, Michigan, to Green Bay Wisconsin.

The MILW had previously filed an abandonment application with the Commission with respect to the Ontonagon to Green Bay line, which is pending before the Commission in Docket AB–7 (Sub-No. 85F).

The ELS requests an emergency service order from the Commission so that it may continue to serve shippers between Iron Mountain, Michigan, and Green Bay, Wisconsin.

It is the opinion of the Commission that an emergency exists requiring the operation by ELS over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1433 Revised Service Order No. 1433.

(a) *Escanaba and Lake Superior Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The Escanaba and Lake Superior Railroad Company (ELS) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Iron Mountain, Michigan, and Green Bay, Wisconsin.*

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgement of the application of ELS seeking authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rates applicable.* Inasmuch as this operation by ELS over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ELS become effective.

(f) In transporting traffic over these lines, ELS and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ELS chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11128))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10484 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Third Revised Service Order No. 1429.

SUMMARY: This order authorizes the Illinois Central Gulf Railroad Company (ICG) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the State of Iowa for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service:

1. Between Cedar Rapids and Louisa, including Marion.

2. From Pearl Street west approximately 1.5 miles to Tri-View Industrial Area in Sioux City.

3. From Court Street to Virginia Street in Sioux City.

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EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 27, 1980.

By Order No. 290 A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10–80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1429 Third Revised Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the State of Iowa:

1. Between Cedar Rapids and Louisa, including Marion.

*2. From Pearl Street west approximately 1.5 miles to Tri-View Industrial Area in Sioux City.

**3. From Court Street to Virginia Street in Sioux City.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(d) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(e) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) Expiration date. The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10496 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

La Salle and Bureau County Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1457.

SUMMARY: This order authorizes the La Salle and Bureau County Railroad Company (LSBC) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) from Milepost 69.5 in Mendota, Illinois to Milepost 82.1 in Ladd, Illinois, a total of 12.6 miles for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275–7840.

Decided: March 27, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates. A subsequent court order authorized the Trustee to embargo additional lines named in Embargo No. 13–80, effective 11:59 p.m., March 23, 1980.

The line from Mendota to Ladd, Illinois is included in this embargo. The La Salle and Bureau County Railroad Company (LSBC) has applied to the Railroad Service Board to operate this line. MILW has consented to the use of this line by LSBC.

It is the opinion of the Commission that an emergency exists requiring the operation by LSBC over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days notice.

It is ordered,

§ 1033.1457 Service Order No. 1457.

(a) *The La Salle and Bureau County Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The La Salle and Bureau County Railroad Company (LSBC) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) from Milepost 69.5 in Mendota, Illinois to Milepost 82.1 in Ladd, Illinois, a total of 12.6 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rates applicable.* Inasmuch as this operation by the LSBC over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via LSBC become effective.

(f) In transporting traffic over these lines, LSBC and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if LSBC chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10493 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

Norfolk & Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1449.

SUMMARY: This order authorizes The Norfolk and Western Railway Company (NW) to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) from Pullman Junction, Chicago, Illinois, to the Chicago Regional Port District, Lake Calumet Harbor, for the purpose of serving industries located adjacent to such tracks.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275–7840.

Decided: March 17, 1980.

By Order No. 290 A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10–80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1429 Second Revised Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central

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Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the States of Iowa and Illinois:

1. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa;

2. Between Mendota, Illinois, and Trek, Illinois;

3. Between Pearl Street West and Tri-View Industrial in Sioux City, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(d) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 18, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the **Federal Register**.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10496 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

Pend Oreille Valley Railroad, Inc. Authorized To Operate Over Tracks Formerly Operated by Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1399.

SUMMARY: This order authorizes the Pend Oreille Valley Railroad, Inc., to operate over tracks formerly operated by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between former MILW milepost 43.6 at Newport, Washington, and former MILW milepost 104.7 at Metaline Falls, Washington, a distance of approximately 61.1 miles for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided March 28, 1980.

Since the Commission issued Service Order No. 1399, there have been two further relevant developments. The Commission, by its decision of January 30, 1980, in Docket No. AB–7 (Sub-No. 64F), recommended the abandonment by the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of the Metaline Falls, Washington, Branch, the line over which the service order has permitted operations. The Bankruptcy Court, the United States District Court for the Northern District of Illinois, Judge Thomas R. McMillen, by its Order No. 297A, dated February 29, 1980, authorized such abandonment and the sale of the line to the Port of Pend Oreille, the public authority that had been established to acquire the line and arrange for its operation by an experienced carrier.

Expiration of the service order clearly would create an emergency as justified its entry in the first instance. Pend Oreille Valley Railroad, Inc., has not yet been certificated as a carrier; its application remains pending before the Commission in Finance Docket No. 29197. No other railroad serves Pend Oreille County, and at least two shippers on the line are altogether dependent upon continued railroad service for the receipt of raw materials and supplies and the marketing of their products. No practicable alternative transportation means exist.

It is the opinion of the Commission that an emergency exists requiring the operation by Pend Oreille Valley Railroad, Inc., over tracks formerly operated by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1399 Revised Service Order No. 1399.

(a) *Pend Oreille Valley Railroad, Inc. authorized to operate over tracks formerly operated by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Pend Oreille Valley Railroad, Inc., is authorized to operate over tracks formerly operated by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between former MILW milepost 43.6 at Newport, Washington, and former MILW milepost 104.7 at Metaline Falls, Washington, a distance of approximately 61.1 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application of Pend Oreille Valley Railroad, Inc., seeking authority to operate over these tracks.

(d) *Rate applicable.* Inasmuch as this operation by Pend Oreille Valley Railroad, Inc., over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via Pend Oreille Valley Railroad, Inc., become effective.

(e) In transporting traffic over these lines, Pend Oreille Valley Railroad, Inc., and all other common carriers involved shall proceed even though no contracts agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carrier; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) We recognize that the order we are extending is pending before the United States Court of Appeals for the District of Columbia Circuit. However, for the reasons set forth in our original order, and in the absence of a stay having been entered by the Court, we believe the extension effectuated by this order is necessary.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304–10305 and 11121–11126)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10499 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

Seattle and North Coast Railroad Company Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1430.

SUMMARY: This order authorizes the Seattle and North Coast Railroad Company (SNC) to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) located in King, Jefferson, and Callam Counties, Washington, between Port Angeles and Port Townsend, including Pier 27 and associated track in Seattle for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275–7840.

Decided March 28, 1980

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

The Port Townsend/Port Angeles branch line, including Pier 27 and associated track in Seattle, located in King, Jefferson, and Callam Counties, Washington, is included in this embargo. Seattle and North Coast Railroad Company (SNC) has entered into a preliminary agreement with MILW pursuant to which it agreed to purchase the branch line, including Pier 27, in order to assure uninterrupted service on the branch line in the face of the impending embargo.

SNC has also filed with the Commission an application for a certificate of public convenience and necessity pursuant to 49 U.S.C. 10901 which will permit it to acquire and operate the branch line. That application was docketed as Finance No. 29158 and currently is being handled under modified procedure.

It is the opinion of the Commission that an emergency exists requiring the operation by SNC over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1430 Service order 1430.

(a) *Seattle and North Coast Railroad Company Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Seattle and North Coast Railroad Company (SNC) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) located in King, Jefferson, and Callam Counties, Washington, between Port Angeles and Port Townsend, including Pier 27 and associated track in Seattle.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of SNC seeking authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rates applicable.* Inasmuch as this operation by SNC over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via SNC become effective.

(f) In transporting traffic over these lines, SNC and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that

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traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled *"Labor Protection Agreement Between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(h) We recognize that the order we are extending is pending before the United States Court of Appeals for the District of Columbia Circuit. However, for the reasons set forth in our original order, and in the absence of a stay having been entered by the Court, we believe the extension effectuated by this order is necessary.

(i) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(j) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10480 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1451.

SUMMARY: This order authorizes the St. Louis-San Francisco Railway Company (SLSF) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for the continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Wichita, Kansas,
2. Enid, Oklahoma,
3. Stations between and including Dallas, Texas, and Fort Worth, Texas,
4. Chickasha, Oklahoma,
5. Hobart, Oklahoma,
6. Okeene, Oklahoma,
7. Lawton, Oklahoma.

EFFECTIVE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 31, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The St. Louis-San Francisco Railway Company (SLSF) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the joint and common use by SLSF of tracks owned by RI, in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1451 Service Order 1451.

(a) *St. Louis-San Francisco Railway Company Authorized to Operate over Tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).*

St. Louis-San Francisco Railway Company (SLSF) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) as set forth in Appendix A, which is filed in the Docket, for the purpose of serving industries located adjacent to such tracks at the following stations.

1. Wichita, Kansas,
2. Enid, Oklahoma,
3. Stations between and including Dallas, Texas, and Fort Worth, Texas.
4. Chickasha, Oklahoma,
5. Hobart, Oklahoma,
6. Okeene, Oklahoma,
7. Lawton, Oklahoma.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company and Fort Worth and Denver Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the SLSF to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the SLSF over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via SLSF become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, SLSF and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if SLSF chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11123(a)(3).

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10484 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Various Railroads Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1435 Amendment No. 1.

SUMMARY: This order authorizes the Missouri Pacific Railroad Company to provide maintenance and supervision over facilities described in Appendix A, Line 35, of Service Order No. 1435 located at Dallas, Texas, for the purpose of continuing uninterrupted service over the jointly used Dallas, Texas, right of way District.

EFFECTIVE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 21, 1980.

Service Order No. 1435 provides authority for various railroads to use tracks or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI) as listed in Appendix A of the order.

Paragraph (d) of Service Order No. 1435 allowed that in instances where more than one carrier was jointly using such tracks and facilities, one of the effected carriers would perform maintenance and have supervision over the operations in behalf of all carriers, as may be agreed to among themselves.

Appendix A to Service Order No. 1435, line 35, lists Dallas, Texas, right of way district, as used jointly by:

Missouri Pacific Railroad Company (MP)
Missouri-Kansas-Texas Railroad Company (MKT)
Fort Worth and Denver Railway Company (FWD)
Atchison, Topeka and Sante Fe Railway Company (ATSF)
Southern Pacific Transportation Company (SP)
St. Louis Southwestern Railway Company (SSW)
St. Louis-San Francisco Railway Company (SLSF)

and a portion of track which RI formerly maintained and provided supervision over. Such trackage requires continued track and signal maintenance and maintenance and operational control from towers.

MP and MKT have been unable to arrive at an agreement for this continued maintenance and supervision, and each has requested the Commission to decide which carrier shall provide the maintenance and supervision.

Without the use of track listed in item No. 35 of Appendix A to Service Order No. 1435, operations of 7 carriers will be interrupted or impeded, with adverse effect on shippers and interstate commerce over a large area, creating a situation requiring a decision by the Commission. the using carriers were polled and consideration given to the interests and usage by those carriers, resulting in the following decision.

It is ordered, § *1033.1435 Amendment No. 1.*—(a) Missouri Pacific Railroad Company (MP) is authorized to provide maintenance and supervision over trackage shown in item 35 of Appendix A of Service Order No. 1435.

(b) Appendix A to Service Order No. 1435 is also amended to show:

Item 34: Irving-Dallas, Texas, using carriers—FWD–SLSF.
After Item 5: Insert.
Item 5A: Joliet, ILL.—16th and Clark Streets, using carriers—ICG–RTA, functions to be performed interlocking towers.
Add Item 42: Iowa Falls, Iowa, Railroad using—ICG, functions to be performed interlocking towers.
Add Item 43: Rock Island Jct, Ark. to Hermitage, Ark., using carrier WSR, function to be performed maintenance.

(c) *Effective Date:* this order shall become effective at 12:01 a.m., March 24, 1980.

(d) *Expiration Date:* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by the Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10483 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Waterloo Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1461

SUMMARY: This order authorizes the Waterloo Railroad Company (WLO) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) located at Waterloo, Iowa for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE: 12:01 a.m., March 28, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840

Decided: March 27, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Waterloo Railroad Company (WLO) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by WLO over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1461 Service Order 1461.

(a) *Waterloo Railroad Co. authorized to operate over tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee).* Waterloo Railroad Company (WLO) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) located at Waterloo, Iowa for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123 (b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the WLO over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via WLO become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, WLO and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if WLO chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 28, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10487 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 69
Tuesday, April 8, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Disqualification of Agency Officials in Rulemaking Meeting on Draft Recommendation

AGENCY: Administrative Conference of the United States.

ACTION: Notice of meeting and request for public comments on draft recommendation.

SUMMARY: The Administrative Conference's Committee on Agency Decisional Processes will meet on Friday, April 25, 1980 to consider further a draft recommendation on disqualification of agency officials in rulemaking. Interested persons are invited to comment on the draft recommendation.

DATES: Comments by April 18, 1980.

ADDRESS: Send Comments to: David M. Pritzker, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037 (202–254–7065).

FOR FURTHER INFORMATION CONTACT:
David M. Pritzker, (202) 254–7065.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, April 25, 1980 at the office of Ginsburg, Feldman, Weil & Bress, 1700 Pennsylvania Avenue, N.W., Suite 300, Washington, D.C.

The Committee will meet for further consideration of a draft recommendation on disqualification of agency officials in rulemaking, based on a study prepared by Professor Peter Strauss of the Columbia University School of Law. The text of the draft recommendation is printed in the present notice.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. However, interested persons are urged to submit comments, if possible, no later then April 18, 1980, in order that such comments may be distributed to the members of the committee prior to the meeting. Comments should be submitted to David M. Pritzker, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037. Minutes of the meeting will be available on request.

Proposed Recommendation: Disqualification of Decisional Officials in Rulemaking

Recent litigation concerning disqualification of agency decisional officials engaged in rulemaking proceedings suggests a need for agencies to consider adopting procedures and standards to govern such disqualification. Although such procedures and standards are usually well developed for on-the-record adjudication, they are not generally applicable to rulemaking not required to be decided on the record after hearing. The political, legislative, and institutional aspects of the rulemaking function and the frequency with which persons selected for policy-making responsibilities are selected precisely because of their policy views make direct application of a judicial test for disqualification inappropriate. Nevertheless, some standard of open-mindedness, as well as freedom from personal, private interest in the outcome of particular matters may be inferred from the statutes governing government employee behavior and from the statutory procedures provided for particular rulemakings. (We take no position as to whether the Due Process Clause imposes requirements of objectivity in addition to those which may fairly be inferred from the procedures imposed by particular statutes.)

Procedures to deal with the possibility of disqualification in rulemakings now seem called for. Grounds for possible disqualification fall analytically under three heads: conflict of interests, prejudgment of fact (bias), and "animus" or partisan zeal. The recommendation proposes minimum standards appropriate for mandatory disqualification in each case, but should not be understood to oppose more demanding agency standards for disqualification or, particularly, higher self-imposed standards for individual employees. For example, absolute disqualification as to a particular proceeding may be preferable to a "cooling-off" period for agency members or employees who were personally and substantially involved in that rulemaking while in private employment; the recommendation is not made in this form because all circumstances in which the question might arise cannot be foreseen. Similarly, the six precepts of ethical employee behavior set forth in 5 CFR 735.201a may provide an employee a suitable occasion for recusal from a proceeding from which he could not otherwise be disqualified.

The following recommendation is directed toward agencies that conduct rulemaking proceedings under the informal procedures of the Administrative Procedure Act, 5 U.S.C. 553, or particular statutes defining rulemaking procedures other than formal, on-the-record rulemaking. It concerns only those agency personnel with decisional responsibilities in proceedings. The recommendation does not attempt to define "decisional personnel," recognizing that each agency's definition of this term is dependent upon the institutional processes of decision-making at that agency.[1] Thus, under this recommendation, agencies should indicate those personnel to whom agency disqualification standards and procedures would apply. This choice might appropriately range between the members of the agency and their immediate advisers, on the one hand, and all employees in a position to shape significantly any aspect of the agency's decision, on the other. (This recommendation does not suggest that the standards for disqualification set forth herein need apply to all agency

[1] The Conference is currently engaged in a separate study of the interrelated issues raised by separation of functions within an agency.

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personnel who advise decisionmakers on any aspect of a rule.)

Recommendation

A. Procedures

Agencies should provide procedures by which conflict of interests questions and other issues respecting disqualification may be raised by participants in a rulemaking proceeding.

B. Conflict of Interests

1. Agency rules for disqualification in rulemaking must, at a minimum, conform to the prohibitions of 18 U.S.C. 208 respecting present financial self-dealing by government employees. While prohibitions against stock ownership or other interests in a regulated industry are a useful step in avoiding such self-dealing, they are not sufficient. Subject to publicly stated and applied exceptions for *de minimis* holdings, any financial interest of an employee or his immediate family should be regarded as disqualifying if the employee is in a position to act in a manner that would serve that interest more favorably than the interests of the general public or the general body of investors.

2. Agencies should consider adopting flexible provisions for "cooling-off" periods for new members or employees, during which they would not participate in rulemaking proceedings that specially affect the financial interests of a previous employer, or in which a previous employer is taking part, or in which they may have participated in their prior work. The decision to impose a cooling-off period, and its duration, should take into account the following factors: (a) The extent of the member's or employee's participation in the rulemaking in his previous private capacity.

(b) The length of time since the prior involvement or since the individual joined the agency.

(c) Whether the impact on the prior employer's interest is of a general or specific character.

(d) The magnitude of any impact on the prior employer's interests.

(e) Whether the rulemaking has general or specific applicability.

(f) The extent of the prior employer's participation in it.

(g) Applicable professional standards.

Ordinarily, permanent disqualification should not be necessary.

3. Non-financial interests of decision-making personnel may be substantial enough to raise a question of a possible need for disqualification. Agencies should consider whether the procedure for disqualification for financial conflict of interests, or any cooling-off period, should be extended to reach non-financial interests of an employee's present associations or prior employers. The question of possible disqualification should arise only for an interest that is significant in relation to the proceeding and which is likely to be substantially affected by its outcome, where the prior employer or present association is an active participant in the proceeding, and the employee is or was substantially involved in the affairs of that employer or association that are relevant to the proceeding.

4. Agencies should not regard the six precepts of ethical employee behavior set forth in 5 CFR 735.201a as an independent requirement of mandatory employee disqualification in rulemaking proceedings.

C. Prejudgment or Bias

1. Agency rules for disqualification for prejudgment in rulemaking should be limited to prejudgments of particular "adjudicative" or "specific" facts, where it may be inferred from the particular statutory framework or other special circumstance that the agency's determination of such facts was intended to be based on the evidentiary record developed in the proceeding. Disqualification should occur only after it is known that such facts will be materially at issue in the proceeding. Disqualification is inappropriate for prejudgments of policy of "ultimate fact," or for prejudgments of fact that are the consequence of earlier stages of the proceeding, or for policy views expressed in interchanges with other organs of government (including the Congress), the public, and regulated groups.

2. To avoid undue interference with the legislative, policy-making aspect of the rulemaking process and other agency functions, disqualification for prejudgment of fact should require at least a preponderant showing that an agency member or decisional employee has a closed mind regarding critical facts sharply at issue in the proceeding.

D. Animus

Agency rules for disqualification in rulemaking should permit disqualification of members or employees whose extra-official actions or relationships reasonably suggest personal vendetta or a predetermined commitment to a particular outcome in the proceeding. As a general matter, in order that agency rulemaking proceedings be conducted with decorum and respect for the interests of all participants, agency personnel should conscientiously avoid intemperate expression, partisan activity, and any other behavior that might reasonably suggest that outcomes have been predetermined. However, such behavior alone, occurring within the framework of official responsibility, is an insufficient basis for mandatory disqualification.

Richard K. Berg,

Executive Secretary.

April 3, 1980.

[FR Doc. 80-10800 Filed 4-7-80; 8:45 am]

BILLING CODE 6116-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Hearings and Extension of Comment Period on Proposed Small Business

AGENCY: Small Business Administration.

ACTION: Notice of Public Hearings and Extension of Comment Period.

SUMMARY: On March 10, 1980, SBA published in the Federal Register (45 FR 15442) an Advance Notice of Proposed Rulemaking concerning its size standards. Because of the unusally great interest shown, SBA is extending the comment period an additional 30 days and will hold public hearings.

DATE: Written comments must be submitted by June 6, 1980.

FOR FURTHER INFORMATION CONTACT: The person listed below at SBA Regional Office.

SUPPLEMENTARY INFORMATION: SBA size standards regulations affect eligibility of firms for SBA assistance. The revisions set forth in the March 10 Notice are intended to update and improve the logic, methodology, and presentation of the size standards and procedures which implement them. In addition, the proposal is intended to reduce the administrative complexity and increase the effectiveness of SBA programs by improved targeting of its resources.

To insure the widest possible public participation, SBA will hold public hearings on this proposal in each of our 10 regions. The hearings will be conducted by each SBA Regional Administrator. The dates, times, and places of these hearings are as follows:

Date	Time	City	Location	Coordinator and phone number
May 6, 1980	9:30 a.m.	Philadelphia	Federal Building, 600 Arch Street, 3rd Floor Conference Room, Philadelphia, PA 19105.	Sherry Rose, (215) 596-5971.
May 20, 1980	10:00 a.m.	Denver	Denver Public Library (Wyler Auditorium), 1357 Broadway, Denver, CO 80203.	Marty Wolf, (303) 837-3145.
May 20, 1980	10:00 a.m.	San Francisco	Ceremonial Courtroom, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.	Dale N. Rettig, (415) 556-7760.
May 22, 1980	9:30 a.m.	Seattle	4th Floor Conference Room, Queen Anne Post Office, 415 1st Avenue, N, Seattle, WA 98109.	Robert Caldwell, (206) 442-5678.
May 22, 1980	9:30 a.m.	Kansas City	U.S. Federal Building, 601 E 12th Street, Room 140, Kansas City, MO 64106.	Vern Bunn, (816) 374-3410.
May 28, 1980	9:30 a.m.	Dallas	Cabell Federal Building, 1100 Commerce Street, Dallas, TX 75202.	Fran Goodwin, (214) 767-7626.
May 29, 1980	9:30 a.m.	Atlanta	Small Business Admin., 1375 Peachtree Street, N.E., Atlanta, GA 30309.	Dave Coker, (404) 881-4950.
June 3, 1980	9:30 a.m.	New York	26 Federal Plaza, Room 305, New York, NY 10017..	Susan Clifford, (212) 264-4480.
June 4, 1980	9:00 a.m.	Boston	Faneuil Hall at Quincy Market, Boston, MA 02108.....	Al Cordarelli, (617) 223-4495.
June 5, 1980	9:30 a.m.	Chicago	Room 2525, Dirksen Federal Bldg., 219 S. Dearborn, Chicago, IL 60604.	Reg. Admin., (312) 353-0357.

These hearings are factfinding in nature. SBA wishes that statements made at these hearings address the following issues at a minimum:

- SBA policy that size standards are intended to enhance economic competition and promote entry of new businesses.
- Methodology used to develop the new standards.
- Each industry size standards will be used for all SBA programs.
- Only one measure of a firm's size (number of employees) used.
- Size standards regulations and procedures are simplified.
- The effect of the proposed size standards upon an industry as a whole.
- Implementation plan for adopting these regulations.

Interested persons will be given a reasonable time for an oral presentation and may submit written statements if they wish. If a large number of persons desires to make statements, a time limit on each presentation will be imposed. In order that appropriate arrangements can be made, those wishing to attend should contact the coordinator at the regional office listed above.

Members of the hearing panel may ask questions of the speaker but speakers will not be allowed to question each other. Questions may be submitted in writing, in advance if possible, to the Chair. If he determines them to be relevant, the Chair will direct them to the appropriate panel member.

A stenographic record will be made of each hearing and a summary report will be made by the regional office. It will be made available to the public by the regional office subsequent to the hearing. Interested persons unable to attend may submit their written comments for the record directly to the Regional Coordinators.

Dated: March 31, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-10449 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 437

Food Advertising; Request for Comments and Proposals for Voluntary or Regulatory Action

AGENCY: Federal Trade Commission.

ACTION: Request for comments and proposals for voluntary or regulatory action regarding food advertising. Request for comment on proposed termination of Phase II and Phase III of the proceeding for the promulgation of a Trade Regulation Rule on food advertising.

SUMMARY: The Federal Trade Commission is seeking public comments on methods by which food advertising can be made more accurate and useful. In this Notice, the Commission seeks proposals and public comments on action to foster this result which could be undertaken voluntarily by food manufacturers and retailers, advertising agency which handle food accounts, the media and others. The Commission also seeks proposals for other types of action that could be taken by these parties, the Commission or others, which members of the public believe would result in consumers receiving more accurate and useful information concerning food, nutrition and health as it is affected by diet. Finally, the Commission seeks comment on its proposal to terminate Phase II and Phase III of its proceeding for the promulgation of a Trade Regulation Rule on food advertising.

DATE: The publication of this document commences a ninety (90) day period for public comments to be filed on these topics. Comments will be considered in making a determination as to what, if any, further action is necessary in this area if received on or before July 7, 1980.

ADDRESSES: Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 and clearly marked "Food and Nutrition Advertising."

FOR FURTHER INFORMATION CONTACT: W. Benjamin Fisherow, Deputy Assistant Director for Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1511, or Katherine L. Clancy, Ph.D., Division of Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1489.

SUPPLEMENTARY INFORMATION: While it is not, cannot, and should not be the sole source of information on food and nutrition, advertising is undeniably a major source of information on food and nutrition that consumers receive. The Federal Trade Commission has had an abiding interest and involvement in ensuring that advertising claims for food products are truthful, fair, and non-deceptive, under the authority provided by Sections 5 and 12 of the Federal Trade Commission Act. In recent years, the Commission has brought a number of cases involving food and nutrition advertising.[1] In November 1974, the Commission initiated a rulemaking proceeding for the promulgation of a Trade Regulation Rule on food advertising to examine the need for industry-wide regulation of certain types of food advertising claims about the nutritional value or health related properties of advertised foods and to explore the issues raised by a staff

[1] See, e.g., *National Commission on Egg Nutrition v. FTC*, 570 F.2d 157 (7th Cir. 1977), *cert. denied* 439 U.S. 821 (1978); *ITT Continental Baking Co., Inc. v. FTC*, 532 F.2d 207 (2d Cir. 1976) *ITT Continental Baking Co. Inc.*, consent agreement published for comment, 44 FR 18234 (1979); *RJR Foods, Inc.*, 83 F.T.C. 7 (1973); *Ocean Spray Cranberries, Inc.*, 80 F.T.C. 975 (1972).

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proposal for affirmative disclosures.[3] In March 1976, the Presiding Officer divided that proceeding into three phases.[3] Phase I has involved energy and calorie claims; natural and organic food claims; fat, fatty acid, and cholesterol content claims; and health and related claims. Phase II involves nutrient content claims, emphatic nutrient claims, comparative nutrient and nutritional value claims, claims about the overall nutritional value of a food, and nutrition claims about combinations of foods. Phase III of the proceeding would involve a staff proposal for further rule provisions requiring some nutrition information in most food advertisements.

Following extensive hearings in Phase I, the Report of the Presiding Officer was published in March 1978; and the period for post record comment on Phase I closed in February 1979. The Commission will soon consider final staff recommendations for regulations covering the areas included in Phase I and determine what form of rule, if any, it should promulgate. The Phase II issues have been undergoing staff review, and recommended revisions in the original Phase II proposals were forwarded by the staff to the Commission in November 1978.[4] Further recommendations with respect to the issues relating to Phase III of the proceeding have been deferred by the staff pending additional study and review.

The Commission is aware that, since the initiation of this rulemaking proceeding, there has been increasing public interest in the accuracy and adequacy of currently available information on food, nutrition and health as it relates to diet. In response to this interest, the Commission and other agencies have examined a variety of approaches for providing more useful nutrition information to consumers. Strategies for improving the information environment in which food choices are made was the subject of an "Alternative Advertising and Nutrition Advertising Workshop" sponsored by the Commission. Public Views on these problems have also been explored in the context of a review of food labeling requirements by the Food and Drug Administration, U.S. Department of Agriculture, and the FTC's Bureau of Consumer Protection staff.[5] These issues have recently been the subject of Congressional inquiry as well.

The information gathered to date suggests that consumers are interested in both the accuracy of food advertising claims and the availability of key nutritional information, whether from advertising or other sources. The Commission's current rulemaking proposals address some aspects of the general information problem. However, it is not clear that the claims under scrutiny are readily susceptible to the across-the-board remedies that have been proposed or that this approach represents the ideal solution for remedying deception or unfairness. In addition, despite its broad statutory mandate, the Commission recognizes that traditional regulatory and law enforcement techniques may not, in this setting, offer the only, or even the best, approaches for dealing with deficiencies in the commercial advertising of food products. Therefore, the Commission believes that as to two of these proposals—Phase II and Phase III of the rulemaking proceeding on food advertising—an industry-wide regulatory approach does not now appear to be desirable. Accordingly (contingent upon review of public comment), the Commission is disposed to terminate Phases II and III of the food rulemaking proceeding. In its place, the Commission is interested in exploring a wider range of options with respect to the problems of food advertising.

Therefore, by this Notice, the Commission seeks comments and proposals on voluntary action which might be undertaken by members of the food and advertising industries, the media, and representatives of the consuming public and nutrition and health professionals to promote the goal of an increased flow of useful food and nutrition information to consumers that can lead to better informed food purchasing decisions. This Notice also seeks comment on the proposal to terminate Phase II and Phase III of the Commission's proceeding for the promulgation of a Trade Regulation Rule on food advertising, as defined by the final Notice of Presiding Officer William D. Dixon of March 2, 1976.[6] This action by the Commission in no way effects Phase I of the proposed Trade Regulation Rule on Food Advertising as defined by the Presiding Officer's Final Notice (16 CFR 437.1 (a), (b) (e)–(h), 437.2(d)–(h), 437.6, 437.8(a)–(d), 437.9, and 437.10).

The results of the inquiry described in this notice will not affect the Commission's continuing efforts to enforce Sections 5 and 12 of the Federal Trade Commission Act against unfair or deceptive advertisements as they occur. Moreover, the Commission does not rule out future consideration of specific industry-wide regulatory approaches, if that appears necessary and feasible. At present, however, the Commission hopes to identify means of voluntary action that not only resolve unfairness and deception issues but also affirmatively promote the public interest by enhancing consumers' access to valuable information concerning the foods they buy.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-10317 Filed 4-7-80; 8:45 am]

BILLING CODE 6750-01-M

[3] 39 FR 39842 (November 11, 1974).

[4] 41FR 8980 (March 2, 1976).

[5] A copy of the staff's proposed revisions has been placed on the public record to inform interested parties of the nature of these revisions. However, the Commission is not soliciting comment on the specific revisions. As explained in this notice, the Commission seeks comment instead on the broader question of what other types of approaches may be appropriate in this area.

[6] 44 FR 75990 (December 21, 1979).

[6] 41 FR 8980 (March 2, 1976).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

[FRL 1957-7]

General Grant Regulations and Procedures

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: EPA is beginning the process to revise its General Grant Regulations to implement the Federal Grant and Cooperative Agreement Act. At the same time, we will make other changes necessary to implement Executive Order 12044 by using plain English and reviewing for unnecessarily burdensome requirements. We therefore request public comment as to the readability of these regulations and suggestions for areas which require clarification. We expect to publish the proposed revison in September 1980.

DATES: In order to have your comments considered in the development of the proposed rules, you should submit them by June 1, 1980.

ADDRESS: You should submit your comments (in duplicate, if possible) to: Central Docket Section (A–130), Environmental Protection Agency, Attn: Docket No. G–80–1, 401 M Street, S.W., Washington, D.C. 20460.

Docket No. G–80–1, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2902, 401 M Street, S.W., Washington, D.C. 20460. You may inspect the docket between 8 a.m. and 4 p.m. on weekdays; we may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT:

Belle N. Davis, Chief, Policy and Procedures Branch, Grants Administration Division (PM–216), 401 M Street, S.W., Washington, D.C. 20450; telephone 202–755–0860.

REGULATION DEVELOPMENT PROCEDURES:

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject ot the procedural requirements of Executive Order 12044.

Dated: April 3, 1980.

C. W. Carter,

Acting Assistant Administrator for Planning and Management.

[FR Doc. 80-10531 Filed 4-7-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 446

[FRL 1457-4]

Paint Formulating Point Source Category Effluent Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period and notice of availability of additional supporting information.

SUMMARY: On January 3, 1980, EPA proposed regulations under the Clean Water Act to limit the discharge of effluents to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities that manufacture architectural coatings, chemical coatings, varnishes, lacquers, and allied products. See 45 FR 912–926. EPA is extending the period for comment on the proposed regulations from March 3, 1980, until May 2, 1980. EPA is also giving notice of the availability of additional information supporting the proposed regulations.

DATES: Comments on the proposed regulations for the paint formulating industry must be submitted to EPA by May 2, 1980.

ADDRESS: Send comments to: Mr. Ben J. Honaker, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Paint Formulating.

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The EPA information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Ben Honaker, (202) 426–2554.

SUPPLEMENTARY INFORMATION: On January 3, 1980, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities that produce architectural coatings, chemical coatings, varnishes, lacquers and allied products. See 45 FR 912–926. The proposal provides effluent limitations guidelines for "best available technology," and establishes new source performance standards and pretreatment standards under the Clean Water Act. The January 3 notice stated that the period for public comments would expire on March 3, 1980.

The National Paint and Coatings Association (NPCA), a trade association representing 1000 manufacturers which produce 90% of the nation's paints, varnish, lacquer and allied products and other members of the paint industry, have requested that the comment period be extended for 60 days, until May 2, 1980.

In support of these requests for extension, each commenter pointed out that EPA's economic impact analysis of the proposed regulations was not available for public inspection until January 17, 1980. One commenter also noted that additional supporting data were not available until January 29, 1980. In addition, some commenters suggested a variety of other factors (including the small size of many plants, logistics, surprise to the industry, and the pendency of a NPCA study) in support of their requests for a 60 day extension of the comment period.

EPA desires and encourages maximum public participation in its rulemakings, and regrets the delay in public access to data supporting the proposed regulations. Therefore, while EPA believes it is not required to do so, because of the delays in the availability of supporting data the Agency is extending the comment period until May 2, 1980. EPA believes that this extension should provide ample time for all interested persons to provide meaningful comments on the proposed regulations.

Interested persons should be aware that subsequent to January 3, 1980, the Agency placed additional supporting data in the EPA Public Information Reference Unit, Room 2404 (EPA Library, rear) PM–213, 401 M Street, S.W., Washington, D.C. 20460. These data and the dates they were made available are listed below:

(1) General Information—Reference List—1/29/80.

(2) 308 Portfolio Development—1/29/80.

(3) Sampling Program—1/29/80.

(4) Documentation and Final Report—1/29/80.

(5) Plant Information—1/29/80.

(6) Correspondence—1/29/80.

(7) Economic Record—1/29/80.

(8) Environmental Protection Agency, *Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Oil Base Solvent Wash Subcategories of the Paint and the Ink Formulating Point Source Category*, Washington, D.C., July 1975—2/14/80.

(9) Burns and Roe Industrial Services Corporation, *Draft Development Document for Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards for the Paint and Ink Formulating Point Source Categories—Water-Base, Water-Wash, and Caustic-Wash Subcategories*, Paramus, NJ, September, 1976—2/14/80.

(10) Arthur D. Little, Inc. "Economic Analysis of Proposed Effluent Guidelines: Paint and Allied Products and Printing Ink Industries", Draft Document for the Environmental Protection Agency, Washington, D.C., August 1974—2/14/80.

(11) Environmental Protection Agency, *General Reference Materials Relating to the Measurement of Priority Pollutants*, Washington, D.C., June, 1977—2/14/80.

(12) Environmental Protection Agency, *Assessment of Industrial Waste Practices: Paint and Allied Products Industry, Contract Solvent Reclaiming Operations, and Factory Application of Coatings*, Office of Solid Waste Management, Washington, D.C., 1976—2/14/80.

(13) Computer Printouts—2/20/80.

(14) Miscellaneous Notes and Calculations—2/20/80.

(15) 308 Questionnaires—2/20/80.

(16) Sources of Information for Development Document Tables—2/20/80.

(17) Industry Environmental Assessment—3/7/80.

(18) Fate of Priority Pollutants in Publicly Owned Treatment Works, Effluent Guidelines Division, Water Planning and Standards, Office of Water

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and Waste Management, U.S. Environmental Protection Agency, Washington, D.C., October 1979—3/7/80.

(19) Amended Table 2 for Paint Industry Environmental Assessment—3/20/80.

(20) Analytical Data, Conference Notes and Correspondence Pertaining to EGD Work Order 4711-01—3/20/80.

Dated April 2, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-10652 Filed 4-7-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 536 and 538

[General Order 13 and General Order 19; Docket No. 80-19]

Requirements for Filing Currency Adjustment Factors Reflecting Changes in the Exchange Rate of Tariff Currencies

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rules.

SUMMARY: Amendments to existing tariff and dual rate contract regulations are proposed which would permit ocean carriers and conferences engaged in the foreign commerce of the United States to file short notice rate surcharges based upon changes in the exchange rate of their tariff currencies. The proposed rule will establish a simplified and uniform procedure for the publishing and filing of *all* currency adjustment factors (CAF's) and will apply to *all* carriers and conferences. The new provisions also require participating carriers and conferences to file downward rate adjustments if they publish a tariff rule governing the filing of currency adjustment factors. Existing CAF regulations apply only to carriers and conferences authorized to employ dual rate contracts.

DATES: Comments must be submitted on or before May 8, 1980.

ADDRESSES: Comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's present rule governing short notice currency adjustment surcharges by dual rate contract carriers and conferences has yet to be utilized, despite the fact that the liner industry's primary tariff currency (the U.S. dollar) has fluctuated dramatically since that rule was adopted in 1975.[1] This situation may be due to several factors, but the Commission has reason to believe that at least partial responsibility for the rules's unpopularity may lie with an unclear exposition of the allowable "base dates" and burdensome justification requirements, especially with regard to calculations concerning "major operating currencies" and the submission of quarterly reports. Another cause for concern with the existing regulation is the fact that it does not provide for "negative surcharges" in the event of tariff currency appreciation.[2]

The proposed amendments are intended to establish a uniform procedure for publishing currency adjustment factors (CAF) by all common carriers by water in the U.S. foreign commerce and conferences of such carriers.[3] Standardized justification procedures have been developed which should expedite the processing and evaluation of surcharge filings.

Proposed Currency Adjustment Factor Procedures

Systems for evaluating currency exchange fluctuations must contain certain basic ingredients. Of particular importance is the availability of carrier and conference data reflecting the percentage of expenses incurred in each major operating currency in the trade. When conference rates are involved, this information must be computed separately for each participating carrier and then grouped on a weighted-average basis. Once the percentage of expenses by major operating currency is obtained, an appropriate currency adjustment factor can be determined by calculating the percentage change of the major operating currencies as a composite from the tariff currency—measured from a suitable base date—and weighing the results by the percentage of expenses incurred in each currency. This procedure will enable the Commission to evaluate currency adjustment factors applicable to all-water services, as well as intermodal services because the percentage of expenses in each currency will be considered. On intermodal shipments where there would be U.S. inland expenses, the U.S. dollar expenditures will, therefore, be included in the computation. The information submitted must be based upon current and reliable market exchange rate data for the currencies involved and should be available to the Commission for review at the time each new CAF is filed.

Selection of an appropriate base date is also a critical aspect in a CAF system. Any such date must consider the most recent general rate changes because exchange rate movements tend to reflect—to a singificant degree—internal price movements. General rate increases are primarily based upon cost increases which, in turn, are caused primarily by changes in internal price levels and, therefore, already operate to provide substantial compensation for ensuing exchange rate fluctuations. Consequently, the Commission proposes to evaluate currency adjustment factors by considering only exchange rate fluctuations occurring since the most recent "general change in rates"—an increase or decrease affecting all or substantially all of the published rates of the filing carrier or conference. It is further proposed that the "base date" be the date that the most recent general rate change is *filed* rather than the date such increase is to take effect. When a carrier or conference files a general rate change, it must delete all existing currency adjustment factors from its tariff and the filing date of that general rate change becomes the new base date from which future currency adjustment factors are to be computed. It is intended that currency adjustment factors appear only temporarily in carrier or conference tariffs, that they be placed in the tariff section reserved for "surcharges and arbitraries" (*see* section 536.4(f) of the Commission's Rules), and that they be kept separate and distinct from the general rate structure at all times.

Other features of the proposed regulations upon which comment is specifically invited are:

(1) Whether a "major operating currency" should be redefined as a currency in which at least ten percent of the carrier or conference trade expenses are incurred;[4]

(2) Whether currency adjustment factors applicable to segments of a trade should continue to be permitted;

(3) Whether currency adjustment factors should continue to be imposed only in increments of two percent or more;

(4) Whether the New York Foreign Exchange Market should be used as the exclusive source for foreign exchange rate data; [5]

(5) Whether carriers or conferences electing to publish a tariff rule authorizing positive currency adjustments (rate increases) should also be required to implement negative currency adjustments (rate decreases) whenever their tariff currency appreciates above its base date level, regardless of whether their tariff then contains a positive currency adjustment factor. A provision specifically requiring negative CAF's—in addition to reductions and removals of existing positive CAF's—has been included in the rule. If negative CAF's should also be required, that is those entailing a decrease in the general rate structure, indicate how this should be accomplished.

(6) Whether a sample tariff rule governing the filing and publication of currency adjustment factors should be included in this rule.

(7) Whether (a) the current 15-day short notice period for dual rate carriers and conferences should be increased to 30 days and (b) the current 30-day notice requirement for non-dual rate carriers and conferences should be retained.

(8) Whether expenses which are recovered by means of other surcharges, viz., bunker, port congestion, etc. should properly be included in the formula as expense items.

(9) Whether special procedures should be adopted concerning the treatment of inland transportation costs incurred by carriers and conferences offering through intermodal transportation under section 536.8, including those inland costs incurred in a tariff currency other than the U.S. dollar.

Procedures for Justification and Evaluation

A simplified form for justifying and evaluating currency adjustment factors is proposed. Use of a standard format for reporting the background information necessary to construct and justify CAF's should facilitate and expedite the tasks of ocean carriers and conferences and the Commission's staff alike. A proposed computation statement conveniently summarizes the basic data required and must accompany every CAF filing. The Commission will rely upon carriers and conferences to submit complete and accurate data. The intention to rely upon this information should not be construed to indicate that the Commission, when it deems necessary, will not seek justification for the data submitted. The sample Currency Adjustment Factor Computation Statement illustrating the procedure is appended to proposed § 536.16.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act (5 U.S.C. 552 and 553) and sections 14b, 18(b), 21, 35 and 43 of the Shipping Act, 1916, (46 U.S.C. 813a, 817(b), 820, 833a and 841a), it is hereby proposed that Title 46 CFR be amended to:

I. Add a new § 536.16 which reads as follows:

§ 536.16 Requirements for filing Currency Adjustment Factors (CAF's).

No adjustments in rates based upon fluctuations in the exchange rate of tariff currencies shall be accepted for filing *unless* the carrier or conference has also filed a tariff rule expressly providing for *both* negative and positive currency adjustment factors—including reductions and removals—which comply with all the requirements of this section. Dual rate carriers and conferences must also include in their dual rate contract, language as set forth in Article 14(d) of the Uniform Merchant's Contract (46 C.F.R. 538.10) or as is otherwise approved by the Commission. Tariff matter containing currency adjustment factors of any type will be rejected unless it conforms to the requirements of this section.

(a) A carrier or conference may publish a positive currency adjustment factor which effectively increases its rates (including rates subject to a dual rate contract system) on not less than 15-days notice if the tariff currency has been depreciated relative to the other major operating currencies since the most recent base date.

(b) Reductions and removals of existing CAF's are required when the tariff currency appreciates relative to the major operating currencies. The same method applying to the imposition or increase of CAF's shall also be used to compute reductions and removals of CAF's except that any reduction may be effective immediately. In addition, negative CAF's must be filed whenever the tariff currency appreciated by two percent or more—relative to the major operating currencies—from its level existing on the most recent base date. Negative currency adjustment factors shall be effective not more than 15 days from the date of the tariff currency appreciation.

(c) No currency adjustment factor shall be accepted for filing unless it is accompanied by the information as outlined in the "Currency Adjustment Factor Computation Statement" appended to this section. This information must be submitted in the same format as indicated in the sample statement. It shall show the percentage of the total operating expenses incurred and payable in each major operating currency employed in the trade or trade segments covered by the tariff being amended and shall be based upon the most recent expense data available. Expenses incurred and payable in other currencies shall be excluded from consideration. NVOCC's filing CAF's at the same level as filed by the underlying conference in the trade are not required to submit this Statement.

(d) Currency adjustment factors shall be based upon exchange rate changes occurring in the period following the most recent general rate change—an increase or decrease affecting all or substantially all of the rates of a carrier or conference. The *filing date* of such general rate change shall be known as the carrier's "base date."

(1) Currency adjustment factors shall be separate and distinct tariff items. When a new general rate change occurs, a new base date for CAF purposes is established and any existing CAF must be deleted and merged into the general rate structure of the carrier or conference.

(2) All CAF computations shall be based upon exchange rate data available from the New York Foreign Exchange Market. The exchange rates used shall be those prevailing on the market day previous to the day in which the Computation Statement is prepared. The Computation Statement shall specifically identify the date and time of the relevant trading day.

(e) Currency adjustment factors shall be published in increments of two percent or more, but shall in no event *exceed* the amount needed to restore the currency relationship prevailing on the most recent base date of the carrier or conference. Moreover, the Computation Statement must accompany each filing of a CAF and shall demonstrate compliance with the criteria of this section employing the following computation methods:

(1) The nominal appreciation or depreciation of each major operating currency relative to the tariff currency is determined by comparing current, specifically identified, market rate quotations with the exchange rates

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[1] 46 CFR 538.4 permits dual rate carriers to increase their rates on only 15 days advance notice when confronted with tariff currency depreciations of at least two percent.

[2] Section 538.4 does, nevertheless, contain a clause requiring reductions in or removal of previously imposed surcharges in the event of appreciation.

[3] NVOCC's filing CAF's at the same level as the underlying conference in the trade will not be required to submit justification for these filings. In instances where CAF levels filed by NVOCC's differ from this level or where no conference operates, the Commission may require NVOCC's to submit justification for their CAF's.

[4] The Commission's existing rule uses a two percent standard.

[5] Carriers have always been permitted to use the New York Market; and it is believed that the use of a uniform information source will simplify procedures. Exchange rate arbitrage effectively eliminates differences in currency values between markets. The New York Market offers daily quotations for the principal world currencies and is readily accessible to the Commission and to most shippers and carriers.

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available on the most recent base date of the carrier or conference.

(2) Conferences shall weight the nominal change of their major operating currencies by each member's expenses payable in each currency. The results are then summed after being weighted according to each member's share of the total conference cargo to determine the net change in the tariff currency needed to restore the prior currency relationship.

(3) The same computation method applying to the imposition or increase of positive CAF's shall also be used to compute reductions, removals, and negative currency adjustment factors.

Appendix

(The following Appendix will not appear in the Code of Federal Regulations.)

Currency Adjustment Factor Computation Statement

1. Conference/carrier: XYZ Conference.
2. Trade area: North Atlantic to Northern Europe.
3. Number of carriers by flag: 2 German; 1 Dutch; 1 French; and 2 U.S.
4. Currency Adjustment Factors: Filing date—October 3. Effective date—October 18.
5. Tariff currency: U.S. Dollar.
6. Base date—filing date for last general rate increase (change) July 1.
7. Major operating currencies (currencies in which 10 percent or more of the expenses are incurred): German mark; Dutch guilder; Fench franc; and U.S. dollar.
8. Percent of Total Conference Expenses in Each Major Operating Currency Weighted by Individual Carrier Shares of Conference Cargo:

CARRIER SHARES OF TOTAL CONFERENCE CARGO	PERCENT OF EXPENSES IN EACH CURRENCY: US $	DM	FL	F.Fr	TOTAL
Carrier "A" = 10%	40%	20%	10%	30%	100%
Weighted expenses:	.04	.02	.01	.03	.10
Carrier "B" = 5%	50%	30%	-	20%	100%
Weighted expenses:	.025	.015	-	.01	.05
Carrier "C" = 15%	20%	40%	30%	10%	100%
Weighted expenses:	.03	.06	.045	.015	.15
Carrier "D" = 20%	10%	20%	40%	30%	100%
Weighted expenses:	.02	.04	.08	.06	.20
Carrier "E" = 25%	15%	15%	30%	40%	100%
Weighted expenses:	.0375	.0375	.075	.10	.25
Carrier "F" = 25%	15%	15%	30%	40%	100%
Weighted expenses:	.0375	.0375	.075	.10	.25
Conference Total					
Weighted Expenses	.19	.21	.285	.315	1.00
Percent of Conference Expenses					
in Each Currency	19%	21%	28.5%	31.5%	100%

b. Nonconference Carriers

Percent of Carrier Expenses					
in Each Currency	19%	21%	28.5%	31.5%	100%

9. Percentage Change of Major Operating Currencies From Tariff Currency During Period Since Base Date:

Currency	Exchange rate base date July 1, 3 p.m.	Exchange rate CAF computation [1] Oct. 1, 3 p.m.	Percent appreciation of foreign currency in relation to U.S. Dollar
German Mark	2.23	2.00	+ 9.1
Dutch Guilder	2.30	2.15	+ 6.5
French Franc	4.57	4.35	+ 4.8
U.S. Dollar			

[1] The exchange rates employed in this computation are those prevailing on the market day previous to the day on which this Computation Statement was prepared

10. Percentage Change of the Major Operating Currencies Weighted by the Percentage of Total Expenses in Each Currency:

U.S. $	DM	FL	Fr Frs	Total
0	[1].01911	+ [2].018525	+ [3].01512	= .052755

[1] (.21 x .091).
[2] (.285 x .065).
[3] (.315 x .048).
NOTE: Constructed currency adjustment factor: + 5.28%.

§ 536.2 [Amended]

II. Add the following definitions to section 2 of Part 536:

536.2(p) *Major Operating Currency.* A currency in which at least ten percent of the total carrier or conference trade expenses is incurred.
536.2(q) *Trade.* Those ports or points within the scope of a tariff.
536.2(r) *Trade Segment.* Any port or point, or combinations thereof, which comprise a specific geographic area or areas less than an entire trade.

§ 536.4 [Amended]

III. Amend § 536.4(f) to add the term "Currency Adjustment Factors" after the word "Surcharges".

§ 536.4 [Deleted]

IV. Delete § 536.4.

§ 536.10 [Amended]

V. Amend § 536.10 by revising paragraph 14(d) of the Uniform Merchant's Contract to read as follows:

(d)(1).[1] In the event of a change in the (specify the applicable New York Foreign Exchange Market rate to be used, viz., 3 P.M. selling) exchange rate of any major operating currency or currencies as defined in 46 CFR 536.2 in relation to the conference's (or carrier's) tariff currency which would require an increase in tariff rates of two percent or more to restore the prior currency relationship measured from the most recent base date pursuant to the procedures and requirements of 46 CFR 536.16, the conference (or carrier) may impose a currency adjustment factor (CAF) on not less than 15-days' written notice to the Merchant. *Provided,* however, that the Merchant may notify the conference (or carrier) in writing not less than ten days before the CAF's effective date of the Merchant's intention to suspend its contract. In such event, the contract shall be suspended as of the effective date of such CAF, unless the conference (or carrier) sooner provides the Merchant with written notice that such CAF has been rescinded.

(2) In the event the conference (or carrier) tariff currency appreciates relative to the other major operating currencies, any currency adjustment factor previously imposed hereunder, and still in effect, shall be correspondingly reduced or a negative CAF shall be imposed pursuant to the procedures and requirements set forth in 46 CFR 536.16.

By Order of the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-10872 Filed 4-7-80; 8:45 am]
BILLING CODE 6730-01-M

[1] This clause is optional and may be used only when the conference (or carrier) tariff provides for currency adjustment factors pursuant to section 536.10 of the Commission's Rules.

Notices

Federal Register
Vol. 45, No. 69
Tuesday, April 8, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Deputy Administrator, et al.; Delegation of Authority

Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.) and paragraphs 2.7 and 2.72, Title 7, Code of Federal Regulations, the following delegations of authority are made by the Administrator of the Rural Electrification Administration and the Governor of the Rural Telephone Bank.

1. The Deputy Administrator, or the Acting Deputy Administrator, of the Rural Electrification Administration is delegated authority, to be exercised only during the absence or unavailability of the Administrator, to perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Administrator of the Rural Electrification Administration and the Governor of the Rural Telephone Bank.

2. The Assistant to the Administrator for Administration; the Assistant Administrator, Electric; the Assistant Administrator, Telephone; and any other officer of the Rural Electrification Administration designated in writing by the Administrator, Deputy Administrator, or Acting Deputy Administrator, in the order listed, are authorized to serve as Acting Deputy Administrator during the absence or unavailability of the Deputy Administrator, and as Acting Deputy Governor of the Rural Telephone Bank during the absence or unavailability of the Deputy Governor, or during vacancies in such offices.

These delegations shall be effective immediately, and supersede all other delegations in conflict herewith.

Dated: March 28, 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration, and Governor, Rural Telephone Bank.

[FR Doc. 80-10879 Filed 4-7-80; 8:45 am]
BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket 37873]

Golden West Airlines, Inc., Fitness Investigation; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 2, 1980, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 21, 1980.

Dated at Washington, D.C., April 2, 1980.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 80-10562 Filed 4-7-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket 37668; Order 80-4-5]

Madison-Minneapolis/St. Paul Subpart Q Proceeding; Order of Show Cause

AGENCY: Civil Aeronautics Boards.

ACTION: Notice of order show cause (80-4-5), Madison-Minneapolis/St. Paul Subpart Q Proceeding, Docket 37668.

SUMMARY: The Board is instituting the *Madison-Minneapolis/St. Paul Subpart Q Proceeding* and is proposing to grant unrestricted authority to Republic Airlines in the Madison-Minneapolis/St. Paul market under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than May 5, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37668, which we have entitled the *Madison-Minneapolis/St. Paul Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Republic Airlines; Minnesota Department of Transportation, Aeronautics Division; Wisconsin Department of Transportation, Bureau of Aeronautics; Mayors of Madison, Minneapolis and St. Paul; Airport Manager, Dane County Regional Airport; Airport Manager, Minneapolis/St. Paul International Airport.

FOR FURTHER INFORMATION CONTACT: Lucille J. Mellema, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of order 80-4-5 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-4-5 to that address.

By the Civil Aeronautics Board: April 1, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10563 Filed 4-7-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket 35815]

Southwest Alaska Service Investigation; Carrier Fitness Phase; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 29, 1980, at 10:00 a.m. (local time) in Room 1003 A, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428.

For details regarding the issues in this proceeding, interested persons are referred to the prehearing conference

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reports, served on February 28, 1980, and March 17, 1980, and other documents which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 3, 1980.

Alexander N. Argerakis,
Administrative Law Judge.

[FR Doc. 80-10086 Filed 4-7-80; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 37730 and 37744; Order 80-3-196]

Standard Foreign Fare Level Investigation; Order on Petitions for Reconsideration

AGENCY: Civil Aeronautics Board.

ACTION: Order 80-3-196 on petitions for reconsideration in the Standard Foreign Fare Level Investigation, Dockets 37730 and 37744.

SUMMARY: Upon consideration of the petitions for review, the Board determined not to modify the order instituting the Standard Foreign Fare Level Investigation.

PERSON TO CONTACT FOR FURTHER INFORMATION: Lawrence Myers, Office of General Counsel, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673-5205.

SUPPLEMENTARY INFORMATION: Petitions for reconsideration of Order 80-2-140, which instituted this highly expedited investigation into the reasonableness of fares for first-class and economy-class services in selected international city-pair markets, have been filed by certain air carrier and foreign air carrier parties [1] and by the International Air Transport Association (IATA), which has filed for leave to intervene.[2] A consolidated answer in opposition to the petitions was filed by the Combined Bureaus (Domestic Aviation, International Aviation and Office of Economic Analysis).

The petitions set forth numerous requests for clarification or other modification of Order 80-2-140, as well as for additional action by the Board. Generally, the requests may be grouped into the following categories: (1) objections to the city-pair markets at issue; (2) requests for clarification of the scope of or changes in the substantive issues; (3) requests for clarification of or changes in the procedures established for conduct of the investigation; and (4) requests for miscellaneous rulings. Upon consideration of all of the arguments presented, we have determined that except to the extent clarified by our discussion of issues and procedures, no modification of Order 80-2-140 is warranted, and all other requests are denied, of course, to the extent that the requests are within the scope of the authority of the presiding administrative law judge to conduct the proceeding, they are to be considered in that context and are without prejudgment on our part. [3]

By the Civil Aeronautics Board: March 31, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-10084 Filed 4-7-80; 8:45 am]
BILLING CODE 6320-01-M

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[1] Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc. and Japan Air Lines Company, Ltd.

[2] In the interest of expedition, we have considered IATA's reconsideration requests on their merits, without prejudgment of the issue of IATA's party status. By Order 80-3-81 Judge Yoder denied IATA's petitions to intervene as a Rule 15 party in the proceeding and IATA has appealed to the Board pursuant to 14 CFR 385.50. By Order 80-3-168, we affirmed the judge's decision, denying Rule 15 party status while affirming Rule 14 participant status for IATA.

[3] In particular, the requests of IATA and Pan American that we instruct the staff to make available all memoranda and other materials prepared in anticipation of this case are properly addressed to the law judge for determination in accordance with normal evidentiary standards and the issues in this proceeding. Counsel for Pan American has also requested under the Freedom of Information Act certain Board records for its use in this proceeding. That request will be handled under FOIA procedures and standards within applicable time limits.

COMMISSION ON CIVIL RIGHTS

Maryland Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene at 6:30 p.m. and will end at 9:30 p.m., on April 29, 1980, at 608 Water Street, Baltimore, Maryland 21202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, Room 510, Washington, D.C. 20037.

The purpose of this meeting is the report and discussion of progress in preparation for the Statewide Conference on Civil Rights scheduled for June 26, 1980.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 2, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-10519 Filed 4-7-80; 8:45 am]
BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:30 p.m., on May 1, 1980 (Greco Room) and will convene at 9:00 a.m. and will end at 12:30 p.m., on May 2, 1980 (Cadillac Room), at the Detroit Plaza Hotel, Renaissance Center, Detroit Michigan 48243.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is eight panels will answer the questions of how Affirmative Action takes place; why the decisions are made; who determines which employers are subject to Affirmative Action requirements; who requests and reviews Affirmative Action plans; and what advice or assistance is offered to employers in developing them.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 2, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-10520 Filed 4-7-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5-80]

Regional Industrial Development Corp. of Southwestern Pennsylvania, Pittsburgh, Pa.; Application To Establish Temporary Annex for Foreign-Trade Subzone No. 33-A at the Volkswagen Auto Assembly Plant, Westmoreland County, Pa.

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC), a nonprofit development corporation headquartered in Pittsburgh and grantee of Foreign-Trade Zone No. 33 in Allegheny County and Subzone No. 33-A in Westmoreland County, requesting authority for a temporary annex facility for Subzone No. 33-A, adjacent to the Pittsburgh Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 2, 1980. RIDC is authorized to apply for foreign-trade zone sites under Pennsylvania law (Act No. 126, approved June 10, 1935, Public Law 291).

Foreign-Trade Subzone No. 33-A was authorized on November 9, 1977 (Board Order No. 124). The 147-acre subzone facility, comprising the VW auto assembly plant in Westmoreland County, has been in operation under zone procedures since January 2, 1979. Currently, the plant produces some 1,000 automobiles and trucks per day, employing over 5,200 personnel.

The application under consideration calls for the establishment of a temporary annex on the Millstein Industries tract on Hillis Street, approximately one-quarter mile east of Route 119, Hempfield Township, Westmoreland County, about four miles from the existing assembly plant. It would consist of two separate warehouse structures of 37,500 and 48,000 square feet within the tract which is owned by Millstein Industries and leased to Faywood Warehousing, Inc. The latter firm will operate the warehouse annex for VW under a short-term leasing arrangement.

The annex site is being requested for a two-year period to provide the existing subzone with additional storage space for its parts inventory. It would serve as an interim facility while a 100,000 square foot warehouse addition is constructed at the existing subzone.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. Comments on the proposed temporary site are invited in writing from interested parties. They should be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at the address below at any time from the date of this notice through April 25, 1980.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, 2002 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Washington, D.C. 20230.

Dated: April 2, 1980.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 80-10515 Filed 4-7-80; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Battelle Memorial Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00331. Applicant: Battelle Memorial Institute, Pacific Northwest Division, P.O. Box 999, Richland, WA 99352. Article: TG-26/V Tunnel Guidance System and Accessories. Manufacturer: ZED Instruments Ltd., United Kingdom. Intended use of article: As part of a blind shaft borer the article is intended to be used to monitor the position of two laser beams projected from self-plumbing lasers mounted at the surface; transmit signals proportional to laser beam position to a processing unit; and, using this information and data on machine attitude, calculate, and display to the machine operator, the displacement of the machine from the true shaft centerline.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 78-00398 which was denied without prejudice to resubmission on March 28, 1979 for informational deficiencies. The foreign article provides tunnel guidance as a part of a blind shaft borer and target units with an effective area of 7.5 inches diameter to measure the positions of two reference laser beams in terms of the x and y axis. The National Bureau of Standards advises in its memorandum dated January 15, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,
Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10487 Filed 4-7-80; 8:45 am]
BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00300. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, California 92093. Article: VG Micromass ISOMASS 54E Thermal Ionization Mass Spectrometer and Accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for the following general areas of investigation: (1) Delineation of the isotopic composition of the elements Nd and Sr in the earth's upper mantle by measurement of mantle-derived rocks from the ocean basins and continents, (2) To determine the patterns of rare-earth element concentrations by isotope dilution mass spectrometry in rocks of the earth's crust studied in (1) as a means to understand the geochemical processes occurring during their generation, and the mineralogical composition of their mantle source regions, (3) Measurement of isotopic anomalies in their elements such as the rare-earths, Sr, Ca and Mg, (4) Precise measurements of the ages of crustal rocks, particularly old (precambrian) materials from the continental crust,

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using the Rb-Sr and Sm-Nd geochronologic techniques. In all these tasks, the materials to be analyzed will be natural oxide or silicate minerals. The article will also be used in the courses SIO 248A (Seminar in Marine Geology), SIO 252C (Nuclear Geology) and SIO 299 (Independent Research).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 27, 1978).

Reasons: The foreign article has a 27 (~10.6 inch) centimeter (cm) radius of curvature with ion optics which provides the capabilities in resolution, sensitivity and precision of a 54 (~21.2 inch) cm radius of curvature. The National Bureau of Standards advises in its memorandum dated January 23, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose (particularly $^{143}Nd/^{144}Nd$ ratio analysis) and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

FR Doc. 80-10466 Filed 4-7-80; 8:45 am

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, by April 28, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666-11th Street NW., Washington, D.C.

Docket No. 79-00353. Applicant: St. Paul Hospital, Daughters of Charity, 5909 Harry Hines Blvd., Dallas Texas 75235. Article: Teletherapy Treatment Simulator. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used to simulate radiation therapy treatment. Application received by Commissioner of Customs: July 13, 1979.

Docket No. 80-00077. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29403. Article: Computer Unit and Sonic Digitizer. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for studies of the efficacy of radiation in the treatment of cancer patients. This is to be studied as radiation alone and radiation in conjunction with other modalities, such as chemotherapy and surgery. The article will also be used in the courses: Physics and dosimetry of radiation therapy for residents in radiation therapy and Dosimetry for radiation therapy technology students. Application received by Commissioner of Customs: January 30, 1980.

Docket No. 80-00124. Applicant: Geophysical Institute, University of Alaska, Fairbanks, Alaska 99701. Article: Cassette Playback Unit. Manufacturer: Grant Instruments, United Kingdom. Intended use of article: The article is intended to be used to playback data collected on previously acquired Grant recorders. The experiments to be conducted will involve collecting solar radiation and associated micrometerological data at remote sites near Lake Minchumina in order to evaluate the effect of the lake on cloud formation and ultimately on atmospheric radiation. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80-00138. Applicant: National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, BC28/Shuttle Engineering, Procurement Section, Houston, Texas 77058. Article: Science Airlock for Spacelab Simulator. Manufacturer: ERNO-Raumfahrttechnik, West Germany. Intended use of article: The article is intended to be used in studies that include verification of time requirements, practicability of operations, the ability of flight crews to operate the Spacelab (including the Science Airlock) and use of the Network Simulation System to train both flight crews and ground personnel in total mission operations. The experiments to be conducted include flight crew and ground controller reactions to abnormal conditions (such as safety procedures), whether operations can in fact be conducted in the time allowed, and so on. Application received by Commissioner of Customs: January 11, 1980.

Docket No. 80-00139. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, WA 99352. Article: Mass Spectrometer, Model MM ZAB. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for studies of energy technology related fossil fuel materials arising from coal and shale utilization; biochemical samples of animal and plant origin environmental matrices for pollutants; and other as yet unspecified chemical analyses. Associated phenomena include the mutogenicity and carcinogenicity of coal and shale derived liquids, the biological effects of electric field exposure on small animals, and the formation of environmental pollutants associated with electrical energy production. Application received by Commissioner of Customs: January 15, 1980.

Docket No. 80-00140. Applicant: Minnesota Department of Health, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440. Article: Tilting Stage for Electron Microscope. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of microparticulates including asbestos and other mineral fiber particles. The experiments to be conducted will include: enumeration and identification of fibrous mineral particulates in environmental samples, differentiation of structure between true asbestos, and mechanically derived microfibers and identification of various microparticles in the occupational setting. The objective of enumeration and identification of fibrous mineral particulates in environmental samples is to determine exposure levels of the people of the state. This information will be used in conjunction with on-going epidemiological studies to determine the health significance of these exposures. Application received by Commissioner of Customs: February 6, 1980.

Docket No. 80-00141. Applicant: The Regents of the University of California, Riverside, Materiel Manager Department, Riverside, California 92521. Article: STEM System and EDAX X-ray Microanalyzing Unit. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of article: The articles are accessories to an existing electron microscope which will be used primarily for research in plant cell biology for investigations into plant development, structure-function relationships, cells and tissue organization and compartmentation, and plant-environment interactions. In addition, the article will be used for research by investigators in areas such as geology, soil science and biochemistry. The proposed research will include:

A. Determination of the Distribution and sites of accumulation of salts in leaves and salt glands of halophytic plants under salt-loaded, secreting conditions as compared with non-secreting, distilled water treated plants.

B. Determination of the transition in cell organization and compartmentation and their correlation with the cellular and tissue pattern of elemental distribution and redistribution associated with senescence.

C. Determination of the elemental distribution between mycorrhizal fungi and cortical cells in the root.

D. Determination of the effects of ozone on membranes of leaf tissue by assessing the redistribution of K^+ in ozone-treated materials.

E. Determination of the distribution of calcium in fruit and possible changes in distribution during ripening in order to assess possible functions of Ca^{++} in the ripening process.

F. Determination of the distribution of heavy metals in plant tissues. In addition, the article will be used to teach students the principles of specimen preparation and electron optics as well as how to use the electron microscope and its accessories. Application received by commissioner of customs: January 15, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10469 Filed 4-7-80; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

National Advisory Committee for the Flammable Fabrics Act; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: National Advisory Committee for the Flammable Fabrics Act.

SUMMARY: This notice announces a meeting of the National Advisory Committee on Monday, April 28, 1980 from 9:30 a.m. to 4:30 p.m., and Tuesday, April 29, 1980 from 9:30 a.m. to 1:00 p.m.

FOR FURTHER INFORMATION CONTACT: Catherine Bolger, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207 (202) 634-7700.

SUPPLEMENTARY INFORMATION: The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics.

On Monday, April 28, 1980, the meeting will be devoted to CPSC flammability education activities, the NACFFA Flammability Education Task Force Report, and a discussion of upholstered furniture flammability, including both UFAC and CPSC activities. On Tuesday, April 29, 1980 there will be a discussion on the evaluation of flammable fabrics standards and a discussion of pending legislation relating to flammability. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Committee should notify the Office of the Secretary (see address above) by April 18, 1980. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the appropriate time requested. Time permitting, these presentations and other statements from the audience to members of the Committee may be allowed by the presiding officer.

Dated: April 2, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-10535 Filed 4-7-80; 8:45 am]

BILLING CODE 6355-01-M

[Petition CP 79-7]

Petition To Exempt White Rubber Paint Used for Scuba Diving Equipment From the Lead Paint Ban

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition to exempt from its lead-containing paint ban, lead-containing white rubber paint used to mark underwater diving gear. The Commission's denial is based on the level of lead in this paint, the fact that young children may be exposed to rubber swimming accessories and underwater diving gear, and the fact that alternative formulae without lead are most likely available for other colors of the paint which can effectively substitute for white paint in marking underwater diving gear.

ADDRESS: Copies of the petition and the staff's briefing materials may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Douglas L. Noble, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6453.

SUPPLEMENTARY INFORMATION: Under section 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, any interested person may petition the Consumer Product Safety Commission (CPSC) to begin a proceeding to issue, amend, or revoke a consumer product safety standard or ban. Section 10 requires the Commission, if it denies such a petition, to publish its reasons for denial in the **Federal Register.**

On February 23, 1979, Aqua-Craft, Incorporated petitioned (CP 79-7) the Commission to exempt its lead-containing, rubber-marking white "U-Name-It" paint product, which is used primarily to mark underwater diving gear, from the Commission's ban of lead-containing paint. (See 16 CFR Part 1303. This regulation bans paint and similar surface-coating materials containing more than 0.06 percent by weight of lead and toys and furniture bearing such paint.) The petitioner contends that its White-U-Name-It Paint does not present the risk that the lead-containing paint ban was intended to address (i.e., the risk of lead poisoning in young children) because the paint is not accessible to young children since it is sold only to retail scuba diving shops who sell it to scuba divers. In addition, the petitioner states that the product

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would not function properly as a rubber paint with a lower lead limit.

After carefully evaluating the petition and all available injury, exposure, and economic information, the Commission has decided to deny this petition. The Commission declines to amend its lead paint ban to exempt white rubber paint used specifically for marking underwater diving gear for the following reasons:

1. The Commission staff analysis of the "White U-Name-It" paint product indicates that the amount of lead in the paint (based on paint solids or dry paint film) is 7.0 percent. (Information available to the Commission indicates that the Aqua-Craft product is the only rubber paint used for marking underwater diving gear.) This amount is considerably in excess of the 0.06 percent maximum lead level permitted by the Commission's lead-containing paint ban.

2. The petitioner alleged but failed to demonstrate that the paint is applied to products which are not accessible to young children. The Commission notes that exposure to young children may , in fact, occur because rubber swimming accessories, such as face masks and flippers, are used by young children and more sophisticated underwater diving gear may be kept in the household and thereby be accessible to children.

3. The Commission has information indicating that alternative formulae which do not include lead may be available for other pigments of yellow, orange and blue U-Name-It paints. The Commission believes these paints can effectively substitute for white paint (yellow is apparently more popular with consumers than the white paint) in marking underwater diving gear.

In addition, since it appears that substitutes are available for the white paint, the Commission believes that this paint presents an unnecessary exposure to lead. The Commission further believes that it is important that exposure to such sources of lead in the environment be reduced or eliminated to the maximum extent possible.

Although the Commission has denied the petition, the petition can be reopened if new or changed circumstances or additional information justify reconsideration by the Commission (See 16 CFR 1110.13).

Dated: April 4, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-10534 Filed 4-7-80; 8:45 am]

BILLING CODE 4355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on March 18, 1980, that the service of the members of the group known as the Women's Army Air Corps (WAAC), be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans Administration.

FOR FURTHER INFORMATION CONTACT: Staff Sergeant Stephen J. Koegle, USAF, telephone 694-5380, Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-10528 Filed 4-1-80; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Regulatory Permit To Construct Shopping Mall in North Haven, Conn.

March 31, 1980.

AGENCY: New England Division (NED), U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

1. Mall Properties, Inc, of New York, N.Y., has made an application for a permit under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act to place fill in backwater areas and wetlands adjacent to the Quinnipiac River at North Haven, Connecticut.

2. Approximately 700,000 cubic yards of fill would be placed into 35 acres of wetlands and watercourses for the construction of a proposed shopping mall, parking areas and access roads.

3. The Environmental Impact Statement will address many issues related to potentially significant impacts. Among these could be both the positive and negative socio-economic impacts of an operating mall including its impacts on local and regional traffic, residential neighborhoods, municipal services, utilities, local tax structures, real estate values, existing retail shops and stores, downtown New Haven and other community business centers, energy costs and area employment. Additional environmental elements will be evaluated for the effets on groundwater/surface water and air quality, noise, on-site wetlands and wildlife, the flood plain, and historic-archaeological resources. Impacts directly related to the construction phase of the proposed project will also be addressed with particular attention to the transportation of fill and construction materials and crews. The effects of contstruction on the Quinnipiac River, run-off, dust, noise, utilities, traffic, and employment will be considered.

4. Although the applicant has proposed developing a mall, the EIS will address the more general public need for additional shopping and retail capacity. As a result, it will present and describe other reasonable retailing alternatives, alternative sites for locating a mall, and a review of on-site alternatives to mimimize adverse impacts.

5. A public notice (NEDOD-R-13-79-561) was issued on December 17, 1979, as part of the regulatory process to announce that an application had been received for the proposed fill. The notice was widely distributed and encouraged public comments on the project to aid in determining the need and scope for an EIS. The comments received are being used in the scoping process, as were comments received prior to NED's determination that a permit was required. A scoping meeting will be announced in an effort to address significant new issues and areas of concern. The Draft EIS will be circulated to the public for review and comments, and the Final EIS will address and include all comments received.

6. NED will seek assistantce to develop and review EIS information by coordinating with other agencies who have the appropriate jurisdiction or expertise. Coordination will be made with at least the following Federal agencies for their assistance: HUD for community economic analyses, FEMA for flood plains, U.S. Fish and Wildlife Service for wetland and aquatic resources, the EPA for water discharges, air quality, and noise impacts, and the Department of Transportation for road and traffic concerns.

7. To ensure that no substantive information has been overlooked, the New England Division invites public comments on the proposed project and the EIS. If commments were submitted in response to the previous public notice, any additional comments should offer new information or clarifications. Questions concerning the development of the EIS should be addressed to Rob Adler/Jan Goldman, Impact Analysis Branch, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts, 02154 (617-894-2400), ext. 231/234). Questions specifically concerning the processing of the regulatory permit should be addressed to Robert Desista, Regulatory Branch (617-894-2400, ext. 332).

Dated: March 31, 1980.

Max B. Scheider,

Colonel, Corps of Engineers, Division Engineer.

[FR Doc. 80-10530 Filed 4-7-80; 8:45 am]

BILLING CODE 3710-24-M

Office of the Secretary

Advisory Group on Electron Devices; Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on May 14-15, 1980 at the Naval Post Graduate School, Spangel Hall, Room 101A, Monterey, California.

The Mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, The Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 3, 1980.

[FR Doc. 80-10471 Filed 4-7-80; 8:45 am]

BILLING CODE 3810-70-M

Advisory Group on Electron Devices; Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session (May 21-22, 1980 at 201 Varick Street, 9th Floor, New York, New York 10014).

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

O. J. Williford,

Director, Correspondence and Directives, Wshington Headquarters Services, Department of Defense.

April 3, 1980.

[FR Doc. 80-10470 Filed 4-7-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA and the firms listed below during the month of February. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in prominent place elsewhere at the retail outlet in numbers or letters not less than one and one half inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Lon W. Smith, District Manager, U.S. Department of Energy, Office of Enforcement, Western District, 333 Market Street, San Francisco, CA 94105, telephone number 415-764-7038.

Firm Name, Address, and Audit Date

Berj Exxon, 1198 S. State College Blvd., Anaheim, CA 92808, 1/31/80.
Morries Service Center, 6739 W. Olympic Blvd., Los Angeles, CA, 2/4/80.
Weiner's Service Center, 8489 W. Beverly Blvd., Los Angeles, CA, 2/4/80.
Harold's Service Center, 15053 Ventura Blvd., Sherman Oaks, CA 91403, 2/4/80.
Garcia's Mobil Service, 104 Foothill Blvd., Rialto, CA 92376, 2/4/80.
Clint's Auto Service Center, 5166 Lankershim Blvd., North Hollywood, CA 91601, 2/5/80.
Overland National Service, 10611 National, Los Angeles, CA 2/5/80.
Paul's Auto Electric 76, 4069 N. Lakewood Blvd., Long Beach, CA 2/7/80.
Harrison Shell #1, 11761 E. Carson, Lakewood, CA 2/7/80.

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Harrison Shell #2, 1650 Artesia Blvd., Redondo Beach, CA 2/7/80.
Jerry's Encino Shell, 16801 Ventura Blvd., Encino, CA 91316, 2/7/80.
Bob's Arco Service, 18076 Ventura Blvd., Encino, CA 91316, 2/7/80.
Pedro Veronese Exxon, 1201 E. Yorba Linda Blvd., Placentia, CA 92870, 2/7/80.
Laguna Beach Texaco, 1833 S. Coast Hwy., Laguna Beach, CA 92651, 2/8/80.
A & A Tire & Service Center, 8380 Santa Monica Blvd., Los Angeles, CA 90069, 2/8/80.
Dick's Service Center, 5404 Laurel Canyon, North Hollywood, CA 91607, 2/8/80.
Stan Harkins Chevron, 10340 E. Rosecrans, Bellflower, CA 2/8/80.
Sako's Arco, 50 S. Baldwin, Sierra Madre, CA 91024, 2/8/80.
Kim's Union 76 Station, 11807 Carson Street, Hawaiian Gardens, CA 90716, 2/8/80.
Mobil Westlake Automobile, 942 Westlake Blvd., Westlake Village, CA 91361, 2/11/80.
Miranda Chevron, 101 N. Azusa, Azusa, CA 91702, 2/12/80.
Howard Beatty Mobil, 1351 Dyer Road, Costa Mesa, CA 92705, 2/12/80.
Shell (Calif. Target), 5W. Live Oak Ave., Arcadia, CA 2/13/80.
Al's Union 76, 10984 Riverside Drive, North Hollywood, CA 2/14/80.
Moe Blumin Shell Service, Inc., 20900 Ventura Blvd., Woodland Hills, CA 91364, 2/14/80.
Salvador Sandoval Chevron Service, 5791 Rodeo Rd., Los Angeles, CA 2/15/80.
Lee's Union 76, 4176 Venice Blvd., Los Angeles, CA 2/15/80.
Encino Union Service Center, 16910 Ventura Blvd., Encino, CA 91316 2/15/80.
Jim Tice Chevron, 2590 Newport Blvd., Costa Mesa, CA 92627 2/15/80.
Mike Nauai Shell, 195 E. 17th Street, Costa Mesa, CA 92626 2/15/80.
Charles Manterian, 300 E. 17th Street, Costa Mesa, CA 92626, 2/15/80.
Issa Shell, 9089 Glenoaks Blvd., Sun Valley, CA 91352, 2/19/80.
Bill Burnett's Texaco, 11250 Los Alamitos, Los Alamitos, CA 90720, 2/19/80.
Karr Insta Tune, 5501 Ball Road, Cypress, CA 90630, 2/19/80.
Jack Newkoff (Union), 4654 Laurel Cyn. Blvd., North Hollywood, CA 91607, 2/19/80.
Wes Graham Chevron Service, 1030 Foothill Blvd., La Canada, CA 91011, 2/20/80.
Adly's Chevron, 10329 Palms Blvd., Los Angeles, CA 2/20/80.
Dick Puff's & Chevron Service, 311 N. La Brea, Inglewood, CA 2/20/80.
Dale's Tarzana Shell Service, 18500 Ventura Blvd., Tarzana, CA 91356 2/20/80.
Gary's Chevron, 8900 Glenoaks Blvd., Sun Valley, CA 91352, 2/21/80.
Haserjian Bros Texaco, 6407 Sunset Blvd., Los Angeles, CA, 2/21/80.
Gay's Chevron Service, 418 E. Glenoaks Blvd., Glendale, CA 91207, 2/21/80.
Keith Van Hoesen, 590 N. Magnolia, Anaheim, CA 92824, 2/21/80.
Keith Van Hoesen, 1068 W. Ball Rd., Anaheim, CA, 2/21/80.
Keith Van Hoesen, 59992 Westminister Ave., Westminister, CA, 2/21/80.
Fernando's Chevron, 12460 Victory Blvd., North Hollywood, CA 91606, 2/25/80.
Ray's Chevron Service, 9735 Glenoaks, Sun Valley, CA 91352, 2/26/80.
Mardiros Torikion Chevron Service, 2201 W. Lincoln, Anaheim, CA 92801, 2/26/80.
J. Nasch Texaco, 9859 Atlantic, South Gate, CA, 2/27/80.
Phil Ellison Arco, 12650 Sherman Way, North Hollywood, CA 91605, 2/27/80.
Airport Union 76, 603 N. Sepulveda Blvd., El Segundo, CA 90245, 2/28/80.
Jet 777, 828 So. Long Beach Blvd., Compton, CA, 2/28/80.
Tex's Service, 800 Portal, Ferndale, WA 98248, 2/1/80.
Wilsonville Exxon, 30100 SW Parkway, Wilsonville, OR 97070, 2/12/80.
Reggie's Chevron, 100 Olson, Pullman, WA 99163, 2/25/80.
Jerry's Shell Service, 1859 Springs Road, Vallejo, CA 94590, 2/28/80.
Chin's Arco Service, 1451 Solano Avenue, Albany, CA 2/15/80.
Bob's Marina Shell 200 Mane Street, Vallejo, CA 94590, 2/21/80.
Hodge Enterprises, Inc #1, 1604 Sears Point Road, Vallejo, CA 94590 2/4/80.
Hodge Enterprises, Inc #2, 500 Tennessee Street, Vallejo, CA 94590, 2/4/80.

Issued in San Francisco, California on the 20th day of March, 1980.

June F. Wallach,

Acting District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 80-10595 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program; Allocation Notice for April 1 Through June 30, 1980, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues the allocation notice specified in § 214.32 for the allocation period commencing April 1, 1980.

Since October 1979, exports of crude oil from Canada have been authorized on a monthly basis instead of quarterly basis. Consequently, although this allocation notice is for the April through June 1980 quarter, the volumes listed represent only April exports from Canada. Pursuant to § 214.32(c), this quarterly notice will be revised with the publication of supplemental notices when Canada notifies the ERA of export levels for May and for June.

The issuance of Canadian crude oil rights to refiners and other firms formerly was set forth in an Appendix to the allocation notice and to each supplemental allocation notice. In view of the reductions in the light and heavy crude oil export levels and the lack of nominations from many refineries whose base period volumes would make them ineligible for allocations, the appendix is being eliminated, and the relevant information regarding current nominations and allocations is being incorporated into this allocation notice.

Allocation of Canadian Light Crude Oil

The Canadian National Energy Board (NEB) has formerly advised ERA that the total volume of Canadian light crude oil authorized for export to the United States for the month of April 1980, and therefore subject to allocation under Part 214, will be 50 barrels/day (B/D), all of which is operationally constrained through the Union Oil pipeline from the Reagan field in Canada to the ICG Vista (Thunderbird) refinery (second priority) at Cut Bank, Montana. Pursuant to 10 CFR 214.35, ERA has given effect to the operational constraint regarding the export of light crude oil to the Thunderbird refinery in the issuance of rights for Canadian light crude oil for the month of April.

Allocation of Canadian Heavy Crude Oil

The NEB has advised ERA that the authorized export level for Canadian heavy crude oil for the month of April 1980 is 103, 200 B/D. Allocations of heavy crude oil were made according to the procedures specified in § 214.31(a)(3).

Ashland Oil Inc., Koch Refining Co., Murphy Oil Corp., Total Petroleum, Inc., and Standard Oil Co. (Ohio), all of whom submitted nominations for Canadian heavy crude oil for the April through June allocation period, have advised ERA of changes in their respective nominations for heavy crude oil for the month of April. Ashland advised ERA that due to a number of unforeseen events that had taken place since its nomination was submitted, it would be unable to accept any Canadian heavy crude oil in April. Total and Sohio advised that they also would be unable to purchase any Canadian heavy crude oil in April. Koch and Murphy advised that because of unforeseen and nonrecurring operating problems they would be unable to take more than 78,500 B/D, and 5,300 B/D, respectively, of heavy crude oil in April. ERA has given effect to the changes in the nominations of these firms in the allocations of heavy crude oil assigned for April.

In allocating heavy crude oil for April, ERA has used the following procedures, which are set forth in § 214.31(a)(3). First, the first priority refineries for which nominations had been received were allocated heavy crude oil equal to one-fourth of their base period volumes of Canadian heavy crude oil. The revised nomination of Murphy for its Superior, Wisconsin, refinery was less than its base period volume of heavy crude oil, and it was therefore assigned an allocation equal to is nomination. Second, pursuant to § 214.31(a)(3)(ii), the Koch, Pine Bend, Minnesota, first priority refinery was allocated heavy crude oil equal to one-fourth of its total base period volume of Canadian light and heavy crude oil. Third, pursuant to § 214.31 (a)(3)(iii), second priority refineries for which nominations were received were allocated heavy crude oil equal to one-fourth of their respective base period volumes of Canadian heavy crude oil. Fourth, pursuant to § 214.31(a)(3)(iv), the Koch first priority refinery was assigned additional rights up to the level of its revised nomination for heavy crude oil.[1] Fifth, since the allocable supply of Canadian heavy crude oil was greater than the number of rights calculated in the preceding four steps, additional rights were issued to second priority refineries nominating for heavy crude oil on a pro rata basis with respect to their base period volumes of Canadian light and heavy crude oil.

The issuance of Canadian heavy crude oil rights, expressed in B/D, for April 1980 to refiners and other firms nominating for heavy crude oil for the April–June allocation period is as follows:

	Refiner/refinery	Base period volumes[1] Canadian total	Base period volumes[1] Canadian heavy crude	Nomination	Allocation
Priority:					
I	Ashland—St. Paul Park, MN	44,707	4,803	*0	0
I	Koch—Pine Bend, MN	74,383	68,692	*78,500	78,500
II	Marathon—Detroit, MI	10,901	142	8,837	672
II	Mobil—Buffalo, NY	24,965	0	8,036	1,795
II	Mobil—Ferndale, WA	45,444	0	10,975	3,264
II	Mobil—Joliet, IL	14,606	12,474	12,999	12,627
I	Murphy—Superior, WI	25,825	5,372	*5,300	5,300
II	Sohio—Toledo, OH	29,182	0	*0	0
II	Total—Alma, MI	9,727	6,707	*0	0
II	Union—Lemont, IL	11,711	0	20,000	841
Total Priority I					83,800
Total Priority II					19,400
Total I and II					103,200

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis. For the base period volumes of all priority refineries, see Allocation Notice issued December 29, 1979 (45 FR 1664, January 8, 1980).
[2] As revised.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills, consumed, or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before May 8, 1980.

[1] Koch's revised nomination of 78,500 B/D was less than the number of rights computed on the basis of certified refining capacity and non-Canadian runs to stills, during the preceding allocation period, in accordance with § 214.31(a)(3)(iv).

Issued in Washington, D.C. on March 31, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10594 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-01-M

Quintin Little Co.; Action Taken on Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: March 7, 1980.

COMMENTS BY: May 8, 1980.

ADDRESS: Send comments to : Wayne L Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (Phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On March 7, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with The Quintin Little Company of Ardmore, Oklahoma. Under 10 CFR 205.199J(b) a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraws its acceptance and, if appropriate, attempts to negotiate an alternative Consent Order.

I. The Consent Order

The Quintin Little Company (Little) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Little, the Office of Enforcement, ERA and Little entered

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into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through September 30, 1977, Little allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Little and the DOE have agreed to a settlement of $1,700,000. Beginning with the 28th day of the month following the month in which the Consent Order is made effective, Little shall refund $71,000 per month for 23 months and shall refund $67,000 on the 24th month. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Little.

3. This Consent Order constitutes neither an admission by Little that ERA regulations have been violated nor a finding by the ERA that Little has violated ERA regulations.

4. Little shall commence a secondary recovery project in the Upper and Lower Goodwin Sand Reservoirs in the Tatum's Field. Little shall acquire and install the necessary equipment to effect the secondary recovery project by December 31, 1980.

5. The provisions of 10 CFR 205.199(j), including the publication of this Notice, are applicable to the Consent Order.

In this Consent Order, Little agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $1,700,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on The Quintin Little Company Consent Order." We will consider all comments we received by 4:30 P.M., local time, on May 8, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 25th day of March, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

Texas Oil & Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds disposited in an escrow account established pursuant to the Consent Order.

DATE: March 14, 1980.

COMMENTS BY: May 8, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas,a Texas 75235 [Phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Texas Oil & Gas Corp. of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Texas Oil & Gas Corp., is a firm engaged in the processing of natural gas and sale of natural gas liquids and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids and natural gas liquid products, the Office of Enforcement, ERA, and Texas Oil & Gas Corp., entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through March 1976 and it included all sales of natural gas liquids and natural gas liquid products which were made during that period.

2. Texas Oil & Gas Corp. did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart I, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquids and natural gas liquid products; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Texas Oil & Gas Corp. have agreed to a setlement in the amount of $4,200,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Texas Oil & Gas Corp.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Texas Oil & Gas Corp. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $4,200,000 on or before 30 days following the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their propert disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Texas Oil & Gas Corp., Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on May 8, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of March, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-10597 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-R-79-12]

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities; Notice of Date for Receipt of PURPA Grant Applications

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of date.

SUMMARY: The Department of Energy (DOE) is hereby establishing the deadline for receipt of financial assistance applications from State utility regulatory commissions and nonregulated electric utilities under the PURPA Grant Program. This program provides financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA). This date is for the operation of the PURPA Grant Program in 1980 only, and is intended to provide more time for grant recipients to utilize awarded funds to carry out PURPA duties and responsibilities prior to the deadlines specified in PURPA.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT:

Jane F. Christophersen, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., (Room 4306), Washington, D.C. 20461 (202) 653–3920

Mary Ann Masterson, General Counsel, Department of Energy, 1000 Independence Avenue, S.W., (Room 1E–256), Washington, D.C. 20585 (202) 252–9516

SUPPLEMENTARY INFORMATION: On June 29, 1979, the Department of Energy (DOE) issued regulations for the establishment and administration of two programs to provide financial assistance to State utility regulatory commissions and nonregulated electric utilities (44 FR 40262, July 9, 1979). This Notice of Date is applicable only to the first program, the PURPA Grant Program, which provides financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*).

Pursuant to 10 CFR 461.15, DOE is hereby establishing the date for the submission of 1980 applications. To be eligible to receive a PURPA grant in Fiscal Year 1980, an applicant shall submit an application in conformity with § 461.15(b) which shall be received by DOE on or before 5:30 p.m., e.d.t., May 30, 1980.

This notice affects the operation of the PURPA Grant Program in 1980 only, and is intended to provide sufficient time for grant recipients to utilize awarded grant funds to carry out the PURPA duties and responsibilities prior to the deadlines specified in PURPA. All other provisions and requirements of 10 CFR section 461 are unchanged.

Issued in Washington, D.C. on April 4, 1980.

Jerry L. Pfeffer,

Assistant Administrator, Office of Utility Systems, Economic Regulatory Administration.

[FR Doc. 80-10782 Filed 4-7-80; 10:25 am]

BILLING CODE 6450-01-M

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Federal Energy Regulatory Commission

[Docket Nos. G-9279, et al.; Docket Nos. C165-974, et al.]

Amoco Production Co., et al. and George Despot, Agent, et al.; Filing of Amendment To Refund Plan

April 1, 1980.

Take notice that on March 20, 1980, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee), filed an amendment to its plan for disposition of refunds filed on April 24, 1979, in the above-captioned proceeding. Tennessee states that the amendment is necessary to provide for flow-through of the refunds by means of a check or credit to invoice in compliance with Section 4.2 of Article XXIII of the General Terms and Conditions of Volume No. 1 of Tennessee's FERC Gas Tariff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-10542 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CI79-618, et al.]

CNG Producing Co., et al.;[1] Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention

Issued April 2, 1980.

The following petitions for rehearing and petitions for intervention have been filed in the following dockets relating to the orders granting certificates of public convenience and necessity issued on the dates indicated.

Docket No.	Certificate holder	Date certificate order issued	Rehearing applicant
CI79-618	CNG Producing Company	Jan. 31, 1980	Consolidated Gas Supply Corporation.[2 3]
CI79-177	Sabine Corporation	Feb. 4, 1980	Michigan Wisconsin Pipe Line Company.[3]
CI62-588, *et al.*	Amoco Production Company, *et al.*	Feb. 22, 1980	Northwest Pipeline Corporation.[3]
CI80-108	Sun Oil Company, *et al.*	Feb. 22, 1980	Northwest Pipeline Corporation.[3]
G-19586, *et al.*	Belco Petroleum Corporation	Feb. 25, 1980	Northwest Pipeline Corporation.[3]
CI80-38	Philip B. Berry P/A No. 2	Feb. 4, 1980	United Gas Pipe Line Company.[3]
CI75-61, *et al.*	Continental Oil Company, *et al.*	Feb. 15, 1980	United Gas Pipe Line Company.
CI76-670	Terra Resources, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI75-353, *et al.*	Sun Oil Company, *et al.*	Feb. 19, 1980	United Gas Pipe Line Company.
CI75-354 [CI80-597]	Sun Oil Company	Feb. 19, 1980	United Gas Pipe Line Company.[3]
G-6537, et al	Sun Oil Compány, et al	Feb. 15, 1980	United Gas Pipe Line Company.
CI80-138	Shell Oil Company	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI77-557, *et al.*	Gulf Oil Corporation, *et al.*	Feb. 14, 1980	United Gas Pipe Line Company.
CI80-104	Cass-Pomeroy Oil Corporation	Feb. 14, 1980	United Gas Pipe Line Company.[3]
CI80-105	Fairmont Oil Corporation	Feb. 14, 1980	United Gas Pipe Line Company.[3]
G-19589, *et al.*	Belco Petroleum Corporation, *et al.*	Feb. 25, 1980	Transcontinental Gas Pipe Line Corporation.
CI78-843	Quintana Offshore, Inc.	Feb. 25, 1980	Transcontinental Gas Pipe Line Corporation.[3]
CI78-850	Quintana Oil and Gas Corporation	Feb. 25, 1980	Transcontinental Gas Pipe Line Corporation.[3]
CI80-80	CNG Producing Company	Feb. 15, 1980	Tennessee Gas Pipeline Company, A Division of Tenneco Inc.
CI79-643	Tenneco Exploration Ltd	Feb. 14, 1980	Tennessee Gas Pipeline Company, A Division of Tenneco Inc.[3]
CI79-593	Texaco Inc.	Feb 15, 1980	Tennessee Gas Pipeline Company, A Division of Tenneco Inc.
CI62-586, *et al.*	Amoco Production Company, *et al.*	Feb. 22, 1980	Transcontinental Gas Pipe Line Corporation.[3]
CI80-73	ARCO Oil and Gas Company	Feb., 22, 1980	Transcontinental Gas Pipe Line Corporation.[3]
CI75-353, *et al.*	Sun Oil Company, *et al.*	Feb. 19, 1980	Transcontinental Gas Pipe Line Corporation.[3]
G-3636, *et al.*	Union Texas Petroleum, a Division of Allied Chemical Corporation, *et al.*	Feb. 15, 1980	United Gas Pipe Line Company.
CI78-1186 [G-2640]	Mobil Oil Corporation	Feb. 15, 1980	United Gas Pipe Line Company.[3]
G-13746, *et al.*	Mobil Oil Exploration and Producing Southeast, Inc., *et al.*	Feb. 15, 1980	United Gas Pipe Line Company.
CI79-560	Pogo Producing Company	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-561	Pogo Producing Company	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-569	Pennzoil Oil and Gas, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-583	Pennzoil Oil and Gas, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-585	Pennzoil Oil and Gas, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-589	Pennzoil Oil and Gas, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI79-590	Pennzoil Oil and Gas, Inc.	Feb. 15, 1980	United Gas Pipe Line Company.[3]
CI80-57	Transco Exploration Company	Feb. 15, 1980	United Gas Pipe Line Company.[3]
G-7526, *et al.*	Amoco Production Company, *et al.*	Feb. 14, 1980	Northwest Pipeline Corporation.[3]
G-19569, *et al.*	Belco Petroleum Corporation	Feb. 14, 1980	Northwest Pipeline Corporation.[3]
CI79-201	Mobil Oil Corporation	Feb. 15, 1980	El Paso Natural Gas Company.[3]

[1] Also petitioned to intervene.
[2] Petition for rehearing filed after statutory period and may, therefore, only be treated as a petition for reconsideration.

The certificates were conditioned that if any of the costs associated with processing, dehydration, compression or other conditioning of the subject gas were included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate. The orders also provided that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558 and CP77-577.

The Commission finds:

Participation in this proceeding by petitioners as listed above may be in the public interest.

The Commission orders:

(A) Those parties listed above as petitioning for permission to intervene are permitted to intervene in the captioned proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in this docket.

(B) The aforelisted applications for rehearing of our orders as shown above are hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of § 1.34 of the Commission's Rules of Practice and Procedure.

By the Commission.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-10543 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

[1] The petitions addressed by this order have been combined herein solely for administrative convenience. The dockets have not been combined or consolidated by this order for any other purposes.

[Docket No. RP72-6; New Sources of Supply]

El Paso Natural Gas Co.; Denial of Rehearing

April 2, 1980.

Take notice that the Commission agreed at its meeting of March 26, 1980, to take no action on the application filed by Arizona Electric Power Cooperative and the City of Willcox for rehearing of the Commission's order of February 6, 1980 in this proceeding.

Accordingly, the application is deemed denied under § 1.34(c) of the Commission's Rules of Practice and Procedure. [18 CFR 1.34(c)].

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-10544 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. ER78-229, et al.]

Indiana & Michigan Electric Co., et al.; Order Establishing Principles for Settlement of Fuel Conservation Energy Rate Schedule Proceedings and Providing for Filings

Issued March 26, 1980.

In the matter of Indiana and Michigan Electric Company, *et al.*, Docket Nos. ER78-229, ER78-292, ER78-313 ER78-242, ER79-247, ER79-250 ER79-254, ER79-269; Pennsylvania-New Jersey-Maryland Interconnection, *et al.*, Docket Nos. ER78-107, ER78-108, ER78-109 and ER78-219; Appalachian Power Company, *et al.*, Docket No. ER78-249; Ohio Power Company, *et al.*, Docket No. ER78-252; New England Power Company, *et al.*, Docket No. ER78-335; Dayton Power and Light Company, *et al.*, Docket No. ER79-218; Indiana and Michigan Electric Company, Central Illinois Public Service Company, Docket No. ER80-1; Ohio Power Company, Dayton Power & Light Co., Docket No. ER80-6; Ohio Power Company, *et al.*, Docket Nos. ER79-456.

By order issued May 14, 1979, the Commission consolidated a series of proceedings relating to fuel conservation energy rate schedules and provided for a prehearing conference in order to facilitate establishment of a comprehensive set of interchange arrangements to be used in case of widespread fuel shortages. An initial prehearing conference was conducted on June 5, 1979, and various comments were filed in accordance with procedures established at that conference. On December 19, 1979, an additional conference was held. At the latter conference a procedure was agreed upon to expedite the process of establishing mutually satisfactory fuel conservation energy rate schedules for future application.

On December 21, 1979, the Presiding Staff Officer sent a letter (copy attached as Appendix A) to all parties outlining the procedure agreed to at the December 19, 1979 conference and attaching a draft Statement of Principles on fuel conservation Energy Rates to serve as a basis for establishing rates and terms of service in these dockets.

Nine comments were received in response to the December 21, 1979, letter.[1] The Presiding Staff Officer's report on the preceeding was submitted to the Commission on March 7, 1980, and contains a summary of the responses received. All responses agreed to the draft statement for the most part with some reservations or suggested changes as discussed below. In consideration of the staff's draft statement, the comments received thereon, and the presiding staff officer's recommendations to the Commission, the Commission adopts the Statement of Principles attached as Appendix B to this order as a broad framework under which fuel conservation energy rates may be filed to replace those previously set for investigation.

In order to terminate the various dockets in the existing proceeding, parties shall file within 30 days of the date of this order such modifications and support of existing rate schedules, or such new rate schedules and supporting data, as will comport with the approved statement of principles. New filings will be separately docketed and noticed and in the event they are found to conform to the stated principles and are otherwise just and reasonable they will be accepted for filing to supersede the rates subject to investigation in this proceeding. The appropriate dockets in this proceeding will then be terminated. In the event that superseding filings are not submitted, the filings do not conform to the stated principles, or appropriate cost support is not forthcoming, further procedural orders will be issued to sever the appropriate dockets in this proceeding.

Evaluation of the Comments

Comments were submitted on all four principles circulated to the parties. There was, in addition, a fifth matter raised in our order of May 14, 1979, having to do with the dispatch priority of fuel conservation energy, which matter was not dealt with in the statement of principles.

Transmission

The first principle deals with the appropriate rate for the transmission of fuel conservation energy service. As circulated to the parties, it read as follows:

(1) Rates for transmission of fuel conservation energy shall not contain percentage adders. Instead, the rates shall consist of fixed charges stated on a per-kilowatthour basis and not to exceed annualized fully allocated costs of the transmission system at voltages actually used for transmitting such power. This charge may conver transmission losses, or the rate schedule may provide that the rate shall consist of this fixed charge plus or minus transmission losses.

APS correctly pointed out that the staff draft of this principle should be modified to make it clear that it applies to third party fuel conservation energy transactions structured on a purchase and resale basis. Principle one has accordingly been revised to provide for third party purchase and resale

[1] The following parties submitted comments: Allegheny Power System (APS), Pennsylvania-New Jersey-Maryland Interconnection (PJM), Dayton Power and Light Company (DP&L), New York Power Pool (NYPP), Potomac Electric Power Company (PEPCO), joint comments of Public Systems Group (whose members are listed on Attachment A) and Richmond Power & Light (Public Systems), Illinois Power Company (Illinois Power), the American Electric Power System (AEP) and Central Illinois Public service Company (CIPS).

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transactions as well as transmission transactions.

PJM indicated that rates for transmission of fuel conservation energy should contain an allocated portion of investment costs of bulk power transmission plant, transmission losses, and an allocated portion of administrative and general (A&G) expenses including interconnection office expenses. We agree that verifiable incremental transaction expenses should be recoverable. Fully allocated A&G expenses loaded onto transmission capacity costs, however, should not. By fully allocated costs of the transmission system, we mean transmission capacity costs, including depreciation, return on investment, taxes, and fixed operation and maintenance expenses booked to the transmission accounts.

Public Systems raised three issues with respect to the first principle. The first issue dealt with the kilowatthour base over which the fixed costs of the transmission investment shall be spread. They proposed a method of spreading the fixed cost premised on full utilization of the high voltage transmission system. The second issue raised by Public Systems deals with transmission losses. Here Public Systems proposed that average system losses be utilized to the exclusion of incremental losses. Public Systems' third comment dealt with pancaking of transmission losses over multiple systems. Public Systems indicated that a more equitable and realistic approach would call for the modeling of load flows to determine the transmission losses likely actually to occur during the conduct of a range of fuel conservation transactions over multiple systems and utilize a single average loss rate.

Public Systems' first suggestion—that transmission capacity costs be spread on the basis of transmission capability rather than on transmission load—has considerable conceptual appeal. However, there are substantial practical difficulties in carrying it out. In addition to the problem of defining the precise nature of transmission capability, further difficulties arise from the fact that transmission capability varies considerably over time in accordance with changing generation and transmission constraints imposed upon the system. Therefore, we will not limit the acceptable methods of spreading transmission capacity costs to that suggested by Public Systems.

With regard to Public Systems' second point, although estimated average system losses are permitted under the proposed principles, they will not be required to the exclusion of estimated incremental losses, particularly where incremental losses are determined in a manner consistent with the determination of transmission losses for dispatching purposes,[2] *i.e.*, the losses used to determine the most economic generation available to meet system load. Although the use of a multiple system model should be encouraged to check the reasonableness of the transmission losses being utilized at the time that fuel conservation energy transactions commence, the use of estimated average losses or estimated incremental losses on individual systems are not unreasonable approaches for developing prospective rates, particularly in consideration of the large universe of potential future applications for this service and the varying system configurations that may develop as a result of changed operations due to a fuel shortage.

Finally, we should note that Public Systems' third proposal on the principle dealing with transmission rates is, to a considerable extent, already achieved by the fuel conservation rate schedules under consideration in the consolidated proceeding. The rate schedules already on file are predominantly from utilities in the eastern half of the country. In particular, the major pools involved in the large-scale transactions during both the coal strike and the oil embargo have filed fuel conservation rates *on a pool basis*. Thus the calculation of wheeling charges and transmission losses on a point-to-point basis, as Public Systems requests, and the concomitant avoidance of separate calculations and charges for each utility that might be involved in a long-distance transaction, is to a substantial degree achieved by these filings. We should add that there is no clear theoretical superiority as between system-by-system calculations and point-to-point calculations.

As modified, the first principle is the following:

(1) Rates for transmission (or third party purchase and resale) of fuel conservation energy shall not contain percentage adders. Instead, the rates shall consist of fixed charges stated on a per-kilowatthour basis. The fixed charges shall not exceed, (i) annualized fully allocated costs of the transmission system at voltages actually used for transmitting such power; (ii) incremental transaction costs; and (iii) estimated costs of transmission losses (utilizing either incremental or average percentage losses). In the alternative, the rate schedule may provide that the rate shall consist of the fixed charge based on items, (i) and (ii) plus or minus the cost of transmission losses determined contemporaneously with the transactions based on the cost of generating the energy to make up the losses.

Generation

The principle relating to generation, as circulated to the parties, read as follows:

(2) Similarly, generation rates shall consist of a fixed capacity charge plus incremental energy costs. The rate schedule may provide that the rate shall consist of these two elements plus a fixed adder not to exceed two mills or a percentage energy adder capped at not more than two mills. Capacity charges shall be expressed on a per-kilowatt basis and shall not exceed the annualized costs of the units expected to be employed for the generation of fuel conservation energy, weighted on the basis of relative expected hours of use.

Systems that have a substantial mix of generating facilities using different fuels and that may have different costs depending on the kind of shortage are permitted to file either different rates or different cost support varying with the kind of shortage.

A number of the comments on this principle directly raise questions about the use of fully-allocated costs in general, the type of cost support that will be required, and the types of costs which will be recoverable.

There is some question in our minds as to the appropriateness of using fully allocated costs at all as support for rates for unscheduled and difficult to predict interchange transactions such as these. It is quite unlikely, for example, that any system will actually enlarge or alter its physical facilities so as to provide or be ready to provide fuel conservation energy. Moreover, the service is only available when the supplying system has capacity above that necessary to serve retail and wholesale firm requirement loads. It may well be that a more appropriate conceptual basis for such rates is incremental costs.[3] Nonetheless, rate schedules filed in accordance with these principles will represent a great improvement over existing rate schedules for systems caught by a fuel or energy shortage; and these principles are intended as a basis for, and are in the nature of, a settlement of these dockets. Furthermore, the cost support proffered for every rate schedule under consideration in this consolidated docket included some form of fully allocated costs. Finally, we recognize that the calculation of incremental costs for many aspects of this kind of transaction can be exceedingly difficult. In light of these facts, we have accepted the use of fully allocated capacity costs for the transmission principle, and annualized costs of the units expected to be employed for the generation of fuel conservation energy for the generation principle. By annualized costs we mean depreciation, return on investment, taxes, and fixed operation and maintenance expenses related to the units expected to generate the energy.

PJM also commented that the principle dealing with generation should specifically permit the use of cost-justified adders without arbitrary limit. We have not adopted this suggestion. From a somewhat different perspective, Public Systems questioned the use of any adders. Public Systems stated that any adders that were to be permitted should be both capped and cost-supported (conceding that capped adders were far better for them than the uncapped percentage adders often used before in situations such as those contemplated here).

Two of the justifications for disallowing capped or uncapped adders based on administrative, general, and "unquantifiable" costs as a component of transmission fuel conservation rates do not apply with equal force to generation rates. First, the concern that these charges, while not large in themselves, might aggregate into a significant amount when repeated by many systems, does not arise in connection with the generation charge to be imposed by only one system for a given quantum of energy. Second, generating systems are in fact much more likely than transmitting systems to incur incremental administrative and other non-fuel costs in providing fuel conservation energy, and it may well be quite difficult to quantify such costs. Therefore, we will accept the element of the generation principle which permits an adder not to exceed two mills as a reasonable proxy for incremental transaction costs of generating systems.

The use of the 2 mill/kWh cap is, again, in the nature of a settlement. It is joined, as a package, with the use of fully allocated capacity costs of transmission, and with the fully allocated capacity costs and the incremental running costs of the generating units providing the service. Although this package is a reasonable basis for settlement of these dockets, readjustment of individual components such as the adder would also necessitate reevaluating the reasonableness of the remaining components.

PJM also indicated that no logical or practicable basis exists on which it could literally employ the proposed principle of charging investment cost for units expected to be employed for generating conservation energy weighted on the basis of relative expected hours of use. We do not agree with PJM on this point and believe that reasonable estimates can be made. In this regard, we note that no other major system has raised an objection to this principle. The others apparently believe that reasonable estimates can be furnished to support their filings. We recognize that this involves a judgment concerning the extent to which such estimates can be "reasonable." We believe that the kinds of estimates that are capable of being made by the systems that are parties to this proceeding are fully adequate for these purposes. Along these lines we concur with the statements of APS that the type and degree of support will necessarily vary depending on the mix of generation on the generating system, that the systems may make reasonable assumptions as to the expected utilization of the service, and that historical availability may be considered but is not necessarily determinative in estimating which units will be utilized for the purposes of supplying such energy in the future.

PJM also argues that when it has excess capacity from which to provide conservation energy, it is the total investment in production plant, not just the investment in marginal equipment, which makes the excess available. If PJM were utilizing average energy costs for off-system sales, this argument would have some merit. However, the fuel conservation energy rate schedules, including PJM's, are generally based on replacement fuel costs of the units actually used to provide the service. Native load requirements would generally be met by the large base-load capacity recently added to the system whereas the units providing fuel conservation energy would generally consist of the older, less-efficient units. Logic would dictate utilizing the capital costs associated with such units for the purpose of intersystem pricing when energy charges are based on the costs of the actual units utilized.[4]

Public Systems expressed concern with respect to the inclusion of any fixed cost for generation due to the potential double recovery of such costs. They argue in particular that appropriate credit mechanisms have not been developed to share such costs with the firm full requirements ratepayers, both wholesale and retail.[5] On the latter point, we note that the revenues from such sales are generally an appropriate credit item to the wholesale cost of service and are generally so treated in Commission rate cases. Whether automatic crediting mechanisms should be developed is a matter currently under consideration. Public Systems indicated, however, that if fixed charges are used, they should be tied to the units supplying the service as provided in the principle and that the company should verify that the units will be used. As indicated above, reasonable estimates of the units actually to be used are contemplated under the adopted Statement of Principles and filings made pursuant to this Order will require such cost support when filed.

The generation principle has therefore been modified to read:

(2) In addition to the transmission component as determined above, rates for generation shall consist of (i) a fixed capacity charge, and (ii) incremental energy costs. The rate schedule may provide that the rate shall consist of these two elements plus a fixed adder not to exceed two mills or a percentage energy adder capped at not more than two mills. Capacity charges shall be expressed on a per-kilowatthour basis and shall not exceed the annualized costs of the units expected to be employed for the generation of fuel conservation energy, weighted on the basis of relative expected hours of use.

Replacement Fuel Costs

The principle circulated to the parties was the following:

(3) The rate schedule shall contain a specified methodology for determining the replacement cost of fuel, as well as a specified time period subsequent to the transaction within which corrections of estimates and corrected bills based thereon must be presented to purchasers, unless the purchasers consent to an extension. To the extent possible, calculated fuel costs and replacement fuel costs shall be based upon the units actually used in supplying fuel conservation energy in a particular transaction.

Public Systems objected to the use of replacement fuel cost because purchasers might become liable for

[2] Such losses are generally based on an analog model or computerized transmission matrix and are the utility's estimates of the losses actually occurring on the system which are used to determine optimum generation loadings to produce the lowest delivered cost to the system.

[3] The term "incremental costs" as used later in this order refers to incremental costs as the industry describes them for interchange transactions, not necessarily as an economist would use the term. *See*, section on *Dispatch Priority, infra.*

[4] It is noted that PJM's original filings in this docket were based on its intermediate and peaking capacity and thus recognized this principle.

[5] With regard to transmission, there is some inconsistency between two of Public Systems' comments. Public Systems first state that transmission charges should be calculated on a point-to-point basis. Under this approach, all the utilities providing facilities and service to effect transmission in a particular transaction would, for the purpose of calculating costs and charges, be treated as one large utility. However, the allocation of transmission costs to firm requirements customers is done on a system-specific basis. Thus, to the extent that the pool fuel conservation rate filings accomplish Public Systems' purposes, the "double recovery" problem is greatly reduced, since the capacity costs to fuel conservation customers would be much smaller on a per-unit basis than the allocation to requirements customers.

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charges which are substantially in excess of the cost anticipated at the time of the transaction. Although such after-the-fact billing can produce such results, replacement fuel cost billing nevertheless appears to be the more appropriate rate recovery mechanism for this type of service. The potential inequities to the supplier are great due to the potential risk of subsequent replacement at much higher costs of fuel actually utilized to supply fuel conservation energy service. This is particularly true during times of fuel shortage, when fluctuations in the price of fuels are likely. Such inequities outweigh the benefits of rational economic choice among alternative suppliers that would result from firm prices not subject to adjustment. Best estimates plus subsequent rebilling would appear to be adequate under such circumstances. Detailed specification of the method utilized to calculate the replacement cost as required in the principle will be a sufficient protection for the purchasing system from arbitrary computation of replacement costs. The principle circulated to the parties is therefore adopted without change.

Availability

The principle on availability that the Commission adopts is the following:

(4) The availability clauses for this service contained in the rate schedules at issue in the consolidated docket are satisfactory, even though their wording is quite general. The availability clauses are not construed by the utilities so as to require utilization of these rate schedules when there is merely a rapid increase in the price of a particular fuel. Rather, energy at the specified rate shall become available under these rate schedules only when there is an actual or reasonably anticipated shortage of energy on the purchasing system due to one of the factors listed in the availability clause. The availability clauses also shall not be construed as requiring that the purchasing system exhaust all inventories of a fuel whose supply is short or threatened before such rate schedules shall be employed. In the first instance, the judgment as to whether the criteria for utilization of these rate schedules are met by a particular situation is left to the judgment of the parties to a proposed transaction. However, service under these rate schedules shall not be withheld without good cause. Of course, the Commission has and retains its full authority under the Federal Power Act and its regulations to regulate the actions of public utilities taken pursuant to these rate schedules.

Utilities are, of course, free to conduct transactions under alternatively-applicable rate schedules if, based on data available at the time the transaction is scheduled, this is likely to produce a lower aggregate charge to the ultimate buying system. Where a multi-party transaction is contemplated, the situation of the ultimate buying system (and not of an intervening system participating in the delivery of the energy) is to be determinative of whether the availability criteria in these rate schedules have been met for the purpose of determining the appropriate rate to be charged by each and every utility participating in the transaction.

Many comments were received on the Availability Section of the staff draft Statement of Principles. The Availability Section has been modified in two respects. First, the portions requiring and after-the-fact rate comparison approach to justify the use of rate schedules other than fuel conservation energy have been deleted. In lieu of this we have permitted the use of other rate schedules if they are likely to produce a lower aggregate charge to the ultimate buying system based on data available at the time the transaction is scheduled. Second, the statement that the appropriate charge would be determined by the actual nature of the service provided, rather than by any utility's characterization of its service, has been taken care of by modifying the first principle to make it clear that transmission rates applied to third-party purchase and resale transactions.

Public Systems indicated that the fuel conservation energy service should be available to a utility where the continued operation of its native generation and the replenishment of its fuel supplies would impose economic hardships of such severity as to present an impending detriment to the quality of the service provided by the utility *i.e.* an economic hardship as distinct from a fuel supply problem. Under such circumstances it is not clear that normal rate schedules would not continue to provide the appropriate economic incentive to transact. For example, economy energy rates would continue to provide energy at below the additional cost and may even permit more transactions to occur than would have normally been the case due to the increase in the cost differential between buyers and sellers. In any case, we are advised that none of the utilities attending the second conference—including NEPOOL, which is likely to be adversely affected by the unavailability of fuel conservation energy if the price of oil should take another drastic jump—believed that these rates should or did apply in such circumstances. We will not, therefore, modify the principle as Public Systems suggest. We continue to regard multi-party split-savings transactions as promising at least a partial solution to the very real problem raised by Public Systems, and we would encourage the development of more such arrangements. We will also continue to review the situation with regard to split-savings rate schedules with an eye to possible modifications of these rates where they are applied repeatedly to move energy over a number of systems. *See,* Notice of Proposed Rulemaking, RM79–29, issued April 4, 1979.

Public Systems also believe that the Commission should establish a mechanism for expedited decision of disagreements over applicability and that the purchasing utility should take service under the fuel conservation energy rate pending resolution of the dispute as to availability. We intend to act expeditiously on any requests for resolution of disputes as to the availability of fuel conservation energy. Pending such resolution, however, no authority has been cited that would allow us to require the providing of service by an unwilling seller at fuel conservation energy rates.

Fuel Adjustment Clause Waiver

The fifth principle, as circulated to the parties, was the following:

(5) The advisory staff present at the settlement conference stated that they would recommend that the Commission take action in the order satisfactorily resolving the matters at issue in this docket (and, if appropriate, related dockets) to grant a waiver under §§ 1.7(b) and 35.14(a)(10) of its regulations so as to permit utilities making the ultimate purchase of power under these rate schedules to recover the full price of such purchases through their wholesale fuel adjustment clauses, so long as the purchasers could not purchase more cheaply under other alternatively-applicable rate schedules.

Public Systems do not see the need for pass-through of nonfuel portions of the fuel conservation energy rates through the fuel adjustment clauses. The argue that if it is to be permitted, however, an immediate credit by the selling systems should also be included in the fuel clauses. The appropriate automatic crediting of costs in addition to the fuel costs will be considered in subsequent rulemakings by this Commission. Although the waiver of the current fuel cost regulation is thought to be desirable in order to encourage fuel conservation energy transactions, the crediting issue raised by Public Systems is equally applicable to the treatment of all off-system non-firm sales and is more appropriately handled in a generic proceeding to amend the fuel adjustment clause regulations. We therefore are in substantial agreement with advisory staff's recommendation. However, it is not appropriate to give effect to this proposal by including it in the Statement of Principles. Rather, we will simply here declare that we will regard favorably, and act promptly upon, requests for waiver of our fuel adjustment clause regulations so that the full portion of the purchased power costs allocable to wholesale customers may be recovered from these customers, where the system seeking the waiver is purchasing fuel conservation energy and is able to demonstrate that this purchase was, based upon data known at the time the transaction was carried out, the cheapest power availabile.

Dispatch Priority

The Commission's order setting this matter for a pre-hearing conference provided that it should be made clear what the dispatch priority of fuel conservation energy was as amoung all possible simultaneous interchange transactions. There is no mention of this matter in the Statement of Principles, nor have the rate schedules themselves been modified to indicate the dispatch priority of this service. Therefore, there is no basis at this time for a determination by the Commission of the appropriate priority. We continue to be concerned that vagueness or silence on this point may render meaningless after-the-fact Commission review of utility transactions during the kind of crisis in which these rate schedules would be utilized. We therefore adopt an additional principle to help resolve this matter:

(5) All fuel conservation energy rate schedules shall contain a statement of the dispatch priority to be accorded fuel conservation energy. If the priority is not fixed, but rather varies from time to time or depending upon the particular situation, then the rate schedule shall so state and state, in addition, the criteria by which the dispatch priority of fuel conservation energy is to be determined.

Several of the commentors asked that the Statement contain a clear indication that while such principles are appropriate for the development of a specific rate which has its usefulness in a time of either prospective or actual fuel shortage, they are not a proper basis for developing normal day to day wholesale operations. Without getting into the merits of this contention, it is noted that the Statement of Principles is in the nature of a settlement of these dockets and as such has no binding effect as precedent in other proceedings.

The Commisison Orders:

(A) The Statement of Principles contained in Appendix B is adopted as a reasonable statement upon which fuel conservation energy rates may be designed, filed, and implemented in these dockets.

(B) Within 30 days of the date of this order, the public utilities subject to this proceeding and seeking to comply with the Statement of Principles contained in Appendix B shall file either revised fuel conservation energy rate schedules [to be effective on the date of acceptance by the Commissison) conforming with the Statement of Principles together with supporting data or a statement that such utilities intend to rely on their existing fuel conservation energy rates on file in this proceeding together with supporting data showing that such existing rates conform to the Statement of Principles.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix A—Statement of Principles on Fuel Conservation Energy Rates

(1) Rates for transmission of fuel conservation energy shall not contain percentage adders. Instead, the rates shall consist of fixed charges stated on a per-kilowatthour basis and not to exceed annualized fully allocated costs of the transmission system at voltages actually used for transmitting such power. This charge may cover transmission losses, or the rate schedule may provide that the rate shall consist of this fixed charge plus or minus transmission losses.

(2) Similarly, generation rates shall consist of a fixed capacity charge plus incremental energy costs. The rate schedule may provide that the rate shall consist of these two elements plus a fixed adder not to exceed two mills or a percentage energy adder capped at not more than two mills. Capacity charges shall be expressed on a per-kilowatthour basis and shall not exceed the annualized costs of the units expected to be employed for the generation of fuel conservation energy, weighted on the basis of relative expected hours of use.

Systems that have a substantial mix of generating facilities using different fuels and that may have different costs depending on the kind of shortage are permitted to file either different rates or different cost support varying with the kind of shortage.

(3) The rate schedule shall contain a specified methodology for detemining the replacement cost of fuel, as well as a specified time period subsequent to the transaction within which corrections of estimates and corrected bills based thereon must be presented to purchasers, unless the purchasers consent to an extension. To the extent possible, calculated fuel costs and replacement fuel costs shall be based upon the units actually used in supplying fuel conservation energy in a partiuclar transaction.

(4) The availability clauses for this service contained in the rate schedules at issue in the consolidated docket are satisfactory, even though their wording is quite general. The availability clauses are not construed by the utilities so as to permit utilization of these rate schedules when there is merely a rapid increase in the price of a particular fuel. Rather, energy at the specified rate shall become available under these rate schedules only when there is an actual or reasonably anticipated shortage of energy on the purchasing system due to one of the factors listed in the availability clause. The availability clauses also shall not be construed as requiring that the purchasing system exhaust all inventories of a fuel whose supply is short or threatened before such rate schedules shall be employed. In the first instance, the judgment as to whether the criteria for utilization of these rate schedules are met by a particular situation is left to the judgment of the parties to a proposed transaction. However, service under these rate schedules shall not be withheld without good cause. Of course, the Commission has and retains its full authority under the Federal Power Act and its regulations to regulate the actions of public utilities taken pursuant to these rate schedules.

Utilities are, of course, free to conduct transactions under alternatively-applicable rate schedules if this is likely to produce a lower aggregate charge to the ultimate buying system. Where a multi-party transaction is contemplated, the situation of the ultimate buying system (and not of an intervening system participating in the delivery of the energy) is to be determinative of whether the availability criteria in these rate schedules have been met for the purpose of determining the appropriate rate to be charged by each and every utility participating in the transaction. Similarly, the nature of the service actually provided (*viz.*,) generation or transmission) by each participatnt in a multi-party transaction, rather than a utility's characterization of its part in the transaction as transmission or, alternatively, as a purchase and resale, shall be determinative of the appropriate rate to be applied under these rate schedules (although, as stated above, utilities may employ an alternatively-applicable rate schedule if this would produce a lower charge).

(5) These advisory staff present at the settlement conference stated that they would recommend that the commisison take action in the order satisfactorily resolving the matters at issue in this docket (and, if appropriate, related

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dockets) to grant a blanket waiver under §§ 1.7(b) and 35.14(a)(10) of its regulations so as to permit utilities making the ultimate purchase of power under these rate schedules to recover the full price of such purchases through their wholesale fuel adjustment clauses, so long as the purchasers could not purchase more cheaply under other alternatively-applicable rate schedules.

Appendix B

Transmission

(1) Rates for transmission (or third party purchase and resale) of fuel conservation energy shall not contain percentage adders. Instead, the rates shall consist of fixed charges stated on a per-kilowatthour basis. The fixed charges shall not exceed, (I) annualized fully allocated costs of the transmission system at voltages actually used for transmitting such power; (ii) incremental transaction costs; and (iii) estimated costs of transmission losses (utilizing either incremental or average percentage losses). In the alternative, the rate schedule may provide that the rate shall consist of the fixed charge based on items (i) and (ii) plus or minus the cost of transmission losses determined contemporaneously with the transactions based on the cost of generating the energy to make up the losses.

Generation

(2) In addition to the transmission component as determined above, rates for generation shall consist of (i) a fixed capacity charge, and (ii) incremental energy costs. The rate schedule may provide that the rate shall consist of these two elements plus a fixed adder not to exceed two mills or a percentage energy adder capped at not more than two mills. Capacity charges shall be expressed on a per-kilowatthour basis and shall not exceed the annualized costs of the units expected to be employed for the generation of fuel conservation energy, weighted on the basis of relative expected hours of use.

Replacement Fuel Costs

(3) The rate schedule shall contain a specified methodology for determining the replacement cost of fuel, as well as a specified time period subsequent to the transaction within which corrections of estimates and corrected bills based thereon must be presented to purchasers, unless the purchasers consent to an extension. To the extent possible, calculated fuel costs and replacement fuel costs shall be based upon the units actually used in supplying fuel conservation energy in a particular transaction.

Availability

(4) The availability clauses for this service contained in the rate schedules at issue in the consolidated docket are satisfactory, even though their wording is quite general. The availability clauses are not construed by the utilities so as to require utilization of these rate schedules when there is merely a rapid increase in the price of a particular fuel. Rather, energy at the specified rate shall become available under these rate schedules only when there is an actual or reasonably anticipated shortage of energy on the purchasing system due to one of the factors listed in the availability clause. The availability clauses also shall not be construed as requiring that the purchasing system exhaust all inventories of a fuel whose supply is short or threatened before such rate schedules shall be employed. In the first instance, the judgment as to whether the criteria for utilization of these rate schedules are met by a particular situation is left to the judgment of the parties to a proposed transaction. However, service under these rate schedules shall not be withheld without good cause. Of course, the Commission has and retains its full authority under the Federal Power Act and its regulations to regulate the actions of public utilities taken pursuant to these rate schedules.

Utilities are, of course, free to conduct transactions under alternatively-applicable rate schedules if, based on data available at the time the transaction is scheduled, this is likely to produce a lower aggregate charge to the ultimate buying system. Where a multiparty transaction is contemplated, the situation of the ultimate buying system (and not of an intervening system participating in the delivery of the energy) is to be determinative of whether the availability criteria in these rate schedules have been met for the purpose of determining the appropriate rate to be charged by each and every utility participating in the transaction.

Dispatch Priority

(5) All fuel conservation energy rate schedules shall contain a statement of the dispatch priority to be accorded fuel conservation energy. If the priority is not fixed, but rather varies from time to time or depending upon the particular situation, then the rate schedule shall so state and state, in addition, the criteria by which the dispatch priority of fuel conservation energy is to be determined.

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[Docket No. TA80-2-36 (PGA80-1)]

Mountain Fuel Supply Co.; Order Accepting for Filing and Suspending Proposed Rate Increase Subject to Conditions

Issued March 28, 1980.

On February 29, 1980, Mountain Fuel Supply Company (Mountain Fuel) filed a revised tariff sheet, specifically Tenth Revised Sheet No. 3–A of its F.E.R.C. Gas Tariff Original Volume No. 1, which is to become effective April 1, 1980. The stated purpose of the filing is to revise Rate Schedules X–4, X–5, X–20 to reflect changes in Mountain Fuel's purchased gas costs. The proposed adjustment results in net increases of $.09253/Mcf for Rate Schedule X–4, $1.32153/Mcf for Rate Schedule X–20, and a net decrease of $.00574/Mcf for Rate Schedule X–5.

Public notice of the filing was issued on March 7, 1980, providing for filing of protests and interventions by March 21, 1980. Colorado Interstate Gas Company filed a petition to intervene on March 19, 1980. Having demonstrated an interest in this proceeding which warrants its participation, intervention shall be granted.

Based upon a review of Mountain Fuel's filing, the Commission finds that the proposed tariff sheet has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Mountain Fuel's filing and suspend the effectiveness such that it shall become effective on April 1, 1980, subject to refund and subject to the conditions described below.

Mountain Fuel has not yet filed tariff provisions to implement incremental pricing as required by Order Nos. 49 and 49–A, nor has it filed a request, under Section 502 (c) of the NGPA, for exemption from incremental pricing. As a result, the Commission has determined that the instant rate filing must be suspended subject to Mountain Fuel's filing within 15 days of either (1) tariff provisions to implement incremental pricing, or (2) a request for exemption under Section 502 (c) accompanied by a request for interim relief pursuant to Section 1.41 (m) of the Regulations. The instant rate filing shall be permitted to become effective April 1, 1980, subject to refund, and subject to the outcome of further orders directed to filings implementing incremental pricing. Should the aforementioned condition not be satisfied within the time specified, Mountain Fuel's filing shall be deemed rejected.

In addition, Mountain Fuel's filing reflects purchased gas cost increases pursuant to area rate clauses in contracts between Mountain Fuel and producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79–22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

The Commission Orders:

(A) Subject to the condition of Paragraph (B) below, Mountain Fuel's proposed revised tariff sheet, Tenth Revised Sheet No. 3–A, to its F.E.R.C. Gas Tariff Original Volume No. 1, is accepted for filing and suspended. The tariff sheet shall become effective April 1, 1980, subject to refund.

(B) Within 15 days of the date of this order Mountain Fuel shall file tariff provisions implementing incremental pricing, pursuant to Orders Nos. 49 and 49–A, or a request for an exemption, pursuant to Section 502 (c) of the NGPA. The tariff filing accepted in Paragraph (A) above shall be subject to the Commission's final determination as to Mountain Fuel's incremental pricing provisions. Should the aforementioned condition not be satisfied, within the time period specified, Mountain Fuel's filing shall be deemed rejected.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10545 Filed 4-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. ER79-559 and ER79-560]

Niagara Mohawk Power Corp.; Order Finding Rate Filings To Be Deficient

Issued April 2, 1980.

On July 31, 1979, Niagara Mohawk Power Corporation (Niagara) tendered for filing an unexecuted letter agreement dated February 12, 1979, with the Power Authority of the State of New York (PASNY). The agreement contains proposed rate increases for transmission service to PASNY's municipal and cooperative customers.[1] The unexecuted agreement also specifies various policies and conditions of service concerning delivery of power and energy to municipal and cooperative electric systems now served by Niagara but which elect to purchase full power and energy requirements from PASNY.[2] The proposed rates would increase revenues to Niagara by approximately $3,683,600 (127%) based on the test year ended December 31, 1979. Notices of the filings were issued in both dockets on August 8, 1979, with responses due on or before August 27, 1979.

By letters dated August 15 and October 22, 1979, Niagara's submittals were found not to comply with the Commission's filing requirements. In response to these deficiency letters, Niagara submitted additional cost data on September 18 and November 21, 1979. By letter dated January 22, 1980, the Commission informed Niagara[3] that the proposed rate filing was deficient with respect to Section 35.13 of the Commission's Regulations because Niagara had not shown that PASNY's Board of Trustees had given its approval to the proposed filing.[4]

In its first transmittal letter dated July 27, 1979, Niagara requested that the rates proposed in the unexecuted agreement be made effective as of November 1, 1979. Niagara anticipated that approval of the agreement by PASNY, required to modify the existing rates, would occur by August 30, 1979. In its second transmittal letter filed September 18, 1979, Niagara requested waiver of the Commission's sixty day notice requirement and permission to make the proposed rates effective on November 1, 1979. Niagara's transmittal letter filed November 23, 1979, did not request waiver of the notice requirement but requested only that the Comepany be informed as to an effective date.

In response to the Commission's deficiency letter dated January 22, 1980, Niagara submitted on February 5, 1980, various documents alleged to show that its rate filing is complete and does not require further PASNY approval.

PASNY timely filed a petition to intervene. Petitions to intervene and protests also were timely filed by the Municipal Electric Utilities Association of New York (MEUA)[5] and the Town of Massena, New York. On August 28, 1979, Massena filed an amendment to its pleading of August 27. On February 12, 1980, MEUA filed a response to Niagara's filing of February 5, 1980.

MEUA contends that the letter agreement should not be accepted for filing MEUA states that the agreement is not a valid filing because it was not previously executed by PASNY as is required by the NS–1 and S–6 contracts. MEUA also points to various deficiencies concerning the cost support data submitted by Niagara. In the event the letter agreement is not rejected, MEUA requests that the agreement be suspended for the maximum statutory period and a hearing be held to determine whether the proposed rates are unjust, unreasonable or unduly discriminatory or preferential under Section 205 of the Federal Power Act.

The Town of Massena cites in its petition and protest various allegedly anticompetitive actions of Niagara and suggests that acceptance of the policies and conditions of service contained in the letter agreement might negate any positive effect of the ongoing proceedings in Docket No. E–9565. Massena alleges these conditions are unduly restrictive, unjust and unreasonable and should be rejected. Alternatively, Massena requests that a hearing be held concerning these provisions. In the August 28 amendment to its petition to intervene, Massena objects to additional language in the proposed letter agreement that it claims could allow Niagara to avoid its responsibility to give assurance of adequate transmission capacity for the wheeling of PASNY power to Massena.

Discussion

Niagara's initial transmittal letter dated July 27, 1979, acknowledges the necessity of approval being given by PASNY's Trustees before rates can go

[1] PASNY supplies the energy and power requirements of certain of its customers from the St. Lawrence and Niagara hydroelectric projects. This energy is delivered to PASNY's customers by Niagara at various voltage levels under the terms of Niagara's FERC Rate Schedule Nos. 18 and 19 (PASNY Contracts S–6 and NS–1, respectively). The transmission rates charged by Niagara are negotiated and paid by PASNY which in turn is reimbursed by its customers.

[2] Niagara has also indicated that the proposed rates will be applicable to any transmission by Niagara of power and energy from the Fitzpatrick Nuclear Plant to PASNY's customers under Niagara's FERC Rate Schedule No. 95 (PASNY's UD–5 contract). This contract provides for the transmission rate specified in the NS–1 contract. *See* Attachment A for rate schedule designations.

[3] A copy of the deficiency letter was also mailed to PASNY.

[4] Article XI of the NS–1 contract and Article XIII of the S–6 contract establish the rates at which PASNY compensates Niagara for the transmission and delivery of electric power and energy. These articles require that charges for transmission service "shall be subject to modification at such time upon *mutual agreement*." (Emphasis added).

[5] The MEUA is an organization of municipally owned electric utilities and rural electric cooperatives. Each member utility is qualified to receive a preference and priority for hydroelectric power generated by PASNY. Most of the members meet their electric requirements from either the Niagara or St. Lawrence Projects.

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into effect. That letter states that at a meeting held June 20, 1979 (*see* footnote 6, *infra*), the Trustees took "the *initial step required* for approving this agreement" (emphasis added) by directing that a notice of the proposed rate change be published in the State Register. Niagara's transmittal letter then states:

> The copy of the agreement included with this filing has not been signed by PASNY. On June 20, 1979, the PASNY Trustees took the initial step required for approving this agreement. The first step, required by the New York State Administrative Procedure Act, calls for publishing a notice of the intended revision in the New York State Register.
>
> Upon expiration of a 21 day period the Trustees can then take the second step, this being to authorize execution of the agreement by their Executive Director. *This authorization will likely take place at their August 30, 1979 meeting.*
>
> Concurrent with the posting in the State Register, PASNY is notifying each of its municipal and cooperative customers of the impending increase in wheeling charges. PASNY's contracts, with its customers, require that such notice be given 120 days prior to enactment.
>
> To allow time for the above actions to be completed, *we request that November 1, 1979 be designated as the effective date of this agreement. A copy, signed by PASNY, will be forwarded to your Commission prior to that date.* (Emphasis supplied.)

To date, Niagara has not submitted a signed copy of the agreement or other evidence that PASNY's Trustees have taken the "second step" to publicly approve the proposed rate change filing.

As noted, Niagara responded to the deficiency letter by submiting on February 5, 1980, various items relating to PASNY's consideration of the proposed February 12, 1979, letter agreement. Niagara states that each document was either authorized by or prepared at the request of PASNY, and that the documents therefore demonstrate that PASNY has by its actions evidenced full support and acceptance of the terms and conditions of the February 12, 1979, letter agreement. On this basis, Niagara contends that its proposed filing is not an impermissible unilateral rate change filing.

However, we have reviewed the documents submitted by Niagara on February 5, 1980, and we are not persuaded that they reflect the approval by PASNY's Board of Trustees of Niagara's rate filing. We note that all these documents are dated prior to the date, of Niagara's initial transmittal letter in these dockets, July 27, 1979.[6] The documents relate primarily to the notice that must be given by PASNY *prior* to its Trustees' taking action with regard to the *proposed* letter agreement that was negotiated by its Staff. None provides evidence of the "second step" of PASNY approval.

Accordingly, we find that Niagara has not cured the deficiency specified in our letter of January 22, 1980. Before further action can be taken concerning the filing, satisfactory evidence of PASNY's mutual agreement must be submitted. Until the requisite PASNY agreement is obtained, Niagara's recourse is to request an investigation of its transmission service rates under the standards of *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); and *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

The Commission orders:

(A) Niagara Mohawk Power Corporation's rate change proposal tendered for filing on July 31, 1979, is found to be deficient.

(B) Docket Nos. ER79–559 and ER79–560 are hereby consolidated.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

Attachment A

Niagara Mohawk Power Corporation

Designated as: *Niagara Mohawk Power Corporation.*

(1) Supplement No. 1 to Rate Schedule FPC No. 18.

(2) Supplement No. 1 to Rate Schedule FPC No. 19.

[FR Doc. 80–10547 Filed 4–7–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–116]

Niagara Mohawk Power Corp.; Order Accepting for Filing and Suspending Proposed Transmission Rate and Establishing Procedures

Issued April 2, 1980.

On December 3, 1979, Niagara Mohawk Power Corporation (Niagara) submitted for filing as an initial rate under section 35.12 of the Commission's regulations an agreement with the Village of Lake Placid, New York, dated July 11, 1979. Under the terms of the agreement, Niagara would build a 115kv transmission line from its Lake Colby substation to Lake Placid at a cost of about $3 million. The new line was required so that Niagara could provide additional transmission capacity and increase its transmission delivery voltage for the delivery of additional power and energy purchased by Lake Placid from the Power Authority of the State of New York (PASNY). In exchange for the construction of the new 115kv line, Lake Placid has agreed to pay Niagara $700,000 as a contribution in aid of construction. Lake Placid has also agreed to pay an increased rate for the delivery of power and energy.[1]

In part, the Niagara-Lake Placid agreement states:

> Niagara Mohawk shall construct, operate and maintain the transmission line and provide transmission service to the Village pursuant to the proposed revision of the existing transmission agreement between Niagara Mohawk and the Power Authority of the State of New York ("PASNY") which agreement sets the conditions of service and the rate at which Niagara Mohawk may charge PASNY for carrying power over its lines to serve the municipal and cooperative customers of PASNY.
>
> In the event that the aforesaid agreement is not finalized by the time of energization of the said transmission line, then the Village agrees to pay Niagara Mohawk for transmission service according to the provisions of Niagara Mohawk's proposed letter of agreement dated February 12, 1979, copy of which is attached hereto.[2]

The proposed revised transmission agreement between Niagara and PASNY, referred to above, was first submitted for filing by Niagara on July 31, 1979, in Docket Nos. ER79–559 and ER79–560. That agreement contains proposed rate increases for transmission service to PASNY's municipal and cooperative customers. It also specifies various terms and conditions of service concerning delivery of power and energy to municipal and cooperative electric systems now served by Niagara but which elect to purchase power and energy requirements from PASNY.

Niagara requests that the Commission waive its rules with regard to prior notice to allow the Lake Placid agreement to become effective as of November 28, 1979, the date on which the transmission line was expected to be energized. Notice of the Lake Placid agreement was issued on December 10, 1979, with responses due on or before December 28, 1979. No responses were received.

By letter dated January 29, 1980, Niagara was informed by the Commission that a filing date would not be assigned to the Lake Placid agreement until deficiencies in the ER79–559 and ER79–560 filings were cured.[3] On February 11, 1979, Niagara filed its response and stated that differences existed between those two dockets and the instant docket that would permit the assignment of a filing date to the Lake Placid agreement. In particular, Niagara states:

> In other words, unlike the latter dockets [ER79–559 and ER79–560], the instant docket [ER80–116] has the contractual agreement of the municipal customer to the proposed rates
>
> * * *

Discussion: The Niagara-Lake Placid agreement was submitted as an initial rate schedule under section 35.12 of the Commission's regulations. However, the Commission finds that the proposed contract constitutes a change in rates.[4]

The service to be provided under the proposed Lake Placid contract is that specified in the proposed revision to the existing PASNY-Niagara contract (i.e. PASNY's S–6 contract) as tendered for filing by Niagara in Docket Nos. ER79–559 and ER79–560. Further, as Niagara itself states, the service provided under the existing S–6 contract is fundamentally the same as under the proposed revised S–6 contract.[5] Thus, the service to be provided under the proposed Lake Placid contract is fundamentally the same as that which Niagara now provides for Lake Placid's benefit under the existing S–6 contract. The only difference is that under the S–6 contract PASNY now pays Niagara for the transmission service that is provided and is reimbursed by Lake Placid, while under the proposed Lake Placid contract, Lake Placid would pay part of the transmission rate directly to PASNY. We also note that Niagara anticipates that later Lake Placid will again make all payments directly to PASNY.[6]

Our review of Niagara's submittals in this docket indicates that the proposed rate change has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Based in this review, we shall accept Niagara's proposed rate in Docket No. ER80–116 for filing, suspend its effectiveness for one day and permit it to become effective as of November 28, 1979, subject to refund.[7] Further, we shall require that an evidentiary hearing be held to determine the justness and reasonableness of the proposed contract.

The Commission orders:

(A) Waiver of the Commission's notice requirement under Section 35.11 of the regulations is granted.

(B) The proposed Lake Placid contract is accepted for filing and suspended for one day to become effective as of November 28, 1979, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by § 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of Niagara's proposed rates.

(D) Staff shall serve top sheets in the proceeding on or before June 5, 1980.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within 10 days of the serving of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–10546 Filed 4–7–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. TA80–1–59]

Northern Natural Gas Co.; Purchased Gas Cost Adjustment Rate Change

April 1, 1980.

Take notice that on March 24, 1980, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Second Substitute Eleventh Revised Sheet No. 4b.

Second Substitute Twelfth Revised Sheet No. 4b.

Such substitute tariff sheets reflect the elimination of the $.0080 storage surcharge previously included in Northern's 1979 year end PGA effective December 27, 1979. Northern has eliminated this storage surcharge pursuant to its letter agreement with Union Gas Limited of Canada (Union) dated March 17, 1980, which terminated the Union Gas Purchase Agreement.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petiton to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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[1] Lake Placid buys its power and energy from PASNY. The power is delivered to Lake Placid under the terms of an agreement between PASNY and Niagara. *See* Niagara's FERC Rate Schedule No. 18, PASNY's S–6 contract. Under the S–6 contract, the transmission rates charged by Niagara are negotiated and paid by PASNY which in turn is reimbursed by Lake Placid.

[2] Niagara's transmittal letter filed on December 3, 1979 in this docket explains this provision of the contract as follows:

> The Village [Lake Placid] makes current payments to PASNY and would continue to do so, making those payments at the existing rates. The amounts due related to the increased rates would be paid directly to Niagara. After final determination in this proceeding and in Docket Nos. ER79–559 and ER79–560, the Village would again make all payments directly to PASNY.

[3] Niagara's filings in Docket Nos. ER79–559 and ER79–560 were found deficient with respect to Section 35.13 of the Commission's regulations because evidence had not been provided by Niagara of the requisite contractural consent to the filings by PASNY's Board of Trustees.

[4] Determinations as to the character of the Lake Placid agreement are within the Commission's technical expertise. *See, Florida Power & Light Company* v. *F.E.R.C.*, Nos. 78–2249 and 78–2302, —— F. 2d —— (D.C.Cir. January 24, 1980).

[5] We note that on July 31, 1979, Niagara filed its proposed rate in Docket No. ER79–559 and ER79–560 as a change in rates under Section 35.13 of our regulations.

[6] *See* footnotes 1 and 2, *supra.*

[7] Accordingly, we grant waiver of our notice requirement under Section 35.11 of the regulations. The cost support (as supplemented) provided by Niagara Mohawk in Docket Nos. ER79–559 and ER79–560 shall be incorporated by reference in the instant docket under Section 35.19 of the Commission's regulations. Thus, Niagara's filing in this docket is found to be in substantial compliance with our filing regulations.

[6] The first item submitted by Niagara consists of portions of the minutes of a meeting of PASNY's Trustee's held on June 20, 1979. The minutes reflect the passage of a resolution directing that a notice be published in the State Register concerning a *proposed* action of the trustees concerning the transmission rates. A certification submitted with the June 20 minutes, dated January 29, 1980, and signed by PASNY's Secretary, states that no other action has been taken by PASNY in connection with this matter. The second item is PASNY's letter to the State Register, dated July 3, 1979, requesting the publication of PASNY's notice. The third item is a copy of the notice that appeared in the State Register on July 25, 1979. The fourth item is a letter dated July 2, 1979, sent to PASNY's customers informing them of the proposed rate change.

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with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10540 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-37 (GRI80-1, PGA 80-2, IRP80-1)]

Northwest Pipeline Corp.; Compliance Filing

April 1, 1980.

Take notice that Northwest Pipeline Corporation (Northwest), on March 19, 1980 tendered for filing a letter in response to the Commission's order in the above-captioned proceeding which order required Northwest to file data to demonstrate that the prices payed for company owned and affiliate production do not exceed the amount paid in comparable first sales between persons not affiliated with Northwest as required by Subsection 601(b)(1)(E) of the Natural Gas Policy Act of 1978.

Northwest states that its original filing in these proceedings contained detailed information sufficient to establish that the purchases from company owned and affiliate production meet the affiliated entities test set forth in Section 601(b)(1)(E) of the NGPA and provides illustrations in support of its statement. It further states that in compliance with ordering paragraph (c) of the Commission's order issued December 28, 1979 that under all cases, the prices paid for company-owned and affiliate production do not exceed the amount paid in comparable first sales between persons not affiliated with Northwest.

Northwest requests that if the Commission finds the information contained in its letter satisfies the conditions set forth in ordering paragraphs (A), (B) and (C) of the Commission's order issued December 29, 1979 that the Commission make effective without condition Northwest's twenty-fifth Revised Sheet No. 10 and Original Sheet No. 10–B effective January 1, 1980.

Any person desiring to be heard or to protest said filing should file a protest or response with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All such protests or responses should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10560 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-38 (PGA80-2)]

Oklahoma Natural Gas Gathering Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund, and Initiating Hearing

Issued April 2, 1980.

On March 3, 1980, Oklahoma Natural Gas Gathering Corporation (ONGG) filed revised tariff sheets [1] reflecting increased purchase gas costs of approximately $0.1850 per Mcf. ONGG also filed an incremental pricing surcharge, but failed to include a report of the total maximum surcharge absorption capability (MSAC) for its system. An accurate report of system MSAC is required for an assessment of the appropriateness of the surcharge. Further, this surcharge allocates all incremental costs to only one of ONGG's customers, Cities Service Gas Company. ONGG requests waiver of Commission notice requirements to permit the increase to become effective April 1, 1980.

The appropriateness of neither the amount nor the allocation of incremental costs on the ONGG system has been established in this filing. Based upon a review of ONGG's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discrminatory or otherwise unlawful. Accordingly, the Commission shall accept ONGG's filing, grant waiver of the 30-day notice requirement and suspend the effectiveness of the proposed rates such that they shall become effective April 1, 1980, subject to refund, and set the matter for hearing.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by ONGG.

(B) Pending hearing and decision, ONGG's Twentieth Revised Sheet, PGA–2, to FERC Gas Tariff, Original Volume No. 1 is accepted for filing and suspended, and waiver of the notice requirements is granted such that the filing shall be effective April 1, 1980, subject to refund.

(C) ONGG shall file its case-in-chief on or before May 2, 1980.

(D) The Commission Staff should prepare and serve its Statement of Position on all parties on or before June 17, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of the Statement of Position by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever or dismiss), as provided for in the Rules of Practice and Procedure.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10551 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-85-M

[1] Twentieth Revised Sheet, PGA–2 to FERC Gas Tariff, Original Volume No. 1.

[Docket No. TA80-2-40 (PGA80-1)]

Raton Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Subject to Conditions, and Granting Waiver

Issued April 2, 1980.

On March 6, 1980, Raton Natural Gas Company (Raton) filed a revised tariff sheet [1] reflecting increased purchased gas costs and a surcharge adjustment increase. The proposed effective date is April 1, 1980.

The filing provides for a commodity rate increase of 15.32 cents per Mcf and a demand increase of 4.0 cents per Mcf to reflect (1) a 17.43 cents per Mcf increase ($170,704) in the cost of gas purchased from Colorado Interstate Gas Company (CIG), its only supplier, and (2) a 3.75 cents per Mcf decrease in the surcharge (from negative 15.32 cents to a negative 19.07 cents per Mcf) to reflect overcollections of purchased gas costs of $55,058. Raton requests waiver of notice requirements to permit the proposed tariff sheets to become effective April 1, 1980.

Based upon a review of Raton's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Raton's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on April 1, 1980, subject to refund and subject to the conditions described below.

Raton's filing tracks CIG's higher alternative rates filed in Docket No. TA80–2–32 proposed to be effective April 1, 1980 as opposed to CIG's lower alternative rates.[2] However, the Commission accepted CIG's lower alternative rates, also proposed in Docket No. TA80–2–32, effective April 1, 1980. Accordingly, Raton's instant filing is conditioned on Raton's refiling rates reflecting the proper supplier rates.

Finally, Raton has not filed tariff provisions to implement incremental pricing provisions of Title II of the Natural Gas Policy Act of 1978 (NGPA), as required by Order Nos. 49 and 49–A; nor has it filed, in the alternative, a section 502(c) of the NGPA request for exemption from incremental pricing accompanied by a request for interim relief filed pursuant to Section 1.41(m) of the Regulations. Accordingly, the Commission's acceptance of this increase is further conditioned upon Raton's filing within 15 days either tariff provisions to implement incremental pricing or a section 502(c) request for exemption. Should Raton not comply with either of the aforementioned conditions within the time specified, the filing shall be deemed rejected.

The Commission Orders:

(A) Raton Natural Gas Company's proposed Twenty-First Revised Sheet No. 3a to F.E.R.C. Original Volume No. 1, filed March 6, 1980, is accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective April 1, 1980, subject to refund, and subject to the conditions enumerated in the body of this order and the ordering paragraphs below.

(B) Raton shall file within 15 days of the issuance of this order either tariff provisions to implement incremental pricing or a section 502(c) request for exemption therefrom, accompanied by a request for interim relief filed pursuant to Section 1.41(m) of the Regulations. Final acceptance of the PGA rate adjustments is subject to the outcome of this filing. Should Raton not comply with either of the aforementioned conditions within the time specified, the filing shall be deemed rejected.

(C) Raton shall within 30 days of the issuance of this order, refile rates to be effective April 1, 1980, reflecting the proper supplier rates.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10552 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-85-M

[1] Twenty-First Revised Sheet No. 3a to FERC Gas Tariff, Original Volume No. 1.

[2] The lower alternative rates reflect the following rate filings from these CIG suppliers: Northwest Pipeline Corp., Docket No. TA80–2–37; Mountain Fuel Supply Company, Docket No. TA80–2–36; McCulloch Interstate Gas Corp., Docket No. TA80–2–47; and Western Transmission Corp., Docket No. TA80–2–57.

[Docket No. ES80-39]

St. Joseph Light & Power Co.; Application

April 2, 1980.

Take notice that on March 24, 1980, St. Joseph Light & Power Company (Applicant) filed an application seeking authority to issue up to $20,000,000 aggregate principal amount of short-term debt to be issued not later than June 1, 1981, with maturities not later than 360 days thereafter. Applicant is incorporated under the laws of the State of Missouri with its principal business office at St. Joseph, Missouri.

The proceeds will be used primarily to finance Applicant's construction program and finance other corporate purposes.

Any person desiring to be heard or to make any protest with reference to the application should, on or before April 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10553 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC79-139]

Texas Eastern Transmission Corp.; Order Approving Settlement

Issued April 2, 1980.

The settlement we approve here relates to Texas Eastern's curtailment plan. It provides for continuation through at least September 1, 1981 of an earlier measure taken by Texas Eastern to implement Section 401(a) of the Natural Gas Policy Act of 1978 (the "NGPA") for its system rather than resorting to more formal procedures at this time.[1]

The Commission, as part of the NGPA Section 401 implementation process, promulgated an interim rule March 6, 1979 which required pipeline tariff filings stating that, upon request, relief would be provided from curtailment for high priority and essential agricultural users during the period April 1, 1979 through October 31, 1979.[2] We then issued our permanent rule May 2, 1979.[3] The settlement proposes to continue

[1] Prior to April 1, 1979, when its first NGPA tariff filing became effective, note 2 *infra*, Texas Eastern was curtailing pursuant to an interim settlement plan approved in *Texas Eastern Transmission Corporation*, Opinion No. 787, Docket Nos. RPI 71–130, *et al.* (issued January 28, 1977). Opinion No. 787 and an Opinion No. 787–A, June 1, 1977, remanded certain issues pertaining to the settlement for hearing and initial decision recommending that the interim plan be adopted as a permanent plan is now pending on exceptions. The instant settlement provides for continuation of Texas Eastern's pre-NGPA curtailment procedures as modified to implement NGPA Section 401. Two customers, Elizabethtown Gas Company and Consolidated Edison Company of New York, Inc., objected to the settlement addressed in Opinion No. 787 and have filed exceptions to the ALJ's decision following remand. Elizabethtown also sought judicial review of the Opinion 787 series and its petition, which Con Edison supports, is presently pending before the U.S. Court of Appeals for the D.C. Circuit.

While reflecting the same general orientation, the positions of these two parties toward the instant NGPA settlement differ significantly. Con Ed does not object to the Commission approving the settlement provided the settlement is not "interpreted as [requiring] a waiver [by Con Ed] of its rights to continue its objection to the underlying end-use data." Con Ed Answer, September 19, 1979 at 2. We do not read the settlement as requiring the waiver about which Con Ed has expressed concern nor has any party asserted that it should be given that effect. Elizabethtown, like Con Ed, does not challenge the settlement on its merits. But, unlike Con Ed, Elizabethtown asserts we lack the power to proceed with implementation of the NGPA on this system because of the prior pending Court appeal. We cannot agree that implementation of this Congressionally directed action should be deferred. We note, in addition, that the consequence of our action here is to merely extend the effectiveness of Texas Eastern's earlier NGPA filing which became effective April 1, 1979 to which Elizabethtown registered no objection. Under these circumstances, and absent a challenge on the merits, we treat this settlement as an uncontested one.

[2] See *Interim Regulation for the Implementation of Section 401 of the Natural Gas Policy Act of 1978*, Interim Curtailment Rule, Docket No. RM79–13 (issued March 6, 1979). We approved Texas Eastern's filing in response to the interim rule in *Alabama-Tennessee Pipeline Company, et al.*, Order Accepting Tariff Sheets, Docket No. TC79–51, *et al.* (issued March 30, 1979).

[3] Final Regulation for the Implementation of Section 401 of the Natural Gas Policy Act, Order No. 29, Final Rule, Docket No. RM79–15, 18 CFR Part 281 (Issued May 2, 1979). The final deadlines in Order No. 29 were amended by Order Nos. 29–A, 44 FR 37499 (June 27, 1979) and 29–B, 44 FR 45622 (August 6, 1979). Order No. 29–C, Order Amending Regulation, Granting in Part and Denying in Part Petitions for Rehearing and Motions for Clarification, Denying Motion for Oral Argument, and Denying Motions to Waive Regulations and Accept Late-filed Petitions, was issued October 22, 1979.

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Texas Eastern's interim rule tariff in effect [4] in lieu of compliance with the extensive requirements [5] of Order No. 29. We agree that this is appropriate.

Texas Eastern's existing procedure has worked well thus far [6] and we expect will continue to do so unless the pipeline's supplies decline, an eventuality which the settlement also addresses.[7] In sum, the settlement appears to achieve Congress's goals [8] with the economy which we have previously praised.[9] we find therefore that the settlement satisfactorily implements Section 401(a) of the NGPA and that, under these circumstances, it would be inequitable to require compliance with Order No. 29. Accordingly, we will grant the requested adjustment to Order No. 29 and approve the settlement.

The Commission Finds and Orders:

(1) The Stipulation and Agreement proposed by Texas Eastern September 10, 1979, as clarified herein, implements NGPA Section 401(a) to the maximum extent practicable, and is consistent with the objectives of Commission Order Nos. 29, 29–A, 29–B, and 29–C.

(2) In order to prevent inequity, Texas Eastern is hereby granted an adjustment in accordance with NGPA Section 502(c), exempting it from the application of Commission Order Nos. 29, 29–A, 29–B, and 29–C to the extent that those orders require Texas Eastern to file tariff sheets and an index of entitlements with respect to high priority and essential agricultural uses.

(3) The September 10, 1979 Stipulation and Agreement, as clarified herein, is hereby approved.[10] Texas Eastern shall file tariff sheets implementing the Stipulation and Agreement within 10 days of issuance of this order. These tariff sheets shall include provisions with respect to the Commission's alternative fuel rule, Order No. 55.

(4) The Commission's approval of this settlement shall not constitute approval of or precendent regarding any principle or issue in this proceeding.

(5) Those parties filing intervention requests in either Docket Nos. TC79–117 or TC79–139 are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided, that their participation shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and further provided, that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission. Chairman Curtis was present and not voting.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10554 Filed 4-7-80; 8:45 am]

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[4] Pending our consideration of the settlement, the Director of the Office of Pipeline and Producer Regulation granted an interim adjustment excepting Texas Eastern from further compliance with Order No. 29 on the condition that the company continue to operate its curtailment plan in accordance with the interim Curtailment Rule until otherwise ordered. *Texas Eastern Transmission Corporation*, Order of the Director, OPPR Granting Interim Relief and Staying Proceeding, Docket No. SA80–6 (issued October 31, 1979).

[5] In brief, Order No. 29 requires most interstate pipelines to establish two priority classifications in their curtailment plans conforming to the statutory definitions of high priority and essential agricultural users. Volumes attributable to these uses are to be determined based on data provided by the pipeline customer or the end-user and, ultimately, are to be reflected in the pipeline's tariff in the form of an index of entitlements. Order No. 29 provides for the establishment by each pipeline of a Data Verification Committee (DVC) as an adjunct to the data collection process to aid in resolving any data management problems that might arise. The culmination of this process—the tariff filing by the pipeline—was set for November 1, 1979.

[6] Texas Eastern's motion of September 10, 1979 at 4, recites that it had received no requests for relief through that time and we know of none since.

[7] Articles II of the settlement provides for notice by Texas Eastern and the convening of settlement conferences if it files a Form 16 with the Commission projecting an annual supply level below 865 million dekatherms. Nabisco filed comments in Docket No. TC79–917 (in which the settlement was originally filed by Texas Eastern; or Notice of September 28, 1979 opened Docket No. TC79–130) suggesting that supplies be projected on a monthly basis and settlement conferences convened "if projecteed supplies fall below the monthly equivalent of 865 million dekatherms." We do not find this necessary. Instead responsive replies by Texas Eastern to reasonable requests initiated by Nabisco through its distributor for periodic supply information should be adequate.

[8] General Motors Corporation reminds us that Congress's intent was to award a preference only to essential agricultural users, not necessarily for agricultural boiler fuel use. It asks that the Commission clarify the settlement to make it clear that the product of the rulemaking in Docket No. RM79–40 is applicable to it. See Order No. 55, Interim rule—Determination of Alternative Fuels for Essential Agricultural Users, Docket No. RM 79–40, 18 CFR 281.301 *et seq.* (issued October 26, 1979). No one has objected to this request. Accordingly, Texas Eastern will make the necessary filings to indicate the applicabilty of this rulemaking.

[9] In upholding the Transco settlement over some objection we said (in part):

[W]e encourage others to consider the settlement device as a means of resolving the difficulties encountered generally in the curtailment area and specifically, implementation of the NGPA. Settlements are in the public interest as has long been recognized. They were encouraged by the Federal Power Commission and played a significant role in its regulation under the Natural Gas Act. We will continue this policy in our administration of the NGPA, approving those settlements which promise, with economy, to satisfy Congressionally mandated goals. *Transcontinental Gas Pipe Line Corporation*, Order Denying Rehearing, Docket No. RP 72–99 (issued August 2, 1979), mimeo at 9–10.

Order No. 32 also emphasized these same considerations. See Procedure For Submission of Settlement Agreements, Docket No. RM78–16, Final Rule, (preamble, pp. 2–3) (issued June 13, 1979).

[10] Docket No. SA80–6 is hereby terminated.

[Docket No. ER80–167]

Washington Water Power Co.; Order Setting Matter for Investigation and Hearing

Issued April 2, 1980

On January 3, 1980, Washington Water Power Company ("WWP") filed with the Commission a proposed amendment to the Pacific Northwest Coordination Agreement ("the agreement"). The amendment would increase the rates for interchange capacity and energy "imbalances" among the parties to the agreement. WWP requests Commission approval of the amendment in accordance with the terms of the agreement.

The Northwest Coordination Agreement

The agreement provides for the coordinated operation of the electric systems of 15 participant utilities [1] in order to make the maximum possible use of hydroelectric capacity in the Pacific Northwest. To this end the agreement provides for both the sale and exchange of hydroelectric and thermal capacity and energy and for the storage of water for hydroelectric generation. Section 14(j) of the agreement provides that the parties may agree to amend the charges specified in the agreement and that, if the parties cannot agree, the parties subject to Commission jurisdiction with respect to such charges [2] shall submit the matter to the Commission for determination of charges to become effective thereafter. Section 14(j) further provides that the other nonjurisdictional parties agree that they will be bound by the Commission's determination and that the charges shall become effective prospectively at the beginning of the contract year following the Commission's determination.

By letter dated June 27, 1979, one of the parties to the agreement, the Bonneville Power Administration ("BPA"), requested the other parties to review the charges and provisions for interchange capacity and energy supplied among the parties. However, the parties have been unable to agree on any changes. Accordingly, WWP filed the proposed amendment that initiated this docketed proceeding.[3]

The Proposed Amendment

Section 14 of the agreement specifies charges for numerous services. WWP proposes to increase the charges for only two of the services: (1) the rates for interchange capacity imbalances, and (2) the rates for interchange energy imbalances.

The agreement now provides that interchange capacity imbalances be paid for at the end of the contract year at the rate of 27¢/kW per week. WWP proposes that the Commission change this rate to 38¢/kW per week.

The agreement now provides that interchange energy imbalances be paid for at the rate of 3.5 mills/kWh when supplied from hydroelectric sources and the greater of 3.5 mills/kWh or incremental cost,[4] plus 3.0 mills/kWh, when supplied from thermal sources. WWP proposes to change these rates to 4.5 mills/kWh when supplied from hydroelectric sources and the greater of 4.5 mills/kWh or incremental cost, plus 3.0 mills/kWh, when supplied from thermal sources.

Public notice of the filing was issued on January 8, 1980, with comments, protests, or petitions to intervene due by January 28, 1980. Nine of the ten parties to the agreement which are not subject to Commission jurisdiction filed petitions to intervene.[5]

The Eugene Water & Electric Board, the Cowlitz County Public Utility District No. 1, and the Pend Oreille County Public Utility District No. 1 state that BPA originally proposed changes in all rates under section 14. These petitioners argue that charges for capacity and energy imbalances cannot be isolated from the other charges contained in the agreement and that the Commission should consider all charges under section 14. Furthermore, the Eugene Water & Electric Board specifically requests that the rates proposed by WWP be disapproved.

The cities of Seattle and Tacoma object to the use of separate rates for hydroelectric and thermal-produced energy imbalance payments. They request that the Commission disapprove the rates proposed by WWP, order a hearing, and establish a uniform rate for all energy imbalances.

WWP's proposed amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Because the rates under the agreement cannot be changed until after the Commission has determined an appropriate charge, we shall order that an investigation and hearing be held, under sections 205 and 206 of the Federal Power Act, to determine the appropriate rate to be charged after a final commission order. Furthermore, because some of the parties have raised the question of whether all rates under the agreement should be considered, we shall direct the presiding administrative law judge to determine the appropriate scope of the hearing at the initial prehearing conference in this proceeding.

The Commission orders:

(A) WWP's rates are accepted for filing under section 205 to become effective upon final Commission order.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Commission by, section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, specifically section 206, and by the Commission's Rules of Practice and Procedure and its Regulations Under the Federal Power Act (18 CFR, ch. I (1979)), a public hearing shall be held concerning the justness and reasonableness of the rates for interchange capacity imbalances and interchange energy imbalances specified in the Pacific Northwest Coordination Agreement, and such other rates specified therein as the designated presiding administrative law judge shall determine to be properly within the scope of this proceeding.

(C) The nine parties listed in footnote 5, above, are permitted to intervene in this proceeding subject to the Commission's Rules and Regulations. Participation of these intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions to intervene. The admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference, to be held within 30 days of the issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10555 Filed 4-7-80; 8:45 am]

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[1] The 15 parties include investor-owned utilities, federal agencies, public utility districts, and municipalities.

[2] There are five parties who are subject to the Commission's rate jurisdiction: Puget Sound Power & Light Company, Portland General Electric Company, Pacific Power and Light Company, Washington Water Power Company, and Montana Power Company.

[3] Notices of concurrence were filled by each of the other utilities subject to Commission jurisdiction.

[4] Incremental cost includes, but is not limited to, fuel costs, maintenance costs, and start up and shut down costs of thermal electric plants.

[5] The nine parties which filed petitions to intervene are: Bonneville Power Administration, Eugene Water & Electric Board, city of Seattle, city of Tacoma, Grant County Public Utility District No. 2, Chelan County Public Utility District No. 1, Pend Oreille County Public Utility District No. 1, Douglas County Public Utility District No. 1, and Cowlitz County Public Utility District No. 1.

[Docket Nos. ER80–38 and ER80–121]

West Texas Utilities Co.; Order Granting Rehearing for the Limited Purpose of Further Consideration

Issued April 2, 1980.

On March 3, 1980, West Texas Utilities Company (WTU) filed an application for rehearing of those portions of the Commission's suspension order of February 4, 1980 in which WTU's request for rate relief from City of Sonora was denied under Section 206(a) of the Federal Power Act. The application for rehearing shall be granted for the limited purpose of further consideration.

Since West Texas has raised arguments for the first time on rehearing regarding alleged ambiguities in its contract, we shall permit Sonora to respond to the application for rehearing on this question.

The Commission Orders:

(A) Section 1.34(d) of our rules of practice and procedure (18 CFR 1.34(d)) is hereby waived to permit Sonora to file a response to WTU's application for rehearing within 30 days from the issuance of this order.

(B) WTU's application for rehearing is granted for the limited purpose of further consideration.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10556 Filed 4-7-80; 8:45 am]

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Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

Reactor and location:	Kilograms of contained uranium
RHF, France	180.0
BR-2, Belgium	136.2
Triton, France	18.4

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than April 23, 1980.

Dated: April 4, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-10746 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between United States and Government of Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreement involves the shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium. Spent fuel will be returned from the following research reactors:

Reactor and location:	Kilograms of contained uranium
NRX, NRU, and McMaster University Research Reactor, Canada	[1]30

[1] 81 pct U-235.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than April 23, 1980.

Dated: April 4, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-10747 Filed 4-7-80; 8:45 am]

BILLING CODE 6450-01-M

Compliance With the National Environmental Policy Act Intent To Prepare Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of Intent (NOI) to prepare a draft Environmental Impact Statement (EIS) for a medium Btu industrial fuel gasification plant in Memphis, Tennessee.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), to assess the environmental implications of a proposed DOE action to cost-share the construction and operation of a proposed industrial fuel gas demonstration plant to be located in Shelby County, Tennessee (in the immediate vicinity and southwest of Memphis, Tennessee). The applicant, the Memphis Light, Gas and Water Division (MLGW) of the City of Memphis has proposed a facility which would convert 3155 tons per day of high sulfur coal into a fuel gas for pipeline distribution to selected customers in the Memphis area.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so. The comment period for this NOI will close April 28, 1980. Upon completion of the draft EIS, its availabilty will be announced in the **Federal Register**, and local newspapers and comments will again be solicited.

All comments may be expressed in writing to either:

U.S. Department of Energy, Chicago Operations Office, Projects Management Division, 9800 South Cass Avenue, Argonne, Illinois 60439.
Attn: Peter Lui, Project Manager, (312) 972-2274

U.S. Department of Energy, Mail Station F-308—Germantown, Washington, D.C 20545
Attn: J. E. Gannon, Fuel Gas Program Manager (301) 353-5985

For the general information on the EIS process contact:

Ms. Mary Shaughnessy, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, 1000 Independence Ave., SW., Room 4G-064, Washington, D.C 20585
Phone: (202) 252-4610.

Background Information

In January 1976, DOE issued a Request for Proposal, RFP E(49-18)-2043 entitled, "Fuel Gas Program." Two contracts were executed based on responses to the RFP. One contract was with the MLGW for the project described in this NOI, and the other was with W. R. Grace and Company's Agricultural Chemicals Group for an ammonia production facility proposed to located at Baskett, Kentucky.

The W. R. Grace Company subsequently withdrew from the competition an on February 22, 1980, Secretary Duncan announced the selection of MLGW to proceed with further engineering design and environmental activities. Environmental activities to be undertaken include the preparation of an EIS, as described in this Notice, and a floodplain/wetlands determination in accordance with Executive Order (E.O.) 11988, E.O. 11990, and DOE implementing regulations, 10 CFR Part 1022. Based on the results of these activities, a decision will be made on construction and operation of the proposed facility.

Process Description

The MLGW project involves the design, construction and operation of a demonstration plant which uses the Institute of Gas Technology "U" Gas Process to produce 154 $\times$ 10^6 standard cubic feet per day (SCFD) of synthesis gas from about 3155 tons per day (TPD) of Kentucky No. 9 coal. The synthesis gas is produced in a pressurized 75 PSIG "U" gas fluidized bed gasifier. The product gas is scrubbed, cleaned of acid gas components and delivered to a pipeline which services industrial customers.

Crushed coal is dried and fed to the gasifier with an oxygen-steam mixture in a fluidized bed at an operating temperature of about 1875°F and 75 PSIG. Fines from the fluidized bed are returned to the gasifier through external cyclones. The ash agglomerates from the gasifier and drops into a waterfilled hopper where it is quenched by a circulating stream of water and withdrawn from the hopper in the form of a water slurry. The hot, raw fuel gas is cooled in a series of steam generator and heater scrubbers for the removal of ammonia, hydrogen sulfide, and coal dust. The fuel gas is made up of ammonia, hydrogen sulfide, and coal dust. The fuel gas is then compressed to 195 PSIG and treated in a Selexol acid-gas absorption process to remove essentially all of the hydrogen sulfide and organic sulfur compounds. The purified gas from the Seloxol unit is then odorized and ready for distribution. Acid gas containing hydrogen sulfide is fed to a conventional Claus process producing elemental sulfur as a by-product. The off-gas from the Claus unit is processed in a Beavon unit before discharge.

About 5 billion Btu/day of the U-Gas will be methanated and distributed to the natural gas pipeline and an accounting credit generated. When the gasifier is not operating, natural gas will be withdrawn from the pipeline, diluted and distributed to U-Gas users, thus assuring their fuel supply. The specific objectives of this project are to:

- Advance the state-of-art in the field of coal gasification for industrial fuel and to encourage private sector organizations to build and operate similar facilities with their own funds.
- Utilize the U-Gas process developed by the Institute of Gas Technology (IGT) under a DOE contract along with Kentucky No. 9 high sulfur, agglomerating coal.
- Demonstrate, in an environmentally acceptable manner, the technical and economic feasibility of producing a fuel gas from high sulfur coal to be distrubuted to Memphis area customers through a local pipeline.
- Process 3155 tons per day of coal at a pressure of 75 PSIG to produce 154 million cubic feet per day of 270-330 Btu/SCF fuel gas.

Products from this plant are:

Product, and Daily Production

Fuel Gas—154 MMSCF/Day (280 Btu/SCF)
Sulfur—100 T/Day—Elemental

The proposed project is cost shared and phased. Phase I, providing for development and conceptual design was 100 percent funded by DOE. Phase II will provide detailed design, procurement and construction. Phase III covers the actual demonstration operations. Phases II and III are cost shared between DOE and MLGW. At the end of Phase III, the industrial partner may purchase the Government's interest in the facility from the plant revenues.

Identification of Environmental and Socioeconomic Issues

The potential environmental impacts of this proposed gasification facility and appropriate mitigating measures will be assessed in this EIS. These impacts will result from the transportation and gasification of coal, the disposal of solid, liquid and gaseous wastes, fugitive process emissions and the effect of plant construction on air, water, public services and the overall quality of life in the Memphis area. The impacts of mining will not be addressed in this statement since sufficient coal can be supplied from existing mines to support the operation of the facility during the demonstration phase.

The preferred site for the proposed MLGW facilities is located within the 100-year floodplain. In addition, a portion of the project site may contain wetlands. Notification of a floodplains/wetlands determination by the Secretary of Energy will be made in the **Federal Register** in accordance with DOE Regulation 10 CFR Part 1022.

The purpose of this notice is to present pertinent background information regarding the proposed scope and content of the EIS and to solicit comments and suggestions for consideration in its preparation. When completed, the draft statement will be circulated for review to Federal, State, and local agencies and interested public organizations and individuals. The comments receive on the draft statement will considered in the preparation of the final EIS.

The following issues have been identified and will be analyzed during the preparation of the EIS. This list is not intended to be all inclusive, nor it it intended to be a predetermination of impacts:

(1) The impact of the construction and operation of the facility on the floodplains and wetlands.

(2) The exposure of the public to noise and odors.

(3) The effects of coal and ash storage and plant runoff on surface water and ground water quality and aquatic ecology.

(4) The effects of the proposed action on the community of Shelby County, Tennessee and the City of Memphis.

(5) The effects of the proposed facility on air quality, including the combined effects of other major or planned emission sources in the area.

(6) The effects of potential accidents and products releases on water supply and ecology.

(7) The effects of construction on present and future land use and terrestial ecology.

(8) The effects of the project on local water resources including the Mississippi River.

Alternatives

The EIS will examine the environmental effects of the proposed action and compare them to the environmental effects of reasonable alternatives. The action will be considered from the standpoint of demonstration plant construction and operation and, to the extent possible, the future options of commercialization, mothballing, and decommissioning. The EIS will examine alternatives to the proposed action including the following: alternative fossil energy development and Federal incentive programs; alternate fates for this project, including no action and delayed action, alternative plant sites and alternative plant designs.

Comments

All interested parties are invited to submit comments or suggestions in connection with the preparation of the EIS. Those desiring to submit comments or suggestions of issues to be addressed in the EIS or to have their names placed on the mailing list for the draft statement should contact the individuals previously listed in this notice.

A meeting on the subject of the environmental issues of the demonstration plant was held on June 6, 1979, in Memphis, Tennessee. A transcript of the meeting was retained by DOE and is available for inspection at the Freedom of Information Library, Room GA-152, Forrestal Building, 1000 Independence Ave., SW, Washington, D.C 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Upon completion of the draft EIS, its availability will be announced in the **Federal Register** and local newspapers. Public comments will be solicited at that time.

Copies of documents to be utilized in the preparation of this draft EIS are available for public inspection at the following locations:

U.S. Department of Energy, Chicago Operations Office, Projects Management Division, 9800 South Cass Avenue, Argonne, Illinois 60439.
Government Document Room, Memphis-Shelby County Public Library and

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Information Center, 1850 Peabody Avenue, Memphis, Tennessee 38101.

A detailed bibliography of documents used in the developing the EIS is available for inspection at:

Public Reading Room, FOI—Room GA–152, 1000 Independence Ave., SW., Washington, D.C 20585

All suggestions, comments and questions submitted to DOE will be carefully considered in preparing the EIS.

Dated at Washington, D.C this 4th day of April, 1980.

For the United States Department of Energy.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 80-10778 Filed 4-7-80; 10:17 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1457-6]

Lowest Achievable Emission Rate (LAER); Guidance Document: Availability; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction.

SUMMARY: The following correction should be made in the **Federal Register** document 80-7479, Wednesday, March 12, 1980, appearing in the **Federal Register** on page 16005, third column, line 19: change the telephone number to (919) 541-5421.

EFFECTIVE DATE: April 8, 1980.

FOR FURTHER INFORMATION CONTACT: David R. Patrick, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5421.

Dated: April 2, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-10557 Filed 4-7-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-78]

Builders Federal Savings & Loan Association of Rocky Mount, Rocky Mount, N.C.; Final Action Approval of Conversion Application

March 17, 1980.

Notice is hereby given that on March 13, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–177, approved the application of Builders Federal Savings and Loan Association of Rocky Mount, Rocky Mount, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10540 Filed 4-7-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-77]

Cecil Federal Savings and Loan Association, Elkton, Md.; Final Action Approval of Conversion Application

March 17, 1980.

Notice is hereby given that on March 13, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–176, approved the application of Cecil Federal Savings and Loan Association, Elkton, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10541 Filed 4-7-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-80]

Virginia Beach Federal Savings & Loan Association, Virginia Beach, Va.; Final Action Approval of Conversion Application

March 25, 1980.

Notice is hereby given that on March 20, 1980, the Federal Home Loan Bank Board ("Board"), as governing head of the Federal Savings and Loan Insurance Corporation, by Board Resolution No. 80–198 approved the application of Virginia Beach Federal Savings and Loan Association, Virginia Beach, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection through the Secretariat of said Board, 1700 G. Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Board at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, P.O. Box 56526, Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10536 Filed 4-7-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-79]

Warsaw Federal Savings & Loan Association, Warsaw, Ind.; Final Action Approval of Conversion Application

March 20, 1980.

Notice is hereby given that on March 13, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–175, approved the application of Warsaw Federal Savings and Loan Association, Warsaw, Indiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, 2900 Indiana Tower, One Indiana Square, Indianapolis, Indiana, 46204.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10539 Filed 4-7-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

Tfhe Federal Martime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Martime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago; Illinois; and San Juan, Puerto Rico. Insterested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Martime Commission, Washington, D.C., 20573, on or before Monday April 28, 1980 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–3044–1.

Filing Party: Richard L. Landes, Deputy, Offices of the City Attorney, Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T–3044–1 amends the lease agreement between the City of Long Beach and Weyerhauser company by adding a second parcel of land to the leased premises, adjusting the rental payments on said premises, cancelling Area Assignment Agreement No. 77–75 and providing for termination of the lease by mutual agreement at any time.

Agreement No.: T–3843–1.

Filing Party: Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T–3843, between the Georgia Ports Authority (Authority) and Trans Freight Lines, Inc. (TFL) provides for the 5 year lease by the Authority to TFL of certain paved premises within Container Central, Garden City Terminal. TFL has the exclusive use of the leased premises to be used for the storage and handling of containers, including trailers and chassis used to transport containers. Agreement No. T–3843–1 amends the basic agreement by increasing the leased 4.64 acres to include another 1.7 adjacent acres. The terms of the lease shall be for six months, with renewal options, commencing the first month after approval of the lease by the Federal Maritime commission. A fixed monthly rental charge of $1,395.42 will be assessed.

Agreement No.: T–3892.

Filing Party: Annette Ubinas Landrau, Acting General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T–3892, provides for the lease of terminal facilities at Guayanilla, Puerto Rico by the Puerto Rico Ports authority to PPG Industries, Inc. (PPG) and the Puerto Rico Water Resources Authority (PRWRA) jointly for a period of 16 years at $400,803.96 per annum borne equally by the lesses. PPG will use the facility for the landing and loading of construction materials, equipment, raw materials and finished and semi-finished products while PRWRA will unload petroleum products and other materials.

AGREEMENT NO.: 9836–9.

FILING PARTY: Edward D. Ransom, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

SUMMARY: Agreement No. 9836–9 modifies the Malaysia-Pacific Rate Agreement to clarify the procedure concerning the time when the independent action is to take effect.

AGREEMENT NO.: 10385.

FILING PARTY: J. Brian McCauley, Moran, Urich & Evans, 22 Battery Street, Suite 333, San Francisco, California 94111.

SUMMARY: Agreement No. 10385 between Terra Marine Shipping Company, Inc. (TMS) and Francisco International Forwarding (FI), provides for the performance of freight forwarding services from California ports for the government of American Samoa (Government), by TMS and the performance of other functions pertaining to purchasing assistance for Government by FI. As compensation, revenues received by the parties from Government would be divided, after payment of costs, such that TMS would receive 33⅓% and FI 66⅔%.

By Order of the Federal Martime Commission.

Dated: April 2, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-10521 Filed 4-7-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80–20]

Kuehne & Nagel, Inc.—Independent Ocean Freight Forwarder License No. 1162; Order of Investigation and Hearing

Kuehne & Nagel, Inc. (K&N), is an independent ocean freight forwarder operating pursuant to FMC License No. 1162, issued on June 15, 1967.

Information has been developed by the Commission's staff which indicates that K&N has apparently violated sections 15 and 16, Initial Paragraph, Shipping Act, 1916, (46 U.S.C. 814, 815) and sections 510.23(d), 510.23(e), 510.23(f), 510.23(j), 510.23(k), and 510.23(l) of the Commission's General Order 4 (46 CFR Part 510). K&N's apparent disregard for the governing statute and the Rules and Regulations of the Commission, as well as other conduct possibly involving misrepresentation and malpractice, is the type of conduct which can render a licensee unfit to carry on the business of forwarding pursuant to section 44(b) of the Shipping Act, 1916 (46 U.S.C. 841(b).

During the course of a compliance check at K&N's Houston, Texas branch office it was disclosed that:

1. K&N apparently violated section 16, Initial Paragraph, Shipping Act, 1916, by underdeclaring the cubic measure of shipments to common carriers by water on at least 5 occasions between the period June, 1975 through April, 1976.

2. K&N apparently violated section 510.23(d) of General Order 4 on at least 63 occasions during the period May, 1975 through January, 1978 by failing to exercise due diligence and/or imparting false information to its shipper principals in regard to charges for ocean freight, wharfage, inland freight, insurance, and other accessorial charges.

3. K&N apparently violated section 510.23(d) of General Order 4 on at least 5 occasions during the period June, 1975 through April, 1976 by imparting to oceangoing common carriers false information in regard to the cube of shipments.

4. K&N apparently violated section 510.23(e) of General Order 4 on at least 63 occasions during the period May, 1975 through January, 1978 by withholding information relative to forwarding transactions from its shipper principals in regard to ocean freight charges, inland freight charges, marine and war risk insurance charges and other fees and accessorial charges.

5. K&N apparently violated section 510.23(f) of General Order 4 on at least 8 occasions during the period June, 1975 through June, 1977 by failing to promptly pay over to the oceangoing common carrier or its agent, within the time limits specified, all sums advanced to the licensee by its shipper principals for freight and transportation charges.

6. K&N apparently violated section 510.23(f) of General Order 4 on at least 59 occasions during the period May, 1975 through January, 1978 by failing to disburse to persons other than oceangoing common carriers all sums advanced by its shipper principals for the payment of a charge, debt, or obligation.

7. K&N apparently violated section 510.23(f) of General Order 4 on at least 63 occasions during the period May, 1975 through January, 1978 by failing to promptly account to its shipper principals for overpayments by the

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shipper to the licensee in connection with K&N's billings to shipper clients.

8. K&N apparently violated section 510.23(j) of General Order 4 on at least 63 occasions during the period May, 1975 through January, 1978 by failing to use invoices or other forms of billing which stated separately: the ocean freight charges, the insured value, insurance, rate and premium cost of insurance, the charge for each accessorial service including terminal charges, and the charge or fee for arranging for insurance and/or accessorial services.

9. K&N apparently violated sections 510.23 (k) and (l) of General Order 4 for shipments handled during the period from May, 1975 through January, 1978 by failing to: (a) maintain in an orderly, systematic and convenient manner, current and correct, all records and books of account in connection with the business of forwarding in accordance with section 510.23(k) of General Order 4; (b) keep records in such manner as to permit authorized Commission personnel to determine readily the licensee's cash position, accounts receivable, and accounts payable in accordance with section 510.23(k) of General Order 4; (c) maintain a separate file for each shipment, including a copy or notation of each document prepared, processed or obtained by the licensee with respect to each shipment or files which would make readily available such copies or notations with respect to each shipment in accordance with section 510.23(k)(2) of General 4; (d) maintain records which show the date and amount for payments received and disbursed by the licensee for the performance of services rendered or reimbursement for advance of out-of-pocket expenses in accordance with section 510.23(k)(2) of General Order 4; (e) make available promptly all records and books of account in connection with carrying on the business of forwarding for inspection or reproducing or other official use upon the request of an authorized representative of the Commission in accordance with section 510.23(l) of General Order 4.

A separate compliance check at K&N's New Orleans, Louisiana branch office disclosed similar violations of sections 510.23 (d), (e), (f) and (j) of General Order 4 wherein the New Orleans branch office apparently failed to exercise due dilligence and/or imparted false information to its shipper principals in regard to insurance and other accessorial charges and services, failed to promptly pay to persons other than oceangoing common carriers all sums advanced by its shipper principals, failed to promptly account to its shipper principals for overpayments, failed to use invoices or other forms of billing which stated the insured value, insurance, rates and premium cost of insurance, the charge for each accessorial service performed, and the charge or fee for arranging for insurance and/or accessorial services. The above violations appeared to have occurred in regard to at least 30 shipments during the period from October, 1977 through August, 1978. In addition, during the same period of time, the New Orleans branch office apparently failed to maintain records and files in accordance with the requirements of section 510.23(k) of General Order 4 and apparently did not make promptly available to an authorized representative of the Commission all records and books of account in connection with carrying on the business of forwarding in accordance with section 510.23(l) of General Order 4.

In addition, K&N and/or its officers apparently received sums of money from ocean carriers in excess of the ocean freight forwarder compensation specified in the ocean carriers' tariffs. These payments from one carrier alone to a vice-president of K&N apparently totalled approximately $101,752 for the period from March 1975 through January 1977 for shipments covered by 566 bills of lading whereon K&N acted as the ocean freight forwarder. The payments were all in excess of the ocean freight forwarder compensation specified in the carrier's respective tariff.

The receipt of payments from ocean carriers in excess of the ocean freight forwarder compensation by K&N and/or its officers raises the possibility that K&N may have violated section 15 and section 16, Initial Paragraph, Shipping Act, 1916. Section 15 may have been violated if the payments were made pursuant to an unfiled agreement between K&N and the respective carriers. It is likewise believed that K&N may have violated section 16, Initial Paragraph, by directly or indirectly passing any part of these payments through to its shipper principals and thereby permitting its principals to obtain ocean transportation at less than the applicable rates or charges. Moreover, even if K&N did not pass any or all of the payments on to its shipper clients, if the payments represent a portion of the carrier's ocean freight revenues for K&N shipments, the excess payments may result in such shipments moving at less than the applicable rates and charges.

The apparently flagrant violations of the licensee's duties and obligations as required by section 510.23 of General Order 4 at two of K&N's branch offices raise the possibility that K&N and its officers may have engaged in a pervasive scheme of misrepresentations and malpractices directed at both shippers and carriers. This investigation shall also determine whether this pattern of violative activity extended to any of K&N's other offices and, if so, to what extent it adversely reflects upon the licensee's managerial responsibility and fitness.

Now, therefore, it is ordered, That pursuant to sections 22, 32 and 44 (46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, and section 510.9 of General Order 4 (46 CFR 510.9), a proceeding is hereby instituted to determine:

1. Whether K&N violated section 16, Initial Paragraph, Shipping Act, 1916, by the false reporting of the cubic measurements of shipments to common carriers by water for shipments handled by its Houston branch between the period June, 1975 through April, 1976;

2. Whether K&N violated section 15, Shipping Act, 1916, by entering into and carrying out without Commission approval any agreement subject to the terms of section 15 providing for the receipt of payments from ocean carriers in excess of the amount of ocean freight forwarder compensation specified in the ocean carrier's applicable tariffs;

3. Whether K&N violated section 16, Initial Paragraph by directly or indirectly passing on any portion of monies received by it or its officers from ocean carriers in excess of authorized ocean freight forwarder compensation to its shipper principals thus obtaining ocean transportation—on behalf of its principals—at less than the applicable rates or charges;

4. Whether K&N violated section 16, Initial Paragraph—even if it did not pass any or all of monies received by it or its officers from ocean carriers in excess of authorized ocean freight forwarder compensation to its shipper principals—by obtaining transportation by water at less than the applicable rates and charges;

5. Whether K&N violated section 510.23(d) of General Order 4 by not exercising due diligence in imparting information to its shipper principals and/or by knowingly imparting false information to its shipper principals in regard to the charges for wharfage, inland freight, insurance, ocean freight, and other accessorial charges relative to ocean freight forwarding transactions handled by its Houston branch office during the period May, 1975 through January, 1978 and by its New Orleans branch office during the period October, 1977 through August, 1978;

6. Whether K&N violated section 510.23(d) of General Order 4 by knowingly imparting to an oceangoing common carrier false information relative to the cube of shipments handled by its Houston branch office during the period between June, 1975 through April, 1976;

7. Whether K&N violated section 510.23(e) of General Order 4 by withholding information from its shipper principals relative to ocean freight charges, inland freight charges, marine and war risk insurance charges, and other fees and/or accessorial charges applicable to shipments handled by its Houston branch office during the period from May, 1975 through January, 1978 and by its New Orleans branch office during the period October, 1977 through August, 1978;

8. Whether K&N violated section 510.23(f) of General Order 4 by failing to promptly pay over to the ocean-going common carrier or its agent within the prescribed time limits, all sums advanced to its Houston branch office for freight and transportation charges during the period from June, 1975 through May, 1977;

9. Whether K&N violated section 510.23(f) of General Order 4 by failing to disburse to persons other than common carriers all sums advanced by its shipper principals for the payment of a charge, debt, or obligation for shipments handled by its Houston branch office during the period May, 1975 through January, 1978 and by its New Orleans branch office during the period October, 1977 through August, 1978;

10. Whether K&N violated section 510.23(f) of General Order 4 by failing to promptly account to its shipper principals for overpayments made to K&N for shipments handled by its Houston branch during the period from May, 1975 through January, 1978 and by its New Orleans branch office during the period October, 1977 through August, 1978;

11. Whether K&N violated section 510.23(j) of General Order 4 by failing to state separately on its invoices or other forms of billing to its shipper principals the actual amount of: ocean freight charges assessed by oceangoing common carriers, the insured value, insurance, rates and premium cost of insurance, the charge for accessorial services including terminal charges, and the itemized charges or fees assessed by the licensee for arranging for insurance and accessorial services including the payment of terminal charges for shipments handled by its Houston branch office during the period from May, 1975 through January, 1978 and by its New Orleans branch office during the period from October, 1977 through August, 1978;

12. Whether K&N violated sections 510.23 (k) and (l) of General Order 4 by failing to: maintain in an orderly, systematic and convenient manner current and correct all records and books of account in connection with the business of forwarding; keep records in such a manner as to permit authorized Commission personnel to determine readily the licensee's cash position, accounts receivable, and accounts payable; maintain a separate file for each shipment, including a copy or notation of each document prepared or processed or obtained by the licensee with respect to each shipment or files which would make readily available such copies or notations with respect to each shipment; maintain records which show the date and amount for payments received and disbursed by the licensee for the performance of services rendered or reimbursement for advance of out-of-pocket expenses; make available promptly all records and books of account in connection with carrying on the business of forwarding, for inspection or reproducing or other official use upon the request of an authorized representative of the Commission for shipments handled by its Houston branch office during the period from May, 1975 through January, 1978 and by its New Orleans branch office during the period from October, 1977 through August, 1978;

13. Whether K&N violated sections 510.23(d), 510.23(e), 510.23(f), 510.23(j), 510.23(k) and 510.23(l) by failing to act in accordance with its duties and obligations as set forth in the above sections of General Order 4 in regard to ocean shipments forwarded by any of its offices during the past five years and the effect of any such violations on the fitness of the licensee.

14. Whether civil penalties should be assessed against K&N pursuant to section 32(e), Shipping Act, 1916, for violations of the Shipping Act, 1916, and/or the Commission's Rules and Regulations, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty;

15. Whether K&N's independent ocean freight forwarder license should be suspended or revoked for:

a. willful violations of the Shipping Act, 1916, or the Commission's Orders, Rules or Regulations or both pursuant to section 44(d) of the Shipping Act, 1916,

b. such conduct as the Commission finds renders K&N unfit to carry on the business of forwarding in accordance with section 510.9(e) of General Order 4;

It is further ordered, That Kuehne & Nagel, Inc. be named Respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, shall commence on or before November 3, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue are such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this Order be published in the Federal Register and a copy thereof and notice of hearing be served upon Respondent, Kuehne & Nagel, Inc.;

It is further ordered, That any person other than Respondent and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure;

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-10322 Filed 4-7-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bankamerica Corp.; Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for

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permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 1, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (financing; fifty (50) states and the District of Columbia): to engage, through its indirect subsidiaries, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation; FinanceAmerica Corporation of Rhode Island, a Rhode Island corporation; FinanceAmerica Corporation, a New Jersey corporation; FinanceAmerica Corporation, a New York corporation; FinanceAmerica Corporation, a Connecticut corporation; FinanceAmerica Corporation, a West Virginia corporation; Hupp Credit Corporation, a Delaware corporation; BAC Credit Corporation, a New York corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Discount Company, a Connecticut corporation; FinanceAmerica Credit Corporation, a Delaware corporation; FinanceAmerica Corporation of Massachusetts, a Massachusetts corporation; FinanceAmerica Corporation of New Hampshire, Inc., a New Hampshire corporation; MerCredit Corporation, a Pennsylvania corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Executive Finance Group, Inc., a Pennsylvania corporation; Ariens Credit Corporation, a Pennsylvania corporation; Specialty Financial Services, Inc., a Pennsylvania corporation; Jarvis Credit Corporation, a Pennsylvania corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to business; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 1503 Cedar Crest Boulevard, Allentown, Pennsylvania.

2. Bankamerica Corporation, San Francisco, California (financing: fifty (50) states and the District of Columbia): to engage, through its indirect subsidiaries, FinanceAmerica Corporation of Georgia, a Georgia corporation; FinanceAmerica Corporation, a Virginia corporation; FinanceAmerica Mortgage Services Company, a Virginia corporation; FinanceAmerica Corporation, a South Carolina corporation; FinanceAmerica Corporation, a Maryland corporation; FinanceAmerica Corporation, a North Caroline corporation; Hupp Credit Corporation, a Delaware corporation; FinanceAmerica Mortgage Services Inc., a New Hampshire corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Credit Corporation, a Delaware corporation; FinanceAmerica Corporation, A Delaware corporation; MerCredit Corporation, a Pennsylvania corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Ariens Credit Corporation, a Pennsylvania corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to businesses; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 5950 Fairview Road, Charlotte, North Carolina.

3. Bankamerica Corporation, San Francisco, California (financing; fifty (50) states and the District of Columbia): to engage, through its indirect subsidiaries, FinanceAmerica Corporation, an Indiana corporation; FinanceAmerica Corporation of Ohio, an Ohio corporation; FinanceAmerica Corporation, a Kentucky corporation; FinanceAmerica Loan and Investment Company, a Kentucky corporation; FinanceAmerica Corporation, a Michigan corporation; Hupp Credit Corporation, a Delaware Corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Discount Company of Ohio, an Ohio corporation; FinanceAmerica Corporation, a Delaware corporation; MerCredit Corporation, a Pennsylvania corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; FinanceAmerica Corporation, an Iowa corporation; Ariens Credit Corporation, a Pennsylvania corporation; FinanceAmerica Corporation of Minnesota Inc., a Minnesota corporation; FinanceAmerica of Columbia Heights Inc., a Minnesota corporation; FinanceAmerica Plan Inc., a Minnesota corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to businesses; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 151 North Delaware Street, Indianapolis, Indiana.

4. Bankamerica Corporation, San Francisco, California (financing; fifty (50) states and the District of Columbia): to engage, through its indirect subsidiaries, FinanceAmerica Corporation, a Louisiana corporation; FinanceAmerica Industrial Plan Inc., a Mississippi corporation; FinanceAmerica Corporation, a Florida corporation; FinanceAmerica Corporation. an Alabama corporation; FinanceAmerica Corporation, a Tennessee corporation; FinanceAmerica Corporation, a Mississippi corporation; Hupp Credit Corporation, a Delaware corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Credit Corporation, a Delaware corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Ariens Credit Corporation, a Pennsylvania corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to businesses; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 400 Century Park South, Birmingham, Alabama.

5. Bankamerica Corporation, San Francisco, California (financing fifty (50) states and the District of Columbia): to engage, through its indirect subsidiaries, FinanceAmerica Corporation, a Colorado corporation; FinanceAmerica Corporation, and Arizona corporation; FinanceAmerica Corporation, a California corporation; FinanceAmerica Corporation, an Idaho corporation; FinanceAmerica Corporation, a Texas corporation; FinanceAmerica Corporation, a New Mexico corporation; FinanceAmerica Corporation, an Oregon Corporation; FinanceAmerica Corporation, a Wyoming corporation; FinanceAmerica Corporation, of Nebraska, a Nebraska corporation; FinanceAmerica Corporation, a Utah corporation; FinanceAmerica VIP Service Corporation, a Delaware corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Credit Corporation, a Delaware corporation; FinanceAmerica Corporation, a Nevada corporation; MerCredit Corporation, a Pennsylvania corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Ariens Credit Corporation, a Pennsylvania corporation; FinanceAmerica Corporation, a Kansas corporation; FinanceAmerica Corporation, an Oklahoma corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to businesses; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 5031 Birch Street, Newport Beach, California 92660.

6. Bankamerica Corporation, San Francisco, California (financing; fifty (50) states and the District of Columbia): to engage through its indirect subsidiaries, Ariens Credit Corporation, a Pennsylvania corporation; Electronics Credit Corporation, a Delaware corporation, FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Hupp Credit Corporation, a Delaware corportion; and MerCredit Corporation, a Pennsylvania corporation, in the activity of making or acquiring for their own accounts, the account of others loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to providing the financing of stock and floor plan inventory of distributors and dealers. These activities will be conducted from an office at 1105 Hamilton Street, Allentown, Pennsylvania.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 31, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10566 Filed 4-7-80; 8:45 am]

BILLING CODE 6210-01-M

Wilcox Bancshares, Inc.; Formation of Bank Holding Company

Wilcox Bancshares, Inc., Grand Rapids, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85 per cent or more of the voting shares of Grand Rapids State Bank, Grand Rapids, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 31, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10567 Filed 4-7-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 27, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 28, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests an extension-without-change clearance of Annual Report, Form F-1, required to be filed by some 146 Class A freight forwarders, pursuant to Section 412 of the Interstate Commerce Act. Data are used for economic regulatory purposes. ICC states that reports are mandatory and available for use by the public and no change is made in the data requirements. ICC estimates that reporting burden for carriers averages 25½ hours per report.

GAO would appreciate specific comments on the issue of duplication—what information required on Form F-1 is also required to be filed with the Securities and Exchange Commission or any other Federal agency. Please identify the applicable forms or

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requirements which contain identical or similar information.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-10516 Filed 4-7-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[F-80-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Rhode Island Public Utilities Commission involving the application of the New England Telephone Company for increases in its rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 31, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-10523 Filed 4-7-80; 8:45 am]

BILLING CODE 6820-25-M

[F-80-3]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Utility Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481 (a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Texas Public Utility Commission involving the application of the Mountain States Telephone and Telegraph Company for increases in its rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 31, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-10524 Filed 4-7-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Control Technology Assessment of Plating and Cleaning Processes; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Center for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: April 10, 1980.
Time: 10:30 a.m. to 2:30 p.m.
Place: Holiday Inn, 2100 Dixie Highway, Ft. Mitchell, Kentucky.
Purpose: To discuss the protocol and objectives of the control technology study of plating and cleaning processes.

Additional information may be obtained from: Donald E. Hurley, Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health, Center for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-4295.

Dated: April 2, 1980.

William H. Foege, M.D.,

Director, Center for Disease Control.

[FR Doc. 80-10523 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

Fertility and Maternal Health Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Food Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Fertility and Maternal Health Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on March 23, 1982, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 1, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10456 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-03-M

Gastrointestinal Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Gastrointestinal Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on March 3, 1982, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 1, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10457 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-03-M

Radiopharmaceutical Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Radiopharmaceutical Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on February 28, 1982, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 1, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10455 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-03-M

Platelet Workshop; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a public meeting entitled "Laboratory Evaluation of Platelets for Transfusion" will be held as a 2-day open workshop to review current progress in platelet physiology and to assess available methodology for evaluating platelets for transfusion.

MEETING DATES: May 8 and 9, 1980.

ADDRESS: The meeting will be held in Conference Rm. 6, Bldg. 31 C, National Institutes of Health, 9000 Rockville, Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Joseph C. Fratantoni, Bureau of Biologies (HFB-200), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-2577.

SUPPLEMENTARY INFORMATION: The purpose of this workshop is to discuss the various types of laboratory methods currently available for evaluating platelet function and viability, as well as current progress in platelet physiology. FDA's Bureau of Biologics, Division of Blood and Blood Products, and the National Institutes of Health's (NIH) National Heart, Lung, and Blood Institute, Division of Blood Diseases and Resources, are jointly sponsoring this workshop. FDA and NIH will consider information provided at this meeting by representatives of manufacturers, regulatory agencies, and the health professions in developing plans for future regulatory and scientific activities.

The workshop will be held from 8:30 a.m. to 5 p.m. in Conference Rm. 6, Bldg. 31 C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Persons planning to attend are requested to contact Joseph C. Fratantoni (address above), by April 25, 1980.

Dated: April 1, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10311 Filed 4-2-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Education

Veterans' Cost-of-Instruction Payments Program—Payments to Institutions of Higher Education; Application Notice for Projects for Fiscal Year 1980

Applications are invited for projects under the Veterans' Cost-of-Instruction Payments Program.

Authority for this program is contained in Section 420 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070-e1.

This program issues awards to institutions or combinations of institutions of higher education.

The purpose of the awards is to assist institutions in providing specific educational services to veterans enrolled at the institution.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand delivered May 23, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Bureau of Higher and Continuing Education, Veterans' Cost-of-Instruction Program Branch, (Room 3514, ROB-3), 400 Maryland Avenue, S.W., Attention: 13.540, Washington, D.C. 20202.

To establish proof of mailing an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application to be hand delivered must be taken to the U.S. Office of Education, Bureau of Higher and Continuing Education, Veterans' Cost-of-Instruction Program Branch, Room 3514, Regional Office Building 3, 7th and D Streets, SW, Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. (Washington, D.C. time) except Saturday, Sunday, and Federal holidays.

Applications that are hand-delivered will not be accepted after 4 p.m. on the closing date.

Program Information and Application Forms: Program information packages and application forms are expected to be ready for mailing by April 10, 1980. They may be obtained by writing to the U.S. Office of Education, Bureau of Higher and Continuing Education, Veterans' Cost-of-Instruction Program Branch, (Room 3514, ROB-3), 400

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Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

Applicable Regulations: The regulations governing awards made under this Program are set forth in 45 CFR Part 189. The preparation and evaluation of applications is also governed by the rules set forth in 45 CFR Parts 100 and 100a. When the post-award provisions of the Education Division General Administrative Regulatons take effect, those provisions will govern the administration of awards made in response to this application notice.

Further Information: For further information contact Stanley B. Patterson, Chief, Veterans' Cost-of-Instruction Program Branch, Bureau of Higher and Continuing Education, U.S. Office of Education, (Room 3514, ROB-3), 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: 202-245-2806.

(20 U.S.C. 1070e-1)

(Catalog of Federal Domestic Assistance No. 13.540; Higher Education Veterans' Cost-of-Instruction Program (VCIP))

Dated: March 28, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-10147 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. N-80-954]

Annual Review of National Mobile Home Advisory Council: Invitation for Public Comment

AGENCY: Department of Housing and Urban Development, Assistant Secretary for Administration.

ACTION: Notice of correction.

SUMMARY: HUD's Office of Mobile Home Standards report on the National Mobile Home Advisory Council, as published at 45 FR 17075, March 17, 1980, had an inadvertent omission which could be misinterpreted as to the term of the members of the council. This Notice corrects the report by including the previously omitted test.

EFFECTIVE: March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Norma Austin, Office of Organization and Management Information (202) 755-5202 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The HUD report on the National Mobile Home Advisory Council published at 45 FR 17075, March 17, 1980 had an inadvertent omission relating to the term of the members of the council. Accordingly, paragraph (3) A. is corrected to read as follows:

A. The Council recommended that its term be extended one year in order to maintain the continuity of the review of research as it relates to proposed changes in the Federal Mobile Home Standards. As a result of this recommendation, the Secretary approved the extention of terms to August 21, 1980, and August 21, 1981, respectively.

(Sec. 605, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.))

Issued at Washington, D.C., April 1, 1980.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 80-10456 Filed 4-7-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Bernice P. Bishop Museum, 1355 Kalihi St., P.O. Box 1900-A, Honolulu, Hawaii 96819, PRT 2-4496.

The applicant requests a permit to export and re-import dried herbarium specimens of endangered and threatened plants that have already been accessioned into the museum's collection on a loan basis to other natural history museums for scientific research.

Applicant: Peter G. Veit, 7712 Farralone Avenue, Canoga Park, California 91304, PRT 2-6247.

The applicant requests a permit to import urine of mountain gorillas (*Gorilla gorilla beringei*) from Rwanda, Central Africa for scientific research.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before May 8, 1980, by submitting written data, views, or arguments to the Director at the above address.

Dated: April 2, 1980.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-10567 Filed 4-7-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Woodland Park Zoological Garden, Seattle, Washington 98103, PRT 2-5375.

The applicant requests a permit to import one captive-bred tundra peregrine falcon (*Falco peregrinus tundrius*) from John LeJeune, Hope, British Columbia, Canada for enhancement of propagation and scientific research.

Applicant: David K. Garcelon, C/O, Institute for Wildlife Studies, Arcata, California 95521, PRT 2-6388.

The applicant requests a permit to take from the wild bald eagle (*Haliaeetus leucocephalus*) fledglings from Oregon, California, and Washington to be hacked and released to the wild on the Channel Islands of southwestern California. The proposed activity is for enhancement of survivial and scientific research and is to be done in cooperation with the State of California.

Applicant: Minnesota Zoological Garden, Apple Valley, Minnesota 55124, PRT-2.6222.

The applicant requests a permit to import in foreign commerce one clouded leopard (*Neofelis nebulosa*) from the Calgary Zoo, Calgary, Alberta, Canada for enhancement of propagation and survival.

Humane care the treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before May 8, 1980, by submitting written data, views, or arguments to the Director at the above address.

Dated: April 2, 1980.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-10568 Filed 4-7-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 28, 1980. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 23, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ARKANSAS

Drew County

Monticello, *Cavaness, Garvin, House,* 404 S. Main St.

Monroe County

Clarendon, *Galloway, Orth C., House,* 504 Park St.

IDAHO

Early Churches of Emmett Thematic Resources. Reference—see individual listings under Gem County.

Ada County

Eagle vicinity, *Fry Barn,* NW of Eagle on Linder Rd.
Eagle vicinity, *Short, O. F., House,* W of Eagle on ID 44.

Canyon County

Caldwell, *Rice, John C., House,* 1520 Cleveland Blvd.

Gem County

Emmett, *Catholic Church of the Sacred Heart (Early Churches of Emmett Thematic Resources)* 1st St.
Emmett, *Emmett Presbyterian Church (Emmett First Southern Baptist Church)* 2nd St. *(Early Churches of Emmett Thematic Resources)* 2nd St.
Emmett, *First Baptist Church of Emmett (Early Churches of Emmett Thematic Resources)* 1st St.
Emmett, *First Full Gospel Church (Early Churches of Emmett Thematic Resources)* 207 S. Washington Ave.
Emmett, *Methodist Episcopal Church (United Methodist Church) (Early Churches of Emmett Thematic Resources)* 1st St. and Washington Ave.
Emmett, *St. Mary's Episcopal Church (Early Churches of Emmett Thematic Resources)* 1st St.

Shoshone County

Murray, *Feehan, John C., House.*

Twin Falls County

Twin Falls, *Alvis, James, House,* 1311 Pole Line Rd.

Valley County

Lake Fork vicinity, *Long Valley Finnish Church,* SE of Lake Fork.

KENTUCKY

Daviess County

Owensboro, *Bogard, D. D., House,* 303 E. 4th St.

Henderson County

Henderson, *Henderson, Louisville and Nashville Railroad Depot.*

Hopkins County

Hanson vicinity, *Archeological Site 15 Hk 8.*

Kenton County

Covington, *Mutter Gottes Historic District,* Roughly bounded by Madison Ave., 4th, 6th, and Johnson Sts.

NEW MEXICO

Torrance County

Claunch vicinity, *Pueblo Blanco.*
Claunch vicinity, *Pueblo Colorado.*

OHIO

Hamilton County

Cincinnati, *Sacred Heart Academy,* Lafayette Ave. (boundary increase).

PENNSYLVANIA

BERKS COUNTY COVERED BRIDGES THEMATIC RESOURCES. Reference—see individual listings under Berks County.
COVERED BRIDGES OF ADAMS, CUMBERLAND AND PERRY COUNTIES THEMATIC RESOURCES. Reference—see individual listings under Adams, Cumberland and Perry Counties.
COVERED BRIDGES OF BRADFORD, SULLIVAN AND LYCOMING COUNTIES THEMATIC RESOURCES. Reference—see individual listings under Bradford, Lycoming, and Sullivan Counties.
COVERED BRIDGES OF THE DELAWARE RIVER WATERSHED THEMATIC RESOURCES. Reference—see individual listings under Bucks, Carbon, Lehigh, Luzerne, Northampton, Philadelphia, and Schuylkill Counties.
LAWRENCE COUNTY COVERED BRIDGES THEMATIC RESOURCES. Reference—see individual listings under Lawrence County.

Adams County

East Berlin, *Studebaker House,* W. King St.
Gettysburg vicinity, *Sauck's Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Heidlersburg vicinity, *Heikes Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Iron Springs vicinity, *Jacks Mountain Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
McSherrystown vicinity, *Conewago Chapel Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*

Allegheny County

Pittsburgh, *St. Boniface Roman Catholic Church,* East St.

Armstrong County

Bradys Bend, *Bradys Bend Iron Company Furnaces,* PA 68.

Berks County

Kutztown vicinity, *Dreibelbis Station Bridge (Berks County Covered Bridges Thematic Resources).*
Kutztown vicinity, *Kutz's Mill Bridge (Berks County Covered Bridges Thematic Resources).*
Oley vicinity, *Greisemer's Mill Bridge (Berks County Covered Bridges Thematic Resources).*
Oley vicinity, *Pleasantville Bridge (Berks County Covered Bridges Thematic Resources).*
Reading vicinity, *Wertz's Covered Bridge (Berks County Covered Bridges Thematic Resources)* NW of Reading spanning Tulpehocken Creek (previously listed in the National Register).

Bradford County

Burlington vicinity, *Knapp's Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* E of Burlington.

Bucks County

Erwinna, *Erwinna Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Durham, *Knecht's Mill Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Jacksonville vicinity, *Lower Mearns Mills,* N of Jacksonville on Walton Rd.
New Britain, *Pine Valley Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
New Hope vicinity, *Van Sant Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Newtown vicinity, *Twining Ford Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Perkasie, *Mood's Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Perkasie, *South Perkasie Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Pipersville vicinity, *Loux Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Point Pleasant vicinity, *Cabin Run Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*

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Point Pleasant vicinity, *Frankenfield Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Richardtown vicinity, *Sheard's Mill Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Springtown vicinity, *Haupt's Mill Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Uhlerstown, *Uhlerstown Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*

Cambria County

Ebensburg, *Cambria County Courthouse,* Center St.
Ebensburg, *Cambria County Jail,* N. Center and Sample Sts.

Carbon County

Little Gap, *Little Gap Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Weissport vicinity, *Harrity Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*

Centre County

Spring Mills vicinity, *Allison, Archibald, House,* N of Spring Mills.

Chester County

West Chester vicinity, *Goodwin Acres,* 800 Reservoir Rd.

Cumberland County

Newburg vicinity, *Ramp Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*

Delaware County

Wallingford, *Wolley Stille (Joseph Sharpless House)* Harvey Rd.

Franklin County

Nyesville vicinity, *Culbertson-Harbison Farm,* S of Nyesville on Nyesville Rd.

Lancaster County

Elizabethtown, *Kreider Shoe Manufacturing Company,* 155 S. Poplar St.
Ephrata, *Hibshman Farm,* Springville Rd.
Lancaster vicinity, *Dohner, Michael, Farmhouse,* E of Lancaster.
Marietta, *Ashley and Bailey Silk Mill,* E. Walnut and Pine Sts.

Lawrence County

New Wilmington vicinity, *Banks Covered Bridge (Lawrence County Covered Bridges Thematic Resources).*
Princeton vicinity, *McConnell's Mill Covered Bridge (Lawrence County Covered Bridges Thematic Resources).*

Lehigh County

Allentown, *Bogert Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Allentown, *Neuweiler Brewery,* 401 N. Front St.
Allentown vicinity, *Schlicher Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Orefield vicinity, *Geiger Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Orefield vicinity, *Manasses Guth Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Orefield vicinity, *Rex Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*
Orefield vicinity *Wehr Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*

Luzerne County

Huntington Mills vicinity, *Bittenbender Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).*

Lycoming County

Cogan House vicinity, *Cogan House Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources).*
Hughesville vicinity, *Lairdsville Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources).*
Liberty vicinity, *Buttonwood Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources).*

Montgomery County

Fort Washington, *Union School,* 516–518 Bethlehem Pike.

Northampton County

Easton, *Simon, Herman, House,* 41 N. 3rd St.
Kreiderville, Kreiderville Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources).

Northumberland County

Turbotville vicinity, *Kirk, William, House,* W of Turbotville.

Perry County

Blain vicinity, *Bistline Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Blain vicinity, *Book's Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Dellville, *Dellville Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Kistler vicinity, *Adairs Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Landisburg, *Dunbar-Creigh House,* Water St.
Landisburg vicinity, *Rice Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Liverpool vicinity, *Red Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Loysville vicinity, *Waggoner Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties, Thematic Resources).*
New Germantown, *New Germantown Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
New Germantown vicinity, *Mt. Pleasant Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Newport vicinity, *Fleisher Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Saville, *Saville Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*
Saville vicinity, *Kochendefer Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources).*

Philadelphia County

Philadelphia, *American Baptist Publication Society,* 1420–1422 Chestnut St.
Philadelphia, *Green Tree Tavern,* 260–262 E. Girard Ave.
Philadelphia, *Neill-Mauran House,* 315–317 S. 22nd St.
Philadelphia, *Thomas Mill Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources)* (previously listed in the National Register).

Pike County

Lords Valley, *Lord House,* PA 739.

Schuylkill County

Rock vicinity, *Rock Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources)* (previously listed in the National Register).
Rock vicinity, *Zimmerman Covered Bridge (Covered Bridges of the Delaware River Watershed Thematic Resources)* (previously listed in the National Register).

Somerset County

Somerset, *Somerset County Courthouse,* E. Union St. and N. Center Ave.

Sullivan County

Forksville, *Forksville Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources).*
Hillsgrove vicinity, *Hillsgrove Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* 3 mi. E of Hillsgrove off PA 87 over Loyalsock Creek (previously listed in the National Register).
Sonestown, *Sonestown Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources).*

Westmoreland County

Yukon vicinity, *Bells Mills Covered Bridge,* W of Yukon.

TENNESSEE

Hamilton County

Chattanooga, *Ferger Place Historic District,* Evening Side and Morning Side Drs.
Chattanooga, *Kelley House,* 1903 McCallie Ave.

Shelby County

Memphis, *Brister, John Willard, Library,* Memphis State University campus.
Memphis, *Brooks, Wilks, House,* 2000 Old Oak Dr.
Memphis, *Carrier, Robert M., House,* 642 S. Willett St.
Memphis, *Greenstone Apartments,* 1116–1118 Poplar Ave. and 200 Waldran Blvd.
Memphis, *Mosby-Bennett House,* 626 Poplar Pike.

Williamson County

Brentwood vicinity, *Fewkes Group Archeological Site,* Moore's Lane.

Wilson County

Lebanon vicinity, *Belle Isle,* NW of Lebanon on Cairo Bend Rd.

TEXAS

Dallas County

Dallas, *Miller, John Hickman, House,* 3506 Cedar Springs.

Gregg County

Longview, *Whaley House,* 101 E. Whaley St.

Guadalupe County

Seguin, *Park Hotel,* 217 S. River St.

Harris County

Houston, *Scanlan Building,* 405 Main St.

Hays County

San Marcos, *Hays County Courthouse,* Public Sq.

Kaufman County

Terrell, *Warren-Crowell House,* 705 Griffith Ave.

Travis County

Austin, *Green Pastures,* 811 W. Live Oak.

Williamson County

Taylor, *Taylor National Bank,* 200 Main St.

UTAH

Davis County

Kaysville, *Blood, Henry, House,* 95 S. 300 West St.

Salt Lake County

Salt Lake City, *Morris, Richard Vaughen, House,* 314 Quince St.

Sevier County

Glenwood, *Glenwood Cooperative Store,* 15 West Center St.

VERMONT

Addison County

Shoreham vicinity, *Hand's Cove,* SW of Shoreham.

Bennington County

Manchester, *Equinox House,* Main and Union Sts. (boundary increase).

[FR Doc. 80-10177 Filed 4-7-80; 8:45 am]
BILLING CODE 4310-03-M

Water and Power Resources Service

"Peaking" Water Service Contract for Columbia Basin Irrigation Districts; Intent to Contract for 1980 Irrigation Season

The Department of the Interior, through the Water and Power Resources Service, intends to offer water service contracts to the East Columbia Basin Irrigation District at Othello, Washington, and to the Quincy-Columbia Basin Irrigation District at Quincy, Washington, for a supply of "peaking" water during the 1980 irrigation season. The water will become available as a result of the completed construction of the Second Bacon Siphon and Tunnel, Columbia Basin Project, Washington.

Terms and conditions of water use will be consistent with the Master Water Service Contract that was executed between the United States and each district on August 27, 1976. These include a charge of $3 for each acre-foot of water. The maximum quantity to be made available to each district is 10,000 acre-feet. The proposed contract with each district will permit use of supplemental water to meet peak demands on presently irrigated land only, covers the 1980 irrigation season only, and may not be renewed.

It is anticipated that long-term arrangements for peaking water and other uses contemplated in the 1976 contract will be concluded prior to the 1981 irrigation season. Notice of the proposed long-term contracts was published on September 6, 1979 (44 FR 52043).

The public may observe any meetings scheduled to discuss terms and conditions of the contract. Advance notice of any such meetings will be furnished on request. Requests must be in writing and must identify the contract in which the party is interested. They should be addressed to the Project Manager, Water and Power Resources Service, Division Avenue and C Streets, NW, P.O. Box 815, Ephrata, Washington 98823.

The proposed draft contract will be made available for public review. Thereafter, a 30-day period will be allowed for receipt of written comments from the public. All written correspondence concerning the proposed contract will be made available to the public pursuant to the terms and conditions of the Freedom of Information Act (80 Stat. 388), as amended.

For further information on scheduled meetings and copies of the proposed form of contract, please contact Ms. Carol Prochaska, Public Affairs Officer, at the above address, or telephone (509) 754–4611, extension 258.

Dated: April 3, 1980.

R. Keith Higginson,
Commissioner of Water and Power Resources.

[FR Doc. 80-10518 Filed 4-7-80; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

ICC Senior Executive Service Performance Review Board

The purpose of this notice is to announce new appointments to the ICC Senior Executive Service Performance Review Board.

On May 17, 1979, notice was given on Federal Register page 28909, that the Board was established and its membership appointed. The names of the members and Chairman were provided. Since that time there have been changes in Board membership. The following ICC Personnel now serve on the Board:

Gary J. Edles, Director, Office of Proceedings, is a principal member and serves as Chairman.
Richard A. Allen, General Counsel, is a principal member.
Joel E. Burns, Director, Bureau of Operations, is a principal member.
James B. Thomas, Director, Bureau of Accounts, is an alternate member.
Alexander L. Morton, Director, Office of Policy and Analysis, is an alternate member.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10402 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1509.

SUMMARY: Eastern Central Motor Carriers Association, on behalf of itself and carriers' parties to tariffs issued by Central and Southern Motor Freight Tariff Association, Central States Motor Freight Bureau, Middlewest Motor Freight Bureau, Rocky Mountain Motor Tariff Bureau, and Southern Motor Carriers Rate Conference, seeks authority to establish released rates on *used agricultural implements or parts* and *used machinery or parts* as follows: 92 percent of the applicable class rate when such articles are released to a value not exceeding 10 cents per pound; 95 percent of the applicable class rate when released to a value exceeding 10 cents per pound but not exceeding $1 per pound; 97 percent of the applicable class rate when released to a value exceeding $1 per pound, but not exceeding $2.50 per pound; and 110 percent of the applicable class rate when released to a value exceeding $2.50 per pound. Failure of shipper to certify released value on the bill of lading shall cause the shipment to be

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carried at the lowest released value and be rated accordingly.

ADDRESS: Anyone seeking copies of this application should contact Mr. Paul K. Hillegass, Tariff Issuing Officer, Eastern Central Motor Carriers Association, P.O. Box 3600, Akron, OH 44310; telephone: (216) 929–2901.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423; telephone: (202) 275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730 (formerly sections 20(11), 219, and 413 of the Interstate Commerce Act).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10491 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC–107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before April 18, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence on or before May 8, 1980, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT–1–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Oneida-Columbus Express Company, P.O. Box 356, Oneida, NJ 37841. Representative: Marshall Kragen, 1835 K St. NW., Suite 600, Washington, DC 20006. Government Agency Involved: Department of Defense, General Services Administration.

GT–2–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Sherwood Van Lines, Inc., 4322 Milling Rd., San Antonio, TX 78219. Representative: Robert J. Brooks, 1747 Pennsylvania Ave. NW., Suite 1050, Washington, DC 20006. Government Agency Involved: General Services Administration, U.S. Coast Guard.

GT–3–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Interstate Van Lines, Inc., 5801 Rolling Rd., Springfield, VA 22152. Government Agency Involved: Department of Defense, General Services.

GT–4–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Carolina Western Express, Inc., P.O. Box 3961, Gastonia, NC 28052. Representative: Marshall Kragen, 1835 K St. NW., Suite 600, Washington, DC 20006. Government Agency Involved: Department of Defense, General Services Administration.

GT–5–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Weaver Transportation Company, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. Government Agency Involved: Department of Defense.

GT–6–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Ringsby Truck Lines, Inc., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker, General Traffic Manager (address same as applicant). Government Agency Involved: Ammunition Procurement & Supply Facilities, Army & Air Force Exchange Facilities, Atomic Energy Commission Facilities, Bureau of Indian Affairs, Bureau of the Mint, Corps of Engineers Facilities, Defense Clothing and Textile Supply, Defense Mapping Agency Facilities, Defense Supply Agencies, Departments of Agriculture, Defense Facilities, Energy Facilities, Finance Facilities, Health Education & Welfare, Interior, Transportation, Federal Aviation Administration Facilities, Federal Medical Facilities, Federal Prison Facilities, General Accounting Office Facilities, General Service Administration, Household Good Facilities, Internal Revenue Facilities, Military Ocean Terminals, Military Traffic Management Command, NASA Facilities, Ordnance Depots & Facilities, Post Office Department, Quartermaster Corps Facilities, Treasury Department Facilities, U.S. Air Force Facilities, U.S. Army Facilities, U.S. Coast Guard Facilities, U.S. Government Printing Offices, U.S. Marine Corps Facilities, U.S. Navy Facilities, and Veterans Administration Facilities.

GT–7–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Gollot & Sons Transfer & Storage, Inc., P.O. Box 468, Biloxi, MS 39533. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, U.S. Coast Guard, National Aeronautics and Space Administration, and General Services Administration.

GT–8–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Pilot Freight Carriers, Inc., P.O. Box 615, Winston-Salem, NC 27102. Representative: Pansy Beroth, Vice President (address same as applicant). Government Agency involved: Architect of the Capitol, General Accounting Office, Government Printing Office, Departments of Agriculture, Commerce, Defense, Air Force, Army, Navy, Defense Agencies & Joint Service Schools, Energy, Health, Education, & Welfare, Housing & Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Environmental Protection Agency, Federal Emergency Management Agency, General Services Administration, International Communication Agency, Interstate Commerce Commission, National Aeronautics & Space Administration, Securities & Exchange Commission, Selective Service System, Small Business Administration, Tennessee Valley Authority, United States Arms Control & Disarmament Agency, United States International Trade Commission, United States Postal Service.

GT–9–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Jack C. Robinson, d.b.a. Robinson Freight Lines, 3600 Papermill Rd., Knoxville, TN 37921. Representative: Glen L. Gissing, Director of Traffic (address same as applicant). Government Agency involved: General Services Administration.

GT–10–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Baggett Transportation Company, 2 So. 32nd St., Birmingham, AL 35233. Representative: Howard E. Durden, President (address same as applicant). Government Agency involved: Department of Defense, General Services Administration.

GT–11–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: North Star, Inc., Route 1, Highway 59 N, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Government Agency involved: United States Department of Agriculture, Department of Defense.

GT–12–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Whitaker Transportation Co., Inc., P.O. Box 1705, Chattanooga, TN 37401. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402. Government Agency involved: Tennessee Valley Authority.

GS–13–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Cartwright Van Lines, Inc., 11091 Cartwright Ave., Grandview, MO 64030. Representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, DC 20036. Government Agency involved: Military Traffic Management Control.

GT–14–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: American Farm Lines, Inc., P.O. Box 75410, Oklahoma City, OK 73147. Representative: Wm. L. Peterson, Jr., 100 West Main, Suite 250, Oklahoma City, OK 73102. Government Agency involved: Department of Defense.

GT–15–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Mid-Western Transport, Inc., 10506 S Shoemaker Ave., Santa Fe Springs, GA 90670. Representative: Joseph Fazio, President (address same as applicant). Government Agency involved: Naval Ocean Systems Centers, Teledyne Ryan Aeronautics, Naval Construction Battalion USAF/CIV–AFPRO/PDT.

GT–16–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Langer Transport Corp., Route 1 & Foot of Danforth Ave., Jersey City, NJ 07303. Representative: Steven J. Kalish, Belnap, McCarthy, Spencer & Harkaway, 1750 Pennsylvania Ave NW., Suite 1105, Washington, D.C. 20006. Government Agency involved: Dover Air Force Base, McGuire Air Force Base.

GT–17–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: The Waggoners Trucking, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Government Agency involved: Department of Defense.

GT–18–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Roberts & Oake, Inc., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64113. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006. Government Agency involved: Department of Defense, General Services Administration.

GT–19–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: K.T.I. Ltd., 4700 Benson Ave., Baltimore, MD 21227. Representative: Jay Goldberg, Vice President, P.O. Box 161, Avenel, NJ 07001. Government Agency involved: Department of Defense.

GT–20–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Gray Moving & Storage, Inc., 1290 So. Pearl St., P.O. Box 10096, Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, General Services Administration.

GT–21–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: ABCO Moving & Storage, Inc., 1700 Atlantic Ave., P.O. Box 5425, Chesapeake, VA 23324. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, Department of Transportation, General Services Administration.

GT–22–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Paramount Movers, Inc., P.O. Box 309, Lancaster, TX 75146. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, Department of Transportation, General Services Administration.

GT–23–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Dobson Cartage & Storage Company, 5024 So. Garfield Rd., Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, Department of Transportation, General Services Administration.

GT–24–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: La Salle Trucking, Inc., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St NW., Washington, DC 20001. Government Agency involved: General Services Administration, Department of Defense, Department of Agriculture, Department of Transportation, Department of Energy, Department of the Interior, National Railroad Passenger Service Corp., Tennessee Valley Authority, National Aeronautics & Space Administration, United States Postal Service, and United States Government Printing Office.

GT–25–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: Alliance Moving and Storage, Inc., 13150 Pavilion Lane, Fairfax, VA 22310. Representative: Jacob P. Billig, Billig, Sher & Jones, P.C., 2033 K St. NW., Washington, DC 20006. Government Agency involved: Department of Defense, General Services Administration.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10497 Filed 4-7-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the

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application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate sechedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

Volume No. 24

Decided: February 18, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1783 (Sub-32F), filed October 10, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, NW., Washington, DC 20036. Transporting *malt beverages* from Merrimack, NH, and Newark, NJ, to Barre, Burlington, Montpelier, and Winooski, VT. (Hearing site: Concord, NH, or Boston, MA.)

MC 4963 (Sub-74F), filed October 17, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Chicago, IL, on the one hand, and, on the other, Waukegan and Rockford, IL, Davenport, IA, and Kenosha, Janesville, Madison, Milwaukee, and Racine, WI. (hearing site: Washington, DC.)

MC 4963 (Sub-75F), filed October 17, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting *iron and steel articles, metal, and commodities* the transportation of which because of size or weight require the use of special equipment, between the facilities of Niagara Machine and Tool Company at or near Buffalo, NY, on the one hand, and, on the other, points in PA, OH, WV, KY, IN, IL, MI, WI, MD, GA, SC, and TN. (Hearing site: Buffalo, NY.)

MC 52793 (Sub-35F), filed October 12, 1979. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, DC 20004. Transporting *furniture, furniture parts, fixtures,* and *paper articles,* (1) from points in MI, to points in CT, MA, NJ, NY, DE, MD, VA, PA, ME, NH, VT, and RI; and (2) from points in NY, NJ, MA, CT, VT and PA to points in MI, IL, IN, and WI. (Hearing site: Grand Rapids, MI and Washington, DC.)

MC 52793 (Sub-36F), filed October 6, 1979. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *new furniture,* from points in Hampden County, MA, to points in IL, IN, and MI. (Hearing site: Boston, MA or Washington, DC.)

MC 52793 (Sub-37F), filed October 16, 1979. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Transporting *microfoam* from the facilities of E. I. du Pont de Nemours & Co., at or near Wurtland, KY, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. (Hearing site: Louisville, KY, or Washington, DC.)

MC 52793 (Sub-40F), filed October 16, 1979. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Transporting (1) *new furniture, fixtures, cabinets, store and office fixtures and equipment,* from points in NJ, NY, and PA, to points in the United States (except AK and HI); (2) *parts, materials and equipment* used in the manufacture of new furniture, mattresses and box springs (except commodities in bulk), from Elizabeth, NJ, to Columbus, OH; (3) *cabinets,* from Shelbyville, IN, to points in KS, OK, TX, LA, AR, MO, IA, WI, IL, IN, OH, MS, AL, GA, FL, SC, NC, TN, KY, WV, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, and DC; and (4) *new furniture* from Elgin IL, to points in WI, IN, MI, OH, MO, KS, and IA. (Hearing site: Washington, DC.)

MC 64932 (Sub-605F), filed October 18, 1979. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *chemicals,* in bulk, in tank vehicles, from points in LA and TX, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New Orleans, LA, or Houston, TX.)

MC 64932 (Sub-606F), filed October 18, 1979. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *resins,* in bulk, in tank vehicles, from Ferndale, MI, to points in NC, SC, and FL. (Hearing site: Chicago, IL.)

MC 106603 (Sub-211F), filed October 10, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, S.W., P.O. Box 8099, Grand Rapids, MI 49508. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *compressed sawdust logs,* from Port Clinton, OH to points in MI, IN, IL, WI, KY, WV, NY, NJ, PA, MD, DE, and VA. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107012 (Sub-447F), filed October 10, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting *kitchen cabinets* and *vanity cabinets,* from the facilities of Creative Cabinets at or near San Antonio, TX, to points in AL, AZ, CA, CO, FL, ID, KS, LA, MS, NM, NV, OK, OR, SD, WA and WY. (Hearing site: San Antonio or Houston, TX.)

MC 107403 (Sub-1272F), filed October 10, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting (1) *alcohol,* in bulk, in tank vehicles, from points in IL and IA to points in NE and WY, and (2) *petroleum and petroleum products,* in bulk, in tank vehicles, from points in KS to points in NE, WY and SD, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Panhandle Co-op Association. (Hearing site: Washington, DC.)

MC 107403 (Sub-1273F), filed October 10, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsowne, PA 19050. Representative: Martin C. Hynes, Jr., Ten West Baltimore Avenue, Lansdowne, PA 19050. Transporting *commodities in bulk,* in foreign commerce only between ports of entry on the International Boundary line between the United States and Canada located in WA, on the one hand, and, on the other, points in ID, OR, WA and WY. (Hearing site: Washington, DC.)

MC 107403 (Sub-1274F), filed October 10, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address an applicant). Transporting *liquid caustic soda,* in bulk, in tank vehicles, from Shreveport, LA, to points in TX. (Hearing site: Washington, DC.)

MC 107912 (Sub-1F), filed October 5, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Dr., Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baton Rouge and Reserve, LA, over U.S. Hwy 61, serving all intermediate points and off-route points in Baton Rouge, East Baton Rouge, Iberville, Ascension, St. James and St. John the Baptist Parishes.

MC 110012 (Sub-62F), filed September 17, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street NW., Washington, DC 20004. Transporting *canned goods* from Moorhead, MS, and points in Benton, Crawford, and Washington Counties, AR, and Adair and Haskell Counties, OK, to points in GA, KY, NC, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 110683 (Sub-162F), filed October 10, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esq., Suite 502, 1000 16th Street NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Canajoharie, NY, as an off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC or Albany, NY.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 110683 (Sub-163F), filed October 5, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esq., Suite 502, 1000 16th Street NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Tridon, Inc., at or near Smyrna, TN as an off-route point, in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC or Nashville, TN.)

Note.—Applicant intends to tack this authority with its existing authority.

MC–110683 (Sub-164F), filed October 17, 1979. Applicant: SMITH'S TRANSFER CORPORATION, BOX 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esq., 1000 16th St., NW, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general*

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commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rockford, IL, and Tupelo, MS, serving as intermediate and off-route points those in Winnebago, Boone, McLean, Macon, and Massac Counties, IL; and Lee County, MS. From Rockford over U.S. Hwy 51 to junction U.S. Hwy 45W, then over U.S. Hwy 45W (also over U.S. Hwy 45E) to junction U.S. Hwy 45, then over U.S. Hwy 45 to Tupelo, and return over the same route. (2) Between Rockford, IL, and Memphis, TN over U.S. Hwy 51 serving as intermediate and off-route points those in Winnebago, Boone, McLean, Macon, and Massac Counties, IL; Shelby and Fayette Counties, TN; Crittenden County, AR; and De Soto County, MS. (3) Between Tupelo, MS, and St. Louis, MO, serving as intermediate and off-route points those in Lee County, MS, and St. Louis and St. Clair Counties, MO. From Tupelo over U.S. Hwy 78 to to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, and return over the same route. (4) Between Chicago, IL and Memphis, TN, serving as intermediate and off-route points those in Peoria, Woodford, Tazewell, McLean, and Madison Counties, IL; Shelby and Fayette Counties, TN; De Soto County, MS; and Crittenden County, AR. From Chicago over Interstate Hwy 55 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction IL Hwy 29 then over IL Hwy 29 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, and return over the same route. (5) Between Davenport, IA, and Memphis, TN, over U.S. Hwy 61, serving as intermediate and off-route points those in Shelby and Fayette Counties, TN; De Soto County, MS; and Crittenden County, AR; and those on U.S. Hwy 61 in Iowa. (6) Between Paducah, KY, and Peoria, IL, serving as intermediate and off-route points those in Peoria, Tazewell, Woodford, McLean, and Massac Counties, IL. From Paducah over Interstate Hwy 24 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction IL Hwy 127, then over IL Hwy 127 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction IL Hwy 29, then over IL Hwy 29 to Peoria, and return over this same route. (7) Between Paducah, KY, and Kansas City, KS, serving as intermediate and off-route points those located in Massac County, IL, Johnson, Wyandotte, Leavenworth, Douglas, Jefferson, and Shawnee Counties, KS; and Jackson, Clay, Platte, Cass and Buchanan Counties, MO. From Paducah over Interstate Hwy 24 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, and return over the same route. (8) Between Tupelo, MS, and Fulton, KY-South Fulton, TN, serving as Intermediate and off-route points those located in Lee County, MS. From Tupelo over U.S. Hwy 45 to junction U.S. Hwy 45W, then over U.S. Hwy 45W to junction U.S. Hwy 45 (also over U.S. Hwy 45E), then over U.S. Hwy 45 to Fulton, KY-South Fulton, TN, and return over the same route. (9) Between Paducah, KY, and Wichita, KS, serving as intermediate and off-route points those located in Massac County, IL, and Sedgwick County, KS. From Paducah over U.S. Hwy 60 to junction MO Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 54, then over U.S. Hwy 54 to Wichita, and return over the same route. (10) Between Paducah, KY, and Kankakee, IL, serving as intermediate and off-route points those located in Massac County, IL. From Paducah over Interstate Hwy 24 to junction Interstate Hwy 57, then over Interstate Hwy 57 to Kankakee, and return over the same route. (11) Between Memphis, TN, and Des Moines, IA, serving as intermediate and off-route points those in Iowa; Shelby and Fayette County, TN; Crittenden County, AR, and De Soto County, MS. From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction IA Hwy 163, then over IA Hwy 63 to Des Moines, and return over the same route. (12) Between Tupelo, MS, and Kansas City, KS, serving as intermediate and off-route points those in Lee County, MS; Johnson, Wyandotte, Leavenworth, Douglas, Jefferson and Shawnee Counties, KS; and Jackson, Clay, Platte, Cass, and Buchanan Counties, MO; From Tupelo over U.S. Hwy 78 to junction U.S. Hwy 70 then over U.S. Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction MO Hwy 13, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, and return over the same route. (13) Between Tupelo, MS, and Wichita, KS, serving as intermediate and off-route points those in Lee County, MS, and Sedgwick County, KS; From Tupelo over U.S. Hwy 78 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 166, then over U.S. 166 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Wichita, and return over the same route, serving points in St. Louis and St. Clair Counties, MO as off-route points in connection with Carrier's otherwise authorized regular routes operations. (14) Between Memphis, TN, and Wichita, KS, serving as intermediate and off-route points those in Shelby and Fayette Counties, TN; Crittenden County, AR; De Soto County, MS; and Sedgwick County, KS; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, then (continue from above route to Wichita and return) Serving all off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC.)

Note.—Applicant proposes to tack sought authority with existing authority.

MC 111812 (Sub-691F), filed October 10, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Universal Foods Corporation at (1) Peru, IN, (2) Chicago, IL, and (3) points in WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, WY and UT. (Hearing site: Chicago, IL.)

MC 112962 (Sub-18F), filed October 5, 1979. Applicant: CRUPPER TRANSPORT CO., INC., 25 South Third, Kansas City, KS 66118. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64058. Transporting *show display and exhibits and machinery, equipment, materials and supplies* used in connection with display and show purposes, between points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 113362 (Sub-369F), filed October 16, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue N.E., P.O. Box 429, Austin, MN 55912. Transporting (a) *pet food mix* (except in bulk), from the facilities of Geo. A. Hormel & Co., at or near Davenport, IA, to points in IL, KS, MN, MO, NE, SD, and WI, and (b) *pork skins and trimmings*, in the reverse direction. (Hearing site: Des Moines, IA or Chicago, IL.)

MC 114273 (Sub-666F), filed October 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. Transporting *hides, skins, pelts,* and *pieces of hides, skins, and pelts,* from points in CO, IL, IN, IA, KS, MN, MO, NE, OH, and WI, to points in IL, IN, KY, ME, MD, MA,, MI, NM, NJ, NY, OH, PA, VA, WV, and WI. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-667F), filed October 12, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *such commodities as are dealt in by manufacturers of paper, paper products and* (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above (except in bulk), between points in the United States in and east of TX, OK, KS, NE, ND and SD, restricted to the transportation of traffic originating at or destined to the facilities of Georgia-Pacific Corporation. (Hearing site: Chicago, IL or Washington, DC).

MC 114273 (Sub-668F), filed October 12, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. Transporting *general commodities* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives it shall be limited in points of time to a period expiring 5 years from its date of issue. (Hearing Site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-669F), filed October 11, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (a) *pet food mix* (except in bulk), from the facilities of George A. Hormel & Co., at Davenport, IA to points in IL, KS, MN, MO, NE, SD, and WI, and (b) *pig skins and trimmings*, in the reverse direction. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-670F), filed October 12, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting, *lawn and garden Fertilizer*, from Knox, IN, to points in IA, NE, MN, MO, KS and CO. (Hearing site: Chicago, IL or Washington, DC.)

MC 115092 (Sub-91F), filed October, 16, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *junk batteries* from Portland, OR, to Seattle, WA. (Hearing site: Seattle, WA or Washington, DC.)

MC 115162 (Sub-510F), filed October 11, 1979. Applicant: PPOOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *fabricated steel products and agricultural implements* (except freight trailer standards and supports (2) *buildings*, (3) *parts and accessories* for the commodities named in (1) and (2) above, from the facilities of The Binkley Co., in Montgomery and Warren Counties, MO, to points in the United States (except AK and HI), restricted to the transportation of traffic at the named facilities. (Hearing site: St. Louis, MO or Washington, DC.)

MC 115353 (Sub-41F), filed October 15, 1979. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *wire mesh, and materials, supplies, and equipment* used in the manufacture and distribution of wire mesh (except commodities in bulk), (1) between Savannah, GA, on the one had, and, on the other, points in WV, PA, NJ, NY, and CT, and (2) between Atlanta, GA, on the one hand, and, on the other, points in FL, and (B) *materials, supplies and equipment* used in the manufacture and distribution of wire mesh (except commodities in bulk), (1) from points in MA, RI, CT, NY, PA, DE, and MD, to Kearny, NJ, (2) from points in OH, RI, MA, NH, VT, ME, IN, MI, PA, NY, NJ, CT, VA, NC, WV, DE, MD, KY, and DC, to Baltimore, MD, (3) from points in TN, AL, VA, GA, MD, KY, SC, NC, and DC, to Atlanta, GA, (4) from points in TN, AL, FL, KY, SC, NC, GA, MD, VA and DC, to Savannah, GA, and (5) from points in FL and GA to Tampa, FL, under continuing contract(s) in (A) and (B) with National Wire Products Corporation of Baltimore, MD. (Hearing site: Washington, DC.)

MC 115523 (Sub-197F), filed October 10, 1979. Applicant: CLARK TANK LINES COMPANY, P.O. Box 1895, 1450 N. Beck Street, Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt lake City, UT 84110. Transporting *direct reduced iron ore pellets*, from Portland, OR, to Rowley, UT. (Hearing site: Salt Lake City, UT.)

MC 116763 (Sub-60F), filed October 17, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira, same address as applicant. Transporting foodstuffs (except commodities in bulk, in tank vehicles), from the facilities used by the Green Giant Company, at or near Parkesburg, PA, to points in FL, GA, NC, SC, and VA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 119493 (Sub-326F), filed October 12, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager (same address as applicant). Transporting (1) *roofing, roofing materials, and building materials* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilties of Tamko Asphalt Products, Inc. (Hearing site: Kansas City or Joplin, MO.)

MC 124083 (Sub-61F), filed October 17, 1979. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *fertilizer*, in bulk, in dump vehicles, from the facilities of River Road Terminal at or near Louisville, KY, to points in IN and OH. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 124692 (Sub-312), filed October 12, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transportation (1) *refroctories and refractory products*, (2) *equipment and materials* used in the installation of the commodities in (1) above, and (3) *materials and supplies* unsed in the manufacture and production of the commodities in (1) and (2) above, between Fulton and Mexico, MO, and Pueblo, CO, on the one hand, and, on the other, points in CO, WY, MT, UT, ID, WA, OR, CA, NV, AZ, NM, ND, SD, and MN, restricted to the transportation of traffic originating at or destined to the facilities of A.P. Green Refractory Co. (Hearing site: Kansas City, MO.)

MC 125433 (Sub-341F), filed October 5, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road,

Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting (1) *refrigerators, freezers and microwave ovens,* from Amana, IA, to points in AZ, CA, NV, OR, WA, UT, ID, TX, AL and IA, and (2) *air conditioners, central heating furances, stoves and electric ranges,* from Fayetteville, TN, to points in AZ, CA, NV, OR, WA, UT, ID, TX, AL and LA. restricted in (1) and (2) above to the transportation of traffic originating at the facilities of Amana Refrigeration, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 125872 (Sub-10F), filed October 9, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *potatoes* (except frozen), (1) from Shelley, ID, and Clearfield, UT, to those points in CA, and south of Monterey, Fresno, and Inyo Counties, and (2) between Shelley, ID, and Clearfield, UT, under continuing contracts with the R. T. French Company. (Hearing site: Salt Lake City, UT.)

MC 125872 (Sub-10F), filed October 15, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *salt and salt products,* and (2) *such commodities* as are used by the agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, from the facilities of Great Salt Lake Mineral and Chemical Corp., at or near Little Mountain, UT, to points in ND, SD, NE, KW, MN, IA, MO, WI, IL and IN, under continuing contract(s) with Great Salt Lake Minerals & Chemical Corp. (Hearing site: Salt Lake City, UT.)

MC 126473 (Sub-43F), filed October 5, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Duley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *pet food mix* (except in bulk), from the facilities of Geo. A. Hormel & Co at Davenport, IA, to points in IL, KS, MN, MO, NE, SD, and WI, and (2) *skins and trimmings,* in the reverse direction. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 127042 (Sub-280F), filed October 11, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting such commodities as are dealt in by mail-order gift houses, from Kaukauna, Neenah, Mayville, Monroe, and Sun Prairie, WI, to points in AZ, CA, NV, NM, and UT. (Hearing site: Madison, WI.)

MC 127042 (Sub-281F), filed October 15, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk) from the facilities of Wilson Foods Corporation, at Cedar Rapids, IA, to points in AZ, CA, ID, OR, and WA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 127042 (Sub-282F), filed October 16, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting: *dairy products,* from West Bend, WI, to points in CA and WA. (Hearing site: Madison, WI.)

MC 127042 (Sub-283F), filed October 17, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Chicago, IL, to points in IA, NE, MO, TX, OK, and KS. (Hearing site: Chicago, IL.)

MC 128273 (Sub-369F), filed October 18, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Transporting *such commodities* as are used or dealt in by paper converters, (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), between Sheridan, AR, on the one hand, and on the other, points in the United States (except AK, AR, and HI), restricted to the transportation of traffic originating, at or destined to the facilities of St. Regis Paper Company at Sheridan, AR. Condition: The person or persons which appear to be engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Houston, TX, or Washington, DC.)

MC 128343 (Sub-48F), filed October 11, 1979. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW, Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle, in interstate of foreign commerce over irregular routes transporting (1) *iron and steel articles* from Andrews, SC, to points in AL, CT, FL, GA, IL, IN, KS, KY, MA, MD, ME, MI, MO, MS, NH, NY, OH, OK, PA, RI, TN, TX, VA, VT, WI, and (2) materials, equipment, and *supplies used in the manufacture and distribution of iron and steel articles, in the reverse direction under continuing contract(s) with Andrews Wire, a Division of Georgetown Steel Corp. (Hearing site: Washington, DC, or Boston, MA.)*

Note.—Dual operations may be involved.

MC 128343 (Sub-49), filed Ocotber 11, 1979. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce over irregular routes transporting *flat wire* and *iron and steel articles,* from Pawtucket, RI, to points in AR, CT, GA, IL, IN, KY, MA, MI, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WI, and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1) above in the reverse direction under continuing contract(s) with Newman Crosby Steel Company, Inc. (Hearing site: Washington, DC, or Boston, MA.)

Note.—Dual operations may be involved.

MC 129282 (Sub-52F), filed October 16, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry (same address as applicant). Transporting (1) *sugar,* in containers, and (2) *material and supplies* used in the manufacture and distribution of sugar (except in bulk), between the facilities of the Imperial Sugar Company at Sugarland, TX, on the one hand, and, on the other, points in AR, LA and OK. (Hearing site: Houston or Dallas, TX.)

MC 135213 (Sub-21F), filed October 18, 1979. Applicant: JOE GOOD d.b.a. GOOD TRANSPORTATION, P.O. Box 335, 830 Shoshone Avenue, Lovell, WY 82431. Representative: James P. Beck, 717—17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce (1) *gypsum, gypsum wall board, and joint systems,* and (2) *materials and supplies* used in the application of commodities in (1) above (except commodities in bulk), from the facilities of Gerogia-Pacific Corporation at or near Acme, TX, to points in WY, MT, ID, and UT under continuing contract(s) with Georgia-Pacific Corporation. (Hearing site: Portland, OR.)

MC 135762 (Sub-5), filed October 15, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: John H. Neal, same as applicant. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *fencing and wire and wire products,* from the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD, WV, and WI, under continuing contract(s) with Bekaert Steel Wire Corporation. (Hearing site: Washington, DC.)

MC 136283 (Sub-4F) filed: October 11, 1979. Applicant: DERON, INC., 8625 N. Borthwick, Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *floor covering,* and (2) *materials* and *supplies* used in the manufacture of (a) mobile homes, (b) sectionalized buildings, and (c) recreational vehicles, (A) from the facilities of Congoleum Corporation at Marcus Hook, PA, to points in AZ, CA, and WA, and (B) between Riverside, CA, Portland, OR, and Boise, ID, on the one hand. and on the other, the ports of entry on the international boundary line between the United States and Canada located in WA and MT, under continuing contract(s) with LaSalle-Deitch Co., Inc.(Hearing site: Portland, OR.)

MC 136952 (Sub-6F), filed: October 15, 1979. Applicant: ADAMIC TRUCKING, INC., 15522 Rider Road, Burton, OH 44021. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier,* over irregular routes, transporting *plastic articles,* from Middlefield, OH to points in CT, FL, GA, IL, MA, MD, MI, MO, NC, NJ, NY, and WI, under continuing contract(s) with Sajar Plastics, Inc. (Hearing site: Cleveland, OH.)

MC 138652 (Sub-7F), filed: October 31, 1979. Applicant: BAKER TRUCK SERVICE, INC., P.O. Box 7771, Boise, ID 83707. Representative: Larry O. Nelson, P.O. Box 169, St. Maries, ID 83861. Transporting *lumber* between points in ID, NV, OR, WA, and Eldorado and Nevada Counties, CA. (Hearing site: Boise, ID.)

MC 138883 (Sub-301F), filed: October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *construction materials* between the facilities of the Celotex Corporation at or near Charleston, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa, FL or Chicago, IL.)

MC 138882 (Sub-302F), filed: October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy AL 36081. Representative: John J. Dykema, same as applicant. Transporting *flat glass* from Nashville, TN, to Rocky Mount, VA. (Hearing site: Roanoke, VA, or Birmingham, AL.)

MC 138882 (Sub-303F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *construction materials* between the facilities of the Celotex Corporation at Port Clinton, OH, on the one hand, and, on the other, points in MI, NY, PA, MD, DE, DC, VA, WV, TN, KY, IN, and IL. (Hearing Site: Tampa, FL or Montgomery AL.)

MC 138882 (Sub-310F), filed October 10, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *lumber* from points in TX to points in AL. (Hearing Site: Birmingham or Montgomery, AL.)

MC 138882 (Sub-311F), filed October 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, (same address as applicant). Transporting (1) *footwalk structural aluminum, and iron and steel,* and (2) *materials, equipment and supplies* used in the manufacture of footwalks (except commodities in bulk), between Cottondale, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 138882 (Sub-312F), filed October 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, (same address as applicant). Transporting *Stoneware, china* and *steel flatware,* between points in the United States. (Hearing site: Birmingham or Montgomery, AL.)

MC 138882 (Sub-313F), filed October 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *petroleum and petroleum products,* in containers, from Edison, NJ to points in FL. (No hearing site indicated.)

MC 138882 (Sub-315F), filed October 18, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *containers and container chassis,* fron Troy, AL, to points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 138882 (Sub-316F), filed October 21, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting *plumbing fixtures and fittings, crankshafts, and castings,* between the facilities of the Kohler Company, Inc., at (a) Kohler, WI, (b) Spartanburg, SC, and (c) Brownwood, TX, on the one hand, and, on the other, points in the United States (exept AK and HI). (Hearing site: Sheboygan, WI or Birmingham AL.)

MC 139113 (Sub-15F), filed October 15, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of M. O. Carroll-Newton Company, Inc., located in Houston and Dale Counties, AL, under continuing contract(s) with M. O. Carroll-Newton Company, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 139482 (Sub-159F), filed October 10, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting (1) *deodorants,*

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disinfectants, breath fresheners, cleaning compounds, swimming pool treatment compounds, insecticides, and (2) *materials, supplies* and *equipment used* by deodorant and cleaning compound manufacturers (except commodities in bulk, in tank vehicles), between points in CA, CO, CT, FL, GA, IL, IN, MA, MD, MI, MN, MO, NC, NE, NY, NJ, OH, RI, TX, TN, WA and WI, (restricted to the transportation of traffic destined to the facilities of Airwick Industries, Inc. (Hearing site: New York, NY.)

MC 139482 (Sub-160F), filed October 18, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *building materials, building supplies, fireplaces, wood stoves, and materials and supplies* used in the manufacture of fireplaces and wood stoves, between points in CA, FL, GA, IA, ID, IL, IN, MN, MO, OR, SD, VA, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 139843 (Sub-8F), filed October 18, 1979. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry, P.O. Box 4319, Monroe, LA 71203. Transporting *clay, sweeping compounds, and absorbents,* (except commodities in bulk), from the facilities of Oil Dri Corporation of America at or near Ochlocknee, GA, to points in AR, LA, and TX, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Monroe, LA, Little Rock, AR or Memphis, TN.)

MC 139923 (Sub-67F), filed October 5, 1979. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *printed matter,* from Mattoon, IL, to points in CA, OR, TX and WA. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 141402 (Sub-40F), filed (October 5, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers, closures for glass containers, and cartons,* (a) from Parkersburg, WV to points in IL, IN, OH, KY, MI, IA, MO, PA, NJ, NY, and RI; (b) from Joliet, IL, to points in IN, MO, MI, IA, NJ, NY, and RI, and (c) from Woonsocket and Coventry, RI, to points in IL, IN, OH, KY, MI, IA, MO, PA, NJ, and NY; and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or sale of the commodities in (1) above, (except commodities in bulk), (a) from the destination States in (1) (a) to Parkersburg, WV, (b) from points in IN, MI, MO, IA, OH, KY, NJ, NY, PA, and RI, to Joliet, IL, and (c) from the destination States in (1) (c) to Woonsocket and Coventry, RI, all under continuing contract(s) with National Bottle Company. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 141443 (Sub-42), filed October 18, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *refined sugar,* in packages, from Sugar Land, TX to points in AR, KS, LA, MO and OK. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 141402 (Sub-43F), filed October 10, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *plastic articles,* from Dawson Springs, KY, to points in ME, VT, NH, MD, LA, AR, MO, IA, MN, TX, OK, KS, NE, SD, ND, NM, CO, WY, MT, AZ, UT, ID, CA, NV, OR, WA, and DC, and (2) *materials, equipment and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk), from points in the United States (except AK and HI), to Dawson Springs, KY, under continuing contract(s) with Midland Ross Corporation, of Louisville, KY. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 141402 (Sub-44F), filed October 17, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles,* from Dawson Springs, KY, to points in ME, VT, NH, MD, LA, AR, MO, IA, MN, TX, OK, KS, NE, SD, ND, NM, CO, WY, MT, AZ, UT, ID, CA, NV, OR, WA, and DC under continuing contract(s) with Midland-Ross Corporation. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 141443 (Sub-44F), filed October 18, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses; (2) *soy products, paste, flour products, and dairy based products,* (3) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) and (2) above (except commodities in bulk) between those points in the United States in and west of OH, KY, AR, and LA, (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 142082 (Sub-8F), filed October 18, 1979. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 1832, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture and sale of paper and paper products (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Packaging Corporation of America at or near (a) Macon, GA, (b) Northampton, MA, (c) Lancaster, Stroudsburg, and Trexlertown, PA, (d) Garfield, NJ, and (e) Harrisonburg, VA, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, RI, and VA, under continuing contract(s) with Packaging Corporation of America, of Evanston, IL. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 142483 (Sub-2F), filed October 16, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass fiber products,* (except commodities in bulk), from the plantsites of PPG Industries, Inc., at Shelby and Lexington, NC, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WI and WY under continuing contract(s) with PPG Industries, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 143693 (Sub-6F), filed October 9, 1979. Applicant: DFC TRUCKING COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 705, Fullerton, CA 92631. Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Transporting (1) *foodstuffs,* between points in CA, OR, CO, TX, MO, KS, IL, MN OH, WA, ID, UT, NE, SD, IA, and AR, and (2) equipment and supplies used in the operation of a restaurant or donut shop business, (a) between points in CA, OR, CO, TX, MO, KS, IL, MN, and OH, and, (b) between points in CA, KS, MN, and IL, on the one hand, and, on the other, points in the United States (except AK and HI), all under continuing contract(s) with Winchell's Donut House, of La Mirada, CA. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 143702 (Sub-7F), filed October 5, 1979. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, 1012 Baltimore, Suite 900, Kansas City, MO 64105. Transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Inland Storage Distribution Center at Kansas City, KS, to points in MO. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144162 (Sub-13F), filed October 5, 1979. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Hwy, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printing ink and printing ink materials* (except commodities in bulk), from the facilities of J. M. Huber Corporation, at Edison, NJ, to the facilities of J. M. Huber Corporation, at Compton, CA, under continuing contract(s) with J. M. Huber Corporation, of Compton, CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144483 (Sub-3F), filed October 16, 1979. Applicant: MAHER, INC., R.R. No. 14, Box 330, West Terre Haute, IN 47885. Representative: Norman R. Gavin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas,* from Tuscola, IL to Lebanon and Nolbesville, IN, under continuing contract(s) with Pyrofax Gas Corp., of Houston, TX. Condition: The permit to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issue. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 144622 (Sub-110F), filed October 10, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Robert S. Lee 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *floor and wall tile,* (2) *commodities* used in the installation and maintenance of commodities listed in (1) above, and (3) *equipment, materials* and *supplies* used in the manufacture of commodities in (1) above, between the facilities of American Olean Tile Company at Lewisport and Cloverport, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145623 (Sub-6F), filed October 1, 1979. Applicant: O K MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *iron and steel articles,* between points in the United States (except AK and HI), under continuing contract(s) with Federal Pipe and Steel Corporation, of Plymouth, MI. (Hearing site: Detroit, MI or Plymouth, MI.)

MC 145672 (Sub-2F), filed October 10, 1979. Applicant: CHARTER OAK TRUCKING CORPORATION, 45 Freight Street, Waterbury, CT 06702. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510. Transporting *building materials,* between points in Dutchess, Putnam and Westchester Counties, NY, on the one hand, and, on the other, points in CT. (Hearing site: Hartford, CT, or New York, NY.)

Note.—The person or persons who appear to be engaged in common control with other carriers must either file an application under 49 U.S.C. Section 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit within 20 days from date of publication indicating why such approval is unnecessary. (Hearing site: Hartford, CT, or New York, NY.)

MC 145742 (Sub-4F), filed October 22, 1979. Applicant: BOLES TRUCKING, INC., R.R. No. 1, Ina, IL 62846. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *tires and accessories* for tires, (2) *rubber products* (except those described in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above, between the facilities of The General Tire & Rubber Company, at Mt. Vernon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with The General Tire & Rubber Company, of Akron, OH. (Hearing site: Chicago, IL.)

MC 145793 (Sub-1F), filed October 10, 1979. Applicant: EMBERS EXPRESS TRUCKING COMPANY, INC., P.O. Drawer 937, Lake City, SC 29560. Representative: Wm. Reynolds Williams, P.O. Box 1909, Florence, SC 29503. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, transporting *charcoal briquettes in bags, and charcoal supplies,* from Lake City, SC, to points in FL, GA, SC, KY, ME, NJ, WV, AL, NC, PA, IN, MS, VA, DE, OH, TN, NY, and DC, under continuing contract(s) with T. S. Ragsdale Company. (Hearing site: Florence, Columbia, or Charleston, SC or Atlanta, GA.)

MC 146192 (Sub-2F), filed October 5, 1979. Applicant: SANDHILLS GRAIN, INC., 524 Augusta Street, Bassett, NE 68714. Representative: D. Douglas Titus, Suite 510, Benson Building, Sioux City, IA 51101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Dayco Corporation and Electric Hose and Rubber Company at or near (a) Springfield, MO, (b) Alliance and McCook, NE, and (c) Olney, TX, on the one hand, and, on the other, points in AL, AR, CA, GA, IL, IA, KS, LA, MI, MN, MS, MO, NE, OH, OK, PA, SD, TN and TX, under continuing contract(s) with Dayco Corporation. (Hearing site: Omaha, NE or Kansas City, MO.)

MC 146193 (Sub-5F), filed July 10, 1979. Applicant: CAMPBELL GRAIN CORPORATION, Box 94, Humeston, IA 50123. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *sewage treatment equipment,* and (2) *materials* and *supplies* used in the manufacture of sewage treatment equipment (a) between Chariton, IA, and Bloomingdale, IL, and (b) from Chariton, IA, to points in the United States (except

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AK, HI and IA). (Hearing site: Chicago, IL, or Washington, DC.)

MC 146293 (Sub-33F), filed October 9, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3390 Peachtree Road NE., Atlanta, GA 30326. Transporting *foodstuffs*, except in bulk, from the facilities of American Home Foods, Division of American Home Product Corporation located at or near Milton, PA to points in Al, FL, GA, MS, NC, SC and TN. (Hearing site: Atlanta, GA.)

MC 146293 (Sub-39F), filed October 1, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3390 Peachtree Road, NE., Atlanta, GA 30326. Transporting *materials, equipment and supplies* used in the manufacture and distribution of fluorescent lighting fixtures (except commodities in bulk), from points in the U.S. (except PA, AK and HI) to points in Bucks and Philadelphia Counties, PA. (Hearing site: Philadelphia, PA.)

MC 146343 (Sub-4F), filed October 16, 1979. Applicant: SOUTHERN EXPRESS CORPORATION, 308 South Ocean Blvd., Pompano, FL 33062. Representative: Danial Sumner, 131 Airport Rd., Warwick, RI 02889. *Contract carrier*, transporting *wooden handles*, from Conroe, TX, to points in AL, AZ, AR, CA, CO, FL, GA, IL, KS, LA, MA, MD, MI, MN, MS, NJ, NC, NY, OH, PA, RI, SC, and TN, under continuing contract(s) with Owens Handle Company, of Conroe, TX. (Hearing site: Washington, DC.)

MC 146413 (Sub-2F), filed October 23, 1979. Applicant: BUDDY BOARDMAN, d.b.a. BUDDY BOARDMAN TRUCKING, 17001 Arch St. Pike, Little Rock, AR 72206. Representative: Clifton Peter Rose, 1101 Connecticut Avnue, NW., Washington, DC 20036. Transporting *potash fertilizer in bulk* from Carlsbad, NM to points in Jefferson, Lincoln, Woodruff, White, and Pulaski Counties, AR. (Hearing site: Little Rock, AR or Washington, DC.)

MC 146553 (Sub-5F), filed October 9, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *castings*, from Davenport, IA and Moline IL to points in CA. (Hearing site: Davenport, IA or Chicago, IL.)

MC 146782 (Sub-19F), filed October 12, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *tubing* from the facilities of Ohio Steel Tube Company, at or near Shelby, OH, to points in AL, AR, GA, KY, MS, NC, OK, SC, TN, TX, VA, & WV. (Hearing site: Nashville, TN, or Shelby, OH.)

MC 146782 (Sub-20F), Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN, 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *iron and steel articles* between the facilities of Volunteer Structures, Inc., at or near Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to the transportation of the above named commodities originating at or destined to the above named facilities. (Hearing site: Nashville, TN.)

MC 146972 (Sub-1F), filed October 17, 1979. Applicant: BLUE STAR TRUCKING, INC., 140 Jackson Avenue, Edison, NJ 08817. Representative: Edward F. Bowes, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and the facilities of Tri-Corp. Industries, Inc., at or near Edison, NJ, on the one hand, and, on the other, points in NY, NJ, CT, MA, PA, DE, MD, and DC, under continuing contract(s) with Tri-Corp. Industries, Inc. (Hearing site: New York, NY.)

MC 147242 (Sub-6F), filed October 18, 1979. Applicant: 12–90 PLAZA CORP., d.b.a. PLAZA FREIGHT TRANSPORT, 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *toilet preparations and materials* used in the distribution of toilet preparation, (except commodities in bulk), between East Hills, NY, on the one hand, and, on the other, Chicago, IL, and Los Angeles and San Francisco, CA, under continuing contract(s) with Helena Rubinstein, Inc. (Hearing site: New York, NY.)

MC 147343 (Sub-6F), filed October 18, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). Transporting *such merchandise* as dealt in by wholesale and retail grocery houses, and drugs stores from the facilities of Willert Home Products, Inc., and Reefer Galler, Inc., at Los Angeles, CA, St. Louis, MO, and Kenova, WV, to points in the US (except AK and HI). (Hearing site: Indianapolis, IN or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 147492 (Sub-4F), filed October 12, 1979. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon III (same address as applicant). Transporting *paper and paper products, container ends, containers, and materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between the facilities of Union Camp Corporation in LA, MS, AL, AR, TN, TX, SC, NC, WV, VA, KY, IL, IN, OH, and MO, on the one hand, and, on the other, points in LA, MS, AL, AR, TN, TX, SC, NC, WV, VA, KY, IL, IN, OH, and MO. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 147493 (Sub-2F), filed October 10, 1979. Applicant: NO LIMITATION TRUCKING SERVICES, INC., 7430 Alabama Street, New Orleans, LA 70126. Representative: Rena M. Price, 1232 Maison Blanche Building, New Orleans, 70112. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from New Orleans, LA, to Crowley, LA, and Jackson, MS and (2) from points in IL, MA, OH, NJ and MO to Crowley, LA, under continuing contract with Bayou Culvert Mfg., of Crowley, LA. (Hearing site: New Orleans, LA or Washington, DC.)

MC 147552 (Sub-5F), filed October 17, 1979. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 16th St., NW., Washington, DC 20036. Transporting *paper and paper products* between the facilities of International Paper Company, at or near Bastrop and Lake Charles, LA, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: New Orleans, LA.)

MC 147712 (Sub-5F), filed October 2, 1979. Applicant: MID–WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting *alcoholic beverages*, from Los Angeles CA to points in the United States (except AK and HI). (Hearing site: Los Angeles or San Francisco, CA)

MC 147722F filed July 2, 1979. Applicant: RUSSELL F. CRITSER, d.b.a. RUSSELL CRITSER TRUCKING, Highway 231 N (R.R. No. 1, Box 15–A), Rensselaer, IN 47978. Representative: Kirkwood Yockey, 300 Union Federal Building, 45 N. Pennsylvania Street, Indianapolis, IN 46204. Transporting *sand, gravel, earth, and stone*, in bulk, in dump vehicles, between points in Jasper County, IN, on the one hand, and, on the other, points in Cook, Will, Kankakee, Iroquois, and Vermillion Counties, IL. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 147872 (Sub-1F), filed October 16, 1979. Applicant: MERCHANTS HOME DELIVERY SERVICE OF PENNSYLVANIA, INC., P.O. Box 5067, Oxnard, CA, 93031. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA, 15222. Transporting *new furniture, new appliances, house and office furnishing accessories and carpeting*, between the facilities of Gee Bee Furniture Centers, Inc., at or near Greensburg, PA, on the one hand, and, on the other, points in Trumbull, Mahoning, Columbiana, Jefferson and Belmont Counties, OH, Hancock, Brooke, Marshall, Monongalia, and Preston Counties, WV, and Garrett and Allegany Counties, MD. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 148003 (Sub-1F), filed October 9, 1979. Applicant: ALICE DEGROOT, d.b.a. DEGROOT TRUCKING, 1117 Clary Avenue, Wortington, MN 56187. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *confectioneries* from the facilities of Pearson Candy Company at St. Paul, MN, to points in CA. (Hearing site: Minneapolis, MN.)

MC 148013 (Sub-2F), filed October 22, 1979. Applicant: MICHAEL McDERMID, d.b.a., McDERMID TRUCKING, 563 Green Bay Avenue, Oconto Falls, WI 54154. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *wooden pallets, dividers, skids, and lumber* from Lakewood and New London, WI to points in IL, under continuing contract(s) Borman Wood Products of Lakewood, Inc. at Lakewood, WI and Wolf River Products at New London, WI. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 148093 (Sub-1F), filed October 5, 1979. Applicant: MIDWEST INDUSTRIAL FUEL, INC., 615 Summer Street, LaCrosse, WI 54601. Representative: Joseph E. Ludden, 324 Exchange Building, LaCrosse, WI 54601. Transporting *liquid fertilizer*, in bulk, in tank vehicle, from LaCrosse, WI, to points in IA and MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 148183 (Sub-6F), filed October 10, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348 Pennsylvania Building, 425—13th Street, NW, Washington, DC 20004. Transporting *olemargarine* in containers, from the facilities of Deep South Products at Gainesville, GA, to points in NC, SC, FL, LA, AL, KY, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 148202 (Sub-1F), filed October 9, 1979. Applicant: K & W ENTERPRISES, INC., 6223 Triport Court, Greensboro, NC 27410. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA, 30343. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of drugs (except commodities in bulk), between the facilities used by Vicks Health Care Division of Richard-Merrell, Inc., at or near (a) Friendship, NC, and (b) Hatboro and Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Vicks Health Care Division of Richardson-Merrell, Inc. (Hearing site: Greensboro, NC or Atlanta, GA.)

MC 148293F, filed October 18, 1979. Applicant: S & K MOTOR TRANS., INC., 34 Murdock Street, Somerville, MA 02145. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. To operate as a *contract carrier*, by motor vehicle, in interestate or foreign commerce, over irregular routes, transporting *refined cane sugar*, between the facilities of Amstar Corporation, at Boston, MA, on the one hand, and, on the other points in ME, NH, VT, RI, CT, and Kings County, NY, under continuing contract(s) with Amstar Corporation, of New York, NY. (Hearing site: Boston, MA.)

MC 148483 (Sub-2F), filed: October 22, 1979. Applicant: INTERSTATE MOVING AND STORAGE COMPANY, a corporation, 701–703 W. 17th St., P.O. Box 334, Cheyenne, WY 82001. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036. Transporting *household goods*, as defined by the Commission, between points WY and points in Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheriden, and Sioux Counties, NE. (Hearing site: Cheyenne, WY.)

MC 148562F, filed October 11, 1979. Applicant: UNIVERSITY CORP., 4342 Janitrol Road, Columbus, OH 43228. Representative: Frank L. Calvary, 3066 N. Star Road, Columbus, OH, 43221. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting (1) *furnaces* and *air conditioners*, (2) *parts* and *accessories* for the commodities named in (1) above, and (3) *materials, equipment* and *supplies* used in the manufacture of the commodities named in (1) and (2) above, (except commodities in bulk), between the facilities of Johnson Corp., Division of Magic Chef, Inc., at Columbus and Bellevue, OH, on the one hand, and, on the other, Washington, DC, Chicago and Danville, IL, Evansville and Indianapolis, IN, Lexington and Louisville, KY, Detroit, Dowagiac, and Flint, MI, Philadelphia and Pittsburgh, PA, Norfolk, VA, and Madison and Milwaukee, WI, under continuing contract(s) with Johnson Corp., Division of Magic Chef, Inc. (Hearing site: Columbus, OH.)

MC 148563F, filed October 12, 1979. Applicant: ELI A. STUTZMAN d.b.a. STUTZMAN'S GARAGE, Route #5, Millersburg, OH 45654. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting *wrecks and disabled motor vehicles and replacement vehicles* for foregoing commodities, between points OH, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: Columbus, OH.)

MC 148573 (Sub-1F), filed October 11, 1979. Applicant: SHEA/RUSTIN TRANSPORT CO., P.O. Box 93567, Martech Station, Atlanta, GA 30318. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery used in the manufacture of glass products* (except commodities in bulk), (3) *bottle coating systems* (except commodities in bulk), (4) *parts and accessories for the commodities in (2) and (3) above* (except commodities in bulk); and (5) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2), (3) and (4) above* (except commodities in bulk), between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Applicant requests this case consolidated with the related 17 applications

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published in the Federal Register of August 2, 1979.

MC 148582F, filed October 15, 1979. Applicant: ROBERT R. GUNVILLE, JR., Star Route 2, Lot 27—Bob's Moblie, Iron Mountain, MI 49801. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commmerce, over irregular routes, transporting (1) *paper and paper products* from Niagara, WI, to points in IL, IN, MI, and MN, and, (2) *equipment, materials* and *supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), in the reverse direction under continuing contract(s) with Niagrara of Wisconsin Paper Corporation. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 148603F, filed October 18, 1979. Applicant: DARCIA TRUCKING CO., INC., Post Office Box 466, Elberton, GA 30635. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E. Atlanta, GA 30326. Transporting (1) *granite*, (a) from points in Green, Wilkes, Oglethorpe and Elbert Counties, GA, to points in the United States in and east of TX, OK, KS, NE, IA, and MN (b) from French Creek, PA to points in Green, Wilkes, Oglethorpe and Elbert Counties GA (c) from points in OK to points in Green, Wilkes, Oglethorpe and Elbert Counties, GA, (2) *equipment, materials, and supplies* used in the mining, finishing and distribution of granite, (1) from points in the United States in and east of TX, OK, KS, NE, IA, and MN to points in Green, Wilkes, Oglethorpe and Elbert Counties, GA. (Hearing site: Atlanta, GA.)

MC 149073F, filed October 3, 1979. Applicant: AUTOBUS CENTRE SUD LTEE (SOUTH CENTER BUS LTD), 1020 Fernand Rancourt, Cap Rouge, Quebec, Canada GOA 1K0. Representative: Me Guy Poliquin, 580 Grande-Allee St. East, Suite 140, Quebec, P.O., Canada G1R 2K3 Transporting *passengers and their baggage*, in round-trip, charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada in ME, NH, VT, NY and MI, and extending to points in the United States (except AK and HI). (Hearing site: Montpelier, VT.)

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Decided: February 28, 1980.
By the Commission, Review Board Number 3, members Parker, Foster and Hill

MC 1395 (Sub-14F), filed October 12, 1979. Applicant: ALVAN MOTOR FREIGHT, INC., 3600 Alvan Road, Kalamazoo, MI 49001. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Manistee and Cadillac, MI, in connection with carrier's existing regular route operations. (Hearing site: Chicago, IL, or Lansing, MI.)

MC 2934 (Sub-59F), filed October 15, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite 1000 Indianapolis, IN 46204. Transporting *Kitchen cabinets*, from Jasper, IN, to points in AR, CT, FL, LA, KS, MD (except points in Hartford, Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worchester Counties, MD), MO, NY, PA (except points in Lancaster, Berks, Custer, Philadelphia, Montgomery, Bucks, Lehigh, Monroe, and Pike Counties, PA), and DC. (Hearing site: Indianapolis, IN.)

MC 14215 (Sub-75F), filed October 16, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1398 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting (1) *iron and steel articles*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) (except in bulk, in tank and hopper type vehicles), between the facilities of Weirton Steel, Division of National Steel Corporation, at or near Weirton, WV, and Steubenville, OH, on the one hand, and, on the other, points in MI, TN, and VA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 20824 (Sub-44F), filed October 12, 1979. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 2141 S. High School Rd., Indianapolis, IN 46241. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in IN as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—Applicant intends to tack and interline.

MC 30844 (Sub-660F), filed October 12, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, IA 50702. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the US (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO.)

MC 30845 (Sub-9F), filed October 15, 1979. Applicant: ELLIS MOVING & STORAGE, 215 Fatherland St., Nashville, TN 37202. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *household products* as defined by the Commission (1) between points in AR, KY, LA, NC, OK, SC, and TX, on the one hand, and, on the other, points in CO, CT, DE, IL, IN, IA, KA, MA, MD, ME, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VA, VT, and WI, and (2) between points in AR, KY, LA, NC, OK, SC, and TX. (Hearing site: Nashville, or Memphis, TN.)

MC 52704 (Sub-252F), filed October 16, 1979. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, AL 36862. Representatives: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *containers, container closures and container ends*, from Houston, TX, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, and VA, and (2) *materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-256F), filed October 16, 1979. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (a) *containers, container ends and closures*, (b) *commodities manufactured or distributed by manufacturers and distributors of containers* in mixed loads with containers, and (c) *materials, equipment and suppliers* used in the manufacture and distribution of the commodities in (1), between points in the US in and east of MN, IA, MO, OK, and TX, restricted, (1) against the transportation of commodities in bulk, in tank vehicles, and (2) to the transportation of traffic originating at or destined to a facility of

Glass Container Corp. (Hearing site: Chicago, IL, or Lansing, MI.)

MC 61264 (Sub-32F), filed October 15, 1979. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, NC 27102. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Providence, RI and junction MA Hwys 146 and 16: from Providence over RI Hwy 146 to the RI-MA state line, then over MA Hwy 146 to the junction of MA Hwy 16, and return over the same route, serving all intermediate points; (2) between North Attleboro, MA, and Richmond, VA: over US Hwy 1 serving all intermediate points; (3) between Danielson, CT and Seekonk, MA: over US Hwy 6 serving all intermediate points; (4) between Danielson, CT and Port Jervis, NY: from Danielson over US Hwy 6 to junction INT Hwy 84, then over INT Hwy 84 to Port Jervis, and return over the same route, serving all intermediate points; (5) between Providence, RI and junction CT Hwys 52 and 138: from Providence over US Hwy 6 to junction RI Hwy 114, then over RI Hwy 114 to junction RI Hwy 138, then over RI Hwy 138 to junction RI Hwy 4, then over RI Hwy 4 to junction RI Hwy 102, then over RI Hwy 102 to junction RI Hwy 165, then over RI Hwy 165 to CT Hwy 138, then over CT Hwy 138 to junction CT Hwy 52, and return over the same route, serving all intermediate points; (6) between Providence, RI and junction INT Hwy 95 and CT Hwy 184: from Providence over RI Hwy 2 to junction RI Hwy 3, then over RI Hwy 3 to junction INT Hwy 95, then over INT Hwy 95 to junction CT Hwy 184, and return over the same route, serving all intermediate points; (7) between junction INT Hwy 95 and INT Hwy 295, and the junction of INT Hwy 295 and INT Hwy 95: from junction INT Hwy 95 and INT Hwy 295 over INT Hwy 295 to junction INT Hwy 295 and INT Hwy 95, and return over the same route, serving all intermediate points; (8) between Bristol Ferry, RI and Fall River, MA: from Bristol Ferry over RI Hwy 24 to RI-MA state line, then over MA Hwy 24 to Fall River, and return over the same route, serving all intermediate points; (9) between junction INT Hwy 95 and INT Hwy 80: from junction INT Hwy 95 and INT Hwy 80 over INT Hwy 80 to junction INT Hwy 287, then over INT Hwy 287 to junction INT Hwy 78, then over INT Hwy 78 to Phillipsburg, and return over the same route, serving all intermediate points; (10) between Elizabeth, NJ and junction INT Hwy 295 and INT Hwy 95: from Elizabeth over NJ Turnpike to junction INT Hwy 295, then over INT Hwy 295 to junction INT Hwy 95, and return over the same route, serving all intermediate points; (11) between junction US Hwy 1 and 130 and junction US Hwy 130 and INT Hwy 295: over US Hwy 130, serving all intermediate points; (12) between junction INT Hwy 295 and INT Hwy 95 and Richmond, VA: over INT Hwy 95, serving all intermediate points; (13) between junction US Hwy 1 and INT Hwy 295 and junction INT Hwy 295 and INT Hwy 95: over INT Hwy 295, serving all intermediate points; (14) between junction INT Hwy 295/US Hwy 40 and US Hwy 13 and Norfolk, VA: over US Hwy 13, serving all intermediate points; (15) between junction US Hwys 301S and 13 and Richmond, VA: from junction US Hwy 13 over US Hwy 301S to junction US Hwy 301, then over US Hwy 301 to Richmond, and return over the same route, serving all intermediate points; (16) between junction INT Hwy 295/US Hwy40 and US Hwy 40 and Baltimore, MD: over US Hwy 40, serving all intermediate points; (17) between junction US Hwys 113 and 50, and Fairfax, VA over US Hwy 50 serving all intermediate points; (18) between Dover, DE, and Pocomoke City, MD: over US Hwy 113, serving all intermediate points. Serving points in RI, DE, and those in MD on and east of US Hwy 1 as off-route points in connection with carrier's operations over routes 1–18 described above. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 73165 (Sub-493F), filed October 16, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *lumber and poles*, from the facilities of Koppers Company, at or near Florence, SC, to points in the US in and east of WI, IL, KY, TN, and MS, restricted to the transportation of traffic originating at the facilities of Koppers Company. (Hearing site: Atlanta, GA, or Willmington, NC.)

MC 73165 (Sub-494F), filed October 16, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *metal poles, and substation structures*, and (2) *materials, equipment, and supplies* used in the construction and maintenance of the commodities in (1), between points in Harris and Fort Bend Counties, TX, on the one hand, and, on the other, points in the US (except AK, and HI). (Hearing site: Dallas, TX, or St. Louis, MO.)

MC 73165 (Sub-495F), filed October 16, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *tractors* (except truck tractors) *and agricultural machinery* and (2) *parts, implements, attachments, accessories and supplies* for commodities in (1), between Denison and Houston TX, on the one hand, and, on the other, points in the US (except AK, and HI). (Hearing site: Dallas, TX.)

MC 94265 (Sub-323F), filed October 14, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Kahn's and Company at Cincinnati, OH, to points in AL, FL, GA, LA, MS, NC, NJ, PA, SC, TN, TX, and WV. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 105045 (Sub-119F), filed October 12, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *iron and steel articles*, between the facilities of Liberty Steel, Inc., at or near Dallas, TX, on the one hand, and, on the other, points in AR, LA, OK, and KS. (Hearing site: Dallas, TX.)

MC 107515 (Sub-1293F), filed October 15, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *confectionery products*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Hackettstown and Elizabeth, NJ and Elizabethtown, PA, to points in AZ, CA, CO, NM, NV, and UT. (Hearing site: New York, NY)

Note.—Dual operations are involved.

MC 107515 (Sub-1294F), filed October 15, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *lighting fixtures and parts of lighting fixtures*, from the facilities of Lithonia Lighting, Div. of National Service

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Industries, Inc., at or near Cochran and Conyers, GA, and Crawfordville, IN, to points in the US (except AK, and HI). (Hearing site: Atlanta, GA.)

Note.—Dual operations are involved.

MC 107515 (Sub-1295F), filed October 15, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor Lenox Towers South, Atlanta, GA 30326. Transporting *foodstuffs* (except commodities in bulk), from points in NJ, NY and PA, to points in CA. (Hearing site: New York, NY.)

Note.—Dual operations are involved.

MC 107544 (Sub-151F), filed October 16, 1979. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, from Kingsport, TN, to points in KY, MS, NC, OH, PA, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 110325 (Sub-117F), filed October 15, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Trent Tube Division of Colt Industries, Inc., at East Troy, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Milwaukee, WI.)

MC 110525 (Sub-1314F), filed October 15, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, from Dallas, TX, to points in AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, UT, VA, WI, and WY. (Hearing site: Houston, or Dallas, TX.)

MC 114045 (Sub-553F), filed October 15, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery, hardware, and drug stores, in containers; (2) *materials* used in the manufacture of the commodities in (1) (except commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in TX, restricted to the transportation of traffic originating at or destined to the facilities of American Home Products Corporation. (Hearing site: New York, NY.)

MC 114045 (Sub-554F), filed October 15, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Transporting (1) *drugs and toilet preparations; cleaning and scouring compounds; disinfectants, other than medicinal; shampoo, paper impregnated with cleansing agent; plastic or rubber articles, other than expanded; and chemicals*, from Myerstown, PA to points in CA and TX, and (2) *cloths, towels, disposable, impregnated with cleansing agent or lanolin*, and (3) *drugs*, from Trenton, NJ to points in CA and TX. (Hearing site: New York, NY.)

MC 114604 (Sub-86F), filed October 12, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *margarine* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Deep South Products, Inc., at or near Gainesville, GA, to the facilities of Winn-Dixie Stores at Montgomery, AL; Jacksonville, Miami, Orlando and Tampa, FL, Louisville, KY, New Orleans, LA, Charlotte and Raleigh, NC, Greenville, SC, and Ft. Worth, TX. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-88F), filed October 12, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of J. H. Filbert, Inc., at or near Atlanta, GA, and in Fulton, Clayton, DeKalb, Cobb and Douglas Counties, GA, to points in AL, FL, KY, LA, MS, NC, SC, TN, TX, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-89F), filed October 12, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *canned foodstuffs*, from the facilities of Pomona Products Company in Spalding County, GA, to points in TX. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-90F), filed October 12, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *foodstuffs*, from the facilities of Campbell Soup Company, at or near Maxton, NC, to points in NC, SC, GA, AL, FL, TN, VA, and DC. (Hearing site: Atlanta, GA.)

MC 115554 (Sub-25F), filed October 15, 1979. Applicant: HEARTLAND EXPRESS, INC., P.O. Box 89B, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *electric motors, electric generators* and *parts for electric motors* and *electric generators*, from Lexington, Nashville, and McMinnville, TN, to points in the U.S. (except AK, HI, and TN). (Hearing site: St. Louis, MO.)

MC 124835 (Sub-24F), filed October 12, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). Transporting *sodium sulfate*, from Lowland, TN, to points in AL, GA, KY, NC, SC, TN, and VA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 126904 (Sub-35F), filed October 15, 1979. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *malt beverages*, from the facilities of the Stroh Brewery Company, at Detroit, MI, to points in Madison, Randolph and St. Clair Counties, IL. (Hearing site: St. Louis, MO.)

MC 116254 (Sub-99F), filed October 12, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting *aluminum dross*, in dump vehicles, from the facilities of Anaconda Company, at or near Sebree, KY, to Oswego, KS. (Hearing site: Washington, DC, or Louisville, KY.)

MC 116254 (Sub-300F), filed October 15, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting *aluminum and aluminum articles and materials, equipment and supplies* used in the manufacture of aluminum and aluminum articles, between the facilities of Reynolds Metals Company, at Eastman, GA, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, MS, AL, TN, KY, IL, IN, OH, WI, GA, SC, NK, FL, VA, WV, MD, DE, NJ, PA, NY, DC, and TX.

(Hearing site: Washington, DC, or Richmond, VA.)

MC 116544 (Sub-186F), filed October 15, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *foodstuffs* (except in bulk), serving Las Vegas, NV, as an off-route point in connection with applicant's present regular route operations between Vacaville, CA, and Phoenix, AZ. (Hearing site: Washington, DC.)

MC 116544 (Sub-188F), filed October 15, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *cheese, cheese food, and cheese spread*, (1) between Carthage, MO, on the one hand, and, on the other, points in CT, DC, IL, IN, KY, MD, MA, NJ, NM, NY, NC, OH, PA, RI, TN, TX, VA and WV, (2) between Monett, MO, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, LA, MS, NM, SC, TX and WI, and (3) from points in IA to points in MO, restricted in Parts (1) (2) and (3) to the transportation of traffic originating at or destined to the facilties of L.D. Schreiber Cheese Co., Inc. (Hearing site: Green Bay, WI, or Washington, DC.)

MC 117765 (Sub-274F), filed October 15, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *malt beverages*, in containers and *advertising material*, (1) from Evansville, IN to points in KS, and OK, and (2) from St. Louis, MO, to Arkansas City, and Hutchinson, KS. (Hearing site: Oklahoma City, OK.)

MC 119875 (Sub-11F), filed October 15, 1979. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. 3, P.O. Box 92–A, Allentown, PA 18104. Representative: Walter K. Swartzkopf, 407 North Front St., Harrisburg, PA 17101. Transporting *confectionery products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hershey Foods Corporation, in Derry Township, the facilities of Y & S Candies, Inc., in East Hempfield Township, and the facilities of Dauphin Distribution Services, Inc., in Hampden Township, PA, to points in CT, ME, MA, NH, NJ, RI, and NY. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 134035 (Sub-39F), filed October 12, 1979. Applicant: DOUGLAS TRUCKING CO., P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *sick room and party supplies*, between Los Angeles, CA, Atlanta, GA, and Philadelphia, PA, on the one hand, and, on the other, Colfax, IA, Boise, ID, Astoria, NY, Pittsburgh, PA, Snowmass, CO, St. Louis, MO, Rockville, MD, Kansas City, MO, Philadelphia, PA, Cleveland, OH, New Orleans, LA, Phoenix, AZ, San Francisco, CA, and Orlando, FL. (Hearing site: Los Angeles, CA.)

MC 134105 (Sub-70F), filed October 12, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *frozen foodstuffs*, from the facilities of Seabrook Foods, Inc., at Montezuma, GA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Atlanta, GA.)

MC 134105 (Sub-71F), filed October 12, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *frozen foodstuffs*, from the facilities of Saluto Foods Corporation, at Montgomery and Ft. Payne, AL, to points in DE, FL, GA, LA, MD, MS, NC, OK, SC, TN, TX, VA, and WV, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 134105 (Sub-72F), filed October 12, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products* and *articles distributed by meatpacking houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 in 766 (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NJ, NY, NC, PA, SC, TN, VA, and WV, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 135714 (Sub-8F), filed October 15, 1979. Applicant: PAK MOVING, INC., 601 Highway 12, P.O. Box 249, Suisun, CA 94595. Representative: Walter H. Walker, III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *General commodities* (except classes A and B explosives, articles of usual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), moving on bills of lading of freight forwarders or on through joint carrier bills of lading (except the transportation of freight having an immediately prior or subsequent movement by air) between points in the San Francisco Territory which includes San Jose, CA, and that area embraced by the following line; beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; then easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Park Avenue; easterly along W. Park Avenue to Capri Drive, southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue; northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Alamaden Road; southerly along Alamaden Road to Hillside Avenue; easterly along Hillsdale Avenue; to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission B via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd.; northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary

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Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning, on the one hand, and, on the other, points in CA along 1. U.S. Highway 101 between Santa Rosa and Smith River; 2. California State Highway 29 between Napa and Upper Lake; 3. California State Highway 53 between Lower Lake and its junction with State Highway 20; 4. California State Highway 20 between Ft. Bragg and Willits and between Calpella and Yuba City; 5. California State Highway 116 between Gurneville and Schellville; 6. California State Highway 12 between Sebastopol and Napa; 7. California State Highway 121 between Napa and its junction with State Highway 128; 8. California State Highway 128 between Winters and Rutherford; 9. California State Highway 16 between Woodland and its junction with State Highway 20; 10. Interstate Highway 5 between Woodland and Yreka; 11. California State Highway 99 between Yuba City and Red Bluff; 12. California State Highway 70 between Marysville and Oroville; 13. California State Highway 299 between Arcata and Reding; 14. Local Road 162 between Laytonville and Covello; and 15. California State Highway 96 between Hoopla and its junction with State Highway 299. (Hearing site: San Francisco, CA.)

MC 135895 (Sub-62F), filed October 15, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting *wire and wire products, and fence and fencing materials,* between the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, MO, NC, OK, SC, TN, and TX. (Hearing site: Fort Smith, AR, or Little Rock, AR.)

MC 135924 (Sub-15F), filed October 15, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *rubber tires,* for mining vehicles, from Topeka, KS, to Hibbing, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 139495 (Sub-488F), filed October 12, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *fireplace logs,* from Brawley, CA, to points in the US (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-496F), filed October 15, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs,* from Stilwell, OK, to points in the US (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-498F), filed October 16, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *Agricultural chemicals and commodities* used in the manufacture and distribution of agricultural chemicals (except commodities in bulk), between points in the US (except AK, and HI), restricted to the transportation of traffic destined to the facilities of Helena Chemical Company. (Hearing site: Washington, DC.)

MC 141804 (Sub-289F), filed October 12, 1979. Applicant: WESTERN EXPRESS, DIVISION, OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *television parts and accessories,* from Smithfield, NC, to Little Ferry, NJ, and Compton, CA. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 141914 (Sub-67F), filed October 15, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *automotive fluids* (except in bulk), *and new containers,* used in the transportation and storage of automotive fluids, between the facilities of General Texas Corporation, at or near Roanoke, TX, on the one hand, and, on the other, points in the US (except AK, and HI). (Hearing site: Roanoke, TX.)

MC 142215 (Sub-2F), filed October 15, 1979. Applicant: DUKE TRANSPORTATION, INC., 1106 N. University, Lafayette, LA 70506. Representative: Justin P. Duke (same address as applicant). Transporting *oilfield equipment and supplies* under the *Mercer* description, between points in LA, TX, and MS, on the one hand, and, on the other, points in the above named states. (Hearing site: ?.)

MC 144484 (Sub-9F), filed October 15, 1979. Applicant: FREIGHTWAYS, INC., 412 East Second St., Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *sporting goods, clothing and equipment,* between Camdenton, MO, on the one hand, and, on the other, points in MI, IN, IA, MN, IL, WI, KS, OK, TX, AR, NE, TN, and KY. (Hearing site: Kansas City, MO.)

MC 145904 (Sub-21F), filed October 12, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by grocery stores (except in bulk), from the facilities of Hunt-Wesson Foods, Inc., at Chicago, IL, to points in IA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

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Decided: March 20, 1980.

By the Commission Review Board Number 3, Members Parker, Fortier and Hill.

MC 3854 (Sub-57F), filed December 17, 1979. Applicant: BURTON LINES, INC., P.O. Box 11308, East Durham Station, Durham, NC 27703. Representative: G. E. Martin, Jr. (same address as applicant). Transporting *roofing materials,* from the facilities of Johns-Manville Corporation at or near Savannah, GA, to points in DE, IN, KY, MD, NC, NJ, NY, OH, PA, and SC. (Hearing site: Washington, DC.)

MC 8535 (Sub-108F), filed December 13, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. Transporting *Iron or Steel Articles*—(except in dump vehicles), from Youngstown, OH, to points in IL, and IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 13134 (Sub-83F), filed December 12, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *kynite ore,* in bulk, from points in Prince Edward and Buckingham Counties, VA, to points in OH (except points in Lawrence, Scioto, Jackson, and Franklin Counties, OH). (Hearing site: Washington, DC.)

MC 14314 (Sub-39F), filed December 12, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway & Vine St., Lima, OH 45802. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Over regular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Hopkinsville, KY as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Columbus, OH.)

MC 22195 (Sub-182F), filed December 13, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, A Corporation, 41st & Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). Transporting (1) *Vegetable meals and vegetable oils and* (2) *by-products of commodities in (1)* between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Moorhead, MN, or Sioux Falls, SD.)

MC 30844 (Sub-673F), filed: December 13, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *printed paper forms, computing machine paper, paper in rolls and printing press machine parts* from Osage, IA to points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic at the facilities of Wallace Business Forms at the named origin. (Hearing site: St. Paul, MN.)

MC 56244 (Sub-94F), filed: December 12, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R. D. #2 Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg PA 17108. Transporting *materials, supplies and equipment* used in connection with the manufacture, packaging or distribution of food products (except in bulk), from points in MD, NJ, NY, PA on and east of US Hwy 219 and Washington, DC, to the facilities of Heinz USA, at or near Holland, MI Fremont and Toledo, OH, restricted to the transportation of traffic originating at the indicated origins and destined to the name facilities. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-95F), filed: December 17, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R. D. #2 Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg PA 17108. Transporting *such commodities as are dealt in by grocery and food business houses* (except commodities in bulk), from Columbus, OH to points in DE, MD, NJ, and PA restricted to the transportation of traffic originating at the name origins and destined to the named destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-96F), filed: December 17, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R. D. #2 Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg PA 17108. Transporting *foodstuffs and materials, equipment and supplies* used in the conduct of retail food businesses (except commodities in bulk), from points in OH, and Ludlow, KY, to the facilities of Food Service Specialists, Inc., at Mechanicsburg, PA, restricted to the transportation of traffic originating at the name origins and destined to the named destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 60014 (Sub-164F), filed: December 14, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles and fabricated products,* from Tampa, FL, those points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 60014 (Sub-165F), filed December 14, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *roofing materials, and supplies,* and (2) *accessories* to commodities in (1), from the facilities of Elk Roofing Products, at or near Tuscaloosa, AL, and Stevens, AR, to points in the US in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 107445 (Sub-29F), filed December 14, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46203. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *Wire, cable and rods, and empty steel reels,* between the facilities of The Anaconda Company, Wire and Cable Division, at Marion, IN, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN or Washington, DC.)

MC 107445 (Sub-30F), filed December 17, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46203. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *Insulation machinery, and cutting, creasing, and material handling equipment* and (2) *parts* of commodities in (1) between the facilities of Indiana Industries and Corfine at Muncie, IN, and the facilities of Synchro Systems at Mitchell, IN, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN.)

MC 107445 (Sub-31F), filed December 17, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46203. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *Compressors, mining machinery, and contractor's equipment and parts,* between the facilities of Atlas Copco, Inc., at Orange, CA, Atlanta, GA, Mundelein, IL and Wayne, NJ, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 109584 (Sub-207F), filed December 17, 1979. Applicant: ARIZONA–PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *Tallow,* in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AZ, CA, CO, NV, NM, OR, UT, and WA. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 111214 (Sub-18F), filed December 14, 1979. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC, P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier,* transporting *iron and steel articles* between the facilities of Carolina Galvanizing at or near Aberdeen, NC, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, TN, and TX under continuing contract(s) with Carolina Galvanizing, of Aberdeen, NC. (Hearing site: Raleigh, NC.)

MC 111375 (Sub-123F), filed December 14, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Eliane M. Conway, 10 South LaSalle St., Chicago, IL 60603. Transporting *rennets,* from San Francisco, CA, to the facilities of Dairyland Food Laboratories at

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Waukesha, WI. (Hearing site: Chicago, IL.)

MC 113624 (Sub-86F), filed December 17, 1979. Applicant: WARD TRANSPORT, INC., P.O. Box 100, Commerce City, CO 80037. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *liquefied petroleum gas*, from (1) Clay Center and McPherson, KS and Kearney, MO, to points in IA, MN, NE, ND, and SD and (2) from Geneva, NE, to points in IA, MN, ND, and SD. (Hearing site: Denver, CO.)

MC 114115 (Sub-29F), filed December 14, 1979. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, MI 48217. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. *Contract carrier, transporting salt and salt products*, from Cincinnati, OH, to points in IL, IN, KY, MI, PA, and WV, under continuing contract(s) with Sifto Salt Division of Domtar Industries, Inc., of Schiller Park, IL. (Hearing site: Washington, DC.)

MC 114725 (Sub-108F), filed December 13, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11 St., Omaha, NE 68110. Representative: Donald L. Stern and Greg A. Dickinson, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *liquefied petroleum gases*, in bulk, in tank vehicles, (1) from points in IA to points in WI, and (2) from Geneva, NE, to points in IA, MN, ND, and SD, (3) from Greenwood and Norfolk, NE, to points in MN and SD, and (4) from Clay Center and McPherson, KS, and Kearney, MO, to points in IA, MN, NE, ND, and SD. (Hearing site: Omaha, NE or Minneapolis, MN.)

MC 116915 (Sub-106F), filed December 13, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *Non-ferrous metals and (2) materials, equipment, and supplies* used in the manufacture of commodities in (1) (except commodities in bulk), between the facilities of US Reduction, at Anniston, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 119555 (Sub-28F), filed December 13, 1979. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. Transporting *alcohol* in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada in MT, to Plainfield, IL. (Hearing site: Detroit, MS.)

MC 121664 (Sub-108F), filed December 13, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35201. Transporting *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of piling posts and construction materials, from points in the United States in and east of ND, SD, NE, KS, OK, and TX to the facilities of Temple-Eastex, Inc., at Diboll and Pineland, West Memphis, AR, Thomson, GA, and Monroeville, AL. (Hearing site: Birmingham, AL, or Dallas, TX.)

MC 123294 (Sub-72F), filed December 13, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *materials, equipment, and supplies* used in the manufacture of castings, from points in IL, KY, MI, OH, PA, and WI, to the facilities of Dalton Foundries, Inc., at Warsaw, IN. (Hearing site: Chicago IL.)

MC 123294 (Sub-73F), filed December 13, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *such commodities as are manufactured or used by manufacturers or distributors of paper, paper products, or plastic products* (except commodities in bulk), between Kalamazoo, MI, Eau Claire and Ladysmith, WI, or the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, OH, TN, and WI, restricted to transportation of traffic originating at or destined to the facilities of Brown Company. (Hearing site: Chicago, IL.)

MC 123744 (Sub-76F), filed December 14, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *materials and supplies* used in the mining or land reclamation industries, *machine parts and feed* (except commodities in bulk), between points in Clearfield, IN, Centre, Cambria, Clinton, Clarion, Jefferson, Elk, and Blair Counties, PA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 124774 (Sub-123F), filed December 14, 1979. Applicant: MIDWEST-REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *confectionery*, from Woburn and Charlestown, MA, and North Reading, PA, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, and WI. (Hearing site: Boston, MA or Omaha, NE.)

MC 126525 (Sub-2F), filed December 17, 1979. Applicant: FORT STEUBEN LIMOSINE SERVICE CO., a corporation, 420 Lee Road, Follansbee, WV 26037. Representative: Owen B. Katzman, 1800 M St., N.W., Suite 800 South, Washington, DC 20036. Transporting *passengers and their baggage*, in special operations, in vehicles limited to ten passengers or less, between Greater Pittsburgh International Airport, on the one hand, and, on the other, points in Hancock, Brooke, and Ohio Counties, WV (except Wheeling, WV), and points in Jefferson, Columbiana, and Harrison Counties, OH. (Hearing site: Weirton, WV.)

MC 126844 (Sub-88F), filed December 17, 1979. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, 1501 E. Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting *frozen foods*, from Omaha, NE, to points in CT, DE, MD, MA, NJ, NH, NY, OH, PA, VT and VA. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 127584 (Sub-8F), filed December 16, 1979. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Representative: Martin Werner, 888 Seventh Ave., New York, N.Y. 10019. Contract carrier, transporting (1) *solar energy equipment and systems*, and (2) *materials, supplies and equipment* used in the manufacture and distribution of commodities in (1) (except commodities in bulk), between Ellenville, NY, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Bio-Energy Systems, Inc., of Ellenville, NY. (Hearing site: New York, or Albany, NY.)

MC 133655 (Sub-200F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *meats, meant products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour & Company, at or near Mason City, IA, on the one hand, and, on the other, points in TX, OK, KS, AR, LA, MO, IL, IN, OH, PA, NY, KY, WV, VA, MD, NJ, DE, RI, CT, NH, ME, VT, MA, and DC, and (2) from Amarillo, TX to points in IL, IN, KS, OH, and CA. (Hearing site: Chicago, IL.)

MC 135524 (Sub-86F), filed December 17, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *foodstuffs, pet foods, and animal feeds* (except commodities in bulk), between Trenton and St. Joseph, MO, Elwood, KS, Mechanicsburg, PA, and Ft. Wayne, IN on the one hand, and, on the other hand, to points in MO, IL, IN, OH, MI, and PA, restricted to the transporation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Columbus, OH, or Kansas City, MO.)

MC 135524 (Sub-95F), filed December 17, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *outdoor furniture*, from Portland, TN, to points in the United States (except AK, and HI). (Hearing site: Columbus, OH, or Nashville, TN.)

MC 135524 (Sub-96F), filed December 17, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *steel tubing*, from the facilities of Dial Tube Company, at or near Chicago, IL, and Carrollton, TX, to points in the United States (except AK, and HI). (Hearing site: Columbus, OH, or Chicago, IL.)

MC 135524 (Sub-97F), filed December 14, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *railway car wheels, locomotive wheels, railway axles, and railway bearings, and (2) materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except in bulk), between Quemahoning Township, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or New York, NY.)

MC 136635 (Sub-29F), filed December 13, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46614. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic bottles and containers*, from the facilities of Imco Container Company, at or near Jeffersonville, IN, and Louisville, KY to points in IL, IN, MI, and OH restricted to the transportation of traffic originating at the facilities of Imco Container Company, at Jeffersonville, IN and Louisville, KY. (Hearing site: Kansas City, MO.)

MC 136635 (Sub-30F), filed December 13, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles*, between the facilities of Lock Joint Tube Co., Inc., at or near South Bend, IN, on the one hand, and on the other, points in IL, OH, MI, and WI. (Hearing site: Chicago, IL.)

MC 139495 (Sub-514F), filed December 14, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *Commercial and household appliances, and (2) materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Speed Queen Co. (Hearing site: Washington, DC.)

MC 140484 (Sub-73F), filed December 17, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting (1) *water heaters, hot water storage tanks, and household heating boilers* and (2) *equipment, material and supplies used in the manufacture of* commodities in (1) (except commodities because of their size and weight requiring the use of special equipment), between the facilities of A. O. Smith Corporation, at or near McBee, SC, and points in AL, DE, FL, GA, KY, LA, MD, MS, NJ, NC, OH, PA, TN, VA, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 140665 (Sub-80F), filed December 13, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Gear, P.O. Box 786, Ravenna, OH 44266. Transporting (1)(a) *lawn mowers and garden power equipment, and (b) parts of the commodities in (a) and (2) materials and supplies* used in the distribution of the commodities in (1), from McDonough, GA, and Fort Worth, TX, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 141434 (Sub-3F), filed December 14, 1979. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, d.b.a. B–LONG TRANSPORTATION, R.D. No. 1, Bear Lake, PA 16402. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. *Contract carrier*, transporting (1) *steel shelving, pallet racks, parts and accessories used in the erection of steel shelving and pallet racks, and materials, and supplies used in the manufacture of steel shelving and pallet racks* (except commodities in bulk) between North East, PA, on the one hand, and, on the other, points in KS, OK and TX, under continuing contract(s) with Ridg-U-Rak, Inc., of North East, PA, (2) *steel shelving, pallet racks, parts and accessories used in the erection of steel shelving and pallet racks, and materials and supplies used in the manufacture of steel shelving and pallet racks* (except commodities in bulk), between North East, PA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, KS, OK and TX, under continuing contracts with R U R Industries, Inc., of North East, PA. (Hearing sites: Columbus, OH and Washington, DC.)

MC 142715 (Sub-80F), filed December 17, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses; *soy products, paste, flour products, and dairy based products* (except commodities in bulk in tank or hopper vehicles) and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk in tank or hopper vehicles). Between points in the United States in and east of ND, SD, WY, CO and NM, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO, or St. Paul, MN.)

MC 142715 (Sub-81F), filed December 17, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *foodstuffs* (except commodities in bulk in tank or hopper vehicles) from Kansas City, KS, to points in ME, VT, NH, MA, RI, CT, NY, PA, NJ, DE, MD, WV, VA and DC, restricted to the transportation of traffic originating at Kansas City, KS

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and destined to points in the named states. (Hearing site: Kansas City, MO, or St. Paul, MN.)

MC 142715 (Sub-82F), filed December 17, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *foodstuffs* (except commodities in bulk in tank or hopper vehicles), from Kansas City, KS to points in ND, SD, NE, MN, IA, WI, IL, MI, IN, OH and KY, restricted to the transportation of traffic originating at Kansas City, KS and destined to points in the named states. (Hearing site: Kansas City, MO, or St. Paul, MN.)

MC 142965 (Sub-4F), filed December 14, 1979. Applicant: R. C. CORPORATION, 100 California Ave., Reno, NV 89509. Representative: Reese H. Taylor, Jr., 402 North Division St., Carson City, NV 89701. *Contract carrier,* transporting *beer, wine, and alcoholic beverages* from points in Los Angeles, San Francisco, San Mateo, Napa, Sonoma, San Joaquin, Fresno and Alameda Counties, CA to Reno, NV, under continuing contract(s) with Luce & Son, Inc. of Reno, NV. (Hearing site: Reno, NV.)

MC 143775 (Sub-132F), filed December 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *plastic pipe,* from Cleveland, OH, and Los Angeles, CA, to points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA or San Francisco, CA.)

Note.—Dual operations are involved.

MC 148695 (Sub-2F), filed December 17, 1979. Applicant: BOB BENNETT ENTERPRISES, INC., d.b.a. BOB BENNETT TRUCKING COMPANY, Special Commodities Division, 966 Ashby St., Atlanta, GA 30318. Representative: Frank J. Shannon, III, Suite 601, 84 Peachtree St., Atlanta, GA 30303. *Contract carrier,* transporting (1) *new furniture,* from Rome, GA, to points in TX, OK, KS, NE, IA, MO, AR, LA, NM, IL, IN, OH and CO, under continuing contract(s) with Fox Manufacturing Corporation of Rome, GA. (Hearing site: Atlanta, GA or Birmingham, AL.)

MC 148774 (Sub-2F), filed December 17, 1979. Applicant: LTD AIR CARGO, INC., P.O. Box 30132. Memphis, TN 38130. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. Transporting *general commodities* having a prior or subsequent movement by air, (1) between Memphis, TN, and points in AR, MS and Chester, Dyer, Fayette, Hardeman, Hardin, Haywood, Lauderdale, McNairy, Obion, Shelby and Tipton Counties, TN, and (2) between Memphis, TN and Dallas and Ft. Worth, TX. (Hearing site: Memphis, TN.)

MC 149094F, filed December 14, 1979. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60604. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses* as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities used by John Morrell & Co., at or near Esterville and Sioux City, IA, and Sioux Falls, SD, to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, TN, TX, and WI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL.)

MC 149095 (Sub-1F), filed December 14, 1979. Applicant: EAGLE EXPEDITING, INC. 5215 Jolly-Cedar Court, Lansing, MI 48910. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48084. Transporting *automobile parts and materials, supplies, and equipment* used in the manufacture and production of motor vehicles, between the Willow Run Airport, at or near Ypsilanti, MI, and the Detroit Metropolitan Wayne County Airport at or near Romulus, MI, on the one hand, and, on the other, the facilities of General Motors Corporation in the Lower Peninsula of MI, restricted to the transportation of traffic weighing not more than 5,000 pounds from one consignor to one consignee, and having a prior or subsequent movement by air. (Hearing site: Lansing, or Detroit, MI.)

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Decided: March 18, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 1184 (Sub-25F), filed May 25, 1979, previously published in the **Federal Register** issue of November 29, 1979. Applicant: K & B TRANSPORT, INC., 21533 Mound Rd., Warren, MI 48091. Representative: Alex J. Miller, 1520 N. Woodward Ave., Suite 106, Bloomfield Hills, MI 48013. Transporting *new automobiles, new trucks, and new chassis,* in secondary movements, in truckaway service, from South Bend, IN, to points in IL, IN, MI, OH, and WI, restricted to the transportation of traffic originating at the facilities of Ford Motor Company. (Hearing site: Detroit, MI, or Chicago, IL.)

Note.—This republication indicates the correct territorial description.

MC 1515 (Sub-289F), filed January 11, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Over regular routes, transporting *passengers and their baggage and express newspapers,* in the same vehicle with passengers between Exit 4 of Interstate Hwy 87, and junction NY Hwy 155 and NY Hwy 5; from Exit 4 of Interstate Hwy 87 over access roads to junction NY Hwy 155, then over NY Hwy 155 to junction Albany County, NY Airport access road, then over Albany County Airport, NY access road to the Albany County, NY Airport, then over unnumbered Airport Hwy to junction Albany Shaker Road, then over Albany Shaker Road to junction NY Hwy 155, then over NY Hwy 155 to junction NY Hwy 5, and return over the same route serving all intermediate points. (Hearing site: Albany, NY.)

Note.—Applicant proposes to tack the authority requested here to its existing authority.

MC 2934 (Sub-60F), filed January 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, IN 46204. Transporting *new furniture,* from Borden and Jasper, IN, and Fordsville, KY, to points in AL, FL, GA, IL, IN, KY, KS, LA, MI, MO, NC, NY (except New York City, and points in Nassau, and Suffolk Counties) OH, OK, PA (except points in Lancaster, Berks, Chester, Philadelphia, Montgomery, Bucks, Lehigh, Monroe, and Pike Counties), RI, SC, TN, TX, VA, VT, WI, WV, and DC. (Hearing site: Indianapolis, IN.)

MC 2934 (Sub-61F), filed January 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, IN 46204. Transporting *picnic tables* from Birmingham, AL, to Paris, IL. (Hearing site: Indianapolis, IN.)

MC 10115 (Sub-10F), filed January 14, 1980. Applicant: C. D. ZIMMERMAN, INC., R.D. #3, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *clay and refractory products, and materials and supplies* used in the manufacture, and installation of clay and refractory products, between the facilities of General Refractories Co., at or near Warren, OH, on the one hand, and, on the other, points in CT, MD, NJ, NY, PA, VA and WV, and between the facilities of General Refractories Co., at or near Baltimore, MD on the one hand, and, on the other, points in NY, OH, PA, VA and WV. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 13134 (Sub-84F), filed January 11, 1980. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad Street, Suite 1800, Columbus, OH 43215. Transporting *expanded plastic products,* from the facilities of Dow Chemical U.S.A. Eastern Division, at or near Hanging Rock, OH, to points in VA, NC, SC, GA, FL, AL, MS, TN, and KY. (Hearing site: Columbus, OH.)

MC 14215 (Sub-80F), filed January 11, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *(1) coal carbon pitch,* from Cleveland, OH, to the facilities of Eastalco Aluminum Company, at or near Buckeystown, MD, and (2) *metal skimmings,* in dump vehicles, from the facilities of Eastalco Aluminum Company, at or near Buckeystown, MD, to points in OH. (Hearing site: Washington, DC.)

MC 42125 (Sub-4F), filed January 4, 1980. Applicant: OVERLAND WESTERN INTERNATIONAL INC., 1241 14th St., Detroit, MI 48216. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., 1001 Woodward Ave., Detroit, MI 48226. Over regular routes transporting *general commodities* (except those of unusual value, Classes A & B explosives, commodities in bulk, and those requiring special equipment) (1) between Port Huron, MI and Grand Rapids, MI, over MI Hwy 21, serving the intermediate points in Imlay City, Lapeer, Owosso, Ionia, St. Johns, and Lowell, MI; (2) between Detroit MI and Kalamazoo, MI, over Interstate Hwy 94, serving the intermediate points of Jackson, Albion, Battle Creek, Galesburg, and Marshall, MI; (3) between Kalamazoo, MI and Grand Rapids, MI, over U.S. Highway 131, serving no intermediate points. (4) between Kalamazoo, MI and Grand Rapids, MI from Kalamazoo over MI Hwy 43 to junction MI Hwy 37, and then over MI Hwy 37 to Grand Rapids, and return over the same route, serving the intermediate point of Hastings, MI; (5) between Battle Creek, MI and Ionia, MI, over MI Hwy 66, serving no intermediate points; (6) between Battle Creek, MI and Grand Rapids, MI over MI Hwy 37, serving the intermediate point of Hastings, MI; (7) between Battle Creek, MI and Lansing, MI from Battle Creek over MI Hwy 66 to junction MI Hwy 78, then over MI Hwy 78, to junction Interstate Hwy 69 then over Interstate Hwy 69 to Lansing and return over the same route, serving the intermediate point of Charlotte, MI; (8) between Marshall, MI and Lansing, MI, over Interstate Hwy 69, serving the intermediate and off-route points of Charlotte and Holt, MI; (9) between Albion, MI and Lansing, MI over MI Hwy 99, serving the intermediate and off-route points of Eaton and Holt, MI; (10) between Jackson, MI and Lansing, MI, over U.S. Hwy 127, serving the off-route point of Holt, MI; (11) between Detroit, MI and Grand Rapids, MI, over Interstate Hwy 96, serving the intermediate points of Portland, Brighton and Howell, MI; (12) between Flint, MI and Lansing, MI over Interstate Hwy 69, serving the off-route point of Durand, MI; (13) between Ann Arbor, MI and Detroit, MI over (a) MI Hwy 14, and (b) MI Hwy 153, serving no intermediate points; (14) between Flint MI and Ann Arbor, MI, over U.S. Hwy 23, serving no intermediate points; and (15) between Detroit, MI and Imlay City, MI over MI Hwy 53, serving the intermediate points of Romeo and Almont, MI. (Hearing site: Detroit, MI, Washington, DC.)

MC 56244 (Sub-97F), filed January 10, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between the facilities of Hanover Brands, Inc., in Penn Township (York County), PA, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO and OH, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-98F), filed January 10, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *starch and chemicals* (except commodities in bulk), from Indianapolis, IN, to points in DE, MD, NJ, VA, PA, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 57315 (Sub-27F), filed January 10, 1980. Applicant: TRI-STATE TRANSPORT, INC., 140 Wales Ave., Avon, MA 02322. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *waste materials,* between points in CT, ME, MA, NH, NJ, NY, RI, and VT. (Hearing site: Boston, MA.)

MC 9734 (Sub-22F), filed January 11, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Over regular routes transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bowling Green, KY, and Franklin, KY, over U.S. Hwy 31W, serving all intermediate points, restricted against traffic originating at, destined to, or interlined at Nashville, TN, and points in its commercial zone. (Hearing site: Nashville, TN.)

MC 97394 (Sub-23F), filed January 11, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Over regular routes transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, TN and Somerset, KY, from Nashville over Interstate Hwy 65, to junction KY Hwy 80, then over KY Hwy 80 to Somerset, and return over the same route, serving no intermediate points. (Hearing site: Nashville, TN.)

MC 106074 (Sub-141F), filed January 11, 1980. Applicant: B & P MOTOR LINES, INC., Shiloh Road and U.S. Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *lumber squares,* from points in WA, to points in NC. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 106195 (Sub-26F), filed January 11, 1980. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives,

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household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Norfolk, NE and Yankton, SD, over the U.S. Hwy 81 serving all intermediate points, and the off-route points of Randolph, Hartington, Bloomfield, Wausa, Crofton, Coleridge, Belden, and Laurel, NE. (Hearing site: Omaha, NE.)

MC 107925 (Sub-961F), filed January 11, 1980. Applicant: PRE–FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Petermanren (same address as applicant). Transporting (1) *roofing* (except commodities in bulk), from points in Morris County, TX, to points in AR, KS, LA, MS, MO, and OK, and (2) *materials, equipment and supplies* used in the manufacture and distribution of roofing, in the reverse direction. (Hearing site: Dallas, TX or Little Rock, AR.)

MC 109324 (Sub-47F), filed December 13, 1979. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, Harrison, AR 72601. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, DC 20036. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Oklahoma City, OK, and Sherman, TX, from Oklahoma City, over Interstate Hwy 35 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Sherman, and return over the same route, serving no intermediate points. (Hearing site: Oklahoma City, OK, or Washington.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 111594 (Sub-91F), filed January 14, 1980. Applicant: C W TRANSPORT, INC., 610 High St., P.O. Box 200, Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *cleaning, scouring or washing compounds, disinfectants, deodorants, and swimming pool treatment compounds* (except commodities in bulk), from the facilities of Bio-Lab, Inc., at or near Conyers, GA, to points in IL, IN, MI, MN, OH, and WI. (Hearing site: Chicago, IL or Atlanta, GA.)

Note.—Applicant intends to tack the sought authority with its existing regular-route authority to provide service to St. Louis, MO, and Louisville, KY.

MC 114604 (Sub-106F), filed January 14, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer L, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by food processors (except commodities in bulk) in vehicles equipped with mechanical refrigeration, between the facilities of Morton Frozen Foods, Division of ITT Continental Baking Co., Inc., at or near (a) Crozet, VA, and (b) Russellville and Searcy, AR, on the one hand, and, on the other, points in VA, WV, TN, NC, SC, AL, FL, GA, MS and LA. (Hearing site: Atlanta, GA.)

MC 121664 (Sub-109F), filed January 3, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 84, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave South, Birmingham, AL 35233. Transporting *lumber*, from Hawthorne, FL, and Bowden, and Dudley, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 121664 (Sub-110F), filed January 11, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 84, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave South, Birmingham, AL 35233. Transporting *such commodities* as are dealt in or used by distributors of hardware, between Century, FL, on the one hand, and, on the other, to those points in the United States in and east of ND, SD, NE, NM, and CO. (Hearing site: Mobile, AL or Pensacola, FL.)

MC 123325 (Sub-11F), filed January 10, 1980. Applicant: WRIGHT MOTOR LINES, INC., 135 Thompson St., Asheville, NC 28803. Representative: S. P. Wright (same as applicant). Transporting *prefabricated log building* and *prefabricated log building parts*, from Fletcher, NC, to points in AR, IL, MS, MI, OH, VT, WV, and WI. (Hearing site: Asheville, NC.)

MC 124774 (Sub-124F), filed January 14, 1980. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *iron and steel articles*, (1) from Mahwah, NJ, to the facilities of Sperry-Vickers, Division of Sperry Corporation, at (a) Joplin, MO and (b) Searcy, AR, and (2) from Lynchburg, Radford, and Roanoke, VA, to the facilities of Sperry-Vickers, Division of Sperry Corporation, at Omaha, NE. (Hearing site: Omaha, NE.)

MC 128205 (Sub-91F), filed January 9, 1980. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Ave., Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *flour and grain products*, in bulk, from Hillsdale, MI, to points in MA, NY, NJ, OH, IN and IL. (Hearing site: New York, NY.)

MC 129645 (Sub-79F), filed January 14, 1980. Applicant: SMEESTER BROS., INC., 1330 South Jackson St., Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting, *construction materials*, and *materials* and *supplies* used in the manufacture and distribution of construction materials (except in commodities in bulk), (1) between the facilities of The Celotex Corporation, at or near L'Anse, MI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, ND, NM, OR, SD, TX, UT, WA, and WY, (2) between the facilities of The Celotex Corporation, at or near Texarkana, AR, on the one hand, and, on the other, points in IA, KS, MI, MN, MO, ND, OK, SD, and WI, and (3) between the facilities of The Celotex Corporation, at or near Fort Dodge, IA, on the one hand, and, on the other, points in MI, and WI. (Hearing site: Tampa, FL, or Little Rock, AR.)

MC 134404 (Sub-53F), filed August 30, 1979, previously noticed in the FR issue of March 5, 1980. Applicant: AMERICAN TRANS–FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center New York, NY 10048. *Contract carrier*, transporting (1) *paper, paper products, furniture*, and *plastic materials*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities used by Scott Paper Company, at those points in the United States in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: New York NY.)

Note.—Dual operations may be involved.

MC 134405 (Sub-94F), filed January 11, 1980. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway Oklahoma City, OK 73102. Transporting, *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AR, CO, IA, LA, MO, NE, NM, OH, OK, TX, and WY. (Hearing site: Dallas, TX.)

MC 134755 (Sub-217F), filed January 14, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 1172, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Transporting, *such commodities* as are dealt in or used by manufactures of paper and plastic products (except commodities in bulk), between the facilities of Georgia Pacific Corporation, in AR, FL, IA, IL, IN, ME, MI, MO, NC, NY, OH, PA, VA, VT, and WI, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135895 (Sub-47F), filed July 30, 1979. previously noticed in the FR issue of February 26, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 6534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting (1) *carbonated beverages, in containers, and (2) materials, equipment and supplies* used in the manufacture and distribution of carbonated beverages (except commodities in bulk), between the facilities of Shasta Beverage Company, Inc., at or near (a) Birmingham, AL and (b) Houston, TX, on the one hand, and, on the other, points in AR, FL, LA, MS, and TN. (Hearing site: Houston, TX, or Birmingham, AL.)

Note.—This republication indicates the correct territorial description.

MC 135895 (Sub-78F), filed January 11, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting, (1) *paper, paper products*, and *wood pulp* (except commodities in bulk), and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), between the facilities of Bowater Southern Paper Corporation, at or near Calhoun, TN, on the one hand, and, on the other, Corpus Christi, and San Antonio, TX, points in IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NJ, NY, OH, OK, PA, SD, VA, WI, WV, and DC, and those points in TX on and west of U.S. Hwy. (Hearing site: Chattanooga, or Nashville, TN.)

MC 138104 (Sub-90F), filed January 10, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting, *flange steel*, from the facilities of Kentucky Electric Steel Co., at or near Coalton, KY, to the facilities of Aztec Products, Inc., at or near Mansfield, TX. (Hearing site: Fort Worth, or Dallas TX.)

MC 142545 (Sub-5F), filed January 14, 1980. Applicant: DICK TAZER TRUCKING, INC., 1635 N. W. Mall, Issaquah, WA 98027. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract carrier*, transporting *foodstuffs*, between points in AZ, CA, OR and WA, under continuing contract(s) with Miss Muffet Foods, Inc., of Seattle, WA. (Hearing site: Seattle, WA.)

MC 142905 (Sub-13F), filed January 3, 1980. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 E 42nd St., Tulsa, OK 74145. Representative: Thomas N. Willesss, 1000 16th St., NW, Washington DC 20036. Transporting, *liquified petroleum gas*, between points in OK, on the one hand, and on the other, points in AR. (Hearing site: Tulsa, OK.)

MC 142994 (Sub-9F), filed January 9, 1980. Applicant: VIRGINIA COURIER SERVICE, INC., P.O. Box 287, Harrisonburg, VA 22801. Representative: Chester A. Zyblut, 366 Executive Bldg., Washington, DC 20005. Transporting, *such commodities* as are dealt in or used by manufacturers of chemicals between points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Washington, DC.)

MC 144165F (Sub-2F), filed January 14, 1980. Applicant: ALAGA WHITEFIELD LINES, INC., 1101 North Court St., Montgomery, AL 36104. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36103. *Contract carrier*, transporting foodstuffs (except in bulk, in tank vehicles), from the facilities of Ocean Spray Cranberries, Inc., at or near (a) Bordentown, NJ, (b) Kenosha, WI, (c) Middleboro, MA, (d) Vero Beach and Lake Wales, FL, (e) Montgomery, AL, (f) North East, PA, (g) Eau Claire, MI, (h) and Sulphur Springs, TX, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC under continuing contract(s) with Ocean Spray Cranberries, Inc., of Kenosha, WI. (Hearing site: Montgomery, AL.)

MC 144595 (Sub-2F), filed January 11, 1980. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier, transporting lumber, lumber mill products, and wood products*, from points in AR, CA, ID, LA, MT, OK, OR, SD, TX and WA, to points in IA, under continuing contract(s) with Braun, Ray Bros. & Finley Co. (Hearing site: Omaha, NE.)

MC 144605 (Sub-8F), filed May 10, 1979, previously noted in the FR issue of October 23, 1979, and February 7, 1980. Applicant: HOPPY LINES, INC., 420 Devonshire Dr., Brea, CA 92521. Representative: Miles L. Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting (1) *fire extinguishers*, from the facilities of Amerex Corporation, at Trussville, AL, to Seattle, WA, and points in Los Angeles County, CA; and (2) *materials and supplies* used in the manufacture of fire extinguishers, (except commodities in bulk), from points in Orange, Riverside and Los Angeles Counties, CA, to the facilities of Amerex Corporation, at or near Trussville, AL. (Hearing site: Birmingham, AL, or Los Angeles, CA.)

Note.—This republication indicates the correct territorial description. Dual operations may be involved.

MC 144855 (Sub-18F), filed January 11, 1980. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 2761 East White Star, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting *plastics*, from points in Bullitt County, KY, to points in Orange County, CA. (Hearing site: Los Angeles, CA.)

MC 144855 (Sub-19F), filed January 11, 1980. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 2761 East White Star, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting *frozen prepared foods*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK, and HI). (Hearing site: Los Angeles, CA.)

MC 144855 (Sub-20F), filed January 11, 1980. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 2761 East White Star, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting, *laundry and kitchen appliances* from Newton, IA, to points in AZ, CA, CO, FL, GA, ID, MT, NV, OR, WA, UT, and WY. (Hearing site: Los Angeles, CA.)

MC 144935 (Sub-2F), filed January 15, 1980. Applicant: C & C TRUCKING, INC., Route 9, Box 222A, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract carrier*, transporting

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upholstered chairs, uncrated, from the facilities of Continental Chair Company, Inc., at Hickory, NC, to points in AZ, CA, FL, MN, NM, NY, ND, OR, SD, TX, WA and WI, under continuing contract(s) with Continental Chair Company, Inc., of Hickory, NC. (Hearing site: Charlotte, NC.)

MC 145715 (Sub-12F), filed January 14, 1980. Applicant: BELL TRUCKING INC., 2504 Industrial Park Ave., Van Buren, AR 72956. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603.Transporting, *meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in section A and C of Appendix I to the report in *Descriptions in Motor carrier certificates* 61 M.C.C. 209, 766 (except hides and commodities in bulk), from the facilities used by Land O'Frost, Inc., at or near Chicago and Lansing, IL, to points in CO, IL, KS, and MO, at the named origins or destined to the named destinations. (Hearing site: Chicago, IL.)

MC 146145 (Sub-2F), filed January 11, 1980. Applicant: TOWER TRANSPORT, INC., 5300 West 41st St., Chicago, IL 60650. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting, *printed matter, and materials, supplies and equipment* used in the manfacture, and distribution of printed matter, between the facilities used by Rand McNally & Company at or near (A) Hammond and Indianapolis, IN, (b) Versailles and Lexington, KY, (c) Ossining, NY, (d) Nashville, TN, (e) Taunton, MA, (f) Muscatine, IA, and (g) Chicago, IL, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Chicago, IL.)

MC 146395 (Sub-4F), filed January 10, 1980. Applicant: W. C. PITTS CONSTRUCTION CO., INC., P.O. Box 112, Waynesboro, MS 39367. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. *Contract carrier*, transporting *lumber, poles, piling, timbers, cross-ties and wood residuals*, from the facilities of Longleaf Forest Products, Inc., at Waynesboro, MS, to points in AR, GA, OK, TN, and TX, under continuing contract(s) with North Pacific Lumber Co., of Portland, OR. (Hearing site: Jackson, MS.)

MC 146514 (Sub-3F), filed January 14, 1980. Applicant: CLANCY CARTING & STORAGE CO., INC., 795 Beahan Road, Rochester, NY 14624. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers of photographic products (except commodities in bulk), from the facilities of Eastman Kodak Company at (a) Rochester, NY, and (b) Windsor, CO, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

MC 146735 (Sub-3F), filed September 4, 1979, previously published in the FR issue of February 26, 1980. Applicant: R. J. ANDERSON, INC., 1020 Heinz Street, Berkeley, CA 94710. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *general commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment), between points in San Francisco, Alameda, Santa Clara, Marin, San Mateo, Solano, Sacramento, San Joaquin, Monterey, Fresno, Sonoma, Contra Costa, and Santa Cruz Counties, CA, restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle. (Hearing site: San Francisco, or Los Angeles, CA.)

Note.—This republication includes the restriction which was previously omitted.

MC 146794 (Sub-4F), filed January 14, 1980. Applicant: PACIFIC NORTHWEST CONTRACT CARRIERS, INC., P.O. Box 197 U.S. Highway 231 North, Wetumpka, AL 36092. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting (1) *trailer parts*, and (2) *trailers* equipped mechanical refrigeration, from Montgomery and Hamilton, AL, Siloam Springs, AR, Denmark, SC, Louisville, GA, Chicago and Joliet, IL, Lebanon, Winamac, and South Bend, IN, Muskegon, Wyandotte, Lansing, and Grant Rapids, MI, Mansfield and Marshfield, MO, Kenton, Akron and Troy, OH, and New Johnsonville, TN, to Los Angeles, CA, Billings, MT, Portland, OR, and Spokane, WA. (Hearing site: Birmingham, or Montgomery, AL.)

MC 146844 (Sub-4F), filed January 14, 1980. Applicant: NATIONAL TRUCK BROKERAGE, INC., d.b.a. HICKS MOTOR LINES, 219 West Main, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A & C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and (2) *foodstuffs (except commodities in bulk and those described in (1) above)*; (3) *and hot melted adhesives*, between Covington, Union City, Humboldt and Jackson, TN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic in (1) to (2) and (3) vehicles equipped with mechanical refrigeration. (Hearing site: Memphis, TN.)

MC 147094 (Sub-3F), filed January 11, 1980. Applicant: DON BYBEE & SONS TRUCKING INC., 145 East Main St., Hyrum, UT 84319. Representative: Donald Bybee (same address as applicant). Transporting *beer and materials and supplies* used in the distribution of beer from points in CA, WA, and OR, to points in UT. (Hearing site: Salt Lake City, UT.)

MC 147714F (Sub-2F), filed June 26, 1979. Applicant: T. F. DERTINGER d.b.a., TOMCO, 4801 Stanton Way, Bakersfield, CA 93309. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier*, transporting *adhesives, chemicals, cleaning, scouring, or washing compounds, drugs, flotation reagents; plastic materials plasticizers, soap, starch, foodstuffs, and nonpetroleum based oils*, from Chicago, Kankakee and Quincy, IL and Keokuk, IA, to points in AZ, CA, CO, MT, NM, OK, OR, TX, and WA, under continuing contract(s) with Henkel Corporation, of Minneapolis, MN. (Hearing site: Los Angeles, CA.)

MC 148314 (Sub-1F), filed January 23, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 3202 South State St., South Chicago Heights, IL 60411. Representative: Donald Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting, *fiberglass products* (except in bulk), from Kansas City, KS, Newark and Defiance, OH, and Mountaintop, PA, to points in Lake and Porter Counties, IN, and points in Cook, DuPage, Kane, Kendall, Lake, and Will Counties, IN, and points in Cook, DuPage, Kane, Kendall, Lake, and Will Counties, IL. (Hearing site: Chicago, IL.)

MC 148334 (Sub-2F), filed January 13, 1980. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205. *Contract carrier*, transporting (1) *new furniture*, from the facilities of Bench Craft, Inc., at or near Blue Mountain MS, to points in the United States (except AK, and HI), and (2) *equipment, materials and supplies* used in the manufacture and distribution of new furniture, in the reverse direction, under continuing contract(s) in (1) and (2) with Bench Craft, Inc., of Blue Mountain, MS.

(Hearing site: Tupelo, MS or Washington, DC.)

MC 148444F (Sub-1F), filed June 10, 1979. Applicant: RAHMEIER TRUCKING, INC., P.O. Box 283, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract carrier*, transporting (1) *wood burning stoves, fireplace inserts, and equipment materials and supplies* used in installataion, repair or maintenance of wood burning stoves and fireplace inserts (a) from the facilities of Big M Manufacturing & Equipment, Inc., at or near Nickerson, KS, to Bow, NH, and points in AR, NE, MO, and OK and Bow, NH, and (b) from the facilities of Cullinson Manufacturing, Inc., at or near Alva, OK, to Bow, NH, and points in AR, KS, NE, and MO, and (c) from the facilities of Fisher Stoves Co., Inc., at or near Wichita, KS, to Bow, NH and points in AR, NE, OK, and MO; and (2) *wood burning stove components, fireplace insert components and equipment materials and supplies* used in the manufacture, maintenance or distribution of the commodities in (1) above, from Granite City and Wheaton, IL, Bow, NH, Memphis, TN, Salem, VA, Dover, OH, Eugene, OR, Everett and Avon, MA, East Hartford, CT, and Philadelphia, PA, and points in Queens County, NY, to the facilities of Big M Manufacturing & Equipment, Inc., at or near Nickerson, KS, and the facilities of Cullinson Manufacturing, Inc., at or near Alva, OK, under continuing contract(s) in (1) and (2) above with Fisher Stoves Company, Inc., of Wichita, KS. (Hearing site: Kansas City, MO.)

MC 148704 (Sub-1F), filed January 11, 1980. Applicant: STANLEY KNAPPENBERGER, 217 New St., Walnutport, PA 18088. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting, *non-ferrous metals and non-ferrous metal residues*, in bulk, from the facilities of Nimco Shredding Company, at Newark, NJ, to Belleville, MI. (Hearing site: Newark, NJ, or Allentown, PA.)

Note.—Dual operations may be involved.

MC 149115 (Sub-1F), filed January 10, 1980. Applicant: RONALD D. JERNIGAN, d.b.a. RONNIE JERNIGAN TRUCKING, Route 5, Box 35. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Transporting, *batteries, battery parts*, and *battery materials* (except liquid commodities in bulk), (1) between Dallas, TX, and Heflin, LA; (2) from Lancaster, TX, to Heflin, LA, and (3) from Shreveport and Minden, LA, to Heflin, LA, restricted to the transportation of traffic having a prior movement by rail. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 149155F (Sub-1F), filed January 14, 1980. Applicant: JOHN W. PEPPER, d.b.a. MIDWEST CARTAGE COMPANY, P.O. Box 318, Atchison, KS 66002. Representative: Arthur J. Cerra, 1100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *ammonia, bleaching materials, cleaning, washing, or scouring compounds, bar soap, liquid fabric softener, impregnated cloth, pot scouring pads, and laundry bluing*, (1) from St. Louis, MO, to Kansas City, KS, and Omaha, Lincoln and Norfolk, NE, and (2) from Omaha, NE, to St. Louis, MO. (Hearing site: Kansas City, MO.)

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Decided: March 5, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 4983 (Sub-76F), filed October 18, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street, NW, Washington, DC 20004. Transporting (1) *refractory products*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in AL, DE, IN, KY, MD, MI, IL, NJ, NY, OH, PA, WI, NC, TN, GA, VA, WV, SC, and MO. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 29643 (Sub-14F), filed November 9, 1979. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *Aluminum and aluminum products*, from the facilities of Aluminum Company of America at Massena, NY, to points in IL, KY, OH, IN, VA, WV, MI, TN, DC, and those in PA (except those on and east of a line beginning at the PA–NY State line and extending along US Hwy 11 to jct. US Hwy 15, then along US Hwy 15 to the PA–MD State line). (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 80443 (Sub-31F), filed November 20, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *outerwear and flotation devices*, from St. Cloud and Sauk Rapids, MN, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Minneapolis or St. Paul, MN.)

MC 107012 (Sub-452F), filed October 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *video games, electronic games, video game cartridges, home computers, and home computer cartridges*, and (2) *materials, equipment, and supplies* used in the manufacturer and distribution of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Atari, Inc. (Hearing site: San Francisco, CA. or Washington DC.)

MC 111812 (Sub-663F), filed July 16, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *frozen juice concentrate*, from the facilities of The H. P. Hood Co., at or near Dunedin, FL, to St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 111812 (Sub-699F), filed November 5, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, 1600 East Benson Road, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same as applicant). Transporting *Diary products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Swift & Company at Green Bay, Marathon and Wausau, WI, to points in AL, FL and GA. (Hearing site: Chicago, IL.)

MC 111812 (Sub-704), filed December 13, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, P.O. Box 1233, Sioux Falls, SD 57101. Transporting *frozen foods*, from Laramie, WY to points in IL, IN, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, ND, OH, PA, SD, WI and DC. (Hearing site: Salt Lake City, UT or Portland, OR.)

MC 112713 (Sub-292F), filed December 3, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting *general commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value and those requiring special equipment), serving Nogales, AZ as an off-route point in

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connection with carrier's otherwise authorized regular route operations. (Hearing site: Tucson or Phoenix, AZ.)

Note.—Common control may be involved.

MC 114273 (Sub-685F), filed December 18, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles and classes A and B explosives), between the facilities of the Sheller-Globe Corporation at or near (1) Denver, CO, (2) Gainesville, GA, (3) Quincy, IL, (4) Grabill, Indianapolis, Kokomo, Motpelier, Portland and Union City, IN, (5) Iowa City and Keokuk, IA, (6) Morganfield, KY, (7) Detroit, Livonia and Niles, MI, (8) Englewood and South River, NJ, (9) Cleveland, Lima, Norwalk, Toledo and Wauseon, OH, (10) Bristol and Dublin, PA, (11) Brownsville, TX, and (12) Norfolk, VA and those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the Sheller-Globe Corporation. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-686F), filed December 18, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *Plastic and plastic articles,* between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Restricted to the transportation of traffic originating at or destined to the facilities of Arco Polymers, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-687F), filed December 18, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *such commodities* as are dealt in or used by home products distributors (except in bulk, in tank vehicles), from the facilities of Stanley Home Products at Easthampton, MA, to Chicago, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 688114273 (Sub-688F), filed December 18, 1979. Applicant: CRST, INC., P.O. box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) *automotive parts, accessories and tools,* and (2) *equipment, materials and supplies* used in the installation, manufacture, and distribution of the commodities in (1) above (except in bulk, in tank vehicles), between points in NE, on the one hand, and, on the other, points in VA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114552 (Sub-237F), filed November 1, 1979. Applicant: SENN TRUCKING COMPANY, Post Office Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *metal articles,* between points in Jackson County, AR, and Roane and Knox Counties, TN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Washington, DC.)

MC 114552 (Sub-244F), filed December 3, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *metal articles,* between Aberdeen, NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 116212 (Sub-12F), filed December 10, 1979. Applicant: EYRE'S BUS SERVICE, INC., 15910 Union Chapel Rd., Woodbine, MD 21797. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *passengers and their baggage,* in charter and speical operations, beginning and ending at points in Frederick County, MD, and extending to points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 116763 (Sub-631F), filed December 4, 1979. Applicant: CARL SUBLER TRUCKING, INC. Representative: Gary J. Jira, North West Street, Versailles, OH 45380. *Transporting such commodities as are dealt in by wholesalers, retailers, manufacturers and distributors of institutional furniture* (except commodities in bulk, in tank vehicles), between San Antonio, TX on the one hand, and, on the other, points in the U.S. (except AK, HI and TX), restricted to traffic originating at or destined to the facilities of KLN Steel Products Co. (Hearing site: San Antonio, TX.)

MC 116142 (Sub-246F), filed December 17, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 614 Century Plaza Building, Wichita, KS 67202. Transporting: meats, meat products, meat by-products and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I, to the report in Descriptions in Motor Carrier's Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from Pittsburg, KS, to Seattle, WA. (Hearing site: Seattle, WA or Wichita, KS.)

Note.—Dual operations may be involved.

MC 118202 (Sub-143F), filed December 7, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). Transporting (1) *meats, meat products and meat by-products, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766; and (2) *foodstuffs* (except those embraced in (1) above), from the facilities of Armour & Co., at (a) Eau Claire, WI, and (b) Fairmont, MN, to those points in the United States in and east of CO, NE, ND, SD, OK, and TX, restricted to traffic originating at the named origins. (Hearing site: St. Paul, MN.)

MC 118202 (Sub-144F), filed December 10, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). Transporting *foodstuffs* (except in bulk in tank vehicles), from the facilities of Sanna Division of Beatrice Foods Co. at Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI, to points in the United States (except AK and HI), restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 118202 (Sub-146F), filed December 17, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). Transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses,* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the facilities of Illini Beef Packers, at Joslin, IL to points in AR, KS, LA, MS, OK and TX. (Hearing site: Chicago, IL.)

MC 119493 (Sub-336F), filed December 10, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *materials and supplies* used in the manufacture and distribution of household, sporting, and recreational equipment (except commodities in bulk), between Neosho, MO, on the one hand, and, on the other, points in the Unted States (except AK and HI), restricted

against the transportation of steel (a) from Chicago and E. St. Louis, IL, and points in their commercial zones, and (b) from Tulsa and Catoosa, OK, and Mansfield, OH. (Hearing site: Springfield or Kansas City, MO.)

MC 119493 (Sub-344F), filed December 10, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *plastics, plastic articles, synthetic resins,* and (2) *materials and supplies* used in their processing, manufacturing, and distribution (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of the Langtex Corporation. (Hearing site: Houston or Dallas, TX.)

MC 119493 (Sub-345F), filed December 14, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic manager (same address as applicant). Transporting *animal feed ingredients* from the facilities of American Cyanamid Company at Chattanooga, TN to Dallas, TX, and St. Paul, MN. (Hearing site: Princeton, NJ or Washington, DC.)

MC 119632 (Sub-114F), filed December 6, 1979. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). Transporting *zinc, zinc alloys, zinc oxide,* and *titanium dioxide,* (except in bulk), between Palmerton, PA, and Gloucester City, NJ, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, and OH, restricted to traffic originating at or destined to facilities of New Jersey Zinc Division of G & W Natural Resources Group. (Hearing site: Columbus, OH, or Washington, DC.)

MC 119632 (Sub-115F), filed December 12, 1979. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). Transportating *corn starch, and fruit juice* (except frozen or in bulk), from the facilities of A. E. Staley Manufacturing Company at or near Chicago, IL to points in CT, WV, DE, IN, KY, MD, MA, Lower Peninsula of MI, NJ, NY, OH, PA, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 121823 (Sub-1F), filed December 13, 1979. Applicants: THOMAS F. McGANN and KATHLEEN M. McGANN, d.b.a. T & K EXPRESSWAYS & MOVING CO., P.O. Box 28247, 8900 Elder Creek Road, Sacramento, CA 95828. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *foodstuffs and empty trailers,* between the facilities of American Home Foods, a Division of American Home Products Corp., near Vacaville, CA, and Sacramento, CA. (Hearing site: San Francisco, CA.)

MC 121223 (Sub-12F), filed December 17, 1979. Applicant: GEORGE HALLDEN SONS, CO. (a corporation), P.O. Box 2271, 3710 LeHarps Road, Youngstown, OH 44504. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *iron and steel articles,* and *materials, equipment and supplies* used in the manufacture of iron and steel articles (except commodities in bulk) between the facilities used by United Steel Corporation (a) in Mahoning, Trumbull, Cuyahoga and Lorain Counties, OH, and (b) Westmoreland and Allegheny Counties, PA, on the one hand, and, on the other, points in IL, IN, AR, MO, MI, IA and KS. (Hearing site: Washington, D.C. or Pittsburgh, PA.)

MC 123263 (Sub-17F), filed December 6, 1979. Applicant: FLOYD R. WANGERIN and LORRAINE C. WANGERIN, (a partnership), d.b.a. WANGERIN TRUCKING CO., Rural Route 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting: (1) *Pet foods, flour products, paste, and soy products* (except in bulk) from Hager City, WI to points in IL, IN, IA, KY, MI, MO, and OH; and (2) *animal mineral feed,* in bags, from Bloomington, IL to points in IN, IA, KY, OH and the Lower Peninsula of MI. (Hearing site: Chicago, IL or St. Louis, MO.)

MC 123272 (Sub-43F), filed November 5, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *glass containers,* from Lincoln, IL to points in IN, KY, MI, MO, and OH. (Hearing site: Chicago, IL.)

MC 123383 (Sub-94F), filed December 10, 1979. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representatives: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting: (1) *printing paper,* from Hyde Park, MA, to points in NJ, NY, PA, MD, and DE, (2) *egg cartons,* from Palmer, MA, to points in NJ, NY, PA, MD, and DE, (3) *matches,* from Springfield, MA, to points in NJ, NY, PA, MD, and DE, and (4) *scrap waste paper,* from Philadelphia and Harrisburg, PA, and Camden and Newark, NJ, to Palmer and Hyde Park, MA. (Hearing site: New York, NY.)

Note.—Dual operations and common control may be involved.

MC 124692 (Sub-No. 321F), filed November 4, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representatives: J. David Douglas (same address as applicant). Transporting *construction equipment, materials and supplies,* between the facilities of VSL Corporation at (a) Campbell and Santa Ana, GA, (b) Grand Prairie and Houston, TX, (c) Springfield, VA and (d) Burnsville, MN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of VSL Corporation. (Hearing site: San Francisco, CA.)

MC 125433 (Sub-349F), filed November 1, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representatives: John B. Anderson (same address as applicant). Transportating (1) *Outdoor recreational equipment,* from the facilities of the Coleman Company at or new New Braunfels, TX, to points in the United States (except AK and HI), and (2) *Sailboats,* from the facilities of the Coast Catamaran Corporation, a subsidiary of the Coleman Company, at or new Oceanside, CA, to points in the United States (except AK and HI). (Hearing: Denver, CO, or Salt Lake City, UT.)

MC 125433 (Sub-350F), filed November 1, 1979. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Road, Salt Lake City, UT 84104. Representatives: John B. Anderson (same as applicant). Transporting (1) *commodities,* the transportation of which, because of size or weight, require the use of special equipment or handling and (2) parts, materials and supplies used with the commodities in (1) above, from the facilities of Lake Shore, Inc., in the Upper Peninsula of MI, to points in CA, OR, and WA. (Hearing site: Milwaukee, WI or Salt Lake City, UT.)

MC 125433 (Sub-362F), filed December 6, 1979. Applicant: F-B TRUCK LINE CO. (a corporation), 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *plastic pipe* and (2) *fittings for plastic pipe* from Stockton and Santa Ana, CA, to points in the United States (except AK and HI), restricted to traffic originating at the

facilities of Apache Plastics, Inc. (Hearing: Los Angeles, CA.)

Note.—Common control may be involved.

MC 125433 (Sub-363F), filed December 6, 1979. Applicant: F–B TRUCK LINE CO. (a corporation), 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *commodities, the transportation of which because of size or weight requires the use of special equipment,* between the facilities of Anixter-Cable Service, at or near West Frankfort, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing: Chicago, IL.)

Note.—Common control may be involved.

MC 125433 (Sub-364F), filed December 10, 1979. Applicant: F–B TRUCK LINE CO. (a corporation), 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *scaffolding, forming and shoring systems, personnel and material hoist towers, elevating work platforms, ladders, power buggies, and forklifts;* and (2) *parts, attachments and accessories* therefor, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities utilized by Patent Scaffolding Company. (Hearing: Washington, DC.)

Note.—Common control may be involved.

MC 125433 (Sub-366F), filed December 10, 1979. Applicant: F–B TRUCK LINE CO. (a corporation), 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *stone,* from Napa, CA, to points in the United States (except AK and HI), restricted to traffic originating at the facilities of Brick N Wire, Inc. (Hearing: San Francisco, CA.)

Note.—Common control may be involved.

MC 125433 (Sub-365F), filed December 4, 1979. Applicant: F–B TRUCK LINE CO. (a corporation), 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South Redwood Road, Salt Lake City, UT 84104. Transporting (1) *iron and steel articles, pipe* (except iron and steel), and *fabricated iron and steel articles,* and (2) such commodities used in the manufacture, distribution and assemblage of the commodities described in (1) above, between the facilities of Beall Pipe and Tank Corporation at or near (a) Portland, OR and (b) Boise, ID on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing: San Francisco, CA.)

Note.—Common control may be involved.

MC 126822 (Sub-76F), filed December 14, 1979. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same as applicant). Transporting *glassware,* from Laredo, TX to points in the U.S. (except TX, AK and HI). (Hearing site: Omaha, NE.)

MC 128273 (Sub-378F), filed December 10, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *General commodities* (except foodstuffs, articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, and commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 129282 (Sub-54F), filed December 14, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, President (same as applicant). Transporting *(1) paper products dunnage, packing materials; and containers (2) materials and supplies used in the manufacture and distribution of commodities in (1) above* (except commodities in bulk.) Between Waco, TX and points in LA. (Hearing site: Dallas, TX or New Orleans, LA.)

MC 135152 (Sub-38F), filed December 14, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Transporting *containers, and container closures* from Warren, OH, to points in IN and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 136212 (Sub-33F), filed December 10, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. BOX 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *inedible meats, inedible meat products, and inedible meat by-products,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (2) *offal* (except in bulk, in tank vehicles), between points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, SD, TN, TX, UT, and WI. (Hearing site: Dallas, TX or Omaha, NE.)

MC 136343 (Sub-172F), filed July 2, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *paper and paper products, and plastic articles,* and *materials, equipment, and supplies* used in the manufacture and distribution for the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, KS, OK, and TX, on the one hand, and, on the other, the facilities of Scott Paper Company in PA, NY, NJ, WI, AL, AR, OH, ME, MA, MI, IN, FL, VA, IL, DE, and TN. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 136343 (Sub-173F), filed June 21, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *lighting fixtures* and *lamps,* and (2) *materials, equipment,* and *supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), between East Brunswick and Finderne, NJ, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: New York, NY or Washington, DC.)

MC 136343 (Sub-200F), filed December 7, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) *confectioneries,* from the facilities of Life Savers, Inc., at Holland, MI, to Linden, NJ, (2)(a) *chewing gum base,* and (b) *materials, equipment, and supplies* used in the production of chewing gum and confectioneries, from Amsterdam and Canajoharie, NY, to the facilities of Life Savers, Inc., at Holland, MI, and (2) *chewing gum base,* from South Plainfield, NJ, to Amsterdam, NY. (Hearing site: Harrisburg, PA or New York, NY.)

Note.—Dual operations may be involved.

MC 138882 (Sub 327)F, filed November 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC.; P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *construction materials and oil and chemical absorbent materials, in booms and pillows,* between the facilities of I.D.T. Corporation, at or near Summerville, SC, on the one hand, and, on the other, those points in the United States in and east of WI, IL, MO, AR and LA. (Hearing site: Charleston, SC or Birmingham, AL.)

MC 138882 (Sub-332F), filed December 4, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC.; P.O. Drawer 707, Troy, AL 36081. Representative: Mr. James W. Segrest (same address as applicant). Transporting: *paper and paper products, materials equipment, and supplies* used and in the manufacturing and distribution of paper and paper products between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Georgia Pacific Corporation. (Hearing site: New York, NY or Birmingham, AL.)

MC 139482 (Sub-166F), filed December 10, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting *general commodities* (except in bulk) between Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of W. W. Grainger, Inc. (Hearing site: Chicago, IL.)

Note.—Any certificate issued herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited to a period of 5 years from its date of issue.

MC 140273 (Sub-21F), filed December 10, 1979. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *aggregate, crushed rock, stone, and gravel* between points in ND, SD, IA, MN, WI, IL, IN, MO, MI, KY, CO, NE, WY, MT, KS, and OH. (Hearing site: Minneapolis or St. Paul, MN.)

MC 140612 (Sub-76F), filed November 2, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). Transporting (1) *stove pipe, chimneys, ducts, flashings, and metal products,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), (a) between Redwood City, CA and (b) Cincinnati, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Dura-Vent Corporation at Redwood City, CA, and Cincinnati, OH. (Hearing site: San Francisco, CA.)

MC 141443 (Sub-52F), filed November 1, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *malt beverages* from points in Jefferson County, CO, to points in OK and (2) *empty used beverage containers and materials and supplies* used by breweries, in the reverse direction. (Hearing site: (1) Tulsa, OK; (2) Dallas, TX.)

Note.—Dual operations may be involved.

MC 141932 (Sub-23F), filed December 10, 1979. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *general commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 142672 (Sub-103F), filed December 3, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs* (except those in (1) above), when moving in mixed loads with the commodities in (1) above, from the facilities of Oscar Mayer & Company at Beardstown, IL, and in IA, to points in KY, OH, TN, and those in MI on the south of U.S. Hwy 2. (Hearing site: Madison, WI or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142872 (Sub-106F), filed December 10, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *Floor and wall covering materials,* (2) *vacuum cleaners,* and (3) *material, equipment and supplies used in the installation and maintenance of the commodities named in (1) and (2) above,* from points in GA, to the facilities of Dean's Discount Carpet, Inc., at or near Ft. Smith, AR. (Hearing site: Ft. Smith or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-109F), filed December 17, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. Transporting: (1) *Rubber* articles, *plastic articles, and rubber and plastic articles and, (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above* (except commodities in bulk), between the facilities of Entek Corporation, at or near Irving, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Dallas, TX, or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142703 (Sub-22F), filed December 7, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., Post Office Box 14072, 750 West Third Street, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *Such commodities* as are dealt in by retail and wholesale grocery and drug stores, (except commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the Lower Peninsula of MI. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142772 (Sub-7F), filed December 14, 1979. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting: iron *and Steel Articles* from Norfolk, NE, to points in IA, IL, MN and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144503 (Sub-26F), filed December 10, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *meats, meat products, and meat by-products,* (except hides and commodities in bulk), from the facilities of The Rath Packing Co. at (a) Columbus Junction and Waterloo, IA, and (b) Indianapolis, IN, to points in AL, GA, LA, MS, NC, SC, and those in TN on and east of Interstate Hwy 65. (Hearing site: Atlanta, GA.)

MC 144522 (Sub-9F), filed December 10, 1979. Applicant: PETERSEN & FOGO, INC., P.O. Box 484, Superior, NE 68978. Representative: Lavern R.

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Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *iron and steel articles,* between the facilities of Lambert Manufacturing, Inc., in Smith County, KS, on the one hand, and, on the other, points in the United States (except AK, HI, and KS). (Hearing site: Omaha, NE.)

MC 144572 (Sub-33F), filed December 3, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Transporting (1) *automotive parts and accessories,* (2) *advertising materials,* and (3) *materials equipment and supplies used in the manufacture, storage, and distribution of the commodities in (1) and (2) above* (except commodities in bulk), between the facilities of Chrysler Corporation, Service and Parts Division, at Center Line, Marysville, and Warren, MI, on the one hand, and, on the other, Denver, CO. (Hearing site: Detroit, MI or Denver, CO.)

Note.—Dual operations may be involved.

MC 144672 (Sub-20F), filed December 10, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting (1) *Insulation* from Laredo, TX, to points in the United States (except AK and HI) and (2)(a) *Such merchandise* as is dealt in or used by wholesale, retail, chain, grocery, discount and variety stores, and (b) *chemicals* between Laredo and San Antonio, TX, on the one hand, and, on the other, points in the United States (except AK and HI), and (3) *Such commodities* as are dealt in or used by manufacturers and converters of paper and paper products between Brenham, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Antonio, TX.)

Note.—Dual operations may be involved.

MC 145022 (Sub-6F), filed December 10, 1979. Applicant: MARSH BROTHERS TRUCKING SERVICE, INC., P.O. Box 7398, Station B, 1811 Howell Avenue, Dayton, OH 45407. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting (1) *sand* from Harrison, OH, to points in KY, and (2) *coal* from points in KY to points in OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145102 (Sub-45F), filed December 10, 1979. Applicant: FREYMILLER TRUCKING, INC., P. O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *foodstuffs and specialty gift items* from Monroe and Sun Prairie, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Madison or Milwaukee, WI.)

MC 145102 (Sub-46F), filed December 14, 1979. Applicant: FREYMILLER TRUCKING, INC., P. O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *such commodities as are dealt in or used by manufacturers, converters, and printers of paper and paper products,* (except commodities in bulk), between the facilities of (a) Tufco Industries, Inc. at or near Green Bay, WI; (b) Wisconsin Paper Group, Inc., at or near Menasha, WI; (c) Thilmany Pulp & Paper Co. at or near Kaukauna, WI; (d) Midtec Paper Corp., at or near Kimberly, WI; and (e) Pacon Corporation, at or near Appleton, WI, on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT and WA, restricted to the Transportation of traffic originating at and destined to the above named Points. (Hearing Sites: Madison, WI or Oshkosh, WI.)

MC 145152 (Sub-152F), filed December 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *petroleum and petroleum products, emulsified sizing, and gasoline additives* (except in bulk) (1) from Bradford, New Kensington, and Petrolia, PA, and points in Mc Kean County, PA, to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, OH, OK, SC, SD, TN, TX, VA, WI, and WV, and (2) from Houston, TX, to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, OH, OK, SC, SD, TN, VA, WI and WV. (Hearing site: Bradford, PA, or Fayetteville, AR.)

MC 145152 (Sub-153F), filed December 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *(1) unfinished hand tools,* between the facilities of Armstrong Brothers Tool Company, at or near Fayetteville, AR, and the facilities of Armstrong Brothers Tool Company, at or near Chicago, IL, and, (2) *finished hand tools,* from the facilities of Armstrong Brothers Tool Company, at or near Chicago, IL, to Los Angeles and San Leandro, CA, and points in NY. (Hearing site: Fayetteville, AR, or Chicago, IL.)

MC 145152 (Sub-154F), filed December 3, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting: inedible meats, inedible meat products, and inedible meat by-products, from the facilities of Consolidated Pet Foods, Inc., at or near Amarillo, TX, to the facilities of Kal-Kan Foods, Inc., at or near Vernon, CA. (Hearing site: Vernon, CA or Fayetteville, AR.)

MC 145152 (Sub-155?), filed December 17, 1979. Applicant: Big Three Transportation, Inc., Post Office Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, Post Office Box 334, Fayetteville, AR 72701. Transporting: *such commodities as are dealt in by health and beauty aid distributors and wholesalers* from facilities of Supreme Distributors and Advance Promotions, Inc., at or near Detroit, MI to points in CA, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MD, DE, NJ, PA, CT, RI, MA, NH, NY and DC (Hearing site: Detroit, MI or Washington, DC.)

MC 145152 (Sub-156?), filed December 17, 1979. Applicant: Big Three Transportation, Inc., Post Office Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, Post Office Box 334, Fayetteville, AR 72701. Transporting: *petroleum, and petroleum products, (except in bulk)* From St. Louis, MO, Memphis, TN, Dallas, TX to Fayetteville, AR. (Hearing site: Fort Smith, AR or Washington, DC.)

MC 145152 (Sub-1577), filed December 10, 1979. Applicant: Big Three Transportation, Inc., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *steel hydropneumatic tanks,* from the facilities of Clayton-Mark-Hoyt, Inc., at or near Rogers, AR, to points in the United States (except AK and HI). (Hearing site: Fayetteville, AR.)

MC 145152 (Sub-1587), filed December 10, 1979. Applicant: Big Three Transportation, Inc., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting (1) *petroleum, petroleum products, and sound deadening compounds* (except in bulk), from the facilities of Pennzoil Company, at or near (a) Karns City, New Kensington, Reno, Rouseville and Warren, PA, and (b) Buffalo, NY, to Maryland Heights, MO, and, (2) *petroleum products, in packages,* from Maryland Heights, MO, to points in AR, CO, IL, KS, LA, MS, NE, NM, OK, and TX. (Hearing site: Oil City, PA or Fayetteville, AR.)

MC 145152 (Sub-1597), filed December 10, 1979. Applicant: Big Three Transportation, Inc., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting (1) *petroleum, and petroleum products* (except in bulk), from Emlenton, Farmers Valley, North Warren, New Kensington and Kimberton, PA, Buffalo and North Tonawanda, NY, and Congo and St. Marys, WV, to points in AL, AR, CO, FL, GA, KS, KY, LA, MS, NC, OK, SC, TN and TX. (Hearing site: Oil City, PA, or Fayetteville, AR.)

MC 145152 (Sub-160F), filed December 17, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, Post Office Box 334, Fayetteville, AR 72701. Transporting: *metal shelving* for metal shelving and *parts, and accessories,* from points in OH to facilities of Metal Products Co., Inc., d.b.a. Austin Material Handling Co. at or near Austin, TX. (Hearing site: Austin, TX or Washington, DC.)

MC 145362 (Sub-1F), filed December 10, 1979. Applicant: NORTHEAST PRODUCE TRANSPORT, INC., 135 Skyline Drive, Ringwood, NJ 07456. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting: (1) *bananas and pineapples,* and (2) *agricultural commodities* otherwise exempt from economic regulation under section 10526(a)(6) of the Act, when transported in mixed loads with (1) above, from Albany, NY, Baltimore, MD, Philadelphia, PA, and Wilmington, DE, to points in CT, ME, MA, NH, NJ, NY, RI, and VT. (Hearing site: New York, NY.)

MC 145842 (Sub-9F), filed December 17, 1979. Applicant: SUNDERMAN TRANSFER INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. Transporting: (1) *Meats, meat products, meat by-products, dairy products,* and *articles distributed by meat-packing houses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk) from the facilities used by John Morrell & Co., (a) at or near Estherville and Sioux City, IA, and (b) Sioux Falls, SD, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN and TX, and (2) *hides,* from the facilities of John Morrell & Co., at or near (a) Estherville, IA, and (b) Sioux Falls, SD, to Kansas City, MO, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL, or Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 146782 (Sub-27F), filed December 13, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Transporting: (1) *wire, rod,* and *wire and rod products,* and (2) equipment, materials and supplies used in the manufacture of the commodities in (1) above (except commodities in bulk) between the facilities of Coastal Wire Company, Inc., in Georgetown County, SC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the above named points. (Hearing site: Nashville, TN.)

MC 147203 (Sub-5F), filed December 6, 1979. Applicant: HUDSON PRODUCTS, INC., P.O. Box 142, Hudson, WI 54016. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. Transporting: (1) *chemicals* (except in bulk) from Niagara Falls, NY, and points in IL and MI to Hudson, WI, and (2) *plastic containers,* from Addison, IL, to Hudson, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 147343 (Sub-7F), filed December 11, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as above). Transporting, *radio Receiving Sets, and phonographs, Tape and Wire Recorders, and materials used in the manufacture of radio receiving sets phonographs, and tape and wire recorders;* (1) from Los Angeles, CA, Santa Claus, IN, and New York, NY, to points in the U.S. (except AK and HI) and (2) *materials used in the manufacture of radio receiving sets and phonographs* and *tape* and *wire recorders,*in reverse direction. (Hearing site: Indianapolis, IN).

Note.—Dual operations may be involved.

MC 147343 (Sub-8F), filed December 11, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as above). Transporting (1) *cabinets* and *business and office machines and* (2) *materials used in the manufacture* of this commodity in (1) above *(except in bulk),* between Evansville, IN, on the one hand, and on the other, points in the U.S. (except AK and HI). (Hearing site: Indianapolis, IN).

Note.—Dual operations may be involved.

MC 147363 (Sub-2F), filed November 1, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Drive, Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *finished shirts, piece goods, and packaging materials* between the facilities of Raycord Company, Inc. at or near Spartanburg, SC on the one hand, and, on the other, Clayton, GA under continuing contracts with Raycord Company, Inc., of Spartanburg, SC. (Hearing site: Columbia, SC.).

Note.—Dual operations may be involved.

MC 147553 (Sub-5F), filed December 13, 1979. Applicant: DENNIS MOSS AND GARY MOSS, d/b/a MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting, *petroleum and petroleum products and antifreeze,* from points in OK to points in ID. (Hearing site: Boise, ID.)

MC 147563 (Sub-3F), Filed July 2, 1979. Applicant: TRANSPORTATION SPECIALIST, LTD., 3114 Hubbell Avenue, Des Moines, IA 50317. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. Transporting, *iron and steel articles,* between Chicago, IL, on the one hand, and, on the other, points in IA, MO, NE, MN and SD. (Hearing site: Chicago, IL.)

MC 148012 (Sub-2F), filed December 17, 1979. Applicant: EXCURSIONS UNLIMITED, INC., 3500 Fourth Street West, Birmingham, AL 35208. Representative: Mr. Gene Davis (same as applicant). Transporting: *Passengers and baggage in the same vehicle with passengers, in special and charter operations* beginning and ending at points in Jefferson, Shelby, and St. Clair Counties, AL, and extending to points in the US (except AK and HI). (Hearing site: Birmingham, AL.)

MC 148132F filed August 21, 1979. Applicant: STAK TRANSPORTATION CO., INC., 29 Pleasant Valley Road, Whippany, NJ 07981. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier* transporting (1) *cleaning and bluing compounds, laundry bleach, shortening, vegetable and animal oils, vegetable and animal by-products, inedible tallow, inedible tallow by-products,* and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities in (1) above between the

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facilities of Theobold Industries, at points in NJ on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY.)

MC 148183 (Sub-10F), filed December 14, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. BOX 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., Washington, DC 20004. Transporting: meat and meat products, (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Dixie Packers, Inc., at Madison, FL, to points in AL, GA, KY, LA, NC, SC, and TX. (Hearing site: Jacksonville, FL, Atlanta, GA or Washington, DC.)

MC 148183 (Sub-14F), filed November 26, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425–13th St. NW, Washington, DC 20004. Transporting *frozen foods* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from the facilities of Pet Incorporated, Frozen Foods Division, at (a) Frankfort, MI and (b) Allentown and Chambersburg, PA, to points in AL, FL, GA, NC, SC, and TN, and (2) from the facilities used by Pet Incorporated, Frozen Foods Division, at (a) South Bend, IN, (b) Benton Harbor, Frankfort, and Hart, MI, (c) Fogelsville and Waynesboro, PA, (d) Winchester, VA, and (e) Martinsburg and Ranson, WV, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Atlanta GA or St. Louis, MO.)

MC 148522 (Sub-2F), filed October 30, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Avenue, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting (1) *cabinets* from the facilities of Trumatic, Inc., at East Stroudsburg, PA, to Framingham, MA, Nashua, NH, Bristol, TN, Fort Lauderdale and Tampa, FL, and Newark, Christina, and Glasgow, DE, and (2) *metal* used in the manufacture of cabinets, from Jersey City, NJ, and Sparrows Point, MD, to the facilities of Trumatic, Inc., at East Stroudsburg, PA (Hearing site: Philadelphia, PA.)

MC 148583 (Sub-3F), filed August 3, 1979. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee, WI 53212. Representative: Lawrence P. Kahn, Suite 5170, 161 West Wisconsin Ave., Milwaukee, WI 53203. Transporting *such commodities* as are sold in drug, apparel, chain, discount, and department stores, between points in Kenosha, Milwaukee, Ozaukee, Racine, and Waukesha Counties, WI, Lake County, IL, and Chicago, IL. (Hearing site: Milwaukee, WI.)

MC 148962, filed December 4, 1979. Applicant: MELVIN D. McCORD, d.b.a. McCORD DISTRIBUTING, 1319 Sandy Creek Drive, P.O. box 1907, Ada, OK 74820. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *chemicals,* (except in bulk), (1) from the facilities of Union Chemical Specialties, Inc. at or near Ada, OK to points in CO, NM, TX and WY, (2) from Brownfield, TX to the facilities of Union Chemical Specialties, Inc. at or near Ada, OK. (Hearing site: (1) Oklahoma City, OK, (2) Dallas, TX.)

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Decided: March 6, 1980.
By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 2253 (Sub-106F), filed December 26, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *empty drums,* from Fredericksburg, VA to Gastonia, NC. (Hearing site: Washington, DC.)

MC 2253 (Sub-107F), filed December 27, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company, at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Toledo, OH.)

MC 4963 (Sub-111F), filed December 26, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St. NW., Washington, DC 20004. Transporting *iron and steel articles,* between Warren, OH, on the one hand, and, on the other, points in IN, KY, and TN, restricted to the transportation of traffic originating at or destined to the facilities of Van Huffel Tube Corporation, at Warren, OH. (Hearing site: Washington, DC.)

MC 47583 (Sub-121F), filed December 4, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *plastic articles* (except in bulk), from the facilities of Mobil Chemical Co., at or near Channahon Township and Joliet, IL, to points in the United States (except AK and HI, and *materials and supplies* (except in bulk), used in the manufacture and distribution of plastic articles, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Co., at or near Channahon Township and Joliet, IL. (Hearing site: Kansas City, MO.)

MC 69833 (Sub-152F), filed December 18, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW-8th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Effingham and Gordons, IL: over IL Hwy 33, serving all intermediate points and the junction of IL Hwy 33 and IL Hwy 1 for purposes of joinder only, and (2) serving the facilities of General Electric Company at Mt. Vernon, IN, as an off-route point in connection with carrier's authorized regular route operations. (Hearing site: St. Louis, MO or Indianapolis, IN.)

MC 88203 (Sub-11F), filed December 3, 1979. Applicant: OTIS WRIGHT & SONS, INC., 700 East Wayne St., P.O. Box 277, Lima, OH 45802. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Contract carrier transporting (1) *auto parts and accessories,* and (2) *machinery, materials, and equipment* necessary for the production of motor vehicles, between points in OH, on the one hand, and, on the other, points in the US on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, under continuing contract(s) with Sheller-Globe Corporation, of Lima, OH. (Hearing site: Columbus, OH.)

MC 107403 (Sub-1306F), filed December 19, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from Geneva, NY, to points in CT, MA, NJ, PA, RI, and VT. (Hearing site: Washington, DC.)

MC 108223 (Sub-29F), filed December 17, 1979. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Robert S. Lee, 1000 First

National Bank Bldg., Minneapolis, MN 55402. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Kenosha, WI, as an off-route point in connection with carrier's authorized regular route operations. (Hearing site: Milwaukee, WI.)

MC 112123 (Sub-17F), filed June 29, 1979, published in the Federal Register, issue of January 29, 1980, and republished, as corrected, this issue. Applicant: BEST-WAY TRANSPORTATION, a corporation, 5150 North 16th St., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (2) between Bawtry, AZ and El Paso, TX, over Interstate Hwy 10, serving all intermediate points, and serving the Hidalgo Mine Site near Lordsburg, NM as an off-route point. Hearing sites: Los Angeles, CA, Albuquerque, NM and El Paso, TX). The purpose of this republication is to correct the route description in part (2) to read "Bawtry, AZ" instead of "Bawtry, NM". Part (1) and (3) remains as previously published on January 29, 1980.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 114273 (Sub-692F), filed December 27, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (A) *containers, container ends and closures;* (B) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers; and (C) *material, equipment, and supplies* used in the manufacture and distribution of containers, container ends and closures, between points in the United States in the east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to facilities of The Continental Group, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 116063 (Sub-162F), filed December 17, 1979. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). Transporting *Tallow,* in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AR, IL, IN, IA, LA, MO, NE, OK, TN, and TX. Hearing site: Omaha, NE or Sioux City, IA.)

MC 116313 (Sub-8F), filed December 4, 1979. Applicant: TROMBLY MOTOR COACH SERVICE, INC., Route 125 By Pass, No. Andover, MA 01845. Representative: Robert V. Cauchon, 100 Federal St., Boston, MA 02110. Transporting *passengers and their baggage and express* in the same vehicle with passengers, between Nashua, NH and Boston, MA, serving the intermediate point of Lowell, MA: from Nashua over U.S. Hwy 3 to junction MA Hwy 128, then over MA Hwy 128 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, and return over the same route; Alternate route from Nashua over U.S. Hwy 3 to junction Interstate U.S. Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, and return over the same route; Alternate route same as foregoing except from Interstate Hwy 495 at junction of Lowell Connector over Lowell Connector to Lowell, and return over the same route. (Hearing site: Boston, MA or Nashua, NH.)

MC 116763 (Sub-841F), filed December 19, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Beatrice Foods Co., at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Toledo, OH.)

MC 119493 (Sub- 348F), filed December 27, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting: *paper, paper products, parafin wax, petroleum products, materials and supplies* used in the manufacture and distribution of the named commodities (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic from or to the facilities of The Omega Trading Corp. or Trimark Corporation. (Hearing site: Atlanta, GA or Montgomery, AL.)

MC 119493 (Sub-349(F), filed December 27, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting: *iron and steel articles,* from Pittsburgh, PA, to points in AL, AR, GA, IA, IN, IL, KS, KY, LA, MS, MO, NE, NC, OH, OK, SC, and TN. (Hearing site: Pittsburgh, PA or Chicago, IL.)

MC 119493 (Sub-350F), filed December 27, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting: *lard, shortening, and edible oils,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Carthage, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City or Springfield, MO.)

MC 119493 (Sub-351F), filed December 27, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting: (1) *lumber and building materials,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic from or to the facilities of American Paneling Company, Inc. (Hearing site: Houston or Dallas, TX.)

MC 124692 (Sub-284F), (correction) filed June 6, 1979, published in the Federal Register, issue of December 18, 1979, and republished, as corrected, this issue. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting: *building materials, and materials and supplies* used in the manufacture of building materials, (1) from the facilities of ASC Pacific, at or near (a) Sacramento, CA, and (b) Tacoma, WA, to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, and (2) from points in the destination states in (1) above, to Tacoma, WA, and Sacramento, CA. (Hearing site: San Francisco, CA.)

Note.—The purpose of this republication is to rephrase and correct the territorial description.

MC 124813 (Sub-220F), filed December 28, 1979. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *iron and steel articles,* from the facilities of

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Nucor Corporation at or near Norfolk, NE, to points in CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, ND, OH, OR, SD, UT, WA, WI and WY, and (2) *steel*, from Detroiet, MI, to Omaha, NE. (Hearing site: Omaha, NE.)

MC 125433 (Sub-368F), filed December 28, 1979. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *mechanical work platforms*, from points in CA to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Mark Industries, Inc. (Hearing site: Los Angeles, CA.)

MC 127303 (Sub-71F), filed December 6, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *malt beverages*, from Peoria and Belleville, IL, and Evansville, IN, to Independence and Richmond, MO. (Hearing site: Washington, DC.)

MC 127303 (Sub-72F), filed December 27, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *glass containers, closures, packaging materials*, and *materials and supplies* used in the manufacture or distribution of containers (except commodities in bulk), between points in MN, IA, MO, WI, IL, IN, OH, MI, KY, TN, MS and GA, restricted to the transportation of traffic originating at or destined to the facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc. (Hearing site: Washington, DC.)

MC 128273 (Sub-382F), filed December 28, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *such commodities* as are used by or dealt in by manufacurers, converters and distributors of paper and paper products, plastic and wood products (except commodities in bulk, in tank vehicles), between points in MN, on the one hand, and, on the other, points in the United States (except AK, HI, and MN). (Hearing site: Minneapolis, MN or Washington, DC.)

Note.—Common control may be involved.

MC 128543 (Sub-23F), filed December 12, 1979. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Contract carrier transporting (1) *tubing, wire, and fencing*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of all of the named commodities (except commodities in bulk) (a) between the facilities of Allied Tube & Conduit Corportation and Coastal Wire Warehouses, Inc., in Los Angeles, Orange, and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OR, OK, SD, TX, UT, WA, and WY; (b) between the facilities of Allied Tube & Conduit Corporation and Coastal Wire Warehouses, Inc., in Gwinett and Fulton Counties, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and TX, in (a) and (b) above under continung contracts(s) with Allied Tube & Conduit Corporation and Coastal Wire Warehouses, Inc., of Harvey, IL; and (c) from the Los Angeles, CA, Harbor Zone, as defined by the Commission, to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OR, OK, SD, TX, UT, WA, and WY, under continuing contract(s) with Allied Tube & Conduit Corportation and Coastal Wire Warehouses, Inc., of Harvey, IL. (Hearing site: Chicago, IL.)

MC 135633 (Sub-18F), filed December 28, 1979. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Ave., Engelwood Cliffs, NJ 07632. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22314. Transporting *trucks*, in secondary movements, in driveaway service, between Baltimore, MD, on the one hand, and, on the other, points in DE, NJ, NY, NC, VA, PA, and DC. (Hearing site: Baltimore, MD.)

MC 138313 (Sub-56F) (correction), filed July 9, 1979, published in the **Federal Register**, issue of February 14, 1980, and republished, as corrected, this issue. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *sulfur, fertilizer, and soil conditioners* from the facilities of Montana Sulphur and Chemical Company at or near Billings, MT to OR, WA, ID, and UT. (Hearing site: Billings, MT.) The purpose of this republication is to correct the commodity description, and add "fertilizer", inadvertently omitted.

MC 138682 (Sub-339F), filed December 27, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC.,P.O. Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting (1) *Roofing and roofing materials*, from the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL, to points in KY and SC; and (2) *Materials, equipment and supplies used in the manufacture of roofing materials, and roofing and roofing materials*, from points in AR, MS, LA, KY, and SC, to the facilities of Elk Corporation of Alabama, at or near Tuscaloosa, AL. (Hearing site: Birmingham, AL or Washington, DC.)

MC 138882 (Sub-340F), filed December 28, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *beverages* (except in bulk), from the facilities of Shasta Beverages, Inc., at or near Birmingham, AL, to points, in GA, FL, LA, MS, and TN. (Hearing site: San Francisco, CA or Washington, DC.)

MC 138882 (Sub-341F), filed December 28, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *petroleum resins* (except in bulk), from the facilities of Southern Resins Division, Lawter Chemicals, Inc., at or near Moundville, AL, to points in the U.S. (except AK and HI). (Hearing site: Birminghan, AL or Washington, DC.)

MC 139843 (Sub-11F), filed December 17, 1979. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. Transporting (1) *paper and paper products, and pulpboard*, and (2) *commodities* used in the manufacture and distribution of the commodities in (1) above (except liquid commodities in bulk, in tank vehicles), between the facilities of Georgia Pacific Corporation at or near Crossett and Pine Bluff, AR, Monroe, LA, and Jackson, MS, on the one hand, and, on the other, points in AZ and NM, restricted to the transportation of traffic originating at or destined to the indicated points. (Hearing site: Little Rock, AR or Monroe, LA.)

MC 129923 (Sub-18F), filed December 14, 1979. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce St., West Memphis, AR 72313. Representative: Edward G. Grogan, Suite 2020, First Tenn. Bank Building, Memphis, TN 38103. Transporting (1) *peanuts and peanut products, roasted*, and (2) *peanuts* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6)(B), in mixed loads with peanuts and peanut products, roasted, from the facilities of Seabrook Blanching Corporation, and the facilities of Jimbo's Jumbos, Inc., at or near Edenton, NC, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140273 (Sub-22F), filed December 4, 1979. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *silica sand*, from points in LeSueur County, MN to points in the U.S. (except ND, SD, NE, IA, MN, WI, HI and AK); and (2) *sand*, from Muscatine, IA to points in the U.S. (except IL, IN, KS, MN, IA, MO, WI, HI and AK). (Hearing site: Minneapolis, MN.)

MC 140463 (Sub-7F), filed December 27, 1979. Applicant: ORREN J. LEE TRUCKING, 2312 Braemer Drive, Sioux Falls, SD 57105. Representative: Claude Stewart, Box 480, Sioux Falls, SD 57101. Contract carrier transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Raven Industries, Inc., at or near Sioux Falls, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Raven Industries, Inc., under continuing contract(s) with Raven Industries, Inc., of Sioux Falls, SD. (Hearing site: Sioux Falls, SD.)

MC 141443 (Sub-55F), filed December 27, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615–East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *paper and paper products*, and *commodities* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between points in AR, AZ, CA, CO, KS, LA, MO, NM, NV, OK, TX, and UT, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Dallas, TX.)

MC 142062 (Sub-36F), filed December 28, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Contract carrier transporting (1) *cleaning, scouring, and buffing compounds*, and (2) *commodities* dealt in or used by manufacturers of commodities in (1) above, from the facilities of Rochester Germicide Company, Inc., at or near Montgomery, IL, to Kent, WA, San Jose, CA, Denver, CO, Phoenix, AZ, Salt Lake City, UT, and Birmingham, AL, under continuing contract(s) with Rochester Germicide Company, Inc., of Rochester, NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142283 (Sub-9F), filed December 27, 1979. Applicant: VOORHORST, INC., 2099 E. Packard Highway, Charlotte, MI 48813. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *wheat middlings*, in bulk, (i) from Chelsea, MI to Lafayette, IN and (ii) from Augusta, MI to the facilities of Ralston Purina Company at or near Milford, IN. (Hearing site: Lansing, MI.)

MC 142803 (Sub-23F), filed December 4, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1966, Springfield, MA 01101. Representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. Contract carrier transporting *liquid cleaning compounds*, in containers, from Detroit, MI, to points in IN, KY, and OH, under continuing contract(s) with Patterson Laboratories, Inc., of Detroit, MI. (Hearing site: Detroit or Lansing, MI.)

MC 142743 (Sub-20F), filed December 31, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *building materials, pipe couplings, and insulation and insulating materials*, and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the CertainTeed Products Corporation. (Hearing site: Washington, DC or Atlanta, GA.)

MC 143713 (Sub-6F), (correction), filed May 25, 1979, published in the **Federal Register**, issue of October 23, 1979, and republished, as corrected, this issue. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, a corporation, R.F.D. 8, 37 Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting . . . (2) *bags, feed and feed ingredients, and equipment and supplies* used in the manufacture of feed and feed ingredients, (a) from Fairbury, IL to points in MI, TX, MN, IN and KY, and (b) from points in KY, NM, TX, MN and IN, to Fairbury, IL . . . The purpose of this republication is to correct the commodity description in part (2) of the application. The remainder of the application remains the same as previously published.

MC 144363 (Sub-9F), filed December 12, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Contract carrier transporting *such commodities* as are used by retail department stores (except foodstuffs and commodities in bulk), from (1) points in AL, CA, FL, GA, KY, LA, MS, NC, SC, TN, and TX, to Minneapolis, MN; and (2) from Minneapolis, MN, to Sioux Falls, SD, under continuing contract(s) with Dayton's of Minneapolis, MN. (Hearing site: Minneapolis, MN or Omaha, NE.)

MC 144622 (Sub-131F), filed November 28, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *confectionery*, in vehicles equipped with mechanical refrigeration (except in bulk), from the facilities of M&M/MARS at Hackettstown, NJ and Elizabethtown, PA, to points in IL, MI, OH, and PA. (Hearing site: New York, NY or Washington, DC.)

MC 145513 (Sub-14F), filed December 19, 1979. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Contract carrier transporting *wine and advertising materials*, between the facilities of Ste. Chapelle at or near Caldwell, ID, on the one hand, and, on the other, points in AZ, CA, CO, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with Ste. Chapelle Vineyards, of Caldwell, ID. (Hearing site: Boise, ID.)

MC 145513 (Sub-15F), filed December 19, 1979. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Contract carrier transportation *molasses byproducts*, in bulk, from points in CA to the facilities of Loomix, Inc., at or near Nyssa, OR, under continuing contract(s) with Loomix, Inc., of Nyssa, OR. (Hearing site: Boise, ID.)

MC 146893 (Sub-8F), filed December 3, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A, R.R. 3, West Alexandria, OH 45381. Representative:

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Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Contract carrier transporting *haydite* from Brooklyn, IN, to Hamilton, Middletown, and Seven Mile, OH, under continuing contract(s) with Fin-Pan, Inc., of Hamilton, OH, Riv-Co., Inc., d/b/a Riverside Concrete Company, of Middletown, OH, and Miami Cement Products, Inc., of Seven Mile, OH. (Hearing site: Cincinnati, OH.)

MC 147003 (Sub-6F), filed December 4, 1979. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68801. Representative: Darryl Pauly (same address as applicant). Transporting (1) *grain bins and grain drying and handling equipment,* (2) *parts and accessories* of commodities in (1) above, and (3) *materials and supplies* used in the manufacture of commodities in (1) and (2) above, (A) from Houghton, IA, to points in AL, AR, CO, IA, ID, KS, MO, MN, NE, OH, TN, and WY; (B) from Eufaula, AL to points in CA, FL, KY, LA, MI, NC, SC, IA, TX, and TN, and (C) from points in IA, IL, KS, MO, and NE, to Eufaula, AL and Houghton, IA, restricted to the transportation of traffic destined to the facilities of Conrad American, Inc., at Eufaula, AL and Houghton, IA. (Hearing site: Des Moines, IA or Omaha, NE.)

MC 147003 (Sub-7F), filed December 27, 1979. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68801. Representative: Darryl Pauly (same address as applicant). Transporting (1) *grain bins and grain drying and handling equipment,* and (2) *parts and accessories* of commodities in (1) above, from the facilities of Grain Systems, Inc., at or near Assumption, IL to points in NE. (Hearing site: St. Louis, MO or Springfield, IL.)

MC 147323 (Sub-6F), filed December 11, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles,* between points in the United States (except AK and HI), restricted to the transportation of traffic from or to the facilities of Capital Metals, Inc., and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Capital Metals, Inc., at Prospect, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities in (2) above. (Hearing site: Chicago, IL or Detroit, MI.)

MC 147323 (Sub-8F), filed December 18, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles and* (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk) between the facilities of Shulman Steel, Inc., at Morganville, NJ, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Detroit, MI or Washington, DC.)

Note.—Dual operations are involved.

MC 147323 (Sub-9F), filed December 31, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1), *iron and steel articles* and (2) *equipment, materials and supplies* used in the manufacture or distribution of the commodities in (1) (Except commodities in bulk) between the facilities of Charles A. Strand Company at Detroit and Petersburg, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI.) (Hearing site: Detroit, MI or Washington, DC.)

MC 148623 (Sub-1F), filed December 26, 1979. Applicant: RON BUNGER TRUCKING AND FERTILIZER, LTD., Box 156, Davis Junction, IL 61020. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *fertilizer and fertilizer materials,* in bulk, in tank vehicles, from points in IL to points in IA, MN, and WI, and from Clinton, IA to points in IL and WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 149323F, filed December 17, 1979. Applicant: BINGHAM TRANSPORTATION, INC., 2005 E Ave., Baxter Springs, KS 66713. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *salt and salt products,* from Catoosa, OK to points in AR, KS, MO, and OK. (Hearing site: Kansas City, MO.)

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Decided: March 10, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier and Hill.

MC 29643 (Sub-15F), filed November 9, 1980. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *aluminum ingots and aluminum scrap,* between Marietta and Middletown, PA, on the one hand, and, on the other, points in NJ, NY, CT, MA, RI, NH and VT. (Hearing site: Chicago, IL.)

MC 69833 (Sub-151F), filed November 7, 1979. Applicant: ASSOCIATED TRUCK LINES, INC. 200 Monroe Ave. NW, 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of glass, chinaware, and plastic products, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in IL, IN, KY, MI, MN, MO, OH, PA, on and west of U.S. Hwy 19, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Anchor Hocking Corporation and its subsidiaries, Amerock Corporation, Shenango China, Phoenix Glass and Plastics, Inc. (Hearing site: Lansing or Detroit, MI.)

MC 80443 (Sub-33F), filed Nov. 20, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting: (1) *outerwear and flotation devices,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities, from St. Cloud and Sauk Rapids, MN, to points in the United States (except AK and HI), and in the reverse direction. (Hearing site: Minneapolis or St. Paul, MN.)

MC 107403 (Sub-1299F), filed December 26, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *sugars, syrups* and *blends of sugars and syrups,* in bulk, in tank vehicles, from Atlanta, GA, to points in NC, SC, TN, AL, and FL. (Hearing site: Washington, DC.)

MC 109533 (Sub-114F) (Correction), filed July 26, 1979, published in the **Federal Register,** issue of February 12, 1980, and republished, as corrected, this issue. Applicant: Overnite Transportation Co., 1000 Semmes Avenue, Richmond, VA 23224. Representative: Eugene T. Liipfert, Suite 1000, 1660 L Street NW., Washington, D.C. 20036. To operate as a *common carrier,* by motor vehicle, over regular routes, in interstate or foreign commerce, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Albany, GA, and Jacksonville, FL. From Albany over U.S. Hwy 82 to Tifton, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (2) Between Chicago, IL, and Indianapolis, IN. From Chicago over Interstate Hwy 90 to jct. Interstate Hwy 65 then over Interstate Hwy 65 to Indianapolis and return over same route, serving no intermediate points. (3) Between Mt. Vernon, IL, and Indianapolis, IN. From Mt. Vernon over Interstate Hwy 57 to Effingham, IL, then over Interstate Hwy 70 to Indianapolis and return over same route serving no intermediate points. (4) Between Louisville, KY, and Indianapolis, IN, over Interstate Hwy 65, serving no intermediate points. (5) Between Cincinnati, OH, and Indianapolis, IN, over Interstate Hwy 74 serving no intermediate points. (6) Between Evansville, IN, and Louisville, KY. From Evansville over U.S. Hwy 41 to jct. Interstate Hwy 64, then over Interstate Hwy 64 to Louisville and return over same route, serving no intermediate points. (7) Between Memphis, TN, and Birmingham, AL, over U.S. Hwy 78 serving no intermediate points. (8) Between Birmingham, AL, and Jacksonville, FL. From Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Valdosta, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10 then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (9) Between Memphis, TN, and St. Louis, MO. From Memphis over Interstate Hwy 40 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to St. Louis and return over same route, serving no intermediate points. (10) Between Memphis, TN, and Benton, KY. From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway, then over KY Purchase Parkway to jct. KY Hwy 408, then over KY Hwy 408 to Benton and return over same route, serving no intermediate points. (11) Between Memphis, TN, and Madisonville, KY; From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway then over KY Purchase Parkway to jct. U.S. Hwy 62, then over U.S. Hwy 62 to jct. Western KY Parkway, then over Western KY Parkway to jct. U.S. Hwy 41, then over U.S. Hwy 41 to jct. KY Hwy 85, then over KY Hwy 85 to Madisonville and return over same route, serving no intermediate points. (12) Between Evansville, IN, and Indianapolis, IN. From Evansville over U.S. Hwy 41 to jct. Interstate Hwy 70 then over Interstate Hwy 70 to Indianapolis and return over same route, serving no intermediate points. (13) Between Jefferson City, MO, and Memphis, TN. From Jefferson City over U.S. Hwy 63 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to Jct. Interstate Hwy 40 then over Interstate Hwy 40 to Memphis and return over same route, serving no intermediate points. (14) Between Washington, PA, and Toledo, OH. From Washington over Interstate Hwy 79 to jct. Interstate Hwy 76 then over Interstate Hwy 76 to jct. Interstate Hwy 80 then over Interstate Hwy 80 to Toledo and return over same route serving no intermediate points. (15) Between St. Louis, MO, and Indianapolis, IN, over Interstate Hwy 70 serving no intermediate points. (16) Between Jefferson City, MO, and Chicago, IL; From Jefferson City over U.S. Hwy 54 to jct. U.S. Hwy 36, then over U.S. Hwy 36 to jct. Interstate Hwy 55, then over Interstate Hwy 55 to Chicago and return over same route serving no intermediate points. (17) Between Kansas City, MO, and Chicago, IL. From Kansas City over U.S. Hwy 24 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to Chicago and return over same route, serving no intermediate points. (18) Between Indianapolis, IN, and Toledo, OH. From Indianapolis over Interstate Hwy 69 to jct. U.S. Hwy 24, then over U.S. Hwy 24 to Toledo and return over same route serving no intermediate points. (19) Between Chicago, IL, and Toledo, OH, over Interstate Hwy 90 serving no intermediate points. (20) Between Columbus, OH, and Toledo, OH. From Columbus over U.S. Hwy 23 to Jct. Ohio Hwy 15 then over Ohio Hwy 15 to Findley, OH, then Interstate Hwy 75 to Toledo and return over the same route serving no intermediate points. (Hearing—Washington, D.C.) Applicant states that it presently has authority to serve all of the terminals involved, and seeks by the application to gain authority to operate over the most direct routes between terminal and other key points. Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. The purpose of this republication is to correct line 7, indicating the type of authority sought by applicant; Route 4; Route 11; Route 12; Route 16; and add the tacking paragraph omitted in prior publication.

MC 110563 (Sub-313F), filed December 28, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29N, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting *frozen foods,* from the facilities of Rich Products Corporation at Logansport, IN, to points in IL, KY, MI, MO, and HO, restricted to the transportation of traffic originating at the named origin. (Hearing site: Buffalo, NY or Washington, DC.)

MC 112893 (Sub-60F), filed October 15, 1979. Applicant: BULK TRANSPORT COMPANY, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., Goff, Sims, Cloud, Stroud, Shepherd & Walker, 915 Pennsylvania Building, 425 13th Street NW, Washington, DC 20004. Transporting *jet fuel,* in bulk, in tank vehicles, from Green Bay, WI, to points in IL, IN, MI, MN, NE, ND and OH, and (2) *lubricating oils, greases, and rust inhibitors,* in bulk, in tank vehicles, from Milwaukee, WI, to points in the Upper Peninsula of MI and MN. (Hearing site: Chicago, IL or Washington, DC.)

MC 113362 (Sub-380F), filed December 31, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Ave. N.E., P.O. Box 429, Austin, MN 55912. Transporting: *such merchandise* as is dealt in by wholesale and retail gift stores, between Addison, TX, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK, and TX. Restriction: Restricted to shipments originating at or destined to the facilities utilized by Tuesday Morning, Inc. (Hearing site: Dallas, TX or Oklahoma City, OK.)

MC 113843 (Sub-277F), filed November 8, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant). Transporting over irregular routes, *can liners, plastic articles sheeting, drop cloths, tarps, and materials and supplies used in the manufacture of plastic articles* between Peabody, MA, Lawrenceburg, TN and Macomb, IL, on the one hand, and, on the other hand, points in CT, DE, IA, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WI, WV, and DC, restricted to transportation of traffic to and from the facilities of Webster Industries. (Hearing site: Boston, MA.)

MC 128732 (Sub-10F), filed November 23, 1979. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 2639 S. Soto, Los Angeles, CA 90023. Representative: Scott T. Robertson, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Contract carrier,* transporting: *Meats, meat products, meat by-products, articles distributed by meat packinghouses and such commodities as are used by packinghouses,* as described

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in Sections A, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) From York, NE, Downs, KS, La Junta and Brush, CO, and points in IA to Los Angeles, CA; and (2) From Los Angeles, CA, to Kansas City, MO, and points in NC, TX, SC, VA and WA; under a continuing contract(s) with Hoffman Brothers Packing Company, Inc. of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 133802 (Sub-4F), filed December 26, 1979. Applicant: EMPAK TRANSPORTATION COMPANY, an Iowa corporation, 1444 South 20th Street, Omaha, NE 68108. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Contract carrier* transporting (1) *lubricants, oils, greases, petroleum products, anti-freezes, windshield washer solvents, concrete form release agents and dispensers* from the facilities of Southwest Petro-Chem, Inc., at Compton, CA; Spencer, IA; Olathe and Wichita, KS; Kansas City, MO; Omaha, NE; and Bakerstown, PA, to points in the United States (except AK and HI), and (2) the commodities named in (1) above and (3) *materials and supplies* used in the production, sale and distribution of the commodities in (1) and (2) above, from points in the United States (except AK and HI) to the facilities of Southwest Petro-Chem, Inc., at Compton, CA; Spencer, IA; Olathe and Wichita, KS; Kansas City, MO; Omaha, NE; and Bakerstown, PA, under a continuing contract(s) with Southwest Petro-Chem, Inc., of Olathe, KS. Condition: Issuance of this Permit is subject to prior or coincidental cancellation of applicants written request of Permits in No. MC 133802, and No. MC 133802 Sub 1, issued November 23, 1973, and June 6, 1975, respectively. (Hearing site: Kansas City, MO.)

MC 135382 (Sub-1F), filed December 21, 1979. Applicant: S & S RENTAL, INC., d.b.a. MIDWAY CHARTER COACH, 2601 Baker Street, Baltimore, MD 21216. Representative: Jeremy Kahn, 1511 K Street, NW., Suite 733, Investment Building, Washington, DC 20005. Transporting *passengers*, in round trip special operations, beginning and ending at Baltimore, Towson and Dundalk, MD and extending to the facilities of The Federal Bureau of Investigation, Washington, D.C. (Hearing site: Baltimore, MD.)

MC 136212 (Sub-34F), filed December 26, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting: *Animal and poultry feed and feed ingredients*, from the facilities of Farmland Industries at or near Gothenburg, NE, to points in SD and ND. (Hearing site: Kansas City, MO or Omaha, NE.)

MC 136343 (Sub-191F), filed November 21, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, Esq., McNees, Wallace & Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *Containers, container ends, and accessories and materials, equipment and supplies used in the sale, manufacture, and distribution of containers and container ends* (except commodities in bulk) between the facilities of The Continental Group, Inc. in AL, FL, GA, IL, IN, MD, MA, MI, NH, NJ, NY, NC, OH, PA, SC and VT, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Harrisburg, PA; Washington, DC.)

MC 139112 (Sub-20F), filed November 26, 1979. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, PA 18708. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *wood burning stoves* (2) *parts and accessories for wood burning stoves*, and (3) *equipment, materials, and supplies* used in the manufacture, sale and distribution of the commodities in (1) and (2) above, between the facilities of Industrial Construction Company, Inc., at Eugene, OR, on the one hand, and, on the other, points in GA, IN, NH, SC, OH, MN, SD, VA, WI, NC, UT, TX, PA, CO, IA, MI and NV. Note: Dual operations may be involved. (Hearing site: Harrisburg, PA.)

MC 141033 (Sub-61F), filed December 4, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, 15045 East Salt Lake Ave., City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting: *General commodities*, (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act, (1) from points in AL and TN (except Memphis and Nashville, TN) to points in CA and UT. (2) from points in CA to points in AL, FL, GA, LA, MO, NC, SC, TN, and VA. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 141742 (Sub-11F), filed December 27, 1979. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: William D. Taylor, Professional Corp., 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting: *Millwork*, from: the facilities of Rocklin Forest Products at or near Douglas, AZ, on the one hand, and, on the other, points in CO and NM. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 141443 (Sub-54F), filed November 27, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *foodstuffs and matches*, from the facilities of Hunt-Wesson Foods, Inc. at or near Independence, MO, to points in OK. (Hearing site: New Orleans, LA.)

MC 142703 (Sub-23F), filed December 26, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, Post Office Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati and Columbus, OH, and Danville, KY, on the one hand, and, on the other, points in WV, restricted to the transportation of shipments having a prior or subsequent rail or water movement. (Hearing site: Columbus, OH.)

MC 143903 (Sub-5F), filed November 29, 1979. Applicant: O'NEILL BROS. TRANSFER & STORAGE CO., 706 S.W. Commercial St., Peoria, IL 61602. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier*, transporting *sporting goods, toys, athletic footwear, sports apparel and recreational equipment and supplies*, from Peoria, IL to South Bend, Mishawaka and Merrilville, IN, under a continuing contract(s) with: Brown's Sporting Goods, Inc. (Hearing site: Chicago, IL.)

MC 144003 (Sub-2F), filed December 13, 1979. Applicant: TIEDT TRUCKING CO., a corporation, Lemont and Bluff Roads, Lemont, IL 60439. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Transporting *clay products and refractories*, and *materials and supplies* used in the installation of clay products and refractories (except commodities in bulk), from the facilities of Clow Corporation at Carol Stream, IL to points in IN, IA, MI, MN, MO, OH, and WI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 144122. Applicant: CARRETTA TRUCKING, INC., S 160 Route 17, Paramus, NJ 07652. Representative: Joseph Carretta, S 160 Route 17, Paramus, NJ 07652. Transporting (1) *paints, cleaning compounds and chemicals* and (2) *materials, supplies, and equipment* used in the manufacture, distribution and sale of the commodities in (1) above, (except in bulk), between the facilities of Standard T Chemical Co., Inc. at Chicago, IL and points in NY, NJ, PA, GA, TX, and CA. (Hearing site: New York, NY or Washington, DC.)

MC 144572 (Sub-32F), filed December 10, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Transporting *building materials* (except commodities in bulk), between the facilities of Alside, Inc., at Cuyahoga Falls, Wadsworth, and West Salem, OH, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, KS, MO, NE, NV, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cleveland, OH or Denver, CO.)

Note.—Dual operations may be involved.

MC 145363 (Sub-10F), filed December 27, 1979. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same as above). *Contract carrier*, transporting (1) *poles, pilings, posts, timbers, lumber, ties, and crossarms*, and (2) *materials and supplies* used in the manufacture and installation of the commodities in (1) above (except commodities in bulk), between points in AL, AR, CO, KS, LA, MO, MS, NM, OK, and TX, under continuing contracts with Koppers Company, Inc. (Hearing site: Pittsburg, PA.)

MC 145513 (Sub-11F), filed November 21, 1979. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Contract carrier*, transporting *anhydrous ethenol*, from points in WA to Boise, ID, under continuing contract(s) with Sun Ray Drive-In Dairies, Inc. (Hearing site: Boise, ID.)

MC 145583 (Sub-3F), filed November 7, 1979. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler Street, Philadelphia, PA 19137. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *general commodities* (except motor vehicles, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in PA, DE, CT, NY, NJ, MD, VA (except Richmond and Norfolk, VA commercial zone), and DC, having a prior or subsequent movement by rail or water. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 145622 (Sub-4F), filed December 28, 1979. Applicant: JERRY G. HARRIS, d.b.a. S & H TRANSPORTATION, P.O. Box 137, Wright City, MO 63390. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Contract carrier, transporting dry grocery products*, between the facilities of Aldi, Inc. at or near Wright City, MO, on the one hand, and, on the other, points in MO, KS, IL, IN, IA, AR, TN and KY. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 146422 (Sub-6F), filed December 5, 1979. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier*, transporting: *Steel pipe*, (1) from La Junta, CO, to points in MT, WY, NE, and KS; and (2) from Houston, TX to La Junta, CO, both Parts (1) and (2) under a contract(s) with Timberline Pipe Corporation. (Hearing site: Denver, CO.)

MC 146983 (Sub-1F), filed November 27, 1979. Applicant: JE–RI TRUCKING INC., 70 South Woodcrest Dr., P.O. Box 1994, Fargo, ND 58107. Representative: Kip B.H. Erickson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier*, transporting: *Malt and carbonated beverages, water* and *articles dealt in or utilized by wholesale beverage distributors* from Milwaukee, WI and Minneapolis-St. Paul and Cold Springs, MN, to Fargo, ND and Detroit Lakes, MN. (Hearing site: Fargo, ND or St. Paul, MN.)

MC 147082 (Sub-2F), filed December 26, 1979. Applicant: FOSTER TRANSFER, INC. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602. Transporting: *Liquid nitrogen* and *fertilizer solutions* between points in IL, WI, IA, and MN. (Hearing site: Chicago, IL.)

MC 148033 (Sub-2F), filed November 15, 1979. Applicant: FAISON FAIL, 1026 Tammy Street, Fayetteville, NC 28301. Representative: John C. Tally, Tally & Tally, Suite 701, Wachovia Bank Building, Fayetteville, NC 28302. Transporting *stone and gravel*, in dump vehicles, from Bennettsville and Brownsville, SC, to the facilities of Crowell Constructors, Inc., at or near Whiteville, and Butters, NC. (Hearing site: Fayetteville or Raleigh, NC.)

MC 148522 (Sub-5F), filed December 26, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *cleaning compounds, household products and deodorants* from East Stroudsburg, PA to Liverpool (Syracuse), NY. (Hearing site: Washington, DC.)

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Decided: March 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 11714 (Sub-3F), filed November 20, 1979. Applicant: OLD HARBOR EXPRESS CO., INC., 307 White's Path, S. Yarmouth, MA 02633. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Transporting *Kerosene*, fuel oil, and diesel fuel, in bulk, in tank vehicles, from Providence and Tiverton, RI, to points in Barnstable County, MA. (Hearing site: Boston, MA.)

MC 40815 (Sub-5F), filed November 21, 1979. Applicant: HARRAN TRANSPORTATION COMPANY, INC., 1417 Jerusalem Avenue, North Merrick, NY 115650. Representative: Owen B. Katzman, 1800 M St., NW., Suite, 800 South, Washington, DC 20036. Transporting *passengers and their baggage*, in the same vehicle with passengers, in one way and round trip charter and special operations, between New York, NY, and points in Rockland, Nassau, and Suffolk Counties, NY, on the one hand, and on the other, points in the United States (except HI). (Hearing site: New York, NY.)

MC 60014 (Sub-161F), filed November 21, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles*, between the facilities of Labarge, Inc., Tubular Division, at St. Louis, Mo, Bellevue, OH, Wagoner, OK, Memphis, TN, New Orleans, LA, and Houston, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 65475 (Sub-31F), filed November 21, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *iron and steel articles*, and *materials, equipment, and supplies* used in the

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manufacturing of iron and steel articles, between Marietta, OH, and Marion, IL, on the one and hand, and, on the other, points in DE, IL, KY, MD, NJ, NY, NC, OH, PA, TN, VA, WV, and DC. (Hearing site: Columbus OH.)

MC 99755 (Sub-2F), filed November 19, 1979. Applicant: M & L TRUCKING COMPANY, INC., 4909 Tidewater Ave., Oakland, CA 94601. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *general commodities,* (except commodities in bulk), class A explosives, household goods as defined by the Commission, and those of unusual value, between Oakland, CA, on the one hand, and, on the other points in the counties of Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus and Yolo, CA, restricted to the transportation of traffic moving on freight forwarder bills of lading, as defined by the Commission. (Hearing site: San Francisco, or Oakland, CA.)

MC 105045 (Sub-129F), filed November 20, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *air pollution, cooling and air cleaning equipment,* and *parts* for such equipment, between the facilities of Gamewell Mechanical, Inc., at or near Salisbury, NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 106485 (Sub-20F), filed November 20, 1979. Applicant: LEWIS TRUCK LINES, INC., Box 642, Lisbon, ND 58054. Representative: Kip B. H. Erickson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment), between Mobridge, SD, and Mandan, ND, from Mobridge over U.S. Hwy 12, to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Mandan, ND, serving the intermediate points of Bismarck, ND, and all intermediate points south of the Burleight County-Emmons County, ND line, and return over the same route. (Hearing site: Fargo, ND.)

Note.—Applicant intends to tack authority sought with its existing authorities.

MC 106674 (Sub-442F), filed November 20, 1979. Applicant: SHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (address same as applicant). Transporting *materials and supplies used in the manufacture and distribution of building matrials, insulating materials,* and *plastic pipe,* from points in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Johns-Manville Sales Corp., at or near Alexandria, IN, Jackson, TN, Waukegan, IL, and Wilton, IA, and to the facilities of Johns-Manville Perlite Corp., at or near Rockdale, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107445 (Sub-27F), filed November 23, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Transporting *machinery, dynamometers, custom test equipment,* and *parts thereof,* between the facilities of Laboratory Equipment Corp., at Mooresville, IN, on the one hand, and, on the other, points in the United States, (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 110325 (Sub-116F), filed September 25, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. *Over regular routes,* transporting *general commodities,* (except classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of U.S. Hwy 69 and Interstate Hwy 235 and the junction of U.S. Hwys 66 and 75, from the junction of U.S. Hwy 69 and Interstate Hwy 235 over Interstate Hwy 235 to the junction of Interstate Hwy 35, then over Interstate Hwy 35 to the junction of Interstate Hwy 435, then over Interstate Hwy 435 to the junction of U.S. Hwy 69, then over U.S. Hwy 69 to the junction of U.S. Hwy 66, then over U.S. Hwy 66 to the junction of U.S. Hwy 75, and return over the same route, as an alternate route, serving no intermediate points. (Hearing site: Los Angeles, CA.)

MC 113855 (Sub-503F), filed November 21, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *such commodities* as are dealt in, used by, or distributed by dealers and manufacturers of agricultural equipment, industrial equipment and lawn and leisure products (except commdities in bulk, and automobiles, trucks and buses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 61 M.C.C. 760), from Columbus, NE, to points in AZ, CA, CO, ID, MN, MT, ND, NM, NV, OR, SD, UT, WA, WI, and WY, and the ports of entry on the International Boundary line between the United States and Canada, restricted to the transportation of traffic originating at the facilities of Sperry New Holland Division, Sperry Corporation, at Columbus, NE, and destined to the above-named destinations (except that the restriction does not apply to traffic moving in foreign commerce). (Hearing site: Washington, DC.)

MC 113855 (Sub-504F), filed November 21, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *flat glass,* from the facilities of Guardian Industries Corporation, at or near Corsicana, TX, to points in the United States (except TX, AK, and HI). (Hearing site: Chicago, IL.)

MC 117344 (Sub-283F), filed November 23, 1979. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *petroleum, petroleum products, and chemicals,* (in bulk), between the facilities of Ashland Oil, Inc., in Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and, on the other, those points in the United States in and east of MEN, IA, MO, AR, LA. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 117765 (Sub-278F), filed November 23, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *petroleum* and *petroleum products,* in containers, and (2) *such commodities* as are used by, sold, or distributed by wholesale or retail suppliers, marketers, or distributors of Petroleum Products, in mixed loads with the commodities described in (1) above (except commodities in bulk) (a) from the facilities of Champlin Petroleum Company, Tulsa, OK, to points in IN, IL, IA, KS, MI, MN, MO, NE, ND, SD, and WI. (b) from Ponca City, OK, to points in IL, IN, IA, MI, NE, and SD. (Hearing site: Oklahoma City, OK.)

MC 119654 (Sub-82F), filed November 20, 1979. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *automobile glass,* (2) *glass, flat and glazing units,* from Detroit, MI to points in IL, IN, KY, MO, OH, WI and points in PA on and west of a line beginning at the NY-PA state line and extending along U.S. Hwy. 219 to and extending along U.S. Hwy. 119, then along U.S. Hwy. 119 to the PA-MD state line; and (3) *Materials, equipment and supplies,* used in the manufacture, sale and distribution of automobile glass (except in bulk), in the reverse direction. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 123294 (Sub-71F), filed November 19, 1979. Applicant: WARSAW TRUCKING., INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Transporting *plastic bottles and containers,* from the facilities of Imco Container Co., at or near Vandalia, IL, Jeffersonville, IN, and Louisville, KY, to points in OH, IN, MI, IL, WI, MN, IA, MO, KY, TN, restricted to the transportation of traffic originating at the facilities of Imco Container Co., at the above named origins. (Hearing site: Kansas City, or St. Louis, MO.)

MC 125335 (Sub-90F), filed November 20, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products* and *meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Illini Beef Packers, Inc., at or near Joslin, IL, to points in AL, FL, GA, KY, NC, SC, and TN. Condition: The person or persons who appear to be engaged in common control or applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidiavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 125335 (Sub-91F), filed November 21, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *paper and paper products,* and *equipment, materials, and supplies used* in the manufacture and distribution thereof, between points in CT, DE, MD, NJ, NY, MA, PA, and RI, on the one hand, on the other, points in AL, FL, GA, IL, IN, IA, MI, MN, MS, NE, NC, SC, TN, and WI, restricted to traffic originating at or destined to the facilities of Scott Paper Company. Condition: the person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Philadelphia, PA, or Dallas, TX.)

MC 125335 (Sub-92F), filed November 21, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transportings *foodstuffs,* from the facilities of Stouffer Foods Company, Division of Stouffer Corporation, at or near Solon, OH, to points in AL, CT, DE, FL, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Cleveland, OH, or Dallas, TX.)

MC 127625 (Sub-36F), filed November 23, 1979. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Transporting *wood trusses* and *wall component sections,* from Columbia, SC, to points in NC, and GA. (Hearing site: Columbia, SC, or Washington, DC.)

MC 127705 (Sub-102F), filed November 19, 1979. Applicant: KREVDA BROS, EXPRESS, INC., P.O. Box 68, Gas City, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *containers, container ends, and closures,* (2) *commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and;* (3) *materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures,* between those points in the United States in and east of MN, IA, MO, KS, AR, and LA, restricted to the transportation of traffic originating at the facilities of Boise Cascade. (Hearing site: Indianapolis, IN.)

MC 133735 (Sub-9F), filed November 26, 1979. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *liquid fertilizer,* in bulk, from Burlington, IA, to points in IL, and MO. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 133805 (Sub-45F), filed November 21, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *charcoal briquets, lighter fluid, hickory chips* and *barbecue items,* (a) from the facilities of Husky Industries, Inc., at or near Pachuta, MS, to points in AL, FL, GA, LA, NC, SC, TN, TX, CO, and OK, and (b) from the facilities of Husky Industries, Inc., at or near Branson, MO, to points in AL, AK, AR, CA, CN, DE, GA, ID, IL, IN, IA, KS, KY, FL, LA, MA, MD, MS, MN, MT, NV, NH, NJ, MI, NY, NC, OH, OR, PA, RI, SC, TN, UT, VA, WV, WA, WI, WY, CO, OK, and TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 133805 (Sub-46F), filed November 21, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting (1) *such merchandise* as are dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk) and *furniture,* in mixed loads with the commodities in (1) above, from the facilities of K Mart Corporation, at or near Charlotte, NC, to Kansas City, MO, and Dallas, TX. (Hearing site: Fort Worth or Dallax, TX.)

MC 133805 (Sub-47F), filed November 21, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *china, flatware, cookware, glassware,* and commodities used in the distribution of such commodities, between the facilities of The Easterling Company, at or near Des Plaines, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Fort Worth, TX, or Chicago, IL.)

MC 134755 (Sub-216F), filed November 23, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Transporting *foodstuffs* (except commodities in bulk),

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from Marietta, OK, to points in the United States (except AK, FL, HI, ND, and SD). (Hearing site: Kansas City, MO.)

MC 135524 (Sub-88F), filed November 19, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *welding equipment, materials, and supplies*, between the facilities of Miller Electric Manufacturing Company, at or near Appleton, WI, to points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Milwaukee, WI.)

MC 136384 (Sub-20F), filed November 23, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Dean Forest Road, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *general commodities*, (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between McRae and Commerce, GA, serving all intermediate points: From McRae over U.S. Highway 280 to its intersection with U.S. Highways 319 and 441, thence over U.S. Highway 441 to Commerce, GA and return over the same route. (2) Between Vidalia and Madison, GA: From Vidalia over U.S. Highway 280 to McRae, thence over U.S. Highway 23 to Atlanta, GA thence over U.S. Highway 278 to Madison, GA and return over the same route serving all intermediate points in conjunction with the regular route operations described above. (3) Between Atlanta and Athens, GA over U.S. Highway 29 serving all intermediate points. (4) Between Commerce and Winder, GA serving all intermediate points: From Commerce over GA Route 15 to Jefferson, GA thence over GA Route 11 to Winder, GA and return over the same route. (5) Between Dublin and Atlanta, GA serving all intermediate points, and for operating convenience only: From Dublin over GA Route 257 to its intersection with Interstate Highway I–16, thence over I–16 to its intersection with Interstate highway I–75, at or near Macon, GA, then over I–75 to Atlanta, GA and return over the same route. Applicant will tack the sought authority at all points of joinder at McRae, Vidalia, Athens, Commerce and Dublin, GA. (Hearing site: Savannah or Atlanta, GA.)

MC 138635 (Sub-99F), filed November 23, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *general commodities* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. (Hearing site: New York, NY, or Charlotte, NC.)

MC 140265 (Sub-9F), filed November 20, 1979. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *electric motors, electric welders, parts and accessories* for *electric motors, welding supplies*, from the facilities of Lincoln Electric Company, at or near Cleveland and Mentor, OH, to points in AZ, CA, CO, ID, LA, NM, NV, OR, TX, UT, WA, and WY, under a continuing contract(s) with Lincoln Electric Company, of Cleveland, OH. (Hearing site: Chicago, IL, or Cleveland, OH.)

MC 140484 (Sub-67F), filed November 19, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *plastic granules* in containers, from the facilities of Flex Products, Inc., at or near Baltic, OH, to points in AL, FL, GA, MS, NC, SC, TN, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

MC 141205 (Sub-41F), filed November 23, 1979. Applicant: HUSKY OIL TRANSPORTATION CO. (a corporation), 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. Transporting *crude oil, scrubber oil and condensate*, from points in Sweetwater, Lincoln, Sublette, Unita and Carbon Counties, WY, to the Husky Oil Company refinery, at North Salt Lake, UT. (Hearing site: Denver, CO.)

MC 141285 (Sub-1F), filed November 19, 1979. Applicant: NORFOLK BEVERAGE COMPANY, INC., 206 E. Northwestern Ave., Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract carrier* transporting *medical instruments, equipment, and supplies* (except commodities in bulk), (1) from Norfolk, NE, to Chicago, IL, and (2) from St. Louis and St. Joseph, MO, to Norfolk, NE, under a continuing contract(s) with Sherwood Medical, Division of Brunswick Corp., of St. Louis, MO. (Hearing site: Omaha, NE.)

MC 142364 (Sub-28F), filed November 27, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don Garison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *ground clay* from the facilities of Lowe's Inc., at or near Bloomfield, MO, and Olmsted, IL, to points in AR, KS, OK, and TX. (Hearing site: South Bend, IN, or Ft. Smith, AR.)

MC 143185 (Sub-3F), filed November 23, 1979. Applicant: CHARLES S. LAWSON TRUCKING, INC., 608 Ann Drive, Brundidge, AL 36010. Representative: William P. Jackson, Jr., 3426 N. Washington, P.O. Box 1240, Arlington, VA 22210. *Contract carrier* transporting *meats, meat products, meat by products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Company, at or near Arkansas City, KS, East St. Louis, IL, Memphis, TN, Shreveport, LA, and Wichita, KS, to points in AL, FL, GA, MS, NC, SC, and VA under a continuing contract(s) with John Morrell & Company, of Chicago, IL. (Hearing site: Montgomery, AL, or Chicago, IL.)

MC 143775 (Sub-127F), filed November 19, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (A)(1) *automobile and truck wheels and* (2) *parts and accessories used in the maintenance thereof and* (B) *automotive and truck appearance accessories*, from San Diego, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-128F), filed November 23, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heniz USA, at or near Muscatine and Iowa City, IA, to (1) points in TX, and (2) the facilities of Heniz USA, at Tracy and Stockton, CA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143915 (Sub-1F), filed November 21, 1979. Applicant: KAPTUR ENTERPRISES, INC., 2250 E. 198th St., Lynwood, IL 60411. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier*, transporting *wood fibreboard, building materials, and supplies, lumber and lumber products and supplies* from Harvey, IL, to points in IA, IN, MI, and WI, under a continuing contract(s) with Masonite Corporation, of Laurel, MS. (Hearing site: Chicago, IL, or Jackson, MS.)

MC 144524 (Sub-5F), filed November 20, 1979. Applicant: GK TRUCKING CORP., 411 West Putnam Ave., Greenwich, CT 06830. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting *telephone and communications equipment, and materials, equipment and supplies*, used in the manufacture and distribution thereof (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of GTE Automatic Electric, Inc., at or near Northlake, IL, Garland, TX, Pomona, CA, Everett, WA, Youngstown, OH, Kansas City, MO, Richmond, VA, and Tampa, FL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with GTE Automatic Electric, Inc., of Northlake, IL. (Hearing site: New York, NY.)

MC 144805 (Sub-2F), filed November 20, 1979. Applicant: M–K TRUCKING, INC., 810 First St. South, Hopkins, MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract carrier*, transporting (1) *chemicals, paint, lacquers and varnishes* (except commodities in bulk, in tank vehicles), between Waukegan and Zion, IL, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) between the ports of entry on the United States Canadian international boundary line in MI and NY on the one hand, and, on the other, Waukegan and Zion, IL under a continuing contract(s) with Reliance Universal, Inc., of Zion, IL. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 145875 (Sub-7F), filed November 20, 1979. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Ave., Memphis, TN 38103. Representative: William R. Swain, Jr., 208 Poplar Ave., Memphis, TN 38103. Transporting *sugar*, in packages, from Colonial Sugars Borden, Inc., at Gramercy, LA, to Memphis, TN. (Hearing site: Memphis, TN.)

MC 146045 (Sub-2F), filed September 25, 1979, previously published in the Federal Register issue of March 11, 1980 as MC Sub-2F. Applicant: SWARD TRUCKING, INC., 5225 Oakdale/Waterford Hwy., Oakdale, CA 95361. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579.

Note.—This partial republication indicates the correct docket number which is MC 146045 Sub-2F.

MC 146605 (Sub-3F), filed November 20, 1979. Applicant: EVENSON BROS., INC., 835 1st Street, SW, Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *lumber, lumbermill products* and *wood products*, from points in OR, WA, ID, and MT, to points in ND, SD, and MN. (Hearing site: Billings, MT.)

MC 147284 (Sub-4F), filed November 20, 1979. Applicant: JAT EXPRESS, INC., R R 1, Box 405, Muncie, IN 47302. Representative: Jack W. Tapy, R R 1, Box 405, Muncie, IN 47302. Transporting (1) *bananas* and *commodities* otherwise exempt from economic regulation when transported in mixed loads with bananas, from Gulfport, MS, to points in OH, IN, IL, MI, KY, MO, KS, and WI. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 147304 (Sub-2F), filed November 20, 1979. Applicant: MONTE L. THOEN AND DORIS R. THOEN, d.b.a. THOEN TRUCK RENTALS, 13124 N.W. Sue St., Portland, OR 97229. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting (1) *bananas* and (2) *commodities* otherwise exempt from economic regulation when moving in the same vehicle with bananas, from port Hueneme and Long Beach, CA, to points in OR. (Hearing site: Portland, OR.)

MC 147774 F, filed November 20, 1979. Applicant: SURE-WAY TRANSPORTATION, INC., 4000 I–70 Drive, N.W., Columbia, MO 65201. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. Transporting *pipe, fittings, valves, hydrants and accessories*, between the facilities of Clow Corp., at or near Columbia, MO, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbia, MO, or Washington, DC.)

MC 147945 (Sub-2F), filed November 20, 1979. Applicant: GENERAL MEAT & PROVISION, CO. (a corporation), 2430 So. Vicksburg, Fort Smith, AR 72901. Representative: Edna S. Benedetto (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Fort Smith, AR, to points in Boone, Benton, Carroll, Crawford, Franklin, Johnson, Madison, Pope, Washington, Yell, Sebastian, Scott, and Logan Counties, AR. (Hearing site: Fort Smith or Little Rock, AR.)

MC 148075 (Sub-1F), filed November 21, 1979. Applicant: CECIL E. KING, Jr., d.b.a. Cecil King Trucking, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *Contract carrier*, transporting *tread rubber, and equipment, materials and supplies* used in recapping automotive tires, from Asheboro, NC, to Las Vegas, NV, under a continuing contract(s) with Harrelson Rubber Company, of Asheboro, NC. (Hearing site: Washington, DC.)

MC 148674F, filed November 19, 1979. Applicant: RED DIAMOND LINES, INC., P.O. Box 553, Bedford, NY 10506. Representative: Deborah K. Schroedel, RFD #3 Loop Rd., Bedford, NY 10506. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in Westchester County, NY, on the one hand, and, on the other, points in the United States (except AK and HI) and (2) *passengers and their baggage*, in charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at Westchester County, NY, and extending to points in the United States (except AK and HI). (Hearing site: New York, NY.)

MC 148934F, filed November 20, 1979. Applicant: RICHARD TWAIT, d.b.a. Minnesota City Bus Service, Route 1, Winona, MN 55987. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. Transporting *passengers and their baggage in the same vehicle with passengers, in round-trip charter operations*, beginning and ending at points in Wabasha, Winona and Houston Counties, MN, and LaCrosse, Trempealeau, and Buffalo Counties, WI, and extending to points in IA, IL, NE, SD, ND, MN, MS, MI, and CO. (Hearing site: Minneapolis or St. Paul, MN.)

MC 148935F, filed November 23, 1979. Applicant: PNJ LEASING LTD., P.O. Box 448, Great River, NY 11739. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier*, transporting *new furniture, and lamps*, (1) from points in CT, MA, NJ, NC, PA, VT, and VA, to Amityville, NY, and (2) from Amityville, NY, to points in CT and NJ, under continuing contract(s) with Suburban Colonial Shops, of Amityville, NY. (Hearing site: New York, NY.)

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Decided: Feb. 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 5227 (Sub-60F), filed January 2, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57101. Transporting (1) *lumber, lumber products, millwork, and steel articles* and (2) *building materials* (except those in (1) above), from points in the U.S. (except AK and HI) to Denver, CO, and points in Hancock, Franklin, Butler, and Hamilton Counties, OH. (Hearing site: Omaha, NE, or Hamilton, OH.)

MC 19227 (Sub-249F), filed January 2, 1980. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting *circuit breakers, switches, controller parts, circuit parts, switch boards, bus assembles, switch parts,* from the facilities of RTE Delta Corporation in Stockton, CA, to points in the United States (except AK and HI). (Hearing site: San Francsico, CA.)

MC 19227 (Sub-251F), filed January 2, 1980. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting (1) *mining machinery, power pumps and working heads, oil or steam separators, electric motors,* and *screening machines;* (2) *parts, attachments,* and *accessories* for commodities named in (1) above, from the facilities of Wemco, Div. of Envirotech, Sacramento, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 21866 (Sub-135F), filed January 2, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *food* and *restaurant supplies,* and *equipment,* from the facilities of Proficient Food Co., Inc., (a) in Orlando, FL, and (b) Bridgeport, NJ, and the facilities of Delly Food Co., Inc. in Arlington, TX, to points in CT, DE, IL, IN, ME, MD, MA, NH, NY, OH, PA, RI, VT, VA, and WV. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 55896 (Sub-132), filed January 2, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 481810. Representative: George E. Batty (same as above). Transporting *refractory products,* from Wellsville, OH to Attica, IN. (Hearing site: Pittsburgh, PA.)

MC 63417 (Sub-264F), filed January 14, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *cast iron articles,* from Woodstock, IL, to points in VA, NC, SC, TN, GA, AL, and MS. (Hearing site: Roanoke, VA.)

MC 77066 (Sub-16F), filed January 4, 1980. Applicant: LEWIS BROS. STAGES, INC., 549 West 5th South Street, Salt Lake City, UT 84101. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *passengers* and *their baggage,* in special and charter operations, beginning and ending at points in UT and Elko County, NV and extending to points in the US (including AK but excluding HI). (Hearing site: Salt Lake City, UT.)

MC 95876 (Sub-335F), filed January 3, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting, *materials and supplies used in the manufacture and distribution of cast iron products* (except commodities in bulk), from points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, ID, KS, LA, MA, ME, MS, MT, NE, ND, NH, NM, NV, OR, RI, SC, SD, UT, VT, WA, and WY, to points in Pottawattamie County, IA. (Hearing site: Chicago, IL.)

MC 100666 (Sub-520F), filed January 4, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *wiping cloths* and *materials* used in the manufacture of wiping cloths (except commodities in bulk), between Bossier City, LA, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Shreveport, LA.)

MC 109397 (Sub-491F), filed January 2, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *buildings, building panels, building parts,* and *materials, accessories,* and *supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company at San Marcos, TX, on the one hand, and, on the other, points in the US (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities named above. (Hearing site: Chicago, IL.)

MC 109397 (Sub-493F), filed January 4, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *water heaters,* and *parts for water heaters,* from Santa Monica, CA, to points in the United STates (including AK but excluding HI). (Hearing AK but excluding HI). (Hearing site: Los Angeles, CA.)

MC 109397 (Sub-499F), filed January 4, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *junk batteries* and scrap lead, (1) from Greer, SC, Frankfort, IN, and Salina, KS, to Heflin, LA and Dallas, TX; and (2) between Dallas, TX and Heflin, LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 109736 (Sub-50F), filed January 4, 1980. Applicant: CAPITOL BUS COMPANY, a corporation, 1061 South Cameron Street, Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Over regular routes, transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers between Harrisburg, PA and Washington, DC, serving the intermediate points of Springettsbury and Manchester Townships, York County, PA and Baltimore, MD, from Harrisburg over Interstate Hwy 83 to Baltimore, MD, then over Baltimore-Washington Parkway (Maryland Hwy 295) to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, DC, and return over the same route. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 112617 (Sub-464F), filed January 2, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same adress as applicant). Transporting *granulated slag,* from the facilities of Mineral Aggregates Co., Inc., at or near Greenville, KY, to points in AR, IN, KS, MO, OK, TN, WV, AL, GA, LA, MS, NC, SC, OH, TX, VA, and IL. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-465F), filed January 2, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *synthetic fuel oils,* in bulk, in tank vehicles, from the facilities of Coaliquid at Shelbyville, KY, to those points in the United States in and east of MN, IA, KS, OK, and TX. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114606 (Sub-12F), filed January 4, 1980. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First S.W., New Brighton, MN 55551. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *Sugar, and corn syrup, in bulk,* from Minneapolis, MN, to points in NE. (Hearing site: Minneapolis or St. Paul, MN.)

MC 115496 (Sub-128F), filed January 7, 1980. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Roy E. Hamrick (same address as applicant). Transporting *building, wall and insulating board and materials* used in the installation thereof, from the facilities of Grefco Inc., at (1) Florence, KY, to points in AL, DE, FL, GA, IL, IN, LA, MD, MN, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WI, and WV, and (2) Jamesburg, NJ, to points in AL, DE, FL, GA, IL, IN, KY, LA, MD, MN, MO, MS, NC, NY, OH, PA, SC, TN, TX, VA, WI, and WV. (Hearing site: Atlanta or Macon, GA.)

MC 117036 (Sub-24F), filed January 2, 1980. Applicant: H. M. KELLY, INC., P.O. Box 87, R.D. #3, New Oxford, PA 17350. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *materials, supplies and equipment* used in the manufacture of electrical wire and electrical wiring devices (except in bulk), between the facilities of TriBoro Electric Corporation at Warminster and Doylestown, PA, on the one hand, and, on the other, points in the US (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Applicant seeks to convert existing permit in No. MC-136496 (Sub-4F) to the authority described above.

MC 117686 (Sub-282F), filed January 3, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Transporting (1) *Trousers,* from the facilities of Aalfs Manufacturing Company at Miami, OK, to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, IA; and Amarillo, TX; and (2) *Cloth and materials and supplies used in the manufacture and distribution of goods produced from cloth,* from St. Louis and Kansas City, MO, and points in AL, AR, GA, KY, MS, NC, SC, TN, and TX to the facilities of Aalfs Manufacturing Company at Miami, OK. (Hearing site: Omaha, NE, or Washington, DC.)

Note.—Dual operations may be involved.

MC 117786 (Sub-85F), filed January 2, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *crushed tuff,* from the facilities of Tufa Mining near Black Canyon City, AZ to points in the U.S. (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-86F), filed January 2, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *alcoholic beverages,* from the facilities of Schenley Distillers, Inc. at Lawrenceburg, IN to points in OR and WA. (Hearing site: Phoenix, AZ.)

MC 119777 (Sub-440F), filed January 2, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *fabricated metal products,* from the facilities of (1) United States Gypsum Company at Pinckneyville, IL and (2) Boyles Galvinizer at St. Louis, MO to those points in the United States in and west of LA, AR, MO, IA, and MN (except AK and HI). (Hearing site: Chicago, IL.)

MC 119777 (Sub-443F), filed January 2, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *vehicles, vehicle bodies,* and *vehicle parts,* in foreign commerce only, between Detroit, MI, Buffalo and Champlain, NY, and Highgate Springs, VT, on the one hand, and, on the other, points in the United States. (Hearing site: Buffalo, NY, or Detroit, MI.)

MC 119777 (Sub-444F), filed January 2, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *insulation materials, roofing* and *metal products,* and (2) *equipment, materials* and *supplies* (except commodities in bulk) used in the manufacture, distribution or installation of the commodities described in (1) above, between points in AZ, CA, CO, NM, NV, OK, TX and UT. (Hearing site: Albuquerque, NM.)

MC 124887 (Sub-108F), filed January 4, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting (1) *prefabricated buildings,* knocked down, and (2) *parts, attachments, tools* and *accessories* used in the erection or installation of prefabricated buildings, from Portland, TN to points in FL. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 126276 (Sub-214F), filed January 14, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C, Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier,* transporting *metal containers and closures,* from Baltimore, MD and Fort Madison, IA to points in IN, IL, WI, TN, SD, OK, OH, NE, PA, MI, IA and MN, under a continuing contract(s) with Independent Can Company of Baltimore, MD. (Hearing site: Washington, DC, or Chicago, IL.)

MC 126276 (Sub-215F), filed January 17, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C, Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier,* transporting *(1) charcoal, charcoal briquettes, fireplace logs, hickory chips, and barbecue items* used in outdoor cooking, *and (2) materials, equipment and supplies* used in the manufacture, and distribution of the commodities described in (1) above (except commodities in bulk in tank vehicles and commodities which, because of size or weight, require the use of special equipment), between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA, under a continuing contract(s) (2) with The Kingsford Company of Louisville, Ky. (Hearing site: Chicago, IL, or Louisville, KY.)

MC 126276 (Sub-216F), filed January 25, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Contract carrier,* transporting *Containers, container closures, container components and scrap material; and equipment and supplies used in the manufacture* and distribution of containers (except commodities in bulk and those commodities which because of size and weight require the use of special equipment), between those points in the U.S. in and east of MT, WY, UT and NM under a continuing

contract(s) with Foster Forbes Glass of Chicago, IL. (Hearing site: Chicago, IL.)

MC 126346 (Sub-31F), filed January 8, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract carrier,* transporting *Such commodities* as are dealt in or used by manufacturers and dealers of agricultural, construction and industrial equipment (except commodities in bulk), between the facilities of J.I. Case Company at (1) Racine, WI, (2) Bettendorf and Burlington, IA; and (3) Terre Haute, IN, and points in AL, DE, FL, GA, MD, NC, SC, and VA, under continuing contract(s) with J.I. Case Company, of Racine, WI. (Hearing site: Chicago, IL.)

MC 126346 (Sub-32F), filed January 17, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract carrier,* transporting *Such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden products, between the facilities used by Roper Lawn Products Division at or near McRae and Swainsboro, GA and points in the United States, under continuing contract(s) with the Roper Corporation, of Savannah, Ga. (Hearing site: Chicago, IL.)

MC 128246 (Sub-58F), filed January 2, 1980. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William P. King, Suite 400, Overlook Building, 6121 Lincolnia Building, 6121 Lincolnia Road, Alexandria, VA 22312. Transporting *frozen foodstuffs* from the facilities of Green Giant Company at or near Watsonville, CA to points in AZ. (Hearing site: Washington, DC, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 127587 (Sub-11F), filed January 29, 1980. Applicant: MEXI-CANA REEFER SERVICES, 2830 Grandview Hwy, Suite 204, Vancouver, B.C., Canada V5M 2C9. Representative: Dan Smigelski (same address as applicant). *Contract carrier,* in foreign commerce only, transporting *red cedar shakes and shingles,* between ports of entry on the International Boundary line between the U.S. and Canada in WA and points in CA, AZ, and NV, under continuing contract(s) with R. J. Peel Cedar Industries LTD, of Rosedale, British Columbia, Canada. (Hearing site: Seattle, WA.)

MC 128616 (Sub-31F), filed January 21 1980. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55111. Representative: Sally G. Galway (same address as applicant). *Contract carrier,* transporting *commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions between Scottsbluff, NE, on the one hand, and, on the other, points in Niobrara and Platte Counties, WY, under a continuing contract or contracts with banks and banking institutions. (Hearing site: Omaha or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 134286 (Sub-144F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). (1) *Chemicals, plastics, and plastic materials,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except in bulk), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of U.S. Industrial Chemicals Co., Division of National Distillers & Chemical Corp. (Hearing site: New York, NY, or Denver, CO.)

MC 134286 (Sub-145F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant.) Transporting *bakery goods* (except in bulk), from the facilities of Burry Division of Quaker Oats, at Elizabeth, NJ, to points in IL, IN, IA, KS, KY, MI, MO, NE, NC, SC, TN, TX, and WI. (Hearing site: Denver, CO or Sioux City, IA.)

MC 134286 (Sub-146F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *Chemicals* (except in bulk) in vehicles equipped with mechanical refrigeration from the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH, to Springfield, MA; North Bergen, NJ; Atlanta, GA; Memphis, TN; Ft. Smith, AR; Denver, CO; Salt Lake City, UT; Anaheim and Hayward, CA; Portland, OR; Seattle, WA; Kansas City, KS; and St. Louis, MO; and (2) *limestone* (except in bulk) from Hunt Valley, MD, to the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH. (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134286 (Sub-147F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *Carpet strips and adhesives* (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Roberts Consolidated Industries, Inc. at Asheville, NC, to those points in the U.S. in and east of CO, ND, SD, OK, and TX; and (2) *nails* (except in bulk) from Savannah, GA, to Asheville, NC, restricted to the transportation of traffic originating at or destined to the facilities of Roberts Consolidated Industries, Inc. (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134286 (Sub-148F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). *Animal feed ingredients,* in bags, from the facilities of American Cyanamid Co. at Chattanooga, TN, to St. Paul, MN; Chicago, IL; Kansas City, MO; Dallas, TX; and Des Moines, IA. (Hearing site: Denver, CO, or New York, NY.)

MC 134286 (Sub-149F), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *printed matter,* and (2) *materials, supplies and equipment used by book publishing and book printing companies* (except in bulk) from Brattleboro, VT, New York, NY, Scranton, PA, Binghamton, NY, Dallas, PA, Baltimore, MD, Philadelphia, PA, and Kingsport, TN and points in MA, and NJ, to Troy MO; Scranton, PA; and Binghamton, NY, restricted to the transportation of traffic originating at or destined to the facilities of Harper & Row Publishers, Inc. (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134286 (Sub-152F), filed January 9, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting (1) *paper, paper products, woodpulp, plastic, plastic articles, polyethylene;* and (2) Materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between those facilities of International Paper Company in the U.S. in and east of MT, WY, CO, and NM on the one hand, and on the other, points in the U.S. and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to International Paper Company facilities. (Hearing site: New York, NY, or Denver, CO.)

MC 138157 (Sub-213F), filed January 2, 1980. Applicant: SOUTHWEST

EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *packaging materials* (except in bulk), and *materials, equipment and supplies* used in the manufacture and distribution of packaging materials (except in bulk), from Los Angeles and Camarillo, CA, to those points in the U.S. in and east of MT, WY, UT, and NM. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-214F), filed January 3, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Such commodities* as are dealt in by hardware stores and home improvement centers, from Los Angeles and Northridge, CA to those points in the United States in an east of MT, WY, CO and NM. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 140086 (Sub-6F), filed January 2, 1980. Applicant: DeLARIA TRANSPORT, INC., 327 Eighth Avenue Northwest, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Transporting *tallow,* in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, LA, OK, AR, TN, MO, IL, IA, IN, MN, WI, OH, CO, NJ, MA, AZ, CA, NV, UT, WA, OR, NM, NE, WY, and PA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 143267 (Sub-99F), filed January 4, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC 20005. Transporting *iron and steel articles,* between Maryville, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, IL, KY, TN and MS. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-100F), filed January 4, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, D.C. 20005. Transporting *clay pipe and plastic pipe* from the facilities of Can-Tex Industries, Inc., in or near (a) Mineral Wells, TX, (b) Magnolia, AR, (c) Rolla, MO, (d) Sparta, TN and (e) Columbia, MS to those points in the U.S. in and east of MN, IA, MO, OK and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-101F), filed November 4, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, D.C. 20005. Transporting (1) *metal buildings,* and *prefabricated building parts* and (2) *materials* and *accessories* used in the installation of the commodities in (1) from Cedartown, GA, Broadview, IL and Homer City and west Middlesex, PA, to those points in the U.S. in and east of MI, IA, MO, AR and LA. (Hearing site: Cleveland, OH or Washington, DC.)

MC 143436 (Sub-38F), filed January 4, 1980. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Drive, P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. Transporting *paints, display materials, and materials and supplies* used in the manufacture and distribution of paints (except in bulk), between the facilities of United Coatings, Inc., at or near Indianapolis, IN, on the one hand, and on the other, points in IL, KY, MI, MO, OH, TN and WV. (Hearing site: Indianapolis, IN.)

MC 143556 (Sub-3F), filed January 4, 1980. Applicant: DAHLSTROM'S, INC., 401 Hill Rd., Aberdeen, WA 98520. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. Contract carrier, transporting *sawdust and wood chips,* from Dayton, WA to Wauna, OR, under continuing contract(s) with Crown Zellerbach Corporation, of Portland, OR. (Hearing site: Seattle, WA.)

MC 144117 (Sub-53F), filed January 2, 1980. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in by manufacturers of fasteners, staples, and pneumatic tools and (2) equipment, materials and supplies used in the manufacture of the commodities described in (1) (except commodities in bulk), from the facilities of Senco Products, Inc. at or near Cincinnati, OH to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. (Hearing site: Cincinnati, OH, or Chicago, IL.)

MC 144117 (Sub-54F), filed January 2, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *Foodstuffs* (except in bulk), from the facilities of Tree Top, Inc. at or near Cashmere and Selah, WA to points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Seattle, WA, or San Francisco, CA.)

MC 144867 (Sub-14F), filed January 3, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co. at Austin, MN to Binghamton, NY. (Hearing site: Minneapolis, MN.)

MC 145727 (Sub-3F), filed January 2, 1980. Applicant: TRI-COUNTY TRUCK CO., 262 Montgomery Ave., Oxnard, CA 93030. Representative: Fred Moore, P.O. Box 281, Littlerock, CA 93543. Transporting *cement clinkers,* in dump truck equipment, from points in the Los Angeles CA Harbor Zone, to Monolith, CA. (Hearing site: Los Angeles, or San Bernardino, CA.)

MC 145997 (Sub-20F), filed January 2, 1980. Applicant: JEM EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *alcoholic liquors, and wines,* from the facilities used by Joseph E. Seagram & Sons, Inc., at or near (1) Melvindale, MI; (2) Baltimore, Relay and Dundalk, MD; (3) Louisville, KY; and (4) Lawrenceburg, ID, to points in AZ, CA, and NV. (Hearing site: New York, NY or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 147326 (Sub-1F), filed January 4, 1980. Applicant: NEWPORT AIR FREIGHT, INC., Airport Road, Newport, VT 05855. Representative: Cecil A. Wright (same address as applicant). Transporting *general commodities* (except those of unusual value, classess A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Caledonia, Essex, and Orleans Counties, VT, on the one hand, and, on the other, Logan International Airport, East Boston, MA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Montpelier, VT, or Boston, MA.)

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MC 147807 (Sub-8F), filed January 2, 1980. Applicant: TERESI TRUCKING, INC., P.O. Box 819, 900½ Victor Road, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Transporting *asbestos cement pipe* and *fittings* and *plastic pipe* and *fittings*, from Stockton and Long Beach, CA to points in AZ and NV. (Hearing site: San Francisco, CA, or Stockton, CA.)

MC 148576 (Sub-2F), filed January 2, 1980. Applicant: DOTSON TRUCKING CO., INC., 1220 Murphy Avenue, SW., Atlanta, GA 30310. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting *copper rods* and *empty cable reels*, from Gaston, SC, to Norcross GA. (Hearing site: Atlanta, GA.)

MC 149156 (Sub-1F), filed January 3, 1980. Applicant: Joseph H. Haley, d.b.a. Haley's Comet Trucking, 1966 Main Street, East Hartford, CT 06108. Representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Transporting fertilizer and fertilizer materials, weed killing compounds and insecticides between Portland, and Northford, CT and points in MA, RI, ME, NH, VT, NY, NJ, PA, DE, MD and VA.

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Decided: March 6, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 41116 (Sub-76F), filed February 11, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract carrier, transporting (1) *paper and paper products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Ferguson, MS, on the one hand, and, on the other, Kansas City, MO, under continuing contract(s) with St. Regis Paper Company, of New York, NY. (Hearing site: Kansas City, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 41116 (Sub-77F), filed February 6, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract carrier, transporting (1) *polyethylene film, paper and paper products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of International Paper Company, at or near Pittsburg, KS, on the one hand, and, on the other, points in GA, IL, KS, KY, LA, MO, NC, NM, OK, TX, and AR, under continuing contract(s) with International Paper Company, of New York, NY. (Hearing site: Kansas City, MO, or New Orleans, LA.)

Note.—Dual operations may be involved.

MC 55847 (Sub-10F), filed February 11, 1980. Applicant: TRP, INC., 3320 South Third Street, Philadelphia, PA 19148. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Contract carrier, transporting (1) *unprinted paper*, from the facilities of Roosevelt Paper Co., at Philadelphia, PA to New York, NY, points in Suffolk County, NY, and points in DE, MD, NJ, and DC; (2) *materials, equipment and supplies* used in the manufacture and distribution of unprinted paper (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with Roosevelt Paper Co. of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 135616 (Sub-21F), filed February 4, 1980. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Representative: E. STEPHEN HEISLEY, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Contract carrier, transporting *uncrated flat glass*, from the facilities of Ford Motor Company, at or near Tulsa, OK, to points in the United States (except AK and HI), under continuing contract(s) with ford Motor Company, of Detroit, MI. (Hearing Site: Detroit, MI.)

MC 142686 (Sub-35F), filed January 25, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Contract carrier, transporting (1) *stainless carbon alloys, and aluminum articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in CA, OR, WA, CO, OK, KS, TX, LA, AL, GA, NC, SC, OH, PA, and TN, under continuing contract(s) with Kilsby Tubessupply, of El Monte, CA. (Hearing Site: Los Angeles or San Diego, CA.)

Note.—Dual operations may be involved.

MC 142686 (Sub-36F), filed January 25, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA, 90670. Representative: Joseph Fazio (same address as applicant). Contract carrier, transporting (1) *plasticizers, solvents and adhesives*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Chemical Products Divison of Cargill, at or near Lynwood, CA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Chemical Products Division of Cargill, at Lynwood, CA. (Hearing Site: Los Angeles or San Diego, CA.)

Note.—Dual operations may be involved.

MC 142686 (Sub-37F), filed January 25, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Contract carrier, transporting *vinyl siding, and plastic and rubber articles* used in the installation of vinyl siding, between points in TX and LA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Robintech Corp., Weatherford, TX. (Hearing Site: Los Angeles or San Diego, CA.)

Note.—Dual operations may be involved.

MC 142686 (Sub-38F), filed January 25, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Contract carrier, transporting *plastic articles*, between points in PA and IN, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with W. R. Grace Company, of Reading, PA. (Hearing Site: Los Angeles or San Diego, CA.)

Note.—Dual operations may be involved.

MC 142686 (Sub-41F), filed February 4, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 So. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). *Contract carrier*, transporting *anthracite filter coal*, in bags, between the facilities of Filter Media, Inc., at or near Locust Summit, PA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contracts with Filter Media, Inc., of Gilberton, PA. (Hearing site: Los Angeles or San Diego, CA.)

Note.—Dual operations may be involved.

MC 143846 (Sub-13F), filed February 15, 1980. Applicant: MISSION TRANSPORT, INC., 50 Van Keuren Ave., Jersey City, NJ 07306. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. *Contract carrier*, transporting *such commodities* as are dealt in by department stores, (1) from New York, NY, to Bethlehem, PA, Wilmington, DE, Knoxville and Memphis, TN, and Landover, MD, and (2) from Memphis, TN, to Baltimore, MD and Chicago, IL, under continuing contract(s) with Montgomery Ward and Company, of Chicago, IL. (Hearing site: New York, NY, or Neward, NJ.)

MC 145577 (Sub-24F), filed February 7, 1980. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting (1) *air conditioners, furnaces*, and *heating equipment*, and (2) *parts, materials* and *supplies* used in the manufacture, assembly and distribution of the commodities in (1) above, from the facilities of (a) Carrier Corporation, (b) Carlile Compressor Company, (c) Carrier Air Conditioning Company, (d) Carrier International Corporation, and (e) Carrier Transicold, at or near Syracuse, NY, to points in CA and AZ. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145747 (Sub-6F), filed February 4, 1980. Applicant: R & S TRANSPORT INC., 3601 Wyoming Avenue, Dearborn, MI 48120. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *cement*, from Charleston, WV, to points in KY, MD, OH, PA and VA. (Hearing site: Columbus, OH.)

MC 147146 (Sub-2F), filed February 8, 1980. Applicant: LANG TRANSPORTATION, INC., Red Gate Lane, Meredith, NH 03253. Representative: Raymond P. D'Amante, 246 Loudon Road, P.O. Box 494, Concord, NH 03301. *Contract carrier*, transporting *building materials*, between points in CT, ME, MA, NH, RI, VT under a continuing contract(s) with Gerrity Lumber Company, Inc., of Meredith, NH. (Hearing site: Concord, NH, or Boston, MA.)

MC 148396 (Sub-2F), filed February 8, 1980. Applicant: ALLSTATE TRANSPORT, INC., 2250 Occidental South, Seattle, WA 98134. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *general commodities*, (except Classes A and B explosives, commodities in bulk, and those of unusual value) *in containers or trailers*, between points in ID, MT, OR and WA, restricted to traffic having a prior or subsequent movement by rail or water, and (2) *general commodities*, (except Classes A and B explosives, commodities in bulk, and those of unusual value), between Seattle, WA, on the one hand, and, on the other, points in Whatcom County, WA. (Hearing site: Seattle, WA.)

MC 148847 (Sub-3F), filed February 12, 1980. Applicant: WALDEN SAWMILL, INC., Route 5, 1618 East Church Street, Booneville, MS 38829. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Transporting *lumber and lumber mill products, and cross ties*, between points in MS on and north of U.S. Hwy. 82, on the one hand, and, on the other, Collinwood, TN and points in TN on and west of the Tennessee River. (Hearing site: Memphis, TN.)

MC 148976 (Sub-2F), filed February 8, 1980. Applicant: H & W TRANSFER AND CARTAGE SERVICE, INC., 611 S. Main St., Cedartown, GA 30125. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chattanooga, TN, Gadsden and Anniston, AL, and points in Ga, restricted to the transportation of traffic having an immediate prior or subsequent movement by rail. (Hearing site: Atlanta, GA.)

MC 148997 (Sub-2F), filed February 14, 1980. Applicant: LA VERN MORRIS, 501 Starlight, Clovis, NM 88101. Representative: Esther Smith Van Soelen, 409 Pile St., Clovis, NM 88101. Contract carrier, transporting *railroad crews*, between rail siding at Clovis, NM, on the one hand, and, on the other, Wilsey, Bovina, Panmerton, Friona, Black, Summerfield, Hereford, Lariat, Muleshoe, Mill, Sudan, Amherst, and Littlefield, TX, under continuing contract(s) with AT & SF Railway Company, of Clovis, NM. (Hearing site: Clovis, NM.)

MC 149267F, filed January 14, 1980. Applicant: SUPER TRUCK LINES, INC., 801 West Pershing Road, Chicago, IL 60609. Representative: Louise M. Wrobel (same address as applicant). Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Classes A and B explosives) between the facilities of National Brands, Inc., at Troy, MI, and Feather Lite Manufacturing Company, a Division of National Brands, Inc. at Hot Springs, AR, on the one hand, and, on the other, points in the United States (including AK, but except HI). (Hearing site: Detroit, MI.)

MC 150017 (Sub-1F), filed ———— 1, 1980. Applicant: DELICIOUS FOODS CARRIERS, INC., 2629 North Broadwell, P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier*, transporting (1) *Frozen vegetable products*, from the facilities of Delicious Foods Co. in NE to points in the U.S. (except AK and HI), and (2) *Parts, materials, and supplies* utilized in the manufacture of the commodities described in (1) above, from points in the U.S. (except AK and HI) to the facilities of Delicious Foods Co. at points in NE, under a continuing contract(s) with Delicious Foods Co., of Grand Island, NE. (Hearing site: Lincoln, NE.)

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Decided: February 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1117 (Sub-29F), filed January 21, 1980. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Moton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *lighting fixtures and parts*, from Pennsauken, NJ, to points in VA, NC, and SC. (Hearing site: New York, NY.)

MC 21866 (Sub-137F), filed January 20, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *concrete pumping and pouring equipment and parts* and *materials and supplies* used in the installation of concrete pumping and pouring equipment and parts, from the facilities of Allentown Pneumatic Gun Company, in Alburtis, PA, to points in the United States (except AK, HI and PA). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-330F), filed January 18, 1980. Applicant: THE WAGGONERS TRUCKING (a corporation), P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *steel tanks*, from Billings, MT, to points in ND and WY. (Hearing site: Billings, MT.)

MC 26396 (Sub-337F), filed January 28, 1980. Applicant: THE WAGGONERS TRUCKING (a corporation), P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *agricultural chemicals* (except in bulk) and (2) *materials and supplies* used in the manufacture, distribution and sale of agricultural chemicals (except in bulk), between points in IN, IA, LA, OH, and TX. (Hearing site: St. Louis, MO, or Billings, MT.)

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MC 26396 (Sub-338F), filed January 28, 1980. Applicant: THE WAGGONERS TRUCKING (a corporation), P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *lumber,* from points in AR, IN, MI, MS, MO, NC, OH, PA, TN, and WI, to ports of entry on the international Boundary line between the U.S. and Canada at points in MT. (Hearing site: Billings, MT.)

MC 26396 (Sub-339F), filed January 28, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *cement pipe, plastic pipe and plastic pipe fittings,* from Denison, TX, Birmingham, AL, and Van Buren, AR, to points in MN, MT, ND, and SD. (Hearing site: Fargo, ND, or Billings, MT.)

MC 34227 (Sub-21F), filed January 3, 1980. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a corporation, 15910 East Colfax, Aurora, CO 80011. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. Contract carrier, transporting (1) *suitcases, travel bags, brief cases and carrying cases,* from Nogales, AZ, and El Paso, TX, to Denver, CO, and (2) *Materials and supplies* used in the manufacture, repair, display and distribution of the commodities in (1) above, from Denver, CO to Nogales and Tucson, AZ, and El Paso, TX, under continuing contract(s) with Samsonite Corporation of Denver, CO. (Hearing site: Denver, CO.)

MC 35807 (Sub-110F), filed January 21, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). Contract carrier, transporting *commercial papers, documents and written instruments as are used in the business of banks and banking institutions* between Spencer, IA and points in SD, under continuing contracts(s) with banks and banking institutions. (Hearing site: Sioux City, IA; Omaha, NE.)

MC 35807 (Sub-111F), filed January 15, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. Contract carrier, transporting *precious metals,* from Garfield, UT, to points in the U.S. (except AK and HI), under continuing contract(s) with Kennecott Copper Corporation. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 51146 (Sub-813F), filed January 28, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *printed matter,* and (2) *products produced or distributed* by producers and distributors of printed matter (except commodities in bulk), when moving in mixed loads with printed matter, between the facilities of Rand McNally and Co. at Lexington and Versailles, KY, Chicago, IL, and Hammond and Indianapolis, IN. (Hearing site: Chicago, IL.)

MC 78687 (Sub-101F), filed January 21, 1980. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting *paper* and *paper products* and *such commodities used in the manufacture of paper and paper products* (except liquids), between the facilities of Bear Island Paper Company, at or near Ashland, VA, on the one hand, and on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 93147 (Sub-13F), filed January 18, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St., P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *(a) paper, paper products, hospital supplies, chemicals and machinery, (b) materials, equipment and supplies used in the manufacture and distribution of commodities in (a),* and *(c) materials, equipment and supplies manufactured and distributed by laundry supply firms,* between points in MA, CT, RI, ME, VT, NH, NY, NJ, DE, PA, OH, WV, VA, IL, IN, MI and WI, on the one hand, and, on the other, points in the United States, (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Hartford, CT, or Washington, DC.)

MC 93147 (Sub-14F), filed January 18, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting (a) *wall coverings, adhesives,* and (b) materials and supplies used in the manufacture, sale and distribution in (a) above, (except commodites in bulk), between points in MA, on the one hand, and, on the other, ponts in US (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Boston, MA, or Hartford, CT.)

MC 93147 (Sub-15F), filed January 17, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St., P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *paper, paper products* and *articles and materials, equipment and supplies* dealt in by wholesale and retail office product and school supply firms, between ponts in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, and WV. Restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Springfield, MA or Washington, D.C.)

MC 102616 (Sub-1025F), filed January 18, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *crude light oil,* in bulk, in tank vehicles, from Vigo County, IN, to Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107107 (Sub-482F), filed January 14, 1980. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting (1) *alcoholic liquors,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, (except in bulk, in tank vechiles), (a) between Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI), (b) between Louisville, KY and Bradstown, KY, on the one hand, and, on the other, points in AR, GA, FL, NC, NY, PA, SC, and WV, and (c) between New Orleans, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, MS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Washington, DC.)

MC 108046 (Sub-10F), filed January 30, 1980. Applicant: CURATOLA BROS. TRUCKING, INC., 85 Bloomingdale Road, Hicksville, NY 11801. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Contract carrier, transporting *macaroni* and *macaroni products,* between Long Island City, NY, on the one hand, and, on the other, points to FL under continuing contract(s) with Ronzoni Macaroni Co., Inc., of Long Island City, NY. (Hearing site: New York, NY.)

MC 111956 (Sub-53F), filed January 21, 1980. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette St., Pittsburgh, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *such commodities* as are dealt in by manufacturers of glass, plastic, metal and earthenware products, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in MO, IL, KY, WI, MI, OH, DE, MD, NJ, NY, PA, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Anchor Hocking Corporation, Phoenix Glass Company, Moldcraft, Inc., and Amerock Corporation. (Hearing site: Washington, DC, or Columbus, OH.)

MC 113666 (Sub-194F), filed January 28, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: Daniel R. Smetanick (same address as applicant). Transporting (1) *agricultural machinery and implements,* and (2) *materials, equipment, parts and supplies* used in the manufacture of agricultural machinery and implements between ports of entry on the international boundary line between the United States and Canada at points in MI and NY on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114486 (Sub-36)F, filed January 22, 1980. Applicant: A. F. JAMES, d.b.a. A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, TX 75501. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Contract carrier, transporting (1) *clay, clay products, fittings and accessories therefor,* and *jointing compounds,* (a) from Pittsburg, KS, to points in AL, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WA, WV, WI, WY, and DC, (b) from St. Louis, MO, to points in IL, IN, KS, and OH, and (c) from Redfield, IA, to points in AR, KS, MO, NE, and OK; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, (a) from the destination points in (1)(a) above, to Pittsburg, KS, (b) from the destination points in (1)(b) above, to St. Louis, MO, and (c) from the destination points in (1)(c) above, to Redfield, IA, under continuing contract(s) in (1)(a) through (1)(c), and (2)(a) through (2)(c) above, with W. S. Dickey Clay Manufacturing Company, of Pittsburgh, KS. (Hearing site: Dallas, TX, or Kansas City, KS.)

MC 119777 (Sub-449F), filed January 19, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy. 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting: *building materials* and *materials and supplies* used in the manufacture of building materials (except commodities in bulk), between the facilities of United States Gypsum Company, at Chamblee and Morrow, GA, on the one hand, and, on the other, points in KY and TN. (Hearing site: Chicago, IL.)

MC 119777 (Sub-450F), filed January 17, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy. 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting: *iron and steel articles,* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Miami Steel Traders, Inc. (Hearing site: Miami or Jacksonville, FL.)

MC 119777 (Sub-451F), filed January 18, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy. 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting: *construction forms, construction form materials,* and *metal articles,* from Hialeah, FL, to points in the United States (except AK and HI). (Hearing site: Miami or Jacksonville, FL.)

MC 121457 (Sub-2F), filed January 28, 1980. Applicant: MERCURY TRANSPORTATION, INC., P.O. Box 844, Crosby, TX 77532. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting: (1) *oil field equipment and supplies and* (2) *pipe,* between points in TX, on the one hand, and, on the other, points in LA, MS, NM, OK, TX and WY. (Hearing site: Houston, TX.)

MC 124306 (Sub-78F), filed January 15, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th Street, N.W., Washington, DC 20036. Transporting *petroleum and petroleum products,* in tank vehicles, from Richmond, VA, to points in Northampton County and Halifax County, NC. (Hearing site: Richmond, VA, or Washington, DC.)

MC 124997 (Sub-7F), filed January 14, 1980. Applicant: R. F. TRUESDELL, CO., a corporation, 6515 Anno Ave., Orlando, FL 32809. representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Contract carrier transporting *waste and scrap paper,* from points in AL, AR, DE, FL, GA, IL, IN, KS, KY, LA, MD, MN, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WI, WV, to Conalco, TN, under continuing contract(s) with Inland Container Corporation, of Indianapolis, IN. (Hearing site: Atlanta, GA.)

MC 125506 (Sub-37F), filed January 15, 1980. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Ave., Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Contract carrier, transporting *such commodities* as are dealt in or used by specialy stores (except commodities in bulk), between points in the United States (except AK and HI), restricted to traffic moving from or to facilities of Brooks Brothers, under continuing contract(s) with Brooks Brothers, of New York, NY. (Hearing site: New York, NY.)

MC 125777 (Sub-267F), filed January 15, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *refractory products, materials or supplies used in the manufacture or distribution thereof,* in bulk, in dump vehicles, between the facilities of U.S. Refractory Division of General Refractories Company, at (a) Curtis Bay, MD, (b) Claysburg, Salina, and Sproul, PA, (c) Gary, IN, (d) Hitchins, KY, (e) Rockdale, IL, (f) Stevens Pottery, GA, (g) Troup, TX, and (h) Warren, OH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 125996 (Sub-91F), filed January 18, 1980. Applicant: GOLDEN TRANSPORTATION, INC., 2200 South 400 West, Salt Lake City, UT 84115. Representative: William J. Lawson, P.O. 9248, Fresno, CA 93791. Transporting *snack foods,* from Fresno, CA, to points in ID, NV, OR, and WA. (Hearing site: San Francisco, or Los Angeles, CA.)

MC 128007 (Sub-151F), filed January 21, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *feed ingredients,* from points in KS, to the facilities of Ragland Mills, Inc. in Neosho, MO.

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(Hearing site: Kansas City, MO, or Wichita, KS.)

MC 128007 (Sub-152F), filed January 21, 1980. Applicant: HOFER INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66602. Transporting (1) *plastic pipe, plastic conduit, vinyl plastic sidings and extruded plastic products, fittings and accessories for such commodities* and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture of the commodities in (1) above, (a) from the facilities of Vinylplex, Inc. In Pittsburg, KS, to points in the U.S. (except AK and HI), and (b) from the facilities of Vinylplex, Inc. at or near Pasadena, TX, to the facilities of Vinylplex, Inc. in Pittsburg, KS. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 133676 (Sub-13F), filed January 18, 1980. Applicant: COMET TRUCK LINE INC., P.O. Box 3175, Baton Rouge, 70821. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting *plastic granules, pellets, powder, lumps and flakes and chemicals and chemical products,* (except commodities in bulk), between Plaquemine, Port Allen, Baton Rouge, LA, on the one hand, and, on the other, New Orleans, LA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Baton Rouge, LA, or New Orleans, LA.)

MC 134626 (Sub-3F), filed January 28, 1980. Applicant: F. W. MAC CO., INC., 1525 E. Army Post Rd., Des Moines, IA 50320. Representative: Russell H. Wilson, 3839 Merle Hay Rd., Suite 200, Des Moines, IA 50310. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Des Moines Municipal Airport in Polk County, IA, and the Cedar Rapids Municipal Airport in Linn County, IA, on the one hand, and, on the other, points in IA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Des Moines, IA.)

MC 135797 (Sub-302F), filed January 18, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *Christmas trees, wreaths and novelties,* from the facilities of Mister Christmas, at (a) East Douglas, MA, and (b) Los Angeles, CA, to points in the United States (except AK and HI). (Hearing site: Boston, MA, or Washington, DC.)

MC 135797 (Sub-303F), filed January 21, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *trunks, traveling bags and related articles,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Nogales and Tucson, AZ and Denver, CO. (Hearing site: Denver, CO, or Washington, DC.)

MC 136786 (Sub-197F), filed January 18, 1980. Applicant: ROBCO TRANSPORTATION, INC., a Minnesota corporation, 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro, Suite 411, Edina, MN 55435. Transporting *such commodities as* are dealt in by retail general merchandise stores, (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Best Products Company, Inc. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138206 (Sub-19F), filed January 28, 1980. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting iron and steel products, between points in CA, UT, and CO. (Hearing site: Las Vegas, NV.)

MC 138476 (Sub-3F), filed January 28, 1980. Applicant: METRO EXPRESS, INC., 901 Arnold Ave., New Castle, DE 19720. Representative: Albert F. Beitel, 1625 I St., N.W., Washington, DC 20006. Transporting *alcoholic beverages* (except in bulk, in tank vehicles), between New York, NY, on the one hand, and, on the other, Balltimore, MD and Washington, DC. (Hearing site: Washington, DC, or Wilmington, DE.)

MC 140216 (Sub-5F), filed January 28, 1980. Applicant: JOHN E. WAY, JR. d.b.a., WAY MESSENGER SERVICE, 205 East King St., Lancaster, PA 17602. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *passengers and their baggage,* in the same vehicle with passengers, between Lancaster, PA, on the one hand, and, on the other, Baltimore, MD, New York, NY, and Washington, DC, restricted to the transportation of not more than eight (8) persons per vehicle. (Hearing site: Lancaster, PA, or Harrisburg, PA.)

MC 141546 (Sub-33F), filed January 28, 1980. Applicant: BULK TRANSPORT SERVICE, INC., 1 Dundee Pk., Andover, MA 01810. Representative: Kenneth B. Williams, 84 State St., Boston, MA 02109. Transporting *scrap bone chips,* in bulk, from Bradford, PA, to Peabody, MA. (Hearing site: Boston, MA.)

MC 143127 (Sub-65F), filed January 28, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting *pulpboard, wastepaper, boxes, paper products, furniture parts and insulation material,* between those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Carolina Paper Board Corp. and Alton Box Board Company. (Hearing site: Louisville, KY, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 143267 (Sub-102F), filed January 18, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St NW., Washington, DC 20005. Transporting *(1) pipe and (2) materials and supplies used in the installation of pipe,* from Charlotte, NC, to those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Charlotte, NC, or Washington, DC.).

MC 144117 (Sub-55F), filed January 18, 1980. Applicant: T. L. C. LINES, INC., 1666 Fabick Dr., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *such commodities as are dealt in or used by manufacturers of photographic products,* (except commodities in bulk), from the facilities of Eastman Kodak Company, at (a) Rochester, NY, and (b) Windsor, CO, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

MC 144596 (Sub-4F), filed January 1, 1980. Applicant: BEN FRAZIER, INC., P.O. Box 153, Fergus Falls, MN 56537. Representative: Charles E. Johnson, Gate City Savings & Loan Bldg., Bismarck, ND 58501. Transporting (1) *dry fertilizer,* from points in MN, to those points in ND on and east of U.S. Hwy 281; and (2) *sugar beet pulp pellets,* (a) from the Minn-Dak Sugar Factory, at or near Wahpeton, ND, to Superior, WI, and points in MN; and (b) from the Minn-Dak Sugar Factory, at or near Renville, MN, to Superior, WI. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 145577 (Sub-22F), filed January 18, 1980. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *coal* (except in bulk), from

Punxsutawny, PA, to points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

MC 146196 (Sub-2F), filed January 15, 1980. Applicant: RICH DOSS, INC., 3809 Stony Point Rd., Santa Rosa, CA 95401. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *lumber, lumber products, and wood products* (except shakes and shingles), between points in CA, NV, and OR. (Hearing site: San Francisco, CA.)

MC 146646 (Sub-82F), filed January 28, 1980. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Mr. J. W. Segrest (same address as applicant). Transporting *television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, audio equipment* and *accessories* and *component parts* for the above commodities from the facilities of RCA Corporation located at Bloomington and Indianapolis, IN, to points in the States of AL, FL, GA, LA, MS and TX. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Burlington, NJ, or Birmingham, AL.)

MC 146717 (Sub-7F), filed January 18, 1980. Applicant: JACK MYER AND BUDDY C. MOORE, d.b.a., MIDWEST VIKING, Johnson, NE 68378. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *titanium and nickel base ingots and billets and steel billets* and *scrap material thereof,* between the facilities of Viking Metallurgical, at or near Verdi, NV, on the one hand, and, on the other, Reading, and Sharon, PA, New Hartford, NY, Detroit, Whitehall and Jackson, MI, Fort Wayne, IN, Houston, TX, Monroe, NC, Seattle, WA, Vernon, CA, Owensboro, KY, and Nashville, TN. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 146927 (Sub-7F), filed January 18, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *sugar* (except in bulk), from Gramercy, LA, and the facilities of Godchaux-Henderson Sugar Co., Inc., at or near Kenner and Reserve, LA, to points in FL. (Hearing site: Washington, DC.)

MC 147107 (Sub-6F), filed January 28, 1980. Applicant: ROBERT L. BUELL, and LAWRENCE W. DERRY, d.b.a. SPOKANE-ST. MARIES AUTO FREIGHT, Building S-5, Space A, North 3012 Sullivan, Spokane, WA 99216. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *beverages and wines* (except in bulk), from points in CA, OR and WA to points in ID on and north of U.S. Highway 12 and to points in Whitman and Asotin Counties, WA. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary, (Hearing site: Spokane, WA.)

MC 147476 (Sub-1F), filed January 28, 1980. Applicant: FRED AUSTIN MOVING & TRUCKING, INC., 4737 West Washington, Blvd., Chicago, IL 60644. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507. Transporting (1) *foodstuffs,* and (2) *materials and supplies* used in the manufacture of foodstuffs, (except in bulk), between Chicago, IL, on the one hand, and, on the other, points in MO, IL IN, IA, MI, MN, OH, and Wi. (Hearing site: Chicago, IL.)

MC 148337 (Sub-5F), filed January 28, 1980. Applicant: WESTERKAMP TRUCKING, INC., Route 2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. Transporting *meats, meat products, meat byproduct, articles distributed by meat packing houses,* and *such commodities as are used by meat packers in the conduct of their business,* as defined in Appendix I, Sections A, C, and D to the report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 66 (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corporation, Tama, IA, to Tampa, Miami and Jacdsonville, FL, Atlanta, GA, and Gulfport, MI. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 148437 (Sub-2F), filed January 21, 1980. Applicant: BORK TRANSPORT, INC., 8555 Harbach Blvd., Suite 201, Des Moines, IA 50311. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *alcohol,* in bulk, (1) from Decatur, Pekin, and Chicago, IL, to points in IA, (2) from points in Atchinson County MO. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 149337F, filed January 28, 1980. Applicant: FURNITURE DISTRIBUTION SERVICES, INC., 4616 North Broadway, St. Louis, MO 63147. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. Transporting *new furniture,* from St. Louis, MO, to points in MO and IL. (Hearing site: St. Louis, MO.)

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Decided: March 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 989 (Sub-39F), filed January 25, 1980. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, KS 67654. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *agricultural implements* and (2) *parts, and equipment, materials and supplies* (except commodities in bulk) used in the manufacture of agricultural implements, farm machinery, or light industrial equipment, serving the facilities of Sperry New Holland Division, Sperry Corporation, at or near Columbus, NE as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack with existing authority.

MC 7698 (Sub-17F), filed January 31, 1980. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Ave., Scranton, PA 18501. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between New York, NY and Harrisburg, PA, from New York, over US Hwy 1 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Harrisburg, and return over the same route, serving all intermediate and off-route points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northamption and Philadelphia Counties, PA. (Hearing site: Scranton, PA.)

MC 10169 (Sub-5F), filed July 31, 1979, published in **Federal Register** issue of February 7, 1980. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 1515 11th Street NE, Roanoke VA 24012. Representative: Nancy Pyeatt, 815 15th Street NW, Washington DC 20005. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),

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between points in NC on the one hand, and, on the other, points in Bedford, Campbell, and Pittsylvania (except Danville) Counties, VA. (Hearing site: Greensboro or Charlotte, NC.)

Note.—This republication corrects the territorial description.

MC 15558 (Sub-8F), filed January 28, 1980. Applicant: WARWOOD TRANSFER CO., 2233–41 Warwood Avenue, Wheeling, WV 26003. Representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Transporting *paper and paper products*, from the facilities of The Pillsbury Company at Wellsburg, WV, to St. Louis, MO, Atchison, KS and Minneapolis, MN. (Hearing site: Charleston, WV or Pittsburgh, PA.)

MC 19778 (Sub-106F), filed January 9, 1980. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Transporting *cement* from Rapid City and Chamberlain, SD, to points in Burt, Cuming, Stanton, Madison, Boone, Greeley, Valley, Custer, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox, Holt, Rock, Keyapaha, Boyd, and Brown Counties, NE.

MC 19778 (Sub-107F), filed January 9, 1980. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell (same as applicant). Transporting: *Cement* from Trident, MT, to points in WY and ID.

MC 22988 (Sub-12F), filed January 17, 1980. Applicant: K. G. MOORE, INC., 9 Park Avenue, Hudson, NH 03051. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting: (1) *beverages, in containers, and* (2) *equipment, material and supplies used in the manufacture and distribution of the commodities named in (1), above,* from Needham, MA to points in ME, NH, VT, NY and RI. (Hearing site: Boston, MA.)

MC 22988 (Sub-13F), filed January 17, 1980. Applicant: K. G. MOORE, INC., 9 Park Avenue, Hudson, NH. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *Such commodities as are dealt in by retail department stores,* and (2) *equipment, material* and *supplies* used in distribution of the commodities named in (1), above, between the facilities of Child World, Inc., at or near (a) Avon, MA, (b) Obetz, OH, and (c) Kansas City, MO, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA.)

MC 24379 (Sub-51F), filed August 15,. 1979, published in **Federal Register** issue February 20, 1970. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman (same address as applicant). Transporting *aluminum and zinc ingots* from Maple Heights, OH to points in IL bounded by a line beginning at the junction of U.S. Hwy 51 and the IL–WI State line, near S. Beloit, IL and extending along U.S. Hwy 51 to its junction with Interstate Hwy 80 near Peru, IL and then extending along Interstate Hwy 80 to the junction of the IL–IN State line including points on said Hwys.

MC 24379 (Sub-55F), filed January 11, 1980. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman, 14650 West Eight Mile Road, Oak Park, MI 48237. Transporting: *(1) aluminum alloy ingots, zinc alloy ingots, scrap metal, and zinc, and (2) equipment and supplies used in the manufacture and distribution of ingots* between the facilities of (A) Aluminum Smelting & Refining Co., Inc., and (B) Certified Alloys Company, at Maple Heights, OH, on the one hand, and, on the other, those points in the US in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Cleveland, OH.)

MC 24379 (Sub-56F), filed January 11, 1980. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman (same address as applicant). Transporting *games* and *toys* from Macedonia, OH to Brookings, SD and those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Cleveland, OH.)

MC 24379 (Sub-58F), filed January 14, 1980. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman, 14650 West Eight Mile Road, Oak Park, MI 48237. Transporting *electronic bulbs or tubes, glassware, fibreboard boxes, glass tubing, electronic glass plates, and television bulbs or tubes or parts* between Columbus, OH, on the one hand, and, on the other, Marion, IN, Auburn, Seneca Falls, and Syracuse, NY, and Dunmore, Pittston, and Scranton, PA. (Hearing site: Columbus, OH.)

MC 24379 (Sub-59F), filed January 18, 1980. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Eight Mile Road, Oak Park MI 48237. Representative: Donald G. Hichman, 14650 West Eight Mile Road, Oak Park, MI 48237. Transporting *(a) malt beverages and malt beverage dispensing equipment;* from points in NJ to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, and WI and *(b) empty malt beverage containers* in the reverse direction. (Hearing site: New York, NY.)

MC 29079 (Sub-168F), filed January 17, 1980. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW., Washington, DC 20006. Transporting *iron and steel articles, and material, supplies and equipment* used in connection therewith (except in bulk) between points in AL on and north of U.S. Hwy 80, on the one hand, and, on the other, points in AL, AR, DE, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 31498 (Sub-2F), filed October 22, 1979. Applicant: K & T AIR FREIGHT, INC., 16525 Eastland Street, Roseville, MI 48066. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Detroit, MI, on the one hand, and, on the other, O'Hare International Airport, Chicago, IL; Kennedy International Airport, New York, NY; Newark International Airport, Newark, NJ; and LaGuardia Airport, New York, NY, restricted to the transportation of freight which has a prior or subsequent movement by air. (Hearing site: Detroit, MI.)

MC 35358 (Sub-53F), filed January 25, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *furniture* between Warren, MI, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Detroit, MI.)

MC 40898 (Sub-29F), filed February 1, 1980. Applicant: S. & W. MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: Terrell C. Clark,

P.O. Box 25, Stanleytown, VA 24168. Transporting: *Petroleum and petroleum products, vehicle body sealers or sound deadening compounds, (except in bulk),* (a) from the facilities of Pennzoil Company at or near Reno and Rouseville, PA to points in NC and SC and (b) from the facilities of Quaker State Oil Refining Corp. at or near Emlenton and Farmers Valley, PA, and Congo and St. Marys, WV, to points in NC and SC. (Hearing site: Greensboro, NC or Pittsburgh, PA.)

MC 40978 (Sub-70F), filed January 28, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *new furniture* from Owensboro, KY, to points in IA, IL, IN, MN, WI, and The Upper Peninsula of MI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 40978 (Sub-71F), filed January 28, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *urethane foam products* from Bridgeview, IL, to points in IN, IA, MI, NM, and WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 40978 (Sub-73F), filed January 29, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton, Ave., Milwaukee, WI 53203. Transporting *molded plastic parts and products* from Albia, IA, to points in IL and WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 43038 (Sub-491F), filed January 23, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *Motor Vehicles,* (except trailers) in secondary movements, in truckaway service, between points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, restricted to the transportation of traffic originating at or destined to the facilities of General Motors Corporation. (Hearing site: Detroit, MI or Washington, DC.)

MC 44469 (Sub-3F), filed January 22, 1980. Applicant: WEST BEND TRANSIT & SERVICE COMPANY, a Corporation, 105 Forest Avenue, P.O. Box 477, West Bend, WI 53095. Representative: Michael J. Collins, 150 East Gilman Street, Madison, WI 53703. Over regular routes, transporting: *general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between West Bend, WI and Kewaskum, WI over U.S. Hwy. 45, serving all intermediate points. Carrier intends to tack this authority with existing authorities.

MC 48958 (Sub-189F), filed July 24, 1979, previously noticed in **Fedeal Register** issue of February 7, 1980. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Denver, CO, to points in AZ, ID, NE, NM, TX, UT, and WY. (Hearing site: Denver, CO.)

Note.—This republication changes the route decription from regular to irregular.

MC 52579 (Sub-203F), filed January 11, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *wearing apparel on hangers* or *in packages* from points in TN to points in IL, NJ and NY. (Hearing site: New York, NY or Washington, DC.)

MC 57239 (Sub-50F), filed January 29, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46225. Representative: John R. Bagileo, 918 16th Street, N.W., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) serving Toledo, OH, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 57778 (Sub-34F), filed january 24, 1980. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave., Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting (1) *materials and supplies* used in the manufacture and distribution of foodstuffs between those points in the United States in and east of CO, MT, NM, and WY, restricted to shipments destined to facilities of Vlasic Foods, Inc., (2) *foodstuffs* from Greenville, MS, to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MO, NM, OK, TN, and TX, and (c) *foodstuffs* from Millsboro, DE, to points in CT, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Detroit, MI.)

MC 60189 (Sub-2F), filed January 22, 1980. Applicant: CHAMBERS MOVING & STORAGE CO., a Corporation, 301 South 4th Ave., Phoenix, AZ 85003. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting: *household goods* between points in AZ on the one hand, and, on the other, points in CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. (Hearing site: Phoenix, AZ.)

MC 69938 (Sub-3F), filed January 25, 1980. Applicant: B. V. & G. TRANSPORT COMPANY, 1557 State Street, Granite City, IL 62040. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *iron and steel articles* from St. Louis, MO, to points in Adair, Audrian, Boone, Calloway, Cape Girardeau, Clark, Crawford, Cole, Franklin, Gasconade, Jefferson, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Osage, Perry, Pike, Ralls, Randolf, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Shelby, Schuyler, Warren, and Washington Counties, MO, restricted to traffic having a prior movement by water. (Hearing site: St. Louis, MO.)

MC 73688 (Sub-114F), filed January 30, 1980. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Ave., P.O. Box 7195, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. Transporting *iron and steel articles,* between Birmingham, AL, on the one hand, and, on the other, points in AL, MS, LA, TN, KY, GA, FL, NC, SC and MO.

MC 78118 (Sub-54F), filed January 21, 1980. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between those points in the U.S. east of the western boundaries of MI, IN, KY, TN, and MS (except NY, ME, NH, VT, CT, MA, and RI), restricted to the transportation of traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 78228 (Sub-144F), (republication), filed October 5, 1979. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310

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Grant Building, Pittsburgh, PA 15219. Transporting (1)(a) *iron and steel articles* and (b) *railway parts, material, equipment and supplies* from the facilities of McConway & Torley Company at Pittsburgh, PA to those points in the United States in and east of MN, IA, MO, OK, and TX, and (2) *materials, equipment and supplies* used in the manufacture, and distribution of the commodities in (1) above in the reverse direction. (Hearing site: Washington, DC or Pittsburgh, PA.) This republication shows the Sub as 144F in lieu of 147F as published in the Federal Register February 26, 1980.

MC 78228 (Sub-155F), filed February 1, 1980. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *iron and steel articles, machinery and machine parts* between the facilities of Commercial Shearing, Inc. at Youngstown, OH, Berkeley Springs, WV and Hagerstown, MD, Gregory Galvanizing Co. at Canton, OH, Syro Steel Co. at Girard, OH, Dura Bond, Inc. at Export, PA, Young Galvanizing Co. at Pulaski, PA, Hanlon Gregory Co. at Pittsburgh, PA and Commercial Stamping & Forging at Bedford Park, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 83539 (Sub-533F), filed January 17, 1980. Applicant: C & H TRANSPORTATION, CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Transporting *buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company at San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company at San Marcos, TX. (Hearing site: Chicago, IL or Dallas, TX.)

MC 84739 (Sub-30F), filed January 14, 1980. Applicant: SEVERSON TRANSPORT, INC., 624 Albion Road, Edgerton, WI 53534. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Transporting *aluminum and aluminum products*, from the facilities of National Southwire Aluminum Company at or near Hawesville, KY, to points in WI and those in IL on, north, or east of Interstate Hwy 74. (Hearing site: Chicago, IL, or Washington, DC.)

MC 89369 (Sub-23F), filed January 8, 1980. Applicant: JOART TRUCKING COMPANY, a corporation, Talmadge Road, Edison, NJ 08817. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *chlor-alkali products*, in bulk, in tank vehicles, from (a) Solvay, NY, Bayonne and Paulsboro, NJ, and Delaware City, DE, to points in CT, DE, MD, MA, NC, NJ, NY, PA, RI, VA and DC and (b) the facilities of Linden Chemical and Plastics, Inc., at Linden, NJ, to points in NC and VA, (2) *dry synthetic plastics*, in bulk, in tank or hopper-type vehicles, from Delaware City, DE, to points in WV, and (3) *dry aluminum sulfate*, in bulk, in tank or hopper-type vehicles, from the facilities of Essex Chemical Corp. at Newark, NJ, to points in MA and NH. (Hearing site: New York, NY.)

MC 99439 (Sub-15F), filed January 24, 1980. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Transporting (1) *package water and water treatment equipment and materials* (2) *accessories*, and (3) *materials, and supplies* used in the installation of the commodities in (1) and (2) above, from the facilities of American Enviro-Port, Inc., at or near Jacksonville, FL, to points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MD, MS, MO, NE, NY, NC, OK, PA, SC, TN, TX, VA, and WV. (Hearing site: Jacksonville, FL.)

MC 99498 (Sub-6F), filed January 16, 1980. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting over irregular routes (1) *clothing*, from Silas, AL, to San Diego and Tracy, CA, restricted to shipments originating at and destined to points named above, (2) *voting machines*, between points in Mobile County, AL, and (3) over regular routes *general commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (a) between Mobile and Selma, AL, from Mobile over US Hwy 43 to junction AL Hwy 5, then over AL Hwy 5 to junction AL Hwy 22, then over AL Hwy 22 to Selma, and return over the same route, serving all intermediate points and serving the off-route points of Dixon Mills, Sweetwater, Morvin and Fulton, AL, (b) between Mobile and Selma, AL, from Mobile over US Hwy 45 to its intersection with AL Hwy 17 near Deer Park, then over AL Hwy 17 to its intersection with US Hwy 80, then over US Hwy 80 to Selma, and return over the same route, serving all intermediate points, and serving the off-route points of Coatopa, Choctaw, Livingston, Myrtlewood, Pennington, and York, AL, and the plantsite of American Can Company at Naheola, AL, (c) between Butler, AL, and Pine Hill, AL, over AL Hwy 10, serving all intermediate points, (d) between the intersection of AL Hwy 69 and 10 near Nanafalia, AL, and Safford, AL, from the intersection of AL Hwys 69 and 10, over AL Hwy 69 to its intersection with US Hwy 43, then over US Hwy 43 to Linden, AL, then over AL Hwy 28, to a point 6 miles east of Thomaston, AL, then over AL Hwy 66 to Stafford and return over the same route, serving all intermediate points, (e) between Linden, AL, and Demopolis, AL, over US Hwy 43, serving all intermediate points, restricted against service between Demopolis and Selma, AL, via Linden, AL; (f) between Saraland, AL, and the intersection of Mobile County Highway 41 and US Hwy 45, over Mobile County Highway 41, serving all intermediate points, (g) between Wagarville, AL and Chatom, AL, over AL Hwy 56 serving all intermediate points, and the off-route points of Surginer, Magnolia, Lower Peach Tree, Whitley, Gossport, Pope, Lisman, Cromwell, Lavaca, Mt. Sterling and Dickerson, AL, (h) between Silas, AL, and the site of the Jackson Lock and Dam located near US Hwy 84, over US Hwy 84, serving all intermediate points, (i) between McIntosh, AL, and Citronelle, AL, over County Hwy 35 serving all intermediate points, (j) between Mt. Vernon, AL and Citronelle, AL, over County Hwy 96 serving all intermediate points, (k) between Silas, AL and Grove Hill, AL, over US Hwy 84 serving all intermediate points, (l) from Gilbertown, AL, to Water Valley and Melvin, AL, over County Hwy 14, then over unnumbered Hwy to junction AL Hwy 17, serving the intermediate points of Needham, Bogueloossa, and Land, AL, and the off-route point of Eiler, AL, (m) between Pine Hill, AL, and the plantsite of MacMillan Bloedel, Inc., located near Pine Hill, AL, over AL Hwy 10, (n) between Chatom, AL, and the plantsite of Phillips Petroleum Company, Chatom Plant, located approximately 9 miles west of Chatom, AL, over AL Hwy 56. (Hearing site: Mobile, Montgomery or Birmingham, AL.)

Note.—Applicant currently holds all authority sought in Parts (2) and (3) in a Certificate of Registration, and the purpose of Parts (2) and (3) of the instant application is to convert applicant's said Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant plans to tack various segments of regular route authority sought herein.

MC 99749 (Sub-7F), filed February 1, 1980. Applicant: BOURNE'S TRANS., INC., 1029 Pearl Street, Brockton, MA 02401. Representative: Jon F. Hollengreen 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. Transporting *boots and shoes, and boot and shoe factory materials, supplies, and equipment*, between Clarksville, Lebanon, and Nashville, TN, on the one hand, and, on the other, Windsor, VT, and points in ME, MA, and NH. (Hearing site: Boston, MA, or Nashville, TN.)

MC 100449 (Sub-18F), filed January 14, 1980. Applicant: MALLINGER TRUCK LINE, INC., R. R. 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *meat, meat products, meat by-products, and articles distributed by meat packing-houses* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Swift & Company at Sioux City, Glenwood and Marshalltown, IA, Omaha, NE, Kansas City, KS, Kansas City, MO, East St. Louis, Rochelle, St. Charles, Bradley and Chicago, IL, Belmont, Fort Worth, Dallas, Cactus, and San Antonio, TX, Guymon, OK, Clovis, NM, to points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, MD, NM, OK, SD, TN, TX, and WI, and (2) *dairy products* from the facilities of Swift & Co. at Green Bay, WI, to points in AR, CO, IL, MO, NE, ND, NM, OK, SD, TN, TX, and WI, restricted in (1) and (2) to traffic originating at the named origins and destined to the named origins and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 100449 (Sub-119F), filed January 14, 1980. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Dubuque Packing Co. at La Mars, Sioux City and Denison, IA, to points in AR, IN, KY, LA, MI, NM, OK, TX and WI, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL; Washington, DC.)

MC 102299 (Sub-8F), filed January 30, 1980. Applicant: THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, 801 Baltimore and Annapolis Blvd., Glen Burnie, MD 21061. Representative: S. Harrison Kahn, 1511 K Street, N.W. Ste. 733, Washington, DC 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers (1) in round-trip charter and special operations, in sight-seeing and pleasure tours, beginning and ending at Baltimore, MD, points in Anne Arundel County, MD, on and north of MD Hwy 214, those in Howard County, MD on and east of MD Hwy 97, and those in Baltimore County, MD, on and south of a line beginning at the Carroll County-Baltimore County Line and extending along MD Hwy 137 to its intersection with MD Hwy 138, and then over MD Hwy 138 to Baltimore County-Harford County line, and extending to points in the United States (including AK, but excluding HI); and (2) in one-way charter and special operations in sight-seeing and pleasure tours, from the base points and territories in (1) above to points in the United States, (including AK, but excluding HI), restricted to the transportation of passengers having a subsequent movement by air; and (3) in one-way charter and special operations, in sight-seeing and pleasure tours, from points in the United States, (including AK, but excluding HI), to the base points and territories named in (1), restricted to the transportation of passengers having a prior movement by air. (Hearing site: Baltimore, MD.)

MC 102299 (Sub-9F), filed January 30, 1980. Applicant: THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, 801 Baltimore and Annapolis Blvd., P.O. Box 490, Glen Burnie, MD 21061. Representative: S. Harrison Kahn, 1511 K Street, N.W. Ste. 733, Washington, DC 20005. Transporting *passengers* and their *baggage*, in the same vehicle with passengers, (1) in round-trip charter and special operations, in sight-seeing and pleasure tours, beginning and ending at DC; Dulles International Airport, at or near Herndon, Virginia, points in that portion of VA on, north and east of a line beginning at the intersection of the Potomac River and VA Hwy 242, then along VA Hwy 242 to its intersection with U.S. Hwy 1, then over U.S. Hwy 1 to its intersection with VA Hwy 123, then over VA Hwy 123 to its intersection with I495, then over I495 to the Potomac River, including points on the indicated Hwys; and points in that portion of Prince George's County, MD on and west of a line beginning at the intersection of U.S. Hwy 301 and the Prince George's County-Charles County line, then over U.S. Hwy 301 to its intersection with MD Hwy 5, then over MD Hwy 5 to its intersection with MD Hwy 223, then over MD Hwy 223, to its intersection with MD Hwy 408, then over MD Hwy 408 to its intersection with MD Hwy 202, then over MD Hwy 202 to its intersection with MD Hwy 556, then over MD Hwy 556 to its intersection with MD Hwy 450, then over MD Hwy 450 to the Prince George's County-Anne Arundel County Line, including all points on the indicated Hwys; and that portion of Montgomery County, MD, on and east of a line beginning at the intersection of the Potomac River and I495, then over I495 to its intersection with MD Hwy 190, then over MD Hwy 190, to its intersection with MD Hwy 189, then over MD Hwy 189, to its intersection with MD Hwy 28, then over MD Hwy 28 to its intersection with MD Hwy 124, then over MD Hwy 124 to its intersection with MD Hwy 115, then over MD Hwy 115, to its intersection with MD Hwy 97, then over MD Hwy 97, to the Montgomery County-Howard County Line, including all points on the indicated hwy's; and extending to points in the United States, (including AK, but excluding HI); and (2) In one-way charter and special operations, in sight-seeing and pleasure tours, from DC and those points in VA and MD described in (1) above, to points in the United States, (including AK, but excluding HI), restricted to the transportation of passengers having a subsequent movement by air; and (3) in one way charter and special operations, in sight-seeing and pleasure tours, from points in the United States, (including AK, but excluding HI), to DC and those points in VA and MD described in (1) above, restricted to the transportation of passengers having a prior movement by air from DC and those points in VA and MD described in (1) above. (Hearing site: Washington, DC.)

MC 105269 (Sub-86F), filed January 22, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting *paper and paper products* between Canton and Cleveland, OH, and points in MI, restricted to transportation of traffic originating at or destined to the facilities

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used by St. Regis Paper Company. (Hearing site: Lansing, MI or Chicago, IL.)

MC 106398 (Sub-1050F), filed January 11, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *composition board* from the plantsite of Gold Bone Building Products, Division of National Gypsum Co., at Mobile, AL, to points in the United States in and east of MN, IA, KS, OK and TX. (Hearing site: Raleigh, NC.)

MC 106398 (Sub-1051F), filed January 10, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting (1) *composition board* and (2) *materials and supplies* used in the manufacture and distribution of (1) above between Alpena, MI and Blountstown, FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI.)

MC 106398 (Sub-1052F), filed January 10, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting (1) *plastic articles and accessories* and (2) *materials* and *supplies* used in the manufacture and distribution of (1) above between points in the U.S. (except AK and HI) restricted in (1) above to shipments originating at Robintech, Inc., and in (2) above to shipments destined to the facilities of Robintech, Inc. (Hearing site: Dallas, TX.)

MC 106398 (Sub-1053F), filed January 10, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *plastic articles and materials and supplies* used in the manufacture of plastic articles between the facilities of Cresline Plastic Pipe Co. at Evansville, IN, Cresent Plastic Pipe Co., at Council Bluffs, IA and Walbash Plastic Pipe Co., at Henderson, KY on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Indianapolis, IN.)

MC 106398 (Sub-1054F), filed January 10, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *iron or steel articles, building materials and accessories* from the facilities of Inryco, Inc., at Milwaukee, WI, to points in the U.S. (except AK, HI, OK, TX, ND, MT, WY, CO, NM, ID, WA and OR). (Hearing site: Milwaukee, WI.).

MC 106398 (Sub-1055F), filed January 28, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *buildings, building panels, building parts,* and *materials, accessories* and *supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk) between the facilities of Butler Manufacturing Company at San Marcos, TX, on the one hand, and, on the other, points in the United States, (except AK and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company at San Marcos, TX. (Hearing site: Chicago, IL.)

MC 106398 (Sub-1056F), filed January 28, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *steel tubing* from the facilities of Century Tube Corporation at Pine Bluff, AR, to points in the United States (except AK and HI). (Hearing site: Fayetteville, AR.)

MC 107478 (Sub-59F), filed January 22, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., Post Office Box 2006, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting: *iron and steel articles* from the facilities of Raritan River Steel Company at or near Perth Amboy, NJ to points in OH, PA, and VA. (Hearing site: New York, NY or Washington, DC.)

MC 107676 (Sub-76F), filed January 25, 1980. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, 14942 Talcott Ave., Houston, TX 77015. Representative: Martin J. Rosen, 256 Montgomery St., San Francisco, CA 94104. Transporting *grain milling and processing machinery and components* between the facilities of Ferrell-Ross, Inc. at or near Oklahoma City, OK, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Oklahoma City, OK.)

MC 107818 (Sub-104F), filed January 15, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N. W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *paper* and *paper products,* from the facility of The Wisconsin Paper Group, Inc., at or near Menasha, WI, and from the facility of Thilmany Pulp & Paper Company at or near Kaukauna, WI, to FL, GA and SC. (Hearing site: Milwaukee, WI.)

MC 107839 (Sub-186F), filed January 21, 1980. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting: *foodstuffs* (except in bulk) from Albany, GA to points in AZ, CA, CO, LA, MO, OR, TX and UT.

MC 108119 (Sub-223F), filed January 2, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1)(a) *bentonite clay,* in bags, and (b) *drilling mud additives,* from the facilities of American Colloid Comany at (i) belle Fourche, SD, and (ii) Upton and Lovell, WY, to points in Ca, OK, TX, LA, and WA, and (2) *drilling mud additives,* from the facilities of American Colloid Company at Custer, SD, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 108119 (Sub-224F), filed January 7, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *power distribution centers, switch gears and parts, and materials and supplies therefor,* from Newark, NJ, to those points in the United States in and east of WI, IA, NE, KS, OK, and TX. (Hearing site: Newark, NJ.)

MC 108119 (Sub-225F), filed January 7, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *(1) machinery, material handling equipment and vibrator feeders and, (2) parts, materials and supplies for the items named in (1) above,* from Totowa, NJ, to points in the United States (except AK and HI). (Hearing site: Newark, NJ.)

MC 108119 (Sub-226F), filed January 14, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *iron and steel grader and dozer blades,* from the facilities of Chromalloy, Shunk Blade Division, at or near West Jordan, UT, to those points in the United States in and west of MN, SD, WY, CO, NM, and TX (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 108119 (Sub-227F), filed January 14, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *(1) metal working machinery and (2) parts, attachments, and accessories for metal working machinery,* between Rockford, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Ingersoll Milling Machine, at Rockford, IL. (Hearing site: Chicago, IL.)

MC 108119 (Sub-228F), filed January 17, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *dock levelers,* between Pell City, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham, AL.)

MC 108119 (Sub-229F), filed January 14, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *pipe, pipe fittings, castings and accessories,* from the facilities of Central Foundry Company, Inc., at Holt, AL to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Birmingham, AL.)

MC 108119 (Sub-230F), filed January 17, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *industrial machinery,* between points in the United States in and east of WI, IA, KS, OK and TX, restricted to traffic originating at or destined to the facilities of Port Realty & Warehouse Corporation. (Hearing site: Newark, NJ.)

MC 108119 (Sub-231F), filed January 17, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *insulated steel panels,* between the facilities of Moncrief-Lenoir Manufacturing Company at Houston, TX, on the one hand, and, on the other, points in the United States (excluding AK and HI). (Hearing site: Houston, TX.)

MC 108119 (Sub-232F), filed January 25, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting: *(1) bridge erection boats, topographic support systems, hose line outfits, pumping assemblies and electronic maintenance vans, (2) parts, attachments and accessories for the commodities named in (1) above, (3) materials, equipment and supplies used in the manufacture of the commodities named in (1) and (2) above,* between the facilities of American Development Corporation at Charleston, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charlotte, NC or Atlanta, GA.)

MC 108119 (Sub-237F), filed January 18, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting: *(1)(a) air pollution control equipment, and (b) parts, attachments and accessories for the commodities named in (a) above,* between the facilities used by Buell Emission Control Division, Envirotech Corporation, at Lebanon and Lancaster, PA, Winston-Salem, NC, and Warrenton, MO, on the one hand, and, on the other, points in the United States (except AK and HI), and *(2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* from points in the United States (excluding AK and HI) in the reverse direction. (Hearing site: Harrisburg or Philadelphia, PA.)

MC 108589 (Sub-26F), filed January 10, 1980. Applicant: EAGLE EXPRESS COMPANY, P.O. Box 12047, Lexington, KY 40580. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the junction of U.S. Hwy 27 and KY Hwy 90, near Burnside, KY, and Albany KY, from the junction of U.S. Hwy 27 and KY Hwy 90 over KY Hwy 90 to junction KY Hwy 350 at Cartwright, KY, and then over KY Hwy 350 to Albany and return over the same route, serving all intermediate points. (Hearing site: Lexington, KY.)

Note.—Applicant intends to tack.

MC 108589 (Sub-27F), filed January 17, 1980. Applicant: EAGLE EXPRESS COMPANY, P.O. Box 12047, Lexington, KY 40580. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), (1) between Louisville, KY and Morehead, KY, from Louisville, KY over I–64 to junction US Hwy 60, then over U.S. Hwy 60 the Morehead, KY and return over the same route, serving all intermediate points between Versailles, KY and Morehead, KY and all off-route points in Bath and Rowan Counties, KY, and (2) between Cincinnati, OH and the junction of Interstate Hwy 75 and U.S. Hwy 60 near Lexington, KY, over I–75 serving no intermediate points. Restriction: In connection with the routes described above, no service is to be rendered between Louisville, KY and points west of Versailles, KY. (Hearing site: Columbus, OH.)

MC 108649 (Sub-14F), filed January 28, 1980. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, those requiring special equipment, and commodities in bulk); (1) between Peoria, IL and Minneapolis, MN, from Peoria, over Interstate Hwy 74 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Minneapolis, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. (Hearing site: Chicago, IL.)

Note.—Applicant intends to tack.

MC 108859 (Sub-81F), filed January 10, 1980. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49820. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Fond du Lac, Nashotah, and Oconomowoc, WI, as off-

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route points in connection with applicant's presently authorized regular route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 109449 (Sub-47F), filed February 1, 1980. Applicant: KUJAK TRANSPORT, INC., 6366 W. 6th Street, Winona, MN 55987. Representative: Gary Huntbatch (same as applicant). Transporting *meats, meat products, meat by-products* and *articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Albert Lea, MN to points in IN, KY, NY, OH and PA, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 109449 (Sub-48F), filed February 1, 1980. Applicant: KUJAK TRANSPORT, INC., 6366 W. 6th Street, Winona, MN 55987. Representative: Gary Huntbatch. Transporting *such merchandise as is dealt in by wholesale and retail gift stores* from Addison, TX to Kansas City, MO, restricted to shipments originating at or destined to the facilities of Tuesday Morning, Inc. at the above-named origin and destination. (Hearing site: Dallas, TX.)

MC 109689 (Sub-367F), filed January 2, 1980. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City, UT 84101. Transporting (1) *spent cupric chloride and etchants*, in bulk, from points in the United States (except AK and HI) to Casa Grande, AZ, and (2) *cupric chloride and etchants*, in bulk, from to Casa Grande, AZ, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 109689 (Sub-369F), filed January 2, 1980. Applicant: WLS. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City UT 84101. Transporting *Borate Rock* from Dunn, CA, to points in OH and NY. (Hearing site: Salt Lake City, UT.)

MC 109818 (Sub-78F), filed January 14, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *(1) Elevator and grain handling equipment; and (2) equipment, materials, and supplies (except commodities in bulk)* used in the manufacture, sale or distribution of the commodities in (1) above, between the facilities of Sweet Manufacturing Co. at or near West Point, NE, on the one hand, and, on the other, points in IN, IA, NE, IL, OH, WI, MN, MI, KY, TN, GA, FL, MO, TX, ND, SD, CA, OK, and KS. (Hearing site: Omaha, NE.)

MC 110098 (Sub-180F), filed January 31, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *such merchandise as dealt in by wholesale or retail food business houses*, between El Paso, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY. (Hearing site: Los Angeles, CA or San Antonio, TX.)

MC 110288 (Sub-8F), filed September 26, 1979 (republication). Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles*, from the facilities of Bekaert Steel Wire Corporation at or near Van Buren, AR to points in SC, FL, MS, and AL. (Hearing site: Little Rock, AR.) This republication broadens the territorial description published February 20, 1980.

MC 110988 (Sub-409F), filed January 8, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting (1) *Vegetable oil, vegetable oil products, and vegetable oil shortenings* from Columbus, OH, to points in the United States (except OH, AK, and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above from points in WI, IL, IN, MN, NJ, LA, TX, AR, TN, MO, KY, GA, and WV to Columbus, OH (Hearing site: Chicago, IL.)

MC 110988 (Sub-410F), filed January 22, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting: *plastic materials*, in bulk, in tank vehicles from Monaca, PA and Luke, MD to those points in the US in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL.)

MC 110988 (Sub-411F), filed January 28, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting *commodities in bulk* between points in Lake County, IN, and Cook, Du Page, Grundy, Kane, Kendall, Lake, McHenry and Will Counties, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 110988 (Sub-413F), filed January 10, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *rolling processing fluid* from the facilities of The Ironsides Company at Columbus, OH to points in AR, CA, CT, DE, DC, GA, ID, IA, KS, LA, ME, MA, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, RI, SC, SD, TN, UT, VA, WA, WI, and WY; and (2) *materials and supplies* used in the manufacture and distribution of rolling processing fluid from points in CA, CT, DE, DC, GA, ID, KS, ME, MA, MS, MT, NV, NH, NM, ND, OK, OR, RI, SD, TN, UT, VT, WA, and WY to the facilities of The Ironsides Company at Columbus, OH. (Hearing site: Chicago, IL.)

MC 111548 (Sub-28F), filed January 21, 1980. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Transporting *such commodities* as are dealt in by grocery and food business houses (except in bulk), from the facilities of A. W. Staley Mdg. Co. at or near Chicago, IL to points in WV and those in TN east of Interstate Hwy 65 including Nashville, TN. (Hearing site: Chicago, IL.)

MC 112049 (Sub-23F), filed January 14, 1980. Applicant: McBRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL 61938. Representative: Michael R. Solomon, 433 Thatcher Ave., St. Louis, MO 63147. Over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), (1) between Decatur, IL, and Champaign, IL, (a) from Decatur over U.S. Hwy 51 to Clinton, IL, then over IL Hwy 10 to Champaign, IL, and return over the same route, serving all intermediate points, (b) from Decatur over IL Hwy 105 to the junction of Interstate Hwy 72, then over Interstate Hwy 72 to Champaign, and return over the same route, serving all intermediate points, and (c) from Decatur over Interstate Hwy 72 to Champaign, and return over the same route, serving all intermediate points, and (2) between Tuscola, IL, and Champaign, IL, over Interstate Hwy 72,

serving all intermediate points. (Hearing site: St. Louis, MO, or Springfield, IL.)

Note.—Applicant intends to tack with its present authority.

MC 112588 (Sub-34F), filed January 25, 1980. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles* between the facilities of Ellwood City Iron and Wire Company at Ellwood City, PA, on the one hand, and, on the other, points in IL, IN, OH and MI. (Hearing site: Columbus, OH or Washington, DC.)

MC 112989 (Sub-121F), filed January 21, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. Transporting (1) *building materials (except in bulk), and* (2) *materials and supplies used in the manufacture and distribution of building materials (except in bulk)*, between the facilities of The Celotex Corporation at or near Tracy, CA, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI.) (Hearing site: San Francisco, CA)

Note.—Dual operations may be involved.

MC 113388 (Sub-132F), filed January 29, 1980. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. Transporting *clay* (except in bulk) from the plantsite of Waverly Mineral Products Co. at Quality, Meigs, GA to points in VA, MD, PA, DE, NJ, NY, CT, MA, RI, ME, NH, VT, and DC. (Hearing site: Washington, DC.)

MC 113528 (Sub-51F), filed January 25, 1980. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22201. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, GA, and Roanoke Rapids, NC, from Atlanta over Interstate Hwy 85 to junction U.S. Hwy 158, then over U.S. Hwy 158 to Roanoke Rapids and return over the same route, serving all intermediate points in NC and SC; (2) between Roanoke Rapids, NC, and Rocky Mount, NC, from Roanoke Rapids over U.S. Hwy 158 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction of NC Hwy 48, then over NC Hwy 48 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Rocky Mount and return over the same route, serving all intermediate points; (3) between Durham, NC, and New Bern, NC, over U.S. Hwy 70 serving all intermediate points; (4) between Atlanta, GA, and Rocky Mount, NC, from Atlanta over Interstate Hwy 20 to junction Interstate Hwy 95 then over Interstate Hwy 95 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Rocky Mount and return over the same route, serving all intermediate points in NC and SC; (5) between Greensboro, NC, and Wilson, NC, from Greensboro over U.S. Hwy 421 to Siler City, then over U.S. Hwy 64 to junction U.S. Hwy 264, then over U.S. Hwy 264 to Wilson and return over the same route, serving all intermediate points; (6) between Wilson, NC, and Greenville, NC, over U.S. Hwy 264 serving all intermediate points; (7) between Charlotte, NC, and Fayetteville, NC, from Charlotte over U.S. Hwy 74 to junction U.S. Hwy 401, then over U.S. Hwy 401 to Fayetteville and return over the same route, serving all intermediate points; (8) between Greer, SC, and Orangeburg, SC, from Greer over SC Hwy 29 to Greenville, SC, then over U.S. Hwy 276 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction U.S. Hwy 601, then over U.S. Hwy 601 to Orangeburg and return over the same route, serving all intermediate point;, (9) between Charlotte, NC, and Florence, SC, from Charlotte over U.S. Hwy 74 to junction U.S. Hwy 601, then over U.S. Hwy 601 to Pageland, NC, then over NC Hwy 151 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Florence, and return over the same route, serving all intermediate points; (10) between Atlanta, GA, and Kingstree, SC, from Atlanta over Interstate Hwy 20 to junction U.S. Hwy 378, then over U.S. Hwy 378 to junction SC Hwy 527, then over SC Hwy 527 to Kingstree, and return over the same route, serving all intermediate points in SC; (11) between Greer, SC, and Asheville, NC, from Greer over NC Hwy 290 to junction of U.S. Hwy 25, then over U.S. Hwy 25 to junction Interstate Hwy 26, then over Interstate Hwy 26, to Asheville and return over the same route, serving all intermediate points; (12) between Charlotte, NC, and Lenoir, NC, from Charlotte over NC Hwy 16 to junction U.S. Hwy 321, then over U.S. Hwy 321 to Lenoir, and return over the same route, serving all intermidiate points; (13) between Greensboro, NC, and Mount Airy, NC, from Greensboro over Interstate Hwy 40 to Winston Salem, then over U.S. Hwy 52 to junction U.S. Hwy 601, then over U.S. Hwy 601 to Mount Airy and return over the same route, serving all intermediate points; (14) between Charlotte, NC, and Greensboro, NC, from Charlotte over NC Hwy 49 to Asheboro, NC, then over U.S. Hwy 220 to Greensboro and return over the same route, serving all intermediate points; (15) between Charlotte, NC, and Wilson, NC, from Charlotte over NC Hwy 49 to Asheboro, NC, then over U.S. Hwy 64 to junction U.S. Hwy 264, then over U.S. Hwy 264 to Wilson and return over the same route, serving all intermediate points: (16) between Greer, SC, and Charlotte, NC, from Greer over U.S. Hwy 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Charlotte and return over the same route, serving all intermediate points; (17) between Wilmington, NC, and Wilson, NC, from Wilmington over U.S. Hwy 117 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Wilson and return over the same route, serving all intermediate points; (18) between Wilmington, NC, and Florence, SC, over U.S. Hwy 76 serving all intermediate points; (19) between Wilmington, NC, and Charleston, SC, over U.S. Hwy 17 serving all intermediate points; (20 between Charleston, SC, and unction Interstate Hwy 20 and SC Hwy 230, from Charleston over U.S. Hwy 78 to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction SC Hwy 230, then over SC Hwy 230 to junction Interstate Hwy 20, and return over the same route, serving all intermediate points; (21) between Charleston, SC, and Orangeburg, SC, from Charleston over Interstate Hwy 26 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Orangeburg and return over the same route, serving all intermediate points; serving in routes (1) thru (21) above all other points in North Carolina and South Carolina as off-route points, and restricted in routes (1) thru (21) to traffic moving to, from, or thru Atlanta, GA; and (22) between Asheville, NC, and Birmingham, AL, from Asheville over Interstate Hwy 40 to Knoxville, TN, then over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to Birmingham and return over the same route, serving no intermediate points. Applicant intends to tack and interline. (Hearing site: Atlanta, GA, or Charlotte, NC.)

MC 113678 (Sub-863F), filed January 18, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *chemicals, and home furnishings*, and (2) *materials and*

supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between points in the United (except AK, HI, and between Denver, CO, on the one hand, and, on the other, those points in and west of MN, IA, MO, AR, and LA), restricted to the transportation of traffic originating at the facilities used by Van Waters & Rogers.

MC 113678 (Sub-864F), filed January 24, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *floor covering*, (2) *pads and padding*, and (3) *materials* used in their installation (except commodities in bulk), (a) from points in SC and TN to points in NV, ID, UT, MT, WY, CO, NM, KS, TX, NE, OR, and WA, and (b) from Poteau, OK, to points in OR, WA, ID, and MT, restricted in (a) and (b) to traffic originating at and destined to the named points. (Hearing site: Salt Lake City, UT, and Denver, CO.)

MC 113678 (Sub-865F), filed January 24, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *petroleum products* (except in bulk), from Woodriver, IL, to points in CO.

MC 113908 (Sub-498F), filed January 30, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 N. Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Transporting *alcohol, neutral spirits, distilled spirits, alcoholic liquors*, in bulk (a) between Dayton, NJ, On the one hand, and, on the other, Owensboro, KY, (b) from Juneau, WI to Bardstown, KY. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114569 (Sub-364F), filed January 2, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *Stainless steel sinks, faucets, water coolers, disposers* and *hardware* from the facilities of Elkay Manufacturing Co. at (a) Broadview, IL, (b) Dayton, TN, (c) Ogden, UT, (d) Lanark, IL, (e) Lumberton, NC, and (f) Chatsworth, CA, to points in the United States (except AK and HI), restricted to traffic originating at the named origins. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114569 (Sub-368F), filed January 31, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). Transporting *books, magazines* and *such commodities as are used by printers* between Canton, OH on the one hand, and, on the other, points in the United States (except AK, HI, and points in Berks, Franklin, Adams, York, Perry, Cumberland, Lancaster, Dauphin and Lebanon Counties, PA). (Hearing site: Harrisburg, PA or Washington, DC.)

MC 114818 (Sub-21F), filed January 21, 1980. Applicant: MOTOR CARGO, P.O. Box 2351, Salt Lake City, UT 84110. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Las Vegas, NV and Los Angeles, CA, from Las Vegas, NV over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, CA, and return over the same route, serving no intermediate points, (2) between Reno, NV, and Los Angeles, CA, over U.S. Hwy 395 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, CA, and return over the same route, serving no intermediate points, (3) between Las Vegas, NV, and Nogales, AZ, over U.S. Hwy 93 to junction Interstate Hwy 10, over Interstate Hwy 10 to junction Interstate Hwy 19, and over Interstate Hwy 19 to Nogales, AZ, and return over the same route, serving all intermediate points. (Hearing site: Reno, NV, or Phoenix, AZ.)

MC 117068 (Sub-124F), filed January 29, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting: *Iron and steel articles* from the facilities of Nucor Corporation located at or near Norfolk, NE, to points in IL, IN, MI, MN, OH and WI. (Hearing site: Chicago, IL.)

MC 117119 (Sub-805F), filed January 22, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *frozen foods* from facilities (1) of Pet, Inc., Frozen Foods Division, Chickasha, OK and (2) used by Pet, Inc., at Tulsa, OK to points in GA, IL, IN, KY, MD, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, WV, VA, WI and DC. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 117119 (Sub-810F), filed January 24, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting (1) *alcoholic liquors*, and (2) *materials, equipment, and supplies* used in their manufacture and distribution (except in bulk, in tank vehicles), (a) between New Orleans, LA, on the one hand, and, on the other, points in AR, GA, MO, and OK, and (b) between Ft. Smith, AR, on the one hand, and, on the other, points in AZ, CA, CO, CT, DE, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI and DC, restricted in (1) and (2) above to traffic originating at or destined to facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117119 (Sub-811F), filed January 25, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting: *Cleaning compounds* and *sodium bicarbonate* (except in bulk), from Sweetwater County, WY to points in the United States (except AK and HI).

MC 117148 (Sub-2F), filed January 23, 1980. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, MN 56560. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *vegetable oils and vegetable oil by-products*, between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 118089 (Sub-38F), filed January 10, 1980. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting *meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation at or near Plainview and Friona, TX, to points in AZ, CA, OR, and WA. (Hearing site: Wichita, KS or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 118959 (Sub-245F), filed January 25, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *paper bags, wrapping paper* and *plastic bags*, and *materials, equipment*, and *supplies (except commodities in bulk) used in the manufacture, sale or distribution of paper bags, wrapping paper and plastic bags*, between the facilities used by Trinity Bag & Paper Co., Inc. at or near Elizabeth, NJ, Terminal Paper Bag Co., Inc. at or near Yulee, FL and Trinity Midwest Corp. at or near Plainfield, IL, on the one hand, and, on the other, points in the U.S. (except AK & HI.)

MC 119399 (Sub-124F), filed January 28, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same address as applicant). Transporting *adhesives, adhesive cement, metal articles, carpet tacking rims and strips, building materials, polyenethane, plastic articles, and materials, equipment and supplies* used in the manufacture, distribution, and installation of the above named commodities, (except commodities in bulk and commodities which because of size and weight require the use of special equipment), between the facilities of Kinkead Industries, Inc., at or near Atlanta, GA, Garden Grove, CA, Kewanee, IL, Pittsburg, KS, and Union City, TN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to shipments originating at or destined to the plant sites of Kinkead Industries, Inc. (Hearing site: Chicago, IL and Kansas City, MO.)

MC 119619 (Sub-145F), filed January 24, 1980. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. Transporting *foodstuffs* (except in bulk) from the facilities of Beatrice Foods Co. at or near Archbold and Napoleon, OH to points in AL, FL, GA, MS, NC SC and TN, restricted to the transportation of traffic originating at named origins.

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Decided: March 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 119789 (Sub-662F), filed January 14, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting *chemicals*, in containers, from Arlington, TX, to points in CA. (Hearing site: Columbus, OH.)

MC 119789 (Sub-663F), filed January 10, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *drugs and medicines*, in mechanically refrigerated equipment, from New Brunswick, NJ to Indianapolis, IN. (Hearing site: Newark, NJ.)

MC 119789 (Sub-664F), filed January 10, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *such merchandise as is dealt in by wholesale and retail gift item stores* (except foodstuffs, furniture, and precious jewelry) between Addison, TX, and points in the U.S. (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities of Tuesday Morning, Inc. (Hearing site: Dallas, TX.)

MC 119789 (Sub-665F), filed January 25, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting *refrigeration cabinets* from O'Fallon and Overland, MO, to points in the U.S. (except AK and HI). (Hearing site: St. Louis, MO.)

MC 119789 (Sub-670F), filed January 21, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant) Transporting (1) *such commodities* as are dealt in by grocery stores, drug stores, drug stores and hardware stores, in containers, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except in bulk), between Chicago, IL, on the one hand, and, on the other, points in AR, LA, OK, and TX. (Hearing site: New York City, NY.)

MC 119789 (Sub-671F), filed January 21, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting (1) *plastic and rubber articles, aluminum kitchenware, candles, gloves, pottery, glass and glassware* between Lancaster, OH on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, KS, LA, NV, NM, OK, OR, TX, and WA, and (2) *frozen foods* between Cleveland, OH on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, KS, LA, NV, NM, OK, OR, TX, UT, and WA, restricted to the transportation of traffic originating at or destined to the facilities of Lancaster Colony Corporation. (Hearing site: Columbus, OH.)

MC 119789 (Sub-672F), filed January 29, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant). Transporting *non-alcoholic* beverages, in containers, from Collinsville, IL to points in the United States on and east of U.S. Hwy 85. (Hearing site: New Orleans, LA.)

MC 119908 (Sub-44F), filed January 28, 1980. Applicant: WESTERN LINES, INC., 3523 North McCarty, Post Office Box 1145 Houston, TX 77001. Representative: John G. Banner, 1601 Blue Rock Street, Cincinnati, OH 45223. Transporting *composition board*, from the plansite of Gold Bond Building Products, Division of National Gypsum Company, at Mobil, AL, to points in AR, LA, MS, NM, OK, and TX. (Hearing site: Mobile, AL, or Washington, DC.)

MC 119988 (Sub-236F), filed January 28, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201.Transporting *foodstuffs*, between San Antonio, TX, on the one hand, and, on the other, points in the United States (except those in AK, AZ, CA, CO, HI, NV, NM, OR, and WA). (Hearing site: Dallas, TX.)

MC 120419 (Sub-12F), filed January 17, 1980. Applicant: SERVICE TRANSFER, INC., 1501 West Main Street, Henryetta, OK 74437. Representative: Clifford Neal (same address as applicant). Transporting *corrugated shipping containers*, from Grand Prairie, TX to points in OK. (Hearing site: Oklahoma City, or Tulsa, OK.)

MC 120978 (Sub-27F), filed January 14, 1980. Applicant: REINHART MAYER d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *agricultural implements and agricultural machinery*, and (2) *attachments, accessories and parts therefor*, from Cooperstown and Wahpeton, ND, to points in the United States (except AK and HI). (Hearing site: Fargo, ND, Minneapolis or St. Paul, MN.)

MC 121079 (Sub-2F), filed January 18, 1980. Applicant: THRIFT TRUCKING, INC., 192 Elm Tree Lane, Elmhurst, IL 60126. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. Transporting (1) *paper and paper*

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articles and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of paper and paper articles between the facilities of The Continental Group, Inc., Bondware Division at or near Chicago and Shelbyville, IL, and points in IL, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 123048 (Sub-474F), filed January 3, 1980. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) *Materials, Equipment* and *Supplies* (except commodities in bulk) used in the manufacture, sale, and distribution of furniture; and (2) *Furniture*, between Racine, WI, and Baxter, TN. Hearing Site: Chicago, IL, or Nashville, TN.

MC 123048 (Sub-475F), filed January 14, 1980. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *Plastic Pipe and Fittings* from the plantsite of Plexco at or near Knoxville, TN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Knoxville, TN.)

MC 123048 (Sub-476F), filed January 28, 1980. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. (1) *cast iron products*, between Lynchburg, VA and Florence, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *materials* and *supplies* used in the manufacture and distribution of cast iron products (except commodities in bulk), between Florence, NJ, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Chicago, IL or Washington, DC.)

MC 124078 (Sub-1012F), filed January 25, 1980. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *flour*, in bulk, from Winona, MN, to points in IL, IN, IA, KY, MD, MA, MI, MO, NY, NJ, OH, PA, VA, WV, and WI. (Hearing site: Boston, MA.)

MC 124579 (Sub-32F), filed January 7, 1980. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, OH 44839. Representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. Transporting *sugar and syrups*, in bulk, from Baltimore, MD, New York, NY, and Philadelphia, PA, to points in OH. (Hearing site: Columbus, OH.)

MC 124679 (Sub-116F), filed January 8, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant). Transporting *lamps, lanterns, lighting fixtures, intercoms, fans, and parts thereof* from Miami, FL, Newport, AR, Langford, PA, and points in NY to points in SD, MT, WA, OR, ID, CO, UT, CA, NM, AZ, and NV. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 124679 (Sub-117F), filed January 28, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). Transporting *pumps and mining machinery* from the facilities of the Galligher Company, Salt Lake City, UT to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 124679 (Sub-119F), filed January 21, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). Transporting *edible flour compounds* from the facilities of The Gorton Group, Division of General Mills, Inc., at Brook Park, OH to points in MA. (Hearing site: Boston, MA or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 124679 (Sub-120F), filed January 29, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84199. Representative: Robert H. Cannon (same address as applicant). Transporting *alcoholic liquors*, (except in bulk, in tank vehicle), *materials, equipment and supplies* used in the manufacture and distribution of same; (1) between Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI)), (2) between Plainfield, IL, on the one hand, and, on the other, points in IL, WI, MI, IN, MN, IA, MS, ND, SD, ME, KS, OK, MT, NY, CO, and NM, (3) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, TN, KY, IL, IN, MI, OH, NY, PA, WV, NC, SC, GA, and FL, restricted to traffic which originates at or is destined to facilities of Hiram Walker & Sons, Inc. (Hearing site: Salt Lake City, UT or Chicago, IL.)

Note.—Dual operations may be involved.

MC 126118 (Sub-210F), filed January 14, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *such commodities* as are dealt in and used by manufacturers and distributors of bedroom furniture, from Phoenix and Lake Havasu City, AZ, and points in CA to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Los Angeles, CA, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 126118 (Sub-211F), filed January 8, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. Transporting *such commodities as are dealt in by manufacturers and distributors of nutrition supplements, confectionery, yeast, health foods, foodstuffs and personal care items*, between Irvine, CA, on the one hand, and, on the other, points in OR and WA. (Hearing site: Los Angeles, CA, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 126118 (Sub-212F), filed January 14, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting (1) *paper, paper products, woodpulp, plastic, plastic articles, polyethylene*, and (2) *materials, equipment and supplies* used in their manufacture and distribution (except commodities in bulk, in tank vehicles), between those points in the United States in and east of CO, MT, NM and WY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of International Paper Company. (Hearing site: New York, NY, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 126118 (Sub-213F), filed January 25, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles, classes A and B explosives, household goods, and commodities which because of size or weight require the use of special equipment), between the facilities of W. W. Grainger, Inc. at points in the United States, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL or Lincoln, NE.)

MC 126118 (Sub-214F), filed January 28, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). Transporting *such commodities as are dealt in and used by manufacturers and distributors of health care products, drugs, chemicals, beverages and foodstuffs* (except liquids in bulk), between points in the United States (including AK but excluding HI), restricted to traffic originating at or destined to facilities of Foremost McKesson, Inc. (Hearing site: San Francisco, CA or Lincoln, NE.)

MC 126118 (Sub-215F), filed February 2, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). Transporting *paper and paper products*, from New York, NY to Orlando, FL. (Hearing site: Orlando, FL or Lincoln, NE.)

MC 126139 (Sub-9F), filed January 7, 1980. Applicant: AARON SMITH TRUCKING COMPANY, INC., U.S. No. 117 South, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. Transporting *lumber and lumber products* from the facilities of Union Camp Corporation at points in NC to points in SC, VA, MD, and TN. (Hearing site: Raleigh or Goldsboro, NC.)

MC 126899 (Sub-129F), filed January 3, 1980. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. Transporting *petroleum and petroleum products, in bulk, in tank vehicles*, from Louisville, KY, to points in IN. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 127238 (Sub-11F), filed January 14, 1980. Applicant: DOROTHY R. ZUMMO d.b.a. AIR DELIVERY SERVICE, 301 E. Locust Street, Scranton, PA 18505. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Scranton, PA, and the Scranton-Wilkes Barre Airport PA, on the one hand, and, on the other, Stewart Field Airport (Orange County), NY, restricted to traffic having a prior or subsequent movement by air. (Hearing site: Scranton, PA, or Washington, DC.)

MC 128698 (Sub-23F), filed January 10, 1980. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *chemicals*, (except in bulk) from Bridgeport, NJ, to Port Newark, Elizabeth, and Linden, NJ, restricted to shipments in foreign commerce only. (Hearing site: Washington, DC.)

MC 129908 (Sub-23F), filed January 3, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock (same address as applicant). Transporting *manufactured tobacco products* from the facilities of R. J. Reynolds Tobacco Company at Winston-Salem, NC, to points in AZ, AR, CA, IL, IN, KY, LA, MO, KS, OK, OR, TX, and WA. (Hearing site: Oklahoma City, OK.)

MC 129908 (Sub-25F), filed January 14, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, P.O. Box 917, Oklahoma City, OK 73107. Representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, OK 73101. Transporting *general commodities* (except commodities in bulk and household goods), from Kingsport TN to points in AZ, AR, CA, CO, IL, IA, KS, MI, MN, MO, NE, NV, OK, OR, TX, UT, WA, and WI. (Hearing site: Knoxville, TN, or Atlanta, GA.)

Note.—Any certificate issued herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited to a period of 5 years from its date of issue.

MC 129908 (Sub-26F), filed January 14, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock (same address as applicant). Transporting *such commodities* as are distributed by wholesale and retail grocers, from points in Los Angeles, San Joaquin, Santa Clara, Stanislaus and Sutter Counties, CA to points in IL, IN, IA, KS, MI, MN and OH. (Hearing site: Los Angeles, CA or Oklahoma City, OK.)

MC 129908 (Sub-29F), filed January 29, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 Southwest 15th St., Oklahoma City, OK 73107. Representative T. J. Blaylock (same as applicant). Transporting *piece goods* and *textile products* and *such items as are used in the manufacture of garments* from points in AL, GA, NC, SC, VA to the facilities of Levi Strauss & Co. in AR, CA, NM and TX. (Hearing site: San Francisco, CA or Oklahoma City, OK.)

MC 133099 (Sub-13F), filed January 15, 1980. Applicant: THE GLASGOW & DAVIS COMPANY, P.O. Box 1717, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *foodstuffs* (except frozen and except in bulk) (1) from points in MD to points in AL, CT, CO, DC, FL, GA, IL, IN, KY, MA, ME, MI, NC, NJ, NY, OH, PA, RI, SC, VA, and WV, and (2) from points in DE to points in AL, CA, CO, CT, FL, GA, IL, IN, KY, MA, MD, ME, MI, MN, MS, NC, NE, NJ, NY, OH, PA, SC, TN, TX, VA, WI, and WV. (Hearing site: Washington, DC.)

MC 133119 (Sub-174F), filed January 23, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting: such commodities as are dealt in by retail stores, from points in IL, MI, NC, NY, and PA to Seattle, WA and Los Angeles, CA. (Hearing site: Sioux Falls, SD or Lincoln, NE.)

MC 133119 (Sub-175F), filed January 23, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *such commodities* as are dealt in by retail stores, from points in the United States (except AK and HI) to ports of entry on the International Boundary line between the United States and Canada. (Hearing site: Sioux Falls, SD or Lincoln, NE.)

MC 133419 (Sub-10F), filed January 1, 1980. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, NY 14225. Representative: Brian L. Troiano, 918–16th Street, N.W., Washington, DC 20006. Transporting: *such commodities as are transported in dump vehicles*, between Buffalo, NY, on the one hand, and, on the other, points in NY, OH, and PA. (Hearing site: Buffalo, NY or Washington, DC.)

MC 133689 (Sub-326F), filed January 8, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *sugar* (except in bulk) from New Orleans, LA, Baltimore, MD, Boston, MA, Pittman, NJ, Brooklyn, NY, and Philadephia, PA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-327F), filed January 8, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *edible flour, mixes*, and *bases for mixes* (except in bulk), between the plant site of Peavey Company at Alton, IL and those points

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in the US in and east of ND, SD, NE, KS, OK and TX.

MC 133708 (Sub-41F), filed January 21, 1980. Applicant: FIKSE BROS., INC., 12647 E. South St., Cerritos, CA 90701. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *cement, in bulk,* from Long Beach, CA to points in AZ. (Hearing site: Los Angeles, CA.)

MC 135598 (Sub-39F), filed January 9, 1980. Applicant: SHARKEY TRANSPORTATION, INC., 3803 Dye Road, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *paint* and *paint products* from Ft. Madison, IA, to points in CT, MA, NJ, and PA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 135598 (Sub-40F), filed January 22, 1980. Applicant: SHARKEY TRANSPORTATION, INC., 3803 Dye Road, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *Charcoal* from *Wesco and Plato, MO, to Chicago, IL, and Cleveland, OH. (Hearing site: St. Louis, MO or Cleveland, OH.)*

MC 135678 (Sub-13F), filed February 1, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248-Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting (a) *household appliance,* and (b) *parts and accessories* for household appliances, from the facilities of General Electric Company at Little Rock, AR, to points in OK, NM and TX. (Hearing site: Oklahoma City, OK.)

MC 136006 (Sub-117F), filed January 14, 1980. Applicant: JOE BROWN COMPANY, INC., 20 Third Street N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields, P.O. Box 6210, Moore, OK 73153. Transporting *gypsum,* in bulk, from the facilities of United States Gypsum Company (1) at or near Fort Dodge, IA, to points in IL, MN, MO, NE, and SD, and (2) at Sperry, IA, to points in MN, NE, and SD. (Hearing site: Oklahoma City, OK.)

MC 136818 (Sub-107F), filed January 15, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *alcoholic liquors, materials, equipment, and supplies* used in the manufacture and distribution thereof (except in bulk in tank vehicles); (1) between Ft. Smith, AR, on the one hand, and, on the other points in the United States (except AK and HI), (2) between Bardstown and Louisville, KY, on the one hand, and, on the other points in AR, IN, IL, OH, and MI, (3) between New Orleans, LA, on the one hand, and, on the other points in AZ, CA, NM, TX, OK, AR, MS, (4) between Plainfield, IL, on the one hand, and, on the other, points in WI, MI, IN, MN, IA, MO, ND, SD, NE, KS, OK, MT, WY, CO, and NM, restricted to traffic which either originates at or is destined to facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL or Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 138308 (Sub-101F), filed January 28, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of The Pillsbury Company, Burger King Corporation, Green Giant Company, Poppin Fresh Pies, Inc., Steak and Ale Restaurants of America, Inc., LaChateau Restaurants, Henrici's Restaurants, and Hoffman House Restaurants, Inc. (Hearing site: Minneapolis, MN or Washington, DC).

Note.—Dual operations may be involved.

MC 138308 (Sub-103F), filed February 1, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *alcoholic beverages* (except in bulk, in tank vehicles) from points in CA, FL, IL, IN, KY, LA, MI, NJ, NY, OH and TN to Jackson, MS.

Note.—Dual operations may be involved.

MC 138328 (Sub-115F), filed January 29, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, I–80 & Hwy 50, P.O. Box 37205, Omaha, NE 68137. Transporting *macaroni products,* (1) between the facilities of Skinner Macaroni Co., Division of Hershey Foods Corp., Omaha, NE, on the one hand, and, on the other, points in PA, and (2) from Louisville, KY to the facilities of Skinner Macaroni Co., Division of Hershey Foods, Corp., Omaha, NE. (Hearing site: Omaha, NE.)

MC 138469 (Sub-207F), filed January 14, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Tougy Avenue, Park Ridge, IL 60068. Transporting (1) *Such commodities as are dealt in and used by producers of health care products, personal care products, beauty care products, and household cleaning products* (except commodities in bulk), and (2) *materials, equipment and supplies used in their manufacture* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Shaklee Corporation. (Hearing site: San Francisco, CA; Los Angeles, CA.)

MC 138469 (Sub-208F), filed January 21, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *lecithin* (except in bulk, in tank vehicles), from Stuttgart, AR, to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Los Angeles, CA or San Francisco, CA.)

MC 138469 (Sub-209F), filed January 22, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting foodstuffs (except in bulk), from the facilities of American Home Foods Division of American Home Products Corp., at or near Milton, PA, to points in AL, CA, TN, and TX, restricted to the transportation of traffic originating at the named origins. (Hearing site: New York, New York or Washington, DC.)

MC 138469 (Sub-213F), filed January 18, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting: *printed matter,* from Dallas, PA and Dresden, TN, to points in AZ, CA, CO, CA, OR, TX, UT and WA. (Hearing site: New York City, NY or Washington, DC.)

MC 138469 (Sub-214F), filed January 18, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting: *aluminum ingots, copper, zinc dust, zinc metal, zinc slabs, non-ferrous alloys and non-ferrous metals,* from the facilities of Gulf Metals Industries, Inc., at or near

(a) Houston, TX and (b) Atlanta, GA, to points in AR, CO, IL, KY, MO, NJ, OH, OK, PA and TN, restricted to the transportation of traffic originating at the named origins. (Hearing site: Houston, TX or Dallas, TX.)

MC 140159 (Sub-14F), filed January 25, 1980. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *salt,* from the facilities of International Salt Co., at Retsof, NY, to points in PA.

MC 140829 (Sub-336F), filed January 7, 1980. Applicant: CARGO, INC., P.O. Box 206, US HWY 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting (1) *foodstuffs, health beauty aids, cleaning compounds, kitchen gadgets, dog food,* (except in bulk, in tank vehicles) from Chicago, IL, to points in CO, CT, KS, MA, MO, NE, NJ, OH, PA, RI and TX; and (2) *cheese* from Green Bay, Lena, and Portage, WI to points in CO, CT, KS, MA, MO, NE, NJ, OH, PA, RI and TX, restricted in (1) and (2) to the transportation of traffic originating at the facilities of Topco Associated, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-338F), filed January 11, 1980. Applicant: CARGO, INC., P.O. Box 206, US HWY 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting *such commodities* as are dealt in and used by manufacturers and converters of paper and paper products, plastic and plastic products, (except in bulk) from (1) Chicago, IL to points in AR, CO, CT, KS, LA, ME, MA, MO, NH, NY, ND, NM, NJ, OK, PA, RI, SD, TX, and VT and (2) Shelbyville, IN, to points in AR, IA, KS, LA, MN, NE, ND, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-339F), filed January 8, 1980. Applicant: CARGO, INC., P.O. Box 206, US HWY 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting *ceramic wall and floor tile,* from the facilities of Huntington Tile, Inc., at or near Fort Worth, TX, to those points in the United States in and east of MT, WY, CO and NM, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-340F), filed January 8, 1980. Applicant: CARGO, INC., P.O. Box 206, US HWY 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting *foodstuffs,* from the facilities of B. Heller & Company, at or near Bedford Park, IL, to points in CO, LA, MN, MO, ND, OK, and TX, restricted to transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-341F), filed January 14, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *water heaters,* from Fort Worth, TX to those points in the United States in and east of MT, WY, CO and NM, restricted to the transportation of traffic originating at named origins and destined to the indicated destination. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-342F), filed February 1, 1980. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David L. King. Transporting *toilet preparations* from the facilities of Owen Laboratories, at or near Dallas and San Antonio, TX, to points in the United States in and east of MT, WY, CO and NM, restricted to traffic originating at named origins and destined to the named destination states. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-343F), filed January 24, 1980. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *foodstuffs,* from Chicago, IL to points in AL, AR, CO, CT, FL, GA, IA, KS, LA, ME, MA, MS, MO, NE, NJ, NH, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX and VT, restricted to the transportation of traffic originating at named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142059 (Sub-116F), filed January 23, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting (1) *machinery and machinery parts* from Rockford, IL to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of machinery and machinery parts (except commodities in bulk in tank vehicles) in the reverse direction. (Hearing site: Chicago, IL or Washington, DC.)

MC 142059 (Sub-117F), filed January 28, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *lead ingots* from Muncie, IN, to Murfreesboro, TN. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 142059 (Sub-120F), filed January 18, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Fred H. Daly, 2550 M Street, N.W., Suite 475, Washington, DC 20037. Transporting (1) *paper and paper articles and plastic bags,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Elizabeth, NJ and Yulee, FL, on the one hand, and, on the other, points in AR, CA, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NJ, NY, ND, OK, OH, PA, SD, TN, TX, and WI. (Hearing site: New York, NY; Chicago, IL or Washington, DC.)

MC 142059 (Sub-121F), filed January 24, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Transporting: *paper and paper articles* and *materials, equipment and supplies* used in the manufacture and distribution of paper and paper articles (except commodities in bulk) between points in Pulaski and Saline Counties, AR, on the one hand, and on the other, points in the U.S. (except AK and HI). (Hearing site: Little Rock, AR.)

MC 142059 (Sub-122F), filed January 31, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Transporting *dry fertilizer* from Florence, AL to points in MS and TN. (Hearing site: Memphis, TN or Washington, DC.)

MC 142059 (Sub-123F), filed January 31, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60434. Representative: Jack Riley (same as applicant). Transporting (1) *pallets* from Denver, CO to points in the United States (except AK and HI) and (2) *materials, equipment and supplies* used in the manufacture and distribution of Pallets from points in the United States (except AK and HI) to Denver, CO. (Hearing site: Denver, CO.)

MC 142506 (Sub-132F), filed January 25, 1980. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting *meat, meat*

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products, meat by-products, and articles distributed by meat packing-houses as described in Sections A and C of Appendix I to the report in *Descriptions on Motor Carriers Certification* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour Fresh Meat Company at (1) Louisville, KY, (2) St. Joseph, MO, and (3) Madison, NE to points in CT, DE, IA, ME, MD, MA, NE, NJ, NH, NY, PA, RI, TX, VT, VA, WV, and DC.

MC 142779 (Sub-3F), filed January 24, 1980. Applicant: WEIER AIR FREIGHT, INC., 4938 South Second Street, Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting: *general commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment)* between points in Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, WI, on the one hand, and, on the other, Milwaukee, WI and Chicago, IL, restricted to transportation of traffic having a prior or subsequent movement by air.

MC 143328 (Sub-32F), filed January 18, 1980. Applicant: EUGENE TRIPP TRUCKING, a corporation, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. To operate as a *commog carrier* by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *malt beverages* from the port of entry on the international boundary line between the United States and Canada at Blaine, WA, to points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, NM, ND, OR, SD, TX, UT, WA, WI and WY and (2) *empty containers and supplies* used by breweries in the reverse direction. (Hearing site: Seattle, WA.)

MC 144119 (Sub-4F), filed January 7, 1980. Applicant: HANSEN CONSOLIDATORS, INC., 16121 Canary Street, La Mirada, CA 90638. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *such commodities* as are dealt in by health food distributors (except in bulk), (1) from points in CA to the facilities of Hansen Consolidators, Inc., in Los Angeles County, CA, and (2) from points in Los Angeles County, CA, to points in AR, CT, FL, IN, IA, IL, MA, MD, MI, MN, NJ, NY, OH, OK, PA and WI. (Hearing site: Chicago, IL, or Los Angeles, CA.)

Note.—Applicant seeks authority to tack.

MC 144188 (Sub-14F), filed January 21, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, 410 North Third Street, Harrisburg, PA 17108. Transporting (1) *reflective traffic control products, pavement marking compounds,* and (2) *equipment, materials and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk), between points in Cobb County, GA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT and VA, restricted to the transportation of traffic originating at or destined to the facilities used by Pave-Mark Corporation. (Hearing site: Harrisburg, PA.)

MC 144189 (Sub-8F), filed January 17, 1980. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *such commodities* as are dealt in by manufacturers of paper and paper products (except in bulk) from the facilities of Mead Packaging at Chicago, IL, to points in NJ, NY, and PA, under continuing contract(s) with Mead Packaging of Chicago, IL. (Hearing site: New York, NY.)

MC 144509 (Sub-3F), filed January 30, 1980. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1679, Kingsport, TN, 37662. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN, 37215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment) between Bristol, TN and Roanoke, VA, from Bristol over Interstate Hwy 81 to junction Interstate Hwy 581, then over Interstate Hwy 581 to Roanoke, and return over the same route, serving all intermediate points, and all points within three miles of said route, and serving all points in Roanoke County, VA as off route points. (Hearing site: Kingsport, TN and Roanoke, VA).

MC 144678 (Sub-16F), filed January 14, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Suite 500, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Detroit, MI and Indianapolis, IN, from Detroit, MI over Interstate Hwy 75 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Indianapolis, IN and return over the same route, serving all intermediate points in OH and serving as off-route points, all points in that part of OH on, west and north of a line beginning at the PA–OH State line and extending over Interstate Hwy 90 to junction OH Hwy 44, then over OH Hwy 44 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction OH Hwy 21, then over OH Hwy 21, to junction OH Hwy 93, then over OH Hwy 93 to junction OH Hwy 16, then over OH Hwy 16 to junction OH Hwy 13, then over OH Hwy 13 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to junction Interstate Hwy 71, then over Interstate Hwy 71 to Cincinnati, OH, (2) between Lansing, MI and Maumee, OH, from Lansing, MI over U.S. Hwy 127 to Jackson, MI then over Interstate Hwy 94 to junction Interstate Hwy 75 to Maumee, OH and return over the same route, serving the intermediate point of Jackson, MI, and all intermediate points in OH, and serving as off-route points, all points in that part of OH on, west and north of a line beginning at the PA–OH State line and extending over Interstate Hwy 90 to junction OH Hwy 44, then over OH Hwy 44 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction OH Hwy 21, then over OH Hwy 21 to junction OH Hwy 93, then over OH Hwy 93 to junction OH Hwy 16, then over OH Hwy 16, to junction OH Hwy 13, then over OH Hwy 13 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to junction Interstate Hwy 71, then over Interstate Hwy 71 to Cincinnai, OH.

MC 144858 (Sub-29F), filed January 8, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam Street, Omaha, NE 68102. Transporting (1) *animal feed, feed ingredients, supplements, and additives,* and (2) *materials and supplies* used in the manufacture and promotion of animal feed (except commodities in bulk), between the facilities used by Kal Kan Foods, Inc., at or near (a) Birmingham, AL, (b) Mattoon, IL, (c) Hutchinson, KS, (d) Columbus, OH, (e) Ogden, UT, and in Los Angeles or Orange Counties, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 145359 (Sub-22F), filed January 25, 1980. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, 9000 Keystone Crossing, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *lawn and garden equipment and supplies,* from the facilities of O. M. Scott & Son at Marysville, Columbus, and Vermillion, OH to points in the United States (except AK and HI), (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, in the reverse direction. (Hearing site: Columbus, OH.)

MC 145399 (Sub-8)F, filed January 17, 1980. Applicant: SHAY DISTRIBUTING CO., INC., P.O. Box 3465, Orange, CA 92665. Representative: Paul M. Daniell, P.O. Box 56397, Atlanta, GA 30343. Transporting *furniture parts* from the facilities of Hoover Universal, Inc. at or near (1) Leitchfield, KY to McKinney, Waco, and Brenham, TX, Portland, OR, Minneapolis, MN, Denver, CO, Richmond and Vernon, CA, Phoenix, AZ, and Chicago, IL. (2) Delaplain, KY, to Phoenix, AZ, South Gate and Richmond, CA, Denver, CO, St. Paul, MN, Portland, OR, Brenham, and Ft. Worth, TX, and (3) Georgetown, KY to Vernon, CA. (Hearing site: Los Angeles, CA.)

MC 145409 (Sub-3F), filed January 8, 1980. Applicant: STA-GREEN TRANSPORTATION COMPANY, INC., P.O. Box 540, Sylacauga, AL 35150. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *marble, limestone, and products thereof* from points in Talladega County, AL, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 145978 (Sub-6F), filed January 23, 1980. Applicant: R & S TRUCKING, INC., RR 1, Box 123, Garretson, SD 57030. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *foodstuffs and animal feed,* from points in the United States to points in SD, Rock, Nobles, Jackson, Pipestone, Murray, and Lyon Counties, MN, and those in that part of IA on and north of U.S. Highway 20 and on and west of U.S. Highway 71. (Hearing site: Sioux Falls, SD or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 146329 (Sub-8)F, filed January 24, 1980. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *buildings, complete, knocked down, or in sections, and building parts* (2) *wood products and composition wood products,* and (3) *parts and accessories* for each of the commodities named in (2) above, from Fond du Lac, WI to points in IA, IL, IN, MI, MN and OH; and (4) *materials, equipment and supplies* used in the manufacture, distribution and erection of the commodities named in (1) above, in the reverse direction. (Hearing site: Madison, WI or Wausau, WI.)

Note.—Dual operations may be involved.

MC 146379 (Sub-4F), filed January 28, 1980. Applicant: AUTO EXPRESS, INC., 1520 Paterson Plank Rd., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *used passenger automobiles,* in secondary movements, in truckaway service, between points in the US (except AK and HI). (Hearing site: Newark, NJ or New York, NY.)

MC 146448 (Sub-16F), filed February 1, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR. Representative: Timothy C. Miller, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. Transporting *such commodities as are dealt in and used by manufacturers and wholesale and retail outlets* between the facilities of L & M Surco Mfg., Inc., at or near Atlanta, GA, Dallas, TX, South River, NJ, and Emeryville, CA on the one hand and on the other, points in the US (except AK and HI) (Hearing site: New York, NY or Washington, DC.)

MC 146578 (Sub-17F), filed January 14, 1980. Applicant: PALMETTO MOTOR LINES, INC., 7153 Lone Oak Road, Spartanburg, SC 29302. Representative: Donald E. Cross, 918—16th Street, NW., Washington DC 20006. Transporting *iron and steel articles,* between points in Spartanburg and Greenville Counties, SC, on the one hand, and, on the other, points in VA. (Hearing site: Spartanburg or Greenville, SC.)

MC 146578 (Sub-18F), filed January 14, 1980. Applicant: PALMETTO MOTOR LINES, INC., 7153 Lone Oak Road, Spartanburg, SC 29302. Representative: Donald E. Cross, 918—16th Street, NW., Washington DC 20006. Transporting *iron and steel articles,* between points in Georgetown County, SC, on the one hand, and, on the other, points in NC, GA, TN, and VA. (Hearing site: Spartanburg or Greenville, SC.)

MC 147199 (Sub-2F), filed January 25, 1980. Applicant: MWM TRUCKING, INC., P.O. Box 736, 1400 Chestnut Street, Ottawa, IL 61350. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting *salt,* in bulk, from Seneca, IL and points in LaSalle County, IL to points in IA, WI, IN, KY, MO and MI. (Hearing site: Springfield, IL or St. Louis, MO.)

MC 148089F, filed August 9, 1979, published in **Federal Register** issue February 20, 1980. Applicant: MASONRY TRANSPORT, INC., 3211 North Roan Street, Johnson City, TN 37601. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier, transporting such commodities* as are dealt in or used by manufacturers and distributors of clay, clay products, concrete, concrete products, shale, shale products, construction materials, mortar mixes, sand, and cinders, between the facilities of General Shale Products Corporation at or near (a) Huntsville, AL, (b) Indianapolis and Evansville, IN, (c) Louisville, KY, (d) Chattanooga, Elizabethton, Johnson City, Kingsport, and Knoxville, TN, and (e) Glasgow, Groseclose and Richlands, VA, and the following subsidiaries and affiliates of General Shale Products Corporation, Arkansas Lightweight Aggregate Corporation, at or near England and West Memphis, AR, Chattahoochee Brick Company at or near Atlanta, GA, Cumberland Mountain Sand Corporation, at or near Hillsboro, TN, McMinnville Concrete Products, Inc., at or near McMinnville, TN, Smithville Concrete Company, at or near Sparata, TN, and Woodbury Concrete Company, at or near Woodbury, TN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with (1) General Shale Products Corporation of Johnson City, TN, and the following subsidiaries and affiliates of (1) above, (2) Arkansas Lightweight Aggregate Corporation of West Memphis, AR, (3) Chattahooche Brick Company of Atlanta, GA, (4) Cumberland Mountain Sand Corporation of Hillsboro, TN, (5) McMinnville Concrete Products, Inc. of McMinnville, TN, (6) Smithville Concrete Company of McMinnville, TN, and (7) Woodbury Concrete Company of Woodbury, TN. (Hearing site: Knoxville, TN.)

Note.—This republication add (7) Woodsbury Concrete Company of Woodbury, TN.

MC 148288 (Sub-1F), filed January 14, 1980. Applicant: I.T.L., INC., P.O. Box 280, Gering, NE 69341. Representative: J.

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Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *sugar,* except in bulk, from the facilities of The Great Western Sugar Company in CO and NE to points in AZ, AR, CA, CO, IA, KS, MN, MO, NE, NV, NM, OK, TX, and UT.

Note.—Dual operations may be involved.

MC 148589 (Sub-1F), filed January 3, 1980. Applicant: JAMES BRUCE LEE & STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd Street, South Holland, IL 60473. Transporting (1) *wrought steel pipe* from the facilities of Pittsburgh-International Division of Pittsburgh Tube Co., at or near Fairbury, IL, to points in AL, AZ, AR, CA, CO, CT, DE, FL, CA, ID, KS, LA, ME, MD, MA, Upper Peninsula of MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TX, UT, VT, VA, WA, WV, and WI, and (2)(a) *iron and steel plate and sheet,* and (b) *materials, equipment and supplies* used in the manufacture of wrought steel pipe between the facilities of Pittsburgh-International Division of Pittsburgh Tube Company at or near Fairbury, IL, and points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 149078 (Sub-6F), filed January 22, 1980. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *paint and paint materials,* (except commodities in bulk) between Detroit and Grand Rapids, MI, on the one hand, and, on the other, points in CA and OK. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 149099F, filed January 11, 1980. Applicant: L.N. BRAUN TRUCKING, INC., P.O. Box 509, Altona, Manitoba, Canada. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. In foreign commerce only, transporting *feed, feed ingredients, soybean products, soybean byproducts, seed products and seed byproducts;* from points in MN to ports of entry on the international boundary line between the United States and Canada in MN and ND. (Hearing site: Minneapolis, MN or Fargo, ND.)

MC 149116F, January 11, 1980. Applicant: BEST WAY TRANSPORT, INC., d.b.a. BEST TRANSPORT, INC., 3841 North Columbia Boulevard, Portland, OR 97217. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. Transporting (1) *contractors equipment, materials and supplies,* and (2) *commodities* which, because of their size or weight, require the use of special equipment (except those in (1) above), between points in OR, WA, and Del Norte, Siskiyou, Modock, Trinity and Shasta Counties, CA, restricted to the transportation of traffic originating at or destined to the facilities of Pacific Power & Light Company. (Hearing site: Portland, OR.)

MC 149148 (Sub-1F), filed January 7, 1980. Applicant: SOUND WAYS FREIGHT SYSTEMS, INC., 115 Jacobus Ave., South Kearny, NJ 07032. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. Transporting *such commodities* as are dealt in by manufacturers and distributors of sound recordings (except in bulk) between Branford, Danbury, and West Haven, CT, Worcester, MA, Terre Haute, IN, New York, NY, Carrollton, GA and points in NY and CA, restricted to traffic moving from or to the facilities of CBS, Inc. (Hearing site: Newark, NJ, or New York, NY.)

MC 149189 (Sub-2F), filed January 18, 1980. Applicant: GEORGE E. SMITH AND JOHN T. KOVACKS d.b.a. GEORGE TRUCKING, 11250 Firestone Blvd., Norwalk, CA 90650. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *iron or steel pipe, and fittings, valves and attachments* therefor, and (2) *oilfield machinery, equipment, materials and supplies,* between Los Angeles and Long Beach, CA, on the one hand, and, on the other hand, points in Fresno, Fern, Kings, Los Angeles, Monterey, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, CA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Los Angeles or San Francisco, CA.)

MC 149289F, filed January 9, 1980. Applicant: PALMER INDUSTRIES, INC., P.O. Box 839, 753 Broadway, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting (1) *Tires and Tubes* from the plantsite of Armstrong Rubber Company at or near Des Moines, IA, to the warehouse of Mohawk Rubber Company, at Memphis, TN, and (2) *Tires and Tubes* from the facilities of Mohawk Rubber Company, at Memphis, TN to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 149288F, filed January 11, 1980. Applicant: TRIPLE A DELIVERY SERVICE, INC., 244 W. Main Street, P.O. Box 188, Groveport, OH 43125. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting (1) *foodstuffs* from Columbus, OH to points in IN, KY, MI, PA and WV, and (2) *such commodities* used in the manufacture, and distribution of foodstuffs in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of T. Marzetti Company at Columbus, OH. (Hearing site: Columbus, OH or Washington, DC.)

MC 149289F, filed January 7, 1980. Applicant: C. WILLIAM GEISSEL, JR., t.d.b.a. A. GEISSEL & SONS, Route 309, P.O. Box 224, Colmar, Montgomery County, PA 18915. Representative: William M. Barnes, 1719 Packard Building, 15th and Chestnut Streets, Philadelphia, PA 19102. Transporting *passengers and their baggage,* in the same vehicle with passengers, *in charter operations,* in non-scheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, between points in Montgomery and Bucks Counties, PA, on the one hand, and, on the other, New York, NY, and Atlantic City, NJ.

MC 149308F, filed January 4, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities as are dealt in or used by a manufacturer of plastic bathtubs,* between the facilities of Baja Industries, Inc., at or near Tucson, AZ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 149308 (Sub-1F), filed October, 31, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities as are manufactured or distributed by a manufacturer of aluminum and aluminum products,* from the facilities of Reynolds Metals Company at or near Louisville, KY, to points in the United States in and west of MN, IA, MO, AR, and MS (except points in AK and HI). (Hearing site: Washington, DC.)

Note.—The purpose of this application is to convert applicant's permits MC-142062, Subs 8, 9, and 13 to a certificate.

MC 149309F, filed January 17, 1980. Applicant: MID-ISLAND MESSENGER SERVICE, INC., 1044 Northern Blvd., Roslyn, NY 11576. Representative: Arthur Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374. Transporting *general commodities* limited to shipments not exceeding 500 pounds from one consignor to one consignee per day, between New York, NY and points in Rockland, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in CT and NJ. (Hearing site: New York, NY.)

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Decided: March 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 5618 (Sub-4F), filed February 11, 1980. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, Quincy, IL 62301. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Authority Sought: Transporting *air cleaners and air cleaner elements* from Quincy, IL, Kirksville, MO and Cresco, IA to Fayetteville, NC. (Hearing site: Chicago, IL.)

MC 18459 (Sub-13F), filed February 15, 1980. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster St, St. Paul, MN 55101. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Regular route,* transporting: *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Milwaukee, WI, and Minneapolis, MN over Interstate Hwy 94, serving no intermediate points. (Hearing site: Minneapolis-St. Paul, MN; Milwaukee, WI.)

MC 19778 (Sub-108F), filed February 15, 1980. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606 Representative: Robert F. Munsell, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606 Transporting *iron and steel articles* from Billings, MT to points in WY and ND.

MC 22988 (Sub-15F), filed February 11, 1980. Applicant: K. G. MOORE, INC., 9 Park Avenue, Hudson, NH 03051. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *display and storage racks and stands,* and (2) *parts or accessories* for the commodities named in (1), above, from Norwood, MA, to points in the United States in and east of MN, IA, MO, AR and LA (except MA). (Hearing site: Boston, MA.)

MC 24379 (Sub-60F), filed January 31, 1980. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment) serving points in Ohio in connection with applicant's otherwise authorized regular route operations. NOTE: Applicant is already authorized to transport the involved commodities between all points in Ohio and all of applicant's authorized regular route points via the gateway of Medina, Ohio. The purpose of this application is to enable applicant to use alternative gateways and serve all points in Ohio via the most direct routes of service. (Hearing site: Washington, DC.)

MC 24379 (Sub-61F), filed February 13, 1980. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman (same address as applicant). Transporting *department store merchandise* between Columbus, OH, on the one hand, and, on the other, points in IL, IN, KY, NC, NJ, NY, PA, TX and VA. (Hearing site: Columbus, OH.)

MC 26088 (Sub-26F), filed February 8, 1980. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., P.O. Box 457, Augusta, GA 30903. Representative: William Addams, Suite 212, 5299 Roswell Road, N.W., Atlanta, GA 30342. Transporting *concrete prefabricated building panels, and mortar-mix and cement in bags,* from points in Richmond County, GA, to points in AL, FL, LA, MS, MO, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 31389 (Sub-293F), filed February 14, 1980. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Texarkana, TX and Oklahoma City, OK, from Oklahoma City over Interstate Hwy 35 to junction OK Hwy 39, then over OK Hwy 39 to junction US Hwy 177, then over US Hwy 177 to junction OK Hwy 3W, then over OK Hwy 3W through Ada, OK to junction OK Hwy 3, then over OK Hwy 3 to junction OK Hwy 37, then over OK Hwy 37 to junction US Hwy 70 at or near Broken Bow, OK, then over US Hwy 70 to junction US Hwy 59 and 71, then over US Hwy 59 and 71 to Texarkana, TX, and return over the same route, (2) between Texarkana, TX and Shreveport, LA; over US Hwy 71, and (3) between Texarkana, TX and Little Rock, AR; over Interstate Hwy 30 to Little Rock, AR, serving points in Bowie, Cass, Morris, Titus, Camp, Marion and Red River Counties, TX as intermediate and or off-route points in conjunction with the above described routes. (Hearing site: Dallas, or Texarkana, TX.)

Note.—Dual operations may be involved.

MC 31389 (Sub-294F), filed February 14, 1980. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the W. R. Grace & Co., Cryovac Division, Near Iowa Park, TX, in connection with carrier's authorized regular-route operations.

Note.—Dual operations may be involved.

MC 43038 (Sub-494F), filed February 15, 1980. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street, West, Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting: Glass containers and accessories for glass containers from Huntington, WV to points in MI. (Hearing site: Charleston, WV.)

MC 44449 (Sub-4F), filed January 10, 1980. Applicant: BLUEBIRD VAN AND STORAGE CO., N. 15 Grant, Spokane, WA 99002. Representative: George R. LaBissonier, 1100 Norton Building, Seattle, WA 98104. Transporting (a) *containers, container ends* and *closure;* (b) *commodities* manufactured or distributed by manufacturers or distributors of containers when moving in mixed loads with containers; and (c) *material, equipment and supplies* used in the manufacture or distribution of container and container ends and closure, between the plant sites of Boise Cascade Corporation at or near Spokane, WA and Wallula to points in ID and MT, restricted to shipments originating in or destined to facilities of the Boise Cascade Corporation. (Hearing site: Seattle or Spokane, WA.)

MC 46219 (Sub-20F), filed February 13, 1980. Applicant: STERNBERGER MOTOR CORP., 45-55 Pearson Street, Long Island City, NY 11101.

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Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, DC 20004. Transporting *new household furnishings*, uncrated or crated (when moving in the same vehicle as crated), when moving from retail department stores or retail furniture merchants or from storage or terminal facilities maintained by such stores, between New York, NY, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX and WV. (Hearing site: New York, NY.)

MC 56799 (Sub-7F), filed February 8, 1980. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (1) Frankfort, KY and Cincinnati, OH, from Frankfort, KY over U.S. Hwy 60 to junction U.S. Hwy 25, then over U.S. Hwy 25, to Cincinnati, OH, and return over the same route, serving all intermediate points except those between the junction of U.S. Hwy 25 with KY Hwy 32, and Cincinnati, and (2) between the junction of U.S. Hwy 60 and Interstate Hwy 75 and Cincinnati, OH, over Interstate Hwy 75, serving all intermediate points, except those between the junction of Interstate Hwy 75 and KY Hwy 32, and Cincinnati. (Hearing site: Frankfort, KY, or Lexington, KY.)

MC 61786 (Sub-39F), filed February 11, 1980. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, P.O. Box 2268, Dothan, AL 36302. Representative: Maurice F. Bishop, 501–09 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Crestview and Bonifay, FL, over U.S. Hwy 90, serving all intermediate points, (the purpose of this paragraph is to remove the restriction presently incorporated in applicant's regular route between Mobile, AL and Malone, FL, precluding shipments between Atlanta, GA and points on U.S. Hwy 90 between Crestview and Bonifay, FL, including Bonifay), and (2) between Hartford, AL and Bonifay, FL, from Hartford over AL Hwy 167 to the AL-FL State line, then over FL Hwy 79 to Bonifay, and return over the same route, serving all intermediate points. Applicant proposes to tack this authority at its present service points to provide single-line service to all of its authorized points in AL, GA, FL and MS under its Certificate MC–61788 and subs and to interline traffic with other carriers at all of its terminal points and those here involved. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 63838 (Sub-10F), filed February 11, 1980. Applicant: BOLUS MOTOR LINES, INC., 700 North Keyser Ave., Scranton, PA 18508. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting (1) *bicarbonate of soda, washing compounds, cleaning compounds and scouring compounds* from the facilities of Church & Dwight Co., Inc., Old Fort, Seneca County, OH, to points in IN, WI, IA, IL, MO, AR, LA, MS, AL, TN, KY, GA, FL, NC, SC, VA, WV, PA, MD, NY, CT, MA, VT, NH, ME, RI, MI, and DC, and (2) *materials, supplies and equipment* used in the manufacture of the above commodities in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 78228 (Sub-156F), filed February 15, 1980. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *aluminum and zinc alloys*, between Maple Heights, OH, on the one hand, and, on the other, points in the United States (except AK and HI.). (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 82079 (Sub-84F), filed February 11, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting *such merchandise as dealt in by wholesale, retail and chain grocery and food business houses* and *materials* and *supplies* used in the conduct of such businesses from the facilities of Fostoria Distribution Services Co. at or near Fostoria, OH, to points in MI, restricted against the transportation of commodities in bulk. (Hearing site: Lansing, MI or Chicago, IL.)

MC 82079 (Sub-85F), filed February 11, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting *foodstuffs* (except in bulk) in mechanically refrigerated vehicles, between Belding and Coloma, MI, on the one hand, and, on the other, points in IN and IL. (Hearing site: Lansing, MI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 99496 (Sub-7F), filed February 12, 1980. Applicant: JIMMY STEIN MOTOR LINES, INC., Post Office Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities as are dealt in or used by a manufacturer of herbicides, cleaning compounds, plastics, resins, and chemicals* (except in bulk), between facilites of CIBA-GEIGY Corp. at or near St. Gabriel, Port Allen and Baton Rouge, LA, and Birmingham, Moile, and McIntosh, AL, on the one hand, and, on the other, points in TX, IA, AR, LA, MS, AL, FL, GA, NC, SC, TN, KY, OH, IN, IL, OK, KS, and MO. (Hearing site: Mobile, Montgomery or Birmingham, AL.)

MC 107818 (Sub-105F), filed: February 8, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 N.W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Transporting *frozen foods*, from Greenville, MI, and Plover, WI, to points in FL and GA. (Hearing site: Washington, DC.)

MC 107839 (Sub-169F), filed February 11, 1980. Applicant: DENVER–ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *alcoholic liquors and materials, equipment and supplies used in the manufacture and distribution thereof (except in bulk in tank vehicles)* between Ft. Smith, AR and New Orleans, LA on the one hand, and on the other, points in the United States (except AK and HI), restricted to traffic originating or destined to the facilities of Hiram Walker & Sons, Inc.

MC 108119 (Sub-240F), filed February 11, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *industrial heat treating appliances from the facilities of A.G.F., Inc., at Elizabeth, NJ to points in and east of WI, IA, KS, OK and TX. (Hearing site: Washington, DC.)*

MC 108119 (Sub-241F), filed February 11, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting

(1) Anthricite coal, (except in bulk), from points in PA to all points in the United States (excluding AK and HI); and *(2) specially treated sand used in water filtration (except in bulk)*, from points in NJ to all points in the United States (excluding AK and HI), restricted to traffic originating at or destined to the facilities of Tonka Equipment Company. (Hearing site: Minneapolis or St. Paul, MN.)

MC 108119 (Sub-242F), filed February 11, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *(1) aircraft, aircraft engines and aircraft assemblies; (2) aerospace craft; (3) materials and equipment (except commodities in bulk, in tank vehicles) used in the maintenance, servicing, operation and manufacture of aircraft and aerospace craft; and (4) parts for the commodities described in (1), (2) and (3) above*, between points in United States (including AK, but excluding HI). (Hearing site: Los Angeles, CA.)

MC 108589 (Sub-29F), filed January 31, 1980. Applicant: EAGLE EXPRESS COMPANY, 11425 Williamson Road Cincinnati, OH 54241. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting over regular routes, *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH and Louisville, KY, over Interstate Hwy 71 serving no intermediate points. (Hearing site: Columbus, OH.)

MC 110988 (Sub-414F), filed February 15, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting *commodities* in bulk between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destination to the facilities of Reichhold Chemicals, Inc. (Hearing site: Chicago, IL.)

MC 110988 (Sub-415F), filed February 15, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in, or used by, manufacturers and distrtibutors of chemicals between the facilities of the Wausau Chemical Company at or near (a) Wausau, WI and (b) Marquette, MI and points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 110988 (Sub-416F), filed January 28, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. Transporting *lubricating oil* from St. Paul, MN, to the facilities of Schneider Transport, Inc., at Green Bay, WI. (Hearing site: Chicago, IL.)

MC 114939 (Sub-56F), filed February 8, 1980. Applicant: BULK CARRIERS LIMITED, Box 10, Cooksville Post Office, Mississauga, Ontario, Canada L5A 2W7. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. In foreign commerce only, transporting *hydrofluoric acid*, in bulk, in shipper-owned trailers from ports of entry points on the international boundary line between the United States and Canada in the United States to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 114939 (Sub-57F), filed February 8, 1980. Applicant: BULK CARRIERS, LIMITED, Box 10, Cooksville Post Office, Mississauga, Ontario, Canada L5A 2W7. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. In foreign commerce only, transporting *defoaming agents*, in bulk, in tank vehicles from ports of entry on the international boundary line between the United States and Canada, in United States to points in NJ.

MC 115818 (Sub-14F), filed Feburary 14, 1980. Applicant: WESTBURY TRANSPORT, INC., 93–59 183rd Street, Jamaica, NY 11423. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier* transporting *such commodities* as are dealt in by retail department stores (except in bulk), between New York, NY, and North Bergen, NJ, on the one hand, and, on the other, Harrisburg, Reading, Levittown, Wyomissing, Wilkes-Barre, Pottsville, Wyoming, Bloomsburg, Bath, Dorrance, and Philadephia, PA, Wilmington, DE, Trumbull, Bridgeport, Bristol and Danbury, CT, and Boston, North Quincy, Auburndale and Somerville, MA, under continuing contract(s) with Allied Stores Marketing Corporation, of New York, NY. (Hearing site: New York, NY.)

MC 116118 (Sub-6F), filed January 11, 1980. Applicant: GARDINER'S EXPRESS, INC., Moss Mill Rd., Hammonton, NJ 08037. Representative: John E. Jacobs, Sr. (same address as applicant). Transporting *plastic articles* from Bargaintown, NJ, to Blauvelt, NY. (Hearing site: Philadelphia, PA, or Newark, NJ.)

MC 117068 (Sub-126F), filed February 15, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6416, North Highway 63, Rochester, MN 55901. Representative: Paul F. Sullivan, 71 Washington Building, Washington, DC 20005. Transporting (1)(a) *cranes and excavators* (b) *parts, attachments and accessories* for those commodities in (a) from Cedar Rapids, IA, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk) in the reverse direction. (Hearing site: Chicago, IL.)

MC 117119 (Sub-815F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting such *merchandise* as is dealt in by retail grocery stores and supermarkets (except foodstuffs and commodities in bulk) from the facilities of Contexx Corporation at Burlington, NC to the facilities of Safeway Stores, Inc. in AR, AZ, CA, CO, MO, MT, NE, OK, OR, TX, UT and WA. (Hearing site: Washington, DC.)

MC 117119 (Sub-816F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *mattress and mattress supplies* from Portland, OR to Boise, ID. (Hearing site: Portland, OR or Boise, ID.)

MC 117119 (Sub-817F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *chemicals* (except in bulk) from Murray, KY to points in CA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 117119 (Sub-818F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *chemicals*, in containers, *blood analysis instruments, supplies, and parts* (except in bulk), in vehicles equipped with mechanical refrigeration, from Houston, TX to points in CA, IL, and NJ. (Hearing site: Dallas, TX or Washington, DC.)

MC 117119 (Sub-819F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188,

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Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *such merchandise as is dealt in by retail discount, department, or variety stores* (except in bulk) from points in AL, AZ, CA, CT, DE, DC, FL, GA, LA, MD, MA, MS, NH, NJ, NM, NY, NC, PA, RI, SC, TX, VA, and WV to points in AL, AR (except Bentonville and Searcy), IL, KS, KY, LA, MS, MO, OK, TN, and TX, restricted to traffic destined to the facilities of Wal-Mart Stores, Inc. in the named destination states. (Hearing site: Little Rock, AR or Wash. DC.)

MC 117119 (Sub-820F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting (1) *heating and air conditioning units* and (2) *parts and accessories* for the commodities in (1) (except commodities which because of size or weight require the use of special equipment) from the facilities of Rheem Manufacturing Co. at or near (a) Milledgeville, GA to points in AZ, CA, CO, ID, NV, OR, UT, and WA, and (b) Fort Smith, AR to points in GA, IL, IN, IA, MD, MI, MN, NE, NJ, NY, NC, OH, PA, SC, VA, WI, and DC. (Hearing site: Little Rock, AR or Washington, DC.)

MC 117119 (Sub-821F), filed February 11, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting desks, credenza, chairs, and file cabinets from points in Los Angeles County, CA and Arvin, CA to points in ID and WA, restricted to traffic originating at and destined to the named points. (Hearing site: Boise, ID or Portland, OR.)

MC 118468 (Sub-60F), filed February 8, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier* transporting *general commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, and liquid commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 118468 (Sub-61F), filed February 15, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier* transporting *lumber, lumber products, forest products and building materials* between points in IL, IN, IA, MI, MN, MO, NE, ND, SD, and WI, under continuing contract(s) with Emmer Bros. Company, Inc., Emmer-Eagle Grove, Inc., Emmer-Twin Cities, Inc., Emmer-Madison, Inc., Emmer Bloomington, Inc., and Emmer Ft. Wayne, Inc., all of Minneapolis, MN. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 118468 (Sub-62F), filed February 11, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier* transporting *plastic articles,* and *materials, equipment* and *supplies* used in their manufacture, packaging, installation, or distribution, between the facilities of> U. C. Industries at (a) Tallmadge, OH, and (b) Rockford, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 119789 (Sub-673F), filed February 8, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between the facilities of Supreme Beef Processors, Inc., at Dallas and Fort Worth, TX and points in AR, CA, CO, IA, KS, LA, MN, MI, MO, NE, OK, TN, WI. (Hearing site: Dallas, TX.)

MC 119789 (Sub-674F), filed February 11, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Garden City, KS to points in AL, CT, DE, FL, GA, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Wichita, KS.)

MC 119789 (Sub-675F), filed February 6, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting (1) *acids, chemicals, and ink and plastic sheeting,* in vehicles equipped with mechanical refrigeration equipment, and (2) *machinery and machinery parts* in mixed loads with commodities in (1) above from the facilities of Thiokol/Dynachem Corporation at or near Tustin, CA to points in the United States (except AK, CA, and HI). (Hearing site: Los Angeles, CA.)

MC 119789 (Sub-676F), filed February 11, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting (1) *electrical appliances, equipment* and *parts* from Americus, GA and Eufala, AL to points in the U.S. (except AK, AZ, AR, CA, CO, HI, IA, KS, MO, NE, NV, NM, OK, OR, TX, UT, and WA) and (2) *materials, equipment and supplies* used in the manufacture and distribution of electrical appliances, equipment and parts from points in the U.S. (except AK and HI) to Americus, GA and Eufala, AL. (Hearing site: Macon, GA, or Atlanta, GA.)

MC 119789 (Sub-677F), filed February 11, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *steel shelving* from Terrell, TX to points in the U.S. (except AK and HI). (Hearing site: Dallas, TX.)

MC 119789 (Sub-678F), filed February 11, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Transporting (1) *coffee beans,* in containers, from Houston and Laredo, TX and New Orleans, LA to Ripon, CA, Freehold, NJ, and Sunbury, OH, and (2) *cocoa beans,* in containers, from New Orleans, LA to Salinas, CA. (Hearing site: New York City, NY.)

MC 121499 (Sub-18F), filed February 11, 1980. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting *meat, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Estherville and Sioux City, IA and Sioux Falls, SD, on the one hand, and, on the other, points in CO, KS, NE, UT and WY. (Hearing site: Omaha, NE.)

MC 124839 (Sub-51F), filed February 6, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. *Contract Carrier* transporting *building materials,* and *equipment, materials* and *supplies* used in their distribution, installation or manufacture between points in Chatham County, GA, on the one hand, and, on the other, points in LA, under continuing contract(s) with The Flintkote Company, of Dallas, TX. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 126118 (Sub-228F), filed February 15, 1980. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. Transporting *such commodities as are dealt in by manufacturers of electrical motors and electrical items* (except in bulk), between Fort Wayne, IN and points in the US (except AK and HI). (Hearing site: Indianapolis, IN or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127579 (Sub-35F), filed January 25, 1980. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *newsprint and groundwood paper, waste paper, and woodchips* between the plant site of Bear Island Paper Company at or near Ashland, VA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 127579 (Sub-36F), filed February 13, 1980. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *commodities dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the manufacture, sale, and distribution of such commodities* between points in the United States (except AK and HI), restricted (1) against the transportation of commodities in bulk, in tank vehicles, and (2) to shipments originated at or destined to facilities of The R. T. French Company. (Hearing site: Washington, DC.)

MC 128638 (Sub-22F), filed February 8, 1980. Applicant: CENTRAL GRAIN HAULERS, INC., Route 7, Van Meter Road, Winchester, KY 40391. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *decorative stone,* (1) from Irvington, KY to points in AL, AR, CT, FL, GA, IL, IN, LA, MA, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV and DC and (2) from points in GA to Irvington, KY. (Hearing site: Louisville or Lexington, KY.)

MC 129908 (Sub-30F), filed February 12, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 Southwest 15th Street, Oklahoma City, OK 73147. Representative: Wm L. Peterson, Jr., 100 West Main Street, Oklahoma City, OK 73102. Transporting *general commodities,* (except commodities in bulk and household goods), (1) between points in AZ, CA, NV, OR, UT and WA, (2) between points in AL, AR, DE, DC, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA and WV, restricted to the transportation of traffic moving on government bills of lading. (Hearing site: Washington, DC or Oklahoma City, OK.)

Note.—To the extent the grant of authority here authorizes the transportation of classes A and B explosives, it is limited in point of time to a period of five (5) years from the date of issuance.

MC 129908 (Sub-31F), filed February 11, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 Southwest 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, 8125 Southwest 15th Street, Oklahoma City, OK 73107. Transporting *textile products, and those items used in the manufacture of garments* (1) from points in GA, MS, NC, SC, and VA to the facilities of Blue Bell, Inc., in AZ, OK, and TX, and (2) from points in GA, NC, SC, and VA to the facilities of Blue Bell, Inc., in MS. (Hearing site: Oklahoma City, or Dallas, TX.)

MC 133099 (Sub-15F), filed February 15, 1980. Applicant: THE GLASGOW & DAVIS CO., a corporation, P.O. Box 1717, Salisbury, MD 21801. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *precast concrete products* from points in MD to points in DE, MD, NJ, PA, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 134789 (Sub-5F), filed February 8, 1980. Applicant: BILL BURTON & SONS, INC., P.O. Box 404, Newberry, MI 49868. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *woodchips, bark, wood slabs sawdust, and pulpwood,* from points in the Upper Peninsula of MI to points in WI. (Hearing site: Lansing, MI.)

MC 135678 (Sub-14F), filed February 15, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 Southwest 10th, Okla. City, OK 73125. Representative: C. L. Phillips, room 248, Classen Terrace Building, 1411 North Classen, Okla. City, OK 73106. Transporting *castings,* From Los Angeles, CA to Oklahoma City, OK. (Hearing site: OK City, OK.)

MC 135678 (Sub-15F), filed February 8, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 Southwest 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Transporting *plywood and composition board* from Azusa, Anaheim and, Hawthorne, CA, and Bend, OR, to the facilities of Altec Lansing Sound Products, at Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

MC 136168 (Sub-42F), filed February 13, 1980. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract carrier,* transporting *corrugated boxes and sheets,* (1) from Cedar Rapids, IA, to the facilities of Wilson Foods Corporation at (a) Albert Lea, MN, (b) Logansport, IN, (c) Monmouth, IL, and (d) Omaha, NE, and (2) from Kansas City, KS, to the facilities of Wilson Foods Corporation at (a) Des Moines, IA, (b) Marshall, MO, and (c) Monmouth, IL, restricted to traffic originating or terminating at the named facilities, under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 136819 (Sub-6F), filed February 7, 1980. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *Contract carrier,* transporting *lumber, building materials, electrical appliances, equipment and parts, and plywood,* between points in NC and VA, on the one hand, and, on the other, points in DE, MD, NC, NJ, NY, OH, PA, SC, VA, WV, and DC, under continuing contract(s) with (1) Payne & Gunderson Lumber Company, Inc., of Petersburg, VA, and (2) Roper Bros. Lumber Co., Inc., of Petersburg, VA. (Hearing site: Richmond, VA, or Washington, DC.)

MC 138069 (Sub-9F), filed February 11, 1980. Applicant: LUCIUS, INC., 6132

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South Forest Court, Littleton, CO 80121. Representative: James P. Beck, 717 17th Street, suite 2600, Denver, CO 80202. Transporting *meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation at or near Dodge City, KS to points in AZ, CA, CT, DE, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OH, OR, PA, RI, TN, TX, VT, VA, WA, WV, and DC, restricted to traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 138308 (Sub-102F), filed February 4, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *covered copper wire and fluorescent lamp ballasts* from the facilities of Universal Manufacturing Corporation (a) at or near Mendenhall, MS, to points in the United States (except AK, HI, AZ, CA, CO, NM, OR, TX, UT, and WA), and (b) at or near Paterson, NJ, Bridgeport, CT, and Blytheville, AR, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the sale, manufacture and installation of the commodities listed above (except in bulk) from points in the United States (except AK and HI) to the facilities of Universal Manufacturing Corporation at or near Mendenhall, MS, Paterson, NJ, Bridgeport, CT, and Blytheville, AR. (Hearing site: Paterson, NJ, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 138308 (Sub-108F), filed February 15, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *floor coverings*, and (2) *materials, equipment and supplies* used in the manufacture, distribution, installation, and maintenance to floor coverings (except in bulk), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of the Armstrong Cork Company in CA, IL, MS, and PA. (Hearing site: Lancaster, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138469 (Sub-218F), filed February 11, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) from the facilities of Brookvale International Corp. at Los Angeles, CA, to points in the United States (except AK, CA and HI). (Hearing site: Los Angeles, CA.)

MC 138469 (Sub-219F), filed February 15, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Oklahoma City, OK, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, KS.)

MC 138469 (Sub-220F), filed February 15, 1980. Applicant: DONCO CARRIERS, INC., 4720 Southwest 20th Street, Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Avenue, suite 200, Park Ridge, IL 60068. Transporting (1) *such commodities as are dealt in by wholesale and retail chain and grocery houses*, and (2) *commodities otherwise exempt from economic regulation as defined at 49 USC 10526 (6)*, when moving in mixed loads with those named in (1) above, between points in the US (except AK & HI), restricted in parts (1) and (2) above (a) against the transportation of commodities in bulk, in tank vehicles, and (b) to the transportation of traffic originating at or destined to the facilities of Fleming Foods Company. (Hearing site: Kansas City, MO; Omaha, NE.)

MC 138469 (Sub-221F), filed February 15, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *earthenware, kitchenware, household products, promotional material, games and toys, and office supplies*, from the facilities of Westwood Import Co., Inc. at Hayward, CA, to points in the United States (except AK, CA, and HI). (Hearing site: San Francisco, CA.)

MC 139958 (Sub-10F), filed February 8, 1980. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between the junction of IN Hwy 62 and IN Hwy 56 and the Jefferson Proving Ground, Jefferson County, IN, from the named junction over IN Hwy 62 to junction US Hwy 421 then over US Hwy 421 to the Jefferson Proving Ground, and return over the same route. (Hearing site: Washington, DC.)

MC 140829 (Sub-348F), filed February 8, 1980. Applicant: CARGO, INC. P.O. BOx 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *plastic articles and materials*, and (2) *materials, equipment and supplies* used in the packaging and manufacture therof (except in bulk in tank vehicles), between points in Camden, Middlesex and Somerset Counties, NJ, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX and WI, restricted to traffic originating at or destined to facilities utilized by Union Carbide Corporation. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 14089 (Sub-349F), filed February 8, 1980. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *chemicals, chemical compounds, plastics, and plastics products* (except in bulk), (2) *naval stores, glass products, and treated fiber products* (except in bulk), and (3) *materials, equipment and supplies* used in the manufacture, distribution, or sale of commodities in (1) and (2) above (except in bulk) between the facilities of Reichhold Chemicals, Inc. and points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Reichhold Chemicals, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved in this proceeding.

MC 140829 (Sub-350F), filed February 11, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting *such commodities as are manufactured and distributed by manufacturers and converters of paper and paper products* (except commodities in bulk, in tank vehicles), from Alpena, MI to points in CA, CT, MA, NJ, NY, PA, RI and DC, restricted to traffic originating at named origin and destined to the named destination states. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved in this proceeding.

MC 140829 (Sub-351F), filed February 11, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Transporting *new kitchen cabinets and vanities*, from the facilities of Home-Crest Corporation at or near Goshen, IN, to points in AR, CT, DE, KY, LA, MA, NJ, NY, NC, PA, RI, TN, TX, VA, WV, and DC, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-352F), filed February 11, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Transporting *foodstuffs*, from the facilities of Chef Pierre, Inc., at Traverse City and Elk Rapids, MI to points, in CO, CT, IL, IN, IA, ME, MA, MN, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, WV and WI, restricted to traffic originating at named origins and destined to the named destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved in this proceeding.

MC 140869 (Sub-17F), filed February 8, 1980. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: George A. Olsen P.O. Box 357, Gladstone, NJ 07934. *Contract carrier*, transporting *Candy*, and *materials, equipment*, and *supplies* used in the manufacture and sale of Candy, between Northvale, NJ, and Champlain, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Dalt International, Inc., of Englewood, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 142059 (Sub-124F), filed January 31, 1980. Applicant: CARTINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). Transporting (1) *steel storage tanks, pollution control equipment, duct work and parts thereof* from St. Louis, MO to points in the United States (except AK and HI) and (2) *materials, equipment and supplies* used in the manufacture or distribution of articles named in (1) in the reverse direction. (Hearing site: St. Louis, MO.)

MC 142059 (Sub-125F), filed February 11, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same as applicant). Transporting *metal and metal articles* (except in bulk in tank vehicles) between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Jim Walter Metals. (Hearing site: Tampa, FL or Washington, D.C.)

MC 142559 (Sub-151F), filed February 8, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *water heaters, boilers, water storage tanks, and disposals*, and (2) *materials, equipment and supplies* used in their manufacture, sale and distribution (except commodities in bulk) between McBee, SC, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143059 (Sub-115F), filed February 8, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610. Louisville, KY 40232. Representative: James L. Stone (same address as applicant. Transporting *building materials* (except in bulk) and *installation board*, (a) from Johns Manville Sales Corp. at Waukegan, IL and (b) from Johns Manville Perlite Corp. at Rockdale, IL to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Washington, DC.)

MC 143059 (Sub-116F), filed February 14, 1980. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610. 1128 West Main Street, Louisville, KY 40232. Representative: James L. Stone, P.O. Box 35610, Louisville, KY 40232. Transporting *lumber and lumber products* from Ola and Waldo, AR, to those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the facilities of Deltic Farm & Timber Co. (Hearing site: Louisville, KY, or Washington, DC.)

MC 144188 (Sub-16F), filed February 13, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *glazed fruit* from Plant City, FL, to Baltimore, MD, restricted to shipments orignating at the facilities or Sun-Ripe Fruit Products, Inc., at Plant City, FL, and destined to the facilities of Capitol Cake Co., at Baltimore, MD. (Hearing site: Harrisburg, PA.)

MC 144188 (Sub-17F), filed February 13, 1980. Applicant: P. L. LAWTON, INC., Box 325, Berwick, PA 18603. Representative: J. Bruce Walters, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting (1) *agricultural and horticultural supplies, and articles* used in the manufacture and packaging of such articles, between the facilities of Keyes Fibre Company at or near (a) Hammond, IN, on the one hand, and, on the other, points in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL, (except points on and north of US Hwy 78), MS, TX, KS and LA, and (b) New Iberia, LA, on the one hand, and, on the other, points in MN, WI, MI, IA, IL, IN, OH, PA, WV, KY, MO, OK, AR, TN, AL, MS, TX, LA, and FL, (2) *plastic egg cartons and food service containers, between the facilities of Keyes Fibre Company at or near (a) Troy and Dayton, OH, (b) Waterville, ME, (c) Hammond, IN and (d) Memphis, TN, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, PA, RI, SC, VT, VA and WI, restricted in (1) and (2) above to traffic orginiating at or destined to the facilities of Keyes Fibre Company. (Hearing site: Harrisburg, PA.)*

MC 145219 (Sub-112F), filed February 6, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Representative: William P. Sullivan, 1320 Fenwick Lane, suite 500, Silver Spring, MD 20910. Transporting *insulating, building and roofing panels*, and *equipment, materials and supplies* used in their distribution, installation or manufacture between points in Greenville County, SC, and Dallas County, TX, on the one hand, and, on the other those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 145679 (Sub-9F), filed February 11, 1980. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *plastic cutlery and utensils*, from Evansville, IN, to points in the United States (except AK and HI).

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(Hearing site: Chicago, IL, or Boston, MA.)

Note.—Dual operations may be involved.

MC 145858 (Sub-4F), filed January 28, 1980. Applicant: B & G SUPPLY COMPANY, INC., P.O. Box 748, Albertville, AL 35950. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting *such commodities as are sold by or used in the wholesale grocery business* (except commodities in bulk) between the facilities of Mitchell Grocery Corp. at Albertville, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Albertville, AL or Birmingham, AL.)

MC 146078 (Sub-17F), filed February 8, 1979. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 394, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *dockboard, iron and steel, dock levelers, and rubber bump blocks, and materials and equipment* used in the manufacture and distribution of such items between the facilities of DLM, Inc. at Malvern, AR to points in AZ and CA. (Hearing site: Malvern, AR or Little Rock, AR.)

MC 146078 (Sub-18F), filed February 8, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 394, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting (1) *such commodities* as are dealt in by wholesale, retail, chain grocery, and food business houses and (2) *materials and supplies* used in the manufacture, distribution and sale thereof (except frozen commodites and those in bulk in tank vehicles) between the facilities of the Colgate Palmolive Company at or near Kansas City, KS, on the one hand, and, on the other, Memphis, TN, and points in AR, LA, OK, and TX. (Hearing site: Kansas City or Topeka, KS.)

MC 146518 (Sub-12F), filed February 12, 1980. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7518, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting (1) *patching compounds and preservatives, chemicals, and wood fillers* (except commodities in bulk, in tank vehicles) from Pineville, LA, Plaquemine, LA, New York, NY, and points in NJ, DE, TN, CT, OH, MI, PA, AR and IN to points in LA, MS, AL, GA, FL, SC, NC, TN, KY and TX and (2) *materials, equipment and supplies* used in the production and distribution of plywood, in the reverse direction. (Hearing site: New Orleans, LA.)

MC 146779 (Sub-3F), filed February 15, 1980. Applicant: REGAL TRUCKING CO., a corporation, 3741 South Pulaski, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting *fertilizer* from Dubuque and Clinton, IA, and Marseilles and Cordova, IL, to points in WI, IA, IL, MO, IN, and MI. (Hearing site: Chicago, IL.)

MC 147028 (Sub-2F), filed February 15, 1980. Applicant: MICHAEL L. GINEVRA d.b.a. MICHAEL L. GINEVRA TRUCKING, 1500 Zarzamora Street, Room 236, San Antonio, TX 78207. Representative: Greg P. Steffre, 700 South Flower Street, Suite 1724, Los Angeles, CA 90017. *Contact carrier,* transporting *glassware, strawhats, clay pots, iron chain, metal parts, and cotton wearing apparel,* between the facilities of Riekes Crisa Corporation at or near Laredo, TX, on the one hand, and, on the other, points in CA, under continuing contract(s) with Riekes Crisa Corporation, of Omaha, NE. (Hearing site: Los Angeles, CA.)

MC 147229 (Sub-2F), filed February 11, 1980. Applicant: GULF COAST DELIVERY, INC., 7850 Airport Boulevard, Mobile, AL 36608. Representative: David E. Upchurch, 2 Christine Circle, Mobile, AL 36619. Transporting *general commodities* under 500 lbs, between Gulfport, MS, and Panama City, FL, from Gulfport over US Hwy 90 to junction Interstate Hwy 10 then over Interstate Hwy 10 to Pensacola, FL, then over US Highway 98 to Panama City, and return over the same route, serving Biloxi, Moss Points, Gautier, and Pascagoula, MS, Mobile, AL, and Pensacola and Fort Walton Beach, FL, as intermediate points. (Hearing site: Mobile, AL, or Pensacola, FL.)

Note.—The authority granted here to the extent that it authorizes the transportation of classes A and B explosives is limited to points of time to a period of five (5) years from the date of issuance.

MC 147259 (Sub-3F), filed February 8, 1980. Applicant: CHURCHILL TRANSPORTATION, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: Gerald E. Churchill (same address as applicant). Transporting *meats, packing-house products, and commodities used by packing-houses* (except dairy products) as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Chicago, IL, on the one hand, and, on the other, points in ND, SD, MN, NE, KS, OK, TX, AR, LA, MS, AL, FL, GA, TN, KY, IN, WV, PA, OH, MI, MO, IA, WI, OR, CA, MT, NV, AZ, NM, UT, WY, ID, and CO. (Hearing site: Detroit, MI, Washington, DC, or Chicago, IL.)

MC 147679 (Sub-2F), filed February 4, 1980. Applicant: CAT LINE, INC., 800 N. Grant Street, Addison, IL 60101. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *Contract carrier,* transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the facilities of Jantzen International, Ltd., at Des Plaines, IL, and the facilities of C & L Warehouse at Villa Park, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Jantzen International, Ltd., of Des Plaines, IL, and C & L Warehouse, of Villa Park, IL. (Hearing site: Chicago, IL.)

MC 147689 (Sub-2F), filed January 8, 1980. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon, III (same address as applicant). *Contract carrier,* transporting (1)(a) *sugar,* in containers, and (b) *condiments,* in containers, from the facilities of Godchaux Henderson Sugar Company, Inc., at Reserve, LA, to points in LA, MS, AL, AR, TN, TX, SC, NC, WV, VA, IN, IL, KY, OH, MO, and GA, and (2) *materials and supplies* used in their production or sale (except in bulk), in the reverse direction, under continuing contract(s) with Godchaux Henderson Sugar Company, Inc., of Reserve, LA. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 148079 (Sub-1F), filed January 17, 1980. Applicant: FRYE TRUCKING COMPANY, INC., 203 North Middleton Street, Robbins, NC 27325. Representative: John L. Frye, Jr. (same address as applicant). Transporting *forest products, and steel articles* between points in NC, SC, VA, GA, FL, AL, TN, MD, and WV. (Hearing site: Raleigh or Greensboro, NC.)

MC 148428 (Sub-10F), filed February 11, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *feeds, and materials, equipment and supplies* used in production of animal feeds (except commodities in bulk); between the facilities of Seeco Feeds, Inc. at Willmar, MN, on the one hand, and, on the other, and points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 148478 (Sub-2F), filed February 5, 1980. Applicant: TIMBER EXPRESS, INC., 4601 North High Street, Columbus, OH 43215. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting: *Lumber* from Greenville and Madison, GA, to those points in the U.S. in and east of MN, NE, KS, OK, and TX. (Hearing site: Atlanta, GA, or Washington, D.C.)

Note.—Dual operations may be involved.

MC 148708 (Sub-2F), filed February 11, 1980. Applicant: W. F. DOYLE ENTERPRISES, INC., d.b.a. R. D. Cartage, 4720 West 55th Street, Chicago, IL 60629. Representative: Robert J. Gill, First Commercial Bank Building, 410 Cortez Road West, Suite 406, Bradenton, FL 33507. Transporting *paper and paper products and parts, materials, and supplies* used in the manufacture or distribution of paper or paper products (except commodities in bulk), between Munster, IN on the one hand, and, on the other, points in IL, St. Louis, MO and Davenport, IA. (Hearing site: Chicago, IL or Philadelphia, PA.)

MC 148738 (Sub-2F), filed February 15, 1980. Applicant: JOE MORRIS TRUCKING, 201 Cush Street, Jackson, MN 56143. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting *such commodities* as are dealt in or used by manufacturers of feed and feed ingredients between the facilities of the Ralston Purina Company at or near Sioux City, IA, on the one hand, and, on the other, points in MN, NE, and SD. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 148779 (Sub-4F), filed February 11, 1980. Applicant: RON FOX TRUCKING, INC., 22N–675W, Valparaiso, IN 46383. Representative: Ronald L. Fox (same address as applicant). *Contract carrier,* transporting *plastic materials* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (1) between the facilities utilized by Morton Chemical Company, Division of Morton-Norwich Products, Inc., Polyset Group, at or near (a) Milwaukee, WI, (b) Woodstock and Ringwood, IL, and (c) Pittsburg, KS, on the one hand, and, on the other, Seattle, WA, and points in CA, (2) between the facilities utilized by Morton Chemical Company, Division of Morton-Norwich Products, Inc., Polyset Group, at or near (a) Milwaukee, WI, (b) Woodstock and Ringwood, IL, and (c) Pittsburg, KS, and (3) from the facilities utilized by Morton Chemical Company, Division of Morton-Norwich Products, Inc., Polyset Group, at or near (a) Milwaukee, WI, (b) Woodstock and Ringwood, IL, and (c) Pittsburg, KS, to Lawrence, MA, New York, NY, Elizabeth, Weehawken and Secaucus, NJ, Baltimore, MD, Portsmouth and Norfolk, VA, and Miami, FL. (Hearing site: Chicago, IL.)

MC 148978 (Sub-2F), filed February 8, 1980. Applicant: OHIO SWIFTWAY, INC., 105 Jamison Avenue, Cadiz, OH 43907. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *Contract carrier,* transporting *such commodities* as are dealt in by wholesale and retail lumber dealers and home centers (except commodities in bulk), between points in AL, AR, GA, FL, IN, KY, LA, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA and WV, under continuing contract(s) with Lumber Wholesalers, Inc., of Cadiz, OH, Wilgus & Company, of Cadiz, OH, Truss & Panel, Incorporated of Cadiz, OH, and Medina Door, Inc., of Medina, OH. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 148989 (Sub-2F), filed February 14, 1980. Applicant: HIGHWAY EXPRESS, INC., 2770 Leonis Boulevard, Vernon, CA 90058. Representative: Fred H. Mackensen, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. *Contract carrier* transporting (1) *trucks and truck chassis,* in drive-away service, (2) *concrete mixing or pumping equipment,* and (3) *parts or components thereof,* between points in the United States (except AK and HI), under continuing contract(s) with Challenger-Cook Bros., Inc. of Industry, CA. (Hearing site: Los Angeles, CA.)

MC 149079 (Sub-1F), filed February 5, 1980. Applicant: WILLIAM MILLICAN d.b.a. MILLICAN TRANSFER, 2121 Main Street, Victoria, VA 23974. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *such commodities* as are dealt in by wholesale, retail, and chain food business houses, and (2) *meats, meat products, and meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Mechanicsburg, Camp Hill, and Hampden and Silver Spring Townships (Cumberland County), points in VA, and those points in NC on and east of a line beginning at U.S. Hwy 220 at the VA-NC State line and extending to junction U.S. Hwy 1 near Rockingham, NC, and then along U.S. Hwy 1 to the NC–SC State line. Condition: Subject to coincidental cancellation of applicant's contract carrier authority in MC 134389 (Sub-No. 2) which authorizes transportation of the commodities named in part (2) of the application. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 149179 (Sub-2F), filed January 9, 1980. Applicant: MAYLAND ENTERPRISES, INC., Withrow Road, P.O. Box 907, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *bus bars and bus bar systems* from Spindale, NC, to points in KY, PA, SC, and TN, (2) *aluminum sheets and aluminum bars,* from North Lima and East Palestine, OH, to Spindale, NC, and (3) *vertical axis wind turbines,* from Spindale, NC, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to, the facilities of Bus Bar Systems Corp. at Spindale, NC. (Hearing site: Charlotte, NC or Washington, DC.)

MC 149188 (Sub-1F), filed January 31, 1980. Applicant: JANE M. POST, d.b.a. ADVENTURE TOURS, 4400 Heatherdowns Boulevard, Toledo, OH 43614. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip sightseeing and pleasure tours, in charter and special operations, beginning and ending at points in Allen, Ashland, Crawford, Defiance, Erie, Fulton, Hancock, Henry, Huron, Lorain, Lucas, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, OH, and those in Lenawee, Monroe, Washtenaw, and Wayne Counties, MI, and extending to points in the U.S. (including AK but excluding HI). (Hearing site: Toledo or Columbus, OH.)

MC 149238 (Sub-1F), filed February 15, 1980. Applicant: TRANS-SOUTHWEST CARRIERS INC., 1074 South 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address as applicant). *Contract carrier,* transporting *used motor vehicles, used equipment and machinery, used parts and accessories, and such commodities* as are dealt in by used equipment and motor vehicle dealers, between points in AZ, CA, CO, ID, MT, NE, NV, NM, OK, OR, TX, WA, and WY, on the one hand, and, on the other, Salt Lake City, UT, under continuing contract(s) with Equipment Sales Inc., of Salt Lake City, UT. (Hearing site: Salt Lake City, UT, or Denver, CO.)

Note.—Dual operations may be involved.

MC 149248 (Sub-1F), filed January 28, 1980. Applicant: MAYNARD & GOAD TRUCKING CO., Route 3, Box 386, Lebanon, TN 37087. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *fertilizer spreaders, salt spreaders, and materials and supplies*

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used in the manufacture of these commodities between Lebanon, TN, on the one hand, and, on the other, points in NC, NY, CT, PA, MA, ME, TX, LA, AR, NJ, DE, OH, WV, VA, KY, SC, GA, FL, MS, OK, and AL. (Hearing site: Nashville or Memphis, TN.)

MC 149358F, filed February 11, 1980. Applicant: EQUIPMENT TRANSPORT COMPANY, DIVISION OF W. D. LARSON COMPANIES, LTD., INC., 10700 Lyndale Avenue South, Bloomington, MN 55420. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *salt and salt products,* and (2) *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products, from facilities of Morton Salt Co. at Saltair, UT, to points in ND, SD, and MN. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 149359F, filed February 11, 1980. Applicant: H.A.D., INC., 702 East 21st Street, Suite 2, Wichita, KS 67214. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *meats, meat products,* and *meat by-products,* and *articles distributed by meat packinghouse* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation at or near Dodge City, KS to points in the US (except AK and HI), restricted to traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 149378F, filed December 26, 1979. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting (1) *Heating equipment,* and (2) *materials* and *supplies* used in the manufacture and installation thereof (except in bulk) from points in CA and TX to New Orleans, LA, and points in AZ, CA, FL, and TX.

Note.—Dual operations may be involved.

MC 149379F, filed January 31, 1980. Applicant: LARAME LEASING & TRUCKING LIMITED, 107 Manitou Drive, Kitchener, Ontario Canada N2C1L4. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Contract carrier,* transporting *lumber and lumber products* between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the United States (except AK and HI), continuing contract(s) with Sinclair Lumber Company, Inc., of Laurinburg, NC. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 149388F, filed February 11, 1980. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Avenue, Conley, GA 30027. Representatives: Archie B. Culbreth and John P. Tucker, Jr., Archie B. Culbreth, P. C., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *washing powder and liquid washing compound* (except in bulk, in tank vehicles) from the facilities of Time Chemical, Inc., and Custom Spray Products, Inc., at or near Atlanta, GA, to those points in the United States in and east of MN, IA, KS, OK, and TX, and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of washing powder and liquid washing compound (except in bulk, in tank vehicles), in the reverse direction (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 150008 (Sub-1F), filed February 11, 1980. Applicant: KUELLA INCORPORATED, Route 2, King City, MO 64463. Representative: Lee Reeder, 1221 Baltimore Ave., Suite 310, Kansas City, MO 64105, *Contract carrier,* transporting *hides,* (1) from St. Joseph, MO, to Berwick, ME, and (2) between St. Joseph, MO, and Kansas City, KS, under continuing contract(s) with Prime Tanning Co., Inc., of St. Joseph, MO. (Hearing site: Kansas City, MO.)

MC 150089 (Sub-1F), filed February 8, 1980. Applicant: THOMAS TUFNELL, JOSEPH TUFNELL AND ARTHUR RUPERD, a partnership d.b.a. T & R TRUCKING CO., Route 2, P.O. Box 268D, Escanaba, MI 49829. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting (1) *pallets, pallet parts, and wood chips,* from Escanaba, MI, to points in IL, IN, IA, and WI, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the above-named commodities in the reverse direction, under continuing contract(s) with Lakestate Industries, Inc., of Escanaba, MI. (Hearing site: Green Bay, WI, or Chicago, IL.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10502 Filed 4-7-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Change in Policy on Nationality Eligibility for A.I.D.-financed Contracts for Services.

Summary

In March 1978, A.I.D. issued a change in its policy regarding the nationality of firms and individuals eligible to receive contracts for services financed under the Foreign Assistance Act of 1961, as amended. The principal change was the elimination of the requirements that U.S. firms be more than 50 percent beneficially owned by U.S. citizens or firms and that they have their principal place of business in the United States. The sole remaining test for U.S. firms was that they be incorporated or legally organized in the United States. The March 1978 change also permitted controlled foreign corporations, as defined in Section 957 et seq. of the Internal Revenue Code, to be eligible for contracts for services.

In early 1979, at the request of U.S. firms and industry groups, A.I.D. began a reexamination of its nationality policy. Following hearings held by Senator Inouye in April 1979, A.I.D. met with industry groups and thereafter published for comment in the **Federal Register** of June 21, 1979 a proposed policy change that essentially reverted to the pre-March 1978 policy of imposing three tests of nationality for U.S. firms. The June proposal also eliminated the eligibility of controlled foreign corporations.

Among the numerous comments to the June 1979 proposal were many from foreign-owned U.S. firms with substantial ties to the U.S. economy. These firms argued for continued eligibility on the grounds that they had long been established in the United States, paid U.S. taxes, and employed U.S. citizens.

After consideration of all comments and consultation with interested Executive Branch agencies, A.I.D. circulated a revised policy dated September 21, 1979. The revised policy added an alternate four part test for U.S. firms with principal place of business in the United States that could not meet the 50 percent U.S. beneficial ownership test. The alternate test looked to time established in the United States, citizenship of employees, and capability of performing the A.I.D. contract out of the U.S. office. Although it thus permitted certain foreign-owned U.S. firms to compete, the September "Compromise" proposal, by means of the four part test, did eliminate foreign-owned "shell" corporations with no substantial ties to the U.S. economy. It also eliminated the eligibility of controlled foreign corporations.

The A.I.D. Administrator has approved the policy set forth below which is based on the September draft. The Administrator's decision took into account U.S. policies on foreign investment, national treatment, and competition and A.I.D. goals and program needs. It also considered the views of interested Executive Branch agencies, Members of Congress, and the public.

The nationality policy refers to "authorized geographic codes". At the present time, A.I.D. utilizes two geographic codes to designate eligible suppliers of goods and services: Code 000 means United States only; Code 941 means the United States and certain developing countries. A.I.D. Geographic Code 935, used in the policy with respect to the nationality of employees, includes all free world countries.

A.I.D. Policy on Nationality of Suppliers of Services

A.I.D. Handbook 1B, Chapter 5, Source and Nationality

5C Nationality of Suppliers of Goods or Services

1. Policy

a. * * *

b. *Nationality Policy*

(1) * * *

(2) *Suppliers of Services.* A contractor providing services or a subcontractor providing services under an A.I.D.-financed prime contract for services must fit one of the following categories (a), (b) or (c) to be eligible for A.I.D. financing:

(a) An individual who is a citizen of and whose principal place of business is in a country or area included in the authorized geographic code or a non-U.S. citizen lawfully admitted for permanent residence in the United States whose principal place of business is in the United States;

(b) A corporation or partnership that is incorporated or legally organized under the laws of a country or area included in the authorized geographic code, has its principal place of business in a country or area included in the authorized geographic code, and meets the criteria set forth in either subparagraph *1* or *2*, below:

1 The corporation or partnership is more than 50% beneficially owned by individuals who are citizens of a country or area included in the authorized geographic code. In the case of corporations, "more than 50% beneficially owned" means that more than 50% of each class of stock is owned by such individuals; in the case of partnerships, "more than 50% beneficially owned" means that more than 50% of each category of partnership interest (e.g., general, limited) is owned by such individuals. (With respect to stock or interests held by companies, funds or institutions, the ultimate beneficial ownership by individuals is controlling.)

2 The corporation or partnership:

a has been incorporated or legally organized in the United States for more than three years prior to the issuance date of the invitation for bids or request for proposals, and

b has performed within the United States administrative and technical, professional or construction services under a contract or contracts for services and derived revenue therefrom in each of the three years prior to the date described in the preceding paragraph, and

c employs United States citizens in more than half its permanent full-time positions in the United States, and

d has the existing capability in the United States to perform the contract; or

(c) A joint venture or unincorporated association consisting entirely of individuals, corporations, or partnerships which fit categories (a) and (b) above. However, joint ventures with firms wholly or partially owned by the host government are ineligible.

(d) A duly authorized officer of the firm shall certify that the participating firm meets either the requirements of subparagraphs (b) *1* or (b) *2*. In the case of corporations, the certifying officer shall be the corporate secretary. With respect to the requirements of subparagraph (b) *1*, the certifying officer may presume citizenship on the basis of the stockholder's record address, provided the officer certifies, regarding any stockholder (including any corporate funds or institutional stockholder) whose holdings are material to the corporation's eligibility, that the certifying officer knows of no fact which might rebut that presumption.

(3) *Ineligible Suppliers of Commodities and Services.* Citizens or firms of any country not included in A.I.D. Geographic Code 935 are ineligible as suppliers, contractors, subcontractors, or agents in connection with A.I.D.-financed contracts for goods or services. However, non-U.S. citizens lawfully admitted for permanent residence in the United States are eligible.

c. *Nationality of Employees Under Contracts and Subcontracts for Services.* The nationality policy of subparagraph b (2), above, does not apply to the employees of contractors or subcontractors, but all contractor and subcontractor employees engaged in providing services under A.I.D.-financed contracts must be citizens of countries included in A.I.D. Geographic Code 935 or non-U.S. citizens lawfully admitted for permanent residence in the United States.

EFFECTIVE DATE: The foregoing policy shall apply to all A.I.D.-financed contract solicitations, including prequalification notices, issued on or after April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Calkins (703) 235-9107.

Dated: March 28, 1980.

D. G. MacDonald,

Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 80-10527 Filed 4-7-80; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-69]

Certain Airtight, Cast-Iron Stoves; Amended Notice of Termination

The following notice amends the Notice of Termination issued by the U.S. International Trade Commission on March 26, 1980 and published in the **Federal Register,** which had several words inadvertently omitted:

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is ordering the termination of investigation No. 337-TA-69, Certain Airtight Cast-Iron Stoves, as to respondents Radke Imports, Inc. and Tetro Imports, by granting the Motion [Motion Docket No. 69-7] by the Commission investigative attorney to terminate this investigation as to those two respondents, after having determined that such respondents are not currently in violation of section 337 of the Tariff Act of 1930, as amended. The motion to terminate was unopposed by the complainants, Jotul, Inc. and Kristia Associates.

The order is effective as of March 26, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Order and Commissioners' Opinion(s). Such petitions must be in accord with Commission rule 310.56 (19 CFR 210.56).

Copies of the Commission's Action and Order, the Commissioners' Opinion(s), and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 "E" Street, N.W., Washington, D.C. 20436, telephone (202) 523-0161.

Notice of the institution of this investigation was published in the **Federal Register** of July 12, 1979 (44 FR 40732).

Issued: April 1, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10603 Filed 4-7-80; 8:45 am]

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[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Therefor; Order Granting Complainant's Motion for an Additional 2 Weeks in Which To File Exceptions to Recommended Determination

Having reviewed and considered Motion docket No. 71–43 wherein complainant Loctite Corporation requests an additional two weeks in which to file exceptions to the presiding officer's recommended determination issued on March 12, 1980, the Commission hereby orders that—

(1) The period within which complainant Loctite Corporation may file exceptions to the presiding officer's recommended determination of March 12, 1980, is extended until the close of business, April 8, 1980; and

(2) The Secretary serve a copy of this Commission order upon each party of record to this investigation.

By order of the Commission:

Dated: March 31, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10003 Filed 4-7-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-62]

Certain Rotary Scraping Tools; Order

On January 23, 1980, the U.S. International Trade Commission received a petition from The Thompson Tool Co., Inc., complainant in investigation 337–TA–62, requesting Reconsideration in Part of the Commission's Determination, Order, and Opinion in this investigation. The Commission hereby denies complainant's petition for the reasons set forth in the memorandum opinion below.

By order of the Commission.

Issued: March 31, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10001 Filed 4-7-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-72]

Certain Turning Machines and Components Thereof; Determination Denying the Presiding Officer's Recommended Partial Summary Determination of Noninfringement

On February 1, 1980, the presiding officer certified to the International Trade Commission a recommended partial summary determination of no literal infringement of claims 1, 2, 3, 8, 10, 14, 18, 19, and 22 of U.S. Reissue Patent No. 29,612 in the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation and sale of certain turning machines and components thereof in the United States. This recommendation resulted from a motion filed on December 28, 1979, by respondents Yamazaki Machinery Works Ltd. and Yamazaki Machinery Corp. (Motion Docket No. 72–7).

The Commission determined on March 28, 1980, that the motion for partial summary determination of noninfringement of certain claims of U.S. Reissue Patent No. 29,612 is denied because geniune issues of material fact remain. (19 CFR 210.50).

Accordingly, it is order that—

(1) Respondents' motion for partial summary determination be denied; and

(2) Since geniune issues of material fact still exist, the matter on infringement be remanded to the presiding officer to develop a record on all issues and to continue adjudication on that case, in particular—

(a) with respect to the claims requirement that the carrier and carrier support means be disposed *alongside* the rotatable member, that a record be developed as to whether an addition of a tailstock extends the spindle's location vis-a-vis the carrier;

(b) with respect to the claims requirement that the tool turret and tool support be movable *toward* the carrier from a retracted position to a maximum advanced position, that a record be developed as to whether respondents' turning machine may affect machining whole moving toward the carrier; whether the workstroke toward the carrier must be simultaneous toward the spindle; and whether machining may be done in the X-axis by respondents' turning machine.

Copies of the presiding officer's recommendation and the Commission's Action, Order, and Memorandum Opinion and all other public documents relative to this investigation may be obtained by contacting the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523–0161.

By order of the Commission.

Issued: April 2, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10004 Filed 4-7-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-82]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 21, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Beloit Corporation, 1 St. Lawrence Avenue, Beloit, Wisconsin 53511, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, or in their sale, because (1) such headboxes and papermaking machine forming sections are allegedly covered by claims 1, 12, 14, 15, 16, and 22 of U.S. Letters Patent RE 28,269, claims 1, 2, 4, 5, and 6 of U.S. Letters Patent No. 3,923,593, and claims 1–5 and 7–14 of U.S. Letters Patent No. 3,876,498, and (2) such components allegedly contribute to and induce infringement of the aforementioned claims of the patents. The complaint alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Complainant requests that, after a full investigation has been conducted, exclusion of the imports in question and such other and further relief as the Commission deems appropriate be ordered by the Commission. The complainant has also requested that a temporary exclusion order be issued during the pendency of the investigation.

Having considered the complaint, the Commission, on March 20, 1980, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of this section in the unauthorized importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in their sale, because (1) such headboxes and papermaking machine forming sections are allegedly covered by claims 1, 12, 14, 15, 16, and 22 of U.S. Letters Patent RE 28,269, claims 1, 2, 4, 5, and 6 of U.S. Letters Patent No. 3,923,593, and claims 1–5 and 7–14 of U.S. Letters Patent No. 3,876,498, and (2) such components allegedly contribute to and induce infringement of the aforementioned claims of the patents, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Beloit Corporation, 1 St. Lawrence Avenue, Beloit, Wisconsin 53511.

(b) The respondents are the following companies alleged to be engaged in the unauthorized importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in their sale, and are parties upon which the complaint is to be served:

Aktiebolaget Karlstads, Mekaniska Werkstad, Fack S–651 01, Karlstad, Sweden.
Scott Paper Company, Scott Plaza, Philadelphia, Pennsylvania 19113.
Crown Zellerbach, 1 Bush Street, San Francisco, California 94119.
KMW Johnson, Inc., 5821 Park Road, Charlotte, North Carolina 28209.
Procter & Gamble Company, 6100 Center Hill Road, Cincinnati, Ohio 45224.
Fort Howard Paper Company, Muskogee, Oklahoma 74401.

(c) Louis S. Mastriani, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge, Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Procter & Gamble Company, Scott Paper Company, Crown Zellerbach, and Fort Howard Paper Company have been named as party respondents in paragraph (2)(b) above on the basis of the informal investigation by the Commission investigative attorney. That informal investigation revealed that the articles in question are imported as component parts and thereafter are assembled at the facilities of these companies, thereby forming the basis of the allegation in the complaint of direct infringement.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint on this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for confidential information contained therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York City office, 6 World Trade Center, New York, New York 10048.

Issued: April 1, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10002 Filed 4-7-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Solicitation; Sentencing Patterns Among Jurisdictions in One State

The National Institute of Justice announces a competitive research program that addresses the variation in sentencing patterns among jurisdictions in one state and attempts to relate that variation to factors endemic to those jurisdictions. Rural, intermediate and urban-sized jurisdictions are to be examined. A pre-requisite of application is that the researcher identify and obtain reasonable assurances of access to a statewide data base containing information on a large number of sentenced offenders.

In order to be considered, proposals must be postmarked no later than May 23, 1980. The project is scheduled to run for 18 months; the funding level will be approximately $175,000.

Copies of the solicitation can be obtained by contacting:

National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. Re: Intrastate Sentencing Variation (No. 80–118)

To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Dated: March 25, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-10039 Filed 4-7-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

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2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 2nd day of April 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending April 5, 1980

Name of applicant and location of enterprise	Principal product or activity
Supercrete Industries, Inc., Mandan, North Dakota.	Manufacture of concrete block, prestress-precast concrete, and wall and floor panels.
Reeves Food Centers, Inc., Bowling Green, Kentucky.	Shopping center.

[FR Doc. 80-10613 Filed 4-7-80; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program—Order of the Secretary Regarding the States of Michigan, Tennessee, Texas, and Washington

Proceedings under section 3304(c) of the Federal Unemployment Tax Act, 26 U.S.C. 3304(c), were commenced in 1979 concerning, among others, the four States named above. By agreement of the four States and the Secretary of Labor the proceedings were continued to 1980. The Secretary of Labor's Order in this matter is set out below.

Dated: April 2, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training

In the Matter of the State of Alabama, Department of Industrial Relations et al., Conformity/Substantial Compliance Proceeding.

The State of Michigan Employment Security Commission, the State of Tennessee Department of Employment Security, the State of Texas Employment Commission and the State of Washington Employment Security Department (hereinafter collectively referred to as "the four States") each having requested a continuance of the hearing of this matter, and having previously consented thereto, and the parties further having stipulated on the record as follows:

1. That, with respect to the four States, the continued proceeding would apply to the year 1980; and

2. That the undersigned U.S. Secretary of Labor would certify the four States within the meaning of 26 U.S.C. 3303(b) and 3304(c) for the year 1979; and

3. That the stipulations of fact entered into between the U.S. Department of Labor and each of the four States in the instant matter would remain viable and would be retained as part of the record in the continued proceeding; and

4. That both the U.S. Department of Labor and the four States could present, at the time of the continued proceeding, factual evidence in addition to that indicated in their previously filed pre-hearing statements.

Now, therefore, it is hereby ordered and adjudged as follows:

1. That this matter be continued as to the four States and that the proceeding so continued apply only to the year 1980.

2. That the four States are certifiable within the meaning of 26 U.S.C. §§ 3303(b) and 3304(c), for the year 1979. (Each of the four States was certified for 1979 on November 6, 1979. FR 44 64382–64383).

3. That the stipulations of fact entered into between the U.S. Department of Labor and the four States remain viable and be retained as part of the record in the continued proceeding.

4. That both the U.S. Department of Labor and the four States be permitted to present, at the time of the continued proceeding, factual evidence in addition to that indicated in their previously filed pre-hearing statements.

5. That an appropriate Notice be published in the Federal Register announcing the time, date and place of the continued proceeding.

Dated: February 19, 1980, Washington, D.C.

F. Ray Marshall,

Secretary of Labor.

[FR Doc. 80-10537 Filed 4-7-80; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 18, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of March 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Blake & Johnson Company (company)	Waterbury, Conn.	3/7/80	3/4/80	TA-W-7,527	Machine screws, tapping screws, and wood screws.
Young American (ILGWU)	Newark, N. J	3/6/80	3/3/80	TA-W-7,528	Girl's outerwear.
Schatz Federal Bearings Company, Inc. (UAW).	Poughkeepsie, N.Y	3/5/80	3/3/80	TA-W-7,529	Ball bearings.
Taurus Manufacturing Company (ILGWU)	Blairsville, Pa	3/10/80	3/6/80	TA-W-7,530	Women's clothing, also contract government work.
Metal Forming & Coining Corp. (UAW)	Maumee, Ohio	3/10/80	3/3/80	TA-W-7,531	Automotive parts.
Bremen Bearing Company, Inc. (UAW)	Bremen, Ind.	3/11/80	3/6/80	TA-W-7,532	Lose needle rollers, drawn cut bearings.
Dee Vee Manufacturing Company (ILGWU)	Poughkeepsie, N.Y	3/7/80	3/3/80	TA-W-7,533	Dresses.
Christopher Dyeing & Finishing Co., Inc. (Teamsters).	Paterson, N.J	3/11/80	2/29/80	TA-W-7,534	Dye home furnishings.
Armour & Company (Amalgamated Meat Cutters Union).	Eau Claire, Wis	3/10/80	3/3/80	TA-W-7,535	Meat products, hamburger patte steaks, also roats, pork sausage.
Nutum Corporation (UAW)	Pauling, Ohio	3/7/80	3/3/80	TA-W-7,536	Friction products, clutch plates, brake linings.
Teleflex, Inc., Automative Div. (AIWU)	Van Wert, Ohio	3/7/80	2/7/80	TA-W-7,537	Automotive wire and cable control.
Acapulco Fashions (ILGWU)	El Paso, Tex	3/7/80	3/4/80	TA-W-7,538	Brassieres, girdles, men's briefs, disposable garments, ladies' sportswear.
Wojaki's Inc. (workers)	Mount Clemens, Mich	3/7/80	3/4/80	TA-W-7,539	Smaller diameter tube fabrications.
Eastern Stainless Steel Corporation (USWA)	Baltimore, Md	3/17/80	3/4/80	TA-W-7,540	Stainless steel plates, sheet tubes.
Jonathan Logan (ILGWU)	New York, N.Y	3/6/80	3/4/80	TA-W-7,541	Sew samples for ladies' apparel.
Island Creek Coal Company (workers)	Paintsville, Ky	3/10/80	3/6/80	TA-W-7,542	Metallurgical coal.
Firestone Tire & Rubber Company (UAW)	Albany, Ga	3/6/80	3/3/80	TA-W-7,543	Passenger tires.

[FR Doc. 80-10536 Filed 4-7-80; 8:45 am]

BILLING CODE 4510-28-M

Steel Tripartite Advisory Committee; Working Group on Technological Research and Development; Meeting

The Steel Tripartite Advisory Committee was established under the Federal Advisory Committee Act, 5 U.S.C. App. (1976) to advise the Secretary of Labor and the Secretary of Commerce on international and domestic issues affecting the U.S. steel industry, labor, and the public.

Notice is hereby given that the Steel Tripartite Advisory Committee's Working Group on Technological Research and Development will meet at 2 p.m. on April 24, 1980, room 3708, Main Commerce Building, U.S. Department of Commerce, Washington, DC 20230.

Participants will continue to discuss the current status of technological research and development in key areas in the U.S. steel industry, and focus on preparing a report on its discussions to the full Steel Tripartite Advisory Committee. The public is invited to attend. A limited number of seats will be available to the public on a first-come basis.

For additional information contact: Mr. Joseph S. Papovich, Executive Secretary, Steel Tripartite Committee, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, DC 20210, telephone (202) 523–6227.

Official records of the meeting will be available for public inspection at room S–5315, U.S. Department of Labor, Washington, DC 20210.

Signed at Washington, DC, this 3rd day of April 1980.

Dean K. Clowes,

Deputy Under Secretary for International Affairs, U.S. Department of Labor.

[FR Doc. 80-10032 Filed 4-7-80; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-23)]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Meeting

The Informal Ad Hoc Advisory Subcommittee on Rotorcraft Propulsion of the NAC AAC will meet on April 30, 1980, in Room 3102, Building 500 (Development Engineering Building), NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the members and participants).

The Subcommittee was formed to assess NASA programs on rotorcraft propulsion. The members will receive a report by specialists in the NASA propulsion program and then prepare an assessment of the NASA programs, including specific needs, objectives, and recommendations for additional activities necessary to address critical problem areas and to achieve program balance. The Chairperson of the Subcommittee is Mr. Wayne I. McIntire.

For further information, contact Mr. John F. Ward, Executive Secretary of the Subcommittee, Code RJL-2, NASA Headquarters, Washington, D.C. 20546 (202/755–2375). Following is the approved agenda for the meeting:

Agenda

April 30, 1980

8:45 a.m.—Introductory Remarks
9:00 a.m.—Background and Objectives of NASA Rotorcraft Propulsion Program
9:15 a.m.—Summary of Engine Components Programs
11:45 a.m.—Summary of Systems Integration Programs
1:05 p.m.—Summary of Power Transfer Programs
3:25 p.m.—Program on Heavy-Lift Helicopter Gears
3:40 p.m.—Discussion of Rotorcraft Propulsion Program; Recommendations of Panel
5:00 p.m.—Adjourn

Russell Ritchie,

Deputy Associate Administrator for External Relations.

March 31, 1980.

[FR Doc. 80-10672 Filed 4-7-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-25)]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Meeting

The Informal Advisory Subcommittee on Operating Systems and Safety of the

NAC AAC will meet April 29–30, 1980, in Building 3 (Administration), Room 215, NASA Lewis Research Center, Cleveland, Ohio. The meeting will be open to the public but is limited to seating space available (approximately 60 persons including subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying specific needs and objectives for improving the operational effectiveness and safety of transport aircraft, which are dependent upon further research and technology investigations of related technical desciplines, and to advise the NASA on the appropriateness and adequacy of its current and planned programs in this area. The Chairperson is Mr. J. D. Smith and there are 17 members of the Subcommittee.

Agenda

April 29, 1980

8:30 a.m.—Introductory Remarks
9:00 a.m.—NASA Tire Research Program
9:30 a.m.—NASA Takeoff/Landing Loads Track Research
10:30 a.m.—NASA Runway Pavement Research
11:00 a.m.—NASA Cockpit Displays Research Experience
1:00 p.m.—NASA Review of Commerical Aircraft Fuel Savings
1:30 p.m.—NASA Fireworthiness Program
2:30 p.m.—NASA Icing Research
3:15 p.m.—Tour of NASA Lewis Research Center Icing Facilities

April 30, 1980

8:30 a.m.—NASA Transport Aircraft Crashworthiness
9:00 a.m.—Updates of Research Conducted at NASA Centers
10:00 a.m.—Committee Members Comments on Research
11:00 a.m.—Committee Discussion and Formulation of Recommendations
2:00 p.m.—Adjourn

For further information contact Mr. Lee D. Goolsby, Code RJT, NASA Headquarters, Washington, DC 20546. Telephone 202/755–3003.

Russel Ritchie,

Deputy Associate Administrator for External Relations.

April 1, 1980.

[FR Doc. 80-10474 Filed 4-7-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80–24)]

NASA Advisory Council (NAC); Space Systems and Technology Advisory Committee (SSTAC); Meeting

The Informal Advisory Subcommittee on Materials and Structures of the NAC SSTAC will meet April 28 and 29, 1980, in Room 625 at NASA Headquarters, 600 Independence Avenue, S.W., Washington, DC. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

The Subcommittee was established to assess programs for (a) development of advanced materials and structures for space application, and (b) development of analytical methodology for future large space structural systems. The Subcommittee is to recommend program modifications, deletions, or changes in scope or emphases to support overall NASA future space systems technology objectives. The Chairperson is Dr. Bernard Budiansky. There are currently seven members on the Subcommittee. Following is the approved agenda for the meeting:

Agenda

April 28, 1980

8:30 a.m.—Introductory Remarks
9:00 a.m.—Large Space Structures Technology (LSST) Program Overview
10:00 a.m.—Review of LSST Focused Analytical Methodology Tasks
1:00 p.m.—Review of Base R&T Programs Applicable to LSST

April 29, 1980

8:30 a.m.—Committee Discussion
11:00 a.m.—Review of Advanced Materials Durability in Space Environment
1:00 p.m.—Committee Discussion

For further information please contact Dr. Leonard A. Harris, Executive Secretary of the Subcommittee, Code RTM–6, NASA Headquarters, Washington, DC 20546. Telephone 202/755–2364.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

April 1, 1980.

[FR Doc. 80-10473 Filed 4-7-80; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on Reactor Radiological Effects will hold a meeting on April 23, 1980 in room 1046, 1717 H St. NW., Washington, DC 20555 to review the radiological protection programs at nuclear power plants. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on Oct. 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 23, 1980

8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect propritary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 2, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10475 Filed 4-7-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; Reports of Agency Systems of Records

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on the privacy and other personal or property rights of individuals * * *"

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between February 18, and March 28, 1980. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Defense

System Name:

Office Business Visitor Files.

Report Date:

February 13, 1980.

Point-of-Contact:

Mr. William Cavaney, Executive Scretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary:

The Department of the Army proposes to establish a new system of records to maintain records of visitors to Army activities who represent persons, firms, corporations, academic institutions or any other enterprises involved in business transactions with the Army. The intent is to obtain information about the visitor's status and the purpose of the visit so as to preclude possible conflict of interest.

System Name:

Office Personnel Training Files.

Report Date: Unreadable date.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary:

The Department of the Army proposes a new system of records which will contain information required by managers and supervisors in scheduling and managing training for military and civilian personnel of the Army. Records will consist of (1) an annual projection of an individual's training needs; (2) tuition, personnel and travel cost data; (3) course name and training facility; (4) personal data including name, rank, social security number, security clearance, and educational resume.

Department of Housing and Urban Development

System Name:

Secretary's Correspondence Control System.

Report Date:

February 15, 1980.

Point-of-Contract:

Mr. Robert English, Departmental Privacy Act Officer, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, Washington, D.C. 20410.

Summary:

The Department of Housing and Urban Development proposes to establish a new system of records to maintain correspondence addressed (or referred) to the Secretary or Under Secretary of the Department, as well as the Department's responses. Part of the system will consist of machine-readable files which will contain information about the sender, subject, HUD action office and disposition.

System Name:

Claims Collection Records.

Report Date:

February 25, 1980.

Point-of-Contact:

Mr. Robert English, Departmental Privacy Act Officer, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, Washington, D.C. 20410.

Summary:

The Department of Housing and Urban Development is proposing a new system of records which will contain data on individuals who are delinquent in their debts to the Department. Among these individuals are mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; builders; contractors; investors; subjects of audits; closing agents; former mortgagors and purchasers of HUD-owned properties. Data maintained will consist of records which support the debt such as schedules of payments receivable and received; cash flow and budget control files; invoices, receipts; disbursements and cancelled checks; notices of court action. The data will be obtained from subjects; employers; credit bureaus; Federal and non-Federal government agencies; financial institutions; and HUD personnel. It may be disclosed to the Justice Department for prosecution of fraud revealed in the course of claims collection efforts and for the institution of foreclosure or other proceedings to effect collection of claims; the FBI for investigation of possible fraud revealed in the course of the claims collection effort; the General Accounting Office for the institution of proceedings to effect collection of claims; other Federal agencies to facilitate collection of claims against Federal employees; the Office of Personnel Management for offsetting retirement payments; and commercial credit bureaus to facilitate claim collection consistent with Federal Claims Collection standards.

Department of Health, Education, and Welfare

System Name:

The Secretary's Advisory Committee Candidate Files.

Report Date:

March 17, 1980.

Point-of-Contact:

Mr. Gordon P. Goodfellow, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, Room 410E. Hubert Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201.

Summary:

The Department of Health, Education and Welfare proposes to establish an automated system of records to maintain information about prospective candidates for vacancies on Departmental Advisory Committees. Information maintained will be provided by the candidates and will consist of educational and personal resumes and other related data. Inclusion of a physically disabled indicator will enable the Department to meet affirmative action goals promoting the inclusion of handicapped persons as candidates for positions on advisory committees.

Waiver Requests

OMB procedures permit a waiver of the advance notice requirement when

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the agency can show that the delay caused by the 60-day advance notice would not be in the public interest. It should be noted that a waiver of the 60-day advance notice period does not relieve an agency of the obligation to publish notice describing the system and to allow 30 days for public comment on any proposed routine uses of the personal information to be collected. A waiver of the 60-day advance notice provision was requested by agencies for the following reports received between February 18, and March 28, 1980. Public inquiries or comments on the proposed new or altered systems should be directed to the designed agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

Department of Health, Education, and Welfare

System Name:

Michigan Longitudinal Study (Panel Study of Income Dynamics).

Report Date:

March 4, 1980.

Point-of-Contact:

Mr. John R. DeWilde, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, Room 416E, Hubert Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201.

Summary:

The Department of Health, Education and Welfare proposes to establish a new system of records to support an ongoing longitudinal study of a nationally representative sample of households. The sample consists of nearly 6300 households with about 18,000 individuals. Participation in the study is on a voluntary basis and participants are paid for their time. Data is collected through in-person or telephone interviews and consists of demographic characteristics, sources and amounts of income, amount and kind of work, education of the household head and other family members, changes in family composition, residential mobility, attitudes toward self and others, and life style. This data will be used in analyses of such topics as the determinants of family income; unemployment, number of family earners, wage rates, job turnover, amounts and sources of unearned income. Analysis will be performed on the relationship of family income and economic status with broader concepts of well being, including social status, family functioning, job satisfaction, and emotional well-being. These analyses yield aggregate data in a form that is not individually identifiable. Individually identifiable information is maintained only to enable individuals to be followed over time and to maintain accounting records to pay them for participation.

Waiver status:

Waiver granted on March 19, 1980.

System Name:

Pennhurst Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst.

Report Date:

March 24, 1980.

Point-of-Contact:

Department of Health, Education, and Welfare, Special Assistant to the Secretary for Advisory Committees, Room 633F, Hubert H. Humphrey Building, Washington, D.C 20201.

Summary:

The Department of Health, Education, and Welfare proposes to establish a new system of records to support a longitudinal study of the effects and appropriateness of dispersing severly and profoundly retarded institutional residents into local communities. The system will be used to maintain data on the communities' reactions to their new mentally retarded neighbors, on the attitudes of the parents of the mentally retarded residents of Pennhurst toward the court-ordered closing of a long term institution, and the impact of the Order on the residents. The intent of the program is to gather this data over a period of time through in-person as well as telephone interviews. Because the movement of persons as well as telephone interviews. Because the movement of persons from the Pennhurst Institution into community settings has begun, and will accelerate rapidly in the near future, the Department has asked for a waiver of the 60-day advance notice period.

Waiver status:

Pending as of March 31, 1980.

Department of Energy

System Name:

Electricity Use and Conservation Analysis Records.

Report Date:

March 13, 1980.

Point-of-Contact:

Mr. George Bell, Assistant Administrator, Washington, D.C Office, Bonneville Power Administration, Washington, D.C 20461.

Summary:

The Department of Energy proposes to establish a new system of records to maintain records in support of a pilot energy conservation program to be conducted by the Bonneville Power Administration in Idaho, Montana, Oregon, and Washington. As part of this program, the Department will finance the weatherization of certain homes in the area and has contracted with local utilities to evaluate and analyze residences to determine their eligibility, based on cost effectiveness, for DOE financing. Records will be kept on individuals who have asked to participate in the program and will consist of information about family size, energy consumption dwelling characteristics.

Waiver status:

Waiver pending on March 31, 1980.

David R. Lenthold,

Budget and Management.

[FR Doc. 80-10533 Filed 4-7-80; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

Visit to Newspapers

April 3, 1980.

Notice is hereby given that Commissioner DuPont will visit the following newspaper plants for the purpose of acquiring general knowledge of newspaper operations. A report will be on file in the Commission docket room.

City	Newspaper	Date
Des Moines, IA	Register and Tribune	Apr. 7.
Omaha, NE	World-Herald	Apr. 8.

David F. Harris,

Secretary.

[FR Doc. 80-10589 Filed 4-7-80; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21509; 70-6413]

Allegheny Power System, Inc.; Proposal To Issue and Sell Common Stock Pursuant to Dividend Reinvestment Plan and Tax Reduction Act Stock Ownership Plan

April 2, 1980.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Allegheny proposes to issue and sell from time to time up to 2,000,000 shares of its authorized but unissued common stock, par value $2.50 per share, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan") and its Tax Reduction Act Stock Ownership Plan ("TRASOP"). By an order dated August 5, 1977 the Commission authorized Allegheny to issue up to 1,000,000 shares under these plans, and as of January 15, 1980, 443,705 shares had been issued pursuant to the Dividend Plan and 392,680 pursuant to the TRASOP.

The Dividend Plan allows all holders of record of Allegheny common stock, on a voluntary basis to: (a) Invest cash dividends automatically, on each quarterly dividend payment date in additional common stock and/or (b) make optional cash purchases of not less than $50 nor more than $5,000 per quarter of additional common stock: *Provided* That in each quarter the maximum aggregate amount of additional common stock to be made available for purchase should not exceed the number of shares which have been offered to, but not purchased by, the holders of shares of common stock with cash dividends. In each case the price of the additional common stock will be equal to the average of the daily high and low market prices of Allegheny common stock for the 10 trading days prior to the dividend payment date. All costs and charges of participation in the Dividend Plan are paid by the Allegheny. A shareholder may withdraw from the Dividend Reinvestment part of the Dividend Plan a any time by giving appropriate written notice, and such withdrawal will have no effect on such shareholder's right to continue to make optional cash purchases. Allegheny reserves the right to direct the administrator of the Dividend Plan to purchase shares in the open market, subject to any applicable regulatory requirements, with funds provided from participants' cash dividends and optional cash payments. In such event the price of any such shares to the participant will be the average cost of the shares excluding any related brokerage fees or commissions, which will be paid by Allegheny. In the event optional cash payments exceed the number of shares available for optional cash purchases the available shares will be allotted among those who have made optional cash payments, in proportion to the amount of their optional cash payments, and any excess cash remaining will be refunded to participants without interest. Allegheny reserves the right to amend, suspend, modify or terminate the Dividend Plan at any time, and upon such termination or upon withdrawal from the Dividend plan by any shareholder, certificates for whole shares in the participant's account will be issued to the participant and a cash payment will be made for any fraction of a share.

Allegheny proposes to issue the additional common stock to a trust created for the benefit of qualified employees of all system companies pursuant to the requirements of the Tax Reduction Act of 1975, as amended by the Tax Reform Act of 1976. The value of shares of additional common stock issued to the trust currently equals 10 percent of the prior year's investment tax credit and will be funded (estimated to be $2.3 million for 1979) by the amount by which Allegheny's income taxes are reduced as a result of the additional 1% investment tax credit available to Allegheny pursuant to the Internal Revenue Code. The number of shares of additional common stock to which each qualified employee shall be entitled will be computed in proportion to the compensation of each of them (maximum $100,000 a year) to the total compensation of all such qualified employees in that year and the price of the shares will be equal to the daily average of the closing prices for the 20 business days preceding the day the stock is issued to the trust. All costs of administration of the TRASOP, in excess of those allowed by the Tax Reduction Act to be paid from contributions to the trust will be paid by Allegheny.

The proceeds from the issuance of the additional common stock under the Dividend Plan and the tax savings which will be realized as a result of the TRASOP, the total amount of which cannot be determined, will be added to Allegheny's general funds and are expected to be used to carry on its business as an electric utility holding company including the pre-payment, or payment at maturity of short/term debt then outstanding, and to acquire common stock and make capital contributions to an other investments in Allegheny system companies. On January 15, 1980 APS had $26.6 million of short-term debt outstanding and it is expected that on May 31, 1980, $40 million of short-term debt will be outstanding.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The Maryland Public Service Commission has jurisdiction over the proposed transactions and the TRASOP has been qualified by the Internal Revenue Service. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 28, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

V 45 / 69 APR 80 UMI

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10469 Filed 4-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21507; 70-5943]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan

April 2, 1980.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 as promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By orders dated February 8, 1977, April 19, 1978, March 29, 1979 and August 8, 1979 (HCAR Nos. 19679, 20506, 20979 and 21180) AEP was authorized to issue and sell, from time to time through April 30, 1980, up to 7,000,000 shares of its authorized but unissued common stock pursuant to its dividend reinvestment and stock purchase plan ("Plan"). AEP states that through March 11, 1980, a total of 5,695,467 shares had been issued and sold, leaving a balance of 1,304,533 shares available for issuance and sale.

The Plan basically provides that a participant may (1) purchase shares of common stock from AEP quarterly by automatically reinvesting cash dividends on all or less than all (a specified number) of shares of common stock registered in his name, or (2) purchase shares of common stock from AEP as often as once a month by making optional cash payments up to a maximum of $5,000 per calendar quarter, or (3) do both. The price of shares repurchased with reinvested cash dividends is 95% of the average of the daily high and low sales prices of AEP's common stock for the five trading days ending on the day of purchase. All full-time employees of AEP system companies may enroll in the Plan to purchase shares of common stock with optional cash payments even though they are not registered holders of any shares of AEP common stock, and, if they wish, may arrange to make optional cash payments through regular payroll deductions. The minimum monthly deduction is $5 and the maximum is 10% of regular salary or wages or $1,000, whichever is less. No brokerage commissions or service charges are paid by participants in connection with purchases in the Plan. All costs of administration of the Plan are paid by AEP. A participant may change his option under the Plan at any time and may withdraw from the Plan at any time by giving written notice to the Morgan Guaranty Trust Company of New York (the "Agent"). Unless the Agent is otherwise directed, the participant, upon withdrawal, receives a certificate for all whole shares credited to his account and a cash payment for the value of any fractional share.

By post-effective amendment, AEP proposes to issue and sell, from time to time through June 30, 1981, up to an additional 5,000,000 shares of its authorized unissued common stock, $6.50 par value.

It is stated that the amounts of dividends reinvested each quarter under the Plan have grown continuously. The following table shows the actual amounts of dividends reinvested each quarter under the Plan during 1978, 1979 and the first quarter of 1980, and the amounts of dividends that may be reinvested (assuming continuation of the trend and without giving effect to the possible acquisition by AEP of Columbus and Southern Ohio Electric Company (CSOE) during the remainder of 1980 and the first two quarters of 1981, based on a straight-line projection of the 1978–1980 data:

[In thousands]

Quarter ended	Actual 1978	Actual 1979	Projected 1980	Projected 1981
March	$4,840	$6,517	[1]$9,951	$12,100
June	5,031	7,246	10,100	12,700
September	5,198	7,700	10,800	———
December	5,868	9,176	11,400	———

[1] Actual.

Although the actual amount of reinvested dividends may vary from the above projections, approximately $57,100,000 of dividends may be reinvested during such period, requiring the issuance of up to 3,700,000 shares of common stock (based on 95% of the March 20, 1980 closing price of $16¼).

Optional cash payments by participants totalled approximately $15,077,000 in 1979 and $13,409,000 in 1978. Based on its estimates of future shareholder participation, AEP feels that the proposed additional 5,000,000 shares of common stock, together with the remaining shares already authorized, is necessary to meet its anticipated requirements and provide a sufficient margin to meet unexpected contingencies, such as an extraordinary increase in participation in the Plan or extraordinary decrease in the market price of the common stock.

AEP requests an exemption from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5).

The fees and expenses to be incurred in connection with the proposed transaction, exclusive of Agent fees estimated at $300,000, are estimated at $100,750, including printing expenses of $40,000, legal fees of $5,000 and accountant's fees of $5,000. It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 29, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10464 Filed 4-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16719; Files Nos. 4-196, 4-273, 4-274, 4-267]

Boston Stock Exchange, Inc.; Order Granting Temporary Approval

April 2, 1980.

In the matter of Boston Stock Exchange, Inc., 53 State Street, Boston, Massachusetts 02109; Cincinnati Stock Exchange, Inc., 209 Dixie Terminal Building, Cincinnati, Ohio 45202; Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60604; Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, California 90014; National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006, Plans filed pursuant to 17 CFR 240.17d–2.

By this Order, issued pursuant to Sections 17(d)(1) and 11A(a)(3)(B) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78q(d)(1) and 78k–1(a)(3)(B)), the Securities and Exchange Commission (the "Commission") is hereby approving for a period of sixty-four (64) days the plans for allocating regulatory responsibilities (the "allocation plans") filed pursuant to 17 CFR 240.17d–2 ("Section 240.17d–2") by the National Association of Securities Dealers, Inc. ("NASD") in conjunction with the Boston Stock Exchange, Inc. ("BSE"), Cincinnati Stock Exchange, Inc. ("CSE"), Midwest Stock Exchange, Inc. ("MSE"), and Pacific Stock Exchange, Inc. ("PSE") (with the NASD, the "parties"). The period of approval will thus expire on June 7, 1980. The responsibilities of the parties to the plans during this period of temporary approval shall be controlled by the terms of the Commission's September 26, 1978 order, Securities Exchange Act Release No. 15191 (the "September order"), provisionally approving the plans until June 23, 1979. The approval period was subsequently extended by Securities Exchange Act Release No. 15491 (June 21, 1979) until January 1, 1980, and by Securities Exchange Act Release No. 16461 (January 2, 1980) until April 5, 1980.

The September order conditioned further Commission consideration of the plans upon the filing of specified amendments to the plans and of certain supplementary materials which are necessary in order to identify with precision the responsibilities of the parties under the plans and to facilitate evaluation of the adequacy of the regulatory programs of the parties. A number of these required submissions were not completed in time to meet the filing deadline set by the staff in Release No. 16461. Extension of the approval period will permit the Commission to thoroughly analyze the supplementary material submitted during the past 30 days.

The Commission will not consider approving these allocation plans without conditions until such time as it is satisfied that they articulate accurately and completely the agreements reached by the parties and until such time as the supplementary materials identify with precision both the examination and enforcement responsibilities of the parties.

During the period of provisional approval, the Commission will continue its on-going review of the performance of the parties under the plans. It may consider alternative allocations of responsibilities to those proposed, including termination of the approval period. In addition, the Commission may at any time consider alternative allocations if its review of the regulatory capabilities and procedures and staffing of the parties, or other germane factors which the Commission may consider under Section 17(d) of the Act, indicates that the parties are unable to fulfill their responsibilities under the Act or the allocations plans or if the allocation of responsibilities in the plans becomes inconsistent with the Act.

It is therefore ordered, Pursuant to Sections 17(d) and 11A(a)(3)(B) of the Act (15 U.S.C. 78q(d) and 78k–1(a)(3)(B)) that, for a period ending June 7, 1980, unless such period is otherwise extended by the Commission, the plans between the NASD and BSE, the NASD and CSE, the NASD and MSE, and the NASD and PSE filed pursuant to § 240.17d–2 are approved subject to the terms and conditions set forth in this Order and the Commission's September Order.

It is further ordered, That the BSE, CSE, MSE and PSE are relieved of those responsibilities allocated to the NASD by such plans as approved subject to the terms and conditions set forth in the above Commission Orders.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10465 Filed 4-7-80; 8:45 am]

BILLING CODE 8010-01-M

[Release 34-16711; File No. SR-NASD-80-4]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975) notice is hereby given on March 27, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The National Association of Securities Dealers, Inc., is submitting plans and specifications for its Direct Participation Programs Representative Examination for approval by the Commission. These are attached as Exhibit 1 to this filing.

Procedure for Self-Regulatory Organization

These plans and specifications were developed and approved by the Qualifications Committee of the Board of Governors of the Association, acting under authority delegated to it by the Board of Governors.

The NASD's Statement of Purpose of Proposed Rule Change

The purpose of the rule change is to provide a Qualification Examination for Direct Participation Programs Representatives.

The NASD's Statement of Basis Under the Act for the Proposed Rule Change

It is the responsibility of the Association under Section 15A(g)(3) of the Securities Exchange Act of 1934, as amended, to implement appropriate qualification standards for persons seeking entrance into the securities industry. Pursuant to this statutory obligation, the Association has developed examinations which are administered to establish that entrance levels of competence and knowledge have been achieved by applicants for positions in the securities industry.

The NASD's Statement on Comments Received From Members, Participants, or Others on Proposed Rule Change

Article I, Section 2 of the By-Laws does not require membership approval of changes to Schedule C. Therefore, no comments were solicited or received regarding this new examination.

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The NASD's Statement on Burden on Competition

As noted above, Section 15A of the Securities Exchange Act placed on the Association the responsibility for determining qualifications for persons seeking registration with members of the Association. Thus, it is felt there is no significant burden on competition imposed by the proposed rule change, and that any incidental burden is in furtherance of the purposes of the Act.

On or before May 13, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 8, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 31, 1980.

[FR Doc. 80-10469 Filed 4-7-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0090]

Androck Capital Corp.; License Surrender

Notice is hereby given that Androck Capital Corporation, 1309 Samuelson Road, Rockford, Illinois 61101 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Androck Capital Corporation was licensed by the Small Business Administration on August 14, 1972.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 26, 1980, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 2, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10570 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposal No. 10/10-0171]

Capital Resource Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to §107.102 of the SBA Regulations (13 CFR 107.102 (1980)), by Capital Resource Corporation, 1001 Logan Building, 500 Union Street, Seattle, Washington 98101 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and stockholders are:

Name and address	Title and relationship	Ownership
T. Evans Wyckoff, 1001 Logan Building, Seattle, Washington 98101.	President & Director	.....
Hugh A. Smith, 200 1st West, Seattle, Washington 98119.	Vice President, Assistant Secretary & Director.	.....
Gerald P. Bilnstein, 2000 IBM Building, Seattle, Washington 98101.	Secretary & Treasurer.	.....
Philip M. Smart, 600 East Pike, Seattle, Washington 98102.	Director	10%
Samuel Stroum, 3714 Sea-First Building, Seattle Washington 98154..	Director	10%
Max A. Gurvich, P.O. Box 558, Kirkland, Washington 98033.	Director	10%
Russell Arrick, 4616 Union Bay Place, N.E., Seattle, Washington 98105.	Shareholder	10%
Phil Boguch, Financial Center, Seattle, Washington 98161.	Shareholder	10%
John A. Rodgers, 1200 5th Avenue, Suite 3, Seattle, Washington 98101.	Shareholder	5%
Ray W. Strand, 5800 Princeton Avenue, N.E., Seattle, Washington 98105.	Shareholder	10%
John C. Long, 705 South 9th, Suite 108, Tacoma, Washington 98405.	Shareholder	10%
Frederick S. Weiss, 1600 Park Place, Seattle, Washington 98101.	Shareholder	10%
Lowry Wyatt, 12116 Nyanza Road, S.W., Tacoma, Washington 98499.	Shareholder	10%
Joseph L. Schocken, 2424 Financial Center, Seattle, Washington 98161.	Shareholder	5%

The Applicant proposes to begin operations with a capitalization of $500,000 and will be source of equity capital and long term loan funds for qualified small business concerns. The Applicant may render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may on or before April 23, 1980, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Seattle, Washington.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 2, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 10571 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5365]

HBR Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by HBR Capital Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

David Harber, president, director and 100 percent stockholder, 200 East 62nd St., New York, N.Y. 10021.

Niel Huttnerin, treasurer and director, 142 Harris Drive, New York, N.Y. 11572.

Eric Boswell, secretary, 1085 Margaret St., Teanack, N.J. 07666.

The Applicant, a New York corporation, with its principal place of business at 1775 Broadway, New York, New York 10019, will begin operations with $505,000 of paid-in capital and paid-in surplus derived from the sale of 10,100 shares of common stock.

The Applicant will conduct its activities primarily in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small busines concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may on or before April 23, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 2, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10572 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1514]

New York; Declaration of Disaster Loan Area

Greene, Schoharie, Ulster and Westchester Counties, and adjacent counties within the State of New York, constitute a disaster area as a result of heavy rains and flooding beginning on or about March 20–24, 1980.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 2, 1980, and for economic injury until the close of business on January 2, 1981, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 1, 1980.

William H. Mauk,

Acting Administrator.

[FR Doc. 80-10568 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Boston, Massachusetts, will hold a public meeting at 10:30 a.m., Monday, April 28, 1980, in the District Director's Conference Room, 150 Causeway Street, 10th Floor, Boston, Massachusetts, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Eleanor A. McCauley, U.S. Small Business Administration, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114—(617) 223–4074.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10564 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, Pennsylvania, will hold a public meeting at 9:00 a.m., Wednesday, May 7, 1980, in Room 2212, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Jack C. Forbes, District Director, U.S. Small Business Administration, 1401 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222—(412) 644–2780.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10575 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lower Rio Grande Valley, Texas, will hold a public meeting at 11:00 a.m., Tuesday, May 6, 1980, at the Cano Coors Distributing Company, McAllen, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending with special emphasis on promotion of Small Business Week officially declared by the President as May 11–17, 1980.

For further information, write or call J. Harold Sears, District Director, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550 (512) 423–8933.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10573 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of New Orleans, Louisiana, will hold a public meeting at 9:00 a.m., Monday, April 21, 1980, at the International Trade Mart Building, #2 Canal Street, New Orleans, Louisiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and other attending.

For further information, write or call Robert J. Crochet, Assistant District Director for Management Assistance, U.S. Small Business Administration, 1001 Howard Avenue, Suite 1702, New Orleans, Louisiana 70113—(504) 589–2354.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10578 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

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Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas, Texas, will hold a public meeting at 9 a.m., Thursday, May 1, 1980, in the Board Room, National Bank of Commerce, 1525 Elm Street, Dallas, Texas, to disucuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Emly S. Atkinson, District Director, U.S. Small Business Administration, 1100 Commerce Street, Dallas, Texas 75202–(214) 767–0600.

Dated: April 1, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10579 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Oklahoma City, Oklahoma, will hold a public meeting at 10:00 a.m., Tuesday, April 29, 1980, at the Lincoln Plaza Inn, 4445 Lincoln Boulevard, Oklahoma City, Oklahoma, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Billy C. Suggs, Acting District Director, U.S. Small Business Administration, 200 N.W. 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102—(405) 231–5237.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10580 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis, Missouri, will hold a public meeting at 9:00 a.m., Wednesday, April 30, 1980, at Chapin's in Laclede Landing, 710 N. Second Street, St. Louis, Missouri to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, One Mercantile Center, Suite 2500, St. Louis, Missouri 63101—(314) 425–4191.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10581 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Wichita, Kansas, will hold a public meeting from 10:00 a.m. to 3:00 p.m., Friday, April 25, 1980, in the Conference Room, Wichita District Office, U.S. Small Business Administration, 110 East Waterman, Wichita, Kansas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Clayton Hunter, District Director, U.S. Small Business Administration, 110 East Waterman, Wichita, Kansas 67202 (316) 267–6311, Ext. 566.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Council.

[FR Doc. 80-10583 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Casper, Wyoming, will hold a public meeting at 9:00 a.m. Tuesday, May 6, 1980, in the Executive Board Room of the Chamber of Commerce Building, 500 North Center Street, Casper, Wyoming, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Paul W. Nemetz, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602—(307) 265–5550, Ext. 5761.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10574 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area Portland, Oregon, will hold a public meeting at 10:00 a.m., Wednesday, April 23, 1980, at the Rodeway Inn Motel and Restaurant, Interstate 5 at the E. Beltline Interstate, Eugene, Oregon, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 1220 Southwest Third Avenue, Room 676, Portland, Oregon Oregon 97204—(503) 221–3461.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10576 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, will hold a public meeting at 9:00 a.m., Pacific Standard Time, Monday, April 21, 1980, in Room 695, U.S. Court House Building, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Valmer W. Cameron, District Director, U.S. Small Business Administration, U.S. Court House, Room 651, P.O. Box 2167, Spokane, Washington 99210—(509) 456–3781.

Dated: April 2, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10577 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Seattle, Washington, will hold a public meeting at 9:00 a.m., Thursday, April 17, 1980, at the Federal Office Building, 909 1st Avenue, Room B–006, Seattle, Washington, to discuss such matters as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call James S. Reed, Acting District Director, U.S. Small Business Administration, Room 1744 Federal Building, 915 Second Avenue, Seattle, Washington 98174–(206) 442–7791.

Dated: April 1, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-10562 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1813]

South Carolina; Declaration of Disaster Loan Area

Dorchester County and adjacent counties within the State of South Carolina constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on March 12–13, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until close of business on June 2, 1980, and for economic injury until the close of business on January 2, 1981, at:

Small Business Administration, District Office, 1835 Assembly Street, 3rd floor, Columbia, South Carolina 29201,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated April 1, 1980.

William H. Mauk,

Acting Administrator.

[FR Doc. 80-10569 Filed 4-7-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 80–6; Ref.: ATF O 1100.126]

Delegation Order—Delegation by the Director of Certain Authorities in Regulations Relating to the Gauging Manual in 27 CFR Part 13

1. *Purpose.* This order delegates to the Assistant Director (Regulatory Enforcement) certain authorities now vested in the Director by regulations in 27 CFR Part 13. This order also allows for redelegation to a lower practicable level.

2. *Background.* Under current regulations, the Director has the authority to take final action on matters relating to the gauging manual. It has been administratively determined that certain authorities now vested in the Director by these regulations belong at, and should be delegated to a lower level. This will allow the Bureau to handle matters relating to the gauging manual in a more expedient way.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701–9, the authority to take final action on the following matters is hereby delegated to the Assistant Director (Regulatory Enforcement):

a. To approve the use of other instruments for determination of specific gravity, under 27 CFR 13.21.

b. To approve meters or other devices or methods and to authorize their use for determination of the quantity of distilled spirits or denatured spirits by volume; and to authorize the determination of the quantity of distilled spirits or denatured spirits by a statistical control method under 27 CFR 13.36 and 13.51.

4. *Redelegation.* The authorities in paragraph 3 may be redelegated to Bureau Headquarters personnel not lower than the position of ATF specialist. The authorities in paragraph 3 may also be redelegated to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, who may approve requests that are identical to those previously approved by Bureau Headquarters.

5. *For Information Contact.* Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202) 566–7602.

6. *Effective Date.* This delegation order becomes effective on April 8, 1980.

7. *Approval.* April 1, 1980.

Miles N. Keathley,

Acting Director.

[FR Doc. 80-10625 Filed 4-7-80; 8:45 am]

BILLING CODE 4810-31-M

[Notice No. 80–3; re ATF O 1100.123]

Delegation Order—Delegation by the Director of Certain Authorities in the Regulations Related to Explosives in 27 CFR Part 181

1. *Purpose.* This order delegates to the Assistant Director (Regulatory Enforcement) certain authorities now vested in the Director by regulations in 27 CFR Part 181. This order also allows for redelegation to a lower practicable level.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to commerce in explosives. It has been administratively determined that certain authorities now vested in the Director by these regulations belong at, and should be delegated to a lower level. This will allow the Bureau to handle matters relating to explosives in a more expedient way.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by CFR 301.7701–9, the authority to take final action on the following matters is hereby delegated to the Assistant Director (Regulatory Enforcement):

a. To prescribe forms required by Part 181, under 27 CFR 181.21.

b. To approve written applications for use of alternate methods or procedures in lieu of a method or procedure specifically prescribed in regulations, under 27 CFR 181.22(a).

c. To withdraw authorization of any alternative method or procedure, under 27 CFR 181.22(a).

d. To approve written applications for emergency variations from the specified requirements in regulations, including construction, equipment, and methods of operation, under 27 CFR 181.22(b).

e. To withdraw authorizatioin for any variation, under 27 CFR 181.22(b).

f. To approve other methods for immobilizing vehicular magazines, under 27 CFR 181.188(a), 181.190(a), 181.191(a).

4. *Redelegation.*

a. The authority in paragraph 3a may be redelegated only to Bureau Headquarters personnel not lower than the position of branch chief.

b. The authority in paragraph 3b may be redelegated to Bureau Headquarters (Regulatory Enforcement) personnel not lower than the position of ATF specialist. This authority may also be redelegated to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, who may approve requests that are identical to those previously approved by Bureau Headquarters.

c. The authority in paragraph 3c may be redelegated to Bureau Headquarters (Regulatory Enforcement) personnel not lower than the position of branch chief. This authority may also be redelegated to regional Regulatory Enforcememt personnel not lower than the position of chief, technical, services, to withdraw only alternate methods approved by regional officials.

d. The authority in paragraph 3d may be redelegated to Bureau Headqurters (Regulatory Enforcement) personnel not lower than the position of ATF specialist. This authority may also be redelegated to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or areas supervisor.

e. The authority in paragraph 3e may be redelegated to Bureau Headquaters

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to, or is capable of being construed as relating to the Armed Forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or Armed Forces, under 27 CFR 5.65(g).

v. To affix the Director's name to label approvals, under 27 CFR 4.40(b), 4.50(a), 5.51, 5.55(a), 7.31, and 7.41.

w. To affix the Director's name on exemptions from label approval under 27 CFR 4.50(b) and 5.55(b).

x. To issue duplicate originals of certificates of label approval or of certificates of exemption, under 27 CFR 4.52 and 5.55(c).

y. To approve distilled spirits formulas under 27 CFR 5.26.

z. To approve applications by successors to adopt predecessors' formulas under 27 CFR 5.28.

4. *Redelegation.* The authorities in paragraph 3 may be redelegated only to Bureau Headquarters personnel not lower than the position of ATF specialist.

5. *For Information Contact.* Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202) 566–7602.

6. *Effective Date.* This delegation order becomes effective on (date of publication in the Federal Register).

7. *Approval.* April 1, 1980.

Miles N. Keathley,

Acting Director.

[FR Doc. 80-10512 Filed 4-7-80; 8:45 am]

BILLING CODE 4810-31-M

[Notice No. 80–5; REF:ATF O 1100.125]

Delegation by the Director of Certain Authorities in Regulations in 27 CFR Part 19

1. *Purpose.* This order delegates to the Assistant Director (Regulatory Enforcement) certain authorities now vested in the Director by regulations in 27 CFR Part 19.

2. *Background.* The Distilled Spirits Tax Revision Act of 1979 (Pub. L. 96–39) has significantly changed many aspects of ATF's role in monitoring industry activities. The Director has been given some new authorities by regulations developed under this Act. It has been administratively determined that certain authorities now vested in the Director by these regulations belong at, and should be delegated to a lower level. This will allow the Bureau to handle these matters relating to the Distilled Spirits Tax Revision Act of 1979 in a more expedient way.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701–9, the authority to take final action on the following matters is hereby delegated to the Assistant Director (Regulatory Enforcement):

a. To approve locks of unusual design, under 27 CFR 19.281(e).

b. To approve alternative devices used as an alternative to red or green strip stamps and to approve any designs or lettering appearing on the alternative devices, under 27 CFR 19.663(b).

4. *Redelegation.* The authorities in paragraph 3 may be redelegated only to Bureau Headquarters personnel not lower than the position of ATF specialist.

5. *For information contact.* Procedures Branch 1200 Pennsylvania Avenue, NW., Washington DC, 20226, (202) 566–7602.

6. *Effective Date.* This order becomes effective on May 8, 1980.

7. *Approval.* April 1, 1980.

Miles N. Keathley,

Acting Director.

[FR Doc. 80-10513 Filed 4-7-80; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

Supplement to Department Circular—Public Debt Series No. 12–80

The Secretary announced on April 2, 1980, that the interest rate on the bonds described in Department Circular—Public Debt Series 12–80, dated March 21, 1980, will be 12⅝ percent. Interest on the bonds will be payable at the rate of 12⅝ percent per annum.

Note.—The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-10514 Filed 4-7-80; 8:45 am]

BILLING CODE 4810-40-M

(Regulatory Enforcement) personnel not lower than the position of branch chief. This authority may also be redelegated to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, to withdraw only variations approved by regional officials.

f. The authority in paragraph 3f may be redelegated to Bureau Headquarters (Regulatory Enforcement) personnel not lower than the position of ATF specialist. This authority may also be redelegated to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, to approve only methods identical to those approved previously by Bureau Headquarters.

5. *For Information Contact.* Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202) 566–7602.

6. *Effective Date.* This delegation order becomes effective on April 18, 1980.

7. *Approval.* April 1, 1980.

Miles N. Keathley,

Acting Director.

[FR Doc. 10511 Filed 4-7-80; 8:45 am]

BILLING CODE 4810-31-M

[Notice No. 80–4; ATF O 1100.124]

Delegation Order—Delegation by the Director of Certain Authorities in Regulations in 27 CFR Parts 4, 5, and 7 Relating to the Federal Alcohol Administration Act

1. *Purpose.* This order delegates to the Assistant Director (Regulatory Enforcement) certain authorities now vestive in the Director by regulations in 27 CFR Parts 4, 5, and 7. This order also allows for redelegation to a lower practicable level.

2. *Background.* Under current regulations, the Director has the authority to take final action on matters relating to the Federal Alcohol Administration Act. It has been administratively determined that certain authorities now vested in the director by these regulations belong at, and should be delegated to a lower level. This will allow the Bureau to handle matters relating to the Federal Alcohol Administration Act in a more expedient way.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701–9, the authority to take final action on the following matters is hereby delegated to the Assistant Director (Regulatory Enforcement):

a. To determine, pursuant to application, whether wine made from any variety of any species which is too strongly flavored at 75 percent minimum varietal content, may be labeled with the varietal name, under 27 CFR 4.23a(c)(2).

b. To determine whether a name of geographic significance which is also the designation of a class or type of wine is deemed to be generic or semigeneric, under 27 CFR 4.24(a)(1) and 4.24(b)(1).

c. To deem a name of geographic significance, which has not been found to be generic or semigeneric to be the distinctive designation of a wine when found that it is known to the consumer and to the trade as a designation of a specific wine of a particular place or region, distinguishable from all other wines, under 27 CFR 4.24(c)(1).

d. To determine whether a brand name, either when qualified by the word "brand" or when not so qualified, conveys no erroneous impression as to the age, origin, identity, or other characteristics of the product, under 27 CFR 4.33(b), 5.34(a) and 7.23(b).

e. To approve methods for permanently marking the net contents on bottles, under 27 CFR 4.37(d), 5.38(a) and 5.38a(a).

f. To require the submission of a full and accurate statement of the contents of containers and bottles to which labels are to be or have been affixed, under 27 CFR 4.38(h) and 5.33(g).

g. To prohibit any statement, design, device, or representation of or relating to analyses, standards, tests, guarantees, irrespective of falsity, which is likely to mislead the consumer, on a container or bottle of wine, distilled spirits, or malt beverage, or on any label on such containers, or any individual covering, carton, or other wrapper of such container, or any written, printed, graphic, or other matter accompanying such container to the consumer, under 27 CFR 4.39(a)(4), 4.39(a)(5), 5.42(a)(4), 5.42(a)(5), 7.29(a)(4), and 7.29(a)(5).

h. To require that dates on labels which refer to the establishment of any business or brand name be stated in direct conjunction with the name of the person, company, or brand name to which it refers in order to prevent confusion as to the person, company, or brand name to which the establishment date is applicable, under 27 CFR 4.39(d).

i. To prohibit the use of any label which contains any statement, design, device, or pictorial representation, which relates to, or is capable of being construed as relating to the Armed Forces of the United States or to the American flag, or any emblem, seal, insignia, or decoration associated with the Armed Forces or the flag, under 27 CFR 4.39(g), 5.42(b)(7), and 7.29(d).

j. To determine when a name has viticultural significance, under 27 CFR 4.39(i).

k. To allow the use of product names with specific geographcial significance that because of their long usage are recognized by consumers as fanciful product names and not representations as to origin; and to require the label to bear a statement disclaiming the geographical reference as a representation as to the origin of the wine, under 27 CFR 4.39(j).

l. To prohibit the use of any advertisement for wine, distilled spirits, or malt beverages, which contains any statement, design, device, or representation of or relating to analyses, standards, tests, or any guarantee, irrespective of falsity, which is likely to mislead the consumer, under 27 CFR 4.64(a)(4), 4.64(a)(5), 5.65(a)(4), 5.65(a)(5), 7.54(a)(4), and 7.54(a)(5).

m. To approve written applications to waive the bottles per case requirement under 27 CFR 4.74(b).

n. To determine as generic those geographical names or distinctive places for distilled spirits, or malt beverages, which have by usage and common knowledge lost their geographical significance to such an extent that they have become generic, under 27 CFR 5.22(k)(2), 5.22(l)(2), and 7.24(g).

o. To require that the words "cordial" or "liqueur" be used to designate a product when it is necessary to clearly indicate that the product is a cordial or a liqueur, under 27 CFR 5.35(a).

p. To require that the State of distillation be shown on the label or to permit such other labeling as may be necessary to negate any misleading or deceptive impression which may be created as the actual State of distillation, under 27 CFR 5.36(d).

q. To specify specialties for which the alcoholic content may be stated in percentage by volume, under 27 CFR 5.37.

r. To specifically exempt, pursuant to application, liquor bottles of unusual design from the "headspace" and "design" requirements in 27 CFR 5.46, under 27 CFR 5.48(a).

s. To specify the specialties which are exempt from the standards of fill provisions of 27 CFR 5.47(a) and 5.47a(a), under 27 CFR 5.48(b).

t. To specify the specialities for which alcoholic content may be stated in percentage by volume in advertisements, under 27 CFR 5.63(c).

u. To prohibit the use of an advertisement for distilled spirits which contains any statement, design, device, or pictorial representation which relates

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 69
Tuesday, April 8, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 9, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

General—1—*Title:* In re petition (RM-2788) requesting amendment of Parts 2 and 18 of the Commissions Rules and Regulations. *Summary:* Litton Microwave Cooking Products, Litton Systems, Inc. has filed a petition with the Commission requesting the Rules be amended to allow use of the frequency band 10.555 to 10.675 GHz by Industrial, Scientific and Medical (ISM) equipment. The item before the Commission discusses the merits of that petition.

General—2—*Title:* Atari's petition for reconsideration of the TI Waiver. *Summary:* The Commission considers the subject petition which essentially asks the Commission to rescind the waiver of the Class I TV rules granted to TI to permit certification and marketing of TI's stand-alone RF modulator.

Private Radio—1—*Title:* Notice of Proposed Rule Making to delete those provisions of the Commission's rules that limit entry of new stations into the VHF public coast station market. *Summary:* The FCC will consider whether to delete section 81.303(b) and related provisions from its rules. These provisions protect existing VHF public coast stations from encroachment on their service areas by new stations. Deletion of these provisions will allow new stations in the VHF public coast station market and will encourage competition.

Private Radio—2—*Title:* Amendment of Part 81 of the rules to relieve public coast stations operating in the 2 MHz band from monitoring and logging calls on the distress frequency 2182 kHz. [PR Docket No. 80- *Summary:* The FCC will consider whether to propose rules relieving those public coast stations which provide regional public correspondence service in the 2 MHz band from the requirement to maintain a watch on the distress frequency 2182 kHz and o log particulars concerning the watch. The U.S. Coast Guard has assumed the watch responsibilities.

Private Radio—3—*Title:* Consideration of final Rules amending Sections 90.65, 90.67, 90.73, and 90.79 to provide for inter-service sharing of certain frequencies in specified geographic areas. *Summary:* The Commission is considering whether to adopt its proposals to amend Sections 90.65, 90.67, 90.73, and 90.79, to provide for frequency sharing by the Petroleum, Forest Products, Special Industrial, and Manufacturers Radio Services in certain geographic areas. Under consideration are certain modifications to the specific frequencies and geographic areas as suggested in comments. If approved, proposed changes will be finalized in a Report and Order.

Common Carrier—1—*Title:* Petitions to reject and suspend and investigate revisions to AT&T's private line tariff providing for Dataphone II service. (Transmittal Nos. 13351, 13357, 13379, 13416). *Summary:* The Commission will consider whether to grant petitions from the Independent Data Communications Manufacturers Association, Inc., to reject and suspend and investigate AT&T's revisions filed Ocotober 26, 1979, to its private line tariff providing for a new data set offering, Dataphone II.

Common Carrier—2—*Title:* Motion of Western Union International, Inc. for stay of the Commission's *Memorandum Opinion and Authorization*, FCC-79-842 (The "Dataphone" Order). *Summary:* WUI requests the Commission to stay its "Dataphone" Order pending the outcome of an Appeal taken on that Order as well as another Commission Order (the "Date!" Order) issued the same day as a companion item. WUI argues that unless the Commission issues the stay as requested, AT&T will gain unfair competitive advantage over it, and the other IRCs, in the provision of certain overseas services.

Common Carrier—3—*Title:* Second Supplemental Notice of Inquiry and Proposed Rulemaking (In the Matter of MTS and WATS Market Structure—CC Docket No. 78-72). *Summary:* The FCC is conducting a proceeding to decide several questions relating to the MTS-WATS market structure including arrangements to compensate the operators of local telephone exchanges for the origination or termination of interstate telecommunications. Issues to be considered include: (1) Whether the Commission should prescribe such compensation arrangments? (2) If so, what compensation mechanisms and compensation formula should be prescribed? (3) Should any questions relating to such compensation arrangements be referred to a Joint Board?

Common Carrier—4—*Title:* Interface of the International Telex Service with the Domestic Telex and TWX Services, Docket No. 21005 and International Record Carriers' Scope of Operations In the Continental United States, including possible Revisions to the Formula Prescribed Under Section 222 of the Communications Act, et al. Docket No. 19660 *Summary:* TRT Telecommunications Corporation has requested stay pending appellate review of the Commission's recent orders in Docket No. 21005 and Docket No. 19660 requiring the IRC's to unbundle their rates for telex service. The Commission will consider the TRT petition.

Renewal—1—*Title:* Petition For Reconsideration of the License Renewals of Stations WHNT-TV, Huntsville, Alabama and WSLA-TV, Selma, Alabama. *Summary:* The Food and Beverage Trades Department of the AFL-CIO challenged the license renewal of stations WHNT-TV and WSLA-TV. The Commission consideres the union's request for reconsideration of the grant of each station's renewal.

Renewal—2—*Title:* Application for renewal of license for stations KHVH, Honolulu, Hawaii, filed by KHVH, Inc. *Summary:* A petition to deny this renewal application was filed by William E. H. Tagupa. Tagupa alleges that KHVH failed to implement an Equal Employment Opportunity Program as required by our rules, citing KHVH's minority recruitment and employment record as support for his claim. He also contends that KHVH made certain misrepresentations concerning it's EEO efforts. He requests on the basis of these violations, that the renewal application be denied or set for hearing.

Renewal—3—*Title:* EEO goals and timetables. *Summary:* Agenda item asking the Commission to accept the goals and timetables for Station KTHV(TV), Little Rock, Arkansas and grant the license renewal application with EEO conditions.

Renewal—4—*Title:* License Renewal Applications of Certain Broadcast Stations Licensed to and Serving the District of Columbia. *Summary:* On September 1, 1976, the Office of Human Rights of the District of Columbia filed a petition to deny the renewal applications of several stations licensed in Washington, D.C.. The petition challenged each station's employment of minorities and protested a number of the licensees' programming policies. The Commission considers whether any of the stations' employment practices warrant agency action and whether some licensees abused their discretion regarding programming.

Renewal—5—*Title:* License Renewal Applications of Certain Suburban Broadcast Stations Serving the Washington, D.C. Market. *Summary:* On September 1, 1976, the Office of Human Rights of the District of Columbia filed a petition to deny the renewal application of several suburban Washington, D.C. stations alleging insufficient employment of minorities. The Commission considers what the relevant workforce statistics are, to which the suburban stations' employment levels will be compared, as well as whether each station's employment record warrants Commission action.

Aural—1—*Title:* Memorandum Opinion and Order in re Application of WINK-FM, Fort Myers Broadcasting Co., for a construction permit to change antenna site. *Summary:* The Commission considers the aforementioned application and a request for waiver of the minimum spacing requirements.

Television—1—*Title:* Petition for review of action of Chief, Broadcast Bureau, accepting application of Miami STV, Inc., for filing. *Summary:* Applicant for CP for new TV station on channel 33, Miami, Florida, seeks review of action of Chief, Broadcast Bureau, accepting competing application for filing.

Television—2—*Subject:* Motion of Family Stations, Inc. to return as untimely filed the application of Sterling Recreation Organization Co. for a new commercial television station to operate on Channel 64, Stockton, California. *Summary:* There are four applications pending for Channel 66 in Vallejo, California, all specifying the same site. Family, a Stockton applicant, short-spaced to the Vallejo proposed site, was timely filed as to the Vallejo applications and is mutually exclusive with them. Sterling was filed meeting all spacing requirements to Vallejo but mutually exclusive with Family. Sterling was not filed by the Vallejo cut-off date but was filed by the erroneously published Stockton (Family) cut-off date. The question is whether Sterling had to have been filed by the Vallejo or the published Stockton cut-off date.

Broadcast—1—*Title:* Petition for rule making (RM-2806) to amend the TV Table of Assignments by reserving a VHF assignment in the Los Angeles market for a noncommercial station. *Summary:* The Committee to Eliminate the UHF Handicap on Public Television in Los Angeles and other parties have requested, in a petition for rule making, that the Commission amend the TV Table of Assignments to reserve a VHF assignment at Los Angeles for a noncommercial educational stations. As all VHF assignments in Los Angeles are occupied, petitoners propose a comparative renewal hearing among present licensees to determine which is the least qualified, with that licensee's channel then being freed for noncommercial purposes, or, in the alternative, that noncommercial applicants be given the right of first refusal to purchase any VHF offered for sale.

Broadcast—2—*Title:* Report and Order in AM Stero Proceeding. The Commission will consider the Notice of Proposed Rulemaking which was issued in the AM stereo proceeding.

Complaints and Compliance—1—*Title:* Application for Review filed by Ms. S. Derrickson Moore. The Commission has before it an application for review filed by S. Derrickson Moore. The application seeks review of a broadcast bureau ruling that denied a complaint against NBC. The complaint alleged that NBC had failed to provide a reasonable opportunity for the presentation of contrasting views on the issue of "futurism." The bureau denied the complaint because Ms. Moore failed to show that NBC had acted unreasonably. The Commission must decide whether to grant the application for review.

Complaints and Compliance—2—*Title:* Application by Edwin E. Merriman and Robert W. Tobey d/b/a Luna County Broadcasting Company of Station KOTS, Deming, New Mexico for review of Broadcast Bureau's action assessing a forfeiture for overpower and underpower operations. *Summary:* Edwin E. Merriman and Rober W. Tobey d/b/a Luna County Broadcasting Company, licensees of Station KOTS, Deming, New Mexico have requested the Commission to review orders of the Broadcast Bureau assessing a forfeiture of $1,000 for operation with excessive power and operation with insufficient power. The licensees raise procedural arguments one of which contends that the Bureau was without delegated authority to issue the forfeiture notice. The Commission must decide whether to grant the application for review and if so whether the forfeiture should be remitted or reduced.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 3, 1980.

[S-710-80 Filed 4-4-80; 11:18 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., Monday, April 7, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

CHANGES IN THE MEETING: Delete the following item.

Agenda, Item number, and subject

Common Carrier—2—*Title:* Second Supplemental Notice of Inquiry and Proposed Rulemaking (In the Matter of MTS and WATS Market Structure—CC Docket No. 78-72). *Summary:* The FCC is conducting a proceeding to decide several questions relating to the MTS-WATS market structure including arrangements to compensate the operators of local telephone exchanges for the origination or termination of interstate telecommunications. Issues to be considered include: (1) Whether the Commission should prescribe such compensation arrangements? (2) If so, what compensation mechanisms and compensation formula should be prescribed? (3) Should any questions relating to such compensation arrangements be referred to a Joint Board?

Additional information concerning this item may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 3, 1980.

[S-711-80 Filed 4-7-80; 8:45 am]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, April 10, 1980, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED: Portion open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory opinions:
Draft AO 1979-69: James F. Clark (Alaska Loggers' Assoc./Clarence Kramer Political Action Committee).
Draft AO 1980-18: Jerome H. Kearns/J. Michael Cooney (KAN PAC).
Draft AO 1980-22: Barton G. Greene (Am. Iron and Steel Institute).
Draft AO 1980-23: Marion Edwyn Harrison (ADEPT).
Draft AO 1980-24: Diane Greene, President, The Democratic Handbook.
Draft AO 1980-28: Albert P. Massey, Jr., Chrm., Repub. Cmte. of Chester County.
1980 election and related matters.
Presidential monthly status report.
Budget execution report.
Conversion of threshold audits to post primary audits.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

Matters to be considered in closed session: Compliance. Litigation. Personnel. Labor/Management Relations.

PREVIOUSLY ANNOUNCED DATE AND TIME: 10 a.m., Tuesday, March 25, 1980.

[FR No. 592]

AGENCY: Federal election Commission.

CHANGE IN MEETING: Due to an emergency situation, the Commission

agreed by a vote of 6–0 to discuss "1980 Presidential Threshold Audits."

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-708-80 Filed 4-4-80; 9:27 am]
BILLING CODE 6715-01-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 7, 1980 (revised).

PLACE: As noted.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED: Monday, April 7—Commissioners conference room, 1717 H Street NW.

9:30 a.m.

1. Discussion of interim criteria for radiation release at TMI (approximately 1 hour, public meeting).
2. Discussion of enforcement action (continued from April 3) (approximately 1½ hours, closed—Exemption 5).

2 p.m.

1. Time reserved for possible continuation of morning meetings (1 hour).

Thursday, April 10—(Bethesda) Room 550 E–W Towers, 4350 East-West Highway.

10 a.m.

1. Time reserved for possible briefing on low-power license for Salem (approximately 2 hours, public meeting).
2. Affirmation session (approximately 10 minutes, public meeting).
   a. Amendments on updating FSAR's (TENT).
   b. ENO determination for TMI accident.
   c. PRM by W. Eddleman re Late filings.
   d. Low power license for North Anna 2.
3. Time reserved for discussion and vote on affirmation items (if required) (15 minutes, public meeting).

2 p.m.

1. Briefing on identification of issues pertaining to seismic and geologic siting regulation, policy and practice for nuclear power plants (approximately 1 hour, public meeting).
2. Briefing on waste management technical regulations (approximately 1 hour, public meeting).

Friday, April 11—Room 1046, 1717 H Street NW.

1 p.m.

1. ACRS meeting on ACRS review of action plan and proposed venting of TMI–2 containment (approximately 1 hour, public meeting) (NRC Commissioners to attend).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status whenever possible.

Walter Magee,
Office of the Secretary.
April 3, 1980.

[S-713-80 Filed 4-4-80; 2:09 pm]
BILLING CODE 7590-01-M

5

PAROLE COMMISSION.

TIME AND DATE: 9 a.m., Wednesday, April 2, 1980.

PLACE: Room 826A, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On April 2, 1980, the Commission determined that the above meeting be continued to 9 a.m. on Friday, April 4, 1980, in room 826A, 320 First Street NW., for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSONS FOR MORE INFORMATION: Linda Wines Marble, Analyst (202) 724–3094.

[S-712-80 Filed 4-4-80; 11:18 am]
BILLING CODE 4410-01-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, April 17, 1980.

PLACE: Conference room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Docket No. MC79–3 (Red Tag Mail).
Closed pursuant to 5 U.S.C. § 552b (c) (10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, room 500, 2000 L Street NW., Washington, D.C. 20268, telephone (202) 254–5614.

[S-709-80 Filed 4-4-80; 11:18 am]
BILLING CODE 7715-01-M

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federal register

Tuesday
April 8, 1980

Part II

Department of Labor

Mine Safety and Health Administration

Respirable Dust; and Ventilation System and Methane and Dust Control Plan

V45/69 APR 8 80 UMI

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 11, 70, 71, 75 and 90

Respirable Dust

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor's mandatory health standards, Title 30, Code of Federal Regulations, Part 70 are amended as to the definition of respirable dust and the procedures for sampling respirable dust in underground coal mines. These amendments include revised requirements for certification of persons conducting sampling of respirable dust and calibrating sampling equipment. Sampling of respirable dust in the active workings outby the working face is required in addition to sampling at the working face. This rule also amends Parts 11, 71, 75 and 90. The definition of respirable dust in each of these parts is amended to be consistent with Section 202(e) of the Federal Mine Safety and Health Act of 1977 (Act).

EFFECTIVE DATES: April 8, 1980: 30 CFR §§ 11.3(ee), 70.2(n), 71.2(n), 75.2(k) and 90.2(g). November 1, 1980: Part 70.

FOR FURTHER INFORMATION CONTACT: Joseph A. Lamonica, Chief, Division of Health, Mine Safety and Health Administration, Room 830, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (703) 235–1140.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Background

On November 16, 1977, the Mining Enforcement and Safety Administration (MESA), Department of the Interior, published in the **Federal Register** (42 FR 59294–59300) a notice proposing amendments to Part 11 of Subchapter B and Parts 70, 71, 75 and 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations. The proposed amendments pertained to respirable dust and airborne contaminants. Interested persons were afforded 30 days after publication of the proposed amendments within which to submit written comments and objections to the amendments proposed by the Secretary of the Interior and to request a public hearing on the issues raised. Numerous requests for extension of the time within which to respond were received from operators, organizations representing operators and other interested parties. By publication in the **Federal Register** for January 5, 1978 (43 FR 979), the time for submission of comments, objections and requests for public hearing was extended to February 28, 1978.

Under the Federal Mine Safety and Health Act of 1977 (Act), the responsibilities of the Secretary of the Interior under Section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Coal Act), Pub. L. 91–173, were transferred to the Secretary of Labor (Secretary) on March 9, 1978. Rulemaking, commenced by the Department of the Interior under the Coal Act, was continued by the Department of Labor.

The written comments and objections received in response to the proposed amendments published by the Secretary of the Interior included several requests for public hearing. The comments and objections received concerning respirable dust raised issues substantially different in nature from the issues raised by the comments and objections concerning airborne contaminants. In the interest of giving due consideration to the issues raised, the Mine Safety and Health Administration (MSHA) determined that separate public hearings should be held on the amendments concerning respirable dust and airborne contaminants. Notice of three public hearings on the amendments concerning respirable dust were announced in the **Federal Register** on June 20, 1978 (43 FR 26454). Two additional public hearings were announced in the **Federal Register** on July 7, 1978 (43 FR 29339). All five public hearings were conducted as scheduled between July 11 and July 28.

II. Summary of the Rule

A. Respirable Dust Standards

Respirable dust is defined by this rule as dust collected with a sampling device approved by the Secretary of Labor (or the Secretary of the Interior under the Coal Act) together with the Secretary of Health, Education, and Welfare in accordance with Part 74 of Title 30, code of Federal Regulations. This amendment to the definition of respirable dust is consistent with section 202(e) of the Act. There, Congress revised the 1969 Coal Act definition of respirable dust to be that dust measured with a device approved by the Secretary and Secretary of Health, Education, and Welfare. This congressionally revised definition is based on the performance characteristics of sampling devices which are approved, rather than a description of the characteristics of respirable dust. The final rule definition of respirable dust is also based on approved sampling devices.

The fundamental requirement of the rule is that the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of a mine is exposed be continuously maintained at or below 2.0 milligrams of respirable dust per cubic meter of air (2.0 mg/m³). The respirable dust standard of 2.0 mg/m³ will be lowered, however, when the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz. Under such conditions, the operator is required to continuously maintain respirable dust at or below an average concentration less than 2.0 mg/m³, computed by dividing the percentage of quartz into the number 10. As the quartz content of respirable dust present in the mine atmosphere increases over 5 percent, the respirable dust standard is correspondingly reduced. This method of determining the applicable respirable dust standard when quartz is present is prescribed by the Secretary of Health, Education, and Welfare (HEW). Samples for determining the quartz content of respirable dust present in the mine atmosphere will be analyzed by MSHA. If the quartz content exceeds 5 percent, MSHA will apply the formula set forth in the rule and notify the operator of the respirable dust standard applicable at the mine.

A respirable dust standard for the intake air for working sections is also provided by this rule. Each operator is required to continuously maintain the average concentration of respirable dust in intake airways within 200 feet of the working faces at or below 1.0 milligrams of respirable dust per cubic meter of air.

The respirable dust standards for active workings and intake airways are based on measurements with an MRE instrument (gravimetric sampling device with four channel horizontal elutriator.) Therefore, when an approved sampling device is used for sampling, the concentration of respirable dust measured with the approved device will be converted by MSHA to an equivalent concentration of respirable dust as if measured with an MRE instrument. This conversion is accomplished by multiplying the concentration of respirable dust measured with the approved sampling device by the constant factor prescribed by the Secretary for that approved sampling device.

B. Respirable Dust Sampling

1. *Designated occupation and designated area sampling.* Each operator is required to collect respirable dust samples and submit the samples to MSHA for analysis to determine

compliance with the respirable dust standard. The rule specifies two different types of respirable dust samples to be collected and submitted by operators.

The first type of sample is a "designated occupation sample" for each "mechanized mining unit" in the mine. A mechanized mining unit is a unit of mining equipment that a production crew utilizes for the extraction of material. For example, a mechanized mining unit for a continuous mining system would typically consist of two shuttle cars, a roof bolting machine and a continuous mining machine. Designated occupation samples are taken in the environment of the occupation in the mechanized mining unit that is exposed to the greatest concentration of respirable dust. In the continuous mining system the occupation exposed to the greatest concentration of respirable dust generally is the continuous mining machine operator. Accordingly, this occupation would be the subject of the designated occupation sample for that mechanized mining unit. The rule sets forth the job position in most mining systems on which designated occupation samples are required to be taken, unless otherwise directed by the District Manager. The rule allows designated occupation samples to be taken by having the miner in the designated occupation wear the sampling device or by placing the sampling device at specified locations near the miner's normal work position. Mechanized mining units will be assigned an identification number by MSHA. These identification numbers are retained by the mechanized mining unit, regardless of where it relocates in the mine. When two sets of mining equipment are provided in a series of working places in the mine and only one production crew is employed at any given time on either set of mining equipment the two sets of equipment will be identified as a single mechanized mining unit. However, when two or more mechanized mining units are simultaneously engaged in production within the same working section, each such mechanized mining unit will be separately identified.

The second type of respirable dust sample required under this rule is a "designated area sample." Designated area samples are required to be collected at locations appropriate to best measure concentrations of respirable dust associated with dust generation sources in the active workings of the mine, such as along haulageways, at underground crushers, or at transfer points. The operator's approved ventilation system and methane and dust control plan, required under 30 CFR 75.316, is required by this rule to also show the specific locations in the mine designated for taking area samples. An amendment to 30 CFR 75.316 conforming to this requirement is published in Part II of today's **Federal Register.** Area samples are collected by placing an approved sampling device in a specific location in each area designated in the approved ventilation system and methane and dust control plan. Each designated area will be assigned an identification number by MSHA.

2. *Bimonthly sampling cycle.* Designated occupation samples for mechanized mining units and designated area samples are each required to be collected and submitted by operators at bimonthly intervals. The rule provides a separate schedule of bimonthly periods for each of the two types of samples. For example, during the period January 1 through February 28, operators are required to collect and submit designated occupation samples for each mechanized mining unit. The corresponding period for collecting and submitting designated area samples is February 1 through March 31. The bimonthly periods are staggered to reduce the burden of sampling on operators and to enable MSHA to quickly analyze respirable dust samples.

During each bimonthly period for sampling of mechanized mining units, operators are required to collect and submit five samples for each mechanized mining unit. Based on these samples, MSHA will make a determination as to compliance with the applicable respirable dust standard under this rule. During each bimonthly period for designated area sampling, operators are required to collect and submit one sample for each designated area, as described in the operator's approved ventilation system and methane and dust control plan. If a respirable dust sample taken from a designated area exceeds the applicable respirable dust standard, MSHA will notify the operator. The operator will then be required to submit five additional samples collected from that designated area within 15 calendar days. Based upon these samples, MSHA will make a determination as to compliance with the applicable respirable dust standard. MSHA will also make compliance determinations based on occupation samples taken by MSHA inspectors.

When there is a change in the operational status of a mine, a mechanized mining unit or a designated area that affects these respirable dust sampling requirements, the operator is required to report such status change to the District Manager. Under this rule, status change reports are required to be made in writing within 3 working days after the status change occurs. When the respirable dust standard applicable at a mine is changed due to the presence of quartz, bimonthly sampling of mechanized mining units and designated areas is required to begin on the first production shift of the next full bimonthly period after the operator is notified by MSHA of the revised respirable dust standard.

To satisfy the bimonthly designated occupation and designated area sampling requirements of this rule, operators are required to take "valid respirable dust samples." These are defined as respirable dust samples collected and submitted as required by this part, and not voided by MSHA. Samples not collected and submitted in accordance with all requirements of this rule may be voided by MSHA. Voided or invalid samples will not satisfy the bimonthly sampling requirements, and therefore it may be necessary for an operator to collect and submit additional samples during a bimonthly period. Failure to take the required number of valid respirable dust samples within a bimonthly period would constitute a violation. Therefore, it is advantageous for operators to collect and submit the samples required for each bimonthly period during the first month of the bimonthly period. This would allow ample opportunity to collect and submit additional samples if necessary. Respirable dust samples received by MSHA in excess of the number required by this part will be considered invalid samples.

3. *Sampling method.* All respirable dust samples collected by operators for purposes of this rule are required to be collected with a sampling device approved by the Secretary (or the Secretary of the Interior under the Coal Act) and the Secretary of Health, Education, and Welfare under Part 74 of Title 30, Code of Federal Regulations. Approved 10 millimeter cyclone sampling devices are required to be operated at a flowrate of 2.0 liters of air per minute. Other sampling devices that may be approved in the future will be required to be operated at the flowrate prescribed by the Secretary of Health, Education, and Welfare.

The rule also prescribes minimum mining activity that must be ongoing during sampling. Designated area samples are required to be collected

during a "production shift." A production shift is defined for purposes of designated area sampling as a shift during which material is produced and routine day-to-day activities are occurring in the designated area. Similarly, designated occupation samples for mechanized mining units are required to be collected during a "normal production shift." A normal production shift is defined as a shift during which the amount of material produced in a mechanized mining unit is at least 50 percent of the average production reported for the last set of five valid samples. If a normal production shift is not achieved, the sample for that shift may be voided by MSHA. However, any designated occupation sample with a respirable dust concentration greater than 2.5 milligrams per cubic meter of air will be used to determine the average concentration of respirable dust for that mechanized mining unit, regardless of production. The rule also requires that sampling devices be operated portal to portal. This means that the sampling devices used by the operator are required to be operated while carried into the mine, during the entire shift or for 8 hours, whichever time is less, and while carried out of the mine.

C. Transmittal and Analysis of Samples

After the end of a sampling shift, the operator is required to transmit all samples collected to MSHA within 24 hours. All respirable dust samples collected by an operator are deemed by this rule to be taken to fulfill the sampling requirements of Parts 70, 71 or 90 of Title 30, Code of Federal Regulations, unless the operator declares in writing to the District Manager prior to the intended sampling shift that the sampling filter cassettes are to be used for other purposes. Therefore, absent such a written declaration by the operator to the District Manager, all respirable dust samples collected by an operator are required to be submitted to MSHA within 24 hours after the end of the sampling shift.

Each sample transmitted by operators to MSHA is required to be accompanied by the appropriate completed dust data card. Data cards are provided by the filter cassette manufacturer, and each card has an identification number which corresponds with the filter cassette for which it is provided. All dust data cards submitted to MSHA are required to be completed and signed by a person certified to collect samples and must include that person's certification number.

Upon receipt, MSHA will analyze samples submitted by operators as quickly as practicable. Following this analysis, MSHA will provide the operator with a respirable dust sample data report. The data report will include identification of the mechanized mining unit or designated area in the mine from which the samples were taken; the concentration of respirable dust for each valid respirable dust sample; the occupation code, where applicable; and the reason for voiding any samples. Upon receipt, the operator is required to post this data report for at least 31 days on the mine bulletin board.

D. Enforcement of Respirable Dust Standards

MSHA will make determinations as to compliance with the applicable respirable dust standard under § 70.100(a) or § 70.101 of this rule based on the bimonthly samples taken from each mechanized mining unit. If the samples from a mechanized mining unit show respirable dust concentrations in excess of the applicable standard, the operator will be cited for a violation. MSHA will also determine compliance with the applicable respirable dust standard based on designated area samples. However, if a bimonthly designated area sample shows a respirable dust concentration in excess of the applicable standard, the operator will first be instructed by MSHA to take five additional valid respirable dust samples for that area within 15 calendar days. If these designated area samples show an average concentration of respirable dust in excess of the applicable standard, the operator will be cited for a violation. In addition, the operator may be required to revise the ventilation system and methane and dust control plan for the mine relative to that area.

Upon issuance of any citation for violation of § 70.100(a) or § 70.101 and until abatement of the violation is achieved, the usual bimonthly sampling requirements of this rule will not apply to the affected mechanized mining unit or designated area. During the time for abatement fixed in the citation, the operator is required to take corrective action to lower the concentration of respirable dust in the affected mechanized mining unit or designated area and then sample each production shift until five valid respirable dust samples are taken. Abatement of the violation will be determined on the basis of the first five valid respirable dust samples submitted during the abatement period.

Under this rule, valid respirable dust samples collected and submitted during the abatement period may also be credited to the bimonthly sampling requirements. This will occur only when a violation is abated, and if, during abatement sampling, valid respirable dust samples are collected by the operator and received by MSHA in a bimonthly period after which the violation occurred. For example, if, based on samples submitted for a designated occupation during the bimonthly period of July 1 through August 31, MSHA determines that a violation occurred and issues a citation on August 25, the operator would be required to take corrective action and then take five valid samples for the designated occupation during the period fixed for abatement. If, after corrective action, the operator takes abatement samples during the end of August and the beginning of September, the start of the next bimonthly period for designated occupation sampling, then the valid respirable dust samples taken by the operator and received by MSHA during September would be credited to the bimonthly sampling requirements for the period September 1 through October 31. In the event that during abatement sampling less than five valid respirable dust samples were taken by the operator and received by MSHA during September, it would be necessary for the operator to submit the additional number of valid respirable dust samples necessary to satisfy the bimonthly sampling requirements for September 1 through October 31.

E. Certified Persons

Proper maintenance, calibration and use of sampling equipment are essential for operators to meet the sampling requirements of this rule. Accordingly, these tasks are required to be done only by persons certified under this rule. The rule provides a certification for maintaining and calibrating sampling equipment and a certification for conducting sampling. Persons may hold one or both of these certifications. Temporary certification of persons is provided by the rule, pending prompt completion of the certification requirements.

1. *Maintaining and calibrating respirable dust sampling equipment.* To be certified in maintenance and calibration, persons are required to pass the MSHA examination on maintenance and calibration procedures.

The essential maintenance requirement of the rule is that approved sampling devices be maintained in a condition such that they will perform as approved under Part 74 of Title 30, Code of Federal Regulations. Accordingly, each operator should have a rigorous and regularly scheduled maintenance program for sampling devices used for purposes of this rule. Approved sampling devices are required to be calibrated in accordance with MSHA Informational Report No. 1121, "Standard Calibration and Maintenance Procedures for Wet Test Meters and Coal Mine Respirable Dust Samplers (Supersedes IR 1073)." The rule also provides that coal mine personal sampler units be calibrated at the flowrate of 2.0 liters of air per minute before being put into service and at intervals not to exceed 200 hours of operating time. A calibration mark is required to be placed on the flowmeter of personal sampler units to indicate the proper position of the float when the sampler is operating at its approved flowrate. The proper flowrate is indicated when the lowest part of the float is tangent to the top of the calibration mark.

2. *Collecting respirable dust samples.* To be certified to collect respirable dust samples for purposes of this rule, persons are required to pass MSHA examination in sampling of respirable coal mine dust.

Careful examination and testing of respirable dust sampling devices are required immediately prior to the start of a shift during which samples will be collected for purposes of this rule. The required examination and testing may be done by a person holding either of the certifications provided by the rule and includes testing the battery voltage and examining all external components of the sampling devices to be used. Any necessary external maintenance to assure the sampling devices are clean and in proper working condition is required to be performed at this time by a certified person.

Examination of each sampling device is also required at least twice during the sampling shift. This examination is required to be done only by a person certified to collect samples. The first examination is required to be made during the second hour after the sampling devices are put into operation. This examination is to assure that each sampling device is operating properly and at the proper flowrate. Any necessary adjustment in the flowrate of a sampling device is required to be made at this time by the person certified to collect samples. The second examination is required to be made during the last hour of operation of the sampling devices during the shift. If the proper flowrate has not been maintained, the sample is required to be transmitted to MSHA with a notation made by the certified person indicating an improper flowrate.

III. Discussion of Major Issues

General

The predominant objection to the proposed rule expressed by miners and their representatives was the lack of effective miner participation in the respirable dust sampling program. Commenters repeatedly asserted that the absence of miner participation seriously compromised the sampling program.

Significant miner participation in the respirable dust sampling program was not a part of the proposed rule. Therefore, while miner involvement has been strongly advocated by some, not all interested persons have been afforded an opportunity to comment on such an addition to the sampling program. Accordingly, miner participation is not incorporated in this final rule. However, in response to the substantial number of comments recommending miner participation, MSHA is proposing amendments to this final rule which would require operators to provide miners an opportunity to observe sampling, maintenance and calibration procedures, and to observe the transmittal of samples to MSHA. These proposed revisions to the final rule are set forth in this **Federal Register.** Similar miner involvement is included in the proposed revisions to the existing respirable dust sampling program for surface coal mines and surface areas of undergound coal mines, 30 CFR Part 71, and the sampling program for miners who have evidence of the development of pneumoconiosis, 30 CFR Part 90, which are also published in this **Federal Register.**

During the course of the public hearings, MSHA was urged to accept the use of a particular type of personal protective device as a means of compliance with the respirable dust standard in certain longwall mining operations. It was argued that in these operations it has not been proven feasible at this time to institute engineering controls adequate to reduce dust to within permissible concentrations without substantially impairing coal production. MSHA has begun a careful study of the device—known as the "airstream helmet"—to determine its potential usefulness under very limited circumstances. It is currently being field tested under close MSHA scrutiny in a coal mine in New Mexico. Until testing is completed and the results evaluated, MSHA will continue to require implementation of engineering controls in coal mines as the means of achieving compliance with the applicable dust standard.

A significant number of the miners who appeared at the public hearings on this rule stated that they and many of their fellow miners are reluctant to fully cooperate in the respirable dust sampling program because they fear that the sampling results will be used by coal operators as evidence to defeat possible future Federal or State black lung benefits claims. This issue has previously been raised by miners' representatives with MSHA and its predecessor, MESA, and with the Employment Standards Administration of the Department of Labor, which administers the Department's black lung benefits programs. In August of 1973 and again in June of 1978, the administrators of the Department's black lung benefits program, in letters to representatives of the United Mine Workers of America, gave assurances that individual dust sampling results could not alone provide a sufficient basis for denying benefits. MESA and MSHA have provided similar assurances. A recent informal review of federal black lung benefits cases shows that sampling results have been intoduced into the record in only a very few cases and that in no case were these results relied upon to deny a claimant benefits. Despite these facts, concern appears to persist among some miners that the dust sampling program may jeopardize future benefits. The final rule therefore includes two changes in the existing operator respirable dust sampling program to reduce the likelihood of such samples being introduced as evidence in black lung benefits cases.

First, under the final rule, the existing requirement that each working miner be sampled every six months or every four months, depending on the miner's work assignment, has been deleted. The results of these samples were not used for enforcement of the respirable dust standard, but were solely for the purpose of supplying the Department of Health, Education, and Welfare (HEW) with data for research concerning black lung disease. This aspect of the existing operator sampling program resulted in a large number of samples and in the few cases where sampling results have been introduced as evidence in black lung benefits cases, it has most often been the results of these samples. Therefore, eliminating these samples should greatly reduce the use of sampling results in these cases. MSHA and NIOSH will assure that suitable substitute investigations will be conducted so that research concerning black lung disease can be continued.

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The second change in the existing operator sampling program implemented by the final rule is removal of miners' social security numbers from MSHA's report of sampling results. Under the existing program, MSHA's computer print-out of sampling results was sent to the operator and included, among other things, the occupation and social security number of the miner sampled, the date of the samples and the amount of respirable dust collected. This computer print-out has in the past been introduced as evidence in black lung cases. However, with the removal of miners' social security numbers from MSHA's computer print-out report to operators, correlation of sampling results with individual miners by MSHA will be eliminated. MSHA believes these changes are responsive to the miners' concern that the dust sampling program may jeopardize future black lung benefits.

Section 70.2

Based on several of the comments received, the term "normal production shift" is defined by the final rule as a shift during which the amount of material produced is at least 50 percent of the average production reported for valid sampling shifts constituting the previous bimonthly series of samples submitted by the operator. This is a change from the proposed rule which specified 60 percent production. The 50 percent production criterion requires sampling in environments which are typical of workers' normal dust exposure while providing sufficient flexibility to account for normal fluctuations in the mining process.

Commenters also suggested that the definition of respirable dust should include a particle size limitation. The final rule defines respirable dust as dust collected wtih sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare. This definition is consistent with the definition of respirable dust in section 202(e) of the Act. Approvals for devices issued by the Secretary of the Interior and Secretary of HEW under the Coal Act and Part 74 of 30 CFR are continued in effect by virtue of the provisions of the Federal Mine Safety and Health Amendments Act of 1977.

The previous definition of respirable dust prior to the 1977 Act was "only dust particulates 5 microns or less in size" [30 CFR 70.2(i)]. This definition was based on an incorrect interpretation of the original definition of respirable dust developed by the British Medical Research Council (BMRC). According to the BMRC, "a selective size sampling device meeting these requirements would have a 50 percent sampling efficiency for 5 micron spherical particles of unit density, and an absolute cut-off for similar particles of size greater than 7.1 (micron) diameter." The MRE device was designed according to the BMRC definition, and used in the epidemiological studies upon which the 2.0 mg/m³ dust standard in the 1969 Coal Act was based (Jacobson, Rae, Walton and Rogan, 227 Nature 445–47 (1970)).

By prescribing the 5 micron diameter as the absolute cut-off, rather than the 50 percent efficiency diameter as determined by the BMRC, the previous definition of respirable dust was rendered incompatible with the performance of the MRE instrument or any other instrument for sampling respirable dust. Consequently, the Interior Board of Mine Operations Appeals determined that citations based upon this definition were unenforceable. (*Eastern Associated Coal Corporation* (On Reconsideration), 7 IBMA 14 (Sept. 30, 1976) (83 I.D. 425)).

To retain a definition of respirable dust based on a 5 micron particle size limitation would perpetuate these problems. Congress recognized this potential and in the 1977 Act defined respirable dust in terms of approved sampling devices. This same concept is adopted in the final rule which defines respirable dust as dust collected with an approved sampling device.

Alternatives suggested by commenters to this instrument-based statutory definition were the BMRC definition of respirable dust and the definition adopted by the American Conference of Governmental Hygienists (ACGIH). Implementing these alternatives, however, would require substantial data development to convert the dust specified by these definitions either to the original coal worker's pneumoconiosis (CWP) epidemiological measurements made in MRE instruments or to the measurements made with presently approved sampling devices. Under the final rule, measurements made with approved samplers are related to measurements made with an MRE instrument by the conversion factor of 1.38. This links respirable dust samples taken with an approved device to the epidemiological studies on CWP. Since the record does not contain any data on the necessary conversion factor for the BMRC or ACGIH respirable dust definitions, these alternative definitions cannot be implemented at this time.

Although the BMRC or ACGIH definitions of respirable dust cannot be made part of this final rule, NIOSH has announced studies to develop the necessary data. In addition, MSHA and NIOSH will be reviewing 30 CFR Part 74 under which sampling devices are approved. A new procedure for approving sampling devices under Part 74 would be necessary if the BMRC or ACGIH definitions of respirable dust should be adopted.

Section 70.100

Commenters questioned whether a standard of 2.0 milligrams of respirable dust per cubic meter of air should be retained. The respirable dust standard of 2.0 mg/m³ was originally established in the 1969 Coal Act and is retained in the 1977 Act. This average concentration limit for coal mine dust was initially based upon studies conducted in Great Britain. Those studies showed that the probability of developing pneumoconiosis decreases with decreasing exposure to respirable dust concentrations. Data relied on in the studies indicated that the expected incidence of miners contracting simple pneumoconiosis would be 5 percent at respirable dust concentrations of 3.0 mg/m³ and 2 percent at 2.0 mg/m³. British data further indicated that the probability of developing massive fibrosis, or complicated pneumoconiosis, also significantly decreases with decreasing exposure to respirable dust concentrations. S. Rep. No. 91–411, 91st Cong., 1st Sess. 16 (1969). The final rule therefore retains a respirable dust standard of 2.0 mg/m³. It should be noted, however, that the respirable dust standard is lower when the mine atmosphere of the active workings contains greater than 5 percent quartz.

A few of the comments received also indicated confusion over whether compliance with the 2.0 mg/m³ respirable dust standard is based on a time weighted average. Respirable dust sampling under this rule is conducted during production shifts. Sampling devices are required to be operated for the entire shift or for 8 hours, whichever time is less. The total respirable dust collected by a sampling device is then averaged over the time the sampler was operated, in other words, a time weighted average. Compliance determinations are made on the basis of this average concentration of respirable dust collected during the shift.

Several commenters objected to retaining the intake air standard for respirable dust of 1.0 milligrams per cubic meter of air. The purpose of this intake air standard is to assure that the air ventilating working faces is sufficiently uncontaminated to assist in controlling respirable dust at the working faces. No new data have been introduced demonstrating a need for change in this standard and therefore it is retained in the final rule. It was proposed, however, that operators no longer regularly submit intake air samples to MSHA. This proposal is retained under the final rule and MSHA will sample intake air to monitor compliance with the standard.

Section 70.101

A substantial number of comments were received objecting to the proposed respirable dust standard when free silica is present in the active workings of the mine atmosphere. Many of the comments addressed the validity and appropriateness of the NIOSH recommendation, questioning both the data upon which it was based and the methodologies used to arrive at the 50 microgram recommendation. The proposed rule would have required the average concentration of respirable dust to be reduced below 2.0 milligrams per cubic meter of air when the free silica present exceeded .050 milligrams per cubic meter of air, converted to an MRE measurement equivalent of .070 milligrams per cubic meter of air. This proposal was based upon the recommendation made by the National Institute for Occupational Safety and Health (NIOSH) in its 1974 criteria document indicating that workers should not be exposed to levels greater than 50 micrograms of free crystalline silica per cubic meter of air. For the reasons discussed below, MSHA has decided to withdraw this proposed standard at this time pending further action by NIOSH. The final rule retains the existing formula for reducing the respirable dust standard when respirable dust in the mine atmosphere contains greater than 5 percent quartz.

Adopting a standard for free silica which will assure the protection of all workers from lung disease is of paramount concern to the Department of Labor. Both MSHA and OSHA have placed a high and immediate priority on the development of an appropriate silica standard. It is also important for both agencies to coordinate their respective rulemaking activities to the extent possible, particularly where important common hazards exist. Although each agency has an independent statutory mandate and a separate responsibility to develop improved safety and health standards, there are compelling reasons for MSHA to deter final revision of the silica standard at this time.

The proposed rule was published under the Coal Act which required the Secretary of Health, Education, and Welfare (HEW) to develop proposed health standards for the coal mining industry. However, the NIOSH criteria document used to develop the proposed rule was prepared in response to the HEW mandate to develop criteria dealing with toxic materials under section 20(a)(3) of the Occupational Safety and Health Act of 1970. The criteria document states that the recommended standard was intended to apply to the "processing, manufacture, and use of free silica as applicable under the Occupational Safety and Health Act of 1970."

The 1977 Act for the first time brought the protections of a single law to all miners. MSHA has a responsibility in critical areas such as health, to examine hazards that are common to the coal and metal and nonmetal mining industries in a coordinated manner. Even if separate or different standards eventually emerge from the review of a common hazard, there must be a thorough evaluation of all relevant considerations, and possible common solutions to common problems must be fully explored. MSHA believes it is particularly important to adopt this approach for subject matters such as silica exposure. The risk to metal and nonmetal miners as a whole appears to be at least as serious as the risk to coal miners and much of the pertinent scientific data has been derived from studies of noncoal miners.

MSHA believes that it is appropriate to defer action on the proposed silica standard until it receives from NIOSH a criteria document specifically addressing the silica exposure hazard in mining. NIOSH is currently developing such a criteria document. This should provide MSHA with valuable information not only concerning the proposed revision of the permissible exposure limits, but other equally important matters such as sampling procedures, medical examinations of exposed workers and warning signs and labels.

It should be noted that in addition to the NIOSH criteria document, the record in this rulemaking proceeding contains the results of a number of research efforts aimed at determining the effects of the various components of coal mine dust on the development of chronic obstructive lung disease in coal miners. Although there is strong indication that the contents of the dust inhaled as well as the concentration is a factor in the formation of fibrotic lung tissue and in the development of pulmonary massive fibrosis, these studies are not conclusive. Congress took cognizance of this potentially increased health hazard when it provided in section 205 of the Coal Act and the 1977 Act for a reduced respirable dust standard when the respirable dust in the mine atmosphere contains more than 5 percent quartz, which is retained in the final rule.

Several comments received requested information regarding MSHA procedures for determining the quartz content of respirable dust for purposes of this rule. These procedures are basically set forth in Bureau of Mines Information Circular No. 8545, "Bureau of Mines Procedure for Evaluating Quartz Content of Respirable Coal Mine Dust," 1972. The procedures set forth in this document have been slightly modified since publication. Upon request, interested persons may obtain complete information on updated MSHA procedures from the MSHA Dust Branch, Health Division, Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Section 70.201

Several commenters suggested that respirable dust sampling under this rule be done with sampling devices that can be mounted on mining machinery and give a continuous readout of dust concentrations. Commenters recognized that unlike the currently approved sampling devices, such as the Mine Safety Appliances Monitaire Model G or C–115 and Bendix 3900 Micronair, further technological development is necessary before continuous readout devices can be reliably used to monitor dust in the mines. However, MSHA believes that every effort should be made to advance sampling technology and has embarked on an intensive program to develop a reliable machine-mounted continuous dust monitor. Prototypes have been developed and are currently being tested in several mines. In addition, the Bureau of Mines is pursuing research in this area.

Sections 70.202 and 70.203

Respirable dust sampling and the maintenance and calibration of sampling devices are required to be done by persons certified under this rule. The distinction in the proposed rule between "certified" and "qualified" persons has been deleted to avoid confusion. Certification under the final rule is achieved by successfully completing the applicable MSHA examination. A separate certifying examination is provided for respirable dust sampling and for maintenance and calibration of sampling equipment. In response to comments received, the proposed requirement of also completing the applicable MSHA course of instruction prior to taking a certifying examination has been deleted. Although other sources of training are encouraged, MSHA will offer courses of instruction

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in both respirable dust sampling and the maintenance and calibration of sampling equipment. Persons seeking certification are urged to avail themselves of these courses. Scheduling information for MSHA training courses and examinations is available at MSHA District Offices.

The proposed requirement that persons certified to conduct respirable dust sampling have 12 months experience in underground coal mines has also been deleted from the final rule. The purpose of this requirement was to ensure that persons required by the rule to go underground were sufficiently familiar with safe work practices so as not to endanger themselves or other miners. However, since publication of the proposed rule, MSHA promulgated the final rule for training and retraining of miners to be codified at 30 CFR Part 48 (43 FR 47454 (October 13, 1978)). Under Part 48, persons conducting sampling will have to be trained in safe work practices. MSHA believes that such mandatory training obviates the need for the proposed 12 months experience requirement.

A few of the comments received asked whether it is necessary to require under this rule certification of persons previously certified or qualified by MSHA to conduct sampling and maintenance and calibration of sampling equipment. The requirement that sampling, maintenance and calibration be done only by persons certified under this rule is an integral part of improving the operator respirable dust sampling program. MSHA believes that certification through examination under this rule will ensure a basic level of competency with the substantially revised sampling requirements and procedures. In addition, MSHA believes that certification of persons under the final rule will improve sampling results through properly maintained and calibrated equipment. Temporary certification pending completion of the certification requirements is provided to alleviate any potential problem of accommodating all persons seeking certification under the final rule.

Several commenters also objected to the proposed requirement that persons be reexamined every two years in order to maintain their certification. MSHA is persuaded by the comments that this proposed requirement would not significantly improve the performance of certified persons in sampling, maintenance and calibration. Accordingly, this proposed requirement has also been deleted from the final rule. However, MSHA retains the right to revoke certifications if the sampling, maintenance and calibration procedures prescribed by this rule are not strictly adhered to by certified persons.

Section 70.204

The proposed maintenance and calibration requirements for approved sampling devices are not substantively changed in the final rule. A few commenters, however, objected to the sampling pump battery voltage requirement of the proposed rule. Commenters indicated that the proposed voltage requirement for nickel cadmium cell batteries would result in many adequate nickel cadmium cell batteries being removed from service. Accordingly, the proposed voltage requirement has been revised and the final rule requires that the voltage for nickel cadmium cell batteries not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel cadmium cell batteries is required to be not lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell value.

Section 70.205

There are also no substantive changes in the proposed operation and flowrate requirements for approved sampling devices. Several comments questioned the need for requiring approved sampling devices to be examined during the second hour after being put into operation and during the last hour of operation. On-shift examination of sampling devices during the second hour of operation is required so that adjustment in the flowrate may be made to account for any surface charge acquired by the sampling pump battery during charging. Battery surface charge is common and dissipates after approximately one hour, often resulting in a reduction in the flowrate of the sampling device. If this occurs, prompt adjustment of the flowrate is necessary to achieve a valid respirable dust sample. On-shift examination of sampling devices during the last hour of operation is required to assure that the proper flowrate has been maintained during the sampling shift.

MSHA believes that these on-shift examinations of sampling devices are an important part of reasonable and prudent sampling techniques. However, several comments received from anthracite coal mine operators indicated that on-shift examination of sampling devices could be potentially dangerous under the conditions of mining an extremely pitching coal seam. Accordingly, under the final rule operators of anthracite coal mines are exempt from the requirement that the sampling device be examined during the second hour of operation when the device is being operated in the breast or chamber and the full box method of mining is used.

Section 70.206

The final rule provides that for purposes of compliance determinations, concentrations of respirable dust measured with an approved sampling device will be expressed in terms of equivalent concentrations as if measured with an MRE instrument. To accomplish this, the rule provides that concentrations of respirable dust measured with an approved device will be multiplied by a constant factor prescribed by the Secretary.

Several commenters questioned the requirement of converting concentrations of respirable dust measured with an approved sampling device to equivalent concentrations of respirable dust as measured with an MRE instrument. Congress in the 1969 Coal Act established respirable dust concentrations as measured with an MRE instrument as the standard for evaluating miner exposure to coal mine dust. Congress also recognized the potential for new technology and provided that other approved sampling devices could be used, so long as the concentration of respirable dust measured with such a device was equated to respirable dust concentrations as measured with an MRE instrument. This concept is not changed under the 1977 Act since the respirable dust standard as set forth in the 1969 Coal Act was carried over without change.

After passage of the Coal Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare approved a dust sampling device smaller and more practical than the MRE instrument. These samplers use a 10 millimeter cyclone to separate respirable dust from the total dust present in the mine atmosphere while the MRE instrument uses a four channel horizontal elutriator. In order to equate the concentrations of respirable dust measured with the 10 millimeter cyclone sampler to concentrations of respirable dust as measured with an MRE instrument, MSHA developed a constant conversion factor.

A few commenters questioned the constant factor of 1.38 specified in the proposal. This factor is based on data reported by Tomb *et al.* in Bureau of Mines Informational Report 7772, (1973), which is available from the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. These data

demonstrated the need for revising the previously prescribed factor of 1.6 to 1.38 to account for the addition of a pulsation dampener to the 10 millimeter cyclone sampler. This improvement in the sampler was made part of its approval under 30 CFR Part 74. Accordingly, the constant conversion factor of 1.38 is adopted by the Secretary for 10 millimeter cyclone samplers already approved by the Secretaries. The final rule, however, does not state the 1.38 constant factor for converting concentrations of respirable dust as measured with a 10 millimeter cyclone sampler. This aspect of the proposed rule was deleted to allow for entirely different constant factors that may be prescribed for newly developed and approved sampling devices.

Sections 70.207 and 70.208

These sections of the final rule set forth the bimonthly sampling schedules for mechanized mining units and designated areas. Under the final rule, if the average concentration of respirable dust collected in five valid samples taken from a mechanized mining unit or a designated area exceeds the respirable dust standard applicable at the mine, the operator will be issued a citation and abatement of the unhealthful condition will be required. MSHA believes that these revised sampling procedures will be a significant improvement to the overall respirable dust sampling and control program. In addition, MSHA and NIOSH will be engaging in an assessment of the effectiveness of the new sampling scheme to determine if further improvements can be made.

Commenters have suggested that the rule should include a provision setting forth how the potential for variability in sampling results is accounted for in MSHA's determination of compliance with the respirable dust standard. MSHA recognizes that under this rule, or any sampling program, there may be some variation between the actual concentrations of respirable dust present in the mine atmosphere and the dust concentrations determined by sampling results. MSHA, however, believes that the final rule significantly reduces this variability. Compliance determinations will generally be based on the average concentration of respirable dust measured by five valid respirable dust samples taken by the operator during five consecutive shifts, or five shifts worked on consecutive days. Therefore, the sampling results upon which compliance determinations are made will more accurately represent the dust in the mine atmosphere than would the results of only a single sample taken on a single shift. In addition, MSHA believes the revised sampling and maintenance and calibration procedures prescribed by the final rule will significantly improve the accuracy of sampling results.

A few commenters, however, argued that the remaining potential variability in sampling results should be resolved by setting an artificial respirable dust standard in the rule, as high as 2.4mg/m³. These commenters suggested that enforcement action should only be taken by MSHA when the average concentration of five valid respirable dust samples exceeds this higher standard. MSHA believes that such an accounting for variability in sampling results under the final rule would be contrary to congressional intent and the express congressional prohibition against average concentrations of respirable dust in the active workings exceeding 2.0 mg/m³ over the course of a working shift.

The health risk for miners posed by respirable coal mine dust was first addressed at length by Congress in the 1969 Coal Act. In section 202(b)(2) of the Coal Act, which is retained in the 1977 Act, Congress provided in relevant part that "* * * each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed at or below 2.0 milligrams per cubic meter of air." It is important to emphasize that this statutory standard is expressed in terms of the average concentration of respirable dust during a shift.

Although single-shift respirable dust sampling would be most compatible with this single-shift standard, Congress recognized that variability in sampling results could render single-shift samples insufficient for compliance determinations. Consequently, Congress defined "average concentration" in section 202(f) of the 1969 Coal Act which is also retained in the 1977 Act. That section provides that "* * * the term 'average concentration' means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed (1) as measured, during an 18 month period following the date of enactment of this Act, over a number of continuous production shifts to be determined by the Secretary and Secretary of Health, Education, and Welfare, and (2) as measured thereafter, over a single shift only, unless the Secretary and Secretary of Health, Education, and Welfare, find, in accordance with the provisions of Section 101 of this Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift."

The Secretary of the Interior and Secretary of Health, Education, and Welfare conducted continuous multi-shift sampling and single-shift sampling and, after applying valid statistical techniques, determined that a single-shift respirable dust sample should not be relied upon for compliance determinations when the respirable dust concentration being measured was near 2.0 mg/m³. Accordingly, the Secretary of the Interior and Secretary of Health, Education, and Welfare prescribed consecutive multi-shift samples to enforce the respirable dust standard.

MSHA does not believe that Congress contemplated any further accounting for variability in sampling results. Moreover, further accounting for any remaining variability in sampling results as suggested by the commenters would expressly permit average concentrations of respirable dust exceeding 2.0 mg/m³ in the mine atmosphere during a shift. Such a provision in the final rule would be contrary to the congressional mandate that operators continuously maintain the average concentration of respirable dust at or below the prescribed standard. The legislative history of the Coal Act is replete with congressional expression that the 2.0 mg/m³ respirable dust standard be strictly adhered to and enforced. (*See:* S. Rep. No. 91-411, 91st Cong., 1st Sess. 47 (1969)). In addition, referencing a respirable dust standard higher than 2.0 mg/m³ to determine compliance would ignore the possibility that sampling results may show concentrations lower than were actually present in the mine atmosphere. Therefore, any variability in sampling results remaining after averaging together consecutive multi-shift samples and using improved sampling, maintenance and calibration procedures under the rule cannot be resolved by implementing a higher respirable dust standard for purposes of compliance determinations. Accordingly, the final rule minimizes the potential for variability in sampling results and enforcement action will be taken by MSHA based on these sampling results.

Several commenters addressing the proposal for designated area sampling objected to MSHA issuing citations for violation of the respirable dust standards on the basis of area sampling.

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These commenters argued that the respirable dust standard as set forth in the Act requires miners to be sampled personally to determine the average concentration of respirable dust during a shift to which the individual miner was exposed. Therefore, it was argued, no compliance determination could properly be based on samples which measured the average concentration of respirable dust during a shift in particular locations in the mine where miners work or travel, since this would not show an individual miner's exposure for the duration of the shift.

MSHA believes that the Act supports finding violations of the respirable dust standards based on area sampling. Section 202(b)(2) of the Act requires operators to "* * * continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed at or below 2.0 milligrams per cubic meter of air." The purpose of this provision, as set forth in section 201(b) of the Act, is to ensure that "* * * the working conditions in each underground coal mine are sufficiently free of respirable dust concentrations in the mine atmosphere to permit each miner the opportunity to work underground during the period of his entire adult working life without incurring any disability from pneumoconiosis or any other occupation-related disease during or at the end of such period." MSHA believes that the language of these provisions of the Act authorizes finding a violation when the average concentration of respirable dust exceeds the standard at any location in the active workings of a mine. The Act clearly speaks in terms of the "mine atmosphere" and requires operators to continuously maintain the quality of air to which miners are exposed. Under the final rule, designated area samples are required to be taken in the "active workings," which is defined as any place in a coal mine where miners are normally required to work or travel. Therefore, miners clearly are exposed to the mine atmosphere measured by designated area samples.

Basing compliance determinations on samples taken at particular locations in a mine that measure the respirable dust concentrations in the mine atmosphere through which miners normally travel or in which miners work is not new under the final rule nor is it peculiar to designated area sampling. Samples taken at the working face for the high risk occupation under the existing respirable dust sampling program also measure the mine atmosphere in locations in the active workings, rather than the exposure of any individual miner for the duration of a shift. For example, the operator of a continuous mining machine is normally deemed to be the occupation with the greatest dust exposure at the working face and a sampling device is placed on the continuous mining machine operator, or near the operator's normal work position. This sample measures the mine atmosphere in the area of that work position. If samples show that over the course of a shift the average concentration of respirable dust in the mine atmosphere at this location exceeded the standard, then this condition would constitute a violation. This method of area sampling at the working face is continued under the final rule by providing designated occupation sampling in each mechanized mining unit.

MSHA also believes that enforcement of the respirable dust standards based on area sampling will effectively serve the health protection goal of achieving and continuously maintaining good air quality in the active workings of mines. The results of personal samples would not be useful to pinpoint the source of dust concentrations measured during a shift due to the movement of miners through various areas of the mine in the course of performing their work. With area sampling results, however, respirable dust generation sources can be identified and monitored. If area samples show respirable dust concentrations exceeding the applicable standard, abatement of the condition can be more readily and permanently achieved by the operator. In this manner, MSHA believes that appropriate respirable dust control measures can be made an integral part of each operator's mining system.

Several commenters questioned the effects of the proposal to reduce sampling to five samples on a bimonthly schedule. The existing respirable dust sampling program which this final rule amends was based on ten samples collected and submitted each month.

MSHA evaluated the effect of reducing the number of required shift samples from ten to five statistically and empirically and found no significant change in the number and confidence level of compliance decisions. The statistical evaluation showed that the relative change in the confidence level for a compliance decision decreased approximately five percent when the number of samples is reduced from ten to five. The empirical analysis showed that compliance decisions decreased less than three percent when the average concentrations was determined from five samples.

MSHA also considered the effect on the overall respirable dust monitoring program of reducing the number of samples. Reducing the number of required shift samples from ten to five will permit more rapid analysis of samples by MSHA, resulting in a rapid return of this information to the operator and prompt abatement of violations of the respirable dust standard. Prompt abatement of violations will reduce the exposure of miners to excessive dust concentrations and therefore improve miner health protection. In addition, MSHA believes that because miners will be sampled less repetitively under this rule, there will be greater miner acceptance of the sampling program. For these reasons the proposal to reduce the number of samples from ten to five is adopted in the final rule.

The effects of the proposal to reduce the frequency of sampling from monthly to bimonthly have also been evaluated. MSHA statistics indicate that nearly 74 percent of all underground coal mine sections were determined to be in compliance with the respirable dust standard for the entire year of 1977. In addition, a significant portion of the remaining 26 percent were found out of compliance only once. As a result, most operators during 1977 were permitted under the existing regulation to use the alternating (bimonthly) sampling cycle. In view of this, MSHA believes that proposed bimonthly sampling cycle would not reduce miner health protection. It should also be noted that sampling under the final rule is expanded to areas of the mine outby the working face, affording miners increased health protection. For these reasons bimonthly sampling is retained in the final rule.

A few commenters suggested that operators of mines with 40 or fewer miners be permitted under the rule to collect and submit fewer samples. MSHA is not convinced that the number of samples required under an effective respirable dust monitoring program can reasonably be related to mine size. Moreover, the significant reduction in the number and frequency of the samples required for all mines was a major aspect of the proposed rule. Accordingly, the final rule does not permit operators of small mines to collect and submit fewer samples.

Under the proposed rule, bimonthly sampling of mechanized mining units and designated areas was required to be done during the first month of each bimonthly period. The purpose of this proposed requirement was to ensure that operators had ample time remaining

to submit additional samples during a bimonthly period in the event samples were voided by MSHA. Samples may be voided by MSHA under the final rule if, for example, there has been insufficient production of material during sampling. Sampling during the first month of each bimonthly period would also take advantage of the staggered bimonthly sampling periods for mechanized mining units and designated areas such that an operator could collect and submit one type of sample each month.

Commenters, nevertheless, objected to a specific requirement in the rule that bimonthly sampling be done in the first month of each bimonthly period. This requirement has been deleted from the final rule. However, MSHA recommends that operators collect and submit bimonthly samples during the first month of each bimonthly period to the extent practicable in order to protect against the possibility of failing to meet the bimonthly sampling requirements due to voided samples. Failure to meet the bimonthly sampling requirements would constitute a violation under the final rule.

Commenters also objected to the proposed rule requirement that initial bimonthly sampling of new or reactivated mechanized mining units and designated areas begin on the first production day after the unit or area is placed in production status. Commenters objected that "production status" and "production day" were not defined in the proposed rule. Commenters also suggested that initial bimonthly sampling of new or reactivated mechanized mining units and designated areas should be delayed sufficiently to allow time for activities in the unit or area to normalize before samples are collected. The terms "production status" and "production day" have been deleted from the final rule. Under the final rule, the operator is required to meet the sampling requirements for the bimonthly period in which the first "production shift" occurs for a new or reactivated mechanized mining unit or designated area, provided there is sufficient time in the bimonthly period to take the required five valid samples. MSHA will make this determination on a case-by-case basis.

Several commenters objected to the proposal that samples with respirable dust concentrations greater than 2.5 milligrams per cubic meter of air would be considered in determining the average concentration of respirable dust for a mechanized mining unit, even though a "normal production shift" was not achieved. The purpose of requiring respirable dust samples to be collected during a "normal production shift" is to assure that respirable dust sampling is conducted when dust generation sources are active. If respirable dust is present in concentrations greater than 2.5 mg/m³, it is apparent that some significant dust generation sources are active. Accordingly, this provision of the proposed rule is retained.

A few commenters questioned the proposed provision that respirable dust sampling devices be attached to miners in designated occupations. Commenters indicated that currently approved sampling devices can be cumbersome to wear under certain circumstances. The proposed rule specifically provided that sampling devices may be attached to miners or alternatively be placed at specified locations near the normal work position for the designated occupations, unless otherwise directed by an authorized representative of the Secretary. The proposed rule did not require sampling devices be attached to miners. This aspect of the proposed rule is retailed with only a minor change providing that the District Manager, rather than any authorized representative of the Secretary, may direct placement of sampling devices in locations other than those provided by the final rule.

Several commenters also questioned the proposed rule requirement that identification numbers be assigned to each mechanized mining unit. Commenters suggested that identification numbers could instead be assigned to each working section. A fundamental aspect of the final rule is that each mechanized mining unit in a mine be sampled. This is accomplished under the rule by collecting samples from a designated occupation in each mechanized mining unit. Designated occupation samples then need to be related to the mechanized mining unit represented by the samples to ensure that all mechanized mining units are sampled and that the designated occupation samples for each individual mechanized mining unit are analyzed together. The final rule therefore retains the proposed requirement that each mechanized mining unit be identified.

Section 70.209

Several of the comments received objected to the proposed requirement that samples be transmitted to MSHA within 24 hours after the end of each sampling shift suggesting this could be burdensome for some operators. MSHA has received no information to support the suggestion that additional time is necessary. Moreover, it is important to the efficiency of the revised respirable dust sampling program that samples be promptly transmitted to MSHA. Accordingly, the final rule requires operators to transmit samples to MSHA within 24 hours after the end of each sampling shift.

Commenters also objected to the proposed rule provision that all respirable dust samples collected by operators would be considered by MSHA to be taken to fulfill the requirements of 30 CFR Parts 70, 71 or 90. Under the proposed rule, samples to be used by operators for other purposes would have to be identified in writing by the operator to the District Manager prior to the intended sampling shift. The purpose of this requirement, which is retained in the final rule, is to maintain the integrity of the sampling program. Respirable dust sampling by operators for purposes other than submission to MSHA is not precluded by this provision. The final rule requires only that any such samples be identified in writing to the District Manager according to each filter cassette identification number, prior to their intended use by the operator. No evidence was received indicating that this requirement will impose a hardship upon operators.

A few commenters also objected to the proposed requirement that samples submitted by operators to MSHA for abatement purposes be sent to a different address than routine samples. Under the final rule, all samples submitted by operators are required to be sent to MSHA's Respirable Dust Processing Laboratory in Pittsburgh, Pennsylvania, unless another address is designated by the District Manager. This latter requirement of the final rule anticipates equipping MSHA's district offices with facilities for dust sample processing in order to expedite abatement sampling results.

Section 70.210

Several of the comments received objected to the proposed requirement that results of MSHA's respirable dust sample analysis be posted by operators on the mine bulletin board for at least 31 days. This posting requirement is designed to provide miners ready access to current information as to respirable dust conditions in the mine. The data reported to the operator will not contain information identifying individual miners. MSHA has received no information indicating that posting this information would be contrary to the best interests of miners or burdensome for operators. Therefore, the proposed posting requirement is adopted in the final rule.

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IV. Effect on Existing Rules

This final rule substantially revises the existing Part 70 procedure for operator sampling of respirable dust in underground coal mines. To effect an orderly transition from the old sampling program to the new sampling program, the existing operator sampling requirements in Part 70 are suspended as of September 1, 1980. On and after September 1, 1980, operators are not required to collect respirable dust samples until the effective date of this rule, which is November 1, 1980. Only the operator sampling requirements are suspended. Operators will be required to continue to maintain compliance with the respirable dust standard and all other provisions of Part 70.

Respirable dust samples collected in accordance with Part 70 before September 1, 1980, are required to be submitted to MSHA and will be analyzed for compliance with the respirable dust standard. Citations and orders involving noncompliance with any provision of Part 70 issued or outstanding after September 1, 1980, will continue in effect according to their terms unless modified by MSHA.

Drafting Information

The principal persons responsible for preparing this final rule are: Joseph A. Lamonica and Glenn R. Tinney, Division of Health, Mine Safety and Health Administration; Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration; and Edward P. Clair and Edward C. Hugler, Division of Mine Safety and Health, Office of the Solicitor, Department of Labor.

Regulatory Analysis

It has been determined that a regulatory analysis is not required for this rule under the Department of Labor's final guidelines for implementing Executive Order 12044 (44 FR 5570, January 26, 1979). It is estimated that the changes in the sampling requirements contained in this rule will result in a net savings to the coal industry of approximately 2 million dollars during the first year.

Dated March 28, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

1. Part 70 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is amended by revising Subparts A, B, C and E as set forth below:

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND MINES

Subpart A—General

Sec.
70.1 Scope.
70.2 Definitions.

Subpart B—Dust Standards

70.100 Respirable dust standards.
70.101 Respirable dust standard when quartz is present.

Subpart C—Sampling Procedures

70.201 Sampling; general requirements.
70.202 Certified person; sampling.
70.203 Certified person; maintenance and calibration.
70.204 Approved sampling devices; maintenance and calibration.
70.205 Approved sampling devices; operation; air flowrate.
70.206 Approved sampling devices; equivalent concentrations.
70.207 Bimonthly sampling; mechanized mining units.
70.208 Bimonthly sampling; designated areas.
70.209 Respirable dust samples; transmission by operator.
70.210 Respirable dust sample; report to operator; posting.
70.220 Status change reports.
* * * * *

Subpart E—Dust From Drilling Rock

70.400 Dust from drilling rock; control.
70.400–1 Dust from drilling rock; approved devices.
70.400–2 Dust from drilling rock; water.
70.400–3 Dust from drilling rock; ventilation.
* * * * *

Authority: Sections 101 and 103(h) of the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

Subpart A—General

§ 70.1 Scope.

This Part 70 sets forth mandatory health standards for each underground coal mine subject to the Federal Mine Safety and Health Act of 1977.

§ 70.2 Definitions.

For the purpose of this Part 70, the term:

(a) "Act" means the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173, as amended by Pub. L. 95–164.

(b) "Active workings" means any place in a coal mine where miners are normally required to work or travel.

(c) "Certified person" means an individual certified by the Secretary in accordance with § 70.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 70.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

(d) "Concentration" means a measure of the amount of a substance contained per unit volume of air.

(e) "Designated area" means an area of a mine identified by the operator in the plan required under § 75.316 (Ventilation system and methane and dust control plan) of this title and approved by the District Manager.

(f) "Designated occupation" means the occupation on a mechanized mining unit that has been determined by results of respirable dust samples to have the greatest respirable dust concentration.

(g) "District Manager" means the manager of the Coal Mine Safety and Health District in which the mine is located.

(h) "Mechanized mining unit" means: (1) a unit of mining equipment including hand loading equipment used for the production of material; or (2) a specialized unit which utilizes mining equipment other than specified in § 70.207(e) (Bimonthly sampling; mechanized mining units).

(i) "MRE instrument" means the gravimetric dust sampler with a four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(j) "MSHA" means the Mine Safety and Health Administration of the Department of Labor.

(k) "Normal production shift" means (1) a production shift during which the amount of material produced in a mechanized mining unit is at least 50 percent of the average production reported for the last set of five valid samples; or (2) a production shift during which any amount of material is produced by a new mechanized mining unit, until a set of five valid samples is taken.

(l) "Production shift" means (1) with regard to a mechanized mining unit, a shift during which material is produced, or (2) with regard to a designated area of a mine, a shift during which material is produced and routine day-to-day activities are occurring in the designated area.

(m) "Quartz" means crystalline silicon dioxide (SiO_2) not chemically combined with other substances and having a distinctive physical structure.

(n) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(o) "Secretary" means the Secretary of Labor or his delegate.

(p) "Valid respirable dust sample" means a respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

Subpart B—Dust Standards

§ 70.100 Respirable dust standards.

(a) Each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of each mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.206 (Approved sampling devices; equivalent concentrations).

(b) Each operator shall continuously maintain the average concentration of respirable dust within 200 feet outby the working faces of each section in the intake airways at or below 1.0 milligrams of respirable dust per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.206 (Approved sampling devices; equivalent concentrations).

§ 70.101 Respirable dust standard when quartz is present.

When the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 70.206 (Approved sampling devices; equivalent concentrations), computed by dividing the percent of quartz into the number 10.

Example: The respirable dust associated with a mechanized mining unit or a designated area in a mine contains quartz in the amount of 20%. Therefore, the average concentration of respirable dust in the mine atmosphere associated with that mechanized mining unit or designated area shall be continuously maintained at or below 0.5 milligrams of respirable dust per cubic meter of air ($10/20=0.5\ mg/m^3$).

Subpart C—Sampling Procedures

§ 70.201 Sampling; general requirements.

(a) Each operator shall take respirable dust samples of the concentration of respirable dust in the active workings of the mine as required by this part with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare under Part 74 (Coal Mine Dust Personal Sampler Units) of this title.

(b) Sampling devices shall be worn or carried directly to and from the mechanized mining unit or designated area to be sampled and shall be operated portal to portal. Sampling devices shall remain operational during the entire shift or for 8 hours, whichever time is less.

(c) Upon request from the District Manager, the operator shall submit the date on which collecting any respirable dust samples required by this part will begin.

(d) During the time for abatement fixed in a citation for violation of § 70.100 (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present), the operator shall take corrective action to lower the concentration of respirable dust to within the permissible concentration and then sample each production shift until five valid respirable dust samples are taken.

§ 70.202 Certified person; sampling.

(a) The respirable dust sampling required by this part shall be done by a certified person.

(b) To be certified, a person shall pass the MSHA examination on sampling of respirable coal mine dust.

(c) A person may be temporarily certified by MSHA to take respirable dust samples if the person receives instruction from an authorized representative of the Secretary in the methods of collecting and submitting samples under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on sampling of respirable coal mine dust within six months from the issue date of the temporary certification.

§ 70.203 Certified person; maintenance and calibration.

(a) Approved sampling devices shall be maintained and calibrated by a certified person.

(b) To be certified, a person shall pass the MSHA examination on maintenance and calibration procedures for respirable dust sampling equipment.

(c) A person may be temporarily certified by MSHA to maintain and calibrate approved sampling devices if the person receives instruction from an authorized representative of the Secretary in the maintenance and calibration procedures for respirable dust sampling equipment under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on maintenance and calibration procedures within six months from the issue date of the temporary certification.

§ 70.204 Approved sampling devices; maintenance and calibration.

(a) Approved sampling devices shall be maintained as approved under Part 74 (Coal Mine Dust Personal Sampler Units) of this title and calibrated in accordance with MSHA Informational Report No. 1121, "Standard Calibration and Maintenance Procedures for Wet Test Meters and Coal Mine Respirable Dust Samplers (Supersedes IR 1073)," by a person certified in accordance with § 70.203 (Certified person; maintenance and calibration).

(b) Approved sampling devices shall be calibrated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device, before they are put into service and at intervals not to exceed 200 hours of operating time thereafter.

(c) A calibration mark shall be placed on the flowmeter of each approved sampling device to indicate the proper position of the float when the sampler is operating at a flowrate of 2.0 liters of air per minute or other flowrate prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device. The sandard to denote proper flow is when the lowest part of the float is tangent to the top of the calibration mark.

(d) Approved sampling devices shall be tested and examined immediately before each sampling shift and necessary external maintenance shall be performed to assure that the sampling devices are clean and in proper working condition by a person certified in accordance with § 70.202 (Certified person; sampling) or § 70.203 (Certified person; maintenance and calibration). This testing and examination shall include the following:

(1) Testing the voltage of each battery while under actual load to assure the battery is fully charged. The voltage for nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel cadmium cell batteries shall not be

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lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell value;

(2) Examination of all components of the cyclone to assure that they are clean and free of dust and dirt;

(3) Examination of the inner surface of the cyclone on the approved sampling device to assure that it is free of scoring;

(4) Examination of the external tubing on the approved sampling device to assure that it is clean and free of leaks; and,

(5) Examination of the clamping and positioning of the cyclone body, vortex finder and cassette to assure that they are rigid, in alignment, and firmly in contact.

(e) In accordance with 5 U.S.C. 552(a), MSHA Informational Report No. 1121 referenced in paragraph (a) of this section is hereby incorporated by reference and made a part of this section as if it was set forth in full. The incorporated publication is available without charge at each Coal Mine Safety and Health District and Subdistrict office of MSHA and is on file at the Office of the Federal Register Information Center. Any future amendments to MSHA Informational Report No. 1121 will be announced in the **Federal Register.** This incorporation by reference was approved March 25, 1980, by the Director of the Office of the Federal Register.

§ 70.205 Approved sampling devices; operation; air flowrate.

(a) Sampling devices approved in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title shall be operated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device.

(b) Except as provided in paragraph (d) of this section, each approved sampling device shall be examined each shift by a person certified in accordance with § 70.202 (Certified person; sampling) during the second hour after being put into operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, necessary adjustments shall be made by the certified person.

(c) Each sampling device shall be examined each shift by a person certified in accordance with § 70.202 (Certified person; sampling) during the last hour of operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, the respirable dust sample shall be transmitted to MSHA with a notation by the certified person on the dust data card stating that the proper flowrate was not maintained.

(d) Paragraph (b) of this section shall not apply if the approved sampling device is being operated in a breast or chamber of an anthracite coal mine where the full box mining method is used.

§ 70.206 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust shall be determined by dividing the weight of dust in milligrams collected on the filter of an approved sampling device by the volume of air in cubic meters passing through the filter and then converting that concentration to an equivalent concentration as measured with an MRE instrument. To convert a concentration of respirable dust as measured with an approved sampling device to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with the approved sampling device shall be multiplied by the constant factor prescribed by the Secretary for the approved sampling device used, and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 70.207 Bimonthly sampling; mechanized mining units.

(a) Each operator shall take five valid respirable dust samples from the designated occupation in each mechanized mining unit during each bimonthly period beginning with the bimonthly period of November 1, 1980. Designated occupation samples shall be collected on consecutive normal production shifts or normal production shifts each of which is worked on consecutive days. The bimonthly periods are:

January 1–February 28 (29)
March 1–April 30
May 1–June 30
July 1–August 31
September 1–October 31
November 1–December 31

(b) When the respirable dust standard is changed in accordance with § 70.101 (Respirable dust standard when quartz is present), respirable dust sampling of mechanized mining units shall begin on the first production shift during the next bimonthly period following notification of such change from MSHA.

(c) Upon issuance of a citation for a violation of § 70.100(a) (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present) involving a designated occupation in a mechanized mining unit, paragraphs (a) and (b) of this section shall not apply to that unit until the violation is abated in accordance with § 70.201(d) (Sampling; general requirements).

(d) Each designated occupation sample shall be taken on a normal production shift. If a normal production shift is not achieved, the sample for that shift may be voided by MSHA. However, any sample, regardless of production, with a respirable dust concentration greater than 2.5 milligrams per cubic meter of air will be used to determine the average concentration for that mechanized mining unit.

(e) Unless otherwise directed by the District Manager, the designated occupation samples shall be taken by placing the sampling device as follows:

(1) *Conventional section using cutting machine.* On the cutting machine operator or on the cutting machine within 36 inches inby the normal working position;

(2) *Conventional section shooting off the solid.* On the loading machine operator or on the loading machine within 36 inches inby the normal working position;

(3) *Continuous mining section other than auger-type.* On the continuous mining machine operator or on the continuous mining machine within 36 inches inby the normal working position;

(4) *Continuous mining machine; auger-type.* On the jacksetter who works nearest the working face on the return air side of the continuous mining machine or at a location that represents the maximum concentration of dust to which the miner is exposed;

(5) *Scoop section using cutting machine.* On the cutting machine operator or on the cutting machine within 36 inches inby the normal working position;

(6) *Scoop section, shooting off the solid.* On the coal drill operator or on the coal drill within 36 inches inby the normal working position;

(7) *Longwall section.* On the miner who works nearest the return air side of the longwall working face or along the working face on the return side within 48 inches of the corner;

(8) *Hand loading section with a cutting machine.* On the cutting machine operator or on the cutting machine within 36 inches inby the normal working position;

(9) *Hand loading section shooting off the solid.* On the hand loader exposed to the greatest dust concentration or at a location that represents the maximum concentration of dust to which the miner is exposed;

(10) *Anthracite mine sections.* On the hand loader exposed to the greatest dust concentration or at a location that represents the maximum concentration of dust to which the miner is exposed.

(f)(1) Each mechanized mining unit will be assigned a four digit identification number by MSHA. The mechanized mining unit shall retain that identification number regardless of where the unit relocates within the mine.

(2) When two sets of mining equipment are provided in a series of working places and only one production crew is employed at any given time on either set of mining equipment, the two sets of equipment shall be identified as a single mechanized mining unit. When two or more mechanized mining units are simultaneously engaged in the production of material within the same working section, each such mechanized mining unit shall be identified separately.

§ 70.208 Bimonthly sampling; designated areas.

(a) Each operator shall take one valid respirable dust sample from each designated area on a production shift during each bimonthly period beginning with the bimonthly period of December 1, 1980. The bimonthly periods are:

February 1–March 31
April 1–May 31
June 1–July 31
August 1–September 30
October 1–November 30
December 1–January 31

(b) When the respirable dust standard is changed in accordance with § 70.101 (Respirable dust standard when quartz is present), respirable dust sampling of designated areas shall begin on the first production shift during the next bimonthly period following notification of such change from MSHA.

(c) Upon notification from MSHA that any respirable dust sample taken from a designated area to meet the requirements of paragraph (a) or (b) of this section exceeds the applicable standard in § 70.100 (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present), the operator shall take five valid respirable dust samples from that designated area within 15 calendar days. The operator shall begin such sampling on the first day on which there is a production shift following the day of receipt of notification.

(d) Upon issuance of a citation for a violation of § 70.100 (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present) involving a designated area, paragraphs (a), (b) and (c) of this section shall not apply to that designated area until the violation is abated in accordance with § 70.201(d) (Sampling; general requirements).

(e) Designated area samples shall be collected at locations to measure respirable dust generation sources in the active workings. The approved ventilation system and methane and dust control plan required by § 75.316 of this title shall show the specific locations where designated area samples will be collected. Each designated area will be assigned a four digit identification number by MSHA.

(f) MSHA approval of the operator's ventilation system and methane and dust control plan may be revoked based on samples taken by MSHA or in accordance with this Part 70.

§ 70.209 Respirable dust samples; transmission by operator.

(a) The operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Technical Support Center, 4800–D Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter cassette before or after it is used to fulfill the requirements of this part.

(c) A person certified in accordance with § 70.202 (Certified person; sampling) shall properly complete the dust data card that is provided by the manufacturer for each filter cassette. The card shall have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card shall be signed by the certified person and shall include that person's certification number. Respirable dust samples with data cards not properly completed will be voided by MSHA.

(d) All respirable dust samples collected by the operator shall be considered taken to fulfill the sampling requirements of Parts 70, 71 or 90 of this title, unless the sample has been identified in writing by the operator to the District Manager, prior to the intended sampling shift, as a sample to be used for purposes other than required by Parts 70, 71 or 90 of this title.

(e) Respirable dust samples received by MSHA in excess of those required by this part shall be considered invalid samples.

§ 70.210 Respirable dust samples; report to operator; posting.

(a) The Secretary shall provide the operator with a report of the following data on respirable dust samples as soon as practicable:

(1) The mine identification number;

(2) The mechanized mining unit or designated area within the mine from which the samples were taken;

(3) The concentration of respirable dust, expressed in milligrams per cubic meter of air, for each valid sample;

(4) The average concentration of respirable dust, expressed in milligrams per cubic meter of air, for all valid samples;

(5) The occupation code, where applicable; and,

(6) The reason for voiding any samples.

(b) Upon receipt, the operator shall post this data for at least 31 days on the mine bulletin board.

§ 70.220 Status change reports.

(a) If there is a change in operational status that affects the respirable dust sampling requirements of this part, the operator shall report the change in operational status of the mine, mechanized mining unit, or designated area to the MSHA District Office or to any other MSHA office designated by the District Manager. Status changes shall be reported in writing within 3 working days after the status change has occurred.

(b) Each specific operational status is defined as follows:

(1) Underground mine:

(i) *Producing*—has at least one mechanized mining unit producing material.

(ii) *Nonproducing*—no material is being produced.

(iii) *Abandoned*—the work of all miners has been terminated and production activity has ceased.

(2) Mechanized mining unit:

(i) *Producing*—producing material from a working section.

(ii) *Nonproducing*—temporarily ceased production of material.

(iii) *Abandoned*—permanently ceased production of material.

(3) Designated Area:

(i) *Producing*—activity is occurring.

(ii) *Nonproducing*—activity has ceased.

(iii) *Abandoned*—the dust generating source has been withdrawn and activity has ceased.

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Subpart E—Dust From Drilling Rock

§ 70.400 Dust from drilling rock; control.

The dust resulting from drilling in rock shall be controlled by use of permissible dust collectors, or by water, or water with a wetting agent, or by ventilation, or by any other method or device approved by the Secretary which is as effective in controlling such dust.

§ 70.400–1 Dust from drilling rock; approved devices.

Dust collectors approved under Part 33 (Dust Collectors For Use In Connection With Rock Drilling In Coal Mines) of this title or under Bureau of Mine Schedule 25B are permissible dust collectors for the purpose of § 70.400 (Dust from drilling rock; control).

§ 70.400–2 Dust from drilling rock; water

Water used to control dust from drilling rock shall be applied through a hollow drill steel or stem or by the flooding of vertical drill holes in the floor.

§ 70.400–3 Dust from drilling rock; ventilation.

To adequately control dust from drilling rock, the air current shall be so directed that the dust is readily dispersed and carried away from the drill operator or any other workers in the area.

PART 11—RESPIRATORY PROTECTIVE DEVICES—TESTS FOR PERMISSIBILITY; FEES

2. Part 11 of Subchapter B, Chapter I, Title 30, Code of Federal Regulations is amended by revising paragraph (ee) of § 11.3 as follows:

§ 11.3 Definitions.

* * * * *

(ee) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE MINES

3. Part 71 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations is amended by revising paragraph (n) of § 71.2 as follows:

§ 71.2 Definitions.

* * * * *

(n) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

4. Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations is amended by revising paragraph (k) of § 75.2 as follows:

§ 75.2 Definitions.

* * * * *

(k) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

6. Part 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations is amended by revising paragraph (g) of § 90.2 as follows:

§ 90.2 Definitions.

* * * * *

(g) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

[FR Doc. 80–10127 Filed 4–7–80; 8:45 am]
BILLING CODE 4510–43–M

30 CFR Part 75

Ventilation System and Methane and Dust Control Plan

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor's mandatory standard on ventilation system and methane and dust control plans, Title 30, Code of Federal Regulations, § 75.316–1 is amended to conform to the requirement of 30 CFR § 70.208(e) regarding designated area sampling of respirable coal mine dust. The rule requires that operators include in the approved ventilation system and methane and dust control plan for each mine the locations in which designated area samples will be collected.

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT: Edward C. Hugler, Office of the Solicitor, Mine Safety and Health, Room 434, 4015 Wilson Boulevard, Arlington, Virginia 22203, Telephone 235–1157.

SUPPLEMENTARY INFORMATION: On November 16, 1977, the Mining Enforcement and Safety Administration (MESA), Department of the Interior, published in the **Federal Register** (42 FR 59294–59300) a notice proposing amendments to Part 11 of Subchapter B and Parts 70, 71, 75 and 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations. The proposed amendments included revisions to the respirable dust sampling procedures in 30 CFR Part 70 for underground coal mines. As part of the area sampling procedures, it was proposed that operators indicate where designated area samples would be taken in the ventilation system and methane and dust control plan required for each mine. Part 70 is published as a final rule in Part II of today's **Federal Register** and retains this proposed requirement.

An approved ventilation system and methane and dust control plan is required by 30 CFR 75.316 for each underground coal mine. Section 75.316–1 prescribes the information the operator must include in each plan. This final rule amends § 75.316–1 to add the information requirement that the operator's plan include the specific locations where designated area samples will be taken for purposes of Part 70, respirable dust sampling in underground coal mines. The rule therefore conforms § 75.316–1 to the provisions of the final rule for Part 70.

Drafting Information

The principal person responsible for drafting this final rule is Edward C. Hugler, Division of Mine Safety and Health, Office of the Solicitor, Department of Labor.

Regulatory Analysis

It has been determined that a regulatory analysis is not required for this rule under the Department of Labor's final guidelines for implementing Executive Order 12044 (44 FR 5570, January 26, 1979.

Dated March 28, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

1. Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is amended by adding to § 75.316–1 a new paragrah (b)(2) as set forth below, and renumbering paragraphs (b)(2), (3) and (4) as paragraphs (b)(3), (4) and (5) respectively.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

§ 75.316–1 Information to be submitted by the operator.

* * * * *

(b) * * *

(2) The specific locations in the mine where designated area samples for purposes of § 70.208 (Bimonthly sampling; designated areas) of this title will be collected, including the specific location of each sampling device.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

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Tuesday
April 8, 1980

Part III

Department of Labor

Mine Safety and Health Administration

Respirable Dust Sampling Procedures

V 45 / 69 APR 80 UMI

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 70

Miner Participation in Respirable Dust Sampling Procedures

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Proposed rule; public hearings.

SUMMARY: This proposed rule would amend the Department of Labor's mandatory health standards regulations, Title 30, Code of Federal Regulations, Part 70 to require that operators provide representatives of miners an opportunity to participate in the procedures for sampling of respirable dust in underground coal mines. The participation of miners' representatives in the sampling procedures is intended to promote better cooperation between the coal mine operators and the miners whose health may be affected in order to improve the effectiveness of the respirable dust control program in the nation's underground coal mines. Four public hearings on the proposed rule are also announced.

DATES: Written comments should be received by June 2, 1980. Public hearings will be conducted on the following dates:

June 3, 1980—Pittsburgh, Pennsylvania.
June 3, 1980—Lexington, Kentucky.
June 5, 1980—Charleston, West Virginia.
June 5, 1980—Denver, Colorado.

Requests to make an oral presentation for the record at the hearing should be submitted by May 30, 1980. The rulemaking record will remain open until June 20, 1980.

ADDRESSES: Send comments and requests to make oral presentations for the record at the hearing to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

The four public hearings will be held on the dates indicated, beginning at 9:00 a.m., at the following locations:

U.S. Bureau of Mines Building, Auditorium—First Floor, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Holiday Inn North, Burley Room, I–75 and Newtown Pike, Lexington, Kentucky 40505.
University of Charleston, Geary Student Union, Ballroom—Third Floor, 2300 MacCorkle Avenue SW., Charleston, West Virginia 25304.
U.S. Post Office, Main Office Building, Room 269, Auditorium, 1823 Stout Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: This proposed rule would amend the final rule governing the sampling of respirable dust in underground coal mines (30 CFR Part 70) published in Part II of the **Federal Register** on this date by the Mine Safety and Health Administration (MSHA).

At the public hearings held in July 1978 during final rulemaking for Part 70, a great deal of testimony was received from officials, safety committee members and rank and file from the United Mine Workers of America concerning the respirable dust sampling program. Although generally acknowledging that dust conditions in the mines have improved considerably over the last decade, these witnesses had various criticisms of the current dust program. These criticisms were not generally directed at the sampling procedures prescribed by the regulations, but rather at how the sampling program was actually being implemented in the nation's mines.

Numberous instances were recounted in which proper sampling procedures were not followed. Allegations were made that dust samples have been submitted to MSHA in instances when the sampling device was either turned off prematurely or never turned on at all. It was also alleged that the miners being sampled sometimes do not wear the samplers during the entire shift, but hang them in the "dinner hole" or some other relatively less dusty area. It was also stated that miners are instructed to sign data cards prior to the end of the sampling shift, that samples are taken in areas with typically low dust conditions, and that samples are submitted despite sampler malfunctions occurring during the shift.

Statements by coal industry spokesmen made at the hearings and in post-hearing statements for the record pointed out that although miner complaints about the sampling program are voluminous, the record contains little in the way of specific factual allegations concerning actual times and locations of the alleged instances of sampling procedure irregularities. Although MSHA agrees that more specific data would be desirable to fully assess the precise scope and nature of any failings in the implementation of the dust sampling procedures, the testimony presented was specific enough in content and of such uniformity and consistency that further action is warranted.

The miners' complaints, viewed as a whole, reflect a profound lack of confidence in the manner in which the dust sampling program has been carried out. The record shows that many of the nation's coal miners believe the current program, controlled entirely by the mine operators, has too frequently not been squarely focused on the goal of protecting the health of the miners, but rather on the avoidance of enforcement action.

One of the most important provisions of the Federal Coal Mine Health and Safety Act of 1969 was the requirement that each operator "continuously maintain the average concentration of respirable dust in the mine atmosphere * * * at or below 2.0 milligrams of respirable dust per cubic meter of air." MSHA believes that full compliance with the congressional standard will do more to protect the health of this and future generations of coal miners than any other provision of the law or regulations currently in effect. It is also important to emphasize MSHA's conviction that, on the whole, the coal industry has made great strides in controlling respirable dust in the nation's coal mines.

Despite this progress, MSHA believes that more must be done to ensure that the effectiveness of the dust sampling program is maximized and that full compliance with the standard is assured at all times. The loss of confidence in and support of the dust sampling program by many miners and labor officials is of serious concern to MSHA. There is also concern, based upon the testimony received on the proposed rule, that the dust sampling program is not well understood by many miners. This has led to a belief that sampling—particularly abatement sampling—is often used as a means of harassment by the operator. MSHA believes that the lack of confidence in the program, coupled with misconceptions about its operation, has a tangible adverse impact on its effectiveness.

Whenever a miner, because of his or her lack of faith in or confusion about the program, signs a data card before the shift is over or in spite of a defective sample; hangs the pump in the dinner hole or turns it off prematurely; or perceives abatement sampling as punishment, the program as a whole is undermined, and its purposes are jeopardized. MSHA believes at this time that the only truly effective way to gain the full cooperation of the nation's coal miners in the critical area of respirable dust control is through increasing their participation in the dust sampling process. One of the fundamental precepts of the 1977 Act is that along with the operator, who has the primary responsibility for assuring a safe and healthful workplace, the miner also bears some responsibility to assist in achieving that goal. As the Senate Committee on Human Resources stated, "If our national mine safety and health program is to be truly effective, miners will have to play an active part in the enforcement of the Act." S. Rep. No. 95–181, 95th Cong., 1st Sess. 35 (1977). In addition, in section 103(c) of the Act, Congress specifically provided that miners should have the opportunity to observe the monitoring or measuring of toxic materials.

Therefore, this proposed rule would provide a representative of miners at a mine with the opportunity to observe each phase of the sampling process from calibration and maintenance of the sampling devices through transmittal of the samples to MSHA. Complaints about any part of the process may be registered with MSHA through the procedures set forth in section 103(g) of the Act and 30 CFR Part 43.

This proposed rule outlines only the opportunities the operator would be required to afford the miners' representative to participate in the respirable dust sampling procedures. It does not specify the procedures for implementing a miner participation program. MSHA is aware that there are important questions involving the mechanics of integrating miner participation into the required sampling process. One of the most significant issues concerns compensation of the miner participants. At this point in the rulemaking process, MSHA believes that representatives of miners are entitled to compensation for the time spent participating in the sampling process. MSHA is hopeful that during the rulemaking process and through dialogue between the coal industry and labor representatives, agreement may be reached on questions related to implementation of miner participation.

Regulatory Analysis

It has been determined that a regulatory analysis is not required for this proposed rule under the Department of Labor's final guidelines for implementing Executive Order 12044 (44 FR 5570, January 26, 1979). It is estimated that the cost of this proposed rule would be approximately 16 million dollars during the first year, assuming that the mine operators bear the entire cost of all such participation and that there is a participation rate of 50 percent in all mines. The cost of this proposed rule could be significantly reduced by operators who assign the representative of the miners the performance of the maintenance, calibration and sampling tasks of the certified person.

Drafting Information

The principal person responsible for preparation of this proposed rule is Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor.

Public Hearing Procedure

Public hearings on this proposed amendment to Part 70, together with proposed amendments to Parts 71 and 90, will be held on June 3 and June 5, 1980. The purpose of the public hearings is to receive relevant evidence concerning the proposed rules. In order to assure that all interested persons will have an opportunity to participate in these public hearings, each oral presentation, whether addressing the proposed amendments to all three parts or just one part, will be limited to 20 minutes. Participants may wish to concentrate their oral presentations upon the issues which most interest and affect them and submit written comments on other issues.

The hearings will be conducted in an informal manner by a panel of MSHA officials. There will be no cross-examination of persons making statements, although at the discretion of the chairperson, supplemental statements by those presenting evidence may be permitted. Although formal rules of evidence will not apply, the chairperson may, in his or her discretion, exclude irrelevant or unduly repetitious material. A verbatim transcript of the proceedings will be taken and all written comments and data submitted will be included in the record. The transcript of the proceedings shall be available for public inspection, and the record shall remain open until June 20, 1980 for the submission of supplementary statements or data.

Dated: March 28, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

1. It is proposed to amend Subpart C of Part 70, Subchapter O, Chapter 1, Title 30, Code of Federal Regulations, by adding a new section 70.230 as set forth below:

§ 70.230 Miner participation.

(a) In carrying out the provisions of this subpart, each operator shall provide an opportunity for the representative of miners at the mine to:

(1) Observe the maintenance and calibration of sampling devices, if conducted on mine property;

(2) Observe the testing and examination of sampling devices before such sampling shift;

(3) Observe the distribution, placement and collection of sampling devices used to take dust samples;

(4) Observe all onshift examinations of sampling devices;

(5) Observe the removal of samples from sampling devices; and

(6) Observe the transmittal of samples to MSHA.

(b) The representative of miners employed by the operator shall be compensated by the operator for participating as provided by paragraph (a) of this section in the respirable dust sampling procedures.

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811))

[FR Doc. 80-10129 Filed 4-7-80; 8:45 am]

BILLING CODE 4510-43-M

30 CFR Part 71

Respirable Dust

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule and notice of public hearings.

SUMMARY: This proposed rule would amend the Department of Labor's regulations on mandatory health standards, Title 30, Code of Federal Regulations, Part 71 as to the procedures for sampling respirable dust at surface work areas of underground coal mines and at surface coal mines. The proposed revisions include changes in the number of samples required, the sampling schedule and the certification requirements for persons performing sampling and equipment maintenance and calibration. A provision for participation in the sampling program by representatives of miners is also included. This proposed rule is authorized by section 101 of the Federal Mine Safety and Health Act of 1977 and would result in overall improvement of the respirable dust sampling program. Four public hearings on the proposed rule are also announced.

DATES: Written comments should be received by June 2, 1980. Public hearings will be conducted on the following dates:

June 3, 1980—Pittsburgh, Pennsylvania.
June 3, 1980—Lexington, Kentucky.
June 5, 1980—Charleston, West Virginia.
June 5, 1980—Denver, Colorado.

Requests to make an oral presentation for the record at the hearing should be submitted by May 30, 1980. The rulemaking record will remain open until June 20, 1980.

ADDRESSES: Send comments and requests to make oral presentations at the hearings to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

The four public hearings will be held on the dates indicated, beginning at 9:00 a.m., at the following locations:

U.S. Bureau of Mines Building, Auditorium—First Floor, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Holiday Inn North, Burley Room, I-75 and Newtown Pike, Lexington, Kentucky 40505.
University of Charleston, Geary Student Union, Ballroom, Third Floor, 2300 MacCorkle Avenue, S.E., Charleston, West Virginia 25304.
U.S. Post Office, Main Office Building, Room 269, Auditorium, 1823 Stout Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION:
Frank A. White, Office of Standards, Regulations and Variances, MSHA, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background and Related Rulemaking

In April 1978, the Mine Safety and Health Administration (MSHA) circulated to interested parties for comment a draft proposal to revise the procedures contained in 30 CFR Part 71 for sampling respirable dust at surface work areas of underground coal mines and at surface coal mines. Several comments were received on the draft and have been fully considered by MSHA in developing this proposed rule. In addition to these proposed revisions to Part 71, MSHA has also been engaged in rulemaking to revise 30 CFR Part 70, pertaining to respirable dust sampling in underground coal mines. A proposed rule for Part 70 was published on November 16, 1977, and public hearings were conducted in July 1978.

Many of the provisions contained in the proposed Part 70 were virtually identical to corresponding provisions in the draft proposal for Part 71, particularly those concerning general sampling requirements, certified persons, maintenance and calibration, sampling devices, transmission of samples and reports of status change. Consequently, written comments and oral testimony received concerning proposed Part 70 were generally considered, where appropriate, in making revisions to the draft proposal for Part 71. The final Part 70 is published in Part II of today's **Federal Register** and provides a full discussion of the major comments received by MSHA. Part III of today's **Federal Register** also contains a proposed amendment to Part 70 that is identical to the proposed provision in Parts 71 and 90 concerning miner participation in the sampling procedures. A proposal to revise Part 90, which pertains to miners who have evidence of the development of pneumoconiosis, is also published in Part III of today's **Federal Register.**

II. Summary and Analysis of the Proposed Rule

A. Respirable Dust Standard

Respirable dust is defined as dust collected with a sampling device approved by the Secretary of Labor (or the Secretary of the Interior under the Coal Act) together with the Secretary of Health, Education, and Welfare in accordance with Part 74 of Title 30, Code of Federal Regulations. This definition of respirable dust is published as a final rule in Part II of today's **Federal Register** for Parts 11, 70, 71, 75 and 90, 30 CFR.

The fundamental requirement of the proposed rule is that the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of a mine is exposed be continuously maintained at or below 2.0 milligrams of respirable dust per cubic meter of air (2.0 mg/m^3). The respirable dust standard of 2.0 mg/m^3 would be lowered, however, when the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz. Under such conditions, the operator would be required to continuously maintain respirable dust at or below an average concentration less than 2.0 mg/m^3, computed by dividing the percentage of quartz into the number 10. As the quartz content of respirable dust present in the mine atmosphere increases over 5 percent, the respirable dust standard would be correspondingly reduced. This method of determining the applicable respirable dust standard when quartz is present is prescribed by the Secretary of Health, Education, and Welfare (HEW). Samples for determining the quartz content of respirable dust present in the mine atmosphere would be analyzed by MSHA. If the quartz content exceeds 5 percent, MSHA would apply the formula set forth in the rule and notify the operator of the respirable dust standard applicable at the mine.

These proposed respirable dust standards are based on measurement with an MRE instrument (gravametric dust sampler with four channel horizontal elutriator). Therefore, when an approved sampling device is used for sampling, it is necessary that the concentration of respirable dust measured with the approved device be converted to an equivalent concentration of respirable dust as if measured with an MRE instrument. It is proposed that this conversion be done by MSHA and accomplished by multiplying the concentration of respirable dust measured with the approved sampling device by the constant factor prescribed by the Secretary of Labor (Secretary) for that approved sampling device.

B. Respirable Dust Sampling

1. *Designated work positions.* Under the proposed rule, each operator would be required to collect respirable dust samples and submit them to MSHA for analysis to determine compliance with the applicable respirable dust standard. The sampling process would begin with the determination by the District Manager of "designated work positions" which would be regularly sampled at the mine.

In determining which work positions at a mine should be sampled, the District Manager would, under the proposed rule, first review the results of respirable dust samples taken since January 1, 1979, submitted to MSHA by the operator or taken by MSHA. If the average concentration of respirable dust measured by one or more of these samples exceeded the applicable respirable dust standard, then the District Manager would designate the work position involved for further sampling under the proposed rule.

Under the proposed rule, the District Manager could also withdraw the designation of work positions for sampling. This could be done if respirable dust samples taken by the operator in accordance with this rule, together with samples taken by MSHA, demonstrated continuing compliance with the respirable dust standard applicable at the mine. The District Manager would not, however, be required to withdraw the designation of any surface work position under the proposed rule.

2. *Bimonthly sampling.* After work positions have been designated for sampling, the operator would be required to collect and submit one respirable dust sample for each designated work position during each of the bimonthly periods set forth in the proposed rule. If a respirable dust sample taken from a designated work position exceeded the respirable dust standard applicable at the mine, MSHA would so notify the operator. The operator would then be required to submit five additional samples collected for that designated work position within 15 calendar days. Based upon these samples, MSHA would make a determination as to compliance with the applicable respirable dust standard.

To satisfy the sampling requirements of the proposed rule, operators would be required to take "valid respirable dust samples." These are defined in the proposal as respirable dust samples collected and submitted as required by this part, and not voided by MSHA. Samples not collected and submitted in accordance with all requirements of the proposed rule could be voided by MSHA. Voided or invalid samples would not satisfy the bimonthly sampling requirements. Therefore, it would be advantageous under the proposed rule for operators to collect and submit the bimonthly sample for each designated work position during the first month of each bimonthly period. This would allow the operator ample opportunity to collect and submit additional samples if necessary. Failure to take the required valid respirable dust samples within a bimonthly period would constitute a violation. Respirable dust samples received by MSHA in excess of the number required by this part would be considered invalid samples.

3. *Sampling method.* Under the proposed rule, all respirable dust samples collected by operators for purposes of the rule would have to be collected with a sampling device approved by the Secretary (or the Secretary of the Interior under the Coal Act) and the Secretary of Health, Education, and Welfare under Part 74 (Coal Mine Dust Personal Sampler Units) of Title 30, Code of Federal Regulations. The proposed rule also prescribes minimim mining activity that must be ongoing during sampling. Designated work position samples would be required to be collected during a "normal work shift" which is defined as a shift during which routine day-to-day activities are occurring in the designated work position and the rest of the mine. The proposed rule would also require that sampling devices be operated while carried directly to and from the designated work position to be sampled and during the entire shift or for 8 hours, whichever time is less.

C. Transmittal and Analysis of Samples

After the end of a sampling shift, the operator would be required to transmit all samples collected to MSHA within 24 hours. Under the proposal, all respirable dust samples collected by an operator would be deemed to be taken to fulfill the sampling requirements of Parts 70, 71 or 90 of Title 30, Code of Federal Regulations, unless the operator declared in writing to the District Manager prior to the intended sampling shift that the sampling filter cassettes were to be used for other purposes. Therefore, absent such a written declaration by the operator to the District Manager, all respirable dust samples collected by an operator would be required under the proposed rule to be submitted to MSHA within 24 hours after the end of the sampling shift.

Each sample transmitted by operators to MSHA would be required to be accompanied by the appropriate completed dust data card. Data cards would be provided by the filter cassette manufacturer and each card would have an identification number corresponding with the filter cassette for which it was provided. All dust data cards submitted to MSHA would be required to be completed and signed by a person certified under this rule to collect samples and include that person's certification number.

Upon receipt, MSHA would analyze samples submitted by operators as quickly as practicable. Following this analysis, MSHA would provide the operator with a respirable dust sample data report. The data report would include identification of the designated work positions from which the samples were taken; the concentration of respirable dust for each valid respirable dust sample; the occupation code, where applicable; and the reason for voiding any samples. Upon receipt, the operator would be required to post this data report for at least 31 days on the mine bulletin board.

D. Enforcement of Respirable Dust Standards

MSHA would make determinations as to compliance with the applicable respirable dust standard in § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present) of this rule based on designated work position samples submitted by operators. If a designated work position sample taken in accordance with the proposed rule showed a respirable dust concentration in excess of the applicable standard, the operator would be instructed by MSHA to take an additional five valid respirable dust samples for that work position within 15 calendar days. If these samples showed an average concentration of respirable dust in excess of the applicable standard, the operator would be cited for a violation. Upon issuance of any citation for violation of the applicable respirable dust standard in § 71.100 or § 71.101 and until abatement of the violation is achieved, the usual bimonthly sampling requirement of the proposed rule would not apply to the affected work position. During the time for abatement fixed in the citation, the operator would be required to take corrective action to lower the concentration of respirable dust and then sample each production shift until five valid respirable dust samples were taken. Abatement of the violation would be determined on the basis of the first five valid respirable dust smples submitted during the abatement period.

A basic objective of the proposed rule is to identify work positions where there are concentrations of respirable dust that exceed the standard applicable at the mine and to require the operator to achieve and continuously maintain compliance with the standard thereafter. MSHA believes that this objective can best be accomplished by requiring the operator to incorporate appropriate respirable dust control measures as an integral part of the mining system employed. The proposed rule, therefore, provides that within 15 days after the date of any citation for violation of the applicable respirable dust standard in § 71.100 or § 71.101, the operator would be required to submit to the District Manager for approval a written respirable dust control plan for the work position identified in the citation. The operator's respirable dust control plan would be required to be adequate to continuously maintain respirable dust within the permissible concentration in the subject work position.

The operator's respirable dust control plan would also be required under the proposed rule to set forth in detail certain information. Failure to include the information specified in the proposed rule would constitute a violation. The proposed information requirements of the rule include a detailed description of the specific respirable dust control measures designed by the operator and the specific time, place and manner that the control measures would be used.

The District Manager would approve respirable dust control plans on a mine-by-mine basis. When approving respirable dust control plans, the proposed rule would require the District Manager to consider whether the dust control measures would be likely to achieve and maintain compliance with the respirable dust standard applicable at the mine and whether the operator's compliance with all provisions of the

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proposed plan could be objectively ascertained by MSHA during subsequent inspections. Under the proposal, the District Manager could also require additional respirable dust sampling to demonstrate whether control measures in a dust control plan are effective in achieving and maintaining compliance with the standard applicable at the mine.

Upon approval of an operator's respirable dust control plan, the operator would be required to implement and thereafter comply with all provisions of the approved plan. The operator would also be required to provide a copy of each approved plan to the representative of miners. After gaining experience under an approved plan, operators could submit revisions to an approved plan for the District Manager's approval.

E. Certified Persons

The proper maintenance, calibration and use of sampling equipment as prescribed by the proposal is a major aspect of the proposed improvements in the respirable dust sampling program. Accordingly, these tasks would be required to be done only by "certified persons." The proposal provides a certification for maintaining and calibrating sampling equipment and a certification for conducting sampling. Persons could hold one or both of these certifications. Temporary certification of persons is provided by the proposed rule, pending prompt completion of the certification requirements.

These proposed certification requirements are identical to the certificaiton requirements in the final rule for Part 70 (Respirable dust sampling in underground coal mines) and the proposed rule for Part 90 (Coal miners who have evidence of the development of pneumoconiosis). It is therefore proposed that persons certified under Part 70, this proposed rule, or Part 90 would be "certified persons" for the purposes of any of these three rules.

1. *Maintaining and calibrating respirable dust sampling equipment.* To be certified in maintenance and calibration of sampling equipment, persons would be required to pass an MSHA examination on maintenance and calibration procedures. The essential maintenance requirement proposed is that approved sampling devices be maintained in a condition such that they will perform as approved under Part 74 of Title 30, Code of Federal Regulations. Approved sampling devices would be required to be calibrated in accordance with MSHA Informational Report No. 1121, "Standard Calibration and Maintenance procedures for Wet Test Meters and Coal Mine Respirable Dust Samplers (Supersedes IR 1073)."

2. *Collecting respirable dust samples.* To be certified under the proposed rule to collect respirable dust samples, persons would be required to pass an MSHA examination on sampling of respirable coal mine dust. Careful examination and testing of respirable dust sampling devices would be required immediately prior to the start of each shift during which samples were to be collected. This examination and testing could be done by a person holding either of the certifications provided by the rule and would include testing the battery voltage and examining all external components of the sampling devices to be used. Any necessary external maintenance to assure the sampling devices were clean and in proper working condition would be required to be performed at this time by any certified person. It is also proposed that each sampling device be examined at least twice during each sampling shift. These examinations would be required to be made only by a person certified to collect samples. The first examination would be required to be made during the second hour after the sampling devices are put into operation on a sampling shift. This examination is intended to assure the sampling devices are operating properly and at the proper flowrate. Any necessary adjustment in the flowrate would be required to be made at this time by a person certified to collect samples. The second examination is proposed to be made during the last hour the sampling devices are operated during the shift. If the proper flowrate has not been maintained, the sample would still be required to be transitted to MSHA under the proposed rule, but with a notation made by the certified person indicating an improper flowrate.

F. Miner Participation

Under the proposed rule, operators would be required to give the representative of miners an opportunity to participate in the sampling procedures. The proposal includes an opporutnity fo the representative of miners to observe maintenance and calibration of sampling devices, if conducted on mine property; preshift examination and testing of sampling devices; distribution, placement and collection of sampling devices; all on-shift examination of sampling devices; removal of the samples from the sampling devices at the end of the shift; and transmittal of the samples to MSHA.

Miner participation in the sampling program was repeatedly cited by the miners as a deficiency in the proposed rule for Part 70, Respirable dust sampling in underground coal mines. A full discussion of these comments is provided in the proposed amendment to Part 70 concerning miner participation which is contained in Part III of today's **Federal Register**. The manner and extent of miner participation set forth in this proposed rule is, MSHA believes, responsive to the concerns expressed by the miners. However, MSHA is aware that there remain questions as to the mechanics of integrating miner participation into the sampling procedures. One of the most significant issues concerns compensation of the miner participants. At this point in the rulemaking process, MSHA believes that representatives of miners are entitled to compensation for the time spent participating in the sampling process. MSHA is hopeful that during the rulemaking process and through dialogue between the coal industry and labor representatives, agreement may be reached on questions related to implementation of miner participation.

Drafting Information

The principal persons responsible for preparing this proposed rule are: Joseph A. Lamonica and Glenn R. Tinney, Division of Health, Mine Safety and Health Administration; Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration; and Edward P. Clair and Edward C. Hugler, Division of Mine Safety and Health, Office of the Solicitor, Department of Labor.

Regulatory Anfalysis

It has been determined that a regulatory analysis is not required for this proposed rule under the Department of Labor's guidelines for implementing Executive Order 12044 (44 FR 5570, January 26, 1979. It is estimated that the changes in the sampling requirements contained in this proposed rule will result in a first year cost to the coal industry of approximately $1,650,000.

Public Hearing Procedures

Public hearings on these proposed amendments to Part 71, together with proposed amendments to Parts 70 and 90, will be held on June 3 and June 5, 1980. The purpose of the public hearings is to receive relevant evidence concerning the proposed rules. In order to assure that all interested persons will have an opportunity to participate in these public hearings, each oral presentation, whether addressing the proposed amendments to all three parts or just one part, will be limited to 20 minutes. Participants may wish to concentrate their oral presentations upon the issues which most interest and affect them and submit written comments on other issues.

The hearings will be conducted in an informal manner by a panel of MSHA officials. There will be no cross-examination of persons making statements, although at the discretion of the chairperson, supplemental statements by those presenting evidence may be permitted. Although formal rules of evidence will not apply, the chairperson may, in his or her discretion, exclude irrelevant or unduly repetitious material. A verbatim transcript of the proceedings will be taken and all written comments and data submitted will be included in the record. The transcript of the proceedings shall be available for public inspection, and the record shall remain open until June 20, 1980 for the submission of supplementary statements or data.

Dated: March 28, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

1. It is proposed to amend Part 71 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, by revising Subparts A and B, redesignating Subparts C and D as Subparts H and I, and adding new Subparts C and D as set forth below:

PART 71—MANDATORY HEALTH STANDARD—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Subpart A—General

Sec.
71.1 Scope.
71.2 Definitions.

Subpart B—Dust Standards.

71.100 Respirable dust standard.
71.101 Respirable dust standard when quartz is present.

Subpart C—Sampling Procedures.

71.201 Sampling; general requirements.
71.202 Certified person; sampling.
71.203 Certified person; maintenance and calibration.
71.204 Approved sampling devices; maintenance and calibration.
71.205 Approved sampling devices; operation; air flowrate.
71.206 Approved sampling devices; equivalent concentrations.
71.207 Designation of work positions.
71.208 Bimonthly sampling; designated surface work positions.
71.209 Respirable dust samples; transmission by operator.
71.210 Respirable dust samples; report to operator; posting.

Sec.
71.220 Status change reports.
71.230 Miner participation.

Subpart D—Respirable Dust Control Plans.

71.300 Respirable dust control plan; filing requirements.
71.301 Respirable dust control plan; approval by District Manager; miner participation and posting; operator review.

* * * * *

Subpart H—Airborne Contaminants

71.700 Inhalation hazards; threshold limit values for gases, dusts, fumes, mists, and vapors.
71.701 Sampling; general requirements.
71.702 Asbestos dust standard; measurement.

Subpart I—Noise Standard

71.800 Noise standard; general requirements.
71.801 Measurement of noise levels.
71.802 Initial noise level survey.
71.803 Periodic noise level survey.
71.804 Supplemental noise level survey; reports and certification.
71.805 Violation of noise standard; notice of violation; action required by operator.

Authority: Sections 101 and 103(h) of the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

Subpart A—General

§ 71.1 Scope.

This Part 71 sets forth mandatory health standards for each surface coal mine and for the surface work areas of each underground coal mine subject to the Federal Mine Safety and Health Act of 1977.

§ 71.2 Definitions.

For the puropose of this Part 71, the term:

(a) "Act" means the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173, as amended by Pub. L. 95–164.

(b) "Active workings" means any place in a surface work area of an underground coal mine or in a surface coal mine where miners are normally required to work or travel.

(c) "Certified person" means an individual certified by the Secretary in accordance with § 70.202, § 71.202 or § 90.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 70.203, § 71.203 or § 90.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

(d) "Concentration" means a measure of the amount of a substance contained per unit volume of air.

(e) "Designated work position" means a work position designated under § 71.207 (Designation of work positions).

(f) "District Manager" means the manager of the Coal Mine Safety and Health District in which the mine located.

(g) "MRE instrument" means the gravimetric dust sampler with a four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(h) "MSHA" means the Mine Safety and Health Administration of the Department of Labor.

(i) "Normal work shift" means a shift during which routine day-to-day activities are occurring in the designated work position and in the rest of the mine.

(j) "Quartz" means crystalline silicon dioxide (SiO_2) not chemically combined with other substances and having a distinctive physical structure.

(k) "Representative of miners" means any person or organizaton which represents two or more miners at a coal mine for the purposes of the Act.

(l) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(m) "Secretary" means the Secretary of Labor or his delegate.

(n) "Surface area" means a specific physical portion of a surface coal mine or surface area of an underground coal mine. These areas are assigned a four digit identification number by MSHA such as: Pit No. 001–0, No. 4 Shop 901–0, Preparation Plant 900–0, etc.

(o) "Surface coal mine" means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(p) "Surface installation" means any structure in which miners work in the surface work areas of an underground coal mine or at a surface coal mine.

(q) "Surface work area of an underground coal mine" means the

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surface areas of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(r) "Surface worksite" means any area at which miners work in the surface work areas of an underground coal mine or in any area of the surface coal mine.

(s) "Valid respirable dust sample" means a respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

(t) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

(u) "Work position" means an occupation identified by a code number describing a location to which a miner is assigned in the performance of his or her normal duties.

Subpart B—Dust Standards

§ 71.100 Respirable dust standards.

Each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of each mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 71.206 (Approved sampling devices; equivalent concentrations).

§ 71.101 Respirable dust standard when quartz is present.

When the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 71.206 (Approved sampling devices; equivalent concentrations), computed by dividing the percent of quartz into the number 10.

Example: The respirable dust associated with a designated work position contains quartz in the amount of 20%. Therefore, the average concentration of respirable dust in the mine atmosphere associated with that designated surface work position shall be continuously maintained at or below 0.5 milligrams or respirable dust per cubic meter of air (10/20=0.5 mg/m³).

Subpart C—Sampling Procedures

§ 71.201 Sampling; general requirements.

(a) Each operator shall take respirable dust samples of the concentration of respirable dust in the active workings of the mine as required by this part with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare under Part 74 (Coal Mine Dust Personal Sampler Units) of this title.

(b) Sampling devices shall be worn or carried directly to and from the designated work position to be sampled and shall remain operational during the entire shift or for 8 hours, whichever time is less.

(c) Upon request from the District Manager, the operator shall submit the date on which collecting any respirable dust samples required by this part will begin.

(d) During the time for abatement fixed in a citation for violation of § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present), the operator shall take corrective action to lower the concentration of respirable dust to within the permissible concentration and then sample each normal work shift until five valid respirable dust samples are taken.

§ 71.202 Certified person; sampling.

(a) The respirable dust sampling required by this part shall be done by a certified person.

(b) To be certified, a person shall pass the MSHA examination on sampling of respirable coal mine dust.

(c) A person may be temporarily certified by MSHA to take respirable dust samples if the person receives instructions from an authorized representative of the Secretary in the methods of collecting and submitting samples under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on sampling of respirable coal mine dust within six months from the issue date of the temporary certification.

§ 71.203 Certified person; maintenance and calibration.

(a) Approved sampling devices shall be maintained and calibrated by a certified person.

(b) To be certified, a person shall pass the MSHA examination on maintenance and calibration procedures for respirable dust sampling equipment.

(c) A person may be temporarily certified by MSHA to maintain and calibrate approved sampling devices if the person receives instructions from an authorized representative of the Secretary in the maintenance and calibration procedures for respirable dust sampling equipment under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on maintenance and calibration procedures for respirable dust sampling equipment within six months from the issue date of the temporary certification.

§ 71.204 Approved sampling devices; maintenance and calibration.

(a) Approved sampling devices shall be maintained as approved under Part 74 (Coal Mine Dust Personal Sampler Units) of this title and calibrated in accordance with MSHA Informational Report No. 1121, "Standard Calibration and Maintenance Procedures for Wet Test Meters and Coal Mine Respirable Dust Samples (Supersedes IR 1073), " by a person certified in accordance with § 71.203 (Certified person; maintenance and calibration).

(b) Approved sampling devices shall be calibrated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device, before they are put into service and at intervals not to exceed 200 hours of operating time thereafter.

(c) A calibration mark shall be placed on the flowmeter of each approved sampling device to indicate the proper position of the float when the sampler is operating at a flowrate of 2.0 liters of air per minute or other flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device. The standard to denote proper flowrate is when the lowest part of the float is tangent to the top of the calibration mark.

(d) Approved sampling devices shall be tested and examined immediately before each sampling shift and necessary external maintenance shall be performed to assure that the sampling devices are clean and in proper working condition by a person certified in accordance with § 71.202 (Certified person; sampling) or § 71.203 (Certified person; maintenance and calibration). This testing and examination shall include the following:

(1) Testing the voltage of each battery while under actual load to assure the battery is fully charged. The voltage for nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell value;

(2) Examination of all components of the cyclone to assure that they are clean and free of dust and dirt;

(3) Examination of the inner surface of the cyclone on the approved sampling device to assure that it is free of scoring;

(4) Examination of the external tubing on the approved sampling device to assure that it is clean and free of leaks; and,

(5) Examination of the clamping and positioning of the cyclone body, vortex finder and cassette to assure that they are rigid, in alignment, and firmly in contact.

(e) In accordance with 5 U.S.C. 552(a), MSHA Informational Report No. 1121 referenced in paragraph (a) of this section is hereby incorporated by reference and made a part of this section as if it was set forth in full. The incorporated publication is available without charge at each Coal Mine Safety and Health District and Subdistrict office of MSHA and is on file at the Office of the Federal Register Information Center. Any future amendments to MSHA Informational Report No. 1121 will be announced in the **Federal Register**. This incorporation by reference was approved March 25, 1980 by the Director of the Office of the **Federal Register**.

§ 71.205 Approved sampling devices; operation; air flowrate.

(a) Sampling devices approved in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title shall be operated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device.

(b) Each approved sampling device shall be examined each shift by a person certified in acordance with § 71.202 (Certified person; sampling) during the second hour after being put into operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, necessary adjustments shall be made by the certified person.

(c) Each sampling device shall be examined each shift by a peron certified in accordance with § 71.202 (Certified person; sampling) during the last hour of operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, the respirable dust sample shall be transmitted to MSHA with a notation by the certified person on the dust data card stating that the proper flowrate was not maintained.

§ 71.206 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust shall be determined by dividing the weight of dust in milligrams collected on the filter of an approved sampling device by the volume of air in cubic meters passing through the filter and then converting that concentration to an equivalent concentration as measured with an MRE instrument. To convert a concentration of respirable dust as measure with an approved sampling device to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with the approved sampling device shall be multiplied by the constant factor prescribed by the Secretary for the approved sampling device used, and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 71.207 Designation of work positions.

(a) The District Manager shall designate the work positions at each surface coal mine and surface work area of an underground coal mine for respirable dust sampling under § 71.208 (Bimonthly sampling; designated work positions). The District Manager shall designate for sampling each work position at the mine where an average concentration of respirable dust exceeding the standard in § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present) of this part has been measured by one or more samples.

(b) The District Manager may withdraw the designation of a work position for sampling if respirable dust samples taken in accordance with this part and samples taken by MSHA demonstrate continuing compliance with the standard in § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present) for at least 6 months.

§ 71.208 Bimonthly sampling; designated work position.

(a) Each operator shall take one valid respirable dust sample from each designated work position on a normal work shift during each bimonthly period beginning with the bimonthly period following the effective date of this part. The bimonthly periods are:

Feb. 1–Mar. 31
Apr. 1–May 31
June 1–July 31
Aug. 1–Sept. 30
Oct. 1–Nov. 30
Dec. 1–Jan. 31

(b) When the respirable dust standard is changed in accordance with § 71.101 (Respirable dust standard when quartz is present), respirable dust sampling of designated work positions shall begin on the first normal work shift during the next bimonthly period following notification of such change from MSHA.

(c) Upon notification from MSHA that any respirable dust sample taken from a designated work position to meet the requirements of paragraph (a) or (b) of this section exceeds the applicable standard in § 71.100 (Respirable dust standard) or 71.101 (Respirable dust standard when quartz is present), the operator shall take five valid respirable dust samples from that designated work position within 15 calendar days. The operator shall begin such sampling on the first day on which there is a normal work shift following the day of receipt of notification.

(d) Upon issuance of a citation for a violation of § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present) involving a designated work position, paragraphs (a), (b), and (c) of this section shall not apply to that designated work position until the violation is abated in accordance with § 71.201(d) (Sampling; general requirements).

(e) Unless otherwise directed by the District Manager, designated work position samples shall be taken by placing the sampling device as follows:

(1) *Equipment operator.* On the equipment operator or on the equipment within 36 inches of the operator's normal working position;

(2) *Non-equipment operators.* On the miner assigned to the designated work position or at a location that represents the maximum concentration of dust to which the miner is exposed.

§ 71.209 Respirable dust samples; transmission by operator.

(a) The opertor shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers

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provided by the manufacturer of the filter cassette to:

Respirable Dust Processing Laboratory
Pittsburgh Technical Support Center.
4800–D Forbes Avenue, Pittaburgh,
Pennsylvania 15213.

or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter cassette before or after it is used to fulfill the requirements of this part.

(c) A person certified in accordance with § 71.202 (Certified person; sampling) shall properly complete the dust data card that is provided by the manufacturer for each filter cassette. The card shall have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card shall be signed by the certified person and shall include that person's certification number. Respirable dust samples with data cards not properly completed will be voided by MSHA.

(d) All respirable dust samples collected by the operator shall be considered taken to fulfill the sampling requirements of Parts 70, 71 or 90 of this title, unless the sample has been identified in writing by the operator to the District Manager, prior to the intented sampling shift, as a sample to be used for purposes other than required by Parts 70, 71 or 90 of this title.

(e) Respirable dust samples received by MSHA in excess of those required by this part shall be considered invalid samples.

§ 71.210 Respirable dust samples; report to operator; posting.

(a) The Secretary shall provide the operator with a report of the following data on respirable dust samples as soon as practicable:

(1) The mine identification number;

(2) The designated work position at the mine from which the samples were taken;

(3)The concentration of respirable dust, expressed in milligrams per cubic meter of air, for each valid sample;

(4) The average concentration of respirable dust, expressed in milligrams per cubic meter of air, for all valid samples;

(5) The occupation code, where applicable; and,

(6) The reason for voiding any samples.

(b) Upon receipt, the operators shall post this data on the mine bulletin board for at least 31 days.

§ 71.220 Status change reports.

(a) If there is a change in operational status that affects the respirable dust sampling requirements of this part, the operator shall report the change in operational status of the mine or designated work position to the MSHA District Office or to any other MSHA office designated by the District Manager. Status changes shall be reported in writing within 3 working days after the status change has occurred.

(b) Each specific operational status is defined as follows:

(1) Underground mine:

(i) *Producing*—Has at least one mechanized mining unit producing material.

(ii) *Nonproducing*—no material is being produced.

(iii) *Abandoned*—the work of all miners has been terminated and production activity has ceased.

(2) Surface mine:

(i) *Producing*—normal activity is occurring and coal is being produced or processed or other material is being handled or removed.

(ii) *Nonproducing*—normal activity is not occurring and coal is not being produced or processed or other material is not being handled or removed.

(iii) *Abandoned*—the work of all miners has been terminated and all activity has ceased.

(3) Designated surface work position.

(i) *Producing*—normal activity is occurring.

(ii) *Nonproducing*—normal activity is not occurring.

(iii) *Abandoned*—the dust generating source has been withdrawn and activity has ceased.

§ 71.230 Miner participation.

(a) In carrying out the provisions of this Subpart C, each operator shall provide an opportunity for the representative of miners at the mine to:

(1) Observe the maintenance and calibration of sampling devices, if conducted on mine property;

(2) Observe the testing and examination of sampling device before each sampling shift;

(3) Observe the distribution, placement and collection of sampling devices used to take dust samples;

(4) Observe all onshift examinations of sampling devices;

(5) Observe the removal of samples from sampling devices; and

(6) Observe the transmittal of samples to MSHA.

(b) The representative of miners employed by the operator shall be compensated by the operator for participating as provided by paragraph (a) of this section in the respirable dust sampling procedures.

§ 71.300 Respirable dust control plan; filing requirements.

(a) Within 15 calendar days after the date a citation is issued for violation of § 71.100 (Respirable dust standard) or § 71.101 (Respirable dust standard when quartz is present), the operator shall submit a written respirable dust control plan to the District Manager for approval. The respirable dust control plan and revisions thereof shall be suitable to the conditions and the mining system of the coal mine and shall be adequate to continuously maintain respirable dust within the permissible concentration at the surface work position identified in the citation.

(b) Each respirable dust control plan shall include at least the following:

(1) The mine and surface area identification number assigned by MSHA, the company name, mine name, mine address, and mine telephone number and the name, address and telephone number of the principal officer in charge of health and safety at the mine;

(2) The specific designated work positions at the mine to which the plan applies;

(3) A detailed description of the specific respirable dust control measures designed to achieve and maintain compliance with the respirable dust standard applicable at the mine; and

(4) A detailed description of how the respirable dust control measures would be implemented by the operator, including at least the specific time, place and manner the control measures would be used.

§ 71.301 Respirable dust control plan; approval by District Manager; miner participation and posting; operator review.

(a) The District Manager will approve respirable dust control plans on a mine-by-mine basis. When approving respirable dust control plans, the District Manager shall consider whether:

(1) The respirable dust control measures would be likely to achieve and maintain compliance with the respirable dust standard and;

(2) The operator's compliance with all provisions of the respirable dust control plan could be objectively ascertained by MSHA.

(b) The District Manager may require additional respirable dust sampling to demonstrate the effectiveness of any control measures designed by the operator to achieve and maintain compliance with the respirable dust standard.

(c) The operator shall implement and thereafter comply with all provisions of each respirable dust control plan upon notice from MSHA that the respirable dust control plan is approved.

(d) The operator shall provide to the representative of miners and post on the mine bulletin board a copy of each current respirable dust control plan approved by the District Manager.

(e) The operator may review respirable dust control plans and submit proposed revisions to such plans to the District Manager for approval.

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30 CFR Part 90

Coal Miners Who Have Evidence of the Development of Pneumoconiosis

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Proposed rule and notice of public hearings.

SUMMARY: This proposed rule would revise 30 CFR Part 90 to provide miners employed at underground coal mines who have evidence of the development of pneumoconiosis the right to exercise an option to work in an area of the mine with a respirable dust concentration at or below 1.0 milligrams per cubic meter of air; the right to retain the same rate of pay received in the miner's previous job plus any wage increases accruing to the new job; and the right to work in an existing job on the same shift as the miner worked prior to being transferred. In addition, the operator employing Part 90 miners would be required to conduct a bimonthly sampling program involving each Part 90 miner in accordance with the proposed procedures. This proposed Part 90 is authorized by section 101 of the Federal Mine Safety and Health Act of 1977 (Act) and would supercede the interim mandatory health standard in section 203(b) of the Act.

Four public hearings on the proposed rule are also announced.

DATES: Written comments should be received by June 2, 1980. Public hearings will be conducted on the following dates:

June 3, 1980—Pittsburgh, Pennsylvania
June 3, 1980—Lexington, Kentucky
June 5, 1980—Charleston, West Virginia
June 5, 1980—Denver, Colorado

Requests to make an oral presentation for the record at the hearing should be submitted by May 30, 1980. The rulemaking record will remain open until June 20, 1980.

ADDRESSES: Send comments and requests to make an oral presentation at the hearings to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

The four public hearings will be held at the following locations on the dates indicated above beginning at 9:00 a.m.:

U.S. Bureau of Mines Building, Auditorium, First Floor, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213
Holiday Inn North, Burley Room, I–75 and Newtown Pike, Lexington, Kentucky 40505
University of Charleston, Geary Student Union, Ballroom, Third Floor, 2300 MacCorkle Avenue, S.E., Charleston, West Virginia 25304
U.S. Post Office, Main Office Building, Room 288, Auditorium, 1823 Stout Street, Denver, Colorado 80202

FOR FURTHER INFORMATION CONTACT: Frank A. White, Office of Standards, Regulations and Variances, MSHA, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background and Related Rulemaking

Section 203(b) of the Federal Coal Mine Health and Safety Act of 1969, Pub. L. 91–173 (Coal Act) established the right of miners employed at underground coal mines who have evidence of the development of pneumoconiosis to be afforded the option of transferring to a position in the mine which would expose the miner to low concentrations of respirable dust. Section 203(b)(2) of the Coal Act set the respirable dust concentration standard for the area to which the miner is transferred at a level of 1.0 milligrams of respirable dust per cubic meter of air (1.0 mg/m³) or, if that level was unattainable, at the lowest attainable concentration below 2.0 mg/m³. Section 203(b)(3) provided that transferred miners must receive compensation at not less than the regular rate of pay received immediately prior to transfer.

Under the terms of section 201 of the Coal Act, the standards established by section 203(b) are interim mandatory health standards which may be superceded in whole or in part by improved mandatory health standards promulgated under the provisions of section 101 of the Coal Act. The Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95–164 amended the Coal Act but did not alter the interim mandatory health standards in section 203. In April 1978, MSHA began rulemaking under section 101 of the Act to improve the mandatory standards relating to underground coal miners who have evidence of the development of pneumoconiosis by circulating to interested persons for comment a draft proposal to revise 30 CFR Part 90.

Several comments were received on the draft and have been fully considered by MSHA in developing this proposed rule. In addition to developing revisions of Part 90, MSHA has also been engaged in rulemaking to revise 30 CFR Part 70, pertaining to respirable dust in underground coal mines and 30 CFR Part 71 pertaining to respirable dust in surface coal mines and surface work areas of underground coal mines. A proposed rule for Part 70 was published on November 16, 1977, and public hearings were conducted in July 1978. Many of the provisions contained in the proposed Part 70 were virtually identical to corresponding provisions in the drafts of Part 71 and Part 90, particularly those concerning general sampling requirements, certified persons, maintenance and calibration, sampling devices, transmission of samples and reports of status changes. Consequently, written comments and oral testimony received concerning these provisions in Part 70 were generally considered, where appropriate, in making revisions to the draft proposals for Part 71 and Part 90.

The final Part 70 rule is published in Part II of today's **Federal Register**. Part III of today's **Federal Register** also contains a proposed amendment to Part 70 that is identical to the provision in the proposed Part 71 and Part 90 concerning miner participation. A proposal to revise Part 71, respirable dust in surface coal mines and surface work areas of underground coal mines, is also published in this Part III of today's **Federal Register**.

II. Summary and Analysis of the Proposed Rule

A. Part 90 Miners

Section 203(a) of the Act requires the operator of an underground coal mine to cooperate with the Secretary of Health, Education, and Welfare in making available to each underground coal miner the opportunity to have chest X-rays to detect the development of pneumoconiosis. This medical screening program is administered under the direction and supervision of the National Institute for Occupational Safety and Health (NIOSH) of the Department of Health, Education, and Welfare (HEW). Once the X-rays are read and classified in a manner prescribed by the Secretary of HEW, the miner receives notification of the interpretation of the medical finding along with a letter from MSHA advising the miner of his or her rights. Under this proposed rule, if the medical finding reported by the Secretary of HEW shows evidence of the development of

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pneumoconiosis, the miner would be given the option to work in an area of the mine where the average concentration of respirable dust in the mine atmosphere would not exceed 1.0 mg/m³ of air. If the miner who has evidence of pneumoconiosis chooses to exercise the option, the miner would have to sign, date and mail the Exercise of Option Form. Any miner employed at an underground coal mine who exercises the option to work in a low dust area of the mine under this rule and who has not waived this option would be a Part 90 miner and entitled to all rights provided by the proposed rule. Any miner who is employed at an underground coal mine and has exercised the option to transfer under the existing Part 90 program (§ 90.20, 36 FR 20601, October 27, 1971), and who has not waived these rights, would also be a Part 90 miner with respect to respirable dust standards, retention of previous pay rate, future pay increases, and shift and work position protection on future transfers under this part.

The objective of the proposed rule is to improve the health protection of miners by increasing miner participation in the Part 90 program. Various circumstances, including the limited economic protection offered by section 203(b) of the act, may have had the effect of discouraging eligible miners from exercising their option. On September 30, 1979, for the approximately 8,600 underground coal miners who had been notified since late 1970 that they were eligible for the option of working in low dust atmospheres, only 1,350 miners had taken advantage of the opportunity. To increase miner participation in the Part 90 program, the proposed rule would provide eligible miners with significant additional protections against fears about job security, adverse economic consequences, undesirable working hours, wages and work assignments.

As an alternative method of improving the health protection of miners, MSHA has considered the appropriateness of providing for the mandatory transfer of miners who have evidence of pneumoconiosis. However, MSHA is aware of the unique problems of limited job placement alternatives in the coal mining industry and limited job opportunities in many coal mining communities. Under such conditions, MSHA is concerned that a mandatory transfer provision will have serious adverse impact on many operations, particularly on small mines and mining-intensive communities with limited occupational alternatives. Moreover, if miners perceive that they will be adversely affected by a mandatory transfer, they may be reluctant to participate in the voluntary X-ray program. The X-ray program is essential to timely detection of pneumoconiosis and initiation of the Part 90 health protections.

In view of the possible problems with a mandatory transfer provision, the proposed rule retains the option to exercise Part 90 rights and is intended to encourage more miners to exercise the option. However, MSHA will monitor participation rates over the next three years, and if the number of miners exercising the Part 90 option does not substantially increase, MSHA will reconsider the appropriateness of a mandatory transfer program.

B. Respirable Dust Standards

Proposed Part 90 would require that the average concentration of respirable dust in the mine atmosphere during each shift to which each Part 90 miner is exposed be continuously maintained at or below 1.0 mg/m³ of air. It should be noted, however, that the presence of quartz in the mine atmosphere could result in a respirable dust standard set below 1.0 mg/m³ of air.

In practical effect, the proposed part 90 would not change the 1.0 mg/m³ respirable dust standard established by the Act. Section 203(b) of the Act provides that an eligible miner exercising the option to transfer shall be transferred to a position in the mine where the respirable dust in the atmosphere is not more than 1.0 mg/m³, "or if such level is not attainable in such mine, to a position in such mine where the concentration of respirable dust is the lowest attainable below 2.0 mg/m³." Thus, the interim mandatory health standard in the Act prescribes a respirable dust standard of 1.0 mg/m³ for transferred miners, but permits a higher concentration for miners employed in mines which are unable to attain the 1.0 mg/m³ standard.

The premise of this proposal is that the 1.0 mg/m³ respirable dust standard is attainable at all mines. MSHA believes that the improved mandatory health standard of 1.0 mg/m³ as set forth in this proposal is neither burdensome nor impracticable for mine operators to meet. MSHA data shows that all miners transferred as a result of exercising rights under section 203(b) of the Act have been assigned to positions in which the average respirable dust concentration of 1.0 mg/m³ was attainable. Moreover, an MSHA report, dated November 14, 1979 and based on operator-submitted respirable dust samples, confirms the ability of operators of underground coal mines to achieve an average concentration of respirable dust at 1.0 mg/m³ of air in at least some areas of the mine. Of 1,064 underground coal mines that had been active for at least one year and submitted samples taken on at least five miners during that time, all but three mines had at least one miner on which respirable dust sample results averaged 1.0 mg/m³ of air or less. This information was based on 285,079 samples taken on 91,305 miners. Similar encouraging results were reported for mines employing a greater number of miners. Of 641 mines that had been active for at least one year and submitted samples taken on at least 20 miners during that period, only one mine was identified as not having at least five miners on which respirable dust sample results averaged 1.0 mg/m³ or less. This data was obtained from 263,281 samples submitted on 86,587 miners. The report indicated that this same mine is among the three mines identified above as not having at least one miner on which respirable dust sample results average 1.0 mg/m³ of air or less. MSHA has no evidence suggesting that it would not be feasible for the three mines to comply with the proposed requirements of Part 90.

Under this proposal, fifteen days after the operator receives a letter of notification from MSHA that a Part 90 miner is employed at the underground coal mine, the operator would be required to continuously maintain the average concentration of respirable dust in the mine atmosphere to which that miner is exposed at or below 1.0 mg/m³. The proposed rule would require that the operator either lower the concentration of respirable dust to meet the 1.0 mg/m³ standard, or assign the Part 90 miner to an area of the mine where the average concentration of respirable dust does not exceed 1.0 mg/m³. In instances where the miner is already working in an atmosphere which complies with the 1.0 mg/m³ standard, there would be no need to lower the dust concentration or to transfer the Part 90 miner. If, however, at a later date, the average concentration of respirable dust in the mine atmosphere to which this miner was exposed exceeded 1.0 mg/m³, the standard would be violated.

C. Transfer of the Part 90 Miner

Operators may choose to comply with the requirements of the proposed respirable dust standard by transferring the Part 90 miner to a work position in a low dust area of the mine. This aspect of the proposal is derived from the interim mandatory standard of section 203(b) of the Act, but is changed in significant

ways to remove obstacles which may have prevented miners from pursuing their rights under section 203(b) of the Act. The proposed revisions of Part 90 should minimize this reluctance and give greater assurance that no eligible miner will be unduly discouraged from requesting work in a low dust atmosphere.

Under the interim mandatory standard in section 203(b) of the Act, a transferred miner retains the previous hourly wage rate as though the transfer had never occurred. This economic protection, however, is limited to the extent that there is no requirement for the miner to receive subsequent wage increases until the rate of compensation in the new position reaches the amount that was paid in the old position. The effect of this procedure is to present a miner who has evidence of pneumoconiosis with a dilemma: either (1) exercise the option to work in a low dust area and suffer a freeze in wages for a significant time; or (2) waive the section 203(b) option to transfer to avoid losing future wage increases and as a result, risk further health impairment.

Under this proposed rule, if a Part 90 miner is transferred, the miner would retain at least the previous rate of pay, and would subsequently receive the actual pay increases applicable to the new job classification. For example, if a Part 90 miner is transferred from a $6.00 per hour job to a $5.00 per hour job, the Part 90 miner would continue to be paid $6.00 per hour. If the pay rate at the new job were increased to $5.30 per hour, the Part 90 miner would be paid $6.30 per hour. This provision of the proposed rule is consistent with section 101(a)[7] of the Act and the report of the Conference Committee on that section. The economic protection afforded by this provision should remove one of the obstacles discouraging miners from exercising the option under this proposed rule. Similarly, economic protection is afforded a miner employed at a temporary work assignment. A miner temporarily employed at a job which is not the miner's regular work classification for a period of two months or more before exercising the Part 90 option would be paid the higher of the two rates of pay once the option was exercised. If the temporary assignment is for less than two months, the operator would pay the Part 90 miner at the regular work classification rate regardless of the temporary wage rate.

If a Part 90 miner exercised the option to transfer under the old program, the miner would retain the rate of pay which was received on the effective date of this Part 90. Any future pay increases applicable to the new job classification would be paid to the miner without regard to the pay rate associated with the old job.

In order to minimize other factors which may discourage miners from exercising their option to work in a low dust area of the mine, the proposed rule would require operators who choose to transfer Part 90 miners to assign them to existing work positions on the same shift as the miner's permanent job held immediately before the transfer. This position and shift protection may be waived by the Part 90 miner if the miner agrees in writing that a newly created position or a position on a different shift is acceptable. Based on experience under the present rule, MSHA believes that Part 90 miners would be discouraged from exercising their option to work in a low dust area if the job they were transferred to was on an undesirable shift or was a specially created job that would be otherwise unacceptable.

Under the proposed rule, if an operator desires to transfer a Part 90 miner to another work position after initially complying with the proposed respirable dust standard, the operator may do so only after giving the District Manager written notice of the transfer and the date on which it is to be effective. This notice would enable MSHA to process respirable dust samples from the new work position and assist MSHA in enforcing the respirable dust standards for Part 90 miners.

Under the proposed rule, the operator would, of course, be prohibited from permanently assigning a Part 90 miner to any work position where respirable dust concentrations exceed the standard applicable to the Part 90 miner. In addition, however, the operator would be restricted under certain circumstances in the choice of work positions to which a Part 90 miner may be temporarily assigned. If an operator desires to assign a Part 90 miner to a temporary work position in a mechanized mining unit or in a designated area or at a designated surface work position, the operator must first consider the most recent sampling results. Under the proposed rule, the operator would be prohibited from making the temporary assignment of this Part 90 miner if the sampling results of the last bimonthly period showed that the average concentration of respirable dust in the mechanized mining unit, designated area or designated work position to which the Part 90 miner was to be transferred exceeded the standard applicable to the Part 90 miner.

There have been occasions where a miner has exercised the option to work in a low dust area of a mine but the Department of Labor discovered that due to a mistake there was not sufficient evidence of the development of pneumoconiosis to warrant the miner's eligibility to exercise the option. Although this is not a common occurrence, MSHA believes that the problem is significant enough to be addressed in revisions to Part 90. The proposed rule provides that a miner who receives notification of ineligibility would remain in his or her current work position at the applicable rate of pay received under Part 90 until one of two resolutions is reached. First, the affected miner and operator may agree in writing to assign the miner to a different position. Upon transfer to the new position, Part 90 protections would terminate and the miner would be compensated at not less than the regular rate of pay for the agreed upon work assignment. Second, if a position in both the same occupation and on the same shift on which the miner was employed immediately before exercising the part 90 option becomes available, the operator would be required to offer this position to the affected miner, unless the operator and the miner had previously agreed upon another work assignment. The miner would then have 15 days within which to accept or reject the available position. If the miner accepts the available position, the operator would be required to implement the transfer and compensate the miner at not less than the regular rate of pay for the work assignment to which he is transferred. A miner's failure to act on the operator's offer of the available position within 15 days would operate as a rejection of the offer. If the miner does not accept the available position, the miner will not be protected under Part 90.

D. Waiver of Part 90 Rights

The proposed rule would allow a Part 90 miner to voluntarily waive the right to work in a low dust area of the mine after the option has been exercised. Under the proposed rule, a Part 90 miner could waive Part 90 rights by written notification to this effect to the Chief, Division of Health, Coal Mine Safety and Health, MSHA; or Part 90 rights could be waived by the application for and acceptance of employment in an area of the mine which the miner knows exceeds the 1.0 mg/m³ respirable dust standard. Once rights are waived, the Part 90 miner's name would be removed from MSHA's active list of miners who have rights under Part 90. A miner could reactivate his or her Part 90 status by re-exercising the Part 90 option at any time. When a waiver occurs because a Part 90

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miner accepts another position with a respirable dust concentration greater than 1.0 mg/m³ or the limit established by § 90.101, the operator would be required under § 90.220 to report this waiver by the Part 90 miner to MSHA. If any doubt exists, MSHA could investigate to determine whether the miner's waiver was voluntary.

E. Sampling of Part 90 Miners

The proposed rule would improve current sampling procedures and more closely monitor the respirable dust exposure of the Part 90 miner. Provisions for certified persons, maintenance, calibration, operation and air flow rate for sampling devices are identical to corresponding provisions in the final rule for Part 70 and the proposed rule for Part 71. For a complete discussion of these particular changes, see the Supplementary Information discussion for Part 70 published in Part II of today's **Federal Register**. Some of the proposed respirable dust sampling requirements for the Part 90 miner, however, are different from current practices and from sampling procedures under Part 70 and proposed Part 71.

Under this proposal, after a miner has exercised the option to work in a low dust area, MSHA would notify the operator that a Part 90 miner is employed at the mine. The operator would then have 15 days to assure that the miner is working in an area of the mine where the average concentration of respirable dust in the mine atmosphere during each shift does not exceed 1.0 mg/m³. Within an additional 15-day period, the operator would have to take five valid respirable dust samples upon which MSHA would determine compliance with the respirable dust standard. If the results of these five samples show compliance with the respirable dust standard, the operator would begin a bimonthly schedule of sampling with the next bimonthly period as set forth in the proposal. If the results of the five samples show noncompliance with the respirable dust standard, the operator would be cited for a violation. During the time fixed for abatement of such violation the operator would be required to take corrective action and take an additional five valid respirable dust samples for the affected Part 90 miner. Upon abatement of the violation, bimonthly sampling of the Part 90 miner would begin.

If a Part 90 respirable dust sample taken during a bimonthly period exceeds the 1.0 mg/m³ respirable dust standard or the respirable dust standard established by § 90.101, the operator would be notified that an additional five valid respirable dust samples would be required for the affected Part 90 miner. If the results of these five samples show noncompliance with the respirable dust standard, the operator would be cited for a violation. If a citation is issued, abatement samples would be taken, but bimonthly sampling under § 90.208 would cease until the violation is abated.

If any future transfer of a miner under § 90.102 were to occur, the operator would also be required under § 90.207(a)(3) to take five valid respirable dust samples upon which MSHA would determine compliance with the respirable dust standard established by § 90.100 or § 90.101. This would assure that any Part 90 miner assigned work in another position at the mine would be placed in an atmosphere which meets the applicable standard. Additionally, any change in the sampling status of a Part 90 miner would have to be reported in writing by the operator to a designated MSHA district office within three working days after the change in status. A status change, such as an injury to a Part 90 miner, could affect the respirable dust sampling requirements and could cause an interruption in the sampling of a Part 90 miner.

To satisfy the sampling requirements of the proposed rule, operators would be required to take "valid respirable dust samples." These are defined in the proposal as respirable dust samples collected and submitted as required by this part, and not voided by MSHA. Voided or invalid samples would not satisfy the sampling requirements and operators would be required to collect and submit additional samples. In addition, all respirable dust samples under this Part 90 would be required to be taken while the Part 90 miner is performing normal work duties. Failure to take the required number of valid respirable dust samples under § 90.201, § 90.207, and § 90.208 would constitute a violation. Consequently, it would be advantageous for operators to collect and submit the samples required for each bimonthly period during the first month of each bimonthly period. This would allow ample opportunity to collect and submit additional samples if necessary. Respirable dust samples received by MSHA in excess of the number required by this part would be considered invalid samples.

F. Transmittal and Analysis of Samples

After the end of a sampling shift, the operator would be required to transmit all samples collected to MSHA within 24 hours. Under the proposal, all respirable dust samples collected by an operator would be deemed to be taken to fulfill the sampling requirements of Parts 70, 71 or 90 of Title 30, Code of Federal Regulations, unless the operator declared in writing to the District Manager prior to the intended sampling shift that the sampling filter cassettes were to be used for other purposes. Therefore, absent such a written declaration by the operator to the District Manager, all respirable dust samples collected by an operator would be required under the proposed rule to be submitted to MSHA within 24 hours after the end of the sampling shift.

Each sample transmitted by operators to MSHA would also be required to be accompanied by the appropriate completed dust data card. Data cards would be provided by the filter cassette manufacturer and each card would have an identification number corresponding with the filter cassette for which it was provided. All dust data cards submitted to MSHA would be required to be completed and signed by a person certified under this proposed rule to collect samples and include that person's certification number. Persons certified under Part 70 or 71 may also perform the duties of a certified person under this part without further certification.

Upon receipt, MSHA would analyze samples submitted by operators as quickly as practicable. Following this analysis MSHA would provide the operator with a respirable dust sample data report. The data report would include identification of the mechanized mining units, or designated surface work positions, if any, from which the samples were taken; the concentration of respirable dust for each valid respirable dust sample; the occupation codes; the social security number of the Part 90 miner; and the reason for voiding any samples. Upon receipt, the operator would be required to provide a copy of this report to the Part 90 miner, but would be prohibited from posting the original or a copy of this report on the mine bulletin board.

G. Miner Participation

Under the proposed rule, operators would be required to give the representative of miners an opportunity to participate in the sampling procedures. The proposal includes an opportunity for the representative of miners to observe maintenance and calibration of sampling devices; preshift examination and testing of sampling devices; distribution, placement and collection of sampling devices; all on-shift examination of sampling devices; the removal of samples from sampling devices at the end of each shift; and the transmittal of the samples to MSHA.

Miner participation in the sampling program was repeatedly cited by the miners as a deficiency in the proposed rule for Part 70, respirable dust sampling in underground coal mines. A full discussion of these comments is provided in the proposed amendment to Part 70 concerning miner participation which is contained in Part III of today's **Federal Register**. The manner and extent of miner participation set forth in this proposed rule is, MSHA believes, responsive to the concerns expressed by the miners. However, MSHA is aware that there may remain questions as to the mechanics of integrating miner participation into the sampling procedures. One of the most significant issues concerns compensation of the miner participants. At this point in the rulemaking process, MSHA believes that representatives of miners are entitled to compensation for the time spent participating in the sampling procedures. MSHA is hopeful that during the rulemaking process and through dialogue between the coal industry and labor representatives, agreement may be reached on questions related to implementation of miner participation.

Regulatory Analysis

It has been determined that a regulatory analysis is not required for this proposed rule under the Department of Labor's final guidelines for implementing Executive Order 12044 (44 FR 5570, January 26, 1979). It is estimated that the annual cost of the proposed rule will not exceed 1 million dollars.

Drafting Information

The principal persons responsible for preparing this proposed rule are: Joseph A. Lamonica and William H. Sutherland, Division of Health, Mine Safety and Health Administration; Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration; and Edward P. Clair and Susan C. Olinger, Division of Mine Safety and Health, Office of the Solicitor, Department of Labor.

Public Hearing Procedures

Public hearings on those proposed amendments to Part 90, together with proposed amendments to Parts 70 and 71, will be held on June 3 and June 5, 1980. The purpose of the public hearings is to receive relevant evidence concerning the proposed rules. In order to assure that all interested persons will have an opportunity to participate in these public hearings, each oral presentation, whether addressing the proposed amendments to all three parts or just one part, will be limited to 20 minutes. Participants may wish to concentrate their oral presentations upon the issues which most interest and affect them and submit written comments on other issues.

The hearings will be conducted in an informal manner by a panel of MSHA officials. There will be on cross-examination of persons making statements, although at the discretion of the chairperson, supplemental statements by those presenting evidence may be permitted. Although formal rules of evidence will not apply, the chairperson may, in his or her discretion, exclude irrelevant or unduly repetitious material. A verbatim transcript of the proceedings will be taken, and the record will include all submitted written comments and data. The transcript of the proceedings shall be available for public inspection, and the record shall remain open until June 20, 1980 for the submission of supplementary statements or data.

Dated: March 28, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health Administration.

1. It is proposed to revise Part 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations as set forth below:

PART 90—MANDATORY HEALTH STANDARDS—COAL MINERS WHO HAVE EVIDENCE OF THE DEVELOPMENT OF PNEUMOCONIOSIS

Subpart A—General

Sec.

90.1 Scope.
90.2 Definitions.
90.3 Part 90 option; notice of eligibility; exercise of option.

Subpart B—Dust Standards, Transfer, Compensation, Waiver of Rights of Part 90 Miner

90.100 Respirable dust standard; Part 90 miner.
90.101 Respirable dust standard when quartz is present; Part 90 miner.
90.102 Transfer of Part 90 miner; report.
90.103 Compensation of Part 90 miner.
90.104 Waiver of rights.

Subpart C—Sampling Procedures

90.201 Sampling; general requirements.
90.202 Certified person; sampling.
90.203 Certified person; maintenance and calibration.
90.204 Approved sampling devices; maintenance and calibration.
90.205 Approved sampling devices; operation; air flowrate.
90.206 Approved sampling devices; equivalent concentrations.
90.207 Respirable dust sampling.
90.208 Bimonthly sampling; Part 90 miner.

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Sec.
90.209 Respirable dust samples; transmission by operator.
90.210 Respirable dust samples; report to operator.
90.220 Status change reports.
90.230 Miner participation.

Authority: Sections 101 and 103(h) of the Federal Mine Safety and Health Act of 1977, Pub. L. 910173 as amended by Pub. L. 95–164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

Subpart A—General

§ 90.1 Scope.

This Part 90 establishes the option of miners who are employed at underground coal mines and who have evidence of the development of pneumoconiosis to work in an area of the mine where the average concentration of respirable dust in the mine atmosphere during each shift is continuously maintained at or below 1.0 milligrams per cubic meter of air. The rule sets forth procedures for miners to excercise this option, and establishes the right of miners to retain their regular rate of pay and receive wage increases. The rule also sets forth the operator's obligations, including respirable dust sampling for Part 90 miners. Any miner employed at an underground coal mine who has exercised the option to transfer under the provisions of 30 CFR 90 (36 FR 20601, October 27, 1971), which this rule amends, and who has not waived these rights is a Part 90 miner. This Part 90 supercedes section 203(b) of the Act.

§ 90.2 Definitions.

For the purpose of this Part 90, the term—

(a) "Act" means the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173, as amended by Pub. L. 95–164.

(b) "Active workings" means any place in a coal mine where miners are normally required to work or travel.

(c) "Certified person" means an individual certified by the Secretary in accordance with § 70.202, § 71.202 or § 90.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 70.203, § 71.203 or § 90.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

(d) "Concentration" means a measure of the amount of a substance contained per unit volume of air.

(e) "Designated area" means an area of a mine identified by the operator in the plan required under § 75.316 (Ventilation system and methane and dust control plan) of this title and approved by the District Manager.

(f) "Designated work position" means a work position designated under § 71.207 (Designation of work positions) of this title.

(g) "District Manager" means the manager of the Coal Mine Safety and Health District in which the mine is located.

(h) "Mechanized mining unit" means: (1) a unit of mining equipment including hand loading equipment used for the production of material; or (2) a specialized unit which utilizes mining equipment other than specified in § 70.207(e) (Bimonthly sampling; mechanized mining unit).

(i) "MRE instrument" means the gravimetric dust sample with a four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(j) "MSHA" means the Mine Safety and Health Administration of the Department of Labor.

(k) "Part 90 miner" means a miner employed at an underground coal mine who has exercised the option under § 90.3 (Part 90 option; notice of eligibility; exercise of option) or under 30 CFR 90, § 90.20 (36 FR 20601, October 27, 1971), to work in an area of the mine where the average concentration of respirable dust in the mine atmosphere during each shift is continuously maintained at or below 1.0 milligrams per cubic meter of air, and who has not waived these rights.

(l) "Quartz" means crystalline silicon dioxide (SiO_2) not chemically combined with other substances and having a distinctive physical structure.

(m) "Representative of miners" means any person or organization which represents two or more miners at a coal mine for the purposes of the Act.

(n) "Respirable dust" means dust collected with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(o) "Secretary" means the Secretary of Labor or his delegate.

(p) "Valid respirable dust sample" means a respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

§ 90.3 Part 90 option; notice of eligibility; exercise of option.

(a) Each miner who has evidence of the development of pneumoconiosis based on a chest X-ray or other medical finding by the Secretary of Health, Education, and Welfare, shall be afforded the option to work in an area of the mine where the average concentration of respirable dust in the mine atmosphere during each shift is continuously maintained at or below 1.0 milligrams per cubic meter of air.

(b) If a chest X-ray or other medical finding by the Secretary of Health, Education, and Welfare shows evidence of the development of pneumoconiosis, the miner shall be notified by MSHA in writing of eligibility to exercise the option provided by paragraph (a) of this section.

(c) To exercise the option provided by paragraph (a) of this section, each miner who has been notified of eligibility shall sign and date the Exercise of Option Form provided by MSHA and mail the form to the Chief, Division of Health, Coal Mine Safety and Health, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(d) Any miner employed at an underground coal mine who exercised the option to transfer under 30 CFR 90, (36 FR 20601, October 27, 1971), and who has not waived these rights shall have full rights under this part as to retention of previous pay rate, future actual wage increases, and work position and shift protection on future transfers.

Subpart B—Dust Standards, Transfer, Compensation, Waiver of Rights of Part 90 Miner

§ 90.100 Respirable dust standard; Part 90 miner.

After the fifteenth calendar day following receipt of notification from MSHA that a Part 90 miner is employed at an underground coal mine, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which the Part 90 miner in the active working of the mine is exposed at or below 1.0 milligrams per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 90.206 (Approved sampling devices; equivalent concentrations).

§ 90.101 Respirable dust standard when quartz is present; Part 90 miner.

When the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which a Part 90 miner in the active working of the mine is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with § 90.206 (Approved sampling devices; equivalent concentrations), computed by dividing the percent of quartz into the number 10, provided that the application of the formula will not result in a concentration in excess of the standard in § 90.100 (Respirable dust standard; Part 90 miner).

Example: The respirable dust associated with a Part 90 miner contains quartz in the amount of 20%. Therefore, the average concentration of respirable dust in the mine atmosphere associated with that Part 90 miner shall be continously maintained at or below 0.5 milligrams of respirable dust per cubic meter of air ($10/20=0.5\ mg/m^3$).

§ 90.102 Transfer of Part 90 miner; report.

(a) If the operator chooses to transfer a Part 90 miner to a work position which meets the respirable dust standard in § 90.100 (Respirable dust standard; Part 90 miner) or in § 90.101 (Respirable dust standard when quartz is present; Part 90 miner), the operator shall assign the miner to an existing work position on the same shift on which the miner was employed immediately before the transfer, unless the miner agrees in writing to accept a newly-created position or a position on a different shift.

(b) The operator shall not temporarily assign any Part 90 miner to work on a mechanized mining unit, in a designated area or in a designated work position for which the most recent bimonthly respirable dust sampling shows concentractions of respirable dust in excess of the applicable standard established by § 90.100 (Respirable dust standard; Part 90 miner) or § 90.101 (Respirable dust standard when quartz is present; Part 90 miner).

(c) After the fifteenth calendar day following receipt of notification from MSHA that a Part 90 miner is employed at the mine, the operator shall give the District Manager written notice before any transfer of a Part 90 miner to a different work position. This notice shall include the scheduled date of the transfer.

§ 90.103 Compensation of Part 90 miner.

(a) The operator shall compensate each Part 90 miner at not less than the regular rate of pay received immediately before exercising the option under § 90.3 (Part 90 option; notice of eligibility; exercise of option).

(b) In addition to the compensation required to be paid under paragraph (a) of this section, the operator shall pay

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each Part 90 miner the actual wage increases that accrue to the classification to which the miner is assigned.

(c) If a miner is temporarily employed in an occupation other than his or her regular work classification for two months or more before exercising the option under § 90.3 (Part 90 option; notice of eligibility; exercise of option), the miner's regular rate of pay for purposes of paragraph (a) of this section is the higher of the temporary or regular rates of pay. If the temporary assignment is for less than two months, the operator shall pay the Part 90 miner at his regular work classification rate regardless of the temporary wage rate.

(d) If a Part 90 miner is transferred as a result of exercising the option under § 90.3 (Part 90 option; notice of eligibility; exercise of option), and the Secretary subsequently notifies the miner that notice of the miner's eligibility to exercise the Part 90 option was incorrect, the operator shall retain the affected miner in the current work position to which the miner has been transferred and continue to pay the affected miner the applicable rate of pay provided in paragraphs (a) and (b) of this section, until:

(1) The affected miner and operator agree in writing to a different work assignment with pay at not less than the regular rate of pay for that occupation; or

(2) A position in both the same occupation and on the same shift on which the miner was employed immediately before exercising the option under § 90.3 is available.

(i) When such a position is available, the operator shall offer the affected miner the available position, with pay at not less than the regular rate of pay for that occupation.

(ii) If the affected miner accepts the available position, the operator shall implement the miner's transfer upon notice of the miner's acceptance. If the miner does not accept the available position, protections under Part 90 shall not apply and the miner may be transferred without regard to these restrictions. Failure by the miner to act on the offer of the available position within 15 days after notice of the offer is received from the operator shall operate as an election not to accept the available position.

§ 90.104 Waiver of rights.

(a) A Part 90 miner may waive his or her rights and be removed from MSHA's active list of miners who have rights under Part 90 by:

(1) Giving written notification to the Chief, Division of Health, Coal Mine Safety and Health, MSHA, that the miner waives all rights under this part; or

(2) Applying for and accepting a work position in an area of the mine which the miner knows has an average respirable dust concentration exceeding 1.0 milligrams per cubic meter of air or the respirable dust standard established by § 90.101 (Respirable dust standard when quartz is present; Part 90 miner).

(b) If rights under Part 90 are waived, the miner gives up all rights under Part 90 until the miner re-exercises the option under § 90.3(c) (Part 90 option; notice of eligibility; exercise of option).

Subpart C—Sampling Procedures

§ 90.201 Sampling; general requirements.

(a) Each operator shall take respirable dust samples of the concentration of respirable dust in the active workings of the mine as required by this part with a sampling device approved by the Secretary and the Secretary of Health, Education, and Welfare under Part 74 (Coal Mine Dust Personal Sampler Units) of this title.

(b) Sampling devices shall be worn or carried directly to and from the Part 90 miner's work position, and these devices shall remain operational during the entire shift or for 8 hours, whichever time is less.

(c) Upon request from the District Manager, the operator shall submit the date on which collecting any respirable dust samples required by this part will begin.

(d) During the time for abatement fixed in a citation for violation of § 90.100 (Respirable dust standard; Part 90 miner) or § 90.101 (Respirable dust standard when quartz is present; Part 90 miner), the operator shall take corrective action to lower the concentration of respirable dust to within the permissible concentration and then take five valid respirable dust samples for the affected Part 90 miner.

(e) The respirable dust samples required by this part shall be collected while the Part 90 miner is performing normal work duties.

(f) Unless otherwise directed by the District Manager, the respirable dust samples required under this part shall be taken by placing the approved sampling device as follows:

(1) On the Part 90 miner;

(2) On the piece of equipment which the Part 90 miner operates within 36 inches of the normal working position; or

(3) At a location which represents the maximum concentration of dust to which the Part 90 miner is exposed.

§ 90.202 Certified person; sampling.

(a) The respirable dust sampling required by this part shall be done by a certified person.

(b) To be certified, a person shall pass the MSHA examination on sampling respirable coal mine dust.

(c) A person may be temporarily certified by MSHA to take respirable dust samples if the person receives instruction from an authorized representative of the Secretary in the methods of collecting and submitting samples under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on sampling of respirable coal mine dust within six months from the issue date of the temporary certification.

§ 90.203 Certified person; maintenance and calibration.

(a) Approved sampling devices shall be maintained and calibrated by a certified person.

(b) To be certified, a person shall pass the MSHA examination on maintenance and calibration procedures for respirable dust sampling equipment.

(c) A person may be temporarily certified by MSHA to maintain and calibrate approved sampling devices if the person receives instruction from an authorized representative of the Secretary in the maintenance and calibration procedures for respirable dust sampling equipment under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on maintenance and calibration procedures within six months from the issue date of the temporary certification.

§ 90.204 Approved sampling devices; maintenance and calibration.

(a) Approved sampling devices shall be maintained as approved under Part 74 (Coal Mine Dust Personal Sampler Units) of this title and calibrated in accordance with MSHA Informational Report No. 1121, "Standard Calibration and Maintenance Procedures for Wet Test Meters and Coal Mine Respirable Dust Samplers (Supersedes IR 1073)," by a person certified in accordance with § 90.203 (Certified person; maintenance and calibration).

(b) Approved sampling devices shall be calibrated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device, before they are put into service and at intervals not to exceed 200 hours of operating time thereafter.

(c) A calibration mark shall be placed on the flowmeter of each approved sampling device to indicate the proper position of the float when the sampler is operating at a flowrate of 2.0 liters of air per minute or other flowrate prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device. The standard to denote proper flow is when the lowest part of the float is tangent to the top of the calibration mark.

(d) Approved sampling devices shall be tested and examined immediately before each sampling shift and necessary external maintenance shall be performed to assure that the sampling devices are clean and in proper working condition by a person certified in accordance with § 90.202 (Certified person; sampling) or § 90.203 (Certified person; maintenance and calibration). This testing and examination shall include the following:

(1) Testing the voltage of each battery while under actual load to assure the battery is fully charged. The voltage for nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell value;

(2) Examination of all components of the cyclone to assure that they are clean and free of dust and dirt;

(3) Examination of the inner surface of the cyclone on the approved sampling device to assure that it is free of scoring;

(4) Examination of the external tubing on the approved sampling device to assure that it is clean and free of leaks; and,

(5) Examination of the clamping and positioning of the cyclone body, vortex finder and cassette to assure that they are rigid, in alignment, and firmly in contact.

(e) In accordance with 5 U.S.C. 552(a), MSHA Informational Report No. 1121 referenced in paragraph (a) of this section is hereby incorporated by reference and made a part of this section as if it were set forth in full. The incorporated publication is available without charge at each Coal Mine Safety and Health District and Subdistrict office of MSHA and is on file at the Office of the Federal Register Information Center.

Any future amendments to MSHA Information Report No. 1121 will be announced in the **Federal Register**. This incorporation by reference was approved March 25, 1980 by the Director of the Office of the Federal Register.

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§ 90.205 Approved sampling devices; operation; air flowrate.

(a) Sampling devices approved in accordance with Part 74 (Coal Mine Dust Personal Sampler Units) of this title shall be operated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health, Education, and Welfare for the particular device.

(b) Except as provided in paragraph (d) of this section, each approved sampling device shall be examined each shift by a person certified in accordance with § 90.202 (Certified person; sampling) during the second hour after being put into operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, necessary adjustments shall be made by the certified person.

(c) Each sampling device shall be examined each shift by a person certified in accordance with § 90.202 (Certified person; sampling) during the last hour of operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, the respirable dust sample shall be transmitted to MSHA with a notation by the certified person on the dust data card stating that the proper flowrate was not maintained.

(d) Paragraph (b) of this section shall not apply if the approved sampling device is being operated in a breast or chamber of an anthracite coal mine where the full box mining method is used.

§ 90.206 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust shall be determined by dividing the weight of dust in milligrams collected on the filter of an approved sampling device by the volume of air in cubic meters passing through the filter and then converting that concentration to an equivalent concentration as measured with an MRE instrument. To convert a concentration of respirable dust as measured with an approved sampling device to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with the approved sampling device shall be multiplied by the constant factor prescribed by the Secretary for the approved sampling device used, and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 90.207 Respirable dust sampling.

(a) The operator shall take five valid respirable dust samples for each Part 90 miner within 15 calendar days after:

(1) The 15-day period specified for each Part 90 miner in § 90.100 (Respirable dust standard; Part 90 miner);

(2) Receipt of notification from MSHA that any respirable dust sample taken in accordance with § 90.208 (Bimonthly sampling) exceeds 1.0 milligrams per cubic meter of air or the respirable dust standard established by § 90.101 (Respirable dust standard when quartz is present; Part 90 miner); and

(3) Implementing any transfer under § 90.102(c) (Transfer of a Part 90 miner; report).

(b) Upon issuance of a citation for a violation of § 90.100 (Respirable dust standard) or § 90.101 (Respirable dust standard when quartz is present; Part 90 miner), § 90.208 (Bimonthly sampling) shall not apply to that Part 90 miner until the violation is abated in accordance with § 90.201(d) (Sampling; general requirements).

§ 90.208 Bimonthly sampling; Part 90 miner.

Each operator shall take one valid respirable dust sample from each Part 90 miner during each bimonthly period beginning with the bimonthly period following the effective date of this part. The bimonthly periods are:

Feb. 1–Mar. 31
Apr. 1–May 31
June 1–July 31
Aug. 1–Sep. 30
Oct. 1–Nov. 30
Dec. 1–Jan. 31

§ 90.209 Respirable dust samples; transmission by operator.

(a) The operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers provided by the manufacturer of the filter cassette to:

Respirable Dust Processing Laboratory, Pittsburgh Technical Support Center, 4800–D Forbes Avenue, Pittsburgh, Pennsylvania 15213

or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter cassette before or after it is used to fulfill the requirements of this part.

(c) A person certified in accordance with § 90.202 (Certified person; sampling) shall properly compete the dust data card that is provided by the manufacturer for each filter cassette.

The card shall have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card shall be signed by the certified person and shall include that person's certification number. Respirable dust samples with data cards not properly completed will be voided by MSHA.

(d) All respirable dust samples collected by the operator shall be considered taken to fulfill the sampling requirements of Parts 70, 71 or 90 of this title, unless the sample has been identified in writing by the operator to the District Manager, prior to the intended sampling shift, as a sample to be used for purposes other than required by Parts 70, 71 or 90 of this title.

(e) Respirable dust samples received by MSHA in excess of those required by this part shall be considered invalid samples.

§ 90.210 Respirable dust samples; report to operator.

(a) The Secretary shall provide the operator with a report of the following data on respirable dust samples as soon as practicable:

(1) The mine identification number;

(2) The mechanized mining unit or designated surface work position, if any, within the mine from which the samples were taken;

(3) The concentration of respirable dust, expressed in milligrams per cubic meter of air, for each valid sample;

(4) The average concentration of respirable dust, expressed in milligrams per cubic meter of air, for all valid samples;

(5) The occupation code;

(6) The reason for voiding any samples; and

(7) The Social Security Number of the Part 90 miner.

(b) Upon receipt, the operator shall provide a copy of this report to the Part 90 miner. The operator shall not post the original or a copy of this report on the mine bulletin board.

§ 90.220 Status change reports.

(a) If there is a change in the status of a Part 90 miner that affects the respirable dust sampling requirements of this part (such as entering a terminated, injured or ill status), the operator shall report the change to the MSHA District Office or to any other MSHA office designated by the District Manager. Status changes shall be reported in writing within three working days after the status change has occurred.

§ 90.230 Miner participation.

(a) In carrying out the provisions of this subpart, each operator shall provide an opportunity for the representative of miners at the mine to:

(1) Observe the maintenance and calibration of sampling devices, if conducted on mine property;

(2) Observe the testing and examination of sampling devices before each sampling shift;

(3) Observe the distribution, placement and collection of sampling devices used to take respirable dust samples;

(4) Observe all onshift examinations of sampling devices;

(5) Observe the removal of samples from sampling devices; and

(6) Observe the transmittal of samples to MSHA.

(b) The representative of miners employed by the operator shall be compensated by the operator for participating as provided by paragraph (a) of this section in the respirable dust sampling procedures.

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Part IV

Department of Agriculture

Science and Education Administration

Solar Energy Systems for Agriculture Program for Fiscal Year 1980; Solicitation of Applications

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DEPARTMENT OF AGRICULTURE

Science and Education Administration

Solar Energy Systems for Agriculture Program for Fiscal Year 1980; Solicitation of Applications

Notice is hereby given that pursuant to the authority of the Research and Marketing Act of 1946, as amended (7 U.S.C. 427, 427i, 1621–1629), and the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95224, (41 U.S.C. 501 *et seq.*), the Science and Education Administration (SEA) of the U.S. Department of Agriculture invites research and development proposals for grants concerning the use of solar energy systems for agriculture. Funding for this program is to be provided by the Department of Energy (DOE) pursuant to the provisions of Section 9 of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5507), Subsection 4(c) of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended 42 U.S.C. 5903(c) and Subsection 104(i) of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5814(i)). The total amount available for award in FY 1980 is expected to be $2,300,000 of which a minimum of $200,000 will be for projects with major emphasis on passive and passive-hybrid solar systems. Although SEA has not yet received these funds from DOE, this solicitation is being announced to allow adequate time for potential recipients to prepare and submit applications. The award of any grants under this Notice is conditioned upon the actual receipt of funds to be transferred to SEA by DOE.

Solar Energy Systems for agriculture include those activities related to the active or passive collection, storage, and use of solar energy, and the utilization of biomass and wind energy as backup systems to direct solar systems. Details of research and development to be considered are given below.

Areas of Research and Development To Be Supported

Agriculture is a broad area of human endeavor. Given the critical need for alternate energy sources, it is necessary to choose for support those areas showing near-term economic feasibility. The two broad areas of research to be considered are described below.

A. Design, development and analysis of components for active, passive, and hybrid solar systems used for single purposes or processes such as crop drying, food processing, heating of livestock shelters, heating and cooling of greenhouses. The amount expected to be available for award in this area in FY 1980 is approximately $1,100,000; of which a minimum of $100,000 will be for projects with major emphasis on passive and passive-hybrids solar systems.

Specific areas for single-purpose applications include:

1. Solar Energy for Crop Drying

Solar systems, for drying grain and other crops, including collectors, thermal or chemical energy storage, passive systems, controls, operations or management procedures, and studies of economic feasibility and application by geographical area for specific crops, are visualized as results from this research. The use of solar energy in its various forms—direct heating, wind, and biomass—separately or in combination, may be applied to conventional, modified, or new approaches to drying crops.

2. Solar Energy Use in Livestock Shelters

The objective of the livestock shelter research is to develop techniques, equipment and systems for substituting solar energy for conventional energy use in operating livestock production facilities. Research should concern maintaining environmental temperatures (heating or cooling) for efficient production of animals such as swine, poultry or dairy. Research also may pertain to space heating and water heating of dairy milking facilities. Research is needed on equipment, particularly heat recovery units and energy storage units, and system development and economic analysis.

3. Solar Heating and Cooling of Greenhouses and Rural Residences

The objectives of the solar heating and cooling of greenhouses and rural residences are to, first, determine methods of utilizing solar energy for supplementing other fuels in the heating and cooling of greenhouses, and, second, investigate the technical and economic feasibility of combining greenhouses and residences for the mutual exchange, conservation, and use of waste energy. Desired outcomes of this program include: new designs, new methods, and improved controls.

4. Solar Energy Uses in Food Processing

The objective of the solar energy applications in food processing is to develop means for unconventional use of solar energy by food processors and to more effectively use conventional solar energy applications. Proposals presenting unconventional uses are encouraged.

Anticipated outcomes of the program include:

a. Significant changes in some food processes to enable more of the total energy to be derived from solar sources; and

b. Unconventional approaches to solar energy using food processes which can become economically attractive with higher costs of depletable fuels.

B. Development, system analysis, and integration of multiple-use solar systems utilizing direct solar heating separately or in combination with wind and biomass as backup systems. The amount expected to be available for award in this area in FY 1980 is approximately $1,200,000, of which approximately $100,000 is available for passive and passive-hybrid solar systems.

1. The objective in this area will be the development, synthesis and analysis of multiple-purpose solar systems that are applied to two or more of the specific areas identified under A above, or that are applied to one or more of these specific areas in combination with other uses such as domestic water, farm shop, or residence heating.

2. A second objective is the development of energy systems that use solar energy in more than one form. An example is the use of heat energy from biomass in combination with heat from direct or passive collection of solar energy for high temperature-low temperature grain drying or for tobacco curing.

Application Procedures

I. Who May Submit Proposals

Proposals for support under the Solar Energy Systems for Agriculture program may be submitted by qualified scientists associated with the State Agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal and State agencies, and private organizations or corporations.

II. Proposal Submission

A. *Proposal Purpose.* The purpose of a proposal is to persuade the reviewing peer scientists, DOE personnel, and the SEA program staff that the proposed project is feasible and sufficiently meritorious to warrant support under the criteria enumerated in Part III D. It should be clear, concise, technically correct, and relevant to this program. The qualifications of the investigator, the institution facilities, and the level of funding to be devoted to the proposed project should be clearly delineated.

B. *Where and When to Submit Research Proposals.* Research proposals must be submitted by the time limit set below to:

Grants Administrative Management Office, Attention: Solar Energy Systems for Agriculture Program, Science and Education Administration, USDA, 1300 Wilson Boulevard, Suite 103, Arlington, Virginia 22209.

Proposals will be reviewed by program staff and peer panels as described in Part III. In order to be considered for funding during Fiscal Year 1980, the proposals must be postmarked by the following date: May 9, 1980.

If copies of the proposal are mailed in more than one package, the number of packages should be marked on the outside of each. Proposals must be sent prepaid, not collect. The acknowledgment of receipt of the proposal will contain a proposal number and will identify the SEA program. Later inquiries, addenda, revised budgets, etc., should refer to this SEA program and SEA proposal number.

C. *Considerations in Submitting Proposals.* A number of situations frequently encountered in the conduct of research require special information and supporting documentation before funding can be approved for the project. Among these are the following:

1. Research which has an actual and/or potential impact on the environment;
2. Research at a registered historic or cultural property;
3. Research involving the use of *in vitro* generated recombinant DNA; and
4. Research involving the use of human subjects, hazardous materials, or laboratory animals.

The proposal should address each relevant item and provide information on the status of any special permissions, clearances, or provisions. Further, before submitting a proposal, the Endorsing Authorized Organizational Representative Should Ensure That:

1. The proposed project is consistent with the policies and goals of the submitting organization;
2. The organization can make available the necessary facilities, general and special purpose equipment, and services for the conduct of the project;
3. The organization can make available the necessary personnel for the amounts of time estimated to be required;
4. The organization has legal authority to accept grants and the requisite policies, procedures, and personnel to meet the standards described in Appendix VI;
5. The total costs estimated to be required for the conduct of the project are fair and reasonable and there is a plan for meeting such costs either from funds awarded or from some other source; and
6. The costs which SEA is being asked to support are allowable and the treatment of direct and indirect costs in the proposal budget is consistent with applicable Federal cost principles and with the policies of the submitting organization.

If not previously done, the submitting organization must also separately furnish to the Grants Administrative Management Office (GAMO) the organizational information and assurances contained in appendix VI.

D. *What to Submit.* The research proposal should be prepared on standard-size paper (no larger than 8½" x 11"), with pages numbered at the bottom, and printed only on one side of each sheet. Ten copies of the proposal, *including an original with all required signatures,* are required for review by peer scientists and the SEA program staff.

Complete proposals, arranged in a standard sequence, are required to expedite review and evaluation. An administrative check should be made prior to mailing, to ensure that the items on the following checklist are included in the sequence indicated. Each item is discussed in detail in the following sections.

Checklist of complete proposal contents. Appendix formats must be followed for use in proposal.

1. Title Page (Appendix I).
2. Proposal Source Document (Appendix II, original only).
3. Special Considerations (Appendix III).
4. Abstract (approximately 150 words) and Project Summary (1–2 pages).
5. Project Description (15 page maximum).
6. References to Project Description.
7. Vitae and Publications List(s) of PI(s).
8. Budget (Appendix IV) and Budget Justification.
9. Current and Pending Support (Appendix V).
10. Additions to Project Description (if any).
11. Appendix VI (if not previously submitted to GAMO by the performing organization, 1 copy).

1. *Title Page. Format*—Appendix I is the format for the title page. The format as shown in Appendix I must be used. An original title page with all relevant signatures must be included with the original proposal. All copies of the proposal should also have a title page.

This program is intended to stimulate and support research in solar energy systems for agriculture. Such research is national in scope, is not designed to meet the needs or address the problems of a particular State, area, or locality, does not include demonstration or pilot research projects which might have an important impact on local communities or areas, and does not involve capital construction. It is not a grants-in-aid to States or political subdivisions or other organizations for which Reports of Federal Actions are required under the provisions of Treasury Circular 1082. Therefore, SEA does not require the use of Standard Form 424 as prescribed by attachment M to Office of Management and Budget (OMB) Circulars A–110 and A–102 for use in programs covered by Part I, attachment A, to OMB Circular A–95.

Title of Proposal—The title (80-characters maximum) will be used for the USDA Current Research Information System (CRIS), for information to Congress and for press releases. Therefore, it should not contain highly technical words. Phrases such as "Investigation of" or "Research on" should not be used. Other items of the title page are self-explanatory.

2. *Proposal Source Document;* only one copy required (Appendix II). The proposal source document is an essential part of the proposal. It provides the SEA staff with data for compiling information requested by Government agencies, the Congress, and the awardee's community. The items are self-explanatory for the most part. Please note the following: (a) the Performing Organization is the organization of the Principal Investigatory where the work will be done, and it may be the same or different from the organization which receives the grant; and (b) the Authorized Organizational Representative should be the same as the one given on the Title Page.

3. *Special Considerations (Appendix III).*

Research Involving Special Considerations—Section II C summarizes research situations which require special information and supporting documentation before funding can be approved for the project. If special information or supporting documentation is involved, the Proposal Source Document should so indicate. Since some types of research targeted for SEA support have a high probability of involving either recombinant DNA or human subjects, special instructions follow.

Recombinant DNA. Principal investigators and endorsing performing organization officials must comply with the guidelines of the National Institutes of Health (See "NIH Guide for Grants and Contracts," Vol. 6, No. 19, Oct. 17, 1977, and subsequent revisions). A Memorandum of Understanding and Agreement and approval by the local Biohazards Safety Committee, must be provided before an award can be made.

Human Subjects. Safeguarding the rights and welfare of human subjects used in research supported by SEA funds is the responsibility of the performing organization. The informed consent of the human subject is a vital element in this process. Guidance is contained in Public Law 93–348, as implemented by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, as amended (45 CFR Part 46).

If the project involves human subjects at risk, the organization must furnish SEA with a statement that the research plan has been reviewed and approved by the appropriate Institutional Review Board of the submitting organization, and that the organization is in compliance with Department of Health, Education and Welfare (DHEW) policies, as amended, regarding the use of human subjects. Required documents should follow this page.

4. *Project Abstract and Summary.*

a. Provide a Project Abstract of approximately 150 words.

b. Provide a Project Summary of one to two pages in length. In the Project Summary focus on overall objectives and project goals; relevance and significance of the project; and methods and approaches.

The Project Summary is *not* intended for the general reader, so should be couched in language which will be meaningful to others in the field of science.

5. *Project Description (15-Page Maximum).*

a. *Introduction*—State overall objective(s) and long-term goal(s) of the proposed research. Review the most significant previous work, including your own, and describe the current status of research in this field. Document with references.

b. *Rationale and Significance*—Present concisely the rationale behind the proposed research and list specific objectives for the total period of requested support. Show how these objectives relate to potential long-range improvements in solar energy systems for agriculture. What is the potential importance of the proposed research? Discuss any novel ideas or contributions which the project offers.

c. *Experimental Plan*—State clearly your hypotheses or the questions you will ask and give details of the research plan. Include a description of the experiments or other work proposed; the methods and techniques to be employed and their feasibility; the kinds of results expected; and the means by which the data will be analyzed or interpreted. Include, if appropriate, a discussion of pitfalls that might be encountered, and limitations of the procedures proposed. Insofar as possible, describe the principal experiments or observations in the sequence in which it is planned to carry them out, and indicate, if possible, a tentative schedule of the main steps of the investigations within the project period requested.

d. *Facilities and Equipment*—Describe the facilities available for this project, including laboratories. Point out any procedures, situations, or materials that may be hazardous to personnel and the precautions to be exercised. List major items of instrumentation and those major items of nonexpendable equipment needed to complete the work.

e. *Collaborative/Consortia/ Cooperative Arrangements*—If the proposed project requires arrangements with other research organizations, describe the effort and provide evidence to assure the reviewers that the organizations involved agree. If separate written assurances are to be included, they should be placed after the References to Project Description. Indicate specifically whether or not such arrangements might have the potential for any conflict of interest. Projects should indicate which organization is to receive the award since only one submitting organization can be the recipient for each proposal. Subcontract arrangements of research work should be indicated under I of the Budget (Appendix IV).

6. *References To Project Description.* These references should follow an accepted journal format.

7. *Vitae and Publications List(s) of PI(s).* Vitae of the principal investigator, senior associates, and other professional personnel should be provided to assist reviewers in evaluating the competence and experience of the project staff. This section should include curricula vitae of all key persons who will work on the project, whether or not Federal funds are sought for their support. Provide for each person a chronological list of the most representative publications during the preceding 5 years including those in press. List the authors in the same order as they appear on the paper, the full title, and the complete reference as these usually appear in journals.

8. *Budget and Budget Justification.* A detailed budget is required for each year of the proposed project. Form SEA–55 shown as appendix IV must be used. Funds may be requested under any of the categories listed so long as the item is necessary to conduct the research. Instructions follow for the items to be inserted in the form illustrated as Appendix IV. Use a separate form for each year and a separate form for the summary of the total project budget. Justifications must be included. Use separate pages following the budget.

A. *Salaries and Wages*—Salaries of the principal investigator and other personnel associated directly with the research should constitute appropriate direct costs in proportion to their effort devoted to the research. Charges by academic institutions for work performed by faculty members during the summer months or other periods outside the base salary period are to be at a monthly rate, not in excess of that which would be applicable under the base salary and to other provisions of the applicable Federal cost principles. Funds awarded may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for consulting or other time in addition to a regular full-time salary covering the same general period of employment.

The submitting organization may request that senior personnel salary data not be released to persons outside the Federal government. In this case, the item for senior personnel salaries in the formal proposal may be expressed as a single figure and the work-months represented by that amount omitted. If this option is exercised, however, senior personnel salaries and man-months must be itemized in a separate statement, two copies of which should accompany the proposal. This statement must include all of the information requested in Appendix IV for each person involved. The detailed information will not be forwarded to reviewers and will be held privileged to the extent permitted by law.

For research associates and other professional personnel, each position must be listed, with the number of full-time equivalent work-months and rate of pay (hourly, monthly, or annually) indicated. For other personnel (graduate students, technical, clerical, etc.) only the total number of persons and total amount of salaries per year in each category are required. Salaries requested must be consistent with the regular practices of the institution.

B. *Fringe Benefits (If Charged as Direct Costs)*—If the usual accounting practices of the performing organization provide that the organizational contributions to employee "benefits" (social security, retirement, etc.) be treated as direct costs, funds may be requested to defray such expenses as a direct cost.

C. *Total Salaries, Wages, and Fringe Benefits (A Plus B).*

D. *Nonexpendable Equipment*—Nonexpendable equipment is defined as an item of property which has an acquisition cost of $500 or more per unit, an expected service life of 2 years or more, and does not lose its identity when joined or made a part of another piece of equipment. Organizations performing research with the support of a SEA award are expected to have appropriate facilities, suitably furnished and equipped. Only under very unusual circumstances may funds be requested for office equipment and furnishings, air conditioning, automatic data processing equipment (ADPE), or other "general purpose" equipment which is usable for other than research purposes. This type of equipment requires special justification and arrangement with SEA.

Items of needed scientific equipment or instrumentation should be individually listed by description and estimated cost and should be adequately justified. Allowable items ordinarily will be limited to scientific equipment and apparatus which is not already available for the conduct of the work. If purchase or lease of expensive, special-purpose equipment having a unit acquisition cost exceeding $10,000 is planned, the proposal must contain a certification that the equipment (a) is essential and not reasonably available or accessible to the proposed project and (b) will be subject to reasonable inventory controls, maintenance procedures, and organizational policies designed to enhance multiple or shared use on other projects if such use will not interfere with the project for which the equipment is being acquired.

E. *Materials and Supplies*—The types of expendable materials and supplies required should be indicated in general terms with estimated costs. Where substantial funds are requested, there should be a more detailed breakdown.

F. *Travel*—The type and extent of travel and its relationship to the research should be briefly specified. Funds may be requested for field work or for travel to scientific meetings.

Travel in Canada, Puerto Rico, the United States or its possessions is considered domestic travel. All other travel is considered foreign. If foreign travel is planned in connection with the research, the proposal should include relevant information (including countries to be visited) and justification. Travel and subsistence should be in accordance with the organization's policy.

Irrespective of the organization's policy, allowances for air fare will not normally exceed round trip jet economy air accommodations. Persons traveling under Federal funds must travel by U.S. flag carriers, if available, unless:

1. The traveler, while enroute has to wait for 6 hours or more and no U.S. carrier is available during this period, and

2. The flight by a U.S. carrier takes 12 or more hours longer than a foreign carrier.

Air freight must also be under U.S. flag carriers.

G. *Publication Costs/Page Charges*—Costs of preparing and publishing the results of research conducted, including cost of reports, reprints, page charges or other journal costs, and necessary illustrations may be included.

H. *Computer (ADPE) Costs*—The cost of computer services, including computer-based retrieval of scientific and technical information may be requested. A justification based on the established computer service rates at the proposing institution should be provided. Reasonable costs of leasing automatic data processing equipment may be requested, if justified.

I. *All Other Direct Costs*—Other anticipated direct costs not included above should be itemized. Examples are: Space rental at research establishments away from the performing organization, minor alterations, and service charges. Reference books and periodicals may be charged if they are related specifically to the research project. Proposed subawards should be disclosed in the proposal so that the award instrument may contain prior approval, if appropriate. None of the research effort under a SEA award may be contracted or transferred to another organization without prior SEA approval.

Consultant services should be included in this section. Recipient organizations are expected to utilize the services of their own staff to the maximum extent in managing and performing the activities supported by SEA funds. Where it is necessary for an organization to contract for the services of persons who are not its officials or employees, it is expected to do so in accordance with written organizational standards which provide for consideration of the factors outlined in the applicable Federal cost principles.

If the need for consultant services is anticipated, the proposal narrative should provide appropriate rationale and the Proposal Budget should estimate the amount of funds which may be required for this purpose. To the extent possible, consultant rates should show separate amounts for actual services and each of the components of the rate. Payments to individuals for consultant services shall not exceed the daily equivalent of the then current maximum rate paid to a GS–18 Federal employee (exclusive of indirect cost, travel, per diem, clerical services, vacation, fringe benefits, and supplies).

J. *Total Direct Costs (C through I).*

K. *Indirect Costs*—The indirect cost rate(s) negotiated by the recipient organization with the cognizant Federal agency must be used in computing indirect costs for a research proposal. Determination of the appropriate indirect cost rate(s) is dependent upon a combination of factors including, but not limited to, physical location of the work. The proposed official responsible for Federal business relations should review this part of the proposal to see that it properly describes any particular factors which may have a bearing upon the indirect cost rate(s) applicable to the project. Normally, the rate in effect on the date the proposal is recommended for award by the SEA Program Manager will be used. If an organization has no established indirect cost rate, it should consult the Grants Administrative Management Office, which will establish liaison with the cognizant Federal negotiating agency for developing an acceptable rate.

L. *Total Direct and Indirect Costs (J plus K).*

M. *Less Residual Funds (If Applicable)*—Unused and uncommitted funds remaining at the expiration of a current SEA award under this program.

N. *Total Amount of This Request (L Minus M).*

O. *Cost Sharing.*—Cost sharing for grants is encouraged and urged. The contribution of all or a portion of indirect costs normally meets Federal cost sharing principles. Failure to provide for cost sharing is to be justified, but the failure to provide for adequate cost sharing will not reflect upon the review and evaluation of a proposal.

9. *Current and Pending Support (Appendix V).*—The proposal must list all current public or private research support, in addition to the proposed project, to which the principal investigator and other senior personnel have committed a portion of their time, whether or not salary for the person involved is included in the budgets of the various projects. The proposal must also provide similar information for all proposed research which is being considered by, or which will be submitted in the near future to, other possible sponsors including other USDA programs. Use the format of Appendix V.

If the project submitted for support has previously been funded from a source other than USDA, the items of information requested in the foregoing paragraph should be furnished for the immediately preceding funding period. This information will help the USDA analyze shifts in research support.

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Concurrent submission of a proposal to other organizations will not prejudice its review by SEA.

10. *Additions to Project Description (If Any).*—Each project description is expected by the members of review committees and the staff to be complete in itself. Distribution of additional material, other than for the records, is limited to the principal reviewers. In those instances where additional material is necessary (e.g. photographs which do not reproduce well, and reprints or other especially pertinent material which are not suitable for inclusion in the proposal), 6 copies or sets, identified by title of the research project and name of the principal investigator, should accompany the proposal.

III. Proposal Review and Evaluation

A. Proposals received by SEA will be acknowledged. A preliminary review for responsiveness and conformance with USDA policies is made prior to technical review.

B. All responsive and otherwise conforming proposals will be evaluated by an expert in the particular field represented by the proposal. Comments are also obtained from peer panels before recommendation for funding.

C. Prior to recommending whether or not SEA should support a particular project, the Program Manager may engage in discussions with the Principal Investigator. Should such discussions result in proposed changes which exceed 10 percent of the proposed amount or $10,000, whichever is less, a revised proposal budget (Form SEA–55 as shown in Appendix IV) signed by both the proposing Principal Investigator and by the Authorized Organizational Representative, must be submitted in an original and two copies to the cognizant SEA Program Manager for incorporation into the proposal file.

Should such discussions result in changes in the basic objectives or scope of the project as originally proposed, an appropriate proposal modification, signed and endorsed as above, must be submitted to the SEA Program Manager.

D. Evaluation Criteria (Nonweighted).

1. Objective and approach.

a. Scientific soundness or information value and conceptual adequacy.

b. Novelty, uniqueness, and originality.

c. Adequacy of the description of the undertaking.

2. Human and physical resources.

a. Professional competence of project leadership.

b. Time allocated for systematic attainment of objectives.

c. Institutional experience and competence in subject area.

d. Adequacy of facilities and equipment.

e. Likely efficiency of resource utilization.

3. Impact of anticipated results.

a. Relevance of research or informational summary to practical needs.

b. Scientific contribution of research.

4. Probability of success of project.

5. Projected economic feasibility for near-term application.

E. Proposals that are not selected for funding will be destroyed. A copy of the summary evaluation made by the peer panel may be requested by unsuccessful applicants.

F. *SEA Awards.* Proposals judged most meritorious, using the evaluation criteria set forth above, and approved by SEA will be awarded grants within the limitations of available funds.

G. The General Provisions for Grants and Cooperative Agreements (SEA Form 638, May 1979) will apply to these grants with the exception of Article 20, Inventions and Patents. The DOE patent policy will apply.

H. Grants may be for any period of time up to 4 years. However, a 1- to 2-year duration is the norm.

I. Copies of the General Provisions for Grants and Cooperative Agreements (Form SEA–638, May 1979) and the DOE patent policy are available upon request from the SEA Grants Administrative Management Office.

An approved final Impact Analysis Statement is available from the Grants Administrative Management Office, Science and Education Administration, USDA, Suite 103, Rosslyn Commonwealth Building, 1300 Wilson Boulevard, Arlington, Virginia 22209.

This Notice has not been determined significant under the USDA criteria implementing Executive Order 12044.

It has been determined that because of the need to implement this program so that research relating to Solar Energy Systems for Agriculture can be initiated in the Spring of 1980, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest and, in accordance with E.O. 12044, it is not possible to publish this notice in proposed form and allow 60 days for public comment.

Note.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 31st day of March 1980.

Ralph J. McCracken,

Acting Director, Science and Education.

Research Proposal Submitted to Grants Administrative Management Office, USDA/SEA

For Consideration by (Name of Program Area)

Title
(80 characters or less including spaces and punctuation, see instructions)

Proposed:
Amount
Proposed Effective:
Date
Proposed Duration:
Months

Principal Investigator (PI) Name
Address of Principal Investigator:

Name co-principal investigator

Submitting Institution
Address of Submitting Institution:

Name co-principal investigator
If supplement, or renewal, give previous SEA Award No.
Make award to
(Legal Name of Insitution or Organization to which award should be made)

Internal Revenue:
Service Number
Congressional District Number

Endorsements:
Principal Investigator
Name
Title
Phone No.
Date
Signature

Authorized Organizational Representative:
Name
Title
Phone No.
Date
Signature

Other, if required by submitting organization:
Name
Title
Phone No.
Date
Signature

Proposal Source Document

Principal Investigator(s) (PI) Names:

	First	Middle	Last
PI #1			
PI #2			
PI #3			

Proposal No. (GAMO use)

Program (GAMO use)
PI#1
City

PI #1
State (2-letter abbr.)
PI #1
ZIP code
PI #1
Department or street address (35 characters)
PI #1
Phone + area code
PI #1
Duration of proposal in months
PI #1
Total requested (Direct and indirect)
PI #1
Institute or subdivision of performing organization (35 characters)
PI #1
Name of performing organization (35 Characters)

Authorized Organizational Representative

(GAMO use)

First name

Middle name

Last name

Phone + area code

Department or Organizational Unit (35 characters)

City

State (2-letter abbr.)

ZIP code

(GAMO use)

Date received (GAMO use)

Recipient Organization (35 characters)

Title of Proposal (maximum 80 Characters)

Program Code (Information to be supplied by principal investigator.)

A. Is this proposal a renewal (request to support additional research objective) of an existing SEA grant or a new proposal to the USDA SEA–GAMO Office? 1. —— New 2. —— Renewal

B. In which area of the Solar Energy Systems for Agriculture program do you want this proposal considered? Select one area *only.* (SEA-Energy Research may move it to another area, if appropriate.)

1.0 Solar Systems Used for Single Purposes or Processes:

—— 1.1 Solar Energy for Crop Drying
—— 1.2 Solar Energy Use in Livestock Shelters
—— 1.3 Solar Heating and Cooling of Greenhouses and Rural Residences
—— 1.4 Solar Energy Uses in Food Processing

2.0 Multiple-Use Solar Systems:

—— 2.1 Systems applicable to two or more of the areas identified under 1.0 above, or, applicable to one or more of areas identified under 1.0 above in combination with other uses
—— 2.2 Energy systems that use solar energy in more than one form

Proposal Code

A. Which of the following best describes the performing organization of the first principal investigator? Check one choice *only.*

1. —— USDA/SEA Laboratory
2. —— Other Federal Research Laboratory
3. —— State Agricultural Experiment Station (SAES)
4. —— Land Grant University, 1862
5. —— Land Grant University, 1890 or Tuskegee Institute
6. —— Public University or College (Nonland grant)
7. —— Private University or College
8. —— Private Profitmaking Organization
9. —— Private Nonprofit Organization
10. —— State or Local Organization

B. Has the first principal investigator completed the most advanced degree within the last *5* years?

1. —— Yes
2. —— No

C. Will the work in this proposal deal with recombinant DNA or with human subjects?

1. —— Neither
2. —— DNA
3. —— Human Subjects

D. Congressional District of the recipient organization ——.

Support Code

A. Will this proposal be sent to another Federal agency? If so, indicate.

1. —— None
2. —— Other USDA units
3. —— NSF
4. —— NIH
5. —— DOE
6. —— Other (describe)

Appendix III

Special Considerations

Check appropriate statements. Supply additional information when necessary.

—— "This project does not involve human subjects."
—— "This project involves human subjects. It was approved by the Institutional Review Board on (date) ——, (is scheduled for review by the Institutional Review Board on (date) ——)." See DHEW regulations regarding the use of human subjects, appearing in Title 45, Code of Federal Regulations, Part 46, Subtitle A.
—— "This project does not involve recombinant DNA research."
—— "This project involves recombinant DNA research. It was approved by the institutional Committee on (date) ——. (Supply appropriate documents as required by "NIH Guide for Grants and Contracts," Vol. 6, No. 19, October 17, 1977, and subsequent revisions)."

BILLING CODE 3410-03-M

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U.S. DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION ADMINISTRATION

PROPOSAL BUDGET

FORM APPROVED OMB NO. 040-R4063

ORGANIZATION AND ADDRESS	DURATION PROPOSED	SEA USE ONLY
PRINCIPAL INVESTIGATOR(S)/PROJECT DIRECTOR(S)	Months: _____ FUNDS REQUESTED BY PROPOSER	Months: _____ FUNDS APPROVED BY SEA (If different)

	SEA FUNDED WORK MONTHS				
	Calendar	Academic	Summer		
A. Salaries and Wages					
1. No. of Senior Personnel					
a. ___(Co)-PI(s)/PD(s)				$	$
b. ___Senior Associates					
2. No. of Other Personnel (Non-Faculty)					
a. ___Research Associates-Postdoctorate					
b. ___Other Professionals					
c. ___Graduate Students					
d. ___Pre-Baccalaureate Students					
e. ___Secretarial-Clerical					
f. ___Technical, Shop, and Other					
Total Salaries and Wages ►					
B. Fringe Benefits (If charged as Direct Costs)					
C. Total Salaries, Wages, and Fringe Benefits (A plus B) ►					
D. Nonexpendable Equipment (Attach supporting data. List items and dollar amounts for each item.)					
E. Materials and Supplies					
F. Travel					
1. Domestic (Including Canada)					
2. Foreign (List destination and amount for each trip.)					
G. Publication Costs/Page Charges					
H. Computer (ADPE) Costs					
I. All Other Direct Costs (Attach supporting data. List items and dollar amounts. Details of subcontracts, including work statements and budget, should be explained in full in proposal.)					
J. Total Direct Costs (C through I) ►					
K. Indirect Costs (Specify rate(s) and base(s) for on/off campus activity. Where both are involved, identify itemized costs included in on/off campus bases.)					
L. Total Direct and Indirect Costs (J plus K) ►					
M. Less Residual Funds (If applicable) ►					
N. TOTAL AMOUNT of this REQUEST (L minus M) ►				$	$
O. COST SHARING ►				$	

NOTE: Signatures required only for Revised Budget — This is Revision No. ►

NAME AND TITLE (type or print)	SIGNATURE	DATE
PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR		
AUTHORIZED ORGANIZATIONAL REPRESENTATIVE		

Form SEA-55 (Oct 79) Previous edition is obsolete. USDA-SEA

BILLING CODE 3410-03-C

Appendix V

Names	Current and pending support: Project No. and agency	Amount: Indicate whether total or annual rate	Expiration date	Percent of effort committed	Title of project [1]
PI:					
Current					
a.					
b.					
c.					
Pending					
a.					
b.					
c.					
Co-PI:					
Current					
a.					
b.					
c.					
Pending					
a.					
b.					
c.					
Other:					
Current					
a.					
b.					
c.					
Pending					
a.					
b.					
c.					
Comments (if any)					

[1] List titles of research projects below. Use additional sheets if necessary.

Appendix VI—Organizational Information and Assurances

A. Prospective Recipient Organizational Information.

The following information is to be submitted:

a. Organizational Affiliations. Describe relationship of the organization to a parent organization or to subsidiaries or other affiliates. If the organization is a successor in interest to a predecessor or if changes in organization affiliation are anticipated, describe briefly.

b. Statement of Purposes and Powers. Enclose an official or published statement of the major purposes of the organization and certify as required in B below as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants (e.g., articles of incorporation, terms of reference, or by-laws).

c. Key Officials:

1. Chief executive;
2. Authorized Organizational Representative; and
3. Business Officer.

d. Affiliations of Key Officials. If the organization is other than a college or university or a State or local government, indicate whether or not each official listed in (c) above is affiliated with any Federal, State, or local agency or with any college or university. If so, describe such affiliation.

e. Whether or not the organization currently is a grantee or contractor of any component of the U.S. Department of Health, Education, and Welfare. (Note: This information will assist in implementing certain interagency procedures for which DHEW is the lead agency.)

f. If other than a college or university or a State or local government, also submit the following:

1. A certified statement of financial conditions (usually by Certified Public accountant) covering at least the preceding 2 years; and
2. Bank or other references.

B. Required Certifications

SEA requires that a prospective recipient organization submit a certification substantially as follows, signed by the Chief Executive Officer or Authorized Organizational Representative:

a. I certify that (name of institution or organization) has legal authority to accept grants, as evidenced by the attached (describe document), and the requisite policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects. The standards for financial management, procurement, and property management, described in Attachments F, N, and O to OMB Circular No. A-110 and Attachments G, N and O of Circular No. A-102 shall be met.

Note.—In the event this is not the case, list exceptions and provide a realistic estimate of when such standards might be met.

b. Each proposal sent to the SEA Grants Administrative Management Office will be consistent with the policies and goals of the proposing organization and will be submitted in accordance with its procedures and pursuant to appropriate authority.

c. In the event that an award is made as a result of any such proposal, I agree that the organization will:

1. Make available the necessary facilities, equipment, services, and Personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed;
2. Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with all the terms and conditions of the award; and
3. Comply with all applicable laws and regulations.

Signature _____
Typed Name _____
Title _____
Date _____

Assurance of Compliance With the Department of Agriculture Regulations Under Title VI of the Civil Rights Act of 1964 (as Amended)

Legal name of proposed recipient _____ (hereinafter called the "Applicant") Hereby Agrees That it will comply with Title VI of the Civil Rights Act of 1964, as amended, and all requirements imposed by or pursuant to the Regulations of the Department of Agriculture, 7 CFR Part 15, Subpart A, issued pursuant thereto, to the end that, in accordance with Title VI of that Act and the regulations, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Agriculture; and Hereby Gives Assurance That it will immediately take any measures necessary to effectuate this agreement.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, cooperative agreements, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated _____

Authorized Organizational Representative

Applicant's Mailing Address

[FR Doc. 80-10187 Filed 4-7-80; 8:45 am]
BILLING CODE 3410-03-M

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federal register

Tuesday
April 8, 1980

Part V

Department of Health, Education, and Welfare

Office of Education

Ethnic Heritage Studies Program

V 4 5 / 6 9 A P 8 8 0 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 184

Ethnic Heritage Studies Program

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: The Commissioner of Education amends the regulations for the Ethnic Heritage Studies Program. The regulations are amended to include technical changes and to clarify and simplify the language of the existing regulations. The changes will give better guidance to applicants and improve program management.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are transmitted to Congress several days before they are published in the **Federal Register**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you wish to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT: Lawrence E. Koziarz, Director, Ethnic Heritage Studies Program, Bureau of School Improvement, U.S. Office of Education, 400 Maryland Avenue, SW., (Room 3928, ROB #3), Washington, D.C. 20202, telephone: (202) 245–9506.

SUPPLEMENTARY INFORMATION: On June 22, 1979, the Commissioner published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (44 FR 36908). Interested persons were given 60 days to comment on the notice. Six persons submitted comments. Certain changes have been made in response to comments and for the purpose of clarification. However, the provisions of the final regulations are substantially the same as the provisions of the NPRM. The paragraphs below summarize the comments and the Commissioner's responses to them. The comments are grouped according to the sections of the proposed regulations with which they are concerned.

General

Comment. One commenter suggested that the law provides for contracts as well as grants. He pointed out that the regulations are silent regarding contracts.

Response. A change has been made. Section 184.12 provides that the Commissioner may award contracts or grants or both under this program. The regulations in 45 CFR Part 184 govern grants. Contracts are governed by the requirements in the Act and those in 41 CFR Chapters 1 and 3.

Section 184.11 Project activities.

Comment. One commenter suggested that the regulations should make allowance for the development of archival activities. Archival activities consist of storing ethnic heritage materials and making them available to scholars and other interested parties.

Response. No change has been made. The type of activities suggested by the commenter already are included in the activities authorized under the regulations.

Section 184.23 Advisory councils.

Comment. One commenter questioned the provision of § 184.23(c), which requires that at least one half the membership of a project advisory council consist of representatives of the ethnic group(s) with which the project is concerned. The commenter noted that this requirement does not appear in the statute.

Response. No change has been made. The statute does require that the advisory council be "representative of the ethnic group or groups with which the program is concerned". This section simply applies that provision to the individuals comprising the council. The experience of the Ethnic Heritage Studies Program bears out the fact that participation on the advisory council by a substantial number of representatives of the ethnic group(s) involved in a program is important for its success.

No racial or ethnic "test" is established by this section. A person may be an effective representative of an ethnic group without belonging to that group. For example, a member of the council would be considered a representative of the ethnic groups involved regardless of his ethnicity if he were nominated by an organization representing several of the groups affected by the project.

Section 184.24 Project staff.

Comment. One commenter questioned the provision barring from the project staff members of the project's advisory council and their immediate families, and setting out provisions for a waiver of this restriction under certain circumstances.

Response. The provision has been deleted. The conflict-of-interest provisions in the Education Division General Administrative Regulations EDGAR (45 CFR 100a.524 and 100a.525) apply to members of the advisory council. The Commissioner believes that this provides an adequate safeguard against any actual or apparent impropriety.

Section 184.31 Selection criteria for evaluation of applications.

Comment. One commenter suggested that geographic location be one basis for rating applications. Another commenter objected to the fact that the NPRM would permit all projects to be concerned with a single ethnic group.

Response. A change has been made. Section 184.31(b) provides that in selecting projects the Commissioner considers geographic distribution and ethnic diversity as well as the quality of the projects.

Comment. One commenter suggested that the selection criteria be amended to consider whether applicants have consulted with publishers in developing their applications. The commenter noted that Section 1248 of the Education Amendments of 1978 (Pub. L. 95–561) requires the Commissioner to encourage applicants to consult with publishers.

Response. No change has been made. The requirements of Section 1248 are covered in EDGAR (45 CFR 100a.190–100a.192).

Comment. One commenter questioned the provision in § 184.31(b)(2)(iii) of the selection criteria that considers whether an applicant shows that the proposed activities will be continued after termination of the grant. The commenter noted the provision was not contained in the statute and questioned its feasibility.

Response. The provision has been deleted. The Commissioner agrees that it is inappropriate to consider in the selection criteria activities to take place after a grant has ended.

Comment. One commenter questioned the selection criteria in § 184.32(h)(2)(i) (formerly § 184.31(b)(3)(ii)) that the Commissioner evaluates an application, in part, based on the extent to which members of a project advisory council have expertise in curriculum development, personnel training, or dissemination of curricular materials.

Response. No change has been made. The Commissioner believes that the council members should have varied expertise. It is not the intent of this provision to require that each member of the council must be an expert in all fields or disciplines. However, the council as a whole should be broadly representative of diverse educational backgrounds.

Section 184.41 Costs.

Comment. One commenter asked why the provision relating to the reimbursement of substitutes was necessary since it was not a standard provision in other training programs.

Response. A change has been made. The provision was designed to allow educational personnel to participate in training projects under the Ethnic Heritage Studies Program without imposing a financial hardship on a local educational agency that must hire substitutes for those personnel. However, the comment caused us to re-examine our treatment of substitutes and stipends. We find that it is not necessary to authorize reimbursements for substitutes in the regulations to accomplish the purpose of the provision. If a grantee demonstrates that reimbursement of substitutes is necessary to the success of the project, the expense is approvable already. As a result, the provision has been deleted. The provision relating to collective bargaining agreements also has been deleted. The general limit on stipends will apply to all participants in training activities. Of course, a local educational agency that is subject to a collective bargaining agreement may conduct training during school hours and request reimbursements for substitutes for those participating in the inservice training.

In addition to the changes described above, provisions have been added to explain in more detail the procedures for selecting grantees and to incorporate the general selection criteria found in EDGAR (45 CFR 100a.202 through 100a.206). The purpose of incorporating the general selection criteria is to enable applicants to understand, without having to refer to EDGAR, the basis on which the Commissioner selects grantees.

Citation of Legal Authority

A citation of statutory or other legal authority is place in parentheses on the line following each substantive provision of the regulations.

(Catalog of Federal Domestic Assistance No. 13.549, Ethnic Heritage Studies Program.)

Dated: March 28, 1980.

William L. Smith,

Commissioner of Education.

Part 184 of Title 45 of the Code of Federal Regulations is revised as follows:

PART 184—ETHNIC HERITAGE STUDIES PROGRAM

Subpart A—General

Sec.

184.1 Ethnic heritage studies program.
184.2 Eligible parties.
184.3 Regulations that apply to the Ethnic Heritage Studies Program.

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

Sec.

184.11 Project activities.
184.12 Types of awards.

Subpart C—How Does One Apply for a Grant?

184.21 How to use regulations.
184.22 How to apply for funds.
184.23 Advisory council requirements.

Subpart D—How Does the Commissioner Make a Grant?

184.31 Award decisions.
184.32 Selection criteria.

Subpart E—What Conditions Must Be Met by a Grantee?

184.41 Costs.

Authority: Title IX, Part E, of the Elementary and Secondary Education Act of 1965 (ESEA) as added by sec. 504 of Pub. L. 92–318, amended by section 111 of Pub. L. 93–380, and reauthorized and redesignated by section 802 of Pub. L. 95–561, 92 Stat. 2303–2304 (20 U.S.C. 3361–3367), unless otherwise noted.

Subpart A—General

§ 184.1 Ethnic heritage studies program.

The Ethnic Heritage Studies Program provides Federal assistance for educational projects designed to give students opportunities to learn about their cultural heritage, as well as that of others.

(20 U.S.C. 3361)

§ 184.2 Eligible parties.

Parties eligible to receive assistance under this part are—

(a) Public educational agencies, institutions, and organizations, including local educational agencies (LEAs) and State educational agencies (SEAs); and

(b) Nonprofit private agencies, organizations, and institutions with an educational purpose.

(20 U.S.C. 3362)

§ 184.3 Regulations that apply to the ethnic heritage studies program.

The following regulations apply to the Ethnic Heritage Studies Program:

(a) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions).

(b) These regulations.

(20 U.S.C. 3361–3365)

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

§ 184.11 Project activities.

A project funded under this part shall carry out one or more of the following activities in paragraphs (a) through (c) of this section and the activity in paragraph (d) of this section:

(a)(1) Developing curricular materials related to—

(i) The history, geography, society, economy, literature, art, music, drama, language, or general culture of the ethnic group(s) designated in the project application; and

(ii) The contributions of the group(s) to the American heritage.

(2) Conducting research directed toward the production of these materials.

(b) Disseminating ethnic heritage studies curricular materials.

(c) Training persons in the use of ethnic heritage studies curricular materials developed under this part.

(d) Assisting people or organizations or both with an interest in the ethnic group(s) designated in the application to promote, encourage, develop, or produce programs or activities related to the history, culture, and traditions of that ethnic group(s).

(20 U.S.C. 3363)

§ 184.12 Types of awards.

The Commissioner may award contracts or grants or both to carry out the activities described in § 184.11. In awarding contracts, the Commissioner uses the procedures set out in 41 CFR Chapters 1 and 3.

(20 U.S.C. 3361–3365)

Subpart C—How Does One Apply for a Grant?

§ 184.21 How to use regulations.

The "Introduction to Regulations of the Education Division" at the beginning of EDGAR includes general information to assist in using regulations that apply to Education Division programs.

(20 U.S.C. 3361–3365)

§ 184.22 How to apply for funds.

In applying for a grant, an application shall follow the procedures and meet the requirements stated in EDGAR.

(20 U.S.C. 3361–3365)

§ 184.23 Advisory council requirements.

(a) An applicant shall establish and consult with an advisory council in planning and carrying out the project proposed in its application.

(b) An applicant shall appoint members of the council in consultation with the ethnic and community group(s) with which the proposed project is concerned.

(c) More than one-half of the membership of the council shall consist of representatives of the ethnic group(s) with which the project is concerned.

(d) The provisions of EDGAR on conflict of interest (45 CFR 100a.524 and 100a.525) apply to the members of the council.

(20 U.S.C. 3364(a)(3))

Subpart D—How Does the Commissioner Make a Grant?

§ 184.31 Award decisions.

(a) The Commissioner evaluates applications on the basis of the criteria in § 184.32. The Commissioner awards up to 100 points for these criteria.

(b) The Commissioner selects projects on the basis of the following:

(1) The projects' quality based on the selection criteria.

(2) The need for geographic distribution of projects throughout the Nation.

(3) The need for projects that collectively focus on a diversity of ethnic groups.

(20 U.S.C. 3361–3365)

§ 184.32 Selection criteria.

(a) *Plan of operation* (15 points).

(1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(b) *Quality of key personnel* (10 points).

(1) The Commissioner reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Commissioner considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness* (10 points).

(1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan* (5 points).

(1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources* (5 points).

(1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need* (15 points). The extent to which the applicant proposes to serve regions, activities, or ethnic groups previously neglected, and to serve a geographic area in which—

(1) Students need to learn more about their own heritage and that of others for a greater sense of personal identity;

(2) The contributions of ethnic groups to American society require recognition;

(3) The proposed ethnic heritage studies project is likely to reduce divisiveness and promote social cohesion; and

(4) There is a need to encourage the schools to enhance awareness and appreciation of cultural differences.

(g) *Objectives* (15 points). The extent to which the applicant demonstrates that—

(1) The proposed project will address the identified needs;

(2) Planned activities are specified and outcomes are measurable;

(3) The proposed project has the potential for use by other entities including other ethnic groups, either directly or as a model.

(h) *Project advisory council* (15 points). The extent to which—

(1) The project design demonstrates active involvement of the advisory council in the administration and evaluation of the program.

(2) The council members—(i) Have expertise in curriculum development, personnel training, or dissemination of curriculum materials, as appropriate; (ii) Have expertise related to the ethnic group(s) with which the proposed project is concerned; and (iii) Include parents and students, if appropriate.

(i) *Replicability* (10 points). The extent to which the applicant proposes to—

(1) Produce and distribute teaching materials or training models that are broadly applicable elsewhere (for applicants proposing to develop curricular materials or to train people in the use of those materials);

(2) Exchange information and materials with other projects; and

(3) Make arrangements for the deposit of reports and products of the program with appropriate clearinghouses, including the Education Research Information Center.

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Subpart E—What Conditions Must Be Met by a Grantee?

§ 184.41 Costs.

(a) Subject to the limitations and applicable cost principles stated or referred to in EDGAR (45 CFR 100a.530–100a.568) the Commissioner makes available funds to cover all or part of the cost of establishing and implementing an ethnic heritage studies project. This includes the cost of research materials and resources, consultants, and training of staff.

(b) A grantee may pay stipends to individuals receiving training under this program at the rate of up to $30 for each full day of participation but may not exceed $150 a week. For partial days involving fewer than five hours of participation, payments may be at the rate of up to $6 per hour, subject to the weekly limit of $150.

(c) A grantee may not use Federal funds received under this program for the purchase of equipment.

(20 U.S.C. 3361–3365)

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April 8, 1980

Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Community Development Block Grants: Small Cities Program

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-782]

Community Development Block Grants: Small Cities Program

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: HUD is soliciting comments on this proposed revision to the Small Cities Program regulations, Subpart F of the Community Development Block Grant regulations. Most of the changes are made to clarify existing policies and procedures, but substantive changes are also proposed.

The substantive changes include: a reduction in the weight of the needs factors; addition of Comprehensive Grant program impact criteria dealing with economic development and energy conservation; increasing the weight of the Single Purpose Grant program impact factor; addition of a State's ranking factor to replace Comprehensive Grant and Single Purpose Grant criteria about State growth plans and regional centers, which are deleted; basing Areawide Housing Assistance Plan points on acceptance of responsibility in achieving the AHOP's goals and replacing prior Single Purpose and Comprehensive Grant citizen participation requirements with a single set of requirements that apply to both types of grants.

DATES: Comments must be received on or before May 8, 1980.

ADDRESS: Comments should be addressed to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Richard J. Kennedy, Small Cities Division, Office of Community Planning and Development; Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On March 1, 1978, regulations governing the Small Cities Program, formerly the Discretionary Grant Program, were published. With the exception of clarifying and other minor changes published June 26, 1979, these regulations have not been changed over three program years (Fiscal Years 1978, 1979, and 1980). This stability has enabled small cities and other eligible applicants to become familiar with the Program and to use it to their maximum advantage.

It is not the intent of these proposed revisions to disrupt the continuity of the Small Cities Program with major changes. Three years of experience with the Program, however, have shown that some improvements should be considered. These include clarifying existing policies and procedures, eliminating or modifying some of the Program's provisions, and adding provisions that will make an applicant's program easier to design. Each proposed change is fully discussed below.

HUD published an Advanced Notice of Proposed Rulemaking (ANPR) in the Federal Register on December 4, 1979, which asked the public to comment on several issues and to suggest improvements to the Small Cities Program regulations. HUD received 114 letters answering the ANPR, each of which HUD considered in developing these proposed regulations. The public's comments and suggestions, and HUD's response to them, are discussed below in the section by section explanation of the proposed changes. (The several suggestions made for changes outside the Small Cities Program regulations, Subpart F, have been referred to the appropriate offices for consideration.)

Interested persons are invited to participate in making the final rule by submitting written comments about the proposed regulations. To facilitate HUD's consideration and review of the large volume of comments anticipated, each commentor must refer to the docket number and clearly identify each paragraph and its corresponding comments. Comments should be addressed to the Rules Docket Clerk, whose address is above, before the date specified, in order to be considered for the final rule. Copies of all written comments received will be available for examination and copying during business hours in the Office of the Rules Docket Clerk.

Because the final regulations must be effective prior to the Fiscal Year 1981 Small Cities Program competitions, which begin in early October, the comment period for these proposed regulations is 30 days. In preparing these regulations, HUD considered the public's response to the ANPR, which enabled HUD to incorporate many of the public's ideas into the proposed rule. The changes made are relatively limited and do not substantially alter the Program with which the public is already familiar.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability is on file and available for inspection in the Office of the Rules Docket Clerk.

This rule is listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12044.

Beginning with some general comments from the public in response to the ANPR, the following paragraphs explain the proposed revision to the Small Cities Program regulations and the public's corresponding comments. With limited exceptions, each proposed change is separately discussed. The exceptions are:

1. Corrections for typographical errors (spelling, punctuation, capitalization, etc.).

2. Changes in verb tense. When these regulations were first published, the program was new and the language reflected the newness. Since the Program is now more established and few changes are anticipated, the future tense of some verbs is dropped.

3. Changes in references made for conformity with new paragraph designations.

4. Substitution of "Single Purpose Grant" and "Comprehensive Grant" for "Single Purpose Program" and "Comprehensive Program," respectively. This change is made to clarify that there is only one Program, the Small Cities Program, which has two types of grants, Single Purpose and Comprehensive. When "program" is not capitalized, it refers to the applicant's program of activities.

General Comments in Response to the ANPR

The Advance Notice of Proposed Rulemaking asked the public to comment on a revision to the Small Cities Program's application and selection process which would eliminate preapplications. Instead, an applicant would submit a very simple "notice of intent to apply for a grant" to the local clearinghouse and to HUD and, then submit an application. The application would be the basis for selection and funding. Many groups had proposed the elimination of the preapplication, believing that the resulting system would be more efficient and less costly.

Thirty-three commentors responding to the ANPR favored the revision. Many believed it would greatly speed the process of funding and allow applicants to devote more time and effort to preparing full applications. Four of these respondents suggested preapplications for first-time or previously unsuccessful applicants, and a notice of intent for previously funded applicants.

Forty-one commentors, however, suggested that the preapplication continue to be the basis for inviting a full application. A notice of intent does not fully justify the money or the project, four commentors noted. Another respondent explained that it is too sweeping in its power and impact. Major funding decisions should not be based on the notice. Others stated that requiring the submittal of a full application without a guarantee of funding would prove burdensome to smaller jurisdictions with limited staff or expertise.

Two commentors noted that without a preapplication, early stages of coordination with regional clearinghouses are eliminated.

Two others favored submission of only a preapplication, and project and cost summaries, while one favored submitting only a precise cost estimate, and Housing Assistance and Citizen Participation Plans.

Finally, HUD developed a cost/benefit analysis of the new process and found that, for all applicants, it would cost more in time and money than the present system. Minimal cost and time savings would accrue to successful or repeat applicants, but these savings were outweighed by the additional costs to unsuccessful applicants.

As a result of the HUD findings and ANPR comments, the application and selection process will not be changed.

The ANPR requested comments about the timing of the submission of a Housing Assistance Plan (HAP) and about the appropriate citizen participation process if preapplications were eliminated and notices of intent used. HUD received many comments in response, but since preapplications will be retained, these comments are only summarized here. Almost two-thirds of the HAP commentors favored submission of the HAP with a notification of conditional funding rather than with the application. This is similar to the current system under which applicants submit HAPs with the application, when they are fairly certain of grant approval. Over half of the comments about citizen participation suggested public hearings prior to submission of a "notice of intent" which parallels current citizen participation requirements for preapplications. Other comments about, and HUD's revision to, citizen participation requirements are discussed under § 570.431, "Citizen participation requirements for Comprehensive and Single Purpose Grants."

One commentor stated that administering a Small Cities grant is so complicated that most grantees must devote sizable portions of their grants to administration. In the Small Cities Program regulations, in these revisions to them, and in various outreach efforts, HUD's intent is to keep the Program as simple as possible and to make compliance with other Federal requirements as easy as possible.

Section 570.420 General.

In paragraph (b), *Program objectives,* the second purpose is reworded to clearly state that low- and moderate-income persons must benefit from expanded housing opportunities outside areas of concentration.

In paragraph (c), *Eligible applicants,* the reference to entities described in § 570.403(b)(1), (2), and (3) as eligible applicants to undertake activities in New Communities is deleted for two reasons. First, these entities have received set-asides from the Secretary's Discretionary Fund in each year since the inception of the CDBG Program (Fiscal Year 1975) and, second, none of them has participated in the Small Cities Program.

Paragraph (d), *Types of Grants,* states that there are two types of grants, Single Purpose and Comprehensive. One commentor suggested eliminating Comprehensive Grants, since there are not sufficient funds for them, and instead funneling all funds into Single Purpose Grants. The CDBG Statute emphasizes comprehensive grants, requiring only that "a reasonable proportion of grants is available to applicants which are not seeking funding for comprehensive community development programs." Experience has shown that the flexibility to choose the grant type which best fits local needs is valuable to most applicants. Finally, there are not sufficient funds to carry out all Single Purpose programs, either. Both types of grants will be retained.

Paragraph (e), *Distribution of funds between Comprehensive Grants and Single Purpose Grants,* states that 25 to 35 percent of the funds are reserved for Single Purpose Grants, with exceptions to this based on the demand for Comprehensive Grants. The relative dollar demand between Single Purpose and Comprehensive Grants is not, by itself, always an adequate measure of demand; the quality of the projects must be considered. A reference to the quality of the projects submitted as a consideration in determining the split of funds is therefore added to this paragraph.

One commentor stated that the distribution of funds between Single Purpose and Comprehensive Grants is biased in favor of larger small cities and recomended a 50–50 split between the two grant types. HUD has found, however, that the percentage of funds awarded to the smallest cities is about equal to their percentage of the population in all small cities. Very small cities have received Comprehensive Grants. Furthermore, the Statute emphasizes comprehensive programs, and the regulations do permit a modification of the split of funds if quality and demand so dictate.

Paragraph (f), *Size of grants,* states that Area Offices may establish maximum grant amounts. One commentor recommended that State departments of community affairs, local government associations and other responsible public interest groups help to determine these amounts. Under the regulations, Area Offices are free to use these groups' advice. The reference to hold harmless funds is deleted since no more hold harmless grants will be made.

Paragraph (g), *Restrictions on applying for grants,* has been reworded to clarify that States and counties may submit two applications, one Single Purpose and one Comprehensive, if at least one of the applications is in behalf of one or more other units of general local government. This paragraph also states that each applicant, except States and counties, may be included in only one application in any fiscal year. (Comments in response to the ANPR about "in behalf of" and "joint" applications are discussed under § 570.421.)

Paragraph (h), *Method of selecting grantees,* lists several sources of existing information that an applicant can use in its preapplication. To this list is added data from the Bureau of Census, since this acceptable and often used data. Sometimes, particularly when the decennial Census data becomes outdated, existing information is not sufficient to document a community's needs, the expected benefits of a project, or other important facts. Local surveys are then necessary, which is now recognized and suggested in this paragraph. As now noted, paragraph (h) does not apply to the needs data (§ 570.424(a)–(b) and § 570.428(a)–(b)), which HUD already has.

One commentor suggested that HUD encourage Regional and Area Offices to provide applicants a description of the types of socio-economic data that HUD has and what additional data would be useful in preapplication evaluation. Area Offices may do so in their Review Process Statements.

One commentor suggested that paragraph (h)(2) permit HUD to hold

preapplications not selected for an additional year. The commentor noted that this could improve the applicant's planning process and make it easier to retain CDBG staff members at the local level. However, nothing prohibits a locality from submitting the same preapplication the next year. It is usually advisable for an applicant to reconsider an unfunded preapplication since local priorities and conditions can change from year to year and since small changes in the preapplication could enhance the likelihood of funding.

Paragraph (i), *Data*, now clearly states what Census data is used to rate the needs factors (§ 570.424(a)–(b) and § 570.428(a)–(b)). The data used is the most recently collected which can be applied to every applicant in a metropolitan or nonmetropolitan competition. All data elements used must have been collected at the same time. In addition, applicants must report boundary changes to the Census Bureau at least 90 days prior to the start of the fiscal year so that the Census Bureau can adjust the applicant's needs factors to conform to the new boundaries.

The phrase "as a result of such a finding" is deleted from the end of the first sentence in paragraph (j), *Previous audit findings*. An applicant may have an outstanding monetary obligation to HUD that is not the result of an audit finding. Deletion of the phrase means that HUD will no longer accept a preapplication from an applicant with an outstanding monetary obligation, regardless of whether or not it resulted from an audit finding. In addition, a preapplication in behalf of a unit of general local government which has an outstanding audit finding or monetary obligation will not be accepted.

In previous competitions, a few applicants with zero points for program impact have been selected for funding, not because their program impacted their identified needs, but because of high scores for other selection factors. Therefore, the first sentence in paragraph (k) now reads: "The program as a whole must principally benefit low- and moderate-income persons and directly impact on the applicant's needs." The last phrase is added to assure that HUD will not invite applicants whose programs are determined during the rating process to have an insignificant impact on their identified needs. To correct an inaccuracy the word "persons" replaces "families" in the last sentence.

Section 570.421 Preapplicatons and applications by States and counties; joint preapplications and applications.

Paragraph (a), *General*, states that a State or a county may submit two applications, as described in the paragraph about § 570.420(g) above. Paragraph (c), *Joint preapplications and applications*, allows two jurisdictions to submit a single, joint application, allows two jurisdictions to submit a single, joint application. The Advance Notice of Proposed Rulemaking asked the public whether these types of applications are viable options. Of the 42 responses to this question, 38 said these are viable, and that without them smaller communitis may not have sufficient reources to prepare an acceptable preapplication. Those who opposed, and some who supported, these applications stated that these options could lead to a system of favoritism, may meet the objectives of a county or State but not the local government, and do not spell out clear-cut responsibility for a project.

HUD, therefore, is retaining "in behalf of" and "joint" application options. In order to meet the objections to these types of applications, the purpose of cooperation agreements is now stated in paragraphs (b), *Preapplications and applications in behalf of others*, and (c). A cooperation agreement which delineates responsibilities of the State, the county, and/or each participating unit should insure that the local government's objectives are met. In addition, paragraph (b) repeats HUD's policy of holding the applicant responsible for compliance with applicable laws and regulations.

Paragraph (e), *Data considerations*, is modified to clarify which data must be used for rating the needs factors (§ 570.424(a)–(b) and § 570.428(a)–(b)). Essentially, data from the smallest area for which data can be readily and uniformly obtained for all applicants in a competition is used. In rating a preapplication that proposed activities in an unincorporated area only, data from the entire unincorporated area of the county in which the activitiy is to take place is used. Where Census data exists at the town or township level for the State, that data may be used. If an activity is to take place in an incorporated place, data from that place only is used.

Paragraph (g), *Urban counties and metropolitan cities*, has carried a prohibition against use of Small Cities Program funds in metropolitan cities and urban counties. A few counties applying to the Small Cities Program, however, have proposed activities located in metropolitan cities. In each case, the applicant stated that the activities were appropriate to meeting the applicant's needs and objectives and were designed to serve all residents in the county. Because of the convenient access to a metropolitan city, each county determined that its proposed activity could only logically take place there. HUD considered each preapplication and where appropriate, waived the regulation. To achieve equity for all applicants, paragraph (g) is changed. Where the proposed activity is specifically demonstrated to be appropriate to meeting the applicant's identified needs and objectives, the applicant may use Small Cities Program funds to under take activities in metropolitan cities or urban counties.

Section 570.423 Comprehensive Grant Program general requirements.

In paragraph (a), *Definition*, the phrase, "designated area" is replaced with "defined area or areas" to conform with the definition of a comprehensive program.

Several clarifying and conforming changes are made in paragraph (b), *Funding commitments*. The phrase "hold harmless" is added in paragraph (b)(1) to lessen the need to check the reference to "Section 106(h) of the Housing and Community Development Act of 1974." The last sentence of (b)(1) is now designated (b)(2) to emphasize that every Comprehensive Grant request must be by itself or in combination with other identified funding sources, enough to complete the proposed activities. Paragraph (b)(3), (formerly (b)(2)), is clarified in several ways. It now reflects the requirements that an applicant with a multiyear commitment must submit, as part of its second or third year application, an assessment of its performance for prior grants and that HUD's performance determinations are based on the considerations in § 570.423(c). The contents of the annual submission are specifically referenced, as are the provisions for approval of an annual submission.

With respect to paragraph (c), *Capacity and performance: threshold considerations*, one commentor suggested an emphasis on implementation of the HAP, (the applicant's efforts to get units to the people), and not on management of housing projects. HUD believes that emphasis is already upon meeting HAP goals.

One respondent suggested that if prior recipients have not drawn down all their funds within 18 months, they have not met the threshold criteria for a subsequent preapplication. As suggested, this would release urgently

needed money for other communities which are ready to implement community development programs, but such a strict standard does not give HUD enough flexibility to accommodate ligitimate reasons for delay. HUD, however, has and will continue to strongly stress performance. As now stated in paragraph (c), HUD will judge a community's capacity and performance based on its adherence to its own schedule.

The other changes to paragraph (c) are: replacing the phrase "does not have" with "lacks" to avoid a confusing double negative; stating that performance determinations will be made as of the date the preapplication is submitted to the Area Office; and including the word "threshold" in the title for clarity.

Section 570.424 Selection system for comprehensive grants.

As proposed, there are eight selection factors and 1000 possible points in the Comprehensive Grant selection system. These changes and the changes made in the factors are reflected in the introductory paragraph. Each factor is discussed separately in the following paragraphs. (Some of these changes are repeated, as appropriate, in the Single Purpose Grant selection system.)

(a) *Need—absolute number of poverty persons (100 points);* (b) *Need—percent of poverty persons (50 points);* and former paragraphs (c) *Need—absolute housing need* and (d) *Need—percent of housing need*. In the original selection system, the needs factors (absolute number of and percent of persons in poverty, and absolute and percent of housing need) equaled 200 points out of 1025 possible points. These factors measure the needs in the entire community, not the needs to be addressed in the proposed project. Applicants have no direct control over these points. The weight of these factors, which do not directly relate to a proposed project, occasionally allows poor quality projects to rank highly enough to be funded. To counter this, HUD believes that the overall weight of the needs factors must be decreased, giving relatively more weight to factors over which the applicant has more control, like program impact, benefit to low- and moderate-income persons, and outstanding performance.

In addition there are indications that the measures of housing need (the incidence of overcrowded housing and housing lacking plumbing), are declining rapidly in some areas, but not others. Therefore, the factors are becoming less useful in measuring an individual small community's relative needs and give unfair advantage in the selection system to communities with improving housing stock. (The same is not true of larger cities and small cities in Statewide aggregates because the data base is larger and therefore more reliable.) Poverty is a stronger reflection of needs, and less likely to unfairly disadvantage poorer communities.

Since the needs factors are proposed to carry a reduced weight and since the housing needs data are somewhat suspect, HUD proposes to eliminate the housing needs factors' fifty points in the selection system.

The ANPR asked the public the implications of deleting the housing needs score from the selection system, but did not, apparently, adequately explain HUD's reasons. Twenty-five commentors favored retaining the housing needs score, but twenty-five favored its elimination and two others stated it made no difference.

Those that wanted to retain the housing needs score feared that its elimination would de-emphasize the link between housing and community development or discourage the use of local surveys to keep an accurate picture on housing needs. However, housing is an important part of both Single Purpose and Comprehensive Grants; almost all comprehensive programs, for example, include housing-related impact criteria. The Housing Assistance Plan is HUD's principal link between housing and community development, and is required of all applicants, most of whom undertake local surveys for their HAPs. Data from these surveys are more recent, and generally more accurate than Census data, but was never used in the housing needs factor. HUD is not de-emphasizing the important links between housing and community development nor discouraging local housing surveys. Deleting the housing needs score will not affect program design or the HAP and, therefore, housing and community development links will not be weakened.

Most of the commentors, including most of those opposing elimination of the housing needs scores, agreed that housing data problems are severe. The data is old, they said, and does not accurately reflect housing conditions in small cities. Many suggested that HUD search for alternative data, use the distress factors used for Urban Development Action Grants (UDAG), or redefine substandard housing to include amount of insulation, the age of housing, or other factors. HUD has searched for alternate data that can reliably meet the standards of § 570.420(i), but has found none. UDAG factors are not available for very small places. Also, eliminating the weaker data in order to reduce the weight of the needs factors is more straightforward than replacing housing data and then modifying the points for the poverty needs score.

Seven commentors stated that deleting the housing needs score from the selection system places much greater emphasis on the number and percentage of persons below the poverty level. Since the points for the poverty needs score will not be increased, however, there will be no greater emphasis placed upon poverty in the selection system. Seven other commentors said that the income data used to compute the poverty score is no less reliable than the data used to determine housing needs and that both scores should be eliminated. HUD will retain the poverty needs score because targeting to poorer communities is an important part of the selection system. Although there are indications that lack of plumbing and overcrowded housing are rapidly decreasing in some places, the same is regretably not true of poverty. A community with a significant amount of poverty in the last Census is very likely still to have a great deal of poverty. HUD therefore believes that the poverty data is more useful—and, thus, fairer in a competition.

Six commentors stated that older, urban communities would be disadvantaged by the elimination of the housing needs score. The housing needs score equalled, however, only 50 of 1,025 (875) points for Comprehensive (Single Purpose) Grants. Being funded in the Small Cities Program depends much more heavily upon program impact (400 points)—how well a program meets identified needs—and other factors, like benefit to low- and moderate-income persons (200 points) which is also part of a program's design. If a community with a housing need designs a good program, it will not be disadvantaged by deletion of the housing needs score. In addition, the program impact points for Single Purpose Grants are proposed to be increased (to 400 points), as suggested by several commentors (discussed below).

Given the need to decrease the weight of the needs factors and the public comments about housing data, HUD proposes elimination of the 50 points for the housing needs factors in the selection system.

Ten commentors suggested using percentages only in determining the needs score, or balancing use of percentages and absolute numbers, in order to correct a perceived skewing of the selection system toward larger small, or more urban, communities. HUD

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data has shown, however, that the current system does not disadvantage smaller cities: in Fiscal Year 1979, for example, small cities with fewer than 2,500 people, cities which have about 16.6 percent of the total small city population, received 17 percent of all Small Cities Program funds and 23 percent of the grants. This does not include funds that States or counties may have used in these small cities.

One commentor suggested that a more equitable method of determining the needs score would be the use of population categories. Each preapplication would be ranked for needs points with others in its population class. The city in each category having the largest number of poverty persons, for example, would received 100 points. Through the use of arbitrary population cut-offs, however, applicants at the bottom of each population cut-off would be at a severe disadvantage. As stated above, Small Cities Program funds are fairly equitably distributed among applicants in each population range.

With respect to paragraphs (a) and (b), HUD looked at many possible alternatives to the way the poverty needs score is computed. Since none of the alternatives was demonstrably fairer or more accurate than the present system, no change is reflected in the proposed regulations. The issue is still being considered, and HUD would appreciate comment on these, or other, alternatives:

1. Computing the poverty needs score on the basis of an applicant's rank in absolute number of an percentage of poverty persons. In a competition with 10 applicants, for example, communities ranked 1, 2, and 3 would receive 100, 90, and 80 points for absolute number of persons in poverty regardless of whether their total number of persons in poverty is 1,000, 999, and 998 or 1,000, 200, and 100.

2. Computing the poverty needs score based on all potential applicants, rather than actual applicants. This would mean that applicants would "compete" against jurisdictions not applying to the Program.

(c) *Program factor—impact of the proposed program (400 points).* The basic considerations used to evaluate program impact for Single Purpose and Comprehensive Grants are the same. These considerations are listed in the introductory paragraph to the program impact factor at § 570.424(c), (formerly (e)), for Comprehensive Grants and at § 570.428(c), (formerly (e)), for Single Purpose Grants. The paragraphs are modified to mirror each other.

"The number of persons to benefit from the program" is added to the list of considerations for both types of grants. This allows an Area Office to determine that the program which benefits more people, all else equal, has greater impact, and distinguishes this consideration from the percent of benefit to low- and moderate-income persons, which is a separate selection factor.

HUD's policy is to minimize involuntary displacement as the result of HUD funded activities. Accordingly, displacement, and the actions an applicant proposes to minimize involuntary displacement, are added to the considerations used in judging impact. Involuntary displacement will generally be considered negatively. When an applicant indicates that involuntary displacement will be minimized or eliminated, however, displacement will be considered less negatively or as a neutral factor.

To emphasize that low- and moderate-income people must be the principal beneficiaries of all proposed comprehensive programs, two changes are made. First, the second sentence of paragraph (c) for Comprehensive Grants now reads: "HUD shall measure the impact of the program on *low- and moderate-income persons* for each of the program design criteria selected, based on * * *" (Change is italicized.) Second, another introductory paragraph is added to paragraph (c). It states that each applicant must explain, in measurable terms, how the proposed project benefits low- and moderate-income persons. This language is already found in § 570.428(c), the paragraph about the program impact factor for Single Purpose Grants. Since the requirement that low- and moderate-income persons benefit from every comprehensive program is stated in the introduction to the program impact criteria, it is not repeated in each criterion.

The ANPR asked if any of the eleven program design criteria listed in paragraph (c)(1) should be deleted, clarified, or modified, and whether any new ones should be added. Three commentors suggested that three criteria be chosen instead of four. HUD believes that four criteria must be selected to ensure that a grant is truly comprehensive. Three commentors wanted an activity description of each criteria in order to give applicants a greater understanding as to what activities HUD is likely to support. HUD wants to give applicants maximum program flexibility in designing their programs, and believes this suggestion would have the effect of limiting their choices. Too much emphasis is placed on housing programs rather than economic development, several respondents noted. In response, HUD has added a second criterion for economic development. Two commentors urged HUD to include an energy-related criterion, and HUD has added an energy conservation and production criterion.

The individual criteria are modified as follows:

(i) One commentor indicated that criterion (i) is two separate criteria and in practice overlaps other criteria. HUD recognizes this and deleted the second phrase, "or conserves the housing supply," because almost any housing program conserves the housing supply. The word "conserves" conveys an important concept in this criterion, and is added to the first phrase which reads, "Supports comprehensive neighborhood conservation, stabilization, and/or revitalization." The focus of this criterion is upon the neighborhood; it is not limited to housing.

(ii) The word "Areawide" now precedes "Housing Opportunity Plan" to conform with other HUD regulations. According to four commentors, criterion (ii) should be deleted since most AHOPs are formed solely for the purpose of acquiring the bonus points, not for the purpose of providing housing opportunities on a regional basis. An applicant using an AHOP as part of its program however, should be able to use implementing the AHOP as one of its program design criteria. Therefore, this part of criterion (ii) is retained. HUD's specific response to comments about AHOPs is found in § 570.424(f). In addition, the phrase "housing opportunities" is replaced with "housing choice" to clarify that, in addition to providing housing units, an applicant may provide housing counseling services as part of this program design criterion.

(iii) The substance of this criterion is the same, but the wording is changed to clarify its meaning. This criterion if for those programs which provide housing opportunities within the community, but outside concentrations of minorities and low- and moderate-income persons. Three commentors wanted this criterion clarified for communities with no minorities. In these communities, it is possible to receive impact points when opportunities are provided outside concentrations of low- and moderate-income persons.

(iv) This criterion is clarified to show that "expansion of housing" is not limited to new construction, but includes rehabilitation of vacant units or

conversion to housing units from a prior, non-housing use.

(v) This criterion is unchanged. Five commentors wanted clarification of the difference between criterion (v) "a serious deficiency in public facilities" and criterion (x) "a serious treat to the health or safety." Criterion (v) focuses on facilities, while criterion (x) focuses on persons.

(vi) More flexibility is incorporated into this criterion since it is no longer tied solely to providing jobs and gives credit for retention or creation of employment opportunities, a serious problem in some areas.

(vii) Fifteen commentors favored expanding criterion (vi), above, by inserting "creating opportunities for the private sector." Two commentors doubted HUD's seriousness about funding any significant number of economic development projects since there was only one economic development criterion. HUD therefore added a new criterion related to economic development. It encourages a community to design a program that attracts or retains businesses which provide essential services, particularly to low- and moderate-income persons.

(viii) Formerly criterion (vii), this criterion is unchanged.

Former criteria (viii) and (ix). Ten commentors wanted criteria (viii) and (ix) eliminated. Several commentors suggested that criterion (ix) placed HUD in the odd position of promoting the ascendency or dominance of one urban center over another. Others could not see how these criteria greatly benefitted low- and moderate-income persons. The original criteria (viii), dealing with State plans, and (ix) dealing with the community's position as a growth center, are therefore eliminated from the program impact criteria. They are replaced with the 25 points for a State's ranking, § 570.424(h), discussed below.

(ix) Formerly criterion (x), this criterion is unchanged.

(x) Formerly criterion (xi), this criterion is reworded to clarify its meaning. The word "policies" was, in practice vague to applicants trying to identify what impacts a Federal policy might have upon their communities. "Policies" was therefore deleted. The word "action" by itself, conveys the intent of this criterion that the "Federal policy or action" must have a direct, demonstrable effect upon the community. Where a Federal policy does have a demonstrable effect on an applicant, however, this criterion may be used. Another change to this criterion is that the other Federal program which the proposed program will support, or the Federal action the program addresses must be of substantial size or impact. This precludes the use of this criterion, for example, for Federal actions that have insignificant implications for the applicant.

(xi) Two commentors belived a criterion to conserve energy or to lessen the impact of the energy crisis should be added. HUD agrees. This new criterion (xi) recognizes the crucial need for energy conservation considerations in every facet of community activity, and allows an applicant to design programs which support energy conservation or production.

(d) *Benefit to low- and moderate-income persons (200 points).* This paragraph now explains the method used to compute a proposed program's benefit to low- and modetate-income persons. It is the same method described to applicants in other HUD publications, such as the Review Process Statement.

Three commentors were concerned about using "80 pecent of median income" as the standard for determining benefit to low- and moderate-income persons at the preapplication stage, but permitting use of sliding Section 8 standards for counting beneficiaries while undertaking a program. To treat all applicants fairly during a competition, when many of the proposed programs are in a preliminary phase and beneficiaries can not be specifically identified, HUD must use data available to all applicants in the estimates of the population to be served. This is the "80 percent of median" data. Once an applicant has successfully competed, however, this restriction need no longer apply. Since HUD recognizes that persons meeting the Section 8 standards are low and moderate income, this data may be used to qualify a person as low and moderate income.

(e) *Performance in housing and equal opportunity (150 points).* The ANPR asked whether the current point system for housing and equal opportunity efforts should be strengthened, whether clarification or change is needed, and if there is a way to recast the standards to better enable communities with no past experience with HUD programs to qualify for the points.

Twenty-nine respondents favored refocusing the fair housing and equal opportunity efforts, eight suggested that these points be unchanged, four stated that these points should be completely eliminated, and one said they made no difference.

Two commentors that favored some change suggested elimination or reduction of those points. These points reward communities which have performed well with respect to fair housing and equal opportunity and encourage others to do so, too. HUD, therefore, does not intend to eliminate or to reduce these points. One commentor suggested use of a graduated scale in awarding these points. A graduated scale, however, can be complicated or confusing and may weaken the incentive to meet these important objectives. For the same reason, HUD will not replace the "outstanding" concept with award of points for simply adequate performance, award points to all communities unless there is demonstrated "adverse" performance, or automatically award these points to communities which have fewer than five or ten percent minorities.

Two commentors wanted more emphasis placed on assisted housing efforts, but HUD believes that through these points and the program design factors, sufficient emphasis is placed on assisted housing in the selection system. In addition, § 570.423(c) states that no grant will be made to an appliant which has not performed adequately with respect to provision of assisted housing, and the Housing Assistance Plan is required of all applicants.

One commentor suggested that these points should only be awarded to applicants who propose to involve minority participants. Under the Title VI certification that applicants must provide to HUD, they are already required to consider minorities in their programs.

Most of the respondents who favored refocusing housing and equal opportunity efforts believed that the present criteria discriminate against towns that have never had CDBG grants, towns with no minorities, towns with few large families, and small rural communities. The revisions discussed below should ameliorate these problems. (HUD has not found discrimination against towns with few large families, however, since points related to large families are earned in proportion to meeting the needs of large families.) Most of these points can be earned by communities without a prior CDBG grant.

With respect to the changes HUD proposes, the total points for outstanding performance still equal 150—100 points for housing efforts and 50 points for equal employment and entrepreneurial efforts. As indicated below, however, an additional criterion is added to each. These criteria are not new, but were formed by dividing an original criterion. To accommodate the increased number of criteria, the point structure is changed.

Instead of five 20-point criteria for housing efforts, there are four 15-point

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criteria and two 20-point criteria. The three criteria for equal employment and entrepreneurial efforts are now worth 25, 20, and 5 points. The derivation of, and the public comments about, each criterion and the reason for any changes are discussed below.

(1) *Housing efforts (100 points).* (e)(1)(i)(A) (15 points): This criterion was formerly (g)(1)(i). Its language now emphasizes the criterion's focus upon the location of a community's assisted housing. To provide choice, assisted housing must be located outside concentrations of minorities and of low- and moderate-income persons. In a predominantly minority community, or in a community with no concentrations, this criterion is met if there is a balanced distribution of assisted housing throughout the community. Eight respondents claimed that many small, rural communities are discriminated against because they do not have minority populations. A community with no minorities can earn points through this criterion when its assisted housing is located outside concentrations of low- and moderate-income persons.

Several commentors suggested that if the racial composition of all assisted housing units does not differ more than 10 percent from the racial composition of the county in which the applicant is located, points should be awarded. Whether this level of performance is outstanding, however, depends on many regional and local factors. Area Offices, therefore, will define the standard used for determining outstanding performance in their jurisdictions.

(e)(1)(i)(B) (15 points): This criterion is similar to the original criterion (g)(1)(ii). The word "existing" is deleted to eliminate confusion between this criterion's intent and HUD's Section 8 existing housing program, which is now specifically referenced. If the applicant has a Section 8 existing housing program, there must be evidence of location choice. One commentor suggested that ethnic groups, like Hispanics, be considerd in addition to racial grops. HUD has added the word "ethnicity" to this criterion.

(e)(1)(i)(C) (15 points): The original criterion (v) had two parts, one dealing with fair housing ordinances, the other with New Horizons Fair Housing Assistance Projects. Because the parts are separable and because each is an important component in an applicant's efforts to achieve fair housing, HUD will now consider them separately. Thus, applicants with both will benefit from additional points. Criterion (1)(i)(C) now deals only with fair housing ordinances. To earn these outstanding performance points, an applicant must, to the limit of its legal ability, actively enforce its local ordinance or actively support or enforce a State/county/regional fair housing ordinance. The ordinance must be at least equal in scope and coverage to Title VIII of the Civil Rights Act of 1968.

Two commentors stated that communities can not get these points unless they show that some type of action was taken to enforce the ordinance. This is hard to document unless a complaint is filed claiming unfair treatment. Another commentor suggested that enforcement is a measure of equal opportunity within the applicant's jurisdiction only if discrimination exists. Points should be given for enacting fair housing ordinance and the attempt made to make the public aware of it. In addition to how the community treats complaints, HUD considers the ordinance's enforcement mechanism and other activities undertaken by the community to foster fair housing, such as educational activities.

(e)(1)(i)(D) (15 points): This criterion is from the second part of the original criterion (g)(i)(v) and concerns New Horizons Fair Housing Assistance Projects. It is changed to require that an applicant implement or actively participate in a Project, as demonstrated by the applicant's progress or success. For an applicant whose Project was approved less than one year before submission of its Small Cities Program preapplication, HUD will consider award of these points where the community has not yet demonstrated its success. As recommended by two commentors, communities which encourage fair housing and equal opportunity through strategies equivalent to a New Horizons Fair Housing Assistance Project may also be eligible to receive these points.

(e)(1)(ii)(A) (20 points): This criterion, about meeting the housing assistance needs of large families was formerly criterion (g)(1)(iii) and is unchanged. Four commentors stated that communities without a HAP do not have accurate, up-to-date housing needs data with respect to the needs of larger families. As they recommended, HUD requires these communities to base their claim for these points upon the best available data.

(e)(1)(ii)(B) (20 points): This was formerly criterion (g)(1)(iv), which required an applicant to meet the goals of a previous HAP(s). Twenty-five commentors felt that communities with no past experience in HUD programs are at a serous disadvantage when competing for funds because this criterion requires a prior HAP. One commentor suggested awarding points to communities new to the program if they have improved housing conditions in their communities without the use of community development block grants. Another commentor suggested that applicants could be requested to demonstrate that they are engaged in activities to remove barriers to housing opportunity, in lieu of past performance. One respondent suggested that these communities be rated separately. Other commentors recommended that jurisdictions with past experience with HUD programs be penalized if they were "poor performers" and awarded points if they were "good performers."

The intent of this criterion has been to award outstanding performance points to communities that have demonstrated, through their HAPs, excellent performance in providing assisted housing. As indicated by the public coments, other communites, too, can and do provide assisted housing and deserve some recognition. HUD therefore will award these points to applicants with no prior HAP if a significant proportion of the applicant's housing assistance needs have been met.

(2) *Local equal employment and entrepreneurial efforts (50 points).* (e)(2)(i) (25 points): This is the same as the original criterion (g)(2)(ii), except that a new standard is established for applicants whose percent of minority residents exceeds that of the county in nonmetropolitan areas or of the SMSA in metropolitan areas. For these applicants, the percent of minority employees must generally reflect the percent of minority residents in their own jurisdictions. This means that, absent explanation, it is expected that nondiscriminatory hiring practices by these applicants results in a workforce which is more or less representative of the racial and ethnic composition of the applicant's jurisdiction. In addition, "minority employees" is clarified by the phrase, "minority permanent, full-time employees."

(e)(2)(ii): (20 points) The original criterion (g)(2)(i) had two parts, one about contracts with minority businesses, the other about deposits in minority banks. This criterion is derived from the first part. Several changes are made. First, the applicable percentage of minority residents is the greater of the percentage of minorities in the applicant's jurisdiction, or the county for nonmetropolitan applicants, or the SMSA metropolitan applicants. This will be compared to the percent of contracts, based on dollar value, awarded to minority businesses. Second, since with respect to equal opportunity, ownership and control of a business are more important than management, only contracts awarded to minority owned and controlled businesses may be counted. Third, the original standard that an applicant's percentage of contracts with minority firms exceed its percentage of minority residents has proven excessive for applicants whose applicable percentage of minorities is more than 20 percent. Therefore, these applicants may award 20 percent of their contracts to minority firms to earn these points. Fourth, the original standard was, however, too lax for applicants with fewer than five percent minority residents. Therefore, these applicants must award at least five percent of their contracts to minority firms to earn these outstanding performance points. Applicants whose applicable percentage of minorities is from 5 to 20 percent must meet the original standard.

One commentor recommended using the applicant's percentage of minorities in computing these points. HUD has adopted this for applicants whose percentage of minorities exceeds the county for nonmetropolitan applicants or the SMSA for metropolitan applicants.

(e)(2)(iii): (5 points) This criterion is derived from the second part of the original criterion (g)(2)(i) which required that an applicant's percentage of deposits in minority banks equal its percentage of minority residents. Because minority financial institutions do not exist in many small cities, its weight is reduced. Now, an applicant's average daily balance in minority financial institutions over the past year must be at least five percent of its total deposits from all sources. In addition, the word "banks" is replaced with "financial institution" for greater flexibility.

(f) *Areawide Housing Opportunity Plan (50 points).* In response to the ANPR, one commentor claimed that AHOPs are formed for the sole purpose of receiving fifty bonus points, rather than carrying out the intended goals of a HUD-approved AHOP. HUD is also concerned about this possibility and therefore, this criterion is changed to require more active participation in AHOPs. Applicants which have participated in an AHOP for less than one year will still be awarded fifty points for participation only. Points for participation only, however, will be awarded only once, and only in the first year of participation in the AHOP. After the first year, the Areawide Planning Organization that developed the AHOP must certify that the applicant is carrying out its responsibility to implement the AHOP.

Two commentors believed the AHOP criterion is important since it helps local officials realize the advantages of entering into housing planning at the regional level. These points are a useful educational tool for these communities.

Five commentors favored elimination of the AHOP criteria on the basis that the AHOP emphasis is urban oriented and places rural areas at a 50-point disadvantage when competing with urban areas. Although HUD has approved nonmetropolitan AHOPs, and the nonmetropolitan jurisdictions participating in them have received the fifty points, the AHOP program may not be useful or appropriate in some nonmetropolitan areas. HUD, therefore, is considering elimination of these points for nonmetropolitan applicants only. Since the issue has not been decided, HUD is soliciting comments as part of this proposed regulation which specifically address the issue of awarding fifty points to nonmetropolitan applicants participating in an AHOP.

(g) *Hold-harmless provisions (25 points).* Regarding the hold harmless provision, three commentors could not understand why a community which received prior HUD assistance should gain any particular competitive advantage in the allocation of future funds. The CDBG Statute, however, implies that these "hold-harmless" communities should receive special consideration. Another commentor suggested a 25-point award for any community which is carrying out a comprehensive community development program, and two others favored a 25-point award for applicants that have successfully participated in the Small Cities Program. These communities are not eligible for special consideration under the Statute.

(h) *State's rating (25 points).* This new factor replaces the program impact criteria (e)(1)(viii) and (e)(i)(ix) of the original selection system, as noted above. In past competitions, some Area Offices found these criteria (dealing with a State's plans and policies and the community's position as a regional center, or economic development center, or growth center) difficult to define and apply. In some competitions, almost every applicant who chose these criteria received these points. The criteria's usefulness as selective factors, therefore, was limited.

In addition, States and their advocates have solicited a greater role for States in the Small Cities Program and HUD recognizes that States can make useful contributions.

The new State's rating factor responds to these issues. A State may review Small Cities Program preapplications and rank them according to their support or conformity with the State's policies or strategies for growth, resource coordination, and economic development. The State may also consider regional strategies. The State will be able to recommend to the Area Office an award of zero to 25 points for each preapplication, except its own. In a State which does not choose to recommend point awards, no applicant will receive points for the State's rating.

Section 570.425 Preapplications for comprehensive grants.

Paragraph (a)(4) is modified to read that the extent and locations of minorities and low- and moderate-income persons, rather than concentrations of minorities and low- and moderate-income persons, is to be submitted on maps. This is done to provide consistency between preapplication and application requirements, and a more accurate description of the required information.

A modification is made in the reference to performance reporting in paragraph (a)(5). "Assessment of performance" is substituted for "Grantee Performance Report" and "status report." The term "assessment of performance" is more general, yet covers either a status report or a Grantee Performance Report.

Section 570.426 Applications for comprehensive grants.

Section 570.426 has been modified and expanded to incorporate in this one section all the requirements applicable to an application for a Comprehensive Grant, with the exception of the HAP and certification, in order to avoid cross reference to the entitlement subpart and to include only those portions relevant to the Small Cities Program. The following new paragraphs are:

Paragraph (a) briefly summarizes the components of a *Community Development and Housing Plan summary.*

Paragraph (b) describes the *project summary* that all applicants must file.

Paragraph (c) states when an applicant must file a *three year project summary,* and its contents.

Paragraph (d) describes the *cost summary* that is required of all applicants.

Paragraph (e) incorporates by reference the *Housing Assistance Plan,* § 570.306 of Subpart D.

Paragraph (f) incorporates by reference § 570.307 *Certifications,* except that § 570.430(f)(1)–(6), *Citizen*

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Participation applies in lieu of § 570.307(d).

Paragraph (g) describes *Map requirement.*

Paragraph (h) *Title VI compliance* (formerly paragraph (c)), is clarified to indicate that multiyear applicants applying for second or third year funding, as well as previous hold-harmless grantees, are exempt from this requirement.

Paragraph (i) is a new paragraph detailing the components of an annual submission of the *Multiyear application.* Paragraph (i)(2) was formerly paragraph (d), and is unchanged.

Section 570.427 Single purpose grant program general requirements.

The wording in paragraph (b), *Projects,* is changed to clarify that a Single Purpose applicant may seek funds for more than one project and for more than one of the three problem areas.

The language in paragraph (c), *Performance requirements,* is changed to clarify that every previous Small Cities Program grantee must satisfy the capacity and performance criteria of § 570.423(c).

Section 570.428 Selection system for single purpose grants.

The maximum score possible for Single Purpose Grant applicants under the original selection system was 875 points. It is now 1000 points and the eight selection factors are changed, as reflected in the introductory paragraph to the section. Each factor is discussed below.

(a) *Need—absolute number of poverty persons (100 points),* (b) *Need—percent of poverty persons (50 points),* and former paragraphs (c) *Need—absolute housing need,* and (d) *Need—percent of housing need.*

Changes proposed for these factors are the same as those proposed and explained in the paragraphs about the Comprehensive Grant needs factors (§ 570.424(a)–(b)).

(c) *Program factor—impact of the proposed program (400 points).*

The ANPR asked the public whether points for the Single Purpose program impact factor should be increased. Six commentors opposed increasing program impact points for Single Purpose Grants. Some remarked that program impact was a subjective process and that changing these points would not contribute significantly to assuring funding high quality projects. Three suggested clarifying the definitions used to determine "insignificant," "minimal," "moderate", and "substantial" impact. Finally, one respondent argued that because single purpose applications are ranked against similar projects, a sound basis for quality projects is built into the selection criteria.

Forty commentors, however, favored doubling the points for Single Purpose program impact to 400 points, the same as in Comprehensive Grants.

In the original selection system, an applicant could earn a maximum of 200 points under the program impact factor, or less than 25 percent of the 875 total possible points. Compared to the Comprehensive Grant selection system, in which program impact points represent 40 percent of the total possible points, this is a low weight for the factor that most adequately assesses the proposed program's impact on identified needs and the overall quality of the program. Other factors that do not relate as closely to the program design (outstanding performance points, for example) or over which applicants have little control (the needs factors) collectively were much more important in funding decisions than the program impact factor. As a result, projects with little significant in meeting identified needs were occasionally funded while projects with substantial impact were not. The points for program impact, therefore, are increased to 400—40 percent of the total possible points under the proposed system, the same percent as in Comprehensive Grants. This reflects the importance of the program impact factor in choosing projects which best address identified needs.

As in the original system, the program impact factor does not dominate and other factors, like outstanding performance and benefit to low- and moderate-income persons, must also be addressed by applicants who expect to be funded.

Finally, as noted in the discussion about § 570.424(c), the considerations used to evaluate program impact in the Single Purpose and Comprehensive selection systems are the same in practice.

Therefore, the language about these considerations is modified for conformity with the Comprehensive Grant program impact considerations, except that an additional consideration for Single Purpose Grants, the nature of the activity in relation to the need identified, is retained.

(d) *Benefit to low- and moderate-income persons (200 points),* (e) *Performance in housing and equal opportunity (150 points),* and (f) *Areawide Housing Opportunity Plan (50 points),* and (g) *Other Federal programs (25 points).*

The language in these paragraphs is changed, and conforms with § 570.424 (d), (e), (f), and (c)(1)(x), the paragraphs about the Comprehensive Grant selection system factors for benefit to low- and moderate-income persons, outstanding performance, AHOPs and the proposed program's relationship to other Federal projects. The changes are fully discussed above.

(h) *State's rating (25 points).*

This paragraph merges two "other" criteria of the original selection system, (h)(1)(A), dealing with the community's position as a regional center or economic development center, and (h)(1)(B), dealing with State plans and policies. This new factor is the same as the Comprehensive selection factor contained in § 570.424(g) which is discussed above.

Section 570.429 Preapplications for single purpose grants.

Paragraph (a)(2)(iii) is modified to require a statement describing the impact the activity for which funds are requested will have on the needs of low- and moderate-income persons.

Paragraph (a)(3), *Maps,* is modified to include extent and locations of low- and moderate-income persons. Concentrations of minorities is changed to extent and location to more accurately reflect the desired information.

Paragraph (a)(4), *Performance reporting,* now refers to assessments of performance to cover either a status report or the Grantee Performance Report.

Section 570.430 Applications for single purpose grants.

A statutory change to the Housing and Community Development Act of 1979 deleted the requirement for a needs assessment and strategy statement. That change is being implemented as a final rule under a separate notice in the **Federal Register.** Former paragraph (a) is therefore deleted, and each following paragraph in this section is re-lettered. The wording "regardless of population" has been deleted in paragraph (a), *Community Development Program.* Since all applicants must describe proposed projects, the wording is redundant.

Paragraph (b)(2), *HUD review of HAP,* is clarified to indicate that weatherization and similar activities alone will not satisfy rehabilitation housing assistance goals.

Paragraph (c) *Map requirements,* is modified to require that maps show the extent and location of minorities and low- and moderate-income persons, rather than concentrations of minorities

and low- and moderate-income persons. This provides consistency between preapplication and application requirements, and a more accurate description of the required information.

Paragraph (e), *Title VI Compliance,* is clarified to indicate that multiyear applicants applying for second or third year funding, as well as previous hold-harmless grantees, are exempt from this requirement.

Two changes are made in paragraph (f), *Certifications.* Paragraph (f)(2) is revised to require citizen participation specifically in the development of the Housing Assistance Plan. Paragraph (f)(6) is revised to use the more general term "report on performance" in lieu of Grantee Performance Report.

Section 570.431 Citizen participation requirements for comprehensive and single purpose grants.

The citizen participation (CP) requirements at § 570.431 has been rewritten and now apply to both Comprehensive and Single Purpose Grants. The same citizen participation requirements apply to each program. Therefore, the reference to § 570.303 *Citizen participation requirements,* in the entitlement regulations is eliminated for Comprehensive Grant applicants. Establishing a single set of regulations for citizen participation eliminates confusion as to which citizen participation regulations are to be followed, and at what stage of the application process they apply. As indicated in paragraph (a), *General,* this new section strives to require only the basic framework of only the basic framework of meaningful citizen participation, regardless of the applicant's size. Critical elements are required, and others must be considered as locally appropriate. Paragraph (b), *Written citizen participation plan,* describes the procedures that must be accommodated in an applicant's CP plan. In paragraph (c), *Requirements for citizen participation in each stage of the application process,* the citizen participation regulations now chronologically follow the application process for small cities, i.e., preapplication/application.

HUD's overriding concern is that citizen participation be meaningful and effective. In order to a achieve this objective, it is paramount that the CP regulations be clear and straightforward.

The ANPR asked the public to address the citizen participation process and how it could be simplified for the applicant, while at the same time achieving meaningful CP. Comments received in response to the ANPR have been reviewed, and are addressed below.

Single Purpose CP should apply to applicants of 2500 in population or less, whether applying for Single Purpose or Comprehensive programs, one commentor suggested. One respondent commented that the regulations have become too prescriptive. The method of attaining the required level of performance should be established by each community and described in its plan. HUD should become prescriptive only in instances where there is evidence that citizens are not being adequately involved.

Two commentors favored standardizing CP requirements for all CDBG programs, including entitlement, while one favored applying the provisions of § 570.303 to the Single Purpose Program. Eight commentors stated that the present guidelines for the CP are effective, while nine stated that the CP regulations should be the same for Single Purpose and Comprehensive Grant applicants.

These issues have been resolved by the proposed regulations that apply to all applicants. The new requirements follow the Single Purpose regulations for citizen participation currently in effect, with only a few additions. The Entitlement Grants program is a more complex program, and CP regulations applying to that program are of necessity more complex, and are not addressed by this proposed rule.

One respondent recommended that jurisdictions which make affirmative efforts in the conduct of their CP activities should be given bonus points in the rating system. While HUD certainly wishes to encourage good CP, the objective of citizen involvement is best reflected in the results, more effective projects, and better community relations. Additionally, affirmative citizen participation efforts would be very difficult to judge fairly in awarding points.

One commentor favored elimination of the CP plan. The Statute however, requires a written CP plan which is to be followed in the development of small cities preapplications/applications, and in implementation and assessment of the program. In addition, HUD supports citizen participation and believes the process will have significant and positive effects in assuring that the proposed programs and their implementation will address the needs of the Statutorily intended beneficiaries.

One commentor wanted "adequate information" and "adequate opportunity to participate" defined. HUD believes that prescriptive defintions of these terms would unreasonably limit the flexibility of many local governments to effectively carry out meaning CP. These terms indicate the regulatory direction communities must follow, but the terms themselves only take on meaning and life in actual application. Area Office staff can provide additional direction in individual or specific circumstances.

One respondent suggested CP should be more specific about outreach activities to involved and increase participation by low income and minority persons, while another recommended specifying CP procedures to recruit low- and moderate-income persons to plan, develop, implement and assess strategies for projects, with a detailed plan for involvement and participation of beneficiaries. Paragraph (b)(2) requires the solicitation of views and proposals of citizens, with emphasis on involvement of low- and moderate-income persons, members of minority groups, and residents of blighted areas where activities are proposed or ongoing.

One respondent opposed weakening the CP requirements imposed on Comprehensive Program applicants. This was not HUD's intent, nor do we feel that we have made the requirements weaker, as the commentor cautioned against. Rather we feel the basic framework is more clearly spelled out in these proposed regulations.

Three respondents saw a need for greater technical assistance for CP; one suggested that city staff and/or other resources be available upon request for technical assistance. Paragraph (b)(3) requires the provisions of technical assistance to citizens and citizen organizations, where requested. However, the regulations permit the applicant to decide, given its resources, what form the assistance shall take.

One respondent favored a requirement in the Single Purpose Program for an adequate notice of public hearing. Paragraph (b)(4) addresses the provisions of adequate notice of public hearings.

Two commentors suggested that applicants should only have one hearing at the full application stage, while four opposed public hearings after the preapplication stage unless the project description or location changes substantially. One favored strengthening CP at the final application stage by enumerating specific actions that are to be accomplished, including the number of meetings to be held, topics to be covered or discussed, and the type of information to be published concerning the applications.

HUD has weighed these comments with its experience in attempting to assure meaningful CP. The proposed

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rule requires two public hearings each at the preapplication stage and the application stage, in paragraph (b)(6). Public comments and views must be solicited and citizens involved at all stages of the process. Full public access to program records and information is provided for at paragraph (b)(7).

Citizen advisory boards should be required with the majority of members representative of the jurisdiction's low and moderate income target areas, one commentor suggested. Paragraph (b)(11) provides for substantial representation by low- and moderate-income persons and minorities on any advisory committee, where one has been established.

Citizen advisory boards are not mandated, but where they are organized, low- and moderate-income persons and minorities must be substantially represented, as stated in paragraph (b)(11).

HUD encourages communities to consider creating advisory boards where their existence would make the process more meaningful, but feels it would be unwise to mandate advisory boards.

One commentor favored elimination of the requirement that a multiyear grantee hold a hearing for subsequent applications under a multiyear commitment if the program was not altered. Two commentors favored one presubmission hearing each year to review the performance and solicit public commentary with respect to new programs and/or possible amendments to existing programs. Paragraph (c)(iii) provides for at least one public hearing for the second and/or third year submissions under a multiyear commitment.

Paragraph (c)(5) details the conditions under which citizens may submit objections to HUD approval of a preapplication or application. Paragraph (c)(6) provides for citizens to submit comments to the HUD Area Office concerning the applicant's failure to comply with CP requirements.

In summary, HUD believes that these new regulations are clearer and have structured a reasonable balance between prescribing requirements in the process and encouraging local creativity in meeting individual circumstances to make citizen participation meaningful.

Section 570.432 Single purpose grants for imminent threat to public health or safety.

Paragraph (c) has been changed to delete the requirement for environmental reviews for Single Purpose applications which are for imminent threat to the public health or safety, in accordance with the provisions of the environmental regulations at 24 CFR 58.21(b)(6).

One commentor stated that applicants ought to know and be able to contact directly the "appropriate authority." The "appropriate authority" will vary depending on the applicants's State and its problem. HUD Area Offices are able to provide this information.

Section 570.433 HUD review and actions on full applications for single purpose and comprehensive grants.

Paragraph (b)(2), *Criteria for conditional approval,* has been expanded to incorporate § 570.311(f) (1) and (2). However, an applicant for a Small Cities Program grant that has not met the capacity and performance criteria of § 570.423(c) would not be selected for funding; therefore § 570.311(f)(3) is inappropriate to the Small Cities Program and has not been included in this section.

Paragraph (b)(3), *Criteria for disapproval of an application,* has been expanded to incorporate § 570.311(c). Section 570.311(c)(2)(ii) deals with the requirement that the application must address deteriorated housing in at least one concentrated area. This requirement is not appropriate for all Small Cities applicants, and has not been included in this section.

Paragraph (b)(3)(i) is added and provides for disapproval of an application if information obtained based on a field review or from other sources requires rerating of a preapplication and results in a rating no longer sufficiently high to warrant approval when compared with other preapplications in the competition.

The reference to § 570.302(b)(2) contained in § 570.311(c)(2)(iii) has been changed to § 570.420(k) in paragraph (b)(3)(iii)(B) to meet the requirements of the Small Cities Program dealing with benefit to low- and moderated-income persons.

One respondent to the ANPR favored allowing preparation costs of preapplications as eligible expenditures. Paragraph (b)(4), *Letter to proceed,* authorizes the applicant to incur costs for certain activities. The Housing and Community Development Act of 1974, as amended, does not authorize preparation costs of a preapplication as an eligible expenditure.

Section 570.434 Program amendments for single purpose and comprehensive grants.

Paragraph (b)(1), *Comprehensive Grant,* has been expanded to incorporate the referenced conditions in § 570.312(b) whereby an applicant must request HUD approval for amendments to its Housing Assistance Plan.

Two commentors suggested that this section be clarified so that an applicant can better understand what constitutes an amendment and in what manner the activities and budget figures can be revised. HUD wishes to retain flexibility at the Area Office level to deal with the wide variety of changes facing grantees. Grantees are encouraged to contact their Area Offices in specific cases.

Section 570.435 Modified OMB circular No. A-95 procedures for the small cities program.

Eight respondents would support elimination of concurrent submission of the preapplication and require its submission to clearinghouses approximately 30 days prior to its submission to HUD.

To provide for submission of a preapplication to clearinghouse review prior to submission to HUD would require addition of a minimum of 60 days to allow for clearinghouse review, response, and to permit time for the applicant to resolve any adverse comments. This would add a comparable length of time to the overall review process, and further delay the process of getting funds to selected applicants. Section 570.435(a)(2) urges the applicant to contact clearinghouses early in the preapplication planning process to obtain their input. This procedure, in conjunction with the provision in the regulations that HUD will not make a decision on the preapplication until 45 days following preapplication filing deadline allows the clearinghouse up to 105 days to have a substantial impact on the content of the preapplication.

One commentor stated that some clearinghouses gave a detailed review of projects before they were sent to HUD, often eliminating several from the HUD competition. This expanded review is not the case for all clearinghouses and consequently has the effect of "punishing" some of its member communities by not giving blanket approvals and letting HUD make a determination as to whether the community's project is fundable.

Negative comments by a clearinghouse do not preclude an applicant from submitting a preapplication to HUD. However, the applicant must state what action it plans to take as a result of adverse comments by the clearinghouse, as reqired by § 570.435(b)(3).

A phrase has been added to paragraph (a)(2) urging applicants to contact the appropriate clearinghouse during the early planning stages of the preapplication and application.

Paragraph (c), *A-95 procedures for applications,* has been clarified to include a reference to the annual submission of a multiyear application.

I. To reflect the changes in paragraph headings, the Table of Contents for Part § 570, Subpart F, is amended to read as follows:

Subpart F—Small Cities Program

Sec.
570.420 General.
570.421 Preapplications and applications by States and counties; joint preapplications and applications.
570.422 State participation. [Reserved]
570.423 Comprehensive Grant program general requirements.
570.424 Selection system for comprehensive grants.
570.425 Preapplications for comprehensive grants.
570.426 Applications for comprehensive grants.
570.427 Single Purpose Grant program general requirements.
570.428 Selection system for single purpose grants.
570.429 Preapplications for single purpose grants.
570.430 Applications for single purpose grants.
570.431 Citizen participation requirements for Comprehensive and Single Purpose Grants.
570.432 Single purpose grants for imminent threat to public health or safety.
570.433 HUD review and action on full applications for single purpose and comprehensive grants.
570.434 Program amendments for single purpose and comprehensive grants.
570.435 Modified OMB Circular No. A-95 procedures for the Small Cities Program.

II. Part 570, Subpart F is proposed to read as follows:

Subpart F—Small Cities Program

§ 570.420 General.

(a) *Scope and Applicability.* This Subpart describes the Small Cities Program's policies and procedures. Funds for this Program are those provided through the metropolitan and nonmetropolitan balances described in § 570.104(c) in Subpart B of this Part. Except as modified in this Subpart, the policies and procedures set forth in Subparts A, B, C, J, K, and O of this Part, as well as those Sections of Subpart D of this Part which are specifically cited in this Subpart, apply to the Small Cities Program. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this Subpart.

(b) *Program Objectives.* The Small Cities Program provides grants to States and units of general local government in both metropolitan and nonmetropolitan areas to undertake the same community development activities as may be funded in the entitlement grant program. The Small Cities Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty and whose applications most adequately address locally-determined needs of low- and moderate-income persons, consistent with one or more of the following purposes.

(1) Support realistic and attainable strategies for expanding low- and moderate-income housing opportunities;

(2) Promote expansion of housing choice for low- and moderate-income families outside areas of minority and low- and moderate-income concentrations;

(3) Promote more rational land use;

(4) Provide increased economic opportunities for low- and moderate-income persons;

(5) Correct deficiencies in public facilities which affect the public health or safety, especially of low- and moderate-income persons.

(c) *Eligible applicants.* Eligible applicants are States and units of general local government, excluding metropolitan cities, urban counties, units of government which are participating in urban counties or metropolitan cities, even if only part of the participating unit of government is located in the urban county or metropolitan city, and Indian tribes eligible for assistance under Section 107(a)(7) of the Act. An application may be submitted individually, jointly, or by a county or State in behalf of other units of general local government.

(d) *Types of grants.* Recognizing that needs of communities vary widely, the Small Cities Program has two types of grants—Comprehensive and Single Purpose.

(e) *Distribution of funds between Comprehensive Grants and Single Purpose Grants.* Within both the metropolitan and nonmetropolitan balances for each Area Office's jurisdiction, 25 to 35 percent of the funds are reserved for Single Purpose Grants, with the remainder reserved for Comprehensive Grants. Exceptions to these percentages may be made where there is insufficient demand for Comprehensive Grants to justify a 65 percent reservation or where the demand for Comprehensive Grants justifies a reservation of more than 75 percent. In determining the demand for Comprehensive Grants, the Area Office shall consider the quality of projects, based on application of the selection criteria contained in these regulations.

(f) *Size of grants.* (1) Ceilings within the metropolitan and nonmetropolitan areas of each Area Office's jurisdiction. HUD may establish general ceilings per applicant for both Single Purpose and Comprehensive Grants Separate ceilings may be established for Comprehensive Grants with multiyear commitments, or joint applications, or for applications in behalf of other units of government.

(2) *Individual grant amounts.* Both Single Purpose and Comprehensive Grants for specific grantees will be provided in amounts commensurate with the size of the applicant and the applicant's program. In determining appropriate grant amounts for each applicant, HUD may consider an applicant's population, need, proposed activities, ability to carry out the propose program, and previous funding levels.

(g) *Restrictions on applying for grants.* Each unit of general local government, except counties, may apply for a Comprehensive or a Single Purpose Grant, but not both, in each fiscal year. As described in § 570.421, a State or a county may apply for two grants, one Single Purpose and one Comprehensive, if one or both of the applications are in behalf of one or more units of general local government within its jurisdiction. In each fiscal year, each unit of general local government, except counties, may by included in only one application, either individual, joint, or as part of a county or State application in its behalf. In addition, applicants may apply for imminent threat grants, as described in § 570.432. A preapplication for a Comprehensive Grant which does not meet the definition of a comprehensive program may be considered for a Single Purpose Grant.

(h) *Method of selecting grantees.* (1) HUD has established national selection and rating systems for both Comprehensive and Single Purpose Grants which identify the criteria used in selecting among applicants. Preapplications are required for both types of grants. These are divided into metropolitan and nonmetropolitan pools for both types of grants and rated and ranked pursuant to §§ 570.424 and 570.428, respectively. Applicants must include sufficient information in the preapplication to permit HUD to rate the preapplication against the various selection criteria (except the needs factors described in § 570.424 (a) and (b) and in § 570.428 (a) and (b)), and must advise HUD of the source of information and the method used to compile the information for the preapplication. Existing sources of information, such as

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areawide analyses. State plans or needs assessments and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the preapplication. Decisions made by HUD in selecting grantees are documented and made available to the general public upon request.

(2) HUD shall establish deadlines for submission of preapplications by publication of a Notice in the Federal Register.

(i) *Data.* Data used in this Subpart with respect to the needs factors (§ 570.424(a)–(b) and § 570.428(a)–(b)) is from the United States Bureau of the Census. HUD uses the most recent Census data which is consistent as of the same point or period in time for all data elements in each needs factor and which can be applied to all potential applicants in the nonmetropolitan or metropolitan areas of the State. To be included in the data compilations, geographic information (such as new incorporations, consolidations of governments, annexations, and other boundary changes) related to this data must be available to the bureau of the Census 90 days prior to the beginning of the fiscal year for which the preapplication is submitted. However, a HUD Regional office may authorize the use of updated data developed by a State agency for the entire nonmetropolitan area or all metropolitan areas of the State in lieu of Federal census data if the following criteria are met:

(1) The data have been updated in such a manner that they can be applied to all potential applicants in the nonmetropolitan or metropolitan areas of a State:

(2) The data are generally available and can be verified by HUD;

(3) The data can be submitted in a usable form no later than 30 days prior to the deadline for submission of preapplications.

(j) *Previous audit findings and outstanding monetary obligations.* HUD shall not accept a preapplication from an applicant or a preapplication in behalf of a unit of general local government that has an outstanding audit finding for any HUD program or has an outstaning monetary obligation to HUD. Waivers to this prohibition may be provided by the Regional Administrator, but in no instance shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made.

(k) *Program Design.* The program as a whole must principally benefit low- and moderate-income persons and directly impact on the applicant's needs. In addition, the selection process of the Small Cities Program is heavily weighted toward those programs which have the greatest benefit to low- and moderate-income persons. All activites contained within such programs must either benefit low- and moderate income persons, or aid in the prevention or elimination of slums or blight, or meet other community development needs having a particular urgency.

§ 570.421 Preapplications and applications by States and counties; joint preapplications and applications.

(a) *General.* A State or a county may apply for two grants, one Single Purpose and one Comprehensive, if one or both of the applications are in behalf of one or more units of general local government within its jurisdiction. For purposes of this section, the term "county" does not include urban counties.

(b) *Preapplications and applications in behalf of others.* A State or county which submits a preapplication and application in behalf of one or more units of government shall execute a written cooperation agreement between itself and each participating unit of government. The agreement must be submitted with the preapplication.

The purpose of the cooperation agreement is to delineate the responsibilities and authorities of the State or county applicant and the participating unit of government with respect to the Small Cities preapplication, application, and grant. The agreement must be approved in accordance with local law and provide that the State or county and the participating unit will cooperate in undertaking the grant program, including implementing the Housing Assistance Plan and the certifications submitted with the application. The agreement may include other responsibilities and obligations to which the State or county applicant and the participating unit of government agree. The State or county applicant is responsible for ensuring compliance with all laws, regulations, and Executive Orders applicable to the Community Development Block Grant program.

(c) *Joint preapplications and applications.* Units of general local government, including counties, may submit a joint preapplication and application which addresses common problems faced by the jurisdictions. A joint preapplication and application must address a common problem, the solution to which requires the mutual action of the joint applicants.

A joint preapplication and application must be pursuant to a written cooperation agreement submitted with the preapplication. The purpose and the content of this cooperation agreement is the same as described in § 570.421(b). In addition, this cooperation agreement must authorize one of the participating units of governments to act as the applicant which will submit the preapplication and application to HUD.

(d) *Limits on applying for assistance.* A unit of general local government included in a preapplication and an application submitted by a State or county in its behalf, or included in a joint preapplication and application, may not otherwise apply for assistance under this Subpart.

(e) *Data considerations.* With respect to a county or State preapplication in behalf of itself, data used to rate the needs factors (§ 570.424(a)–(b) and § 570.428(a)–(b)) is that of the entire unincorporated area of the county or counties in which activities are to take place. However, HUD may use data at the town or township level where it is available for unincorporated areas and is applied to all counties in the nonmetropolitan or metropolitan areas in the State. If the applicant proposes activities in a metropolitan city or an urban county, data from the entire unincorporated area of the applicant is used. Data from the metropolitan city or urban county is not used. With respect to a county or State preapplication in behalf of an incorporated place, data from the incorporated place is used to rate the needs factors. When a preapplication is in behalf of more than one other unit of government, data from each is aggregated.

For joint preapplications, data from each participating unit is aggregated.

(f) *Housing Assistance Plans.*

(1) If there is a HUD-approved Housing Assistance Plan for a unit of general local government in which the State or county intends to carry out activities, the State or county may satisfy its Housing Assistance Plan requirements by indicating its support of the existing plan.

(2) For joint applications and applications in behalf of units of general local government, the Housing Assistance Plan (HAP) must relate to each unit of government in which activities are to be carried out. The plan must be adopted by each unit of general local government included in the application and must be consistent with any other HAP applicable to these jurisdictions.

(g) *Activities outside an applicant's boundaries.* Applicants may conduct eligible block grant activities outside their boundaries provided that nonmetropolitan funds may only be used in nonmetropolitan areas, and metropolitan funds may only be used in metropolitan areas. These activities must be demonstrated to be appropriate to meeting the applicant's needs and objectives and must be consistent with State and local law. This provision includes using funds provided under this Subpart in a metropolitan city or an urban county.

§ 570.422 State participation. [Reserved]

§ 570.423 Comprehensive Grant program, general requirements.

(a) *Definition.* A comprehensive program must meet all of the following criteria:

(1) Address a substantial portion of the identifiable community development needs within a defined concentrated area or areas;

(2) Involve two or more activities that bear a relationship to each other, excluding administration, planning, and management, and which either in terms of support or necessity are carried out in a coordinated manner;

(3) Have beneficial impact within a reasonable period of time; and

(4) Be developed through assessment of the applicant's community development, housing, and economic needs.

Exceptions to the requirement that the activities be concentrated within a defined area or areas may be made if the applicant can demonstrate to HUD's satisfaction that the proposal represents a resonable means of addressing the needs identified.

(b) *Funding Commitments.*

(1) HUD may make commitments of up to three years for a Comprehensive Grant program, subject to the availability of appropriations. In determining the number of years for which a commitment is made. HUD shall consider the nature of the program proposed, the previous performance of the applicant, including both community development and housing: the capacity of the applicant to carry out the program proposed: the scheduling of the program: and the year-by-year fund requirements. Special consideration for funding commitments beyond one year are given to those applicants currently carrying out a Comprehensive Grant program and subject to the hold-harmless phase out provisions of Section 106(h) of the Housing and Community Development Act of 1974, as amended.

(2) Grant requests either by themselves or in combination with other stated funding sources, must be sufficient to complete the program described.

(3) Once an applicant is selected for a multiyear commitment and funds are available, it does not compete in the selection process for funding during subsequent years of its commitment. Funds are provided in the subsequent fiscal years after:

(i) The grantee submits the annual submission of a multiyear application described in § 570.426(i), including an assessment of its performance for each prior grant which addresses the capacity and performance considerations described n § 570.423(c), and HUD determines that the annual program is consistent with that described in the original application or has been properly amended pursuant to § 570.434.

(ii) HUD determines that the grantee's performance is adequate. Performance determinations are based on the criteria described in § 570.423(c).

(iii) HUD approves the application under the provisions of § 570.433.

(c) *Capacity and performance: threshold considerations for grant approval.* No grant is made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the date the preapplication is due in the Area Office and may be the basis for disapproving or rejecting a preapplication from further consideration. In determining whether an applicant has performed adequately, HUD examines the applicant's performance in the following areas:

(1) *Community development activities.* Compared with the applicant's schedule or schedules submitted in each previously funded application:

(i) The rate of progress achieved in moving activities into execution; and

(ii) The rate of expenditure and obligation of community development funds.

(2) *Housing assistance.* (i) The actual progress achieved in meeting goals established under an approved Housing Assistance Plan;

(ii) Absent achievment of such goals, the actions taken by the community to facilitate the provision of housing assistance for low- and moderate-income persons, such as:

(A) Removal of impediments such as restrictive zoning or building codes;

(B) Changes in land use to facilitate construction;

(C) Provision of sites and/or necessary infra-structure;

(D) Organization of a housing authority or other similar entity;

(E) Development of a Section 701 land use or housing element.

(3) *Compliance with applicable laws and regulations.* (i) The applicant's compliance with the laws, regulations, and Executive Orders applicable to the Community Development Block Grant program;

(ii) Resolution of findings made as a result of HUD monitoring; and

(iii) Resolution of audit findings.

§ 570.424 Selection system for comprehensive grants.

Preapplications are rated and scored against each of the following eight factors. All points for each factor are rounded to the nearest whole number. The maximum score possible is 1000 points.

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Program factor—impact of the proposed program	400
(d) Benefit to low- and moderate-income persons	200
(e) Performance:	
Housing	100
Local equal opportunity efforts	50
(f) Areawide Housing Opportunity Plan (AHOP)	50
(g) Hold-harmless phaseout communities	25
(h) State's rating	25

Preapplications from counties in behalf of themselves, States in behalf of themselves or in behalf of counties, or joint preapplications in which a county is participating, are socred separately with respect to the needs factors of § 570.424(a)–(b).

(a) *Need—absolute number of poverty persons (100 points).* All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 100.

(b) *Need—percent of poverty persons (50 points).* All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 50.

(c) *Program factor—impact of the proposed program (400 points).* Each applicant shall select four program design criteria from among the following eleven. HUD shall measure the impact of the program on low- and moderate-income persons for each of the program design criteria selected, based on the results to be achieved in relation to the amount of funds requested, the number of persons to benefit from the program, the nature of the benefit, additional

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actions that may be necessary to fully resolve the need, previous actions taken by the applicant to address the need, whether displacement will be involved and what steps will be taken to minimize involuntary displacement and to mitigate its adverse effects or related hardships, environmental considerations, and where appropriate, site selection standards. Each applicant must use specific measurable terms to explain how its program benefits low- and moderate-income persons.

(1) *Program design criteria.*

(i) Supports comprehensive neighborhood conservation, stabilization, and/or revitalization.

(ii) Provides housing choice on a regional basis; or implements a HUD-approved Areawide Housing Opportunity Plan.

(iii) Provides housing choice within the community which is outside areas with concentrations of minorities and low- and moderate-income persons.

(iv) Supports the expansion of housing by providing additional standard housing units not previously available.

(v) Addresses a serious deficiency in a community's public facilities.

(vi) Expands or retains employment opportunities.

(vii) Attracts or retains businesses which provide essential services.

(viii) Removes slums or blighted conditions.

(ix) Resolves a serious threat to health or safety.

(x) Supports other Federal programs being undertaken in the community or deals with the adverse impact of other recent Federal actions. The other Federal program or action must be of substantial size or impact in the community in relation to the proposed program.

(xi) Supports energy production and conservation.

(2) *Rating and ranking methods.* This factor requires a two-step rating process. First, the potential of the proposed programof activities to achieve the results intended by each selected criterion when considered in relation to other communities addressing the same criterion is assessed and a numerical value assigned, based on the following:

The results would have insignificant impact	0
The results would have minimal impact	2
The results would have a moderate impact	4
The results would have a substantial impact	8

After each of the four criteria selected by an applicant is rated and values assigned, the total is added (Program Impact Score Maximum is 32). Then, the actual points are determined by dividing each applicant's Program Impact Score by the highest Program Impact Score achieved by any applicant and multiplying the result by four hundred.

(d) *Benefit to low- and moderate-income persons (200 points).* All applicants are compared in terms of the percent of funds benefitting low- and moderate-income persons. Determining the percentage of funds benefitting low- and moderate-income persons requires three steps. First, the amount of funds to benefit low-and moderate-income persons for each activity is determined by dividing the number of low- and moderate-income persons by the total number of persons to benefit from the activity and multiplying by the amount of Small Cities Program funds requested for that activity. Then, these amounts for each activity are added and divided by the total amount of requested Small Cities Program funds. This number multiplied by 100 is the percentage of funds benefitting low- and moderate-income persons. Costs of planning, management, and administration may not be included in this computation.

HUD obtains individual scores by dividing each applicant's percentage by the highest percentage achieved by any applicant and multiplying the results by 200. The appropriate median income amounts for low- and moderate-income are supplied by HUD. Where appropriate, HUD may modify the geographic area used in the definition of low- and moderate-income persons at § 570.3 (o) and (p).

(e) *Performance in housing and equal opportunity (150 points)*—(1) *Housing efforts (100 points).* (i) Fifteen points for each of the following criterion are awarded to each applicant that demonstrates outstanding performance in:

(A) providing housing for low- and moderate-income families located in a manner which provides housing choice in areas outside of minority and low- and moderate-income concentrations; or if the community is predominantly inhabited by persons who are members of minority and/or low-income groups, HUD shall assess the extent to which Federally-assisted housing is distributed throughout the community.

(B) integrated occupancy by race and ethnicity in assisted housing projects and, if the applicant has a Section 8 Existing Housing Program, evidence of locational choice in the Section 8 Existing Housing Program.

(C) active enforcement of a fair housing ordinance at least equivalent in scope and coverage to Title VIII of the Civil Rights Act of 1968.

(D) implementation of a HUD-approved New Horizons Fair Housing Assistance Project (or demonstrated participation in a HUD-approved county-State/regional New Horizons Project) or a fair housing strategy that is equivalent in scope to a New Horizons Project.

(ii) Twenty points for each of the following criterion are awarded to each applicant that demonstrates outstanding performance in:

(A) meeting its large family housing assistance needs in relation to that proportion of need.

(B) carrying out housing assistance goals from previous HAP(s) or, if the applicant has no prior HAP, meeting a significant proportion of its housing assistance needs.

(2) *Local Equal Employment and Entrepreneurial Efforts (50 points).* (i) Twenty-five points are awarded to each applicant that demonstrates that its percentage of minority permanent, full-time employees is greater than the percentage of minorities within the county for nonmetropolitan applicants, or within the SMSA for metropolitan applicants, unless the percentage of minority population in the community itself exceeds that of the county or SMSA, in which case minority employment must generally reflect minority population of the community.

(ii) Twenty points are awarded to each applicant that demonstrates that at least five percent of all its contracts based on dollar value have been awarded within the past two years to minority owned and controlled businesses, providing the applicable percentage of minority population is five percent or less. If the applicable percentage of minority population exceeds five percent, then the applicant must have a corresponding percentage of its contracts awarded to minority businesses; however, twenty percent of the total dollar value of its contracts awarded to minority business enterprise will be sufficient for award of points for any applicant. The applicable percentage of minority population is the percentage of minorities in the applicant's jurisdiction, or in the county for nonmetropolitan applicants, or in the SMSA for metropolitan applicants, whichever is higher.

(iii) Five points are awarded to each applicant that demonstrates that at least five percent of its deposits from all sources measured as an average daily balance over the past year have been deposited in a minority owned and controlled financial institution. the year measured is the year ending the date the preapplication is due in the HUD Area Office.

(f) *Areawide Housing Opportunity Plan (50 points).* Fifty points are awarded to each applicant that is in its first year of participation in a HUD-approved Areawide Housing Opportunity Plan (AHOP). Each applicant which has been a participating jurisdiction in a HUD-approved AHOP for more than one year is awarded the fifty points if the areawide planning organization with the approved AHOP certifies that the applicant is adequately carrying out its responsibility to implement the AHOP. An applicant which is a participating jurisdiction in an AHOP but which is not adequately fulfilling its commitments to implement the AHOP is awarded zero points. The time period considered is measured from the date of written HUD approval of the AHOP to the date the preapplication is due in the HUD Area Office.

The Area Office may reject the certification by the areawide planning organization if there are data or facts available to the Area Office which indicate that a community is not carrying out its responsibility to implement the AHOP.

(g) *Hold-Harmless Provisions (25 points).* Twenty-five points are awarded to a community which is currently carrying out a comprehensive community development program and which is subject to the phase-out provisions of Section 106(h) of the Housing and Community Development Act of 1974, as amended.

(h) *State's rating (25 points).* The State may recommend award of zero to 25 points to each applicant, except itself, whose program implements a State growth or resource coordination strategy or enhances the community's position as a regional center of economic development, as determined by the State. The State may take into consideration regional growth or resource coordination strategies. The State must submit its recommendation within 45 days after the date preapplications are due in the Area Office. If the State's recommendation is not received within 45 days or if the State chooses not to recommend point awards, each applicant is awarded zero points.

(i) *Final ranking.* The points received by each applicant on the eight rating factors are totaled and the preapplications ranked according to the point totals. Invitations for full applications are based on this final ranking to the extent funds are available. However, if an Area Office made a procedural error in the previous year's competition, that, when corrected, would have resulted in awarding sufficient points to warrant an invitation to an applicant, HUD may invite that applicant, if otherwise eligible, to submit a full application for current year funding. HUD may invite additional applications on a stand-by basis in the event one of the higher ranked preapplications is not approved, or additional funds become available.

§ 570.425 Preapplications for Comprehensive Grants.

(a) *Submission requirements.* Preapplications shall be submitted in a form prescribed by HUD to the appropriate Area Office and shall consist of the following:

(1) Standard Form 424, as prescribed by OMB Circular A–102;

(2) A program narrative statement which consists of the following:

(i) A brief description of the applicant's community development problems/needs to be served by the proposed program; and identification of the criteria for selection to be addressed by the program;

(ii) A description of the program to be carried out with assistance under this Subpart and an estimate of the cost of the proposed activities;

(iii) Information that demonstrates the impact the proposed program will have on the design criteria being addressed;

(iv) An analysis of the amount of funds that will be used to benefit low- and moderate-income persons. The analysis shall indicate the total number of persons to be served, the number of persons that meet the definition of low and moderate income, how such low- and moderate-income persons are served, and the nature of the benefit; and

(v) Other information appropriate to respond to the other criteria for selection set forth in § 570.424.

(3) A certification assuring compliance with all the citizen participation requirements of § 570.431(c)(1).

(4) A map of the applicant's jurisdiction which clearly identifies:

(i) census tracts and/or enumeration districts;

(ii) location of the proposed activities;

(iii) extent and locations of minorities; and

(iv) extent and locations of low- and moderate-income persons.

(5) *Performance reporting.* If the applicant has received prior assistance under this Part, an assessment of performance under prior grants, addressing the capacity and performance considerations described under § 570.423(c).

(b) *Submission of additional data.* Only data submitted by the deadline for submission of preapplications is considered in the selection process, unless specifically requested by HUD in writing. All other data received after the deadline will be returned to the applicant.

§ 570.426 Applications for Comprehensive Grants.

(a) *Community Development and Housing Plan Summary.* Each applicant shall submit in a form prescribed by HUD a summary of its three year community development and housing plan which identifies its community development and housing needs, describes a comprehensive strategy for meeting those needs, and specifies both short- and long-term objectives to be met by the strategy. The community development and housing plan summary shall include:

(1) *A narrative summary* of the applicant's community development and housing needs, particularly those of low- and moderate-income households and any special needs of indentifiable segments of the total group of lower income persons. The narrative shall include a brief description of the major needs for neighborhood revitalization, for community facilities and public improvements, for housing, and for economic development needs.

(2) *Comprehensive strategy.* The applicant shall describe how it proposes to meet its identified community development and housing needs, particularly those of low- and moderate-income households residing in or expected to reside in the community and any special needs of identifiable segments of the lower income population. The provision of all improved community facilities and public improvements, including supporting health, social and similar services where necessary or appropriate, shall be described in a manner that fully ensures opportunity for participation by, and benefits to, the handicapped. The strategy shall include the following components:

(i) *Communitywide component* which describes the development strategy of the applicant, the major objectives the applicant seeks to accomplish, the priorities it has established, and the factors it has taken into account in selecting areas for treatment and designing programs to meet identified needs.

(ii) *Neighborhood revitalization* shall include the strategy for maintaining and preserving viable neighborhoods and for upgrading neighborhoods affected by blight and deterioration. The strategy shall emphasize the actions to be taken that will improve conditions for low- and moderate-income persons residing in or expected to reside in the community.

(iii) *Housing.* (A) Describe a communitywide strategy to improve housing conditions and to meet the housing assistance needs that have been

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identified. The strategy shall include a Housing Assistance Plan as described in § 570.306. It shall include the strategy for any programs to be carried out on a communitywide basis, such as provision of rehabilitation financing for low- and moderate-income persons or elimination of detrimental conditions; regulatory and other actions proposed to foster housing maintenance and improvements; strategy for increasing the choice of housing opportunities for low- and moderate-income persons, including members of minority groups and female-headed households, efforts to achieve expanded housing opportunities and actions to affirmatively further fair housing; and any community facilities and improvements to be provided in furtherance of the applicant's housing strategy and to assure accomplishment of goals for assisted housing.

(B) When displacement or other hardships to low- and moderate-income persons will result from Community Development Block Grant funded acquisition, demolition, code enforcement, and rehabilitation, the strategy shall describe what steps will be taken to minimize involuntary displacement and to enable displaced persons to relocate in the same neighborhood if they prefer.

(3) *Economic development.* A description of the applicant's strategy for economic development is required from applicants that propose block grant funded economic development activities. The strategy shall include a description of:

(i) *Major needs* for economic development in the locality;

(ii) *The activities proposed* to further economic development and to attract private investment including the coordination of block grant funded activities with other local actions and a timetable for provision of other Federal and State resources.

(iii) *The number and types of permanent jobs* expected to result from economic development projects, particularly jobs for unemployed or underemployed population groups and low- and moderate-income persons, and the types and extent of any job training which will be provided to such residents.

(iv) *Evidence of financial commitments or interest by developers* in new or expanded employment facilities. In the absence of commitments, the city may supply feasibility studies or other documents evidencing the marketability of new or expanded employment facilities.

(b) *Project summary.* All applicants shall, after consideration of appropriate environmental factors, describe the project that will be undertaken which includes:

(1) A description of the project which states its purpose, location, the sequence of activities, and duration of the project;

(2) Whether the project or activity principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community needs having a particular urgency;

(3) A description of the activities which comprise each project, and their estimated costs and timing;

(4) The amounts and sources of other public funds and private investments anticipated to be provided;

(5) Anticipated accomplishments.

(c) *Three year project summary.* In addition to the project summary required under paragraph (b) for the first year increment of a multiyear grant, multiyear applicants shall also submit a three year project summary. It shall consist of a tabular summary of the projects proposed to be carried out with block grant funds during the period of the multiyear commitment to implement the applicant's comprehensive strategy, grouped by location, the anticipated timing, the goals to be accomplished, the population benefitting, and the estimated block grant and other funds to be provided, and indicating whether the activity principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meets other community development needs having a particular urgency.

(d) *Cost summary.* All applicants shall submit a cost summary. Applicants requesting multiyear funding commitments should indicate only those costs associated with the annual community development program for which grant funds are being requested. All other applicants should show the full costs of their program for which grant funds are requested.

(e) *Housing Assistance Plan.* All applicants for Comprehensive Grants shall submit a Housing Assistance Plan in accordance with § 570.306 of Subpart D.

(f) *Certifications.* The certifications required by § 570.307 of Subpart D shall be submitted by all comprehensive applicants except that § 570.430(f)(1)–(6) shall apply in lieu of § 570.307(d).

(g) *Map requirements.* Maps must be submitted which include the following information identified by census tract (or enumeration district), or geographic quadrant of the community where census tracts or enumeration districts are either not available or include a substantial area, such as an entire community:

(1) Extent and location of low- and moderate-income persons;

(2) Extent and location of minority residents;

(3) Locations of the proposed activities described in the project summary and, if applicable, the three year project summary;

(4) Service areas of the proposed activities, if applicable;

(5) The median income of the Census tracts in which the proposed activities are to be undertaken;

(6) General locations of proposed new or rehabilitated housing assistance;

(7) The extent and location of substandard and deteriorated housing;

(8) Defined concentrated areas, if any.

Maps should be clearly legible and all required maps submitted shall be of the same scale and cover the same areas. The applicant may submit supplementary maps of a different scale, at its discretion, where this will increase clarity. More than one type of information may be combined on one map if the information is clearly legible when combined.

Maps submitted with the preapplication which meet these requirements need not be resubmitted with the application.

(h) *Title VI compliance.* All applicants, except previous hold-harmless grantees and applicants applying for the second or third year increment of a multiyear Comprehensive Grant, shall submit, in a form prescribed by HUD, evidence of compliance with title VI of the Civil Rights Act of 1964. This enables HUD to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(i) *Multiyear applicants.*

(1) Applications for the second or third year increments of a HUD commitment for a multiyear grant shall consist of:

(i) A cost summary as required by paragraph (d);

(ii) Annual housing action program in accordance with § 570.306(b)(4);

(iii) Project summary as required by paragraph (b), for any activities to be funded;

(iv) Certifications as required by paragraph (f);

(v) An assessment of the grantee's performance for each prior grant which addresses the capacity and performance considerations described in § 570.423(c).

(2) *Establishment of application submission dates.* Area Offices shall establish individual dates for submission of each annual application of a multiyear commitment, but in no event may such a date be less than 45 days prior to the end of the fiscal year from which funds are requested.

§ 570.427 Single Purpose Grant program general requirements.

(a) *General.* A Single Purpose Grant provides funds for one or more projects consisting of an activity or a set of activities designed to meet a specific community development need. Funds are available to address serious problems with housing needs, or economic conditions which principally affect persons of low- and moderate-income, or public facilities which affect the public health and safety.

(b) *Projects.* Within a single preapplication, an applicant may seek funds for more than one project and for more than one problem area as long as the total grant request is within any established grant ceilings and individual grant amounts that is established. Each project is rated separately with respect to § 570.428 (c), (d), (g), and (h). Grants requested, either by themselves or in combination with other stated funding sources, must be sufficient to complete the program.

(c) *Performance Requirements.* A community which has previously participated in the Block Grant Program must satisfy the capacity and performance criteria described in § 570.423(c) before applying for another grant. Performance determinations are made as of the date the preapplication is due in the Area Office.

§ 570.428 Selection system for single purpose grants.

Preapplications are rated and scored against each of the following eight factors. All points for each factor are rounded to the nearest whole number. The maximum score possible is 1000 points.

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Program factor—impact of the proposed program	400
(d) Benefit to low- and moderate-income persons	200
(e) Performance:	
Housing	100
Local equal opportunity efforts	50
(f) Areawide Housing Opportunity Plan (AHOP):	
Applicant participating	50
(g) Other Federal programs	25
(h) State's rating	25

Preapplications from counties in behalf of themselves. States in behalf of themselves or in behalf of counties, or joint preapplications in which a county is participating are scored separately with respect to the needs factors of § 570.428(a)–(b).

(a) *Need—absolute number of poverty persons (100 points).* All applicants are compared in terms of the absolute number of poverty persons below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of poverty persons by the greatest number of poverty persons of any applicant and multiplying the result by 100.

(b) *Need—percent of poverty persons (50 points).* All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of poverty persons by the highest percentage of poverty persons of any applicant and multiplying the results by 50.

(c) *Program factor—impact of the proposed program (400 points).* Each applicant is compared to others addressing the same problem area and rated according to the impact its proposed project will have on the need identified. The intent of this factor is to select those projects which will have the most significant impact. In assessing impact, consideration is given to the results to be achieved in relation to the amount of funds requested, the number of persons to benefit from the program, the nature of the benefit, additional actions that may be necessary to fully resolve the need, previous actions taken by the applicant to address the need, whether displacement will be involved and what steps will be taken to minimize involuantary displacement and to mitigate its adverse effects and related hardships, environmental considering site selection standards where appropriate, and the nature of the activity.

(1) *Problem areas.* The problem areas described in the preapplication must address one of the following three categories:

(i) Housing.

(ii) Deficiencies in public facilities which affect the public health and safety.

(iii) Economic conditions.

Each applicant must use specific measurable terms to explain how its program impacts the problem area selected and benefits low- and moderate-income persons.

(2) *Rating method.* All projects addressing the same problem area are compared in terms of impact on the identified problem area, as follows:

The project would have insignificant impact	0
The project would have minimal impact	100
The project would have moderate impact	200
The project would have substantial impact	400

(d) *Benefit to low- and moderate-income persons (200 points).* All applicants addressing the same problem area are compared in terms of the percent of funds benefitting low- and moderate-income persons. Determining the percentage of funds benefitting low- and moderate-income persons requires three steps. First, the amount of funds to benefit low- and moderate-income persons for each activity is determined by dividing the number of low- and moderate-income persons by the total number of persons to benefit from the activity and multiplying by the amount of Small Cities Program funds requested for that activity. Then, these amounts for each activity are added and divided by the total amount of requested Small Cities Program funds. This number multiplied by 100 is the percentage of funds benefitting low- and moderate-income persons. Cost of planning, management, and administration may not be included in this computation. HUD obtains individual scores by dividing each applicant's percentage by the highest percentage achieved by any applicant addressing the same problem area and multiplying the result by 200. The appropriate median income amounts for low- and moderate-income are supplied by HUD. Where appropriate, HUD may modify the geographic area used in the definition of low- and moderate-income persons at § 570.3 (o) and (p).

(e) *Performance in housing and equal opportunity (150 points)*—(1) *Housing efforts (100 points).* (i) Fifteen points for each of the following criterion are awarded to each applicant that demonstrates outstanding performance in:

(A) Providing housing for low- and moderate-income families located in a manner which provides housing choice in areas outside of minority and low- and moderate-income concentrations; or if the community is predominantly inhabited by persons who are members of minority and/or low-income groups, HUD shall assess the extent to which Federally-assisted housing is distributed throughout the community.

(B) Intergrated occupancy by race and ethnicity in assisted housing projects and, if the applicant has a Section 8 Existing Housing Program, evidence of locational choice in the Section 8 Existing Housing Program.

(C) Active enforcement of a fair housing ordinance at least equivalent in scope and coverage to Title VIII of the Civil Rights Act of 1968.

(D) Implementation of a HUD-approved New Horizons Fair Housing Assistance Project (or demonstrated participation in a HUD-approved county/State/regional New Horizons Project) or a fair housing strategy that is

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equivalent in scope to a New Horizons Project.

(ii) Twenty points for each of the following criterion are awarded to each applicant that demonstrates outstanding performance in:

(A) Meeting its large family housing assistance needs in relation to that proportion of need.

(B) Carrying out housing assistance goals from previous HAP(s) or, if the applicant has no prior HAP, meeting a significant proportion of its housing assistance needs.

(2) *Local Equal Employmnt and Entrepreneurial Efforts (50 points).* (i) Twenty-five points are awarded to each applicant that demonstrates that its percentage of minority permanent, full-time employees is greater than the percentage of minorities within the county for nonmetropolitan applicants, or within the SMSA for metropolitan applicants, unless percentage of minority population in the community itself exceeds that of the county or SMSA, in which case minority employment must generally reflect minority population of the community.

(ii) Twenty points are awarded to each applicant that demonstrates that at least five percent of all its contracts based on dollar value have been awarded within the past two years to minority owned and controlled businesses, providing the applicable percentage of minority population is five percent or less. If the applicable percentage of minority population exceeds five percent, then the applicant must have a corresponding percentage of its contracts awarded to minority businesses; however, twenty percent of the total dollar value of its contracts awarded to minority business enterprise will be sufficient for award of points for any applicant. The applicable percentage of minority population is the percentage of minorities in the applicant's jurisdiction, or in the county for nonmetropolitan applicants, or in the SMSA for metropolitan applicants, whichever is higher.

(iii) Five points are awarded to each applicant that demonstrates that at least five percent of its deposits from all sources measured as an average daily balance over the past year have been deposited in a minority owned and controlled financial institution. The year measured is the year ending the date the preapplication is due in the HUD Area Office.

(f) *Areawide Housing Opportunity Plan (50 points).* Fifty points are awarded to each applicant that is in its first year of participation in a HUD-approved Areawide Housing Opportunity Plan (AHOP). Each applicant which has been a participating jurisdiction in a HUD-approved AHOP for more than one year is awarded the fifty points if the areawide planning organization with the approved AHOP certifies that the applicant is adequately carrying out its responsibility to implement the AHOP. An applicant which is a participating jurisdiction in an AHOP but which is not adequately fulfilling its commitments to implement the AHOP is awarded zero points. The time period considered is measured from the date of written HUD approval of the AHOP to the date the preapplication is due in the Area Office. The Area Office may reject the certification by the areawide planning organization if there are data or facts available to the Area Office which indicate that a community is not carrying out its responsibility to implement the AHOP.

(g) *Other Federal programs [25 points).* Twenty-five points are awarded to each applicant which demonstrates that its proposed program supports other Federal programs being undertaken in the community or deals with the adverse impact of other recent Federal actions. The other Federal program or action must be of substantial size or impact in the community in relation to the proposed program.

(h) *State's rating (25 points).* The State may recommend award of zero to 25 ponts to each applicant, except itself, whose program implements a State growth or resource coordination strategy or enhances the community's position as a regional center of economic development, as determined by the State. The State may take into consideration regional growth or resource coordination strategies. The State must submit its recommendation within 45 days after the date preapplications are due in the Area Office. If the State's recommendation is not received within 45 days or if the State chooses not to recommend point awards, each applicant is awarded zero points.

(i) *Final ranking.* The points received by each applicant on the eight rating factors are totalled, and the preapplications ranked according to the point totals. Invitations for full applications are based on this final ranking to the extent funds are available. However, if an Area Office made a procedural error in the previous year's competition, that, when corrected, would have resulted in awarding sufficient points to warrant an invitation to an applicant. HUD may invite that applicant to submit a full application for current year funding. HUD may invite additional applications on a standby basis in the event one of the higher-ranked preapplications is not approved or additional funds become available.

§ 570.429 Preapplications for Single Purpose Grants.

(a) *Submission requirements.* Preapplications shall be submitted in a form prescribed by HUD, to the appropriate HUD Area Office and shall consist of the following:

(1) Standard Form 424, as prescribed by OMB Circular A–102.

(2) A program narrative statement which consists of the following:

(i) A brief description of the applicant's community development problems/needs to be served by the proposed activity(ies) and an identification of which of the three possible problem areas (housing, public facilities which affect the health or safety, or economic conditions) that the project(s) will address:

(ii) A description of the activity(ies) to be carried out with assistance under this Subpart and an estimate of the cost;

(iii) A statement describing the impact the activity will have on the problem area selected and the needs of low- and moderate-income persons.

(iv) A statement on the percent of funds requested that will benefit low- and moderate-income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(v) Other information appropriate to respond to the criteria for selection set forth in § 570.428, particularly information on the Performance and Other Factors.

(vi) A certification assuring compliance with the citizen participation requirements of § 570.431(c)(1).

(3) *Maps.* A map of the applicant's jurisdiction which identifies:

(i) Census tracts and/or enumeration districts;

(ii) Location of the proposed activities;

(iii) Extent and location of minoirities; and

(iv) Extent and location of low- and moderate-income persons.

(4) *Performance reporting.* If an applicant has received prior assistance under this Part, an assessment of performance under prior grants addressing the capacity and performance considerations described in § 570.423(c).

(5) *Submission of additional data.* Only that data received by the deadline established for preapplications will be considered in the selection process unless additional data are specifically requested, in writing, by HUD.

Unrequested material received after the deadline will be returned to the applicant.

§ 570.430 Applications for Single Purpose Grants.

(a) *Community Development Program.* All applicants must, after consideration of appropriate environmental factors, describe, in a form prescribed by HUD, the project that will be undertaken which includes:

(1) The activity or activities to be undertaken to meet the community development needs and objectives;

(2) The estimated cost of each activity; and

(3) Identification of other resources that will be used to address the needs and objectives.

(b) *Housing assistance plan.* All applicants are required to submit a Housing Assistance Plan. Applicants located within a county which is receiving a community development block grant may submit that county's Housing Assistance Plan in lieu of preparing a separate Plan, if it elects to assume its fair share of the housing assistance established as a goal by the county, and it can demonstrate in the application that the county's survey of housing conditions and assessment of housing assistance needs have incorporated information for the applicant. An agreement between the county and the applicant must be executed which identifies the applicant's fair share of the housing assistance goals and obligates the applicant to assume responsibility for its fair share.

(1) *Housing needs and goals.* (i) The applicant shall describe the condition of the housing stock in the community by tenure (renter or owner). Estimates shall be made of the vacancy rates for non-seasonal, available units in standard condition, using the best estimate at the time the application is prepared, but in no case including units to be vacant at a future date.

(ii) The applicant shall assess the housing assistance needs of lower-income households currently residing in the commuity by tenure and by household type (elderly and handicapped, family and non-elderly individuals, and large family), including any identifiable segment of the total group of lower income households in the community. Housing assistance needs of lower-income households expected to reside shall be assessed in accordance with § 570.306(b)(2)(ii).

(iii) The applicant shall propose a realistic goal to address the identified needs of lower-income households. The goal should specify the number of dwelling units or persons to be assisted by housing type (new, rehabilitated and existing units), by tenure, and by household type. The goal should address relative proportions of need insofar as practicable while providing for the development of feasible projects. The applicant shall describe the actions it plans to take to further fair housing for minorities and women pursuant to its certifications under § 570.307(1)(2).

(2) *HUD review of HAP.* Where substantial housing needs are identified pursuant to paragraph (b)(1) of this section. HUD may determine that a Housing Assistance Plan with only minimal goals is plainly inappropriate to meeting the applicant's needs. Housing types (new, rehabilitated or existing dwelling units) proposed to meet housing assistance needs should be established in relation to a community's housing market and should be realistic in terms of estimating the number and types of units which can be absorbed by the market within a reasonable period of time and provide for a balanced housing market. Any units proposed to be included in the HAP as goals for rehabilitation must meet, at a minimum, the Section 8 Existing Housing Quality Standards pursuant to 24 CFR 882.109, upon completion. Weatherization and other similar activites will not alone satisfy rehabilitation housing assistance goals.

(c) *Map requirements.* Maps must be submitted which include the following information identified by census tract (or enumeration district.) or geographic quadrant of the community where census tracts or enumeration districts are either not available or include a substantial area, such as an entire community;

(1) Extent and location of low- and moderate-income persons;

(2) Extent and location of minority residents;

(3) Locations of proposed activities;

(4) Service areas of the proposed activities, if applicable;

(5) The median income of the census tracts in which the proposed activities are to be undertaken;

(6) General locations of proposed new or rehabilitated housing assistance;

(7) Extent and location of substandard and deteriorated housing;

(8) Defined concentrated areas, if any.

Maps shall be clearly legible and all required maps submitted shall be of the same scale and cover the same areas. The applicant may submit supplementary maps of a different scale, at its discretion, where this will increase clarity. More than one type of information may be combined on one map if the information is clearly legible when combined.

Maps submitted with the preapplication which meet these requirements need not be resubmitted with the application.

(d) *Cost analysis.* The total cost of each activity must be identified as well as the amount of Single Purpose grant that will be used for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

(e) *Title VI compliance.* All applicants, except previous hold-harmless grantees shall submit, in a form prescribed by HUD, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables HUD to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(f) *Certifications.* The certifications required by § 570.307 of Subpart D shall be submitted by all single purpose applicants except that in lieu of § 570.307(d) the applicant shall certify that it:

(1) Has prepared and followed a written citizen participation plan that meets the requirements of 24 CFR 570.431(b);

(2) Has provided citizens with an opportunity to participate in the development of the Housing Assistance Plan;

(3) Has provided adequate notices of public hearings as required by the written plan;

(4) Has held hearings on the proposed application before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;

(5) Will provide for citizen participation when considering amendments to the Community Development Program and the Housing Assistance Plan; and

(6) Will provide for citizen participation in the planning, implementation and assessment of the Community Development Program including the development of the report on performance and the submission of views to the HUD Area Office.

§ 570.431 Citizen participation requirements for Comprehensive and Single Purpose Grants.

(a) *General.* Each applicant shall provide citizens with an adequate opportunity to participate in the planning, implementation and assessment of the program. The applicant shall provide adequate

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information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens, and provide citizens an opportunity to comment on the applicant's community development performance. Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its Community Development Plan.

(b) *Written Citizen Participation Plan.* To achieve these goals, each applicant shall prepare and follow a written citizen participation plan that serves as a citizens' guide to interacting with the block grant program in a meaningful way. The plan shall remain in effect until all activities assisted under this Subpart are completed or until it is superseded by a new plan. The plan must provide procedures that meet the following requirements:

(1) Provide a process of citizen participation at the communitywide level with regard to the overall application, the Community Development Program, and the assessment of performance where applicable.

(2) Solicit and respond in a timely manner, to views and proposals of citizens, particularly low- and moderate-income persons, members of minority groups, and residents of blighted areas where activities are proposed. Written responses shall be made to written proposals.

(3) Provide technical assistance to facilitate citizen participation, where requested. The level and type of technical assistance shall be determined by the applicant.

(4) Provide adequate notices of public hearings and the availability of the report on assessment of performance, where applicable, in a timely manner and in such a way as to make them accessible and understandable to all citizens, including non-English speaking persons. The plan must state the number of days prior to a hearing that a notice will be published.

(5) Schedule hearings to obtain citizen views and to respond to citizen proposals at times and locations which permit broad participation, particularly by low- and moderate-income persons, members of minority groups, handicapped persons, and residents of blighted neighborhoods and project areas.

(6) Conduct a minimum of two public hearings at both preapplication and application stages. A public hearing shall be held during both planning processes and a public hearing shall be held prior to the submission of both documents to the HUD Area Office. An exception is provided at paragraph (c)(2)(ii)(A) of this section for subsequent full applications under a multiyear commitment. Citizens shall be given an opportunity to assess performance under previous grants at at least one public hearing at both the preapplication and the full application stage.

(7) Provide full public access to program records and information and make affirmative efforts to get adequate information to citizens, especially persons of low- and moderate-income and residents of blighted neighborhoods and project areas. The citizen participation plan shall identify the information that will be made available to the public by the applicant.

(8) Involve citizens in amendments, including those not requiring prior HUD approval, budget revisions and changes to the Community Development Program and the Housing Assistance Plan. The methods by which citizens will be involved shall be described in the plan.

(9) Involve citizens in planning, implementing and assessing the Community Development Program and performance. The methods by which citizens and citizen organizations will be given the opportunity to assess and submit comments on the applicant's community development performance shall be described in the plan.

(10) Advise citizens of the bases and process to be used to submit objections to HUD to the approval of a preapplication or full application.

(11) Ensure low- and moderate-income persons and minorities substantial representation on any advisory committee.

(12) Provide bilingual opportunities at public hearings, when necessary.

(13) Provide written responses to written complaints generally within 15 working days.

(c) *Requirements for citizen participation in each stage of the application process*—(1) *Preapplication Stage.* The objective of citizen participation at this stage is to provide for meaningful citizen input in the decision making process during the consideration of priorities and of options associated with the development and submission of the preapplication. At this stage the applicant shall assure that the following citizen participation requirements have occurred:

(i) Developed and made available to the public a written Citizen Participation Plan at the beginning of the preapplication stage that meets the requirements of paragraph (b). The procedures outlined in this plan were followed during the planning and development of the preapplication prior to its submission to the HUD Area Office.

(ii) Provided the public with the following information:

(A) The likelihood that more applications will be submitted to HUD than can be funded.

(B) Amount of funds that may be applied for by the applicant for community development.

(C) Range of activities that may be undertaken with these funds, the kind of activities previously funded if any, and the progress made with respect to those activities.

(D) The processes to be followed in soliciting and responding to the views and proposals of citizens in a timely manner.

(E) A summary of other important program requirements.

(2) *Full Application Stage.* The citizen participation process at this stage should reflect primarily on the development and adoption of the HAP, and where applicable, the three year Community Development and Housing Plan, in addition to the final adoption of the full application prior to its submission to the HUD area office. The applicant shall assure that the following citizen participation requirements have occurred:

(i) *Initial Full Application.* (A) The citizen participation plan as prescribed in paragraph (b) of this section has been followed insofar as it relates to the full application.

(B) Provide certification as prescribed in § 570.430(f).

(ii) *Subsequent Full Applications Under Multiyear Commitments.* (A) Conduct at least one hearing prior to the annual submission of the second or third year submission of the full application under a multiyear commitment that provides citizens with an opportunity to comment on the application and to assess prior program progress and performance. The requirements of paragraph (b) of this section that are applicable to full applications shall be met, except that only one hearing need be held.

(B) Involve citizens and citizen organizations in the assessment of all activities of the applicant's community development program, including development of the report on assessment of performance.

(C) Provide certifications as prescribed in § 570.430(f).

(3) *Post Approval Stage.* Assure citizen participation when considering subsequent amendments to the Community Development Program and the Housing Assistance Plan.

(4) *Assessment of performance.* A copy of each written citizen comment or complaint on the grantee's community development performance, the grantee's assessment of the comment or complaint, and the grantee's description of any actions taken and any written response made to the comment or complaint, if any, shall be submitted to HUD with the report on assessment of performance.

(5) *Consideration of objections to preapplication/applications*—(i) *Notice of Submission of preapplication/application.* The applicant shall publish a notice in a newspaper of general circulation stating that the preapplication/application has been submitted to HUD and is available to interested parties upon request, and describing the conditions whereby citizens may submit objections to approval of preapplications/applications to HUD, as described below.

(ii) *Citizen objections to preapplications/applications.* Persons wishing to object to approval of a preapplication/application by HUD may make such objection known to the appropriate HUD Area Office. HUD will consider objections made only on the following grounds:

(A) The applicant's description of needs and objectives is plainly inconsistent with available facts and data.

(B) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant.

(C) The preapplication/application does not comply with the requirements of this Subpart or other applicable law.

(D) The preapplication/application proposes activities which are otherwise ineligible under this Part.

Such objections should include both an identification of the requirements not met and, in the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant, generally available facts and data, the data upon which the persons rely.

Although HUD will consider objections submitted at any time, such objections should be submitted within 30 days of the publication of the notice that the preapplication/application has been submitted to HUD in accordance with paragraph (c)(5)(i) of this section. HUD will not approve a preapplication/application until at least 45 days after receipt of the preapplication/application.

(6) *Citizen comment to HUD.* Persons may comment to the appropriate HUD area Office at any time concerning the applicant's failure to comply with the citizen participation requirements contained in this section.

§ 570.432 Single Purpose Grants for imminent threat to public health or safety.

(a) *Criteria.* The following criteria apply to for an imminent threat to public health or safety:

(1) Notwithstanding the provisions of § 570.428. the Area Manager may, at any time invite a full application for funds available under this Subpart in response to a request for assistance to alleviate an imminent threat to public health or safety that requires immediate resolution by waiving the requirements for preapplications. HUD shall verify the urgency and the immediacy of the threat with an appropriate authority other than the applicant prior to submission of the full application, and the Area Manager shall review the claim to determined if, in fact, an imminent threat to public health or safety does exist. For example, an applicant with documented cases of disease resulting from a contaminated drinking water supply has an imminent threat to public health, while an applicant ordered to improve the quality of its drinking water supply over the next two years does not have an imminent threat within the definition of this paragraph. These funds are to be used to deal with those threats which represent a unique and unusual circumstance not for the type of threat that occurs with frequency in a number of communities within a State.

(2) The applicant does not have sufficient local resources, and other Federal or State resources are unavailable to alleviate the imminent threat.

(b) *HUD action.* (1) Each Area Office Manager is authorized to reserve up to 15 percent of the funds allocated pursuant to Subpart B and assigned to the Area Offices for Small Cities Grants in metropolitan and nonmetropolitan areas for use in funding full applications to alleviate imminent threats to the public health or safety. Funds reserved are part of the percentage of funds available for Single Purpose Grants. The 15 percent limit may be applied separately to the metropolitan and nonmetropolitan balances. Full applications shall be submitted in accordance with § 570.430.

(2) The only funds reserved for imminent threats to the public health or safety are those set aside by the Area Manager. After these funds have been depleted, HUD shall not consider further applications relating to imminent threat during that fiscal year.

(c) *Waiver of A–95 requirements.* The requirements for A–95 review and comment pursuant to § 570.435(c) may be waived in the case of an imminent threat. HUD shall notify the appropriate State and areawide A–95 clearinghouses that is inviting a full application for an imminent threat from an applicant.

(d) *Letter to proceed.* HUD may issue the applicant a letter to proceed to incur costs to alleviate the imminent threat.

(e) Pursuant to 24 CFR 58.21(b)(6), Single Purpose Grants for imminent threat to public health or safety are categorically excluded from the environmental review requirements of 24 CFR Part 58.

§ 570433 HUD review and actions on full applications for Single Purpose and Comprehensive Grants.

(a) *Full applications.* Only applications from communities that have been invited to submit a full application, including second or third year submissions of multiyear commitments, are accepted for review, and then only if

(1) The application has been received before the deadline that has been established by the Area Manager, unless the Area Manager decides that an extension of the deadline is warranted;

(2) The application requirements are complete;

(3) The funds requested do not exceed the amount of the invitation by HUD, unless a higher amount is acceptable HUD;

(4) The activities are essentially the same as those for which a full application was invited; and

(5) The application is submitted to the clearinghouse prior to or concurrently with submission to HUD. The applicant shall indicate in its full application the date it was submitted to the clearinghouse.

(b) *HUD action on full applications*—(1) *Review and notification:* While HUD is not required to review discretionary applications within 75 days, it will try to do so. Applications are reviewed to ensure that any other resources that may be required are, in fact, available; and that any conditions that were established at the time of invitation are satisfied. Following the review, HUD promptly notifies the applicant of the actions taken with regard to its application.

(2) *Criteria for conditional approval.* HUD may make conditional approval in which case the grant will be approved but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

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(i) Where local environmental reviews under § 570.603 have not yet been completed;

(ii) The requirements of § 570.607 regarding the provision of public services and flood or drainage facilities have not yet been satisfied;

(iii) To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;

(iv) To ensure the project can be completed within estimated costs; or

(v) Pending site and neighborhood standards approval for proposed housing projects, if applicable.

(3) *Criteria for disapproval of an application.* HUD may take steps to disapprove an application if:

(i) Based on field review of the applicant's proposal or other information received after invitation of a full application, or where the more complete information in the application shows that the preapplication was improperly rated, the rating of the preapplication should be changed and no longer rates sufficiently high to warrant approval when compared with other preapplications in the competition, given funds available.

(ii) On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, HUD determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and HUD such as census data, or other data available to both the applicant and HUD, such as recent local, areawide or State comprehensive planning data.

(iii) On the basis of the application, or other available information HUD determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant. The following are examples of situations in which activities may be determined to be "plainly inappropriate" to meeting the identified needs of the applicant:

(A) Experience over a period of time has demonstrated that the types of activities proposed have not been or are unlikely to be effective in alleviating the conditions they were designed to affect;

(B) The application does not meet the requirements of § 570.420(k) with respect to the extent of funding proposed to principally benefit low- and moderate-income persons;

(C) Proposed activities will have a detrimental effect on low- and moderate-income persons or members of minority groups, and adequate measures to mitigate such effects are not proposed;

(D) Housing goals, locations, and strategy do not meet the criteria of § 570.306(c);

(E) The proposed program does not reflect previous requirements of HUD for corrective or remedial actions, or activities proposed have previously been the basis of such requirements;

(F) Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time;

(G) The activities cannot be completed within the estimated costs or resources available to the applicant;

(H) The applicant has received other funds for the activities and assistance under this Subpart is no longer required.

(iv) HUD determines that the application does not comply with the requirements of this Subpart with specific regard to the primary purposes of principally benefitting persons of low and moderate income or aiding in the prevention or elimination of slums or blight, or other applicable law, or proposes activities which are ineligible under this Subpart.

(v) Conditions established at the time of invitation have not been fully met.

(vi) There is new evidence of a lack of capacity of a recipient to carry out the proposed activities.

(vii) Performance under the HAP is inadequate.

(viii) The community has an outstanding audit finding, or an outstanding monetary obligation to HUD.

(4) *Letter to proceed.* HUD may issue a letter authorizing an applicant to incur costs for the planning and preparation of an application for funds available under this Subpart, including citizen participation and environmental studies. Reimbursement for such cost is dependent upon HUD approval of the application. Only those costs associated with the actual cost of preparation of the application may be assisted. In no instance is a planning or preparation fee reimbursed when it is based upon a percentage of the assistance received under this Subpart and such fees must comply with the requirements set forth in § 570.200. Costs incurred by an applicant prior to notification of a funding approval or issuance of a letter to proceed by HUD are not eligible for assistance under this Subpart.

§ 570.434 Program amendments for Single Purpose and Comprehensive Grants.

(a) HUD may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior HUD approval for all program amendments involving new activities or significant alteration of existing activities that will change the scope, location, objectives or scale of the approved activities or beneficiaries. Approval is subject to the following:

(1) New or significantly altered activities are rated in accordance with the criteria for selection applicable at the time the original preapplication was rated. The rating of the new program or activity proposed by the amendment must be equal to or greater than the lowest rating received by a funded activity or program during that cycle of preapplication ratings.

(2) Consideration shall be given to whether any new activity proposed can be completed promptly.

(b) Housing Assistance Plan Amendments.

(1) *Comprehensive Grant.* Recipients shall request prior HUD approval of Housing Assistance Plan amendments when any of the following conditions exist:

(i) The recipient proposes a reduction of any goal for housing assistance pursuant to § 570.306(b)(3)(i) or § 570.306(b)(4)(i);

(ii) The recipient proposes the inclusion of a goal by household type or housing type, not previously specified pursuant to § 570.306 (b)(3)(i) or (b)(4)(i);

(iii) The recipient proposes to exceed any three year goal by housing type or household type by the percentage cited in 24 CFR Part 891;

(iv) The recipient proposes a revision of the general locations for assisted housing established pursuant to § 570.306(b)(3)(ii); or

(v) There is a significant change in, or new data available regarding, the conditions of the housing stock or the housing needs of lower income persons.

(2) *Single Purpose Grant.* Recipients shall request prior HUD approval when any of the following conditions exist:

(i) The recipient proposes an increase or decrease of any goal by housing type or household type;

(ii) The recipient proposes a revision of general locations for assisted housing.

(c) *A–95 and citizen participation requirements.* Whenever an amendment requires HUD approval, the requirements of this Subpart for A–95 review and citizen participation must be met, and the recipient shall provide all appropriate State and areawide A–95 clearinghouses with thirty days in which to review and comment on the proposed amendment prior to its submission to HUD.

§ 570.435 Modified OMB Circular No. A–95 procedures for the Small Cities Program.

(a) *General.*

(1) Applicants for grants (both Single Purpose and Comprehensive) under the Small Cities Program must comply with all of the procedures set forth in Part I of OMB Circular No. A–95 except as modified below. These procedures also require that program amendments which must receive HUD approval shall be submitted for a thirty day review and comment period prior to submission to HUD pursuant to 24 CFR 52.101(g).

(2) All applicants are urged to contact their A–95 clearinghouses for forms and instructions which the clearinghouses have developed to facilitate their reviews; and to consult with clearinghouses during the development of both preapplications and applications.

(3) Clearinghouses will be of assistance to the applicant and to HUD if their reviews address the appropriate performance factors (§ 570.423(c)), the criteria for selection for Comprehensive Grants (§ 570.424), and the criteria for selection for Single Purpose Grants (§ 570.428), as well as the "subject matter of comments and recommendations" in item 5, Part I, Attachment A of OMB Circular No. A–95, with emphasis on consistency with State, areawide and local plans and compliance with environmental and civil rights laws.

(b) *A–95 procedures for preapplications.* Preapplications for either Comprehensive Grants or for Single Purpose Grants shall be submitted to the appropriate State and areawide A–95 clearinghouses prior to or concurrent with the submission of the preapplication to HUD and serve as the notification of intent to apply for a Federal grant. The clearinghouses shall have forty-five days from receipt of the preapplication in which to conduct their review and provide a response to the applicant with a copy to HUD. The clearinghouse must clearly identify the applicant and the activity or program to which the comments are addressed. HUD shall not make a final decision on a preapplication until all clearinghouse comments are considered, or if no clearinghouse comments are received by HUD, forty-five days after the deadline for submission of preapplications. Applicants are urged to provide preapplications to the clearinghouses prior to submission to HUD whenever possible.

(c) *A–95 procedures for full applications.* (1) Applications and annual submissions of multiyear applications shall be submitted to the appropriate State and areawide A–95 clearinghouses prior to or concurrently with submission to HUD. The clearinghouses shall have forty-five days from receipt of the application to review the application and give the comments to HUD and the applicant.

(2) HUD takes no final action on the application until comments have been received or until forty-five days after the application was sent to the clearinghouse. The applicant is provided an opportunity to respond to clearinghouse comments before HUD takes final action on an application.

(3) If the A–95 review comments contain any findings of inconsistency with State, areawide, or local plans, significant adverse urban impacts, noncompliance with environmental laws, or failure to provide equal opportunity, the applicant must consider these findings and state what action it plans to take as a result of these findings and the reasons therefor.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95–123); and Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., March 14, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80–10409 Filed 4–7–80; 8:45 am]

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federal register

Tuesday
April 8, 1980

Part VII

Department of Health, Education, and Welfare

Office of Education

Territorial Teacher Training Assistance Program

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 151

Territorial Teacher Training Assistance Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: These regulations govern grant awards made under the Territorial Teacher Training Assistance Program. This program was established by the Education Amendments of 1978 to provide assistance to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the training of teachers.

DATES: Comments on these proposed regulations must be received on or before June 9, 1980.

ADDRESSES: Comments should be addressed to Dr. Thomas W. Fagan, U.S. Office of Education, Bureau of School Improvement, 3700 Donohoe Building, 400 Maryland Avenue SW., Washington, D.C., Dr. Thomas W. Fagan (202) 426–7220.

FOR FURTHER INFORMATION CONTACT: Nancy Martin (202) 426–7220.

SUPPLEMENTARY INFORMATION:

Background and Regulations Issues

The proposed regulations contain several proposed policy decisions based on previous experience in providing assistance to the territories and on consultations with representatives of organizations in these jurisdictions.

(1) Applicants are limited to the State educational agencies (SEAs) or their equivalent of the territories. The statute states that the Commissioner may make grants to or contracts with any organizations deemed qualified to provide training to teachers in the territories. The Commissioner believes that the SEAs are most knowledgeable of their own teacher training needs and are best able to plan and carry out the training activities.

The Commissioner also believes that joint applications among the SEAs of the territories, or between the SEA of a territory and an institution of higher education in the territories may be desirable.

(2) The statute does not specify whether the program should be formula-based or discretionary, with competition for funds. The regulations establish that each jurisdiction is entitled to an award after submitting an acceptable application, but do not establish the amount of that award. The mixed method for allotment of funds is explained in (3) below.

(3) The Commissioner allots funds among the territories based on need for teacher training. There is no apparent method for allocating funds by formula while equitably balancing the kinds of needs of one territory against the kinds of needs of the others. Therefore, the Commissioner requires each application from an SEA to contain a needs assessment in the area of teacher training, a four-year plan addressing these needs, a description of proposed activities to be conducted during the first year of the program to meet these needs, a detailed budget for the first year of the project, and a four-year budget estimate.

After reviewing each application to determine that costs are directly attributable to meeting the needs in the proposed project, the Commissioner determines the amount of funds that each territory submitting an approved application should receive. If the total allowable amounts exceeds the appropriation, the amount of each grant will be reduced. For the subsequent three years each territory will submit its new activities and budget, along with any necessary revisions to the needs assessment, and the Commissioner will allot funds as described for the first year. The regulations provide that no jurisdiction that applies, and whose application is approved, will receive less than five percent of the appropriated funds.

Summary of Proposed Regulations

Subpart A states who is eligible to apply for assistance and defines the term "teacher".

Subpart B lists the types of activities that may be carried out under the program, and specifically limits the type of training that may be provided to nonindigenous contract teachers.

Subpart C contains provisions on how to apply for funds. The application contents are described including an assessment of teacher training needs; a four-year plan on how to meet those needs; a first-year plan of action; a proposed budget for the first year; and projected dollar needs for ensuing years.

Subpart D contains provisions on how grants are made. The Commissioner reviews each application to insure that the proposed activities are related to the stated needs. The Commissioner also examines the detailed budget to determine that all costs are allowable and justifiable in relation to these activities. After this review of all applications, the Commissioner will establish an allowable amount of funds for each jurisdiction. If the total of these amounts exceeds the appropriation, the Commissioner reduces each amount.

Subpart E contains conditions imposed on a grantee. It provides that all training must be carried out within the geographical boundaries of the territories. However, in "unusual circumstances", as determined by the Commissioner, the Commissioner may give approval for training outside of the territorial boundaries.

The Commissioner directs the attention of interested parties to Section 151.5(d) and solicits comments on this provision. The Commissioner is interested in the kinds, nature, and extent of unusual circumstances that may exist.

Subpart F provides for participation by nonpublic school teachers.

Invitation to Comment

Interested persons are invited to submit comments, suggestions, and recommendations to be considered before the final regulations are issued. They may be sent to the address given at the beginning of this document. All comments received on or before the 60th day after publication of these proposed regulations will be considered.

Comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period in Room 3700, Donohoe Building, 400 6th Street SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except on Federal holidays.

Citation of Legal Authority

As required by section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory or other legal authority has been placed in parentheses on the line following the text of each provision.

(Catalog of Federal Domestic Assistance Number 13.694)

Dated: April 1, 1980.

William L. Smith,

Commissioner of Education.

Title 45 of the Code of Federal Regulations is amended by adding a new Part 151 to read as follows:

PART 151—TERRITORIAL TEACHER TRAINING ASSISTANCE

Subpart A—General

Sec.

151.1 Description of the Territorial Teacher Training Assistance Program.
151.2 Eligible parties.
151.3 Regulations that apply to the Territorial Teacher Training Assistance Program.
151.4 Definitions.

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

151.5 Project activities.

Subpart C—How Does One Apply for a Grant?

151.6 How to apply for funds.

Subpart D—How Is a Grant Made?

151.7 How applications are reviewed.
151.8 How funds are allocated.

Subpart E—What Conditions Must Be Met by a Grantee?

151.9 Allowable costs.
151.10 Limitations on costs.
151.11 Participation of private school personnel.

Authority: Title XV, Part C, Section 1525, of the Education Amendments of 1978 (Pub. L. 95–561), 92 Stat. 2379.

Subpart A—General

§ 151.1 Description of the Territorial Teacher Training Assistance Program.

The Territorial Teacher Training Assistance Program provides Federal assistance for the training of teachers in schools in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 1525, Pub. L. 95–561)

§ 151.2 Eligible parties.

(a) Each territorial State educational agency (SEA) (or its equivalent) in each of the jurisdictions in section 151.1 above, is eligible to receive a grant under this program.

(b) A joint application may be submitted by—

(1) Two or more SEAs; or

(2) One or more SEAs and one or more institutions of higher education (IHEs) in the territories. EDGAR establishes the rules for joint applications. (See EDGAR § 100a.127 through § 100a.129). In case of a joint application between an SEA and an IHE, the SEA is primarily responsible for the administration of the project.

(Sec. 1525, Pub. L. 95–561)

§ 151.3 Regulations that apply to the Territorial Teacher Training Assistance Program.

(a) The following regulations apply to grants under the Territorial Teacher Training Assistance Program:

(1) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Program) and part 100c (Definitions).

(2) The regulations in this part 151.

(b) The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist in using regulations that apply to Education Division programs.

(Sec. 1525, Pub. L. 95–561)

§ 151.4 Definitions.

(a) *Definitions in EDGAR.* The following terms in this part are defined in 45 CFR Part 100c:

Applicant, Application, Award, Budget, Commissioner, EDGAR, Grant, Grantee, Nonprofit, Private, Project, Public, State educational agency (SEA).

(b) *Specific program definitions.*

As used in these regulations—

"Teacher" means a person employed in an official capacity who has the primary responsibility for guiding and directing the learning experiences of elementary and secondary students in an educational institution, whether public or private.

"Nonindigenous contract teachers" means those teachers who are serving on a contract basis, who are not territorial citizens, and are hired from outside of the territory involved.

(Sec. 1525, Pub. L. 95–561)

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

§ 151.5 Project activities.

(a) A project funded under this part provides for the training of teachers in public and nonprofit private schools in the five territorial jurisdictions.

(b) Activities eligible for funding may include, but are not limited to—

(1) In-service teacher training in—

(i) Basic skills development; or

(ii) Specific subject areas;

(2) Curriculum development;

(3) Use of instructional materials or equipment;

(4) Classroom management; and

(5) Training for teachers to achieve full certification under the appropriate territorial requirements.

(c) Training to nonindigenous contract teachers is limited to training directly necessary for teaching within the territorial schools, rather than training concerned with general teacher competency.

(d) Except in unusual circumstances, as determined by the Commissioner, the Commissioner does not approve training to be provided outside the geographical limits of the territory(ies) involved.

(Sec. 1525, Pub. L. 95–561)

Subpart C—How Does One Apply for a Grant?

§ 151.6 How to apply for funds.

(a) The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist in applying for assistance under an Education Division program.

(b) The Commissioner makes a grant only if the applicant submits an application meeting the applicable requirements under subpart C of 45 CFR part 100a, of EDGAR and the following requirements:

(c) For the first year of the program an application must contain:

(1) A needs assessment defining teacher training needs in the jurisdiction covered by the application. This assessment shall reflect the training needs of both public and private schools in the jurisdiction;

(2) A four-year plan explaining the methods to be employed and activities to be conducted to meet each teacher training need in the areas identified in paragraph (c)(1) of this section;

(3) A detailed explanation of the goals; objectives and activites to be carried out in the first year of the program;

(4) A detailed proposed budget for the accomplishment of the activities described in paragraph (c)(3) of this section for the fiscal year for which the application is submitted; and

(5) The estimated dollar needs for the ensuing years of the four-year plan.

(d) For each subsequent year of the program, an application must contain:

(1) Any revisions to the needs assessment statement submitted in paragraph (c)(1) of this section;

(2) Any amendments to the four-year plan submitted in paragraph (c)(2) of this section;

(3) A statement regarding the extent to which the previous year's project met the goals and objectives set forth in that year's application;

(4) A detailed explanation of the activities to be carried out for the current project year;

(5) A detailed budget for the current project year; and

(6) An updated estimate of dollar needs for the subsequent years of the project.

(20 U.S.C. 1221e–3(a)(1))

Subpart D—How Is a Grant Made?

§ 151.7 How applications are reviewed.

The Commissioner reviews an application to ensure that—

(a) The proposed objectives and activities respond to the needs

assessment stated in the application; and

(b) The proposed budget is applicable to these needs.

§ 157.8 How funds are allocated.

(a) The Commissioner allots funds to each territory on the basis of the identified needs and a review of the proposed activities and budget in its application.

(b)(1) If the total determined allotments to the territories exceed the total amount of funds appropriated, the Commissioner reduces each allotment.

(2) However, the Commissioner allots to each territory whose application for funds is approved, at least five percent of each fiscal year's appropriation.

(Sec. 1525, Pub. L. 95-561)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 151.9 Allowable costs.

(a) Funds may cover all or part of the cost of establishing and implementing a teacher training assistance project, subject to the cost principles in 45 CFR Part 100a and 45 CFR Part 74.

(b) These costs may include, but are not limited to—

(1) Research material and resources;

(2) Consultants; and

(3) Training of project staff.

§ 151.10 Limitations on cost.

(a) Funds received under this program may not be used for the training of teachers outside the geographic limits of the territory(ies) involved, except—

(1) In unsual circumstances as determined by the Commissioner; and

(2) With prior approval of the Commissioner.

(b) The application must discribe the circumstances that require training outside the geographic limits of the territories if funds are requested for that purpose.

(Sec. 1525, Pub. L. 95-561)

§ 151.11 Participation of private school personnel.

(a) A grantee shall provide teachers of private nonprofit schools in the area served by the project an opportunity to participate in the training on a basis comparable to that provided for public school teachers to the extent the need for this training in private nonprofit schools is comparable to the need in public schools.

(b) Training for teachers in private nonprofit schools shall be provided in accordance with 45 CFR 100b.658 through 100b.662 of EDGAR.

(Sec. 1525, Pub. L. 95-561)

[FR Doc. 80-10446 Filed 4-7-80; 8:45 am]
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April 8, 1980

Part VIII

Department of the Interior

Office of the Secretary

Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 17

Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs

AGENCY: Department of the Interior.

ACTION. Proposed rule.

SUMMARY: This proposed rule sets forth guidelines for the implementation of Section 504 of the Rehabilitation Act of 1973 in programs receiving Federal assistance through the Department of the Interior (DOI). Section 504 of the Act prohibits discrimination against handicapped persons in federally assisted programs. These guidelines are intended to interpret and define the requirements of the law as they relate to DOI Federal assistance programs and to establish policy and standards for effecting the requirements in the program.

DATE: Comments must be received on or before June 9, 1980.

ADDRESS: Written comments should be sent to the Director, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240. Visually impaired persons may obtain a large print copy of the proposed rule, as well as cassette copies for the totally blind, by writing to the Director, Office for Equal Opportunity, at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. George Covington, Office for Equal Opportunity, (202) 343–4331.

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. On April 28, 1976, the President issued Executive Order 11914 under which the Department of Health, Education, and Welfare (HEW), as lead agency, is required to coordinate governmentwide enforcement of Section 504. In accordance with Executive Order 11914, HEW issued on January 13, 1978, final standards, procedures, and guidelines to be followed by each Federal agency in issuing Section 504 regulations. (See 45 CFR Part 85.) The rule proposed by DOI is intended to be consistent with the HEW standards and guidelines.

On November 6, 1978, the Congress amended Section 504 to include "any program or activity conducted by an executive agency or by the United States Postal Service," and to require these agencies to "promulgate such regulations as may be necessary to carry out the amendments made by the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978." If it is determined by DOI that such a regulation is needed for the programs it directly administers, one will be developed and issued at a future date.

On April 13, 1979, DOI published its Advance Notification of Rulemaking, erroneously titled Notice of Intent to Issue Final Rules, inviting comments from all interested parties. (See 44 FR 22372, April 13, 1979.)

This proposed rule is consistent with HEW's implementation of Executive Order 11914, and 45 CFR Part 85. The language used in the proposed DOI rule is similar to language employed by HEW in its regulations, in order to insure governmentwide consistency. The Office of Civil Rights of HEW, as required by 45 CFR Part 85.4(b), must approve these regulations prior to final publication. Many of the comments received by DOI concerned language in the proposed regulations that could not be altered and remain consistent with the Office of Civil Rights' review standards. All comments received by DOI were reviewed and considered.

The proposed rule has been renumbered to facilitate alterations that have been made and inclusion within 43 CFR Part 17.

Sections 17.200 through 17.209 define important terms, and state in general that discriminatory practices are prohibited, as well as set forth compliance procedures, assurances required, grievance procedures, and notification procedures.

In response to several comments, some definitions have been added or amended. It should be noted that an alcoholic or drug addict may not be denied services or employment solely because of his/her condition; however, behavioral manifestations of the condition may be taken into account in determining whether a person is a "qualified handicapped individual." Several comments requested that the term "facility" be amended; however, DOI has not included vessels in the term "facility", in accordance with HEW's Policy Interpretation #3. (43 FR 36034, Aug. 14, 1978). The definition of "Historic Properties" has been revised, and definitions for "Integrated settings" and "Ultimate beneficiary" have been added.

The section on Discrimination Prohibited applies generally; later sections set criteria and applications for specifically prohibited discriminatory practices. There were several comments concerning the retroactive application of this section. In accordance with HEW's Policy Interpretation #1, (43 FR 18631, May 1, 1978), DOI will investigate complaints of alleged discrimination that occurred after Sept. 26, 1973, the date Section 504 became effective, and prior to the date this regulation becomes effective, if the complaints allege violations of the statute which do not need the interpretive language of this regulation for resolution.

Several comments expressed concern about possible conflicts between State and local law and the requirements of this regulation. The wording in the appropriate sections has been maintained to insure consistency with the governmentwide regulations of HEW.

In response to questions concerning assurances required, the words "similar purpose" are standard and will be retained to maintain interdepartmental consistency. Some comments received expressed concern over the requirement that convenants be included in granting instruments, and possible conflicts with State law. The Office of Civil Rights has determined that it will not accept a recipients contention that it cannot comply with Section 504 because of the requirements of an inconsistent State or local law. (See section-by-section analysis, 42 FR 22688, May 4, 1977). In order to maintain interdepartmental consistency, DOI, will adhere to this policy.

Several comments expressed concern over the time periods allowed for completion of self-evaluations and transition plans by recipients. DOI will follow the timetables set by HEW.

DOI received comments that disagreed with the different requirements for small and large recipients. Recipients with 15 or more full-time employees must prepare and maintain self-evaluations, whereas small recipients do not. This has been done to reduce the burden on small recipients that do not have adequate personnel to maintain extensive files. However, HEW has stated in Policy Interpretation #3, (43 FR 36034, Aug. 14, 1978), that there are no waivers from compliance with Section 504, because there is enough flexibility in the Section 504 regulations for small recipients to comply without undue expense. DOI exphasizes that if complaints are made that allege a small recipient has violated Section 504 and these regulations, DOI will expect that recipient to provide documentation of its programs and activities and will thereafter require the recipient to maintain files in the same manner as is required of large recipients. DOI has maintained the essence of HEW's policy; however, it has added the requirement that in order to be a large recipient, the recipient must have at least 15 full-time employees.

Another issue raised was whether a complainant must totally exhaust grievance procedures as they affect employees before recourse is sought through DOI. HEW has stated that, although it is preferred that grievance procedures adopted by the recipient be utilized to the maximum extent possible, it is not required that they be totally exhausted by the complainant before recourse is sought through the rulemaking department. (See section-by-section analysis, 42 FR 22688, May 1, 1977).

In response to several comments, DOI has amended the section on Notification to include persons with any disability that impairs the communication process.

The section on State and local law is consistent with language employed by HEW in 45 CFR Part 84 and 45 CFR Part 85. This section applies to State and local laws that unjustifiably differentiate on the basis of handicap. (42 FR 22688, May 1, 1977).

It has been suggested to DOI that the 1978 amendments to Section 504, Pub. L. 95–602, prohibit Federal departments from making their regulations applicable to employment practices unless the primary purpose of the Federal financial assistance is to provide employment programs. The Office of General Counsel of HEW disagrees with this interpretation of the 1978 amendments and has determined that the wording of the 1978 amendments was set to establish proper procedures and was not meant by Congress to prevent application of Section 504 and these regulations to employment practices. (OGC memorandum from Albert T. Hamlin, Assistant General Counsel, Civil Rights, to David S. Tatel, entitled "Trageser v. Libbie Rehabilitation Center: Coverage of Employment under Sec. 504," Jan. 25, 1979).

DOI received comments asking for clarification of the term "undue hardship." DOI has retained its original language to maintain consistency between these regulations and the criteria listed in HEW's regulations and governmentwide regulations. Other comments suggested that DOI list specifically activities that would constitute reasonable accommodations. It is not intended by DOI that this list be all-inclusive; it is only intended to give examples of reasonable accommodations.

DOI has amended the section on Pre-employment inquiries to require that recipients make clear to applicants the purpose for the inquiries.

Pursuant to the Architectural Barriers Act, Pub. L. 90–480, Section 502 of the Rehabilitation Act of 1973 as amended, and 45 CFR Part 85.7, the sections on Program Accessibility, Existing Facilities, and New Construction have been amended. The Architectural Barriers Act requires that after 1969, all new construction and alterations be usable as well as accessible. Language to this effect has been added to the regulations. In order to maximize consistency between the Rehabilitation Act of 1973 and the Architectural Barriers Act, DOI has provided that the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the Compliance Board), created by Section 502 of the Rehabilitation Act, be the primary source for interpretations of physical accessibility and usability standards. The Compliance Board has been given review authority under Section 502 of the Rehabilitation Act, and DOI has determined that any departures from accessibility standards are to be reviewed and approved by the Compliance Board. The Compliance Board is also the primary resource for technical assistance and for interpretations of American National Standards Institute accessibility standards, in the interest of governmentwide consistency.

Referral by receipients to other programs, under the Existing Facilities section, is intended by DOI and HEW to be taken as a last resort. Recipients are to give priority to methods of compliance that provide accessibility and usability for the handicapped in the same setting as for the non-handicapped. If the there are no similar programs in the nearby area, referral is not an available method of compliance. This interpretation follows HEW's Policy Interpretation #3, (43 FR 36034, Aug. 14, 1978).

Many comments received asked that DOI clarify the sections on Education. Therefore, the sections on Evaluation, Notification, and Procedural Safeguard have been amended to require that notice provided by recipients is to be given "in the appropriate native language." Some comments questioned the exclusion of Bureau of Indian Affairs administered programs. As stated above, pursuant to the 1978 Amendments to Section 504 of the Rehabilitation Act, if DOI determines that a regulation is needed for programs that it administers directly, one will be issued at a later date.

DOI has determined that the sections on employment practices are to be determinative of any problems concerning student employment.

The language concerning licensing requirements has not been altered. Institutions are not required to waive academic requirements, but they are expected to modify courses to the maximum extent possible in order to accommodate the individual's needs without affecting the academic content of the course.

Some commenters proposed that DOI require that all interpreters for the deaf provided by recipients be certified by the Register for Interpreters for the Deaf. Language to this effect would constitute a sanction by DOI of the Register, and such a sanction is beyond the competency of this Department.

A number of comments requested clarification of the term "significant assistance" provided by a recipient post-secondary educational institution to social organizations. "Significant assistance" has been interpreted by the National Association of College and University Business Officers, *Guide to Section 504 Self-Evaluation for Colleges and Universities*, p. 61 (1976). DOI, in order to provide governmentwide consistency, will follow this interpretation.

DOI has completely revised the sections pertaining to Historic Properties. The language used is consistent with the National Historic Preservation Act, Pub. L. 89–665, Executive Order 11593, and 36 CFR 800, and substantially follows the draft regulations of the Advisory Council on Historic Preservation.

The section on Recreation Programs has been deleted to avoid confusion and enhance consistency within the regulations. DOI believes that recreation programs are automatically covered by those section on program and facility accessibility as written.

The Department of the Interior has determined that this document is a significant rule but does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Mr. George A. Covington, Program Analyst, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–4331.

Dated: April 2, 1980.

James A. Joseph,

Under Secretary of the Interior.

PART 17—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR

Accordingly, it is proposed to amend 43 CFR as follows:

1. Part 17 is retitled "Nondiscrimination in Federally-Assisted Programs of the Department of the Interior."

2. Sections 17.1 through 17.12 is redesignated "Subpart A" and titled "Nondiscrimination on the Basis of Race, Color, or National Origin."

3. A new Subpart B is added to read as follows:

Subpart B—Nondiscrimination on the Basis of Handicap

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17.202 Definitions.
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17.204 Assurances required.
17.205 Remedial action, voluntary action, and self-evaluation.
17.206 Designation of responsible employee and adoption of grievance procedures.
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17.260 Historic Preservation Programs.
17.270–17.279 [Reserved]
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17.281–17.299 [Reserved]

Subpart B—Nondiscrimination on the Basis of Handicap

Authority: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, as amended by Pub. L. 95–602 (29 U.S.C. 794); Sec. 111(a), Rehabilitation Act Amendments of 1974; Pub. L. 93–516, as amended by Pub. L. 95–602 (29 U.S.C. 706); Executive Order 11914, 41 FR 17871. Department of Health, Education, and Welfare, Implementation of Executive Order 11914, 43 FR 2132; Sec. 606, Education of the Handicapped Act (20 U.S.C. 1405), as amended by Pub. L. 94–142, Sec. 321, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (42 U.S.C. 4581), as amended; Sec. 407, Drug Abuse Office and Treatment Act of 1972, (21 U.S.C. 1174), as amended; National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*; Executive Order 11593, "Protection and Enhancement of the Cultural Environment," 36 FR 8921 (1971); and regulations for the "Protection of Historic and Cultural Properties," 36 FR Part 800.

§ 17.200 Purpose.

This subpart contains the regulations which implement Section 504 of the Rehabilitation Act of 1973 and its subsequent amendments concerning nondiscrimination on the basis of handicap in Federally-assisted programs administered through the Department of the Interior.

§ 17.201 Application.

This subpart applies to each recipient of Federal assistance from the Department of the Interior and to each program or activity that receives or benefits from such assistance.

§ 17.202 Definitions.

As used in this subpart, the term: (a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516, and the Rehabilitation Comprehensive Service and Developmental Disabilities Act of 1978, Pub. L. 95–602, 29 U.S.C. 700 *et seq.*

(b) "Section 504" means Section 504 of the Act.

(c) "Education of the Handicapped Act" means that statute as amended by the Education for All Handicapped Children Act of 1975, Pub. L. 94–142, 20 U.S.C. 1401 *et seq.*

(d) "Department" means the Department of the Interior.

(e) "Director" means the Director of the Office for Equal Opportunity of the Department.

(f) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the department provides or otherwise makes available assistance in the form of: (1) Funds; (2) Services of Federal personnel; or (3) Real and personal property or any interest in or use of such property, including: Easements, transfers or leases of such property for less than fair market value or for reduced consideration; proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government; and easements across Federally owned or assisted land.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) *"Handicapped person."* (1) Handicapped person means any person who (i) has a physical, mental or sensory impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1)(i) of this section, the phrase: (i) "Physical, mental or sensory impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical, mental or sensory impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism. (ii) "Major life activities" means functions such as caring for one's self, performing manual tasks; walking, seeing, hearing, speaking, breathing, learning, and working. (iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental, physical or sensory impairment that substantially limits one or more major life activities. (iv) "Is regarded as having an impairment" means (A) has a physical, mental or sensory impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical, mental or sensory impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment or; (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question. Insofar as this Part relates to employment of handicapped persons, the term "handicapped person" does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(2) With respect to public preschool, elementary, secondary, or adult education services, a handicapped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under State law to provide such services to handicapped persons, or (iii) to whom a State is required to provide a free appropriate public education under Section 612 of the Education of the Handicapped Act; and

(3) With respect to post-secondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

(4) With respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(l) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j)(2)(i) of this section.

(m) "Historic Properties" means those architecturally, historically or culturally significant properties listed or eligible for listing in the National Register of Historic Places individually or such properties designated as historic under a statute of the appropriate State or local governmental body.

(n) "Integrated Setting" means that whenever possible, programs should be available to the handicapped in the same setting and under similar circumstances as are available to the nonhandicapped.

(o) "Ultimate Beneficiary" means the general public.

(p) "Advisory Council" means the Advisory Council on Historic Preservation.

(q) "ATBCB" shall mean the Architectual and Transportation Barriers Compliance Board, an agency established by Section 502 of the Act to establish accessibility standards under Section 504.

§ 17.203 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or services that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or services to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities, a recipient may not deny a qualified handicapped person the opportunity to participate in all programs or activities covered by this subpart that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or services provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise

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acquired, in whole or in part, with Federal financial assistance for the period during which the facility is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(7) Nothing in this section is to be construed as affecting the acquisition of historic sites or wilderness areas.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive Order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive Order to a different class of handicapped persons is not prohibited by this subpart.

§ 17.204 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity shall provide assurances, in accordance with OMB Circular A–102, that the program will be operated in compliance with this subpart. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (c)(1) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall unless prohibited by the conveyance authority, also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forebear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(4) Every application by a State or any agency or political subdivision of a State to carry out a program involving continuing Federal financial assistance shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (i) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this subpart, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (ii) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary or his designee to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this regulation, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subsection (i) of this subparagraph will be corrected.

§ 17.205 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of Section 504 or this subpart, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of Section 504 or this subpart and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of Section 504 or this subpart, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this subpart, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this subpart: (i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this subpart;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(iii) Take, after consultation with interested persons, including handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more full-time persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

§ 17.206 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more full-time persons shall designate at least one person to coordinate its efforts to comply with this subpart.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more full-time persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this subpart. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.

§ 17.207 Notification.

(a) A recipient that employs fifteen or more full-time persons shall take appropirate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, the mentally retarded, the learning disabled, and any other disability that impairs the communication process, and unions or professional organizations holding collective bargaining or professsional agreements with the recipient, that it does not discriminate on the basis of handicap in violation of Section 504 and this subpart. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 17.206(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this subpart. Methods of initial and continuing notification may include the posting of notices, publications in newpapers and magazines, placement of notices in recipients' publications, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy decribed in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 17.208 Administrative requirements for small recipients.

The Director may require any recipient with fewer than fifteen full-time employees, or any class of such recipients, to comply with §§ 17.206 and 17.207, in whole or in part, when the Director finds a violation of this subpart or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 17.209 Effect of State or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this subpart is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

§ 17.210 Employment practices.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity.

(2) A recipient that receives assistance under the Education of the Handicapped Act shall take positive steps to employ and advance in employment qualified handicapped persons in programs assisted under the Act.

(3) A recipient shall make all decisions concerning employment under any program or activity to which this subpart applies in a manner which insures that discrimination on the basis of handicap does not occur, and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to: (1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progressions, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer-sponsored activities, including social or recreation programs; and

(9) Any other term, condition, or privilege of employment, such as granting awards, recognition and/or monetary recompense for money-saving suggestions or superior performance.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 17.211 Reasonable accommodation.

(a) A recipient shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodations would impose an undue hardship on the operation of its program.

(b) Reasonable accommodations may include: (1) making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. This list is neither all-inclusive nor meant to suggest that employers must follow all the actions listed.

(c) In determining whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include: (1) The overall size of the recipient's program with respect

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to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operations, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 17.212 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless it can be demonstrated to the Director that the (1) test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) All job qualifications must be shown to be directly related to the job in question.

§ 17.213 Pre-employment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a pre-employment medical examination nor make a pre-employment inquiry as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make a pre-employment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 17.205(a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its Federally assisted program or activity pursuant to § 17.205(b), or when a recipient is taking affirmative action pursuant to Section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, provided that: (1) The recipient states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this subpart.

(3) The recipient must communicate with the applicant in a manner that will insure that the applicant understands clearly the reasons for the recipient's questions.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that: (1) all entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this subpart.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that: (1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment;

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§§ 17.214–17.215 [Reserved]

§ 17.216 Program accessibility.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity.

§ 17.217 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesigning of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, delivery of services at alternate accessible sites, alterations of existing facilities and construction of new facilities in conformance with the requirements of § 17.218, or any other methods that result in making its program or activity accessible to handicapped person. A recipient in not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small recipients.* If a recipient with fewer than fifteen employees that provides services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services whose facilities are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this subpart except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this subpart, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section a recipient shall develop, within six months of the effective date of this subpart, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum: (1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible and usable;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and (4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to insure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 17.218 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this subpart. The accessibility criteria set forth in this section is required only under Section 504. Recipients have been required to meet accessibility criteria set forth in the Architectural Barriers Act of 1968, (Pub. L. 90–480), under that act.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this subpart, in a manner that affects or could affect the usability of the extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) Any departure from compliance accessibility standards, i.e. waivers/modifications, must be applied for by the head of an agency on a case-by-case basis to the head of the ATBCB.

(d) *Technical Assistance.* The ATBCB is designated as primary resource for technical assistance, as well as for interpretation of American National Standards Institute standards and their equivalent in the interest of government-wide consistency.

§ 17.219 [Reserved]

§ 17.220 Education programs.

This subpart applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance, and to recipients that operate, or that receive or benefit from the Federal financial assistance for the operation of such programs or activities.

§§ 17.221–17.222 [Reserved]

§ 17.223 Location and notification.

A recipient that operates a public elementary or secondary education program shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians in the appropriate native language of the recipient's duty under this subpart.

§ 17.224 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 17.225 and 17.227.

(2) Implementation of an individualized education program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education.* (1) *General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on nonhandicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the program. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, the recipient shall insure that adequate transportation to and from the program is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the program operated by the recipient.

(3) *Residential placement.* If placement in a public or private residential program is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the program, including nonmedical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and § 17.225, a free appropriate public education to a handicapped person, and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made such a program available, or otherwise regarding the question of financial responsibility, are subject to the due process procedures of § 17.227.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this subpart. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding

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paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than one year after the effective date of this subpart.

§ 17.225 Educational setting.

(a) *Academic setting.* A recipient shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 17.228(a)(2), a recipient shall insure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall insure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

§ 17.226 Evaluation and placement.

(a) *Preplacement evaluation.* A recipient that operates a public elementary or secondary education program shall conduct an evaluation in the appropriate native language in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement.

(b) *Evaluation procedures.* A recipient shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which insure that:

(1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(3) Tests are selected and administered so as best to insure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) *Placement procedures.* In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to insure that information obtained from all such sources is documented and carefully considered, (3) insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) insure that the placement decision is made in conformity with § 17.225.

(d) *Reevaluation.* A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

§ 17.227 Procedural safeguards.

A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice in the appropriate native language, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of Section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

§ 17.228 Nonacademic services.

(a) *General.* (1) A recipient shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipient, referrals to agencies which provide assistance in making available outside employment.

(b) *Counseling services.* A recipient that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall insure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of Sec. 17.225 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§ 17.229 Preschool and adult education programs.

A recipient that operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity, and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

§ 17.230 Private education programs.

(a) A recipient that operates a private elementary or secondary education program may not, on the basis of handicap, exclude a qualified handicapped person from such program if the person can be provided an appropriate education, as defined in § 17.224(b)(1), within the recipient's program.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that operates special education programs shall operate such programs in accordance with the provisions of §§ 17.226 and 17.227. Each recipient to which this section applies is subject to the provisions of § 17.225, § 17.228, and § 17.229.

§ 17.231 [Reserved]

§ 17.232 Post-secondary education.

This subpart applies to post-secondary education programs and activities, including post-secondary vocational education programs and activities, that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal fiancial assistance for the operation of such programs or activities.

§ 17.233 Admissions and recruitment.

(a) *General.* Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient.

(b) *Admissions.* In administering its admission policies, a recipient:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate adverse effect are not shown by the Director to be available;

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to insure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) *Preadmission inquiry exception.* When a recipient is taking remedial action to correct the effect of past discrimination pursuant to § 17.205(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its Federally assisted program or activity pursuant to § 17.205(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, provided, that:

(1) The recipient states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this subpart.

(3) The recipient must communicate with the applicant in a manner that will insure that the applicant understands clearly the reasons for the recipient's questions.

(d) *Validity studies.* For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

§ 17.234 Treatment of students.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies.

(b) A recipient that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons.

(c) A recipient may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient shall operate its programs and activities in the most integrated setting appropriate.

§ 17.235 Academic adjustments.

(a) *Academic requirements.* A recipient shall make such modifications to its academic requirements as necessary to insure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student, or to any directly related licensing requirement, will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the

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manner in which specific courses are conducted.

(b) *Other rules.* A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms, or of guide dogs in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

(c) *Course examinations.* In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best insure that the results of the evaluation represent the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

(d) *Auxiliary aids.* (1) A recipient shall take such steps as are necessary to insure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

§ 17.236 Housing

(a) *Housing provided by the recipient.* A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in § 17.217, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) *Other housing.* A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

§ 17.237 Financial and employment assistance to students.

(a) *Provisions of financial assistance.* (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(b) *Assistance in making available outside employment.* A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate this subpart if they were provided by the recipient.

(c) *Employment of students by recipients.* A recipient that employs any of its students may not do so in a manner that violates this subpart.

§ 17.238 Nonacademic services.

(a) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of § 17.234(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(b) *Counseling and placement services.* A recipient that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall insure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) *Social organizations.* A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.

§§ 17.239–17.249 [Reserved]

§ 17.250 Health, welfare, and social services.

This subpart applies to health, welfare, and other social service programs and activities that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of such programs or activities.

(a) *General.* In providing health, welfare, or other social services or benefits, a recipient may not, on the basis of handicap:

(1) Deny a qualified handicapped person these benefits or services;

(2) Afford a qualified handicapped person an opportunity to receive benefits or services that is not equal to that offered nonhandicapped persons;

(3) Provide a qualified handicapped person with benefits or services that are not as effective, as defined in § 17.203(b), as the benefits or services provided to others;

(4) Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified handicapped persons; or

(5) Provide different or separate benefits or services to handicapped persons except where necessary to provide qualified handicapped persons with benefits and services that are as effective as those provided to others.

(b) *Notice.* A recipient that provides notice concerning benefits or services, or written material concerning waivers of rights or consent to treatment, shall take such steps as are necessary to insure that qualified handicapped persons, including those with impaired sensory or speaking skills, are not denied effective notice because of their handicap.

(c) *Emergency treatment for the hearing impaired.* A recipient hospital that provides health services or benefits shall establish a procedure for effective communication with persons with impaired hearing for the purpose of providing emergency health care.

(d) *Auxiliary aids.* (1) A recipient that employs fifteen or more persons shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question.

(2) The Director may require recipients with fewer than fifteen employees to provide auxiliary aids where the provision of aids would not significantly impair the ability of the recipient to provide its benefits or services.

(3) For the purpose of this paragraph, auxiliary aids may include brailled and taped material, interpreters, visual aids, and other aids for persons with impaired hearing or vision.

§ 17.251 Drug and alcohol addicts.

A recipient that operates a general hospital or outpatient facility may not discriminate in admission or treatment against a drug or alcohol abuser or addict who is suffering from a medical condition, because of the person's drug or alcohol abuse or addiction.

§ 17.252 Education of institutionalized persons.

A recipient that operates or supervises a program or activity for persons who are institutionalized because of handicap shall insure that each qualified handicapped person, as defined in § 17.202(d)(2), in its program or activity is provided an appropriate education, as defined in § 17.224(b). Nothing in this section shall be interpreted as altering in any way the obligations of recipients under § 17.216.

§§ 17.253–17.259 [Reserved]

§ 17.260 Historic preservation programs.

(a) In the case of historic properties, program accessibility shall mean that, when viewed in their entirety, programs are accessible to and usable by handicapped persons. Historic properties are those architecturally, historically or culturally significant properties that are listed or are eligible for listing in the National Register of Historic Places individually, or such properties designated as historic under a statute of the appropriate State or local governmental body. Recipients of Federal assistance are required to make necessary alterations to historic properties unless they would cause substantial impairment of significant historic features. A substantial impairment occurs when a permanent alteration is made which results in a significant loss of the integrity of finish materials, design quality or spatial character. In the case of historic properties, the following factors should be considered in making such properties accessible.

(1) Scale of Structure

(2) Public versus private use

(3) Type of program and relationship to its historic setting

(4) Cost of necessary modification and analysis of benefits.

(b) Where the structure is Federally owned or where Federal funds may be used for alterations, the comments of the Advisory Council shall be obtained pursuant to 36 CFR Part 800 prior to undertaking such work.

(c) Where access cannot be achieved without causing a substantial impairment of significant historic features, the recipient may seek a modification or waiver of access standards. In deciding whether to grant such a waiver, the head of the agency shall consult with the Advisory Council on Historic Preservation pursuant to 36 CFR Part 800.

§§ 17.270–17.279 [Reserved]

§ 17.280 Enforcement procedures.

The compliance and enforcement provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this subpart. These procedures are found in 43 CFR Part 17, Subpart A, 17.5–17.11.

§§ 17.281–17.299 [Reserved]

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Tuesday
April 8, 1980

Part IX

Department of the Interior

Fish and Wildlife Service

Determination That Kern Primrose Sphinx Moth (Euproserpinus euterpe) Is a Threatened Species

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That the Kern Primrose Sphinx Moth (Euproserpinus euterpe) Is a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Euproserpinus euterpe*, the Kern primrose sphinx moth, a native insect of California, to be a Threatened species. The species occurs in low numbers at a single locality in the Walker Basin, Kern County, California. Since the species is so limited, and sought after, collecting is a threat. This action will give the species the protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective on May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235–2771.

SUPPLEMENTARY INFORMATION:

Background

Euproserpinus euterpe was scientifically described by Henry Edwards in 1888. The moth was believed to have been discovered near San Diego, California, but the best available evidence indicates that the moth was actually first collected in the Walker Basin, Kern County, California, where it was rediscovered in 1974. *Euproserpinus euterpe* occurs in limited numbers, and has a flight period from late February to early April. The only larval foodplant is an evening primrose (*Oenothera contorta epilobioides*). The larvae develop in the spring, pupate in the soil, and diapause (remain inactive) until the following spring, when they emerge as adults.

The U.S. Fish and Wildlife Service was petitioned on March 5, 1977, by Dr. Paul M. Tuskes of the University of California at Davis to place *Euproserpinus euterpe* on the U.S. List of Endangered and Threatened Species. On July 3, 1978, the Service published a proposed rulemaking in the **Federal Register** (43 FR 28938–28945) advising that sufficient evidence was on file to support a determination that the Kern primrose sphinx moth was a Threatened species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531, *et seq.*). That proposal summarized the factors thought to be contributing to the likelihood that the Kern primrose sphinx moth could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory within which a resident species of wildlife is known to occur be notified and provided a 90 day comment period, before any such species is determined to be Threatened or Endangered. A letter was sent to Governor Edmund G. Brown, Jr. of the State of California on July 14, 1978, notifying him of the proposed rulemaking for the Kern primrose sphinx moth. On July 14, 1978, letters were sent to interested parties notifying them of the proposal and soliciting their comments and suggestions.

A public meeting on the July 3, 1978 proposal to list *Euproserpinus euterpe* as Threatened was held in Bakersfield, California on September 18, 1979.

Official comment was received from the Secretary for Resources of the State of California. He believed that the Kern primrose sphinx moth qualified as a Threatened species, and restated this opinion in the comment period following the public meeting.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any U.S. species to the List of Endangered and Threatened Wildlife and Plants.

Eight additional comments were received in the comment period following the proposal of *Euproserpinus euterpe* as Threatened. A conservation organization and a lepidopterist urged complete protection of the moth's habitat. A professional entomologist, and expert on sphingid moths, considered *Euproserpinus euterpe* to be the rarest sphinx moth in North America and recommended protection for the moth's habitat. He stated that active search had not revealed other localities for *Euproserpinus euterpe*. A private citizen opposed placing any restrictions on collecting *Euproserpinus euterpe* or any other Lepidoptera. Two professional lepidopterists opposed the listing of the moth as Threatened or Endangered because they believed the moth to have a much larger distribution in California, but they provided no supportive evidence. An amateur lepidopterist, and student of sphingid moths, also believed that *Euproserpinus euterpe* might have a larger distribution in California, but provided no supporting evidence. He pointed out that the type locality of San Diego, California might be in error, and in fact be represented by specimens from Kern County, California. This would mean that *Euproserpinus euterpe* has never been found outside of Kern County, California. One non-substantive comment was received.

Comments, either oral or written, were received from ten persons at the public meeting and during the following comment period. Eight comments supported the listing proposal and one comment opposed it.

The Kern County, California Planning Department stated that it was willing to cooperate in protecting *Euproserpinus euterpe*, but would have difficulty in doing this without knowing the exact localities where the moth occurred. Mr. John Lane, representing the Xerces Society, an organization involved with conservation of arthropods, presented evidence indicating that *Euproserpinus euterpe* had never been collected outside the Walker Basin, Kern County, California. Dr. Robert M. Pyle, Chairman of the Survival Service Commission of the International Union for the Conservation of Nature and Natural Resources, expressed this organization's support of the listing proposal. Dr. Paul M. Tuskes, the entomologist who petitioned to have *Euproserpinus euterpe* listed, submitted a letter and a manuscript derived from his field studies of *Euproserpinus euterpe* from 1975 to 1979. The moth was present in low numbers and very restricted in distribution from 1975 to 1978. In 1979 many more moths were present and they ranged more widely over the Walker Basin, but were abundant only at one site. Dr. Tuskes believed that these larger numbers represented emergence from pupae which had diapaused for varying lengths of time from the previous few years and which had emerged simultaneously due to favorable climatic conditions in 1979. Many female *Euproserpinus euterpe* were observed laying eggs on filaree (*Erodium cicutarium*), an exotic weed on which larvae of the moth cannot feed, causing stress on the *Euproserpinus euterpe* population and possibly accounting for its low numbers. Dr. Tuskes felt that the intensity of collecting of the moth during the short flight period was sufficient to threaten its continued survival. Four other entomologists and biologists supported the proposal, but provided no specific comments. Mr. John Johnson stated that

despite extensive search he had been unable to find *Euproserpinus euterpe* outside the Walker Basin.

Dr. J. M. Cadiou reiterated his opposition to the listing proposal, because he believed that the moth occurs outside the Walker Basin and that collecting does not threaten the survival of the species.

After a thorough review and consideration of all the information available, the Director has determined that *Euproserpinus euterpe* is *threatened* with becoming endangered throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act, as outlined in the proposed rulemaking.

These factors and their application to *Euproserpinus euterpe* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This species had been thought extinct but was rediscovered in 1974. It was rediscovered in the Walker Basin, California, an area between the Greenhorn and Piute Mountains, in a small colony in a barley field on a privately owned cattle ranch. The moth has since been found to be more widely distributed, in low density, in the Walker Basin, but this extension in range may represent only a temporary increase in numbers following unusually favorable climatic conditions. Intensive collecting has not revealed this moth outside the Walker Basin. The present management of the barley field in which the moth was rediscovered does not seem to be a threat to the moth or its larval food plant, a primrose (*Oenothera contorta epilobioides*), but if the management of the field is changed, the primrose, and thus the moth may be affected. Changes in land management of other areas of the basin where the moth occurs could also affect its populations.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* The rarity of *Euproserpinus euterpe* in collections makes it highly desirable to sphingid moth collectors. It has been estimated that single specimens may be worth as much as $100. Since the proposal to list *Euproserpinus euterpe*, attempts have been made to buy specimens from the entomologist studying the species, and collectors have continued to take moths from the single known colony. Most (about 75%) of the moths taken by collectors are females, because they fly more slowly than males. This may be particularly detrimental to the reproductive success of the moth. *Euproserpinus euterpe* was present only in small numbers from 1974 to 1978, (27 moths were collected during this five year period), but was more abundant in 1979, when 49 moths were collected over an eleven day period. It is believed that pupae from several different cohorts (age classes) diapaused (remained inactive) until unusually favorable climatic conditions in 1979, when they emerged simultaneously.

Due to the rarity and restricted distribution of *Euproserpinus euterpe*, collecting represents a threat to the continued survival of this species.

(3) *Disease or predation.* Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

(5) *Other natural or man-made factors affecting its continued existence.* In 1979, many female *Euproserpinus euterpe* were observed ovipositing (laying eggs) on filaree (*Erodium cicutarium*), an exotic weed on which larvae of the moth cannot feed. Since first instar larvae are not active, they are unable to locate proper food plants (*Oenothera contorta epilobioides*) and starve. It appears that strong selection is acting on *Euproserpinus* populations to favor females with appropriate host plant selection behavior. Collecting females during the brief flight and oviposition period could have an especially detrimental effect because it would reduce the genetic variability necessary to allow natural selection of females with appropriate oviposition behavior.

Effect of the Rulemaking

Section 7(a) of the Act as amended provides:

(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. * * *

Provisions for Interagency Cooperation were published on January 4, 1978, in the **Federal Register** (43 FR 870–876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species. There are no federal actions known at present which would be affected by this rule. Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of those prohibitions and exceptions also apply to any Threatened species, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened species, are found at Sections 17.21 and 17.31 of Title 50, and are summarized below.

With respect to *Euproserpinus euterpe*, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR Part 17.21 apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export or ship in interstate commerce in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce this species. It will also be illegal to possess, sell, deliver, carry, transport, or ship any specimen of *Euproserpinus euterpe* which has been illegally taken. Certain exceptions apply to agents of the Service and State conservation agencies. Regulations published in the **Federal Register** of September 26, 1975 (40 FR 44412), codified at 50 CFR 17.22 and 17.23, provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the Kern primrose sphinx moth to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate

Appendix(ices) to that Convention or whether they should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Kern primrose sphinx moth. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Euproserpinus euterpe is threatened by taking (See discussion under factors 2 and 4 in the conclusion section of this rule). Publication of Critical Habitat maps would make this species more vulnerable to taking by moth collectors, and therefore it would not be prudent to determine Critical Habitat. The Service now proceeds with this final rulemaking to determine this species as Threatened under the authority contained in the Endangered Species Act of 1973, as amended.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, 703/235–1975.

Regulations Promulgation

Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the Kern primrose sphinx moth to the list, alphabetically, under "Insecta" as indicated below:

§ 17.11 Endangered and threatened wildlife.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
Euproserpinus euterpe	Moth, Kern primrose sphinx.	U.S.A. (California)	Entire	T		NA

Note.—The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: April 3, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-10691 Filed 4-7-80; 8:45 am]

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April 8, 1980

Part X

Department of Energy

Economic Regulatory Administration

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities; Proposed Rulemaking and Public Hearing

V 45 I 69 A P 8 80 UMI

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 461

[Docket No. ERA-R-79-12A]

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities; Proposed Rulemaking and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to amend its rule which established two programs that provide financial assistance to State utility regulatory commissions and nonregulated electric utilities. The program to be amended, the Innovative Rates Program, provides financial assistance for electric utility regulatory rate reform initiatives relating to innovative rate structures under Title II of the Energy Conservation and Production Act, as amended by Title I of the Public Utility Regulatory Policies Act of 1978. DOE is proposing to revise this program in order to (1) establish a procedure for evaluating proposals to continue tasks for which cooperative agreements were awarded in 1979, (2) modify the tasks eligible for funding, and (3) make other changes in response to experience gained from DOE's operation of the program. Written comments will be received and a public hearing will be held with respect to this proposal.

DATES: Comments by June 9, 1980, 4:30 p.m. Requests to speak by May 7, 1980, 4:30 p.m. Hearing date: May 14, 1980, 9:30 a.m.

ADDRESSES: All comments and requests to speak to: Department of Energy, Office of Public Hearings Management, Docket No. ERA-R-79-12A, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

M. Larry Kaseman, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 4308, Washington, D.C. 20461, (202) 653-3920.

Mary Ann Masterson, Office of the Assistant General Counsel for Conservation and Solar Applications, Department of Energy, James Forrestal Building, Room 1E-254, Washington, D.C. 20585, (202) 252-9510.

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055.

SUPPLEMENTARY INFORMATION:

I. Background.
II. The Innovative Rates Program.
A. Eligibility.
B. Purpose.
C. Tasks Eligible for Funding.
D. Proposal Submission and Selection.
III. Proposed Amendments.
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A. Written Comments.
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VI. Other Matters.
A. Environmental Impact.
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I. Background.

Regulations establishing financial assistance programs for State utility regulatory commissions and nonregulated electric utilities were issued by the DOE as 10 CFR Part 461 on June 29, 1979 (44 FR 40262, July 9, 1979). A notice of proposed rulemaking and public hearing had been issued on March 21, 1979 (44 FR 18856, March 29, 1979) and comments solicited from interested parties.

Subpart C of these regulations established the Innovative Rates Program, pursuant to section 204(1)(B) of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*), as amended by section 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*).

The purpose of the Innovative Rates Program is to provide financial assistance for planning and carrying out electric utility regulatory rate reform initiatives relating to innovative rate structures that encourage conservation of energy, electric utility efficiency and reduced costs and equitable rates to consumers. For fiscal year 1979, a total of 37 proposals comprising 83 tasks were received, evaluated and scored by DOE in accordance with the evaluation criteria specified in the regulations. DOE awarded cooperative agreements, totaling $3.9 million and covering the 30 highest ranking task proposals, to 21 different recipients. DOE anticipates that approximately $5.0 million will be available for awards for proposals received in fiscal year 1980.

The Preamble to the Innovative Rates Program rule specifically indicated that DOE would consider whether the regulations should be revised for the second year of the program to determine the number of points to be awarded to recipients in evaluating their activities during the first year of the program and to determine whether the tasks eligible for funding should, in light of activities undertaken during the first year of the program, be revised. DOE is now proposing amendments in these areas, as well as several other revisions. The latter are proposed in response to the experience gained from DOE's operation of the program. No revisions are proposed to Subpart A or Subpart B of Part 461.

A description of the major elements of the Innovative Rates Program, as proposed to be amended, is set forth in II below. A more complete discussion of the proposed changes is contained in III.

II. The Innovative Rates Program

The program is a discretionary financial assistance program in which cooperative agreements are awarded to proposers selected by DOE on a competitive basis. The program's major elements, as proposed to be amended, are as follows:

A. Eligibility

No amendments are proposed to § 461.31 of the regulations. Under the existing regulations, State utility regulatory commissions, nonregulated electric utilities and the Tennessee Valley Authority (TVA), are eligible to apply for financial assistance under this program. Since the purpose of this program is to plan and carry out regulatory rate reform initiatives relating to innovative rate structures, DOE will fund initiatives which will change, or are likely to change, regulatory ratemaking policies or practices. State utility regulatory commissions, nonregulated electric utilities and TVA have ratemaking authority and are, therefore, able to develop and implement initiatives to reform rates.

B. Purpose

The existing regulations provide that the purpose of the Innovative Rates Program is to reform regulatory policies and practices by the development and implementation of rate reform initiatives, relating to innovative rate structures, designed to carry out the purposes of ECPA. To accomplish this purpose, DOE will award financial assistance under cooperative agreements for the performance of tasks which further the purposes of ECPA. Since the purpose of this program is actually to carry out, rather than simply consider, regulatory rate reform initiatives relating to innovative electric rate structures, DOE intends to fund initiatives which will actually change electric regulatory ratemaking policies or practices.

The tasks covered by the Innovative Rates Program share one or more of the following key characteristics. First, the activities undertaken in performing each task are to result in decisions by the proposer regarding the adoption of a regulatory policy or practice. Second, in developing innovative ratemaking policies and practices, the activities are to focus on practical, immediate issues faced by regulatory authorities. Consequently, the activities are not to focus heavily on developing theoretical studies and models or initiating large primary data collection efforts. Third, the performance of the activities is to expand the proposer's areas of knowledge and level of expertise. Fourth, completed tasks are to result in basic tools, techniques, and organizational resources essential to innovative rate reform. Fifth, the products and results from performance of the tasks are to be largely applicable to other regulatory authorities.

C. Tasks Eligible for Funding

Section 461.32 of the regulations identifies a number of tasks which are expected to be of general applicability to many State utility regulatory commissions, nonregulated electric utilities and TVA. Each task identified incorporates the study and adoption, by the proposer, of electric utility ratemaking practices or policy initiatives.

Under the regulations as proposed to be revised, proposers applying for initial funding of tasks may receive funding for up to three of eight specified tasks. These tasks are: (1) estimation of consumer class load characteristics, (2) nondiscriminatory electric rates for consumers who use supplementary solar systems, (3) rate incentives for oil conservation, (4) ratemaking incentives that promote efficient use of electric utility resources, (5) ratemaking incentives that promote the use of cogeneration facilities, (6) standby rates to encourage conservation during energy emergencies, (7) allocation of conservation service costs, and (8) other electric regulatory rate reform initiatives relating to innovative rate structures, which carry out the purposes of the program.

The revised regulations would also provide for proposals for the continuance of initiatives funded in 1979 and which require up to an additional year for completion.

D. Proposal Submission and Selection

DOE may provide financial assistance to individual proposers for the performance of up to three of the tasks described in proposed § 461.32. A proposer who received funding in 1979 and who is applying in 1980 may apply for and receive funding to continue tasks, to start new tasks, or both, but will in no case receive funding for more than 3 tasks. In order to be considered for financial assistance, a proposer must submit a proposal in accordance with § 461.33. The proposal is to contain a separate task work plan outlining specific activities to be undertaken for each proposed task. The format and content of each task work plan will depend on whether the proposer is requesting continuation or initial funding for that task. In addressing the requirements for each task, DOE expects the proposer to undertake the types of activities specified for them. However, the activities listed are not intended to be exhaustive.

DOE will evaluate each proposed task using the criteria outlined in § 461.34. These evaluation criteria differ slightly, depending on whether the proposer is requesting funding for continuation of a task or for the initiation of a new task. In both cases, the evaluation criteria focus on determining the quality and feasibility of the proposed approach to performing the task. In addition, tasks proposed for continuation are evaluated in terms of the extent and quality of the proposer's performance during the first year of funding. Each task work plan will be evaluated separately and may receive a maximum of 100 points. However, any task work plan receiving an evaluation score of less than 45 points will not be funded under a cooperative agreement. DOE will first select for funding those tasks which were initially funded in 1979. DOE will then select for funding proposed initial tasks in accordance with their point scores, depending on the availability of funds.

III. Proposed Amendments

A detailed discussion of the proposed amendments and their bases follows. For the public's convenience, DOE is publishing the entire subpart on the innovative Rates Program, and not just the proposed changes.

A. Tasks Eligible for Funding

DOE proposed to amend § 461.32 to revise the tasks eligible for funding. DOE stated in the July 9, 1979, rule that it would consider making such revisions. The 8 tasks eligible for initial funding under the program are: (1) estimation of consumer class load characteristics, (2) nondiscriminatory electric rates for consumers who use supplementary solar systems, (3) rate incentives for oil conservation, (4) ratemaking incentives that promote efficient use of electric utility resources, (5) ratemaking incentives that promote the use of cogeneration facilities, (6) standby rates to encourage conservation during energy emergencies, (7) allocation of conservation service costs, and (8) other electric regulatory rate reform initiatives relating to innovative rate structures, which carry out the purposes of the program.

Five of these tasks were among those offered in the first year of the program, and the listing of suggested activities for these tasks remains essentially the same. The only change is in the solar rate initiative task, which is no longer limited in applicability to residential units. Three of the eligible tasks—rate incentives for oil conservation, cogeneration rate initiatives and emergency conservation planning—are new. Two cogeneration rate projects applied for funding under the Innovative Rates Program under the "Other" category in 1979, and were funded. DOE now feels that more initiatives in this area may be desirable, and thus is proposing to designate a separate task on this subject. Since regulatory authorities may be involved in emergency conservation planning under the Emergency Energy Conservation Act of 1979, DOE is allowing the proposal of innovative implementation-oriented work in this area. Also, since reduced dependency on foreign oil is an increasingly important national goal, DOE is proposing a task on rate incentives for oil conservation.

Five of the tasks declared eligible for funding in 1979 have been deleted as candidates for intitial funding in 1980. These tasks are cost-of-service information system, metering for innovative electric rates, rate information for consumers, assistance to low income electric consumers and procedures for intervenor compensation. These deletions are the result of several factors. One factor is the general lack of both interest and quality in the 1979 proposals for such tasks as metering and intervenor compensation. Since it is not expected that this situation will change substantially, no new proposals are being specifically solicited for these tasks. A second factor is that 1979 funded tasks in several areas (e.g., rate information and low income assistance) are of such sufficient quality and potential transferability that DOE does not feel it is necessary to solicit more

innovative initiatives under this program. Also, for some tasks (e.g., cost-of-service and metering), a significant number of high quality initiatives appear to be underway in the nation and, consequently, Federal monies under this program are not needed to stimulate activity in these areas. However, a potential proposer can still apply for funds relating to any of the deleted tasks under the "other Tasks" category.

Although DOE would specify 8 tasks for initial funding, it plans to accept proposals to continue any of the 10 tasks originally funded in 1979. Recipients of 1979 funds under the program may apply for funding to continue performance for any or all of its funded tasks for up to 1 year.

B. Proposal Requirements

1. A clarification has been added to § 461.33 specifying that DOE will provide Standard Form 424 to each proposer for submission of a proposal. This form is required by OMB pusuant to OMB Circulars A–102 and A–110.

2. DOE is proposing to modify § 461.33 by deleting the provision that funds must be requested and will be awarded on an annual basis. Although new proposals would be required to fund the second year of tasks originally funded in 1979, proposers receiving initial funding in 1980 would be funded for the full period of performance, up to 2 years.

3. In addition, DOE proposes to have two slightly different sets of proposal requirements—one for requests for continuation funding and a second for requests for initial funding. The two are similar, except that with respect to the former, the proposer must submit information on the activities to have been undertaken in the first year, and an explanation, if appropriate, of the reasons why any activities were not undertaken. In addition, § 461.33 would require that funding requests for continuation of tasks contain information on how, if at all, the task management and personnel sections of the year 2 proposal differ from those in year 1. DOE believes that this information is necessary to evaluate a proposer's performance of a task.

4. The format for the initial task proposals is unchanged from the original regulations, except that the provision for designating cost-sharing has been removed. DOE has decided that since cost-sharing has never been a firm requirement under the Innovative Rates Program, the specification of and later accountability to DOE for such funds is not necessary.

C. Evaluation Criteria

1. DOE is proposing to modify § 461.34 by including two slightly different sets of evaluation criteria—one for requests for continuation funding and a second for requests for initial funding. The two are the same, except that the former contains, as a criterion, an evaluation of how successfully the recipients of 1979 funds have performed their tasks to date. Since this performance criterion is assigned 25 points, maximum point scores for the other evaluation criteria have been reduced slightly to reflect their level of importance in a year 2 continuation request.

2. The evaluation criteria for new proposals are largely unchanged from those contained in the original regulations. One proposed change is the deletion of the criterion concerning the extent to which the task work plan evidences that the proposer plans to use, rather than duplicate the development of, available published materials. Another proposed change is the deletion of one of the specific budget criteria, pertaining to the extent to which costs for consultant services are reasonable, related directly to the activities and will assist in accomplishing the objectives of the task. Experience with the program has shown DOE that both of these criteria were difficult to assess accurately and, therefore, were minimally useful in the actual evaluation process.

Consequently, these criteria are proposed to be deleted from the evaluation of both continuation tasks and new tasks.

Other changes in the initial funding evaluation criteria include lowering the maximum point level for the budget section, and raising the maximum points available for the task work plan and analytical and methodological approaches sections. DOE has determined, based on its experience with the program, that the latter two criteria are important indices of task value and potential for successful performance by the proposer, and therefore should receive greater weight in the evaluation process.

D. Selection Process

DOE is proposing a selection process which is essentially the same as that in the original regulations, except that requests for funding to continue tasks will be evaluated and selected separately from requests for funding new tasks. DOE believes this approach is appropriate, since these two types of proposals are significantly dissimilar and should not compete against each other. DOE will select for funding all qualifying continuation tasks first. It will then fund qualifying proposed initial tasks in accordance with their evaluation point score. The reason tasks already funded which require additional time to complete would receive priority is that DOE has determined that this would maximize the benefits to be obtained in return for the funds awarded. Without this priority, successful projects might not be completed and demonstrated performance might not receive further assistance. A statement has been added to § 461.35 to clarify that no proposer may be funded under this program for more than three tasks at the same time. This limitation was imposed by the original regulations.

IV. Specific Comments Requested.

DOE is issuing the proposed rule to invite public comment on the manner in which it proposes to amend the Innovative Rates Program. While comments are invited on all proposed amendments, attention should be focused on the following topics:

1. Tasks eligible for funding. DOE solicits comments on the design, relevance, practicality and replicability of each of the tasks specified for new funding. In addition, DOE solicits comments on whether each task can be completed within 2 years of the cooperative agreement award.

2. Identification of alternative tasks. DOE invites suggestions of additional tasks to be considered for specific incorporation into the program. These suggestions should identify tasks that would promote regulatory rate reform, lead to adoption of a regulatory policy within 1 to 2 years within a given jurisdiction, and result in basic tools, techniques and organizational experience that are applicable to other regulatory commissions and nonregulated electric utilities.

3. Evaluation criteria. DOE solicits comments and suggestions regarding the criteria proposed to be used to evaluate the submitted proposals and their relative importance.

V. Written Comments and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, views or arguments with respect to the matters set forth in this proposed rule. Comments should be submitted by 4:30 p.m. (60 days from date of publication), to the addresses indicated in the "ADDRESSES" section of this proposed rule and should be identified on the outside envelope and on the document with the document control number and the designation: "Innovative Rates Program, Docket No. ERA–R–79–12A". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, room GA–152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1908, January 8, 1979), if you submit information which you believe to be confidential, you should submit one copy only, identified as confidential. We reserve the right to determine the confidential status of such submissions and to treat them according to our determination.

B. Public Hearing

(1) Procedures for request to make oral presentation. The times and places for the hearing are indicated in the "DATES" and "ADDRESSES" sections of this Notice. If you have an interest in this proposed rulemaking or represent a person, group or class of persons that has an interest, you may make a written request for an opportunity to speak at a public hearing. Request to speak must be sent to the address shown in the "ADDRESSES" section and be received by May 7, 1980. The request should include a telephone number where you may be contacted through the day before the hearing.

If you are selected to participate in the hearing, you will be so notified on or before May 9, 1980. You should submit 100 copies of your statement for distribution at the hearing by 4:30 p.m. on May 12, 1980, to the Office of Public Hearings Management, U.S. Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

(2) Conduct of the hearing. We reserve the right to schedule participant's presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation based on the number of persons requesting to be heard. We encourage groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the group.

An ERA official will be designated to preside at the hearing. It will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if time permits, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you should submit it in writing to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer. The presiding officer will announce any further procedural rules needed for the proper conduct of the hearings.

ERA will have a transcript made of the hearings and will retain the entire record of the hearing, including the transcript. The record will be available for inspection at the DOE Freedom of Information Office, Room GA–152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

VI. Other Matters

A. Environmental Impact

DOE has determined that the proposed amendments to this regulation do not constitute a Federal action which may have a significant impact on the quality of the human environment and, therefore, will not require preparation of an Environmental Assessment or an Environmental Impact Statement, pursuant to the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

As required by section 7(c)(2) (15 U.S.C. 776) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment.

The Administrator had no comments.

B. Regulatory Review

DOE has determined that this rulemaking is significant as that term is used in Executive Order 12044 and DOE Order 2030, but is not likely to have a major impact as defined in these two documents. The rule is considered significant since it would provide funds to carry out national energy legislation. The rule is considered not likely to have a major impact, with respect to its incremental effect on the existing regulatory environment, since it would not impose a gross economical annual cost of $100 million or more; is not likely to impose a major increase in costs or prices for individual industries, levels of government geographic regions, or demographic groups, or to have an adverse impact on competition; is not likely to have a substantial effect on any of the objectives of national energy policy or energy statutes; and has not been considered by the Secretary, Deputy Secretary or Under Secretary as likely to have a major impact for any other reason. Accordingly, no regulatory analysis will be performed.

C. Urban Impact Analysis

This proposed rulemaking has been reviewed in accordance with OMB Circular A–116 to assess the impacts on urban centers and communities. In accordance with DOE's finding that the proposed regulation is not likely to have a major impact, DOE has determined that no community and urban impact analysis of this proposed rulemaking is necessary pursuant to section 3(a) of Circular A–116.

(Energy Conservation and Production Act, Pub. L. 94–385, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617 (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, Subpart C of Part 461 of Chapter II, Title 10 of Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C. on April 2, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Chapter II of Title 10, Code of Federal Regulations, Part 461 Subpart C is revised to read as follows:

Subpart C—Innovative Rates Program

Sec.

461.30 Purpose and scope.
461.31 Eligibility requirements.
461.32 Tasks eligible for funding.
461.33 Proposal requirements.
461.34 Evaluation criteria.
461.35 Selection process.
461.36 Allowable expenditures.

Authority: Energy Conservation and Production Act, Pub. L. 94–385, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617 (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*).

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PART 461—FINANCIAL ASSISTANCE PROGRAMS FOR STATE UTILITY REGULATORY COMMISSIONS AND ELIGIBLE NONREGULATED ELECTRIC UTILITIES

Subpart C—Innovative Rates Program

§ 461.30 Purpose and scope.

This subpart establishes a program of financial assistance through cooperative agreements with State utility regulatory commissions, nonregulated electric utilities and the Tennessee Valley Authority (TVA), pursuant to section 204(1)(B) of ECPA. The purpose of this program is to provide financial assistance to these entities for planning and carrying out electric utility regulatory rate reform initiatives relating to innovative rate structures that encourage conservation of energy, electric utility efficiency and reduced costs and equitable rates to consumers.

§ 461.31 Eligibility requirements.

(a) Cooperative agreements awarded under this subpart may be awarded only to State utility regulatory commissions, nonregulated electric utilities and TVA.

(b) A cooperative agreement may be only for an initiative which will be completed within 2 years.

§ 461.32 Tasks eligible for funding.

(a) DOE may award cooperative agreements for initiatives which may require up to 2 years to complete, which carry out the purpose of the program as expressed in § 461.30, and which perform up to three of the following ratemaking tasks.

(1) *Estimating consumer load characteristics.* Activities undertaken in performance of this task could include:

(i) Identifying and assessing existing approaches and methods in the public and private sectors that might be used within the proposer's service area(s) for determining electric load characteristics by consumer class;

(ii) Developing and testing, without extensive data collection efforts or load research studies, innovative methods of estimating consumer class load characteristics;

(iii) Adopting one or more such methods for estimating electric load characteristics, by consumer class, for electric ratemaking purposes;

(iv) Developing, as necessary, a model rate provision which allows a residual charge or credit to compensate for inaccurate estimation of load;

(v) Identifying and documenting procedures that can be used to conduct electric load research studies; and

(vi) Adopting appropriate guidelines for the design, operation, analysis, documentation and reporting of utility load research studies.

(2) *Solar rate initiative.* Activities undertaken in performance of this task could include:

(i) Developing a solar electric rate study to help design a rate structure for electric consumers in the proposer's service area(s) who use supplementary solar systems on existing electric appliances and/or heating and cooling systems;

(ii) Collecting and analyzing appropriate data including weather, demographic, household and load characteristics to assess alternative solar rate structures, including time-of-use electric rate structures; and

(iii) Developing guidelines for establishing rates for electric consumers who use supplementary solar systems on electric appliances and/or heating and cooling systems.

(3) Rate Incentives for Oil Conservation. Activities undertaken in performance of this task could include:

(i) Identifying opportunities for end-use oil conservation by substituting selected non-oil generated electric loads, with particular attention to space heating, water heating, and transportation;

(ii) Identifying rate incentives for promoting such end-use fuel switching;

(iii) Assessing the rate base impacts of a successful oil conservation incentive rate;

(iv) Developing one or more oil conservation rate incentives, consistent with the PURPA purposes and standards; and

(v) Formulating customer relations guidelines to be followed by the utility in informing its customers of the advantages of such fuel switching, in light of the applicable incentive rate and the relative costs and availability outlook for oil.

(4) Rate Incentives for Utility Efficiency. Activities undertaken in performance of this task could include:

(i) Identifying and assessing, for possible adoption by the proposer, current regulatory policies and practices with respect to incentives for efficient electric utility resource utilization, including such aspects of utility operation as fuel use and powerplant availability;

(ii) Reviewing and assessing alternative regulatory approaches that might increase the efficiency of electric utility operation, including incentive rates of return and restrictions on automatic adjustment clauses; and

(iii) Developing and adopting regulatory guidelines and ratemaking standards to increase the efficiency of electric utility operation.

(5) *Nondiscriminatory cogeneration rates.* Activities (consistent with section 210 of PURPA and the FERC regulations promulgated pursuant thereto) undertaken in performance of this task could include:

(i) Identifying and assessing for possible adoption by the proposer, pertinent regulatory policies and practices for setting rates for electric utility purchase of electric energy and/or capacity from qualifying cogeneration and small power production facilities;

(ii) Identifying, evaluating, and selecting the information, analytical method(s), and procedures that might be used by the proposer to establish appropriate rates for electric utility purchase of electrical energy and/or capacity from qualifying cogeneration and small power production facilities. Emphasis might be given to the appropriate methods for determining the cost the purchasing utility can avoid as a result of obtaining electric energy and/or capacity from the qualifying facilities;

(iii) Adopting as a standard, through public hearings on a case by case basis or through generic proceedings, one or more of the identified methods and procedural processes for establishing cogeneration rates. The standard should identify the data required as well as reporting and filing requirements; and

(iv) Documenting the method(s) established for setting cogeneration rates, model contractual agreements, and provision of necessary organizational resources and information to assist potential facilities in establishing sales agreements with potential purchasers of electric power and/or capacity.

(6) Emergency Conservation Rates. Activities undertaken in performance of this task could include:

(i) Identifying and assessing pertinent regulatory policies and practices for establishing standby electric rates to insure exceptional conservation during periods of energy emergency;

(ii) Determining appropriate triggering criteria for the activation of such standby emergency rates, with particular attention to the availability of primary energy to the electric utility;

(iii) Identification of the cost factors and usage characteristics essential to the design of reasonable standby emergency conservation rates, including consideration of short-run marginal costs and economic impact;

(iv) Developing and adopting standby emergency conservation rates; and

(v) Formulation of customer relations guidelines to be followed by the utility in informing its customers about the need for, and application of, the standby emergency conservation rate, both routinely and upon activation of the standby rate.

(7) Allocation of conservation Service Costs. Activities undertaken in performance of this task could include:

(i) Identifying and evaluating, for possible adoption by the proposer, current procedures for allocating the costs incurred by electric utilities in providing end-use conservation services to consumers;

(ii) Developing the proposer's own alternative procedures, as required, for allocating the costs of end-use conservation services for ratemaking purposes;

(iii) Assessing the impact of the cost of end-use conservation services on the electric utility's cost-of-service, taking into account the short- and long-run effects of demand (kilowatt-hour and/or kilowatt) reduction; and

(iv) Incorporating and adopting, through a public hearing, conservation cost allocation procedures as ratemaking guidelines.

(8) *Other tasks.* Other activities may be undertaken to plan and carry out electric utility regulatory rate reform initiatives, relating to innovative rate structures, that carry out the purposes expressed in § 461.30 and that will, or are likely to result in the adoption by the proposer of a reform in its ratemaking practices or policies.

(b) DOE may also award cooperative agreements for the continuance of initiatives funded in Fiscal Year 1979 under this subpart and which may require up to an additional year to complete.

§ 461.33 Proposal requirements.

(a) To be eligible to receive a cooperative agreement under this subpart, a proposer must submit to DOE a proposal on Standard Form 424 to be provided by DOE in conformity with paragraph (b) of this section. This proposal must be received by DOE on or before 5:30 P.M. e.d.t., on the August 15 preceding the fiscal year for which financial assistance is sought, or such other date as may be established by DOE and published in the **Federal Register.**

(b) Each proposal must include—

(1) A brief overview, including a summary of each of the tasks proposed to be carried out with the financial assistance requested by the proposer.

(2) For funding under § 461.32(b), a separate Task Work Plan for each proposed task to be carried out by the proposer. Each Task Work Plan shall not exceed 25 pages in length and shall include—

(i) A brief statement of the specific objectives of the task and an identification of how the objectives relate to the proposer's ongoing work and needs;

(ii) A description of the activities proposed to be undertaken in the originally-funded proposal under this program, a description of the activities actually undertaken, and an explanation, if appropriate, of the reasons why any proposed activities were not undertaken.

(iii) A detailed Scope of Work describing the activities to be undertaken to complete the task within the anticipated period of time for the proposed task, not to exceed 1 year, including—

(A) A discussion of how the activities will accomplish the objectives of the task;

(B) A detailed description of each activity;

(C) A statement of anticipated problems associated with carrying out the activities;

(D) An indentification of methodological issues associated with the activities; and

(E) An indentification of data requirements, sources, and availability associated with the activities.

(iv) A timetable by calendar month showing the activities to be performed to complete the task;

(v) A description of task management and administration, which identifies the responsibilities of key personnel and the organizational units assigned to undertake and complete the task, and an indication of any major changes from the year 1 proposal;

(vi) A description of the experience of key personnel, including an identification of the percent of time each will devote to the remainder of the task, and an indication of any major changes from the year 1 proposal;

(vii) A cost estimate by activity for the remainder of the task;

(viii) A budget by cost category for the remainder of the task, including the amount requested of DOE, and the total amount estimated for each task for the period of time to complete the proposed task;

(3) For tasks eligible for funding under § 461.32(a), a separate Task Work Plan for each proposed task to be carried out by the proposer. Each Task Work Plan shall not exceed 25 pages in length and shall include—

(i) A brief statement of the specific objectives of the task and an identification of how the objectives relate to the proposer's ongoing work and needs;

(ii) A detailed Scope of Work describing the activities to be undertaken to complete the task within the anticipated period of time for the proposed task, not to exceed 2 years, including—

(A) A discussion of how the activities will accomplish the objectives of the task;

(B) A detailed description of each activity;

(C) A statement of anticipated problems associated with carrying out the activities;

(D) An identification of methodological issues associated with the activities; and

(E) An identification of data requirements, sources, and availability associated with the activities.

(iii) A timetable by calendar month showing the activities to be performed;

(iv) A description of task management and administration, which identifies the responsibilities of key personnel and the organizational units assigned to undertake the task;

(v) A description of the experience of key personnel, including an identification of the percent of time each will devote to the task;

(vi) A cost estimate by activity for each task;

(vii) A budget by cost category for each task, including the amount requested of DOE, and the total amount estimated for each task for the period of time to complete the proposed task;

(4) An assurance that funds received by the proposer under this subpart will be used in addition to, and not in substitution for, funds made available to the proposer from other governmental sources.

(5) A commitment to submit a Management Plan 60 days after receipt of any cooperative agreement under this subpart. The Management Plan will set forth in detail the organizational, budgetary, technical, and scheduling requirements necessary for successful completion of each task covered in the cooperative agreement. The Management Plan must be submitted for DOE review and approval, and the recipient may not proceed with the subsequent task(s) until the Management Plan is approved.

(6) Identification of the person responsible for coordination and management of the cooperative agreement, including the person's name, title, address, and telephone number.

(7) Referenced appendices, including any pertinent legislation and regulatory orders which are cited in the proposal.

§ 461.34 Evaluation criteria.

(a) The following criteria will be used to evaluate each task for which funding under § 461.32(b) is sought.

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(1) *Task Objectives.* 5 points maximum.

(i) The extent to which the proposed task describes specific objectives; and

(ii) The extent to which the proposed task demonstrates that accomplishments of the task will be applicable and usable by other State utility regulatory commissions and/or nonregulated electric utilities.

(2) *Task Work Plan.* 35 points maximum.

(i) The extent to which the activities and objectives in the Task Work Plan evidence innovative, effective, and practical approaches to utility rate regulation;

(ii) The extent to which the activities described in the Task Work Plan are clearly related to, and show promise of attaining, the objectives;

(iii) The extent to which activities in the Task Work Plan are integrated into a realistic timetable;

(iv) The extent to which the anticipated results, accomplishments and associated products (including studies, procedures, guidelines and policy directives), are identified;

(v) The extent to which potential problems and alternative courses of action to resolve the problems are identified and addressed.

(3) *Analytical and Methodological Approaches for Task.* 15 points maximum.

(i) The extent to which the evaluation procedures to be used by the proposer in selecting the methodologies and policy alternatives to be employed in the task are clearly described and are workable;

(ii) The extent to which the issues associated with data requirements, sources, availability, costs, and validity are clearly and adequately addressed.

(4) *Task Management.* 10 points maximum.

(i) The extent to which the staffing plan:

(A) Evidences an evaluation of the proposer's current organization with respect to its capability to carry out the task; and

(B) Establishes clear organizational responsibilities for carrying out the task;

(ii) The extent to which the proposer's staff are qualified to perform their functions and will be involved with the work performed by any consultants; and

(iii) The extent to which the Task Work Plan includes provisions for making maximum use of present staff and/or provide for training of staff in order to increase the proposer's effectiveness in carrying out the task.

(5) *Task Budget.* 10 points maximum.

The extent to which the proposed Task Work Plan contains evidence that the amount of funds requested is realistically related to the activities, especially in terms of achieving the stated objectives.

(6) *Performance to date.* 25 points maximum.

(i) The extent to which completed performance under the task evidences that adequate progress in meeting established goals and objectives has been achieved; and,

(ii) The extent to which the work performed (task work plan) evidences effective use of personnel and budgetary resources.

(b) The following criteria will be used to evaluate each proposed task for which funding under § 461.32(a) is sought.

(1) *Task Objectives.* 10 points maximum.

(i) The extent to which the proposed task describes specific objectives; and

(ii) The extent to which the proposed task demonstrates that accomplishments of the task will be applicable and usable by other State utility regulatory commissions and/or nonregulated electric utilities.

(2) *Task Work Plan.* 45 points maximum.

(i) The extent to which the activities and objectives in the Task Work Plan evidence innovative, effective, and practical approaches to utility rate regulation;

(ii) The extent to which the activities described in the Task Work Plan are clearly related to, and show promise of attaining, the objectives;

(iii) The extent to which activities in the Task Work Plan are integrated into a realistic timetable;

(iv) The extent to which the anticipated results, accomplishments and associated products (including studies, procedures, guidelines and policy directives), are identified;

(v) The extent to which potential problems and alternative courses of action to resolve the problems are identified and addressed.

(3) *Analytical and methodological approaches for task. 25 points maximum.*

(i) The extent to which the evaluation procedures to be used by the proposer in selecting the methodologies and policy alternatives to be employed in the task are clearly described and are workable;

(ii) The extent to which the issues associated with data requirements, sources, availability, costs, and validity are clearly and adequately addressed.

(4) *Task Management.* 10 points maximum.

(i) The extent to which the staffing plan:

(A) Evidences an evaluation of the proposer's current organization with respect to its capability to carry out the task; and

(B) Establishes clear organizatinal responsibilites for carrying out the task;

(ii) The extent to which the proposer's staff are qualified to perform their functions and will be involved with the work performed by any consultants; and

(iii) The extent to which the Task Work Plan includes provisions for making maximum use of present staff and/or provide for training of staff in order to increase the proposer's effectiveness in carrying out the task.

(5) *Budget for Task.* 10 points maximum.

The extent to which the proposed Task Work Plan contains evidence that the amount of funds requested is realistically related to the activities, especially in terms of achieving the stated objectives.

§ 461.35 Selection process.

The following evaluation and selection process will be used to award cooperative agreements to proposers.

(a) Any proposal that does not include items required in § 461.33(b)(1) through § 461.33(b)(7) will not be considered for a cooperative agreement.

(b) DOE shall first select for funding tasks proposed undr § 461.32(b), as follows:

(1) DOE shall evaluate each task in accordance with the criteria specified in § 461.34(a), and shall give each a point score according to those criteria.

(2) Any task receiving a score of 45 points or less will not be considered for a cooperative agreement.

(3) DOE shall rank all tasks in accordance with their point scores.

(4) DOE shall fund the tasks in their order of ranking.

(c) DOE shall then select for funding tasks proposed under § 461.32(a), as follows:

(1) DOE shall evaluate each task in accordance with the criteria specified in § 461.34(b), and shall give each a point score according to these criteria.

(2) Any proposed task receiving a point score of 45 points or less will not be considered for a cooperative agreement.

(3) DOE shall rank all proposed tasks in accordance with their point scores.

(4) DOE shall select for funding the proposed tasks in their order of ranking, unitl available funds for award are utilized, except that no proposer may receive funding under this subpart for more than three tasks at the same time.

(d) When determined to be necessary and appropriate by DOE, DOE may negotiate with the proposer on Task Work Plans and budgets for tasks, prior to the award of a cooperative agreement.

§ 461.36 Allowable expenditures.

Expenditures of funds provided under this subpart are subject to the following limitations: (a) Funds may not be used for the purchase or lease of non-office equipment.

(b) Funds may not be used for the purchase of data processing hardware.

(c) Funds may not be substituted for funds made available to the recipient from other governmental sources.

(d) Other limitations imposed by DOE pursuant to applicable statutes or regulations, in order to ensure effective performance by the recipient under the cooperative agreement.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing April 7, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 520 / Pub. L. 96–225 To extend by sixty days the expiration date of the Defense Production act of 1950. (Apr. 3, 1980; 94 Stat. 310) Price $1.

H.R. 24 / Pub. L. 96–226 "General Accounting Office Act of 1980". (Apr. 3, 1980; 94 Stat. 311) Price $1.

H.R. 4936 / Pub. L. 96–227 "Paiute Indian Tribe of Utah Restoration Act". (Apr. 3, 1980; 94 Stat. 317) Price $1.

S. 1515 / Pub. L. 96–228 To authorize the striking of Bicentennial medals. (Apr. 3, 1980; 94 Stat. 323) Price $1.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Center, 617–223–7121.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions).
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemallo, 212–264–3514.

SALT LAKE CITY, UTAH.

WHEN: May 19 and 20; at 9 a.m.
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; at 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m.
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m.
WHERE: Room 125, Hale Boggs Federal Bldg 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504–589–6601.

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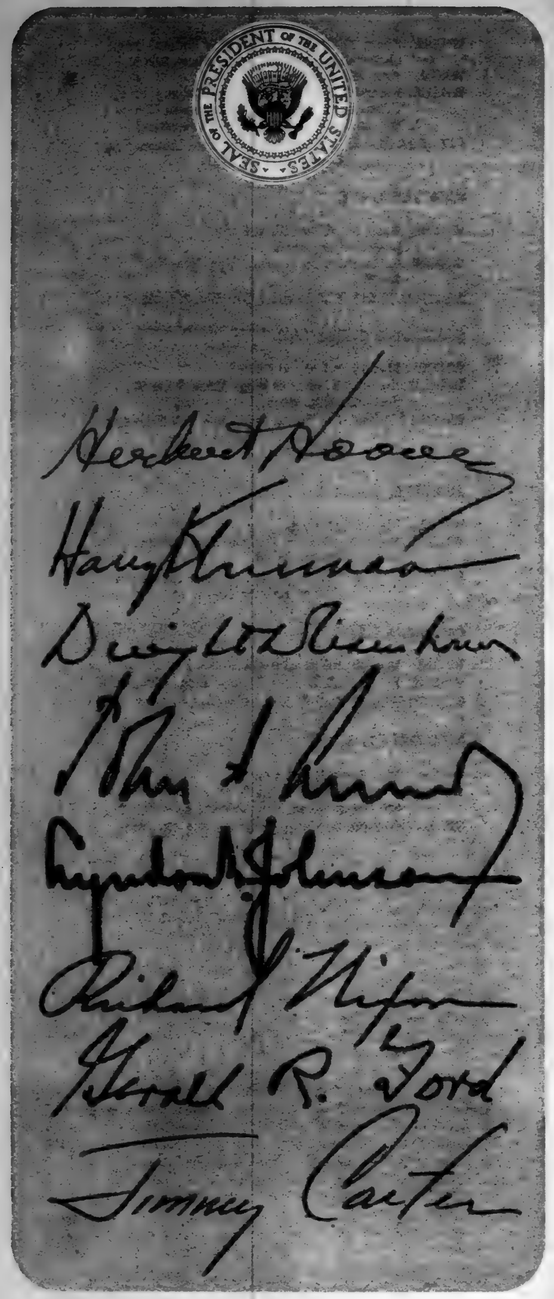

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federal register

Wednesday
April 9, 1980

Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in **Reader Aids** section in this issue.

Briefings on How To Use the Federal Register—For details on briefings **Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; Salt Lake Lake City, Utah; Seattle, Wash.; Chicago, Ill.;** and **New Orleans, La.;** see announcement in the **Reader Aids** section at the end of this issue.

24099 **Iran** Executive order prohibiting certain transactions

24101 **Iranian Aliens** Executive order

24408 **Census of Claims** Treasury/Foreign Assets Control Office makes provisions for a census of blocked Iranian assets and of claims against Iran and Iranian entities; effective 4-9-80 (Part VII of this issue)

24432 **Iranian Assets Control** Treasury/Foreign Assets Control Office imposes additional prohibitions on dealings with Iran; effective 4-7-80 (Part VIII of this issue)

24436, 24437 **Iranian Visas** State adopts final rule imposing additional requirements effective 4-7-80 and gives notice of revocation of non-immigrant visas (Part IX of this issue) (2 documents)

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Highlights

24290 **Analysis of Science Resources Grants** NSF announces solicitation for proposals in training and employment, finding, and outputs and impacts in scientific and technical activities for FY 1981 funding apply by 11–14–80

24404 **Social Services** HEW/HDSO allots Federal limitation for fiscal year 1980 State and local training program; effective 10–1–80; (Part VI of this issue)

24352 **Ambulatory Health Care Facilities** HEW/PHS sets forth requirements for health maintenance organizations to obtain loans for acquisition; effective 4–9–80; comments by 6–9–80 (Part II of this issue)

24108 **Renegotiable Rate Mortgages** FHLBB authorizes Federal savings and loan associations to make, purchase, and participate to provide additional lending instrument; effective 4–3–80

24112 **Residential First Mortgages** FHLBB provides for permanent preemption of state interest ceilings on Federally-related loans; effective 4–1–80

24203 **Income Tax** Treasury/IRS proposes rules on consolidated returns for percentage depletion for independent producers and royalty owners; comments or request for hearing by 6–9–80

24130 **Equal Employment in Federal Government** EEOC revises regulations to allow agencies to award attorney's fees and costs; interim regulations effective 4–11–80; comments by 6–9–80

24384 **Management Official Interlocks** FRS, Treasury/Comptroller, FDIC, FHLBB, and NCUA publish final amendments to regulations, including definitions, clarifications, and technical changes; effective 5–9–80; (Part V of this issue)

24247 **Privacy Act Documents** HEW

24298 **Sunshine Act Meetings**

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24384 **Part V, FRS**
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Title 3—

The President

Executive Order 12205 of April 7, 1980

Prohibiting Certain Transactions with Iran

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979, to deal with the threat to the national security, foreign policy and economy of the United States referred to in that Order, and in furtherance of the objectives of United Nations Security Council Resolution 461 (1979) adopted on December 31, 1979, it is hereby ordered as follows:

1–101. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine and supplies intended strictly for medical purposes, and donations of clothing intended to be used to relieve human suffering, from the United States, or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran or any other person or body for the purposes of any enterprise carried on in Iran.

(b) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned by or under charter to any person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities and products covered by paragraph (a) of this section which are consigned to or destined for Iran, an Iranian governmental entity or any person or body in Iran, or to any enterprise carried on in Iran.

(c) The shipment from the United States of any of the items, products and commodities covered by paragraph (a) of this section on vessels or aircraft registered in Iran.

(d) The following acts, when committed by any person subject to the jurisdiction of the United States in connection with any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

(i) Making available any new credits or loans;

(ii) Making available any new deposit facilities or allowing substantial increases in non-dollar deposits which exist as of the date of this Order;

(iii) Allowing more favorable terms of payment than are customarily used in international commercial transactions; or

(iv) Failing to act in a businesslike manner in exercising any rights when payments due on existing credits or loans are not made in a timely manner.

(e) The engaging by any person subject to the jurisdiction of the United States in any service contract in support of an industrial project in Iran, except any such contract entered into prior to the date of this Order or concerned with medical care.

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(f) The engaging by any person subject to the jurisdiction of the United States in any transaction which evades or avoids, or has the purpose or effect of evading or avoiding, any of the prohibitions set forth in this section.

1–102. The prohibitions in section 1–101 above shall not apply to transactions by any person subject to the jurisdiction of the United States which is a non-banking association, corporation, or other organization organized and doing business under the laws of any foreign country.

1–103. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1–104. The Secretary of the Treasury shall ensure that actions taken pursuant to this Order and Executive Order No. 12170 are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1–105. This Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
April 7, 1980.

[FR Doc. 80-10697
Filed 4-7-80; 4:18 pm]
Billing code 3195-01-M

Editorial Note: The President's message to Congress, dated Jan. 7, 1980, on prohibiting certain transactions with Iran, is printed in the Weekly Compilation of Presidential Documents (vol. 16, no. 15).

Presidential Documents

Executive Order 12206 of April 7, 1980

Amendment of Delegation of Authority with Respect to Entry of Certain Aliens into the United States

By the authority vested in me as President by the Constitution and laws of the United States, including Section 215 of the Immigration and Nationality Act, as amended (8 U.S.C. 1185), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1–101. *Amendment.*

Section 1–101 of Executive Order 12172 of November 26, 1979, is amended by deleting "holding nonimmigrant visas,".

1–102. *Effective Date.*

This order is effective immediately.

Jimmy Carter

THE WHITE HOUSE,
April, 7, 1980.

[FR Doc. 80-10698
Filed 4-7-80; 4:19 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 70
Wednesday, April 9, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 20

[Amdt. 4]

Export Sales Reporting Requirements

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Export Sales Reporting regulations (7 CFR Part 20), to change the time period of the transaction which must be reported (from Monday through Sunday to Friday through Thursday) and the day by which required reports covering such periods must be submitted (from the following Thursday to the following Monday). These changes will enable the Department to reduce the length of time between the end of a particular transaction period and the inclusion of reported information covering such period in the weekly compilation published by the Department. Further, this rule also amends the regulations to clarify the definition of a reportable "export sale" and to provide certain nonsubstantive wording changes.

EFFECTIVE DATE: June 16, 1980. See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Richard J. Finkbeiner, Director, Export Sales Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–5651. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant." A notice of proposed rulemaking relating to this final rule was published by the Office of the General Sales Manager (now reorganized into the Foreign Agricultural Service) in the **Federal Register** on October 9, 1979 (44 FR 57931). A 60-day comment period ending December 10, 1979 followed, during which a total of ten written comments were received. All of the commentators expressed support for the idea of clarifying the definition of a reportable "export sale" along the lines suggested in the proposed rule and the general idea of reducing the length of time between the end of a particular transaction period and the inclusion of reported information covering such period in the weekly compilation published by the Department. It was noted that the latter change would definitely be in the public interest.

With respect to the methods suggested in the propoed rule for accomplishing the reduction of time between the end of a particular transaction period and the inclusion of the reported information in the weekly compilation, two commentators offered observations. One recommended that the proposal to change the time period of the transactions which must be reported from Monday through midnight Sunday to Saturday through midnight Friday be pushed forward one full day to Friday through midnight Thursday so that the weekly export data reported would be on the same basis as the weekly inspections for exports summarized and released by the Market News Service. The other commentator recommended that the weekly compilation published by the Department continue to be released on Thursday, rather than Friday as intimated in the preamble to the proposed rule, in order to provide the trade with one business day, Friday, before the end of the week following the transaction period to react to the information.

This final rule adopts the first recommendation just mentioned. Specifically, the transaction period will now run from Friday through midnight Thursday, rather than from Saturday through midnight Friday as suggested in the proposed rule. It is anticipated that, although the day by which the required reports must be submitted has also been pushed forward from Tuesday, as proposed, to Monday, the adoption of this recommendation will still afford reporting exporters an opportunity to assemble all the proper documentation on Friday, typically the last working day in the week, and immediately send the report to the Department by first class mail, thus utilizing the services of the Post Office during Friday, Saturday, Sunday and Monday. On the other hand, if the proposed rule's time frame had been retained, reporting exporters would have been required to assemble all the proper documentation on Monday, typically the first working day of the new week, and find some way of expediting the transmission of the report to the Department before the close of business the following day. Adoption of the proposed rule's time frame would have virtually precluded the use of first class mail for transmitting the reports.

Although the adoption of the second recommendation mentioned above is not explicitly reflected in the language of this final rule, the Department plans to continue to release its weekly compilation of export sales on the Thursday following the Monday by which the required reports concerning the seven day transaction period ending the immediately previous Thursday midnight are received. Not only does such a Thursday release increase the usefulness of the compilation, since the trade will have the last day of the business week immediately following the reported transaction period to act on the information, but as compared to the present system, it will reduce by four days the length of time between the end of a transaction period and the day the weekly compilation concerning transactions made during such period is released to the public. Under the present system, a transaction period runs from Monday through midnight Sunday. Reports concerning such period must be submitted by the immediately following Thursday, with the weekly compilation being released the next Thursday. This final rule would change the system so that the transaction period would run from Friday to midnight Thursday. The day by which reports concerning such period must be submitted will also be changed to the immediately following Monday, with the weekly compilation being released three days later on Thursday.

In addition to the foregoing, the existing definition of a reportable

"export sale" is amended in accordance with the definition proposed earlier to make it clear that export sales transactions are considered reportable as soon as the buyer and the seller have prepared what are known in the trade as trader documents. Several nonsubstantive changes, not appearing in the proposed rule, have also been made in Section 20.6 to eliminate gender references. Further, reference in the proposed Section 20.6(a) to "telex, TWX, Western Union telegram or facsimile" has been changed to "electronic transmission" so as not to be misconstrued as limiting the acceptable methods of communication.

This rule is being made effective as of Monday June 16, 1980. It is intended that reportable transactions as of June 15, should be reported by Thursday June 19, as required under existing regulations. In order to provide a transition period and insure that exporters report weekly as required by law, the first period for which transactions will be reported under the new regulations will be shortened. That is, transactions for the period June 16 through June 19 will be reported by Monday, June 23. Friday June 20, will begin the first full week for which transactions must be reported under the new regulations.

Final Rule

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Accordingly, 7 CFR, Part 20 is amended as follows:

1. The second sentence of § 20.4(h) is amended to read as follows:

§ 20.4 Definitions.

* * * * *

(h) *"Export sale"* * * * The transaction must be represented by a written document evidencing that (1) the exporter agrees to export the commodity, (2) the foreign buyer agrees to receive the commodity, (3) a fixed price or an agreed upon mechanism by which such a price can be determined is established, and (4) payment will be made to or for the account of the reporting exporter by or on the behalf of the foreign buyer for delivery of the commodity. * * *

* * * * *

2. Section 20.6 is amended by adding a new sentence at the end of paragraph (a); revising paragraphs (c) (5), (6), and (7); revising paragraph (e); amending the final sentence of paragraph (g); and revising paragraphs (i), (j) and (k) as set forth below:

§ 20.6 Submission of reports.

(a) *Weekly reports.* * * * If the reporting exporter determines that the report forms cannot be received in the office specified in § 20.10 by the time specified in paragraph (k) of this section, the exporter shall make an initial report by transmitting the information contained in the report forms by the use of telephone or electronic transmission. The required form must be subsequently submitted in accordance with § 20.6(k)(2).

* * * * *

(c) *Exporters who are required to report.*

* * * * *

(5) Firm A makes a purchase from an agent of a foreign seller and the agent's place of doing business with respect to the transaction is in the United States. In this example, Firm A is required to report the purchase. The agent is not a principal party in interest in the contract and cannot report the sale to Firm A. The foreign seller is not a reporting exporter and is not required to make a report of the sale.

(6) Firm A, the agent of the foreign buyer, whose place of doing business with respect to the transaction is in the United States, purchases commodities domestically at interior warehouses and arranges for exportation to its principal, the foreign buyer. In this example, Firm A is required to report the sale and export.

(7) If a reporting exporter has a transaction not described in subparagraphs (1) through (6) of this paragraph and is in doubt whether a transaction should be reported, the exporter should request a decision from the office specified in § 20.10.

* * * * *

(e) *Reporting of destination.* The reporting exporters shall report the country of destination specified in the export sale contract or otherwise declared in writing by the foreign buyer. (Where a government, or agency of such government, is the sole importer of the commodity in a country, the exporter shall report that country as the country of destination only if the exporter or foreign buyer has made a direct sale to that foreign government or agency.) If the country of destination is not so specified or declared, the exporter shall report the destination as "unknown." If by the time of exportation the exporter has not so ascertained the country of destination, the name of the country reported to the Bureau of Customs of the Shipper's Export Declaration for such export shipment should be reported, even though it may be an intermediate destination. The reporting exporter is not expected to report destination changes made after reporting the export on FAS–98, "Report of Export Sales and Exports."

* * * * *

(g) *Range in contract quantity.* * * * If an option is exercised for a lesser quantity at a later date, the reporting exporter shall report the reduction as an amendment to an export sale previously reported.

* * * * *

(i) *Errors on previous reports.* Whenever an exporter discovers an error or is advised by the office specified in § 20.10 of an error on a prior report, the error shall be corrected in the current weekly report to reflect the proper outstanding export sales and exports. The exporter shall also furnish a complete written explanation of such reporting error.

(j) *When reports are required.* (1) A reporting exporter shall submit reports for those commodities for which there are new export sales, outstanding export sales, exports for exporter's own account for which an offsetting export sale has not been made and reported, or purchases from foreign sellers.

(2) A reporting exporter may discontinue reporting for a commodity only when actual exports and other required reporting of changes have reduced to zero all export sales, exports for exporter's own account and purchases from foreign sellers. The reporting exporter shall report a zero balance prior to discontinuing reporting for the commodity involved.

(3) If a reporting exporter discontinues making reports because a zero balance has been reached for a particular commodity, the exporter shall be responsible to commence reporting again once a new export sale, a new export for exporter's own account, or a new purchase from a foreign seller for that commodity is made.

(k) *Manner and time of reporting.* (1) *Manner.* An original of all report forms must be filed with the office specified in § 20.10. Each report form shall contain the full business name, address and telephone number of the reporting exporter and the name and original signature of the person submitting the report form on behalf of the reporting exporter. Computer generated printouts may be used in lieu of standard reporting forms when approved by the office specified in § 20.10.

(2) *Time of filing reports.* Information required to be reported weekly must be received in the office specified in § 20.10 no later than 5:00 p.m., Eastern time, on each Monday, or such other time as may be approved in advance by that office. Such weekly report must set forth the required information as to export sales transactions made during the seven day period ending the preceding Thursday, midnight. If Friday or Monday is a national holiday, the due date shall be Tuesday. If information is transmitted by other than use of forms specified in § 20.6(a) (such as by use of telephone or electronic transmission) the required forms containing such information shall be transmitted by first class mail the next business day. It is the responsibility of the reporting exporter to arrange the most efficient and expeditious manner for the office specified in § 20.10 to receive the reported information.

(Sec. 812, Pub. L. 91–524, as added by Pub. L. 93–86, § 1(27)(B), 87 Stat. 236 (7 U.S.C. 612c–3))

Signed at Washington, D.C. on this 3rd day of April 1980.

Thomas R. Hughes,

Administrator, Foreign Agricultural Service.

[FR Doc. 80–10831 Filed 4–8–80; 8:45 am]

BILLING CODE 3410–10–M

Agricultural Marketing Service

7 CFR Part 979

[979.302]

Melons Grown in South Texas; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of melons grown in designated counties in South Texas to be inspected and meet minimum grade, quality and container requirements. The regulation will promote orderly marketing of such melons and keep less desirable qualities from being shipped to consumers.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, (202) 447–2615.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 156 and Order No. 979 (44 FR 22038) regulate the handling of melons grown in 19 designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration.

This regulation is based upon unanimous recommendations made by the committee at its public meeting in McAllen, Texas, on December 12, 1979. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1980 spring crop of South Texas melons and of the marketing prospects for the shipping season which is expected to begin about May 1.

The regulation will benefit consumers and producers by standardizing and improving the quality of melons shipped from the production area. The grade requirements will prevent melons of poor quality from being shipped to fresh market outlets. Not more than 50 percent of the melons in any lot may fail the requirements for U.S. Commercial grade. A tolerance of 20 percent is allowed for serious damage of which not more than 10 percent may be for melons affected by soft decay. Black surface discoloration is not considered a defect. Individual cartons are required to contain at least 25 percent U.S. Commercial quality melons.

The container requirements will prevent the shipment of bulk loads of packing house culls which adversely affect the reputation and returns of packed South Texas melons. However, the containers required are those customarily packed for the retail trade.

Exceptions are provided to certain of these handling requirements to recognize special situations in which such requirements are inappropriate or unreasonable. Up to 120 pounds of melons may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of melons.

The requirements with respect to special purpose shipments allow the shipment of melons for charity, relief, canning and freezing. Shipments of melons for canning or freezing are exempt under the legislative authority for this part. Shipments for charity or relief are exempt since no useful purpose would be served by regulating such shipments.

Notice of rulemaking was published in the January 9, 1980, **Federal Register** (45 FR 1887). The notice afforded interested persons through March 10, 1980, to file written comments on the proposal.

A comment was filed February 4 by the committee proposing to change the wording of the provision regarding the minimum quantity exemption in order to conform more closely to similar programs in the production area. The Department considered this an improvement and agreed to the change.

One comment was received from Mrs. Eileen J. Petrus of Ingleside, Texas. Mrs. Petrus suggested that the order was not to the advantage of producers more than 50 miles from packing and inspection facilities. She stated that inspection would be very expensive to obtain in areas other than the Lower Valley or Laredo districts. Last season the Inspection Service charged a flat fee for inspection of melons regardless of the distance from the production area. With respect to packing supplies, although the major carton suppliers are located in the Lower Valley, all have indicated a willingness to service customers in the Coastal Bend district. The allegation that the consumer must ultimately pay the additional costs incurred for committee expenses is, of course, true. However, the actual cost per melon is negligible, particularly when compared with the benefits obtained from orderly marketing of the South Texas melon crop. The minimum quantity of melons that may be handled without being subject to handling requirements is low, but no more so than under comparable programs in the production area. Also, special purpose shipments made under a Certificate of Privilege for charity can be prearranged to minimize inconvenience to small handlers.

Federal standards for quality do, as Mrs. Petrus suggests, tend to require a quality of melon that will survive shipping and rough handling and still remain salable at retail. However, we believe the order requirements may be met even by ripe melons. While over-ripe melons might not meet quality requirements, neither would they remain salable for more than a day or two at most.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice and the comments filed by interested persons, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of melons grown in the production area are expected to begin on or about the effective date specified herein, (2) to maximize benefits to producers this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the January 9, 1980, **Federal Register** (45 FR 1887) allowing interesting persons until March 10, 1980, to file comments, and (4) compliance with this regulation, which is similar to the regulation issued last season, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

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This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Charles W. Porter (202) 447–2615.

A new § 979.302 is added. The regulation is as follows:

* * * * *

§ 979.302 Handling regulation.

From May 1, though August 31, 1980, no person shall handle cantaloup or honey dew melons unless they meet the requirements of paragraphs (a) through (c), (d) or (e) and (f) of this section.

(a) *Grade requirements.* Not more than 50 percent of the melons in any lot may fail to meet the requirements of U.S. Commercial grade except no more than 20 percent shall be allowed for serious damage, and including in this latter amount not more than 10 percent for melons affected by soft decay. Black surface discoloration shall not be considered as a grade defect with respect to such grade. Individual cartons shall contain not less than 25 percent U.S. Commercial or better quality.

(b) *Container requirements.* (1) Except as provided in paragraphs (b)(4), (d) or (e) and (f) all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17¼ nor less than 16¾ inches in length, not more than 13 nor less than 12¾ inches in width, and not more than 10⅜ nor less than 9¾ inches in depth. All honey dew melons shall be packed in fiberboard cartons with inside dimensions of 17 inches long by 15¼ inches wide and not more than 7⅛ inches nor less than 6⅛ inches deep. A tolerance of ¼ inch for each dimension shall be permitted.

(2) Each container shall be marked to indicate the count; the name, address, and zip code of the shipper; the name of the product; and the words "Produce of U.S.A." or "Product of U.S.A."

(3) If the container in which the melons are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the container shall be conspicuously marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(4) These container requirements shall not be applicable to melons sold to Federal agencies.

(c) *Inspection.* (1) No handler may handle any melons regulated hereunder except pursuant to paragraphs (d) or (e) and (f) of this section unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of melons for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable. A copy of such inspection certificate or committee document shall be surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (512) 787–4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (512) 723–9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of 1½¢ per carton.

(d) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 120 pounds net weight of melons per day without regard to the provisions of Sections 979.42, 979.52, 979.60, and 979.80, but this exemption shall not apply to any shipment or any portion thereof of over 120 pounds of melons.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a) through (c) of this section shall not apply to shipments for charity, relief, canning and freezing if a handler presents a Certificate of Privilege for such melons prior to handling them in accordance with § 979.155.

(2) Melons failing to meet the requirements of paragraphs (a) through (c) of this section and not exempt under paragraphs (d) or (e), and all melons discarded from the grading table shall either be mechanically spiked or mutilated or handled for special purpose outlets in accordance with § 979.152.

(f) *Safeguards.* Each handler making shipment of melons for relief, charity, canning or freezing under paragraph (e) of this section shall:

(1) Notify the committee of the intent to ship melons under paragraph (e) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege.

(3) Prepare on forms furnished by the committee a special purpose shipment report for each individual shipment.

(4) Forward copies of the special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such shipments.

(g) *Definitions.* "U.S. melon standards" mean the United States Standards for Grades of Cantaloups (7 CFR 2851.475–2851.494c), or the United States Standards for Grades of Honey Dew and Honey Ball Type Melons (7 CFR 2851.3740–2851.3749), whichever is applicable, or variations thereof specified in this section. The term "U.S. Commercial" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 156 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: April 2, 1980. To become effective May 1, 1980.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80–10505 Filed 4–8–80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regs. G, T, U, and X]

List of OTC Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The list of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of October 1, 1979. The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X. Copies of the current List may be obtained from any Federal Reserve Bank. A copy is also on file at the Office of the Federal Register.[1]

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there is set forth below additions to and deletions from the Board's List:

Additions

Advanced Patent Technology, Inc., $.10 par common
American Equity Investment Trust, $11.00 par shares of beneficial interest
American States Life Insurance Company, $1.00 par common
Anderson, Greenwood & Co., No par common
Atlantic Oil Corporation, $.01 par common
Auto-trol Technology Corporation, $.10 par common
Bank of Montana System, $10.00 par common
Barton Brands, Ltd., No par units of limited interest
Basco, Inc., $.10 par common
Biomedical Reference Laboratories, Inc., $.10 par common
Brookwood Health Services, Inc., $1.00 par common
CMT Investment Trust, $1.00 par shares of beneficial interest; $7.50 par preferred shares of beneficial interest
Caesars New Jersey, Inc., Warrants (expire 10–31–81)
Carolina Casualty Insurance Company, $1.00 par common
Cavanagh Communities Corporation, $.01 par common
Central National Chicago Corporation, $10.00 par common
Centura Energy Corporation, $.05 par common
Chomerics, Inc., $.10 par common
Church & Dwight Company, Inc., No par common
Compact Video Systems, Inc., $.10 par common
DSI Corporation, $.16⅔ par common
Data Packaging Corporation, $.10 par common
Decision Systems, Inc., $.25 par common
Eldon Industries, Inc., $1.00 par common
Emons Industries, Inc., $12.50 par cumulative convertible preferred
Excelsior Insurance Company of New York, $4.00 par common
Fife Corporation, $.10 par common
First Memphis Realty Trust, $1.00 par shares of beneficial interest
First Mortgage Investors, No par shares of beneficial interest
First New Mexico Bankshare Corporation, $5.00 par common
First Newport Corporation, $1.00 par shares of beneficial interest
First of Denver Mortgage Investors, $1.00 par common
General Telephone Company of California, Series 1956, 4⅛% cumulative preferred
Great National Corporation, $.40 par common
Hibernia Bank, The, $6.25 par common
Hines, Edward Lumber Co., $10.00 par common
Hoe, R. & Co., Inc., $.01 par common
Intercole Automation, Inc., $1.00 par common
Interface Mechanisms, Inc., No par common
International Clinical Laboratories, Inc., $.33⅓ par common
International Shipholding Corporation, $1.00 par common
Jackson National Life Insurance Co., $1.15 par common
Kroy Industries, Inc., $.50 par common
Luria, L. & Son, Inc., $.01 par common
Magma Energy, Inc., $.02 par common
Magnetic Controls Company, $.20 par common
Marine Petroleum Trust, Units of beneficial interest
McRae Consolidated Oil & Gas, Inc., $.01 par common
Metallurgical Industries, Inc., Class A, $.10 par common
Moraga Corporation, $1.00 par common
Mutz Corporation, No par common
National Railway Utilization Corporation, $.05 par common
National Savings Corporation, $1.00 par common
New Virginia Bancorporation, $1.00 par common
Norstan, Inc., $.10 par common
Parkway Company, The, $1.00 par shares of beneficial interest
Petroleum Equipment Tools Company, $.50 par common
Piccadilly Cafeterias, Inc., No par common
Preston State Bank (Dallas, Texas), $2.50 par capital
Quadrex Corporation, No par common
RSI Corporation, $.05 par common
RSR Corporation, $.01 par common
Ramtek Corporation, No par common
Raypak, Inc., $.15 par capital
Reeves Communications Corporation, $.40 par common
Safety-Kleen Corporation, $.10 par common
Security American Financial Enterprises, Inc., $1.00 par common
Seneca Oil Company, $.50 par common
Shop & Go, Inc., $.01 par common
Sigmaform Corporation, $.34 par common
Southern National Corporation, $5.00 par common
Southwest Bank, No par common
Spectrum Control, Inc., No par common
State National Bancorp, Inc., $1.00 par common
Statex Petroleum, Inc., $1.00 par common
Stryker Corporation, $.10 par common
Super Dollar Stores, Inc., $1.00 par common
Sykes Datatronics, Inc., $.10 par common
Tele-Communications, Inc., Class B, $1.00 par common
Teleco Oilfield Services, Inc., $.1⅓ par common
Telecom Equipment Corporation, $.01 par common
Tidelands Royalty Trust "B," Units of beneficial interest
Tocom, Inc., $.10 par common
Tomlinson Oil Company, Inc., Warrants (expire 03–06–82)
Toreador Royalty Corporation, $.625 par common
Trans Delta Corporation, $.01 par common
Unit Drilling & Exploration Company, $.20 par common
United Fire & Casualty Company, $3.33⅓ par common
United International Research, Inc., $.10 par common
Verbatim Corporation, No par common
Visual Sciences, Inc., $.01 par common
Wavetek, No par common
Westport Company, The, No par shares of beneficial interest

Deletions

Stocks Removed for Failing Continued Listing Requirements

Bank of the Commonwealth, $.50 par common
Data Resources, Inc., $.10 par common
Fidelity Union Life Insurance Company, $1.00 par common
GRT Corporation, $.50 par common
National Bank of Georgia, The, $5.00 par common
Realty & Mortgage Investors of the Pacific, 6¾% convertible subordinated debentures

[1] Copy of current List filed as part of original document.

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Tolley International Corporation, $.25 par common
Topps & Trowsers, $.10 par common
Wellington Management Company, Class A, $.10 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

Adams Resources & Energy, Inc., $.10 par common
Advanced Micro Devices, Inc., $.01 par common
Alaska International Industries, Inc., $.10 par common
Anderson Jacobson, Inc., $.10 par common
Bankers Security Life Insurance Society, $2.00 par common
Barnett Banks of Florida, Inc., $2.00 par common
Basic Resources Corporation, $.05 par common
Beneficial National Corporation, $.25 par common
Billy the Kid, Inc., $.10 par common
Carboline Company, $1.00 par common
Century 21 Real Estate Corporation, $.01 par common
Chamberlain Manufacturing Corporation, $2.50 par common
Comdisco, Inc., $.10 par common
Continental American Life Insurance Company, $5.00 par common
Criterion Insurance Company, $2.00 par common
Dixico, Incorporated, $.50 par common
Donaldson Company, Inc., $5.00 par common
Dougherty Brothers Company, $.25 par common
Dunes Hotels & Casinos, Inc., $.50 par common
Ethan Allen, Inc., Class A, $1.00 par common
Farinon Corporation, No par common
Financial Security Group, Inc., $.10 par common
First Bancshares of Florida, Inc., $1.00 par common
First Security National Corporation, $2.50 par common
Galveston-Houston Company, $.33⅓ par common
Guarantee Bank, $1.00 par common
Hamilton Brothers Exploration Company, $1.00 par common
Hexcel Corporation, No par common
Hillhaven Corporation, The, $1.00 par common
Intext, Inc., No par common
James River Corporation of Virginia, $.10 par common
Kallestad Laboratories, Inc., $.05 par common
Koger Properties, Inc., $.10 par common
Lear Petroleum Corporation, $.10 par common
Lowe's Companies, Inc., $.50 par common
Management Assistance, Inc., $.40 par common
McDowell Enterprises, Inc., No par common
Microdata Corporation, No par common
Microwave Semiconductor Corporation, $.50 par common
Midwestern Fidelity Corporation, $1.66⅔ par common
Mostek Corporation, $.10 par common
National Gas & Oil Corporation, $1.00 par common
New Jersey Life Company, $.01 par common
Oil Base, Inc., $1.00 par common
Pennzoil Louisiana and Texas Offshore, Inc., $1.00 par common; 6% convertible subordinated debentures
Penril Corp., $.01 par common
RMIC Corporation, $1.00 par common
Recognition Equipment, Inc., $.25 par common
Reserve Oil and Gas Company, Warrants (expire 01-20-81)
Security-Connecticut Life Insurance Company, $1.00 par common
Seiscom Delta, Inc., $.10 par common
Southwestern Drug Corporation, $1.00 par common
Tosco Corporation, $.15 par common
Transocean Oil, Inc., $1.00 par common
Tremco, Inc., $1.00 par common
Triton Oil & Gas Corporation, $1.00 par common
Utilities & Industries Corporation, $.10 par common
Volume Shoe Corporation, $.50 par common
Weatherford International, Inc., $.10 par common
Webb Resources, Inc., $.10 par common
Winn's Stores, Inc., $1.25 par common

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), April 7, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-10714 Filed 4-4-80; 2:40 pm]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 80-231]

Renegotiable Rate Mortgage Instruments

April 3, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment authorizes Federal savings and loan associations to make, purchase, and participate in renegotiable rate mortgage instruments. The new authorization is intended to provide an additional instrument for mortgage lending.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Nancy L. Feldman, Associate General Counsel (202-377-6440) or Dale Riordan, Director, Office of Policy and Economic Research (202-377-6752), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552

SUPPLEMENTARY INFORMATION: On December 27, 1979, the Federal Home Loan Bank Board proposed to amend its lending rules for Federally chartered savings and loan associations by authorizing a new mortgage instrument, the renegotiable rate mortgage (Board Resolution No. 79-708; 45 FR 1425, published on January 7, 1980). The renegotiable rate mortgage as proposed is an automatically-renewable short-term loan note secured by a long-term mortgage, with renegotiation of the interest rate at the time of renewal.

The Board received more than 1500 comment letters from Federal and State-chartered savings and loan associations, trade associations, consumer groups, law firms, members of Congress, federal and state agencies, housing-related companies, and individuals. Lenders strongly favored the proposal, although a number of them recommended modifications and easing of some of the proposed restrictions, and consumers and their representatives either flatly opposed the new instrument or recommended increased restrictions, borrower options, and disclosure requirements. After considering the comments received and other available information, the Board has determined to authorize renegotiable rate mortgages ("RRMs") with certain modifications to the proposal, as discussed below.

A number of commenters expressed concern that state laws might affect the ability of Federal associations to make RRMs. The Board is promulgating this regulation pursuant to its plenary and exclusive authority to regulate all aspects of the operations of Federal associations, as set forth in section 5(a) of the Home Owners' Loan Act of 1933, as amended, and its exercise of this authority is preemptive of any state law purporting to restrict, directly or indirectly, the ability or right of any Federal association to make, purchase, or participate in RRMs. In order to avoid any later uncertainty on this point, language setting forth the Board's authority has been codified in the final regulation.

The Board specifically solicited comment in its proposal on whether an instrument comprised of a short-term loan secured by a long-term mortgage would create intervening-lien problems in lenders' jurisdictions, and a number of commenters responded. Possible problems arise in two situations: (1) Where the entire loan may become subordinate to junior lienholders at the end of the short-term loan, and (2) where the incremental interest resulting from an interest-rate increase may become subordinate due to lack of definiteness or because the increase is optional rather than mandatory.

With regard to the first situation, most commenters believed that the automatic-renewal feature of the RRM (which has been strengthened in the final regulation, see discussion below), coupled with a full description in the mortgage document of the debt which it secures, would alleviate any intervening-lien problem.

In the second situation, a number of commenters felt that a subordinate position for incremental interest was a distinct possibility but was not a substantial problem; others believed that a first lien could be maintained on such interest if the mortgage accurately described the debt it secured, with reference to an initial note and subsequent renewal notes with interest-rate adjustments at the time of each renewal, and specified the maximum interest rate that could ever be charged. Such disclosure would put junior lienholders on notice of the total possible indebtedness secured by the property. Several commenters mentioned that a mandatory increase provision would strengthen the analogy to future-advances cases, where mandatory increases generally share the first-lien status of original advances; one commenter, however, suggested that the arguments could be made that an RRM's rate changes are an integral part of the transaction, analogous to advances for preservation of the property (taxes, maintenance, insurance) which "optional" advances generally enjoy protected lien status under state law. The Board is reluctant to change the optional increase provision to a mandatory one, because it believes this gives the association needed flexibility in appropriate cases; nevertheless, it is noted that lenders are given the right to offer renewal at the increased rate, and in states where a mandatory provision would materially assist a lender's lien position, associations may want to consider a loan provision indicating that increases are mandatory unless waived in writing by the lender.

As proposed, the lender is required to give the borrower the option to renew the loan for a new loan term, which option the borrower may exercise at the end of each loan term until the principal of the loan is repaid. The description of the renewal in paragraph (a) of the regulation has been clarified to indicate that loan terms other than interest rate must be the same as those contained in the original loan. The loan would be automatically renewable at equal intervals after an original term which, to permit simplified recordkeeping, could be a maximum of six months longer than the subsequent terms.

The proposal provided that the association would have the option, determined at the time of loan application, to offer refinancing to the borrower at either its current market rate for similar loans or at a rate established with reference to a national index. A majority of lenders favored this choice and particularly approved of the option to use their own current rate, on the grounds of local competition and tailored adjustments reflecting their cost of funds. Consumers, however, strongly opposed use of a lender's own rate as an index to RRM refinancings, recommending that a standard be chosen which was beyond an individual lender's influence and manipulation. This, they asserted, would prevent lenders from establishing artificially high interest rates as a means of closing their loan windows during an economic period, such as the present, when relatively few new loans are being made. The Board notes some recent isolated instances of this practice, and although it believes that the provisions for refinancing without penalty and limits on increases would deter such practices, it is concerned that public perception of the new program not be distorted by this one element. Therefore, the Board has determined at this time that all lenders will be required to use a national index.

The national index proposed by the Board was the contract interest rate on the purchase of previously occupied homes for all major lenders. This series is computed by the Board and published monthly in the *Federal Home Loan Bank Board Journal* (Table S.5.1). The Board solicited comment on the use of this index versus an index based on cost of funds or a moving average. While some lenders favored cost-of-funds, a majority of commenters representing industry and consumer interests opposed it and recommended retention of a mortgage rate index as the most appropriate and the most likely to move down as well as up. With reference to a moving average mortgage-rate index, the Board notes that even the monthly "spot rate" index contained in the proposal is in fact a moving average because it is based on the closings of loans, the rates on which reflect commitments made over a several-month period. The Board has therefore determined to adopt the national index as proposed.

The proposal provided that associations would not be able to charge borrowers additional fees at renewal time, "except for nominal costs of preparing documents". This language was generally felt by commenters to be vague and was frequently misread to include possible costs for new appraisals, title searches and the like. Lenders indicated that it would be difficult to give an estimate of such costs in the application disclosure materials, with reference to charges to be assessed many years in the future. Rather than attempting to give a list of acceptable charges or setting an arbitrary maximum dollar amount, and in recognition of the fact that such charges could be burdensome when assessed at the time of a borrower's interest rate increase, the Board has determined to eliminate any assessment of costs or fees to the borrower at the time of renewal.

Another proposed provision which was criticized for vagueness was the conditioning of automatic loan renewal on "the borrower having consistently repaid principal and interest in a timely manner during the existing loan term." Commenters presented various hypothetical situations which might or might not result in forfeiture of the renewal option, and requested clarification. Others objected to the provision as an alternative to foreclosure proceedings, depriving borrowers of state-law protections available during those proceedings. The Board is persuaded that the proposed provision is unnecessary, as RRM lenders may elect to exercise their contractual rights upon borrower default even if the loan has been recently renewed, and therefore the quoted language has been deleted from the final regulation.

Many commenters addressed the question of the length of loan terms. The Board proposed to authorize terms of three to five years. Lenders frequently recommended that the Board allow terms as short as one year, and some requested interest-rate adjustment periods within the loan term. Consumers generally recommended minimum terms of five years. The Board had specifically solicited comment on whether the initial loan term should be longer, for example five years, regardless of the remainder of an RRM's renewal periods; consumers favored this proposal and lenders opposed it. The Board believes that, on balance, the three-to-five-year authorization is sufficiently flexible to allow lenders to approach market rates in their loan portfolios while providing consumers with both a period of stability and an oppportunity to benefit from downward shifts in interest rates without the costs of refinancing. The loan term provision thus has been adopted as proposed.

In addition, the regulation provides that the initial loan term may be up to six months longer than subsequent

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terms. This provision is necessary to facilitate the purchase and sale of RRMs in the secondary mortgage market. Mortgages grouped for sale in the secondary market normally are arranged so that their maturities coincide. By permitting the initial loan term of an RRM to be six months longer than subsequent terms, the regulation enables lenders to match the maturities of RRMs they contemplate selling in the secondary market. By requiring lenders to treat extended loans, for purposes of calculation of the interest rate increase or decrease at renewal, as if their terms were only three, four or five years instead of slightly longer periods, the regulation ensures that the interest rates of all RRMs in a particular group increase or decrease by the same amount at renewal. This feature is important to secondary market purchasers.

Under the proposal, the maximum rate increase or decrease for each loan period was 0.5% per year of the loan term. For example, a three-year loan would have a maximum increase or decrease at each renewal of 1.5%. If, however, the rate at the time of first renewal were only 1% higher than the previous rate, the lender could not "save" the unused 0.5% and increase the rate by 2% at the end of the next period, even assuming the rate had increased by 2% or more during the subsequent period. The lender would, however, be able to "catch up" to the current market rate so long as the increase from the previous loan rate did not exceed 0.5% per year. The maximum increase or decrease was proposed to be 5% over the life of the mortgage, with rate increases at the lender's option, and mandatory decreases.

The Board asked for comment on all aspects of the proposed interest-rate limitations, and many persons responded. Lender reaction was mixed, with large numbers either favoring the proposed limitations or recommending elimination or liberalization of the limits, such as 1% per year or lifting the 5% total limitation after a certain number of years. Consumers generally believed that the 5% total limitation on increases was too generous, and that no limit should be placed on decreases.

After further considering this matter, the Board believes at this time that the proposed limits are fair to borrowers and lenders. The Board recognizes that mortgage interest rates have increased dramatically in the past 18 months. However, the Board believes the large size of this increase was due to a unique set of circumstances that is unlikely to re-occur. By limiting the maximum increase or decrease in the RRM interest rate to 5%, the regulation permits the rate to vary within a 10 percentage point spread. The Board feels the flexibility this spread gives the RRM is sufficient to meet the needs and interests of both borrowers and lenders, especially in view of the fact that the average life of a mortgage is 8–12 years.

The regulation also retains the 0.5% maximum annual interest rate increase or decrease. The Board is of the opinion that a higher figure, such as one percent, could result in increases in mortgage payments that some borrowers would be unable to absorb. Conversely, a lower maximum figure could make the RRM unresponsive to market conditions. The Board believes the 0.5% limitation will protect borrowers from excessive rate increases while providing associations with the interest flexibility they need in their mortgage portfolios.

The final regulation clarifies a provision relating to interest-rate changes. Additional language is included to provide that associations may offer RRMs that have smaller interest rate changes than the regulatory maximums, but that in such case the maximum increases may never exceed the maximum decreases. This language will give additional flexibility to both borrowers and lenders, but protects borrowers by ensuring that the maximum permissible interest rate increase may never exceed the maximum permissible decrease.

The proposal required two sets of disclosure materials, one to be given to the borrower when s/he receives an application for the RRM, and a 60-day notice prior to each renewal period. The Board requested comment on the clarity of the sample notice form, and whether mandatory forms should be adopted for either or both disclosures. Commenters favored standard disclosure forms, and indicated that the sample was clear and understandable. The Board has therefore adopted mandatory forms for both application and renewal-notice disclosures.

Consumers generally advocated additional disclosures, particularly with regard to application materials. The proposal required informing a potential applicant of (1) the difference between an RRM and a fixed-rate mortgage, (2) an example of an RRM with the maximum increase in interest rate and monthly payment at the end of the first term, and (3) an explanation of rate changes. (The fourth item, an estimate of renewal costs, has been dropped, see above, and need not be discussed.) Some lenders recommended dropping the comparison with fixed-rate mortgages and concentrating on a good description of the offered RRM. Consumers wanted a description of maximum increases through all renewal periods, with specific interest rates and monthly payments for the loan to be offered the borrower.

The Board's mandated application disclosure form retains the described provisions as proposed, and adds certain others. The Board believes that, at this time, borrowers generally are unfamiliar with the RRM concept and need a comparison with the prevalent mortgage form. However, the Board intends the disclosures to be provided prior to actual application, so that the borrower understands the nature of the credit instrument which may be offered before paying an application fee. Therefore, the disclosure cannot be instrument-specific, relative to rates and payments, because the loan has not been processed and commitment terms change frequently. With regard to a more extensive "worst case" disclosure, the Board believes that RRMs should be allowed to be competitive with other mortgage instruments, and notes that Truth-In-Lending statements will continue to provide specific credit information in addition to the Board's required early disclosure material. However, in order to give the borrower a closer estimate of possible interest rates and terms, the Board's disclosure form requires the lender to use its current commitment rate at the time of disclosure in calculating the maximum initial rate increase in the example. The form also describes the renewal notice, informs the applicant of prepayment rights and of the absence of renewal fees, and emphasizes the lender's right to take the maximum interest rate increases permissible under the regulation.

A number of comments were received on the subject of prepayment without penalty. Some lenders felt that prepayment without penalty should be permitted only within a specified time period (e.g., 60–90 days) after renewal or only if the reason for prepayment was that the borrower had secured lower-cost financing with another lender. Consumers, on the other hand, favored deleting the prepayment penalty completely. The Board has determined to retain the provision as originally proposed. The Board believes that permitting imposition of a penalty only during the initial loan provides sufficient protection to lenders. It was felt that, considering the adjustable rate nature of the RRM, borrowers should have the flexibility to prepay without penalty after the initial term.

The renewal notice provisions have also been amended to make clear that prepayment may be partial and may be made without penalty or any time after the beginning of the minimum notice period for the first renewal, or at any earlier time specified in the loan contract.

Many consumers and a few lenders suggested that a 60–day notice may be insufficient for a borrower to obtain refinancing in the case of an increase in mortgage payments. Although it is emphasized that no prepayment penalty may be assessed at any time after the first renewal, the Board at this time has determined to extend the notice period to 90 days to allow borrowers more leeway in making suitable financial arrangements before commencement of higher monthly payments. Because lenders must make their rate calculations prior to the 90-day period, the 90-day notice also applies to decreases in rates.

The Board believes that these provisions will provide borrowers with timely information and allow them to take advantage of a drop in mortgage rates by seeking more advantageous refinancing should that option appear desirable.

The proposed RRM regulation places a 30-year limit on the RRM. Several commenters suggested authorizing lenders to extend maturity of the mortgage to 40 years. If at renewal the term of an RRM were extended in conjunction with an increase in its interest rate, the effect would be to lessen the increase in the borrower's monthly payment since the RRM would be amortized over the extended time period. After considering these comments, the Board has determined to retain the 30-year limit as proposed. Although permitting an extension to 40 years would provide a very small mitigation of the effects of an increase in the interest rate, such an extension would result in a substantial increase in the total mortgage payments. It was felt that the short-term benefit of slightly smaller monthly payments was far outweighed by the long-term drawback of a much larger total payment. Another drawback of permitting such an extension is that disclosure notices would be substantially complicated and computer problems created by combinations of term extension and rate increase. Finally, term extensions would create secondary market problems because instruments included in a loan portfolio would move at different rates. It was determined, therefore, that extensions of maturity to 40 years should not be permitted.

Many commenters discussed the possibility of requiring lenders to offer a mandatory choice between a fixed-rate mortgage and an RRM, and/or a portfolio limitation on RRMs, although these were not contained in the proposal. Lenders opposed such restrictions, and consumers supported them. As stated in the proposal, the Board believes that the required disclosures will give the consumer sufficient information to make an informed choice about mortgage financing, and that associations need not be required to offer a standard mortgage in lieu of an RRM, nor to limit the number of RRMs they may offer.

The Board further believes that the proposed renegotiable rate mortgage will benefit lenders and consumers by providing funds for housing while giving consumers the protections of guaranteed renewal, ceilings on rate increases, no prepayment penalties after the first notice of renewal, mandatory rate decreases, and lender disclosure to enable them to make informed choices in mortgage financing.

The Board finds that delay of the effective date of this regulatory amendment for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) it is in the public interest, since it will increase the availability of mortgage funds and provide lender flexibility in earnings during a time of unstable market conditions.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new § 545.6–4a, to read as set forth below:

§ 545.6–4a Renegotiable rate mortgage instruments.

(a) *Authorization.* (1) A Federal association may make, purchase, or participate in a renegotiable rate mortgage loan under this section if the loan complies with the provisions of § 545.6–2(a), pertaining to one-to-four-family home loans. (2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in section 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in renegotiable rate mortgages, or to directly or indirectly restrict such ability or right.

(b) *Description.* For purposes of this section, a renegotiable rate mortgage loan is a loan issued for a term of three, four or five years, secured by a long-term mortgage of up to 30 years, and automatically renewable at equal intervals except as provided in paragraph (c)(1) of this section. The loan must be repayable in equal monthly installments of principal and interest during the loan term, in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining term of the mortgage. At renewal, no change other than in the interest rate may be made in the terms or conditions of the initial loan. Prepayment in full or in part of the loan balance secured by the mortgage may be made without penalty at any time after the beginning of the minimum notice period for the first renewal, or at any earlier time specified in the loan contract.

(c) *Interest-rate changes at renewal.* (1) The interest rate offered at renewal shall reflect the movement, in reference to the date of the original loan, of the contract interest rate on the purchase of previously-occupied homes in the Board's most recent monthly national average mortgage rate index for all major lenders: *Provided,* That an association may alter the initial terms of loans originated within a six-month period so that they mature on the same date three, four or five years after the end of that period, in which case the interest rate offered at renewal shall reflect the movement of the index from the end of that period (that is, as though all loans in the group had originated at the end of the period).

(2) The maximum rate increase or decrease shall be one-half of one percentage point (0.5%) per year multiplied by the number of years in the loan term, with a maximum increase or decrease of five percentage points (5%) over the life of the mortgage. Associations may offer a borrower a renegotiable rate mortgage loan with maximum annual and total interest rate decreases smaller than the maximums set out in this subparagraph, except that in such a case the maximum annual and total interest rate increases offered shall not exceed the maximum annual and total decreases set out in the loan contract.

(3) Interest rate decreases from the previous loan term are mandatory. Interest rate increases are optional with the association, but the association may obligate itself to a third party to take the maximum increase permitted by this paragraph.

(d) *Cost of renewal.* The borrower may not be charged any costs or fees in

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connection with the renewal of such loan.

(e) *Renewal notice.* At least ninety (90) days before the due date of the loan, the association shall send written notification in the following form to the borrower:

Notice

Your loan with ——— Federal Savings and Loan Association, secured by a [mortgage/deed of trust] on property located at [address], is due and payable on [90 days from date of notice].

If you do not pay by that date, your loan will be renewed automatically for ——— years, upon the same terms and conditions as the current loan, except that the interest rate will be ———%. [See accompanying Truth-In-Lending statement for further credit information.]

Your monthly payment, based on that rate, will be $———, beginning with the payment due on ———, 19—.

You may pay off the entire loan or a part of it without penalty at any time.

If you have questions about this notice, please contact [title and telephone number of association employee].

(f) *Application disclosure.* An applicant for a renegotiable rate mortgage loan must be given, at the time s/he requests an application, a disclosure notice in the following form:

Information About the Renegotiable-Rate Mortgage

You have received an application form for a renegotiable-rate mortgage ("RRM"). The RRM differs from the fixed-rate mortgage with which you may be familiar. In the fixed-rate mortgage the length of the loan and the length of the underlying mortgage are the same, but in the RRM the loan is short-term (3–5 years) and is automatically renewable for a period equal to the mortgage (up to 30 years). Therefore, instead of having an interest rate that is set at the beginning of the mortgage and remains the same, the RRM has an interest rate that may increase or decrease at each renewal of the short-term loan. This means that the amount of your monthly payment may also increase or decrease.

The term of the RRM loan is ——— years, and the length of the underlying mortgage is ——— years. The initial loan term may be up to six months longer than later terms.

The lender must offer to renew the loan, and the only loan provision that may be changed at renewal is the interest rate. The interest rate offered at renewal is based on changes in an index rate. The index used is computed monthly by the Federal Home Loan Bank Board, an agency of the Federal government. The index is based on the national average contract rate for all major lenders for the purchase of previously-occupied, single-family homes.

At renewal, if the index has moved higher than it was at the beginning of the mortgage, the lender has the right to offer a renewal of the loan at an interest rate equalling the original interest rate plus the increase in the index rate. This is the maximum increase permitted to the lender. Although taking such an increase is optional with the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

If the index has moved down, the lender *must* at renewal reduce the original interest rate by the decrease in the index rate. No matter how much the index rate increases or decreases, THE LENDER, AT RENEWAL, MAY NOT INCREASE OR DECREASE THE INTEREST RATE ON YOUR RRM LOAN BY AN AMOUNT GREATER THAN ——— OF ONE PERCENTAGE POINT PER YEAR OF THE LOAN, AND THE TOTAL INCREASE OR DECREASE OVER THE LIFE OF THE MORTGAGE MAY NOT BE MORE THAN ——— PERCENTAGE POINTS.

As the borrower, you have the right to decline the lender's offer of renewal. If you decide not to renew, you will have to pay off the remaining balance of the mortgage. Even if you decide to renew, you have the right to prepay the loan in part or in full without penalty at any time after the beginning of the minimum notice period for the first renewal. To give you enough time to make this decision, the lender, ninety (90) days before renewal, will send a notice stating the due date of the loan, the new interest rate and the monthly payment amount. If you do not respond to the notice, the loan will be automatically renewed at the new rate. You will not have to pay any fees or charges at renewal time.

The maximum interest-rate increase at the first renewal is ——— percentage points. On a $50,000 mortgage with a loan term of ——— years and an original interest rate of [lender's current commitment rate] percent, this rate change would increase the monthly payment (principal and interest) from $——— to $———. Using the same example, the highest interest rate you might have to pay over the life of the mortgage would be ——— percent, and the lowest would be ——— percent.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947; 3 CFR 1943–1948 Comp. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10730 Filed 4-8-80; 8:45 am]

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12 CFR Part 590

[80-234]

Regulations for Federally Related Mortgage Loans; Preemption of State Usury Laws

Dated: April 3, 1980

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These regulations implement section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 which provides for permanent preemption of state interest ceilings with respect to Federally-related residential first mortgage loans made after March 31, 1980. The regulations: (1) describe mortgage lenders subject to the statute and regulations; (2) define mortgage loans covered by the statute and regulations; (3) provide special rules for loans secured by first liens on mobile homes; and (4) provide notice that the Board will issue interpretations of the statute upon written request and explain the procedure for filing such requests.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 ((202) 377–6457).

SUPPLEMENTARY INFORMATION: As authorized under Section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 161, the Board has adopted regulations governing the preemption of state usury laws with respect to Federally-related first mortgages made after March 31, 1980. These regulations replace the regulations implementing the temporary usury exemption contained in section 105(a)(1) of Public Law 96–161, 93 Stat. 1233 (1979). The Board, however, adheres to the positions taken in the Interpretations issued pursuant to those regulations. *See* 45 FR 2840 (Jan. 15, 1980); 45 FR 6165 (Jan. 25, 1980); 45 FR 8000 (Feb. 6, 1980); 45 FR 15921 (Mar. 12, 1980).

Although section 501 preempts state usury laws applicable to both mortgage loans and payment of interest on deposits, these regulations implement the provisions governing mortgage loans only. Regulations concerning the payment of interest on deposits by Bank System members are contained in Part 526 of the Federal Home Loan Bank System regulations. Similar regulations of the Federal Reserve Board (12 CFR Part 217), the Federal Deposit Insurance Corporation (12 CFR Part 329) and the National Credit Union Administration (12 CFR Part 701.35(g)) are in effect for deposits in depository institutions regulated by those agencies.

The Board has implemented section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 which preempts state laws expressly limiting the rate or amount of interest, discount points, finance charges, or other charges which may be assessed in connection with making a Federally-related residential first mortgage. Federally-related loans include those made by: (1) Federally-chartered banks, credit unions, or savings and loans; (2) state-chartered lenders whose accounts are insured by the FSLIC, FDIC, or NCUA; (3) members of the Federal Reserve or Federal Home Loan Bank Systems; and (4) lenders approved by the Department of Housing and Urban Development for participation in any mortgage insurance program. The regulations also apply to loans eligible for purchase by GNMA, FNMA, or FHLMC. Lenders that do not meet any of the above criteria will still be eligible for the exemption if they are considered "creditors" under the Truth in Lending Act, 15 U.S.C. 1602(f), and make, or invest in, residential real estate loans totaling over one million dollars annually. Creditors selling residential mobile home loans will not have to meet this million dollar test to be eligible for the exemption, if they sell their mobile home loans to a lender otherwise covered by this preemption.

The preemption prescribed by this Part applies to loans, mortgages, credit sales, and advances secured by first liens on: (1) residential real estate; (2) stock in a residential housing co-op; or (3) residential mobile homes. The regulations define residential real estate to mean property improved, or to be improved, by a residence. There is no limitation on the number of dwelling units contained in the structure improving the property. Accordingly, loans secured by first liens on multi-unit apartment buildings are exempted from state interest ceilings by these regulations.

It also should be noted that although the preemption applies to individual cooperative unit loans secured by stock in the cooperative only when the loan proceeds are used to purchase the stock, a blanket mortgage on the entire coop would be secured by residential real property and therefore not subject to the purchase money limitation.

Section 501 preempts applicable state interest ceilings unless the state legislature provides by law that the preemption will not apply in that state. Any state action of this nature must be taken within three years to be effective. In the event a state overrides the preemption, the provisions of section 501 shall continue to apply to any loan, mortgage, credit sale, or advance made pursuant to a commitment made prior to the state's override legislation.

The preemption created by section 501 applies only to state laws expressly limiting interest, discount points, and similar charges. It does not affect consumer protections contained in state law. Examples of unaffected consumer protections are prohibitions against prepayment and other penalties or state laws requiring that attorney fees, assumption fees, etc., reflect their reasonable cost. *See* S. Rep. No. 368, 96th Cong., 1st Sess. 19 (1979).

Federally-Related Loans or Credit Sales Secured by First Liens on Residential Manufactured Homes

Section 501 specifically exempts loans and credit sales secured by first liens on mobile homes from state usury laws. The mobile home securing the loan must be used, or be intended for use, as a residence and must meet the standards set forth in Section 603(6) of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. § 5402(6). Section 501(c) of the Depository Institutions Deregulation and Monetary Control Act of 1980 directs the Federal Home Loan Bank Board to adopt regulations establishing consumer safeguards which must be included in any mobile home loan contract or credit sale contract before the contract is eligible for the usury exemption. Until such regulations are adopted, however, mobile home loans and credit sales generally will be exempted from state interest ceilings. If these contracts contain precomputed finance charges, however, the agreement must provide for the refund of unearned precomputed finance charges in the event of prepayment. Moreover, the amount of this refund must not be less than would be refunded if the unearned interest were calculated by the actuarial method.

Under the actuarial method, the interest earned in any given period is calculated on the declining amount financed. Any payment by the debtor is applied first to the interest earned in that period and any excess is used to reduce the outstanding balance. When calculated by the actuarial method, the interest earned in a given period is almost always less than that earned under the Rule of 78's or the Sum of the Digits method of calculation. Accordingly, loans secured by first liens on mobile homes generally will not be eligible for the usury exemption provided in this Part if such loans require that unearned interest will be computed by the Rule of 78's or the Sum of the Digits method. If state law requires the use of a method which yields a refund greater than that obtained under the actuarial method, the state mandated method should be used.

It should be noted also that the term "prepayment" includes refinancings, consolidations, and payments of indebtedness after acceleration or judgment against the debtor.

Outstanding Commitments and Loans

The state usury preemption will not apply to loans or credit sales for which commitments were made prior to the effective date of the Act. Commitments made in the three months prior to March 31, 1980, generally are exempted from state interest ceilings by Public Law 96–161. Loan commitments dated prior to the December 28, 1979, effective date of Public Law 96–161 continue to be governed by state law, if no other preemption is applicable.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, because these amendments implement a statute and immediate implementation serves the public interest in ensuring the availability of Federally-related mortgage loans in states with restrictive usury laws; and (2) publication of said amendments for the 30-day period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to the effective date is unnecessary for the same reasons.

Accordingly, the Federal Home Loan Bank Board hereby adopts a new Subchapter G, Regulations for Federally-Related Mortgage Loans, to replace the temporary Subchapter G which expired on March 31, 1980, and adds a new Part 590, to read as follows:

SUBCHAPTER G—REGULATIONS FOR FEDERALLY RELATED MORTGAGE LOANS

PART 590—PREEMPTION OF STATE USURY LAWS

Sec.

590.1 Authority, purpose, and scope.
590.2 Definitions.
590.3 Operations.
590.4 Special Rules for Federally-related Loans Secured by First Liens on Residential Manufactured Homes.
590.5 Interpretations.

§ 590.1 Authority, purpose, and scope.

(a) *Authority.* This Part contains regulations issued under section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 161.

(b) *Purpose and Scope.* The purpose of this permanent preemption of state interest-rate ceilings applicable to Federally-related residential mortgage loans is to ensure that the availability of such loans is not impeded in states having restrictive interest limitations. This Part applies to loans, mortgages, credit sales, and advances, secured by first liens on residential real property, stock in residential cooperative housing corporations, or residential manufactured homes as defined in § 590.2 of this Part.

§ 590.2 Definitions.

For the purposes of this Part, the following definitions apply:

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(a) Loans means any loans, mortgages, credit sales, or advances.

(b) Federally-related loans include any loan:

(1) Made by any lender whose deposits or accounts are insured by any agency of the Federal government;

(2) Made by any lender regulated by any agency of the Federal government;

(3) Made by any lender approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act;

(4) Made in whole or in part by the Secretary of Housing and Urban Development; insured, guaranteed, supplemented, or assisted in any way by the Secretary or any officer or agency of the Federal government, or made under or in connection with a housing or urban development program administered by the Secretary, or a housing or related program administered by any other such officer or agency;

(5) Eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or made by any financial institution from which the loan could be purchased by the Federal Home Loan Mortgage Corporation; or

(6) Made in whole or in part by any entity which:

(i) Regularly extends, or arranges for the extension of, credit payable by agreement in more than four installments or for which the payment of a finance charge is or may be required; and

(ii) Makes or invests in residential real property loans aggregating more then $1,000,000 per year; *except* that the latter requirement shall not apply to such an entity selling residential manufactured homes and providing financing for such sales through loans or credit sales secured by first liens on residential manufactured homes, if the entity has an arrangement to sell such loans or credit sales in whole or in part, or where such loans or credit sales are sold in whole or in part, to a lender or other institution otherwise included in this section.

(b) "Loans which are secured by first liens on real estate" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in real estate (whether in fee, or in a leasehold or subleasehold extending, or renewable, automatically or at the option of the holder or the lender, for a period of at least 5 years beyond the maturity of the loan) specific security for the payment of the obligation secured by the instrument; *Provided* That the instrument is of such a nature that, in the event of default, the real estate described in the instrument could be subjected to the satisfaction of the obligation with the same priority as a first mortgage of a first deed of trust in the jurisdiction where the real estate is located.

(c) "Loans secured by first liens on stock in a residential cooperative housing corporation" means loans on the security of: (1) a first security interest in stock or a membership certificate issued to a tenant stockholder or resident member by a cooperative housing organization; and (2) an assignment of the borrower's interest in the proprietary lease or occupancy agreement issued by such organization.

(d) "Loans secured by first liens on residential manufactured homes" means a loan made pursuant to an agreement by which the party extending the credit acquires a security interest in the residential manufactured home which will have priority over any conflicting security interest.

(e) "Residential real property" means real estate improved or to be improved by a structure or structures designed primarily for dwelling, as opposed to commercial, use.

(f) "Residential manufactured home" means a structure, transportable in one or more sections, which is at least eight body feet wide, thirty-two body feet long, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, and which structure is or will be used as a residence.

(g) "State" means the several states, Puerto Rico, the District of Columbia, Guam, the Trust Territories of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands.

§ 590.3 Operation

(a) The provisions of the constitution or law of any state expressly limiting the rate or amount of interest, discount points, finance charges, or other charges which may be charged, taken, received, or reserved shall not apply to any Federally-related loan:

(1) Made after March 31, 1980; and

(2) Secured by a first lien on:

(i) Residential real property;

(ii) Stock in a residential cooperative housing corporation when the loan is used to finance the acquisition of such stock; or

(iii) A residential manufactured home, *provided* that the loan so secured contains the consumer safeguards required by § 590.4 of this Part;

(b) The provisions of paragraph (a) shall apply to loans made in any state on or before the date (after April 1, 1980 and prior to April 1, 1983) on which the state adopts a law or certifies that the voters of such state have voted in favor of any law, constitutional or otherwise, which states explicitly and by its terms that such state does not want the provisions of paragraph (a) to apply with respect to loans made in such state, *except* that—

(1) The provisions of paragraph (a) shall apply to any loan which is made after such date pursuant to a commitment therefor which was entered into during the period beginning on April 1, 1980, and ending on the date the state takes such action;

(2) The provisions of paragraph (a) shall apply to any rollover of a loan which loan was made, or committed to be made, during the period beginning on April 1, 1980, and ending on the date the state takes such action, if the mortgage document or loan note provided that the interest rate to the original borrower could be changed through the use of such a rollover; and

(3) At any time after the date of enactment of this Act, any state may adopt a provision of law placing limitations on discount points or such other charges on any loan described in this Part.

(c) Nothing in this section preempts limitation in state laws on prepayment charges, attorneys' fees, late charges or other provisions designed to protect borrowers.

§ 590.4 Special rules for federally-related loans secured by first liens on manufactured homes.

(a) In order to qualify for the usury exemption contained in this Part, any loan secured by a first lien on a residential manufactured home that includes a precomputed finance charge must provide for the refund of the unearned portion of this precomputed finance charge in the event the entire indebtedness is prepaid. The amount of such refund must not be less than the amount which would be refunded if the unearned interest were calculated by the actuarial method, except that the debtor shall not be entitled to a refund which is less than one dollar.

(b) As used in this section:

(1) A "prepayment" occurs upon—

(A) The refinancing or consolidation of the indebtedness;

(B) The actual prepayment of the indebtedness by the consumer whether voluntarily or following acceleration of the payment obligation by the creditor; or

(C) The entry of a judgment for the indebtedness in favor of the creditor.

(2) The term "actuarial method" means the method of allocating payments made on a debt between the outstanding balance of the obligation and the precomputed finance charge pursuant to which a payment is applied first to the accrued precomputed finance charge and any remainder is subtracted from, or any deficiency is added to, the outstanding balance of the obligation.

(3) The term "precomputed finance charge" means interest or a time price differential (including service or carrying charges and any amount payable under a point, discount, or other system of additonal charges) as computed by the add-on or discount method.

§ 590.5 Interpretations.

(a) The Board periodically will publish Interpretations under section 501 of the Depository Institutions Deregulation and Monetary Act of 1980, Pub. L. No. 96–221, 94 Stat. 161, in the Federal Register in response to written requests sent to the Secretary to the Board, 1700 G Street, N.W., Washington, D.C. 20552.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10770 Filed 4-8-80; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[ER-1172; Amdt No. 53; Docket 31290]

Tariffs; Conforming Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is revising its policy statement on domestic passenger fares in PS–92, also issued today. (FR Doc 80–10760) This amendment of the CAB's rule on tariffs corrects a cross-reference to that policy statement.

DATES: Adopted: April 3, 1980. Effective: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Norman D. Schwartz, Chief, Legal Analysis Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428, 202–673–5056.

SUPPLEMENTARY INFORMATION: This amendment of 14 CFR Part 221 is interpretative. The Board therefore finds that notice and public procedure and a delayed effective date are unnecessary and not in the public interest.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

In § 221.165, paragraph (d)(4) is amended to read:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

* * * * *

(d) Exceptions:

* * * * *

(4) The requirement for data and/or information in paragraph (b) of this section shall not apply to fares for scheduled passenger service within the 48 contiguous states and the District of Columbia that are within the zones set forth in § 399.32 of this chapter.

(Secs. 204, 403, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, and 788, as amended, 49 U.S.C. 1324, 1373, and 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10759 Filed 4-8-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 399

[PS–92; Amdt. No. 69; Docket 31290]

Statements of General Policy; Domestic Passenger Fares

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revises its policy statement about domestic passenger fares to reflect the Airline Deregulation Act of 1978. In a market with one, two, or three airlines, each can now charge up to 5 percent above the Standard Industry Fare Level year-round, rather than being limited to a certain number of days. Also, the CAB changes its method of adjusting the fare ceiling for cost increases, to conform to the Deregulation Act. In PSDR–66, also issued today, the CAB is proposing more far-reaching changes in domestic fare policy. (See FR Doc. 80–10761).

DATES: Adopted: April 3, 1980. Effective: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Norman D. Schwartz, Chief, Legal Analysis Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5056.

Introduction

In 1978, the Board voluntarily established a broad zone within which we would ordinarily not suspend passenger fares for markets within the 48 contiguous states and the District of Columbia. This policy was set out in PS–80, PR–177, ER–1072, and Order 78–8–152, which are collectively referred to as "PS–80" (43 FR 39522, September 5, 1978). Then, the Airline Deregulation Act of 1978 (Pub. L. 95–504) amended the Federal Aviation Act ("the Act") to create a statutory zone of reasonableness for domestic passenger fares.

In notice of proposed rulemaking PSDR–61 (44 FR 30108, May 24, 1979) ("the Notice"), we proposed two changes in the domestic passenger fare policies to conform them to the Deregulation Act. First, we tentatively decided to remove the 110-day limitation on the 5 percent upward flexibility now allowed carriers in markets where two or three carriers are authorized to provide service. Second, we proposed to modify the methodology we adopted in PS–80 to update the fare ceiling to the one required by section 1002(d)(6) of the Act.

We also proposed eliminating our policy of allowing local service carriers the flexibility to raise their fares in a zone ranging up to 30 percent above the coach fare level established for the trunks without submitting an economic justification. We felt that the locals should be subject to the same fare policies prescribed for the trunks, including the limitations on upward pricing flexibility, since the historic distinction between the trunks and local service carriers was disappearing as the latter rapidly entered trunk-type routes. We also saw no reason to subject certificated carriers operating aircraft having 60 seats or less to fare regulation during the relatively short transitional period to complete fare freedom.

Comments have been received from American, Delta, Eastern, Ozark, Pacific Southwest (PSA), Piedmont, Republic (filing comments as North Central), TWA, United USAir (filing comments as Allegheny), Swift Aire Lines, the Commuter Airline Association of America (CAAA) and the Puget Sound Traffic Association (PSTA). United also submitted a supplemental comment requesting that we eliminate the 56-day limitation on upward pricing flexibility in monopoly markets. A motion to file an otherwise unauthorized document accompanied these comments. We will grant the motion. A detailed summary of these comments is attached as Appendix A. Generally, most of the carriers supported the Board's proposed changes to its PS–80 policies. PSA pointed out that language governing

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intrastate fares adopted in PS–82 (44 FR 9940, February 15, 1979) was omitted from proposed § 399.31(a) and requested its reinstatement. The omission was inadvertent and the final rule has been revised accordingly. Several carriers have, however, suggested that the methodology proposed for updating the standard industry fare level be modified to account for fuel price increases on a more frequent basis. See comments of American, Delta, Eastern and United. Both Delta and TWA questioned other aspects of the methodology, which we discuss below. On the other hand, PSTA questioned the Board's tentative decision to allow the carriers greater flexibility than prescribed by the Act. Piedmont, Republic and USAir opposed our proposed elimination of the 30 percent upward zone for local service carriers, while Swift Aire and the CAAA fully endorsed our tentative decisions not to subject certificated carriers operating aircraft having 60 seats or less to fare regulation. CAAA suggested that the Board also vacate those provisions of orders dealing with replacement service by commuters for local service carriers which provide that the commuters cannot charge fares higher than those charged by the local service carriers.

We have examined these objections and suggested modifications carefully. On the basis of this review and our own analysis as set forth in the Notice, we have decided to adopt the changes in our fare policy as proposed, except in the following respects.

First as suggested by United, we are eliminating the 58-day limitation on the 5 percent upward fare flexibility now allowed carriers in their monopoly markets. We see no reason to continue this limitation especially since it is difficult to administer, and our experience under PS–80 shows that prices have not been out of line with costs. Second, we have decided to continue allowing local service carriers the flexibility to raise fares up to 30 percent above the trunk formula fare. As further explained below, we believe that the continuation of this zone is necessary to encourage these carriers to remain in their short-haul, low-density markets. These determinations are not, of course, our last word on domestic fare policy. Since PSDR–61 was issued, free entry has become the rule domestically, and a significant increase in fare flexibility over the policies of PS–80, as modified here, appears warranted. Accordingly, the Board is issuing concurrently PSDR–66, outlining new proposals in the evolution of our fare policy.

Changes to the Board's PS–80 Policies

1. *Fare Flexibility Above the Fare Ceiling.* The Board's domestic fare policies recognize the need for allowing carriers the flexibility to raise their fares above a fare level based on industry averages with limited risk of suspension. Under these policies, a ceiling fare is based on the formula established in Phase 9 of the Domestic Passenger Fare Investigation (DPFI) (Docket 21866–9). The ceiling is updated periodically by the Board. Carriers in workably competitive markets (defined as those with four or more carriers authorized) are allowed the flexibility to raise their fares up to 10 percent above the ceiling. In two- and three-carrier markets, carriers are able to raise their fares up to 5 percent above the ceiling on 110 days of the year; and in their monopoly markets, carriers have the flexibility to raise their fares up to 5 percent above the ceiling on 58 days of the year. In the Notice, we proposed to continue this general policy during the transition period before January 1, 1983, when our authority over domestic passenger fares ends. We also proposed to expand the scope of the upward zone governing two and three-carrier markets by eliminating the 110-day limitation.

These zones (as modified) will give the carriers more freedom to raise their fares than that provided under section 1002(d)(4)(A) of the Act which allows only non-monopoly carriers (defined as carriers which provide air transportation to less than 70 percent of the passengers traveling in air transportation between a pair of points) the flexibility to raise their fares up to 5 percent above the ceiling. As discussed in the Notice, we felt that it would be reasonable and consistent with the purposes of the Airline Deregulation Act to allow a carrier to price its services above the ceiling within the zones established by PS–80, regardless of whether it provides air transportation to 70 percent or more of the passengers traveling in the market. American and Ozark, however, stated that this decision was not clearly set forth in the proposed policy statement. The source of their concern is footnote 4 to proposed § 399.31(c)(2), which, as drafted, suggested that upward fare proposals of carriers transporting 70 percent or more of the passengers in a market will be suspended. We are revising several sections of Part 399, to more clearly state our policy on fare flexibility, including increases above the zone. PSTA challenged our authority to adopt a policy on upward fare flexibility that is more permissive than the upward zone established by the statute. It argued that Congress clearly intended that the 5 percent statutory zone be the only upward pricing flexibility allowed the carriers, pointing out that while Congress specifically authorized the Board to increase the downward no-suspend zone, it failed to give the Board similar authority to expand the upward zone. PSTA also questioned the Board's policy of establishing the size and scope of the upward zone on the basis of the number of authorized carriers in the market. This policy was adopted in PS–80 and the reasons for it were fully explained in that document. Indeed, in that rulemaking, in which PSTA participated, the Board asked the commenters to address specifically the issue of upward pricing flexibility; our decision was based on the comments before us then, and we will not reconsider it here.

PSTA's argument that upward flexibility must be limited to that set forth in the Act is not persuasive. As we stated in the Notice, although the Act affects our ability to regulate fares within the statutory zones, it does not diminish our powers to determine the reasonableness of fares outside of these zones. Because we retain our traditional suspension powers over fares outside the statutory zones, we retain the responsibility for developing a policy for the benefit of the public and the industry, announcing how and under what circumstances we will exercise these powers. Indeed, PSTA conceded that the establishment of zones allowing the carriers pricing flexibility with limited risk of suspension is not banned by the Act. By now allowing the carriers some pricing flexibility above the ceiling with limited risk of suspension, we are simply establishing guidelines for the exercise of our discretionary suspension power. We are not relinquishing our *jurisdiction* over fares outside the statutory zone. In this regard, PSTA's observation that Congress has expressly given us the authority to disclaim jurisdiction over the reasonableness of fares below the floor of the statutory zone by increasing the downward zone but failed to give us similar authority to increase the upward zone is correct. But it is not relevant.

We have therefore decided, as proposed in the Notice, to continue allowing carriers the flexibility to price their services above the ceiling within specified zones with limited risk of suspension. The dimensions of the zones governing markets with at least four nonstop carriers authorized, and those markets with two or three, will be as we proposed in the Notice, *i.e.*, 10 percent in the former markets and 5 percent in the latter.

The zone we are adopting for monopoly markets, however, differs from the one set forth in the Notice. There, we proposed to continue our PS–80 policy of allowing a carrier in a monopoly market the flexibility to raise the fares up to 5 percent above the ceiling on only 58 days of the year. We now conclude that the 58-day limitation is no longer necessary and that monopoly carriers should be allowed this modest 5 percent upward fare flexibility throughout the year. In the first place, our experience under PS–80 shows that prices have continued to bear a reasonable relationship to costs, and that there is reason to expect that they still would do so once the 58-day limitation is removed. In the second place, this additional flexibility will enable the carriers to more easily cope with the rapid escalation in costs, especially fuel prices, by adjusting fares more often than we update the ceiling. Finally, this limitation is extremely difficult to administer both for the Board's staff and the carriers. As United pointed out in its supplemental comments, the volatile nature of competition and prices makes the 58-day limitation all but unmanageable. These administrative burdens simply are too great in relation to any benefits to be gained. To the extent that the Notice may be considered as not having fully stated the possibility that we would remove the 58-day limitation, we find that notice and public procedure are impracticable and contrary to the public interest, in view of the extreme difficulty there would be in administering the limitation during a further rulemaking proceeding.

In sum, pending resolution of the issues raised in PSDR–66, our policy on upward fare flexibility will be as follows: carriers in markets where four or more carriers are authorized to provide nonstop service will be able to raise their fares up to 10 percent above the ceiling with limited risk of suspension. In all other markets, carriers will be allowed 5 percent upward fare flexibility on all days throughout the year. Pricing changes outside the zones may continue to be filed, but we will suspend them if they are not justified by cost or competitive factors.

2. *Definition and Updating of the Fare Ceiling (SIFL).* In addition to expanding upward fare flexibility, the Notice proposed to change both the basis of the fare ceiling and the method of updating it set forth in our policy statement. Under PS–80, the basis of the ceiling was the formula established in Phase 9 of the DPFI ("the DPFI formula fare"). We updated this ceiling by adjusting actual operating costs per passenger mile on a semiannual basis to a hypothetical level, reflecting the DPFI ratemaking standards of load factor, seating, utilization, and depreciation.

Instead of the DPFI formula fare, the Deregulation Act keys the statutory zone of reasonableness to a standard industry fare level ("SIFL"). The SIFL is generally defined in new section 1002(d)(6) as the "[adjusted] fare level * * * in effect on July 1, 1977, for each interstate or overseas pair of points, for each class of service * * *" We interpreted this to mean the predominant fare in effect on that date. In most cases, that was equal to the DPFI formula fare. Under the DPFI standards, however, local service carriers had the flexibility to set fares up to 30 percent above the formula. In cases where such a fare was the predominant one on July 1, 1977, therefore, the original SIFL is higher than the DPFI formula fare. The Notice proposed to conform the PS–80 ceiling to this new basis.

Instead of the practice followed under PS–80, our updating of the SIFL must now conform to section 1002(d)(6)(B), which states—

> The Board shall, not less than semiannually, adjust [the SIFL] by increasing or decreasing such fare level, as the case may be, by the percentage change from the last previous period in the actual operating cost per available seat-mile for interstate and overseas transportation combined. In determining the standard, the Board shall make no adjustment to costs actually incurred.

We proposed, therefore, to eliminate the DPFI ratemaking standards from our policy statement. We proposed also to exclude from consideration an allowance for tax and return markup, as well as the costs attributable to traffic other than passengers in scheduled service, e.g., non-scheduled operations, all-cargo services and the costs associated with belly cargo, using the revenue offset method. We decided, however, to continue our policy on anticipating costs 3 months beyond the time we make the adjustment to the SIFL. Details of the proposal were illustrated in an example set out in Appendix A to the Notice.

Although most of the commenters who discussed the methodology agreed with our basic approach, several suggested changes, especially in the treatment of fuel expense. Delta, Eastern and United, for example, urged that because of the volatile nature of fuel prices, we readjust the SIFL for fuel cost increases more frequently than the six months we propose.

We recognize, of course, that fuel prices have risen very sharply in recent months and additional increases are likely to continue for the foreseeable future. We recognize, also, that carriers must have the opportunity to recover these costs in their fares without undue regulatory lag. For these reasons the Board is now, at least on an interim basis, adjusting the SIFL ceiling every 2 months to reflect these fuel costs. But while we expect to utilize this procedure as long as the current trend in fuel prices continues, we do not believe that it or any other method to account for fuel cost increases more quickly than other costs should become a permanent feature of our fare policy during the transition period. Neither the Board nor the airline industry knows whether the current trend in fuel prices will continue, and we think it unwise to base a fare policy on what may essentially prove to be a relatively short-lived phenomenon. In our view, the better approach is to establish an updating methodology to be used in more normal times and deviate from it when circumstances warrant. Thus, we will not adopt the modification suggested by these carriers.

TWA would have us include a tax and return element in our computation of the latest operating expenses since it maintains that interest rates are high and are subject to the same inflationary pressures as other costs. The only problem with this argument is that it ignores the fact that in the long history of the Board's rate regulation these elements have never been considered as operating expenses and there is no reason to begin now during the transition period. We also find no merit in TWA's argument that the Board should not use the DPFI-Phase 9 mileage block costs to determine the SIFL. Because the Act requires that we base the SIFL on the fare level in effect on July 1, 1977, we must use the Phase 9 formula as the basis for computing the original SIFL, and cannot deviate from it except in those cases where actual fares departed from the formula. TWA disputed our use of the revenue offset method to exclude the costs associated with belly cargo carried on combination aircraft as understating the expenses attributable to passengers. According to it, belly cargo revenues cover economic costs (i.e., return on capital and an income tax element) and this should not be used to reduce total operating expenses which do not include these elements. TWA did not indicate, however, how we would determine a tax and return element for cargo

especially since the data necessary to make these calculations are no longer being updated by the Board. In fact, because the Board no longer controls cargo rates we cannot even presume that these rates necessarily have a tax and profit element as TWA would have us accept. Thus we reject TWA's suggested revision.

Delta suggested that the Board use the "Trunks plus Locals" data for computing the SIFL rather than "Total Passenger/Cargo" so as to properly adjust for capitalized leases. This adjustment was excluded from the Total Passenger/Cargo column in the Appendix attached to the Notice. Under the Act, the Board must use the operating costs associated with all interstate and overseas transportation combined and Delta's suggestion simply cannot be adopted. In any event, we now include in computing the interim SIFL a capitalized lease adjustment in determining the costs associated with total passenger/cargo operations. We will continue to do so and thus Delta's objection is moot. A recent example of SIFL updating is attached to this issuance, and made a part of the rule.

(3) *Local Service Carrier Fares.* In the Notice, the Board proposed eliminating the DPFI policy of allowing local service carriers the flexibility to raise their fares in a zone ranging up to 30 percent above the coach fare established for the trunks without submitting an economic justification. We tentatively decided that the basis for this policy was no longer valid, pointing out that it was designed in part to encourage the locals to experiment with fare changes in order to reduce their dependence on subsidy. At the time, locals were heavily subsidized and serving predominantly short-haul low density markets. Today, however, USAir and Texas International no longer receive subsidy, and the locals are taking advantage of the new regulatory environment engendered by the Airline Deregulation Act, leaving the shorter-haul, lower-density markets to the commuters and expanding into the longer-haul, higher-density markets traditionally served by the trunks. We tentatively concluded, therefore, that the historic distinction between the trunks and local service carriers was fast disappearing and the locals should be subject to the same fare policies as the trunks. We also proposed allowing all certificated carriers unrestrained fare freedom on flights operated with aircraft having 60 seats or less.

Three local service carriers—Piedmont, Republic (filing comments as North Central) and USAir (filing comments as Allegheny) opposed our tentative proposal to eliminate the 30 percent upward zone. While their arguments varied, they all revolved around the same basic theme: Although the locals are now entering longer-haul, trunk-type routes, they continue to serve the short haul, low-density markets, where the DPFI formula fares—which form the basis for the SIFL calculations—are below costs. Therefore, if the 30 percent zone is eliminated, they would be forced to leave these markets or increase their dependence on subsidy.

The Board is becoming increasingly concerned over the general trend by certificated carriers away from providing service in shorter-haul markets. We certainly do not want to accelerate this trend, which we now believe might result from reducing the fare flexibility that the local service carriers now enjoy. For this reason we will not eliminate the 30 percent upward flexibility that was based on the DPFI formula fare. In fact, we are considering in PSDR–66, removing the ceiling in all markets of 200 miles or less. Meanwhile, the 30 percent upward flexibility for local service carriers is restated in § 399.33(c). Where 130 percent of the July 1, 1977, DPFI formula fare, as adjusted for cost increases, is greater than the ceiling applicable to trunks (that is, 105 or 110 percent of the current SIFL, depending on the number of carriers in the market), local service carriers may set their fares up to that higher level.

4. *Small Aircraft.* The CAAA suggested that, in conjunction with our policy of allowing all certificated carriers unrestrained fare freedom on flights operated with small aircraft, the Board should vacate those orders dealing with replacement service by commuters for local service carriers which provide that the commuter cannot charge fares higher than those charged by local service carriers. We believe that the CAAA's suggestion is a valid one. The policy we establish here, therefore, will supersede those orders, and commuters providing replacement service will have unrestrained fare freedom on flights using small aircraft. We have also restated this fare flexibility provision to conform to the air taxi rule, 14 CFR Part 298, which speaks of aircraft designed to have a maximum passenger capacity of 60 or fewer seats. This reflects our intent in the Notice.

In addition to the changes to our proposal indicated above, we are making editorial changes for clarity, which do not affect the substance of the rule.

Since this rule relieves a restriction, it may become effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, Statements of General Policy, as follows:

1. The Table of Contents is amended by moving § 399.30 to § 399.38, redesignating § 399.30 through 399.33, and adding a new § 399.37, to read:

Subpart C—Policies Relating to Rates and Tariffs

Sec.
399.330 Definitions.
399.331 Standard industry fare level.
399.332 Zone of limited suspension for domestic passenger fares.
399.333 Additional fare flexibility.
399.334–36 [Reserved].
399.337 Joint fares.
399.336 Temporary subsidy rates.
* * * * *

§ 399.30 [Redesignated as § 399.38]

2. Section 399.30, *Temporary Subsidy Rates,* is redesignated as § 399.38.

3. New §§ 399.30 through 399.33 and § 399.37 are added to Subpart C, to read:

§ 399.30 Definitions.

As used in this subpart—

"DPFI formula fare" means the trunk coach formula fare on July 1, 1977, as established by the Board in Phase 9 of the Domestic Passenger Fares Investigation (Docket 21866–9).

"SIFL" means the standard industry fare level, as set forth in § 399.31.

§ 399.31 Standard industry fare level.

(a) *Generally.* Except as set forth in paragraph (d) of this section, the standard industry fare level ("SIFL") for coach/standard service in a market is equal to the predominant fare in effect in that market on July 1, 1977, as adjusted by the Board for cost increases.

(b) *Predominant fare.* For each market, it is presumed that the lowest unrestricted fare in effect on July 1, 1977, was the predominant fare. This presumption may be rebutted by showing that more passengers used a higher fare.

(c) *Adjustments for cost increases.* The Board adjusts the SIFL at least once every 6 months by the percentage change, since the previous adjustment, in the actual operating cost per available seat-mile for interstate and overseas transportation combined. The method of adjustment is illustrated in the example set out at the end of this subpart.

(d) *Intrastate markets in California, Florida, and Texas.* For these markets, the SIFL is equal to 110 percent of the predominant fare in effect on July 1, 1977, as adjusted by the Board for cost increases and as follows: 8 percent upward every 6 months beginning on July 1, 1979, until it reaches the interstate SIFL. In any event, it will increase to the interstate SIFL on January 1, 1981. As used in this paragraph, "interstate SIFL" means the level that the SIFL would be if the market were an interstate one whose predominant fare on July 1, 1977, was the DPFI formula fare.

§ 399.32 Zone of limited suspension for domestic passenger fares.

(a) *Applicability.* This section sets forth the Board's policy on passenger fares for scheduled service by certificated air carriers within the 48 contiguous states and the District of Columbia, except to the extent that greater flexibility is set forth in § 399.33.

(b) *Bottom of zone.* Each carrier may set fares in each market as low as 50 percent below the SIFL. Also, on 40 percent of their weekly available seat miles, carriers may set fares as low as 70 percent below the SIFL. Where the SIFL is based on a fare higher than the DPFI formula fare, the formula fare (as adjusted for cost increases) is to be used to compute these floors. If a fare is below the SIFL and within the zone, the Board will not suspend the fare on the ground that its level is unreasonable, except in the following extraordinary circumstances:

(1) There is a high probability that the fare would be found to be unlawful after investigation;

(2) There is a substantial likelihood that the fare is predatory so that there would be an immediate and irreparable harm to competition if the fare were allowed to go into effect;

(3) The harm to competition is greater than the injury to the traveling public if the proposed fare were unavailable; and

(4) The suspension is in the public interest.

(c) *Fares below the zone.* Tariff filings that state fares below the zone must include the data and information set forth in § 221.165 of this chapter. The Board will not suspend a fare below the zone that is based on such factors as the carrier's individual costs or specialized marketing needs, unless the level of the fare will result in an inability of the carriers in the market to provide adequate service to the public, or the fare is otherwise unjust, unreasonable, predatory, unjustly discriminatory, unduly preferential, or unduly prejudicial.

(d) *Top of zone.* Each carrier may set fares above the SIFL as follows, and except in unusual or extraordinary circumstances the Board will not suspend the fares on the ground that their level is unreasonable:

(1) Up to 10 percent above the SIFL, in markets where four or more carriers are authorized to provide nonstop service on either an unrestricted or restricted basis (but not counting carriers that have only fill-up authority or that cannot carry local traffic); and

(2) Up to 5 percent above the SIFL in all other markets.

(e) *Fares above the zone.* Tariff filings that state fares above the applicable zone must include the data and information set forth in § 221.165 of this chapter. For peak fares, this should include a showing that off-peak fares are available in the market. The Board will suspend a fare above the zone that it finds not to be justified by cost or competitive factors.

§ 399.33 Additional fare flexibility.

For scheduled service within the 48 contiguous states and the District of Columbia, certificated air carriers have the following fare flexibility in addition to that set forth in § 399.32:

(a) *First class.* Carriers may without restriction set the level of first class fares.

(b) *Small aircraft.* Carriers may without restriction set the level of fares for service with aircraft designed to have a maximum passenger capacity of 60 or fewer seats.

(c) *Local service carriers.* In markets where the DPFI formula fare, adjusted for cost increases and multiplied by 130 percent, is higher than the ceiling set forth in § 399.32(d), local service carriers may set their fares up to that higher level. The Board will not suspend such fares, except in unusual or extraordinary circumstances.

§§ 399.34–36 [Reserved]

§ 399.37 Joint fares.

There should be joint fares in all markets over all routings within the contiguous 48 states and the District of Columbia as follows:

(a) *Level.* The level shall not exceed the sum of the maximum local fares permitted by this subpart minus one tax-rounded coach ceiling terminal charge for each interline connection, and in any event shall not exceed the sum of the actual local fares. For purposes of constructing joint fares, maximum local fares in all markets, including California, Florida, and Texas, will be based on the DPFI formula fare, as adjusted for cost increases.

(b) *Division.* Joint fares shall be divided according to the relative costs of the mileage flown by each carrier participating in the interline movement. However, where a joint fare is equal to the sum of the actual local fares, each carrier shall get the local fare as its share.

4. The *Example of SIFL Adjustment* attached to this rule is inserted at the end of Subpart C.

(Secs. 204, 403, 404, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, and 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

EXAMPLE OF SIFL ADJUSTMENT

[Methodology for determining change in operating expense per available seat-mile]

Year ended September 1979	Trunks	Locals	Trunks plus locals	Total passenger/cargo [12]
Total operating expense [1] (millions)	$16,455	$2,522	$18,977	$19,384
Less:				
All-cargo expenses [2]	269	———	269	269
Belly offset [3]	952	153	1,105	1,153
Nonscheduled [4]	141	46	187	205
Transport related [5]	379	31	410	416
Plus: Capitalized lease adjustment [10]	119	2	121	121
Passenger operating expense	14,933	2,294	17,127	17,462
Passenger fuel cost [11]	———	———	4,103	N.A.
Scheduled service ASM's (mile.)	281,671	33,051	314,722	318,459
Passenger nonfuel operating expense per ASM (dollars)	———	———	.04138	N.A.
Passenger fuel expense per ASM (dollars)	———	———	.01304	N.A.
Total passenger expense per ASM (dollars)	———	———	.05442	.05483
Year ended September 1978				
Total operating expense [1] (millions)	14,081	2,033	16,114	16,448
Less:				
All-cargo expenses [2]	282	———	282	282
Belly offset [3]	869	152	1,021	1,065
Nonscheduled [4]	193	53	246	256
Transport related [5]	419	30	449	454
Plus: Capitalized lease adjustment [10]	78	1	79	79

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EXAMPLE OF SIFL ADJUSTMENT—Continued

[Methodology for determining change in operating expense per available seat-mile]

Year ended September 1979	Trunks	Locals	Trunks plus locals	Total passenger/cargo [16]
Passenger operating expense	12,396	1,799	14,195	14,470
Passenger fuel cost [23]			3,129	N.A.
Scheduled service ASM's (mils.)	262,068	27,067	289,135	292,255
Passenger nonfuel operating expense per ASM (dollars)			.03827	N.A.
Passenger fuel expense per ASM (dollars)			.01082	N.A.
Total passenger expense per ASM (dollars)			.04909	.04951
Percent change in nonfuel operating expense per ASM (percent)			8.13	N.A.
Projected change in nonfuel expense from April 1, 1979 to April 1, 1980 [4]			8.13	N.A.
Estimated change in fuel cost, year ended September 1979 average to April 1, 1980 [14]			73.06	N.A.
Nonfuel operating expense per ASM at April 1, 1980 [5] (dollars)			.04474	N.A.
Fuel expense per ASM at April 1, 1980 [7] (dollars)			.02257	N.A.
Total expense per ASM at April 1, 1980 [7] (dollars)			.06731	[15].06782
Year ended March 1977				
Total operating expense [1] (millions)	$11,726	$1,520	$13,316	$13,601
Less:				
All-cargo expense [2]	238		238	238
Belly offset [3]	729	96	825	865
Nonscheduled [4]	220	35	225	266
Transport related [9]	427	111	538	554
Passenger operating expense	10,112	1,348	11,460	11,678
Passenger fuel cost	2,190	230	2,420	N.A.
Scheduled service ASM's (mils.)	239,593	23,428	263,021	265,837
Operating expense per ASM (dollars)	.04221	.05754	.04357	.04393
Projected expense per ASM (dollars) as at July 1, 1977 [13]				.04593
Projected operating expense per ASM as at April 1, 1980 (page 1) (dollars)				.06782
Ceiling adjustment factor [8] (percent)				47.55
D.P.F.I. formula effective July 15, 1977 [18]				
Terminal charge	$16.16			
Plus	.0854/mile (0–500 miles).			
Plus	.0674/mile (501–1,500 miles).			
Plus	.0545/mile (over 1,500 miles).			
Ceiling formula through April 30, 1980 [6]				
Terminal charge	$23.98			
Plus	.1305/mile (0–500 miles).			
Plus	.0995/mile (501–1,500 miles).			
Plus	.0957/mile (over 1,500 miles).			

[1] Total operating expense for all operations and service (in millions).
[2] Scheduled all-cargo operations expense.
[3] Total scheduled-service cargo revenue, less scheduled all-cargo operations revenue, carried as a by-product in aircraft belly compartments. Includes freight, express, priority and non-priority U.S. mail, and excess baggage.
[4] Total non-scheduled revenues times 0.95, assuming charter operations would only be conducted at a profit.
[5] Total transport-related expense, less any excess of expense over total transport-related revenues.
[6] We here project costs from April 1, 1979 (the midpoint of the data year ended September 1979) to April 1, 1980 the resultant increase factor effective through April 30, 1980.
[7] Operating expense per ASM for year-ended September, 1979, times projected change.
[8] Projected operating expense per ASM on April 1, 1980 divided by the operating expense as at July 1, 1977.
[9] Adjustment results in a 2.5 percent increase in level over current January 1, 1980 factor.
[10] Additional rental expense that would have been incurred had leases not been capitalized under FASB–13, less actual amortization of capitalized lease expense.
[13] Total fuel cost, scheduled service, times complement of rate of All-Cargo expense to total Operating Expense.
[16] Order 77–7–28.
[22] Year ended March, 1977 cost per ASM, times cost escalation factor of 1.04543 (to July 5, 1977). See DPFI workpapers, Y.E. March, 1977.
[14] Estimated average cost per gallon for the trunk plus local service carriers at April 1, 1980, divided by the average for the year ended Semptember, 1979 (48.33¢).
[15] Change in Trunks plus Locals cost per ASM as at April 1, 1980, to year ended September, 1979 times total Pagr/Cargo cost for the year ended Sept., 1979.
[18] Includes Alaskan, Hawaiian and other regional carriers.

Appendix A—Summary of Comments to PSDR–61

American Airlines

American supports the proposed rulemaking as a fair and reasonable method of implementing the Airline Deregulation Act of 1978. Its only suggestion is to revise the language of footnote 4 to § 399.31(c)(2) to eliminate what it believes to be an ambiguity in the Board's policy on upward fare flexibility.

Delta Airlines

Delta has focused on the methodology proposed by the Board to compute the Standard Industry Fare Level (SIFL), citing three major deficiencies. First, it believes that the Board has understated fuel costs in its calculations shown in Appendix A [1] and, in any event, does not indicate whether it will provide for more frequent review of the impact of fuel costs on the SIFL. Second, Delta states that the text of the Notice and Appendix A appear to be inconsistent as to which date the Board has projected ASM costs, pointing out that in the text the Board states that costs have been projected through September 1979, while in the Appendix costs have been computed as of July 1, 1979. Finally, Delta suggests that the Board use the "Trunks plus Locals" data for computing the SIFL rather than "Total Passenger/Cargo" so as to properly adjust for capitalized leases.[2] Delta concedes, however, that some of the problems it cites exist in the Board's method for calculating the interim SIFL (Order 79–6–96) and urges the Board to adopt that method in finalizing PSDR–61.

Eastern Airlines

Eastern's comments incorporate its petition for reconsideration of Order 79–6–96 establishing the interim SIFL.[3] Specifically, it requests that the Board utilize the latest fuel data available to calculate the SIFL; that the Board project fuel costs on the basis of the average increase in price over three months rather than six; that we review actual fuel costs each month as it becomes available and make the necessary adjustment to the SIFL; and that we permit carriers to file tariffs on short notice so that they can implement fare modifications on the data established for the SIFL.

Ozark Air Lines

Ozark believes that footnote 4 to § 399.31(C)(2) contradicts the Board's policy on upward fare flexibility and suggests that it be eliminated.

Pacific Southwest Airlines

PSA points out that the Board has deleted from the proposed § 399.33(a) the language governing fares in interstate markets adopted on an interim basis in PS–82. It urges us to reinstate that language. It also urges us to clarify that cost increases calculated for PS–80 markets will also be used in PS–82 markets.

Piedmont Airlines

Piedmont opposes the Board's tentative decision to eliminate the 30 percent upward zone of fare flexibility now allowed local service carriers. While it agrees with the Board that the locals are now entering the longer-haul trunk-type markets where there is no reason for the 130 percent rule, it argues that the locals are still serving the shorter-haul lower-density markets where the upward zone continues to have validity. It points out that it was the fact that the locals were serving these types of higher cost markets that led the Board to adopt the 130 percent rule and the elimination of it would only increase the local's dependence on subsidy.

Indeed, Piedmont claims that it would experience a revenue erosion of $10.8 million [4] if the 130 percent is eliminated, since it reads PSDR–61 as requiring the local services carriers to roll back their standard fares in order to reestablish the same percentage relationship with this coach fare level existing on July 1, 1977. In Piedmont's case, the standard fare as of that date averaged 113 percent of the coach fare. Piedmont recognizes that it might not be required to roll back its fares but maintains that it would still suffer the revenue loss since PSDR–61 would freeze their current fare until they equaled the SIFL based on the lower percentage relationship. This revenue squeeze will only force Piedmont to abandon several of its smaller markets or seek increases in subsidy.[5]

[1] Although Delta does not have the data underlying Appendix A, it believes that the Board has increased fuel by 11.27 percent from the year ended September 30, 1978, to July 1, 1979. Fuel costs in May 1979 were already 15 percent above this level.

[2] The capitalized base adjustment is excluded from "Total Passengers/Cargo."

[3] Eastern's petition was denied by Order 79–7–190, dated July 30, 1979.

[4] Of the $10.8 million, Piedmont claims $6.5 million is in nonsubsidy markets and $4.3 million is in subsidized markets. It states that, at least as to former, it will not be able to recover the lost revenue through increased subsidy.

[5] Piedmont also notes that the Board will allow carriers operating small airplanes complete fare freedom. In its case, however, this provision is of no practical effect since it is significantly reducing its small aircraft fleet.

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Republic Airlines

Republic (filing comments as North Central) urges that the Board retain the 130 percent upward zone of fare flexibility in all local service carrier markets of 400 miles, or less. While it agrees with the Board that the locals have taken advantage of the new regulatory environment to enhance their route systems, it points out that the locals continue to serve the low-density short-haul markets [6] where under the Phase 9 fare formula, fares are set below costs. And it claims that this gap will widen as the Board updates the SIFL level because these adjustments will be based on short-haul fares which failed to cover costs on July 1, 1977, and will use industry average costs that do not adequately reflect the costs of serving short-haul markets. Thus, Republic claims there is a continuing need for the 130 percent rule.

Trans World Airlines, Inc.

TWA's comments are limited to the Board's proposed methodology for updating the SIFL, and although it believes that the proposal is quite reasonable, it feels that the methodology could be improved in three ways. First, it argues that the Board should consider the cost of capital as an actual operating expense since interest rates are high and are subject to the same inflationary trends as other operating costs. Second, TWA questions the Board's use of revenues from non-scheduled all-cargo and belly-cargo operations for excluding costs associated with these services. It points out that the revenue derived from these operations covers economic costs (i.e., return on capital and income tax elements) and should not be used to reduce operating expenses which do not include these elements. Finally, TWA states that the use of Phase 9 costs by mileage block to compute the SIFL is incorrect since it doesn't take into account the high costs associated with carrying a passenger whose trip involves two or more flights. TWA believes that the SIFL should take these costs into account.

United Airlines

United views the Board's proposed method for computing fuel cost adjustments to the SIFL, even as modified by Order 79-6-96,[7] as too structural in a period of extremely volatile fuel prices. It especially objects to the Board's use of a six-month fare to project fuel costs. It suggests three alternatives. United suggests that the Board devise a system for obtaining the most current fuel price data to be used in projecting fuel costs. Alternatively, it believes that the Board should shorten the historical six-month base period and project fuel prices using the most recent data. Finally, the Board could obtain forecasts from reliable government agencies and use them to project future fuel prices.

USAir

USAir (filing comments as Allegheny Airlines) objects to the Board's proposed elimination of the 30 percent upward zone of fare flexibility now allowed local service carriers. It points out that the DPFI Phase 9 fare formula produced fares below average costs in short-haul market and because that formula will be used to develop the SIFL, fares in these markets will remain below costs. Thus, continuation of the 30 percent upward zone is fully justified. It also disputes the Board's conclusion that locals are leaving shorter-haul markets and entering trunk-type routes, arguing the average stage length of the locals in the first two months of 1979 was 248 miles or only 40 percent of that of the trunks. Finally, USAir asserts that elimination of the 130 percent rule will create a disincentive for locals to serve short-haul markets and is inconsistent with the Board's decision to allow carriers operating aircraft with 60 seats or less complete fare freedom.

Swift Aire Lines, Inc.

Swift Aire supports the proposal to allow carriers operating aircraft with 60 seats or less complete freedom to set fares.

Commuter Airline Association of America, Inc. (CAAA)

The CAAA supports the Board's tentative decision to allow carriers operating aircraft having 60 seats or less unrestricted freedom to set their own fares. Its only suggestion is that the Board vacate those provisions of orders dealing with replacement service by commuters for local service carriers which provide that the commuter cannot charge fares higher than those charged by the local service carriers. To retain such provision would, in its view, make little sense especially since the Board proposes to eliminate the 30 percent upward zone and to allow all carriers unrestricted fare freedom on their operations with aircraft of 60 seats or less.

Puget Sound Traffic Association (PSTA)

PSTA expresses concern over the Board's tentative decision to continue and in some instances to expand the upward zones of fare flexibility created by PS-80. It requests a clarification of these policies since it is unclear as to whether the Board is creating absolute "no-suspend" zones above the SIFL, or ones allowing the carriers some upward pricing flexibility with some risk of suspensions in certain presumptively competitive markets. If the Board proposes to establish absolute no-suspend zone of upward fare flexibility, PSTA maintains that it is exceeding its statutory authority. It argues that the Airline Deregulation Act establishes a maximum upward no-suspend zone of five percent and points out that while Congress specifically authorized the Board to increase the downward no-suspend zone, it failed to give the Board similar authority to expand the upward zone.[8]

[FR Doc. 80-10760 Filed 4-8-80; 8:45 am]
BILLING CODE 6320-01-M

[6] It points out that as of the end of 1978 North Central's average length of haul was 254.6 compared to the trunkline figure of 837.1 miles and its cost per RPM as of September 1978 was 15 while the trunks' average cost was 8.8.

[7] In PSDR-61, the Board proposed continuing the policy of projecting all costs, including fuel costs three months beyond the tariff effective date. This method would cover a six-month period and require only two SIFL adjustments each year. In Order 79-6-96, the Board decided to use on an interim basis fuel costs projected forward six weeks beyond the tariff effective date which would require four fuel related SIFL adjustments each year.

[8] PSTA also questions the Board's policy of establishing the size of the upward zone on the basis of the number of authorized competition in the market. It claims that this policy ignores the actual competitive situation in the market and the practical constraints on that competition.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3014]

Mid City Chevrolet, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Laurel, Md. motor vehicle dealer and its corporate officer to cease, in connection with the advertising and sale of an automobile retrofit device known as the Power Pak, making false or unsubstantiated fuel economy claims and misrepresenting the purpose, content or conclusion of tests and surveys. Advertisements referring to fuel economy improvement resulting from the installation of an automobile retrofit device must include a disclaimer and at least one fuel economy claim expressed in miles per gallon. Further, respondents are required to send to each consumer who had purchased a Power Pak from them a letter offering a full refund of the purchase and removal of the device at no charge. All refund requests must be honored in a timely manner and relevant records maintained for a period of three years.

DATES: Complaint and order issued March 17, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, Linda Colvard Dorian, Washington, D.C., 20580. (202) 724-1524.

SUPPLEMENTARY INFORMATION: On Wednesday, January 9, 1980, there was published in the Federal Register, 45 FR 1857, a proposed consent agreement with analysis In the Matter of Mid City Chevrolet, Inc., a corporation, and John Tyler, individually and as an officer of the corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.170-34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-55 Refunds, rebates and/or credits. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc.80-10720 Filed 4-8-80; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 271 and 272

Election Required Under Section 107(d) of the NGPA Regarding Applicability of Incentive Pricing and Deregulation

Issued: April 7, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Clarificaiton regarding election required under section 107(d) of the Natural Gas Policy Act of 1978.

SUMMARY: On April 2, 1980, the President signed the Crude Oil Windfall Profit Tax Act of 1980, under which production tax credits are allowable for certain qualified production of high-cost natural gas from certain wells drilled on or after January 1, 1980. Section 107(d) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3317(d)) provides that the provisions permitting incentive pricing and deregulation will not apply to any gas to which such a tax credit is specifically allowable unless an election has been filed by the taxpayer with the Commission that the NGPA's pricing provisions should apply to such gas in lieu of the allowable tax credit.

DATES: If the election is made with respect to qualified production from any well the surface drilling of which began on or before May 2, 1980, the election under section 107(d) of the NGPA must be filed with the Commission on or before May 2, 1980.

If the election is made with respect to any well the surface drilling of which begins on or after May 3, 1980, the election under section 107(d) of the NGPA must be filed with the Commission before the date the surface drilling of the well begins.

ADDRESS: The election should be filed with: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, (202) 357-8400.

FOR FURTHER INFORMATION CONTACT: NGPA Hotline, Office of Pipeline and Producer Regulation, 825 North Capitol Street, NE, Washington, DC 20426, Toll Free (800) 424-5200, (202) 357-8137.

SUPPLEMENTARY INFORMATION: On Wednesday April 2, 1980, President Carter signed the Crude Oil Windfall Profit Tax Act of 1980 (Act), Pub. L. 96-223. Section 231 of the Act allows a tax credit with respect to certain qualified production from geopressured brine, Devonian shale, coal seams, and tight formations.

Section 107(d) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3317(d)) provides that the provisions of subsections (a) and (b) (relating to incentive pricing under section 107) and the provisions of subtitle B of title I (relating to deregulation) shall *not* apply to the sale of gas to which a tax credit is allowable *unless* an election has been filed with the Commission. The incentive pricing and deregulation provisions of the NGPA shall apply in lieu of the tax credit *only* if such election is made. The election must be filed on or before the later of (1) the 30th day after enactment of the Act extending such credits (May 2, 1980, in the case of the Windfall Profits Tax Act), or (2) the date the surface drilling of the well began. Each taxpayer who seeks to have such provisions of the NGPA relating to incentive pricing and deregulation applied to such qualified production must file with the Commission a notification of such election under section 107(d) of the NGPA. The election requirement applies to all taxpayers who have an interest in such qualifying production.

The Commission will allow such election to be made on a well-by-well or a blanket basis. If the election is made on or before May 2, 1980, such election may be made with respect to any well the surface drilling of which begins on or after January 1, 1980. Such elections may, but are not required to be applicable to:

1. Wells specifically designated in the election (identified by the well name, API well number and state in which the well is or will be drilled); or

2. All wells drilled on or after January 1, 1980, and before the date the election is made; or

3. All wells the surface drilling of which began or will begin on or after January 1, 1980.

If such election is made after May 2, 1980, such election may be made with respect to any well the surface drilling of which will begin after the election is filed with the Commission. Such elections may but are not required to be applicable to:

1. Wells specifically designated in the election (identified by the well name, API well number and state in which the well will be drilled); or

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2. All wells the surface drilling of which will begin after the election is filed with the Commission.

The election that the pricing provisions in section 107 should apply in lieu of the tax credit may be revoked with respect to any well or wells the surface drilling of which has not commenced at the time of revocation.

Election may be made, but is not required to be made, in the following forms. The elections must contain the Employer Identification Number, or, if not available, the taxpayer's Social Security Number.

By the Commission.

Kenneth F. Plumb,

Secretary.

Blanket Election Pursuant to Section 107(d) of the Natural Gas Policy Act of 1978

Taxpayer Name: _____
Employer Identification Number (if not available the taxpayer's Social Security Number):
Address: _____
City, State, Zip code: _____

(Authorized Signatory) certifies that the above-named taxpayer elects to have the provisions of subsections (a) and (b) of section 107 and subtitle B of title I of the Natural Gas Policy Act of 1978 apply to natural gas produced from all existing and future qualifying wells, the production of which would otherwise make allowable a tax credit under section 231 of the Crude Oil Windfall Profits Tax of 1980.

_____
(Signature)

Election Pursuant to Section 107(d) of the Natural Gas Policy Act of 1978

Taxpayer Name: _____
Employer Identification Number (if not available the taxpayer's Social Security Number):
Address: _____
City, State, ZIP Code: _____

_____ (Authorized Signatory) certifies that the above-named taxpayer elects to have the provisions of subsection (a) and (b) of section 107 and subtitle B of title I of the Natural Gas Policy Act of 1978 apply to natural gas produced from the wells identified herein, the production of which would otherwise make allowable a tax credit under section 231 of the Crude Oil Windfall Profits Tax of 1980.

_____
(Signature)

State	County	API well No.	Permit No.	Well name

[FR Doc. 80-10008 Filed 4-8-80; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 274

[Docket No. RM79-3]

Determinations by Jurisdictional Agencies, U.S. Geological Survey and the State of Colorado Oil and Gas Conservation Commission Applications for Alternative Filing Requirements; Order Granting Application for Alternative Filing Requirements

Issued: April 3, 1980.

AGENCY: The Federal Energy Regulatory Commission.

ACTION: Order granting application for alternative filing requirements.

SUMMARY: On November 21, 1979, the Colorado Department of Natural Resources, Oil and Gas Conservation Commission (Colorado) and the United States Geological Survey (USGS) filed applications for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations. The proposed alternative filing requirements sought jointly by Colorado and the USGS would enable operators to apply for eligibility determinations under section 103 of the Natural Gas Policy Act of 1978 (NGPA) for additional wells in existing proration units in the Fruitland-Pictured Cliffs, Mesaverde and Dakota-Morrison pools without repeated submissions of geological and engineering data to show that the additional well is necessary to effectively and efficiently drain the portion of the reservoir covered by a proration unit that cannot be effectively and efficiently drained by any existing well within the proration unit. In a separate application, Colorado seeks approval of similar alternative filing requirements applicable to persons seeking section 103 eligibility determinations for wells drilled in the "J" Sand Formation of the Wattenberg Field.

The Commission finds that good cause exists to approve the applications for alternative filing requirements and accordingly amends § 274.208 to authorize the filing of applications under the alternative requirements submitted, for well category determinations for section 103 of the NGPA, where the subject wells qualify under the applicable State of Colorado Orders.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8400.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On November 21, 1979, the Colorado Department of Natural Resources, Oil and Gas Conservation Commission (Colorado) and the United States Geological Survey (USGS) filed applications for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations. The proposed alternative filing requirements sought jointly by Colorado and the USGS would enable operators to apply for eligibility determinations under section 103 of the Natural Gas Policy Act of 1978 (NGPA) for additional wells in existing proration units in the Fruitland-Pictured Cliffs, Mesaverde and Dakota-Morrison pools without repeated submissions of geological and engineering data to show that the additional well is necessary to effectively and efficiently drain the portion of the reservoir covered by a proration unit that cannot be effectively and efficiently drained by any existing well within the proration unit. In a separate application, Colorado seeks approval of similar alternative filing requirements applicable to persons seeking section 103 eligibility determinations for wells drilled in the "J" Sand Formation of the Wattenberg Field.

Section 103 of the NGPA establishes the maximum lawful price for natural gas produced from new, onshore production wells. Under § 271.305(b) of the Commission's regulations, a well drilled on or after February 19, 1977, in an existing proration unit may qualify for the section 103 price if the jurisdictional agency finds that the well is necessary to effectively and efficiently drain that portion of the reservoir covered by the proration unit.

An applicant seeking a determination of eligibility under § 271.305(b) to collect the section 103 price is required to file with the appropriate jurisdictional agency the information specified in § 274.204 of the Commission's regulations. Under § 274.204(f), an applicant must submit, on a well-by-well basis, geological evidence and engineering data that an additional well within an existing proration unit is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit, which cannot be effectively and efficiently drained by any existing well within the proration unit. However, a jurisdictional agency is authorized under § 274.207 to apply for

Commission approval of alternative filings requirements.

The application of Colorado and USGS for approval of alternative filing requirements is based on the State of Colorado's Order No. 112-46, as ratified by the USGS Oil and Gas Supervisor for the Southern Rocky Mountain Area, which authorizes an infill well drilling program for the Fruitland-Pictured Cliffs, Mesaverde, and Dakota-Morrison pools. Order No. 112-46 permits the drilling of an additional well in the undrilled quarter-section of existing 320-acre proration units, and also permits the drilling of three additional wells in the undrilled quarter-sections of existing 640-acre proration units in the Ignatio Blanco Field, La Plata and Archuleta Counties, Colorado. Well locations are required to be no closer than 990 feet to the boundaries of the quarter-section upon which it is located, and in cases of fractional sections, no closer than 990 feet from another well producing from the same formation. Exceptions may be granted due to topographical or surface hazards, or for other reasons, provided the owners of the contiguous and cornering units toward which the proposed location would be moved, file a waiver, or consent in writing to the exceptions. The Colorado order also rescinded a provision found in a former field order which required the consolidation of all interests in a drilling and spacing unit by a pooling agreement prior to the drilling of a well.

Colorado and USGS have concluded that the data upon which the drilling program is based, which was collected under oath at hearing, provides substantial evidence for finding that a well drilled in compliance with Colorado Order No. 112-46 is necessary to effectively and efficiently drain that portion of the reservoir covered by the existing proration unit. For that reason, Colorado and the USGS assert that it is unnecessary to require the submission of geological and engineering data in support of a section 103 eligibility determination for each well in the subject pool. Therefore, Colorado and the USGS propose to replace the requirement of § 274.204(f) with a statement by the applicant specifying the number of Colorado Order No. 112-46 authorizing an infill well drilling program on a field-wide basis.

Colorado additionally submitted a separate application for approval of alternative filing requirements for additional wells drilled pursuant to Colorado's Oil and Gas Conservation Commission's Order No. 232-20. This order provides for optional drilling of an additional well in the undrilled quarter-section of each 320-acre drilling and spacing unit for production of gas from the "J" Sand underlying certain lands in the Wattenberg Gas Spaced Area. For those locations not presently included in a 320-acre unit, 160-acre units will be established. Well locations are required to be no closer than 990 feet to the boundaries of the quarter section. On the basis of evidence accumulated under oath at hearing, Colorado has found that there exists substantial evidence to conclude that wells in compliance with Order No. 232-20 are necessary for effective and efficient drainage.

In support of their applications, Colorado and USGS have submitted to the Commission the evidence relied on in adopting the field-wide drilling programs. The Commission has reviewed the information submitted with the applications, and finds that the proposed alternative filing requirements will provide sufficient information upon which determinations under section 103 of the NGPA can be based. Accordingly, the Commission is amending Part 274, Subpart B, in § 274.208 to adopt the alternative filing requirements proposed by Colorado and the USGS for wells drilled pursuant to Colorado's Order No. 112-46, and to adopt the alternative filing requirements proposed by Colorado for determinations made by Colorado for wells drilled pursuant to Colorado Order No. 232-20.

The Commission's regulations in § 271.305 (b) and (c) require jurisdictional agencies to notify the Commission when findings are made under § 271.305 that an additional well in an existing proration unit is necessary for efficient and effective drainage. Since Colorado's Order No. 112-46, as ratified by the USGS, and Colorado's Order No. 232-20 find that infill drilling of additional wells on established proration units is necessary on a field-wide basis for effective and efficient drainage of portions of the reservoir covered by proration units which cannot be effectively and efficiently drained by any existing wells within those units, the Commission finds that it is unnecessary for Colorado and USGS to notify the Commission on an individual well basis that the effective and efficient drainage finding has been made. Accordingly, the Commission is waiving the requirements of § 271.305 (b) and (c) with respect to determinations made by Colorado or USGS for wells drilled pursuant to Colorado's Order No. 112-46, as ratified by USGS. Such requirements are also waived with respect to determinations made by Colorado for wells drilled pursuant to Order No. 232-20.

Further, § 274.204(d)(4) requires the filing of an oath statement that the applicant's conclusion that the natural gas for which he seeks a determination is produced from a new, onshore production well is based on documents submitted in the application. The oath statement must be modified for wells covered by the alternative filing requirements inasmuch as the applications will not contain all the documents relied upon in making the determination. Therefore, the phrase "documents submitted in the application" will be deleted from the oath statement, as applicable to persons seeking section 103 eligibility determinations for wells within the subject pools.

Public Procedures and Effective Date

A notice regarding the USGS and Colorado applications was issued on December 21, 1979. (44 FR 77252; December 31, 1979) The Commission stated that comments on the proposed alternative filing requirements filed by January 7, 1980, would be considered by the Commission. No comments were received. In view of the above discussion, the Commission approves the alternative filing requirements submitted by Colorado and USGS and waives the provisions of § 271.305 (b) and (c) and § 274.204(d)(4) as noted above. The Commission believes that good cause exists to make the alternative filing requirements effective immediately for all determinations which have not yet become final under § 275.202 as of the day before the date of issuance of this order.

(Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*; Department of Energy Organization Act, 42 U.S.C. § 7107 *et seq.*; Exec. Order No. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 *et seq.*)

In consideration of the foregoing, Part 274 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below, effective immediately.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

Section 274.208 of Part 274 is amended by inserting a new paragraph (b) to read as follows:

§ 274.208 Alternative filing and notice requirements accepted by the Commission.

* * * * *

(b) Certain Infill Wells in the Ignatio Blanco Field in La Plata and Archuleta

Counties, Colorado and the Wattenberg Field in Adams and Weld Counties, Colorado.

(1) A person seeking a determination for purposes of Subpart C of Part 271 that an infill well in Colorado, drilled in accordance with the Colorado Department of Natural Resources, Oil and Gas Conservation Commission's Order No. 112–46, as ratified by the United States Geological Survey's Oil and Gas Supervisor for the Southern Rocky Mountain Area, in the Fruitland-Pictured Cliffs, Mesaverde or Dakota-Morrison Formations, Ignatio Blanco Field is a new, onshore production well, shall file with the Colorado jurisdictional agency or the Area Oil and Gas Supervisor of the United States Geological Survey, as appropriate, an application which contains, in lieu of the information specified in § 274.204, the following items:

(i) FERC Form No. 121;

(ii) The well completion report;

(iii) A location plat which locates and identifies the State law proration unit (as defined in § 271.305(a)(2)) and the well for which a determination is sought and all other wells within the State Law proration unit in which the Well for determination is sought is located;

(iv) A statement by the applicant, under oath:

(A) That the surface drilling of the well for which he seeks a determination was begun on or after February 19, 1977;

(B) that the well satisfies any applicable Federal or State well spacing requirements;

(C) that the applicant has concluded that to the best of his information, knowledge and belief, the natural gas for which he seeks a determination is produced from a new, onshore production well; and

(D) that the applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusion;

(v) If the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files; and

(vi) A statement referencing Colorado's Oil and Gas Conservation Commission Order No. 112–46 if the well is located in the Fruitland Pictured Cliffs, Mesaverde or Kakota-Morrison formations of the Ignatio Blanco Field.

(2) A person seeking a determination for purposes of Subpart C of Part 271 that an infill well in Colorado, drilled in accordance with the Colorado Department of Natural Resources, Oil and Gas Conservation Commission's Order No. 232–20 in the "J" Sand Formation of the Wattenberg Field is a new, onshore production well, shall file with the Colorado jurisdictional agency an application which contains, in lieu of the information specified in § 274.204, the following items:

(i) the items specified in clauses (i) through (v) of subparagraph (1) of this paragraph; and

(vi) a statement referencing Colorado's Oil and Gas Conservation Commission Order No. 232–20 if the well is located in the "J" Sand Formation of the Wattenberg field.

(3) With respect to wells to which this paragraph applies, receipt by the Commission of a notice of determination applies, receipt by the Commission of a notice of determination pursuant to § 274.104 shall be deemed to satisfy:

(i) The requirement of notice to the Commission under § 271.305(c); and

(ii) The requirement of § 271.305(b)(1) that appropriate geological and engineering data be included in the notice of determination.

[FR Doc. 80-10776 Filed 4-8-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 292

[Docket No. RM79-55]

Rates and Exemptions for Qualifying Small Power Production and Cogeneration Facilities; Correction

April 3, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Erratum notice.

SUMMARY: This notice contains a correction of § 292.302 (a) and (b) of the Federal Energy Regulatory Commission's final regulations.

FOR FURTHER INFORMATION CONTACT: Deborah Gottheil, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8000.

SUPPLEMENTARY INFORMATION: In the Federal Energy Regulatory Commission's Final Regulations, issued February 19, 1980, entitled Regulations Under Section 210 of the Public Utility Regulatory Policies Act of 1978 (45 FR 12214, February 25, 1980), at 45 FR 12234, in § 292.302 (a) and (b), the reference to May 31, 1982 should be changed to June 30, 1982. This revision will accurately carry out the Commission's intent, as stated in the preamble to the rule, to "conform to the dates required by the Commission's regulations implementing section 133 of PURPA."

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-10766 Filed 4-8-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Antidumping Duty Order; Sugars and Syrups From Canada

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule: Antidumping Duty Order.

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) and its superseding legislation, the Tariff Act of 1930, as amended (93 Stat. 162 et seq.), by the Commerce Department (and its predecessor in interest, the Treasury Department) and the United States International Trade Commission, respectively, have resulted in determinations that sugars and syrups from Canada are being sold at less than fair value and that these sales are materially injuring an industry in the United States. All unappraised entries of this merchandise made on or after November 8, 1979, the date on which liquidation was suspended, will be liable for the possible assessment of antidumping duties. Deposits of estimated antidumping duties shall be required on all entries of this merchandise made on or after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Office of Investigations, International Trade Administration, U.S. Commerce Department, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Telephone: (202) 566–5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) gave the Secretary of the Treasury responsibility for determining whether imported merchandise is being sold at less than fair value. Pursuant to this authority, the Secretary of the Treasury determined that sugars and syrups from Canada are being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act of 1921 (19 U.S.C. 160(a)) (published in the Federal Register of November 8, 1979 (44 FR 64946–7)). Pursuant to section 102(c)(2) of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 189–190) the final determination of the Secretary of the Treasury under the Antidumping Act, 1921, shall be treated as a final determination under section 735(a) of the Tariff Act of 1930, as amended (93 Stat. 169–170, 19 U.S.C. 1673d(a)).

Section 735(b) of the Tariff Act of 1930, as amended (93 Stat. 170, 19 U.S.C. 1673d(b)) gives the United States International Trade Commission responsibility for determining whether by reason of such sales at less than fair value a domestic industry is being or is likely to be materially injured. The Commission has determined, and on March 17, 1980, it notified the Secretary of Commerce that an industry in the United States is materially injured by reason of the importation of sugars and syrups from Canada that are being sold at less than fair value within the meaning of the Act.

In accordance with section 736 of the Tariff Act of 1930, as amended (93 Stat. 172, 19 U.S.C. 1673e), Customs officers are directed to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise for all entries subject to the "Withholding of Appraisement Notice" published in the Federal Register of November 8, 1979 (44 FR 64946–7), and all future entries until further notice. Furthermore, Customs officers shall require a deposit of estimated antidumping duties pending liquidation of entries of the subject merchandise at the same time as estimated normal Customs duties on the merchandise are deposited. Deposits of estimated antidumping duties shall be required on all entries, or withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the Federal Register. Deposits shall be collected in the following amounts: $0.0237 per pound for Redpath Sugar, Ltd., and St. Lawrence Sugar, Ltd.; $0.0223 for Atlantic Sugar, Ltd., $0.010105 per pound for BC Sugar; and $0.0237 per pound for all other exporters of sugars and syrups from Canada. On behalf of the Secretary of Commerce, I hereby make public these determinations, which constitute an antidumping duty order with respect to sugars and syrups from Canada. For purposes of this notice the term "sugars and syrups" means sugars and syrups as provided for in item numbers 155.20 and 155.30, Tariff Schedules of the United States Annotated. The subject merchandise is produced from raw sugar derived from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. Accordingly, Annex 1 of Part 353 of the Commerce Regulations (45 FR 8208) is being amended by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Treasury Decision
Sugars and Syrups	Canada	(45 Fed. Reg.)

This notice is published pursuant to section 706 of the Tariff Act of 1930, as amended (19 U.S.C. 1671e), and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Stanley J. Marcuss,
Acting Assistant Secretary for Trade Administration.

April 3, 1980.

[FR Doc. 80-10731 Filed 4-8-80; 8:45 am]

BILLING CODE 3510-25-M

19 CFR Part 353

Antidumping Duties; Spun Acrylic Yarn From Japan; Antidumping Duty Order

AGENCY: U.S. Commerce Department.

ACTION: Final rule. (Antidumping duty order.)

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et. seq.*) and its superseding legislation, the Tariff Act of 1930, as amended (93 Stat. 162 *et. seq.*), by the Commerce Department (and its predecessor in interest, the Treasury Department) and the United States International Trade Commission, respectively, have resulted in determinations that spun acrylic yarn from Japan is being sold at less than fair value and that these sales are materially injuring an industry in the United States. All unappraised entries of this merchandise made on and after July 13, 1979, the date on which liquidation was suspended, will be liable for the possible assessement of antidumping duties. Deposits of estimated antidumping duties shall be required of all entries made on and after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Office of Investigations, International Trade Administration, U.S. Commerce Department, 14th St. and Constitution Ave. NW, Washington, DC 20230. Telephone: (202) 566–5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) gave the Secretary of the Treasury responsibility for determining whether imported merchandise is being sold at less than fair value. Pursuant to this authority, the Secretary of the Treasury determined that spun acrylic yarn from Japan is being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act of 1921 (19 U.S.C. 160(a)). (Published in the Federal Register of October 25, 1979 (44 FR 61492–3)). Pursuant to section 102(c)(2) of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 189–190) the final determination of the Secretary of the Treasury under the Antidumping Act, 1921, shall be treated as a final determination under section 735(a) of the Tariff Act of 1930, as amended (93 Stat. 169–170, 19 U.S.C. 1673d(a)).

Section 735(b) of the Tariff Act of 1930, as amended (93 Stat. 170, 19 U.S.C. 1673d(b)) gives the United States International Trade Commission responsibility for determining whether by reason of such sales at less than fair value a domestic industry is being or is likely to be materially injured. The Commission has determined and on March 18, 1980, it notified the Secretary of Commerce, that an industry in the United States is materially injured by reason of the importation of spun acrylic yarn from Japan that is being sold at less than fair value within the meaning of the Act. In accordance with section 736 of the Tariff Act of 1930, as amended (93 Stat. 172, 19 U.S.C. 1673e), Customs officers are directed to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise for all entries subject to the "Withholding of Appraisement" notice published in the Federal Register on July 13, 1979 (44 FR 41004–5) and all future entries until further notice. On or after the date of publication of this notice, Customs officers shall require a deposit of estimated antidumping duties pending liquidation of entries of subject merchandise at the same time as estimated normal customs duties on the merchandise are deposited. Deposits of estimated antidumping duties shall be required on all entries or withdrawals from warehouse, for consumption, made on and after the date of publication of this antidumping duty order in the Federal Register. Deposits shall be collected in the following amounts: Asahi Kasei: 29.05 percent *ad valorem;* Japan Exlan: 16.33 percent *ad valorem;* Mitsubishi Rayon: 20.26 percent *ad*

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valorem; for any other exporters of the subject merchandise: 23.19 percent *ad valorem.*

On behalf of the Secretary of Commerce, I hereby make public these determinations, which constitute an antidumping duty order with respect to spun acrylic yarn from Japan. For the purposes of this notice, the term "spun acrylic yarn" means spun yarn of acrylic, as provided for in item 310.50, Tariff Schedules of the United States Annotated. Accordingly, Annex I Part 353 of the Commerce Regulations (45 FR 8208) is being amended by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Treasury decision
Spun acrylic yarn	Japan	(45 FR).

This notice is published pursuant to section 706 of the Tariff Act of 1930, as amended (19 U.S.C. 1671e), and Section 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration, U.S. Department of Commerce.

April 3, 1980.

[FR Doc. 80-10730 Filed 4-8-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Ch. II

Controlled Substances in Emergency Kits for Long Term Care Facilities

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Statement of policy.

SUMMARY: The Drug Enforcement Administration has received numerous requests from State licensing and regulatory boards, pharmaceutical associations, and professional organizations concerning this agency's policy for the use and handling of controlled substances in emergency kits for patients in Long Term Care Facilities (LTCF). The Drug Enforcement Administration has determined that an amendment to current regulations is not necessary or desirable, in that LTCF's are not controlled premises under Federal law. However, issuance of a Statement of Policy will provide the individual State licensing and regulatory boards with general guidelines under which they may, in turn, promulgate specific rules for the use and handling of controlled substances in emergency kits in Long Term Care Facilities. Additionally, this course of action should improve health care services to such patients and decrease the quantities of controlled substances which might otherwise accumulate at Long Term Care Facilities which federally are non-registered locations.

DATE: Comments should be received on or before May 12, 1980.

ADDRESS: Send comments in quintuplicate to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 Eye Street, Northwest, Washington, D.C. 20537, Attention—Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, Northwest—Room 518, Washington, D.C. 20537, Telephone (202) 633–1091.

Statement of Policy

The placement of emergency kits containing controlled substances in non-federal registered Long Term Care Facilities (LTCF) shall be deemed to be in compliance with the Comprehensive Drug Abuse Prevention and Control Act of 1970, if the appropriate state agency or regulatory authority specifically approves such placement and promulgates procedures which delineate:

A. The source from which a LTCF may obtain controlled substances for emergency kits. The source of supply must be a DEA registered hospital/clinic, pharmacy or practitioner.

B. Security safeguards for each emergency kit stored in the LTCF which include the designation of individuals who may have access to the emergency kits and a specific limitation of the type and quantity of controlled substances permitted to be placed in each emergency kit.

C. Responsibility for proper control and accountability of such emergency kits within the LTCF to include the requirement that the LTCF and the providing DEA registered hospital/clinic, pharmacy or practitioner maintain complete and accurate records of the controlled substances placed in the emergency kit, the disposition of these controlled substances plus the requirement to take periodic physical inventories.

D. The emergency medical conditions under which the controlled substances may be administered to patients in the LTCF to include the requirement that medication be administered by authorized personnel only as expressly authorized by an individual practitioner and in compliance with the provisions of 21 CFR 1306.11 and 21 CFR 1306.21.

E. Prohibited activities which can result in the state revocation, denial, or suspension of the privilege of having or placing emergency kits, containing controlled substances, in a LTCF.

Dated: April 3, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-10760 Filed 4-8-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[T.D. 7691]

26 CFR Parts 1 and 31

Income Tax; Taxable Years Beginning After December 31, 1953 and Employment Taxes; Applicable on or After January 1, 1955; Companion Sitting Placement Services

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the exemption of companion sitting placement services from employer status. Changes in the applicable tax law were made by the Act of November 12, 1977. The regulations provide the public with the guidance needed to comply with the applicable part of this Act.

EFFECTIVE DATE: The regulations apply to remuneration received after December 31, 1974.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. (Attention: CC:LR:T) (202–566–3926).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

On May 30, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) and Employment Tax Regulations (26 CFR Part 31) to conform the regulations to section 10 of the Act of November 12, 1977 (Public Law 95–171, 91 Stat. 1358) which added section 3506 to the Internal Revenue Code of 1954. No public hearing was requested or held. This Treasury decision adopts the amendments as proposed.

These regulations add a new § 31.3506–1 under section 3506. Section 31.3506–1 provides that, for purposes of employment taxes, a companion sitting placement service shall not be treated as the employer of its sitters if the placement service neither pays nor receives the salary or wages of the sitters. A "companion sitting placement service" is an individual, trust, estate, partnership, association, company, or corporation engaged in the trade or business of placing sitters with individuals who desire the sitters' services. "Sitters" are individuals who provide companionship, personal attendance, or household care services to children, the elderly, or the disabled.

The principal concern expressed in the comments received on the notice of proposed rulemaking was that the proposed regulations would result in the loss of social security coverage of the sitters. However, a sitter who is deemed by § 31.3506–1 not to be the employee of a placement service is then deemed to be self-employed and becomes liable for the tax imposed by section 1401 on self-employment income earned after 1974. Except where net earnings from self-employment for the taxable year are less than $400, the sitter will be liable for tax and will continue to have earnings reported on which social security benefits may be based.

It is also important to note that the general rule of § 31.3506–1 only operates to remove sitters and placement services from the employee-employer relationship when, under §§ 31.3121 (d)–1 and 31.3121 (d)–2, that relationship would otherwise exist. Therefore, if under the common law a sitter is the employee of the individual for whom the sitting is performed rather than the employee of the placement service, that employee-employer relationship remains intact.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the proposed amendments to 26 CFR Parts 1 and 31, as set forth in the notice of proposed rulemaking published in the Federal Register on May 30, 1979 (44 FR 31025), are hereby adopted without change.

This Treasury decision is issued under the authority contained in sections 3506 and 7805 of the Internal Revenue Code of 1954 (91 Stat. 1356, 26 U.S.C. 3506; 68A Stat. 917, 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: March 25, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Income Tax Regulations [26 CFR Part 1]

Paragraph 1. Paragraph (a) of § 1.1402(c)–3 is amended by revising the parenthetical sentence at the end thereof to read as follows:

§ 1.1402(c)–3 Employees.

(a) *General rule.* * * * (As to when an individual is an employee, see section 3121 (d) and (o) and section 3506 and the regulations under those sections in part 31 of this chapter (Employment Tax Regulations).)

* * * * *

Employment Tax Regulations [26 CFR Part 31]

Par. 2. Paragraph (a)(1) of § 31.3121(d)–1 is amended by revising the first sentence thereof to read as follows:

§ 31.3121(d)–1 Who are employees.

(a) *In general.* (1) Whether an individual is an employee with respect to services performed after 1954 is determined in accordance with section 3121 (d) and (o) and section 3506. * * *

* * * * *

Par. 3. A new § 31.3506–1 is added immediately after § 31.3505–1. This new section reads as follows:

§ 31.3506–1 Companion sitting placement services.

(a) *Definitions*—(1) *Companion sitting placement service.* For purposes of this section, the term "companion sitting placement service" means a person (whether or not an individual) engaged in the trade or business of placing sitters with individuals who wish to avail themselves of the sitters' services.

(2) *Sitters.* For purposes of this section, the term "sitters" means individuals who furnish personal attendance, companionship, or household care services to children or to individuals who are elderly or disabled.

(b) *General rule.* For purposes of subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes), a companion sitting placement service shall not be treated as the employer of its sitters, and the sitters shall not be treated as the employees of the placement service. However, the rule of the preceding sentence shall apply only if the companion sitting placement service neither pays nor receives (directly or through an agent) the salary or wages of the sitters, but is compensated, if at all, on a fee basis by the sitters or the individuals for whom the sitting is performed.

(c) *Individuals deemed self-employed.* Any individual who, by reason of this section, is deemed not to be the employee of a companion sitting placement service shall be deemed to be self-employed for purposes of the tax on self-employment income (see sections 1401–1403 and the regulations thereunder in part 1 of this chapter (Income Tax Regulations)).

(d) *Scope of rules.* The rules of this section operate only to remove sitters and companion sitting placement services from the employee-employer relationship when, under §§ 31.3121(d)–1 and 31.3121(d)–2, that relationship would otherwise exist. Thus, if, under §§ 31.3121(d)–1 and 31.3121(d)–2, a sitter is considered to be the employee of the individual for whom the sitting is performed rather than the employee of the companion sitting placement service, this section has no effect upon that employee-employer relationship.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). X is an agency that places babysitters with individuals who desire babysitting services. X furnishes all the sitters with an instruction manual regarding their conduct and appearance, requires them to file semimonthly reports, and determines the total fee to be charged the individual for whom the sitting is performed. Individuals who need a babysitter contact the agency, are informed of the charges, and, if agreement is reached, a sitter is sent to perform the services. The sitter collects the entire amount of the charges and remits a percentage to X as a fee for the placement. X is a companion sitting placement service within the meaning of paragraph (a)(1) of this section. Therefore, since the agency does not actually pay or receive the wages of the sitters, X is not treated as the employer of the sitters for purposes of this subtitle. The sitters are deemed to be self-employed for the purpose of the tax imposed by section 1401.

Example (2). Assume the same facts as in example (1), except that the individual for whom the sitting is performed pays to X the entire amount of the charges. X retains a percentage and pays the difference to the sitter. Since X actually receives and pays the wages of the sitters, X is the employer of the sitters.

Example (3). As a service to the community a neighborhood association maintains a list of individuals who are available to babysit. Parents in need of a sitter contact the association and are provided with a list of names and telephone numbers. The association charges no fee for the service and takes no action other than compiling the list

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of sitters and making it available to members of the community. Issues such as hours of work, amount of payment, and the method by which the services are performed are all resolved between the sitter and parent. A, a parent, used the list to hire B to sit for A's child. B performs the services four days a week in A's home and follows specific instructions given by A. Under § 31.3121(d)–1, B is the employee of A rather than the employee of the neighborhood association. Consequently, this section does not apply and B remains the employee of A.

(f) *Effective date.* This section shall apply to remuneration received after December 31, 1974.

[FR Doc. 80-10703 Filed 4-8-80; 8:45 am]
BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Equal Employment Opportunity in the Federal Government

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim revised regulations with comments invited for consideration in final rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is revising its regulations on equal employment in the Federal government (29 CFR Part 1613) to allow agencies to award attorney's fees and costs to complainants pursuing complaints under section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16. The purpose of this proposal is to effectuate the policies of Title VII by permitting full remedial relief during the administrative processing of complaints by agencies and the Commission.

DATES: The interim regulations are effective as of April 11, 1980, and will remain effective until final regulations are issued. Written comments on the interim regulations must be received on or before June 9, 1980. The Commission proposes to consider the submissions and thereafter to adopt final regulations.

ADDRESSES: Interested persons are invited to submit written comments regarding the revisions to Marie Wilson, Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. Copies of the comments submitted by the public will be available for review at the Social Sciences Library, Room 2003, EEOC, 2401 E Street, N.W., Washington, D.C. 20506, between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Constance L. Dupre, Associate General Counsel, Legal Counsel Division, Office of the General Counsel, Room 2254, 2401 E Street, N.W., Washington, D.C. 20506, (202) 634–6595.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 1 of 1978, the responsibility for enforcement of equal employment opportunity in federal employment was transferred to the Equal Employment Opportunity Commission. The Commission adopted most of the regulations previously promulgated by the Civil Service Commission and moved the regulations to 29 CFR Part 1613, effective January 1, 1979. (43 FR 60900). Amendments to 29 CFR 1613.233(a) approved by the Commission on May 1, 1979, are reflected in these amendments.

The amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs when an allegation of discrimination prohibited by Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e–16, is resolved in favor of the complainant, including a settlement under § 1613.217(a). The regulation will apply to all pending or future complaints. When discrimination covered by Title VII is found, the final agency decision must contain a determination of whether the complainant is entitled to attorney's fees and/or costs.

As made applicable to federal employment by Section 717(d) of Title VII, Section 706(k) of Title VII provides:

> In any action or proceeding under this subchapter, the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission of the United States shall be liable for costs the same as a private person.

Several recent court decisions have held that attorney's fees are to be awarded to a prevailing federal employee for work done during the administrative processing of a complaint. If agencies are unable to grant reasonable attorney's fees and costs as part of the administrative remedy, parties will be encouraged to circumvent the administrative process in order to recover attorney's fees and costs and, thus, undermine the intent of Congress that complaints be handled at the administrative level. Accordingly, the Commission has determined that the regulation is necessary and appropriate to carry out the policies of section 717 of Title VII of the Civil Rights Act of 1964, as amended.

It is, however, important to note that any award of attorney's fees or costs made pursuant to these regulations will have to be paid out of the agency's own budget. Fees awarded pursuant to a court order, on the other hand, are payable out of the fund created by 31 U.S.C. § 724a. Thus, the existing system may act as a disincentive to administrative resolution of the question of attorney's fees. Agencies may, in many cases, conclude that it is ultimately less costly to take the issue to court. The Commission directs attention to this problem and solicits comments.

Because of differences in statutory language, the current proposal is limited to complaints under Title VII. The handicap discrimination regulations were promulgated by the Civil Service Commission under the Back Pay Act, 5 U.S.C. 7153, and section 501 of the Rehabilitation Act, 29 U.S.C. 791, neither of which provided for the award of attorney's fees or costs. A recent amendment to the Rehabilitation Act may provide for such an award. See Act of Nov. 6, 1978, Pub. L. No. 95–602, § 120, 92 Stat. 2955. Title VII complaints against agencies funded under the Legislative Branch Appropriation Act of 1979 and complaints of age discrimination were also excluded from this proposal because recent enactments may preclude the award of attorney's fees and costs in such instances. See Act of Sept. 30, 1978, Pub. L. No. 95–391, § 308, 92 Stat. 763 and the Age Discrimination in Employment Act Amendments of 1978, Pub. L. No. 95–256, section 5, 92 Stat. 189. The Commission will be reviewing these statutes and determining their applicability during the comment period.

Therefore, the Commission encourages comments on the applicability of these regulations to handicap and age discrimination complaints and complaints against legislative agencies.

Additionally, the Commission will be consulting with the Merit Systems Protection Board in the development of its standards for awarding attorney's fees in Title VII complaints under the authority granted the Board pursuant to 5 U.S.C. 7701(g)(2). After such consultation, the Commission may issue separate regulations dealing with appeals from the award of attorney's fees under section 7701(g)(2).

Section 1613.213 has been revised to make clear that any time the aggrieved person is dissatisfied with the attempted resolution of the dispute by the EEO counselor, the aggrieved person must be provided with written notice of the right to file a formal complaint and the duty to inform the agency when complainant retains a representative. It is essential that the complainant be notifed of this responsibility since under

§ 1613.271(a)(1), the complainant is not entitled to attorneys fees unless the complaint is formally filed and the agency is on notice that the complainant has a representative. Note that the duty to inform the agency of the representation is merely to protect the agency from unwarranted fee claims. Thus, § 1613.271 provides that written submissions to the agency which are signed by the representative shall constitute adequate notice.

Section 1613.217 permits an agency to award attorney's fees and costs when a Title VII allegation is settled in favor of the complainant prior to an agency decision. Section 1613.221 permits an agency to award attorney's fees and costs in an agency decision finding discrimination.

Sections 1613.231 and 1613.233 provide that an agency's determination not to award attorney's fees may be appealed to the Commission. Similarly, when an agency determines that fees will be awarded, the sufficiency of the amount awarded by the agency will be appealable to the Commission.

Sections 1613.233 and 1613.281 provide that decisions of an agency are not final until the agency has made a determination on both the entitlement to and the amount of any attorney's fee awards. This interpretation will make the administrative process less complex than other alternatives since complainants will not have matters pending before an agency and the Commission at the same time. Under the proposed change, the entire matter will go forward on appeal to the Commission or for *de novo* trial to the district court.

Section 1613.271(c) contains the procedures for determining the amount of the award. A verified statement of costs and attorney's fees must be submitted within 20 days of the determination that attorney's fees will be awarded. The agency, complainant and complainant's representative will then attempt to agree on the amount of the award within 20 days of receipt of the submission, and if they cannot agree on the amount, the agency will issue its decision within 30 days of the receipt of the submission. The Commission has adopted the standards for awarding attorney's fees enunciated in *Evans* v. *Sheraton Park Hotel*, 503 F.2d 177 (D.C. Cir. 1974) and *Johnson* v. *Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). The Commission believes that the *Evans* and *Johnson* standards are equitable and appropriate in the administrative process.

Attorney's fees are limited to services of members of the Bar, and law clerks, paralegals or law students working under their supervision. However, no award of attorney's fees can be allowed for the services of federal employees. The costs which may be awarded are contained in 28 U.S.C. 1920 and 28 U.S.C. 1821.

These regulations have been reviewed in accordance with Executive Order 12044. They do not require regulatory analysis under Section 3 of that Order. Pursuant to 5 U.S.C. 553(d)(3), the Commission finds that good cause exists for making these revised regulations effective in less than 30 days, in order to provide continuity of operation in the processing of Federal EEO complaints. The interim revised regulations appear below.

By virtue of the authority vested in the Commission under Section 717 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–16, Reorganization Plan No. 1 of 1978 (43 FR 19807) and Executive Order 12106 (44 FR 1053), the Equal Employment Opportunity Commission hereby publishes the following amendments to its regulations on Equal Employment Opportunity in the Federal Government.

Signed at Washington, D.C. this 2nd day of April, 1980. For the Commission.

Eleanor Holmes Norton,
Chair.

PART 1613—EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

1. Section 1613.213—is amended by revising paragraph (a) as follows:

§ 1613.213 Precomplaint processing.

(a) An agency shall require that an aggrieved person who believes that he or she has been discriminated against because of race, color, religion, sex, or national origin consult with an Equal Employment Opportunity Counselor to try to resolve the matter. The agency shall require the Equal Employment Opportunity Counselor to make whatever inquiry he or she believes necessary into the matter; to seek a solution of the matter on an informal basis; to counsel the aggrieved person concerning the issues in the matter; to keep a record of the counseling activities so as to brief, periodically, the Equal Employment Opportunity Officer on those activities; and, when advised that a complaint of discrimination has been accepted from an aggrieved person, to submit a written report to the Equal Employment Opportunity Officer, with a copy to the aggrieved person, summarizing the counselor's actions and advice both to the agency and the aggrieved person concerning the issues in the matter. The Equal Employment Opportunity Counselor shall, insofar as is practicable, conduct the final interview with the aggrieved person not later than 21 calendar days after the date on which the matter was called to the counselor's attention by the aggrieved person. If, within 21 days, the matter has not been resolved to the satisfaction of the aggrieved person, that person shall be immediately informed in writing, at the time of the final interview, of his or her right to file a complaint of discrimination. The notice shall inform the complainant of his or her right to file a discrimination complaint at any time up to 15 calendar days after receipt of the notice of the appropriate official with whom to file a complaint and of complainant's duty to assure that the agency is immediately informed if the complainant retains counsel, or any other representative. The Counselor shall not attempt in any way to restrain the aggrieved person from filing a complaint. The Equal Employment Opportunity Counselor shall not reveal the identity of an aggrieved person who consulted the counselor, except when authorized to do so by the aggrieved person, until the agency has accepted a complaint of discrimination from that person.

2. Section 1613.217 is amended by revising paragraph (a) as follows:

§ 1613.217 Adjustment of complaint and offer of hearing.

(a) The agency shall provide an opportunity for adjustment of the complaint on an informal basis after the complainant has reviewed the investigative file. For this purpose, the agency shall furnish the complainant and the complainant's representative a copy of the investigative file promptly after receiving it from the investigator, and provide opportunity for the complainant to discuss the investigative file with appropriate officials.

If an adjustment of the complaint is arrived at, the terms of the adjustment shall be reduced to writing and made part of the complaint file, with a copy of the terms of the adjustment provided the complainant. An informal adjustment of a complaint may include an award of back pay, attorney's fees or other appropriate relief. Where the parties agree on an adjustment of the complaint, but cannot agree on whether attorney's fees or costs should be awarded or on the amount of attorney's fees or costs, the issue of the award of attorney's fees or costs or the amount which should be awarded may be severed and shall be the subject of a final decision under 1613.221(d). The decision of whether to award attorney's fees or costs or of the amount to be awarded may be the subject of an appeal to the Commission

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under the provisions of §§ 1613.231 through 1613.236. If the agency does not carry out, or rescinds, any action specified by the terms of the adjustment for any reason not attributable to acts or conduct of the complainant, the agency shall, upon the complainant's written request, reinstate the complaint for further processing from the point processing ceased under the terms of the adjustment.

3. Section 1613.221 is amended by revising paragraph (c), redesignating the present paragraph (d) as paragraph (e), and adding a new paragraph (d) as follows:

§ 1613.221 Decision by head of agency or designee.

* * * * *

(c) The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to resolve the issue of discrimination and to promote the policy of equal opportunity, whether or not there is a finding of discrimination. When discrimination is found, the agency shall (1) advise the complainant and his or her representative that any request for attorney's fees or costs must be documented and submitted within 20 calendar days of receipt, (2) require remedial action to be taken in accordance with § 1613.271, (3) review the matter giving rise to the complaint to determine whether disciplinary action against alleged discriminatory officials is appropriate, and (4) record the basis for its decision to take, or not to take, disciplinary action but this decision shall not be recorded in the complaint file.

(d) When the final agency decision provides for an award of attorney's fees or costs, the amount of these awards shall be determined under § 1613.271(c). In the unusual situation in which the agency determines not to award attorney's fees or costs to a prevailing complainant, the agency shall set forth in its decision the specific reasons for denying the award.

(e) The decision letter shall inform the complainant of his or her right to appeal the decision of the agency to the Commission, and shall include the text of 29 CFR 1613.233 (a) and (b). The decision letter shall also inform the complainant of his or her right to file a civil action in accordance with § 1613.281, and of the time limits applicable thereto.

4. Section 1613.231 is amended by revising paragraph (a)(3) as follows:

§ 1613.231 Entitlement.

(a) * * *

(3) On the merits of the complaint under § 1613.217(c) or § 1613.221, or on the award of attorney's fees or costs, but the decision does not resolve the complaint to the complainant's satisfaction.

5. Section 1613.233 is amended by revising paragraph (a) as follows:

§ 1613.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file a notice of appeal at any time up to 20 calendar days after receipt of the agency's notice of final decision on his or her complaint. An appeal shall be deemed filed on the date it is postmarked, or in the absence of a postmark, on the date it is received by the Commission. Any statement or brief in support of the appeal must be submitted to the Commission and to the defendant agency within 30 calendar days of filing the notice of appeal. For purposes of this Part, the decision of an agency shall be final only when the agency makes a determination on all of the issues in the complaint, including whether or not to award attorneys fees or costs. If a determination to award attorneys fees or costs is made, the decision will not be final until the procedure is followed for determining the amount of the award as set forth in §1613.271(c).

(6) Section 1613.271 is amended by adding a new paragraph (c) as follows:

§ 1613.271 Remedial actions.

* * * * *

(c) *Attorney's Fees or Costs.—*

(1) Awards of Attorney's Fees or Costs.

The provisions of this Subpart relating to the award of attorney's fees or costs shall apply to allegations of discrimination or retaliation prohibited by section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16, except that no award of attorney's fees shall be made with funds appropriated under Pub. L. 95–391, the Legislative Branch Appropriation Act of 1979. In a decision by an agency, under § 1613.217, §1613.220 (d) §1613.221 or §1613.612 or by the Commission, under §1613.234 or §1613.262 or §1613.631(a)(3), the agency or Commission may award the applicant or employee reasonable attorney's fees or costs incurred in the processing of the complaint or charge. (i) A finding of discrimination raises a presumption of entitlement to an award of attorney's fees. (ii) Any award of attorney's fees or costs shall be paid by the agency. (iii) Attorney's fees are allowable only for the services of members of the Bar and law clerks, paralegals or law students under the supervision of members of the Bar, except that no award is allowable for the services of any employee of the Federal Government. (iv) Attorney's fees shall be paid only for services performed after the filing of the complaint required in § 1613.214 and after the complainant has notified the agency that he or she is represented by an attorney, except that fees are allowable for a reasonable period of time prior to the notification of representation for any services performed in reaching a determination to represent the complainant. Written submissions to the agency which are signed by the representative shall be deemed to constitute notice of representation.

(2) *Amount of awards.* When a decision of the agency, under § 1613.217(c), § 1613.220(d), § 1613.221 or § 1613.612 or of the Commission, under § 1613.234, § 1613.262 or § 1613.631(a) (3) provides for an award of attorney's fees or costs, the complainant's attorney shall submit a verified statement of costs and attorney's fees, as appropriate, to the agency within 20 days of receipt of the decision. A statement of attorney's fees shall be accompanied by an affidavit executed by the attorney of record itemizing the attorney's charges for legal services and both the verified statement and the accompanying affidavit shall be made a part of the complaint file. The amount of attorney's fees or costs to be awarded the complainant shall be determined by agreement between the complainant, the complainant's representative and the agency. Such agreement shall immediately be reduced to writing. If the complainant, the representative and the agency cannot reach an agreement on the amount of attorney's fees or costs within 20 calendar days of receipt of the verified statement and accompanying affidavit, the agency shall issue a decision determining the amount of attorney's fees or costs within 30 calendar days of receipt of the statement and affidavit. Such decision shall include the specific reasons for determining the amount of the award.

(i) The amount of attorney's fees shall be made in accordance with the following standards: the time and labor required, the novelty and difficulty of the questions, the skill requisite to perform the legal service properly, the preclusion of other employment by the attorney due to acceptance of the case, the customary fee, whether the fee is fixed or contingent, time limitations imposed by the client or the circumstances, the amount involved and the results obtained, the experience, reputation, and ability of the attorney, the undesirability of the case, the nature and length of the professional relationship with the client, and the awards in similar cases.

(ii) The costs which may be awarded are those authorized by 28 U.S.C. 1920 to include (A) fees of the reporter for all or any of the stenographic transcript necessarily obtained for use in the case; (B) fees and disbursements for printing and witnesses; and (C) fees for exemplification and copies of papers necessarily obtained for use in the case. Witness fees shall be awarded in accordance with the provisions of 28 U.S.C. § 1821, except that no award shall be made for a federal employee who is in a duty status when made available as a witness.

7. Section 1613.281 is revised as follows:

§ 1613.281 Statutory right.

An employee or applicant is authorized by section 717(c) of the Civil Rights Act, as amended, 84 Stat. 112, to file a civil action in an appropriate United States district court:

(a) Within thirty (30) calendar days of receipt of notice of final action taken by the agency on a complaint,

(b) After one hundred and eighty (180) calendar days from the date of filing a complaint with the agency if there has been no decision,

(c) Within thirty (30) calendar days after receipt of final action taken by the Commission on the complaint, or

(d) After one hundred and eighty (180) calendar days from the date of filing an appeal with the Commission, if there has been no Commission decision.

For purposes of this Part, the decision of an agency shall be final only when the agency makes a determination on all of the issues in the complaint, including whether or not to award attorney's fees or costs. If a determination to award attorneys fees is made the decision will not be final until the procedure is followed for determining the amount of the award as set forth in § 1613.271(c).

8. Section 1613.602 is amended by revising paragraph (c) as follows:

§ 1613.602 Precomplaint processing.

* * * * *

(c) The Counselor shall conduct a final interview and terminate counseling with the aggrieved person not later than 30 calendar days after the date on which the allegation of discrimination was called to the attention of the Counselor. During the final interview, the Counselor shall inform the aggrieved person in writing that counseling is terminated, that he/she has the right to file a class complaint of discrimination with appropriate officials of the agency, and that he/she has a duty to assure that the agency is immediately informed if legal representation is obtained.

9. Section 1613.609 is amended by revising paragraph (c) as follows:

§ 1613.609 Opportunities for resolution of the complaint.

* * * * *

(c) If resolution of the complaint is arrived at, the terms of the resolution shall be reduced to writing, and signed by the agent and the agency head or his/her designee. A resolution may include a finding on the issue of discrimination, an award of attorney's fees or costs, and must include any corrective action agreed upon. Corrective action in the resolution must be consistent with law, Executive order, and Civil Service regulations, rules, and instructions. A copy of the resolution shall be provided to the agent.

10. Section 1613.612 is amended by redesignating the present paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3), redesignating present paragraph (d) as paragraph (b) and adding new paragraphs (c) and (d) as follows:

§ 1613.612 Agency decision.

* * * * *

(c) The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to resolve the issue of discrimination and to promote the policy of equal opportunity, whether or not there is a finding of discrimination. When discrimination is found, the agency shall (1) advise the agent and his or her representative that any request for attorney's fees must be documented and submitted within 20 calendar days of receipt, (2) review the matter giving rise to the complaint to determine whether disciplinary action against alleged discriminatory officials is appropriate, and (3) record the basis for its decision to take, or not to take, disciplinary action but this decision shall not be recorded in the complaint file.

(d) When the final agency decision provides for an award of attorney's fees and/or costs, the amount of these awards shall be determined under § 1613.271(c). When the agency determines not to award attorney's fees or costs, the agency shall set forth in its decision the specific reasons for denying the award.

* * * * *

11. Section 1613.614 is amended by revising paragraph (a) as follows:

§ 1613.614 Corrective action.

(a) When discrimination is found, an agency must eliminate or modify the personnel policy or practice out of which the complaint arose, and provide individual corrective action, including an award of attorney's fees and costs, to the agent in accordance with § 1613.271 of this Part. Corrective action in all cases must be consistent with law, Executive order, and Civil Service regulations, rules and instructions.

12. Section 1613.631 is amended by revising paragraphs (a) and (b) as follows:

§ 1613.631 Appeal to the Office of Review and Appeals.

(a) An agent may appeal to the Office of Review and Appeals the decision of the head of the agency or his/her designee: (1) To reject or cancel his/her complaint, or a portion thereof; for reasons covered by § 1613.604; (2) to refuse to reinstate the complaint for further processing in accordance with the provisions of § 1613.609(e); and (3) on the merits of the complaint, the issue of attorney's fees and costs and/or corrective action.

(b) A claimant may appeal to the Office of Review and Appeals from a decision of the head of the agency or his/her designee: (1) To cancel or reject a claim for individual relief in accordance with § 1613.614(f) and (g); and (2) on the merits of his/her claim for individual relief including attorney's fees or costs.

§ 1613.641 [Amended]

13. Section 1613.641 is amended by adding the following at the end of paragraph (a):

(a) * * *

For purposes of this Part, the decision of an agency shall be final only when the agency makes a determination on all of the issues in the complaint, including whether or not to award attorney's fees and costs. If a determination to award attorneys fees is made the decision will not be final until the procedure is followed for determining the amount of the award as set forth in § 1613.271(c).

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 222

Grazing and Livestock Use on the National Forest System: Wild Free-Roaming Horses and Burros

AGENCY: USDA, Forest Service.

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ACTION: Final rule.

SUMMARY: This rule amends the regulations for the National Forest System relating to the Wild Free-Roaming Horses and Burros Act of 1971 as amended by Public Rangelands Improvement Act of 1978. This rule will facilitate management programs directed toward protecting and controlling populations of wild free-roaming horses and burros and their habitats.

EFFECTIVE DATE: April 9, 1980.

ADDRESSES: Chief, Forest Service, USDA, P.O. Box 2417, Room 610 RPE, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Williamson, Range Management Staff, Forest Service, P.O. Box 2417, Room 610 RPE, Washington, D.C. 20013, 703–235–8139.

SUPPLEMENTARY INFORMATION: The Public Rangelands Improvement Act of 1978 (92 Stat. 1803, 43 U.S.C. 1901) amended the Wild Free-Roaming Horses and Burros Act of 1971 (85 Stat. 649, 16 U.S.C. 1331 et seq.). As a result of the legislative change, the following significant changes are being made in 36 CFR Part 222:

1. Not more than four animals per year may be adopted for maintenance and care by one individual, organization, or government agency, unless determined, in writing, that such individual, organization, or government agency is capable of humanely caring for more than four animals.

2. Title may be granted to not more than four animals per year to a qualified applicant after the applicant, through adoption for maintenance and care, has provided humane treatment for the animal for one year.

3. Wild free-roaming horses and burros or their remains shall lose their status as such and no longer be considered as falling within the purview of the Act when: (a) Title is passed to an individual; (b) upon transfer for private maintenance and care they die of natural causes before passage of title; (c) the animal is destroyed under the provisions of the Act; (d) upon death by natural causes on the National Forest System or on private lands where maintained, and disposal is authorized by a Forest Officer; or (e) upon destruction or death for purposes authorized by the Act.

4. Priorities have been established for removal of excess animals and provides for humane and cost-efficient disposal of unadoptable excess animals.

5. Provision has been made for consulting and cooperating with other agencies, organizations, and individuals in managing wild horses, burros, and their habitat.

7. Carcasses of animals that have lost their status as wild free-roaming horses or burros may be disposed of in any manner acceptable under State sanitary statutes. Previous regulations provided that the carcasses of wild free-roaming horses and burros could not be sold or processed into commercial products.

The Wild Free-Roaming Horses and Burros Act of 1971 is successful in its goal to protect the animal from capture, branding, and harrassment. It does not deal sufficiently with the social and economic consequences of management of the species, nor the biological requirements for the perpetuation of the species and its habitat, including inter-relationships of other wild animal species requiring and occupying the same habitat as that of wild horses and burros. This rule will alleviate these problems and provide a greater opportunity to protect and care for their perpetuation.

The Bureau of Land Management is publishing similar information regarding their rule for wild free-roaming horses and burros management.

Public Participation

Proposed rulemaking was published on pages 40355–40349 in the **Federal Register** of July 10, 1979, and invited comments for 60 days ending September 10, 1979. Comments were received from 10 sources including individuals, State governments, humane societies, user organizations, and environmentalists. These comments have been reviewed, analyzed, and considered in preparation of the final regulations. Comments are summarized as follows:

Section 222.20 Definitions.

Some commented that they felt it was unacceptable to use a wild free-roaming horse or burro for any kind of commercial gain. It would seem that the use of wild free-roaming horses or burros for commercial purposes that do not exploit their wild characteristic is an acceptable alternative to destroying the animals. A definition of "commercial exploitation" has not been included in the regulations. Legislation as amended does not reference the term commercial exploitation. It is felt that restrictions now contained in 36 CFR 261.21 cover the intent of that suggestion.

There were requests to define the words "old," "sick" and "lame." Definitions of the three words have been added to these regulations and should help alleviate some of the concerns expressed about the fate of these animals.

It was suggested that the definition of "inhumane practices" be revised by using an expression such as "not using humane practices or procedures." Using the positive term, "humane," to describe the negative term, "inhumane," is not acceptable.

It was suggested that the regulations define "qualified applicant." The term has not been defined as qualifications are set out in the regulations. The definition of "commercial product" is being eliminated from this part and will be placed in 36 CFR 261—Prohibitions. This is done to achieve continuity in rulemaking, and to clarify the language in the proposed regulation. This will put all material related to prohibited acts in the National Forest System in one part of Title 36.

Section 222.21 Administration.

Although there were many suggestions to identify additional persons or groups to be consulted about the actions necessary to protect, manage and control wild free-roaming horses and burros, only one change has been made in this section. The change will allow consulting with anyone who has special expertise, knowledge or experience in the field of wild free-roaming horses or burros.

Section 222.24 Motorized vehicles.

A comment expressed concerne about humane transportation and suggested detailed standards for this subpart. These suggestions will be considered in revising the Forest Service Manual which provides detailed instructions for implementing the program. Regulations provide for following State laws in transporting animals and maximum time limit that animals can be transported unless waived in writing.

Section 222.25 Protection when on other than National Forest System.

One comment suggested that § 222.25 be deleted as it was an attempt to broaden Federal authority by the Secretary. Section 222.25 is left intact as it is within the intent of Congress.

Section 222.29 Relocation and Disposal of Animals.

There were suggestions that the paragraph on "capture" specify a time limit for holding animals pending their disposal. A time limit has not been specified because of the differing numbers of applicants, availability of transportation and other variables that are involved in adoption.

It was recommended that the expression "destroyed in the most humane manner possible" be clarified. The need to destroy an animal can occur under such a wide variety of circumstances and times that a set of guidelines for destruction is impractical. An animal could be found at a location or under weather conditions that would preclude the use of a veterinarian to provide the most humane method. It is possible also that there could be disagreement among veterinarians themselves as to what method is most humane. This is further complicated by the continual development of new and improved drugs. The regulations stress that humane destruction is the primary consideration and that cost effectiveness is secondary.

It was suggested that title not be transferred if animals are adopted prior to the effective date of these regulations. The apparent concern here was that title to large numbers of animals might be granted to someone who would sell them to a slaughter house upon receipt of title. Since title cannot be granted for more than four animals per year to any qualified adopter, the potential for making a business of selling animals is limited.

There were recommendations as to which drugs to use, and not to use, in performing an act of mercy. This is considered impractical because of the possible variations in the opinions of veterinarians and the continual development of new drugs.

Question was raised on how to distinguish between an animal that is a wild free-roaming horse and burro and one that has become the legal property of an adopter. The legal status of a former wild free-roaming horse or burro can be confirmed by a certificate of title. Records are also kept on each animal for this purpose.

There were comments about adopting more than four animals per year as provided in § 222.29. There were also suggested actions to follow to ensure that these animals would receive humane treatment and not be commercially exploited or sold by adopters. The requirement to justify additional adoptions in writing should in itself, be sufficient to ensure humane treatment and protection. An adopter cannot gain title to more than four animals in any one year regardless of the total number adopted. This limitation should ensure that selling so few animals for conversion to commercial products would limit the potential for making this a business operation.

It was suggested that the Forest Service make systematic inspections of all adopted animals. The logistics involved in such an endeavor would make it difficult. There will be inspections of adopted animals whenever possible.

There were some questions as to whether titles could be granted to horses that were adopted prior to the effective date of these regulations. The regulations have been amended to show that they apply to all animals adopted after December 15, 1971.

Section 222.30 Disposal of carcasses

The second sentence of the proposed § 222.30, addressing the disposal of carcasses, was deleted to make the section clear.

Other Changes

Sections 222.27 and 222.28 have been revised to eliminate the word "Cooperative" wherever it occurs in the term "Cooperative Agreement." This change is to conform with Pub. L. 95–224, Federal Grants and Cooperative Agreements Act of 1977. The intent of the regulation remains the same. In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments on this change are unnecessary.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations" and has been classified "significant" under those criteria. An approved final Environmental Assessment Report (including cost analysis) has been prepared and is available from: Range Management Staff, Forest Service, P.O. Box 2417, Rm 610 RPE, Washington, D.C. 20013.

Dated: April 3, 1980.

Bob Bergland,

Secretary.

Under the authority of the Wild Free-Roaming Horses and Burros Act (85 Stat. 649), as amended (16 U.S.C. 1331 et. seq.), 36 CFR Part 222, Subpart B, is revised as set forth below.

PART 222—RANGE MANAGEMENT

* * * * *

Subpart B—Management of Wild Free-Roaming Horses and Burros

Sec.

222.20 Authority and definitions.
222.21 Administration of wild free-roaming horses and burros and their environment.
222.22 Ownership claims.
222.23 Removal of other horses and burros.
222.24 Use of helicopters, fixed-wing aircraft and motor vehicles.
222.25 Protection of wild free-roaming horses and burros when they are upon other than the National Forest System or the public lands.
222.26 Removal of wild free-roaming horses and burros from private lands.
222.27 Maintenance of wild free-roaming horses and burros on privately-owned lands.
222.28 Agreements.
222.29 Relocation and disposal of animals.
222.30 Disposal of carcasses.
222.31 Loss of status.
222.32 Use of non-Forest Service personnel.
222.33 Management coordination
222.34 National Advisory Board.
222.35 Studies.
222.36 Arrest.

Authority: 85 Stat. 649, as amended (16 U.S.C. 1331–1340); Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 32, 50 Stat. 522, as amended (7 U.S.C. 1011); 92 Stat. 1803 (43 U.S.C. 1901 note).

PART 222—RANGE MANAGEMENT

§ 222.20 Authority and definitions.

(a) *Authority.* The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from the National Forest System. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

(b) *Definitions.*

(1) "Act" means the Act of December 15, 1971 (85 Stat. 649, as amended, 16 U.S.C. 1331–1340)

(2) "Captured animal" means a wild free-roaming horse or burro taken and held in the custody of an authorized officer, his delegate, or agent. This term does not apply to an animal after it is placed in private custody through a Private Maintenance and Care agreement.

(3) "Excess animals" means wild free/roaming horses and burros which have been removed by authorized personnel pursuant to applicable law or which must be removed from an area in order to preserve and maintain a thriving natural ecological balance in coordination with other resources and activities.

(4) "Herd" means one or more stallions and their mares, or jacks and their jennies.

(5) "Humane treatment" means kind and merciful treatment, without causing unnecessary stress or suffering to the animal.

(6) "Inhumane treatment" means causing physical stress to an animal through any harmful action or omission that is not compatible with standard animal husbandry practices; causing or allowing an animal to suffer from a lack

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of necessary food, water, or shelter; using any equipment, apparatus, or technique during transportation, domestication, or handling that causes undue injury to an animal; or failing to treat or care for a sick or injured animal.

(7) "Lame" means a wild free-roaming horse or burro with malfunctioning muscles, ligaments or limbs that impair freedom of movement.

(8) "Malicious harassment" means any intentional act demonstrating deliberate disregard for the well-being of wild free-roaming horses and burros and which creates a likelihood of injury or is detrimental to normal behavior pattern of wild free-roaming horses or burros including feeding, watering, resting, and breeding. Such acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping, or attempting to gather wild free-roaming horses or burros. It does not apply to activities conducted by or on behalf of the Forest Service or the Bureau of Land Management in implementation or performance of duties and responsibilities under the Act.

(9) "National Advisory Board" means the Advisory Board as established jointly by the Secre ary of Agriculture and the Secretary of the Interior under the provisions of the Act.

(10) "National Forest System" includes the National Forests, National Grasslands, and other Federal lands for which the Forest Service has administrative jurisdiction.

(11) "Old" means a wild free/roaming horse or burro characterized by inability to fend for itself because of age, physical deterioration, suffering or closeness to death.

(12) "Sick" means a wild free-roaming horse or burro with failing health, infirmness, or disease from which there is little chance of recovery.

(13) "Wild free-roaming horses and burros" mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto the National Forest System on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros for which the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

(14) "Wild-horse and burro range" means an area of National Forest System specifically so designated by the Chief, Forest Service, from wild horse and burro territory, for the purpose of sustaining an existing herd or herds of wild free-roaming horses and burros, provided the range does not exceed known territorial limits and is devoted principally, but not necessarily exclusively, to the welfare of the wild horses and burros, in keeping with the multiple-use management concept for the National Forest System.

(15) "Wild horse and burro territory" means lands of the National Forest System which are identified by the Chief, Forest Service, as lands which were territorial habitat of wild free-roaming horses and/or burros at the time of the passage of the Act.

§ 222.21 Administration of wild free-roaming horses and burros and their environment.

(a) The Chief, Forest Service, shall:

(1) Administer wild free-roaming horses and burros and their progeny on the National Forest System in the areas where they now occur (wild horse and burro territory) to maintain a thriving ecological balance considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with uses recognized under the Multiple-Use Sustained Yield Act of 1960 (70 Stat. 215; 16 U.S.C. 528–531);

(2) Provide direct administration for the welfare of wild free-roaming horses and burros that are located on the National Forest System by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations;

(3) Establish wild horse and burro territories in accordance with the Act and continue recognition of such territories where it is determined that horses and/or burros will be recognized as part of the natural system, and designate areas within these territories as a specific wild horse and burro range in those situations where he determines such designation as especially fitting to meet the purposes of the Act and the Multiple Use Sustained-Yield Act, after consultation with the appropriate State agencies where such range is proposed and with the National Advisory Board;

(4) Analyze each wild horse or burro territory and, based on the analysis, develop and implement a management plan, which analysis and plans will be updated, whenever needed, as determined by conditions on each territory;

(5) Maintain a current inventory of wild free-roaming horses and burros on each territory to determine whether and where excess animals exists;

(6) Based on paragraphs (a) (4) and (5) of this section, determine appropriate management levels, whether action should be taken to remove excess animals and what actions are appropriate to achieve the removal or destruction of excess animals; and

(7) In making determinations cited in this section, the authorized officer shall consult with the U.S. Fish and Wildlife Service, wildlife agencies in the State, individuals and organizations independent of Federal or State Government recommended by the National Academy of Sciences, and any other individual or organizations determined to have scientific expertise or special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to range management.

§ 222.22 Ownership claims.

(a) Any person claiming ownership under State branding and estray laws of branded or unbranded horses or burros within a wild horse or burro territory or range on the National Forest System where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership with supporting evidence were required to be filed during a claiming period which expired November 15, 1973. Unauthorized privately owned horses or burros entering the National Forest System after November 15, 1973, which become intermingled with wild horses or burros, may be claimed by filing an application with the District Ranger. All authorizations to gather claimed animals shall be in writing in accordance with instructions as the Chief, Forest Service, may prescribe. After such public notice as an authorized officer deems appropriate to inform interested parties, gathering operations may be authorized. The authorization shall provide that the gathering or roundup be consistent with regulations, and will (1) establish a specific reasonable period of time to allow the gathering of claimed animals and (2) stipulate other conditions, including visual observation by Forest Service personnel deemed necessary to ensure humane treatment of associated wild free-roaming horses and burros and to protect other resources involved.

(b) Prior to removal of claimed animals which have been captured from the National Forest System, claimants shall substantiate their claim of ownership in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State agency administering the State estray laws. In the absence of an agreement, ownership claims shall be substantiated in accordance with State law and subject to approval of the Forest Service.

§ 222.23 Removal of other horses and burros.

Horses and burros not within the definition in § 222.20(b)(13) which are introduced onto Wild Horse and Burro Territories or ranges after December 15, 1971, by accident, negligence, or willful disregard of private ownership, and which do not become intermingled with wild free-roaming horses or burros shall be considered as unauthorized livestock and treated in accordance with provisions in 36 CFR 261.7 and 262.2.

§ 222.24 Use of helicopters, fixed-wing aircraft and motor vehicles.

The Chief, Forest Service, is authorized to use helicopters, fixed-wing aircraft, and motor vehicles in a manner that will ensure humane treatment of wild free-roaming horses and burros as provided by the following paragraphs:

(a) Prior to using helicopters in capture operations and/or using motor vehicles for the purpose of transporting captured animals, a public meeting will be held in the proximity of the territory where the capture operation is proposed.

(b) Helicopters may be used in all phases of the administration of the Act including, but not limited to, inventory, observation, surveillance, and capture operations. In capture operations, helicopters may be used to locate the animals involved to assist ground crews in moving the animals and for related purposes, such as, to transport personnel and equipment. The condition of the animals shall be continuously observed by the authorized officer and, should signs of harmful stress be noted, the source of stress shall be removed so as to allow recovery. Helicopters may be used in roundups or other capture operations subject to the following procedures.

(1) Helicopters shall be used in such a manner that bands or herds will tend to remain together.

(2) Horses or burros will not be moved at a rate which exceeds limitations set by the authorized officer who shall consider terrain, weather, distance to be traveled, and condition of the animals.

(3) Helicopters shall be used to observe the presence of dangerous areas and may be used to move animals away from hazards during capture operations.

(4) During capture operations, animals shall be moved in such a way as to prevent harmful stress or injury.

(5) The authorized officer shall supervise all helicopter uses as follows:

(i) Have means to communicate with the pilot and be able to direct the use of the helicopter; and

(ii) Be able to observe effects of the use of the helicopters on the well-being of the animals.

(c) Fixed-wing aircraft may be used for inventory, observation, and surveillance purposes necessary in administering the Act. Such use shall be consistent with the Act of September 8, 1959, as amended (18 U.S.C. 41 et seq.). Fixed-wing aircraft shall not be used in connection with capture operations except as support vehicles.

(d) Motor vehicles may be used in the administration of the Act except that such vehicles shall not be used for driving or chasing wild horses or burros in capture operations. Motor vehicles may also be used for the purpose of transporting captured animals subject to the following humane procedures.

(1) Such transportation shall comply with appropriate State and Federal laws and regulations applicable to humane transportation of horses and burros.

(2) Vehicles shall be inspected by an authorized officer prior to use to ensure vehicles are in good repair and of adequate rate capacity.

(3) Vehicles shall be carefully operated to ensure that captured animals are transported without undue risk or injury.

(4) Where necessary and practical, animals shall be sorted as to age, temperament, sex, size, and condition so as to limit, to the extent possible, injury due to fighting and trampling.

(5) The authorizing officer shall consider the condition of the animals, weather conditions, type of vehicle, and distance to be traveled when planning for transportation of captured animals.

(6) Unless otherwise approved by the authorized officer, the transportation of wild free-roaming horses and burros shall be limited in sequence, to a maximum of 24 hours in transit followed by a minimum of 5 hours of on-the-ground rest with adequate feed and water.

§ 222.25 Protection of wild free-roaming horses and burros when they are upon other than the National Forest System or public lands.

Individual animals and herds of wild free-roaming horses and burros will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership or jurisdiction as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the Act at any time he has cause to believe its provisions are being violated.

§ 222.26 Removal of wild free-roaming horses and burros from private lands.

Owners of land upon which wild free-roaming horses and burros have strayed from the National Forest System may request their removal by calling the nearest office of either the Forest Service or Federal Marshall.

§ 222.27 Maintenance of wild free-roaming horses and burros on privately-owned lands.

Owners of land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from the National Forest System may do so by notifying the nearest office of the Forest Service in a timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by agreement with the Forest Service.

§ 222.28 Agreements.

The Chief, Forest Service, may enter into agreements as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

§ 222.29 Relocation and disposal of animals.

(a) The Chief, Forest Service, shall, when he determines over-population of wild horses and burros exists and removal is required, take immediate necessary action to remove excess animals from that particular territory. Such action shall be taken until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from deterioration associated with over-population.

(b) No person except an authorized Forest Service officer or his agent shall destroy, remove, or relocate any wild free-roaming horse or burro located on the National Forest System.

(c) Wild horses and burros shall be relocated or removed in the following order of priority:

(1) In the most humane manner possible, sick, lame, or old animals shall be destroyed;

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(2) Relocate animals to other National Forest System lands which were identified as 1971 wild horse or burro territory, providing suitable habitat exists and relocation of animals will not jeopardize vegetation condition;

(3) Relocate animals to other Federally-owned lands which were identified as 1971 wild horse or burro occupied lands, providing suitable habitat exists and relocation of animals will not jeopardize vegetation condition and animals are requested by the appropriate land manager having jurisdiction;

(4) Place animals under private maintenance and care agreements where there is an adoption demand by qualified individuals, groups, or Government agency, and for which there is assurance of humane treatment and care, provided not more than four animals are placed under private maintenance and care agreements per year to any individual, organization, or government agency unless there is a determination expressed otherwise in writing, by an authorized Forest Service Officer; and

(5) Excess animals, for which an adoption demand by qualified applicants does not exist, shall be destroyed in the most humane manner possible, and if several methods are equally humane, select the most cost efficient.

(d) Where excess animals have been placed under private maintenance and care agreements after December 15, 1971, as provided for in paragraph (c)(4) of this section, and animals have been provided humane conditions, treatment, and care, for a period of one year, the Chief, Forest Service, may grant title to not more than four animals per year to each individual, organization, or government agency.

(6) The applicants must make written application for title and/or adoption and must be of legal age in the State in which they reside. Humane conditions treatment and care must have been provided for no less than one year preceding the filing of the application for title. Unless waived *in writing* the application for title shall include a written statement by a licensed veterinarian attesting that the animal is in good condition.

§ 222.30 Disposal of carcasses.

Carcasses of animals that have lost their status as wild free-roaming horses or burros may be disposed of in any customary manner acceptable under applicable State sanitary statutes including disposal through a rendering plant.

§ 222.31 Loss of status.

Wild free-roaming horses and burros or their remains shall lose their status under the 1971 Wild Horses and Burros Act.

(a) Upon passage of title pursuant to § 222.29 (d) and (e).

(b) Upon transfer to private maintenance and care pursuant to § 222.29(c)(4) and die of natural causes before passage of title;

(c) Upon destruction by an authorized Forest officer pursuant to § 222.29(c)(5).

(d) Upon death by natural causes or accident on the National Forest System or on private lands where maintained thereon pursuant to § 222.27 and disposal is authorized by a Forest officer; and

(e) Upon destruction or death for purposes of or incident to the program authorized in § 222.20(a).

§ 222.32 Use of non-Forest Service personnel.

The Chief, Forest Service, may authorize the use of non-Forest Service personnel to assist in specific situations of short duration.

§ 222.33 Management coordination.

All management activities by the Chief, Forest Service, shall be carried out in consultation with the appropriate agencies of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

§ 222.34 National Advisory Board.

The Chief, Forest Service, shall appoint a representative to attend meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the Memorandum of Agreement between the Department of the Interior and the Department of Agriculture and the Joint Charter issued by the Secretary of the Interior and the Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

§ 222.35 Studies.

The Chief, Forest Service, is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved and the National Academy of Sciences.

§ 222.36 Arrest.

Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act.

[FR Doc. 80-10629 Filed 4-8-80; 8:45 am]
BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loans for the Acquisition of a Mobile Home and a Suitable Lot and/or Necessary Site Improvements

AGENCY: Veterans Administration.

ACTION: Final regulations with request for comments.

SUMMARY: The VA (Veterans Administration) is amending its regulations to delete the requirement that in combination mobile home loans; (loans to simultaneously purchase a mobile home plus lot and/or the cost of site preparation) the loan carry one rate for the mobile home portion of the loan and a lower rate for the portion of the loan attributable to land. In lieu thereof a single maximum interest rate for such loans is prescribed of 14½ percent per annum. VA believes that this amendment will increase lender participation in the program and thereby increase the opportunity for veterans to obtain loans for such purpose if they choose.

DATES: Effective date: April 1, 1980. Comments on or before May 9, 1980.

ADDRESSES: Comments to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION: Section 1819, title 38, United States Code and VA regulations provide for a combination loan to acquire a mobile home and a parcel of land upon which to place the home and/or any necessary site preparation. Section 36.4212 of Title 38, the Code of Federal Regulations currently provides for one interest rate on the portion of the loan for land and site preparation and a different interest rate on the portion of the loan for the mobile home. At the time this section was issued (1971), it was the generally accepted view that interest rates on mobile home loans should be higher than on real estate loans because of higher risk; e.g., mobile homes being chattels, they depreciated rather rapidly; buyers were generally in lower income groups and more susceptible to disruption in their incomes, and mobile homes could be moved without the lender's knowledge. Conventionally, they were financed in a manner similar to that used in financing automobiles, boats and airplanes. By contrast, land is permanently fixed, does not depreciate due to age or use as a residential lot, and its acquisition and sale is not keyed to any particular income group. Hence, it was considered that the maximum interest rate on the lot portion of a mobile home should be the same as that for a site-built home.

However, the dual interest rate structure has required lenders to draw up two individual notes in order to evidence the separate portions of the veteran's obligation. Combination loans have not been popular with lenders because they are "different" from their other loans, "don't fit their computer programs," and because there is no secondary market for such loans. There is believed to be a large, unsatisfied demand for VA guaranteed combination mobile home loans.

Recent surveys indicate that mobile homes are appreciating in value, and providing owners with increasing equity in their investments, especially where the mobile home, just like the "traditional house," is sited on an improved lot. GNMA (Government National Mortgage Association) published proposed regulations in the **Federal Register** of August 9, 1979 (44 FR 46891) concerning the establishment of a secondary market for combination mobile home loans. It is our understanding that GNMA will be publishing final regulations in the near future. Therefore, in order to simplify the VA combination mobile home loan program, and in anticipation of GNMA's final regulations implementing a secondary market for such loans, we are establishing a single interest rate of 14½ percent for the simultaneous purchase of a mobile home unit and a lot on which to place the home and/or necessary site improvements.

The setting of a new combination mobile home loan interest rate at 14½ percent was accomplished after careful consideration of the market rates for conventional combination mobile home loans and other market indicators. The new interest rate for combination mobile home loans should increase lender participation in the program, thus allowing veterans to obtain less expensive mobile home housing and lots on which to place such homes.

The combination mobile home interest rate is established by amending § 36.4212(a) (3). In addition, technical clarifying amendments to § 36.4212(a)(1) and (2) have been made.

Compliance with the provisions of section 1.12 of this chapter which requires publication of proposed regulations prior to final adoption is waived in this instance. Since this regulation serves only to simplify the previous cumbersome dual interest rate structure, we have determined that this regulation is nonsignificant pursuant to Executive Order 12044 (43 FR 12661) and the VA Final Report implementing Executive Order 12044 published in the **Federal Register** on February 5, 1979 (44 FR 7026). In addition, we have determined that publication of this amendment in proposed form would not be in the public interest because such publication for comment would unnecessarily delay the implementation of liberalizing amendments.

This amendment is adopted under authority granted the Administrator by sections 210(c), 1819 (f) and (g) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this regulation to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. All material received will be considered, and appropriate regulatory revisions will be published if necessary. These amendments, however, shall remain effective until further amended. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 19, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: April 1 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

In § 36.4212, paragraph (a) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to April 1, 1980. [38 U.S.C. 1819(f))

(1) 15 percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) 13 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) 14½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

(38 U.S.C. 210(c)(1), 1819(g))

[FR Doc. 80-10704 Filed 4-8-80; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRC 1450-1]

Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On March 11, 1980 (45 FR 15531), the Environmental Protection Agency (EPA) promulgated conditional approval of the New Jersey State Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended.

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This conditional approval required, among other things, the submission to EPA of fully executed memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and involved metropolitan planning organizations; this action was to be implemented by March 1, 1980.

The purpose of this notice is to advise the public that this condition has been fulfilled, via submission of the required documentation under cover of a February 27, 1980 letter, and that EPA is taking final action to approve the State's submission. Furthermore, EPA is incorporating the provisions of the State's submission into the approved SIP, and is revoking the applicable condition on its approval of the plan. Until all conditions are met conditional approval of the SIP will continue.

EFFECTIVE DATE: This action is made immediately effective, April 9, 1980. Inasmuch as it provides no additional burden upon any affected party.

ADDRESSES: Copies of the State's submission are available for inspection at the following addresses:

Environmental Protection Agency Air Programs Branch, Region II Office, 26 Federal Plaza, Room 906, New York, New York 10007.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 908, New York, New York 10007 (212) 264–2517.

SUPPLEMENTARY INFORMATION: On March 11, 1980, at 45 FR 15531, the Environmental Protection Agency promulgated conditional approval of the New Jersey State Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. The reader is referred to this **Federal Register** notice for a detailed discussion of EPA's findings. Today's notice discusses one condition of EPA's approval of the plan which required the State to submit, by March 1, 1980, fully executed memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and metropolitan planning organizations involved in the implementation of the SIP. This condition was intended to insure that transportation—air quality planning work is properly carried out.

In response to this requirement, on February 27, 1980, the State submitted five memoranda of understandings (MOUs) between the New Jersey Departments of Environmental Protection and Transportation and the following metropolitan planning organizations:

- Atlantic County Urban Area Transportation Study
- Cumberland County Urban Area Transportation Study
- Delaware Valley Regional Planning Commission
- Philipsburg Urban Area Transportation Study
- Wilmington Metropolitan Area Planning Council

A separate submission, made on October 3, 1979, included an MOU with the Tri-State Regional Planning Commission. These six MOUs discuss the breakdown of specific responsibilities for program development and implementation, program management, funding, and public participation.

Based on its review of the submitted documents, EPA finds that the condition on its approval has been fully met. Therefore, EPA is incorporating the provisions of the MOUs into the SIP and revoking the applicable condition. Furthermore, this action serves to continue EPA's conditional approval.

EPA finds that further notice and comment on this issue are unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act), insofar as the corrective action was clearly identified in EPA's promulgation and the State's submittal clearly addresses the specified criteria for approval.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: April 2, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart FF—New Jersey

1. Section 52.1570 paragraph (c) is revised by adding a new subparagraph (24) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(24) a supplementary submittal, dated February 27, 1980 from the New Jersey Department of Environmental Protection consisting of five memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and the following metropolitan planning organizations:

- Atlantic County Urban Area Transportation Study
- Cumberland County Urban Area Transportation Study
- Delaware Valley Regional Planning Commission
- Philpsburg Urban Area Transportation Study
- Wilmington Metropolitan Area Planning Council

§ 52.1561 [Amended]

2. Section 52.1561 is amended by revoking paragraph (b)(3).

[FR Doc. 80-10695 Filed 4-8-80; 8:45 am]

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40 CFR Part 52

[FRL 1456-1]

Approval and promulgation of State Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act as amended 1977 requires that states revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Missouri submitted revisions to its SIP to the EPA on July 2, 1979, in order to satisfy the requirements of Part D. Availability of the Missouri revisions was announced in the **Federal Register** on July 25, 1979 (44 FR 43490), and the public was invited to make comments at that time. EPA's proposed action on various portions of the submittal were stated in the **Federal Register** on October 25, 1979 (44 FR 61384). Many of the issues discussed in the proposed rulemaking were either satisfactory at the time of submission or have since been resolved by the Missouri Department of Natural Resources in a manner consistent with discussion in the proposed rulemaking. These items are to be approved without conditions.

EPA is taking final action to conditionally approve certain elements of Missouri's plan. A discussion of

conditional approval and its practical effect appears in supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979).

It is not possible to make a final approval/disapproval decision on portions of the state plan submittal. These are portions which were not addressed in the July 2, 1979, submittal.

DATES: This promulgation is effective April 9, 1980.

ADDRESSES: Copies of the state submission, all public comments received, and the EPA prepared evaluation report are available during normal business hours at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Missouri Department of Natural Resources, 615 East 13th Street, Room 483, Kansas City, Missouri 64106.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102.

Missouri Department of Natural Resources, 8460 Watson Road, St. Louis, Missouri 63129.

FOR FURTHER INFORMATION: Contact Wayne G. Leidwanger at 816–374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION:

A. Background

The Clean Air Act Amendments of 1977 added requirements to the Act for revised State Implementation plans for areas which have not attained the National Ambient Air Quality Standards. These requirements are found in Part D which includes Sections 171 through 178 of the Act. The requirements for an approvable nonattainment plan are listed in Section 172.

The general requirements for all SIP revisions are found in Section 110(a). Section 121 requires the state to consult with local governments on certain matters. Section 123 limits the availability of dispersion techniques for certain sources. Section 126 relates to interstate abatement. Section 127 requires public notification of violations of health related standards. Section 128 imposes requirements on state boards. Sections 161 through 169 (Part C) require each state plan to contain measures for the prevention of significant deterioration (PSD) of air quality.

In order for a plan to be fully approvable, it must meet all of the requirements discussed above. The Part D requirements were discussed in the **Federal Register** on April 4, 1979 (44 FR 20372), and supplemented July 2, 1979 (44 FR 38583). Additional supplements to the general preambles were published in the **Federal Register** on August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). These notices contain the general preamble to the Proposed Rulemaking for all nonattainment plan submissions. They describe in detail the requirements for an approvable nonattainment plan. For a background discussion of the Missouri rulemaking, the reader is referred to the Proposed Rulemaking on the submittal which was published in the **Federal Register** on October 25, 1979 (44 FR 61384).

The Missouri Department of Natural Resources (MDNR) on behalf of the Missouri Air Conservation Commission (MACC) submitted on July 2, 1979, a package of SIP revisions for nonattainment areas in Missouri. The submittal included plans to attain the primary TSP, ozone, and carbon monoxide standards in the Metropolitan St. Louis area; the primary TSP and SO_2 standards in the St. Louis "hotspot"; primary TSP and ozone standards in the Metropolitan Kansas City area; and secondary TSP in Columbia, Missouri. The St. Louis "hotspot" is an area within a radius of approximately one mile of the confluence of the Mississippi River and River Des Peres and includes a portion of South St. Louis City and an adjoining portion of St. Louis County. The submittals contained requests for extensions to submit plans for attainment of the appropriate secondary standards.

The October 25, 1979, **Federal Register** (44 FR 61384) contained a proposal to redesignate certain areas of the State of Missouri pursuant to the recommendations of the MACC. Those areas of the state where nonattainment plans are required, but for which plans have not been submitted are St. Joseph and New Madrid. The final rulemaking for area designations under Section 107(d) of the Act is published eleswhere in this issue of the **Federal Register**.

B. Nonattainment Plan Provisions

The following is a discussion of each of the requirements for the nonattainment plan provisions, the general provisions of the Act, and the approval status of the Missouri plan with respect to each of these requirements. Included in the discussions are summaries of public comments on the proposed rulemaking followed by EPA's response.

Certain portions of the Missouri SIP are being conditionally approved today. The conditional approval requires the state to submit additional materials by the deadlines specified in today's notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below, when determining if the state has satisfied the conditions.

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditonal approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and Section 110(a)(2)(I) restrictions on growth are in effect.

Certain deadlines for satisfying conditions are being promulgated today which differ from the deadlines proposed in the October 25, 1979 notice of proposed rulemaking cited above. EPA finds that for good cause, notice and comment on these deadlines are unnecessary. The state is the party responsible for meeting the deadlines. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions. The only comments received on the proposed deadlines were from the state and the St. Louis metropolitan planning organization.

(1) *Demonstration of Primary TSP.—Standard Attainment.* Section 172(a)(1) requires the plan to provide for attainment of the NAAQS as expeditiously as practicable, but no later than December 31, 1982, for primary standards. The plan shows that reasonably available control technology (RACT) applied to stationary sources is not adequate to attain the standard. The state submitted schedules to conduct studies of nontraditional source controls. The Missouri submission projects attainment of the primary

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standard for TSP in the Kansas City and St. Louis nonattainment areas. The control strategy demonstration shows that reasonable further progress will be made and projects incremental reductions to attain the primary standard by December 31, 1982, on the assumption necessary reductions will be obtained from nontraditional sources.

The schedule for Kansas City requires that the study begin ten days after final EPA rulemaking on the plan. The plan presented several alternative street cleaning methods for evaluation including mechanical sweeping, vacuum cleaning and flushing. The street cleaning study is to be conducted during spring, summer and fall months of 1980. The precise beginning and ending dates will depend primarily on weather factors, since periods of relatively low precipitation are necessary for such studies.

The schedule for the St. Louis nonattainment area is to begin in the spring of 1980 and is to be completed during the fall months of 1980. The St. Louis study will include street cleaning and parking lot paving.

At the state's request the EPA is contracting the study design and data analysis with a consultant. This contract includes the St. Louis and Kansas City areas. The EPA and the state believe this will provide more comprehensive information and will produce comparable data to determine the effectiveness of street cleaning as a workable and realistic suspended particulate matter control strategy.

In a memorandum to the Regional Administrators on February 24, 1978, (43 FR 21673, May 19, 1978) the Administrator stated where attainment of the standard cannot be demonstrated by requiring RACT for traditional sources, the state may conduct studies of nontraditional sources and submit implementing regulations to demonstrate attainment of the primary TSP standard by no later than December 31, 1982. This approach is allowed only if the state requires RACT on all traditional sources. Nontraditional sources include urban fugitive dust, resuspension and construction. The anticipated reductions because of nontraditional source controls in St. Louis and Kansas City indicate that the primary TSP standard will be attained by December 31, 1982. However, if as a result of the nontraditional source studies, it is determined that additional reductions will be required, the state is responsible for implementing additional controls on industrial particulate sources and on nontraditional sources, and demonstrating attainment of the standard by the required date.

One commentor stated that the reasonable further progress (RFP) demonstration for St. Louis improperly took credit for background reductions for reduced emissions from point and area sources.

Credit for background reduction was included in the preliminary plan revision for St. Louis; however, changes included with the final plan, on which the proposed rulemaking was based, deleted background reduction credit and used specific nontraditional source controls to predict attainment of the primary TSP standard.

This same commentor stated that the attainment demonstration for Kansas City disregarded the Climatological Dispersion Model (CDM) predicting a violation at one TSP monitoring site, and therefore, the state had not adequately demonstrated attainment.

The State of Missouri used CDM as a screening technique to determine the amount of reduction that would be obtained using RACT on stationary sources. The CDM modeling predicted two monitoring sites would exceed the primary TSP standard after application of RACT controls. The plan commits to street cleaning in the vicinity of the sampling site predicted to have the highest TSP values. The control strategy will apply the same nontraditional controls to the other area predicted to exceed the primary TSP standard. The study committed to by the state is to verify the predicted air quality improvements due to street cleaning. The EPA believes the State of Missouri has met the requirements of Section 172(a)(1) with respect to the primary TSP standard in Kansas City. The application of RACT to traditional sources combined with a commitment to a schedule for study and implementation of controls on nontraditional sources is an acceptable approach to demonstrating attainment of the standard. Therefore, EPA believes that the state did not disregard the modeling results and has assured that predicted violations will be eliminated.

The commentor also questioned the 1982 emissions projected for Kansas City and criticized the report adopted as part of the Kansas City plan for not identifying the methodology used for making these projections. The commentor specifically criticized the apparent lack of identification of the assumptions used in making the projected emission estimates. Further, the commentor expressed concern over a statement in the report that point sources are not legally bound to the projected emission rates.

The report states that the 1982 emission projections were obtained from the state and local agencies with primary jurisdiction over the sources. The methodology used to make the 1982 TSP projections is contained in the plan revision. The state and local agencies surveyed the major point sources regarding anticipated increases in operating hours. Projected increases in emissions from these sources reflect anticipated increased operating hours. Some point sources are required to reduce emissions to be in compliance with existing RACT regulations before 1982. These resulting reductions of emissions are reflected by the reduced emissions in the 1982 projections. Reduced emissions claimed because of reduced operating hours would not be acceptable unless such operating hour restrictions are legally enforceable. The projected emissions for 1982 are not based on reduced operating hours and no emission reductions because of reduced hours are claimed by the state.

Emission rates contained in the regulations applicable in the Kansas City area are a part of the applicable SIP and are enforceable by the state and local agencies as well as EPA. The operating hours are not enforceable. However, the 1982 projections are based on historical source operations and any increases in operating hours anticipated by the sources. The state is required to make yearly reports on Reasonable Further Progress (RFP) toward attainment. If unanticipated increases in operating hours are found to interfere with the RFP demonstration, the state will be required to correct the problem. The emissions reductions for which the plan takes credit are based on legally enforceable requirements.

The 1982 emission inventory projection is based on the best estimate of the state and local agencies using established EPA emission inventory guidelines. The EPA recognizes that the projections are only estimates and that actual emissions from individual point sources may vary. It is the responsibility of the state and local agencies to report (RFP) toward meeting the primary TSP standard in Kansas City as well as any other nonattainment area with an approved plan. Substantial emissions reductions are required in the early years of the RFP demonstration. If progress reports and air quality improvements are behind projections, the state will be required to obtain additional emission reductions which will meet the RFP schedule.

In the case of Kansas City, the Missouri plan shows that area sources including paved streets account for approximately 50 percent of the measured TSP. To provide the additional reductions necessary for attainment of the primary TSP standard by December 31, 1982, the state committed to a nontraditional source control study, and implementation of control strategies resulting from the study. The projected results show that the primary TSP standard can be attained by the mandatory deadline.

EPA proposed to approve the plan as meeting the requirements of Section 172(a)(1) (44 FR 61384, October 25, 1979).

ACTION: EPA approves the Missouri plan with respect to the approach to be used to demonstrate attainment of the primary TSP standard as expeditiously as practicable in the St. Louis Metropolitan area and Kansas City, as required by Section 172(a)(1) of the Act.

(2) *Attainment of the Secondary Standards.* The State of Missouri has demonstrated that RACT measures will not achieve attainment of the secondary standard for TSP and SO_2 in the secondary nonattainment areas. The state's submittal requested an extension until July 1, 1980, to submit plans to attain the secondary TSP standard in the St. Louis Metropolitan area, the St. Louis "hotspot", Kansas City, and Columbia; and SO_2 in the St. Louis "hotspot."

On October 25, 1979 (44 FR 61384) the EPA proposed to approve the state's request for an extension to submit the secondary nonattainment plans. EPA received no comments on the proposal.

Action

EPA approves the extension request as authorized under Section 110(b) of the Act, allowing the state until July 1, 1980, for submittal of secondary nonattainment plans.

(3) *Public Participation.* Section 172(b)(1) requires the plan to be adopted after reasonable notice and public hearing.

The Missouri submission contained evidence in the form of hearing transcripts and publishers' affidavits that the plan was adopted after reasonable notice and public hearings. The EPA has received no comments regarding public participation.

On October 25, 1979 (44 FR 61384), the EPA proposed to approve the Missouri plan as satisfying the requirements of Section 172(b)(1).

Action

The EPA approves the plan as satisfying the requirements of Section 172(b)(1) of the Act.

(4) *Reasonably Available Control Measures.* Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable.

The proposed rulemaking of October 25, 1979 (44 FR 61384) stated that major stationary sources of TSP have RACT controls or are required to have RACT controls, and that the Missouri plan for the Kansas City area was approvable and satisfied the requirements of Section 172(b)(2).

One commentor expressed the opinion that the EPA was treating the State of Kansas differently than Missouri, i.e., EPA is requiring Kansas to show that Kansas regulations represent RACT, but not Missouri. EPA has not yet proposed action on the Kansas plan and is still in the process of evaluating it. Each state is required to make its own RACT determinations. EPA will evaluate the Kansas demonstration with the same criteria it has used to evaluate the Missouri demonstration.

The basis for the RACT determination for the Missouri portion of the Kansas City area was a report prepared by an EPA contractor. This contractor did most of the preparatory work for the SIP in the Kansas City area. Copies of the resulting report were provided to both states and to the involved local agencies.

The contractor's report was adopted by the state and incorporated directly into the SIP for Kansas City, Missouri. The report listed the major TSP sources and described the control equipment installed and indicated the control efficiency. The conclusion was that these controls are required by existing state and local regulations which represent RACT on TSP sources.

The Missouri Air Conservation Commission (MACC) adopted rules for the eleven (11) Group I Volatile Organic Compound (VOC) sources as representing RACT. These rules apply only in the St. Louis and Kansas City ozone nonattainment areas. EPA review of the VOC source regulations is based on the information contained in the Control Techniques Guidelines (CTGs). The CTGs provide information on available air pollution control techniques and provide recommendations of what EPA calls the "presumptive norm" for RACT. As discussed in the October 25, 1979, **Federal Register** (44 FR 61384), the EPA believes the submitted regulations are consistent with the CTGs, except as noted below. Those regulations not discussed are approved as representing RACT.

(a) Rule 10 CSR 10–2.210, Control of Emissions from Solvent Metal Cleaning, applies to the Kansas City ozone nonattainment area; and Rule 10 CSR 10–5.300, Control of Emissions from Solvent Metal Cleaning, applies to the St. Louis ozone nonattainment area.

The EPA proposed to approve the solvent metal cleaning regulations for the Kansas City and St. Louis ozone nonattainment areas on October 25, 1979 (44 FR 61384), because the state demonstrated to EPA that those rules control emissions within five percent of the emissions allowed by the CTG recommendation.

One commentor expressed the belief that EPA must disapprove that part of the Missouri 10 CSR 10–2.210 and 10 CSR 10–5.300 which exempt methylene chloride and methl chloroform pursuant to the concern expressed in the October 25, 1979, proposed rulemaking.

Early in the SIP revision process, the EPA expressed its concern to the State of Missouri over the exemption of methylene chloride and methyl chloroform and recommended that the exemptions be removed. The MACC rejected this recommendation because EPA is unable to show that these substances are in fact health hazards and do indeed impact on stratospheric ozone. The MACC indicated that when the EPA adopted regulations prohibiting or restricting the use of these substances, they would act to remove the exemptions on methylene chloride and methyl chloroform.

While the EPA is concerned about the possible effects upon the stratospheric ozone layer and health implications resulting from unrestricted use of methylene chloride and methyl chloroform, these compounds are classified as nonreactive and do not have a role in ambient ozone formation. Control of the use of these compounds will not provide improved ambient ozone levels. For this reason, the EPA VOC policy must allow exemption of these compounds.

Action

The EPA approves Rule 10 CSR 10–2.210 and Rule 10 CSR 10–5.300 as representing RACT in the Kansas City and St. Louis ozone nonattainment areas.

(b) Rule 1 CSR 10–2.220, Liquid Cutback Asphalt Paving Restricted, is applicable in the Kansas City ozone nonattainment area and Rule 10 CSR 10–5.310, Liquid Asphalt Cutback Asphalt Paving Restricted, is applicable in the St. Louis ozone nonattainment area. The Missouri regulations define cutback asphalt as containing seven percent diluent. This is consistent with EPA guidance. On October 25, 1979 (44 FR 61384), the EPA proposed to approve these rules.

One commentor expressed the opinion that these rules were not representative of RACT because of the exemptions for pothole filling contained in these rules.

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The state has demonstrated to the EPA that emissions reductions anticipated because of these asphalt regulations are within five percent of that obtainable by following the CTG recommendations, considering the exemptions.

Action

The EPA approves Rule 10 CSR 10–2.220 and Rule 10 CSR 10–5.310, Liquid Asphalt Paving Restricted, applicable in Kansas City and the metropolitan St. Louis area as representing RACT for those areas.

(c) Rule 10 CSR 10–2.260 and Rule 10 CSR 5.220, Control of Petroleum Liquid Storage, Loading, and Transfer, are applicable in Kansas City and the St. Louis metropolitan area respectively.

Section (2) of 10 CSR 10–5.220 requires floating roof tanks for liquids having a vapor pressure of 1.8 psia at 70 degrees Fahrenheit. The CTG recommended 1.5 psia at storage conditions. In the October 25, **Federal Register** (44 FR 61384), the EPA proposed to conditionally approve this regulation if the state could demonstrate that emissions resulting from their regulation would be within five percent of that allowed by the CTG recommendation. The only tank in the St. Louis ozone nonattainment area which would be subject to the CTG recommendation is found to have VOC emissions of approximately 470 tons per year. Application of the CTG recommendation would control an estimated 15 tons per year additional VOC emissions.

The state has adequately demonstrated that existing emissions from this fixed roof tank are within five percent of the CTG recommendation.

Action

The EPA approves Section (2) of Missouri Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer.

In the October 25, 1979, **Federal Register** (44 FR 61384) the EPA proposed to conditionally approve Rule 10 CSR 10–2.260 provided the state could show that allowable emission would be within five percent of the CTG recommendation. The limits of Section (2) of 10 CSR 10–2.260 are the same as Section (2) of 10 CSR 10–5.220 as discussed above. Missouri's rationale for adopting the limit for Kansas City was to have the rules for St. Louis and Kansas City consistent. In a letter dated January 28, 1980, the MDNR committed to amend 10 CSR 10–2.260 to agree with the CTG or enter into enforceable compliance orders to assure that the recommended limits are met. The state also committed to submitting such changes as a SIP revision.

Section (3) of Rule 10 CSR 10–2.260 and Rule 10 CSR 10–5.220 requires vapor recovery systems at gasoline terminals to control VOC emissions during gasoline loading operations. These rules applicable in the Kansas City and St. Louis ozone nonattainment areas respectively allow emissions of 0.50 grams of VOC per gallon of gasoline loaded. The CTG recommends 0.30 grams VOC per gallon of gasoline loaded.

During the comment period on the proposed rulemaking, the state submitted information regarding 10 CSR 10–5.220 stating that this rule for the St. Louis metropolitan area was adopted in early 1977 prior to the enactment of the Clean Air Act Amendments of 1977.

The state's work to develop this rule began in 1976 prior to EPA guidance recommending limits for petroleum storage, loading and transfer. The regulations for St. Louis required sources subject to the rule to submit plans for control by February 1, 1977, initiate on-site construction by February 1, 1978, and be in compliance by July 1, 1978. This regulation was submitted to the EPA as a SIP revision on August 28, 1978, but was not proposed for action until October 25, 1979 (44 FR 61384). Controls required by 10 CSR 10–5.220 have been installed and are presently in operation.

The state has indicated that the additional cost of achieving the lower emission limit may be significantly greater than the cost of meeting the state's limit of 0.5 gram per gallon with only a small increase in VOCs controlled. Such costs might not be economically reasonable and could be a factor in determining RACT for the St. Louis area. The EPA recognizes the difficulty in requiring more stringent controls than those which have already been installed. Nevertheless, the EPA cannot approve the state's higher emission limit without further justification. The state has agreed either to provide adequate economic justification for accepting its regulation or to change the regulation to be consistent with the CTG recommendation.

Action

The EPA conditionally approves Section (3) of 10 CSR 10–5.220 as RACT for the St. Louis ozone nonattainment area provided that by March 15, 1981, the state submits a revision to this regulation which contains limits that agree with the CTG recommendation or provides adequate economic justification to show that its rule represents RACT.

Missouri Rule 10 CSR 10–2.260, Section 3 requires controls to limit VOC emissions during gasoline loading at terminals in Kansas City to 0.50 gram per gallon of gasoline loaded. The CTG recommended 0.30 gram per gallon of gasoline loaded. On October 25, 1979, (44 FR 61384) the EPA proposed to conditionally approve this regulation provided that the state show that this regulation would control VOC emissions to within five percent of that recommended by the CTC.

The rationale used by the State of Missouri in the July 2, 1979, submittal and in comments on the October 25, 1979, proposed rulemaking was that the state desired to have consistent regulations in Kansas City and St. Louis.

Missouri Rule 10 CSR 10–2.260 does not agree with the CTG guideline for allowable emission from gasoline transfer operations at gasoline terminals. The state has not provided information showing that the regulation agrees within five percent of the CTG recommendation or otherwise represents RACT. The EPA cannot at this time approve Section (3) of rule 10 CSR 10–2.260 as representing RACT. The state has agreed to change the emission limit to agree with the CTG or enter into enforceable compliance orders to assure that the CTG recommended limits are met, and to submit such changes as SIP revisions.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs includes RACT requirements for VOC sources covered by the CTGs EPA issued by January 1978 and schedules to adopt and submit by each successive January additional RACT requirements for sources covered by CTGs issued the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980, to July 1, 1980, by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Missouri plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980, (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action. While EPA proposed to conditionally approve the ozone portion of the SIP based on the above requirements, today's action in adding these requirements provides assurance that the regulations will be submitted within the specified time frame.

Action

The EPA conditionally approves Missouri Rule 10 CSR 10–2.260 as part of the Part D plan revision for the Kansas City ozone nonattainment area, provided that the state submits a revision to this regulation which contains limits that agree with the CTG recommendations or submits enforceable compliance orders which assure that the CTG recommended limits are met. These revisions shall be submitted to the EPA as SIP revisions by February 1, 1981.

(d) Rule 10 CSR 10–2.230, Control of Emissions from Industrial Surface Coating Operations, and rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, are applicable in the Kansas City and St. Louis ozone nonattainment areas, respectively. The EPA proposed to conditionally approve these regulations in the **Federal Register** on October 25, 1979 (44 FR 61384), provided that the state amend the emission limit for the Corvette assembly line and demonstrate that the effective dates for can coating represent compliance as expeditiously as practicable. This condition was proposed because the state had not provided justification for emission limit on the Corvette plant or for the time frame allowed for meeting the can coating emission limit. The proposal did not expressly state that the regulation could be approved, if the state provided adequate justification. However, this was implied by the discussion of this plan deficiency, also the proposed rulemaking solicited comments whether the plan should be approved, conditionally approved or disapproved. The EPA received no comment that the regulation should not be approved.

During the 30-day comment period, the state and General Motors provided information justifying the emission limit at the Corvette assembly plant. The state also provided information showing the compliance date for can coating is as expeditious as practicable. General Motors stated that the CTG recommended emission limit was based upon automobile bodies made of steel, whereas the Corvette body is a fiberglass reinforced plastic. The CTG recommended limit is based upon the use of corrosion resistant primer coats and high solids (low volatile) finishing coats. Since the Corvette body is plastic and noncorrosive, such prime coats are unnecessary. In addition, low volatile paints require high temperature baking to dry and cure. The plastic material in the Corvette body softens at temperatures normally associated with paint baking ovens; thus, lower temperatures are required for paint curing. The EPA believes that under these circumstances the emission limit adopted by the MACC represents RACT for the Corvette assembly plant.

The state provided documentation which demonstrated that can coating materials would not be available for use by the can manufacturers, so that an earlier compliance is not practicable. The EPA believes the compliance date adopted by the MACC is as expeditious as practicable. The EPA believes these rules should be approved.

Action

The EPA approves Rule 10 CSR 10–2.230 and Rule 10 CSR 10–5.330 as representing RACT in the Kansas City and St. Louis ozone nonattainment areas.

(e) The proposed rulemaking on October 25, 1979 (44 FR 61384) proposed approval of other regulations adopted by the MACC. These regulations provide for more stringent controls for visible TSP emissions, TSP mass emission rates, and sulfur dioxide emissions from indirect heating sources, i.e., steam generators.

Included with the July 2, 1979, plan submittal were variances (compliance schedules) which the Missouri Department of Natural Resources requested EPA to take action on at the same time as the Part D plan revision. These variances were not specifically mentioned in the October 25, 1979, proposed rulemaking (44 FR 61384).

During the comment period on the proposed rulemaking, one commentor observed the omission of the variances from the PRM, and urged that EPA not defer action, especially the variance affecting the company he represented.

At the time of the July 2, 1979, submittal from the state, the SIP revision request was incomplete. The transmittal letter stated that the additional material would be submitted at a later date. At the time of the original submittal, the EPA was not provided copies of the hearing transcript and strategy demonstration; thus a complete review could not be made at the time the SIP was submitted.

These variances were reviewed during the comment period on the Part D plan. Action will be proposed on these variances in the **Federal Register** in the near future.

Action

The EPA approves the following revised emission regulations adopted by the State of Missouri:

(1) Rule 10 CSR 10–5.030 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating;

(2) Rule 10 CSR 10–5.090 Restriction of Emission of Visible Air Contaminants;

(3) Rule 10 CSR 10–5.290 More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis area; and

(4) Rule 10 CSR 10–2.040 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.

Regulations not specifically discussed in this section are approved as representing RACT.

(5) *Reasonable Further Progress (RFP).* Section 172(b)(3) of the Act requires the state to demonstrate that it will make reasonable further progress toward attaining the standard by specified dates, including emission reductions which can be achieved by the application of RACT.

In the October 25, 1979, **Federal Register** (44 FR 61384) the EPA proposed to approve the overall Missouri plan as demonstrating reasonable further progress. The rationale for the proposal was that the State had shown incremental emissions reductions anticipated through application of RACT and other regulations and nontraditional source controls.

Comments concerning the RFP demonstration have been addressed in Section (1) which discusses attainment of the primary TSP standard in St. Louis and Kansas City.

One commentor stated that the incremental reductions claimed because of the transportation control measures are unwarranted because of the absence of firm commitments.

The EPA recognizes that the plan submittal contained inadequate commitments to schedules for obtaining the CO and ozone reductions claimed. The deficiencies are minor and the transportation control measures are conditionally approved. A detailed response is found in Section (13) Attainment Dates and Extensions.

The commentor stated that there is nothing in the TSP plan for Kansas City to account for the emissions reduction claimed between 1979 and 1980.

The plan to attain the primary TSP standard shows that one major source of TSP emissions will be in compliance during that time period, and is a large portion of the 1982 projected TSP emissions reductions. The EPA believes

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the RFP demonstration in the plan is adequate and satisfies the requirements of Section 172(b)(3) of the Act.

Action

The EPA approves the Missouri plan as satisfying the requirements of Section 172(b)(3) of the Act.

(6) *Emission Inventory.* The Missouri plan revision contains emissions inventories as required by Section 172(b)(4) of the Act. The EPA received no comment on EPA's proposal to approve this portion of the Missouri plan.

On October 25, 1979 (44 FR 61384) the EPA proposed to approve the Missouri plan as meeting the requirements of Section 172(b)(4).

Action

The EPA approves the plan as meeting the requirements of Section 172(b)(4) of the Act.

(7) *Emission Growth.* Section 172(b)(5) requires the plan to expressly identify and quantify the emissions, if any, which will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

On October 25, 1979 (44 FR 61384) the EPA proposed to approve the Missouri plan as satisfying the requirements of Section 172(b)(5) of the act.

One commentor expressed concern over the growth allowance for VOC's that the State of Missouri provided for the Missouri portion of the St. Louis metropolitan area, as compared to the allowance for the Illinois portion of the area. The reason for this concern is that the State of Illinois elected to use 1978 air quality data upon which to base its ozone plan for the Illinois portion of the St. Louis area. Missouri used the EPA guidance which recommended 1975 through 1977 air quality data as a basis for a strategy design, but permitted use of 1978 data where available. Utilizing 1977 air quality data, a 50 percent reduction in VOC emissions will be required to attain the ozone standard.

The Missouri plan provides for a total annual growth for VOC emissions of approximately 1,700 tons per year from 1980 through 1987 for a total of 10,000 tons, for stationary sources during this period. This annual growth includes new and existing sources. The State will track this growth using the existing permit system. Should the tracking system project an exceedance of the annual increment, new or modified sources would be required to employ offsetting emissions.

The St. Louis AQCR includes three counties in Illinois. The plan for the Illinois portion of the St. Louis Metropolitan area uses 1978 ozone air quality data as the basis for the estimated VOC reductions needed to meet the ozone standard. The Illinois analysis projects the need for a reduction of 54 to 60 percent in VOC emissions to attain the ozone standard. The Illinois plans would require major new sources to seek emission offsets.

The State of Missouri is required by Section 172(c) to prepare a plan revision for attainment of the ozone and carbon monoxide standards for the St. Louis area, and submit the revised plan to the EPA by July 1, 1982. The plan revision will use current air quality data to gauge the amount of growth allowable for St. Louis.

Action

The EPA approves the Missouri plan as satisfying the requirements of Section 172(b)(5).

(8) *Permit Requirements.* Section 172(b)(6) requires plans to have a permit program for the construction and operation of new or modified stationary sources in accordance with the permit requirements of Section 173.

The State's submittal demonstrates that the MACC has authority to issue permits to construct and operate, and commits to requiring the lowest achievable emission rate where necessary. Legislation was adopted granting the MACC the necessary legal authority to comply with the requirements of the Clean Air Act. However, any regulations which may have been promulgated to comply with Section 173 were not submitted with the July 2 SIP revisions. In the October 25, 1979, **Federal Register** (44 FR 61384), the EPA suggested four options for final action on this portion of the Missouri plan and requested comments on these options or other possible options which may have been overlooked. No specific action was proposed.

The options discussed in the proposed rulemaking are:

Option A. Disapprove the plan with respect to the requirements of Section 172(b)(6) and Section 173;

Option B. Conditional approval of the plan with respect to the permit requirements;

Option C. Delay approval until the appropriate regulations are adopted and submitted to EPA for approval; and

Option D. Under Section 110(c), promulgate plan provisions for Missouri tracking the language of Section 173.

The EPA received three comments regarding action on the permit requirement plan deficiency. One commentor supported Option D as a means of preventing unnecessary delays in new construction. The State of Missouri supported Option B in its comments because a revised permit regulation was being developed.

A third commentor stated that they could not conceive what legally enforceable certification the State of Missouri might be able to provide so that conditional approval was possible. This commentor supported any of the other three options as appropriate.

In the discussion of conditional approval in the proposed rulemaking (Option B, 44 FR 61384) the EPA expressed a concern that the state may be unable to legally prevent construction or modification (in a nonattainment area) of sources not in compliance with Section 173. The EPA also stated that conditional approval could *only* be granted if the state provides a certification demonstrated to be legally enforceable that it will not issue permits to sources which do not meet the requirements of Section 173. The State of Missouri has not provided the necessary certification that would allow conditional approval.

Promulgation of regulations tracking the language of Section 173 as suggested in Option D would allow growth to continue in the nonattainment areas under EPA regulation. After the state adopts and the EPA approves state regulations pursuant to Section 173, the EPA would withdraw its new or modified source permit requirements for nonattainment areas.

On March 7, 1980, the Missouri Air Conservation Commission adopted regulations to satisfy the requirements of Section 172(b)(6) that the state have a permit program consistent with the requirements of Section 173. The regulations also provide for a program that requires new or modified major sources of VOC and/or carbon monoxide to comply with the alternative siting requirements of Section 172(b)(11)(A).

In this rulemaking the EPA is taking no final action on the Missouri SIP revision with respect to the requirements of Sections 172(b)(6), 172(b)(11)(A) and 173. The growth restrictions remain in effect for nonattainment areas in the state until final action is taken on the promulgated regulations. EPA's proposed action on the Missouri regulations is being published in a separate **Federal Register** notice.

Action

The EPA is taking no final action on the Missouri plan with respect to the Part D permit requirements of the Act.

(9) *Resources.* Section 172(b)(7) requires the state to identify and commit the financial and manpower resources necessary to carry out the plan provisions.

On October 25, 1979 (44 FR 61384) the EPA proposed to approve the Missouri SIP as satisfying the requirements of Section 172(b)(7).

The state plan identified and made a commitment to provide the necessary resources to carry out each portion of the plan. On October 25, 1979 (44 FR 61384) the EPA proposed to approve the Missouri plan as satisfying the requirements of Section 172(b)(7) of the Act. EPA received no comments on the resource commitments contained in the Missouri Part D plan revision.

Action

The EPA approves the Missouri plan as satisfying the requirements of Section 172(b)(7).

(10) *Schedules.* Section 172(b)(8) requires emission limitations, schedules of compliance and other measures as may be necessary to meet the requirements of Section 172.

The Missouri plan contains emission limits to meet the requirements of Section 172. These emission limits are contained in new and revised emission control regulations which are being approved by this rulemaking.

Action

EPA approves the Missouri plan as satisfying the requirements of Section 172(b)(8) of the Act.

(11) *Public, Local Government and Legislative Involvement.* Section 172(b)(9) requires evidence of involvement and consultation of the public, local government, and the state legislature in the planning process. The section also requires an identification and analysis of various effects of the plan and a summary of public comments on the analysis.

The Missouri submission demonstrated involvement of the public and local government with hearing transcripts and letters from local government officials commenting on the Missouri plan. On October 25, 1979, the EPA proposed to approve the Missouri plan as satisfying the requirements of Section 172(b)(9).

The EPA received no comments from the public regarding the state's effort to seek involvement of the general public, local government officials and the state legislature during the plan development process.

Action

The EPA approves the Missouri plan as satisfying the requirements of Section 172(b)(9) of the Act.

(12) *Commitments.* Section 172(b)(10) requires written evidence that all necessary measures have been adopted as legally enforceable requirements, and that agencies responsible are committed to their implementation and enforcement. For some types of measures, EPA interprets the Act as allowing approval of plans containing schedules for adoption and submittal of these measures (44 FR 20372, April 4, 1979).

The Missouri submittal contains written evidence of adopted requirements, assurances and commitments that the plan will be implemented and enforced. The state has made adequate commitments in all parts of the revised plan, except with regard to the transportation and the inspection and maintenance plans for St. Louis. This deficiency is discussed completely in Section (13) below.

On October 25, 1979 (44 FR 61384), the EPA proposed to approve the Missouri plan as satisfying the requirements of Section 172(b)(10).

Action

EPA approves the Missouri plan with respect to commitments required by Section 172(b)(10) of the Act except as stated in the discussion under the requirements of Section 172(b)(11).

(13) *Attainment Dates and Extensions.* The requirements of Section 172(b)(11) are applicable only in the case of ozone and carbon monoxide nonattainment areas if the state demonstrates that attainment of the standard is not possible for one or both pollutants prior to December 31, 1982. In such case, an extension may be granted until December 31, 1987, but the plans must meet the requirements of Section 172(b)(11)(A), (B) and (C).

The state has demonstrated that the ozone standard can be attained by December 31, 1982, in Kansas City. The state submittal for attainment of the carbon monoxide and ozone standards in St. Louis shows that an extension until December 31, 1987, will be needed for both pollutants. Application of RACT to stationary sources, the Federal Motor Vehicle Emission Control Program, and reasonable transportation control measures are not adequate to provide for attainment of the ozone and carbon monoxide standards by December 31, 1982, in St. Louis. The EPA proposed to conditionally approve the Missouri plan with respect to the requirements of Section 172(b)(11) provided certain specified deficiencies are corrected. These deficiencies are discussed below in subparagraphs (a), (b), and (c).

Action

The EPA approves Missouri's request for an extension to attain the carbon monoxide and ozone standards in St. Louis to not later than December 31, 1987.

Because EPA approves the request for an extension to meet the carbon monoxide and ozone standards in St. Louis, the Missouri SIP must meet the requirements of Section 172(b)(11).

(a) Section 172(b)(11)(A) requires that the State establish a program which provides for an analysis of alternate sites, sizes, production processes and environmental control techniques for any new or modified source prior to issuance of a permit for such source to be located in the nonattainment area.

The state certified that it will not issue any permits for any construction or modification prior to the performance of such analysis. On October 25, 1979 (44 FR 61384) the EPA proposed to conditionally approve the plan as satisfying the requirements of Section 172(b)(11)(A) provided the state certified that no permits would be issued without the analyses specifically required by Section 172(b)(11)(A) for ozone and carbon monoxide nonattainment area.

Because of the reasoning applied in Paragraph (8) above concerning permits required by Sections 172(b)(6) and 173, the EPA believes that conditional approval is not appropriate at this time.

As discussed in Paragraph (8) above, the Missouri Air Conservation Commission on March 7, 1980, adopted regulations to satisfy the requirements of Section 172(b)(11)(A). A notice of proposed rulemaking will be published in the **Federal Register** in the near future.

Action

The EPA is taking no action in this notice on the Missouri plan with respect to the requirements of Section 172(b)(11)(A).

(b) Section 172(b)(11)(B) requires that the plan provisions shall establish a specific schedule for implementation of a vehicle emissions control inspection and maintenance (I/M) program.

I/M refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Enforcement can be accomplished by requiring proof of compliance in order to purchase license plates or to register a vehicle. In certain cases a windshield

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sticker system can be used, much like many safety inspection programs.

Section 172 of the Clean Air Act requires that SIPs for states which include nonattainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases, Section 172(b)(11)(B) must be satisfied.

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20372). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

(1) *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the I/M program. (Section 172(b)(10)).

(2) *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10)).

(3) *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7)).

(4) *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

(5) *Program Effectiveness.* As set forth in EPA guidance an I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which requires that the plan provisions shall provide for the implementation of all reasonably available control measures.

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are committed to implement and enforce the appropriate elements of the plan (Section 172[b][10]). Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required (Section 172(b)(11)(B)). The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable, an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions by the end of calendar year 1987. The Act mandates "implementation of all reasonably available control as expeditiously as practicable". (Section 172[b][2]). At the time of passage of the Clean Air Act Amendments of 1977, several I/M programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not previously undergone I/M. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program. Depending on program type (private garage or centralized inspection), a mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

In its SIP, Missouri included provisions for an I/M program. The SIP stated that the particular I/M program scheduled for implementation would require a 30% stringency factor, mechanic training, and no exemptions for any class of vehicles. Three alternative exhaust emissions reduction demonstrations, based on the above I/M commitment, were prepared by the St. Louis metropolitan planning organization, East-West Gateway Coordinating Council, and included in the SIP. The demonstrations were based on the use of Mobil I Source Emissions Model for carbon monoxide and hydrocarbons and indicated that a 25% reduction in exhaust emissions could be achieved by December 31, 1987, thus complying with EPA's requirement for minimum emission reductions.

The SIP also included a copy of amended Sections 307.360, 307.361 and 307.365 of the Missouri Revised Statutes, the legislation passed by the General Assembly and signed into law by the Governor on August 2, 1979, providing legal authority for I/M in Missouri. The legislation requires the implementation of a mandatory I/M program to begin no later than December 31, 1982, nor earlier than July 6, 1981. Enforcement of the I/M program will be tied to the safety inspection program, which is necessary for registration, annual license plates, and an annual expiration window sticker. The Missouri Air Conservation Commission, with the assistance of the Missouri State Highway Patrol (MSHP) is to conduct an I/M pilot study and, based on results, design a recommended I/M program and report to the General Assembly in December 1980. This report is to include the type of I/M program to be implemented, a starting date, stringency factor, vehicle mix, consumer

costs and protection, administrative costs and procedures, program effectiveness, and cost-benefit analysis.

Two comments were received regarding the I/M program for Missouri. The first commentor expressed the opinion that it is premature for the state to adopt a legally enforceable schedule for mandatory implementation of I/M until after the General Assembly reviews the MACC's report to it in December 1980, and that it is premature for the state to select a final stringency factor and vehicle mix.

The EPA agrees that the state may be unable to provide a definite schedule for implementing a mandatory I/M program. However, the EPA believes that the state has sufficient data upon which to base a series of options for presentation to the General Assembly, any one of which would be capable of providing an approvable mandatory I/M program. Such options were not addressed in the final plan submitted on July 2, 1979. The state did make a commitment to develop an approvable schedule. The absence of a schedule is a plan deficiency which must be corrected if the plan is to be approved. If there had been *no* commitment, EPA could not have proposed conditional approval.

The SIP provided I/M program alternatives which showed that a minimum of 25% reduction of carbon monoxide and VOC emissions could be achieved by December 31, 1987. During the comment period, the state said it could not select a final stringency factor and vehicle test mix within six months of the final rulemaking. The state has not indicated that the condition is unreasonable, nor have they suggested an alternate time limit. The EPA believes the 25% reduction is the minimum necessary to demonstrate reasonable further progress for the I/M program, which is contained in the SIP, and that the state has the necessary legal authority to make such a commitment.

The second commentor, representing a national environmental organization, observed that the Missouri I/M program is qualified by certain ill-defined conditions and does not contain a specific schedule for implementing the I/M program.

The EPA concurs with the commentor regarding the conditions contained in Missouri's enabling legislation and schedule. EPA's response to this comment is the same as that stated above regarding schedules.

The MACC and the Missouri State Highway Patrol are to develop a pilot program leading to mandatory I/M program by December 31, 1982. Citizen participation in the I/M program may not be mandatory prior to the 180th day following the convening of the 81st General Assembly First Session without specific legislative authorization and until the governor certifies that Illinois and/or Kansas have instigated an equally effective mandatory I/M program or that EPA is applying "effective and sufficient sanctions" for failure of these states to have such a mandatory program in the appropriate areas.

The following actions are available to the EPA if a state fails to meet the requirements of Part D of the Clean Air Act:

(1) Denial of clean air grants;

(2) Denial of grants under Title 23, U.S. Code;

(3) Denial of permits for the construction and operation of new or modified stationary sources; or

(4) Federal enforcement action.

The EPA believes that any or all of the above actions would be "effective and sufficient sanctions" as stated in the Missouri legislation. This legislation requires the Governor of Missouri to (1) determine that the imposition of any of the above actions is effective and sufficient, or (2) reasonably determine that Illinois and/or Kansas has implemented an equally effective program. This action is necessary for the state to meet the requirements of Part D of the Clean Air Act.

ACTION: EPA conditionally approves the Missouri SIP as meeting the requirements of Section 172(b)(11)(B) of the Act provided the following deficiencies are corrected:

1. The state must develop a schedule, including alternatives which will be followed to instigate a mandatory I/M program. The schedule shall contain the major milestones the EWGCC, MDNR and/or MSHP will accomplish to implement the alternative I/M programs considered, for which air quality benefit credits have been taken. This schedule shall be submitted as part of the SIP by August 31, 1980.

2. The state shall report to EPA no later than December 1, 1980, the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification which General Assembly will review.

(c) Section 172(b)(11)(C) requires the plan to identify other measures necessary for attainment of the air quality standard. This includes transportation control measures as specified in Section 110(a)(3)(D).

The EWGCC is the designated lead planning agency for the St. Louis metropolitan area and has the required legal authority to develop transportation plans. The Missouri SIP includes transportation measures which provide for an estimated 6.45% reduction in emissions by December 31, 1982. These transportation measures were developed by EWGCC for inclusion in the Missouri SIP. They include improved mass transportation, carpooling, van pooling, improving average vehicle speed, and traffic flow improvements. The SIP revision establishes annual goals for achieving emission reductions from each of these five classes of transportation measures. However, the plan does not establish specific strategies for achieving these reductions. The transit Development Plan is cited as the means for increasing ridership by 50%, but no commitments to fund and implement the plan are provided. Similarly, specific strategies and commitments for achieving the other transportation-related emission reductions are not included.

As originally submitted, the Missouri SIP included the Transportation Improvement Program (TIP) for the St. Louis area. Many of the projects included in the TIP are standby measures which are unlikely to be funded in the immediate future. In the proposed rulemaking, the EPA cited this deficiency (44 FR 61395). As a result, the EWGCC submitted to the state a revised list of TIP projects which are likely to have air quality benefits. On January 28, 1980, the state submitted this revised list of currently programmed transportation projects to the EPA with a schedule for completion of an air quality analysis. Upon completion of this analysis, the state must submit for inclusion in the SIP, documentation of emission reductions to be achieved by these projects and implementation schedules and commitments from appropriate implementing agencies.

EWGCC is currently operating under an approved work program funded under Section 175 of the Act. This work program provides a schedule for analysis of alternative transportation strategies, carbon monoxide dispersion modeling, and commits EWGCC to seek commitments to specific transportation measures after the analysis. The work program also commits EWGCC to an assessment of the health, air quality, economic, energy and social impacts of the transportation strategies. This assessment is required by section 172(b)(9).

The Air Quality Advisory Committee (AQAC) of EWGCC has commented on the requirement to obtain commitments to transportation measures. AQAC has noted that EWGCC cannot demonstrate the air quality benefits of projects in the TIP until implementation of the carbon

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monoxide dispersion model. However, AQAC does commit EWGCC to seek commitments to specific projects and measures from the responsible jurisdictions. Exception was taken to providing commitments within three months. The State of Missouri concurred in these comments. However, in a letter to U.S. EPA, Region V, in response to the proposed rulemaking for the Illinois SIP, EWGCC agreed to provide commitments to specific transportation measures after the analysis of alternatives, but no later than January 31, 1981.

Another commentor has noted deficiencies in the transportation portion of the SIP. The Natural Resources Defense Council points out that the plan does not include commitments to implement transportation control measures, does not establish schedules nor certify that the responsible agencies have agreed to implement specific measures and does not commit to implement public transportation improvements basic to the needs of the St. Louis area.

EPA believes that the Missouri SIP is deficient in addressing transportation control measures for the St. Louis area. As presently constituted, the transportation measures for which a 6.45% reduction in emissions is being claimed represent goals and not specific strategies and commitments. Some of these goals, such as the 50% increase in ridership, may not be attained. If the alternatives analysis shows that any or all of these measures cannot achieve these emission reductions, substitute measures will have to be produced which will achieve similar reductions.

It is also EPA's opinion that the state, through EWGCC, intends to secure the required commitments. EPA believes that EWGCC's work program, as funded under Section 175, is adequate to produce an analysis of alternative transportation measures and commitments to specific strategies and that this can be accomplished within the time frame agreed upon by EWGCC and EPA Regions V and VII. Such commitments must be secured by EWGCC no later than January 31, 1981. EWGCC and the state have agreed to provide commitments to specific transportation measures within this time frame.

Although EWGCC is committed to an analysis of alternative transportation measures, EWGCC has not provided a commitment to justify any decision not to adopt difficult control measures. Section 108(f) lists measures which EPA believes are reasonably available. EWGCC must provide such a commitment and a decision not to adopt any of these measures must be justified at the time commitments are provided.

Action

EPA conditionally approves the Missouri plan as meeting the requirements of Section 172(b)(11)(C) of the Act provided the following deficiencies are corrected:

(a) EWGCC shall provide the results of requisite carbon monoxide dispersion modeling committed to in the approved Section 175 work plan by January 31, 1981.

(b) EWGCC shall complete the analysis of alternative transportation measures and secure commitments from the responsible agencies to specific strategies which will attain a 6.45% reduction in emissions. If the alternatives analysis shows that the goals outlined in the SIP cannot be attained, substitute measures and commitments which will achieve the emission reduction shortfall are required. These commitments to specific transportation measures shall be provided no later than January 31, 1981.

(c) EWGCC shall provide by August 31, 1980, a commitment to justify any decision not to adopt difficult control measures.

C. Other Plan Requirements

This section discusses each requirement, other than those of Part D, that a State Implementation Plan must meet in order to be fully approvable under the Clean Air Act, as amended in 1977.

In the October 25, 1979, **Federal Register** (44 FR 61384), the EPA stated that the Missouri SIP revision had not specifically addressed the non-Part D requirements of the Act, and that EPA proposed to take no action regarding the Part D requirements.

One commenter (NRDC) objected to the no action proposal and stated that EPA could not approve a SIP revision until all deficiencies were corrected. EPA's general response to this comment is included in Section D of this notice. With respect to this specific rulemaking, the Missouri July 2, 1979, submittal addressed the basic Part D plan requirements. The EPA agrees that the other plan requirements of the Act must be satisfied for the plan to be totally approved. The proposed rulemaking acknowledged the non-Part D requirements were deficiencies in the Missouri plan. Since these items were not submitted, the EPA proposed to take no action, because there was nothing to act upon. By stating that no action is taken, the EPA is acknowledging that there are still plan deficiencies which must be corrected. The requirements for a fully approvable plan were briefly reiterated in Section B above.

(1) *Interstate Air Pollution.* Section 110(a)(2)(E)(i) requires to plan for a state to contain provisions prohibiting stationary sources within that state from causing violations of standards interfering with measures relating to prevention of significant deterioration of air quality, or interfering with measures to protect visibility in another state. It also requires the plan to contain provisions insuring the compliance with the requirements of Section 126 relating to interstate pollution abatement.

(2) *State Boards.* Section 128 requires that any board or body which approves permits or enforcement orders shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permit or enforcement orders, and requires procedures ensuring that financial interests are adequately disclosed.

(3) *Permit Fees.* Section 110(a)(2)(K) requires a permit fee in connection with any permit required under the Act.

(4) *Consultation.* Section 121 of the Act requires that the state provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials and any federal land managers having authority over land to which the plan applies.

(5) *Stack Heights.* Section 123 of the Act requires that the degree of emission limitation required for control of any air pollution source shall not be affected by so much of a stack height exceeding good engineering practice or any other dispersion technique.

(6) *Public Notification.* Section 127 requires that each state plan shall contain measures to notify the public of instances in which health-related standards were exceeded.

(7) *Prevention of Significant Deterioration.* Section 161 requires each implementation plan to contain emission limitations and other measures to prevent significant deterioration of air quality in each region which is designated attainment or unclassified under Section 107 of the Act.

None of these requirements are expressly addressed in the Missouri SIP revision.

Action

EPA is taking no action on any of the above non-Part D requirements.

D. National Comments

One commentor submitted extensive comments which it requested be considered part of the record for each state plan. Each of the points raised by the commentor and EPA's response follow. Although some of the issues raised are not relevant to provisions in Missouri's submission, EPA is notifying the public of its response to these comments at this time.

1. The commentor asked that comments it has previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979, (44 FR 3274), be incorporated by reference as part of their comments on each state plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commentor objected to general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commentor noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision in *Alabama Power Co. v. Costle,*, 13 ERC 1224 (D.C. Cir., June 18, 1979). In the commentor's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentor believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean area.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modifications," and "potential to emit," and the areas in which NSR applies, govern state plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the **Federal Register** on September 5, 1979, (44 FR 51924), EPA explained its view on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979, proposal addressed some of the issues raised by the commentor. To the extent necessary, EPA will respond in greater detail to the commentors' concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979, proposal, EPA proposed regulations for Part D plans in Section 40 CFR 51.18(j). EPA also proposed, for now, to approve a SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, states will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations.

In some instances, EPA's approval of a State's NSR provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the state to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commentor questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commentor noted, EPA has set forth its proposed bubble policy in a separate **Federal Register** publication (44 FR 3720, January 18, 1979). EPA will respond to the comments on the "bubble" approach in the final "bubble" policy statement.

5. The commentor questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards more expeditously, as well as assure reasonalbe further progress.

The commentor also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The commentor found the discussion in the General Preamble of reasonably available control technology (RACT) for VOC sources covered by Control Technique Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the CTGs. The CTGs provide recommendations to the states for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 53761 (September 17, 1979).

7. The commentor suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commentor questioned EPA's authority to require states to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commentor suggested that if a state fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commentor's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a state fails to submit an approvable Part D plan. *See* 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally-promulgated SIP before the restrictions may go into effect.

Another commentor, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of state boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commentors argued that EPA must secure a state commitment to satisfy the permit fee and state board requirements before conditionally approving a plan under Part D. In those states that fail to correct the omission within the required time, the commentors urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

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To be fully approved under Section 110(a)(2) of the Act, a state plan must satisfy the requirements for state boards and permit fees for all areas, including nonattainment areas. Several states have adopted provisions satisfying these requirements, and EPA is working with other states to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the state board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

E. Changes in the Code of Federal Regulations

The title of § 52.1331 is changed from Requests for two-year extensions to Extensions. This action is taken to provide for extensions requested under the 1977 Clean Air Act and other future extensions as may be required. This is not a significant change and EPA believes no advanced public notice is necessary.

The 1978 edition of 40 CFR Part 52 lists in the subpart for Missouri the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Missouri's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear Congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

F. Conclusion

The Administrator's decision to approve or disapprove the proposed SIP revisions is based upon the determination of whether or not the revisions meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plan.

The revisions submitted by the State of Missouri were proposed in the **Federal Register** and public comments were solicited. Eight letters were received which directly addressed issues relating to the Missouri plan. A ninth comment addressed national SIP policy issues. The major issues in the comment letters are addressed in the appropriate section of this notice. The comments on EPA's national policy are addressed in Section D.

All comments on EPA's proposal are addressed in the support document which is available at the addresses shown at the beginning of this notice.

After a careful evaluation of the state submittal, the public comments received and the additional information and commitments submitted by the state, the Administrator has determined that the actions taken in this notice are necessary and proper.

The actions taken today generally approve the Missouri SIP revision as meeting the requirements of Part D of the Act. No action is being taken on a number of non-Part D requirements. The Part D requirements were discussed in Section C above and include requirements for interstate air pollution, Section 110(a)(2)(E)(i), state boards (Section 128), local government consultating (Section 121), stack height considerations (Section 123), public notification when health related air standards are exceeded (Section 127), and prevention of significant deterioration (Section 161). Action on the plan with respect to the permit requirements for new and modified sources seeking to construct or operate in nonattainment areas (Sections 172(b)(6), 172(b)(11)(A), and 173) is delayed pending EPA final action on regulations adopted by the MACC and submitted to the EPA in accordance with the SIP revision requirements of 40 CFR Part 51. The ozone and carbon monoxide plan for the St. Louis metropolitan area is being conditionally approved pending submission of acceptable transportation improvement plan commitments and the required I/M program elements discussed above (Section C, paragraph 13). The deadlines for submitting the corrected deficiencies are stated in the appropriate action statement and in the regulation portion of this notice.

EPA finds that good cause exists for making these amendments effective immediately for the following reasons:

1. The deferred action on the states permit program to regulate construction of new or modified sources contained in today's action clarifies the status of growth restrictions required by Section 110(a)(2)(I) of the ACT in the Missouri nonattainment areas which became effective July 1, 1979; and

2. The immediate effectiveness enables persons seeking judicial review of the amendments to do so without delay.

Under the Executive Order 12044, EPA is required to judge whether or not a regulation is "significant" and therefore, subject to the procedural requirements of that order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has determined that this is a specialized regulation and not subject to the procedural requirements of Executive Order 12044.

This rulemaking is issued under Sections 110, 172, 173, and 301 of the Clean Air act, as amended.

Dated: March 28, 1980.

Barbara Blum,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52 is amended by adding § 52.1320(c)(15) to read as follows:

Subpart AA—Missouri

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(15) On July 2, 1979, the State of Missouri submitted a plan to attain the National Ambient Air Quality Standards for the Kansas City and St. Louis areas of the state designated nonattainment under Section 107 of the Clean Air Act, as amended in 1977. Included in the plan are the following approved regulations:

(A) Rule 10 CSR 10–2.210 and 10 CSR 10–5.330 Control of Emissions from Solvent Metal Cleaning are approved as RACT;

(B) Rule 10 CSR 10–2.220 and 10 CSR 10–5.310 Liquified Cutback Asphalt Paving Restriated are approved as RACT;

(C) Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage Loading and Transfer (St. Louis) is conditionally approved as RACT;

(D) Rule 10 CSR 10–2.260 Control of Petroleum Liquid Storage Loading and Transfer (Kansas City) is conditionally approved;

(E) Rule 10 CSR 10–5.030 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(F) Rule 10 CSR 10–5.090 Restriction of Emission of Visible Air Contaminants is approved as RACT;

(G) Rule 10 CSR 10–5.290 More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in South St. Louis is approved as RACT;

(H) Rule 10 CSR 10–2.040 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(I) Rule 10 CSR 10–2.240 Restriction of Emissions of Volatile Organic Compounds from Petroleum Refinery Sources is approved as RACT;

(J) Rule 10 CSR 10–2.250 Control of Volatile Leaks from Petroleum Refinery Equipment is approved as RACT; and

(K) Rule 10 CSR 10–2.230 and 10 CSR 10–5.330 Control of Emissions from Industrial Surface Coating Operations is approved as RACT.

The following language is added at the end of § 52.1323 to read as follows:

§ 52.1323 Approval status.

* * * * *

* * * Continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each successive January of Additional RACT requirements for sources covered by CTGs issued the previous January. No action was taken with respect to the new source review requirements found in Sections 172(b)(6), 172(b)(11)(A), and 173 of the Act.

Section 52.1324(c) is added to read as follows:

§ 52.1324 General requirements.

* * * * *

(c) *Conditional Approval.* The following portions of the Missouri SIP developed pursuant to Part D of the 1977 Clean Air Act Amendments contain deficiencies which must be corrected within the time limit indicated:

(1) The Missouri plan for St. Louis does not satisfy the requirements of Section 172(b)(11). Approval of the Missouri plan with regard to commitments needed to completely satisfy the requirements for an extension of the attainment date for the ozone and carbon monoxide standards is subject to the conditions that;

(A) the State of Missouri develops and submits to EPA a schedule which includes the alternatives which will be followed to instigate a mandatory I/M program. This schedule shall contain the major milestones that will be met by the state and responsible local agencies in order to implement the alternative I/M programs for which air quality benefits have been taken. This schedule shall be sumitted to the EPA no later than August 31, 1980.

(B) the state shall report to the EPA no later than December 1, 1980, the recommendations regarding the I/M program, stringency factor, vehicle test mix, and program resources and justification provided to the Missouri general assembly for its review.

(C) Approval of the Missouri SIP with regard to the requirements of Section 172(b)(11)(C) of the Act is subject to the conditions that;

(*1*) The MPO shall complete and submit to the EPA the requisite CO modeling contained in the approved Section 175 work plan no later than January 31, 1981;

(*2*) The MPO shall complete the analysis of alternative transportation measures and secure commitments from the responsible agencies to specific strategies which will attain a 6.45 percent reduction in emissions. If the alternative analysis shows that the goals contained in the SIP cannot be attained, substitute measures and commitments which will achieve the emission reduction shortfall shall be required. These requirements shall be satisfied no later than January 31, 1981; and

(*3*) The designated MPO shall provide no later than August 31, 1980, a commitment to justify any decision not to adopt difficult control measures.

(D) Approval of Missouri Rule 10 CSR 10–2.260 for Kansas City is subject to the condition that the state change the regulation to agree with the Control Techniques Guidelines or obtain and submit enforceable compliance orders which assure that the CTG recommended limits are met. These revisions shall be submitted to the EPA as SIP revisions by February 1, 1981.

(E) Approval of Missouri Rule 10 CSR 10–5.220 for St. Louis is subject to the condition that the state change the regulation to agree with the control Technique Guidelines or provide adequate economic justification to show that its rule represents RACT. This revision shall be submitted to the EPA as a SIP revision no later than March 15, 1981.

Section 52.1331 is amended by revising the section heading and adding paragraphs (b), (c), and (d) to read as follows:

§ 52.1331 Extensions.

* * * * *

(b) Missouri's request for an extension until July 1, 1980, to submit plans to attain the secondary TSP and SO_2 standards is approved.

(c) Missouri's request for an extension to attain the ozone standard in the St. Louis metropolitan area to not later than December 31, 1987, is approved.

(d) Missouri's request for an extension to attain the carbon monoxide standard in the St. Louis metropolitan area to not

[1] *See* General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979).

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later than December 31, 1987 is approved.

Section 52.1332 is amended by revising the Table and the Note to read as follows:

§ 52.1332 Attainment dates for national standards

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants [1]
	Primary	Secondary	Primary	Secondary			
Metropolitan Kansas City Interstate	b	e	d	d	d	May 31, 1975	b
Southwest Missouri Intrastate	e	e	d	d	d	d	d
Southeast Missouri Intrastate	d	d	d	d	d	d	d
Northern Missouri Intrastate	e	e	d	d	d	d	d
Metropolitan St. Louis Interstate	b	e	b	e	d	c	c

[1] Hydrocarbons.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52 (1978) § 52.1332.

Only portions of those AQCRs with attainment dates after July, 1975 have new attainment dates under the 1977 Clean Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under Section 107(d) of the Act.

a. July 1975
b. December 31, 1982
c. December 31, 1987
d. Air quality levels presently below secondary standards
e. Secondary standard attainment date to be determined by secondary attainment plan

[FR Doc. 80-10884 Filed 4-8-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[Docket No. 20780; FCC 80-148]

Redefining and Clarifying the Rules Governing Restricted Radiation Devices and Low Power Communication Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order granting in part reconsideration of first Report and Order—Technical Standards for Computing Devices).

SUMMARY: In response to a number of petitions for reconsideration, the FCC, among other things, postponed the effective date of its new rules for personal computers, data processing and similar electronic equipment that use digital techniques. The ORDER also redefines computing devices and exempts several specific types of devices. The new rules are designed to control the interference caused by electronic equipment to radio and TV reception.

EFFECTIVE DATE: May 12, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Art Wall or Herman Garlan, Office of Science and Technology at 202–632–7905.

SUPPLEMENTARY INFORMATION:

Adopted: March 27, 1980.

Released: April 9, 1980 (*See* FR 59530).

By the Commission: Commissioner Lee absent.

1. The First Report and Order in this proceeding adopted new regulations to control the interference caused by digital electronic equipment to radio communications.[1] Adopted on September 18, 1979, the *First Report* (FCC 79–555) was released on October 11, 1979 and published in the **Federal Register** on October 16, 1979 at 44 FR 59530. Thirteen parties filed timely petitions under various titles requesting partial reconsideration of the *First Report*. Eleven parties filed *Oppositions* and comments to the petitions for reconsideration and four parties filed *Replies* to the *Oppositions*. A list of parties filing *Petitions, Oppositions* and *Replies* considered herein is given in Appendix A, attached.

2. The new rules for computing devices were adopted because of the Commission's concern about proliferation of electronic products that interfere with radio and TV reception.[2] Of particular concern in this proceeding are electronic devices that generate and use radio frequency energy for timing and control purposes—defined in § 15.4(m) of the new rules as computing devices. To control the interference potential of these products the Commission established two sets of conducted and radiated limits for computing devices—one set (Class A) for commercial/industrial equipment and a second set (Class B) for electronics products used in the home. The new rules require the manufacturer to insure that each of his products manufactured after July 1, 1980 complies with the appropriate standard.

3. A total of 18 parties filed petitions/comments in the reconsideration phase of this proceeding.[3] Most supported the Commission's concern about the interference potential of electronics devices and the general regulatory approach adopted. Several stated that the new standards are needed and appear reasonable. Most petitioners, however, questioned the Commission's haste in applying the new standards. In particular, 14 of the 18 parties contend that the July 1, 1980 date provides an unreasonably short time to achieve compliance. To insure that compliance can be obtained without placing an unreasonable economic burden on manufacturers, the petitioners stated that up to seven years is needed. Several petitioners claim that they will have to shut down production if July 1, 1980 adherence is required.

4. A number of other concerns were also expressed by the petitioners. Several petitioners argued that the

[1] For convenience, the First Report and Order will be referred herein as *First Report*. The Petitions for Reconsideration, which were filed under various titles (Petition for Reconsideration and Clarification, Petition for Partial Reconsideration, etc.), will be referred herein as *Petitions*. Similarly, Oppositions to the Petitions for Reconsiderations, again filed under various titles, will be referred herein as *Oppositions* and Replies to Oppositions, simply *Replies*.

[2] See paragraphs 10–22 of the *First Report* for a partial discussion of the interference problem.

[3] Five Associations, 12 manufacturers, and one consultant filed a total of 28 pleadings—13 *Petitions*, 11 *Oppositions*, and 4 *Replies*. In addition, the two petitions listed in Section IV of Appendix A, attached, were received late. Since untimely filed petitions cannot be accepted, except under extraordinary circumstances, they are hereby dismissed. *Sonderling Broadcasting Co.*, 64 FCC 2d 731 (1977). As a practical matter, their concerns have already been considered in this *ORDER*.

definitions adopted in the *First Report* were broader than expected and as a result they had not commented in the proceeding. In particular, Atari Corp. and Tandy Corp. provided extensive legal argument why they believe the Notice of Proposed Rule Making in this proceeding did not cover personal computers. Several other petitioners requested exemptions or further rule making action for specific classes of devices. General Electric Co. requested an exemption for electronic equipment operated in an industrial environment. Ford Motor Company (FORD) requested an exemption for electronic equipment in motor vehicles. Hewlett-Packard Company (HP) requested an exemption for test equipment. In addition, a number of petitioners wanted clarifications of the definitions of computing devices. Several petitioners also requested clarifications of labelling requirements and § 2.805 of the marketing rules. Only two petitioners, Atari, Inc. and Association of Maximum Service Telecasters, argue that the adopted standards for consumer products are not adequate to protect radio and TV reception.

5. A discussion of these and other concerns of the petitioners is provided in more detail below. A discussion of the procedural question is provided in paragraphs 22–41, below. Justification for extending the implementation date is given in paragraph 10–21, below. Adequacy of adopted standards is discussed in paragraphs 42–51. Exemptions and applicability of the new standards is discussed in paragraphs 52–65. Changes to the marketing rules is discussed in paragraphs 66–70. Peripherals and subassemblies are discussed in paragraphs 71–77. Finally, a conclusion and summary of the changes to the rules for computing devices is provided in paragraphs 78–80.

Background of Proceeding

6. This proceeding was initiated on April 14, 1976 with the Notice of Proposed Rule Making (*NPRM*) to redefine and clarify the rules in Part 15 governing low power communication devices and the general requirements in § 15.7 for a restricted radiation device.[4] Examples given in the *NPRM*, include: computers, RF power supplies, electronic games, electronic watches, calculators, tape recorders, digital weighting scales, any device incorporating digital techniques, receivers, campus radio systems, carrier current systems, etc. (See chart on page two of the Appendix of the *NPRM*.) All of these devices are considered by the Commission to be subject to the general requirements of § 15.7 for a restricted radiation device. Because of the complex issues and the numerous devices covered by the proposal and because of the immediate need to control the interference from personal computers and other electronic devices, the *First Report* was restricted to computing devices (a specific class of restricted radiation device that generates RF energy and uses digital techniques and may radiate RF energy as an undesired byproduct, leaving other aspects of Docket 20780 for further Commission action. One primary reason for revising § 15.7 is that a number of parties have argued that it doesn't apply to computers and similar electronic equipment.[5] For a more detailed discussion of the reasons for revising § 15.7 see paragraphs 4–9 of the *First Report*.

7. In the *NPRM*, a single limit for all electronic devices was proposed; i.e., for both commercial and consumer devices. In paragraphs 18–20 of the *NPRM*, it was stated that we would consider different standards for commercial equipment. Based on the comments in the record, we relaxed the limits for a computing device used in a commercial environment at the higher frequencies. For a device operated in a residential environment or widely distributed to the general public, the proposed limits were largely retained with a slight relaxation. For discussion of the rationale of these distinctions and limits, see paragraphs 48–55 and paragraphs 63–72 of the *First Report*.

8. Several of the petitioners argued that the *First Report* only addressed the problem of computer interference, especially from personal computers.[6] It was *not* our intent, however, to limit the proposed technical standards and regulations just to computers. The *NPRM* was broader in scope. Interference caused by unintentional emanations from the wide variety of interference producing electronic products that pervade our modern-day life are just as much of a concern as interference from computers. In our opinion, the adopted technical standards for computing devices, with certain exceptions, represent a balanced step between a recognized need to control interference from all digital electronic devices and a recognition of the burden placed on manufacturers to comply with the new rules.[7]

9. The *First Report* adopted a set of limits for digital equipment operated in a residential environment or widely marketed to the general public—called Class B computing devices. A second set of limits were adopted for devices utilized in commercial and industrial areas. The radiated limits for the latter are 10 times more liberal than Class B limits. The two classes were defined in a way which recognizes broad differences in the circumstances in which computers are used. The assumption is that commercial equipment is physically located further away from a susceptible receiver and is thereby less likely to cause interference to such receivers than consumer electronic devices. In addition to technical standards, manufacturers of personal computers, electronic games and devices that attach to a TV Interface device are subject to certification by the Commission.[8] All other Class B devices and all Class A computing devices must be verified by the manufacturer or importer (if imported into the USA) as complying with the FCC Rules prior to marketing of the products pursuant to § 2.801 *et seq.*, of the Rules. Because of their increased interference potential, Class A computing devices must also have a conspicuously placed label advising the operator of this interference possibility. With the exception of devices subject to certification, labelling is voluntary for the remaining Class B devices. We expect manufacturers of Class A computers will voluntarily meet the Class B limits so they can advertise that their products meet the tighter interference limit, and thus they would be able, at their option, to forego the label. Information to the user in the operator's manual is required for both classes of computing devices.

Implementation of New Rules

10. In paragraph 23 of the *NPRM*, the Commission proposed that the rules for a restricted radiation device would become effective six months after adoption. Several commenters to the proposal stated that six months was insufficient time to bring all their various product lines into compliance with the new rules. CBEMA requested two years from the date of adoption of the rules for new products and four

[4] Released April 23, 1976, 41 FR 17938, 62 FCC 2d 866, FCC 76–347.

[5] For example, the Computer Business Equipment Manufacturers Association (CBEMA) has consistenly argued that computers are not subject to § 15.7. (See Section II of their comments to the NPRM filed on June 16, 1977.

[6] For discussion of computer interference, see paragraphs 10–19 of the *First Report*.

[7] For a discussion about the benefits and costs of regulation, see paragraphs 63–72 of the *First Report*.

[8] Certification is an equipment authorization procedure where the manufacturer measures his product and sends a copy of the test report along with an application, etc. to the FCC, pursuant to Subpart J of Part 2 of the Rules. If acceptable, the Commission issues a grant of certification.

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years for equipment currently in production. After a discussion of the problem in paragraphs 43–47 of the *First Report*, the Commission relaxed the six month implementation period to nine months from the date the rules were adopted. Starting with the date October 1, 1979, this meant that computing devices manufactured after July 1, 1980 would have to comply with the new rules.

11. An overwhelming majority of the petitioners claimed that they could not bring all their product lines of equipment into compliance with the new standards by July 1, 1980.[9] A number of additional parties, who did not file timely petitions for reconsideration have also informally indicated in letters to the Commission that they cannot comply with the July compliance date and that they will have to close down production lines if the date is not postponed. The number of parties petitioning for more time illustrates that it is an industry wide requirement.

12. Most of the petitioners argued that the Commission was mistaken in its assumption that manufacturers would be manufacturing their equipment to meet the limits recommended by CBEMA. Moreover, it was pointed out that a large number of manufacturers are not members of CBEMA. Summarizing some of the concern of the electronics industry, GTE stated:

> "In the absence of actual harm, prudent manufacturers competing in the market simply cannot afford to incur these substantial costs until the standards by which they and their competitors will be measured are established. Anticipatory redesign runs the risk both of (i) "under-engineering" and the waste involved in further redesign to comply after promulgation of the standards and (ii) "over-engineering", which can make a products' price non-competitive in the market place. While prudent manufacturers will avoid causing actual harm and will follow proposed new environmental regulations closely, the only effective policy is to avoid extensive testing and redesign, if required, until after the standards are established. In this regard, the Commission should note that the instant proceeding is one of a myriad of similar changing requirements of law with which a manufacturer must comply on a continuing basis." (GTE *Petition*, para. 16)

[9] The following parties requested postponements ranging from six months to seven years: Apple Computer, Inc. (Apple), Control Data Corp. (CDC), General Electric Co. (GE), Northern Telecom Systems Corp. (NTSC), Honeywell, Inc. (Honeywell), Computer and Business Equipment Manufacturers Association (CBEMA), Independent Data Communications Manufacturers Association, Inc. (IDCMA), GTE Service Corp. (GTE), Texas Instruments, Inc. (TI), Hewlett-Packard Co. (HP), Tandy Corp. (Tandy), Communications Division of the Electronic Industries Association (EIA/CD), Northern Telecom, Inc. (NTI), and Northern Telecom Systems Corp. (NTSC).

13. A number of other reasons were also given for postponing the July 1, 1980 date. One was the inability of the Commission to initiate the rule making proceeding to establish the test procedures to determine compliance. The petitioners point to the fact that this rule making has not been released, even though the *First Report* stated the rule making for test procedures would be initiated shortly after the new rules were adopted. While test procedures for measuring radiated and conducted emissions are generally known and a number of test standards have been published, there is still some uncertainty due to the lack of a defined acceptable standard, according to the petitioners.

14. Second, many large manufacturers have literally hundreds of products to test to verify compliance. In most cases, the shear volume of testing will require many more months of testing than we envisioned. Equipment which has been found, after testing, not to comply will require redesign and production line changes, most of which require reordering of parts. According to one manufacturer, testing, redesigning, and reordering for only one production line product will easily consume 18 months. Also parts which are often purchased six to nine months in advance will have to be absorbed if an adequate postponement is not granted. In some cases, the component parts necessary to bring the computing device into compliance are not readily available.

15. Third, it is now becoming apparent that there is a lack of adequately trained test personnel and available instrumentation to test the computing device to determine compliance. With the adoption of the new rules, manufacturers are reportedly experiencing considerable difficulty in acquiring instrumentation and access to test facilities able to do the required testing. Acquisition of a test facility at the manufacturer's plant will also take additional time and money. Several petitioners also claim that additional time will also be necessary to gain approval from Underwriters Laboratories and other government agencies when electrical products are changed.

16. CBEMA, strongly endorsed by TI, H-P, GE, CDC, Honeywell and NTSC, urged the Commission to allow two years for compliance of Class A devices now in the design stage and four years for products already in production or developed to a stage that sales commitments could not be met if redesign is required. Because some products have a production life of longer than four years, CBEMA also asked the Commission to give the Chief Scientist delegated authority to grant waivers for some of the more complex products in this category. Control Data Corp. (CDC) specifically requested a seven year implementation period for existing production line products.

17. Apple and Tandy, both manufacturers of personal computers, petitioned for a minimum of a six and nine month postponement of the new rules, respectively. The delay is needed for many of the same reasons given above, but because the products are self-contained, the time required to achieve compliance is less.

18. AMST was the only party filing an *Opposition* to the extension of time for compliance, urging instead that "demands for more time to comply with the new, relaxed RF emission limits should flatly be rejected." (AMST *Opposition* at 5) This is an unwarranted concern, according to CBEMA, which states:

> "But their position appears to be based on a misconception of the types and magnitude and emanations from computing devices which might cause harmful interference, as well as a misunderstanding of the circumstances under which electromagnetic interference (EMI) controls are presently designed into computing devices." (CBEMA, *Reply*, at 2)

19. The Commission acknowledges most of the reasons for a stay given above. We are particularly sympathetic to the need to finalize the test procedures for determining compliance. These procedures will be published as soon as practical. Interested parties will have an adequate opportunity to comment. Considering this delay, and in recognition of the fact that we desire an orderly transition for equipment not now regulated to equipment but that will be required to meet some minimum standards, the Commission is postponing the effective date of the new rules. Three separate dates are being adopted. For products, such as personal computers, where the potential for interference is high, the effective date is postponed to January 1, 1981. Personal computers and other computing devices subject to certification and manufactured after that date will have to meet the new standards for a Class B computing device. For all other computing devices, they must comply with appropriate standards if first manufactured after October 1, 1981. If placed into production before October 1, 1981, compliance will not be required until October 1, 1983 for subsequently produced production line units.

20. The additional time is granted in recognition of the fact that there have been relatively few cases of interference

actually reported and because of the economic burden the new rules will place on manufacturers of computing devices. Since there are so few documented cases of interference from computing devices, we cannot find, as AMST has requested, that an immediate imposition of the rules is in the public interest, particularly in light of the new information in the *Petitions*. Nor does the request for delegated authority to the Chief Scientist to extend the compliance deadline appear warranted. We intend to adhere to these new dates which have been chosen based on the filings before us, and do not believe there is any need to delegate this authority.

21. The postponement of compliance with technical requirements is longest for Class A and non-certificated Class B equipment. For this equipment we required interim labelling and instructional information from January 1, 1981, until the mandatory effective date for complying with all technical requirements. The required label and information will notify users that the equipment has not been tested for compliance and of the danger of interference to radio communications. Of course, manufacturers of this equipment have the option at any time of verifying that equipment does meet the standards for Class A or Class B and of so labelling the equipment. The interim label and user information serve several purposes. First, they provide users with information on the interference potential of various equipment. Second, they give manufacturers an incentive to bring their equipment into compliance with technical requirements as soon as possible, while allowing them ample time before compliance is mandatory. Third, requiring an interim label on Class A equipment manufactured after January 1, 1981, also the date for requiring compliance and labelling of certificated Class B equipment, removes the incentive for the manufacturer of a computer to attempt classifying the equipment as Class A in order to avoid a labelling requirement.

22. We expect manufacturers to take advantage of this postponement of the new rules and not wait until the 1981 date to begin their implementation. The phasing in of the new rules should offset the initial confusion and costs associated with their adoption. Because of the potential for interference, manufacturers are encouraged to bring their equipment into compliance as soon as practical. Until such equipment complies, the Commission holds manufacturers of both classes of computing devices responsible for correcting any reported cases of harmful interference. The new rules in Appendix B reflect these changes.

Procedural Arguments

23. Atari, Inc. and Tandy Corp. in their petitions for reconsideration questioned the scope of the *NPRM* and whether the procedural safeguards of the Administrative Procedure Act (APA) (5 USC 553) were violated. Atari and Tandy argued that the *NPRM* did not cover personal computers, since personal computers were not in existence in 1976 when the proposal was issued. Both companies provide extensive legal arguments to support their contention that the 1976 proposal did not give them a fair opportunity to comment in the proceeding.

24. The procedural arguments of Atari and Tandy lack merit and are rejected for the reasons given below. Tandy's procedural arguments, as TI noted (TI, *Opposition* at p. 2), appear to be intended to lend support to that company's request for additional time for compliance with the new rules. Atari's arguments, on the other hand, appear to be based on competitive considerations. Even though a number of the arguments presented by both Atari and Tandy have been addressed in the *First Report* and associated Atari pleadings,[10] they are again discussed.

25. Atari's and Tandy's contentions that personal computers were not included in the *NPRM* are clearly at odds with the intent of the proceeding as stated in the *NPRM*. With certain explicitly stated exceptions, the proposed rules applied to a restricted radiation device, which is defined as a "device, system or apparatus which intentionally generates (produces) electromagnetic energy above 10 kHz." (*NPRM*, § 15.4(d)). The definition encompassed virtually all known computers.

Numerous examples of such devices were given in the text and appendix of the proposal to avoid any ambiguity.[11]

26. It is a well settled precedent that a rule making proposal need not contain "every precise proposal which [the agency] may ultimately adopt as a rule." *California Citizens Band Association* v. *U.S.*, 375 F 2d 43, 48–49 (9th Cir. 1967), *cert. denied*, 389 U.S. 844 (1967). Instead, it is sufficient if the notice provides "a description of the subjects and issues involved" in the rulemaking. APA paragraph 4(a), 5 USC § 553(b). The *NPRM* in Docket 20780 met this requirement.

27. Moreover, contrary to Atari's assertion, the Commission never intimated in the *NPRM* that "categories" of computers and consumer products are "mutually exclusive". Indeed, paragraph 17 of the *NPRM* refers only to equipment and provides notice that the Commission would differentiate such equipment by its marketing characteristics. This is precisely what we did in establishing the categories of Class A and Class B computing devices in the *First Report*.

28. Thus, it is clear that the subject of personal computers was encompassed by the *NPRM* as required by the APA. It is not necessary to delineate the specifics of the actual rules as finally adopted. *California Citizens Band Association* v. *U.S. supra, International Harvester Co.* v. *Ruckleshaus*, 478 F. 2d 615 (D.C. Cir. 1973).[12]

29. Atari and Tandy further argue that personal computers could not have been included in the *NPRM* because they did not exist in 1976. This is not supported by the facts. According to a recent article, the personal computer had clearly arrived in 1975 with the introduction of the Altair 8800 computer.[13] Moreover, Apple introduced its personal computer in 1976 and was aware of the relevance of Docket 20780 to personal computers in 1977 (Apple comments to the *NPRM*, April 4, 1979 at 2). Further, it has been estimated that 30,000 personal computers were in place by the end of 1976.[14] That year also saw the staging of several personal computer trade fairs, at least one of which was held prior to the issuance of the *NPRM*.[15] Thus, even though Atari and Tandy may not have introduced their units in 1976, personal computers were being manufactured and sold by others at the time of the *NPRM*.

[10] See for example: *ORDER DENYING STAY* (FCC 79–754) released November 27, 1979.

[11] Examples given in the *NPRM* (page 2 of the Appendix) included: computers, RF power supplies, electronic games, electronic watches, calculators, tape recorders, digital weighting scale, AM receivers, carrier current systems, and any device incorporating digital techniques.

[12] Tandy argues that the case of *American Frozen Food Institute* v. *Train*, 539 F. 2d 107 (D.C. Cir. 1976), requires a notice to mention particularly all entities subject to a proposed rule. Tandy's reliance on this case is misplaced. *American Frozen Food* involved an *NPRM* which proposed regulations for three named pollutants, not pollutants in general. The court refused to uphold the regulation of a fourth, unidentified pollutant. In contrast, the *NPRM* in Docket 20780 identified all restricted radiation devices as subjects of regulation.

[13] John Craig, Editor, *Creative Computing*, December 1979, at 6. *Creative Computing* magazine was started in 1974. Two other personal computing magazines, *SCCS Interface* (now *Interface Age*) and *Byte Magazine*, began in 1975. *Id.*

[14] Ted Nelson, *The Home Computer Revolution* (1977), at 53.

[15] *Creative Computing*, December 1979.

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30. Subsequent to the *NPRM* in 1976, several additional events took place which reaffirmed that the scope of the rulemaking covered personal computers and which gave personal computer manufacturers ample opportunity to supplement the information available to the Commission. Such later events must be considered in evaluating the adequacy of notice. (*Forester* v. *Consumer Product Safety Commission*, 559 F. 2d 774 (D.C. Cir. 1978)). On March 8, 1979, seven months before the regulations were promulgated, the Commission issued a public notice entitled "Six Personal Computers Requested for Testing and Evaluation", mimeo #13224. This notice referenced the Docket 20780 proceeding specifically and announced that the "results of the testing of the six computers * * * will be used as a basis for further action in [Docket 20780]."

31. Further, the public notices of Texas Instruments' petitions for rulemaking and waiver, which referred specifically to Docket 20780, drew extensive comment. In its Petition for Rulemaking, filed February 16, 1979, Texas Instruments noted that Docket No. 20780 referred to computers and stated that Docket 20780 "may result in certification requirements for home computers which include revised RF interference standards * * *" (TI, Petition for Rulemaking, RM 3328 at 9). Texas Instruments filed its petition for a separate rulemaking, however, because it viewed the scope of Docket 20780 as being so broad that the complexity of the proceeding would lead to extended consideration, thus delaying the promulgation of standards, and because the *NPRM* in Docket 20780 did not address stand-alone RF modulators. At the same time, Texas Instruments suggested that the RF limits it proposed could "* * * serve as interim standards pending the resolution of Docket 20780." (*Id.* at 11.) Both Atari and Tandy submitted comments in response to this petition and they did not dispute TI's contention with respect to whether Docket 20780 applied to personal computers. *Cf. Chip Steak Co., Inc.* v. *Hardin*, 332 F. Supp. 1084 (N.D. Cal.), *aff'd* 467 F. 2d 481 (9th Cir. 1972), *cert. denied*, 411 U.S. 916 (1973).

32. The comments in response to the Texas Instruments Petitions were made part of Docket 20780.[16] [17] This extensive record, built in response to public notices issued subsequent to the original *NPRM* and prior to the publication of the final regulations, closely parallels the circumstances held in *Forester* to provide "constructive notice" of the scope of the rulemaking to interested parties.[17a]

33. Atari and Tandy argue that the release of the FCC staff report entitled "Undesired Emissions from Personal Computers," Office of Science and Technology, Project No. 62502, August 1979, at the time of the adoption of the *First Report*, violated their rights to procedural fairness. This staff paper simply reported specific measurements of RF emissions from several computers. The study was referred to in the *First Report*, paragraph 14 merely to confirm the unchallenged fact that personal computers can be a source of interference.

34. There was nothing improper about the timing of the release of this staff report. In considering the release of agency information, the Court of Appeals for the D.C. Circuit recently declared

> "[We] hold only that the agency must * * * disclose the contents of what it relied upon * * * While such disclosure would ideally appear appropriate at the earliest stage of the agency proceeding, at the very least it is clear that it must come in the final decision so that reconsideration may be sought and judicial review meaningfully afforded."[18]

35. Despite petitioner's claim to the contrary, *WNCN Listeners Guild* v. *FCC*, (U.S. App. D.C. Case Nos. 76–1692 and 76–1693, slip. op. (June 29, 1979)) does not support their argument on the staff study. In WNCN, the FCC's failure to release a staff study was not the basis for reversal. Instead, the D.C. Circuit reversed because of "broader defect."[19] Indeed, the passages quoted by petitioners from *WNCN* are no more than dicta which respond to unique facts not present here.[20]

36. It should also be noted that the personal computer study was a report of measurements in corroboration of information publicly submitted to the Commission which allege that emissions from computers were strong enough to cause interference.[21] Neither the study nor the Commission's references to it in the *First Report*, indicate that it was the substantive basis for the standards adopted.

37. In *WNCN*, moreover, the court concluded that the Commission did not adequately make the contested information available to interested parties, even on reconsideration. *WNCN, supra*, slip. op. at 18–19. Herein, unlike *WNCN*, the Commission has released the entire document for analysis and comment and petitioners have had a full opportunity to make substantive comments on the report. Atari and Tandy have not done so.

38. Atari additionally argues that the visual demonstration of computer-caused interference given to the Commissioners at their meeting of September 18, 1979, created a prejudicial effect. There was nothing improper whatsoever in conducting the demonstration for the benefit of the Commission. The Commission's staff did not fail to disclose any information relevant to the demonstration. The demonstration was conducted at a public meeting, its purpose was explained, its methodology and underlying assumptions were expressly delineated, and its "results" were self-evident.[22] Moreover, there is no evidence that the demonstration had an undue effect upon the Commissioners or that it in some nebulous way influenced or "tainted" their votes. The apparent premise behind the assertion is that the Commissioners failed to consider the

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[16] Texas Instruments filed two petitions in 1979—petition for rule making, RM–3328, public notice released March 2, 1979 and petition for waiver of §§ 15.4(m) and 15.7 of FCC Rules, public notice released March 3, 1979. Thirteen parties filed comments regarding personal computers in reply to TI's petition. These comments were taken into consideration in adoption standards for personal computers in Docket 20780.

[17] Atari argues that the comments received in response to Texas Instruments' petitions could not properly be considered in the context of Docket 20780. However, it has been explicitly held that an agency may consider data available from other proceedings before it. *Mass* v. *FPC*, 502 F. 2d 461 (D.C. Cir. 1974), *cert. denied*, 442 U.S. 1020, *reversed in part on other grounds*, 424 U.S. 494 (1976).

[17a] For the reasons given in Footnote 17(a) of the *First Report*, we still claim an exemption from the advance notice requirement of the Administrative Procedure Act based on public interest considerations as allowed by the Act (5 U.S.C. 553(b)(3)).

[18] *U.S. Lines* v. *Federal Maritime Comm'n*, 584 F. 2d 519, 534–35 (D.C. Cir. 1978) (emphasis added, footnote omitted). Other court decisions supporting this conclusion include *Portland Cement Association* v. *Ruckelshaus*, 486 F. 2d 375, 394 (D.C. Cir. 1973), *cert. denied*, 417 U.S. 921 (1974); *International Harvester Company* v. *Ruckelshaus*, 478 F. 2d 615, 632 (D.C. Cir. 1973).

[19] Slip. op. at 19 n. 24. Judge McGowan, who wrote for the court on *WNCN*, concurred without reservation in the *U.S. Lines* opinion.

[20] Tandy also cites *Portland Cement Ass'n* v. *Ruckleshaus*, 486 F. 2d 375 (D.C. Cir. 1973), and *United States* v. *Nova Scotia Food Products Corp.* 568 F. 2d 240 (2d Cir. 1977). Both of these cases involved a total failure to reveal the basis for the agencies' decision even in the final orders. Neither is relevant to the present case. Tandy further complains about the Commission's reference in the *First Report* to the personal experiences of its staff. Such experience merely "substantiated" the consumer complaints received by the Commission, *First Report* at 7; therefore any reliance was at most *de minimis*. Moreover, it is well settled that an agency may apply its own expertise in the course of a rulemaking proceeding. City of *Chicago* v. *FPC*, 458 F. 2d 731 (D.C. Cir.) *cert. denied*, 405 U.S. 1074 (1971).

[21] See Footnote 15 of *First Report*.

[22] Following the principle of *U.S. Lines, supra*, petitioners have had full opportunity to evaluate the demonstration as part of their petitions for reconsideration.

extensive documentation provided in the proceeding. Moreover, the demonstration was intended merely to show the need for regulation and to provide the Commissioners with a better insight into the text of the *First Report*—not as proof of the standards recommended by the staff.

39. Atari alleges that the *First Report* repeals the present Class I TV device rules and prejudges the outcome of the recently initiated rulemaking proceeding in General Docket No. 79–244 to adopt standards to govern stand-alone RF modulators (44 FR 59570, October 16, 1979). To the contrary, the Class I TV device rules remain firmly in effect.

40. The Class I rules are not applicable to computing equipment unless it is designed to utilize the home television receiver as a video display. Computing equipment which uses a television set is still subject to the Class I TV device rules, unless they are waived subject to the conditions stated in its *Order Granting Waiver in Part*, FCC 79–557 (released October 23, 1979). Second, insofar as the emission limitations applicable to RF modulators are concerned, different standards from those promulgated in Docket 20780 for computers may be adopted, if we should subsequently determine that other limits are appropriate in the rulemaking in Gen. Docket No. 79–244.

41. In consideration of the above discussion, we conclude that Atari's and Tandy's procedural arguments lack sufficient merit to warrant overturning the *First Report & Order*.

Adequacy of Adopted Standards

42. Atari and Association of Maximum Service Telecasters (AMST), representing 225 broadcast stations both objected to the emission standard for consumer products, including personal computers, each claiming that the Commission did not explain its rationale. This claim has no basis. The technical rationale for the limits for Class B devices is explained in paragraphs 52–55 and Appendix C of the *First Report*. The principal contention of Atari and AMST is that the Commission relaxed the standards now applicable to class I TV devices. Each challenger argues that the radiation limit (§ 15.419) for Class I TV devices is achievable and necessary for all home computers. This claim is misleading, since it is clear from an examination of the record that only a few personal computers have been type approved as a Class I TV device. Those that have been approved have limited capabilities. Atari has made this same argument in a number of pleadings and each time it has been rebutted.[23] More importantly this argument overlooks the fact that in adopting the *First Report*, the Commission imposed, for the first time, standards on all personal computers marketed for use in the home. Previously, there had been no clear standards applicable to personal computers unless specifically designed to use the home TV receiver as a video display.[24] The new standards impose needed regulations, where none had existed, on non-Class I TV device computers sold for home use. Many of which are now on the market.

43. AMST's assertion that Atari's approved computer shows it is "feasible" to manufacture and market a computer complying with the Class I TV device rules sidesteps the question of whether the present Class I TV device rules inhibit technology. A device meeting the Class I rules is restricted in system architecture as pointed out by Texas Instruments (TI *Opposition* at 20). Staff experience with personal computers substantiates this fact. The new rules are intended to allow for a variety of system architecture and greater flexibility in the use of peripheral devices, while at the same time providing adequate protection of radio and TV reception. For example, the present radiation limit of a Class I TV device is considered too severe to allow the connection of terminals to the basic Class I TV device. The real question then is whether we should restrict the use of all personal computers with what is recognized to be overly severe limits, or should we adopt a more flexible approach to allow advances in new technology. The Commission answered this question when it adopted the *First Report*.

44. Atari and AMST contend that the adopted standards provide inadequate protection to television viewers who live in multiple unit dwellings and attempt to receive signals within the Grade B coverage area of a television station. Atari cites the Baltimore/Washington market as an example of a metropolitan area in which viewers may well want to watch television signals of Grade B strength. As part of its contention, Atari points to the Commission's decision in *Arlington Telecommunications Corporation d/b/a ARTEC*, 69 F.C.C. 2d 1923, (1978). Atari claims that, in *ARTEC*, the Commission recognized that highrise multiple unit buildings in the Washington suburbs were encompassed by Grade B contours of various Baltimore television stations.

45. Where master antenna television (MATV) systems are used, the television receiver is generally supplied with a signal picked up by an outdoor antenna atop the building and amplified so that the signal strength is greater than would normally be expected from an indoor antenna attached to a television set. Thus, the stronger desired signal would more likely overcome any effects of undesired emissions from the computer. By the same token, greater separation could be expected because of the distant location of the television antenna. In addition, MATV systems typically utilize shielded coaxial cables for distributing the television signal and, thereby, afford further protection from harmful interference.

46. The radiation limit for a Class B computing device is developed in Appendix C of the *First Report*. It is designed to provide a reasonable degree of protection for a TV receiver in a residential area receiving at least a Grade A TV signal and located 10 meters (33 feet) or more from Class B computers with one or more walls between the computer and TV receiver. Atari and AMST argue that a limit based on a separation distance of 10 meters is inadequate to protect TV reception, since there may be instances when the actual distance a TV receiver and Class B computing device will be less than 10 meters.

47. In arguing this point, both Atari and AMST fail to acknowledge the large number of variables in developing such a limit. The likelihood of worst case factors occuring at the same time is very small. In addition to the dimensions of time, space and frequency, paragraph 55 of the *First Report* discuses additional factors such as: greater attenuation due to walls and orientation of both the TV antenna and home computers could substantially reduce emanations of computers located closer than 10 meters. Emanations from most computing devices are directional so that a slight disorientation of the maximum lobe will result in a substantially reduced level of emission and thus reduce its interference potential. Moreover, the population density in areas lying outside of Grade A service contours (another parameter in determining the limit) of TV stations there is usually a reduction in population density and viewers are more likely to utilize outdoor antennas. Thus, there should be a low incident of interference because of reduced

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[23] Order denying stay (FCC 79–754 released October 23, 1979).

[24] AMST argues that the technical limit in § 15.7 now applies to all computing devices. As discussed in paragraphs 4–9 of the *First Report*, this limit is unnecessarily stringent for most computers and its applicability has been questioned because of the confusion of the language in the introductory paragraph of § 15.7.

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population density and the distance separating computers located in homes and outdoor television receiving antennas.

48. On a related issue, AMST argues that the equipment authorization program adopted by the Commission for computing devices is inadequate to insure compliance. The broadcasters, therefore, urge the Commission to adopt certification instead of verification for Class A computing devices and type approval in lieu of certification for Class B computing devices.[24] Arguing against verification, AMST asserts "* * * most manufacturers of electronic computing devices will have no real incentive to comply with the RF emission limits designed to protect television broadcasting and other radio services." (AMST *Petition* at 10).

49. TI, Apple, H–P, Control Data Corporation (CDC), General Electric and the Computer and Business Equipment Manufacturers Association (CBEMA) all opposed AMST's proposal for tighter standards. Manufacturers, according to CBEMA, have a very real incentive to comply with the radio frequency (RF) emanation limitations. Failure to comply with these limits and accompanying verification/certification procedures, according to these parties, would bring about enforcement action directed against the violators and, if large scale noncompliance were prevalent, lead to more rigorous standards and more onerous equipment authorization procedures on the entire industry. Moreover, manufacturers and marketers of consumer electronic equipment could ill afford to develop a reputation for selling consumers equipment which resulted in widespread interference.

50. AMST also claims that type approval is needed because the Commission and the manufacturer lack control over the device once it is in the hands of the consumer. The nexus between this premise and the conclusion, however, is missing. AMST's underlying assumption appears to be that there will be extensive alteration of equipment by manufacturers. As with any regulatory program, the best guarantee against such abuse is the implementation of reasonable standards coupled with an effective enforcement program. For this purpose, we now conduct routine random audits designed to require manufacturers to submit equipment for actual testing at the Commission's laboratory. The random audit program permits the retention of effective control while not unduly burdening either the Commission staff or manufacturers.

51. In consideration of the above discussion, we conclude that Atari's and AMST's concerns about adequate protection of TV reception do not warrant tightening the standards for Class B computing devices. We assure both Atari and AMST, however, that the Commission will be closely watching the development of new home electronic products and will conduct surveys to make sure that the FCC standards provide satisfactory protection of TV reception from computing devices operated in adjacent homes. We will also perform routine testing to ensure that the products on the market in fact meet the new standards and provide the required protection of radio communications. If tighter control is needed a new proceeding will be instituted for that purpose.

Requests for Exemptions

52. Three manufacturers, Hewlett-Packard Co., General Electric Co. (GE), and Ford Motor Co. (Ford) express concern about the applicability of the definition to test equipment, large industrial control systems that use digital techniques and digital electronics used in motor vehicles, respectively. Ford argues that the record did not mention electronic devices used in automobiles, and therefore, these devices should *not* be subject to the new rules. Ford requested confirmation of this viewpoint and amendment of the rules to indicate clearly that automotive electronics are not covered by the rules. (Ford *Petition* at 2). GE argues that the new rules greatly affect digital control systems used in industrial plants to control machinery and that they are unable to analyze the impact of the rules at this time. It is also apparent, GE states, that there is a measurement problem in an industrial environment, since the ambient RF noise in such an environment could very likely be higher than the adopted limits.

53. Similarly, H–P, who has participated in the proceeding through CBEMA, claims that the definitions were unexpectedly broad and that they were unaware that the Commission would adopt rules covering non-computers. (Honeywell and several other manufacturers and manufacturer associations made the same claim.) The firm goes on to argue that the *NPRM* did not provide adequate notice that scientific and industrial measuring devices would be encompassed by the rules and the record does not support their inclusion. (HP *Opposition* at 16–18)

54. While we believe the *NPRM* provided adequate notice, as required by the Administrative Procedure Act (APA), for all digital electronic equipment, we do see advantages in postponing the new rules for specific devices. Therefore, on reconsideration, we find that additional information may be useful to further assess the impact of the new rules on electronics in automobiles, industrial control systems, and microprocessors and other digital devices used in home appliances.

55. Home appliances are included in the above list for serveral reasons, even though a specific exemption was not requested. First, regulations to control interference from home appliances to radio communications is a massive undertaking. Moreover, it should include all home appliances—not only those appliances that incorporate digital components for control purposes. We see no reason to treat appliances that simply use digital circuitry in lieu of more traditional electromechanical circuitry differently. Second, emissions from home appliances have some unique characteristics that may require special test procedures requiring additional investigations. Third, the cost benefit of such regulation will need futher assessment, due to the vastness of the appliance market. The same considerations also apply to the automotive electronics and industrial control systems.

56. Test equipment is exempt from compliance with the new rules for a different reason. Under the note in § 15.13 of the *NPRM*, we proposed an exemption for test equipment.[25] At the time the exemption was proposed, it was believed that individuals using test equipment would be capable of correcting any interference that may have occured because of use of the equipment. Further investigations of the uses of test equipment now shows that this premise is no longer correct.

Manufacturers of such equipment will have another opportunity to comment on an appropriate standard in a subsequent proceeding.

[24] Certification is an equipment authorization where the manufacturer tests his equipment, or has his equipment tested for compliance with FCC rules and sends the test information along with information required in Subpart J of Part 2 to the FCC for review. If acceptable, a grant of certification is issued for the equipment. Type approval is a procedure where the Commission does the required testing to determine compliance. Verification is a procedure where the manufacturer takes the necessary steps to satisfy himself that the equipment complies with the FCC standards and imposes no notifying requirement on the manufacturer. Certification, type approval, and verification are a prerequisite for marketing, pursuant to § 2.801, *et seq.*

[25] The text of the note under proposed § 15.13 reads as follows:

"Until further notice, carrier current systems operated by a public utility company and test equipment are exempt from complying with the radiation limits."

57. The exemptions for these four classes of equipment are temporary. Each is exempt from the technical specifications for computing devices, but not from the non-interference requirement of § 15.803.

58. An exemption was also requested by the American Telephone and Telegraph Company (AT&T) for telephone equipment provided as a service to its customers. Specifically, the telephone company petitioned the Commission to make a distinction between users who own and maintain their equipment and companies who provide equipment as part of a service offering. The adopted rules, according to AT&T, ". . . do not appear applicable to users who are provided a service . . ." (AT&T *Petition* at 2).[25a] In addition to petitioning for what amounts to exemption of the technical standards for service provided equipment, the company also requests changes in the labeling requirements of § 15.816, § 15.818, and § 15.838.

59. Honeywell, Inc., the Independent Data Communications Manufacturers Association, Inc. (IDCMA), CBEMA and the Association of Maximum Service Telecasters (AMST) filed comments opposing the AT&T proposal to establish less stringent requirements for equipments marketed as part of a service offering. AMST argues that

* * *

"Because TV viewers cannot be expected to identify the source of the interference accurately, AT&T is wrong in suggesting that providers of services that utilize electronic computing devices should be permitted to decide whether to remedy interference problems on an *ad hoc* basis or to utilize devices that comply with appropriate r.f. emission limits. *See* AT&T pet., pp. 6–7. In order for service providers to remedy interference complaints on an *ad hoc* basis, the TV viewer must notify the entrepreneur that supplies the device and thus must know which device is the source of the interference. This, however, is a completely unrealistic expectation when the device is place in the TV viewer's home, let alone when the spurious r.f. emissions are from a device located in a neighbor's home."

60. The manufacturers argued against the AT&T proposal for a different reason, i.e. namely unfair competitive practices. For example, CBEMA argues that

"* * * AT&T has not provided any basis for such distinction. AT&T's distinction could provide significant (and unwarranted) competitive advantages to a manufacturer who markets equipment solely to a service company over the manufacturer who directly leases equipment to the subscriber, for use in conjunction with a service-company provided application, without any technical basis, CBEMA therefore opposes adoption of this classification." (CBEMA *Opposition* at 16)

61. Honeywell amplifies the argument by stating that:

"This AT&T proposal appears to be another version of AT&T's request for special regulatory treatment for equipment provided as part of a service which has been repeatedly rejected by the Commission in its efforts to created a competitive environment for terminal equipment. For instance, in the development of the Registration Program, which permits direct connection of qualified equipment to the telephone network, the Commission confronted and rejected the contention that telephone company-provided equipment is inherently superior or entitled to special regulatory treatment. Similarly, the Commission's rejection of the so-called Primary Instrument Concept, the proposal that at least one telephone company-provided telephone be required per telephone line, reflects a rejection of the AT&T assertion that the presence of their equipment as part of a service is somehow different from the provision of other equipment.

The substance of the AT&T proposal, stripped of its service characterization, is to afford AT&T a unique competitive advantage in the provision of equipment, in direct contradiction of previous Commission findings and without any supporting basis.

For the foregoing reasons, Honeywell urges the Commission to deny, in relevant part, the *Petitions for Reconsideration* of AMST and AT&T." (Honeywell *Opposition*, pages 8–9, footnotes omitted)[26]

62. IDCMA echoed similar sentiments by stating that:

No favored treatment should be granted to carriers. All terminal equipment should be treated equally, regardless of who provides it. This is not to suggest that IDCMA endorses the rules as drafted but only that exemptions should *not* hinge on which entity provides the device. (IDCMA *Opposition* at 5)

63. Along the same lines IDCMA and the Communication Division of the Electronic Industries Association (EIA/CD) request the Commission to clarify the meaning of the exemption in the definition for computing devices, § 15.4(n) of the *Order*, which states "* * * a transmitter or other device which is specifically covered elsewhere in this Chapter." EIA/CD suggests that "it would help for the Commission to explain whether it means covered for *any* purpose or covered for the purpose of controlling radio frequency interference." (EIA *Petition* at page 2)

64. Part 68 of FCC Rules contains standards to insure that equipment connected to the telephone network will operate properly and at the same time will not adversely affect the telephone network. Part 68, however, does not contain emission standards and consequently there is no assurances that such equipment will not cause interference to radio and television reception. Since there are many electronic telephone equipments used in homes and businesses (some of which are not service provided) there is a need to have some minimum emission standards for such equipment. As a practical matter, the limits adopted by the Commission for Class A computing devices are less stringent than the 300 μV/m at a 3 meter limit suggested by AT&T in their comments to the *NPRM*. (Paragraph 49 of the *First Report* discusses this in more detail.) The limits for Class B devices is approximately 3 times more stringent than the AT&T recommendation. Consequently, we believe the adopted limits are achievable and reasonable for telephone equipment.

65. Considering that emission standards are desirable and necessary, which was acknowledged by AT&T on page 2 of the *Petition;* considering that the adopted standards are within the bounds of AT&T's own internal emission standards; and considering that it would provide an unfair competitive advantage to exempt only service provided equipment; the Commission finds that such an exemption is not in the public interest. The definition in § 15.4(m) for a computing device is amended to clarify this situation.

Marketing Rules

66. Equipment subject to FCC Rules, must first comply with those Rules and have the necessary grant of equipment authorization (if required) before it can legally be marketed (shipped, sold, offered for sale, imported, etc.) in the USA pursuant to 47 CFR 2.801 et seq. In response to the *NPRM*, several parties, namely CBEMA, EIA/CD, AT&T, commented that the numerous advantages of present marketing practices would be lost, and the computer industry severely disrupted, if preconditions to marketing based on compliance with the limits in the *First Report* were imposed. The Commission in paragraphs 32 and 33 of the *First Report* stated that the Rules were not intended to disrupt present marketing practices of the industry such as orders taken for equipment not yet constructed,

[25a] To the extent that this statement by AT&T asserts that the *NPRM* gave an adequate notice of the inclusion of service provided telephone equipment, we repeat that the *NPRM* provided adequate notice, as required by APA, that all digital electronic equipment would be examined in this proceeding. *See* paragraphs 24–27 and 54, *supra.*

[26] The Registration Program mentioned by Honeywell is set out in Part 68 of our Rules. It sets out technical standards and an approval procedure requirement to be connected directly to the telephone network. (See 47 CFR Part 68) Part 68, however, does not include emission control standards.

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provided that there are assurances the equipment will comply before being placed into operation. For this purpose, the Commission added a new paragraph (b) to § 2.805 to read as follows:

In the special case where it is impractical to determine compliance of a radio frequency device with the applicable technical specifications in this Chapter prior to sale or lease or offer for sale, or import, shipment, or distribution for the purpose of selling or leasing or offer for sale or lease, because the installation of the device is a determining factor for compliance, the manufacturer may insure compliance at the end user's location after installation, provided that the purchase or lease agreement includes a proviso that such a determination of compliance will be made. (*First Report* Appendix B, § 2.805(b))

67. CBEMA, EIA/CD and Control Data Corporation (CDC) argue that the new language in § 2.805 is not sufficiently clear to avoid market place disruptions, although they point to the fact that paragraphs 32 and 33 of the *First Report* said this was the Commission's intent. In particular, the manufacturers are concerned that § 2.805(b) does not make it clear that the marketing rules would permit the announcement and contracting for sale of Data Processing Equipment (DPE) which is still in the conceptual, development, design or production stages prior to verification of compliance, as long as such equipment complies with the technical restrictions prior to being used by the customer or sent to the centers of distribution.

68. Mr. King, an engineering consultant, expressed a concern that the new wording in § 2.805 is sufficiently broad to include peripheral machines of a system.[37]

He states that a peripheral manufacturer could validly cite the "* * * impractical to determine * * *." language of § 2.805 as a means of avoiding compliance of his product, thereby leaving the system manufacturer or end user with a potentially impossible situation for insuring compliance. Mr. King provides the following example:

"For example, a manufacturer of a dual-floppy disc drive-controller package could claim an exemption [* * * impractical to determine * * *] based on § 2.805, since his product will not operate without a CPU that he may not manufacture himself. Sold through a retail outlet, this product could become interconnected to a Class B licensed CPU with the result of non-compliance for the system to the Class B requirements. Another conflict could arise when two "Class B" licensed products from different manufacturers are interconnected together with non-compliance resulting, in that compliance founded on the manufacturer's suppression design technique can conflict with the design technique of another manufacturer's approach to gain systems compliance. (Mr. King, *Petition* at 2)

Mr. King goes on to suggest the creation of a new class of computing devices for peripheral and subassembly components of a complete system.

69. CDC disagrees with Mr. King's interpretation of § 2.805(b). CDC stated on page 1 of its *Opposition:*

We [CDC] have not interpreted this section as applying to component devices or subassemblies which are marketed to other manufacturers for installation in other end-use products, nor to the peripheral product category. Thus, we do not agree with Mr. King's interpretation of the Commission's intended application to dispel questions regarding application of § 2.805(b), the Commission should clarify its intent.

70. The problems stated above concerning the relaxation of the marketing rules appear to be a matter of interpreting the text in § 2.805(b) and not a matter of substance. That is, no one has a problem with the Commission's stated intent. The objections are directed to the wording of the adopted rules. To avoid these problems of interpreting the rules, we are deleting § 2.805(b) and replacing it with a new section, § 2.806 with a revised text. The new § 2.806 is in Appendix B attached. With respect to Mr. King's concern about peripherals, he did raise an interesting problem which is discussed in more detail below.

Peripherals and Subassemblies

71. Several petitioners requested clarification of the rules, as they apply to terminals, printers, floppy disc drives and other peripherals and components which are connected to computers by cables. Part of the concern is due to the many variations and combinations of peripherals which are connected to computers. An example of this would be the automatic check out systems found in a number of grocery stores. Such systems have anywhere from 3 to 15 cash registers and are increasingly complex as the number of registers increase. Many peripherals, such as printers, are optional depending on the needs of the user. Printers may be purchased at the time the computer is bought or may be added on at a later time when the needs of the user change. To complicate matters further, the peripheral and computer manufacturers are frequently different entities. Peripherals are frequently purchased by the computer manufacturer from an Original Equipment Manufacturer (OEM) to complement his complete system. Some peripheral manufacturers only produce peripherals and nothing else. In other words, there can be a mix and match of equipment to form a particular computer system. Subassemblies represent a similar problem.[38]

72. As stated in paragraph 68 above, Mr. King expresses a concern that a manufacturer of only peripheral equipment could conceivably use the language in § 2.805 to exempt his equipment from complying with the new rules. This, he claims, would cause a problem for the retailer and end user, who would not be in a position to insure compliance. He suggested controlling the sale of peripherals by adding a new classification of computing devices along with special labelling requirements for peripherals. CDC objected to Mr. King's recommended solutions, but agreed that the Commission should clarify the rules with respect to peripherals and OEM equipment. In addition, the firm submits that:

"* * * the Commission's rules should be applied only at the end of 'packaged product' level and that it is not, or should not, be the intent of the Commission that the full technical standards apply to unpackaged component devices. This is particularly true where it can be expected that the end product can more economically provide the emission containment features. It is our understanding that compliance to FCC rules will be required only on the final equipment incorporating these subassemblies, and that the assemblies themselves will not be subject to the labelling requirements and technical standards." (CDC, *Petition* at 4).

73. In their *Opposition,* CDC goes on to state:

"* * * the interests of all parties would be best served by clearly stating in the rules, and only requiring

1) that the rules (technical standards, labelling, user information) of Part 15, Subpart J do not apply to unpackaged OEM products.

2) that end-use product incorporating unpackaged component or subassembly computing devices are subject to the rules of Part 15, Subpart J, with the unpackaged device installed in the end-use product. (CDC, *Opposition* at 3.0

74. We agree that clarification of the rules is needed for subassemblies and peripherals. The new rules for computing devices apply to the end product, with the exception of peripherals. Components and subassemblies are, therefore, not subject to the new rules. Only the end product is required to comply as a precondition for marketing. However, the manufacturer of the complete system must take the necessary steps to insure compliance. This means, that he will have to place requirements on his component and subassembly suppliers to insure that the complete system complies with the appropriate limits.

75. We are treating self-contained peripherals different from subassemblies for two major reasons. First, the emission characteristics and, thus interference potential of a computer system is greatly affected by the number of peripherals, the interconnecting cables and handshaking that takes place between the computer and peripheral. Second, the peripheral manufacturer should share some responsibility for compliance, since it is his device that is a determining factor whether the complete system complies with the appropriate limit.

76. For the above reasons, we are requiring peripherals which are marketed as part of personal computer systems to be certificated by the Commission. Tests shall be made on the complete system to insure compliance. Peripherals which are capable of being used with a personal computer and are sold separately shall also be certificated. In this case, tests for compliance shall be made with the peripheral attached to at least one computer system in a typical configuration or an acceptable simulator. Peripherals which are sold separately must be certificated and labelled to demonstrate that they have been tested with at least one computer system and found to comply with the standards for a Class B computing device. Peripherals which are certificated as part of a personal computer system need not be individually labelled, provided the computer of the system it was tested with has a label identifying acceptable peripherals. If this treatment of peripherals is to be effective, the purchaser and user of a peripheral sold separately should be able to identify positively whether it is a Class A or Class B device. For this reason, we now require that both Class A and certificated Class B devices be labelled that they comply with technical requirements.

76(a). We have also added a definition for personal computers to circumvent possible controversy over which computers are subject to certification by the Commission. The new definition in § 15.4(q) includes most computers advertised in current hobbyist magazines that retail for less than $5000 for a single system in terms of 1980 prices. Such computers are likely to be operated in a substantial number of homes even though they may have some small business applications. Consequently, the interference potential of such a computer is high and we conclude that certification is necessary to maintain effective control.

77. Summarizing the above, the new rules do not apply to components and subassemblies. Peripherals which are designed to be part of Class A computing systems shall be labelled pursuant to § 15.816. Peripherals which are part of Class B computing systems shall be certificated and labelled pursuant to § 15.834 and § 15.836, respectively. A label will not be required for peripherals which are identified on the control unit of a complete computer system. These changes are reflected in the revised rules in Appendix B attached.

Conclusion and Summary

78. The rules adopted in this proceeding for computing devices are in Subpart J of Part 15, along with definitions in § 15.4 and marketing relaxation in § 2.805 of FCC Rules. In view of the foregoing, Subpart J of Part 15, § 15.4 and § 2.805 are revised as given in Appendix B attached. The new rules, as amended herein, should provide reasonable control of the interference potential of computing devices to radio communications, while at the same time not be unreasonably burdensome on electronic equipment manufacturers. The additional time for implementing compliance with the new rules should alleviate the manufacturers concern about a smooth and reasonable transition period. It will also allow time for the Commission to finalize the test procedures.

79. The following is a summary of the changes to Part 15 adopted herein:

(a) For the reasons given in paragraphs 10–21, the dates for complying have been rescheduled as follows:

—Electronic games and personal computers, including peripherals that attach to personal computers manufactured after January 1, 1981 shall be certificated by the Commission.

—All other computing devices first manufactured after October 1, 1981 shall be verified by the manufacturer.

—All other computing devices in production before October 1, 1981 shall comply by October 1, 1983.

(b) In the interim between January 1, 1981 and compliance with technical requirements, we are requiring labeling that will inform users of the interference potential of equipment.

(c) The definitions for computing devices and Class A and B computing devices have been revised to clarify which devices are covered by the rules and at the same time takes care of the concerns about whether a device is classified a Class A or Class B computing device. A definition for personal computers was added to clarify which computers are subject to clarification. A definition for verification by the manufacturer was also added.

(d) For the reasons given in paragraphs 52–56, test equipment, home appliances, automotive electronics and industrial control systems are encouraged to comply with the standards in Subpart J of Part 15 of FCC Rules, but it is not mandatory.

(e) A new § 2.806 replaces § 2.805(b) to permit the continuation of present marketing practices of computing devices while at the same time provide assurances that the equipment complies before it is placed in operation or the channels of distribution. A discussion of the marketing rules is provided in paragraphs 66–70, above.

80. For the reasons given in paragraphs 22–51, the Commission cannot agree with the procedural arguments presented by Atari, Inc. and Tandy Corporation. Accordingly, their requests for a new rule making for personal computers *is hereby denied.* Similarly, the Commission does not agree with Atari and AMST that the adopted standards are inadequate to protect home TV reception against interference from computers. Accordingly, for the reasons given in paragraphs 42–51, AMST's and Atari's requests to tighten the standards for Class B devices *are hereby denied.*

81. Pursuant to the authority contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, it is ordered that effective May 12, 1980, Parts 2 and 15 are amended as set out in Appendix B, attached.

82. *It is further ordered,* That to the extent indicated above, the subject petitions are granted and in all other respects, denied.

83. For further information about this Order contact Art Wall, Office of Science and Technology, FCC, Washington, DC 20554, phone 202–632–7095.

[37] The term peripheral refers to self-contained input/output devices that feed data into a computer and/or receive data from a computer. Examples of peripherals include: terminals, printers, floppy disc drives, video monitors, keyboards as well as other input/output devices that may or may not include digital circuitry.

[38] The term subassemblies refers to components or parts that cannot stand alone and are incorporated into a complete system, e.g. memory boards, power supplies, etc.

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(Sec. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290, 47 U.S.C. 154, 302, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

I. The following parties filed Petitions for Reconsideration in Docket 20780:

Name/organization	Acronym
Ford Motor Co	Ford.
Communications Division of the Electronic Industries Association	EIA/CD
GTE Service Corp	GTE.
Control Data Corp	CDC.
Honeywell, Inc	Honeywell.
Computer and Business Equipment Manufacturers Association	CBEMA.
Apple Computer, Inc	Apple.
Tandy Corp	Tandy.
General Electric Co	GE.
Association of Maximum Service Telecasters, Inc	AMST.
Michael King	
Atari, Inc	Atari.
American Telephone and Telegraph Co	AT & T.

II. The following parties filed timely comments and/or oppositions to Petitions for Reconsideration in Docket 20780:

Name/organization	Acronym
Association of Maximum Service Telecasters, Inc	AMST.
The Computer and Business Equipment Manufacturers Association	CBEMA.
Apple Computer, Inc	Apple.
General Electric Co	ISE.
Control Data Corp	CDC.
Independent Data Communications Manufacturers Association, Inc	IDCMNA.
Hewlett-Packard Co	HP.
Texas Instruments, Inc	TI.
Northern Telecom, Inc	NTI.
Honeywell, Inc	Honeywell.
Northern Telecom Systems Corp	NTSC.

III. The following parties filed Replies to Oppositions in Docket 20780:

Name/organization	Acronym
Computer and Business Equipment Manufacturers Association	CBEMA.
Apple Computer, Inc	Apple.
Association of Maximum Service Telecasters, Inc	AMST.
Ford Motor Co	Ford.

IV. The following petitions were received after the statutory 30 day filing period prescribed in 47 CFR 1.429(d) and 47 USC 405.

Name	Date received
Datapoint Corp	Jan. 8, 1980.
Toy Manufacturers of America	Feb. 27, 1980.

Appendix B

§ 2.805 [Amended]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Section 2.805(b) is deleted in its entirety and paragraph (a) is left undesignated.

2. A new § 2.806 is added to read as follows:

§ 2.806 Exemption for a computing device.

(a) Notwithstanding the provisions in § 2.805, the announcement and offer for sale of a computing device subject to the provisions in Part 15 of this Chapter which is in the conceptual developmental, design or preproduction stage is permitted prior to verification of compliance, provided the prospective buyer is advised in writing at the time of announcement or offer for sale that said equipment is subject to FCC Rules and that said equipment shall comply with the appropriate FCC Rules prior to final delivery to the buyer or to the centers of distribution.

(b) Manufacturers of Class A computing devices as defined in Part 15 of this Chapter shall have the option of insuring compliance with applicable technical specifications of this Chapter at each end user's location after installation, provided that the purchase or lease agreement includes a proviso that such a determination of compliance be made and is the responsibility of the manufacturer of the equipment.

(c) Until compliance has been determined, a computing device subject to provisions in Part 15 of this Chapter may be activated or operated only for the purpose of compliance testing.

PART 15—RADIO FREQUENCY

3. Section 15.4 is amended by revising the texts of subparagraphs (n), (o), and (p) and by adding two new subparagraphs (q) and (r) to read as follows:

§ 15.4 General definitions.

* * * * *

(n) *Computing Device.* Any electronic device or system that generates and uses timing signals or pulses at a rate in excess of 10,000 pulses (cycles) per second and uses digital techniques; inclusive of telephone equipment that utilizes digital techniques or any device or system that generates and utilizes radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer. Radio transmitters, receivers, industrial, scientific and medical equipment and any other radio frequency device which are specifically subject to an emanation requirement elsewhere in this Chapter are excluded from this definition.

Note.—Computer terminals and peripherals (i.e., Input/Output devices for computers) which are intended to be connected to a computer are considered computing devices. All other components or subassemblies (e.g., switching power supplies) of a computing device are not included in this definition.

(o) *Class A computing device.* A computing device that is marketed for use in a commercial, industrial or business environment; exclusive of a device which is marketed for use by the general public, or which is intended to be used in the home.

(p) *Class B computing device.* A computing device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environment. Examples of such devices include, but are not limited to, electronic games, personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

Note.—A manufacturer may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B computing device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a Class B computing device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a computing device as a Class B computing device, regardless of its intended use.

(q) *Personal computer.* An electronic computer that is marketed for use in the home, notwithstanding business applications. Such computers are considered Class B computing devices. Computers which use a standard TV receiver as a display device or meet all of the following conditions are considered examples of personal computers:

—Marketed through a retail outlet or direct mail order catalog

—Notices of sale or advertisements are distributed or directed to general public or hobbyist users rather than restricted to commercial users

—Operates on a battery or 120 volt electrical supply.

If the manufacturer can demonstrate that because of price or performance the computer is not suitable for residential or hobbyist use, he may request that the computer be considered to fall outside the scope of this definition for personal computers.

(r) *Verification.* An approval procedure where the manufacturer or importer takes the necessary steps (including testing) to insure that the equipment complies with the technical provisions of this Part. The unit verified by the manufacturer or importer shall be representative of all future production units. The manufacturer or importer shall be responsible for maintaining records to show what steps were taken to insure that each device sold complies with the provisions of this Part.

4. Section 15.801 is amended by adding a new subparagraph (c) to read as follows:

§ 15.801 Scope of this subpart.

* * * * *

(c) Pending resolution of the proceeding in FCC Docket No. 20780 and related proceedings dealing with restricted radiation and computing devices, the following computing devices remain subject to § 15.803 but are exempt from complying with other requirements of this subpart.

(1) A computing device utilized in any transportation vehicle including motor vehicles and aircraft.

(2) An electronic control or power system utilized by a public utility or in an industrial plant.

(3) Industrial, commercial, and medical test equipment.

(4) Computing device utilized in an appliance, e.g. microwave oven, dishwasher, clothes dryer, etc.

Although not mandatory, it is strongly recommended that manufacturers of these devices endeavor to have such devices meet the limits herein.

5. A new § 15.805 is added to read as follows:

§ 15.805 Interim labeling and information requirements for non-complying devices.

(a) A Class A or Class B computing device manufactured after January 1, 1981, which has not been verified by the manufacturer as complying with the specifications of this Subpart shall:

(1) have permanently attached in a conspicuous location on the device for the user to observe a label with the following statements:

"This equipment has not been tested to show compliance with new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. Operation of this equipment in a residential area is likely to cause unacceptable interference to radio communication requiring the operator to take whatever steps are necessary to correct the interference."

(2) have in the instruction manual for the device the following information for the user:

Warning: This equipment generates, uses, and can radiate radio frequency energy and if not installed and used in accordance with the instructions manual, may cause interference to radio communications. As temporarily permitted by regulation it has not been tested for compliance with the limits for Class A computing devices pursuant to Subpart J of Part 15 of FCC Rules, which are designed to provide reasonable protection against such interference. Operation of this equipment in a residential area is likely to cause interference in which case the user at his own expense will be required to take whatever measures may be required to correct the interference.

(b) Prior to the mandatory effective dates for complying with technical requirements, a manufacturer has the option of verifying a computing device as complying with requirements for Class A equipment and attaching the label specified in Section 15.816(a) and providing with instruction materials the information specified in 15.818, or of verifying a computing device as complying with requirements for Class B equipment and attaching the label specified in Section 15.836(c). Prior to the mandatory effective date for complying with technical requirements a manufacturer of Class B equipment may verify and label that equipment as complying with Class A requirements.

6. Section 15.812 is revised to read as follows:

§ 15.812 Class A computing device: conduction limit.

A Class A computing device which is designed to be connected to a low voltage public utility power line shall limit radio frequency voltage conducted back into the power lines to values below the levels specified in the following table when measured pursuant to the test procedures in Subpart I of this Part.

Note.—The test procedures are being proposed in a new rule making proceeding. Pending their adoption, the proposed test procedures may be used for determining compliance.

Frequency (MHz)	Maximum RF line voltage (μV)
0.45 to 1.6	1000
1.6 to 30	3000

Note.—The tighter limit shall apply at the edge between the two frequency bands. Conducted limits in the frequency range of 10 to 450 kHz are under consideration.

7. Section 15.814 is revised to read as follows:

§ 15.814 Class A computing device: verification requirement.

(a) A Class A computing device first placed in production after October 1, 1981 shall be verified for compliance with the requirements for a Class A computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(b) All Class A computing devices manufactured after October 1, 1983, shall be verified for compliance with the requirements for a Class A computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(c) Certification by the Commission is not required; however, the Commission reserves the right to require additional testing to verify compliance and, if necessary, to require certification by the Commission.

(d) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specifications herein prior to the mandatory effective date.

8. Section 15.816 is revised to read as follows:

§ 15.816 Class A computing device: labelling requirement.

(a) Each computing device which has been verified as complying with the Class A limits shall have permanently attached in a conspicuous location for the user to observe a label with the following statement:

"This equipment complies with the requirements in Part 15 of FCC Rules for a Class A computing device. Operation of this equipment in a residential area may cause unacceptable interference to radio and TV reception requiring the operator to take whatever steps are necessary to correct the interference."

(b) For systems incorporating several peripherals (computer input/output devices, terminals, etc.) or computing devices, only one label on the main control unit is necessary. For a peripheral marketed separately, and verified for complying with the limits for a Class A computing device, a label with the following information shall be conspicuously located on the equipment:

"This equipment has been tested with a Class A computing device and has been found to comply with Part 15 of FCC Rules. See instruction manual. Operation in a residential area may cause unacceptable interference to radio and TV reception requiring the operator to take whatever steps are necessary to correct the interference."

9. Section 15.818 is revised to read as follows:

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§ 15.818 Class A computing device: information to user.

(a) The following warning or similar statement shall be provided in a conspicuous location in the operator's manual so that the user of a Class A computing device is aware of its interference potential. Additional information about corrective measures may also be provided to the user at the manufacturer's option.

Warning.—This equipment generates, uses, and can radiate radio frequency energy and if not installed and used in accordance with the instructions manual, may cause interference to radio communications. It has been tested and found to comply with the limits for a Class A computing device pursuant to Subpart J of Part 15 of FCC Rules, which are designed to provide reasonable protection against such interference when operated in a commercial environment. Operation of this equipment in a residential area is likely to cause interference in which case the user at his own expense will be required to take whatever measures may be required to correct the interference.

(b) The instruction manual for a Class A computer peripheral which is separately marketed shall also include sufficient information to insure that the complete system is capable of complying with the requirements for a Class A computing device.

10. Section 15.832 is revised to read as follows:

§ 15.832 Class B computing device: conduction limit.

A Class B computing device that is designed to be connected to a low voltage public utility power line which is intended to feed electrical power to residential dwellings shall limit radio frequency voltage conducted back into the power lines to not more than 250 microvolts over the frequency range of 450 to 30,000 kHz, when measured pursuant to the test procedures in Subpart I of this Part.

Note.—The test procedures are under consideration in a separate proceeding. Pending their adoption, the proposed test procedure may be used.

11. The text and title of § 15.834 is revised to read as follows:

§ 15.834 Class B computing device: compliance requirement.

(a) The following Class B computing devices which are manufactured after January 1, 1981 shall be certificated by the Commission pursuant to Subpart J of Part 2 of this Chapter.

(1) Electronic games, including video coin operated games, but excluding self-contained, hand held games that do not use a TV receiver for display.

(2) Personal computers as defined in § 15.4(q) of this Part, excluding desk top and hand held calculators and digital clocks and watches.

(3) Peripherals, terminals, etc. that are capable of being attached to a personal computer.

(b) A Class B computing device, not listed in paragraph (a) of this Section and first placed into production after October 1, 1981 shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(c) All Class B computing devices not listed in paragraph (a) of this Section and manufactured after October 1, 1983, regardless of date of first production, shall be verified for compliance with the requirements for a Class B computing device prior to marketing pursuant to Subpart I of Part 2 of this Chapter.

(d) Notwithstanding the above, in the event harmful interference is caused to radio communications, subsequently produced offending units may be required to comply with the technical specifications herein prior to the mandatory effective date.

(e) For a Class B computing device subject only to verification, the Commission may require that manufacturer to perform additional testing and may require certification by the Commission pursuant to Subpart J of Part 2 of this Chapter, if the device has been found to cause harmful interference.

12. In Section 15.836, paragraphs (a) and (b) are amended and (c) and (d) are added to read as follows:

§ 15.836 Class B computing device: labeling requirements.

(a) A Class B computing device subject to certification by the Commission shall be identified pursuant to § 2.925 et seq of this Chapter. In addition, the label shall include the following statement:

"Certified to comply with Class B limits, Part 15 of FCC Rules. See instructions if interference to radio reception is suspected."

(b) For personal computer systems incorporating several peripherals (computer input/output devices, terminals, etc.) or other computing devices, only one label on the main control unit is required. For a peripheral certificated as complying with the Class B limits and marketed separately, a label with the following information shall be permanently attached and conspicuously located on the equipment:

"Certified to comply with the limits for a Class B computing device pursuant to Subpart J of Part 15 of FCC Rules. See instructions if interference to radio reception is suspected."

(c) For Class B computing devices subject only to verification of compliance by the manufacturer, the following or similar statement is optional:

"Complies with the limits for a Class B computing device pursuant to Subpart J of Part 15 of FCC Rules."

13. Section 15.838 is amended by adding a new paragraph (c) to read as follows:

§ 15.838 Class B computing device: information to user.

* * * * *

(c) For personal computers the following warning statement shall be conspicuously located in bold letters in the instruction manual:

"Warning.—This equipment has been certified to comply with the limits for a Class B computing device, pursuant to Subpart J of Part 15 of FCC Rules. Only peripherals (computer input/output devices, terminals, printers, etc.) certified to comply with the Class B limits may be attached to this computer. Operation with non-certified peripherals is likely to result in interference to radio and TV reception."

[FR Doc. 80-10689 Filed 4-8-80; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 45, No. 70
Wednesday, April 9, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 999

Filbert Imports; Amendment to Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed amendment.

SUMMARY: This proposed amendment would make conforming changes in provisions which require that all filberts imported into the U.S. meet the same or comparable grade and size standards required of filberts grown in Oregon and Washington. The standards applicable to such domestic filberts were amended recently.

DATES: Written comments to this proposal must be received by June 16, 1980.

ADDRESSES: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This proposal would revise the grade requirements for shelled filberts (Exhibit A § 999.400) as required by section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture, pursuant to section 8c of the act (7 U.S.C. 608c), contains any terms or conditions regulating the grade, size, quality, or maturity of filberts produced in the United States, the importation of filberts into the United States shall be prohibited unless the commodity complies with the grade, size, quality and maturity provisions of the order or comparable restrictions promulgated under section 8e. Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington (hereinafter referred to as the "order"), contains terms and conditions regulating the grade and size of filberts.

Pursuant to the order, domestic shelled filberts must meet the requirements of Oregon Grade Standards for Filbert (Hazelnut) Kernels. Thus, pursuant to section 8e, these requirements also apply to imported filberts. On December 13, 1979, the Oregon standards were amended so that the total tolerance for kernels or portions of kernels which are moldy, rncid, decayed or insect injured, is one percent. Previously, that tolerance applied only to kernels or portions of kernels which were moldy, rancid, or insect injured. Decay—meaning that any portion of the kernel is decomposed—was considered one of a number of named or, in the case of decay, unnamed, defects for which there was a total tolerance of five percent. The proposal contained herein to amend the 8e requirements for imported filberts adopts the change in the standards applicable to filberts regulated under the marketing order.

This action has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant" under the Department's criteria for implementing the Executive Order. An impact analysis is available from J. S. Miller (202) 447–5053.

The proposal is to amend Exhibit A of § 999.400 as follows:

§ 999.400 [Amended]

1. In Grade Requirements for Shelled Filberts, after 3(iv) an additional reqirement is added to read as follows: "(v) Decay".

2. In (2) of Tolerances, the word "decay" is added after the word "rancidity".

3. In Definitions under heading "Serious Damage" paragraph "(d)" is relettered as "(e)" and a new paragraph "(d)" is added to read as follows:

(d) "Decay" means that any portion of the kernel is decomposed.

Dated: April 4, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-10705 Filed 4-8-80; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1036

[Docket No. AO–179—A44]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This notice extends the date for filing exceptions to a recommended decision concerning a proposed amended order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. A handler in this market requested additional time to complete an analysis of the decision.

DATES: Exceptions are now due on or before April 18, 1980.

ADDRESS: Exceptions should be filed with Hearing Clerk, room 1077, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250, 202–447–6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued July 20, 1979; published July 26, 1979 (44 FR 43735). Recommended Decision issued March 14, 1980; published March 20, 1980 (45 FR 18013).

Notice is hereby given that the time for filing exceptions to the above listed recommended decison concerning proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania

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marketing area is hereby extended to April 18, 1980.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, DC, on April 4, 1980.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-10765 Filed 4-8-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulation in 10 CFR Part 51 to provide procedures and performance criteria for the review of alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposed rule provides for (a) information requirements for applying for an alternative site review by the Commission, (b) timing of Commission review, (c) region of interest to be considered in selecting sites, (d) criteria for the selection of sites, (e) criteria for comparing a proposed site with alternative sites, and (f) requirements for reopening an alternative site decision. It is also proposed that minor amendments be made to 10 CFR Part 2 and 10 CFR Part 50 to reflect the provisions of the proposed rule. Public comment is requested on the proposed rule, on whether safety matters including emergency response capability should be admitted as issues in alternative site reviews, and on the value/impact statement supporting the proposed rule.

DATES: Comments are due on or before June 9, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value/impact statement may be obtained on request from the Director, Division of Technical Information and Document Control. Copies of the value/impact statement may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Jerry R. Kline, Environmental Engineering Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–8251.

SUPPLEMENTARY INFORMATION:

I. Foreword

NEPA and NRC's environmental regulations in 10 CFR Part 51 have many provisions that shape the NRC's environmental reviews for nuclear power plants, but the basic underlying aspect is the consideration of alternatives. There are four distinct and different areas of NRC decisionmaking that involve alternatives, as described below:

1. One decision that must be made is whether additional baseload generating capacity need be provided. In other words, NRC considered the "no action" alternative, which includes consideration of conservation of energy.

2. A second decision that must be made by the NRC is whether nuclear fueled generation is an acceptable choice or whether other types of energy sources, e.g., coal, are superior.

3. A third NRC decision is whether the proposed site is acceptable. This particular decision involves the consideration of alternative sites; consideration of reasonable major mitigation measures that might be employed to make environmental impact acceptable at the candidate sites, such as the type of cooling system that should be employed at a particular site; and consideration of the costs of such major mitigation measures, as well as any major costs that might be required to make the site acceptable from a safety standpoint.

4. A fourth type of decision that is made involves whether other types of mitigation measures are warranted that normally would be of little importance to site selection, but may still be important from the standpoint of minimizing, to the extent reasonable, any residual adverse environmental impact that likely might be incurred during the construction or operation of the plant.

The proposed rulemaking focuses on the third type of NRC's environmental decisions—i.e., the question of alternative sites.

The NRC has considered the question of alternative sites in all of its NEPA reviews of applications to construct and operate nuclear power plants. As in most situations, however, the type and nature of the review has evolved over the years. Until recently, the NRC's review of the alternative site question has focused primarily on the qualities of the proposed site; i.e., a review that focuses on the "products" of an applicant's site selection process. The NRC typically did not initiate an extensive review of the applicant's site selection process and alternative site unless substantial inferior qualities were identified at the applicant's proposed site. However, the NRC has recently and dramatically expanded its review of the applicant's site selection process and procedures, as well as its review of the scope and depth of the detailed investigation of alternative sites.

The NRC believes that the experience gained in past and recent reviews of nuclear power plant sites should permit codification of the lessons learned into an intelligible, intelligent, and environmentally sensitive rule that governs the NRC review of alternative sites. While it is true that many of the issues that would be addressed by a rule on alternative site reviews could also be addressed more informally by issuance of regulatory guides and standard review plans and litigated in individual cases, some issues, particularly issues relating to notice and timing of public participation, can only be adequately addressed by rule. In addition, a comprehensive rule addressing review of alternative sites will promote public understanding of and participation in the NRC review of alternative sites. The proposed rule would:

1. Provide for more effective public participation by implementing procedural changes that: (a) require early notification of the public of an applicant's choice of a proposed site and its alternatives; (b) permit an early review of the alternative site question apart from other early site review issues; and (c) provide explicitly for consideration of candidate sites proposed by other parties that meet certain criteria and are proposed in a timely fashion.

2. Provide for greater predictability in the licensing process by (a) prescribing criteria for determining when a region of interest of sufficient size has been considered; (b) prescribing criteria for judging whether candidate sites are among the best that could reasonably be found; (c) prescribing the basic standards for comparing the proposed site to the alternative cites; and (d) providing criteria for reopening the alternative site question after a previous NRC decision has been rendered on this subject.

The basic forces motivating the development of the proposed rulemaking are:

1. The necessity to protect the environment from unduly adverse environmental impacts, recognizing that the siting of a large, nuclear generating facility will result in some adverse impact regardless of where it is sited. Unduly adverse environmental impacts are an undersirable cost to society.

2. The realization that (a) reasonable bounds may be placed on the search for alternative sites without compromising environmental protection, and (b) the NRC's informational needs require the applicant to make a significant commitment of resources at the proposed site. As a general matter these costs are ultimately borne by the ratepayer and the taxpayer.

3. The fact that it is in the public interest to attempt to develop written, understandable NRC review and decisional criteria that provide for the necessary protection of important environmental qualities; i.e., criteria that are sensitive to the factors that would significantly and adversely impact the environment, yet still reasonably bound the consideration of alternatives to permit a rational and timely decision about the sufficiency of analysis.

Considering the above points, it should be noted that the proposed rule is environmentally based, but it does provide for other considerations (such as cost) to bound in a reasonable manner the search for candidate sites. The NRC fully realizes that an applicant does consider other factors in its site selection process. These factors are important to the applicant because they affect the economics and technical merits of the project and because many of these parameters affect reactor safety and thus must be reviewed and found acceptable by the NRC during the safety review process. The NRC sees no basic incompatibility between the environmentally-based rule proposed here and the fact that the applicant must realistically consider other, equally important, parameters in its formulation of a reasonable and effective site selection process. Also, it should be noted that the proposed rule (Section VI.2.b.(7)) includes threshold population criteria that are the same as the numerical values for population density contained in Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations." This is reflective of past staff practice. However, these criteria may be changed in accordance with an ongoing Commission review of siting policy which will be the subject of an advance notice of rulemaking in the immediate future.

To assist in the Commission's consideration of this question on population and related questions and as part of this proposed rulemaking on alternative sites, public comment is requested at this time on whether safety issues, including emergency response capability, should be admitted in the review and decisionmaking on alternative sites; and if so, how. At least two alternatives exist with regard to this question:

1. Establish, in a public rulemaking, exclusionary safety standards that must be met in order to have an acceptable site. Safety issues would not be considered in subsequent review of alternative sites, since such standards would be set sufficiently conservative that the residual radiological risk to the environment would be small and would be sufficiently similar to the residual risk at other reasonable sites in the region that an obviously superior alternative would likely not exist; i.e., these differences in residual radiological impacts would not weigh heavily in a NEPA-type cost-benefit balance. Such acceptance standards might include, for example, reasonable limits on population density, distances to towns and cities, distances to airports and other manmade hazards, and distances to capable faults.

2. Establish, in a public rulemaking, exclusionary safety standards that must be met, but also provide for inclusion of these safety issues in the consideration of alternative sites even when the sites meet these criteria. Such criteria may or may not be the same numerically as those addressed in 1 above. The rationale of this alternative rests on the view that even when a safety-related characteristic (e.g., population density) does not render a site unacceptable in any absolute sense, it may nevertheless involve sufficient residual risk to justify attempts to do better. The alternative sites evaluation process is suited to a determination of how well one can reasonably do in the particular area under consideration, since the process would illuminate specific alternatives. As an option, a second set of more conservative criteria might also be established which, if met, would not require that safety issue to be included in the consideration of alternative sites.

With respect to population density, alternative 1 above would seek to obtain a similar result as alternative 2, i.e., acceptance thresholds, set in light of population density and distribution.

The NRC realizes that implementation will not, and should not, remove the controversy over the question of alternative sites. The question rightfully is a controversial one that elicits high public interest. The purpose of the rule is not to eliminate this controversy, but to focus it on factors of critical importance to the protection of the environment.

II. Background

NEPA requires the study and development of alternatives to any major Federal action that would significantly affect the quality of the human environment. The procedure for doing this must be an integral part of the planning and decisionmaking processes of Federal agencies. 10 CFR Part 51 establishes the NRC's licensing and regulatory policy and procedures under NEPA and requires that each applicant for a permit to construct a nuclear power plant discuss in an Environmental Report "Appropriate Alternatives" to the proposed facility. Among the primary alternatives to be considered, once the need for a nuclear facility has been established, are alternative sites for the facility.

The assessment of alternative sites for proposed nuclear power plants is a complex and difficult task, for the applicant, the NRC staff, and all parties in the process. Issues related to alternative siting have been a major source of controversy in a number of cases involving construction permits for nuclear power plants. The NRC has observed that there are some recurring issues at the heart of the controversy. The Commission believes that these recurring issues can and should be resolved on a generic basis.

An NRC study group seeking to identify ways to improve the effectiveness of NRC nuclear power plant licensing procedures recommended in June 1977 (see NUREG–0292, "Nuclear Power Plant Licensing: Opportunities for Improvement") that, among other measures, rulemaking should be considered for the generic resolution of certain issues presently litigated in individual licensing proceedings. An interim policy statement on generic rulemaking was published in the **Federal Register** on December 14, 1978, with a 90-day period for public comment ending on March 12, 1979. Additional technical detail on the ten issues identified by the staff for possible rulemaking was provided in NUREG–0499, "Preliminary Statement on General Policy for Rulemaking to Improve Nuclear Power Plant Licensing."

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One of the ten issues proposed by the staff for consideration in generic rulemaking was alternative siting methodology and information requirements. Recognizing the need for further clarification of this issue, the staff issued Supplement No. 1 to NUREG–0499, a staff report entitled "General Considerations and Issues of Significance on the Evaluation of Alternative Sites for Nuclear Generating Stations Under NEPA." The major purpose of the report was to provide additional information to members of the public, industry, and other governmental agencies who intended to comment by March 12, 1979, on issues of alternative siting.

In addition, the NRC conducted a workshop to actively seek out comments on the alternative sites issue. This workshop provided invited representatives from industry, State and Federal government, public interest groups, and others the opportunity to scrutinize and comment on the NRC staff's most recent thinking on the issue of alternative sites.

Comments and feedback received from the workshop participants and observers, and those received from the public review of Supplement 1 to NUREG–0499, have been considered in the development of the proposed rule on alternative sites.

This proposed rule sets forth the resultant NRC policy regarding the evaluation of alternative sites for nuclear power plants under NEPA. The proposed rule is intended to (1) fulfill the NEPA objectives of ensuring that environmental factors have been fully considered in NRC decisionmaking; (2) reduce uncertainty and delay in the decisionmaking process; (3) reduce Federal paperwork in NEPA statements; and (4) limit alternative site review to relevant and material issues. The basic objective of this rule is to provide for a meaningful, rationale, understandable, and stable NRC review and decisionmaking process that will both reasonably protect environmental values and yield a timely decision.

The intent of this proposed rule is to establish procedural and performance criteria for the identification and evaluation of alternative sites for nuclear power plants. Controversy with regard to the issue of alternative sites will not and should not be eliminated. This proposed rule will, however, focus the controversy on whether criteria important to environmental protection have indeed been met.

The NRC has considered the values and impacts of rulemaking and of alternative actions. These considerations have been put forth by the Commission's staff in a value/impact statement.

III. The Role of NRC and Others in the Considerations of Alternative Sites

The NRC has the statutory responsibility to review applications for the construction and operation of nuclear power plants. It must assure the accuracy and relevance of environmental information, perform the environmental analyses, and make the decision to accept or reject a site. In carrying out its responsibilities, the NRC does not select sites or participate with the applicant in selecting a proposed site. However, the NRC is the lead Federal agency under NEPA for carrying out the NEPA mandate that alternative sites be considered in connection with nuclear power plant licensing.

The NRC may give appropriate deference to other Federal agency expertise in the assessment of certain impact, e.g., U.S. Environmental Protection Agency expertise in evaluating aquatic impacts. The Commission has also stated that "the fact that competent and responsible State authority has approved the environmental acceptability of a site or project after extensive and thorough environmentally sensitive hearings is properly entitled to 'substantial weight' in the conduct of our own NEPA analysis." Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 & 2), 5 NRC 503 at 527 (1977). Additionally, consideration is given to other information developed by State, regional, and local agencies (such as land or water use plans).

The proposed rulemaking represents no change in the above stated present practice.

IV. The Proposed Rule

A rule must address those elements of the alternative siting process that are generic in nature and likely to recur in all or many of the cases likely to be encountered. In formulating the proposed rule, the staff identified six major issues associated with alternative site consideration. These are (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed site with the alternative sites, and (6) reopening of the alternative sites decision.

The following sections provide a statement of each element of the proposed rule, describe its relation to present practice, and discuss the need for the rule and rationale for each element of the rule. The elements of the rule are organized to reflect the logic and chronology of a normal NRC review of alternative sites in response to an actual submittal for such a review.

A. Information Requirements

A–1. Notice of Intent

1. *Statement of Rule.* An applicant is to provide the NRC staff with a notice of intent to tender an application for a construction permit (CP) for a nuclear power plant either at least three months before tendering of a CP application requesting an early review of the alternative sites issue (pursuant to § 2.101 and subpart F of 10 CFR Part 2) or 3 months prior to beginning the detailed studies on the proposed site, whichever comes first. The notice of intent will identify the location, cooling water sources, and physiographic unit of the proposed and alternative sites, as well as describe the anticipated generating capacity, the number of generating units, and the types of condenser cooling systems that would be used.

2. *Relationship to Present Practice.* Present NRC rules do not require submittal of such a notice, and present practice does not yield the information on cooling systems or alternative sites at the times specified.

3. *Need for Action.* Early public notification is needed to allow the public to become aware of the project, to identify their concerns and to express those concerns in advance of significant financial commitments by the applicant and at a time when due consideration of their concerns would not result in unacceptable schedule delays.

4. *Rationale and Discussion.* After receiving a notice of intent as required by the rule, NRC would publish the information received in the **Federal Register** and in newspapers local to the sites identified. This would assure that potential public participants have sufficient time prior to the NRC review to prepare meaningful information to be considered early in the licensing process. This provision is in direct response to a recommendation from several workshop participants.

For situations where, on the effective date of this rule, a future applicant has already begun or is about to begin detailed, long-term investigations on a site likely to be proposed subsequently to the NRC as a site for a nuclear power plant, such a future applicant must provide a notice of intent within three months following the effective date of this rule.

A.2. Reconnaissance Level Information

1. *Statement of Rule.* Reconnaissance level information, i.e., information or analyses that can be retrieved or generated without the performance of new, comprehensive site-specific investigations, is normally adequate as a basis for identifying candidate sites and for selecting a proposed site.

Analysis of the slate of candidate sites may address other aspects of siting that are important to the applicant's decision, but must address the following subjects that are important to the NEPA reviews: hydrology, water quality and availability, aquatic and terrestrial biological resources, land use, transmission requirements, socioeconomics, population distribution and density, facility costs, institutional constraints, and public concerns where such have been provided to the applicant or NRC in writing.

2. *Relationship to Present Practice.* Present practice is that the analysis of alternative sites is normally based upon readily available, reconnaissance level information such as provided by scientific literature, reports of government and private research agencies, consultation with experts, and brief field investigations. The scope of depth of the data and analysis required are matched to the importance of possible impacts and the degree of certainty regarding their magnitude. In some cases, detailed investigations related to specific issues may be required.

While detailed site-specific baseline studies on the proposed site are required to support the remainder of the NRC's environmental review, these data normally add little to NRC's determinations regarding alternative sites. These detailed studies principally serve as a basis for decision-making regarding mitigative measures to reduce (on a practicable basis) any residual adverse environmental impacts. However, they also serve a secondary purpose in that they confirm judgments on likely adverse environmental impacts that are made using reconnaissance level data. On occasion these studies may not confirm such judgments, but may lead to a finding that the proposed site is unacceptable.

The proposed rule on reconnaissance level information represents no change in the above stated practice.

3. *Need for Action.* Present practice is sufficiently well established through licensing experience to permit rulemaking on information requirements for alternative site analysis.

4. *Rationale and Discussion.* The rationale for the rule on reconnaissance level information proceeds from the premise that major adverse environmental impacts can normally be identified using this type of information. Therefore, the added costs of requiring detailed site-specific investigations and analyses on all candidate sites normally would not be justified with respect to any marginal improvement in environmental protection. There was substantial discussion during the workshop on the applicability of reconnaissance level information to alternative site analyses. Many workshop participants emphasized that the term "reconnaissance level information" should not be interpreted to mean the reliance on limited data and subsequent superficial analyses. Such an interpretation is not intended, thus the proposed rule has been drafted to ensure that this misinterpretation will not occur.

B. Timing

1. *Statement of Rule.* Under the proposed rule an applicant may submit the proposed and alternative sites for NRC evaluation as part of a full construction permit review either early and separate from the review of plant design (an early site review) or in conjunction with the review of plant design. An early site review (ESR) of alternative sites may be in conjunction with or separate from consideration of other ESR issues. The applicant may later submit other siting issues for an early site review during the effective period of the early alternative sites partial decision.

2. *Relationship to Present Practice.* In the past, the NRC's review of alternative sites has generally occurred concurrently with the review of all other environmental issues and at the same time as the CP safety review of facility design. However, NRC regulations do provide for a single optional early site review, which may include any issues involving environmental impact or site safety that the applicant desires to address at a proposed site. While the applicant must describe the site selection process in an early site review, the review of specific alternative sites need not be addressed unless it is believed by the NRC that the consideration of other issues could prejudice the full consideration of alternative sites at a later time.

The proposed rule on timing represents a change in the above stated practice in that early review of the full question of alternative sites would be permitted in advance of the other early site review issues, and a subsequent early review would be allowed to consider the detailed baseline studies at the proposed site.

3. *Need for Action.* The option for early review of alternative sites is needed to permit a full consideration before the applicant commits substantial resources to the proposed site. If a favorable decision is made on the alternative site question, the applicant could then commit the funds necessary to perform early site-specific studies of environmental and safety matters with a greater degree of confidence that the proposed site will not subsequently be rejected in favor of an alternative.

4. *Rationale and Discussion.* A two-stage early site review process is permitted to provide incentive for an early review of the alternative site question. In this way an early decision could be arrived at on alternative sites, after which the applicant could expend the necessary resources for detailed site-specific studies and apply at a later date for the remainder of a full early site review. Thus, less of the applicant's resources would be placed at risk prior to an NRC decision on alternative sites, and yet the applicant and the public would ultimately be able to achieve all of the ultimate benefits of an early site review.

All reviews and decisions would still be performed within the effective period for the early site review decision. All that would be added would be the opportunity to receive a regulatory decision on the question of alternative sites shortly after the applicant has decided upon the proposed site, but prior to the commitment of substantial funds at that proposed site.

C. Region of Interest

1. *Statement of Rule.* The initial geographic area for determining the region of interest for NRC regulatory review purposes may be either the State in which the proposed site is located or the service areas of the applicant. The actual region of interest must be larger in accordance with Section V.3 of the rule, or may be smaller in accordance with Section V.2 of the rule, depending on the environmental diversity, institutional factors, and cost considerations set forth in those sections.

For the purpose of determining the region of interest, environmental diversity refers to the types of water bodies available within the region (upper or lower reaches of large rivers, small rivers, lakes, bays, and oceans) and the associated physiographic units.

2. *Relationship to Present Practice.* Past practice has normally been to accept the applicant's proposed region of interest which commonly is the applicant's service areas. However, the region of interest has been smaller in some situations, and in other situations an expansion of the proposed region of interest has been required. This rule preserves that practice, but it adds

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specific criteria for expansion or contraction of the initial geographic area in determining the region of interest.

3. *Need for Action.* The basic forces motivating the development of this rule are:

a. The necessity to protect the environment from unduly adverse environmental impacts by providing an adequate choice of candidate sites representing reasonable environmental alternatives, and

b. The realization that reasonable bounds may be placed on the search for alternative sites without compromising environmental protection.

4. *Rationale and Discussion.* The use of service areas coupled with performance criteria for expansion or contraction is judged to be sufficient to provide a substantial range of environmental alternatives from which to choose in making the final siting decision. Unlimited expansion of the areas to be searched likely would not yield significant additional new alternatives for limiting of environmental impacts that would already be present in a reasonably bounded area. As a practical matter, utilities may initiate their searches within their service areas. In many cases this will lead to the identification of the required diversity of resources. Where service areas are small, the requirement could cause an expansion that would extend the region of interest beyond the service area boundaries. However, in very large service areas, the required diversity might be found without exploring the entire service area.

The requirements may impose a need for large regions of interest in water limited areas, particularly in the western regions of the nation. The rule is intended to ensure in all cases that all reasonable alternatives have been considered. The analysis of remote alternatives need be carried only as far as necessary to demonstrate the reasons (which include costs) for not considering them further.

The rule is intended to apply to utilities having well defined service areas as well as those that do not. In situations where the State is asking the review of the alternative sites issue or where the service areas of the applicant are not defined, the State in which the proposed site is located would be the starting point for determining the region of interest.

When considering water sources that would provide adequate water availability, the staff intends that the characteristics of the terrestrial watershed (i.e., the physiographic characteristics) also be included and considered. Under this concept, a river having adequate water for a nuclear power plant but that flows through a dedicated terrestrial area such as a national park or national forest might not qualify as an acceptable resource. It is permissible, however, to designate portions of a watershed for possible siting while excluding other portions of the same watershed.

Different portions of a watershed or coastal zone may be considered to be different physiographic units, if the environmental impacts of siting in these areas would be clearly different from one another. For example, the "head waters" region of a river watershed would be designated as a physiographic unit separate from the estuarine region of the same watershed, since the impacts on fisheries and other aspects of the environment would be clearly different in the two areas. The rule is not intended to compel the consideration of water bodies that are in similar physiographic settings, since that would not add significantly to the range of environmental choice.

In emphasizing the terrestrial components the staff intends that the search for sites should not be confined to land areas immediately adjacent to water bodies but should be expanded to include a reasonable corridor of search around the water body. Siting up to several miles from a suitable water body may be desirable to avoid land use conflicts that are often found adjacent to water bodies.

The workshop participants unanimously supported the concepts of (1) environmental diversity as a determinant in bounding the region of interest, and (2) water being the principal regional determinant of environmental diversity.

D. Selection of Candidate Sites

1. *Statement of Rule.* An applicant may submit a slate of candidate sites based on either (1) a demonstration (according to criteria for site selection procedures set forth in the rule) that the site selection methodology is a reasonable, environmentally sensitive site screening process that provides a diligent search for sites that are among the best that could reasonably be found, or (2) a demonstration that the slate of candidate sites meets the prescribed environmentally sensitive threshold criteria (set forth in the rule) and are therefore among the best that could reasonably be found. The rule states that a slate of candidate sites should contain at least four sites. The rule also provides criteria for acceptance of candidate sites proposed by any party to the proceeding.

2. *Relationship to Present Practice.* Present practice is to make a determination that candidate sites identified by the applicant are "among the best that reasonably could have been found." Until recently, the NRC's review has focused primarily on the qualities of the proposed site (a product-oriented review). However, recently the NRC has expanded its review and the staff presently reviews the demonstration of this "among the best" standard by focusing on the adequacy of the applicant's site selection procedure (a process-oriented review). The rule preserves the advantages of both the process-oriented and product-oriented approaches. The rule adds criteria for implementing an adequate site selection process demonstration and evaluation, and provides the option for a product-oriented review by specifying threshold criteria for evaluating the slate of candidate sites. Most of the workshop participants believed that the applicants should be given the option to seek either a process-oriented or a product-oriented review of the slate of candidate sites.

3. *Need for Action.* The process-oriented approach codifies the elements that govern NRC reviews of the site selection process and provides guidance for the applicant's management of that site selection process. The product-oriented approach emphasizes the environmental merits of the candidate sites rather than the process that yielded these sites, and will likely be a more environmentally sensitive approach.

4. *Rationale and discussion.* The rationale for codifying the process-oriented approach is to provide guidance to all parties regarding the elements that govern NRC reviews of that process. The general rationale for the product-oriented approach is that candidate sites that pass all of the proposed threshold standards would be unlikely to have substantial, unidentified, adverse environmental impacts. Therefore, the resulting slate of candidate sites likely would be of comparable environmental quality and should be environmentally acceptable to the NRC. While there could be a situation where the proposed site could be marginal with respect to several of the thresholds and thus might be inferior on a cumulative impact basis, it would be unlikely that all the candidate sites would be similarly inferior. Thus the proposed site's inferiority would be clearly displayed in the subsequent detailed comparison with the other candidate sites.

The rule provides that the slate of candidates sites should contain at least four sites. The reason for this is to ensure that even in regions of little diversity, there is some choice among the sites in the slate. For more diverse regions the criteria controlling how many sites would be necessary are oriented towards the diversity of environmental qualities presented, so as to give a meaningful environmental comparison of alternatives. The candidate sites would be required to be reasonably representative of all of the major diverse environmental qualities present in the region of interest, as follows:

a. Major types of water sources.

b. Major physiographic units.

c. Consideration of sites of existing electric generating facilities as well as new sites.

As an example of acceptable diversity, if a new site on a lake in a woodland area was already identified as a candidate site, a woodland site on another lake within the region of interest would not be required, unless that site also hosts an existing electric generating facility.

One of the positions adopted by the public workshop on alternative sites is that public participation in the siting process would be enhanced if parties other than the applicant were permitted to propose additional candidate sites for consideration, but that the criteria proposed for acceptance of such sites should be no more stringent than those which the applicant's sites must meet. Criteria are proposed for the acceptance of such a site that are essentially the same criteria that the applicant's sites must meet in establishing the original slate of candiates.

In addition, the proposed rule imposes time limits for proposing additional candidate sites. The time limits are a key element in achieving a timely evaluation of the alternative sites issue and, except upon a substantial showing of good cause, will not be extended.

E. Comparison of the Proposed Site With Alternative Sites

1. *Statement of Rule.* A proposed site that comes from a slate of candidate sites that are among the best that could reasonably be found will not be rejected by the NRC on the basis of the alternative site review unless a comparison with the alternative sites results in a determination that an obviously superior alternative exists. There will be a two-part, sequential test for obvious superiority. The first stage of the test will be to determine whether there is an environmentally preferred site. The second stage of the test will consider economics, technology, and institutional factors to determine whether any environmentally preferred site is obviously superior to the proposed site.

2. *Relationship to Present Practice.* Present staff practice does consider the range of factors that would be addressed by the proposed rule.

3. *Need for Action.* This proposed element of the rule will provide a more stable structure for the procedural aspects of how environmental factors should receive consideration and how these factors should be balanced with non-environmental factors to determine obvious superiority.

4. *Rationale and Discussion.* The criteria for testing the proposed site against the alternative sites comes from past practice, as reflected in individual nuclear power plant licensing reviews.

F. Reopening of the Alternative Site Decision

1. *Statement of Rule.* a. A reopening and reconsideration of the alternative site decision after a final limited work authorization or construction permit decision will be permitted only upon a reasonable showing that there exists significant new information that could substantially affect the earlier decision. Any decision to reconsider the alternative sites decision or not in these instances will consider the reasonable costs of delay and of moving to another site compared with the adverse environmental impacts that might be avoided by moving to another site.

b. For cases where the portion of the construction permit application containing facility design is filed three years or more after the effective date of this rule and where an application for an early review of alternative sites was tendered at least two and a half years prior to filing the portion of the CP application containing detailed facility design information, any reconsideration of the alternative site decision will be permitted only upon a reasonable showing that there exists significant new information that could substantially affect the earlier decision, even when allowance is made for reasonable costs of delay and of moving to another site. If such an application was not made at least two and a half years prior to filing such portion of the CP application, costs of delay and of moving to another site will not be considered in any decision to reconsider the alternative site decision or not, or in any resulting decision that there is or is not an obviously superior site.

c. If two sites are reasonably within a region of interest for a nuclear power plant site and both sites have received an affirmative NRC partial decision in an early review of alternative sites, an applicant may choose either site for an application to construct a specific nuclear power plant without reviewing the alternative site question, except on the basis of new information, as provided above.

2. *Relationship to Present Practice.* The proposed rule is generally consistent with present criteria regarding treatment of new information under the early-site-review rule, and would result in consistent criteria for the treatment of new information regarding alternative sites at the construction permit and operating license stages.

The treatment of forward costs associated with moving to another site (including costs of delay) prescribed in this element of the proposed rule would generally codify a practice that has evolved, except that it would preclude the consideration of costs of moving to another site if the applicant did not seek an early resolution of the alternative site question.

3. *Need for Action.* This proposed element of the rule will provide for consistent treatment of new information regarding alternative sites througout the licensing process.

4. *Rationale and Discussion.* The rationale for this element of the proposed rule is that after a decision has been reached regarding the alternative site question, during either an early site review or a CP review, the applicant (or licensee) will logically begin committing greater resources to that site. While such commitments are clearly at the applicant's risk, it is logical to allow the inclusion of such costs in any subsequent cost-benefit analyses, since such investments would have been made by the applicant in good faith.

Therefore, while it is possible that a reversal of the previous decision could be made based on new information (which is a risk the applicant or licensee must run), any reconsideration of the question of alternative sites and the cost-benefit analysis supporting any reversed decision should normally permit the full accounting of all reasonable forward costs to develop the new site (including costs of delay) compared to the reasonable forward costs of completing the project at the previously approved site.

At some point after issuance of the CP, the alternative of siting the nuclear power plant elsewhere likely will no longer be a reasonable alternative for the purposes of NEPA. That is, there is a point where comparative forward costs and the temporal proximity to the provision of needed (or desirably substitutable) power so favor the partially constructed site that, there likely is no real possibility that the nonsafety-related considerations at an

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alternative site would be obviously superior to the proposed site. At that point, the reconsideration of alternative sites likely would not be required, unless the proposed site has been judged unsuitable for some safety or environmental reason.

Forward costs also could become substantial after an early site review decision, particularly as the time for a CP decision approaches. This means that a reevaluation of alternative sites after an early site review decision likely would not be justified on the basis of a full cost-benefit analysis unless there is, for example, a determination that the actual use of the site (rating and number of units) would be greater than had been evaluated earlier, or that firm and major changes in land or water use or changes in legal requirements involving the protection of species or resources have occurred since the previous evaluation. It is unlikely that changes in the prediction of environmental impacts would be so great as to warrant a re-review of the alternative sites decision on that basis alone.

The rationale for the third criterion of this portion of the proposed rule is that if two sites in the same general region of interest had been evaluated in separate reviews and neither had been found to have an obviously superior alternative, than it is likely that neither would be obviously superior to the other.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2, 10 CFR Part 50, and 10 CFR Part 51 is comtemplated. All interested persons who desire to submit written comments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Docketing and Service Branch, Washington, D.C. 20555 by June 9, 1980. Copies of comments received will be available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

§ 2.603 [Amended]

1. It is proposed that § 2.603(a) be amended by adding at the end thereof the following:

(a) * * * Where an applicant has failed to file the notice of intent required by Appendix A of 10 CFR Part 51, the application shall be docketed in accordance with the provisions of that appendix.

§ 2.605 [Amended]

2. It is proposed that § 2.605(a) be amended by adding at the end thereof the following:

(a) * * * Where an application has been filed pursuant to Appendix A of 10 CFR Part 51 for an early alternative site evaluation separate from other early site review issues, the alternative site evaluation shall not be considered a review for purposes of this one review limitation.

Appendix Q [Amended]

3. It is proposed that the numbered paragraph 1. of Appendix Q of 10 CFR Part 50 be amended by inserting between the first and second sentence thereof the following:

"As a part of an early site review, either in conjunction with or separate from the consideration of other early site review issues, a person may submit a request for a review of the alternative site issue and for issuance of a Staff Site Report concluding that there is no obviously superior alternative to the proposed site. If the person requests an early alternative site review separate from the consideration of other early site review issues, the person may later submit other siting issues for an early site review during the effective period of the Staff Site Report on the alternative site issue, provided that any later early site review of other issues shall remain in effect only so long as the initial Staff Site Report on alternative sites remains effective."

4. It is proposed that the numbered paragraph 3. of Appendix Q of 10 CFR Part 50 be amended by adding at the end thereof the following:

"Where a person has failed to file the notice of intent required by Appendix A of 10 CFR Part 51, the request for review shall be acted upon in accordance with the provisions of that appendix."

5. It is proposed that the numbered paragraph 5 of Appendix Q of 10 CFR Part 50 be amended by deleting the last sentence thereof and substituting the following:

"The conclusions of the Staff Site Report will be reexamined by the staff where five years or more have elapsed between the issuance of the first Staff Site Report and its incorporation by reference in a construction permit application."

6. It is proposed that the first sentence of the numbered paragraph 7. of Appendix Q of 10 CFR Part 50 be amended by adding at the end thereof the following:

"However, if a person, pursuant to Appendix A of 10 CFR Part 51, has submitted a request for an early alternative site review separate from other early site review issues, the alternative site review shall not be considered a review for purposes of this one review limitation."

7. It is proposed that a new Appendix A be added to 10 CFR Part 51 to read as follows:

Appendix A.—Evaluation of Alternative Sites for Nuclear Power Plants

I. Introduction and Scope

This appendix sets forth procedures and performance criteria for the review of alternative sites for nuclear power plants under NEPA. Specifically, this appendix provides for (a) information requirements for applying for an alternative site review by the Commission, (b) timing of Commission review, (c) region of interest to be considered in selecting sites, (d) criteria for the selection of sites, (e) criteria for comparing a proposed site with alternative sites, and (f) requirements for reopening an alternative site decision.

The basic objectives of this appendix are:

1. To provide for more effective public participation by implementing procedural changes that (a) require early notification of the public as to an applicant's choice of a proposed site and its alternatives, (b) permit an early review of the alternative site question apart from other early site review issues, and (c) provide explicitly for consideration of candidate sites proposed by other parties that meet certain criteria and are proposed in a timely fashion; and

2. To provide for greater predictability in the licensing process by codification of present practice that (a) prescribes criteria for determining when a region of interest of sufficient size has been considered, (b) prescribes criteria for judging whether candidate sites are among the best that could reasonably be found, (c) prescribes the basic standards for comparing the proposed site to the alternatives sites, and (d) provides criteria for reopening the alternative site question after a previous NRC decision has been rendered on this subject.

The nuclear power plants referred to in this appendix are those facilities which are subject to § 51.5(a) of this chapter and are of the type specified in § 50.21(b)(2) or (3) or § 50.22 or are testing facilities. The submittal for review and evaluation of alternative sites shall be made in the same manner and in the same number of copies as provided in § 50.30(a), (c)(1), and (c)(3) for license applications.

II. Definitions

As used in this appendix,

1. "Region of interest" means the geographic areas considered in searching for candidate sites.

2. "Candidate sites" means those sites that are within the region of interest and are considered in the comparative evaluation of sites for a nuclear power plant and are judged to be among the best that can reasonably be found for the siting of a nuclear power plant.

3. "Proposed site" means the candidate site submitted to the NRC by the applicant, or a person requesting an early review pursuant to Appendix Q of 10 CFR Part 50, as the proposed location for a nuclear power plant.

4. "Alternative sites" means those candidate sites which are specifically compared to the proposed site to determine whether there is an obviously superior alternative site.

5. "Slate of candidate sites" means the group of candidate sites comprised of the proposed site and all alternative sites.

6. "Environmentally preferred alternative site" means an alternative site for which the environmental impacts are sufficiently less adverse than for the proposed site that environmental preference for the alternative site can be established.

7. "Site" means the geographic area needed for the construction and operation of a nuclear power plant, including the associated transmission corridors to the first intertie.

8. "Reconnaissance level information" means any information or analyses that can be retrieved or generated without the performance of new, comprehensive site-specific investigations. Reconnaissance level information includes relevant scientific literature, reports of government or private research agencies, consultation with experts, short-term field investigations, and analyses performed using such information. The amount of reconnaissance level information and the extent of analyses conducted depend on (1) the importance and magnitude of the potential impact under evaluation and (2) whether the decision is one of identifying a region of interest, identifying candidate sites, or selecting a proposed site.

9. "Partial decision on alternative sites" means a partial decision pursuant to § 2.101 and Subpart F of 10 CFR part 2 that includes a finding that there is or is not an obviously superior alternative to the proposed site.

10. "Applicant" means a person who intends to apply, or who has applied, for a permit to construct a nuclear power plant.

11. "Notice of intent" means a notice that an application will be tendered for a construction permit for a nuclear power plant.

12. "NRC" means the Nuclear Regulatory Commission, the agency established by Title II of the Energy Reorganization Act of 1974, as amended.

13. "NRC staff" means any NRC officer or employee or his/her authorized representative, except a Commissioner, a member of a Commissioner's immediate staff, an Atomic Safety and Licensing Board, an Atomic Safety and Licensing Appeal Board, a presiding officer, or an administrative law judge.

III. Information Requirements

1.a. An applicant shall provide the NRC staff with a notice of intent to tender an application for a construction permit (CP) for a nuclear power plant either at least 3 months before tendering of a CP application requesting an early review (pursuant to § 2.101 and Subpart F of 10 CFR Part 2) of the alternative sites issue or at least 3 months before beginning detailed studies on environmental impact and site safety at the proposed site, whichever occurs earlier. The notice of intent shall identify the location, cooling water sources, and physiographic unit of the proposed and alternative sites, and shall describe the anticipated generating capacity and number and type of generating units for which a CP application will be tendered, and types of condenser cooling systems that would be used.[1]

Upon receipt of the notice of intent, the NRC will publish the information received in the **Federal Register** and in the newspapers local to the sites identified.

If an applicant fails to provide a notice of intent within the time specified, the NRC will not docket the tendered application for 3 months where no detailed studies of the proposed site have been performed or for 12 months where such studies have been performed. As soon as practicable after tendering, the NRC will publish the above specified information in the Federal Register and in the newspapers local to the sites identified.

b. A person requesting an early review of the alternative sites issue pursuant to Appendix Q of 10 CFR Part 50 shall provide the NRC staff with a notice of intent to submit such request at least 3 months before submitting the request for review or at least 3 months before beginning detailed studies of the proposed site, whichever occurs earlier. The notice of intent shall identify the location, cooling water sources, and physiographic unit of the proposed and alternative sites, and shall describe the generating capacity, number and type of generating units, and types of condenser cooling systems anticipated or assumed to be used.

Upon receipt of the notice of intent, the NRC will publish the information received in the **Federal Register** and in the newspapers local to the sites identified.

If the person requesting the review pursuant to Appendix Q to 10 CFR Part 50 fails to provide a notice of intent within the time specified, the NRC will not initiate the review for 3 months where no detailed studies of the proposed site have been performed or for 12 months where such studies have been performed. As soon as practicable after receiving the request for review, the NRC will publish the above specified information in the **Federal Register** and in newspapers local to the sites identified.

2. Reconnaissance level information shall normally be adequate to identify candidate sites and to select a proposed site in an alternative site analysis. In the identification of candidate sites or selection of the proposed site, the amount of data required and the extent of analyses conducted shall be appropriate to support a reasoned decision.

In some cases, reconnaissance level information may not be sufficient to support the analyses necessary to reach a reasoned decision. In these situations, new comprehensive site-specific investigations must be considered. For example, if substantial questions exist regarding the likely acceptability of a site from a geologic standpoint, substantial geotechnical investigations might be required. Also, if substantial questions exist regarding whether a large adverse impact will occur to an important aquatic species, long-term baseline studies will be considered. The NRC staff will advise the applicant of any additional information requirements as early as practicable.

3. Where a party to a proceeding proposes for consideration (according to Section VI.4.a of this appendix) a candidate site not included in the applicant's slate of candidate sites, it is the responsibility of that party to provide adequate information to support a decision to accept the site or not. If the site is accepted as a candidate site, it is the responsibility of the applicant in the proceeding to provide the information necessary to make the final comparison of that site with the proposed site.

4. Alternative site analyses of both the identification of the slate of candidate sites and the selection of the proposed site shall, at a minimum, address the following subjects:

a. hydrology, water quality, and water availability

b. aquatic biological resources, including endangered species

c. terrestrial resources and land uses, including endangered species

d. transmission corridors (approximate length and general location) and resources affected

e. socioeconomics, including aesthetics, and archeological and historic preservation

f. population distribution and density [2]

g. facility costs

h. institutional constraints, as they affect site availability

i. public concerns in the above subject areas, where such have been provided to the applicant or NRC in writing.

IV. Timing of NRC Review

1. An applicant may submit the proposed and alternative sites for NRC evaluation as part of a full CP review either prior to and separate from the review of plant design (an early site review) or in conjunction with the review of plant design.

2. As part of an early site review, an applicant that tenders an application for an alternative site review and requests a finding that there is not obviously superior alternative to the proposed site may do so either in conjunction with or separate from the consideration of other early site review issues. If the applicant applies for an early alternative site evaluation separate from the consideration of other early site review issues, the applicant may later submit other siting issues for an early site review during the effective period of the early alternative site partial decision, provided that any later early site review of other issues shall remain in effect only so long as the initial early site review of alternative sites remains effective.

V. Region of Interest

1. The initial geographic area for determining the region of interest for NRC regulatory review purposes shall be (a) the State in which the proposed site is located or (b) the service areas of the applicant. The

[1] For situations where, on the effective date of this rule, a future applicant has already begun or is about to begin detailed, long-term investigations on a site likely to be proposed subsequently to the NRC as a site for a nuclear power plant, such a future applicant must provide a notice of intent within three months following the effective date of this rule.

[2] This requirement will be modified as appropriate to conform to revisions to 10 CFR Part 100.

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actual region of interest must be larger than the initial geographic area according to 3. below, or may be smaller than the initial geographic area according to 2. below.

2. The region of interest may be smaller than the initial geographic area, if (a) environmental diversity is not substantially reduced and candidate sites within the region of interest meet threshold criteria described in Section VI.2.b. of this appendix, or (b) costs of generating electricity would be exorbitant for sites located in those areas not included, or (c) siting in those areas not included would be in violation of State laws governing nonradiological health and safety aspects of utility siting, or (d) the costs would be exorbitant of developing information to demonstrate whether sites within those areas not included would likely be acceptable from the standpoint of safety.

3. The region of interest must be greater than the initial geographic area if environmental diversity would likely be substantially increased and if (a) candidate sites within the initial geographic area meet the threshold criteria in Section VI.2.b. of this appendix, and the development of sites in the added geographic areas would likely not substantially increase costs, or (b) candidate sites within the initial geographic areas do not meet threshold criteria in Section VI.2.b., and the development of sites in the added geographic areas would not require exorbitant costs.

4. For the purpose of determining the region of interest, environmental diversity refers to the types of water bodies available within the region (upper or lower reaches of large rivers, small rivers, lakes, bays, and oceans) and the asociated physiographic units. A substantial increase or decrease in diversity would occur whether the region of interest includes or excludes such a water body. In areas of critical water supply, ground water and waste water are also appropriate water sources for diversity considerations.

VI. Selection of Candidate Sites

1. The candidate sites used in the subsequent site-specific comparison of alternatives must be one of the following:

a. Be identified through the use of a site selection methodology that (1) includes an environmentally sensitive site screening process (i.e., considers the same environmental parameters that are addressed by the criteria in VI.2.b., although not necessarily in the same way) resulting in a slate of candidate sites that are among the best that could reasonably be found and (2) meets the criteria presented in VI.3. below; or

b. Meet the criteria presented in VI.2. below, in which case there shall be no further review of the site selection process.

2. a. A sufficient number of candidate sites, which should include at least four sites, shall be selected from the region of interest to provide reasonable representation of the diversity of land and water resources within the region of interest. One or more of these sites should be associated with each type of water source and physiographic unit reasonably available within the defined region of interest, and one alternative site must have the same water source as the proposed site.

b. Except as noted in 2.c.(1), a site must meet the following criteria to be accepted as a candidate site without further review of the site selection process. (Technically appropriate and economically reasonable cooling system mitigative measures may be assumed for each candidate site.)

(1) Consumptive use of water would not cause significant adverse effects on other water users.

(2) There would not likely be any further endangerment of a State or Federally listed threatened or endangered plant or animal species.

(3) There would not likely be any significant impacts to spawning grounds or nursery areas of significance in the maintenance of populations of important aquatic species.

(4) Discharges of effluents into waterways would likely be in accordance with State or Federal regulations (e.g., avoidance of discharges to waters of the highest State quality designation) and would not likely adversely affect efforts of State or Federal agencies to implement water quality objectives (e.g., additional discharges to waters of currently unacceptable quality as determined by a State).

(5) There would be no preemption or likely adverse impacts on land uses specially designated for environmental or recreational purposes such as parks, wildlife preserves, State and National forests, wilderness areas, flood plains, Wild and Scenic rivers, or areas on the National Register of Historic Places.

(6) There would not likely be any significant impact on terrestrial and aquatic ecosystems, including wetlands, which are unique to the resource area.

(7) The population density, including weighted transient population, projected at the time of initial operation of a nuclear power plant, would not exceed 500 persons per square mile averaged over any radial distance out to 30 miles from the site (cumulative population at a distance divided by the area at that distance), and the projected population density over the lifetime of the nuclear power plant would not exceed 1,000 persons per square mile (simularly weighted and measured).[2]

(8) The site is not in an area where additional safety considerations (geology; seismology; hydrology; meteorology; and industrial, military, and transportation facilities) or environmental considerations for one site compared to other reasonable sites within the region of interest would result in the reasonable likelihood of having to expend substantial additional sums of money (cumulative expenditures in excess of about 5% of total project capital costs) to make the project licensable from a safety standpoint or to mitigate unduly adverse environmental impacts.

c. (1) If a site does not meet one or more of the threshold criteria provided in VI.2.b., the site may be acceptable as a candidate if it can be reasonably shown that further examination of that particular type of water source and physiographic unit would not likely identify a site that would meet those same threshold criteria.

(2) If any candidate site does not meet one or more of the threshold criteria provided in VI.2.b. to such an extent that serious adverse environmental impacts would result from its use, that site should be rejected as a candidate site.

3. If the approach of VI.1.a. above is relied upon, demonstration must be made that the site selection process incorporated the following criteria:

a. The overall objectives of the siting study and all initial constraints and limitations (including the geographic area, i.e., region of interest, which is the subject of the study) shall be explicitly stated giving the basis and rationale for all choices.

b. The proposed ways of meeting the stated objectives shall be described, including the general approach to the site selection process.

c. The study shall explicitly state factors (e.g., aquatic biology) under consideration, parameters (e.g., spawning grounds and nursery areas) by which these factors were measured, and criteria (e.g., no significant impact) that define levels of achievement.

d. The site selection study shall be interdisciplinary and shall include natural, social, and environmental sciences. The range of the responsibilities of the study team shall be clearly defined and the methods employed in resolving differences within the group or of arriving at the consensus shall be explicitly stated.

e. The process that led to the identification of candidate sites including all specific methodologies shall be explicitly stated in detail.

(1) Where preemptive screening is used, all limiting or exclusionary criteria employed shall be explicitly stated, the bases for each criterion given, and the ways in which they are applied explained.

(2) Where comparative analysis is used, all methodologies used involving importance factors, preference functions, utility functions, weighting factors, ranking scales, scoring schemes, and rating systems shall be explictily described; the basis for the selection of each methodology given; and the ways in which each is applied explained.

f. The study shall contain detailed description of administrative means used to support the site selection study, including any quality assurance program commensurate with the objectives of the study and a data management system for handling technical files, maps, and other information.

g. Definitions of terms used in the study shall be included.

4. Any intervening party and the NRC staff may propose one or more additional sites for consideration as candidate sites provided that the following conditions are met:

a. The additional sites are proposed for review within 30 days after the first special prehearing conference (i.e., the conference held pursuant to § 2.751a of 10 CFR Part 2.).

b. The proposal contains a reasonable showing that the additional sites are comparable to the applicant's slate of candidate sites in their ability to meet the criteria specified in VI.2.b. and VI.2.c. and would add to the diversity which is exhibited by the applicant's slate of candidate sites; or where the applicant's candidate sites do not meet all the criteria specified in VI.2.b. and VI.2.c., the proposal contains a reasonable showing that the additional sites will meet these criteria.

c. Where a party identifies more than one additional site, each additional site must meet one of the tests specified in VI.4.b. above.

d. The additional sites have no physical features that would likely create substantial increases in the cost of constructing and operating nuclear power plants at the additional sites compared with the applicant's proposed site, unless there is a reasonable showing that the additional sites meet a criterion specified in VI.2.b. that is not met by the applicant's proposed site.

e. Multiple parties to NRC proceedings should consult with one another prior to proposing additional sites for consideration as candidate sites in order to reasonably limit the total number submitted.

5. A presiding Atomic Safety and Licensing Board (ASLB) may on its own initiative proposed one or more additional sites for consideration as candidate sites up to 30 days after the issuance of the Draft Environmental Statement (DES). On or after the issuance of the DES, additional sites may be introduced by the ASLB, only after a balancing of the cost of delaying the proceeding against the likelihood that utilization of the additional site would avoid significant environmental harm.

6. The 30-day time limits in VI.4.a. and VI.5. above shall not be extended except upon a substantial showing of good cause.

VII. Comparison of Proposed Site With Alternative Sites

1. After it is determined by either of the above approaches that the proposed site comes from a slate of candidate sites that are among the best that could reasonably be found, the NRC will not reject the proposed site solely based on its review of the alternative sites unless a comparision with the remaining candidate sites results in a determination that an obviously superior alternative exists. The NRC will determine obvious superiority among the candidate sites by a sequential two-part analytical test. The first part gives primary consideration to hydrology, water quality, aquatic biological resources, terrestrial resouces, water and land use, socioeconomics, and population [4] to determine whether any alternative sites are environmentally preferred to the proposed site. The second part overlays consideration of project economics, technology, and institutional factors to determine whether, if such a environmentally preferred site exists, such a site is, in fact, an obvioulsy superior site.[5] The following factors are considered in this second part of the test:

a. The environmental and safety [6] considerations in terms of technology and costs of construction and operation of nuclear power plants at the sites.

b. The forward costs [7] at the proposed site compared to the alternative sites.

c. Other considerations, such as possible institutional barriers. The applicant's proposed site will be rejected solely based on NRC review of alternative sites only when the NRC determines that, considering both parts of the test, there is an environmentally preferable alternative which also is obviously superior, i.e., the NRC is confident that the applicant's proposed site should be rejected.

2.a. If an obviously superior alternative site is identified and the proposed site is rejected by the NRC, and if the applicant submits a new application naming the identified obviously superior site as the newly proposed site, the NRC will not require review of the alternative site question for the newly proposed site, provided that the previous slate of candidate sites had been determined to be acceptable by the criteria established in this rule.

b. If more than one obviously superior alternative site is identified and the proposed site is rejected by the NRC, the applicant may request that a further finding be made in that proceeding to determine whether one of those sites is obviously superior to the others. If that finding is made and one of those sites is obviously superior to the others and the applicant submits the obviously superior site as the new proposed site, the NRC will not require review of the alternative sites question for the newly proposed site, provided that the previous slate of candidate sites had been determined to be acceptable by the criteria established in this rule. If that finding is made and none of those sites is obviously superior to the others, the applicant may propose any of the obviously superior alternative sites for review as permitted according to 2.a. above.

c. If one or more obviously superior sites are identified and the proposed site is rejected by the NRC, the applicant may submit a new proposed site that is comparable to the obviously superior sites in its ability to meet the criteria specified in Section VI.2.b. Where a new site is proposed, appropriate public notice of intent is provided, and a showing of comparability in meeting the criteria is made, the NRC will only require that the sequential two-part analytical test for obvious superiority be performed on the new proposed site and on the sites found obviously superior in the earlier proceeding.

VIII. Reopening of the Alternative Site Decision

1. A reopening and reconsideration of the alternative site decision after a final limited work authorization or construction permit decision will be permitted only upon a reasonable showing that there exists significant new information that could substantially affect the earlier decision. Any decision to reconsider the alternative site decision or not in these instances will take into account preliminary estimates of the reasonable costs of delay and of moving to another site compared with the adverse environmental impacts that might be avoided by moving to another site.

2. For cases where the portion of the construction permit containing facility design is filed three years or more after the effective date of this rule and where an applicant submits the proposed and alternative sites for NRC evaluation as part of a full construction permit review at least 2½ years prior to filing the portion of the construction permit application containing detailed plant design, any reconsideration of the alternative site decision will be permitted only upon a reasonable showing that there exists significant new information that could substantially affect the earlier decision, as described in VIII.1. above. If the proposed and alternative sites were not submitted for NRC evaluation as part of a full construction permit review at leat 2½ years prior to filing the portion of the construction permit application containing the plant design, costs of delay and of moving to another site will not be considered in any decision to reconsider the alternative site decision or not or in any resulting decision that there is or is not an obviously superior site.

3. If two sites are reasonably within a region of interest for a nuclear power plant site and both sites have received an affirmative NRC partial decision on an early review of alternative sites, an applicant may choose either site for an application to construct a specific nuclear power plant without reviewing the alternative site question, except on the basis of new information as provided in VIII.2. above.

(Sec. 161 h., i., o., Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201 (h), (i), and (o)); Sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242; Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Washington, D.C., this 4th day of April 1980.

[2] This requirement will be modified as appropriate to conform to revisions to 10 CFR Part 100.

[4] This requirement will be modified as appropriate to conform to revisions to 10 CFR Part 100.

[5] In applying both parts of the test, the NRC will give consideration to the inherent uncertainties of cost-benefit analysis techniques and, where applicable, to the disparity in the data base between the proposed and alternative sites.

[6] There are some site safety issues for which a cost-effective means for successful mitigation is not state-of-the-art engineering. For the purposes of alternative site analysis, these site safety issues are considered in terms of site acceptability, i.e., where successful mitigation is considered outside the state of the art, the site would be considered unacceptable. However, where the mitigation of the safety issues are considered to be within the state of the art, the site would be considered acceptable but still must undergo the comparative test, which includes the impact of the mitigation on overall project cost, to determine whether there is an obviously superior alternative. Even though the proposed site successfully passes the early evaluation of alternative sites, it could still be found unacceptable in the later detailed safety review of that site.

[7] For cases where the portion of the construction permit application containing facility design is filed 3 years or more after the effective date of this rule, and an early site review application for the review of alternative sites had not been filed at least 2½ years earlier, the costs of moving to another site, including costs of delay, will be given no weight in any consideration of alternative sites or in any decision whether to reopen a previous decision on this subject.

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For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 80-10687 Filed 4-8-80; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 80-233]

Federal Savings and Loan System; Proposed Amendments Regarding Investments in Service Corporations

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: Pursuant to title IV of the Depository Institutions Deregulation and Monetary Control Act of 1980, the Board is proposing to amend its regulations to provide Federally-chartered savings and loan associations the authority to invest up to three percent of the association's assets in service corporations. The Act requires that not less than one-half of investments in excess of 1 percent be used primarily for "community, inner-city, and community development purposes." The Board is, therefore, requesting public comment, for a period of 30 days, concerning the types of investments that should qualify as community development investment activities.

DATE: Comments must be received by: May 9, 1980.

ADDRESSES: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Kathleen E. Topelius, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., WAshington, D.C. 20552. Telephone number: (202) 377-6444

SUPPLEMENTARY INFORMATION: Section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)), as implemented by § 545.9-1(d)(1) of the rules and regulations for the Federal Savings and Loan System, limits a Federally-chartered savings and loan association's investments in service corporations to one percent of the association's assets.

Section 401 of title IV of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221, 94 Stat. 132), amends section 5(c)(4)(B) to provide Federal associations with authority to invest up to three percent of assets in capital stock, obligations, or other securities of service corporations. If an association's aggregate investments in service corporations will exceed the currently permissible one percent limitation, section 401 requires the association to allocate not less than one-half of any additional investments to "primarily * * * community, inner-city, and community development purposes." Thus, a Federal association that intends to invest two percent of its assets in service corporations must allocate one-half of one percent of assets to community investment activities. A Federal association that invests in service corporations to the full extent permitted must allocate one percent of assets to community investment activities.

The Board believes investments that would qualify as primarily related to "community, inner city, and community development purposes" would be substantially directed at programs for development preservation, and revitalization of low- and moderate-income areas, as, both urban and rural. Qualifying investments would include investments similar to those approved for Community Investment Fund (CIF) advances or which meet any one of the factors enumerated in the Board's CRA Regulations (12 CFR 563e.7), used to assess the performance of each institution in helping to meet the credit needs of its entire community, including low- and moderate-income neighorhoods. In determining if an investment qualifies as primarily related to "community, inner-city, and community development purposes," the Board would consider:

1. Whether the investment demonstrates substantial involvement in innovative loans which contribute to the development, preservation, or revitalization of either urban or rural communities; or

2. Whether the investment meets community development and housing needs and priorities, principally for low- and moderate-income areas, or contributes to the elimination of slums or blight; or

3. Whether the investment demonstrates commitment to participate in government- or privately-sponsored programs aimed at community development, preservation, or revitalization; or

4. Whether the investment involves a local partnership aimed at assisting residents in neighborhoods that are experiencing reinvestment.

The Board is specifically soliciting comment regarding what types of investments should qualify, or, in the alternative, what standards should be applied to determine investments that qualify, as primarily related to community development purposes.

PART 545—OPERATIONS

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend § 545.9-1(d)(1) of the Rules and Regulations for the Federal Savings and Loan System to read as follows:

§ 545.9-1 Service corporations.

* * * * *

(d) *Amount of investment.* (1) In addition to the provisions of paragraphs (d)(2) and (d)(3), an association may invest under this section in the capital stock, obligations, or other securities of service corporations: *Provided,* That (i) its aggregated outstanding investment does not thereupon exceed 3 percent of assets, and (ii) not less than one-half of any investment in excess of 1 percent of assets is allocated to programs that serve community, inner-city, and community development purposes. The 3 percent investment limitation shall include all loans, secured and unsecured, and all guarantees or takeout commitments of such loans, to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, whether or not the association is a stockholder therein.

* * * * *

(Sec. 401, Pub. L. No. 96-221; sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp. p. 1971)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.
[FR Doc. 80-10764 Filed 4-8-80; 8:45 am]
BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Docket 37982; PSDR-85]

Statements of General Policy

Dated: April 3, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing in the alternative several possible changes to make its domestic passenger fare policies more flexible. Among them are: full downward fare flexibility, full or expanded upward flexibility, and expanded flexibility in short-haul markets or on a portion of each airline's available capacity. A primary goal of this proposal is to set out options for the remaining transition period before the full pricing deregulation mandated by the Airline Deregulation Act becomes effective. This proposal is at the CAB's initiative.

DATES: Comments by: May 12, 1980. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: April 21, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37982, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION:

Background

The current CAB fare policy was established in PS-80 (43 FR 39522, September 5, 1978), as modified by the Airline Deregulation Act of 1978, Pub. L. 95-504, (the ADA) and PS-92, also adopted today. The policy is set forth in 14 CFR Part 399, Subpart C. It permits certificated carriers, without providing justification to the Board, to establish fares ranging up to 5 percent, 10 percent, or more above the Standard Industry Fare Level (SIFL), as computed by us periodically.[1] Five percent upward flexibility is available to virtually all carriers in virtually all markets. Ten percent upward flexibility is permitted in markets where four or more air carriers have been authorized to serve. Local service carriers retain the 30 percent upward flexibility they have had historically.[2] Fare flexibility down to 50 percent below the SIFL generally, and 70 percent with respect to 40 percent of a carrier's weekly available seat-miles (ASM's), is also permitted.

PS-80 was not intended to be a straight jacket, precluding fares outside the suspend-free zones. Under its policy, such fares merely require adequate "justification". Likewise, the ADA did not impair in any way the Board's ability to permit establishment of reasonable fares outside the suspend-free zones. Indeed, the courts have uniformly construed suspension powers in statutes virtually identical to the Federal Aviation Act as totally discretionary and not subject to judicial review.[3] Few carriers, however, have accepted PS-80's invitation to justify fares outside of the zones.

PS-80 was also not intended to be permanent. It was issued before the Airline Deregulation Act was passed, and while our present multiple permissive entry policies were in their infancy. We explicitly stated that as our entry policies evolved for new and existing carriers, we would begin a graduated easing of pricing constraints. PSDR-58 (44 FR 21816; April 12, 1979), our policy statement on price discrimination, likewise gave notice that the intrusiveness of Board intervention into pricing matters would be dependent on the degree of actual and potential competition in the situation involved. The mere presence of residual market power, we observed, did not warrant regulatory intervention if competition could be expected to temper its abuse over time.

In the last 18 months, a very substantial number of new carrier authorizations have been made to serve existing markets. Virtually all of the significant legal barriers to new entrants in domestic markets have been removed. Our use of show-cause procedures, as well as the automatic entry and dormant authority provisions in the ADA, have led to a widespread recognition that free entry is the rule domestically, with exceptions only for specific environmental, safety, and local factors. Our route regulation will terminate, except for fitness determinations, on December 31, 1981. It can be plausibly argued that the domestic airline system is now almost as competitive as it will be after route sunset.

Our analysis of the price competition that has followed open entry suggests that it is subject to some distortion from our fare policies. A widespread shift toward longer-haul service is underway. Commuters are replacing certificated carriers in many short-haul markets. To a large extent, this shift may reflect inherent characteristics of the airline industry masked by regulation. To some extent, though, it may be due to the fact that the SIFL formula on which our present fare policy is based had been deliberately designed to make long-haul service relatively more remunerative than short hauls.

Even if our present policies were wholly uncontroversial, however, reevaluation would be necessary. It has now been over 16 months since the passage of the ADA and the adoption of PS-80. Our domestic passenger fare and rate jurisdiction expires on January 1, 1983. The ADA requires that we manage the deregulation process during the transition period. As we said in PSDR-58, "our goal is a smooth transition, not the promulgation of rigid standards which are in full force one day and gone the next." It is important that we consider and adopt a plan for the phased elimination of regulatory constraints on pricing. By our actions today, we continue the ongoing process of increasing carriers' latitude to implement their decisions in the marketplace, and bring consumers closer to the benefits we think available under full deregulation.

Alternative Proposals

We are considering several options, all of which would substantially increase air carriers' fare flexibility and reduce our intervention in the marketplace. In addition, continuing our existing policies remains an option. We propose each option in the alternative. The various options are not mutually exclusive. Some of them overlap, and some choices will have to be made. We discuss each option below.

Applicability: Although the statutory zone of reasonableness (50 percent below SIFL to 0 or 5 percent above) applies to all interstate and overseas transportation, the PS-8 zone (as much as 70 percent below to as much as 10 percent above) that we adopted before the ADA covers only markets within the contiguous 48 states and the District of Columbia. Separate rulemaking

[1] The PS-80 ceiling fares were based on the fare formula established by the Board in Phase 9 of the *Domestic Passenger-Fare Investigation*, Docket 21866-9, as adjusted by the Board's fare level standards and for cost increases. In October 1978, the ADA ratified PS-80's zone of reasonableness concept but prescribed a slightly different method for determining and updating the ceiling fare. Under section 1002(d)(6) of the Federal Aviation Act, we are required to compute a "Standard Industry Fare Level (SIFL)" for each interstate and overseas pair of points and for each class of service, using the fare level in effect on July 1, 1977—in most cases the Phase 9 ceiling—updated by the percentage change in operating costs per available seat-mile for interstate and overseas air transportation combined. In determining this change, we are not permitted to make any adjustment to carrier costs actually incurred.

[2] *See* 14 CFR 399.33(c). Since this flexibility is based on the Phase 9 ceiling rather than the SIFL, it extends to 30 percent above the *SIFL* only in markets where the predominant fare in effect on July 1, 1977, was equal to the Phase 9 ceiling. Where the predominant fare on that date was already above that ceiling, local service carrier flexibility as measured upwards from the SIFL is generally less than 30 percent.

[3] *Southern Railway, Co.* v. *Seaboard Allied Milling Corp.*, 442 U.S. 444 (1979); *Aberdeen & Rockfish Railway Co.* v. *SCRAP*, 422 U.S. 289 (1975); *United States* v. *SCRAP*, 412 U.S. 669 (1973); *Arrow Transportation, Co.* v. *Southern Railway Co.*, 372 U.S. 658 (1963).

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proceedings to extend the PS–80 zone with slight variations to Puerto Rico/Virgin Islands, Hawaii, and Alaska markets are currently in progress. (Citations appear below.) It no longer appears necessary to treat those or other overseas U.S. markets differently from the continental United States, especially in light of the substantially broader flexibility that we are proposing. Any flexibility that we adopt as part of this proceeding, therefore, would apply to all interstate and overseas transportation. However, it would not preclude any greater flexibility that is already allowed outside the continental U.S., or that we may adopt in the other three rulemaking proceedings before adopting a final rule in this one.

Option I: Full Downward Flexibility in All Markets

The PS–80 zone now goes to 50 percent of the SIFL, and also down to 70 percent below on part of each carrier's weekly available seat—miles. Option I is to provide full, 100 percent downward fare flexibility. The argument for this option is founded on the assumption that if carriers wish to reduce fares, our paramount duty is to get our of the way. We have not suspended or investigated any fare reduction since passage of the ADA. Claims of predation have rarely been made, and never sustained. An example, is discussed in Order 79–6–195, June 28, 1979. In any event, we would continue to recognize predation as a basis for suspension at any fare level.

We would combine this option with any upward fare flexibility that we may adopt.

Option II: 10 Percent Upward Flexibility for More Markets

This option is the least additional upward flexibility that we propose. The current limit is 5 percent above the SIFL for one-, two-, and three-carrier markets, and 10 percent for markets with four or more carriers authorized to provide roundtrip nonstop service. Under this option, we would extend the coverage of the 10 percent limit to markets with two and three carriers, retaining the 5 percent limit only for monopoly markets.

Option III: Full or Full/Partial Upward Flexibility in Short-Haul Markets (No Change in Long Haul)

There are several variations on this option. They all include unlimited upward flexibility[4] for markets up to 200 miles and additional flexibility for markets between 200 and 400 miles. We would not use our suspension powers to block price changes within these revised zones except upon a clear showing of abuse of market power that we do not expect to be corrected through marketplace forces. Generally, we would act only upon complaint. Special tariff permission for effectiveness on less than statutory notice would be granted liberally as at present, with some additional review in cases of very substantial increases outside the present zone. We emphasize that no changes in the workings of the tariff mechanism are intended, and we do not propose to abdicate any of our existing legal authority. The proposed change in policy lies in the manner in which we would exercise our discretionary powers, not in their scope.

This option seems a logical important step. By any standard, air service in the 1–200 mile block is competitive. This segment of the industry is being served in substantial and growning measure by commuter carriers which have both freedom of entry and exit and freedom of pricing. While precise data are not available, preliminary studies indicate the commuter carriers are participating in between one-fourth and one-third of online traffic moving in city-pair markets in the 1–200 mileage range. A ranking of commuter prices in monopoly markets (markets in which only commuters were providing nonstop service) indicates a wider dispersion of fares than is true of the certificated carriers with a greater proportion of their fares at or below the Standard Industry Fare Level. (See Appendix A) This suggests that whatever market power exists in these markets is either not being abused or is being abused in a way that continued fare regulation cannot mitigate.

Further, pricing in short-haul markets is heavily constrained by the bus, train and automobile. These provide a competitively priced substitute to air transportation even considering the perceived value of the passenger's time (See Appendix B). Commuter pricing policies appear to be effectively related to costs incurred under individual market conditions in a basically unregulated free market system. There is no reason to believe the certificated segment of the industry would not follow the same competitive pricing pattern.

It is also in the lower mileage blocks where, as noted, SIFL fare regulation may be most harmful from a competitive and service standpoint. Capacity offered by certificated carriers in the 1–200 mile range is declining. Available seat miles for the third quarter of 1979 declined more than 10 percent below the same period the previous year. Part of the explanation appears to be in the makeup of the SIFL, which is largely based on Phase 9 of the DPFL. There, the Board constructed a fare formula that substantially underpriced short-haul service and overpriced long-haul service. The "cross-over" point, as of July 1, 1977, was about 400 miles.[5] Short-haul carriage was compensated by the 30 percent upward flexibility for local service carriers and the cost-prorate method of dividing joint fares that was mandated in Phase 4 of the DPFL. Nonetheless within the present ability of carriers to enter and exit markets quite freely, it is only natural that capacity would move to routes where upward price freedom was greatest.

A review of recent trunk and local service carrier pricing decisions also demonstrates the effect of the skewed fare formula. Looking only at monopoly nonstop markets, we have found an overwhelming percentage, almost 80 percent, in the 1–200 mileage block priced at more than the 5 percent upward flexibility permitted trunk carriers. The percentage is somewhat lower, about 65 percent, in the 201–400 mileage block, but declines drastically to under 20 percent in the 401–800 mile block. These data are perfectly consistent with the proposition that the SIFL formula understates carrier costs in the short-haul markets at least well into the 201–400 mileage block; all markets involved are "monopoly" markets, with roughly similar opportunities to garner monopoly profits. Under such circumstances, the decline in short-haul certificated carrier service, particularly by the trunks, who are limited to 105 percent of the SIFL in monopoly markets, seems at least in part a result of the present fare ceilings. By raising or eliminating the ceiling, we can encourage new service and competition by ensuring new entrants an opportunity to earn a compensatory return. If makes no sense to perpetuate fare ceilings that drive out certificated carriers in favor of unregulated commuters who charge more. It is just as nonsensical to immunize commuters from competition from carriers who might charge less than they do, or provide better service, but who cannot do so at prices within the present zones of reasonableness.

[4] This option should be read in conjunction with our discussion below of option V with respect to the possible need to increase flexibility in the 0–200 mileage block to 50% to accommodate the existing SIFL bias against short-haul markets, as also described below, and the desirability of peak-off-peak pricing.

[5] See Appendix C, and *Domestic Passenger-Fare Investigation, January 1970 to December 1974*, CAB, p. 799, fn. 124.

Because the case for unrestricted prices in the 1–200 mileage block is so persuasive, we propose removing all ceilings. As stage length increases, the automobile becomes less useful as an economic substitute to air transportation. For this reason, in the 200–400 mileage block we are inclined to merely increase fare flexibility to 30 percent above the SIFL for all certificated carriers. Variations on this option, which we propose in the alternative and specifically seek comments on, include (a) greater upward flexibility, such as 50 percent, in the 200–400 mileage block, and (b) unlimited upward flexibility for that mileage block, as with 0–200-mile markets.

Option IV: Full Upward Flexibility for a Portion of Each Carrier's Available Seat-Miles

Under this option, carriers could sell seats at any price for up to 25 percent of their available seat-miles in each market. The percentage would increase by 25 every 6 months after adoption. Fares not based on this new flexibility would either have to be within the zones or specifically justified, as at present. When a carrier did use this flexibility, it would include in its tariff filing a certification that the seats sold at that fare, measured by ASM's, would not exceed the specified portion of the total ASM's. Total ASM's would not include seating in first class or on small aircraft, or any other capacity not subject to the zones. Actual compliance with the percentage limitation would be verifiable after the fact.

In a market that is served by a multi-stop flight, the actual ASM's would depend on how the carrier allocated its capacity among the various legs of the flight. For example, on a flight from A to D via B and C, it might initially allocate seats on the A–B leg as follows, on the basis of historical reservation patterns: 25 percent of the seats for local traffic, 35 percent for A–C traffic, and 40 percent for passengers going all the way from A to D. As actual reservations departed from this historical pattern, the carrier would reallocate its capacity, perhaps as often as daily. A carrier with a good system of fine-tuning these allocations could gain a distinct competitive advantage from high efficiency. We would not substitute our judgment for that of carrier management. In determining compliance with the capacity limitation on unrestricted fares, we would rely on carriers' good faith allocations.

A primary goal of this option is to encourage peak-off peak pricing. Though PS–80's upward flexibility provisions were in large part premised on the Board's desire to encourage such pricing, few carriers have innovated with the normal coach fare. There have been some exceptions, particularly Air Florida, Southwest, Pacific Southwest, and to a lesser extent Continental, Texas International, and Western. But by and large, coach passengers pay the same whether they fly on a fully occupied airplane Friday evening or on an empty one Saturday afternoon. This option would be a substantial move in the transition toward unregulated pricing nationwide, in all markets, without permitting a carrier to concentrate merely on exploiting those individual markets where very significant monopoly power remains. Assuming an implementation date of June 30, 1980, complete flexibility would occur on December 31, 1981—which corresponds with the sunset of most of our route authority. By the same token, any unanticipated difficulties with the new policy could be dealt with before its full implementation.

This option, then, is intended not only as an immediate stimulus to more innovative pricing schemes—and we believe there must be ways to increase carriers' yield other than coordinated national price increases in virtually *all* fares—but also as a blueprint for the orderly dissolution of domestic fare ceilings. These two aims are interconnected in any event. We do not see peak pricing as and end in itself. Only the marketplace will determine the feasibility and marketability of time-differentiated fares. We fear, however, that current price ceilings are perceived as an obstacle to such fares by management who may fear that the Board will not permit sufficient peak price increases to offset off-peak price decreases.[6]

We recognize also that there may be difficulties in administering a pricing system based on application of complete fare flexibility to a discrete percentage of ASM's. Carriers do not have infinite flexibility in their reservation and marketing systems, and there is potential confusion to travel agents and the public to consider. The initial 25 percent figure has, moreover, not been chosen scientifically, but is merely an estimate of the amount of fare flexibility necessary to cover the major peak periods of the week in most markets. We welcome comments on these difficulties and any solutions to them, so that if we adopt this option the policy will have a reasonable chance to attain its objectives.

One variation on this option is to use increments other than 25 percent, or intervals other than 6 months, in order to move at a different pace toward complete flexibility. The sunset of our route authority on December 31, 1981, appears to be a good target, although we would also consider others, such as the sunset of our rate authority on January 1, 1983.

The time interval for counting sales under this option is another important factor. We propose in the alternative to allow sales at unrestricted prices on the applicable fraction of each carrier's weekly, monthly, quarterly, or semiannually available seat-miles. The shorter intervals would give us more opportunities to verify carrier compliance. We are inclined toward the longer ones, however, which would give carriers more incentive to experiment with truly innovative pricing that would better harmonize the supply and demand for air transportation.

Another variation on which we also solicit comments is to apply the percentage limitation on unrestricted fares on a system-wide rather than on a market-by-market basis. In some markets, even markets above 400 miles, fare ceilings may not be remunerative. Given airlines increased flexibility on a system-wide basis would allow them to tailor fares to the costs of serving particular markets. However, such flexibility might give airlines the ability to raise prices in markets where they fare little actual competition, though there is some evidence that indicates potential competition effectively constrains fares in such situations. (See Appendix D) To summarize, we would be favorably disposed to grant the additional flexibility stemming from such a modification if we were persuaded that the carriers would not utilize it to the detriment of arguably non-competitive markets rather than as a stimulus to more competitive pricing.

Option V: Increased Upward Flexibility in All Markets

To effect a gradual transition to total price deregulation and to balance our concern for dislocation in pricing in short haul markets with the desirability of maintaining in place some pricing standard, we are also prepared to consider a policy allowing fare

[6] An erroneous impression: any attempt by an individual carrier to price coach fares innovatively would be sympathetically considered by us under our current fare policy, even though some fares were above PS–80 guidelines. Our action in Order 79–11–71, November 8, 1979, suspending Eastern Airlines "Caribbean Holiday Surcharges" should not be considered as precedent to the contrary. Our action there rested on the particular characteristics of the Puerto-Rican market, Eastern's timing, and its failure to offer any off-peak price reduction, or any other benefits for that matter, to balance the peak increases.

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flexibility up to 30 percent above the Standard Industry Fare Level in all domestic markets for all certificated carriers. If we adopt this option, we would adjust the SIFL twice a year, as set forth in section 1002(d)(6)(B), instead of more often as we have been doing recently under the pressure of rapidly escalating fuel costs.

A 30 percent standard would provide greater fare flexibility than now exists, and would constitute a phased step toward complete pricing freedom within the context of the Deregulation Act. The industry's pricing response to this greater flexibility would also provide a basis for evaluating the impact of pricing freedom in the market.

We are especially concerned with the general trend by certificated carriers away from providing service in short-haul markets, however, and particularly invite comments as to whether the 30 percent upward flexibility would be sufficient to encourage peak-off peak pricing in short haul markets.

Variations on this option would be to increase the zone of upper flexibility to 50 percent rather than 30 percent for markets up to 200–400 miles. The basis for these variations is to ensure that there would be sufficent margin to establish a peak-off peak pricing structure in shorter haul markets in the mileage range where the historic DPFI fare level was established below cost. Greater pricing flexibility in these mileage blocks would ensure that there would be minimal bias in the pricing structure and that opportunity costs would be balanced as between short and long haul options. The reasoning for these variations is the same as that set forth above under Option III.

Option VI: Full Upward Flexibility in All Markets

Because we believe our entry policies are already allowing the airline industry to become highly competitive, we are prepared to consider an even more far-reaching proposal than those already outlined. Indeed, the range of alternatives we are prepared to consider is limited only by our sense of fidelity to Congress' desire that we manage a transition.

A strong case can be made that SIFL regulation does not benfit the public. We are concerned, first and foremost, with the bias against short hauls already discussed; it is too late to tinker with the formula and we would prefer, all things equal, to remove the distortion entirely rather than attempt to compensate for it with administrative contrivances. Second, we are concerned that in many markets the SIFL facilities tacit price coordination. No other competitive industry has a regulatory agency prescribing a formula for ceiling prices six times a year. Third, the mere existence of a zone in which carriers may price freely can serve as a practical disincentive to innovative pricing; some managements in this industry, which has been regulated so pervasively in the past, may still not perceive the substantial pricing freedom available to them.

These considerations must be weighed against the SIFL's benefits in warding off abuses of monopoly power. Some monopoly power may remain in the airline industry, though we have substantial reason to believe that the prospect of potential competition is effective as a means of price control (See Appendix D). We do know that many, if not most, domestic coach fares are at or close to the no-suspend ceiling. (See Appendix E.) The principal exceptions are the fares offered by new entrants such as Air Florida, World, Capitol, and Midway Airlines in some relatively dense markets. Even in the markets where there has been new entry, the traditional carriers have not responded with matching low fares, but have maintained high coach fares at near ceiling levels, competing for discretionary traffic with low, capacity-controlled, discount fares. Whether this represents the competitive equilibrium or reflects the exercise of excessive market power cannot be known with certainty, and the answer may well differ substantially from market to market. We cannot exclude a significant possibility that fares in many markets will rise substantially if price ceilings are removed. But the argument is strong that we should err, if at all, on the side of laissez-faire.

The industry, as a whole, is not highly profitable at this time. For the 12 months ended September 30, 1979, the latest period available in official reports, certificated carriers earned an 8.1 percent corporate return on investment, as opposed to 14.5 percent in the corresponding period ended September 30, 1978. A comparison of calendar year 1979 with 1978 would show an even more precipitate drop. Traffic is also down. Monthly load factors, which have tended to rise since 1977, are beginning to decline (See Appendix F), even though the oft-predicted recession has not yet generally materialized. Price elasticity is surely a factor in reducing traffic: the SIFL has increased over 40 percent since November 1978. The market will not allow carriers unlimited upward flexibility, no matter what we do. Lastly, though traffic is decreasing, carriers continue to acquire more fuel-efficient equipment on an ongoing basis; while, in the recent past, the relationship of efficient capacity to demand was quite tight, the new acquisitions should bring capacity and demand into better balance. All these considerations suggest that marketplace forces will discipline any excessive price increases, and that we should consider an immediate withdrawal from active regulation of domestic fare levels.

Even were this option to be selected, the Board would not withdraw from the field entirely. Changes in Board jurisdiction, or in the broad timetable for deregulation, are matters for Congress. Absent Congressional action, our suspension powers would remain intact, and would be used in any instances where the heavy burden of justifying regulatory intervention was met. Our staff would actively monitor prices in markets with special barriers to entry, such as airport restrictions.[7] Extreme fare increases in single-carrier markets would likewise be carefully scrutinized. In particular, firm returns on investment would be continously analyzed to ensure that large monopoly profits did not occur without our being in a position to consider corrective action. We would suspend a fare upon a clear showing of abuse of market power that we did not expect to be corrected through marketplace forces.

To summarize, the dangers from more passive fare regulation may well be compensated for by the advantages of removing current rigidites. We solicit comments on the likely impact of such a move on consumers and the industry. In general, commenters should focus on remaining barriers to entry in the domestic system as a whole and in particular markets. Are the barriers significant and are large price increases likely? If excessive monopoly profits are to be earned in some markets, will we be able to take corrective action effectively on a case-by-case basis? Are there legal impediments to full fare flexibility at this time, and is it consistent with the Congressional intent? Are there specific actions that we should take besides the more limited alternatives proposed, to prepare for full fare flexibility?

[7] Some concern has been expressed that excessive price increases might be experienced at slot-controlled airports. Our studies indicate however, that the slot limitations tend to occur at high traffic points and large volume markets, where the lower passenger unit costs associated with higher density would keep prices in equilibrium. We would continue to monitor pricing activity at slot-controlled airports intensively under any of the liberal options proposed in this notice to ensure that these studies are correct. We especially invite comments on this issue.

Summary

The alternatives for domestic fare flexibility that we propose are:

I: Full downward flexibility in all markets.

II: 10 percent upward flexibility in two- and three-carrier markets as now allowed in four-carrier markets.

III: Full upward flexibility for markets up to 200 miles, coupled with 30 percent upward for 200-400-mile markets. VARIATIONS: A higher percentage or unlimited flexibility for 200-400-mile markets.

IV: Full upward flexibility for a portion of each carrier's capacity each week in each market. VARIATIONS: Measure by month, quarter, or 6-month period; apply to system instead of each market.

V: 30 percent upward flexibility in all markets. VARIATIONS: 50 percent upward for 0-200- or 0-400-mile markets.

VI: Full upward flexibility in all markets.

We would also make conforming amendments to our rules on tariff filing and Special Tariff Permission.

In view of the urgent need to provide additional pricing flexibility to carriers faced with rapidly escalating costs, particularly in short-haul markets where our current fare policies may discourage service by certificated carriers, we have decided to allow 30 days for comments, instead of the usual 60.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 399, *Statements of General Policy,* in one or more of the following ways, and as set forth below under "All Options":

Option I: Full Downward Flexibility in All Markets

In § 399.32, paragraph (b), *Bottom of zone,* would be retitled and amended, and paragraph (c), *Fares below the zone,* would be revoked and reserved, so that the section would read:

§ 399.32 Zone of limited suspension for domestic passenger fares.

* * * * *

(b) *Downward flexibility.* Each carrier may set fares in each market at any amount below the SIFL. The Board will not suspend such a fare on the ground that its level is unreasonable, except in the following extraordinary circumstances:

(1) There is a high probability that the fare would be found to be unlawful after investigation;

(2) There is a substantial likelihood that the fare is predatory so that there would be an immediate and irreparable harm to competition if the fare were allowed to go into effect;

(3) The harm to competition is greater than the injury to the traveling public if the proposed fare were unavailable; and

(4) The suspension is in the public interest.

(c) [Reserved]

* * * * *

Option II: 10 Percent Upward Flexibility for More Markets

In § 399.32(d)(1), "four" would be replaced by "two", so that the section would read:

§ 399.32 Zone of limited suspension for domestic passenger fares.

* * * * *

(d) *Top of zone.* Each carrier may set fares above the SIFL as follows * * *

* * * * *

(1) Up to 10 percent above the SIFL, in markets where two or more carriers are authorized * * *

(2) Up to 5 percent above the SIFL in all other markets.

* * * * *

Option III: Full or Full/Partial Upward Flexibility in Short-Haul Markets (No Change in Long Haul)

In § 399,33, a new paragraph (d) would be added, to read:

§ 899.33 Additional fare flexibility.

* * * * *

(d) *Short-haul markets.* In short-haul markets, each carrier may set fares above the SIFL as follows, and the Board will not suspend the fares on the ground that their level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces:

(1) At any level, for markets whose shortest authorized airport-to-airport mileage is less than or equal to 200 miles; and

(2) Up to 30 percent above the SIFL, for markets whose shortest authorized airport-to-airport mileage is more than 200 miles but not more than 400 miles.

Alternative Proposals: A: Greater upward flexibility, such as 50 percent for 200-400-mile markets, B: Unlimited upward flexibilty for 200-400-mile markets, as with 0-200-mile markets.

Option IV: Full Upward Flexibility for a Portion of Each Carrier's Available Seat-Miles

A new § 399.34 would be added, to read:

§ 399.34 Full fare flexibility for a portion of available seat-miles.

(a) Each week in each market, an air carrier may sell seats at any price for up to 25 percent of its capacity. "Capacity" means available seat-miles that are subject to the zone set forth in § 399.32. It does not include seating in first class or one small aircraft, or any other capacity for which complete fare flexibility is already set forth in § 399.33.

Alternative Proposals: A: apply the percentage by month, quarter, or 6-month period instead of by week. B: Apply the percentage to each carrier's certificated route system, instead of to each market of each carrier.

(b) The Board will not suspend a fare that is based on the pricing flexibility set forth in this section on the ground that its level is unreasonable, except upon a clear showing of abuse of market power that the board does not expect to be corrected through marketplace forces.

(c) The percentage set forth in paragraph (a) of this section will increase to 50, 75, and then 100 percent at 6-month intervals after adoption of this secton.

Alternative Proposals: Approach complete fare flexibility more quickly or more slowly by using different percentages or different intervals, or both.

Option V: Increased Upward Flexibility in All Markets

1. In § 399.32, paragraph (d) would be amended to read:

§ 399.32 Zone of limited suspension for domestic passenger fares.

* * * * *

(d) *Top of zone.* Each carrier may set fares up to 30 percent above the SIFL. The Board will not suspend such fares on the ground that their level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces.

Alternative Proposals: A: 50 percent above SIFL for 0-200-mile markets. B: 50 percent above SIFL for 0-400-mile markets.

* * * * *

2. In § 399.33, *Additional fare flexibility,* paragraph (c), *Local service carriers,* would be revoked and reserved.

Option VI: Full Upward Flexibility in All Markets

1. Section 399.32, *Zone of limited suspension for domestic passenger fares,* would be retitled, paragraph (d), *Top of zone,* would be retitled and amended, and paragraph (e), *Fares above the zone,* would be revoked, to read:

§ 399.32 Suspension of domestic passenger fares.

* * * * *

(d) *Upward flexibility.* Each carrier may set fares in each market at any amount above the SIFL. The Board will

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not suspend such a fare on the ground that its level is unreasonable, except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces.

§ 399.33 [Reserved]

2. Section 399.33, *Additional fare flexibility*, would be revoked and reserved.

All Options:

1. In § 399.32, paragraph (a) would be amended to read:

§ 399.32 Zone of limited suspension for domestic passenger fares.

(a) *Applicability.* This section sets forth the Board's policy on passenger fares for scheduled service by certificated carriers in interstate and overseas air transportation, except to the extent that greater flexibility is set forth in § 399.33.

* * * * *

Note.—The final rule would not preclude any greater fare flexibility that is allowed under (a) existing Board policy, or (b) any policies that the Board may adopt in the pending rulemaking proceedings on Puerto Rico and Virgin Islands Markets (Docket 33836; EDR-366/PDR-58/PSDR-52; 43 FR 51641; November 6, 1978), Hawaii markets (Docket 35119; EDR-373/PDR-64/PSDR-57; 44 FR 18688; March 29, 1979, revised proposal in EDR-373A/PDR-64A/PSDR-57A: 44 FR 28828; May 17, 1979), or Alaska markets (EDR-388/PSDR-63; 44 FR 52847; September 11, 1979).

2. The opening sentence of § 399.33 would be amended to read:

§ 399.33 Additional fare flexibility.

For scheduled service in interstate and overseas air transportation, certificated air carriers have the following fare flexibility in addition to that set forth in § 399.32:

* * * * *

3. Conforming amendments would be made in 14 CFR Part 221, *Tariffs*.

(Secs. 204, 403, 404, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 765, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, and 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

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APPENDIX A - COMPARISON OF SIFL AND TARIFF FARES JAN, 1, 1980

OF CERTIFICATED AND COMMUTER CARRIERS

Nonstop Monopoly Markets 0-200 Miles

PERCENT TARIFF ABOVE (-) OR BELOW (+) SIFL	Number of Markets: Certificated Carriers	Number of Markets: Commuter 1/ Carriers	Percent Distribut: Certificated Carriers
-35.0 plus	2	5	0.5
-34.9 to -30.0	87	8	20.4
-29.9 to -29.0	124	12	29.0
-24.9 to -20.0	27	20	6.3
-19.9 to -19.0	58	7	13.6
-14.9 to -10.0	13	17	3.0
- 9.9 to - 5.0	26	12	6.1
- 4.9 to 0	28	8	6.6
Tariff = SIFL	45	9	10.5
0 to 4.9	2	11	0.5
5.0 to 9.9	-	9	-
10.0 to 14.9	-	3	-
19.0 to 19.9	-	3	-
20.0 to 24.9	15	10	3.5
19.0 to 29.9	-	5	-
30.0 to 34.9	-	7	-
35.0 plus	-	11	-
Total	427	157	100.0

1/ Sample of Commuter Carrier markets taken from January 15, 1980 OAG.

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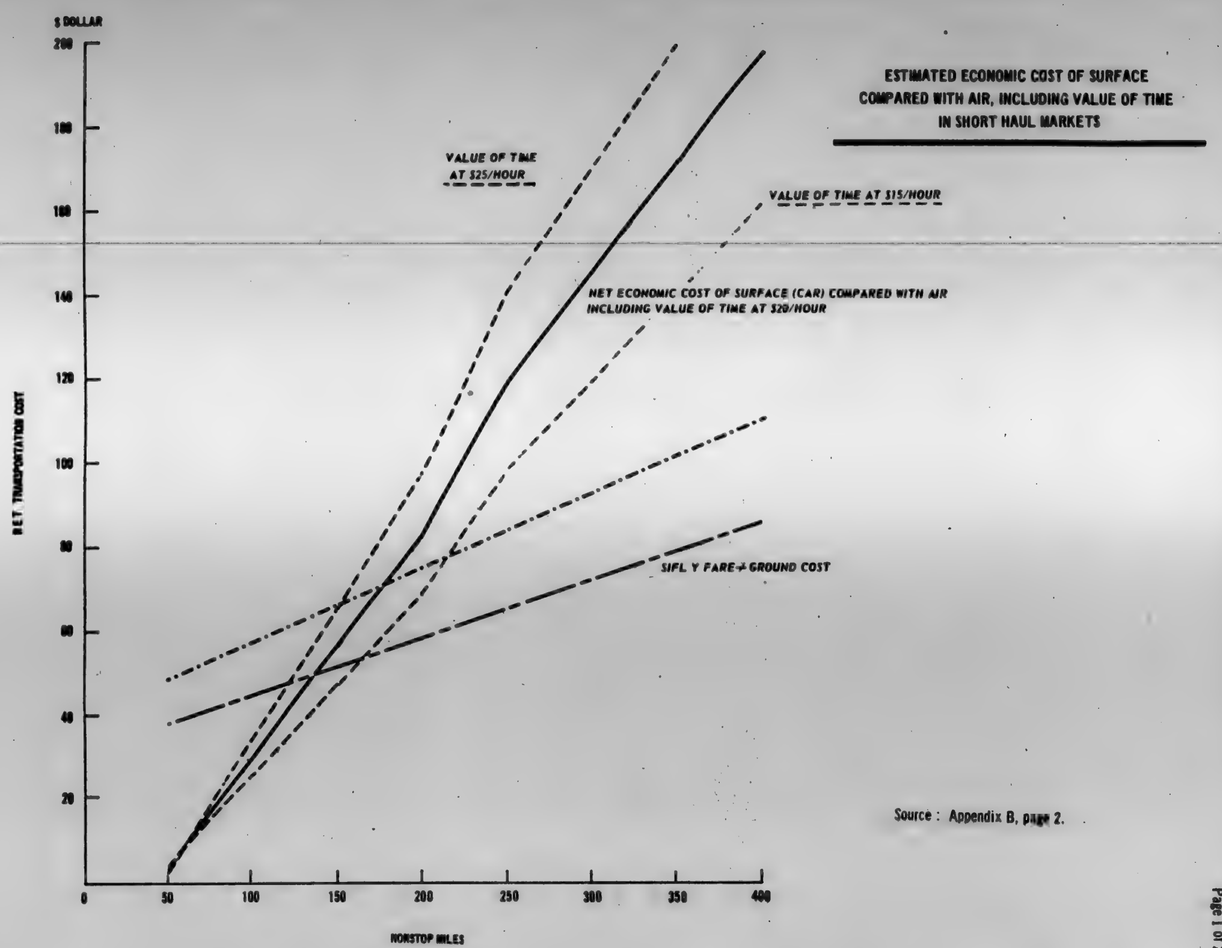

ESTIMATED ECONOMIC COST OF SURFACE COMPARED WITH AIR, INCLUDING VALUE OF TIME IN SHORT HAUL MARKETS

Source: Appendix B, page 2.

Appendix B
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APPENDIX B - ESTIMATED ECONOMIC COST OF SURFACE COMPARED WITH AIR INCLUDING VALUE OF TIME AT $20 PER HOUR IN SHORT HAUL MARKETS

TRIP MILES AIR	TRIP MILES SURFACE 1/	TOTAL TRAVEL TIME BY AIR 2/	TRAVEL TIME BY AUTO 3/	TIME SAVED BY AIR	SURFACE TRAVEL COST CASH EXPENSE 4/	SURFACE TRAVEL COST VALUE OF TIME 5/	SURFACE TRAVEL COST TOTAL	AIR TRAVEL COST 6/	RATIO TOTAL SERVICE COST TO AIR
50	55	1:15	1:06	(.09)	$ 6.60	$ (3.00)	$ 3.60	$ 38.00	.09
100	110	1:22	2:12	:50	13.20	16.67	29.87	45.00	.66
150	165	1:28	3:18	1:50	19.80	36.67	56.47	52.00	1.09
200	220	1:35	4:24	2:49	26.40	56.33	82.73	59.00	1.40
250	275	1:42	6:00 7/	4:18	33.00	86.00	119.00	66.00	1.80
300	330	1:48	7:06 7/	5:18	39.60	106.00	145.60	72.00	2.02
350	385	1:55	8:12 7/	6:17	46.20	125.67	171.87	79.00	2.18
400	440	2:01	9:18 7/	7:17	52.80	145.67	198.47	86.00	2.31

Note: This does not include any estimate of total opportunity costs. Because of the advantage of the automobile over scheduled air service in terms of schedule delay (both frequency and stochastic delay) the study understates the advantage of the automobile.

1/ Estimated at a circuity factor of ten percent of nonstop airmiles.
2/ Computed using industry average block time for DC-9 plus one hour for ground time.
3/ Computed at 50 miles per hour.
4/ Estimated at 12¢ per mile.
5/ Estimated at $20 per hour based on an assumed annual income level of $40,000 and 2000 hour.
6/ SIFL fare as of January 1, 1980 plus $6 for surface travel applied to air trip miles.
7/ :30 additional elapsed time added for trips in excess of 220 surface miles.

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APPENDIX C

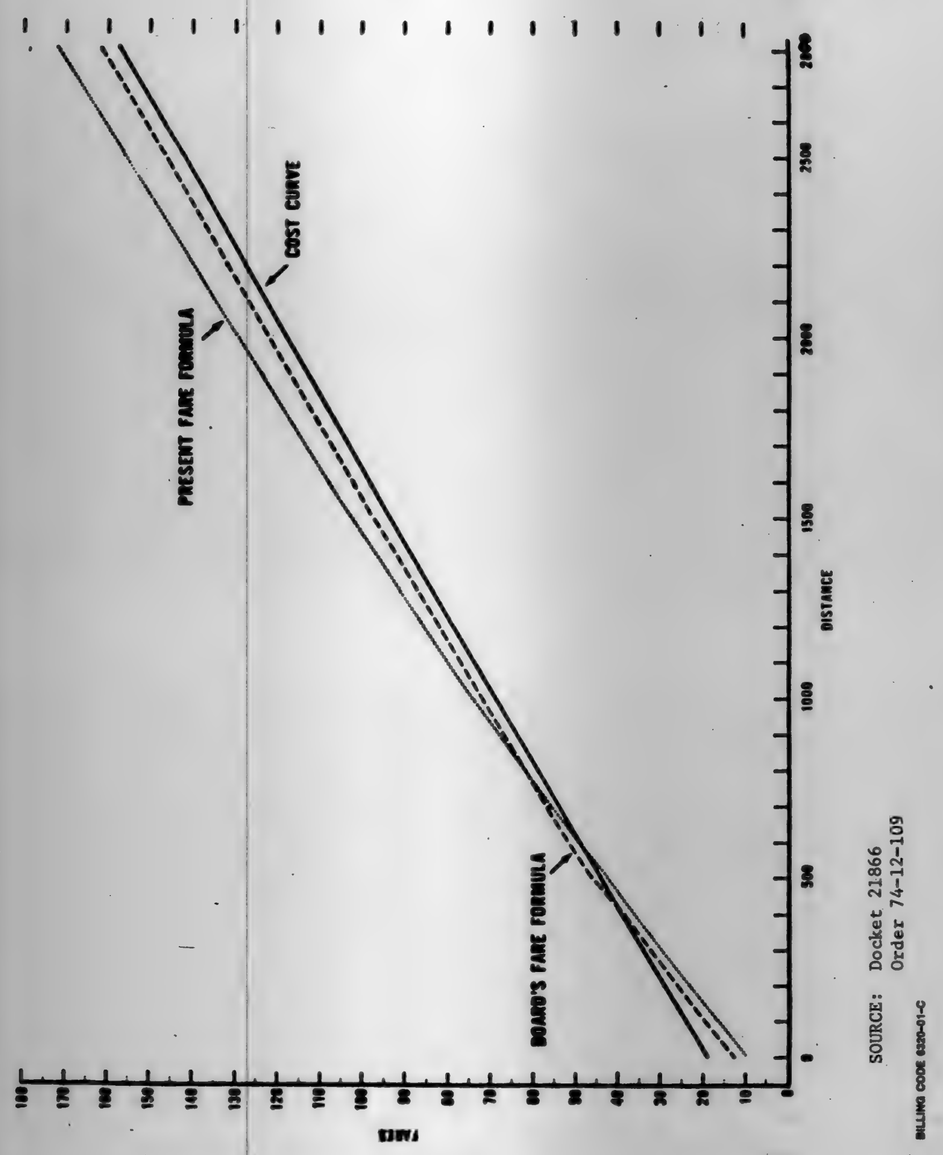

SOURCE: Docket 21866
Order 74-12-109

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Appendix D.—Local Carrier Fares: The Effects of Fare Flexibility

Local service carriers have a greater degree of fare flexibility than the trunks. To consider the possibility effects of giving trunk carriers increased fare flexibility we analyzed the effects of competition and costs in the establishment of local service carrier fares. The study supports a conclusion that potential competition is an effective force in the establishment of fares and consequently local service carrier fares tend to reflect costs.

We selected a sample of 43 markets served by local service carriers. These markets ranged from 85 miles to 778 miles. For each market we compared the local carrier's fare in the December 15, 1979 OAG with the SIFL fare at that time. Though local service carriers could charge up to 130% of the SIFL fare, the average fare in these markets was only 12.5% above the SIFL fare.[1] In five markets (11.6% of the sample) the local carrier fares were at the ceiling, while in another six markets the carrier charged as much as 20% above the SIFL fare, a clear indication that factors other than CAB fare regulation are constraining local carrier fares.

Using a statistical technique known as regression analysis, we attempted to explain the local carrier's fare as a percentage of the SIFL fare. We expected that market distance would be important in explaining differences in local carrier fares, since it is well known that the SIFL fare formula sets fares in short-haul markets below costs. Thus, we expected that the greater the length of haul, the lower the local carriers' fares would be as a percent of the SIFL fare. Trunk fares are constrained by the Board to be no more than five per cent above the SIFL fare level in 2 and 3 carrier markets and ten percent in 4 carrier markets, therefore, the presence of a trunk carrier in a market should have a negative influence on local carrier fares. Finally, the effect on fares of the presence of another local carrier or a commuter carrier in a market should help settle the question of whether potential competition is as effective as actual competition in keeping fares close to cost.[2]

We found that the relationship between the local fare as a percentage of the SIFL fare and distance was as predicted. Additionally, the presence of a trunk carrier in markets below 400 miles did indeed have a strong negative effect on local carrier fares. However, neither local service carrier competition, commuter competition, nor, in those markets above 400 miles, trunk competition had a significant impact on local service fares.

Our estimates of local fares as a percentage of the SIFL fare, controlling for the existing competition, were as follows:

Mileage block:	Estimated local fare as a percentage of the DPFI fare
0 to 100	1.212
101 to 200	1.186
201 to 300	1.183
301 to 400	1.203
401 to 500	1.046
501 to 600	1.060
601 to 700	1.011
701	0.988

Though the estimate of fares in the various mileage blocks differ, we are only able to distinguish statistically between fares in the mileage blocks above 400 miles and those below 400 miles. For example, we cannot say with any confidence that fares in 0–100 mile markets differ from fares in 201–300 mile markets. Similarly we cannot say that fares in different mile blocks above 400 miles differ. However, we can say that fares in markets less than 400 miles are significantly greater than fares in markets greater than 400 miles.

The estimates above control for the existence of competition. In markets below 400 miles that presence of a trunk carrier meant fares were 15.9 percentage points lower than the estimates given above. *The other competition variables i.e.,* those indicating the presentce of a commuter or other locals—*did not have a significant effect on fares.* Thus, for our sample, fares in monopoly markets were no more likely to be at the fare ceiling than were fares in markets served by commuters or other locals. This finding is consistent with the view that the threat of competition is as effective as the presence of an actual competitor in holding fares in line with costs.

An additional interpretation of our extimates is that if trunk carriers were given increased fare flexibility, fares in trunk markets less than 400 miles would increase by 16%. However, a less disturbing alternative interpretation appears plausible. Many factors determine fares in a market. We have omitted all but a few. For example, the number of passengers in the market, the amount of connecting traffic at the end points of the market, and passenger demand for frequent service all should affect fares. In our analysis we included only distance and competition as factors to explain differences in fare levels. Our observation that trunk competition is important in restraining fare levels in less than 400 mile markets may be the result of excluding these other variables from our analysis. The passage of the Airline Deregulation Act gave carriers substantially increased flexibility to withdraw service from markets.

This is especially true of markets where there are two or more carriers. In this sample, all markets have a local service carrier and therefore a trunk carrier has ony to file a 401(j) notice to withdraw service. A trunk carrier would serve these markets only if the carrier could not use its equipment more profitably in another market. This suggests the alternative interpretation of our estimate of the effect on fares of the presence of a trunk competitor: Trunk carriers are serving most of these markets because they are earning profits at the Board imposed fare levels. This interpretation implies that if we were able to include all factors determining fares in markets the existence of a trunk competitor would be much less important in explaining local service carrier fares. Therefore, relaxing Board fare regulations in these markets might not lead to significant fare increases. In those markets trunks have decided not to abandon, the local carrier and the trunk carrier are apparently covering their relevant costs, and competition should limit fare increases in these markets even in the absence of Board fare ceilings.

There is additional support for a conclusion that fares are cost-based. In markets above 400 miles, local carriers' coach fares are not significantly different from fares allowed under Board regulation of the trunks. Even though the locals are able to charge 130% above the SIFL, they do not. In the Domestic Passenger Fare Investigation, the Board set fares in markets less than 400 miles at below costs. The result that local service carriers' fares are substantially above SIFL levels only in markets below 400 miles thus provides striking support for the claim that trunk fare ceilings preclude profitable operation in many short-haul markets.

[1] Because of rounding, some fares were actually above the theoretical maximum.

[2] In those cases where there was more than one local service carrier, we used the fare of the carrier with the most departures.

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Appendix E.—*Comparison of SIFL and Tariff Fares Jan. 1, 1980, Domestic Trunk and Local Service, Nonstop Monopoly Markets*

Percent tariff above (–) or below (+) SIFL	0–200 miles		201–400 miles		401–800 miles		801 plus miles		All markets	
	Number of markets	Percent distribution	Number of markets	Percent distribution	Number of markets	Percent distribution	Number of markets	Percent distribution	Number of markets	Percent distribution
–35.0 plus	2	0.5	4	1.3					6	0.5
–34.9 to –30.0	87	20.4	20	6.6					107	9.2
–29.9 to –25.0	124	29.0	49	16.2	1	0.8	1	0.03	175	15.0
–24.9 to –20.0	27	6.3	22	7.3	2	1.4	3	1.0	54 [374.6	
–19.9 to –15.0	58	13.6	31	10.3	9	2.2	6	2.0	98	8.4
–14.9 to –10.0	13	3.0	17	5.6	5	3.6	41	13.7	76	6.5
–9.9 to –5.0	26	6.1	51	16.9	15	10.9	134	44.7	226	19.4
–4.9 to 0	28	6.6	50	16.6	71	51.4	25	8.3	174	14.9
Tariff=SIFL	45	10.5	49	16.2	37	26.8	61	20.3	192	16.4
0.0 to 4.9	2	0.5	6	2.0	4	2.9	21	7.0	33	2.8
5.0 to 9.9			3	1.0					3	0.3
10.0 to 14.9							1	0.03	1	0.1
15.0 to 19.9										
20.0 to 24.9	15	3.5							1.5	1.3
25.0 to 29.9										
30.0 to 34.9							1	0.03	1	0.1
35.0 plus							6	2.0	6	0.5
Total	427	100.0	302	100.0	138	100.0	300	100.0	1,167	100.0

Source: Computer run of domestic fares for all monopoly markets.

Appendix F.—*Revenue Passenger Load Factor*
Total Scheduled Domestic Service

Year	Month	Monthly: Load factor	Monthly: Point change from prior year	12 months to date
1977	Jan	53.4		55.8
	Feb	51.4		55.4
	Mar	55.3		55.5
	Apr	55.9		55.3
	May	54.0		55.2
	June	57.6		55.1
	July	59.7		55.2
	Aug	61.4		55.3
	Sept	53.4		55.4
	Oct	54.9		55.5
	Nov	53.9		55.5
	Dec	57.3		55.8
1978	Jan	55.8	+2.4	55.8
	Feb	55.2	+3.8	56.0
	Mar	61.1	+5.8	56.8
	Apr	59.5	+3.6	57.1
	May	62.1	+8.1	57.7
	June	67.2	+9.6	58.6
	July	67.4	+7.7	59.3
	Aug	70.2	+8.8	60.1
	Sept	58.6	+5.2	60.5
	Oct	59.9	+5.0	60.7
	Nov	57.3	+3.4	61.0
	Dec	58.0	+0.7	57.3
1979	Jan	56.5	+0.7	61.0
	Feb	58.8	+3.6	61.2
	Mar	65.6	+4.5	61.5
	Apr	72.5	+13.0	62.6
	May	67.7	+5.6	63.0
	June	69.1	+1.9	63.2
	July	67.1	–0.3	63.2
	Aug	67.9	–2.3	63.1
	Sept	56.7	–1.9	62.9
	Oct	58.1	–1.8	62.9
	Nov	58.4	+1.1	62.9
	Dec	55.4	–2.6	62.8
1980	Jan			

Source: Carrier Form 41 Reports.

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Appendix G

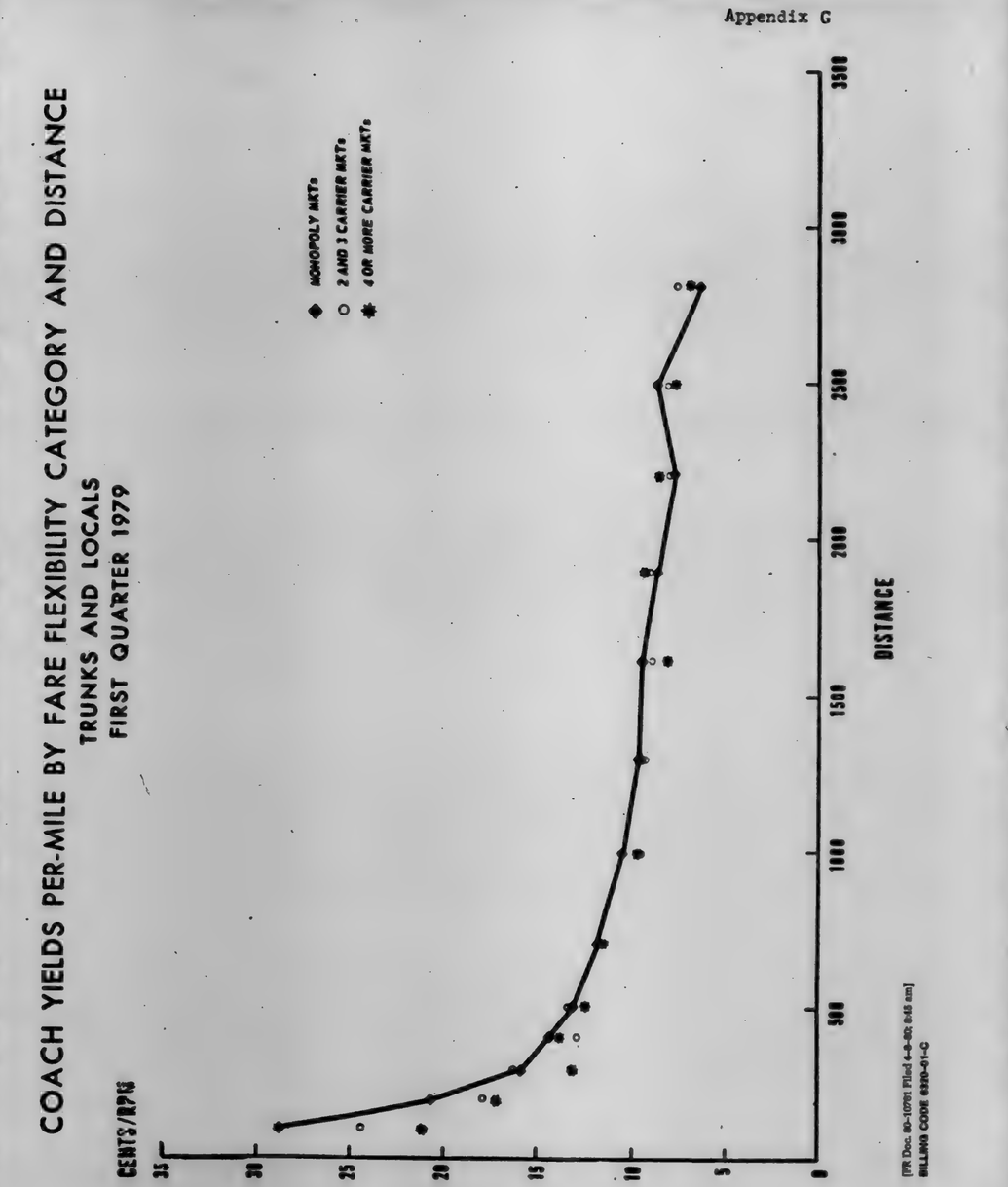

[FR Doc. 80-10781 Filed 4-8-80; 8:45 am]
BILLING CODE 6320-01-C

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INTERNATIONAL TRADE COMMISSION

19 CFR Parts 210 and 211

Supplementary Procedures—Investigations of Unfair Practices in Import Trade

AGENCY: United States International Trade Commission.

ACTION: Proposed rules.

SUMMARY: These proposed rules would amend Part 210 of the Commission's *Rules of Practice and Procedure* to provide additional procedures for the termination of investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A new Part 211 is proposed to provide procedures for consent orders and to provide for certain nonadjudicative proceedings incident to the exercise of Commission jurisdiction under section 337. The previous Commission proposed rulemaking on this subject, 43 FR 2883–2889 (January 20, 1978) is hereby withdrawn. These new proposed rules reflect public comments on the original proposal and also the experience gained by the Commission in connection with consent orders and enforcement proceedings in the interim.

DATE: Comments will be considered if received on or before May 27, 1980.

ADDRESS: Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Edward M. Lebow, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone (202) 523–0486.

SUPPLEMENTARY INFORMATION: In the exercise of its jurisdiction under section 337 of the Tariff Act 1930 (19 U.S.C. 1337), the Commission is authorized to conduct proceedings supplemental to the formal adjudicative investigations provided for by Part 210 of the Commission's Rules of Practice and Procedure (19 CFR, Part 210). The proceedings may be authorized in part by other statutes, such as the Administrative Procedure Act (5 U.S.C. 551, et seq.) in the case of consent orders, and section 603 of the Trade Act of 1974 (19 U.S.C. 2482) in the case of preliminary investigations, as well as by 19 U.S.C. 1333. The Commission's rules at present do not provide for these supplemental proceedings.

The purpose of these proposed amendments to the Commission's rules is to revise the format of Subchapter C, Chapter II, Title 19, Code of Federal Regulations, to provide for these supplemental procedures, by dividing the subchapter into three parts. A new Part 209, to provide procedures for the conduct of informal inquiries and preliminary investigations, will be the subject of subsequent rulemaking. Amendments to Part 210 of the Commission's rules to provide for certain procedures in the termination of an adjudicative investigation are proposed here. Also proposed is a new Part 211, to provide procedures for consent orders and for the administration of the Commission's enforcement authority.

Explanation of Proposed Rules

Section 210.51 Termination of investigation.

Section 210.51 is amended by slightly altering the first sentence of subsection (a), striking the last sentence of subsection (a) and striking subsection (c), and adding new subsections (c), (d), and (e). The effect of these amendments is to provide specifically in settlements by licensing or other agreement and consent order settlements for the termination of an investigation in the manner provided in subsection (c).

Subsection (c)(1) requires that a motion to terminate based upon a licensing or other agreement be accompanied by a copy of the agreement, as well as any related agreements, and an affidavit stating that there are no other agreements concerning the subject matter of the disclosed agreement. This provision is intended to allow the Commission to safeguard the public interest, including competitive conditions in the U.S. economy, in its consideration of these agreements. Subsection (c)(2) of amended § 210.51 provides that an investigation shall be terminated on the basis of a licensing or other agreement without determining whether there is a violation of section 337.

Subsection (d) of the amended rule provides for termination of an investigation on the basis of a consent order agreement that complies with the requirements of new § 211.20(b). An order of termination based upon a consent order agreement would not constitute a determination of whether there is a violation of section 337.

Section 210.55 Commission determination and action.

This section has been amended to make it clear that the Commission's obligations to make a determination is subject to and does not transcend its duty under the Administrative Procedure Act to permit the settlement of disputes as provided in § 210.51.

Section 210.56 Implementation of Commission action. (Present §§ 210.56 and 210.57 are redesignated §§ 210.57 and 210.58, respectively.)

This section provides for the procedural implementation of section 337(g) to establish the effective and final date of Commission action, including consent and enforcement orders, pending possible Presidential disapproval.

Subsection (b) provides for the publication and transmittal to the President of affirmative determinations under section 337 together with the action taken. The new subsection also provides for the transmittal to the President of consent settlement and enforcement orders for his review and possible disapproval on policy grounds.

Subsection (c) provides that when the Commission either makes an affirmative determination of violation in a section 337 investigation, issues a consent order or attempts to enforce either one, the Commission's action will become effective upon publication in the **Federal Register**. Those articles that are subject to either an exclusion order or a cease and desist order may be permitted to enter the country under bond until Presidential review has taken place.

As provided in subsection (d), if the President does not disapprove of a Commission action within 60 days of the date of his being notified of such action, or if he states his approval of the action before that date, then the Commission's action will become final the day after the end of the review period or the day that he notified the Commission of his approval.

Should the President disapprove the Commission action under subsection (e), the Commission's action will be considered of no effect. Should the President disapprove a consent order, the Commission may either take a new action, i.e., issue a new consent order or obtain a licensing agreement, or it could resume the investigation. In case the Commission decides to do the latter and continue with the investigation, the period of Presidential review will not be included for purposes of the statutory time limits for concluding the investigation as established by § 210.17.

Part 211

Section 211.01 Purpose.

This Part sets forth procedures for the settlement by consent of matters which

may involve a violation of section 337 and for the enforcement, modification, and revocation of final Commission actions.

Subpart A—Informal Enforcement Procedure

Section 211.10 Informal disposition through voluntary compliance.

Section 211.10 provides a procedure whereby the Commission may accept assurances from a private party that it will desist from engaging in practices which may violate section 337. Subsection (b) requires that the Commission consider, in determining whether to accept the assurances of the party in question, such factors as the nature and gravity of the practice, the likelihood of its recurring, the prior record and good faith of the party, and the adequacy of the proffered assurances.

Subpart B—Consent Order Procedure

Section 211.20 Opportunity to submit proposed consent order.

Subsection (a) provides for an opportunity to submit to the Commission a proposed consent order prior to the institution of a formal investigation under section 337.

Subsection (b) sets forth the procedures for the submission of proposals to settle a matter by consent subsequent to institution of a formal investigation under section 337. Such a proposal must be filed as a motion with the presiding officer and incorporate the elements of a consent order agreement set forth in § 211.22. The motion, except for good cause shown, must be filed prior to the commencement of the hearing prescribed by § 210.41(e)(1). The presiding officer must certify the motion to the Commission promptly, together with his or her recommendation. Pending disposition, a party may not withdraw from a consent order agreement.

Section 211.21 Settlement by consent.

Section 211.21 sets forth the procedure for Commission action after a consent order agreement has been filed with it under § 211.20(a) or certified to it by the presiding officer under § 211.20(b). The Commission is required to publish the consent order agreement in the **Federal Register** for thirty days' public comment. Copies are also to be served on the Department of Health, Education, and Welfare, the Department of Justice, the Federal Trade Commission, and such other conduct within the thirty day period such hearings as it deems appropriate. Thereafter, within an additional twenty days and after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, in the manner provided by § 210.14(a)(4) of Part 210, the Commission must either: (1) Accept the agreement, issue the consent order and terminate the investigation; (2) reject the agreement and deny the motion; or (3) take such other action as it deems appropriate. In event the Commission rejects the proposed agreement, the parties are not bound by their proposal in later actions before the Commission.

Section 211.22 Contents of consent order.

This section sets forth the required contents of a consent order agreement, including an admission of all jurisdictional facts, a wiaver of judicial review, contest, or challenge of the consent order, and a statement making enforcement, modification, and revocation of the consent order explicitly subject to Subpart C of Part 211 of these rules.

Subpart C—Enforcement, Modification, and Revocation

Section 211.50 Applicability, purpose, and retroactivity.

The "applicability" and "purpose" subsections are self-explanatory. This subpart is intended to serve as the basis for all changes in final Commission actions. This subpart is not limited to enforcing cease and desist orders. Dissolving orders that have ceased to serve a useful purpose, such as exclusion orders, is also comtemplated. The rules also include temporary relief orders, but no other interlocutory orders are included. Final Commission actions have to undergo the rigors of the law relating to appeals (subsection 337(c)) and Presidential review (subsection 337(g)). However, this does not mean, when an adversely affected person fails to appeal a final Commission action, or appeals and then loses, that it may later collaterally attack the original action when that action is altered pursuant to these rules. In such a situation, it would appear that a court challenge, if any, can only attack the changed action.

The rules contain a "savings" provision, which serves to keep whole existing consent orders.

Section 211.51 Information gathering.

The power to gather information relating to the operation of a final Commission action is set out here. Any reporting provided for by law is permitted if it will either aid the Commission to determine "whether and to what extent there is compliance with the action" or "whether and to what extent the conditions which led to the action are changed." The first of these relates to cease and desist orders.

The second condition, which is adapted from subsection 337(h), may relate to any kind of final Commission action. One example of such changed circumstances is when the holder of a domestic patent ceases to produce articles domestically that are the subject of an exclusion order. In that case revocation of the exclusion order may then be appropriate.

Final Commission actions may also include provisions for gathering information by any other means provided by law, such as gaining access to records, copying records, and requiring persons to produce books or papers (19 U.S.C. 1333(a)). This rule also provides for the collection of information from voluntary sources.

Under subsection (b), the Commission is empowered to prescribe the form and detail of reporting. This implements 19 U.S.C. 1333. Under subsection (c), information gathering is enforceable in court or by any other means available to enforce the final action. In subsection (d), discretion is kept to set the terms of informational requirements of a final action. This would allow for the adjustment of reporting requirements to meet the needs of individual cases and changes in international trade.

Section 211.52 Confidentiality of information.

This section provides that information received pursuant to a final action may be held in confidence and that such protective orders as are necessary may be issued.

Section 211.53 Review of reports.

This section sets forth the Commission's general authority to review reports and take further appropriate action.

Section 211.54 Advice to persons submitting information.

Advice to persons reporting may be sufficient in some cases. When a cease and desist order is involved, and compliance with the order is the primary objective of reporting, then advising persons that their reporting evidences noncompliance may be an effective means of gaining compliance. The Federal Trade Commission appears to reserve the right to exercise this option (16 CFR 3.61 (a)).

Section 211.55 Modification of information requirements.

Modification of reporting requirements will facilitate focusing on problems which require special study in order to determine how the oversight function will be exercised. It may also be used to document facts that justify change in a final order. Modifying reporting requirements will also assure compliance with many cease and desist orders. Finally, it will facilitate altering or abolishing reporting schemes that have proved useless, unreasonably burdensome, or undesirable for other reasons. The rule would allow any person to request changes in reporting requirements, which may be handled publicly or not, as conditions warrant.

Section 211.56 Proceedings to enforce, modify, revoke or substitute for final Commission actions.

This section represents a procedural framework for fundamental change in final Commission actions. Such matters may be handled informally by letter or conference under subsection (a) or after formal enforcement proceedings under subsection (b) by complaint, followed by answer and then a decision. The formal procedures are adapted from existing rules of other Federal agencies that conduct their own enforcement proceedings short of court action. This procedure is aimed primarily at enforcement (by modification or revocation and exclusion) of cease and desist orders, temporary cease and desist orders, and consent orders. Parties to section 337 proceedings who want cease and desist orders or exclusion orders revoked or modifed because of changed circumstances may seek modification or revocation by a simpler process of motion answer under subsection (c) of this section. The less formal subsection (c) would be appropriate in circumstances in which a former complainant is no longer prosecuting his patent domestically or public interest factors require a change in an outstanding Commission order.

Upon conclusion of the enforcement process, which may include a hearing, a modified cease and desist order may issue or the existing final Commission action may be replaced with an exclusion order. Where a violation is found under subsection (b), any new and more restrictive Commission order would be subject to public-interest determinations, bonding, Presidential review, and court review (although not on the original record of the section 337 investigation).

Section 211.57 Temporary emergency action.

This section provides for temporary emergency relief action. Thus, when patterns of trade are changing rapidly or enforcement is needed immediately to be effective, a cease and desist order could be revoked and temporarily replaced by exclusion or any other temporary measure allowed by the law if certain criteria are met. It must be evident that violations will occur or that temporary measures pending docketing of a formal complaint under § 211.56 are necessary to accomplish the purpose of section 337. This section applies to all types of final Commission actions.

Section 211.58 Notice of enforcement action to government agencies.

Notice to Federal agencies is essential to the proper functioning of these rules. Under subsection 337(b), Government agencies have a role in Commission section 337 proceedings. These rules are supplementary to section 337, and therefore the agencies should have a role here, too. Furthermore, advice to the Secretary of Treasury when an exclusion order of any type is made or revoked is required by subsections 337(d), 337(e), and 337(h).

The revised rules proposed by the Commission are set forth below.

Chapter II, Title 19, of the Code of Federal Regulations would be amended as follows:

Subchapter C—Investigations of Unfair Practices in Import Trade

(1) Subchapter C of 19 CFR Chapter II would be retitled "Investigations of Unfair Practices in Import Trade";

(2) Part 210 of Subchapter C would be retitled "Adjudicative Procedures";

(3) Present §§ 210.56 and 210.57 of Part 210 would be redesignated §§ 210.57 and 210.58 of Part 210, respectively;

(4) New § 210.56 would be added, and present §§ 210.51 and 210.55 would be amended; and

(5) New Part 211, entitled "Enforcement Procedures," consisting of Subparts A, B, and C would be added. The new rules that correspond to this enumeration, which are hereby proposed, are as follows:

PART 210—ADJUDICATIVE PROCEDURES

§ 210.51 Termination of investigation.

(a) *Motions for termination.* Any party may move at any time for an order to terminate an investigation under this part, to terminate the investigation as to all issues in an investigation in regard to one or more but not all of the respondents, or to terminate the investigation as to any of the issues in regard to any or all of the respondents.

(b) *Default.* Upon the occurrence of the condition of default, an investigation before the Commission may be terminated as to one or more of the parties in the investigation.

(c) *Settlement by licensing or other agreement.* (1) When a complaint is filed alleging patent, trademark, or copyright infringement, or a misappropriation of trade secrets or technical know-how, an investigation before the Commission directed to such subject matter may be terminated as provided in paragraph (a) of this section on the basis of a licensing or other agreement entered into between the complainant (all of the complainants if there is more than one) and one or more of the respondents. A motion for termination by such parties shall contain copies of the licensing or other agreement and any agreements supplemental thereto and an affidavit executed by the parties stating that there are no other agreements, written or oral, expressed or implied, between such parties concerning the subject matter of the investigation.

(2) The licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with his recommendation. An order of termination based upon such licensing or other agreement shall not constitute a determination of the Commission under § 210.55.

(d) *Consent order settlement.* An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a consent order settlement under § 211.20(b) of this chapter. An order of termination based upon such a settlement shall not constitute a determination of the Commission under § 210.55.

(e) *Effect of termination.* Except as provided in paragraphs (c) and (d) of this section, an order of termination issued by the Commission shall constitute a determination of the Commission under § 210.55, and an order of termination issued by the presiding officer (when not the Commission) shall constitute a recommended determination of the presiding officer under § 210.53.

§ 210.55 Commission determination and action.

(a) *Review of recommended determination.* Subject to §§ 210.51 and 210.54, upon receipt of a recommended determination and the record under § 210.53, the Commission shall review the same and determine, as the case may be, whether there is a violation of section 337 or whether there is reason to believe that there is such a violation, and, when appropriate, whether any action (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease and desist order) is in the public interest and should be ordered, and the amount of any bond required.

(b) *When the presiding officer is the Commission.* When the Commission has presided at the taking of evidence, it shall determine, as the case may be, whether there is a violation of section 337 or whether there is reason to believe there is such a violation, and, when appropriate, whether any actions (exclusion of articles from entry, exclusion of articles from entry except under bond, or cease and desist order) is in the public interest and should be ordered, and the amount of any bond required.

§ 210.56 Implementation of Commission action.

(a) *Service of Commission determination upon the parties.* A Commission determination pursuant to § 210.55 or a termination on the basis of a licensing or other agreement or consent settlement pursuant to § 210.51 (c) and (d), respectively, shall be served upon each party to the investigation.

(b) *Publication and transmittal to the President.* A Commission determination that there is a violation of section 337, or that there is reason to believe that there is such a violation, together with the action taken, relative to such determination, or Commission action pursuant to Subparts B and C of Part 211 of this chapter shall be immediately (1) published in the **Federal Register**, and (2) transmitted to the President together with the record upon which the action is based.

(c) *Effective date of Commission action.* Commission action, consisting of the Commission determination and action taken under § 210.55, or action taken under Subparts B and C of Part 211 of this chapter, shall be effective upon publication thereof in the **Federal Register**, except that articles directed to be excluded from entry or subject to a cease and desist order shall be entitled to entry under bond determined by the Commission until such determination and action become final in the manner specified in paragraphs (d) and (e) of this section.

(d) *Finality of affirmative Commission action.* If the President does not disapprove for policy reasons such Commission action within a period of sixty (60) days beginning on the day after the day on which a copy of such Commission action is delivered to the President, or if the President notifies the Commission before the close of such period that he approves such Commission action, then such Commission action shall become final on the day after the close of such period, or the day on which the President notifies the Commission of his approval, as the case may be.

(e) *Disapproval by the President.* If, before the close of such period, the President notifies the Commission of his disapproval of the Commission action for policy reasons, then effective on the date the Commission receives such notice such Commission action shall have no force or effect. Within ten (10) days following such disapproval any party may by motion request the Commission to consider other appropriate action in light of and consistent with the Presidential disapproval. The Commission may in its discretion conduct such further proceedings as it deems appropriate. Any new Commission action shall be served upon the parties, published in the **Federal Register**, and referred to the President. Unless such new action is disapproved by the President, it will become effective and final. Subsequent to the President's disapproval of a consent order settlement, the Commission may resume its investigation in conformity with these rules. Should the Commission resume an investigation subsequent to a Presidential disapproval, then for the purpose of § 210.10 the period of time during which the consent order was effective shall be excluded from all applicable time restrictions.

(f) *Duration.* Final Commission action shall remain in effect as provided in Subpart C of Part 211 of this chapter.

PART 211—ENFORCEMENT PROCEDURES

Sec.

211.01 Purpose.

Subpart A—Informal Enforcement Procedure

211.10 Informal disposition through voluntary compliance.

Subpart B—Consent Order Procedure

211.20 Opportunity to submit proposed consent order.
211.21 Settlement by consent.
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Subpart C—Enforcement, Modification, and Revocation of Final Commission Actions

211.50 Applicability, purpose, and savings.
211.51 Information gathering.
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211.54 Advice to persons submitting information.
211.55 Modification of information requirements.
211.56 Proceedings to enforce, modify, revoke or substitute for final Commission actions.
211.57 Temporary emergency action.
211.58 Notice of enforcement action to government agencies.

Authority: Secs. 333, 335, and 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1333, 1335, and 1337), and sec. 603 of the Trade Act of 1974 (19 U.S.C. 2482).

§ 211.01 Purpose.

This part sets forth procedures for the settlement by consent of matters which may involve a violation of section 337 and for the enforcement, modification, and revocation of final Commission actions. Definitions applicable to Part 210 of this chapter apply to this part unless specifically provided otherwise.

Subpart A—Informal Enforcement Procedure

§ 211.10 Informal disposition through voluntary compliance.

(a) *Opportunity for informal disposition.* The Commission, when it has information obtained during the course of an informal inquiry or preliminary investigation pursuant to section 603 of the Trade Act of 1974 (19 U.S.C. 2482) indicating that a person may be engaging in a practice which may involve a violation of section 337, may afford such person the opportunity to have the matter disposed of on an informal administrative basis, if the Commission deems that the public interest factors set forth in § 210.14(a)(2) will be fully safeguarded thereby.

(b) *Public interest factors to be considered.* In determining whether the public interest factors set forth in § 210.14(a)(2) will be fully safeguarded through such informal administrative action the Commission will consider—

(1) The nature and gravity of the practice;

(2) Whether the practice is likely to recur;

(3) The prior record and good faith of the person involved;

(4) The adequacy of assurance of voluntary compliance; and

(5) Any other relevant factor that the Commission deems appropriate.

Subpart B—Consent Order Procedure

§ 211.20 Opportunity to submit proposed consent order.

(a) *Prior to institution of investigation.* Where time, the nature of the proceeding, and the public interest permit, any person being investigated pursuant to section 603 of the Trade Act of 1974 (19 U.S.C. 2482) or § 210.11(b) of this chapter shall be afforded the

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opportunity to submit to the Commission a proposal for disposition of the matter under investigation in the form of a consent order agreement which incorporates a proposed consent order executed by or on behalf of such person, all complainants, and an attorney employed by the Commission and complying with the requirements of § 211.22.

(b) *Subsequent to institution of an investigation.* In investigations under section 337, a proposal to settle a matter by consent shall be submitted as a motion to the presiding officer to terminate an investigation under § 210.51 of this chapter, together with a consent order agreement which incorporates a proposed consent order. The proposed consent order agreement shall comply with the requirements of § 211.22. The motion may be filed at any time prior to commencement of a hearing as provided in § 210.41(a)(1) of this chapter jointly by all of: (1) All private complainants, (2) the Commission investigative attorney, and (3) one or more respondents. The Commission may, however, upon request and for good cause shown, consider such a motion certified to it by the presiding officer during the course of a hearing. The presiding officer shall certify the motion to the Commission promptly together with his recommendation after service of such motion. The filing of the motion shall not stay proceedings before the presiding officer unless the presiding officer or the Commission shall so order. For the purpose of the time limits for the completion of the hearing set forth in § 210.41(e)(1) of this chapter, there shall be excluded any period of time during which the proceeding is stayed by order of the Commission. Pending disposition by the Commission (and review by the presiding officer) of a consent order agreement, a party may not withdraw from the consent order agreement once it has been submitted pursuant to this section.

§ 211.21 Settlement by consent.

After the motion for termination based on a consent order agreement has been filed with the Commission pursuant to § 211.20(a) or certified to the Commission by the presiding officer pursuant to § 211.20(b) the Commission shall: Promptly publish notice of such motion along with the consent order agreement (with confidential information deleted) in the **Federal Register** and for a period of thirty (30) days thereafter receive and consider any comments concerning the consent order agreement that may be filed by interested persons. Publication of the proposed consent order agreement shall not be deemed to constitute acceptance, provisional or otherwise, of such agreement. The Commission shall make available a summary of the provisions of the consent order agreement and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the consent order agreement. Notice may also be made through whatever other medium the Commission deems necessary. The Commission shall promptly serve notice of the proposed consent order agreement on the Department of Health, Education, and Welfare, the Department of Justice, and the Federal Trade Commission, and such other departments as the Commission deems appropriate. During the thirty (30) day comment period the Commission may conduct such public proceedings with regard to the notice of proposed consent order agreement as it deems appropriate. Thereafter, within an additional period of twenty (20) days, the Commission shall, after considering the effect of the consent order upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and U.S. consumers, in the manner provided by § 210.14(a)(4) of this chapter, either (a) accept the agreement, issue the consent order, and terminate the investigation; (b) reject the agreement and deny the motion; or (c) take such other action as it deems appropriate. The Commission shall publish notice of its action together with a statement of reasons in support thereof in the **Federal Register**. The Commission shall serve notice of its action together with the statement of reasons on all parties. Should the Commission reject the proposed agreement and deny the motion, the parties are in no way bound by their proposal in later actions before the Commission.

§ 211.22 Contents of consent order agreement.

(a) *Contents.* Every consent order agreement shall contain, in addition to the appropriate proposed consent order, (1) an admission of all jurisdictional facts; (2) an express waiver of all rights to seek judicial review or otherwise challenge or contest the validity of the consent order; and (3) a statement that the enforcement, modification, and revocation will be carried out pursuant to Subpart C of this Part 211, incorporating by reference the Commission's *Rules of Practice and Procedure.* The consent order agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute admission by any party that section 337 has been violated.

(b) *Effect, interpretation, and reporting.* The consent order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in section 337 and Parts 210 and 211 for other Commission action. Except as otherwise provided in the agreement, the complaint and notice of investigation or the proposed complaint, as the case may be, may be used in construing the terms of the consent order, but no agreement, understanding, representation or interpretation not contained in the consent order agreement or Commission decision accompanying the consent order may be used to vary the terms of the consent order. The Commission may require periodic compliance reports pursuant to Subpart C of this Part 211 to be submitted by the person entering into the consent order agreement.

Subpart C—Enforcement, Modification, and Revocation of Final Commission Actions

§ 211.50 Applicability, purpose, and retroactivity.

(a) *Applicability.* The rules in this subpart apply to final Commission actions issued by the Commission under section 337, including exclusion orders, temporary exclusion orders, and cease and desist orders (cease and desist orders, for purposes of this subpart, means cease and desist orders, temporary cease and desist orders, and consent orders).

(b) *Purpose.* The purpose of this subpart is to set forth procedures for the enforcement, modification, and revocation of final Commission actions.

(c) *Retroactivity.* The rules in this subpart apply to final Commission actions taken before the effective date of these rules only to the extent not inconsistent with such final actions.

§ 211.51 Information gathering.

(a) *Power to require information.* Whenever the Commission takes final Commission action, it may attach to such action (or, in the case of a consent order, approve) terms and conditions requiring any person to report to the Commission facts in that person's possession that will aid the Commission in determining whether and to what extent there is compliance with the action or whether and to what extent the conditions which led to the action are changed. The Commission may also include (or, in the case of a consent order, approve) provisions that exercise any other information-gathering power available to it by law. The Commission may at any time request the cooperation of any person or agency in supplying the Commission with information that will aid the Commission in these determinations.

(b) *Form and detail of reports.* Reports under paragraph (a) of this section may be required to be in writing, under oath, and in such detail and in such form as the Commission prescribes. A final Commission action may also contain terms and conditions which exercise, or make possible the exercise of, on conditions precedent, any power of information gathering available to the Commission by law, subject to the standards of paragraph (a) of this section.

(c) *Power to enforce informational requirements.* Terms and conditions of final Commission actions for reporting and information gathering, and modifications of such terms and conditions, shall be enforceable by the Commission by a civil action or, at the Commission's discretion, in the same manner as any other provision of the final Commission action is enforced.

(d) *Term of reporting requirement.* The Commission may prescribe in the final Commission action (or, in the case of a consent order, approve) frequency of reporting or information gathering and the date on which these activities are to terminate. If no date for termination is provided, reporting and information gathering shall terminate when the final Commission action or any amendment to its expires by its own terms or is terminated. The Commission may modify informational requirements of a final Commission action at any time, pursuant to § 211.53 and § 211.55.

§ 211.52 Confidentiality of information.

Confidential information provided to the Commission pursuant to final Commission action will be received by the Commission in confidence. The Commission may, either upon motion or its own initiative, issue such protective orders as it deems necessary.

§ 211.53 Review of reports.

The Commission will review reports submitted pursuant to any final Commission action and conduct such further investigation as it deems necessary, consistent with the action.

§ 211.54 Advice to persons submitting information.

The Commission may, upon request or on its own initiative, advise persons reporting or providing information that their reports or information do not comply with a final Commission action or constitute a reason to modify or revoke such action.

§ 211.55 Modification of information requirements.

The Commission may modify reporting requirements as necessary: (a) To assure compliance with an outstanding action; (b) to take account of changed circumstances; or (c) to minimize the burden of reporting or informational access. A recommendation to modify reporting requirements shall identify the reports involved and state the reason or reasons for modification. No reporting requirement will be suspended during the pendency of such a recommendation unless the Commission orders it. The Commission may, if the public interest warrants, announce that a modification of reporting is under consideration and ask for comment, but it may also modify any reporting requirement at any time without notice, consistent with the standards of this section.

§ 211.56 Proceedings to enforce, modify, revoke or substitute for final Commission actions.

(a) *Informal enforcement proceedings.* Informal enforcement proceedings may be initiated by the Commission upon complaint or its own motion with respect to any act done or omitted by any person in violation of any provision of a final Commission action. Such matters may be handled by the Commission through correspondence or conference or in any other way which the Commission deems appropriate. The Commission may issue such orders as it deems appropriate to insure compliance with a cease and desist order, or any part thereof. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart. The filing of an informal complaint shall not bar the subsequent filing of a formal complaint. Prior to issuing any such order, the Commission may affort interested persons, including members of the Commission's staff, an opportunity to make written or oral presentations with respect to the subject matter of the proposed order.

(b) *Formal enforcement proceedings.* In order to determine whether a cease and desist order is being violated, the Commission may, either on its own initiative or after the filing by any person of a formal complaint under oath containing information which the Commission has reason to believe demonstrates a material violation of a cease and desist order, institute an enforcement proceeding by docketing a complaint setting forth the alleged violation, and following such proceedings, modify, revoke, or enforce the order. The complaint, if docketed, shall be served upon the alleged violator and published in the **Federal Register.**

(1) *Answer.* Within fifteen (15) days after the date of receipt of a complaint docketed pursuant to this subsection, the named respondent shall file an answer to the complaint. Answers shall fully and completely advise the Commission as to the nature of the defense and shall admit or deny each allegation of the complaint specifically and in detail unless the respondent is without knowledge, in which case his answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, to deemed to be uncontroverted. Failure of a respondent to file and serve an answer within the time and in the manner prescribed herein shall authorize the Commission in its discretion, to find the facts alleged in the complaint to be true and to take such action as may be appropriate without notice or hearings, or, in its discretion, to proceed to take evidence, without notice, of the allegations or charges set forth in the complaint, provided that the Commission (or presiding officer, if one is appointed) may permit late filings of an answer for good cause shown.

(2) *Parties to enforcement proceedings.* The parties to an enforcement proceeding shall be the Commission, the respondent, the complainant, and any other person with interest sufficient to support intervention in a section 337 investigation under § 210.6 of this chapter.

(3) *Public hearing.* The Commission, in the course of an enforcement proceeding, may hold a public hearing and afford the parties to the enforcement proceeding the opportunity to appear and be heard.

(4) *Written statements.* At any time after a formal complaint under this subsection is published in the **Federal Register**, any person may submit to the Commission a written statement of information pertinent to the subject matter of the enforcement proceedings. Except in the case of the complaining party and the named respondent(s), such statement may be presented in lieu of an appearance at the hearing. Statements shall conform to the requirements for documents set forth in § 201.8 of this chapter.

(5) *Commission action.* (i) Upon conclusion of an enforcement

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proceeding relating to a cease and desist order, the Commission may: (A) Modify the cease and desist order in any manner necessary to prevent the unfair practices which were originally the basis for issuing such order; (B) bring civil actions in United States district courts pursuant to section 337(b) requesting the imposition of a civil penalty or the issuance of mandatory injunctions incorporating relief sought by the Commission; of (C) revoke the cease and desist order and direct that the articles concerned be excluded from entry into the United States.

(ii) Prior to effecting any modification, or revocation and/or exclusion under this subsection, the Commission shall consider the effect of such action upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers. The Commission may find that, in light of such factors, such action should not be taken. Any such order shall become effective and final as provided in § 210.56 of this chapter for purposes of setting bond (if applicable), appeal, and Presidential review under section 337. The hearings provided for under this subsection are not subject to sections 554, 555, 556, 557 and 702 of Title 5, United States Code.

(c) *Modification or dissolution of final Commission actions due to changed circumstances.* Whenever any former party believes that changed conditions of fact or law, or the public interest, require that a final Commission action be modified or set aside, in whole or in part, such person may file with the Commission a motion requesting that the Commission do so. The motion shall state the changes desired and the changed circumstances warranting such action, and shall include materials and argument in support thereof. Upon receiving a motion, the Commission shall either: (1) Provisionally accept the motion, or (2) reject the motion. Should the Commission on its own initiative believe that such a modification may be in order, it shall publish notice to that effect, which notice shall be treated as a provisionally accepted motion under this subsection. Upon provisional acceptance, notice thereof shall be published in the **Federal Register**. The motion and the notice shall be served on each former party to the section 337 proceeding. Within thirty (30) days after the service of such motion, any party served may file an answer thereto. The Commission may hold a public hearing and afford interested persons the opportunity to appear and be heard. After consideration of the motion, any responses thereto, or any information placed on the record at a public hearing or otherwise, the Commission shall take such action as it deems appropriate. Any final Commission action will, if not modified or revoked, expire by terms stated in the action.

§ 211.57 Temporary emergency action.

Whenever the Commission determines, pending a formal enforcement proceeding under § 211.56(b), that without immediate action a violation of a cease and desist order will occur and that subsequent action by the Commission would not adequately repair the harm caused by such violation, the Commission may immediately and without hearing or notice modify or revoke a cease and desist order and, if it is revoked, replace the cease and desist order with an appropriate exclusion order. Prior to taking any action under this section the Commission shall consider the effect of such action upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers. Any order issued under this section shall become effective and final as provided in § 210.56 of this chapter for purposes of setting bond (if applicable), appeal, and Presidential review under section 337. The Commission shall, if it has not already done so, institute a formal enforcement proceeding under § 211.56(b) at the time of taking action under this section or as soon as possible thereafter, in order to give the alleged violator and other interested parties a full opportunity to present information and views regarding the continuation, modification or revocation of Commission action taken under this section.

§ 211.58 Notice of enforcement action to government agencies.

(a) *Consultation.* The Commmission may consult with or seek information from any government agency when taking any action under this subpart.

(b) *Notification of Treasury.* The Commission shall notify the Secretary of the Treasury of any action under this subpart which results in a permanent or temporary exclusion of articles from entry or the revocation of an order to such effect.

Issued: April 2, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-10773 Filed 4-8-80; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1304, 1306

Records and Reports of Registrants, Central Recordkeeping Permits

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendment to § 1304.04(a) of Title 21 of the Code of Federal Regulations would eliminate central recordkeeping permits but would still provide a means whereby qualified registrants would be able to keep certain required records at a central location. Rather than the current permit system, the proposed amendment would establish a much simpler notification system.

DATES: Written comments and objections must be received on or before May 12, 1980.

ADDRESSED: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, N.W., Room 518, Washington, D.C. 20537, telephone number (202) 633–1321.

SUPPLEMENTARY INFORMATION: Section 1304.04(a) of Title 21, Code of Federal Regulations, delineates the means by which a registrant may keep certain required records at a central location rather than at the registered location. The system, as it presently exists, requires that the registrant make application to DEA for a permit to keep central records. The applications are available from DEA field offices but the permits are now issued at DEA Headquarters, Office of Compliance and Regulatory Affairs.

The proposed changes would allow a registrant wishing to keep records at a central location to do so without the need of a permit. The registrant would instead notify, in writing, the Regional Director of the DEA region in which it is located of its intention to keep the records at a central location, the nature of the records to be kept centrally, and the exact location where the records will be kept. All of the other requirements currently contained in the affected section will remain the same.

All interested persons are invited to submit their comments and objections in writing regarding this proposal.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) as delegated by 28 CFR 0.100 to the Administrator of the Drug Enforcement Administration, the Administrator hereby proposes that 21 CFR Part 1304 be amended as follows:

1. Section 1304.04 Maintenance of records and inventories. (a) Every inventory and other records required to be kept under this Part shall be kept by the registrant and be available, for at least 2 years from the date of such inventory or records, for inspection and copying by authorized employees of the Administration, except that financial and shipping records (such as invoices and packing slips but not executed order forms subject to paragraph 1305.13 of this chapter) may be kept at a central location, rather than at the registered location, if the registrant has notified the Administration of his intention to keep central records. Written notification must be submitted by registered or certified mail, return receipt requested, in triplicate, to the Regional Director of the Administration in the region in which the registrant is located.

Unless the registrant is informed by the Regional Director that permission to keep central records is denied, the registrant may maintain central records commencing 14 days after receipt of his notification by the Regional Director. All notifications must include:

(1) The nature of the records to be kept centrally.

(2) The exact location where the records will be kept.

(3) The name, address, DEA registration number and type of DEA registration of the registrant whose records are being maintained centrally.

(4) Whether central records will be maintained in a manual, or computer readable form.

(b) All registrants that are authorized to maintain a central recordkeeping system shall be subject to the following conditions:

(1) The records to be maintained at the central record location shall not include executed order forms, prescriptions and/or inventories which shall be maintained at each registered location.

(2) If the records are kept on microfilm, computer media or in any form requiring special equipment to render the records easily readable, the registrant shall provide access to such equipment with the records. If any code system is used (other than pricing information), a key to the code shall be provided to make the records understandable.

(3) The registrant agrees to deliver all or any part of such records to the registered location within 48 hours of receipt of a written request from the Administration for such records, and if the Administration chooses to do so in lieu of requiring delivery of such records to the registered location, to allow authorized employees of the Administration to inspect such records at the central location upon request by such employees without a warrant of any kind.

(4) In the event that a registrant fails to comply with these conditions, the Regional Director may cancel such central recordkeeping authorization, and all other central recordkeeping authorizations held by the registrant without a hearing or other procedures. In the event of a cancellation of central recordkeeping authorizations under this sub-paragraph the registrant shall, within the time specified by the Regional Director, comply with the requirements of this section that all records be kept at the registered location.

(c) Registrants need not notify the Regional Director or obtain central recordkeeping approval in order to maintain records on an in-house computer system.

(d) ARCOS participants who desire authorization to report from other than their registered locations must obtain a separate central reporting identifier. Request for central reporting identifiers will be submitted to: ARCOS Unit, P.O. Box 28293, Central Station, Washington, D.C. 20005.

(e) All central recordkeeping permits previously issued by the Administration will expire on September 30, 1980. Registrants who desire to continue maintaining central records will make notification to the local Regional Director as provided in (a) above.

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

§ 1304.04 [Amended]

2. Sections 1304.04(b), (c) and (d) are redesignated as 1304.04(f), (g) and (h), respectively.

PART 1306—PRESCRIPTIONS

§ 1306.22 [Amended]

Section 1306.22(d) is hereby deleted.

Dated: April 3, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-10728 Filed 4-8-80; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1306

Prescriptions for Schedule II Controlled Substances

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendment of § 1306.13 of Title 21 of the Code of Federal Regulations would permit the partial filling of prescriptions for Schedule II controlled substances, beyond the current 72-hour time limit, if the prescriptions are written for patients in Long Term Care Facilities.

DATES: Written comments and objections should be received on or before May 12, 1980.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, telephone number (202) 633–1321.

SUPPLEMENTAL INFORMATION: The Drug Enforcement Administration has received suggestions and requests from professional associations and organizations proposing that DEA issue new regulations permitting pharmacies to partially fill prescriptions for controlled substances for patients in Long Term Care Facilities (LTCF). These regulations, if issued, should reduce the health care costs to such patients by limiting the amounts of controlled substances which might otherwise accumulate at Long Term Care Facilities, which are non-registered locations.

The Drug Enforcement Administration has evaluated these suggestions and requests for their practicality and impact and agrees that regulations should be issued permitting the partial filling of Schedule II prescription orders for patients in Long Term Care Facilities.

All interested persons are invited to submit their comments and objections in writing regarding these proposals. These

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comments or objections should state with particularity the issues concerning which the person desires to be heard. If a person believes that one or more issues raised by him warrent a full adversary-type hearing, he should state and summarize the reasons for his belief. In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a full adversary-type hearing, the Administrator shall publish in the Federal Register an order summarizing the issues to be heard and setting the time for a public hearing.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) as delegated by 28 CFR 0.100 to the Administrator of the Drug Enforcement Administration, the Administrator hereby proposes that 21 CFR Part 1306 be amended as follows: 1. By amending § 1306.02, by adding new paragraph (e) and by redesignating existing paragraphs (e) through (g) as paragraphs (f) through (h) respectively.

§ 1306.02 Definitions.

* * * * *

(e) A "Long Term Care Facility" (LTCF) means a nursing home, retirement care, mental care or other facility and institution which provides extended health care to patients residing within.

* * * * *

2. By revising § 1306.13 as follows:

§ 1306.13 Partial filling of prescriptions.

The existing paragraph is designated as paragraph (a), and the following is added:

* * * * *

(b) Prescriptions for Schedule II controlled substances written for patients in Long Term Care Facilities (LTCF) may be filled in partial quantities, to include individual dosage units, if authorized by the prescribing practitioner. A notation that partial filling is authorized will be made on the face of the prescription by the prescribing practitioner. For each partial filling the dispensing pharmacist will record on the back of the prescription (or on another approprite uniformly maintained, readily retrievable record) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed and the identification of the dispensing pharmacist. Schedule II prescriptions, for patients in LTCF, authorizing partial filling will be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of medication.

(c) Information pertaining to current Schedule II prescriptions, authorized to be partially filled for patients in LTCF, may be maintained in a computerized system if this system has the capability to permit:

(1) Output (display or printout) of the original prescription number, date of issuance, identification of prescribing individual practitioner, identification of patient, identification of LTCF, identification of medication authorized (to include dosage form, strength and quantity), listing of partial fillings that have been dispensed under each prescription and the information required in § 1306.13(b).

(2) Immediate (real time) updating of the prescription record each time a partial filling of the prescription is conducted.

(3) Retrieval of partially filled Scheduled II prescription information, the same as required by § 1306.22(b) (4) and (5) for Schedules III and IV prescription refill information.

Dated: April 3, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-10729 Filed 4-8-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 171, 177 and 182

Indian Mineral Development Regulations

March 26, 1980.

AGENCY: Bureau of Indian Affairs.

ACTION: Notice of Intent to repropose revision of Indian Mineral Development Regulations.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs intends to repropose revision of most of the regulations governing the development of minerals on Indian lands. On April 5, 1977, a notice of proposed rulemaking was published in the Federal Register for the revision of the mineral development regulations. (42 F.R. 18083.) Numerous comments were received in response to the notice and several public meetings were held. However, with the exception of the regulations promulgated to implement the Surface Coal Mining and Reclamation Act of 1977, 25 CFR Part 177, Subpart B (42 F.R. 63395, December 16, 1977), and revised rules governing oil and gas leasing of Osage Reservation lands (43 F.R. 8135, February 28, 1978), the regulations have as yet not been promulgated to become effective. Because of the lengthy passage of time and because some significant changes have been made in the rules as proposed, the rules will again be published for comment.

FOR FURTHER INFORMATION CONTACT: Tom Riggs, (202) 343-3722.

It has been determined that the revision does not meet the criteria of significance under the Department of the Interior's rulemaking regulations, 43 CFR 14.3(c); nor do they require a regulatory analysis, § 14.3(d).

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-10662 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-266-76]

Treatment of Organization and Syndication Fees; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of partnership organization and syndication fees.

DATES: The public hearing will be held on May 21, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 9, 1980.

ADDRESS: The public hearing will be held in the Chief Counsel's Conference Room, Room 4132, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-266-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles G. Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 707 and 709 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, January 11, 1980, at page 2349 (45 FR 2349).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by May 9, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80-10698 Filed 4-8-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[EE-164-78]

Coordination of Vesting and Discrimination Requirements for Qualified Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations prescribing rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated. Changes to the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide the public with additional guidance needed to comply with that Act and would affect all employers maintaining qualified plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 9, 1980. The amendments are proposed to be effective for plan years beginning 30 days after the publication of this regulation in the Federal Register as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-164-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kirk F. Maldonado of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 411(d)(1) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1012(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 901) and these regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Statutory Provisions

Section 401(a)(4) of the Code provides that a plan which discriminates in favor of employees who are officers, shareholders, or highly compensated (hereinafter refered to as "prohibited group") is not a qualified plan under section 401(a). Section 411(d)(1) provides that the vesting schedule of a plan which satisfies the requirements of section 411 shall be considered as satisfying any vesting requirements resulting from the application of section 401(a)(4) except in two situations. One situation, as set forth in section 411(d)(1)(A), is a pattern of abuse under the plan which tends to discriminate in favor of the prohibited group (pattern of abuse). The other situation, as detailed in section 411(d)(1)(B), is where there have been, or there is reason to believe there will be, an accrual of benefits or forfeitures tending to discriminate in favor of the prohibited group (hereinafter referred to as "discriminatory vesting").

Prior Guidelines

Initial guidelines under section 411(d)(1) were set forth in Revenue Procedure 75-49, 1975-2 C.B. 584. That procedure established several alternative tests, with respect to vesting, that a plan must satisfy to secure a favorable advance determination letter. If a plan fails to satisfy these tests, a favorable advance determination letter will not be issued unless the plan adopts accelerated vesting (so-called "4/40 vesting").

Revenue Procedure 75-49 was modified in Revenue Procedure 76-11, 1976-1 C.B. 550. That procedure adopted alternative ways of satisfying the requirements of section 411(d)(1) in order to secure a favorable advance determination letter, in addition to the tests contained in Revenue Procedure 75-49.

The tests of Revenue Procedures 75-49 and 76-11 were applied only with respect to whether a plan could receive a favorable advance determination letter. The determination letter by its terms provided that the approval of the plan's qualified status by the Service did not extend to the plan in operation. Therefore, separate tests for determining discrimination in vesting were necessary with respect to the issuance of a determination letter and with respect to testing the operation of the plan's vesting schedule.

In addition, the tests described in Revenue Procedures 75-49 and 76-11 were generally mechanical. Objections were raised by plan administrators and sponsors when they were required to accept 4/40 vesting as a minimum schedule, and yet 4/40 vesting did not reflect the policies of ERISA if applied as a maximum vesting schedule. At the same time, it is recognized that there is a value in allowing safe harbors for a plan administrators who seek a determination letter with respect to the qualified status of a plan. Therefore, although a facts and circumstances test more accurately reflects the vesting antidiscrimination provisions of the Code, and the policies of ERISA, it is recognized that some forms of safe harbor are appropriate for certainty purposes.

The rules contained in the proposed regulations attempt to accommodate both goals. On the one hand, a facts and circumstances test is described. This description is amplified by a list of factors which may be included in applying the test. It is anticipated that these factors will offer substantial guidance to plan administrators in reviewing the vesting provisions applicable both with respect to a determination letter application and with respect to the status of a plan in operation. On the other hand, two safe harbor tests are provided which would insulate a plan against a finding of discriminatory vesting under the plan.

After this regulation is adopted, it is anticipated that the tests and vesting

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schedule contained in Revenue Procedures 75–49 and 76–11 will no longer be applied. While plans having determination letters based on 4/40 vesting need not apply for a new determination letter on the basis of the plan's vesting schedule, plan administrators should be aware that the tests included in these regulations will be applied in testing the operation of each plan's vesting schedule and are cautioned to review each plan accordingly. Because of the guidance to be provided by this regulation after it is adopted, the concerns voiced by plan administrators under prior rules regarding how a plan's operation with respect to vesting would be judged should be alleviated. In addition, when a plan is submitted to the Internal Revenue Service for a determination letter it is anticipated that the rules in these regulations will be applied for purposes of issuing such letters.

Discrimination in Vesting

The proposed rules provide that the determination of whether there is a pattern of abuse or discriminatory vesting under a plan shall be determined on the facts and circumstances of each case. Several criteria are set forth as factors to be used in making such a determination.

Two safe harbors are provided against a finding of discriminatory vesting under the plan. One safe harbor requires full vesting after an employee has three years of service. The other safe harbor requires full vesting after ten years of service, and the sum of the vested percentages for the employee's service prior to the completion of ten years of service must equal or exceed 700.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Kirk F. Maldonado of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Proposed Amendment to the Regulations

It is proposed to amend 26 CFR Part 1 by adding the following new section at the appropriate place:

§ 1.411 (d)–1 Coordination of vesting and discrimination requirements.

(a) *General rule.* A plan which satisfies the requirements of section 411 (a) (2) shall be treated as satisfying any vesting schedule requirements resulting from the application of section 401 (a) (4) unless the plan is discriminatory within the meaning of section 411 (d) (1) and this section. A plan is discriminatory if there is a pattern of abuse or there is discriminatory vesting as determined under paragraphs (b) and (c) of this section, respectively. Under section 401 (a) (4), a plan which discriminates in favor of employees who are officers, shareholders, or highly compensated (hereinafter referred to as "prohibited group"), is not a qualified plan under section 401 (a).

(b) *Pattern of abuse*—(1) *Definition.* A plan is discriminatory under section 411 (d) (1) (A) and shall not be considered to satisfy the requirements of section 401 (a) (4) if there has been a pattern of abuse under the plan tending to discriminate in favor of the prohibited group (hereinafter referred to as "pattern of abuse").

(2) *Test for pattern of abuse.* The determination of whether there has been a pattern of abuse shall be made on the basis of the facts and circumstances of each case. An example of a pattern of abuse is the systematic dismissal of employees before their accrued benefits vest.

(c) *Discriminatory vesting*—(1) *Definition.* A plan is discriminatory under section 411 (d) (1) (B) and shall not be considered to satisfy the requirements of section 401 (a) (4) if there have been, or there is reason to believe there will be, an accrual of benefits or forfeitures tending to discriminate in favor of the prohibited group by operation of the vesting schedule (hereinafter referred to as "discriminatory vesting").

(2) *Test for discriminatory vesting.* Unless paragraph (d) applies, the determination of whether there is, or there is reason to believe there will be, discriminatory vesting shall be made on the basis of the facts and circumstances of each case. An unfavorable comparison based on one of the following factors does not require a finding that there is discriminatory vesting. Factors which are relevant to this determination include, but are not limited to, comparisions between the prohibited group and all other employees covered by the plan of: (i) The employment turnover rate. The term "employment turnover rate" means the annual rate of turnover for employees.

(ii) The average percentage of vesting of each employee currently employed by the employer maintaining the plan.

(iii) The average percentage of vesting of each employee whose employment is terminated. For purposes of this subparagraph, a "termination of employment" occurs when the employee leaves by reason of a quit, discharge, retirement, or any other means.

(iv) The average number of years remaining for each employee until that employee becomes fully vested.

(v) In the case of a plan amendment which increases the length of service required for any particular level of vesting, the percentage of employees satisfying the new length of service requirement at the time it becomes effective.

(d) *Safe habor test*—(1) *General rule.* A plan whose vesting schedule satisfies the requirements of subparagraph (2) or (3) of this paragraph shall be deemed not to be discriminatory under paragraph (c) of this section.

(2) *Three year rule.* A plan satisfies the requirements of this subparagraph if any employee who has completed 3 years of service has a 100% nonforfeitable right to the accrued benefit derived from employer contributions.

(3) *Ten year rule.* A plan satisfies the requirements of this subparagraph if any employee who has completed 10 years of service has a 100% nonforfeitable right to the accrued benefit derived from employer contributions, and the sum of the 10 relevant percentages of the employee's nonforfeitable rights equals or exceeds 700. The relevant percentages to be added are the employee's vested percentage (if any) prior to the completion of the first year of service, and the vested percentages after the completion of each of the first 9 years of service.

(4) *Determination of years of service.* For purposes of this paragraph, the term "years of service" means years of service required to be taken into account for purposes of section 411(a)(2), determined without regard to subparagraphs (A), (B), and (C) of section 411(a)(4).

(5) *Examples.* The rules provided by this paragraph are illustrated by the following examples:

Example (1). (i) Plan A provides that years of service for purposes of vesting are calculated under section 411(a)(2) without regard to subparagraphs (A), (B), and (C) of section 411(a)(4). Under the plan, an employee is 100% vested in the accrued benefit derived from employer contributions after three years of service.

(ii) The vesting schedule of Plan A can be illustrated by the following table:

Completed years of service	Nonforfeitable percentage
Less than 1	0
1 but less than 2	0
2 but less than 3	0
3 but less than 4	100
4 but less than 5	100
5 but less than 6	100
6 but less than 7	100
7 but less than 8	100
8 but less than 9	100
9 but less than 10	100
Total	700

(iii) Plan A satisfies the requirements of subparagraph (2) of this paragraph because an employee is 100% vested after three years of service. Plan A also satisfies the requirements of subparagraph (3) of this paragraph because the sum of the 10 relevant percentages equals 700 and an employee is 100% vested after 10 years of service. Therefore, Plan A is deemed to be nondiscriminatory under paragraph (c) of this section.

Example (2). (i) Plan B provides that years of service for purposes of vesting are calculated under section 411(a)(2), without regard to subparagraphs (A), (B), and (C) of section 411(a)(4). Under the plan, an employee is 20% vested after one year of service, 40% after two years, 60% after three years, 80% after four years, and 100% after five years.

(ii) The vesting schedule of Plan B can be illustrated by the following table:

Completed years of service	Nonforfeitable percentage
Less than 1	0
1 but less than 2	20
2 but less than 3	40
3 but less than 4	60
4 but less than 5	80
5 but less than 6	100
6 but less than 7	100
7 but less than 8	100
8 but less than 9	100
9 but less than 10	100
Total	700

(iii) Plan B does not satisfy the requirements of subparagraph (2) of this paragraph because an employee is not 100% vested after 3 years of service. However, Plan B satisfies the requirements of subparagraph (3) of this paragraph because the sum of the 10 relevant percentages equals 700 and an employee is 100% vested after 10 years of service. Therefore, Plan B is deemed to be nondiscriminatory under paragraph (c) of this section.

Example (3). (i) Plan C provides that years of service for purposes of vesting are calculated under section 411(a)(2), with regard to subparagraphs (A), (B), and (C) of section 411(a)(4). Under the plan, an employee's right to the accrued benefit derived from employer contributions vest as provided in section 411(a)(2)(A).

(ii) The vesting schedule of Plan C can be illustrated by the following table:

Completed years of service	Nonforfeitable percentage
Less than 1	0
1 but less than 2	0
2 but less than 3	0
3 but less than 4	0
4 but less than 5	0
5 but less than 6	0
6 but less than 7	0
7 but less than 8	0
8 but less than 9	0
9 but less than 10	0
10 or more	100

(iii) Plan C does not meet the requirements of subparagraph (2) of this paragraph because an employee is not 100% vested after 3 years of service. Plan C does not meet the requirements of subparagraph (3) of this paragraph because the sum of the 10 relevant percentages does not equal 700, although an employee is 100% vested after 10 years of service. Also, Plan C fails to meet the requirements of subparagraph (4) of this paragraph because an employee's service for vesting purposes is calculated using all of the subparagraphs of section 411(a)(4) instead of disregarding subparagraphs (A), (B), and (C) thereof.

(iv) Even though Plan C does not satisfy the requirements of subparagraph (2) or (3) of this paragraph, it may be found to be nondiscriminatory under paragraph (c) of this section if it satisfies the facts and circumstances test set forth in paragraph (c)(2) of this section.

(e) *Defined benefit plans.* A defined benefit plan which satisfies the benefit accural requirements of section 411(b) shall still be subject to the nondiscrimination requirements of section 401(a)(4) with regard to its benefit accural rates. Thus, even though a plan satisfies the section 411(b) requirements, the plan may still be discriminatory under section 401(a)(4) with respect to its benefit accurals.

(f) *Effective date.* This section shall apply to plan years beginning 30 days after the publication of this section in the **Federal Register** as a Treasury decision.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–10099 Filed 4–8–80; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Part 1

[LR–45–76]

Consolidated Return Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to consolidated returns for percentage depletion for independent producers and royalty owners. Changes to the applicable tax law were made by the Tax Reduction Act of 1975. The regulations would provide the public with guidance needed to comply with the Act and would affect certain corporations that file consolidated returns.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 9, 1980. The regulations are proposed to be effective for taxable years for which the due date (without extensions) for filing returns is after (the filing date of this document as a treasury decision).

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 20224, Attention: CC:LR:T (202–566–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954. These amendments are proposed to comform the regulations to section 501(a) of the Tax Reduction Act of 1975 (89 Stat. 47). They are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637 and 917, 26 U.S.C. 1502 and 7805).

Percentage Depletion for Independent Producers and Royalty Owners

Section 613 provides general rules permitting a taxpayer that extracts minerals to deduct a reasonable allowance for depletion, computed as a percentage of the gross income from the property. The allowance may exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). In the case of

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oil and gas wells, however, section 613A, as added by section 501(a) of the Tax Reduction Act of 1975, restricts the percentage depletion allowance to certain domestic gas wells and indpendent producers and royalty owners. Section 613A(d) further limits the allowance in the case of independent producers and royalty owners to 65 percent taxpayers's "taxable income" for the taxable year.

These proposed regulations provide rules for computing the limitation under section 613A(d) on percentage depletion with respect to oil and gas wells if the corporation operating the wells is a member of an affiliated group that files a consolidated return. The notice proposes that the group's consolidated taxable income be used as the base for computing the 65-percent limitation.

Unlike the limitation provided in section 613(a), which is 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion), the limitation provided in section 613A (d) is determined as a percentage of the taxpayer's taxable income from all sources. Thus, the 65-percent limitation under section 613A(d) will apply only if the taxpayer has losses from other wells or unrelated operations which result in taxable income from the oil or gas property exceeding taxable income from all sources. In this respect, the section 613A(d) limitation can be viewed as a "minimum tax" provision. It is apparent that Congress did not intend to allow a percentage depletion deduction for oil or gas that would eliminate a taxpayer's entire tax liability for a taxable year.

In the context of a consolidated return, the limitation should not permit the depletion deduction to eliminate the group's entire tax liability for the consolidated return year, which would frustrate the congressional intent. For this reason, a member's separate taxable income cannot be used for the limitation. For example, assume a member has taxable income from an oil property of $130 and a loss from another operation of $30 for the taxable year. In addition, the other member of the group has a $35 loss for the year. If a separate return is filed, the member with the oil property can claim a depletion deduction not greater that $65 (*i.e.*, the lower of 50%×$130 or 65%×($130−$30)) resulting in taxable income of $35 (*i.e.* $130−$30−$65). If, however, a consolidated return were filed (and if the oil member's separate taxable income were used as the base for computing the 65-percent limitation), the $35 loss of the other member would completely offset the taxable income of the oil member, resulting in no tax liability. Viewed another way, the depletion deduction would completely offset the group's consolidated taxable income (computed without the deduction). Given that such a result is exactly what Congress intended to prevent by enacting section 613A(d), use of a member's separate taxable income for purposes of determining the section 613A(d) limitation on a consolidated return is not appropriate. Since the percentage depletion deduction should never exceed 65 percent of the group's consolidated taxable income (before the deduction), the depletion deduction in the foregoing example should not exceed $42.25 (*i.e.*, 65%×$65).

The proposed regulations adopt consolidated taxable income as the base for determining the 65% limitation. Use of the portion of such income attributable to the member which has income from oil or gas property as the base was considered and rejected. Unlike the bad debt deducation as computed under § 1.1502–42, the limitation described in section 613A(d) is not equivalent to a preferential tax rate imposed on a specific type of corporation. In addition, the section 613A(d) limitation does not establish the amount of the deduction, as is the case for the bad debt deduction. Rather section 613A(d) merely limits the current deductibility of the amount determined under section 613(a). Any portion of the deduction which is disallowed by reason of section 613A(d) becomes a carryover to a subsequent taxable year. Use of consolidated taxable income for purposes of applying the taxable income limitation in section 613A(d) could result in the allowance of a greater deduction under section 613A for the taxable year than would be permitted if a corporation filed a separate return. Allowance of a greater deduction, however, is only a matter of timing. To the extent the rule merely allows a corporation to deduct amounts on a consolidated return, which would be carryovers if the corporation filed a separate return, a fundamental purpose for filing a consolidated return is properly achieved. On the other hand, if use of consolidated taxable income for the limitation results in a reduction of the deduction computed under section 613(a) that would have been allowed for the taxable year if the corporation filed a separate return (because the aggregate of the incomes and losses of other members is negative), the "minimum tax" policy underlying section 613A(d) is implemented.

Furthermore, use of the group's consolidated taxable income as the base for computing the 65 percent limitation will eliminate any incentive to shift loss activities to members other than those owning oil and gas property, and profit activities to members that own such property, simply for purposes of increasing the limitation.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (perferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Lawrence M. Axelrod of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.1502–12 is amended as follows:

1. The material preceding paragraph (a) is revised.
2. The word "and" at the end of paragraph (n) is deleted.
3. Paragraph (o) is revised.
4. A new paragraph (p) is added.

The new and revised provisions read as follows:

§ 1.1502–12 Separate taxable income.

The separate taxable income of a member (including a case in which deductions exceed gross income) is computed in accordance with the provisions of the Code covering the determination of taxable income of separate corporations, subject to the following modifications:

* * * * * *

(o) Basis shall be determined under §§ 1.1502–31 and 1.1502–32, and earnings and profits shall be determined under § 1.1502–33; and

(p) The limitation on deductions provided in section 613A shall be taken into account for each member's oil and gas properties as provided in § 1.1502–44.

Par. 2. A new § 1.1502–44 is added to read as follows:

§ 1.1502–44 Percentage depletion for independent producers and royalty owners.

(a) *In general.* The sum of the percentage depletion deductions for the taxable year for all oil or gas property owned by all members, plus any carryovers under section 613A(d)(1) or paragraph (d) of this section from a prior taxable year, may not exceed 65 percent of the group's adjusted consolidated taxable income (under paragraph (b) of this section) for the consolidated return year.

(b) *Adjusted consolidated taxable income.* For purposes of this section, adjusted consolidated taxable income is an amount (not less than zero) equal to the group's consolidated taxable income determined without—

(1) Any depletion with respect to an oil or gas property (other than a gas property with respect to which the depletion allowance for all production is determined pursuant to section 613A(b)) for which percentage depletion would exceed cost depletion in the absence of the depletable quantity limitations contained in section 613A(c) (1) and (6) and the consolidated taxable income limitation contained in paragraph (a) of this section,

(2) Any consolidated net operating loss carryback to the consolidated return year under § 1.1502–21, and

(3) Any consolidated net capital loss carryback to the consolidated return year under § 1.1502–22.

(c) *Allocation to oil and gas properties.* The maximum amount allowable as a deduction under section 613A(c), after the application of paragraph (a) of this section, is allocated to properties held by members in accordance with the regulations under section 613A(d). Those regulations provide for an initial allocation and possible reallocation of the maximum allowable percentage depletion deduction among oil and gas properties. Thus, if, after the initial allocation, cost depletion exceeds the percentage depletion that would be allowable for a particular oil or gas property, cost depletion must be used for that property and the maximum amount of percentage depletion allowable as a deduction for the group is reallocated among only the remaining properties held by all members.

(d) *Carryover for disallowed amounts.* (1) If any amount is disallowed as a deduction for the taxable year by reason of section 613A(d)(1) or paragraph (a) of this section, the disallowed amount for each oil or gas property is treated as an amount allowed as a deduction under section 613A(c), for the following taxable year for the member that owned the property, in accordance with the regulations under section 613A and paragraphs (a) and (d)(2) of this section.

(2) Any amount that was disallowed as a deduction in a separate return limitation year of a member may be carried to a consolidated return year only to the extent that 65 percent of the excess determined under paragraph (d)(3) of this section exceeds the sum of the otherwise allowable percentage depletion deductions for the member's oil and gas properties for the year.

(3) The excess determined in this subparagraph (3) for a member is the excess, if any, of adjusted consolidated taxable income for the year under paragraph (b) of this section over that income recomputed by excluding the items of income and deductions of the member.

(e) *Effective date.* This section applies to taxable years for which the due date (without extensions) for filing returns is after (the filing date of this document as a treasury decision).

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 10701 Filed 4-8-80; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Parts 1, 3, and 53

[LR–273–76]

Holding Period Required for Treatment of Long-Term Capital Gain or Long-Term Capital Loss; Changes in Terms Relating to Transactions in Capital Assets

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to changes in the holding period required for gains or losses on transactions in capital assets to be treated as long-term capital gains or long-term capital losses and to changes in certain terms relating to transactions in capital assets. Changes to the applicable tax law were made by the Tax Reform Act of 1976. These regulations would provide the public with guidance needed to comply with that Act and would affect the tax treatment of sales or excanges of capital assets.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 9, 1980. The amendments pertaining to the change in the holding period from 6 months to 9 months are proposed to be effective for taxable years beginning in 1977. The amendments pertaining to the change in the holding period from 9 months to 1 year are proposed to be effective for taxable years beginning after December 31, 1977. The amendments pertaining to the new terms "capital gain net income" and "net capital gain" are proposed to be effective for taxable years beginning after December 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–273–76), Washington, D.C. 20224

FOR FURTHER INFORMATION CONTACT: Claudine Ausness of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. (Attention: CC:LR:T, 202–566–3803).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations, the Regulations on Capital Construction Fund, and the Regulations on Foundation Excise Taxes (26 CFR Parts 1, 3 and 53) under numerous sections of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to sections 1402 (a)(1) and (2), and 1901 (a)(136)(A) and (B) of the Tax Reform Act of 1976 (90 Stat. 1731, 1787) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provisions

Section 1402 (a)(1) and (2) of the Tax Reform Act of 1976 amends section 1222 (1), (2), (3) and (4) of the Code by lengthening the holding period defining long-term capital gains and losses from 6 months to 9 months for taxable years beginning in 1977. The Act further lengthens the holding period from 9 months to 1 year for taxable years beginning after December 31, 1977. The proposed amendments would conform the regulations to these changes in the required holding period. Therefore, gain or loss from sales or exchanges of capital assets will be considered long-term capital gain or long-term capital loss if the asset was held for more than 1 year (6 months for taxable years beginning before 1977; 9 months for taxable years beginning in 1977). Conversely, gain or loss from sales or exchanges of capital assets will be considered short-term capital gain or short-term capital loss if the asset was held for not more than 1 year (6 months for taxable years beginning before 1977; 9 months for taxable years beginning in 1977). These changes do not affect the

rules pertaining to the holding period of commodity futures.

Section 1901 (a)(136)(A) and (B) of the Act substituted the term "capital gain net income" for the term "net capital gain" and substituted the term "net capital gain" for the term "net section 1201 gain" in section 1222 (9) and (11) of the Code, respectively. The proposed amendments would conform the regulations to these changes in terminology.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Claudine Ausness of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Parts 1, 3 and 53 are as follows:

Income Tax Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980

Paragraph 1. The following regulation sections are amended by substituting "1 year (6 months for taxable years beginning before 1977; 9 months for taxable years beginning in 1977)" for "6 months" and "six months" each place "6 months" or "six months" appears in such regulation sections:

1. Section 1.123–1 (a) (3).
2. Section 1.166–5 (a) (2).
3. Section 1.170A–4 (b) (1).
4. Section 1.272–1 (b) (3).
5. Section 1.333–5 (d) (1) and (d) (2).
6. Section 1.341–4 (a).
7. Section 1.341–6 (b) (2) (iii) and (b) (5).
8. Example (1) of § 1.357–2 (b).
9. Section 1.421–5 (a) (1), (c) (2), (d) (1) and (e).
10. Section 1.423–1 (a) (1).
11. Section 1.424–1 (a) (1) (i).
12. That portion of § 1.614–6 (b) other than the example.
13. Section 1.631–1 (a) (4), (b) (1) and (d) (4).
14. Section 1.631–2 (a) (1), (a) (2), (b) (1), (c) (2), (d) (1), (d) (3) (i) and (d) (3) (iii).
15. Section 1.631–3 (a) (1), (a) (2), (b) (1) and (c) (3).
16. Section 1.691 (a)–3 (b) (1).
17. Section 1.702–1 (a) (1) and (a) (2).
18. Section 1.817–2 (b) (1) (i), (b) (3) (i) and (b) (3) (ii).
19. Section 1.852–4 (b) (1), (b) (2) (i), (b) (3) and (d) (1).
20. Section 1.856–2 (c) (1) (iii) (*a*).
21. Section 1.857–4 (b) and (c) (1).
22. Section 1.1012–1 (e) (3), (e) (4) (i) and (e) (4) (ii).
23. Section 1.1222–1 (a) and (c).
24. Section 1.1223–1 (j).
25. Section 1.1231–1 (a), (b), (c) (1), (c) (2), (c) (5), (e) (1) and (e) (3).
26. Section 1.1232–1 (a).
27. Section 1.1232–3 (a) (1) and (b) (1) (ii).
28. Section 1.1233–1 (a) (4), (c) (2), (c) (4), (c) (5) and (e).
29. Section 1.1234–2 (a).
30. Section 1.1235–1 (a).
31. Section 1.1235–2 (d) (2).
32. Section 1.1245–4 (a) (4).
33. Section 1.1247–3 (b) (4) and (d) (1).
34. Section 1.1246–1 (e) (3).
35. Section 1.1251–3 (a) (1) (i) (*a*).
36. Section 1.1385–1 (c) (2) (ii) (*a*).

§§ 1.421–5, 1.423.2 and 1.424–2 [Amended]

Par. 2. Paragraphs (a) (2) and (b) (1) (i) of § 1.421–5, paragraph (k) (1) (i) of § 1.423–2, and paragraph (b) (1) (i) of § 1.424–2 are amended by substituting "1-year (6-month for taxable years beginning before 1977; 9-month for taxable years beginning in 1977)" for "6-month" each place "6-month" appears in such regulation sections.

§ 1.1012–1 [Amended]

Par. 3. Paragraph (e) (3) of § 1.1012–1 is amended by substituting "1-year (6-month for taxable years beginning before 1977; 9-month for taxable years beginning in 1977)" for "6-months" each place "6-months" appears in such paragraph.

§ 1.1012–1 [Amended]

Par. 4. The caption of paragraph (e) (3) (iii) of § 1.1012–1 is amended by substituting *"1-year"* for *"6-months"*.

§ 1.1247–3 [Amended]

Par. 5. The caption of paragraph (d) of § 1.1247–3 is amended by substituting *"1 year"* for *"6 months"*.

Par. 6. The following regulation sections are amended by substituting "capital gain net income (net capital gain for taxable years beginning before January 1, 1977)" for "net capital gain" and "net capital gains" each place "net capital gain" or "net capital gains" appears in such regulation sections.

1. Section 1.381 (c) (3)–1 (c) (1), (d) (1), (d) (1) (ii), (d) (2), (e) (1), (e) (5), (e) (6), and (e) (7).
2. Section 1.852–10 (b) (1).
3. Section 1.1202–1 (a).
4. Section 1.1212–1 (a) (2) (i), (a) (3) (ii), (a) (3) (iii) (*a*), and (a) (3) (iii) (*f*).
5. Section 1.1222–1 (d) (1).
6. Section 1.1248–4 (d) (5) (ii) and (g) (2).
7. Section 1.1502–4 (d) (1) (ii).
8. Section 1.1502–11 (a) (3).
9. Section 1.1502–15 (a) (1).
10. Section 1.1502–21 (f) (2).
11. Section 1.1502–22 (a) (1), (c) (2) (i) and (d) (2) (i).
12. Section 1.1502–25 (c) (2) (ii).
13. Section 1.1502–27 (b) (2).
14. Section 1.1502–79 (a) (3) (ii) and (b) (2) (i).
15. Section 1.1552–1 (a) (1) (ii) (*b*).

Par. 7. The following regulation sections are amended by adding the parenthetical phrase "(capital gain net income for taxable years beginning after December 31, 1976)" direct after the phrases "net capital gain" and "net capital gains" each place the phrases "net capital gain" or "net capital gains" appears in such regulation sections:

1. Section 1.381 (c) (3)–1 (c) (4), (d) (4) and (e) (8).
2. Examples (3) and (5) of § 1.642 (c)–3 (c).
3. Example (2) of § 1.643 (a)–6 (b).
4. Examples (6), (7) and (8) of § 1.1211–1 (b) (8).
5. Section 1.1212–1 (a) (1) (i), examples (a), (b) and (c) of paragraph (a) (1) (ii), example (2) of paragraph (a) (2) (iii), examples (1), (2), (3), (4) and (5) of paragraph (a) (3) (iv), and example (7) of paragraph (b) (5).
6. Example (2) of § 1.1248–4 (d) (5) (iii).
7. Examples (4) and (5) of § 1.1375–1 (f).
8. Example (2) of § 1.1502–4 (j).
9. Examples (1), (2), and (3) of § 1.1502–11 (b) (6).

§§ 1.381 and 1.1502–22 [Amended]

Par. 8. The captions of paragraphs (d) (1) and (e) (5) of § 1.381 (c) (3)–1, of § 1.1502–22, and of paragraph (a) (1) of § 1.1502–22 are amended by substituting *"capital gain net income"* for *"net capital gain"* each place *"net capital gain"* appears in such captions.

Par. 9. The following regulation sections are amended by substituting "net capital gain (net section 1201 gain for taxable years beginning before January 1, 1977)" for "net section 1201 gain" each place "net section 1201 gain" appears in such regulation sections:

1. Section 1.665 (d)–1A (c) (2).
2. Section 1.1201–1 (a) (1) (i), (a) (2) (i), (a) (4), (b) (1), (b) (2) (i), (b) (2) (ii) (*a*), (b) (2) (ii) (*b*), (e) (1) and (e) (2).
3. Section 1.1222–1 (h).
4. Section 1.1348–2 (d) (1).

Par. 10. The following regulation sections are amended by adding the parenthetical phrase "(net capital gain for taxable years beginning after December 31, 1976)" directly after the phrase "net section 1201 gain" each place the phrase "net section 1201 gain" appears in such regulation sections:

1. Example (1) of § 1.21–1 (n).
2. Example (3) of § 1.514(b)–1 (b) (1) (iii) and example (2) of paragraph (b) (3).
3. Section 1.1201–1 (a) (3) (i), (a) (3) (ii) (*a*), (a) (3) (ii) (*b*), (a) (3) (iii), (a) (3) (iv), (b) (2) (iii) and examples (2), (3) and (4) of paragraph (g).

§ 1.21–1 [Amended]

Par. 11. Example (1) of § 1.21–1 (n) is amended by adding the parenthetical phrase "(net capital gain for taxable years beginning after December 31, 1976)" directly after the phrase "section 1201 gain."

PART 3—CAPITAL CONSTRUCTION FUND

§ 3.4 [Amended]

Par. 12. Paragraphs (c) and (d) (2) of § 3.4 are amended by substituting "1 year (6 months for taxable years beginning before 1977, 9 months for taxable years beginning in 1977)" for "6 months" each place "6 months" appears in such paragraphs.

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

§ 53.4940–1 [Amended]

Par. 13. Paragraphs (c) (1) (i) and (f) (1) of § 53.4940–1 are amended by substituting "capital gain net income (net capital gain for taxable years beginning before January 1, 1977)" for "net capital gain" each place "net capital gain" appears in such regulation section.

§ 53.4940–1 [Amended]

Par. 14. Example (2) of § 53.4940–1 (f) (4) is amended by adding the parenthetical phrase "(capital gain net income for taxable years beginning after December 31, 1976)" directly after the phrase "net capital gain" each place the phrase "net capital gain" appears in such regulation section.

Jerome Kurtz,
Commissioner of Internal Revenue.

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26 CFR Parts 1, 31, and 301

[LR–279–76]

Withholding on Certain Individuals Engaged in Fishing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of certain crewmen on boats engaged in catching fish as self-employed rather than as employees. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Revenue Act of 1978. The regulations will provide operators and crewmen of fishing boats with guidance necessary for compliance with the Acts.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 9, 1980. The amendments relating to income tax withholding and self-employment taxes are proposed to be effective for taxable years ending after December 31, 1954. The amendments relating to social security taxes are proposed to be effective with respect to services performed after December 31, 1954, except for services performed after December 31, 1954, but before October 4, 1976, in cases in which the owner or operator of a boat treated a share of the boat's catch as being subject to such taxes. The amendment relating to reporting requirements are proposed to be effective for calendar years beginning after October 4, 1976.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR 279–76), 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Claudine Ausness of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T (202–566–3803)).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 1402, 3121, 3401, and 6050A of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1207 (e) and (f)(4) of the Tax Reform Act of 1976 (90 Stat. 1706), as amended by section 701 (z) of the Revenue Act of 1978 (92 Stat. 2921), and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provisions

Under the Tax Reform Act of 1976, as amended, if certain conditions are met, after 1954 crewmen on boats engaged in catching fish and other aquatic animals are generally considered self-employed, rather than employees, for purposes of income tax withholding, self-employment tax, and the social security laws.

In order for a crewman to be considered self employed, all of the following conditions must be met:

(1) The crew member must receive a share of the boat's catch or a share of the proceeds from the sale of the catch, and he must be entitled to no other cash;

(2) The amount of the crew member's share must depend solely on the amount of the boat's catch, and therefore the amount of the share cannot be fixed at any minimum; and

(3) The crew of the boat on which the individual performed services must normally be made up of fewer than 10 individuals.

Even if the criteria under the new provision are satisfied, for purposes of the social security tax, a crewman is nevertheless deemed an employee, with regard to any services performed after December 31, 1954, but before October 4, 1976, if the boat operator treated a share of the boat's catch received by the crewman as subject to social security tax.

If the new criteria are satified, the boat operator must file an information return on Form 1099–F (Copy A) by February 28 of the calendar year following the year in which service is performed, and, if the crewman has made his address known, the operator must furnish Copy B of the same form to the crewman. The operator must report on Form 1099–F the identity of each individual performing services, the individual's percentage share of the catch, and the amount of the proceeds received or the type and weight of the catch each crewman received as compensation for his services.

Under the proposed regulation, a crewman's share is not dependent solely on the amount of the boat's catch if the

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crewman is entitled under any individual or collective agreement to any fee, hourly wage, minimum for services, or any other amount unrelated to the size of the catch. Further, the operating crew includes the captain for purposes of determining the number of persons who normally make up the crew of the boat. The regulation provides that services performed by a crewman on one voyage may be excepted from employment but may not be so excepted on a subsequent voyage on the same or on a different boat, and that services of some crewmen on a voyage may be excepted from employment while services of other crewmen on the same voyage may not be so excepted.

The proposed regulation specifies certain events which result in a boat operator's "treating" a share of the boat's catch as subject to social security taxes for purposes of the exception to the 1955 effective date in the case of such taxes. For example, the operator is generally deemed to have treated the share of the catch as subject to social security taxes (1) if the operator voluntarily filed Form 941, (2) if he made full or partial payment of FICA tax (unless he made such payment only in order to file a court claim for a refund), or (3) if the operator withheld FICA tax from the crewman's share (regardless of whether the tax was paid over to the Service).

The proposed regulation makes clear that, if a share of the catch has been "treated" as subject to social security taxes, in the case of services performed after December 31, 1954, but before October 4, 1976, even though the crewman otherwise satisfied the criteria necessary for being considered self-employed, he is not required to pay tax on self-employment income with respect to such services, but is required to pay income tax on income received for such services. The fact that a boat operator has treated a share of the catch as being subject to the social security tax does not mean that the operator is required to withhold income tax with respect to that share. However, in such cases the boat operator is required to pay over both the employee and employer portions of FICA tax.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Claudine Ausness of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulation

The proposed amendments to 26 CFR Parts 1, 31, and 301 follow:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.1402(c)–3 is amended by revising the second sentence of paragraph (a) and by adding a new paragraph (g) to read as follows:

§ 1.1402(c)–3 Employees.

(a) *General rule.* * * * However, in six cases set forth in paragraphs (b) to (g), inclusive, of this section, the performance of service by an individual is considered to constitute a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1. * * *

* * * * *

(g) *Individuals engaged in fishing.* For taxable years ending after December 31, 1954, service performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life (hereinafter "fish") constitutes a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1 if the service is excepted from the definition of employment by section 3121(b)(20) and §31.3121(b)(20)–1(a). However, the preceding sentence does not apply to services performed after December 31, 1954, and before October 4, 1976, on a boat engaged in catching fish if the owner or operater of the boat treated the individual as an employee in the manner described in § 31.3121(b)(20)–1(b).

Par. 2. Section 1.6050A–1 is added immediately after § 1.6050–1, to read as follows:

§ 1.6050A–1 Reporting requirements of certain fishing boat operators.

(a) *Requirement of reporting.* The operator of a boat on which one or more individuals during a calendar year services described in § 31.3121(b)(20)–1(a) shall make an information return on Form 1099F for that calendar year. The return shall include the following information:

(1) The name and taxpayer identification number of each individual performing the services;

(2) The percentage of each individual's share of the catch of fish or other forms of aquatic life (hereinafter "fish");

(3) The percentage of the operator's share of the catch of fish;

(4) If the individual receives all or part of his share of the catch in kind; the type and weight of the share and, if it can be ascertained, the fair market value of his share;

(5) If the individual receives a share of the proceeds of the catch, the dollar amount received; and

(6) Any other information that is required by the form.

For purposes of this section, the term, "boat operator" means an employer (as defined in section § 31.3121(d)–2) of an employee whose services are excepted from employment by section 3121(b)(20) and § 31.3121(b)(20)–1. The boat operator may make separate returns on Form 1099F for each crew member for each voyage, or he may aggregate the information required by this paragraph for an individual for all or any part of a return period in which the type of catch (if required) and the percentage due the crew member remain the same.

(b) Time and place for filing. Returns required to be made under this section on Form 1099F shall be filed with the Internal Revenue Service Center, designated in the instructions for Form 1099F, on or before February 28 of the year following the year in which the relevant services were performed.

(c) *Requirement of and time for furnishing statement*—(1) *requirement of furnishing statement.* Every person filing a Form 1099F under this section shall furnish to the individual whose identifying number is (or should be) shown on the form a written statement showing the information required by paragraph (a) of this section. The requirement of the preceding sentence may be met by furnishing to the individual copy B of Form 1099F or a reasonable facsimile of Form 1099F that was filed pursuant to this section.

(2) *Time for furnishing statement.* Each statement required by this paragraph to be furnished to any individual for a calendar year shall be furnished on or before January 31 of the year following the calendar year for which the return was made.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 3. Section 31.3121(b)(20)–1 is added immediately after § 31.3121(b)(19)–1, to read as follows:

§ 31.3121(b)(20)–1 Service performed on a boat engaged in catching fish.

(a) *In general.* (1) Service performed on or after December 31, 1954, by an individual on a boat engaged in catching fish or other forms of aquatic animal life (hereinafter "fish") are excepted from employment if—

(i) The individual receives a share of the boat's (or boats' for a fishing operation involving more than one boat) catch of fish or a share of the proceeds from the sale of the catch,

(ii) The amount of the individual's share depends solely on the amount of the boat's (or boat's for a fishing operation involving more than one boat) catch of fish,

(iii) The individual does not recieve, and is not entitled to receive, any cash remuneration, other than remuneration that is described in sub-division (1) of this subparagraph, and

(iv) The crew of the boat (or of each boat from which the individual receives a share of the catch) normally is made up of fewer than 10 individuals.

(2) The requirement of subdivision (ii) of subparagraph (1) is not satisfied if there exists an agreement with the boat's (or boats') owner or operator by which the individual's remuneration is determined partially or fully by a factor not dependent on the size of the catch. For example, if a boat is operated under a remuneration arrangement, *e.g.*, a collective agreement which specifies that crew members, in addition to receiving a share of the catch, are entitled to an hourly wage for repairing nets, regardless of whether this wage is actually paid, then all the crew members covered by the arrangement are entitled to receive cash remuneration other than a share of the catch and their services are not expected from employment by section 3121(b)(20).

(3) The operating crew of a boat includes all persons on the boat (including the captain) who receive any form of remuneration in exchange for services rendered while on a boat engaged in catching fish. See § 1.6050A–1 for reporting requirements for the operator of a boat engaged in catching fish with respect to individuals performing services described in this section.

(4) During the same return period, service performed by a crew member may be excepted from employment by section 3121(b)(20) and this section for one voyage and not so excepted on a subsequent voyage on the same or on a different boat.

(5) During the same voyage, service performed by one crew member may be excepted from employment by section 3121(b)(20) and this section but service performed by another crew member may not be so excepted.

(b) *Special rule.* Services performed after Decembner 31, 1954, and before October 4, 1976, on a boat by an individual engaged in catching fish are not excepted from employment for any voyage (for purposes of section 3121(b) and the corresponding regulations), even through the individual satisfies the requirements of subdivision (i) through (iv) of paragraph (a)(1) of this section, if the owner or operator of the boat engaged in catching fish treated the individual as an employee. For purposes of this subparagraph, the individual was treated as an employee if—

(1) Form 941 was voluntarily filed by the boat operator or owner, regardless of whether the tax imposed by chapter 21 was withheld. For purposes of this subdivision, the filing of Form 941 is not voluntary if the filing was the result of action taken by the Service pursuant to section 6651(a) (relating to addition to the tax for failure to file tax return or to pay tax);

(2) The boat owner or operator withheld from the individual's share the tax imposed by chapter 21, regardless of whether the tax was paid over to the Service; or

(3) The boat owner or operator made full or partial payment of the tax imposed by chapter 21, unless the payment was made pursuant to section 7422(a) (relating to no civil actions for refund prior to filing claim for refund). However, for purposes of this paragaph, crew members whose services, but for subdivisions (i) through (iii), would have been excepted from employment by section 3121(b)(20) are not required to pay self-employment tax on income earned in performing those services. See § 1.1402 (c)-3(g). Moreover, in such cases the employer is not entitled to a refund of the employer's share of any tax imposed by chapter 21 that was paid.

Par. 4. Section 31.3401(a)(17)–1 is added after § 31.3401(a)(16)–1, to read as follows:

§ 31.3401(a)(17)–1 Remuneration for services performed on a boat engaged in catching fish.

(a) Remuneration for services performed on or after December 31, 1954, by an individual on a boat engaged in catching fish or other forms of aquatic animal life (hereinafter "fish") is excepted from wages and hence is not subject to withholding if—

(1) The individual receives a share of the boat's (or boats' for a fishing operation involved more than one boat) catch of fish or a share of the proceeds from the sale of the catch,

(2) The amount of the individual's share depends solely on the amount of the boat's (or boats' for a fishing operation involving more than one boat) catch of fish,

(3) The individual does not receive, and is not entitled to receive, any cash remuneration, other than remuneration that is described in subparagraph (1) of this paragraph, and

(4) The crew of the boat (or of each boat from which the individual receives a share of the catch) normally is made up of fewer than 10 individuals.

(b) The requirement of subparagraph (2) of paragraph (a) is not satisfied if there exists an agreement with the boat's (or boats') owner or operator by which the individual's remuneration is determined partially or fully by a factor not dependent on the size of the catch. For example, if a boat is operated under a remuneration arrangement, *e.g.*, a union contract, which specifies that crew members, in addition to receiving a share of the catch, are entitled to an hourly wage for repairing nets, regardless of whether this wage is actually paid, then all the crew members covered by the arrangement are entitled to receive cash remuneration other than as a share of the catch and are not excepted from employment by section 3121(b)(20).

(c) The operating crew of a boat includes all persons on the boat (including the captain) who receive any form of remuneration in exchange for services rendered while on a boat engaged in catching fish. See § 1.6050A–1 for reporting requirements for the operator of a boat engaged in catching fish with respect to individuals performing services described in this section.

(d) During the same return period, service performed by a crew member may be excepted from employment by section 3121(b)(20) and this section for one voyage and not so excepted on a subsequent voyage on the same or on a different boat.

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PART 301—PROCEDURE AND ADMINISTRATION

Par. 5. Section 301.6050A–1 is added immediately after § 301.6050–1, to read as follows:

§ 301.6050A–1 Information returns regarding services performed by certain crewmen on fishing boats.

For provisions relating to the requirement of returns of information regarding services performed by certain crewmen on fishing boats, see § 1.6050A–1 of this chapter (Income Tax Regulations) and § 301.6652–1 of this chapter (Regulations on Procedure and Administration).

Par. 6. Section 301.6652–1(a)(2) is amended to read as follows:

§ 301.6652–1 Failure to file certain information returns.

(a) *Returns with respect to payments made in calendar years after 1962.* * * *

(2) *Other payments; statements with respect to tips.* In the case of each failure—

(i) To file a statement of a payment made to another person required under authority of section 6041, relating to information returns with respect to certain information at source, or section 6051(d), relating to information returns with respect to payments of wages as defined in section 3401(a), or section 6050A(a), relating to information returns with respect to remuneration of certain crew members defined in section 3121(b)(20), or

(ii) To furnish a statement required under authority of section 6053(b), relating to statements furnished by employers with respect to tips, or section 6050A(b), relating to statements furnished by fishing boat operators with respect to remuneration of certain crew members, within the time prescribed by regulations under those sections for filing such statements (determined with regard to any extension of time for filing),

there shall be paid by the person failing to so file the statement $1 for each such statement not so filed. However, the total amount imposed on the delinquent person for all such failures during any calander year shall not exceed $1,000.

* * * * *

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 80-10702 Filed 4-8-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Arkansas

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Determination of completeness of Arkansas program submission.

SUMMARY: On February 19, 1980, the State of Arkansas submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Arkansas program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is complete.

ADDRESSES: Written comments on the Arkansas program and a summary of the public meeting are available for public review, 8 a.m.–4 p.m., Monday through Friday, excluding holidays at:

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106.

Copies of the full text of the proposed Arkansas program are available for review during regular business hours at the OSM regional office above and at the following office of the state regulatory authority:

Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219.

Copies of the full text of the proposed Arkansas program are also available for review at the following locations:

Clark County Library, 609 Caddo, Arkadelphia, Arkansas.
Public Library of Camden and Ouachita County, 120 Harrison Avenue SW, Camden, Arkansas.
Barton Library, East Fifth and North Jefferson, Eldorado, Arkansas.
Ozarks Regional Library Headquarters, 217 E. Dickson, Fayetteville, Arkansas.
Fort Smith Public Library, 61 S. Eighth, Fort Smith, Arkansas.
Crowley Ridge Regional Library, 315 W. Oak, Jonesboro, Arkansas.
Magnolia Public Library, 220 E. Main, Magnolia, Arkansas.
Ozark Public Library, 407 W. Market, Ozark, Arkansas.
Pope County Library, 114 E. Third, Russellville, Arkansas.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, MO 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 19, 1980, OSM received a proposed permanent regulatory program from the State of Arkansas. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region IV, published notification of receipt of the program submission in the **Federal Register** of February 27, 1980 (45 FR 12918–12919) and in the following newspapers of general circulation within Arkansas: Arkansas Gazette, Little Rock; Southwest Times Record, Fort Smith.

The February 27, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of a public review meeting on March 31, 1980, in Little Rock, Arkansas, to discuss the submission and its completeness, and announcement of a public comment period until March 31, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Arkansas program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Arkansas submission fulfills the requirements for program submissions under 30 CFR 731.14 and is therefore complete.

It should be noted that Arkansas has addressed 30 CFR 731.14(g)(6), administering and enforcing the permanent program performance standards, in the narrative materials that address 30 CFR 731.14(g) (1), (4), and (5). Also, the program submission did not include the Arkansas Administrative Procedures Act or the Arkansas Freedom of Information Act. However, these documents have subsequently been submitted and are available at the locations listed above.

No later than June 6, 1980, the Regional Director will publish a notice in the **Federal Register** and in the following newspapers of general circulation in Arkansas initiating substantive review of the program submission: Arkansas Gazette, Little Rock; Southwest Times Record, Fort Smith.

The review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Arkansas regulatory program, in accordance with Section 702(d) of SMCRA (30 U.S.C. 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 3, 1980.

Kenneth L. Faulk,
Acting Regional Director.

[FR Doc. 10734 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 425

[FRL 1458–5]

Leather Tanning and Finishing Industry Point Source Category; availability of Documents

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of additional documents.

SUMMARY: EPA proposed regulations to limit effluent discharge to waters of the Untied States and introduction of pollutants into publicly owned treatment works from leather tanning and finishing facilities on July 2, 1979 (44 FR 38746). EPA announces today that copies of additional documents have been added to the record for this rulemaking. These documents include, "Environmental Assessment for the Leather Tanning Industry", submitted to the Public Information Reference Unit for public review on March 12, 1980; reports prepared by Midwest Research Institute (MRI) and Carborundum, Inc. on analytical precision and accuracy studies for leather tanning wastewaters, and an EPA memorandum concerning these studies dated February 6, 1980, submitted to the Public Information Reference Unit for public review on March 20, 1980. Copies of public comments and additional related documents are being added to the record as they are received.

DATES: Comments on the specific documents added to the record (cited above) will be accepted on or before May 9, 1980. However, comments on the balance of the record and this rulemaking are to be submitted in writing by April 10, 1980.

ADDRESS: Send comments to: Mr. Donald F. Anderson, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Attention: Docket Clerk, Proposed Leather Tanning Rules.

The record for this rulemaking is available for public inspection and copying at the EPA Public Information Reference Unit, Room 2404 (EPA Library, rear) PM-213, 401 M Street, S.W., Washington, D.C. 20460. The EPA public information regulations (40 CFR Part 2) provide that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Donald F. Anderson, at the above listed address, or call (202)426–2707.

Dated: April 2, 1980.

Eckardt C. Beck,
Assistant Administrator for Water and Waste Management.

[FR Doc. 80-10739 Filed 4-8-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Ch. 3

Implementation of Section 7(b) of the Indian Self-Determination and Education Assistance Act; Intent To Develop Regulations

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notice of intent to develop regulations.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare proposes to develop regulations implementing the Indian preference requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450e(b), with respect to certain awards made by the Department.

DATE: Please submit comments on or before July 8, 1980.

ADDRESS: Submit comments to: Mr. Jack Coleman, Office of Procurement Policy, Office of Grants and Procurement, OASMB–OS, HEW, 200 Independence Avenue, S.W., Room 539H, Hubert H. Humphrey Building, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Coleman, Office of Procurement Policy, OGP–OASMB–OS, (202) 245–8901.

SUPPLEMENTARY INFORMATION: Section 7(b) of Public Law 93–638, the Indian Self-Determination and Education Assistance Act, (25 U.S.C. 450e(b)), requires that recipients of certain Federal awards apply Indian preference in carrying out those awards. Section 7(b) provides, in full, as follows:

> Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—
>
> (1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and
>
> (2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

The Department has previously promulgated regulations implementing section 7(b) with respect to awards in particular program areas that are subject to it. See, for example, the regulations applicable to awards under section 103 of Pub. L. 93–638, at 41 CFR 3–4.6013 (clauses 29 and 35), 41 CFR 3–4.6014 (clauses 16 and 17), and 42 CFR 36.220 and 36.221.

The Department has not promulgated detailed regulations implementing section 7(b) with respect to all awards that it makes that are subject to that statutory provision. The Department now propose to do so in accordance with its normal rulemaking procedures, including publication in the **Federal Register** of proposed regulations with an opportunity for public comment. Before issuing proposed regulations, the Department is requesting public comment on several major issues to be addressed by those regulations.

Specifically, the Department requests comment on each of the following questions:

1. Should the Department promulgate regulations implementing section 7(b) for all HEW awards to which it applies?

2. In light of the language of the first paragraph of section 7(b), which contracts and grants awarded by the Department must include the Indian

preference provisions required by that section?

3. What differences, if any, should there be between regulations relating to contracts and those relating to grants?

4. Should the regulations differ with respect to different types of projects? For example, should there be any difference in regulations relating to construction projects and those relating to nonconstruction projects?

5. What particular provisions should the Department adopt to implement the requirement of "preference and opportunities for training and employment" stated in section 7(b)(1)? In short, what does it mean to give "preferences and opportunities"?

6. What particular provisions should the Department adopt to implement the requirement of "preference in the award of subcontracts and subgrants" in section 7(b)(2)? In short, what does it mean to give a preference?

In addition, members of the public are encouraged to comment on any other matters relating to the promulgation of section 7(b) regulations.

Dated: April 2, 1980.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

[FR Doc. 80-10690 Filed 4-8-80; 8:45 am]

BILLING CODE 4110-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 79-246]

Private Line Rate Structure and Volume Discount Practices; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; reply and responsive comments; extension of time.

SUMMARY: The Chief, Common Carrier Bureau, has granted an extension of time for all parties from April 7, 1980 until May 7, 1980 in which to file counterproposals and replies in the proceeding relating to private line rate structure and volume discount practices. In addition, the date for filing replies to counterproposals has been extended from April 23, 1980 until June 9, 1980. This action was taken in response to a motion filed by AT&T requesting additional time to file modifications of its initial proposal filed in this proceeding.

DATES: Reply Comments must be filed on or before May 7, 1980 and Responsive Comments to proposals must be filed on or before June 9, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Tariff Division, Common Carrier Bureau, (202) 632-6312.

Adopted: March 31, 1980.

Released: April 3, 1980.

[44 FR 61216, October 24, 1979; 45 FR 16214, March 13, 1980)

In the Matter of American Telephone and Telegraph Company private line rate structure and volume discount practices.

1. Before the Chief, Common Carrier Bureau, is a motion for extension of time by the American Telephone and Telegraph Company (AT&T) requesting an extension from April 7, 1980 until May 7, 1980 in which to file replies and counterproposals in the above-captioned proceeding.

2. In support, AT&T states that numerous comments responsive to its initial proposal have been filed, that these comments vary in degree of detailed analysis, and that they have required a thorough and time-consuming evaluation. It further recites that its evaluation of these comments has suggested ways in which to modify its initial proposal consistent with the Commission's guidelines. Because additional time would lead to an adequate development of its proposed modifications, AT&T reasons that a grant of the extension would serve the public interest.

3. We conclude that AT&T has shown sufficient reason for granting the requested extension. In particular, we believe that the extension is justified in order to permit AT&T to submit a proposal which complies with the Commission's guidelines for a restructuring of AT&T's private line tariff. Consistent with this result, moreover, the remaining filing dates will be adjusted as set forth below.

4. Accordingly, it is ordered, pursuant to delegated authority contained in Section 0.291 of the Commission's Rules, 47 CFR § 0.291, That the "Motion for Extension of Time" filed by the American Telephone & Telegraph Company IS GRANTED.

5. It is further ordered, That reply comments and alternate proposals of all parties shall be filed by on or before May 7, 1980. Responsive comments to proposals shall be filed on or before June 9, 1980.

Thomas J. Casey,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 80-10686 Filed 4-8-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 67

[Docket No. 21263]

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers Between the U.S. Mainland, and Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Supplemental information request, Docket No. 21263.

SUMMARY: The Federal-State Joint Board convened in this proceeding seeks additional information on its authority as well as technical information concerning separations procedures for Alaska.

DATES: Comments to be filed no later than May 9, 1980, and replies to be filed no later than May 27, 1980.

T2ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Francis L. Young, Common Carrier Bureau, (202) 632-3772.

In the matter of integration of rates and services for the Provision of Communications by Authorized Common Carriers Between the United States Mainland, and Hawaii, Alaska and Puerto Rico/Virgin Islands, Docket No. 21263. See also 45 FR 4365, January 22, 1980.

Adopted: March 27, 1980.

Released: April 2, 1980.

1. The Federal-State Joint Board convened in this proceeding, following consultation with the Joint Staff, has instructed the staff to set forth questions to be answered in a memorandum of law, and to develop technical questions. Since time is of the essence and since the information sought should be readily available to the parties, a thirty day comment period and fifteen day reply period will be established.

2. The following questions have been developed in accordance with the Joint Board's instructions. Answers to the questions in A shall be provided in a memorandum of law. Responses to the data requests in B shall cross reference any previous filings and all work papers should be retained for future review as may be required.

A. Memorandum of Law: Provide a legal memorandum addressing questions (1) – (4) below. Copies of all decisions not reported in a national reporter system should be attached.

1. The purpose clause contained in Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. 151 (1976), provides:

> Sec. 1. *For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges,* for the purpose of the national defense, for the purpose of promoting safety of life and property through use of wire and radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by the law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act. (Emphasis added.)

Parties to this proceeding have argued that Section 1 of the Communications Act mandates "universal" service, "adequate" service and/or "affordable" rates.

(a) Please provide comments, including legal citations, as to whether or not Section 1 requires "universal" service, "adequate" service, and/or "affordable" rates.

(b) Is there an established legal definition for any or each of these terms? Provide citations. If there are established legal definitions, state any deviations from such definitions applicable to this proceeding and set forth legal justification for such deviations.

(c) If Section 1 requires "universal" service, "adequate" service, and/or "affordable" rates, define what would constitute achievement of the appropriate goal(s).

(d) What limitations, if any, do Title II and any other appropriate parts of the Communications Act have on the Federal Communications Commission's jurisdiction to implement the broad purpose stated in Section 1?

(e) What limitations, if any, apply to the use of separations procedures to accomplish the purposes stated in Section 1?

2. Taking into consideration your response to Question 1, *supra,* is the Federal Communications Commission legally empowered to modify existing separations methodology:

(a) To assist the development or improvement of communications facilities and services to meet the social or telecommunications goals of any individual state?

(b) To assist the development or improvement of communications facilities and services within discrete areas of one or more states?

(c) To assist the development or improvement of communications facilities and services within areas of a particular state presently receiving no service or less than adequate service?

(d) To assist the development or improvement of communications facilities and services within discrete areas of one or more states presently receiving no service or less than adequate service?

3. What, if any, additional legal procedures would be required to make applicable on a nationwide basis any modification to existing separations methodology which may be adopted by the Federal Communications Commission to assist the development or improvement of communications facilities and services in discrete areas of a single state?

4. Assuming that existing separations methodology is modified in such a way as to allocate greater amounts of investment and expense to the interstate jurisdiction for specific telecommunications purposes, where should subsequent responsibility lie for insuring that those objectives are fulfilled? To the extent that such development is made possible by modifying separations methodology to allocate greater amounts of investment and expense to the interstate jurisdiction, must the development and the capital expenditures associated with such telecommunications purposes be approved in advance under Section 214 of the Communications Act and must the services by subject to tariffs filed before the Federal Communications Commission? Can the Federal Communications Commission legally delegate this authority to a state regulatory agency?

B. Data Requests. (1) Assuming *arguendo* that the existing Separations Manual is recommended (i.e. no "Bush" supplement) what changes, if any, should be made to the implementation factors (i.e. CSR ratio) applied in practice to make the Manual reflect Alaska?

(2) What changes, if any, should be made to the current definition of non-traffic sensitive plant to reflect facilities in Alaska? What factors should be applied to such facilities?

(3) What would be the intrastate effect, exchange and toll, if 10, 25, or 50 percent of the staff proposed supplement to interstate was allocated to intrastate?

(4) What locations on the mainland would qualify for the staff proposed "Bush" supplement assuming satellite interconnection was not required? Specify exact locations and limitations, if any, to the response.

(5) Identify the satellite facilities and associated revenue requirements included in Alascom's purported revenue requirement. What capital contributions have been made by the State of Alaska? How are the capital investments of such facilities treated?

(6) What are the anticipated capital expenditures of Alascom and the independents in the "Bush" for the next five years? Specify the facilities, locations, revenue requirements and source of anticipated revenues to satisfy the revenue requirement. Specify the assumptions made in determining the revenue requirement.

(7) Set forth what transition proposals, if any, should be applied for Alaska.

3. In order to expedite review of the material submitted in response to this data request, the parties are requested to submit an original and six copies to the Secretary, Federal Communications Commission and one copy to each of the State commission members of this Joint Board.

4. Accordingly, it is ordered that the parties shall submit a memorandum of law and response to the data requests as detailed in paragraph 2 above no later than May 9, 1980. Replies may be filed no later than May 27, 1980.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-10715 Filed 4-8-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-131; RM-3439]

FM Broadcast Station In Allendale, S.C.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Allendale, South Carolina, in response to a petition filed by Good Radio Broadcasting Company. The proposed channel could provide a first fulltime local aural broadcast service to Allendale.

V 45 / 70 A P 9 8 0 UMI

DATES: Comments must be filed on or before May 27, 1980, and reply comments must be filed on or before June 16, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Allendale, South Carolina), BC Docket No. 80–131, RM–3439.

Adopted: March 25, 1980.

Released: April 7, 1980.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by Good Radio Broadcasting Company ("petitioner"), proposing the assignment of Channel 228A to Allendale, South Carolina, as that community's first FM assignment.

(b) The channel can be assigned to Allendale, provided the transmitter site is located approximately 2.6 kilometers (1.6 miles) west of Allendale.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Location.* Allendale, in Allendale County, is located approximately 129 kilometers (80 miles) west of Charleston, South Carolina.

(b) *Population:*[2] Allendale—3,620; Allendale County—9,692.

(c) *Local Aurol Broadcast Service.* Allendale is served locally by daytime-only Station WDOG.

3. *Economic Considerations.* Petitioner states that agriculture is the basic industry in Allendale County. Petitioner has submitted economic and demographic information with respect to Allendale which demonstrates the need for a first FM assignment.

4. In view of the fact that the proposed FM channel assignment would provide for a first fulltime local aural broadcast service in Allendale, the Commission believes it appropriate to propose amending the FM Table of Assignment, § 73.202(b) of the Commission's rules, with regard to Allendale, South Carolina, as follows:

City	Channel No.	
	Present	Proposed
Allendale, S.C.		228A

5. The Commission's authority to institute rule making proceedings, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 27, 1980, and reply comments on or before June 16, 1980.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Bauman,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 80–131; RM–3439]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of request.

3. *Cut-off procedure.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-10886 Filed 4-8-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on August 17, 1979, Report No. 1188.

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 80–132; RM–3437]

FM Broadcast Station in Memphis, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM assignment to Memphis, Missouri, in response to a petition filed by Samuel Berkowitz. The proposed channel could provide for a first local aural broadcast service to Memphis.

DATES: Comments must be filed on or before May 27, 1980, and reply comments must be filed on or before June 16, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Memphis, Missouri), BC Docket No. 80–132, RM–3437.

Adopted: March 25, 1980. Released: April 7, 1980.

1. *Petitioner, Proposal, Comments.* (a) On May 21, 1979, Samuel Berkowitz ("petitioner"), filed a request to assign Channel 244A to Memphis, Missouri.[1]

(b) The channel can be assigned to Memphis in conformity with the minimum distance separation requirements.

(c) Petitioner states he will apply for the channel, if assigned.

2. *Community Data*—(a) *Location.* Memphis, seat of Scotland County, is located approximately 109 kilometers (68 miles) northwest of Hannibal, Missouri.

(b) *Population.* Memphis—2,081[2]; Scotland County—5,499.

(c) *Local Aural Service.* None.

3. *Economic Considerations.* Petitioner asserts that Memphis and the surrounding area is primarily dependent on agriculture. Petitioner has submitted demographic and economic data with respect to Memphis in an effort to demonstrate the need for an FM assignment. Petitioner notes that the only news medium in Memphis is a weekly newspaper.

4. In view of the fact that proposed FM channel could provide a first local aural service to Memphis and Scotland County, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Memphis, Missouri, as follow:

City	Channel No.	
	Present	Proposed
Memphis, Mo.		244A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 27, 1980, and reply comments on or before June 16, 1980.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 80–132 RM–3437]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-10887 Filed 4-8-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner's request was entitled "Comments and Counterproposal" to a petition filed in BC Docket No. 79–70, which proposed either Channel 252A or 244A for Palmyra, Missouri. The *Notice* in this docket proposed Channel 252A for Palmyra, and on April 2, 1979, a *Report and Order* was adopted making that assignment. Since Channel 244A is available for assignment to Memphis, Missouri, the Memphis request has been accepted as a new petition. Public Notice was given on August 17, 1979, Report No. 1188.

[2] Population figures are taken from the 1970 U.S. Census.

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Notices

Federal Register
Vol. 45, No. 70
Wednesday, April 9, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 36957]

National Airlines, Inc. Service Suspensions; Enforcement Proceeding; Reassignment of Proceeding

This proceeding has been reassigned from Chief Administrative Law Judge Joseph J. Saunders to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., April 3, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-10745 Filed 4-8-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket 37730]

Standard Foreign Fare Level Investigation; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 7, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For informated concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report dated March 20, 1980, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Areonautics Board.

Dated at Washington, D.C., April 3, 1980.

Ronnie A. Yoder,
Chief Administrative Law Judge.

[FR Doc. 80-10746 Filed 4-8-80; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 5:00 p.m., on April 28, 1980, at the U.S. Commission on Civil Rights, 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is the review of data requested by staff and committee on Indianapolis Employment project; summarize data reviewed on the Indianapolis Employment Study; and review of the names of individuals interviewed by Midwestern Regionl Office staff for SAC assignments in conjunction with the factfinding hearings for June 19th and 20th, Indianapolis, Indiana.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 2, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-10717 Filed 4-8-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Importers and Retailers' Textile Advisory Committee will be held on May 15, 1980 at 10:30 a.m. in Room 3836, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

April 4, 1980.

Arthur Garel,
Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-10683 Filed 4-8-80; 8:45 am]
BILLING CODE 3510-25-M

National Bureau of Standards

Advisory Committee for International Legal Metrology; Open Meeting

The Advisory Committee for International Legal Metrology will meet from 1:00 p.m. to 5:00 p.m. on Thursday, May 1, 1980, and from 9:00 a.m. to 5:00 p.m. on Friday, May 2, 1980. The meeting will be held in Lecture Room D, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The Committee, initially established in March 1974 (39 FR 6136), advised the Department, through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibilities for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). The Committee consists of approximately 40 members selected to ensure balanced representation among government, professional metrologists, national standards bodies, industry and trade associations, and consumers.

The May meeting is a prelude to the 6th International Conference of Legal Metrology to be held in Washington, D.C., June 16-20, 1980. As such, the agenda for the Committee meeting will include the following discussion items to be acted upon during the International Conference:

1. Examination of Member States:
2. Possible Amendment of the OIML Convention;
3. OIML relations with international institutions;
4. Draft Recommendations (12) to be presented for sanctioning by the International Conference;
5. Long-term policy regarding OIML Mark of Conformity and composition of OIML Secretariats;
6. Report on developing countries; and
7. Administrative and financial questions, including proposed budget for 1981-1984.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before April 23, 1980. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. David E. Edgerly, Office of Domestic and International Measurement Standards, National Bureau of Standards, Washington, D.C. 20234, telephone: 301-921-3307.

Dated: April 3, 1980.

Thomas A. Dillon,
Acting Director, National Bureau of Standards.

[FR Doc. 80-10671 Filed 4-8-80; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss scallops; groundfish; draft statement on enforceability of management measures; Scientific and Statistical Committee Report (standing agenda Item); as well as other business.

DATES: The meeting will convene on Wednesday, April 30, 1980, at approximately 10 a.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meeting will take place at the Hawthorne Inn, 18 Washington Square West, Salem, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts, Telephone: 617-535-5450.

Dated: April 3, 1980.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10737 Filed 4-8-80; 8:45 am]
BILLING CODE 3510-22-M

North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) and its Scientific and Statistical Committee (SSC) and Advisory Panel (AP) will hold joint and separate meetings.

DATES: The Council meeting will convene Thursday, April 24, 1980, at 8:30 a.m., and will adjourn Friday, April 25, 1980, at 5 p.m., at the Anchorage/Westward/Hilton Hotel (Kenai/Aleutian Rooms), 3rd and E Streets, Anchorage, Alaska. The SSC meeting will convene Tuesday, April 22, 1980, at 9 a.m., and will adjourn April 23, 1980, at 5 p.m., in the Council headquarters, 333 West 4th Avenue, Suite 32, Anchorage, Alaska. The AP meeting will convene Wednesday, April 23, 1980, at 9 a.m., and will adjourn at 5 p.m., in the Kenai/Aleutian Rooms of the Anchorage/Westward/Hilton Hotel, 3rd and E Streets, Anchorage, Alaska. The meetings may be lengthened or shortened depending upon progress on the agenda. The meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone: (907) 274-4563.

Proposed Agenda:

SPECIAL NOTE: Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item to be addressed and the time required. Preregistration and public comment may be scheduled for: F. OLD BUSINESS: G. FISHERY MANAGEMENT PLANS: H. NEW BUSINESS agenda items. The following agenda items will be discussed by the Council: A. CALL TO ORDER: B. APPROVAL OF AGENDA: C. APPROVAL OF MINUTES: D. EXECUTIVE DIRECTOR'S REPORT: E. SPECIAL REPORTS: E-1. The Alaska Department of Fish and Game (ADFG) Report on Domestic Fisheries. E-2. National Marine Fisheries Service (NMFS) Report on Foreign Fisheries, including joint ventures. E-3. U.S. Coast Guard (USCG) Report on Enforcement and Surveillance. E-4. Special SSC and AP reports. F. OLD BUSINESS: F-1. Appointment of new AP members. F-2. Old business as appropriate. G. FISHERY MANAGEMENT PLANS: G-1. Gulf of Alaska Groundfish FMP: review proposed 981 amendments and consider release of reserves. G-2. Bering Sea/Aleutian Islands Groundfish FMP: review proposed 1981 proposals; take action on a proposal to increase the cod optimum yield for 1980 and other business as appropriate. G-3. Herring draft FMP; consider comments received during the public hearings. G-4. Troll Salmon FMP; an update. H. NEW BUSINESS: H-1. Consideration of a policy on the management plan development process. H-3. An evaluation of the Environmental Defense Fund petition for changes in the guidelines for developing fishery management plans. H-4. Other new business as necessary. I. REPORTS, CONTRACTS, PROPOSALS: I-1. Review proposals and award contract for a "Study of the Offshore Chinook and Coho Salmon Fishery Off Alaska." I-2. Review proposals and award contract for the "Halibut Limited entry" study off Alaska. I-3. Other business as necessary. J. FINANCE REPORTS: J-1. Review of fiscal year 1980 six-month financial report. J-2. Other finance matters as necessary. K. PUBLIC COMMENTS: L. CHAIRMAN'S CLOSING REMARKS: M. ADJOURNMENT.

SSC/AP AGENDA SAME AS COUNCIL

Dated: April 4, 1980.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10738 Filed 4-8-80; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Pink Shrimp Subpanel; Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of

1976 (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee and a Pink Shrimp Subpanel to assist in carrying out its responsibilities.

DATES: May 13–15, 1980.

ADDRESS: The meetings will take place at the Sheraton Portland Hotel, 1000 N.E. Multnomah, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, telephone: (503) 221–6362.

Meeting Agendas follow:

Scientific and Statistical Committee (SSC)—(open meeting) May 13–14, 1980. (1 p.m. to 5 p.m., on May 13; 8 a.m. to 5 p.m. on May 14).

Agenda: Discuss Groundfish and Pink Shrimp Fishery Management Plans (FMP's) under development, conduct a public comment period beginning at 3:30 p.m., on May 13, and conduct other Committee business.

Pink Shrimp Subpanel—(open meeting) May 13–14, 1980 (11 a.m. to 5 p.m., on May 13; 8 a.m. to 5 p.m., on May 14).

Agenda: Review Pink Shrimp FMP.

Council—(open meeting) May 14–15, 1980, (10 a.m. to 5 p.m. on May 14; 8 a.m. to 5 p.m. on May 15).

Agenda: Open Session—Review of Groundfish and Pink Shrimp FMP's, conduct other fishery management business, and conduct a public comment period beginning at 4 p.m., on May 14, 1980.

Council—(closed meeting) May 14, 1980 (8 a.m. to 10 a.m.)

Agenda: Closed Session—Discuss the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to vacancies on subpanels and teams. Only those Council members, SSC members, and related staff having security clearance will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce with the concurrence of its General Counsel, formally determined on February 1, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (6), as information which is properly classified pursuant to Executive Order and as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: April 3, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-10730 Filed 4-8-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Part-Time Permanent Employment

April 1, 1980.

SUMMARY: The Defense Logistics Agency (DLA) proposes to issue agency procedures to implement the Federal Employees Part-Time Career Employment Act of 1978, 5 U.S.C. 3401 et seq, by establishing a continuing program to provide career part-time employment opportunities in DLA. Written comments will be considered if received before June 4, 1980. Comments should be addressed to the Chief, Staffing and Employee Relations Division, Office of Personnel (DLA–KS), Cameron Station, Alexandria, Virginia 22314. The final procedures will be effective upon issuance. Persons interested in purchasing a copy of the procedures may request it in writing from HQ DLA, Attn: DLA–XAPD, Cameron Station, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Sonya Singer (202) 274–7167.

Part-Time Permanent Employment

I. *Purpose and scope.* To implement Pub. L. 95–437 by establishing a continuing program to provide career part-time employment opportunities in DLA. This DLAR applies to HQ DLA, DLA field activities, and Federal employees serviced by a DLA Civilian Personnel Office.

II *Policy.* A. In order to fully utilize the skills of individuals who are unable to meet the requirements of a 40-hour work week, it is the policy of DLA to provide career part-time employment to the extent consistent with resources and efficient mission accomplishment in positions through GS–15 (and wage grade equivalents).

B. No encumbered position will be abolished in order to make the duties available to be performed on a part-time basis.

C. A full time employee will not be required to accept part-time employment as a condition of continued employment.

III. *Definition. Part-time Permanent or Part-Time Career Employee.* An employee, serving under a competitive or excepted appointment in tenure group I or II, whose regularly scheduled work week is no less than 16 hours and no more than 32 hours.

IV. *Responsibilities.*

A. *HQ DLA.*—1. *The Staff Director, Personnel, DLA* will provide overall guidance on matters related to this DLAR.

2. *The Chief, Staffing and Employee Relations Division, Office of Personnel (DLA–KS)* will act as DLA coordinator for part-time employment, assisting in the development of program goals and timetables, monitoring progress, and complying with the Office of Personnel Management (OPM) reporting requirements.

3. *The Chief, Programs and Evaluation Division, Office of Personnel (DLA–KP)* will include evaluation of activity part-time employment programs in regular personnel management reviews.

B. *DLA Field Activities.* 1. *Heads of PLFAs* will:

a. Determine the extent to which part-time employment can be expanded and establish local goals and timetables based on DLA policy and guidance.

b. Publicize the availability of part-time employment and establish a procedure for the consideration of employee requests for conversion to part-time schedules.

c. Except positions from inclusion in this program based on mission and organizational needs.

d. Designate a part-time employment program coordinator to act as a single point of contact on all matters related to implementation of this DLAR at the activity.

e. Prepare and submit semiannual reports, in accordance with the provisions of paragraph VI and Enclosure 1, for each activity assigned to the PLFA for civilian personnel administration.

f. Issue guidance implementing this DLAR and provide for its distribution to all supervisors.

2. *The Commander, DLA Administrative Support Center (DASC–Z)* will implement this DLAR for HQ DLA.

V. *Procedures.* A. Newly established positions and positions becoming vacant will be reviewed to determine their suitability for conversion to part-time. Criteria to be used in this process should include:

1. Mission requirements and occupational mix.

2. Workload fluctuations.

3. Size of work force, turnover rate, and employment trends.

4. Affirmative action.

5. Geographic dispersion.

6. Current employee interest in part-time schedules.

7. Personnel ceilings and budgetary constraints.

B. Employees will be informed of the availability, rights, and benefits of part-time employment, as well as the procedure for requesting conversion from full time.

C. When the area of consideration for filling part-time vacancies includes external sources, appropriate public notification will be accomplished through such means as Federal job information announcements, recruiting bulletins, and position vacancy listings.

VI. *Forms and Reports.* Activities will prepare semiannual status reports on their part-time permanent employment programs in the format prescribed in Enclosure 1. These reports will be submitted to reach HQ DLA, ATTN: DLA–KS, by April 30 for the period October through March, and by October 31 for the period April through September. Interagency Report Control Number 0218–OPM–SA has been assigned for this purpose.

Anthony W. Hudson,

Staff Director, Personnel.

Part-Time Permanent Employment Program Report

[RCS: 0218–OPM–SA]

In compliance with the requirements of the Federal Employees Part-time Career Employment Act of 1978, each PLFA will report part-time permanent employment progress twice yearly: on April 30 for the period October through March, and on October 31 for the period April through September. Reports should include:

1. A consolidated narrative for the PLFA and its assigned activities setting forth:

a. Specific information on the activity's progress in meeting the part-time permanent employment goals it has established under DLAR 1402.4.

b. An explanation of any impediments encountered in meeting such goals or in otherwise carrying out the provisions of DLAR 1402.4 and a description of the measures taken to overcome such impediments.

c. Information on the extent to which opportunities for permanent part-time employment have been extended to older individuals, the handicapped, students and parents with family responsibilities. Note: HQ DLA will continue to receive data from the HQ DLA Automated Civilian Personnel Data Bank (ACPDB) on the composition of the part-time permanent work force by organization, sex, age, race, and handicap. *Activity reports need not duplicate these statistical data.*

2. New part-time permanent jobs established during the reporting period will be listed in the format prescribed in the attachment. A separate form will be submitted for each PLFA and for each assigned activity. Local reproduction of the form is authorized.

BILLING CODE 3620-01-M

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PART-TIME PERMANENT EMPLOYMENT PROGRAM REPORT
(RCS: 0218-OPM-SA)

Assigned Activity

PLFA

Reporting Period

New Permanent Part-time Jobs Established

Occupational Series	Total	GS 1 - 4	GS 5 - 9	GS 10 - 12	GS 13 - 15	Wage Grade and other Non-GS Pay Systems
(List in ascending order)						
Grand Total						

Percent of total jobs filled by conversion of current full time employees to part-time permanent schedules: _____

[FR Doc. 80-10052 Filed 4-8-80; 8:45 am]
BILLING CODE 3620-01-C

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 80-CERT-015]

Calcasieu Refining Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on March 11, 1980, Calcasieu Refining Company (Calcasieu), 4543 Post Oak Place, Suite 204, Houston, Texas 77027, filed an application for certification of an eligible use of natural gas to displace fuel oil at its refinery facility in Lake Charles, Louisiana, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the Economic Regulatory Administration (ERA) and available for public inspection at the ERA, Docket Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Calcasieu states that the volume of natural gas for which it requests certification is approximately 10,000,000 cubic feet per day. This volume is estimated to displace the use of approximately 1,818 barrels of #5 fuel oil (0.3 percent sulfur) per day.

The eligible seller is the Esperanza Transmission Company, P.O. Box 1050, Corpus Christi, Texas 78403. The gas would be transported by the United Gas Pipeline Company, P.O. Box 1487, Houston, Texas 77001, and the Texas Eastern Transmission Company, P.O. Box 2521, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before April 21, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Calcasieu and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on March 31, 1980.

Paul T. Burke,
Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10035 Filed 4-8-80; 8:45 am]
BILLING CODE 6450-01-M

Entitlements Program Crude Oil Cost Data; November 1978 through January 1980

The Economic Regulatory Administration (ERA) hereby issues its bi-monthly notice of crude oil cost data. The purpose of this notice is to make available to the public information on the effect of the entitlements program on the crude oil costs of the various segments of the refining industry. Table I (attached) sets forth the pre-entitlements costs of crude oil to (1) the major refiners (Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, and Union-Oil), (2) large independent refiners (Amerada Hess, Sohio, Ashland, Coastal, Tosco, Kerr-McGee, and Champlin), and (3) small refiners. Table II (attached) shows the post-entitlement crude oil cost distribution for the 22 major and large independent companies. Table III (attached) shows the pre-entitlement imported crude oil cost distribution for the same 22 companies.

The data are based on the reports filed each month on the Form ERA-49 by all refiners in the entitlements program.

Issued in Washington, D.C. on April 2, 1980.

Hazel R. Rollins,
Administrator, Economic Regulatory Administration.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128, Washington, D.C. 20461, (202/653-3475).

William Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202/653-4055).

Table I.—*Crude Oil Costs Before and After Entitlement Payments*
[Dollars per barrel]

	Majors (top 15)[1]		Large independents [2]		Small refiners	
	Pre	Post [3]	Pre	Post [3]	Pre	Post [3]
1978:						
November	12.51	12.91	13.26	12.95	13.07	12.29
December	12.60	13.06	13.78	13.25	13.22	12.43
1979:						
January	12.76	13.24	14.06	13.46	13.60	12.85
February	13.17	13.65	14.22	13.80	13.72	12.77
March	13.40	13.82	14.60	14.55	14.11	13.29
April	14.15	14.60	15.85	15.27	14.82	13.96
May	14.82	15.42	17.10	16.41	15.88	14.76
June	16.43	16.93	18.61	17.38	17.76	17.17
July	18.13	18.71	20.74	19.19	18.74	18.11
August	19.11	19.62	21.73	20.25	20.52	20.06
September	19.29	19.85	21.43	20.10	21.43	20.76
October	20.02	20.68	22.63	20.89	21.60	20.62
November	21.03	21.81	25.87	24.61	22.92	21.97
December	22.71	23.55	26.00	23.65	24.96	24.23
1980: January	23.96	24.90	25.15	25.15	26.61	24.62
Change: January to January	11.20	11.66	12.13	11.67	13.21	11.97

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, and Union-Oil.
[2] Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee, and Champlin.
[3] Post entitlements payment costs show the effect of the entitlements payments in the month for which the notice is published even though the payments take place two months later. For example, November 1979 data are shown in the entitlement notice for November 1979 published in January 1980.

Table II.—*Post Entitlement Crude Oil Cost Distribution for 22 Major and Large Independent Companies* [1]
Number of companies with per barrel costs

	Nov. 1978	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979
$11.00 to $11.99	2	1	1	0	0	0	0
$12.00 to $12.99	6	6	5	2	3	2	0
$13.00 to $13.99	13	11	7	12	5	0	2
$14.00 to $14.99	1	4	5	8	13	10	5
$15.00 to $15.99	0	0	1	0	0	7	5
$16.00 to $16.99	0	0	0	0	1	3	6
$17.00 to $17.99	0	0	0	0	0	0	2
$18.00 to $18.99	0	0	0	0	0	0	1
$19.00 to $19.99	0	0	0	0	0	0	1
$20.00 to $20.99	0	0	0	0	0	0	0
$21.00 to $21.99	0	0	0	0	0	0	0
$22.00 to $22.99	0	0	0	0	0	0	0
$23.00 to $23.99	0	0	0	0	0	0	0
$24.00 to $24.99	0	0	0	0	0	0	0
$25.00 to $25.99	0	0	0	0	0	0	0
$26.00 to $26.99	0	0	0	0	0	0	0
$27.00 to $27.99	0	0	0	0	0	0	0
$28.00 to $28.99	0	0	0	0	0	0	0
$29.00 to $29.99	0	0	0	0	0	0	0
$30.00 to $30.99	0	0	0	0	0	0	0

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, Union-Oil, Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee, Champlin.

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Table II.—*Post Entitlement Crude Oil Cost Distribution for 22 Major and Large Independent Companies* [1]—Continued

	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980
$11.00 to $11.99	0	0	0	0	0	0	0	0
$12.00 to $12.99	0	0	0	0	0	0	0	0
$13.00 to $13.99	0	0	0	0	0	0	0	0
$14.00 to $14.99	2	0	0	0	0	0	0	0
$15.00 to $15.99	3	1	0	0	0	0	0	0
$16.00 to $16.99	4	0	1	2	1	0	0	0
$17.00 to $17.99	5	4	2	1	1	0	0	0
$18.00 to $18.99	6	5	5	1	1	1	0	0
$19.00 to $19.99	0	4	2	4	3	1	1	0
$20.00 to $20.99	2	6	7	6	1	2	1	0
$21.00 to $21.99	0	0	1	3	7	3	4	3
$22.00 to $22.99	0	0	3	3	3	5	3	3
$23.00 to $23.99	0	2	0	1	2	6	2	1
$24.00 to $24.99	0	0	1	1	2	3	5	1
$25.00 to $25.99	0	0	0	0	0	0	2	4
$26.00 to $26.00	0	0	0	0	1	0	2	5
$27.00 to $27.99	0	0	0	0	0	0	1	2
$28.00 to $28.99	0	0	0	0	0	0	0	4
$29.00 to $29.99	0	0	0	0	0	1	1	0
$30.00 to $30.99	0	0	0	0	0	0	0	0

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, Union-Oil, Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee, and Champlin.

Table III.—*Preentitlement Imported Crude Oil Cost Distribution for 22 Major and Large Independent Companies* [1]

[Number of companies with per barrel crude oil cost]

	Nov. 1978	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979
$13.00 to $13.99	4	1	0	0	0	0	0
$14.00 to $14.99	10	10	5	2	2	0	0
$15.00 to $15.99	7	9	7	10	3	1	0
$16.00 to $16.99	1	1	8	6	11	0	2
$17.00 to $17.99	0	1	0	2	3	2	6
$18.00 to $18.99	0	0	1	1	2	3	3
$19.00 to $19.99	0	0	0	0	1	5	5
$20.00 to $20.99	0	0	0	1	0	2	2
$21.00 to $21.99	0	0	0	0	0	0	2
$22.00 to $22.99	0	0	0	0	0	0	0
$23.00 to $23.99	0	0	0	0	0	0	1
$24.00 to $24.99	0	0	0	0	0	0	1
$25.00 to $25.99	0	0	0	0	0	0	0
$26.00 to $26.99	0	0	0	0	0	0	0
$27.00 to $27.99	0	0	0	0	0	0	0
$28.00 to $28.99	0	0	0	0	0	0	0
$29.00 to $29.99	0	0	0	0	0	0	0
$30.00 to $30.99	0	0	0	0	0	0	0
$31.00 to $31.99	0	0	0	0	0	0	0
$32.00 to $32.99	0	0	0	0	0	0	0
$33.00 to $33.99	0	0	0	0	0	0	0

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, Union-Oil, Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee, and Champlin.

Table III.—*Preentitlement Imported Crude Oil Cost Distribution for 22 Major and Large Independent Companies* [1]—Continued

	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980
$13.00 to $13.99	0	0	0	0	0	0	0	0
$14.00 to $14.99	0	0	0	0	0	0	0	0
$15.00 to $15.99	0	0	0	0	0	0	0	0
$16.00 to $16.99	1	0	0	0	0	0	0	0
$17.00 to $17.99	0	0	0	0	0	0	0	0
$18.00 to $18.99	2	1	0	0	0	0	0	0
$19.00 to $19.99	5	0	1	0	0	0	0	0
$20.00 to $20.99	1	2	2	2	1	1	0	0
$21.00 to $21.99	2	3	2	0	1	0	0	0
$22.00 to $22.99	4	4	3	1	4	1	0	0
$23.00 to $23.99	1	3	1	5	2	1	1	0
$24.00 to $24.99	3	3	4	3	1	2	3	1
$25.00 to $25.99	0	1	3	4	0	3	1	0
$26.00 to $26.99	1	2	3	2	5	2	2	2
$27.00 to $27.99	0	0	1	1	2	4	1	1
$28.00 to $28.99	0	2	1	2	2	4	4	3
$29.00 to $29.99	0	0	0	0	2	1	0	1
$30.00 to $30.99	0	0	0	0	0	1	1	2
$31.00 to $31.99	0	0	0	0	0	0	0	0
$32.00 to $32.99	0	0	0	0	0	0	1	1
$33.00 to $33.99	0	1	1	0	0	0	0	0
$34.00 to $34.99	0	0	0	0	0	2	2	3
$35.00 to $35.99	0	0	0	0	1	1	1	2
$36.00 to $36.99	0	0	0	0	0	0	0	0
$37.00 to $37.99	0	0	0	0	0	0	0	1
$38.00 to $38.99	0	0	0	0	0	0	0	1

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, Union-Oil, Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee, and Champlin.

[FR Doc. 80-10713 Filed 4-8-80; 8:45 am]

BILLING CODE 6450-01-M

Mississippi Power & Light Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

[ERA Docket No. 80-CERT-012]

Mississippi Power and Light Company (MP&L) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Baxter Wilson Steam Electric Stations, Unit #1 and Unit #2, located in Vicksburg, Mississippi with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on February 19, 1980. Notice of the application was published in the **Federal Register** (45 FR 18432, March 21, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed MP&L's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certifications of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that MP&L's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on April 3, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy,
Washington, D.C. 20461, April 3, 1980.

Re: ERA Certification of Eligible Use, ERA Docket No. 80-CERT-012, Mississippi Power & Light Company.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653-3859. All correspondence and inquiries regarding this certification should reference ERA Docket No. 80-CERT-012.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Mississippi Power & Light Co.

ERA Docket No. 80-CERT-012

Application for Certification

Pursuant to 10 CFR Part 595, Mississippi Power and Light Company (MP&L) filed an application for certification of an eligible use of up to 200,000 Mcf of natural gas per day for its Baxter Wilson Steam Electric Stations, Unit #1 and Unit #2.(BWSES #1 and BWSES #2), located in Vicksburg, Mississippi, with the Administrator of the Economic Regulatory Administration (ERA) on February 19, 1980. The application states that the eligible seller of the gas and transporter is the Michigan Consolidated Gas Company (Michigan Consolidated). The application indicates that the use of this natural gas is estimated to displace up to 32,000 barrels of No. 6 residual fuel oil (2.5 percent sulfur) per day. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 200,000 Mcf of natural gas per day at BWSES #1 and BWSES #2 purchased from Michigan Consolidated is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C. on April 3, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10836 Filed 4-8-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC79-004; OFC Case No. 68001-9068-09-77, 68001-9068-10-77, 68001-9068-13-77, 68001-9068-14-77, 68001-9068-18-77, 68001-9068-21-77, 68001-9068-22-77]

Wabash Power Equipment Co., Classification

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of classification, Wabash Power Equipment Company.

SUMMARY: On November 29, 1979, the Economic Regulatory Administration (ERA) published notice in the **Federal Register** (44 FR 68508) of the eligibility of Wabash Power Equipment Company (Wabash) to request classification of seven boilers purusant to § 515.10 of the revised Interim Rules to Permit Classification of Certain Powerplants and Installations as Existing Facilities issued by ERA on March 15, 1979 (44 FR 17464, March 21, 1979) (Revised Interim Rule), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) (FUA or Act). The publication of notice of Wabash's request for classification commenced a public comment period that ended December 26, 1979.

Subsequently, ERA has concluded that each of the five following boilers meets the requirements for automatic classification as "existing" pursuant to § 515.12(c) of the Final Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities issued by ERA on October 12, 1979 (44 FR 60690 (October 19, 1979), as amended, 44 FR 69919 (December 5, 1979)) (Final Rule):

ERA case No.	Wabash unit No.	Date ordered	Date ready for operational use
68001-9068-09-77	2250	Oct. 31, 1978	Oct. 30, 1978.
68001-9068-10-77	520	Jan 5, 1978	Mar. 21, 1978.
68001-9068-13-77	522	Jan 19, 1978	June 22, 1978.
68001-9068-14-77	523	Jan. 19, 1978	June 14, 1978.
68001-9068-18-77	22505	Oct 18, 1978	Oct 30, 1978.

SUPPLEMENTAL INFORMATION: § 515.12(c) of the Final Rule provides that any installation for which a contract for construction or acquisition was signed prior to November 9, 1978, and which was operational on or before May 8, 1979, is automatically classified as

"existing" and subject to the provisions of Title III of the Act. A duly authorized officer of Wabash has certified to the dates referenced above for each of the five units listed.

The information provided by Wabash indicates that a contract for each of the five foregoing boilers (Nos. 25507, 520, 522, 523 and 22505) was signed prior to November 9, 1978. In addition, information provided by Wabash indicates that these boilers were operational prior to May 8, 1979. The term "operational" used in this context, in accordance with § 515.20(c)(23) of the Final Rule, means that the boilers were tested by the manufacturer at the completion of the manufacturing process, and were found to be capable of producing a product or providing a service on a continuing basis.

Based on the information provided by Wabash, Wabash Units Nos. 22507, 520, 522, 523 and 22505 are automatically classified as existing in accordance with § 515.12(c) of ERA's Final Rule, and are therefore subject to the provisions of Title III of the Act.

This classification of the five boilers described does not effect Wabash's pending requests with respect to boilers numbers 78221 and 78222 (OFC Case Nos. 68001–9068–21–77 and 68001–9068–22–77).

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3679.
Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3675.
Allan Stein, Office of the General Counsel, Department of Energy, 10000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.
William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

Issued in Washington, D.C., on April 3, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-10749 Filed 4-8-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Advisory Committee on Revision of Rules of Practice and Procedure; Subcommittee on Review of Commission Decisional Process; Meeting

April 4, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Subcommittee on Review of the Commission Decisional Process of the Advisory Committee on Revision of Rules of Practice and Procedure will meet Tuesday, May 6, 1980, from 10:00 a.m. to 2:00 p.m., at the Federal Energy Regulatory Commission, 941 N. Capitol Street, N.E., Room 3200, Washington, D.C.

The purpose of the meeting is to discuss the Subcommittee's work on the procedures for obtaining certificates under the Natural Gas Act.

The meeting is open to the public. A transcript of the meeting will be available for public review and copying at FERC's Division of Public Information, Room 1000, 825 N. Capitol Street, N.E., between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal holidays. In addition, any person may purchase a copy of the transcript from the reporter.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10735 Filed 4-8-80; 8:45 am]
BILLING CODE 6450-85-M

Alaska Natural Gas Transportation System; Delegation of Authority by the Federal Energy Regulatory Commission to the Office of the Federal Inspector

March 31, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Delegation.

SUMMARY: Notice is hereby given of a delegation, by the Federal Energy Regulatory Commission to the Office of the Federal Inspector, of the Commission's authority under § 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)) to attach terms and conditions to certificates of public convenience and necessity issued by the Commission to project sponsors of the Alaska Natural Gas Transportation System (ANGTS) in the Commission's Docket Nos. CP78–123, et al., authorizing the project sponsors to construct and operate the ANGTS, to the extent that any such terms and conditions are required by the public convenience and necessity to implement the requirements of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, et seq.) and the Preservation of Historical and Archaeological Data Act Amendments of 1974 (16 U.S.C. 469, et seq.), with respect to the construction and operation of the ANGTS.

DATE: The Delegation Order is effective April 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Barry Smoler, Office of the General Counsel, Room 8600B, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8433 or Ned Hengerer, General Counsel, Office of the Federal Inspector, Alaska Natural Gas Transportation System, Post Office Building, Room 2413, 1200 Pennsylvania Avenue NW., Washington, D.C. 20044, (202) 275–1100.

SUPPLEMENTARY INFORMATION:

I. Background

Several statutes impose obligations on Federal agencies whose activities may affect significant cultural resources. The first such statute is the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) (NHPA). The NHPA was intended to accelerate and encourage plans to protect the historic and cultural foundations of the nation. To accomplish this, the NHPA funds the National Register of Historic Places and National Trust for Historic Preservation, and creates the Advisory Council on Historic Preservation. The section of the NHPA of most relevance to the Federal Energy Regulatory Commission is § 106 (16 U.S.C. 470f), which imposes three responsibilities on a Federal agency licensing an undertaking: (1) identify properties listed in the National Register or eligible for listing which are affected by the undertaking; (2) provide the Advisory Council an opportunity to comment on the undertaking; and (3) consider the cultural resources identified in approving the undertaking.

The second statute of concern is the Preservation of Historical and Archaeological Data Act, as amended in 1974 (16 U.S.C. 469 et seq.). It requires that, when a Federal agency finds that its activities in connection with a project it licenses may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archaeological data, the agency must so notify the Secretary of the Interior. Upon notification, and pursuant to prescribed determinations and procedures, the Secretary of the Interior may then have certain responsibilities to conduct appropriate surveys and to recover and preserve certain data.

Pursuant to the Natural Gas Act (15 U.S.C. 717, et seq.), the Alaskan Natural Gas Transportation Act (15 U.S.C. 719, et seq.) and the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (Executive Office of the President, Energy Policy and Planning, September 1977), the Commission is in the process of issuing conditional certificates of public convenience and necessity to the project sponsors of the Alaska Natural Gas Transportation System (ANGTS), to authorize them to construct and operate the ANGTS. Those matters are pending in the Commission's Docket Nos. CP78–123 et al. Compliance with the above cited cultural resources legislation may require the attachment of appropriate conditions to the certificates issued by the Commission to the project sponsors.

The Commission is authorized by § 7(e) of the Natural Gas Act to condition the grant of a certificate of public convenience and necessity. Any conditions attached by the Commission pursuant to such authority apply to the entire length of the pipeline, regardless of ownership of the land traversed. With regard to the portions of the pipeline crossing Federal lands, the Department of Interior is authorized by § 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), to attach stipulations to grants of rights-of-way across Federal lands. Thus, while the conditions attached by the Commission apply to both Federal and private lands, the stipulations imposed on the rights-of-way granted to the project sponsors by the Department of Interior apply only to Federal lands.

The Office of the Federal Inspector was established by Reorganization Plan No. 1 of 1979. The principal purpose and effect of the Plan is to consolidate into a single agency (the Inspector) all statutory authority to enforce Federal statutes, regulations, certificates, permits and other authorizations pertinent to the construction and operation of the ANGTS. Section 202(b) of the Reorganization Plan also imposes on the Inspector certain responsibilities for co-ordinating and facilitating the Federal certificate and permit issuance process. The last sentence of § 202(b) provides: "Upon agreement between the Federal Inspector and the head of any agency, that agency may delegate to the Federal Inspector any statutory function vested in such agency related to the functions of the Federal Inspector." The issuance of those certificates or the attachment of conditions to them is a statutory function "related to the functions of the Federal Inspector" which may be delegated to the Inspector pursuant to agreement with him.

II. The Delegation Order

Paragraph (a) of the Delegation Order delegates to the Inspector the Commission's authority under § 7(e) of the Natural Gas Act to attach terms and conditions to certificates of public convenience and necessity issued by the Commission to the project sponsors of the ANGTS, to the extent that any such terms and conditions are required by the public convenience and necessity to implement the requirements of the above cited cultural resources legislation with respect to the construction and operation of the AGNTS. This delegation is intended to be sufficiently comprehensive as to consolidate within the Office of the Federal Inspector all responsibilities that the Commission might otherwise have with respect to the application of the above cited cultural resources legislation to the ANGTS.

Paragraph (b) of the delegation (as well as the joint signature of the order) fulfills the requirement of § 202(b) of the Plan with respect to agreement by the Inspector to the matters delegated.

III. Effective Date

Pursuant to paragraph (c) of the order, the delegation becomes effective April 9, 1980.

(Department of Energy Organization Act, 42 U.S.C. 7101 et seq.; Natural Gas Act (15 U.S.C. 717 et seq.); Alaska Natural Gas Transportation Act (15 U.S.C. 719 et seq.); Reorganization Plan No. 1 of 1979; National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); Preservation of Historical and Archaeological Data Act (16 U.S.C. 469 et seq.))

Kenneth F. Plumb,

Secretary.

Federal Energy Regulatory Commission Delegation Order No. ANGTS–1 to the Office of the Federal Inspector

Pursuant to the authority vested in the Federal Energy Regulatory Commission ("the Commission") and the Office of the Federal Inspector ("the Inspector") by Section 202(b) of Reorganization Plan No. 1 of 1979—

(a) The Commission hereby delegates to the Inspector the Commission's authority under Section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)) to attach terms and conditions to certificates of public convenience and necessity issued by the Commission to project sponsors of the Alaska Natural Gas Transportation System ("the ANGTS") in the Commission's Docket Nos. CP78–123, et al. authorizing the project sponsors to construct and operate the ANGTS or any segment thereof, to the extent that any such terms and conditions are required by the public convenience and necessity to implement the requirements of:

(1) The National Historic Preservation Act on 1966, as amended (16 U.S.C. 470, et seq.), and

(2) The Preservation of Historical and Archaeological Data Act Amendments of 1974 (16 U.S.C. 469, et seq.)

with respect to the construction and operation of the ANGTS. This delegation shall apply with respect to both conditional and final certificates, regardless of whether such certificates are issued prior or subsequent to the effective date of this order.

(b) The inspector hereby accepts the authority delegated by this order, and agrees to attach whatever terms and conditions (if any) are necessary to fulfill the mandate of the statutes enumerated in paragraph (a) above the full extent of the authority delegated by this order. The inspector shall have exclusive jurisdiction to determine the extent to which the public convenience and necessity require the attachment of such terms and conditions.

(c) This order shall become effective April 9, 1980.

Issued in Washington, D.C. on March 31, 1980.

Charles B. Curtis,

Chairman, Federal Energy Regulatory Commission (By agreement of the Commission).

John T. Rhett,

Federal Inspector.

[FR Doc. 80-10767 Filed 4-8-80; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO–HA–78–3; FRL 1451–3]

Health Assessment Document for Tetrachloroethylene (Perchloroethylene); Extension of Comment Period for the Second External Review Draft

In the **Federal Register** of Tuesday, April 1, 1980, in FR Doc. 80–9725, appearing on page 21346, in the third column, in the first paragraph of the text, line six, "(45 FR 9766), to May 12, 1988." should read "(45 FR 9766), to May 12, 1980.

BILLING CODE 1505-01-M

[FRL 1458–8]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1979 and January 31, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the

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number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: March 31, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1 and Jan. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
D-COE-E35057-NC	Joyce Creek Flood Control Project, Camden County, North Carolina	EU2	E
D-COE-F32057-MI	Lac Cheneaux Island, Confined Disposal Facility Maintenance Dredging Federal Navigation Channels, Michigan.	LO2	F
D-COE-G35005-LA	Sand Dredging Operations, Lafourche Parish, Louisiana	ER2	F
D-COE-K32019-HI	Kaunakakai Harbor, Molokai, Maui County, Hawaii	ER2	J
DS-COE-K35012-CA	Sacramento River. Bank Protection Project, California.	LO1	J
DS-COE-K35013-CA	Sacramento River. Chico Landing to Red Bluff, Bank Protection Project, Butte and Glen Counties, California.	LO1	J
DS-COE-L36032-OR	Supplement for the Charleston Breakwater Extension and Groin Structure, in Coos Bays, Oregon.	LO1	K
	Department of Agriculture		
D-AFS-J65080-UT	Timber Management Plan, Bridger-Teton National Forest, Utah	LO2	I
DS-AFS-L61085-OR	Land Use Plan for the Rogue Illinois Planning Unit, Siskiyou National Forest, Curry and Josephine Counties, Oregon (USDA-FS-R6-DES-(ADM)-77-2).	ER2	K
D-AFS-L61120-00	Chetco and Grayback Planning Units, Siskiyou National Forest, Josephine and Curry Counties, Oregon, and Del Norte County, California (USDA-FS-R6-DES-(ADM)-79-2).	ER2	K
D-REA-E06012-FL	230 KV Transmission Facilities, Lee County, Florida	LO2	E
D-SCS-B36018-CT	South Branch Park River Watershed, Hartford County, Connecticut (USDA-SCS-EIS-WS-(ADM)-78-1-D-CT).	ER2	B
D-SCS-L36058-WA	East Side Green River Watershed Project, King County, Washington (USDA-SCS-ES-WS-(ADM)).	LO1	K
	Department of Commerce		
D-NOA-B91010-OO	Fishery Management Plan (FMP), Butterfish Fishery of the Northwest Atlantic Ocean	LO1	B
DS-NOA-L90010-OO	Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California.	LO1	K
	Department of Defense		
D-USN-K09001-CA	Navy COSO Geothermal Development Program, NWC China Lake, Kern County, California	LO2	J
	Department of Energy		
D-DOE-A00141-CA	Livermore Site, Lawrence Livermore and Sandia Laboratories, Alameda County, California	LO2	A
RD-DOE-A86128-OO	Motor Gasoline Deregulation	ER2	A
	Department of Interior		
D-BLM-J01019-WY	Development of Coal Resources in South Central Wyoming	ER2	I
D-BLM-J01021-WY	Eastern Powder River Coal Region, Development of Coal Resources, Campbell County, Wyoming.	ER2	I
D-IGS-J01020-UT	Development of Coal Resources in Central Utah	ER2	I
	Department of Transportation		
D-FAA-D40063-VA	Dulles Access Highway Extension, I-66 and Outer Parallel Roadways, VA-7 to I-495, Arlington, Fairfax County, Virginia.	ER-2	D
D-FHW-C40039-NY	Town of Greece, Rochester Outer Loop, NY-47 Monroe County, New York	ER2	C
DS-FHW-D40010-MD	I-83 in Baltimore City, Gay Street to I-95, Baltimore County, Maryland	ER2	D
D-FHW-D40062-PA	I-579, Crosstown Boulevard, LR 1026 Sections 2, 3, and 4, Pittsburgh, Allegheny County, Pennsylvania	ER2	D

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1 and Jan. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-D40065-VA	VA-199, Williamsburg Bypass, VA-5 to I-64, James City and York Counties, Virginia	ER2	D
D-FHW-E40156-NC	U.S. 23, Tennessee State Line to U.S. 19, Madison County, North Carolina (FHWA-NC-EIS-78-05-D).	LO2	E
D-FHW-E40158-TN	TN-22, 4-Lane Section Near Union City to Old TN-22 Near Dresden, Obion and Weakley Counties, Tennessee (FHWA-TN-EIS-78-09-D).	LO2	E
D-FHW-F40118-MI	Matthew Road to I-94/I-96, U.S. 31 Relocation, Berrien County, Michigan	ER2	F
D-FHW-F40122-MI	Saginaw River Bridge Study, Bay City, Bay County, Michigan	ER2	F
D-FHW-H40088-IA	IA-100, IA-149 to IA-94, Linn County, Iowa (FHWA-Iowa-EIS-78-4-D)	ER3	H
D-FHW-K40083-CA	CA-76, Oceanside Bypass, I-5 East to Oceanside, San Diego County, California	LO2	J
	Department of Housing and Urban Development		
D-HUD-B89011-MA	Chelsea Naval Hospital Urban Renewal Project, Chelsea, Suffolk County, Massachusetts	LO2	B
D-HUD-E89009-NC	Eagle Market Street Neighborhood and Economic Development Project, Asheville, Buncombe County, North Carolina (UDAG).	LO2	E
D-HUD-G85123-TX	Memorial Chase Subdivision, Harris County, Texas	ER2	G
D-HUD-G85125-TX	Pinelake Subdivision, Harris County, Texas	ER2	G
D-HUD-G85126-TX	Cross Creek Community, Plano, Collin County, Texas	ER2	G
D-HUD-G85128-TX	Parkridge Subdivision, Harris County, Texas	LO1	G
D-HUD-G85129-LA	Huntington Park Phase II Development, Shreveport, Louisiana	ER2	G
D-HUD-G85134-TX	Northwest El Paso Joint Venture Subdivision, El Paso County, Texas	ER2	G
	Pennsylvania Avenue Development Corporation		
DS-PAD-A89142-DC	Pennsylvania Avenue Plan, Market Square Archives and Records Service Annex, Washington D.C.	ER1	D
	Veterans Administration		
D-VAD-D99001-PA	National Cemetery, Indiantown Gap, Lebanon County, Pennsylvania	LO1	D
	Water Resources Council		
D-WRC-F39007-OO	Maumee River Basin Study, Michigan, Ohio and Indiana	LO2	F

Appendix II.—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1 and Jan. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
F-COE-C36003-NJ	Flood Control Project, Rahway River and Van Winkles Brook, Springfield, Union County, New Jersey.	Although the final EIS does not adequately respond to EPA's comments on the draft EIS, corps representatives assure EPA that the draft EIS at the phase I GDM stage will do so. Accordingly, EPA does not object to futher project development.	C
F-COE-F36015-MN	Root River Basin Flood Control, Houston and Fillmore Counties, Minnesota.	EPA's concerns were adequately addressed in the final EIS	F

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Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1 and Jan. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
FS-AFS-K61011-CA	King Planning Unit, Klamath National Forest, California.	EPA's concerns were adequately addressed in the final supplemental EIS	J
F-APH-A52100-00	Japanese Beetle Regulatory Program	EPA's concerns were adequately addressed in the final EIS's. However, EPA made specific comments which are intended to help implement the program and assist in strengthening future EIS's prepared for the program.	A
Department of Transportation			
F-FHW-A42149-CT	CT-7, Relocation Norwalk to Danbury, Fairfield County, Connecticut (FHWA-CONN-EIS-74-01-F).	EPA suggested that FHWA should not approve the proposed project until an indirect source permit has been issued. EPA also expressed concerns about the validity of the traffic analysis, and the potential for project-induced hydorcarbon increases to result in a near halt of other new hydrocarbon source construction in Connecticut.	B
F-FHW-D40034-MD	Relocated MD-24, U.S. 1, Bel Air Bypass to I-95, Herford County, Maryland.	EPA's concerns were adequately addressed in the final EIS	D
F-FHW-D40056-DE	DE-4, DE-2 to DE-7, New Castle County, Delaware.	EPA's concerns were adequately addressed in the final EIS	D
F-FHW-J40029-ND	U.S. 2, Minot East to Surrey, Ward County, North Dakota.	EPA's concerns were adequately addressed in the final EIS. However, EPA remains concerned about the vague commitments to replace wetland habitat.	I
F-UMT-D54026-PA	Pittsburgh Light Rail Transit Reconstruction, Pittsburgh, Allegheny County, Pennsylvania.	EPA's concerns were adequately addressed in the final EIS. EPA recommended that stream encroachments be minimized, and suggested several mitigation measures to be used where channel changes were unavoidable.	D
Federal Energy Regulatory Commission			
F-FRC-K05005-CA	Potter Valley Project, No. 77, Lake and Mendocino Counties, California.	EPA's concerns were adequately addressed in the final EIS	J
Department of Housing and Development			
F-HUD-E40121-SC	Johnston Street Extension and Renewal, Rock Hill, York County, South Carolina.	EPA's review reveals that certain essential information on air quality was not satisfactorily completed. EPA's comments on the DEIS requested both a microscale analysis for CO for one and eight-hour averages and a total pollutant burden for hydrocarbons with/without the project, for year of design, operation and worst emission. Until an acceptable HC and CO are prepared for the facility, EPA's review on the environmental acceptability will be incomplete.	E
F-HUD-E85039-FL	Carrollwood Meadows Subdivision, Tampa, Hillsborough County, Florida (HUD-R04-EIS-77-19-F).	EPA's review of the FEIS reveals that certain previously requested information on air quality was not included. EPA's comments on the DEIS requested: (1) a total pollutant burden for hydrocarbons with and without the project for design year, year of worst emissions and year project goes into operation or use, and (2) a microscale analysis for one and eight-hour averages for CO. Until this information is available for EPA's assessment, EPA cannot review the environmental acceptability of this proposed facility.	E
F-HUD-K89023-CA	Central Business District Redevelopment Project, Los Angeles, California.	EPA's concerns were adequately addressed in the final EIS	J
F-HUD-K89024-CA	North Hollywood Redevelopment Project in the City of Los Angeles, California.	EPA's concerns were adequately addressed in the final EIS	J
Nuclear Regulatory Commission			
F-NRC-F08008-IL	La Salle County Station, Units 1 and 2, La Salle County, Illinois.	EPA has environmental reservations on the project as proposed. EPA is concerned about the design of the cooling system and believes that NRC should require operation of the facility in a closed cycle fashion as a condition of the operational permit.	F
Veterans Administration			
F-VAD-D80005-VA	Quantico National Cemetery, Quantico, Virginia	EPA's concerns were adequately addressed in the final EIS	D

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1 and Jan. 31, 1979*

Identifying No.	Title	Source of review
Corps of Engineers		
F-COE-C36004-NJ	Flood Control Project, Robinson's Branch of the Rahway River, Clark, Scotch Plains, and Rahway, Union County, New Jersey	C
Department of Agriculture		
F-AFS-E65015-AL	Conecuh Unit No. 6, Conecuh National Forest, Covington and Escambia Counties, Alabama (USDAFS-RB-FES-ADM-77-02)	E
F-AFS-J61017-MT	Great Bear Wilderness, Flathead and Lewis National Forests, Montana	I
F-SCS-E36045-AL	Southeast Choctawhatchee River, Watershed Protection and Recreation, Dale, Geneva, and Houston Counties, Alabama	E
Department of Commerce		
F-NOA-B91010-00	Fishery Management Plan for the Butterfish Fishery of the Northeast Atlantic Ocean	B
Department of Interior		
F-NPS-E81022-00	Master Plan, Cumberland Gap National Historical Park, Kentucky, Tennessee, and Virginia, (FES 79-2)	E
F-NPS-G61004-AR	Wilderness Recommendation, Buffalo National Park, Newton and Marion Counties, Arkansas	G

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1 and Jan. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Transportation			
F-FAA-E51025-AL	New Walker County Airport, Jasper, Alabama		E
NF-FHW-A41863-NC	U.S. 421, West Market Street from Jamestown-College Road to Muirs Chapel Road, Greensboro, Guilford County, North Carolina		E
F-FHW-E40065-00	U.S. 60, Replacement Bridge Over Big Sandy River, Catlettsburg, Kentucky and Kenova, West Virginia (FHWA-KY-EIS-75-01-F)		E
FS-FHW-E40061-00	The Appalachian Highway, GA-5, Realignment, Forsyth, Cherokee, Pickens, Gilmer, Fannin, and Union Counties, Georgia		E
F-FHW-E40127-KY	I-65, Kentucky Turnpike, Elizabethtown to Louisville Road, Bullett, Hardin, and Jefferson Counties, Kentucky		G
F-FHW-G40064-LA	Hooper Road and Harding Boulevard, LA-408, East Baton Rouge Parish, Louisiana		I
F-FHW-J40015-WY	6th Street S.W. Great Falls, Burlington Underpass to Central Avenue, Wyoming		K
F-FHW-L40048-OR	North and South Tigard Interchange, Pacific Highway, I-5, Multnomah, Clackamas, and Washington Counties, Oregon (FHWA-OR-EIS-78-04-F).		
Department of Housing and Urban Development			
F-HUD-B89010-MA	Lafayette Place, Urban Development Boston, Suffolk County, Massachusetts		B
F-HUD-E85033-TN	Proposed Hillshire Subdivision, Shelby County, Tennessee (HUD-R04-EIS-77-26F)		E
F-HUD-E89007-AL	Non-Metro Discretionary Fund, FY-1977, Macon County, Alabama (CDBG)		E
F-HUD-G85068-TX	Woodland Oaks Subdivision, Harris County, Texas		G
F-HUD-G85086-TX	Countryside Subdivision, League City, Galveston County, Texas		G
F-HUD-G85105-TX	Westlake Forest Subdivision, Harris County, Texas		G
F-HUD-G85106-TX	Northwest Park Subdivision, Harris County, Texas		G
F-HUD-G85109-TX	Westbranch Subdivision, Harris County, Texas		G
F-HUD-G85112-TX	Keegans Glen Subdivision, Harris County, Texas		G

Identifying No.	Title	Source of review
Nuclear Regulatory Commission		
F-NRC-J01008-WY	Highland Uranium Solution, Mining Project, Converse County, Wyoming	I

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Jan. 1 and Jan. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Interior			
A-IGS-A02134-00	30 CFR Part 250, Operations in the Outer Continental Shelf (OCS) (43 FR 606013).	EPA believes a number of items in the notice involve significant policy issues and will continue working with Department of Interior as the proposed rulemaking is developed.	A
Department of Transportation			
R-CGD-A52133-00	33 CFR 130, 131, Offshore Oil Pollution Liability and Compensation (CGD 77-055) (43 FR 56840).	EPA feels that the regulation would be more useful as an "in hand" document to the offshore facility and vessel operators if there were fewer references to additional documents.	A
Federal Energy Regulatory Commission			
A-FRC-B05007-MA	Application for Minor License for Unconstructed Glendale Project No. 2801, Housatonic River, Stockbridge, Maine.	EPA suggested several points to reduce the possibility of environmental impact both during construction and operation of the project.	B
A-FRC-B05009-VT	Application for Preliminary Permit for Proposed Bolton Falls Hydroelectric Project No. 2879, Winooski River, Waterbury, Duxbury and Bolton, Vermont.	EPA made several recommendations to the FERC including a request that the applicant prepare an environmental assessment during the 36-month term of the preliminary permit.	B
Nuclear Regulatory Commission			
A-NRC-A22024-00	Licensing Procedures for Geologic Repositories for High-Level Radioactive Wastes, Notices (43 FR 53869).	EPA is currently developing environmental criteria and standards for the disposal of radioactive wastes. EPA feels that the forthcoming criteria and standards should be met by any proposed geologic repository and its licensee.	A

Appendix VI.—Source for Copies of EPA Comments

A. Public information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94106.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-10894 Filed 4-8-80; 8:45 am]
BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Part-Time Career Employment Program

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed instructions implementing the Federal Employees Part-Time Career Employment Act of 1978, with comments invited for consideration in developing final instructions.

SUMMARY: The Equal Employment Opportunity Commission proposes to issue instructions to govern the operation of a part-time career employment program within the Commission. The Federal Employees Part-Time Career Employment Act of 1978, 5 U.S.C. 3401 *et seq.*, requires the head of each agency to establish and maintain a part-time career program in furtherance of the aims of the Act. After comments have been received and reviewed, final instructions will be issued as an EEOC Directive in the 500 "Personnel Management" series of the agency's Directives System.

COMMENTS DUE: June 9, 1980.

ADDRESS: Send written comments to Marie D. Wilson, Executive Officer, Office of the Executive Secretariat, Equal Employment Opportunity Commission, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Sylvia B. Byrne, Personnel Division, Equal Employment Opportunity Commission, (202) 634–7002.

SUPPLEMENTARY INFORMATION: In this early stage of initial implementation of the law, the objectives of increased part-time career employment would appear to be served best by the issuance of instructions that are not overly prescriptive. Thus, these instructions may be supplemented from time to time through the EEOC Directives System in order to provide additional information and guidance. Any substantive changes in the program will first be published for comment in the **Federal Register.**

By virtue of the authority vested in the Commission under the Federal Employees Part-Time Career Employment Act of 1978, 5 U.S.C. 3401, *et seq.*, the Equal Employment Opportunity Commission hereby publishes the following proposed instructions implementing the Act.

Signed at Washington, D.C., this 1st day of April, 1980. For the Commission.

Eleanor Holmes Norton,

Chair.

Part-Time Career Employment Program

I. Purpose of Program
II. Definitions
III. Policy
IV. Scope
V. Exceptions and Limitations
VI. Program Implementation
VII. Part-Time Career Employment Practices

I. Purpose of Program

These instructions implement Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in the Equal Employment Opportunity Commission to provide part-time career employment opportunities.

Working the traditional "8-to-5 job" is impossible for those in many sectors of society, with the result that a rich source of productive potential goes virtually untapped. The Act clearly implies that the time has come for Federal employers to consider alternative work schedules that will put to work the skills of those men and women who have much to contribute to the workplace but who are unable, for one reason or another, to build their careers around traditional hours of work.

The benefits of permanent part-time employment accrue to employer and employee alike. For employers, part-time employees provide an additional resource to call upon in realizing the goals of agency programs. For employees, a reduced workweek may mean the opportunity for those with family responsibilities to balance these demands with the need for income security, for handicapped persons or others unable to work a full day to yet be productive, for older workers to make a gradual transition into retirement, for women returning to the work force to find meaningful employment, or for students not served by other programs to finance their educational or vocational training.

With the above considerations in mind, the Equal Employment Opportunity Commission plans to operate a part-time career employment program that can address equally the responsibilities of the agency as a progressive employer and the concerns of those who possess marketable skills but are unable to apply them within the confines of the standard workweek.

II. Definitions

A. *Part-time Career Employment.* Part-time career employment is regularly scheduled work of from 16 to 32 hours a week performed by an employee who has an appointment in Tenure Group I or II and who becomes employed on such part-time basis on or after April 8, 1979. Employment on a temporary or intermittent basis or for a mixed tour of duty does not constitute part-time career employment for the purpose of this program.

B. *Tenure Group I.* Tenure Group I includes employees serving under career appointments in the competitive service who either have completed probation or are not required to serve a probationary period. It also includes permanent employees in the excepted service whose appointments carry no restrictions or conditions such as a trial period.

C. *Tenure Group II.* Tenure Group II includes employees in the competitive service who are serving probation under both career-conditional and career appointments. It also includes employees in the excepted service who are serving trial periods (or whose tenure is equivalent to career-conditional in the competitive service).

III. Policy

It is the policy of the Equal Employment Opportunity Commission to provide part-time career employment opportunities in positions through grade GS–15 of the General Schedule (or equivalent) and in hourly paid blue-collar positions, subject to agency resources and mission requirements. All persons newly employed by EEOC as part-time permanent employees after April 7, 1979, come under the provisions of these instructions.

IV. Scope

The provisions of these instructions are applicable to all EEOC offices at headquarters and in the field.

V. Exceptions and Limitations

A. Part-time permanent employees hired prior to April 8, 1979, are excluded from coverage, unless there is a break in their part-time employment.

B. Excluded from coverage under the program are positions for which basic pay is fixed at a rate equal to or greater than the minimum rate fixed for grade GS–16.

C. No position occupied by an employee shall be abolished in order to made the duties of the position available for inclusion in a part-time career employment appointment.

D. No person employed on a full-time basis in the agency shall be required to accept part-time employment as a condition of continued employment.

E. EEOC reserves the right, as authorized under section 3402(a)(3) of the Act, to identify positions that cannot be staffed on a part-time basis without adversely affecting the agency's fulfillment of its mission.

F. While the agency can make no exception that would permit a part-time employee to regularly work more than 32 hours a week, it may identify a limited number of positions for which the work schedule may be less than 16 hours per week; and on occasion the Chair, EEOC, or designee, may authorize an employee working a 16–32 hour schedule to temporarily exceed 32 hours when such an adjustment is required for a limited period in order to meet an unusually heavy workload or to permit employee training, etc.

VI. Program Implementation

A. Program Coordination

1. The Director of Personnel is responsible for overall administration of the EEOC part-time career employment program.

2. The Chief of Employment, Personnel Division, by delegation from the Director of Personnel, serves as agency coordinator as well as coordinator for headquarters, and is assigned the following responsibilities:

a. Determining annually, in consultation with district coordinators and with the Director of Personnel and other agency management, the positions that will be used for part-time career employment and both the percentage goals for part-time career employment and the timetables for achieving such goals.

b. Overseeing implementation of part-time employment goals and timetables within the agency.

c. Preparing consolidated agency reports on part-time employment for transmittal to the Office of Personnel Management (OPM).

d. Ensuring that managers, supervisors, and employees are informed of the basic ground rules on part-time career employment; the position management and work assignment techniques that can lead to the most productive use of part-time workers; and, should the agency program include offering full-time employees the opportunity to convert to part-time work schedules, the effects of converting to regularly scheduled part-time work in terms of crediting of experience for promotion purposes, the recent change to prorating the Government contribution for health insurance, etc. Studies of part-time employment in both the public and private sectors show that providing adequate information to managers, supervisors, and employees is an essential first step in expanding part-time employment opportunities.

3. Each of the District Directors, or designee, serves as the district coordinator for the program. They and the agency coordinator have the following additional responsibilities:

a. Consulting on the agency's part-time employment program with interested parties in special emphasis areas (EEO and Federal Women's Program officials, handicapped program coordinators, etc.) and with representatives of the exclusive representative; and maintaining liaison with groups interested in promoting part-time employment opportunities.

b. Responding to requests for advice and assistance on part-time employment within the agency.

c. Monitoring progress in expanding part-time employment opportunities.

d. Reporting on part-time employment for the purpose of keeping OPM informed of progress.

B. Part-Time Goals and Timetables

1. In establishing goals and timetables, the agency coordinator, in consultation with district coordinators and with the Director of Personnel and other agency management, considers such factors as:

a. Agency mission and the agency's occupational and grade profile.

b. Workload demands and fluctuations.

c. Size of work force, turnover rate, and employment trends.

d. Affirmative action.

e. Geographical dispersion.

f. Current employee interest in part-time employment.

g. Potential for improving service to the public.

2. The agency coordinator, in consultation with district coordinators and with the Director of Personnel and other agency management, sets goals for establishing and/or converting positions for part-time career employment, and establishes an appropriate timetable of interim and final deadlines for achieving such goals. Goals for each fiscal year are established by the end of the preceding fiscal year (beginning with goal-setting in late FY 1980 for FY 1981, which is also the effective date for changes in the current method of determining agency personnel ceilings that may favorably influence the level of EEOC involvement in part-time career employment activities).

C. Evaluation and Reporting

The part-time career employment program is subject to:

1. Continuing review and evaluation by EEOC's Personnel Management Evaluation Branch, Personnel Division, as a part of the regular internal personnel management evaluation process.

2. The requirement that EEOC report biannually (May 15 and November 15) to OPM on:

a. Progress in meeting the agency's part-time employment goals on a timely basis.

b. The extent to which part-time opportunities have been extended to older persons, handicapped persons, individuals with family responsibilities, and students.

VII. Part-Time Career Employment Practices

A. *Reviewing Vacant Positions.* The agency coordinator oversees procedures to ensure that as a position of the type subject to coverage under this program becomes vacant, it is reviewed for the feasibility of filling it on a part-time career employment basis in advance of announcing the vacancy. This review takes into account factors such as those considered in establishing goals and timetables.

B. *Establishing and/or Converting Part-Time Career Positions.* Headquarters and field offices of EEOC are required to establish a sufficient number of new part-time career positions to meet agency goals. Final agency instructions, as issued in the form of an EEOC Directive, will address the requirement of law that the agency develop procedures and criteria to establish or convert positions for part-time career employment.

C. *Notifying the Public of Part-Time Vacancies.* The Agency coordinator will take appropriate steps to notify the public of vacant part-time positions. It is anticipated that this requirement can be fulfilled by such means as publicizing part-time vacancies in Federal job information announcements, publications of special emphasis groups, agency position vacancy announcements, and the like.

[FR Doc. 80-10725 Filed 4-8-80; 8:45 am]
BILLING CODE 6570-06-M

FEDERAL LABOR RELATIONS AUTHORITY

Inclusion of Employees in Units and Coverage of Merit Pay Provisions

AGENCY: Federal Labor Relations Authority.

ACTION: Notice relating to inclusion of employees in units and coverage of merit pay provisions.

SUMMARY: This notice relates to the impact of an agency determination

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concerning "merit pay" coverage on a unit of exclusive recognition.

DATE: Written comments must be submitted by the close of business on April 25, 1980, to be considered.

ADDRESS: Send written comments to the Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Samuel A. Chaitovitz, Executive Director, 1900 E Street, NW., Washington, D.C. 20424 (202) 254–8595.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority was established by Reorganization Plan No. 2 of 1978, effective January 1, 1979 (43 FR 36037). Since January 11, 1979, the Authority has conducted its operations under the Federal Service Labor-Management Relations Statute (92 Stat. 1191).

Upon receipt of a request and consideration thereof, the Authority has determined, in accordance with § 2427.2 of its rules and regulations, that an interpretation is warranted. Interested persons are invited to express their views in writing on this matter, as more fully explained in the Authority's notice set forth below:

Notice

April 1, 1980.

To Heads of Agencies, Presidents of Labor Organizations and Other Interested Persons:

The Authority has received a request from the National Federation of Federal Employees (NFFE) that the Authority issue a major policy determination. NFFE alleges in its request that agencies are implementing the "merit pay" provisions of the Civil Service Reform Act of 1978 (92 Stat. 1179) by declaring all GS–13 to GS–15 employees to be management officials or supervisors which results in their exclusion from units of exclusive recognition. Further, NFFE alleges that agencies claim the Authority cannot resolve questions relating to this action but rather the Office of Personnel Management alone can hear complaints concerning an employee's coverage under the "merit pay" provisions.

The Authority hereby determines, in conformity with section 2427.2 of its rules and regulations, that an interpretation of the Statute is warranted on the following:

What is the impact, if any, of an agency determination that an employee is a supervisor or management official for purposes of coverage under the "merit pay" provisions of the Civil Service Reform Act of 1978 (92 Stat. 1179) on such employee's inclusion in a unit of exclusive recognition under section 7112 of the Statute (92 Stat. 1200)?

Before issuing an interpretation on the above, the Authority, pursuant to section 2427.4 of its rules and regulations, solicits your views in writing.

To receive consideration, such views must be submitted to the Authority by the close of business on April 25, 1980.

Issued, Washington, D.C., April 1, 1980.

Federal Labor Relations Authority.

Ronald W. Haughton,

Chairman.

Henry B. Frazier III,

Member.

Leon B. Applewhaite,

Member.

[FR Doc. 80-10883 Filed 4-8-80; 8:45 am]

BILLING CODE 6325-19-M

FEDERAL RESERVE SYSTEM

Ameribanc, Inc.; Proposed de Novo Subsidiary, Ameribanc Life Insurance Co.

Ameribanc, Inc., St. Joseph, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish *de novo* Ameribanc Life Insurance Company, Phoenix, Ariz.

Applicant states that the proposed subsidiary would underwrite as reinsurer life and disability insurance related to extensions of credit by Ameribanc's subsidiary banks. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and St. Joseph, Missouri, and the geographic areas to be served are the state of Missouri and Doniphan County, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 2, 1980.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10881 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Banc One Corp.; Acquistion of Bank

Banc One Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act 12 U.S.C. 1842(a)(3)) to acquire 66⅔ percent or more of the voting shares of the SBMT Bank One of Fairborn, N.A., Fairborn, Ohio the resulting bank from the merger of The First National Bank of Fairborn, N.A. and Bank One of Fairborn, N.A. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10882 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0265]

Policy Statement for Assessing Financial Factors in the Formation of Small One-Bank Holding Companies Pursuant to the Bank Holding Company Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: In the interest of improving the transferability of ownership of small community banks and facilitating local ownership of such institutions, as well as helping to maintain the safety and soundness of the banking system, the Federal Reserve Board has adopted a policy for assessing financial factors in the formation of small one-bank holding companies.

DATE: The policy statement is effective March 28, 1980.

Policy Statement of the Board of Governors of the Federal Reserve System for Assessing the Financial Factors in the Formation of Small One-Bank Holding Companies Pursuant to the Bank Holding Company Act

In acting on applications filed under the Bank Holding Company Act, the Board has adopted, and continues to follow, the principle that bank holding companies should serve as a source of strength for their subsidiary banks. When bank holding companies incur debt and rely upon the earnings of their subsidiary banks as the means of repaying such debt, a question arises as to the probable effect upon the financial condition of the company and its subsidiary bank or banks.

The Board believes that a high level of debt at the parent holding company level impairs the ability of a bank holding company to provide financial assistance to its subsidiary bank and in some cases the servicing requirements on such debt may be a significant drain on the bank's resources. For these reasons the Board has not favored the use of acquisition debt in the formation of bank holding companies. Nevertheless, the Board has recognized that the transfer of ownership of small banks often requires the use of acquisition debt. The Board therefore has permitted the formation of small one-bank holding companies with debt levels higher than would be permitted for larger or multibank holding companies. Approval of these applications has been given on the condition that the small one-bank holding companies demonstrate the ability to service the acquisition debt without straining the capital of their subsidiary bank and, further, that such companies restore their ability to serve as a source of strength for their subsidiary bank within a relatively short period of time.

In the interest of furthering its policy of facilitating the transfer of ownership in banks without diluting bank safety and soundness, the Board has reexamined the analytical framework and financial criteria it applies when considering the formation of small one-bank holding companies and has adopted certain revisions in its procedures and standards as described below.

The revised criteria shift the focus from debt repayment to the relationship between debt and equity at the parent holding company. The holding company will have the option of improving the relationship of debt to equity by repaying the principal amount of its debt or through the retention of earnings, or both. Under these procedures, newly organized small one-bank holding companies will be expected to reduce the relationship of their debt to equity over a reasonable period of time to a level comparable to that maintained by many large and multibank holding companies.

In general, this policy is intended to apply only to one-bank holding companies that would not have significant leveraged nonbank activities and whose subsidiary bank would have total assets of approximately $150 million or less at the time the application is filed. Small one-bank holding companies formed before the effective date of this policy may switch to a plan that adheres to the intent of this policy provided they comply with criteria, 2, 3, and 4 set forth below.

The criteria are as follows:

General. In evaluating applications filed pursuant to Section 3(a)(1) of the Bank Holding Company Act, as amended, when the applicant intends to incur debt to finance the acquisition of a small bank, the Board will take into account a full range of financial and other information, including the recent trend and stability of earnings of the bank, the past and prospective growth of the bank, the quality of the bank's assets, the ability of the applicant to meet debt servicing requirements without placing an undue strain on the bank's resources, and the record and competency of management of the applicant and the bank. In addition, the Board will require applicants to meet the minimum requirements set forth below. As a general rule, failure to meet any of these requirements will result in denial of the application; however, the Board reserves the right to make exceptions if the circumstances warrant.

1. Minimum Down Payment. The amount of acquisition debt should not exceed 75 percent of the purchase price of the bank to be acquired. When the owner(s) of the holding company incur debt to finance the purchase of the bank, such debt will be considered acquisition debt even though it does not represent an obligation of the bank holding company, unless the owner(s) can demonstrate that such debt can be serviced without reliance on the resources of the bank or bank holding company.

2. Maintenance of Adequate Capital. An applicant proposing to use acquisition debt must demonstrate to the satisfaction of the Board that any debt servicing requirements to which the bank holding company may be subject would not cause the subsidiary bank's ratio of gross capital to assets to fall below 8 percent during the 12-year period following consummation of the acquisition. Gross capital is defined as the sum of total stockholders' equity, the allowance for possible loan losses, and subordinated capital notes and debentures.

3. Reduction in Parent Company Leverage. The applicant must demonstrate to the satisfaction of the Board that the parent holding company's ratio of debt to equity will decline to 30 percent within 12 years after consummation of the acquisition. The holding company must also demonstrate that it will be able to safely meet debt servicing and other requirements imposed by its creditors.

The term "debt," as used in the ratio of debt to equity, means any borrowed funds (exclusive of short-term borrowings that arise out of current transactions, the proceeds of which are used for current transactions), and any securities issued by, or obligatins of, the holding company that are the functional equivalent of borrowed funds.

The term "equity," as used in the ratio of debt to equity, means the total stockholders' equity of the bank holding company adjusted to reflect the periodic amortization of "goodwill" (defined as the excess of cost of any acquired company over the sum of the amounts assigned to identifiable assets acquired, less liabilities assumed) in accordance with generally accepted accounting principles. In determining the total amount of stockholders' equity, the bank holding company should account for its investments in the common stock of subsidiaries by the equity method of accounting.

Ordinarily the Board does not view redeemable preferred stock as a

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substitute for common stock in a one-bank holding company formation. Nevertheless, to a limited degree and under certain circumstances the Board will consider redeemable preferred stock as equity in the capital accounts of the holding company if the following conditions are met: 1) the preferred stock is redeemable only at the option of the issuer and 2) the debt to equity ratio of the holding company would be at or remain below 30 percent following the redemption or retirement of any preferred stock. Preferred stock that is convertible into common stock of the holding company may be treated as equity.

4. Dividend Restrictions. The bank holding company is not expected to pay any corporate dividends on common stock until such time as its debt to equity ratio is below 30 percent. However, some dividends may be permitted provided all of the following conditions are met: a) the applicant has begun making scheduled repayments of principal on the acquisition debt; b) such scheduled repayments of principal are reasonable in amount, will be made at least annually, and will allow for the retirement of the acquisition debt over a period not to exceed 25 years; and c) the applicant can clearly demonstrate at the time the application is filed that such dividends will not jeopardize the ability of the holding company to reduce its debt to equity ratio to 30 percent within 12 years of consummation of the proposal or cause the gross capital to fall below 8 percent over the same period. Also, it is expected that dividends will be eliminated if the holding company is not meeting the projections made at the time the application was filed regarding the ability of the holding company to reduce the debt to equity ratio to 30 percent within 12 years of consummation of the proposal.

Board of Governors of the Federal Reserve System, March 26, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-10057 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-0-M

[Docket No. 0280]

Report Forms: Base Report of Outstanding Covered Consumer Credit; Monthly Report of Covered Consumer Credit Outstanding Subject to Special Deposit Requirement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final report forms.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, and Subpart A, Part 229, Title 12 of the Code of Federal Regulations (12 CFR 229.1–229.4) the following base and monthly report forms are to be completed in accordance with the following instructions by certain creditors that extend certain types of consumer credit.

The Base Report of Outstanding Covered Consumer Credit [FR 2061a] is to be completed by each covered creditor with covered credit outstanding of $2 million or more during the base period. The base determined from this report will be used to calculate the amount of a special noninterest-bearing deposit that covered creditors will be required to maintain with the Federal Reserve against increases in the amount of covered credit outstanding.

The Monthly Report of Covered Consumer Credit Outstanding Subject to Special Deposit Requirement [FR 2061b] is to be completed by each covered creditor with covered consumer credit outstanding of $2 million or more either during the base period or, on an average basis, during any subsequent calendar month. This report will be used to compute the special deposit requirement. The first monthly report (covering the period March 15 and ending April 30) shall be filed by May 12. Thereafter, each monthly report shall be filed no later than the second Monday following the reporting month.

EFFECTIVE DATE: March 18, 1980.

FOR FURTHER INFORMATION CONTACT: Martha Bethea, Division of Research and Statistics; Robert E. Mannion, Deputy General Counsel, Legal Division; Gilbert T. Schwartz, Assistant General Counsel, Legal Division; Lee S. Adams, Senior Attorney, Legal Division; Margaret Egginton, Attorney, Legal Division; and Margaret A. Stewart, Senior Attorney, Division of Consumer and Community Affairs; Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3000).

Board of Governors of the Federal Reserve System, March 26, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR 2061a]

Instructions

Who Must Report

This report is required from each U.S. creditor with covered consumer credit outstanding of $2 million or more during the base period. This base report may also be required of certain other creditors.

For purposes of reporting and determining whether the creditor's outstanding covered credit is $2 million or more, the covered credit of all U.S. offices of the same company and all direct and indirect U.S. subsidiaries of the same parent company shall be combined, and only one report shall be filed for the combined organization. Any office may be designated as the reporting office for the combined organization. (However, once a reporting office is designated, it should not be changed without prior notification to the institution receiving the report.)

For example, if a company has 100 offices throughout the U.S., it should combine the required information from each office, and one designated reporting office should file one combined base report for the entire company.

The covered credit of all U.S. offices (such as the branches, agencies, and subsidiaries, including banks) of the same foreign parent company and all U.S. offices of that foreign parent's non-U.S. subsidiaries shall be combined, and one office selected as the reporting office for such offices. A subsidiary is a company that is more than 50 percent owned, directly or indirectly, by another.

Purpose of the Report

In accordance with the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board of Governors of the Federal Reserve System has adopted provisions requiring certain creditors that extend certain types of consumer credit to maintain a special noninterest-bearing deposit with the Federal Reserve against increases in the amount of those types of credit outstanding.

The base for the special deposit requirement calculation for each creditor will be determined from this report. If daily data are available, a creditor shall report as its base the actual amount of covered credit outstanding on March 14, 1980 or the last day before March 14 for which such data are available. If daily data are not available, the creditor shall report as its base the amount of such credit outstanding during the last period immediately before March 14, 1980, for which such data are available.

Any covered creditor with covered credit outstanding of over $2 million on an average basis during a calendar month is required to maintain a special noninterest-bearing deposit with the appropriate institution designated

below. The special deposit requirement is 15 percent of the amount by which the amount of covered consumer credit on an average basis during the computation period exceeds the reported base or $2 million, whichever is greater. The first computation period shall cover the period beginning March 15, 1980, and ending April 30, 1980. Thereafter, each computation period, or reporting month, shall begin on the first day of each month and end on the last day of that month.

The special deposit requirement must be maintained during the period beginning on the fourth Thursday of the month following the computation period (or reporting month) and ending on the Wednesday before the fourth Thursday of the next month. For example, the special deposit required for the first computation period (March 15 through April 30) shall be held beginning Thursday, May 22, 1980 and continue through Wednesday, June 25, 1980. A new special deposit amount based on the May report will then be required beginning Thursday, June 26, and will continue through Wednesday, July 23. The amount of the special deposit may not vary during each maintenance period.

The special deposit shall be maintained in collected funds in the form of U.S. dollars.

Members of the federal Home Loan Banks and all other savings and loan associations shall maintain the special deposit with the Federal Home Loan Banks. All credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall maintain the special deposit with the Central Liquidity Facility. Deposits maintained with the Federal Home Loan Banks and the Central Liquidity Facility shall be passed through by those entities to the Federal Reserve banks. All other covered creditors, including commercial banks, mutual savings banks, U.S. branches and agencies of foreign banks, retailers, other credit card issuers, and finance companies, shall maintain the special deposit with the Federal Reserve Bank in whose District the reporting office is located.

Where and When To Report

The base report for all creditors shall be filed by no later than April 1, 1980. The first monthly report (covering the period beginning March 15 and ending April 30) shall be filed by May 12. Thereafter, each monthly report shall be filed by no later than the second Monday following the reporting month.

Members of the Federal Home Loan Banks and all other savings and loan associations should file their reports with the Federal Home Loan Bank where the deposit will be maintained.

All credit unions should file their reports with the Central Liquidity Facility of the National Credit Union Administration.

All other creditors should file their reports with the Federal Reserve Bank in whose District the reporting office is located.

How To Report

All amounts should be reported to the nearest thousand dollars.

Amounts of covered consumer credit outstanding denominated in foreign currencies should be valued in U.S. dollars at the prevailing exchange rate at the time the transaction originally is entered into.

General Definitions

Base: The larger of $2 million or the amount of covered credit outstanding as of the close of business on the base date.

Base date: For a creditor that has daily credit data available, March 14, 1980, or the last day immediately before March 14, 1980 for which such data are available; for a creditor that does not have daily credit data available, the period immediately before March 14, 1980 for which credit data are available.

Board: The Board of Governors of the Federal Reserve System.

Closed-end credit: All consumer credit except open-end credit.

Consumer credit: Credit extended in the U.S. primarily for personal, family, or household purposes. Credit extended for business or agricultural purposes is excluded.

Covered credit: Consumer credit that is (1) open-end credit and (2) closed-end credit which is unsecured or in which the proceeds of the credit are not being used to purchase the collateral. Covered credit that is sold or otherwise transferred after March 14, 1980 to any office located outside the U.S. of the same or another entity shall remain the covered credit of the transferor until such credit is repaid. Covered credit that is sold or otherwise transferred on a recourse basis to any U.S. office of the same or another entity shall remain the covered credit of the transferor; covered credit that is transferred on a nonrecourse basis to any U.S. office of the same or another entity shall be treated as covered credit of the transferee.

Covered credit does *not* include insurance company policy loans; credit extended by federal, state, or local governments, or by providers of utility, health, or educational services; state or federal government guaranteed loans; or loans secured by savings deposits [1] held at the lending institution.

Covered creditor: Any creditor which extends covered credit. For purposes of determining the amount of a creditor's outstanding covered credit, the covered credit of all U.S. offices of (1) the same company, (2) U.S. subsidiaries of the same parent company, and (3) non-U.S. subsidiaries of the same parent company shall be combined. A subsidiary is a company that is more than 50 percent owned, directly or indirectly, by another company.

Credit: The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

Credit transaction: See "Extension of credit."

Creditor: Any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

Extension of credit (or "credit transaction"): Loans, credit sales, or other supplying of funds.

Loan: Any type of credit, including credit extended in connection with a credit sale.

Open-end credit: Consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance.

Subsidiary: Any company in which more than 50 percent of the outstanding voting stock is owned directly or indirectly by another.

U.S.: The 50 states of the United States and the District of Columbia.

Non-U.S.: Any geographic area located outside the 50 states of the United States and the District of Columbia. Thus, for purposes of this report, non-U.S. includes Puerto Rico and U.S. territories and possessions.

Examples

As noted above under "General Definitions," covered credit consists of (1) all open-end consumer credit, whether secured or unsecured, and (2) closed-end consumer credit that is either unsecured or secured by collateral that is not being purchased with the proceeds of the credit.

[1] As defined in § 217.1(e) of Regulation Q.

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Examples of open-end credit that is covered are:

Credit card plans, such as cards issued by financial institutions, retailers, and oil companies.

Overdraft and special check-type plans offerd by financial institutions.

Other revolving credit plans.

Examples of closed-end consumer credit that is covered are:

Unsecured personal loans.

Loans for which the collateral provided is already owned by the borrower.

Open account and 30-day credit without regard to whether a finance charge is imposed, such as travel and entertainment card plans and retail merchant credit.

Credit secured by financial assets, other than savings deposits, when the collateral is not purchased with the loan proceeds.

Credit extended through the use of credit cards will be presumed to be consumer—that is, non-business—credit unless the creditor establishes otherwise.

A creditor will also be required to treat as covered consumer credit any such credit that is sold or otherwise transferred to any non-U.S. office of the same or another entity and any such credit that is sold or otherwise transferred with recourse to another entity, wherever located.

Examples of consumer credit that is not covered are:

Secured credit where the collateral is purchased with the proceeds of the loan, such as automobile, mobile home, and other chattel-secured loans (see Uniform Commercial Code § 9–107, including Official Comments 1 and 2).

Credit secured by financial assets when the collateral is purchased with the proceeds.

Credit secured by savings deposits held at the lending institution.

Mortgage loans where the proceeds are used to purchase the collateral or for home improvements or "bridge" loans.

Insurance company policy loans.

Credit extended by providers of utility, health, and educational services.

Credit extended under state or federal government guaranteed consumer loan programs, such as student loans.

Instructions

Include all covered consumer credit that is on the creditor's books that is not actually written off, even if during the reporting period the credit is past due and collection is doubtful. Also, report the aggregate book value of covered credit net of unearned income and before deduction of allowance for loan losses. Depositary institutions should report covered credit outstanding net of deposits accumulated for the payment of personal loans (hypothecated deposits).

Each creditor should include the amount of its share of participation loans, including participations in pools of loans, if such loans meet the definition of covered credit. Participation loans are loans made in cooperation with other financial institutions. The creditor should report only the dollar amount outstanding of its share of the participation loans even if it is the "lead" institution in the participation arrangement.

Participations in pools of loans are described as follows: (1) A "pass-through" participation, when issued by a bank or other private institutions, represents a pro-rata share in the pooled loans. In this case, the terms of the participation (e.g., maturity, interest rate, etc.) are identical to the terms of the underlying loans. Consequently, the issuing institution incurs *no* obligation other than to pass on proportional shares of whatever payments of principal and interest are collected from the obligors of the underlying assets in the pool. The creditor *purchasing* such a participation shoud report the underlying loans as covered consumer credit. (2) In other types of participations (i.e., those other than "pass-through" participations), the instrument of participation bears terms (e.g., maturity, interest rate, etc.) that differ from the terms of the loans comprising the pool. Consequently, the institution issuing the participation *does incur* an obligation on the instrument of participation itself. A creditor *issuing* these participations should report the underlying loans as covered consumer credit.

BILLING CODE 6210-01-M

FR 2061a
OMB No. 55-S-80001
Approved by Federal Reserve Board and OMB
March 1980

Base Report of Outstanding Covered Consumer Credit

This report is required by law (12 U.S.C. § § 1901-1909, as implemented by Executive Order 12201).

The information provided by each respondent is regarded as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

PLEASE READ INSTRUCTIONS PRIOR TO COMPLETION OF THIS REPORT

Section 1: Name and Address of Respondent Company

Name _____ Address _____

Section 2: To be Completed by Institutions Whose Covered Credit is Included in the Base Report Filed by Another Office.

If the amount of your covered consumer credit outstanding during the base period is included in a report submitted by or on behalf of your parent company, you should not complete SECTION 3 of this report. Rather, please check this box, complete Items 2a and 2b below, sign this report, and return it to the institution designated below. ☐

2a. Name and address of parent company

Name _____ Address _____

2b. Name and address of the reporting office filing the combined report (if same as Item 2a, enter "same")

Name _____ Address _____

Section 3: To be Completed by Institutions Whose Covered Credit is Not Included in the Base Report Filed by Another Office

3a. Is your institution filing this report on behalf of other offices? Yes ☐ No ☐

If yes, please provide the name and address of the parent company (if same as the name and address shown in SECTION 1 above, enter "same").

Name _____ Address _____

3b. If the amount of your covered consumer credit outstanding during the base period was less than $2 million, you should not complete Item 3c. Rather, please check this box, sign this report, and return it to the institution designated below. ☐

Otherwise, please complete Item 3c.

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3c. Amount of covered consumer credit outstanding during the base period			

NOTE: The Base for the Special Deposit Requirement is Either (1) the Amount Shown in Item 3c Above or (2) $2 Million, Whichever is Larger.

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page 2

I certify that the information shown on this report is correct.

Authorized Signature

Title

Area Code and Telephone Number

This report must be filed no later than April 1 with the institution designated below.

All members of the Federal Home Loan Banks and all other savings and loan associations should return this report to the Federal Home Loan Bank.

All credit unions should return this report to the Central Liquidity Facility of the National Credit Union Administration.

All other creditors should return this report to the Federal Reserve Bank in whose District the respondent company is located.

PENALTIES. For each willful violation of 12 C.F.R. 229 Subpart A, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of up to one year may be imposed for willfull violation of this subpart.

BILLING CODE 6210-01-C

[FR 2061b]

Instructions

Who Must Report

This report is required from each U.S. creditor with covered consumer credit outstanding of $2 million or more either during the base period or, on an average basis, during any subsequent calendar month.

For purposes of reporting and determining whether the creditor's outstanding covered credit is $2 million or more, the covered credit of all U.S. offices of the same company and all direct and indirect U.S. subsidiaries of the same parent company shall be combined, and only one report shall be filed for the combined organization. Any office may be designated as the reporting office for the combined organization. (However, once a reporting office is designated, it should not be changed without prior notification to the institution receiving the report.)

For example, if a company has 100 offices throughout the U.S., it should combine the required information from each office, and one designated reporting office should file one combined monthly report for the entire company.

The covered credit of all U.S. offices (such as the branches, agencies, and subsidiaries, including banks) of the same foreign parent company and all U.S. offices of that foreign parent's non-U.S. subsidiaries shall be combined, and one office selected as the reporting office for such offices. A subsidiary is a company that is more than 50 percent owned, directly or indirectly, by another.

Purpose of the Report

In accordance with the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board of Governors of the Federal Reserve System has adopted provisions requiring certain creditors that extend certain types of consumer credit to maintain a special noninterest-bearing deposit with the Federal Reserve against increases in the amount of those types of credit outstanding. This report is used to compute the special deposit requirement.

Any covered creditor with covered credit outstanding of over $2 million on an average basis during a calendar month is required to maintain the special noninterest-bearing deposit with the appropriate institution designated below. The special deposit requirement is 15 percent of the amount by which the amount of covered consumer credit on an average basis during the computation period exceeds the creditor's reported base or $2 million, whichever is greater. The first computation period shall cover the period beginning March 15, 1980, and ending April 30, 1980. Thereafter, each computation period, or reporting month, shall begin on the first day of each month and end on the last day of that month. Thus, for example, the computation period for May will begin on May 1 and end on May 31.

The special deposit requirement must be maintained during the period beginning on the fourth Thursday of the month following the computation period (or reporting month) and ending on the Wednesday before the fourth Thursday of the next month. For example, the special deposit required for the first computation period (March 15 through April 30) shall be held beginning Thursday, May 22, 1980 and continue through Wednesday, June 25, 1980. A new special deposit amount based on the May report will then be required beginning Thursday, June 26, and will continue through Wednesday, July 23. The amount of the special deposit may not vary during each maintenance period.

The special deposit shall be maintained in collected funds in the form of U.S. dollars.

Members of the Federal Home Loan Banks and all other savings and loan associations shall maintain the special deposit with the Federal Home Loan Banks. All credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, shall maintain the special deposit with the Central Liquidity Facility. Deposits maintained with the Federal Home Loan Banks and the Central Liquidity Facility shall be passed through by those entities to the Federal Reserve Banks. All other covered creditors, including commercial banks, mutual savings banks, U.S. branches and agencies of foreign banks, retailers, other credit card issuers, and finance companies, shall maintain the special deposit with the Federal Reserve Bank in whose District the reporting office is located.

Where and When To Report

The first monthly report (covering the period beginning March 15 and ending April 30) shall be filed by May 12. Thereafter, each monthly report shall be filed by no later than the second Monday following the reporting month.

Members of the Federal Home Loan Banks and all other savings and loan associations should file their reports with the Federal Home Loan Bank where the deposit will be maintained.

All credit unions should file their reports with the Central Liquidity Facility of the National Credit Union Administration.

All other creditors should file their reports with the Federal Reserve Bank in whose District the reporting office is located.

How To Report

The special deposit requirement (Item 4) should be reported in dollars. All other amounts should be reported to the nearest thousand dollars.

In computing the average amount of covered consumer credit outstanding during the reporting month, use balances as of the close of business each day on which offices were open.

Amounts of covered consumer credit outstanding denominated in foreign currencies should be valued in U.S. dollars at the prevailing exchange rate at the time the transaction originally is entered into.

General Definitions

Base: The larger of $2 million or the amount of covered credit outstanding as of the close of business on the base date.

Base date: For a creditor that has daily credit data available, March 14, 1980, or the last day immediately before March 14, 1980 for which such data are available; for a creditor that does not have daily credit data available, the period immediately before March 14, 1980 for which credit data are available.

Board: The Board of Governors of the Federal Reserve System.

Closed-end credit: All consumer credit except open-end credit.

Consumer credit: Credit extended in the U.S. primarily for personal, family, or household purposes. Credit extended for business or agricultural purposes is excluded.

Covered credit: Consumer credit that is (1) open-end credit and (2) closed-end credit which is unsecured or in which the proceeds of the credit are not being used to purchase the collateral. Covered credit that is sold or otherwise transferred after March 14, 1980 to any office located outside the U.S. of the same or another entity shall remain the covered credit of the transferor until such credit is repaid. Covered credit that is sold or otherwise transferred on a recourse basis to any U.S. office of the same or another entity shall remain the covered credit of the transferor; covered credit that is transferred on a nonrecourse basis to any U.S. office of the same or another entity shall be treated as covered credit of the transferee.

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Covered credit does *not* include insurance company policy loans; credit extended by federal, state, or local governments, or by providers of utility, health, or educational services; state or federal government guaranteed loans; or loans secured by savings deposits [1] held at the lending institution.

Covered creditor: Any creditor which extends covered credit. For purposes of determining the amount of a creditor's outstanding covered credit, the covered credit of all U.S. offices of (1) the same company, (2) U.S. subsidiaries of the same parent company, and (3) non-U.S. subsidiaries of the same parent company shall be combined. A subsidiary is a company that is more than 50 percent owned, directly or indirectly, by another company.

Credit: The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

Credit transaction: See "Extension of credit."

Creditor: Any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

Extension of credit (or "credit transaction"): Loans, credit sales, or other supplying of funds.

Loan: Any type of credit, including credit extended in connection with a credit sale.

Open-end credit: Consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance.

Subsidiary: Any company in which more than 50 percent of the outstanding voting stock is owned directly or indirectly by another.

U.S.: The 50 states of the United States and the District of Columbia.

Non-U.S.: Any geographic area located outside the 50 states of the United States and the District of Columbia. Thus, for purposes of this report, non-U.S. includes Puerto Rico and U.S. territories and possessions.

Examples

As noted above under "General Definitions," covered credit consists of (1) all open-end consumer credit, whether secured or unsecured, and (2) closed-end consumer credit that is either unsecured or secured by collateral that is not being purchased with the proceeds of the credit.

Examples of open-end credit that is covered are:

Credit card plans, such as cards issued by financial institutions, retailers, and oil companies.

Overdraft and special check-type plans offered by financial institutions.

Other revolving credit plans.

Examples of closed-end consumer credit that is covered are:

Unsecured personal loans.

Loans for which the collateral provided is already owned by the borrower.

Open account and 30-day credit without regard to whether a finance charge is imposed, such as travel and entertainment card plans and retail merchant credit.

Credit secured by financial assets, other than savings deposits, when the collateral is not purchased with the loan proceeds.

Credit extended through the use of credit cards will be presumed to be consumer—that is, non-business—credit unless the creditor establishes otherwise.

A creditor will also be required to treat as covered consumer credit any such credit that is sold or otherwise transferred to any non-U.S. office of the same or another entity and any such credit that is sold or otherwise transferred with recourse to another entity, wherever located.

Examples of consumer credit that is not covered are:

Secured credit where the collateral is purchased with the proceeds of the loan, such as automobile, mobile home, and other chattel-secured loans (see uniform Commercial Code § 9–107, including Official Comments 1 and 2).

Credit secured by financial assets when the collateral is purchased with the proceeds.

Credit secured by savings deposits held at the lending institution.

Mortgage loans where the proceeds are used to purchase the collateral or for home improvements or "bridge" loans.

Insurance company policy loans.

Credit extended by providers of utility, health, and educational services.

Credit extended under state or federal government guaranteed consumer loan programs, such as student loans.

Instructions

Include all covered consumer credit that is on the creditor's books that is not actually written off, even if during the reporting period the credit is past due and collection is doubtful. Also, report the aggregate book value of covered credit net of unearned income and before deduction of allowance for loan losses. Depositary institutions should report covered credit outstanding net of deposits accumulated for the payment of personal loans (hypothecated deposits).

Each creditor should include the amount of its share of participation loans, including participations in pools of loans, if such loans meet the definition of covered credit. Participation loans are loans made in cooperation with other financial institutions. The creditor should report only the dollar amount outstanding of its share of the participation loans even if it is the "lead" institution in the participation arrangement.

Participations in pools of loans are described as follows: (1) A "pass-through" participation, when issued by a bank or other private institutions, represents a pro-rata share in the pooled loans. In this case, the terms of the participation (e.g., maturity, interest rate, etc.) are identical to the terms of the underlying loans. Consequently, the issuing institution incurs *no* obligation other than to pass on proportional shares of whatever payments of principal and interest are collected from the obligors of the underlying assets in the pool. The creditor *purchasing* such a participation should report the underlying loans as covered consumer credit. (2) In other types of participations (i.e., those other than "pass-through" participations), the instrument of participation bears terms (e.g., maturity, interest rate, etc.) that differ from the terms of the loans comprising the pool. Consequently, the institution issuing the participation *does incur* an obligation on the instrument of participation itself. A creditor *issuing* these participations should report the underlying loans as covered consumer credit.

BILLING CODE 6210-01-M

[1] As defined in § 217.1(e) of Regulation Q.

FR 2061b
OMB No. 55-R-0270
Approved by Federal Reserve Board and OMB March 1980

Monthly Report of Covered Consumer Credit Outstanding Subject to Special Deposit Requirement

As of _____

This report is required by law (12 U.S.C. § § 1901-1909, as implemented by Executive Order 12201).

The information provided by each respondent is regarded as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

PLEASE READ INSTRUCTIONS PRIOR TO COMPLETION OF THIS REPORT

	Bils.	Mils.	Thous.
1. Average amount of covered consumer credit outstanding during the reporting month . . .			
2. *Base:* Amount of covered consumer credit outstanding during the base period or $2 million, whichever is larger . . .			
3. Amount by which the average amount of covered consumer credit outstanding during the reporting month exceeds the base (Item 1 minus Item 2) . . .			

If Item 3 is zero or negative, no special deposit is required during the maintenance period. Please sign below and return this form to the institution designated below.

If Item 3 is greater than zero, a special deposit is required during the maintenance period. Item 4 must be completed for calculation of the special deposit requirement.

	Bils.	Mils.	Thous.	Hunds.
4. 15% of Item 3: **Special noninterest-bearing deposit required to be held during the maintenance period.** (NOTE: Report this amount in *dollars*.) . . .				

MEMORANDA

1. Amount of covered consumer credit sold or otherwise transferred to non-U.S. offices of the same or other institutions (must be included in Item 1 above) . . .			
2. Amount of covered consumer credit sold or otherwise transferred with recourse to U.S. offices of the same or other institutions (must be included in Item 1 above) . . .			
3. Amount of covered consumer credit sold or otherwise transferred without recourse to U.S. offices of the same or other institutions (must *not* be included in Item 1 above) . . .			
4. Amount of covered consumer credit purchased without recourse from U.S. offices of the same or other institutions (must be included in Item 1 above) . . .			

METHOD OF ACCOUNTING

Data on covered consumer credit are maintained on the following basis (check one):

☐ Daily
☐ Other (please specify) _____

This report reflects data computed on the following basis (check one):

☐ Daily
☐ One-day (please specify the date) _____
☐ Other (please specify) _____

NOTE: If your institution maintains data on a daily basis, you must report on a daily average basis.

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I certify that the information shown on this report is correct.

Name of Respondent

Authorized Signature

Address

Title

City, State, and Zip Code

Area Code and Telephone Number

Please return by the second Monday of the following month, as follows:

All members of the Federal Home Loan Banks and all other savings and loan associations should return this report to the Federal Home Loan Bank.

All credit unions should return this report to the Central Liquidity Facility of the National Credit Union Administration.

All other respondents should return this report to the Federal Reserve Bank in whose District the reporting office is located.

PENALTIES. For each willful violation of 12 C.F.R. 229 Subpart A, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of up to one year may be imposed for willfull violation of this subpart.

[FR Doc. 80-10658 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-C

Anna Bancshares, Inc.; Formation of Bank Holding Company

Anna Bancshares, Inc., Anna, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Anna, Anna, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10678 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 25, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer finance and insurance activities; Florida): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center of Florida, Inc. in conducting previously approved activities including: the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; and purchasing for its own account and servicing sales finance contracts. The service area of the additional office located in Tampa, Florida, will be expanded to include the entire State of Florida.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 27, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-10654 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, soley in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in effeciency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 2, 1980.

A. *Federal Reserve Bank of New York* (A Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, each of London, England (travelers checks; South Carolina): to engage through their subsidiary, BarclaysAmericanCorporation ("BAC"), and a subsidiary of BAC, BarclaysAmerican/Credit, Inc. ("BACI"), in selling at retail travelers checks issued by Barclays Bank International Limited. This activity would be conducted from exisiting consumer finance offices of BAC and BACI in the following cities/towns in South Carolina: Aiken, Anderson (two offices), Barnwell, Beaufort, Camden (two offices), Charleston (two offices), Charleston Heights, Chester, Clinton, Columbia (four offices), Conway, Florence (two offices), Fort Mill, Gaffney, Greenville (four offices), Greenwood (two offices), Greer, Hartsville (two offices), Lancaster, Laurens, Leesville, Newberry, Ninety Six, Orangeburg (two offices), Rock Hill (two offices), Seneca Spartanburg (five offices), Sumter (two offices), and Walterboro; each such office serving portions of the county in which such office is located and in certain cases portions of contiguous counties.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (financing and insurance activities; New Jersey): to engage through its subsidiary Security

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Pacific Finance Corp. (formerly American Finance Corporation of New Jersey), in making or acquiring for its own account or for the account of others, loans and extensions of credit, including consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit as would be made by a factoring company or a consumer finance company, and acting as a broker or agent for the sale of credit life and credit accident and health insurance. These activities would be conducted from an office in Trenton, New Jersey, serving New Jersey.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10680 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

CreditBank Shares, Inc.; Formation of Bank Holding Company

CreditBank Shares, Inc., Hollywood, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of CreditBank, Miami, Florida, formerly known as Bank of Cutler Ridge, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10673 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting

Notice is hereby given that the Consumer Advisory Council will meet on Monday, April 28, and Tuesday, April 29. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The April 28 session is expected to begin at 1 p.m. and to continue until 5 p.m. The April 29 session is expected to begin at 9 a.m. and to conclude at 3 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that, time permitting, the April 28–29 meeting of the Council will include consideration of the following topics:

1. *Consumer credit restraint program.* A discussion of the Board's program to limit the expansion of certain classes of consumer credit after March 14, 1980.

2. *Federal pre-emption of State usury ceilings.* A discussion of whether state usury ceilings should be pre-empted by federal law.

3. *Privacy protections.* A discussion of whether pending legislation (the Fair Financial Information Practices Act and the Privacy of Electronic Fund Transfer Act) should be enacted.

4. *Recent trend of changing method used to compute finance charges on revolving accounts.* An explanation of the "Average Daily Balance (with current debits)" method of computing finance charges, which is being increasingly used by credit card issuers. A discussion of: (1) whether Truth in Lending disclosure requirements adequately ensure consumer understanding of this new method; (2) whether competitive imbalance may be caused by state laws differing on whether to allow this method; and (3) whether the trend toward this method reflects problems with state interest rate ceilings.

5. *Truth in Lending simplification and reform.* An update on the Truth in Lending Simplification and Reform Act and the Board's proposal to simplify Regulation Z.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10676 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Farmers & Traders Bancorp of Mt. Olivet, Inc.; Formation of Bank Holding Company

Farmers & Traders Bancorp of Mt. Olivet, Inc., Mt. Olivet, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers & Traders Bank of Mt. Olivet, Inc., Mt. Olivet, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 27, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-10655 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of February 4–5, 1980

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 4–5, 1980.[1]

The information reviewed at this meeting suggests that real output of goods and services expanded somewhat in the final quarter of 1979 and that prices on the average continued to rise rapidly. In December retail sales strengthened, industrial production edged up, and nonfarm payroll employment continued to rise, while private housing starts remained at the reduced level of November. Nonfarm payroll employment rose substantially further in January, but the unemployment rate rose from 5.9 to 6.2 percent. Producer prices of finished goods and consumer prices continued to rise rapidly toward the end of 1979, in part because of the spreading effects of earlier increases in energy costs. Over the past several months the rise in the index of average hourly earnings has remained close to the rapid pace recorded earlier in 1979.

The trade-weighted value of the dollar against major foreign currencies changed little in January, and exchange market pressures were relatively slight in spite of increased international political tensions. The U.S. foreign trade deficit rose in December, in large part because of an increase in imports of petroleum.

Growth of the major monetary aggregates, which had subsided in the final months of 1979, remained at reduced rates in January. Most market interest rates, especially long-term rates, have risen since the Committee's meeting in early January.

Taking account of past and prospective economic developments, the Federal Open Market Committee seeks to foster monetary and financial conditions that will resist inflationary pressures while encouraging moderate economic expansion and contributing to a sustainable pattern of international transactions.

The Committee agreed that these objectives would be furthered by growth of M–1A, M–1B, M–2, and M–3 from the fourth quarter of 1979 to the fourth quarter of 1980 within ranges of 3½ to 6, 4 to 6½, 6 to 9, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent.

In the short run, the Committee seeks expansion of reserve aggregates consistent with growth over the first quarter of 1980 at an annual rate of about 4½ percent for M–1A and 5 percent for M–1B, provided that in the period before the next regular meeting the weekly average federal funds rate remains within a range of 11½ to 15½ percent. The Committee believes that, consistent with this short-run policy, M–2 as newly defined should grow at an annual rate of about 6½ percent over the first quarter.

If it appears during the period before the next meeting that the constraint on the federal funds rate is inconsistent with the objective for the expansion of reserves, the Manager for Domestic Operations is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

On February 22, the Committee modified the domestic policy directive to raise the upper limit of the range for the federal funds rate to 16½ percent. On March 6 and on March 7, the Committee further modified the directive to raise the upper limit of the range for the federal funds rate first to 17½ percent and then to 18 percent.

By order of the Federal Open Market Committee, March 21, 1980.

Murray Altmann,

Secretary.

[FR Doc. 80-10653 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of February 4–5, 1980, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

First Missouri Banks, Inc.; Acquisition of Bank

First Missouri Banks, Inc., Creve Coeur, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First Missouri Bank of Ellisville, Ellisville, Missouri, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 2, 1980. Any comment on an application that requests a hearing must inlcude a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10674 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Green Country Bancorporation, Inc.; Formation of Bank Holding Company

Green Country Bancorporation, Inc., Ketchum, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The First State Bank, Ketchum, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10673 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Marbanco, Inc.; Formation of Bank Holding Company

Marbanco, Inc., Marengo, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Marengo State Bank, Marengo, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10679 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

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Nebanco, Inc.; Proposed Retention of Wallace Agency, Wallace, Nebr.

Nebanco, Inc., Wallace, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain ownership of Wallace Agency, Wallace, Nebraska.

Applicant states that the subsidiary would engage in the activity of offering a full line of commercial insurance in a community with a population less than 5,000. These activities would be performed from an office of Applicant's subsidiary in Wallace, Nebraska, serving that community. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 21, 1980.

Board of Governors of the Federal Reserve System, March 27, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-10856 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

Second Security Corp.; Formation of Bank Holding Company

Second Security Corporation, Jackson, Mississippi, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 99.7 per cent of the voting shares of the Security Bank, Corinth, Mississippi. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Second Security Corporation, Mississippi has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to act as an insurance agent or broker for the purpose of writing credit related insurance. These activities would be performed from offices of bank in Corinth, Mississippi, and the geographic area to be served includes Alcorn County Mississippi. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, DC, 20551, not later than May 1, 1980.

Board of Governors of the Federal Reserve System, April 1, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10877 Filed 4-8-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 2, 1980 (CAB), and April 3, 1980 (FCC). See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and FCC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before April 28, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532

Civil Aeronautics Board

The CAB requests clearance of a new, single-time survey requesting data covering on-demand operations by the air taxi operators for the calendar year 1979. The data reported by the 600 carriers, selected out of a universe of 3,680, will be used by the National Transportation Safety Board in making its future air taxi safety reports more meaningful. Submission of the data is mandatory under section 407(a) of the Federal Aviation Act of 1958, as amended. The CAB estimates respondent burden will average 2 hours per response.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Form 323, Ownership Report. Form 323 is used to determine qualifications of broadcast applicants and in making determinations whether public interest, convenience, and necessity is being served. The form is required by §§ 73.34, 73.240, 73.636, and 73.3615 of the Commission's Rules and Regulations and Section 308 of the Communications

Act of 1934, as amended. Respondent burden is estimated to vary from 48 hours to ½-hour per response, based on the size of the corporation/company and the complexity of the records the data must be extracted from. A company may be owned by one individual which would require a small amount of burden or it could be owned by many stockholders which would require greater burden to extract the data. FCC estimates there are approximately 7,530 licensees and that reporting burden for licensees with over 50 stockholders averages 40 hours for an annual report and 8 hours for a supplemental report; for licensees with under 50 stockholders a report must be filed every three years and reporting burden averages 16 hours therefor and 30 minutes for a supplemental report. Supplemental reports must be filed within 30 days of any change in the information filed previously.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-10740 Filed 4-8-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 112]

American Telephone & Telegraph Co., Federal Communications Commission; Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Federal Communications Commission concerning the application of the American Telephone and Telegraph Company for an increase in its annual telephone rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications service.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, telephone 202-566-0750, on or before May 9, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding. [Section 201(a)(4), Federal Property and Administration Services Act, 40 U.S.C. 481(a)(4).]

Dated: March 31, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-10659 Filed 4-8-80; 8:45 am]

BILLING CODE 6820-25-M

Automated Data and Telecommunications Service

Freedom of Information Act (FOIA); Information Available to the Public/ Pilot Test

The Brooks Bill, Pub. L. 89-306, tasks the General Services Administration (GSA) to provide, directly or by delegation, for the economic and efficient acquisition of automatic data processing (ADP) resources. Vital to this end is GSA's responsibility to promote open competition, wherever practicable, by ensuring a ready exchange of information while still protecting information critical to the Federal procurement process.

Since the use of individual requests under the Freedom of Information Act (FOIA) is costly and time-consuming to both requestors and to the Federal Government, GSA has decided to make certain ADP procurement information promptly and routinely available to the public. The information to be posted is:

1. Weekly listings of Agency Procurement Requests (including requesting agency, GSA control number, and brief description of planned acquisition.),
2. Copies of synopses of major procurements, and
3. Copies of Delegations of Procurement Authority.

Portions of the documents which contain information which would normally be withheld under FOIA procedures will also be withheld under these procedures.

These procedures will be established as a 90 day pilot program in GSA's Region W Business Service Center (7th and D Streets, SW, Washington, DC) effective April 15, 1980.

Dated: April 2, 1980.

Robert A. Coyer,

Acting Commissioner, Automated Data and Telecommunications Service.

[FR Doc. 80-10660 Filed 4-8-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Planning and Evaluation

Privacy Act of 1974; Report of a New System of Records

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), DHEW.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e) (4), we are issuing public notice of our intent to establish a new system of records: Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HEW/OS/ASPE, 09-90-0082. We are also proposing to include routine uses of the system in accordance with 5 U.S.C. 552a(e) (11). The proposed new system will permit the initiation of a longitudinal study of the Court Ordered community placement of the severely and profoundly retarded residents of Pennhurst Institution in Pennsylvania. The purpose of creating this system of records is to gather data on the communities' reactions to their new mentally retarded neighbors the attitudes of the parents of the mentally retarded residents of Pennhurst toward the court-ordered closing of a long-term institution and the impact of the Order on the residents in terms of the individuals' satisfaction both in the Institution and later in the alternative community living arrangement.

We invite public comments on these proposals, including the routine use disclosures described in the routine use section of the notice. The comments must be received on or before May 9, 1980.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on March 27, 1980. This system will become effective, except for the routine use disclosures, April 9, 1980. The proposed routine uses will become effective May 9, 1980, without further notice unless we receive comments which would result in a contrary determination. If OMB does not grant the waiver, the system will not become effective until 60 days after this report was sent to OMB.

ADDRESSES: Address comments to the ASPE Privacy Officer, Department of Health, Education, and Welfare, 200

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Independence Ave., S.W., Washington, D.C. 20201. We will make comments received available for public inspection in Room 432E, Hubert Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT:
Mr. John DeWilde, Project Monitor, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Ave., S.W., Washington, D.C. 20201, telephone (202) 245–6172.

SUPPLEMENTARY INFORMATION:
Recognizing the national significance of the Pennhurst case, and the possibility that other communities seeking legal alternatives to institutionalization will use Pennhurst as a model, DHEW has funded a longitudinal study that will measure the costs involved in establishing a community comprehensive service delivery system for a large number of severely retarded persons and the impact that such a relocation will have on the mentally retarded clients and their families. The proposed new system will permit the longitudinal study of the residents as they are relocated in the community, the validation of data collected from respondents, and the following of respondents from year to year. Non-individually identifiable data are used for analysis by the contractor for this study, any agency of government, and any member of the public who wishes to conduct statistical analysis of such data.

We will collect data from about 1,260 respondents: Community Attitudes Survey—450 Family Impact Survey—750 and Resident Satisfaction Survey—60. This is the minimum number of respondents that is necessary in a study of this type to yield reliable estimates for longitudinal quantitative and qualitative analysis. We are proposing to establish this system to permit the initiation of a longitudinal data collection on the impact of relocating severely mentally retarded persons from Pennhurst Institution in Pennsylvania to alternative community living arrangements. In order to conduct a study which returns year after year to the same individuals, it is necessary to maintain a list of the names, current addresses and telephone numbers of respondents in the sample. Furthermore, because of the study design for following persons who leave the Institution for alternative community living arrangements, it is necessary to maintain a list of the names, current addresses, and telephone numbers of respondents in the study. Furthermore, because the study design calls for following persons who leave one living arrangement for another, it is necessry to add new addresses and telephone numbers to the list. Also, it is necessary to link current data collected from respondents through interviews with data previously collected from the same respondents. This is made possible by unique identification numbers common to the list of names, addresses, and telephone numbers and to non-individually identifiable data that are collected from the respondents through interviews. Thus, the file that contains the names of respondents also contains each of the yearly identification numbers assigned to individuals in the study. The link between this year's and previous years' non-individually identifiable data (Data used in non-identifiable form) is through these identification numbers.

The Privacy Act of 1974 allows us to disclose information without the consent of the individual for "routine uses", that is, disclosure for purposes which are compatible with the purposes for which the data are collected. Accordingly, we are establishing two routine uses of information in this system. These routine uses provide for disclosure in response to congressional inquiries made at the request of an individual included in the system of records for his/her own records and to the Department of Justice to defend any employee or component of DHEW who may be involved in litigation that is likely to directly affect the operations of DHEW, provided the disclosures are compatible with the purposes for which we collected the information.

Individually identifiable data are maintained at Temple University, a contractor for this study. The contractor safeguards the identifiable data according to the Department's ADP *Systems Manual*, "Part 6, ADP System Security." The contractor maintains identifiable data on other than magnetic tape or disk in locked cabinets in a limited access area. Access to identifiable data is obtained only with the specific permission of the contractor's project monitor and only for purposes consistent with the conduct of a longitudinal study. We further protect magnetic data with special account numbers and passwords. Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no untoward affect on the privacy or other personal rights of individuals.

Dated: March 24, 1980.

John L. Palmer,
Assistant Secretary for Planning and Evaluation, Designate.

09–90–0082

SYSTEM NAME:
Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HEW/OS/ASPE.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Approximately 1,260 respondents including: 450 community residents, of the Southeastern Region of Pennsylvania, 750 family members of the retarded residents of Pennhurst State Center, and 60 retarded residents of Pennhurst State Center.

CATEGORIES OF RECORDS IN THE SYSTEM:
The contractor maintains two separate sets of files. One contains identifiable information necessary to conduct the study. The second contains the data the study was designed to collect.

The identifiable information is a list of names, addresses, and current telephone numbers of respondents where necessary. This file also contains unique identification numbers used to link this year's non-individually identified data with similar data from past years. Non-individually identified information includes: demographic characteristics, data on the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennhurst toward the court-ordered closing of a long-term institution and, the impact of the Court Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Section 232 of the Community Services Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Disclosure may be made:

1. To a congressional office from the record of an individual in reponse to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Magnetic tape and disc, paper and card records.

RETRIEVABILITY:
The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified statistical data for purposes of validating and linking the year to year data.

SAFEGUARDS:
The contractor stores cover sheets containing individual identifiers separately from the questionnaires that contain other non-individually identified information. Magnetic tapes that contain non-individually identified information are stored in a locked safe, and the cover sheets are stored in locked file cabinets in a limited access area. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP *Systems Manual*, "Part 6, ADP System Security." Access to the numbers associated with the identifiable data and the non-individually identified statistical data (which could be used to link the identifiable data—a list of names, addressed, and telephone numbers—with the data collected on the questionnaires) is subject to the specific approval of the Project Director at Temple University.

Temple University: Non-individually identifiable data are used for analysis of the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennsylvania toward the court-ordered closing of a long-term institution and the impact of the Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

Temple University uses information with individual identifiers to validate data and to locate respondents from year to year. Only persons at Temple University perform these analyses and then only on a "need to know" basis. The data without personal identifiers is available to any member of the public or to any agency of government.

Assistant Secretary for Planning and Evaluation: The Office of the Assistant Secretary for Planning and Evaluation conducts analyses of non-individually identifiable data similar to those conducted by Temple University.

The government project monitor may have access to the identified data only to monitor the contractor's performance of the study.

RETENTION AND DISPOSAL:
It is anticipated that the cover sheets that contain individually identifiable information will be destroyed by shredding or erasing three years after field work on this study ceases or at such time as it is determined that no further validation of the data will be undertaken. There are no plans for the destruction of the non-individually identifiable statistical data that have been collected on respondents over the life of this study.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Secretary for Planning and Evaluation, U.S. Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:
Research Director, Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

An individual requesting notice as to whether the system of records contains information pertaining to him or her should write to the Temple University project director at the above address, indicating his or her full name, and address.

RECORD ACCESS PROCEDURES:
Individuals who have established that the system of records contains information pertaining to them may inspect and copy those portions of the records pertaining to them at the Temple University project officer's place of business, or the project officer will establish a date after which the records will be available at a place requested by the individual.

CONTESTING RECORD PROCEDURES:
Contact the project officer at Temple, reasonably identify the record, specify the information being contested, and supply the correct information.

RECORD SOURCE CATEGORIES:
Information is obtained either from telephone or face-to-face interviews with the respondents each year.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

[FR Doc. 80–10772 Filed 4–8–80; 8:45 am]
BILLING CODE 4110–12–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6984–A and AA–6984–B]

Alaska Native Claims Selections

On May 6, 1974, Klawock Heenya Corporation for the Native village of Klawock, filed selection application AA–6984–A, later amended, and on December 12, 1974, filed selection application AA–6984–B under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615(b)) (ANCSA), for the surface estate of certain lands in the vicinity of Klawock.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b) of ANCSA, aggregating approximately 3,905.20 acres, is considered proper for acquisition by Klawock Heenya Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of ANCSA.

Copper River Meridian, Alaska (Unsurveyed)

T. 73 S., R. 81 E.
Sec. 12, S½;
Sec. 13, all;
Sec. 24, N½.
Containing approximately 1,280 acres.

T. 73 S., R. 82 E.
Sec. 18, N½, N½SE¼, SE¼SE¼;
Sec. 19, E½NE¼;
Sec. 20, N½, N½S½, S½SE¼;
Sec. 21, S½;
Sec. 27, SW¼;
Sec. 28, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, N½, NE¼SW¼, SE¼N½SW¼, SE¼;
Sec. 35, SW¼;
Containing approximately 2,625.20 acres.
Aggregating approximately 3,905.20 acres.

The conveyance issued for the surface estate of the lands described above

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shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA–6984–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

One Acre Site—The uses allowed for a site easement are: Vehicle parking, (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping and loading or unloading. Temporary camping and loading or unloading shall be limited to 24 hours.

100 Foot Road—The uses allowed on a one-hundred (100) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles and trucks.

a. (EIN 4 D9) A one (1) acre site easement, upland of the ordinary high-water mark, in Sec. 34, T. 73 S., R. 82 E., Copper River Meridian, on the northeasterly shore of Klawock Lake. The uses allowed are those listed above for a one (1) acre site.

b. (EIN 4a C5) An easement, one hundred (100) feet in width, for a proposed road from the Klawock-Hollis Road in Sec. 34, T. 73 S., R. 82 E., Copper River Meridian, to site EIN 4 D9. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

c. (EIN 13 G) An easement, one hundred (100) feet in width, for a proposed road from the Klawock-Hollis Road in Sec. 12, T. 73 S., R. 81 E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. The following third-party interest, if valid, created and identified by the U.S. Forest Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)). Special Use Permit Issued to:

City of Klawock for water transmission, dam and reservoir consisting of two (2) pipes 10" x 1,000' and 8" x 9,000', one (1) dam 8½' 140', one (1) storage tank (wooden) 100M–150M gallons, one (1) chlorinator station, a road 650' long running from the highway to tank and chlorinator station and a reservoir covering 0.13 acres. This permit covers 5.75 acres and/or 1.93 miles and is located in S½ Sec. 12, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

5. A right-of-way, AA–5955, located in S½ Sec. 12, T. 73 S., R. 81 E., Copper River Meridian, Alaska for a Federal Aid Highway, Act of August 27, 1958, as amended (23 U.S.C. 317), granted by the Federal Highway Administration to State of Alaska, Department of Highways by Highway Easement Deed, dated the 13th day of February 1967;

6. A right-of-way, AA–16139, for a Federal Aid Highway, Act of August 27, 1958, as amended (23 U.S.C. 317), granted by the Federal Highway Administration, Bureau of Public Roads to the State of Alaska, Department of Highways by Highway Easement Deed, dated the 6th day of March, 1968, located in:

Copper River Meridian, Alaska

T. 73 S., R. 81 E.
Sec. 12, S½;
Sec. 13, NE¼.
T. 73 S., R. 82 E.
Sec. 18, N½, N½SE¼;
Sec. 20, N½, SE¼;
Sec. 21, SW¼;
Sec. 27, SW¼;
Sec. 28, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, N½, N½SE¼, SE¼SE¼;
Sec. 35, SW¼.

7. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

Klawock Heenya Corporation is entitled to conveyance of 23,040 acres of land selected pursuant to Sec. 16(b) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 21,191.789 acres. The remaining entitlement of approximately 1,848.211 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of NACSA, conveyance to the subsurface estate of the lands described above shall be granted to Sealaska Corporation when conveyance is granted to Klawock Heenya Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, there are no inland water bodies considered navigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Ketchikan Daily News. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 9, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be a strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Klawock Heenya Corporation, Box 25, Klawock, Alaska 99925.
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Ricky M. Elliott,

Chief, Branch of Adjudication.

[FR Doc. 80-10710 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-6984-A and AA-6984-B]

Alaska Native Claims Selections

On May 6, 1974, Klawock Heenya Corporation for the Native village of Klawock, filed selection application AA–6984–A, later amended, and on December 12, 1974, filed selection application AA–6984–B under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615(b)) (ANCSA), for the surface estate of certain lands in the vicinity of Klawock.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b) of ANCSA, aggregating approximately 17,286.589 acres, is considered proper for acquistion by Klawock Heenya Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of ANCSA.

Lands Within the Tongass National Forest

(Proclamation No. 846, February 16, 1909)

U.S. Survey 1958 of the Klawak Cemetery, situated on Peratovich Island, Alaska. Containing 8.39 acres.

U.S. Survey 2802, lots A, B, C and D of the Klawak Group of Homesites situated on right bank of Klawak River about 2 chains east of Survey No. 1569, Prince of Wales Island, Alaska.
Containing 18.81 acres.

Mineral Survey No. 2201, Alaska, known as the Wadleigh 10/53/D, Wadleigh 10/53/E, Wadleigh 10/53/F, 10/53/J, Wadleigh 3/54/K, Wadleigh 3/54/L, Wadleigh 4/54/M, Wadleigh 4/54/N, Wadleigh 4/54/O, Wadleigh 6/54/R, 7/54/1 Wadleigh, 7/54/2 Wadleigh, Wadleigh 8/54/3, Wadleigh 8/54/4, Wadleigh 10/54/8, Wadleigh 11/54/9, Wadleigh 12/54/12, Wadleigh 1/55/13, Wadleigh 2/55/16, Wadleigh 3/55/17, Wadleigh 4/55/20, Wadleigh 4/56/23, Wadleigh 6/56/26 and Wadleigh 7/56/27 placer mining claims, situate on unsurveyed public land, Ketchikan Mining District, at latitude 55°34'N, longitude 133°08'W at corner No. 3 of the 7/54/1 Wadleigh placer.
Containing 461.309 acres.

Mineral Survey No. 2204, Alaska, known as the Wadleigh 40, 41 and 43 Placers, situate on unserveyed public land, Ketchikan Mining District, Wadleigh Island, at latitude 55°34'N, longitude 133°08'W at corner No. 1 of the Wadleigh 40 placer.
Containing 45.958 acres.

Mineral Survey No. 2224, Alaska, known as the Wadleigh 42 Placer, situate on unsurveyed public land, Ketchikan Mining District, Wadleigh Island, at latitude 55°34'N, longitude 133°08'W at corner No. 1 of the Wadleigh 42 placer.
Containing 3.442 acres.

Copper River Meridian, Alaska (Unsurveyed)

T. 73 S., R. 80 E.
Sec. 36 (fractional), all.
Containing approximately 213.25 acres.
T. 73 S., R. 81 E.
Secs. 1 and 2, all;
Sec. 3 (fractional), excluding U.S. Survey 2216;
Sec. 4 (fractional), excluding U.S. Surveys 1958 and 1569;
Sec. 5 (fractional), excluding Mineral Surveys 2201 and 2204;
Secs. 6 and 7 (fractional), excluding Mineral Survey 2201;
Sec. 8 (fractional), excluding Mineral Surveys 2201, 2204, and 2224;
Sec. 9 (fractional), excluding U.S. Surveys 923, 1101 and 1569, Native allotment applications AA–7542 Parcel A, and AA–7957 Parcel B, Klawock Island (excluded from the Tongass National Forest by Executive Order 4712) and Alaska Native Claims Settlement Act Sec. 3(e) applications identified by the U.S. Coast Guard as (a) Highwater Rock Daybeacon, AA–26430, (b) Klawock Island Light No. 8, AA–26433, (c) Klawock Ledge Daybeacon No. 9, AA–26434;
Sec. 10 (fractional), excluding U.S. Survey 923, 1569 and 2602, Native allotment applications AA–2874, AA–7542 Parcel B and AA–7957 Parcel A and the Klawock River;
Sec. 11 (fractional), excluding Native allotment applications AA–2874 and AA–7957 Parcel A and the Klawock River;
Sec. 12, N½;
Sec. 14, excluding Native allotment application AA–7957 Parcel A and the Klawock River;
Sec. 15 (fractional), excluding Native allotment applications AA–7542 Parcel B and AA–7957 Parcel A;
Sec. 16 (fractional), excluding Native allotment application AA–7542 Parcel A and Klawock Island (excluded from the Tongass National Forest by Executive Order 4712);
Sec. 17 (fractional), all;
Sec. 18 (fractional), excluding Native allotment application AA–7541 Parcel B;
Sec. 19 (fractional), excluding Native allotment application AA–7541 Parcel A;
Secs. 20 and 21 (fractional), all;
Secs. 22 and 23, all;
Sec. 24, S½
Secs. 25 to 28, inclusive, all;
Sec. 29 (fractional), all;
Sec. 30 (fractional), excluding Native allotment application AA–7541 Parcel A;
Sec. 31 (fractional), all;
Sec. 32 (fractional), excluding Native allotment application AA–7919 Parcel B;
Secs. 33 to 36, inclusive, all.
Containing approximately 13,291.43 acres.
T. 73 S., R. 82 E.
Sec. 9, SE¼SE¼;
Sec. 10, S½SW¼;
Sec. 15, W½, SE¼;
Sec. 16, E½, SW¼;
Sec. 17, S½;
Sec. 21, N½;
Sec. 22, all;
Sec. 27, N½, SE¼;
Sec. 35, W½NW¼, SE¼;
Sec. 36, N½SW¼.
Containing approximately 3,160 acres.

Lands Outside of the Tongass National Forest

(Executive Order 4712, August 30, 1927)

Copper River Meridian, Alaska (unsurveyed)

T. 73 S., R. 81 E.
Sec. 9, that portion identified as Klawock Island, excluding Native allotment application AA–7957 Parcel B, and U.S. Survey 1101;
Sec. 16, that portion identified as Klawock Island.
Containing approximately 84 acres.
Aggregating approximately 17,286.589 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in casefile AA–6984–EE, is reserved to the United States. The easement is

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subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

100 Foot Road—The uses allowed on a one hundred (100) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 14 C4) An easement, one hundred (100) feet in width, for an existing road from Klawock, northeasterly to Sec. 29, T. 72 S., R. 81 E., Copper River Meridian, where it connects with road EIN 30 G, on the Sealaska selection. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. The following third-party interests, if valid, created and identified by the U.S. Forest Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)). Special Use Permits Issued to:

a. Alaska Timber Corporation, for constructing, operating and maintaining a pipeline for water transmission for domestic and commercial purposes. Improvements allowed shall consist of one (1) prefab metal collection box, 6′ x 5′ x 3′ and one (1) 12″ fiberglass pipeline, 250′ long. This permit covers 0.02 acres and 0.05 miles and is located in Sec. 16, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

b. Alaska Timber Corporation/Ketchikan Pulp Company, for a sawmill consisting of butler type steel buildings containing one (1) head rig (band saw), band resaw, two (2) edgers, planing mill, generator and machine shop, deep water dock, office and four residences covering approximately 35.2 acres in Sec. 16, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

c. Cities of Craig and Klawock for the Crab Creek disposal area (sanitary land fill) 200′ x 200′ and access road 200′ long, located in Sec. 32, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

d. City of Klawock for water transmission, dam and reservoir consisting of two (2) pipes 10″ x 1,000′ and 8″ x 9,000′, one (1) dam 8½′ x 140′, one (1) storage tank (wooden) 100M–150M gallons, one (1) chlorinator station, a road 650′ long running from the highway to tank and chlorinator station and a reservoir covering 0.13 acres. This permit covers 5.75 acres and/or 1.93 miles and is located in Secs. 10, 11 and N½ Sec. 12, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

e. Town of Klawock for a cemetery located on approximately 3 acres in U.S. Survey 1958 and Sec. 4, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

f. State of Alaska, Department of Highways, Project S0924(5), for a road right-of-way 5.604 miles in length from the Craig Townsite elimination boundary to the Klawock townsite elimination boundary covering 90.282 acres and traversing Secs. 9, 16, 20, 21, 29 and 32, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

g. Alaska Department of Highways, for a road right-of-way one hundred (100) feet in width from the Klawak townsite elimination boundary to where it intersects with Klawock Airport access road. This permit covers 3.007 miles in length and contains approximately 36.448 acres and crosses in Secs. 2, 3 and 10, T. 73 S., R. 81 E., Copper River Meridian, Alaska.

5. A right-of-way, AA–5955, located in U.S. Survey 2602 and S½ of Secs. 10, 11 and N½N½ Sec. 14, T. 73 S., R. 81 E., Copper River Meridian, Alaska for a Federal Aid Highway, Act of August 27, 1958, as amended (23 U.S.C. 317), granted by the Federal Highway Administration to State of Alaska, Department of Highways by Highway Easement Deed, dated the 13th day of February 1967;

6. A right-of-way, AA–16139, for a Federal Aid Highway, act of August 27, 1958, as amended (23 U.S.C. 317), granted by the Federal Highway Administration, Bureau of Public Roads to the State of Alaska, Department of Highways by Highway Easement Deed, dated the 6th day of March, 1968, located in S½ Sec. 17, T. 73 S., R. 82 E., Copper River Meridian, Alaska.

7. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

Klawock Heenya Corporation is entitled to conveyance of 23,040 acres of land selected pursuant to Sec. 16(b) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 17,286.589 acres. The remaining entitlement of approximately 5,753.411 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance to the subsurface estate of the lands described above shall be granted to Sealaska Corporation when conveyance is granted to Klawock Heenya Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water body is considered to be navigable.

Klawock River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the KETCHIKAN DAILY NEWS. Any party claiming a property interest in lands affected by this decison may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 9, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decison shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Klawock Heenya Corporation, Box 25, Klawock, Alaska 99925
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801

Ricky M. Elliott,
Chief, Branch of Adjudication.

[FR Doc. 80-10711 Filed 4-8-80; 8:45 am]
BILLING CODE 4310-84-M

[C-22777]

Coal Lease Offering by Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Colorado State office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that certain resources in the lands hereinafter described in Jackson County, Colorado will be offered for lease by sealed bid of $25 or more per acre to the qualified bidder submitting the highest bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will held at 2:00 p.m., May 13, 1980, in Room 708 Colorado State Bank Building, Denver, Colorado. No bids received after 1:00 p.m., May 13, 1980, will be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 4,875,120 tons of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 10 miles east-southeast of Walden, Colorado:

T. 9 N., R. 78 W., 6th P.M. (Jackson County)
Sec. 22: NE¼, E½NW¼, SE¼
Sec. 23: SW¼SW¼
Sec. 28: W½SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, W½NW¼SE¼
Sec. 27: NE¼NE¼NE¼
containing 770 acres.

The coal quality is as follows: Btu—10,160; Sulfur—0.3%, Ash—6.4%; and varies between 40–70 feet in thickness under 300 feet of overburden. The coal is classified as sub-bituminous "B," and dips from 50 to 82 degrees toward the east.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease are available at the Bureau of Land Management, Room 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in Room 701.

Andrew W. Heard, Jr.,
Leader, Craig Team Branch of Adjudication.

[FR Doc. 80-10718 Filed 4-8-80; 8:45 am]
BILLING CODE 4310-84-M

Intergovernmental Planning Program; Gulf of Mexico and South Atlantic Regional Technical Working Groups; Meeting

As authorized by the Secretary of the Interior and pursuant to 43 CFR 1784 and 43 U.S.C. 1739(d), a meeting of the Intergovernmental Planning Program's (IPP) Gulf of Mexico and South Atlantic Regional Technical Working Groups will be held on May 14, 15, and 16, 1980. The meeting will be held in Rooms 631 and 648 of the F. Edward Hebert Building, 600 South Street, New Orleans, Louisiana. Meeting times are as follows:

A. May 14: 1:00 pm—4:00 pm C.S.T.
B. May 15: 8:30 am—4:00 pm C.S.T.
C. May 16: 8:30 am—11:30 am C.S.T.

The purpose of the meeting is to develop the New Orleans OCS Office Preliminary Draft Regional Studies Plan for FY 1982.

The meeting is open to the public and interested persons may make oral or written presentations. Summary minutes and a taped transcript of the meeting will be available for public inspection not later than 60 days after the meeting at the New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130.

Further information in regard to this meeting can be obtained from Sydney H. Verinder at the above office, telephone number (504) 589–6541.

John L. Rankin,
Manager, New Orleans Outer Continental Shelf Office.

March 31, 1980.

[FR Doc. 80-10082 Filed 4-8-80; 8:45 am]
BILLING CODE 4310-84-M

Nevada; Update on Wilderness Inventory Decisions Made on the Overthrust Belt Accelerated Wilderness Inventory

By publication in the February 8, 1980 **Federal Register**, pages 8731 and 8732, the BLM announced the decision on an accelerated wilderness inventory conducted on lands within the "Overthrust Belt" in Nevada, an area of high interest for oil and gas exploration. On March 18, 1980, the decisions on the following units were implemented:

Areas found to lack wilderness characteristics and removed from further wilderness review under Section 603 of the Federal Land Policy and Management Act are: NV–050–0118, 0121, 0122, 0123, 0124, 0125, 0136, 0137, 0143, 0144, 0145, 0157, 0159, 0162, 0163, 0164, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0230, 0232, 0422, 0428, 0440, 0441, and 0447.

Areas determined to possess wilderness characteristics, and identified as wilderness study areas, under Section 603 of the Federal Land Policy and Management Act are: NV–050–0139, 0156, 0166, and 0425. These areas will receive additional studies and be managed to maintain wilderness values.

A decision that the following units are wilderness study areas was protested, and the effective date of the decision for these areas is deferred until a determination and decision on each protest is issued: NV–050–0161, 0231, 0233, 0235, 0236, 0238, 0411, 0412, 0423, 0438, 04R–15. The State Director's decision on these areas protested will be published in the **Federal Register** on or about April 24, 1980. All of these units protested continue to be managed under Section 603 of the Federal Land Policy and Management Act.

Dated: March 31, 1980.

Edward F. Spang,
State Director, Nevada.

[FR Doc. 80-10089 Filed 4-8-80; 8:45 am]
BILLING CODE 4310-84-M

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Nevada; Update on Wilderness Inventory Decision on Pueblo Mountain Area

By publication in the February 15, 1980 **Federal Register**, page 10461, the BLM announced the decision for an accelerated wilderness inventory conducted in the Pueblo Mountains area of northwestern Nevada, units NV–020–642A and NV–020–642B. The decision on March 20, 1980 to remove the entire 5,680 acres of NV–020–642A and 3,880 acres of NV–020–642B from further wilderness consideration under Section 603 of the Federal Land Policy and Management Act, and to identify 800 acres of NV–020–642B as a wilderness study area was implemented on March 20, 1980. The wilderness study area will receive additional study and be managed to maintain its wilderness values.

This inventory was also conducted on lands in Oregon, administered by the Oregon State Office, Bureau of Land Management. A future **Federal Register** notice will address the Oregon portion of the inventory unit.

Dated: March 31, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80–10084 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Update on Wilderness Inventory Decision on Cedar Ridge Area of Elko County, Nev.

By publication in the February 14, 1980 **Federal Register**, page 10038, the BLM announced the decision for an accelerated wilderness inventory conducted on unit NV–010–088A, a subdivision of the original boundary of the Cedar Ridge wilderness study area, NV–010–088. The decision published was that unit NV–010–088A does not have wilderness values and is removed from further consideration under Section 603 of the Federal Land Policy and Management Act. That decision was implemented on March 20, 1980.

Dated: March 31, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80–10085 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Update on Wilderness Inventory Decision of Five Natural Areas

By publication in the February 14, 1980 **Federal Register**, pages 10037 and 10038, the BLM announced the decision on accelerated wilderness inventories conducted on five natural areas in Nevada. The decision issued in that **Federal Register** notice was implemented on March 20, 1980. It stated that the designated lands known as the Pine Creek Natural Area within NV–050–0414, Pinyon-Joshua Transition Natural Area within NV–050–0337 and NV–050–0338A, Heusser Mountain Bristlecone Pine Natural Area within NV–040–048A, Goshute Natural Area within NV–040–015, and Lahontan Cutthroat Trout Natural Area within NV–020–622 and NV–020–617 do not contain wilderness values. Natural area status will remain on these lands.

Dated: March 31, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80–10086 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Update on Wilderness Inventory Decisions on "Hickison" and "Macks Canyon" Areas

By publication in the February 14, 1980 **Federal Register**, page 10038, the BLM announced the decision for two accelerated wilderness inventories in Nevada. The "Hickison" unit, NV–060–386 and the "Macks Canyon" unit, NV–050–0408 were both found not to contain wilderness values. The decisions published were that both units do not contain wilderness values and that they are removed from further consideration under Section 603 of the Federal Land Policy and Management Act. Those decisions were implemented on March 20, 1980.

Dated: March 31, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80–10087 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

[Bitter Creek (MT–064–356)]

Montana Wilderness Inventory Final Decision; Lewistown BLM District

March 28, 1980.

This notice announces the final wilderness inventory decision for the Bitter Creek Unit (MT–064–356) in the Lewistown District. This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, Change 3.

The Bitter Creek Unit is located entirely within the Lewistown BLM District, approximately twenty-five (25) miles northwest of Glasgow, Montana.

The wilderness inventory for this unit was conducted in advance of the Statewide schedule because of potential conflicts with the proposed Northern Border Leg of the Alaska Natural Gas Transportation System. These lands were intensively inventoried during the 1979 field season for the presence or absence of wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act.

A proposed inventory decision was published in October 25, 1979, FR 61464. That announcement indicated that the unit was believed to possess wilderness characteristics and was proposed to become a Wilderness Study Area (WSA).

The October 25 **Federal Register** notice established a 60-day public comment period beginning October 22, 1979, and ending December 20, 1979.

During the public comment period, one public meeting was held in Glasgow, Montana, to discuss inventory findings with the public. All comments, whether mailed in or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before a final decision was made, were treated equally. They have been read, recorded, analyzed and, where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Lewistown District BLM Office, Airport Road, P.O. Drawer 1160, Lewistown, Montana 59457. The public comment record is also on file at this location and the Montana State BLM Office, 222 North 32nd Street, Billings, Montana 59101.

Final Intensive Inventory Decision

The following unit is identified as a wilderness study area:

Bitter Creek Wilderness Study Area #356—59,112 Acres (Lewistown, Montana District)

The 80,144 acre Bitter Creek Unit #356 has been divided into five parcels A through E. The following parcels are identified as a wilderness study area #356.

Parcel B—8,615 acres
Parcel C—11,091 acres
Parcel D—39,406 acres
Total—59,112 acres

The Northern Border Pipeline is proposed to follow a road corridor separating WSA units D and B. Detailed maps delineating this corridor are available for inspection at the Montana State BLM Office, Billings, the Valley Resource Area Office, Glasgow, and the Lewistown District BLM Office, Airport Road, Lewistown.

On the basis of public comments relating to roads and other impacts of man, two portions of the Bitter Creek Unit, as delineated on the final wilderness study area decision maps on file, are hereby dropped from further wilderness consideration:

Parcel A—16,882 acres
Parcel E—4,150 acres
Total—21,032 acres

This decision will become final at 4:30 p.m., Friday, May 9, 1980, unless timely protests are received by the Montana State Director. Persons wishing to protest this decision must file a written protest with the Montana BLM State Director (931), P.O. Box 30157, 222 North 32rd Street, Billings, Montana 59107, on or before close of business May 9, 1980. Only those protests received by the Montana State Office by the time and date specified will be accepted. Protests must include a clear and concise statement of reasons for the protests, including any supporting data available. Should protests be filed, the Montana State Director will consider such protests and issue a decision which will be subject to appeal under 43 CFR, Part 4, to the Department of the Interior, Board of Land Appeals.

Jack A. McIntosh,

Acting State Director.

[FR Doc. 80–10080 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

Ward, Colo., Vehicle Use Designation Order

Notice is hereby given in accordance with the provisions of Title 43 CFR 8364, Recreation Management, and in conformance with principles established by the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, that approximately 132 acres of land located south of Ward, Colorado, in north central Colorado are designated in the "closed" category. The entire area is closed to all motorized vehicles including snowmobiles. These restrictions do not apply to emergency, law enforcement and federal or other government vehicles while being used for official or emergency purposes, or to any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved by BLM.

The area affected by this designation lies approximately one half mile south and west of the town of Ward, Colorado. The specific boundaries include all public lands administered by the Bureau of Land Management that lie immediately east of State Highway 72 in Section 12.

Maps of this designation are posted along with this notice in the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212, and in the Northeast Resource Area Office, 10200 West 44th Avenue, Wheatridge, Colorado 80033. Maps of designated area are also available in these offices. The legal description of this area includes all public lands administered by the Bureau of Land Management with the areas described as follows:

Sixth Principal Meridian

T. 1N., R. 73W.—All of south half of Section 12 that lies east of Colorado Highway 72.

1. The purpose of this closure is to limit vehicle use in order to prevent further resources damage, protect the scenic and historic resources and limit trespass upon adjoining private lands.

2. Continued use of this area by motorized vehicles will cause excessive erosion, threaten the historic Switzerland Mt. Railroad rail bed and create a hazard to the public.

3. Adjoining land-owners have requested the BLM to restrict ORV use on BLM lands since indiscriminate use is causing trespass problems and damage to adjoining private lands.

4. Signs will be posted at all access points leading into the closed area.

This interim designation will become effective immediately and will remain in effect until further notice.

Gene R. Keith,

Acting District Manager.

[FR Doc. 80–10081 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Appalachian National Scenic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mid-Atlantic Region of the Appalachian National Scenic Trail Advisory Council will be held at Camp Swatara in Bethel, Pennsylvania on May 9 from 9:00 a.m.–5:00 p.m. The agenda of the meeting will include the Trail protection program, the cooperative management system and Trail planning.

The Council has been re-established by Pub. L. 95–248 to meet the consult with the Secretary of the Interior on general policies and specific matters relating to administration of the Appalachian National Scenic Trail. The Council was originally established by Pub. L. 90–543.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Harpers, Ferry, West Virginia 25425, at Area Code (304) 535–2346.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above adress. Copies of the minutes will also be available from Room 3120, Interior Building, 18th and C Streets, NW., Washington, DC and at the headquarters of the Appalachian Trail Conference, Washington Street, Harpers Ferry, West Virginia.

Dated: March 24, 1980.

David A. Richie,

Project Manager.

[FR Doc. 80–10034 Filed 4–8–80; 8:45 am]

BILLING CODE 4310–70–M

Pictured Rocks National Lakeshore Michigan; Availability of Assessment of Alternatives and Review of Alternatives for General Management Plan; Public Meetings

Notice is hereby given that the National Park Service, in compliance with Pub. L. 91–190 (83 Stat. 853), the National Environmental Policy Act of 1969, has prepared an assessment of the environmental impacts of several alternative means for the preservation, public use, development, and management of Pictured Rocks National Lakeshore.

The preferred alternative will be presented for review at a series of public meetings to be held at 7:00 p.m. as follows, with all dates in 1980:

April 28—Cafeteria, Munising High School, Munising, Michigan
April 29—Grand Marais High School, Grand Marais, Michigan
April 30—Don H. Bottum University Center, Northern Michigan University, Marquette, Michigan
May 1—Room 221, Natural Resources Building, Michigan State University, Lansing, Michigan

Copies of the Assessment of Alternatives and the Review of Alternatives are available at the Office of the Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, and at the Office of the Regional Director, Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

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Comments pertaining to the alternatives should be submitted to the Superintendent within fifteen (15) days after the conclusion of the public meetings. All comments received will be considered in the General Management Plan which will be prepared subsequent to the public review period.

Dated: March 28, 1980.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 80-10883 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-70-M

Cap Cod National Seashore

Cape Code National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92-464 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, May 2, 1980, at 1:30 p.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will consider the following matters: 1) Presentation by the Tranquility Lobby; 2) request by Provincetown Airport Commission for proposed Instrument Landing System; and 3) status report on Supplement to Assessment of Alteratives for Eastham Area, Cape Cod National Seashore.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts, 02663, Telephone 617-349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: March 31, 1980.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 80-10734 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Leases No. D-044240 and C-076713]

Availability for Public Review of a Major Modification to a Mining and Reclamation Plan for a Surface Coal Mine Proposed by Northern Coal Co. for the Rienau No. 2 Mine, Rio Blanco and Moffat Counties, Colo.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for public review of a proposed major modification to a coal mining and reclamation plan.

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations notice is hereby given that the Office of Surface Mining has received an application from Northern Coal Company for use of a facility to load Federal coal mined at the Rienau No. 2 Mine. A brief description of the location follows:

Location of Lands To Be Affected

Applicant: Northern Coal Company
Mine Name: Rienau No. 2
State: Colorado
County: Moffat
Township, Range, Section: T. 6N, R. 91W: 29 and 30
Office of Surface Mining Reference No.: CO-0008

The proposed modification includes use of a coal loadout facility, which is referred to as the "Wilson Loadout." The loadout facility is located approximately eight (8) miles southwest of Craig, Colorado and 37 miles northeast of the Rienau No. 2 Mine. The facility is immediately adjacent to State Highway 13/789 which connects Craig and Meeker, Colorado. Coal is proposed to be hauled from the Rienau No. 2 Mine by highway-rated trucks to this location, stockpiled, and loaded into railroad cars for shipment.

Presently, coal is trucked from the mine to a loadout and rail yard in Craig. Northern Coal Company is under an order from the Moffat County Planning Commission to abandon this existing loadout facility in Craig by December 31, 1980. The Wilson Loadout facility included in the proposed modification has been used in the past by the Colowyo Coal Company. (A rail line has been constructed to the Colowyo Mine, and as a result, Colowyo Coal Company no longer plans to use this loadout facility.) A notice, which appeared in the **Federal Register** on December 6, 1979, described Colowyo Coal Company's plan to retain a portion of the loadout facility for emergency use and to initiate reclamation on the remainder of the area. Northern Coal Company and Colowyo Coal Company have reported that a letter of intent to allow Northern Coal Company to actively use the Wilson Loadout facility is to be submitted to OSM. This notice serves to modify the **Federal Register** notice of December 6, 1979.

The proposed modification involves the use of approximately 16.2 acres which has been previously disturbed. Northern Coal Company proposes to use the existing facilities at the Wilson Loadout and to add equipment and additional facilities such as a portable office and tool shed, a fuel tank, a portable loading conveyor, and a portable crushing and screening plant. The coal loadout facility will be capable of loading approximately 500,000 tons per year and will have a stockpile capacity of approximately 100,000 tons.

The proposed modification to the mining and reclamation plan has been determined to be complete in terms of providing the major information necessary for a technical analysis (TA), and this notice is issued to inform the public of the availability of the plan for review. The Office of Surface Mining (OSM) will prepare a technical analysis to determine whether the proposed modification meets the requirements of SMCRA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information from the company. Any further information obtained would also be available for public review.

No action on the modified plan will be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the **Federal Register**. Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to Section 211.5(c)(2) of Title 30, Code of Federal Regulations.,

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, and at the Bureau of Land Management Office in Meeker, Colorado. Comments on the proposed modification to the mine plan may be addressed to the Regional Director, Office of Surface Mining, at the above address.

FOR FURTHER INFORMATION CONTACT: Dan Kimball or John Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Donald A. Crane,

Regional Director.

[FR Doc. 80-10716 Filed 4-8-80; 8:45 am]

BILLING CODE 4310-17-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. § 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 20

March 27, 1980.

MC 730 (Sub-480TA), filed August 23, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 N. Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Petroleum crude oil,* in bulk, in tank vehicles, from Trapp Springs, NV to Fruita, CO. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 S. Cherry Street, Denver, CO 80222. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 730 (Sub-500TA), filed January 18, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94595. Representative: Edgar E. Reddick (same address as applicant). *Chemicals, agricultural chemicals and plastic materials other than expanded flakes, pellets, granules, or powder NOI,* between the plant site, or warehouse facilities, of BASF Wyandotte, Corporation, Great Meadows, NJ; Cranbury, NJ; or South Brunswick, NJ, on the one hand, and on the other, all points in the United States, except Alaska and Hawaii, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BASF Wyandotte Corporation, 100 Cherry Hill Rd., Parsippany, NJ 07054. Send protests to: A. J. Rodriquez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 38921 (Sub-13TA), filed January 22, 1980. Applicant: KMA LEASING, INC., 1345 N. Mascher St., Philadelphia, PA 19122. Representative: James Rutherford (same address as applicant). *Malt beverages and materials and supplies used in the production and sale of malt beverages (except in bulk), including the return of empty malt beverage containers,* between the facilities of C. Schmidt & Sons, Inc., at or near Cleveland, OH and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MI, NH, NC, NJ, OH, RI, SC, VA, WV, for 180 days. Supporting shipper(s): C. Schmidt & Sons, Inc., 127 Edward St., Phila., PA 19123. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 107841 (Sub-4TA), filed January 3, 1980. Applicant: CONTAINERFREIGHT TRANSPORTATION COMPANY; 2300 East Sepulveda, Wilmington, CA 90744. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *General commodities in containers having a prior or subsequent movement by water and empty containers with prior or for subsequent movement by water,* between points in CA, OR and WA, on the one hand, and, on the other hand, points and places in AZ, CA, NV, OR and WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are approximately 4 shippers. The statements may be examined at the office listed below and headquarters. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 115841 (Sub-759TA), filed January 18, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Such merchandise as is dealt in by discount and variety stores (except commodities in bulk and explosives),* from Savannah, GA to points in WI, OH, TX, MI, IN, KY, MN, NY, PA, TN and IL, for 180 days. Supporting shipper(s): K Mart Corporation, 3100 W. Big Beaver, Troy, MI 48084. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124511 (Sub-58TA), filed October 15, 1979. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Iron and steel and iron and steel articles* from the facilities of United States Steel Corporation at or near Gary, IN to points in IL on and south of Interstate Hwy 74, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 134150 (Sub-23TA), filed December 26, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Contract carrier:* irregular routes: *Paper and paper products,* from the facilities of Container Corp. of America at or near St. Louis, MO to points in the United States in and west of MT, WY, CO and NM, for 180 days. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Container Corp. of America. Supporting shipper(s): Container Corporation of America, P.O. Box 1441, Ft. Worth, TX 76101. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 135821 (Sub-5TA), filed February 1, 1980. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth

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Drive, Billings, MT 59102. Representative: John L. Mohr, 111 West Main, Laurel, MT 59044. *General commodities;* except those of unusual value, dangerous explosives, commodities in bulk, and those injurious or contaminating to other lading, serving all points and places along US Hwy 90 between Bozeman, MT and Billings, MT, excluding all points and places between Livingston, MT and the junction of US Hwy 90 and US Hwy 89; all points and places along US Hwy 89 between the junction of US Hwy 89 and US Hwy 90 and the junction of US Hwy 89 and US Hwy 12, excluding all points and places between the junction of US Hwy 90 and US Hwy 89 and Wilsall, MT; all points and places along US Hwy 12 between the junction of US Hwy 89 and US Hwy 12 and Roundup, MT; all places and points along US Hwy 191 between Big Timber, MT and Moore, MT; all points and places along US Hwy 87 and State Hwy 200 between Moore, MT and Roundup, MT; all points and places along US Hwy 3 between Lavina, MT and Billings, MT; all points and places along US Hwy 90 between Billings, MT and Hardin, MT; all points and places along US Hwy 90 from Hardin, MT to the Montana/Wyoming border, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Town and Country GMC, 1415 1st Avenue North, Billings, MT 59101. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 142941 (Sub-47TA) (republication), filed May 7, 1979, previously noticed in the **Federal Register** of July 10, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. *Paper and paper products,* from the facilities of American Can Co., located at or near Menasha and Neenah, WI to points in AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., P.O. Box 702, Neenah, WI 54956. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Avenue, Phoenix, AZ 85025.

Note.—The purpose of this republication is to reflect CA as destination state in lieu of GA.

MC 146671 (Sub-11TA), filed March 30, 1979. Applicant: PRODUCE SERVICE INC., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Charcoal, charcoal briquets, fireplace logs, wood chips, lighter fluid and all related products* (except liquid commodities in bulk), from Meta, MO, to AZ, CA, CO, FL, GA, KS, NE, MS, NM, OK, OH, SD, TX, UT, and WA, for 180 days. An underlying ETA was granted for 20 days. Supporting shipper(s): Standard Milling Company, P.O. Box 410, Kansas City, MO 64141. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 148291 (Sub-7TA), filed January 11, 1980. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Commodities* as are dealt in or used by discount, variety and grocery stores, between Harrison, AR on the one hand, and, on the other, points in AL, AR, KS, LA, MO, MS, OK, TN, and TX, restricted to transportation of shipments originating at or destined to the facilities of Mass Merchandisers, Inc. in Harrison, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mass Merchandisers, Inc., Highway 43 East, Harrison, AR 72601. Send protests to: William H. Lund, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 148720TA, filed November 8, 1979. Applicant: JAMES R. and SHARON ANN AMESTOY, d.b.a. RIC AMESTOY TRUCKING CO., 14203 East Fanning Road, Stockton, CA 95205. Representative: Walter H. Walker III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract carrier,* irregular routes, *steel and steel products* between points in CA on the one hand, and, points in NV, OR WA, AZ, NM, ID, and UT on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aliance Pipe & Steel, Inc., 1533 East Waterloo Road, Stockton, CA; Cozad Trailers, Inc., 4907 Waterloo Road, Stockton, CA. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 149071TA, filed December 12, 1979. Applicant: W. H. JOHNS, INC., 35 Witmer Rd., Lancaster, PA 17602. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. *Paper and paper products,* and *materials, supplies and equipment used in the manufacture and distribution thereof except commodities in bulk, between points in the U.S. east of the western boundaries of MI, IN, KY, TN, and MS, (except NY, ME, NH, VT, CT, MA, and RI), limited to transportation to and from the facilities of Scott Paper Company, for 180 days. Supporting shipper(s): Scott Paper Company, Scott Plaza II, Phila., PA 19113. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 149260 (Sub-TA), filed January 30, 1980. Applicant: ASSOCIATED COURIERS, INC., 18806 13th Place, South, Seattle, WA 98148. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Commercial papers, documents, written instruments, audit media and other business records, film audit media and graphic arts material, office material, cancelled checks, cash letters, time perishable items, computer tapes, computer printouts, office media, payroll, emergency medical items,* between points in the Seattle, WA commercial zone and U.S.-Canada boundary line in Whatcom County, WA, for 180 days. Restricted to courier service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Washington Logging Equipment, Inc., 3402 C St. N.E., Auburn, WA 98002; Pacific National Bank of Washington, The Financial Center FC–8, Seattle, WA 98161; Seattle-First National Bank, 1551 Eastlake Ave. East, Seattle, WA 98102; BCS Co., 507 Industry Drive, Tukwila, WA 98188. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 149291 (Sub-1TA), filed January 28, 1980. Applicant: GARRY JAMES WILEY and GLEN MURRAY WILEY, t.a. WILEY BROS., R.R. No. 2, Tottenham, Ontario LOG 1WO. Representative: Thomas F. X. Foley, State Hwy. 34, Colts Neck, NJ 07722. Contract carrier—irregular routes. *Wheat by-products, in bulk and in bags,* between ports of entry on the International Boundary line between the United States and Canada in NY and MI, on the one hand, and, on the other, Battle Creek, MI; Chicago, IL; and Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hayhoe Mills, Ltd., Town of Vaughan, Ontario, Canada. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 149390 (Sub-1TA), filed December 18, 1979. Applicant: WY-TEX LIVESTOCK TRUCKING, INC., P.O. Box 30478, Amarillo, TX 79120. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Dry livestock feed and feed ingredients,* between points in AR, AZ, CO, KS, LA, NE, NM, OK, TX, MO, WY, ID and IA, for 180 days. Underlying ETA filed. Supporting shipper(s): Wilber-Ellis Co., P.O. Box 370, Clovis, NM 88101. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th Suite 600, Ft. Worth, TX 76102.

Passengers

MC 141460 (Sub-5TA), filed January 2, 1980. Applicant: THE GRAY LINE TOURS COMPANY, 1207 W. Third St., Los Angeles, CA 90017. Representative: Knapp Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Passengers and their baggage, in special operations, in round trip sightseeing and pleasure tours beginning and ending in Beaumont, Banning, Palm Springs, Hemet, Calimesa, Yucaipa, Thousand Palms, Indio, Rancho Mirage and Indian Wells, California, and extending to the port of entry on the United States—Mexico boundary line located at or near the southern-most terminus of Interstate Highway 5, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are approximately 8 shippers. The statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 145990 (Sub-3TA), filed October 30, 1979. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Avenue, Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918 16th Street, NW., Washington, DC 20006. *Alcoholic Beverages, except in bulk* from Lawrenceburg, IN to Waukegan, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lake Shore Distributors, Inc., 900 Lincoln, Waukegan, IL 60085. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

Notice No. 22

April 2, 1980.

MC 149299TA, filed October 4, 1979. Applicant: ATLANTIC METRO TRANSPORT, INC., 3501 Sinclair Lane, Baltimore, MD 21213. Representative: Robert B. Pepper, Highland Park, NJ 08904. *Contract Carrier:* Irregular Routes: *Concrete planks,* from Baltimore, MD, and Morrisville, PA to pts. in DE, DC, MD, NJ, PA and VA under a continuing contract or contracts with Strescon Industries, Inc., for 180 days. Supporting shipper(s): Strescon Industries, Inc., P.O. Box 67, Morrisville, PA 19067. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 149428TA, filed December 3, 1979. Applicant: HARLAND QUACKENBUSH, an individual d.b.a. H & D TRUCKING, 500 Dew Drop Cove, Casselberry, FL 32707. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Contract carrier,* irregular routes, *transporting paper and paper products* between points in ME, NH, VT, NY, MA, CT, NJ, PA, MD, WV, DE, DC, VA, NC, SC, GA, FL, IN, and OH, for 180 days. Restricted to traffic moving under contract(s) with Anderson Box Company, Inc., Indianapolis, IN. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Box Company, Inc., 151 No. Delaware St., Indianapolis, IN 46206. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

Notice No. F–16

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 93980 (Sub-3–1TA), filed February 5, 1980. Republication—originally published in **Federal Register** of February 27, 1980, page 12923, volume 45, No. 40. Applicant: VANCE TRUCKING COMPANY, P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. *Boards, building wall or insulating, fibre board or pulpboard of vegetable wood and/or mineral fibre* from Woodstock, VA to NC, SC, GA, FL, KY and TN. Supporting shipper: Johns Manville Sales, Inc., 200 No. Main St., Manville, NJ 08835.

MC 1455596 (Sub-3–1TA), filed March 17, 1980. Applicant: A & M EXPRESS, INC., 1136 Haley Rd., Murfreesboro, TN 37130. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Furniture, furniture parts, and materials used in the production, sale, and distribution of furniture,* between Murfreesboro, TN, and Fort Smith, AR, on the one hand, and, on the other, points in and east of KS, OK, NE, ND, SD, and TX. Supporting shipper: Samsonite Corp., Samsonite Blvd., Murfreesboro, TN.

MC 111545 (Sub-3–2TA), filed March 17, 1980. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May (same address as applicant). *(1) Trailers designed to be drawn by passenger automobiles, and (2) buildings, in sections, mounted on wheeled undercarriages,* from Louisville, KY, to points in the US (except AK and HI). Supporting shippers: Hall Contracting Co., 918 Grade Ln., Louisville, KY 40213, Mobile Office Equipment Co., 8202 Tolls Ln., Louisville, KY 40214, Trading Post Mobile Homes Inc., 8103 Dixie Hwy., Louisville, KY 40258, E. H. Hughes Co., P.O. Box 1062, Jeffersonville, IN 47130.

MC 119777 (Sub-3–7TA), filed March 26, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., HIGHWAY 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. *(1) Aluminum and aluminum products, and (2) parts and accessories used in the installation of the commodities in (1) above,* from the facilities of V.A.W. of America, Inc. in St. Johns County, FL to points in IL, IN, IA, KS, MI, MO, OH, and NV. Supporting shipper: V.A.W. of America, Inc., P.O. Box 367, Riviera Blvd., St. Augustine, FL 52084.

MC 150211 (Sub-3–2TA), filed March 17, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Edward F. Schiff, Suite 400, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Commodities used by, manufactured by, or distributed by International Paper Company and its subsidiaries,* except commodities in bulk in tank vehicles, between the facilities utilized by International Paper Company on the one hand, and on the other points in the states east of ND, SD, NE, CO, NM. Supporting shipper: International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 138882 (Sub-3–9TA), filed March 26, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). *Store furnishing and fixtures, and materials, equipment and supplies used in their manufacture, sales or distribution* between the facilities of Maytex, Inc., located at or near Terrell, TX, and points in the states of CO, IL, IN, IA, MD, MI, MN, NJ, NY, ND, OH, PA, SD, UT, and WI. Supporting shipper: Maytex, Inc., P.O. Box 729, Terrell, TX 75160.

MC 134105 (Sub-3–2TA), filed March 24, 1980. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: Garfield P. Raymond, Attorney at Law, Blanshan & Summerfield, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Shortening, lard, cooking oil, and oleomargarine* from the facilities of Bunge Edible Oil Corporation at Chattanooga, Tennessee to points in WV, VA, NC, SC, GA, AL, MS, and LA, restricted to traffic originating at the named origins and destined to the named destinations. Supporting shipper: Bunge Edible Oil Corp., P.O. Box 192, Kankakee, IL 60901.

MC 147787 (Sub-3–1TA), filed February 20, 1980. Applicant: SOUTHERN DRAYAGE, INC., 4223 Space Center Drive, P.O. Box 1983,

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Jackson, Mississippi 39205. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Mississippi 39205. *Furniture, uncrated and crated,* from the facilities of Madison Furniture Industries at or near Canton, MS to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, and WI, under a continuing contract or contracts with Madison Furniture Industries. Supporting shipper: Madison Furniture Industries, P.O. Drawer 111, Canton, MS 39046.

MC 134017 (Sub-3–1TA), filed March 14, 1980. Applicant: R. M. HENDERSON, d.b.a. H & M MOTOR LINES, 500 Pine Knoll Drive, P.O. Box 3585, Greenville, South Carolina 29608. Representative: Gerald K. Gimmel, Gimmel & Weiman, Suite 145, 4 Professional Drive, Gaithersburg, Maryland 20760. *Water (except in bulk)* from Jackson County, NC to points in FL, GA, AL, VA, SC, NC, LA, and MS, under a continuing contract with White Water Mountain Products, Inc. Supporting shipper: White Water Mountain Products, Inc., P.O. Box 391, Cashiers, NC 28717.

MC 107002 (Sub-3–3TA), filed March 24, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Gasoline and diesel fuel, in bulk,* from the facilities of Texaco, Inc., at or near Baton Rouge, LA to points in Warren County, MS. Supporting shipper: Harris Oil Company, P.O. Box 388, Vicksburg, MS 39180.

MC 138882 (Sub-3–8TA), filed March 24, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: Carl T. Meyer, P.O. Box 22601, Tampa, FL 33622. *Construction materials, and materials, equipment and supplies used in the manufacture of construction materials (except commodities in bulk in tank vehicles)* between the Celotex Corp., Russellville, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Jim Walter Corp., P.O. Box 22601, Tampa, FL 33622.

MC 150343 (Sub-3–1TA), filed March 24, 1980. Applicant: GARRISON HAULING CO., INC., P.O. Box 594, Thorsby, AL 35171. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *(1) Sand, gravel, slag, rock, fly ash, stone, fill dirt, and other coarse aggregates, (2) concrete products, finished and unfinished, and other cementitious products, (3) materials, equipment and supplies used in connection with the installation, distribution, and manufacture of the commodities in (1), and (2)* between AL, GA, SC, NC, TN, AR, LA, MS, KY, and FL. Restriction: restricted to traffic moving to, from or between the facilities of Sherman Industries, Inc., its affiliated companies and customers. Supporting shipper: Sherman Industries, Inc., 3240 Fayette Ave., Birmingham, AL 35208.

MC 148183 (Sub-3–2TA), filed March 21, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Meat and meat products, in mechanically refrigerated vehicles, in cans, containers, cartons, or packages* from Hall and Jackson Counties, GA to points in AL, DC, FL, IL, IN, KY, LA, MD, MI, MN, MO, MS, NC, NY, OH, PA, SC, TN, VA, and WI. Supporting shipper(s): DAK Foods, Inc., 2975 Memorial Park Rd., Gainesville, GA 30501, Diane's Foods of Georgia, Inc., 1133 Aviation Blvd., Gainesville, GA 30501, Dutch Quality House, P.O. Box 2397, Gainesville, GA 30503, Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301.

MC 112520 (Sub-3–1TA), filed March 24, 1980. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. *Fertilizer liquid sulfur, in bulk, in tank vehicles,* from Pelham, GA, to Charleston, Batesville, Clarksdale, and Rolling Ford, MS; Covington, Mason, Brownsville, Whiteville and Memphis, TN; Clarendon, Stuttgart, Forrest City, Jonesboro, Bes Arc, Carlisle, England, DeWitt, Newport, Searcy, Helena and Dermott, AR. Supporting shipper: Pelham Phosphate Company, Box 468, Pelham, GA 31779.

MC 150373 (Sub-3–1TA), filed March 24, 1980. Applicant: GUY H. DONALD, JR., d.b.a. CONTAINER TRANSPORT, INC., 3410 Edgewood Ave., Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. *General commodities (but not to include Classes A and B explosives),* between points in the commercial zone of Jacksonville, FL, restricted to traffic having a prior or subsequent movement by water. Supporting shipper: Puerto Rico Marine Management, Inc., P.O. Box 26483, New Orleans, LA 70186.

MC 138882 (Sub-3–6TA), filed March 24, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). *Dry dog food (except commodities in bulk, in tank vehicles)* from Tupelo, MS, and Red Bay, AL to points in the states of NC, SC, FL, IL, IN, KY, AR, MI, and WI. Supporting shipper: Sunshine Mills, Inc., P.O. Box 1483, Tupelo, MS 38801.

MC 150282 (Sub-3–1TA), filed March 21, 1980. Applicant: SUBURBAN HAULERS, INC., P.O. Box 451, Lithonia, GA 30058. Representative: Mark C. Ellison, Suite 329, 300 Interstate North Parkway, Atlanta, GA 30339. (1) *Crushed stone* from Fulton, Bibb, DeKalb, Newton, Warren, Muscogee, Forsyth and Douglas Counties, GA to points in AL, FL, SC, NC, TN, KY, MS, and LA, (2) *gravel, in bulk, in dump vehicles,* from Montgomery, AL and Chattanooga, TN to Atlanta, GA and its commercial zone, (3) *coal, in bulk, in dump vehicles,* from London and Manchester, KY, Chattanooga, Jellico, and La Follete, TN, Jasper and Birmingham, AL to Atlanta, GA and its commercial zone, and (4) *sand, in bulk, in dump vehicles,* from Montgomery, AL to Atlanta, GA and its commercial zone. Supporting shipper(s): Hybro-Tite Sales Co., P.O. Box 527, 6466 B Main St., Lithonia, GA 30058; Falcon Coal and Sand Co., 3319 Colony Dr., Conyers, GA 30208; J & B Slurry Seal Co., P.O. Box 1113, Stone Mtn., GA 30086.

MC 56679 (Sub-3–6TA), filed March 18, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *Canned goods:* (1) from Arlington and Ortonville, MN to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MO, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, and VA; and (2) from Bloomer, WI, to points in AR, CT, IL, IN, IA, KS, MD, MA, MI, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TX, and VT. Supporting shipper: Big Stone, Inc., 125 Columbia Court, Jonathon Industrial Center, Chaska, MN 55318.

MC 56679 (Sub-3–7TA), filed March 18, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *Cheese and cheese food,* from the facilities of Pace Dairy Foods, at or near Rochester, MN, to points in GA, WV, OH, IL, TX, MI, IN, AR, KY, TN, VA, and MO. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 59583 (Sub-3–1TA), filed March 18, 1980. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Common carrier:* regular routes: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Shenandoah Industrial Park in Coweta County, GA as an off-route point in connection with applicant's otherwise authorized regular-route operations Supporting shipper: Jack Eckerd Corporation, 2120 U.S. Highway 19 South, Clearwater, FL 33518.

MC 120910 (Sub-3–2TA), filed March 21, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard Davis (same address as applicant). (1) *Household liquid bleach and dish detergents;* and (2) *Materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1),* between the facilities of National Marketing Associates, Inc., located at or near New Orleans, LA, and points in AL, FL, GA, MS, and TN. Supporting shipper: National Marketing Associates, Inc., 1501 S. Louis Avenue, New Orleans, LA 70112.

MC 148784 (Sub-3–1TA), filed March 21, 1980. Applicant: EDWARD C. COMER, d.b.a. COMER TRUCK LINES, Route 1, Box 263, Morris, AL 35116. Representative: John R. Frawley, Jr., Attorney-at-law, 5506 Crestwood Blvd., Birmingham, AL 35212. *Welding wire and welding rods for machine welders; materials and components used in the manufacture, sale and distribution of welding wire and welding rods,* between the facilities of the Alabama State Docks located in or near Mobile, AL, and the facilities of ACCO Industries located in or near Bowling Green, KY. Supporting shipper: ACCO Industries, Inc., P.O. Box 1829, Bowling Green, KY 42101.

MC 58923 (Sub-3–1TA), filed March 24, 1980. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, Georgia 30315. Representative: William W. West (same as applicant). *Common carrier: regular* routes: (1) *general commodities, with the usual exceptions,* from Valdosta, GA, to Ft. Myers, FL, over U.S. Highway 41 (also, over U.S. Hwy 41 to junction over U.S. Hwy 301, then over U.S. Hwy 301 to junction FL Hwy 675, then over FL Hwy 675 to junction Hwy 70, then over FL Hwy 70 to junction FL Hwy 31, then over FL Hwy 31 to junction FL Hwy 80, then over FL Hwy 80; also, over U.S. Hwy 4 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction FL Hwy 29, then over FL Hwy 29 to junction FL Hwy 80, then over FL Hwy 80). Serving no intermediate points north of Glades, Hardee, Palm Beach, and Sarasota Counties. Serving points in Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Lee, Palm Beach, and Sarasota Counties as off-route points in connection therewith; (2) *General commodities, with the usual exceptions,* from Ft. Myers, FL, to Valdosta, GA, over U.S. Hwy 41 (also, over FL Hwy 80 to junction FL Hwy 31, then over FL Hwy 31 to junction FL Hwy 70, then over FL Hwy 70 to junction FL Hwy 675, then over FL Hwy 675 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 41, then over U.S. Hwy 41; also, over FL Hwy 80 to junction FL Hwy 29, then over FL Hwy 29 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 41, then over U.S. Hwy 41). Serving all intermediate points and points on, east, and north of U.S. Hwys 19 and 41 as off-route points in connection therewith; (3) *General commodities,* with the usual exceptions; and commodities, the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) in mixed loads with general commodities, from Ft. Myers, FL, to Valdosta, GA, over U.S. Hwy 41 (also, over FL Hwy 80 to junction FL Hwy 31, then over FL Hwy 31 to junction FL Hwy 70, then over FL Hwy 70 to junction FL Hwy 675, then over FL Hwy 675 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 41, then over U.S. Hwy 41; also, over FL Hwy 80 to junction FL Hwy 29, then over FL Hwy 29 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 41, then over U.S. Hwy 41). Serving all intermediate points and points on, east, and north of U.S. Hwys. 19 and 41 as off-route points in connection therewith. Also, with the authority to deliver said commodites to otherwise certificated points in Alabama and Georgia. Applicant intends to tack and combine all of the above referenced authority with its authorized operations, and to interline with other carriers. There are 34 statements of support attached to the application which may be reviewed at the Regional Office.

MC 144041 (Sub-3–1TA), filed March 24, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Such commodities as are dealt in or used by manufacturers and distributors of electric appliances,* between the facilities of Hamilton Beach Division-Scoville, Inc. at Washington, Clinton, and Farmville, NC and Byesville, OH on the one hand, and points in the United States (except AK and HI) on the other hand, restricted to the transportation of traffic originating at or destined to the facilities of Hamilton Beach Division-Scoville, Inc. Supporting shipper: Hamilton Beach Division-Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 146402 (Sub-3–2TA), filed March 24, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant). (1) *Paper and paper articles, plastic film, machinery NOI (except commodities that because of size or weight require specialized equipment) and chemicles NOI (except commodities, in bulk, in tank vehicles) and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodites, in bulk, in tank vehicles),* from the facilities of NCR Corp. at Humboldt, TN, Morristown, TN, and Mt. Joy, PA, to Brea, CA, Ogden, UT, and points in AL, AR, CT, DE, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, OH, PA, RI, TN, WV, WI, and DC. Supporting shipper: NCR Corp., 9095 Washington Church Rd., Miamisburg, OH 45342.

MC 106401 (Sub-3–1TA), filed March 24, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from the facilities owned or utilized by the Nestle Company, Inc. at or near Charlotte, NC, to points in TN on and east of Interstate Hwy 75 and points in VA. Supporting shipper: The Nestle Company Inc., 100 Bloomingdale Rd., White Plains, NY 10605.

MC 150389 (Sub-3–1TA), filed March 24, 1980. Applicant: STRICKLAND TRANSPORT-LEASING CO., INC., P.O. Box 416, Claxton, GA 30417. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Wood shavings, wood sawdust, wood chips and bark,* from the plant site of Georgia-Pacific Corporation at Belleville, GA to the plant site of Georgia-Pacific Corporation at Russellville, SC. Supporting shipper: Georgia-Pacific Corp., P.O. Box 1808, Augusta, GA 30903.

MC 56799, filed March 18, 1980. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601.

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Materials, equipment, and supplies used in the manufacture of appliance parts between the facilities of General Electric Company at or near Frankfort, KY, on the one hand, and, on the other, the facilities of General Electric Company at or near Bloomington, IN, restricted to the handling of the traffic originating at and destined to the above named points. Supporting shipper: General Electric Company, P.O. Box Y, Industrial Park Rd., Frankfort, KY 40602.

MC 107618 (Sub-3–2TA), filed March 20, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Ave. (P.O. Box 608), Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *Tires and articles handled and distributed by wholesale and retail tire distributors,* from Frazer, Conshohocken and Royersford, PA, Camden, NJ, Chicago, IL, Baltimore, MD, Akron, Findley and Rossford, OH, and Gadsden and Birmingham, AL, to points in FL. Supporting shipper(s): Ray's Tires, Inc., 901 NW 8th Ave., Ft. Lauderdale, FL 33311.

MC 11207 (Sub-3–1TA), filed March 21, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Iron and steel articles* between points in TX, on the one hand, and, on the other, points in AL, GA, KY, LA, MS, and SC. There are no supporting shippers. The purpose of this application is to eliminate the Natchez, MS gateway.

MC 135895 (Sub-3–2TA), filed March 21, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *(1) Fertilizer and fertilizer ingredients (except in bulk) and (2) materials, equipment and supplies used in the manufacture, distribution and sale of the commodities in (1) above (except in bulk)* between the facilities of Southeastern Chemical, Inc., at or near Jackson, MS, on the one hand, and, on the other, points in AL, AR, LA, TN and TX. Supporting shipper: Southeastern Chemical, Inc., 7 Lakeland Circle, Suite 600, Jackson, MS 39216.

MC 143594 (Sub-3–1TA), filed March 21, 1980. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Suite 13, Roswell, GA 30075. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Chemicals, in bulk in tank vehicles,* from the facilities of Reichhold Chemicals at or near Houston, TX to points in WI, OH, SC, CO, FL, IL, LA, MN, AR, OK, KS, AL and VA. Supporting shippers: Reichhold Chemicals, Inc., 2800 N. Loop West, Houston, TX 77018.

MC 99208 (Sub-3–1TA), filed March 21, 1980. Applicant: SKYLINE TRANSPORTATION, INC., P.O. Box 3569, Knoxville, TN 37917. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. *General Commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size and weight,* (1) Between Newport, TN and Charlotte, NC, and points in its commerial zone; serving no intermediate points: From Newport over Interstate Hwy 40 to its Junction with US Hwy 74 at or near Asheville, NC, then over US Hwy 74 to Charlotte, and return over the same route. (2) Alternate Route: Between Newport, TN and Charlotte, NC, and points in its commerical zone; serving no intermediate points: From Newport over Interstate Hwy 40 to Junction with Interstate Hwy 26 at or near Asheville, NC, then over Interstate Hwy 26 to its Junction with Interstate Hwy 85 at or near Spartanburg, SC, then over Interstate Hwy 85 to Charlotte, and return over the same route. The described routes to be joined at Newport to present routes authorized under MC 99208 and sub numbers so as to provide through service between Charlotte, NC and points in its commerical zone and all points authorized in MC 99208 and Sub numbers, in the States of AL, KY, and TN. For 180 days. Supporting shippers: There are 96 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant proposes to tack the authority sought here at Newport, TN with its existing operating authority and operate a through service between Charlotte, NC and all of applicant's present operating authority. Applicant proposes to interline with other carriers at Charlotte, NC, Knoxville, TN, and Birmingham, AL.

MC 147474 (Sub-3–2TA), filed March 19, 1980. Applicant: SOUTHWIRE COMPANY, Transportation Division, 126 Fertilla St., Carrollton, GA 30117. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. *PVC plastic resin* from Houston, TX and Baytown, TX to all points in GA. Applicant does not hold permanent motor contract, or common carrier authority. Supporting shipper: Sun Products Corp., P.O. Box 1280, Carrollton, GA 30117.

MC 126574 (Sub-3–1TA), filed March 21, 1980. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., NW., Suite 850, Washington, DC 20006. *Pre-cast architectural stone, pre-stressed structual concrete products and pre-stressed, pre-cast concrete products* from the facilities of Carolina Cast Stone Co., Inc. at or near Greensboro, NC, to Tysons Corner, Va. Supporting shipper: Carolina Cast Stone Co., Inc., P.O. Box 8967, Greensboro, NC 27410.

MC 126574 (Sub-3–2TA), filed March 21, 1980. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Peter R. Gilbert, Esq., 1919 Pennsylvania Ave., NW., Suite 850, Washington, DC 20006. *Pre-cast architectural stone, pre-stressed structural concrete products and pre-stressed, pre-cast concrete products* from the facilities of Carolina Cast Stone Co., Inc., at or near Greensboro, NC, to Richmond, VA. Supporting shipper: Carolina Cast Stone Co., Inc., P.O. Box 8967, Greensboro, NC 27410.

MC 140898 (Sub-3–1TA), filed March 20, 1980. Applicant: KENDRICK TRUCKING CORP., 728 Upsliner Rd., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney (same address as applicant). *Repair and maintenance parts for mining, earthmoving, quarrying equipment and vehicles used in mining, earthmoving and quarrying* from the facilities of Lakeshore, Inc. at Louisville, KY, to points in the states of GA, IA, LA, MD, MA, NY, PA, and VT. Supporting shipper: Lakeshore, Inc., 7749 National Turnpike, Louisville, KY 40214.

MC 148695 (Sub-3–4TA), filed March 19, 1980. Applicant: BOB BENNETT ENTERPRISES, INC., d.b.a., BOB BENNETT TRUCKING CO., Special Commodities Division, 966 Ashby Street, Atlanta, GA 30318. Representative: Frank J. Shannon, Suite 601, Flatiron Bldg., 84 Peachtree St., Atlanta, GA 30303. *New furniture* from Rome, GA and Dothan, AL to all points in the states of WI, NY and PA. Supporting shipper: Fox Manufacturing Co., P.O. Drawer A, Rome, GA 30161.

MC 61403 (Sub-3–1TA), filed March 17, 1980. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: James P. Ray (same address as applicant). *Can coatings, latex, paints, resins, and materials and supplies used in the manufacture thereof, in bulk, in tank vehicles,* between the plant sites of SCM Corp. at Huron, OH, and Carrollton, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115.

MC 114381 (Sub-3–1TA), filed March 17, 1980. Applicant: MEADORS MOTOR LINES, INC., 141 West Carolina Ave., Memphis, TN 38101. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. *General commodities (except household goods, commodities in bulk, articles which because of size or weight require the use of special equipment, articles of unusual value, and Class A and B explosives),* from the junction of TN State Hwys 57 and 125, over Hwy 125 to the MS state line, then over MS Hwy 15 to Walnut, MS and return over the same route. Supporting shipper: Dover Corp., Elevator Div., Horn Lake, MS 38637.

MC 144069 (Sub-3–3TA), filed March 17, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, 2501 North Tryon St., Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). *Iron and steel articles* (1) from the facilities of Florida Steel Corp. at or near Charlotte, NC to the facilities of Florida Steel Corp. at or near Tampa and Jacksonville, FL, (2) from Tampa and Jacksonville, FL to points in AL, GA, KY, NC, SC, TN, VA, and WV. Supporting shipper: Florida Steel Corp., P.O. Box 31067, Charlotte, NC 28231.

MC 138465 (Sub-3–1TA), filed March 17, 1980. Applicant: TOWNSEND HAULING, INC., Route 1, Box 19, Live Oak, FL 32060 Representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. *Fertilizer, in bags or in bulk,* from Clyo and Cordele, GA to points in FL on and north of Florida Highway 40. Supporting shipper(s): Gold Kist, Inc., 244 Perimeter Center Parkway, Atlanta, GA 30346.

MC 150221 (Sub-3–2TA), filed March 17, 1980. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. (1) *Fiberglass materials and products, fibrous glass textile materials and products, and plastic materials and products;* and (2) *Raw materials, supplies, machinery and equipment used in the manufacture, packing and installation of the commodities in (1) above (except commodities in bulk, in tank, hopper or dump vehicles),* between the facilities of Owens-Corning Fiberglas Corporation at or near Anderson, SC, on the one hand, and, on the other, the facilities of Owens-Corning Fiberglas Corporation at or near Huntingdon, PA and Ashton, RI, under a continuing contract(s) with Owens-Corning Fiberglas Corporation. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 123613 (Sub-3–1TA), filed March 21, 1980. Applicant: CLAREMONT MOTOR LINES, INC., 2800 North Tryon, Charlotte, NC 28206. Representative: D. R. Beeler, Claremont Motor Lines, Inc., P.O. Box 22168, McBride Lane Knoxville, TN 37922. *General Commodities (except those of unusual value, requiring the use of special equipment because of size or weight, Class A and B explosives, and household goods as described by the Commission),* from the facilities utilized by Empire State Shippers Association, located at or near Buffalo, NY, to points in TX and to Birmingham, AL. Supporting shipper: Empire State Shippers Association, P.O. Box 1185, Niagra Falls, NY 14240.

MC 138157 (Sub-3–10TA), filed March 24, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, 2931 S. Market St., P.O. Box 9596, Chattanooga, TN 37412. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities in bulk),* from points in Los Angeles County, CA to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restrictions: restricted to traffic originating at the facilities of Bostrum-Warren, Inc. Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore, dual operations may be involved. Supporting shipper: Bostrum-Warren, Inc., 110 W. Ocean Blvd., Long Beach, CA 90802.

MC 146927 (Sub-3–1TA), filed March 24, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Printing paper and wood pulp,* from the facilities of SCM Allied Paper, Inc., at or near Jackson, AL, to points in FL. Supporting shipper: SCM Allied Paper, Inc., 307 Industrial Rd., Jackson, AL 36545.

MC 138882 (Sub-3–7TA), filed March 24, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, Alabama 36081. (1) *Such commodities as are dealt in by manufacturers and distributors of small electric appliances* from facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH to points in the United States (except Alaska and Hawaii), and (2) *Such materials, equipment and supply commodities as are dealt in by manufacturers and distributors of small electric appliances* from points in the US (except Alaska and Hawaii), to facilities of Hamilton Beach Division at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH. Supporting shipper: Hamilton Beach Division, Scoville Inc., P.O. Box 1158, Washington, NC 27889.

MC 115841 (Sub-3–3TA), filed March 17, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: D. R. Beeler, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. (1) *Frozen Foods* from the facilities of Pure Packed Foods, Inc., located at or near Arlington, TN, to points in MN, NE, WI, KS, and CO; and (2) *Materials, equipment and supplies used in the maufacture, sale and distribution of the commodities in (1) above,* from points in DE, IL, GA, IA, MD, MA, MI, NH, and NJ, to the facilities of Pure Packed Foods, Inc., located at or near Arlington, TN for 180 days. Supporting shipper: Pure Packed Foods, Inc., Arlington, TN 38002.

MC 115841 (Sub-3–4TA), filed March 17, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: D. R. Beeler, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *(a) Such merchandise as is dealt in by wholesale, retail and chain grocery stores and food business houses, and in connection therewith, and equipment, material and supplies used in the conduct of such business; and (b) Toilet preparations, Viz: Catalogs, candles, shampoos, shaving cream and soap, bath salt, bubble bath and water softener compounds, medicated or perfumed, deodorants or disinfectants, dye stuffs, perfumery powder, sachet or toilet; tooth brushes, plastic trays, advertising display material, brushes, combs, compacts, toys, glassware, jewelry, and permanent hair waving kits; and (c) Household items, Viz: Cleaning compounds, soaps, softeners, textiles, bleaches, laundry starches, mops, brooms, brushes, waxing and polishing compounds, shampoo, permanent hair waving kits and air fresheners,* from Chicago, IL and its Commerical Zone to Charlotte, NC; Savannah, GA; Jackson, MS and Mobile, AL for 180 days. Supporting shipper: Topco Associates, 7711 Gross Road, Skokie, IL 60077.

MC 112617 (Sub 3–4 TA) filed March 24, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., Louisville, KY 40221 Representative: Larry W. Thompson,

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P.O. Box 21395, Louisville, KY 40221. *Sodium aluminum silicate, in bulk, in tank vehicles,* from Mobile, AL to Jeffersonville, IN. Supporting shipper: Colgate-Palmolive Company, State and Worner Streets, Jeffersonville, IN 47130.

MC 138956 (Sub-3–1TA), filed March 17, 1980. Applicant: ERGON TRUCKING, INC., 202 East Pearl St., Jackson, MS 39201. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628. *Barite, in bulk, in tank vehicles,* from Malvern, AR to Mobile, AL; Houma, Bossier City, Dulac and Monroe, LA; and Laurel, MS. Supporting shipper: N L Baroid/ N L Industries, Inc., P.O. Box 1675, Houston, TX 77001.

MC 135895 (Sub-3–3TA), filed March 17, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. (1) *paper and paper articles* and (2) *equipment, materials and supplies used in the manufacture of paper and paper articles (except commodities in bulk and those requiring special equipment);* between the facilities of Continental Forest Industries, a Division of Continental Can Company, Inc. (a) at or near Harahan, LA and points in AL, AR, FL, GA, LA, MS, TN and TX; and (b) at or near Atlanta, GA and points in AL, AR, FL, GA, KY, LA, MO, MS, NC, OK, SC, TN and TX, for 180 days. Supporting shipper: Continental Forest Industries, a Division of Continental Can Co., Inc., Harahan, LA, and Atlanta, GA.

MC 104683 (Sub-3–1TA), filed March 17, 1980. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Kackson, MS 39205. *Petroleum and liquid petroleum products,* in bulk, in tank vehicles, from the facilities of Exxon Company, USA at or near Baton Rouge, LA to points in AL, AR, FL, GA, IL, IN, KS, KY, MS, MO, NC, OK, SC, TN, and TX. Supporting shipper: Exxon Company, USA, P.O. Box 2180, Houston, TX 77001.

MC 140330 (Sub-3–1TA), filed March 17, 1980. Applicant: DEPENDABLE TANK LINES, INC., Route 1, Box 94, Red Level, AL 36474. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *(1) Wax Emulsion and Defoamer* from Columbus, GA to points in AL, FL, SC, LA, AR, MS, and TN; and *(2) Materials and supplies used in the manufacture and distribution of wax emulsion and defoamer* from points in AL, FL, SC, LA, AR, MS, and TN to Columbus, GA, for 180 days, under continuing contract or contracts executed and in force with South States Chemical Company, Inc. of Andalusia, AL. Supporting shipper: South States Chemical Company, Inc., 3961 Cusseta Road, Columbus, GA 31903.

MC 150319 (Sub-3–1TA), filed March 17, 1980. Applicant: WILMINGTON EXPRESS, INC., Post Office Box 540, Wilmington, North Carolina 28401. Representative: Ralph McDonald, Attorney at Law, Post Office Box 2246, Raleigh, North Carolina 27602. *Dry fertilizer and dry fertilizer ingredients (except in bulk in tank vehicles)* between points in NC, SC and VA. Supporting Shipper(s): There are four (4) statements in support attached to the application which may be examined at the Interstate Commerce Commission at the field office named below.

MC 146343 (Sub-3–1TA), filed February 29, 1980. Applicant: SOUTHERN EXPRESS CORP., 308 S. Ocean Blvd., Pompano, FL 33062. Representative: Daniel Sumner, 131 Airport Rd., Warwick, RI 02889. *Assorted wooden handles* from Conroe, TX to points in AL, AZ, AR, CA, CO, FL, GA, IL, KS, LA, MA, MD, MI, MN, MS, NJ, NC, NY, OH, PA, RI, SC, and TN. Supporting shipper: Owens Handle Company, Inc., 4200 North Fraziier, Conroe, TX 77303.

MC 140389 (Sub-3–1TA), filed March 5, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. *Bakery goods,* from Louisville, KY, to points in AL, AR, FL, GA, IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, NC, OH, SC, TN, and WI for 180 days. Supporting shipper: Mother's Cookie Company, 2287 Ralph Avenue, Louisville, KY 40216.

MC 150221 (Sub-3–1TA), filed February 19, 1980. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Synthetic pellets, chips, fiber, staple, and non-woven fabrics, and chemicals,* between Spartanburg, SC, and points in its commercial zone, Charlotte, NC, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, PA, and RI under a continuing contract(s) with Hoechst Fibers Ind. Supporting shipper: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304.

MC 150217 (Sub-3–1TA), filed February 22, 1980. Applicant: C & N EVANS TRUCKING CO., INC., R.F.D. 2, Box 39–E, Stoneville, NC 27048. Representative: Clarence B. Evans (same address as applicant). *Wearing apparel* from Alexander City, AL, Griffin, GA, Asheboro, Madison, Mayodan and Statesville, NC, and Martinsville, VA to Appleton, WI and Dallas, TX. Supporting shipper: Downers Inc., P.O. Box 535, Appleton, WI 54911.

MC 121664 (Sub-3–3TA), filed February 27, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. *Poles, piling, and posts* from Brownville, Tuscaloosa County, AL to points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Brownwood Preserving Company, Route 3, Box 389, Northport, AL 35478.

MC 121664 (Sub-3–4TA), filed February 27, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. *Lumber* from Rome, GA to points in and east of the Mississippi River. Supporting shipper: Smith Evans Lumber Company, P.O. Box 81, Rome, GA 30161.

MC 121664 (Sub-3–5 TA), filed March 4, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. *Poles, piling, and posts* from Huxford and Beatrice, AL and Windfield, LA to points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: International Paper Company, P.O. Box 160707, Mobile, AL 36616; Stalworth Timber Company, Beatrice, AL.

MC 135812 (Sub-3–1TA), filed March 11, 1980. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Rd., Nashville, TN 37210. Representative: Boyd Adams (same address as applicant). *New trucks, new trucks chassies* in initial and/or secondary movement in drive-away service from Wilmington, DE and its commercial zone to Allentown, PA. Supporting Shipper: Neely Coble Company, Inc., 1111 Polk Ave., Nashville, TN 37210.

MC 144140 (Sub-3–2TA), filed March 21, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). (1) *Such commodities as are dealt in by manufacturers and distributors of electric appliances* from the facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC; and Byesville, OH to points in the US in and east of MN, IA, MO, KS, OK, and TX, and (2) *such materials, equipment and supply commodities as are dealt in by manufacturers and distributors of*

electric appliances from points in the US in and east of MN, IA, MO, KS, OK, and TX, to the facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC; and Byesville, OH. Supporting shipper: Hamilton Beach Division, Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 140389 (Sub-No. 3–3TA), filed March 18, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. (1) *Such commodities as are dealt in by manufacturers and distributors of electric appliances,* from the facilities of Hamilton Beach Division . . . Scoville, Inc. at Washington, NC, Clinton, NC, Farmville, NC and Byesville, OH to points in the United States (except AL and HI), and (2) *such material, equipment and supplies as are dealt in by manufacturers and distributors of electric appliances,* from points in the United States (except AL and HI) to the facilities of Hamilton Beach Division . . . Scoville, Inc., at Washington, NC, Clinton, NC, Farmville, NC and Byesville, OH. Supporting shipper: Hamilton Beach Division, Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 114334 (Sub-3–1TA), filed March 17, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel, hot roll wire rod unfinished material for further processing* from Beaumont, TX to the plant site of Davis Walker Steel & Wire Corporation in Memphis, TN. Supporting shipper: Davis Walker Steel & Wire Corp., P.O. Box 18733, Memphis, TN 38118.

MC 148183 (Sub-3–1TA), filed March 14, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline Myers, Suite 348, Penn. Bldg., Pennsylvania and 13th St., NW., Washington, DC 20004. *Malt beverages and empty malt beverage containers* from the facilities of Stroh's Brewery Company at or near Toledo, OH to points in GA, Aiken, SC (and its commercial zone). Supporting shipper: The Stroh Brewery Company, One Stroh Brewery Company, Detroit, MI 48226.

MC 14490 (Sub-3–1TA), filed March 18, 1980. Applicant: STORY, INC., Route 1, Box 265, Henagar, AL 35978. Representative: David Story (same address as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* which are at the time moving on bills of lading issued by ABC–TNT, a freight forwarder as defined in Section 10102(8) of the Interstate Commerce Act, between points in: WA, OR, ID, NV, UT, AZ, CA, CO, NM, and TX, and points in MN, IA, MO, AR, LA, MI, IN, KY, TN, MS, AL, GA, FL, NC, SC, VA, WV, OH, MD, PA, NY, NJ, MA, CT, DE, RI, WI, IL, and DC. Supporting shipper: ABC–TNT, 2110 Alhambra Ave., Los Angeles, CA 90031.

MC 150366 (Sub-3–1TA), filed March 20, 1980. Applicant: BIG BEAR TRANSPORTATION CO., 326 11th Avenue, North, P.O. Box 23174, Nashville, TN 37202. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, NW., Washington, DC 20006. *Foodstuffs (except ice cream)* from the facilities of Polar Refrigerated Services, Inc. at Nashville, TN to points in AL, GA, KY, and TN, under a continuing contract or contracts with Polar Refrigerated Service, Inc., located at Nashville, TN. Supporting shipper: Polar Refrigerated Services, Inc., 326 11th Ave. North, Nashville, TN 37202.

MC 143621 (Sub-3–5TA), filed March 20, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 Fifth Avenue, North, Nashville, TN 37219. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Machinery and equipment moving on bills of lading of W. A. Nabors Company, Inc.* between points in the United States, except AK and HI. Supporting shipper: W. A. Nabors Company, Inc., Post Office Box 8056, Northeast Station, Nashville, TN 37207.

MC 111485 (Sub-3–1TA), filed March 20, 1980. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment):* serving the facilities used by Deena Lamp Company at or near Arlington, KY as an off-route point in connection with existing regular route authority, restricted to traffic originating at or destined to the named facilities. Applicant intends to tack with regular route general commodity authority in MC 111485 and interline with other carriers at Memphis, Nashville and Paris, TN, St. Louis, MO, and Louisville and Paducah, KY. Supporting shipper: Deena Lamp Company, Bertha Davis, Operations Manager, P.O. Box 158, Arlington, KY 42021.

MC 921 (Sub-3–1TA), filed March 20, 1980. Applicant: DEAN TRUCK LINE, INC., P.O. Drawer 631 (Fulton Drive), Corinth, MS 38834. Representative: William W. Odom, Jr., Dean Truck Line, Inc., P.O. Drawer 631 (Fulton Drive), Corinth, MS 38834. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment,* to serve the facilities of Union Camp Corporation at or near Huston, MS, as an off-route point in conjunction with its existing authority in MC 921 (Sub-21), between Montgomery, AL, and Tupelo, MS. Supporting shipper(s): Union Camp Corp., P.O. Box 326, Montgomery, AL 36101.

MC 121081 (Sub-3–1TA), filed March 20, 1980. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Iron and steel articles,* (1) from the facilities of Florida Steel Corporation in Mecklenburg County, NC to points in AL, DC, FL, GA, KY, MD, OH, SC, TN, VA, and WV, (2) from the facilities of Florida Steel Corporation at Raleigh, NC to points in DC, MD, SC, TN, and VA, (3) from the facilities of Florida Steel Corporation in Aiken County, SC to points in GA and SC; *Iron and steel articles; equipment; and materials and supplies used in the fabrication, distribution, and sales of iron and steel articles;* (4) from points in AL, DC, FL, GA, KY, MD, OH, SC, TN, VA, and WV, to the facilities of Florida Steel Corporation in Aiken County, SC, Mecklenburg County, NC, and Raleigh, NC. Supporting shipper: Florida Steel Corporation, P.O. Box 31067, Charlotte, NC 28231.

The following applications were filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 142920 (Sub-4–2TA), filed March 17, 1980. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract,* irregular: *Such commodities as are dealt in or used by manufacturers and distributors of sound, communication, educational and entertainment materials (except in bulk),* (1) from Hawthorne and Pitman, NJ, to Laurel, MD; and (2) from Laurel, MD, to Terre Haute, IN. An underlying

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ETA seeks 90 days authority. Supporting shipper(s): CBS, Inc., 51 West 52nd Street, New York, NY 10019.

MC 128860 (Sub-4-2TA), filed March 10, 1980. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, Wisconsin 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, Wisconsin 53719. *Contract,* irregular *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment, in mixed loads with malt beverages,* from LaCrosse, WI, and St. Paul, MN, to points in MD, NJ, NY, and PA. Restricted to transportation to be performed under a contract(s) with G. Heilman Brewing Company, Inc., LaCrosse, WI. Supporting shipper: G. Heileman Brewing Company, Inc. 925 South Third Street, La Crosse, WI 54601.

MC 147680 (Sub-4-1TA), filed March 11, 1980. Applicant: RICHARD TARVIN, INC., Rural Route No. 1, Dewey, IL 61840. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703, Telephone (217) 528-8476. *Soya meal* from Champaign, IL to the facilities of Bernard Schmitt & Sons at Poseyville, Indiana. Bernard Schmitt & Sons, Rural Route No. 1, Roseyville, IN 47633.

MC 128030 (Sub-4-1TA), filed March 10, 1980. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 96, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Advertising displays for animal feed; animal feed, animal feed ingredients, and materials and supplies used in the manufacture and distribution of animal feed;* from points in NY to Columbus, OH, Memphis, TN, Minneapolis, MN; Kansas City, MO, Dallas, TX, Smyrni, GA; Jacksonville, FL, Baltimore, MD, and Boston, MA. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058.

MC 119702 (Sub-4-1TA), filed March 10, 1980. Applicant: STAHLY CARTAGE CO., 119 S. Main Street, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Ammonium nitrate and fertilizers (dry and in solutions), in bulk,* from Selma, MO to points in IL. Supporting shipper: USS-Agri-Chemicals Division, United States Steel Corporation, 233 Peachtree Street, NE., Atlanta, GA 30303.

MC 107012 (Sub-4-1TA), filed March 10, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as above). *Recreational Equipment and Sporting Goods,* from the facilities of Kransco Manufacturing, Inc. at or near Virginia Beach, VA, to points in CT, DE, GA, IL, IN, KY, ME, MD, MA, MI, NH, JH, NY, NC, OH, PA, RI, SC, TN, VT, WV and WI. Supporting shipper: Kransco Manufacturing, Inc., 5816 Ward Court, Virginia Beach, VA 23455.

MC 107295 (Sub-4-5TA), filed February 29, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above). *Vermiculite and perlite* (other than crude), *plant bed media,* and *cement products, dry* (except commodities in bulk), from Pine Bluff, AR, to all points in the U.S. (except AK and HI), an underlying ETA seeks up to 90 days authority. Supporting shipper: Strong-lite Products Corp., P.O. Box Pine Bluff, AR 71611.

MC 150227 (Sub-4-1TA), filed March 5, 1980. Applicant: SAM R. HEDGE, d.b.a. HEDGE FREIGHT LINES, Rt. 1, Amerit, MN 56112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract carrier* over *irregular routes,* (1) *automobile parts and accessories and* (2) *materials, supplies and equipment* (except commodities in bulk), between Huron, SD and Savage, MN on the one hand, and points in the U.S. (except AK and HI) on the other hand. Supporting shipper: Master Motive, Inc., 5440 W. 125th St., Savage, MN.

MC 110988 (Sub-4-13TA), filed March 3, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Chemicals,* in bulk from the facilities of Stauffer Chemical Company in the Chicago, IL commercial zone to points in VA, GA, TN, FL, SC, and NC, an underlying ETA seeks up to 90 days authority. Supporting shipper: Stauffer Chemical Company, Nyala Farms Road, Westport, CT 06880.

MC 107323 (Sub-4-2TA), filed March 7, 1980. Applicant: GILLILAND TRANSFER CO., 7180 W. 48th St., Fremont, MI 49412. Representative: Donald B. Levieme, 39 S. LaSalle St., Chicago, IL 60603. *Such commodities as are used, manufactured, sold or distributed by manufacturers of baby foods, baby food products and baby supplies (except commodities in bulk)* between Chicago, IL and its commercial zone on the one hand, and, on the other, facilities of Gerber Products Company at or near Three Oaks, MI and Indianapolis, IN. Restricted to the transportation of traffic originating at or destined to the named Gerber Products Company facilities. Supporting shipper: Gerber Products Company, 445 State St., Fremont, MI 49412.

MC 133689 (Sub-4-8TA), filed March 4, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.E., Blaine, Minnesota 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. *Lamp Ballast* from Danville, IL to points in MD, MA, NJ, NY, and PA. Supporting shipper: General Electric Company, 1430 E. Fairchild, Danville, IL 61832.

MC 150246 (Sub-4-1TA), filed March 10, 1980. Applicant: BENTON TRUCKING SERVICE, INC., 13331 Inkster Road, Livonia, MI 48150. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Frozen meats and seafoods* from Dublin, CA, to Chicago, IL; Detroit, MI; Pittsburgh and Philadelphia, PA; Houston, TX; Atlanta, GA; Tampa, FL; Newark and Patterson, NJ; New York City, NY; Boston, MA; and points within the Commercial Zone of each of said points. Supporting shipper: Lemoing and Sons Land and Cattle Co., 6085 Scarlett Court, Dublin, CA 94566.

MC 134493 (Sub-4-1TA), filed March 13, 1980. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 800 S. Joliet Street, Joliet, IL 60435. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Such commodities as are dealt in or used by wholesale grocery or food business houses* (except commodities in bulk), from Chicago, IL and its commercial zone to Wright City, MO. Supporting shipper: ALDI's Incorporated, 515 W. Pearce Blvd., Wentzville, MO 63385.

MC 146643 (Sub-4-8TA), filed March 13, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., formerly known as David Creech Transportation Systems, Inc., 655 E. 114th St., Chicago, IL 60628. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Contract carrier, irregular routes, empty cans,* from Kansas City, KS to Momence, IL. Supporting shipper: Strongheart Products, Inc., P.O. Box 2009, 300 So. 55th St., Kansas City, KS 66110.

MC 124170 (Sub-4-1TA), Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Meats, meat products and meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk),* from points in the New York, NY commercial zone to points in IL, IN and OH, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shippers: Thomas Borthwick & Sons, U.S.A., Ltd; Atalanta Corp.; The Tupman Thurlow Co.; Pierce Trading Corp.; Farrell Brokerage Co.

MC 138144 (Sub-4-2TA), Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Chicago, IL 60603. *Face brick* from Endicott, NE and Concordia, KS to points in WI, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shippers: Butler Lime & Cement Company; South Milwaukee Lime & Cement Co.; Tews Lime & Cement; West Allis Lime & Cement Co.; Milwaukee, WI 53209.

MC 108185 (Sub-4-2TA), filed February 20, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 215 So. 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Common,* regular, *Flat bar, roll wire* and *steel tubing,* to the site of Federal Mogul Corporation at or near Hamilton, AL as an off route point in connection with presently authorized regular route operations. Supporting shipper: Federal Mogul Corporation, P.O. Box 1966, Detroit, MI 48235.

MC 128951 (Sub-4-1TA), filed February 22, 1980. Applicant: Robert H. DITTRICH d.b.a. BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). *Fertilizer and fertilizer ingredients* (except hazardous or placarded commodities), between Clear Lake, Mason City, and Sioux City, Iowa and their respective commercial zones, on the one hand, and, on the other hand, points in Minnesota. Supporting shipper: Land O'Lakes, Inc., 2827 8th Avenue, Dodge, IA.

MC 144527 (Sub-4-4TA), filed February 21, 1980. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 North Dearborn Street, Chicago, IL 60602. Representative: Patrick H. Smyth, Smyth & Guth, P.C., Suite 521, 19 South LaSalle Street, Chicago, IL 60603. *Such commodities as are used in the manufacture and distribution of new furniture,* from points in IL, IN, KY, MA, MI, NC, NJ, SC, and WI to Archbold, OH. Supporting shipper: Sauder Woodworking Co., 502 Middle Street, Archbold, OH 43502.

MC 145577 (Sub-4-1TA), filed February 21, 1980. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, OH 43215. (1) *Compressors, liquid or gas and evaporator coils* from Fostoria, Wapokenetta and West Union, OH, Rushville, IN and Hartselle, AL to points in CA, AZ, NM, TX and CO and (2) *used compressors for reconditioning* from points in CA, AZ, NM, TX and CO to Fostoria, Wapokenetta, and West Union, OH, Rushville, IN and Hartselle, AL, for 180 days. Supporting shipper(s): Copeland Corporation, Campbell Road, Sidney, OH 45365.

MC 1494 (Sub-4-1TA), filed February 21, 1980. Applicant: GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, WI 54494. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common, regular, General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), 1) Between Green Bay, WI and junction U.S. Hwy 10 and WI Hwy 54 at or near Waupaca, WI, over WI Hwy 54, serving no intermediate points; 2) Between Appleton, WI and junction U.S. Hwy 10 and WI Hwy 54 at or near Waupaca, WI over U.S. Hwy 10, serving no intermediate points; 3) Between Green Bay, WI and Milwaukee, WI: From Green Bay, WI over U.S. Hwy 141 to junction with Interstate Hwy 43, then over Interstate Hwy 43 to Milwaukee, WI and return over the same route; 4) Between Appleton, WI and Manitowoc, WI over U.S. Hwy 10; 5) Between Appleton, WI and Milwaukee, WI over U.S. Hwy 41; 6) Between Milwaukee, WI and junction U.S. Hwy 10 and WI Hwy 57, over WI Hwy 57, and 7) Between Appleton, WI and Green Bay, WI over U.S. Hwy 41. Serving all intermediate points in connection with routes (3), (4), (5), (6) and (7) and further serving as off-route points those points in WI bounded by a line beginning at Green Bay, WI and extending along U.S. Hwy 141 to junction with WI Hwy 23, then along WI Hwy 23 to junction WI Hwy 22, at or near Montello, WI, then along WI Hwy 22 to junction with U.S. Hwy 41, and then along U.S. Hwy 41 to the point of beginning, except no service to be provided at Larsen, Omro, Winchester, Wild Rose, Winneconne and points on U.S. Hwy 10 between Appleton, WI and junction WI Hwy 22 and U.S. Hwy 10, and serving the commercial zones of all service points; for 180 days. An underlying emergency temporary authority application seeks 90 days authority. Applicant intends to tack and interline. Supporting shippers: There are 41 supporting shippers.

MC 150108 (Sub-4-1TA), filed February 14, 1980. Applicant: GOLDEN ARCH EXPRESS, INC., One McDonald's Plaza, Oak Brook, IL 60521. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in by restaurants* (except commodities in bulk) between all points in the U.S. (Except AK and HI), restricted to traffic destined to the facilities of or used by McDonald's Corporation, its affiliates, franchises, and distributors. Supporting shipper: McDonald's Corp., Oak Brook, IL.

MC 106674 (Sub-4-6TA), filed February 21, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Iron and Steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles (except* commodities *in tank* vehicles) between Perth Amboy, NJ on the one hand, and, on the other, points in the U.S. in and East of MN, IA, MO, AR, and LA. Supporting shipper: Raritan River Steel Co., 225 Elm Street, P.O. Box 309, Perth Amboy, New Jersey 08862.

MC 145359 (Sub-4-1TA), filed January 24, 1980. Applicant: THERMO TRANSPORT, INC., P.O. Box 41567, Indianapolis, IN 46241. Representative: Don Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Lawn and garden equipment and supplies,* from the facilities of O.M. Scott & Son at or near Marysville, Columbus, and Vermillion, OH to points in Los Angeles, San Bernardino, Orange, Ventura, Kern, Madera, Fresno, Sacramento, San Mateo, Santa Clara, Imperial, San Joaquin, Solano, Alameda, Contra Cost, Marin, Napa, Riverside, Counties, CA, Clackamas, Multnomah, Yamhill and Washington, Counties, OR, Hartford, County, CT, DuPage, Will, Cook, and Lake, Counties, IL, Waukesa, Kenosha, and Dane, Counties, WI, Dallas, Tarrant, and Harris, Counties, TX, Middlesex, Essex, and Norfork, Counties, MA, Salt Lake, Morgan, Utah, and Wasatch, Counties, UT, Douglas, County, NE, King, Pierce, Snohomish, Mitsap, Spokane, Yakima, Kititas, Counties, WA. An underlying ETA seeks 90 days authority. Supporting shipper: O.M. Scott & Son, Marysville, OH.

MC 149415 (Sub-4-2TA), filed January 31, 1980. Applicant: WARCO TRANSPORTATION, INC., R.R. No. 2, Cassville, WI 53806. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Passengers* and their baggage, newspapers, and express, over regular routes as follows: From Bloomington, WI over WI Hwy 35 to junction WI Hwy 81. Then over WI Hwy 35 and 81 to Lancaster, WI, then over US Hwy 61 to junction State Hwy 35 serving Dickeyville and off route point Kieler,

WI, then over State Hwy 35 to junction US Hwy 20, serving East Dubuque, IL, then over US Hwy 20 to Dubuque, IA, then over US Hwy 52 to junction IA Hwy 386, then over IA Hwy 386 to the plant site of John Deere Dubuque Works, and return. over the same route. From Cassville, WI over WI Hwy 133 to junction US Hwy 61 serving intermediate point Potosi, WI, then over WI Hwy 133 to junction US Hwy 61, then over US Hwy 61 to junction State Hwy 35, serving Dickeyville, WI and off route point Kieler, WI, then over State Hwy 35 to junction US Hwy 20 serving East Dubuque, IL, then over US Hwy 20 to Dubuque, IA, then over US Hwy 52 to junction IA Hwy 386. Then over IA Hwy 386 to the plant site of John Deere Dubuque works, and return over the same route. From Bloomington, WI over WI Hwy 35 to junction US Hwy 18; then over US Hwy 18 to Fennimore, WI. Then over US Hwy 61 to junction State Hwy 35 serving Dickeyville and off route point Kieler, WI, then over State Hwy 35 to junction US Hwy 20 serving East Dubuque, IL, then over US Hwy 20 to Dubuque, IA. Then over US Hwy 52 to junction Hwy 386, then over IA Hwy 386 to the plant site of John Deere Dubuque Works, and return over the same route. Supporting shippers: Twenty-four supporting shippers.

MC 12655 (Sub-4–3TA), filed January 17, 1980. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Galen Meek (same as applicant). *Masonary supplies* from Pueblo and Denver, CO to WY and MT. Supporting shipper: WYO-Ben Supply, 3044 Hsper Road, P.O. Box 20317, Billings, MT 59104.

MC 908 (Sub-4–1TA), filed February 15, 1980. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., 4528 South McDowell Ave., Chicago, Illinois 60609 (Corporate Mailing Address: P.O. Box 171, Argo, IL 60501). Representative: Eugene L. Cohn, One North La Salle St., Chicago, IL 60602. *Cabinets, radio, phonograph tape or wire play or recorder, television amplifier or loud speaker, NOI, separate or combined without mechanism or electrical apparatus, SU or KD, Box type, portable or console materials, equipment and supplies used in the manufacture of cabinets.* Between the facilities of the Zenith Radio Corp. in the Chicago, IL., Commercial Zone on the one hand, And, on the other hand, Evansville, IN., An underlying ETA seeks 90 days authority. Supporting shipper: Zenith Radio Corporation, Albert S. Gleba, Section Mgr. Domestic Freight, 1900 No. Austin Ave., Chicago, IL 60639.

MC 108937 (Sub-4–1TA), filed January 17, 1980. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between St. Paul, MN and Litchfield, MN: From St. Paul over MN Hwy. 7 to junction MN Hwy. 22, thence over MN Hwy. 22 to Litchfield and return over the same route. Serving the intermediate point of Hutchinson, MN. (2) Between Hutchinson, MN and Glencoe, MN. over MN Hwy. 22, serving no intermediate points. Supporting shippers: 31.

MC 99565 (Sub-4–2TA), filing date January 28, 1980. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, WI 54401. Representative: Nancy J. Johnson, P.O. Box 218, 103 East Washington Street, Crandon, WI 54520. *Common, regular, General Commodities* (with the usual exceptions), Between Wausau, WI and St. Paul-Minneapolis, MN and its Commercial Zone: From Wausau, WI, over WI Hwy 29 to junction US 94, Then over to U.S. Hwy 94 to MN State Line, then MN US 12 to St. Paul-Minneapolis, MN and return over the same. Applicant intends to tack this authority with its regular route authority and interline at St. Paul-Minneapolis, MN. An underlying ETA seeks 90 days authority. Supporting shipper: There are (52) supporting shippers.

MC 148318 (Sub-4–1TA), filed January 22, 1980. Applicant: ROBINSON'S FAIRWIND TRANSPORT, LTD., 17850 Princeton, Country Club Hills, IL 60477. Representative: Eric D. Robison (same address as applicant). *General commodities,* (except those of unusual value, Classes A or B explosives, household goods as defined by the Commission, Commodities bulk and those requiring special equipment) between East Chicago, IL and points in IA, IL, IN, MI, MO, OH and WI, restricted to shipment originating at or destined to their facilities of Tri-State Fabricating and Welding, Co. An underlying ETA seeks 90 days authority. Supporting shipper: Tri-State Fabricating and Welding Co., 1520 E. Chicago, Ave., East Chicago, IL 46312.

MC 111496 (Sub-4–2TA), filed January 11, 1980. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Raymond E. Caturia (same address as applicant). Common; regular; *General Commodities, (with the usual exceptions) between St. Cloud, and Minneapolis/St. Paul, MN serving the intermediate point of Hutchinson, MN, from St. Cloud over MN Hwy 15 to Jct. MN Hwy 7, thence over MN Hwy 7 to Minneapolis/St. Paul and return over the same route. Supporting shipper: Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55101.*

MC 116273 (Sub-4–2TA), filed February 12, 1980. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Illinois. Representative: Robert G. Paulich (address same as applicant). *Petroleum grease in bulk, in tank vehicles,* from St. Paul, MN to Saginaw, MI. Supporting shipper: Metal Cote Grease and Oil Co., P.O. Box 16435, St. Paul, MN 55116.

MC 76266 (Sub-4–1TA), filed January 20, 1980. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 So. 11th Street, Minneapolis, MN 55403. Representative: Robert P. Stack, P.O. Box 6010, West St. Paul, Minnesota. (1) *Iron and steel articles,* from the facilities of North Star Steel Company at Monroe, MI to points in CO, IL, IN, IA, KS, MN, MO, NE, OH, and WI; and (2) *materials, equipment and supplies (except in bulk) used in the manufacture and distribution of iron and steel articles.* From the destination points in (1) above to the facilities of North Star Steel Company at Monroe, MI. Supporting shipper: North Star Steel Company, 2901 Metro Drive, Minneapolis, MN 55420, Leonard Huberty, Corporate Traffic Manager.

MC 128837 (Sub-4–1TA), filed February 28, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Canned goods (except in bulk) and supplies and materials used in the selling. Distribution and manufacture of canned goods* from the facilities of Joan of Arc Company, Inc. at Hoopeston and Princeville, IL to points in FL and TX. An underlying ETA application seeks 90 days authority. Supporting shipper: Joan of Arc Company, Inc., 2231 West Altorfer Drive, Peoria, IL 61614.

MC 150137 (Sub-4–1TA), filed February 25, 1980. Applicant: J & M TRUCKING, INC., Box 81, Stewardson, IL 62463. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract Carrier* Irregular routes, *Feed, feed ingredients and flour* between Teutopolis, IL on the one hand, and on the other, points in IN, IA, MN, KY, MO, SD and TN. Under contracts with Siemer Milling Company. An underlying ETA application seeks up to 90 days authority. Supporting shipper: Seimer Milling Company, 108 South Green Street, Teutopolis, IL 62467.

MC 115821 (Sub-4–1 TA), filed February 10, 1980. Applicant: BEELMAN TRUCK CO., P.O. Box 93, St. Libory, Illinois 62282. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Missouri 63101. *Flue dust, in bulk,* from Norfolk, NE, to facility of Frit Industries at Humboldt, IA. Supporting shipper: Frit Industries, Inc., P.O. Box 850, Ozark, AL 36360.

MC 19945 (Sub-4–1TA), filed March 7, 1980. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken (same as applicant). *Zinc oxide,* in bulk, from Hillsboro, IL., to La Platte, NE. Supporting shipper: Eagle Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 149744 (Sub-4–2TA), filed March 13, 1980. Applicant: ARCTIC AIR TRANSPORT, INC., 103 North Eau Claire St., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Meat, meat products, meat by-products, and related products distributed by meat packinghouses,* from Chicago, IL., to Carrolton, MO. An underlying ETA seeks up to 90 days authority. Supporting shipper: RKN Enterprises, 3851 Minges Road, Battle Creek, MI 49015.

MC 107012 (Sub-4–10TA), filed March 11, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Appliance parts,* between the facilities of Speed Queen Company located at or near Searcy, AR on the one hand and Ripon, WI on the other. Supporting shipper: Speed Queen Company, Doty Street, Ripon, WI 54971.

MC 148023 (Sub-4–1TA), filed January 29, 1980. Applicant: HACKE TRUCKING, 3742 Wadsworth Rd., Waukegan, IL 60085. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Contract; irregular; *Radioactive waste and radioactive waste shipping containers,* between radioactive waste disposal sites at or near Beatty, NV and Richland, WA, on the one hand, and, on the other, Zion, Morris and Cordova, IL; Palo, IA; and Bridgeman, MI. Supporting shipper: Hittman Nuclear and Development Corp., 2700 Kesslinger Rd., Geneva, IL 60134.

MC 125708 (Sub-4–4TA), filed March 3, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *iron and steel articles* from the facilities of North Star Steel Co. at or near Monroe, MI, to points in the U.S. (except AK and HI), and (2) *materials, equipment and supplies used in the manufacture and distribution of iron and steel articles* in the reverse direction. Supporting shipper: North Star Steel Co., 2901 Metro Drive, Minneapolis, MN 55420.

MC 15975 (Sub-4–1TA), filed March 17, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Alcoholic liquors,* in glass and/or in bulk in barrels, and *materials equipment and supplies used in the manufacture and distribution of alcoholic liquors* (except commodities in bulk in tank vehicles, and those requiring the use of special equipment), between Peoria, IL, Plainfield, IL and Bardstown, KY, on the one hand, and, on the other, points in IL, IN, KY, MO, IA, OH, MI, PA, WV and WI. Restricted to traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. An underlying ETA seeks up to 90 days authority. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61606.

MC 147039 (Sub-4–2TA), filed March 13, 1980. Applicant: TSI, 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, Virginia 22030. *Toys, hobby kits, model kits, oil, water or crayon paint kits, pre printed canvas for painting, wall panels or plaques for do it yourself pictures, and games,* from the facilities of the Fundimensions plant at Mt. Clemens, MI and Toledo, OH to points in AL, AZ, CA, CO, CT, DE, DC, FL, GA, IL, IA, KS, LA, MD, MA, MS, MO, NV, NH, NJ, NM, NY, NC, OK, OR, PA, RI, SC, TN, TX, VA, and WA. Supporting shipper: Fundimensions, Div. of CPG Products Corp., 26750 Twenty-Three Mile Rd., Mt. Clemens, MI 48043.

MC 107295 (Sub-4–7TA), filed March 17, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above.) *Insulation materials,* from Sedalia, MO, to points in NE, KS, OK, TX, LA, MS, AL, FL, GA, SC, PA, and MN. An underlying ETA seeks up to 90 days of authority. Supporting shipper: Pittsburg Corning, P.O. Box 716, Sedalia, MO 65301.

MC 107295 (Sub-4–8TA), filed March 17, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above.) *Fencing, and fence parts,* from Stephenson and Gladstone, MI, to points in the U.S. (except AK and HI). Supporting shipper: Habitant Fence Co., P.O. Box 111, Bay City, MI 48707.

MC 107295 (Sub-4–6TA), filed March 17, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above). *Prefabricated metal building parts, panels, and accessories,* from Bristol, CT, to all points in KY, OH, MI, IN, IL, WI, AR, WY, WA, CA, TN, FL and NV for 180 days. Supporting shipper: Morin Building Products, P.O. Box 503, 685 Middle Street, Bristol, CT 06010.

MC 117644 (Sub-4–1TA), filed March 17, 1980. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: David Rubenstein (same address as applicant). *Contract, Irregular, Motor Vehicle Parts, components, machinery, equipment or parts, materials and advertising matter,* From Center Line, Warren and Marysville, MI, and Chicago, IL, to Plymouth, MN. Restricted to shipments moving to, from, or between facilities used by Chrysler Corporation. Supporting shipper: Chrysler Corporation, Center Line, MI.

MC 114194 (Sub-4–3TA), filed March 10, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Products of corn,* dry, from Atchison, KS, to points in the U.S. (except AK and HI). Supporting shipper: Lincoln Grain Company, P.O. Box 436, Atchison, KS 66002.

MC 114194 (Sub-4–5TA), filed March 17, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Liquid orange juice concentrate, in bulk, in tank vehicles,* from Chicago, IL, to Bonner Springs, KS. An underlying ETA seeks 90 days authority. Supporting shipper: Bodine's Inc., 5757 W. 59th St., Chicago, IL 60638.

MC 114194 (Sub-4–6TA), filed March 17, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Sugar,* bulk, from Goodland, KS, to points in MO. An underlying ETA seeks 90 days authority. Supporting shipper: International Distributing Corp., 4240 Utah, St. Louis, MO 63116.

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MC 146314 (Sub-4–3TA), filed March 17, 1980. Applicant: G & T TRUCKING CO., Route No. 1, County Road 2 and 35 South, Elko, MN 55022. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Used construction equipment,* between points in IL, IA, KS, MN, MO, ND, SD and WI. Restricted to transportation of traffic originating at and destined to points in the named states. An underlying ETA application seeks authority for 30 days. There are four supporting shippers.

MC 105045 (Sub-4–2TA), filed March 17, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech, P.O. Box 3277, Evansville, IN 47731. *Decking, bar joists and accessories,* from Vulcraf Div. of Nucor Corp., Grapeland, TX to AL, AR, AZ, FL, LA, MS, NM, OK and TN for 180 days. Underlying ETA seeks up to 90 days authority. Supporting shipper: Vulcraf Div. of Nucor Corp., P.O. Box 186, Grapeland, TX 75844.

MC 148705 (Sub-4–3TA), filed March 15, 1980. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat, meat products, meat byproducts, and* articles distributed by meat packing houses, from Sioux City, IA and Buffalo Lake, MN to Jacksonville and Miami, FL. An underlying ETA seeks 90 days authority. Supporting shipper: Weinstein International Corp., 5738 Olson Highway, Minneapolis, MN 55422.

MC 144927 (Sub-4–2TA), filed March 7, 1980. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 W., Remington, IN 47977. Representative: Warren Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. (1) *Pulpboard,* in rolls, from Piermont, NY, to Eaton, IN; (2) *Printing paper,* other than newsprint, from West Carrollton, OH, to points in CT, IL, IN, MD, MO, NJ, NY, PA, and VA; (3) *Printed matter and finished books,* from Saddlebrook, NJ, Chicago, IL, Rockville, MD, Kansas City, MO, to points in MN, IA, MO, AR, LA, and all points in the U.S. east thereof; (4) *Finished books,* between points in NJ, NY, MA, and PA; (5) *Printed matter, magazines, paper and paper products, and materials, equipment and supplies used in the manufacture, processing, sale and distribution of printed matter, magazines, paper and paper products,* between Chicago (and its commercial zone), Dwight, Elk Grove Village, Broadview, Itasca, Mattoon, Melrose Park, Peoria, Elgin, and Wooddale, IL, Crawfordsville, Berne and Warsaw, IN, Willard, OH, Lancaster, PA, Old Saybrook, CT, Spartanburg, SC, Harrisonburg, VA, Glasgow, KY, Gallatin, TN, and Berlin and New Berlin and Milwaukee, WI, on the one hand, and, on the other, points and places in the US in and east of MN, IA, MO, AR, and LA; (6) *Paper and printed matter and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and printed matter and paper products,* between Chicago, IL; Lexington, KY; Versailles, KY; Taunton, MA; Indianapolis and Hammond, IN; Nashville, TN; Ossining, NY; and Muscatine, IA; on the one hand, and, on the other, points in MN, MO, NJ, NY, OH, PA, RI, IN, VA, WI, DE, DC, IL, IA, KY, CT, and MA. An underlying ETA seeks 90 days authority. There are thirty-one supporting shippers.

MC 114457 (Sub-4–5TA), filed March 12, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same as applicant). *(1) Snowthrowers and lawnmowers, (2) accessories, attachments, and parts for snowthrowers and lawnmowers,* from Johnson Creek, WI to points in the Unites States. (Except AK and HI). Supporting shipper: Wisconsin Marine, Inc., 1 Bobcat Lane, Johnson Creek, WI 53038.

MC 128837 (Sub-4–2TA), filed March 10, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Lumber, lumber products and particle board,* from points in AL, AR, LA, and MS to points in IA, IL, IN, MO, OH and KY. An underlying ETA seeks 90 days authority. Supporting shipper: Georgia Pacific Corporation, P.O. Box 520, Crossett, AR 71635.

MC 138367 (Sub-4–1TA), filed March 12, 1980. Applicant: TMI TRANSPORT CORP, 050 3rd Ave. W., Dickinson, ND 58601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract; irregular; New furniture,* from the facilities of Armstrong Furniture at Appomattox, VA, to points in IL, IA, MN, MO, MT, NE, ND, SD, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Thomasville Furniture Industries, Inc. (Armstrong Furniture Division), Box 339, Thomasville, NC 27360.

MC 120737 (Sub-4–1TA), filed March 13, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Cast iron pipe, fittings, and accessories,* from Radford, VA to points in the U.S. (Except AR, HI, CT, MA, ME, NH, NJ, NY, PA, RI and VT). Supporting shipper: Griffin Pipe Products Co., 2000 Spring Rd., Oakbrook, IL 60521.

MC 113651 (Sub-4–7TA), filed March 14, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggins Rd., Muncie, IN 47305. Representative: Henry Higgs (address same as applicant). *Such commodities as are manufactured or dealt in by manufacturers of safety razors and razor blades, toilet preparations, home security equipment, cigarette lighters, personal care products, and stationery products (except in bulk),* from Andover, MA to Louisville, KY. An underlying ETA seeks 90 days authority. Supporting shipper: The Gillette Co., Prudential Tower Bldg., Boston, MA 02199.

MC 150322 (Sub-4–1TA), filed March 18, 1980. Applicant: WILLIAM NOEL d.b.a. GREGORY MOTOR EXPRESS, 1221 W. Madison St., Chicago, IL 60607. Representative: Albert Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Store, tavern and restaurant fixtures and equipment,* between Chicago, IL on the one hand and, on the other, points in IN, WI and MI. An underlying ETA seeks 90 days authority. Supporting shipper: Eagle Store Fixture Co., 1233–35 W. Madison, Chicago, IL, IL.

MC 150312 (Sub-4–1TA), filed March 17, 1980. Applicant: HAROLD A. WALKER, d.b.a. TRANSAMERICAN DISTRIBUTORS, 4956 101st St., Grand Junction, MI 49056. Representative: Patrick Smyth, Suite 521, 19 S. LaSalle St., Chicago, IL 60603. *Contract; Irregular; Such commodities as are dealt in by retail department stores and mail-order houses, and materials, supplies and equipment for these commodities,* between points in IL, IN, MI, and OH, under continuing contract(s) with Aldens, Inc. An underlying ETA seeks 90 days authority. Supporting Shipper: Aldens, Inc., 500 W. Roosevelt Rd., Chicago, IL 60607.

MC 115651 (Sub-4–3TA), filed February 28, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Illinois 61102. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 666 11th Street, Washington, D.C. 20001. *Solvents,* in bulk, in tank vehicles from (1) Watertown, WI to points in IA and IL, and (2) from points in IA and IL to Watertown, WI. Supporting Shipper: Do Corp, P.O. Box 476, Watertown, WI. 53094.

MC 134665 (Sub-4–3TA), filed February 8, 1980. Applicant: ATKINS TRUCKING, P.O. Box 4, Tea, SD 57064. Representative: Claude Stewart, 5301 North Cliff Avenue, P.O. Box 480, SD 57101. *Animal and poultry feed ingredients* from plant sites of International Mineral and Chemical Company, at or near Carlsbad, NM; To Sioux Falls, and Huron, SD. Supporting shipper: Zip Feed Mills, 304 East Eighth Street, Sioux Falls, SD 57102.

MC 140615 (Sub-4–1TA), filed February 22, 1980. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, Wisconsin 54494. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 20006. *liquid soap, ammonia, bleach, fabric softeners and detergents,* from the facilities of Manhattan Products, Inc. and Laundry Aids, Inc. at Carlstadt, NJ to points in IL, IN, KY, MA, MI, NY, OH and PA. Supporting shipper: Manhatten Products, Inc., 333 Starkes Rd., Carlstadt, New Jersey 07072.

MC 29745 (Sub-4–1TA), filed February 21, 1980. Applicant: BODGE LINES, INC., 501 South West Street, P.O. Box 546, Indianapolis, IN 46206. Representative: Phillip Price, Attorney at Law, 1444 Consolidated Bldg., Indianapolis, IN 46204. *General commodities, except articles of unusual value, classes A&B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* serving the facilities of Eli Lilly and Co. at or near Clinton, IN as an off route point in connection with carrier's regular route authority North at Terre Haute, IN on IN Hwy 63 to facilities of Eli Lilly and Company at or near Clinton, IN and return to regular route authority. Supporting shipper: Eli Lilly and Company, 307 East McCarty Street, Indianapolis, IN 46285.

MC 126133 (Sub-4–1TA), filed February 28, 1980. Applicant: GENERAL LEASING, INC., 1621 South 15th Street, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Contract carrier, malt beverages,* from Omaha, NE, St. Paul, MN, and Monroe, WI to Dubuque, IA, under a contract with Best Beers Corp., Dubuque, IA. An underlying ETA seeks 90 days authority. Supporting shipper: Best Beers Corporation, 2554 Rockdale Road, Dubuque, IA 52001.

MC 51146 (Sub-4–19TA), filed February 19, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *General Commodities (except commodities in bulk)* between the facilities of, Central Ohio Shippers Coordinated Corporation at Columbus, OH on the one hand, and, on the other, New York, NY and its commercial zone; Philadelphia, PA; Boston, MA; Chicago, IL; and Manchester, VT. Restricted to traffic originating at or destined to the above-named points. Supporting shipper: Central Ohio Shippers Coordinated Corp., P.O. Box 2622, Columbus, OH 43216.

MC 107012 (Sub-4–8TA), filed February 22, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, same as applicant. *Paper,* from the facilities of Scott Paper Company located at or near Winslow, ME to the facilities of Scott Paper Company located at or near Rogers, AR. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 30937 (Sub-4–1TA), filed February 21, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314–39th Avenue, Kenosha, Wisconsin 53142. Representative: Paul F. Sullivan, Attorney, 711 Washington Bldg., N.W., Washington, D.C. 20005. *Automotive Leaf Springs* from the International Boundary at Eagle Pass, TX to Detroit, MI. Supporting shipper: Chrysler Corporation, 6334 Lynch Road, Detroit, MI 48231.

MC 150068 (Sub-4–1TA), filed February 5, 1980. Applicant: A & M EXXON, 300 East Chestnut, Corydon, Indiana 47112. Representative: William H. Davis, 102 N. Capitol Ave., Corydon, Indiana 47112. *Motor vehicles and all things incidental to the operation of a Wrecker* from, to or between points in the US. Supporting shipper: Bush Trucking Co., Inc., New Salisbury, IN 47161.

MC 127811 (Sub-4–2), filed February 13, 1980. Applicant: BRYNWOOD TRANSFER, INC., 175-8th Ave. S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *(1) Iron and steel articles* and *(2) materials, supplies and equipment used in the manufacture of iron and steel articles (except commodities in bulk).* (1) From the facilities of North Star Steel Company at or near Monroe, MI to points in the US (except AK and HI) and (2) from points in the US (except AK and HI) to the facilities of North Star Steel Company at Monroe, MI. Supporting shipper: North Star Steel Company, 2901 Metro Drive, Minneapolis, MN 55420.

MC 123048 (Sub-4–1TA), filed February 28, 1980. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021–21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Iron and steel articles,* from the facilities of Nucor Steel, A Division of Nucor Corp., at or near Norfolk, NE to points in the States of AL, AR, LA, GA, MX, OK, TN and TX. Supporting shipper: Nucor Steel, a Division of Nucor Corp., Rural Route 1, Norfolk, NE.

MC 139697 (Sub-4–1TA), filed February 27, 1980. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *4-wheel drive equipped trucks and vans, in secondary movements, in driveaway and truckaway service,* from the facilities of Pathfinder Equipment Company in Warren, OH to points in the US (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper(s): Pathfinder Equipment Company, 1265 Johnson Drive, City of Industry, CA 91745.

MC 135052 (Sub-4–1TA), filed March 3, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 47176. Representative: Warren C. Moberly, Attorney at Law, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. *Mineral wool and insulation products and materials, and materials and supplies used in the manufacture of mineral wool and insulation products and materials,* from points in the States of AL, AR, CT, DE, FL, GA, IA, IL, KS, KY, LA, MD, ME, MA, MI, MN, MO, MS, NE, NH, NJ, NC, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, to Shelbyville and Indianapolis, IN.

MC 118696 (Sub-4–6TA), filed February 28, 1980 Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Materials, equipment and supplies* used in the manufacture and distribution of television sets, from Bryan, OH; Columbus, IN; Edinburgh, IN and Jonesville, MI to Lebanon, TN and Nashville, TN; (2) *Television sets,* from the facilities of Toshiba America, Inc. at Lebanon, TN to New York City, NY and its commercial zone, and Chicago, IL and its commercial zone. Supporting shipper: Toshiba America, Inc., 1420 Toshiba Drive, Lebanon, TN.

MC 142848 (Sub-4–2TA), filed February 25, 1980. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Glass containers, cartons, caps and closures,* from Parkersburg, WV to points in IL,

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IN, MI, OH, KY; (2) *Materials, equipment and supplies* used in the manufacture, distribution or sale of glass containers, cartons, caps and closures, (except in bulk), in the reverse direction. Restricted to traffic originating at or destined to the facilities of the National Bottle Manufacturing Company. Supporting shipper: National Bottle Company, 1 Bala Plaza, Bala Cynwyd, PA 19004.

MC 51146 (Sub-4-22TA), filed February 26, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of school and office furniture from Temple and Henderson, TX to Appleton, WI,* an underlying ETA seeks up to 90 days authority. Supporting shipper: Valley School Suppliers, Inc., 1000 N. Blue Mound Drive, Appleton, WI 549111 (Dave Tiedt).

MC 145042 (Sub-4-1TA), filed February 4, 1980. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Street, Zeeland, Michigan 49464. Representative: James R. Neal, Loomis, Ewert, Ederer, Parsley, Davis & Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. (1) *such merchandise as is dealt in by agricultural feed business houses and (2) materials, ingredients, equipment and supplies used in the manufacture, distribution and sale of the items in (1) above* from Lafayette, IN to Lansing, MI. Restricted to shipments originating at or destined to the facilities of Ralston Purina Company. Supporting shipper: Ralston Purina, St. Louis, MO.

MC 124078 (Sub-4-15TA), filed March 13, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Clay,* in bulk, in tank vehicles from Andersonville, GA to Port St. Joe, FL. Supporting shipper: Allied Chemical Corporation, Chemical Co., Joseph D. Guittari, Senior Analyst—Traffic, P. O. Box 1139R, Morristown, NJ 07960.

MC 107012 (Sub-4-12TA), filed February 28, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, (same as applicant). *Toys and games* from the facilities of Fisher-Price Toys located at or near Brownsville, TX to the facilities of Fisher-Price Toys located at or near Murray, KY. Supporting shipper: Fisher-Price Toys, East Aurora, NY 14052.

MC 107012 (Sub-4-13TA), filed February 28, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, (same as applicant). *Barbecue grills and parts and accessories for barbecue grills* from the facilities of Turco Manufacturing Company at or near DuQuoin, IL to Phoenix and Glendale, AZ; Denver, CO; Salt Lake City, UT; and points in CA, OR and WA. Supporting Shipper: Turco Mfg. Co., 501 South Line, DuQuoin, IL 62832.

MC 148148 (Sub-4-1TA), filed March 10, 1980. Applicant: UNION MILLS TRANSPORT, INC., 2017 West 1000 South, Union Mills, IN 46382. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Castings,* from the facilities of Teledyne Casting Service at LaPorte and Kingsbury, IN, to points in IL, MI, WI, OH, TN, KY, and IA; (2) *Materials, equipment and supplies used in the manufacture, sale and distribution of castings,* in the reverse direction for 180 days. Restricted to a contract(s) with Teledyne Casting Service. An underlying ETA seeks up to 90 days of authority. Supporting shipper: Teledyne Casting Service, 200 Philadelphia Street, LaPorte, IN 46350.

MC 150066 (Sub-4-2TA), filed February 27, 1980. Applicant: MULTI-STATES TRANSPORT, INC., 12800 South Butler Drive, Chicago, Illinois 60633. Representative: Maxwell A. Howell Esquire, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. *Contract carrier, Irregular routes; iron and steel articles, refractories, alloys, scrap,* and *materials and supplies* used in the manufacture thereof, betwen Alton, Chicago, Madison, and East St. Louis, IL, and Gary, IN, on the one hand, and, on the other, points in IL, IA, IN, KY, MI, MN, NE, NJ, OH, PA, TN, and WI, MS, NC, WV, and TX, under contracts with Century Steel Corporation, Chicago Heights, IL; Hyman-Michaels Co., Division of Axcon, Chicago, IL; Action Metals, Inc., Gary, IN; and Steel Mill, Inc., Gary, IN. Supporting shippers: Century Steel Corp., Chicago Heights, IL, Hyman-Michaels Co., Div. of Axcon, Chicago, IL; Action Metals, Inc., Gary, IN; and Steel Mill, Inc., Gary, IN.

MC 146886 (Sub-4-1TA), filed March 11, 1980. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th Street, Hales Corners, Wisconsin 53130. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, Wisconsin 53705. *Laundry care products, home care products, beauty care toiletry products, stainless steel cookware, cutlery and food supplements (except commodities in bulk)* from the facilities of Amway Corporation, at or near Des Moines, IA to points in WI, MN and the Upper Peninsula of MI. An underlying ETA seeks up to 90 days. Supporting shipper: Amway Corporation, 7575 East Fulton Road, Ada, Michigan 49355.

MC 136899 (Sub-4-3TA), filed February 19, 1980. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Show displays and exhibits and machinery, equipment, materials and supplies* used in connection therewith, for display and show purposes only, between Elk Grove Village, IL and it's commercial zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Exhibitgroup Chicago, Inc., 2800 Lively Boulevard, Elk Grove, IL 60007.

MC 150127 (Sub-4-1TA), filed February 19, 1980. Applicant: Commanche Express Lines, Inc., Suite 132, 4585 Representative: South Harding St., Indianapolis, IN 46217. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Agricultural gypsum and limestone, except in bulk,* from Irvington, KY to points in the U.S. in and east of MN, IA, MO, AR, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: American Pelletizing Corp., P.O. Box 3628, Des Moines, IA 50322.

MC 147264 (Sub-4-1TA), filed February 19, 1980. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood, Muncie, IN 47302. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Bananas and agricultural commodities exempt from regulation under Section (b)(6) of the Act when transported in mixed loads with bananas,* from Gulfport, MS to points in OH, IN, IL, MI, KY, MO, KS and WI. An underlying ETA seeks 90 days authority. Supporting shippers: Chiquita Brands, Inc., 15 Mercedes Dr., Montvale, NJ 07645, Gentille Bros., 316 Produce Dr., Cincinnati, OH, Crossett Company, Inc., 205 Central Ave., Cincinnati, OH 45202, Top Distributing Co., 1317 Terminal Cro. FW., Grand Rapids, MI 49502.

MC 135052 (Sub-4-2TA), filed February 15, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren Moberly, 320 N. Meridian St., Indianapolis, IN 46204. *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and mattings, flexible air ducts, except in bulk* between Memphis, TN, Shelby, Marion, OH, Bensenville, IL, New Haven, IN, and Williamstown Junction, PA, and AR, IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, WI, and WV. An underlying ETA seeks 90 days authority. Supporting shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 142715 (Sub-4-1TA), filed February 19, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K.O. Petrick (same address as applicant). *Meat, meat products and meat by-products, and articles distributed by meat packinghouses (with the usual exceptions),* from the facilities of Landy Packing Company, Inc. at or near St. Cloud, MN to points in CY, DE, IL, IN, IA, KY, MD, MA, MI, NE, NJ, NY, OH, PA, WI, RI, and DC. An underlying ETA seeks 90 days authority. Supporting shipper: Landy Packing Company, Inc., 3rd Av. South, St. Cloud, MN 56301.

MC 720 (Sub-4-1TA), filed February 15, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, PO Box 227, Waupun, WI 53963. *Rough iron castings,* from the facilities of Neenah Foundry Co. at or near Neenah, WI to Rockford, IL. An underlying ETA seeks 90 days authority. Supporting shipper: Neenah Foundry Company, P.O. Box 729, Neenah, WI 54956.

MC 149170 (Sub-4-1TA), filed February 14, 1980. Applicant: ACTION CARRIER, INC., 1000 E. 41st St., Sioux Falls, SD 57105. Representative: Carl Steiner, 39 LaSalle St., Chicago, IL 60603. *Foodstuffs (except in bulk),* from the facilities of Thomas J. Lipton, Inc., in Kansas City & Independence, MO, to Denver, CO, Chicago, IL, Minneapolis, MO, and Milwaukee, WI. Supporting shipper: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, NJ 07632.

MC 145680 (Sub-4-2TA), filed February 14, 1980. Applicant: C & R TRUCKING, LTD., 2955 Packers Avenue, Madison, WI 53704. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Sewage treatment plant covers and fiberglass products,* from facilities used by Clow Corporation in Janesville, WI to points in the U.S. (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper: Clow Corporation, 1211 West 22nd Street, Oak Brook, IL 60521.

MC 136899 (Sub-4-1TA), filed February 11, 1980. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Such merchandise as is dealt in by discount and variety stores (except commodities in bulk),* from Minneapolis, MN to the facilities of K mart Corporation in IA. An underlying ETA seeks 90 days authority. Supporting shipper: K mart Corporation, 3100 West Big Beaver, Troy, MI 48084.

MC 119654 (Sub-4-1TA), filed February 13, 1980. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Malt beverages,* from Detroit, MI to Anderson, IN. An underlying ETA seeks 90 days authority. Supporting shipper: Broadway Beverage, 1420 Chase St., P.O. Box 558, Anderson, IN 46015.

MC 143500 (Sub-4-1TA), filed February 13, 1980. Applicant: R. B. CARRIERS, INC., 4425 Highway 31 E., Jeffersonville, IN 47130. Representative: James E. Savitz, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. (1) *Steel doors and hardware used in their framing and installation and related equipment and supplies and (2) plumbing fixtures and fittings and related equipment and supplies,* from (1) Cincinnati, OH and (2) Kokomo, IN to points in and west of MT, WY, CO, and NM under continuing contract(s) with American Standard, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 150103 (Sub-4-1TA), filed February 11, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 W. Washington St., Jefferson, WI 53549. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract; irregular; expanded cellular plastic products* from the facilities of Tenneco Chemicals, Inc. at or near East Rutherford, Rockaway and Carlstadt, NJ, and Hazleton, PA to OH, IN, KY, IL, MI, WI and MN, under continuing contract(s) with Tenneco Chemicals, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Tenneco Chemicals, Inc. Foam Division, Division of Tenneco, Inc., West 100 Century Road, Paramus, NJ 07652.

MC 139663 (Sub-4-1TA), filed February 14, 1980. Applicant: HASKINS & SON, INC., 615 Max Avenue, Lansing, Michigan 48915. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Michigan 48933. *Scrap plastics, in dump vehicles,* from the facilities of Dow Chemical U.S.A. located at Midland, MI to points in OH. An underlying ETA seeks 90-day authority. Supporting shipper: Dow Chemical U.S.A., 47 Bldg., Midland, MI 48640.

MC 126346 (Sub-4-2TA), filed February 4, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; such commodities as are dealt in or used by manufacturers of lawn and garden products,* betwen the facilities of AMF Lawn & Garden Division at Des Moines, IA and points in the United States, under contract with AMF. Underlying ETA seeks 90 days authority. Supporting shipper: AMF Lawn & Garden Products, P.O. Box 357, Des Moines, IA 50302.

MC 123294 (Sub-4-1TA), filed February 7, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Insulation and materials used in the manufacture and installation of insulation* between St. Louis, MO, on the one hand, and, on the other, points in IA, MN, WI, IN, IL, MI, OH, WV, and PA. Supporting shipper: Foam Products Corporation, 2525 Adie Road, St. Louis, MO 63404.

MC 123407 (Sub-4-12TA), filed February 7, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Flat glass in crates* from Houston, TX, to Orange, San Bernardino, and Los Angeles Counties, CA. Suppporting shipper: Chromalloy Mirror, 17015 Park Row, Houston, TX 77084. An underlying ETA seeks 90 days authority.

MC 105269 (sub-4-1TA), filed February 5, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., P.O. Box 988–2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., One Vandenberg Ctr., Grand Rapids, MI 49503. *(1) Agricultural insecticides or fungicides, weed killing compounds medicinal feeding compounds, chemicals, drugs, medicines, and related articles and materials, equipment, and supplies used or useful in the manufacture, processing, sale and distribtuion of all such commodities,* between Kalamazoo, MI and its commercial zone, on the one hand, and on the other, Carle Place, Long Island, NY, Chamblee, GA, Cheektowaga, NY, Cincinnati, OH, Dallas, TX, Denver, CO, Hollywood, CA, Kansas City, MO, Memphis, TN, Miami, FL, Minneapolis, MN, Needham Heights, MA, Portland OR and Washington, D.C. *(2) Equipment, materials and supplies as*

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are used or useful in the manufacture, processing, sale and distribution of agricultural insecticides or fungicides, weed killing compounds, medicinal feeding compounds, chemicals, drugs, medicines, and related articles, from points in the United States (except AK and HI) to Kalamazoo, MI and its commercial zone, restricted to shipments either from or destined to The Upjohn Company. An underlying ETA seeks 90 days authority.

MC 51146 (Sub-4–2TA), filed February 4, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Matthew J. Reid,. Jr. Representative: (same address as applicant). *foodstuffs* (1) from the facilities of The Creamette Company at New Hope, MN to points in IL, IN, OH, PA, and WI; and (2) from Carnegie, PA and Fairlawn, NJ to New Hope, MN, An underlying ETA seeks up to 90 days authority. Supporting shipper: The Creamette Company, 428 North First Street, Minneapolis, MN 55401.

MC 110988 (Sub-4–3TA), filed February 5, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Mattew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Titanium sulfate* from Baltimore, MD to Appleton, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005.

MC 124078 (Sub-4–1TA), filed February 4, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Hexamethylene diamine,* in bulk, in tank vehicles, from Orange and Victoria, TX to Seaford, DE; Camden, SC; Chattanooga, TN; Martinsville, VA; Richmond, VA; and Waynesboro, VA, An underlying ETA seeks 90 days authority. Supporting shipper: E. I. DU PONT DE NEMOURS & CO., INC., 1007 Market Street, Wilmington, DE 19898, Mr. Fred M. Bevans, Transportation Coordinator.

MC 145102 (Sub-4–1TA), filed February 4, 1980. Applicant: FREYMILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are manufactured or distributed or used by manufacturers or distributors of plastic, wooden, and health care products* from points in OK and TX to the facilities of Bemis Mfg. Co. at or near Sheboygan Falls, WI. Supporting shipper: Bemis Manufacturing Company, 300 Mill Street, Sheboygan Falls, WI 53085.

MC 150369 (Sub-4–1TA), filed March 25, 1980. Applicant: M. W. ETTINGER, INC., 2711 North Fairview Avenue, St. Paul, MN 55113. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Contract* Irregular: *Building materials and supplies and material; equipment and supplies used in the manufacture of building materials and supplies,* between St. Paul and Roseville, MN, on the one hand, and, on the other, IL, IN, IA, KS, MI, MO, MT, NE, SD and WI. Restricted to service under a continuing contract or contracts with Cole Sewell Corporation supporting shipper.

MC 150279 (Sub-4 IT/A), filed March 10, 1980. Applicant: DONALD W. PUSTINA, d.b.a. Pustina Trucking, Route 2, Dodgeville, WI 53533. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract carrier,* irregular routes, *liquid animal feeds,* in bulk, in tank trucks, from Muscatine, IA, to points in IL and WI. Restriction: restricted to transportation performed under a continuing contract(s) with Quality Liquid Feeds, Inc. Supporting shipper: Quality Liquid Foods, Inc., 101 E. Division, Dodgeville, WI 53533.

MC 150250 (Sub-4–1TA), filed March 7, 1980. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Hts., MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract; Irregular; General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having prior or subsequent transportation by air and/or on shipments moving via motor common carrier in lieu of transportation by air carrier, on air freight forwarders, or air line bills of lading, between points in the United States (except AK and HI). Supporting shipper: Forwarders Forwarding, Incorporated, 4644 IDS Center, Minneapolis, MN 55402.

MC 123407 (Sub-4–25TA), filed March 3, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Metal products* from the facilities of Steel King Industries, Inc., at New London, WI, and Stevens Point, WI, to U.S. points in and east of MN, IA, NE, KS, OK, and TX. Supporting shipper: Steel King Industries, Inc., 2700 Chamber St., Stevens Point, WI 54481.

MC 144298 (Sub-4–1TA), filed March 3, 1980. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Contract,* irregular, (1) *Food processing and packaging machinery, equipment and supplies,* from Clio, MI, to points in CA, FL, MD, MO, NJ, NY, OH, TX and WA; and (2) *Materials and supplies* used in the manufacture of the foregoing commodities in the reverse direction. Supporting shipper: I&H Conveying And Machinery Co., 11533 Liberty St., Clio, MI 48420.

MC 146643 (Sub-4–7TA), filed March 10, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract carrier; irregular routes; Flour and bakery mixes, in bags,* from Alton, IL, and Hastings, MN, to points in IL, IN, MI, IA, KY, OH, and MN. The supporting shipper is Peavey Flour Company, 730 Second Avenue S, Minneapolis, MN 55402.

MC 24379 (Sub-4–4), filed March 17, 1980. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman (same address as applicant). *Cleaning compounds, bath salts, drugs and toilet preparations, water softening compounds, and textile softeners* (except commodities in bulk) from the facilities of Beecham Products Co. at, or near, Rockwood, MI to Minneapolis, MN and Milwaukee and Stevens Point, WI. Underlying ETA filed seeking 90 days authority. Supporting shipper: Beecham Products Co., P.O. Box 1467, Pittsburgh, PA 15205.

MC 103993 (Sub-4–3TA), filed March 14, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, Attorney at Law, 28651 U.S. 20 West, Elkhart, IN 46515. *Lumber, lumber products, and wood products,* from the facilities of Shenandoah Hardwoods, Inc., at or near Belington, WV, to points in AL, AR, DE, FL, GA, IN, IL, IA, KS, KY, LA, MD, MI, MS, MN, MO, NE, NJ, NC, OH, OK, PA, SC, TN, TX, VA, and WI. Underlying ETA seeks 90 day authority. Supporting shipper: Shenandoah Hardwoods, Ind., 1510 10th Street, Elkins, WV.

MC 133689 (Sub-4–9), filed March 13, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic containers, lids, and plastic foam products, and materials, equipment, and supplies useful in the manufacture thereof,* Between the facilities of Airlite Plastics Company at or near Omaha, NE on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Airlite Plastics Company, 13724 Industrial Road, Omaha, NE 68137.

MC 133689 (Sub-4–10), filed March 13, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Containers and lids, metal* from Baltimore, MD and Ft. Madison, IA to points in IL, IN, IA, MI, MN, NE, ND, SD and WI. Supporting shipper: Independent Can Company, 1001 South Lakewood Avenue, Baltimore, MD 21224.

MC 124383 (Sub-4–1TA), filed March 17, 1980. Applicant: STAR LINE TRUCKING OF WISCONSIN, INC., 18460 West Lincoln Avenue; New Berlin, WI 53151. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Salt products,* in bulk, from Chicago, IL to Oak Creek, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Cargill, Inc., Salt Division, P.O. Box 9300, Minneapolis, MN 55440.

MC 103993 (Sub-4–2TA), filed March 7, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, Attorney at Law, 28651 U.S. 20 West, Elkhart, IN 46515. *Lumber, lumber products and wood products,* from the facilities of Bel Bar Corporation, at or near Belington, WV to points in AL, AR, DE, FL, GA, IN, IL, IA, KS, KY, LA, MD, MI, MS, MN, MO, NE, NJ, NC, OH, OK, PA, SC, TN, TX, VA and WI. Supporting shipper: Bel Bar Corporation, Box 133, Belington, WV 26250.

MC 119619 (Sub-4–2), filed March 4, 1980. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, IL 60609. Representative: Arthur J. Piken, Esq., Queens Office Bldg., 95–25 Queens Blvd., Rego Park, NY 11374. *Foodstuffs (except in bulk)* from the facilities of Portion Products, Inc. at Danbury, CT to Chicago, IL; Detroit, MI; Cleveland and Columbus, OH; Pittsburgh, PA; and Milwaukee, WI including points in the commercial zones thereof. Supporting shipper: Position Products, Inc., 18–24 E. Franklin St., Dan Bury, CT 06810.

MC 150210 (Sub-4–3), filed March 10, 1980. Applicant: CULTURED FOODS, INC., 370 University Ave., St. Paul, MN 55103. Representative: John B. Van de North, Jr., Attorney at Law, 2200 First National Bank Bldg., St. Paul, MN 55101. *Fiberboard cartons,* from the facilities of International Paper Company at Golden Valley, MN to the facilities of Consolidated Badger Cooperative at DePere, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Consolidated Badger Cooperative, P.O. Box 129, DePere, WI 54115.

MC 150242 (Sub-4–1), filed March 7, 1980. Applicant: BRIAN-DAWN TRUCKING, INC., Box 164, Tremont, IL 61568. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Salt, in bulk* from Pekin, IL to points in IN, MI and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Diamond Crystal Salt Co., 916 South Riverside, St. Clair, MI 48079.

MC 108393 (Sub-4–1), filed March 19, 1980. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Illinois 60521. Representative: Edward F. Schiff, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036. *Contract carrier, irregular routes, general commodities* (except commodities in bulk, in tank vehicles, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment) restricted to the transportation or originating at or destined to the facilities of Terminal Freight Cooperative Association between Alexandria, VA; Atlanta, GA; Baltimore, MD; Boston, MA; Buffalo, NY; Cincinnati, Cleveland and Columbus, OH; Chicago, IL; Chula Vista, CA; Dallas, TX; Denver, CO; Fort Smith, AR; Greensboro, NC; Houston, TX; Jacksonville, FL; Lenior, NC; Los Angeles, CA; Memphis, TN; Miami, FL; Minneapolis, MN; Nashville, TN; North Bergen, NJ; Oakland, CA; Philadelphia, PA; Pocatello, ID; Portland, OR; Sacramento, CA; San Antonio, TX; Seattle, WA; St. Louis, MO; and Spokane, WA. Supporting shipper: Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

MC 150381 (Sub-4–1), filed March 24, 1980. Applicant: SOUTH EAST TRANSFER, LTD., PTH No. 12, Steinbach, Manitoba ROa 2A0. Representative: Mike Miller, Attorney at Law, P.O. Box 1897, Fargo, ND 58107. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and automobiles, trucks and buses in sealed intermodal containers,* between points of entry on the international boundary line between Manitoba, Canada, and the United States, on the one hand, and on the other, MN, ND and SD. An underlying ETA seeks 90 days authority. Supporting shippers: Kuehne and Nagel, Ltd., 10 Hutchings St., Winnipeg, Manitoba and Allworld Shipping, Ltd., 302—960 Portage Ave., Winnipeg, Manitoba R3G OR4.

MC 150262 (Sub-4–1TA), filed March 10, 1980. Applicant: S AND Q TRUCK AND TRACTOR SERVICE, INC., P.O. Box 477, Odin, Illinois 62870. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. *Panels used in the construction of earthen-covered structures and component parts and machinery for the construction and erection of such structures, when carried in conjunction with such panels* from the facilities of American Solartron Corp., at Centralia, Illinois, to points in the states of WA, TX, AZ, NE, MO, IA, IN, MN, AL, TN, PA, NY, CO, CA and CT. Underlying ETA seeks 90 days authority. Supporting shipper: American Solartron Corp., Box 170, Centralia, IL 62801.

MC 111310 (Sub-4–3TA), filed March 17, 1980. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, Wisconsin 53703. (1) *Paper products and plastic products* from the facilities of Holiday Cups, Inc. (a) at Menomonee Falls, WI to points in AR, GA, IL, IN, KS, MI, MN, MS, MO, NJ, NY, OH, OK, PA, TX and Anaheim, CA; and (b) from Anaheim, CA to points in AZ and Menomonee Falls, WI; (2) *Materials, equipment and supplies* used in the manufacture, sale and distribution of paper products and plastic products (a) from Texarkana, TX; Covington, VA; Crossett, AR, and Chicago, IL to Menomonee Falls, WI, Beaver Dam, WI and Anaheim, CA; and (b) from Beaver Dam, WI to Anaheim, CA. Supporting shipper: Holiday Cups, Inc., P.O. Box 497, Menomonee Falls, WI.

MC 107012 (Sub-4–15TA), filed March 12, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, Indiana 46801, (219) 429–2110. *Fireplaces and parts and accessories for fireplaces,* from the facilities of Tem Tex Products, Inc. at or near Terrell, TX to points in AZ, AR, CA, CO, IA, KS, LA, MS, MN, MO, MT, NE, NM, ND, OK, SD, TN, UT and WY. Supporting shipper: Tem Tex Products, Inc., 4101 Charlotte Ave., Nashville, TN 37202.

MC 143532 (Sub-4–1TA), filed March 14, 1980. Applicant: AUMAN TRUCKING, R.R. No. 2, Walnut Road,

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Walkerton, IN 46574. Representative: Theresa L. Auman, R.R. No. 2, Walnut Road, Walkerton, IN 46574. Contract, irregular, (1) *canned or preserved foodstuffs,* from Heinz U.S.A. at or near Holland, Michigan to points in the states of DE, MD, NJ, NY, PA, VA and WV, under a continuing contract with Heinz U.S.A., Division of H.J. Heinz Company. Supporting shipper: Heinz U.S.A., P.O. Box 57, Pittsburgh, PA 15230.

MC 110420 (Sub-4–6TA), filed March 17, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *Liquid fertilizer, in bulk, in tank vehicles,* from Ottawa, IL to points in IN, IA, KY, MI, MN, MO, NE, NC, OH, SC, TN, and WI. Supporting shipper: Texas Sulfur Products Co., 204 Bryan, Borger, TX 79007.

MC 118202 (Sub-4–1), filed March 17, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Such commodities as are used in the manufacture of valves and valve control systems;* from Coffeeville, KS, Muskegon, MI, the Minneapolis-St. Paul Commercial Zone and Winona, MN, St. Louis, MO, Blackwell and Tulsa, OK, Lebanon and Myerstown, PA and Milwaukee and Waukesha, WI to Marshalltown, IA. Supporting shipper: Fisher Controls Co., Inc., 205 S. Center St., Marshalltown, IA 50158.

MC 149170 (Sub-4–3TA), filed March 17, 1980. Applicant: ACTION CARRIER, INC., 1000 E. 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. *General commodities,* between the plant sites of Coast-To-Coast Stores (Central Organization) Inc., located at Brookings, SD; Kansas City, MO; and Crawfordsville, IN. Supporting shipper: Coast-To-Coast Stores, 10801 Red Circle Drive, Minnetonka, MN 55440.

MC 135590 (Sub-4–1TA), filed March 14, 1980. Applicant: KERN TRUCKING, INC., R.R. 1, Box 162, Bedford, IN 47421. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. *Gypsum, calcinated, crude, crushed, ground, and pulverized,* from the facilities of U.S. Gypsum Co., near Shoals, IN to points in KY, TN, IL, MO, WV, OH, MI, PA, NY, NH, and IA. An underlying ETA seeks 90 days authority. Supporting shipper: U.S. Gypsum, 101 S. Wacher Dr., Chicago, IL 60606.

MC 14502 (Sub-4–2TA), filed March 17, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Foodstuffs, in vehicles equipped with mechanical refrigeration,* from Beaver Dam, WI to Santa Clara, CA. Supporting shipper: Specialties, Inc., 121 Industrial Drive, Beaver Dam, WI 53916.

MC 123272 (Sub-4–2TA), filed March 20, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. (1) *Malt beverages* (except commodities in bulk), from the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH to points in GA; and (2) *Containers and dunnage,* from points in GA to the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH. Supporting shipper: Stroh's Brewery Company, 1 Stroh's Drive, Detroit, MI 48226.

MC 135052 (Sub-4–3TA), filed March 19, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. *Expanded plastic articles or plastic materials, except commodities in bulk, in tank vehicles,* from Indianapolis, IN, to points in the states of AL, AR, GA, IL, IA, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, VA, WV, and WI. Supporting shipper: W. R. Grace & Co., P.O. Box 295, Reading, PA 19603.

MC 150372 (Sub-4–1TA), filed March 24, 1980. Applicant: DALE C. FINCK, P.O. Box 263, Black Hawk, SD 57718. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Contract irregular, *Merchandise as is dealt in by retail and catalogue order stores* between Rapid City, SD on the one hand, and on the other hand, points in Crook and Campbell Counties, WY under a continuing contract or contracts with Sears Roebuck and Co., Rapid City, SD. Supporting shipper: Sears Roebuck and Co., 2200 North Maple, Rapid City, SD 57701.

MC 139482 (Sub-4–6TA), filed March 21, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Meat, meat products, meat by-products,* and *articles distributed by meat packinghouses, (except hides and commodities in bulk),* from the facilities of or utilized by Armour and Company at or near Huron, SD, Worthington, MN and Madison, NE to points in the United States (except AK and HI). An underlying ETA application seeks authority for 30 days. Supporting shipper: Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 139482 (Sub-4–8TA), filed March 24, 1980. Applicant: NEW ULM FREIGHT LINES, INC.; P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Glass and glass product* from Jeannette, PA to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Any underlying ETA application seeks authority for 30 days. Supporting shipper: General Glass International Corporation, 270 North Avenue, New Rochelle, NY 10801.

MC 149170 (Sub-4–4TA), filed March 17, 1980. Applicant: ACTION CARRIERS, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. (1) *Bags, envelopes, packets, pouches, wrappers and bag ties, and parts and accessories thereto,* from Sioux Falls, SD, to all points in the U.S. (except AK and HI); and (2) *Commodities used in the manufacture, sale and distribution of (1) above, except commodities in bulk,* from all points in the U.S. (except AK and HI) to Sioux Falls, SD. The above authority is restricted to traffic originating at or destined to the facilities of American Western Corporation at Sioux Falls, SD. Supporting shipper: American Western Corp., Boyce-Greenley Bldg., Sioux Falls, SD 57101.

MC 145042 (Sub-4–2), filed March 14, 1980. Applicant: ZEELAND FARMS SERVICE, INC., 2468 84th Street, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Foundry supplies and materials used in foundry production (not in bulk)* between various points in AL, FL, IL, IA, KS, MI, MN, MS, NC, OH, PA, SD, TN, WV, WI, restricted to shipments moving for the account of Carpenter Brothers, Inc. An underlying ETA seeks 90 day authority., Supporting shipper: Carpenter Brothers, Inc., 793 W. Western Ave., Muskegon, MI 49440.

MC 110420 (Sub-4–5TA), filed March 10, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Petroleum products, in bulk, in tank vehicles,* between points in IL, IN, and WI. Restricted to traffic originating at or destined to the facilities of Amoco Oil Co., Energy Cooperative, Inc.,

Lubricants, Inc. and RTE-ASEA Corporation. Supporting shipper: Amoco Oil Company, Energy Cooperative, Inc., Lubricants, Inc. and RTE–ASEA Corporation.

MC 107012 (Sub-4–14TA), filed March 12, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, Indiana 46801, (219) 429–2110. *Such commodities as are dealt in by retail department stores (except commodities in bulk)* from the facilities of Montgomery Ward and Co., located at or near Baltimore, MD, to the facilities of Montgomery Ward and Co., located at or near Dothan, Huntsville, Mobil, and Montgomery, AL; Pensacola and Tallahassee, FL; and Columbus, GA. Supporting shipper: Montgomery Ward & Co., 1 Montgomery Ward Plaza, Chicago, IL 60671.

MC 150329 (Sub-4–2TA), filed March 12, 1980. Applicant: BALTIC TRUCKING COMPANY, INC., 2540 Orchard Lane, Excelsior, MN 55331. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* from the facilities of Armour and Co. at or near Huron, SD, Worthington, MN, Madison, NE, Mason City and Britt, IA to points in the U.S. in and east of MI, IN, KY, TN, MS, and LA. An underlying ETA seeks 90 days authority. Supporting shipper: Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 150344 (Sub-4–1), filed March 13, 1980. Applicant: STEVE HORN d.b.a. HORN FARMS, R.R. No. 3, Charleston, IL 61920. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Gravel, limestone and sand* from Clinton, IN to the facilities of LaBarge, Inc. at Charleston, IL. An underlying ETA seeks 90 days authority. Supporting shipper: LaBarge, Inc., 20 South Fourth Street, St. Louis, MO 63102.

MC 150368 (Sub-4–1), filed March 14, 1980. Applicant: BURKLUND TRANSPORTATION, INC., Route 1, Vulcan, MI 49892. Representative: Nancy J. Johnson, Attorney, 103 East Washington St., Box 218, Crandon, WI 54520. (1) *Cheese and cheese products* from Lena, WI to SAlt Lake City, UT; Las Vegas, NV; and Los Angeles, CA (including the Los Angeles commerical zone); and (2) *Materials, equipment and supplies* used in the manufacture and/or distribution of cheese and cheese products from Los Anglese and La Palma, CA; Big Stone, SD; and Bongards, MN to Lena, WI, restricted to traffic originating at and/or destined to the facilities of Frigo Cheese Corp. An underlying ETA seeks 90 days authority. Supporting shipper: Frigo Cheese Corporation, Lena, WI 54139.

MC 150334 (Sub-4–1TA), filed March 12, 1980. Applicant: ASA NOLTENSMEIER, Box 109A, Chandlerville, IL 62627. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract; Irregular; Irrigation systems and parts and attachments for irrigation systems* from Havana, IL to points in FL, GA, MI, OR and WA, under continuing contract(s) with Ag-Rain, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Ag-Rain, Inc., 600 S. Schrader, Havana, IL 62644.

MC 150294 (Sub-402), filed March 13, 1980. Applicant: HAROLD A. CORBIN, R.R. No. 2, Manhattan, IL 60442. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. *Equipment, materials and supplies, used or useful in the construction, relocation, maintenance or repair of pipe lines, pipe line facilities or refineries* between the facilities of W. E. Hancock, Inc at or near Joliet, IL on the one hand, and, on the other, points in AR, FL, IL, IN, IA, KY, MI, MN, MO, OH, OK, PA, TN, TX and WI. An underlying ETA seeks 90 days authority. Supporting shipper: W. E. Hancock, Inc., Route 52, Cherry Hill Road, Joliet, IL 60433.

MC 150367 (Sub-4–1), filed March 14, 1980. Applicant: GLENDELL L. HARPER L. HARPER d.b.a. G & G TRUCKING, 766 East Rosedale, E. Alton, IL 62024. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses,* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), between points in CO, KS, MO, IL, IN, OH and KY. An underlying ETA seeks 90 days authority. Supporting shippers: There are eight supporting shippers.

MC 150233 (Sub-4–1TA), filed March 14, 1980. Applicant: NATIONAL TRUCK LINES, INC., 700 21st Street S.W., Watertown, SD 57201. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract; Irregular;* (1) *Pre-fabricated metal buildings, knocked down, and materials, equipment and supplies used in the erection thereof,* (a) from the facilities of Miracle Span Corporation at or near Watertown, SD to points in CO, IL, IN, IA, KS, KY, MN, MI, MO, NE, ND, OH, OK, TX, TN, WI AND WY; and (b) from the facilities of Aztec Steel Corporation at or near Fort Madison, IA to points in CO, IL, IN, KS, KY, MI, MN, MO, NE, NY, ND, OH, OK, PA, SD, TX and WI; and (2) *Materials, equipment and supplies used in the manufacture of the commodities named in part (1) above,* from (a) the respective commercial zones of Chicago, IL and Minneapolis, MN to the facilities named in part (1) above; and (b) St. Louis, MO; Michigan Center, MI; Plymouth, IN; San Antonio and Mineral Wells, TX; Montgomery and Peoria, IL and the commercial zone of Chicago, IL to the facilities named in part (1)(b) above. An underlying ETA seeks 90 days authority. Supporting shippers: Miracle Span Corp., 700 21st Street S.W., Watertown, SD 57201; Aztec Steel Corp., Highway 61 south and Henry Layden Drive, Fort Madison, IA 52627.

MC 150082 (Sub-4–2), filed March 13, 1980. Applicant: JOHNSON TRANSFER & FUEL COMPANY, 401 South Center St., Bloomington, IL 61701. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract; Irregular; Commodities as are sold in discount stores* from Memphis, TN to Vandalia, Decatur and Bloomington, IL under contract with Lowell Supply Company. An underlying ETA seeks 90 days authority. Supporting shipper: Lowell Supply Co., P.O. Box 2635, 530 North Center St., Bloomington, IL 61701.

MC 3468 (Sub-4–1TA), filed January 21, 1980. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Hwy., P.O. Box 308, Flint, MI 48501. Representative: Harry Ames, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. *Automobiles, trucks,* and *chassis,* in truckway movements, in secondary service (1) from Baltimore, MD, to points in CT, ME, NH, NC, RI, VT, and VA; (2) from Newark, NJ, to points in CT, ME, NH, RI, and VT; (3) from Orange, CT, to points in DE, MA, MD, MI, NJ, NY, NC, OH, PA, WV, and DC; (4) from Providence, RI to points in NC and VA; and (5) from Wilmington, DE, to points in CT, ME, NH, RI, and VT. An underlying ETA seeks up to 90 days of authority. Supporting shippers: BMW of North America, Inc., 155 Chestnut Ridge Road, Montvale, NJ 07645; Mazda Motors of America Inc. (East) 8313 Baycenter Road, Jacksonville, FL; and Mercedes Benz of North America, Inc., 1 Mercedes Drive, Montvale, NJ 07645.

MC 120364 (Sub-4–2TA), filed January 25, 1980. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Robert Kraske (same address as

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applicant). *General Commodities* (with the usual exceptions), between Clinton, Dubuque and Davenport, IA and Morrison, IL on the one hand, and on the other, points in IL bounded by a line beginning at the IL–WI State Line and extending southerly on IL Hwy 78, then to junction with IL Hwy 88, then on IL Hwy 88 to junction IL Hwy 92, easterly on IL Hwy 92 to junction with U.S. Hwy 34, then easterly on U.S. Hwy 34 to junction with IL Hwy 59, then northerly on IL Hwy 59 to junction with IL Hwy 83 to IL–WI State Line, then west on the State Line to the place of beginning. An underlying ETA seeks 90 days authority. Supporting shipper: Kane International, Inc., 702 N. Madison, Rockford, IL 61109.

MC 142423 (Sub-4–1TA), filed January 29, 1980. Applicant: BIG D CARTAGE, INC., 20891 Kingsberry Dr., Mt. Clemens, MI 48043. Representative: Robert McFarland, 999 W. Big Beaver Rd. Troy, MI 48084. (1) *Pickles, pickle products, pickle relishes, and pepper products,* from the facilities of Safie Bros. Farm Pickle Co., Inc. at or Near New Baltimore, MI, to points in MN, WI, IA, IL, MO, TN, AR, LA, MS, IN, KY, OH, IN, GA, AL, SC, NC, VA, WV, PA, NY, NJ, MA, CT, and DE; and (2) *Materials, equipment and supplies used in the processing and packaging of commodities in (1),* in the reverse direction. Supporting shipper: Safie Bros. Farm Pickle Co., Inc., 52365 N. Gratiot, P.O. Box 531, New Baltimore, MI 48047.

MC 13777 (Sub-4–1TA), filed March 24, 1980. Applicant: AAA TRANSPORTATION, INC., 2957 S. East St., Indianapolis, IN 46206. Representative: David Turano, 100 E. Broad St., Columbus, OH 43215. *Roofing and building materials and materials, equipment and supplies used in the manufacture, distribution and installation of* (except in bulk), between the facilities of Georgia-Pacific Corporation at or near Franklin, OH, on the one hand, and, on the other, points in GA, IL, IN, IA, KY, MI, MO and TN. An underlying ETA seeks 90 days authority. Supporting shipper: Georgia-Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, Pa. 19010.

MC 150301 (Sub-4–1TA), filed March 17, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 3853 Lake Eastbrook Blvd. SE, Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract; irregular: Household and personal care products and materials and supplies used in the manufacture and distribution thereof* between Ada, MI, on the one hand, and, on the other, facilities of Amway Regional Distribution Centers located at or near Norcross and Atlanta, GA, Dayton, Metuchen and New Brunswick, NJ, Arlington, TX, Santa Ana and Santa Fe Springs, CA, Kent and Seattle, WA, Aurora, Co and Des Moines, IA, under continuing contract(s) with Amway Corporation. Supporting shipper: Amway Corporation, 7575 E. Fulton Rd. Ada, MI 49355. An underlying ETA seeks 90 days authority.

MC 150341 (Sub-4–1TA), filed March 19, 1980. Applicant: HOOVESTOL, INC., 3110 Mike Collins Dr., St. Paul, MN 55121. Representative: Charles Johnson, P.O. Box 1982, Bismarck, ND 58501. *Contract; Irregular; Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except in bulk),* from St. Paul, MN to points in IA, IL, NE, SD, and WI; and from points in AZ, CA, IL, WI, and Omaha, NE to St. Paul, MN, under continuing contract(s) with Gourmet Foods, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Gourmet Foods, Inc., 860 Vandalia, St. Paul, MN 55114.

MC 145437 (Sub-4–1TA), filed March 19, 1980. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Av, Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E Gilman St., Madison, WI 53703. *Contract; Irregular:* (1) *Footwear* from Milwaukee, WI to points in the U.S. (except AK and HI). (2) *Materials, equipment and supplies used or useful in the manufacture, sale or distribution of footwear,* from Boston, MA to Milwaukee, WI, under continuing contract(s) with Weyenberg Shoe Manufacturing Company. Supporting shipper: Weyenberg Shoe Manufacturing Company, 234 East Reservoir, Milwaukee, WI. An underlying ETA seeks 90 days authority.

MC 145337 (Sub-4–1TA), filed March 19, 1980. Applicant: P.M.E., LTD., Box 181, Group 261, R.R. 2, Winnipeg, Manitoba R3C 2E8. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Plastic, plastic products, and materials used in the manufacture of plastic and plastic products (except commodities in bulk),* (1) from ports of entry along the International Boundary Line between the U.S. and Canada located in MN and ND to Fullerton and Salinas, CA, Atlanta, GA, Boise, ID, Chicago and East Dundee, IL, Harahan, LA, Elmwood Park and Riverton, NJ, New York City, NY, Holly Ridge, NC, Portland, OR, Philadelphia and Pottsville, PA, Columbia, SC, Brownsville, El Paso and Houston, TX, Salt Lake City, UT, King George, VA, and Kent and Spokane, WA, and (2) from Salinas, CA, Chicago, IL, Elmwood Park and Riverton, NJ, New York City and Port Chester, NY, Holly Ridge, NC, Philadelphia, PA, Columbia, SC, Houston, TX, and Kent and Spokane, WA, to ports of entry along the International Boundary Line between the U.S. and Canada located in MN and ND. An underlying ETA seeks 90 days authority. Supporting shippers: Canadian Garden Products Supply, 132 James Ave. E., Winnipeg, Manitoba R3B 0N8, and Winpak Limited, 100 Saulteaux Cresc., Winnipeg, Manitoba R3J 3T3.

MC 150107 (Sub-4–1TA), filed March 19, 1980. Applicant: MARVIN C. VAN KAMPEN, d.b.a., M.C. VAN KAMPEN TRUCKING, 4495 Herman, S.W., Wyoming, MI 49509. Representative: Paul D. Kratz, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Paper, on rolls,* from Mobile, AL to Livonia MI. Underlying ETA seeks 90 days authority. Supporting Shipper: George F. Valassis & Co., 35955 Schoolcraft Road, Livonia, MI 48150.

MC 41347 (Sub-4–1TA), filed March 20, 1980. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 W Burnham St, Milwaukee, WI 53219. Representative: William C. Dineen, 412 Empire Bldg., 710 N Plankinton Av, Milwaukee, WI 53203. *Contract; Irregular; Unfinished machine parts, and iron and steel articles,* from Columbus, WI, to Bellair, MI; *and finished machine parts,* from Bellaire, MI, to Columbus, WI, under a continuing contract with Enerpac Division of Applied Power, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Enerpac Division of Applied Power, Inc., 12121 W. Feerick St., Wauwatosa, WI 53222.

MC 150331 (Sub-4–1TA), filed March 18, 1980. Applicant: RPH, INC., 801 West Pioneer St, Champaign, IL 61820. Representative: Wayne Wilson, 150 E Gilman St, Madison, WI 53703. *Contract; Irregular; Malt beverages and malt beverage dispensing equipment when shipped therewith,* from Evansville and Fort Wayne, IN, Newport, KY, La Crosse and Milwaukee, WI, Cincinnati, OH, and St. Paul, MN to Champaign, Redmon, and Alton, IL, under continuing contract(s) with H & I Distributing Company, Inc., C & H Distributing Company, Inc., R & H Distributing Co., Inc., Champaign Distributing Company, Inc. and Twin Rivers Distributing Co. Inc. An underlying ETA seeks 90 days authority Supporting shipper: Champaign Distributing Company, Inc., C & H Distributing Co., Inc., R & H Distributing Co., Inc., H & I Distributing Company, Inc., 801 West Pioneer Street, Champaign, IL 61820, H & I Distributing

Company, Inc., Redmon, IL 61949, and Twin Rivers Distributing Co., Inc. 1430 East Broadway, Alton, IL 62002.

MC 150337 (Sub-4–1TA), filed March 19, 1980. Applicant: JIM HOLLEWELL d.b.a., JIM HOLLEWELL TRUCKING, 510 S. 10th St., Oregon, IL 61061. Representative: Abe Diamond, 29 S La Salle St, Chicago, IL 60603. *Sands and Sand with additives,* between Oregon, IL and Points in AR, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, PA, TN AND WI. An underlying ETA seeks 90 days authority. Supporting shipper: Acme Resin Corporation, P.O. Box 130, Oregon IL 61061.

MC 113651 (Sub-4–9TA), Filed March 19, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). *Cleaning, washing, buffing or polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants or disinfactants, paints, dishwashing machinery, and coffee filters (except in bulk),* from Avenel, NJ to points in FL and NC; from Joliet, IL to points in NC and TN; and from Dallas, TX to New Orleans, LA, Memphis, TN, and Little Rock, AR. An underlying ETA seeks 90 days authority. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102.

MC 124247 (Sub-4–2TA), filed March 20, 1980. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward Bazelon, 39 S. La Salle St., Chicago, IL 60603. A. (1) *Construction materials,* and (2) *cement and asbestos products and insulating materials not embraced in (1) above, including such commodities when moving in bulk:* From the facilities of Johns-Manville Sales Corporation at Waukegan, IL, to points in Dodge County, WI; B. *Equipment, materials and supplies used in the manufacture and distribution of products listed in A above, including such commodities when moving in bulk:* From points in Kenosha, Racine, Milwaukee, Osaukee, Washington, Waukesha, Walworth, Jefferson, Rock, Green, Dane, Columbia, Sauk, Richland, Crawford, Iowa, Grant, Lafayette and Dodge Counties, WI, to the facilities of Johns-Manville Sales Corporation at Waukegan, IL. Supporting shipper: Johns-Manville Sales Corporation, 2222 Kensington Court, Oak Brook, IL 60521.

MC 134477 (Sub-4–18TA), Filed March 21, 1980. Applicant: Schanno Transportation, Inc., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Printing paper (except in bulk),* from Benton Harbor, MI to points in IL, MN, and WI. Supporting shipper: Thelamco, Inc., 1202 Territorial Road, P.O. Box 456, Benton, Harbor, MI 49022. An underlying ETA seeks 90 days authority.

MC 150323 (Sub-4–1–TA), filed March 17, 1980. Applicant: BAER OF LAKE PARK, INC., Rural Route #1, Lake Park, MN 56554. Representative: William Keppel, 2300 First National Bank Bldg., Minneapolis, MN 55402. *Bulk coal,* from all points in ND to points on or west of U.S. Hwy. 71. An underlying ETA seeks 90 days authority. Supporting shipper: Spring Prairie Hutterian Brethren, Inc., Rural Route #2, Hawley, MN 56549.

MC 150327 (Sub-4–2–TA) Filed March 19, 1980. Applicant: AMANON, INCORPORATED, 38294 Rickam Ct., Westland, MI 48185. Representative: John Barbour, 2711 E. Jefferson, Suite 202, Detroit, MI 48207. *Contract; Irregular; Industrial paint finishing equipment and materials, equipment and supplies (except in bulk) used in the installation thereof,* between Plymouth, MI and all points in the U.S. (except AK and HI), under continuing contract(s) with Otto Durr, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Otto Durr, Inc., 40600 Plymouth Rd., Plymouth, MI 48107.

MC 134551 (Sub-4–1TA), filed March 24, 1980. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Dr., Madison, IL 62060. Representative: Ernest Brooks, 1301 Ambassador Bldg., St. Louis, MO 63101. *Meats, (with the usual description),* between points in the St. Louis, MO-East St. Louis, IL, Commercial Zone, on the one hand, and, on the other, Memphis, TN, and its commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper: Royal Packing Company, Inc., Box 156, St. Clair Ave. & Ice Plant Rd., National Stock Yards, IL 62071.

MC 2754 (Sub-4–1TA), filed March 19, 1980. Applicant: NEUENDORF TRANSPORTATION CO., 121 South Stoughton Road, P.O. Box 7730, Madison, WI 53714. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Common carrier; regular routes: General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between Madison, WI and Manitowoc, WI: from Madison over U.S. Hwy. 151 to Manitowoc, and return over the same route, serving the intermediate or off-route points of Columbus, Beaver Dam, Waupun, Fond du Lac, Taycheedah, Peebles, Calumetville, Brothertown, Hayton and Valders, WI. (2) Between Fond du Lac, WI and Green Bay, WI: from Fond du Luc, over U.S. Hwy. 41 to Green Bay, and return over the same route, serving all intermediate points and the off-route points of Menasha, Kimberly, Combined Locks, Kaukauna and Little Chute, WI. (3) Between Green Bay, WI and Milwaukee, WI: from Green Bay, over I–43/U.S. Hwy. 141 to Milwaukee, and return over the same route, serving all intermediate points and the off-route points of Kohler, Oostburg, Gibbsville and Cedar Grove. (4) Between Manitowoc, WI and Two Rivers, WI: from Manitowoc, over WI Hwy. 42 to Two Rivers, and return over the same routes serving all intermediate points. (5) Between Sheboygan, WI and Chilton, WI: from Sheboygan, over WI Hwy. 42 to junction WI Hwy. 32, then over WI Hwy. 32 to Junction WI Hwy. 57, then over WI Hwy. 57 to chilton, and return over the same route, serving all intermediate points. (6) Between Sheboygan, WI and Plymouth, WI: from Sheboygan, over WI Hwy. 23 to Plymouth, and return over the same route, serving all intermediate points and the off-route point of Sheboygan Falls, WI. (7) Between Stevens Point, WI and Manitowoc, WI: from Stevens Point, over U.S. Hwy. 10 to Manitowoc, and return over the same route, serving the junction of U.S. Hwy. 41 and U.S. Hwy. 10 for the purpose of joinder only, as an alternate route for operating convenience only. (8) Between the junction of I–43/U.S. Hwy. 141 and WI Hwy. 57 and the junction of WI Hwy. 57 and WI Hwy. 32: from the junction of I–43/U.S. Hwy. 141 and WI Hwy. 57 over WI Hwy. 57 to the junction of WI Hwy. 57 and WI Hwy. 32, and return over the same route, as an alternate route for operating convenience only. (9) Between Sheboygan, WI and Fond du Lac, WI: from Sheboygan, over WI Hwy. 23 to Fond du Lac, and return over the same route, as an alternate route for operating convenience only. Authority sought in this application is intended to be tacked with the applicant's current regular route authority MC–2754 and subs thereto. Applicant also intends to interline with other carriers at interchange points of Chicago and Rockford, IL; Minneapolis and St. Paul, MN; and Milwaukee, WI under its current authority. Supporting shippers: Please see actual Certificates of Support for names and addresses. There are 120 supporting shippers.

MC 115975 (Sub-4–1TA), filed March 19, 1980. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095.

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Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Contract, irregular: Pipeline interface mixture,* liquid, in bulk, from Grand Haven, Niles, Detroit and Jackson, MI; Cleveland, Dayton, Mogadore, Lima, Columbus and Toledo, OH; Milwaukee and Madison, WI; and E. Chicago, IN, to the facilities of Shell Oil Company at Roxana, IL, under continuing bilateral contract(s) with Shell Oil Company. An underlying ETA seeks 90 days authority. Supporting shipper: Shell Oil Company, P.O. Box 2099, Houston, TX 77001.

MC 116915 (Sub-4–4TA), filed March 20, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. *Aluminum and aluminum articles and material, equipment, and supplies* used in the manufacturing thereof (except commodities in bulk), between the facilities of Martin Marietta Aluminum, Inc., located at or near Lewisport, KY, on the one hand, and, on the other, all points in the United States. Supporting shipper: Martin Marietta Aluminum, 6802 Rockledge Drive, Bethesda, MD 20033.

MC 123194 (Sub-4–1TA), filed March 24, 1980. Applicant: ENTERPRISE TRUCK LINE, INC., 1336 W. 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Authority sought (1) *Such commodities as are dealt in by wholesale, retail and chain grocery, drug and food business houses* and (2) *materials, equipment and supplies* used in the manufacture sale and distribution of the commodities in (1) above (except in bulk) Between the facilities of Hunt-Wesson Foods, Inc. at or near Northlake and Chicago, IL, and Rossford, OH on the one hand, and, on the other, points in IN and KY. Supporting shipper: Mr. E. T. Bergfeld, Divisional Traffic Manager, Hunt-Wesson Foods, Inc. Box 127 Rossford, OH 43460.

MC 123885 (Sub-4–1TA), filed March 24, 1980. Applicant: C & R TRANSFER CO., P.O. Box 1010, Rapid City, SD. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Scrap, Waste and Recyclable, Materials* from points in Pennington County, SD to points in IA, KS, NE, ND, TX, UT, WI, and WY. Supporting shipper: Ace Salvage Co., R.R. 3, Box 207–J, Rapid City, SD.

MC 128205 (Sub-4–2TA), filed March 20, 1980. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, Illinois 60628. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Illinois 60601. (1) *Foundry Sand Additives, Foundry Facings and Foundry Core Compounds* from the facilities of The Hill and Griffith Co., at or near Burbank, OH, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC: and (2) *Equipment, Materials and Supplies* used in the production and manufacture of the commodities listed in (1) above from points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC, to the facilities of The Hill and Griffith Co., at or near Burbank, OH. Supporting shipper(s): The Hill and Griffith Co., 1262 State Ave., Cincinnati, OH 45204.

MC 142245 (Sub-4–1TA), filed March 20, 1980. Applicant: NATIONWIDE TRUCK BROKERS, INC., 5475 Clay Ave. SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract; irregular: Products of Knape & Vogt Manufacturing Co., including but not limited to builders hardware, channels, tubing, bars, rods, door track, boards, panels, sheets, drawer slides, brackets, display racks or stands, standards, hangers, shelf and rod supports, furniture and component parts of the above-named articles and materials and supplies* used or useful in the production or sale of the above-described articles or products between the plantsite and facilities of Knape & Vogt Manufacturing Co. of Grand Rapids, MI, on the one hand, and on the other, points in CA and FL under continuing contract(s) with Knape & Vogt Manufacturing Co. Supporting shipper: Knape & Vogt Manufacturing Co., 2700 Oak Industrial Dr. NE., Grand Rapids, MI 49505.

MC 145454 (Sub-4–1TA), filed March 19, 1980. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, 7336 West 15th Avenue, Gary, Indiana 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, Illinois 60603, (312) 782–8880. *Bakery goods and materials, equipment and supplies used in the manufacture and distribution of bakery goods* between Battle Creek, MI, on the one hand, and, on the other, points in WI, IL, MO, AR, LA, MS, MI, IN, OH, KY, WV, VA, TN, AL, GA, FL, NC, MN, IA, ND, SD, NE, KS, OK, TX, and SC. Supporting shipper: Interbake Foods, Inc., Ross Elliot, P.O. Box 158, Battle Creek, Michigan 49018.

MC 146355 (Sub-4–1TA), filed March 19, 1980. Applicant: P–N–J KORNACKER, INC., 3050 West 10th Street, Waukegan, Illinois 60085. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Foodstuffs, canned, preserved or prepared, and materials and supplies* used in the manufacture and distribution thereof. Between Eau Claire, MI on the one hand, and, on the other points in AL, MI, KY, IN, IL, MN, MO, WI, OH, TN, and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ocean Spray Cranberries, Inc., 7800 S. 68th Ave., Kenosha, WI 53142.

MC 147574 (Sub-4–1TA), filed March 20, 1980. Applicant: MARINE TRUCKING, INC., 47595 South Gratiot Avenue, Mt. Clemens, MI 48043. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Boats,* between points in Bay, Charlevoix, Emmet, Macomb, Ottawa, St. Clair, and Wayne Counties, MO, on the one hand, and, on the other, points in FL, GA, KY, OH and TN. Supporting shipper(s): Blue Lagoon Marine & Sales, 41700 Conger Bay, Mt. Clemens, MI 48045; John B. Slaven, Inc., P.O. Box 864, 30077 S. River Road, Mt. Clemens, MI 48043; Colony Marine Sales & Service, Inc., 6509 M–29, Algonac, MI 48001; Scrimshaw Yacht Agency, 31663 S. River Road, Mt. Clemens, MI 48045; Sailboat Services, Inc., 30077 South River Rd., Mt. Clemens, MI 48045.

MC 150365 (Sub-4–1TA), filed March 21, 1980. Applicant: UNITED LIMO, INC., 12495 McKinley Hwy., Mishawaka, IN 46544. Representative: Robert Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Passengers and their baggage,* between South Bend, Mishawaka, and Elkhart, IN on the one hand, and on the other, O'Hare International Airport at or near Chicago, IL. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are eleven supporting shippers.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 150311 (Sub-5–3TA), filed March 27, 1980. Applicant: P&L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Meats, meat products, meat by products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles),* from Dodge City, KS to points in the US (except AK & HI). Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KS.

MC 531 (Sub-5–5TA), filed March 25, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Petroleum and Petroleum Products,* in bulk, in tank vehicles, from Witco Chemical Corporation, at Petrolia, Pennsylvania, to points in Texas. Supporting shipper: Witco Chemical Corp., Bradford, PA 16701.

MC 2229 (Sub-5–3TA), filed March 25, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). *Machinery and Machine Parts,* from Riverside, CA to the facilities of Jim Walter Metals at or near Mt. Holly, SC Supporting shipper: Jim Walter Corporation, 1500 N. Dale Mabry, Tampa, FL 33622.

MC 2392 (Sub-5–2TA), filed march 24, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebraska 68124. Representative: Keith D. Wheeler, Wheeler Transport Service, Inc., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebraska 68124. *Phosphatic Solution, in Bulk, and in Tank Vehicles.* From the facilities of Texasgulf, Inc., at or near Weeping Water, Nebraska to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota and South Dakota. Supporting shipper: Texasgulf, Inc., 4509 Creedmoor Road, Raleigh, North Carolina 27622.

MC 22509 (Sub-5–1TA), filed March 26, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, Missouri 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, Missouri 64196. *Glass containers and closures therefor,* from Streator, IL to Kansas City, MO and its commercial zone. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.

MC 22509 (Sub-5–2TA), filed March 26, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, Missouri 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, Missouri 64196. *Containers, container ends, container closures and accessories, and materials and supplies used in the manufacture and or distribution thereof,* from the facilities of Continental Can located in Denver and Golden, CO, on the one hand, and, on the other, Des Moines, IA; Chicago, IL; Kansas City, MO; Minneapolis/St. Paul, MN; Milwaukee, WI; and Omaha, NE; and their respective commercial zones. Supporting shipper: Continental Can Co., a member of the Continental Group, 10050 Regency Circle, Omaha, NE 68114.

MC 22509 (Sub-5–4TA), filed March 26, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, Missouri 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, Missouri 64196. *Containers, container ends, container closures and accessories, and coatings, lacquers, varnishes, compounds and solvents, not in bulk,* between Chicago, Rockford and Waukegan, IL; Gary, LaPorte and Marion, IN; Green Bay and Oak Creek, WI; Oklahoma City, OK; St. Louis and St. Joseph, MO; and St. Paul, MN, on the one hand, and, on the other, points in CO, IA, IL, IN, KS, MN, MO, NE, OK and WI, restricted to those shipments originating at or destined to the facilities of National Can Corporation and/or Foster Forbes Glass Co. Supporting shippers: National Can Corporation, 8101 West Higgins Road, Chicago, Illinois 60631; Foster Forbes Glass Co., East Charles Street, Marion, Indiana 46952.

MC 53965 (Sub-5–1TA), filed March 20, 1980. Applicant: GRAVES TRUCK LINE, INC., Post Office Box 1387, Salina, Kansas 67401. Representative: Bruce A. Bullock, Vice President and General Counsel (same address as applicant). *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment.)* Between Kansas City, MO, on the one hand, and, on the other, points in MO. Authority is sought to serve all points in the Kansas City, MO Commercial Zone. Applicant intends to tack to its existing authority. Applicant proposes to interline at St. Louis and Kansas City, MO. Supporting shipper: Graves Truck Line, Inc., Post Office Drawer 1387, Salina, Kansas 67401.

MC 107496 (Sub-5–6TA), filed March 24, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, Iowa 50309. *Petroleum products, in bulk, in tank vehicles,* from North Kansas City, MO to points in Arizona. Supporting shipper: Jescoe Lubricants, 1437 Gentry, North Kansas City, MO 64116.

MC 107496 (Sub-5–9TA), filed March 24, 1980. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, Iowa 50309. *Alum, in bulk, in tank vehicles,* from Wisconsin Rapids, WI to points in Iowa. Supporting shipper: Allied Chemical Corporation, P.O. Box 1139 R, Morristown, NJ 07960.

MC 112713 (Sub-5–2TA), filed March 21, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: R. E. DeLand, P.O. Box 7270, Overland Park, KS 66207. Common; Regular. *General Commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment),* serving the mines sites and milling facilities of Duval Sales Corp., Asarco, Inc., Cyprus Pima Mining Company, and Anamax Mining Co. located in Pima County, AZ as off-route points in connection with carrier's otherwise authorized operations. Applicant intends to tack the authority sought with its authority in MC–112713 at Tucson, AZ. Supporting shippers: Duval Sales Corp., P.O. Box 2967, Houston, TX 77001; Asarco Incorp., Mission Unit, W. Pima Mine Rd., Sahuarita, AZ 85629; Anamax Mining Co., P.O. Box 127, Sahuarita, AZ 85629; Cyprus Pima Mining Company, P.O. Box 7187, Pima Mine Road, Tucson, AZ 85725.

MC 114274 (Sub-5–2TA), filed March 17, 1980. Applicant: VITALIS TRUCK LINES, INC., 137 N. E. 48th St. Pl., Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601, Phone 312–332–5106. *Carbonated and Non Carbonated Beverages (except commodities in bulk)* From the facilities of Mid Continent Bottlers, Inc. at or near Des Moines, IA to the facilities of the Dr. Pepper Co. at or near St. Louis, MO. Supporting shipper: Mid Continent Bottlers, 1679 N. E. 51st Ave., Des Moines, IA 50304.

MC 116004 (Sub-5–1TA), filed March 26, 1980. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. *Common* regular *general commodities,* (except those of unusual value, Classes A & B Explosives, Household Goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Ft. Worth and Dallas, TX, (a) over IS Hwy. 30, (b) over U.S. Hwy 80, and (c) over TX Hwy. 183, (2) Between Dallas and Houston, TX and its commercial zone, over IS Hwy 45 and (3) Between Jct. IS Hwy 45 and U.S. Hwy 75 near Conroe, TX, over U.S. Hwy 75, serving no intermediate points in (1), (2), and (3), and serving Ft. Worth and Dallas, TX as points of joinder only, and

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return over the same route. Note: Tacking and interlining are requested in connection with carriers present regular route operations. Restriction: This authority is restricted against transportation of shipments where the carrier's point of origin and destination are both within the state of Texas. Supporting shipper: 111 supporting shippers.

MC 118063 (Sub-5–1TA), filed March 26, 1980. Applicant: WESTERN–COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). *Tallow, in bulk, in tank vehicles,* from Oakland, IA, to points in IL, MN and MO. Supporting shipper: Spencer Foods, Inc., P.O. Box 518, Oakland, IA 51560.

MC 118959 (Sub-5–3TA), filed March 24, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, MO. 63701. Representative: Jack Gleason, 130 S. Frederick, Cape Girardeau, MO. 63701. *Paper, Paper Products and Cellulose Products.* Between the facilities utilized by the Procter and Gamble Paper Products Company at or near New Madrid, Missouri, on the one hand, and on the other, points in the United States (except Alaska and Hawaii). Supporting shipper: Procter & Gamble Paper Products Company, PO Box 599, Cincinnati, Ohio.

MC 119489 (Sub-5–3TA), filed March 24, 1980. Applicant: CENTRAL TRANSPORTATION CO., INC., P.O. Box 249, Norfolk, NE 68701. Representative: Dennis L. Hardt, 1331 South 33rd Street, Suite F, Lincoln, NE 68510. *Inedible animal by-products* and such other commodities as are dealt in by rendering plants between points in NE, IA, MN, ILL, MO and AK. Supporting shipper: Norfolk Rendering Co., Norfolk, NE 68701.

MC 119789 (Sub-5–8TA), filed March 25, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Commodities of the type dealt in or used by manufacturers of heating and cooling systems (except commodities in bulk) and solar energy heating and cooling systems* between points in the U.S. (except AK and HI). Restricted to shipments originating or destined to facilities used by Lennox Industries, Inc. Supporting shipper: Lennox Industries, Inc., P.O. Box 400450, Dallas TX 75240.

MC 120761 (Sub-5–2TA), filed March 24, 1980. Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. *Farm and ranch supplies, and wood products,* from points in the United States (except AK and HI) to Fort Worth and Dallas, TX. Supporting shipper: Burly Fence & Hdwe., Inc., N. Burleson Blvd., Burleson, TX 76028.

MC 121509 (Sub-5–1TA), filed March 24, 1980. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay Street, Muscatine, IA 52671. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Liquid weed killing compounds, in bulk, in tank vehicles* from the facilities of Monsanto Company at or near Muscatine, IA, to points in MN, NE, SD and WI. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166.

MC 123987 (Sub-5–2TA), filed March 17, 1980. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, Oklahoma 73554. Representative: Jewett Scott Jr., P.O. Box 267, Mangum, Oklahoma 73554. *Scrap metal and crushed car bodies,* between points in CA, CO, KS, NM, OK, TX, UT and WY. Supporting shipper: Century Enterprises, 234 Columbine, Denver, CO 80206.

MC 126118 (Sub-5–9TA), filed March 24, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Paper, paper products and printed matter,* from Broadview, IL and points in its commercial zone to points in IA, MN, NE and UT. Supporting shipper: Burgess Envelope Company, William L. Hayes, Sales Represenfative, 2525 Braga Drive, Broadview, IL 60153.

MC 126822 (Sub-5–10TA), filed March 24, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 HIghway, Olathe, Kansas 66061. Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. *Materials, supplies, and machinery used in the manufacture and distribution of toilet preparations, household and industrial cleaning articles, insect repellents, grooming aids, food products, clothes hangers, medicated sprays, and promotional materials* from points in CT, IL, MA, MO, NY, NJ, PA, OH, and VT to the facilities of The Fuller Brush Company, at or near Great Bend, KS. Supporting shipper: The Fuller Brush Company, P.O. Box 729, Great Bend, KS.

MC 129576 (Sub-5–1TA), filed March 3, 1980. Applicant: HORNER TRUCK SERVICE, INCORPORATED, P.O. Box 5097, Coralville, IA 52241. Representative: Melvin M. Porter, P.O. Box 5097, Coralville, IA. *Liquid fertilizer in bulk in tank vehicles* from Ft. Madison, IA and points within 10 miles of Ft. Madison, IA to points in IL, IN, IA, KS, KY, MI, MN, MO, NB, ND, OH, SD, WI. Supporting shippers: First Miss Inc., P.O. Box 328, Ft. Madison, IA 52627.

MC 129908 (Sub-5–10TA), filed March 24, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City. OK 73107. *Plastic bathtubs, hydrotherapy baths, power pumps, wooden tanks and parts and accessories thereof* from Benicia, Costa Mesa and Santa Ana, CA to AL, AZ, AR, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI and WY. Supporting shipper: Jacuzzi Whirlpool Bath, Inc., 298 North Wiget Lane, Walnut Creek, CA 94596.

MC 134134 (Sub-5–3TA), filed March 24, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. (1) *Non-alcoholic beverages,* and (2) *containers used in the bottling, sale, and distribution of non-alcoholic beverages,* from points in IN, IL, MI, and MO to the facilities of Popco, Inc. d.b.a. Vess Beverage Co., Omaha, NE. Supporting shipper: Popco, Inc. d.b.a. Vess Beverage Co., 915 North 24th Street, Omaha, NE 68102.

MC 136786 (Sub-5–11TA), filed March 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Roasted peanuts and other peanut products,* from points in GA to points in AL, CA, GA, IL, IN, KY, MA, MD, MI, MN, MO, NC, ND, NE, NJ, NY, OH, PA, TN, TX, VA, WA and WI. Supporting shipper: Seabrook Blancing Corp., P.O. Box 609, Edenton, NC 27932.

MC 136786 (Sub-5–12TA), filed March 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Attorney for Applicant, Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55345. (1) *Malt beverages* and (2) *empty beverage containers and materials and supplies used in and dealt with by breweries* between points of entry on the International Boundary Line between the United States and Canada located at points in MI, NY and VT, on the one hand, and, on the other, points in AZ, CA, CO, FL, ID, MT, NV, NM, OR, WA and WY. Supporting shipper: Molson's Brewery (Ontario) Limited, 640 Fleet Street, Toronto, Canada M5V 1B2.

MC 139193 (Sub-5–1TA), filed March 24, 1980. Applicant: ROBERT & OAKE, INC., 4240 Blue Ridge Boulevard, Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. *Contract;* Irregular. *Beverage bases, syrups, canned and preserved fruits, ice cream and dessert toppings, sauces, flavoring extracts and compounds and salad dressings,* from the plantsite and facilities of J. Hungerford Smith Company at or near Humboldt, TN to Hayward, CA. Supporting shipper: J. Hungerford Smith, Division of Hunt-Wesson Foods, 1500 N. Central Avenue, Humboldt, TN 38343.

MC 139495 (Sub-5–3TA), filed March 24, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Representative: Herbert, Alan, Dubin, Baskin, and Sears, 818 Connecticut Avenue, N.W., Washington, D.C. 20006. *Floor coverings and material, equipment and supplies used in the installation and maintenance of floor coverings (except in bulk, in tank vehicles)* from Orange County, CA, to points in AZ, CO, ID, MT, NV, NM, OK, OR, TX, UT, WY and WA. Supporting shipper: William Volker Co., Inc., P.O. Box 529, Burlingame, CA 94010.

MC 140475 (Sub-5–1TA), filed March 17, 1980. Applicant: HOLCOMB TRUCKING COMPANY, INC., 313 North Campbell Street, Holcomb, MO 63852. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Ammonium nitrate and fertilizers (dry and in solution)* from Selma, MO to points in IL, KY, TN and AR. Supporting shipper: USS Agri-Chemicals Division, United States Steel Corporation, 223 Peachtree Street, N.E., Atlanta, GA 30303.

MC 140665 (Sub-5–9TA), filed March 25, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Food products, dry fruit, fruit syrup, mixtures of dry fruits, nuts, soybeans prepared, and foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities utilized by Sun-Land Marketing, Inc. at points in California to points in the United States (except AK and HI). Supporting shipper: Sun-Land Marketing, Inc., 3000 Sand Hill Rd., Menlo Park, CA 94025.

MC 141197 (Sub-5–1TA), filed March 24, 1980. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Animal and poultry feed and ingredients,* in bulk, from St. Joseph and Springfield, MO to Lowell, AR. Supporting shipper: Ralston Purina Company, 2334 Rochester Avenue, Kansas City, MO 64120.

MC 142277 (Sub-5–2TA), filed March 24, 1980. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 2058 Concourse, St. Louis, MO 63141. Representative: Douglas E. Tonkinson, 2058 Concourse, St. Louis, MO 63141. *Contract,* irregular, *merchandise, equipment and supplies sold, used or distributed by a manufacturer of cosmetics* (under a continuing contract or contracts with Avon Products, Inc. of Morton Grove, IL) to points and places in the MO Counties of Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Cole, Cooper, Crawford, Franklin, Gasconade, Howard, Iron, Jefferson, Lincoln, Madison, Maries, Marion, Montieau, Monroe, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Ralls, St. Charles, St. Francis, Ste. Genevieve, St. Louis, Scott, Stoddard, Warren, Washington, and Wayne and the IL Counties of Adams, Bond, Christian, Calhoun, Clinton, Effingham, Fayette, Franklin, Greene, Jackson, Jefferson, Jersey, Macoupin, Madison, Marion, Monroe, Montgomery, Perry, Pike, Randolph, St. Clair, Scott, Shelby, Washington, and Williamson. Supporting shipper: Avon Products, Inc., 6901 Golf Road, Morton Grove, IL 60053.

MC 142508 (Sub-5–15TA), filed March 24, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Table syrup and mouthwash, in equipment equipped with mechanical temperature control devices,* from the facilities of Gem, Inc., in Byhalia, MS to Dallas and Houston, TX. Supporting shipper: Gem, Inc., W. L. Ferguson, Executive Vice President, 1 Gem Boulevard, Byhalia, MS 38611.

MC 142872 (Sub-5–4TA), filed March 26, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Such merchandise as is dealt in or used by wholesale and retail grocery stores* between the facilities of Griffin Wholesale Grocery Distributors, at or near Van Buren, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Griffin Wholesale Grocery Distributors, P.O. Box 126, Van Buren, AR 72956.

MC 142508 (Sub-5–16TA), filed March 26, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Paper and paper products* between the facilities of National Envelope Corporation in Kansas City, KS and points in NJ, NY, and PA (except New York City, NY). Supporting shipper: National Envelope Corporation, Neil Brennan, Plant Manager, 11 Lincoln Street, Kansas City, KS.

MC 145152 (Sub-5–4TA), filed March 26, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *BBQ equipment NOI, electrical appliances NOI, and recreational equipment* from the facilities of Neosho Products Company, at or near Neosho, MO to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. Supporting shipper: Neosho Products Company, Division of Sunbeam Corporation, P.O. Box 622, Neosho, MO 64850.

MC 146868 (Sub-5–1TA), filed March 26, 1980. Applicant: MICHAEL BENNETT TRUCKING, INC., 16 E. Amador, Seneca, KS 66538. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. *Feed grade limestone, in bulk,* from the facilities of Kerford Limestone Company and American Cyanamid Company, at or near Weeping Water, NE, to points and places in KS, MO and OK. Supporting shippers: American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. Kerford Limestone Company, 6000 Cornhusker Hwy, Lincoln, NE 68507.

MC 146853 (Sub-5–1TA), filed March 24, 1980. Applicant: FRANK F. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Wood windows, sliding glass doors, wood folding doors, partitions, and lumber,* and (2) *materials and supplies (except in bulk) used in the manufacture, sale or distribution of the commodities in (1)* from Pella, IA, to points in UT, MT, WY, CO, and SD. Supporting shipper: Pella Rolscreen Company, Pella, IA 50219.

MC 148437 (Sub-5–1TA), filed March 24, 1980. Applicant: BORK TRANSPORT, INC., 8555 Harbach Boulevard, Des Moines, IA 50311. Representative: William L. Fairbank,

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1980 Financial Center, Des Moines, IA 50309. *Alcohol, in bulk,* from points in the Chicago, IL, commercial zone to points in IA. Supporting shipper: Bro Oil Co., Inc., 606 S.E. 18th, Des Moines, IA 50317.

MC 148548 (Sub-5–1TA), filed March 26, 1980. Applicant: KEIM TRANSPORTATION, INC., 420 N. Sixth, RFD 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract, Irregular, Iron and steel articles* (except "Mercer" commodities as defined in 74 MCC 459, 543 or earth drilling commodities as described in Roy L. Jones et al, 103 MCC 825, 832), from the Port of Catoosa, the Commercial zone of Muskogee, OK; the Commercial zone of Norfolk, NE and the Commercial zone of Houston, TX to points and places in KS on and east of U.S. Hwy 81. Supporting shipper: Steel & Pipe Supply Co. Inc., P.O. Box 703, Osage St., Manhattan, KS.

MC 148832 (Sub-5–2TA), filed March 26, 1980. Applicant: DELTA MOTOR FREIGHT, INC., 1618 Rowe Blvd., P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Common carrier,* over regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious to other lading), between Poplar Bluff, MO and its commercial zone, on the one hand, and, on the other, Memphis, TN and its commercial zone, as follows: (1) from Poplar Bluff over U.S. Hwy 67 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route; (2) from Poplar Bluff over MO Hwy 53 to its junction with MO Hwy 25; then over MO Hwy 25 to its junction with MO Hwy 84; then over MO Hwy 84 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route.

Note.—Applicant proposes to tack the authority sought with its authority in MC–FC–78298 and proposes to interline with other motor carriers. There are 38 supporting shippers.

MC 148919 (Sub-5–1TA), filed March 17, 1980. Applicant: HEARTLAND EXPRESS, INC., P.O. Box 129, St. Clair, MO 63077. Representative: Richard Howard, President, P.O. Box 129, St. Clair, MO 63077. Commodity—*Lump charcoal, charcoal briquettes, NOI or charcoal pellets in paper bags or in cloth bags or in barrels or boxes.* Request Authority to operate between the plant site of Cupples Company at Howes, MO and points in AL, AR, IL, IN, IA, KS, KY, MI, MO, NE, OH, OK, TN, VA, W. VA, and WI. Supporting shipper: Cupples Company, 1034 S. Brentwood Blvd., Richmond Heights, MO 63117, Mr. Harold Boswell, Vice President.

MC 150033 (Sub-5–1TA), filed March 17, 1980. Applicant: THOMAS ROLAND DuBOSE, d.b.a. ROLAND DuBOSE TRUCKING, Route 2, Box 335, Atlanta, TX 75551. Representative: G. William Lavender, 507 Hickory, P.O. Box 1938, Texarkana, AR 75501. *Wood chips,* which are a by-product of a sawmill operation, the chips being approximately 1" x 1¼" in size, which are to be used in the making of paper, and wood waste from sawmill operation including sawdust, bark and lumber remnants, for use as fuel to fire boilers at paper mill. From Miller Lumber Company, Texarkana, AR to International Paper Company, Domino, TX; Weyerhaeuser, Valiant, OK; Olinkraft, West Monroe, LA. Supporting shipper: International Paper Company, P.O. Box 160707, Mobile, AL 36616.

MC 150115 Sub-5–1TA) filed March 24, 1980. Applicant: PRICE TRANSFER & STORAGE, P.O. Box 369, Winfield, Kansas 67156. Representative: Glaves, Weil & Evans, 600 One Twenty Building, 120 South Market, Wichita, Kansas 67202. *General Commodities.* Restricted to the transportation of traffic contained in top-of-flat-car trailers having an immediate, prior subsequent movement by rail in interstate traffic; from, to, or between the following points or areas: To all points and places in Sumner County, Cowley County and Sedgwick County. Supporting shippers: Gott Corporation, 1616 Wheat Road, P.O. Box 652, Winfield, Kansas 67156; Morton Buildings, Inc., P.O. Box 649, Winfield, Kansas 67156.

MC 150330 (R5–2), filed March 17, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076, (501) 982–6511. Contract, irregular *Paper, paper products, paper bags, plastic bags, and bags constructed of paper and plastic combined* between the facilities of Great Plains Bag Corporation at Hodge, LA; Jacksonville, AR; and New Philadelphia, OH; on the one hand and to points in the states of Illinois, Indiana, Ohio, and Kentucky on the other hand. Supporting shipper: Great Plains Bag Corporation, 2201 Bell Avenue, Des Moines, IA 50321.

MC 150371 (Sub-5–1TA), filed March 24, 1980. Applicant: RICHARD DYKES, d.b.a. RICHARD DYKES TRUCKING, Mechanicsville, Iowa 52306. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Iron castings,* from the facilities of Crane Company at or near Washington, IA, to Romeo, MI and Fargo, ND. Supporting shipper: Crane Company, P.O. Box 530, Washington, IA 52306.

MC 150376 (Sub-1TA), filed March 24, 1980. Applicant: C & M CARTAGE COMPANY, 1911 N.W. 1st Street, Oklahoma City, Oklahoma 73106. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Merchandise dealt in by wholesale, retail, chain and feed business houses, dairy based products, flour and soy products, paste ingredients, and materials and supplies used in the distribution, manufacture, and sale thereof (except commodities in bulk),* between the facilities of the Ralston Purina Company, at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO and TX. Supporting shipper: Ralston Purina Company; 13700 N. Lincoln Blvd.; Edmond, OK 73034.

MC 150405 (Sub-1TA), filed March 24, 1980. Applicant: HOMER JONES, d.b.a. HOMER JONES, SCENIC TOURS, Route 4, Box 1065, Minden, LA 71055. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Passengers and their baggage, in round-trip charter operations* beginning and ending at Shreveport, Monroe, Minden, Ruston, Homer, and Springhill, LA, and extending to points in the U.S. (except AK and HI). Supporting shipper(s): Ten Supporting Shippers.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10708 Filed 4–8–80; 8:45 am]

BILLING CODE 7035–01–M

Mail Directed to Office of Proceedings; Section of Applications Evaluation and Authorities—Operating Rights Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Mail directed to the Office of Proceedings, Section of Applications Evaluation and Authorities—Operating Rights Proceedings.

SUMMARY: The reorganization of the units handling procedural pleadings, status inquiries, and applications has given us better control of the workload but has created a problem in handling the mail and pleadings associated with the applications being processed. It would be most helpful if persons filing certain pleadings in operating rights proceedings would direct them to the room indicated next to the digits listed. Last digit in the lead docket number 0 or 1—room 2160; 2 or 3—room 2379; 4 or 5—room 2158; 6 or 7—room 5337; 8 or 9—room 2367. Pleadings involved are: petitions to intervene filed under the procedures set forth in Ex Parte 55 (Sub-No. 26) (protest standards); verified statements; status inquiries during the evidentiary phases of the proceedings; shipper support; restrictive amendments, etc. *All other mail/pleadings will be processed under the normal procedures presently in use.*

It would also be helpful when persons submit notifications of consummation in MC–F and MC–FC proceedings that both the finance docket number and the surviving MC docket number (if known) be reflected and the notices be sent directly to room 5349.

With your cooperation, it is anticipated that less mail will be misrouted and all mail will be handled more quickly and efficiently.

EFFECTIVE DATE: None.

COMMENTS: No comments are required.

FOR FURTHER INFORMATION CONTACT: Rita McGee or Pat Lindsey (202) 275–7020 or Charles Renninger (202) 275–6001.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10707 Filed 4–8–80; 8:45 am]

BILLING CODE 7035–01–M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC–107, *Government Traffic,* 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before April 28, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register,** subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT–26–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: L. D. SMOCK AND E. G. SMOCK, a partnership, d.b.a. D. & L. E. TRANSIT CO., 1502 Augusta St., Zanesville, OH 43701. Representative: Stephen J. Habash, Baker & Hostetler, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT–27–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: CHARLES McALPIN, d.b.a. CHARLES McALPIN TRUCKING, 1420 Danville Rd. SW, Decatur, AL 35601. Representative: David Earl Tinker, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense.

GT–28–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: BELKNAP VAN & STORAGE OF SAN ANTONIO, INC., 7902 Webbles Dr., San Antonio, TX 78218. Representative: David Earl Tinker, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense, National Aeronautics and Space Administration, General Services Administration, Veterans' Administration, San Antonio and Kerrville, TX.

GT–29–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Rd. (Forestville), Upper Malboro, MD 20870. Representative: David Earl Tinker, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense.

GT–30–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: FRANK & SON, INC., Route 1, Box 1084, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–31–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–32–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Government Agency involved: Department of Defense.

GT–33–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Rd., Atlanta, GA 30341. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–34–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: PERRYSBURG TRUCKING CO., INC., 24892 Thompson Rd., Perrysburg, OH 43551. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and

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Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–35–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: R.M.E. INC., 1820 N. Bloomington St., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–36–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–37–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Dr., Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, United States Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, United States Postal Service, and U.S. Government Printing Office.

GT–38–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: CARRIER TRANSPORT SERVICE, 479 S. Airport Blvd., South San Francisco, CA 94080. Representative: Daniel W. Baker, Handler, Baker, Greene & Taylor, P.C., 100 Pine St., Suite 2550, San Francisco, CA 94111. Government Agency involved: Department of Defense, and General Services Administration.

GT–39–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Government Agency involved: Agencies listed in the U.S. Government Manual (1979–1980 edition).

GT–40–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: KAW TRANSPORT CO., P.O. Box 6510, Sugar Creek, MO 64054. Representative: Harold D. Holwick, Vice President-Traffic Mgr. (address same as applicant). Government Agency involved: Defense Fuel Supply Center, Alexandria, VA.

GT–41–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: R. P. THOMAS TRUCKING CO., INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Government Agency involved: Department of Defense.

GT–42–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 54801. Representative: A. N. Jacobs (address same as applicant.) Government Agency involved: Department of Defense, National Aeronautics and Space Administration, and General Services Administration.

GT–43–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: F–B TRUCK LINE CO., 1945 S. Redwood Rd., Salt Lake City, UT 84104. Respresentative: Alan R. Wilson, President (address same as applicant). Government Agency involved: General Services Administration, Bureau of Indian Affairs, Bureau of Reclamation and Mines, U.S. Surplus Property Office, Department of Defense, and Military Traffic Management Command.

GT–44–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: MERCER TRANSPORTATION CO., 12th and Main Sts., P.O. Box 35610, Louisville, KY 40232. Representative: Edward G. Villalon, Pennsylvania Bldg., 13th St. & Pennsylvania Ave, NW, Suite 1032, Washington, DC 20004. Government Agency involved: Department of Defense and General Services Administration.

GT–45–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Dr. NE, Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Government Agency involved: Federal Prison Industries, Department of Energy, Department of Defense, Tennessee Valley Authority, Nuclear Regulatory Commission, General Services Administration, and United States Department of Agriculture.

GT–46–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Government Agency involved: Federal Prison Industries, Department of Energy, Department of Defense, Tennessee Valley Authority, Nuclear Regulatory Commission, General Services Administration, and United States Department of Agriculture.

GT–47–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Ken E. McLinn (address same as applicant). Government Agency involved: Veterans Administration, U.S. Postal Service, General Services Administration, Department of Defense, Department of Energy, Health, Education and Welfare, Housing and Urban Development, U.S. Government Printing Office, Departments of Interior, Agriculture, Commerce and Transportation, U.S. Treasury, Federal Maritime Commission, National Aeronautics and Space Administration, Nuclear Regulatory Commission.

GT–48–80 (Special Certificate—Government Traffic), filed March 18, 1980. Applicant: GENERAL CARRIERS CORP. P.O. Box 3642, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Government Agency involved: Department of Defense, General Services Administration.

GT–49–80 (Special Certificate—Government Traffic), filed March 20, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, Baker & Hostetler, 100 East Broad St., Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT–50–80 (Special Certificate—Government Traffic), filed March 19, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., Birmingham, AL 35202. Representative: R. Cameron Rollings, P.O. Box 11086, Birmingham, AL 35202. Government Agency involved:

General Services Administration, Departments of Defense, Agriculture and Interior, Military Traffic Management Command, Bureau of Indian Affairs, Bureau of Reclamation and Mines, United States Surplus Property Offices, Department of Energy, U.S. Postal Service, Tennessee Valley Authority,

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10706 Filed 4-8-80; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Advisory Committee Annual Comprehensive Review Justification Statement; Request for Public Comment

In compliance with the February 14, 1980 directive of the Committee Management Secretariat (General Services Administration), Office of Management and Budget Circular A–63, Transmittal Memorandum No. 5, and with section 7(b) of the Federal Advisory Committee Act (Pub. L. 92–463), the Joint Board for the Enrollment of Actuaries (Joint Board) is conducting its annual review of the Advisory Committee on Actuarial Examinations (Committee). The Committee's purpose is to assist the Joint Board is fulfilling its responsibility imposed by 29 U.S.C. 1242(a) to insure that individuals enrolled to perform actuarial services with respect to pension plans to which the Employee Retirement Income Security Act of 1974 applies, meet certain standards and qualifications. The specific functions performed by the Committee in this respect are:

1. Recommends topics for inclusion on the Joint Board's examinations in basic actuarial mathematics and methodology;
2. Recommends questions for inclusion on the Joint Board's examinations in basic actuarial mathematics and methodology;
3. Recommends topics for inclusion on the Joint Board's examinations in actuarial mathematics and methodology relating to pension plans; and
4. Recommends questions for inclusion on the Joint Board's examinations on actuarial mathematics and methodology relating to pension plans.

As part of the Joint Board's annual review of the Committee, a justification statement is prepared in order to explain and demonstrate the necessity for the continuation of the Committee. The justification statement is set forth below. Interested persons are invited to participate in this review process by submitting their comments by May 8, 1980 to the Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Dated: April 4, 1980.

Rowland E. Cross,

Chairman, Joint Board for the Enrollment of Actuaries.

Justification Statement

1. Committee Function

The Joint Board for the Enrollment of Actuaries (Joint Board) is responsible for the enrollment of individuals who wish to perform actuarial services with respect to pension plans to which the Employee Retirement Income Security Act of 1974 (ERISA) applies. The standards and qualifications for enrollment, as set forth in 29 U.S.C. 1242(a)(1), include education and training in actuarial mathematics and methodology as evidenced by:

1. A degree in actuarial mathematics or its equivalent from an accredited college or university,
2. Successful completion of an examination in actuarial mathematics and methodology to be given by the Joint Board, or
3. Successful completion of other actuarial examinations deemed adequate by the Joint Board.

The Committee renders valuable and unique assistance to the Joint Board in the discharge of its responsibility to administer examinations in actuarial mathematics and methodology to individuals wishing to demonstrate that they satisfy the standards and qualifications required for enrollment. Specifically, the Committee considers topics to be covered and questions to be included in the Joint Board's examinations. Further, the Committee considers and evaluates other issues relating to the Joint Board's examinations as the Joint Board deems necessary.

2. Need for Continuation of the Committee

The Joint Board is comprised of five Federal employees, three from the Department of the Treasury and two from the Department of Labor. Each member of the Joint Board has a full-time government position which is unrelated to the work of the Joint Board. In accordance with its bylaws, only three of the Joint Board members are actuaries. Further, staff provided the Joint Board is minimal. While the Director of Practice (Office of the Secretary, Department of the Treasury) serves as the Joint Board's Executive Director, he has no actuarial expertise at his disposal. The actuary members of the Joint Board have determined that shouldering the entire responsibility for the design and preparation of examinations would entail too great a sacrifice of their other governmental responsibilities. Further, their expertise in the area of examination preparation is limited. It also has been established that there is no known expertise for this purpose within the government. Accordingly, a need exists to employ the technical expertise of an advisory committee of actuaries outside the government to assist the Joint Board in preparing future examinations. To operate without an advisory committee would severely impair the Joint Board's efforts to discharge its statutory responsibilities.

Because the Joint Board has neither created nor uses an advisory committee other than the Committee discussed herein, the Committee's efforts do not duplicate the work of another advisory committee within the agency. And because the Joint Board is the only Federal agency responsible for writing actuarial examinations or setting other criteria to determine actuaries' qualifications for enrollment pursuant to ERISA, the work of the Committee is not duplicated elsewhere in the Federal Government.

In addition, other means to fulfill the responsibilities of the Committee are not feasible. Public hearings are not the kind of forum in which sophisticated tests of actuarial knowledge can be developed. Moreover, breeches of the security necessary for prospective examination materials are obviously unavoidable in the context of public hearings. The Joint Board considered the possibility of obtaining examination materials from consultants in the educational testing field. However, it determined that consulting firms do not have the expertise or background necessary to provide examination questions in the highly specialized field of actuarial science related to the Joint Board's mandate.

In the past year, the Committee met seven times. These meetings produced recommendations on the topics covered and questions included on the Joint Board's examination in basic actuarial mathematics and methodology, given on November 14, 1979, and the examination of actuarial mathematics and methodology relating to pension plans, given on November 15, 1979. Further, at the Committee's December 17, 1979 meeting, the November 1979

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examinations' results were reviewed and recommendations relative thereto, including the minimum acceptable pass scores, were made to the Joint Board.

In 1979, the Committee submitted three reports to the Joint Board—the Advisory Committee Syllabus Report, the Advisory Committee Report on the 1979 Pension Actuarial Examination, and the Advisory Committee Report on the 1979 Basic Actuarial Examination. These reports were essential in assisting the Joint Board in preparing the examinations administered in November 1979.

The total operating cost for the Committee in 1979 was $16,637. The Joint Board believes this cost is extremely inexpensive considering the time that is required to prepare two comprehensive licensing examinations of a highly technical nature.

The Committee is currently in the process of formulating topics and questions to be recommended for inclusion in the three 1980 Joint Board examinations. The Committee will meet approximately the same number of times in 1980 as it did in 1979 in order to complete the tasks of formulating topics and questions for the 1980 examinations. Costs for 1980 will be slightly higher than 1979 due in part to increased transportation costs and the fact a third examination is being offered.

3. Balanced Membership

The Federal Advisory Committee Act requires that the membership of an advisory committee be fairly balanced in terms of the points of view represented and the functions to be performed. To meet this requirement, the Joint Board published an invitation to submit applications for Committee membership in the Federal Register. Invitations for membership also were made at public meetings and in professional organization publications.

In accordance with the statutory requirements of the Federal Advisory Committee Act and because of the Joint Board's own desire to have a balanced advisory committee, the selection of Committee members reflects a broad range of actuarial expertise and experience.

There are nine members on the Advisory Committee. All United States actuarial organizations are represented. Further, the work experience of the Committee's members represents diverse backgrounds. It is comprised of employment by consulting firms (4), insurance companies (3), an accounting firm (1) and a university (1). It is believed these wide ranges of experience and disciplines are desirable to utilize the input of as many forms of actuarial experience as possible to reflect an appropriate blend of questions on the Joint Board's examinations. The Advisory Committee also represents, to the extent feasible, a geographic cross-section of the enrolled actuary community.

It is the intent of the Joint Board to employ a similar selection process with respect to its successor Advisory Committee.

[FR Doc. 80-10637 Filed 4-8-80; 8:45 am]

BILLING CODE 4810-25-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-25]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

The Informal Subcommittee On Energy Technology of the NAC SSTAC will meet April 29–30, 1980, in Room 225, Building 3 (Administration Building), Lewis Research Center, Cleveland, Ohio. The meeting will be open to the public up to the seating capacity of the room (approximately 35 persons including the Subcommittee members and participants).

The Subcommittee was established to provide advice and recommendations on the overall objectives, approach, content, structure and balance of NASA energy technology efforts. The Chairperson is Dr. Robert L. Hirsch. There are currently eight Subcommittee members. Following is the approved agenda for the meeting:

Agenda

April 29, 180

8:30 a.m.—Introductory Remarks
8:40 a.m.—Welcome by Center Director
9:00 a.m.—Energy Program Overview
9:30 a.m.—NASA Center Presentations on Energy Activities Jet Propulsion Laboratory, Marshall Space Flight Center, Lewis Research Center (LeRC)
1:30 p.m.—Tour of Energy Facilities at LeRC
3:30 p.m.—NASA/LeRC Presentation on Automotive R&D
4:30 p.m.—NASA/LeRC Presentation on Wind Energy

April 30, 1980

8:30 a.m.—Advanced Conversion Technology Coal to Gas Generation Power Plant
9:30 a.m.—Magnetohydrodynamics (MHD)
10:00 a.m.—Fuel Cells
10:30 a.m.—Photovoltaic Stand Alone
11:00 a.m.—Energy Storage
11:30 a.m.—Subcommittee Discussions and Formulation of Recommendations

For further information contact Mr. Donald A. Beattie, Executive Secretary of the Subcommittee, Code RE-1, NASA Headquarters, Washington, DC 20546: Telephone 202/755–3127.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

April 3, 1979.

[FR Doc. 80-10686 Filed 4-8-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Central Liquidity Facility; Policy Regarding Protracted Adjustment Credit

AGENCY: National Credit Union Administration.

ACTION: Notice.

SUMMARY: This notice announces the policy of the National Credit Union Administration Central Liquidity Facility with regard to extensions of "protracted adjustment credit." The notice discusses the types of long-term liquidity needs that the Facility will meet under its authority to provide protracted adjustment credit, and the basic conditions which must be met for approval of a protracted loan.

EFFECTIVE DATE: April 10, 1980.

ADDRESS: National Credit Union Administration Central Liquidity Facility, 1776 G Street, NW., Washington, DC. 20456.

FOR FURTHER INFORMATION CONTACT: Mark S. Medvin, Assistant to the President, Central Liquidity Facility, at the above address. Telephone (800) 424–3205.

IRPS No. 80–4

The Central Liquidity Facility will provide "protracted credit" for periods in excess of 90 days to credit unions with liquidity problems resulting from national, regional, or local difficulties. The statutory provision authorizing CLF to provide protracted credit [1] is modeled after § 201.2(e) of Federal Reserve Regulation A, and it is reasonable that CLF should extend protracted credit to credit unions suffering essentially the same types of liquidity problems as are met by the Federal Reserve System under its authority to provide long-term emergency credit to its members. The Federal Reserve Board has never issued formal guidelines for its long-term emergency lending, but the Federal Reserve's operational guidelines have been determined through discussions with Federal Reserve discount officers and other offficials and a review of certain relevant documentary materials bearing on discount policy. [2] On the basis of these investigations, the CLF is promulgating the following policy on providing protracted credit:

The CLF has a clear responsibility to lend to its members in unusual and emergency circumstances resulting from national, regional, or local difficulties which give rise to long-lived liquidity needs. This is one of the benefits of CLF membership and the CLF is prepared to give prompt and sympathetic consideration to providing such assistance to a troubled credit union finding itself in these circumstances.

CLF protracted credit is available to meet a broad range of unusual or emergency funding needs which, if not met, may threaten the ability of credit unions to meet contractual obligations for payment over an extended period. CLF's authority is limited to meeting only such needs as result from local, regional, or national difficulties. In general, this means that protracted credit will be provided in situations where a significant contributing cause of the liquidity problem is external to the credit union or largely beyond its control. The cause may be isolated, affecting only one or a small number of credit unions, or it may be widespread with regional or national implications. In either case, the key factor is that unforeseen or uncontrollable conditions, as opposed to mere mismanagement, has meaningfully contributed to the liquidity problem. Examples of such external factors are strikes; local or regional disasters such as fires, floods tornadoes, or similar unpredicatable problems; unforeseen changes in economic conditions; and unusual or emergency circumstances which might cause an otherwise sound credit union to experience persistent problems.

In addition, the stress placed upon the credit union by external difficulties must be of some significance to its present or future viability. In order to grant protracted adjustment credit, the officers of the CLF must find that the failure to fund the credit union's needs might ultimately result in the failure of the credit union or in its inability to serve its members in an effective manner.

The financial condition of the credit union requesting assistance is also significant in the decision of whether to extend CLF protracted credit. Protracted credit will not be extended to support a failing credit union; nor will it be provided to sustain for a time a credit union which is unlikely to return to viability because of problems running deeper than an interim need for funds. On the other hand, even sound credit unions may experience liquidity problems in the event of an emergency or other unforeseen situations, and the CLF in considering whether to extend protracted credit distinguishes between a credit union's present difficulties and its future prospects.

This determination of financial condition, focusing primarily on the future, is necessarily judgmental. Information supplied by the credit union, NCUA, and by appropriate State supervisory authorities plays a significant role in the decision of whether to lend, as does evidence that the credit union has a plan for resolving its problems and is taking appropriate steps to achieve that end. The critical factor in approval of an appropriate request for protracted assistance is a reasonable expectation that the credit union will, with the help of CLF funds, be able to regain its feet as a viable going concern, repay its loans, and ultimately be able to operate without CLF support (other than short-term and seasonal support of a routine nature).

Consistent with the prohibition on CLF from making loans to expand portfolios, the amount of credit available from CLF for protracted assistance is limited to amounts just sufficient to enable the credit union to resolve its difficulties. The rate of interest and terms on protracted loans will be established on a case-by-case basis in order to meet the particular needs of the situation.

All protracted credit requests will be reviewed by the NCUA Board under procedures to be prescribed which will permit the CLF to meet its statutory responsibility to make decisions within five days.

Dated: April 4, 1980.

Beatrix D. Fields,

Secretary of the Board.

[FR Doc. 80-10762 Filed 4-8-80; 8:45 am]

BILLING CODE 7535-01-M

[1] 12 U.S.C. 1795e(1)(C); section 302(1)(C) of the Federal Credit Union Act.

[2] Report of a System Committee, *Reappraisal of the Federal Reserve Discount Mechanism*, Volume 1 Board of Governors of the Federal Reserve System, August, 1971, was particularly valuable in this respect.

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Policy Research and Analysis and Science Resources Studies, Subcommittee on Industrial R. & D. and Innovation Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies; Subcommittee on Industrial R. & D. and Innovation Processes.
Date and Time: April 28, 1980—9:00 a.m. to 4:30 p.m.
Place: 1800 G Street, N.W.—Room 1224, National Science Foundation, Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L–611, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550. Telephone number is 202/634–4666. Anyone who plans to attend should contact Ms. Dyer by April 25, 1980.
Summary Minutes: May be obtained from the contact person, Ms. Dyer, at the above address.
Purpose of Committee: To provide advice, recommendations and oversight concerning program emphases and directions of the IPM (Innovation Processes and Their Management) Working Group within the Division of Policy Research and Analysis.
Agenda:
9:00–11:45 a.m. Progress Report on Innovation Processes Program Planning; subcommittee critique of Program Planning Documents.
11:45 a.m.–1:15 p.m. Lunch. 1:15–4:30 p.m. Presentation of Innovation Processes Research Priorities; current Research Projects.
4:30 p.m. Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10645 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Executive Committee of the Advisory Committee for Environmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Environmental Biology.
Date and Time: April 28 & 29, 1980, 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1600 G Street N.W., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Frank B. Golley, Division Director, Environmental Biology, Room 336, National Science Foundation, Washington, D.C. 20550, (202) 632–9873.
Purpose of Executive Committee: To provide advice and recommendations concerning support of research in systematic biology and biological research resources.
Agenda: Review and comparison of declined proposals (and supporting documentation) with successful awards under the Systematic Biology Program and the Biological Research Resources Program.

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Reason for Closing: The Executive Committee will be reviewing grants & declinations which contain the names of applicants, institutions and principal investigators and priviledged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to the applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer, in accordance with the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10842 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Council Task Group No. 11; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group No. 11 of the NSF Advisory Council.

Place: Room 536, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: Wednesday, April 30, 1980.

Time: 4:00 p.m. to 6:00 p.m.

Type of meeting: Open.

Contact person: Dr. Alan Leshner, NSF Liaison, Task Group No. 11 of NSF Advisory Council, National Science Foundation, Room 320, 1800 G Street NW., Washington, D.C. 20550. Telephone (202) 632–4264.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to study and review available information on the state of the research opportunities in alternate academic institutions, to consider what conditions are necessary to foster develoment of competitive research and to recommend ways that both the NSF and the institutions might help to create the necessary conditions.

Dated: April 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-10967 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of those advisory committees which held any closed or partially closed meetings in 1979. The reports were filed in accordance with the Federal Advisory Committee Act, Pub. L. 92–463, and are available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. and at the National Science Foundation, Committee Management Office, Room 248, Washington, D.C. The names of the committees submitting reports are:

Advisory Committee for Applied Science and Research Applications Policy
Advisory Committee for Atmospheric Sciences
Advisory Committee for Behavioral and Neural Sciences
Advisory Committee for Chemistry
Advisory Committee for Earth
Advisory Committee for Engineering
Advisory Committee for Engineering and Applied Science
Advisory Committee for Environmental Biology
Advisory Committee for Materials Research
Advisory Committee for Mathematical and Computer Science
Advisory Committee for Ocean Sciences
Advisory Committee for Physics
Advisory Committee for Physiology, Cellular and Molecular Biology
Advisory Committee for Polar Programs
Advisory Committee for Policy Research and Analysis and Science Resources Studies
Advisory Committee for Science and Society
Advisory Committee for Science Education
Advisory Committee for Social and Economic Science
Advisory Committee for Post-International Phase of Ocean Drilling (IPOD) Science
Advisory Committee for Special Research Equipment (2-Year and 4-year Colleges)
Alan T. Waterman Award Committee
DOE/NSF Nuclear Science Advisory Committee
President's Committee on the National Medal of Science

Dated: April 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 10050 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Directorate for Scientific, Technological, and International Affairs

AGENCY: National Science Foundation.

ACTION: Program for the analysis of science resources.

SUMMARY: The National Science Foundation is continuing its Program For The Analysis of Science Resources. A limited number of grants will be awarded for studies focusing on:

(1) Training and employment of scientific and technical personnel.

(2) Funding of scientific and technical activities.

(3) Outputs and impacts of scientific and technical activities.

Proposals may be submitted at any time. Those received by November 14, 1980 qualify for consideration for possible funding in fiscal year 1981. Most awards will be for one to two person-years effort.

You may obtain the Program Announcement for the *Program for the Analysis of Science Resources* from: Division of Science Resources, Studies, National Science Foundation, 1800 G Street, D.C. 20550, Room L–611. For further information please contact Morris Cobern, Division of Science Resources Studies, at (202) 634–4655.

Joseph P. Gannon,

Senior Program Analyst.

April 4, 1980.

[FR Doc. 80-10840 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Executive Committee of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Ocean Sciences.

Date and time: April 30 and May 1, 1980—9:00 a.m. to 5:00 p.m. each day.

Place: Room 523, National Science Foundation, 1800 G Street, NW, Washington, DC.

Type of meeting: Open.

Contact person: Dr. Dirk Frankenberg, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9639.

Summary minutes: May be obtained from the Contact Person, Dr. Dirk Frankenberg at the above stated address.

Purpose of committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF's Division of Ocean Sciences.

Agenda:

1. Discussion and Approval of November Meeting Minutes—R. Dugdale.
2. FY 1980, FY 1961 Budget and Status Reports—D. Frankenberg.
3. Funding of the UNOLS Fleet—Discussion—D. Frankenberg and M. K. Johrde.
4. Long-Range Planning—FY 1982–1986—Staff.
5. Industry-University Cooperative Research—F. Betz.
6. Oversight Reviews—Oceanography Section—Discussion.
   Oceanographic Facilities and Support—G. Ross Heath.
7. Election of New Chairperson—D. Frankenberg.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10846 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Executive Subcommittee of the Materials Research Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Executive Subcommittee of the Materials Research Advisory Committee.

Place: Room 543, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Date: Thursday, May 1, and Friday, May 2, 1980.

Time: 9:00 a.m.–5:00 p.m., both days.

Type of meeting: Part Open—May 1, 9–4 (Open); May 1, 4–5 (Closed); May 2, 9–5 (Open).

Contact Person: Dr. Ronald E. Kagarise, Director, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C., Telephone: (202) 632–7412.

Summary Minutes: May be obtained from the Contact Person, Dr. Ronald E. Kagarise, at the above stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support of materials research.

Agenda: *Thursday, May 1, 1980–9:00 a.m. to 4:00 p.m. (open).*

9:00 a.m.—Introductory remarks and overview of Mathematical and Physical Sciences Directorate and Division of Materials Research (DMR).

10:30 a.m.—Reports of Condensed Matter Sciences, Metallurgy & Materials, and Materials Research Laboratories Subcommittees.

12:00 noon—Lunch.

1:00 p.m.—Continuation of Reports.

2:30 p.m.—General Discussion of Subcommittee Reports.

3:15 p.m.—DMR Oversight Review Plans for FY 1981.

4:00 to 5:00 p.m.—Closed session—Review of problem and marginal proposals.

Friday, May 2, 1980–9:00 a.m. to 5:00 p.m. (open)

9:00 a.m.—Long-range Needs, Opportunities and Priorities in Materials Research.

12:00 noon—Lunch.

1:00 p.m.—Status reports on IUC, CARP and Microstructures Research.

2:30 p.m.—Discussion of topics suggested by subcommittee reports.

4:00 p.m.—Future Executive Subcommittee Activities.

5:00 p.m.—Adjourn.

Reasons for closing: The Subcommittee will be reviewing grants and/or declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review of documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10848 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Oversight and Evaluation; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Oversight and Evaluation of the Advisory Committee for Ocean Sciences.

Date and time: April 29, 1980, 9:00 a.m. to 5:00 p.m.

Place: Room 523, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Dirk Frankenberg, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC 20550, Telephone (202) 357–9639.

Purpose of subcommittee: To provide expert assistance in carrying out external oversight which is concerned with the examination of decisions made, procedures and policies in effect and focuses on operations and activities, priorities, program balance, and selection of awards.

Agenda: Oversight and evaluation of the Office of Oceanographic Facilities and Support.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt materials and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to close meeting: This determnation was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–423. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10841 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Facilities of the Materials Research Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Facilities of the Materials Research Advisory Committee.

Date: April 30, 1980.

Time: 9:00 a.m.—5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW, Washington, DC. 20550, Room 543.

Type of meeting: Open.

Contact person: Dr. William T. Oosterhuis, Materials Research Laboratory Section, Room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 632–7408.

Summary minutes: May be obtained from the Contact Person, Dr. William T. Oosterhuis, at the above stated address.

Purpose of subcommittee: To provide advice and recommendations concerning the user facilities supported by the Division of Materials Research.

Agenda: General discussion of the current status and future plans of the user facilities supported by the Division of Materials Research

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10844 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.

Date and time: May 1 and 2, 1980; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Donald W. Kaufman, Associate Program Director, Population Biology and Physiological Ecology Program,

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Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–7317.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 4, 1980.

[FR Doc. 80-10943 Filed 4-8-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold an open meeting on April 24–25, 1980, at the Oak Ridge National Laboratory (ORNL), Oak Ridge, TN to review the Heavy Section Steel Technology (HSST) Program. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Thursday and Friday, April 24 and 25, 1980

8:30 a.m. Until the Conclusion of Business Each Day

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of ORNL, the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio G. Igne (telephone 202/634–3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 2, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10477 Filed 4-8-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Natural Circulation and Feed and Bleed Heat Removal; Meeting

An ACRS Ad Hoc Subcommittee on Natural Circulation and Feed and Bleed Heat Removal will hold a meeting on April 24, 1980 in Room 1046, 1717 H St., N.W., Washington, DC to continue its review of information presently available on natural circulation and feed and bleed heat removal systems. Also, areas where inadequate information exists will be examined, and planned NRC (or other) tests that will be run to obtain needed information will be studied and the possible need for other tests will be explored. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Thursday, April 24, 1980

8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittees will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Futher information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 2, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10476 Filed 4-8-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–282 and 50–306]

Consideration of Proposed Increase in Spent Fuel Storage Capacity; Corrections

On February 28, 1980, a "Notice of Proposed Issuance of Amendments to Facility Operating Licenses" was published on page 45. FR 16059 without the name and address of the attorney of the Licensee. The name and address of the licensee's attorney is Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

The Notice related to the proposed increase in spent fuel storage capacity at the Prairie Island and Nuclear Generating Plant Unit Nos. 1 and 2 located in Goodhue County, Minnesota.

Dated at Bethesda, Maryland, this 2nd of April 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-10839 Filed 4-8-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–482A]

Kansas Gas & Electric Co., Kansas City Power & Light Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated March 28, 1980, with respect to the construction permit application for Wolf Creek Generating Station, Unit No. 1:

"You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, regarding the acquisition by Kansas Electric Power Cooperative, Inc. (KEPCO) of an ownership interest in the above referenced unit. KEPCO has been negotiating for a 17 percent interest in the unit, or approximately 195 megawatts. This power will be blended in with hydroelectric power from the Southwestern Power Administration and supplemental power purchased from neighboring utilities and used by KEPCO to supply its cooperative members.

"The Department rendered antitrust advice with regard to the Wolf Creek Generating Station, Unit No. 1, by letter of December 10, 1974. Kansas Gas and Electric Company and Kansas City Power and Light Company, the original owners of the unit, agreed to accept license conditions that, in the view of the Department, made an antitrust hearing unnecessary. The purchase of an ownership interest in the Wolf Creek Generating Station, Unit 1, by KEPCO is pursuant to the license conditions agreed to in 1974.

"Our review of the information submitted, as well as other relevant information available to us, has disclosed no basis upon which to conclude that an antitrust hearing is necessary regarding KEPCO's ownership of a 195 megawatt share in Wolf Creek Unit 1."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 9, 1980 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-10838 Filed 4-8-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 2), Request for Action

Notice is hereby given that by petition dated March 12, 1980, Wisconsin's Environmental Decade, Inc. requested that an order to show cause and an order enjoining operation of Point Beach Nuclear Plant, Unit 2 be issued to Wisconsin Electric Power Company because of steam generator tube degradation. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the local public document room at University of Wisconsin's Stevens Point Library, Stevens Point, Wisconsin 54481.

Dated at Bethesda, Maryland, this 2nd day of April, 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-10840 Filed 4-8-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (76 Stat. 593: 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government hospitals.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

	Effective Apr. 7, 1980, and thereafter		
	DOD	VA	HEW
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	$254	$170	$175
Psychiatric care	.....	110	.....
Nursing home care	.....	74	.....
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Houston, Tex	713	.....	.....
Outpatient medical and dental treatment:			
Per outpatient visit	26	51	43

For the period beginning April 1, 1980, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on June 1, 1979 (42 FR 54480).

Dated: March 26, 1980.

J. T. McIntyre, Jr.,

Director, Office of Management and Budget.

[FR Doc. 80-10721 Filed 4-8-80; 8:45 am]

BILLING CODE 3110-01-M

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SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Public Hearing—Chicago, Ill.

The Select Commission on Immigration and Refugee Policy will hold the tenth of 12 regional hearings on:

Date: April 21, 1980.
Time: 9 a.m.—5 p.m.; 7 p.m.—9 p.m.
Place: Ceremonial Courtroom (Room 2525), Dirksen Federal Building, 219 S. Dearborn, Chicago, Illinois.

The Chicago hearing will be chaired by Rep. Robert McClory.

The major portion of this hearing will be devoted to testimony from invited witnesses addressing issues relating to illegal aliens and the labor supply, methods of inhibiting future illegal flows, family reunification provisions of the current preference system, immigrant and refugee acculturation, and INS functions.

There will be an "Open Mike" in the evening from 7 p.m.—9 p.m. available to anyone wishing to address any immigration issue before the Commission.

The public is cordially invited to attend both the day and evening discussions.

Written statements will be accepted for a period of 7 days following the hearing from people unable to appear in person.

The Select Commission on Immigration and Refugee Policy was created by public law to provide a comprehensive review of U.S. immigration laws, policies, and procedures. The regional hearings are being held to ensure that a wide range of views are heard and considered by the Commission. Other hearings are being held in Albany, Baltimore, Boston, Denver, Los Angeles, Miami, New Orleans, New York, Phoenix, San Antonio, and San Francisco.

Members of the Commission include four Cabinet officers, eight members of Congress with four members selected from each Judiciary Committee, and four members appointed by the President.

Anyone wishing more information about the Chicago hearing or about testifying at the evening session should contact: Elaine Daniels, Select Commission on Immigration and Refugee Policy, New Executive Office Building, Suite 2020, 726 Jackson Place, NW., Washington, D.C. 20506, telephone (202) 395–5615.

Dr. Lawrence H. Fuchs,
Executive Director.

[FR Doc. 80-10051 Filed 4-8-80; 8:45 am]
BILLING CODE 6125-AR-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02–5393]

Medallion Funding Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Medallion Funding Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Alvin Murstein, 215 Birch Drive, East Hills, NY 11576—President, General Manager, Director and 10% Stockholder.
Michael A. Miller, 199 Temple Street, West Newton, MA 02165—Treasurer, Director and 7½% Stockholder.
Myron Cohen, 7 West 96th Street, New York, NY 10025—Secretary, Director and 5% Stockholder.

No other stockholders will own 10% or more of the company's common stock.

The Applicant, a New York corporation, with its principal place of business at 86 Glen Cove Road, East Hills, New York 11577, will begin operations with $1,050,000 of paid-in capital and paid-in surplus derived from the sale of 1,000 shares of common stock to a maximum of 35 investors.

The Applicant will conduct its activities primarily in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns who are considered "mini-fleet" taxicab corporations doing business in the city of New York and licensed by the New York Taxi and Limousine Commission.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before April 24, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in East Hills, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 3, 1980.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10742 Filed 4-8-80; 8:45 am]
BILLING CODE 6025-01-M

Pilot Export Program

The Small Business Administration ("SBA") is putting a pilot export program into operation effective March 1, 1980 under which eligible small business exporters and export management companies will be able to obtain revolving lines of credit. The pilot program will operate only in designated regions with the participation of designated lenders, and will be limited to loan guarantees not to exceed 75% of the outstanding balance of the revolving line of credit. Further information may be obtained from SBA offices, or from Robert H. Bartlett, Chief, Program Operations Division, Office of Finance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, Telephone (202) 653–6470.

(Catalog of Federal Domestic Assistance Nos. 59.003 Economic Opportunity Loans for Small Businesses and 59.012 Small Business Loans)

Dated: April 2, 1980.

William H. Mauk, Jr.,
Acting Administrator.

[FR Doc. 80-10741 Filed 4-8-80; 8:45 am]
BILLING CODE 6025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Syracuse, New York, will hold a public meeting at 9:00 a.m., Friday, May 2, 1980, at the Syracuse Hilton Inn, 1306 Buckley Road, North Syracuse, New York, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, 1071 Federal Building, 100 South Clinton Street, Syracuse, New York 13260, (315) 423–5371.

Dated: April 3, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-10744 Filed 4-8-80; 8:45 am]
BILLING CODE 6025-01-M

[Proposed License No. 02/02–5397]

W & D Funding Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by W & D Funding Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Elias H. Debbas, 300 East 40th St., New York, NY 10017—President and Director.
William Wallach, 940 Midway, Woodmere, NY 10017—Secretary, Director and 50% Shareholder.
All State Credit Corp., 300 East 40th Street, New York, NY 10017—50% Shareholder.

Elias H. Debbas is the sole shareholder of All State Credit Corp.

The Applicant, a New York corporation, with its principal place of business at 880 Tenth Avenue, New York, New York 10019, will begin operations with $504,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the County and City of New York and will primarily finance concerns considered mini-fleet taxicab corporations licensed by the New York Taxi and Limousine Commission.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before April 24, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 3, 1980.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10743 Filed 4-8-80; 8:45 am]
BILLING CODE 6025-01-M

TENNESSEE VALLEY AUTHORITY

Radioactive Waste Management at the Browns Ferry Nuclear Plant, Limestone County, Ala.; Notice of Negative Determination (Finding of No Significant Impact)

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), and section V–B–1 of the Tennessee Valley Authority's Procedures for Environmental Planning and Assessment (39 FR 5671–75 (1974)) and consistent with section 1501.4 of the Council on Environmental Quality Provisions for Implementing NEPA (43 FR 55,978–56,007 (1978)), the Tennessee Valley Authority (TVA) hereby gives notice that it has determined that the construction and operation of temporary low-level radioactive waste (LLRW) storage facilities, a permanent onsite storage facility and a volume reduction/solidification facility at the Browns Ferry Nuclear Plant site (located in Limestone County, near Decatur, Alabama), is not a major Federal action significantly affecting the quality of the human environment and an environmental statement is not necessary for this proposed action. TVA has prepared an environmental evaluation of the impacts related to this proposal and has identified measures to minimize the effects of construction and operation on the environment. The proposal is compatible with both regional and local planning.

TVA's environmental evaluation considers, among other areas, the potential for impacts to air, land, and water, impacts from noise, radiation, and solid waste generation and impacts to the operation of the Browns Ferry Nuclear Plant related to siting and during construction and operation of the facilities. The evaluation addresses alternatives to the proposal, including taking no action or delaying action. There are no potentially significant adverse environmental impacts associated with this proposal. During construction some siltation may occur and construction noise will emanate from the project. Small amounts of radioacting and nonradioactive gaseous emissions will occur during operation of the facilities. The cumulative dose rates from these facilities and the Browns Ferry Nuclear Plant under worst case conditions at the site boundary would be much less than that allowed under regulatory guidelines.

Copies of the environmental evaluation are available to the public by calling TVA's toll-free Citizen Action Line at 1–800–362–0250 (inside Tennessee), 1–800–251–0242 (outside Tennessee), and 632–4100 in Knoxville or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Any questions or comments concerning this proposal should be directed to: Dr. Mohamed T. El-Ashry, Director of Environmental Quality, Forestry Building, Norris, Tennessee 37828.

Although TVA's Board of Directors has given its approval, no further action will be taken on this proposal for 30 days from the date of publication of this notice (May 9, 1980) pending receipt of public comment.

W. F. Willis,
General Manager.

[FR Doc. 80-10660 Filed 4-8-80; 8:45 am]
BILLING CODE 8120-01-M

Residential Energy Conservation Plan; Hearing

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Public hearing on the content of a proposed TVA plan.

V45170A P980 UMI

TVA is considering submitting to the Department of Energy a plan (TVA Plan) for the Residential Conservation Service programs of the TVA power distributors covered by Part 1 of Title II of the National Energy Conservation Policy Act (Pub. L. No. 95-619) and the regulations issued thereunder. The Residential Conservation Service programs are to encourage and facilitate the installation of residential energy conservation measures. A copy of the proposed TVA Plan may be obtained from Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902.

TVA will hold a public hearing on May 5, 1980, at which interested persons are invited to comment on the content of the proposed TVA Plan. The hearing, with a morning session beginning at 10 a.m. and an evening session beginning at 7 p.m., will be held in Room 239A of the Central YMCA, 301 West Sixth Street, Chattanooga, Tennessee 37402.

Anyone may request time to make an oral presentation at the hearing by notifying Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, (615) 632-4402. Such requests should be made by April 28, 1980. The request should include the amount of time and the session (morning or evening) desired. The hearing will be conducted by a presiding officer, and comments will be heard by a hearing panel. Persons making presentations may be questioned by the hearing panel, but will not be subject to questioning by the public. The presiding officer will ensure that the hearing is conducted in an orderly manner and in accordance with these procedures. In so doing, the presiding officer shall make any parliamentary rulings and establish such supplemental procedures, including setting time limits, as may be appropriate in the presiding officer's discretion to afford all interested parties a reasonable opportunity to be heard. A verbatim transcript will be made of the hearing.

Written data, views, and comments on the proposed TVA Plan are also requested from the public. Written comments should be sent to Presiding Officer, RCS Hearing, Tennessee Valley Authority, Division of Energy Conservation and Rates, Power Service Center-6, Chattanooga, Tennessee 37401. All written material should be received by TVA before 5 p.m. on May 16, 1980, to ensure consideration.

The transcript of the hearing, copies of all written materials submitted, and a summary of the comments will be transmitted to the TVA Board of Directors for its use in considering this matter.

Individual copies of the comments will be available to the public at cost of reproduction. Copies will also be kept on file for public inspection at the Technical Library, Tennessee Valley Authority, 400 Commerce Avenue, E2B7, Knoxville, Tennessee 37902 and at the Technical Library, Tennessee Valley Authority, 401 Chestnut Street, 100 401B, Chattanooga, Tennessee 37402.

FOR FURTHER INFORMATION CONTACT:
Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, (615) 632-4402.

Dated: March 28, 1980.

W. F. Willis,
General Manager.

[FR Doc. 80-10719 Filed 4-8-80; 8:45 am]
BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committees; Meetings

Correction

In FR Doc. 80-9961 appearing at page 21759 in the issue for Wednesday, April 2, 1980, third column, second paragraph, last line, "April 20" should read "April 29".

BILLING CODE 1505-01-M

Customs Service

[521414]

Soliciting Public Comments on a Proposal to Incorporate by Reference Riders to all Term Bonds in the Automated Bond Information System

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice requesting public comments.

SUMMARY: This document gives notice that the Customs Service has under consideration a proposal which would amend each of the term bonds currently in the Automated Bond Information System (ABIS), to permit the addition of any of the approved ABIS bond riders when a bond is submitted to a district director of Customs.

DATES: Comments must be received on or before June 9, 1980.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, 1301 Constitution Ave., N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
William G. Rosoff, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

It is generally held that an insurance contract with an attached rider, in which the contract and rider refer to each other, constitute a single agreement. However, bonds in the Automated Bond Information System (ABIS) do not refer to their bond riders. Although a rider may refer to a bond, it does not become part of the contract simply by being fastened to the bond. An intent to treat the rider as being part of the bond can be shown by having the parties to the bond sign the rider.

However, the acceptance of ABIS bond and bond rider packages in which only the bond itself is properly signed may affect the validity of the rider, thus rendering the transaction covered by the rider unsecured. Moreover, the acceptance of ABIS bond and bond rider packages in which only the bond is properly signed is administratively burdensome to Customs inasmuch as ABIS computer printouts do not show how the bond or any rider was signed. Consequently, Customs requires that principals on all ABIS bonds sign and, in the case of corporate principals, authenticate the signature on all riders, whether submitted with the bond or separately.

To insure uniformity in the acceptance of ABIS bond and bond rider packages, and for the convenience of persons submitting such packages, the Customs Service is considering the addition of language to all ABIS bond forms to allow principals on these bonds to incorporate by reference any of the approved ABIS bond riders when a bond is submitted to the district director of Customs in accordance with section 113.26, Customs Regulations (19 CFR 113.26). Principals would add a rider or riders simply by indicating in the space provided on the bond form the appropriate letter of the rider and the corresponding T.D. number or Headquarters memorandum which incorporates the text of the rider. The approved ABIS bond riders are set forth in T.D. 73-198 (riders A-L), T.D. 73-284 (rider M), T.D. 73-329 (rider N), T.D. 76-246 (rider O), T.D. 78-140 (rider P), and Headquarters memorandum, dated November 20, 1978, BON-3-O:D:EAO (rider R).

Principals on ABIS bonds would continue to have the option of adding one or more riders during the term of the underlying bond by submitting a signed and authenticated bond rider and Bond Transcript, Customs Form 53, to the district director who approved the bond.

Proposed Action

Under Customs proposal the following language would be added to each ABIS bond form immediately after the last WHEREAS clause and before the list of conditions:

Whereas, the above-bounden principal expects to engage in activities covered by the following bond riders set forth in ————;

Whereas, the principal and surety intend to be bound to the same extent as if they had executed each of the listed riders;

The following language would be added after the last Condition and immediately before the phrase "Then this obligation shall be void; * * *":

If the above-bounden principal complies with every condition and obligation contained in each listed bond rider in connection with the principal's activities;

Comments

The Customs Service invites written comments (preferably in triplicate) on its proposal to amend all ABIS bond forms to permit the addition of any of the approved bond riders when a bond is submitted to a district director of Customs, and what changes, if any, should be made.

All comments received in response to this notice will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Drafting Information

The principal author of this notice was James A. Seal, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices within the Customs Service participated in its development.

Dated: April 2, 1980.

Harvey B. Fox,
Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-10712 Filed 4-8-80; 8:45 am]
BILLING CODE 4810-22-M

V 45 / 70 AP 9 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 70
Wednesday, April 9, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

[M-276; April 3, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027 (Open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Petition for reconsideration of Order 79–12–98, cancelling Rule 1(G) in the domestic passenger rules tariff, CAB No. 352, and withdrawing approval of part of Agreement CAB 21511. (Memo No. 8503–B, BDA, OGC, OEA)
3. Revision of Board-prescribed airline counter signs and ticket notices. (Memo No. , BCP)
4. Docket 34772, Petition of the Air Transport Association for discussion authority. (Memo No. , BDA, OGC, BCP)
5. Docket 34625, Agreement CAB 5044–A253, Petition for review of staff action filed by Air Traffic Conference of America concerning requirements for the reproduction of tour folders. (Memo No. 9470–A, BDA)
6. Docket 34802, Petition of Wien Air Alaska, Inc. for increased intra-Alaska final service mail rates; Docket 37165, Great Northern Airlines Service Mail Rate Investigation. (Memo No. , BDA)
7. Dockets 36317 and 36797, Reeve Aleutian Airways, Inc. Petition for Fuel Surcharge applicable to the carriage of mail. (Memo No. , BDA)
8. Dockets 37871 and 37872, Courier-accompanied baggage charges proposed by British Airways. DHL and Gelco, air couriers, complain that proposal is not cost-justified, discriminatory, and anti-competitive. (Memo No. , BDA)
9. Docket 37831, Increased excess baggage charges proposed by Pan American. DHL, an air courier, complains that the proposed charges are in excess of those permitted under the *Excess Baggage Case*. (Memo No. , BDA)
10. Docket 33830, Final rule extending the Board's fare flexibility policy to the Puerto Rico/Virgin Islands markets. (Memo No. BDA)
11. Travel Committee, Inc.—Petition for review of staff action denying waiver of the major change provisions of Part 380. (Memo No. 9568, BDA)
12. Dockets 33218 and 33405, Termination of inactive investigations regarding boarding priority rules and Eastern's suspended tag-end fare provision prohibiting the cabination of tag-end and through fares. (Memo No. 9576, BDA)
13. Dockets 31783, Pacific Aero, Inc.; and Docket 31919, Commercial Air Transport Inc.—Revocation of Section 418 All-Cargo Air Service Certificates. (Memo No. 9073–B, BDA)
14. Docket 37274, Boise-Burbank/Fresno/Las Vegas/Los Angeles/Long Beach/Phoenix/San Diego/Stockton Sacramento Show-Cause Proceeding; new applications of Air California (Docket 37394) and Hughes Airwest (Docket 37393). (Memo No. 9569, BDA)
15. Docket 33789, Petition of Air Florida for reconsideration of Order 79–11–103; to add Marathon, Fla. to its certificate. (Memo No. 8931–B, BDA)
16. Docket 36816, Review of communities eligible for designation of essential air service under Section 419(b). (Memo No. 9193–B, BDA, OCCR)
17. Dockets EAS–489, 490, and 499, Appeal of Essential Air Transportation Determinations filed by Alliance, Chadron and Sidney, Nebraska, and the Nebraska Aeronautics Commission. (Memo No. , OGC, OCCR, BDA)
18. Docket EAS–436, Essential Air Service Determination at Presque Isle, Maine. (Memo No. 9560, BDA, OCCR)
19. Docket 36862, EAS–669, Western Air Lines' notice of intent to terminate service at Pocatello, Idaho, under section 401(j)(1) of the Act. (Memo No. , BDA)
20. Docket 37877, AeroMech's notice to terminate service at Elkins. (Memo No. , BDA)
21. Dockets 36508, EAS–341, Air Illinois' notice of intent to terminate service at El Dorado/Camden, Arkansas. (Memo No. , BDA)
22. Docket 37440, Texas International's notice to terminate service at Wichita Falls, Texas. (Memo No. , BDA, OCCR)
23. Dockets 37849 and 37850, Alaska Airlines' notice and exemption request to suspend service at Middleton Island, Alaska, effective April 15, 1980. (Memo No. , BDA)
24. Docket 37439, Texas International's (TI) ninety day notice of suspension of all service at Brownsville, Texas. (Memo No. 9590, BDA, OCCR)
25. Docket 37524, Trans World Airlines' notice to suspend service at Knoxville, Tennessee. (Memo No. 9571, BDA, OCCR)
26. Docket 37601, TWA's notice to suspend service at Minneapolis/St. Paul. Docket 37728, TWA's exemption application to suspend service at Minneapolis/St. Paul before termination of 90-day notice period. (Memo No. 9588, BDA, OCCR)
27. Docket 37630, Piedmont's notice to terminate service at Columbia, S.C. (Memo No. 9574, BDA, OCCR)
28. Docket 37878, Application of Western for advance compensation for losses. (Memo No. , BDA, OCCR)
29. Annual Review of Outstanding Delegations to the Office of General Counsel—MOO66 (OGC)
30. Part 387, Emergency Succession. SO188. (Memo No. 9583, BDA, OGC)
31. Docket 36639, Prohibition of age discrimination in air transportation. (Memo No. , OGC, BCP)
32. Docket 36294, Revised NPRM on whether denied boarding compensation must be paid to passengers transferred to an extra section of a flight. (Memo No. , OGC)
33. Docket 37083, Petition by the Performance Incentives Company for rulemaking to remove the limitation on the commission that carriers can pay to travel agents for pro rata and single entity charters. (Memo No. , OGC)
34. Docket 33095, Petition by Globus, Gateway Tours, Ltd. to remove the "name condition" from the permits of foreign indirect air carriers. Registration of foreign charter operators. SO160 (Memo No. , OGC, BIA)
35. Docket 28296, et al., Application of Action on Smoking on Health for compensation, and SO179, *Compensation of Participants in Board Proceedings*. (Memo No. , OGC)
36. Docket 35042, extension of payment period for political candidates on credit indebtedness owed to airlines; replacement of semi-monthly billing with monthly billing during last 2 months of campaign. (Memo No. 9057–A OGC)
37. Docket 37009, *Trans World Air Lines, Discount Fair Advertising*. Petition for review of order granting intervention to World Airways. (Memo No. 9585, OGC)
38. Docket 35784, *World Airways v. American Airlines et al.* Petition for review of BCP dismissal of Third-Party complaint. (Memo No. , OGC)
39. Docket 34941, Bahamasair Holdings Limited's application to renew and amend its foreign air carrier permit to operate scheduled services between The Bahamas and eight coterminal U.S. points, including four new U.S. points, subject to conditions and limitations. (Memo No. 9295–A, OGC, BIA)
40. Docket 36932, Application of Toronto Airways, Ltd. (d/b/a Torontair) for an initial foreign air carrier permit to operate scheduled passenger and cargo service. (Memo No. 9575, BIA)
41. Docket 35516, Trans-Mediterranean Airways, S.A.L. (TMA)—application to renew and amend its foreign air carrier permit to operate New York-Lebanon all-cargo operations via Basel, Amsterdam, Copenhagen, Stockholm, Frankfurt, Paris and London. (Memo No. , BIA)
42. GOO99, Application of Jugoslovenski Aerotransport (JAT) for 18 additional nonstop frequencies between June and September. (Memo No. 9577, BIA, OGC)
43. Docket 35167, Application of Braniff Airways, Inc., for amendment of its certificates of public convenience and necessity for Routes 151 and 153 to delete all references to "Balboa and Canal Zone/Panama City, Panama," and substitute "Panama City, Panama." (Memo No. 9582, BIA, OGC, BLJ)
44. Docket 32660, IATA agreements, relating to currency matters and Japan-Canada fares. (Memo No. 9587, BIA)
45. U.S. Czechoslovakia fare increases proposed by CSA. (Memo No. , BIA, BDA)
46. Dockets 35634 and 32660, IATA agreements proposing a mechanism for fuel-related increases in worldwide fares and rates. (Memo No. 9567, BIA, BDA)
47. Docket 35834, IATA agreements proposing a fourth round of worldwide fuel-related cargo rate increases as well as establishing a number of general cargo-related resolutions many of which also apply on a worldwide basis. (Memo No. , BIA, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673–5068.

[S–720–80 Filed 4–7–80; 4:01 pm]

BILLING CODE 6320–01–M

2

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, April 14, 1980, 10–12 a.m.—1:30–5 p.m.

PLACE: 1121 Vermont Avenue, N.W., 5th Floor Conference Room, Washington, D.C.

STATUS: All portions open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Directors' Report—
A. Status of Funds
B. Personnel Report
C. Office Directors' Report
D. Correspondence
1. Letter from Senator DeConcini re S. 10
E. Consideration of H.R. 100, a bill to prohibit insurance discrimination
IV. Civil Rights Developments in the Midwestern Region
V. Interim appointment to Indiana Advisory Committee
VI. Rhode Island Advisory Committee Re-charter
VII. Review of National Immigration Report
VIII. Review of Analysis of Congressional Exemption from Federal EEO Laws
IX. Review of Analysis of Federal Criminal Code Revision
X. Approval of Voting Rights project design

FOR FURTHER INFORMATION PLEASE CALL: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S–715–80 Filed 4–8–80; 2:52 pm]

BILLING CODE 6335–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, April 18, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–716–80 Filed 4–7–80; 2:56 pm]

BILLING CODE 6351–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 14, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed merger of Rainier National Bank, Seattle, Washington, and Bank of Everett, Everett, Washington.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 7, 1980.

Federal Deposit Insurance Corporation.

Hannah R. Gardiner,

Assistant Secretary.

[S–717–80 Filed 4–7–80; 3:32 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 14, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First Beverly Bank, a proposed new bank, to be located at the northwest corner of Brighton Way and Rodeo Drive, Beverly Hills, California, for Federal deposit insurance.

Maritime Bank of California, a proposed new bank, to be located at 131 West Anaheim Street, Los Angeles (Wilmington), California, for Federal deposit insurance.

Ripley County State Bank, a proposed new bank, to be located at the southwest corner of Highways 142 and 160, Doniphan, Missouri, for Federal deposit insurance.

Request for modification of a minimum capital requirement:

United Orient Bank, New York, New York.

Request for extension of time pursuant to Section 215.6(b) of Regulation O of the Board of Governors of the Federal Reserve System:

Wood County Bank, Parkersburg, West Virginia.

V45/70 APR 80 UMI

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,273–L—Franklin National Bank, New York, New York.
Case No. 44,282–L—State Bank of Clearing, Chicago, Illinois.
Case No. 44,286–L—Northeast Bank of Houston, Houston Texas.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 7, 1980.

Federal Deposit Insurance Corporation.

Hannah R. Gardiner,

Assistant Secretary.

[S–718–80 Filed 4–7–80; 3:32 pm]

BILLING CODE 6714–01–M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 23575, April 7, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: April 9, 1980, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

M–12.—RM80 , Definition of Agricultural use in Section 282.202(a) of the Commission's Regulations on Incremental Pricing.

CAG–36.—RP78–88, Transwestern Pipeline Company.

Kenneth F. Plumb,

Secretary.

[S–719–80 Filed 4–7–80; 4:01 pm]

BILLING CODE 6450–85–M

7

FEDERAL RESERVE SYSTEM. Board of Governors.

TIME AND DATE: 10 a.m., Monday, April 14, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–714–80 Filed 4–7–80; 10:52 am]

BILLING CODE 6210–01–M

V 45 / 70 APR 9 80 UMI

federal register

Wednesday
April 9, 1980

Part II

Department of Health, Education, and Welfare

Public Health Service

Health Maintenance Organization Loans and Loan Guarantees for Acquisition and Construction of Ambulatory Health Care Facilities

V 45 / 70 AP 9 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 110

Health Maintenance Organization Loans and Loan Guarantees for Acquisition and Construction of Ambulatory Health Care Facilities

AGENCY: Public Health Service, HEW.

ACTION: Interim regulations.

SUMMARY: This notice sets forth the requirements for qualified health maintenance organizations (HMOs) to obtain loans or loan guarantees for the acquisition or construction of ambulatory health care facilities and the acquisition of equipment for those facilities. It also sets forth project requirements and procedures to be followed for repayment of the loan and in the event of a default. These rules implement Section 1305A of the Public Health Service Act, as amended.

EFFECTIVE DATE: These regulations are effective April 9, 1980. Comments are invited. To be considered, comments must be received by June 9, 1980.

ADDRESS: Written comments should be sent to the Director, Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. The comments will be made available for public inspection and copying at the above address between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Room 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106

SUPPLEMENTARY INFORMATION: The Health Maintenance Organization Amendments of 1978 (Pub. L. 95–559) revised and extended the provisions of Title XIII of the Public Health Service Act, as amended, to include, among other changes, a new Section 1305A, 42 U.S.C. 300e–4a, that provides for the Secretary to make and guarantee loans to qualified HMOs for the acquisition and construction of ambulatory health care facilities and for the acquisition of equipment for those facilities. With this authorization, the Secretary may make loan guarantees now without further legislation. However, until an appropriation act is enacted which contains authority to spend funds for direct loans, the Secretary may not make these loans. A delay in the publication of this subpart as final regulations would be detrimental to HMOs which, in order to preserve or enhance their fiscally sound operation, urgently need to acquire or construct ambulatory health care facilities. Since acquisition and construction may now be supported with loan guarantee assistance under Section 1305A, the Secretary has determined that notice and public comment on proposed rulemaking and further delay of the effective date would not be in the public interest and that good cause exists for making these regulations effective upon publication. Accordingly, these regulations are being published as interim regulations so that the Secretary may make loan guarantees authorized by Section 1305A as soon as possible. However, the Secretary invites public comments on these regulations and will consider them if received on or before June 9, 1980 in determining whether revisions are appropriate. After the comment period, the Secretary will revise the regulations, if warranted, in accordance with the comments received.

The Secretary directs attention to the following provisions of the regulations:

The statutory definition of "ambulatory health care facility," which is included in § 110.1002, specifies that diagnostic, treatment, and prevention services must all be provided in a facility if it is to be eligible for loan or loan guarantee assistance.

The statutory definition of "construction," which is also included in the definition section, provides that alteration, expansion, remodeling, renovation, and replacement, as well as new construction, are all eligible types of construction projects.

The definition of "equipment" in § 110.1002, together with an explicit statement in § 110.1008(b), makes clear that, in accordance with Section 1305A of the Act, loans may be made for the acquisition of equipment only if the equipment is for a facility acquired or constructed with assistance under this subpart.

As § 110.1003 states, only qualified public and nonprofit private HMOs are eligible for loan assistance under this subpart. For-profit qualified HMOs are eligible only for loan guarantees and only if 10 percent of the projected membership to be served by the facility to be acquired or constructed will be from a medically underserved population.

Section 110.1004, pertaining to application requirements, requires an applicant to submit additional information if a proposed transaction for which assistance is requested involves a party in interest (as defined in Section 1318 of the Act) or someone who will become a party in interest as a result of the transaction. The Secretary is concerned that parties in interest may participate in HMO management in a way which might be to the detriment of the HMO or its members. The Department is developing further guidance on the role of parties in interest in the management of all qualified HMOs. This guidance will be based on requirements applicable to all qualified HMOs: that they have fiscally sound operations and administrative and managerial arrangements satisfactory to the Secretary (Section 1301(c)(1) of the Act).

With respect to this ambulatory health care facility program, the possible involvement of parties in interest is addressed as follows. Where a party in interest is to be involved in a project for which assistance is requested, § 110.1004(c) requires that the application include the following:

(1) An explanation of the involvement of the party in interest;

(2) A combined financial statement for the HMO and the party in interest;

(3) A second appraisal (in addition to the one normally required) of property to be acquired from the party in interest;

(4) Evidence that each proposed transaction with a party in interest is consistent with prudent management and the fiscal soundness requirement in 42 CFR 110.108(a)(1); and

(5) Evidence that the transaction will not adversely affect the management decisions or fiscal soundness of , or the delivery of services by, the HMO. An example of the evidence which might satisfy this last requirement is a description of procedures which will prevent the party in interest from controlling the HMO's decisions with respect to the facility to be acquired or constructed with assistance under this subpart.

The Secretary will scrutinize this application information. Where she determines that the participation of a party in interest in a proposed transaction is likely to affect adversely the administration and fiscal soundness of the HMO or its delivery of health services, the Secretary will not award the requested loan or loan guarantee.

Section 110.1005 indicates that detailed plans which must satisfy the requirements of certain technical documents pertaining to construction standards, which are incorporated by reference, need not be submitted until an application has been approved. They must, however, be submitted before an approved loan is closed.

Section 110.1006 incorporates the statutory limit on the amount of loan assistance that may be provided for any single facility. This limit is presently $2,500,000 (see Section 1305A(b)(1) of the Act). To encourage the investment of private capital in HMOs, the regulations limit to 90 percent the percentage of project costs for which loans or loan guarantees will be made, although a greater percentage may be approved for good cause, as defined in the regulations.

The Secretary believes that the primary activity of an HMO should be the provision of basic health services as described in Subpart A of this part. Therefore, she believes that a facility acquired or constructed, in whole or in part, with assistance under this subpart should provide basic health services. The Secretary, consequently, has included in § 110.1007 a requirement that a facility acquired or constructed, in whole or in part, with assistance under this subpart must devote at least 50% of its useable space to the provision of basic health services.

Section 110.1007 also sets limits on the portion of a facility, acquired or constructed, in whole or in part, with assistance under this subpart, to be used for administrative functions and on the capacity of the assisted HMO. The maximum capacity of an assisted HMO (the capacity required to serve 110 percent of the projected HMO membership at the end of the 5 years following acquisition or completion of construction) has been established to prevent investment of Federal funds in idle capacity or in facilities which will not be used in the near future for the purpose for which the assistance is awarded. One hundred ten percent of the 5 year projection is permitted both to allow for actual variation from enrollment projections and to permit some services to patients on a fee-for-service basis where appropriate.

Similarly, where assistance is provided under this subpart for facilities to provide laboratory or X-ray services, the maximum capacity of all units of the HMO providing each assisted service is specifically limited to that needed to serve 110 percent of the projected number of HMO members at the end of 5 years. Where assistance is provided under this subpart for facilities to provide optical, pharmacy or dental services, a higher level (the capacity needed to provide the service to 200 percent of the projected number of HMO members for whom the service will be provided on a prepaid basis at the end of 5 years) is established as the maximum capacity for provision of each of the assisted services. The higher levels permit more flexibility with respect to these supplemental services, because projected use by HMO members alone is likely to be inadequate to make the service cost effective. In such cases, the additional capacity might be required to generate necessary fee-for-service revenue to cover service costs.

The restrictions in this section based on projected enrollments (paragraph (b)) apply to the total capacity of the HMO, including portions of the facility, if any, which are not acquired or constructed with assistance under this subpart and facilities, if any, which are located at other sites. The other requirements of this section (paragraph (a) (1) and (2)) apply only to an assisted facility (including portions not acquired or constructed with assistance under this subpart.)

In addition, provision is made for waiver or modification of any of these limitations on capacity for good cause. Good cause might include (a) changed circumstances during the 5 years following the completion of an acquisition or construction project or (b) the inaccessibility of certain services to a portion of the HMO membership.

Section 110.1008, regarding costs which are eligible for loan assistance under this subpart, indicates which costs are eligible with respect to leased property.

Sections 110.1009 through 110.1014 prescribe loan closing procedures and the required documents and terms for all loans or loan guarantees. Under § 110.1014, loans must be repaid over a period not to exceed the lesser of the useful life of the assisted facility or 25 years, except that the Secretary will approve shorter repayment periods where appropriate to the HMO's financial plan and where not inconsistent with the financial interest of the United States. Thus, because under § 110.1004(d), the applicant must give an assurance that it will have title to the facility for at least the repayment period, it usually will be required to have title for 25 years, unless the Secretary approves a shorter repayment period.

Section 110.1015 sets forth procedures to be followed in the event of a default on a guaranteed loan. Under this section, the Secretary may retain in the terms of a guarantee the option to direct the holder of the guaranteed loan to foreclose on its security in event of a default before the Secretary will pay amounts due under the guarantee.

The Assistant Secretary for Health for the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends 42 CFR Part 110 by adding a new Subpart J, as set forth below.

Dated: January 11, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: April 2, 1980.

Patricia Roberts Harris,

Secretary.

Subpart J—Loans and Loan Guarantees for Acquisition and Construction of Ambulatory Health Care Facilities

Sec.

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110.1013 What interest must be paid by the borrower?
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110.1015 What are the obligations and rights of the holder of the loan in the event of default on a guaranteed loan?
110.1016 On what basis may the Secretary waive rights of recovery?

Authority: Sec. 215 of the public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318 of the Public Health Service Act, as amended, 92 Stat. 2131–2141 (42 U.S.C. 300e–300e–17)

Subpart J—Loans and Loan Guarantees for Acquisition and Construction of Ambulatory Health Care Facilities

§ 110.1001 To what loans and loan guarantees do these regulations apply?

The regulations of this subpart, in addition to the regulations of Subpart B of this part, apply to loans and loan guarantees awarded to HMOs under section 1305A of the Public Health Service Act. These loans and loan guarantees are for projects for the acquisition of, the construction of, or the acquisition of equipment for, ambulatory health care facilities.

§ 110.1002 Definitions.

In addition to the terms defined in § 110.101 of this part:

"Ambulatory health care facility" or "facility" means a health care facility for the provision of diagnostic, treatment, and prevention services to ambulatory patients. If a facility occupies a portion of a building, the other parts of which are not owned by the HMO, the term does not include those other parts of the building. If an HMO is located in several buildings, each building in which the HMO provides diagnostic, treatment, and prevention services to ambulatory patients is a facility.

"Construction" means (a) the construction of new facilities; (b) the alteration, expansion, remodeling, replacement, and renovation of existing facilities; (c) off-site improvements in connection with an activity described in clause (a) or (b); and (d) the acquisition of land in connection with an activity described in clause (a), (b), or (c).

"Equipment" means those items which are necessary for the functioning of a facility acquired or constructed with a loan or loan guarantee awarded under this subpart, but does not include items of current operating expense such as food, fuel, pharmaceuticals, dressings, paper, printed forms and housekeeping supplies.

"Net assignable square footage" means the sum of all useable floor space measured on a floor plan to the inside faces of all enclosing walls or to lines denoting functional separations. Net assignable square footage includes all rooms to which a specific use can be assigned and excludes corridors, lobbies, toilets, mechanical shafts, ducts, electrical shafts or closets, elevators or elevators shafts, columns, exterior walls or partitions, service rooms, custodial supplies and general storage areas.

"Title" when used with reference to a facility which is proposed to be acquired or constructed with assistance under this subpart, means a fee simple or any other estate or interest (including a leasehold) which the Secretary finds sufficient to assure, for a period of not less than the repayment period of the loan to be made or guaranteed by the Secretary, undisturbed use and possession for the purposes of acquisition, or construction, and operation of the project.

§ 110.1003 What organizations are eligible for loans and loan guarantees?

(a) Any public health maintenance organization which is qualified under Subpart F of this part is eligible to apply for a loan under this subpart.

(b) Any nonprofit private health maintenance organization which is qualified under Subpart F of this part is eligible to apply for a loan or a loan guarantee under this subpart.

(c) Any private (other than a nonprofit private) health maintenance organization which is qualified under Subpart F of this part is eligible for a loan guarantee under this subpart, but only if it demonstrates that at least 10 percent of the members projected to be served in the facility to be acquired or constructed will be from medically underserved populations.

§ 110.1004 What are the requirements for an application?

(a) An applicant shall submit an application for a loan or loan guarantee to the Secretary at the time and in the form and manner that the Secretary prescribes.

(b) An application must contain an appraisal of the property to be acquired with a loan made or guaranteed under this subpart. The appraisal must be prepared by an independent appraiser approved in advance by the Secretary.

(c) (1) An application must identify any party in interest (as defined in § 110.101 of this part) with whom a transaction is proposed and for which transaction assistance is being requested under this subpart. The application must also identify any individual who would become a party in interest as a consequence of a proposed transaction.

(2) Where a party in interest is so identified, the application must include:

(i) An explanation of the involvement of the party in interest;

(ii) A combined financial statement for the HMO and the party in interest. This statement must be prepared by an independent auditor in accordance with generally accepted accounting principles with appropriate opinions and notes, and in the form and manner prescribed by the Secretary;

(iii) A second appraisal of property to be acquired from the party in interest. This second appraisal is in addition to that required under paragraph (b) of this section and must be prepared by another independent appraiser approved in advance by the Secretary;

(iv) Evidence that the cost of each proposed transaction with a party in interest is consistent with prudent management and the fiscal soundness requirements in 42 CFR 110.108(a)(1); and

(v) Evidence that the transaction will not adversely affect the management decisions or the fiscal soundness of the HMO. For example, a description of procedures which will prevent the party in interest from controlling decisions by the HMO will respect to the facility to be constructed or acquired under this subpart would meet this requirement.

(3) The Secretary will disapprove an application where he or she determines that the participation of a party in interest is likely to affect adversely the administration and fiscal soundness of the HMO or its delivery of health services.

(d) An application must include an assurance satisfactory to the Secretary that the HMO will have title (as defined in § 110.1002) to the facility.

(e) An application must include an assurance satisfactory to the Secretary that the HMO will continue to comply with the restrictions on capacity set out in § 110.1007(b) for the five years following completion of acquisition or construction.

(f) An application must include line drawings of the proposed facility demonstrating that the allocation of square footage complies with the requirements of § 110.1007.

(g) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the regulations of this part, and the terms of the loan documents and the loan guarantee, if any.

§ 110.1005 What information must be submitted by an applicant which has received a commitment for a loan to be made or guaranteed under this subpart before the closing of the loan?

(a) Design, bid, and contract documents for each project must be prepared in accordance with all of Part 2.1 (except sections 5.4, 8.8, 11.2, 11.3, 11.4, Chapter 12, sections 13.2, 13.3 and Exhibits 9 and 10) of DHEW *Technical Handbook for Facilities Engineering and Construction Manual, Federally Assisted Construction*, entitled "2.1 Information for Project Applicants and State Agencies on Design and Construction Related Activities." With these exceptions, Part 2.1 is incorporated into this subpart by reference. This part of the Handbook will be provided to all applicants and is available at cost to any interested person upon request to the Office of Health Maintenance Organizations in any of the Department's Regional Offices. The addresses of Regional Offices are listed in 45 CFR 5.31(b). This part of the Handbook is also available for inspection without charge at these offices. If this handbook is amended, a notice of the amendments will be published in the **Federal Register** and a copy of the amendments will be on file at the Office of the Federal Register. The design, bid, and contract documents must be submitted to the Secretary for approval before the closing of a loan to be made or guaranteed under this subpart.

(b) The plans and specifications for the design and construction of, and equipment for, a facility submitted to the Secretary must conform with:

(1) State and local codes, laws, and ordinances, and

(2) Chapter 14 of DHEW Publication No. (HRA) 79–14500, *Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities*, "Small Primary Health Care Centers," except for the last sentence of paragraph 14.1A, the parenthetical phrase "(usually 4)" in paragraph 14.1B(1) and paragraph 14.1B(3) in its entirety. With these three exceptions, Chapter 14 of this document is incorporated into this subpart by reference. This publication will be provided to all applicants and is available for the cost of reproduction to any interested person upon request to the Office of Health Maintenance Organizations in any of the Department's Regional Offices. The addresses of Regional Offices are listed in 45 CFR 5.31(b). This publication is also available for inspection without charge at these offices. If this publication is amended, a notice of the amendments will be published in the **Federal Register** and a copy of the amendments will be on file at the Office of the Federal Register.

Incorporation by reference provisions approved by the Acting Director of the Federal Register on October 22, 1979.

§ 110.1006 What are the limitations on loans and guaranteed loans?

(a) The aggregate amount of principal of loans made or guaranteed, or both, for an ambulatory health care facility under this subpart may not exceed the amount specified by section 1305A(b)(1) of the Act.

(b) The aggregate amount of loans made or guaranteed under this subpart for a project may not exceed 90 percent of the eligible costs of the project unless the Secretary, for good cause, approves a greater percentage.

(1) In determining whether there is good cause for approving a greater percentage, the Secretary will consider:

(i) The availability of other sources of funds to the applicant;

(ii) The effect on the security for the loan of other borrowing by the applicant to pay for the remainder of the project costs; and

(iii) Any other factors the Secretary determines are consistent with the purposes of the Act.

(2) The applicant may not use any funds provided under other subjects of this part to pay for any portion of the project costs not paid for by the loan made or guaranteed under this subpart.

§ 110.1007 What requirements apply to projects assisted under this subpart?

Projects assisted or to be assisted under this subpart must comply with the following requirements, unless a requirement is waived or modified by the Secretary for good cause.

(a) *Net assignable square footage limitations applicable to a facility.* The following limitations apply to an assisted facility, including any portion of the facility acquired or constructed (or to be acquired or constructed prior to the termination of the 5-year period following acquisition or construction) without Federal assistance under this subpart:

(1) Not more than 25 percent of the net assignable square footage (as defined in 110.1002) may be devoted to administrative functions of the HMO. The remainder must be devoted to clinical use. For the purpose of this paragraph, (i) administrative functions include general administration, marketing, enrollment and claims processing, and (ii) clinical uses of space include medical records storage, clinical administration, and space for the provision of basic health services, health education, and pharmacy, optical, dental, laboratory, X-ray, and other health services.

(2) At least 50 percent of the net assignable square footage must be for the provision of basic health services (as defined in Subpart A of this part).

(b) *Net assignable square footage limitations applicable to an HMO.* The following limitations apply to the net assignable square footage of all the facilities to be available to the HMO during the five year period following the completion of the acquisition or construction to be assisted under this subpart. This includes any net assignable square footage available or to be available to the HMO for the purposes specified below, whether or not acquired or constructed with assistance under this subpart:

(1) The net assignable square footage available to the HMO may not exceed that needed to serve 110 percent of the projected number of HMO members at the end of the 5 year period after the acquisition or construction is to be completed. The applicant shall calculate the amount of net assignable square footage which is needed in accordance with instructions provided by the Secretary.

(2) Where assistance under this subpart is used to acquire or construct facilities for the provision of optical, pharmacy or dental services, the total net assignable square footage available to the HMO for the provision of each of these assisted services may not exceed that needed to serve 200 percent of the projected number of HMO members at the end of the 5-year period after the acquisition or construction is to be completed. Only the HMO members projected to be enrolled to receive these services on a prepaid basis may be counted for purposes of this limitation. The applicant shall calculate the amount of net assignable square footage which is needed in accordance with instructions provided by the Secretary.

(3) Where assistance under this subpart is used to acquire or construct facilities for the provision of laboratory or X-ray services, the total net assignable square footage available to the HMO for the provision of each of these assisted services may not exceed that needed to serve 110 percent of the projected number of HMO members at the end of the 5 year period after the acquisition or construction is to be completed. The applicant shall calculate the amount of net assignable square footage which is needed in accordance with instructions provided by the Secretary.

§ 110.1008 What is an eligible cost?

(a) The Secretary will consider only eligible costs in determining the amount of a loan to be made or guaranteed under this subpart. Eligible costs are those which are reasonable and necessary for the acquisition or construction of, or the purchase of equipment for, a facility or portion of a facility. Costs which the Secretary determines to be inappropriate to the needs of a particular HMO and other costs which the Secretary specifies in materials to be provided to each applicant are not eligible costs.

(b) The cost of acquisition of equipment is an eligible cost only if the equipment is for a facility acquired or constructed, or to be acquired or constructed, with a loan made or guaranteed under this subpart.

(c) Acquisition of land for a facility is an eligible cost only if it is in connection with the acquisition or construction of a facility on that land.

(d) The costs of leasing land, a facility, or equipment for a facility are not eligible costs. The costs of construction on leased land, including renovation of a leased facility, may be eligible costs if adequate security is

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available to protect the financial interests of the United States.

(e) The cost of repaying an interim construction loan for a facility is an eligible cost.

§ 110.1009 What security is required?

All loans and guaranteed loans shall be secured in a manner which the Secretary finds sufficient to ensure repayment and to protect the financial interests of the United States. The Secretary will file or require the filing of all documents necessary to perfect the security interests of the United States.

§ 110.1010 What evidence of indebtedness must be used?

The evidence of indebtedness with respect to loans made or guaranteed under this supart shall be in the form of a debt instrument which is acceptable to the Secretary.

§ 110.1011 What legal opinions and documents must be furnished?

At appropriate stages in the application and loan closing process, the applicant, at the request of the Secretary, shall furnish opinions by legal counsel who is acceptable to the Secretary, in the form and manner prescribed by the Secretary.

§ 110.1012 How are loan closing dates determined?

(a) *Loans.* Closing for any loan by the Secretary under this subpart shall be accomplished at a time determined by the Secretary.

(b) *Loan Guarantees.* Closing for any loan for which a guarantee is made under this subpart shall be accomplished at a time agreed upon by the parties to the loan and the Secretary.

§ 110.1013 What interest must be paid by the borrower?

(a) Each loan made by the Secretary shall bear interest at a rate determined by the Secretary.

(b) Each loan guaranteed by the Secretary shall bear interest at a rate approved by the Secretary.

§ 110.1014 How and over what period are loans and guaranteed loans to be repaid?

(a) The principal amount of each loan or guaranteed loan, together with interest thereon, must be repayable in accordance with a repayment schedule which is to be agreed upon by the parties to the loan, or by the parties to the guaranteed loan and the Secretary, prior to or at the time of the closing of the loan. Unless otherwise authorized by the Secretary, each loan made or guaranteed by the Secretary must be repayable in substantially level installments of interest and principal (except as provided in paragraph (b) of this section) sufficient to amortize the loan through the final year of the life of the loan.

(b) Interest on the unpaid principal amount of the loan shall be due and payable not less frequently than semi-annually from the date of the initial disbursement of funds under the loan. Principal repayments shall be paid not less frequently than semi-annually but may be deferred until completion of the project.

(c) Each loan or guaranteed loan shall be repayable over a period approved by the Secretary, not to exceed 25 years beginning on the date of closing of the loan.

(1) The Secretary may approve a repayment period of less than 25 years in particular cases if he or she determines that a shorter repayment period is more appropriate to an applicant's total financial plan and not inconsistent with the financial interests of the United States.

(2) A loan repayment period may not exceed the estimated useful life of the facility to be acquired or constructed with the assistance of the loan. In the case of a loan solely for acquisition of equipment for a facility previously assisted under this subpart, the loan repayment period may not exceed the estimated useful life of the most expensive items of equipment.

(3) Where a leased facility is being constructed (i.e., renovated) with assistance under this subpart, or a facility is being acquired or constructed on leased land with assistance under this part, the loan repayment period may not be longer than the period of the lease.

§ 110.1015 What are the obligations and rights of the holder of the loan in the event of a default on a guaranteed loan?

When the holder of a loan guaranteed by the Secretary under this subpart is the Federal Financing Bank, the obligations and rights of the holder in the event of default will be set forth in the loan documents and in the terms of the guarantee. For other holders, the procedures to be followed in the event of default are set forth below:

(a) If a borrower defaults on a loan guaranteed by the Secretary under this subpart, the holder of the loan shall promptly give the Secretary written notification of this default. The Secretary will, immediately upon receipt of the notice, provide the holder with written acknowledgement of its receipt.

(b) If a default in making periodic payment of the principal and interest on the guaranteed loan is not cured within 90 days after receipt by the Secretary of notice of the default, the holder of the loan shall have the right to make written demand upon the Secretary for payment under the guarantee. Upon receiving this demand, the Secretary will, at his or her option, either:

(1) Pay to the holder of the loan the full amount of all overdue payments (principal, accrued interest, and reasonable late charges if assessed in the form of additional interest) and continue to make payments on the loan when due until the applicant resumes making payments or until the Secretary elects either to purchase the loan under subparagraph (2) or to make payments under subparagraph (3); or

(2) Purchase the loan through the payment to the holder of the full unpaid principal amount together with accrued interest and reasonable late charges (if assessed in the form of additional interest) imposed in accordance with the instrument evidencing or securing the loan; or

(3) Direct the holder to foreclose upon and dispose of the security for the loan (as provided in the security instrument), if the Secretary has reserved the right so to direct the holder under the terms of the loan guarantee. After the foreclosure and disposition, the Secretary will pay to the holder the outstanding balance of the loan (principal, accrued interest, and reasonable late charges if assessed in the form of additional interest) less the net proceeds of the foreclosure and disposition.

(c) If the borrower fails to cure a default on the loan (other than a default in the payment of principal and interest) within 90 days after the Secretary receives the notice of the default, the holder of the laon shall have the right to accelerate payment of the loan.

(1) If the borrower cannot make this payment, the holder may make written demand upon the Secretary for payment under the guarantee.

(2) The Secretary will, upon receiving this written demand; either

(i) Purchase the loan through the payment to the holder of the full unpaid principal amount together with accrued interest and reasonable late charges (if assessed in the form of additional interest) imposed in accordance with the instrument evidencing or securing the loan; or

(ii) Direct the holder to foreclose upon and dispose of the security for the loan (as provided in the security instrument), if the Secretary has reserved the right so to direct the holder under the terms of the loan guarantee. After the foreclosure and disposition, the Secretary will pay to the holder the outstanding balance of the loan (principal, accrued interest, and reasonable late charges if assessed in the form of additional interest) less the net proceeds of the foreclosure and disposition.

§ 110.1016 On what basis may the Secretary waive rights of recovery?

In determining whether there is good cause for waiver of any right of recovery which the Secretary may have against an HMO, either because of a loan made under this subpart or because of a payment made under a loan guarantee under this subpart, he or she will take into consideration the extent to which:

(a) The recipient of the loan or guaranteed loan or other owner of the facility with respect to which the loan or loan guarantee was made will continue to use it for (1) the purpose for which it was constructed or (2) another public or nonprofit purpose which will promote the purposes of the Act;

(b) There are reasonable assurances that for the remainder of the repayment period of the loan, other public or nonprofit facilities not previously used for the purpose for which the facility was constructed will be so used and are substantially equivalent in nature and extent for that purpose;

(c) The recovery would seriously curtail the provision of medical services to persons in need of these services in the area; and

(d) It is likely that payment can be obtained which would be greater than the costs the government would incur as a result of continuing to pursue collection.

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Part III

Environmental Protection Agency

Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 22, 80, 166, 226

[FRL 1337-3]

Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rules of practice.

SUMMARY: This document sets forth consolidated rules of practice to be followed by parties litigating administratively assessed civil penalties and revocations or suspensions of permits under certain statutes administered by EPA. These statutes are listed in § 22.01(a) of the consolidated rules. The consolidated rules are designed to accomplish two purposes. The first is the development of a common set of procedural rules for several programs in order to reduce paperwork, inconsistency, and the burden on persons regulated. The second is the improvement of formal administrative adjudicatory procedures through substantive revisions.

DATE: These rules govern all adjudicatory proceedings described in § 22.01(a) for which a complaint is filed after April 9, 1980.

FOR FURTHER INFORMATION CONTACT: Steve Leifer (EN-342), Pesticides and Toxic Substances Enforcement Division, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0970.

SUPPLEMENTARY INFORMATION: These consolidated rules of practice govern all adjudicatory proceedings for the assessment of a civil penalty or for the revocation or suspension of a permit authorized by the statutory provisions listed in § 22.01(a)(1)-(5). The consolidated rules replace existing rules of practice promulgated under section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 40 CFR Part 168, section 211 of the Clean Air Act, 40 CFR Part 80.301-332, and section 105 of the Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act), 40 CFR Part 226. They are the initial rules of practice promulgated in final form under section 3008 of the Solid Waste Disposal Act (SWDA) as amended by the Resource Conservation and Recovery Act (RCRA) and section 16 of the Toxic Substances Control Act (TSCA).

However, the rules in their final form no longer cover revocation of permits issued under RCRA. This does not reflect any change in EPA's position that a formal evidentiary hearing is required for such revocation. However, since these rules were proposed for comment, EPAhas poposed for comment and is now preparing for final promulgation, consolidated permit regulations under which the permit procedures for four EPA permit programs, including RCRA, will be coordinated as much as possible. One of the permit programs covered, the NPDES program under the Clean Water Act, already provides for revocation of permits through a formal evidentiary hearing.

EPA's current intention is to use the NPDES hearing procedures, with any necessary changes, for revocation of RCRA permits as well. Comments on these regulations will be reconsidered in that context. This will allow all the procedures for changing RCRA permits to be contained in the consolidated permit regulations. In addition, the consolidated permit hearing procedures are more adapted to deal with major policy problems than these regulations, and RCRA revocation proceedings appear likely to raise such issues. EPA will make a final decision on this point when the consolidated permit regulations are promulgated.

RCRA civil penalties will still be assessed through the Part 22 procedures.

The consolidated rules of practice were published in interim and proposed form on August 4, 1978 (43 FR 34730). The rules were interim with regard to TSCA, since there were no rules of practice in place to guide proceedings which were arising under the toxics program. The remaining programs either had rules of practice in place or did not expect to conduct administrative adjudications in the near future. Thus the consolidated rules were proposed with respect to the FIFRA, RCRA, Mobile Sources, and Ocean Dumping programs.

Numerous comments to the August 4 proposal were received from industry, trade associations, and governmental agencies. Responses to the more significant comments are set forth at the end of this preamble.

The consolidated rules are designed to accomplish two purposes. The first is the development of a common set of procedural rules for several programs in order to reduce paperwork, inconsistency, and the burden on persons regulated. The second is the improvement of formal administrative adjudicatory procedures through substantive revisions.

The rules proposed here are similar to the rules which currently guide proceedings under section 14 of FIFRA, section 211(d) of the Clean Air Act, and section 105(a) of the Ocean Dumping Act. The major substantive revision to these rules is a shift in appellate jurisdiction. The responsibility for hearing appeals from initial decisions, default orders, and accelerated decisions has been shifted from the Regional Administrator to the Administrator. This change was made in order to foster consistency in Agency decision-making nationwide. In addition, consolidating appellate responsibility into a single office will facilitate the assembly and publication of civil penalty hearings decisions. The Regional Administrator, however, will retain the authority to issue consent orders finalizing agreements between parties.

Hearings under all but one of the four statutory provisions covered by these rules will be held in conformity with the adjudicatory hearing provisions of the Administrative Procedure Act (APA). The only exception is hearings to assess penalties for violating regulations on fuels or fuel additives under section 211 of the Clean Air Act. The reasons for concluding that the formal APA hearing requirements do not apply to this section were set forth at 40 FR 39963, August 29, 1975, when the original hearing rules under that section were promulgated.

Similarly, the rules providing for a formal hearing in connection with the assessment of penalties for violating FIFRA and for assessing penalties and revoking permits under the Ocean Dumping Act follow the previous EPA position on these questions in 39 FR 27657, July 31, 1974, and 42 FR 60702, November 28, 1977, except that the Ocean Dumping Procedures have been rewritten to conform literally to the APA.

For a further exposition of the reasoning underlying the approach taken in these final rules, see the responses to significant comments below.

Responses to Significant Comments

Qualifications of Office

1. Comment: Several commenters suggested that the Judicial Officer be subject to the same restrictions concerning conflicts of interest as is a Regional Judicial Officer.

Response: The Agency agrees with this comment. Section 22.04(b)(2) has been rewritten to provide that the Judicial Officer and the ten Regional Judicial Officers must all conform to the

Administrative Procedure Act section 554(d) prohibition against blending the prosecutorial and decision-making functions.

Accelerated Decisions

2. Comment: The grounds for granting a motion for an accelerated decision under § 22.20 are unclear. The section confuses summary judgment and involuntary dismissal situations, and contains the vague criterion of "such other reasons as are just."

Response: The Agency agrees with this comment, and has rewritten the section accordingly, separating an accelerated decision from a decision to dismiss. A party will be entitled to an accelerated decision upon a showing that there exists no genuine issue of material fact and that the party is entitled to judgment as a matter of law. The Presiding Officer may dismiss the complaint on the basis of failure to establish a prima facie case or other grounds which show no right to relief on the part of the complainant.

Official Notice

3. Comment: Several commenters took exception to the provision in § 22.22(f) which authorized the trier of fact to take official notice of facts "within the specialized knowledge and experience of the Agency". The commenters argued that the consolidated rules should conform to the more restrictive Federal Rules of Evidence definition of judicial notice (Rule 201).

Response: The Agency believes that official notice under the Administrative Procedure Act was intended to be broader than judicial notice. The Attorney General's Manual on the Administrative Procedure Act (1947), citing the legislative history of the APA, states at pages 79-80, that:

> The process of official notice should not be limited to the traditional matters of judicial notice but extends properly to all matters as to which the agency by reason of its functions is presumed to be expert, such as technical or scientific facts within its specialized knowledge.

There are several cases upholding this interpretation of the APA, particularly within the context of Federal Trade Commission proceedings. (*See,* for example, *Brite Manufacturing Co.* v. *FTC,* 347 F.2d 477 (D.C. Cir. 1965)).

Respondents should not be prejudiced by Agency notice of facts within its specialized knowledge since they will be given adequate opportunity to show that such facts are erroneously noticed.

Excluded Evidence

4. Comment: Several commenters objected to the following language in § 22.23(b) of the August 4 Proposal:

> Where the Administrator decides that the ruling of the Presiding Officer in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence or, where appropriate, the Administrator may evaluate such evidence in preparing his final order. If the Administrator in the preparation of his final order relies upon any evidence excluded at the hearing by the Presiding Officer, he shall explicitly identify in the final order any such excluded evidence relied upon and his reasons therefor.

The commenters argued that reliance by the Administrator on excluded evidence would violate section 556 of the APA, since (1) a party would not have the opportunity to explore and/or rebut the excluded evidence, and (2) the Administrator would be relying on evidence outside the record.

Response: The Agency accepts this comment. The language in § 22.23(b) following "* * * permit the taking of such evidence * * *" has been deleted.

Standard of Proof

5. Comment: One commenter took issue with the "preponderance of the evidence" standard prescribed for Agency adjudications in § 22.24 of the Consolidated Rules. The commenter offered that the proper standard is the APA section 556(d) requirement that a sanction be supported by "reliable, probative, and substantial evidence."

Response: The Agency disagrees with this comment. The language in section 556(d) quoted above goes to the scope of judicial review rather than to the degree of proof required at the hearing level. (*See Woodby* v. *Immigration and Naturalization Service,* 385 U.S. 276 (1966), interpreting similar language in the Immigration and Nationality Act).

The preponderance of the evidence standard is the proper yardstick in most non-criminal proceedings, and indeed, the Agency could require no lesser standard here (such as "substantial evidence"). "* * * in American law a preponderance of the evidence is rock bottom at the factfinding level of civil litigation * * * that the proceeding is administrative rather than judicial does not diminish this wholesome demand." *Charlton* v. *FTC,* 543 F. 2d 903, 907-8 (D.C. Cir. 1976), reviewing an order of the FTC suspending an attorney from practice before the Commission.

Amount of a Civil Penalty

6. Comment: Commenters argued, on ground of due process, that the Presiding Officer should not be allowed to raise a civil penalty from the amount recommended to be assessed in a complaint. Further, the Administrator should not be allowed to raise a penalty from the amount recommended to be assessed by the Presiding Officer.

Response: For the most part, the Agency disagrees with these positions. The Agency does agree, however, that neither the Presiding Officer nor the Administrator should raise any penalty in an action where the respondent has defaulted, and the Consolidated Rules have been modified accordingly.

In a contested civil penalty action, the dollar amounts contained in both the complaint and the initial decision are merely recommendations of penalties to be assessed. After an appeal, only the Administrator has the authority to actually *assess* a penalty.

A respondent

> Does not have any vested right to go to trial on the specific charge mentioned in the citation or to be free from exposure to a penalty in excess of that originally proposed.

Long Manufacturing Co, N.C., Inc. v. Occupational Safety and Health Review Commission, 554 F. 2d 903, 907 (8th Cir. 1977).

As long as the penalty imposed by the Administrator is within limits described by the statute and supported by substantial evidence, the penalty may exceed the amount proposed by the Presiding Officer. (*See Nees v. SEC,* 414 F. 2d 211, 217 (9th Cir. 1969).)

One commenter suggested that language in several of the statutes covered by the Consolidated Rules authorizing the Administrator to compromise, modify, remit, or mitigate penalties allowed the Administrator to only decrease penalties upon review of an initial decision. The Agency believes, however, that such language was intended to authorize the Administrator to assess a penalty less than the statutory maximum through settlement proceedings. Moreover, other federal agencies (e.g. the FCC and the CAB), have interpreted the mitigation clauses, such as that contained in TSCA section 16(a)(2)(C), to apply only to collection of those penalties which have already been assessed. Thus the Agency sees no legal obstacle barring either the Presiding Officer or the Administrator from raising a penalty recommended to be assessed at a previous stage in the adjudicatory process.

7. Comment: Numerous commenters objected to the requirement, contained in the Solid Waste Disposal Act Supplemental Rules of Practice (§ 22.36(h) of the August 4 proposal), that Presiding Officers must follow any civil penalty assessment guidelines

promulgated by the Administrator. The commenters argued that the amount of a penalty should rest in the discretion of the Presiding Officer. The commenters also felt that the penalty assessment guidelines should be made available before they submit to a provision such as that contained in § 22.36(h).

Response: Section 22.36(h) has been deleted from the final Consolidated Rules. The Agency may, however, resubmit such a provision for comment after penalty assessment guidelines have been published.

Issues on Appeal

8. Comment: Two comments suggested that the language in § 22.30(c) seemed to allow the Administrator to sua sponte order argument on appeal with respect to issues entirely new to the proceeding.

Response: Section 22.30(c) has been rewritten to more accurately reflect the intent of the Agency. Under the final Consolidated Rules, the Administrator, on appeal, may sua sponte order argument only with respect to those issues raised at the hearing. The Administrator will have the authority to remand the case to receive evidence relating to issues new to the proceeding.

Appellate Jurisdiction

9. Comment: Two commenters contested the shift in appellate jurisdiction from the Regional Administrators to the Administrator. They felt that such a change from existing civil penalty procedures would result in delay and would not allow the appellate decision to adequately reflect the needs of the region.

Response: The Agency disagrees with this comment. The change in jurisdiction will:

(1) Foster consistency in agency decision-making,

(2) Centralize appellate responsibility, so that a small number of EPA personnel become proficient in hearing appeals from administrative adjudications. The centralization should result in a net savings of time and effort to all parties, and

(3) Bring a greater degree of separation of functions to the administrative process.

The increased quality and efficiency of the appellate process should outweigh any small delays which may result from this change. Moreover, parties have ample opportunity to bring issues of a regional nature to the attention of the Administrator.

Staying the Final Order

10. Comment: Two commenters argued that a final order should automatically be stayed upon the filing of a motion to reconsider under § 22.32. The commenters envisioned a scenario in which a respondent would be forced to comply with a final order, and then would later prevail on his motion to reconsider.

Response: Although cognizant of the problem raised by the commenters, the Agency has elected not to provide for automatic stays. The Agency is concerned over the possibility that motions to reconsider will be used to bring about unnecessary delay. The Administrator is authorized, however, to order stays in order to avoid any hardship to the respondent which may result from what proves to be premature compliance.

Deadlines and Time Requirements

11. Comment: Several comments were received which objected to the brevity of the time periods prescribed in the Consolidated Rules.

Response: EPA has agreed to expand the deadline, from 15 days to 20 days:

(1) For filing an answer to an amended complaint under § 22.14(d);

(2) For filing an answer to the original complaint under § 22.15(a); and

(3) For notifying the parties of a hearing prior to the date set for the hearing under § 22.21(b).

The times for filing responses to motions under § 22.16(b) (10 days), proposed findings of fact under § 22.26 (20 days) and motions to reconsider the final order under § 22.32 (10 days) have remained unchanged. These time periods have been found to be satisfactory in cases arising under EPA and other federal agencies' rules of practice, and under the Federal Rules of Civil Procedure.

Permit Issuance

12. Comment: Two commenters took issue with language in the August 4 preamble which suggested that formal hearing procedures are not required for initial permit issuance under the Resource Conservation and Recovery Act (RCRA).

Response: A more detailed analysis of the procedural requirements for RCRA permit issuance can be found in the proposed Consolidated Permit Regulations, 44 FR 34244, 34264, June 14, 1979. Comments on the RCRA permit issuance program will be addressed in the final Consolidated Permit Regulations.

Discovery

13. Comment: Several commenters suggested that the Consolidated Rules spell out procedures for obtaining discovery, rather than relying on the broad language contained in § 22.04(c)(5).

Response: The Agency agrees with this comment, and has set forth rules governing discovery in § 22.19(f). The section is taken from the discovery provisions previously operable under the Clean Air Act section 211 regulation of fuels program (40 CFR Part 80.319(f) (1978)).

Miscellaneous

14. Comment and response: The Agency agrees with the following comments and has modified the Consolidated Rules accordingly:

Section 22.03(h). The definition of "final order" should be more specific.

Section 22.05(c)(5). A party submitting a document which is refused for filing should be allowed to amend and resubmit the document. The notice of refusal should set forth the ground therefor.

Section 22.14(d). The complainant should be allowed to amend the complaint as a matter of right only once before the answer is filed.

Section 22.15(c). The respondent should be the only party who is permitted to request a hearing.

Section 22.17. A party should be given an opportunity to show good cause why he or she committed the action which led to default. (see § 22.17(d)).

Section 22.19(b). EPA should clarify whether witnesses or documents can be introduced at trial without a preview of such evidence at the prehearing conference.

Section 22.19(c). Prehearing conferences which relate to settlement should never be transcribed.

Section 22.22(d). Affidavits should only be admissible in lieu of testimony in cases where the witness is unavailable under the applicable criteria set forth in Rule 804(a) of the Federal Rules of Evidence.

Note.—EPA has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order No. 12044.

Accordingly, the new Part 22 set forth below is hereby added to 40 CFR under the authority of section 16 of the Toxic Substances Control Act, sections 211 and 301 of the Clean Air Act, sections 14 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, sections 105 and 108 of the Marine Protection, Research, and Sanctuaries Act, and sections 2002 and 3008 of the Solid Waste Disposal Act.

Dated: March 17, 1980.

Douglas M. Costle,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

§ 80.301–80.332 (Subpart D) [Revoked]

PART 168—RULES OF PRACTICE GOVERNING PROCEEDINGS CONDUCTED IN THE ASSESSMENT OF CIVIL PENALTIES UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED [REVOKED]

PART 226—ASSESSMENT OF CIVIL PENALTIES AND REVOCATION AND SUSPENSION OF PERMITS UNDER SECTION 105 OF THE ACT [REVOKED]

1. 40 CFR 80.301–80.332 (Subpart D) and 40 CFR Parts 168 and 226 are revoked.

2. 40 CFR Part 22 is added to read as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.
22.01 Scope of these rules.
22.02 Use of number and gender.
22.03 Definitions.
22.04 Powers and duties of the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, and Presiding Officer; disqualification.
22.05 Filing, service, and form of pleadings and documents.
22.06 Filing and service of rulings, orders and decisions
22.07 Computation and extension of time.
22.08 Ex parte discussion of proceeding.
22.09 Examination of documents filed.

Subpart B—Parties and Appearances

22.10 Appearances.
22.11 Intervention.
22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

22.13 Issuance of complaint.
22.14 Content and amendment of the complaint.
22.15 Answer to the complaint.
22.16 Motions.
22.17 Default order.
22.18 Informal settlement; consent agreement and order.
22.19 Prehearing conference.
22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedure

22.21 Scheduling the hearing.
22.22 Evidence.
22.23 Objections and offers of proof.
22.24 Burden of presentation; burden of persuasion.
22.25 Filing the transcript.
22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion To Reopen a Hearing

22.27 Initial decision.
22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

22.29 Appeal from or review of interlocutory orders or rulings.
22.30 Appeal from or review of initial decision.

Subpart G—Final Order on Appeal

22.31 Final order on appeal.
22.32 Motion to reconsider a final order.

Subpart H—Supplemental Rules

22.33 Supplemental rules of practice governing the administrative assessment of civil penalties under the Toxic Substances Control Act.
22.34 Supplemental rules of practice governing the administrative assessment of civil penalties under Title II of the Clean Air Act.
22.35 Supplemental rules of practice governing the administrative assessment of civil penalties under the Federal Insecticide, Fungicide, and Rodenticide Act.
22.36 Supplemental rules of practice governing the administrative assessment of civil penalties and the revocation or suspension of permits under the Marine Protection, Research, and Sanctuaries Act.
22.37 Supplemental rules of practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act.
Appendix—Addresses of EPA Regional Offices.

Authority: Sec. 16 of the Toxic Substances Control Act; secs. 211 and 301 of the Clean Air Act; secs. 14 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act; secs. 105 and 108 of the Marine Protection, Research, and Sanctuaries Act; and secs. 2002 and 3008 of the Solid Waste Disposal Act.

Subpart A—General

§ 22.01 Scope of these rules.

(a) These rules of practice govern all adjudicatory proceedings for:

(1) The assessment of any civil penalty conducted under section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 1361(a));

(2) The assessment of any civil penalty conducted under section 211 of the Clean Act Act as amended (42 U.S.C. 7545);

(3) The assessment of any civil penalty or for the revocation or suspension of any permit conducted under section 105 (a) and (f) of the Marine Protection, Research, and Sanctuaries Act as amended (33 U.S.C. 1415(a));

(4) The issuance of a compliance order or the assessment of any civil penalty conducted under section 3008 of the Solid Waste Disposal Act as amended (42 U.S.C. 6928);

(5) The assessment of any civil penalty conducted under section 16(a) of the Toxic Substances Control Act (15 U.S.C. 2615(a)).

(b) The Supplemental rules of practice set forth in subpart H establish rules governing those aspects of the proceeding in question which are not covered in Subparts A through G, and also specify procedures which supersede any conflicting procedures set forth in those subparts.

(c) Questions arising at any stage of the proceeding which are not addressed in these rules or in the relevant supplementary procedures shall be resolved at the discretion of the Administrator, Regional Administrator, or Presiding Officer, as appropriate.

§ 22.02 Use of number and gender.

As used in these rules of practice, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

§ 22.03 Definitions.

(a) The following definitions apply to Part 22:

"Act" means the particular statute authorizing the institution of the proceeding at issue.

"Administrative Law Judge" means an Administrative Law Judge appointed under 5 U.S.C. 3105 (see also Pub. L. 95–251, 92 Stat. 183).

"Administrator" means the Administrator of the United States Environmental Protection Agency or his delegate.

"Agency" means the United States Environmental Protection Agency.

"Complainant" means any person authorized to issue a complaint on behalf of the Agency to persons alleged to be in violation of the Act. The complainant shall not be the Judicial Officer, Regional Judicial Officer, or any other person who will participate or advise in the decision.

"Complaint" means a written communication, alleging one or more violations of specific provisions of the Act, or regulations or a permit promulgated thereunder, issued by the complainant to a person under §§ 22.13 and 22.14.

"Consent Agreement" means any written document, signed by the parties, containing stipulations or conclusions of

fact or law and a proposed penalty or proposed revocation or suspension acceptable to both complainant and respondent.

"Final Order" means (a) an order issued by the Administrator after an appeal of an initial decision, accelerated decision, decision to dismiss, or default order, disposing of a matter in controversy between the parties, or (b) an initial decision which becomes a final order under § 22.27(c).

"Hearing" means a hearing on the record open to the public and conducted under these rules of practice.

"Hearing Clerk" means the Hearing Clerk, A–110, United States Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

"Initial Decision" means the decision issued by the Presiding Officer based upon the record of the proceedings out of which it arises.

"Judicial Officer" means the person designated by the Administrator under § 22.04(b) to serve as the Judicial Officer.

"Party" means any person that participates in a hearing as complainant, respondent, or intervenor.

"Permit" means a permit issued under Section 102 of the Marine Protection, Research, and Sanctuaries Act.

"Person" includes any individual, partnership, association, corporation, and any trustee, assignee, receiver or legal successor thereof; any organized group of persons whether incorporated or not; and any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

"Presiding Officer" means the Administrative Law Judge designated by the Chief Administrative Law Judge to serve as Presiding Officer, unless otherwise specified by any Supplemental Rules.

"Regional Administrator" means the Administrator of any Regional Office of the Agency or any officer or employee thereof to whom his authority is duly delegated. Where the Regional Administrator has authorized the Regional Judicial Officer to act, the term "Regional Administrator" shall include the Regional Judicial Officer. In a case where the complainant is the Assistant Administrator for Enforcement or his delegate, the term "Regional Administrator" as used in these rules shall mean the Administrator.

"Regional Hearing Clerk" means an individual duly authorized by the Regional Administrator to serve as hearing clerk for a given region. Correspondence may be addressed to the Regional Hearing Clerk, United States Environmental Protection Agency (address of Regional Office—see Appendix). In a case where the complainant is the Assistant Administrator for Enforcement or his delegate, the term "Regional Hearing Clerk" as used in these rules shall mean the Hearing Clerk.

"Regional Judicial Officer" means a person designated by the Regional Administrator under § 22.04(b) to serve as a Regional Judicial Officer.

"Respondent" means any person proceeded against in the complaint.

(b) Terms defined in the Act and not defined in these rules of practice are used consistent with the meanings given in the Act.

§ 22.04 Powers and duties of the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, and Presiding Officer; disqualification.

(a) *Administrator and Regional Administrator.* The Administrator and the Regional Administrator shall exercise all powers and duties as prescribed or delegated under the Act and these rules of practice.

(b) *Judicial Officer and Regional Judicial Officer.*—(1) *Office.* One or more Judicial Officers may be designated by the Administrator to perform the functions described below. One or more Regional Judicial Officers may be designated by the Regional Administrator to perform, within the region of their designation, the functions described below.

(2) *Qualifications.* A Judicial Officer or a Regional Judicial Officer shall be an attorney who is a permanent or temporary employee of the Agency or some other Federal agency and who may perform other duties within the Agency. A Regional Judicial Officer shall not be employed by the Region's Enforcement Division or by the Regional Division directly associated with the type of violation at issue in the proceeding. A Judicial Officer shall not be employed by the Office of Enforcement or by any program office directly associated with the type of violation at issue in the proceeding. Neither the Judicial Officer nor the Regional Judicial Officer shall have performed prosecutorial or investigative functions in connection with any hearing in which he serves as Judicial Officer or any factually related hearing.

(3) *Functions.* The Administrator may delegate to the Judicial Officer, or the Regional Administrator may delegate to the Regional Judicial Officer, all or part of his authority to act in a given proceeding. This delegation does not prevent the Judicial Officer or Regional Judicial Officer from referring any motion or case to the Administrator or Regional Administrator when appropriate. The Judicial Officer and Regional Judicial Officer shall exercise all powers and duties prescribed or delegated under the Act or these rules of practice.

(c) *Presiding Officer.* The Presiding Officer shall conduct a fair and impartial proceeding, assure that the facts are fully elicited, adjudicate all issues, and avoid delay. The Presiding Officer shall have authority to:

(1) Conduct administrative hearings under these rules of practice;

(2) Rule upon motions, requests, and offers of proof, dispose of procedural requests, and issue all necessary orders;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses and receive documentary or other evidence;

(5) For good cause, upon motion or sua sponte, order a party, or an officer or agent thereof, to produce testimony, documents, or other nonprivileged evidence, and failing the production thereof without good cause being shown, draw adverse inferences against that party;

(6) Admit or exclude evidence;

(7) Hear and decide questions of facts, law, or discretion;

(8) Require parties to attend conferences for the settlement or simplification of the issues, or the expedition of the proceedings;

(9) Issue subpoenas authorized by the Act; and

(10) Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings governed by these rules.

(d) *Disqualification; withdrawal.* (1) The Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer or Presiding Officer may not perform functions provided for in these rules of practice regarding any matter in which they (i) have a financial interest or (ii) have any relationship with a party or with the subject matter which would make it inappropriate for them to act. Any party may at any time by motion made to the Regional Administrator request that the Regional Judicial Officer be disqualified from the proceeding. Any party may at any time by motion to the Administrator request that the Regional Administrator, Judicial Officer, or Presiding Officer be disqualified or request that the Administrator disqualify himself from the proceeding. The Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer or Presiding Officer may at any time withdraw from any proceeding in which they deem themselves disqualified or unable to act for any reason.

(2) If the Administrator, Regional Administrator, Regional Judicial Officer, Judicial Officer, or Presiding Officer is disqualified or withdraws from the proceeding, a qualified individual who has none of the infirmities listed in paragraph (d)(1) of this section shall be assigned to replace him. Assignment of a replacement for the Regional Administrator or Judicial Officer, or for the Regional Judicial Officer shall be made by the Administrator or the Regional Administrator, respectively. The Administrator, should he withdraw or disqualify himself, shall assign the Regional Administrator from the region where the case originated to replace him. If that Regional Administrator would himself be disqualified, the Administrator shall assign a Regional Administrator from another region to replace the Administrator. The Regional Administrator shall assign a new Presiding Officer if the original Presiding Officer was not an Administrative Law Judge. The Chief Administrative Law Judge shall assign a new Presiding Officer from among available Administrative Law Judges if the original Presiding Officer was an Administrative Law Judge.

(3) The Chief Administrative Law Judge, at any stage in the proceeding, may reassign the case to an Administrative Law Judge other than the one originally assigned in the event of the unavailability of the Administrative Law Judge or where reassignment will result in efficiency in the scheduling of hearings and would not prejudice the parties.

§ 22.05 Filing, service, and form of pleadings and documents.

(a) *Filing of pleadings and documents.* (1) Except as otherwise provided, the original and one copy of the complaint, and the original of the answer and of all other documents served in the proceeding shall be filed with the Regional Hearing Clerk.

(2) A certificate of service shall accompany each document filed or served. Except as otherwise provided, a party filing documents with the Regional Hearing Clerk, after the filing of the answer, shall serve copies thereof upon all other parties and the Presiding Officer. The Presiding Officer shall maintain a duplicate file during the course of the proceeding.

(3) When the Presiding Officer corresponds directly with the parties, the original of the correspondence shall be sent to the Regional Hearing Clerk, a copy shall be maintained by the Presiding Officer in the duplicate file, and a copy shall be sent to all parties. Parties who correspond directly with the Presiding Officer shall in addition to serving all other parties send a copy of all such correspondence to the Regional Hearing Clerk. A certificate of service shall accompany each document served under this subsection.

(b) *Service of pleadings and documents.*—(1) *Service of complaint.* (i) Service of a copy of the signed original of the complaint, together with a copy of these rules of practice, may be made personally or by certified mail, return receipt requested, on the respondent (or his representative).

(ii) Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name shall be made by personal service or certified mail, as prescribed by paragraph (b)(1)(i) of this section, directed to an officer, partner, a managing or general agent, or to any other person authorized by appointment or by Federal or State law to receive service of process.

(iii) Service upon an officer or agency of the United States shall be made by delivering a copy of the complaint to the officer or agency, or in any manner prescribed for service by applicable regulations. If the agency is a corporation, the complaint shall be served as prescribed in paragraph (b)(1)(ii) of this section.

(iv) Service upon a State or local unit of government, or a State or local officer, agency, department, corporation or other instrumentality shall be made by serving a copy of the complaint in the manner prescribed by the law of the State for the service of process on any such persons, or:

(A) If upon a State or local unit of government, or a State or local department, agency, corporation or other instrumentality, by delivering a copy of the complaint to the chief executive officer thereof;

(B) If upon a State or local officer by delivering a copy to such officer.

(v) Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed return receipt. Such proof of service shall be filed with the complaint immediately upon completion of service.

(2) *Service of documents other than complaint, rulings, orders, and decisions.* All documents other than the complaint, rulings, orders, and decisions, may be served personally or by certified or first class mail.

(c) *Form of pleadings and documents.* (1) Except as provided herein, or by order of the Presiding Officer or Administrator, there are no specific requirements as to the form of documents.

(2) The first page of every pleading, letter, or other document shall contain a caption identifying the respondent and the docket number which is exhibited on the complaint.

(3) The original of any pleading, letter or other document (other than exhibits) shall be signed by the party filing or by his counsel or other representative. The signature constitutes a representation by the signer that he has read the pleading, letter or other document, that to the best of his knowledge, information and belief, the statements made therein are true, and that it is not interposed for delay.

(4) The initial document filed by any person shall contain his name, address and telephone number. Any changes in this information shall be communicated promptly to the Regional Hearing Clerk, Presiding Officer, and all parties to the proceeding. A party who fails to furnish such information and any changes thereto shall be deemed to have waived his right to notice and service under these rules.

(5) The Administrator, Regional Administrator, Presiding Officer, or Regional Hearing Clerk may refuse to file any document which does not comply with this paragraph. Written notice of such refusal, stating the reasons therefor, shall be promptly given to the person submitting the document. Such person may amend and resubmit any document refused for filing upon motion granted by the Administrator, Regional Administrator, or Presiding Officer, as appropriate.

§ 22.06 Filing and service of rulings, orders, and decisions.

All rulings, orders, decisions, and other documents issued by the Regional Administrator, Regional Judicial Officer, or Presiding Officer, as appropriate, shall be filed with the Regional Hearing Clerk. All such documents issued by the Administrator or Judicial Officer shall be filed with the Hearing Clerk. Copies of such rulings, orders, decisions, or other documents shall be served personally, or by certified mail, return receipt requested, upon all parties by the Administrator, Regional Administrator, Judicial Officer, or Presiding Officer, as appropriate.

§ 22.07 Computation and extension of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the event from which the designated period begins

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to run shall not be included. Saturdays, Sundays, and Federal legal holidays shall be included. When a stated time expires on a Saturday, Sunday or legal holiday, the stated time period shall be extended to include the next business day.

(b) *Extensions of time.* The Administrator, Regional Administrator, or Presiding Officer, as appropriate, may grant an extension of time for the filing of any pleading, document, or motion (1) upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or (2) upon his own motion. Such a motion by a party may only be made after notice to all other parties, unless the movant can show good cause why serving notice is impracticable. The motion shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable neglect.

(c) *Service by mail.* Service of the complaint is complete when the return receipt is signed. Service of all other pleadings and documents is complete upon mailing. Where a pleading or document is served by mail, five (5) days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.

§ 22.08 Ex parte discussion of proceeding.

At no time after the issuance of the complaint shall the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, Presiding Officer, or any other person who is likely to advise these officials in the decision on the case, discuss ex parte the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. Any ex parte memorandum or other communication addressed to the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, or the Presiding Officer during the pendency of the proceeding and relating to the merits thereof, by or on behalf of any party shall be regarded as argument made in the proceeding and shall be served upon all other parties. The other parties shall be given an opportunity to reply to such memorandum or communication.

§ 22.09 Examination of documents filed.

(a) Subject to the provisions of law restricting the public disclosure of confidential information, any person may, during Agency business hours, inspect and copy any document filed in any proceeding. Such documents shall be made available by the Regional Hearing Clerk or Hearing Clerk, as appropriate.

(b) The cost of duplicating documents filed in any proceeding shall be borne by the person seeking copies of such documents. The Agency may waive this cost in appropriate cases.

Subpart B—Parties and Appearances

§ 22.10 Appearances.

Any party may appear in person or by counsel or other representative. A partner may appear on behalf of a partnership and an officer may appear on behalf of a corporation. Persons who appear as counsel or other representative must conform to the standards of conduct and ethics required of practitioners before the courts of the United States.

§ 22.11 Intervention.

(a) *Motion.* A motion for leave to intervene in any proceeding conducted under these rules of practice must set forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (c) of this section, within ten (10) days after service of the motion for leave to intervene.

(b) *When filed.* A motion for leave to intervene in a proceeding must ordinarily be filed before the first prehearing conference or, in the absence of a prehearing conference, before the initiation of correspondence under § 22.19(e), or if there is no such correspondence, prior to the setting of a time and place for a hearing. Any motion filed after that time must include, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file in a timely manner. The intervenor shall be bound by any agreements, arrangements and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene may be granted only if the movant demonstrates that (1) his presence in the proceeding would not unduly prolong or otherwise prejudice the adjudication of the rights of the original parties; (2) the movant will be adversely affected by a final order; and (3) the interests of the movant are not being adequately represented by the original parties. The intervenor shall become a full party to the proceeding upon the granting of leave to intervene.

(d) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs may so move. The motion shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. If the motion is granted, the Presiding Officer or Administrator shall issue an order setting the time for filing such brief. An amicus curiae is eligible to participate in any briefing after his motion is granted, and shall be served with all briefs, reply briefs, motions, and orders relating to issues to be briefed.

§ 22.12 Consolidation and severance.

(a) *Consolidation.* The Presiding Officer may, by motion or sua sponte, consolidate any or all matters at issue in two or more proceedings docketed under these rules of practice where (1) there exists common parties or common questions of fact or law, (2) consolidation would expedite and simplify consideration of the issues, and (3) consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

(b) *Severance.* The Presiding Officer may, by motion or sua sponte, for good cause shown order any proceedings severed with respect to any or all parties or issues.

Subpart C—Prehearing Procedures

§ 22.13 Issuance of complaint.

If the complainant has reason to believe that a person has violated any provision of the Act, or regulations promulgated or a permit issued under the Act, he may institute a proceeding for the assessment of a civil penalty by issuing a complaint under the Act and these rules of practice. If the complainant has reason to believe that

(a) A permittee violated any term or condition of the permit, or

(b) A permittee misrepresented or inaccurately described any material fact in the permit application or failed to disclose all relevant facts in the permit application, or

(c) Other good cause exists for such action, he may institute a proceeding for the revocation or suspension of a permit by issuing a complaint under the Act and these rules of practice. A complaint may be for the suspension or revocation of a permit in addition to the assessment of a civil penalty.

§ 22.14 Content and amendment of the complaint.

(a) *Complaint for the assessment of a civil penalty.* Each complaint for the assessment of a civil penalty shall include:

(1) A statement reciting the section(s) of the Act authorizing the issuance of the complaint;

(2) Specific reference to each provision of the Act and implementing regulations which respondent is alleged to have violated;

(3) A concise statement of the factual basis for alleging the violation;

(4) The amount of the civil penalty which is proposed to be assessed;

(5) A statement explaining the reasoning behind the proposed penalty;

(6) Notice of respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the amount of the proposed penalty.

A copy of these rules of practice shall accompany each complaint served.

(b) *Complaint for the revocation or suspension of a permit.* Each complaint for the revocation or suspension of a permit shall include:

(1) A statement reciting the section(s) of the Act, regulations, and/or permit authorizing the issuance of the complaint;

(2) Specific reference to each term or condition of the permit which the respondent is alleged to have violated, to each alleged inaccuracy or misrepresentation in respondent's permit application, to each fact which the respondent allegedly failed to disclose in his permit application, or to other reasons which form the basis for the complaint;

(3) A concise statement of the factual basis for such allegations;

(4) A request for an order to either revoke or suspend the permit and a statement of the terms and conditions of any proposed partial suspension or revocation;

(5) A statement indicating the basis for recommending the revocation, rather than the suspension, of the permit, or vice versa, as the case may be;

(6) Notice of the respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the proposed revocation or suspension.

A copy of these rules of practice shall accompany each complaint served.

(c) *Derivation of proposed civil penalty.* The dollar amount of the proposed civil penalty shall be determined in accordance with any criteria set forth in the Act relating to the proper amount of a civil penalty and with any civil penalty guidelines issued under the Act.

(d) *Amendment of the complaint.* The complainant may amend the complaint once as a matter of right at any time before the answer is filed. Otherwise the complainant may amend the complaint only upon motion granted by the Presiding Officer or Regional Administrator, as appropriate. Respondent shall have twenty (20) additional days from the date of service of the amended complaint to file his answer.

(e) *Withdrawal of the complaint.* The complainant may withdraw the complaint, or any part thereof, without prejudice one time before the answer has been filed. After one withdrawal before the filing of an answer, or after the filing of an answer, the complainant may withdraw the complaint, or any part thereof, without prejudice, only upon motion granted by the Presiding Officer or Regional Administrator, as appropriate.

§ 22.15 Answer to the complaint.

(a) *General.* Where respondent (1) contests any material fact upon which the complaint is based; (2) contends that the amount of the penalty proposed in the complaint or the proposed revocation or suspension, as the case may be, is inappropriate; or (3) contends that he is entitled to judgment as a matter of law, he shall file a written answer to the complaint with the Regional Hearing Clerk. Any such answer to the complaint must be filed with the Regional Hearing Clerk within twenty (20) days after service of the complaint.

(b) *Contents of the answer.* The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested.

(c) *Request for hearing.* A hearing upon the issues raised by the complaint and answer shall be held upon request of respondent in the answer. In addition, a hearing may be held at the discretion of the Presiding Officer, sua sponte, if issues appropriate for adjudication are raised in the answer.

(d) *Failure to admit, deny, or explain.* Failure of respondent to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegation.

(e) *Amendment of the answer.* The respondent may amend the answer to the complaint upon motion granted by the Presiding Officer.

§ 22.16 Motions.

(a) *General.* All motions, except those made orally on the record during a hearing, shall (1) be in writing; (2) state the grounds therefor with particularity; (3) set forth the relief or order sought; and (4) be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. Such motions shall be served as provided by § 22.05(b)(2).

(b) *Response to motions.* A party's response to any written motion must be filed within ten (10) days after service of such motion, unless additional time is allowed for such response. The response shall be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. If no response is filed within the designated period, the parties may be deemed to have waived any objection to the granting of the motion. The Presiding Officer, Regional Administrator, or Administrator, as appropriate, may set a shorter time for response, or make such other orders concerning the disposition of motions as they deem appropriate.

(c) *Decision.* Except as provided in § 22.04(d)(1) and § 22.28(a), the Regional Administrator shall rule on all motions filed or made before an answer to the complaint is filed. The Administrator shall rule on all motions filed or made after service of the initial decision upon the parties. The Presiding Officer shall rule on all other motions. Oral argument on motions will be permitted where the Presiding Officer, Regional Administrator, or the Administrator considers it necessary or desirable.

§ 22.17 Default order.

(a) *Default.* A party may be found to be in default (1) after motion, upon failure to file a timely answer to the complaint; (2) after motion or sua sponte, upon failure to comply with a prehearing or hearing order of the Presiding Officer; or (3) after motion or sua sponte, upon failure to appear at a conference or hearing without good cause being shown. No finding of default on the basis of a failure to appear at a hearing shall be made against the respondent unless the complainant presents sufficient evidence to the Presiding Officer to establish a prima facie case against the respondent. Any motion for a default order shall include a proposed default order and shall be served upon all parties. The alleged

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defaulting party shall have twenty (20) days from service to reply to the motion. Default by respondent constitutes, for purposes of the pending action only, an admission of all facts alleged in the complaint and a waiver of respondent's right to a hearing on such factual allegations. If the complaint is for the assessment of a civil penalty, the penalty proposed in the complaint shall become due and payable by respondent without further proceedings sixty (60) days after a final order issued upon default. If the complaint is for the revocation or suspension of a permit, the conditions of revocation or suspension proposed in the complaint shall become effective without further proceedings on the date designated by the Administrator in his final order issued upon default. Default by the complainant shall result in the dismissal of the complaint with prejudice.

(b) *Procedures upon default.* When Regional Administrator or Presiding Officer finds a default has occurred, he shall issue a default order against the defaulting party. This order shall constitute the initial decision, and shall be filed with the Regional Hearing Clerk.

(c) *Contents of a default order.* A default order shall include findings of fact showing the grounds for the order, conclusions regarding all material issues of law or discretion, and the penalty which is recommended to be assessed or the terms and conditions of permit revocation or suspension, as appropriate.

(d) For good cause shown the Regional Administrator or the Presiding Officer, as appropriate, may set aside a default order.

§ 22.18 Informal settlement; consent agreement and order.

(a) *Settlement policy.* The Agency encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the Act and applicable regulations. The respondent may confer with complainant concerning settlement whether or not the respondent requests a hearing. Settlement conferences shall not affect the respondent's obligation to file a timely answer under § 22.16.

(b) *Consent agreement.* The parties shall forward a written consent agreement and a proposed consent order to the Regional Administrator whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of this proceeding, respondent (1) admits the jurisdictional allegations of the complaint; (2) admits the facts stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the assessment of a stated civil penalty or to the stated permit revocation or suspension, as the case may be. The consent agreement shall include any and all terms of the agreement, and shall be signed by all parties or their counsel or representatives.

(c) *Consent order.* No settlement or consent agreement shall dispose of any proceeding under these rules of practice without a consent order from the Regional Administrator. In preparing such an order, the Regional Administrator may require that the parties to the settlement appear before him to answer inquiries relating to the consent agreement or order.

§ 22.19 Prehearing conference.

(a) *Purpose of prehearing conference.* Unless a conference appears unnecessary, the Presiding Officer, at any time before the hearing begins, shall direct the parties and their counsel or other representatives to appear at a conference before him to consider:

(1) The settlement of the case;

(2) The simplification of issues and stipulation of facts not in dispute;

(3) The necessity or desirability of amendments to pleadings;

(4) The exchange of exhibits, documents, prepared testimony, and admissions or stipulations of fact which will avoid unnecessary proof;

(5) The limitation of the number of expert or other witnesses;

(6) Setting a time and place for the hearing; and

(7) Any other matters which may expedite the disposition of the proceeding.

(b) *Exchange of witness lists and documents.* Unless otherwise ordered by the Presiding Officer, each party at the prehearing conference shall make available to all other parties (1) the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony, and (2) copies of all documents and exhibits which each party intends to introduce into evidence. Documents and exhibits shall be marked for identification as ordered by the Presiding Officer. Documents that have not been exchanged and witnesses whose names have not been exchanged shall not be introduced into evidence or allowed to testify without permission of the Presiding Officer. The Presiding Officer shall allow the parties reasonable opportunity to review new evidence.

(c) *Record of the prehearing conference.* No transcript of a prehearing conference relating to settlement shall be made. With respect to other prehearing conferences, no transcript of any prehearing conferences shall be made unless ordered by the Presiding Officer upon motion of a party or sua sponte. The Presiding Officer shall prepare and file for the record a written summary of the action taken at the conference. The summary shall incorporate any written stipulations or agreements of the parties and all rulings and appropriate orders containing directions to the parties.

(d) *Location of prehearing conference.* The prehearing conference shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city in which the relevant Environmental Protection Agency Regional Office is located, or in Washington, D.C., unless (1) the Presiding Officer determines that there is good cause to hold it at another location in a region or by telephone, or (2) the Supplemental rules of practice provide otherwise.

(e) *Unavailability of a prehearing conference.* If a prehearing conference is unnecessary or impracticable, the Presiding Officer, on motion or sua sponte, may direct the parties to correspond with him to accomplish any of the objectives set forth in this section.

(f) *Other discovery.* (1) Except as provided by paragraph (b) of this section, further discovery, under this section, shall be permitted only upon determination by the Presiding Officer:

(i) That such discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not otherwise obtainable; and

(iii) That such information has significant probative value.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that:

(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring an order of discovery shall make a motion therefor. Such a motion shall set forth;

(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken. If the Presiding Officer determines that the motion should be granted, he shall issue an order for the taking of such discovery together with the conditions and terms thereof.

(4) When the information sought to be obtained is within the control of one of the parties, failure to comply with an order issued pursuant to this paragraph may lead to (i) the inference that the information to be discovered would be adverse to the party from whom the information was sought, or

(ii) The issuance of a default order under § 22.17(a).

§ 22.20 Accelerated decision; decision to dismiss.

(a) *General.* The Presiding Officer, upon motion of any party or sua sponte, may at any time render an accelerated decision in favor of the complainant or the respondent as to all or any part of the proceeding, without further hearing or upon such limited additional evidence, such as affidavits, as he may require, if no genuine issue of material fact exists and a party is entitled to judgment as a matter of law, as to all or any part of the proceeding. In addition, the Presiding Officer, upon motion of the respondent, may at any time dismiss an action without further hearing or upon such limited additional evidence as he requires, on the basis of failure to establish a prima facie case or other grounds which show no right to relief on the part of the complainant.

(b) *Effect.* (1) If an accelerated decision or a decision to dismiss is issued as to all the issues and claims in the proceeding, the decision constitutes an initial decision of the Presiding Officer, and shall be filed with the Regional Hearing Clerk.

(2) If an accelerated decision or a decision to dismiss is rendered on less than all issues or claims in the proceeding, the Presiding Officer shall determine what material facts exist without substantial controversy and what material facts remain controverted in good faith. He shall thereupon issue an interlocutory order specifying the facts which appear substantially uncontroverted, and the issues and claims upon which the hearing will proceed.

Subpart D—Hearing Procedure

§ 22.21 Scheduling the hearing.

(a) When an answer is filed, the Regional Hearing Clerk shall forward the complaint, the answer, and any other documents filed thus far in the proceeding to the Chief Administrative Law Judge who shall assign himself or another Administrative Law Judge as Presiding Officer, unless otherwise provided in the Supplemental rules of practice. The Presiding Officer shall then obtain the case file from the Chief Administrative Law Judge and notify the parties of his assignment.

(b) *Notice of hearing.* If the respondent requests a hearing in his answer, or one is ordered by the Presiding Officer under § 22.15(c), the Presiding Officer shall serve upon the parties a notice of hearing setting forth a time and place for the hearing. The Presiding Officer may issue the notice of hearing at any appropriate time, but not later than twenty (20) days prior to the date set for the hearing.

(c) *Postponement of hearing.* No request for postponement of a hearing shall be granted except upon motion and for good cause shown.

(d) *Location of the hearing.* The location of the hearing shall be determined in accordance with the method for determining the location of a prehearing conference under § 22.19(d).

§ 22.22 Evidence.

(a) *General.* The Presiding Officer shall admit all evidence which is not irrelevant, immaterial, unduly repetitious, or otherwise unreliable or of little probative value, except that evidence relating to settlement which would be excluded in the federal courts under Rule 408 of the Federal Rules of Evidence is not admissible. In the presentation, admission, disposition, and use of evidence, the Presiding Officer shall preserve the confidentiality of trade secrets and other commercial and financial information. The confidential or trade secret status of any information shall not, however, preclude its being introduced into evidence. The Presiding Officer may make such orders as may be necessary to consider such evidence *in camera*, including the preparation of a supplemental initial decision to address questions of law, fact, or discretion which arise out of that portion of the evidence which is confidential or which includes trade secrets.

(b) *Examination of witnesses.* Witnesses shall be examined orally, under oath or affirmation, except as otherwise provided in these rules of practice or by the Presiding Officer. Parties shall have the right to cross-examine a witness who appears at the hearing provided that such cross-examination is not unduly repetitious.

(c) *Verified statements.* The Presiding Officer may admit an insert into the record as evidence, in lieu of oral testimony, statements of fact or opinion prepared by a witness. The admissibility of the evidence contained in the statement shall be subject to the same rules as if the testimony were produced under oral examination. Before any such statement is read or admitted into evidence, the witness shall deliver a copy of the statement to the Presiding Officer, the reporter, and opposing counsel. The witness presenting the statement shall swear to or affirm the statement and shall be subject to appropriate oral cross-examination upon the contents thereof.

(d) *Admission of affidavits where the witness is unavailable.* The Presiding Officer may admit into evidence affidavits of witnesses who are unavailable. The term "unavailable" shall have the meaning accorded to it by Rule 804(a) of the Federal Rules of Evidence.

(e) *Exhibits.* Where practicable, an original and one copy of each exhibit shall be filed with the Presiding Officer for the record and a copy shall be furnished to each party. A true copy of any exhibit may be substituted for the original.

(f) *Official notice.* Official notice may be taken of any matter judicially noticed in the Federal courts and of other facts within the specialized knowledge and experience of the Agency. Opposing parties shall be given adequate opportunity to show that such facts are erroneously noticed.

§ 22.23 Objections and offers of proof.

(a) *Objection.* Any objection concerning the conduct of the hearing may be stated orally or in writing during the hearing. The party raising the objection must supply a short statement of its grounds. The ruling by the Presiding Officer on any objection and the reasons given for it shall be part of the record. An exception to each objection overruled shall be automatic and is not waived by further participation in the hearing.

(b) *Offer of proof.* Whenever evidence is excluded from the record, the party offering the evidence may make an offer of proof, which shall be included in the record. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. The offer of proof for excluded documents or exhibits shall consist of the insertion in the record of the documents or exhibits excluded. Where the Administrator decides that the ruling of the Presiding Officer in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence.

§ 22.24 Burden of presentation; burden of persuasion.

The complainant has the burden of going forward with and of proving that the violation occurred as set forth in the

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complaint and that the proposed civil penalty, revocation, or suspension, as the case may be, is appropriate. Following the establishment of a prima facie case, respondent shall have the burden of presenting and of going forward with any defense to the allegations set forth in the complaint. Each matter of controversy shall be determined by the Presiding Officer upon a preponderance of the evidence.

§ 22.25 Filing the transcript.

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the Regional Hearing Clerk the original and as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and also shall transmit to the Presiding Officer a copy of the transcript. A certificate of service shall accompany each copy of the transcript. The Regional Hearing Clerk shall notify all parties of the availability of the transcript and shall furnish the parties with a copy of the transcript upon payment of the cost of reproduction, unless a party can show that the cost is unduly burdensome. Any person not a party to the proceeding may receive a copy of the transcript upon payment of the reproduction fee, except for those parts of the transcript order to be kept confidential by the Presiding Officer.

§ 22.26 Proposed findings, conclusions, and order.

Within twenty (20) days after the parties are notified of the availability of the transcript, or within such longer time as may be fixed by the Presiding Officer, any party may submit for the consideration of the Presiding Officer, proposed findings of fact, conclusions of law, and a proposed order, together with briefs in support thereof. The Presiding Officer shall set a time by which reply briefs must be submitted. All submissions shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on.

Subpart E—Initial Decision and Motion To Reopen a Hearing

§ 22.27 Initial decision.

(a) *Filing and contents.* The Presiding Officer shall issue and file with the Regional Hearing Clerk his initial decision as soon as practicable after the period for filing reply briefs under § 22.26 has expired. The Presiding Officer shall retain a copy of the complaint in the duplicate file. The initial decision shall contain his findings of fact, conclusions regarding all material issues of law or discretion, as well as reasons therefor, a recommended civil penalty assessment, if appropriate, and a proposed final order. Upon receipt of an initial decision, the Regional Hearing Clerk shall forward a copy to all parties, and shall send the original, along with the record of the proceeding, to the Hearing Clerk. The Hearing Clerk shall forward a copy of the initial decision to the Administrator.

(b) *Amount of civil penalty.* If the Presiding Officer determines that a violation has occurred, the Presiding Officer shall determine the dollar amount of the recommended civil penalty to be assessed in the initial decision in accordance with any criteria set forth in the Act relating to the proper amount of a civil penalty, and must consider any civil penalty guidelines issued under the Act. If the Presiding Officer decides to assess a penalty different in amount from the penalty recommended to be assessed in the complaint, the Presiding Officer shall set forth in the initial decision the specific reasons for the increase or decrease. The Presiding Officer shall not raise a penalty from that recommended to be assessed in the complaint if the respondent has defaulted.

(c) *Effect of initial decision.* The initial decision of the Presiding Officer shall become the final order of the Administrator within forty-five (45) days after its service upon the parties and without further proceedings unless (1) an appeal to the Administrator is taken from it by a party to the proceedings, or (2) the Administrator elects, sua sponte, to review the initial decision.

§ 22.28 Motion to reopen a hearing.

(a) *Filing and content.* A motion to reopen a hearing to take further evidence must be made no later than twenty (20) days after service of the initial decision on the parties and shall (1) state the specific grounds upon which relief is sought, (2) state briefly the nature and purpose of the evidence to be adduced, (3) show that such evidence is not cumulative, and (4) show good cause why such evidence was not adduced at the hearing. The motion shall be made to the Presiding Officer and filed with the Regional Hearing Clerk.

(b) *Disposition of motion to reopen a hearing.* Within ten (10) days following the service of a motion to reopen a hearing, any other party to the proceeding may file with the Regional Hearing Clerk and serve on all other parties an answer thereto. The Presiding Officer shall announce his intent to grant or deny such motion as soon as practicable thereafter. The conduct of any proceeding which may be required as a result of the granting of any motion allowed in this section shall be governed by the provisions of the applicable sections of these rules. The filing of a motion to reopen a hearing shall automatically stay the running of all time periods specified under these Rules until such time as the motion is denied or the reopened hearing is concluded.

Subpart F—Appeals and Administrative Review

§ 22.29 Appeal from or review of interlocutory orders or rulings.

(a) *Request for interlocutory appeal.* Except as provided in this section, appeals to the Administrator shall obtain as a matter of right only from a default order, an accelerated decision or decision to dismiss issued under § 22.20(b)(1), or an initial decision rendered after an evidentiary hearing. Appeals from other orders or rulings shall lie only if the Presiding Officer or Regional Administrator, as appropriate, upon motion of a party, certifies such orders or rulings to the Administrator on appeal. Requests for such certification shall be filed in writing within six (6) days of notice of the ruling or service of the order, and shall state briefly the grounds to be relied upon on appeal.

(b) *Availability of interlocutory appeal.* The Presiding Officer may certify any ruling for appeal to the Administrator when (1) the order or ruling involves an important question of law or policy concerning which there is substantial grounds for difference of opinion, and (2) either (i) an immediate appeal from the order or ruling will materially advance the ultimate termination of the proceeding, or (ii) review after the final order is issued will be inadequate or ineffective.

(c) *Decision.* If the Administrator determines that certification was improvidently granted, or if he takes no action within thirty (30) days of the certification, the appeal is dismissed. When the Presiding Officer declines to certify an order or ruling to the Administrator on interlocutory appeal, it may be reviewed by the Administrator only upon appeal from the initial decision, except when the Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would be contrary to the public interest. Such motion shall be made within six (6) days of service of an order of the Presiding Officer refusing to certify a ruling for interlocutory appeal to the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made by the Presiding Officer. The Administrator may, however, allow further briefs and oral argument.

(d) *Stay of proceedings.* The Presiding Officer may stay the proceedings pending a decision by the Administrator upon an order or ruling certified by the Presiding Officer for an interlocutory appeal. Proceedings will not be stayed except in extraordinary circumstances. Where the Presiding Officer grants a stay of more than thirty (30) days, such stay must be separately approved by the Administrator.

§ 22.30 Appeal from or review of initial decision.

(a) *Notice of appeal.* (1) Any party may appeal any adverse ruling or order of the Presiding Officer by filing a notice of appeal and an accompanying appellate brief with the Hearing Clerk and upon all other parties and amicus curiae within twenty (20) days after the initial decision is served upon the parties. The notice of appeal shall set forth alternative findings of fact, alternative conclusions regarding issues of law or discretion, and a proposed order together with relevant references to the record and the initial decision. The appellant's brief shall contain a statement of the issues presented for review, a statement of the nature of the case and the facts relevant to the issues presented for review, argument on the issues presented, and a short conclusion stating the precise relief sought, together with appropriate references to the record.

(2) Within fifteen (15) days of the service of notices of appeal and briefs under paragraph (a)(1) of this section, any other party or amicus curiae may file and serve with the Hearing Clerk a reply brief responding to argument raised by the appellant, together with references to the relevant portions of the record, initial decision, or opposing brief. Reply briefs shall be limited to the scope of the appeal brief. Further briefs shall be filed only with the permission of the Administrator.

(b) *Sua sponte review by the Administrator.* Whenever the Administrator determines sua sponte to review an initial decision, the Hearing Clerk shall serve notice of such intention on the parties within forty-five (45) days after the initial decision is served upon the parties. The notice shall include a statement of issues to be briefed by the parties and a time schedule for the service and filing of briefs.

(c) *Scope of appeal or review.* The appeal of the initial decision shall be limited to those issues raised by the parties during the course of the proceeding. If the Administrator determines that issues raised, but not appealed by the parties, should be argued, he shall give counsel for the parties reasonable written notice of such determination to permit preparation of adequate argument. Nothing herein shall prohibit the Administrator from remanding the case to the Presiding Officer for further proceedings.

(d) *Argument before the Administrator.* The Administrator may, upon request of a party or sua sponte, assign a time and place for oral argument after giving consideration to the convenience of the parties.

Subpart G—Final Order on Appeal

§ 22.31 Final order on appeal.

(a) *Contents of the final order.* When an appeal has been taken or the Administrator issues a notice of intent to conduct review sua sponte, the Administrator shall issue a final order as soon as practicable after the filing of all appellate briefs or oral argument, whichever is later. The Administrator shall adopt, modify or set aside the findings and conclusions contained in the decision or order being reviewed, and shall set forth in the final order the reasons for his actions. The Administrator may, in his discretion, increase or decrease the assessed penalty from the amount recommended to be assessed in the decision or order being reviewed, except that if the order being reviewed is a default order, the Administrator may not increase the amount of the penalty.

(b) *Payment of a civil penalty.* The respondent shall pay the full amount of the civil penalty assessed in the final order within sixty (60) days after receipt of the final order unless otherwise agreed by the parties. Payment shall be made by forwarding to the Regional Hearing Clerk a cashier's check or certified check in the amount of the penalty assessed in the final order, payable to the Treasurer, United States of America.

§ 22.32 Motion to reconsider a final order.

Motions to reconsider a final order shall be filed within ten (10) days after service of the final order. Every such motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Such motion shall not stay the effective date of the final order unless specifically so ordered by the Administrator.

Subpart H—Supplemental Rules

§ 22.33 Supplemental rules of practice governing the administrative assessment of civil penalties under the Toxic Substances Control Act.

(a) *Scope of these Supplemental rules.* These Supplemental rules of practice shall govern, in conjunction with the preceding consolidated rules of practice (40 CFR Part 22), all formal adjudications for the assessment of any civil penalty conducted under section 16(a) of the Toxic Substances Control Act (15 U.S.C. 2615(a)). Where inconsistencies exist between these Supplemental rules and the Consolidated rules, (§§ 22.01–22.32), these Supplemental rules shall apply.

(b) *Subpoenas.* (1) The attendance of witnesses or the production of documentary evidence may be required by subpoena. The Presiding Officer may grant a request for a subpoena upon a showing of (i) the grounds and necessity therefor, and (ii) the materiality and relevancy of the evidence to be adduced. Requests for the production of documents shall describe the evidence sought as specifically as practicable.

(2) Subpoenas shall be served in accordance with § 22.05(b)(1) of the Consolidated Rules of Practice.

(3) Witnesses summoned before the Presiding Officer shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears. Where a witness appears pursuant to a request initiated by the Presiding Officer, fees shall be paid by the agency.

§ 22.34 Supplemental rules of practice governing the administrative assessment of civil penalties under Title II of the Clean Air Act.

(a) *Scope of these Supplemental rules.* These Supplemental rules of practice shall govern, in conjunction with the preceding Consolidated Rules of Practice (40 CFR Part 22), all formal adjudications for the assessment of any civil penalty conducted under Section 211 of the Clean Air Act as amended (42 U.S.C. 7445). Where inconsistencies exist between these Supplemental rules and the Consolidated Rules, (§§ 22.01–22.32), these Supplemental rules shall apply.

(b) *Headquarters enforcement.* Where the complainant is the Assistant Administrator for Enforcement or his delegate, the prehearing conference and hearing shall be held in Washington, DC, unless the Presiding Officer determines that there is good cause for it to be held at another location.

(c) *"Presiding Officer".* For purposes of hearings conducted pursuant to § 211

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of the Clean Air Act, "Presiding Officer" means the Administrative Law Judge appointed under 5 U.S.C. 3105 (see also Pub. L. 95–251, 92 Stat. 183) or an attorney who is an employee or authorized representative of the Agency.

(d) *Assignment of a Presiding Officer.* Upon the filing of an answer, the Regional Hearing Clerk or Hearing Clerk, as appropriate, shall forward the complaint, answer, and any other documents filed thus far in the proceeding to the Regional Administrator or Administrator, respectively, who shall assign the Presiding Officer. The Regional Administrator or Administrator may, however, forward the case file to the Chief Administrative Law Judge and request that he assign an Administrative Law Judge as Presiding Officer. If the Chief Administrative Law Judge finds that such an assignment can be made without impairing the ability of his office to timely discharge its other responsibilities, he shall make the assignment. Otherwise, he shall notify the Regional Administrator or Administrator that he is unable to make such an assignment. The Presiding Officer assigned to the proceeding shall obtain the case file from the Chief Administrative Law Judge, Regional Administrator, or Administrator, as appropriate, and notify the parties of his assignment.

(e) *Evaluation of proposed civil penalty.* In determining the dollar amount of the recommended civil penalty assessed in the initial decision, the Presiding Officer shall consider (1) the gravity of the violation, (2) the size of respondent's business, (3) the respondent's history of compliance with the Act, (4) the action taken by respondent to remedy the specific violation, and (5) the effect of such proposed penalty on respondent's ability to continue in business. The Presiding Officer must also consider any guidelines for the Assessment of Civil Penalties issued under the Act.

§ 22.35 Supplemental rules of practice governing the administrative assessment of civil penalties under the Federal Insecticide, Fungicide, and Rodenticide Act.

(a) *Scope of these Supplemental rules.* These Supplemental rules of practice shall govern, in conjunction with the preceding Consolidated Rules of Practice (40 CFR Part 22), all formal adjudications for the assessment of any civil penalty conducted under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 1261(a)). Where inconsistencies exist between these Supplemental rules and the Consolidated rules, (§§ 22.01–22.32), these Supplemental rules shall apply.

(b) *Venue.* The prehearing conference and the hearing shall be held in the county, parish, or incorporated city of the residence of the person charged, unless otherwise agreed in writing by all parties.

(c) *Evaluation of proposed civil penalty.* In determining the dollar amount of the recommended civil penalty assessed in the initial decision, the Presiding Officer shall consider, in addition to the criteria listed in section 14(a)(3) of the Act, (1) respondent's history of compliance with the Act or its predecessor statute and (2) any evidence of good faith or lack thereof. The Presiding Officer must also consider the guidelines for the Assessment of Civil Penalties published in the Federal Register (39 FR 27711), and any amendments or supplements thereto.

§ 22.36 Supplemental rules of practice governing the administrative assessment of civil penalties and the revocation or suspension of permits under the Marine Protection, Research, and Sanctuaries Act.

(a) *Scope of these Supplemental rules.* These Supplemental rules shall govern, in conjunction with the preceding Consolidated Rules of Practice (40 CFR Part 22), all formal adjudications conducted under Section 105(a) or (f) of the Marine Protection, Research, and Sanctuaries Act as amended (33 U.S.C. 1415(a) and (f)). Where inconsistencies exist between these Supplemental rules and the Consolidated Rules, (§§ 22.01–22.32), these Supplemental rules shall apply.

(b) *Additional criterion for the issuance of a complaint for the revocation or suspension of a permit.* In addition to the three criteria listed in 40 CFR 22.13 for issuing a complaint for the revocation or suspension of a permit, complaints may be issued on the basis of a person's failure to keep records and notify appropriate officials of dumping activities, as required by 40 CFR 224.1 and 223.2.

§ 22.37 Supplemental rules of practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act.

(a) *Scope of these Supplemental rules.* These Supplemental rules of practice shall govern, in conjunction with the preceding Consolidated Rules of Practice (40 CFR Part 22), all proceedings to assess a civil penalty conducted under Section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928) (the "Act"). Where inconsistencies exist between these Supplemental rules and the Consolidated Rules, (§§ 22.01–22.32), these Supplemental rules shall apply.

(b) *Issuance of notice.* Whenever, on the basis of any information, the Administrator determines that any person is in violation of (1) any requirement of Subtitle C of the Act, (2) any regulation promulgated pursuant to Subtitle C of the Act, or (3) a term or condition of a permit issued pursuant to Subtitle C of the Act, the Administrator shall issue notice to the alleged violator of his failure to comply with such requirement, regulation or permit.

(c) *Content of notice.* Each notice of violation shall include:

(1) A specific reference to each provision of the Act, regulation, or permit term or condition which the alleged violator is alleged to have violated; and

(2) A concise statement of the factual basis for alleging such violation.

(d) *Service of notice.* Service of notice shall be made in accordance with § 22.05(b)(2) of the Consolidated Rules of Practice.

(e) *Issuance of the complaint.* (1) Except as provided in paragraph (e)(3) of this section, the complainant may issue a complaint whenever he has reason to believe that any violation extends beyond the thirtieth day after service of the notice of violation.

(2) The complaint shall include, in addition to the elements stated in § 22.14 of the Consolidated Rules, an order requiring compliance within a specified time period. The complaint shall be equivalent to the compliance order referred to in Section 3008 of the Act.

(3) Whenever a violation is of a non-continuous or intermittent nature, the Administrator may issue a complaint, without any prior notice to the violator, pursuant to § 22.14 of the Consolidated Rules of Practice which may also require the violator to take any and all measures necessary to offset all adverse effects to health and the environment created, directly or indirectly, as a result of the violation.

(4) Notwithstanding § 22.15(a), any answer to the complaint must be filed with the Regional Hearing Clerk within thirty (30) days after the filing of the complaint.

(f) *Subpoenas.* (1) The attendance of witnesses or the production of documentary evidence may be required by subpoena. The Presiding Officer may grant a request for a subpoena upon a showing of (i) the grounds and necessity therefor, and (ii) the materiality and relevancy of the evidence to be adduced. Requests for the production of documents shall describe with specificity the documents sought.

(2) Subpoenas shall be served in accordance with § 22.05(b)(1) of the Consolidated Rules of Practice.

(3) Witnesses summoned before the Presiding Officer shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears. Where a witness appears pursuant to a request initiated by the Presiding Officer, fees shall be paid by the Agency.

Appendix—Addresses of EPA Regional Offices

Region I—John F. Kennedy Federal Building, Boston, Massachusetts 02203
Region II—26 Federal Plaza, New York, New York 10007
Region III—Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106
Region IV—345 Courtland Street, NE, Atlanta, Georgia 30308
Region V—230 South Dearborn Street, Chicago, Illinois 60604
Region VI—First International Building, 1201 Elm Street, Dallas, Texas 75270
Region VII—1735 Baltimore Street, Kansas City, Missouri 64108
Region VIII—1860 Lincoln Street, Denver, Colorado 80203
Region IX—215 Fremont Street, San Francisco, California 94105
Region X—1200 6th Avenue, Seattle, Washington 98101

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Part IV

Department of Energy

DOE's Procurement Regulations; Amendments to Small Business Act

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DEPARTMENT OF ENERGY

41 CFR Parts 9–1, 9–3, 9–7, 9–16, 9–50

Department of Energy Procurement Regulations; Amendments to Small Business Act

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule revises the Department of Energy Procurement Regulations (DOE–PR) to incorporate the requirements of Pub. L. 95–507, Amendments to the Small Business Act and Small Business Investment Act of 1951, the Office of Federal Procurement Policy's (OFPP) April 20, 1979 implementation of Pub. L. 95–507 (44 FR 23610), as modified on June 18, 1979 (44 FR 35068), and FPR Temporary Regulation 50 (44 FR 38478). Other minor changes are made.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Edward Lovett (PR–211), Procurement Policy Branch, Policy and Procedures Division, Procurement and Contracts, Management Directorate, M.S. 1J–009, Department of Energy, Washington, DC 20585, telephone (202) 252–6188.

Lester Schiefelbein, Jr., AGC for Procurement, Office of General Counsel, Department of Energy, Washington, D.C. 20585, telephone (202) 252–6902.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Statutory and Regulatory Requirements.
III. Public Comments.

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the DOE–PR was promulgated with an effective date of June 30, 1979 (44 FR 34434, June 14, 1979). At the time of publication, the staffs of OFPP and the Federal Procurement Regulations were in the process of implementing Pub. L. 95–507. This necessitated reserving those subparts and sections of the DOE–PR dealing with Pub. L. 95–507. Those subparts and sections, together with other revisions of a minor nature, were published in the DOE proposed rule of November 23, 1979, (44 FR 67330, November 23, 1979). Pub. L. 95–507 authorized Federal agencies to provide incentives for subcontracting with small and small disadvantaged business concerns. It should be noted that OFPP and Department of Energy are conducting a pilot test of the application of subcontracting incentives under Pub. L. 95–507.

II. Statutory and Regulatory Requirements

To the extent that Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) relating to the opportunity for oral presentations on proposed rules is applicable to the proposed rule, and paragraph 9 of DOE Order 2030.1 relating to a regulatory analysis, the Department has determined that no substantial issue of fact or law exists and that this rule is unlikely to have substantial impact on the Nation's economy, or large numbers of individuals or businesses.

This conclusion is based on the fact that the Department was previously operating under Pub. L. 95–507, and this rule merely revises and formalizes those existing procedures to be consistent with OFPP's guidance, and FPR Temporary Regulation 50.

Note.—The Department has determined that the regulation will not affect the quality of the environment, and that the requirements of Section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, do not apply.

III. Public Comments

This final rule reflects the Department's efforts to comply with the statutory criteria contained in Pub. L. 95–507, OFPP's implementation of Pub. L. 95–507 and FPR Temporary Regulation 50. In addition, it reflects, as fully as possible, consistent with statutory requirements and policy and programmatic needs, the opinions and recommendations expressed by interested parties. Timely comments were received from nine organizations on the proposed rule.

A summary of the substantive comments received is set forth below, together with the Department's actions regarding the comments:

(1) Organizational Placement of the Director of Small and Disadvantaged Business Utilization (§ 9–1.704–1). A suggestion was made that § 9–1.704–1 of the DOE–PR should reflect the placement of the Director, SDBU within the organizational structure of the Department.

The Director SDBU reports directly to the Deputy Secretary of the Department. However, the organizational structure of the Department and the placement of an office within that structure is not properly a subject for the Department's Procurement Regulations. Accordingly, this recommendation has not been adopted.

This comment also prompted the Department to review the duties of the small business/small disadvantaged business (SB/DB) specialist set forth in § 9–1.704–3 of the proposed rule. The detailed description of the duties to be performed by the SB/DB specialist is an administrative matter which the Department feels should not be included in the DOE–PR. For this reason § 9–1.704–3 has been deleted in the final rule.

(2) Recurring Procurements (§ 9–1.705–7(b)(4) and § 9–1.751). Several organizations objected to the mandatory nature of these sections. One believed that approval of the Small Business Administration would be required if a product or service was not to be procured under these procedures. As a result, these sections have been rewritten. They now state that once a product or service has been procured successfully, from the SBA or through a small business set-aside, future requirements for similar products or services will also be considered for procurement in the same manner. However, a requirement has been added that a list of recurring procurements be maintained to alert the Contracting Officer to procurements subject to these subparts.

(3) Contractor Publication of Proposed Procurement Actions (§ 9–50.104(f)). Several organizations objected to the mandatory requirement that DOE operating and on-site service contractors synopsize proposed procurement actions of $100,000 and above in the Commerce Business Daily. The Department believes this to be a technique that will expand the participation of small and small disadvantaged business concerns in DOE contracts. However, the Department also recognizes that there are circumstances where publication may be inappropriate. Accordingly, we have revised this section to allow the contracting officer to waive the publication requirements where appropriate.

(4) Documentation of Small Purchases (§ 9–3.603–2). One organization pointed out that the information required to support small purchases, as set forth in § 9–3.603–2, would fail to provide historical purchasing data. Another requested that the regulations require more extensive documentation when award is made to other than a small business.

The need for historical purchasing data to determine sources of supply and the reasonableness of contract prices is recognized by the Department. The need to document award to other than a small business is also recognized by the Department. However, the very purpose of the small purchase procedures is to meet the Government's needs with the minimum administrative expense consistent with sound business practices.

Section 9–3.603–2 has been revised in an attempt to balance the above factors.

For the Department of Energy.

Dated: April 3, 1980.

Berton J. Roth,

Director, Office of Policy, Procurement and Contracts Management Directorate.

The regulations in 41 CFR Chapter 9 are amended as follows:

1. By adding a new Subpart 9–1.7 to read as follows:

PART 9–1—GENERAL

Subpart 9–1.7—Small Business Concerns

Sec.
9–1.700 General.
9–1.703–1 Certification.
9–1.704 Agency program direction and operation.
9–1.704–1 DOE headquarters.
9–1.704–2 Other procuring activities.
9–1.705–3 Screening of procurements.
9–1.705–7 Performance of contract by SBA.
9–1.706 Procurement set-aside for small business.
9–1.706–1 General.
9–1.706–5 Total set-asides.
9–1.710 Subcontracting with small business concerns.
9–1.710–3 Required clauses.
9–1.710–5 Subcontracting certification.
9–1.750 Access to procurement information.
9–1.751 Small business set-aside—recurring procurements.

Authority: Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 et seq.).

Subpart 9–1.7—Small Business Concerns

§ 9–1.700 General.

This subpart sets forth the policies for the utilization of small busines concerns in DOE procurements. The policies and procedures prescribed in FPR 1–1.7 and this subpart apply to all DOE procurements.

§ 9–1.703–1 Certification.

The following certifications are to be used in procurements exceeding $10,000.

(a) The offeror certifies that he is ( ) is not ( ) a small business concern as defined in accordance with Section 3 of the Small Business Act (15 U.S.C. 632).

(b) The offeror certifies that he is a small business as set forth in (a) above and is ( ) is not ( ) owned and controlled by socially and economically disadvantaged individuals. Such a firm is defined as one—

(1) Which is at least 51 per centum owned by one or more such individuals or, in the case of a publicly owned business, at least 51 per centum of the stock is owned by such individuals.

(2) Whose management and daily business operations are controlled by one or more such individuals, and

(3) Which certifies concerning said ownership and control in accordance with paragraph (c) of this section.

(c) The offeror certifies that he is ( ) is not ( ) a minority individual(s) in accordance with paragraph (c)(1) of this section or that he is ( ) is not ( ) socially and economically disadvantaged in accordance with paragraph (c)(2) or (c)(3) of this section. Socially and economically disadvantaged individuals are defined as:

(1) United States citizens who are Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans or other specified minorities;

(2) Any other individual found to be disadvantaged pursuant to section 8(a) of the Small Business Act (15 U.S.C. 873); or

(3) Any other individual defined by the Small Business Administration as socially and economically disadvantaged, for purposes relating to other sections of the Small Business Act.

Failure to execute all parts of the representation will be deemed a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

§ 9–1.704 Agency program direction and operation.

§ 9–1.704–1 DOE headquarters.

The Director of Small and Disadvantaged Business Utilization (SDBU), Headquarters, is responsible for the administration of the DOE small and small disadvantaged business programs. This includes responsibility for developing, implementing, executing, and managing these programs, providing advice on this programs, and representing DOE before other Government agencies on matters primarily affecting small and small disadvantaged businesses.

§ 9–1.704–2 Other procuring activities.

Heads of Procuring Activities (HPAs) or designees, with the advice and consent of the Director, SDBU, shall appoint a small business/small disadvantaged business (SB/DB) specialist.

§ 9–1.705–3 Screening of procurements.

(a) *Individual Set-Asides.* The Department has established a comprehensive review and screening process of procurement actions for possible participation in those actions by small business, small disadvantaged business, and labor surplus area concerns (see § 9–16.804).

(b) *Initiation of Class Set-Asides.*—(1) *Class Set-Asides.* By agreement with SBA, DOE has established a class set-aside for procurements of construction where the estimated value is from $10,000 through $2 million including new construction and repair and alteration of structures. Lists of other class set-asides shall be maintained by all DOE procuring offices, including contractors who manage Government-owned sites. These lists shall be updated at least annually.

(2) In establishing and reviewing small business class set-asides, consideration shall be given to contracting with SBA pursuant to FPR 1–1.705–7 as well as the set-aside priorities in FPR 1–1.706–1. The list of class set-asides maintained at DOE and contractor procuring activities shall identify corresponding priorities.

§ 9–1.705–7 Performance of contract by SBA.

(a) Consideration will be given to contracting with SBA in order to foster or assist in the establishment or growth of SBA-designated socially and economically disadvantaged small business concerns.

(b) The SBA has delegated to its field offices authority to negotiate contracts and subcontracts under Section 8(a) of the Small Business Act. Heads of procuring activities or designees should assure full cooperation with SBA in efforts to place procurements with firms which are eligible for subcontract awards by SBA under Section 8(a). They shall take the necessary steps to:

(1) Invite appropriate SBA field representatives to identify needs for 8(a) contracts and to provide for cooperation and assistance on the part of DOE in verifying the availability or nonavailability of requirements, funding and other pertinent factors;

(2) Propose any requirements which appear to offer potential opportunity for contracting with SBA under the authority of Section 8(a) of the Small Business Act, for consideration by appropriate SBA field representatives; and

(3) Work out detailed arrangements for individual 8(a) contracts with SBA offices, consistent with FPR 1–1.712. Any problems relating to contracting with SBA should be reported to the Director, SDBU, Headquarters.

(c) Once a product or service has been procured successfully from the SBA, future requirements for similar products

or services shall be considered for procurement from SBA. The SB/DB specialist shall maintain a list of recurring procurements subject to this subsection.

§ 9-1.706 Procurement set-aside for small business.

§ 9-1.706-1 General.

(a) Procurements of $10,000 or less awarded through small purchase procedures, are set-aside for small business. (See § 9-3.601)

(b) In addition to paragraph (a) of this section, Contracting Officers are authorized and encouraged to seek set-asides for all susceptible procurements including procurement of architectural and engineering services, research, development, test and evaluation.

§ 9-1.706-5 Total set-asides.

It is DOE policy to use the preferred method of procurement known as "Small Business Restricted Advertising" for contracts involving total set-asides unless there are circumstances which make conventional negotiation necessary.

§ 9-1.710 Subcontracting with small business concerns.

Procuring activities shall maintain lists of active prime contracts containing the clause entitled "Subcontracting Plan for Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals."

§ 9-1.710-3 Required clauses.

(a) On April 20, 1979, the Office of Federal Procurement Policy (OFPP) issued, in the **Federal Register** (44 FR 23610), its implementation of Section 211 of Pub. L. 95-507. This issuance as modified on June 18, 1979 (44 FR 35068), contains various subcontracting provisions and guidance for their use. FPR Temporary Regulation 50 (44 FR 38478) requires the use of OFPP's clauses and procedures.

(b) DOE activities shall not utilize Part D, "Incentive Subcontracting Program," of OFPP's April 20, 1979 issuance, without prior approval of the Senior Procurement Official, Headquarters, or his designee.

(c) The following contract clause is to be included in formally advertised and negotiated procurements when there is a requirement for a small and small disadvantaged business subcontracting plan. Contracting Officers may modify this clause to specify the forms on which quarterly reports are to be submitted.

"Subcontracting Plan for Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals."

(a) The contractor agrees to comply in good faith with the Small and Small Disadvantaged Business Concerns Subcontracting Plan which is hereby incorporated in and made a part of this contract. In this connection, the contractor shall:

(1) Use his best efforts to attain such percentage goals as may be set forth in the plan.

(2) Designate an individual who will:

(i) Maintain liaison with the Government on matters relating to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals;

(ii) Monitor compliance with the clause entitled "Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals"; and

(iii) Administer the contractor's plan.

(3) Provide adequate and timely consideration of the potentialities of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals in all "make-or-buy" decisions.

(4) Assure that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals will, consistent with efficient performance of the contract, have the maximum practicable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of such concerns. Where the Contractor's lists of potential subcontractors which are small business and small business concerns owned and controlled by socially and economically disadvantaged individuals are excessively long, reasonable effort shall be made to give all such concerns an opportunity to compete over a period of time.

(5) Maintain records showing:

(i) Whether each subcontractor is a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals; and

(ii) Procedures which have been adopted to comply with the plan and the policies set forth in this clause.

(6) Notify the Contracting Officer before soliciting bids, quotations, or proposals on any subcontract (including purchase orders) in excess of $10,000 if:

(i) No small business concern or small business concern owned and controlled by socially and economically disadvantaged individuals is to be solicited, and

(ii) The Contracting Officer's consent to the subcontract is required by a "Subcontracts" clause in this contract. Such notification will state the contractor's reasons for nonsolicitation of small business and small business concerns owned and controlled by socially and economically disadvantaged individuals and will be given as early in the procurement cycle as possible so that the Contracting Officer may suggest potentially qualified small business concerns or small business concerns owned and controlled by socially and economically disadvantaged individuals. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract and the Contractor's notification shall specify that he is proceeding with the solicitation.

(7) Include the "Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals" in all subcontracts over $10,000 which offer further subcontracting opportunities.

(8) Cooperate in any studies or surveys of the Contractor's subcontracting procedures and practices as may be required by the DOE or the Small Business Administration.

(9) Submit quarterly reports of subcontracting to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals on such forms as may be specified elsewhere in this contract.

(b) The Contractor agrees that failure to comply in good faith with the clause entitled "Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals," or the terms of the subcontracting plan incorporated into the contract will be a material breach of the contract and the contract may be terminated in whole or, in part, for default.

(c) The contractor further agrees to insert in all subcontracts hereunder (except those with small business concerns) which contain the clause entitled "Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals," which offer further subcontracting opportunities, and which may exceed $1,000,000 in the case of a subcontract for the construction of any public facility or in excess of $500,000 in the case of all other subcontracts, provisions which shall conform substantially to the language of this clause, including this paragraph (c), and to notify the Contracting Officer of the names of such subcontractors.

(d) The provisions of this clause shall not apply to small business concerns.

§ 9-1.710-5 Subcontracting certification.

The following certification shall be used in solicitations expected to exceed $500,000 or $1,000,000 if solely for construction of a public facility which contain the "Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals."

(a) The offeror represents that the following conditions prevail which determine whether the firm shall be required to submit a subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals:

(1) He is ( ) a small business as defined in accordance with 13 CFR, Part 121 of the SBA regulations;

(2) Subcontracting possibilities are not offered with respect to this contract ( ); and

(3) The contract is not expected to exceed $1,000,000 (if solely for construction of a public facility) or $500,000 otherwise ( ).

(b) The offeror represents that he is not ( ) required to submit plans for subcontracting with small and small disadvantaged businesses because he has properly executed one or more of the above representations.

§ 9-1.750 Access to procurement information.

For any contract (except those which will be performed entirely outside of any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or which is for services which are personal in nature) to be let by the Department, any small business concern, upon its request, shall be provided:

(a) A copy of the bid sets and specifications with respect to the contract;

(b) The name and telephone number of the Contracting Officer responsible for the contract; and

(c) Adequate citations to each major Federal law or Department rule which must be complied with in performing the contract.

§ 9-1.751 Small business set-aside—recurring procurements.

Once a product or service has been procured successfully on the basis of a total or partial small business set-aside, future requirements for similar products or services shall be considered for small business set-asides. (See 9-3.601.) The SB/DB specialist shall maintain a list of recurring procurements subject to this subsection.

2. By adding §§ 9-1.800, 9-1.804, and 9-1.805 and by revising § 9-1.807 to read as follows:

Subpart 9-1.8—Labor Surplus Area Concerns

Sec.

9-1.800 General.

* * * * *

9-1.804 Total set-asides.

9-1.805 Subcontracting with labor surplus area concerns.

* * * * *

9-1.807 Records and reports.

Subpart 9-1.8—Labor Surplus Area Concerns

§ 9-1.800 General.

(a) This subpart sets forth the policies for the utilization of labor surplus area (LSA) concerns in DOE procurements.

(b) Procurement actions shall be reviewed for potential labor surplus area set-aside consideration in accordance with § 9-16.804-4.

§ 9-1.804 Total set-aside.

It is DOE policy to use the preferred method of procurement known as "labor surplus area restricted advertising" for contracts involving total set-asides unless there are circumstances which make conventional negotiation necessary.

§ 9-1.805 Subcontracting with labor surplus area concerns.

(a) DOE encourages prime contractors to place subcontracts, including purchase orders, with labor surplus area concerns.

(b) Procuring Activities shall maintain lists of active prime contracts of $500,000 or more which contain the Labor Surplus Area Subcontracting Program Clause set forth in FPR 1-1.805-3(b). Lists shall contain:

(1) The title, address, and telephone number of the prime contractor's liaison office.

(2) Estimated dollar value of the contract.

(3) Period of performance.

(4) Nature of the work to be performed.

(5) Contract number.

§ 9-1.807 Records and reports.

Records and reports shall be as required by "A Guide to Preparation of DOE Quarterly Procurement and Financial Assistance Reports."

3. By adding a new subpart 9-1.13 to read as follows:

Subpart 9-1.13—Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

Sec.

9-1.1300 Scope of subpart.

9-1.1310 Subcontracting with small disadvantaged business concerns.

Subpart 9-1.13—Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

9-1.1300 Scope of subpart.

This subpart implements and supplements the policies applicable to the participation of Small Disadvantaged Business Concerns in Government procurement, at the prime and subcontract level, as set forth in FPR Subpart 1-1.13.

§ 9-1.1310 Subcontracting with small disadvantaged business concerns.

See § 9-1.710 for guidance relative to subcontracting plans.

PART 9-3—PROCUREMENT BY NEGOTIATION

4. By adding a new § 9-3.603-2 to read as follows:

§ 9-3.603-2 Data to support small purchases.

(a) Purchases in excess of $500.00 shall be supported by documentation, in the file, in accordance with FPR 1-3.603-2(b).

(b) Noncompetitive purchases in excess of $500.00 shall contain, in the file, a brief justification for noncompetitive procurement. The justification shall set forth enough facts and circumstances to clearly and convincingly establish that competition would not have been feasible or practicable.

(c) Contracting Officers shall include in the contract file, an appropriate notation when award of small purchases is made to other than a small business.

PART 9-7—CONTRACT CLAUSES

5. By adding §§ 9-7.103-57, 9-7.203-58, 9-7.303-57, 9-7.403-55, 9-7.603-60, 9-7.703-52, and 9-7.803-56 to read as follows:

§ 9-7.103-57 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

§ 9-7.203-58 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

§ 9-7.303-57 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

§ 9-7.403-55 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

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§ 9-7.603-60 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

§ 9-7.703-52 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economicaly disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

§ 9-7.803-56 Subcontracting plan for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Insert the clause set forth in § 9-1.710-3(c) where appropriate.

PART 9-16—PROCUREMENT FORMS

6. By adding a new § 9-16.5002-1, Appendix B, Article B-XXV and revising § 9-16.804-4 to read as follows:

§ 9-16.5002-1 Special research contracts (SRC) with educational institutions.

* * * * *

Appendix B—General Provisions

* * * * *

Article B-XXV—Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals.

Insert the clause in FPR Temporary Regulation 50.

§ 9-16.804-4 Small business/labor surplus set-aside review.

(a) *Use of DOE Form 415.* Procurement request originators at the Headquarters and Field Activities shall initiate DOE Form 415, Small Business/Labor Surplus Set-Aside Review, with all procurement requests except:

(1) Procurements of $10,000 or less.

(2) Basic research contracts with educational institutions.

(3) Incremental funding, where there is no change in the scope of work.

(4) Unsolicited proposals.

(5) The exercise of options.

(b) *Preparation and Approval Procedures.* (1) Responsibility for initiation of DOE Form 415. All applicable procurement requests originating from Headquarters' organizations whether for procurement by Headquarters or Field Activities shall be accompanied by a completed DOE Form 415, initiated by Headquarters' program officials. All applicable procurement requests originating from field organizations shall be accompanied by a DOE Form 415 initiated by the Field Activity program officials.

(2) Responsibility for reviewing procurement requests. The Director, SDBU, or his designee, shall review all procurement requests which are accompanied by a DOE Form 415, originating from Headquarters' organizations in order to determine the feasibility of small business/small disadvantaged business/labor surplus area procurement action. The cognizant field office SB/DB specialist shall review all procurement requests, accompanied by a DOE Form 415, which are originated by the field office.

(c) *Requirements.* (1) The contracting officer shall review the recommendations on the DOE Form 415 and make the determinations required by FPR 1-1.706.1.

(2) After the form is completed, the procurement documents shall be made available to the cognizant SBA procurement center representative.

(3) Upon award of the contract, one copy of the fully completed Form 415 shall be returned to the cognizant SB/DB specialist. In addition, when the award results from a small business set-aside, a copy of the abstract of bids/proposals, including the address and telephone number of the bidders/offerors, shall accompany the Form 415. In all other competitive actions, furnish the name, address and telephone number of the SB/DB firms that were in the competitive range.

PART 9-50—OPERATING AND ONSITE SERVICE CONTRACTS

7. By adding a new § 9-50.104 to read as follows:

§ 9-50.104 Small business and small disadvantaged business concerns. (FPR 1-1.7 and 1-1.13)

(a) The policies and procedures in the following regulations shall be applied to procurement activities of operating and on-site service contractors.

FPR	*DOE-PR*
1-1.703-1	9-1.706-5
1-1.703-2	9-1.710
1-1.706-5	9-1.710-3
1-1.706-6	
1-1.712-2	

(b) Protests received by contractors regarding small business status or questions concerning small disadvantaged businesses shall be referred to the SBA through the DOE contracting officer.

(c) Procurement of construction between $2,500 and $2 million, including new construction, and repair and alteration of structures, shall be set aside on a class basis for small business concerns. When, in the judgment of the contractor, a particular procurement falling within these dollar limits is determined to be unsuitable for a small business set-aside, notification to SBA shall be made through the DOE contracting officer. Unless SBA appeals the decision (see FPR 1-1.706-2), the contractor shall proceed to process the procurement on an unrestricted basis. Small business set-aside preferences should be considered for construction procurements in excess of $2 million on a case-by-case basis, favoring such preferential participation of small business, whenever appropriate.

(d) Initiation of set-asides by contractors shall be made on a unilateral basis.

(e) Procuring activities shall require operating and on-site service contractors to prepare quarterly reports on small business, small disadvantaged business, and contracts placed in labor surplus areas.

(f) To expand participation of small and small disadvantage business sources by contractors having cost-type contracts, Government-owned plants and laboratories and other on-site service contractors shall publicize proposed actions of $100,000 and above in accordance with FPR 1-1.1003-7.

This procedure will be followed unless approval of the contracting officer to waive the requirements of this provision is obtained.

PART 9-1—GENERAL

§ 9-1.5407 [Amended]

8. By amending § 9-1.5407 in paragraph (a) of the solicitation provision entitled "Organizational Conflicts of Interest Disclosure or Representation" by adding the following immediately after the word "advantage.": "The offeror may also provide relevant facts that show how its organizational structure and/or management systems limit its knowledge of possible organizational conflicts of interest relating to other divisions or sections of the organization and how that structure or system would avoid or mitigate such organizational conflict."

PART 9-3—PROCUREMENT BY NEGOTIATION

9. By revoking and reserving paragraph (a) of § 9-3.404-50.

§ 9-3.404-50 Lump-sum contract for architect-engineer services with reimbursement for certain costs.

(a) [Reserved]

* * * * *

PART 9-7—CONTRACT CLAUSES

§§ 9-7.403-70—9-7.403-74 [Renumbered]

10. By renumbering § 9-7.403.

§§ 9-7.403-70, 9-7.403-71, 9-7.403-72, 9-7.403-73, and 9-7.403-74 are renumbered 9-7.403-50, 9-7.403-51, 9-7.403-52, 9-7.403-53, and 9-7.403-54, respectively.

PART 9-50—OPERATING AND ONSITE SERVICE CONTRACTS

§ 9-50.303 [Amended]

11. By amending paragraph (c)(1) of § 9-50.303 by adding the following immediately after the word "administrative": "including environmental, safety, health and energy conservation program considerations,".

12. By adding paragraph (c)(2)(iv) to § 9-50.304 to read as follows:

§ 9-50.304 Field recommendations to extend or compete operating contracts and onsite service contracts.

* * * * *

(c) * * *

* * * * *

(2) * * *

(iv) A separate appraisal shall be made of the contractor's performance in assuring consideration of environmental, safety, health and energy conservation in the operation of the facility and development of products.

§ 9-50.704-48 [Revoked]

13. By revoking Section 9-50.704-48.

§§ 9-50.1002-1 and 9-50.1003-1 [Amended]

14. By amending §§ 9-50.1002-1 and 9-50.1003-1 by deleting "$2,000" and substituting therefor "$25,000."

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federal register

Wednesday
April 9, 1980

Part V

Federal Reserve System; Comptroller of the Currency, Department of the Treasury; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; and National Credit Union Administration

Management Official Interlocks; Final Amendments to Existing Regulations

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FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. R-0198]

Management Official Interlocks; Final Amendments to Existing Regulations

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Final amendments to existing regulations.

SUMMARY: On July 19, 1979, the agencies published regulations, as well as proposed amendments to those regulations, under the Depository Institution Management Interlocks Act (Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) (the "Interlocks Act"). The Interlocks Act prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. The final amended regulations published in full below include certain clarifying and technical changes in the regulations published in July, and add a definition of the term "representative or nominee," as well as provisions concerning "grandfather" rights and "changes in circumstances." In addition, the final amendments add a provision that extends the compliance period for depository organizations experiencing a disruptive loss of management as a result of a change in circumstances. These amendments are considered to be significant within the meaning of Executive Order 12044 ("Improving Government Regulations"), *i.e.*, they will be of substantial interest to the financial institutions community and the public because they include provisions that are determinative of whether or not certain interlocking relationships are prohibited.

EFFECTIVE DATE: May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202) 452–3564 or Melanie Fein (202) 452–3594, Board of Governors of the Federal Reserve System; Gwenn Hibbs (202) 447–1880 or Howard Finkelstein (202) 447–1880, Office of the Comptroller of the Currency; Pamela LeCren (202) 389–4433, Federal Deposit Insurance Corporation; Kathleen Topelius (202) 377–6444 or Kenneth Hall (202) 377–6443, Federal Home Loan Bank Board; Ross Kendall (202) 357–1030, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act was enacted on November 10, 1978, as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. 3201 *et seq.*). On July 19, 1979, the agencies published regulations implementing the Interlocks Act (44 FR 42152), effective immediately upon publication. At the same time, the agencies issued proposed amendments to complete the regulations (44 FR 42212) by clarifying certain issues not addressed in the regulations. In addition, comment was sought on whether or not the agencies should define "person" so as to exclude corporations or other business entities from being considered "management officials" for the purposes of the Interlocks Act. Public comment was invited for sixty days, until September 17, 1979, regarding both the regulations and the proposed amendments.

The agencies received approximately 15 comments concerning the regulations and approximately 65 comments concerning the proposed amendments. Upon careful review of the comments, as well as experience gained in administering the Interlocks Act regulations, the agencies have decided to make certain technical and clarifying changes in the July regulations and to adopt the proposed amendments with certain modifications.

The final amended regulations are designed to further the purpose of the Interlocks Act to foster competition among depository institutions. Because the Interlocks Act requires that exceptions from the Act's prohibitions be created by regulations, it is necessary for the agencies to issue these formal regulations. However, consistent with Executive Order 12044 ("Improving Government Regulations," 43 FR 12661), the agencies have determined that no increased costs from recordkeeping or reporting will result from compliance with the regulations, and accordingly, no cost-benefit analysis of the regulations is necessary.

In accordance with section 553(d) of the Administrative Procedure Act (5 U.S.C. 500, *et seq.*), the final amendments to the regulations implementing the Interlocks Act will be effective May 9, 1980. An explanation of each of the changes to the regulations made by the final amendments and a discussion of the comments received are set forth below.

1. *Definition of "adjacent."* The regulations issued in July defined "adjacent" to mean cities, towns, or villages that are within ten miles of one another at their closest points. However, the agencies specifically solicited comment on whether a distinction should be made between adjacent areas in rural and urban locations. For example, consideration was given to treating as adjacent, cities, towns, or villages within ten miles of each other and located in an SMSA, and to treating as adjacent, cities, towns, or villages located within 25 miles of each other but not within an SMSA. The agencies received few comments on this proposal and therefore believe that a distinction between commuting and travel patterns in rural and urban areas is not warranted. Thus, the definition of adjacent has not been substantively amended at this time.

The final amendments do, however, clarify the definition of adjacent by specifying that the distance between cities, towns, or villages is measured by road miles. Thus, cities located on opposite banks of a river will not be considered adjacent if the distance between them via the nearest bridge is more than 10 miles.

2. *Definition of "affiliate."* The definition of "affiliate" has been clarified in two respects. Language has been added to the regulations to emphasize that, for the purposes of section 202(3)(B) of the Interlocks Act, the shares owned by a given individual include any shares that are owned by members of the individual's immediate family. In addition, the definition of "immediate family" has been amended to include specifically the spouse of an individual.

3. *Definition of "depository institution"—application of Interlocks Act to foreign banks.* The regulations are intended to subject only management officials serving United States offices of foreign banks to the provisions of the Interlocks Act and not to prohibit certain interlocking relationships outside the United States between two foreign banks having subsidiary banks, branches or agencies located in the United States. The regulations issued in July may not have accurately reflected the agencies' determination in this respect. Accordingly, the agencies have amended the definition of "depository institution" to make clear that only institutions chartered in the United States and having a principal office located in the United States, as well as United States offices of foreign commercial banks, are depository institutions for the purposes of the Interlocks Act.

4. *Definition of "office."* The July regulations did not make any distinction in the definition of "office" between that of a depository institution and that of a depository holding company. Thus, in some cases, an office of a depository holding company could be interpreted to include a location at which the depository holding company conducts its operations, such as a plant or storage facility. The agencies do not believe that the provisions of section 203 of the Interlocks Act were intended to apply to locations of a depository holding company not involved in the conduct of depository business, and they did not intend the regulations to have that result. Accordingly, the agencies have added a technical amendment to clarify the scope of the definition of "office" with respect to a depository holding company. The regulation has been amended to define the office of a depository holding company (that is not also a depository institution) as its principal corporate headquarters.

5. *Definition of "management official"—exclusion of certain persons.* A manager of a depository holding company's retail or manufacturing subsidiary might be precluded by section 204 of the Interlocks Act from serving as a management official of any depository organization with assets in excess of $500 million, if the consolidated assets of the depository holding company exceed $1 billion. Because the agencies do not believe that Congress intended to prohibit management service by individuals whose functions relate exclusively to retail merchandising or manufacturing, the July regulations excluded such persons from the definition of "management official." The preamble to the July regulations requested comment concerning whether other categories of persons whose functions relate exclusively to nonfinancial business activities should also be excluded from the definition. While several commenters suggested that the agencies should broaden the class of persons excluded from the definition of "management official," no specific situations demonstrating the need for additional categories were cited. In the absence of any evidence of specific situations that would warrant further exclusions, the agencies have decided to retain the definition as originally promulgated. The agencies have made a technical amendment to the phrasing of the exclusionary sentence to clarify that the exclusion applies only to depository organizations subject to the prohibitions of section 204 of the Interlocks Act.

6. *Definition of "person."* Section 202(4) of the Interlocks Act defines the term "management official" to include "any person" who has a representative or nominee serving as an employee or officer with management functions or serving as a director. The term "any person" could be interpreted to include corporations and other businesses, and as a result, a nondepository corporation that has one officer serving as a director of one depository organization and another officer serving as a director of another depository organization could be regarded as a management official (through its "representatives" or "nominees") subject to the Interlocks Act prohibitions. The agencies requested comment concerning whether to define the term "person" for purposes of the Interlocks Act so as to exclude corporations or other businesses. Specifically, the agencies proposed three alternative approaches regarding this issue:

1. Define the term "any person" to mean only natural persons;

2. Define the term to mean corporations, other businesses, and natural persons; or

3. Define the term to mean corporations, other businesses, and natural persons, and in the case of corporations or other businesses to limit the applicability to those circumstances in which an individual acts in a demonstrably representative manner on behalf of the corporate or business principal.

The agencies received approximately 16 comments concerning this issue. A majority of the comments favored alternative 1, with a significant number also endorsing alternative 3 as a second choice, while one comment favored alternative 2. A number of commenters asserted that the inclusion of corporations in the definition of "person" would be anticompetitive since depository organizations often compete for a nondepository company's business by inviting company officials to serve on the depository organization's board of directors. The commenters also asserted that the inclusion of corporations in the definition of "person" would deprive many depository organizations of individuals possessing valuable business experience and talent.

After careful evaluation of all the comments and review of the legislative history and relevant legal principles, the agencies have adopted a modified version of alternative 3. The regulations define the term "person" to include corporations, other businesses, and natural persons, but limit the application of the provision by excepting corporations and other businesses from the definition of "representative or nominee." The agencies believe that inclusion of corporations and other businesses in the term "person" is required by the language of the Interlocks Act, the absence of any evidence of legislative intent to narrow the term, and by the statutory purpose to foster competition in the banking industry. Indeed, the agencies are of the view that situations may arise in which the indirect interlock created when representatives of a third firm serve as management officials of two or more depository institutions could inhibit competition among those depository institutions. Thus, an interpretation of the statute that in effect denied the agencies regulatory authority to deal with such anticompetitive relationships would unnecessarily frustrate the purpose of the Interlocks Act. Accordingly, the agencies have adopted the second proposed definition of the term "person" as a matter of statutory construction.

The agencies nevertheless recognize that not all situations involving indirect interlocks among depository institutions would inhibit competition among depository organizations. The agencies currently lack sufficient empirical data, however, to identify with specificity those situations involving indirect interlocks that would not inhibit competition, or to assess accurately the effect on competition in the banking industry of banning indirect interlocks. Accordingly, the agencies have provided an exception from the prohibitions of the Act for nondepository corporations involved in indirect interlocks by defining the term "representative or nominee" to include only representatives or nominees of natural persons. As a result, corporations will not be regarded as "management officials." However, the agencies

reserve their authority pursuant to § 209 of the Act to prohibit some or all of such indirect interlocking relationships in the future should information become available indicating that such action is justified.

7. *Definition of "representative or nominee"—individuals.* Section 202(4) of the Interlocks Act defines "management official" to include a person who has a representative or nominee serving in the capacity of a director, an officer with management functions, or an employee with management functions. Thus, a person may be regarded as a management official of a depository organization without actually serving as a management official. The proposed definition of the term "representative or nominee" issued in July stated that a person would be considered to be the representative or nominee of another if the person had an express or implied duty to act on behalf of the other person with respect to management responsibilities. Certain relationships, including family, employment, and agency, were said "normally" to be "sufficient" to establish the existence of an express or implied duty.

The comments received were evenly divided among those that supported the proposed definition and those that did not. Many commenters who opposed the proposal interpreted it as creating an absolute presumption of representative or nominee status based on the listed relationships. Because the agencies did not intend to create an absolute presumption, the definition has been rewritten to clarify their intent. Thus, a family, employment, or agency relationship between two persons *may* be evidence of an express or implied obligation to act on the other's behalf with respect to management functions. Similarly, the ability to elect a director and the exercise of that ability *may* be evidence of an express or implied obligation by the elected official to the elector. However, neither the relationship nor the election of a director will in itself create an express or implied obligation. In addition, a provision has been added to the definition specifying that whether or not such an obligation exists will be determined on a case by case basis taking into consideration all relevant facts, and the determination will be made only after the affected person or persons are given an opportunity to respond.

The following is an example of how the agencies would apply the definition of representative or nominee. If A is a management official of a bank in town X and A's spouse B becomes a management official at another bank in the same town, the appropriate supervisory agency may question whether B is the representative or nominee of A. If the facts indicate that B is not adequately qualified to be a management official and A was instrumental in placing B in the position, the agencies may determine that B is a representative or nominee of A, after A and B are given an opportunity to respond and fail to present facts or arguments to refute these findings.

Situations that could warrant special scrutiny by the agencies include those instances when a management official of a depository organization elects a director to the board of directors of another depository organization in the same community, or a major stockholder of two unaffiliated depository organizations in the same community elects directors to both organizations. These situations warrant careful review since the ability to elect or remove a director demonstrates potential ability to control the voting record and other conduct of management responsibilities by such director.

8. *Interlocking relationships permitted by agency order.* While the July regulations provide exceptions to the prohibitions contained in the Interlocks Act, the language of the exceptions could be read to imply that in order to apply for the exception, a person must be serving currently as a management official of the depository organizations involved. The agencies have amended the regulations to make clear that a person proposing to serve as a management official also may apply for the exceptions. For example, a proposed director of a State nonmember bank in the process of organization that has applied to the FDIC for deposit insurance may seek the approval of the Board of Directors of the FDIC to sit as a director of the newly-chartered institution while continuing to serve another bank in the same community.

9. *Interlocking relationships permitted by agency order—hardship resulting from change of circumstances.* Since the July regulations were published, the agencies have received requests for exceptions from the Act by depository organizations facing disruption of their operations by the loss of a substantial number of management officials due to the application of the Interlocks Act and the regulations. In view of the Congressional intent to avoid undue disruption to the operations of depository organizations, the agencies believe it is in keeping with the spirit of the Act to afford some relief in certain cases of undue hardship resulting from management loss. Accordingly, the agencies have provided an extension of the compliance period for depository organizations experiencing the loss of 50 per cent or more of their directors or total management officials as a result of changes in circumstances requiring the termination of management interlocks. Under the new exception, a compliance period of up to 30 months may be granted by the agencies in order to minimize the disruption caused by the departure of management officials whose service is determined to be necessary to provide management or operating expertise to the depository organization. To qualify for the exemption, a depository organization must submit a proposal for the orderly termination of service by affected management officials, and such officials must agree to sever their interlocking relationships no later than 30 months after the event requiring termination of the interlock.

10. *Grandfathered interlocking relationships.* Section 206 of the Interlocks Act grandfathers for a period of ten years management official interlocks in existence on November 10, 1978, that were not in violation of section 8 of the Clayton Act (15 U.S.C. § 19) immediately prior to that date. The proposed amendments included a provision that interpreted this section to mean that any person whose interlocking position as a management official meets these requirements may continue to serve in that position until November 10, 1988. While no comments were received in opposition to this proposed amendment, some comments indicated that some clarification is appropriate. In response, the agencies emphasize that, in order to be eligible for grandfather rights, it is not necessary that the person's interlocking service be otherwise prohibited under sections 203 or 204 of the Interlocks Act. It is sufficient that the interlock existed prior to November 10, 1978, and was not in violation of section 8 of the Clayton Act. The proposal has been incorporated with only a minor change.

Several commenters pointed out that the provision could be interpreted to grandfather service at a depository institution even when no interlock was involved. It was the agencies' intention rather to grandfather interlocking service in existence on November 10, 1978, at two or more depository institutions. The provision on grandfathered interlocking relationships has been amended to reflect this intent. It is not sufficient that a person served as a management official of only one depository institution or that a person served as a management official of only one depository organization and a nondepository corporation. In this regard, the agencies will not consider a company to be a depository holding company by virtue of having entered into a binding contract to acquire a depository institution prior to November 10, 1978.

11. *Grandfathered interlocks—one-bank holding company formations.* Another provision in the proposed amendments provided that a person serving as a grandfathered management official of two or more unaffiliated depository organizations may not serve as a management official of a depository holding company created by the acquisition of one of the institutions while continuing to serve in an interlocking relationship at such institutions. The agencies have reviewed this provision and have determined to eliminate it. In effect, the provision would have prevented the formation of one-bank holding companies designed solely to effectuate a change in corporate form. In such cases where the management officials of the acquired depository institution are identical to that of the holding company and the majority ownership of the holding company is identical to that of the depository institution prior to the acquisition, the agencies do not believe that this type of internal reorganization and change of corporate form should affect grandfathered interlocks. For practical purposes, the agencies have determined that such reorganizations generally do not create new interlocks and do not affect competition among depository institutions. Therefore, grandfather rights are not affected and the management officials in question may serve the one-bank holding company and the other depository institution for the remainder of the grandfather period absent some other change of circumstances.

12. *Changes in circumstances—grandfathered interlocks.* Section 206 of the Interlocks Act provides that when a change in circumstances causes a particular interlocking relationship to become prohibited, the agencies may provide a period of up to fifteen months for the prohibited service to be terminated. The proposed amendments contained a provision defining the phrase "change in circumstances" as it applies to grandfathered, as well as nongrandfathered, interlocks. A majority of the total comments received on the regulations dealt with this provision as it applied to grandfathered interlocks.

A number of commenters objected to all or part of the proposed amendments that enumerated events that would be considered a change in circumstances causing a loss of grandfather rights. In large part the commenters objected that the agencies lacked authority to terminate grandfather rights by applying changes in circumstances to grandfathered interlocks and that defining certain events as changes in circumstances would inhibit competition in some areas and penalize aggressive institutions. In view of these comments, the agencies have carefully reviewed the legislative history of the Interlocks Act, the statutory language, and the general law regarding administrative rulemaking. It remains the firm opinion of the agencies that the Interlocks Act requires the application of the phrase "change in circumstances" to grandfathered interlocks and that it is well within the agencies' regulatory authority to apply the phrase to such interlocks.

The literal language of the Interlocks Act indicates that the drafters contemplated the loss of grandfathered rights under certain circumstances. The second sentence of section 206 of the Act states that the appropriate Federal banking agencies may provide a reasonable period of time for compliance with the Act after any change in circumstances that makes "such service" prohibited by this title. "Such service" refers to grandfathered service in the immediately preceding sentence of section 206. Moreover, section 209 of the Act gives the agencies a broad mandate to write regulations to carry out the provisions of the Act and is broad enough to authorize regulations clarifying the prohibitions of the Act with respect to the loss of grandfather rights. The final amendments, therefore, retain the provisions that apply the change in circumstances language to grandfathered interlocks.

With the exception noted below, the agencies also have rejected general objections to provisions within the change in circumstances proposals. Several commenters asserted that defining change in circumstances to include mergers, acquisitions, consolidations, and branching would penalize aggressive institutions by forcing them to terminate valuable management talent when expanding their operations. The agencies note that the Interlocks Act itself contemplates that depository organizations must choose between consummating certain transactions and losing certain management officials inasmuch as the statutory prohibitions are keyed to asset size and the location of offices. Neither the Act nor the regulations prohibit depository organizations from expanding by merger, acquisition, consolidation, or branching.

The proposed regulations included, as a change in circumstances that would defeat grandfather rights, a significant increase in the management responsibilities of a management official due to a change in position within an interlocked depository organization. Upon reconsideration, the agencies have concluded that the inclusion of this provision would have fostered uncertainty with respect to management officials of numerous depository institutions and that the provision would not be susceptible to consistent enforcement at this time. The agencies remain of the opinion, however, that the language of section 206 of the Interlocks Act could be correctly interpreted to require termination of grandfathered service due to any change in position and reserve the authority to adopt this interpretation in the future should it appear appropriate to do so for purposes of properly administering the Interlocks Act. It should be noted that deletion of the provision from the final regulation will not affect the manner in which the prohibitions of the Interlocks Act apply to management officials who shift positions among affiliated depository institutions.

A discussion of each type of change in circumstances that will affect grandfathered interlocks follows: (a) *Acquisitions, mergers, and consolidations.* Mergers, acquisitions, or consolidations will terminate grandfather rights for an interlocking relationship in those situations where one of the interlocked depository organizations is merged with, acquires or is acquired by, or is consolidated with another depository organization which, immediately prior to the transaction, was an organization for which the interlocking person could not have served as a management official under sections 203 or 204 of the Interlocks Act. The language of this provision has been simplified from that proposed in July and does not effect any substantive change. For the purposes of determining the date on which the change in circumstances occurs, a merger, acquisition, or consolidation is considered to have occurred upon consummation. Operation of this paragraph is illustrated by the following example:

Director X's service as a director of Bank A and Bank D, both located in SMSA 1, is grandfathered. Director Y's service as a director of Bank B and Bank C, both located in SMSA 1, is also grandfathered. All of the banks have assets of over $20 million but under $500 million. BHC I, which is located in

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SMSA 1 and owns Bank B, acquires Bank A and merges it with Bank B.

Director X's grandfather rights are defeated for either of two reasons: (1) Under section 203, BHC I is a depository organization for which X could not have served as a management official immediately prior to the acquisition, *or* (2) under section 203, Bank B is a depository organization for which X could not have served as a management official immediately prior to the merger. Thus, X would have to decide whether to continue service with Bank A or Bank D.

Director Y's grandfather rights with respect to his service with Banks B and C are defeated because, under section 203, Bank A is a depository organization for which Y could not have served immediately prior to the merger. Y, thus, would have to decide whether to continue service with Bank B or Bank C.

In addition, a provision has been added in the regulation issued by the Federal Home Loan Bank Board that affects the manner in which the provision will be applied to acquisitions by diversified savings and loan holding companies. The provision states that, for purposes of § 563f.6(a)(1)(i) of the Federal Home Loan Bank Board's regulation, the term "depository organization" includes a nondepository corporation that will become, as a result of an acquisition of a savings and loan association, a diversified savings and loan holding company. The amendment would terminate the grandfather rights of a management official of a savings and loan association that is acquired by a nondepository corporation for which the management official could not have served prior to the transaction had the corporation been a depository organization. The addition reflects the original intention of the Federal Home Loan Bank Board that the grandfathered rights of a management official of a savings and loan association that is acquired by a diversified savings and loan holding company should be terminated.

(b) *Branching.* Newly established branches will terminate grandfather rights in those situations where one of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an office in the same community as the other depository organization, or its depository institution affiliate, where no such office existed previously; or where both depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office. For example, if a person's service as a director of Bank A and Bank B located in different cities in the same SMSA is grandfathered and Bank A establishes its first branch in a city where Bank B already has a branch or its main office, then the person's grandfathered rights would be terminated. However, if Bank A and Bank B each have a branch located in the same city, then the banks may establish additional branches in that city (and adjacent and contiguous cities thereto) without affecting the person's grandfather rights.

13. *Changes in circumstances—non-grandfathered interlocks.* The proposed amendments identified several events that would cause a non-grandfathered management official interlock to become prohibited. (A non-grandfathered interlock is any interlock created after November 10, 1978, or an interlock that was in violation of section 8 of the Clayton Act on that date.) In the case of certain involuntary events (for example, material growth in asset size, change in SMSA or community boundaries, designation of new SMSA), the organizations automatically would be given fifteen months to conform to the Interlocks Act unless the appropriate agency or agencies acted to establish a shorter period. In the event of certain voluntary events (mergers, acquisitions, consolidations, branching), the organizations would be given until the next annual shareholders' meeting to conform to the Interlocks Act. An extension of up to fifteen months would be available. It should be noted that the listed events are not exhaustive of all such events that may cause an interlock to become prohibited.

The agencies have relied on the rulemaking authority in section 209 of the Interlocks Act to apply the change in circumstances restrictions to non-grandfathered interlocks in addition to grandfathered interlocks. Inasmuch as the agencies recieved no unfavorable comments concerning these provisions, the agencies are retaining them in the final amendments with a minor change as noted in paragraph fourteen of the discussion below.

14. *Changes in circumstances—compliance period.* The proposed amendments listed changes in circumstances which, if they occurred after March 9, 1979, would require the termination of grandfathered interlocking service. The proposed amendments were based on section 206 of the Interlocks Act, which provides that when a change in circumstances causes a particular interlocking relationship between two depository organizations to become prohibited, the agencies may allow the relationship to continue for a period of time not exceeding 15 months from the date on which the relationship became prohibited. The agencies proposed the March 9 date because March 10, 1979, was the effective date of the Interlocks Act and thus was the date upon which the prohibitions of the Interlocks Act became applicable to interlocking relationships. A number of commenters felt that the March 9 date was inappropriate since the proposed amendments were not published until July 19, 1979. The commenters asserted that many depository organizations would have structured various transactions in a different manner had they been aware of the exact nature of the events that would terminate grandfather rights. Some commenters also asserted that publication of the regulations at a time when many depository organizations are holding their annual meetings would cause hardship for some organizations which have already sent out notices to shareholders nominating directors and have annual meetings scheduled to occur shortly. The commenters therefore suggested that the agencies amend the date after which changes in circumstances would terminate grandfather rights.

In response to these comments, the agencies have amended the change in circumstances provision to provide an additional grace period for compliance in cases where a change in circumstance requiring termination of grandfather rights occurred prior to the effective date of these final amendments. The agencies do not believe it is appropriate to ignore changes that occurred prior to the date of the proposed amendments, as some commenters suggested, since to do so would permit uninterrupted service until 1988 contrary to the prohibitions of the Interlocks Act. Thus, an event falling within the categories of changes in circumstances will be considered a change that terminates grandfather rights. However, if that event occurred prior to the effective date of the final amendments, the grace period will commence on the effective date of the amendments. The regulations also grant a grace period to persons whose grandfathered service was prohibited on March 10, 1979, due to a change in circumstances occurring between November 10, 1978, and March 9, 1979. Without such a grace period, the Interlocks Act would necessitate immediate termination of such service. The provisions of the proposed amendments concerning non-grandfathered interlocks that become prohibited as a result of a change in circumstances also have been rewritten to apply the grace period to interlocking service that becomes prohibited as a result of a change in circumstances. The agencies are making the above changes pursuant to their authority under section 209 of the Interlocks Act to permit service that is otherwise prohibited.

The proposed amendments stated that a person may continue to serve for a certain period as a management official of "both organizations" involved in the prohibited interlocking relationship. Since many interlocks involve more than two organizations, the language has been revised to make clear that the person may continue to serve as a management official of "all" organizations involved in the prohibited interlocking relationship.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration amend 12 CFR by revising Parts 212, 26, 348, 563f, and 711, respectively, to read as follows:

FEDERAL RESERVE SYSTEM

12 CFR Part 212

[Regulation L—Docket No. R-0198]

PART 212—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

212.1 Authority, purpose, and scope.
212.2 Definitions.
212.3 General prohibitions.
212.4 Permitted Interlocking Relationships.
212.5 Grandfathered Interlocking Relationships.
212.6 Changes in circumstances.
212.7 Effect of Interlocks Act on Clayton Act.
212.8 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 212.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3210 *et seq.).*

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of State member banks, bank holding companies, and their affiliates.

§ 212.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For purposes of section 202, an individual's shares include shares of members of his or her immediate family. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes spouse, mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered in the United States and having a principal office located in the United States. Additionally, a United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, for the purposes of section 212.3(c) of this Part, and does not mean a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" of a depository institution means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office. "Office" of a depository holding company means its principal corporate headquarters.

(j) "Person" means a natural person, corporation, or other business.

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied obligation to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases, and the appropriate Federal supervisory agency or agencies will determine, after giving the affected persons an opportunity to respond, whether a person is a "representative or nominee." Certain relationships, including family, employment, or agency relationships, or the ability and exercise of ability by a shareholder of a depository organization to elect a director may be evidence of such an express or implied obligation by the management official to another person. For the purposes of this definition, "person" shall include only natural persons.

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for

the purposes of § 212.3(b) of this part, and include the total assets of all of its affiliates for purposes of § 212.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 212.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major Assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 212.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 212.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Board order.* A management official or a prospective management official of a State member bank, bank holding company, or affiliate of either may apply for the Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 212.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official or prospective management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization specified in Paragraph (b)(1)(i) or (ii) of this; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the newly-chartered organization; (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if the primary Federal supervisory agency of one of the depository organizations believes that such depository organization faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a depository organization or its affiliate may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the depository organization or its affiliate primarily to serve employees of the depository organization.

(5) *Loss of management officials due to changes in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a)(1), (b)(1), or (b)(2) of § 212.6, and the change requires the termination of service at the depository organization of 50 per cent or more of the organization's directors or of 50 per cent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a)(2), (b)(1), and (b)(2) of § 212.6: *Provided,* That: (i) The appropriate Federal supervisory agency or agencies determines that the service by such management officials is necessary to provide management or operating expertise; (ii) each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

§ 212.5 Grandfathered interlocking Relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988, except as provided in § 212.6(a).

§ 212.6 Changes in circumstances.

(a)(1) *Grandfathered interlocks.* If a person's service as a management official is grandfathered under § 212.5 the person must terminate such service if the service becomes prohibited by the occurrence of any of the following changes in circumstances:

(i) *Acquisitions, mergers, and consolidations.* One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under § 212.3; or

(ii) *Branching.* One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish offices in a community or SMSA where neither previously had an office.

(2) *Grace period.* If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for purposes of this subparagraph.

(2) *Non-grandfathered interlocks; voluntary changes; grace period.* If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an acquisition, merger, consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for purposes of this paragraph.

(b)(1) *Non-grandfathered interlocks; involuntary changes; grace period.* If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or as a result of a change in SMSA or community boundaries or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to May 9, 1980 for purposes of this subparagraph.

(2) *Non-grandfathered interlocks; voluntary changes; grace period.* If a person's service as a management official is not grandfathered under § 212.5 and becomes prohibited as a result of an acquisition, merger, consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for purposes of this paragraph.

§ 212.7 Effect of Interlocks Act on Clayton Act.

The Board of Governors of the Federal Reserve System regards the provisions of the first three paragraphs of section 8 of the Clayton Act (15 U.S.C. 19) to have been supplanted by the revised and more comprehensive prohibitions on management official interlocks between depository organizations in the Interlocks Act.

§ 212.8 Enforcement.

The Board of Governors of the Federal Reserve System administers and enforces the Interlocks Act with respect to State member banks, bank holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of a State member bank or bank holding company is primarily subject to the regulation of another Federal supervisory agency, then the Board does not administer and enforce the Interlocks Act with respect to that affiliate.

Board of Governors of the Federal Reserve System, April 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

DEPARTMENT OF THE TREASURY

12 CFR Part 26

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

26.1 Authority, purpose, and scope.
26.2 Definitions.
26.3 General prohibitions.
26.4 Permitted interlocking relationships.
26.5 Grandfathered interlocking relationships.
26.6 Change in circumstances.
26.7 Enforcement.

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 *et seq.*)

§ 26.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this

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Part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of national banks, banks located in the District of Columbia and their affiliates.

§ 26.2 Definitions

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For purposes of section 202, an individual's shares include shares of members of his or her immediate family. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a minimal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes spouse, mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered under the laws of the United States (including federal law) and having a principal office located in the United States. Additionally, a United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exlusively to the business of retail merchandising or manufacturing for the purposes of § 26.3(c), and does not mean a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" of a depository institution means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office. "Office" of a depository holding company means its principal corporate headquarters.

(j) "Person" means a natural person, corporation or other business.

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied obligation to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases, and the appropriate Federal supervisory agency or agencies will determine, after giving the affected persons an opportunity to respond, whether a person is a "representative or nominee." Certain relationships, including family, employment, or agency relationships, or the ability and exercise of ability by a shareholder of a depository organization to elect a director, may be evidence of such an express or implied obligation. For the purposes of this subsection, "person" shall include only natural persons.

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 26.3(b), and include the total assets of all of its affiliates for purposes of § 26.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 26.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major Assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 26.4 Permitted interlocking relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 26.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository insitutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Comptroller's order.* A management official or a prospective management official of a national bank, bank located in the District of Columbia, or affiliate of either may apply for the Comptroller's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 26.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official or prospective management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization specified in (i) or (ii) above; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations (or any affiliate thereof) if one of the depository organizations is a newly-chartered organization, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the newly-chartered organization; (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if the primary Federal supervisory agency of one of the depository organizations believes that such depository organization faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness: And (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a depository organization or its affiliate may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the depository organization or its affiliate primarily to serve employees of the depository organization.

(5) *Loss of management officials due to changes in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a)(1), (b)(1) or (b)(2) of § 26.6, and the change requires the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a)(2), (b)(1), and (b)(2) of section 26.6: *Provided,* That: (i) The appropriate Federal supervisory agency or agencies determine that the service by such management officials is necessary to provide management or operating expertise; (ii) each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

§ 26.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1986, except as provided in § 26.6(a).

§ 26.6 Changes in circumstances.

(a)(1) *Grandfathered interlocks.* If a person's service as a management official is grandfathered under § 26.5, the person must terminate such service if the service becomes prohibited by the occurrence of any of the following changes in circumstances:

(i) *Acquisitions, mergers, and consolidation.* One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under § 26.3; or

(ii) *Branching.* One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution

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affiliate, or both of the depository organizations or their depository institution affiliates, establish offices in a community or SMSA where neither previously had an office.

(2) *Grace Period.* If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship through the date, after the date on which the change in circumstances occurred, of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for the purposes of this subparagraph.

(b)(1) *Non-grandfathered interlocks; involuntary changes; grace period.* If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or as a result of a change in SMSA or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for purposes of this paragraph.

(2) *Non-grandfathered interlocks; voluntary changes; grace period.* If a person's service as a management official is not grandfathered under § 26.5 and becomes prohibited as a result of an acquisition, merger, consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date, after the date on which the change in circumstances occurred, of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for purposes of this paragraph.

§ 26.7 Enforcement.

The Comptroller of the Currency administers and enforces the Interlocks Act with respect to national banks, banks located in the District of Columbia, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of a national bank or a bank located in the District of Columbia is primarily subject to the regulation of another Federal depository organization supervisory agency, then the Comptroller does not administer and enforce the Interlocks Act with respect to that affiliate.

Dated: March 31, 1980.

John G. Heimann,

Comptroller of the Currency.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

348.1 Authority, purpose, and scope.
348.2 Definitions.
348.3 General prohibitions.
348.4 Permitted interlocking relationships.
348.5 Grandfathered interlocking relationships.
348.6 Change in circumstances.
348.7 Enforcement.

Authority: Sec. 209, Pub. L. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

§ 348.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this part is to foster competition by prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured nonmember banks and their affiliates.

§ 348.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns, or villages whose borders are within ten road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For purposes of section 202, an individual's shares include shares of members of his or her immediate family. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider among other things whether a person, including members of his or her immediate family whose shares are necessary to constitute the group, owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares of the other organization. "Immediate family" includes spouse, mother, father, child, grandchild, sister, brother or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village or contiguous or adjacent cities, towns, or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered under the laws of the United States and having a principal office located in the United States. A United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. For the purposes of section 348.3(c) of this Part, "management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing. Management official does not mean a person whose management functions relate principally to the business outside the United States of a foreign commercial bank nor does it include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" of a depository institution means a principal office or a branch office located in the United States but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office. "Office" of a depository holding company means its principal corporate headquarters.

(j) "Person" means natural persons, corporations, or other business entities.

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied obligation to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases. The appropriate Federal supervisory agency or agencies will determine, after giving the affected persons the opportunity to respond whether a person is a "representative or nominee". Certain relationships (including family, employment, and agency relationships), or the ability and exercise of ability by a shareholder of a depository organization to elect a director, may be evidence of such an express or implied obligation. For the purposes of this subsection, person shall include only natural persons.

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 348.3(b), and include the total assets of all of its affiliates for the purposes of § 348.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 348.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it, if: (1) Offices of both are located in the same standard metropolitan statistical area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major Assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 348.4 Permitted interlocking relationships.

(a) *Interlocking relationship with exempt organization.* The prohibitions of section 348.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A state-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "banker's banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationship permitted by Board order.* A management official or a prospective management official of an insured nonmember bank or any affiliate thereof may apply for the prior approval of the Board of Directors of the FDIC to enter into a relationship involving a depository organization that would otherwise be prohibited under § 348.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official or prospective management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two depository organizations (or any affiliate thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the

following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization specified in paragraph (b)(1) (i) or (ii) of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two depository organizations (or any affiliate thereof) if one of the depository organizations is a newly-chartered organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the newly-chartered organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two depository organizations (or any affiliate thereof) if the primary Federal supervisory agency of one of the depository organizations believes that such depository organization faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a depository organization or its affiliate may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the depository organization or its affiliate primarily to serve employees of the organization.

(5) *Loss of management officials due to change in circumstance.* If a depository organization is involved in an event described in §§ 348.6(a)(1), 348.6(b)(1), or 348.6(b)(2), and such event results in the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in §§ 348.6(a)(2), 348.6(b)(1), or 348.6(b)(2) subject to the following conditions: (i) Each management official so affected must agree to sever his or her relationship with the depository organization no later than 30 months after the event (so long as the interlock remains prohibited); (ii) the appropriate Federal supervisory agency or agencies determine that the service by such management officials is necessary to provide management or operating expertise; (iii) the depository organization submits a plan for the termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

§ 348.5 Grandfathered Interlocking Relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988, except as provided in § 348.6(a).

§ 348.6 Change in Circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 348.5, the person must terminate such service only if the service becomes prohibited by the occurrence of any of the following changes in circumstances;

(i) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under § 348.3; or (ii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship through the date, after the date on which the change in circumstances occurred, of the next regularly scheduled annual shareholder's meeting of any of the organizations involved, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. The person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurs prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980 for the purposes of applying this subparagraph.

(b)(1) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, a change in SMSA or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for the purposes of applying this paragraph.

(2) If a person's service as a management official is not grandfathered under § 348.5 and becomes prohibited as a result of an acquisition, a merger, a consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date, after the date on which the change in circumstances occurred, of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs later, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. The person may request the appropriate agency or agencies to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for the purposes of applying this paragraph.

§ 348.7 Enforcement.

The FDIC administers and enforces the Interlocks Act with respect to insured nonmember banks and their affiliates and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an insured nonmember bank is primarily subject to the regulation of another Federal depository supervisory agency, then the FDIC does not administer and enforce the Interlocks Act with respect to that affiliate.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation on March 3, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 80-149]

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

563f.1 Authority, purpose, and scope.
563f.2 Definitions.
563f.3 General prohibitions.
563f.4 Permitted Interlocking Relationships.
563f.5 Grandfathered Interlocking Relationships.
563f.6 Changes in circumstances.
563f.7 Enforcement.

Authority. Depository Institution Management Interlocks Act "Interlocks Act" (12 U.S.C. 3201 et seq.)

§ 563f.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*)

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this Part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This part applies to management officials of insured institutions, savings and loan holding companies, and their affiliates.

§ 563f.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For purposes of section 202, an individual's shares include shares of members of his or her immediate family. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determine, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes spouse, mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(b) "Community" means city, town, or village, or contiguous or adjacent cities, towns, or villages. "Contiguous or adjacent cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other or are within ten road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(c) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(d) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered in the United States and having a principal office located in the United States. Additionally, a United States office, including a branch or agency, of a foreign commercial bank is a "depository institution."

(e) "Depository organization" means a depository institution or a depository holding company.

(f) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. "Management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing, for the purposes of § 563f.3(c), and does not mean a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(g) "Office" of a depository institution means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office. "Office" of a depository holding company means its principal corporate headquarters.

(h) "Person" means a natural person, corporation, or other business.

(i) "Representative or nominee" means a person who serves as a management official and has an express or implied obligation to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases, and the appropriate Federal supervisory agency or agencies will determine, after giving the affected persons an opportunity to respond, whether a person is a "representative or nominee." Certain relationships, including family, employment, or agency relationships, or the ability and exercise of ability by a shareholder of a depository organization to elect a director may be evidence of such an express or implied obligation by the management official to another person. For the purposes of this definition, "person" shall include only natural persons.

(j) "Total assests" means assets measured on a consolidated basis as of the close of the organization's last fiscal

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year. The total assets of a depository holding company include the total assets of its deporitory institution affiliates for the purposes of § 563f.3(b), and include the total assets of all of its affiliates for purposes of § 563f.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(k) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 563f.3 General Prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major Assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 563f.4 Permitted Interlocking Relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 563f.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Board order.* A management official or a prospective management official of an insured institution, a savings and loan holding company, or affiliate of either may apply for the Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 563f.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official or prospective management official must also obtain the prior approval of that other agency.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization specified in Paragraph (b)(1) (i) or (ii) of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the newly-chartered organization: (ii) no interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if the primary Federal supervisory agency of one of the depository organizations believes that such depository organization faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Organization sponsoring credit union.* A management official of a depository organization or its affiliate may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the depository organization or its affiliate primarily to serve employees of the depository organization.

(5) *Loss of management officials due to changes in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a)(1), (b)(1), or (b)(2) of § 563f.6, and the change requires the termination of service at the depository organization of 50 per cent or more of the organization's directors or of 50 per cent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a)(2), (b)(1), and (b)(2), of § 563f.6: *Provided,* That: (i) The appropriate Federal supervisory agency or agencies determines that the service by such management officials is necessary to provide management or operating expertise; (ii) each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

§ 563f.5 Grandfathered Interlocking Relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (12 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988, except as provided in § 563f.6(a).

§ 563f.6 Changes in Circumstances.

(a)(1) *Grandfathered interlocks.* If a person's service as a management official is grandfathered under § 563f.5, the person must terminate such service if the service becomes prohibited by the occurrence of any of the following changes in circumstances:

(i) *Acquisitions, mergers, and consolidations.* One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under § 563f.3. For purposes of this paragraph, the term "depository organization" includes a nondepository corporation that will, as a result of acquisition of a depository institution, become a diversified savings and loan holding company.

(ii) *Branching.* One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish offices in a community or SMSA where neither previously had an office.

(2) *Grace period.* If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for the purposes of this paragraph.

(b)(1) *Non-grandfathered interlocks; involuntary changes; grace period.* If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, or as a result of a change in SMSA or community boundaries or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for purposes of this paragraph.

(2) *Non-grandfathered interlocks; voluntary changes; grace period.* If a person's service as a management official is not grandfathered under § 563f.5 and becomes prohibited as a result of an acquisition, merger, consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, which ever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to May 9, 1980, the change will be considered to have occurred on May 9, 1980, for purposes of this paragraph.

§ 563f.7 Enforcement.

The Federal Home Loan Bank Board administers and enforces the Interlocks Act with respect to FSLIC-insured institutions, savings and loan holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part. If an affiliate of an FSLIC-insured institution or savings and loan holding company is primarily subject to the regulation of another Federal supervisory agency, then the Board does not administer and enforce the Interlocks Act with respect to that affiliate.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
711.1 Authority, purpose, and scope.
711.2 Definitions.
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711.5 Grandfathered Interlocking Relationships.
711.6 Change in circumstances.
711.7 Enforcement.

Authority: Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 et seq.)

§ 711.1 Authority, purpose, and scope.

(a) *Authority.* This Part is issued under the provisions of the Depository Institution Management Interlocks Act ("Interlocks Act") (12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The general purpose of the Interlocks Act and this

Part is to foster competition by generally prohibiting a management official of a depository institution or depository holding company from also serving as a management official of another depository institution or depository holding company if the two organizations (1) are not affiliated and (2) are very large or are located in the same local area. This Part applies to management officials of federally insured credit unions.

§ 711.2 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Adjacent cities, towns, or villages" means cities, towns or villages whose borders are within ten road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is regarded as the boundary line of that city, town, or village for the purpose of this definition.

(b) "Affiliate" has the meaning given in section 202 of the Interlocks Act. For purposes of section 202, an individual's shares include shares of members of his or her immediate family. For the purpose of section 202(3)(B) of the Interlocks Act, an affiliate relationship based on common ownership does not exist if the appropriate Federal supervisory agency or agencies determined, after giving the affected persons the opportunity to respond, that the asserted affiliation appears to have been established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depositiory organizations. In making this determination, the agencies will consider, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate with that person's ownership of shares in the other organization. "Immediate family" includes spouse, mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(c) "Community" means city, town, or village, or contiguous or adjacent cities, towns or villages.

(d) "Contiguous cities, towns, or villages" means cities, towns, or villages whose borders actually touch each other.

(e) "Depository holding company" means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act) having its principal office located in the United States.

(f) "Depository institution" means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered under the laws of the United States, or the several states, and having a principal office located in the United States. Additionally, a United States office, including a branch or agency, of a foreign commerical bank is a "depository institution."

(g) "Depository organization" means a depository institution or a depository holding company.

(h) "Management official" means an employee or officer with management functions (including a branch manager), a director (including an advisory director or honorary director), a trustee of a business organization under the control of trustees (e.g., a mutual savings bank), or any person who has a representative or nominee serving in any such capacity. For the purposes of § 711.3(c) "management official" does not mean a person whose management functions relate exclusively to the business of retail merchandising or manufacturing. Nor does the term include a person whose management functions relate principally to the business outside the United States of a foreign commercial bank. "Management official" does not include persons described in the provisos of section 202(4) of the Interlocks Act.

(i) "Office" of a depository institution means a principal office or a branch office located in the United States, but does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office. "Office" of a depository holding company means its principal corporate headquarters.

(j) "Person" means natural persons, corporations, or other businesses.

(k) "Representative or nominee" means a person who serves as a management official and has an express or implied obligation to act on behalf of another person with respect to management responsibilities. Whether a person is a "representative or nominee" depends upon the facts in individual cases, and the appropriate Federal supervisory agency or agencies will determine, after giving the affected persons an opportunity to respond, whether a person is a "representative or nominee." Certain relationships, including family, employment, agency relationships, or the ability and exercise of ability by a shareholder of a depository organization to elect a director may be evidence of such an express or implied obligation. For the purposes of this subsection, "person" shall include only natural persons.

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of its depository institution affiliates for the purposes of § 711.3(b) and include the total assets of all of its affiliates for purposes of § 711.3(c). Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

(m) "United States" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

§ 711.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same community; (2) offices of depository institution affiliates of both are located in the same community; or (3) an office of one of the depository organizations is located in the same community as an office of a depository institution affiliate of the other.

(b) *SMSA.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if: (1) Offices of both are located in the same Standard Metropolitan Statistical Area ("SMSA") and either has total assets of $20 million or more; (2) offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or (3) an office of one of the depository organizations is located in the same SMSA as an office of a depository institution affiliate of the other and either the depository organization or the depository institution affiliate has total assets of $20 million or more.

(c) *Major Assets.* Without regard to location, a management official of a depository organization with total assets exceeding $1 billion or a management official of any affiliate of the greater than $1 billion depository organization may not serve at the same time as a management official of a nonaffiliated depository organization with total assets exceeding $500 million or a management official of any affiliate of the greater than $500 million depository organization.

§ 711.4 Permitted interlocking Relationships.

(a) *Interlocking relationships permitted by statute.* The prohibitions of § 711.3 do not apply in the case of any one or more of the following organizations or their subsidiaries:

(1) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(2) A corporation operating under section 25 or 25(a) of the Federal Reserve Act ("Edge Corporations" and "Agreement Corporations");

(3) A depository organization that has been placed formally in liquidation, or that is in the hands of a receiver, conservator, or other official exercising a similar function;

(4) A credit union being served by a management official of another credit union;

(5) A State-chartered savings and loan guaranty corporation; or

(6) A Federal Home Loan Bank or any other bank organized solely for the purpose of serving depository institutions (commonly referred to as "bankers' banks") or solely for the purpose of providing securities clearing services and services related thereto for depository institutions, securities companies, or both.

(b) *Interlocking relationships permitted by Board order.* A management official or a prospective management official of a federally insured credit union may apply for the Board's prior approval to enter into a relationship involving another depository organization that would otherwise be prohibited under § 711.3, if the relationship falls within any of the classifications enumerated in this paragraph. If the relationship involves a depository organization subject to the supervision of another Federal supervisory agency as specified in section 207 of the Interlocks Act, the management official or prospective management official must also obtain prior approval of that other agency.

(1) *Organization in low income area; minority or women's organizations.* A person may serve at the same time as a management official of two depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization specified in paragraph (b)(1) (i) or (ii), of this section; (B) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(2) *Newly-chartered organizations.* A person may serve at the same time as a management official of two depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) No interlocking relationship permitted by this paragraph shall continue for more than two years after the newly-chartered organization commences business; (ii) the appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the newly-chartered organization; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two depository organizations (or affiliates thereof) if the primary Federal supervisory agency of one of the depository organizations believes that such depository organization faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The appropriate Federal supervisory agency or agencies determine the relationship to be necessary to provide management or operating expertise to the organization facing conditions endangering safety of soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(4) *Credit union sponsored by another depository organization.* A management official of a federally insured credit union that is sponsored by another depository organization primarily to serve its employees or the employees of its affiliates may serve at the same time as a management official of such sponsoring depository organization.

(5) *Loss of management officials due to changes in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a)(1), (b)(1), or (b)(2) of § 711.6, and the change requires the termination of service at the depository organization of 50 per cent or more of the organization's directors or of 50 per cent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a)(1), (b)(1), and (b)(2) of § 711.6: *Provided,* That: (i) the appropriate Federal supervisory agency or agencies determines that the service by such management officials is necessary to provide management or operating expertise; (ii) each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

§ 711.5 Grandfathered Interlocking Relationships.

(a) A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1986, except as provided in § 711.6(a).

§ 711.6 Change in Circumstances.

(a)(1) If a person's service as a management official is grandfathered under § 711.5, the person must terminate such service if the service becomes prohibited by the occurrence of any of the following changes in circumstances:

(i) One of the depository organizations involved in the interlocking relationship acquires or is acquired by, is merged into or with, or is consolidated with another depository organization for which prior to the transaction the person could not have served as a management official under § 711.3; or

(ii) One of the depository organizations involved in the grandfathered interlocking relationship, or its depository institution affiliate, establishes an initial office in the same community as the other depository organization, or its depository institution affiliate, or both of the depository organizations, or their depository institution affiliates, establish an office in a community or SMSA where neither previously had an office.

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(2) If a person's grandfathered service becomes prohibited under paragraph (a)(1) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to the effective date of this section, the change will be considered to have occurred on the effective date of this section for the purposes of this subparagraph.

(b)(1) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an increase in the asset size of an organization due to natural growth, a change in SMSA or community boundaries, or the designation of a new SMSA, the person has 15 months from the date of the change in circumstances to comply with this part, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. If the change in circumstances occurred prior to the effective date of this section, the change will be considered to have occurred on the effective date of this section for the purposes of this subparagraph.

(2) If a person's service as a management official is not grandfathered under § 711.5 and becomes prohibited as a result of an acquisition, merger, consolidation, or the establishment of an office, the person may continue to serve as a management official of all organizations involved in the prohibited interlock through the date of the next regularly scheduled annual shareholders' meeting of any of the organizations involved, whichever occurs last, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period. However, the person may request the appropriate agency or agencies to grant an additional extension of time to continue the interlocking relationship, but the prohibited interlocking relationship may not continue for more than 15 months from the date of the change in circumstances. If the change in circumstances occurred prior to the effective date of this section, the change will be considered to have occurred on the effective date of this section for purposes of this subparagraph.

§ 711.7 Enforcement.

The National Credit Union Administration Board administers and enforces the Interlocks Act with respect to federally insured credit unions, and may refer the case of a prohibited interlocking relationship involving any such organization, regardless of the nature of any other organization involved in the prohibited relationship, to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part.

Beatrix D. Fields,

Acting Secretary of the Board, National Credit Union Administration.

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Wednesday
April 9, 1980

Part VI

Department of Health, Education, and Welfare

Office of Human Development Services

Social Services Program for Individuals and Families, Title XX; Fiscal Year 1980 Federal Allotment Limitation for State and Local Training Program

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

Social Services Program for Individuals and Families, Title XX; Fiscal Year 1980 Federal Allotment Limitation for State and Local Training Program

AGENCY: Administration for Public Services (APS), Office of Human Development Services (OHDS), DHEW.

ACTION: Notice of final allocation formula for FY 1980 training funds.

SUMMARY: This issuance sets forth the Department's final formula for distributing the Federal allotment limitation for State and local training under title XX of the Social Security Act for fiscal year 1980 under current law. The appropriation limit, $75 million, applies to all Federal expenditures made during fiscal year 1980, whether such expenditures are for fiscal years 1979 or 1980 costs. States' Quarterly Statement of Expenditures (Form OA–41's) for fiscal year 1979 quarters total about $104 million. To complete funding requirements for fiscal year 1979, $20 million was deducted from the fiscal year 1980 appropriation of $75 million, leaving a balance of $55 million available for fiscal year 1980 training activity.

The Congress is currently considering proposed legislation (H.R. 3434) which, if enacted and signed into law, will have an impact on State and local training entitlements for fiscal year 1980. The impact is due to an increase in the total authorization for fiscal year 1980, a specific allocation method, and a hold-harmless provision, all of which will require a new promulgation.

EFFECTIVE DATE: October 1, 1979.

SUPPLEMENTARY INFORMATION: On November 8, 1979, a Notice of the Department's proposed distribution formula was published in the **Federal Register** (44 FR 64916–17). Interested agencies, organizations, and individuals were invited to submit written comments. About 235 comments were received from members of the United States Congress; State, county and city government officials; college, university and professional association representatives; and other interested individuals.

The comments were considered in developing the final formula for distributing the FY 1980 State and local training funds. Although all commenters were opposed to the limitation placed on State and local training, some agreed with the formula proposed by the Department for distributing the FY 1980 funds; some disagreed but offered no recommendations and others raised questions about the proposal and suggested alternatives. The more significant comments received and the Department's responses to them are discussed below.

Comment: Many commenters felt that FY 1979 training costs should not be paid out of the limited FY 1980 appropriation of $75 million.

Response: The fiscal year 1979 costs must be given priority since they were incurred in good faith before any limitation became law. The only funds available to reimburse States are from the FY 1980 appropriation.

Comment: Many commenters felt that the Department should send a supplemental budget request to Congress for the approved FY 1979 training costs rather than using FY 1980 available funds.

Response: The Department has submitted to the Congress a supplemental budget request. The supplemental budget request, if approved, will be distributed to the States in accordance with the Departmental formula.

Comment: The majority of commenters recommended the Department use the alternative distribution formula Method No. 1 published in the November 8, 1979, **Federal Register**. This method is based on State population and is the same as that used to determine the Federal allotment ceiling of each State under title XX social services.

Response: The Department did not adopt the population method due to a number of inequities. Vigorous training programs in States with both large and small populations would receive severe and disproportionate reductions in Federal funding. This would result in drastic disassembling of the training programs for many of these States, while conservative training programs in States with both large and small populations would receive Federal allotments far in excess of the FY 1979 training costs. In some cases the States could not use their total training allotment for FY 1980.

Comment: Several commenters suggested a formula that would provide each State with an amount equal to a minimum of 2 percent, but no more than a maximum of 4 percent, of their title XX social services ceilings.

Response: The Department did not adopt this recommendation as it is primarily a population-based formula. The reasons for not using a pure population-based formula are cited in the above response and would apply in this instance, although to a lesser degree in some cases.

Comment: Some commenters recommended a formula based on Method No. 2 published in the November 8, 1979, **Federal Register**. This method provides for a uniform percentage reduction of each State's anticipated fiscal year 1980 training costs. The percentage is derived by dividing the available funds for distribution by anticipated fiscal year 1980 training costs of $124 million.

Response: The Department did not adopt this recommendation for several reasons. Past experience has shown, based on the State Agency Quarterly Statement of Financial Plan, form OA–25, that while some States' estimates are reasonably accurate, others are unrealistic. This would have an imbalancing effect on the distribution of fiscal year 1980 funds. Additionally, this method does not provide any consideration for State population size.

Comment: One commenter recommended an amount be set aside from the fiscal year 1980 appropriation sufficient to cover all allowable training costs prior to FY 1980, whether disbursed or not by the States.

Response: The Department did not adopt this recommendation due to the limited availability of fiscal year 1980 funds. Also, the establishing of a contingent liability for all States under the current reporting requirements would not be practical.

Comment: Several commenters recommended the issuance of new training regulations to identify allowable or unallowable training costs, in addition to the submission of State training plans. This would preclude the need for any allocation formula.

Response: The Department has begun a revision of the title XX regulations including the training regulations. However, revised regulations could not be issued in time to eliminate the need for a fiscal year 1980 allocation formula. Nor would revisions to the regulations per se, necessarily achieve the cost containment goal. In any case, there is a need for a distribution formula to determine State allocations where a funding cap has been placed on the program.

Comment: Some commenters suggested the adoption of an allocation formula that would be applicable to fiscal year 1980 and future years, but no specific formula was recommended.

Response: The Department did not consider it necessary to adopt a formula that would be applicable to fiscal years beyond 1980. The Congressional action

to limit fiscal year 1980 training funds under current law did not include any allocation formula, phase-down or hold-harmless provisions. Proposed legislation (HR 3434) includes an allocation formula and a phase-down or hold-harmless provision.

FINAL ALLOCATION FORMULA: Set forth below is the final allocation formula of the Department for State and local training under title XX of the Social Security Act. The schedule shows the fiscal year 1980 Federal Allotment limitation for each State. Each State will receive an amount equal to 1 percent of their proportionate share of the $2.5 billion currently authorized for title XX Social Services, or the same amount of Federal financial participation received for fiscal year 1979 training costs, whichever is lower. In addition States with fiscal year 1979 training costs in excess of such 1 percent will receive a proportionate share of the remaining fiscal year 1980 funds, distributed on a ratio of each State's fiscal year 1979 training costs in excess of the 1 percent to such remaining available fiscal year 1980 funds.

(Fiscal year 1979 training costs are defined as those FY 1979 costs claimed and paid on the Quarterly Statement of Expenditures, form OA–41, for the four quarters of FY 1979.)

FY 1980 Federal Allotment for State and Local Training

States:	Allotment
Alabama	$582,583
Alaska	110,662
Arizona	816,920
Arkansas	383,866
California	3,277,675
Colorado	552,507
Connecticut	4,702,531
Delaware	133,243
Dist. of Col	142,150
Florida	1,248,458
Georgia	1,440,946
Hawaii	99,034
Idaho	181,110
Illinois	821,857
Indiana	90,741
Iowa	451,825
Kansas	589,536
Kentucky	1,282,331
Louisiana	954,256
Maine	550,578
Maryland	1,066,146
Massachusetts	1,867,744
Michigan	1,431,657
Minnesota	822,152
Mississippi	598,684
Missouri	887,304
Montana	517,448
Nebraska	283,278
Nevada	151,739
New Hampshire	130,236
New Jersey	1,493,305
New Mexico	509,452
New York	7,216,404
North Carolina	1,985,094
North Dakota	256,681
Ohio	1,091,886
Oklahoma	474,778
Oregon	611,212
Pennsylvania	2,714,640
Rhode Island	366,704
South Carolina	642,790
South Dakota	183,393
Tennessee	850,482
Texas	4,456,177
Utah	537,625
Vermont	296,102
Virginia	814,183
Washington	1,195,425
West Virginia	1,067,218
Wisconsin	1,182,754
Wyoming	242,740
Total	55,144,226

Note.—All allowable fiscal year 1979 claims submitted by a State on a Quarterly Statement of Expenditures (form OA–41) for fiscal year 1980 quarters, will be reimbursed from the above allotment for that State.

FOR FURTHER INFORMATION CONTACT: James J. Gigante, Director, Office of Administration and Management, Administration for Public Services, 330 C Street, S.W., Washington, D.C. 20201, Telephone: 202–245–0802.

(Catalog of Federal Domestic Assistance Program No. 13.644, Social Services Training Grants—Title XX)

Dated: April 1, 1980.

Michio Suzuki,

Acting Commissioner, Administration for Public Services.

Approved: April 3, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-10786 Filed 4-8-80; 8:45 am]

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federal register

Wednesday
April 9, 1980

Part VII

Department of the Treasury

Office of Foreign Assets Control

Census of Blocked Iranian Assets and Claims Against Iran and Iranian Entities

V45/70 APR 9 80 UMI

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Census of Blocked Iranian Assets and Claims Against Iran and Iranian Entities

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations by the addition of §§ 535.615 and 535.616 providing respectively for a census of blocked Iranian assets and a census of claims against Iran and Iranian entities. The purpose of the amendment is to impose a requirement that reports be filed (1) under § 535.615 with respect to blocked Iranian assets held by any person subject to the jurisdiction of the United States between November 14, 1979 and March 31, 1980; and (2) under § 535.616 with respect to claims by U.S. nationals against Iran and Iranian entities. The need for § 535.615 is to obtain information on blocked assets, on a one-time basis, for planning purposes and to monitor compliance with the Regulations. The need for § 535.616 is to obtain information regarding claims of U.S. nationals against Iran, on a one-time basis, for planning purposes. The effect of the amendment will be to obtain complete and accurate information on blocked Iranian assets and on claims of U.S. nationals against Iran and Iranian entities in order to further the purposes of Executive Order No. 12170 and the Regulations.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, (202) 376-0236.

SUPPLEMENTARY INFORMATION: Samples of Forms TFR-615 and TFR-616 with instructions appear in an appendix to this amendment. Copies of the forms with reporting instructions are being distributed through the Federal Reserve System to all member banks. Other persons required to report or otherwise interested in obtaining copies of the forms and instructions may do so by applying to the nearest Federal Reserve Bank or to the Office of Foreign Assets Control, Department of the Treasury, Washington D.C. 20220.

Forms are to be completed in triplicate and two copies are to be returned in a set to either Unit 615 or Unit 616, as appropriate, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 by May 15, 1980. Observance of the filing deadline is extremely important. Reporting under these sections is mandatory, and no extensions of the filing deadline will be granted.

The submission of a Form TFR-616 report on a claim against Iran or an Iranian entity does not constitute the filing with the United States Government of a formal claim for compensation. No decision has yet been reached on whether a formal claims adjudication program will be established. It should be noted, however, that failure to file complete information with respect to claims in a timely fashion not only would constitute failure to comply with the Regulations, but would also preclude the inclusion of the information in U.S. Government planning. Such a failure may therefore be prejudicial to the interests of the claimant and other U.S. claimants. Espousal of claims of U.S. nationals against a foreign government is in the discretion of the Secretary of State.

Since this amendment involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

31 CFR Part 535 is amended as follows:

1. Section 535.615 is added as follows:

§ 535.615 Reports on Form TFR-615.

(a) *Requirement for report.* Reports on Form TFR-615 are hereby required to be filed on or before May 15, 1980, in the manner prescribed herein, with respect to all property subject to the jurisdiction of the United States or in the possession or control of any person subject to the jurisdiction of the United States at any time between the effective date and March 31, 1980, in which Iran or an Iranian entity has or has had any interest.

(1) *Who must report.* Reports on Form TFR-615 must be filed by each of the following:

(i) Any person subject to the jurisdiction of the United States or his successor, who on the effective date or any subsequent date up to and including March 31, 1980, had in his custody, possession or control, directly or indirectly, in trust or otherwise, property in which there was any direct or indirect interest of Iran or any Iranian entity, whether or not the property continued to be held by that person on March 31, 1980; and

(ii) Any business or non-business entity in the United States in which Iran or an Iranian entity held any financial interest on the effective date or on any subsequent date.

(2) *Property not required to be reported.* A report on Form TFR-615 is not required with respect to:

(i) Property of a private Iranian national; and

(ii) Patents, copyrights, trademarks and inventions; *Provided, however,* That a report is required with respect to any royalties due and unpaid in connection with such property.

(b) *Filing Form TFR-615.* Reports on Form TFR-615 shall be prepared in triplicate. On or before May 15, 1980, two copies shall be sent in a set to Unit 615, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy must be retained with the reporter's records.

(c) *Certification.* Every report on Form TFR-615 shall contain the certification required in Part F of the Form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with this section.

(d) *Confidentiality of reports.* Reports on Form TFR-615 are regarded as privileged and confidential.

2. Section 535.616 is added as follows:

§ 535.616 Reports on Form TFR-616.

(a) *Requirement for reports.* Reports on Form TFR-616 are hereby required to be filed on or before May 15, 1980, in the manner prescribed herein, with respect to claims for losses due to expropriation, nationalization, or other taking of property or businesses in Iran, including any special measures such as Iranian exchange controls directed against such property or businesses; claims for debt defaults, for damages for breach of contract or similar damages; and personal claims for salaries or for injury to person or property.

(b) *Who must report.* Reports on Form TFR-616 must be filed by every person subject to the jurisdiction of the United States which had a claim against Iran or an Iranian entity which arose before April 15, 1980. No report is to be submitted by a U.S. branch of a foreign firm not owned or controlled by a person subject to the jurisdiction of the United States or by a nonresident alien.

(c) *Filing Form TFR-616.* Reports on Form TFR-616 shall be prepared in triplicate. On or before May 15, 1980, two copies shall be sent in a set to Unit 616, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy must be retained with the reporter's record.

(d) *Certification.* Every report on Form TFR-616 shall contain the certification required on Part E of the Form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with this section.

(e) *Confidentiality of reports.* Reports on Form TFR-616 are regarded as privileged and confidential.

(Secs. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729)

Dated: April 7, 1980.

Stanley L. Sommerfield,
Director.

Approved:

Richard J. Davis,
Assistant Secretary.

Appendix

(Not for Publication in the *Code of Federal Regulations*)

Census of Blocked Iranian Assets Instructions for Reporting on Form TFR-615

The Office of Foreign Assets Control, Department of the Treasury, under section 535.615 of the Iranian Assets Control Regulations (31 CFR Part 535), is conducting a census of all blocked Iranian assets.

Reporting under the census is mandatory. Reports on Form TFR-615 are hereby required to be filed on or before May 15, 1980, in the manner prescribed herein, by any holder of blocked Iranian assets who is a person subject to the jurisdiction of the United States. The reporting requirement applies to any person subject to the jurisdiction of the United States who had in his possession or control, between 8:10 a.m., e.s.t., November 14, 1979, and March 31, 1980, any property in which the Government of Iran, its agencies, instrumentalities or controlled entities, or the Central Bank of Iran had any direct or indirect interest of any kind whatsoever. The information to be reported is needed by the United States Government for planning purposes and to monitor compliance with the Regulations.

Each question on the form must be answered and all the specific information called for must be given. When there is nothing to report under any question, of if information is lacking, state "No," "None," or "Unknown," as the case may be. If the space provided on the form for answers should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the form. No person is excused from furnishing any information he reasonably should have furnished.

Deadline

May 15, 1980. No extensions will be granted.

This form is to be completed in triplicate and two copies are to be returned in a set to Unit 615, Office of Foreign Assets Control, Washington, D.C. 20220 by the May 15, 1980 deadline.

Observance of the filing deadline is extremely important.

For Further Information Contact

Unit 615, (202) 376-0988 or 376-0969.

Part I—General Instructions

A. Reporting Requirements

1. *Who must report.*—a. Any person subject to the jurisdiction of the United States (or his successor) who on November 14, 1979, or any subsequent date up to and including March 31, 1980, had in his custody, control or possession, directly or indirectly, in trust or otherwise, property in which there was, as of such date, any direct or indirect interest of the Government of Iran, its instrumentalities of controlled entities, or the Central Bank of Iran, with respect to any such property, whether or not such property continued to be held by that person on March 31, 1980. If a U.S. parent company or any foreign firm(s) which it owns or controls are subject to the reporting requirements, the U.S. parent company must submit Form TFR-615 for itself and any such foreign firm(s). The parent firm must certify any report for an owned or controlled foreign firm in Part F.

b. All business or nonbusiness entities in the United States in which an Iranian entity held any financial interest on November 14, 1979, or on any subsequent date up to and including March 31, 1980.

c. In general, the following persons subject to the jurisdiction of the United States who held, between 8:10 a.m., e.s.t., November 14, 1979, and March 31, 1980, property in which Iran or an Iranian entity had any interest, will have reporting obligations:

(1) All banks within the United States, including U.S. subsidiaries, branches and agencies of foreign banks which held deposits or other property;

(2) Foreign subsidiaries, branches and agencies of U.S. banks which held deposits or other property;

(3) Foreign branches and agencies of U.S. subsidiaries of foreign banks which held deposits or other property;

(4) All banks, brokers, dealers or other custodians (including their foreign branches and subsidiaries) which held securities or other property;

(5) Nonbanking business enterprises and other entities subject to the jurisdiction of the United States, including the foreign branches and subsidiaries of such enterprises and entities, which had commercial or financial liabilities to Iranian entities or which had in their possession or control other property in which Iranian entities have any interest; and

(6) All U.S. persons not otherwise defined who act as agents for any Iranian entity with property in the United States, including U.S. Government agencies which are custodians of property of an Iranian entity.

2. *What must be reported.*—a. Property subject to the jurisdiction of the United States or in the possession of or control of persons subject to the jurisdiction of the United States, in which Iran or an Iranian entity had any interest of any nature whatsoever between 8:10 a.m., e.s.t., November 14, 1979, and March 31, 1980. *A separate Form TFR-615 must be filed with respect to each blocked account held by the holder.*

b. The following property should *not* be reported:

(1) Property of an individual Iranian national or of an Iranian company not owned or controlled by the Government of Iran.

(2) Patents, trademarks, copyrights and inventions, but this exemption shall not constitute a waiver of any reporting requirement with respect to royalties due and unpaid.

3. *Primary responsibility for reporting.*—Primary responsibility for reporting any property rests on the actual holder of the property with the following exceptions: primary responsibility for reporting any asset held by a foreign firm owned or controlled by a person subject to the jurisdiction of the United States is on the U.S. parent, and primary responsibility for reporting any trust is on the trustee. A report may be filed on behalf of a holder by an attorney, agent or other person. However, the pertinent information regarding the person holding the property must be included in Part E. No person is excused from filing Form TFR-615 by reason of the fact that another person has submitted a report with regard to the same property, unless he has actual knowledge that the other person has filed a report with respect to the property as full and complete as that which such person would otherwise be required to file.

4. *Obtaining Form TFR-615.*—Copies of Form TFR-615 with reporting instructions have been distributed through the Federal Reserve System to

all member banks. Other persons required to report or otherwise interested in obtaining copies of Form TFR–615 and the reporting instructions may do so by applying to the Office of Foreign Assets Control, Unit 615, Department of the Treasury, Washington, D.C. 20220, or to the nearest Federal Reserve bank.

5. *Filing Form TFR–615.*—Reports on Form TFR–615 shall be prepared in triplicate. On or before May 15, 1980, two copies shall be sent in a set to Unit 615, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. Retain a copy for your records.

6. *Certification.*—Every report filed on Form TFR–615 must be certified in Part F of the form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with the reporting requirements of 535.615 of the Regulations.

7. *Confidentiality of reports.*—Reports filed on Form TFR–615 are regarded as privileged and confidential.

8. *Penalties.*—Reporting on Form TFR–615 is mandatory under section 535.615 of the Iranian Assets Control Regulations for persons who are subject to the reporting requirements. In this regard, section 206 of the International Emergency Economic Powers Act provides as follows:

Penalties

Sec. 206. (a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

B. Definitions

The definitions below shall be used for the purpose of reporting on Form TFR–615. Any reference to "the Regulations" in these instructions or in Form TFR–615 shall refer to the Iranian Assets Control Regulations (31 CFR Part 535), and any term not defined in these instructions shall have the meaning ascribed to it in the Regulations.

1. *Person.* An individual, partnership, association, corporation or other organization.

2. *Person subject to the jurisdiction of the United States.* The term "person subject to the jurisdiction of the United States" includes:

(a) Any person wheresoever located who is a citizen or resident of the United States;

(b) Any person actually within the United States;

(c) Any corporation organized under the laws of the United States or of any state, territory, possession or district of the United States; and

(d) Any partnership, association, corporation or other organization wheresoever organized or doing business which is owned or controlled by persons specified in (a), (b), or (c) above.

3. *Successor.* A person who succeeds to the ownership or custody of blocked property by operation of law, such as a trustee in bankruptcy, administrator, etc., or by change in organization, such as by merger, dissolution or acquisition.

4. *Financial interest.* Any right or claim to ownership or control, or participation in ownership or control, or other financial interest as follows:

(a) Any shares of stock of any business or nonbusiness entity;

(b) Any profits or income derived from shares of stock;

(c) Any bonds, debentures, notes or other funded obligations of any business or nonbusiness entity;

(d) Any other outstanding securities of any business or nonbusiness entity; or

(e) Any other right or claim with respect to any trust or similar organization.

5. *Iran; Iranian entity.* (a) The term "Iran" and "Iranian entity" includes:

(1) The State and the Government of Iran as well as any political subdivision, agency or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof;

(2) The Central Bank of Iran (Bank Markazi Iran);

(3) Any partnership, association, corporation or other organization substantially owned or controlled by any of the foregoing;

(4) Any person to the extent that such person is or has been, or to the extent that there is reasonable cause to believe that such person is or has been, since the effective date, acting or purporting to act, directly or indirectly, on behalf of any of the foregoing;

(5) Any territory which on or since the effective date is controlled or occupied by the military, naval or police forces or other authority of Iran; and

(6) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) hereof.

(b) A person specified in paragraph (a)(3) of this section shall not be deemed to fall within the definition of Iran solely by reason of being located in, organized under the laws of, or having its principal place of business in, Iran.

6. *Property; property interests.* The terms "property" or "property interests" shall, for purposes of reporting on Form TFR–615, include, but not be limited to, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, letters of credit, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

7. *Interest.* Any interest of any nature whatsoever, direct or indirect.

C. Valuation Principles

1. Where valuation is called for, the following table may be used as a guide.

Examples of property types	Principle
Checks, drafts, acceptances and notes.	Face or estimated value.
Commodities, including gold and other metals.	Market value.
Currency and coin	Face value.
Debts, claims and dividends	Face or estimated value.
Deposits and cash balances	Balance of the account.
Foreign exchange futures	Difference between market price of currency and price specified in contract.
Franchises and concessions	Market or estimated value.
Goods, merchandise and other personal property.	Market or estimated value.
Land, buildings and mortgages on real estate.	Market or estimated value.
Letters of credit	Available amount.
Royalties, gas and oil	Capitalized value.
Securities	Market or estimated value.

All amounts reported should be given in dollars to the nearest dollar.

2. *Valuation date.* Values shall be given as of the close of business on March 31, 1980.

3. *Market or estimated values.* Where market or estimated value is required, enter the market price at the close of business on March 31, 1980, or, if such price is not available, the estimated value on that date. In estimating value, the last sale price or bid, if reasonably close to March 31, 1980, may be used as a basis.

4. *Value expressed in foreign currency.* Property valued in a foreign currency, or which is to be paid or liquidated in a foreign currency, shall be valued in dollars if dollar market value exists for such property itself. If dollar market value does not exist, the foreign currency value thereof shall be converted into dollar value in accordance with the latest rate next before March 31, 1980, as generally quoted by foreign exchange dealers or other recognized sources of information. In no case shall a value expressed in a foreign currency be entered in the report, but the fact that property was originally valued in a foreign currency should be indicated in Part C.

5. *Property of indeterminable value.* In reporting property of indeterminable value, enter "IN" in the space opposite the appropriate property type and describe the property briefly in Part C. When both property of determinable value and property of indeterminable value are to be reported under any one property type, only the determinable value should be reported. However, in response to Part C, both kinds of property should be described and the property of indeterminable value should be so described.

Part II—Specific Instructions

Part A. Information Concerning Iranian Entity Whose Property Is Reported

If more than one Iranian entity has an interest in property required to be reported, a separate report shall be made with respect to each such entity. The value of the property reported in Part B of Form TFR–615 shall be an amount equivalent to the pro rata share to which the entity would be entitled. Each such report shall be identified as a multiple report by entering in the box marked "Multiple Report" on page one of Form TFR–615 the total number of reports submitted with respect to this property. The other entities with an interest in this property shall be identified in line 6. of Part A. Multiple reports should be filed together as a set.

Line A4. Enter in boxes at right the ownership interests, expressed as percentages, in joint ventures, consortia, corporations and other organizations, of (1) Iranian entities, (2) U.S. nationals, and (3) other persons.

Part B. Schedule of Property Required To Be Reported

Important: Be sure that the same property is not reported on more than one line.

Report the amount held on the effective date, 8:10 a.m., e.s.t., November 14, 1979, in column (1) and the amount held on March 31, 1980, in column (2). If property was acquired after the effective date, report in column (1) the amount as of date of acquisition and explain in line 14.

Important: Be certain to report in column (1) of Part B the *full* amount of any property held regardless of any subsequent debit to the account or other licensed transfer after the date of acquisition (see part B, line 14). Be certain to report in column (2) the full amount of any property held on March 31, 1980, notwithstanding any set-off or other claim asserted against the property (see Part D).

Line 1.a. Include certificates of deposit.

Line 3. This category generally includes commercial paper, negotiable instruments and other obligations held for the account of an Iranian entity not reportable in other specific lines. Obligations of the holder would generally not be reported in line 3. but in lines 1., 4., 5. and 6.

Line 4. This does not include deposits (line 1.) or debt securities (lines 5.–6.).

Lines 5.–6. Include equity and debt securities of all types, including government securities, regardless of maturity. Do not report securities on these lines if the Iranian entity holds a 10 percent or greater interest in the equity securities of the issuer; in that case, the Iranian entity's holdings should be reported in line 7.

Line 7. "Direct investment" means a 10 percent or greater interest in the equity of a U.S. business. Where the Iranian entity's interest is represented by marketable securities, report market value of all holdings, including debt securities, in line 7. Where the Iranian entity's interest is not represented by marketable securities, report sum of the U.S. company's debt obligations to the Iranian entity and the Iranian entity's share of the equity of the business (as represented by the book value of the business). Identify in Part C the U.S. firm and percentage of Iranian ownership.

Line 9.a. Report market value of goods owned by Iranian entities and intended for export to Iran.

Line 9.b. Report the value of other Iranian property in the possession or control of a person subject to the jurisdiction of the United States; for example: an Iranian vessel under charter; aircraft, machinery or equipment in the United States for servicing; or furniture and office equipment of the U.S. branch of an Iranian entity.

Line 10. Report the outstanding amounts of commercial letters of credit issued by U.S. banks in favor of the Iranian entity.

Line 11. Report the outstanding amounts of commercial letters of credit confirmed by U.S. banks in favor of the Iranian entity.

Line 12. Report the amount available under any standby letter of credit issued by a U.S. bank in favor of the Iranian entity on line 12.a. If the account party has established an account pursuant to Treasury license under § 535.568 of the Regulations, report the amount of this account on line 12.b.

Part C. Additional Information Concerning Property Items

Line 1. Briefly describe the property the value of which has been set forth in Part B. Breakdowns into specific property items and detailed descriptions are unnecessary. Property may be described in some general but reasonable manner. Tangible property should be more thoroughly described than financial items, which are more self-explanatory. Enter in the "Type" column the appropriate line number from Part B indicating the type of property.

Part D. Adverse Claims

Line 1. (a. through e.). Report on as many lines as apply. If a line applies but amount is indeterminate, write "IN" in space provided. Report only claims that are specific to the asset reported, such as a lien or set-off. Do not report other claims that the holder may have against the Iranian entity for which the property is reported or against other Iranian entities. Use Form TFR–616 for this purpose.

Report amount of property subject to writs of attachment. Do not submit detailed information or material on attachment suits, such as court orders or other documents.

Part E. Person Holding Property

Report the holder's name and address in lines 1. and 2.

If the holder is an individual, report social security number in box at right.

If holder is a business firm, report the holder's EIN in block at right, unless the holder is a foreign firm owned or controlled by a person subject to the jurisdiction of the United States. In that case, assign a one-letter code to each owned or controlled foreign firm and report U.S. parent company's EIN and

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foreign firm's code letter in blocks marked EIN and FFC (foreign firm code), respectively.

Each U.S. parent company should submit a list of all foreign firms for which reports are or will be submitted on a separate sheet filed with its first report for itself or any such firm, as follows:

Holder	EIN code	FFC code
XYZ Bank (parent)	123-45-6789	
XYZ Bank, London subsidiary	123-45-6789	A
XYZ Bank, Paris branch	123-45-6789	B
XYZ Bank, Brussels branch	123-45-6789	C

Part F. Certification

Be certain not to omit the required certification in Part F.

Report Not Valid Without Certification

BILLING CODE 4810-25-M

FORM TFR-615

CENSUS OF BLOCKED IRANIAN ASSETS

OFFICE OF FOREIGN ASSETS CONTROL

UNIT 615

DEPARTMENT OF THE TREASURY

WASHINGTON, D.C. 20220

Multiple Report ___ M

DEADLINE: This form is to be completed and returned to the above address by May 15, 1980.

Form TFR-615 is to be used by all persons required to file reports pursuant to section 535.615 of Title 31 of the Code of Federal Regulations. BEFORE PREPARING THIS REPORT READ THE INSTRUCTIONS CAREFULLY. All information reported will be regarded as privileged and confidential. For assistance, call (202) 376-0968 or 376-0969.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.615 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

Part A - INFORMATION CONCERNING IRANIAN ENTITY WHOSE PROPERTY IS REPORTED (See instructions for Part A.)

1. Name _____

   Any variant name _____

2. Address _____ (Street)

   _____ (City)

   _____ (State or foreign country)

2. Iran ___ I
   U.S.A. ___ U
   Other ___ O
   (check one)

3. Place of incorporation or principal place of business .....

3. Iran ___ I
   U.S.A. ___ U
   Other ___ O
   (check one)

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4. Ownership interests in entity ..... 4. Iran ___% I

U.S.A.___% U

Other ___% O

5. Type of entity:

a. Iranian Government or any agency or instrumentality thereof, excluding diplomatic and consular missions ..... ___ I

b. Iranian diplomatic and consular missions ..... ___ D

c. Iranian Central Bank (Bank Markazi Iran) ..... ___ M

d. Iranian commercial bank ..... ___ B

e. Other Iranian corporation ..... ___ C

f. Consortium or joint venture ..... ___ J

g. Unincorporated association ..... ___ U

h. Other ..... ___ O

6. Joint interests: List other Iranian entities with an interest in property reported (applies only to multiple reports (box M on page 1))._____

Part B - SCHEDULE OF PROPERTY REQUIRED TO BE REPORTED(See instructions for individual lines)

(Enter value in whole dollars)

Type	(1) Original Amount	(2) Amount 3/31/80
1. Deposits a. Time		
b. Demand		
2. Bullion, currency and coin		
3. Notes, checks, drafts, acceptances, commercial paper, etc.		
4. Debts		
5. Financial securities payable in dollars		
6. Financial securities payable in other currencies		
7. Direct investment in U.S. businesses		
8. Real estate		
9. Personal property a. Goods consigned to Iran		
b. Other		
10. Commercial letters of credit issued by U.S. banks		
11. Commercial letters of credit confirmed by U.S. banks		
12. Standby letters of credit a. Amount of credit		
b. Amount of section 535.568 account		
13. Miscellaneous		
TOTAL (1 through 13)		

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14. If amount in column (2) differs from amount in column (1) for any line above, explain increase or decrease by checking the appropriate box:

a. General license 535.508 ..... ___A

b. General license 535.531 ..... ___B

c. General license 535.532 ..... ___C

d. General license 535.566 ..... ___D

e. General license 535.902 ..... ___E

f. Specific license (give license number) _____ ___F

g. Other (explain) _____ ___U

_____

_____

_____

Part C - ADDITIONAL DESCRIPTION OF PROPERTY ITEMS

TYPE	BRIEF DESCRIPTION OF PROPERTY
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____
____	_____

Part D - ADVERSE CLAIMS AGAINST PROPERTY REPORTED

1. Type	Amount	
a. Attachment	_____	A
b. Lien	_____	L
c. Set-off	_____	S
d. Disputed liability	_____	D
e. Title dispute	_____	T

2. Indicate at right the citizenship of the adverse claimant ..... (check one)
Iran ___ I
U.S.A. ___ U
Other ___ O

3. Is the holder an adverse claimant?..... (check one)
Yes ___ Y
No ___ N

Part E - PERSON HOLDING PROPERTY (see instructions)

1. Name _____ EIN/SSN _____ FFC ___

2. Address _____ (Street)
_____ (City)
_____ (State)

3. If owned or controlled firm is located in Iran, check box ..... ___ I

4. Type of holder (check one)

Bank	___	B
Broker or securities dealer	___	S
Oil company or oilfield services company ...	___	O
Defense-related industry	___	D
Construction company	___	C
Other business firm	___	T
Individual	___	I
U.S. Government agency	___	G
Other (explain) _____	___	U

(Submit list of owned or controlled foreign firms per instructions)

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Part F - CERTIFICATION (see instructions)

I, _____, certify that I am
(Type or Print Name)

the _____
(state relationship of signatory to holder, e.g., Treasurer)

of the _____
(name of holder)

that I am authorized to make this certification, and that, to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

_____ _____
(Date) (Signature)

Address _____
(Street)

_____
(City)

_____
(State)

Person to contact regarding this report:

_____ _____
(name) (telephone number)

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Penalties: Attention is directed to Title 18 U.S.C. section 1001, which provides:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or issues any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Attention is also directed to 50 U.S.C. section 1705 which provides:

"(a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

"(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both, and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

Census of Claims by U.S. Persons Against Iran, Instructions for Reporting on Form TFR-616

The Office of Foreign Assets Control, Department of the Treasury, at the request of the Department of State and under section 535.616 of the Iranian Assets Control Regulations (31 CFR Part 535), is conducting a census of information relative to claims of persons subject to the jurisdiction of the United States against the Government of Iran, its agencies or instrumentalities or controlled entities, and the Central Bank of Iran.

Reporting under the census is mandatory for persons who are subject to the reporting requirements. Reports on Form TFR-616 are hereby required to be filed on or before May 15, 1980, in the manner prescribed herein, by such persons subject to the jurisdiction of the United States. The report must describe any claim of any such person against any Iranian entity which arose before April 15, 1980. The report must indicate for each claim (as provided in the specific instructions) whether the claim arose on or after October 1, 1978. The report must also cover any loans outstanding to Iran or an Iranian entity, whether or not a default has been declared.

Each question on the form must be answered, and all the specific information called for must be given. When there is nothing to report under any question, or if information is lacking, state "No," "None," or "Unknown," as the case may be. If the space provided on the form for any answer should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the form. No person is excused from furnishing any information he reasonably should have furnished.

The information to be reported is needed by the United States Government for planning purposes. However, the submission of this report does not constitute the filing with the United States Government of a formal claim for compensation. No decision has yet been reached on whether a formal claims adjudication program will be established. However, failure to file complete information in a timely fashion not only would constitute failure to comply with the Regulations, it also would preclude the inclusion of the information in U.S. government planning and may therefore be prejudicial to the claimant and other U.S. claimants. Espousal of claims of U.S. nationals against a foreign government is in the discretion of the Secretary of State.

Deadline: May 15, 1980. No extensions will be granted.

This form is to be completed in triplicate and two copies are to be returned in a set to Unit 616, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 by the May 15, 1980 deadline.

Observance of the filing deadline is extremely important.

FOR FURTHER INFORMATION CONTACT: Unit 616, (202) 376-0968 or 376-0969.

Part I—General Instructions

A. Reporting Requirements

1. *Who must report.* Any person subject to the jurisdiction of the United States, whether an individual or business enterprise, which has a claim against the Government of Iran or any of its agencies or instrumentalities or controlled entities, which arose before April 15, 1980. Claims by U.S. branches of foreign firms not owned or controlled by persons subject to the jurisdiction of the United States, or by nonresident aliens, are not to be reported on Form TFR-616.

If a U.S. parent company or any foreign firm(s) which it owns or controls are subject to the reporting requirements, the U.S. parent company must submit *one* Form TFR-616 covering its claims and those of any such foreign firm(s). (See specific instructions for Part C.)

2. *What must be reported.* (a) *Business claims.* United States business firms and individuals should report in Part B.1. losses due to expropriation, nationalization or other taking of property or businesses in Iran including any special measures, such as Iranian exchange controls, directed against such property or businesses. Claims against Iranian entities for other business losses, such as debt defaults, damages for breach of contract, and other damages, should also be reported.

Example (1). The London branch of a United States bank has a general loan outstanding to an Iranian entity which is in default. The amount of the default is to be reported in Part B, line 1.b.

Example (2). A United States construction company is operating in Iran under contract with a private Iranian company. An agency of the Government of Iran takes over the operation of the Iranian company's operations and terminates the U.S. firm's contract. The U.S. company is forced to withdraw its U.S. employees but leave its equipment. The company must report its breach of contract claim in Part B, line 1.g., and may have other reportable claims for expropriation or other losses on behalf of the company or its U.S. employees.

Example (3). A United States company has a wholly-owned subsidiary incorporated in Iran. Although the subsidiary has not been nationalized, the parent company cannot repatriate earnings or capital because of Iranian exchange control laws. The amount of dividends or other capital restricted under such laws is to be reported in Part B, line 1.e.

b. *Personal claims.* Any citizen or permanent resident who has suffered losses due to expropriation or who has claims for salaries or for injury to person or property resulting from actions of the Government of Iran or any Iranian entity must report such claims in Part B.2.

Example. A United States engineering consultant under contract to an Iranian entity is dismissed from his employment without cause and is forced to leave the country without a final salary payment and without being able to evacuate his household goods. The individual must report his claims for salary and other benefits and for breach of contract in Part B, line 2.c. and may have other reportable claims for expropriation (line 2.a.) or other damages (lines 2.e.).

3. *Primary responsibility for reporting.* Primary responsibility for reporting any claim rests on the claimant with the following exceptions: primary responsibility for reporting any claim of a foreign firm owned or controlled by a person subject to the jurisdiction of the United States is on the U.S. parent; primary responsibility for reporting the claim of any trust is on

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the trustee, and for any estate on the executor or administrator. A report may be filed on behalf of a claimant by an attorney, agent, bank, insurance company or other person. However, the pertinent information regarding the person making the report must be included in Part D. No person is excused from filing Form TFR–616 by reason of the fact that another person has submitted a report with regard to the same claim unless he has actual knowledge that the other person has filed a report with respect to the claim as full and complete as that which such person would otherwise be required to file.

4. *Obtaining Form TFR–616.* Copies of Form TFR–616 with reporting instructions have been distributed through the Federal Reserve System to all member banks. Other persons required to report or otherwise interested in obtaining copies of Form TFR–616 may do so by applying to the Office of Foreign Assets Control, Unit 616, Department of the Treasury, Washington, D.C. 20220, or to the nearest Federal Reserve bank.

5. *Filing Form TFR–616.* Reports on Form TFR–616 shall be prepared in triplicate. On or before May 15, 1980, two copies shall be sent in a set to Unit 616, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. Retain one copy for your records.

6. *Certification.* Every report filed on Form TFR–616 must be certified in Part E of the form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with the reporting requirements of section 535.616 of the Regulations.

7. *Confidentiality of reports.* Reports filed on Form TFR–616 are regarded as privileged and confidential.

8. *Penalties.* Reporting on Form TFR–616 is mandatory under section 535.616 of the Iranian Assets Control Regulations. In this regard, section 206 of the International Emergency Economic Powers Act provides as follows:

Penalties

Sec. 206. (a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

B. Definitions

The definitions below shall be used for the purpose of reporting on Form TFR–616. Any reference to "the Regulations" in these instructions or in Form TFR–616 shall refer to the Iranian Assets Control Regulations (31 CFR Part 535), and any term not defined in these instructions shall have the meaning ascribed to it in the Regulations.

1. *Person.* An individual, partnership, association, corporation or other organization.

2. *Persons subject to the jurisdiction of the United States.* The term "person subject to the jurisdiction of the United States" includes:

(a) Any person wheresoever located who is a citizen or resident of the United States;

(b) Any person actually within the United States;

(c) Any corporation organized under the laws of the United States or of any state, territory, possession or district of the United States; and

(d) Any partnership, association, corporation or other organization wheresoever organized or doing business which is owned or controlled by persons specified in (a), (b) or (c) above.

3. *Successor.* A person who has succeeded to a claim by operation of law, such as a trustee in bankruptcy, an executor or administrator, etc., or by change in organization, such as by merger, dissolution or acquisition.

4. *Financial interest.* Any right or claim to ownership or control, or participation in ownership or control, or other financial interests as follows:

(a) Any shares of stock of any business or nonbusiness entity;

(b) Any profits or income derived from shares of stock;

(c) Any bonds, debentures, notes or other funded obligations of any business or nonbusiness entity;

(d) Any other outstanding securities of any business or nonbusiness entity; or

(e) Any other right or claim with respect to any trust or similar organization.

5. *Iran; Iranian entity.* (a) The term "Iran" and "Iranian entity" includes:

(1) The State and the Government of Iran as well as any political subdivision, agency or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof;

(2) The Central Bank of Iran (Bank Markazi Iran);

(3) Any partnership, association, corporation or other organization substantially owned or controlled by any of the foregoing;

(4) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date acting or purporting to act, directly or indirectly, on behalf of any of the foregoing;

(5) Any territory which on or since the effective date is controlled or occupied by the military, naval or police forces or other authority of Iran; and

(6) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) hereof.

(b) A person specified in paragraph (a)(3) of this section shall not be deemed to fall within the definition of Iran solely by reason of being located in, organized under the laws of, or having its principal place of business in Iran.

6. *Property; property interests.* The terms "property" or "property interests", for purposes of reporting claims on Form TFR–616, shall include, but not be limited to, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, letters of credit, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal or mixed, tangible or intangible, or interest or interests therein, present, furture or contingent.

7. *Interest.* Any interest of any nature whatsoever, direct or indirect.

C. Valuation Principles

1. The following table may be used as a guide to valuation principles for various types of property:

Examples of property types	Principle
Checks, drafts, acceptances and notes.	Face or estimated value.
Commodities, including gold and other metals.	Market value.

Examples of property types	Principle
Currency and coin	Face value.
Debts, claims and demands	Face or estimated value.
Deposits and cash balances	Balance of the account.
Foreign exchange futures	Difference between market price of currency and price specified in contract.
Goods, merchandise and other personal property.	Market or estimated value.
Land, buildings and mortgages on real estate.	Market or estimated value.
Letters of credit	Available amount.
Royalties, gas and oil	Capitalized value.
Franchises and concessions	Market or estimated value.
Securities	Market or estimated value.

All amounts reported should be given in dollars to the nearest dollar.

1. *Valuation date.* Date of loss.

2. *Market or estimated values.* Where market or estimated value is required, enter the market price on the date of loss, or, if such price is not available, the estimated value on that date. In estimating value, the last sale price or bid, if reasonably close to the date of loss, may be used as a basis.

3. *Dollar value.* Report claims in U.S. dollars to nearest dollar. Convert foreign currency values at exchange rate prevailing on date of loss, as generally quoted by foreign exchange dealers or other recognized sources of information.

Part II—Specific Instructions

Part A. Information Concerning U.S. Claimant

If claimant is an individual, report social security number in box at right.

If claimant is a business firm, report the claimant's EIN in block at right.

If the claimant is a foreign firm owned or controlled by a person subject to the jurisdiction of the United States, enter the name, EIN code and other identifying information on *the U.S. parent company.*

Line 4. Check box indicating the primary business of the claimant.

Lines 5–7. (The Treasury Department is concerned primarily with claims against Iran by persons subject to the jurisdiction of the United States.)

Line 8. Identify any other person having an interest in the claim.

Part B. Summary of Claims Required To Be Reported

1. *Claims totals.* Each claimant is to enter the *total* of all its claims and all the claims of foreign firms owned or controlled by it in each category as well as an overall total. Part B is for reporting the *totals* of *all* claims by a given claimant. More detailed information on each *separate* claim is to be reported in Part C.

2. *Category.* Report the claim for the most appropriate or likely category by entering amount for claim(s) of that type in block at right. Enter amount in whole dollars. (Each syndicated loan or other bank loan must also be reported on a separate Part C. See instructions for Part C.)

Line 1.a. In the case of syndicated loans where the United States bank is a member of the paying agent, report total principal amount(s) outstanding for the syndicate(s) in the block at left and the reporter's share in the block to the right. If a default has been declared on any loan or loans, check "Yes." Indicate the total amount of default(s) for the syndicate(s) in the block at left and the reporter's share of the default(s) in the right-hand column. (NOTE: For each syndicated loan included in the amount reported on line 1.a., prepare a separate Part C. Report the following information in Part C, line 7., regardless of whether the loan is in default: (1) name of the paying agent, (2) name of lenders, and (3) status of payments.)

Lines 1.b. and 1.c. Report total amount outstanding in the block at left and the amount due or in default in the right-hand column.

Line 3. The reporter must enter in lines 3.a. and b. any other actual or potential compensation which the claimant may receive from a U.S. government agency or an insurance company, surety or similar person. Line 3.a. refers to submission of a claim to the Overseas Private Investment Corporation or some other agency which may have an obligation to indemnify the claimant for the loss. It does not refer to a previous submission to the Department of the Treasury or any other agency of information on claims against Iran of the sort that is required by this form.

Part C. Schedule for Separate Description of Claims

1. *General.* a. Submit a separate Part C on each claim.

b. For example, a separate Part C must be prepared on each syndicated loan or other bank loan.

c. However, claims of a given type or involving a common set of circumstances may be aggregated (e.g., a single expropriation causing loss of several types of property).

d. Claims by a foreign firm owned or controlled by a U.S. parent company should be reported by the U.S. parent company on its Form TFR–616. A separate Part C should be included with the U.S. parent's Form TFR–616 for each such claim.

e. Photocopies of Part C may be used for each additional claim to be reported. Do not submit documentary evidence.

2. *Line items.*

Line 1.a. Enter SSN or EIN Code from Part A. In the case of an owned or controlled foreign firm, separate identifying data on any such foreign firm is to be reported in Part C. Assign a one-letter code to each such firm and report foreign firm's code letter in block marked FFC (foreign firm code).

In addition, the U.S. parent company should submit a list of all foreign firms for which Part C is being submitted on a separate sheet of paper filed with its report as follows:

Claimant	EIN code	FFC code
XYZ Company	123–45–6789	
XYZ Company, London subsidiary	123–45–6789	A
XYZ Company, Iranian subsidiary	123–45–6789	B
XYZ Company, Paris branch	123–45–6789	C

Line 2. Describe claim and enter letter for type of claim (taken from right margin of relevant line in Part B) in box in right-hand column.

Line 4. Identify the entity to the best of the reporter's knowledge.

Line 4.c. An "agency or instrumentality" is a part of the Government of Iran itself (e.g., Iranian Navy, Post Office, etc.), as opposed to a commercial entity such as Iran Air or National Iranian Oil Company.

Line 4.d. Give a brief statement of basis for concluding that an entity is owned or controlled by the Government of Iran.

Line 7. Be certain to enter on line 7 for each syndicated loan: (1) name of the paying agent, (2) names of lenders, and (3) status of payments.

Part D. Identity of Person Making Report

A person reporting his own claim need not fill out Part D other than to check the box opposite line 3.a. designated "Claimant."

Part E. Certification

The reporting requirement only applies to persons subject to the jurisdiction of the United States. Check that claimant is a person subject to the jurisdiction of the United States in space provided. Be certain not to omit the required certification in Part E.

Report not Valid Without Certification

Form TFR–616

Census of Claims by United States Persons Against Iran

Office of Foreign Assets Control, Unit 616, Department of the Treasury, Washington, D.C. 20220

DEADLINE: This form is to be completed and returned to the above address by May 15, 1980.

IMPORTANT NOTE: The submission of this report does not constitute the filing with the United States Government of a formal claim for compensation, nor does it guarantee that the claim will be included in any future agreement. However, failure to file complete information in a timely fashion not only would constitute failure to comply with the Regulations, it also would preclude the inclusion of information in U.S. government planning and may therefore be prejudicial to the claimant and other U.S. claimants.

Form TFR-616 is to be used by all persons required to file reports pursuant to section 535.616 of Title 31 of the Code of Federal Regulations.

BEFORE PREPARING THIS REPORT READ THE INSTRUCTIONS CAREFULLY. All information reported will be regarded as privileged and confidential. For assistance, call (202) 376-0968 or 376-0969.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.616 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

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Part A - INFORMATION CONCERNING U.S. CLAIMANT

1. Name _____ (EIN/SSN)
(First) (Middle) (Last)

2. Any variant name (trade name, etc.) _____

_____

3. Mailing address _____
(Street)

_____
(City)

_____
(State or foreign country)

4. Type of claimant (Check one of the following):

Bank	___	B
Oil company or oilfield services company	___	O
Defense-related industry	___	D
Construction company	___	C
Other business	___	T
Individual	___	I
U.S. government agency	___	G
Other (explain) _____	___	U

5. a. If claimant is an individual, state nationality:

Iran	___	I
U.S.A.	___	U
Other	___	O

b. If "Other," specify nationality_____

6. If claimant is a corporation or other legal entity:

a. State date and place of incorporation _____

_____

_____

b. State percentage of the outstanding capital stock of all classes or of other beneficial interest owned, directly or indirectly, by persons who were U.S. nationals on the date of loss:_____

_____

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7. Has there been any change in the nationality status of claimant since the date of loss?

Yes ___ Y

No ___ N

If "Yes," explain _____

_____

8. If any other person, firm, corporation or other entity which, either at present or since the date of loss, has or has had any interest in the claim, indicate names and present addresses of all such parties:

_____

_____

_____

PART B - SUMMARY OF CLAIMS REQUIRED TO BE REPORTED. Report value as of date of loss. See specific instructions. (Use schedule in Part C for reporting claims separately.)

1. Business Claims

TYPE		AMOUNT	
a. Syndicated loans			
Total amount	S1		
Claimant's share	S2		
Any default(s) declared? Yes ___ Y			
No ___ N			
Total amount	S3	Claimant's share	S4
b. Other bank loans			
Total amount	B1	Amount due or in default	B2

c. Loans by nonbank companies			
Total amount	N1	Amount due or in default	N2
d. Receivables			R
e. Losses due to Iranian exchange controls			F
f. Oil company contract damages			O
g. Other contract damages			K
h. Other damage claims			D
i. Expropriation losses:			
(1) Loss of equity, concessions, or going concern value			E
(2) Loss of tangible assets			T
j. Other			U
Subtotal 1.			
2. Personal Claims			
a. Expropriation losses			X
b. Exchange controls			F
c. Salaries, receivables, insurance, other contractual claims			R
d. Personal injury, property damage, and other tort claims			I
e. Other			U
Subtotal 2.			
TOTAL (Subtotals 1. plus 2.)			
3. Summary of actual or potential compensation			
a. Claim(s) filed with U.S. government agency			G
b. Insurance or other indemnity or benefit			I
Total (line 3 a & b only):			

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PART C - SCHEDULE FOR SEPARATE DESCRIPTION OF CLAIMS

(Attach separate sheets or additional copies of Part C, as needed)

EIN/SSN _____ FFC ___

1. a. Name of claimant _____
(First) (Middle) (Last)

b. Is claim for a foreign branch, subsidiary or office?

Yes ___ Y

No ___ N

2. Type of claim _____ Code

_____ ___

3. a. Amount of loss on this claim (except syndicated loans) _____

b. Syndicated loan. Total amount _____ S1

Claimant's share _____ S2

Any default(s) declared? ..... Yes ___ Y

No ___ N

Total Amount _____ S3

Claimant's share _____ S4

4. Iranian entity against which claim is reported.

a. Name _____

Any variant name _____

b. Address _____

_____

_____

c. Type of entity.

1. Central Bank of Iran (Bank Markazi Iran) ... ___ M
2. Iranian government or agency or instrumentality ..... ___ I
3. Government controlled entity ..... ___ E

d. State basis for belief that entity is owned or controlled by Government of Iran:

_____

_____

5. a. Date of Loss _____

b. Did loss occur on or after October 1, 1978? .... Yes ___ Y

No ___ N

6. Method of valuation _____
(Enter appropriate principle from Instructions, e.g., "market value")

7. Describe circumstances of loss and measures which caused the loss, including description of property or nature of business which is the subject of claim:

_____

_____

_____

_____

8. Is contract governed by Iranian law? ..... Yes ___ Y

No ___ N

9. Does contract specify Iranian forum? ..... Yes ___ Y

No ___ N

10. Documentary evidence of loss available?
(Do not enclose documents) ..... Yes ___ Y

No ___ N

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11. a. On the date of loss, did you own this claim or any property on which the claim is based? ..... Yes ___ Y
No ___ N

b. If not, was owner a U.S. person on such date? Yes ___ Y
No ___ N

12. Has the claimant filed an attachment or other judicial proceedings? ..... Yes ___ Y
No ___ N

13. Has claimant obtained a waiver of sovereign immunity? ..... Yes ___ Y
No ___ N

14. Does claimant hold any property (e.g., bank deposits) against which a remedy such as a set-off can be asserted? ..... Yes ___ Y
No ___ N

15. Is claim liquidated (e.g., specific sum conceded by Iranian entity)? ..... Yes ___ Y
No ___ N

PART D - IDENTITY OF PERSON PREPARING REPORT

1. Name _____

2. Address _____
(Street)

_____
(City)

_____
(State or foreign country)

4. Relationship to claimant

a. Claimant ..... ___ C
b. Agent ..... ___ A
c. Trustee ..... ___ T
d. Banker ..... ___ B
e. Insurance Company ..... ___ I
f. Other ..... ___ O

PART E - CERTIFICATION

Claimant is a person subject to the jurisdiction of the United States ..... Check ___

I, _____ certify that I am the
(Type or Print Name)

_____ of the
(State relationship of signatory to the person)

_____
(Name of claimant)

that I am authorized to make this certification, and that, to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

_____ _____
(Date) (Signature)

Address _____
(Street)

_____
(City)

_____
(State)

Person to contact regarding this report:

_____ _____
(Name) (telephone number)

PENALTIES: Attention is directed to Title 18 U.S.C. section 1001, which provides:

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"Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Attention is also directed to 50 U.S.C. section 1705 which provides:

"(a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulations issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

[FR Doc. 80-10804 Filed 4-7-80; 8:11 am]

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April 9, 1980

Part VIII

Department of the Treasury

Office of Foreign Assets Control

Imposing Additional Prohibitions on Dealings With Iran

V45/70 APR 80 UMI

DEPARTMENT OF THE TREASURY
Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Additional Prohibitions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of the amendment is to impose additional prohibitions on dealings with Iran. The need for the amendment is to implement the provisions of Executive Order No. 12205, signed by the President on April 7, 1980. The effect of the amendment is that exports to Iran, except those involving food, medicine, medical supplies, or donations of clothing intended to be used to relieve human suffering, are prohibited; restrictions are placed on the shipment of goods to Iran; restrictions are placed on new service contracts with Iran; and restrictions are placed on various financial transactions to which Iran is a party.

EFFECTIVE DATE: April 7, 1980, 4:19 p.m., e.s.t.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. 202/376-0236.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable.

The United Nations Security Council voted 12-0 on December 31, 1979 to impose economic sanctions on Iran if the American hostages were not freed by January 7, 1980. A resolution mandating economic sanctions was acted upon by the Security Council of the United Nations on January 13, 1980 and would have been adopted but for the veto cast by the Soviet Union.

The resolution called upon all countries to:

a. Prevent the sale or supply by their nationals or from their territories, whether or not originating in their territories, to or destined for Iranian governmental entities in Iran or any other person or body in Iran, or to or destined for any other person or body for the purposes of any enterprise carried on in Iran, of all items, commodities or products, except food, medicine and supplies intended strictly for medical purposes;

b. Prevent the shipment by vessel, aircraft, railway, or other land transport of their registration or owned by or under charter to their nationals or the carriage whether or not in bond by land transport facilities across their territories of any of the items, commodities, and products covered by subparagraph (a) which are consigned to or destined for Iranian governmental entities or any person or body in Iran, or to any enterprise carried on in Iran;

c. Not make available to the Iranian authorities or to any person in Iran or to any enterprise controlled by an Iranian governmental entity any new credits or loans; shall not, with respect to such persons or enterprises make available any new deposit facilities or allow substantial increases in existing nondollar deposits or allow more favorable terms of payment than customarily used in international commercial transactions; and shall act in a businesslike manner in exercising any rights when payments due on existing credits or loans are not made on time and shall require any persons or entities within their jurisdiction to do likewise;

d. Prevent the shipment from their territories on vessels or aircraft registered in Iran of products and commodities covered by subparagraph (a) above;

e. Prevent their nationals, or firms located in their territories, from engaging in service contracts, in support of industrial projects in Iran, other than those concerned with medical care;

f. Prevent their nationals or any person or body in their territories from engaging in any activity which evades or has the purpose of evading any of the decisions set out in this resolution:

The United States now is implementing the sanctions contemplated by this resolution. The President on April 7, 1980, signed Executive Order 12205 pursuant to the International Emergency Economic Powers Act imposing these sanctions. These regulations are being issued as amendments to the Iranian Assets Control Regulations to implement that order.

In reading these regulations, the following should be considered:

1. The prohibitions involved in these sanctions are listed in § 535.206 and § 535.207 and are in addition to the sanctions previously imposed under § 535.201;

2. All provisions in the form of general licenses, definitions, interpretations and other provisions previously issued under this part and still in effect apply, where relevant, to the sanctions contained in the regulations being published today;

3. Exports to Iran are now governed by the prohibition in § 535.207(a) and related provisions. It is expected that overseas subsidiaries of United States persons will not make exports prohibited by these regulations. U.S. parent entities must inform the Office of Foreign Assets Control ten days before any of its subsidiaries proposes to make any export to Iran; and

4. The prohibitions contained in the resolution acted upon by the U.N. Security Council concerning new loans and credits are governed by § 535.201, as interpreted by § 535.419.

31 CFR, Part 535 is amended as follows:

1. Section 535.201 is revised to read as follows:

§ 535.201 Transactions involving property in which Iran or Iranian entities have an interest.

No property subject to the jurisdiction of the United States or which is in the possession of or control of persons subject to the jurisdiction of the United States in which on or after the effective date Iran has any interest of any nature whatsoever may be transferred, paid, exported, withdrawn or otherwise dealt in except as authorized.

2. Section 535.203 is amended by the addition of paragraph (f), as follows:

§ 535.203 Effect of transfers violating the provisions of this part.

* * * * *

(f) For the purpose of this section the term "property" includes gold, silver, bullion, currency, coin, credit, securities (as that term is defined in section 2(l) of the Securities Act of 1933, as amended), bills of exchange, notes, drafts, acceptances, checks, letters of credit, book credits, debts, claims, contracts, negotiable documents of title, mortgages, liens, annuities, insurance policies, options and futures in commodities, and evidences of any of the foregoing. The term "property" shall not, except to the extent indicated, be deemed to include chattels or real property.

3. Section 535.206 is added as follows:

§ 535.206 Financial Transactions.

(a) Except as authorized by means of regulations, rulings, instructions, licenses or otherwise, no person subject to the jurisdiction of the United States shall, directly or indirectly, in any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

(1) Make available any new deposit facilities or allow substantial increases in existing non-dollar deposits.

(2) Allow more favorable terms of payment than customarily used in international commercial transactions.

(3) Fail to act in a business-like manner in exercising any rights when payments due on existing credits or loans are not made in a timely manner, provided the exercise of such rights is not otherwise prohibited by this part.

(b) The prohibitions contained in paragraph (a) of this section shall not apply to transactions by any person subject to the jurisdiction of the United States which is a non-banking association, corporation or other organization organized and doing business under the laws of any foreign country. The U.S. parent of any such person must report to the Office of Foreign Assets Control any prospective transaction with Iran contained in paragraph (a) of this section ten days before any subsidiary enters into such a transaction.

4. Section 535.207 is added as follows:

§ 535.207 Trade, shipping and service transactions.

(a) All of the following transactions are prohibited, except as authorized by means of regulations, rulings, instructions, licenses or otherwise:

(1) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine or supplies intended strictly for medical purposes, and donations of clothing intended to be used to relieve human suffering, from the United States, or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran, or any other person or body for the purposes of any enterprise carried on in Iran.

(2) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned by or under charter to a person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities or products covered by paragraph (a) of this section which are consigned to or destined for Iran, an Iranian governmental entity, or any person or body in Iran, or to any enterprise carried on in Iran.

(3) The shipment from the United States of items, products or commodities covered by paragraph (a) of this section on vessels or aircraft registered in Iran.

(4) The engaging, by any person subject to the jurisdiction of the United States, in any service contract in support of industrial projects in Iran, except any such contracts entered into prior to the effective date or concerned with the provision of medical services.

(b) The prohibitions contained in paragraph (a) of this section shall not apply to transactions by any person subject to the jurisdiction of the United States which is a non-banking association, corporation or other organization organized and doing business under the laws of any foreign country. The U.S. parent of any such person must report to the Office of Foreign Assets Control any transaction with Iran contained in paragraph (a) of this section ten days before any subsidiary enters into such a transaction.

5. Section 535.208 is added as follows:

§ 535.208 Evasions; effective date.

(a) Any transaction for the purpose of, or which has the effect of, evading or avoiding any of the prohibitions set forth in this subpart is hereby prohibited.

(b) The term "effective date" means, with respect to transactions prohibited in § 535.201, 8:10 a.m. eastern standard time, November 14, 1979, and with respect to the transactions prohibited in §§ 535.206 and 535.207, 4:19 p.m. eastern standard time, April 7, 1980.

6. Subpart C is amended by the addition of §§ 535.308 and 535.331 as follows:

Subpart C—General Definitions

* * * * *

§ 535.308 Person.

The term "person" means an individual, partnership, association, corporation or other organization.

* * * * *

§ 535.331 Food.

The term "food" as used in §535.207(a) shall include commodities directly consumed by humans or by animals when such animals are primarily used as a source of food.

7. Subpart D is amended by the addition of §§ 535.401, 535.402, 535.403, 535.419(e), 535.421, 535.422, 535.423, 535.424 and 535.425, as follows:

Subpart D—Interpretations

§ 535.401 Reference to amended sections.

Reference to any section of this part or to any regulation, ruling, order, instruction, direction or license issued pursuant to this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 535.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to section 203 of the International Emergency Economic Powers Act shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation and all penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 535.403 Termination and acquisition of an interest of Iran or an Iranian entity.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from Iran or an Iranian entity, such property shall no longer be deemed to be property in which Iran or an Iranian entity has or has had an interest, unless there exists in the property another such interest the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization contained in or issued pursuant to this part, if property (including any property interest) is transferred to Iran or an Iranian interest, such property shall be deemed to be property in which there exists an interest of Iran or an Iranian entity.

§ 535.419 Extensions of credit to Iran.

* * * * *

(e) The prohibition in § 535.201 does not apply to extensions or renewals of credits to Iran or an Iranian entity by any person subject to the jurisdiction of the United States which is a non-banking association, corporation or other organization organized and doing business under the laws of any foreign country.

* * * * *

§ 535.421 Prior contractual commitments not a basis for licensing.

Specific licenses are not issued on the basis that an unlicensed firm commitment or payment has been made in connection with a transaction prohibited by this part. Contractual commitments to engage in transactions subject to the prohibitions of this part

should not be made, unless the contract specifically states that the transaction is authorized by general license or that it is subject to the issuance of a specific license.

§ 535.422 New deposit facilities.

(a) The prohibition contained in § 535.206(a) includes the opening of any new accounts as well as the acceptance of non-dollar deposits in any existing accounts where the resulting balance would be substantially greater than that existing on the effective date.

(b) A balance is substantially greater if it is more than 10% greater than the average daily balance during the six-month period prior to the effective date of § 535.206.

(c) An account is not a new account if it is established as a result of a transfer authorized by § 535.508 or otherwise licensed under this part.

§ 535.423 Customary international commercial terms.

(a) § 535.206(b) prohibits the sale to Iran, any Iranian entity or any person in Iran of any commodity on conditions markedly different from those customarily offered by other sellers of that commodity in terms of price, method of payment and time of payment.

(b) This section shall not be construed to authorize any transaction which is otherwise prohibited by this part.

§ 535.424 Service contracts in support of industrial projects in Iran.

Specific licenses to enter into any service contract in support of any enterprise in Iran will be considered on a case-by-case basis. No service contract should be entered into without a specific license.

§ 535.425 Iranian enterprise.

For purposes of § 535.206, the term "enterprise" means any business or commercial activity or venture of any kind whatsoever, whether operated or organized as a corporation, partnership, joint venture, association, sole proprietorship, or otherwise.

8. Subpart E is amended by the revocation of § 535.533, and the addition of §§ 535.572 and 535.574, as follows:

Subpart E—Licenses

* * * * *

§ 535.533 [Revoked]

* * * * *

§ 535.572 Authorization of exports of certain types of goods to Iran.

All transactions not inconsistent with § 535.419 and ordinarily incident to the export to Iran of the following types of goods are hereby authorized:

(a) Medicines and supplies intended strictly for medical purposes.

(b) Food.

(c) Donations of clothing intended to be used to relieve human suffering.

§ 535.574 Service contracts in support of telecommunications in Iran.

Specific licenses will be considered for transactions incident to telecommunications with Iran.

§ 535.903 [Revoked]

9. Section 535.903 is revoked.

(Secs. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099.)

Dated: April 7, 1980.

Stanley L. Sommerfield,

Director.

Approved:

Richard J. Davis,

Assistant Secretary.

[FR Doc. 80-10805 Filed 4-7-80; 5:11 pm]

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Part IX

Department of State

Travel Documentation; Additional Requirements Imposed on Nationals of Iran and Revocation of Certain Nonimmigrant Visas

DEPARTMENT OF STATE

22 CFR Part 46

[Dept. Reg. 108.787]

Additional Requirements in the Case of Certain Nonimmigrant Aliens

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: A new § 46.8 is added to Part 46 of Title 22 to impose certain additional requirements on nationals of Iran, other than Iranian Government officials travelling on Government business to the United Nations. These requirements shall apply to both the bearers of immigrant and nonimmigrant visas issued prior to April 7, 1980, and applicants for immigrant or nonimmigrant visas on and after that date. A previously-issued visa will not meet the requirements of section 212 (a)(20) or (28)(B), as applicable, of the Immigration and Nationality Act, as amended, unless it has been presented to a consular officer on or after April 7, 1980, and the consular officer has endorsed the visa.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully III, Acting Director, Office of Legislation, Regulations and Advisory Assistance, Visa Services, Bureau of Consular Affairs, Department of State, (202) 632–1980.

SUPPLEMENTARY INFORMATION: Section 215(a)(1) (92 Stat. 971, 8 U.S.C. 1185) of the Immigration and Nationality Act, as amended, authorizes the President to promulgate "reasonable rules, regulations, and orders" respecting the entry of aliens into the United States and to subject such entry to "such limitations and exceptions as he may prescribe." The President has delegated this power to the Secretary of State, subject to the concurrence of the Attorney General.

In light of the fact that the Government of Iran has failed to resolve the hostage crisis, it is in the national interest to review all outstanding visas and further to restrict the entry of Iranians into the United States. Many nationals of Iran outside the United States are bearers of valid visas. Action to prevent the use of these visas is therefore necessary. Similar action to limit the issuance of visas to Iranians is also necessary. For this reason a new § 46.8 is added to Part 46 of Title 22 requiring presentation of previously-issued immigrant and nonimmigrant visas, other than those issued pursuant to section 101(a)(15)(G), to a consular officer for endorsement.

A visa issued to a national of Iran prior to April 7, 1980, not appropriately endorsed will not be valid for travel to the United States. Adjudication of new applications for visas on or after April 7, 1980, will be subject to the same conditions as those affecting indorsement of previously-issued visas.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. Part 46 is amended by adding at the end thereof a new § 46.8 to read as follows:

§46.8 Documentation of certain Iranian nationals seeking entry into the United States.

(a) An inmigrant or nonimmigrant visa, other than one issued pursuant to section 101 (a)(15)(g), of the Act, issued prior to April 7, 1980, to a national of Iran shall not be valid within the meaning of section 212(a) (20) or (28)(B), as applicable, of the Immigration and Nationality Act unless such visa shall have been presented to a consular officer on or after April 7, 1980, and the consular officer shall have endorsed the visa in the manner prescribed by the Department of State.

(b) The issuance of immigrant and nonimmigrant visas to nationals of Iran, on or after April 7, 1980, other than those issued pursuant to section 101(a)(15)(G), shall be subject to the same conditions as those affecting endorsement of previously-issued visas.

(Sec. 215(a)(1), Immigration and Nationality Act, (92 Stat. 971, 8 U.S.C. 1185) and delegation of authority of November 26, 1979, as amended April 7, 1980)

Dated: April 7, 1980.

Cyrus R. Vance,

Secretary of State.

Concurrence:

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-10044 Filed 4-8-80; 11:55 am]

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DEPARTMENT OF STATE

Bureau of Consular Affairs

[Public Notice 710]

Revocation of Certain Nonimmigrant Visas

Notice is hereby given that on this date the Secretary of State, acting in pursuance of the authority conferred on him by section 221(i) of the Immigration and Nationality Act, has revoked all nonimmigrant visas issued to nationals of Iran pursuant to section 101(a)(15)(A) of the Immigration and Nationality Act.

This action has been taken in connection with the termination of relations between the United States and Iran. The termination of relations is necessary because of the continuing failure by the Government of Iran to put an end to the unlawful detention of United States citizens in Tehran, Iran.

Dated: April 7, 1980.

Barbara M. Watson,

Assistant Secretary for Consular Affairs.

[FR Doc. 80-10045 Filed 4-8-80; 11:55 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going into Effect Today

ENERGY DEPARTMENT

15468 3–10–80 / Federal loan guarantees for alternative fuel demonstration facilities

INTERIOR DEPARTMENT

Heritage Conservation and Recreation Service—

15456 3–10–80 / Urban Park and Recreation Recovery Act of 1978; Local Recovery Action Program

Deadlines for comments on Proposed Rules for the week of April 13 through April 19, 1980

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

9943 2–14–80 / 1980 crop honey price support program planning; comments by 4–14–80

Farmers Home Administration—

10240 2–14–80 / Rural housing loan policies, procedures and authorizations; comments by 4–14–80

Rural Electrification Administration—

16496 3–14–80 / Advance notice of proposed program to permit deferment of principal repayments to achieve energy conservation; comments by 4–14–80

10356 2–15–80 / Specification for television station protectors; revision of existing bulletin; comments by 4–15–80

CIVIL AERONAUTICS BOARD

14062 3–4–80 / Insurance requirements for U.S. and foreign air carriers; comments by 4–15–80

[*See also* 45 FR 7566, 2–4–80]

COMMERCE DEPARTMENT

International Trade Administration—

13070 2–28–80 / Defense materials system and defense priorities system; schedule changes; comments by 4–15–80

National Oceanic and Atmospheric Administration—

20143 3–27–80 / Foreign fishing; proposed waiver of fees; comments by 4–15–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

10746 2–15–80 / Sale and direct industrial use of natural gas for outdoor lighting; proposed amended definition and guidance on exemptions; comments by 4–15–80

Federal Energy Regulatory Commission—

11817 2–22–80 / Revised requirements for filing changes in electric rate schedules and for the preparation and submittal of supporting data; comments by 4–14–80

[Corrected at 45 FR 13122, 2–28–80]

Office of the Secretary—

17560 3–18–80 / Foreign gifts and decorations; policies for department employees; comments by 4–17–80

ENVIRONMENTAL PROTECTION AGENCY

3316 1–17–80 / Aerial application of pesticides; comments by 4–17–80

17044 3–17–80 / Air pollution; state implementation plans; Missouri; comments by 4–16–80

17043 3–17–80 / Air pollution; state implementation plans; Illinois; comments by 4–16–80

9953 2–14–80 / California state implementation plan revisions; comments by 4–14–80

16209 3–13–80 / Health and safety data reporting; submission of lists and copies of health and safety studies; comments extended to 4–14–80

[Originally published at 44 FR 77470; 12–31–79]

16207 3–13–80 / Pennsylvania state implementation plan; amendment to air resources rules; comments by 4–14–80

11141 2–20–80 / Petroleum refining point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments extended to 4–10–80

[Originally published at 44 FR 75926, 12–21–79]

16502 3–14–80 / Revisions to California Bay area air quality management district's and Ventura County air pollution control district's emergency episode plans; comments by 4–14–80

16207 3–13–80 / Tennessee: approval and promulgation of implementation plans; revised SO_2 limits; comments by 4–14–80

FARM CREDIT ADMINISTRATION

9944 2–14–80 / Loan policies and operations; comments by 4–14–80

FEDERAL COMMUNICATIONS COMMISSION

14075 3–4–80 / Domestic public land mobile radio service; air-ground assignment to Tallahassee, Fla.; reply comments by 4–18–80

13145 2–28–80 / FM broadcast station in Anchorage, Alaska; table of assignments changed; comments by 4–15–80

13148 2–28–80 / FM broadcast stations assigned to Lakeport and Williams, Calif.; comments by 4–15–80

6967 1–31–80 / FM broadcast station in Snowmass Village, Colo.; changes in table of assignments; reply comments by 4–14–80

13144 2–28–80 / FM broadcast station assigned to Bettendorf, Iowa; comments by 4–15–80

6970 1–31–80 / FM broadcast station in Boyce, La.; changes in table of assignments; reply comments by 4–14–80

6972 1–31–80 / FM broadcast station in Centralia, Mo.; changes in table of assignments; reply comments by 4–14–80

13147 2–28–80 / FM broadcast stations in Central City, Nebr. and Yankton, S.D.; table of assignments changed; comments by 4–15–80

6968 1–31–80 / FM broadcast station in Mt. Vernon, Ohio; changes in table of assignments; reply comments by 4–14–80

6633 1–29–80 / FM broadcast station in Commerce, Tex.; proposed changes in table of assignments; reply comments by 4–14–80

7269 2–1–80 / Granting a general exemption from certain radiotelegraph requirements; comments by 4–18–80

17611 3–19–80 / Implementing the provisions of Chapter 4 of the 1974 Safety Convention pertaining to radio equipment required on compulsorily fitted vessels; comments by 4–14–80

14074 3–4–80 / Public mobile radio services provisions; revision and update of rules; reply comments by 4–15–80

13149 2–28–80 / Television broadcast station assigned to Danville, Ky.; comments by 4–15–80

13150 2–28–80 / Television broadcast station reassigned to Mansfield, Ohio from Marion, Ohio; comments by 4–15–80

6126 1–25–80 / Television broadcast station in Portland, Ore.; channel assignment; reply comments by 4–17–80

13152 2–28–80 / Television broadcast stations in El Paso, Tex.; table of assignments changed; comments by 4–15–80

16496 3–14–80 / Rules of practice for adjudicative proceedings—labor organizations; comments by 4–14–80

FEDERAL TRADE COMMISSION

16497 3–14–80 / Proposed provision and staff report on games of chance in the food retailing and gasoline industries; comments period extended to 4–14–80

[Originally published at 40 FR 12832, 2–27–80]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

10379 2–15–80 / Rules and regulations governing public buildings and grounds and procedures to be followed in permitting the occasional use of public buildings by members of the public; comments by 4–15–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Health Care Financing Administration—

10382 2–15–80 / Medicare Programs; Home Health Agencies' requirements; comments by 4–15–80

9953 2–14–80 / Medicare program; Provider reimbursement review board procedures; comments by 4–14–80

National Institute of Education—

13135 2–28–80 / Grants for research on knowledge use and school improvement; comments by 4–14–80

Public Health Service—

9298 2–12–80 / Program grants for black lung clinics; comments by 4–14–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Community Planning and Development Office—

9730 2–13–80 / Community Development Block Grants; Performance Report and Related Revisions; interim Rule; comments by 4–14–80

Community Planning and Development, Office of Assistant Secretary—

10740 2–15–80 / Community development block grants; modification to urban development action grant rules to accommodate communities containing pockets of poverty; comments by 4–15–80

Federal Housing Commissioner, Office of the Assistant Secretary for Housing—

9948 2–14–80 / Addition of water conservation requirements to HUD minimum property standards; comments by 4–14–80

9748 2–13–80 / Section 202 Loans for Housing for the Elderly or Handicapped; comments by 4–14–80

[Corrected at 45 FR 11513, 2–21–80]

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

14881 3–7–80 / Announcement of receipt of permanent program submission from State of Ohio; comments by 4–16–80

14598 3–6–80 / Receipt of permanent program submission from State of Iowa; comments by 4–15–80

14599 3–6–80 / Receipt of permanent program submission from State of Okla.; comments by 4–17–80

15578 3–11–80 / Receipt of permanent program submission from State of Tenn.; comments by 4–15–80

15580 3–11–80 / Receipt of permanent program submission from State of Indiana; comments by 4–15–80

15583 3–11–80 / Receipt of permanent program submission from State of Illinois; comments by 4–15–80

Surface Mining Office—

15947 3–12–80 / Receipt of permanent program submission from the State of Alabama; comments by 4–16–80

15948 3–12–80 / Receipt of permanent program submission from the State of Kentucky; comments by 4–17–80

Water and Power Resources Service—

17165 3–18–80 / Sale of replacement farm units to Teton flood victims; comments by 4–17–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

9293 2–12–80 / Suppliers of commodity and commodity-related services ineligible for A.I.D. financing; comments by 4–14–80

INTERSTATE COMMERCE COMMISSION

13480 1–29–80 / Adoption of sampling procedures to collect motor carriers commodity statistics; comments by 4–14–80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

9289 2–12–80 / Proposed limitations on import of narcotic raw materials; comments by 4–14–80

Justice Assistance, Research and Statistics Office—

13902 3–3–80 / Financial and Administrative guide for grants; comments by 4–17–80

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

9302 2–12–80 / Solicitation provisions and contract clauses; comments by 4–16–80

NUCLEAR REGULATORY COMMISSION

13104 2-28-80 / Disposal of low-level radioactive waste; availability of preliminary draft regulation; comments by 4-14-80

10360 2-15-80 / Domestic licensing of production and utilization facilities; comments by 4-15-80

POSTAL SERVICE

17164 3-18-80 / Official mail; revised procedures for handling postage meters used by Federal agencies; comments by 4-17-80

SECURITIES AND EXCHANGE COMMISSION

5972 1-24-80 / Annual report form; integration of Securities Acts Disclosure Systems; comments by 4-15-80

17024 3-17-80 / Broker-dealers; recordkeeping requirements; comments by 4-18-80

5934 1-24-80 / Business Combination Transactions; comments by 4-15-80

15942 3-12-80 / Notice obligations of self-regulatory organizations with respect to final disciplinary actions, denials, bars, or limitations respecting membership, association, participation or access to services, and summary suspensions; comments by 4-18-80

TRANSPORTATION DEPARTMENT

Coast Guard—

13962 3-3-80 / Electrical engineering provisions; revision of regulations; comments by 4-17-80

Federal Aviation Administration—

3316 1-17-80 / Aerial application of pesticides; comments by 4-17-80

4314 1-21-80 / Metropolitan Washington Airports; comments by 4-15-80

9044 2-14-80 / Summary of rulemaking positions received and dispositions of petitions denied; comments by 4-14-80

Urban Mass Transportation Administration—

13994 3-3-80 / Emergency stockpiling of buses; policy and guidelines; comments by 4-16-80

TREASURY DEPARTMENT

Customs Service—

10365 2-15-80 / Establishment, on a two year experimental basis of a new customs port of entry at Huntsville, Alabama, in the Mobile, Alabama, customs district; comments by 4-15-80

Office of the Secretary—

17160 3-18-80 / Regulations on post employment conflict of interest; comments by 4-17-80

WAGE AND PRICE STABILITY COUNCIL

17125 3-18-80 / Anti-inflationary pay and price standards; procedural rules; data requests; miscellaneous amendments; comments by 4-17-80

Deadline for Comments on Proposed Rules for the Week of April 20 through April 26, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

15880 3-11-80 / Animal welfare: revision of standards for the humane handling, care, treatment, and transportation of dogs and cats; comments by 4-25-80

Animal and Plant Health Inspection Service—

16394 3-21-80 / Indeminty payment provisions for cattle destroyed because of brucellosis; comments by 4-21-80

Food Safety and Quality Service—

10810 2-19-80 / Food labeling; tentative positions; comments by 4-21-80

[Originally published at 43 FR 25298; 6-9-78]

11815 2-22-80 / Freedom of information procedures; comments by 4-22-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

10800 2-19-80 / Commercial tanner crab fishery off coast of Alaska; amendment to fishery management plan; comments by 4-20-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

21196 3-31-80 / Mandatory petroleum allocation; crude oil buy/sell program; comments by 4-15-80

ENVIRONMENTAL PROTECTION AGENCY

19278 3-25-80 / Alabama; proposed revision of emergency episode plan and oxidant alert level; comments by 4-24-80

18407 3-21-80 / Missouri; State Implementation Plan revision correction; comments by 4-21-80

19282 3-25-80 / Propanil; proposed tolerances; comments by 4-24-80

19277 3-25-80 / Proposal conditional approval of Texas State Implementation Plan; comments by 4-24-80

FEDERAL COMMUNICATIONS COMMISSION

19578 3-26-80 / Adding frequency channeling requirements and restrictions and requiring monitoring for signal leakage from cable television systems; comments by 4-25-80

16214 3-13-80 / American Telephone and Telegraph Co.; private line rate structure and volume discount practices; replies to counter proposals by 4-23-80

[*See also* 45 FR 13139, 2-28-80 and 45 FR 16214, 3-13-80]

3064 1-16-80 / Establishment of automated, interconnected maritime ship/shore communications system on the Mississippi River System; reply comments by 4-23-80

[Corrected at 45 FR 13477, 2-29-80; 45 FR 17042, 3-17-80

8673 2-8-80 / FM assignment to Big Rapids, Mich., comments by 4-21-80

9023 2-11-80 / FM Broadcast Stations in Blue Ridge, Ga. and Murphy, N.C.; changes in tables of assignments; reply comments by 4-24-80

14076 3-4-80 / FM table of assignments; Columbia, Jamestown, and Smiths Grove, Ky.; comments by 4-21-80

19279 3-25-80 / FM table of assignments; Effingham, Ill.; reply comments by 4-21-80

[Originally published at 45 FR 6122, 1-16-80]

9022 2-11-80 / FM Broadcast Station in Hudson Falls, N.Y.; changes in table of assignments; reply comments by 4-24-80

9755 2-13-80 / FM Broadcast Station in Los Osos-Baywood Park, Calif., proposed changes in table of assignments; reply comments by 4-21-80

14078 3-4-80 / FM table of assignments; Marshall and Robinson, Ill.; comments by 4-21-80

8674 2-8-80 / FM assignment to Olympia, Wash.; reply comments by 4-21-80

20142 3-27-80 / FM broadcast station, Snowmass Village, Colo.; comments by 4-24-80

19583 3-26-80 / Implementing a provision of the New (1974) Safety Convention regarding compulsory carriage of radar on board vessels of 1,600 tons gross tonnage and over; comments by 4-25-80

17611 3-19-80 / Implementing the provision of Chapter 4 of the 1974 Safety Convention pertaining to Radio equipment required on compulsorily fitted vessels; reply comments by 4-24-80

57636 10-5-80 / Inquiry and proposed rulemaking deregulation of radio; reply comments by 4-25-80

12446 2-26-80 / Public mobile radio services; elimination of financial qualifications; reply comments by 4-25-80

9024 2-11-80 / Television Broadcast station in Crossville, Tenn.; changes in table of assignments; reply comments by 4-24-80

FEDERAL DEPOSIT INSURANCE CORPORATION

10802 2-19-80 / Elimination of information contained on existing forms issued by FDIC to insured State nonmember banks; comments by 4-21-80

FEDERAL MARITIME COMMISSION

18991 3-24-80 / Rules of practice and procedure to limit application of certain provisions of the rule to vessel operating common carriers (VOCC's); comments by 4-23-80

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

18034 3-20-80 / Freedom of Information Act; implementation; comments by 4-21-80

FEDERAL TRADE COMMISSION

12261 2-25-80 / Commercial Lighting Products, Inc.; consent agreement; comments by 4-25-80

10810 2-19-80 / Food labeling; tentative positions of agencies; comments by 4-21-80

[Originally published at 43 FR 25298; 6-9-78]

18948 3-24-80 / 1977 line of business reports program and quarterly financial reports program; confidentially rules and procedures; comment period reopens to 4-23-80

[*See also* 44 FR 59552, 10-16-79]

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Child Support Enforcement Office—

10793 2-19-80 / Requirements for Federal funding of State and local acquisition of automatic data processing equipment and services; comments by 4-21-80

Education Office—

10821 2-19-80 / Grant regulations for Law School Clinical Experience Program; comments by 4-21-80

Food and Drug Administration—

11849 2-22-80 / Bioequivalence requirements for carbonic anhydrose inhibitors; comments by 4-22-80

75666 12-21-79 / Exocrine pancreatic insufficiency drug products for over-the-counter human use; establishment of a monograph; reply comments by 4-21-80

19265 3-25-80 / Exocrine pancreatic insufficiency drug products for over-the-counter human use; establishment of monograph; comments by 4-21-80

[*See also* 44 FR 75666, 12-21-79 and 45 FR 19266, 3-25-80]

10810 2-19-80 / Food labeling; tentative positions of agencies; comments by 4-21-80

[Originally published at 43 FR 25298; 6-9-78]

11842 2-22-80 / Sodium hydroxide and potassium hydroxide; proposed affirmation of GRAS status as direct human food ingredients; comments by 9-22-80

Health Care Financing Administration—

10793 2-19-80 / Requirements for Federal funding of State and local acquisitions of automatic data processing equipment and services; comments by 4-21-80

Human Development Services Office—

10793 2-19-80 / Requirements for Federal funding of State and local acquisitions of automatic data processing equipment and services; comments by 4-21-80

Office of the Secretary—

10820 2-19-80 / Publicizing adverse information to news media; procedures for obtaining retraction or correction; comments by 4-21-80

Social Security Administration—

10793 2-19-80 / Requirements for Federal funding of State and local acquisitions of automatic data processing equipment and services; comments by 4-21-80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

15584 3-11-80 / Receipt of permanent program submission from the State of Utah; comments by 4-21-80

14230 3-5-80 / Receipt of permanent program submission from the State of New Mexico; comments by 4-25-80

INTERSTATE COMMERCE COMMISSION

19585 3-26-80 / Common carrier status of States, State agencies and instrumentalities, and political subdivisions; comments by 4-25-80

19280 3-25-80 / Direct routes for regular route movements; comments by 4-24-80

12273 2-25-80 / No suspend zone—motor common carriers of property; comments by 4-25-80

11142 2-20-80 / Standards and expeditious procedures for establishing railroads rates based on seasonal, regional, or peak-period demand for rail services; comments by 4-21-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

10802 2-19-80 / Petition for rulemaking allowing closing and locking of flight crew compartment to be at discretion of captain; comments by 4-21-80

Research and Special Programs Administration—

18994 3-24-80 / Conversion of individual exemptions into regulations of general applicability; comments by 4-23-80

TREASURY DEPARTMENT

Internal Revenue Service—

5754 1-24-80 / Income tax; limitations on benefits and contributions under qualified plans; comments by 4-23-80

VETERANS ADMINISTRATION

18989 3-24-80 / Veterans education; proportionate reduction in monthly training assistance allowance less than 120 hours; comments by 4-23-80

Next Week's Meetings

ADMINISTRATIVE CONFERENCES OF THE UNITED STATES

20145 3-27-80 / Ratemaking and Economic Regulation Committee, Washington, D.C. (open), 4-14-80

AGRICULTURE DEPARTMENT

21325 4-1-80 / Food and Agricultural Sciences Joint Council, Executive Committee, Arlington, Va. (open), 4-16-80

Science and Education Administration—

21324 4-1-80 / Food and Agricultural Sciences Joint Council, Arlington, Va. (open), 4-16 through 4-18-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

18208 3-20-80 / Humanities Panel, Washington, D.C. (closed), 4-15 and 4-16-80

11965 2-22-80 / Humanities Panel, Washington, D.C. (closed), 4-18-80

21084 3-31-80 / Literature Panel, Washington, D.C. (open), 4-17 through 4-19-80

20253 3-27-80 / Media Arts Panel (Programming in the Arts), Washington, D.C. (closed), 4-17 and 4-18-80

CIVIL RIGHTS COMMISSION

17056 3-17-80 / Arkansas Advisory Committee, Little Rock, Ark. (open), 4-19-80

17066 3-17-80 / Connecticut Advisory Committee, Hartford, Conn. (open), 4-15-80

[Rescheduled at 45 FR 20967, March 31, 1980]

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19015 3-24-80 / Pennsylvania Advisory Committee, Pittsburgh, Pa. (open), 4-16-80

19015 3-24-80 / Washington Advisory Committee, Seattle, Wash. (open), 4-18-80

COMMERCE DEPARTMENT

International Trade Administration—

20988 3-31-80 / Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially closed), 4-17-80

20150 3-27-80 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (closed) 4-16-80

19595 3-26-80 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (partially open), 4-15-80

International Trade Administration—

20149 3-27-80 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 4-16-80

21068 4-2-80 / Export Administration Subcommittee of the President's Export Council, Washington, D.C. (open), 4-17-80

20989 3-31-80 / Management—Labor Textile Advisory Committee, Washington, D.C. (open), 4-17-80

19015 3-24-80 / Semiconductor Technical Advisory Committee, Washington, D.C., (partially open), 4-14-80

19594 3-26-80 / Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (closed), 4-15-80

19595 3-26-80 / Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (closed), 4-15-80

19596 3-26-80 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 4-15-80

CONSUMER PRODUCT SAFETY COMMISSION

20519 3-28-80 / Discussion of process of selection of chemicals for toxicological testing, Washington, D.C. (open), 4-18-80

DEFENSE DEPARTMENT

Air Force Department—

14915 3-7-80 / USAF Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed), 4-14 and 4-15-80

Army Department—

8332 2-7-80 / Historical Advisory Committee, Washington, D.C. (open), 4-18-80

17173 3-18-80 / Shoreline Erosion Advisory Panel, Alexandria, Va. (open), 4-15-80

Office of the Secretary—

18422 3-21-80 / DOD Advisory Group on Electron Devices, New York, N.Y. (closed), 4-15 and 4-16-80

20521 3-28-80 / Advisory Group on Electron Devices, New York, N.Y. (closed), 4-17 and 4-18-80

16524 3-14-80 / Defense Science Board Task Force on Acquisition Policy, Washington, D.C. (closed), 4-17 and 4-18-80

11874 2-22-80 / DOD Wage Committee, Washington, D.C. (closed), 4-15-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

21333 4-1-80 / Automotive Propulsion Research and Development; Fifth International symposium on Automotive Propulsions Systems, Dearborn, Mich. (open), 4-14 through 4-18-80

Energy Research Office—

21345 4-1-80 / Conservation Panel of the Energy Research Advisory Board, Washington, D.C. (open), 4-14 and 4-15-80

21700 4-2-80 / High Energy Physics Advisory Panel, Accelerator R&D subpanel, Stanford, Calif. (open), 4-18 and 4-19-20

Nuclear Energy Office—

21700 4-2-80 / Radioactive Waste Management State Planning Council, Arlington, Va. (open), 4-19 and 4-20-80

ENVIRONMENATAL PROTECTION AGENCY

18474 3-21-80 / National Air Pollution Control Techniques Advisory Committee, Raleigh, N.C. (open), 4-16 and 4-17-80

21702 4-2-80 / Science Advisory Board, Health Risk Assessment Subcommittee, Washington, D.C. (open), 4-18-80

FEDERAL COMMUNICATIONS COMMISSION

21037 3-31-80 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 4-17-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

16009 3-12-80 / Adult Education National Advisory Council, Kansas City, Mo. (open), 4-14 through 4-16-80

Food and Drug Administration—

19316 3-25-80 / Consumer Participation Meeting, Great Falls, Mont. (open), 4-17-80

19316 3-25-80 / Consumer Participation Meeting, Honolulu, Hawaii (open), 4-15-80

15673 3-11-80 / Consumer Participation Meeting, Nashville, Tenn. (open), 4-17-80

16316 3-25-80 / Consumer Participation Meeting, Winchester, Va. (open), 4-16-80

15675 3-11-80 / Miscellaneous Internal Drug Products Panel, Rockville and Bethesda, Md. (Open), 4-18 and 4-19-80

15675 3-11-80 / Ophthalmic; Ear, Nose, and Throat, Dental Devices Section; and Dental Devices Panel, Washington, D.C. (open), 4-14-80

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14251 3-5-80 / Migrant Health National Advisory Council, Rockville, Md. (open), 4-14 through 4-17-80

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19618 3-28-80 / Model State Adoption Act and Model Adoption Procedures (open):

Dallas, Tex., 4-14-80

Denver, Colo., 4-14-80

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11196 2-20-80 / Cancer National Advisory Board Working Group on Board Activities and Agenda, Bethesda, Md. (open), 4-17-80

13822 3-3-80 / National Institute of Dental Research Programs Advisory Committee, Bethesda, Md. (open), 4-15-80

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22193 4-3-80 / Ethics Advisory Board, Washington, D.C. (open), 4-15-80

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20503 3-28-80 / Consideration of reproposal of critical habitat for callipe silverspot butterfly, Millbrae, Calif. (open), 4-17-80

19660 3-26-80 / Proposal of critical habitat for the Palos Verdes blue butterfly, Palos Verdes, Calif., 4-18-80

19664 3-26-80 / Reproposal of critical habitat for the Oregon Silverspot butterfly, Newport, Oreg., 4-15-80

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20165 3-27-80 / California Desert Conservation Area, San Diego, Calif. (open), 4-17 and 4-18-80

21356 4-1-80 / Intensive Wilderness inventory, Nevada:

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11916 3-23-80 / Intergovernmental Planning Program's Gulf of Mexico Regional Technical Working Group, New Orleans, La. (open), 4-15 and 4-16-80

16130 3-20-80 / Outer Continental Shelf Advisory Board, North Atlantic Technical Working Group, Boston, Mass. (open), 4-15-80

15267 3-10-80 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 4-15-80

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16494 3-21-80 / Gateway National Recreation Area, Staten Island, N.Y. (open), 4-16-80

20577 3-28-80 / Santa Monica Mountains National Recreation Area Advisory Commission, Westwood, Calif. (open), 4-14-80

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20175 3-27-80 / East Gillette Mine, proposed mining and reclamation plans, Gillette, Wyo. (open), 4-17-80

14598 3-6-80 / Permanent program submission from State of Iowa, Des Monies, Iowa (open), 4-15-80

14230 3-5-80 / Permanent program submission from the State of New Mexico, Albuquerque, N. Mex., 4-15-80

14599 3-6-80 / Permanent program submission from State of Oklahoma, Oklahoma City, Okla. (open), 4-17-80

15581 3-11-80 / Receipt of Permanent Program submission from State of Colorado, Denver, Colo., (open), 4-17-80

15947 3-12-80 / Receipt of permanent program submission from the State of Alabama, Jasper, Ala., 4-14-80

15948 3-12-80 / Receipt of permanent program submission from the State of Kentucky, Madisonville, Ky., 4-16-80 and Pikeville, Ky. 4-17-80

15578 3-11-80 / Receipt of Permanent Program submission from State of Tennessee, Knoxville, Tenn. (open), 4-15-80

14883 3-7-80 / Review of permanent regulatory program submitted by State of Ohio, Columbus, Ohio (open), 4-16-80

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17647 3-19-80 / Latin America Regional Work Group, Washington, D.C. (open), 4-14-80

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21064 3-31-80 / Advisory Committee for Social and Economic Science; Subcommittee for Law and Social Sciences, Washington, D.C. (closed), 4-17 and 4-18-80

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4488 1-22-80 / Meeting, Washington, D.C. (open), 4-18-80

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17709 3-19-80 / Region III Advisory Council, Richmond, Va. (open), 4-17 and 4-18-80

17706 3-19-80 / Region IV Advisory Council, Columbia, S.C. (open), 4-15-80

17709 3-19-80 / Region IV Advisory Council, Owensboro, Ky. (open), 4-17 and 4-18-80

17708 3-19-80 / Region VIII Advisory Council, Ogden, Utah (open), 4-16-80

19708 3-26-80 / Region IX Advisory Council Meeting, Las Vegas, Nev. (open), 4-18-80

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19106 3-24-80 / Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee, Washington, D.C. (open), 4-15-80

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16435 3-13-80 / New and existing tank barges; prevention of oil pollution; workshop; Washington, D.C. (open), 4-15 and 4-16-80

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19109 3-24-80 / Safety, Bumper, and Consumer Information Program question and answer session, Ann Arbor, Mich. (open), 4-16-80

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17048 3–17–80 / Kentucky-Indiana interstate pollution abatement, Louisville, Ky., 4–17–80

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17822 3–19–80 / Archaeological Resources Protection Act of 1979, Knoxville, Tenn., 4–19–80

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17844 3–19–80 / Bannock-Oneida grazing draft environmental impact statement, Malad, Idaho, 4–15–80; Pocatello, Idaho, 4–16–80

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19697 3–26–80 / Fullerton-Kedzie Pharmacy, Inc., Chicago, Ill., 4–16–80

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14609 3–6–80 / Highway routing of radioactive materials, Seattle, Wash., 4–18–80

14609 3–6–80 / Highway routing of radioactive materials, Denver, Colo., 4–15–80

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9668 2–8–80 / Changes in deposit requirements for Social Security and withheld income taxes, Washington, D.C., 4–16–80

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

21126 3–31–80 / HEW/HDSO—Grants for State and Community Programs on Aging; effective 3–31–80

22494–22806 4–3–80 / HEW/OE issues Education Division General Administrative Regulations (EDGAR) regarding direct grant and State-administered programs, publishes 15 documents describing grant programs.

DEADLINES FOR COMMENTS ON PROPOSED RULES

21657 4–2–80 / HEW/NIE—Program of research grants on organization processes in education; comments by 5–19–80

21303 4–1–80 / HEW/OE—Direct grant programs, State-administered programs, and general regulations; comments by 6–2–80

22806 4–3–80 / HEW/OE—Selection criteria for fiscal year 1981 grants and contracts; comments by 6–2–80

22880 4–3–80 / HEW/OE—State Leadership Programs; comments by 6–2–80

21405 4–1–80 / Justice/LEAA—Violent Juvenile Offender Research and Development Program; request for comments on proposed guideline; comments by 5–1–80

APPLICATIONS DEADLINES

22190 4–3–80 / HEW/OE—Community Education Program; closing date for submission of applications extended from 5–10–80 to 6–30–80

22191 4–3–80 / HEW/OE—Cooperative Education Program; apply by 5–22–80

22192 4–3–8 / HEW/OE—Emergency Adult Education Program for Indochina Refugees; apply by 6–16–80

21755 4–2–80 / Justice/LEAA—Announcement of a solicitation for applications to conduct the evaluation component of the Office of Juvenile Justice and Delinquency Prevention's Prevention of Delinquency through Alernative Education Program; apply by 6–6–80

21755 4–2–80 / Justice/LEAA—Solicitation for applicants to conduct the evaluation component of the Office of Juvenile Justice and Delinquency Prevention, Violent Juvenile Offender Research and Development Program; apply by 6–9–80

22309 4–3–80 / Justice/NIJ—Pre-Indictment Decision Making; competitive research solicitation; proposals by 5–23–80

22310 4–3–80 / Justice/NIJ—Role of Grand Jury; competitive research solicitation; proposals by 5–17–80

21409 4–1–80 / Justice/NIJ—Supervised Release Program Test Design; competitive research cooperative agreement program; papers by 5–30–80

21600 4–1–80 / USDA/SEA—Native Latex Research Grants Program for fiscal year 1980; apply by 5–19–80

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21355 4–1–80 / HEW/HRA—Nurse Training National Advisory Council, Hyattsville, Md. (partially closed), 5–19 through 5–21–80

21416 4–1–80 / NSF—Engineering and Applied Science Advisory Committee, Subcommittee for applied Physical, Mathematical, and Biological Sciences and Engineering, Washington, D.C. (closed), 4–21 and 4–22–80

21416 4–1–80 / NSF—Engineering and Applied Science Advisory Committee, Subcommittee for Applied Social and Behavioral Sciences, Washington, D.C. (closed), 4–24 and 4–25–80

21437 4–1–80 / Truman, Harry S, Scholarship Foundation—Board of Trustees, Washington, D.C. (open), 4–14–80

OTHER ITEMS OF INTEREST

21663 4–2–80 / Action—final notice of guidelines for State Office of Voluntary Citizen Participation (S/OVCP Program Grants); effective 5–19–80

21041 3–31–80 / HEW/OE—Special Services for Disadvantaged Students; Transmittal of Applications for National Demonstration Projects for FY 1980

21414 4–1–80 / LSC—Legal Services of North Eastern Wisconsin, Green Bay, Wis. consideration of grant application

21414 4–1–80 / LSC—Western Wisconsin Legal Services, LaCrosse, Wis.; consideration of grant application

21416 4–1–80 / NSF—Renewal of Alan T. Waterman Award Committee

22320 4–3–80 / OMB—Agency forms under review; HEW/NIE Survey on Training needs and HEW/HDSO Information Collection and Research Evaluation Form

21636 4–2–80 / OMB—Circular 102; Uniform requirements for grants to State and local governments; effective 3–17–80

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Center, 617–223–7121.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions).
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemello, 212–264–3514.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m.
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; at 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m.
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m.
WHERE: Room 125, Hale Boggs Federal Bldg 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504–589–6601.

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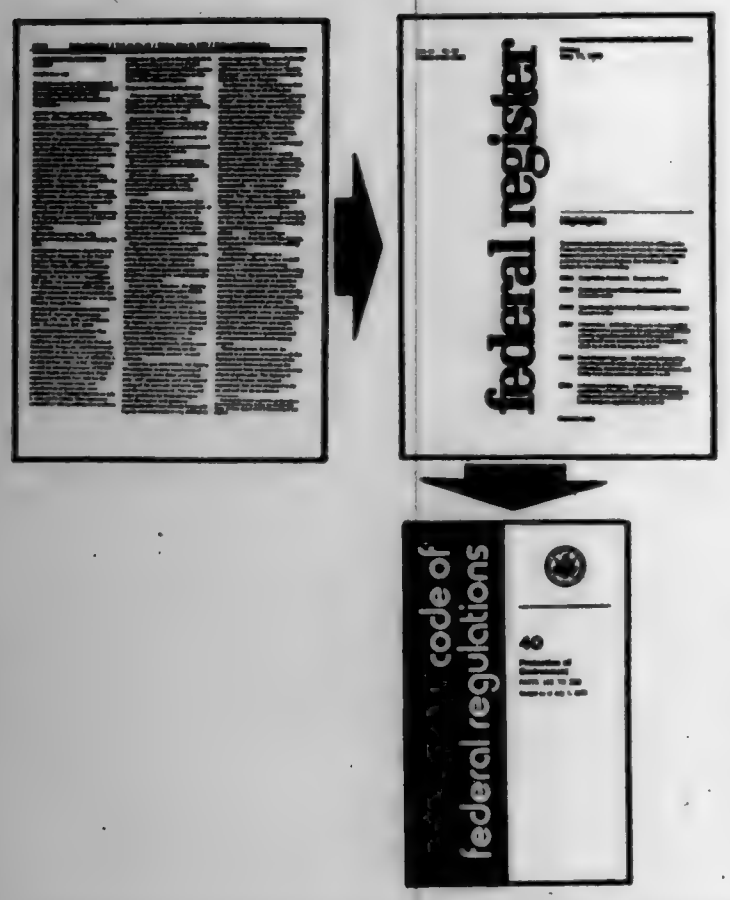

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Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in **Reader Aids** section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; Salt Lake City, Utah; Seattle, Wash.; Chicago, Ill.;** and **New Orleans, La.;** see announcement in the **Reader Aids** section at the end of this issue.

24849 **Iranian Nationals and Citizens** State and Justice/INS restrict transit without visa privileges; effective 4-7-80 (Part VI of this issue) (2 documents)

24842 **Credit Restraint** FRS amends rules restraining certain types of consumer credit; effective 4-2-80 (Part V of this issue)

24702 **Financial Distress Grants** HEW/PHS and HRA announces applications for fiscal year 1981 grants; apply by 5-16-80

24832, 24834 **Neighborhood Self-Help Development Project** HUD/NVACP announces Rural and Urban Cycles II competitive solicitation for grants; applications between 4-1-80 and 7-15-80 (2 documents) (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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24731 Minority Employment in Criminal Justice System Justice/NIJ solicits papers to conduct national assessment; preliminary proposals by 6–13–80, formal application by 7–11–80

24838 End-Stage Renal Dialysis Facilities HEW/HCFA revokes requirements for emergency generator and ground fault interrupters; effective 4–10–80 (Part IV of this issue)

24444, 24842 Consumer Credit FRS issues rules to establish national uniformity regarding changes in account terms and payment of existing account balances; effective 4–2–80 (2 documents)

24802 Rehabilitation Loan Program HUD/CPD requests comments on proposed rules regarding administrative procedures, and issues rules regarding displaced tenants; comments by 6–9–80, effective 5–12–80 (2 documents) (Part II of this issue)

24515 Motorcycle Controls and Displays DOT/NHTSA proposes to amend Federal Motor Vehicle Safety Standards; comments by 5–12–80

24471 Lifesaving Equipment DOT/CG add requirement for exposure suits for vessels operating on Great Lakes; effective 4–10–80, comments by 5–12–80

24492 Cooperative Marketing Associations CCC proposes eligibility requirements for price support; comments by 6–9–80

24505 Skid Resistant Pavement DOT/FHWA proposes policies, guidelines and criteria for surface design and use; comments by 6–9–80

24458 Phosphate Rock, Phosphoric Acid and Phosphatic Fertilizer Commerce/ITA announces general policy to deny licenses to export and authorizations to reexport to U.S.S.R.; effective 2–25–80, comments by 5–12–80

24499 Food Retailing and Gasoline Industries FTC announces availability of Presiding Officer's Report on games of chance; comments by 5–12–80

24754, 24755 Privacy Act Documents Treasury/Sec'y (3 documents)

24756 Sunshine Act Meetings

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24832 Part III, HUD/NVACP
24838 Part IV, HEW/HCFA
24842 Part V, FRS
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Vol. 45, No. 71
Thursday, April 10, 1980

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 20

[Amdt. 5]

Export Sales Reporting of Cattle Hides and Skins

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Export Sales Reporting regulations (7 CFR Part 20) to provide for reporting of export sales of cattle hides and skins. This rule also establishes, for possible use by the Department in the future, a monthly reporting procedure with respect to any commodity. The collection of data with respect to export sales of cattle hides and skins is required by Section 7(g) of the Export Administration Act of 1979 (Pub. L. 96–72), hereinafter referred to as "Act".

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Finkbeiner, Director, Export Sales Reporting Division, FAS, Room 4919—South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–5851. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant".

On December 18, 1979, the Foreign Agricultural Service published proposed amendments of the Export Sales Reporting regulations (44 FR 74842) to provide for (i) the reporting of export sales of cattle hides and skins and (ii) the establishment of a monthly reporting procedure with respect to any commodity for possible use by the Department in the future. Reporting of export sales of cattle hides and skins is required by Section 7(g) of the Act. Section 7(g) provides that "The Secretary of Agriculture, shall by exercising the authorities which the Secretary of Agriculture has under other applicable provisions of law, collect data with respect to export sales of animal hides and skins". The legislative history of this section indicates that the intent of The Congress was to collect data on export sales of only cattle hides and skins and that this be accomplished under the mandatory reporting requirements of Section 812 of the Agricultural Act of 1970, as amended (7 U.S.C. 612c–3) (hereinafter referred to as "Section 812").

Comments on the Department's proposals were requested and a total of 72 comments were received during the 0 day comment period.

The commentators represented a wide range of domestic and foreign hide and leather interests and included Members of Congress. Of the 72 responses reviewed, 61 generally favored the reporting requirements for cattle hides and skins, 9 expressed opposition to such requirements and two made no specific comment. No comment was received indicating that Section 7(g) of the Act did not require mandatory reporting for cattle hides and skins under Section 812.

With regard to the frequency of reporting export sales of cattle hides and skins, 58 commentators strongly favored weekly reporting, 10 recommended monthly reporting and 4 expressed no position. The commentators supporting the monthly reporting procedure believed it would meet the need for the statistical data required by Section 7(g) of the Act as well as minimize the reporting and recordkeeping burden on the cattle hide industry.

The Secretary is authorized under Section 812 to implement a monthly reporting system for any agricultural commodity if he determines that certain criteria have been met. The Department's evaluation of the cattle hide trade indicates that the only criterion satisfied at the present time is that domestic supply is substantially in excess of domestic requirements. Consequently, the Secretary cannot implement a monthly reporting requirement for cattle hides and skins at this time.

The final rule provides for the weekly reporting of cattle hides and skins by adding them to the list of commodities subject to reporting contained in Appendix I of the Export Sales Reporting Regulations. Also, the rules regarding the general procedure for monthly reporting are adopted as proposed.

All individuals or firms engaged in the export of cattle hides and skins are solely responsible for reporting any and all information required by the Export Sales Reporting regulations. Any individual or firm with reporting responsibility should contact the Export Sales Reporting Division to obtain complete program information, a supply of reporting forms and a reporting "firm number". Others interested in receiving program information may also contact the Export Sales Reporting Division.

Final Rule

Accordingly, Part 20 of Subtitle A of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 20.6 is amended by adding at the end of paragraph (b) a new sentence and adding after the third sentence in paragraph (k)(2) a new sentence to read as follows:

§ 20.6 Submission of reports.

* * * * *

(b) *Monthly reports.* * * * The forms specified in paragraph (a) of this section shall be utilized to furnish the information required to be reported monthly and such information shall be filed in the manner and at the time required by § 20.6(k).

* * * * *

(k) *Manner of and time of reporting.* * * *

(2) *Time of filing reports.*

* * * Information required to be reported monthly must be received in the office specified in § 20.10 no later than 5:00 p.m., Eastern time, the fourth business day following the end of the reporting month, or such other time as may be approved in advance by that office, setting forth the required information as to export sales transactions made during the reporting

month ending midnight the last day of such month.

2. Section 20.7 is amended by adding a sentence at the end thereof to read as follows:

§ 20.7 Confidentiality of reports.

* * * Information from monthly reports filed by exporters will be compiled and published in compilation form in the weekly report no later than the week following the time of filing specified in § 20.6(k).

3. Appendix I is amended by adding at the end thereof the following under the indicated column headings:

Appendix I—Commodities Subject to Reports, Units of Measure To Be Used in Reporting, and Beginning and Ending Dates of Marketing Years

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
* * * * *			
Cattle hides and skins:			
Whole cattle hides	Pieces	Jan. 1	Dec. 31.
Whole calf skins	Pieces	Jan. 1	Dec. 31.
Whole kip skins	Pieces	Jan. 1	Dec. 31.
Cut into croupons, crops, dossets, sides, butts, or butt bends.	Pieces	Jan. 1	Dec. 31.
Other	Pounds	Jan. 1	Dec. 31.

Sec. 812, Pub. L. 91–524, as added by Pub. L. 93–86, § 1(27)(B), 87 Stat. 238 (7 U.S.C. 612c–3); sec. 7(g), Pub. L. 96–72, 93 Stat. 519 (50 U.S.C. app. 2406(g))

Issued at Washington, D.C., this 4th day of April 1980.

Thomas R. Hughes,

Administrator, Foreign Agriculture Service.

[FR Doc. 80-10786 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 3, Amdt. 9]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers to U.S. No. 2 Russet the minimum grade requirement on domestic and export shipments of fresh Florida Honey Tangerines, during the period April 7 through October 12, 1980. Grade requirements for other varieties of tangerines remain unchanged. Currently, the minimum grade for domestic and export shipments of Honey Tangerines is Florida No. 1 Golden. The change in minimum grade is necessary because of current and prospective supply and demand for the fruit and to maintain orderly marketing conditions in the interest of producers and consumers.

EFFECTIVE DATE: April 7 through October 12, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* (1) This regulation is issued under the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the committee established under the order, and upon other available information. It is found that the regulation of Honey Tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey Tangerines. It is designed to assure an ample supply of acceptable quality Honey Tangerines to consumers consistent with the quality of the crop.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447–5975.

Accordingly, it is found that the provisions of § 905.303 Orange, Grapefruit, Tangerine and Tangelo Regulation 3: (44 FR 59195; 65962; 66779; 69917; 72095; 74797; 45 FR 6591; 7999; 12773), should be and hereby are amended by revising Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, to read as follows:

§ 905.303 Orange, Grapefruit, Tangerine, and Tangelo Regulation 3.

(a) * * *

Table I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Tangerines:			
Honey	April 7 through October 12, 1980	U.S. No. 2 Russet	2⅛

(b) * * *

Table II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
Tangerines:			
Honey	April 7 through October 12, 1980	U.S. No. 2 Russet	2⅛

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: April 7, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-10908 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 991

Hops of Domestic Production; Final Salable Quantity and Allotment Percentage for the 1980–81 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of hops that may be freely marketed from the 1980 crop. The action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., (202) 447–5053.

SUPPLEMENTARY INFORMATION: Notice was published in the March 11, 1980, issue of the **Federal Register** (45 FR 15555) of a proposal to establish, for the 1980–81 marketing year, beginning August 1, 1980, a salable quantity of 69,200,000 pounds, and an allotment percentage of 115 percent. This action is based on the recommendation of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The salable quantity for the ensuing marketing year is based upon a recommendation of the Committee made at its meeting October 10, 1979, and the following estimates for the marketing year beginning August 1, 1980.

(1) Total domestic consumption of 42,500,000 pounds of hops;

(2) Minus imports of 14,000,000 pounds of hops to result in domestic consumption of U.S. hops of 28,500,000 pounds;

(3) Plus total exports of 28,500,000 pounds of hops to equal 57,000,000 pounds total usage of U.S. hops;

(4) Plus 1,000,000 pounds to adjust for weight loss of hops processed into pellets and extract;

(5) Plus 3,500,000 pounds as an inventory adjustment;

(6) Plus an adjustment of 7,700,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Therefore, the salable quantity for the 1980–81 marketing year will be 69,200,000 pounds.

The salable percentage of 115 percent is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pounds additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

This final rule has been reviewed under USDA criteria for implementing the Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Analysis is available from J. S. Miller, (202) 447–5053.

Therefore, the salable quantity and allotment percentage to be applicable to the 1980–81 marketing year (August 1, 1980–July 31, 1981) are established as follows:

§ 991.218 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1980.

The allotment percentage during the marketing year beginning August 1, 1980, shall be 115 percent, and the salable quantity shall be 69,200,000 pounds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 4, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-10825 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 488]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 11–17, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979.

A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 8, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee

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reports the demand for navel oranges continues to be slow.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.778 Navel Orange Regulation 468.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period April 11, 1980, through April 17, 1980, are established as follows:

(1) District 1: 1,500,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-11073 Filed 4-9-80; 11:43 am]

BILLING CODE 3410-02-M

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7 CFR Part 908

[Valencia Orange Reg. 641]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 11–April 17, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:
Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available form Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 8, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has increased from previous weeks.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.941 Valencia Orange Regulation 641.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 11, 1980 through April 17, 1980, are established as follows:

(1) District 1: Unlimited cartons;
(2) District 2: Unlimited cartons;
(3) District 3: 175,000 cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-11074 Filed 4-9-80; 11:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1446

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations [Amendment 1]

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final Rule.

SUMMARY: These regulations provide that: (1) The final date for disposing of contract additional peanuts shall be extended to November 30 following the calendar year in which the crop is grown if certain conditions are met; (2) the final date for scheduling supervision for farmers stock peanuts shall be July 31 following the calendar year in which the crop was grown unless prior approval of a later date is given; and (3) a reduction in marketing penalties may be granted to handlers for marketing violations which were made unintentionally or unknowingly. Reduction of penalty provisions shall also apply to 1978-crop peanuts. The purpose of this rule is to insure that all handlers are treated fairly when requesting extension of the final date for exportation of peanuts and to provide some relief to handlers who have made unintentional marketing errors.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Dalton J. Ustynik, (ASCS) (202) 447–6733. The Final Impact Statement describing the options considered in developing the Final Rule and the Impact of implementing each option is available on request from Dalton Ustynik.

SUPPLEMENTARY INFORMATION: This Final Rule has been reviewed under USDA procedures established in Secretary's memorandom 1955 to implement Executive Order 12044 and has been classified not significant. A notice that the Department was preparing to make determinations with respect to these provisions was published in the **Federal Register** on December 4, 1979, (44 FR 69657). The comment period ended on February 4, 1980.

There were four responses, two from sheller organizations, one from an area marketing association and one from a peanut company. Three respondents favored extending the August 31 final date for exporting peanuts to November 30 if required information is furnished the association, and one recommended no change in the August 31 final date. Three respondents felt that 40 percent of the quota support rate was too excessive for errors made unintentionally and unknowingly and two recommended other criteria for establishing the penalty. One respondent recommended that the penalty rate of 40 percent of the quota loan rate be adopted.

After thorough consideration of all responses received and the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, the proposals as set fourth in the **Federal Register** on December 4, 1979, are adopted.

Final Rule

Effective for the 1979 and subsequent crops of peanuts, the regulations at 7 CFR Part 1464 are amended as follows:

1. Section 1446.5 (a) (9) is revised to read as follows:

§ 1446.5 Contracts for additional peanuts for crushing or export.

(a) * * *

(9) The following agreement by the handler:

I agree that I will either export or crush the peanuts delivered under this contract as provided in Part 1446, Subpart-General Regulations Governing 1979 and Subsequent Crops Peanuts Warehouse Storage Loan and Handler Operations, as amended, by August 31 following the calendar year in which the crop is grown, except that if the final date is extended by the Commodity Credit Corporation to November 30 of that year, I agree to dispose of such peanuts by November 30 of that year, and that, upon my failure to do so, I shall be subject to a marketing quota penalty as specified in such regulaitons, on all such peanuts which have not been so crushed or exported. I further agree that if I contract with another Handler to market any such peanuts, I shall include as part of the contract agreement contained herein, and upon my failure to do so, I shall be subject to a marketing quota penalty as specified in the regulations on all such peanuts.

* * * * * *

2. Section 1446.8 is amended by revising the introductory paragraph, and by adding new paragraphs (c), (d), and (e) to read as follows:

§ 1446.8 Compliance by handlers of contract additional peanuts.

All contract additional peanuts acquired by a handler shall be disposed of by domestic crushing or export to an eligible country in accordance with the conditions set forth in these regulations. All handler's records shall be subject to a review by CCC or other representatives of the Secretary, to determine compliance with the provision of this subpart. Refusal to make such handler's records available to authorized representatives of the Secretary or the failure of such records submitted to establish such disposition by the handler shall constitute prima-facie evidence of non-compliance with this subpart. Reviews shall be made by the association in accordance with guidelines established by CCC. The association shall not take any administrative actions concerning program violations prior to notification by the Director, Producer Associations Division, ASCS.

* * * * * *

(c) *Disposition.* Handlers shall dispose of all contract additional peanuts by August 31 (the final date for exportation or crushing), following the calendar year in which the crop was grown, except that this final date shall be extended to November 30 of that year by CCC if the handler, by August 31, complies as follows:

(1) Furnishes information to the Association showing that the contract additional peanuts have been milled and positive lot identified;

(2) Furnishes the association the name and location of storing facilities of the contract additional peanuts;

(3) Provides a written statement of agreement to the Association to pay any supervision costs incurred on the contract additional peanuts after August 31; and

(4) Provides a written statement of agreement to the Association that such contract additional peanuts will not be substituted and used in the domestic edible and related markets.

(d) *Penalty rate for unintentional marketing errors.* (1) *Penalty rate.* The penalty rate for unintentional marketing errors for the 1978 and subsequent crops of peanuts shall be 40 percent of the basic quota support rate for the crop year in which the peanuts were produced. The penalty rate shall remain at 120 percent of the basic quota support in any case where the handler marketed a larger quantity or higher grades than could reasonably be produced from the quantity of peanuts having the grade kernel content and quality of quota farmers stock peanuts purchased by the handler for domestic edible use during the applicable marketing year, whether or not additional peanuts were acquired by the handler.

(2) *Requests for reduction of penalty.* Handlers requesting a reduction of the marketing quota penalty shall file a written report immediately following discovery of the marketing error with the Producers Associations Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, D.C. 20013. The report shall contain the following information:

(i) A full explanation of the error and circumstances which caused the marketing error;

(ii) Any corrective measures taken by the handler when the error was discovered; and

(iii) A full explanation stating why a reduction of the marketing quota penalty would not impair the effective operation of the peanut price support program. CCC reserves the right to ask for any necessary additional information.

(3) *Action on request for reduction of penalty.* The Deputy Administrator, Commodity Operations, will issue a final determination on requests for reduction of marketing quota penalties for errors by handlers. Each case shall be considered separately on its individual circumstances.

(e) *Peanuts on which penalty is due.* If the marketing of contract additional peanuts for which a penalty is to be assessed was done unintentionally or unknowingly by a handler, the penalty shall be assessed at the reduced rate provided for in § 1446.8(d)(1) upon a final determination by the Deputy Administrator, Commodity Operations, that the error in marketing of such peanuts was done unintentionally or unknowingly and that a reduction in the amount of the penalty would not impair the effective operation of the price support program for peanuts. The provisions of this paragraph shall be applicable only to handlers who made a good faith effort to comply fully with the terms and conditions of the program.

3. Section 1446.9 is amended by revising paragraphs (d), (i), (j)(5), and paragraph (j)(6) to read as follows:

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§ 1446.9 Supervision and handling of contract additional peanuts

* * * * *

(d) *Replacements.* The identical additional farmers stock peanuts contracted shall be handled in accordance with this section except that with prior notification and approval of the association, farmer stock quota peanuts of the same crop, type, quality, and area may be used to replace such additional peanuts. The identical additional milled peanuts shelled under supervision of the association shall be disposed of in accordance with this section, except that with prior notification and approval of the association, such peanuts may be used to replace, in domestic use, quota peanuts of the same crop, type, area, and screen size, which have been exported. The quota peanuts exported, for which replacement is requested, must have been positive lot identified and otherwise handled as additional peanuts. Additional peanuts may be used in domestic edible and related uses with prior notification and approval of the association and upon presentation of the association of an irrevocable letter of credit in an amount not less than 120 percent of the quota support rate on any portion of the lot for which replacement has not been approved. Such letter of credit shall be issued in a form and by a bank acceptable to CCC. The handler shall deliver to the association satisfactory evidence that a like amount of quota peanuts of appropriate screen sizes have been exported in accordance with these regulations. Such evidence must be submitted no later than 30 days after the final date for exportation. If satisfactory evidence is not presented by such date, the association will draw against the letter of credit the full amount of the marketing quota penalty applicable to the quantity of peanuts on which an accounting was not made.

* * * * *

(i) *Final dates for scheduling supervision.* Additional contract farmers stock peanuts shall be scheduled for supervision by the association during the normal marketing period but not later than July 31 following the calendar year in which the crop is grown, unless prior approval of a later date is authorized by the association.

(j) * * *

(5) *Evidence of export.* The handler shall furnish the association with the following documentary evidence of exportation of peanuts or peanut products not later than 30 days after the date of exportation as provided in 1446.8(c)

(i) *Export by water.* A nonnegotiable copy of an onboard ocean bill of lading, signed, on behalf of the carrier, showing the date and place of loading onboard vessel, the weight of the peanuts, peanut meal, or products exported, the name of the vessel, the name and address of the exporter, and the country of destination. Peanut meal which is unsuitable for use as feed because of contamination by aflatoxin shall be identified on the bill of lading in accordance with this section.

(ii) *Export by rail or truck.* A copy of the bill of lading (showing the weight of the peanuts or peanut meal or products exported), supplemented by a copy of the Shipper's Export Declaration or other documentation acceptable to the association. Peanut meal which is unsuitable for feed use because of contamination by aflatoxin shall be identified on the bill of lading according to this section.

(iii) *Export by air.* A copy of the Airway Bill (showing weight, of peanuts or peanut meal, or products exported, consignee and shipper) and other acceptable documentation acceptable to the association.

(iv) *Certified statement.* A statement signed by the handler specifying the name and address of the consignee and the applicable Bureau license number of exportation has been made to one or more of the countries or areas for which a validated license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce.

(6) *Penalties.* Failure to dispose of contract additional peanuts acquired by a handler for domestic crushing or export by the final date for exportation, failure to obtain supervision from the association, or failure of proper handling of contract additional peanuts by the handler shall constitute noncompliance with the provisions of this subpart. In such case, the handler will be obligated to pay a penalty equal to 120 percent of the basic quota support rate on the quantity of the additional peanuts not crushed or exported, not supervised or properly handled, or such reduced penalty as provided in §§ 1446.8(d) and 1446.8(e).

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359); and sec. 359, 93 stat. 81 (7 U.S.C. 1359 note).

Signed at Washington, D.C. on April 3, 1980.

John W. Goodwin,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-10628 Filed 4-9-80; 8:45 am]
BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R-0284]

Consumer Credit Restraint Program; Change in Terms of Open-End Credit Accounts

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On March 14, 1980, the Board adopted a consumer credit restraint program (12 CFR Part 229, Subpart A; 45 FR 17927, March 19, 1980) that requires certain creditors that extend certain types of consumer credit, including open-end credit, to maintain a special deposit with the Federal Reserve Banks. Many creditors believe that to best restrain the growth of open-end consumer credit they will have to modify the terms of existing accounts. Because the rules that govern how and when account terms can be changed vary from state to state, and because consumer accountholders are insufficiently protected in many states, the Board is adding a new section to Subpart A to establish national uniformity. The new section requires 30 days advance notice of certain changes in account terms, and permits consumers to pay off existing account balances in accordance with the old terms. However, if after the effective date of the change, a consumer continues to use the open-end account, the consumer will have agreed to pay the entire account balance in accordance with the new terms.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Nathaniel E. Butler, Associate Director, or David A. Myers, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3000).

SUPPLEMENTARY INFORMATION: When the Board adopted the consumer credit restraint program, it chose to impose a special deposit requirement on the growth of a creditor's covered consumer credit above the amount outstanding on March 14, 1980. The Board expected creditors to individually decide how to limit subsequent growth in their open-end credit programs.

It has come to the Board's attention, however, that legal requirements governing the change of open-end account terms vary from state to state. In a minority of states, primarily those that have enacted some version of the Uniform Consumer Credit Code, advance notice of certain changes in terms must be given from three to six months before the change is implemented. Some states, again a minority, do not permit a creditor to impose new terms on account balances outstanding on the date of change. Finally, some of these state laws may not apply to all classes of consumer creditors within a single state (for example, retail creditors may be covered, but not banks).

The Board's Truth in Lending regulation (12 CFR 226.7(f)), which controls in the majority of states, allows creditors to change account terms after giving notice at least 15 days before the start of the billing cycle in which the change is to occur. The federal law is silent about whether changes can be applied to existing balances and thus, in certain states as mentioned above, the local statutory requirements would prevail. In a few other instances, courts have devised a judicial answer based upon public policy considerations. In the majority of states, however, whether changes can be applied to existing account balances depends upon the terms of the contract between the customer and the creditor.

The Board believes that the goals of the Credit Control Act and its implementing regulation may be significantly frustrated by prohibition of certain term changes, or by lengthy advance notice requirements before terms of open-end credit accounts can be changed. Requiring creditors to wait from three to twelve months before they can take action to restrain the growth of credit to existing customers is unreasonable in light of the exigent circumstances that prompted the Board's initial action on March 14. The Board further believes that in these circumstances disparate notice requirements from state to state, or among classes of creditors within a state, are undesirable and would unfairly distort the effect of the Board's March 14 action as to both creditors and consumers.

The Department of Energy (DOE) has a regulation that, among other things, prohibits oil companies from imposing stricter credit terms with respect to their open-end accounts (10 CFR 210.62(a)). The Board, however, has been informed by DOE that DOE interprets the Board's amendment as superseding DOE's regulation to the extent that they are inconsistent. Consequently, DOE has indicated that changes in the terms of open-end credit accounts made by oil companies pursuant to the amendment are not prohibited by DOE's regulation which otherwise prohibits any more stringent credit term or payment schedule than existed on May 15, 1973.

The amendment set forth below establishes a uniform, national requirement that advance notice of certain changes must be given at least 30 days before the date that the change is implemented. The notice must be sent to each affected consumer accountholder, although only one notice need be sent for each joint account. The amendment preempts contrary law or private contract provisions, and modifies the Truth in Lending requirements. It applies to all increases in charges, changes in balance computation methods, and increases in minimum periodic payments that are effective after March 14, 1980, unless a creditor had started mailing or delivering notice of those changes to affected consumer accountholders before that date. The Board emphasizes that limitations on the maximum permissible rate of interest or finance charge that can be imposed on open-end consumer credit accounts are unaffected by the amendment.

The amendment also establishes rules about whether term changes can be applied to existing account balances. The Board is concerned that in a majority of states this question is answered by private contract. Consumers generally are unable to individually negotiate the contract governing their open-end accounts, and may well be unaware that changes can be imposed in most states on existing, as well as future, balances. Because changes in account terms are a predictable response to the Board's credit restraint program, the Board believes that all consumers should be given reasonable opportunity to reject certain changes. Additionally, it is the Board's intent to restrain growth in consumer credit, and permitting creditors to impose new terms on account balances that generally represent credit extended prior to March 14 is not consonant with this purpose.

Consequently, the amendment requires that consumers be permitted to choose either to pay off outstanding account balances under the existing terms, or to accept the new terms as to both existing and new balances by use of the account after the effective date of the change. The advance notice of change must explain this option clearly. The notice itself must be on a single document, and be readily understandable. It must explain the current term(s) that are being changed, as well as the new term(s), to insure that consumers understand the change. The amendment provides specific guidance on the language of the notice.

The Board believes that establishing uniform, national standards of this type will prevent unfair surprise to consumers, will enable creditors to manage their open-end credit plans in a feasible way, and will contribute to the goal of restraining the growth of consumer credit. The Board also believes that publication of this amendment for comment, or any delay in its effective date, would result in undesirable increases in outstanding consumer credit during the period before the amendment was adopted or became final. The Board, therefore, for good cause finds that the notice, public proceedings, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to this action are impracticable and contrary to the public's interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201, the Board hereby amends 12 CFR Part 229, Subpart A, effective April 2, 1980, by adding a new section as follows:

§ 229.6 Change in terms of open-end credit accounts.

(a) Notwithstanding the terms of any open-end credit agreement or the provision of any other law, a covered creditor, with respect to its open-end credit accounts, may (1) impose or increase any finance or other charge, (2) change the method of computing the balance upon which charges are imposed, or (3) increase the required minimum periodic payment, if the following two conditions are met. First, the covered creditor shall mail or deliver a written notice of the change to each affected consumer accountholder at least 30 days before the effective date of the change. Second, the covered creditor shall permit each affected consumer accountholder to repay, under the existing account terms, any debt incurred prior to the effective date of the change, unless the accountholder incurs additional debt on or after that date or otherwise assents in writing to the changes.

(b)(1) This section does not authorize a covered creditor to impose a rate of interest or finance charge in excess of the maximum permitted by law.

(2) This section does not govern any change in the terms specified in

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paragraph (a) of this section if the covered creditor began mailing or delivering notice of that change to affected consumer accountholders before March 14, 1980.

(c)(1) The notice required by this section shall clearly set forth the new term(s), the corresponding existing term(s), and the effective date of the change; shall appear on a single document that contains no other information except the changed account agreement or other material directly related to the change; and shall be in plain language.

(2) The notice also shall clearly explain the two options available to the consumer. The options shall be presented more conspicuously than the rest of the notice by, for example, bold-faced type, larger type size, or contrasting color. Language similar to the following, or modified to reflect the creditor's individual credit plan, may be used:

"WARNING: Continued use of your account on or after [effective date of change] will result in stricter terms.

You have TWO OPTIONS:

(1) You may stop making charges on your account before [effective date of change] and pay off under the existing terms described in this notice all or any part of what you owe us on that date. You may continue to use your account on or after that date, but if you do so, the new terms will apply as explained in option (2) below. OR

(2) You may make charges on your account on or after [effective date of change], in which case the new terms described in this notice will apply to what you then owe us and to future charges."

By order of the Board of Governors of the Federal Reserve System, effective April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10883 Filed 4-9-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 533, 545, 555

[No. 80-232]

Amendments Regarding Electronic Fund Transfers

April 3, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board amends its regulations to conform them to the Electronic Fund Transfer Act (Pub. L. 95-630, title XX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978), and regulations promulgated thereunder by the Federal Reserve Board at 12 CFR Part 205.

EFFECTIVE DATE: May 10, 1980.

FOR FURTHER INFORMATION CONTACT: Lois G. Jacobs, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552 (202-377-6456).

SUPPLEMENTARY INFORMATION: The Electronic Fund Transfer Act (title XX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630), hereinafter referred to as "the Act," enacted by Congress in November 1978, establishes the basic rights, liabilities, and responsibilities of consumers who use and financial institutions that provide electronic fund transfer services. The Federal Reserve Board, with the primary responsibility to promulgate regulations to implement the Act, adopted final regulations between March 1979 and January 1980. Known as Regulation E (12 CFR Part 205 *et seq.*), the regulation applies to any consumer asset (or deposit) account subject to electronic fund transfers, defined in the Act as transactions which are "initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account." The regulation establishes rules for determining customer liability for unauthorized transfers and provides specific procedures for issuing debit cards, disclosing account information to consumers, documenting electronic fund transfers (by receipts and periodic statements), resolving errors, and stopping preauthorized transfers. The Act also establishes civil and criminal liability for noncompliance with Regulation E and the Act. In addition, under the Act, the Board has enforcement responsibilities regarding the Act and Regulation E over all Federal savings and loan associations, FSLIC-insured state-chartered institutions, and non-FDIC-insured members of the Federal Home Loan Bank System. The Federal Deposit Insurance Corporation has enforcement responsibilities in this area over all nonmember FDIC-insured banks.

Regulation E covers a wide array of services currently offered by savings and loan institutions, including telephone transfer and bill payment plans, automatic transfers, direct deposit services, transactions at automatic teller machines, transactions through remote service units, and travelers' convenience of withdrawal. These services are authorized and regulated by various provisions of Board regulations: 12 CFR 545.4(b), regarding travelers' convenience of withdrawal; 12 CFR 545.4-1, regarding third party payments; 12 CFR 545.4-2, regarding remote service units; and 12 CFR 555.18, regarding direct deposit of social security payments. The Board is amending these regulations either to conform them or cross-reference them to the provisions of Regulation E and the Act. The Board is also adding a new part to the Regulations for the Federal Home Loan Bank System, giving notice to members of the Bank system that services they provide may be subject to the Act and Regulation E.

Those sections of the EFT Act and Regulation E concerning card issuance and consumer liability for unauthorized transactions became effective February 8, 1979. Interim disclosure procedures are in effect until the rest of Regulation E goes into effect May 10, 1980.

The Board finds that notice and public procedure with regard to these amendments are unnecessary under the provisions of 5 U.S.C. 553(b) and 12 CFR 508.11 because (1) the amendments implement a statute and (2) the Federal Reserve Board, during rulemaking proceedings regarding Regulation E, afforded ample notice and opportunity for public comment.

Accordingly, the Federal Home Loan Bank Board hereby adds a new Part 533 to the Regulations for the Federal Home Loan Bank System, and amends §§ 545.4(b), 545.4-1, 545.4-2, and 555.18 of the Rules and Regulations for the Federal Savings and Loan System, as described below:

1. Add new Part 533 to read as follows:

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 533—ELECTRONIC FUND TRANSFERS

§ 533.1 Electronic fund transfers subject to Regulation E.

Any electronic fund transfer, as that term is defined by section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) and § 205.2 of Regulation E of the Federal Reserve Board (12 CFR 205.2), provided by any member, except a member insured by the Federal Deposit Insurance Corporation, is subject to the provisions of the Electronic Fund Transfer Act and Regulation E.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

§ 545.4 [Amended]

2. Amend § 545.4(b) by adding the following sentence to the end of

Paragraph (b): "Any electronic fund transfer, as that term is defined by section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*), and § 205.2 of Regulation E of the Federal Reserve Board (12 CFR 205.2), made under this section, is subject to the provisions of the Electronic Fund Transfer Act and Regulation E."

3. Amend § 545.4-1 by adding paragraph (c) thereto to read as follows:

§ 545.4-1 Payment to third parties by withdrawals or transfer of savings accounts; checks and money orders.

* * * * *

(c) *Electronic fund transfers.* Any electronic fund transfer, as that term is defined by section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) and § 205.2 of Regulation E of the Federal Reserve Board (12 CFR 205.2), made under this section, is subject to the provisions of the Electronic Fund Transfer Act and Regulation E.

4. Amend § 545.4-2 by deleting paragraphs (a) through (k), substituting therefor the following paragraphs (a) through (f), and redesignating paragraphs (l) through (s) as paragraphs (g) through (n):

§ 545.4-2 Remote Service Units (RSUs).

(a) *Applicability of Regulation E.* Transactions made under this section are subject to the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) and Regulation E of the Federal Reserve Board (12 CFR 205.2).

(b) *Definitions.* As used in this section—

(1) "Activator" means a machine-readable instrument used to activate an RSU; a passbook may not be so used. Each RSU activator shall bear the words "Not Transferable" or their equivalent. An activator and a personal security identifier, when used together, constitute an access device, as that term is defined in Regulation E.

(2) "Generic data" means statistical information which does not identify any individual accountholder.

(3) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for user access of an account through an RSU.

(4) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures, and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of any facility of a Federal association which, for activation and account access, requires use of an activator and PSI in the possession and control of the user, is an RSU.

The term includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines. It excludes automated teller machines on the premises of a Federal association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of facility or agency of a Federal association under § 545.14, *et seq.*

(5) "RSU account" means a savings account (including a savings deposit), loan account or NOW account which may be accessed through an RSU.

(6) "User" means an RSU accountholder of a Federal association authorized to access an RSU.

(c) *General.* A Federal association may establish or use RSUs in the State of its home office or in the primary service area, as determined by the Board, of any of its out-of-State branches, and may participate in RSU operations with other financial institutions as the Board may approve.

(d) *RSU financial services.* A Federal association's board of directors may, by resolution, authorize it to offer any of these financial services to the public through RSUs:

(1) Crediting existing savings accounts;

(2) Debiting accounts up to the available balance therein: *Provided,* That no negotiable or transferable order or authorization is used unless permitted by Federal law;

(3) Crediting payments on loans in which the association has an investment or which it is servicing; and

(4) Related financial services as the Board may approve upon application.

(e) *RSU access techniques.* A Federal association shall provide a PSI to each user and require its use when accessing an RSU; it may not employ RSU access techniques which require the user to disclose a PSI to another person. The association must inform each user that the PSI is for security purposes and shall not be disclosed to third parties.

(f) *Service charges.* A Federal association may impose charges for RSU financial services.

* * * * *

PART 555—STATEMENTS OF POLICY

5. Amend § 555.18 by adding paragraph (d) thereto to read as follows:

§ 555.18 Deposit assurance of direct deposit of social security payments.

* * * * *

(d) *Electronic fund transfers.* Any electronic fund transfer, as that term is defined by § 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) and § 205.2 of Regulation E of the Federal Reserve Board (12 CFR 205.2), made under this section, is subject to the provisions of the Electronic Fund Transfer Act and Regulation E.

(Title XX, Pub. L. 95-630 (15 U.S.C. 1693 *et seq.*). Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1430, 1437). Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-10910 Filed 4-9-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0285]

Reserve Bank Authority to Extend Grace Period Under Regulation L

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Rules Regarding Delegation of Authority in order to delegate to the Reserve Banks the authority to grant an additional grace period for the termination of management official interlocks that become prohibited as a result of certain changes in circumstances as provided in the Board's regulations (12 CFR Part 212) issued under the Depository institution Management Interlocks Act (12 U.S.C. § 3201 et seq.). This action is intended to expedite reviews of requests for an extended grace period provided in the regulations.

EFFECTIVE DATE: May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Attorney (202-452-3564), or Melanie Fein, Attorney (202-452-3594), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act") authorizes the Board of Governors to provide up to 15 months for the termination of management interlocks between depository organizations that become prohibited as a result of certain changes in circumstances. The Board has issued regulations (12 CFR 212.6) under the Interlocks Act that require the termination of management interlocks in certain instances after mergers.

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acquisitions, consolidations, or the establishment of branch offices. In most cases, § 212.6 requires that the affected interlock be terminated no later than the next regularly scheduled annual meeting of shareholders of the organizations involved, unless the appropriate supervisory agency upon request grants an additional grace period of up to 15 months from the date of the change in circumstances. The additional grace period may be made available to avoid undue disruption of the annual shareholders' meetings of the depository organizations involved, particularly those that are well along in their preparations for annual meetings and which may have already sent out materials to shareholders nominating directors whose service would become prohibited as a result of the issuance of the regulations. In order to expedite review of requests for the extended grace period, the Board is delegating to the Federal Reserve Banks the authority to grant such requests, where appropriate, received from depository organizations in their districts.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute a substantive rule subject to the requirements of that section.

In order to implement this action, 12 CFR 265.2(f) is amended by adding paragraph (f)(48) to read as follows:

§ 265.2 Specific Functions Delegated to Board Employees and to Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized as to a member bank or other indicated organization for which the Reserve Bank is responsible for receiving applications or registration statements; as to its officers under subparagraph (23) of this paragraph; and as to its own facilities under subparagraph (26) of this paragraph:

* * * * *

(48) Under the provisions of § 212.6 of this chapter (Regulation L relating to changes in circumstances requiring termination of interlocking management official relationships), to grant time for compliance with § 212 of up to an aggregate of 15 months from the date on which the change in circumstances as specified in that section occurs, if the granting of the additional time appears to be appropriate to avoid undue disruption of the annual shareholders' meetings of the depository organizations involved in the management interlocks.

Board of Governors of the Federal Reserve System, April 3, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-11029 Filed 4-9-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-10-AD; Amdt. 39-3737]

Airworthiness Directive; Boeing Model 707-300B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: FAA Airworthiness Directive (AD) 75-03-01) Amendment 39-2074 (40 FR 3287)) as amended by Amendment 39-2421 (40 FR 52807) and Amendment 39-3502 (44 FR 36940) is hereby amended to lower the inspection threshold for 707-300B airplanes from 11,000 landings to 8,000 landings. A recent inspection of a 707-300B airplane which had just reached 11,000 landings revealed a 42-inch crack.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION, CONTACT: Mr. Harold N. Wantiez, P. E. Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 75-03-01 requires a repetitive inspection, in accordance with Boeing Bulletin 3157, of the wing upper skin splice at wing station 360. The current inspection threshold for 707-300B airplanes is 11,000 landings. During a recent inspection of a 707-300B airplane a 42-inch crack was found when the airplane received its first inspection after reaching the 11,000 landing threshold.

This indicates cracks are starting at thresholds below what was originally anticipated for the 707-300B series airplanes and for this reason, the threshold is reduced from 11,000 landings to 8,000 landings. Other 707 aircraft are not affected.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 75-03-01 (Amendment 39-2074, 40 FR 3287; as amended by Amendment 39-2421, 40 FR 52807 and Amendment 39-2502, 44 FR 36940) as follows: Change the initial threshold as follows: Delete "707-300B 11,000 or more landings". Insert "707-300B 8,000 or more landings."

This amendment becomes effective April 17, 1980.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act 49 U.S.C. 1655(c); and 14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on March 28, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-10808 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NW-39-AD, Amdt. 39-3735]

Airworthiness Directives; Boeing Model 727 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive requiring those operators of Boeing Model 727 airplanes who have removed or received airplanes without the panels lining the aft ventral stairway to placard the ventral stairway disallowing normal passenger boarding or egress or to replace those panels with either the original panels or an FAA approved substitute. This reinstallation is necessary because passengers may injure themselves on exposed equipment or loose objects may be deposited which can interfere with the essential aircraft systems.

DATE: Effective date April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

History

Some operators have removed the sidewall and ceiling panels of the 727 aft ventral stairway (Ref. Boeing Service

Bulletin 727-25-227) exposing flight control cables and airplane equipment. There have been reports of dirt and trash accumulating in this area. Also, passengers have access to flight control cables during boarding and egress which is contrary to provisions of CAR 4b.329. An unsafe condition exists since passengers or loose objects may interfere with or jam the flight control cables. No incidents of control cable jamming have been reported.

Public Participation

This Amendment is based on a Notice of Proposed Rulemaking (NPRM) (44 FR 67139, November 23, 1979). All interested persons have been given an opportunity to participate in the rulemaking of the Amendment and due consideration has been given to all matters presented. Nine comments were received.

Discussion of Comments

Seven commenters support the requirement to replace the ventral stairway panels, two citing examples of foreign objects found in that area. Of these seven, four are opposed to the option of placarding the stairway as an emergency exit because of the possibility of trash being deposited by ground service personnel and wind blown debris and snow accumulating when the stairway is left open. The FAA believes normal operational practices will prevent the accumulation of wind blown debris and any trash deposited by ground service personnel. The FAA believes that placarding the ventral stairway to be used for emergency operation only and not for normal passenger use will assure compliance with the regulations and result in safe operations.

Two commenters opposed the NPRM, both citing the weight and fuel savings and the absence of reports of injuries to support the removal of the panels. One of these commenters stated that the open area was easier to inspect, the flight control cables were shrouded and cited the high cost of replacing the panels. This commenter also stated that placarding was not practical and the compliance time should be extended. If the ventral passageway without the panels is permitted for normal passenger use, compliance with CAR 4b.329 is not possible. Further, debris can accumulate and safety can be compromised. The compliance time has been extended to allow adequate time to obtain and install panels.

The FAA finds that passenger access to the ventral stairway area must be prevented when the stairway panels are not installed and that an adequate level of safety can be provided by placarding the exit for emergency use only.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to all Model 727 airplanes in passenger service: Before July 1, 1981, accomplish either A or B on all Model 727 airplanes operating in passenger service with the aft ventral stairway panels removed.

A. Normal passenger access to the ventral stairway is not permitted. Install a conspicuous placard having one-half inch high red letters on a white background containing the words, "Emergency Exit Only. Not for Normal Passenger Use," on the ventral stairway sidewall panel P/N 65 70711.

B. Install the original panels per FAA approved type design or other panels found to be equivalent by the FAA. An FAA Maintenance Inspector may determine if other than original panels are acceptable or designs may be submitted to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region for approval.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C.) 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on March 28, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-10811 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-14-AD, Amdt. 39-3739]

Airworthiness Directives; Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: Airworthiness Directive 78-09-08 (Amdt. 39-3209) requires inspection of the cabin floor support structure of Boeing Model 747 airplanes in the vicinity of the main landing gear wheel wells and repair if necessary. Paragraph A(1) allows discontinuance of the external visual inspection requirement after an internal structural inspection is performed. This AD is revised to require continuation of the visual inspection, regardless of whether the internal inspection is accomplished, and to increase the repetitive inspection interval.

DATES: Effective date April 17, 1980.

FOR FURTHER INFORMATION, CONTACT: Mr. William M. Perrella, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The purpose of the external visual inspection is to detect cracks in the wheel well pressure web. Recent service experience has shown there is a need to continue the external inspections. There has been one case of a loss of cabin pressure resulting from failure of the pressure web. Until the terminating action is accomplished, it is necessary to repeat this inspection at intervals of 350 landings.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) as amended by Amendment 39-3209 and 39-3246, is further amended as follows:

A. Revise paragraph A(1) to read as follows:

A(1) If no cracks are found, repeat the above visual inspection at intervals not to exceed 350 landings.

B. Revise paragraph B by eliminating the last sentence.

This amendment becomes effective April 17, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provision of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on March 28, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-10810 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-13-AD, Amdt. 39-3736]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) to require inspection and rework as required of the outboard engine strut diagonal brace in the area of the forward clevis root. Failure of this brace would significantly reduce the structural strength of the strut, which could result in loss of the engine.

DATES: Effective date April 17, 1980. Initial compliance within 300 landings after the effective date of this AD.

ADDRESSES: The Boeing Service Bulletin specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This document may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Perrella, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: One operator reported transverse cracks of 0.7 and 1.2 inch length in the forward clevis outboard lug root of the diagonal brace for the No. 4 engine strut on an airplane with 36,559 flight-hours and 7,413 flights.

Subsequent examination of the cracked part found that the cracks progressed by cyclic loading. The clevis root wall thickness (approximately 0.18 inch thick) in the crack initiation areas was less than design wall thickness.

Since this condition is likely to exist or develop in other Boeing 747 airplanes, action is taken herein to require inspection and rework, if required, of the outboard diagonal braces.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 747 series airplanes certificated in all categories equipped with General Electric CF6 or Pratt and Whitney JT9D-3, -7, engines. Compliance required within 300 landings after the effective date of this AD unless already accomplished. Inspect diagonal braces as follows:

A. Measure the outboard engine strut diagonal brace forward clevis root area wall thickness. If root wall thickness is 0.350 inch or greater, no further action is required. If the wall thickness is less than 0.350 inch, penetrant inspect the area for cracks, in accordance with Boeing Service Bulletin 747-54-2070. If cracks are found, prior to further flight, replace brace or rework in accordance with paragraph B of this AD.

B. Parts cracked within the limits of paragraph III of Boeing Service Bulletin 747-54-2070 may be reworked as noted therein. Parts with cracks exceeding these limits must be replaced or reworked in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. Upon request of the operator, an FAA Principal Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the compliance times if the request contains substantiating data to justify the increase for that operator.

D. This AD may be amended in the future to require a repeat inspection interval or terminating action.

E. Aircraft may be ferried to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 17, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89)).

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provision of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on March 28, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-10600 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-17-AD, Amdt. 39-3742]

Airworthiness Directives; Boeing Model 707/720/727/737/747 Series Airplanes With Certain Hydraulic Components Repaired or Parts Produced by Fortner Engineering & Manufacturing, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment revises the test procedure specified in Airworthiness Directive (AD) 80-07-02. The revised test procedure includes a hydraulic system warm up period, revised wording for the abrupt hardover command and an expansion of the test procedure specified for the 727 elevator.

DATES: Effective date April 21, 1980. Compliance times as prescribed in the body of this AD.

FOR FURTHER INFORMATION CONTACT: Mr. Mark I. Quam, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Amendment 39-3721, AD 80-07-02 requires a one-time manual input hardover test on flight control systems containing parts that have been repaired or parts produced by Fortner Engineering and Manufacturing, Inc. of Glendale, California. These Fortner parts were not installed on new airplanes delivered by Boeing. AD 80-07-02 required, as terminating action, that these Fortner parts be removed from service by May 3, 1980. Subsequent questions from one operator indicated that the test procedure for the 727, item A.2., should be expanded.

The FAA has also received a suggestion to include a hydraulic system warm up period. Cold hydraulic fluid may prevent the abrupt command rate necessary to achieve maximum secondary slide travel.

The words "stop to stop" have been added to identify the best position to begin the abrupt hardover command input. The test can be run from neutral, but the control surface maximum travel may be reached approximately the same time the maximum input rate has been reached.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-07-02, (Amdt. 39-3721) as follows:

A. By amending the second paragraph of A to read:

Rudder (yaw damper off), elevator (autopilot off) and aileron (autopilot off) and all associated hydraulic systems on. Run the hydraulic systems for approximately ten minutes or until the system is at normal operating temperatures prior to conducting the hardover tests. Apply an abrupt hardover command one way, stop to stop, until the flight surface reaches full travel. The commanded rate must be rapid enough to saturate the control valve, as evidenced by a noticeable resistance in the control input. The flight control shall be held hardover in that position for five seconds. Repeat this procedure applying an abrupt command in the opposite direction.

B. By amending paragraph A.2. to read:

On the 727 elevator, conduct the hardover tests using hydraulic system A and then hydraulic system B. If a surface reversal occurs, isolation should be accomplished by removal of an actuator and the use of a bench functional test with a maximum rate input to confirm the fault. If the fault cannot be confirmed, the other actuator should be checked.

C. By adding a note following paragraph "C" to read:

Note.—These parts, repaired or produced by Fortner Engineering and Manufacturing, Inc. of Glendale, California, referenced herein were not installed on new production airplanes delivered by Boeing nor were they overhauled or produced by Fortner Accessory Service Corporation, a subsidiary of Parker Haniffin Corporation.

This amendment becomes effective April 21, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures 44 FR 11034; February 26, 1979.

Issued in Seattle, Wash., on April 1, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-10798 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-44-AD; Amdt. 39-3734]

Airworthiness Directives; General Dynamics Models 240, 340, 440 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) superseding an existing AD which requires repetitive inspections and replacements of cabin windows, cockpit windshield and direct vision windows and replacement of the cockpit sliding window after a reduced time in service, (life limited), with a new improved cockpit sliding window on General Dynamics Models 240, 340, 440, T-29 and C-131 aircraft converted to a civil configuration.

This AD is needed because of window failures reported since the issuance of AD 75-06-06.

DATES: Effective May 5, 1980.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: General Dynamics, Post Office Box 80877, San Diego, California 92138, Attention: Mr. Larry Hayes, Manager, Project Support Convair Division.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the cockpit sliding window with a new, improved cockpit sliding window and inspection and replacements of the cabin windows, cockpit windshields and direct vision windows on General Dynamics Models 240, 340, 440, T-29 and C-131 aircraft converted to civil configuration was published in the **Federal Register** at 44 FR 63547. The proposal was prompted by reports of failures of the cockpit sliding windows and cabin window, resulting in explosive decompression, which were not prevented by the requirements of AD 75-06-06.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

One commenter pointed out a discrepancy between the preamble of the notice of proposed rule making and the body of the proposed AD with respect to establishment of the five year life for the replacement of the cockpit sliding windows. The commenter stated that five years' time in service was preferred to five calendar years of life (from date of manufacture) and stated that the latter would result in scrapping of unused windows that exceed the five year limit from date of manufacture, as specificed in the body of the proposed AD. The FAA has determined that the safety problem involves the deterioration of the window vinyl interlayer which is primarily a result of chronological age and has therefore retained the chronological age as a criterion for replacement.

Several commenters objected to the time limit of 100 hours' time in service from the effective date of the AD proposed in the notice for initial inspection of the windshield, direct vision windows and cabin windows as well as the repetitive inspection interval of 100 hours' time in service as being overly restrictive based upon service history. The FAA concurs in this comment and has revised the AD to reflect a threshold of 500 additional hours' time in service or 90 days, whichever occurs sooner, and a repetitive inspection interval of 500 hours' time in service since last inspection.

Other comments were received which were beyond the scope of the NPRM, relating to establishment of life limits.

One commenter noted that original cockpit sliding windows P/N 240-3110315-6 and -7 should have been included in the "pressurized flight prohibited category" as they were in AD 75-06-06. The FAA concurs and paragraph (b) of the AD has been revised accordingly.

One commenter stated that if the aircraft is operated unpressurized, the repetitive inspections of the windshield, direct vision windows and cabin windows should not be required. The FAA concurs that the repetitive

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inspections of the cabin windows are unnecessary if the aircraft is operated unpressurized. The inspections of the direct vision windows and windshield are necessary even though the aircraft is operated unpressurized.

The service bulletin reference in the AD has been updated to reflect the latest change, which has no substantive impact.

After careful review of all available data, including the comments above, the FAA believes that sufficient evidence exists in the public interest in aviation safety to adopt the rule with the relieving and clarifying changes noted above.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

General Dynamics: Applies to Model 240, T-29, 340, 440, and C-131 and all such model airplanes converted to turbopropeller power in accordance with STC SA1054WE, known as Model 600, and STC's SA4-1100 and SA1096WE, known as Model 580 and Model 640, respectively, certificated in all categories.

Compliance required as indicated.

To detect incipient failure of the pilots' windshield, direct vision windows, sliding windows, P/N 340-3110307-7 or -8, and cabin windows and to provide for a modification to prevent door collapse on certain airplanes, accomplish the following:

(a) For sliding windows P/N 340-3110307-7 or -8, which are five years or older after June 30, 1980, prior to further pressurized flight replace the window with a like serviceable part and inspect in accordance with paragraph (c). Replacement of the sliding windows, P/N 340-311-0307-7 or -8 with a new sliding window, P/N 340-3110307-9 or -10, eliminates the inspection requirements of this AD on the sliding window.

(b) If an airplane is to be operated with damage to the sliding windows, or cabin windows exceeding the limits specified in the referenced applicable service bulletins specified in paragraph (c) or with sliding windows P/N 240-3110315-6 or -7; or with sliding windows, P/N 340-3110307-7, or -8, which are five years old or older after June 30, 1980, or twelve years old or older as of the effective date of this AD, or with cabin windows which are twelve years or older after the effective date of this AD, prior to further flight, install a placard in plain view of the flight crew stating:

"Pressurized flight prohibited."

The placard may be removed when the inspections or window replacements required by this AD have been complied with.

(c) For those sliding windows, P/N 340-3110307-7 and -8, in airplanes used in pressurized operations:

Within the next 100 hours' time in service from the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect windows per paragraph 2.D.(4) under the "Sliding Windows" Section, page 45 of General Dynamics Service Bulletin 640 (340D) No. 53-5B dated January 16, 1980, or page 46 of Service Bulletin 600 (240D) No. 53-4B, dated January 16, 1980.

(d) For those sliding windows P/N 340-3110307-7 and -8 that have been in storage or installed on airplanes which have been in storage, or installed on airplanes operated unpressurized, which, after the effective date of this AD, are to be used in pressurized operation:

Prior to return to pressurized flight, unless inspected within the last 30 days or 100 hours' time in service, whichever occurs first, inspect per paragraph (c).

(e) For those pilots' windshields with chronological age of 12 years or more from date of manufacture, within the next 250 hours' time in service from the effective date of this AD, unless accomplished within the last 250 hours' time in service and, thereafter, at intervals not to exceed 90 days or 500 hours' time in service, whichever occurs first, inspect the pilots' windshields per paragraph 2.D.4 under the Pilots' Windshield Section, page 39 of General dynamics Service Bulletin 600 (240D) No. 53-4B, dated January 16, 1980, or page 38 of General Dynamics Service Bulletin 640 (340D) No. 53-5B, dated January 16, 1980.

(f) For those direct vision windows with over 12 years time in service, within the next 250 hours' time in service from the effective date of this AD, unless accomplished within the last 250 hours' time in service and, thereafter, at intervals not to exceed 90 days or 500 hours' time in service, whichever occurs first, inspect the direct vision windows per paragraph 2.D.4 under the DV Windows Section, page 41 of General Dynamics Service Bulletin 600 (240D) No. 53-4B, dated January 16, 1980, or page 40 of General Dynamics Service Bulletin 640 (340D) No. 53-5B, dated January 16, 1980.

(g) For those cabin windows with over 12 years time in service, within the next 250 hours' time in service from the effective date of this AD, unless accomplished within the last 250 hours' time in service and, thereafter, at intervals not to exceed 90 days or 500 hours' time in service, whichever occurs first, inspect the cabin windows per paragraph 2.D.(4) under the "Cabin Windows" Section, page 49 of General Dynamics Service Bulletin 600 (240D) No. 53-4B, dated January 16, 1980, or page 49 of General Dynamics Service Bulletin 640 (240D) No. 53-5B, dated January 16, 1980.

(h) For those cabin windows twelve years of age or older after the effective date of this AD that have been in storage or installed on airplanes which have been in storage, or installed on airplanes operated unpressurized, which, after the effective date of this AD, are to be used in pressurized operation:

Prior to return to pressurized flight, unless inspected within the last 90 days or 500 hours' time in service, whichever occurs first, inspect per paragraph (g).

(i) On Models 340, 440, 580 and 640: As of the effective date of this AD, a condition for airworthiness certification shall be modification of the cockpit door in accordance with General Dynamics Service Bulletin 640 (340D) No. 25-9, dated November 16, 1970.

(j) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(k) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, Calif. on March 27, 1980.

Herman C. Bliss,

Acting Director, FAA Western Region.

[FR Doc. 80-10085 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NE-10, Amdt. 39-3740]

Airworthiness Directives; General Electric Company CJ 610-8A and -9 Turbojet Engines and CF 700-2D, and -2D-2 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On March 7, 1980, an emergency airworthiness directive was issued requiring removal from service, within 50 cycles, certain serial numbered turbine disks. This removal is required to prevent possible failures of certain first and second stage disks suspected of foreign material segregation. The airworthiness directive is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

DATES: This amendment is effective April 10, 1980, and was effective upon receipt of all recipients of the emergency airworthiness directive dated March 7, 1980.

Compliance schedule—Compliance required within the next 50 cycles after the effective date of this airworthiness directive unless already accomplished.

ADDRESSES: The applicable service bulletins may be obtained from General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910.

FOR FURTHER INFORMATION CONTACT: John E. Tigue, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division,

Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

SUPPLEMENTARY INFORMATION: The emergency airworthiness directive adopted and made effective to all known U.S. operators of General Electric CJ610-8A and -9 turbojet and CF700-2D and -2D-2 turbofan engines on March 7, 1980, was required as a result of an uncontained low cycle fatigue failure of a second stage turbine disk on a military J85 engine. This disk was found to have failed because of foreign material segregation. Two other J85 disks from the same ingot were also found, upon laboratory examination, to have foreign material segregation. These disks are identical to first and second stage turbine disks used in the CJ610/CF700 engines. Specific CJ610/CF700 turbine disks from the same heat lot are suspected of having similar defects.

The emergency airworthiness directive required certain serial numbered turbine disks to be removed from service within 50 cycles and replaced with serviceable disks. In addition certain serial numbered Canadian military turbine disks whose serial numbers were unknown at the time the emergency airworthiness directive was issued are now added to the list of suspect turbine disks.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impractical and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of General Electric Company CJ610-8A and -9 turbojet and CF700-2D and -2D-2 turbofan engines by priority mail dated March 7, 1980. These conditions still exist, and the airworthiness directive, as revised herein, is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

General Electric Company. Applies to CJ610-8A and -9 turbojet and CF700-2D and -2D-2 turbofan engines with turbine disks identified by serial numbers below. Compliance required as indicated unless already accomplished.

To prevent low cycle fatigue failure of turbine disks suspected to have foreign material segregation, accomplish the following within the next 50 cycles.

Remove from service first stage turbine disks, P/N 5011T75P01, and second stage turbine disks, P/N 5011T76P01, with serial numbers listed below and replace with serviceable disks:

Serial Numbers:

First Stage:

GATWZA 00617
GATWZA 00642
GATWZA 00662
GATWZA 00667
GATWZA 00674
GATWZA 00680
GATWZA 00690
GATWZA 00692
GATWZA 00706
GATWZA 00707
GATWZA 00708
GATWZA 00709
GATWZA 00710
GATWZA 00713
GATWZA 00714
GATWZA 00715
OJAWZA 11J774-22
OJAWZA 11J796-01
OJAWZA 11J796-03
OJAWZA 11J796-04
OJAWZA 11J796-05
OJAWZA 11J796-06
OJAWZA 11J796-07
OJAWZA 11J796-08
OJAWZA 11J796-09
OJAWZA 11J796-11
OJAWZA 11J796-13
OJAWZA 11J796-15
OJAWZA 11J796-16
OJAWZA 11J796-20
OJAWZA 11J796-21
OJAWZA 11J796-23
OJAWZA 11J796-24
OJAWZA 11J796-31
OJAWZA 11J796-32
OJAWZA 11J796-35
OJAWZA 11J796-41
OJAWZA 11J796-42
OJAWZA 11J796-43
OJAWZA 11J796-44
OJAWZA 11J796-45

Second Stage:

GATWZA 00541
GATWZA 00542
GATWZA 00545
GATWZA 00547
GATWZA 00548
GATWZA 00549
GATWZA 00550
GATWZA 00551
GATWZA 00552
GATWZA 00553
GATWZA 00554
GATWZA 00557
GATWZA 00563
GATWZA 00564
GATWZA 00565
GATWZA 00566
GATWZA 00567
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GATWZA 00642
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GATWZA 00648
GATWZA 00649
GATWZA 00651
OJAWZA 11J781-01
OJAWZA 11J781-02
OJAWZA 11J781-03
OJAWZA 11J781-04
OJAWZA 11J781-05
OJAWZA 11J781-06
OJAWZA 11J781-07
OJAWZA 11J781-08
OJAWZA 11J781-09
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OJAWZA 11J781-26

General Electric Company Alert Service Bulletin Nos. (C3610) A72-135, dated February 3, 1980, and (CF700) A72-142, dated February 3, 1980, refer to this subject.

This amendment is effective to all operators April 10, 1980, and was effective upon receipt for all recipients of the emergency airworthiness directive dated March 7, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this action is an emergency nonsignificant regulation under Executive Order 12044 as implemented by Department of Transportation Policies and Procedures (44 FR 11034, February 26, 1979). A final evaluation is contained in the Rules Docket.

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Issued in Burlington, Mass., on March 31, 1980.

J. Stiglin,

Acting Director, New England Region.

[FR Doc. 80-10686 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-2-AD, Amdt. 39-3736]

Airworthiness Directives; Hughes 369 and Bell 206 Helicopters Modified in Accordance With Chadwick, Inc. STC SH129WE and STC SH139WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: There has been an auxiliary fuel tank fire caused by static discharge between the fuel nozzle and the filler neck ring on a Chadwick, Inc., modified Bell 206 helicopter. Since this condition is likely to exist on all Hughes 369 and Bell 206 helicopters modified in accordance with STCs SH129WE and SH139WE by the installation of auxiliary fuel tanks, an Airworthiness Directive is being issued to install a bonding and grounding kit.

DATES: Effective date April 17, 1980. Initial compliance on or before August 15, 1980.

ADDRESSES: Chadwick, Inc., Installation Instructions for bonding and grounding kits dated December 27, 1979, for model C–22 (Bell 206) and January 2, 1980, for model C–20 (Hughes 369) as specified by this directive may be obtained upon request to Chadwick, Inc., 11969 Southwest Herman Road, Sherwood, Oregon 97140. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Francis LaBrash, FAA Modification Section, ANW–219, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone: 206–767–2528.

SUPPLEMENTARY INFORMATION: A bonding and ground system is necessary for fuel tanks. (Refer to AC 43.13–1A and AC 65–12).

Since a bonding system is lacking on the Chadwick C–20 and C–22 auxiliary fuel tanks, installed on Hughes 369 and Bell 206 helicopters, respectively, an external bonding and ground system must be added. Therefore, a Chadwick, Inc., supplied harness retrofit kit must be installed, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Chadwick, Inc.: Applies to all Hughes model 369 helicopters equipped with Chadwick model C–20 Auxiliary Fuel System installed as per STC SH129WE and Bell model 206 helicopters equipped with Chadwick, Inc. model C–22 Auxiliary Fuel System installed per STC SH139WE.

Compliance is required as indicated. To prevent a static discharge type of source ignition, accomplish the following:

A. Within 120 days after the effective date of this Airworthiness Directive, unless already accomplished, install the Chadwick, Inc. supplied appropriate bonding and grounding harness kit in accordance with Chadwick, Inc., Installation Instructions dated January 2, 1980 (for the C–20 installation), or December 27, 1979 (for the C–22 installation), or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Northwest Region.

B. Conduct a continuity check every 100 hours time in service while equipped with the Chadwick, Inc. auxiliary fuel system, to assure proper grounding between attach points of bonding and grounding kits. Reference: AC 43.13.1A, Chapter 11, Section 3, Paragraph 452, Page 188.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Chadwick, Inc., 11969 Southwest Herman Road, Sherwood, Oregon 97140. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 17, 1980.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 110354; February 26, 1979).

Issued in Seattle, Wash., on March 28, 1980.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-10812 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-6, Amdt. No. 39-3733]

Airworthiness Directives; Piper Model PA–31–350 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a change to the Takeoff, Climb and One Engine Inoperative Emergency Procedures and the takeoff performance data published in the current "FAA Approved Airplane Flight Manual," "FAA Approved Pilots' Operating Handbook" or "Pilots' Operating Handbook and FAA Approved Airplane Flight Manual" applicable to certain Piper PA–31–350 series airplanes. The AD is prompted by efforts to provide a higher level of safety by revising current operating procedures which will result in improved takeoff performance and simplification of emergency procedures in the event of engine failure immediately after liftoff.

DATES: Effective April 15, 1980.

Compliance required within the next 25 hours time in service after the effective date of this AD.

ADDRESSES: Piper Aircraft Corporation Sevice Bulletin 684 dated April 14, 1980, may be obtained from Piper Aircraft Corporation, 820 E. Bald Eagle Street, Lock Haven, Pennsylvania 17745.

A copy of the service bulletin is also contained in the Rules Docket, FAA, Southern Region, Engineering and Manufacturing Branch, Room 275, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION, CONTACT: R. J. Sample, Flight Test Section, ASO–216, Flight Standards Division, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone (404) 763–7446.

SUPPLEMENTARY INFORMATION: The One Engine Inoperative Emergency Procedures/Performance in certain Piper PA–31–350 airplanes have been reevaluated. The results of this evaluation show the airplane meets the one engine inoperative performance requirements but that revised procedures, while providing increased safety, will also improve airplane takeoff performance and simplify the emergency operating procedures in the event of engine failure immediately after liftoff. These new procedures include the use of 0° flaps, increased rotation and liftoff speeds with resulting changes in takeoff and accelerate/stop distances. Since any effort to provide a higher level of safety is considered paramount, the revised operating procedures and performance data must be added to the "FAA Approved Airplane Flight Manual," "FAA Approved Pilots' Operating Handbook" or "Pilots' Operating Handbook and FAA Approved Airplane Flight Manual" for certain Piper PA–31–350 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Piper Aircraft Corporation: Applies to Model PA–31–350 airplanes, Serial Numbers 31–5001 through 31–7652117, 31–775201 through 31–7952250 and 31–8052001 through 31–8052129 certificated in all categories.

Compliance required within 25 hours time in service after the effective date of this AD unless already accomplished. To provide a higher level of safety, accomplish the following:

(a) Incorporate the applicable revision as listed below, into the "FAA Approved Airplane Flight Manual," "FAA Approved Pilot's Operating Handbook" or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" as appropriate:

(1) Airplane Serial Numbers: 31–5001 through 31–7652117. FAA Approved Airplane Flight Manual (PAC Report No. 1750). Revision 17.

(2) Airplane Serial Numbers: 31–7752001 through 31–7952250. FAA Approved Pilots' Operating Handbook (PAC Report No. 2046). Revision 9.

(3) Airplane Serial Numbers: 31–8052001 through 31–8052129. Pilots' Operating Handbook and FAA Approved Airplane Flight Manual (Report No. LK–1208), Revision 2.

(b) Inspect the airplane's flap position indicator:

(1) If the words "TAKE OFF RANGE" do not appear on the flap position indicator, no modification is required.

(2) If the words "TAKE OFF RANGE" are marked on the face of the flap position indicator:

(i) Replace the flap position indicator with a like unit not having the "TAKE OFF RANGE" marking or;

(ii) Remove the flap position indicator from the airplane for modification by any person authorized in accordance with FAR 43.3. The words "TAKE OFF RANGE" must be removed or covered up with dull black paint that matches the instrument face background. Reinstall the flap position indicator in the airplane.

(c) When (a) and (b) above are accomplished, make a proper log-book entry of this Airworthiness Directive compliance.

(d) An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Note.—Piper Service Bulletin 684 pertains to this subject and contains the appropriate revisions for the "FAA Approved Airplane Flight Manual," "FAA Approved Pilot's Operating Handbook," or "Pilot's Operating Handbook and FAA Approved Airplane Flight Manual" and the flap position indicator modification instructions.

This amendment becomes effective April 15, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in East Point, Ga., March 26, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-10614 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-60]

Alteration of Transition Area: Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Lafayette, Louisiana. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Lafayette Regional, Acadiana Regional, and the Abbeville Municipal Airports. The circumstance which created a need for the action is that a review of the current transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures to the three airports. In addition, higher performance aircraft are utilizing the airports which require additional controlled airspace.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817–624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 28, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 6411) stating that the Federal Aviation Administration proposed to alter the Lafayette, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Lafayette, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Lafayette Regional, Acadiana Regional, and the Abbeville Municipal Airports.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., May 15, 1980, as follows:

In Subpart G, § 71.181 (45 FR 445), the Lafayette, La., transition area is amended by deleting the present description and substituting the following:

Lafayette, La.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lafayette Regional Airport (latitude 30°12'14" N., longitude 91°59'16" W.); within a 8.5-mile radius of the Abbeville Municipal Airport (latitude 29°58'30" N., longitude 92°05'00" W.) and within 2 miles

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each side of the 206° radial of the Lafayette VORTAC extending from the 6.5-mile radius to 8.5 miles northeast; within a 6.5-mile radius of the Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'02" W.)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that his document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on March 25, 1980.

P. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-10817 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 80-CE-1]

Designation of Transition Area—Chappell, Neb.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Chappell, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Chappell, Nebraska, Municipal Airport, based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport. It is also necessary to designate a 1200-foot transition area in the State of Colorado to provide controlled airspace to protect random departures from and direct route arrivals to Chappell, Nebraska, when aircraft are operating within Colorado. This action has been coordinated with, and approved by, the Rocky Mountain Region. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Chappell, Municipal Airport, Chappell, Nebraska, is being established based on a Non-Directional Radio Beacon (NDB), a navigational aid being installed on the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Chappell, Nebraska, at and above 700-feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). It is also necessary to designate a 1200-foot transition area in the State of Colorado in order to protect random departures from the designated instrument approach area and direct route arrivals to the Chappell, Nebraska Municipal Airport, when aircraft are operating in Colorado between 1200 feet and 14,500 feet AMSL. This designation has been coordinated with, and approved by, the Rocky Mountain Region.

Discussion of Comments

On pages 8310 and 8311 of the **Federal Register** dated February 7, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making, which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Chappell, Nebraska. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 G.m.t. July 10, 1980, by adding the following new transition area:

Chappell, Neb.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Chappell Municipal Airport, Chappell, Nebraska (Latitude 41°04'37"N, Longitude 102°27'47"W) with an extension within 2.5 nautical miles each side of the true course 121 (magnetic 132) outbound from the Chappell NDB (Latitude 41°04'36"N, Longitude 102°27'29"W) extending from the 7-mile radius area to 8.5 miles southeast of the NDB facility.

That airspace extending upward from 1,200 feet above the surface bounded on the west by V169, on the north and east by the Nebraska/Colorado state lines, and on the south by V80/V8N.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on March 27, 1980.

Paul J. Baker,

Director, Central Region

[FR Doc. 80-10816 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 20205; Amdt. No. 1161]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (APO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are availalble for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective May 15, 1980*

Columbus, GA—Columbus Metropolitan, VOR-A, Amdt. 19
Lockport, IL—Lewis-Lockport, VOR Rwy 9, Amdt. 3, cancelled
Romeoville, IL—Lewis University, VOR Rwy 9, Original
Tell City, IN—Perry County Muni, VOR Rwy 31, Original
Iowa City, IA—Iowa City Muni, VOR Rwy 35, Amdt. 8
Mason City, IA—Mason City Muni, VOR/DME Rwy 17, Amdt. 1
Mason City, IA—Mason City Muni, VOR Rwy 35, Amdt. 2
Louisville, KY—Bowman Field, VOR Rwy 1, Amdt. 1
Louisville, KY—Bowman Field, VOR Rwy 14, Amdt. 4
Louisville, KY—Bowman Field, VOR Rwy 19, Amdt. 1
Louisville, KY—Bowman Field, VOR Rwy 24, Amdt. 1
Louisville, KY—Bowman Field, VOR Rwy 32, Amdt. 10
Louisville, KY—Standiford Field, VOR Rwy 29 (TAC), Amdt. 14
Paducah, KY—Barkley Regional, VOR Rwy 4, Amdt. 13
Paducah, KY—Barkley Regional, VOR/DME Rwy 22, Amdt. 3
New Iberia, LA—Acadiana Regional, VOR/DME Rwy 34, Amdt. 4
Nantucket, MA—Nantucket Memorial, VOR Rwy 24, Amdt. 9
Romeo, MI—Romeo, VOR/DME-A, Amdt. 4
Traverse City, MI—Cherry Capital, VOR-A (TAC), Amdt. 14
Springfield, MN—Springfield Muni, VOR/DME Rwy 13, Amdt. 1
St. Joseph, MO—Rosecrans Memorial, VOR Rwy 17, Amdt. 11
Saranac Lake, NY—Adirondack, VOR/DME Rwy 5, Amdt. 1
Saranac Lake, NY—Adirondack, VOR/DME Rwy 23, Original, cancelled
Monroe, NC—Monroe, VOR-A, Amdt. 6
Monroe, NC—Monroe, VOR/DME-B, Amdt. 4
Rockingham, NC—Rockingham-Hamlet, VOR/DME-A, Amdt. 4
Stillwater, OK—Stillwater Muni, VOR Rwy 17, Amdt. 4
Brownsville, TX—Brownsville Intl, VOR or TACAN Rwy 26, Amdt. 18
Port Angeles, WA—Port Angeles CGAS, VOR-B, Amdt. 1, cancelled
Port Angeles, WA—Port Angeles CGAS, VOR-D, Original, cancelled
Port Angeles, WA—Port Angeles CGAS, Copter VOR 241, Original, cancelled
Port Angeles, WA—William R. Fairchild Intl, VOR-A, Amdt. 1, cancelled
Superior, WI—Richard I. Bong, VOR/DME Rwy 31, Original
Rawlins, WY—Rawlins Muni, VOR/DME Rwy 22, Original

** * * Effective March 25, 1980*

Harrison, AR—Boone County, VOR-A, Amdt. 7

** * * Effective March 21, 1980*

Delta Junction/Ft. Greely, AK—Allen AAF, VOR/DME or TACAN Rwy 18, Amdt. 1

** * * Effective March 20, 1980*

Minneapolis, MN—Flying Cloud, VOR Rwy 9L, Amdt. 10
Minneapolis, MN—Flying Cloud, VOR Rwy 9R, Amdt. 1
Minneapolis, MN—Flying Cloud, VOR Rwy 36, Amdt. 6

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective May 15, 1980*

Columbus, GA—Columbus Metropolitan, LOC (BC) Rwy 23, Amdt. 9
Mason City, IA—Mason City Muni, LOC/DME BC Rwy 17, Amdt. 3
Louisville, KY—Standiford Field, LOC BC Rwy 11, Amdt. 3
New Iberia, LA—Acadiana Regional, LOC Rwy 34, Amdt. 5

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St. Joseph, MO—Rosecrans Memorial, LOC BC Rwy 17, Amdt. 5
Brownsville, TX—Brownsville Intl, LOC BC Rwy 31L, Amdt. 6
McAllen, TX—Miller International, LOC BC Rwy 31, Amdt. 2

** * * Effective April 17, 1980*

Kirksville, MO—Clarence Cannon Memorial, LOC Rwy 36, Amdt. 3

** * * Effective March 25, 1980*

Pueblo, CO—Pueblo Memorial, LOC BC Rwy 25R, Amdt. 13, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective May 29, 1980*

Lewisburg, TN—Ellington, NDB Rwy 20, Amdt. 2

** * * Effective May 15, 1980*

Mason City, IA—Mason City Muni, NDB Rwy 35, Amdt. 3
Bardstown, KY—Samuels Field, NDB–A, Amdt. 1
Louisville, KY—Bowman Field, NDB Rwy 32, Amdt. 10
Louisville, KY—Standiford Field, NDB Rwy 1, Amdt. 3
Louisville, KY—Standiford Field, NDB Rwy 29, Amdt. 11
Paducah, KY—Barkley Regional, NDB Rwy 4, Amdt. 9
New Iberia, LA—Acadiana Regional, NDB Rwy 34, Amdt. 5
Springhill, LA—Springhill, NDB Rwy 17, Original
Nantucket, MA—Nantucket Memorial, NDB Rwy 24, Amdt. 7
Traverse City, MI—Cherry Capital, NDB Rwy 28, Amdt. 4
St. Joseph, MO—Rosecrans Memorial, NDB Rwy 17, Amdt. 6
St. Joseph, MO—Rosecrans Memorial, NDB Rwy 35, Amdt. 26
Saranac Lake, NY—Adirondack, NDB Rwy 23, Amdt. 3
Asheboro, NC—Asheboro Muni, NDB Rwy 21, Original
Monroe, NC—Monroe, NDB Rwy 23, Amdt. 2
Rockingham, NC—Rockingham-Hamlet, NDB Rwy 31, Amdt. 1
Oklahoma City, OK—Will Rogers World, NDB Rwy 17R, Amdt. 19
Brownsville, TX—Brownsville Intl, NDB Rwy 31L, Amdt. 2
Brownsville, TX—Brownsville Intl, NDB Rwy 13R, Amdt. 9
Canadian, TX—Hemphill County, NDB Rwy 22, Original
Eagle River, WI—Eagle River Muni, NDB Rwy 22, Amdt. 2
Land O'Lakes, WI—King's Land O'Lakes, NDB Rwy 14, Amdt. 6

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

** * * Effective May 15, 1980*

Columbus, GA—Columbus Metropolitan, ILS Rwy 5, Amdt. 19
Hilo, HI—General Lyman Field, ILS Rwy 26, Amdt. 5
Kahului, HI—Kahului, ILS Rwy 2, Amdt. 15
Mason City, IA—Mason City Muni, ILS Rwy 35, Amdt. 3
Salina, KS—Salina Muni, ILS Rwy 35, Amdt. 13
Louisville, KY—Standiford Field, ILS Rwy 1, Amdt. 4
Louisville, KY—Standiford Field, ILS Rwy 19, Amdt. 1
Louisville, KY—Standiford Field, ILS Rwy 29, Amdt. 12
Paducah, KY—Barkley Regional, ILS Rwy 4, Amdt. 5
Nantucket, MA—Nantucket Memorial, ILS Rwy 24, Amdt. 9
Traverse City, MI—Cherry Capital, ILS Rwy 28, Amdt. 5
St. Joseph, MO—Rosecrans Memorial, ILS Rwy 35, Amdt. 26
Manchester, NH—Manchester Arpt/Grenier Industrial Airpark, ILS Rwy 35, Amdt. 10
Saranac Lake, NY—Adirondack, ILS Rwy 23, Amdt. 5
Chattanooga, TN—Lovell Field, ILS Rwy 2, Amdt. 2
Brownsville, TX—Brownsville Intl, ILS Rwy 13R, Amdt. 6
McAllen, TX—Miller Intl, ILS Rwy 13, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective May 15, 1980*

Phoenix, AZ—Phoeniz Sky Harbor Int'l, RADAR–1, Amdt. 7, cancelled
Columbus, GA—Columbus Metropolitan, RADAR–1, Amdt. 5
Louisville, KY—Standiford Field, RADAR–1, Amdt. 16

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective May 15, 1980*

Mason City, IA—Mason City Muni, RNAV Rwy 30, Amdt. 4
St. Joseph, MO—Rosecrans Memorial, RNAV Rwy 17, Amdt. 3
Nashua, NH—Boire Field, RNAV Rwy 14, Amdt. 1
Nashua, NH—Boire Field, RNAV Rwy 32, Amdt. 1
Brownsville, TX—Brownsville Intl, RNAV Rwy 17R, Amdt. 1
Brownsville, TX—Brownsville Intl, RNAV Rwy 35L, Amdt. 1

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on March 28, 1980.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

John S. Kern,
Acting Chief, Aircraft Programs Division.

[FR Doc. 80-10615 Filed 4-9-80; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

Policy Concerning the Export of Phosphate Rock, Phosphoric Acid of All Concentrations and Phosphatic Fertilizers of All Concentrations to the U.S.S.R.

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim rule.

SUMMARY: This rule announces the general policy to deny licenses to export and authorizations to reexport to the U.S.S.R. phosphate rock, phosphoric acid of all concentrations, and phosphatic fertilizers of all concentrations (hereinafter "phosphates"). These commodities were made subject to validated licensing by regulations published in the **Federal Register** on February 7, 1980 (45 FR 8293). This action is taken in response to the President's directive that no license or authorization be issued for the export or reexport of U.S.-origin phosphates to the U.S.S.R.

DATES: This rule is effective February 25, 1980. Comments must be received by the Department of Commerce by May 12, 1980.

ADDRESS: Written comments should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, DC 20230, (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Regulatory Change

On February 4, 1980, the Department of Commerce issued regulations, published in the **Federal Register** on February 7, 1980 (45 FR 8293), imposing a validated licensing requirement on the export and reexport of phosphates to the U.S.S.R. The action was taken in the interest of U.S. foreign policy under the authority of section 6 of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401, *et seq.*). In those regulations the Department announced that the issuance of licenses was suspended ending an interagency review of policy toward exports of phosphates to the U.S.S.R. This review has now been completed and the President has directed, in the interest of U.S. foreign policy, that no license or authorization be issued for the export or reexport of phosphates to the U.S.S.R. Accordingly, this rule establishes a general policy to deny applications for licenses to export or authorizations to reexport to the U.S.S.R. phosphate rock, phosphoric acid of all concentrations and phosphatic fertilizers of all concentrations.

These regulations also add a new Commodity Interpretation to Section 399.2 specifically identifying the phosphate materials subject to validated licensing to the U.S.S.R. and amend the Commodity Control List entry covering phosphates (6794 F) to revise the description of phosphate rock and make reference to the new Interpretation.

Rulemaking Requirements

This rule extends the restrictions on the export of phosphates imposed by the regulations published in the **Federal Register** on February 7, 1980 (45 FR 8293). Under those regulations, interested persons were provided the opportunity until COB April 7, 1980, to submit comments to be considered in the issuance of any final regulations. Since the subject matter of this rule is the same as that of the regulations published on February 7, interested persons are invited to submit comments in accordance with the invitation contained in the earlier regulations. The comment period is extended to May 12, 1980 to afford interested parties an opportunity to submit comments on this issuance.

Accordingly, Part 385 of the Export Administration Regulations (15 CFR Part 385) and the Commodity Control List and Commodity Interpretations (incorporated by reference at 15 CFR Part 399) are amended as follows:

1. A new paragraph (e) is added to § 385.2 as follows:

§ 385.2 Country Group Q, W, and Y: U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

* * * * *

(e) As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy reasons for the export to the U.S.S.R. of phosphate rock, phosphoric acid of all concentrations, and phosphatic fertilizers of all concentrations (ECCN 6794 F). The general policy is to deny licenses for export and applications to reexport such commodities to the U.S.S.R.

* * * * *

2. The Commodity Control List, incorporated by reference at 15 CFR 399.1, is amended by revising the entry at 6794 F to read as follows:

Export control commodity number and commodity description	Unit	Processing code	Validated license required	GLV dollar value limits		
				T	V	Q
6794F Phosphate rock; phosphoric acid of all concentrations; and processed phosphatic fertilizers of all concentrations (as listed in § 399.2, Interpretation 27) [1].	([2])	SS	SZ and the U.S.S.R.[3]			

[1] These commodities are subject to control under the authority of the foreign policy provisions contained in section 6 of the Export Administration Act of 1979.
[2] Report quantities in the units specified in schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, Bureau of the Census, U.S.D.O.C.
[3] Including Estonia, Latvia, and Lithuania.

* * * * *

3. Interpretation 27, which had been incorporated by reference in § 399.2 and reserved, is added to read as follows:

Interpretation 27—Phosphate Materials Subject to Validated Licensing to the U.S.S.R.

The commodities described below are included in ECCN 6794 F and are subject to the policy set forth in § 385.2(e).

Schedule B [1] Number	Commodity description
416.3000	Phosphoric acid, other than fertilizer grade
480.4500	Phosphates, crude and apatite
480.7015	Phosphoric acid, less than 65 percent available P_2O_5 equivalents
480.7025	Phosphoric acid, 65 percent or more available P_2O_5 equivalents
480.7030	Normal and enriched superphosphates
480.7050	Concentrated superphosphates
480.7075	Other superphosphates
480.8005	Diammonium phosphates
480.8010	Monoammonium phosphates
480.8018	Other ammonium phosphates
480.8027, 480.8065.	Other mixed chemical fertilizers containing 1 percent or more P_2O_5

[1] Commodity description, not Schedule B Number, determines the commodity subject to validated licensing.

Drafting information: The principal authors of these rules are Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration; Converse Hettinger, Director, Short Supply Division, Office of Export Administration; and Pete M. Dalmut, Attorney/Advisor, Office of the Assistant General Counsel for International Trade.

Authority: Sections 6, 13, and 21, Pub. L. 96–72, to be codified at 50 U.S.C., App. 2401 *et seq.*; E.O. 12002, 42 FR 35623 (1977); and Department Organization Order 10–3, dated January 3, 1980.

Dated: April 7, 1980.

Donald A. Furtado,
Acting Under Secretary for International Trade.

[FR Doc. 80-10876 Filed 4-7-80; 4:00 pm]
BILLING CODE 3510-25-M

WATER RESOURCES COUNCIL

18 CFR Part 701

Council Organization

AGENCY: Water Resources Council.

ACTION: Final rule.

SUMMARY: At its meeting on February 28, 1980, the Water Resources Council changed the number of Members required for a quorum from six to five. This rule was adopted by the Council at the February 28, 1980, meeting to implement the change.

DATE: Effective February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Gerald D. Seinwill, Deputy Director, Water Resources Council, 2120 L Street, NW., Suite 800, Washington, DC 20037 (202) 254–6440.

Accordingly, 18 CFR 701.53(b) is revised to read as follows:

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§ 701.53 **Council decisions by members.**

* * * * *

(b) A quorum for the transaction of business at Council meetings shall consist of five or more Members and a majority shall consist of at least four votes.

* * * * *

Dated: March 31, 1980.

Leo M. Eisel,

Director.

[FR Doc. 80-10830 Filed 4-9-80; 8:45 am]

BILLING CODE 8410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigation Regulations; Hood Canal, Bangor Naval Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is revising the regulations which establish a restricted area in the Hood Canal, Washington, adjacent to the Bangor Naval Submarine Base. The revision is necessary to assure unhampered navigation in and around new piers and to provide increased physical security for submarines, supporting small craft and the magnetic silencing range.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, HQDA, Pulaski Building, ATTN: DAEN–CWO–N, Washington, D.C. 20314, Telephone No. (202) 272–0200.

SUPPLEMENTARY INFORMATION: On December 20, 1979 the Corps of Engineers published a proposed revision to 33 CFR 207.750(e) in the Notice of Proposed Rulemaking section of the **Federal Register** (44 FR 75407). These proposed regulations would establish two restricted areas in the waters of the Hood Canal at the Bangor Naval Submarine Base, Washington. There were no comments received in response to the Notice of Proposed Rulemaking. The Department of the Army has determined that revising 33 CFR 207.750(e) is in the national interest. Accordingly, 33 CFR 207.750 paragraph (e) is amended by revising subparagraph (1), revising subparagraph (2) and redesignating it as subparagraph (3), and establishing a new subparagraph (2) as set forth below.

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1979).

(40 Stat. 266; (33 U.S.C. 1))

Dated: March 24, 1980.

Michael Blumenfeld,

Assistant Secretary of the Army, Civil Works.

§ 207.750 **Puget Sound Area, Washington.**

* * * * *

(e) *Hood Canal, Bangor; Naval Restricted Areas*—(1) *Area No. 1.* That area bounded by a line commencing on the east shore of Hood Canal at latitude 47°43′28″N; thence 270°true to latitude 47°43′28″N, longitude 122°44′40″W; thence to latitude 47°43′50″N, longitude 122°44′40″W; thence to latitude 47°44′24″N, longitude 122°44′22″W; thence to latitude 47°45′47″N, longitude 122°43′22″W; thence to latitude 47°46′23″N, longitude 122°42′42″W; thence to latitude 47°46′23″N, longitude 122°42′20″W; thence 125° true to the high tide line; thence southerly along the shoreline to the point of beginning.

(2) *Area No. 2.* Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46′26″N, longitude 122°42′49″W.

(3) *The Regulations*—(i) *Area No. 1.* No vessel shall enter this area without permission of the Commandant, Thirteenth Naval District, or his/her authorized representative.

(ii) *Area No. 2. (a)* The area will be unsed intermittently by the Navy for magnetic silencing operations.

(*b*) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(*c*) Dumping of any nonbuoyant objects in this area is prohibited.

(*d*) Navigation will be permitted within that portion of this circular area, not lying within Area No. 1 at all times except when magnetic silencing operations are in progress.

(*e*) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(*f*) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his/her authorized representative.

(40 Stat. 266; 33 U.S.C. 1)

[FR Doc. 80-10864 Filed 4-9-80; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1458-7]

New Mexico Plan for Nonattainment Areas; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves, in part, revisions to the New Mexico State Implementation Plan (SIP). The revisions were submitted by the Governor to fulfill the requirements of Part D of the Clean Air Act, as amended in August 1977 (the Act). The purpose of the revisions is to provide for attainment of the National Ambient Air Quality Standards for those portions of New Mexico designated as nonattainment areas. The revisions being acted on today are those relating to SIP requirements for nonattainment areas as specified in Part D of the Act and include control requirements for particulate matter, sulfur dioxide, carbon monoxide and ozone. A portion of the New Mexico SIP is being disapproved and other portions are being conditionally approved by the Administrator with certain actions which the State must take to meet the conditions of this approval.

In addition, EPA is taking no action regarding the carbon monoxide attainment plans for Santa Fe, Farmington or Albuquerque.

DATE: This rulemaking is effective on April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air Program Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2742.

SUPPLEMENTARY INFORMATION:

Introduction

Provisions of the 1977 Act require States to revise their SIPs for all areas designated as not attaining the National Ambient Air Quality Standards (NAAQS). The Governor of New Mexico submitted the State's SIP revisions on January 23, 1979. These revisions address Part D requirements for attainment of the NAAQS for particulate matter in Grant County and portions of Bernalillo, Eddy and Lea Counties, for sulfur dioxide in portions of San Juan and Grant county, for carbon monoxide

in Bernalillo county and portions of Las Cruces, Farmington and Santa Fe, and for the control of volatile organic compounds (VOC) in the Albuquerque urban area. The Governor's submittal also included revisions relating to other than Part D requirements. However, these revisions are being addressed in a separate action.

EPA published a proposed rulemaking on August 9, 1979 (44 FR 46895), which described the content of the New Mexico revisions, EPA's assessment of the revisions, and EPA's intent with respect to an approval/disapproval action. Where deficiencies were noted, EPA proposed approval on the condition that the State submit corrections or additional information by specified dates.

EPA is taking final action to conditionally approve certain elements of the New Mexico Plan. A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines specified in today's notice and by the deadlines proposed elsewhere in today's **Federal Register**. With respect to the deadlines promulgated today there will be no extensions granted to these conditional approval deadlines. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the materials. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. *See* § 316(b) and § 176.

If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Elsewhere in today's **Federal Register**, deadlines by which conditions must be met are being proposed. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

Background

In the March 3, 1978 **Federal Register** at 43 FR 9016 EPA established the New Mexico nonattainment areas. On September 11, 1978 at 43 FR 40428, EPA amended a portion of these designations. As a result of these designations, the Governor of New Mexico after adequate notice and public hearing submitted revisions to the New Mexico SIP on January 23, 1979. These revisions included a number of provisions relating to other than Part D of the Act. The action being taken by EPA today is only with respect to the Part D requirements.

The revisions to the New Mexico SIP address attainment of the standards for particulate matter, sulfur dioxide, carbon monoxide and ozone within the designated nonattainment areas. EPA reviewed these revisions and on August 9, 1979, at FR 46895, published its proposed rulemaking in which the adequacy of the revisions were discussed. EPA proposed to approve, conditionally approve and disapprove various portions of the New Mexico revisions. Regarding these proposed actions EPA solicited comment on the proposed action and also on the schedules proposed for conditionally approving portions of the SIP. EPA has reviewed the Part D revision and the comments in light of the Clean Air Act, EPA regulations and additional guidance. The criteria used in this review were detailed in the general preamble published in the April 4, 1979 **Federal Register** (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182).

Public Comments

This section reviews the relevant comments EPA received on the proposal and EPA's response.

The National Park Service, Southwest Region submitted comments which were generally in agreement with EPA's position. In the commentor's opinion, approval of the SIP would assure the minimum level of control of sulfur dioxide (SO_2) at the Four Corners Power Plant that is necessary to attain the NAAQS for SO_2. In addition, the commentor stated that this level of control of SO_2 would help to assure improved visibility in the nearby Class I area, Mesa Verde National Park.

EPA concurs with the commentor's reviews regarding achieving attainment of the SO_2 standard and the improved visibility in the vicinity of the Class I area.

The Sierra Club submitted comments indicating that, in their judgment, the plan was weak and ineffective in that the main feature of it, the I/M plan, was in great difficulty politically, and that it may not be instituted in time to meet the deadline dates. In addition, the commentor stated that a Transportation Improvement Plan was also needed, and that the split of responsibilities in the Albuquerque-Bernalillo nonattainment area made it particularly weak. For these reasons, the commentor recommended that EPA disapprove the plan.

EPA does not agree that the plan is weak and ineffective. Substantial portions of the plan adequately demonstrate attainment, thereby indicating an improvement in air quality. In regard to the commentor's views on the I/M portion of the plan, EPA has addressed these issues, and the Agency's rationale for taking no action at this time, elsewhere in the notice. In addition, EPA does not believe that the split of responsibilities in the Albuquerque-Bernalillo nonattainment area has hindered the development of an I/M program, since both the City and County have made substantial progress in the development of this program.

Another commentor, representing the Sierra Club, Albuquerque Group, submitted comments concerning the I/M portion of the SIP and the feasibility of implementing the nineteen TCM's, which in the commentor's view, were only given cursory treatment and in general appeared to be inappropriate for the Albuquerque area.

Since the comments concerning I/M were submitted in response to EPA's notice of availability published in the March 12, 1979 **Federal Register**, the Agency no longer considers them to be relevant since the I/M program has undergone substantial change since that time.

In regard to the comments concerning the nineteen TCM's, EPA did not expect an indepth analysis of each of the measures and commitments to their implementation, since the 1979 SIP need only commit to their evaluation for potential implementation. The State Agency will, in preparation of the revisions required to be submitted in

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July, 1982, evaluate the air quality benefits of the TCM's and develop a package of transportation measures and commit to their implementation.

Another commentor objected to EPA's statement in the proposal notice, specifying that the technique of using average second high CO values to compute the needed rollback in emissions is unacceptable. In the commentor's view, this decision is technically simplistic and overly stringent and will result in increased expense and inconvenience to the people in Albuquerque. The commentor suggested the method of averaging, would acknowledge that an area-wide need to reduce emissions was best estimated by measurements over the widest area available, and that such area-wide problems require broad based technique.

EPA cannot accept the use of an average second high CO design value for the City of Albuquerque. Use of an average CO design value would provide for attainment at only half of the monitoring sites. EPA recognizes that while the CO problem in Albuquerque is wide spread there does appear to be a "hot-spot" problem in the vicinity of the Coronado-Winrock area. Due to this localized problem above and beyond the CO problem for the remainder of the City EPA would consider a control strategy that utilized a mix of controls sufficient to show attainment at all monitoring sites and accounting for the additional reductions needed in the Coronado-Winrock area.

A similar comment was received from the Bernalillo County Air Quality Board. This correspondence summarized, in their view, results of a meeting between the Air Quality Board and EPA concerning the use of the mean second high CO values in the development of the design. Their understanding of the meeting was, that EPA would accept the concept of using the mean second high CO values from all monitors in the Albuquerque area in determining the design value. In the case of the Coronado-Winrock area, the Air Quality Control Board will develop a combination of generalized and localized control strategies sufficient to reduce emissions by an amount needed to produce the larger decrease in CO concentrations in the area.

EPA concurs with the Board's understanding regarding the need for additional controls on the Coronado-Winrock area. However, as previously indicated EPA cannot accept the use of a mean second high value.

One commentor urged EPA to disapprove New Mexico's Regulation 652 entirely or to delay action until the legality of the State's regulation has been judicially determined. It is the commentor's belief that Reg. 652 was not legally adopted and therefore is not enforceable. Included with the comments was a copy of the brief filed with the Court of Appeals of the State of New Mexico in which the issue of the legality of the State's regulation is raised. The commentor also stated that regulation 652 does not deal with ambient air but with air on Kennecott property to which the public is denied access and the State and EPA calculated the required emission reduction on the basis of diffusion model predictions of concentrations on property owned by Kennecott. The State responded to the commentor's remarks in a submittal to EPA which also included a copy of the State's Reply Brief filed with the State Court. A second commentor, a public health association, agreed with the State's response and offered to send EPA a copy of the association's *amicus curiae* brief supporting the legality of the State's regulation.

Response: In an opinion issued on January 10, 1980, the Court of Appeals of the State of New Mexico upheld the validity of Regulation 652. The court specifically found that the New Mexico Environmental Improvement Board had not violated the limits imposed upon it by State law and therefore the Board's action would not be set aside.

On January 29, 1980, Kennecott filed its Petition for Writ of Certiorari with the Supreme Court of the State of New Mexico. The State supreme court granted Certiorari on February 25, 1980. Should the New Mexico Supreme Court rule that the regulation is invalid, EPA will take the appropriate action. However, EPA is satisfied that the regulation is valid and should be approved at this time. Regarding the commentors statement that regulation 652 does not deal with ambient air EPA points out that the modeling conducted by the State and EPA indicates that the sulfur dioxide standards are exceeded at a number of receptor points which are located away from the Kennecott Copper facility. The State's control strategy demonstration show that violations of the sulfur dioxide standard occurred at six out of thirteen monitoring sites in the Hurley area, while some of these sites are owned and operated by Kennecott, monitoring sites located in Bolton or at the Hurley golf course are areas to which the general public has access. In addition, EPA's evaluation of the State's control strategy indicated that, using current emission rates, the sulfur dioxide standard would also be exceeded at a distance of approximately five kilometers from the smelter. This point would correspond generally to the mountainous area to the north-northwest, again an area to which the general public would have access. Therefore, EPA is today promulgating approval of Regulation 652 with respect to the limitation to protect the primary standard. The emission limitation to protect the secondary standard is being disapproved as discussed in the Sulfur Dioxide-Grant County section.

The State of New Mexico submitted extensive comments on August 2, and September 25, 1979 which contained commitments to correct certain deficiencies, and comments on the August 9, 1979 notice of proposed rulemaking. The commitments made by the State are discussed in the pertinent sections of this notice and are reflected in the actions being taken, today, on these issues. The relevant comments are addressed as follows.

Comment: With regard to the SO_2 control strategy for the Hurley area, the State objected to EPA's statement that a 24-hour running average may not be adequate for protection of the 3-hour secondary ambient SO_2 standard. The State requested that EPA conduct an in-depth statistical analysis of the 24-hour averaging approach before taking final action to disapprove the regulation ir the SIP.

Response: EPA testified at two State public hearings involving the adoption of the SO_2 regulation and advised the Environmental Improvement Board (EIB) that the 24 hour running average was not sufficient to protect the 3 hour ambient standard. It is EPA's contention that the 24 hour running average allows sufficient leeway in the operation of the smelter such that under certain circumstances the 3-hour secondary standard could be violated. The State, after considering EPA's comments, submitted the SO_2 emission limit with the 24 hour running average still without demonstrating attainment of the secondary standard. EPA is today disapproving this regulation as explained in the Sulfur Dioxide, Grant County section of this notice for the reason that the State has not adequately demonstrated that the regulation is sufficient to attain the SO_2 secondary ambient air quality standards.

EPA has agreed to assist the State in conducting a statistical analysis of the 24 hour running average and its impact on the 3 hour standard. Until the State can demonstrate that the 24 hour running average will protect the 3 hour standard or until the State submits an approvable revision to Regulation 652, EPA will continue the disapproval in effect.

Comment: The State strongly protested EPA's stated intention to retain the previous Regulation 506, on the basis that, if retained, it must be enforced and that the Kennecott Copper Corporation Smelter at Hurley could not achieve the previous emission limitation. In addition, the State commented that the revised Regulation 506 would not allow the smelter to discontinue present controls, and the new Regulation 509, 510, and 511 would further reduce emissions from those sources which have been shown to cause the violations of the TSP standards in the Hurley area.

Response: The intent of EPA's statement was to reiterate Agency policy concerning the continuity of SIP regulations in general. As stated in the April 4, 1979 General Preamble, new regulations are in addition to, not in lieu of existing regulations. This is done for the purpose of preventing sources from operating without controls while moving toward compliance with the new requirement and/or, should there be any instance of delay or lapse in the applicability or enforceability of the new requirements due to a court order or other reason, the existing requirement must be applicable and enforceable.

Comment: In contrast to the issue of Regulation 506, the State commented that the revised Regulation 652, which is currently under appeal to the State Court of Appeals by Kennecott Copper Corporation, contains no requirements for continued operation of existing SO_2 control equipment. The State suggested that EPA retain the requirements of the previous Regulation 652 so that Kennecott Copper Corporation would continue to comply with the previous emission limitations.

Response: The previous Regulation 652 would remain in effect and Kennecott Copper Corporation is required to comply with its terms.

Comment: The State again requested that EPA provide the necessary resources to undertake a statistical analysis of the smelter's emission fluctuations.

Response: EPA has addressed this issue in the response to a previous comment.

The Arizona Public Service Company (APS) submitted comments indicating their objections to EPA's proposed approval of Regulation 602 on two broad grounds. First, the APS has long been of the opinion that the NAAQS for SO_2 are being attained and maintained in the vicinity of the Four Corners Power Plant and therefore the emission limitations in Regulation 602 are unnecessary for the protection of the standards. Second, recent ambient monitoring efforts have not measured any violations of either the federal or State SO_2 standards. In conclusion, the APS requested that EPA not approve Regulation 602 until such time that the EIB determines whether or not this regulation should be relaxed.

The EIB adopted Regulation 602 after several public hearings and the consideration of testimony from these hearings. The Board concluded, based upon the testimony presented, that the emission limiting regulation was warranted and the regulation was adopted and submitted to EPA for inclusion in the SIP. EPA's action regarding the regulation is discussed in the Sulfur Dioxide San Juan County section. With regard to the recent ambient monitoring study and its failure to detect violations of the air quality standards, EPA is aware that a public hearing has been scheduled for April, 1980 to review the regulation as discussed in the Reasonable Further Progress (RFP) section of this notice. The April, 1980 public hearing will necessarily delay the adoption and submission of a compliance schedule for the Four Corners facility. EPA, is today, granting conditional approval of the SO_2 control strategy for San Juan County in recognition of this delay. The Governor of New Mexico advised EPA by letter of September 25, 1979 of this delay in the submission of the compliance schedule. The Governor further stated that based upon the demonstrations previously submitted, EPA can approve the emission regulation as adequate to attain and maintain the national sulfur dioxide standards. Based upon the Governor's statement, EPA feels that the State still desires that the regulation be included in the federally approved SIP.

In addition to these comments, specific to the New Mexico SIP, one commentor submitted extensive comments which he requested be considered part of the record for each state plan. Each of the points raised by the commentor and EPA's response follow. Although some of the issues raised are not relevant to provisions in New Mexico's submission, EPA is notifying the public of its response to these comments at this time.

1. The commentor asked that comments it has previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of their comments on each state plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commentor objected to the general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commentor noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. [The decision is *Alabama Power Co.* v. *Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979)]. In the commentor's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentor believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the **Federal Register** on September 5, 1979, (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commentor. To the extent necessary, EPA will respond in greater detail to the commentors' concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in section 40 CFR 51.18(j). EPA also proposed, for now, to approve a SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously-submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, States will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations.

In some instances, EPA's approval of a State's NSR provisions, as revised to

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be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

On December 14, 1979 the U.S. Court of Appeals for the District of Columbia Circuit issued a second opinion in the *Alabama Power* case which supersedes that issued on June 18, 1979. EPA is in the process of reviewing such opinion and will take whatever action is necessary.

4. The commentor questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commentor noted, EPA has set forth its proposed bubble policy in a separate **Federal Register** publication. 44 FR 3720 (January 18, 1979). EPA will respond to the comments on the "bubble" approach in the final "bubble" policy statement.

5. The commentor questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commentor also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The commentor found the discussion in the General Preamble of RACT for VOC sources covered by Control Technique Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the States for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 53761 (September 17, 1979).

7. The commentor suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commentor questioned EPA's authority to require States to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commentor suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commentor's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a State fails to submit an approvable Part D plan. *See* 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally-promulgated SIP before the restrictions may go into effect.

Comment: Another commentor, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of State boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commentors argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commentors urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under Section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Comments were also received from the Asphalt Emulsion Manufacturers Association (AEMA) concerning the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. Although some of the issues raised are not relevant to the New Mexico plan, EPA is notifying the public of its response to these comments at this time. AEMA's main point is that no general rule regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. AEMA urges that EPA accept each State's emulsion specifications as RACT. AEMA also incorrectly concludes that EPA has been using a figure of 5 percent as nationwide RACT for maximum solvent content in emulsified asphalt.

EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case-by-case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a 5 percent maximum solvent content regulation where a state has chosen to submit an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for states to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, states are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a state demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on ASTM, AASHTO, and state specifications and on information recently received from the Asphalt Institute:

Use	Max. solvent content
Seal coats in early spring or late fall	3%
Chip seals when dusty or dirty aggregate is used	3%
Mixing w/open graded aggregate that is not well washed	8%
Mixing w/dense graded aggregate	12%

Albuquerque

The nonattainment areas in Albuquerque consist of five one mile radius circles around the monitoring sites that have recorded violations of the annual primary TSP standard. Inventories representing 1977 emissions indicate that fugitive dust from unpaved roads and parking lots, and reentrained dust from paved roads (nontraditional sources) contribute to over fifty percent of the emissions inventories and account for a major portion of the air quality problem at each site. Where a state is unable to demonstrate attainment of the TSP standard through controls on stationary sources, EPA policy allows a State to conduct studies of nontraditional source controls and submit regulations based on the studies if the state requires application of reasonably available control technology (RACT) to existing stationary sources. All five nonattainment sites are impacted heavily by nontraditional sources such as unpaved parking lots and unpaved roads. There are stationary sources in only two of the nonattainment areas. These sources are controlled by fabric filtration or venturi scrubbers which in EPA's consideration satisfy the requirement of Section 172(b)(3) that stationary sources be controlled with reasonably available control technology (RACT). The SIP includes an assessment of the impact of traditional and nontraditional sources and clearly shows that emission reductions sufficient to demonstrate attainment of standards can be gained through the control of the nontraditional sources. The SIP did not however, contain a commitment or schedule for the adoption of such measures. EPA, in the August 9, 1979 proposal notice, proposed to approve this portion of the plan provided the State submit a schedule committing to the adoption of measures sufficient to attain the primary standards. On September 25, 1979 the Governor submitted a schedule for the adoption and submission of a revised TSP control strategy and regulation. This schedule states the following will be completed:

(1) Update emissions inventory and identify major influencing sources—July 1, 1980.

(2) Analyze data and further define TSP problem—January 1, 1981.

(3) Propose TSP control strategy including cost benefit analysis—July 1, 1981.

(4) Develop proposed control regulation and hold public hearing—October 1, 1981.

(5) Submit revised plan to EPA—December 1, 1981.

In the August 9, 1979 proposal notice, EPA proposed to approve this portion of the plan provided the State submit a commitment or schedule for the adoption of control measures to attain the TSP standards. While the Governor's schedule meets this requirement, EPA feels that the schedule should be subject to notice and comment. Elsewhere in today's **Federal Register**, EPA is proposing the schedule for the submission of a TSP Plan for Albuquerque, N.M. EPA is conditionally approving this portion of the SIP pending EPA's final action on the TSP schedule. EPA points out that while this schedule is presently being proposed and public comment is solicited, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed. Once final action is taken by EPA regarding the schedule for submission of a TSP plan for Albuquerque, this portion of the plan will be fully approved.

Grant County

The nonattainment area in Grant County consists of a 4.5 mile radius circle around the Kennecott Copper Smelter. The State's control strategy is based upon attainment of the annual primary standard and incorporates control for the smelter stacks, fugitive emissions and fugitive dust from stockpiles and unpaved roads (regulation 510,511). The SIP demonstrated that the application of these controls would result in attainment of the primary standard by December 31, 1982. The SIP did not, as pointed out in the August 9, 1979 proposed rulemaking, address attainment of the secondary standard or request an eighteen month extension for plan sumittal. EPA proposed to approve the Grant County TSP control strategy for attainment of the primary standard and further proposed to approve the plan with regard to attainment of the secondary standard provided the State address the issue of secondary standard attainment by September 8, 1979. On September 25, 1979, the Governor of New Mexico requested an eighteen month extension, until June 30, 1980 to submit additional revisions which address the secondary TSP standard. EPA is, today, approving the Grant County TSP control strategy and Regulations 506, 509, 510 and 511 with regard to attainment of the primary standard for TSP. EPA is also granting an extension to June 30, 1980, in accordance with Section 110(b) of the Act for the submission of a revision to the Grant County TSP strategy for the attainment of the secondary standard.

In the August 9, 1979 proposal notice, EPA pointed out that appropriate testing criteria was not specified in regulation 506. Specifically a minimum of three one hour samples is required for emissions testing. Also the State regulation erroneously stipulated that testing would be conducted at standard conditions as opposed to converting the results to standard conditions (i.e., a reference temperature and pressure). EPA proposed to promulgate the provisions of 40 CFR 60.8(f) for Section A of regulation 506 and for each operation of Section B.4., and solicited public comment. No comments regarding this item were received. Therefore EPA is promulgating the provisions of 40 CFR 60.8(f) for Sections A and each operation section of B.4. of regulation 506.

Sulfur Dioxide (SO_2)

San Juan County

The nonattainment areas in San Juan County consist of a 2.5 mile radius circle around the Four Corners Generating Station and two nearby high altitude areas, Mesa Verde Plateau and the Hogback. The State has shown, that the Four Corners Generating Station (operated by Arizona Public Service) and the San Juan Generating Station (owned by Public Service Company of New Mexico) are the only known causes of nonattainment in these areas. The State, has also demonstrated, using EPA approved methods, that both the primary and secondary standards for SO_2 will be achieved through the emission limitations specified in Regulation 602.

The regulation specifies a final compliance date of December 31, 1982. However, the State has not submitted compliance schedules for the applicable sources.

In the August 9, 1979 proposal notice, EPA proposed approval of Regulation 602. In the Reasonable Further Progress (RFP) portion of the notice EPA stipulated that the State needed to address the compliance schedule requirements for these sources and proposed to approve provided the State submit these schedules by September 8, 1979.

The Governor of New Mexico by letter of September 25, 1979 advised EPA that the Environmental

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Improvement Division had tabled action or a compliance schedule for the Four Corners Power Plant due to a public hearing concerning the regulation which has been scheduled for April, 1980. EPA, as stated, has proposed approval based upon the submission of additional information within a specified time frame. However, the State was unable to meet this deadline and stated that a compliance schedule for the Four Corners Power Plant would not be submitted prior to April, 1980. Since this deadline extends beyond the date of this notice EPA will conditionally approve rather than fully approve this portion of the plan at this time. EPA, therefore approves Regulation 602 for attainment of both the primary and secondary SO_2 standards. Due to the absence of compliance schedules for applicable sources, which is the means of achieving compliance with the regulations and demonstrating reasonable further progress towards attainment, EPA is conditionally approving the SO_2 control strategy for San Juan County on the condition that compliance schedules for the applicable sources are submitted to EPA by July 31, 1980. EPA is taking final action on the deadline date without additional notice and comment. The State is the party responsible for meeting the deadline and the State has explained why it cannot submit a compliance schedule any earlier, also the public has had an opportunity to comment generally on what deadlines are appropriate and no comments, except the State's were received regarding the compliance schedule requirements. EPA, therefore, feels that final action regarding the July 31, 1980 date is appropriate.

Grant County

The SO_2 nonattainment area in Grant County consists of a 3.5 mile radius circle around the Kennecott Copper Smelter. The emissions from the smelter are the only known cause of nonattainment in the county and control of these smelter emissions is the basis for the State's control strategy. As stated in the August 9, 1979 proposal notice the State adequately demonstrated through acceptable dispersion modeling techniques that the primary annual standard and 24 hour standard will be attained through the application of regulation 652 which governs sulfur emissions from non-ferrous smelters. The notice also pointed out that the State had not adequately demonstrated attainment of the 3-hour secondary standard. The inadequacy of the demonstration came from the fact that the emission limiting regulation (regulation 652) stipulated emissions based upon a 24-hour running average which EPA believes could cause violations of the 3-hour standard due to fluctuations in emissions resulting from changes to the smelter operations. While the emission limiting regulation requires reductions in SO_2 sufficient to attain the primary standard, the State has not provided sufficient additional control to attain the secondary standard. EPA is therefore approving New Mexico regulation 652 but disapproving the SO_2 control strategy for attainment of the secondary standard in Grant County.

Carbon Monoxide (CO)

Bernalillo County (Albuquerque)

All of Bernalillo County is designated as a nonattainment area for carbon monoxide (CO). The problem is caused primarily by motor vehicles which make up approximately 96 percent of the total CO emissions. The SIP demonstrated that the CO standard could not be attained by 1982 and as a result requested an attainment date extension to December 31, 1987. EPA is approving the request extension to December 31, 1987 for attainment of the CO standard.

Section 172 of the Act stipulates that for areas requesting an extension of the attainment date certain additional control measures must be established. The SIP included a draft schedule for the implementation of a vehicle inspection/maintenance (I/M) program for Albuquerque and Bernalillo County. However, the SIP did not establish or discuss the establishment of a new source review program which requires an analysis of alternative sites, sizes, production processes and control techniques prior to the issuance of a permit to a proposed new source (referred to as alternate site analysis). Nor did the SIP commit to the identification and expeditious implementation of currently planned transportation control measures (TCMs). EPA discussed these deficiencies in the August 9, 1979 proposal and stipulated what would have to be done to remove the deficiencies. With regard to the alternate site analysis program, EPA's action is discussed under the Permit Requirements Section.

The August 9, 1979 proposal notice discussed the requirements for submitting an approvable I/M plan. These consisted of modifying the draft schedule to a final I/M implementation schedule containing specific dates for key milestone events. Requirements also included adopting and submitting I/M ordinances for the City and County and submitting a State certification that the local governments have sufficient legal authority to enact the necessary ordinances. The August 9, 1979 proposal notice also required the submission of commitments by responsible officials to implement and enforce the program. The Albuquerque City Council adopted an I/M ordinance on May 21, 1979. This was submitted as part of the SIP by the Governor on July 2, 1979. The State certification was submitted by the Office of the Attorney General of New Mexico on July 27, 1979. On August 28, 1979 the Bernalillo County Commission also adopted an I/M ordinance. This ordinance was submitted by the Governor on October 9, 1979.

EPA had determined in its review of the submittals that the Bernalillo County ordinance is not approvable due to a referendum requirement which is stipulated in the ordinance as a prerequisite to its legal existence. The New Mexico Attorney General has determined that the Bernalillo County Commission is without authority to impose such a referendum condition, therefore making the ordinance illegal. EPA does feel that the substance of the ordinance; i.e., that portion dealing with the I/M program itself, is, as is the City's ordinance, legally acceptable. Due to these findings the Bernalillo County Commission is planning to reconsider the county ordinance at its January meeting. EPA feels that both the City and County have acted in good faith in developing I/M ordinances and feel that disapproving this portion of the plan at the present time would be fruitless especially in consideration of the January Bernalillo County Commission meeting on I/M. Therefore EPA will take no action with regard to the CO control strategy for Bernalillo County at this time.

With regard to the previously mentioned implementation schedule for I/M and a commitment to adopt and expeditiously implement currently planned TCM's the Albuquerque Department of Enviromental Health and the Middle Rio Grande Council of Governments have verbally agreed to make these modifications, respectively. These items are portions of the CO control strategy for which EPA has decided to take no action at this time. EPA encourages the timely adoption and submittal of an approvable I/M ordinance for Bernalillo County and emphasizes that commitments from responsible officials regarding the implementation and enforcement of the I/M program and the commitments for TCM's must be submitted before the CO strategy can be approved.

Santa Fe and Farmington

The nonattainment areas in these two cities consist of specific road segments.

Reductions to be achieved through the Federal Motor Vehicle Control Program (FMVCP) are the only stated reductions for these two areas. In the August 9, 1979 proposal EPA proposed to disapprove the Santa Fe strategy due to insufficient reductions. The Farmington strategy demonstrated sufficient CO reductions for attainment and was proposed for approval. On September 25, 1979 the Governor indicated that a redesignation request for Santa Fe would be made shortly and analyses for redesignation would be made for Farmington and Las Cruces in the near future. EPA has received draft copies of redesignation requests for Santa Fe and Farmington and will therefore take no action regarding these CO strategies until after the redesignations are considered.

Other Part D Requirements

Permit Requirements

The August 9, 1979 proposal notice discussed the deficiencies of the State's permitting regulations with regard to Section 173 of the Act and also discussed the deficiency in the Albuquerque portion of the SIP regarding alternate site analysis.

The State has indicated that permits are not issued to sources locating in nonattainment areas. The State also indicated that recent amendments to the New Mexico Air Quality Act would allow the State to comply with Section 173 of the Act but they would have to amend their present regulations in light of this new legal authority. On August 2, 1979 in a letter from the Governor it was reaffirmed that the State did not issue permits to sources in nonattainment areas. The Governor also committed that during the interim period before final action on the revised regulation, the State will continue its policy to not issue construction permits to any area exceeding the national ambient air quality standards. On September 25, 1979 the Governor submitted a schedule for the modification and submission of Air Quality Control Regulation #702.

Permits. This schedule established the following requirements:

(1) Proposed amendments prepared for EPA and public review—December 1, 1979 (EPA has received these documents).

(2) Public hearing held—January, 1980.

(3) Submit revised regulation—March 1, 1980.

EPA proposed in the August 9, 1979 notice to approve the New Mexico permit regulations provided the State submit additional information to show that the requirements of Section 173 of the Act were complied with. This proposed approval was based upon the State submitting the additional information within a specified time frame. However, as previously indicated the State has chosen to amend their present regulations in accordance with the schedule provided by the Governor. EPA is now issuing conditional approval of this portion of the plan rather than full approval. EPA is, also, by separate notice, elsewhere in today's **Federal Register**, proposing approval of the schedule for submission of revisions to Air Quality Control Regulation #702, Permits.

The alternate site analysis requirement for the Albuquerque CO plan was proposed for approval in the August 9, 1979 notice provided the local agency submitted the necessary new source review provisions by October 8, 1979. The Albuquerque agency has verbally agreed to revise their permit regulations to incorporate alternate site analysis ninety days after the State modified their permit regulations.

As stated in the Albuquerque CO strategy, EPA is not taking action regarding this portion of the plan, hence action regarding alternate site analysis will not be taken today but will be addressed at such time as EPA takes action on the Albuquerque CO plan.

Ozone

In the August 9, 1979 **Federal Register** EPA proposed to approve the ozone control plan for Albuquerque. The plan, which is based upon an air quality design value of 0.11 ppm ozone demonstrates attainment of the previous ozone standard of 0.08 ppm. Therefore, EPA is approving the Albuquerque attainment plan for ozone.

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for New Mexico (Subpart GG) the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on New Mexico's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977.)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements only if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift the growth sanctions in those areas for which the State has submittted adequate plans in accordance with Part D requirements.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or

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whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 2, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by adding new paragraphs (11), (12), (13), (14), and (15) as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea counties; sulfur dioxide in San Juan and Grant counties; ozone in Albuquerque and carbon monoxide in Bernalillo County, Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

(12) Ordinance for motor vehicle emissions inspection/maintenance program for Albuquerque submitted by the Governor July 2, 1979.

(13) Commitments regarding the development of a TSP plan for Albuquerque, modfications to the permit regulations and commitments regarding reasonable further progress and commitments to currently planned transportation control measures for Albuquerque were submitted by the Governor on August 2, 1979.

(14) Schedule for Albuquerque TSP plan, request for 18 month extension for submission of a plan for attainment of the TSP standard in Grant County, schedule for revising permit regulations were submitted by the Governor on September 25, 1979.

(15) No action is being taken on the carbon monoxide strategies submitted by the Governor on January 23, 1979 for Bernalillo County, Farmington and Santa Fe.

§ 52.1621 [Amended]

2. Section 52.1621 is amended by changing the heading "photochemical oxidants (hydrocarbon)" to "ozone."

3. Section 52.1622 is revised to read as follows:

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

4. Section 52.1624 is revised by revoking paragraphs (a)(1) and (b)(1), renumbering paragraph (a)(2) to (a)(1), renumbering and revising paragraph (b)(2) to (b) and adding new paragraphs (c) and (d) to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

* * * * *

(b)(1) Regulation 652.A (emission limitation for sulfur from existing nonferrous smelters) adopted by the State of New Mexico on January 10, 1972, is disapproved since it does not provide for the degree of control necessary to attain and maintain the secondary standards for sulfur oxides in New Mexico's portion of the Arizona-New Mexico Southern Border Interstate Region. Regulation 652.A is approved for attainment and maintenance of the primary standards.

(c) *Part D Disapproval.* The control strategy for sulfur dioxide for Grant County as adopted by the State on December 18, 1978, is disapproved for the Grant County nonattainment areas because it does not satisfy Part D requirements, in that the strategy does not provide the degree of control necessary to attain and maintain the secondary standards for sulfur oxides.

(d) *Part D Conditional approval.* The New Mexico plan for sulfur dioxide control in San Juan County is conditionally approved based upon the state submitting schedules by July 31, 1980 for existing facilities in San Juan County subject to the emission limits of Regulation 602.

5. Section 52.1625 is revised by revoking paragraph (a) and adding a new paragraph (a) to read as follows:

§ 52.1625 Control strategy: particulate matter.

(a) *Part D Conditional Approval.* The New Mexico plan for TSP in Albuquerque is conditionally approved pending final EPA action on a schedule for studying nontraditional sources and developing control regulations.

6. Section 52.1628 is revised by revoking paragraphs (a) and (b), and adding a new paragraph to read as follows:

§ 52.1628 Review of new sources and modifications.

(a) *Part D Conditional Approval.* The New Mexico plan is conditionally approved on the conditions specified below:

(1) Proposed amendments to permit regulations prepared for EPA and public review.

(2) Hold public hearing.

(3) Submit revised regulations to EPA.

7. Section 51.1630 is revised to read as follows:

§ 52.1630 Attainment dates for national standards.

The table below presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in New Mexico's plan, except where noted.

Air quality control regions	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Albuquerque-Mid Rio Grande Intrastate:							
a. Bernalillo County	b	b	d	d	d	e	b
b. Remainder of AQCR	a	a	a	d	d	d	a
Arizona-New Mexico Southern Border Interstate:							
a. Grant County	b	g	b	b	d	d	d
b. Remainder of AQCR	a	a	a		d	d	d
El Paso-Las Cruces Alamogordo Interstate:							
a. Las Cruces	a	a	a	a	d	b	a
b. Remainder of AQCR	a	a	a	a	d	a	a
Four Corners Interstate:							
a. San Juan County	c	a	b		d	d	d
b. Remainder of AQCR	c	a	f	f	d	d	d
Northeastern Plains Interstate	d	d	d	d	d	d	d
Upper Rio Grande Valley Interstate	d	d	d	d	d	d	d
Pecos-Permian Basin Interstate:							
a. Eddy and Lea Counties	b	b	d	d	d	d	d
b. Remainder of AQCR	d	d	d	d	d	d	d
Southwestern Mountains Augustine Plains Interstate.	d	d	d	d	d	d	d

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

a. July 1975.
b. December 31, 1982.
c. Air quality presently below primary standard.
d. Air quality level presently below secondary standard.
e. December 31, 1987.
f. July 31, 1977.
g. 18 month extension granted.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earliest attainment dates are set out at 40 CFR 52.1630. (1978).

8. Section 52.1631 is revised by revoking paragraphs (a), and (b) and adding new paragraphs (a) and (b) to read as follows:

§ 52.1631 Extensions.

(a) The Administrator hereby extends to December 31, 1987, the attainment date for primary and secondary standards for carbon monoxide in Bernalillo County.

(b) The Administrator hereby extends until June 30, 1980, the submittal date for New Mexico's plan for attainment of the secondary standards for particulate matter in Grant County.

9. In Subpart GG, § 52.1635 is added to read as follows:

§ 52.1635 Rules and regulations.

(a) *Part D Disapproval:* The requirements of § 51.22 of this Chapter are not met since the measurement provisions of Sections A, B.2, and B.3 of New Mexico Regulation 506 make these sections unenforceable. Therefore, Sections A, B.2, and B.3 of Regulation 506 are disapproved.

(b) *Regulation for measurement of emission limitations (particulate matter from nonferrous smelters).* (1) This regulation applies to new and existing nonferrous smelters as they are defined in New Mexico Regulation 506. The requirements of this paragraph replace the requirements of Sections A, B.2, and B.3 of Regulation 506. All other requirements of Regulation 506 are approved as part of the plan.

(2) No person owning or operating a new nonferrous smelter shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry standard cubic foot (as defined in 40 CFR Part 60) of discharge gas.

(3) No person owning or operating an existing nonferrous smelter shall permit, cause, suffer, or allow particulate matter to the atmosphere from:

(i) The stack or stacks serving the acid plant in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(ii) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(c) *Regulation for compliance testing (particulate matter from nonferrous smelter).* The requirements of § 60.8(f) of 40 CFR Part 60 shall apply to paragraph (b)(2) of this section, and to each operation of Section B.4 of New Mexico Regulation 506.

[FR Doc. 80-10619 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1456-4]

Designation of Areas for Air Quality Planning Purposes; Section 107—Attainment Status Designations—State of Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's redesignation of the attainment status, according to Section 107 of the Clean Air Act, of certain areas, as requested by the State of Maryland. For total suspended particulate (TSP), the Administrator redesignates the Luke Election District Number Eight from nonattainment of primary standards to unclassified. Both the State and EPA conclude that the monitor which recorded the data indicating nonattainment were unduly influence by local sources. For carbon monoxide (CO), the Administrator designates specific areas in the Metropolitan Baltimore Intrastate AQCR and the Maryland Portion of the National Capital Interstate AQCR as nonattainment areas.

EFFECTIVE DATE: April 10, 1980.

ADDRESSES: Copies of the redesignation request and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn.: Mr. Harold A. Frankford (3AH12).

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12) Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, (215/597-8392).

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, 43 FR 8962, and September 12, 1978, FR 40502, the Administrator of the Environmental Protection Agency published designations of attainment and nonattainment in the State of Maryland for the following air pollutants: Total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3) and oxides of nitrogen (NO_x). These designations of attainment and nonattainment are required under Section 107(d) of the Clean Air Act.

TSP Redesignation

On August 31, 1978, the State of Maryland requested that EPA redesignate the Luke, Maryland, Election District No. 8, from nonattainment for primary TSP standards, as "cannot be classified". The request was based upon the fact that the nonattainment monitor in this area, located at the Westernport Sewage Treatment Plant, has been influenced by localized activities, such as construction activities and mist produced by the sewage treatment plant's aeration process. As such, EPA proposed that that designation be changed on April 23, 1979, 44 Fed. Reg. 23885, from "does not meet primary TSP standards" to "cannot be classified".

CO Redesignations

On September 12, 1978, 43 FR 40502, the Administrator revised the nonattainment designations for the Metropolitan Baltimore Intrastate and the Maryland portion of the National Capital Interstate AQCR's with respect to carbon monoxide (CO). The revised designation limited the nonattainment areas to unspecified "high traffic density areas" rather than the entire area comprised by these AQCR's.

On September 25, 1978, the State of Maryland submitted specific boundaries of the nonattainment areas for CO in the Metropolitan Baltimore Intrastate AQCR and the Maryland portion of the

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National Capital AQCR. These areas, consisting of downtown Baltimore, Maryland, six census tracts in Prince Georges County, and three census tracts in Montgomery County, representing areas of high traffic densities, were proposed as the boundary of the nonattainment areas on April 23, 1979, 43 FR 23686.

Public Comments

After the close of the public comment period, public comments were submitted by a national environmental group. The commentor felt that no explanation was provided to support the change in TSP designations for the Luke, Maryland Election District Number 8. EPA has no legal obligations to respond to this comment. However, EPA is including in this notice a more detailed explanation under the heading "EPA Actions".

There were no comments on the carbon monoxide redesignations.

EPA Actions

With respect to the TSP redesignation request, EPA reviewed the Westernport monitoring site in December 1978 and agreed with Maryland's conclusion that the TSP violations recorded by this monitor could be attributed to undue localized influences. In response to this evaluation, the State relocated this monitor in May 1979 to a site which meets the siting criteria set forth in 40 CFR Part 58.

Although the monitor has operated at the new site for less than four quarters, no violations of either the primary or secondary TSP standards have yet been recorded. EPA has also reviewed the most recently available eight quarters of air quality data (through the third quarter, 1979) from several other monitor sites located in both the Luke District and the adjacent area in West Virginia. Air quality data from one monitor located in Luke, Maryland shows violations of the 24 hours secondary standard, during the last four quarters, but EPA does not consider this site to be valid because the monitor is located at ground level and the violations are being caused by undue localized influences.

Air quality data from another monitor located in Piedmont, West Virginia showed one excursion of the 24 hour secondary TSP standard and a 2nd high measurement of 144 $\mu g/m^3$ during the last quarters, (the standard is 150 $\mu g/m^3$, with one excursion allowed) but no excursions or violations of either the primary or secondary TSP standards during the previous four quarters. In addition, another monitor located in Bloomington, Maryland did record one violation of the 24 hour TSP secondary standard in early May 1979, but the State of Maryland has indicated that construction and demolition had been taking place in the vicinity of the monitor at the time that the violation was recorded. Moreover, an historical review of the air quality data from the Bloomington monitor shows no violations of either primary or secondary TSP standards during the eight quarters preceding this one violation.

In view of the above evaluation, EPA believes that there is insufficient evidence to support either a designation of attainment or nonattainment of secondary TSP standards. Therefore, EPA considers a designation of "cannot be classified" to be appropriate for the Luke Election District No. 8. At the same time, EPA has initiated the process to relocate the Luke monitor to a site that would not be unduly affected by localized influences. Once the monitor is relocated, EPA will review the air quality data as it becomes available. EPA will also continue to review the air quality data from the Bloomington monitor in order to determine whether additional TSP Violations are recorded.

With respect to the carbon monoxide redesignation for Baltimore, Montgomery County and Prince Georges County, the Administrator finds the justification submitted by Maryland to be adequate. Therefore, the Administrator approves the new designations.

The Administrator finds good cause to make these designations immediately effeotive in order to lift growth sanctions that would have been applicable to those areas which had been designated nonattainment for the respective pollutants. Concurrently, the Administrator amends 40 CFR 81.321 to incorporate these new designations.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7407, 7601)

Dated: March 31, 1980.

Douglas M. Costle,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended to read as follows:

In § 81.321, in the table entitled "Maryland—TSP" that portion of the table starting with "b) *Baltimore County*" and ending with "National Capital Interstate AQCR" is revised; and the table entitled "Maryland—CO" is revised in its entirety to read as set forth below:

Subpart C—Section 107 Attainment Status Designations

* * * * *

§ 81.321 Maryland.

* * * * *

Maryland—CO

§ 81.321 Maryland

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cumberland-Keyser Intrastate AQCR:		
(a) City of Cumberland	X	
(b) City of Hagerstown (those areas of high traffic density)	X	
(c) Remainder of AQCR		X
Central Maryland Intrastate AQCR		X
Metropolitan Baltimore Intrastate AQCR:		
(a) Baltimore City, Regional Planning District No. 118 (generally corresponding to the Central Business District)	X	
(b) Remainder of AQCR		X
National Capital Intrastate AQCR—Maryland portion:		
(a) Prince Georges County, census tracts 2, 6, 12, 16, 17, 18	X	
(b) Montgomery County, census tracts 4, 7, 13	X	
(c) Remainder AQCR		X
Southern Maryland Intrastate AQCR		X
Eastern Shore Intrastate AQCR		X

Maryland—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
(b) Baltimore County:				
#325 Zones 417, 418, 420, 421		X		
#326 Zones 428, 431		X		
#328 Zone 446		X		
#329 Zones 449, 453–58	X			
Zones 450–52, 459		X		
#330 Zones 461, 462	X			
Zones 460, 463–68		X		
#331 Zones 469–72		X		
(c) Anne Arundel County:				
#201 Zones 208, 209		X		
#203 Zones 221–28		X		
#204 Zones 230		X		
(d) Remainder of AQCR				X
Cumberland-Keyser Interstate AQCR:				
(a) Election District No. 8, Luke, MD			X	
(b) Remainder AQCR				X
Central Maryland Interstate AQCR				X
National Capital Interstate AQCR				X

[FR Doc. 80-10448 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 7

[Circular No. 2459]

Employees: Interest in Lands and Resources; Exceptions: Acquisition

AGENCY: Department of the Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking specifies new CFR section numbers under which a Department of the Interior employee and members of his/her family may acquire wild free-roaming horses and burros for maintenance or adoption. It also provides that an employee or members of his/her family, if qualified, may gain title to these animals.

EFFECTIVE DATE: May 14, 1980.

ADDRESS: Any suggestions or inquiries should be sent to: Director (440), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert J. Springer (202) 343–4773.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Robert J. Springer of the Division of Wild Horses and Burros, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

This final rulemaking has not had prior publication as proposed rulemaking because its substance does not affect the rights or responsibilties of the public.

It is hereby determined that publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Act of December 15, 1971, as amended (16 U.S.C. 1331 et seq.), commonly referred to as the Wild Free-Roaming Horse and Burro Act, Part 7, Subtitle A of Title 43 of the Code of Federal Regulations, is amended as set forth below:

Guy R. Martin,

Assistant Secretary of the Interior.

April 4, 1980.

1. Section 7.4(a)(4) is amended to read as follows:

§ 7.4 Exceptions.

(a) * * *

(4) An employee of the Department of the Interior or any member of an employee's family may acquire a wild free-roaming horse or burro for maintenance or adoption through a cooperative agreement as required in 43 CFR 4740.4–2 or 43 CFR 4750.2 and may gain title to the animal(s) under the provisions of 43 CFR 4740.5.

* * * * *

[FR Doc. 80-10015 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 33, 35, 71, 75, 78, 91, 94, 97, 160, 189, 192, 196

[CGD 76–033a]

Lifesaving Equipment for Great Lakes Vessels; Exposure Suits for Vessels Operating on the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations add a specification for exposure suits to the specifications in Part 160 for vessel lifesaving equipment. They also contain requirements concerning the carriage, use, and inspection of exposure suits on tank, passenger, cargo, oceanographic, and other miscellaneous vessels that operate on the Great Lakes:

These regulations are based in part upon a Coast Guard review of vessels casualties in the Great Lakes. The review showed that deaths in the casualties were partially attributable to complications resulting from exposure to cold water. Use of the exposure suit would provide protection to the wearer while in cold water for an extended period and would serve as a protective garment if worn in a lifeboat or life raft.

DATES: Effective date: These amendments become effective April 10, 1980. Comment date: Owing to the addition of a new buoyancy correction procedure comments are invited on § 160.071–17(h) on or before May 12, 1980.

ADDRESS: Comments should be sent to Marine Safety Council (G–CMC/TP24) Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markle, Office of Merchant Marine Safety, Room 1210, U.S. Coast Guard Headquarters, Washington, D.C. 20593, 202–426–1444.

SUPPLEMENTARY INFORMATION: On June 8, 1978, the Coast Guard published a proposed rule concerning these amendments (43 FR 25000). Interested persons were given until July 20, 1978, to submit comments. A total of 42 comments were received from 18 parties. Some duplication of comments was noted. Commenters included private individuals, commercial enterprises, industry associations, and Federal agencies.

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Summary of Final Evaluation

A final evaluation has been prepared for these regulations in accordance with Department of Transportation "Regulatory Polices and Procedures" published in the **Federal Register** on February 26, 1979 (44 FR 11040–11045). The DOT Order requires that the evaluation include an analysis of the economic consequences of the regulations, quantifying, to the extent practicable, their estimated cost to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impacts of the regulations.

Vessel operators form the primary element within the private sector that is likely to bear the economic consequences of these regulations. The costs to vessel operators will be those related to the initial procurement of exposure suits and their periodic replacement as they wear out. Based upon an average price of $200 for each exposure suit and a projection that 7,832 will be required for the crewmembers and passengers of the vessels being covered, the initial cost has been estimated to be $1,566,400. Periodic replacement of the suits will result in an average annual cost of approximately $313,280. The final evaluation notes that many Great Lakes vessel operators have elected to carry exposure suits already as the result of agreements with their employees' unions. Consequently, the actual initial cost impact of these regulations will be more on the order of $700,000. Consumer costs would increase if the additional expenditures were to be absorbed into the rate structure for the transportation of passengers and cargo. Governmental units would be likewise affected in their capacities as consumers. The Federal government will bear a somewhat larger burden resulting from its ownership of one vessel that will have to be equipped with exposure suits, and several others that may be so equipped.

As suggested by the National Transportation Safety Borad in comments on the proposed regulation, the Final Evaluation also includes an analysis which estimates the quantitative benefits of the regulation. It is concluded that the cost of the regulation will be between $91,000 and $170,000 per life saved, based upon an estimate that 46 to 86 individuals might have survived accidents on the Great Lakes during the past 25 years had they been furnished exposure suits.

The principal benefit of the regulation is the saving of lives in vessel casualties that might be otherwise lost due to cold water exposure. Over the past 25 years, 100 lives have been lost in 4 vessel casualties on the Great Lakes. Between 50% and 80% of these deaths are attributable to cold water exposure or the secondary effects of cold water exposure (drowning, cardiac arrest, etc.). Use of exposure suits in these casualties would have significantly reduced the number of lives lost.

The final evaluation has been included in the public docket for this rulemaking, and may be obtained from the Marine Safety Council (G–CMC/TP24), Coast Guard Headquarters, 2100 Second St., SW., Washington, D.C. 20590, (202) 426–1477.

Drafting Information

The principal persons involved in drafting this rule are: Robert L. Markle and Lieutenant Commander Theodore J. Sampson, Project Managers, Office of Merchant Marine Safety, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments on the Draft Evaluation

Six comments were received concerning the draft evaluation. One comment criticized the Coast Guard for not conducting a comprehensive inflationary impact analysis to determine if the benefits of the regulation justify the cost. When measured under the Department of Transportation's guidelines on regulatory policies and procedures, the anticipated economic impact of these regulations was insufficient to warrant preparation of a comprehensive analysis. The departmental guidelines require that the importance of a proposed regulation be taken into account by an agency in committing resources and time to the preparation of an economic evaluation. In this particular instance, the Coast Guard conducted an analysis of the impacts to the extent required. It should be noted however, that the information published with the proposed rule was only a summary of the evaluation which was conducted. The entire document is available to the public, as noted above.

Another comment indicated that a cost benefit study of the regulations as proposed could not possibly justify the expenditure necessary to equip passenger vessels with exposure suits. Factors cited in support of this position included the safety precautions taken in the construction and operation of these vessels, as well as their fatality free operating record. Despite these considerations, the Coast Guard has taken the position that an exposure suit carriage requirement can still be reasonably imposed. Given the sudden and unpredictable nature of marine casualties, safety records do not provide a valid basis to eliminate the need for lifesaving devices.

One comment indicated that the economic burden of this requirement on Great Lakes passenger vessels was not given adequate consideration. The fact that Great Lakes' passenger vessels are forced to operate at a deficit because the Interstate Commerce Commission (ICC) will not permit the owners to abandon the operation was cited. Also cited was the problem that vessel owners could not recoup the cost of exposure suits through fare increases without approval of the ICC. Additionally, the commenter did not anticipate that the entire fare increase needed would ever be granted by the ICC. The Coast Guard certainly appreciates that passenger vessels are more severely affected by these regulations than are tankers or cargo and miscellaneous vessels. However, the significant improvement in lifesaving capabilities provided by the exposure suit when compared to the life preserver demands that the potential benefits of the exposure suits be accorded to persons who travel as passengers aboard Great Lakes vessels. In order to diminish the economic impact of this regulation on passenger vessels, they are only being required to carry enough exposure suits for their winter season passenger loads. For one passenger line this will reduce expenditures 50%. This exception does not jeopardize safety considerations, as an exposure suit will be provided for each passenger during the time of the year when a casualty necessitating its use would most likely occur and when the hazards associated with exposure to cold water are the greatest. The Coast Guard has given the economic burden of these regulations upon passenger vessels due consideration. However, further accommodations for economic reasons cannot be made without compromising the protection to which passengers aboard these vessels are entitled.

Two comments were received which questioned why no quantitative assessment has been made of the benefits which might have been realized had exposure suits been available in certain casualties involving cold water survival. An assessment of this type has been made and is included in the Final Evaluation, as discussed previously.

Discussion of Comments on the Applicability of the Regulations

Nine comments were received concerning the applicability of these regulations. Three comments questioned why applicability was being limited to vessels on the Great Lakes. As stated in the notice of proposed rulemaking, this resulted from the fact that only Great Lakes vessels were considered in the studies on which this action is based. While the potential benefit of exposure suits in other areas is recognized, the scope of this proposal cannot be legitimately expanded to cover vessels whose operators have not been accorded the opportunity to participate in the administrative process. The consideration of developing similar regulations for vessels in other areas, referred to in the notice of proposed rulemaking, continues. The Coast Guard, in its participation within the Intergovernmental Maritime Consultative Organization (IMCO), is advocating the carriage of exposure suits aboard all ocean going vessels which do not have totally enclosed lifeboats and rapid launching arrangements. Regulations requiring exposure suits for vessels in areas other than the Great Lakes may be developed in conjunction with these international efforts and would be the subject of separate rulemaking actions.

Four comments were received concerning the requirement that passenger vessels be equipped with sufficient exposure suits for each person authorized to be carried during the Great Lakes winter season (September 16 through May 14). These comments were from parties concerned with the effect of this rule on small passenger vessels. This concern was unfounded, as small passenger vessels will not be affected by this rule. Additional confusion was evident over the relevance of dates marking the Great Lakes winter season. These dates do not prescribe the time during which exposure suits must be carried aboard the vessels, but rather determine the number of exposure suits which must be carried aboard passenger vessels at all times. Section 75.41–5 has been amended to clarify this point.

One comment indicated that the uniform application of the exposure suit requirement to all vessels is unwarranted in view of the differences in size, seaworthiness and manner of operation which exist among Great Lakes vessels. The Coast Guard agrees that these differences may occasionally justify divergent requirements for certain lifesaving equipment, appliances, and practices. However, the possible need for exposure suits for the persons aboard all vessels stems from environmental factors unrelated to any variables which may be found in vessel operations or outfitting.

One commenter proposed altering the applicability section to require exposure suits on a "vessel *when* operating on the Great Lakes" instead of a "vessel that operates on the Great Lakes." This commenter desired to maintain its vessels to proper standards for possible operation on the Great Lakes without unnecessarily equipping them with exposure suits.

As all vessels that are certificated for ocean routes qualify for operation on the Great Lakes, a great number of additional vessels stand to be similarly affected. Experience has shown that relatively few of these vessels will ever operate on the Great Lakes. In order to clarify the fact that these vessels need only carry exposure suits when on the Great Lakes, the applicability wording in §§ 33.37–1, 35.10–6, 35.30–50, 35.30–55, 75.41–1, 78.17–52, 78.47–47, 78.87–1, 94.41–1, 97.15–37, 97.85–1, 196.15–37, and 196.90–1 is being changed in the manner suggested.

Five comments were received concerning the relationship between exposure suit and life preserver carriage requirements. One comment favored substitution of exposure suits for life preservers, feeling that wearing both might overly restrict the wearer's ability to breathe. Another favored this substitution, feeling it would encourage voluntary compliance in areas other than the Great Lakes if the cost of a life preserver could be eliminated. Two comments concerned the confusion and possible delays which might result when passengers try to don an unfamiliar exposure suit and a life preserver. One comment advocated delaying implementation of the requirement until such time as a self-righting exposure suit was developed and substitution could be permitted.

Substitution of exposure suits for life preservers may be possible at some future date. However, the development of a self-righting exposure suit is not necessarily a prerequisite. A self-righting capability is considered necessary for life preservers, as those wearing these devices could easily succumb to unconsciousness resulting from hypothermia. Because the exposure suits will be significantly extend the ability of a person to remain conscious, the need for a self-righting capability becomes less important.

The Coast Guard has undertaken experiments with the donning of exposure suits and the donning of life preservers over the exposure suits. There did not appear to be excessive confusion for persons unfamiliar with exposure suits. Donning a life preserver over an exposure suit did not prove to be excessively difficult. Furthermore, this arrangement was not found to be overly restrictive. The Coast Guard however does not advocate that both devices be worn at the same time. The exposure suit is intended to be worn alone.

Owning to the marginal cost of life preservers in comparision to exposure suits, little support could be found for the contention that there would be an added incentive to equip a vessel with exposure suits in areas other than the Great Lakes if the cost of a life preserver could be eliminated. The wholesale price of a life preserver is about $12, while exposure suits are about $200.

Most of the comments received generally supported the use of exposure suits on Great Lakes vessels. However, one comment advocated that use of the exposure suit should remain optional because of the newness of the equipment for shipboard use. Another comment expressed total opposition to an exposure suit carriage requirement. However, this commenter suggested that if exposure suits were to be required, provision should be made for the exemption of individual vessels if the safety record or economic circumstances so warrant.

The Coast Guard feels that the exposure suit has a great potential for preventing needless loss of life. This has been demonstrated through rigorous testing by both the Coast Guard and independent sources, and through extensive use in the commercial fishing industry. The life preserver represented a first step in the saving of individuals by preventing them from rapidly submerging or drowning upon entering the water. Although life preservers have prove their worth over the extensive period of their use, a number of instances have nevertheless arisen in which persons wearing them have died because rescue has not been possible within the short survival time available after immersion in cold water. The Coast Guard has decided that exposure suits have received adequate testing and actual use to justify moving beyond a reliance upon optional use. Further, the Coast Guard envisions a need for an exposure suit is nearly all emergencies when a life preserver would have been utilized in the past. Exempting a vessel

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from the requirements for exposure suits on the basis of economics or its past safety record is not a reasonable course of action if those same factors could not justify the elimination of life preservers aboard the vessel. It is furthermore unnecessary for a specific exemption from the exposure suit carriage requirement to be granted. If circumstances could be found to justify not carrying exposure suits, ample provision is already available within the regulations in 46 CFR 90.15 allowing the Commandant to grant exemptions from equipment requirements if satisfied that an equivalent level of safety has been achieved by alternate arrangements.

Two comments were received concerning the regulations proposed for familiarizing crew members and passengers with the location and use of exposure suits. One comment indicated that requiring each crew member to wear an exposure suit in at least one fire and boat drill each month would cause excessive wear and tear on the suits, possibly resulting in failure of the suits when needed. This minimal amount of use is not expected to cause significant deterioration. If the amount of deterioration were not sufficient to be detected, failure of the suit when needed would not be likely to occur. Unless the damage would allow water to move freely in and out of the suit, its usefulness would not be significantly diminished.

The second comment concerned the need for notifying each passenger at the beginning of the voyage where exposure suits are stored and encouraging passengers to read the instructions on donning and use. This comment was from an operator of large passenger vessels who was concerned that such a requirement would become an administrative nightmare when large numbers of passengers were involved. The requirement which prompted this comment is only applicable when passengers are carried aboard tank vessels and cargo and miscellaneous vessels. Large passenger vessels need only comply with the provisions of the regulations which require the posting, in staterooms and in conspicuous areas about the deck, of notices of giving the stowage location of exposure suits and instructions on their donning and use.

Two comments were received concerning the provision that would allow non-approved exposure suits to remain aboard vessels if they were in use prior to the effective date of these regulations. Both comments pointed out that in the absence of some safety standards equivalent to those in this specification, all existing exposure suits might qualify regardless of their usefulness. The appropriate paragraphs have been amended to restrict this provision to non-approved suits which are similar or identical to approved suits.

Two comments were received concerning the number of exposure suits required. One comment urged that children's exposure suits be required on tank vessels and cargo and miscellaneous vessels only in the event that children are carried. The Coast Guard never intended these vessels to be equipped with children's exposure suits at all times. The existing wording of this provision, requiring a master to provide child size suits to children—"when carried," specifically addresses the commenter's concern and need not be changed. Sections 33.37–5 and 94.41–5, pertaining to the number and type of exposure suits required, mandate the carriage of sufficient suits for all persons aboard. However, as they contain no specific reference to children, their wording may be left unaltered. In order to eliminate any possible confusion, the wording in §§ 35.30–50(c) and 97.85–5(c) on stowage requirements, which does refer to children's suits, is being modified to emphasize the fact that these do not have to be continuously carried.

The second comment opposed the requirement for extra exposure suits in watch areas, feeling it was a poor utilization of expensive equipment which offered little benefit and would encourage pilferage. The Coast Guard does not agree with this position. Lives may be lost if lifesaving appliances are not accessible when needed. It is not envisioned that this requirement for additional suits will result in the expense or pilferage problem purported by the commenter. On most Great Lakes vessels the berthing areas of the deck crews are already readily accessible to the pilot house, the berthing areas of the engineers are readily accessible to the engine room, and the berthing areas of the stewards are readily accessible to the galley. These working areas in most instances would not require additional suits. Pilferage of the extra exposure suits necessitated by this requirement should pose no greater problem than pilferage of the initial suit required for each person. No change will be made to the provisions for additional exposure suits.

One comment was received which indicated that marking a vessel's name on exposure suits would preclude redistribution of suits between vessels in a fleet and make maximum utilization of an expensive item difficult. The regulations do not bar an owner from striking out one vessel's name and adding another. Multiple marking on an exposure suit will not diminish its usefulness or effectiveness. In addition, the need for frequent redistribution of exposure suits among various vessels is not envisioned. This requirement will remain as proposed.

One comment was received concerning the impact of the exposure suit requirement on the use of other primary lifesaving equipment. Feeling that the lifeboats which must presently be carried are obsolescent, this commenter suggested that the introduction of exposure suits would justify their replacement with small outboard powered utility boats. The Coast Guard does not agree. Since lifeboats may not always be relied upon during a vessel casualty, exposure suits were envisioned primarily as a supplement to their use. The added safety margin provided by exposure suits would be nullified if lifeboat standards were to be weakened as a consequence of the exposure suit carriage requirement. A project is presently under consideration by the Coast Guard for the upgrading of Great Lakes lifeboat standards.

Comments on the Exposure Suit Specification

1. *General.* One comment stated that the specification appeared to be overly restrictive, thereby limiting industry research and innovation. The Coast Guard agrees that the specification is restrictive, but necessarily so. Development work on this regulation has been underway since 1971. This work, plus experiences with "survival suits" of the World War II era, indicates that if the devices are not properly designed and built they can have dangerous characteristics. Some latitude is afforded the manufacturer through the provision which allows the Coast Guard to consider any device for approval if it has performance characteristics equal or superior to the specified device.

2. *Section 160.071–9(a).* One comment stated that the requirement that exposure suits be constructed of a closed cell flexible foam may be excessively restrictive, ruling out the possible use of a double layer inflatable suit. The Coast Guard purposely excluded suits that rely entirely on inflation for buoyancy. There is too great a possibility for these devices to develop leaks for them to be considered sufficiently reliable.

3. *Section 160.071–17(c)(10).* One comment recommended that the elimination of air from the legs of exposure suits be tested by requiring test subjects to be able to see the water surface in front of their feet while floating on their backs. This test has not been added because it is believed that the visibility requirements and tests of §§ 160.071–11(e) and 160.071–17(c)(3), in combination with the requirements and tests for a device which allows air to escape from the legs in §§ 160.071–9(k) and 160.071–17(c)(10) are sufficient to detect and remedy this problem.

4. *Section 160.071–9(m).* One comment was received concerning size specifications for exposure suits. This contained a recommendation that the limitation on both the lower end of the adult suit size and the upper end of the children's suit size should be somewhat larger. The Coast Guard agrees. Recent tests of exposure suits have shown that the lower limit for the adult size and the upper limit for the child size should be changed from 40 kg (88 lb.) to 50 kg (110 lb.). The change has been made in § 160.071–9(m). Appropriate labeling changes have been made in § 160.071–23(c).

5. *Sections 160.071–11(a) (2) and (3).* One comment indicated that the requirement within the buoyancy standards for the mouth and nose of the exposure suit wearer to be at least 2 inches above the level of the water was not adequate in even minimal wave action. The Coast Guard shares the commenter's concern that the wearer's mouth and nose be sufficiently clear of the water; however, we feel that an adequate margin of safety has been provided within these regulations. The two inch figure was intended as a minimum standard for the inherent buoyancy of exposure suits designed to be equipped with an auxiliary means of buoyancy. When so equipped, these suits are required to provide at least four inches of clearance from the surface of the water to the wearer's mouth and nose.

6. *Section 160.071–11(c)(1).* One comment indicated that the thermal conductivities specified in this section appear to be in error. The commenter is correct. The values have been corrected to the normal values for the standard neoprene material referred to in the test.

7. *Section 160.071–17(c)(3).* One comment suggested that the field of vision test be expanded to determine whether the wearer has unobstructed overhead vision. Owing to the requirement for overhead vision in § 160.071–11(e) the Coast Guard originally contemplated including such a test, but it was inadvertently omitted from the proposed regulation. The test has been added to this final rule as § 160.071–17(c)(3)(iii).

8. *Sections 160.071–17(c) (5) and (6).* One comment suggested that the walking and climbing test be limited to two attempts for each subject rather than five. The Coast Guard agrees. Several of these tests have been conducted since the notice of proposed rule making was published. These tests showed that requiring five attempts was time consuming and fatigued the subjects, and that time variations between attempts were not significant. Therefore the change to two attempts for each of these tests has been made.

9. *Section 160.071–17(c)(11).* One comment suggested that the impact test be conducted from a height of 25 meters instead of 3 meters. The Coast Guard does not agree. The test from 3 meters is considered to be adequate and is consistent with the impact test done on life preservers. It is concluded that a jump from 25 meters would unnecessarily endanger the test subjects.

10. *Section 160.071–17(e)(1)(i).* One comment sought clarification of the reference in this section to an accuracy of 0 degrees Celsius for thermistors or thermocouples. This was a typographical error and has been corrected to read ±0.1°C (0.18°F).

11. *Section 160.071–17(h).* One comment suggested that the foam used as a buoyancy material for exposure suits be required to comply with some standard measuring buoyancy loss. The Coast Guard agrees. Buoyant materials such as these foams lose some buoyancy over time. At approximately the same time that the exposure suit standard was being drafted, a new buoyancy correction procedure was introduced for buoyant foams used in Personal Flotation Devices (PFDs). This same procedure has been added as § 160.071–17(h). Sections 160.071–11(a)(1) and 160.071–17(g) have also been revised to reflect terminology associated with this procedure.

As this amendment was not included in the notice of proposed rulemaking for this project, the Coast Guard is extending an opportunity for all interested and affected parties to comment upon it. All comments submitted within the next thirty days will be considered by the Coast Guard in determining whether to retain or make further modifications to this provision. Comments should contain a reference to this document (CGD 76–0933a), and should be sent to the Marine Safety Council (G–CMC/TP24), Coast Guard Headquarters, Washington, D.C. 20593.

In addition to the changes discussed above, the Coast Guard has made three other changes in rules resulting from its own review of the proposal. The first of these concerns prodecures for testing the insulation properties of suit material found in § 160.071–17(e). Under these procedures, consecutive tests are performed on material meeting the requirements for a control sample under § 160.071–17(e)(1)(iii), and material that is actually used in the construction of exposure suits. The final rules differ from the proposal in relieving the manufacturer of the obligation to perform a separate test on the suit material it it is identical to the control sample. This will avoid the needless duplication of the test, thus conserving materials and reducing expenses.

The second change was made in the buoyancy test found in § 160.071–17(g). Under the proposal this test was to be performed through the placement of weights in a basket that was to be submerged while containing an exposure suit. The weight was to be sufficiently heavy to overcome the buoyancy of the suit. Recognizing that this objective can be achieved through the use of a basket constructed of heavy material, or one that is weighted in an alternate fashion, the final rules eliminate the arbitrary requirement for weights to be placed directly in the basket.

The proposal contained approval and production testing procedures for exposure suits, as well as acceptance criteria for independent laboratories that could be retained to perform these tests. Since publishing the proposal, the Coast Guard has issued a final rulemaking establishing general procedures in this area that could be applied to any number of separate equipment specifications, including exposure suits. The need for separate procedures within the exposure suite subpart has therefore been eliminated. The text embodying these separate procedures has been replaced with references to the general procedures for approval and production testing and the acceptance of indpendent laboratories.

As each of the changes made by the Coast Guard on its own initiative is essentially procedural in nature and without substantive effect, the Coast Guard has found that they may be accomplished without further notice and opportunity for public comment.

In consideration of the foregoing, the amendments to Chapter I of Title 46 of the Code of Federal Regulations as proposed in the **Federal Register** of June 28, 1978 (43 FR 25000) are adopted with changes, as set forth below.

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Dated: March 31, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

PART 33—LIFESAVING EQUIPMENT

1. By adding a new Subpart 33.37 to read as follows:

Subpart 33.37—Exposure Suits

Sec.
33.37–1 Applicability—TB/L.
33.37–5 Number and type required—TB/L.
33.37–10 Shipboard inspections—TB/L.
33.37–15 Stowage containers—TB/L.

Authority: 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 33.37—Exposure Suits

§ 33.37–1 Applicability—TB/L.

This subpart applies to each tank vessel when operating on the Great Lakes.

§ 33.37–5 Number and type required—TB/L.

(a) Each tank vessel must carry an exposure suit for each person on board.

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided in paragraph (d) of this section each exposure suit on a tank vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before April 10, 1980 may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter if—

(1) It is similar or identical to an approved suit, and

(2) It is in servicable condition.

§ 33.37–10 Shipboard inspections—TB/L.

(a) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability.

(b) Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

§ 33.37–15 Stowage containers—TB/L.

No stowage container for exposure suits may be capable of being locked.

PART 35—OPERATIONS

2. By adding a new § 35.10–6 to read as follows:

§ 35.10–6 Exposure suits—TB/L.

The master or person in charge of a tank vessel when operating on the Great Lakes shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month;

(b) In each fire and boat drill, each passenger on board is instructed in the use of exposure suits; and

(c) Each passenger is told at the beginning of the voyage where exposure suits are stowed on board and is encouraged to read the instructions for donning and use of exposure suits.

3. By adding a new § 35.30–50 to read as follows:

§ 35.30–50 Stowage of exposure suits—TB/L.

The master or person in charge of a tank vessel when operating on the Great Lakes shall ensure that—

(a) Each exposure suit required by § 33.37–5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided;

(b) Each exposure suit required by § 33.37–5(b) for a watch or work station is stowed in a readily accessible location in or near the station; and

(c) If child size exposure suits are carried, each one is stowed in a manner that prevents mistaking it for an adult size.

4. By adding a new § 35.30–55 to read as follows:

§ 35.30–55 Child size exposure suit—TB/L.

The master or person in charge of a tank vessel when operating on the Great Lakes shall ensure that children, when carried, are provided with child size exposure suits.

5. In § 35.40–40(a), by inserting the words "exposure suits," between the words "life preservers," and "EPIRB". As amended, § 35.40–40(a) would read as follows:

§ 35.40–40 Vessel's name on equipment—TB/ALL.

(a) The equipment of all tank vessels, such as fire hoses, fire axes, lifeboats, life rafts, life preservers, exposure suits, EPIRB's and buoyant apparatus, shall be painted or branded with the name of the vessel upon which they are used, except that inflatable life rafts shall be marked in accordance with § 33.25–10.

* * * * *

PART 71—INSPECTION AND CERTIFICATION

6. By adding a new § 71.25–15(b) to read as follows:

§ 71.25–15 Lifesaving equipment.

* * * * *

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 75—LIFESAVING EQUIPMENT

7. By revising § 75.40–25 to read as follows:

§ 75.40–25 Notices.

The notices described in §§ 78.47–47 (a)(2) and (a)(3) of this chapter must be posted in each passenger cabin and stateroom and in conspicuous places about the decks.

8. By adding a new Subpart 75.41 to read as follows:

Subpart 75.41—Exposure Suits

Sec.
75.41–1 Applicability.
75.41–5 Number and type required.
75.41–10 Stowage containers.

Authority: 46 U.S.C. 375, 391a, 416, 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 75.41—Exposure Suits

§ 75.41–1 Applicability.

This subpart applies to each vessel when operating on the Great Lakes.

§ 75.41–5 Number and type required.

(a) Each vessel must at all times carry an adult size exposure suit for each person authorized to be carried during the Great Lakes winter season (September 16 through May 14).

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Each vessel must carry enough child size exposure suits to equal 10 percent of the number of suits required by paragraph (a) of this section.

(d) Except as provided in paragraph (e) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(e) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter if—

(1) It is similar or identical to an approved suit, and

(2) It is in serviceable condition.

§ 75.41–10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than 2.1 m (7 ft.) above the deck, a means for quick release must be provided and must be capable of operation from the deck.

PART 78—OPERATIONS

9. By revising § 78.13–5(a)(4)(ii) to read as follows:

§ 78.13–5 Duties of crew.

(a) * * *

(4) * * *

(ii) Seeing that the passengers are dressed and have put on their life preservers or exposure suits correctly.

* * * * *

10. By adding a new § 78.17–52 to read as follows:

§ 78.17–52 Exposure suits.

The master of each vessel when operating on the Great Lakes shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month; and

(b) In each fire and boat drill, each passenger is instructed in the use of exposure suits.

11. In § 78.47–47, by revising paragraph (a), and adding a new paragraph (b) to read as follows:

§ 78.47–47 Stateroom notices.

(a) Notices must be conspicuously posted in each passenger cabin and stateroom and, except as provided in paragraph (b) of this section, must contain the following information:

* * * * *

(b) On each vessel when operating on the Great Lakes:

(1) There shall be posted, in addition to the notices required in paragraph (a) of this section, notices that contain information on the stowage location of exposure suits and instructions for their donning and use.

(2) The third paragraph of the notice set forth in paragraph (a)(1) of this section must read as follows:

THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO LIFEBOAT NO.— ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS OR EXPOSURE SUITS AND GO TO THEIR LIFEBOAT STATIONS WHENEVER THE GENERAL ALARM BELLS RING.

12. By adding a new § 78.47–51 to read as follows:

§ 78.47–51 Exposure suits.

Each container or other location for stowage of exposure suits must be plainly marked in letters and figures at least two inches high with the label "EXPOSURE SUITS", the number of suits, and their sizes.

13. In § 78.47–65, by deleting the paragraph symbol "(a)" at the beginning of the section and by revising the heading and first sentence. As amended, § 78.47–65 reads as follows:

§ 78.47–65 Life preservers, exposure suits, and ring life buoys.

Each life preserver, exposure suit, and ring life buoy must be marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry must be added in similar type letters on all ring life buoys.

14. By adding a new Subpart 78.87 to read as follows:

Subpart 78.87—Exposure Suits

Sec.
78.87–1 Applicability.
78.87–5 Stowage of exposure suits.
78.87–10 Additional child size exposure suits.

Authority: 49 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 78.87—Exposure Suits

§ 78.87–1 Applicability.

This subpart applies to each vessel when operating on the Great Lakes.

§ 78.87–5 Stowage of exposure suits.

The master of a vessel shall ensure that—

(a) Each exposure suit required by § 75.41–5(a) for a crew member or berthed passenger is stowed in a readily accessible location in or near his or her berthing area;

(b) Each exposure suit required by § 75.41–5(b) for a watch or work station is stowed in a readily accessible location in or near the station;

(c) Each other exposure suit required by § 75.41–5 is stowed in a conspicuous, readily accessible location that is on deck or otherwise open to passengers; and

(d) Each child size exposure suit is stowed in a manner that prevents mistaking it for an adult size.

§ 78.87–10 Additional child size exposure suits.

If during the Great Lakes winter season (September 16 through May 14) the number of children on board exceeds the number of child size exposure suits required by § 75.41–5(c), the master of the vessel shall ensure that enough additional exposure suits of a child size are on board the vessel to provide one for each child.

PART 91—INSPECTION AND CERTIFICATION

15. By adding a new § 91.25–15(b) to read as follows:

§ 91.25–15 Lifesaving equipment.

* * * * *

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 94—LIFESAVING EQUIPMENT

16. By adding a new Subpart 94.41 to read as follows:

Subpart 94.41—Exposure Suits

Sec.
94.41–1 Applicability.
94.41–5 Number and type required.
94.41–10 Stowage containers.

Authority: 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 94.41—Exposure Suits

§ 94.41–1 Applicability

This subpart applies to each vessel when operating on the Great Lakes.

§ 94.41–5 Number and type required.

(a) Each vessel must carry an exposure suit for each person on board.

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided by paragraph (d) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before April 10, 1980 may remain in use on the vessel in place of an exposure

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suit approved under Subpart 160.071 of this chapter if—

(1) It is similar or identical to an approved suit, and

(2) It is in serviceable condition.

§ 94.41–10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than 2.1 m (7 ft.) above the deck, a means for quick release must be provided and must be capable of operation from the deck.

PART 97—OPERATIONS

17. By revising § 97.13–10(a)(4)(ii) to read as follows:

§ 97.13–10 Duties of crew.

(a) * * *

(4) * * *

(ii) Seeing that the passengers are dressed and have put on their life preservers or exposure suits correctly.

* * * * *

18. By adding a new § 97.15–37 to read as follows:

§ 97.15–37 Exposure suits.

The master of a vessel when operating on the Great Lakes shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month;

(b) In each fire and boat drill, each passenger on board is instructed in the use of exposure suits; and

(c) Each passenger is told at the beginning of the voyage where exposure suits are stowed on board and is encouraged to read the instructions for donning and use of the exposure suits.

19. In § 97.37–43, by revising the heading and paragraph (a) to read as follows:

§ 97.37–43 Life preservers, exposure suits, wood floats, and ring life buoys.

(a) Each life preserver, exposure suit, wood float, and ring life buoy must be marked with the vessel's name.

* * * * *

20. By adding a new Subpart 97.85 to read as follows:

Subpart 97.85—Exposure Suits

Sec.

97.85–1 Applicability.
97.85–5 Stowage of exposure suits.
97.85–10 Child size exposure suits required.

Authority: 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 97.85—Exposure Suits

§ 97.85–1 Applicability.

This subpart applies to each vessel when operating on the Great Lakes.

§ 97.85–5 Stowage of exposure suits.

The master or person in charge of a vessel shall ensure that—

(a) Each exposure suit required by § 94.41–5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided;

(b) Each exposure suit required by § 94.41–5(b) for a watch or work station is stowed in a readily accessible location in or near the station; and

(c) If child size exposure suits are carried, each one is stowed in a manner that prevents mistaking it for an adult size.

§ 97.85–10 Child size exposure suit required.

The master or person in charge of a vessel shall ensure that children, when carried, are provided with child size exposure suits.

PART 160—LIFESAVING EQUIPMENT

21. By adding a new Subpart 160.071 to read as follows:

Subpart 160.071—Exposure Suits

Sec.

160.071–1 Scope.
160.071–3 Applicable regulations and standards incorporated by reference.
160.071–5 Independent laboratory.
160.071–7 Approval procedure.
160.071–9 Construction.
160.071–11 Performance.
160.071–13 Storage case.
160.071–15 Instructions.
160.071–17 Approval testing for adult size exposure suit.
160.071–19 Approval testing for child size exposure suit.
160.071–23 Marking.
160.071–25 Production testing.

Authority: 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.071—Exposure Suits

§ 160.071–1 Scope.

This subpart contains construction and performance requirements, and approval tests for adult and child exposure suits that are designed to prevent shock upon entering cold water and lessen the effect of hypothermia (body heat loss duirng long periods of immersion).

§ 160.071–3 Applicable regulations and standards incorporated by reference.

(a) This subpart makes reference to the following Coast Guard regulations:

(1) Subpart 161.012 of this chapter (Personal Flotation Device Lights).

(2) Subpart 164.018 of this chapter (Retro-reflective Material for Lifesaving Equipment).

(b) The following standards of the American Society for Testing and Materials are incorporated by reference into this subpart:

(1) ASTM B 117–73 (Reapproved 1979), Standard Method of Salt Spray (Fog) Testing.

(2) ASTM C 177–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate.

(3) ASTM C 518–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter.

(4) ASTM D 1004–66 (Reapproved 1976), Tear Resistance of Plastic Film and Sheeting.

(c) The following Federal Standards are incorporated by reference into this subpart:

(1) Federal; Test method Standard No. 191a dated July 20, 1978, Method 5304.1, Abrasion Resistance of Cloth; Oscillatory Cylinder (Wyzenbeek) Method, dated July 9, 1971.

(2) Federal Standard No. 751a, Stitches, Seams, and Stitchings, dated January 25, 1965.

(d) Underwriters Laboratories Standard UL 1191, FIRST EDITION (Standard for Components for Personal Flotation Devices), as revised March 29, 1977, has been incorporated by reference into this subpart.

(e) The standards listed in paragraphs (b), (c), and (d) of this section may be obtained as follows:

(1) ASTM standards may be purchased from the American Society for Testing and Materials, 1916 Race St. Philadelphia, PA 19103.

(2) The Federal Standards may be purchased from Customer Service, Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120.

(3) The UL Standard may be purchased from Underwriters Laboratories, 2606 Tampa East Blvd., Tampa, FL 33619.

(f) The documents listed in this section are also on file in the **Federal Register** library.

(g) When changes are made to a standard incorporated by reference into this subpart, the effective date for its use will be the effective date set by the issuing authority unless otherwise determined by the Coast Guard.

(h) Notice will be published in the **Federal Register** of any changes made to a standard incorporated by reference into this subpart.

(i) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the **Federal Register** on November 13, 1979.

§ 160.071–5 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

§ 160.071–7 Approval procedure.

(a) *General.* An exposure suit is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 160.071–17 or § 160.071–19.

(c) *Approval of child size suit.* No child size suit will be approved unless the adult size of the suit has been approved.

§ 160.071–9 Construction.

(a) *General.* Each exposure suit must be constructed primarily of a closed-cell flexible foam that meets the buoyancy and thermal insulation requirements in § 160.071–11 (a) and (c). Each suit must be designed to cover the wearer's entire body, except for the area of the nose and eyes.

(b) *Impact resistance and body strength.* The body of each adult size suit must be designed so that it is not damaged when tested as prescribed in § 160.071–17 (c)(11) and 17(1). The body of each child size suit must be designed so that it is not damaged when tested as prescribed in § 160.071–19(c).

(c) *Seams.* Stitching used in each structural seam of an exposure suit must be lock type stitching that meets the requirements in Federal Standard No. 751a for one of the following:

(1) Class 300 Lockstitch.

(2) Class 400 Multithread chain stitch.

(3) Class 700 Single thread lockstitch.

(d) *Seam strength.* Each seam must have a strength of at least 225 N(50 lb.).

(e) *Closures and seals.* Each closure and seal must be designed so that the suit can meet the water penetration requirements of § 160.071–11(f).

(f) *Hardware.* All hardware of an exposure suit must be of a size and design that allows ease of operation by the wearer. The hardware must be attached to the suit in a manner that allows the wearer to operate it easily and that prevents it from attaining a position in which it can be operated improperly.

(g) *Metal parts.* Each metal part of an exposure suit must be—

(1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and

(2) Galvanically compatible with each other metal part in contact with it.

(h) *Suit exterior.* The primary color of the exterior surface of each suit must be international orange. The exterior surface of the suit must not tear or abrade when tested as prescribed in §§ 160.071–17 (n) and (o).

(i) *Buoyant materials and compartments.* Buoyant materials used in a suit must not be loose or granular. The suit must not have an inflated or inflatable compartment, except as prescribed in § 160.071–11(a)(4).

(j) *Hand and arm construction.* The hand of each suit must be a glove that allows sufficient dexterity for the wearer to pick up a 9.5 mm (⅜ in.) diameter wooden pencil from a table and write with it. The glove may not be removeable unless it is attached to the arm and unless it can be secured to the arm or stowed in a pocket on the arm when not in use. A removeable glove must be designed so that only a small amount of water can enter the glove during use. Each arm with a removeable glove must have a wristlet seal that meets paragraph (e) of this section.

(k) *Leg construction.* Each suit must be designed to prevent air from becoming trapped in its legs when the wearer enters the water headfirst.

(l) *Foot construction.* Each leg of a suit must have a foot that has a hard sole or enough room for a work shoe to be worn inside. The sole of each foot must be—

(1) Natural or synthetic rubber that is ribbed or bossed for skid resistance; and

(2) Designed to prevent the wearer from slipping when the suit is tested as prescribed in § 160.071–17(c)(5).

(m) *Size.* Each adult suit must fit persons ranging in weight from 50 kg (110 lb.) to 150 kg (330 lb.) and in height from 1,500 mm (59 in.) to 1,900 mm (75 in.). Each child size suit must fit children ranging in weight from 20 kg (44 lb.) to 50 kg (110 lb.) and in height from 1,000 mm (39 in.) to 1,500 mm (59 in.). Each suit must be capable of being worn comfortably over clothing and must not restrict the wearer's motion. The suit size and design must allow successful completion of the mobility tests prescribed in §§ 160.071–17(c)(2) through (c)(7).

(n) *Retroreflective material.* Each exposure suit must be fitted with Type I retroreflective material that meets Subpart 164.018 of this chapter. When the wearer of an exposure suit is in the face-up, stable floating position described in § 160.071–11(a)(3), at least 200 sq. cm (31 sq. in.) of the material must be visible above water to observers at water level directly in front of the wearer and directly behind the wearer.

(o) *PFD light.* Each exposure suit must be designed so that a light meeting the requirements of Subpart 161.012 of this chapter can be attached to its front shoulder area and so that the light when attached does not damage the suit and cannot adversely affect its performance. If the manufacturer of the suit designates a specific location for the light, or designates a specific model light, this information must be clearly printed on the suit or in the instructions prescribed by § 160.071–15(c).

§ 160.071–11 Performance.

(a) *Buoyancy.* Each suit must meet the following buoyancy requirements as measured in the test conducted under § 160.071–17(h):

(1) The corrected buoyancy of each adult size suit must be at least 100 N(22 lb.). The corrected buoyancy of each child size suit must be at least 50 N(11 lb.).

(2) Each suit must have a stable floating position in which the mouth and nose of the wearer are at least 50 mm (2 in.) above the surface of the water.

(3) If this stable floating position is horizontal or nearly so, or if the mouth and nose of the wearer are less than 100 mm (4 in.) above the surface of the water in the stable position, an auxiliary means of buoyancy such as an inflatable bladder must be provided for changing from the horizontal position to a more upright stable floating position. When using the auxiliary means of buoyancy, the mouth and nose of the wearer must be at least 100 mm (4 in.) above the surface of the water, and the torso must be inclined slightly backward from the upright position.

(4) The buoyancy of any auxiliary means of buoyancy must not be counted when determining the buoyancy of the suit.

(b) *Righting.* The suit must be designed to turn the wearer from a facedown position to a face-up position within 10 seconds or to allow the wearer without assistance to turn from a face-down position to a face-up position within 5 seconds. If a suit has an auxiliary means of buoyancy, the suit must be designed to meet this requirement when the auxiliary means of buoyancy is used and when it is not used.

(c) *Thermal protection.* The suit must be designed to protect against loss of body heat as follows:

(1) The thermal conductivity of the suit material when submerged 1 m (39 in.) in water must be less than or equal

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to that of a control sample of 4.75 mm (3/16 in.) thick, closed-cell neoprene foam. The control sample of foam must have a thermal conductivity of not more than 0.050 watt/meter-°K (0.346 Btu-in./hr.-sq.ft.-°F).

(2) The suit must be able to pass the thermal protection test prescribed in § 160.071–17(d)(6).

(d) *Donning time.* Each suit must be designed so that a person can don the suit correctly within one minute after reading the donning and use instructions described in § 160.071–15(a).

(e) *Vision.* Each suit must be designed to allow unrestricted vision throughout an arc of 60° to either side of the wearer's straight-ahead line of sight when the wearer's head is turned to any angle between 30° to the right and 30° to the left. Each suit must be designed to allow a standing wearer to move head and eyes up and down far enough to see both feet and a spot directly overhead.

(f) *Water penetration.* An exposure suit must not retain more than 5 kg (11 lb.) of water when tested for water penetration as prescribed in § 160.071–17(c)(10).

(g) *Splash protection.* Each suit must have a means to prevent water spray from directly entering the wearer's mouth.

(h) *Storage temperature.* Each suit must be designed so that it will not be damaged by storage in its storage case at any temperature between minus 20° C (minus 4° F) to 60° C (140° F).

(i) *Flame exposure.* Each suit must be designed to be useable after two seconds contact with a gasoline fire.

§ 160.071–13 Storage case.

(a) Each suit must have a storage case made of vinyl coated cloth or material that provides an equivalent measure of protection to the suit.

(b) Each storage case must be designed so that it is still useable after two seconds contact with a gasoline fire.

§ 160.071–15 Instructions.

(a) Each suit must have instructions for its donning and use in an emergency. The instructions must be in English and must not exceed 50 words. Illustrations must be used in addition to the words.

(b) The instructions required by paragraph (a) of this section must be on the exterior of the storage case or printed on a waterproof card attached to the storage case or to the suit. These instructions must also be available in a form suitable for mounting on a bulkhead of a vessel.

(c) In addition to the instructions required by paragraph (a) of this section, each suit must have instructions on care and repair of the suit and any additional, necessary information concerning stowage and use of the suit on a vessel.

§ 160.071–17 Approval testing for adult size exposure suit.

Caution: During each of the in-water tests prescribed in this section, a person ready to render assistance when needed should be near each subject in the water.

(a) *General.* Each adult size exposure suit must be tested as prescribed in this section. If the suit is also made in a child size, the child size suit must be tested as prescribed in § 160.071–19.

(b) *Test samples.* Each test prescribed in this section may be performed by using as many exposure suits as are needed to make efficient use of the test subjects and test equipment, except that each subject in the impact test described in § 160.071–17(c)(11) must not use more than one suit during the test.

(c) *Mobility and flotation tests.* The mobility and flotation capabilities of each exposure suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Seven males and three females must be used in the tests described in this paragraph. The subjects must represent each of the three physical types (ectomorphic, endomorphic, and mesomorphic). Each subject must be in good health. The heaviest male subject must weight at least 25 kg (55 lb.) more than the lightest male subject. The heaviest female subject must weight at least 25 kg (55 lb.) more than the lightest female subject. Each subject must be unfamiliar with the specific suit under test. Each subject must wear a swimming suit for the in-water tests and ordinary street clothing or work clothing for the other tests.

(2) *Donning time.* Each subject is removed from the view of the other subjects and allowed one minute to examine a suit and the manufacture's instructions for donning and use of the suit in an emergency. At the end of this period, the subject attempts to don the suit as rapidly as possible without the aid of a chair or any support to lean on; however, the subject may sit on the floor. If the subject does not don the suit completely, including gloves and any other accessories, within 60 seconds, the subject removes the suit, examines the instructions for another minute, and again attempts to don the suit. At least nine of the ten subjects must be able to don the suit completely in 60 seconds in at least one of the two attempts.

(3) *Field of vision.* The exposure suit's field of vision must be tested as follows:

(i) While wearing a suit, each subject stands upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 60° away from the subject's straight-ahead line of sight. The observer must be able to see the subject's closest eye at this position. The observer then walks past the front of the subject to a position on the subject's other side that is at an angle of 60° away from the subject's straight-ahead line of sight. The suit must not obstruct the observer's view of the subject's eyes at any point between the two positions.

(ii) While wearing the suit, each subject stands upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 90° away from the subject's straight-ahead line of sight. The subject then turns his or her head through an arc of 30° toward the position of the observer. This procedure is repeated with the observer positioned on the other side of the subject at an angle of 90° away from the subject's straight-ahead line of sight. The suit must not obstruct the observer's view of the subject's eyes when the subject's head is turned 30° toward the observer.

(iii) While wearing the suit, each subject stands upright and faces straight ahead. Through a combination of head and eye movement, the subject looks first at a spot directly overhead, then looks at a spot on or between the feet. An observer must verify that the subject can make the necessary head and eye movements while wearing the suit.

(4) *Hand dexterity.* While wearing a suit, including a removable glove if any, each subject must be able to pick up a 9.5 mm (⅜ in.) diameter wooden pencil from a flat hard surfaced table using only one hand. Still using only one hand, the subject must be able to position the pencil and write with it. At least eight of the ten test subjects must be able to complete this test.

(5) *Walking.* A 30 m (100 ft.) long walking course must be laid out on a smooth linoleum floor. The finish on the floor must allow water to lie on it in a sheet rather than in beads.The course may have gradual turns, but must not have any abrupt change in direction. Each subject is timed walking the course two times at a normal pace with the floor dry. Each subject then dons a suit and is timed again walking the course two times with the floor wet. The subject is given adequate rest periods between trials to avoid fatigue. The subject must not slip on the wet floor when wearing the suit. The average time for each subject to walk the course while wearing the suit must be not more than 1.25 times the subject's average time to walk the course without the suit.

(6) *Climbing.* A vertical ladder extending at least 5 meters (17 feet) above a level floor must be used for this test. Each subject is timed two times climbing the ladder to a rung at least 3 meters (10 feet) above the floor. The subject then dons a suit and is again timed two times climbing to the same rung. The subject is given adequate rest periods between trials to avoid fatigue. The average time for each subject to climb the ladder while wearing the suit must be not more than 1.25 times the subject's average time to climb the ladder without the suit.

(7) *Water emergency.* A pool with a wooden platform at one side must be used for this test. The platform must be 300 mm (1 ft.) above the water surface and must not float on the water. The platform must have a smooth painted surface. Each subject enters the water without a suit and swims or treads water for approximately two minutes. The subject must then be able to emerge from the pool onto the platform using only his or her hands on top of the platform as an aid and without pushing off of the bottom of the pool. Any subject unable to emerge onto the platform within 30 seconds is disqualified for this test. At least five subjects must qualify and be used for this test. If less than five subjects of the original ten qualify, substitute subjects may be used. Each qualified subject dons the suit with all closures open and without any auxiliary means of buoyancy. The subject then enters the water feet first and swims or treads water for two minutes, during this period the subject allows water to enter the suit but does not attempt to flood the suit to its capacity. After the two minute period, the subject closes each of the suit closures. The subject must then be able to emerge from the pool onto the platform using only his or her hands on top of the platform as an aid, and without pushing off the bottom of the pool.

(8) *Stability and retro-reflective material.* While wearing a suit in water without any auxiliary means of buoyancy, each subject assumes a face-up position and then allows his or her body to become limp. The distance from the water suface to the lowest part of the subject's mouth or nose is measured. For each test subject, the stable position and the distance of the mouth and nose above water must be as prescribed in § 160.071–11(a)(3). This procedure is repeated using the auxiliary means of buoyancy, if one is provided. For each test subject the stable position and the distance of the mouth and nose above the water must be as prescribed in § 160.071–11(a)(4). During this test, each subject must be viewed by observers at water level from the front and back to determine whether the retroreflective material of the suit meets § 160.071–9(n).

(9) *Righting.* Each subject while wearing a suit in water without any auxiliary means of buoyancy takes a deep breath, assumes a face-down position, allows his or her body to become limp, and slowly expels air. The suit must cause the subject to turn face up within 10 seconds; or if the suit does not turn the subject within 10 seconds, the subject must be able to turn face up under his or her own power within 5 seconds. The procedure is repeated using the auxiliary means of buoyancy, if one is provided.

(10) *Water and air penetration.* Each subject is weighed while wearing a completely dry suit without any auxiliary means of buoyancy. The subject jumps into water from a height that will cause the subject to be completely immersed. The subject swims or treads water for approximately one minute emerges from the water, and is weighed within 10 seconds after emerging. The procedure is repeated with the subject entering the water headfirst. As the subject enters the water head-first, air that accumulates in the leg must be expelled automatically. At the end of this test, the weight of the subject in the wet suit must not exceed the dry weight of the subject and suit by more than 5 kg (11 lb.).

(11) *Impact.* While wearing a suit without any auxiliary means of buoyancy, each subject jumps into water feet first six times from a height of 3 m (10 ft.) above the water surface. Each subject must be able to assume a face up stable position without assistance after each jump. The suit must not tear, separate at any seam, or exhibit any characteristic that would render it unsafe or unsuitable for use in water.

(d) *Thermal protection.* The thermal protection capability of a suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Male subjects must be used for this test. Each subject must be familiarized with the test procedure before starting the test. Each subject must be between 1.65 m (65 in.) and 1.85 m (73 in.) tall and must not be more than 10 percent overweight or underweight for his height and physical type as determined by a physician or physiologist or from published physiological data. Each subject must have had a normal night's sleep the night before the test, a well-balanced meal 1 to 5 hours before the test, and no alcoholic beverages for 24 hours before the test. In addition to the suit, each subject must wear a tee shirt and shorts, a long sleeved cotton shirt, denim trousers, athletic socks, and oxford type shoes if the suit is designed for shoes to be worn inside.

(2) *Test equipment.* The test must be conducted in calm water with a temperature between 0° C (32° F) and 3° C (37.4° F). The air temperature 300 mm (1 ft.) above the water surface must be between minus 10° C (14° F) and 20° C (68° F). Each subject must be instrumented with an electrocardiograph, a thermistor or thermocouple in the rectum placed 150 mm (6 in) beyond the anus, a thermistor or thermocouple on the tip of the index finger, and a thermistor or thermocouple on the tip of the great toe. Each thermistor or thermocouple must have an accuracy of 0.1° C (.18° F).

(3) *Test procedure.* A physician must be present during this test. Before donning the suit, each subject rests quietly in a room with a temperature between 10° C (50° F) and 25° C (77° F) for 15 minutes. The rectal temperature is then recorded as the initial rectal temperature. The subject dons a suit as rapidly as possible without damaging the instrumentation and immediately enters the water. The subject assumes a face-up, stable floating position. No auxiliary means of buoyancy may be used during this test. The subject remains in the water engaging in activity that maintains the heart rate between 50 and 140 per minute for the first hour, and between 50 to 120 per minute during the remainder of the test, except that no attempt is made to control heart rate if the subject is shivering. Each thermistor or thermocouple reading is recorded at least every 10 minutes.

(4) *Completion of testing.* Testing of a subject ends six hours after he first enters the water, unless terminated sooner.

(5) *Termination of test.* Testing of a subject must be terminated before completion if any of the following occurs:

(i) The physician determines that the subject should not continue.

(ii) The subject requests termination due to discomfort or illness.

(iii) The subject's rectal temperature drops more than 2° C (3.6° F) below the initial rectal temperature, unless the physician determines that the subject may continue.

(iv) The subject's finger or toe temperature drops below 5° C (41° F), unless the physician determines that the subject may continue.

(6) *Test results.* The test results must be prepared as follows:

(i) The total rectal temperature drop during the test period and the average

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finger and toe temperature at the end of the test must be determined for each subject in the test, except subjects who did not complete testing for a reason stated in paragraph (d)(5)(i) or (d)(5)(ii) of this section. These temperatures and temperature drops must then be averaged. The average drop in rectal temperature must not be more than 2° C (3.6° F), and the average toe and finger temperature must not be less than 5° C (41° F). Data from at least four subjects must be used in making these temperature calculations.

(ii) Rates of toe, finger, and rectal temperature drop for each subject who did not complete testing for a reason stated in paragraph (d)(5)(iii) or (d)(5)(iv) of this section must be determined using the highest temperature measured and the temperature measured immediately before testing was terminated. These rates must be used to extrapolate to 6 hours the estimated rectal, finger, and toe temperature at the end of that time. These estimated temperatures must be the temperatures used in computing the average temperatures described in paragraph (d)(6)(i) of this section.

(e) *Insulation.* Suit material must be tested under the following conditions and procedures, except that if the suit material meets the requirements for the control sample in paragraph (e)(1)(iii) of this section, the test procedure in paragraph (e)(2) of this section is not required:

(1) *Test equipment.* The following equipment is required for this test:

(i) A sealed copper or aluminum can that has at least two parallel flat surfaces and that contains at least two liters (two quarts) of water and no air. One possible configuration of the can is shown in Figure 160.071–17(e)(1)(i).

(ii) A thermistor or a thermocouple that has an accuracy of ±0.1°C (0.18°F) and that is arranged to measure the temperature of the water in the can.

(iii) A control sample of two flat pieces of 4.75 mm (3/16 in.) thick, closed-cell neoprene foam of sufficient size to enclose the can between them. The control sample must have a thermal conductivity of not more than 0.050 watt/meter-°K (0.346 Btu-in./hr.-sq.ft.-°F). The thermal conductivity of the control sample must be determined in accordance with the procedures in ASTM C 177 or ASTM c 518.

(iv) Two flat pieces of suit material of sufficient size to enclose the can between them. The surface covering, surface treatment, and number of layers of the material tested must be the same as those of material used in suit. If the material used in the suit varies in thickness or number of layers, the material tested must be representative of the portion of the suit having the least thickness or number of layers.

(v) A clamping arrangement to form a watertight seal around the edges of the material when the can is enclosed inside. A sealing compound may be used. Figure 160.071–17(e)(1)(v) shows one possible configuration of the clamping arrangement.

(vi) A container of water deep enough to hold the entire assembly of the can, material, and clamp at least 1 m (39 in.) below the surface of the water.

(vii) A means to control the temperature of the water in the container between 0°C (32°F) and 1°C (33.8°F).

(viii) A termistor or therocouple that has an accuracy of ±0.1°C (0.18°F) and that is arranged to measure the temperature of the water in the container at the depth at which the can material, and clamp are held.

(2) *Test Procedure.* The can is held under water (which can be at room temperature) and clamped between the two pieces of the neoprene control sample so that the assembly formed conforms as closely as possible to the shape of the can, and so that water fills all void spaces between the can and the sample. When the water temperature in the can is at or above 45°C (113°F), the assembly is then placed in the container and submerged to a depth of 1 m (39 in.) at the highest point of the assembly. The water temperature in the container must be between 0°C (32°F) and 1°C (33.8°F) and must be maintained within this temperature range for the remainder of the test. No part of the assembly may touch the bottom or sides of the container. Every two minutes the assembly is shaken and then inverted from its previous position. The time for the water inside the can to drop from 45°C to 33°C (91°F) is recorded. This procedure is performed three time and then repeated three additional times using the suit material instead of the neoprene control sample. The shortest time for the drop in water temperature when the suit material is used must be greater than or equal to the shortest time when the neoprene control sample is used.

(f) *Storage temperature.* A suit in its storage case is placed in a chamber with a temperature of 60°C±3°C (140°±5.4°F) for 24 hours. A test subject then enters the chamber and dons the suit. This procedure is repeated at a temperature of minus 20°C (minus 4°F), ±3°C. The subject may wear protective clothing for this test. Under each condition, the subject must be able to don the suit without damaging it.

(g) *Measured buoyancy.* The buoyancy of a suit must be measured under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A mesh basket that is large enough to hold a folded suit, and that is weighted sufficiently to overcome the buoyancy of the suit when placed in the basket.

(ii) A tank of water that is large enough to contain the basket submerged with its top edge 50 mm (2 in.) below the surface of the water.

(iii) A scale of load cell that has an accuracy of 0.15 N (½ oz.) and that is arranged to support and weigh the basket in the tank.

(2) *Test procedure.* The basket is submerged so that its top edge is 50 mm (2 in.) below the surface of the water. The basket is then weighed. Thereafter, a suit is submerged in water and then filled with water, folded, and placed in the submerged basket. The basket is tilted 45° from the vertical for five minutes in each of four different directions to allow all entrapped air to escape. The basket is then suspended with its top edge 50 mm (2 in.) below the surface of the water for 24 hours. At the end of this period, the basket and suit are weighed underwater. The measured buoyancy of the suit is the difference between this weight and the weight of the basket as determined at the beginning of the test. The measured buoyancy is used to determine corrected buoyancy as described in paragraph (h) of this section.

(h) *Corrected buoyancy.* The corrected buoyancy of a suit is its measured buoyancy reduced by the buoyancy correction factor of the buoyant suit material. The buoyancy correction factor is determined in accordance with UL 1191, except that the minimum number of samples required to determine each property is 10 instead of 75.

(i) *Suit flame exposure.* The suit's resistance to flame must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A metal pan that is at least 300 mm (12 in.) wide, 450 mm (18 in.) long, and 60 mm (2½ in.) deep. The pan must have at least 12 mm (½ in.) of water on the bottom with approximately 40 mm (1½ in.) of gasoline floating on top of the water.

(ii) An arrangement to hold the suit over the gasoline.

(2) *Test procedure.* A suit is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The suit is then held with the lowest part of each foot 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flame first contacts the suit, the suit is removed from the fire. If the suit is burning, it is allowed to continue to burn for six seconds before the flames are extinguished. If the suits sustains any visible damage other than scorching, it must then be subjected to the stability test described in paragraph (c)(8) of this section, except that only one subject need be used, the impact test described in paragraph (c)(11) of this section, except that only one subject need be used, the thermal protection test described in paragraph (d) of this section, and the buoyancy test described in paragraph (g) of this section, except that the buoyancy test need be conducted only for 2 hours.

(j) *Storage case flame exposure.* The storage case must be tested using the same equipment required for the suit flame exposure test. The exposure suit must be inside the storage case for this test. The storage case is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The storage case is then held with its lowest part 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flames first contact the case, the case is removed from the fire. If the case is burning, it is allowed to continue to burn for six seconds before the flames are extinguished. The storage case material must not burn through at any point in this test and the exposure suit must not sustain any visible damage.

(k) *Corrosion resistance.* Each metal part of a suit that is not 410 stainless steel, or for which published evidence of salt-spray corrosion resistance equal to or greater than 410 stainless steel is not available, must be tested as described in ASTM B 117. A sample of each metal under test and a sample of 410 stainless steel must be tested for 720 hours. At the conclusion of the test, each sample of test metal must show corrosion resistance equal to or better than the sample of 410 stainless steel.

(l) *Body strength.* The body strength of a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The test apparatus shown in Figure 160.071–17(l)(1) must be used in this test. This apparatus consists of—

(i) Two rigid cylinders each 125 mm (5 in.) in diameter, with an eye or ring at each end;

(ii) a weight of 135 kg (300 lb.); and

(iii) ropes or cables of sufficient length to allow the suit to be suspended as shown in Figure 160.071–17(l)(1).

(2) *Test procedure.* The suit is cut at the waist and wrists, or holes are cut into it as necessary to accommodate the test apparatus. The suit is immersed in water for at least two minutes. The suit is then removed from the water and immediately arranged on the test apparatus, using each closure as it would be used by a person wearing the suit. The 135 kg (300 lb.) load is applied for 5 minutes. No part of the suit may tear or break during this test. The suit must not be damaged in any way that would allow water to enter or that would affect the performance of the suit.

(m) *Seam strength.* The strength of each different type of seam used in a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment must be used in this test:

(i) A chamber in which air temperature can be kept at 23° C. (73.4° F)±2° C (1.8° F) and in which relative humidity can be kept at 50%±5%.

(ii) A device to apply tension to the seam by means of a pair of top jaws and a pair of bottom jaws. Each set of jaws must grip the material on both sides so that it does not slip when the load is applied. Each jaw must be 25mm (1 in.) wide by 25mm (1 in.) long. The distance between the jaws before the load is applied must be 75mm (3 in.).

(2) *Test samples.* Each test sample must consist of two pieces of suit material, each of which is a 100mm (4 in.) square. The two pieces are joined by a seam as shown in figure 160.071–17(m)(3). For each type of seam, 5 samples are required. Each sample may be cut from the suit or may be prepared specifically for this test. One type of seam is distinguished from another by the type and size of stitch or other joining method used and by the type and thickness of the materials joined at the seam.

(3) *Test procedure.* Each sample is conditioned for at least 40 hours at 23° C±2° C and 50%±5% relative humidity. Immediately after conditioning, each sample is mounted individually in the tension device as shown in figure 160.071–17(m)(3). The jaws are separated at a rate of 5mm/second (12 in./minute). The force at rupture is recorded. The average force at rupture must be at least 225 N (50 lb.).

(n) *Tear resistance.* The tear resistance of suit material must be determined by the method described in ASTM D 1004. If more than one material is used, each material must be tested. If varying thicknesses of a material are used in the suit, samples representing the thinnest portion of the material must be tested. If multiple layers of a material are used in the suit, samples representing the layer on the exterior of the suit must be tested. Any material which is a composite formed of two or more materials bonded together is considered to be a single material. The average tearing strength of each material must be at least 45 N (10 lb.).

(o) *Abrasion resistance.* The abrasion resistance of each type of suit material on the exterior of the suit must be determined by the method described in Federal Test Method Standard 191, Method 5304.1. If varying thicknesses of exterior suit material are used, samples representing the thinnest portion of the material must be tested. If exterior material has multiple layers, samples of the layer on the outside surface of the suit must be tested. Any exterior material which is a composite formed of two or more materials bonded together is considered to be a single material and the abradant must be applied to the surface that is on the exterior of the suit. The residual breaking strength of each material must be at least 225 N (50 lb.).

§ 160.071–19 Approval testing for child size exposure suit.

A child size suit must pass the following tests:

(a) The stability test prescribed in § 160.071–17(c)(8), except that only six children need be used as test subjects and they can be either sex. The subjects must be within the ranges of weight and height prescribed in § 160.071–9(m). The heaviest subject must weigh at least 10 kg (22 lb.) more than the lightest subject.

(b) The buoyancy test prescribed in § 160.071–17(g).

(c) The body strength test prescribed in § 160.071–17(k), except that the cylinders must be 50mm (2 in.) in diameter and the test weight must be 55 kg (120 lb.).

§ 160.071–23 Marking.

(a) Each suit must be marked with the name of the manufacturer, the date of manufacture, the model, the size, and the Coast Guard approval number.

(b) Each storage case must be marked with the words "exposure suit" and the size.

(c) The size markings for the child size exposure suits required under paragraphs (a) and (b) of this section must also include the following statement in print smaller than the word "CHILD": "(SMALL ADULT UNDER 50 kg (110 lb.))".

§ 160.071–25 Production testing.

(a) Exposure suit production testing is conducted under the procedures in this

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section and Subpart 159.007 of this chapter.

(b) One out of every 100 exposure suits produced must be tested as prescribed in § 160.071–17(g) and must be given a complete visual examination. The suit must be selected at random from a production lot of 100 suits and tested by, or under the supervision of, an independent laboratory.

(c) If the suit fails to pass the test prescribed in § 160.071–17(g), 10 additional suits from the same lot must be selected at random and subjected to the test. If a defect in the suit is detected upon visual examination, 10 additional suits from the same lot must be selected at random and examined for the defect.

(d) If one or more of the 10 suits fails to pass the test or examination, each suit in the lot must be tested or examined for the defect for which the lot was rejected. Only suits that pass the test or that are free of defects may be sold as Coast Guard approved.

(e) The manufacturer must ensure that the quality control procedure described in the test plans previously submitted for approval under § 160.071–7 (f) and (g) is followed.

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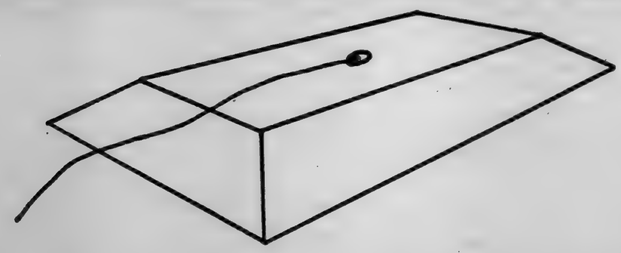

Figure 160.071(e)(1)(i). Water can for insulation test shown with thermistor lead.

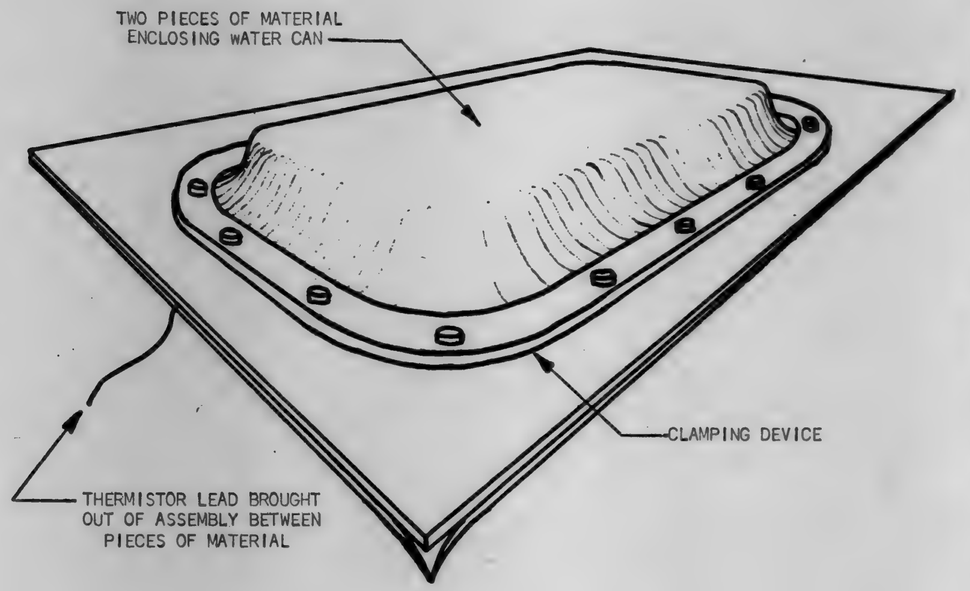

Figure 160.071-17(e)(1)(v). Insulation test assembly.

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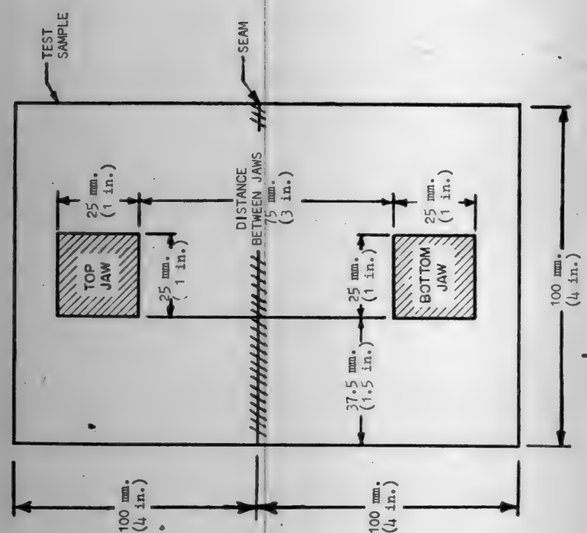

Figure 160.071-17(k)(3). Method of mounting sample for seam strength test.

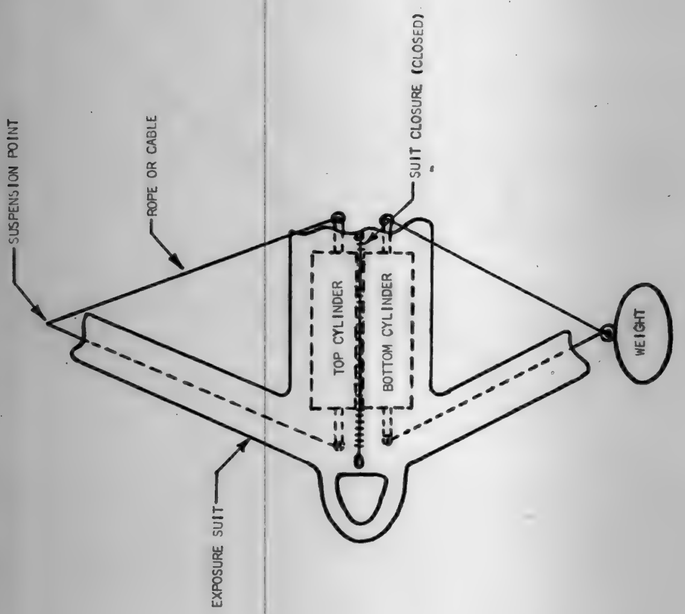

Figure 160.071-17(j)(1). Body strength test apparatus.

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PART 189—INSPECTION AND CERTIFICATION

22. By adding a new § 189.25–15(b) to read as follows:

§ 189.25–15 Livesaving equipment.

* * * * *

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit on a vessel to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 192—LIFESAVING EQUIPMENT

23. By adding a new Subpart 192.41 to read as follows:

Subpart 192.41—Exposure Suits

Sec.
192.41–1 Applicability.
192.41–5 Number and type required.
192.41–10 Stowage containers.

Authority: 46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 192.41—Exposure Suits

§ 192.41–1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 192.41–5 Number and type required.

(a) Each vessel must have an exposure suit for each person on board.

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided in paragraph (d) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter if—

(1) It is similar or identical to an approved suit, and

(2) It is in serviceable condition.

§ 192.41–10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than 2.1 m (7 ft.) above the deck a means for quick release must be provided and must be capable of operation from the deck.

PART 196—OPERATIONS

24. By adding a new § 196.15–37 to read as follows:

§ 196.15–37 Exposure suits.

The master of a vessel when operating on the Great Lakes shall ensure that each crew member and all scientific personnel wear their exposure suits in at least one fire and boat drill per month.

25. In § 196.37–43, by revising the heading and paragraph (a) to read as follows:

§ 196.37–43 Life preservers, exposure suits, wood floats, and ring life buoys.

(a) Each life preserver exposure suit, wood float, and ring life buoy must be marked with the vessel's name.

* * * * *

26. By adding a new Subpart 196.90 to read as follows:

Subpart 196.90—Exposure Suits

Sec.
196.90–1 Applicability.
196.90–5 Stowage of exposure suits.
196.90–10 Child size exposure suits required.

Authority: 46 U.S.C 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 196.90—Exposure Suits

§ 196.90–1 Applicability.

This subpart applies to each vessel when operating on the Great Lakes.

§ 196.90–5 Stowage of exposure suits.

The master of a vessel shall ensure that—

(a) Each exposure suit required by § 192.41–5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided; and

(b) Each exposure suit required by § 192.41–5(b) for a watch or work station is stowed in a readily accessible location in or near the station.

§ 196.90–10 Child size exposure suits required.

The master of a vessel shall ensure that children, when carried are provided with child size exposure suits.

(46 U.S.C. 375, 391a, 416, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.)

[FR Doc. 80-10443 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Corrected Revised Service Order No. 1449]

Norfolk and Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 31, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Corrected Revised Service Order No. 1449.

SUMMARY: This order authorizes The Norfolk and Western Railway Company (NW) to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) from Pullman Junction, Chicago, Illinois, to the Chicago Regional Port District, Lake Calumet Harbor, for the purpose of serving industries located adjacent to such tracks.

EFFECTIVE DATE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Norfolk and Western Railway Company (NW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by NW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1449 Service Order No. 1449.

(a) *Norfolk and Western Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Norfolk and Western Railway Company (NW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific

Railroad Company (RI) running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four miles to, but not including the railroad bridge over The Calumet Express Way and not including the Chicago Regional Port District Lake Calumet Harbor, West Side, for the purpose of serving industries located adjacent to such tracks.

Temporary service authorized in this Order requires the continuation of any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers. These trackage rights extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, and will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

(b) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) A similar application has been received from Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the NW to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the NW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via NW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, NW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the division shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association.*" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if NW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10827 Filed 4-8-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 71
Thursday, April 10, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 971

[Docket No. AO-323-A1]

Lettuce Grown in South Texas; Recommended Decision on Proposed Amendment of Marketing Agreement and Order and Opportunity To File Written Exceptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes an amendment to the marketing agreement and order regulating lettuce grown in South Texas, and provides interested persons an opportunity to file written exceptions to the proposal. The proposed amendment would add a public member to the administrative committee; authorize a penalty for late assessment payments; allow the committee to finance production research projects; and revise certain definitions in the order. The primary intent of the proposal is to improve the program's administration and usefulness.

DATE: Written exceptions to this recommended decision may be filed by April 23, 1980.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, DC 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 6, 1980, and published February 11, 1980 (45 FR 9010).

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and it has been classified "not significant." An Impact Analysis is available from Charles W. Porter (202) 447–2615.

Preliminary Statement: Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment of the marketing agreement and Order No. 971 regulating the handling of lettuce grown in South Texas.

The above notice of filing of the decision and of opportunity to file exceptions to it is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

This proposed amendment was fromulated on the record of a public hearing held at McAllen, Texas, Feruary 26, 1980. Notice of the hearing was published in the February 11, 1980 issue of the **Federal Register**. The notice set forth a proposed amendment submitted by the South Texas Lettuce Committee on behalf of lettuce producers and handlers in the production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Amending § 971.5 "Lettuce" to clarify the definition of lettuce;

(2) Providing for a public member on the committee and setting qualifications for the new member;

(3) Amending § 971.28 to require action taken at committee meetings conducted by telephone, telegraph, or by other means of communication to be limited in subject to nonregulatory provisions and packaging holidays, and to require nine concurring votes to approve such action.

(4) Amending § 971.42 to authorize penalty payments or interest charges, or both, to be paid in conjunction with late assessment payments;

(5) Amending § 971.43(a) to increase the allowable operating reserve fund to approximately three fiscal periods' budgeted expenses;

(6) Amending § 971.48 to allow the committee to finance production research projects;

(7) Making such changes in the order as may be necessary to bring it into conformity with any amendments that may result from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

(1) The South Texas Lettuce Marketing Agreement and Order (hereinafter in the text of findings and conclusions collectively referred to as the "order") should be amended to clarify the definition of lettuce. Record evidence indicates that lettuce cannot be both "all varieties and types of lettuce, *Lactuca sativa*," as stated, and "commonly known as iceberg type head lettuce," as also stated. Iceberg type head lettuce is only one type of *Lactuca sativa*. Therefore the reference to iceberg type head lettuce should be deleted.

(2) The order should be amended to provide for a representative of the public on the administrative committee. To effectuate such a change, § 971.20 of the current order providing for the establishment and membership of the South Texas Lettuce Committee should be revised to enlarge the committee from 11 members to 12 members, with the additional member to be a public member. Further, the section's provision for eligibility should be revised to indicate the criteria for the public member, a new paragraph (f) should be added to § 971.23 "Nominations" to indicate the procedures which should be used in the nomination of the public member, and § 971.31 "Duties" should be revised to incorporate nominating the public member as a committee duty.

Record evidence indicates that public representation on the South Texas Lettuce Committee could improve the exchange of information and viewpoints between industry members and the public. While the influence of consumers is implicitly present in the deliberations of producers and handler members, and all committee meetings are open to the public, the appointment of a public member could offer many advantages. In addition to providing direct communication between industry members and the public member, the industry would be able to discuss their problems and concerns with someone who would view these matters from outside the lettuce industry. As is provided for producer or handler

members, the additional public member should have an alternate.

Individuals selected from the public to serve on the committee should meet eligibility requirements specified by the committee in administrative rules issued with the approval of the Secretary. The record indicates that public representatives should not be permitted to have either a financial interest in the commercial production or marketing of lettuce except as a consumer, or be a director, officer or employee of any firm so engaged. Also, the public representatives should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themselves with the background and economics of the industry. The evidence further indicates that they should be residents of the production area so that participation in committee meetings and other activities would be more convenient and less expensive, and so that public participants would have an opportunity to become and remain familiar with the production and marketing of lettuce in the production area.

The record indicates that the public member and alternate should be selected and nominated by the incumbent industry members of the committee and that the nominations should be forwarded to the Secretary no later than July 15 each year. This will assure sufficient time for the Secretary to consider the nominations so that selection can be made prior to the beginning of each term of office.

(3) Section 971.27 "Alternate members" should be amended to facilitate additional participation in committee meetings in the event members and their respective alternates are absent. Record evidence indicates that the committee has been deprived of the active participation of a number of knowledgeable alternates at meetings when members and their respective alternates both were absent and other alternates could not act for them. To ensure proper and efficient operation of the committee the order should provide that under such circumstances another alternate from the same group (producer and handler) may be designated to serve in the absent member's place.

(4) Paragraph (b) of § 971.28 "Procedure" should be amended by limiting the agenda of meetings conducted by telephone, telegraph, or other means of communications to nonregulatory and packaging holiday provisions. Because there is no opportunity for face to face discussion at such meetings the exchange of information may be limited, impeding fair or adequate discussion of issues. To avoid questionable decisions the committee presently requires a unanimous vote of a quorum of at least seven to approve any action at such meetings. This requirement has helped to assure each action taken at such meetings has substantial committee support. However, record evidence incidates that a preferable safeguard is to require the more difficult or controversial issues be resolved at assembled meetings. The agenda of unassembled meetings would be limited to nonregulatory and packaging holiday provisions, which are of limited impact and clear in their implications. Making such a change removes the need for a unanimous vote in passing any actions. Thus, single vote veto authority on relatively routine and nonregulatory matters should also be removed. Testimony indicates that at unassembled meetings a nine-vote concurrence would provide a decisive consensus of the committee and allow more rapid resolution.

(5) Section 971.42 "Assessments" should be amended to permit the committee to impose a late-payment or interest charge, or both, upon any handlers who are delinquent in their assessment payments. It is unfair to other handlers who pay assessments promptly if a handler fails to pay assessments when due. A delinquent handler has an advantage in the use of assessment funds. Moreover, nonpayment of assessments can have an adverse effect on the operation of an order and may require the committee to borrow money and pay interest to continue operation. The record evidence indicates that late payment charges or interest, or both, which are charged on all late accounts would defray some of the added cost of collecting such accounts and discourage persons from delaying their payments. Other similar programs which have experienced problems in collecting assessments promptly have found such provisions useful and effective. The provision should be of similar value to the South Texas lettuce order.

(6) Record evidence also indicates that § 971.43 "Accounting" should be amended to increase the total operating reserve fund allowed to approximately three fiscal periods' budgeted expenses. There is ample justification for this increase. Historically, South Texas lettuce production has been extremely variable, resulting in widely fluctuating levels of income. On several occasions shortfalls in production have forced the committee to borrow from financial institutions to carry on committee business. The committee has also been required to increase the assessment rate on lettuce during the season when shortfalls have occurred. These actions create additional work for committee personnel, and expenses for committee operations.

Another need for an increase in allowable reserves is to ensure adequate funding should the committee choose to embark upon long-range research programs. Record evidence indicates that many worthwhile production research projects require several years before benefits are obtained. Thus it is important that such projects be assured long-range funding once initiated. In addition, future research efforts could be jeopardized since research institutions might be unwilling to participate in projects desired by the committee if the availability of funding were uncertain. This would be particularly true if the committee had previously been forced to abandon projects. A reserve of approximately three fiscal periods' budgeted expenses would provide and adequate reserve to cover the foregoing problems.

(7) Section 971.48 "Research and development" should be amended to allow the committee to finance production research in addition to marketing research and development projects. Record evidence indicates that effective production research is needed to allow the committee to improve lettuce quality and yield, and to reduce production costs to a minimum. Problems which may be corrected through research include reducing tip burn damage and increasing resistance to cold injury, premature bolting, and race 6 of downy mildew. In addition, more productive varieties of lettuce are needed.

The foregoing are examples of the kinds of research that the committee may wish to undertake. They are not intended to be all inclusive. It is not possible to anticipate all needs at this time. Therefore, the authority of the committee to establish production research programs should be sufficiently flexible to the extent permitted under the act. This should facilitate timely development of production programs suitable to problems that arise. Competition for public funding for agricultural research has increased within the agricultural community in recent years. The South Texas lettuce industry must compete for such funds with many other groups in agriculture. Research time, effort, and funds are often unavailable to the industry for areas of special interest. Record evidence indicates that lettuce industry money, provided by the committee, would encourage research into these areas.

Record evidence shows that most production research on lettuce in Texas is currently conducted by public agencies, such as Texas A&M University. Research funded by the committee would most likely also be conducted by such public agencies although other agencies, individuals designated by the committee, and the committee itself would be eligible.

All research proposals should be submitted to the Secretary for approval. However, the committee should have the authority to make necessary changes in any project as long as such changes do not alter the project's original objectives, nor require total project expenditures greater than those approved by the Secretary. Any change which would require expenditures greater than those approved, or which would change the objectives of the project, would require prior approval by the Secretary. Activity reports should be issued by the committee at least annually to allow the Secretary to maintain appropriate supervision and control. The agency conducting the research would also furnish at least annual progress reports to the committee and Secretary.

(8) Certain conforming changes should also be made so that the order, as amended, would be consistent. One such change, to add nominating the public member as a committee duty to § 971.31 "Duties," has already been mentioned in the discussion about adding the public member. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing the Administrative Law Judge fixed March 10, 1980, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. None was received.

General findings. Upon the basis of the record, it is found that: (1) The following findings are supplementary, and in addition to the findings and determinations which were made in connection with the issuance of the marketing agreement and order. Except for those findings and determinations which may be in conflict with the findings and determinations set forth herein, all of those findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions of it, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of lettuce grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial activity specified in the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order as hereby proposed to be amended are limited in their application to the smallest regional production area which is practicable consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of lettuce grown in the production area; and

(6) All handling of lettuce grown in the production area as defined in the marketing agreement and order as hereby proposed to be amended is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

§ 971.5 [Amended]

1. Amend § 971.5 *Lettuce* by deleting the words, "commonly known as iceberg type head lettuce,".

2. Amend paragaraphs (a) and (b) of § 971.20 to read:

§ 971.20 Establishment and membership.

(a) The South Texas Lettuce Committee is hereby established consisting of 12 members, including seven producers, four handlers and one public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each committee member and alternate shall be a resident of the production area. Industry members shall be producers or handlers, or officers or employees of a producer or handler or of a producers' cooperative marketing organization. The public member shall be a person who has no financial interest in the commercial production or marketing of lettuce except as a consumer, and shall not be a director, officer or employee of any firm so engaged.

3. Add a new paragraph (f) to § 971.23 to read:

§ 971.23 Nominations.

* * * * *

(f) The public member and alternate shall be nominated by the industry members of the committee. The committee shall prescribe such additional qualifications, administrative rules and procedure for selection and voting for each candidate as it deems necessary and as the Secretary approves.

4. Amend § 971.27 to read:

§ 971.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member during such member's absence or when designated to do so. In the event both a member of the committee and that member's respective alternate are unable to attend a committee meeting, the member, alternate, or the committee, in that order, may designate another alternate from the same group (producer or handler) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for the member until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actural presence of the respective members.

5. Amend § 971.28 *Procedure* to read:

§ 971.28 Procedure.

(a) At assembled meetings seven members of the committee shall constitute a quorum and seven concurring votes shall be required to approve any committee action. Such votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication. The agendas of such meetings shall be limited to nonregulatory provisions and packing holidays only and any vote cast shall be promptly confirmed in writing. On such occasions nine concurring votes shall be required to approve any action.

6. Amend § 971.42 by adding the following sentence to the end of paragraph (a) and amending the first sentence of paragraph (b) to read:

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§ 971.42 [Amended]

(a) * * * If a handler does not pay the assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, or both.

(b) Assessments, late payment charges and interest charges shall be levied upon handlers at rates established by the Secretary. * * *

* * * * *

7. Amend § 971.43(a)(2) by revising the proviso in the first sentence to read as follows:

§ 971.43 Accounting

(a) * * *

(1) * * *

(2) * * * Provided, That funds already in the reserve do not exceed approximately three fiscal periods' budgeted expenses.* * *

8. Amend the first sentence of § 971.48 to read:

§ 971.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of lettuce.* * *

9. Amend § 971.31(a) by inserting:

§ 971.31 Duties.

(a) * * * "to nominate the public member and alternate," * * * after "members or alternates," * * *

Signed at Washington, D.C., on April 4, 1980.

William T. Manley,

Deputy Administrator, marketing Program Operations.

[FR Doc. 80-10828 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1097, 1102, 1108

Milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas Marketing Areas; Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: This notice eliminates from consideration at a previously announced public hearing the expansion of the Memphis, Tennessee, marketing area to include 12 unregulated Mississippi counties. All the remaining proposals specified in the prior notice will be considered.

An unregulated handler who would be affected by the proposed marketing area expansion has requested that consideration of this issue be deferred until he has had an opportunity to obtain legal counsel and to submit additional proposals. The marketing area proposal is expected to be considered at a separate hearing to be announced at a later date. This notice also announces a change in the previously announced hearing location.

DATE: April 15, 1980.

ADDRESS: Holiday Inn, 1837 Union Avenue (Union Avenue at McLean), Memphis, Tennessee 38104.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

SUPPLEMENTARY INFORMATION: Notice was issued on March 25, 1980 (45 FR 20888) of a public hearing beginning on April 15, 1980, at North Little Rock, Arkansas, on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that consideration will not be given at such previously scheduled hearing to the proposed addition of 12 unregulated Mississippi counties to the Memphis, Tennessee, marketing area (Proposal No. 4 of prior hearing notice).

Postponement of the marketing area expansion issue was requested by a handler who could become fully regulated as a result of the proposed area expansion. The handler based his request for postponement upon his need for additional time in which to obtain legal counsel and to consider the submission of additional proposals to the Memphis milk order.

The marketing area proposal is expected to be considered at a separate hearing to be announced at a later date.

This notice also announces that the place for the April 15 hearing has been changed to the Holiday Inn, 1837 Union Avenue (Union Avenue at McLean), Memphis, Tennessee 38104.

Signed at Washington, D.C., on April 7, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-10807 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1425

Cooperative Marketing Associations; Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is considering an amendment to the regulations governing Cooperative Marketing Associations Eligibility Requirements for Price Support which would permit an approved cooperative to develop a marketing method and test it on a pilot basis before making the marketing method available to all members.

DATE: Written comments must be received on or before June 9, 1980.

ADDRESS: Interested persons may send comments to Director, PSL Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Dale W. Wilson, Cooperative Section, PSL Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC, (202) 447-5953. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant". This proposed rule would amend the regulations governing the eligibility requirements with which cooperative marketing associations must comply in order to participate in CCC price support programs. The proposed amendment would permit an approved cooperative to offer an alternative marketing method on a pilot basis for a two year period before making such option available to the total membership. The current regulations require that cooperatives which are approved to participate in CCC price support programs must have a uniform marketing agreement with each of their members who delivers a commodity which will be included in a price support pool. Cooperatives are also permitted to provide alternative marketing options if such options are made available to all members. The proposed rule would permit each cooperative to develop new options and test such options on a pilot basis with limited member participation without forfeiting eligibility for price support. The public is invited to submit written comments on the proposal to the Director, PSL Division, ASCS. All written comments will be made available for public inspection at the Office of the Director, Room 3742 South Building during regular business hours (7 CFR 1.27 (b)).

Proposed Rule

Accordingly, it is proposed that 7 CFR 1425.9 be amended to read as follows:

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity, which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the cooperative by its members for marketing pursuant to a uniform marketing agreement between the cooperative and each of its members who delivered such commodity to the cooperative. A cooperative may provide alternative methods of marketing in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how to exercise available options are made available to all active members. In addition, when authorized by CCC, an approved cooperative may offer additional marketing methods on a pilot (limited membership) basis for up to two crop years before making such marketing method available to all members. If the pilot marketing method is adopted as a permanent marketing method by the cooperative, information concerning the method and how to participate in it shall be made available to all active members. Such information may be published in the cooperative's membership publication or included in other written notices mailed to all active members.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 105A, 107A, 201, 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444(f), 1444c, 1445b, 1446, 1447, 1421(a)).)

Signed at Washington, D.C. on April 3, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-10823 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-14-AD]

Beech Models E33C and F33C Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would rescind the acrobatic category certification of Beech Models E33C and F33C airplanes and limit operation of those airplanes to the utility category. The FAA has determined that under certain conditions, the airplanes may not recover from an intentional spin. The proposed AD is needed to prohibit the operator from entering a flight condition from which recovery may be impossible.

DATES: Comments must be received on or before June 11, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: FAA, Central Region, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 80-CE-14-AD, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert A. Gambrill, Jr., Chief, Flight Test Unit, Engineering and Manufacturing District Office No. 43, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209; telephone (316) 942-4283.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The Beech Models E33C and F33C airplanes were type certificated in the acrobatic category on September 9, 1968, and October 24, 1968, respectively. These models are identical in all respects except in interior cabin appointments. Both models have two-blade propellers, and were found to be in compliance with CAR 3.124(c)(3), which states that it shall not be possible to obtain uncontrollable spins by means of any possible use of the controls. This was demonstrated using FAA-accepted flight test procedures at that time, which included spins with power held at maximum obtainable for the first complete spin rotation but retarded to idle thereafter. In 1972, the FAA adopted more rigorous spin certification test procedures for CAR 3, FAR 23 airplanes. These procedures carried maximum obtainable power (for unsupercharged engines) throughout the full six required spin turns, and were applicable to new type certifications, amendments to existing type certifications and supplemental type certifications.

In 1977, Beech undertook a program to certificate the Model F33C airplane with a three-blade propeller. During spin tests of this airplane, a spin mode shift from a high speed spiral to a stabilized, uncontrollable spin occurred after approximately 3½ turns of power-on spin. It was necessary for the pilot to deploy the emergency spin recovery parachute to obtain recovery. As a result of this occurrence, various airplane modifications, theoretically favorable to spin recovery, were evaluated, but with little or no appreciable change in spin characteristics. A spin program to recheck the previously certificated two-blade propeller configuration was then initiated. During this program, on two occasions, a similar uncontrollable mode developed after three and one-half to four turns of power-on spin. Deployment of the emergency spin recovery parachute was necessary to obtain recovery. The spin investigation program was ended without further attempts to define the uncontrollable mode or to confirm that continuous use of maximum obtainable power is the only control input that may excite it. To preclude the possibility of an operator entering an unrecoverable spin, the FAA

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has determined that acrobatic category approval of these airplanes and of the similar Model E33C airplanes should be rescinded. Accordingly, since the condition described herein may exist or develop in other airplanes of the same type design, an AD, applicable to Beech Models E33C and F33C airplanes, is proposed which will rescind the Acrobatic Category certification, require removal of the existing Utility/Acrobatic Category Airworthiness Certificate, issuance of a new Utility Category Airworthiness Certificate, and alteration of certain Pilot's Operating Handbook and FAA Approved Airplane Flight Manual (POH/AFM) material, placards and markings.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposed to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Beech: Applies to Model E33C (Serial Numbers CJ–1 through CJ–25) and Model F33C (Serial Numbers CJ–26 through CJ–155) airplanes.

Compliance required as indicated, unless already accomplished.

To preclude entry into a possibly unrecoverable spin, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) On all affected airplanes:

(1) Place a copy of this AD in the limitations section of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual.

(2) Remove the Airplane Flight Manual Supplement (Beech Part Number 33–590006–11, –13 or –17) pertaining to operation in the Acrobatic Category.

(3) Remove the existing Utility/Acrobatic Category Airworthiness Certificate and replace it with a new Utility Category Airworthiness Certificate as provided in Paragraph (A)(4) of this AD.

(4) Obtain a new Utility Category Airworthiness Certificate from any FAA General Aviation District Office or Flight Standards District Office by presenting a completed FAA Form 8130–6, Application for Airworthiness Certificate, together with the removed Utility/Acrobatic Category Airworthiness Certificate, citing compliance with this AD as reason for the replacement.

(5) Obliterate the word "Acrobatic" located below the pilot's and co-pilot's window on the exterior of the airplane and remove the following placards on the left hand sidewall:

During Acrobatic Category Operation, Occupancy Limited to Pilot's or Pilot's and Co-Pilot's Seat

and, if installed,

Remove Third and Fourth Passenger Seats Prior to Operation in Acrobatic Category

(6) Obliterate from the auxiliary fuel pump operations placard on the control console located to the left of the pump switch the words: "Acrobatic Boost" and "Use Acrobatic Boost During Acrobatic Maneuvers", and from the airplane operating limitations placard on the left side panel, all information below the lower horizontally scribed line pertaining to Acrobatic Category airplanes.

(7) Install in plain view of the pilot, the following locally fabricated placard:

Intentional Spins Prohibited

and operate the airplane in accordance with this limitation.

(B) On Model E33C (Serial Numbers CJ–1 through CJ–25) airplanes, obliterate from P/N 33–590003–7 Pilot's Operating Handbook and FAA Approved Airplane Flight Manual:

(1) On the cover page, the words "ACROBATIC See Flight Manual Supplement" after E33C.

(2) On page 9–3, "33–590006–17 Acrobatic Bonanza E33C".

(C) On Model F33C (Serial Numbers CJ–26 through CJ–128) airplanes,

(1) In P/N 33–590009–9 Pilot's Operating Manual and FAA Approved Airplane Flight Manual,

(a) Obliterate the following:

1. On page 5–8, all information pertaining to F33C Acrobatic Category limits.

2. On page 8–1, "Pilot's Operating Manual Acrobatic Supplement P/N 33–590006–9."

3. On page 8–3, "33–590006–11 Acrobatic Supplement for the F33C 11/3/72."

(b) Remove P/N 33–590006–9 Pilot's Operating Manual Supplement, or

(2) In P/N 33–590009–15A1 Pilot's Operating Handbook and FAA Approved Airplane Flight Manual:

(a) Obliterate the following:

1. On the cover page, the word "Acrobatic" after F33C and the words "See Flight Manual Supplement" after CJ–128.

2. On page 6–1:

a. "Sample Weight and Balance Load Form (Acrobatic Category)—6–17."

b. "Weight and Balance Loading Form (Acrobatic Category)—6–18."

3. On page 6–12, all information pertaining to F33C Acrobatic Category limits.

4. On page 9–3, "33–590006–11 Acrobatic Supplement for the F33C, Rev. No. 2/11/77".

(b) Remove pages 6–17 and 6–18.

(D) On Model F33C (Serial Numbers CJ–129 through CJ–155) airplanes, obliterate from P/N 33–590009–13A3 Pilot's Operating Handbook and FAA Approved Airplane Flight Manual the following:

(1) On page 6–10, all information pertaining to F33C Acrobatic Category limits.

(2) On cover page:

The word "Acrobatic" before F33C and the words "(See Flight Manual Supplement)" after "CJ–129 and after."

(3) On page 9–3, "33–590006–13 Acrobatic Supplement for the F33C Rev. No. 2/9/78."

(E) This AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person, who must make the prescribed entry in the Aircraft Maintenance Records indicating compliance with this AD.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing District Office No. 43, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209, telephone (316) 942–4285.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE–7, Attn: Rules Docket Clerk, Docket No. 80–CE–14–AD, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 28, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-10813 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-9]

Proposed Designation of Transition Area: Chickasha, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Chickasha, Okla. The intended effect of the proposed action is to provide controlled airspace for aircraft executing new instrument approach procedures to the Chickasha Municipal Airport. The circumstances which created the need for the action are the proposed VOR/DME Runway 17 approach and a RNAV Runway 35 approach to the Chickasha Municipal Airport. Concident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (FR).

DATE: Comments must be received on or before May 12, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Chickasha, Okla., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All cummunications received on or before May 12, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Chickasha, Okla. The FAA believes this action will enhance IFR operations at the Chickasha Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures to Runway 17 using the Oklahoma City VORTAC and a RNAV Runway 35 approach. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by adding the following:

Chickasha, Okla.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Chickasha Municipal Airport (latitude 35°05'44"N., longitude 97°58'09"W.), and within 3 miles each side of the 205° radial of the Oklahoma City VORTAC (latitude 35°26'32"N., longitude 97°46'20".6W.), extending from the 6.5 mile radius area to 9 miles northeast of the Chickasha Municipal Airport, and within 2.5 miles each side of the runway centerline extended 179° bearing from the 6.5 mile radius and to 7 miles south of the Chickasha Municipal Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Tex., on March 25, 1980.

F. E. Whitefield,

Acting Director, Southwest Region.

[FR Doc. 80-10816 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-3]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to enlarge the Provincetown, Mass., transition area to the northeast for the protection of aircraft executing instrument approaches to Runway 25 and to realign the extension to the southwest 2° for present approaches from that direction.

DATES: Comments must be received on or before May 7, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 80–NE–3, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications shoud identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before May 7, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

V 45 / 71 APR 10 1980 UMI

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Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which desribes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would redesignate the Provincetown Transition Area to include additional airspace within 4.5 miles each side of the 060°T(076°M) bearing from the Racepoint, Mass., NDB (Lat. 42°03'46.1" N., Long. 70°14'34.7" W.) extending from the present 7 mile radius area to 10.2 miles northeast of the NDB and to realign the southwest extension to use the 240°T(256°M) rather than the 238°T(254°M) bearing.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherin air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) as follows:

Under Provincetown, Mass. The text is amended to read as follows: That airspace extending upward from 700 feet above the surface within a 7-mile radius of Provincetown Municipal Airport (lat. 42°04'15"N., Long. 70°13'15"W.) and within 3.5 miles each side of the Racepoint NDB 240° bearing extending from the NDB to 11.5 miles southwest and within 4.5 miles each side of the NDB 060° bearing extending from the NDB to 10.2 miles northeast.

(Secs. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days in appropriate.

Issued in Washington, D.C., on March 28, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-10819 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-SO-5]

Proposed Designation of Transition Area, Monticello, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Monticello, Kentucky, transition area and will lower the base of controlled airspace in the vicinity of the Wayne County Municipal Airport from 1200' to 700' AGL. A public use standard instrument approach procedure has been developed to the airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule operations.

DATES: Comments must be received on or before: May 15, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffice Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Monticello, Kentucky, 700-foot Transition Area. This action will provide controlled airspace protection for IFR operations at the Wayne County Municipal Airport. A standard instrument approach procedure, NDB RWY 21, to the airport is proposed in conjuction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Monticello, Ky.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Wayne County Municipal Airport (latitude 36°51'22" N., longitude 84°51'21" W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); and sec. 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on March 27, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-10820 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-10]

Proposed Alteration of Transition Area: Burnet, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of the action being taken is to propose alteration of a transition area at Burnet, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Burnet Municipal Kate Craddock Field. The circumstances which created the need for this action are the alteration of the nondirectional radio beacon (NDB) approach to Runway 01 and a proposed RNAV approach to Runway 19.

DATES: Comments must be received on or before May 12, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Burnet, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 12, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Burnet, Texas. The FAA believes this action will enhance IFR operations at the Burnet Municipal Kate Craddock Field by providing controlled airspace for aircraft executing proposed instrument approach procedures from the NDB and RNAV to Runway 19. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.81 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by altering the following:

Burnet, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Burnet Municipal Kate Craddock Field (latitude 30°44'34"N., longitude 98°14'24"W.) and within 3 miles each side of the 200° bearing of the Burnet NDB (latitude 30°44'24"N., longitude 98°14'10"W.), extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Tex. on March 25, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-10821 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 80-SW-7]

Proposed Temporary Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate 3 temporary restricted areas in the vicinity of Fort Polk, La., to contain a major joint military exercise. Those portions of the areas which penetrate the Continental Control Area would be designated as controlled airspace. Federal Airway V-212 would be excluded within the proposed restricted areas to facilitate military aircraft performing maneuvers which are not compatible with the existence of an airway.

DATES: Comments must be received on or before May 7, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 80-SW-7, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 7, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering amendments to § 71.123, § 71.151 and § 73.38 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-3807A, R-3807B and R-3807C in the vicinity of Fort Polk, La., to contain a major joint military readiness exercise. These areas would be designated as controlled airspace within the Continental Control Area to facilitate joint use. This exercise will provide training for several military commands operating under the sponsorship of the United States Readiness Command. The air activities associated with the exercise will be such that flights of nonparticipating aircraft cannot be safely conducted within the proposed temporary restricted airspace when it is in use by the military. It is estimated that approximately 85 aircraft would be utilized to conduct approximately 160 daily sorties. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise area when military activity permits. Additionally, a reverse charge telephone number would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed restricted areas would be designated as joint use to permit authorization by the controlling agency for transit by both VFR and IFR air traffic when the areas are not in use by the military. The controlling agency for the proposed areas would be the FAA, Houston Air Route Traffic Control Center (ARTCC), Houston, Tex. Municipal and private airports within the proposed restricted airspace would be given relief by excluding the airspace 1,200 feet AGL and below within a 3 nautical mile (NM) radius of the airport. The military would provide aerial access to private or public use land within the proposed exercise area. Federal Airway V-212 would be excluded within the proposed restricted areas during their designated period to facilitate participating aircraft performing maneuvers which are not compatible with the existence of an airway. Sections 71.123 and 71.151 of Part 71 and § 73.38 of Part 73 were republished in the **Federal Register** on January 2, 1980, (45 FR 307, 346, 703).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123, § 71.151 and § 73.38 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (45 FR 307, 346, 703) as follows:

1. In § 71.123, under V-212, the following is added:

"The airspace within restricted areas R-3807A and R-3807B is excluded from 0001 August 11 until 2359 local time August 20, 1980."

2. In § 71.151, between "R-3804C Fort Polk, La." and "R-4001A Aberdeen, Md." the following is added:

"R-3807A Fort Polk, La., from 0001 August 11 until 2359 local time August 20, 1980.
R-3807B Fort Polk, La., from 0001 August 11 until 2359 local time August 20, 1980.
R-3807C Fort Polk, La., from 0001 August 11 until 2359 local time August 20, 1980."

3. In § 73.38, after "R-3806 England Air Force Base, La.;" the following is added:

"R-3807A Fort Polk, La.

Boundaries. Beginning at Lat. 31°30'00"N., Long. 93°55'00"W.; to Lat. 31°30'00"N., Long. 93°27'00"W.; to Lat. 30°25'00"N., Long. 93°26'00"W.; to Lat. 30°25'00"N., Long. 94°07'00"W.; to Lat. 30°41'00"N., Long. 94°14'00"W.; to Lat. 31°00'00"N., Long. 94°03'00"W.; thence to point of beginning excluding that airspace 1,200 feet AGL and below within 3 NM radius of the center of each private and public airport.

Designated altitudes. 500 feet AGL to 17,000 feet MSL.

Time of designation. Continuous, from 0001 August 11 until 2359 local time August 20, 1980.

Controlling agency. Federal Aviation Administration, Houston ARTCC, Houston, Tex.

Using agency. United States Air Force Tactical Air Command/United States Air Force Readiness Command (TAC/USAFRED), Langley AFB, Va.

R-3807B Fort Polk, La.

Boundaries. Beginning at Lat. 31°30'00"N., Long. 93°27'00"W.; to Lat. 31°30'00"N., Long. 93°08'00"W.; to Lat. 31°24'00"N., Long. 92°57'00"W.; to Lat. 31°20'00"N., Long. 93°00'00"W.; to Lat. 31°04'00"N., Long. 92°32'00"W.; to Lat. 30°43'00"N., Long. 92°40'00"W.; to Lat. 30°25'00"N., Long. 93°10'00"W.; to Lat. 30°25'00"N., Long. 93°26'00"W.; thence to point of beginning excluding that airspace 1,200 feet AGL and below within a 3 NM radius of the center of each private and public airport.

Designated altitudes. 100 feet AGL to FL 350.

Time of designation. Continuous, from 0001 August 11 until 2359 local time August 20, 1980.

Controlling agency. Federal Aviation Administration, Houston ARTCC, Houston, Tex.

Using agency. United States Air Force Tactical Air Command/United States Air Force Readiness Command (TAC/USAFRED), Langley AFB, Va.

R-3807C Fort Polk, La.

Boundaries. Beginning at Lat. 31°04'00"N., Long. 92°32'00"W.; to Lat. 30°59'00"N., Long. 92°17'00"W.; to Lat. 30°54'00"N., Long. 92°11'00"W.; to Lat. 30°40'00"N., Long. 92°07'00"W.; to Lat. 30°29'00"N., Long. 92°32'00"W.; to Lat. 30°25'00"N., Long. 93°10'00"W.; to Lat. 30°43'00"N., Long. 92°40'00"W.; thence to point of beginning.

Designated altitudes. 8,000 feet MSL to FL 350.

Time of designation. Continuous, from 0001 August 11 until 2359 local time August 20, 1980.

Controlling agency. Federal Aviation Administration, Houston ARTCC, Houston, Tex.

Using agency. United States Air Force Tactical Air Command/United States Air Force Readiness Command (TAC/USAFRED), Langley AFB, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) 1354(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on April 1, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-10822 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 419

Games of Chance in the Food Retailing and Gasoline Industries

AGENCY: Federal Trade Commission.

ACTION: Notice of availability of Presiding Officer's Report.

SUMMARY: On September 5, 1979, the Commission published in the **Federal Register** [44 FR 51826] Final Notice of the proposed trade regulation rulemaking proceeding. The Presiding Officer's Report, required by the Commission's rules of practice for rulemaking (16 CFR 1.13(f)) consists of his Summary and Conclusions relating to issues arising during the proceeding and has been made public and placed on rulemaking record 215-19.

DATE: The comment period in the Presiding Officer's Order of December 5, 1979 provides for comment on both the Report of the Presiding Officer and a report of the staff (16 CFR 1.13(g)). The 30-day period will commence upon publication of this notice in the **Federal Register** since the staff report has previously been made public and placed on the record. Comments are due on or before May 12, 1980.

ADDRESS: Copies of the Presiding Officer's Report may be obtained by written request to the Federal Trade Commission/SSD, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Denis E. Hynes, Presiding Officer, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3421.

SUPPLEMENTARY INFORMATION:

A limited number of copies of the Presiding Officer's Report have been printed for distribution and requests for the Report should be filed in writing to the Federal Trade Commission, SSD, Washington, D.C. 20580.

The Presiding Officer's Report has not been reviewed or adopted by either the Bureau of Consumer Protection or the Commission and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

Denis E. Hynes,

Presiding Officer.

Issued: March 27, 1980.

[FR Doc. 80-10967 Filed 4-9-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 437

Food Advertising; Request for Comments and Proposals for Voluntary or Regulatory Action

Correction

In FR Doc. 80-10517 appearing on page 23705 in the issue of Tuesday, April 8, 1980, make the following correction:

Under **FOR FURTHER INFORMATION CONTACT,** in the last line, change the phone numbers from "724-1488" to "724-1492".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 201, 210, 229, 230, 231, 239, 240, 241 and 249

[Release Nos. 33-6204, 34-16720, 35-21510, and IC-11113; File Nos. S7-816, S7-817, S7-818, and S7-819]

Business Combination Transactions—Proposed Short Form for Registration and Proposed Amendments of Related Rules; Comment Period Extended

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules; Extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended, by 15 days, the dates by which comments on four related releases issued on January 15, 1980, which were published in Part II of the **Federal Register** of January 24, 1980, (45 FR 5934-5985) must be submitted. The Commission has received requests that the comment periods be extended and believes that 15 day extensions will be beneficial because they will result in the receipt of additional useful comments.

V 45 / 71 APR 10 80 UMI

DATES: Comments must be received on or before April 30, 1980 or May 15, 1980, respectively.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File S7–816, S7–817, S7–818, or S7–819, as appropriate, and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: The following persons, all at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549: (1) as to the first release, William H. Carter (202–272–2604), Division of Corporation Finance; (2) as to the second release, Catherine Collins (202–272–2589), Division of Corporation Finance; (3) as to the third release, Arthur J. Schmeiser or Rita Gunter (202–272–2133), Office of the Chief Accountant; and (4) as to the fourth release, Lawrence C. Best (202–272–2130), Office of the Chief Accountant.

SUPPLEMENTARY INFORMATION: In the matter of: (1) Proposed Amendments to Annual Report Form; Integration of Securities Acts Disclosure Systems; (2) Business Combination Transactions; Proposed Short Form for Registration and Proposed Amendment of Related Rules; (3) General Revision of Regulation S–X; (4) Uniform Instructions as to Financial Statements—Regulation S–X.

The four releases enumerated below were originally issued for comment on January 15, 1980. In order to receive the benefit of the comments of the greatest number of interested persons and in view of the requests received by the Commission for additional time in which to comment, the Commission has extended the comment periods for the four releases by 15 days, until April 30 or May 15, 1980. In this regard the attention of interested parties is directed to the Commission's "Rules of Practice" (17 CFR 201.27, 201.28) and "Informal and Other Procedures" (17 CFR 202.6), which provide that the Commission may, in its discretion, accept and include in the public record written comments filed with the Commission after the closing date.

The first release,[1] entitled "Proposed Amendments to Annual Report Form; Integration of Securities Act Disclosure Systems," originally had a comment period ending April 15, 1980. This period has now been extended until April 30, 1980. The second release,[2] entitled "Business Combination Transactions—Proposed Short Form for Registration and Proposed Amendments of Related Rules," also originally had a comment period ending April 15, 1980. This period has now been extended until April 30, 1980. The third release,[3] entitled "General Revision of Regulation S–X," originally had a comment period ending April 30, 1980. This period is now extended until May 15, 1980. The fourth release,[4] entitled "Uniform Instructions as to Financial Statements—Regulation S–X," as with the third release, had a comment period ending April 30, 1980 which has now been extended to end May 15, 1980.

By the Commission.

George A. Fitzsimmons,
Secretary.
April 2, 1980.

[FR Doc. 80–10919 Filed 4–9–80; 8:45 am]
BILLING CODE 8010–01–M

[1]Securities Act of 1933 Release No. 6176, File No. S7–816 (January 15, 1980) [45 FR 5972].

[2]Securities Act of 1933 Release No. 6177, File No. S7–817 (January 15, 1980) [45 FR 5934].

[3]Securities Act of 1933 Release No. 6178, File No. S7–818 (January 15, 1980) [45 FR 5943].

[4]Securities Act of 1933 Release No. 6179, File No. S7–819 (January 15, 1980) [45 FR 5963].

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17 CFR Parts 230, 239, and 274

[Release Nos. 33–6205, IC–11114; File No. S7–829]

Revised Procedures for Processing Post-Effective Amendments Filed by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking and amendments to forms.

SUMMARY: The Securities and Exchange Commission is proposing for public comment a rule which would permit most post-effective amendments to registration statements filed by open-end management investment companies and unit investment trusts, other than insurance company separate accounts, to become effective automatically, without affirmative action on the part of the Commission or its staff. The Commission is also proposing amendments to the registration statement forms for open-end management investment companies and unit investment trusts to require such registrants to specify the provision of the rule pursuant to which their amendments would become effective. Under the proposed rule, post-effective amendments filed for certain purposes would become effective on the sixtieth day after filing.

DATE: Comments must be received on or before June 2, 1980.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7–829. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Dianne E. O'Donnell, Special Counsel, (202) 272–2115 or Kathleen A. Jackson, Attorney, (202) 272–2118, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today publishing for comment a new proposed rule under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a *et seq.*] and related amendments to Form S–6, the registration statement form for unit investment trusts under the 1933 Act [17 CFR 239.16], and Form N–1, the registration statement form for open-end management investment companies under the 1933 Act and Investment Company Act of 1940 ("1940 Act") [17 CFR 239.15, 17 CFR 274.11]. The new rule and related form amendments would result in elimination of routine staff review of, and comment on, certain post-effective amendments filed by investment company registrants on Form S–6 or Form N–1. These amendments would become effective upon filing with the Commission. Other post-effective amendments filed by investment company registrants, including those which contain disclosure relating to material events occurring since the effective date of the issuer's registration statement or its most recent post-effective amendment which included a prospectus, would still be subject to staff review and comment, but would normally become effective automatically 60 days after filing.

Some of the events which the Commission deems material and which, therefore, would trigger staff review of an amendment are listed in the rule. These events include changes in the registrant's investment objectives or fundamental policies, suspension of sales or redemptions of registrant's shares, termination of an investment advisory contract, and, in certain circumstances, resignation of the registrant's independent public accountant or of one of its directors.

However, the list set forth in the rule is not intended to be exhaustive, and any other event which in the judgment of the registrant is material would trigger staff review.

Where the staff's review reveals circumstances suggesting that the post-effective amendment should not become effective after the 60-day period, the proposed rule provides that the operation of its automatic effectiveness provision may be suspended upon written notice to the registrant. Should the automatic effectiveness provision of the rule be suspended with respect to a particular post-effective amendment, the amendment would not become effective until it was so declared by the Commission in accordance with section 8(c) of the 1933 Act [15 U.S.C. 77h(c)]. A hearing would be held if the registrant so requested. The proposed rule also provides that the Commission can declare an amendment effective before the 60-day period has elapsed. However, it is contemplated that this power would be exercised only in the most unusual circumstances.

If the proposed rule and form amendments are adopted, the Commission will adopt an amendment to its Rules of Organization and Program Management [17 CFR 200.1 *et seq.*] delegating to the staff the authority to suspend automatic effectiveness and declare amendments effective pursuant to the rule.

General Background

Investment companies which issue redeemable securities file post-effective amendments to their 1933 Act registration statements for a number of reasons associated with the continuous offering and sale of securities to the public. For example, section 24(e)(1) of the 1940 Act [15 U.S.C. 80a–24(e)(1)] permits investment companies which issue redeemable securities to increase the amount of their securities registered under the 1933 Act by post-effective amendment to their registration statements. Moreover, pursuant to section 24(f) of the 1940 Act [15 U.S.C. 80a–24(f)] and rule 24f–2 [17 CFR 270.24f–2] thereunder, such investment companies are permitted to register an indefinite number or amount of securities by post-effective amendment. In addition, because an investment company that continuously offers and sells securities to the public must also maintain a current prospectus, such companies must bring their prospectuses up to date at approximately yearly intervals. The necessity of updating prospectuses at intervals of approximately one year results from the requirement of section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)], that "when a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein shall be as of a date not more than sixteen months prior to such use." Pursuant to section 24(e)(3) of the 1940 Act [15 U.S.C. 80a–24(e)(3)], any prospectus relating to a redeemable security issued by an investment company which is updated to meet the requirements of section 10(a)(3) must be filed as a post-effective amendment to the issuer's registration statement.

Accordingly, most open-end management investment companies and unit investment trusts annually file post-effective amendments with the Commission in order to update the financial and narrative disclosures contained in their prospectuses, to register additional securities, or both. Post-effective amendments might also be filed by such registrants to correct deficiencies in their registration statements discovered after the registration statements have become effective, or to incorporate in the prospectus any important changes or developments in the business, operations or services of the company. Pursuant to section 8(c) of the 1933 Act, post-effective amendments are declared effective by the Commission or its staff pursuant to delegated authority. There is presently no procedure for such amendments to become effective through lapse of time.

The number of registered investment companies, and thus the number of post-effective amendments filed by such companies, has increased over the years. In an effort to maintain expeditious processing of filings, in the face of this increase, the Commission's Division of Investment Management has previously implemented several procedures. The first of these procedures was the two-part filing procedure, adopted in 1976. Under this procedure registrants are requested to file, two months before the end of their fiscal year, a post-effective amendment containing only the narrative portion of the prospectus, marked to indicate any differences between that filing and the registrant's most recently effective prospectus. The "part-two" filing, which registrants are asked to file following the close of the fiscal year, contains financial statements for the year and any changes made as the result of comments on the narrative. The two-part filing procedure was instituted to help ensure that any problems regarding disclosure in a post-effective amendment could be resolved in advance of its requested effective date.[1] In 1978, a procedure for "redline" review of post-effective filings by investment company registrants was instituted.[2] Although the two-part filing procedure remains in effect, review of annual updating post-effective amendments is now ordinarily limited to financial statements, narrative material which is marked to indicate textual changes, and areas in which recent developments suggest that changes in disclosure are likely to be appropriate.

While these changes have helped the Commission to make efficient use of its resources, the total number of post-effective filings made by investment company registrants under the 1933 Act has continued to increase. For this and other reasons there appears to be a need for further changes in review procedures in order to assure that the Commission's resources are concentrated on those areas where review is necessary, and that such review is accomplished throughly, timely, and in a manner fair to registrants.

Under proposed rule 465, certain routine filings would become effective automatically upon filing without prior staff review. Post-effective amendments which discuss material changes in investment company operations would continue to be reviewed by the staff in advance of effectiveness and would be the subject of staff comments. In most cases, however, such filings would become effective automatically on the sixtieth day ater filing. If such a filing presented serious disclosure problems, the provisions of the rule providing for automatic effectiveness might be suspended, and the amendment would not become effective until it was so declared by the Commission or the staff in accordance with section 8(c). The Commission anticipates that the automatic effectiveness provisions of the rule normally would not be suspended unless the Commission had authorized an injunctive action or administrative proceeding against the registrant or persons associated therewith. Thus, the fact that automatic effectiveness was not suspended, and the amendment was permitted to become effective after 60 days in accordance with the rule, could not properly be construed to mean that matters relating to the amendment would not be the subject of Commission action in the future.

[1]See Securities Act Release Nos. 5758 (Sept. 3, 1976) [41 FR 39013, Sept. 14, 1976]; 5439 (Nov. 14, 1973) [38 FR 32613, Nov. 27, 1973] and 5305 (Sept 21, 1972) [32 FR 20317, Sept. 29, 1972].

[2]See Securities Act Release No. 5986 (Oct. 19, 1978)[FR 49886, Oct. 25, 1978].

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As proposed, the rule applies only to open-end management investment companies and unit investment trusts, provided that they are not registered separate accounts of insurance companies as defined in section 2(a)(37) of the 1940 Act [15 U.S.C. 80a–2(a)(37)]. Insurance company separate accounts have been excluded from the coverage of the proposed rule because their post-effective filings frequently contain disclosure about material changes in their products or about aspects of their operations requiring exemptive relief under the 1940 Act before such filings can become effective. Such disclosure would appear to require close scrutiny in the review process, which might not be susceptible of completion within 60 days. Nonetheless, if the proposed rule is adopted and proves beneficial to registrants and the Commission, the Commission may later consider the feasibility of making it applicable to other types of investment company registrants.

Proposed Rule and Related Amendments

The proposed rule provides that three types of post-effective amendments, specified in paragraph (b) of the rule, will become effective immediately upon filing with the Commission. The post-effective amendments which would become effective upon filing are those which are filed for no purpose except: (1) registering additional securities pursuant to section 24(e)(1) of the 1940 Act; (2) registering an indefinite number or amount of securities pursuant to section 24(f) of the 1940 Act and rule 24f–2 thereunder; and (3) if certain conditions are met, updating the financial and other disclosure contained in the registrant's prospectus in accordance with section 10(a)(3) of the 1933 Act ("annual updating amendment"). Under paragraph (b)(3) of the rule, when a registrant proposes that its annual updating amendment is to become effective upon filing, the amendment must be accompanied by the registrant's representation that none of the events specified in paragraph (b)(2) of the rule and discussed below, and no other material events requiring disclosure in the prospectus, have occurred since the effective date of the registrant's most recently effective registration statement or post-effective amendment containing a prospectus. Pursuant to paragraph (f) of the rule, these representations must be supported by an opinion of registrant's counsel, if the post-effective amendment was prepared or reviewed by counsel, that no facts have come to counsel's attention which would lead counsel to believe that the amendment could not properly be filed pursuant to paragraph (b).

Paragraph (b)(2) of the rule lists six events which would cause an amendment to become subject to staff review during the 60 days after filing pursuant to paragraph (a) of the proposed rule, rather than becoming effective immediately pursuant to paragraph (b). As part of its review process, the staff would make comments concerning post-effective amendments in this category, as it does now with respect to all types of post-effective amendments. As indicated above, the list set forth in paragraph (b)(2) is not intended to be exhaustive. A post-effective amendment containing disclosure about any other event which the registrant represents to be material and requiring disclosure in the prospectus would be subject to staff review pursuant to paragraph (a) of the rule. The events listed in paragraph (b)(2) are those which the Commission views as clearly material to the investing public, or likely to present complex legal or factual problems requiring close scrutiny, and possibly comments, as a matter of course. The Commission believes that in such cases the review process is necessary even though disclosure regarding some of these events may have been reviewed in the context of proxy solicitation material. These events are as follows: (1) a termination of an investment advisory contract; (2) a change in the registrant's investment objectives, in any of the policies listed in section 8(b)(1) of the 1940 Act [15 U.S.C. 80a–8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the 1940 Act [15 U.S.C. 80a–13], is changeable only by shareholder vote; (3) a suspension of sales or redemptions of securities issued by the registrant; (4) the resignation of any of the registrant's directors, unless the registrant represents that the resignation was not due to disagreement with the registrant on any matter relating to the registrant's operation, policies or practices; (5) a change in the registrant's independent public accountant, unless the registrant represents that there were no disagreements with the former accountant on any matter of accounting principles, practices or financial statement disclosures; and (6) if the registrant is a unit investment trust (other than one whose assets consist only of securities issued by a management investment company), any substitution by the depositor or trustee of securities held by the trust with a value of 5 percent or more of the trust's net assets.

As stated above, the staff would review and comment upon those amendments which are within the purview of paragraph (a). As a result of comments, it might be appropriate for a registrant to file additional amendments to reflect changes in disclosure suggested by the staff before the amendment becomes effective. It is anticipated that this refiling normally would occur before the 60-day period specified in paragraph (b) has elapsed. Paragraph (e) of the proposed rule provides that if a post-effective amendment is filed before a previously filed amendment has become effective, only the most recently filed post-effective amendment will become effective. Pursuant to paragraph (a), if the effective date is not advanced, the effective date of the latest amendment would be the sixtieth day after its filing.

When a registrant has filed an additional amendment solely to make changes in disclosure suggested by the staff, the staff would normally employ the provisions of paragraph (a) of the rule to advance the effective date of the modified amendment so as to enable it to become effective on the sixtieth day after the original amendment was filed. In addition, the power to set an earlier effective date would be employed for filings (other than annual updating amendments) that are necessitated by changes in the registrant's business, operations or services, where the changes are such that it would be inappropriate for the registrant to continue to sell shares pending effectiveness of the amendment containing the revised prospectus. In order to ensure fair and orderly processing, the power to set an earlier effective date would not be used for any other purpose, except in the most unusual circumstances. Thus, the fact that a registrant's prospectus is, or is about to become, stale would not be considered sufficient reason for the Commission or staff to exercise its power to set an effective date earlier than 60 days after filing. Therefore, it would be imperative that registrants file their post-effective amendments at least 60 days before their prospectuses are due to become stale, if the amendment is of the type that will not become effective immediately upon filing.

Paragraph (d) of the proposed rule provides that where a post-effective amendment is filed in accordance with the terms of paragraph (a) of the rule, and it appears to the Commission that the amendment may be incomplete or inaccurate in any material respect, the operation of paragraph (a) of the rule may be suspended. Automatic effectiveness of an amendment would not be suspended except on written notice furnished to the registrant before the amendment would have become effective under that section.

Paragraph (d) of the proposed rule also provides that, should the operation of paragraph (a) be suspended with respect to a post-effective filing, the registrant would be entitled to file at any time a petition for review of the suspension of automatic effectiveness. Such petition could be in the form of a letter or other statement, but should set forth with particularity the facts upon which the petitioner relies. If the registrant so requested in the petition, the opportunity would be provided for presentation of all material facts at a hearing on the matter. The purpose of the hearing would be to determine whether suspension of the operation of paragraph (a) is in the public interest and required for the protection of investors, and whether the amendment should be declared effective pursuant to section 8(c) of the 1933 Act. Once automatic effectiveness had been suspended with respect to a post-effective amendment, the amendment would thereafter become effective only when declared effective on a date determined by the Commission or the staff in accordance with section 8(c) of the 1933 Act (as is the case now for all post-effective amendments). As noted earlier, this power to delay effectiveness beyond 60 days would usually be exercised only where the Commission had authorized injunctive action or administrative proceedings against the registrant or persons associated with it. If a post-effective amendment appeared to raise the possibility of being materially incomplete or inaccurate, but the Commission was not prepared at that time to take action against the registrant, the amendment normally would be allowed to become effective. If the Commission later determined that the amendment was materially incomplete or inaccurate, of course it would reserve the right to pursue available remedies when that determination was made.

If rule 465 is adopted, the staff would prepare notifications of effectiveness only for those amendments as to which the effective date had been advanced and those which were made effective following suspension of effectiveness. Thus, notifications of effectiveness would not be prepared for amendments which become effective automatically on the sixtieth day after filing pursuant to paragraph (a) or immediately upon filing pursuant to paragraph (b) of the proposed rule. Rule 474 under the 1933 Act [17 CFR 230.474] states that the date on which amendments are actually received by the Commission shall be the filing date. Since registrants would be responsible for determining the effective dates of their post-effective amendments, they should take into account whatever time might be required for the amendments to be delivered to the Commission. Registrants which file amendments in person might wish to provide an extra copy of the amendment or the cover letter to be date-stamped and returned to the registrant. Registrants which do not file their amendments in person at the Commission might choose to send their amendments by certified mail so that they would receive a receipt. As an alternative, a stamped self-addressed envelope should be sent as part of the filing together with a duplicate of the cover letter so that the duplicate could be date-stamped and returned to the registrant.

To facilitate implementation of the proposed rule, it is proposed to amend the facing pages of Forms S–6 and N–1 to include a question as to the provision of rule 465 under which the registrant intends its amendment to become effective. Paragraph (c) of the proposed rule makes such a recitation a condition to effectiveness under the rule. Because the proposed rule, if adopted, would provide the exclusive procedure for the review and processing of all post-effective amendments filed by open-end management investment companies and unit investment trusts other than registered separate accounts, an amendment which did not make such a recitation would not be reviewed and declared effective by the staff as heretofore. Rather, it would be deemed not to have been filed and would be returned to the registrant.

Registrants are reminded that, regardless of whether the proposed rule is adopted, the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter, the accountants and others responsible for the filing. As a matter of law, this burden cannot be shifted to the Commission or its staff.

Text of the Proposed Rule and Proposed Amendments to Form N–1 and Form S–6

I. It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 230.465 as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.465 Effective date of post-effective amendments filed by certain registered investment companies.

(a) Except as otherwise provided in this section, a post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the sixtieth day after the filing thereof, unless the Commission, having due regard to the public interest and the protection of investors, declares such amendment effective on an earlier date.

(b) A post-effective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall become effective on the date upon which it is filed with the Commission, provided that the following conditions are met:

(1) It is filed for no purpose other than:

(i) Increasing the number or amount of securities proposed to be offered pursuant to section 24(e)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–24(e)(1)];

(ii) Registering an indefinite number or amount of securities pursuant to section 24(f) of the Investment Company Act of 1940 [15 U.S.C. 80a–24(f)]; and

(iii) Bringing the financial statements and other information up to date pursuant to section 10(a)(3) of the Act [15 U.S.C. 77j(a)(3)];

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to the extent that such events have occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later: (i) Termination of an investment advisory contract;

(ii) A change in the registrant's investment objectives, in any of its policies listed in section 8(b)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a–8(b)(1)], or in any other investment policy which the registrant deems fundamental or which, pursuant to section 13 of the Investment Company Act of 1940 [15 U.S.C. 80a–13], is changeable only by shareholder vote;

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(iii) Suspension of sales or redemptions of securities issued by the registrant;

(iv) Resignation of any of the registrant's directors, unless the registrant represents that such director did not resign due to disagreement with the registrant on any matter relating to the registrant's operations, policies or practices;

(v) A change in the registrant's independent public accountant, unless the registrant represents that there were no disagreements with the former accountants on any matter of accounting principles or practices or financial statement disclosures; or

(vi) If registrant is a unit investment trust the assets of which do not consist solely of securities issued by a management investment company, any substitution by the depositor or trustee of the trust of securities held by the trust with a value of 5% or more of the trust's net assets; and

(3) The registrant reprsents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the effective date of the registrant's registration statement or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later.

(c) A post-effective amendment of a registered open-end management company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a–2(a)(37)], shall be deemed filed only if its recites on the facing page thereof the provision of this section pursuant to which the registrant proposes that the amendment will become effective.

(d) No amendment shall become effective pursuant to paragraph (a) of this section if, prior to the effective date of such amendment, it should appear to the Commission that the amendment may be incomplete or inaccurate in any material respect, and the Commission furnishes to the registrant written notice that the operation of paragraph (a) of this section is to be suspended with respect to the amendment. Following such action by the Commission, the registrant may file with the Commission at any time a petition for review for the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition. If the Commission has suspended the operation of paragraph (a) of this section with respect to an amendment, the amendment shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(e) A post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(f) The representations of the registrant referred to in paragraphs (b)(2)(iv), (b)(2)(v) and (b)(3) of this section shall be supported by an opinion of counsel to the registrant, if counsel prepared or reviewed the post-effective amendment, that no facts have come to counsel's attention which would lead counsel to believe that the amendment may not properly be filed pursuant to paragraph (b) of this section.

II. It is proposed to amend Parts 239 and 274 of Chapter II of Title 17 of the Code of Federal Regulations by:

1. Amending the facing sheet of Form N–1 as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

§ 274.11 Form N–1, registration statement of open-end management investment companies.

Insert the following after "Approximate Date of Proposed Public Offering":

☐ Check box if it is proposed that this filing will become effective 60 days after filing pursuant to paragraph (a) of Rule 465.

☐ Check box if it is proposed that this filing will become effective immediately upon filing pursuant to paragraph (b) of Rule 465.

2. Amending the facing sheet of Form S–6 as follows:

§ 239.16 Form S–6, for unit investment trusts registered on Form N–8B–2.

Insert the following after "Name and Complete address of agent for service":

☐ Check box if it is proposed that this filing will become effective 60 days after filing pursuant to paragraph (a) of Rule 465.

☐ Check box if it is proposed that this filing will become effective immediately upon filing pursuant to paragraph (b) of Rule 465.

Statutory Authority: The Commission hereby publishes for comment proposed rule 465 and proposed amendments to Form S–6 and Form N–1, pursuant to the provisions of Sections 7, 8, and 19(a) of the Securities Act of 1933 (15 U.S.C. 77a, 77h and 77s(a)), Sections 8 and 38(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–8 and 80a–37(a)).

By the Commission.

George A. Fitzsimmons,

Secretary.

April 3, 1980.

[FR Doc. 80–10824 Filed 4–9–80; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 240

[Release No. 34–16730; File No. S7–828]

Applications for Extension, Suspension, or Termination of Unlisted Trading Privileges

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing amendments to Rules 12f–1 and 12f–3 [17 CFR 240.12f–1, f–3] under the Securities Exchange Act of 1934 ("Act"). If adopted, the amendments would require persons filing applications for extension, suspension, or termination of unlisted trading privileges to certify that notice of such applications has been given to certain persons specified by Section 12(f)(5) of the Act. This procedure would ensure that the notice requirements of Section 12(f)(5) are fully satisfied.

DATE: Comments should be submitted on or before May 1, 1980.

ADDRESSES: Persons wishing to submit written views should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7–828 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: William S. Muller, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549. (202) 272–2415.

SUPPLEMENTARY INFORMATION: Section 12(f)(2) of the Act [1] provides that the Commission may approve an application by a national securities exchange for the extension of unlisted trading privileges in a particular security if, after appropriate notice and opportunity for hearing, it finds that such extension is consistent with the maintenance of fair and orderly markets and the protection of investors. Rule

[1] 15 U.S.C. § 781(f)(2) (1975).

12f–1 under the Act [17 CFR 240.12f–1] governs the information which must be included in an application for the extension of unlisted trading privileges. Similarly, Section 12(f)(4) of the Act [2] provides that, upon application by the issuer of any security for which unlisted trading privileges have been extended, or by any other interested person, the Commission may terminate or suspend unlisted trading privileges if, after appropriate notice and opportunity for hearing, the Commission finds that such termination or suspension is necessary or appropriate in the public interest or for the protection of investors. Rule 12f–3 under the Act [17 CFR 240.12f–3] prescribes the information which must be included in an application for the termination or suspension of unlisted trading privileges. [3]

Section 12(f)(5) of the Act [4] governs the notice requirements for applications for the extension, suspension or termination of unlisted trading privileges filed under the above provisions. Section 12(f)(5) provides:

> In any proceeding under this subsection in which appropriate notice and opportunity for hearing are required, notice of not less than ten days to the applicant in such proceeding, to the issuer of the security involved, to the exchange which is seeking to continue or extend unlisted trading privileges for such security, and to the exchange, if any, on which such security is listed and registered, shall be deemed adequate notice, and any broker or dealer who makes or creates a market for such security, and any other person having bona fide interest in such proceeding, shall upon application be entitled to be heard.

Upon the filing of an application for the extension, suspension or termination, or unlisted trading privileges, the Commission publishes notice thereof by the issuance of a Commission release and by publication in the **Federal Register** at least 10 days prior to making a determination on the application. Constructive notice of applications filed under Rules 12f–1 and 12f–3, thus, is provided to all persons. The Commission does not, however, provide personal notice to the persons described in Section 12(f)(5) as entitled to notice.

In order to ensure that the notice requirements of Section 12(f)(5) are fully satisfied and that interested persons are provided the opportunity to comment upon any application for the extension or termination of unlisted trading privileges, the Commission is proposing to amend Rules 12f–1 and 12f–3 under the Act to require that exchanges, when applying for the extension of unlisted trading privileges pursuant to Section 12(f)(2) of the Act, and issuers, when applying for the suspension or termination of unlisted trading privileges pursuant to Section 12(f)(4) of the Act, certify in their application that a copy of such application has been mailed or otherwise given to the persons required by Section 12(f)(5).

Accordingly, the Commission, acting pursuant to its authority under Section 23(a)(1) of the Act, [5] proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1940

1. By amending paragraph (a)(5) of § 240.12f–1 and adding paragraph (a)(6) to read as follows:

§ 240.12f–1 Applications for permission to extend unlisted trading privileges.

(a) * * *

(5) Any other information which is deemed pertinent to the question of whether the continuation or extension of unlisted trading privileges in such security is consistent with the maintenance of fair and orderly markets and the protection of investors; and

(6) That a copy of the instant application has been mailed, or otherwise personally provided, to the issuer of the securities for which unlisted trading privileges are sought and to each exchange listed in item (3) of this section.

2. By amending paragraph (a)(8) of § 240.12f–3 and adding paragraph (a)(9) to read as follows:

§ 240.12f–3 Termination or suspension of unlisted trading privileges.

(a) * * *

(8) A brief statement of the information in the applicant's possession, and the sources thereof, with respect to (i) the extent of public trading in such security on such exchange, and (ii) the character of trading in such security on such exchange; and

(9) A brief statement that a copy of the instant application has been mailed, or otherwise personally provided, to the exchange from which the suspension or termination of unlisted trading privileges are sought, and to any other exchange on which such security is listed or traded pursuant to unlisted trading privileges.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

April 3, 1980.

[FR Doc. 80–10038 Filed 4–9–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 628]

[FHWA Docket No. 77–16, Notice 2]

Skid Resistant Pavement Surface Design

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is proposing this action to establish policy, guidelines, and related criteria for the design and use of skid resistant pavement surfaces on roadways. The use of experimental surfaces, the methods of determining skid resistant characteristics, and the categories of Federal-aid funding are included.

DATE: Comments must be received on or before June 9, 1980.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 77–16, Notice 2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: David K. Phillips, Highway Design Division, Office of Engineering, 202–426–0317; or Lee J. Burstyn, Office of the Chief Counsel, 202–426–0754.

SUPPLEMENTARY INFORMATION: This proposed rule would encourage the use of skid resistant surfaces on all roadways. On Federal-aid highway projects it would require that only pavement surfaces with a demonstrated ability to provide and retain adequate skid resistance shall be used. The use of these surfaces reduces wet weather skidding accidents and, therefore, saves lives and damage to property.

It is the policy of FHWA in implementing section 203 of the Highway Safety Act of 1973 (Pub. L. 93–

[2] 15 U.S.C. § 781(f)(4) (1975).

[3] Rules 12f–1 and 12f–3 recently were amended by the Commission to conform the text of those rules to Section 12(f) of the Act, as amended by the Securities Acts Amendments of 1975. *See* Securities Exchange Act Release No. 16421 (December 12, 1979), 44 FR 75133.

[4] 15 U.S.C. § 781(f)(5) (1975).

[5] 15 U.S.C. § 78(w)(a)(1).

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87, Title II), that each State shall develop and implement, on a continuing basis, a highway safety improvement program which reduces the number and severity of highway accidents. (23 CFR Part 1204). Various standards have been issued which are to be followed by the States in implementing their safety programs. (23 CFR Part 1204). Highway Safety Program Standard 12 includes the use of standards for pavement design and construction with specific provisions for high skid resistant qualities. This proposed rule sets forth design procedures which may be used for obtaining this standard.

On November 10, 1977, the FHWA published an Advanced Notice of Proposed Rulemaking (42 FR 58542) to solicit comments on the effectiveness of its current policy relating to the skid accident reduction program. Comments were elicited on this policy to assist in its evaluation and possible revision. The FHWA intended to update the policy on the basis of current operational experience, new research findings, and user comments.

Thirty-nine different replies were received in response to the advance notice; 29 from State highway agencies, 5 from counties, 2 from aggregate producers, and one each from the Rubber Manufacturers Association, the National Association of Counties, and the National Transportation Safety Board.

Thirteen of the 39 replies made no direct comments on surface design. Another 11 were obviously opposed to the establishment of inflexible minimum skid number requirements. One State seemed to favor establishment of minimum skid number requirements for new work; however, it was not clear if they were endorsing a national, State, or locally established minimum.

Other specific comments relating to pavement surface design were as follows:

1. The two aggregate producing organizations were opposed to the geological or generic rating of aggregates. The FHWA has generaly discouraged such broad rankings, except that the aggregates should be prequalified.

2. One county suggested that low volume roads should not be treated the same as interstate highways. The FHWA agrees, but recommends that all roads have some type of pavement with skid resistant qualities.

3. Four responders suggested that more research was needed. The FHWA concurs and encourages continuous research.

4. One State highway agency suggested that the FHWA should put out more guidelines on the subject. This proposed regulation does set forth guidelines and also encourages State flexibility.

5. One State suggested that in order to correct problems at intersections, it may be necessary to resurface more than 50 feet of the intersecting roadway or street. This regulation does not set a maximum length which must be corrected, rather the State is allowed discretion as to the extent of the resurfacing required according to project circumstances.

6. One county suggested that chip seal coats should be considered to be a satisfactory skid treatment. The type of surface mix is State option, the only requirement being that an acceptable skid resistant surface be provided.

7. Two States and one county suggested that thin overlays, 1½ inches in thickness or less, do not provide adequate durability. The 1½ inch overlay thickness does not establish a standard for skid resistant surfaces, but merely limits the amount of Federal-aid Interstate funds prticipation in skid resistant improvements. States should determine the amount of thickness necessary for each project and may use other eligible categories of Federal-aid highway funds for the amount of surface which exceeds 1½ inches.

Overall, a response seemed favorable to the proposed program approach.

This proposed rule would establish the procedures for Federal-aid participation on new or existing pavements on appropriate Federal-aid highways. Guidelines for use in evaluating surfaces would be recommended and procedures included for design and use of skid resistant characteristics of pavement surfaces. Experimental surfaces could be approved for use in areas of low traffic volume and low speed for short lengths of roadway. These experimental surfaces will not be used to correct locations with a high rate of wet weather accidents.

This proposal would add a new part to title 23 of the Code of Federal Regulations. It would also revise an existing FHWA directive (Volume 6, Chapter 2, Section 4, Subsection 3, of the Federal-Aid Highway Program Manual). Copies of the existing directive are available for inspection and copying in accordance with 49 CFR Part 7, Appendix D.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. Because the regulatory and economic impact of this proposal is so minimal a regulatory evaluation is not deemed necessary.

Authority: 23 U.S.C. 109, 315, 402; 49 CFR 1.48(b).

Issued on: April 2, 1980.

John S. Hassell, Jr.,
Deputy Administrator.

It is, therefore, proposed to amend Chapter I of Title 23, Code of Federal Regulations, by adding a new Part 628 to read as follows:

PART 628—SKID RESISTANT PAVEMENT SURFACE DESIGN

Sec.
628.1 Purpose.
628.3 Policy.
628.5 Procedures.
628.7 Guidelines.
628.9 Federal-aid participation.

Authority: 23 U.S.C. §§ 109, 315, 402; 49 CFR 1.48(b).

PART 628—SKID RESISTANT PAVEMENT SURFACE DESIGN

§ 628.1 Purpose.

The purpose of this regulation is to establish policy and guidelines for the design and use of skid resistant pavement surfaces on roadways.

§ 628.3 Policy.

(a) It is the policy of the Federal Highway Administration (FHWA) that only pavement surfaces that will provide and retain adequate skid resistance shall be used on Federal-aid highway projects.

(b) Experimental surfaces which may be approved include aggregates or finishing procedures which have not been demonstrated effective by the State highway agency, but which are specifically designed to provide improved skid resistance. These surfaces should only be used in areas of low traffic volumes and low operating speeds for short lengths of roadway. Experimental surfaces shall not be used to correct locations with a high rate of wet weather accidents.

§ 628.5 Procedures.

(a) The State highway agencies should consider the following factors in the design of skid resistant pavement surfaces.

(1) An evaluation of the mix design, aggregate quality (aggregate used shall be from acceptable prequalified sources or subjected to acceptable qualification tests prior to incorporation into roadway surface), and construction procedures;

(2) An analysis of performance based upon vehicle skidding accident history; and

(3) Skid tests as described in Designation E–274, "Standard Test Method for Skid Resistance of paved Surfaces Using a Full-Scale Tire" or equivalent method, American Society for Testing and Materials (ASTM).[1]

(b) Design of skid resistant pavement surfaces should include an integrated process which combines aggregate quality testing, mix design, and construction quality control with knowledge gained from skid inventories, accident studies, pavement performance evaluation studies, and available technical materials.

(c) To insure that the skid resistant properties of a pavement surface are maintained, the FHWA will periodically review the State highway agency's maintenance practices relating to skid resistant pavement surfaces.

§ 628.7 Guidelines.

The "Guidelines for Skid Resistant Pavement Design," AASHTO, 1976, incorporated by reference at 23 CFR 625.3(a), are recommended for use in evaluating the skid resistance of pavement surfaces which are to be used on highway projects.

§ 628.9 Federal-aid-participation.

(a) Federal-aid Interstate, primary, urban, and secondary funds may be used for projects to place skid resistant surfaces on new or existing pavements on the corresponding Federal-aid system. The same category of funds may also be used to groove existing rigid pavement surfaces, apply skid resistant aggregate to a flushed pavement, or restore skid resistance by other acceptable means. Specific categories of funds, such as the Hazard Elimination Program and Safer Off-System Roads Program, may also be used to correct inadequate skid resistance at accident sites. The use of Federal-aid funds for correction of pavement skid resistance shall be in accordance with 23 CFR 924, Highway Safety Improvement Program.

(b) It is expected that Federal-aid Interstate funds, prescribed in 23 U.S.C. 104(b)(5)(A), should be used only for the minimum overlay thickness necessary to correct safety deficiencies on identified safety projects, but in no case in excess of 1½ inches. Any additional overlay thickness may be funded with other eligible Federal-aid funds.

[FR Doc. 80-10686 Filed 4-9-80; 8:45 am]
BILLING CODE 4910-22-M

[1] This standard is published in the *Annual Book of ASTM Standards, Part 15.* It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. The book may be purchased for $35.00 from the ASTM, 1916 Race St., Philadelphia, PA 19103. LC Card No. 40–10712.

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1405

Part-Time Employment

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Proposed Rulemaking.

SUMMARY: Pub. L. 95–437, the Federal Employees Part-time Career Employment Act of 1978, narrows the definition of part-time career employment in the Federal Government from scheduled work of less than 40 hours per week to scheduled work between 16 and 32 hours per week, requires most Federal agencies to develop and administer a program to expand part-time employment opportunities, and changes the personnel ceiling and fringe benefit provisions governing part-time career Federal employees. The regulations define coverage under the Act for employment (5 CFR Part 340) and health insurance (5 CFR Part 890) purposes, and outline the responsibilities of the Office of Personnel Management.

Notice is hereby given that the Federal Mediation and Conciliation Service is proposing to implement Pub. L. 95–437 in the Service.

DATES: Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments by June 10, 1980.

ADDRESS: Comments should be sent to: Federal Mediation and Conciliation Service, Director of Administration, 2100 K Street, NW, Washington, D.C. 20427. All comments received may be inspected during normal business hours.

FOR FURTHER INFORMATION CONTACT: Robin F. Brooks, Personnel Management Specialist, Division of Personnel Management, (202) 653–5262.

It is therefore, proposed to implement Pub. L. 95–437 by establishing Part 1405 Part-time Employment of Chapter XII Federal Mediation and Conciliation Service in 29 CFR Labor in the manner set forth below.

PART 1405—PART-TIME EMPLOYMENT

Subpart A—General

Sec.
1405.1 Purpose.
1405.2 Policy.
1405.3 Definition.
1405.4 Applicability.
1405.5 Effective date.

Subpart B—Part-Time Employment Program

1405.6 Program coordination.
1405.7 Goals and timetables.
1405.8 Reporting.
1405.9 Part-time employment practices.
1405.10 Effect on employment ceilings.
1405.11 Effect on employee benefits.

Authority. Pub. L. 95–437, Federal Employees Part-Time Career Employment Act of 1978.

Subpart A—General

§ 1405.1. Purpose.

These regulations implement Pub. L. 95–437, the Federal Employees Part-time Career Employment Act of 1978, by establishing a continuing program in the Federal Mediation and Conciliation Service (FMCS) to provide career part-time employment opportunities.

§ 1405.2 Policy.

It is the policy of FMCS to provide career part-time employment opportunities in positions through GS–15 (or equivalent) subject to agency resources and mission requirements.

§ 1405.3 Definition.

Part-time career employment means regularly scheduled work of from 16 to 32 hours per week performed by employees in competitive or excepted appointments in tenure groups I or II.

§ 1405.4 Applicability.

The regulations cover permanent positions which are deemed by management to be appropriately structured on a part-time basis. The regulations do not apply to positions at GS–16 (or equivalent) and above.

§ 1405.5 Effective date.

A sixty-day comment period will be provided after the proposed regulations are published in the **Federal Register.** The regulations will go into effect thirty days following the end of the comment period.

Subpart B—Part-time Employment Program

§ 1405.6 Program coordination.

The Assistant Director of Administration for Personnel Management is designated the FMCS Part-time Employment Coordinator with responsibility for:

(a) Consulting in the part-time employment program with the Director of Equal Employment Opportunity, Federal Women's Program Coordinator, Handicapped Program Coordinator, representatives of employee unions, and other interested parties;

(b) Responding to requests for advice and assistance on part-time employment within the agency;

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(c) Maintaining liaison with groups interested in promoting part-time employment opportunities;

(d) Monitoring the agency's part-time employment efforts; and preparing reports on part-time employment for transmittal to OPM and the Congress.

§ 1405.7 Goals and timetables.

On an annual basis, as part of the manpower and budget process, management will set goals for establishing part-time positions or converting full-time positions to part-time along with a time-table setting forth interim and final deadlines for achieving the goals. Decisions on part-time employment will be based on such factors as agency mission, occupational mix, workload fluctuations, affirmative action, geographic dispersion, effect on providing services to the public, and employee interest in part-time employment.

§ 1405.8 Reporting.

FMCS will report twice a year to the Office of Personnel Management on the part-time employment program. The program will be reviewed through internal personnel management evaluations.

§ 1405.9 Part-time employment practices.

FMCS will review positions which become vacant for the feasibility of utilizing part-time career appointments. Part-time positions will be advertised in vacancy accouncements. Agency employees may request and receive consideration to switch from full-time to part-time schedules. The request should be addressed through the supervisor to the Director of Administration, listing any and all reasons for the request. The Director of Administration, with input from all affected management officials, will decide whether or not to grant the request. Any employee requesting a change from full-time to part-time employment will be advised of effects on pay and fringe benefits by the Assistant Director of Administration for Personnel Management.

§ 1405.10 Effect on employment ceilings.

Effective October 1, 1980, part-time employees will be counted on the basis of the fractional part of the 40-hour week actually worked. For example two employees each working twenty hours a week will count as one employee.

§ 1405.11 Effect on employee benefits.

Career part-time employees are entitled to coverage under the Federal Employees Group Life Insurance and Federal Employees Health Benefits Programs. The Government contribution for health insurance of eligible part-time employees will be prorated on the basis of the fraction of a full-time schedule worked. Dated at Washington, D.C., April 4, 1980.

Robert P. Gajdys,

Director of Administration.

[FR Doc. 80-10832 Filed 4-9-80; 8:45 am]

BILLING CODE 6732-01

Coast Guard

33 CFR Part 117

[CGD 80-029]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Atlantic Beach, N.C.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the North Carolina Department of Transportation the Coast Guard is considering amending the regulations for the Atlantic Beach bridge, mile 206.7, Atlantic Intracoastal Waterway by extending the period when bridge openings are restricted. These amendments would alter the months, days, and hours in which restrictions are imposed on the operation of this drawbridge. This change is being considered because of a significant increase in vehicular traffic during the period under consideration. This action should improve the flow of vehicular traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before May 12, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander(oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Chief, Bridge Section, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6226).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Commander, Fifth Coast Guard District, will evaluate all comments received and decide on a final course of action. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and Lieutenant Cheryl Avery, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulations

As a result of a significant increase in vehicular traffic from March 15 through October 15, the North Carolina Department of Transportation has requested the Coast Guard to amend the regulations governing the Atlantic Beach bridge to allow restricted bridge openings during this period. Present regulations restrict bridge openings from March 15 through Labor Day, but only cover Saturdays, Sundays and Federal holidays during the hours of 1:00 p.m. to 7:00 p.m. The proposal would extend the period in which seasonal restrictions are in effect, allowing the restrictions to run from March 15 to October 15. It would also impose these restrictions every day of the week rather than only weekends and holidays. The mixed, one and two hour opening schedule would be replaced by openings every hour on the hour from 8:00 a.m. to 8:00 p.m. A ten-minute delay would be allowed for approaching vessels. The bridge would open on signal from 8:00 p.m. to 8 a.m. for the passage of pleasure craft. Opening the draw at one-hour intervals would improve the flow of vehicular traffic because it would reduce the number of draw openings during the time of day that vehicular traffic is the heaviest. The purpose of this document is to solicit comments from anyone having an interest in the operation of the drawbridge.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.355 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.355 Bogue Sound (Atlantic Intracoastal), N.C., North Carolina State Division of Highways Bridge at Atlantic Beach.

(a) The draw shall open on signal except—

(1) From March 15 through October 15 the draw need open only on the hour from 8 a.m. to 8 p.m. for the passage of pleasure craft. However, if a pleasure craft is approaching the draw, and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(2) At all times not covered by the regulations in this paragraph and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(b) The draw shall open on signal at any time for the passage of public vessels of the United States, towboats with tows, commercial vessels, and any vessel in an emergency involving danger to life or property. An emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: March 26, 1980.

T. T. Wetmore III,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 80-10865 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 175

[CGD 80-021a]

Equipment Requirements for Boat Operators; Acceptance of Hand Red Flares as Visual Distress Signals; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to Proposed Rules.

SUMMARY: In FR Docket 80-10152 which appeared on page 22110 of the Thursday, April 3, 1980 issue, the comment period date in the first column on page 22111 was incorrect. This date should be corrected from April 18, 1980 to read May 19, 1980.

FOR FURTHER INFORMATION CONTACT: LCDR Harry Schmect, Office of Boating Safety (G-BLC-3/42), Department of Transportation, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-1477.

E. A. Delaney,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 80-10861 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1458-6]

Submittal Schedules for New Mexico; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposed to approve submittal schedules for revisions to New Mexico's Air Quality Control Regulation, 702—Permits and revisions to the Albuquerque control strategy for total suspended particulates (TSP). These portions of the New Mexico State Implementation Plan (SIP) are being revised by the State in accordance with a conditional approval of the State Implementation Plan (SIP) promulgated elsewhere in today's **Federal Register.** This conditional approval means that Sections 176 and 316 of the Clean Air Act and new source growth sanctions will not apply unless the State fails to submit the revisions by the schedule date or unless the revision is not approved by EPA.

DATES: Interested persons are invited to submit comments on this proposed rulemaking on or before May 12, 1980.

ADDRESSES: Written comments should be submitted to the address below:

Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, Attention: Jerry Stubberfield, 1201 Elm Street, Dallas, Texas 75270.

Copies of the materials submitted by the State and comments received on this proposed rulemaking will be available for inspection during normal business hours at the above address and at the following address:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief Implementation Plan Section, Ari Program Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: In EPA's proposed rulemaking for New Mexico's plan revisions for attainment of the national ambient air quality standards (44 FR 46895) approval of the States permit regulations and the Albuquerque TSP control strategy were proposed for approval provided the State submit additional information within a specified time. In both cases the additional submissions were to have been prior to final promulgation.

On September 25, 1979, the Governor of New Mexico submitted schedules for the submission of these revisions which were substantially different than the proposed dates. Elsewhere in today's **Federal Register,** EPA is issuing conditional approval to these portions of the New Mexico SIP since the State did not submit the required information by the date specified to gain full approval.

EPA proposes to include the schedule for submission of the permit regulations as a part of the requirement to gain full approval of that portion of the New Mexico SIP. EPA further proposes that the schedule stated for the submission of the TSP plan will be incorporated into that portion of the plan and will be a part of the approved TSP strategy for Albuquerque.

With regard to New Mexico Air Quality Control Regulation 702—Permits, EPA is proposing to approve the submittal schedule described below.

1. Proposed amendments to permit regulation prepared for EPA and public review—December 1, 1979.

2. Hold public hearing—January, 1980.

3. Submit revised regulation to EPA—March 1, 1980.

EPA is also proposing to approve the following schedule for the submission of revisions to the Albuquerque TSP control strategy.

(1) Update emissions inventory and identify major influencing sources—July 1, 1980.

(2) Analyze data and further define TSP problem—January 1, 1981.

(3) Prepare TSP control strategy including cost benefit analysis —July 1, 1981.

(4) Develop proposed control regulations and hold public hearing—October 1, 1981.

(5) Submit revised plan to EPA—December 1, 1981.

This notice of proposed rulemaking is issued under the authority of Section 110(c) of the Clean Air Act.

Dated: April 2, 1980.

Adlene Harrison,

Regional Administrator.

[FR Doc. 10820 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1459-2]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations—California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of all or portions of 12 counties in California for ozone (O_3), total suspended particulates (TSP), and/or carbon monoxide (CO). On March 3, 1978 (43 FR 8970), under section 107(d)(2) of the Clean Air Act (CAA), as amended, the 12 counties or portions thereof were designated nonattainment for O_3, TSP, and/or CO (40 CFR 81.305). The EPA now proposes to redesignate the 12 counties or portions thereof as either attainment or unclassifiable for the same pollutants.

The EPA invites public comments on the proposed redesignations. If the areas are redesignated attainment or unclassifiable, the requirements of Title I, Part D, of the CAA, as amended, would no longer apply to those areas for the pollutants for which they were originally designated nonattainment.

DATES: Comments will be accepted if received on or before May 12, 1980.

ADDRESSES: Comments should be directed to: Arnold Den, Chief, Air Technical Branch (A–4), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105. Information pertinent to the proposed redesignations is available for public inspection during normal business hours at the EPA Region IX Office at the address above, and at the following locations:

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812
Butte County APCD, 316 Nelson Avenue, Oroville, CA 95965
Colusa County APCD, 751 Fremont Street, Colusa, CA 95932
Fresno County APCD, 1246 "L" Street, Fresno, CA 93721
Glenn County APCD, 777 North Colusa Street, Willows, CA 95988
Mariposa County APCD, P.O. Box 5, Mariposa, CA 95388
San Luis Obispo County APCD, P.O. Box 637, San Luis Obispo, CA 93406
Shasta County APCD, 1855 Placer Street, Redding, CA 96001
Sutter County APCD, 142 Garden Highway, Yuba City, CA 95991
Tehama County APCD, 1760 Walnut Street, Red Bluff, CA 96080
Yolo-Solano APCD, 323 First Street, Suite 5, Woodland, CA 95695
Yuba County APCD, 938 14th Street, Marysville, CA 95901

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section (A–4–3), Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556–2002.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8970), under section 107(d)(2) of the CAA, as amended, the EPA promulgated the State of California's attainment/nonattainment designations for all areas in the State.

On February 8, 1979 (44 FR 8202), the EPA revised the photochemical oxidant (Ox) standard of 0.08 parts per million (ppm) to an O_3 standard of 0.12 ppm. In addition, the EPA established a statistical method of determining whether the standard has been exceeded. The national standards for O_3 are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR Part 50.

On March 19, 1979 (44 FR 16388), the EPA redesignated Yolo County from nonattainment (primary) to nonattainment (secondary) for TSP, as recommended by the State of California, because air quality data indicated violations of secondary, but not primary, TSP standards.

Proposed Redesignations

The California Air Resources Board (ARB), in a letter dated September 24, 1979, submitted to the EPA a list of proposed redesignations "necessitated by (1) the change in the .08 ppm oxidant standard to .12 ppm ozone, (2) availability of more recent monitoring data, and (3) agreements between our agencies relative to the applicability of the TSP standard in some rural areas."

The redesignations proposed by the ARB are as follows:

(1) From nonattainment for Ox to attainment for O_3: Mariposa, San Luis Obispo, and Tehama Counties.

(2) From nonattainment for Ox to unclasssifiable for O_3: to unclassifiable for O_3: Colusa and Glenn Counties and the Sacramento Valley Air Basin (SVAB) portion of Shasta County.

(3) From nonattainment (primary) to unclassifiable for TSP: Butte and Sutter Counties.

(4) From nonattainment (secondary) to unclassifiable for TSP: Tehama, Yolo, and Yuba Counties and the SVAB portions of Shasta and Solano Counties.

(5) From nonattainment to attainment for CO: Fresno County, outside of the Fresno-Clovis Metropolitan Area.

(6) From nonattainment to attainment for sulfur dioxide (SO_2): San Joaquin Valley Air Basin portion of Kern County, outside of the Oildale Area.

Under section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation.

EPA Policy: Ozone

The demonstration of attainment/nonattainment for the ozone standard, as revised on February 8, 1979 must be based upon the calculated number of expected exceedances of the National Ambient Air Quality Standard (NAAQS) at each monitoring station. A minimum of one ozone season's data may be used only if more data are not available. The average number of expected exceedances per year at each monitoring station must not exceed 1.0 if the area is to be designated as attainment. Specific provisions are also included at 40 CFR Part 50, Appendix H, for determining whether compliance with the NAAQS can be assumed for days with insufficient data. The unclassifiable designation is used when there is less than one ozone season's data to show that the expected number of exceedances will be less than or equal to 1.0.

EPA Policy: TSP

The EPA policy allows areas with no measured or modeled air quality violations to be designated as attainment areas (or unclassifiable areas) upon the state's request. In the absence of modeling information to the contrary, the most recent eight quarters of measured data available must show no violations of the NAAQS if the area is to be redesignated to attainment (or unclassifiable.

Alternatively, the most recent four quarter of such data are sufficient if the state demonstrates to the satisfaction of the Administrator that the air quality imnprovement is commensurate with recent enforceable, implemented emission reductions affecting the monitor. This policy holds for all monitors or model receptors including those located at places of expected maximum concentration.

The EPA Fugitive Dust Policy of August 1, 1977, and a related EPA memorandum (Hawkins to Regional Administrators, October 7, 1977) allow areas with low urbanized populations (less than 50,000 in the western U.S.) to be designated as attainment areas, despite measured air quality violations, if they lack either major industrial development (major emitting facilities as defined at section 169(1), CAA) or significant industrial particulate emissions [i.e., significant industrial (stack and fugitive) emission impact on the ambient air quality at the place of expected maximum concentration]. Significant industrial particulate emissions or significant industrial emission impact is defined to be equal to or greater than 1 ug/m^3, annual average, and 5 ug/m^3, 24-hour average.

The unclassifiable designation is usually reserved for areas with insufficient or questionable data such that it is not possible to determine whether an area is attainment or nonattainment. All seven of the counties in question are proposed as unclassifiable areas solely because the State has adopted a conservative policy while awaiting the revision of the particulate matter NAAQS. Under EPA policy, each of the subject counties could have been proposed as a TSP attainment area, but is instead proposed as an unclassifiable area to satisfy both the intent of the CAA and the request of the State.

EPA Policy: Carbon Monoxide

EPA Policy allows CO nonattainment areas to be as small as possible as long as all areas in which violations are expected are included.

Proposed Action

Because the State's redesignations for O_3, TSP, and CO are consistent with EPA policies, as stated above, the EPA proposes to approve the redesignations, except for the Kern County SO_2 redesignation which will be addressed in a separate **Federal Register** notice. In a January 9, 1980 letter from the EPA, the ARB has been provided the opportunity, as required by section 107(d)(2) of the CAA, to furnish additional information supporting the Kern County SO_2 redesignation.

If the 12 counties or portions thereof are redesignated attainment or unclassifiable for O_3, TSP, and/or CO as proposed, the State would no longer be subject to the requirements of Part D of the CAA, as amended, for those pollutants in those 12 counties. However, the 12 counties remain subject to the requirements of Part D until the EPA approves in a final rulemaking action the State's redesignations of the 12 counties as attainment or unclassifiable for those pollutants.

The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d), 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7601(a)))

Dated: March 26, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-10833 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Health Resources Administration

42 CFR Parts 122 and 123

Proposed Rulemaking for Certificate of Need Programs; Public Meeting

AGENCY: Health Resources Administration.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Health Planning, Health Resources Administration, will hold a meeting on April 24 on the proposed regulations for certificate of need programs (42 CFR Parts 122 and 123), which were published in the **Federal Register** on March 26. (45 FR 20026) The purpose of this meeting is to give interested persons an opportunity to comment on the proposed rules and to participate in the rulemaking process.

DATES: April 24, 1980, 9:00 a.m.–5:00 p.m.

COMMENTS DUE: May 27, 1980.

ADDRESS: Humphrey Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave., S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Carol M. Larson, Chief, Certification Programs Branch, Division of Regulatory Activities, Bureau of Health Planning, 3700 East-West Highway, Rm 6–50, Hyattsville, Md. 20782 (301) 436–6140.

SUPPLEMENTARY INFORMATION: A one-day meeting is scheduled. If necessary, however, it will be extended an additional day to accommodate all who wish to speak. Persons who wish to speak on the proposed rules will be given ten minutes to do so.

Participants should be prepared to submit their comments in writing before the meeting or soon thereafter, since only written comments or suggestions received before May 27, 1980 can be considered in developing the final regulations. There is, of course, no restriction on the length of written comments. Persons interested in making an oral presentation should contact Claudia Kirk at (301) 436–6143 in order to be placed on the agenda. Other persons interested in attending the meeting are also asked to notify the Bureau.

Dated: April 7, 1980.

Henry A. Foley,

Administrator, Health Resources Administration.

[FR Doc. 80-10822 Filed 4-9-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-04; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Proposed Decision to Grant Exemption

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Proposed decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice is being issued in response to a petition by Aston Martin Lagonda Inc. (Aston Martin) requesting that it be exempted from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for the 1979 and 1980 model years, respectively, and that lower alternative standards be established for it. This notice proposes that the requested exemption be granted and that alternative standards of 11.4 mpg and 12.4 mpg be established for Aston Martin for those model years.

DATE: Comment closing date: May 12, 1980.

ADDRESS: Comments on this notice should refer to Docket No. LVM 77–04 and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Robert A. Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–755–0384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the National Highway Traffic Safety Administration (NHTSA) establishes an

alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactruers less than 10,000 passenger automobiles worldwide in the model year for which the exemption is sought (the affected model year) and which manufactured less than 10,000 passenger automobiles worldwide in the second model year preceding the affected model year. In determining maximum feasible average fuel economy, the agency is required by section 502(e) of the Act to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

Aston Martin originally filed a petition seeking exemptions in the 1978–1980 model years. However, Aston Martin did not certify any vehicles or sell any vehicles in the United States for the 1978 model year, so it withdrew the petition for that model year.

Requested alternative standards. In its petition and supplemental filings, Aston Martin requested that its alternative standard for the 1979 model year be set at 11.4 mpg and that its alternative standard for the 1980 model year be set at 12.1 mpg. The agency believes that these are the minimum levels which could be established as Aston Martin's maximum feasible average fuel economy in the affected model years.

Technological feasibility and economic practicability. In considering whether Aston Martin could improve its average fuel economy for the 1979 and 1980 model years beyond the levels specified in its petition, NHTSA examined the same methods for improving average fuel economy that it examined in establishing average fuel economy standards for 1981–1984 passenger automobiles (42 FR 33534; June 30, 1977) and for model year 1980–1981 light trucks (43 FR 11995; March 23, 1978). These methods were weight reduction aerodynamic improvements, engine imporvements, transmission improvements, improved lubricants, reduced rolling resistance, driveline improvements, and mix shifts. The tentative results of this analysis are indicated below for each model year.

Weight reduction. For purposes of this proposed decision, weight reduction refers to two options—downsizing and materials substitution. "Downsizing" means the reduction of vehicle weight and exterior dimensions by optimizing the vehicle design. The goal of downsizing is to reduce the exterior dimensions of the automobile without reducing significantly the interior passenger and luggage volume of the automobile.

Downsizing typically involves a reengineering of a substantial portion of a vehicle and would have been extremely difficult in the time frame of the 1979 and 1980 model years. It also requires significant investments by the manufacturer. Aston Martin Lagonda Ltd., the corporate predecessor of the current manufacturer, was liquidated in bankruptcy proceedings in December 1974. The current manufacturer was organized with the remaining assets. Aston Martin did not sell any cars in the United States in 1978 because of production difficulties. The United States normally purchases about 40 percent of Aston Martin's annual production, so the loss of this market would not help the company's financial position. Given the difficulty of the task in downsizing and the limited assets available to Aston Martin for undertaking this task, NHTSA tentatively concludes that weight reduction by downsizing is not technologically feasible and economically practicable for Aston Martin during the affected model years.

"Material substitution," the other weight reduction option indicated above, refers to the substitution of materials with lighter weight for a given strength, such as aluminum, plastics, and high strength steel, for currently used materials. Aston Martin already uses a lightweight material, aluminum, for both the block and the head of the engine, and for the wheels and all body panels.

For the affected model years, the loaded vehicle weight of Aston Martin's automobiles is projected to be 4,301 pounds. A weight reduction will only show a fuel economy improvement on the Environmental Protection Agency (EPA) fuel economy tests if the reduction places the vehicle in a lower inertia weight class. Under EPA procedures for the 1979 model year, automobiles with a loaded vehicle weight of 3,751 to 4,250 pounds were placed in the 4,000 pound inertia weight class, and those with a loaded vehicle weight of 4,251 to 4,750 pounds were placed in the 4,500 pound inertia weight class. Accordingly, the 1979 Aston Martins would have had to shed 51 pounds to be tested in a lower inertia weight class. To accomplish such a reduction, Aston Martin could have removed features, such as air conditioning and leather seats, which it considers essential on an automobile in its price range, or used lighter sound deadening materials. However, even by replacing its sound deadening with lighter materials would have not accomplished enough of a weight reduction to place the automobiles in a lower inertia weight class, so it would be necessary to remove some of the sound deadening materials. The presence of the sound deadening materials is another feature Aston Martin believes to be essential on an automobile in this price range. Given the significance of these sorts of changes to the basic design and concept of Aston Martin's automobiles and the minimal leadtime in which such changes could have been made, this agency tentatively concludes that such weight reduction would not have been technologically feasible and economically practicable for the 1979 model year.

For the 1980 model year, EPA has narrowed the inertia weight class groupings. In 1980, automobiles with a loaded vehicle weight of 3,938 pounds to 4,125 pounds are placed in the 4,000 pound equivalent test weight class, those weighing 4,126 to 4,375 pounds are placed in a new 4,250 pound equivalent test weight class, and those weighing 4,376 pounds to 4,625 pounds are placed in the 4,500 pound equivalent test weight class. As a result of this change, the 1980 Aston Martin vehicles will be tested in a lower weight class than it was in 1979, although the weight of the vehicle is not projected to be reduced. By being tested in a lower weight class, 1980 Aston Martin automobiles are able to show a 2.3 percent fuel economy improvement.

To further lower the inertia weight class in which its vehicles were tested for the 1980 model year, Aston Martin would have had to reduce the weight of its automobiles by at least 176 pounds. A weight reduction of this magnitude would have required Aston Martin to substantially redesign their automobiles either to remove some of the luxury features which add weight, such as air conditioning, hide seats, and sound deadening material, or to make significant materials substitution for those components not already made of aluminum or other lighter weight materials. The short leadtime available to Aston Martin would have made it very difficult for the company to alter the basic concept of its automobiles or to design components e.g., chassis and bumpers, from alternate lighter materials, find suppliers for those alternate materials, test the components, and incorporate the redesigned components into production for the 1980 model year. Given the small engineering staff of Aston Martin and its current financial position, this agency has tentatively decided that material substitution would not have been technologically feasible and economically practicable for Aston Martin in the 1980 model year.

In summary, this agency would find that no improvement in fuel economy above the levels projected by Aston Martin by means of weight reduction would have been technologically feasible and economically practicable for Aston Martin in the affected model years. For the 1980 model year NHTSA projects that Aston Martin's automobiles would show a 2.3 percent fuel economy improvement as a result of being tested in a lower inertia weight class by EPA.

Aerodynamic improvements and reduced rolling resistance. The EPA fuel economy test procedures for the 1979 and subsequent model years were adjusted so that a vehicle's frontal area and its use of radial tires are figured into its road load setting on the dynamometer. A low road load setting gives a low engine loading and a higher measured fuel economy. Conversely, a high road load setting results in a lower measured fuel economy. The road load setting now is increased for vehicles which do not use radial tires (all Aston Martins have them) and increases also to the extent that a vehicle's frontal area is greater than average for the inertia weight class.

The two Aston Martin models produced in the affected model years have frontal areas of 22.1 and 22.6 square feet. The road load setting for these vehicles was calculated as 10.5 horsepower, using the formula under which EPA calculates the road load setting for all vehicles. Manufacturers are permitted to use alternative procedures in an attempt to establish the appropriateness of a lower road setting for the vehicle, if the alternative procedures are approved by EPA. These alternative procedures measure the aerodynamic drag of the entire vehicle, instead of just the frontal area, and are commonly referred to as "coastdown tests."

Aston Martin has not used any coastdown tests in the affected model years, but has instead relied on the standard formula to set the road load horsepower for the fuel economy tests. This decision was based on the financial and engineering limitations facing Aston Martin. Aston Martin indicated that, given its financial problems and its small engineering staff, it could not invest the time and money needed to conduct a coastdown test which would be acceptable to EPA for the 1979 and 1980 model years. NHTSA proposes that Aston Martin's maximum feasible average fuel economy accept the use of the standard EPA formula for calculating the road load setting on the dynamometer, because it would not have been economically practicable for Aston Martin to conduct a coastdown test for the affected model years.

Improving the actual aerodynamic drag characteristics of the Aston Martin vehicles would have been very difficult because of the already low level of drag on the vehicles currently produced. Aston Martin has air dams and spoilers as standard equipment on its 1979 and 1980 models. These add-on features improve the aerodynamic characteristics of the vehicle to which they are attached.

Accordingly, NHTSA tentatively concludes that no fuel economy improvements as a result of improved aerodynamics or reduced rolling resistance would have been technologically feasible or economically practicable for Aston Martin in the affected model years.

Engine improvements. Aston Martin is using a 326 cubic inch V–8 engine in all its automobiles produced during the affected model years. This engine was designed and built by Aston Martin completely on its own. Any significant improvements in the operating efficiency of this engine would have to result from Aston Martin redesigning it. Such a redesign would be much more difficult for Aston Martin than most manufacturers, given Aston Martin's product image as a high performance vehicle. A redesign would presumably retain the high performance capabilities, while improving the potential fuel economy. A redesign of this nature requires more testing and engineering judgment than simpler engine improvements. NHTSA proposes to conclude that such a redesign would not have been technologically feasible and economically practicable for Aston Martin in view of the complexity of the change, the minimal leadtime available, and the financial and engineering capabilities of Aston Martin.

Transmission improvements. Aston Martin's automobiles are offered with a three-speed automatic transmission and a five-speed manual transmission. Aston Martin purchases its automatic transmissions from Chrysler Corporation. For the 1979 model year, the transmissions available to Aston Martin were substantially unchanged from those offered in the preceding model years. However, for the 1980 model year, Chrysler for the first time will make available to Aston Martin three-speed automatic transmissions with a lock-up torque converter. These improved transmissions can be purchased by Aston Martin and would improve the fuel economy of 1980 Aston Martin automobiles by five percent over the fuel economy of the 1979 models using conventional automatic transmissions. With respect to those models produced by Aston Martin which will include automatic transmissions, NHTSA proposes to determine that no fuel economy benefits as a result of improved transmissions would have been technologically feasible and economically practicable in the 1979 model year, since neither Aston Martin's transmission supplier nor any other transmission supplier had transmissions with a lock-up torque converter available for sale to Aston Martin in that model year. A five percent improvement due to improved transmissions was feasible for the 1980 model year.

With respect to the five-speed manual transmission, this transmission already includes an overdrive as a fifth gear, which improves fuel economy in highway driving. This fact, coupled with the inherent efficiency of a manual transmission, leads NHTSA to propose to determine that no fuel economy improvements as a result of improved manual transmissions would have been technologically feasible and economically practicable for Aston Martin in the affected model years.

Improved lubricants. In connection with the final rule setting forth the 1980 and 1981 average fuel economy standards for light trucks (43 FR 11995; March 23, 1978), this agency projected that the use of synthetic, lower viscosity, or friction modified lubricants in the crankcase of an automobile would result in at least a three percent fuel economy benefit. However, the use of these lubricants has not yet been approved by EPA in the fuel economy tests. Accordingly, NHTSA cannot project any fuel economy benefits from the use of these lubricants until EPA approves their use in the fuel economy tests.

Drive ratio reductions. Generally speaking, lower axle ratios improve a vehicle's fuel economy, but reduce its acceleration capabilities. The rear axle ratios projected to be used by Aston Martin for the affected model years are 3.07 on the automatic transmission models and 3.54 on the standard transmission model. These ratios are comparable to the ratios for similar types of vehicles. For instance, the axle ratios on the Datsun 280 ZX are 3.545 and 3.9, the axle ratio on the Mazda RX7 is 3.909, and the axle ratio on the Chevrolet Corvette is 3.08. Aston Martin asserts that a reduction of its axle ratio

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in the affected model years would not have been feasable, since any reduction would increase the load on the engine and thereby raise the level of nitrous oxide emissions above the maximum permissible level. In this agency's technical judgment, it would not have been feasible for Aston Martin to lower its axle ratio while maintaining its high performance image during the affected model years. Maintaining that image is deemed an important factor in Aston Martin's sales levels. For such reasons of economic practicability, NHTSA has not required manufacturers applying for low volume fuel economy exemptions to change the basic concept of their automobiles, but instead requires the manufacturers to improve fuel economy to the maximum feasible level for that type of automobile. In this case, Aston Martin uses an axle ratio lower than or comparable to that used by other sport cars. A further reduction might have adversely affected Aston Martin competitively and would have required it to have sacrificed high performance in order to comply with the emission requirements. Accordingly, NHTSA proposes to determine that no further improvements to the axle ratio would have been technologically feasible and economically practicable during the affected model years.

Mix shifts. The term "mix shifts" as used in this proposal refers to shifting the percentages of vehicles sold in the two configurations sold by Aston Martin for the purposes of increasing average fuel economy. Aston Martin produces only two vehicle configurations—its models with a 5-speed manual transmission and its models with a 3-speed automatic transmission. For the 1979 model year, the manual transmission models achieve a combined fuel economy of 8.9 mpg, while the automatic transmission models achieve a fuel economy of 13.1 mpg. A shift from its manual transmission models to more of its automatic transmission models would raise Aston Martin's average fuel economy. For the 1979 model year, Aston Martin sold 69 percent automatic transmission models and 31 percent standard transmission. For the 1980 model year, Aston will sell 75 percent automatic transmission models and 25 percent standard transmission.

This percentage indicates that Aston Martin is attempting to influence the public in the direction consistent with higher fuel economy. However, the sales of the higher performance standard transmission model are said to be necessary to maintain the high performance image of Aston Martin. Given Aston Martin's questionable financial state, these percentages of automatic vs. standard transmission models represent the maximum feasible average fuel economy Aston Martin could have achieved. Therefore, NHTSA proposes to determine that no additional mix shifts to improve fuel economy would have been economically practicable for Aston Martin in the 1979 and 1980 model years.

Impact of other Federal standards. Aston Martin did not claim any negative fuel economy impacts on its 1979 or 1980 average fuel economy above those impacts which would have resulted in the 1978 model year from Federal safety, damageability, emissions, or noise standards applicable to the 1979 and 1980 model years. In the absence of a showing to the contrary, NHTSA will continue to assume that any fuel economy loss caused by compliance with Federal automobile standards will be reflected in the fuel economy tests conducted by EPA, and will, therefore, be taken into account by the NHTSA in establishing alternative standards.

The need of the Nation to conserve energy. The daily extra U.S. demand for petroleum that will result from Aston Martin achieving an average fuel economy of 11.4 mpg and 12.4 mpg in the 1979 and 1980 model years, respectively, rather than the generally applicable average fuel economy standards of 19 and 20 mpg in those model years is estimated to average 5.84 barrels per day over the life of the 1979 Aston Martins and 2.55 barrels per day over the life of the 1980 Aston Martins. To give a perspective on these numbers, the fuel consumed by passenger automobiles in the United States is about 5 million barrels each day.

Summary of fuel economy improvements. The improvements projected for each model year in this proposal are combined in a straightforward arithmetically additive manner. This technique has been used by this agency in all of its previous fuel economy rulemaking, and has not been seriously questioned by any commenter in these proceedings.

For the 1979 model year, NHTSA proposes to determine that Aston Martin's requested alternative standard of 11.4 mpg represents its maximum feasible average fuel economy for that model year.

Compared to the 1979 model year Aston Martins, the 1980 cars could show a 2.3 percent fuel economy improvement since they would be tested in a lower inertia weight class. The models using an automatic transmission could show a 5 percent fuel economy improvement by using lock-up torque converters in the transmission. The combined effect of these changes would be to increase Aston Martin's average fuel economy by 1.0 mpg, to a level of 12.4 mpg for the 1980 model year.

Selection of the type of alternative standard. The Act permits NHTSA to establish an alternative average fuel economy standard applicable to exempted manufacturers in one of three ways: (1) A separate standard may be established for each exempted manufacturer; (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

The NHTSA believes that it is appropriate to establish a separate standard for Aston Marin. The analyses of the petitions submitted by other low volume manufacturers for exemptions in the 1979 and 1980 model years have not yet been completed, so the agency cannot practicably use the second and third approaches described in the preceding paragraph.

Proposed alternative standards. Based on its tentative conclusions that it is not technologically feasible and economically practicable for Aston Martin to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 11.4 mpg and 12.4 mpg, respectively, that any effects of other Federal automobile standards on achievable fuel economy have been taken into account, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, this agency proposes to conclude that the maximum feasible average fuel economy for Aston Martin in the 1979 and 1980 model years is 11.4 mpg and 12.4 mpg, respectively. Therefore, NHTSA proposes to exempt Aston Martin from the generally applicable standards of 19.0 mpg and 20.0 mpg and to establish alternative standards of 11.4 mpg for the 1979 model year and 12.4 mpg for the 1980 model year.

In consideration of the foregoing, it is proposed that 49 CFR Part 531 be amended by adding § 531.5(b)(4) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * *

(4) Aston Martin Lagonda Incorporated.

Model Year and Average Fuel Economy Standard Miles Per Gallon

1979	11.4
1980	12.4

Interested persons are invited to submit comments on this proposed decision. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Those persons desiring to be notified upon receipt of their comments in the docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

NHTSA typically allows at least 45 days for the public to comment on its proposals. With respect to this decision, however, the agency has shortened the comment to 30 days. There are several reasons for taking this action. First, it is desirable to finally establish the standards to which Aston Martin is subject in the 1979 and 1980 model years as soon as possible. Second, the agency already provided a 25 day comment period on this petition when the notice of receipt was published.

All comments received before the close of business on the comment closing date indicated at the beginning of this proposal will be considered in developing the final rule, and will be available for public inspection in the docket both before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be considered. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date, and it is recommended that interested persons continue to examine the docket for new material.

The agency has reviewed the impacts of this proposal, and determined that granting the requested exemptions will benefit Aston Martin and have no effect on other automobile manufacturers. The public as a whole will be minimally affected by granting alternative standards to Aston Martin. Accordingly, NHTSA has determined that this is not a significant regulation within the meaning of Executive Order 12044.

No regulatory evaluation is necessary in this case, since there are no costs imposed on any manufacturers, and the impact on the general public is so minimal.

The program official and attorney principally responsible for the development of this rule are Robert Mercure and Stephen Kratzke respectively.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Sat. 901 (15 U.S.C. 2002); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on April 3, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-10924 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 80-05; Notice 1]

Federal Motor Vehicle Safety Standards; Motorcycle Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to announce that NHTSA is considering an amendment to Safety Standard No. 123, *Motorcycle Controls and Displays*, that would substitute "r/min" for "R.p.m." to indicate revolutions per minute on the tachometer. This action is taken pursuant to a grant of two petitions for rulemaking. Its primary benefit is that it will allow use of metric units for identification that are widely used by other countries.

DATES: Proposed effective date: September 1, 1981. Comment closing date: May 12, 1980.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108 Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (Docket hours 8 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: John W. Carson, Office of Vehicle Safety Standards, NHTSA, Washington, D.C. (202-426-2715).

SUPPLEMENTARY INFORMATION: The Japan Automobile Manufacturers Association, Inc. and the Motorcycle Industry Council, Inc. have petitioned for rulemaking to amend Federal Motor Vehicle Safety Standard No. 123, *Motorcycle Controls and Displays*, to provide the option of using "r/min" as well as the existing "R.p.m." letters on the tachometer to indicate revolutions per minute.

According to petitioner such an amendment would allow metric units for

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identifications that are widely accepted internationally. Under the metric system the unit describing rotational frequency is "r/min", recognized by both the International Standards Organization and the U.S. Society of Automotive Engineers. Such an amendment would not affect safety and would be in the interest of international standards harmonization.

The agency granted the petitions and is proposing alternative amendments. The first, which would be effective upon publication, would allow optional use of "R.p.m." or "r/min". The second would allow "r/min" immediately and require its exclusive use as of September 1, 1981. It should be understood that this allows use of capital letters also, *i.e.*, "RPM" and "R/MIN." The agency considered this notice under E.O. 12044 and determined that it is not significant and that its impacts are so minimal as not to warrant preparation of a written impact regulatory evaluation.

There would be no cost of compliance associated with the first option, while adoption of the second could slightly reduce compliance costs for those manufacturers who now produce differently marked tachometers for use in the United States and in countries employing the metric system.

The engineer and lawyer primarily responsible for the development of this proposal are Arturo Y. Casanova and Taylor Vinson respectively.

§ 571.123 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.123, Motor Vehicle Safety Standard No. 123 be amended as follows:

1. The letters "R.p.m." in Column 2 of Table 3 would be revised to read "R.p.m. or r/min". or

2. (a) § 5.2.3 would be revised by adding at the end thereof a new paragraph to read:

"The tachometer on each motorcycle manufactured before September 1, 1981, may be identified with the letters 'R.p.m.' ", and

(b) The letters "R.p.m." in Column 2 of Table 3 would be revised to read "r/min".

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter, or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 87–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on April 2, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-10804 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 477

[Docket No. CAS–RM–79–507]

Standby Federal Emergency Energy Conservation Plan; Extension of Comment Period for Compressed Workweek Measure

AGENCY: Department of Energy.

ACTION: Notice of extension of comment period for proposed rule.

SUMMARY: As required by the Emergency Energy Conservation Act of 1979 (the Act), the Department of Energy (DOE) is preparing a standby Federal emergency energy conservation plan. Interim and proposed rules were published at (45 FR 8309 and 8462 February 7, 1980). With this notice, DOE extends the comment period solely for the proposed compressed workweek measure, originally published as a proposed rule. Legal, economic, administrative, and technological consequences of the implementation of the measure must be addressed, in addition to the potential fuel savings.

DATE: Comments on the compressed workweek measure now must be received by May 7, 1980.

ADDRESS: Send comments to Ms. Carol Snipes, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, 1000 Independence Avenue, SW., Mail Stop 6B–025, Washington, D.C. 20585, telephone (202) 252–9319.

FOR FURTHER INFORMATION CONTACT: Henry G. Bartholomew or W. Lorn Harvey, Conservation and Solar Energy, Department of Energy, 1000 Independence Avenue, SW., Room GE–004A, Washington, D.C. 20585 (202) 252–4906.

SUPPLEMENTARY INFORMATION: The following issues, which were either raised during the original public comment period or are already under consideration by the Department, require more extensive analysis prior to a decision regarding publication of the final rule:

(a) The relationship between motor fuel savings, and middle distillate consumption due to altered work schedules.

(b) Which alternative schemes will save the greatest amount of fuel, while presenting the least economic burden (e.g., 4 ten-hour days, the 4/5–9 Plan, or numerous variations of "flextime").

(c) Legal and administrative problems involving labor unions as well as State and local civil service regulations.

(d) The impact of the measure on the delivery of public services (e.g., mass transportation), as well as on social patterns (e.g., day care centers, school schedules).

(e) The impact of the measure on worker productivity, and on retail trade.

(f) A review of "flextime" experiments in the private sector, as well as an analysis of results of a U.S. Office of Personnel Management (OPM) demonstration program presently underway.

(g) An analysis of which economic sectors are particularly adaptable to a rescheduling of work patterns.

The above issues, and others, must be analyzed from the perspective of fuel savings and economic and social impact. In addition, the efficacy of the measure should be analyzed under assumptions of a level of shortfall which may trigger other measures contained in the Standby Federal Plan (10–15 percent), and a more severe shortage (up to 20 percent) which may trigger gasoline rationing.

To allow interested persons more time to prepare and submit comments on these questions or any other concerns generated by the Compressed Workweek Measure, DOE has concluded that the comment period for this measure should be extended to May 7, 1980. At the same time, since public hearings on the Standby Federal Plan have been held in 8 cities, DOE has concluded that additional public hearings on this single measure are not necessary.

(Emergency Energy Conservation Act of 1979, Pub. L. 96–102; Department of Energy Organization Act, Pub. L. 95–91)

Issued in Washington, D.C., April 7, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy, Department of Energy.

[FR Doc. 80-11033 Filed 4-9-80; 9:04 am]

BILLING CODE 6450-01-M

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Notices

Federal Register
Vol. 45, No. 71
Thursday, April 10, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta National Forest Grazing Advisory Board; Meeting

The Uinta National Forest Grazing Advisory Board will meet at 9 a.m. on Wednesday, April 30, 1980, at the Rodeway Inn at 1292 South University Avenue, Provo, Utah.

The purpose of this meeting is to receive recommendations on the utilization of range betterment funds and the development of range allotment management plans.

The meeting will be open to the public. Persons who wish to attend should notify W. Frank Savage, Uinta National Forest Supervisor's Office, P.O. Box 1428, Provo, Utah 84601, phone 801–377–5780. Written statements may be filed with the Board before or after the meeting.

Dated: April 3, 1980.

Don T. Nebeker,

Forest Supervisor.

[FR Doc. 80-10838 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Soil and Water Resources Conservation Act of 1977 (RCA)

AGENCY: U.S. Department of Agriculture (USDA).

ACTION: Announce USDA decisions to (1) retain the March 28, 1980, closure date of the public review period for the draft documents prepared in response to the Soil and Water Resources Conservation Act of 1977 (RCA), and (2) after considering public comments on the draft documents, to develop a recommended USDA soil and water conservation program for review by the public this summer.

FOR FURTHER INFORMATION CONTACT: Ernest V. Todd, RCA Manager, P.O. Box 2890, Washington, D.C. 20013, telephone (202) 447–2771.

SUMMARY: The U.S. Department of Agriculture has decided to retain the March 28, 1980, closure date of the 60-day public review period for the RCA draft documents because:

1. The RCA draft documents include a display of objectives and strategies that could be used in preparing a recommended soil and water conservation program. USDA will use the public comments on the draft documents in developing the recommended USDA soil and water conservation program. Alternatives to the recommended program will be displayed in the recommended program document.

2. USDA Plans to submit the recommended program and alternatives to the public for review and comment this summer.

3. USDA will then consider the comments received on the recommended soil and water conservation program and alternatives. Thereafter, the Secretary of Ariculture will submit a USDA soil and water conservation program to the President for transmittal to the Congress.

SUPLEMENTARY INFORMATION: The testimony given at 18 public meetings held in 17 States and the District of Columbia the last two weeks of February indicated there was strong public interest in the RCA draft documents including the appraisal of the soil, water, and related resources and their capability and limitations to meet current and projected demands. Of particular interest were the stated objectives and the strategies which could be used in developing a recommended soil and water conservation program. Over 60,000 written responses have been received during the public review period.

Some of the respondents have expressed concern that the public review period for the RCA draft documents was too short and should be extended beyond March 28, 1980. In view of the decision to return to the public with a recommended soil and water conservation program for another review period, the Department decided to retain the March 28, 1980, scheduled closure date of the public review period of the draft RCA documents.

Activities and dates associated with the next review period will be announced in the near future.

Dated: April 4, 1980.

Ned D. Bayley,

Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 80-10805 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 80–4–28]

Applications; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80–4–28.

SUMMARY: The Board proposes to approve the following applications:

*Applicant and Authority Sought**

Alaska Airlines, Inc.—ANC/FAI–BET–ENA–BRW–PUO.
Northwest Airlines, Inc.—ANC–FAI.
Great Northern Airlines—ANC–ENA–HOM–ADQ–AKN–DLG–CDB–DUT; ANC/FAI–BET–ENA–BRW–PUO.
Kodiak-Western Alaska Airlines—ANC–ADQ–AKN–DLG–Chignik–SDP–CDB–DUT.
Transamerica Airlines—ANC/FAI–BET–ENA–BRW–PUO.

The Board proposes to approve the following applications, subject to a finding that the applicants are fit, willing and able to perform the proposed service:

*Applicant and Authority Sought**

Alaska Aeronautical Ind.—ANC–HOM–ENA–ADQ.
Delta Development Corp.—OME–KSM–ANI–BET–DLG; also 18 Alaskan points.
Klondike Air, Inc.—Between and among 51 SW Alaska points.
Peninsula Airways, Inc.—Between and among 51 SW Alaska points.
Polar Airways, Inc.—ANC/FAI–ENA–HOM–VDZ–CDV–MCG.
Sea Airmotive, Inc.—ADQ–ANC; BRW–BET–ANI–KSM and 32 Alaskan points.

*All cities requested are listed by their City/Airport Code as specified in the Officials Airline Guide, April 1, 1980.

Docket Number: 37020.

Related Dockets: 36815, 37280, 35868, 37141, 37143, 37070, 37068, 34275, 36131, 37057, 37210, 36470, 37047, 37178, 36471.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted shall file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies of the persons listed in ordering paragraph 6 of Order 80–4–28, no later than May 8, 1980. A statement of objections must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Board may enter an order making final its tentative findings and conclusions and issue certificates covering the proposed authority.

ADDRESSES FOR OBJECTIONS: Docket 37020, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact the Office of the General Counsel, Pricing and Entry Division, Civil Aeronatics Board, (202) 673–5205.

By the Civil Aeronautics Board: April 4, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10914 Filed 4-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80–4–22; Docket 37984]

Indianapolis-Minneapolis/St. Paul/Phoenix and Milwaukee-Phoenix Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–4–22, the Indianapolis-Minneapolis/St. Paul/Phoenix and Milwaukee-Phoenix Subpart Q Proceeding, Docket 37984.

SUMMARY: The Board is instituting the *Indianapolis-Minneapolis/St. Paul/Phoenix* and *Milwaukee-Phoenix Subpart Q Proceeding* and is proposing to grant Indianapolis-Minneapolis/St. Paul, Indianapolis-Phoenix and Milwaukee-Phoenix non-stop authority to U.S.Air and Indianapolis-Minneapolis/St. Paul/Phoenix non-stop authority to Ozark under the expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than May 7, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order shall be filed in Docket 37984, which we have entitled the *Indianapolis-Minneapolis/St. Paul/Phoenix* and *Milwaukee-Phoenix Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such findings should be served on U.S.Air, Ozark, the Indiana Aeronautics Commission, the Minnesota Department of Transportation, the Arizona Department of Transportation and the Wisconsin Department of Transportation; the Mayors of Indianapolis, In., Minneapolis, Mn., St. Paul, Mn., Phoenix, Az., and Milwaukee, Wi.; the Indianapolis Airport Authority, the Minneapolis-St. Paul Metropolitan Airports Commission, the Aviation Director of Sky Harbor International Airport, Phoenix, and the Milwaukee County Airport Department.

FOR FURTHER INFORMATION CONTACT: Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5009.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–4–22 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–4–22 to that address.

By the Bureau of Domestic Aviation: April 3, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-10912 Filed 4-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 30356]

Transcontinental Low-Fare Route Proceeding (Air United States, Air Transport Associates, Standard Airways, and United States Overseas Airlines)—Remanded; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 6, 1980, at 10:00 a.m. (local time) in Room 1003 B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 14, 1979, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 4, 1980.

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 80-10913 Filed 4-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37937]

United States-London Case (1961); Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled to be held on April 16, 1980 (45 FR 23042, April 4, 1980), is postponed to the following day. The prehearing conference will be held on April 17, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Elias C. Rodriguez.

The dates for delivery of prehearing conference materials by parties to the proceeding, which were established in the original notice of prehearing conference, remain unchanged.

Dated at Washington, D.C., April 4, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-10911 Filed 4-9-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79–00459. Applicant: National Radio Astronomy Observatory.

Associated Universities Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron, Model VRT-2124B and Accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver which is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 144 to 152 gigahertz. The National Bureau of Standards advises in its memorandum dated January 24, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10855 Filed 4-9-80; 8:45 am]

BILLING CODE 3510-25-M

University of California, Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00449. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Microthermometry Apparatus and Accessories. Manufacturer: Chaix-Meca Corporation, France. Intended use of article: The article is intended to identify fluid inclusions and associated phases in minerals, and by exposing these inclusions to a range of temperatures, to deduce important information about the temperatures, pressures and other conditions of deposition of the minerals. In addition, use of the apparatus and application of the technique will be taught mainly as a part of regular courses on mineral deposits (Undergraduate: ESS 128A and ESS 128B, and Graduate ESS 227 and ESS 258.)

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the Unites States.

Reasons: The foreign article provides the capability to cool or heat (range from −135 to +600 degrees centigrade) a specimen while it is being viewed through a microscope. The National Bureau of Standards advises in its memorandum dated January 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10856 Filed 4-9-80; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00461. Applicant: University of California, Department of Chemistry, Santa Barbara, California 93106. Article: MMZAB 2F High Resolution Mass Spectrometer. Manufacturer: The Vacuum Generators Micromass Co., United Kingdom. Intended use of article: The article is intended to be used for a variety of purposes including (1) analytical applications to allow compound identification, (2) determination of ion structure, (3) measurement of kinetic energy release, (4) properties of recreation coordinates and structures of products of ion molecule reactions, (5) mixture analysis without prior separation, and (6) analytical application of chemical ionization. The experiments to be conducted will include the following projects:

1. Reaction mechanism and details of potential surfaces along the reaction path. 2. Determination of ion structures. 3. Ion Energy Distribution. 4. Production Identification.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application is a resubmission of Docket Number 79-00117 which was denied without prejudice to reaubmission on June 11, 1979, for informational deficiencies. The foreign article provides a guaranteed resolution of 70,000 (10% valley). The National Bureau of Standards advises in its memorandum dated January 29, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10853 Filed 4-9-80; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Medical Branch et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 80-00032. Applicant: University of Texas Medical Branch, Room 322, Administration Bldg., 915 Strand Street, Galveston, Texas 77550. Article: Electron Microscope, Model JEM 1000X. Manfacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of the structure of biological cells and tissues primarily those of the nervous system including special sensory and cardiovascular organs. The study of structure is related to neurochemical transmission, excitable membranes and ultra structural correlates of chemical interaction of nerve cells. Similarly the article will be used to determine the ultrastructural substrate and basis for chemical acitivity of the nervous system during normal and/or abnormally related functional state. Application received by Commissioner of Customs: November 16, 1979.

Docket No. 80-00037. Applicant: National Jewish Hospital and Reserach Center, National Asthma Center, 3800 E. Colfax Avenue, Denver, Colorado 80206. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of bacteriological specimens, human and animal tissues and cell blocks, cell components and DNA molecules. Investigations will include ultrastructural studies on normal and pathologic human and animal tissues and cells, histochemical studies on enzyme and subcellular organelle localization in cells and tissue membrane-membrane interactions, and ultrastructural changes in cells induced by changes in their biochemical and physical environments. DNA molecules will also be examined. The article will also be used for preceptor training of postdoctoral research fellows within three departments. Article ordered: August 7, 1979.

Docket No. 80-00042. Applicant: Arizona State University, Tempe, Arizona 85281. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of the structure of thin solid specimens of non-biological materials, by direct visulalization of the arrangments of the atoms. The features of the structure of crystals to be studied include the arrangements of atoms in near-perfect regions of crystals and in regions of crystals having faults or disorders. For poorly crystalline or amorphous materials, studies will be made of the nature of the short-range ordering of atoms and of the size and shape of the regions having any particular form of short-range ordering. Investigations will be carried out to extend the knowledge of the structure of solid matter beyond the limits which have been set by the resolution of the electron microscopes previously used in this type of investigations and also to develop further the technique for the high resolution study of solids by electron microscopy. Article ordered: October 15, 1979.

Docket No. 80-00047. Applicant: University of Rochester, Department of Biology, Hutchison Hall, River Campus, Rochester, N.Y. 14627. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for carrying out studies on: 1) genome sequence organization and DNA replication in prokaryotes and eukaryotes; 2) bacterial chromosome structure; 3) the regulation of cellular microtuble assembly; and 4) the development of the immune system. The standard procedures used for such studies include heteroduplex mapping of nucleic acids high resolution microscopy of protein nucleic-acid complexes, and analyses of microtubule formation and distribution using negative staining, thin sectioning and immunoelectron microscopy. Article ordered: November 1, 1979.

Docket No. 80-00050. Applicant: National Institutes of Health, NICHD, LMG, Building 6, Room 408, Bethesda, Maryland 20205. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use of article: The article is intended to be used to analyze molecular biology of cells and viruses. Specimens will include thin sections of uninfected and virus-infected cells, purified proteins, nucleic acids and modified macromolecules. Experiments will involve characterization of the high resolution ultrastructure of normal and altered states with the goal of recognizing structural features that are involved in the cellular regulation of the synthesis and functions of biological macromolecules. Article ordered: September 19, 1978.

Docket No. 80-00058. Applicant: NASA-Ames Research Center, Mail Stop 241-1, Moffett Field, CA 94035. Article: Electron Microscope, Model H-500-3 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of microscopic and crystallographic properties of aerospace materials. Article ordered: December 18, 1978.

Docket No. 80-00060. Applicant: Institute for Cancer Research, Fox Chase Cancer Center, 7701 Burholme Avenue, Fox Chase, Philadelphia, Pennsylvania 19111. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to study a variety of biological objects: structural arrangements of intact viruses and the self-assembly products of the constituent molecules; protein-lipid, and protein-nucleic acid interactions; capsid proteins of viruses and their interaction with cell membranes during infection. Virus capsids and membrane sites with receptor activities will be studied under well-controlled conditions to separate each step of viral contact and the cell's response. Article ordered: July 2, 1979.

Docket No. 80-00070. Applicant: The Rockefeller University, 1230 York Avenue, New York, New York 10021. Article: Electron Microscope, Model JEM 100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine cells, tissues and subcellular preparations, fixed, embedded, and sectioned; carbon replicas made from cellula membranes frozen and fractured; DNA and RNA molecules cast on protein films; and proteins visualized by negative staining techniques. The experiments to be conducted will include;

1. Study of the organization and function of flagella.

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2. Study of the cellular nucleus and its envelope, determining how various extractive conditions alter the structure and correlating the components removed with the structural deletion obtained.

3. Studying messenger RNA's.

4. Studying the function substructures of the cellular membrane. Article ordered: October 30, 1979.

Docket No. 80-00071. Applicant: Buffalo Children's Hospital, 219 Bryant Street, Buffalo, New York 14222. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following: (1) Diagnose rapidly viral diseases of newborns and infants by visualizing viral particles in various body secretions. (2) Examination of human tissues obtained by surgical biopsy and autopsy. (3) Examination at the cellular level of the changes which might explain the cause of death in sudden infant death syndrome (SIDS). (4) Examination of the relationship of viruses to the development of asthma and other forms of chronic lung disease in childhood. The article will also be used as an invaluable tool for inservice training programs for the house staff nurses and fellows. Article ordered: November 6, 1979.

Docket No. 80-00072. Applicant: Uniformed Services University of the Health Sciences, School of Medicine, 801 Jones Bridge Road, Bethesda, Maryland 20014. Article: Scanning Transmission Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used primarily to support a variety of clinical and basic science medical research projects in high resolution transmission electron microscopy, scanning transmission electron microscopy and high resolution scanning electron microscopy. The article will also be used for teaching gradute students and staff advanced techniques in electron microscopy. It will be used in graduate school courses including an interdepartmental laboratory course in electron microscopic technique, a course on Ultrastructure of the Central Nervous System and elective tutorial courses in Special Projects in Transmission Electron Microscopy. Article ordered: October 3, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-10856 Filed 4-9-80; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent application 857 717: Alcohols as Hydrogen-Donor Solvents for Treatment of Coal, filed December 5, 1977.

Patent application 858 221: Regeneration of Lime from Sulfates for Fluidized-Bed Combustion, filed December 7, 1977.

Patent application 863 765: Hydrogenation Process for Solid Carbonaceous Materials, filed December 23, 1977.

Patent application 868 634: Valve System Incorporating Single Failure Protection Logic, filed January 11, 1978.

Patent application 868 953: Method for Calcining Nuclear Waste Solutions Containing Zirconium and Halides, filed January 12, 1978.

Patent application 871 919: Sintered Rare Earth—Iron Laves Phase Magnetostrictive Alloy Product and Preparation Thereof, filed January 24, 1978.

Patent application 878 047: Apparatus for Leaching Core Material from Clad Nuclear Fuel Pin Segments, filed February 15, 1978.

Patent application 880 678: Structure for Ceramic MHD Components, filed February 23, 1978.

Patent application 880 679: Self Locking Drive System for Rotating Plug of a Nuclear Reactor, filed February 23, 1978.

Patent application 880 820: Apparatus and Method for Feeding Coal into a Coal Gasifier, filed February 23, 1978.

Patent application 880 918: Pyrolytic Coating Process, filed February 24, 1978.

Patent application 880 919: Method for Homogenizing Alloys Susceptible to the Formation of Carbide Stringers and Alloys Prepared Thereby, filed February 24, 1978.

Patent application 880 920: Method and Apparatus for Removing the Surface Layer from a Concrete Object, filed February 24, 1978.

Patent application 886 380: Alternate Liquid Fuel (A.L.F.) Compound and Method for Processing, filed March 14, 1978.

Patent application 889 691: System for Loading Slab-Gel Holders for Electrophoresis Separation, filed March 24, 1978.

Patent application 904 676: Rim for Rotary Inertial Energy Storage Device and Method, filed May 10, 1978.

Patent application 904 678: Right/Left Assignment in Drift Chambers and Proportional Multiwire Chambers (PWC's) Using Induced Signals, filed May 10, 1978.

Patent application 906 308: Secondary Hardening Steel Having Improved Combination of Hardness and Toughness and Method of Preparation, filed May 15, 1978.

Patent application 906 815: Manipulator for Rotating and Examining Small Spheres, filed May 17, 1978.

Patent application 906 820: Reflecting Film Reflector and Method of Making the Same, filed May 17, 1978.

Patent application 908 031: Enhancement of Laser Pulse Contrast Ratios Via Transient Response of Narrow Band Resonant Absorbers, filed May 22, 1978.

Patent application 909 864: Ideal Light Concentrators with Reflector Gaps, filed May 26, 1978.

Patent application 911 248: Pulse Circuit for Gas Discharge Laser, filed May 31, 1978.

Patent application 912 784: Adjustable Expandable Cryogenic Piston and Ring, filed June 5, 1978.

Patent application 912 785: Alternating Phase Focused Linacs, filed June 5, 1978.

Patent application 913 634: Differentially-Charged and Sequentially-Switched Square-Wave Pulse Forming Network, filed June 8, 1978.

Patent application 915 419: Ceramic Component for Electrodes, filed June 14, 1978.

Patent application 916 614: Corrosion Monitoring Apparatus, filed June 19 1978.

Patent application 918 259: Count-Doubling Time Safety Circuit, filed June 23, 1978

Patent application 918 618: Carbonaceous Fuel Combustion with Improved Desulfurization, filed June 23, 1978

Patent application 920 414: Electrochemical Cell and Method of Assembly, filed June 29, 1978.

Patent application 920 415: Thermally Stable, Plastic-Bonded Explosives, filed June 29, 1978.

Patent application 923 753: Post Pulse Shutter for Laser Amplifier, filed July 11, 1978.

Patent application 924 336: Method and Apparatus for Forming Targets Using Light Pulses, filed July 13, 1978.

Patent application 927 237: Method for Forming or Bonding a Liner, July 24, 1978.

Patent application 927 442: Linear Motor Drive System for Continuous-Path Closed-Loop Position Control of an Object, filed July 24, 1978.

Patent application 927 806: Valve for Controlling Solids Flow, filed July 25, 1978.

Patent application 928 026: Process for Recovering Actinide Values, filed July 25, 1978.

Patent application 928 027: Laser Target Fabrication, Structure and Method for Its Fabrication, filed July 25, 1978.

Patent application 929 144: Method of Foaming a Liquid Metal, filed July 28, 1978.

Patent application 930 616: Compensated Pulsed Alternator, filed August 3, 1978.

Patent application 930 629: Method and Apparatus for Controlling Accidental Releases of Tritium, filed August 3, 1978.

Patent application 930 782: Frost-Proof and Moisture-Proof Building Foundation, filed August 3, 1978.

Patent application 932 151: Internal Ring End Stoppering for Open Ended Plasma Containing Multicoil Solenoid, filed August 9, 1978.

Patent application 934 552: Means and Method for the Destruction of Particles Entrained in a Gas Stream, filed August 17, 1978.

Patent application 934 762: Recovery of Aluminum and Other Metal Values from Fly Ash, filed August 17, 1978.

Patent application 934 763: Multi-Atmospheric Halogen Compatible Cavity, filed August 17, 1978.

Patent application 934 764: Miniaturized Radiation Chirper, filed August 17, 1978.

Patent application 934 765: Synthetic Carbonaceous Fuels and Feedstocks, filed August 17, 1978.

Patent application 934 768: Process for Producing Hydrogen from Water Using Cobalt and Barium compounds and Compositions Useful Therin, filed August 17, 1978.

Patent application 936 458: Beam/Seam Alignment Control for Electron Beam Welding, filed August 24, 1978.

Patent application 936 460: Preparation of U sub 3 O sub 8, filed August 24, 1978.

Patent application 938 141: Liquid-Permeable Electrode, filed August 30, 1978.

Patent application 942 227: Enhancement of Laser Pulse Contrast Ratios Via Transient Response of Narrow Band Resonant Interferometers, filed September 14, 1978.

Patent application 942 228: Mosaic of Coded Aperture Arrays, filed September 14, 1978.

Patent application 942 230: Hand and Shoe Monitor, filed September 14, 1978.

Patent application 943 270: Scalable, High Power Laser Cavity for Static Metal Vapor Laser Media, filed September 15, 1978.

Patent application 943 827: MHD Generating System, filed September 19, 1978.

Patent application 945 375: Use of a Large Time-Compensated Scintillation Detector in Neutron Time-of-Flight Measurements, filed September 25, 1978.

Patent application 945 376: Fiber Optic Solid State Switch, filed September 25, 1978.

Patent application 945 923: Nonimaging Radiant Energy Direction Device, filed September 26, 1978.

Patent application 945 924: Portable Probe to Measure Sensitiation of Stainless Steel, filed September 26, 1978.

Patent application 945 925: Method for Laser-Annealing Silicon, filed September 26, 1978.

U.S. Department of Transportation, Patent Counsel, 400 7th Street SW., Washington, DC 20590

Patent application 6-063 619: Rail Flaw Detector Position Control, filed August 6, 1979.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent RE 29 888: System for Whole Body Imaging and Count Profiling with a Scintillation Camera, filed September 29, 1976, reissued January 23, 1979, Not available NTIS

Patent 4 175 133: 1,2-Diaminocyclohexane Platinum (II) Complexes Having Antineoplastic Activity Against L1210 Leukemia, filed November 29, 1977, patented November 20, 1979, Not available NTIS

Patent 4 177 348: Carbocyclic Analogs of Cytosine Nucleosides, filed December 13, 1977, patented December 4, 1979, Not available NTIS

U.S. Department of the Interior, Branch of Patents, 18th and C Street NW., Washington, DC 20240

Patent 4 166 775: Electrochemical Gas Monitoring Method, filed September 22, 1977, patented September 4, 1979, Not available NTIS

Patent 4 167 477: Separation of Plastics by Flotation, filed January 17, 1978, patented September 11, 1979, Not available NTIS

[FR Doc. 80-10845 Filed 4-9-80; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

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Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D, 444, Pentagon, Washington, DC 20310

Patent application 6-000 041: High-G Gimbal Platform, filed January 2, 1979

Patent application 6-000 324: Electronic Correction of Optical Aberrations in a Laser Seeker, filed January 2, 1979

Patent application 6-000 325: Holographic Stepwise Zoom Lens for Beamrider Missles, filed January 2, 1979

Patent application 6-000 326: A Holographic Corrector Plate for Laser Designators, filed January 2, 1979

Patent application 6-000 327: Gradient Index of Refraction Windows for Missile Seekers, filed January 2, 1979

Patent application 6-004 979: A Method and Apparatus for Determining Aerosol Size Distributions, filed January 22, 1979

V45/71 APR 10 80 UMI

V 45 / 71 APR 10 80 UMI

Patent application 6-008 464: Semi-Active Laser Seeker Gyroscope, filed February 1, 1979
Patent application 6-008 628: ROACH Generator, filed February 1, 1979
Patent application 6-008 808: Binary Integrator for Fixed Cell Radar Alarm Data, filed February 2, 1979
Patent application 6-013 947: Optical Beam Scanner, filed February 22, 1979
Patent application 6-019 539: Minimum Length Diffuser for Chemical Lasers, filed March 12, 1979
Patent application 6-021 742: A System for Ripple and Noise Reduction in a Multiple Power Supply, filed March 19, 1979
Patent application 6-027 542: Regulating Means for D-C Battery System, filed April 5, 1979
Patent application 6-075 470: Fluidic Recoil Buffer for Small Arms, filed September 14, 1979
Patent application 6-075 565: Electrolysis of Lead Azide, filed September 14, 1979
Patent application 927 324: HC1 or DC1 Chemical Laser Using Laser Induced Chemistry, filed July 24, 1978
Patent application 927 327: HF or DF Chemical Laser Using Laser induced Chemistry, filed July 24, 1978
Patent application 928 219: Tactical Nuclear Slide Rule, filed July 26, 1978
Patent application 931 235: Variable Angle of Incidence Reflectometer with a Continuous Read Out, filed August 7, 1978
Patent application 933 312: Rocket Detent and Release Mechanism, filed August 14, 1978
Patent application 938,560: Tactical Nuclear Slide Rule for a Plurality of Environments, filed August 31, 1978
Patent application 941,531: Rate Sensor, filed September 11, 1978
Patent application 942,721: A Method for Measuring Range to a Rocket in Flight Employing a Passive Ground Tracker Station, filed September 15, 1978
Patent application 944,833: A System Concept for All-Weather Intercept of Tanks from a Helicopter, filed September 22, 1978
Patent application 949,325: Coherent Optical Correlator, filed October 6, 1978
Patent application 951,925: Liquid Nitrogen Level Indicator, filed October 16, 1978
Patent application 954,793: Light Emitting Diode Beacons for Command Guidance Missile Track Links, filed October 25, 1978
Patent application 956,137: Unstable Optical Resonators with Tilted Spherical Mirrors, filed October 30, 1978
Patent application 961,334: Matrix Nozzle for Mixing Lasers, filed November 16, 1978
Patent application 962,273: Smokeless Propellant Compositions Having Polyester or Polybutadiene Binder System Crosslinked with Nitrocellulose and Method of Preparing the Same, filed November 20, 1978
Patent application 963,065: High Efficiency Propulsion System, filed November 22, 1978
Patent application 964,115: Power Transition Circuit, filed November 27, 1978
Patent application 968,131: Polarization Suppression of Parasitic Modes, filed December 11, 1978
Patent application 972,178: Frequency Synthesizer Extending Method and Apparatus, filed December 21, 1978
Patent application 972,179: Logarithmic Lock-In Amplifier, filed December 21, 1978
Patent application 973,367: Light Operated Measuring System, filed December 26, 1978
Patent 4,108,721: Axisymmetric Fluidic Throttling Flow Controller, filed June 14, 1977, patented Auguste 22, 1978, Not available NTIS
Patent 4,116,702: Doppler Distance Measuring System, filed April 22, 1959, patented October 3, 1978, Not available NTIS
Patent 4,119,039: Fuze System, filed May 29, 1961, patented October 10, 1978, Not available NTIS
Patent 4,122,776 Dynamic Clamp Circuits, filed September 3, 1954, patented October 3, 1978, Not available NTIS
Patent 4,124,281: Scheme for Terminal Guidance Utilizing Acousto-Optic Correlator, filed June 7, 1977, patented November 7, 1978, Not available NTIS
Patent 4,126,394: Optical Cant Sensor for Mortars, filed August 9, 1977, patented November 21, 1978, Not available NTIS
Patent 4,128,836: Time Delay Computer for Ordnance Fuse, filed October 14, 1960, patented December 5, 1978, Not available NTIS
Patent 4,133,612: Endless Fiber Interferometer Rotary Motion Sensor, filed July 6, 1977, patented January 9, 1979, Not available NTIS
Patent 4,136,893: Hydrostatic Accelerometer, filed December 9, 1977, patented February 13, 1979, Not available NTIS
Patent 4,139,849: Doppler Fuzing System Having a High Resistance to Noise and Jamming, filed September 3, 1954, patented February 13, 1979, Not available NTIS
Patent 4,148,126: Tool and Method for Assembling Threaded Burster Retainer in a Projectile, filed March 31, 1978, patented April 10, 1979, Not available NTIS
Patent 4,150,882: Indentification Code Generator for High Speed Motion Picture Photography, filed October 29, 1976, patented April 24, 1979, Not available NTIS
Patent 4,161,348: Preassembled Fiber Optic Security Seal, filed August 9, 1977, patented July 17, 1979, Not available NTIS
Patent 4,163,423: Proximity Fuze, filed April 18, 1962, patented August 7, 1979, Not available NTIS
Patent 4,164,905: Lumped Neutralization Coil Arrangement for Inductance Fuze, filed December 22 1971, patented August 21, 1979, Not available NTIS
Patent 4,164,961: Fluidic Pressure/Flow Regulator, filed July 28, 1977, patented August 21, 1979, Not available NTIS
Patent 4,165,503: Hydrostatic Seismic Sensor, filed December 9, 1977, patented August 21, 1979, Not available NTIS

U.S. Department of the Air Force, AF/JACP, 1900 Half Stroet SW., Washington, DC 20324

Patent application 6-061-557: Helical Periodic Magnet, filed July 27, 1979
Patent application 6-062-591: Closed Cycle Annular-Return Gas Flow Electrical Discharge Laser, filed July 31, 1979
Patent application 6-062-692: Mechanical Heat Transfer Device, filed July 31, 1979
Patent application 6-063-499 Gun Alignment Adjusting Device, filed August 3, 1979
Patent 4,166,416: Obturating Split Disc, filed April 28, 1978, patented September 4, 1979, Not available NTIS
Patent 4,166,597: Stowable and Inflatable Vehicle, filed May 9, 1974, patented September 4, 1979, Not available NTIS
Patent 4,166,598: Vehicle Enshrouding Apparatus, filed May 30, 1974, patented September 4, 1979, Not available NTIS
Patent 4,168,473: Internal Arrester Beam Clipper, filed November 18, 1977, patented September 18, 1979, Not available NTIS
Patent 4,170,009: Multiple Channel Electronic Countermeasures Receiver System, filed December 3, 1963, patented October 2, 1979, Not available NTIS
Patent 4,170,025: Low Contrast Measurement Apparatus, filed June 6, 1978, patented October 2, 1979, Not available NTIS
Patent 4, 168, 501: Method and System for Moving Target Elimination and Indication, filed March 10, 1972, patented September 18, 1979, Not available NTIS

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division, Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent application 6-081 245: Precooked Potato Products, filed October 2, 1979.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC 20545

Patent application 934 768: Process for Producing Hydrogen from Water Using Cobalt and Barium Compounds and Compositions Useful Therein, filed August 17, 1978.
Patent application 936 459: Method for Exploring and Discovering Uranium Deposits within a Petrofluid System, filed August 24, 1978.
Patent application 936 460: Preparation of U sub 3 O sub 8, filed August 24, 1978.
Patent application 966 522: Method for Immobilizing Radioactive Iodine, filed December 4, 1978.
Patent application 966 710: Clock Distribution System for Digital Computers, filed December 5, 1978.
Patent application 970 842: Gaseous Trace Impurity Analyzer and Method, filed December 18, 1978.
Patent 4 148 612: Method and Apparatus for Detecting and Measuring Trace Impurities in Flowing Gases, filed September 7, 1977, patented April 10, 1979, not available NTIS.
Patent 4 155 832: Hydrogenation Process for Solid Carbonaceous Materials, filed December 23, 1977, patented May 22, 1979, not available NTIS.
Patent 4 156 758: Electrolyte Composition for Electrochemical Cell, filed August 9, 1978, patented May 29, 1979, not available NTIS.
Patent 4 157 528: Wellbore Pressure Transducer, filed November 8, 1977, patented June 5, 1979, not available NTIS.
Patent 4 158 720: Lithium-Aluminum-Iron Electrode Composition, filed December 28, 1977, patented June 19, 1979, not available NTIS.
Patent 4 158 772: Device for Collecting and Analyzing Matrix-Isolated Samples, filed May 2, 1978, patented June 19, 1979, not available NTIS.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets NW., Washington, DC 20240

Patent application 6-047 541: Recovery of Metal Values from Lead Smelter Matte, filed June 11, 1979.
Patent application 6-048 408: Capacitance Probe Sensor Device, filed June 14, 1979.
Patent application 6-055 216: Mine Face Ventilation System, filed July 6, 1979.
Patent application 6-060 101: Method of In Situ Mining, filed July 24, 1979.
Patent 4 163 393: Void Detector System, filed August 4, 1978, patented August 7, 1979, not available NTIS.
Patent 4 165 042: Rotary Jaw Crusher, filed April 12, 1978, patented August 21, 1979, not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6-023 043: Processor-Aided Fire Detector, filed March 22, 1979.
Patent application 6-054 048: Dismountable Inductively-Coupled Plasma Torch Apparatus, filed July 2, 1979.
Patent application 6-060 943: Method to Eliminate Fiber Interferometer Reflections, filed July 26, 1979.
Patent application 6-066 200: Supercorroding Galvanic Cell Alloys for Generation of Heat and Gas, filed August 13, 1979.
Patent application 6-066 201: Portable Diver Heat Generating System, filed August 13, 1979.
Patent application 6-066 944: Simulated Oxygen Breathing Apparatus, filed August 16, 1979.
Patent application 6-067 977: Beamformer for Arrays with Rotational Symmetry, filed August 20, 1979.
Patent application 6-068 999: Dual Ground Plane Coplanar Fed Microstrip Antennas, filed August 23, 1979.
Patent application 6-075 631: Polyphthalocyanine, filed September 14, 1979.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington DC 20546

Patent application 6-067 595: A Hydraulic Actuator Mechanism to control Aircraft Spoiler Movements Through Dual Input Commands, filed August 17, 1979.
Patent application 6-070 366: Small Conductive Particle Sensor, filed August 28, 1979.

U.S. Department of Health, Education and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 3,632,774: Method of treating Rheumatoid Arthritis with Histidine, filed March 30, 1970, patented January 14, 1972, not available at NTIS.
Patent 3,867,539: Method of Producing Anorexia as a Treatment for Obesity, filed April 27, 1973, patented February 18, 1975, not available at NTIS.

[FR Doc. 80-10946 Filed 4-9-80; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Planning of Future Dredged Material Disposal Areas and Channel Realignment for the Tangier Navigation Channels, Tangier Island, Va.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The Federally maintained navigation channels to Tangier Island, VA must be periodically redredged to keep them at the depth required for most economical use. This depth is −8 feet (−2.4 meters) mean low water with 1-foot (0.3 meter) required overdepth and 1-foot (0.3 meter) allowable overdepth. This gives a total of −10 feet (−3.0 meters) mean low water as the depth to be maintained in the Tangier Channel to Tangier Sound. In the Tangier Channel to the Chesapeake Bay, these depths are −7 feet (−2.1. meters) mean low water plus 1-foot (0.3 meter) requied overdepth and 1-foot (0.3 meter) allowable overdepth. This gives a total of −9 feet (−2.7 meters) means low water to be maintained. Both channels begin at a turning basin adjacent to the town of Tangier. This basin measures 400 feet (122 meters) square and −7 feet (−2.1 meters) plus 1 plus 1 (0.3 + 0.3) mean low water.

2. Alternatives to be studied in this statement include no action, open water disposal, confined open water disposal, unconfined marsh disposal, confined marsh disposal, and confined upland disposal.

3a. The scoping process for this statement will take place during the 30 days following the date of this notice of intent. The written comments of interested Federal, State, and local agencies as well as organized groups and private individuals are requested before this time limit expires so that scheduling of studies needed for this EIS can be done.

3b. The intent of this process is to resolve the continuing problem of the disposal of dredged material from these channels. The disposal of dredged material has been a significant problem concerning this project in the past. It is expected that the various interested agencies or citizens may object to some or all of the suggested alternatives. The major issue to be considered will be the suitability of a disposal area or channel realignment versus economic costs. Alternatives which have less long term effects on the local environment with a lower economic cost will be considered over alternatives with higher environmental and economic costs.

3c. Requests will be made of the following Federal and State agencies for assistance within their area of expertise during the scoping portion of the draft statements preparation:

The U.S. Fish and Wildlife Service
The National Marine Fisheries Service
The U.S. Environmental Protection Agency
The Virginia State Water Control Board
The Virginia Department of Health
The Virginia Marine Resouces Commission
The Virginia Institute of Marine Science

Other Federal and State agencies may be requested to provide information for the draft document if necessary.

3d. If an alternative other than confined upland disposal appears feasible and is recommended in the Record of Decision (ROD) permits from the Virginia State Water Control Board and Virginia Marine Resources Commission will be applied for. A ROD is issued by the District Engineer at the end of the EIS process unless unresolved questions between the Corps and the Federal agencies mentioned in 3c. still remain.

4. Depending on the questions raised in the written comments, a scoping meeting may be held as soon as possible after the expiration of the 30 day scoping period.

5. It is estimated that the draft Environmental Impact Statement will be available for public review within 12 months following the date of this notice.

ADDRESS: Questions about the proposed action and DEIS can be answered by: James D. Haluska, Oceanographer, NAOEN-RE, Norfolk District Corps of Engineers, 803 Front Street, Norfolk, VA 23510.

Dated: March 13, 1980.

Douglas L. Haller,

District Engineer, Corps of Engineers, Norfolk District.

[FR Doc. 80-10947 Filed 4-9-80; 8:45 am]
BILLING CODE 3710-EN-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-TA-80-1]

Barber Heavy Oil Process, Inc. (Formerly HOP Corp.); Issuance of Final Decision and Order

On February 22, 1980, the Economic Regulatory Administration issued a Proposed Decision and Order to the

HOP Corporation (now Barber Heavy Oil Process, Inc.) (HOPCO), that would designate pursuant to 10 CFR 212.78, certain additional allowed expenses to be incurred and paid by the HOPCO for its enhanced heavy oil recovery project located in the Kern River Field in California. The Proposed Decision and Order was published at (45 FR 13504 February 29, 1980). Only one comment was received with respect to the Proposed Decision and Order. HOPCO requested minor technical and editorial changes in the final Decision and Order, which we have adopted.

A copy of the final Decision and Order is available in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays), and in the DOE Reading Room, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, (except Federal holidays).

Issued in Los Angeles, California, on March 31, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10781 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-01-M

Consolidated Gas Supply Corp.; Proposed Consent Order; Correction

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Correction.

SUMMARY: In the proposed consent order on Consolidated Gas Supply Corp., appearing in 45–FR–21679 dated April 2, 1980, the following corrections are made:

In the third column, numbered paragraph 2, line 22, *delete* "their volumes" and *add* "the price reduction otherwise allocable to them."

In the third column, numbered paragraph 2, line 36, *delete* "eligible."

FOR FURTHER INFORMATION CONTACT: Edward F. Momorella, Acting District Manager, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 1421 Cherry Street, Philadelphia, PA 19102, telephone (215) 597–2633.

Issued in Washington, D.C., on the 3rd day of April 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Lona Feldman,

Deputy Assistant General Counsel for Enforcement.

[FR Doc. 80-10779 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-04]

Forms for Tertiary Enhanced Recovery Program; Availability of Approved Report Forms

Notice is hereby given that standard forms for the submission of Producers' Initial Report (ERA–424A), Monthly Producer Report (ERA–424B), and Monthly Project Report (ERA–424C), required under the Tertiary Enhanced Recovery Program (Tertiary Program) (10 CFR § 212.78), have been approved by the Office of Management and Budget. Producers desiring to participate in the Tertiary Program should, after the date of this Notice, use the approved forms.

Copies of the approved forms may be obtained on request from: Manager, Tertiary Enhanced Recovery Program, Office of Petroleum Operations, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

Initial and monthly reports under the Tertiary Program which are postmarked more than 10 days after publication of this Notice (April 21, 1980), will be returned if not submitted on the approved forms. Forms which are reproduced by machine are acceptable. Producers may submit any additional relevant information as attachments to the approved forms.

Questions about the use of the Forms ERA–424A, ERA–424B, and ERA–424C may be referred either to Ms. Mary Braxton or Mr. Eugene Glass on (202) 653–3379.

Issued in Washington, D.C., on April 2, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-10780 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP80-2]

Alabama-Tennessee Natural Gas Co., Proposed Changes in FERC Gas Tariff

April 4, 1980.

Take notice that on March 27, 1980, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective April 3, 1980, consisting of the following:

Thirty-Second Revised Sheet No. 3–A, Superseding Second Substitute Thirty-First Revised Sheet No. 3–A;
Fifth Revised Sheet No. 5, Superseding Substitute Fourth Revised Sheet No. 5;
Substitute Fourth Revised Sheet No. 6, Superseding Third Revised Sheet No. 6;
Fifth Revised Sheet No. 11, Superseding Substitute Fourth Revised Sheet No. 11;
Substitute Third Revised Sheet No. 13–B, Superseding Second Revised Sheet No. 13–B; and
Fifth Revised Sheet No. 14, Superseding Substitute Fourth Revised Sheet No. 14.

Alabama-Tennessee states that the foregoing tariff sheets reflect the rates suspended by the Commission's October 31, 1979, order as modified by the various changes authorized by the Commission which transpired since the filing in Docket No. RP80–2.

Specifically, Alabama-Tennessee states that the Commission approved Alabama-Tennessee's purchased gas cost adjustment effective January 1, 1980, which provides for current adjustments under Section 20.3 of Alabama-Tennessee's FERC Gas Tariff. Therefore, the Base Rates to be effective April 3, 1980, consist of the Base Rates filed October 3, 1979, plus the Section 20.3 current adjustments made effective January 1, 1980.

In addition, Alabama-Tennessee states that the rates shown on Sheet 3–A to be effective April 3, 1980, also reflect an increase in the Unrecovered Purchased Gas Cost Adjustment under Section 20.2 and a reduction in the Demand Charge Adjustment under Section 22 of Alabama-Tennessee's FPC Gas Tariff. These are the adjustments now in effect for the six months beginning January 1, 1980. They have been substituted for the adjustments for the previous six months, which were included in the October 3, 1979, filing.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before April 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10877 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-31 (PGA80-2, IPR80-2, LFUT80-2)]

Arkansas Louisiana Gas Co.; Order Accepting for Filing and Suspending Rate Increase, Subject to Conditions, Granting Interventions and Establishing Procedures

Issued: March 31, 1980.

On February 29, 1980, Arkansas Louisiana Gas Company (Arkla) filed revised tariff sheets[1] proposed to become effective April 1, 1980. The proposed increase reflects a purchased gas cost increase of $56,717,759 annually, an incremental pricing surcharge of $4,437,048, and an increase in the Louisiana First Use Tax (LFUT) adjustment.

Public notice of the filing was issued on March 6, 1980, providing for protests or petitions to intervene to be filed on or before March 21, 1980. On March 19, 1980, the Cities of Winfield, Kansas and Mangum, Oklahoma (Cities) filed a petition to intervene, protesting the rate increase and requesting an investigation. The Cities of Winfield, Kansas and Mangum, Oklahoma have demonstrated an interest in this proceeding which warrants their participation, and intervention by them shall be permitted.

Cities' protest requests that the Commission reject or suspend and make subject to refund Arkla's PGA filing because it includes Natural Gas Policy Act (NGPA) ceiling prices based upon area rate clauses and pipeline production gas. Cities also request that the Commission undertake an investigation of Arkla's corporate structure, operations, and accounting methods to make certain that they are not detrimental to Arkla's rates and/or service to its interstate wholesale customers.

The Commission has established procedures, in Order No. 23, as amended by subsequent orders in Docket No. RM79–22, for the determination of whether any or all of the area rate clauses in contracts between a pipeline company and its producers permit NGPA prices. Cities state that they have filed, in Docket No. GP80–6, a protest under Order 23, as amended by subsequent order, challenging each of the contracts which Cities believe does not include the authority for collection of NGPA rates. The authority to collect NGPA rates pursuant to area rate clauses in the contracts between Arkla and its producers is appropriately addressed in Docket No. PG80–6. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate cluase, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

Cities argue that Arkla's company-owned production does not qualify for "first sale" treatment under Section 2(21)(B) of the NGPA and that Arkla should not be permitted to collect any rates above the area or national rates already granted it under the Natural Gas Act without first proving that the actual cost of producing this gas exceeds such applicable area or national rates. If the Commission does not reject Arkla's PGA filing to the extent that it includes pipeline production gas at NGPA ceiling prices, Cities request that the filing be suspended and the rates be collected thereafter subject to refund pending the final outcome of the Commission's rulemaking proceeding concerning pipeline production rates in Docket No. RM80–6. Since the Commission's proposed rulemaking in Docket No. RM80–6 addresses the issues raised by Cities, Arkla's pricing of pipeline production gas is suspended, subject to refund, pending the final outcome of the rulemaking proceeding in Docket No. RM80–6.

Cities states that they do not know, from reviewing First Revised Sheet No. 4A, whether Arkla has included all of the non-exempt industrial boiler fuel users it serves in its Maximum Surcharge Absorption Capability (MSAC) and surcharge calculations for incremental pricing purposes. Since Arkla includes all of its gas supply in its PGA filing, Cities states that they do not know if the customers listed in First Revised Sheet No. 4A include all of the non-exempt boiler fuel users served by Arkla, both as an interstate pipeline making direct transmission sales and as a distributor making local retail sales. Due to the self certification process for boiler fuel exemptions and due to the fact that the Commission's incremental pricing filing requirements only extend to Arkla's interstate business, the Commission cannot determine whether Arkla has included all of the non-exempt industrial boiler fuel users it serves in its MSAC and surcharge calculations for incremental pricing purposes.

The Commission notes that in May, a group of auditors from the Office of Pipeline and Production Regulation (OPPR) will be conducting an audit of Arkla to determine the appropriateness of Arkla's operation of its PGA clause implementation of incremental pricing. The Commission therefore shall refer all issues related to Arkla's administration of the provisions of its PGA clause including its implementing incremental pricing to that investigation. Upon completion of the investigation of the OPPR audit Staff investigation, the Commission shall take such further action, if any, that may be warranted. For this reason, we shall deny Cities' request for a hearing on that issue in this docket. Since the Commission has adequately addressed the specific criticisms of Cities regarding Arkla's proposed PGA filing, the Commission finds it unnecessary to undertake a general investigation of Arkla's corporate structure, operations, and accounting methods.

Arkla's proposed current LFUT adjustment of .26¢ per Mcf is added to Arkla's rates without deducting the currently effective LFUT rate of .28¢ per Mcf. By adding the currently effective LFUT adjustment to the proposed LFUT adjustment instead of replacing the effective adjustment with the proposed adjustment, Arkla is overcollecting from its customer .28¢ per Mcf, in violation of its tariff and Order No. 10, as amended by subsequent orders in Docket No. RM78–23. Arkla shall be required to refile revised tariff sheets properly including the LFUT adjustment and is directed to refund with interest, as calculated pursuant to Section 1554.67 of the Regulations, any excess revenues collected because of this improper methodology used in calculating its LFUT adjustments.

[1] Twenty-Second Revised Sheet No. 4 and First Revised Sheet No. 4–A to FERC Gas Tariff, First Revised Volume No. 1; and Twentieth Revised Sheet No. 185 and First Revised Sheet No. 185–A, to FERC Gas Tariff, Original Volume No. 3.

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Arkla's filing includes pricing of storage gas withdrawals at the current month's average cost of purchased gas. This may result in Arkla collecting revenues through its PGA surcharge which are in excess of Arkla's actual experienced purchased gas costs for storage volumes. Therefore, the storage gas pricing issue shall be set for hearing.

Based upon a review of Arkla's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Arkla's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that is shall become effective on April 1, 1980, subject to refund and subject to the conditions described herein. The storage gas pricing issue shall be set for hearing.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Arkla's pricing of storage gas.

(B) For the reasons stated in the body of the order, Cities' request for hearing of issues other than Arkla's pricing of storage gas shall be denied.

(C) Pending hearing and decision, and subject to the conditions enumerated in this order, Arkla's proposed Twenty-Second Revised Sheet No. 4 and First Revised Sheet No. 4–A to FERC Gas Tariff, First Revised Volume No. 1; and Twentieth Revised Sheet No. 185 and First Revised Sheet No. 185A, to FERC Gas Tariff, Original Volume No. 3 are accepted for filing, suspended and waiver of notice requirements is granted such that the filing shall become effective on April 1, 1980, subject to refund.

(D) Arkla shall file within 15 days revised tariff sheets including the proper LFUT adjustment and shall refund with interest calculated pursuant to Section 154.67 of the Regulations within 30 days, any excess revenues collected because of Arkla's improper methodology used in calculating its LFUT adjustment.

(E) Arkla shall file its case-in-chief on the storage gas pricing issue on or before May 5, 1980.

(F) The Commission Staff shall prepare and serve its statement of position on or before June 5, 1980.

(G) The Cities of Winfield, Kansas and Mangum, Oklahoma shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of Staff's statement of position, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motion (except motions to consolidate, serve, or dismiss), as provided for in the Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10678 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-12]

Boston Edison Co.; Notice Pursuant to 18 CFR Part 41

April 4, 1980.

Take notice that an audit of Boston Edison Company's (Edison) books was conducted by the Staff of the Federal Energy Regulatory Commission (Staff). staff and Edison were unable to reach an agreement relating to tax savings on abandonment loss and excess allowance for funds used during construction. Edison has not consented to the shortened procedures and has requested that formal proceedings be initiated.

Any person desiring to be heard or to protest the result of Staff's audit of Edison should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10679 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-33 (PGA80-2) IPR80-2) (AP80-1) (TT8080-1) (LFUT80-1)]

El Paso Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Condition

Issued: March 28, 1980.

On February 29, 1980, El Paso Natural Gas Company (El Paso) filed revised tariff sheets [1] proposed to be effective April 1, 1980. The revised tariff sheets contain rate increases to track Purchased Gas Costs, a Louisiana First Use Tax (LAFUT) Adjustment and a Settlement Agreement Tracking Rate Adjustment.

Public notice of this filing was issued March 5, 1980, providing for protests or petitions to intervene to be filed on or before March 19, 1980. Petitions to intervene were timely filed by Southern California Gas Company on March 14, 1980, and by the Salt River Agricultural Improvement and Power District on March 19, 1980. Having demonstrated an interest in this proceeding which warrants their participation, intervention by them shall be granted.

El Paso states that the purpose of its filing is to reflect increased purchased gas costs of $230,594,200 annually and increased purchased clean high pressure gas costs of $52,714 semiannually. The settlement agreement [2] tracking rate adjustments include changes in the advance payments, transportation costs and gas well royalty adjustments. The proposed increase also reflects emergency purchases and purchases of import gas from Mexico under a sales agreement with Border Gas, Inc.

Based upon a review of El Paso's filing the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, and unduly discriminatory or otherwise unlawful. Accordingly we shall accept for filing El Paso's proposed rate increase subject to conditions as stated hereinafter, grant

[1] Substitute Twenty-seventh Revised Sheet No. 3–B and Substitute Revised Sheet No. 189 to El Paso's FERC Gas Tariff Original Volume No. 1, Substitute Eighteenth Revised Sheet No. 1–D to El Paso's FERC Gas Tariff Third Revised Volume No. 2, Substitute Nineteenth Revised Sheet No. 1–C and Substitute Fourteenth Revised Sheet No. 1—D to El Paso's FERC Gas Tariff Original Volume No. 2–A.

[2] The settlement agreement in Docket No. RP70-12 was approved by letter order dated July 20, 1979.

waiver of the 30 day notice requirements, and suspend the effectiveness of the rates such that they shall become effective April 1, 1980, subject to refund and to conditions as stated hereinafter.

El Paso's filing reflects a 20.22¢ per Mcf increase in the cost of gas purchased from various producer-suppliers, many of whose increases were escalated pursuant to area rate clauses. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79–22. Should it ultimately be determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

The 20.22¢ per Mcf increase also reflects an increase in the New Mexico severence Tax of 2.7¢ per Mcf, from 5.7¢ to 8.4¢, for New Mexico producer gas. The filing also includes purchases of certain volumes of deregulated high-cost natural gas under Section 107 of the NGPA ranging in price from 255.45¢ per Mcf to 500.266¢ per Mcf.

El Paso's filing includes a 4.8944¢ per Mcf increase in the cost of clean high pressure gas purchased, an 18.61¢ per Mcf surcharge to the East-of-California customers and a 24.81¢ per Mcf surcharge to the California customers, and 8.7905¢ per Mcf surcharge increase applicable to the clean high pressure gas costs, a .03¢ per Mcf increase in the LAFUT surcharge, a .05¢ per Mcf decrease in the Advance Payment tracker pursuant to Article VII of El Paso's Stipulation and Agreement in Docket No. RP79–12, a 1.53¢ per Mcf increase on the transportation costs tracker pursuant to Article IX of the aforesaid Stipulation and Agreement and a 2.99¢ per Mcf increase in the Gas Well Royalty and Production Tax Costs tracker pursuant to Article X of the aforesaid Stipulation and Agreement.

El Paso's filing reflects purchases of Mexican natural gas of $6,363,528 from Border Gas, Inc. at a projected unit price of $4.63 per Mcf. We approved a price of $3.625 per MMBtu by order issued December 21, 1979 in Docket No. CP80–93 effective January 1, 1980. Our approval therein was contingent upon approval being granted by the Department of Energy's Economic Regulatory Administration. Approval was granted on December 29, 1979 in DOE/ERA Opinion and Order No. 12. The approved escalation formula permits the initial price of $3.625 per MMBtu to increase quarterly, in proportion to increases in the average price of five specific foreign crude oils, commencing April 1, 1980 and continuing thereafter as of the first day of each succeeding quarter. We are unable to verify whether El Paso's projected $4.63 per Mcf price for purchases from Border Gas, Inc. properly reflects this quarterly price escalation. We will accept the filing, however, subject to the condition that El Paso file supporting data, and revised rates, if necessary, to ensure that the filing reflects the proper price Border Gas, Inc. is authorized to charge El Paso as of April 1, 1980.

The proposed advance payment tracker may not be reasonable and appropriate, in that repayment of El Paso's advance payments does not appear to have been completed within the five year time required by the standards announced in Commission Order Nos. 410, 441 and 465. Accordingly, the advance payment tracker should be suspended, waiver of notice requirements should be granted such that the tracker shall become effective on April 1, 1980, subject to refund and the determination of the proper treatment of the subject advance payments should be set for formal hearing.

Included in the deferred purchased gas cost balance are thirteen emergency purchases—one of these, with Northwest Pipeline Corporation, is an extension of a purchase made in the prior PGA period at a price in excess of the Section 102 price. That purchase is currently the subject of hearings in Docket No. TA80–133 (PGA80–1, IPR80–1, GRI80–1). The remaining portion of that emergency purchase is in the instant filing's deferred balance. The outcome of the hearings in Docket No. TA80–1–33 (PGA80–1, IPR80–1, GRI80–1) and the determination of the issues therein by us will be determinative of the same issues in this docket. Accordingly when we issue our final determination of the emergency purchase issues in the earlier docket, El Paso should revise its tariff sheets herein to reflect that determination.

The Commission Orders: (A) Subject to the conditions of Ordering Paragraph (B) and (C) El Paso's proposed tariff sheets listed in footnote (1) herein are accepted for filing, suspended and waiver of notice requirements is granted such that the filing shall become effective on April 1, 1980, subject to refund.

(B) El Paso shall file revised tariff sheets to reflect the proper price Border Gas, Inc. is authorized to charge El Paso as of April 1, 1980 in accordance with an order of December 21, 1979 in Docket No. CP80–93 and DOE/ERA Opinion and Order No. 12 of December 29, 1979. This filing shall be accompanied by appropriate supporting date.

(C) El Paso shall file revised tariff sheets in this docket to reflect the proper treatment of its emergency purchases when we issue a final decision in Docket No. TA80–1–33 (PGA80–1, IPR80–1, GRI80–1).

(D) The petitions to intervene referenced in the body of the order are granted, subject to the Commission's Rules and Regulations; *Provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(E) Pursuant to the Natural Gas Act, particularly sections 4 and 5 thereof, the advance payments questions raised by El Paso's filing shall be set for formal hearing. El Paso shall serve its case in cheif on or before May 12, 1980. Staff shall serve its statement of position on or before June 26, 1980.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within 10 days after the service of Staff's top sheets and statement of position in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions, (except motions to sever, consolidate, or dismiss) as provided for in the rules of practice and procedure.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-10680 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-87]

El Paso Natural Gas Co.; Petition To Amend Temporary Order

April 4, 1980.

Take notice that on March 14, 1980, El Paso Natural Gas Company ("El Paso")

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a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas, 79978, filed at Docket No. CP76–87, pursuant to Section 7(c) of the Natural Gas Act and Section 1.7 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, a petition to amend the Commission's order issued August 1, 1979, at said docket, so as to authorize the withdrawal from El Paso's Rhodes Reservoir Storage Project ("Rhodes Reservoir") of: (i) injected cushion gas for delivery, subject to El Paso's operational capabilities, to those low-priority east-of-California ("EOC") customers who were curtailed during 1973 in order to provide such volumes for injection into the Rhodes Reservoir; and (ii) native gas for utilization by El Paso as a part of its general system-wide supply. El Paso also requests, to the extent the Commission may deem appropriate, approval to transfer the undepreciated and unamortized plant facilities from the storage function to the production function. Further, El Paso requests, pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 ("NGPA"), an adjustment exempting El Paso from the provisions of Order No. 49 issued September 28, 1979, at Docket No. RM79–14 in connection with the disposition of the injected cushion gas withdrawn from the Rhodes Reservoir in order to prevent inequity and unfair distribution of burdens, all as more fully set forth in the petition to amend temporary order on file with the Commission and open to public inspection.

The instant petitions states that by Commission order issued August 1, 1979, at Docket No. CP76–87, El Paso was granted a temporary certificate authorizing, *inter alia*, the withdrawl of the remaining working gas inventory stored in the Rhodes Reservoir for transportation and delivery to Northwest Pipeline Corporation at existing delivery points in the San Juan Basin area for the account of Clay Basin Storage Company ("Storage Company"), and for the sale of such gas to Storage Company at such existing delivery points for subsequent injection into and storage in the Clay Basin Storage Field pursuant to the Clay Basin Interim Storage Arrangements. In addition, El Paso also was authorized to utilize working gas volumes withdrawn from Rhodes Reservoir to assist in meeting its EOC customers' Priority 1 and 2 requirements during the 1979–80 winter season.

The instant petition further states that on December 11, 1979, in compliance with the Commission's temporary order issued August 1, 1979, at Docket No. CP76–87, El Paso filed its report outlining a plan which could be implemented to restore Rhodes Reservoir to full operational status. However, as more fully stated in the report, a final decision to restore Rhodes Reservoir has not yet been made. In the interim, prudent operation requires continued withdrawal of the natural gas remaining in the reservoir in order to prevent the loss of gas volumes due to possible further pressure-induced migration.

With respect to the withdrawal of the injected cushion gas, El Paso proposes to sell such volumes of natural gas to those low-priority EOC customers who originally sustained curtailment incident to the injection of such volumes into the Rhodes Reservoir, at, effectively, the value of the gas when initially injected into the Rhodes Reservoir during 1973 (i.e. $592,310 or $20.42¢ per Mcf) plus the appropriate current mainline transmission charge. The revenues received by El Paso attributable to the inclusion in this calculation of the appropriate current mainline transmission charge will be credited to El Paso's unrecovered purchased gas costs (Account 191) under the terms of the Stipulation and Agreement in Settlement of Rate Proceeding dated May 31, 1979, which was approved by the Commission on July 20, 1979, at Docket No. RP79–12, thus reducing the balance of such account and benefiting all of El Paso's customers. Inasmuch as the subject volumes of injected cushion gas were curtailed from El Paso's low-priority EOC customers prior to enactment of the NGPA and the implementation of Order No. 49 prescribing regulations thereunder, El Paso believes that the application of incremental pricing policies to the sale upon withdrawl of the injected cushion gas to said customers would result in an inequity and unfair distribution of burdens. Accordingly, El Paso requests exemption from the provisions of Order No. 49 with respect to the disposition to those low-priority EOC customers originally curtailed of the approximate 2,900,000 Mcf of injected cushion gas.

Further, with respect to the sale of the injected cushion gas to those EOC customers originally curtailed, El Paso seeks authorization to exclude such volumes from Article V, Paragraph A, *Contingent Refunds for Sales in Excess of Settlement of Sales Volumes*, of said Stipulation and Agreement. El Paso seeks authorization to exclude such volumes from said Stipulation and Agreement inasmuch as (i) the volumes of cushion gas originally injected into the Rhodes Reservoir during 1973 were not included in the gas supply and resulting sales of 2,848 MMcf per day which were utilized in setting rate levels at Docket No. RP79–12; and (ii) El Paso will itself retain none of the fixed costs recovered through the sale of such volumes to the low-priority EOC customers inasmuch as an amount equal to the difference between the sales rate for such gas and the sum of 20.42¢ per Mcf plus the appropriate current mainline transmission charge will be returned to such customers through a surcharge credit to their monthly billings and otherwise, the revenues attributable to the inclusion in the surcharge credit calculation of the appropriate current mainline transmission charge will be credited to Account 191.

After all of the working and injected cushion gas has been withdrawn from Rhodes Reservoir and delivered, El Paso proposes to produce the native gas reserves until a final decision is reached on the ultimate disposition of Rhodes Reservoir; such withdrawn native gas to be utilized as a part of El Paso's general system-wide supply. The native gas, approximating 11,700,000 Mcf, will receive a cost of service rate treatment which will result for pricing purposes in a charge to El Paso's customers for the native gas.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before April 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10881 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2973]

Fall River Rural Electric Coop., Inc.; Application for Preliminary Permit

April 3, 1980.

Take notice that an application was filed on September 27, 1979, and supplemented December 31, 1979, and February 22, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), by the Fall River Rural Electric Cooperative, Inc. for a preliminary permit. The project is to be known as the Island Park Hydroelectric Project, located at the U.S. Water and Power Resources Service's Island Park Dam, on Henry's Fork of the Snake River at river mile 93, in Fremont County, Idaho. Correspondence with the Applicant on this matter should be addressed to: Mr. Calvin H. Wickham, General Manager, Fall River Rural Electric Cooperative, Inc., 714 Main Street, Ashton, Idaho 83420, with copy to Mr. E. R. Mooney, CH2M Hill, 1600 S.W. Western Blvd., P.O. Box 428, Corvallis, Oregon 97330.

Purpose of Project—Project energy will be utilized in the Applicant's electric distribution system and sold to Applicant's customers in the service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform geotechnical, engineering, economic, financial, and environmental studies to permit an informed decision as to the feasibility of developing the project. If the project is determined to be feasible, the Applicant plans to prepare an application for an FERC license to construct and operate the project. Applicant estimates the cost of the feasibility study under the permit would be $55,000.

Project Description—The proposed project would utilize the existing U.S. Water and Power Resources Service's Island Park Dam, on Henry's Fork of the Snake River.

Applicant would study two alternative projects as follows:

(1) Alternative One comprising (a) a water intake tunnel which would tap the existing outlet tunnel upstream from the gate chamber on the right abutment of the dam (b) an underground powerhouse containing a turbine-generator unit with a rated capacity of 5 MW (c) a tailwater discharge tunnel return to the existing outlet-spillway tunnel; and (d) appurtenant facilities; or (2) Alternative Two comprising (a) a water intake on the left abutment (b) a penstock through the abutment (c) a powerhouse on the left bank at the toe of the dam containing a turbine-generator unit with a rated capacity of 5 MW; and (d) appurtenant facilities. Project energy would be fed into Applicant's system through an existing 3-mile-long 12.5-kV underground powerline.

Applicant estimates the annual generation would average about 21,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for a preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 2, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 1, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 F.R. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 F.R. 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before June 2, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10887 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS80–101, et al.]

Fred Wilson, et al.; Applications for "Small Producer" Certificates [1]

April 4, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS80-101	3/18/80	Fred Wilson 1313 Commercial Natl. Bank Bldg., Shreveport, La 71101.
CS80-102	3/18/80	South Central Enterprises, Inc., 9201 Meadowbrook Drive, Dallas, Tex. 75220.
CS80-103	3/25/80	Betty H. Klein, 11 Cypress Court, Route 4 Rockwall, Tex. 75087.
CS80-104	3/25/80	Louise N. Crawford, 10707 Corporate Drive, Suite 206, Stafford Tex. 77477.
CS80-105	3/26/80	Lamson/Onshore Petroleum, P.O. Box 53106, Lafayette, La. 70505.
CS-80-106	3/26/80	Gary Lamson, P.O. Box 52109, Lafayette, La. 70505.

[FR Doc. 80-10886 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-305]

Georgia Power Co.; Notice of Cancellation

April 4, 1980.

The filing Company submits the following:

Take notice that Georgia Power Company (Georgia Power) on March 28, 1980, tendered for filing a notice of termination of interconnection service to Crisp County Power Commission (Crisp County) (Georgia Power's Rate Schedule FPC No. 791), effective May 31, 1980.

Georgia Power states that its Rate Schedule FPC No. 791 will terminate by its own terms effective May 31, 1980, and that the parties do not intend to extend or supplement that agreement. Georgia Power further states that after execution of the original agreement, Crisp County entered into a long-term power sales contract with the Municipal Electric Authority of Georgia (MEAG) which obligates MEAG to supply all of Crisp County's power requirements supplemental to those satisfied by its own resources. According to Georgia Power, termination of the interconnection agreement will not affect the operating status of its interconnections with Crisp County; rather, after May 31, 1980 Crisp County will obtain its supplemental power from MEAG, not Georgia Power.

Copies of the filing were served upon Crisp County.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10883 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2848]

Idaho Power Co.; Application for a New Major License

April 3, 1980.

Take notice that on February 7, 1980, the Idaho Power Company (IPC) of Boise, Idaho (Applicant), filed an application for license with the Federal Energy Regulatory Commission [pursuant to the Federal Power Act, 16 U.S.C., Section 791(a)–825(r)] for construction and operation of the Cascade Hydroelectric Project, FERC No. 2848, to be located approximately 200 feet downstream of the Department of the Interior, Water and Power Resources Service's (WPRS) Cascade Dam and Reservoir on the North Fork Payette River in the County of Valley, Idaho. The project would utilize waters released from the Cascade Reservoir for irrigation and other purposes. Correspondence concerning the application should be sent to Mr. Paul L. Jauregui, Secretary and General Counsel, Idaho Power Company, P.O. Box 70, Boise, Idaho 83707.

Applicant proposes to dismantle and remove its existing unlicensed 300-kW powerhouse and 1,000-foot long wooden penstock downstream of the Cascade Dam and to construct the proposed project that would consist of: (a) a 12-foot diameter steel penstock approximately 20 feet long that would bifurcate into two 9-foot diameter penstocks, each approximately 65 feet long, connecting the Cascade Reservoir's existing outlet tunnel to the powerhouse; (b) a concrete powerhouse, located on the north bank of the river, containing two semi-outdoor type generating units with total rated capacity of 12,800 kW; (c) a 4.16/69-kV transformer and switching structures adjacent to the powerhouse; and (d) a 0.3-mile long 69-kV transmission line connecting the project to the IPC's existing Cascade Switchyard, southeast of the powerhouse. Applicant further proposes to deepen approximately 900 feet of the river channel downstream of the powerhouse to optimize the head.

Applicant has proposed no recreational facilities within the project boundary and estimates the total cost of the project to be $15 million. Project power would be integrated into the Applicant's interconnected transmission and distribution system.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 2, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 30, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 2, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10885 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-1]

Lawrence Hydroelectric Associates; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 3, 1980.

Take notice that on March 19, 1980, Lawrence Hydroelectric Associates (hereinafter referred to as Lawrence Hydro or Applicant) tendered for filing an application, pursuant to § 292.207(b) of the Commission's Regulations, for an order certifying its facility as a small power production facility as defined in Paragraph 3(17)(C) of the Federal Power Act as amended by Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA).

Applicant states that the facility will be located in Lawrence, Massachusetts, on the Merrimack River, which is a navigable waterway of the United States, pursuant to the Commission's Project No. 2800, Order issued December 4, 1978. Applicant further states that the Project consists of an existing dam (Great Stone Dam), reservoir and canal works, plus a new power house currently under construction. The current and future construction will not alter the existing dam structure.

According to Lawrence Hydro, the only energy source to be used is water power, and the capacity of the generating facility will be approximately 15 megawatts. Hydroelectric energy will be produced primarily on a run of the river operation which is a renewable resource; with the annual power generated expected to be approximately 100,000,000 kwh. Energy produced by the Project will travel through a 23 kV direct burial and submersible transmission cable (to be constructed and owned by Applicant, along with appertunant connection facilities) to an existing substation for further flow into the interconnected system of the New England Power Company (NEPCO).

Applicant further states that no electric utility or any public utility holding company, or any person owned by either has any ownership of the Applicant; and that Applicant does not own any other small power production facility located within one mile of the facility which uses the same energy source. Applicant does not plan to use any natural gas, oil or coal.

Any person desiring to be heard or to protest Lawrence Hydro's application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Streert, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be within 30 days of the date of publication of this notice in the Federal Register. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10886 Filed 4-9-80; 8:45 am]

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[Docket No. RP80-4]

Locust Ridge Gas Co.; Informal Conference

April 4, 1980.

Take notice that an informal conference will be convened in the above captioned proceeding at 10:00 a.m., on Tuesday, April 22, 1980. The purpose of the conference is to reach agreement upon the issues and the scope of the issues in this proceeding prior to hearing. Customers and other interested parties are invited to attend, however, participation shall be limited to parties which have previously been granted the status of intervenor. Mere attendance at the conference will not be sufficient to convey the status of an intervenor upon any participant. The conference will be held in Room 8402 at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10887 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CP75-154, CP75-227 and Docket No. CP75-57]

Montana Dakota Utilities Co., Kansas-Nebraska Natural Gas Co., Inc.; Informal Conference

April 4, 1980.

Take notice that on April 15, 1980, at 9:30 a.m. an informal conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.20426 among the applicants in the above-captioned dockets, the intervenors to those dockets and members of the Commission Staff.

At Docket No. CP75-154 Montana-Dakota Utilities Company (MDU) has filed a petition to amend the order issued May 11, 1977 in the instant docket so as to authorize an additional exchange, and to use in interstate commerce certain existing facilities which have previously been used solely in intrastate commerce.

At Docket No. CP75-227 MDU has filed a petition to amend the Commission order issued February 25, 1977 so as to remove an intrastate supply condition prescribed therein so that the communities of Sheridan and Buffalo, Wyoming may continue to be served from the aforementioned facilities.

At Docket No. CP75-57 Kansas-Nebraska Natural Gas Company Inc., (K-N) has filed a petition to amend the order issued May 11, 1977 in the instant docket so as to authorize an additional delivery point under the Bowdoin exchange agreement between KN and MDU dated May 10, 1974.

This informal conference is open to the public, however, attendance or participation at the informal conference will not serve to make the attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the KN and the MDU filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10888 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. E-7690, ER79-236, and ER80-286]

New England Power Pool; Filing of Amendment to the New England Power Pool Agreement

April 4, 1980

The filing Company submits the following:

Take notice that on March 18, 1980, the New England Power Pool (NEPOOL) filed an agreement amending NEPOOL Power Pool Agreement (Amendment), dated January 31, 1980, which modifies the provisions of the New England Power Pool Agreement, dated September 1, 1971.

NEPOOL indicates that the Amendment provides for revision of Section 9.4(d) of the NEPOOL Agreement as ordered by the Commission in its Opinions 775 and 775

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and 775–A in Docket Nos. E–7690, and ER79–238.

NEPOOL proposes that the Amendment become effective on May 1, 1980, the Commencement date of the next pool Capability Period.

A copy of this filing has been served upon the affected utilities.

Any person desiring to be heard or to make any protest with reference to the Amendment should, on or before April 25, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10889 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA80–17]

New Jersey Highway Authority; Filing of Petition for Review Under 42 U.S.C. 7194

Issued: April 3, 1980.

Take notice that the New Jersey Department of Energy on March 20, 1980 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before April 18, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10890 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. EL80–16]

State of North Carolina and Public Staff of the North Carolina Utilities Commission v. Virginia Electric & Power Co.; Notice Denying Motion to Suspend Deadline for Filing Complaint

April 4, 1980.

On March 28, 1980, Virginia Electric and Power Company filed a motion to suspend the deadline for filing an answer to a Complaint and Motion to Consolidate Proceedings filed February 22, 1980, in the above-docketed proceeding. The Company requests that this suspension be granted pending the completion of the Commission's investigation in Docket IN80–14 and Commission action on the Company's Motion to Dismiss the Complaint filed March 28, 1980, in this proceeding.

Upon consideration, notice is hereby given that the motion is denied.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10891 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. GP79–27]

State of North Dakota § 102 NGPA Determination Gulf Oil Corp. State 1–18–3D, Martin Weber 1–18–1C, Marinenko 1–32–1A, Glovatsky 1–17–4A, Little Knife-Madison Reservoir; Final Order on Well Category Determination

Issued: September 28, 1979.

On June 1, 1979, the Commission issued a Notice of Preliminary Finding that the determination by the North Dakota Industrial Commission (North Dakota) that natural gas produced from the Little Knife Madison reservoir by the four subject wells [1] qualifies as "new natural gas" under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978 (NGPA), 15 USC 3301 *et seq.*, was not supported by substantial evidence in the record on which the determination was based.

The basis for the notice of preliminary finding was section 102(c)(1)(C), the behind-the-pipe exclusion, which provides that a reservoir shall not qualify as a new, onshore reservoir if (1) a reservoir was penetrated prior to April 20, 1977 by an old well which produced natural gas or crude oil in commercial quantities; and (2) natural gas could have been produced in commercial quantities prior to April 20, 1977 from such reservoir through such old well. The record before the Commission shows that the subject reservoir was penetrated before April 20, 1977 by the State 1–18–3D well which produced commercial quantities of crude oil. The well also produced casinghead gas which was flared.[2] Based on the physical capability of the reservoir to produce gas from the old well, the Commission issued a notice of preliminary finding that the determination should be reversed.

Pursuant to § 275.202(d) of the Commission's regulations, an informal conference was requested and comments were filed by Gulf Oil Corporation (Gulf), North Dakota, and Texas Oil and Gas Corporation (TXO). An informal conference was held with the Commission Staff on August 23, 1979 attended by the above mentioned parties.

In its June 29, 1979 comments, Gulf set forth, *inter alia*, the argument that section 102(c)(1)(c)(ii) of the NGPA requires both a physical test for "could have been produced" and an economic test for "in commercial quantities." The economic test would include a marketability test for the gas as of April 20, 1977. TXO filed comments on July 20, 1979 which adopt Gulf's position. In its June 28, 1979 initial comments and its September 11, 1979 additional comments, North Dakota asserted that, if the reservoir had produced only gas, the well would probably have been plugged since, *inter alia*, the remote location of the well, the composition, *i.e.*, sourness of the gas,[3] and the small volumes produced, would render it non-commercial.[4]

[1] The four wells are the State 1–18–3D, Martin Weber 1–18–1C, Marinenko 1–32–1A, and Glovatsky 1–17–4A. Each of the four wells was spudded prior to February 19, 1977.

[2] The record indicates that the State 1–18–3D was completed before February 1977, and on February 7, 1977, began producing an average of 450 Mcf/D of casinghead gas which was flared. Limited flaring was permitted by State Order No. 1556 issued May 17, 1977. Until both a processing plant to treat the sour gas and thirty-three miles of pipeline were built, the applicant was unable to market the gas.

[3] Fifteen percent H_2S and CO_2 combined.

[4] Gulf and North Dakota raised other objections to the Commission's Notice of Preliminary Finding which we need not discuss here since we shall uphold the North Dakota Determination on other grounds.

On the basis of our review of the entire record of this proceeding, the Commission agrees that both a physical and an economic test must be applied to the 'could have been produced in commercial quantities' prong of the behind-the-pipe exclusion. While the flaring of casinghead gas demonstrates the physical capability of the reservoir to produce, the remote location and minimal productive capacity of the State 1–18–3D well, as well as the sourness of the gas, demonstrate that the economic test is not met and that the Behind-the-Pipe Exclusion of Section 102(c)(l)(C)(ii) does not apply. Therefore, the Commission believes that natural gas could not have been produced in commercial quantities from the Little Knife-Madison Reservoir through any of the four subject wells prior to April 20, 1977.

Thus, pursuant to § 275.202(e) the Commission orders that North Dakota's Determination that natural gas produced from Gulf Oil Corporation's subject wells qualifies as new natural gas under section 102(c)(l)(C) of the NGPA, be affirmed.

The Commission orders: Pursuant to section 503 of the NGPA and § 275.202(e) of the Commissions Regulations, North Dakota's determination that natural gas produced from Gulf Oil Corporation's subject wells qualifies as new natural gas under section 102(c)(1)(C) is affirmed.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80–10884 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–309]

Ohio Power Co.; Notice of Filing

April 4, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 27, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power) Modification No. 9 dated March 15, 1980 to the Facilities and Operating Agreement dated September 6, 1962 between Ohio Power Company and Duquesne Light Company, designated Ohio's Rate Schedule FERC No. 33.

Section 1 of Modification No. 9 provides for an increase in the Demand Charge for Short Term Power from $0.70 to $0.85/kW-week and Section 20 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.175 to $0.240/kW-week. The aforementioned schedule is proposed to become effective April 7, 1980.

Applicant states that since the use of Short Term Power Service Schedule cannot be accurately estimated it is impossible to estimate the increase in revenues resulting from the Modification.

Copies of the filing were served upon Duquesne Light Company, the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10882 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–78]

Panhandle Eastern Pipe Line Co.; Order Accepting for Filing and Suspending Rate Increase, Subject to Conditions, Granting Waiver, and Establishing Procedures

Issued: March 31, 1980.

On February 29, 1980, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets listed in Appendix A of this order reflecting a general rate increase under Section 4(e) of the Natural Gas Act designed to increase jurisdictional revenues by approximately $62.7 million annually. The increased rates, with a proposed effective date of April 1, 1980, are based on actual costs for twelve months ending October 31, 1979, as adjusted for known and measurable changes in costs which are expected to be incurred by the end of the test period, July 31, 1980.

Panhandle proposes an overall rate of return of 12.63%, including a return on common equity capital of 16%, and states that the increased rates are necessary due to factors such as increases in operating costs, costs of capital and new plant additions. Panhandle also proposes to establish its commodity and one-part rates on a dekatherm basis in lieu of the presently utilized volumetric basis. Panhandle states that the use of the new billing method will enable it to develop and maintain data consistent with an allocation method recently approved by the Commission which places increased emphasis on Btu allocation methodology.

In addition, Panhandle requests a waiver of Section 154.63(e)(2)(ii) of the Commission's regulations to allow the inclusion in its proposed rates of costs and associated gas volumes related to approximately $35.9 million of facilities that are not certificated but are anticipated to be in service by the end of the test period. Panhandle also request a waiver to permit the flow through to its customers of a credit balance currently existing in its deferred Transportation Charges and Revenues Tracker account. It states that the tracking authority which resulted in this credit balance has been maintained pursuant to the Stipulation and Agreement approved by the Commission in Docket No. RP78–62, and would ordinarily continue only as long as rates provided in Docket No. RP78–62 are in effect. However, Panhandle requests permission to reflect the continuation of this Transportation Charge and Revenue Tracker in order that the credit balance for transportation charges may be returned to its jurisdictional customers.

Public notice of Panhandle's filing was issued on March 5, 1980, providing for protests or petitions to intervene to be filed on or before March 17, 1980. Petitions to intervene have been filed by the parties listed in Appendix B. All have demonstrated an interest in this proceeding which warrants their participation and accordingly, intervention shall be granted.

Based upon a review of Panhandle's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or ortherwise unlawful. Accordingly, the Commission will accept the tariff sheets listed in Appendix A, suspend their effectiveness for five months until September 1, 1980, subject to refund and the conditions set forth below, and set the matter for hearing.

Inclusion of costs associated with uncertificated facilities is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find that good cause exists to accept Panhandle's

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filing, with the condition that on or before August 31, 1980, Panhandle file revised tariff sheets to reflect (1) elimination of costs associated with facilities not in service on or before the end of the test period, July 31, 1980 and (2) the cost of purchased gas reflected in Panhandle's most recent PGA filing prior to the effective date of the proposed rates. The revised tariff sheets shall also reflect the actual balance of advance payments in Account 166 as of July 31, 1980, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates. Waiver is granted upon the further condition that Panhandle shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders. For good cause shown, we shall grant waiver so as to return to Panhandle's customers the credit balance for deferred transportation charges.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Panhandle.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the tariff sheets listed in Appendix A are suspended for five months, until September 1, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Panhandle in accordance with the provisions of the Natural Gas Act.

(C) Waiver of Section 154.63(e)(2)(ii) is granted upon condition that Panhandle file substitute revised tariff sheets within 30 days prior to August 31, 1980 to reflect: (1) removal of costs associated with facilities not certificated and in service as of the end of the test period, July 31, 1980, provided that Panhandle shall not be permitted to make off-setting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders; (2) adjustment of the estimated balance of advance payments in Account 166 to the actual balance at the end of the test period, July 31, 1980, provided that the inclusion of a higher advance payment shall not be permitted to increase the level of the original suspended rates; and (3) statement of the cost of purchased gas reflected in Panhandle's most recent PGA filing prior to the August 31, 1980, effective date of the proposed rates.

(D) Waiver is granted to return the credit balance for deferred transportation charges to Panhandle's customers.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before July 1, 1980.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(G) The petitioners to intervene listed in Appendix B to this order shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided,* however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided,* further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix A

Panhandle Eastern Pipe Line Co.

Proposed Tariff Sheets

FERC Gas Tariff, Original Vol. No. 1

Thirty-Fifth Revised Sheet No. 3–A
Twelfth Revised Sheet No. 3–B
Twenty-First Revised Sheet No. 4
Seventeenth Revised Sheet No. 6
Twenty-First Revised Sheet No. 7
Seventeenth Revised Sheet No. 9
Twenty-First Revised Sheet No. 10
Seventeenth Revised Sheet No. 12
Twenty-First Revised Sheet No. 13
Twenty-First Revised Sheet No. 14
First Revised Sheet No. 15
Twenty-First Revised Sheet No. 16
Twenty-First Revised Sheet No. 17
First Revised Sheet No. 18
Twenty-Second Revised Sheet No. 19
Twenty-First Revised Sheet No. 20
First Revised Sheet No. 21
Twenty-First Revised Sheet No. 22
Seventeenth Revised Sheet No. 24
Thirteenth Revised Sheet No. 24–A
Tenth Revised Sheet No. 24–C
Twenty-Fifth Revised Sheet No. 25
First Revised Sheet No. 26
Sixteenth Revised Sheet No. 26–A
First Revised Sheet No. 26–C
Fifteenth Revised Sheet No. 26–E
Eleventh Revised Sheet No. 26–G
Twenty-Second Revised Sheet No. 27
Second Revised Sheet No. 28
Twenty-First Revised Sheet No. 29
Second Revised Sheet No. 30
Twenty-First Revised Sheet No. 31
Second Revised Sheet No. 32
Second Revised Sheet No. 32–K
First Revised Sheet No. 32–L
Second Revised Sheet No. 32–M
First Revised Sheet No. 32–N
Second Revised Sheet No. 32–O
First Revised Sheet No. 32–P
Third Revised Sheet No. 34
First Revised Sheet No. 35
Second Revised Interim Original Sheet No. 42–C.2
Sixth Revised Sheet No. 43–1
Eighth Revised Sheet No. 43–2
First Revised Sheet No. 43–2.1
Ninth Revised Sheet No. 43–3
Tenth Revised Sheet No. 43–4
Third Revised Sheet No. 43–4.1
First Revised Sheet No. 43–6

FERC Gas Tariff, Original Vol. No. 2

Sixth Revised Sheet No. 93
Sixth Revised Sheet No. 135
Sixth Revised Sheet No. 211
Fifth Revised Sheet No. 611
Sixth Revised Sheet No. 694
Sixth Revised Sheet No. 695
Fifth Revised Sheet No. 724
Fifth Revised Sheet No. 725
Second Revised Sheet No. 756
Second Revised Sheet No. 757
Sixth Revised Sheet No. 784
Sixth Revised Sheet No. 801
Fifth Revised Sheet No. 811
Fifth Revised Sheet No. 812
Sixth Revised Sheet No. 875
Sixth Revised Sheet No. 876
First Revised Sheet No. 933
First Revised Sheet No. 934
Fourth Revised Sheet No. 1262
Fourth Revised Sheet No. 1263
First Revised Sheet No. 1291
First Revised Sheet No. 1292
First Revised Sheet No. 1316
First Revised Sheet No. 1317
First Revised Sheet No. 1339
First Revised Sheet No. 1340
First Revised Sheet No. 1370
First Revised Sheet No. 1371
First Revised Sheet No. 1399
First Revised Sheet No. 1400
First Revised Sheet No. 1430
First Revised Sheet No. 1431
First Revised Sheet No. 1486
First Revised Sheet No. 1487
First Revised Sheet No. 1522
First Revised Sheet No. 1523
First Revised Sheet No. 1557
First Revised Sheet No. 1558
First Revised Sheet No. 1586
First Revised Sheet No. 1610
First Revised Sheet No. 1637
First Revised Sheet No. 1638

Appendix B

Panhandle Eastern Pipe Line Co. List of Intervenors

Intervenors and Filing Date

Northern Illinois Gas Company—March 13, 1980
Michigan Consolidated Gas Company—March 14, 1980
Michigan Gas Storage Company—March 18, 1980
Municipal Distributors Group—March 19, 1980
Central Illinois Light Company—March 19, 1980
Missouri Utilities Company—March 19, 1980
Ohio Gas Company—March 19, 1980
Associated Natural Gas Company—March 19, 1980
Citizens Gas Fuel Company—March 19, 1980
Battle Creek Gas Company—March 19, 1980
Michigan Gas Utilities Company—March 19, 1980
Richmond Gas Corporation—March 19, 1980
The Toledo Edison Company—March 19, 1980
East Ohio Gas Company—March 13, 1980
Northern Indiana Public Service Company—March 13, 1980
Columbia Gas Transmission Corporation—March 12, 1980
Central Illinois Public Service Company—March 20, 1980

[FR Doc. 80–10693 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

Appendix

Filing date	Company	Docket No.	Type filing
3/25/80	Texas Gas Transmission Corporation.	RP72–156	Plan.
3/26/80	Cities Service Gas Company.	RP76–10	Plan.
3/26/80	Natural Gas Pipeline Company of America.	RP71–125	Report.
3/27/80	Transcontinental Gas Pipe Line Corporation.	RP77–108	Report.

[FR Doc. 80–10694 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP78–58]

Valero Interstate Transmission Co. (Formerly South Texas Natural Gas Gathering Co.); Amendments to Contracts

April 2, 1980.

Take notice that on March 14, 1980 Valero Interstate Transmission Company (formerly South Texas Natural Gas Gathering Company) tendered for filing an Amendment dated October 24, 1979, to the Gas Sales Contract between Valero Interstate Transmission Company and Natural Gas Pipeline Company of America, which is now on file with the Commission as Valero Interstate's Rate Schedule No. 1. Valero Interstate states that this Amendment is submitted as Original Supplement No. 28 to Rate Schedule No. 1.

Valero Interstate has also tendered for filing a "*pro forma* amendment" to the Gas Purchase Contract between Valero Interstate Transmission Company (formerly South Texas Natural Gas Gathering Company) and Tenneco Oil Company. Valero Interstate states that this unilateral filing of an unexecuted contract is made because Tenneco Oil Company has not signed a contract which Valero Interstate alleges was offered in accordance with the Settlement Agreement and Commission's Order in this docket. Valero Interstate further alleges that once a contract is executed, it will supplement this filing with the instrument signed by the parties. This is a "*pro forma* amendment" to FERC Gas Rate Schedule No. 12.

Both the Amendment to the Gas Sales Contract between Valero Interstate and Natural Gas Pipeline Company of America, and the "*pro forma* amendment" to the Gas Purchase Contract between Valero Interstate and Tenneco Oil Company are tendered with a proposed effective date of August 3, 1979, which is the date that the rates in this docket were made effective pursuant to Commission Order. It is on that basis that Valero Interstate requests waiver of the notice period.

Valero Interstate asserts that a waiver of §§ 154.32 and 154.33 was previously granted to it by Ordering Paragraph (E) of the Commission's Opinion No. 362, and requests that such waiver be extended to apply to the instant filings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10695 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. RP72–156, *et al.*]

Texas Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

April 4, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before April 18, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[No. 172]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The federal energy regulatory commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the natural gas policy act of 1978.

Alabama Oil and Gas Board

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–20088/3–7–801PD
2. 01–097–20162–0000
3. 107 000 000
4. Getty Oil Co
5. Creola Minerals 2–6 No 1

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6. Hatters Pond
7. Mobile AL
8. 292.0 million cubic feet
9. March 14, 1980
10. United Gas Pipe Line Co
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–20221/501246
2. 16–177–00000–0000
3. 103 000 000
4. Hobson Oil Co
5. Thomas N. Knight No 1
6.
7. Muhlenberg KY
8. 35.0 million cubic feet
9. March 17, 1980
10. Western Kentucky Gas Co
1. 80–20222/501247
2. 16–177–00000–0000
3. 103 000 000
4. Hubson Oil Co
5. Wells No 2
6.
7. Muhlenberg KY
8. 35.0 million cubic feet
9. March 17, 1980
10. Western Kentucky Gas Co
1. 80–20223/501248
2. 16–131–00000–0000
3. 103 000 000
4. Jimmy Hamilton Gas & Oil
5. Dewey Wells 102H
6.
7. Leslie KY
8. 26.0 million cubic feet
9. March 17, 1980
10. Kentucky West Virginia Gas Co
1. 80–20224/501249
2. 16–131–00000–0000
3. 103 000 000
4. Jimmy Hamilton Gas & Oil
5. Floyd Wells 106
6.
7. Leslie KY
8. 23.0 million cubic feet
9. March 17, 1980
10.
1. 80–20225/501250
2. 16–131–00000–0000
3. 103 000 000
4. Jimmy Hamilton Gas & Oil
5. Crate Rice 108H
6.
7. Leslie KY
8. 150.0 million cubic feet
9. March 17, 1980
10. Kentucky West Virginia Gas Co
1. 80–20226/501251
2. 16–131–00000–0000
3. 103 000 000
4. Jimmy Hamilton Gas & Oil
5. Crate Rice 117H
6.
7. Leslie KY
8. 60.0 million cubic feet
9. March 17, 1980
10.
1. 80–20227/501252
2. 16–131–00000–0000
3. 103 000 000
4. Jimmy Hamilton Gas & Oil
5. Ollie B Combs 120H
6.
7. Leslie KY
8. 100.0 million cubic feet
9. March 17, 1980
10.
1. 80–20228/501253
2. 16–051–00000–0000
3. 103 000 000
4. Paken Exploration Co
5. Goforth No 1
6.
7. Clay KY
8. 50.0 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp
1. 80–20229/501254
2. 16–051–00000–0000
3. 103 000 000
4. Paken Exploration Co
5. Goforth No 2
6.
7. Clay KY
8. 30.0 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp
1. 80–20230/501255
2. 16–119–00000–0000
3. 108 000 000
4. Midway City Gas Co
5. Jones Heir
6. Hindmann Troublesome Creek
7. Knott KY
8. 6.5 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp
1. 80–20231/501256
2. 16–119–00000–0000
3. 103 000 000
4. Kentucky West Virginia Gas Co
5. Elcanie Bentley-No 1647
6. Kentucky East
7. Knott KY
8. 7.9 million cubic feet
9. March 17, 1980
10. Kentucky West Virginia Gas Co
1. 80–20232/501257
2. 16–119–00000–0000
3. 103 000 000
4. Kentucky West Virginia Gas Co
5. Charles W Madden-No 1638
6. Kentucky East
7. Knott KY
8. 10.2 million cubic feet
9. March 17, 1980
10. Kentucky West Virginia Gas Co

Louisiana Office of Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–20089/79–2574
2. 17–001–01671–0000–
3. 102 000 000
4. Sourlock Oil Co
5. Habor-Stagg No 1 7250 RA SUA
6. Jennings
7. Acadia LA
8. 36.5 million cubic feet
9. March 14, 1980
10. United Gas Pipeline Co

Montana Board of Oil and Gas Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–20233/2–80–41
2. 25–091–21257–0000
3. 102 000 000
4. Sun Oil Co
5. Anderson No 1
6. Medicine Lake
7. Sheridan MT
8. 57.0 million cubic feet
9. March 17, 1980
10. True Oil Co
1. 80–20234/2–80–42
2. 25–091–21242–0000
3. 102 000 000
4. Sun Oil Co
5. Ethel Land No 1–27
6. Medicine Lake
7. Sheridan MT
8. 153.0 million cubic feet
9. March 17, 1980
10. True Oil Co
1. 80–20235/2–80–43
2. 25–091–21253–0000
3. 102 000 000
4. Sun Oil Co
5. Ethel Land No 1A–27
6. Medicine Lake
7. Sheridan MT
8. 9.0 million cubic feet
9. March 17, 1980
10. True Oil Co
1. 80–20236/2–80–44
2. 25–091–21254–0000
3. 102 000 000
4. Sun Oil Co
5. B Benson No 3
6. Medicine Lake
7. Sheridan MT
8. 17.0 million cubic feet
9. March 17, 1980
10. True Oil Co
1. 80–20237/2–80–45
2. 25–091–21222–0000
3. 102 000 000
4. Sun Oil Co
5. B Benson No 1
6. Medicine Lake
7. Sheridan MT
8. 245.0 million cubic feet
9. March 17, 1980
10. True Oil Co
1. 80–20238/2–80–52
2. 25–071–21492–0000
3. 108 000 000 Denied
4. Midlands Gas Corp
5. 2770 1–27 Rose
6. Bowdoin

7. Phillips
8. 21.0 million cubic feet
9. March 17, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80–20239/2–80–53
2. 25–071–21539–0000
3. 108 000 000
4. Midlands Gas Corp
5. 0270 1–2 Brown
6. Bowdoin
7. Phillips MT
8. 20.0 million cubic feet
9. March 17, 1980
10. Kansas-Nebraska Natural Gas Co Inc

New Mexico Department of Energy and Minerals Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–20090
2. 30–025–26478–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. State 157 D #11
6. Drinkard
7. Lea NM
8. 40.0 million cubic feet
9. March 14, 1980
10. Warren Petroleum Co
1. 80–20091
2. 30–025–00000–0000
3. 108 000 000
4. Texaco Inc
5. New Mexico BZ State NCT/5 No 1
6. Sam Simon (N Yates)
7. Lea NM
8. 4.2 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20092
2. 30–015–22650–0000
3. 102 000 000
4. Amoco Production Co
5. Teledyne 18 No 1
6. Atoka
7. Eddy NM
8. 650.0 million cubic feet
9. March 14, 1980
10. El Paso Natural Gas Co
1. 80–20093
2. 30–039–21053–0000
3. 108 000 000 Denied
4. Northwest Pipeline Corp
5. SJ 29–5 #71
6. Basin Dk
7. Rio Arriba NM
8. .0 million cubic feet
9. March 14, 1980
10. El Paso Natural Gas Co
1. 80–20094
2. 30–025–00000–0000
3. 108 000 000
4. Texaco Inc
5. J R Phillips No 7
6. Monument Blinebry
7. Lea NM
8. 7.3 million cubic feet
9. March 14, 1980
10. Warren Petroleum Co
1. 80–20095
2. 30–015–22961–0000
3. 102 000 000
4. Hondo Oil & Gas Company
5. Exxon State #1
6. Undesignated Morrow Gas
7. Eddy NM
8. 500.0 million cubic feet
9. March 14, 1980
10. Tuco Inc
1. 80–20096
2. 30–039–07952–0000
3. 108 000 000
4. Northwest Pipeline Corporation
5. Rosa Unit #17
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 10.0 million cubic feet
9. March 14, 1980
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80–20097
2. 30–045–10767–0000
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan NM 32–8 #28
6. Blanco Mesaverde
7. San Juan NM
8. .0 million cubic feet
9. March 14, 1980
10. El Paso Natural Gas Co
1. 80–20098
2. 30–045–11387–0000
3. 108 000 000
4. Northwest Pipeline Corp
5. SJ 32–7 #13
6. Blanco MV
7. San Juan NM
8. .0 million cubic feet
9. March 14, 1980
10. El Paso Natural Gas Co
1. 80–20240
2. 30–045–23266–0000
3. 103 000 000
4. El Pamco Inc
5. Sullivan 6B
6. Aztec/Pictured Cliff
7. San Juan NM
8. 90.0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80–20241
2. 30–015–00000–0000
3. 108 000 000 Denied
4. Latch Operations
5. D H Goodrich No 1
6. Dayton ABO
7. Eddy NM
8. 2.7 million cubic feet
9. March 17, 1980
10. Phillips Petroleum Co
1. 80–20242
2. 30–039–07603–0000
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 29–6 #94NP
6. Basin DK
7. Rio Arriba NM
8. .0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co
1. 80–20243
2. 30–039–06011–0000
3. 108 000 000
4. Northwest Pipeline Corp
5. FEE #1
6. Gavilan PC
7. Rio Arriba NM
8. .0 million cubic feet
9. March 17, 1980
10. El Paso Natural Gas Co

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–20100
2. 34–059–20969–0014
3. 108 000 000
4. Southern Triangle Oil
5. Bros #1
6. Senecaville
7. Guernsey OH
8. 5.4 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20101
2. 34–007–21138–0014
3. 103 000 000
4. Chanse Petroleum Corp
5. R & B Cotterman #1B
6.
7. Ashtabula OH
8. 5.0 million cubic feet
9. March 14, 1980
10.
1. 80–20102
2. 34–009–21991–0014
3. 103 000 000
4. Dennis D Blauser
5. M E Harper #2
6.
7. Athens OH
8. 7.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20103
2. 34–009–21992–0014
3. 103 000 000
4. Dennis D Blauser
5. M E Harper #1
6.
7. Athens OH
8. 6.1 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20104
2. 34–009–21998–0014
3. 103 000 000
4. Dennis D Blauser
5. M E Harper #13
6.
7. Athens OH
8. 6.9 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20105
2. 34–031–22286–0014
3. 108 000 000

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4. The Oxford Oil Co
5. Philip Brown #1
6.
7. Coshocton OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20106
2. 34-031-22400-0014
3. 108 000 000
4. The Oxford Oil Co
5. Richard Mercer #1
6.
7. Coshocton OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20107
2. 34-031-22430-0014
3. 108 000 000
4. The Oxford Oil Co
5. Clara Ashcraft #1
6.
7. Coshocton OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20108
2. 34-031-23181-0014
3. 108 000 000
4. The Oxford Oil Co
5. Roger Robinson #1
6.
7. Coshocton OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20109
2. 34-031-23581-0014
3. 103 000 000
4. Jadoil Inc
5. Alma Craig #1
6.
7. Coshocton OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20110
2. 34-031-23594-0014
3. 103 000 000
4. Danville Pipe & Supply Company
5. Gerber #1
6.
7. Coshocton OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20111
2. 34-031-23600-0014
3. 103 000 000
4. Jadoil Inc
5. W J & R McKee #1
6.
7. Coshocton OH
8. 15.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20112
2. 34-031-23638-0014
3. 103 000 000
4. M & L Drilling Co
5. Martin #1
6.
7. Coshocton OH
8. 2.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20113
2. 34-031-23646-0014
3. 103 000 000
4. Richard C Meyer Inc
5. Forrest Tayor No 1
6. Tiverton South-East
7. Coshocton OH
8. 20.0 million cubic feet
9. March 14, 1980
10. Ohio Cumberland Gas Co

1. 80-20114
2. 34-031-23697-0014
3. 103 000 000
4. Danville Pipe & Supply Co
5. Gerber #2
6.
7. Coshocton OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20115
2. 34-059-21573-0014
3. 103 000 000
4. Partners Oil Co
5. #1-79C Monroe
6.
7. Guernsey OH
8. 100.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas Company

1. 80-20116
2. 34-067-20363-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. H Jones #2
6.
7. Harrison OH
8. 1.8 million cubic feet
9. March 14, 1980
10.

1. 80-20117
2. 34-073-22154-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. Dale & Marcella Fisher #2
6.
7. Hocking OH
8. 10.0 million cubic feet
9. March 14, 1980
10. Paramount Transmission Corp

1. 80-20118
2. 34-073-22210-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. C & H Haignere #3
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20119
2. 34-073-22211-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. Logan Sand & Gravel Co #1
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20120
2. 34-073-22212-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. Logan Sand & Gravel Co #2
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20121
2. 34-073-22213-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. C & H Haignere #2
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20122
2. 34-073-22214-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. C & H Haignere #1
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20123
2. 34-073-22218-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. Logan Sand & Gravel Co #4
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20124
2. 34-073-22219-0014
3. 103 000 000
4. The Mutual Oil & Gas Co
5. Logan Sand & Gravel Co #5
6.
7. Hocking OH
8. 5.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20125
2. 34-075-21773-0014
3. 108 000 000
4. The Oxford Oil Co
5. Edwin Horn #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Trans

1. 80-20126
2. 34-075-22270-0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Pahoundis #3
6.
7. Holmes OH
8. 42.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20127
2. 34-075-22278-0014
3. 103 000 000
4. William F Hill
5. Kermit W Ditmars #1
6.
7. Holmes OH
8. 7.0 million cubic feet
9. March 14, 1980
10.

1. 80-20128
2. 34-075-22280-0014
3. 103 000 000
4. William F Hill
5. Mary Parsons #1
6.
7. Holmes OH
8. 8.0 million cubic feet
9. March 14, 1980
10.

1. 80-20129
2. 34-075-22335-0014
3. 103 000 000
4. Dixie Energy Co
5. Marjorie Woods #1
6. Ripley
7. Holmes OH
8. 10.0 million cubic feet
9. March 14, 1980
10. Columbia Gas of Ohio

1. 80-20130
2. 34-089-23670-0014
3. 103 000 000
4. American Well Management Co
5. Barnes No 2
6.
7. Licking OH
8. 18.0 million cubic feet
9. March 20, 1980
10.

1. 80-20131
2. 34-103-22130-0014
3. 103 000 000
4. Northeastern Energy
5. Stone No 9
6.
7. Medina OH
8. 21.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas Company

1. 80-20132
2. 34-103-22169-0014
3. 103 000 000
4. Leslie Oil & Gas Co Inc
5. T Rice #1
6.
7. Medina OH
8. 1.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission

1. 80-20133
2. 34-103-22199-0014
3. 103 000 000
4. Bartlo Oil and Gas Co
5. Meekr Unit #1
6.
7. Medina OH
8. 30.0 million cubic feet
9. March 14, 1980
10. Libbey-Owens-Ford Co

1. 80-20134
2. 34-115-21640-0014
3. 102 000 000
4. Oneal Productions Inc
5. Huck #3
6.
7. Morgan OH
8. 23.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20135
2. 34-115-21867-0014
3. 102 000 000
4. Oneal Productions Inc
5. Huck #10
6.
7. Morgan OH
8. 25.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20136
2. 34-115-21876-0014
3. 102 000 000
4. Oneal Productions Inc
5. Newton #1
6.
7. Morgan OH
8. 15.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20137
2. 34-115-21896-0014
3. 102 000 000
4. Oneal Productions Inc
5. Korting #1
6.
7. Morgan OH
8. 10.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20138
2. 34-115-21903-0014
3. 102 000 000
4. Oneal Productions Inc
5. Adkins #1
6.
7. Morgan OH
8. 35.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20139
2. 34-115-21906-0014
3. 102 000 000
4. Oneal Productions Inc
5. Martin #1
6.
7. Morgan OH
8. 20.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20140
2. 34-115-21907-0014
3. 102 000 000
4. Oneal Productions Inc
5. J Earich #2
6.
7. Morgan OH
8. 26.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20141
2. 34-115-21908-0014
3. 102 000 000
4. Oneal Productions Inc
5. Mainard #1
6.
7. Morgan OH
8. 10.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20142
2. 34-115-21909-0014
3. 102 000 000
4. Oneal Productions Inc
5. Mellor #2
6.
7. Morgan OH
8. 22.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20143
2. 34-115-21919-0014
3. 102 000 000
4. Oneal Productions Inc
5. Coleman #1
6.
7. Morgan OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20144
2. 34-115-21927-0014
3. 102 000 000
4. Oneal Productions Inc
5. County Infirmary #2
6.
7. Morgan OH
8. 30.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20145
2. 34-119-24171-0014
3. 103 000 000
4. Callander & Kimbrel Inc
5. B White #4
6.
7. Muskingum OH
8. 17.0 million cubic feet
9. March 14, 1980
10.

1. 80-20146
2. 34-119-24539-0014
3. 103 000 000
4. The Benatty Corp
5. Winston Anderson #1
6.
7. Muskingum OH
8. 25.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20147
2. 34-119-34921-0014
3. 103 000 000
4. M & L Drilling Co
5. Hedges #1
6.
7. Muskingum OH
8. 15.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80-20148
2. 34-119-25067-0014
3. 103 000 000
4. Hopco Resources Inc
5. Martin & Mary Fitzgerald #1
6.
7. Muskingum OH
8. 12.0 million cubic feet
9. March 14, 1980
10.

1. 80-20149
2. 34-119-24794-0014
3. 103 000 000
4. The Clinton Oil Co
5. Hambrick #1
6.
7. Muskingum OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80-20150

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2. 34–119–24870–0014
3. 103 000 000
4. The Clinton Oil Co
5. Archer #1
6.
7. Muskingum OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80–20151
2. 34–119–24874–0014
3. 103 000 000
4. The Clinton Oil Co
5. Baker A–1
6.
7. Muskingum OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80–20152
2. 34–115–21874–0014
3. 102 000 000
4. Oneal Productions Inc
5. Dearth #2
6.
7. Morgan OH
8. 23.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20153
2. 34–133–21815–0014
3. 103 000 000
4. POI Energy Inc
5. Howitt #5
6.
7. Portage OH
8. 50.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas

1. 80–20154
2. 34–133–21816–0014
3. 103 000 000
4. POI Energy Inc
5. Howitt #4
6.
7. Protage OH
8. 60.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas

1. 80–20155
2. 34–115–21877–0014
3. 102 000 000
4. Oneal Productions Inc
5. Wm Wright #1
6.
7. Morgan OH
8. 30.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20156
2. 34–115–21873–0014
3. 102 000 000
4. Oneal Productions Inc
5. Barkhurst #1
6.
7. Morgan OH
8. 30.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20157
2. 34–119–24924–0014
3. 103 000 000
4. Patrick T Donnelly DBA Land Pro Ves
5. L A Robertston #3
6.
7. Muskingum OH
8. 50.0 million cubic feet
9. March 14, 1980
10.

1. 80–20158
2. 34–155–21164–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Shook No 1—#0563
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20159
2. 34–155–21165–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. G Taylor No 1—#0564
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20160
2. 34–127–24533–0014
3. 103 000 000
4. Victor McKenzie
5. Clarence D Cotterman No.1
6.
7. Perry OH
8. 7.0 million cubic feet
9. March 14, 1980
10. National Gas & Oil Corp

1. 80–20161
2. 34–133–21177–0014
3. 103 000 000
4. Summit Oil Company Inc
5. Donald D Van Auken #1
6. Shalersville
7. Portage OH
8. 6.0 million cubic feet
9. March 14, 1980
10.

1. 80–20162
2. 34–133–21643–0014
3. 103 000 000
4. POI Energy Inc
5. Howitt #2
6.
7. Portage OH
8. 40.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas

1. 80–20163
2. 34–127–24222–0014
3. 103 000 000
4. Bethel Resources Inc
5. Baker #2
6.
7. Perry OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20164
2. 34–133–21818–0014
3. 103 000 000
4. POI Energy Inc
5. Gott #3
6.
7. Portage OH
8. 10.0 million cubic feet
9. March 14, 1980
10.

1. 80–20165
2. 34–133–21819–0014
3. 103 000 000
4. POI Energy Inc
5. Gott #2
6.
7. Portage OH
8. 7.5 million cubic feet
9. March 14, 1980
10.

1. 80–20166
2. 34–133–21814–0014
3. 103 000 000
4. POI Energy Inc
5. English #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. March 14, 1980
10.

1. 80–20167
2. 34–153–20642–0014
3. 103 000 000
4. POI Energy Inc
5. Hasbrouck #3
6.
7. Summit OH
8. 25.0 million cubic feet
9. March 14, 1980
10.

1. 80–20168
2. 34–153–20647–0014
3. 103 000 000
4. POI Energy Inc
5. Johnson #3
6.
7. Summit OH
8. 40.0 million cubic feet
9. March 14, 1980
10.

1. 80–20169
2. 34–133–21817–0014
3. 103 000 000
4. POI Energy Inc
5. Gott #1
6.
7. Portage OH
8. 7.5 million cubic feet
9. March 14, 1980
10.

1. 80–20170
2. 34–133–21857–0014
3. 103 000 000
4. POI Energy Inc
5. Gale #2
6.
7. Portage OH
8. 7.5 million cubic feet
9. March 14, 1980
10.

1. 80–20171
2. 34–133–21862–0014
3. 103 000 000
4. POI Energy Inc
5. Oates #1
6.
7. Portage OH
8. 7.5 million cubic feet
9. March 14, 1980
10.

1. 80–20172
2. 34–127–24223–0014
3. 103 000 000
4. Bethel Resources Inc
5. Rabenstein #2
6.

7. Perry OH
8. 12.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20173
2. 34–133–21756–0014
3. 103 000 000
4. POI Energy Inc
5. Moore #4
6.
7. Portage OH
8. 10.0 million cubic feet
9. March 14, 1980
10.

1. 80–20174
2. 34–133–22113–0014
3. 103 000 000
4. Viking Resources Corp
5. W H Westover Unit #2
6.
7. Portage OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80–20175
2. 34–133–22114–0014
3. 103 000 000
4. Viking Resources Corp
5. W H Westover Unit #1
6.
7. Portage OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80–20176
2. 34–151–22879–0014
3. 103 000 000
4. Otex Inc
5. William P Wackerly #1
6. Boliver
7. Stark OH
8. 14.0 million cubic feet
9. March 14, 1980
10.

1. 80–20177
2. 34–155–21162–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Di Giacomo No 2—#0566
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20178
2. 34–155–21163–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Di Giacomo No 1—#0565
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20179
2. 34–153–20670–0014
3. 103 000 000
4. POT Energy Inc
5. Thomas-Drew #4
6.
7. Summit OH
8. 25.0 million cubic feet
9. March 14, 1980
10.

1. 80–20180
2. 34–153–20779–0014
3. 103 000 000
4. Bartlo Oil and Gas Co
5. Gregory Unit #1
6.
7. Summit OH
8. 30.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas Co

1. 80–20181
2. 34–155–21149–0014
3. 103 000 000
4. Gasearch Inc
5. #1 Wenke
6.
7. Trumbull OH
8. 100.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas Co

1. 80–20182
2. 34–167–16420–0140
3. 108 000 000
4. Donald Morris
5. Morris-Morris #1
6.
7. Washington OH
8. 1.6 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20183
2. 34–167–24080–0014
3. 103 000 000
4. James O Biehl Oil Co
5. Broedel #1
6. Reno Field Ohio
7. Washington OH
8. 15.0 million cubic feet
9. March 14, 1980
10.

1. 80–20184
2. 34–167–24125–0014
3. 103 000 000
4. L&M Exploration Inc
5. David Schilling #1
6. Washington
7. 12.8 OH
8. 12.8 million cubic feet
9. March 14, 1980
10. Gas Transport Inc

1. 80–20185
2. 34–167–24151–0014
3. 103 000 000
4. James O Biehl Oil Co
5. M Boswell #1
6. Reno Field Ohio
7. Washington OH
8. 13.0 million cubic feet
9. March 14, 1980
10.

1. 80–20186
2. 34–167–24354–0014
3. 103 000 000
4. Dennis D Blauser
5. Henry Wunderlich #1
6.
7. Washington OH
8. 7.3 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20187
2. 34–167–24519–0014
3. 103 000 000
4. Trend Exploration Ltd
5. H C Parrish #1
6. Coolville
7. Washington OH
8. 438.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp

1. 80–20188
2. 34–133–22134–0014
3. 103 000 000
4. New Frontier Exploration Inc
5. Murphy-Boivin Unit #2
6.
7. Portage OH
8. 32.0 million cubic feet
9. March 14, 1980
10.

1. 80–20189
2. 34–151–21521–0014
3. 103 000 000
4. Belden & Blake and CO Lp No 73
5. J & S Davis #1–033
6.
7. Stark OH
8. 36.5 million cubic feet
9. March 14, 1980
10.

1. 80–20190
2. 34–151–22762–0014
3. 103 000 000
4. Viking Resources Corp
5. M & D Smith Unit No 1
6.
7. Stark OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. ge 80–20191
2. 34–151–22934–0014
3. 103 000 000
4. Joe L Schrimsher
5. Vere Ream #1
6.
7. Stark OH
8. 20.0 million cubic feet
9. March 14, 1980
10.

1. 80–20192
2. 34–151–23059–0014
3. 103 000 000
4. Amtex Oil and Gas Inc
5. Soehnlen No 4
6.
7. Stark OH
8. 300.0 million cubic feet
9. March 14, 1980
10.

1. 80–20193
2. 34–151–22898–0014
3. 103 000 000
4. Otex Inc
5. L & N Blair & V Amos Unit
6. Boliver
7. Stark OH
8. 14.0 million cubic feet
9. March 14, 1980
10.

1. 80–20194
2. 34–151–23074–0014
3. 103 000 000
4. Viking Resources Corp
5. M & D Smith Unit #2
6.
7. Stark OH
8. 30.0 million cubic feet
9. March 14, 1980
10.

1. 80–20195

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2. 34–151–23076–0014
3. 103 000 000
4. Viking Resources Corporation
5. M & D Smith Unit #3
6.
7. Stark OH
8. 30.0 million cubic feet
9. March 14, 1980
10.
1. 80–20196
2. 34–151–23104–0014
3. 103 000 000
4. Joe L Schrimsher
5. Vere Ream #2
6.
7. Stark OH
8. 20.0 million cubic feet
9. March 14, 1980
10.
1. 80–20197
2. 34–151–23128–0014
3. 103 000 000
4. Amtex Oil and Gas Inc
5. Feichter-Vasco No 1
6.
7. Stark OH
8. 40.0 million cubic feet
9. March 14, 1980
10.
1. 80–20198
2. 34–155–21166–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. J Mizicko No 1—#0562
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20199
2. 34–155–21176–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Barfay No 1—#0567
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20200
2. 34–155–21189–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Biggs–Glowacky unit No 1—#0571
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20201
2. 34–155–21286–0014
3. 102 000 000
4. Atlas Energy Group Inc
5. Prentice No 1—#0586
6.
7. Trumbull OH
8. .0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20202
2. 34–155–21313–0014
3. 103 000 000
4. Berea Oil and Gas Corp
5. Goncz #1
6.
7. Trumbull OH
8. 60.0 million cubic feet
9. March 14, 1980
10. East Ohio Gas Company
1. 80–20203
2. 34–157–23278–0014
3. 103 000 000
4. The Clinton Oil Co
5. D J Miller #2
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. March 14, 1980
10.
1. 80–20204
2. 34–167–25048–0014
3. 103 000 000
4. Dennis D Blauser
5. Henry Wunderlich #2
6.
7. Washington OH
8. 6.4 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20205
2. 34–167–25049–0014
3. 103 000 000
4. Dennis D Blauser
5. Henry Wunderlich #3
6.
7. Washington OH
8. 6.1 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20206
2. 34–167–25081–0014
3. 103 000 000
4. Dennis D Blauser
5. Robert J Kubota #1
6.
7. Washington OH
8. 6.3 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20207
2. 34–167–25082–0014
3. 103 000 000
4. Dennis Blauser
5. E Grant Russell #2
6.
7. Washington OH
8. 6.7 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20208
2. 34–167–25083–0014
3. 103 000 000
4. Dennis Blauser
5. E Grant Russell #1
6.
7. Washington OH
8. 7.2 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20209
2. 34–167–25084–0014
3. 103 000 000
4. Dennis Blauser
5. David D Dunbar #3
6.
7. Washington OH
8. 6.1 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20211
2. 34–167–25095–0014
3. 103 000 000
4. Dennis Blauser
5. David D Dunbar #2
6.
7. Washington OH
8. 6.7 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20211
2. 34–167–25098–0014
3. 103 000 000
4. Dennis D Blauser
5. Russell F & M L McVicar #1
6.
7. Washington OH
8. 6.0 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20212
2. 34–167–25113–0014
3. 103 000 000
4. Dennis D Blauser
5. Russell F & M L McVicar #3
6.
7. Washington OH
8. 6.7 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20213
2. 34–167–25114–0014
3. 103 000 000
4. Dennis D Blauser
5. Howard L. Matlack #1
6.
7. Washington OH
8. 6.2 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20214
2. 34–167–25115–0014
3. 103 000 000
4. Dennis D Blauser
5. Russell F & M L McVicar #2
6.
7. Washington OH
8. 6.9 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20215
2. 34–167–25116–0014
3. 103 000 000
4. Dennis D Blauser
5. Howard L Matlack #2
6.
7. Washington OH
8. 6.5 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20216
2. 34–167–25131–0014
3. 103 000 000
4. Dennis Blauser
5. David D Dunbar #4
6.
7. Washington OH
8. 6.4 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20217
2. 34–167–25136–0014
3. 103 000 000
4. Dennis D Blauser
5. Russell F & M L McVicar #4
6.

7. Washington OH
8. 6.2 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20218
2. 34–167–25137–0014
3. 103 000 000
4. Dennis D Blauser
5. Howard Matlack #3
6.
7. Washington OH
8. 7.2 million cubic feet
9. March 14, 1980
10. Columbia Gas Transmission Corp
1. 80–20219
2. 34–167–25177–0014
3. 103 000 000
4. Dennis D Blauser
5. Harold & Betty Dunfee #2
6.
7. Washington OH
8. 7.4 million cubic feet
9. March 14, 1980
10 Columbia Gas Transmission Corp
1. 80–20220
2. 34–169–22230–0014
3. 103 000 000
4. Joe L Schrimsher
5. Andrew Johnson #8
6.
7. Wayne OH
8. 20.0 million cubic feet
9. March 14, 1980
10 East Ohio Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–20099
2. 47–001–20643–0000
3. 103 000 000 Denied
4. Fuel Resources Inc
5. H Eppsey #1
6. Valley District
7. Barbour County WV
8. 20.0 million cubic feet
9. March 14, 1980
10. Consolidated Gas Supply Corp Brooklyn Union Gas Co
1. 80–20244
2. 47–021–22795–0000
3. 108 000 000
4. Warren R Haught Agent
5. F H Stout #2
6. Center District
7. Gilmer WV
8. 10.2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20245
2. 47–015–00160–0000
3. 108 000 000
4. Pennzoil Co
5. Alfred Fields #3
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20246
2. 47–015–00017–0000
3. 108 000 000
4. Pennzoil Co
5. Alfred Fields #2
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20247
2. 47–015–00118–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #14
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20248
2. 47–015–00580–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #117
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20249
2. 47–015–00766–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #119
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20250
2. 47–015–00768–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #121
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20251
2. 47–015–00774–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #125
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20252
2. 47–015–00775–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #123
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20253
2. 47–015–00781–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #124
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20254
2. 47–015–00782–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #128
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20255
2. 47–015–01484–0000
3. 108 000 000
4. Pennzoil Co
5. William Rogers #1
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20256
2. 47–015–01467–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #11
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20257
2. 47–015–01468–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #16
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp
1. 80–20258
2. 47–087–00887–0000
3. 108 000 000
4. Hobert Kincaid
5. Hayden Simmons #2 lease
6. Boggs Fork
7. Roane WV
8. .7 million cubic feet
9. March 17, 1980
10. Pennzoil
1. 80–20259
2. 47–087–00947–0000
3. 108 000 000
4. Hobert Kincaid
5. Laurel #1 lease
6. Boggs Fork
7. Roane WV
8. .6 million cubic feet
9. March 17, 1980
10. Pennzoil Co
1. 80–20260
2. 47–087–00950–0000
3. 108 000 000
4. Hobert Kincaid
5. Laurel #2 lease
6. Boggs Fork

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7. Roane WV
8. .6 million cubic feet
9. March 17, 1980
10. Pennzoil Co

1. 80–20261
2. 47–087–01048–0000
3. 108 000 000
4. Hobert Kincaid
5. Laurel #3 lease
6. Boggs Fork
7. Roane WV
8. .6 million cubic feet
9. March 17, 1980
10. Pennzoil Co

1. 80–20262
2. 47–087–02848–0000
3. 108 000 000
4. Pennzoil Co
5. W C Tallman §3940
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20263
2. 47–087–02882–0000
3. 108 000 000
4. Pennzoil Co
5. Kate H Nixon #10
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20264
2. 47–087–00257–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #113
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20265
2. 47–087–01972–0000
3. 108 000 000
4. Pennzoil Co
5. Kate H Nixon #16
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20266
2. 47–087–01981–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #25
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20267
2. 47–087–01982–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #24
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20268

2. 47–087–02085–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #93
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20269
2. 47–087–02094–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #58
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20270
2. 47–087–02572–0000
3. 108 000 000
4. Pennzoil Co
5. John Hunt (TR #2) #4063
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20271
2. 47–087–00723–0000
3. 108 000 000
4. W H Hildreth
5. J K Knight Heirs #1
6. Boggs Fork
7. Roane WV
8. 1.0 million cubic feet
9. March 17, 1980
10. Pennzoil Co

1. 80–20272
2. 47–087–00724–0000
3. 108 000 000
4. W. H. Hildreth
5. Ross Brothers Lease
6. Newton Field
7. Roane, WV
8. .2 million cubic feet
9. March 17, 1980
10. Pennzoil Co.

1. 80–20273
2. 47–087–00792–0000
3. 108 000 000
4. W. H. Hildreth
5. J. K. Knight Heirs #2
6. Boggs Fork
7. Roane, WV
8. .9 million cubic feet
9. March 17, 1980
10. Pennzoil Co.

1. 80–20274
2. 47–013–02735–0000
3. 108 000 000
4. Bowser Gas & Oil Co.
5. Robert Silman #1
6.
7. Calhoun, WV
8. 6.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20275
2. 47–015–00795–0000
3. 108 000 000
4. Pennzoil Co.
5. William Rogers #3
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20276
2. 47–015–00794–0000
3. 108 000 000
4. Pennzoil Co.
5. William Rogers #2
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20277
2. 47–085–21782–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Paul McCoy #1
6. Murphy District
7. Ritchie, WV
8. 1.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20278
2. 47–085–21790–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Hatfield #2
6. Murphy District
7. Ritchie, WV
8. 4.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20279
2. 47–085–21842–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Reger #1
6. Murphy District
7. Ritchie, WV
8. 4.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20280
2. 47–085–22759–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Bonner #1
6. Murphy District
7. Ritchie, WV
8. 4.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20281
2. 47–085–22776–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. M & H #3
6. Murphy District
7. Ritchie, WV
8. 4.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20282
2. 47–085–22821–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. L & D #1
6. Murphy District
7. Ritchie, WV
8. 8.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20283

2. 47–085–22832–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Church #3
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20284
2. 47–085–22865–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Church #4
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20285
2. 47–085–22903–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Church #5
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20286
2. 47–085–23131–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Parks & Wilson #1
6. Murphy District
7. Ritchie, WV
8. 9.8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20287
2. 47–085–23211–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Haught-Evans #1
6. Murphy District
7. Ritchie, WV
8. 3.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20288
2. 47–085–23238–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Smith-Morris #1
6. Murphy District
7. Ritchie, WV
8. 6.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20289
2. 47–085–23261–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Allen #3
6. Murphy District
7. Ritchie, WV
8. 3.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20290
2. 47–085–23313–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Haught-Evans #2
6. Murphy District
7. Ritchie, WV
8. 3.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20291
2. 47–085–21660–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. A. A. Ayers #1
6. Murphy District
7. Ritchie, WV
8. 3.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20292
2. 47–085–21661–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. Hatfield #1
6. Murphy District
7. Ritchie, WV
8. 4.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20293
2. 47–085–21670–0000
3. 108 000 000
4. Warren R. Haught, Agent
5. McHenry #1
6. Murphy District
7. Ritchie, WV
8. 1.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20294
2. 47–015–01498–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #65
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20295
2. 47–015–01433–0000
3. 108 000 000
4. Pennzoil Co.
5. R. R. Lockhart #1798
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20296
2. 47–015–01441–0000
3. 108 000 000
4. Pennzoil Co.
5. J. B. Casto #1575
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20297
2. 47–015–01497–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #64
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20298

2. 47–015–00784–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #127
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20299
2. 47–015–00788–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #126
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20300
2. 47–015–00789–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #130
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20301
2. 47–015–00790–0000
3. 108 000 000
4. Pennzoil Co.
5. O. D. Stockley #131
6. Henry
7. Clay, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20302
2. 47–015–00791–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #132
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20303
2. 47–015–00792–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #133
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20304
2. 47–015–00978–0000
3. 108 000 000
4. Pennzoil Co
5. William Rogers #4
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20305
2. 47–015–01469–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #16
6. Henry

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7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20306
2. 47–015–01471–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #26
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20307
2. 47–015–01474–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #29
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20308
2. 47–015–01487–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #47
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20309
2. 47–015–01491–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #53
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20310
2. 47–015–01493–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #56
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20311
2. 47–015–01495–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #60
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20312
2. 47–015–01444–0000
3. 108 000 000
4. Pennzoil Co
5. J B Casto #1689
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20313
2. 47–015–01198–0000
3. 108 000 000
4. Pennzoil Co
5. J B Casto #1795
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20314
2. 47–015–01222–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #158
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20315
2. 47–015–01233–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #95
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20316
2. 47–015–01235–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #20
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20317
2. 47–015–01237–0000
3. 108 000 000
4. Pennzoil Co
5. J B Casto #1527
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20318
2. 47–015–01247–0000
3. 108 000 000
4. Pennzoil Co
5. O D Stockley #30
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20319
2. 47–015–01248–0000
3. 108 000 000
4. Pennzoil Co
5. J B Casto #3792
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20320
2. 47–015–01256–0000
3. 108 000 000
4. Pennzoil Co
5. R R Lockhart #1783
6. Henry
7. Clay WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20321
2. 47–013–01967–0000
3. 108 000 000
4. BKB Oil Co
5. Madge Wilson Lease
6. Orma
7. Calhoun WV
8. 2.8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20322
2. 47–085–23718–0000
3. 108 000 000
4. Warren R Haught Agent
5. Susie Smith #H–536
6. Murphy District
7. Ritchie WV
8. 13.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20323
2. 47–085–23719–0000
3. 108 000 000
4. Warren R Haught Agent
5. Susie Smith #H–537
6. Murphy District
7. Ritchie WV
8. 13.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20324
2. 47–085–23746–0000
3. 108 000 000
4. Warren R Haught Agent
5. H H Goff #2
6. Murphy District
7. Ritchie WV
8. 11.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20325
2. 47–085–23751–0000
3. 108 000 000
4. Warren R Haught Agent
5. Allen #H–511
6. Murphy District
7. Ritchie WV
8. 4.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20326
2. 47–085–23758–0000
3. 108 000 000
4. Warren R Haught Agent
5. H McDonald #1
6. Murphy District
7. Ritchie WV
8. 20.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20327
2. 47–085–23761–0000
3. 108 000 000
4. Warren R Haught Agent
5. Noel Watson #H–542
6. Murphy District
7. Ritchie WV
8. 8.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20328

2. 47–085–23859–0000
3. 108 000 000
4. Warren R Haught Agent
5. Noel Watson #H–541
6. Murphy District
7. Ritchie WV
8. 8.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20329
2. 47–085–23842–0000
3. 103 000 000
4. Warren R Haught Agent
5. Cokeley #H–607
6. Union District
7. Ritchie WV
8. 36.2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20330
2. 47–085–23848–0000
3. 103 000 000
4. Warren R Haught Agent
5. E W Valentine #H–613
6. Murphy District
7. Ritchie WV
8. 22.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20331
2. 47–085–23849–0000
3. 103 000 000
4. Warren R Haught Agent
5. Scott #H–612
6. Murphy District
7. Ritchie WV
8. 20.5 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20332
2. 47–085–23864–0000
3. 103 000 000
4. Warren R Haught Agent
5. Scott #H–608
6. Murphy District
7. Ritchie, WV
8. 18.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20333
2. 47–085–23865–0000
3. 103 000 000
4. Warren R Haught Agent
5. Scott H–609
6. Murphy District
7. Ritchie, WV
8. 18.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20334
2. 47–085–24127–0000
3. 103 000 000
4. Warren R Haught Agent
5. J Willis H–656
6. Murphy District
7. Ritchie, WV
8. 40.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20335
2. 47–085–24128–0000
3. 103 000 000
4. Warren R Haught Agent
5. J Willis H–657
6. Murphy District
7. Ritchie, WV
8. 12.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20336
2. 47–085–24157–0000
3. 103 000 000
4. Warren R Haught Agent
5. C F Wilson H–679
6. Murphy District
7. Ritchie, WV
8. 14.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20337
2. 47–021–01706–0000
3. 108 000 000
4. Rudder Oil & Gas Co
5. Mendelle Snyder #1
6. Big Injun
7. Gilmer, WV
8. 2.5 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp

1. 80–20338
2. 47–021–01839–0000
3. 108 000 000
4. Rudder Oil & Gas Co
5. Mendelle Snyder #2
6. Big Injun
7. Gilmer, WV
8. 2.5 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp

1. 80–20339
2. 47–013–00363–0000
3. 108 000 000
4. Rudder Oil & Gas Co
5. Peter Metz #2
6. Big Injun
7. Calhoun, WV
8. 5.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20340
2. 47–085–02800–0000
3. 108 000 000
4. Rudder Oil & Gas Co
5. Frank Maxwell #1
6. Big Injun
7. Ritchie, WV
8. 5.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20341
2. 47–013–02863–0000
3. 108 000 000
4. Wilson/Sturm
5. Wilson Sturm #1
6. Big Injun
7. Calhoun, WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20342
2. 47–021–22457–0000
3. 108 000 000
4. Warren R Haught Agent
5. Gilbert Reed #2
6. Glenville District
7. Gilmer, WV
8. 13.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20343
2. 47–085–21710–0000
3. 108 000 000
4. Warren R Haught Agent
5. A A Ayers #2
6. Murphy District
7. Ritchie, WV
8. 3.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20344
2. 47–085–21843–0000
3. 108 000 000
4. Warren R Haught Agent
5. Spurgeon #1
6. Murphy District
7. Ritchie, WV
8. 6.9 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20345
2. 47–085–22336–0000
3. 108 000 000
4. Warren R Haught Agent
5. H H Smith #1
6. Murphy District
7. Ritchie, WV
8. 8.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20346
2. 47–085–22413–0000
3. 108 000 000
4. Warren R Haught Agent
5. Martha Smith #1
6. Murphy District
7. Ritchie, WV
8. 3.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20347
2. 47–085–22424–0000
3. 108 000 000
4. Warren R Haught Agent
5. Gibson #1
6. Murphy District
7. Ritchie, WV
8. 2.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20348
2. 47–085–22429–0000
3. 108 000 000
4. Warren R Haught Agent
5. C F Wilson #1
6. Murphy District
7. Ritchie, WV
8. 3.2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20349
2. 47–085–22438–0000
3. 108 000 000
4. Warren R Haught Agent
5. Martha Smith #2
6. Murphy District
7. Ritchie, WV
8. 3.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20350
2. 47–085–22574–0000
3. 108 000 000
4. Warren R Haught Agent
5. Church #2
6. Murphy District

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7. Ritchie, WV
8. 8.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20351
2. 47–085–22482–0000
3. 108 000 000
4. Warren R Haught Agent
5. C F Wilson #2
6. Murphy District
7. Ritchie, WV
8. 3.2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20352
2. 47–085–22575–0000
3. 108 000 000
4. Warren R Haught Agent
5. Wilson #1
6. Murphy District
7. Ritchie, WV
8. 3.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20353
2. 47–085–22671–0000
3. 108 000 000
4. Warren R Haught Agent
5. M & H #1
6. Murphy District
7. Ritchie, WV
8. 4.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20354
2. 47–085–22672–0000
3. 108 000 000
4. Warren R Haught Agent
5. School Lot #1
6. Murphy District
7. Ritchie, WV
8. 1.5 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20355
2. 47–085–22963–0000
3. 108 000 000
4. Warren R Haught Agent
5. M & H #2
6. Murphy District
7. Ritchie, WV
8. 4.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20356
2. 47–085–23699–0000
3. 108 000 000
4. Warren R Haught Agent
5. Susie Smith #H–506
6. Murphy District
7. Ritchie, WV
8. 13.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20357
2. 47–087–01261–0000
3. 108 000 000
4. Rudder Oil & Gas Co
5. M M Robertson #1
6. Big Lime
7. Roane, WV
8. 10.0 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp

1. 80–20358
2. 47–007–11244–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. E E Conrad #1
6. Salt Lick District
7. Braxton, WV
8. 9.0 million cubic feet
9. March 17, 1980
10. Equitable Gas Co

1. 80–20359
2. 47–021–22924–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. G W Miller #1
6. Glenville District
7. Gilmer, WV
8. 8.0 million cubic feet
9. March 17, 1980
10. Equitable Gas Co

1. 80–20360
2. 47–017–22287–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Gray #2
6. Cove District
7. Doddridge, WV
8. 10.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20361
2. 47–051–00599–0000
3. 108 000 000
4. Pennzoil Co
5. J C McIlvain #5
6. Liberty
7. Marshall, WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20362
2. 47–051–00618–0000
3. 108 000 000
4. Pennzoil Co
5. Booher-Hicks No. 6
6. Meade
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20363
2. 47–051–00620–0000
3. 108 000 000
4. Pennzoil Co
5. Andrew Corbley No. 2
6. Meade
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20364
2. 47–051–00621–0000
3. 108 000 000
4. Pennzoil Co
5. Elizabeth Criswell No. 2
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20365
2. 47–051–00624–0000
3. 108 000 000
4. Pennzoil Co
5. William Gray No. 1
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20366
2. 47–051–00625–0000
3. 108 000 000
4. Pennzoil Co
5. William Gray No. 3
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20367
2. 47–051–00626–0000
3. 108 000 000
4. Pennzoil Co
5. William Gray No. 4
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20368
2. 47–051–00627–0000
3. 108 000 000
4. Pennzoil Co
5. William Gray No. 5
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20369
2. 47–051–00629–0000
3. 108 000 000
4. Pennzoil Co
5. G W Hubbs No. 3
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20370
2. 47–013–01621–0000
3. 108 000 000
4. W H Hildreth
5. C-W No. 2 Lease
6. Orma
7. Calhoun WV
8. 19.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20371
2. 47–085–01838–0000
3. 108 000 000
4. W H Hildreth
5. H L Wass Lease
6. Harrisville
7. Ritchie WV
8. 1.3 million cubic feet
9. March 17, 1980
10. Carnegie Natural Gas Co.

1. 80–20372
2. 47–085–01855–0000
3. 108 000 000
4. W H Hildreth
5. C C Washburn Lease
6. Harrisville Field
7. Ritchie WV
8. 2.5 million cubic feet
9. March 17, 1980
10. Carnegie Natural Gas Co.

1. 80–20373

2. 47–013–01604–0000
3. 108 000 000
4. W H Hildreth
5. C-W No. 1
6. Orma
7. Calhoun WV
8. 19.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Suply Corp.

1. 80–20374
2. 47–013–01822–0000
3. 108 000 000
4. W H Hildreth
5. Cora A Groves Lease
6. Orma Field
7. Calhoun WV
8. 1.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20375
2. 47–015–00771–0000
3. 108 000 000
4. W H Hildreth
5. W A Smith Lease
6. Clay Field
7. Clay WV
8. 7.4 million cubic feet
9. March 17, 1980
10. Columbia Gas Transmission Corp.

1. 80–20376
2. 47–087–00846–0000
3. 108 000 000
4. Hobert Kincaid
5. Hayden Simmons No. 1
6. Boggs Fork
7. Roane WV
8. .7 million cubic feet
9. March 17, 1980
10. Pennzoil Co.

1. 80–20377
2. 47–013–01882–0000
3. 108 000 000
4. W H Hildreth
5. Brannon 16–A Lease
6. Orma
7. Calhoun WV
8. 5.5 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20378
2. 47–013–01856–0000
3. 108 000 000
4. W H Hildreth
5. Thelma C Conley Lease
6. Orma Field
7. Calhoun WV
8. 3.6 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp.

1. 80–20379
2. 47–085–00732–0000
3. 108 000 000
4. Cox Oil & Gas Co
5. Cox Oil & Gas Co No. 215 No. 3
6. Murphy District
7. Ritchie WV
8. .9 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20380
2. 47–085–00889–0000
3. 108 000 000
4. L W Cunningham Gas Co
5. L W Cunningham Gas Co No. 279 No. 2
6. Murphy District
7. Ritchie WV
8. 2.3 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20381
2. 47–085–20900–0000
3. 108 000 000
4. L W Cunningham Gas Co
5. L W Cunningham Gas Co No. 279 No. 3
6. Murphy District
7. Ritchie WV
8. 2.3 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20382
2. 47–085–00307–0000
3. 108 000 000
4. Cox Oil & Gas Co
5. Cox Oil & Gas Co No. 215 No. 1
6. Murphy District
7. Ritchie WV
8. .9 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20383
2. 47–085–20618–0000
3. 108 000 000
4. Cox Oil & Gas Co
5. Cox Oil & Gas Co No. 215 No. 2
6. Murphy District
7. Ritchie WV
8. .9 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20384
2. 47–021–00064–0000
3. 108 000 000
4. J F Gainer Gas Co
5. J F Gainer Gas Co No. 161
6. Kalb District
7. Gilmer WV
8. 2.2 million cubic feet
9. March 17, 1980
10. J F Gainer Gas Company Godfrey L Cabot Inc.

1. 80–20385
2. 47–085–20802–0000
3. 108 000 000
4. Cox Oil & Gas Co
5. Cox Oil & Gas Co No. 215 No. 4
6. Murphy District
7. Ritchie WV
8. .9 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20386
2. 47–085–20827–0000
3. 108 000 000
4. L W Cunningham Gas Co
5. L W Cunningham Gas Co No. 279 No. 1
6. Murphy District
7. Ritchie WV
8. 2.3 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20387
2. 47–021–00070–0000
3. 108 000 000
4. Crabbe Oil & Gas Co
5. Crabbe Oil & Gas Co No. 168
6. Dekalb District
7. Gilmer WV
8. 1.8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20388
2. 47–085–20061–0000
3. 108 000 000
4. M R Osbourn Gas Co
5. M R Osbourn Gas Co No. 66 No. 1
6. Murphy District
7. Ritchie County WV
8. 1.1 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20389
2. 47–013–20677–0000
3. 108 000 000
4. Van Camp Oil & Gas Co
5. Van Camp Oil & Gas Co No. 290 No. 1
6. Sherman District
7. Calhoun WV
8. 1.8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20390
2. 47–013–21076–0000
3. 108 000 000
4. Van Camp Oil & Gas Co
5. Van Camp Oil & Gas Co No. 4
6. Sherman District
7. Calhoun WV
8. 1.8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20391
2. 47–013–20711–0000
3. 108 000 000
4. Van Camp Oil & Gas Co
5. Van Camp Oil & Gas Co No. 290 No. 2
6. Sherman District
7. Calhoun WV
8. 1.8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc.

1. 80–20392
2. 47–085–20856–0000
3. 108 000 000
4. Rexroad Oil & Gas Co
5. Rexroad Oil & Gas Co #279 #1
6. Murphy District
7. Ritchie, WV
8. 3.1 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20393
2. 47–085–20748–0000
3. 108 000 000
4. Gill Oil & Gas Co
5. Gill Oil & Gas Co #204 #2
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20394
2. 47–085–20297–0000
3. 108 000 000
4. Gill Oil & Gas Company
5. Gill Oil & Gas Co 204 #1
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20395
2. 47–021–20524–0000
3. 108 000 000
4. Barnes Oil & Gas Co
5. Barnes Oil & Gas Co #286 #2

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6. Dekalb District
7. Gilmer, WV
8. 2.2 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20396
2. 47–021–20613–0000
3. 108 000 000
4. Barnes Oil & Gas Co
5. Barnes Oil & Gas Co #286 #4
6. Dekalb District
7. Gilmer, WV
8. 2.2 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20397
2. 47–021–00515–0000
3. 108 000 000
4. Barnes Oil & Gas Co
5. Barnes Oil & Gas Co #286 #1
6. Dekalb District
7. Gilmer, WV
8. 2.2 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20398
2. 47–085–20070–0000
3. 108 000 000
4. Drake Oil & Gas Co
5. Drake Oil & Gas Co #223 #1
6. Murphy District
7. Ritchie, WV
8. .7 million cubic feet
9. March 17, 1980
10. Godfrey L Cabot Inc

1. 80–20399
2. 47–085–23388–0000
3. 108 000 000
4. Warren R Haught Agent
5. D E Huff #1
6. Murphy District
7. Ritchie, WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20400
2. 47–085–23466–0000
3. 108 000 000
4. Warren R Haught Agent
5. Cunningham #1
6. Murphy District
7. Ritchie, WV
8. .4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20401
2. 47–085–23467–0000
3. 108 000 000
4. Warren R Haught Agent
5. Cunningham #2
6. Murphy District
7. Ritchie, WV
8. 1.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20402
2. 47–085–23533–0000
3. 108 000 000
4. Warren R Haught Agent
5. H L Ayers #4
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20403
2. 47–085–23537–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #1
6. Murphy District
7. Ritchie, WV
8. 7.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20404
2. 47–085–23538–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #2
6. Murphy District
7. Ritchie, WV
8. 7.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20405
2. 47–085–23542–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #3
6. Murphy District
7. Ritchie, WV
8. 3.5 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20406
2. 47–085–23552–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #4
6. Murphy District
7. Ritchie, WV
8. 3.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20407
2. 47–085–23620–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #5
6. Murphy District
7. Ritchie, WV
8. 7.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20408
2. 47–085–23621–0000
3. 108 000 000
4. Warren R Haught Agent
5. M A Ayers #6
6. Murphy District
7. Ritchie, WV
8. 7.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20409
2. 47–085–23698–0000
3. 108 000 000
4. Warren R Haught Agent
5. Susie Smith #H–505
6. Murphy District
7. Ritchie, WV
8. 13.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20410
2. 47–021–22497–0000
3. 108 000 000
4. Warren R Haught Agent
5. F C Gainer #4
6. Dekalb District
7. Gilmer, WV
8. 4.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20411
2. 47–021–22498–0000
3. 108 000 000
4. Warren R Haught Agent
5. F C Gainer #5
6. Dekalb District
7. Gilmer, WV
8. 4.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20412
2. 47–021–22743–0000
3. 108 000 000
4. Warren R Haught Agent
5. F H Stout #1
6. Center District
7. Gilmer, WV
8. 10.2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20413
2. 47–085–20676–0000
3. 108 000 000
4. Warren R Haught Agent
5. D & D Cunningham #1
6. Murphy District
7. Ritchie, WV
8. 4.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20414
2. 47–085–20683–0000
3. 108 000 000
4. Warren R Haught Agent
5. D & D Cunningham #2
6. Murphy District
7. Ritchie, WV
8. 4.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20415
2. 47–085–21392–0000
3. 108 000 000
4. Warren R Haught Agent
5. Church #1
6. Murphy District
7. Ritchie, WV
8. .8 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20416
2. 47–085–21411–0000
3. 108 000 000
4. Warren R Haught Agent
5. McCoy #1
6. Murphy District
7. Ritchie, WV
8. 1.1 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20417
2. 47–085–21537–0000
3. 108 000 000
4. Warren R Haught Agent
5. Smith #1
6. Murphy District
7. Ritchie, WV
8. 1.7 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20418
2. 47–085–21546–0000
3. 108 000 000
4. Warren R Haught Agent
5. Ayers #1
6. Murphy District
7. Ritchie, WV
8. .4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20419
2. 47–085–21549–0000
3. 108 000 000
4. Warren R Haught Agent
5. Allen #1
6. Murphy District
7. Ritchie, WV
8. 3.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20420
2. 47–085–21594–0000
3. 108 000 000
4. Warren R Haught Agent
5. Allen #2
6. Murphy District
7. Ritchie, WV
8. 3.4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20421
2. 47–085–21595–0000
3. 108 000 000
4. Warren R Haught Agent
5. Edgell #1
6. Murphy District
7. Ritchie, WV
8. 2.3 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20422
2. 47–085–21628–0000
3. 108 000 000
4. Warren R Haught Agent
5. Ayers #2
6. Murphy District
7. Ritchie WV
8. .4 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20423
2. 47–087–02678–0000
3. 108 000 000
4. Pennzoil Co
5. Kate H Nixon #6
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20424
2. 47–087–02679–0000
3. 108 000 000
4. Pennzoil Co
5. Kate H Nixon #7
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20425
2. 47–087–02680–0000
3. 108 000 000
4. Pennzoil Co
5. Kate H Nixon #8
6. Geary
7. Roane WV
8. .0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20426
2. 47–051–00630–0000
3. 108 000 000
4. Pennzoil Co
5. S R Lydick #1
6. Liberty
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20427
2. 47–051–00634–0000
3. 108 000 000
4. Pennzoil Co
5. Nathan Shepherd #2
6.
7. Marshall WV
8. .2 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20428
2. 47–087–03091–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #18
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20429
2. 47–087–03129–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #16
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20430
2. 47–087–03177–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #21
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20431
2. 47–087–03140–F000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #22
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20432
2. 47–087–03153–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #20
6. Smithfield
7. Roane WV
8. 2.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

1. 80–20433
2. 47–021–02836–0000
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Woodford No 1
6. Sand Fork
7. Gilmer WV
8. 27.0 million cubic feet
9. March 17, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–10887 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 164]

Determinations by Jurisdictional Agencies under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agenices listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Colorado Oil and Gas Conservation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–17098/79–738
2. 05–067–06244–0000
3. 103 000 000
4. Amoco Production Co
5. Amoco Gas Unit #1
6. Ignacio Blanco Mesaverde
7. La Plata Co
8. 536.0 million cubic feet
9. February 29, 1980
10. Western Slope Gas Co

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1. 80-17099/79-745
2. 05-087-05641-0000
3. 103 000 000
4. Chandler & Associates Inc
5. Bass #1
6. Pinneo North
7. Morgan Co
8. 37.0 million cubic feet
9. February 29, 1980
10. Industrial Gas Service
1. 80-17100/79-813
2. 05-009-05230-0000
3. 103 000 000
4. Edwin L Cox
5. Brandt-Oneill Unit No 1
6. Greenwood
7. Baca Co
8. 50.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17101/79-809
2. 05-087-05475-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-9 #17
6. Ignacio Blanco Mesaverde
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co
1. 80-17102/79-810
2. 05-067-00000-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-9 #12
6. Ignacio Blanco Mv
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17103/79-808
2. 05-067-05230-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Spatter #3
6. Ignacio Blanco Mv
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co
1. 80-17104/79-800
2. 05-123-09731-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Frederiksen No 1
6. Wattenberg
7. Weld Co
8. 150.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17105/79-797
2. 05-001-07415-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Bergman #1
6. Wattenberg
7. Adams Co
8. 40.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17106/79-796
2. 05-123-09660-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Milton Lake #1
6. Wattenberg
7. Weld Co
8. 90.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17107/79-799
2. 05-123-09710-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Olive #1
6. Wattenberg
7. Weld Co
8. 60.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17108/79-821
2. 05-067-00000-0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Majorie Smith #1
6. Ignacio Blanco
7. La Plata Co
8. 18.3 million cubic feet
9. February 29, 1980
10. Western Slope
1. 80-17109/79-835
2. 05-125-06052-0000
3. 108 000 000
4. Mountain Petroleum Ltd
5. Strangways #A-1
6. Beecher Island
7. Yuma Co
8. 19.8 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17110/79-812
2. 05-067-05601-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-10 #4-3
6. Ignacio Blanco Mesaverde
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17111/79-807
2. 05-067-05095-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. NWCH 32-10 #16
6. Ignacio Blanco Mv
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17112/79-767
2. 05-103-06235-0000
3. 103 000 000
4. Fuel Resources Development Co
5. N-22-2-101-S
6. Cathedral
7. Rio Blanco Co
8. 59.0 million cubic feet
9. February 29, 1980
10. Mountain Fuel Supply Co
1. 80-17113/79-746
2. 05-123-09265-0000
3. 108 000 000
4. Energy Minerals Corp
5. Vic #1
6. Roggen
7. Weld Co
8. 18.0 million cubic feet
9. February 29, 1980
10. Phillips Petroleum Co
1. 80-17114/79-796
2. 05-123-09586-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Musick-McClintock #3
6. Hambert
7. Weld Co
8. 80.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17115/79-814
2. 05-123-09767-0000
3. 103 000 000
4. Macey & Mershon Oil Inc
5. Musick-McClintock #4
6. Hambert
7. Weld Co
8. 120.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17116/79-806
2. 05-067-05512-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-9 #22
6. Ignacio Blanco Mv
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17117/79-730
2. 05-067-05126-0000
3. 108 000 000
4. Supron Energy Corp
5. Irie #2
6. Ignacio Blanco Mesaverde
7. La Plata Co
8. 3.0 million cubic feet
9. February 29, 1980
10. Northern Natural Gas Company
1. 80-17118/79-721
2. 05-061-06239-0000
3. 102 000 000
4. J M Huber Corp
5. Tallman No 23-3
6. Buscadero
7. Kiowa Co
8. 300.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17119/79-857
2. 05-123-09694-0000
3. 103 000 000
4. Amoco Production Co
5. Firestone B #1
6. Spindle
7. Weld Co
8. 110.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17120/79-858
2. 05-123-09695-0000
3. 103 000 000
4. Amoco Production Co
5. Firestone C #1
6. Spindle
7. Weld Co
8. 100.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17121/79-850
2. 05-123-08424-0000
3. 108 000 000
4. Amoco Production Co
5. J Burton Tuttle Gas Unit #1

6. Wattenberg
7. Weld Co
8. 18.3 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17122/79-852
2. 05-123-08116-0000
3. 108 000 000
4. Amoco Production Co
5. Wesley E Moser Unit B No 1
6. Wattenberg
7. Weld Co
8. 19.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17123/79-532B
2. 05-007-60009-0000
3. 103 000 000
4. Sun Oil Co
5. Divide Creek Unit a No 15
6. Divide Creek
7. Mesa Co
8. 91.0 million cubic feet
9. February 29, 1980
10. Mountain Fuel Resources Inc
1. 80-17124/79-836
2. 05-077-08149-0000
3. 102 000 000
4. Teton Energy Co Inc
5. Calahan #1 (#29-1)
6. Debeque Sec 29-T8S-R97W
7. Mesa Co
8. 69.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17125/79-837
2. 05-077-08150-0000
3. 102 000 000
4. Teton Energy Co Inc
5. Getty #3 (#28-2)
6. Debeque Sec 28-T8S-R97W
7. Mesa Co
8. 160.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17126/79-827
2. 05-077-08148-0000
3. 102 000 000
4. Teton Energy Co Inc
5. Getty #2 (#28-1)
6. Debeque Sec 28-8S-97W
7. Mesa Co
8. 54.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17127/79-826
2. 05-077-08136-0000
3. 102 000 000
4. Teton Energy Co Inc
5. Getty #1 (#21-1)
6. Debeque Sec 21-T8S-R97W
7. Mesa Co
8. 37.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17128/79-731
2. 05-123-09774-0000
3. 102 000 000
4. Energy Minerals Corp
5. Frank #1
6. Waite Lake
7. Weld Co
8. 135.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17129/79-701
2. 05-125-05095-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Stulp 1-1
6. Schramm
7. Yuma Co
8. 11.0 million cubic feet
9. February 29, 1980
10.
1. 80-17130/79-549
2. 05-075-08095-0000
3. 102 000 000
4. Exeter Exploration Co
5. 1 East Sterling State
6. Unnamed
7. Logan Co
8. .0 million cubic feet
9. February 29, 1980
10.
1. 80-17131/79-546
2. 05-075-08587-0000
3. 102 000 000
4. Stream Inc
5. Logan Farms—State #1
6. Loco
7. Logan Co
8. 100.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17132/79-723
2. 05-103-08307-0000
3. 103 000 000
4. Provident Resources Inc
5. Steele #11-35-4-102
6. Foundation Creek
7. Rio Blanco Co
8. 39.4 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17133/79-729
2. 05-103-08306-0000
3. 103 000 000
4. Provident Resources Inc
5. Steele 1M-35-4-102
6. Foundation Creek
7. Rio Blanco
8. 37.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17134/79-724
2. 05-123-08305-0000
3. 103 000 000
4. Provident Resources Inc
5. Kirby-Robertson #5-35-4-102
6. Foundation Creek
7. Rio Blanco Co
8. 36.5 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17135/79-719
2. 05-121-09379-0000
3. 102 000 000
4. Cities Service Co
5. Christianson A #1
6. Unnamed
7. Washington Co
8. 50.7 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17136/79-717
2. 05-121-09382-0000
3. 102 000 000
4. Cities Service Co
5. McCreath A #1
6. White Eagle
7. Washington Co
8. 48.1 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17137/79-718
2. 05-121-09383-0000
3. 102 000 000
4. Cities Service Co
5. State B #1
6. Unnamed
7. Washington Co
8. 29.5 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17138/79-725
2. 05-045-06179-0000
3. 103 000 000
4. Northwest Exploration Com
5. Clough #1
6. Rulison
7. Garfield Co
8. 85.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17139/79-726
2. 05-045-06178-0000
3. 103 000 000
4. Northwest Exploration Co
5. Clough #2
6. Rulison
7. Garfield Co
8. 63.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17140/79-722
2. 05-045-06194-0000
3. 102 000 000
4. Provident Resources Inc
5. Young #15-28
6. Wildcat
7. Garfield Co
8. 182.5 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17141/79-711
2. 05-001-07012-0000
3. 108 000 000
4. Amoco Production Co
5. Boxelder G #2
6. Wattenberg
7. Adams Co
8. 17.5 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17142/79-713
2. 05-123-07264-0000
3. 108 000 000
4. Amoco Production Co
5. Two E Ranches #1
6. Wattenberg
7. Weld Co
8. 9.5 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17143/79-707
2. 05-123-09659-0000
3. 102 000 000
4. Energy Minerals Corp
5. State #3-12
6. Waite Lake
7. Weld Co
8. 10.0 million cubic feet
9. February 29, 1980
10. Crystal Oil Co

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1. 80-17144/79-703
2. 05-123-09645-0000
3. 103 000 000
4. Amoco Production Co
5. John A Kunzman #3
6. Spindle
7. Weld Co
8. 38.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17145/79-700
2. 05-001-06914-0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd A Piland #5-6 79-360
6. Guidon
7. Adams Co
8. 150.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17146/79-688
2. 05-087-07406-0000
3. 103 000 000
4. Estate of Mark Snowden
5. Davie #2
6. Jubilee
7. Morgan Co
8. 250.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17147/79-687
2. 05-123-09747-0000
3. 103 000 000
4. Energy Minerals Corp
5. Andrews #1
6. Roggen
7. Weld Co
8. 30.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources
1. 80-17148/79-686
2. 05-123-09732-0000
3. 103 000 000
4. Energy Minerals Corp
5. Martin #1
6. Roggen
7. Weld Co
8. 42.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources
1. 80-17149/79-712
2. 05-125-07756-0000
3. 108 000 000
4. Amoco Production Co
5. James S Barclay #1
6. Wattenberg
7. Weld Co
8. 9.9 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17150/79-714
2. 05-001-06917-0000
3. 108 000 000
4. Amoco Production Co
5. Champlin 117 H #1
6. Third Creek
7. Adams Co
8. 10.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17151/79-689
2. 05-087-07405-0000
3. 102 000 000
4. Estate of Mark Snowden
5. Davie #2
6. Jubilee
7. Morgan Co
8. 250.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co
1. 80-17152/79-715
2. 05-017-06057-0000
3. 102 000 000
4. Texas Oil & Gas Corp
5. Lowe #1
6. Unnamed Cheyenne Co
7. Cheyenne Co
8. 180.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17153/79-706
2. 05-061-06272-0000
3. 102 000 000
4. Texas Oil & Gas Corp
5. State G #1
6. McClave
7. Bent Co
8. 165.0 million cubic feet
9. February 29, 1980
10. Nueces Company
1. 80-17154/79-710
2. 05-009-06159-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Cogburn #1
6. Walsh
7. Baca Co
8. 100.0 million cubic feet
9. February 29, 1980
10. Nueces Company
1. 80-17155/79-835
2. 05-045-05056-0000
3. 102 000 000
4. Dome Petroleum Corp
5. Baldy Creek #1-17
6. Wildcat
7. Garfield County Co
8. 256.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17156/79-728
2. 05-011-06082-0000
3. 102 000 000
4. W R Murfin d.b.a. Murfin Drilling Co
5. Colorado State #1-13
6. McClava Area
7. Bent Co
8. 108.0 million cubic feet
9. February 29, 1980
10. Nueces Company
1. 80-17157/79-86
2. 05-123-07914-0000
3. 108 000 000
4. Donnelly Casing Pulling Co
5. Lousberg #1
6. McKenzie
7. Weld Co
8. .0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17158/79-757
2. 05-125-06144-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Davis 1-6
6. Schramm
7. Yuma Co
8. 10.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17159/79-759
2. 05-125-06125-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. K & L Enterprises #1-9
6. Armel
7. Yuma Co
8. 4.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17160/79-753
2. 05-125-06143-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Stults 1-32
6. Republican
7. Yuma Co
8. 14.0 million cubic feet
9. February 29, 1980
10.
1. 80-17161/79-760
2. 05-125-06126-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Soener 1-15
6. Armel
7. Yuma Co
8. 7.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17162/79-795
2. 05-125-06065-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Fonte 1-27
6. Republican
7. Yuma Co
8. 21.0 million cubic feet
9. February 29, 1980
10.
1. 80-17163/79-756
2. 05-125-06134-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Short 1-23
6. Republican
7. Yuma Co
8. 19.0 million cubic feet
9. February 29, 1980
10.
1. 80-17164/79-761
2. 05-125-06145-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Cuttler 1-5
6. Schramm
7. Yuma Co
8. 9.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17165/79-709
2. 05-009-06231-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Tolbert #1
6. Walsh
7. Baca Co
8. 120.0 million cubic feet
9. February 29, 1980
10. Nueces Company
1. 80-17166/79-734
2. 05-001-07324-0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd A Piland #2-12 79-561

6. Guidon
7. Adams Co
8. 110.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17167/79-735
2. 05-123-09696-0000
3. 103 000 000
4. Amoco Production Co
5. Firestone D #1
6. Spindle
7. Adams Co
8. 172.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co, Panhandle Eastern Pipeline Co
1. 80-17168/79-627
2. 05-087-07377-0000
3. 102 000 000
4. Beren Corp
5. Krieger #2
6. Jubilee
7. Morgan Co
8. 100.0 million cubic feet
9. February 29, 1980
10.
1. 80-17169/79-540
2. 05-001-00000-0000
3. 108 000 000
4. Premier Resources Ltd
5. Meyer 730002
6. Chieftian
7. Adams Co
8. 3.2 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17170/79-540B
2. 05-001-00000-0000
3. 108 000 000
4. Premier Resources Ltd
5. Meyer 730002
6. Chieftian
7. Adams Co
8. 2.8 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17171/79-856
2. 05-001-07464-0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 287 Amoco C #2
6. Zenith
7. Adams Co
8. 72.0 million cubic feet
9. February 29, 1980
10. Vessels Gas Processing Co
1. 80-17172/79-716
2. 05-045-06185-0000
3. 103 000 000
4. Coseka Resources (USA) Ltd
5. Standifird Rector 8-12-5-102
6. Wildcat
7. Garfield Co
8. 430.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17173/78-176B
2. 05-103-08208-0000
3. 102 000 000
4. Coseka Resources USA Ltd
5. Taiga (Fee) 10-N-21
6. Thunder
7. Rio Blanco Co
8. 34.3 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17174/79-853
2. 05-103-08354-0000
3. 102 000 000
4. Coseka Resources USA Ltd
5. 12-24-4-103
6. Unnamed
7. Rio Blanco Co
8. 49.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17175/79-842
2. 05-123-08840-0000
3. 108 000 000
4. J R Drilling & Exploration Co Inc
5. Buffalo #1
6. Spindle
7. Weld Co
8. 14.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17176/79-843
2. 05-123-09354-0000
3. 108 000 000
4. J R Drilling & Exploration Co Inc
5. Buffalo #2
6. Spindle
7. Weld Co
8. 14.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17177/79-847
2. 05-123-07849-0000
3. 108 000 000
4. Amoco Production Co
5. Roy E Olin Unit #1
6. Wattenberg
7. Weld Co
8. 14.2 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17178/79-733
2. 05-001-07444-0000
3. 103 000 000
4. Lifestyle Energy Corp
5. Boyd A Piland #1-12 79-561
6. Guidon
7. Adams Co
8. 110.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17179/79-720
2. 05-061-06239-0000
3. 102 000 000
4. J M Huber Corp
5. Tallman No 23-3
6. Buscadero
7. Kiowa Co
8. 300.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17180/79-737
2. 05-001-07475-0000
3. 103 000 000
4. L & B Oil Co Inc
5. State of Colorado #3-36-2S-63W
6. Quail
7. Adams Co
8. 400.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17181/79-751
2. 05-125-06135-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Stone 1-24
6. Republican
7. Yuma Co
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80-17182/79-736
2. 05-123-09783-0000
3. 102 000 000
4. J R Drilling & Exploration Co Inc
5. Whittenburg III
6. Wildcat
7. Weld Co
8. 108.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17183/79-854
2. 05-005-00000-0000
3. 108 000 000
4. Sun Oil Company
5. Jeff Drohan No 1
6. Peace Pipe
7. Arapahoe Co
8. 6.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17184/79-844
2. 05-123-07690-0000
3. 108 000 000
4. Amoco Production Co
5. John Kunzman Unit B No 1
6. Spindle
7. Weld Co
8. 17.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17185/79-841
2. 05-087-07496-0000
3. 103 000 000
4. Jack Rouse
5. Hough #1
6. W/C
7. Morgan Co
8. 55.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17186/79-839
2. 05-123-09798-0000
3. 102 000 000
4. Energy Minerals Corp
5. Bijou #1
6. Waite Lake
7. Weld Co
8. 131.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17187/79-840
2. 05-123-09441-0000
3. 103 000 000
4. Energy Minerals Corp
5. State #36-2
6. Roggen
7. Weld Co
8. 17.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17188/79-846
2. 05-001-06234-0000
3. 108 000 000
4. Amoco Production Co
5. State of Colorodo Y #1 (2nd filing)
6. Wattenberg
7. Adams Co
8. 21.0 million cubic feet

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9. February 29, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17189/79-846
2. 05-123-07242-0000
3. 108 000 000
4. Amoco Production Co
5. Donald K Norgren #1 (2nd filing)
6. Wattenberg
7. Weld Co
8. 20.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17190/79-855
2. 05-081-00000-0000
3. 108 000 000
4. Sun Oil Co
5. Carpenter No 2-32
6. Craig North
7. Moffat Co
8. 4.0 million cubic feet
9. February 29, 1980
10. Mountain Fuel Resources Inc
1. 80-17191/79-625
2. 05-125-06286-0000
3. 102 000 000
4. J W Operating Co
5. M Murrain #2
6. Wildcat
7. Yuma Co
8. 100.0 million cubic feet
9. February 29, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17192/79-838
2. 05-123-09793-0000
3. 103 000 000
4. Energy Minerals Corp
5. Mable #1
6. Prospect
7. Weld Co
8. 61.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17193/79-702
2. 05-045-06185-0000
3. 102 000 000
4. Coseka Resources U S A Ltd
5. Standifird-Rector 8-12-5-102
6. Wildcat
7. Garfield Co
8. 430.0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17194/79-744
2. 05-123-09683-0000
3. 103 000 000
4. Cotton Petroleum Corp
5. Woolley No 2
6. Wildcat
7. Weld Co
8. 23.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17195/79-816
2. 05-123-09441-0000
3. 108 000 000
4. Energy Minerals Corp
5. State #36-2
6. Roggen
7. Weld Co
8. 17.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17196/79-617
2. 05-123-09562-0000
3. 108 000 000
4. Energy Minerals Corp
5. Beth #1
6. Roggen
7. Weld Co
8. 12.5 million cubic feet
9. February 29, 1980
10. Phillips Petroleum Co
1. 80-17197/79-815
2. 05-123-05015-0000
3. 108 000 000
4. Energy Minerals Corp
5. Ivan #1
6. Roggen
7. Weld Co
8. 16.0 million cubic feet
9. February 29, 1980
10. Phillips Petroleum Co
1. 80-17198/79-748
2. 05-005-06384-0000
3. 102 000 000
4. Prownlie Wallace Armstrong and Band
5. Farrer #22-13
6. Quill
7. Arapahoe Co
8. 292.0 million cubic feet
9. February 29, 1980
10. Sun Gas Co
1. 80-17199/79-802
2. 05-123-09708-0000
3. 103 000 000
4. Amoco Production Co
5. Gordon P Weichel Unit B #1
6. Wattenberg
7. Weld Co
8. 380.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17200/79-739
2. 05-123-09697-0000
3. 103 000 000
4. Amoco Production Co
5. Elizabeth W Graham Unit D #1
6. Wattenberg
7. Weld Co
8. 98.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17201/79-742
2. 05-123-09709-0000
3. 103 000 000
4. Amoco Production Co
5. Hudson-Kersey Ranches Unit #1
6. Wattenberg
7. Weld Co
8. 75.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17202/79-791
2. 05-121-09451-0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. Jim Price Cattle Co #1-18
6. De Nova
7. Washington Co
8. 40.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17203/79-792
2. 05-121-09453-0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. B Young #1-22
6. White Eagle
7. Washington Co
8. 60.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17204/79-793
2. 05-121-09452-0000
3. 102 000 000
4. Stelbar Oil Corp Inc
5. K A Thim #1-23
6. White Eagle
7. Washington Co
8. 60.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17205/79-784
2. 05-123-09728-0000
3. 103 000 000
4. Nielson Enterprises Inc
5. Badding #1
6. Wattenberg
7. Weld Co
8. 60.0 million cubic feet
9. February 29, 1980
10. Colorado Interstate Gas Co
1. 80-17206/79-782
2. 05-011-06000-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Polson #1
6. Wagon Trail
7. Bent Co
8. 200.0 million cubic feet
9. February 29, 1980
10. Nueces Co
1. 80-17207/79-804
2. 05-067-05147-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. NWCH 32-10 #8
6. Ignacio Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co
1. 80-17208/79-805
2. 05-067-05524-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-9 #24
6. Ignacio Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Company
1. 80-17209/79-811
2. 05-067-05589-0000
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 33-10 #23
6. Ignacio Blanco MV
7. La Plata Co
8. .0 million cubic feet
9. February 29, 1980
10. Northwest Pipeline Corp
1. 80-17210/79-727
2. 05-123-09753-0000
3. 102 000 000
4. J R Drilling & Exploration Co Inc
5. Whittenburg #11
6. Wildcat
7. Weld Co
8. 146.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17211/79-747

2. 05-123-09797-0000
3. 102 000 000
4. Energy Minerals Corp
5. #1 Clara
6. Waite Lake
7. Weld Co
8. 175.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17212/79-820
2. 05-121-09466-0000
3. 102 000 000
4. Cities Service Co
5. State B #2
6. Unnamed
7. Washington Co
8. 55.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17213/79-819
2. 05-123-09788-0000
3. 102 000 000
4. J R Drilling & Exploration Co Inc
5. State #1-8
6. Monahan Lakes
7. Weld CO
8. 100.0 million cubic feet
9. February 29, 1980
10. Crystal Gas Resources Inc
1. 80-17214/79-740
2. 05-123-09672-0000
3. 103 000 000
4. Amoco Production Co
5. Lawrence Lowery #1
6. Spindle
7. Weld CO
8. 110.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17215/79-743
2. 05-123-09693-0000
3. 103 000 000
4. Amoco Production Co
5. Firestone A Well #1
6. Spindle
7. Weld CO
8. 143.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipline Company and Champlin Petroleum Co
1. 80-17216/79-741
2. 05-123-09719-0000
3. 103 000 000
4. Amoco Production Co
5. John A Kunzman #4
6. Spindle
7. Weld CO
8. 80.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17217/79-766
2. 05-001-07360-0000
3. 103 000 000
4. Jordan Oil & Gas Co
5. 1-22 Triple Six Ranches
6. Rim Rock Field Onese 22-25-60W
7. Adams CO
8. 25.0 million cubic feet
9. February 29, 1980
10. Koch Oil Co
1. 80-17218/79-765
2. 05-001-07371-0000
3. 103 000 000
4. Jordan Oil & Gas Co
5. No 1-20 Hirsch
6. Jamboree
7. Adams CO
8. 50.0 million cubic feet
9. February 29, 1980
10. Koch Oil Co
1. 80-17219/79-760
2. 05-121-09461-0000
3. 102 000 000
4. Niobrara Illuminating Gas Associate
5. Price-Claypool #3
6. De Nova
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17220/79-781
2. 05-121-09456-0000
3. 102 000 000
4. Niobrara Illuminating Gas Associate
5. State #1
6. De Nova
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17221/79-775
2. 05-121-09479-0000
3. 102 000 000
4. Sand Hills Society
5. Christianson #2
6. Wildcat
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17222/79-774
2. 05-121-09480-0000
3. 102 000 000
4. Sand Hills Society
5. Christianson #1
6. Wildcat
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipleline Co of America
1. 80-17223/79-777
2. 05-121-09482-0000
3. 102 000 000
4. Niobrara Illuminating Gas Associate
5. Axson #4
6. Spear
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17224/79-778
2. 05-121-09458-0000
3. 102 000 000
4. Niobrara Illuminating Gas Associate
5. Price-Claypool #5
6. De Nova
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17225/79-776
2. 05-121-09457-0000
3. 102 000 000
4. Niobrara Illuminating Gas Associate
5. State #2
6. De Nova
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17226/79-779
2. 05-121-09462-0000
3. 102 000 000
4. Niobrara Illuminating Gas Assocaite
5. Price-Claypool #4
6. De Nova
7. Washington CO
8. 90.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17227/79-768
2. 05-125-06233-0000
3. 103 000 000
4. Alexander & Ambrose Oil Corp
5. #1-12 Hays-Cantrall
6. Beecher Island
7. Yuma CO
8. 41.0 million cubic feet
9. February 29, 1980
10. Natural Gas Pipeline Co of America
1. 80-17228/79-801
2. 05-123-09641-0000
3. 103 000 000
4. Amoco Production Co
5. Uprr 50 Pan Am F #1
6. Wattenberg
7. Weld CO
8. 157.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17229/79-823
2. 05-075-08800-0000
3. 102 000 000
4. Cougar Petroleum Co
5. Smith #1
6. Wildcat
7. Logan CO
8. 270.0 million cubic feet
9. February 29, 1980
10. Kansas Nebraska Natural Gas Co Inc
1. 80-17230/79-825
2. 05-075-08808-0000
3. 103 000 000
4. Cougar Petroleum Co
5. V Reike #1
6. Little Hoot
7. Logan CO
8. 30.0 million cubic feet
9. February 29, 1980
10.
1. 80-17231/79-824
2. 05-075-08794-0000
3. 103 000 000
4. Cougar Petroleum Co
5. Sanders #1
6. Little Hoot
7. Logan CO
8. 22.0 million cubic feet
9. February 29, 1980
10.
1. 80-17232/79-763
2. 05-077-08106-0000
3. 103 000 000
4. Teton Energy Co Inc
5. Kathlyn Young 1-15
6. Plateau 15-10S-95W
7. Mesa CO
8. 140.0 million cubic feet
9. February 29, 1980
10. Northwest Pipleine Corp
1. 80-17233/79-830
2. 05-123-09752-0000
3. 103 000 000
4. Amoco Production Co
5. Miller Feed Lots Unit #1

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6. Hambert
7. Weld CO
8. 73.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17234/79-831
2. 05-123-09663-0000
3. 103 000 000
4. Amoco Production Co
5. Uprr 43 Pan Am N Gu #1
6. Wattenberg
7. Weld CO
8. 125.0 million cubic feet
9. February 29, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17235/79-832
2. 05-001-07506-0000
3. 103 000 000
4. Champlin Petroleum Co
5. #1 Hokr 32-17
6. Zenith Field
7. Adams CO
8. 273.0 million cubic feet
9. February 29, 1980
10. Vessels Gas Processing Co

Mississippi Oil and Gas Board

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-16855/201-79-4202
2. 23-065-20150-0000
3. 107 000 000
4. American Natural Gas Production Co
5. Clyde Hatton A #1-35
6. Holiday Creek
7. Jefferson Davis, MS
8. 91.0 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-16856/101-79-4202
2. 23-065-30131-0000
3. 107 000 000
4. American Natural Gas Production Co
5. Otho McNease #1-36
6. Holiday Creek
7. Jefferson Davis, MS
8. 91.0 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-16857/101-79-4204
2. 23-065-20135-0000
3. 107 000 000
4. American Natural Gas Production Co
5. Jewel W Shivers #1-31
6. Holiday Creek
7. Jefferson Davis, MS
8. 143.0 million cubic feet
9. February 25, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-16858/101-79-4203
2. 23-113-20078-0000
3. 102 000 000
4. Meyers-Lasher Inc
5. Slaton Unit 4-15 No 1
6. Chatawa
7. Pike, MS
8. 36.5 million cubic feet
9. February 25, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-16859/113-79-413
2. 23-087-20015-0000
3. 102 000 000
4. Pruet Production Co
5. Lawrence Unit #7-7 #1
6. Maple Branch
7. Lowndes, MS
8. 5.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80-16860/114-79-413
2. 23-087-20015-0000
3. 102 000 000
4. Pruet Production Co
5. Lawrence Unit #7-7 #1
6. Maple Branch
7. Lowndes, MS
8. 5.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80-16861/116-79-413
2. 23-095-20179-0000
3. 102 000 000
4. Pruet Production Co
5. Crump Unit #1-6 #1
6. Maple Branch
7. Monroe, MS
8. 2.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80-16862/115-79-413
2. 23-095-20206-0000
3. 102 000 000
4. Pruet Production Co
5. Fields Unit #35-7 #1
6. Maple Branch
7. Monroe, MS
8. 4.0 million cubic feet
9. February 25, 1980
10. Tennessee Gas Pipeline Co
1. 80-16863/1-80-351
2. 23-095-20220-0000
3. 103 000 000
4. Grace Petroleum Corporation
5. Richardson 5-2
6. Corinne
7. Monroe, MS
8. 314.0 million cubic feet
9. February 25, 1980
10. Southern Natural Gas Co

Montana Board of Oil and Gas Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-17029/1-80-18
2. 25-005-21994-0000
3. 102 000 000
4. J Burns Brown
5. Werk 15-32-18
6. Tiger Ridge
7. Blaine, MT
8. 150.0 million cubic feet
9. February 28, 1980
10. Northern Natural Gas Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-16834
2. 30-045-23393-0000
3. 103 000 000
4. Southland Royalty Co
5. Vasaly Federal #2
6. Undesignated
7. San Juan, NM
8. 50.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16835
2. 30-015-23010-0000
3. 103 000 000
4. Mewbourne Oil Co
5. Marathon State #1
6. Undesignated Field (Morrow)
7. Eddy, NM
8. 90.0 million cubic feet
9. February 25, 1980
10.
1. 80-16836
2. 30-015-70016-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Frank State #1 Morrow
6. Undesignated Morrow
7. Eddy, NM
8. 100.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80-16837
2. 30-015-70016-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Frank State #1 ABO
6. Undesignated ABO
7. Eddy, NM
8. 100.0 million cubic feet
9. February 25, 1980
10. Northern Natural Gas Co
1. 80-16838
2. 30-025-00000-0000
3. 108 000 000
4. Exxon Corp
5. New Mexico G State #5
6. Eumont Queen Gas
7. Lea, NM
8. 7.3 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16839
2. 30-045-23443-0000
3. 103 000 000
4. El Paso Natural Gas Co
5. Burroughs Com A #2A
6. Blanco Mesaverde
7. San Juan, NM
8. 110.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16840
2. 30-025-26423-0000

3. 103 000 000
4. Phillips Petroleum Co
5. Leamex No 23
6. Maljamar GB/SA
7. Lea, NM
8. 8.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16841
2. 30-025-02848-0000
3. 108 000 000
4. Phillips Petroleum Co
5. E Vacuum GB/SA Unit Tr 2175 #001
6. Vacuum GB/SA
7. Lea, NM
8. 1.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16842
2. 30-025-26422-0000
3. 103 000 000
4. Phillips Petroleum Co
5. Leamex No 22
6. Maljamar GB/SA
7. Lea, NM
8. 8.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16843
2. 30-025-00000-0000
3. 108 000 000
4. Exxon Corp
5. N G Penrose #1
6. Tubb (Gas)
7. Lea, NM
8. 607.2 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16844
2. 30-025-26432-0000
3. 103 000 000
4. Phillips Petroleum Co
5. Leamex No 24
6. Leamex Wolfcamp (Ext)
7. Lea, NM
8. 233.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16845
2. 30-045-23565-0000
3. 103 000 000
4. Amoco Production Co
5. Martinez Gas Com F #1E
6. Basin Dakota
7. San Juan, NM
8. 209.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16846
2. 30-045-23574-0000
3. 103 000 000
4. El Paso Natural Gas Co
5. Atlantic #17
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 70.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16847
2. 30-025-00000-0000
3. 108 000 000
4. Exxon Corp
5. N G Penrose #2
6. Tubb (Gas)
7. Lea, NM
8. 163.9 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16848
2. 30-045-23643-0000
3. 103 000 000
4. Southland Royalty Co
5. Grenier #17-E
6. Basin
7. San Juan, NM
8. 75.0 million cubic feet
9. February 25, 1980
10. Southern Union Gathering Co
1. 80-16849
2. 30-015-22954-0000
3. 102 000 000
4. Hng Oil Co
5. Williams 35 Com #2
6. South Culebra Bluff (Atoka)
7. Eddy, NM
8. 273.8 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16850
2. 30-025-26291-0000
3. 103 000 000
4. Shell Oil Co
5. Antelope Ridge Unit No 6
6. Antelope Ridge (Atoka)
7. Lea, NM
8. 365.0 million cubic feet
9. February 25, 1980
10. Western Gas Interstate Co, Gas Co of New Mexico
1. 80-16851
2. 30-025-26562-0000
3. 103 000 000
4. Warren Petroleum Co/Div Gulf Oil
5. Lea YH State #3
6. Airstrip Bone Springs
7. Lea, NM
8. .0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Co
1. 80-16852
2. 30-025-26417-0000
3. 103 000 000
4. Doyle Hartman
5. R H Huston Jr No 2
6. Eunice-Monument
7. Lea, NM
8. 30.0 million cubic feet
9. February 25, 1980
10. El Paso Natural Gas Company
1. 80-16853
2. 30-045-23646-0000
3. 103 000 000
4. Southland Royalty Co
5. Grenier #11
6.
7. San Juan, NM
8. 50.0 million cubic feet
9. February 25, 1980
10. Southern Union Gathering Co
1. 80-16854
2. 30-045-23646-0000
3. 103 000 000
4. Southland Royalty Co
5. Grenier #11E
6. Basin
7. San Juan, NM
8. 75.0 million cubic feet
9. February 25, 1980
10. Southern Union Gathering Co
1. 80-17085
2. 30-045-23197-0000
3. 103 000 000
4. Palmer Oil & Gas Co
5. Montoya #27-1-Dakota
6. Basin Dakota
7. San Juan, NM
8. 40.0 million cubic feet
9. February 29, 1980
10. Southwest Gas Corp
1. 80-17086
2. 30-025-00000-0000
3. 108 000 000
4. Coquina Oil Corp
5. Janda State #1
6. Langlie-Mattix
7. Lea, NM
8. 13.0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co
1. 80-17087
2. 30-045-00000-0000
3. 108 000 000
4. Hixon Development Co
5. Chaco Wash No 1
6. Waw-Fruitland-PC
7. San Juan, NM
8. 11.0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co
1. 80-17088
2. 30-045-23569-0000
3. 103 000 000
4. Amoco Production Co
5. Likens Gas Com A #3E
6. Basin Dakota
7. San Juan, NM
8. 200.0 million cubic feet
9. February 29, 1980
10. El Paso Natural Gas Co

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-17030/488
2. 37-033-20634-0000
3. 103 000 000
4. Amoco Production Co
5. Harbison Walker Refractories #1
6. Clearfield-Boggs
7. Clearfield, PA
8. 360.0 million cubic feet
9. February 28, 1980
10. Penn Fuel Gas Inc
1. 80-17031/1695
2. 37-063-24170-0000
3. 103 000 000
4. Doran & Associates Inc
5. E Bartlebaugh #1 K-A-12
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-17032/1697
2. 37-063-24169-0000
3. 103 000 000

V45/71AP1080 UMI

4. Doran & Associates Inc
5. David W Longnecker #1 K–A–10
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17033/1698
2. 37–063–24153–0000
3. 103 000 000
4. Doran & Associates Inc
5. Alvin Bowder #1 K–A–9
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17034/1699
2. 37–033–20819–0000
3. 103 000 000
4. Doran & Associates Inc
5. Jess L Yingling #1 K–A–8
6. Upper Devonian Sands
7. Clearfield, PA
8. .0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17035/1700
2. 37–063–24168–0000
3. 103 000 000
4. Doran & Associates Inc
5. David M. Neely #1 K–A–6
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17036/1701
2. 37–063–23996–0000
3. 103 000 000
4. Doran & Associates Inc
5. Gordon Snyder #1 K–A–5
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17037/1702
2. 37–063–23995–0000
3. 103 000 000
4. Doran & Associates Inc
5. Charles Johnson #1 K–A–4
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17038/1703
2. 37–063–23997–0000
3. 103 000 000
4. Doran & Associates Inc
5. Margaret Hook #1 K–A–2
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17039/2914
2. 37–039–20556–0000
3. 103 000 000
4. Center Bar Gas Co
5. Klimko #3–01 Pa per #CRA–20556
6. Conneaut
7. Crawford Pa
8. 36.0 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17040/2916
2. 37–039–20571–0000
3. 103 000 000
4. Center Bar Gas Co
5. Orthodox #1–03 Pa per CRA–20571
6. Conneaut
7. Crawford Pa
8. 36.0 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17041/3283
2. 37–005–21600–0000
3. 108 000 000
4. James V Spankard Oil Co
5. G Hoffman #1
6.
7. Armstrong Pa
8. 8.8 million cubic feet
9. February 28, 1980
10. Apollo Gas Co
1. 80–17042/3633
2. 37–065–20344–0000
3. 108 000 000
4. James V Spankard Oil Co
5. Rosie Barrett #1
6.
7. Jefferson Pa
8. 13.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17043/3635
2. 37–065–20374–0000
3. 108 000 000
4. James V Spankard Oil Co
5. Dale Brooks #1
6.
7. Jefferson Pa
8. 13.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17044/3636
2. 37–063–20966–0000
3. 108 000 000
4. James V Spankard Oil Co
5. Dale Brooks #2
6.
7. Indiana Pa
8. 13.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17045/3650
2. 37–492–07190–0000
3. 102 000 000
4. Envirogas Inc
5. S R Sellaro #1
6. Erie Deep
7. Erie Pa
8. 18.0 million cubic feet
9. February 28, 1980
10. National Fuel Gas Distribution Corp
1. 80–17046/3689A
2. 37–051–20061–0000
3. 108 000 000
4. E J Brumage
5. Brumage A 2469 Matway #1
6. Brumage
7. Fayette Pa
8. 15.3 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17047/3689B
2. 37–051–20062–0000
3. 105 000 000
4. E J Brumage
5. Brumage B 2489 Matway #2
6. Brumage
7. Fayette Pa
8. 15.3 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17048/3689C
2. 37–051–20109–0000
3. 108 000 000
4. E J Brumage
5. Brumage C 2469 Matway #3
6. Brumage
7. Fayette Pa
8. 15.3 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17049/3690A
2. 37–059–00000–0000
3. 108 000 000
4. E J Brumage
5. Brad A L-2427
6. Brad-Mooney L-2427
7. Greene Pa
8. 14.1 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17050/3690B
2. 37–059–00000–0000
3. 108 000 000
4. E J Brumage
5. Brad-Mooney B L-2427
6. Brad-Mooney L-2427
7. Greene PA
8. 14.1 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17051/3692
2. 37–125–00000–0000
3. 108 000 000
4. E J Brumage
5. Verner L-2462
6. Verner L-2462
7. Washington Pa
8. 6.0 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17052/3693
2. 37–125–00000–0000
3. 108 000 000
4. E J Brumage
5. Knox L-2136
6. Knox L-2136
7. Washington Pa
8. 1.2 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17053/3694
2. 37–125–00000–0000
3. 108 000 000
4. E J Brumage
5. Pittsburgh Coal G-247
6. Pittsburgh Coal G-247
7. Washington Pa
8. 3.1 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17054/3695
2. 37–125–00000–0000
3. 105 000 000
4. E J Brumage
5. Wilson L-2066
6. Brumage-Wilson L-2066
7. Washington Pa
8. 2.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp
1. 80–17055/3715
2. 37–049–20587–0000
3. 108 000 000
4. James A Bernet/JAB Enterprises Inc
5. James A Bernet #1-3
6. Lakeshore-Medina
7. Erie Pa
8. 6.1 million cubic feet
9. February 28, 1980
10. National Fuel Gas Dist Corp
1. 80–17056/3716
2. 37–049–20564–0000
3. 108 000 000
4. James A Bernet/JAB Enterprises Inc
5. James A Bernet #1-4
6. Lakeshore-Medina
7. Erie Pa
8. 7.2 million cubic feet
9. February 28, 1980
10. National Fuel Gas Dist Corp
1. 80–17057/3780
2. 37–065–20490–0000
3. 108 000 000
4. James V Spankard Oil Co
5. James H Braunns #1
6.
7. Jefferson Pa
8. 5.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–17058/3791
2. 37–033–00000–0000
3. 108 000 000
4. Mrs C J Simpson
5. C J Simpson No 1 (Pa State No 2172)
6. State Tract 39
7. Clearfield Pa
8. 19.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80–17059/4169
2. 37–033–00000–0000
3. 108 000 000
4. Hanley & Bird
5. Sylvania-Dubois #1 SN1515
6. Rockton
7. Clearfield Pa
8. 2.2 million cubic feet
9. February 28, 1980
10. National Fuel Gas Supply Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/STATE)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–16866
2. 47–007–00717–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Fox & Singleton # 1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16867
2. 47–007–00733–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Sam Cunningham #1
6. Salt Lick
7. Braxton
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16868
2. 47–007–00916–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Delbert Bull #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16869
2. 47–007–00994–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Delbert Bull Jr #1
6. Salt Lick
7. Braxton
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16870
2. 47–007–01106–0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker #1 K#2805
6. Salt Lick
7. Braxton, WV
8. 1.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16871
2. 47–007–01224–0000
3. 108 000 000
4. J C Baker and Son Inc
5. James Carroll Robison Et Al #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80–16872
2. 47–007–00716–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Guy Tonkin #1 Acct 243251840991
6. Otter Dist
7. Braxton, WV
8. 2.2 million cubic feet
9. February 28, 1980
10. Equitable Gas Co
1. 80–16873
2. 47–007–01007–0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker & Son #2
6. Otter
7. Braxton, WV
8. 4.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Co
1. 80–16874
2. 47–041–01209–REDO
3. 108 000 000
4. J C Baker and Son Inc
5. Hendricks #1
6. Collins Settlement
7. Lewis, WV
8. 6.3 million cubic feet
9. February 28, 1980
10. Equitable Gas Co
1. 80–16875
2. 47–041–01622–0000
3. 108 000 000
4. J C Baker and Son Inc
5. B G Taylor #1
6. Collins Settlement
7. Lewis, WV
8. 1.3 million cubic feet
9. February 28, 1980
10. Equitable Gas Co
1. 80–16876
2. 47–041–01650–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Wimer #1
6. Collins Settlement
7. Lewis, WV
8. 5.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80–16877
2. 47–041–01689–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Emma Blair #1
6. Collins Settlement
7. Lewis, WV
8. 5.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80–16878
2. 47–041–01708–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Hull #1
6. Collins Settlement
7. Lewis, WV
8. 1.3 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80–16879
2. 47–041–01725–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Bennett #1
6. Collins Settlement
7. Lewis, WV
8. 9.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80–16880
2. 47–041–01781–0000
3. 108 000 000
4. J C Baker and Son Inc
5. Bennett #4
6. Collins Settlement
7. Lewis, WV
8. 9.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80–16881
2. 47–041–02023–0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker & Son #1
6. Collins Settlement
7. Lewis, WV
8. 3.0 million cubic feet

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9. February 28, 1980
10. Equitable Gas Company
1. 80-16882
2. 47-04107-02067-0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker & Son #2
6. Collins Settlement
7. Lewis, WV
8. 5.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Company
1. 80-16883
2. 47-007-00169-REDO
3. 108 000 000
4. J C Baker and Son Inc
5. Densil Mealey Et Al #1
6. Salt Lick
7. Braxton, WV
8. 4.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16884
2. 47-007-00176-PRED
3. 108 000 000
4. J C Baker and Son Inc
5. William L Rucker #1
6. Salt Lick
7. Braxton, WV
8. 9.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16885
2. 47-007-00500-0000
3. 108 000 000
4. J C Baker and Son Inc
5. Taylor #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16886
2. 47-007-00521-DD00
3. 108 000 000
4. J C Baker and Son Inc
5. E H Cunningham #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16887
2. 47-007-00538-0000
3. 108 000 000
4. J C Baker and Son Inc
5. Cunningham Heirs #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16888
2. 47-007-00581-0000
3. 108 000 000
4. J C Baker and Son Inc
5. G J Dyer #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16889
2. 47-007-00598-0000
3. 108 000 000
4. J C Baker and Son Inc
5. Guy Currence #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16890
2. 47-007-00611-REDO
3. 108 000 000
4. J C Baker and Son Inc
5. French Williams #1
6. Salt Lick
7. Braxton, WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co
1. 80-16891
2. 47-001-00705-0000
3. 108 000 000
4. Fuel Resources Inc
5. M Tacy #1
6. Valley District
7. Barbour County, WV
8. 10.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp., Brooklyn Union Gas Co
1. 80-16892
2. 47-001-00703-0000
3. 108 000 000
4. Fuel Resources Inc
5. Lona Rinehart #1
6. Valley District
7. Barbour County, WV
8. 14.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co, Brooklyn Union Gas Co
1. 80-16893
2. 47-001-00635-0000
3. 108 000 000
4. Fuel Resources Inc
5. W Fox #1
6. Valley District
7. Barbour County, WV
8. 5.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp, Brooklyn Union Gas Co
1. 80-16894
2. 47-001-00621-0000
3. 108 000 000
4. Fuel Resources Inc
5. H Suder #1
6. Valley District
7. Barbour County, WV
8. 9.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co
1. 80-16895
2. 47-001-00620-0000
3. 108 000 000
4. Fuel Resources Inc
5. R Hemple
6. Valley District
7. Barbour County WV
8. 3.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp Brooklyn Union Gas Co
1. 80-16896
2. 47-059-00746-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 50-1752
6. Logan-Mingo
7. Mingo WV
8. .5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16897
2. 47-059-00724-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 49-1750
6. Logan-Mingo
7. Mingo WV
8. 6.3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16898
2. 47-059-00702-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 48-1749
6. Logan-Mingo
7. Mingo WV
8. 6.3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16899
2. 47-059-00664-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 41-1735
6. Logan-Mingo
7. Mingo WV
8. 8.3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16800
2. 47-059-00659-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 48-1733
6. Logan-Mingo
7. Mingo WV
8. .9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16901
2. 47-059-00644-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 36-1727
6. Logan-Mingo
7. Mingo WV
8. 1.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16902
2. 47-059-00626-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 38-1730
6. Logan-Mingo
7. Mingo WV
8. 2.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16903
2. 47-059-00623-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 37-1728
6. Logan-Mingo
7. Mingo WV

8. 3.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16904
2. 47-059-00618-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 35E-1726
6. Logan-Mingo
7. Mingo WV
8. 22.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16905
2. 47-059-00615-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 34E-1725
6. Logan-Mingo
7. Mingo WV
8. 8.9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16906
2. 47-059-00610-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 33E-1724
6. Logan-Mingo
7. Mingo WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16907
2. 47-059-00609-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 32E-1723
6. Logan-Mingo
7. Mingo WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16908
2. 47-059-00600-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 30E-1720
6. Logan-Mingo
7. Mingo WV
8. 1.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16909
2. 47-059-00574-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 27E-1714
6. Logan-Mingo
7. Mingo WV
8. 1.9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16910
2. 47-059-00568-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 26-1713
6. Logan-Mingo
7. Mingo WV
8. 1.3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16911
2. 47-059-00564-0000
3. 106 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 25-1711
6. Logan-Mingo
7. Mingo WV
8. .8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16912
2. 47-059-00561-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 23-1709
6. Logan-Mingo
7. Mingo WV
8. 8.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16913
2. 47-059-00556-0000
3. 106 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 2-1712
6. Logan-Mingo
7. Mingo WV
8. 2.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16914
2. 47-059-00555-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 1-1706
6. Logan-Mingo
7. Mingo WV
8. 4.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16915
2. 47-059-00549-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 21-1707
6. Logan-Mingo
7. Mingo WV
8. 8.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16916
2. 47-059-00547-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 20-1705
6. Logan-Mingo
7. Mingo WV
8. .9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16917
2. 47-059-00539-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 18-1703
6. Logan-Mingo
7. Mingo WV
8. .8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16918
2. 47-059-00524-0000
3. 106 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 17E-1702
6. Logan-Mingo
7. Mingo WV
8. .9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16919
2. 47-059-00521-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 16E-1701
6. Logan-Mingo
7. Mingo WV
8. .8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16920
2. 47-059-00500-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 14-1699
6. Logan-Mingo
7. Mingo WV
8. 9.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16921
2. 47-059-00499-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 13-1698
6. Logan-Mingo
7. Mingo WV
8. .4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16922
2. 47-059-00491-0000
3. 106 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 11-1696
6. Logan-Mingo
7. Mingo WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16923
2. 47-059-00480-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N S-1694
6. Logan-Mingo
7. Mingo WV
8. 1.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16924
2. 47-059-00479-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. U S S Corp S/N 8-1693
6. Logan-Mingo
7. Mingo WV
8. .8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp
1. 80-16925
2. 47-059-00471-0000
3. 108 000 000
4. Carnegie Natural Gas Company
5. USS Corp S/N 7E-1692
6. Logan-Mingo
7. Mingo WV
8. 5.9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.
1. 80-16926

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2. 47-045-00526-0000
3. 108 000 000
4. Carnegie Natural Gas Company
5. USS Corp S/N 6E-16967
6. Logan-Mingo
7. Logan WV
8. .8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16927
2. 47-045-00494-0000
3. 108 000 000
4. Carnegie Natural Gas Company
5. USS Corp S/N 2E-1683
6. Logan-Mingo
7. Logan WV
8. 4.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16928
2. 47-047-00612-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. Panther State No. 4 WV 85851
6. Huff Creek
7. McDowell WV
8. 11.0 million cubic feet
9. February 28, 1980
10. Cabot Corp.

1. 80-16929
2. 47-035-01232-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. G Norman No 1 WV 85230
6. Ripley
7. Jackson WV
8. 4.3 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-16930
2. 47-033-00688-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. M Brannon No 4 WV 80791
6. Grassland
7. Harrison WV
8. 8.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16931
2. 47-001-00903-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. Flint-Simpson
6. Philippi
7. Barbour WV
8. 6.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16932
2. 47-001-00752-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. W Carder No 1 WV 81050
6. Philippi
7. Barbour WV
8. 14.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16933
2. 47-001-00691-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. L M Goodwin No. 1 WV 82600
6. Philippi
7. Barbour WV
8. 2.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16934
2. 47-001-00690-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. E Shaw No 1 WV 87120
6. Philippi
7. Barbour WV
8. 3.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16935
2. 47-001-00680-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. J Marteny No. 1 WV 84650
6. Belington
7. Barbour WV
8. 13.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16936
2. 47-001-00678-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. D Andrick No. 1 WV 80350
6. Belington
7. Barbour WV
8. 6.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16937
2. 47-021-02535-0000
3. 108 000 000
4. Reserve Oil Co Inc
5. Rogers No. 3
6. Glenville South
7. Gilmer WV
8. 25.6 million cubic feet
9. February 28, 1980
10. Equitable Gas Co.

1. 80-16938
2. 47-001-00667-0000
3. 108 000 000
4. Patrick Petroleum Corp of Mich
5. L Boylen No. 1 WV 80750
6. Philippi
7. Barbour WV
8. 5.3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16939
2. 47-059-00748-0000
3. 108 000 000
4. Carnegie Natural Gas Co
5. USS Corp S/N 51-1754
6. Logan-Mingo
7. Mingo WV
8. 7.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16940
2. 47-001-20868-0000
3. 108 000 000
4. Fuel Resources Inc
5. F Jarvis No. 1
6. Valley District
7. Barbour WV
8. 4.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16941
2. 47-001-20867-0000
3. 108 000 000
4. Fuel Resources Inc
5. G Browning No. 1
6. Valley District
7. Barbour WV
8. 20.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16942
2. 47-001-20856-0000
3. 108 000 000
4. Fuel Resources Inc
5. J Hymes No. 1
6. Valley District
7. Barbour WV
8. 3.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16943
2. 47-001-20837-0000
3. 108 000 000
4. Fuel Resources Inc
5. W Greene No. 1
6. Valley District
7. Barbour WV
8. 17.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16944
2. 47-001-20833-0000
3. 108 000 000
4. Fuel Resources Inc
5. E Coontz No. 1
6. Valley District
7. Barbour WV
8. 9.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16945
2. 47-001-20827-0000
3. 108 000 000
4. Fuel Resources Inc
5. G Singleton No. 1
6. Valley District
7. Barbour WV
8. 9.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16946
2. 47-001-20715-0000
3. 108 000 000
4. Fuel Resources Inc
5. R England No. 1
6. Valley District
7. Barbour WV
8. 20.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp. Brooklyn Union Gas Co.

1. 80-16947
2. 47-013-20158-0000
3. 108 000 000
4. Okmar Oil Co
5. Ellen B Yoak No. 3
6. Sheridan District
7. Calhoun WV
8. 1.6 million cubic feet
9. February 28, 1980

10. Cabot Corp.

1. 80-16948
2. 47-085-20786-0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller No. 11
6. Murphy District
7. Ritchie WV
8. 1.2 million cubic feet
9. February 28, 1980
10. Consolidate Gas Supply Corp.

1. 80-16949
2. 47-013-22578-0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller No. 3
6. Sheridian District
7. Calhoun WV
8. 8.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16950
2. 47-085-23387-0000
3. 108 000 000
4. Okmar Oil Co
5. Blaine M Miller No. 14
6. Murphy District
7. Ritchie WV
8. 2.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16951
2. 47-085-23371-0000
3. 108 000 000
4. Okmar Oil Co
5. Blaine M Miller No. 13
6. Murphy District
7. Ritchie WV
8. 2.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp.

1. 80-16952
2. 47-097-00060-0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker and Son Inc No. 1
6. Buckhannon District
7. Upshur WV
8. 3.0 million cubic feet
9. February 28, 1980
10. Columbia Gas Co.

1. 80-16953
2. 47-097-01016-0000
3. 108 000 000
4. J C Baker and Son Inc
5. Elnora and Edward Wereley No. 1
6. Buckhanna
7. Upshur WV
8. 3.0 million cubic feet
9. February 28, 1980
10. Columbia Gas Co.

1. 80-16954
2. 47-007-00168-REDO
3. 108 000 000
4. J C Baker and Son Inc
5. Calvin Williams No. 1
6. Salt Lick
7. Braxton WV
8. 7.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Co.

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1. 80-16955
2. 47-007-00162-Redo
3. 108 000 000
4. J C Baker and Son Inc
5. Carl Reed #1
6. Salt Lick
7. Braxton WV
8. 8.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16956
2. 47-007-00567-0000
3. 108 000 000
4. J C Baker and Son Inc
5. U S Govt #1 Meter Code #3352
6. Salt Lick
7. Braxton WV
8. 1.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16957
2. 47-085-21748-0000
3. 108 000 000
4. Okmar Oil Co
5. Blaine M Miller #2
6. Murphy District
7. Ritchie WV
8. 2.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16958
2. 47-085-23003-0000
3. 108 000 000
4. Okmar Oil Company
5. R F Dye #1
6. Murphy District
7. Ritchie WV
8. 2.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16959
2. 47-007-01010-0000
3. 108 000 000
4. J C Baker and Son Inc
5. Ivy Hoag #1
6. Salt Lick
7. Braxton WV
8. 15.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16960
2. 47-013-22164-0000
3. 108 000 000
4. Okmar Oil Co
5. Hazel Dye #1
6. Sheridan District
7. Calhoun WV
8. 2.9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16961
2. 47-013-22180-0000
3. 108 000 000
4. Okmar Oil Co
5. James A Dye #1
6. Sheridan District
7. Calhoun WV
8. 8.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16962
2. 47-013-22294-0000
3. 108 000 000
4. Okmar Oil Co
5. Shimer #2
6. Sheridan District
7. Calhoun WV
8. 8.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16963
2. 47-013-22318-0000
3. 108 000 000
4. Okmar Oil Co
5. Camden #2
6. Sheridan District
7. Calhoun WV
8. 6.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16964
2. 47-013-20338-0000
3. 108 000 000
4. Okmar Oil Co
5. G W Dye #1
6. Sheridan District
7. Calhoun WV
8. 3.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16965
2. 47-013-22327-0000
3. 108 000 000
4. Okmar Oil Company
5. Genevieve Parr #2
6. Sheridan District
7. Calhoun WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16966
2. 47-013-22341-0000
3. 108 000 000
4. Okmar Oil Company
5. Okmar (Lucy Burrows) #1
6. Sheridan District
7. Calhoun WV
8. 1.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16967
2. 47-013-22377-0000
3. 108 000 000
4. Okmar Oil Company
5. Shimer #3
6. Sheridan District
7. Calhoun WV
8. 8.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16968
2. 47-013-22386-0000
3. 108 000 000
4. Okmar Oil Company
5. Camden #3
6. Sheridan District
7. Calhoun WV
8. 6.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16969
2. 47-013-22410-0000
3. 108 000 000
4. Okmar Oil Company
5. Hays-Mollohan #1
6. Sheridan District
7. Calhoun WV
8. .1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80-16970

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2. 47–013–22435–0000
3. 108 000 000
4. Okmar Oil Company
5. Hays–Mollohan #2
6. Sheridan District
7. Calhoun WV
8. .1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16971
2. 47–007–00510–0000
3. 108 000 000
4. J C Baker and Son Inc
5. J C Baker & Son Inc #2
6. Salt Lick
7. Braxton WV
8. 3.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16972
2. 47–013–22452–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #5
6. Sheridan District
7. Calhoun WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16973
2. 47–013–20463–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #6
6. Sheridan District
7. Calhoun WV
8. 8.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16974
2. 47–013–20464–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #7
6. Sheridan District
7. Calhoun WV
8. 1.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16975
2. 47–013–20479–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #8
6. Sheridan District
7. Calhoun WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16976
2. 47–013–20481–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #9
6. Sheridan District
7. Calhoun WV
8. 1.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16977
2. 47–013–20481–0000
3. 108 000 000
4. Okmar Oil Co
5. D M Miller #10
6. Sheridan District
7. Calhoun WV
8. 1.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16978
2. 47–013–20780–0000
3. 108 000 000
4. Okmar Oil Co
5. Cronin (R Dye) #1
6. Sheridan District
7. Calhoun WV
8. 2.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16979
2. 47–013–20780–0000
3. 108 000 000
4. Okmar Oil Co
5. Shimer #1
6. Sheridan District
7. Calhoun WV
8. 8.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16980
2. 47–013–21138–0000
3. 108 000 000
4. Okmar Oil Co
5. Camden #1
6. Sheridan District
7. Calhoun WV
8. 6.7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16981
2. 47–013–21148–0000
3. 108 000 000
4. Okmar Oil Co
5. Genevieve Parr #1
6. Sheridan District
7. Calhoun WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16982
2. 47–013–21960–0000
3. 108 000 000
4. Okmar Oil Co
5. Walter T Scott #1
6. Center District
7. Calhoun WV
8. 4.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16983
2. 47–013–21983–0000
3. 108 000 000
4. Okmar Oil Co
5. Icy Dye #1
6. Center District
7. Calhoun WV
8. 4.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Transmission Corp

1. 80–16984
2. 47–059–00822–0000
3. 108 000 000
4. W E Bubchett–Trustee
5. G W C Land Co #6
6. Stafford District
7. Mingo WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–16985
2. 47–099–21533–0000
3. 108 000 000
4. Ohlen & Erma Adkins
5. UFG Mineral Al Well
6. Lincoln
7. Wayne WV
8. 3.6 million cubic feet
9. February 28, 1980
10. Columbia Gas Co

1. 80–16986
2. 47–039–02847–0000
3. 108 000 000
4. D C Malcolm Inc
5. Bruen HRS #6
6. Elk District
7. Kanawha County WV
8. 20.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16987
2. 47–039–02845–0000
3. 108 000 000
4. D C Malcolm Inc
5. Bruen HRS #5
6. Elk District
7. Kanawha County WV
8. 20.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16988
2. 47–039–02844–0000
3. 108 000 000
4. D C Malcolm Inc
5. Bruen HRS #4
6. Elk District
7. Kanawha County WV
8. 20.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16989
2. 47–039–02843–0000
3. 108 000 000
4. D C Malcolm Inc
5. Bruen HRS #3
6. Elk District
7. Kanawha County WV
8. 20.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16990
2. 47–039–02808–0000
3. 108 000 000
4. D C Malcolm Inc
5. Bruen HRS #1
6. Elk District
7. Kanawha County WV
8. 20.5 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16991
2. 47–035–01424–0000
3. 108 000 000
4. D C Malcolm Inc
5. H F Bailey Hrs #2
6. Ripley District
7. Jackson County WV
8. 4.7 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Co

1. 80–16992
2. 47–097–21536–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Tenney #1
6. Washington
7. Upshur WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80–16993
2. 47–097–21518–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Dolly J Summers #1
6. Meade
7. Upshur WV
8. 12.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80–16994
2. 47–097–21517–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Frank Savon #1
6. Meade
7. Upshur WV
8. 12.0 million cubic feet
9. March 28, 1980
10. Equitable Gas Co

1. 80–16995
2. 47–097–21563–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Donald Reed #1
6. Meade
7. Upshur WV
8. .2 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80–16996
2. 47–043–00667–0000
3. 108 000 000
4. Edsel Gas Co
5. Huntington Dev & Gas Co #1
6. Laurel Hill
7. Lincoln WV
8. 11.2 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–16997
2. 47–099–20539–0000
3. 108 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Co Farm #2
6. Grant District
7. Wayne WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–16998
2. 47–099–20540–0000
3. 108 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Co Farm—#3
6. Grant District
7. Wayne WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–16999
2. 47–099–20559–0000
3. 108 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Co Farm—#4
6. Grant District
7. Wayne WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17000
2. 47–059–20658–0000
3. 108 000 000
4. W E Burchett—Trustee
5. G W C Land Co—#1
6. Stafford District
7. Mingo County WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17001
2. 47–059–20768–0000
3. 108 000 000
4. W E Burchett—Trustee
5. G W C Land Co #18
6. Stafford District
7. Mingo WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17002
2. 47–059–20731–0000
3. 108 000 000
4. W E Burchett—Trustee
5. G W C Land Co #5
6. Stafford District
7. Mingo WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17003
2. 47–059–20730–0000
3. 108 000 000
4. W E Burchett—Trustee
5. G W C Land Co #4
6. Stafford District
7. Mingo WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17004
2. 47–059–20683–0000
3. 108 000 000
4. W E Burchett—Trustee
5. G W C Land Co #2
6. Stafford District
7. Mingo WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17005
2. 47–043–00506–0000
3. 108 000 000
4. Charleys Branch Gas Co
5. Huntington Dev & Gas Co #2
6. Jefferson District
7. Lincoln WV
8. 10.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80–17006
2. 47–085–22446–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. A C Wilson #1
6. Union
7. Ritchie WV
8. 2.6 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17007
2. 47–085–21611–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. A V Young #1
6. Union
7. Ritchie WV
8. 2.6 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17008
2. 47–085–21682–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Adaline Mason #2
6. Union
7. Ritchie WV
8. 2.9 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17009
2. 47–085–21603–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. B P Kight #1
6. Union
7. Ritchie WV
8. 2.5 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17010
2. 47–085–21585–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. J M Tate #1
6. Union
7. Ritchie WV
8. 5.5 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17011
2. 47–085–21548–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. A C Wilson #2
6. Union
7. Ritchie WV
8. 3.5 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17012
2. 47–085–21531–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. H B Tate #1
6. Union
7. Ritchie WV
8. 1.8 million cubic feet
9. February 28, 1980
10. Carnegie Gas Co

1. 80–17013
2. 47–085–21734–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. L W Layfield #1
6. Union
7. Ritchie WV
8. 3.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80–17014
2. 47–085–21914–0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Laura J Adams #1
6. Union
7. Ritchie WV
8. 4.4 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80–17015

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2. 47-085-21903-0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Harley Garrison #1
6. Union
7. Ritchie WV
8. 3.6 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80-17016
2. 47-085-21683-0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Harold Simmons #1
6. Union
7. Ritchie WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80-17017
2. 47-085-21638-0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. William B Burgess #1
6. Union
7. Ritchie WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80-17018
2. 47-099-00711-0000
3. 100 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Company Farm Well #5
6. Grant District
7. Wayne WV
8. 3.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17019
2. 47-021-21141-0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Homer L Gaines #1
6. Troy
7. Gilmer WV
8. .5 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80-17020
2. 47-021-21120-0000
3. 108 000 000
4. Zickefoose Moyers Moyers et al
5. Blaine Nutter #1
6. Troy
7. Gilmer WV
8. 2.4 million cubic feet
9. February 28, 1980
10. Equitable Gas Co

1. 80-17021
2. 47-013-01125-0000
3. 108 000 000
4. Grantsville Oil & Gas Co
5. S M Plant #2
6. Sherman Dist
7. Calhoun WV
8. 3.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17022
2. 47-043-00505-0000
3. 108 000 000
4. Charleys Branch Gas Co
5. Huntington Dev & Co #1
6. Jefferson District
7. Lincoln WV
8. 10.4 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17023
2. 47-047-00280-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #15
6. Sandy River District
7. McDowell WV.
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17024
2. 47-047-00283-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #14
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17025
2. 47-047-00282-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #13
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17026
2. 47-047-00592-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #22
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17027
2. 47-047-00337-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #21
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17028
2. 47-047-00319-0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #20
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. February 28, 1980
10. Columbia Gas Transmission Corp

1. 80-17060
2. 47-043-01568-0000
3. 108 000 000
4. Pennzoil Co
5. Adkins Herbert #4
6. Duval
7. Lincoln WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17061
2. 47-043-01507-0000
3. 108 000 000
4. Pennzoil Co
5. Adkins R H #1
6. Duval
7. Lincoln WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17062
2. 47-043-01527-0000
3. 108 000 000
4. Pennzoil Co
5. R H Adkins #4
6. Duval
7. Lincoln WV
8. .0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17063
2. 47-043-01529-0000
3. 108 000 000
4. Pennzoil Co
5. Adkins R H #3
6. Duval
7. Lincoln WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17064
2. 47-043-01698-0000
3. 108 000 000
4. Pennzoil Co
5. A A Woodrum #3
6. Duval
7. Lincoln WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17065
2. 47-043-01564-0000
3. 108 000 000
4. Pennzoil Co
5. E G Pauley #6
6. Duval
7. Lincoln WV
8. .3 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17066
2. 47-043-01528-0000
3. 108 000 000
4. Pennzoil Co
5. Adkins R H #2
6. Duval
7. Lincoln WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17067
2. 47-043-01708-0000
3. 108 000 000
4. Pennzoil Co
5. C C Clay #2
6. Duval
7. Lincoln WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17068
2. 47-043-01501-0000
3. 108 000 000
4. Pennzoil Co
5. A E Robertson #2
6. Duval

7. Lincoln WV
8. 1.8 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17069
2. 47-043-01542-0000
3. 108 000 000
4. Pennzoil Co
5. Zona Hughes #2
6. Duval
7. Lincoln WV
8. .0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17070
2. 47-043-01707-0000
3. 108 000 000
4. Pennzoil Co
5. C C Clay #1
6. Duval
7. Lincoln WV
8. 1.1 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17071
2. 47-043-01700-0000
3. 108 000 000
4. Pennzoil Co
5. A D Spurlock #4
6. Duval
7. Lincoln WV
8. .7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17072
2. 47-043-01557-0000
3. 108 000 000
4. Pennzoil Co
5. Lloyd Hilbert #5
6. Duval
7. Lincoln WV
8. 1.5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17073
2. 47-043-01546-0000
3. 108 000 000
4. Pennzoil Co
5. Roxie Pauley #3
6. Duval
7. Lincoln WV
8. .7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17074
2. 47-043-01517-0000
3. 108 000 000
4. Pennzoil Co
5. Xenil E Campbell #6
6. Duval
7. Lincoln WV
8. .0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17075
2. 47-043-01599-0000
3. 108 000 000
4. Pennzoil Co
5. W E Williams #2
6. Duval
7. Lincoln WV
8. 1.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17076
2. 47-043-01621-0000
3. 108 000 000
4. Pennzoil Co
5. A D Spurlock #2
6. Duval
7. Lincoln, WV
8. .7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17077
2. 47-043-01696-0000
3. 108 000 000
4. Pennzoil Co
5. Alford J V #4
6. Duval
7. Lincoln, WV
8. 2.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17078
2. 47-043-01699-0000
3. 108 000 000
4. Pennzoil Co
5. A D Spurlock #3
6. Duval
7. Lincoln, WV
8. .7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17079
2. 47-043-01543-0000
3. 108 000 000
4. Pennzoil Co
5. Zona Hughes #3
6. Duval
7. Lincoln, WV
8. .7 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17080
2. 47-043-01548-0000
3. 108 000 000
4. Pennzoil Co
5. W T Harris #5
6. Duval
7. Lincoln, WV
8. .5 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17081
2. 47-043-01688-0000
3. 105 000 000
4. Pennzoil Co
5. Lelia Smith #2
6. Duval
7. Lincoln, WV
8. 1.2 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17082
2. 47-085-03682-0000
3. 108 000 000
4. Pennzoil Co
5. S C Hammett #21
6. Grant
7. Ritchie, WV
8. 5.6 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17083
2. 47-043-01556-0000
3. 108 000 000
4. Pennzoil Co
5. Adkins Herbert #3
6. Duval
7. Lincoln, WV
8. 1.0 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

1. 80-17084
2. 47-043-01487-0000
3. 108 000 000
4. Pennzoil Co
5. E T Spurlock #8
6. Duval
7. Lincoln, WV
8. .9 million cubic feet
9. February 28, 1980
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-16864/G9-858
2. 17-725-40154-00S1-0
3. 102 000 000
4. Pennzoil Co
5. Moepsi A-3A Main Pass Block 73
6. Main Pass
7. 73
8. 225.0 million cubic feet
9. February 25, 1980
10. United Gas Pipe Line Co
Southern Natural Gas Co
Arkansas Lousiana Gas Co

1. 80-16865/G9-859
2. 17-725-40160-00S1-0
3. 102 000 000
4. Pennzoil Co
5. Moepsi A-8A Main Pass Block 72/74
6. Main Pass
7. 72/74
8. 2000.0 million cubic feet
9. February 25, 1980
10. United Gas Pipe Line Co
Southern Natural Gas Co
Arkansas Lousiana Gas Co

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-17089/NM-2691-79
2. 30-015-04285-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #7
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Continental Oil Co

1. 80-17090/NM-2692-79
2. 30-015-04310-0000-0

V 45 / 71 A P 10 80 UMI

3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #3
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. .0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17091
2. 30-015-04040-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Jackson B #18
6. Square Lake
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17092/NM-3018-79
2. 30-015-04300-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Gissler B #5
6. Fren Seven Rivers
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Phillips Petroleum Co
1. 80-17093/NM-3019-79
2. 30-015-21831-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #44
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17094/NM-3020-79
2. 30-015-04313-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #2
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. .0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17095/NM-3025-79
2. 30-015-04133-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #30
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17096/NM-3026-79
2. 30-015-04152-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Grayburg Jackson (San And) #10
6. Grayburg Jackson Queen Grb Sa
7. Eddy NM
8. 1.0 million cubic feet
9. February 29, 1980
10. Continental Oil Co
1. 80-17097/NM-4388-79
2. 30-015-10856-0000-0
3. 108 000 000
4. Windfohr Oil Co
5. Jackson B #27
6. Grayburg-Jackson
7. Eddy NM
8. .0 million cubic feet
9. February 29, 1980
10. Continental Oil Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10868 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 165]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 7, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agenices listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-17683/K-79-1175
2. 15-129-20371-0000
3. 102 000 000
4. Cities Service Co
5. Baughman O #2 (Upper Morrow)
6. Winter
7. Morton KS
8. 45.3 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-17683/K-79-1245
2. 15-093-20600-0000
3. 102 000 000
4. W B Osborn Jr
5. Summers #1-A
6. Panoma
7. Kearny KS
8. 30.0 million cubic feet
9. March 3, 1980
10. Continental Oil Co
1. 80-17684/K-79-1123
2. 15-119-20268-0000
3. 108 000 000
4. Inca Oil Co
5. Inca Oil Co—Bond No 1
6. S W Novinger
7. Meade KS
8. 11.0 million cubic feet
9. March 3, 1980
10. Anadarko Production Co
1. 80-17685/K-79-1131
2. 15-129-00000-0000
3. 108 000 000
4. Rex Monahan
5. #1 Glasscock
6. Greenwood Field
7. Morton KS
8. 9.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-17686/K-79-1246
2. 15-081-20142-0000
3. 103 000 000
4. Jack C Wallace
5. Koelling #1
6. Kansas Hugoton
7. Haskell KS
8. 88.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17687/K-79-1247
2. 15-055-20347-0000
3. 103 000 000
4. Jack C Wallace
5. Boterf #1
6. Kansas Hugoton
7. Finney KS
8. 250.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17688/K-79-1248
2. 15-081-20159-0000
3. 103 000 000
4. Jack C Wallace
5. Brock-Kelly #W-1
6. Kansas-Hugoton
7. Haskell KS
8. 36.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17689/K-79-1332
2. 15-191-20819-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Reece #2
6. Love 3 Pool
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17690/K-79-1331
2. 15-191-20671-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Muhlenbruch #1
6. Chicaskia
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17691/K-79-1330
2. 15-191-20718-0000
9. March 3, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17684/K-79-1123
2. 15-119-20268-0000
3. 108 000 000
4. Inca Oil Co
5. Inca Oil Co—Bond No 1
6. S W Novinger
7. Meade KS
8. 11.0 million cubic feet
9. March 3, 1980
10. Anadarko Production Co
1. 80-17685/K-79-1131
2. 15-129-00000-0000
3. 108 000 000
4. Rex Monahan
5. #1 Glasscock
6. Greenwood Field
7. Morton KS
8. 9.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-17686/K-79-1246
2. 15-081-20142-0000
3. 103 000 000
4. Jack C Wallace
5. Koelling #1
6. Kansas Hugoton
7. Haskell KS
8. 88.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17687/K-79-1247
2. 15-055-20347-0000
3. 103 000 000
4. Jack C Wallace
5. Boterf #1
6. Kansas Hugoton
7. Finney KS
8. 250.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17688/K-79-1248
2. 15-081-20159-0000
3. 103 000 000
4. Jack C Wallace
5. Brock-Kelly #W-1
6. Kansas-Hugoton
7. Haskell KS
8. 36.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17689/K-79-1332
2. 15-191-20819-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Reece #2
6. Love 3 Pool
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17690/K-79-1331
2. 15-191-20671-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Muhlenbruch #1
6. Chicaskia
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17691/K-79-1330
2. 15-191-20718-0000

3. 103 000 000
4. Byron E Hummon Jr
5. Harper #1
6. Chicaskia
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17692/K-79-1329
2. 15-191-20692-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Goodpasture #1
6. Love 3
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17693/K-79-1328
2. 15-191-20787-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Bruce #2
6. Love 3 Pool
7. Sumner KS
8. 99.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17694/K-79-1327
2. 15-191-20661-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Bruce #1
6. Love 3 Pool
7. Sumner KS
8. 175.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-17695/K-79-1315
2. 15-175-20390-0000
3. 103 000 000
4. B & B Farm Industries Inc
5. Larry No 2
6. Adobe
7. Seward KS
8. 72.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17696/K-79-1367
2. 15-025-20233-0000
3. 103 000 000
4. Pickrell Drilling Co
5. Blau B #2
6. Halling
7. Clark KS
8. 146.0 million cubic feet
9. March 3, 1980
10. Kansas Power and Light Co
1. 80-17697/K-79-1250
2. 15-047-20474-0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Patterson 1-14
6. Wayside-Havana
7. Montgomery KS
8. 300.0 million cubic feet
9. March 3, 1980
10. Cities Service Co
1. 80-17698/K-79-1410
2. 15-047-20488-0000
3. 102 000 000
4. Imperial Oil Co
5. Jimmie #1-6
6.
7. Edwards KS
8. 146.0 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17699/K-79-1015
2. 15-035-00000-0000
3. 108 000 000
4. Varn Petroleum Co
5. Varn Bradbury #1
6. Burden
7. Cowley KS
8. 12.8 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17700/K-79-1016
2. 15-035-00000-0000
3. 108 000 000
4. Varn Petroleum Co
5. Varn Julien Manser #1
6. Burden
7. Cowley KS
8. 9.1 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17701/K-79-1056
2. 15-081-00000-0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Hammer No 2
6. Hugoton 337687
7. Haskell KS
8. 11.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-17702/K-79-1074
2. 15-095-20474-0000
3. 108 000 000
4. Oil Properties Co Inc
5. Pagenkopf #1
6. Fannie
7. Kingman KS
8. 14.5 million cubic feet
9. March 3, 1980
10. Peoples Natural Gas Co
1. 80-17703/K-79-1097
2. 15-119-20290-0000
3. 108 000 000
4. R Clay Underwood
5. Jessie S Adams #12
6. Cimarron Bend
7. Meade KS
8. 8.4 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-17704/K-79-1025
2. 15-097-20437-0000
3. 108 000 000
4. Lee Banks
5. Keller
6. Ursula
7. Kiowa KS
8. 14.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Co
1. 80-17705/K-79-1366
2. 15-025-20279-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Francis 2-20
6. Lexington Morrow
7. Clark KS
8. 130.0 million cubic feet
9. March 3, 1980
10. Kansas Power and Light Co
1. 80-17706/K-79-1362
2. 15-119-20301-0000
3. 103 000 000
4. Mesa Petroleum Co
5. Bender 1-22 Morrow
6. Singley
7. Meade KS
8. 88.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Company
1. 80-17707/K-79-1359
2. 15-047-20435-0000
3. 103 000 000
4. Imperial Oil Co
5. Edwards Land No 1-18
6. Wildcat
7. Edwards KS
8. 10.9 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17708/K-79-1358
2. 15-187-00000-0000
3. 108 000 000
4. Kaiser-Francis Oil Co
5. Hume
6. Sparks West
7. Stanton KS
8. 9.0 million cubic feet
9. March 3, 1980
10. Peoples Natural Gas Co
1. 80-17709/K-79-1357
2. 15-175-20055-A000
3. 108 000 000
4. Broughton Oil Company
5. Wills #1
6. Massonni East
7. Seward KS
8. .1 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17710/K-79-1350
2. 15-175-20333-0000
3. 103 000 000
4. George P Post dba Post Petroleum Co
5. Light No 2
6. Liberal Light
7. Seward KS
8. 540.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17711/K-79-1349
2. 15-097-20531-0000
3. 102 000 000
4. Imperial Oil Co
5. Woolery #1-19
6.
7. Kiowa KS
8. 36.5 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-17712/K-79-1404
2. 15-159-20758-0000
3. 102 000 000
4. Lebsack Oil Production Inc
5. Parrish No 1
6. Unnamed
7. Rice KS
8. 90.0 million cubic feet
9. March 3, 1980
10.
1. 80-17713/K-79-1400
2. 15-079-20381-0000
3. 103 000 000
4. Wiley R Ash Jr
5. Ewy #1
6. Sperling Field Revival

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7. Harvey KS
8. 182.5 million cubic feet
9. March 3, 1980
10. Peoples Natural Gas Co
1. 80-17714/K-79-1363
2. 15-119-20341-0000
3. 103 000 000
4. R Clay Underwood
5. Jessie S Adams F #15
6. Cimarron Bend
7. Meade KS
8. 1.6 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Co
1. 80-17715/K-79-0727
2. 15-129-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Smith Gas Unit A #1
6. Hugoton Chase
7. Morton KS
8. 10.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17716/K-79-0729
2. 15-129-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Slinker Gas Unit A #1
6. Hugoton Chase
7. Morton KS
8. 14.0 million cubic feet
9. March 3, 1980
10. Cities Services Gas Co
1. 80-17717/K-79-0730
2. 15-081-30016-0000
3. 108 000 000
4. Amoco Production Co
5. Wallace Gas Unit #2
6. Hugoton Chase
7. Haskell KS
8. 14.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17718/K-79-0748
2. 15-055-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Jarmer Gas Unit #1
6. Hugoton Chase
7. Finney KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17719/K-79-0754
2. 15-129-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Winter Gas Unit B #1
6. Hugoton Chase
7. Morton KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17720/K-79-0758
2. 15-137-00000-0000
3. 100 000 000
4. Amoco Production Co
5. Lutz Gas Unit #1
6. Hugoton Chase
7. Morton KS
8. 19.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17721/K-79-0763
2. 15-055-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Beasley Gas Unit #1
6. Hugoton Chase
7. Finney KS
8. 11.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17722/K-79-0767
2. 15-081-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Kelly Gas Unit D #1
6. Hugoton/Chase
7. Haskell KS
8. 11.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17723/K-79-1272
2. 15-097-20282-0000
3. 108 000 000
4. Oil Properties Co Inc
5. Thompson #2
6. Greensburg
7. Kiowa KS
8. 12.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17724/K-79-1268
2. 15-151-20555-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Goyen #2
6. Cunningham
7. Pratt KS
8. 144.0 million cubic feet
9. March 3, 1980
10. Kansas Gas Supply Corp
1. 80-17725/K-79-1267
2. 15-151-20509-0000
3. 103 000 000
4. Byron E Hummon Jr
5. Goyen #1
6. Cunningham
7. Pratt KS
8. 144.0 million cubic feet
9. March 3, 1980
10. Kansas Gas Supply Corp
1. 80-17726/K-79-1265
2. 15-151-20547-0000
3. 103 000 000
4. Byron E. Hummon Jr
5. Perry #1
6. Cullison West Pool
7. Pratt KS
8. 180.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co
1. 80-17727/K-79-1263
2. 15-115-00000-0000
3. 108 000 000
4. Robert F White
5. Lindau #1
6. East Antelope
7. Marion KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17728/K-79-1259
2. 15-007-00000-0000
3. 108 000 000
4. Gulf Oil Corp
5. Forsyth B #1
6. Medicine Lodge
7. Barber KS
8. 9.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17729/K-79-1256
2. 15-129-20378-0000
3. 102 000 000
4. Cities Service Company
5. Posey A #2 (Upper Morrow)
6. Winter
7. Morton KS
8. 644.7 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-17730/K-79-1249
2. 15-055-20340-0000
3. 103 000 000
4. Jack C Wallace
5. Fleagle #1
6. Kansas Hugoton
7. Finney KS
8. 91.0 million cubic feet
9. March 3, 1980
10. Kansas Nebraska Natural Gas Co Inc
1. 80-17731/K-79-1391
2. 15-055-20349-0000
3. 103 000 000
4. Continental Energy
5. Freeman #1
6. Hugoton
7. Finney KS
8. 219.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17732/K-79-1399
2. 15-025-20289-0000
3. 102 000 000
4. Mesa Petroleum Co
5. McPhail 1-29
6. Lexington Mississippian
7. Clark KS
8. 183.0 million cubic feet
9. March 3, 1980
10. Kansas Power and Light Co
1. 80-17733/K-79-1398
2. 15-025-20291-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Seacat 7-19
6. Lexington Morrow
7. Clark KS
8. 63.0 million cubic feet
9. March 3, 1980
10.
1. 80-17734/K-79-1397
2. 15-035-22000-0000
3. 103 000 000
4. Silver Creek Production Co Inc
5. McCollum #1
6. Tisdale Gas Area
7. Cowley KS
8. 4.6 million cubic feet
9. March 3, 1980
10. Cities Gas Service Co
1. 80-17735/K-79-1395
2. 15-007-00000-0000
3. 108 000 000
4. John O Farmer Inc
5. Stone D
6. Rhodes Northeast
7. Barber KS
8. 14.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17736/K-79-1393

2. 15-095-20835-0000
3. 103 000 000
4. Texaco Inc
5. Cord Wells #3
6. Belmont Center
7. Kingman KS
8. 20.0 million cubic feet
9. March 3, 1980
10. Peoples Natural Gas Co
1. 80-17737/K-79-1401
2. 15-025-20280-0000
3. 103 000 000
4. Pickrell Drilling Co
5. Halling B #4
6. Halling
7. Clark KS
8. 125.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Co
1. 80-17738/K-79-1430
2. 15-097-20516-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Einsel FL
6. Martin
7. Kiowa KS
8. 180.0 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80-17739/K-79-1426
2. 15-055-00000-0000
3. 103 000 000
4. Continental Energy
5. Minter-Wilson #1
6. Hugoton
7. Finney KS
8. 73.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co and Winter Wilson Drilling Co
1. 80-17740/K-79-1438
2. 15-055-20363-0000
3. 103 000 000
4. Mobil Oil Corp
5. H T Oliver Unit No 2
6. Panoma
7. Finney KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17741/K-79-1244
2. 15-025-20247-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Seacat #4-19
6. Lexington Morrow
7. Clark KS
8. 365.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Co
1. 80-17742/K-79-1300
2. 15-055-00000-0000
3. 108 000 000
4. D R Lauck Oil Company Inc
5. Hicks #3
6. Hugoton
7. Finney KS
8. 17.0 million cubic feet
9. March 3, 1980
10. Kansas Nebraska Natural Gas Co Inc
1. 80-17743/K-79-1301
2. 15-185-00000-0000
3. 108 000 000
4. D R Lauck Oil Co Inc
5. Frack #1
6. Haynes
7. Stafford KS
8. 12.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17744/K-79-1304
2. 15-047-20262-0000
3. 103 000 000
4. D R Lauck Oil Co Inc
5. Meyer B #2
6. Wil
7. Edwards KS
8. 10.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Company
1. 80-17745/K-79-1305
2. 15-047-20261-0000
3. 103 000 000
4. D R Lauck Oil Co Inc
5. Meyer A #2
6. Wil
7. Edwards KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Company
1. 80-17746/K-79-1381
2. 15-081-00000-0000
3. 108 000 000
4. Walter Kuhn Drilling Co
5. Watkins #A-1
6. Hugoton (Chase Group)
7. Haskell KS
8. 15.0 million cubic feet
9. March 3, 1980
10. Coloroda Interstate Gas Co
1. 80-17747/K-79-1423
2. 15-189-20445-0000
3. 103 000 000
4. Mobil Oil Corp
5. Doris Anderson Unit No 2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co
1. 80-17748/K-79-1413
2. 15-159-20806-0000
3. 103 000 000
4. Lebsack Oil Production Inc
5. Axtell No 1-13
6. Fitzpatrick
7. Rice KS
8. 90.0 million cubic feet
9. March 3, 1980
10.
1. 80-17749/K-79-1411
2. 15-159-20793-0000
3. 103 000 000
4. Lebsback Oil Production Inc
5. Dill No 1
6. Fitzpatrick
7. Rice KS
8. 90.0 million cubic feet
9. March 3, 1980
10.
1. 80-17750/K-79-1390
2. 15-055-20287-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Joyce #18
6. Hugoton
7. Finney KS
8. 25.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17751/K-79-1389
2. 15-055-20328-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Corley #15
6. Hugoton
7. Finney KS
8. 30.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17752/K-79-1388
2. 15-055-20327-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Corley #23
6. Hugoton
7. Finney KS
8. 30.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-17753/K-79-1387
2. 15-055-20345-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Corley #26
6. Hugoton
7. Finney KS
8. 40.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17754/K-79-1386
2. 15-055-20346-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Corley #36
6. Hugoton
7. Finney KS
8. 20.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17755/K-79-1385
2. 15-055-20325-0000
3. 103 000 000
4. McKelvy Operating Corp
5. Loper #6
6. Hugoton
7. Finney KS
8. 30.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17756/K-79-1383
2. 15-119-20301-0000
3. 103 000 000
4. Mesa Petroleum Co
5. Bender I-22 (Chester)
6. Singley
7. Meade KS
8. 90.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-17757/K-79-1352
2. 15-189-00000-0000
3. 103 000 000
4. Anadarko Production Co
5. Nell A No 1 (Panoma Co)
6. Panoma Council Grove
7. Stevens KS
8. 73.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-17758/K-79-1353
2. 15-189-00000-0000
3. 103 000 000
4. Anadarko Production Co
5. Nell A No 1 (Gentzler)

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6. Gentzler
7. Stevens KS
8. 98.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17759/K-79-1355
2. 15-093-20804-0000
3. 103 000 000
4. Mobil Oil Corp
5. E-S Boase No 2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17760/K-79-1356
2. 15-067-20556-0000
3. 103 000 000
4. Mobile Oil Corp
5. Bessie Moore Unit No 2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17761/K-79-1368
2. 15-067-20558-0000
3. 103 000 000
4. Mobil Oil Corp
5. Charles Hoffman Unit No 2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17762/K-79-1365
2. 15-191-00000-0000
3. 101 000 000
4. Phillips Petroleum Co
5. Erker—AB No 1
6. Corastone
7. Sumner KS
8. 2.1 million cubic feet
9. March 3, 1980
10. Amax Petroleum Corp

1. 80-17763/K-79-1239
2. 15-093-20479-0000
3. 103 000 000
4. Wagner & Brown
5. Mary No 1
6. Panoma Council Grove
7. Kearny KS
8. 14.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company

1. 80-17764/K-79-1364
2. 15-187-20307-0000
3. 103 000 000
4. Beren Corp
5. Piper A #2
6. Hugoton
7. Stanton KS
8. 110.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80-17765/K-79-1361
2. 15-007-00000-0000
3. 108 000 000
4. Champlin Petroleum Co
5. Davis Ranch K No 1
6. Aetna
7. Barber KS
8. .0 million cubic feet
9. March 3, 1980
10. Zenith Natural Gas Co

1. 80-17766/K-79-1360
2. 15-075-20164-0000
3. 108 000 000
4. American Public Energy Co
5. Jeanette Plummer #1
6. Bradshaw Field
7. Hamilton County KS
8. 9.9 million cubic feet
9. March 3, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80-17767/K-79-1310
2. 15-189-20440-0000
3. 102 000 000
4. Mobil Oil Corp
5. Holt No 1 Unit No 3
6. Unknown
7. Stevens KS
8. 250.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17768/K-79-1439
2. 15-145-20567-0000
3. 103 000 000
4. White & Ellis Drilling Inc
5. Merriam #1
6. Snowberger
7. Pawnee KS
8. 53.4 million cubic feet
9. March 3, 1980
10. Worldwide Energy Corp

1. 80-17769/K-79-1440
2. 15-145-20568-0000
3. 103 000 000
4. White & Ellis Drilling Inc
5. Kellems #2
6. Zook
7. Pawnee KS
8. 120.0 million cubic feet
9. March 3, 1980
10. Worldwide Energy Corp

1. 80-17770/K-79-1437
2. 15-007-00000-0000
3. 108 000 000
4. Beren Corp
5. Cook A #1
6. Driftwood
7. Barber KS
8. 14.6 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17771/K-79-1436
2. 15-175-20371-0000
3. 103 000 000
4. Beren Corp
5. Howland #2
6. S E Liberal
7. Seward KS
8. 110.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-17772/K-79-1432
2. 15-093-00000-0000
3. 108 000 000
4. Marion Dale
5. Williamson No 1
6. Chase Group-Hugoton Field
7. Kearny KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17773/K-79-1431
2. 15-093-00000-0000
3. 108 000 000
4. Marion Dale
5. Sudan No 1
6. Chase Group-Hugoton field
7. Kearny KS
8. 18.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17774/K-79-1424
2. 15-145-20521-0000
3. 103 000 000
4. Continental Energy
5. Salmans #1
6. Zook
7. Pawnee KS
8. 76.0 million cubic feet
9. March 3, 1980
10. Central States Gas Co

1. 80-17775/K-79-14425
2. 15-093-20525-0000
3. 103 000 000
4. Continental Energy
5. Manning #1
6. Council Grove
7. Kearny KS
8. 54.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17776/K-79-1413
2. 15-007-20709-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Clark "G" #1
6. W Whelan
7. Barber KS
8. 91.3 million cubic feet
9. March 3, 1980
10. Northern Gas Products Co

1. 80-17777/K-79-1409
2. 15-075-20141-0000
3. 103 000 000
4. Dome Petroleum Corp
5. Cheatum #1
6. Bradshaw
7. Hamilton KS
8. 36.5 million cubic feet
9. March 3, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80-17778/K-79-1408
2. 15-075-20244-0000
3. 103 000 000
4. Dome Petroleum Corp
5. Cheatum #4
6. Bradshaw
7. Hamilton County KS
8. 36.5 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-17779/K-79-1225
2. 15-071-20036-0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Thompson Well No 1
6. Bradshaw
7. Greeley KS
8. 40.0 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-17780/K-79-1128
2. 15-081-00000-0000
3. 108 000 000
4. Northern Natural Gas Producing Co
5. Anshutz A Well #2
6. Hugoton
7. Haskell KS
8. 11.2 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

1. 80-17781/K-79-1216
2. 15-123-00000-0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Peoples Fleming #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 7.0 million cubic feet
9. March 3, 1980
10. Union Gas System Inc

1. 80-17782/K-79-1309
2. 15-007-20699-0000
3. 103 000 000
4. Bowers Drilling Co Inc
5. Pendley #1
6. Rhodes
7. Barber KS
8. 40.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17783/K-79-1314
2. 15-175-20359-0000
3. 103 000 000
4. B & B Farm Industries Inc
5. Larry No 1
6. Adobe Field
7. Seward KS
8. 109.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-17784/K-79-1313
2. 15-175-20383-0000
3. 103 000 000
4. B & B Farm Industries Inc
5. Raymond #1
6.
7. Seward KS
8. 180.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-17785/K-79-1306
2. 15-007-00000-0000
3. 108 000 000
4. Bowers Drilling Co Inc
5. Gilmore-Chapin #2
6. Rhodes
7. Barber KS
8. 12.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17786/K-79-1308
2. 15-007-00000-0000
3. 108 000 000
4. Bowers Drilling Co Inc
5. Kelly #1
6. Boggs Northwest
7. Barber KS
8. 29.6 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co

1. 80-17787/K-79-1255
2. 15-007-00000-0000
3. 108 000 000
4. Gulf Oil Corp
5. Angell "C" #1
6. Medicine Lodge
7. Barber KS
8. 5.0 million cubic feet
9. March 3, 1980
10. Zenith Natural Gas Co

1. 80-17788/K-79-1242
2. 15-047-00000-0000
3. 108 000 000
4. Nadel & Gussman
5. Kearns #1
6. Edstaff
7. Edwards KS
8. 15.8 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-17236/00442
2. 34-133-21642-0014
3. 102 000 000
4. Poi Energy Inc
5. Howitt #3
6.
7. Portage OH
8. 50.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co

1. 80-17237/00445
2. 34-133-21755-0014
3. 102 000 000
4. Poi Energy Inc
5. Moore-Bowers-Peters #3
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 29, 1980
10.

1. 80-17238/00447
2. 34-133-21601-0014
3. 102 000 000
4. Poi Energy Inc
5. Meade-Smith #1
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 29, 1980
10.

1. 80-17239/00448
2. 34-133-21756-0014
3. 102 000 000
4. Poi Energy Inc
5. Moore-Peters #4
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 29, 1980
10.

1. 80-17240/00449
2. 34-133-21615-0014
3. 102 000 000
4. Poi Energy Inc
5. Sweet #1
6.
7. Portage OH
8. 22.0 million cubic feet
9. February 29, 1980
10.

1. 80-17241/02510
2. 34-089-23545-0014
3. 102 000 000
4. Hortin and Huffman
5. Canfield #1
6.
7. Licking OH
8. 6.0 million cubic feet
9. February 29, 1980
10. National Gas and Oil Corp

1. 80-17242/02767
2. 34-019-21030-0014
3. 108 000 000
4. L&M Exploration Inc
5. Carroll Recreation #2-A
6.
7. Carroll OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17243/02768
2. 34-019-21031-0014
3. 108 000 000
4. L&M Exploration Inc
5. Carroll Recreation #1-A
6.
7. Carroll OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17244/02772
2. 34-019-21003-0014
3. 108 000 000
4. L&M Exploration Inc
5. Sat #2
6.
7. Carroll OH
8. 3.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17245/02773
2. 34-019-21004-0014
3. 108 000 000
4. L&M Exploration Inc
5. Sat #1
6.
7. Carroll OH
8. 3.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17246/02774
2. 34-019-20975-0014
3. 108 000 000
4. L&M Exploration
5. Joliat #4
6.
7. Carroll OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17247/02775
2. 34-019-20977-0014
3. 108 000 000
4. L&M Exploration
5. Joliat #3
6.
7. Carroll OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17248/02776
2. 34-019-20976-0014
3. 108 000 000
4. L&M Exploration
5. Joliat #2
6.
7. Carroll OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line

1. 80-17249/02777

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2. 34-019-20958-0014
3. 108 000 000
4. L&M Exploration
5. Joliat #1
6.
7. Carroll OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17250/02778
2. 34-019-20735-0014
3. 108 000 000
4. L&M Exploration
5. Kerr #2
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17251/02779
2. 34-019-20734-0014
3. 108 000 000
4. L&M Exploration
5. Kerr #1
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17252/02780
2. 34-019-20836-0014
3. 108 000 000
4. L&M Exploration
5. Miller #2
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17253/02785
2. 34-019-20899-0014
3. 108 000 000
4. L&M Exploration Inc
5. Pixler #1
6.
7. Carroll OH
8. 9.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17254/02786
2. 34-019-20900-0014
3. 108 000 000
4. L&M Exploration
5. Huffman #1
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17255/02787
2. 34-019-20668-0014
3. 108 000 000
4. L&M Exploration Inc
5. Beamer-Briggs #3A
6.
7. Carroll OH
8. 2.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17256/02788
2. 34-019-20665-0014
3. 108 000 000
4. L&M Exploration Inc
5. Beamer-Briggs #1A
6.
7. Carroll OH
8. 2.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17257/02789
2. 34-019-20714-0014
3. 108 000 000
4. L&M Exploration Inc
5. Beamer-Briggs #1
6.
7. Carroll OH
8. 2.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17258/02910
2. 34-019-20777-0014
3. 108 000 000
4. L&M Exploration Inc
5. Neidig-Sell #2
6.
7. Carroll OH
8. 3.3 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17259/02911
2. 34-019-20776-0014
3. 108 000 000
4. L&M Exploration Inc
5. Neidig-Sell #1
6.
7. Carroll OH
8. 3.3 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17260/02913
2. 34-019-20980-0014
3. 108 000 000
4. L&M Exploration Inc
5. Bland #4
6.
7. Carroll OH
8. 4.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17261/02914
2. 34-019-21026-0014
3. 108 000 000
4. L&M Exploration Inc
5. Bland #3
6.
7. Carroll OH
8. 4.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17262/02915
2. 34-019-21027-0014
3. 108 000 000
4. L&M Exploration Inc
5. Bland #2
6.
7. Carroll OH
8. 4.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17263
2. 34-019-20979-0014
3. 108 000 000
4. L&M Exploration Inc
5. Bland #1
6.
7. Carroll OH
8. 4.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17264/02932
2. 34-005-23187-0014
3. 108 000 000
4. L&M Exploration Inc
5. Rickley #1
6.
7. Ashland OH
8. 1.5 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co
1. 80-17265/02934
2. 34-005-23163-0014
3. 108 000 000
4. L & M Exploration
5. Harper #1
6.
7. Ashland OH
8. 1.8 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans Corp
1. 80-17266/02950
2. 34-151-22287-0014
3. 108 000 000
4. L & M Exploration
5. Baum #2
6.
7. Stark OH
8. .0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co
1. 80-17267/03142
2. 34-019-20966-0014
3. 108 000 000
4. L & M Exploration
5. Toot #1
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17268/03143
2. 34-019-20985-0014
3. 108 000 000
4. L & M Exploration
5. Tinlin #4
6.
7. Carroll OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17269/03144
2. 34-019-29730-0014
3. 108 000 000
4. L & M Exploration
5. Tinlin #2
6.
7. Carroll OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17270/03145
2. 34-019-20962-0014
3. 108 000 000
4. L & M Exploration
5. Tinlin #1
6.
7. Carroll OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17271/03150
2. 34-019-20647-0014
3. 108 000 000
4. L & M Exploration
5. Dale #3
6.

7. Carroll OH
8. 1.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17272/03151
2. 34-019-20649-0014
3. 108 000 000
4. L & M Exploration
5. Dale #2
6.
7. Carroll OH
8. 1.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17273/03152
2. 34-019-20648-0014
3. 108 000 000
4. L & M Exploration
5. Dale #1
6.
7. Carroll OH
8. 1.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17274/03156
2. 34-019-29810-0014
3. 108 000 000
4. L & M Exploration
5. Tope #4
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17275/03157
2. 34-019-29880-0014
3. 108 000 000
4. L & M Exploration
5. Tope #3
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17276/03158
2. 34-019-29870-0014
3. 108 000 000
4. L & M Exploration
5. Tope #2
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17277/03159
2. 34-019-29780-0014
3. 108 000 000
4. L & M Exploration
5. Tope #1
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17278/03168
2. 34-019-29920-0014
3. 108 000 000
4. L & M Exploration
5. Frace #2
6.
7. Carroll OH
8. 2.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17279/03169
2. 34-019-29930-0014
3. 108 000 000
4. L & M Exploration
5. Frace #1
6.
7. Carroll OH
8. 2.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17280/03174
2. 34-019-20827-0014
3. 108 000 000
4. L & M Exploration
5. Cross #4
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17281/03175
2. 34-019-20823-0014
3. 108 000 000
4. L & M Exploration
5. Cross #3
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17282/03176
2. 34-019-28220-0014
3. 108 000 000
4. L & M Exploration
5. Cross #2
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17283/03177
2. 34-019-28210-0014
3. 108 000 000
4. L & M Exploration
5. Cross #1
6.
7. Carroll OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17284/03178
2. 34-019-21053-0014
3. 108 000 000
4. L & M Exploration
5. Conotton Quarries #4
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17285/03179
2. 34-019-21006-0014
3. 108 000 000
4. L & M Exploration
5. Conotton Quarries #3
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17286/03181
2. 34-019-21009-0014
3. 108 000 000
4. L & M Exploration
5. Conotton Quarries #2
6.
7. Carroll OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Bonanza Gas Line
1. 80-17287/03278
2. 34-019-20880-0014
3. 108 000 000
4. MB Operating Co Inc
5. Underground Railroad #1
6.
7. Carroll OH
8. 5.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17288/03279
2. 34-019-20986-0014
3. 108 000 000
4. MB Operating Co Inc
5. Underground Railroad #2
6.
7. Carroll OH
8. 5.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17289/03280
2. 34-019-20997-0014
3. 108 000 000
4. MB Operating Co Inc
5. Underground Railroad #3
6.
7. Carroll OH
8. 5.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17290/03287
2. 34-157-21600-0014
3. 108 000 000
4. MB Operating Co Inc
5. F W Kloha #1
6.
7. Tuscarawas OH
8. 2.2 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17291/03416
2. 34-019-20370-0014
3. 108 000 000
4. MB Operating Co Inc
5. F Miller #1
6.
7. Carroll OH
8. 5.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17292/03421
2. 34-019-20936-0014
3. 108 000 000
4. MB Operating Co Inc
5. J & C Bucher #1
6.
7. Carroll OH
8. 5.8 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co Republic Steel Corp Columbia Gas Co
1. 80-17293/03425
2. 34-019-20937-0014
3. 108 000 000
4. MB Operating Co Inc.
5. W H Clark Unit #1

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6.
7. Carroll OH
8. 5.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17294/03455
2. 34–157–21568–0014
3. 108 000 000
4. MB Operating Co Inc.
5. S & E Seward #1
6.
7. Tuscarawas, OH
8. 6.2 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17295/03467
2. 34–157–21924–0014
3. 108 000 000
4. MB Operating Co Inc
5. B M E #1
6.
7. Tuscarawas OH
8. 1.5 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17296/03468
2. 34–157–21933–0014
3. 108 000 000
4. MB Operating Co Inc
5. F & E Martin #1
6.
7. Tuscarawas OH
8. 4.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17297/03470
2. 34–151–21740–0014
3. 108 000 000
4. MB Operating Co Inc
5. Crock #1
6.
7. Stark OH
8. 3.3 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17298/03473
2. 34–157–22546–0014
3. 108 000 000
4. MB Operating Co Inc
5. Phila Gun Club #1
6.
7. Tuscarawas OH
8. 8.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17299/03475
2. 34–151–22436–0014
3. 108 000 000
4. MB Operating Co., Inc.
5. J & R Stoffer #2
6.
7. Stark OH
8. 16.8 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17300/03476
2. 34–151–22514–0014
3. 108 000 000
4. MB Operating Co Inc
5. J & L Archer #2
6.
7. Stark OH
8. 9.9 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co., Republic Steel Corp., Columbia Gas Co.
1. 80–17301/03959
2. 34–029–20555–0014
3. 108 000 000
4. R C Ernst
5. Mary A Allen #1
6. Mary A Allen
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co
1. 80–17302/03960
2. 34–029–21083–0014
3. 108 000 000
4. R C Ernst
5. Frank Lowe #1
6. Frank Lowe
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co
1. 80–17303/03961
2. 34–029–21131–0014
3. 108 000 000
4. R C Ernst
5. W V Blazer #4
6. M V Blazer
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co
1. 80–17304/03962
2. 34–029–20266–0014
3. 108 000 000
4. R C Ernst
5. W V Blazer #2
6. W V Blazer
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co
1. 80–17305/03963
2. 34–029–21132–0014
3. 108 000 000
4. R C Ernst
5. F R Burg #4
6. F M Wilson
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co.
1. 80–17306/03964
2. 34–029–21130–0014
3. 108 000 000
4. R C Ernst
5. F R Burg #3
6. F M Wilson
7. Columbiana OH
8. 1.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Co.
1. 80–17307/06538
2. 34–119–22647–0014
3. 108 000 000
4. Reliance Oil Corp
5. Kenneth Hamler #1
6.
7. Muskingum, OH
8. 4.0 million cubic feet
9. February 29, 1980
10. National Gas & Oil Corp
1. 80–17308/06540
2. 34–119–22867–0014
3. 108 000 000
4. Reliance Oil Corp
5. Zellar-Mautz #1
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. February 29, 1980
10. National Gas & Oil Corp
1. 80–17309/06541
2. 34–119–22646–0014
3. 108 000 000
4. Reliance Oil Corp.
5. Salt Creek Beagle Club #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. February 29, 1980
10. National Gas & Oil Corp.
1. 80–17310/07360
2. 34–031–22475–0014
3. 108 000 000
4. Sewell River Coal & Land Corp
5. Sewell River Coal & Land Corp #1
6.
7. Coshocton OH
8. 1.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans Corp.
1. 80–17311
2. 34–007–21055–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Delmul #4
6.
7. Ashtabula OH
8. .9 million cubic feet
9. February 29, 1980
10.
1. 80–17312
2. 34–007–21178–0014
3. 103 000 000
4. Giant Petroleum Corp
5. Lavinia E Parker #1
6.
7. Ashtabula OH
8. 20.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17313
2. 34–007–21215–0014
3. 103 000 000
4. Chanse Petroleum Corp
5. Stephanie M Maylish #1
6.
7. Ashtabula OH
8. 6.0 million cubic feet
9. February 29, 1980
10.
1. 80–17314
2. 34–007–21220–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Palmer #2
6.
7. Ashtabula OH
8. .9 million cubic feet
9. February 29, 1980
10.
1. 80–17315

2. 34–007–21238–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Palmer #4
6.
7. Ashtabula OH
8. .9 million cubic feet
9. February 29, 1980
10.
1. 80–17316
2. 34–007–21240–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Klingensmith-Dolan #1
6.
7. Ashtabula OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17317
2. 34–019–21303–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc.
5. Oneacre #2
6.
7. Carroll OH
8. 18.2 million cubic feet
9. February 29, 1980
10. East Ohio Gas Co
1. 80–17318
2. 34–031–22995–0014
3. 103 000 000
4. Jerry Moore Inc
5. Franklin Funk No 1
6. Warsaw
7. Coshocton OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17319
2. 34–031–23080–0014
3. 103 000 000
4. Nucorp Energy Company
5. Muskoff Well #1
6.
7. Coshocton OH
8. 40.0 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17320
2. 34–031–23375–0014
3. 103 000 000
4. Jadoil Inc
5. Laila G McKee #1
6.
7. Coshocton OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17321
2. 34–031–23383–0000
3. 103 000 000
4. Jadoil Inc
5. M W C D #8
6.
7. Coshocton OH
8. 4.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17322
2. 34–031–23391–0014
3. 103 000 000
4. Jadoil Inc
5. Archie & Donna Wager #1
6.
7. Coshocton OH
8. 11.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17323
2. 34–031–23392–0014
3. 103 000 000
4. Jadoil Inc
5. E & M Lowe #1
6.
7. Coshocton OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17324
2. 34–031–23393–0014
3. 103 000 000
4. Jadoil Inc
5. Alvin N Miller #1
6.
7. Coshocton OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17325
2. 34–031–23415–0014
3. 103 000 000
4. Jadoil Inc
5. Byers-Singer Inc #1
6.
7. Coshocton OH
8. 6.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17326
2. 34–031–23485–0014
3. 103 000 000
4. Oxford Oil Co
5. Denver Lamp #2
6.
7. Coshocton OH
8. 12.0 million cubic feet
9. February 29, 1980
10.
1. 80–17327
2. 34–031–23533–0014
3. 103 000 000
4. Jadoil Inc
5. W C & L A Eaton #1
6.
7. Coshocton OH
8. 7.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17328
2. 34–031–23539–0000
3. 103 000 000
4. Jerry Moore Inc
5. Franklin Funk No 3
6. Warsaw
7. Coshocton OH
8. 8.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17329
2. 34–031–23564–0014
3. 103 000 000
4. W E Shrider Co
5. C & L Lake #5
6.
7. Coshocton OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17330
2. 34–031–23632–0014
3. 103 000 000
4. Nucorp Energy Company
5. Scarr Unite Well #1
6.
7. Coshocton OH
8. 40.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17331
2. 34–031–23643–0014
3. 103 000 000
4. Cyclops Corp Haddad & Brooks Inc
5. Wayne Farms Unit #1
6.
7. Coshocton OH
8. 29.3 million cubic feet
9. February 29, 1980
10.
1. 80–17332
2. 34–031–23684–0014
3. 103 000 000
4. Oxford Oil Co
5. R Asheraft #1C
6.
7. Coshocton OH
8. 11.0 million cubic feet
9. February 29, 1980
10.
1. 80–17333
2. 34–031–23709–3000
3. 103 000 000
4. Rowley & Brown Petroleum Corp
5. Shah Shah & Patel #1
6.
7. Coshocton OH
8. 60.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17334
2. 34–053–00256–0014
3. 103 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. Robert Conkle 1–A
6.
7. Gallia OH
8. 2.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17335
2. 34–053–20378–0014
3. 103 000 000
4. R Gene Brasel DBA Brasel & Brasel
5. Robert S Betz #1
6.
7. Gallia OH
8. 1.5 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp
1. 80–17336
2. 34–059–22249–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Marohnic #1
6.
7. Guernsey OH
8. 27.0 million cubic feet
9. February 29, 1980
10. Owens–Illinois Glass Co
1. 80–17337
2. 34–059–22535–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Miller #2
6.

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7. Guernsey OH
8. 36.5 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17338
2. 34–059–22544–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Wiggington #1
6.
7. Guernsey OH
8. 18.2 million cubic feet
9. February 29, 1980
10. Owens–Illinois Glass Co

1. 80–17339
2. 34–059–22626–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Shuman #1
6.
7. Guernsey OH
8. 36.5 million cubic feet
9. February 29, 1980
10. Owens–Illinois Glass Co

1. 80–17340
2. 34–059–22627–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Preston–Nickles #2
6.
7. Guernsey OH
8. 21.9 million cubic feet
9. February 29, 1980
10. Owen Illinois Glass Co

1. 80–17341
2. 34–059–22637–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. McKean #1
6.
7. Guernsey OH
8. 27.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17342
2. 34–059–22580–0014
3. 103 000 000
4. Partners Oil Company
5. #2–79C Monroe
6.
7. Guernsey OH
8. 100.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company

1. 80–17343
2. 34–067–20362–0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. A Latham #1
6.
7. Harrison OH
8. 22.0 million cubic feet
9. February 29, 1980
10.

1. 80–17344
2. 34–0677–20368–0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. F MC Gill #1
6.
7. Harrison OH
8. 18.0 million cubic feet
9. February 29, 1980
10.

1. 80–17345
2. 34–073–22208–0014
3. 103 000 000
4. Bell Drilling & Producing Co
5. Lee Rutherford #2
6.
7. Hocking OH
8. 12.0 million cubic feet
9. February 29, 1980
10. Paramount Transmission Corporation

1. 80–17346
2. 34–075–22169–0014
3. 103 000 000
4. POI Energy Inc
5. Crider #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17347
2. 34–075–22170–0014
3. 103 000 000
4. POI Energy Inc
5. Lowder #1
6.
7. Holmes OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17348
2. 34–075–22171–0014
3. 103 000 000
4. POI Energy Inc
5. Mellor #1
6.
7. Holmes OH
8. 20.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17349
2. 34–075–22225–0014
3. 103 000 000
4. Cameron Associates
5. Euell Miller #1
6.
7. Holmes County OH
8. 28.0 million cubic feet
9. February 29, 1980
10.

1. 80–17350
2. 34–075–22302–0014
3. 103 000 000
4. POI Energy Inc
5. Lowder #2
6.
7. Holmes OH
8. 10.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17351
2. 34–075–22309–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Bolek #2
6.
7. Holmes, OH
8. 52.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17352
2. 34–075–22341–0014
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Dan S Yoder #2
6.
7. Holmes, OH
8. 30.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17353
2. 34–083–22688–0014
3. 103 000 000
4. American Well Management Co
5. Rine No 1
6.
7. Knox, OH
8. 18.0 million cubic feet
9. February 29, 1980
10.

1. 80–17354
2. 34–085–20277–0014
3. 103 000 000
4. Drillex Inc
5. E H Iresger Inc #4
6. Painesville
7. Lake, OH
8. 30.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas

1. 80–17355
2. 34–089–23689–0014
3. 103 000 000
4. Jonsu Corp
5. Morningstar #1
6.
7. Licking, OH
8. 4.0 million cubic feet
9. February 29, 1980
10.

1. 80–17356
2. 34–099–02959–0014
3. 103 000 000
4. Summit Oil Company Inc
5. Rhodes-Thomas-Reisner Unit #1
6. Ellsworth
7. Mahoning, OH
8. .0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17357
2. 34–103–22205–0014
3. 103 000 000
4. Leslie Oil & Gas Co Inc
5. Rodriquez Well #1
6.
7. Medina, OH
8. 3.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17358
2. 34–105–21648–0014
3. 108 000 000
4. Adams Drilling Company
5. Wendell Williams #1
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17359
2. 34–105–21855–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Charles Pickett #1
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17360

2. 34–105–21876–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Thomas Hart #2
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17361
2. 34–105–21880–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Harley Riggs #2
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17362
2. 34–105–21877–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Thomas Hart #3
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17363
2. 34–105–21883–0014
3. 103 000 000
4. BJVC Energy Management Corp
5. Fred Riggs #2
6.
7. Meigs, OH
8. 6.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17364
2. 34–111–21936–0014
3. 103 000 000
4. National Petroleum Corp
5. D Christman #1
6.
7. Monroe, OH
8. 15.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17365
2. 34–111–21938–0014
3. 103 000 000
4. Whitacre Oil Co
5. Arnett Whitacre #1
6.
7. Monroe, OH
8. 40.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17366
2. 34–111–01939–0014
3. 103 000 000
4. National Petroleum Corp
5. R Peters #1
6.
7. Monroe, OH
8. 15.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17367
2. 34–111–21940–0014
3. 103 000 000
4. National Petroleum Corp
5. F Christman #1
6.
7. Monroe, OH
8. 15.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17368
2. 34–119–22679–0014
3. 108 000 000
4. Cameron Brothers
5. Phd Farms Inc #4
6.
7. Muskingum, OH
8. 7.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans

1. 80–17369
2. 34–119–22782–0014
3. 108 000 000
4. Cameron Brothers
5. Phd Farms Inc #5
6.
7. Muskingum, OH
8. 7.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans

1. 80–17370
2. 34–119–23111–0014
3. 108 000 000
4. Cameron Brothers
5. Phd Farms Inc #8
6.
7. Muskingum, OH
8. 7.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans

1. 80–17371
2. 34–019–23866–0014
3. 108 000 000
4. Oxford Oil Co
5. Gertrude Orndorff #1
6.
7. Muskingum, OH
8. 18.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans Corp

1. 80–17372
2. 34–119–23912–0014
3. 108 000 000
4. Cameron Brothers
5. Phd Farms Inc #9
6.
7. Muskingum, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans

1. 80–17373
2. 34–119–23948–0014
3. 108 000 000
4. Cameron Bros
5. George Dosch #1
6.
7. Muskingum, OH
8. 15.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans Corp

1. 80–17374
2. 34–119–24357–0014
3. 108 000 000
4. Cameron Brothers
5. John Sheck #1
6.
7. Muskingum, OH
8. .0 million cubic feet
9. February 29, 1980
10. Columbia Gas Trans Corp

1. 80–17375
2. 34–119–25014–0014
3. 103 000 000
4. Geo Energy Inc
5. Stoops #1
6.
7. Muskingum, OH
8. 4.0 million cubic feet
9. February 29, 1980
10.

1. 80–17376
2. 34–119–25016–0014
3. 103 000 000
4. Geo Energy Inc
5. Mossholder #2
6.
7. Muskingum, OH
8. 15.0 million cubic feet
9. February 29, 1980
10.

1. 80–17377
2. 34–119–25017–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Eck #2
6.
7. Muskingum, OH
8. 27.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission Corp

1. 80–17378
2. 34–119–25068–0014
3. 103 000 000
4. Hopco Resources Inc
5. Martin & Mary Fitzgerald #2
6.
7. Muskingum, OH
8. 12.0 million cubic feet
9. February 29, 1980
10.

1. 80–17379
2. 34–121–22196–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Messick Etal #2
6.
7. Noble, OH
8. 36.5 million cubic feet
9. February 29, 1980
10. Corning Glass Works

1. 80–17380
2. 34–121–22235–0014
3. 103 000 000
4. Thunderbird Petroleum Develop Co
5. Stanley Butcher Well #1
6.
7. Noble, OH
8. 50.0 million cubic feet
9. February 29, 1980
10.

1. 80–17381
2. 34–127–24306–0014
3. 103 000 000
4. Oxford Oil Co
5. Elza Klinger #2
6.
7. Perry, OH
8. 10.0 million cubic feet
9. February 29, 1980
10.

1. 80–17382
2. 34–127–24377–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. F King #1
6.

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7. Perry, OH
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80–17383
2. 34–127–24384–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Sweeney #2
6.
7. Perry, OH
8. 36.5 million cubic feet
9. February 29, 1980
10. National Gas Co & Oil Corp
1. 80–17384
2. 34–127–24394–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Randolph et al #1
6.
7. Perry, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17385
2. 34–127–24398–0014
3. 103 000 000
4. Floyd E Thompson Oil Co Inc
5. James Wilson #1
6. Somerset-East
7. Perry, OH
8. 5.0 million cubic feet
9. February 29, 1980
10. National Gas Co
1. 80–17386
2. 34–127–24426–0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Randolph #2
6.
7. Perry, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17387
2. 34–127–24428–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. N Ridenour #2
6.
7. Perry, OH
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80–17388
2. 34–127–24432–0014
3. 103 000 000
4. L & M Operating Inc
5. M Cleary #1
6.
7. Perry, OH
8. 18.3 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17389
2. 34–127–24451–0014
3. 103 000 000
4. L & M Operating Inc
5. W Thompson #1
6.
7. Perry, OH
8. 18.3 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17390
2. 34–127–24477–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. J Danison #1
6.
7. Perry, OH
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80–17391
2. 34–127–24485–0014
3. 103 000 000
4. Williston Oil & Development Corp
5. E Coble#1
6.
7. Perry, OH
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80–17392
2. 34–133–20813–0014
3. 103 000 000
4. Nucorp Energy Company
5. Lappert Well #1
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17393
2. 34–133–20831–0014
3. 103 000 000
4. Nucorp Energy Company
5. A D Hoskins Well #1
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17394
2. 34–133–21444–0014
3. 103 000 000
4. POI Energy Inc
5. Beck–Camelot #1
6.
7. Portage OH
8. 90.0 million cubic feet
9. February 29, 1980
10.
1. 80–17395
2. 34–133–21445–0014
3. 103 000 000
4. POI Energy Inc
5. Beck-Camelot #2
6.
7. Portage OH
8. 90.0 million cubic feet
9. February 29, 1980
10.
1. 80–17396
2. 34–133–21814–0014
3. 102 000 000
4. POI Energy Inc
5. Howitt #2
6.
7. Portage OH
8. 40.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas
1. 80–17397
2. 34–133–21712–0014
3. 103 000 000
4. POI Energy Inc
5. Benson #1
6.
7. Portage OH
8. 15.0 million cubic feet
9. February 29, 1980
10.
1. 80–17398
2. 34–133–21756–0014
3. 102 000 000
4. POI Energy Inc
5. Moore#1
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 29, 1980
10.
1. 80–17399
2. 34–133–21774–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. D Pochedly #1
6.
7. Portage OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17400
2. 34–133–21814–0014
3. 102 000 000
4. POI Energy Inc
5. English #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 29, 1980
10.
1. 80–17401
2. 34–133–21815–0014
3. 102 000 000
4. POI Energy Inc
5. Howitt #5
6.
7. Portage OH
8. 50.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas
1. 80–17402
2. 34–133–21816–0014
3. 102 000 000
4. POI Energy Inc
5. Howitt #4
6.
7. Portage OH
8. 60.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas
1. 80–17403
2. 34–133–21817–0014
3. 102 000 000
4. POI Energy Inc
5. Gott #1
6.
7. Portage OH
8. 7.5 million cubic feet
9. February 29, 1980
10.
1. 80–17404
2. 34–133–21862–0014
3. 102 000 000
4. POI Energy Inc
5. Oates #1
6.
7. Portage OH
8. 7.5 million cubic feet
9. February 29, 1980
10.
1. 80–17405

2. 34–133–21976–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Clark #1
6.
7. Portage OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17406
2. 34–133–22034–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Ramsey-Herr #3
6.
7. Portage OH
8. .1 million cubic feet
9. February 29, 1980
10.
1. 80–17407
2. 34–133–22054–0014
3. 103 000 000
4. Beck Oil & Gas Co
5. William Yurgen #1
6.
7. Portage OH
8. 144.0 million cubic feet
9. February 29, 1980
10. Columbia Gas of Ohio Inc
1. 80–17408
2. 34–133–22076–0014
3. 103 000 000
4. Pominex Inc
5. Bujalski #1A
6.
7. Portage County OH
8. 25.0 million cubic feet
9. February 29, 1980
10. Stark Oilfield Services Inc
1. 80–17409
2. 34–133–22077–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Schwan #2
6.
7. Portage OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17410
2. 34–133–22078–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Schwan #1
6.
7. Portage OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17411
2. 34–133–22081–0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Dobbins-Cloud #1
6.
7. Portage, OH
8. .2 million cubic feet
9. February 29, 1980
10.
1. 80–17412
2. 34–151–23070–0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. C Henderson Comm #1–915
6.
7. Stark, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17413
2. 34–151–23082–0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. D & M Indorf #1–917
6.
7. Stark, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17414
2. 34–151–23096–0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. Magnolia Mining #11–923
6.
7. Stark, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17415
2. 34–151–23098–0014
3. 103 000 000
4. Belden & Blake and Co LP No 73
5. C Janello Comm #3–924
6.
7. Stark, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17416
2. 34–151–23101–0014
3. 103 000 000
4. Belden & Blake Co LP No 73
5. V & M Miller Comm #2–931
6.
7. Stark, OH
8. 36.5 million cubic feet
9. February 29, 1980
10.
1. 80–17417
2. 34–153–20642–0014
3. 102 000 000
4. POI Energy Inc
5. Hasbrouck #3
6.
7. Summit, OH
8. 25.5 million cubic feet
9. February 29, 1980
10.
1. 80–17418
2. 34–153–20647–0014
3. 102 000 000
4. POI Energy Inc
5. Johnson #3
6.
7. Summit, OH
8. 40.0 million cubic feet
9. February 29, 1980
10.
1. 80–17419
2. 34–153–20670–0014
3. 102 000 000
4. POI Energy Inc
5. Thomas-Drew #4
6.
7. Summit, OH
8. 25.0 million cubic feet
9. February 29, 1980
10.
1. 80–17420
2. 34–153–20744–0014
3. 103 000 000
4. City of Cuyahoga Falls
5. City of Cuyahoga Falls #2
6.
7. Summit, OH
8. 30.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas
1. 80–17421
2. 34–153–20745–0014
3. 103 000 000
4. City of Cuyahoga Falls
5. City of Cuyahoga Falls #3
6.
7. Summit, OH
8. 30.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas
1. 80–17422
2. 34–155–20481–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2019) James Natale
6.
7. Trumbull, OH
8. 19.5 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17423
2. 34–155–20634–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2076) Hyde Unit #1
6.
7. Trumbull, OH
8. 4.6 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17424
2. 34–155–20646–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2074) Karl Mahan #1
6.
7. Trumbull, OH
8. 7.0 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17425
2. 34–155–20649–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2075) Karl Mahan #2
6.
7. Trumbull, OH
8. 7.0 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17426
2. 34–155–20655–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2058) Flick Unit #1
6.
7. Trumbull, OH
8. 9.5 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17427
2. 34–155–20656–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2059) Flick Unit #2
6.

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7. Trumbull, OH
8. 9.5 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17426
2. 34–155–20702–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2083) Ralph Meacham #1
6.
7. Trumbull, OH
8. 4.9 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17429
2. 34–155–20717–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2111) R Reibel #1
6.
7. Trumbull, OH
8. 17.9 million cubic feet
9. February 29, 1980
10. The East Ohio Gas Company
1. 80–17430
2. 34–155–20721–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2085) Ralph Meacham #3
6.
7. Trumbull, OH
8. 1.3 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17431
2. 34–155–20722–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2084) Ralph Meacham #2
6.
7. Trumbull, OH
8. 10.8 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17432
2. 34–155–20750–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2095) Clutter Unit #1
6.
7. Trumbull, OH
8. 7.9 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17433
2. 34–155–20754–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2077) Hyde Unit #2
6.
7. Trumbull, OH
8. 4.6 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17434
2. 34–155–20758–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2091) H Reibel #1
6.
7. Trumbull, OH
8. 9.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17435
2. 34–155–20768–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2107) Strock Unit #1
6.
7. Trumbull, OH
8. 5.9 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17436
2. 34–155–20771–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2086) Ralph Meacham #4
6.
7. Trumbull, OH
8. 1.3 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17437
2. 34–155–20772–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2087) Ralph Meacham #5
6.
7. Trumbull, OH
8. 2.8 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17438
2. 34–155–20780–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2106) Helen Strock #1
6.
7. Trumbull, OH
8. 10.1 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17439
2. 34–155–20817–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2078) Devault Unit #1
6.
7. Trumbull, OH
8. 10.9 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17440
2. 34–155–20825–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2158) Thomas Miller #1
6.
7. Trumbull, OH
8. 3.4 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17441
2. 34–155–20829–0014
3. 103 000 000
4. Flint Oil & Gas Inc
5. (2142) Kuhn Unit #1
6.
7. Trumbull OH
8. 17.4 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17442
2. 34–155–20831–0014
3. 103 000 000
4. Dart Oil Co
5. Pauli No 1
6.
7. Trumbull OH
8. 17.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17443
2. 34–155–20832–0014
3. 103 000 000
4. Dart Oil Co
5. Lacella No 1
6.
7. Trumbull OH
8. 21.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17444
2. 34–155–20833–0014
3. 103 000 000
4. Dart Oil Co
5. Lather No 1
6.
7. Trumbull OH
8. 12.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17445
2. 34–155–20834–0014
3. 108 000 000
4. Dart Oil Co
5. Vannelli No 1
6.
7. Trumbull OH
8. 23.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17446
2. 34–155–20836–0014
3. 103 000 000
4. Dart Oil Co
5. Sherbourne No 1
6.
7. Trumbull OH
8. 30.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17447
2. 34–155–20866–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2167) S J Harshman Et Ux #1
6.
7. Trumbull OH
8. 5.8 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17448
2. 34–155–20875–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2165) Howard Peck Et Ux #1
6.
7. Trumbull OH
8. 12.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17449
2. 34–155–20915–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2163) Peck-Arbogast Unit #1
6.
7. Trumbull OH
8. 15.7 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17450

2. 34–155–20916–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2065) H & G Arbogast #1
6.
7. Trumbull OH
8. 20.5 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17451
2. 34–155–20927–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2051) Arbogast Unit #1
6.
7. Trumbull OH
8. 15.9 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17452
2. 34–155–20960–0014
3. 103 000 000
4. Flint Oil & Gas Inc
5. Yount No 1—#1144
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17453
2. 34–155–20965–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2164) Toulouse Unit #1
6.
7. Trumbull OH
8. 11.4 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17454
2. 34–155–20966–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2169) E Wolf Unit #1
6.
7. Trumbull OH
8. 4.2 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17455
2. 34–155–20967–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2170) E Wolf Unit #2
6.
7. Trumbull OH
8. 4.7 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17456
2. 34–155–20968–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2171) Harshman Unit #1
6.
7. Trumbull OH
8. 4.3 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17457
2. 34–155–21038–0014
3. 103 000 000
4. Dart Oil Company
5. Lynn No 1
6.
7. Trumbull OH
8. million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17458
2. 34–155–21177–0014
3. 103 000 000
4. Atlas Energy Group Inc
5. Denovchek No 1—#0572
6.
7. Trumbull OH
8. 35.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17459
2. 34–155–21286–0014
3. 103 000 000
4. Atlas Energy Group Inc
5. City of Newton Falls No 1—#0890
6.
7. Trumbull OH
8. 28.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17460
2. 34–155–21288–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Mosora #1
6.
7. Trumbull OH
8. 54.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17461
2. 34–155–21289–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Mosora #2
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17462
2. 34–155–21290–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Smith #1
6.
7. Trumbull OH
8. 18.8 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17463
2. 34–155–21292–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Bielobockie #1
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17464
2. 34–155–21301–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Bielobockie #3
6.
7. Trumbull OH
8. 21.6 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17465
2. 34–155–21308–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Lukasko #2
6.
7. Trumbull OH
8. 25.2 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17466
2. 34–155–21309–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Lukasko #1
6.
7. Trumbull OH
8. 28.8 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17467
2. 34–155–21322–0014
3. 103 000 000
4. J P White
5. Newcomb Lumber #1
6. Newton Falls
7. Trumbull OH
8. 50.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17468
2. 34–155–21338–0014
3. 102 000 000
4. Berea Oil & Gas Corp
5. Wasilchak #1
6.
7. Trumbull OH
8. 18.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17469
2. 34–155–21348–0014
3. 103 000 000
4. Atlas Energy Group Inc
5. Gibson No 1—#0593
6.
7. Trumbull OH
8. 19.0 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmission
1. 80–17470
2. 34–155–21392–0014
3. 103 000 000
4. Gasearch Inc
5. #1 Squire Unit
6.
7. Trumbull OH
8. 100.0 million cubic feet
9. February 29, 1980
10. East Ohio Gas Company
1. 80–17471
2. 34–157–23428–0014
3. 103 000 000
4. Floyd E Kimble dba Red Hill Dev
5. Sugarcreek Land #1
6.
7. Tuscarawas, OH
8. 24.0 million cubic feet
9. February 29, 1980
10.
1. 80–17472
2. 34–167–23955–0014
3. 103 000 000
4. L&M Exploration Inc
5. Clarence Strahler #1
6.

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7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17473
2. 34-167-23962-0014
3. 103 000 000
4. L&M Exploration Inc
5. Clair Huck #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17474
2. 34-167-23977-0014
3. 103 000 000
4. L&M Exploration Inc
5. Carl Lang #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17475
2. 34-167-23979-0014
3. 103 000 000
4. L&M Exploration Inc
5. John Hendershot #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17476
2. 34-167-23980-0014
3. 103 000 000
4. L&M Exploration Inc
5. Clarence Huck #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17477
2. 34-167-24101-0014
3. 103 000 000
4. L&M Exploration Inc
5. Gerald Parker #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17478
2. 34-167-24104-0014
3. 103 000 000
4. L&M Exploration Inc
5. Earl Ullom (Lang) #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17479
2. 34-167-24106-0014
3. 103 000 000
4. L&M Exploration Inc
5. Huck Farms #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17480
2. 34-167-22112-0014
3. 103 000 000
4. L&M Exploration Inc
5. Bessie Lang #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17481
2. 34-167-24126-0014
3. 103 000 000
4. L&M Exploration Inc
5. Carl Ayers #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17482
2. 34-167-24145-0014
3. 103 000 000
4. L&M Exploration Inc
5. Charles Lang #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17483
2. 34-167-24200-0014
3. 103 000 000
4. L&M Exploration Inc
5. Edward Schilling #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17484
2. 34-167-24259-0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #2-B
6. Reno Field
7. Washington, OH
8. 7.3 million cubic feet
9. February 29, 1980
10.
1. 80-17485
2. 34-167-24261-0014
3. 103 000 000
4. C W Riggs Inc
5. C Thorniley #1-B
6. Reno Field
7. Washington, OH
8. 5.5 million cubic feet
9. February 29, 1980
10.
1. 80-17486
2. 34-167-24267-0014
3. 103 000 000
4. L&M Exploration Inc
5. Earl Thieman #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17487
2. 34-167-24269-0014
3. 103 000 000
4. L&M Exploration Inc
5. Huck Farms #2
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17488
2. 34-167-24277-0014
3. 103 000 000
4. L&M Exploration Inc
5. John Reed #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17489
2. 34-167-24335-0014
3. 103 000 000
4. L&M Exploration Inc
5. Ella Rauch #1
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17490
2. 34-167-24350-0014
3. 103 000 000
4. C W Riggs Inc
5. P Theobald #2
6. Rene Field
7. Washington, OH
8. 22.0 million cubic feet
9. February 29, 1980
10.
1. 80-17491
2. 34-167-24381-0014
3. 103 000 000
4. L&M Exploration Inc
5. Earl Thieman #2
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17492
2. 34-167-24384-0014
3. 103 000 000
4. L&M Exploration Inc
5. Walter Schaad #2
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17493
2. 34-167-24422-0014
3. 103 000 000
4. L&M Exploration Inc
5. John Reed #3
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Gas Transport Inc
1. 80-17494
2. 34-167-24645-0014
3. 103 000 000
4. L&M Exploration Inc
5. Lloyd Lankford #2
6.
7. Washington, OH
8. 12.8 million cubic feet
9. February 29, 1980
10. Columbia Gas Transmissions
1. 80-17495

2. 34-167-25132-0014
3. 103 000 000
4. Berresford Enterprises Inc
5. Barrett NO #1
6. Barlow
7. Washington, OH
8. 15.0 million cubic feet
9. February 29, 1980
10.
1. 80-17496
2. 34-167-25201-0014
3. 103 000 000
4. Quadrant Exploration
5. Lloyd Miller Well #1
6.
7. Washington, OH
8. 50.0 million cubic feet
9. February 29, 1980
10.
1. 80-17497
2. 34-169-22191-0014
3. 103 000 000
4. H E Rupp
5. Earl Lemon #1
6.
7. Wayne, OH
8. 100.0 million cubic feet
9. February 29, 1980
10.

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-17790/02171
2. 35-043-20849-0000
3. 103 000 000
4. Ricks Exploration Co
5. Zeiber #8-A
6. Taloga SE
7. Dewey OK
8. 52.0 million cubic feet
9. March 3, 1980
10. Mobil Oil Corp.

1. 80-17791/01696
2. 35-073-20262-0000
3. 108 000 000
4. Harper Oil Co
5. E B Jones 1
6. Sooner trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Co.

1. 80-17792/02360
2. 35-127-00031-0000
3. 102 000 000
4. US Mineral & Royalty Corp
5. Brame #1-15
6. Southwest Moyers
7. Pushmataha OK
8. 18.0 million cubic feet
9. March 3, 1980
10. US Gas Gathering Co.

1. 80-17793/01642
2. 35-073-20172-0000
3. 108 000 000
4. Harper Oil Co
5. Lulu Williams 1
6. Sooner trend
7. Kingfisher OK
8. 13.0 million cubic feet
9. March 3, 1980
10. Exxon Company USA.

1. 80-17794/01699
2. 35-073-20120-0000
3. 108 000 000
4. Harper Oil Co
5. Binkley 1
6. S E Lyons
7. Kingfisher OK
8. 2.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Co.

1. 80-17795/01639
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Joe Sedlak C-1
6. Sooner trend
7. Kingfisher OK
8. 7.0 million cubic feet
9. March 3, 1980
10. Mustang Fuel Corp. (OG & E)

1. 80-17796/01697
2. 35-073-20414-0000
3. 108 000 000
4. Harper Oil Co
5. Edmund 1
6. Sooner trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Co.

1. 80-17797/01646
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Co
5. Mary Baxter 1
6. Sooner trend
7. Kingfisher OK
8. 1.0 million cubic feet
9. March 3, 1980
10. Exxon Company USA.

1. 80-17798/01640
2. 35-073-20361-0000
3. 108 000 000
4. Harper Oil Co
5. Vrska 1
6. Sooner trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 3, 1980
10. Exxon Company USA.

1. 80-17799/01644
2. 35-073-20475-0000
3. 108 000 000
4. Brown & Borelli Inc
5. Elrod #1
6. Sooner trend
7. Kingfisher OK
8. 2.6 million cubic feet
9. March 3, 1980
10. Exxon Company USA.

1. 80-17800/05226
2. 35-009-20284-0000
3. 107 000 000
4. Apache Corp
5. Nichols-Gregory #2-28
6.
7. Beckham OK
8. 1095.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co.

1. 80-17801/05279
2. 35-129-20390-0000
3. 107 000 000
4. Harper Oil Co
5. Carrel No. 1
6. New pool-pending
7. Roger Mills OK
8. 90.0 million cubic feet
9. March 3, 1980
10. Kansas Nebraska Natural Gas Co Inc.

1. 80-17802/05223
2. 35-009-20290-0000
3. 107 000 000
4. Dyco Petroleum Corp
5. Lucy Peffer #1-4
6. Carpenter
7. Beckham OK
8. 250.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co.

1. 80-17803/05270
2. 35-093-20243-0000
3. 107 000 000
4. Cobopco Inc
5. Wilson #1
6.
7. Custer OK
8. 1095.0 million cubic feet
9. March 3, 1980
10.

1. 80-17804/01694
2. 35-073-21198-0000
3. 108 000 000
4. Harper Oil Co
5. E B Jones 2
6. Sooner trend
7. Kingfisher OK
8. 8.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company.

1. 80-17805/01693
2. 35-073-21233-0000
3. 108 000 000
4. Harper Oil Co
5. Craun 2
6. Sooner trend
7. Kingfisher OK
8. 9.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Co.

1. 80-17806/01579
2. 35-073-22090-0000
3. 103 000 000
4. Geodyne Resources Inc
5. Julie 8-1
6.
7. Kingfisher OK
8. 67.5 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company.

1. 80-17807/02438
2. 35-073-00000-0000
3. 103 000 000
4. Grace Petroleum Corp
5. Biehler 1-17
6.
7. Kingfisher OK
8. 84.5 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co.

1. 80-17808/02162
2. 35-073-22022-0000
3. 103 000 000

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4. Ricks Exploration Co
5. Huneke-Davenport #3-A
6. Altona SE
7. Kingfisher OK
8. 100.0 million cubic feet
9. March 3, 1980
10. Oklahoma Natural Gas Co.
1. 80-17809/02165
2. 35-073-21915-0000
3. 103 000 000
4. GMC Oil and Gas Corp
5. Foster #1
6. Sooner trend
7. Kingfisher OK
8. 180.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Co.
1. 80-17810/02172
2. 35-043-20624-000
3. 103 000 000
4. Ricks Exploration Co
5. Zeiber 8-8
6. Taloga SE
7. Dewey OK
8. 50.0 million cubic feet
9. March 3, 1980
10. Mobil Oil Corp
1. 80-17811/02136
2. 35-009-00000-0000
3. 108 000 000
4. Miller & Stanley Operating Co
5. Bagwell #1
6. South Erick
7. Beckham OK
8. 11.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-17812/01902
2. 35-009-20558-0000
3. 103 000 000
4. Jet Oil Co
5. Wharton #1
6. Ringwood
7. Alfalfa OK
8. 8.0 million cubic feet
9. March 3, 1980
10. Union Texas Petroleum.
1. 80-17813/01904
2. 35-003-20560-0000
3. 103 000 000
4. Jet Oil Co
5. Wharton #2
6. Ringwood
7. Alfalfa OK
8. 8.0 million cubic feet
9. March 3, 1980
10. Union Texas Petroleum.
1. 80-17814/01996
2. 35-019-21781-0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. London 11-1
6. N E Ratliff City
7. Carter OK
8. 36.0 million cubic feet
9. March 3, 1980
10. Mobil Oil Corp.
1. 80-17815/02296
2. 35-081-00000-0000
3. 108 000 000
4. W T Fail Inc
5. Thomas #1
6. Laffoon
7. Lincoln OK
8. 21.1 million cubic feet
9. March 3, 1980
10. Allied Materials Corp.
1. 80-17816/01663
2. 35-073-21118-0000
3. 108 000 000
4. Harper Oil Co
5. Shimanek 1
6. Sooner trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company.
1. 80-17817/01664
2. 35-073-20469-0000
3. 108 000 000
4. Harper Oil Co
5. Charles 1
6. Sooner trend
7. Kingfisher OK
8. 11.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company.
1. 80-17818/01557
2. 35-129-20298-0000
3. 103 000 000
4. Trigg Drilling Co Inc
5. Dukes No. 1
6. West Reydon
7. Roger Mills OK
8. 2341.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-17819/01424
2. 35-131-20680-0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Lewis #1
6. Woologah
7. Rogers, OK
8. 120.0 million cubic feet
9. March 3, 1980
10. Diamond S Gas Systems Inc
1. 80-17820/01422
2. 35-131-20613-0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Hartman #1
6. Woologah
7. Rogers, OK
8. 18.0 million cubic feet
9. March 3, 1980
10. Diamond S Gas Systems Inc
1. 80-17821/01423
2. 35-131-20681-0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Mendell A #1
6. Woologah
7. Rogers, OK
8. 192.0 million cubic feet
9. March 3, 1980
10. Diamond S Gas Systems Inc
1. 80-17822/01464
2. 35-049-38663-0000
3. 108 000 000
4. Singer-Fleischaker Oil Operating Co
5. H K Moore #1
6. East Lindsay
7. Garvin, OK
8. 8.2 million cubic feet
9. March 3, 1980
10. Oklahoma Natural Gas Co
1. 80-17823/01461
2. 35-049-39534-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Andy #1
6. S W Maysville
7. Garvin, OK
8. 3.4 million cubic feet
9. March 3, 1980
10. Warren Petroleum Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-17498
2. 47-013-02989-0000
3. 103 000 000
4. Keith Crihfield
5. George McKee #6
6. Millstone
7. Calhoun, WV
8. 12.0 million cubic feet
9. February 29, 1980
10. Cabot Corp
1. 80-17499
2. 47-007-00394-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Phillip L Engle Farm #2-111
6.
7. Braxton, WV
8. 12.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17500
2. 47-007-00396-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Ira Clifton Farm #1-112
6.
7. Braxton, WV
8. 1.2 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17501
2. 47-005-00828-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #7-43
6.
7. Boone, WV
8. 4.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17502
2. 47-005-00834-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm 36-90
6.
7. Boone, WV
8. 2.7 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17503
2. 47-007-00310-0000
3. 108 000 000
4. Rhoades Mining Corp

5. Anna Gerwig #2
6.
7. Braxton, WV
8. .0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17504
2. 47-005-00824-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #33-87
6.
7. Boone, WV
8. 4.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17505
2. 47-013-21250-0000
3. 108 000 000
4. Weva Oil Corp
5. Pell & Kenny #1
6.
7. Calhoun, WV
8. 2.7 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17506
2. 47-105-20507-0000
3. 108 000 000
4. Weva Oil Corp
5. Hadson Robert C-1
6.
7. Wirt, WV
8. 3.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17507
2. 47-105-20467-0000
3. 108 000 000
4. Weva Oil Corp
5. RPN #12-G C & M Lynch #12
6.
7. Wirt, WV
8. 7.1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17508
2. 47-105-20453-0000
3. 108 000 000
4. Weva Oil Corp
5. Lee Hart #25
6.
7. Wirt, WV
8. 7.1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17509
2. 47-105-20445-0000
3. 108 000 000
4. Weva Oil Corp
5. RPN #10
6.
7. Wirt, WV
8. 7.1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17510
2. 47-007-00428-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Phillip Lengle Farm #5-119
6.
7. Braxton, WV
8. 10.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17511
2. 47-007-00421-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Mary B Fisher Farm #1-117
6.
7. Braxton, WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17512
2. 47-007-00382-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Custis Hrs Farm #2-103
6.
7. Braxton, WV
8. 1.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17513
2. 47-007-00401-0000
3. 108 000 000
4. Pond Fork Oil and Gas Co
5. Ray Pettit Farm #1-113
6.
7. Braxton, WV
8. 5.7 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17514
2. 47-005-00813-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #31-85
6.
7. Boone, WV
8. 9.4 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17515
2. 47-005-00822-0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Pond Fork Coal Co Farm #32-86
6.
7. Boone, WV
8. 11.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80-17516
2. 47-021-00779-0000
3. 108 000 000
4. Rhoades Mining Corp
5. Boggs #1
6.
7. Gilmer, WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply
1. 80-17517
2. 47-105-20104-0000
3. 108 000 000
4. Weva Oil Corp
5. T R Boggs #59
6.
7. Wirt WV
8. 7.2 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17518
2. 47-105-20143-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #64
6.
7. Wirt WV
8. 2.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17519
2. 47-105-20250-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #65
6.
7. Wirt WV
8. 2.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17520
2. 47-105-20313-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #70
6.
7. Wirt WV
8. 2.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17521
2. 47-105-20344-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #72
6.
7. Wirt WV
8. 2.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17522
2. 47-105-20435-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #76
6.
7. Wirt WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17523
2. 47-105-20438-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #78
6.
7. Wirt WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17524
2. 47-105-20441-0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #79
6.
7. Wirt WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80-17525
2. 47-105-20442-0000
3. 108 000 000
4. Weva Oil Corp
5. W V Pulp & Paper #80
6.
7. Wirt WV
8. 7.1 million cubic feet

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9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80–17526
2. 47–105–20443–0000
3. 108 000 000
4. Weva Oil Corp
5. R P N #61
6.
7. Wirt WV
8. 7.1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80–17527
2. 47–007–00376–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Rohrbough Hines Farm #2–100
6.
7. Braxton WV
8. 1.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17528
2. 47–007–00378–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Rohrbough Hines Farm #3–101
6.
7. Braxton WV
8. .8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17529
2. 47–007–00393–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Phillip Lengle Farm #1–110
6.
7. Braxton WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17530
2. 47–097–01546–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Sherwood Emerson #2
6. Handy Camp Run
7. Upshur WV
8. 1.0 million cubic feet
9. March 3, 1980
10. Petro-Lewis
1. 80–17531
2. 47–007–00552–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Brosius #1
6. Coper
7. Braxton WV
8. 15.0 million cubic feet
9. March 3, 1980
10. Equitable Gas Co
1. 80–17532
2. 47–097–01121–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. R M Underwood #2
6. French Creek
7. Upshur WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Co
1. 80–17533
2. 47–097–01108–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. R M Underwood #1
6. French Creek
7. Upshur WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Co
1. 80–17534
2. 47–007–00881–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. John P Hull #2
6. Pringle Fork
7. Upshur WV
8. 1.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply
1. 80–17535
2. 47–097–00764–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Keith Jones #1
6. Champ Run
7. Upshur WV
8. 3.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Co
1. 80–17536
2. 47–097–00721–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Ora Brady #1
6. French Creek
7. Upshur WV
8. 10.8 million cubic feet
9. March 3, 1980
10. Consolidated Gas Co
1. 80–17537
2. 47–017–00645–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Robert L Holland #1
6. Moroy Creek
7. Doddridge WV
8. 7.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply
1. 80–17538
2. 47–097–01323–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. McCutcheon Spaer #1
6. Hinkleville
7. Upshur WV
8. 5.1 million cubic feet
9. March 3, 1980
10. Columbia Gas Co
1. 80–17539
2. 47–083–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Hanifan #1
6. Cassidy
7. Randolph WV
8. 11.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Trans
1. 80–17540
2. 47–041–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Rohrbaugh #1
6. Skin Creek
7. Lewis WV
8. 1.5 million cubic feet
9. March 3, 1980
10. Equitable Gas Co
1. 80–17541
2. 47–021–18880–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. H M Bennett #1
6. Glenville
7. Gilmer WV
8. 2.5 million cubic feet
9. March 3, 1980
10. Carnegie Gas Co
1. 80–17542
2. 47–021–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Wright #1
6. Glenville
7. Gilmer WV
8. 1.5 million cubic feet
9. March 3, 1980
10. Carnegie Gas Co
1. 80–17543
2. 47–041–00000–0000
3. 108 000 000
4. Mike Ross
5. Gallagher #1
6. Orlando
7. Lewis WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consol Gas Supply Corp
1. 80–17544
2. 47–007–00423–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Phillip Lengle Farm #4–118
6.
7. Braxton WV
8. 16.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17545
2. 47–007–00419–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Ira Clifton Farm #2–116
6.
7. Braxton WV
8. 2.4 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17546
2. 47–087–21019–0000
3. 108 000 000
4. Weva Oil Corp
5. Lee Hart #41
6. R P N #41
7. Roane WV
8. 7.2 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corporation
1. 80–17547
2. 47–041–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Sally Linger #1
6. Georgetown
7. Lewis WV
8. 3.2 million cubic feet
9. March 3, 1980
10. Equitable Gas Co
1. 80–17548

2. 47–041–00351–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. W A Francis #1
6. Skin Creek
7. Lewis WV
8. .2 million cubic feet
9. March 3, 1980
10. Equitable Gas Co
1. 80–17549
2. 47–097–21688–0000
3. 108 000 000
4. Glenn H Johnson dba Johnson Product
5. J Caynor #3
6. Union
7. Upshur WV
8. .2 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Co
1. 80–17550
2. 47–047–20220–0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #3
6. Sandy River District
7. McDowell WV
8. 16.9 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17551
2. 47–059–00242–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #2
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17552
2. 47–059–20309–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #6
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17553
2. 47–043–00154–5000
3. 108 000 000
4. Pennzoil Company
5. E T Spurlock #14
6. Duval
7. Lincoln WV
8. .6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17554
2. 47–043–01533–0000
3. 108 000 000
4. Pennzoil Company
5. Roxie Pauley #2
6. Duval
7. Lincoln WV
8. .7 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17555
2. 47–005–00273–0000
3. 108 000 000
4. Carroll Gas Company
5. Dollie Workman B00–273
6. Trace Fork
7. Boone WV
8. 4.0 million cubic feet
9. March 3, 1980
10. Pennzoil
1. 80–17556
2. 47–043–20080–0000
3. 108 000 000
4. Cumberland Gas Co
5. Martin McCallister #BR–109
6. Carroll
7. Lincoln WV
8. 1.1 million cubic feet
9. March 3, 1980
10. Columbia Gas Trans Corp
1. 80–17557
2. 47–043–20013–0000
3. 108 000 000
4. Barcamp Gas Co
5. R C Ferrell #2
6. Jefferson District
7. Lincoln WV
8. 3.6 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17558
2. 47–109–20648–0000
3. 108 000 000
4. Kroll Gas Co
5. M Z Bowen Kroll #1
6. Huff Creek District
7. Wyoming WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17559
2. 47–109–20653–0000
3. 108 000 000
4. Kroll Gas Co
5. M Z Bowen Kroll #2
6. Huff Creek District
7. Wyoming WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17560
2. 47–109–20660–0000
3. 108 000 000
4. Kroll Gas Co
5. M Z Bowen Kroll #3
6. Huff Creek District
7. Wyoming WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17561
2. 47–109–20739–0000
3. 108 000 000
4. Kroll Gas Co
5. M Z Bowen Kroll #4
6. Huff Creek District
7. Wyoming WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17562
2. 47–005–01043–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Shonk Land Co #29
6. Sherman
7. Boone WV
8. 5.7 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17563
2. 47–005–00815–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Shonk Land Co #10
6. Sherman
7. Boone WV
8. 12.2 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17564
2. 47–081–20461–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Beaver Coal A–17
6. Town
7. Raleigh WV
8. 21.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17565
2. 47–081–20392–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Piney Coking Coal A–35
6. Shady Spring
7. Raleigh WV
8. 3.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17566
2. 47–081–20378–0000
3. 108 000 000
4. Appalachian Exploration 7 Devel Inc
5. Piney Coking Coal A–33
6. Shady Spring
7. Raleigh WV
8. 6.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17567
2. 47–081–20311–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land E–3
6. Slab Fork
7. Raleigh WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17568
2. 47–081–20354–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. G C Hedrick #1
6. Slab Fork
7. Raleigh WV
8. 18.7 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17569
2. 47–081–00365–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Snuffer Heirs #1
6. Trap Hill
7. Raleigh WV
8. 13.6 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17570
2. 47–081–20366–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Snuffer Heirs #2
6. Trap Hill

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7. Raleigh WV
8. 7.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17571
2. 47–067–20407–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–9
6. Jefferson
7. Nicholas WV
8. 12.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17572
2. 47–067–20408–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–10
6. Jefferson
7. Nicholas WV
8. 12.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17573
2. 47–067–20414–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. C & H Corporation B–13
6. Jefferson
7. Nicholas WV
8. 14.1 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17574
2. 47–097–21685–0000
3. 108 000 000
4. Glenn J Johnson dba Johnson Product
5. Harris #1
6. Union
7. Upshur WV
8. .1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Co
1. 80–17575
2. 47–097–21687–0000
3. 108 000 000
4. Glenn J Johnson dba Johnson Product
5. W Caynor #2
6. Union
7. Upshur WV
8. .1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Co
1. 80–17576
2. 47–001–27340–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–5 F–61573 Bar–734
6. Elk
7. Barbour WV
8. 9.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Co
1. 80–17577
2. 47–001–27410–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–2 F–61662 BAR–741
6. Elk
7. Barbour WV
8. 16.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17578
2. 47–001–27510–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–11 F–61725 BAR–751
6. Elk
7. Barbour WV
8. 4.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17579
2. 47–001–27550–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–8 F–61835 BAR–755
6. Philippi
7. Barbour WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17580
2. 47–059–20248–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #3
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17581
2. 47–059–20225–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #1
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17582
2. 47–059–20249–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #4
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17583
2. 47–059–20308–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #5
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17584
2. 47–059–20333–0000
3. 108 000 000
4. Burchett and Adkins
5. R W Buskirk #7
6. Harvey District
7. Mingo WV
8. 19.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17585
2. 47–015–20976–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–8
6. Pleasants
7. Clay WV
8. 21.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17586
2. 47–015–21269–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. J G Morton #2
6. Pleasant
7. Clay WV
8. 9.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17587
2. 47–019–20195–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–3
6. Falls
7. Fayette WV
8. 6.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17588
2. 47–019–20209–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Agnus Peyton #1
6. Kanawha
7. Fayette WV
8. 5.6 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17589
2. 47–001–21067–0000
3. 102 000 000
4. Berea Oil and Gas Corp
5. Fax L Williams #1
6. Valley
7. Barbour WV
8. .0 million cubic feet
9. March 3, 1980
10.
1. 80–17590
2. 47–015–21231–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Caldwell-Shelton-Wood #1
6. Pleasant
7. Clay WV
8. 9.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17591
2. 47–093–20046–0000
3. 102 000 000
4. Berea Oil and Gas Corp
5. Ben Thompson #1
6. Dry Fork
7. Tucker WV
8. .0 million cubic feet
9. March 3, 1980
10.
1. 80–17592
2. 47–015–20909–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–5
6. Pleasant
7. Clay WV
8. 21.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17593

2. 47–067–20285–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–2
6. Jefferson
7. Nicholas WV
8. 21.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17594
2. 47–067–20286–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–3
6. Jefferson
7. Nicholas WV
8. 9.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17595
2. 47–109–20733–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Gilbert & Plumley A–7
6. Huff Creek
7. Wyoming WV
8. 15.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17596
2. 47–039–22485–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Lewis Holding A–1
6. Cabin Creek
7. Kanawha WV
8. .0 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17597
2. 47–019–20266–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–8
6. Falls
7. Fayette WV
8. 13.5 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17598
2. 47–039–22759–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–10
6. Cabin Creek
7. Kanawha WV
8. 24.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17599
2. 47–047–20496–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Bricker Unit #1
6. Sandy River
7. McDowell WV
8. 17.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–175600
2. 47–047–20546–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. L D Griffith #1
6. Sandy River
7. McDowell WV
8. 15.8 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17601
2. 47–067–20284–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Hill & Long A–1
6. Jefferson
7. Nicholas WV
8. 21.9 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17602
2. 47–039–22626–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–5
6. Cabin Creek
7. Kanawha WV
8. 18.3 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17603
2. 47–039–22707–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–7
6. Cabin Creek
7. Kanawha WV
8. 17.8 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17604
2. 47–039–22758–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Cannelton Coal A–9
6. Cabin Creek
7. Kanawha WV
8. 63.5 million cubic feet
9. March 3, 1980
10. Cabot Corporation
1. 80–17605
2. 47–001–28350–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–43A F–62482 BAR–835
6. Philippi
7. Barbour WV
8. 7.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17606
2. 47–043–20766–0000
3. 108 000 000
4. Copley Gas Co
5. Albert E Adkins #1
6. Jefferson District
7. Lincoln WV
8. 13.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17607
2. 47–047–20320–0000
3. 108 000 000
4. Panther Gas Co
5. Susie Neal #1
6. Sandy River District
7. McDowell, WV
8. 13.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17608
2. 47–043–20712–0000
3. 108 000 000
4. Edsel Gas Co
5. Huntington Dev & Gas Co #2
6. Laurel Hill District
7. Lincoln, WV
8. 11.1 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17609
2. 47–059–20770–0000
3. 108 000 000
4. W E Burchett-Trustee
5. G W C Land Co #19
6. Stafford District
7. Mingo, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17610
2. 47–043–20567–0000
3. 108 000 000
4. Dotson Branch Gas Co
5. Huntington Dev & Gas Co #2
6. Laurel Hill District
7. Lincoln, WV
8. 9.9 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17611
2. 47–043–20530–0000
3. 108 000 000
4. Dotson Branch Gas Co
5. Huntington Dev & Gas Co #1
6. Laurel Hill District
7. Lincoln, WV
8. 9.9 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17612
2. 47–043–21468–0000
3. 108 000 000
4. Charleys Branch Gas Co
5. Huntington Dev & Gas Co #3
6. Jefferson District
7. Lincoln, WV
8. 10.4 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17613
2. 47–043–20659–0000
3. 108 000 000
4. Edsel Gas Co
5. A J Cyfere #2
6. Laurel Hill District
7. Lincoln, WV
8. 11.1 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp
1. 80–17614
2. 47–001–27700–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–28 F–62126 Bar–770
6. Union
7. Barbour, WV
8. 14.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp
1. 80–17615
2. 47–001–27830–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–19 F–62468 Bar–783
6. Union

V 45 / 71 / A P 10 80 UMI

7. Barbour, WV
8. 5.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17616
2. 47–001–27890–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–46 F–62533 Bar–789
6. Pleasant
7. Barbour, WV
8. 5.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17617
2. 47–001–27900–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–47 F–62534 Bar–790
6. Pleasant
7. Barbour, WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17618
2. 47–047–20240–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #7
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17619
2. 47–047–20241–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #8
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17620
2. 47–047–20245–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #9
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17621
2. 47–047–20251–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #10
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17622
2. 47–047–20260–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #12
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17623
2. 47–047–20259–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #11
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17624
2. 47–047–20299–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #17
6. Sandy River District
7. McDowell, WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17625
2. 47–047–20288–0000
3. 108 000 000
4. W E Burchett Trustee
5. C W C Land Co #16
6. Sandy River District
7. McDowell, WV
8. 169220.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17626
2. 47–099–20538–0000
3. 108 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Co Farm #1
6. Grant District
7. Wayne, WV
8. 3.3 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17627
2. 47–097–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Simons #1
6. Buckhannon
7. Upshur, WV
8. 9.5 million cubic feet
9. March 3, 1980
10. Consol Gas Supply Corp

1. 80–17628
2. 47–083–00033–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Newlon #1
6. Cassidy
7. Randolph, WV
8. 5.0 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17629
2. 47–041–01685–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. L J Linger #3
6. Skin Creek
7. Lewis, WV
8. 1.6 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17630
2. 47–001–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. George #1
6. Audra
7. Barbour, WV
8. 2.5 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission Corp

1. 80–17631
2. 47–097–01235–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Goldie Waggy #1
6. Stone Coal
7. Upshur, WV
8. .3 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17632
2. 47–097–01495–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Sherwood Emerson #1
6. Hardy Camp Run
7. Upshur, WV
8. 1.8 million cubic feet
9. March 3, 1980
10. Petro-Lewis

1. 80–17633
2. 47–041–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. Droppleman #1
6. Georgetown
7. Lewis, WV
8. 2.3 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17634
2. 47–041–01548–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. W A Francis #4
6. Skin Creek
7. Lewis, WV
8. 6.0 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17635
2. 47–041–00000–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. D O Burkhammer #1
6. Skin Creek
7. Lewis, WV
8. 1.8 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17636
2. 47–041–01590–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. C S West
6. Skin Creek
7. Lewis, WV
8. 1.0 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17637
2. 47–041–01644–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. L J Linger #2
6. Skin Creek
7. Lewis, WV

8. 3.5 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17638
2. 47–097–00957–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. W A Francis Abbott #1
6. Pringle Fork
7. Upshur, WV
8. .9 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17639
2. 47–097–00912–0000
3. 108 000 000
4. Ross-Wharton Gas Co
5. W A Francis Abbott #2
6. Pringle Fork
7. Upshur, WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17640
2. 47–097–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Simons #2
6. Buckhannon
7. Upshur, WV
8. 4.5 million cubic feet
9. March 3, 1980
10. Consol Gas Supply

1. 80–17641
2. 47–097–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Martin #1
6. Buckhannon
7. Upshur, WV
8. 1.0 million cubic feet
9. March 3, 1980
10. Consol Gas Supply

1. 80–17642
2. 47–097–00566–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Queen #1
6. Buckhannon
7. Upshur, WV
8. 4.5 million cubic feet
9. March 3, 1980
10. Consol Gas Supply

1. 80–17643
2. 47–041–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Linger #1
6. Vandalia
7. Lewis, WV
8. 2.4 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17644
2. 47–041–00000–0000
3. 108 000 000
4. Washington Nat Gas Co
5. Davidson #1
6. Walkersville
7. Lewis, WV
8. 2.4 million cubic feet
9. March 3, 1980
10. Equitable Gas Co

1. 80–17645
2. 47–013–01925–0000
3. 108 000 000
4. Roy G. Hildreth, Jr
5. Everson Gas Co #1
6. Lee
7. Calhoun, WV
8. 1.3 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17646
2. 47–017–00543–0000
3. 108 000 000
4. Robert L. Wharton
5. Triump C Low #1
6. McRoy Creek
7. Doddridge, WV
8. .9 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17647
2. 47–085–01563–0000
3. 108 000 000
4. Robert L. Wharton
5. George Parks #1
6. Leather Bark Creek
7. Ritchie, WV
8. .5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17648
2. 47–085–01578–0000
3. 108 000 000
4. Robert L. Wharton
5. George Parks #3
6. Leather Bark Creek
7. Ritchie, WV
8. .5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17649
2. 47–085–01688–0000
3. 108 000 000
4. Robert L. Wharton
5. W J Parks #1
6. Leather Bark Creek
7. Ritchie, WV
8. 2.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17650
2. 47–085–01876–0000
3. 108 000 000
4. Robert L. Wharton
5. Francis Freed #1
6. Spruce Creek
7. Ritchie, WV
8. 4.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80–17651
2. 47–083–00158–000
3. 108 000 000
4. Robert L. Wharton
5. Jennings #1
6. Ellamaore
7. Randolph, WV
8. 2.5 million cubic feet
9. March 3, 1980
10. Columbia Gas Transmission

1. 80–17652
2. 47–001–21048–0000
3. 102 000 000
4. Burea Oil and Gas Corp
5. Everett Turner #2
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17653
2. 47–097–01328–0000
3. 108 000 000
4. J L Trittipo, Inc
5. Goldie McWhorter #1 UPS–1328
6. Middle Fork
7. Upshur, WV
8. .0 million cubic feet
9. March 3, 1980
10. Columbia Gas

1. 80–17654
2. 47–001–21047–0000
3. 102 000 000
4. Berea Oil and Gas Corp
5. Haverty #1
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17655
2. 47–001–21061–0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. WM & M Harper #2
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17656
2. 47–001–21050–0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. J F Turner #2
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17657
2. 47–001–21060–0000
3. 102 000 000
4. Berea Oil & Gas Corporation
5. Wm P McClain #1
6. Valley
7. Barbour
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17658
2. 47–001–21065–0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. Ruth & Everett Turner #1
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17659
2. 47–001–21062–0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. Ralph L. Vowls #2
6. Valley
7. Barbour
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80–17660

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2. 47-001-21057-0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. Shahan #1
6. Valley
7. Barbour, WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80-17661
2. 47-081-00393-0000
3. 108 000 000
4. Appalachian Exploration & Devel, Inc
5. Pocahontas Land A-7
6. Slab Fork
7. Raleigh, WV
8. 11.0 million cubic feet
9. March 3, 1980
10. Cabot Corporation

1. 80-17662
2. 47-001-00520-0000
3. 108 000 000
4. J L Trittipo, Inc
5. James M Oneal Bar-520
6. Tygart Valley River
7. Barbour, WV
8. 6.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17663
2. 47-081-20383-0000
3. 108 000 000
4. Appalachian Exploration & Devel, Inc
5. Piney Coking Coal A-40
6. Slab Fork
7. Raleigh, WV
8. 5.5 million cubic feet
9. March 3, 1980
10. Cabot Corporation

1. 80-17664
2. 47-067-20439-0000
3. 108 000 000
4. Appalachian Exploration & Devel, Inc
5. C & H Corporation B-21
6. Jefferson
7. Nicholas, WV
8. 8.2 million cubic feet
9. March 3, 1980
10. Cabot Corporation

1. 80-17665
2. 47-067-20438-0000
3. 108 000 000
4. Appalachian Exploration & Devel, Inc
5. C & H Corporation B-20
6. Jefferson
7. Nicholas, Wv
8. 15.4 million cubic feet
9. March 3, 1980
10. Cabot Corporation

1. 80-17666
2. 47-067-20431-0000
3. 108 000 000
4. Appalachian Exploration & Devel, Inc
5. C & H Corporation B-15
6. Jefferson
7. Nicholas, WV
8. 19.6 million cubic feet
9. March 3, 1980
10. Cabot Corp

1. 80-17667
2. 47-017-02187-0000
3. 105 000 000
4. United Operating Co
5. H J Pierce Dodd-2187
6. Lower Run
7. Doddridge WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply

1. 80-17668
2. 47-017-02186-0000
3. 105 000 000
4. United Operating Co
5. W C Haught Dodd-2186
6. Lower Run
7. Doddridge WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17669
2. 47-017-02185-0000
3. 108 000 000
4. United Operating Co
5. E W Zinn #1 BAR-2185
6. Lower Run
7. Doddridge WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17670
2. 47-017-01884-0000
3. 108 000 000
4. United Operating Co
5. John Burch Dodd-1884
6. Sheep Run
7. Doddridge WV
8. 7.5 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17671
2. 47-017-01882-0000
3. 108 000 000
4. United Operating Co
5. E M Nutter Dodd-1882
6. Sheep Run
7. Doddridge WV
8. 6.6 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17672
2. 47-001-21049-0000
3. 102 000 000
4. Berea Oil and Gas Corporation
5. J F Turner #1
6. Valley
7. Barbour WV
8. .0 million cubic feet
9. March 3, 1980
10.

1. 80-17673
2. 47-097-21686-0000
3. 108 000 000
4. Glenn N Johnson dba Johnson Product
5. L Jack #4
6. Union
7. Upshur WV
8. .1 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17674
2. 47-001-28360-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-45A F-62921 BAR-836
6. Philippi
7. Barbour WV
8. 3.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17675
2. 47-033-29860-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-41 F-62480 HAR-986
6. Union
7. Harrison WV
8. .0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17676
2. 47-041-22089-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-44 F-62483 LEW-2089
6. Hackers Creek
7. Lewis WV
8. 4.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17677
2. 47-041-22090-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-40 F-62675 LEW-2090
6. Hackers Creek
7. Lewis WV
8. 17.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17678
2. 47-097-21673-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-25 F-62490 UPS-1673
6. Union
7. Upshur WV
8. 14.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17679
2. 47-097-21709-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-72 F-62830 UPS-1709
6. Warren
7. Upshur WV
8. 18.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17680
2. 47-097-21712-0000
3. 108 000 000
4. J & J Enterprises Inc
5. B-67 F-62833 UPS-1712
6. Warren
7. Upshur WV
8. 2.0 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

1. 80-17681
2. 47-097-21623-0000
3. 108 000 000
4. Glenn H Johnson dba Johnson Product
5. Suder #1
6. Union
7. Upshur WV
8. 1.2 million cubic feet
9. March 3, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10669 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 168]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-18730-K-79-1291
2. 15-125-00000-0000
3. 108 000 000
4. Benson Mineral Group Inc.
5. Sprague #2
6. Jefferson-Sycamore
7. Montgomery KS
8. 6.0 million cubic feet
9. March 5, 1980
10. Union Gas Systems Inc.

1. 80-18731/K-79-1293
2. 15-125-00000-0000
3. 108 000 000
4. Benson Mineral Group Inc.
5. Klumpp #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 8.0 million cubic feet
9. March 5, 1980
10. Union Gas Systems Inc.

1. 80-18732/K-79-1299
2. 15-047-00000-0000
3. 108 000 000
4. D R Lauck Oil Company Inc.
5. Julian #1
6. Edstaff
7. Edwards KS
8. 10.0 million cubic feet
9. March 5, 1980
10. Northern Natural Gas Company

1. 80-18733/K-79-1311
2. 15-067-20557-0000
3. 103 000 000
4. Mobil Oil Corporation
5. Bolenbaugh-Moyer Unit No. 2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

1. 80-18734/K-79-1312
2. 15-093-20596-0000
3. 103 000 000
4. Mobile Oil Corporation
5. Tate-Finucane Unit No. 2
6. Panoma
7. Kearny KS
8. .0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

1. 80-18735/K-79-1286
2. 15-093-20595-0000
3. 103 000 000
4. Mobil Oil Corporation
5. Tate Estate A #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

1. 80-18736/K-79-1287
2. 15-093-20597-0000
3. 103 000 000
4. Mobil Oil Corporation
5. White Heirs Unit #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

1. 80-18737/K-79-1288
2. 15-093-20609-0000
3. 103 000 000
4. Mobil Oil Corporation
5. USA White Unit E #2
6. Panoma
7. Kearny KS
8. .0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

1. 80-18738/K-79-1297
2. 15-185-00000-0000
3. 108 000 000
4. D R Lauck Oil Company Inc.
5. Stambaugh #1
6. Haynes
7. Stafford KS
8. 12.0 million cubic feet
9. March 5, 1980
10. Panhandle Eastern Pipe Line Co.

1. 80-18739/K-79-1298
2. 15-047-00000-0000
3. 108 000 000
4. D R Lauck Oil Company Inc.
5. Smith D #1
6. Edstaff
7. Edwards KS
8. 15.0 million cubic feet
9. March 5, 1980
10. Northern Natural Gas Company

1. 80-18740/K-79-1406
2. 15-077-20443-0000
3. 103 000 000
4. Pickrell Drilling Company
5. Banta C #3
6. Spivey Grabs
7. Harper KS
8. 16.4 million cubic feet
9. March 5, 1980
10. Kansas Power and Light Co.

1. 80-18741/K-79-1253
2. 15-005-00000-0000
3. 108 000 000
4. Gulf Oil Corporation
5. Cinda #3
6. Medicine Lodge
7. Barber KS
8. 5.0 million cubic feet
9. March 5, 1980
10. Zenith Natural Gas Company

1. 80-18742/K-79-1254
2. 15-005-00000-0000
3. 108 000 000
4. Gulf Oil Corporation
5. Colborn #1
6. N Rhodes
7. Barber KS
8. 11.0 million cubic feet
9. March 5, 1980
10. Cities Service Gas Company

Louisiana Office of Conservation

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-18743/80-99
2. 17-033-20054-0000
3. 107 000 000
4. South Louisiana Production Co. Inc.
5. 17600 TUSC RA SUH Baxter No. 1
6. Irene Field
7. East Baton Rouge Parla
8. 3650.0 million cubic feet
9. March 6, 1980
10.

1. 80-18744/80-98
2. 17-111-21410-0000
3. 108 000 000
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #671 Ser #158942
6. Monroe Gas Field
7. Union Parish, LA
8. 14.2 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company

1. 80-18745/80-97
2. 17-031-20862-0000
3. 102 000 000
4. Transco Exploration Company
5. Terrel S Temple No 1
6. Spider
7. Desota Parish, LA
8. 7300.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80-18746/80-140
2. 17-033-20065-0000
3. 107 000 000
4. Amoco Production Company

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5. 16400 TUSC RA SUL Pennington #3
6. Port Hudson
7. East Baton Rouge, LA
8. 3285.0 million cubic feet
9. March 6, 1980
10.
1. 80–18747/80–139
2. 17–037–20008–0000
3. 107 000 000
4. Cotton Petroleum Corporation
5. Vua McGill No 1
6. Wildcat
7. East Feliciana, LA
8. 180.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18748/80–138
2. 17–005–20132–0000
3. 103 000 000
4. D C Bintliff
5. Bintliff-Paragon S RA SUA Falcon #1
6. Darrow
7. Ascension, LA
8. 750.0 million cubic feet
9. March 6, 1980
10. Monterey Pipeline Company
1. 80–18749/80–137
2. 17–031–20950–0000
3. 102 103 000
4. May Petroleum Inc
5. HOSS RA SU 11 Busher #1 (162870)
6. Bethany-Longstreet
7. Desoto, LA
8. 548.0 million cubic feet
9. March 6, 1980
10. Arkansas Louisiana Gas Company
1. 80–18750/80–120
2. 17–061–20207–0000
3. 101 000 000
4. Franks & Bass Etal
5. CV DAVIS RA SUS Colvin Est E No
6. Unionville
7. Lincoln, LA
8. 255.0 million cubic feet
9. March 6, 1980
10. Olinkraft Inc
1. 80–18751/80–109
2. 17–057–21610–0000
3. 103 000 000
4. Great Southern Oil & Gas Co Inc
5. J B Levert Land Co #1
6. Thibodaux
7. Lafourche, LA
8. 350.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18752/80–96
2. 17–017–22122–0000
3. 108 000 000
4. Northeast Resources Inc
5. Hoss RA SU 95 Ridgewood Farms Inc N
6. Elm Grove
7. Caddo Parish La
8. 10.0 million cubic feet
9. March 6, 1980
10. Arkansas Louisiana Gas Co
1. 80–18753/80–148
2. 17–109–21921–0000
3. 107 000 000
4. Texaco Inc
5. SL 1247 27
6. Caillou Island
7. Terrebonne La
8. 210.0 million cubic feet
9. March 6, 1980
10. Hocker Chemicals & Plastics Corp American Cyanamid Co Argus Chemical Corp Baker Industries Corp
1. 80–18754/80–147
2. 17–109–21960–0000
3. 107 000 000
4. Texaco Inc
5. SL 188 Caillou Island 677
6. Caillou Island
7. Terrebonne La
8. 480.0 million cubic feet
9. March 6, 1980
10. Hooker Chemicals & Plastics Corp
1. 80–18755/80–146
2. 17–057–21607–0000
3. 103 000 000
4. Exxon Corporation
5. CIB 32A 3A–3B RASU SL 1450 LL&E 11D
6. Lake Raccourci
7. Lafourche La
8. 730.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Trans Corp, Shell Oil Co
1. 80–18756/80–223
2. 17–113–20874–0000
3. 107 000 000
4. McCormick Oil & Gas Corporation
5. Fred Stovall Estate #7
6. Live Oak
7. Vermilion La
8. 1800.0 million cubic feet
9. March 6, 1980
10.
1. 80–18757/80–255
2. 17–031–20666–0000
3. 103 000 000
4. Marshall Exploration Inc
5. U HOSS RA SUG Ramsey #3
6. Belle Bower
7. Desoto La
8. 215.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co
1. 80–18758/80–254
2. 17–031–20662–0000
3. 103 000 000
4. Marshall Exploration Inc
5. PET RA SUH James R Holmes #1–D
6. Belle Bower
7. Desoto La
8. 55.0 million cubic feet
9. March 6, 1980
10. Arkla Gas Pipeline Co
1. 80–18759/80–253
2. 17–031–20853–0000
3. 103 000 000
4. Marshall Exploration Inc
5. MATTIE NORINE Foshee #2
6. Belle Bower
7. Desoto La
8. 400.0 million cubic feet
9. March 6, 1980
10. Arkla Gas Pipeline Co
1. 80–18760/80–252
2. 17–031–20666–0000
3. 103 000 000
4. Marshall Exploration Inc
5. PET RA SUR Ramsey #3–D
6. Belle Bower
7. Desoto La
8. 215.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co
1. 80–18761/80–251
2. 17–031–20842–0000
3. 103 000 000
4. Marshall Exploration Inc
5. F L Galbreath #2–D
6. Belle Bower
7. Desoto La
8. 365.0 million cubic feet
9. March 6, 1980
10. Arkla Gas Pipeline Co
1. 80–18762/80–250
2. 17–031–20648–0000
3. 103 000 000
4. Marshall Exploration Inc
5. Pet RA SUV Ramsey #2–D
6. Belle Bower
7. Desoto La
8. 318.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co
1. 80–18763/80–249
2. 17–031–20648–0000
3. 103 000 000
4. Marshall Exploration Inc
5. U HOSS RA SUF Ramsey #2
6. Belle Bower
7. Desoto La
8. 318.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co
1. 80–18764/80–248
2. 17–111–20656–0000
3. 108 000 000
4. Tahoe Corp
5. Medlin #1
6. Monroe
7. Union La
8. 212.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18765/80–247
2. 17–111–20786–0000
3. 108 000 000
4. Tahoe Corp
5. Tahoe Harrell #2
6. Monroe
7. Union La
8. 567.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18766/80–246
2. 17–111–20815–0000
3. 108 000 000
4. Tahoe Corp
5. Tahoe Harrell #5
6. Monroe
7. Union La
8. 294.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18767/80–245
2. 17–111–20709–0000
3. 108 000 000
4. Tahoe Corp
5. Katie Smith A #1
6. Monroe
7. Union La
8. 249.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–187768/80–244
2. 17–111–20716–0000
3. 108 000 000
4. Tahoe Corp
5. Katie Smith A #2
6. Monroe

7. Union La
8. 387.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18769/80–243
2. 17–111–20755–0000
3. 108 000 000
4. Tahoe Corp
5. Katie Smith #6
6. Monroe
7. Union La
8. 80.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18770/80–242
2. 17–111–20695–0000
3. 108 000 000
4. Tahoe Corp
5. Shadic-Reynolds #1
6. Monroe
7. Union La
8. 298.0 million cubic feet
9. March 6, 1980
10. Central Transmissions Inc
1. 80–18771/80–241
2. 17–067–21311–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 6
6. Monroe Field
7. Morehouse La
8. 21.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18772/80–240
2. 17–111–21703–0000
3. 103 000 000
4. Primos Production Co
5. Fee 89 #2
6. Monroe Field
7. Union La
8. 12.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18773/80–239
2. 17–111–21689–0000
3. 103 000 000
4. Primos Production Co
5. Fee 89 #1
6. Monroe Field
7. Union La
8. 12.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18774/80–238
2. 17–111–21700–0000
3. 103 000 000
4. Primos Production Co
5. Fee 68 #2
6. Monroe Field
7. Union La
8. 7.3 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18775/80–237
2. 17–111–21688–0000
3. 103 000 000
4. Primos Production Co
5. Fee 68 #1
6. Monroe Field
7. Union La
8. 12.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18776/80–236
2. 17–067–21330–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific B–7
6. Monroe Field
7. Morehouse La
8. 18.3 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18777/80–235
2. 17–067–21329–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific B 6
6. Monroe Field
7. Morehouse La
8. 12.8 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18778/80–118
2. 17–101–21123–0000
3. 107 000 000
4. Quintana Petroleum Corporation
5. MA–13 SUA Earl Luke #1
6. Garden City
7. St Mary La
8. 2920.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Transmission Corp
1. 80–18779/80–145
2. 17–031–20705–0000
3. 102 000 000
4. May Petroleum Inc
5. ROD RA SUO Bagley 1–D (164426)
6. Bethany Longstreet
7. Desoto La
8. 365.0 million cubic feet
9. March 6, 1980
10. Arkansas Louisiana Gas Company
1. 80–18780/80–168
2. 17–011–20329–0000
3. 103 000 000
4. W G Darsey III
5. Vua Cooley #1
6. Bear
7. Beauregard Parish, LA
8. 108.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18781/80–167
2. 17–061–20198–0000
3. 103 000 000
4. Arkla Exploration Company
5. Hoss Ra Suc Bennett #1
6. Clay
7. Lincoln, LA
8. 730.0 million cubic feet
9. March 6, 1980
10. Arkansas Louisiana Gas Company
1. 80–18782/80–166
2. 17–027–20569–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Lee D #1–D
6. Blackburn
7. Claiborne, LA
8. 400.0 million cubic feet
9. March 6, 1980
10. United Gas Pipe Line Company
1. 80–18783/80–149
2. 17–007–20222–0000
3. 107 000 000
4. Texaco Inc
5. Lieb 10 Rd Sua Norman B–7
6. Grand Bayou
7. Assumption, LA
8. 1620.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18784/80–160
2. 17–055–20135–0000
3. 103 000 000
4. Transcontinental Oil Corporation
5. Stutes Ra Sub B Robin #1
6. Duson
7. Lafayette, LA
8. 684.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18785/80–159
2. 17–111–00000
3. 103 000 000
4. Mid Louisiana Gas Company
5. Mlgc Fee Gas #759
6. Monroe Gas Field
7. Union Parish, LA
8. .0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18786/80–158
2. 17–111–00000–0000
3. 103 000 000
4. Mid Louisiana Gas Company
5. Mlgc Fee Gas #709
6. Monroe Gas Field
7. Union Parish, LA
8. .0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18787/80–157
2. 17–111–00000–0000
3. 103 000 000
4. Mid Louisiana Gas Company
5. Mlgc Fee Gas #703
6. Monroe Gas Field
7. Union Parish, LA
8. .0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18788/80–200
2. 17–111–21759–0000
3. 108 000 000
4. Four Star Development Corp
5. Mary Lee Et Al #1
6. Monroe
7. Union, LA
8. 3.0 million cubic feet
9. March 6, 1980
10. Petro-Lewis Corporation
1. 80–18789/80–199
2. 17–111–21749–0000
3. 108 000 000
4. Four Star Development Corp
5. Union Power Co #1
6. Monroe
7. Union, LA
8. 17.7 million cubic feet
9. March 6, 1980
10. Petro-Lewis Corporation
1. 80–18790/80–198
2. 17–111–21733–0000
3. 108 000 000
4. Four star Development Corp
5. W C Martin Et Al #1
6. Monroe
7. Union, LA
8. 13.0 million cubic feet
9. March 6, 1980
10. Petro-Lewis Corporation
1. 80–18791/80–184

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2. 17–073–21123–0000
3. 103 000 000
4. Energy Management Inc
5. A C White Est #4
6. Monroe
7. Ouachita, LA
8. 21.0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18792/80–183
2. 17–073–21122–0000
3. 103 000 000
4. Energy Management Inc
5. A C White Est #3
6. Monroe
7. Ouachita, LA
8. 21.0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18793/80–182
2. 17–073–21049–0000
3. 103 000 000
4. Energy Management Inc
5. A C White Estate #2
6. Monroe
7. Ouachita, LA
8. 20.5 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18794/80–144
2. 17–031–21010–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Pet Ra Sul Joe E Moran #2
6. Kingston
7. DeSoto, LA
8. 1966.0 million cubic feet
9. March 6, 1980
10. JW Operating Company
1. 80–18795/80–143
2. 17–075–22640–0000
3. 103 000 000
4. Gulf Oil Corporation
5. QB 8G RC SU SL 195 QQ #277
6. Quarantine Bay
7. Plaquemines Parish, LA
8. 80.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline Company
1. 80–18796/80–142
2. 17–071–20021–0000
3. 107 000 000
4. Natomas North America Inc
5. Sl 7260 #1
6. Wildcat
7. Orleans, LA
8. 2920.0 million cubic feet
9. March 6, 1980
10.
1. 80–18797/80–141
2. 17–033–20048–0000
3. 107 000 000
4. Amoco Production Company
5. 16400 Tusc Ra Sum Pennington #2
6. Port Hudson
7. East Baton Rouge, LA
8. 2920.0 million cubic feet
9. March 6, 1980
10.
1. 80–18798/80–165
2. 17–053–20569–0000
3. 103 000 000
4. Dew Oil & Gas Company Inc
5. P Ra Sua Jaenke #2
6. Lake Arthur
7. Jefferson Davis, LA
8. 180.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co
1. 80–18799/80–161
2. 17–075–22361–0000
3. 103 000 000
4. Texaco Inc
5. Sl 214 Garden Island Bay 845
6. Garden Island Bay
7. Plaquemines Parish, LA
8. 65.0 million cubic feet
9. March 6, 1980
10. Southern Natural Gas Co
1. 80–18800/80–117
2. 17–101–21043–0000
3. 107 000 000
4. Southern Natural Gas Co—E&P
5. Pa Ma–1 Ra Su St Mary Bk & Tr Co #8
6. Patterson
7. St Mary Parish
8. 1784.0 million cubic feet
9. March 6, 1980
10. Southern Natural Gas Company
1. 80–18801/80–116
2. 17–057–21642–0000
3. 103 000 000
4. Exxon Corporation
5. Cib 32A 4A Ra Su S L 4534 LL&E #3
6. Lake Raccourci
7. Lafourche, LA
8. 730.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Trans Corp
1. 80–18802/80–115
2. 17–109–22179–0000
3. 103 000 000
4. Exxon Corporation
5. Lir 10500 Ra Su Exxon Fee #15
6. Lirette
7. Terrebonne, LA
8. 730.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Trans Corp
1. 80–18803/80–114
2. 17–109–22179–0000
3. 103 000 000
4. Exxon Corporation
5. Lir 9700 Ra Su Exxon Fee #15–D
6. Lirette
7. Terrebonne, LA
8. 1100.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Trans Corp
1. 80–18804/80–113
2. 17–109–22094–0000
3. 103 000 000
4. Southern Natural Gas
5. Tex W Su Southshore 8D
6. Montegut
7. Terrebonne, LA
8. .0 million cubic feet
9. March 6, 1980
10. Southern Natural Gas
1. 80–18805/80–112
2. 17–726–20146–0000
3. 103 000 000
4. Kerr-McGee Corporation
5. Br 20 5800 Ra Su S L 1999 Well #33–D
6. Breton Sound Block 20
7. Plaquemines Pa, LA
8. 47.9 million cubic feet
9. March 6, 1980
10. Southern Natural Gas Co
1. 80–18806/80–111
2. 17–089–20366–0000
3. 103 000 000
4. Texaco Inc
5. Par Lwr 9000 Ra Su SR&P 95
6. Paradis
7. St Charles, LA
8. 325.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18807/80–119
2. 17–087–20153–0000
3. 104 000 000
4. Chevron USA Inc
5. S L 6647 #3
6. Rigolets
7. St Bernard, LA
8. 2941.0 million cubic feet
9. March 6, 1980
10. New Orleans Public Service Inc
1. 80–18808/80–100
2. 17–023–21400–0000
3. 103 000 000
4. Great Southern Oil & Gas Co Inc
5. Holland #1
6. Big Lake
7. Cameron, LA
8. .0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline
1. 80–18809/80–156
2. 17–005–20129–0000
3. 103 000 000
4. Texaco Inc
5. Sor 2000 Ra Su United Lands 71
6. Sorrento
7. Ascension, LA
8. 35.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18810/80–155
2. 17–109–22108–0000
3. 102 000 000
4. Texaco Inc
5. Cl LWR 15000 R010 SU SL 188 690
6. Caillou Island
7. Terrebonne LA
8. 285.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18811/80–154
2. 17–109–22130–0000
3. 102 000 000
4. Texaco Inc
5. Cl LWR 15000 R010 SU SL 188 689
6. Caillou Island
7. Terrebonne LA
8. 185.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18812/80–153
2. 17–109–21893–0000
3. 103 000 000
4. Texaco Inc
5. SL 188 Caillou Island 674
6. Caillou Island
7. Terrebonne LA
8. 1.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18813/80–152
2. 17–109–21939–0000
3. 103 000 000
4. Texaco Inc
5. SL 188 Caillou Island 679
6. Caillou Island

7. Terrebonne LA
8. 5.0 million cubic feet
9. March 6, 1980
10. Kaiser Aluminum & Chemical Corp
1. 80–18814/80–151
2. 17–109–22002–0000
3. 107 000 000
4. Texaco Inc
5. VU–36 BSE U–36 3
6. Bay St. Elaine
7. Terrebonne, LA
8. 20000.0 million cubic feet
9. March 6, 1980
10. Hooker Chemicals & Plastics Corp
1. 80–18815/80–150
2. 17–109–22135–0000
3. 107 000 000
4. Texaco Inc
5. VU–36 BSE U–36 4
6. Bay St. Elaine
7. Terrebonne, LA
8. 1100.0 million cubic feet
9. March 6, 1980
10. Hooker Chemicals & Plastics Corp
1. 80–18816/80–234
2. 17–067–21290–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 4
6. Monroe Field
7. Morehouse, LA
8. 20.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18817/80–233
2. 17–067–21328–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific B 3
6. Monroe Field
7. Morehouse, LA
8. 16.4 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18818/80–232
2. 17–067–21303–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 17
6. Monroe Field
7. Morehouse, LA
8. 21.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18819/80–231
2. 17–067–21315–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific B 1
6. Monroe Field
7. Morehouse, LA
8. 16.4 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18820/80–230
2. 17–067–21314–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 18
6. Monroe Field
7. Morehouse, LA
8. 21.5 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18821/80–229
2. 17–067–21295–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 15
6. Monroe Field
7. Morehouse, LA
8. 14.8 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18822/80–228
2. 17–067–21291–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 16
6. Monroe Field
7. Morehouse, LA
8. 17.5 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18823/80–227
2. 17–067–21313–0000
3. 103 000 000
4. Primos Production Co
5. Georgia Pacific A 19
6. Monroe Field
7. Morehouse, LA
8. 21.5 million cubic feet
9. March 6, 1980
10. United Gas Pipeline
1. 80–18824/80–226
2. 17–067–21306–0000
3. 103 000 000
4. NIP N TUCK Minerals Inc
5. Pipes #3
6. Monroe
7. Morehouse, LA
8. 150.0 million cubic feet
9. March 6, 1980
10. Louisiana Gas Service Company
1. 80–18825/80–225
2. 17–073–21088–0000
3. 103 000 000
4. Robert E. Powell
5. Cyrene Broadcasting Corp #1
6. Monroe
7. Ouachita, LA
8. 15.4 million cubic feet
9. March 6, 1980
10. United Gas-Pipeline
1. 80–18826/80–224
2. 17–727–20103–0000
3. 103 000 000
4. Gulf Oil Corporation
5. SL 7205 #2
6. Chandeleur Sound Block #51
7. St. Bernard Parish, LA
8. 750.0 million cubic feet
9. March 6, 1980
10. Southern Natural Gas Company
1. 80–18827/80–181
2. 17–073–21046–0000
3. 103 000 000
4. Energy Management Inc
5. A C White Est #1
6. Monroe
7. Ouachita, LA
8. 21.0 million cubic feet
9. March 6, 1980
10. Mid Louisiana Gas Company
1. 80–18828/80–175
2. 17–019–20769–0000
3. 103 000 000
4. Cotton Petroleum Corporation
5. Pomeroy Trust 1-SRA
6. Gillis-English Bayou
7. Calcasieu Parish, LA
8. 200.0 million cubic feet
9. March 6, 1980
10. United Gas Pipe Line Company
1. 80–18829/80–174
2. 17–019–20835–0000
3. 103 000 000
4. Cotton Petroleum Corporation
5. A C Beard #1
6. Gillis English Bayou
7. Calcasieu Parish, LA
8. 250.0 million cubic feet
9. March 6, 1980
10. United Gas Pipe Line
1. 80–18830/80–169
2. 17–703–60078–0000
3. 103 000 000
4. Phillips Petroleum Co
5. S L 1170–1 Hog A No. 18
6. Hog Bayou
7. Cameron, LA
8. 2920.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Co

Mississippi Oil and Gas Board

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–18834/4–80–11
2. 23–073–20176–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. F M Snowden No 18
6. Baxterville
7. Lamar MS
8. 19.0 million cubic feet
9. March 6, 1980
10. United Gas Pipeline Co

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–18714/02101
2. 35–018–20651–0000
3. 102 000 000
4. NFC Petroleum Corp
5. Cruse 1–28
6. Oliver
7. Lincoln OK
8. 60.0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18833/05321
2. 35–051–20691–0000
3. 107 000 000
4. AN–SCN Corporation
5. Sisk #1
6. Rush Springs
7. Grady County OK

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8. 160.0 million cubic feet
9. March 6, 1980
10.
1. 80–18671/01432
2. 35–035–20240–0000
3. 108 000 000
4. Maylon Energy
5. Hood #1 OTC No 03555805
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18672/01980
2. 35–053–20043–0000
3. 103 000 000
4. Andover Oil Co
5. Stormont #10–1
6. Wakita Trend
7. Grant OK
8. 100.0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18673/01985
2. 35–151–20788–0000
3. 103 000 000
4. Shenandoah Oil Corp
5. Seeley C No 1
6. Lookout West
7. Woods OK
8. 145.0 million cubic feet
9. March 4, 1980
10. Northern Natural Gas Co
1. 80–18674/01443
2. 35–035–20239–0000
3. 108 000 000
4. Maylon Energy
5. Fitzgerald #3 OTC No 03555804
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Company
1. 80–18675/01986
2. 35–151–20871–0000
3. 103 000 000
4. Shenandoah Oil Corp
5. Seeley D No 1
6. Lookout West
7. Woods OK
8. 70.0 million cubic feet
9. March 4, 1980
10. Northern Natural Gas Co
1. 80–18676/01987
2. 35–151–20799–0000
3. 103 000 000
4. Varn Petroleum Co
5. Glen No 2
6. Northeast Lovedale
7. Woods OK
8. 219.0 million cubic feet
9. March 4, 1980
10. Northern Natural Gas Co
1. 80–18677/01989
2. 35–059–20349–0000
3. 103 000 000
4. Jet Oil Company
5. Drake #1
6. Mocane-Laverne
7. Harper OK
8. 18.0 million cubic feet
9. March 4, 1980
10. Northern Natural Gas Co
1. 80–18678/01990
2. 35–095–20153–0000
3. 103 000 000
4. Grace Petroleum Corp
5. Chrisman 1–18
6. Lakeside
7. Marshall OK
8. 71.0 million cubic feet
9. March 4, 1980
10. Pioneer Gas Products Co
1. 80–18679/01991
2. 35–085–20274–0000
3. 103 000 000
4. Vi–Roi Oil Income & Dev Prog 1975
5. Betty #2
6. Enville
7. Love OK
8. 20.0 million cubic feet
9. March 4, 1980
10. Cimarron Transmission Co
1. 80–18680/01993
2. 35–085–20280–0000
3. 103 000 000
4. Vi–Roi Oil Income & Dev Prog 1975
5. Janell #2
6. Enville
7. Love OK
8. 18.0 million cubic feet
9. March 4, 1980
10. Cimarron Transmission Company
1. 80–18681/01994
2. 35–085–20279–0000
3. 103 000 000
4. Vi–Roi Oil Income & Dev Prog 1975
5. Jeanne #2
6. Envill
7. Love OK
8. 19.0 million cubic feet
9. March 4, 1980
10. Cimarron Transmission Co
1. 80–18682/01943
2. 35–151–20911–0000
3. 103 000 000
4. Wm J OConnor
5. Joanne #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18683/02109
2. 35–119–20709–0000
3. 108 000 000
4. Berry Operating Co
5. Brookshire #4
6. March
7. Payne OK
8. 16.0 million cubic feet
9. March 4, 1980
10. Sun Oil Co
1. 80–18684/01661
2. 35–073–20308–0000
3. 108 000 000
4. Harper Oil Co
5. Marion 1
6. Sooner Trend
7. Kingfisher OK
8. 6.0 million cubic feet
9. March 4, 1980
10. Phillips Petroleum Co
1. 80–18685/01645
2. 35–073–20067–0000
3. 108 000 000
4. Harper Oil Co
5. OHern A–1
6. Sooner Trend
7. Kingfisher OK
8. 7.0 million cubic feet
9. March 4, 1980
10. Exxon Company USA
1. 80–18686/02151
2. 35–015–20713–0000
3. 103 000 000
4. W D Newsom and Associates
5. Kamm Unit No 1
6. Southwest Canyon City
7. Caddo OK
8. 540.0 million cubic feet
9. March 4, 1980
10. Pioneer Transmission Corp
1. 80–18687/02153
2. 35–017–21034–0000
3. 103 000 000
4. Core Oil & Gas Corp
5. Janna No 1
6. W Yukon
7. Canadian OK
8. 700.0 million cubic feet
9. March 4, 1980
10. Phillips Petroleum Co
1. 80–18688/02154
2. 35–017–20927–0000
3. 103 000 000
4. Core Oil & Gas Corp
5. Justin No 1
6. W Yukon
7. Canadian OK
8. 300.0 million cubic feet
9. March 4, 1980
10. Phillips Petroleum Co
1. 80–18689/03825
2. 35–121–20598–0000
3. 103 000 000
4. ArkLa Exploration Co
5. Brown #1–2
6. Reams NW
7. Pittsburg OK
8. 319.0 million cubic feet
9. March 4, 1980
10. Arkansas Louisiana Gas Co
1. 80–18690/02150
2. 35–017–20512–0000
3. 108 000 000
4. Tenneco Oil Co
5. Murray 1–13
6. Niles SW
7. Canadian OK
8. 7.0 million cubic feet
9. March 4, 1980
10. Oklahoma Gas and Electric Co
1. 80–18691/02144
2. 35–087–00000–0000
3. 108 000 000
4. American Realty & Petroleum Corp
5. Smith No 1
6. NE Newcastle
7. McClain OK
8. 5.5 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18692/02141
2. 35–027–00000–0000
3. 108 000 000
4. Northwest Oil Co
5. Ruby Harris-Midco No 1
6. West Norman
7. Cleveland County, OK
8. 4.0 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18693/02140

2. 35–087–00000–0000
3. 108 000 000
4. Northwest Oil Co
5. Annie J Dye No 1
6. Southeast Newcastle
7. McClain County, OK
8. 1.0 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18694/02139
2. 35–027–00000–0000
3. 108 000 000
4. Northwest Oil Co
5. Jack White #2
6. West Norman
7. Cleveland County, OK
8. 8.8 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18695/02137
2. 35–087–00000–0000
3. 108 000 000
4. Northwest Oil Co
5. J C Kunkel No 2
6. Southeast Newcastle
7. McClain County, OK
8. .3 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18696/01456
2. 35–137–21512–0000
3. 103 000 000
4. Marshall Oil Corp
5. Ely #1
6. Stage Stand
7. Stephens OK
8. 147.0 million cubic feet
9. March 4, 1980
10. Arkansas Louisiana Gas Co
1. 80–18697/01648
2. 35–073–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Goodvin 1
6. Sooner Trend
7. Kingfisher OK
8. 7.0 million cubic feet
9. March 4, 1980
10. Exxon Company USA
1. 80–18698/01649
2. 35–073–20306–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Beadle #1
6. Sooner Trend
7. Kingfisher OK
8. 3.8 million cubic feet
9. March 4, 1980
10. Exxon Company USA
1. 80–18699/01650
2. 35–073–20928–0000
3. 108 000 000
4. Harper Oil Co
5. Marshall 1
6. Sooner Trend
7. Kingfisher OK
8. 5.0 million cubic feet
9. March 4, 1980
10. Exxon Company USA
1. 80–18700/01662
2. 35–073–21776–0000
3. 108 000 000
4. Harper Oil Co
5. Hauser 2
6. Sooner Trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 4, 1980
10. Phillips Petroleum Co
1. 80–18701/01529
2. 35–017–21099–0000
3. 103 000 000
4. Samedan Oil Corp
5. Davis No 1
6.
7. Canadian OK
8. 360.0 million cubic feet
9. March 4, 1980
10. Delhi Gas Pipeline Corp
1. 80–18702/02383
2. 35–081–00000–0000
3. 108 000 000
4. W T Fail
5. Fisher #1
6. Lincreek
7. Lincoln OK
8. 21.3 million cubic feet
9. March 4, 1980
10. Kerr-McGee Corp
1. 80–18703/01439
2. 35–035–20214–0000
3. 108 000 000
4. Maylon Energy
5. Fitzgerald #1 OTC No 03555804
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18704/01436
2. 35–035020241–0000
3. 108 000 000
4. Maylon Energy
5. Hood #2 OTC No 03555805
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18705/01435
2. 35–035020229–0000
3. 108 000 000
4. Maylon Energy
5. Fitzgerald #2 OTC No 03555804
6. NW Welch
7. Craig OK
8. .0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18706/02134
2. 35–087–20371–0000
3. 103 000 000
4. Ricks Exploration Co
5. Johnson #11–B
6. Newcastle S
7. McClain OK
8. 60.0 million cubic feet
9. March 4, 1980
10. Oklahoma Gas & Electric Co
1. 80–18707/02159
2. 35–073022016–0000
3. 103 000 000
4. GMC Oil and Gas Corp
5. Sigl #1
6. Sooner Trend
7. Kingfisher OK
8. 30.0 million cubic feet
9. March 4, 1980
10. Phillips Petroleum Co
1. 80–18708/01929
2. 35–003–20646–0000
3. 103 000 000
4. WM J Oconnor
5. Ethel #1
6. Oakdale
7. Alfalfa OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18709/02161
2. 35–073–21984–0000
3. 102 000 000
4. Ricks Exploration Co
5. Glenna #10–A
6. Altona SE
7. Kingfisher OK
8. 500.0 million cubic feet
9. March 4, 1980
10. Oklahoma Natural Gas Co
1. 80–18710/02149
2. 35–017–20894–0000
3. 102 000 000
4. Nova Energy Corp
5. McDaniel #1–10
6.
7. Canadian OK
8. 210.0 million cubic feet
9. March 4, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–18711/012147
2. 35–017–20885–0000
3. 102 000 000
4. Nova Energy Corp
5. Bollinger #1–22
6.
7. Canadian OK
8. 300.0 million cubic feet
9. March 4, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–18712/02133
2. 35–087–20399–0000
3. 103 000 000
4. Ricks Exploration Co
5. Adkins #13–A
6. Golsby N
7. McClain OK
8. 4.0 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18713/02102
2. 35–018–20593–0000
3. 102 000 000
4. NFC Petroleum Corp
5. Moore No 1
6. Oliver
7. Lincoln OK
8. 75.0 million cubic feet
9. March 4, 1980
10. Cities Service Gas Co
1. 80–18715/01945
2. 35–151–20917–0000
3. 103 000 000
4. WM J Oconnor
5. Harmon #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18716/01992
2. 35–085–20285–0000
3. 103 000 000
4. Vi-Roi Oil Income & Dev Prog 1975
5. Janell #1
6. Enville

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7. Love OK
8. 21.0 million cubic feet
9. March 4, 1980
10. Cimarron Transmission Co
1. 80–18717/01988
2. 35–059–20602–0000
3. 103 000 000
4. Herndon Drilling Co
5. Rohrer No 1
6. Laverne
7. Harper OK
8. 170.0 million cubic feet
9. March 4, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–18718/02126
2. 35–071–00000–0000
3. 108 000 000
4. Blackwell Gas Co
5. Denton 1A 326
6. Autwine
7. Kay OK
8. 20.0 million cubic feet
9. March 4, 1980
10. Cities Service
1. 80–18719/02142
2. 35–027–20347–0000
3. 103 000 000
4. Northwest Oil Co
5. David D Price No 4
6. West Norman
7. Cleveland County OK
8. 111.0 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18720/02145
2. 35–067–20400–0000
3. 103 000 000
4. Ricks Exploration Co
5. Griffith #36–A
6. Newcastle N
7. McClain OK
8. 5.0 million cubic feet
9. March 4, 1980
10. Sun Gas Co
1. 80–18721/01938
2. 35–151–30808–0000
3. 103 000 000
4. WM J O'Connor
5. Schaub #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18722/01939
2. 35–151–20904–0000
3. 103 000 000
4. Wm J O'Connor
5. Melton Unit #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18723/01940
2. 35–151–3090–0000
3. 103 000 000
4. Wm J O'Connor
5. Rachel #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18724/01941
2. 35–151–20918–0000
3. 103 000 000
4. Wm J O'Connor
5. Stuck Unit #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. March 4, 1980
10.
1. 80–18725/01925
2. 35–045–35278–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. White Unit B
6. Mocane Laverne
7. Ellis OK
8. 12.0 million cubic feet
9. March 4, 1980
10. Transwestern Pipeline Co
1. 80–18726/01372
2. 35–135–20058–0000
3. 103 000 000
4. Samson Resources Co
5. Byrd Unit No 1
6. South Gans
7. Sequoyah OK
8. 697.6 million cubic feet
9. March 4, 1980
10. Arkansas Louisiana Gas Co
1. 80–18831/02028
2. 35–139–20721–0000
3. 102 000 000
4. John P Castleman Jr
5. Castleman-Rochel No 1
6. East Sturgis
7. Texas OK
8. 100.0 million cubic feet
9. March 6, 1980
10. Panhandle Eastern Pipeline Co
1. 80–18832/01765
2. 35–045–20717–0000
3. 103 000 000
4. Jordan Oil & Gas Co
5. Verlan W Harrell No 1
6. Gage S W
7. Ellis OK
8. 292.0 million cubic feet
9. March 6, 1980
10. Northern Natural Gas Co
1. 80–18907/01567
2. 35–151–20781–0000
3. 103 000 000
4. North American Royalties Inc
5. Houts #1 (#54144)
6. Wolgamott
7. Woods OK
8. 25.0 million cubic feet
9. March 7, 1980
10. Panhandle Eastern Pipeline Co
1. 80–18908/01455
2. 35–137–00100–0000
3. 103 000 000
4. Marshll Oil Corp
5. L R Wilson #1–16
6. Stage Stand
7. Stephens OK
8. 100.0 million cubic feet
9. March 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–18909/01454
2. 35–137–21713–0000
3. 103 000 000
4. Marshall Oil Corp
5. Hines #1
6. Stage Stand
7. Stephens OK
8. 113.0 million cubic feet
9. March 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–18910/01486
2. 35–051–20605–0000
3. 103 000 000
4. Marshall Oil Corp
5. Barter #1
6. Knox
7. Grady OK
8. 295.0 million cubic feet
9. March 7, 1980
10. Public Service Company of Oklahoma
1. 80–18911/00040
2. 35–073–22027–0000
3. 103 000 000
4. Union Texas Petroleum
5. Macy Conley No 1
6. Sooner Trend Sec 15 T17N R8W
7. Kingfisher OK
8. .0 million cubic feet
9. March 7, 1980
10. Cities Service Gas Co
1. 80–18912/00049
2. 35–093–21315–0000
3. 103 000 000
4. Union Texas Petroleum
5. Peter W Jantz No 2
6. Chaney Dell East
7. Major OK
8. 75.0 million cubic feet
9. March 7, 1980
10. Panhandle Eastern Pipeline Co
1. 80–18913/01458
2. 35–137–21615–0000
3. 103 000 000
4. Marshall Oil Corp
5. Callaway #1
6. Stage Stand
7. Stephens OK
8. 327.0 million cubic feet
9. March 7, 1980
10. Arkansas Louisiana Gas Company
1. 80–18914/01667
2. 35–073–20929–0000
3. 108 000 000
4. Harper Oil Company
5. Gist 1
6. Sooner Trend
7. Kingfisher OK
8. 8.0 million cubic feet
9. March 7, 1980
10. Phillips Petroleum Company
1. 80–18915/01683
2. 35–083–20565–0000
3. 108 000 000
4. Harper Oil company
5. James 1
6. NE Elkhorn
7. Logan OK
8. 2.0 million cubic feet
9. March 7, 1980
10. Eason Oil Company
1. 80–18916/01821
2. 35–093–21386–0000
3. 103 000 000
4. Andover Oil Company
5. D M Williams #13–1
6. Sooner Trend
7. Major OK
8. 40.0 million cubic feet
9. March 7, 1980
10. Cities Service Gas Co
1. 80–18917/03447

2. 35–087–00000–0000
3. 108 000 000
4. R P Brandenburg
5. Mary Thomas #1
6. NE Newcastle
7. McClain OK
8. 9.2 million cubic feet
9. March 7, 1980
10. Cities Service Gas Company
1. 80–18918/03443
2. 35–073–20418–0000
3. 108 000 000
4. Petro Lewis Corporation
5. Jule 13–1
6. Sooner Trend
7. Kingfisher OK
8. 7.8 million cubic feet
9. March 7, 1980
10. Partnership Properties Co
1. 80–18919/03450
2. 35–035–20123–0000
3. 108 000 000
4. Maylon Energy
5. Metzen #6 OTC No 03553781
6. NW Welch
7. Craig
8. .0 million cubic feet
9. March 7, 1980
10. Cities Service Gas Co
1. 80–18920/01692
2. 35–073–20426–0000
3. 108 000 000
4. Harper Oil Company
5. Throckmorton 1
6. Sooner Trend
7. Kingfisher OK
8. 6.0 million cubic feet
9. March 7, 1980
10. Phillips Petroleum Company
1. 80–18921/02183
2. 35–073–21358–0000
3. 108 000 000
4. Ricks Exploration Co
5. Garms #26–A
6. Sooner Trend
7. Kingfisher OK
8. 12.0 million cubic feet
9. March 7, 1980
10. Petor-Lewis Corp
1. 80–18922/02000
2. 35–019–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Daugherty D&DH #5
6. E Milroy
7. Carter OK
8. 8.4 million cubic feet
9. March 7, 1980
10. Aminoil USA Inc
1. 80–189923/00569
2. 35–093–00000–0000
3. 108 000 000
4. Ladd Petroleum Corp
5. Adkins (Mann)
6. Ringwood
7. Major OK
8. 6.3 million cubic feet
9. March 7, 1980
10. Oklahoma Natural Gas Gathering
1. 80–18924/01876
2. 35–047–00000–0000
3. 103 000 000
4. Perry Oil Company
5. Shults No 1
6. Sooner Trend
7. Garfield OK
8. 73.0 million cubic feet
9. March 7, 1980
10. Union Texas Petroleum
1. 80–18925/01670
2. 35–073–20674–0000
3. 108 000 000
4. Harper Oil Company
5. Florence 1
6. Sooner Trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 7, 1980
10. Phillips Petroleum Company

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–18926/194
2. 37–033–00000–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #2 Tract 119 (Chart #6067
6. Rockton Gas Field
7. Clearfield Co PA
8. 4.8 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18927/195
2. 37–033–00000–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #3 Tract 119 (Chart #606
6. Rockton Gas Field
7. Clearfield Co PA
8.16.9 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18928/196
2. 37–033–20223–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #4 Tract 119 (Chart #6069
6. Rockton Gas Field
7. Clearfield Co PA
8.1.4 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18929/197
2. 37–033–00000–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #5 Tract 119 (Chart #351
6. Hollywood Gas Field
7. Clearfield Co PA
8. 4.1 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18930/198
2. 37–033–20266–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #6 Tract 119 (Chart #6070)
6. Rockton Gas Field
7. Clearfield Co PA
8. 5.5 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18931/199
2. 37–033–20267–0000
3. 108 000 000
4. Pennsylvania Commonwealth of
5. Comm of Pa #7 Tract 119 (Chart #607)
6. Rockton Gas Field
7. Clearfield Co PA
8. 2.7 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp
1. 80–18932/491
2. 37–129–00000–0000
3. 108 000 000
4. Orville Eberly
5. Boehme #1
6.
7. Westmoreland PA
8. 1.3 million cubic feet
9. July 7, 1980
10. Peoples Natural Gas Company
1. 80–18933/492
2. 37–051–00000–0000
3. 108 000 000
4. Orville Eberly
5. Miller #1
6.
7. Fayette PA
8. 15.7 million cubic feet
9. March 7, 1980
10. Peoples Natural Gas Company
1. 80–18934/493
2. 37–051–00000–0000
3. 108 000 000
4. Orville Eberly
5. Barber Heirs #1
6.
7. Fayette PA
8. 1.6 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80–18935/494
2. 37–129–00000–0000
3. 108 000 000
4. Orville Eberly
5. Evans #1
6.
7. Westmoreland PA
8. 5.4 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80–18936/495
2. 37–129–00000–0000
3. 108 000 000
4. Orville Eberly
5. Byers #1
6.
7. Westmoreland PA
8. 2.7 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80–18937/496
2. 37–051–00000–0000
3. 108 000 000
4. Orville Eberly
5. Wycinsky #1
6.
7. Fayette PA
8. 3.0 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80–18938/497
2. 37–051–00000–0000

V 45 / 71 AP 10 80 UMI

V 45 / 71 APR 10 80 UMI

3. 108 000 000
4. Orville Eberly
5. H Black #1
6.
7. Fayette PA
8. 2.8 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18939/498
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Horwat #1
6.
7. Fayette PA
8. 2.2 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18940/499
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Berkshire #1
6.
7. Fayette PA
8. 4.3 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18941/500
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Hagerty #1
6.
7. Fayette PA
8. 4.8 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18942/502
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Morrison #1
6.
7. Fayette PA
8. 17.1 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18943/503
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Shoaf #1
6.
7. Fayette PA
8. 3.6 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18944/504
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Mayher #1
6.
7. Fayette PA
8. 5.6 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18945/505
2. 37-129-00000-0000
3. 108 000 000
4. Orville Eberly
5. King #3
6.
7. Westmoreland PA
8. 7.4 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18946/506
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Valerio
6.
7. Fayette PA
8. 3.8 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18947/507
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Hanigosky
6.
7. Fayette PA
8. 3.3 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18948/508
2. 37-129-00000-0000
3. 108 000 000
4. Orville Eberly
5. Steel #1
6.
7. Westmoreland PA
8. 2.6 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18949/509
2. 37-129-00000-0000
3. 108 000 000
4. Orville Eberly
5. Steel #2
6.
7. Westmoreland PA
8. 2.6 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18950/510
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Puritan Coke Co #2
6.
7. Fayette PA
8. 4.3 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18951/511
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Puritan Coke Co #3
6.
7. Fayette PA
8. 4.3 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18952/512
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5.
6. Sackett #1
7. Fayette PA
8. 1.3 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18953/1796
2. 37-051-00000-0000
3. 108 000 000
4. Kenneth P Milliken
5. Samuel Fast No 592
6. Nicholson
7. Fayette PA
8. 4.0 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18954/1902
2. 37-049-20660-0000
3. 102 000 000
4. Envirogas Inc
5. Carl J Norder #1
6. Erie Deep
7. Erie PA
8. 18.0 million cubic feet
9. March 7, 1980
10. National Fuel Gas Supply Corporation
1. 80-18955/2179
2. 37-051-00000-0000
3. 108 000 000
4. Orville Eberly
5. Emma Todd Ford
6.
7. Fayette PA
8. 11.1 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18956/2913
2. 37-038-20563-0000
3. 102 000 000
4. Center Bar Gas Company
5. Hamilton #2-01 Pa Per Cra-20563
6. Conneaut
7. Crawford PA
8. 50.0 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18957/2915
2. 37-039-20558-0000
3. 103 000 000
4. Center Bar Gas Company
5. Orthodox #1-01 Pa Per Cra-20558
6. Conneaut
7. Crawford PA
8. 36.0 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18958/2917
2. 37-039-20562-0000
3. 103 000 000
4. Center Bar Gas Company
5. St Sava #4-01 Pa Per Cra-20562
6. Conneaut
7. Crawford PA
8. 36.0 million cubic feet
9. March 7, 1980
10. Columbia Gas Transmission Corp
1. 80-18959/2030
2. 37-083-29158-0000
3. 102 000 000
4. Nucorp Energy Company
5. Kewanee Oil Well #1 (F218)
6. Corydon/Willow Creek Field
7. Mc Kean PA
8. .0 million cubic feet
9. March 7, 1980
10.
1. 80-18960/2031
2. 37-083-10183-0000
3. 102 000 000

4. Nucorp Energy Company
5. Kewanee Oil Well #3 (F-221)
6. Corydon-Willow Creek Field
7. Mc Kean County PA
8. 3.3 million cubic feet
9. March 7, 1980
10.
1. 80-18961/1704
2. 37-033-20749-0000
3. 103 000 000
4. Doran & Associates Inc
5. Earl Haag #1 K-A-1
6. Upper Devonian Sand
7. Clearfield PA
8. 30.0 million cubic feet
9. March 7, 1980
10. Consolidated Gas Supply Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-18727
2. 47-043-01426-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Hanen & Martha Tabor #1
6.
7. Lincoln WV
8. 6.0 million cubic feet
9. March 7, 1980
10. Pennzoil Company
1. 80-18728
2. 47-043-01429-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Dewey Dolin #1
6.
7. Lincoln WV
8. 7.5 million cubic feet
9. March 7, 1980
10. Pennzoil Company
1. 80-18729
2. 47-021-21116-0000
3. 108 000 000
4. Harry Bush Agt
5. Van Noy #1
6. Dekalb
7. Gilmer WV
8. 1.0 million cubic feet
9. March 7, 1980
10. Equitable Gas Co

U.S. Geological Survey, Metairie, La.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-18865/G9-1160
2. 17-708-40340-0000-0
3. 102 000 000
4. Shell Oil Company
5. C-33
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18866/G9-1099
2. 17-708-40227-01S1-0
3. 102 000 000
4. Texaco Inc
5. Smi Blk 116 OCS-G-2095 #A-1
6. South Marsh Island
7. 116
8. 910.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Company
1. 80-18867/G9-1095
2. 17-702-40488-0000-0
3. 102 000 000
4. Marathon Oil Company
5. West Cameron Block 540 #A-3
6. West Cameron South Addition
7. 540
8. 2900.0 million cubic feet
9. March 6, 1980
10. Natural Gas Pipeline Company of Ame Transcontinental Gas Pipeline Corp Texas Eastern Transmission Corp Columbia Gas Transmission Corp
1. 80-18868/G9-1093
2. 17-702-40450-0000-0
3. 102 000 000
4. Marathon Oil Company
5. West Cameron Block 540 #A-1
6. West Cameron South Addition
7. 540
8. 4000.0 million cubic feet
9. March 6, 1980
10. Natural Gas Pipeline Company Of Ame Transcontinental Gas Pipeline Corp Texas Eastern Transmission Corp Columbia Gas Transmission Corp
1. 80-18869/G9-1092
2. 17-707-40310-0000-0
3. 102 000 000
4. Amoco Production Company
5. OCS-G-2305 #A-3
6. South Marsh Island
7. 260
8. 2555.0 million cubic feet
9. March 6, 1980
10. Michigan Wisconsin Pipeline Company Florida Gas Transmission Co Florida Power & Light Co
1. 80-18870/G9-1158
2. 17-708-40381-0000-0
3. 102 000 000
4. Shell Oil Company
5. C-40
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18874/G9-1091
2. 17-707-40261-0000-0
3. 102 000 000
4. Amoco Production Company
5. OCS-G-2305 #A-2
6. South Marsh Island
7. 260
8. 2555.0 million cubic feet
9. March 6, 1980
10. Michigan Wisconsin Pipeline Company Florida Gas Transmission Co Florida Power & Light Co
1. 80-18876/G9-1090
2. 17-707-40195-0000-0
3. 102 000 000
4. Amoco Production Company
5. OCS-G-2305 #A-1
6. South Marsh Island
7. 260
8. 2555.0 million cubic feet
9. March 6, 1980
10. Michigan Wisconsin Pipeline Company, Florida Gas Transmission Co, Florida Power & Light Co
1. 80-18877/G9-982
2. 17-715-40246-0002-0
3. 102 000 000
4. Gulf Oil Corporation
5. S Timb Blk 177 OCS-1260 #E-12D
6. South Timbalier
7. 177
8. 342.0 million cubic feet
9. March 6, 1980
10. Texas Eastern Transmission
1. 80-18878/G9-998
2. 17-708-40318-0100-0
3. 102 000 000
4. Union Texas Petroleum
5. 43 #2
6. Eugene Island
7. 43
8. 1825.0 million cubic feet
9. March 6, 1980
10. Columbia Gas Transmission Corp, United Gas Pipeline Co
1. 80-18879/G9-1096
2. 17-702-40531-0000-0
3. 102 000 000
4. Marathon Oil Company
5. West Cameron Blk 540 #A-9
6. West Cameron South Addition
7. 525
8. 2200.0 million cubic feet
9. March 6, 1980
10. Natural Gas Pipeline Company of AME, Transcontinental Gas Pipeline Corp, Texas Eastern Transmission Corp, Columbia Gas Transmission Corp.
1. 80-18880/G9-1161
2. 17-708-40225-0000-0
3. 102 000 000
4. Shell Oil Company
5. C-23
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18881/G9-1162
2. 17-708-40250-0000-0
3. 102 000 000
4. Shell Oil Company
5. C-25
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18882/G9-1159
2. 17-708-40383-0100-0
3. 102 000 000
4. Shell Oil Company
5. C-42
6. South Marsh Island

7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18883/G9–918
2. 17–712–40189–0000–0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G 1535 #A–3
6. Ship Shoal
7. 296
8. 103.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp, Texas Gas Transmission Corp
1. 80–18886/G9–1002
2. 17–707–40318–0000–0
3. 102 000 000
4. The Superior Oil Company
5. OCS–G–2596 A #9
6. South Marsh Island
7. 244
8. 921.0 million cubic feet
9. March 6, 1980
10.
1. 80–18887/G9–950
2. 17–711–40468–0000–0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS 0346 #37
6. Ship Shoal Block 28
7. Terrebonne, LA
8. 13.0 million cubic feet
9. March 6, 1980
10. Transcontinental Pipeline Corp
1. 80–18889/G9–1094
2. 17–702–40462–0000–0
3. 102 000 000
4. Marathon Oil Company
5. W Cameron Blk 540 #A–2
6. West Cameron South Addition
7. 540
8. 805.0 million cubic feet
9. March 6, 1980
10. Natural Gas Pipeline Co of America, Transcontinental Gas Pipeline Corp, Texas Eastern Transmission Corp, Columbia Gas Transmission Corp
1. 80–18890/G9–1165
2. 17–708–40356–0000–0
3. 102 000 000
4. Shell Oil Company
5. C–37
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18891/G9–1102
2. 17–708–40367–00S1–0
3. 102 000 000
4. Texaco Inc
5. SMI Blk 116 OCS–G–2095 #A–4
6. South Marsh Island
7. 116
8. 910.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Company
1. 80–18892/G9–1034
2. 17–713–40048–00S1–0
3. 102 000 000
4. Ocean Production Company
5. OCS-G 072 #21A
6. South Pelto 20 Field
7. 12
8. 365.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas PL Corp
1. 80–18893/G9–1001
2. 17–707–40308–0000–0
3. 102 000 000
4. The Superior Oil Company
5. OCS–G–2596 A #8–D
6. South Marsh Island
7. 244
8. 860.0 million cubic feet
9. March 6, 1980
10.
1. 80–18894/G9–1164
2. 17–708–40195–0100–0
3. 102 000 000
4. Shell Oil Company
5. C–20
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18895/G9–1166
2. 17–708–40186–0100–0
3. 102 000 000
4. Shell Oil Company
5. C–22
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18897/G9–975
2. 17–715–40246–00D1–0
3. 102 000 000
4. Gulf Oil Corporation
5. S Timb Blk 177 OCS 1260 E–12
6. South Timbalier
7. 177
8. 1084.0 million cubic feet
9. March 6, 1980
10. Texas Eastern Transmission Corp
1. 80–18898/G9–1089
2. 17–711–40444–0000–0
3. 107 000 000
4. Kerr-McGee Corporation
5. OCS–0346 #35
6. Ship Shoal
7. 28
8. 287.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18900/G9–1171
2. 17–708–40229–0000–0
3. 102 000 000
4. Shell Oil Company
5. C–26
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18301/G9–1101
2. 17–708–40366–0000–0
3. 102 000 000
4. Texaco Inc
5. SMI Blk 116 OCS–G–2095 #A–3
6. South Marsh Island
7. 116
8. 910.0 million cubic feet
9. March 6, 1980
10. Tennessee Gas Pipeline Company
1. 80–18902/G9–1157
2. 17–708–40343–0100–0
3. 102 000 000
4. Shell Oil Company
5. C–39
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18903/G9–1167
2. 17–708–40329–0000–0
3. 102 000 000
4. Shell Oil Company
5. C–32
6. South Marsh Island
7. 130
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18905/G9–1036
2. 17–713–40058–00D2–0
3. 102 000 000
4. Ocean Production Company
5. OCS–G 072 #33E
6. South Pelto 20 Field
7. 12
8. 1100.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas PL Corp
1. 80–18906/G9–961
2. 17–705–40190–00D1–0
3. 102 000 000
4. Mobil Oil Exp & Prod Se Inc
5. Vermilion Block 23 A–2A
6. Vermilion
7. 23
8. 1200.0 million cubic feet
9. March 6, 1980
10. Trunkline Gas Company, Florida Gas Transmission Corp, Florida Power & Light Co, Texas Eastern Transmission Co
1. 80–18885/G9–1044
2. 42–411–40271–0000–1
3. 102 000 000
4. Transocean Oil Inc
5. A–1–D
6. High Island E A SE
7. A–283
8. million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–18871/G9–977
2. 42–711–40014–0000–1
3. 102 000 000
4. Transocean Oil Inc
5. B–1 (L–5)
6. High Island E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18872/G9–978
2. 42–711–40014–0000–2
3. 102 000 000
4. Transocean Oil Inc

5. B-I-D
6. High Island E A S E
7. A–283
8. 693.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18873/G9–979
2. 42–711–40014–0000–3
3. 102 000 000
4. Transocean Oil Inc
5. B–1 (L–7–A)
6. High Island E A S E
7. A–283
8. 1214.0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18875/G9–976
2. 42–711–40014–0000–4
3. 102 000 000
4. Transocean Oil Inc
5. B–1 (L–4)
6. High Island E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18884/G9–1081
2. 42–711–40399–0000–1
3. 102 000 000
4. Transocean Oil Inc
5. A–2
6. High Island East E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18888/G9–1079
2. 42–711–40399–0000–2
3. 102 000 000
4. Transocean Oil Inc
5. A–2–D
6. High Island East E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18896/G9–1080
2. 42–711–40399–0000–3
3. 102 000 000
4. Transocean Oil Inc
5. A–2–D
6. High Island East E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18899/G9–1078
2. 42–711–40399–0000–4
3. 102 000 000
4. Transocean Oil Inc
5. A–2
6. High Island East E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18904/G9–1109
2. 42–711–40271–0000–2
3. 102 000 000
4. Transocean Oil Inc
5. A–1
6. High Island East E A S E
7. A–283
8. .0 million cubic feet
9. March 6, 1980
10. Transcontinental Gas Pipeline Corp
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–18835/NM–0093–79
2. 30–045–05700–0000–0
3. 108 000 000
4. Benson-Montin-Greer Drilling Corp
5. Foster-Riddle #4
6. Ballard Pictured Cliffs
7. San Juan NM
8. 21.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18836/NM–0368–79
2. 30–005–20483–0000–0
3. 102 000 000
4. Depco Inc
5. Beall Federal No 1
6. White Ranch (Morrow)
7. Chaves NM
8. 190.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18837/NM–0417–79
2. 30–045–06822–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Hargrave #G–1
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 8.0 million cubic feet
9. March 6, 1980
10. Southern Union Gathering Co
1. 80–18838/NM–0429–79
2. 30–045–07214–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Omler #5
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. March 6, 1980
10. Southern Union Gathering Company
1. 80–18839/NM–4531–79
2. 30–045–20420–0000–0
3. 108 000 000
4. Union Texas Petroleum
5. Johnston Federal No 3–R
6. Blanco Mesaverde Sec 12–T30N–R9W
7. San Juan NM
8. 17.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Co
1. 80–18840/NM 4549–79
2. 30–039–21912–0000–0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28–7 Unit #55A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 220.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18841/NM 0466–79
2. 30–045–06466–0000–0
3. 108 000 000
4. Tenneco Oil Company
5. Hargrave #A–3
6. Fulcher Kutz Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. March 6, 1980
10. Southern Union Gathering Co
1. 80–18842/NM 03437–79
2. 30–039–21477–0000–0
3. 108 000 000
4. Amoco Production Company
5. Valencia Canyon Unit #6
6. Choza Mesa-Pictured Cliffs
7. Rio Arriba NM
8. 11.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Co
1. 80–18843/NM–3877–79
2. 30–045–08700–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Ludwick #14 MV & PC
6. Blanco MV & Aztel PC Gas
7. San Juan NM
8. 21.9 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18844/NM 3960–79
2. 30–025–10813–0000–0
3. 108 000 000
4. Apollo Oil Company
5. La Munyon #1
6. Langlie Mattix
7. Lea NM
8. 60.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18845/NM 4548–79
2. 30–039–21913–0000–0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28–7 Unit #56A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 220.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18846/NM 4552–79
2. 30–045–20504–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Hardie A #4
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18847/NM–4057–79
2. 30–039–20543–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Canyon Largo Unit #180
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 22.3 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18848/NM 4055–79
2. 30–045–20837–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano Unit #226
6. Basin-Dakota Gas
7. San Juan NM
8. 21.5 million cubic feet

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9. March 6, 1980
10. El Paso Natural Gas Co Northwest Pipeline Corp
1. 80–18849/NM 3961–79
2. 30–025–10814–0000–0
3. 108 000 000
4. Apollo Oil Company
5. La Munyon #2
6. Langlie Mattix
7. Lea NM
8. .0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18850/NM 3775–2
2. 30–025–09736–0000–0
3. 108 000 000
4. Worldwide Energy Corporation
5. E J Wells #2
6. Jalmat
7. Lea NM
8. 2.6 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Co
1. 80–18851/NM 3963–79
2. 30–025–10816–0000–0
3. 108 000 000
4. Apollo Oil Company
5. La Munyon #4
6. Langlie Mattix
7. Lea NM
8. .0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18852/NM 3962–79
2. 30–025–10815–0000–0
3. 108 000 000
4. Apollo Oil Company
5. La Munyon #3
6. Langlie Mattix
7. Lea NM
8. .0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18853/NM 4185–79
2. 30–045–07064–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Martin #5
6. Fulcher Kutz–Pictured Cliffs Gas
7. San Juan NM
8. 26.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company Southern Union Gathering Co
1. 80–18854/NM 4272–79
2. 30–039–21376–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Canyon Largo Unit #290
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18855/NM 4277–79
2. 30–039–0767–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 28–7 Unit #116
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18856/NM 4088–79
2. 30–045–21036–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Hughes #18
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 20.1 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18857/NM 4153–79
2. 30–045–07038–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Howell #1
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18858/NM 4355–79
2. 30–025–26266–0000–0
3. 103 000 000
4. Conoco, Inc
5. Hawk B–1 No. 15
6. NMFU—Drinkard
7. Lea, NM
8. 490.0 million cubic feet
9. March 6, 1980
10. Getty Oil Company
1. 80–18859/NM–4292–79
2. 30–045–20462–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Florance #8
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 21.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company
1. 80–18860/NM 4529–79
2. 30–045–10617–0000–0
3. 108 000 000
4. Union Texas Petroleum
5. Sadie West No. 2
6. Basin Dakota—Sec 21 T31N–R12W
7. San Juan, NM
8. 10.0 million cubic feet
9. March 6, 1980
10. Southern Union Gathering Company
1. 80–18861/NM 4519–79
2. 30–015–22899–0000–0
3. 108 000 000
4. Yates Petroleum Corporation
5. Rio Pecos KO Federal No. 1
6. Wildcat
7. Eddy, NM
8. .0 million cubic feet
9. March 6, 1980
10.
1. 80–18862/NM 4518–79
2. 30–015–22890–0000–0
3. 108 000 000
4. Yates Petroleum Corporation
5. Exxon KU Federal Com. No. 1
6. Wildcat (UND)
7. Eddy County, NM
8. .0 million cubic feet
9. March 6, 1980
10. Q02
1. 80–18863/NM 4501–79
2. 30–043–20289–0000–0
3. 108 000 000
4. J G Merrion & R L Bayless
5. Jicarilla 428 #7
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 18.0 million cubic feet
9. March 6, 1980
10. Northwest Pipeline Corporation
1. 80–18864/NM 4410–79
2. 30–045–09060–0000–0
3. 108 000 000
4. El Paso Natural Gas Company
5. Murphy E #2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 23.0 million cubic feet
9. March 6, 1980
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80–10870 Filed 4–9–80; 8:45 am]
BILLING CODE 6450–85–M

[No. 169]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–18980/K–79–1278
2. 15–113–20606–0000
3. 103 000 000
4. Gould Oil Inc
5. Nelson/Meyer #1
6. Ritz-Canton
7. McPherson KS

8. 50.0 million cubic feet
9. March 3, 1980
10.
1. 80–18981/K–79–1319
2. 15–093–20607–0000
3. 103 000 000
4. Mobil Oil Corporation
5. Tate-USA Unit No #2
6. Panoma
7. Kearny KS
8. .0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–18982/K–79–1316
2. 15–093–20603–0000
3. 103 000 000
4. Mobil Oil Corporation
5. Charles Hoffman Unit B #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–18983/K–79–1338
2. 15–025–20273–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Seacat 6–19
6. Lexington Morrow
7. Clark KS
8. 35.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Co
1. 80–18984/K–79–1337
2. 15–025–20278–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Francis 1–20
6. Lexington Morrow
7. Clark KS
8. 128.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Company
1. 80–18985/K–79–1336
2. 15–025–20259–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Moore 2–29
6. Lexington Morrow
7. Clark, KS
8. 450.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Company
1. 80–18986/K–79–1335
2. 15–025–20263–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Moore 3–20
6. Lexington—Mississippi
7. Clark, KS
8. 365.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Company
1. 80–18987/K–79–1333
2. 15–191–20863–0000
3. 102 000 000
4. Texas Oil & Gas Corp
5. ORR C #1
6. Latta-SW
7. Sumner, KS
8. 164.3 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corporation
1. 80–18988/K–79–1346
2. 15–097–20510–0000
3. 102 000 000
4. Imperial Oil Company
5. Woolery #1–18
6.
7. Kiowa, KS
8. 54.7 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80–18989/K–79–1345
2. 15–097–20520–0000
3. 102 000 000
4. Imperial Oil Company
5. Woolery #2–18
6.
7. Kiowa, KS
8. 36.5 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80–18990/K–79–1243
2. 15–025–20558–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Seacat #5–19
6. Lexington Morrow
7. Clark, KS
8. 300.0 million cubic feet
9. March 3, 1980
10. Kansas Power & Light Company
1. 80–18991/K–79–1260
2. 15–075–20197–0000
3. 102 000 000
4. Dernick Land & Company
5. Fotopoulos #1
6. East Bradshaw
7. Hamilton KS
8. 50.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80–18992/K–79–1261
2. 15–075–20200–0000
3. 102 000 000
4. Dernick Land & Co
5. R Fairchild #1
6. East Bradshaw
7. Hamilton, KS
8. 50.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80–18993/K–79–1262
2. 15–075–20199–0000
3. 103 000 000
4. Dernick Land & Company
5. Eaton Estate #1
6. East Bradshaw
7. Hamilton, KS
8. 50.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80–18994/K–79–1285
2. 15–093–20602–0000
3. 103 000 000
4. Mobil Oil Corporation
5. White Heirs B #2
6. Panoma
7. Kearny, KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–18995/K–79–1283
2. 15–093–20606–0000
3. 103 000 000
4. Mobil Oil Corporation
5. Clair Curry Unit #2
6. Panoma
7. Kearny, KS
8. 70.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–18996/K–79–1271
2. 15–189–20435–0000
3. 103 000 000
4. Mobil Oil Corporation
5. J A Porter No 1 Unit #3
6. Hugoton
7. Stevens, KS
8. 190.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80–18997/K–79–1270
2. 15–189–20350–0000
3. 103 000 000
4. Northern Natural Gas Producing Co
5. Haworth No 1 Unit #2
6. Hugoton
7. Stevens, KS
8. 50.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80–18998/K–79–1269
2. 15–189–20426–0000
3. 103 000 000
4. Mobil Oil Corporation
5. Carrie Winter Unit #3
6. Hugoton
7. Stevens, KS
8. 33.0 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–18999/K–79–1274
2. 15–081–20150–0000
3. 103 000 000
4. A E I
5. Wright 3–15
6. Panoma Council Grove
7. Haskell, KS
8. 36.5 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–19000A/K–79–1273
2. 15–081–20149–0000
3. 103 000 000
4. A E I
5. Tiller 1–10
6. Panoma Council Grove
7. Haskell, KS
8. 55.8 million cubic feet
9. March 3, 1980
10. Cities Service Gas Company
1. 80–19000B/K–79–1339
2. 15–047–20443–0000
3. 103 000 000
4. Halliburton Oil Producing Company
5. Hager #1
6. Enlow-Mississippian
7. Edwards, KS
8. 109.0 million cubic feet
9. March 3, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80–19065/K–79–0097
2. 15–055–20191–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Landgraf #1–C
6. Hugoton
7. Finney, KS
8. 8.0 million cubic feet
9. March 7, 1980
10. Northern Natural Gas Co
1. 80–19066/K–79–0102

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2. 15-055-20205-0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Gardner #1
6. Hugoton
7. Finney, KS
8. 9.5 million cubic feet
9. March 7, 1980
10. Northern Natural Gas Co
1. 80-19067/K-79-0774
2. 15-151-20409-0000
3. 102 000 000
4. Argonaut Energy Corporation
5. Block #1
6. Wildcat
7. Pratt, KS
8. 133.9 million cubic feet
9. March 7, 1980
10. Panhandle Eastern Pipeline Co
1. 80-19068/K-79-0911
2. 15-047-20308-0000
3. 108 000 000
4. Benson Mineral Group
5. Charlie Hatfield #1
6. Bordewicke
7. Edwards KS
8. 8.0 million cubic feet
9. March 7, 1980
10. Kansas-Nebraska
1. 80-19069/K-79-1232
2. 15-175-20384-0000
3. 102 000 000
4. Anadarko Production Company
5. Etzold B-1
6. Shuck
7. Seward KS
8. 22.0 million cubic feet
9. March 7, 1980
10. Anadarko Production Company

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-18962/ERC-386
2. 16-193-00000-0000
3. 103 000 000
4. J Scott Talbott Jr
5. Fields-Walker T/7
6.
7. Perry KY
8. .0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18963/ERC-387
2. 16-193-00000-0000
3. 103 000 000
4. Wiser Oil Company
5. Donnie Halcomb 6
6. Little Leatherwood
7. Perry KY
8. 15.0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18964/ERC-387
2. 16-193-00000-0000
3. 103 000 000
4. Wiser Oil Company
5. Donnie Halcomb 5
6. Little Leatherwood
7. Perry KY
8. 12.0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18965/ERC-387
2. 16-193-00000-0000
3. 103 000 000
4. Wiser Oil Company
5. Donnie Halcomb 4
6. Little Leatherwood
7. Perry KY
8. 5.0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18966/ERC-387
2. 16-193-00000-0000
3. 103 000 000
4. Wiser Oil Company
5. Donnie Halcomb 2
6. Little Leatherwood
7. Perry KY
8. 8.0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18967/ERC-387
2. 16-193-00000-0000
3. 103 000 000
4. Wiser Oil Company
5. Donnie Halcomb 1
6. Little Leatherwood
7. Perry KY
8. 6.0 million cubic feet
9. March 10, 1980
10. Kentucky West Virginia Gas Co
1. 80-18968/ERC-388
2. 16-107-00000-0000
3. 103 000 000
4. Warren Drilling Co Inc
5. Parrish-Drake No 1
6. Elk Creek Gas Field
7. Hopkins KY
8. 90.0 million cubic feet
9. March 10, 1980
10. Texas Gas Transmission Corp
1. 80-18969/ERC-389
2. 16-091-00000-0000
3. 103 000 000
4. Kit Development Corp
5. Griffin Swihart #1
6.
7. Hancock County KY
8. 15.0 million cubic feet
9. March 10, 1980
10. Orbit Gas Company
1. 80-18970/ERC-390
2. 16-193-32040-0000
3. 103 000 000
4. Beehive Development Co
5. Eaton Enterprises #2 (0) Frank Campb
6. Big Sandy
7. Perry KY
8. 13.0 million cubic feet
9. March 10, 1980
10. Ray Resources Corp
1. 80-18971/ERC-391
2. 16-193-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Co
5. Jessie Horn & Ky Union Co #1659
6. Kentucky East
7. Perry KY
8. 9.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18972/ERC-391
2. 16-193-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Co
5. William Brewer—No 7265
6. Kentucky East
7. Perry KY
8. 173.9 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18973/ERC-391
2. 16-195-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Co
5. Eugene Miller et al—No 1693
6. Kentucky East
7. Pike KY
8. 189.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18974/ERC-391
2. 16-195-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Company
5. John EP Ratliff—No 7251
6. Kentucky East
7. Pike KY
8. 71.6 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18975
2. 16-131-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Co
5. Chester A Dixon—No 1643
6. Kentucky East
7. Leslie KY
8. 62.6 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18976/ERC-391
2. 16-131-00000-0000
3. 103 000 000
4. Kentucky West Va Gas Co
5. Farmer Hendrix & Issac Yates—No 16
6. Kentucky East
7. Leslie KY
8. 4.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18977/ERC-392
2. 16-133-00000-0000
3. 103 000 000
4. J Scott Talbott Jr
5. N Campbell T-3
6.
7. Letcher KY
8. 90.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18978/ERC-392
2. 16-133-00000-0000
3. 103 000 000
4. J Scott Talbott Jr
5. Griffith T-1
6.
7. Letcher KY
8. 150.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co
1. 80-18979/ERC-392
2. 16-133-00000-0000
3. 103 000 000
4. J Scott Talbott Jr
5. Watts Shepard & Crase T-2
6.
7. Letcher KY
8. 35.0 million cubic feet
9. March 10, 1980
10. Kentucky West Va Gas Co

Mississippi Oil and Gas Board

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-18425/20-80-9
2. 23-065-00000-0000
3. 107 000 000
4. American Natural Gas Production Co
5. Gwinville Gas Unit #204-A
6. Gwinville
7. Jefferson Davis Counms
8. 900.0 million cubic feet
9. February 25, 1980
10.

Montana Board of Oil and Gas Conservation

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-19001/1-80-14
2. 25-041-22074-0000
3. 103 000 000
4. J Burns Brown
5. Kulbeck 3-32-15
6. Wildcat
7. Hill, MT
8. 20.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19002/1-80-15
2. 25-041-25-041-22117-0000
3. 103 000 000
4. J Burns Brown
5. Kulbeck 3-32-15B
6. Wildcat
7. Hill, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19003/1-80-16
2. 25-041-22076-0000
3. 102 000 000
4. J Burns Brown
5. Berry 34-33-15
6. Wildcat
7. Hill, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19004/1-80-17
2. 25-005-22093-0000
3. 103 000 000
4. J Burns Brown
5. Sullwold 10-32-18B
6. Wildcat
7. Blaine, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19005/1-80-19
2. 25-005-21987-0000
3. 102 000 000
4. J Burns Brown
5. Sheppard 8-32-18B
6. Wildcat
7. Blaine, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19006/1-80-20
2. 25-005-22077-0000
3. 102 000 000
4. J Burns Brown
5. State 9-32-18
6. Wildcat
7. Blaine, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19007/1-80-21
2. 25-005-22105-0000
3. 102 000 000
4. J Burns Brown
5. Sheppard 17-32-18
6. Wildcat
7. Blaine, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19008/1-80-22
2. 25-041-22047-0000
3. 102 000 000
4. J Burns Brown
5. State 5-32-15B
6. Wildcat
7. Hill, MT
8. 72.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-19009/1-80-25
2. 25-025-02115-0000
3. 103 000 000
4. Sugar Creek Resources Inc.
5. B-N Pickard Bros #1-5
6.
7. Fallon, MT
8. 70.0 million cubic feet
9. March 3, 1980
10. Montana-Dakota Utilities Co
1. 80-19010/1-80-26
2. 25-083-21315-0000
3. 103 000 000
4. Kenneth Luff, Inc.
5. #1-2 Swenson
6. Middle Sioux Pass
7. Richland, MT
8. 78.0 million cubic feet
9. March 3, 1980
10. True Oil Company
1. 80-19011/1-80-29
2. 25-091-21271-0000
3. 102 000 000
4. Mosbacher Production Co
5. Vera Jensen Et al 25-1
6. Undesignated
7. Sheridan, MT
8. 44.0 million cubic feet
9. March 3, 1980
10.

Nebraska Oil and Gas Conservation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-19012
2. 26-033-21310-0000
3. 108 000 000
4. Exeter Exploration Company
5. #9-1 Madden
6. N E Rohfling
7. Cheyenne NB
8. 9.1 million cubic feet
9. March 4, 1980
10. Kansas-Nebraska Natural Gas Co Inc

Oklahoma Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-19013/00152
2. 35-007-21515-0000
3. 103 000 000
4. Exxon Corporation
5. Earl Miller #2
6. Mocane-Laverne
7. Beaver OK
8. 110.0 million cubic feet
9. March 10, 1980
10. Panhandle Eastern Pipeline Co
1. 80-19014/00158
2. 35-043-20778-0000
3. 103 000 000
4. Exxon Corporation
5. Anderson Unit #2
6. Putnam
7. Dewey OK
8. 91.0 million cubic feet
9. March 10, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-19015/01767
2. 35-045-20750-0000
3. 102 000 000
4. Jordan Oil & Gas Co
5. Sherrill A No 1
6. Gage SW
7. Ellis OK
8. 548.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Company
1. 80-19016/02232
2. 35-151-20727-0000
3. 108 000 000
4. Ricks Exploration Company
5. Fred Smith #9-B
6. Oakdale
7. Woods OK
8. .0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corporation
1. 80-19017/01568

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2. 35-073-12035-0000
3. 103 000 000
4. Aspen Oil Company
5. Cook #1-3
6. West Cashion Field
7. Kingfisher County OK
8. 16.4 million cubic feet
9. March 10, 1980
10. Continental Oil Company
1. 80-19018/01576
2. 35-083-20746-0000
3. 103 000 000
4. Aspen Oil Company
5. Barbara #1
6. North Cashion Field
7. Logan County OK
8. 19.0 million cubic feet
9. March 10, 1980
10. Champlin Oil Company
1. 80-19019/01978
2. 35-053-20333-0000
3. 108 000 000
4. LPCX Corporation
5. Truhlar No 2
6. N W Mayflower
7. Grant OK
8. .0 million cubic feet
9. March 10, 1980
10. ORA Inc
1. 80-19020/00076
2. 35-035-20175-0000
3. 108 000 000
4. J V Atkinson/Verdigris Gathering
5. Iky Waller #3-C
6. Undesignated
7. Craig OK
8. 5.0 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19021/02233
2. 35-151-20786-0000
3. 103 000 000
4. Ricks Exploration Company
5. Lucille #4-A
6. Dacoma W
7. Woods OK
8. 12.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corporation
1. 80-19022/00080
2. 35-035-00000-0000
3. 108 000 000
4. J V Atkinson/Verdigris Gathering
5. Robert N Lee #5-C
6. Undesignated
7. Craig OK
8. 2.5 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19023/00083
2. 35-035-00000-0000
3. 108 000 000
4. J V Atkinson/Verdigris Gathering
5. Robert N Lee #6-C
6. Undesignated
7. Craig OK
8. 3.2 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19024/00084
2. 35-035-20161-0000
3. 108 000 000
4. J V Atkinson/Verdigris Gathering
5. Iky Waller #1
6. Undesignated
7. Craig OK
8. 9.0 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19025/00086
2. 35-035-20199-0000
3. 108 000 000
4. J V Atkinson/Verdigris Gathering
5. Robert N Lee #4
6. Undesignated
7. Craig OK
8. 12.0 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19026/01979
2. 35-053-20331-0000
3. 108 000 000
4. LPCX Corporation
5. Truhlar No 1
6. N W Mayflower
7. Grant OK
8. .0 million cubic feet
9. March 10, 1980
10. CRA Inc
1. 80-19027/00298
2. 35-139-21025-0000
3. 103 000 000
4. Anadarko Production Co
5. Janzen A No 1
6. Camrick
7. Texas OK
8. 168.0 million cubic feet
9. March 10, 1980
10. Panhandle Eastern Pipeline Co
1. 80-19028/01680
2. 35-073-22065-0000
3. 103 000 000
4. Aspen Oil Company
5. Brown #1-2
6. Sooner Trend
7. Kingfisher County OK
8. 180.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19029/02192
2. 35-047-21662-0000
3. 103 000 000
4. Saxon Oil Company
5. Towell #1
6. Basil Avant
7. Garfield OK
8. 124.0 million cubic feet
9. March 10, 1980
10. Aminoil USA
1. 80-19030/02198
2. 35-093-35991-0000
3. 108 000 000
4. Tenneco Oil Company
5. Nona L Miller C #1
6. Ringwood
7. Major OK
8. 8.0 million cubic feet
9. March 10, 1980
10. Oklahoma Natural Gas Gathering Corp
1. 80-19031/02199
2. 35-093-35990-0000
3. 108 000 000
4. Tenneco Oil Company
5. Nora L Miller B #1
6. Ringwood Extension
7. Major OK
8. .5 million cubic feet
9. March 10, 1980
10. Oklahoma Natural Gas Gathering Corp
1. 80-19032/02220
2. 35-153-00000-0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. AVI #11-123
6. Quinlan NW Chester C NW 20-22N-17W
7. Woodward County OK
8. 24.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Company
1. 80-19033/02222
2. 35-047-21524-0000
3. 102 000 000
4. Alpha Drilling Inc
5. Hopewood-Keith #1
6. Garfield
7. Garfield, OK
8. 50.0 million cubic feet
9. March 10, 1980
10. Champlin Petroleum Company
1. 80-19034/02224
2. 35-035-00000-0000
3. 103 000 000
4. Western Wells Co
5. E B Mitchell #1
6. Enid North Field
7. Garfield, OK
8. 200.0 million cubic feet
9. March 10, 1980
10. Arkansas Louisiana Gas Co
1. 80-19035/02227
2. 35-151-20776-0000
3. 103 000 000
4. Ricks Exploration Company
5. Mobridge #24-A
6. Oakdale
7. Woods, OK
8. 120.0 million cubic feet
9. March 10, 1980
10. Aminoil USA Inc
1. 80-19036/00075
2. 35-035-20173-0000
3. 108 000 000
4. J. V Atkinson/Verdigris Gathering SY
5. Iky Waller #4-C
6. (Undesignated)
7. Craig, OK
8. 4.3 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19037/01334
2. 35-077-20163-0000
3. 102 000 000
4. Samson Resources Company
5. Hall Unit No. 1
6. Red Oak
7. Latimer, OK
8. 144.0 million cubic feet
9. March 10, 1980
10. Arkansas Louisiana Gas Company
1. 80-19038/01452
2. 35-137-00000-0000
3. 108 000 000
4. Kaiser Francis Oil Company
5. Cash Unit 1-23
6. S E Stage Stand
7. Stephens, OK
8. 18.0 million cubic feet
9. March 10, 1980
10. Lone Star Gas Company
1. 80-19039/02211
2. 35-153-20997-0000
3. 103 000 000
4. Ricks Exploration Company
5. Baird #1
6. Sharon W

7. Woodward, OK
8. 6.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19040/02212
2. 35-153-20855-0000
3. 103 000 000
4. Ricks Exploration Company
5. Adams #28-A
6. Sharon W
7. Woodward, OK
8. 10.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19041/02209
2. 35-153-52893-0000
3. 103 000 000
4. Ricks Exploration Company
5. Baird #29-B
6. Sharon W
7. Woodward, OK
8. 50.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19042/02210
2. 35-153-20857-0000
3. 103 000 000
4. Ricks Exploration Company
5. Cole #29-A
6. Sharon W
7. Woodward, OK
8. 28.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19043/02206
2. 35-093-21304-0000
3. 103 000 000
4. Ricks Exploration Company
5. Edna #12-A
6. Cheyenne Valley
7. Major, OK
8. 19.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19044/02208
2. 35-153-20874-0000
3. 103 000 000
4. Ricks Exploration Company
5. Cole 29-B
6. Sharon W
7. Woodward, OK
8. 28.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19045/01933
2. 35-151-20777-0000
3. 103 000 000
4. Wm J O'Connor
5. Long #1
6. Oakdale
7. Woods, OK
8. 183.0 million cubic feet
9. March 10, 1980
10.
1. 80-19046/01947
2. 35-153-20787-0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Oklahoma State S Well No. 2
6. Cedardale NE
7. Woodward, OK
8. 95.0 million cubic feet
9. March 10, 1980
10. Michigan Wisconsin Pipe Line Company
1. 80-19047/01688
2. 35-073-21711-0000
3. 108 000 000
4. Harper Oil Company
5. Richards A-3
6. Sooner Trend
7. Kingfisher, OK
8. 3.0 million cubic feet
9. March 10, 1980
10. Exxon Company USA
1. 80-19048/01679
2. 35-073-21907-0000
3. 108 000 000
4. Harper Oil Company
5. Florence 2
6. Sooner Trend
7. Kingfisher, OK
8. 3.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19049/01802
2. 35-035-00000-0000
3. 108 000 000
4. Harper Oil Company
5. Adolph Eifert 1
6. Waukomis
7. Garfield, OK
8. 14.0 million cubic feet
9. March 10, 1980
10. Exxon Company USA
1. 80-19050/01686
2. 35-073-00000-0000
3. 108 000 000
4. Harper Oil Company
5. Richards A-1
6. Sooner Trend
7. Kingfisher, OK
8. 4.0 million cubic feet
9. March 10, 1980
10. Exxon Company USA
1. 80-19051/02170
2. 35-073-20979-0000
3. 103 000 000
4. Court Pappe Jr
5. #1 Florence E 073-53913
6. Sooner Trend
7. Kingfisher, OK
8. 17.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19052/02215
2. 35-093-00000-0000
3. 108 000 000
4. Chica Oil Co
5. Rinn #1
6. Chaney Dell
7. Major, OK
8. 15.0 million cubic feet
9. March 10, 1980
10. Oklahoma Gas & Electric Company
1. 80-19053/02166
2. 35-073-22019-0000
3. 108 000 000
4. GMC Oil and Gas Corp
5. Jirik #1
6. Sooner Trend
7. Kingfisher, OK
8. 7.0 million cubic feet
9. March 10, 1980
10. Continental Oil Company
1. 80-19054/02164
2. 35-073-22095-0000
3. 103 000 000
4. Court Pappe Jr
5. #1 Cora 073-56226
6. Sooner Trend
7. Kingfisher, OK
8. 96.0 million cubic feet
9. March 10, 1980
10. Continental Oil Company
1. 80-19055/02155
2. 35-109-00000-0000
3. 108 000 000
4. J T Hoke Jr
5. J C Hudman No. 1
6. Edmond
7. Oklahoma, OK
8. 12.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Company
1. 80-19056/02186
2. 35-083-53111-0000
3. 103 000 000
4. Ricks Exploration Company
5. Oneill #14-A
6. Marshall N
7. Logan, OK
8. .0 million cubic feet
9. March 10, 1980
10. Eason Oil Company
1. 80-19057/02193
2. 35-035-00000-0000
3. 103 000 000
4. Rick Buck
5. Mack #1-9
6. Sooner Trend
7. Garfield, OK
8. 175.2 million cubic feet
9. March 10, 1980
10. Union Texas Petroleum
1. 80-19058/02194
2. 35-011-53054-0000
3. 103 000 000
4. Ricks Exploration Company
5. Ewing #31-A
6. Fairview SW
7. Blaine, OK
8. 11.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Co
1. 80-19059/02229
2. 35-151-20842-0000
3. 103 000 000
4. Ricks Exploration Company
5. Letha #21-A
6. Cheyenne Valley
7. Woods, OK
8. 300.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Company
1. 80-19060/02228
2. 35-151-21003-0000
3. 108 000 000
4. Ricks Exploration Company
5. Trissell #7-A
6. Sand Creek—Quinlan
7. Woodward, OK
8. 15.0 million cubic feet
9. March 10, 1980
10. Western Electric Cooperative Gas
1. 80-19061/02247
2. 35-053-00000-0000
3. 108 000 000
4. Tenneco Oil Company
5. Leonard Ransom 1-18
6. Wakita SW
7. Grant, OK
8. 7.0 million cubic feet
9. March 10, 1980
10. Cities Service Gas Company
1. 80-19062/02230

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2. 35-151-20581-0000
3. 108 000 000
4. GMC Oil and Gas Corp
5. Payne #1
6. Oakdale
7. Woods, OK
8. 11.0 million cubic feet
9. March 10, 1980
10. Panhandle Eastern Pipe Line Company

1. 80-19063/02011
2. 35-025-20369-0000
3. 102 000 000
4. John P Castleman Jr
5. Castleman-Cox No. 35-1B
6. Sampsel
7. Cimarron, OK
8. 80.0 million cubic feet
9. March 10, 1980
10. Panhandle Eastern Pipeline Company

1. 80-19064/02388
2. 35-059-35232-0000
3. 108 000 000
4. Kaiser-Francis Oil Company
5. Allen #1
6. Laverne
7. Harper, OK
8. 15.0 million cubic feet
9. March 7, 1980
10. Northern Natural Gas Company

The applications for proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10871 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 166]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-17824/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Blair Fork Coal Co.—No. 1556
6. Kentucky East
7. Pike, Ky.
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17825/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Dills & Patterson—No. 1567
6. Kentucky East
7. Pike, Ky.
8. 15.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17826/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. William Childers—No. 7214
6. Kentucky East
7. Pike, Ky.
8. 14.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17827/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Joel Ratliff—No. 7199
6. Kentucky East
7. Pike, Ky.
8. 9.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17828/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Noah Z. Bartley—No. 7193
6. Kentucky East
7. Pike, Ky.
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17829/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Harvey Coleman—No. 7181
6. Kentucky East
7. Pike, Ky.
8. 14.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17830/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Jesse B. Osborn—No. 8614
6. Kentucky East
7. Pike, Ky.
8. 2.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17831/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Pompey Coal & coke Co.—No. 1590
6. Kentucky East
7. Pike, Ky.
8. 11.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17832/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Bethlehem Mines Corp.—No. 1595
6. Kentucky East
7. Pike, Ky.
8. 23.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17833/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Pompey Coal & Coke Co.—No. 1610
6. Kentucky East
7. Pike, Ky.
8. 21.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17834/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Jesse Roberts—No. 5960
6. Kentucky East
7. Pike, Ky.
8. 15.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17835/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Harney Ratliff—No. 6222
6. Kentucky East
7. Pike, Ky.
8. 19.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17836/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Maxie Kendrick—No. 1196
6. Kentucky East
7. Pike, Ky.
8. 7.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17837/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Harp McCoy No. 1228
6. Kentucky East
7. Pike, Ky.
8. 11.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17838/ERC-385

2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. G. F. Johnson & V. Trivette No. 1093
6. Kentucky East
7. Pike, Ky.
8. 7.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17839/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Cora M. Coleman No. 1121
6. Kentucky East
7. Pike, Ky.
8. 8.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17840/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. G. F. Johnson & V. Trivette No. 1125
6. Kentucky East
7. Pike, Ky.
8. 13.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17841/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Milder C. Rowe No. 1155
6. Kentucky East
7. Pike, Ky.
8. 4.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17842/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. B. F. Johnson No. 998
6. Kentucky East
7. Pike, Ky.
8. 8.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17843/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. John S. Cline No. 1004
6. Kentucky East
7. Pike, Ky.
8. 15.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17844/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Flora E. Goff No. 1014
6. Kentucky East
7. Pike, Ky.
8. 9.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17845/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Robert Williams No. 1026
6. Kentucky East
7. Pike, Ky.
8. 15.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17846/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. W. R. Jordon, Jr. No. 1044
6. Kentucky East
7. Pike, Ky.
8. 2.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17847/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Jack L. Hatcher No. 1036
6. Kentucky East
7. Pike, Ky.
8. 1.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17848/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co.
5. Sizemore Mining Co. No. 1038
6. Kentucky East
7. Pike, Ky.
8. 5.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co.

1. 80-17849/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Jack L Hatcher No 1040
6. Kentucky East
7. Pike, KY
8. 16.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17850/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. W H Coleman No 1052
6. Kentucky East
7. Pike, KY
8. 7.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17851/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J A Scott No 1057
6. Kentucky East
7. Pike, KY
8. 8.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17852/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Lizzie Potter No 1059
6. Kentucky East
7. Pike, KY
8. 14.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17853/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Sam Potter No 1089
6. Kentucky East
7. Pike, KY
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17854/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. James Cable No 1080
6. Kentucky East
7. Pike, KY
8. 12.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17855/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. R Thompson No 1086
6. Kentucky East
7. Pike, KY
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17856/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Grover Runyon—No 846
6. Kentucky East
7. Pike, KY
8. 13.0 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17857/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Fields Maynard—No 877
6. Kentucky East
7. Pike, KY
8. 4.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17858/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Geo H Ray—No 885
6. Kentucky East
7. Pike, KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17859/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Robert L Maynard—No 892
6. Kentucky East
7. Pike, KY
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co

1. 80-17860/ERC-385
2. 16-195-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Mary E Pauley Etal—No 915
6. Kentucky East

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7. Pike, KY
8. 10.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17861/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Bamie Stepp 922
6. Kentucky East
7. Pike, KY
8. 4.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17862/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J L Justice No 924
6. Kentucky East
7. Pike, KY
8. 15.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17863/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. James Damron No 927
6. Kentucky East
7. Pike, KY
8. 7.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17864/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. R Thompson No 928
6. Kentucky East
7. Pike, KY
8. 13.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17865/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Dixie Blackburn Etal—No 935
6. Kentucky East
7. Pike, KY
8. 10.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17866/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Matilda Branham No 936
6. Kentucky East
7. Pike, KY
8. 3.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17867/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. James Damron No 941
6. Kentucky East
7. Pike, KY
8. 3.2 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17868/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Trimble Thompson No 950
6. Kentucky East
7. Pike, KY
8. 9.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17869/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Laura Coleman No 955
6. Kentucky East
7. Pike, KY
8. 3.8 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17870/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. George W Priest No 957
6. Kentucky East
7. Pike, KY
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17871/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. John A Damron No 964
6. Kentucky East
7. Pike, KY
8. 3.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17872/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Rolland Howard—No 783
6. Kentucky East
7. Pike, KY
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17873/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Mary Jane Coleman Etal—No 775
6. Kentucky East
7. Pike, KY
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17874/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Dixie Ratliff—No 758
6. Kentucky East
7. Pike, KY
8. 3.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17875/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Grady Bevins—No 706
6. Kentucky East
7. Pike, KY
8. 10.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17876/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J W Blankenship—No 722
6. Kentucky East
7. Pike, KY
8. 12.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17877/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Ingram Leslie—No 730
6. Kentucky East
7. Pike, KY
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17878/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. H C Bevins—No 736
6. Kentucky East
7. Pike, KY
8. 1.8 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–17879/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. J. S. Cline—No. 741
6. Kentucky East
7. Pike, Ky.
8. 15.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17880/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Poly A Scott—No. 823
6. Kentucky East
7. Pike, Ky.
8. 3.9 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17881/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Ballard Weddington—No. 820
6. Kentucky East
7. Pike, Ky.
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17882/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. J. A. Taylor—No. 802
6. Kentucky East
7. Pike, Ky.
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17883/ERC–385

2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. W F Lowe et al—No. 797
6. Kentucky East
7. Pike, Ky.
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17884/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Ballard Weddington—No. 796
6. Kentucky East
7. Pike, Ky.
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17885/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. David Sparks—No. 790
6. Kentucky East
7. Pike, Ky.
8. 17.2 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17886/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. S B Leslie—No. 786
6. Kentucky East
7. Pike, Ky.
8. 2.7 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17887/ERC–85
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Gordy Walker—No. 785
6. Kentucky East
7. Pike, Ky.
8. 11.2 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17888/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. P B Stratton—No. 701
6. Kentucky East
7. Pike, Ky.
8. 14.0 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17889/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Thomas Ratliff—No. 653
6. Kentucky East
7. Pike, Ky.
8. 11.8 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17890/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Roland Spears—No. 645
6. Kentucky East
7. Pike, Ky.
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17891/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Hope Dials Wallman—No. 628
6. Kentucky East
7. Pike, Ky.
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17892/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Lena Collinsworth—No. 619
6. Kentucky East
7. Pike, Ky.
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17893/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. J. S. Cline—No. 606
6. Kentucky East
7. Pike, Ky.
8. 12.3 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17894/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. John M Yost—No. 840
6. Kentucky East
7. Pike, Ky.
8. 15.4 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17895/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. J A Taylor—No. 837
6. Kentucky East
7. Pike, Ky.
8. 12.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17896/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. S B Leslie—No. 829
6. Kentucky East
7. Pike, Ky.
8. 15.1 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17897/ERC–385
2. 16–195–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. J A Taylor—No. 824
6. Kentucky East
7. Pike, Ky.
8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17898/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Simon Arrington—No. 1172
6. Kentucky East
7. Lawrence, Ky.
8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17899/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Shannon W Estep—No. 1064
6. Kentucky East
7. Pike, Ky.
8. 6.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17900/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Dillon Moore—No. 1079
6. Kentucky East
7. Lawrence, Ky.
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17901/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Lou Moore—No. 1089
6. Kentucky East
7. Lawrence, Ky.
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17902/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Actavia Moore—No. 1107
6. Kentucky East
7. Lawrence, Ky.
8. 4.9 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17903/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Oliver Saul—No. 1116
6. Kentucky East
7. Lawrence, Ky.
8. 9.2 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17904/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Milton Moore—No. 1122
6. Kentucky East
7. Lawrence, Ky.
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80–17905/ERC–385
2. 16–127–00000–0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Levi R Cordel—No. 1123
6. Kentucky East

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7. Lawrence, Ky.
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80-17906/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Martin Luther Moore—No. 1124
6. Kentucky East
7. Lawrence, Ky.
8. 9.1 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80-17907/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Roscoe Berry—No. 1135
6. Kentucky East
7. Lawrence, Ky.
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80-17908/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky, West Va. Gas Co.
5. Zeal Hayes—No. 1141
6. Kentucky East
7. Lawrence, Ky.
8. 3.5 million cubic feet
9. March 3, 1980
10. Kentucky, West Va. Gas Co.
1. 80-17909/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Gene Samsel No 1150
6. Kentucky East
7. Lawrence, Ky
8. 2.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17910/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. William Estep No 1167
6. Kentucky East
7. Lawrence, Ky
8. 3.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17911/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Octava Moore et al No 1189
6. Kentucky East
7. Lawrence, Ky
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17912/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Charles McBrayer—No. 1231
6. Kentucky East
7. Lawrence, Ky
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17913/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. David Moore—No. 1233
6. Kentucky East
7. Lawrence, Ky
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17914/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Homer Jay Caudill—No 1240
6. Kentucky East
7. Lawrence, Ky
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17915/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kay Estep—No 1247
6. Kentucky East
7. Lawrence, Ky
8. 9.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17916/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Mary Hall & A Cordle—No. 1258
6. Kentucky East
7. Lawrence, Ky
8. 9.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17917/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lorena Johnson—No 1282
6. Kentucky East
7. Lawrence, Ky
8. 7.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17918/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Earl McKinster—No 1300
6. Kentucky East
7. Lawrence, Ky
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17919/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Nile Ball No 1102
6. Kentucky East
7. Lawrence, Ky
8. 5.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17920/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Forest Moore No 1105
6. Kentucky East
7. Lawrence, Ky
8. 2.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17921/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Don D Ball—No 1564
6. Kentucky East
7. Lawrence, Ky
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17922/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Mary E Prince—No 1442
6. Kentucky East
7. Lawrence, Ky
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17923/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. E E Adams—No 1514
6. Kentucky East
7. Lawrence, Ky
8. 7.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17924/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Roy Thompson—No 1451
6. Kentucky East
7. Lawrence, Ky
8. 13.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17925/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Stroder Moore—No 1459
6. Kentucky East
7. Lawrence, Ky
8. 5.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17926/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Monnie Roberts—No 1479
6. Kentucky East
7. Lawrence, Ky
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17927/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lowda M Cordle—No 1314
6. Kentucky East
7. Lawrence, Ky

8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17928/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Dan D Ball—No 1579
6. Kentucky East
7. Lawrence, Ky
8. 3.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17929/ERC-385
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Denzil L Hensley—No 1594
6. Kentucky East
7. Lawrence, Ky
8. 9.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17930/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kentucky River Coal Corp No 1132
6. Kentucky East
7. Perry, Ky
8. 12.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17931/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Callie & Mallie Combs—No 1248
6. Kentucky East
7. Perry, Ky,
8. 13.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17932/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kentucky River Coal Corp—No 1241
6. Kentucky East
7. Perry, Ky
8. 15.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17933/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Floyd H Combs—No 1203
6. Kentucky East
7. Perry, Ky
8. 9.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17934/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M K Eblen—No 1445
6. Kentucky East
7. Perry, Ky
8. 17.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17935/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Matt Kilburn—No 1496
6. Kentucky East
7. Perry, Ky
8. 22.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17936/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Matthew Pratt—No 1447
6. Kentucky East
7. Perry, Ky
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17937/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Irene I Miniard—No 1450
6. Kentucky East
7. Perry, Ky
8. 9.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17938/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John Engle—No 1460
6. Kentucky East
7. Perry, Ky
8. 16.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17939/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Sizemore Mining Co—No 1472
6. Kentucky East
7. Perry KY
8. 6.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17940/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elhannon Brashear—No 1310
6. Kentucky East
7. Perry KY
8. 7.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17941/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kentucky Union Co—No 7250
6. Kentucky East
7. Perry KY
8. 18.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17942/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Wm R Fields—No 7246
6. Kentucky East
7. Perry KY
8. 16.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17943/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. James Riddle No 7229
6. Kentucky East
7. Perry KY
8. 17.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17944/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John Adams—No 7195
6. Kentucky East
7. Perry KY
8. 14.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17945/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Jackson Combs—No 7186
6. Kentucky East
7. Perry KY
8. 5.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17946/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. 7044 Fugate Heirs
6. Kentucky East
7. Perry KY
8. 10.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17947/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John L Combs—No 6632
6. Kentucky East
7. Perry KY
8. 2.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17948/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. G D Brashear—No 1316
6. Kentucky East
7. Perry KY
8. 10.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17949/ERC-385
2. 16-193-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Dorcas B Holcomb—No 1319
6. Kentucky East
7. Perry KY
8. 9.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17950/ERC-385

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2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. James Branson—No 1323
6. Kentucky East
7. Perry KY
8. 13.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17951/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. George Caudill—No 1327
6. Kentucky East
7. Perry KY
8. 7.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17952/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Sizemore Mining Company—No 1366
6. Kentucky East
7. Perry KY
8. 16.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17953/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Sizemore Mining Company—No 1397
6. Kentucky East
7. Perry KY
8. 8.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17954/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M K Eblen—No 1411
6. Kentucky East
7. Perry KY
8. 17.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17955/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Fordson Coal Company—No 1416
6. Kentucky East
7. Perry KY
8. 7.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17956/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Charlie Shell—No 1417
6. Kentucky East
7. Perry KY
8. 10.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17957/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Rachel E Brashear—No 1431
6. Kentucky East
7. Perry KY
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17958/ERC–385
2. 16–193–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Horn & Combs—No 1626
6. Kentucky East
7. Perry KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17959/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Amanda A Rice—No 1274
6. Kentucky East
7. Johnson KY
8. 5.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17960/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Andy Blair—No 1301
6. Kentucky East
7. Johnson KY
8. 2.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17961/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Harry Thomas—No 1520
6. Kentucky East
7. Johnson KY
8. 6.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17962/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J W Collins—No 7211
6. Kentucky East
7. Johnson KY
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17963/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. B F Rice—No 7188
6. Kentucky East
7. Johnson KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17964/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Crate Rice—No 1335
6. Kentucky East
7. Johnson KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17965/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elmer G Conley—No 1368
6. Kentucky East
7. Johnson KY
8. 1.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17966/ERC–385
2. 16–115–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J K Wells—No 1575
6. Kentucky East
7. Johnson KY
8. 15.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17967/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Greenville Turner Heirs—No 1552
6. Kentucky East
7. Floyd KY
8. 12.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17968/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Curtis Robinson—No 1537
6. Kentucky East
7. Floyd KY
8. 9.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17969/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Eugene P Coburn—No 1529
6. Kentucky East
7. Floyd, KY
8. 11.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17970/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. T J Leake Etal—No 1449
6. Kentucky East
7. Floyd, KY
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17971/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elworth W Crum—No 1461
6. Kentucky East
7. Floyd, KY
8. 4.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17972/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Charles W Combs—No 1470
6. Kentucky East

7. Floyd, KY
8. 5.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17973/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Andy Hatfield—No 1384
6. Kentucky East
7. Floyd, KY
8. 14.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17974/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Mayme Lee Patrick—No 1395–D
6. Kentucky East
7. Floyd, KY
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17975/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. W L Music—No 1422
6. Kentucky East
7. Floyd, KY
8. 8.6 milllion cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17976/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. George H Music—No 633
6. Kentucky East
7. Floyd, KY
8. 3.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17977/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J H Keathley—No 693
6. Kentucky East
7. Floyd, KY
8. 13.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17978/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. B L Osborne—No 703
6. Kentucky East
7. Floyd, KY
8. 8.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17979/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. James Nunnery Et Al—No 771
6. Kentucky East
7. Floyd, KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17980/ERC–385
2. 16–159–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Melissa Ward—560
6. Kentucky East
7. Martin, KY
8. 7.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17981/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. David Johnson Et Al—No 800
6. Kentucky East
7. Floyd, KY
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17982/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. E S Martin—No 588
6. Kentucky East
7. Floyd, KY
8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17983/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Fred Martin—No 589
6. Kentucky East
7. Floyd, KY
8. 17.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17984/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kycoga Land Company—No 1615
6. Kentucky East
7. Letcher, KY
8. 24.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17985/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lee Adams—No 1629
6. Kentucky East
7. Letcher, KY
8. 2.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17986/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Moses Ison—No 7202
6. Kentucky East
7. Letcher, KY
8. 9.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17987/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Marion Hunter—No 1540
6. Kentucky East
7. Knott, KY
8. 18.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17988/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Allen Risner—No 1495
6. Kentucky East
7. Knott, KY
8. 10.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17989/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Dora R Grigsby—No 1485
6. Kentucky East
7. Knott, KY
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17990/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J B Wicker—No 1480–D
6. Kentucky East
7. Knott, KY
8. 16.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17991/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. N L Combs—No 1571
6. Kentucky East
7. Knott, KY
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17992/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Cicley Turner—No 1605
6. Kentucky East
7. Knott, KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17993/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Cicley Turner—No 1609
6. Kentucky East
7. Knott, KY
8. 7.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17994/ERC–385
2. 16–119–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Dennis O Cornett—No 1612
6. Kentucky East
7. Knott, KY
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–17995/ERC–385

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2. 16-119-0000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elcanie Bentley—No 1620
6. Kentucky East
7. Knott, KY
8. 9.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17996/ERC-385
2. 16-119-0000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. N L Combs—No 1623
6. Kentucky East
7. Knott, KY
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17997/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Burris Pigman—No 1635
6. Kentucky East
7. Knott, KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-17998/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Clay Martin—No 799
6. Kentucky East
7. Knott, KY
8. 17.0 million cubic feet
9. March 3, 1980
10. Kehtucky West Va Gas Co
1. 80-17999/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Clay Martin—No 781
6. Kentucky East
7. Knott KY
8. 4.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18000/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Clay Martin No 811
6. Kentucky East
7. Knott KY
8. 8.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18001/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John Chaffins—No 763
6. Kentucky East
7. Knott KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18002/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Nelson Chaffins et al—No 773
6. Kentucky East
7. Knott KY
8. 6.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18003/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J W Bates—No 630
6. Kentucky East
7. Knott KY
8. 4.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18004/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M D Slone—No 605
6. Kentucky East
7. Knott KY
8. 18.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18005/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Joe H Hall—No 862
6. Kentucky East
7. Knott KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18006/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Daniel Wicker—No 667
6. Kentucky East
7. Knott KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18007/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. H H Smith—No 580
6. Kentucky East
7. Knott KY
8. 8.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18008/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Wilson Short—No 583
6. Kentucky East
7. Knott KY
8. 8.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18009/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John B & Mary Adams—No 593
6. Kentucky East
7. Knott KY
8. 6.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18010/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Harrison Terry—No 743
6. Kentucky East
7. Knott KY
8. 2.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18011/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Joseph & Austin Hall—No 461
6. Kentucky East
7. Knott KY
8. 11.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18012/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Martha Amburgey—No 506
6. Kentucky East
7. Knott KY
8. 16.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18013/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. T J Webb—No. 717
6. Kentucky East
7. Knott KY
8. 6.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18014/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Pleasant Slone—No 532
6. Kentucky East
7. Knott KY
8. 12.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18015/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M D Slone—No 537
6. Kentucky East
7. Knott KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18016/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Nancy Johnson—No 561
6. Kentucky East
7. Knott KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18017/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. George Cox—No 341
6. Kentucky East

7. Knott KY
8. 17.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18018/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J B Wicker—No 418
6. Kentucky East
7. Knott KY
8. 10.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18019/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Nancy Calhoun No 1184
6. Kentucky East
7. Knott KY
8. 8.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18020/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Matilda Franklin—No 1195
6. Kentucky East
7. Knott KY
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18021/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elizabeth Collins—No 1200
6. Kentucky East
7. Knott KY
8. 12.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18022/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Valentine Mullins—No 1210
6. Kentucky East
7. Knott KY
8. 7.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18023/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. W B Cornett—No 1221
6. Kentucky East
7. Knott KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18024/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Goldie B Combs—No 1242
6. Kentucky East
7. Knott KY
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18025/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lucy P Rodman—No 1243
6. Kentucky East
7. Knott KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18026/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Chester Combs et ux—No 1255
6. Kentucky East
7. Knott KY
8. 7.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18027/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Charlie Cornett—No 1281
6. Kentucky East
7. Knott KY
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18028/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Vera H Salyer—No 1299
6. Kentucky East
7. Knott KY
8. 10.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18029/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lindsey Amburgey No 1114
6. Kentucky East
7. Knott KY
8. 7.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18030/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Monroe Smith No 1137
6. Kentucky East
7. Knott KY
8. 8.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18031/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Brick Mullins No 1166
6. Kentucky East
7. Knott KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18032/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Sarah A Tolliver No 990
6. Kentucky East
7. Knott KY
8. 5.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18033/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Thos Terry—No 857
6. Kentucky East
7. Knott KY
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18034/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Wilson Short—No 868
6. Kentucky East
7. Knott KY
8. 5.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18035/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Ben Endicott et al—No 757
6. Kentucky East
7. Floyd KY
8. 4.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18036/ERC-385
2. 16-119-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Floyd Hall—No 595
6. Kentucky East
7. Floyd KY
8. 13.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18037/ERC-385
2. 16-071-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. James Howell—No 604
6. Kentucky East
7. Floyd KY
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18038/ERC-385
2. 16-071-00000-0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. F W Newsome—No 749
6. Kentucky East
7. Floyd KY
8. 18.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80-18039/ERC-385
2. 16-071-00000-0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. W J Goble—No 436
6. Kentucky East
7. Floyd, KY
8. 11.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80-18040/ERC-385

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2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J T Herald—No 445
6. Kentucky East
7. Floyd, KY
8. 9.8 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18041/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Joseph Reynolds—No 448
6. Kentucky East
7. Floyd, KY
8. 15.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18042/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Riley Reynolds—No 456
6. Kentucky East
7. Floyd, KY
8. 11.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18043/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. R B Clark—No 462
6. Kentucky East
7. Floyd, KY
8. 7.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18044/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Nora Clark—No 494
6. Kentucky East
7. Floyd, KY
8. 12.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18045/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. R F Hamilton—No 507
6. Kentucky East
7. Floyd, KY
8. 17.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18046/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. John M Hall—No 510
6. Kentucky East
7. Floyd, KY
8. 15.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18047/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Nannie Tackett—No 520
6. Kentucky East
7. Floyd, KY
8. 4.8 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18048/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Thomas Harris—No 521
6. Kentucky East
7. Floyd, KY
8. 15.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18049/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Jas S Layne—No 527
6. Kentucky East
7. Floyd, KY
8. 8.2 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18050/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Thomas Fitzpatrick—No 533
6. Kentucky East
7. Floyd, KY
8. 17.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18051/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Elizabeth Sellards—No 552
6. Kentucky East
7. Floyd, KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18052/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Grover Jervis—No 555
6. Kentucky East
7. Floyd, KY
8. 11.2 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18053/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Morgan Layne—No 562
6. Kentucky East
7. Floyd, KY
8. 15.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18054/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. James Gray—No 7
6. Kentucky East
7. Floyd, KY
8. 14.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18055/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. John Moore—No 14
6. Kentucky East
7. Floyd, KY
8. 11.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18056/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J C Hopkins—No 38
6. Kentucky East
7. Floyd, KY
8. 11.2 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18057/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. James Salisbury—No 49
6. Kentucky East
7. Floyd, KY
8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18058/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Ed Ford—No 52
6. Kentucky East
7. Floyd, KY
8. 14.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18059/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. L C Salisbury—No 151
6. Kentucky East
7. Floyd, KY
8. 5.2 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18060/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J C Hopkins—No 153
6. Kentucky East
7. Floyd, KY
8. 11.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18061/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Cara Patton—No 156
6. Kentucky East
7. Floyd, KY
8. 1.3 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18062/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Wm Bradley—No 180

6. Kentucky East
7. Floyd, KY
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18063/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Alice G Hopkins—No 224
6. Kentucky East
7. Floyd, KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18064/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Lee Martin—No 276
6. Kentucky East
7. Floyd, KY
8. 16.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18065/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Adam Turner—No 295
6. Kentucky East
7. Floyd, KY
8. 7.7 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18066/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. W M Martin—No 305
6. Kentucky East
7. Floyd, KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18067/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J C Hopkins—No 311
6. Kentucky East
7. Floyd, KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18068/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Adam Prater—No 342
6. Kentucky East
7. Floyd, KY
8. 14.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18069/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Garrett Hayes—No 343
6. Kentucky East
7. Floyd, KY
8. 8.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18070/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Thos Stumbo—No 346
6. Kentucky East
7. Floyd, KY
8. 11.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18071/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Joseph Gray—No 353
6. Kentucky East
7. Floyd, KY
8. 6.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18072/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. J C Hopkins—No 370
6. Kentucky East
7. Floyd, KY
8. 14.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18073/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Michael Crum—No 388
6. Kentucky East
7. Floyd, KY
8. 9.4 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18074/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Cathering Williams—No 403
6. Kentucky East
7. Floyd, KY
8. 6.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18075/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Louis Sturgill—No 404
6. Kentucky East
7. Floyd, KY
8. 13.6 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18076/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Gugriel Johnson—No 429
6. Kentucky East
7. Floyd, KY
8. 9.1 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18077/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. Jack Jarrell—No 431
6. Kentucky East
7. Floyd, KY
8. 20.9 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18078/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West VA Gas Co
5. K F Hall—No 434
6. Kentucky East
7. Floyd, KY
8. 3.5 million cubic feet
9. March 3, 1980
10. Kentucky West VA Gas Co
1. 80–18079/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. G. W. Taylor—No 572
6. Kentucky East
7. Floyd, KY
8. 3.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–18080/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Dorothy Burke—No 1270
6. Kentucky East
7. Floyd, KY
8. 2.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–18081/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John Jarrell—No 1304
6. Kentucky East
7. Floyd, KY
8. 8.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–18082/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. William Amy No 1175
6. Kentucky East
7. Floyd, KY
8. 14.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–18083/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Benjamin Hale No 1181
6. Kentucky East
7. Floyd, KY
8. 3.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co
1. 80–18084/ERC–384
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Emma Hatcher No 1018
6. Kentucky East
7. Floyd, KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

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1. 80–18085/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M. B. Williams No 1022
6. Kentucky East
7. Floyd, KY
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18086/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Company
5. Josie Prater No 1031
6. Kentucky East
7. Floyd, KY
8. 7.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18087/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Jane Hopkins No 1049
6. Kentucky East
7. Floyd, KY
8. 2.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18088/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Johnie Fairchild No 1071
6. Kentucky East
7. Floyd, KY
8. 4.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18089/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Sherman Baldridge—No 901
6. Kentucky East
7. Floyd, KY
8. 16.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18090/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. A. J. Music No 980
6. Kentucky East
7. Floyd, KY
8. 6.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18091/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Green Howard No 975
6. Kentucky East
7. Magoffin, KY
8. 5.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18092/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. A. J. Music No 953
6. Kentucky East
7. Floyd, KY
8. 6.3 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18093/ERC–385
2. 16–071–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Florence Hereford No 943
6. Kentucky East
7. Floyd, KY
8. 4.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18094/ERC–385
2. 16–131–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kycoga Land Co—No 1555
6. Kentucky East
7. Letcher, KY
8. 9.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18095/ERC–385
2. 16–131–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kycoga Land Company—No 1506
6. Kentucky East
7. Leslie, KY
8. 8.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18096/ERC–385
2. 16–131–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kycoga Land Company—No 1504
6. Kentucky East
7. Leslie, KY
8. 5.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18097/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Wm. Shepherd—No 227
6. Kentucky East
7. Magoffin, KY
8. 10.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18098/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. William Shepherd—No 276
6. Kentucky East
7. Magoffin, KY
8. 5.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18099/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Garrett Allen No 1007
6. Kentucky East
7. Magoffin, KY
8. 3.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18100/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Lizzie Wireman No 1021
6. Kentucky East
7. Magoffin, KY
8. 3.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18101/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Grant Green—No 854
6. Kentucky East
7. Magoffin, KY
8. 5.5 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18102/ERC–385
2. 16–153–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Johnny Wireman No 956
6. Kentucky East
7. Magoffin, KY
8. 8.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18103/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M. D. Lewis No 1126
6. Kentucky East
7. Letcher, KY
8. 6.1 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18104/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. M. D. Lewis No 1002
6. Kentucky East
7. Letcher, KY
8. 10.8 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18105/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Kycoga Land Company—No 1560
6. Kentucky East
7. Leslie, KY
8. 5.6 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18106/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. John L. Edwards No 1554
6. Kentucky East
7. Leslie, KY
8. 7.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18107/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Meldie Campbell—No 1524

6. Kentucky East
7. Letcher, KY
8. 10.2 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18108/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Les Campbell—No 1477
6. Kentucky East
7. Letcher, KY
8. 9.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18109/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. 7220 T B Watts
6. Kentucky East
7. Letcher, KY
8. 16.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18110/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Harvey Lusk—No 1355
6. Kentucky East
7. Letcher, KY
8. 7.7 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18111/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Harvey Lusk—No 1376
6. Kentucky East
7. Letcher, KY
8. 11.4 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18112/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Elihu Reynolds—No 1407–D
6. Kentucky East
7. Letcher, KY
8. 6.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18113/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. Leonard Whitaker—No 1419–D
6. Kentucky East
7. Letcher, KY
8. 7.9 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

1. 80–18114/ERC–385
2. 16–133–00000–0000
3. 108 000 000
4. Kentucky West Va Gas Co
5. J. R. Lusk—No 1592
6. Kentucky East
7. Letcher, KY
8. 21.0 million cubic feet
9. March 3, 1980
10. Kentucky West Va Gas Co

Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–18115/01342
2. 42–367–30980–0000
3. 102 000 000
4. Mitchell Energy Corporation
5. R F Laminack #1 76591
6. Lake Mineral Wells (4000 CONGL)
7. Parker TX
8. 330.0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Company of AME

1. 80–18116/01146
2. 42–507–00509–0000
3. 102 000 000
4. George D Weatherston
5. Flowers and Ward #1–24 ID#75082
6. Gato Creek (San Miguel)
7. Zavala TX
8. 54.0 million cubic feet
9. March 3, 1980
10.

1. 80–18117/00274
2. 42–211–30160–0000
3. 108 000 000
4. McCulloch Oil Corp of Texas
5. Mathers Ranch No 16
6. Humphreys-Douglas
7. Hemphill TX
8. 2.6 million cubic feet
9. March 3, 1980
10. Arkansas Louisiana Gas Company

1. 80–18118/00109
2. 42–461–30655–0000
3. 102 000 000
4. Hunt Oil Company
5. Amacker-Halff 81 #1 07203
6. Amacker-Tippett SW (Wolfcamp)
7. Upton TX
8. 80.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80–18119/00096
2. 42–391–31223–0000
3. 102 000 000
4. Pennzoil Producing Co
5. W J Fox No A–44
6. Refugio—Fox
7. Refugio TX
8. 68.0 million cubic feet
9. March 3, 1980
10. United Gas Pipe Line Company

1. 80–18120/01479
2. 42–375–30632–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–22– RO
6. West Panhandle Red Cave
7. Potter TX
8. 5.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80–18121/01478
2. 42–375–30635–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–21 RO
6. West Panhandle Red Cave
7. Potter TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80–18122/01477
2. 42–375–30348–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 21–9 RO
6. West Panhandle Red Cave
7. Potter TX
8. 17.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80–18123/01476
2. 42–375–30607–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 21–15 RO
6. West Panhandle Red Cave
7. Potter TX
8. 7.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80–18124/01475
2. 42–375–30634–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 20–2 RO
6. West Panhandle Red Cave
7. Potter TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co

1. 80–18125/01365
2. 42–135–32196–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Foster-Johnson Unit No 326
6. Foster
7. Ector TX
8. 3.0 million cubic feet
9. March 3, 1980
10. Odessa Natural Corp

1. 80–18126/01363
2. 42–135–32187–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Foster-Johnson Unit No 609
6. Foster
7. Ector TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Odessa Natural Corp

1. 80–18127/01362
2. 42–135–32693–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Foster-Johnson Unit No 211
6. Foster
7. Ector TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Odessa Natural Corp

1. 80–18128/01360
2. 42–135–32190–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Foster-Johnson Unit No 715
6. Foster
7. Ector TX

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8. 2.0 million cubic feet
9. March 3, 1980
10. Odessa Natural Corp
1. 80–18129/01355
2. 42–079–30853–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. League 91 Project No 125
6. Slaughter (Slaughter Plant)
7. Cochran TX
8. 3.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co AMOCO Production Co
1. 80–18130/01354
2. 42–079–30854–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. League 91 Project No 128
6. Slaughter (Slaughter Plant)
7. Cochran TX
8. 4.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co AMOCO Production Co
1. 80–18131/01350
2. 42–079–30860–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. League 91 Project No 126
6. Slaughter (Slaughter Plant)
7. Cochran TX
8. 1.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co AMOCO Production Co
1. 80–18132/01343
2. 42–367–31081–0000
3. 102 000 000
4. Mitchell Energy Corporation
5. Harold Moore #1 76592
6. Coyle (Atoka Congl)
7. Parker TX
8. .0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Co of America
1. 80–18133/01493
2. 42–375–30619–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–9 RO
6. West Panhandle Red Cave
7. Potter TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18134/01492
2. 42–375–30592–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–13 RO
6. West Panhandle Red Cave
7. Potter TX
8. 6.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18135/01491
2. 42–375–30342–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–14 RO
6. West Panhandle Red Cave
7. Potter TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18136/01489
2. 42–375–30608–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–12 RO
6. West Panhandle Red Cave
7. Potter TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18137/01488
2. 42–375–30636–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 21–17 RO
6. West Panhandle Red Cave
7. Potter TX
8. 2.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18138/01487
2. 42–375–30581–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 8–24 RO
6. West Panhandle Red Cave
7. Potter TX
8. 3.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18139/01486
2. 42–375–30609–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–16 RO
6. West Panhandle Red Cave
7. Potter TX
8. 6.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18140/01485
2. 42–375–30629–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 8–28 RO
6. West Panhandle Red Cave
7. Potter TX
8. 3.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18141/01484
2. 42–375–30598–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–17 RO
6. West Panhandle Red Cave
7. Potter TX
8. 29.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18142/01483
2. 42–375–30583–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–18 RO
6. West Panhandle Red Cave
7. Potter TX
8. 10.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18143/01482
2. 42–375–30637–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 28–23 RO
6. West Panhandle Red Cave
7. Potter TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18144/01481
2. 42–375–30591–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Betty Teel Trust 5 RO
6. West Panhandle Red Cave
7. Potter TX
8. 2.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18145/01480
2. 42–375–30599–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 8–25 RO
6. West Panhandle Red Cave
7. Potter TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18146/01503
2. 42–375–30355–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–9 RO
6. West Panhandle Red Cave
7. Potter TX
8. 9.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18147/01502
2. 42–375–30344–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–7 RO
6. West Panhandle Red Cave
7. Potter TX
8. 7.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18148/01501
2. 42–375–30343–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–11 RO
6. West Panhandle Red Cave
7. Potter TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18149/01500
2. 42–375–30613–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–12 RO
6. West Panhandle Red Cave
7. Potter TX
8. 10.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18150/01499
2. 42–375–30611–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–10 RO
6. West Panhandle Red Cave
7. Potter TX
8. 2.0 million cubic feet

9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18151/01498
2. 42–375–30596–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–11 RO
6. West Panhandle Red Cave
7. Potter TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18152/01497
2. 42–375–30651–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–16 RO
6. West Panhandle Red Cave
7. Potter TX
8. 14.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18153/01496
2. 42–375–30610–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–15 RO
6. West Panhandle Red Cave
7. Potter TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18154/01495
2. 42–375–30626–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–6 RO
6. West Panhandle Red Cave
7. Potter TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18155/01494
2. 42–375–30617–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 6–8 RO
6. West Panhandle Red Cave
7. Potter TX
8. 2.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18156/02262
2. 42–375–30584–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 21–16 RO
6. West Panhandle Red Cave
7. Potter TX
8. 7.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18157/02261
2. 42–375–30582–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 17–15 RO
6. West Panhandle Red Cave
7. Potter TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18158/02029
2. 42–131–00000–0000
3. 103 000 000
4. Geo O Shettle
5. Driscoll Foundation #3
6. Rosalie SO (Cole 2–A)
7. Duval TX
8. 90.0 million cubic feet
9. March 3, 1980
10. United Gas Pipeline CoCo
1. 80–18159/01367
2. 42–079–00000–0000
3. 108 000 000
4. Vernon Greene & V H Funk
5. D S Wright #3 (60560)
6. Levelland (San Andres)
7. Cochran TX
8. 18.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18160/01725
2. 42–175–31103–0000
3. 103 000 000
4. John R Thompson Operating Inc
5. E R Urban #1
6. Weber NE (3020)
7. Goliad TX
8. 127.8 million cubic feet
9. March 3, 1980
10. C B Gathering Inc
1. 80–18161/01724
2. 42–123–00000–0000
3. 103 000 000
4. John R Thompson Operating Inc
5. W T Bell et al #1
6. Amador (1000 Miocene)
7. Dewitt TX
8. 109.5 million cubic feet
9. March 3, 1980
10.
1. 80–18162/01705
2. 42–103–00000–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. W A Estes #99
6. Sand Hills West
7. Crane TX
8. 10.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18163/01664
2. 42–249–30774–0000
3. 103 000 000
4. Antares Oil Corporation
5. C W Price #1
6. Teresa
7. Jim Wells TX
8. 109.0 million cubic feet
9. March 3, 1980
10. United Gas Pipeline Co
1. 80–18164/01606
2. 42–295–30501–0000
3. 103 000 000
4. Diamond Shamrock Corporation
5. May M Wright H No 1
6. Lipscomb
7. Lipscomb TX
8. 10.0 million cubic feet
9. March 3, 1980
10. Naural Gas Pipeline Co of America
1. 80–18165/01505
2. 42–375–30580–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–15 RO
6. West Panhandle Red Cave
7. Potter TX
8. 5.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18166/01504
2. 42–375–30588–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 5–10 RO
6. West Panhandle Red Cave
7. Potter TX
8. 5.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18167/0527
2. 42–483–26062–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Daberry #1
6. Panhandle East
7. Wheeler TX
8. 4.7 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18168/02494
2. 42–179–23739–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Miller 1
6. Panhandle West
7. Gray TX
8. 8.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18169/02432
2. 42–087–26087–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Glenn C 1
6. Panhandle East
7. Collingsworth TX
8. .5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18170/02415
2. 42–087–26293–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams A 3
6. Panhandle East
7. Collingsworth TX
8. 1.2 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18171/02283
2. 42–375–30603–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Bivins 17–12 RO
6. West Panhandle Red Cave
7. Potter TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80–18172/02800
2. 42–483–26321–0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wood #1
6. Panhandle East
7. Wheeler TX
8. 2.6 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80–18173/02591

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2. 42-087-25976-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Aldous A 1
6. Panhandle East
7. Collingsworth TX
8. 4.5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18174
2. 42-087-25975-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Aldous 1
6. Panhandle East
7. Collingsworth TX
8. 10.9 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18175/02581
2. 42-483-26074-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Foster 2
6. Panhandle East
7. Wheeler TX
8. 16.6 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18176/02578
2. 42-087-26105-0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Henderson 1
6. Panhandle East
7. Collingsworth TX
8. .4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18177/02565
2. 42-087-26269-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Smith A 3
6. Panhandle East
7. Collingsworth TX
8. 10.8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18178/02552
2. 42-087-26320-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wischkaemper F #1
6. Panhandle East
7. Collingsworth TX
8. 18.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18179/02540
2. 42-413-18878-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Sheen—A #3
6. Fort McKavitt (Palo Pinto)
7. Schleicher TX
8. 12.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18180/02530
2. 42-179-26078-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Fowler F 1
6. Panhandle East
7. Gray TX
8. 12.6 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18181/03200
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Finley—Dolomite No 14
6. Panhandle Gray
7. Gray TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Coltexo Corp 03200
1. 80-18182/03193
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Skoog—A No 4
6. Panhandle Gray
7. Gray TX
8. .6 million cubic feet
9. March 3, 1980
10. Getty Oil Co
1. 80-18183/03192
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Skoog—A No 3
6. Panhadle Gray
7. Gray TX
8. .4 million cubic feet
9. March 3, 1980
10. Getty Oil Co
1. 80-18184/03125
2. 42-087-26153-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Lutes #6
6. Panhandle East
7. Collingsworth TX
8. 40.8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18185/02652
2. 42-087-26226-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. O'Neil #4
6. Panhandle East
7. Collingsworth TX
8. .4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18186/02647
2. 42-087-26168-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Massey A #4
6. Panhandle East
7. Collingsworth TX
8. 1.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18187/02645
2. 42-087-26314-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wischkaemper #3
6. Panhandle East
7. Collingsworth TX
8. .9 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18188/02644
2. 42-087-26199-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Neely 2
6. Panhandle East
7. Collingsworth TX
8. .2 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18189/02639
2. 42-087-26131-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Laycock 14
6. Panhandle East
7. Collingsworth TX
8. .3 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18190/02633
2. 42-087-26207-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Nichols 2
6. Panhandle East
7. Collingsworth TX
8. 1.7 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18191/02632
2. 42-087-26016-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Bell K #1
6. Panhandle East
7. Collingsworth TX
8. 3.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18192/02630
2. 42-483-26033-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Boren 3
6. Panhandle East
7. Wheeler TX
8. 6.2 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18193/03308
2. 42-179-23757-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Wilson 1
6. Panhandle East
7. Gray TX
8. 13.8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18194/03303
2. 42-483-26073-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Foster 1
6. Panhandle East
7. Wheeler, TX
8. 7.5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18195/03297
2. 42-179-26048-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Carpenter 1
6. Panhandle East

7. Gray, TX
8. 2.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18196/03292
2. 42-435-19213-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Martin No. 1
6. Sonora (Canyon Upper)
7. Sutton, TX
8. 25.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18197/03279
2. 42-087-26264-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Smith 1
6. Panhandle East
7. Collingsworth, TX
8. 8.3 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18198/03264
2. 42-179-26643-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. McKinnon No. 3
6. Panhandle East
7. Gray, TX
8. 48.9 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.; Pioneer Natural Gas Co.
1. 80-18199/03260
2. 42-087-25988-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Atkinson B No. 1
6. Panhandle East
7. Collingsworth, TX
8. 2.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18200/03254
2. 42-179-26076-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Fowler B 1
6. Panhandle East
7. Gray, TX
8. 7.6 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18201/03251
2. 42-087-26309-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Willoughby 1
6. Panhandle East
7. Collingsworth, TX
8. 6.5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18202/03245
2. 42-179-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Skoog—B No. 4
6. Panhandle Gray
7. Gray, TX
8. .9 million cubic feet
9. March 3, 1980
10. Getty Oil Co.
1. 80-18203/03244
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Pritchard J. E. No. 1
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .3 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18204/03213
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Bryan No. 3
6. Panhandle Carson
7. Carson, TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Cabot Corp.
1. 80-18205/03211
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Thompson—E No. 15
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. 3.5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18206/03432
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Johnson M No. 10
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18207/03422
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Luca No. 9
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. 6.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18208/03395
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Neil, J. R. No. 2
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .2 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18209/03388
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Bryan No. 13
6. Panhandle—Carson
7. Carson, TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Cabot Corp.
1. 80-18210/03387
2. 42-065-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Bryan No. 12
6. Panhandle—Carson
7. Carson, TX
8. .7 million cubic feet
9. March 3, 1980
10. Cabot Corp.
1. 80-18211/03384
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Bret R No. 4
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .7 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18212/03370
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Ranch C No. 6
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. 10.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18213/03367
2. 42-357-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Rogers—D No. 1
6. S. E. Share
7. Ochiltree, TX
8. 1.8 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co.
1. 80-18214/03358
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Pul—Whittenburg No. 2
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .2 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline Co.
1. 80-18215/03342
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Perkins J. J. No. 25
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18216/03338
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. Perkins J. J. No. 10
6. Panhandle—Hutchinson
7. Hutchinson, TX
8. .7 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.
1. 80-18217/03332
2. 42-179-21758-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Wilson A 1
6. Panhandle West
7. Gray, TX
8. 27.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

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1. 80-18218/03315
2. 42-179-23720-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Howard 1
6. Panhandle West
7. Gray, TX
8. 25.1 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18219/03311
2. 42-179-23724-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Johnson 1
6. Panhandle West
7. Gray, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18220/03310
2. 42-179-23718-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Hommel 1
6. Panhandle West
7. Gray, TX
8. 8.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18221/03309
2. 42-179-23733-0000
3. 108 000 000
4. El Paso Natural Gas Co.
5. Lewis 2
6. Panhandle West
7. Gray, TX
8. 13.2 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18222/03782
2. 42-435-30528-0000
3. 108 000 000
4. Amoco Production Company
5. Randee Fawcett Trust C No. 2
6. Sawyer/Canyon
7. Sutton, TX
8. 4.0 million cubic feet
9. March 3, 1980
10. Lone Star Gas Co.

1. 80-18223/03767
2. 42-135-03150-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. (18588) Cowden G No. 2
6. Goldsmith North (San Andres-Con)
7. Ector, TX
8. 3.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18224/03540
2. 42-367-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Blair-Woody No. 1
6. Toto
7. Parker, TX
8. 8.3 million cubic feet
9. March 3, 1980
10. Lone Star Gas Co.

1. 80-18225/03534
2. 42-367-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. H. Carr Unit C No. 1
6. Brazos East
7. Parker, TX
8. 2.3 million cubic feet
9. March 3, 1980
10. Lone Star Gas Co.

1. 80-18226/03487
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc.
5. Thompson B-4
6. Panhandle West
7. Moore, TX
8. 9.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co.

1. 80-18227/03438
2. 42-375-30247-0000
3. 108 000 000
4. CIG Exploration Inc.
5. Bivins 77R
6. Panhandle West Red Cave
7. Potter, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co.

1. 80-18228/03437
2. 42-375-30163-0000
3. 108 000 000
4. CIG Exploration Inc.
5. Masterson 77R
6. Panhandle West Red Cave
7. Potter, TX
8. 21.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co.

1. 80-18229/03436
2. 42-375-30133-0000
3. 108 000 000
4. CIG Exploration Inc.
5. Masterson 73R
6. Panhandle West Red Cave
7. Potter, TX
8. 14.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co.

1. 80-18230/03435
2. 42-375-30137-0000
3. 108 000 000
4. CIG Exploration Inc.
5. Masterson 68R
6. Panhandle West Red Cave
7. Potter, TX
8. 19.0 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co.

1. 80-18231/04007
2. 42-461-01215-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. (03913) N. Pembrook S. UN 5801
6. Spraberry (Trend Area)
7. Upton, TX
8. 2.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co.

1. 80-18232/03998
2. 42-135-20068-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. (21556) North Penwell Unit 113
6. Penwell
7. Ector, TX
8. 6.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18233/03995
2. 42-135-20058-0000
3. 108 000 000
4. Phillips Petroleum Co.
5. (21556) North Penwell Unit 94
6. Penwell
7. Ector, TX
8. 1.3 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18234/03950
2. 42-135-20355-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 106
6. Penwell
7. Ector Tx
8. 8.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co.

1. 80-18235/03946
2. 42-135-05836-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (18713) Goldsmith Adobe Unit No 4502
6. Goldsmith (5600)
7. Ector Tx
8. 1.9 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company

1. 80-18236/03907
2. 42-295-30529-0000
3. 103 000 000
4. Cotton Petroleum Corporation
5. Pundt No 2
6. Lipscomb SE (Morrow)
7. Lipscomb Tx
8. 187.7 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company

1. 80-18237/03836
2. 42-135-03149-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (18588) Cowden—G No 1
6. Goldsmith North (San Andres Con)
7. Ector Tx
8. 3.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18238/03832
2. 42-003-53270-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (20149) Blk 11 Dev Unit 1402
6. Block II (Devonian)
7. Andrews Tx
8. 6.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18239/04017
2. 42-135-06424-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 163
6. Penwell
7. Ector Tx
8. 4.3 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18240/04016
2. 42-135-06429-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 145

6. Penwell
7. Ector Tx
8. 5.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18241/04013
2. 42-495-10859-0000
3. 106 000 000
4. Phillips Petroleum Company
5. (42188) University Lands-R No 1
6. War-Wink (5085 Delaware)
7. Winkler Tx
8. 10.8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18242/04009
2. 42-103-31877-0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. P J Lea et al No 69
6. Lea (San Andres)
7. Crane Tx
8. 12.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18243/03917
2. 42-185-00000-0000
3. 102 000 000
4. Cashco Energy Corporation
5. F I Johnson No 2-T
6. Hill (Woodbine)
7. Grimes Tx
8. 300.0 million cubic feet
9. March 3, 1980
10. Armour Pipe Line Company

1. 80-18244/04493
2. 42-427-31230-0000
3. 103 000 000
4. Continental Oil
5. T B Slick Est A No 152 75764
6. Rincon (B-1 Frio)
7. Starr Tx
8. 73.0 million cubic feet
9. March 3, 1980
10. Tennessee Gas Pipeline Co

1. 80-18245/04492
2. 42-391-31156-0000
3. 103 000 000
4. Continental Oil
5. J F Welder Heirs R No 5 72447
6. Sharps Lake (3150)
7. Refugio Tx
8. 158.0 million cubic feet
9. March 3, 1980
10. Houston Pipeline Company

1. 80-18246/04491
2. 42-323-31281-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 6927 02082
6. Sacatosa (San Miguel No 1 Sand)
7. Maverick Tx
8. 6.8 million cubic feet
9. March 3, 1980
10. Lovaca Gathering Company

1. 80-18247/04490
2. 42-323-31169-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 7017 02082
6. Sacatosa (San Miguel No 1 Sand)
7. Maverick Tx
8. 6.8 million cubic feet
9. March 3, 1980
10. Lovaca Gathering Company

1. 80-18248/04489
2. 42-323-31179-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 6660 02082
6. Sacatosa (San Miguel No 1 Sand)
7. Maverick Tx
8. 6.8 million cubic feet
9. March 3, 1980
10. Lovaca Gathering Company

1. 80-18249/04487
2. 42-135-20270-0000
3. 106 000 000
4. Phillips Petroleum Company
5. North Penwell Unit 71
6. Penwell
7. Ector Tx
8. .5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18250/04451
2. 42-135-04355-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Nobles No 6 (58071)
6. Andector (Yates)
7. Ector Tx
8. 18.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18251/04471
2. 42-071-30791-0000
3. 103 000 000
4. Amoco Production Company
5. William Cooper Heirs No 9
6. Turtle Bay
7. Chambers Tx
8. 12.0 million cubic feet
9. March 3, 1980
10. Texas Eastern Trans Corp

1. 80-18252/04467
2. 42-071-30828-0000
3. 103 000 000
4. Amoco Production Company
5. E S Stephenson Oil Unit I No 1
6. Turtle Bay
7. Chambers Tx
8. 21.9 million cubic feet
9. March 3, 1980
10. Texas Eastern Trans Corp

1. 80-18253/04033
2. 42-103-31876-0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. P J Lea et al No 68
6. Lea (San Andres)
7. Crane Tx
8. 11.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18254/04018
2. 42-135-06425-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 147
6. Penwell
7. Ector Tx
8. 10.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18255/04505
2. 42-435-32096-0000
3. 103 000 000
4. Amoco Production Company
5. E S Mayer Jr D No 12
6. Whitehead/Strawn
7. Sutton Tx
8. 73.0 million cubic feet
9. March 3, 1980
10. Lone Star Gas Company

1. 80-18256/04496
2. 42-495-03444-0000
3. 108 000 000
4. Phillips Petroleum Company
5. Lavender No 2 (68788)
6. Keystone (Devonian)
7. Winkler Tx
8. 13.4 million cubic feet
9. March 3, 1980
10. Sid Richardson Gasoline Co

1. 80-18257/04539
2. 42-135-06144-0000
3. 108 000 000
4. Phillips Petroleum Company
5. North Penwell Unit 40
6. Penwell
7. Ector Tx
8. 6.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18258/04537
2. 42-135-21087-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 41
6. Penwell
7. Ector Tx
8. 3.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18259/04536
2. 42-135-20556-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 38
6. Penwell
7. Ector Tx
8. 6.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18260/04535
2. 42-135-20635-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 30
6. Penwell
7. Ector Tx
8. 9.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

1. 80-18261/04534
2. 42-135-05782-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (16670) TXL-S No 2
6. Spraberry Trend
7. Ector Tx
8. .6 million cubic feet
9. March 3, 1980
10. Shell Oil Company

1. 80-18262/04527
2. 42-135-07275-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21556) North Penwell Unit 72
6. Penwell
7. Ector Tx
8. .5 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co

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1. 80-18283/05837
2. 42-135-3286-0000
3. 103 000 000
4. Continental Oil Company
5. H S Foster A (16154) No 16
6. Cowden South
7. Ector Tx
8. 3.6 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18284/05833
2. 42-079-30925-0000
3. 103 000 000
4. Continental Oil Company
5. Conoco-Dean Unit (60108) No 128
6. Slaughter/San Andres
7. Cochran Tx
8. .7 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18285/05823
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-C No 4
6. Carson-Hutchinson
7. Hutchinson Tx
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18286/05822
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett No 9
6. Carson-Hutchinson
7. Hutchinson Tx
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18287/05820
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-C No 8
6. Carson-Hutchinson
7. Hutchinson Tx
8. 7.2 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18288/05817
2. 42-391-31163-0000
3. 103 000 000
4. Goldston Oil Corporation
5. Refugio Gas Unit No 1 Well No 1 74971
6. Refugio North (5030)
7. Refugio Tx
8. 180.0 million cubic feet
9. March 3, 1980
10. United Gas Pipe Line Company
1. 80-18289/05816
2. 42-239-30815-0000
3. 103 000 000
4. Goldston Oil Corporation
5. Bertha Dell McDowell No 1 75558
6. Gabrysch (6300)
7. Jackson Tx
8. 115.0 million cubic feet
9. March 3, 1980
10. United Gas Pipe Line Company
1. 80-18270/05813
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-A No 8
6. Carson-Hutchinson
7. Hutchinson Tx
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18271/05612
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-C No 11
6. Carson-Hutchinson
7. Hutchinson Tx
8. 16.5 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18272/05771
2. 42-495-30986-0000
3. 103 000 000
4. Bass Enterprises Production Co
5. J B Walton No 89
6. Keystone
7. Winkler Tx
8. 118.0 million cubic feet
9. March 3, 1980
10. Transwestern Pipeline Company El Paso Natural Gas Co
1. 80-18273/04554
2. 42-131-32512-0000
3. 103 000 000
4. Continental Oil
5. Robert Driscoll No 132-U 79171
6. Conoco Driscoll
7. Duval Tx
8. 102.0 million cubic feet
9. March 3, 1980
10. Transco Gas Pipe Line (C/4005) City of Benavides
1. 80-18274/04555
2. 42-131-32513-0000
3. 103 000 000
4. Continental Oil
5. Robert Driscoll No 131-L 77832
6. Conoco Driscoll (Govt Wells 1 up)
7. Duval, TX
8. 64.0 million cubic feet
9. March 3, 1980
10. Transco Gas Pipe Line (C-4005), City of Benavides
1. 80-18275/04556
2. 42-505-30960-0000
3. 103 000 000
4. Continental Oil
5. S Martinez No 2 77833
6. Hundido (Lobo)
7. Zapata, TX
8. 72.8 million cubic feet
9. March 3, 1980
10. Houston Pipeline Company
1. 80-18276/04557
2. 42-505-30888-0000
3. 103 000 000
4. Continental Oil
5. S Martinez No 1 75828
6. Hundido (Lobo)
7. Zapata, TX
8. 90.8 million cubic feet
9. March 3, 1980
10. Houston Pipeline Co
1. 80-18277/04558
2. 42-323-31297-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 7025 02082
6. Sacatosa (San Miguel #1 sand)
7. Maverick, TX
8. 6.8 million cubic feet
9. March 3, 1980
10. Lovaca Gathering Company
1. 80-18278/04559
2. 42-323-31294-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 7022 02082
6. Sacatosa (San Miguel No 1 sand)
7. Maverick, TX
8. 6.8 million cubic feet
9. March 3, 1980
10. Lo Vaca Gathering Company
1. 80-18279/04560
2. 42-323-31211-0000
3. 103 000 000
4. Continental Oil
5. N J Chittim No 3762 02082
6. Sacatosa (San Miguel #1 sand)
7. Maverick County, TX
8. 6.8 million cubic feet
9. March 3, 1980
10. Lovaca Gathering Company
1. 80-18280/04656
2. 42-497-00000-0000
3. 108 000 000
4. Walsh and Watts Inc
5. McGuire #2 #09457
6. Chico West
7. Wise, TX
8. 10.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18281/04658
2. 42-497-00000-0000
3. 108 000 000
4. Walsh and Watts Inc
5. Fuller #1 29309
6. Boonsville
7. Wise, TX
8. 15.0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Company of AME
1. 80-18282/04660
2. 42-337-00000-0000
3. 108 000 000
4. Walsh and Watts Inc
5. Elrod-Owens #1 14717
6. Sunset
7. Montague, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18283/04667
2. 42-337-00000-0000
3. 108 000 000
4. Walsh and Watts Inc
5. Martin D #1 13649
6. Sunset
7. Montague, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18284/04708
2. 42-317-31989-0000
3. 103 000 000
4. Parker & Parsley Inc
5. Snyder A Lease No 1
6. Spraberry (Trend Area)
7. Martin, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18285/04723

2. 42-133-31455-0000
3. 103 000 000
4. Leclair-Westwood Inc
5. Elliott #1
6. Penn (Ranger)
7. Eastland, TX
8. 7.7 million cubic feet
9. March 3, 1980
10. Odessa Natural Corporation
1. 80-18286/04754
2. 43-317-31988-0000
3. 103 000 000
4. Parker & Parsley Inc
5. Snyder Lease No. 1
6. Spraberry (Trend area)
7. Martin, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18287/04756
2. 42-317-31980-0000
3. 103 000 000
4. Parker & Parsley Inc
5. McKenney Lease No 1
6. Spraberry (Trend area)
7. Martin, TX
8. 18.0 million cubic feet
9. March 3, 1980
10. Adobe Oil & Gas Corporation
1. 80-18288/04757
2. 42-317-31973-0000
3. 103 000 000
4. Parker & Parsley Inc
5. Yater Lease No 1
6. Spraberry (Trend area)
7. Midland, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18289/04759
2. 42-329-30815-0000
3. 103 000 000
4. Parker & Parsley Inc
5. TXL Lease No 1
6. Spraberry (Trend area)
7. Midland, TX
8. 15.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18290/04784
2. 42-195-30594-0000
3. 103 000 000
4. Sharples & Co Properties
5. R C Lowe 2
6. Hansford (Morrow middle)
7. Hansford, TX
8. 68.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-18291/04869
2. 42-079-00000-0000
3. 103 000 000
4. El Ran Inc
5. Wilson #1
6. Buckshot
7. Cochran, TX
8. 48.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18292/04856
2. 42-481-31513-0000
3. 102 000 000
4. Cobra Oil & Gas Corporation
5. Guy Stovall #1 (#67467)
6. Golden Rod (FRIO 4200)
7. Wharton, TX
8. 90.0 million cubic feet
9. March 3, 1980
10. Texas Eastern Transmission Corp
1. 80-18293/04863
2. 42-219-31909-0000
3. 103 000 000
4. Texas Pacific Oil Company Inc
5. Central Levelland Unit #200
6. Levelland,
7. Hockley, TX
8. 3.9 million cubic feet
9. March 3, 1980
10. Amoco Production Company
1. 80-18294/04864
2. 42-219-31910-0000
3. 108 000 000
4. Texas Pacific Oil Company Inc
5. Central Levelland Unit #199
6. Levelland
7. Hockley, TX
8. 4.3 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18295/04869
2. 42-105-30110-0000
3. 108 000 000
4. Indian Wells Oil Company
5. Austin Millspaugh 2-1
6. Ozona Canyon Sand
7. Crockett, TX
8. 6.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-18296/04908
2. 42-215-00000-0000
3. 108 000 000
4. Clark Fuel Producing Company
5. Flores No 1-C ID 31248
6. Sam Fordyce (Wheeler)
7. Hidalgo, TX
8. 7.0 million cubic feet
9. March 3, 1980
10. South Texas Natural Gas Gath Co
1. 80-18297/04924
2. 42-215-00000-0000
3. 108 000 000
4. Clark Fuel Producing Co
5. Westag Corp #1-C ID 12278
6. Nichols (2800)
7. Hidalgo, TX
8. 17.0 million cubic feet
9. March 3, 1980
10. Tennessee Gas Pipeline Co
1. 80-18298/04943
2. 42-215-00000-0000
3. 108 000 000
4. Clark Fuel Producing Co
5. Yturria Town & Imp Co C-1 ID 39882
6. Nichols (3860)
7. Hidalgo, TX
8. 5.0 million cubic feet
9. March 3, 1980
10. Tennessee Gas Pipeline Co
1. 80-18299/04947
2. 42-475-31698-0000
3. 103 000 000
4. Amoco Production Company
5. J F Postelle No 10
6. Rhoda Walker (Canyon 5900)
7. Ward, TX
8. 151.0 million cubic feet
9. March 3, 1980
10. Delhi Gas Pipeline Corp
1. 80-18300/04948
2. 42-495-30350-0000
3. 108 000 000
4. Phillips Petroleum Company
5. (21555) McCabe No 44
6. Halley
7. Winkler, TX
8. 3.4 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
1. 80-18301/04966
2. 42-089-30034-0000
3. 103 000 000
4. Mitchell Energy Corporation
5. C W McDermott #5 77228
6. Nada (Frio 3600)
7. Colorado, TX
8. 70.2 million cubic feet
9. March 3, 1980
10. Tennessee Gas Pipeline Co
1. 80-18302/05039
2. 42-079-30809-0000
3. 103 000 000
4. Getty Oil Company
5. XIT Unit No 160
6. Levelland
7. Cochran, TX
8. 10.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18303/05045
2. 42-079-30468-0000
3. 103 000 000
4. Getty Oil Company
5. XIT Unit No 157
6. Levelland
7. Cochran, TX
8. 50.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18304/05047
2. 42-079-30807-0000
3. 103 000 000
4. Getty Oil Company
5. XIT Unit No 161
6. Levalland
7. Cochran, TX
8. 30.0 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18305/05093
2. 42-367-31126-0000
3. 103 000 000
4. Mitchell Energy Corporation
5. H P Hoover #1 80079
6. Boonsville (Bend Congl Gas)
7. Parker, TX
8. 133.8 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Co of America
1. 80-18336/05099
2. 42-497-31309-0000
3. 103 000 000
4. Mitchell Energy Corporation
5. A G Newby 80017
6. Boonsville (Bend Congl Gas)
7. Wise, TX
8. 58.0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Co of America
1. 80-18307/05357
2. 42-357-00000-0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. O D C No 1-68U
6. Ellis Ranch

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7. Ochiltree, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Southwestern Public Service Co
1. 80–18308/05487
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Brownlee Bros—Cook No 1–127U
6. Parsell
7. Ochiltree, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Southwestern Public Service Co
1. 80–18309/05488
2. 42–357–00000–0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. Fred Butler No 3–L
6. Share S E
7. Ochiltree, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80–18310/05560
2. 42–421–00000–0000
3. 108 000 000
4. Danden Petroleum Inc
5. Bess Roberts #1 TX RR Com #71884
6. Texas Hugoton
7. Sherman, TX
8. 3.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80–18311/05561
2. 42–317–32010–0000
3. 103 000 000
4. Maguire Oil Co
5. Shepard 1–19
6. Ackerly (Dean Sand)
7. Martin, TX
8. 40.0 million cubic feet
9. March 3, 1980
10. Getty Oil Co
1. 80–18312/05565
2. 42–317–32032–0000
3. 103 000 000
4. Maguire Oil Company
5. Snell 1–15
6. Ackerly (Dean Sand)
7. Martin, TX
8. 25.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18313/005566
2. 42–317–32030–0000
3. 103 000 000
4. Maguire Oil Company
5. Davis A 1–20
6. Ackerly (Dean Sand)
7. Martin, TX
8. 30.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18314/06368
2. 42–371–00000–0000
3. 103 000 000
4. Mole Operating Co Inc
5. Mole Skua 3
6. Horsehead Crossing (Clearfork)
7. Pecos, TX
8. 360.0 million cubic feet
9. March 3, 1980
10. Northern natural Gas
1. 80–18315/09239
2. 42–393–30668–0000
3. 103 000 000
4. Amarillo Oil Company
5. Flowers C #1–6
6. Mendota NW (Granite Wash SW)
7. Roberts, TX
8. 200.0 million cubic feet
9. March 3, 1980
10. Pioneer Natural Gas Company
1. 80–18316/06369
2. 42–351–30285–0000
3. 103 000 000
4. Duer Wagner & Co
5. Lindsey Gas Unit #1
6. Quicksand Creek (Wilcox)
7. Newton, TX
8. 9.8 million cubic feet
9. March 3, 1980
10. Trunkline Gas Company
1. 80–18317/06873
2. 42–065–30647–0000
3. 103 000 000
4. B & W Oil & Gas
5. Burnett Lease #2–100
6. Panhandle-Carson County
7. Carson, TX
8. 73.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line
1. 80–18318/06876
2. 42–065–30579–0000
3. 103 000 000
4. B & W Oil & Gas
5. Burnett Lease #1–96
6. Panhandle-Carson County
7. Carson, TX
8. 102.2 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline
1. 80–18319/06877
2. 42–065–30590–0000
3. 103 000 000
4. B & W Oil & Gas
5. Burnett Lease #2–96
6. Panhandle-Carson County
7. Carson, TX
8. 100.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipe Line
1. 80–18320/06883
2. 42–383–00000–0000
3. 108 000 000
4. SECO Production Company
5. Merchant 14 #05919
6. Calvin (Dean)
7. Reagan, TX
8. 2.7 million cubic feet
9. March 3, 1980
10. Allied Chemical Corp
1. 80–18321/06884
2. 42–383–00000–0000
3. 108 000 000
4. SECO Production Company
5. Merchant 11 #05884
6. Calvin (Dean)
7. Reagan, TX
8. 3.3 million cubic feet
9. March 3, 1980
10. Allied Chemical Corp
1. 80–18322/06515
2. 42–371–00000–0000
3. 108 000 000
4. Bill J graham
5. H J Eaton RRC #20569
6. Pecos Valley (Yates)
7. Pecos, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80–18323/06516
2. 42–371–00000–0000
3. 108 000 000
4. Bill J Graham
5. White #1 RRC #20570
6. Pecos Valley (Yates)
7. Pecos, TX
8. 12.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas
1. 80–18324/06112
2. 42–047–30579–0000
3. 103 000 000
4. Sun Oil Company (Delaware)
5. W P Wright Well No 1
6. Flowella (Vickburg 10400)
7. Brooks TX
8. 66.0 million cubic feet
9. March 3, 1980
10.
1. 80–18325/06117
2. 42–317–32005–0000
3. 103 000 000
4. Maguire Oil Company
5. Perry 1–8
6. Ackerly (Dean Sand)
7. Martin TX
8. 20.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18326/06118
2. 42–317–32008–0000
3. 103 000 000
4. Maguire Oil Company
5. Dyer 1–19
6. Ackerly (Dean Sand)
7. Martin TX
8. 40.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18327/06119
2. 42–317–32013–0000
3. 103 000 000
4. Maguire Oil Company
5. Stokes 1–21
6. Ackerly (Dean Sand)
7. Martin TX
8. 30.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18328/06120
2. 42–317–32014–0000
3. 103 000 000
4. Maguire Oil Company
5. Stokes A 1–21
6. Ackerly (Dean Sand)
7. Martin TX
8. 30.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18329/06121
2. 42–115–31226–0000
3. 103 000 000
4. Maguire Oil Company
5. White 1–9
6. Ackerly (Dean Sand)
7. Dawson TX
8. 20.0 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80–18330/06202

2. 42–355–31319–0000
3. 103 000 000
4. Tenneco Oil Company
5. East Side Block No 10–U
6. Agua Dulce (7800)
7. Nueces TX
8. 1800.0 million cubic feet
9. March 3, 1980
10. Tennessee Gas Pipeline Company
1. 80–18331/06222
2. 42–003–31773–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. Emma San Andres Unit #11–11
6. Emma (San Andres)
7. Andrews TX
8. 3.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80–18332/06229
2. 42–003–31774–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. Emma San Andres Unit #10–57
6. Emma (San Andres)
7. Andrews TX
8. 11.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80–18333/06239
2. 42–501–31233–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. Sable San Andres Unit #44
6. Sable San Andres
7. Yoakum TX
8. 1.1 million cubic feet
9. March 3, 1980
10. Warren Petroleum Company
1. 80–18334/06241
2. 42–435–31362–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. Cauthorn Mildred 19 No 2
6. Jo Nell (Canyon D)
7. Sutton TX
8. 74.1 million cubic feet
9. March 3, 1980
10. United Texas Transmission Co
1. 80–18335/06248
2. 42–131–32898–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. J R foster #57
6. Hagist Ranch (Queen City Sand)
7. Duvall TX
8. 18.0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Co of America
1. 80–18336/06281
2. 42–097–30866–0000
3. 103 000 000
4. Arco Oil and Gas Company
5. G L Ramsey #24
6. Walnut Bend (Oil Creek)
7. Cooke TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Union Texas Petroleum Co
1. 80–18337/06046
2. 42–151–30861–0000
3. 103 000 000
4. Continental Oil Company
5. Lucie Mae Wilson (01915) #20
6. Round Top/Canyon Sand/
7. Fisher TX
8. 45.6 million cubic feet
9. March 3, 1980
10. Lone Star Gas Co
1. 80–18338/06049
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Carrie Wright No 10
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0058)
1. 80–18339/06050
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Carrie Wright No 6
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0058)
1. 80–18340/06053
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-O No 6
6. Carson-Hutchinson
7. Hutchinson TX
8. 2.2 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80–18341/06506
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Carrie Wright No 11
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0058)
1. 80–18342/06060
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Carrie Wright No 8
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0058)
1. 80–18343/06070
2. 42–079–30476–0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit (60106) #101
6. Slaughter/San Andres/
7. Cochran TX
8. 3.7 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80–183/06074
2. 42–079–30805–0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit (60106) #121
6. Slaughter/San Andres/
7. Cochran TX
8. 2.9 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80–18345/06078
2. 42–079–30928–0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit (60106) #127
6. slaughter/San Andres
7. Cochran TX
8. .7 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80–18346/06080
2. 42–003–31174–0000
3. 103 000 000
4. Continental Oil Co
5. W T Ford (01630) #50
6. Fuhrman/Glorieta
7. Andrews TX
8. 1.8 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80–18347/05876
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett G-No 16
6. Carson-Hutchinson
7. Hutchinson TX
8. 3.3 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80–18348/05878
2. 42–179–00000–0000
3. 108 000 000
4. Continental Oil Co
5. B E Finley No 2
6. Gray Wheeler
7. Gray TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0058)
1. 80–18349/05989
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No 10
6. Carson-Hutchinson
7. Hutchinson TX
8. 2.7 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80–18350/05998
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No 9
6. Carson-Hutchinson
7. Hutchinson TX
8. 3.8 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80–18351/06000
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S b Burnett-A No 4
6. Carson-Hutchinson
7. Hutchinson TX
8. 2.5 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80–18352/06001
2. 42–233–00000–0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No 2
6. Carson-Hutchinson

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7. Hutchinson TX
8. 4.1 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18353/08003
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No 14
6. Carson-Hutchinson
7. Hutchinson TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18354/08002
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No. 13
6. Carson-Hutchinson
7. Hutchinson, TX
8. 3.3 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18355/08034
2. 42-135-32767-0000
3. 103 000 000
4. Continental Oil Co
5. H S Foster (08302) #16
6. Cowden South
7. Ector, TX
8. 3.6 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18356/08036
2. 42-135-32952-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit #131
6. Cowden North
7. Ector, TX
8. 15.0 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18357/08039
2. 42-135-32939-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit (20661) #118
6. Cowden North
7. Ector, TX
8. 74.5 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18358/08043
2. 42-079-30800-0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit (60106) #117
6. Slaughter/San Andres
7. Cochran, TX
8. 2.2 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18359/08045
2. 42-151-30089-0000
3. 103 000 000
4. Continental Oil Co
5. Lucie Mae Wilson (01915) #21
6. Round Top/Canyon Sand
7. Fisher, TX
8. 12.8 million cubic feet
9. March 3, 1980
10. Lone Star Gas Co
1. 80-18360/05838
2. 42-135-32940-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit (20661) #119
6. Cowden North
7. Ector, TX
8. 69.7 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18361/05841
2. 42-135-32941-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit (20661) #120
6. Cowden North
7. Ector, TX
8. 81.8 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18362/05843
2. 42-135-32948-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit (20661) #124
6. Cowden North
7. Ector, TX
8. 40.2 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18363/05844
2. 42-135-32715-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit (20661) #94
6. Cowden North
7. Ector, TX
8. 13.5 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18364/05853
2. 42-003-31651-0000
3. 103 000 000
4. Continental Oil Co
5. W T Ford (01630) #52
6. Fuhrman/Glorietal
7. Andrews, TX
8. .7 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18365/05864
2. 42-135-32949-0000
3. 103 000 000
4. Continental Oil Co
5. Wight Unit #125
6. Cowden North
7. Ector, TX
8. 33.6 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18366/05867
2. 42-079-30927-0000
3. 103 000 000
4. Continental Oil Co
5. Conoco-Dean Unit (60106) #126
6. Slaughter/San Andres
7. Cochran, TX
8. .7 million cubic feet
9. March 3, 1980
10. Amoco Production Co
1. 80-18367/05868
2. 42-135-32180-0000
3. 103 000 000
4. Continental Oil Co
5. H S Foster C (18248) #7
6. Cowden South
7. Ector, TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18368/05872
2. 42-135-32181-0000
3. 103 000 000
4. Continental Oil Co
5. H S Foster C (18248) #6
6. Cowden South
7. Ector, TX
8. 3.6 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18369/05873
2. 42-135-32755-0000
3. 103 000 000
4. Continental Oil Co
5. H S Foster A (16154) #13
6. Cowden South
7. Ector, TX
8. 7.3 million cubic feet
9. March 3, 1980
10. Phillips Pet Co
1. 80-18370/05945
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-A No 11
6. Carson-Hutchinson
7. Hutchinson, TX
8. 1.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18371/05952
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-C No. 7
6. Carson-Hutchinson
7. Hutchinson, TX
8. 2.6 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18372/05973
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No. 17
6. Carson-Hutchinson
7. Hutchinson, TX
8. 12.8 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18373/05974
2. 42-233-00000-0000
3. 108 000 000
4. Continental Oil Co
5. S B Burnett-G No. 11
6. Carson-Hutchinson
7. Hutchinson, TX
8. 11.1 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company (0294)
1. 80-18374/08004
2. 42-047-30689-0000
3. 103 000 000
4. Amoco Production Company
5. Mestina Oil and Gas Co #7
6. Alta Mesa North (4350)
7. Brooks, TX
8. 154.0 million cubic feet
9. March 3, 1980
10. S Tex Natural Gas Gathering
1. 80-18375/08647

2. 42-109-31375-0000
3. 103 000 000
4. BTA Oil Producers
5. 7806 JV-P Duval #1 ID #80476
6. King Edward (ATOKA)
7. Culberson, TX
8. 270.0 million cubic feet
9. March 3, 1980
10. Pioneer Natural Gas Co
1. 80-18376/08014
2. 42-003-31668-0000
3. 103 000 000
4. Amoco Production Company
5. University Consolidated V No 12
6. Fullerton (Ellenburger)
7. Andrews, TX
8. 58.8 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18377/08045
2. 42-365-30655-0000
3. 103 000 000
4. Amoco Production Company
5. Carthage Gas Unit 13 No. 3
6. Carthage (Cotton Valley)
7. Panola, TX
8. 980.0 million cubic feet
9. March 3, 1980
10. Tejas Gas Corporation
1. 80-18378/08309
2. 42-339-30409-0000
3. 103 000 000
4. Exxon Corporation
5. Conroe Field Unit No. 309
6. Conroe
7. Montgomery, TX
8. 32.0 million cubic feet
9. March 3, 1980
10. Moran Utilities Company
1. 80-18379/08311
2. 42-003-31753-0000
3. 103 000 000
4. Exxon Corporation
5. Fullerton Clearfork Unit #727
6. Fullerton
7. Andrews, TX
8. 2.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18380/08440
2. 42-383-31282-0000
3. 103 000 000
4. Saxon Oil Company
5. University 9-9 #1
6. Spraberry (Trend Area)
7. Reagan County, TX
8. .0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-18381/08448
2. 42-383-31280-0000
3. 103 000 000
4. Saxon Oil Company
5. Turner No. 1
6. Spraberry
7. Reagan County, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-18382/08449
2. 42-383-31279-0000
3. 103 000 000
4. Saxon Oil Company
5. Turner No. 4
6. Spraberry
7. Reagan County, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-18383/08450
2. 42-383-31289-0000
3. 103 000 000
4. Saxon Oil Company
5. Turner No. 3
6. Spraberry
7. Reagan County, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Co
1. 80-18384/08779
2. 42-239-31331-0000
3. 103 000 000
4. Ken Petroleum Corp
5. Pierce Estate Well No. 1
6. Hutchins South (5800)
7. Wharton, TX
8. 35.0 million cubic feet
9. March 3, 1980
10. Florida Gas Transmission Company
1. 80-18385/08817
2. 42-483-30523-0000
3. 103 000 000
4. Texas American Oil Corp
5. Purcell No. 1
6. Panhandle East
7. Wheeler, TX
8. 64.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18386/08818
2. 42-483-30578-0000
3. 103 000 000
4. Texas American Oil Corp
5. Ethel Smith No. 1
6. Panhandle East
7. Wheeler, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18387/08820
2. 42-483-30489-0000
3. 103 000 000
4. Texas American Oil Corp
5. Reneau No. 1
6. Panhandle East
7. Wheeler, TX
8. 14.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18388/08821
2. 42-483-30550-0000
3. 103 000 000
4. Texas American Oil Corp
5. M K Crockett No. 1
6. Panhandle East
7. Wheeler, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18389
2. 42-483-30542-0000
3. 103 000 000
4. Texas American Oil Corp
5. J Glasscock No. 1
6. Panhandle East
7. Wheeler, TX
8. 88.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18390/08823
2. 42-483-30589-0000
3. 103 000 000
4. Texas American Oil Corp
5. Gabel No. 1
6. Panhandle East
7. Wheeler, TX
8. 11.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18391/08824
2. 42-483-30589-0000
3. 103 000 000
4. Texas American Oil Corp
5. H F Fabian No. 1
6. Panhandle East
7. Wheeler, TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18392/08825
2. 42-483-30529-0000
3. 103 000 000
4. Texas American Oil Corp
5. W H Bowen Jr No. 1
6. Panhandle East
7. Wheeler, TX
8. 15.0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18393/08826
2. 42-483-30486-0000
3. 103 000 000
4. Texas American Oil Corp
5. Paul Macina No. 1
6. Panhandle East
7. Wheeler, TX
8. .0 million cubic feet
9. March 3, 1980
10. Perry Gas Transmission Inc
1. 80-18394/09086
2. 42-211-31050-0000
3. 103 000 000
4. Alpar Resources Inc
5. Arrington Ranch 5-64
6. Hemphill
7. Hemphill TX
8. 480.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Co
Pioneer Natural Gas Co
Northern Natural Gas Co
1. 80-18395/09142
2. 42-079-30875-0000
3. 103 000 000
4. Layton Enterprises Inc
5. Fay No 1
6. Bledsoe (San Andres)
7. Cochran TX
8. 109.5 million cubic feet
9. March 3, 1980
10. Cities Service Company
1. 80-18396/09332
2. 42-167-30590-0000
3. 103 000 000
4. The Superior Oil Company
5. Eastham-Jockusch-Sonnentheil Unit 1
6. Hastings S E (F-46 SEC A LO)
7. Galveston TX
8. 1301.0 million cubic feet
9. March 3, 1980
10. Amoco Gas Company
1. 80-18397/07112
2. 42-237-00000-0000
3. 103 000 000
4. Corpening Enterprises

V45/71AP10801 UMI

5. L B Smith #1 RRC 18554
6. Jack County Regular
7. Jack TX
8. 22.0 million cubic feet
9. March 3, 1980
10. Texas Utilities Fuel Co
1. 80-18398/07134
2. 42-287-00000-0000
3. 103 000 000
4. Thomas D Coffman
5. Zoch #2 016114
6. Giddings (Austin Chalk/Buda)
7. Lee TX
8. 5.0 million cubic feet
9. March 3, 1980
10. PGP Gas Products Inc
1. 80-18399/07189
2. 42-081-30718-0000
3. 103 000 000
4. Gary D Turner dba Turner Properties
5. Turner Prop Jameson No 1
6. Canyon Sand
7. Coke TX
8. 180.0 million cubic feet
9. March 3, 1980
10. Sun Gas Company
1. 80-18400/07196
2. 42-317-00000-0000
3. 108 000 000
4. Petroleum Expl & Dev Funds Inc
5. White #1
6. Spraberry (Trend Area)
7. Martin TX
8. .0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18401/07250
2. 42-165-30672-0000
3. 103 000 000
4. MGF Oil Corporation
5. Crenshaw A No 7
6. Bethany (Glen Rose 3550)
7. Panola TX
8. 28.0 million cubic feet
9. March 3, 1980
10. United Gas Pipeline Co
1. 80-18402/07338
2. 42-365-00000-0000
3. 103 000 000
4. Getty Oil Co
5. H C & C L Beason No 1 ID #10096
6. Carthage (Travis Peak 6400 SW)
7. Panola TX
8. 40.0 million cubic feet
9. March 3, 1980
10. United Gas Pipeline Co
1. 80-18403/07417
2. 42-083-00000-0000
3. 103 000 000
4. L & M Oil Company
5. Marcia Devanney No 2 RRC #74401
6. Coleman County Regular Gas
7. Coleman TX
8. 35.0 million cubic feet
9. March 3, 1980
10. West Centex Gas Co
1. 80-18404/07420
2. 42-355-31337-0000
3. 103 000 000
4. Pennzoil Producing Company
5. Clara Driscoll No A 16 U
6. Agua Dulce
7. Nueces TX
8. 1150.0 million cubic feet
9. March 3, 1980
10. United Gas Pipeline Company
1. 80-18405/07439
2. 42-197-30278-0000
3. 103 000 000
4. Enserch Exploration Inc
5. C J Gilliam No 3
6. Red River (Osage)
7. Hardeman TX
8. 80.0 million cubic feet
9. March 3, 1980
10. Shell Oil Company
1. 80-18406/07624
2. 42-329-00000-0000
3. 103 000 000
4. MWJ Producing Co
5. Fasken 13-A No 1 (RRC #24682)
6. Spraberry Trend Area
7. Midland TX
8. 150.0 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18407/07966
2. 42-003-31667-0000
3. 103 000 000
4. Amoco Production Company
5. W H Bush No 2
6. University Block 13 (Ellenburger)
7. Andrews TX
8. 21.9 million cubic feet
9. March 3, 1980
10. El Paso Natural Gas Company
1. 80-18408/07994
2. 42-317-31952-0000
3. 103 000 000
4. Amoco Production Company
5. Elma L Slaughter G No 3
6. Sulphur Draw (Dean 8790)
7. Martin TX
8. 40.9 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80-18409/07996
2. 42-317-31941-0000
3. 103 000 000
4. Amoco Production Company
5. Elma L Slaughter G No 2
6. Sulphur Draw (Dean 8790)
7. Martin TX
8. 43.1 million cubic feet
9. March 3, 1980
10. Getty Oil Company
1. 80-18410/08002
2. 42-047-30692-0000
3. 103 000 000
4. Amoco Production Company
5. Mestina Oil and Gas Co #6
6. Alta Mesa North (1100)
7. Brooks TX
8. 60.0 million cubic feet
9. March 3, 1980
10. So Texas Natural Gas Gathering
1. 80-18411/06928
2. 42-003-00000-0000
3. 108 000 000
4. Mobil Oil Corporation
5. J W Gowens No 1
6. Fuhrman-Mascho
7. Andrews TX
8. 4.3 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18412/06929
2. 42-103-00000-0000
3. 108 000 000
4. Mobil Oil Corporation
5. Texas Univ Sec 1 & 2 No 17
6. Dune
7. Crane TX
8. .4 million cubic feet
9. March 3, 1980
10. Warren Petroleum Company
1. 80-18413/06931
2. 42-047-30649-0000
3. 103 000 000
4. Alford Petroleum Corp
5. P Murphy #1 09129
6. Bob Cooper
7. Brooks TX
8. 72.0 million cubic feet
9. March 3, 1980
10. So Texas Natural Gas Gathering
1. 80-18414/06938
2. 42-341-00000-0000
3. 103 000 000
4. Wm Gruenerwald & Assoc Inc
5. Sneed-Thompson #3-6 04224
6. Panhandle (Red Cave)
7. Moore TX
8. 8.0 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline
1. 80-18415/06940
2. 42-341-00000-0000
3. 103 000 000
4. Wm Gruenerwald & Assoc Inc
5. Sneed-Thompson #2-6 04224
6. Panhandle (Red Cave)
7. Moore TX
8. 2.8 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline
1. 80-18416/06941
2. 42-341-00000-0000
3. 103 000 000
4. Wm Gruenerwald & Assoc Inc
5. Sneed-Thompson #1-6 04224
6. Panhandle (Red Cave)
7. Moore TX
8. 9.9 million cubic feet
9. March 3, 1980
10. Panhandle Eastern Pipeline
1. 80-18417/06943
2. 42-341-00000-0000
3. 103 000 000
4. Wm Gruenerwald & Assoc Inc
5. Masterson #H11R 03947
6. Panhandle (Red Cave)
7. Moore TX
8. 3.1 million cubic feet
9. March 3, 1980
10. Colorado Interstate Gas Co
1. 80-18418/06986
2. 42-215-30431-0000
3. 103 000 000
4. Shell Oil Company
5. M A Hopkins G U No 5
6. Mc Cook E (Vicksburg-Lo)
7. Hidalgo TX
8. 500.0 million cubic feet
9. March 3, 1980
10. Natural Gas Pipeline Co of America
1. 80-18419/07013
2. 42-165-31384-0000
3. 103 000 000
4. Amerada Hess Corporation
5. Seminole San Andres Unit #2220
6. Seminole
7. Gaines TX
8. 52.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18420/07025
2. 42-165-31382-0000
3. 103 000 000
4. Amerada Hess Corporation
5. Seminole San Andres Unit #3520
6. Seminole
7. Gaines TX
8. 33.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18421/08472
2. 42-179-30823-0000
3. 103 000 000
4. Tenneco Oil Company
5. Worley No 90
6. Panhandle Gray County
7. Gray TX
8. 7.0 million cubic feet
9. March 3, 1980
10. Phillips Petroleum Company
1. 80-18422/07109
2. 42-367-00000-0000
3. 103 000 000
4. Corpening Enterprises
5. Riscky #2 RRC 76351
6. Toto (Caddo Conglomerate)
7. Parker TX
8. 68.0 million cubic feet
9. March 3, 1980
10. Texas Utilities Fuel Co
1. 80-18423/07992
2. 42-501-31480-0000
3. 103 000 000
4. Amoco Production Company
5. D D Heath No 6
6. Ownby (Wichita Albany)
7. Yoakum TX
8. 2.9 million cubic feet
9. March 3, 1980
10. Northern Natural Gas Company
1. 80-18424/07124
2. 42-249-30863-0000
3. 103 000 000
4. Allen & Shumate Inc
5. A J Baker Heirs No 4
6. Teresa (3110) Field
7. Jim Wells County TX
8. 146.0 million cubic feet
9. March 3, 1980
10. Coastal States Gas Producing Co

U.S. Geological Survey, Metairie, La.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-1778982/G9-960
2. 17-725-40157-01D2-0
3. 102 000 000
4. Mobil Oil Expl. & Prod. SE Inc.
5. Main Pass Block 73 A-90
6. Main Pass
7. 73
8. 225.0 million cubic feet
9. February 25, 1980
10. Southern Natural Gas Co.; Arkansas Louisiana Gas Co.; United Gas Pipeline Co.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10872 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 167]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Board of Oil and Gas Conservation

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-18639/1-80-24
2. 25-025-21148-0000-
3. 103 000 000
4. Sugar Creek Resources Inc
5. B-N Pickard Bros #1-3
6. Cedar Creek
7. Fallon MT
8. 73.0 million cubic feet
9. March 4, 1980
10. Montana Dakota Utilities Co.

1. 80-18640/1-80-23
2. 25-083-21292-0000-
3. 102 000 000
4. Brownlie Wallace Armstrong & Bander
5. Carlsen-Lyche #21-41
6. Sidney
7. Richland MT
8. 2737.0 million cubic feet
9. March 4, 1980
10. Montana-Dakota Utilities Co.

1. 80-18641/1-80-28
2. 25-051-21494-0000-
3. 103 000 000
4. Reserve Oil Inc
5. Reserve Engstrom #1-28
6. Mt Lilly
7. Liberty, MT
8. 36.0 million cubic feet
9. March 4, 1980
10.

1. 80-18642/1-80-27
2. 25-071-21680-0000
3. 102-000-000
4. Falcon-Colorado Exploration Inc
5. 1-34 Smith
6. Swanson Creek
7. Phillips MT
8. 18.7 million cubic feet
9. March 4, 1980
10. Montana-Dakota Utilities Co.

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-18426
2. 47-085-03562-0000
3. 108 000 000
4. Garden State Oil & Gas Assoc
5. Grace Cox heirs #1
6. Chevauxdefrise Creek
7. Ritchie WV
8. 1.4 million cubic feet
9. February 13, 1980
10. Carnegie Natural Gas Co

1. 80-18427
2. 47-087-01678-0000
3. 108 000 000
4. Carl E Smith Inc
5. 3 (45) McGlothlin hrs
6. Smithfield district
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18428
2. 47-005-01011-0000
3. 108 000 000
4. Andrea Oil Enterprises
5. Dillion-Hatfield 1-PA-101
6.
7. Boone WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Union Carbide Corp

1. 80-18429
2. 47-087-00772-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1(4) J W Simmons hrs
6. Smithfield district
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18430
2. 47-087-00782-0000
3. 108 000 000

V.45/71 APR 10 80 UMI

4. Carl E Smith Inc
5. 2 (9) Earl H Simmons
6. Smithfield district
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18431
2. 47–087–00793–0000
3. 108 000 000
4. Carl E Smith Inc
5. 3 (10) Earl H Simmons
6. Smithfield district
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18432
2. 47–021–03009–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Martin-Taylor #1
6. Glenville
7. Gilmer WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18433
2. 47–021–02909–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Ruddell B–2
6. Glenville district
7. Gilmer WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18434
2. 47–007–01217–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Wm Brown #1
6. Salt Lick district
7. Braxton WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18435
2. 47–039–02781–0000
3. 108 000 000
4. Reel Energy Program W Va Part
5. Central Appalachian Coal #1
6. Cabin Creek
7. Kanawha WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18436
2. 47–015–05120–0000
3. 108 000 000
4. F R Copper Associates
5. F R Copper Associates #3
6. Union District
7. Clay WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Southeastern Gas Co

1. 80–18437
2. 47–015–00519–0000
3. 108 000 000
4. F R Copper Associates
5. F R Copper Associates #4
6. Union District
7. Clay WV
8. 1.7 million cubic feet
9. March 4, 1980
10. Southeastern Gas Co

1. 80–18438
2. 47–015–00522–0000
3. 108 000 000
4. F R Copper Associates
5. F R Copper Associates #5
6. Union District
7. Clay WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Southeastern Gas Co

1. 80–18439
2. 47–015–00507–0000
3. 108 000 000
4. F R Copper Associates
5. F R Copper Associates #1
6. Union District
7. Clay WV
8. 1.6 million cubic feet
9. March 4, 1980
10. Southeastern Gas Co

1. 80–18440
2. 47–085–01382–0000
3. 108 000 000
4. Rock Camp Oil & Gas Co
5. J A Wilson—131 AC #1—Rit 1382
6. Pullman
7. Ritchie WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18441
2. 47–085–01530–0000
3. 108 000 000
4. Rock Camp Oil & Gas Co
5. Ruby D Wilson (3) #1—Rit 1530
6. Pullman
7. Ritchie WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18442
2. 47–013–02310–0000
3. 108 000 000
4. Weva Oil Corp
5. Warren Mills (Campbell) #2
6. Warren Mills (Campbell) #2
7. Calhoun WV
8. 1.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18443
2. 47–085–01540–0000
3. 108 000 000
4. Rock Camp Oil & Gas Co
5. J A Wilson #2—Rit 1540
6. Pullman
7. Ritchie WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18444
2. 47–013–02352–0000
3. 108 000 000
4. Weva Oil Corp
5. Warren Mills (Campbell) #4
6. Warren Mills (Campbell) #4
7. Calhoun WV
8. 1.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18445
2. 47–013–02351–0000
3. 108 000 000
4. Weva Oil Corp
5. Warren Mills (Campbell) #3
6. Warren Mills (Campbell) #3
7. Calhoun WV
8. 1.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18446
2. 47–013–02298–0000
3. 108 000 000
4. Weva Oil Corp
5. Warren Mills (Campbell) #1
6. Warren Mills (Campbell) #1
7. Calhoun WV
8. 1.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18447
2. 47–015–00511–0000
3. 108 000 000
4. F R Copper Associates
5. F R Copper Associates #2
6. Union District
7. Clay WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Southeastern Gas Co

1. 80–18448
2. 47–085–01521–0000
3. 108 000 000
4. Rock Camp Oil & Gas Co
5. Robert D Elder #1—Rit 1521
6. Pullman
7. Ritchie WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18449
2. 47–059–00614–0000
3. 108 000 000
4. C F Shewey agent
5. T R Joseph Well 55–6031732
6. Tug River
7. Mingo WV
8. 2.6 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18450
2. 47–021–01106–0000
3. 108 000 000
4. Harry Bush agt
5. Stalnaker #1
6. Dekalb
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80–18451
2. 47–021–01114–0000
3. 108 000 000
4. Harry Bush agt
5. Springston #1
6. Dekalb
7. Gilmer WV
8. 2.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80–18452
2. 47–021–01811–0000
3. 108 000 000
4. Harry Bush agt
5. Springston #2
6. Dekalb
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80–18453
2. 47–059–00696–0000
3. 108 000 000
4. C F Shewey agent
5. T Hall #1 55–6031715
6. Pigeon Creek of Tug River
7. Mingo WV
8. 12.1 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18454
2. 47–059–00721–0000
3. 108 000 000
4. C F Shewey agent
5. Teli Davis Hall #2 55–6031713
6. Tug River
7. Mingo WV
8. 17.1 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18455
2. 47–059–00789–0000
3. 108 000 000
4. C F Shewey agent
5. Hilbert-Joseph well 55–6039884
6. Guyan River
7. Mingo WV
8. 6.5 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18456
2. 47–059–00828–0000
3. 108 000 000
4. C F Shewey agent
5. Goodman well 55–0541598
6. Tug River
7. Mingo WV
8. 3.7 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18457
2. 47–085–04170–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. H E Elder H–693
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18458
2. 47–059–00833–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. Norfolk & Western Railway Co 16
6. Stafford
7. Mingo WV
8. 9.7 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18459
2. 47–059–00830–0000
3. 108 000 000
4. Great Basins Petroleum Corp
5. Norfolk and Western Railway Co 15
6. Stafford
7. Mingo WV
8. .3 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18460
2. 47–059–00829–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. Norfolk and Western Railway Co 14
6. Stafford District
7. Mingo WV
8. 6.5 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18461
2. 47–085–04165–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Ernest Goff H–692
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18462
2. 47–085–04153–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. John P Harris H–677
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18463
2. 47–015–00966–0000
3. 108 000 000
4. Appalachian Petroleum Co
5. W T Hamrick HRS No 1
6. Henry District
7. Clay WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80–18464
2. 47–059–00834–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. Norfolk & Western Railway Co 17
6. Stafford District
7. Mingo WV
8. 9.7 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18465
2. 47–085–04143–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Steve Mullens H–668
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18466
2. 47–085–04119–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. M S Atkinson H–628
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18467
2. 47–085–04115–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. W R Border H–642
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18468
2. 47–085–04113–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Hoy H & Faw Gary H–644
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18469
2. 47–085–04057–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Dale Wolfe H–639
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18470
2. 47–085–04053–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. H M Deem H–632
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18471
2. 47–085–04049–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Eugene P Maple H–625
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10.

1. 80–18472
2. 47–085–04054–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Cokeley Heirs H–633
6.
7. Ritchie WV
8. .0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18473
2. 47–039–02782–0000
3. 108 000 000
4. Reel Energy Program W VA Part
5. Central Appalachian Coal No 2
6. Cabin Creek
7. Kanawha WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80–18474
2. 47–021–02908–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Ruddell B–1
6. Glenville District
7. Gilmer WV
8. 16.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80–18475

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2. 47-021-02938-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Peters #1
6. Glenville District
7. Gilmer WV
8. 14.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18476
2. 47-021-02982-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Ruddell B-3
6. Glenville District
7. Gilmer WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18477
2. 47-021-03023-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Martin-Taylor #2
6. Glenville District
7. Gilmer WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18478
2. 47-007-01213-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Wiant #1
6. Salt Lick District
7. Braxton WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80-18479
2. 47-007-01229-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Eva Brown #1
6. Salt Lick District
7. Braxton WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18480
2. 47-021-01222-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. McCauley #1
6. Salt Lick District
7. Gilmer WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80-18481
2. 47-021-03030-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Reese #1
6. Glenville District
7. Gilmer WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co

1. 80-18482
2. 47-017-01879-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Graham-Doak 2-A
6. Cove District
7. Doddridge WV
8. 1.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18483
2. 47-012-02962-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Mohr #2
6. Center District
7. Gilmer WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18484
2. 47-039-02802-0000
3. 108 000 000
4. Reel Energy Program W VA Partnership
5. Central Appalachian Coal #4A
6. Cabin Creek
7. Kanawha WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18485
2. 47-039-02802-0000
3. 108 000 000
4. Reel Energy Program W VA Partnership
5. Central Appalachian Coal No 8
6. Cabin Creek
7. Kanawha WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18486
2. 47-039-02793-0000
3. 108 000 000
4. Reel Energy Program WV Partnership
5. Central Appalachian Coal No 5
6. Cabin Creek
7. Kanawha WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18487
2. 47-045-00910-0000
3. 108 000 000
4. A&A Producers & Operators Co
5. W B McDonald 5-NR-112
6.
7. Logan WV
8. 12.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp

1. 80-18488
2. 47-087-00957-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (28) J M Hughes
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18489
2. 47-087-01007-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (30) Effie J and L M Hughes
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18490
2. 47-087-01644-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (41) L M Hughes
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18491
2. 47-005-01012-0000
3. 108 000 000
4. Andrea Oil Enterprises
5. Dillion-Hatfield 2-PA-102
6.
7. Boone WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Union Carbide Corporation

1. 80-18492
2. 47-039-03345-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No 13
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18493
2. 47-039-03342-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No 11
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18494
2. 47-039-03341-1080
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No 13
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18495
2. 47-039-03211-R000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 7-R
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18496
2. 47-039-03210-R000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 5-R
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18497
2. 47-039-03200-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 3
6. Cabin Creek

7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18498
2. 47-039-03201-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 4
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18499
2. 47-039-03203-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 8
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18500
2. 47-039-03209-R000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 2-R
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18501
2. 47-039-03204-0000
3. 108 000 000
4. Allegheny & Western Energy Corp
5. Eastern Associated Coal No. 9
6. Cabin Creek
7. Kanawha WV
8. 15.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18502
2. 47-105-00434-0000
3. 108 000 000
4. Weva Oil Corp
5. Robert Pell Newman #75
6. Robert Pell Newman #75
7. Wirt WV
8. 3.6 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18503
2. 47-087-03234-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. 6 Earl H. Simmons
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18504
2. 47-005-01015-0000
3. 108 000 000
4. A & A Producers & Operators Co.
5. Cordelia Hill Hrs. 3-S-PA-105
6.
7. Boone WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corporation

1. 80-18505
2. 47-043-0143-0000
3. 108 000 000
4. A & A Producers & Operators Co.
5. Ealy Stowers #1
6.
7. Lincoln WV
8. .0 million cubic feet
9. March 4, 1980
10. Pennzoil

1. 80-18506
2. 47-087-03233-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. 5 Earl H. Simmons
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18507
2. 47-087-03232-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. 2 (24) McGlothlin Hrs.
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18508
2. 47-087-03231-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. 1 (23) McGlothlin Hrs.
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18509
2. 47-087-00810-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. 6 (11) Earl H. Simmons
6. Smithfield District
7. Roane WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18510
2. 47-035-01249-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. #1 (54) Lois Starkey Manning
6. Ravenswood District
7. Jackson WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18511
2. 47-035-01290-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. #1 (60) Gladys Mahan et al.
6. Ravenswood District
7. Jackson WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18512
2. 47-035-01310-0000
3. 108 000 000
4. Carl E. Smith, Inc.
5. #1 (65) R. E. Sayre
6. Union District
7. Jackson WV
8. 14.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18513
2. 47-035-01331-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (70) G T Sayre
6. Union
7. Jackson WV
8. 17.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18514
2. 47-035-01350-0000
3. 108 000 000
4. Carl E Smith Inc
5. #1 (76) J A McMurray
6. Ravenswood District
7. Jackson WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18515
2. 47-035-01355-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (85) Lewis Blaine King
6. Ripley
7. Jackson WV
8. 17.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18516
2. 47-017-00439-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (12) Edgar Davisson
6. West Union District
7. Doddridge WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18517
2. 47-017-00477-0000
3. 108 000 000
4. Carl E Smith Inc
5. 2 (13) Edgar Davisson
6. West Union District
7. Doddridge WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18518
2. 47-017-00577-0000
3. 108 000 000
4. Carl E Smith Inc
5. 3 (16) J B Fox Hrs
6. Grant District
7. Doddridge WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18519
2. 47-017-00725-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (19-A) Alvin A Swentzel
6. Grant District
7. Doddridge WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation

1. 80-18520

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2. 47-017-00895-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (22) J H Martin
6. Grant District
7. Doddridge WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80-18521
2. 47-017-01010-0000
3. 108 000 000
4. Carl E Smith Inc
5. 5 (29) Edgar Davisson
6. West Union District
7. Doddridge WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80-18522
2. 47-017-01107-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (32) C A Charter
6. Grant District
7. Doddridge WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80-18523
2. 47-017-01186-0000
3. 108 000 000
4. Carl E Smith Inc
5. 2 (34) C A Charter
6. Grant District
7. Doddridge WV
8. .0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80-18524
2. 47-035-00632-0000
3. 108 000 000
4. Carl E Smith Inc
5. 4 (18) J B Fox Hrs
6. Grant District
7. Doddridge WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80-18525
2. 47-045-00876-0000
3. 108 000 000
4. A & A Producers & Operators
5. W J Vance #1
6.
7. Logan WV
8. 12.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18526
2. 47-045-00878-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Mainte Dial #1
6.
7. Logan WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18527
2. 47-045-0884-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Mantie Dial 2-S-PA-107
6.
7. Logan WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18528
2. 47-045-00887-0000
3. 108 000 000
4. A & A Producers & Operators Corp
5. W J Vance 3-SP-1-2
6.
7. Logan WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18529
2. 47-045-00894-0000
3. 108 000 000
4. A & A Producers and Operators Co
5. B & Ollie Chapman 1-SP-111
6.
7. Logan WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18530
2. 47-045-00896-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Lloyd Ellis SSP-113
6.
7. Logan WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18531
2. 47-045-00898-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. W B McDonald 2-S-PA-112
6.
7. Logan WV
8. 13.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18532
2. 47-045-00899-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. W B McDonald 3-S-PA-113
6.
7. Logan WV
8. 6.5 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18533
2. 47-045-00903-0000
3. 108 000 000
4. A & A Producers & Operators Co
5. W H & K Perry 2-S-PA-131
6.
7. Logan WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Industrial Gas Corp
1. 80-18534
2. 47-021-01031-0000
3. 108 000 000
4. Ace Oil Services Inc
5. F W Sibert #1
6. O C Ratliff (Heirs)
7. Gilmer WV
8. 3.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co
1. 80-18535
2. 47-021-23231-0000
3. 103 000 000
4. L&M Exploration Inc.
5. Federal Land Bank No. 1
6.
7. Gilmer, WV
8. 11.0 million cubic feet
9. March 4, 1980
10. Carnegie Natural Gas Co.
1. 80-18536
2. 47-017-02299-0000
3. 103 000 000
4. Arlie G Dotson
5. Dotson No. 1
6.
7. Doddrige, WV
8. .0 million cubic feet
9. March 4, 1980
10.
1. 80-18537
2. 47-087-03236-0000
3. 103 000 000
4. Carl E. Smith Inc.
5. Smith No. 8
6. Smithfield District
7. Roane, WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18538
2. 47-087-03235-0000
3. 103 000 000
4. Carl E. Smith Inc.
5. Smith No. 7
6. Smithfield District
7. Roane, WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18539
2. 47-005-01041-0000
3. 103 000 000
4. Appalachian Exploration & Devel. Inc.
5. Shonk Land Co. No. 27
6. Sherman
7. Boone, WV
8. 5.7 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18540
2. 47-047-20349-0000
3. 103 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land No. 100
6. Sandy River
7. McDowell, WV
8. 10.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18541
2. 47-047-20348-0000
3. 103 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land No. 99
6. Sandy river
7. McDowell, WV
8. 14.5 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18542
2. 47-047-00339-0000
3. 103 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land No. 97
6. Sandy River

7. McDowell, WV
8. 14.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18543
2. 47-047-20338-0000
3. 103 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land No. 98
6. Sandy River
7. McDowell, WV
8. 17.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18544
2. 47-047-20315-0000
3. 103 000 000
4. Appalachian Exploration & Devel, Inc.
5. Pocahontas Land No. 96
6. Sandy River
7. McDowell, WV
8. 14.2 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18545
2. 47-039-21645-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Shonk Land Co. No. 18
6. Cabin Creek
7. Kanawha, WV
8. 10.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18546
2. 47-039-21635-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Shonk Land Co. No. 17
6. Cabin Creek
7. Kanawha, WV
8. 17.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18547
2. 47-039-21633-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Shonk Land Co. No. 15
6. Cabin Creek
7. Kanawha, WV
8. 15.5 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18548
2. 47-039-21630-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Shonk Land Co. No. 14
6. Cabin Creek
7. Kanawha, WV
8. 16.4 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp.
1. 80-18549
2. 47-081-20081-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land E-2
6. Slab Fork
7. Raleigh, WV
8. 17.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18550
2. 47-081-20309-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Pocahontas Land E-1
6. Slab Fork
7. Raleigh, WV
8. 17.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18551
2. 47-067-20288-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Hill & Long A-6
6. Jefferson
7. Nicholas, WV
8. 13.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18552
2. 47-067-20303-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Hill & Long A7
6. Jefferson
7. Nicholas, WV
8. 13.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18553
2. 47-067-20287-0000
3. 108 000 000
4. Appalachian Exploration & Devel. Inc.
5. Hill & Long A-4
6. Jefferson
7. Nicholas, WV
8. 13.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18554
2. 47-021-00644-0000
3. 108 000 000
4. Keith Crihfield
5. Middle Run Oil & Gas Co.
6. Tanner
7. Gilmer, WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18555
2. 47-013-21099-0000
3. 108 000 000
4. Grimm & Duffield et al.
5. Mary Faulkner No. 2
6. Minnora
7. Calhoun, WV
8. 5.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18556
2. 47-013-21135-0000
3. 108 000 000
4. Grimm & Duffield
5. T. E. Powell No. 1
6. Sycamore—Millstone
7. Calhoun, WV
8. 1.6 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18557
2. 47-013-21160-0000
3. 108 000 000
4. Grimm & Duffield
5. T. E. Powell No. 2
6. Sycamore—Millstone
7. Calhoun, WV
8. 3.2 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18558
2. 47-013-21461-0000
3. 108 000 000
4. Grimm & Duffield
5. Phoebe Duffield No. 1
6. Minnora
7. Calhoun, WV
8. 3.4 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18559
2. 47-013-21839-0000
3. 108 000 000
4. Grimm & Duffield
5. T. E. Powell No. 3
6. Sycamore—Millstone
7. Calhoun, WV
8. 1.6 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18560
2. 47-085-21372-0000
3. 108 000 000
4. Rock Camp Oil & Gas Co.
5. J. A. Wilson No. 1—RIT 1372
6. Pullman
7. Ritchie, WV
8. 1.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.
1. 80-18561
2. 47-013-22020-0000
3. 108 000 000
4. Leonard Fowler
5. Roanna Robinson No. 1
6. Lee District
7. Calhoun, WV
8. 6.1 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18562
2. 47-021-02985-0000
3. 108 000 000
4. Gene Stalnaker, Inc.
5. R. L. Stalnaker No. 2
6. Glenville Field
7. Gilmer, WV
8. 22.0 million cubic feet
9. March 4, 1980
10. Carnegie Natural Gas Co.
1. 80-18563
2. 47-059-20068-0000
3. 108 000 000
4. Lois M. Bronson
5. C. S. Black Trustee No. 1
6. Kermit District
7. Mingo, WV
8. 16.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp.
1. 80-18564
2. 47-013-00199-0000
3. 108 000 000
4. Keith Crihfield
5. J. C. Carpenter No. 1
6. Rush Run
7. Calhoun, WV
8. 2.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation
1. 80-18565

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2. 47-021-20846-0000
3. 108 000 000
4. Two Lick Oil & Gas
5. Two Lick No. 2
6. Dekalb
7. Gilmer, WV
8. 3.5 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.

1. 80-18566
2. 47-013-21660-0000
3. 108 000 000
4. Leonard Fowler
5. Umstead & Scott No. 1
6. Sheridan District
7. Calhoun, WV
8. 1.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation

1. 80-18567
2. 47-085-02865-0000
3. 108 000 000
4. C. W. & J. E. Richards
5. No. 1—T. J. Barnard RIT-2965
6. Pennsboro
7. Ritchie, WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18568
2. 47-013-20383-0000
3. 108 000 000
4. Francis E. Cain
5. J. M. Bennett No. 7
6. Sheridan
7. Calhoun, WV
8. 3.4 million cubic feet
9. March 4, 1980
10. Cabot Corporation

1. 80-18569
2. 47-085-01810-0000
3. 108 000 000
4. Pierce Oil & Gas Company
5. S. H. Westfall No. 2
6. Harrisville
7. Ritchie, WV
8. 2.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.

1. 80-18570
2. 47-013-21773-0000
3. 108 000 000
4. Grimm & Duffield
5. Phoebe Duffield No. 2
6. Minnora
7. Calhoun, WV
8. 3.4 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.

1. 80-18571
2. 47-059-00852-0000
3. 108 000 000
4. Gilbert Imported Hardwoods Inc.
5. Cotiga Development Co.
6. Tug River
7. Mingo, WV
8. 10.6 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.

1. 80-18572
2. 47-085-02749-0000
3. 108 000 000
4. CGG Oil Company
5. Starr No. 4 RIT 2749
6. P. D. Starr
7. Ritchie, WV
8. 3.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Co.

1. 80-18573
2. 47-013-28670-0000
3. 108 000 000
4. Leonard Fowler
5. L. C. Hamilton No. 3
6. Sherman District
7. Calhoun, WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Cabot Corporation

1. 80-18574
2. 47-013-21460-0000
3. 108 000 000
4. Leonard Fowler
5. I. B. Fowler No. 1
6. Sherman District
7. Calhoun, WV
8. 1.6 million cubic feet
9. March 4, 1980
10. Cabot Corporation

1. 80-18575
2. 47-021-20755-0000
3. 108 000 000
4. Leonard Fowler
5. Mary Minney No 1
6. Center District
7. Gilmer County WV
8. 3.6 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18576
2. 47-013-21121-0000
3. 108 000 000
4. Leonard Fowler
5. Wade Hosey No 1
6. Center District
7. Calhoun WV
8. 6.2 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18577
2. 47-021-20764-0000
3. 108 000 000
4. Grimm & Heeter et al
5. Orpha Wolfe No 1
6. Glenville-North
7. Gilmer WV
8. 4.3 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18578
2. 47-099-01571-0000
3. 108 000 000
4. Gilbert Imported Hardwoods Inc
5. Huntington Gas & Development Co
6. Lincoln
7. Wayne WV
8. 3.9 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18579
2. 47-105-20476-0000
3. 108 000 000
4. Weva Oil Corp
5. Sally Tanner #1
6. Sally Tanner #1
7. Wirt WV
8. 4.7 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18580
2. 47-105-20477-0000
3. 108 000 000
4. Weva Oil Corp
5. R B & R C Newman #3
6. R B & R C Newman #3
7. Wirt WV
8. 3.5 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18581
2. 47-105-20479-0000
3. 108 000 000
4. Weva Oil Corp
5. Sally Tanner #
6. Sally Tanner #2
7. Wirt WV
8. 4.7 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18582
2. 47-021-20106-0000
3. 108 000 000
4. Harry Bush Agt
5. Pickens #1
6. Dekalb
7. Gilmer WV
8. 4.5 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18583
2. 47-021-20114-0000
3. 108 000 000
4. Harry Bush Agt
5. Cunningham #1
6. Dekalb
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18584
2. 47-021-20250-0000
3. 108 000 000
4. Harry Bush Agt
5. Arbuckle #1
6. Dekalb
7. Gilmer WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18585
2. 47-021-20339-0000
3. 108 000 000
4. Harry Bush Agt
5. Cunningham #2
6. Dekalb
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18586
2. 47-021-21103-0000
3. 108 000 000
4. Harry Bush Agt
5. Thomas Hendricks #2
6. Dekalb
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18587
2. 47-035-21341-0000
3. 108 000 000
4. Carl E Smith Inc
5. 1 (75) Harlan W Casto
6. Union
7. Jackson WV
8. 17.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18588
2. 47-021-02788-0000
3. 108 000 000
4. J L Trittipo Inc
5. Arbuckle #2-Gil-2788
6. Sycamore Run
7. Gilmer WV
8. 14.0 million cubic feet
9. March 4, 1980
10. Carnegie Natural Gas Co

1. 80-18589
2. 47-001-00549-0000
3. 108 000 000
4. J L Trittipo Inc
5. Vidnovic #2 BAR-549
6. Middle Fork
7. Barbour WV
8. 11.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18590
2. 47-001-00551-0000
3. 108 000 000
4. J L Trittipo Inc
5. Vidnovic #3-Bar-551
6. Middle Fork
7. Barbour WV
8. 11.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp, Cumberland & Allegheny

1. 80-18591
2. 47-097-01353-0000
3. 108 000 000
4. J L Trittipo Inc
5. Harris Ups-1353
6. Middle Fork
7. Upshur WV
8. 7.4 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp

1. 80-18592
2. 47-097-1385-0000
3. 108 000 000
4. J L Trittipo Inc
5. Goldie McWhorter #3 Ups-1385
6. Middle Fork
7. Upshur WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Cumberland and Allegheny

1. 80-18593
2. 47-097-01369-0000
3. 108 000 000
4. J L Trittipo Inc
5. Bertha Price Ups-1369
6. Middle Fork
7. Upshur WV
8. 11.4 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp Consolidated Gas Supply Corp

1. 80-18594
2. 47-017-01760-0000
3. 108 000 000
4. J L Trittipo Inc
5. Charles Swiger Dodd-1760
6. Sycamore Fork
7. Doddridge WV
8. 17.2 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18595
2. 47-001-00784-0000
3. 108 000 000
4. United Operating Company
5. Harry Everson Bar-784
6. Tygart River
7. Barbour WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18596
2. 47-001-00805-0000
3. 108 000 000
4. United Operating Company
5. Leonard Shockey Bar-808
6. Tygart River
7. Barbour WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18597
2. 47-021-02732-0000
3. 108 000 000
4. United Operating Company
5. Arbuckle #1-A Gil-2792
6. Big Run
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18598
2. 47-021-02809-0000
3. 108 000 000
4. United Operating Company
5. Arbuckle 2-A Gil-2809
6. Big Run
7. Gilmer WV
8. 3.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18599
2. 47-021-02808-0000
3. 108 000 000
4. J L Trittipo Inc
5. Arbuckle #3 Gil-2808
6. Sycamore Run
7. Gilmer WV
8. 14.0 million cubic feet
9. March 4, 1980
10. Carnegie Natural Gas Co

1. 80-18600
2. 47-001-00547-0000
3. 108 000 000
4. J L Trittipo Inc
5. Vidnovic #1 Bar-547
6. Middle Fork
7. Barbour WV
8. 11.0 million cubic feet
9. March 5, 1980
10. Consolidated Gas Supply Corp

1. 80-18601
2. 47-033-00608-0000
3. 108 000 000
4. United Operating Company
5. Carl Smith Farm Har-608
6. Lost Creek
7. Harrison WV
8. 14.2 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18602
2. 47-033-00619-0000
3. 108 000 000
4. United Operating Company
5. Carl Smith #1
6. Lost Creek
7. Harrison WV
8. 19.4 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp

1. 80-18603
2. 47-041-21580-0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Smith #5
6. Hackers Creek District
7. Lewis WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18604
2. 47-041-21581
3. 108 000 000
4. Rockwell Petroleum Co
5. Smith #6
6. Hackers Creek District
7. Lewis WV
8. 2.5 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18605
2. 47-041-21584-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Smith #7
6. Hackers Creek District
7. Lewis WV
8. 5.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18606
2. 47-041-21609-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Fleetwood #1
6. Hackers Creek District
7. Lewis WV
8. 1.5 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18607
2. 47-041-21621-000
3. 108 000 000
4. Rockwell Petroleum Co
5. Harrision #12
6. Hackers Creek District
7. Lewis WV
8. 2.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Company

1. 80-18608
2. 47-085-23624-0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. S M Scott #3
6. Murphy District
7. Ritchie WV
8. 5.5 million cubic feet
9. March 4, 1980
10. Cabot Corp

1. 80-18609
2. 47-007-26710-0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Karickhoff #1
6. Steer Creek
7. Braxton WV
8. 3.0 million cubic feet

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9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18610
2. 47–007–21303–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Ava Belknap #1
6. Otter District
7. Braxton WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18611
2. 47–007–21153–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Belknap #1–A
6. Otter District
7. Braxton WV
8. 10.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18612
2. 47–021–22903–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Graham-Doak 1–A
6. Troy District
7. Gilmer WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18613
2. 47–021–22035–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Whitesel #1
6. Center District
7. Gilmer WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18614
2. 47–017–21585–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Severin #3
6. Cove District
7. Doddridge WV
8. 12.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18615
2. 47–017–21604–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Nelson #1
6. McClellan District
7. Doddridge WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18616
2. 47–017–21592–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Severin #4
6. Cove District
7. Doddridge WV
8. 14.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18617
2. 47–017–21619–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Nelson #2
6. McClellan District
7. Doddridge WV
8. 9.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp
1. 80–18618
2. 47–021–22831–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Spaur #1
6. Glenville District
7. Gilmer WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18619
2. 47–013–21460–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Steven #1
6. Lee District
7. Calhoun WV
8. .0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18620
2. 47–021–21426–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Talbott
6. Little Cove
7. Gilmer WV
8. 1.8 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18621
2. 47–021–22678–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Massey-Garrett #1
6. Glenville District
7. Gilmer WV
8. 16.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18622
2. 47–021–22787–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Marsh #1
6. Glenville District
7. Gilmer WV
8. 12.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18623
2. 47–021–22799–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Charley Thompson #3
6. Glenville District
7. Gilmer WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18624
2. 47–099–21366–0000
3. 108 000 000
4. R L Hooser Gas Account
5. United Fuel Gas Co Farm #6
6. Grant District
7. Wayne WV
8. 3.4 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80–18625
2. 47–097–00135–2000
3. 108 000 000
4. J L Trittipo Inc
5. Goldie McWhorter #2 UPS–1352
6. Middle Fork
7. Upshur WV
8. .0 milion cubic feet
9. March 4, 1980
10. Cumberland and Allegheny
1. 80–18626
2. 47–021–22911–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Whitesel #2
6. Center
7. Gilmer WV
8. 7.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80–18627
2. 47–021–22859–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Barker #1
6. Glenville District
7. Gilmer WV
8. 11.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18628
2. 47–021–22823–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Marsh #4
6. Glenville District
7. Gilmer WV
8. 12.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18629
2. 47–007–27520–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Stout #2
6. Otter District
7. Braxton WV
8. 4.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18630
2. 47–041–21577–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Smith #3
6. Hackers Creek District
7. Lewis WV
8. 6.5 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18631
2. 47–041–21579–0000
3. 108 000 000
4. Rockwell Petroleum Company
5. Smith #4
6. Hackers Creek District
7. Lewis WV
8. 13.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18632

2. 47–041–23099–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Nellie Barbarow #3
6. Freemans Creek District
7. Lewis WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation
1. 80–18633
2. 47–097–24960–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Ward #1
6. Banks District
7. Upshur WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80–18634
2. 47–097–25120–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Ward #2
6. Banks District
7. Upshur WV
8. 1.5 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80–18635
2. 47–007–26760–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Childers #1 (16 AC)
6. Salt Lick District
7. Braxton WV
8. .0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18636
2. 47–007–21143–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Jones-Coberly #1
6. Salt Lick Distdrict
7. Braxton County WV
8. 8.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18637
2. 47–021–02512–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Keith #1
6. Glenville District
7. Gilmer WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. 80–18638
2. 47–041–01680–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. N G Hull
6. Skin Creek District
7. Lewis WV
8. 6.0 million cubic feet
9. March 4, 1980
10. Equitable Gas Co
1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80–18644/G9–1003
2. 17–704–40423–0000–0
3. 102 000 000
4. Marathon Oil Company
5. East Cameron Blk 294 #A–8
6. East Cameron South Addition
7. 294
8. 1398.0 million cubic feet
9. March 4, 1980
10. Texas Eastern Transmission Corporation
1. 80–18645/G9–1013
2. 17–711–40461–00D2–0
3. 102 000 000
4. Ocean Production Company
5. OCS–G–067 No 36C
6. Ship Shoal 113 Field
7. 113
8. 128.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18646/G9–1014
2. 17–711–40469–00S1–0
3. 102 000 000
4. Ocean Production Company
5. OCS–G–068 No 4A
6. Ship Shoal 113 Field
7. 118
8. 1095.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–18647/G9–1022
2. 17–706–40357–00D2–0
3. 102 000 000
4. CNG Producing Co
5. B–10D2
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corporation, Columbia Gas Transmission Corp
1. 80–18648/G9–1026
2. 17–715–40231–0000–0
3. 102 000 000
4. Gulf Oil Corporation
5. S Timb 176 OCS–G 1259 #E–1
6. South Timbalier 176
7. Offshore LA
8. 153.3 million cubic feet
9. March 4, 1980
10. Texas Eastern Transmission Company
1. 80–18649/G9–1028
2. 17–709–40377–00S1–0
3. 102 000 000
4. Exxon Corporation
5. OCS–G 3331 A–5
6. Eugene Island
7. Parish LA
8. 4000.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80–18650/G9–1042
2. 17–706–40290–0000–0
3. 102 000 000
4. Tenneco Oil Company
5. Vermilion 261 A–1
6. Vermilion
7. 261
8. 254.0 million cubic feet
9. March 4, 1980
10. Tennessee Gas Pipeline Company
1. 80–18655/G9–1050
2. 17–707–00516–0100–0
3. 102 000 000
4. Shell Oil Company
5. C–23
6. South Marsh Island
7. 57
8. 1250.0 million cubic feet
9. March 4, 1980
10. Michigan Wisconsin Pipeline Company
1. 80–18656/G9–1051
2. 17–708–40275–0000–0
3. 102 000 000
4. Shell Oil Company
5. A–11
6. South Marsh Island
7. 149
8. .0 million cubic feet
9. March 4, 1980
10. Florida Gas Transmission Company, Southern Natural Gas Co, United Gas Pipeline Co
1. 80–18657/G9–1052
2. 17–707–00509–0300–0
3. 102 000 000 denied
4. Shell Oil Company
5. C–30
6. South Marsh Island
7. 57
8. 380.0 million cubic feet
9. March 4, 1980
10. Michigan-Wisconsin Pipeline Company
1. 80–18658/G9–1054
2. 17–702–40485–0000–0
3. 102 000 000
4. Transco Exploration Company
5. A–10
6. West Cameron
7. 576
8. 657.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18659/G9–1055
2. 17–702–40412–0000–0
3. 102 000 000
4. Transco Exploration Company
5. A–4
6. West Cameron
7. 576
8. 365.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18660/G9–1056
2. 17–702–40419–0000–0
3. 102 000 000
4. Transco Exploration Company
5. A–5
6. West Cameron
7. 576
8. 1825.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–18661/G9–1058
2. 17–706–40338–01D1–1
3. 102 000 000
4. CNG Producing Company
5. B–9D1
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80–18662/G9–1059
2. 17–706–40338–01D2–2

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3. 102 000 000
4. CNG Producing Company
5. B-9D2
6. Vermilion
7. 313
8. 1460.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-18663/C9-1060
2. 17-706-40371-00S1-0
3. 102 000 000
4. CNG Producing Company
5. B-11S1
6. Vermilion
7. 313
8. 1168.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-18664/C9-1061
2. 17-706-40371-00S2-2
3. 102 000 000
4. CNG Producing Company
5. B-11S2 (ALT)
6. Vermilion
7. 313
8. 1460.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-18665/C9-1062
2. 17-706-40371-00S3-3
3. 102 000 000
4. CNG Producing Company
5. B-11S3 (ALT)
6. Vermilion
7. 313
8. 1460.0 million cubic feet
9. March 4, 1980
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-18666/C9-1063
2. 17-700-40352-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-2536 #2
6. West Cameron
7. 182
8. 1303.0 million cubic feet
9. March 4, 1980
10. Natural Gas Pipeline Co of America
1. 80-18667/C9-1064
2. 17-712-40159-00S1-1
3. 102 000 000
4. CNG Producing Company
5. D-8S1
6. Ship Shoal
7. 249
8. 1752.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80-18668/C9-1065
2. 17-712-40159-00S2-2
3. 102 000 000
4. CNG Producing Company
5. D-8S2 (ALT)
6. Ship Shoal
7. 249
8. 1460.0 million cubic feet
9. March 4, 1980
10. Columbia Gas Transmission Corp
1. 80-18669/C9-1067
2. 17-717-40048-00D1-0
3. 102 000 000
4. Conoco Inc
5. Well No J-5 OCS 0134 GI 48
6. Grand Isle
7. 48
8. 365.0 million cubic feet
9. March 4, 1980
10. Tennessee Gas Pipeline Company
1. 80-18670/C9-1076
2. 17-711-40473-0000-0
3. 102 000 000
4. Aminoil USA Inc
5. OCS-G-0434 Well No C-8
6. Ship Shoal
7. 149
8. 100.0 million cubic feet
9. March 4, 1980
10. Tennessee Gas Pipeline Company
1. 80-18643/C9-923
2. 42-709-40258-0000-0
3. 102 000 000
4. Mobil Oil Corp
5. B-14
6. High Island South Addition
7. A-596
8. 73.0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipe Line Corp, Natural Gas Pipeline Co of Amer, Texas Gas Transmission Corp, Michigan-Wisconsin Pipeline Co
1. 80-18651/C9-1045
2. 42-711-04027-1000-0
3. 102 000 000
4. Transocean Oil Inc
5. A-1 (L-6)
6. High Island East Ease
7. A-283
8. .0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18652/C9-1046
2. 42-711-04027-1000-0
3. 102 000 000
4. Transocean Oil Inc
5. A-1-D (L-1)
6. High Island East Ease
7. A-283
8. .0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18653/C9-1047
2. 42-711-04027-1000-3
3. 102 000 000
4. Transocean Oil Inc
5. A-1 (L-7)
6. High Island East Ease
7. A-283
8. .0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-18654/C9-1048
2. 42-711-04027-1000-4
3. 102 000 000
4. Transocean Oil Inc
5. A-1 (L-7-A)
6. High Island East Ease
7. A-283
8. .0 million cubic feet
9. March 4, 1980
10. Transcontinental Gas Pipeline Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10873 Filed 4-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 171]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Michigan Department of Natural Resources

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-19889
2. 21-045-00000-0000
3. 102 000 000
4. Kulka & Schmidt Inc
5. Banks Etal Unit #1-35
6. Eaton 35
7. Eaton MI
8. 73.0 million cubic feet
9. March 13, 1980
10. Consumers Power Co

1. 80-19890
2. 21-101-33203-0000
3. 103 000 000
4. Amoco Production Co
5. Spoor 1A-28
6. Springdale 28-24N-14W
7. Manistee MI
8. 58.0 million cubic feet
9. March 13, 1980
10. Consumers Power Co

1. 80-19891
2. 21-079-33048-0000
3. 102 000 000
4. Amoco Production Co
5. Fawcett-State Coldsprings 3A-24
6. Cold Springs 24A-28N-6W
7. Kalkaska MI
8. 77.0 million cubic feet
9. March 13, 1980
10. Consumers Power Co

1. 80-19892
2. 21-079-32893-0000
3. 102 000 000
4. Amoco Production Co
5. C J Simpson 1-30
6. Blue Lake 30-28N-5W
7. Kalkaska MI
8. 1000.0 million cubic feet
9. March 13, 1980
10. Consumers Power Co

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-19794 / 01798
2. 35-047-21689-0000
3. 103 000 000
4. Seeley Oil Co
5. Beese #1
6. Sooner Trend
7. Garfield OK
8. 90.0 million cubic feet
9. March 13, 1980
10. Exxon Corp
1. 80-19750 / 01797
2. 35-047-21533-0000
3. 103 000 000
4. Seeley Oil Co
5. Moravec A #1 047 54713
6. Sooner Trend
7. Garfield OK
8. 127.0 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80-19751 / 01738
2. 35-047-00000-0000
3. 108 000 000
4. Henry H Gungoll Assoc
5. Secor #1
6. South Drummond
7. Garfield OK
8. 11.0 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80-19752 / 01737
2. 35-047-20457-0000
3. 108 000 000
4. Henry H Gungoll Assoc
5. James H Hane #1
6. South Drummond
7. Garfield OK
8. 8.0 million cubic feet
9. March 12, 1980
10. Petro-Lewis Corp
1. 80-19753 / 02406
2. 35-073-22106-0000
3. 103 000 000
4. Vulcan Energy Corp
5. Bullis #2
6. Sooner Trend
7. Garfield OK
8. 144.0 million cubic feet
9. March 12, 1980
10. Cities Service Gas Co
1. 80-19754 / 01825
2. 35-093-20027-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Bierig No 1
6. Ringwood
7. Major OK
8. 5.0 million cubic feet
9. March 12, 1980
10. ONG Gathering Corp Pioneer Gas Products Co
1. 80-19755 / 01822
2. 35-093-20109-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Lowder No 1
6. Ringwood
7. Major OK
8. 8.0 million cubic feet
9. March 12, 1980
10. ONG Gathering Corp Pioneer Gas Products Co
1. 80-19756 / 01818
2. 35-093-21468-0000
3. 103 000 000
4. Clifford Resources Inc
5. Friend #1
6. Sooner Trend
7. Major OK
8. 45.0 million cubic feet
9. March 12, 1980
10. Oklahoma Gas & Electric Co
1. 80-19757 / 01800
2. 35-047-21534-0000
3. 103 000 000
4. Seely Oil Co
5. Slavicek #1 047 54379
6. Sooner Trend
7. Garfield OK
8. 215.0 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80-19758 / 02243
2. 35-151-20811-0000
3. 103 000 000
4. Southland Royalty Co
5. State #1-2
6. Freedom 76
7. Woods OK
8. 220.0 million cubic feet
9. March 12, 1980
10. Panhandle Eastern Pipeline Co
1. 80-19759 / 02242
2. 35-153-20823-0000
3. 103 000 000
4. Southland Royalty Co
5. Simpson Walker 1-11
6. South Freedom
7. Woodward OK
8. 20.0 million cubic feet
9. March 12, 1980
10. Producers Gas Co
1. 80-19760 / 01733
2. 35-047-00000-0000
3. 108 000 000
4. Henry H Gungoll Assoc
5. Pribil Trustee #1
6. West Bison
7. Garfield OK
8. 1.0 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80-19761 / 01829
2. 35-093-20103-0000
3. 108 000 000
4. Entex Petroleum Inc
5. Suderman No 1
6. Ringwood
7. Major OK
8. 10.0 million cubic feet
9. March 12, 1980
10. ONG Gathering Corp Pioneer Gas Products Co
1. 80-19762 / 02241
2. 35-151-20726-0000
3. 103 000 000
4. Tenneco Oil Co
5. State of Oklahoma 1-17
6. Avard
7. Woods OK
8. 14.0 million cubic feet
9. March 12, 1980
10. Delhi Gas Pipeline Corp
1. 80-19763 / 02223
2. 35-047-00000-0000
3. 103 000 000
4. Western Wells Co
5. Sprague #1
6. Enid North
7. Garfield OK
8. 100.0 million cubic feet
9. March 12, 1980
10. Arkansas-Louisiana Gas Co
1. 80-19764 / 02213
2. 35-103-00000-0000
3. 108 000 000
4. J T Hoke Jr
5. Swartz No 2
6. Unknown
7. Noble OK
8. 7.4 million cubic feet
9. March 12, 1980
10. Cities Service Gas Co
1. 80-19765 / 02143
2. 35-027-20244-0000
3. 103 000 000
4. Northwest Oil Co
5. State D No 1
6. West Norman
7. Cleveland County OK
8. 17.0 million cubic feet
9. March 12, 1980
10. Sun Gas Co
1. 80-19766 / 01983
2. 35-059-20361-0000
3. 108 000 000
4. Premier Resources Ltd
5. D007 State
6. Doby Springs
7. Harper OK
8. 15.9 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co Ltd
1. 80-19767 / 01928
2. 35-047-21741-0000
3. 103 000 000
4. Geodyne Resources Inc
5. Chain 22-1
6.
7. Garfield OK
8. 76.6 million cubic feet
9. March 12, 1980
10. Atlantic Richfield Co
1. 80-19768 / 00955
2. 35-007-21452-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. C E Anderson #2
6. Mocane
7. Beaver OK
8. 175.6 million cubic feet

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9. March 12, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80–19767 / 00983
2. 35–139–21080–0000
3. 103 000 000
4. Falcon Petroleum Co
5. Hill A No 1 139–55977
6. Northwest Dombey
7. Texas OK
8. 219.0 million cubic feet
9. March 12, 1980
10. Panhandle Eastern Pipe Line
1. 80–19770 / 00270
2. 35–007–21406–0000
3. 103 000 000
4. Wessely Exploration Inc
5. Baldwin Unit No 1
6. SE Logan
7. Beaver OK
8. 180.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19771 / 02300
2. 35–035–00000–0000
3. 105 000 000
4. W T Fail Inc
5. Corey #1
6. Milfay
7. Creek OK
8. 9.1 million cubic feet
9. March 12, 1980
10. Kerr-McGee Corp
1. 80–19772 / 02298
2. 35–081–00000–0000
3. 105 000 000
4. W T Fail Inc
5. Thomas #1 (#3)
6. Laffoon
7. Lincoln OK
8. 3.6 million cubic feet
9. March 12, 1980
10. Allied Materials Corp
1. 80–19773 / 02297
2. 35–081–00000–0000
3. 105 000 000
4. W T Fail Inc
5. Thomas #2
6. Laffoon
7. Lincoln OK
8. 11.7 million cubic feet
9. March 12, 1980
10. Allied Materials Corp
1. 80–19774 / 02289
2. 35–007–21413–0000
3. 103 000 000
4. Wessely Exploration Inc
5. Kerns Unit No 1
6. SE Logan
7. Beaver OK
8. 11.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19775 / 02282
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Gate #12–139
6. (C SE 34–29N–26W)
7. Harper County OK
8. 48.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19776 / 02281
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Petty #10–119
6. (C SW 17–29N–21W)
7. Harper County OK
8. 720.0 million cubic feet
9. March 12, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–19777 / 02260
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Proctor #15–100
6. (C SE 35–28–28N–23W)
7. Harper County OK
8. 180.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19778/02257
2. 35–053–20386–0000
3. 108 000 000
4. Ricks Exploration Co
5. Lamb #27–A
6. Mayflower NW
7. Grant OK
8. 5.0 million cubic feet
9. March 12, 1980
10. CRA Inc
1. 80–19779/02255
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. EPP #14–143
6. (C NW 15–27N–23W)
7. Harper County OK
8. 160.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19780/02248
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Murrow #16–187
6. (C NW 32–27N–16W)
7. Woods County OK
8. 150.0 million cubic feet
9. March 12, 1980
10. Panhandle Eastern Pipeline Co
1. 80–19781/02245
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Parker #11–125
6. (NE NE 26–26N–21W)
7. Harper County OK
8. 84.0 million cubic feet
9. March 12, 1980
10. Northern Natural Gas Co
1. 80–19782/01723
2. 35–047–21114–0000
3. 108 000 000
4. Harper Oil Co
5. Bonnie 1
6. Lucien West
7. Garfield OK
8. 3.0 million cubic feet
9. March 12, 1980
10. Aminoil USA
1. 80–19783/01730
2. 35–073–00000–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Bryson 36–1
6. East Hennessey
7. Kingfisher OK
8. .0 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80–19784/01713
2. 35–0073–21234–0000
3. 108 000 000
4. Harper Oil Co
5. McGinnis 6–2
6. S W Lyons
7. Kingfisher OK
8. 1.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19785/01712
2. 35–073–21164–0000
3. 108 000 000
4. Harper Oil Co
5. McGinnis 6–1
6. S W Lyons
7. Kingsfisher OK
8. 1.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19786/010710
2. 35–073–21398–0000
3. 108 000 000
4. Harper Oil Co
5. Florine 6
6. S W Lyons
7. Kingsfisher OK
8. 13.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19787/01701
2. 35–073–20998–0000
3. 108 000 000
4. Harper Oil Co
5. Irvin 1
6. Sooner Trend
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19788/01651
2. 35–073–35544–0000
3. 108 000 000
4. Phoenix Resources Co
5. Ingle #1
6. S W Avard
7. Woods OK
8. 10.0 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80–19789/01709
2. 35–073–21325–0000
3. 108 000 000
4. Harper Oil Co
5. Florine 4
6. S W Lyons
7. Kingfisher OK
8. 14.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19790/01816
2. 35–093–21501–0000
3. 103 000 000
4. Grace Petroleum Corp
5. Gammon 2A–34
6. N E Ames
7. Major OK
8. 200.0 million cubic feet
9. March 12, 1980
10. Arkansas Louisiana Gas Co
1. 80–19791/01830
2. 35–093–30447–0000
3. 108 000 000

4. Entex Petroleum Inc
5. Huston No 1
6. Ringwood
7. Major OK
8. 19.0 million cubic feet
9. March 12, 1980
10. Ong Gathering Corp Pioneer Gas Products Co
1. 80–19792/01722
2. 35–103–00000–0000
3. 108 000 000
4. Unit Operations
5. Schonwald #3
6. Lucien
7. Noble OK
8. .0 million cubic feet
9. March 12, 1980
10. Eason Oil Co
1. 80–19793/01746
2. 35–073–21257–0000
3. 108 000 000
4. Harper Oil Co
5. Pearl 3
6. S W Lyons
7. Kingfisher OK
8. 5.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19794/01716
2. 35–073–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Bertie 1
6. Sooner Trend
7. Kingfisher OK
8. 8.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19795/01715
2. 35–073–21349–0000
3. 108 000 000
4. Harper Oil Co
5. Florine 5
6. S W Lyons
7. Kingfisher OK
8. 9.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19796/01714
2. 35–073–21190–0000
3. 108 000 000
4. Harper Oil Co
5. Florine 1
6. S E Lyons
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19797/01689
2. 35–073–00000–0000
3. 108 000 000
4. Brown & Borelli Inc
5. Athey Unit 1–1
6. Sooner Trend
7. Kingfisher OK
8. 1.7 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80–19798/01794
2. 35–047–21690–0000
3. 103 000 000
4. Seely Oil Co
5. Wilson #1 047 56172
6. Sooner Trend
7. Garfield OK
8. 90.0 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80–19799/01750
2. 35–093–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Wood 1 (Miss)
6. S E Ames
7. Major OK
8. 2.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19800/01749
2. 35–093–20473–0000
3. 108 000 000
4. Harper Oil Co
5. State 13–1
6. S E Ames
7. Major OK
8. 4.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19801/01748
2. 35–093–20369–0000
3. 108 000 000
4. Harper Oil Co
5. Cowherd 1
6. S E Ames
7. Major OK
8. 7.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19802/01747
2. 35–093–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Merl Hall 1
6. S W Ames
7. Major OK
8. 4.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19803/01796
2. 35–047–21502–0000
3. 103 000 000
4. Seely Oil Co
5. G Anderson #1 047 53959
6. Sooner Trend
7. Garfield OK
8. 48.9 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80–19804/01799
2. 35–047–21451–0000
3. 103 000 000
4. Seely Oil Co
5. Hromas #1 047 53367
6. Sooner Trend
7. Garfield OK
8. 129.2 million cubic feet
9. March 12, 1980
10. Exxon Corp
1. 80–19805/01736
2. 35–047–20235–0000
3. 108 000 000
4. Henry H Gungoll Assoc
5. Hutchinson #1
6. West Waukomis
7. Garfield OK
8. 5.0 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80–19806/01745
2. 35–093–20105–0000
3. 108 000 000
4. Harper Oil Co
5. Beall 1
6. S E Ames
7. Major OK
8. 11.0 million cubic feet
9. March 12, 1980
10. Phillips Petroleum Co
1. 80–19807/01740
2. 35–0047–20474–0000
3. 108 000 000
4. Henry H Gungoll Assoc
5. Hill #1
6. South Drummond
7. Garfield OK
8. 13.0 million cubic feet
9. March 12, 1980
10. Petro-Lewis Corp
1. 80–19808/01756
2. 35–093–20227–0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Tripp A #1
6. S W Fairview
7. Major OK
8. 8.1 million cubic feet
9. March 12, 1980
10. Delhi Gas Pipeline Corp
1. 80–19809/01795
2. 35–047–00000–0000
3. 108 000 000
4. Harper Oil Co
5. D C Cropper 1
6. Waukomis
7. Garfield OK
8. 5.0 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80–19810/01792
2. 35–047–00000–0000
3. 108 000 000
4. Harper Oil Co
5. Boedecker 1
6. S E Lahoma
7. Garfield OK
8. 5.0 million cubic feet
9. March 12, 1980
10. Exxon Company USA
1. 80–19811/01578
2. 35–073–00000–0000
3. 103 000 000
4. Geodyne Resources Inc
5. Foreman No 23–2
6. Sooner Trend
7. Kingfisher OK
8. 21.1 million cubic feet
9. March 12, 1980
10. Continental Oil Co
1. 80–19812/01586
2. 35–129–20345–0000
3. 103 000 000
4. Amerada Hess Corp
5. Mary Bull #1
6. Crawford
7. Roger Mills OK
8. 30.0 million cubic feet
9. March 12, 1980
10. Delhi Gas Pipeline Corp
1. 80–19813/01556
2. 35–011–20905–0000
3. 103 000 000
4. Rambler Oil Co
5. Johnston #1–17
6. S E Thomas

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7. Blaine OK
8. 187.2 million cubic feet
9. March 12, 1980
10. Public Service Co of Oklahoma
1. 80–20036/01720
2. 35–043–20378–0000
3. 108 000 000
4. Texas Oil & Gas Corp
5. Fuqua #1
6. S W Seliling
7. Dewey OK
8. 6.2 million cubic feet
9. March 14, 1980
10. Delhi Gas Pipeline Corp
1. 80–20037/01719
2. 35–011–20556–0000
3. 108 000 000
4. Harper Oil Company
5. Johannesmeyer 1
6. N W Okeene
7. Blaine OK
8. .5 million cubic feet
9. March 14, 1980
10. Delhi Gas Pipeline Corporation
1. 80–20038/01717
2. 35–073–21287–0000
3. 108 000 000
4. Harper Oil Company
5. Florine 3
6. S W Lyons
7. Kingfisher OK
8. 3.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20039/01711
2. 35–073–21759–0000
3. 108 000 000
4. Harper Oil Company
5. Fulmer A–1
6. Sooner Trend
7. Kingfisher OK
8. 2.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20040/01707
2. 35–073–21728–0000
3. 108 000 000
4. Harper Oil Company
5. Butler 1
6. Sooner Trend
7. Kingfisher OK
8. 5.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20041/01708
2. 35–073–00000–0000
3. 108 000 000
4. Harper Oil Company
5. Paulsen 1
6. Sooner Trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20042/01705
2. 35–073–20892–0000
3. 108 000 000
4. Harper Oil Company
5. Gaylen 1
6. Sooner Trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20043/01702
2. 35–073–21032–0000
3. 108 000 000
4. Harper Oil Company
5. T Hickman 1
6. Sooner Trend
7. Kingfisher OK
8. 7.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20044/01700
2. 35–073–21108–0000
3. 108 000 000
4. Harper Oil Company
5. La Porte 1
6. Sooner Trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20045/02037
2. 35–139–21093–0000
3. 102 000 000
4. Mobil Oil Corporation
5. Weeden #1 (178) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas OK
8. 200.0 million cubic feet
9. March 14, 1980
10. Cities Service Gas Company
1. 80–20046/02205
2. 35–093–20367–0000
3. 108 000 000
4. Tenneco Oil Company
5. Forrest Edwards 1–3
6. Cheyenne Valley E
7. Major OK
8. 7.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20047/02200
2. 35–093–35997–0000
3. 108 000 000
4. Tenneco Oil Company
5. Mona L Miller A #1
6. Ringwood
7. Major OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Oklahoma Natural Gas Gathering Corp
1. 80–20048/02207
2. 35–093–21319–0000
3. 103 000 000
4. Southland Royalty Company
5. Long 1–20
6.
7. Major OK
8. 182.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Company
1. 80–20049/02235
2. 35–059–20274–0000
3. 108 000 000
4. Tenneco Oil Company
5. S Hovey Unit 1–16
6. May East
7. Harper OK
8. 13.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Company
Delhi Gas Pipeline Corp
1. 80–20050/01999
2. 35–137–01941–0000
3. 108 000 000
4. Singer-Fleischaker Oil Operating Co
5. Creel #1
6. S E Cruce
7. Stephens OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Getty Oil Company
1. 80–20051/02352
2. 35–045–20251–0000
3. 108 000 000
4. Wessely Energy Corporation
5. Latta Unit No. 1
6. Laverne Mocane
7. Ellis OK
8. 10.0 million cubic feet
9. March 14, 1980
10. Northern Natural Gas Company
1. 80–20052/02039
2. 35–139–21094–0000
3. 102 000 000
4. Mobil Oil Corporation
5. Ralstin (29) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas OK
8. 200.0 million cubic feet
9. March 14, 1980
10. Cities Service Gas Company
1. 80–20053/02044
2. 35–139–21085–0000
3. 102 000 000
4. Mobil Oil Corporation
5. Gex (66) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas OK
8. 200.0 million cubic feet
9. March 14, 1980
10. Cities Service Gas Company
1. 80–20054/02348
2. 35–153–20319–0000
3. 108 000 000
4. Wessely Energy Corporation
5. Skinner Unit No. 1
6. NW Cedardale
7. Woodward OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Northern Natural Gas Company
1. 80–20055/031380
2. 35–083–21019–0000
3. 103 000 000
4. Jet Oil Company
5. Rothermel #1
6. N Elkhorn
7. Logan OK
8. 12.0 million cubic feet
9. March 14, 1980
10. Eason Oil Company
1. 80–20056/01583
2. 35–011–20837–0000
3. 103 000 000
4. Trigg Drilling Company Inc
5. Miller No. 1
6. Watonga Trend
7. Blaine OK
8. 55.0 million cubic feet
9. March 14, 1980
10. Gas & Electric Co
1. 80–20057/01637
2. 35–083–20970–0000
3. 103 000 000
4. Jet Oil Company
5. Taylor #1
6. N Elkhorn
7. Logan OK
8. 12.0 million cubic feet
9. March 14, 1980
10. Eason Oil Company

1. 80–20058/00950
2. 35–139–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Jeffries Gas Unit #1
6. Guymon-Hugoton
7. Texas OK
8. 8.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20059/01294
2. 35–007–00000–0000
3. 108 000 000
4. Harper Oil Company
5. Barby 2
6. Mocane Laverne
7. Beaver OK
8. 5.0 million cubic feet
9. March 14, 1980
10. Northern Natural Gas Company
1. 80–20060/01346
2. 35–079–20289–0000
3. 102 000 000
4. Reserve Oil Inc
5. Macy McBee #30–1
6. Kinta
7. Leflore OK
8. 657.0 million cubic feet
9. March 14, 1980
10. Arkansas Louisiana Gas Co
Oklahoma Gas & Electric Co
1. 80–20061/01302
2. 35–007–21552–0000
3. 102 000 000
4. P F Beeler
5. P F Beeler—Barby #117
6. Unnamed Sec 17–4N–28ECM
7. Beaver OK
8. 72.0 million cubic feet
9. March 14, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–20062/01303
2. 35–007–20829–0000
3. 108 000 000
4. Singer-Fleischaker Oil OPR Co
5. Beard #1–7
6. Mocane Laverne
7. Beaver OK
8. 23.0 million cubic feet
9. March 14, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–20063/01615
2. 35–073–20497–0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. Habard No 1
6. Sooner Trend
7. Kingfisher OK
8. 4.9 million cubic feet
9. March 14, 1980
10. Exxon Corp
1. 80–20064/01585
2. 35–045–30050–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Inselman A #1
6. South Peek
7. Ellis OK
8. 9.0 million cubic feet
9. March 14, 1980
10. Panhandle Eastern Pipeline Co
1. 80–20065/00617
2. 35–109–00000–0000
3. 108 000 000
4. Bent Twig Oil Co
5. Black #7 08200 036649
6. Oklahoma City Field
7. Oklahoma OK
8. 10.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20066/02046
2. 35–139–21163–0000
3. 102 000 000
4. Mobil Oil Corporation
5. Ewing #1 (7A) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas OK
8. 200.0 million cubic feet
9. March 14, 1980
10. Cities Service Gas Company
1. 80–20067/02043
2. 35–139–21161–0000
3. 102 000 000
4. Mobil Oil Corporation
5. Clinkingbeard (7) Unit—#2
6. Guymon Hugoton-Council Grove
7. Texas OK
8. 200.0 million cubic feet
9. March 14, 1980
10. Cities Service Gas Company
1. 80–20068/01153
2. 35–093–00017–0000
3. 108 000 000
4. Amoco Production Company
5. Hutchinson Unit B #1
6. Cedardale NE
7. Major OK
8. 10.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–20069/01139
2. 35–039–03604–4000
3. 108 000 000
4. Amoco Production Company
5. Hollenback Gas Unit No 1
6. Chester-West Chester
7. Major OK
8. 21.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Company
1. 80–20070/01083
2. 35–039–20166–0000
3. 103 000 000
4. Arkla Exploration Co
5. Lambertus #1–8
6. Anthon NW
7. Custer OK
8. 91.0 million cubic feet
9. March 14, 1980
10. Arkansas Louisiana Gas Co
1. 80–20071/00741
2. 35–007–21488–0000
3. 102 000 000
4. Natual Gas Anadarko Inc
5. Baumgartner #2–16
6. Mocane Morrow
7. Beaver OK
8. 300.0 million cubic feet
9. March 14, 1980
10. Northern Natural Gas Co
1. 80–20072/01215
2. 35–059–20010–0000
3. 108 000 000
4. Amoco Production Co
5. McElhiney Gas Unit B #1
6. Mocane-Laverne
7. Harper OK
8. 17.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline
1. 80–20073/01214
2. 35–059–25290–0000
3. 108 000 000
4. Amoco Production Co
5. Pearson Unit B #1
6. Mocane-Laverne
7. Harper OK
8. 13.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–20074/01163
2. 35–059–20112–0000
3. 108 000 000
4. Amoco Production Co
5. Willard Unit #1
6. Mocane-Laverne
7. Harper OK
8. 5.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–20075/01156
2. 35–153–30086–0000
3. 108 000 000
4. Amoco Production Co
5. Butler Gas Unit No 1
6. Cedardale NW-Oswego
7. Woodward OK
8. 14.0 million cubic feet
9. March 14, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–20076/01154
2. 35–093–20816–0000
3. 108 000 000
4. Amoco Production Co
5. Nichelson Gas Unit No 1
6. Cedardale NE
7. Major OK
8. 13.0 million cubic feet
9. March 14, 1980
10. Delhi Gas Pipeline Corp
1. 80–20077/00949
2. 35–139–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Truitt Gas Unit #1
6. Guymon-Hugoton
7. Texas OK
8. 19.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20078/00947
2. 35–139–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Jeffries Gas Unit #2
6. Guymon-Hugoton
7. Texas OK
8. 8.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20079/00946
2. 35–139–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Sharp Gas Unit #1
6. Guymon-Hugoton
7. Texas OK
8. 21.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80–20080/00937
2. 35–139–00000–0000
3. 108 000 000

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4. Amoco Production Company
5. Grove Gas Unit #1
6. Guymon-Hugoton-Chase
7. Texas OK
8. 20.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80-20081/00934
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production
5. State of Oklahoma Gas Unit B #1
6. Guymon-Hugoton
7. Texas OK
8. 13.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80-20082/01021
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production Company
5. Anderson Gas Unit C #1
6. Guymon-Chase
7. Texas OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80-20083/01020
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production Company
5. Draper Gas Unit #1
6. Guymon-Hugoton-Chase
7. Texas OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co Mobil Oil Corp
1. 80-20084/01006
2. 35-007-35705-0000
3. 108 000 000
4. Amoco Production Company
5. Angleton Gas Unit #1
6. Mocane-Laverne Morrow
7. Beaver OK
8. 6.0 million cubic feet
9. March 14, 1980
10. Panhandle Eastern Pipeline Co
1. 80-20085/00952
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production Co
5. Taylor Gas Unit B #1
6. Guymon-Hugoton
7. Texas OK
8. 15.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co
1. 80-20086/00951
2. 35-139-00000-0000
3. 108 000 000
4. Amoco Production Company
5. Hughey Gas Unit A #1
6. Guymon-Hugoton
7. Texas OK
8. 16.0 million cubic feet
9. March 14, 1980
10. Phillips Petroleum Co

Pennsylvania Department of Environmental Resources, Division of Oil and Gas

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80-19936/3290
2. 37-085-20081-0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. K E Linn 5996
6. Kilgore
7. Mercer PA
8. 7.4 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp
1. 80-19893/109
2. 37-059-00000-0000
3. 108 000 000
4. Tri-County Oil & Gas Inc
5. Ell Hinerman #1
6.
7. Green PA
8. 3.6 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19894/193
2. 37-033-20175-0003
3. 108 000 000
4. Pennsylvania Commonwealth Of
5. Comm Of PA #1 Tract 119 (#6086)
6. Rockton Gas Field
7. Clearfield Co PA
8. 8.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-19895/377
2. 37-063-24263-0003
3. 103 000 000
4. Keystone Energy Resources
5. Aloisi—2
6. Gino A Aloisi 15A Farm
7. Indiana PA
8. 18.0 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co
1. 80-19896/378
2. 37-063-24175-0000
3. 103 000 000
4. Keystone Energy Resources
5. Glenn O Gahagan #1
6. Glenn O Gahagan (102 Acre) Farm
7. Indiana PA
8. 10.4 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19897/379
2. 37-063-24176-0003
3. 103 000 000
4. Keystone Energy Resources
5. Glenn O Gahagan #2
6. Glenn O Gahagan (102 Acre) Farm
7. Indiana PA
8. 10.4 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19898/380
2. 37-063-24041-0003
3. 103 000 000
4. Keystone Energy Resources
5. Elmer Gates—1
6. Elmer Gates 53 A Farm
7. Indiana PA
8. 16.9 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19899/381
2. 37-063-24042-0003
3. 103 000 000
4. Keystone Energy Resources
5. Elmer Gates—2
6. Elmer Gates 53 Acre Farm
7. Indiana PA
8. 16.9 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19900/382
2. 37-063-24093-0003
3. 103 000 000
4. Keystone Energy Resources
5. Elmer Gates—3
6. Elmer Gates 53 Acre Farm
7. Indiana PA
8. 16.9 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19901/383
2. 37-063-24289-0003
3. 103 000 000
4. Keystone Energy Resources
5. Earl E Hewitt—1
6. Earl E Hewitt 37 A Farm
7. Indiana PA
8. 49.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19902/384
2. 37-063-23975-0003
3. 103 000 000
4. Keystone Energy Resources
5. Marion & Ruby Keith—1
6. Marion & Ruby Keith 122 A Farm
7. Indiana PA
8. 6.2 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19903/385
2. 37-063-24144-0000
3. 103 000 000
4. Keystone Energy Resources
5. Marion & Ruby Keith—2
6. Marion & Ruby Keith 122 A Farm
7. Indiana PA
8. 6.2 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19904/386
2. 37-005-22076-0003
3. 103 000 000
4. Keystone Energy Resources
5. William F Kespelher 127A Farm—1
6. William F Kespelher 127 A Farm
7. Armstrong PA
8. 7.2 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19905/387
2. 37-063-24123-0000
3. 103 000 000
4. Keystone Energy Resources
5. Kunkle K-3
6. Homer F Kunkle
7. Indiana PA
8. 15.0 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co
1. 80-19906/388
2. 37-063-23853-0000
3. 103 000 000
4. Keystone Energy Resources
5. Clair Lewis—1

6. Clair Lewis 84 A Farm
7. Indiana PA
8. 36.3 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co
1. 80-19907/389
2. 37-063-23854-0000
3. 103 000 000
4. Keystone Energy Resources
5. Clair Lewis—2
6. Clair Lewis 84 A Farm
7. Indiana PA
8. 36.3 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co
1. 80-19908/390
2. 37-063-24053-0000
3. 103 000 000
4. Keystone Energy Resources
5. Robert Lynn—1
6. Robert Lynn 60 Acre Farm
7. Indiana PA
8. 48.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19909/391
2. 37-063-24054-0003
3. 103 000 000
4. Keystone Energy Resources
5. Robert Lynn—2
6. Robert Lynn 60A Farm
7. Indiana PA
8. 48.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19910/394
2. 37-063-23595-0003
3. 103 000 000
4. Keystone Energy Resources
5. Olson #1 G-2
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 20.4 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19911/395
2. 37-063-23604-0003
3. 103 000 000
4. Keystone Energy Resources
5. Olson #1 G-5
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 20.4 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19912/397
2. 37-063-23653-0003
3. 103 000 000
4. Keystone Energy Resources
5. Olson #2 G-3
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19913/398
2. 37-063-23654-0003
3. 103 000 000 Denied
4. Keystone Energy Resources
5. Olson #2 G-4
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19914/399
2. 37-063-23655-0003
3. 103 000 000
4. Keystone Energy Resources
5. Olson #2 G-6
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19915/400
2. 37-063-23656-0003
3. 103 000 000 Denied
4. Keystone Energy Resources
5. Olson #2 G-7
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19916/401
2. 37-063-23652-0003
3. 103 000 000 Denied
4. Keystone Energy Resources
5. Olson #2 G-8
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19917/402
2. 37-063-23652-D000
3. 103 000 000 Denied
4. Keystone Energy Resources
5. Olson #2 G-8D
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19918/403
2. 37-063-24104-0003
3. 103 000 000
4. Keystone Energy Resources
5. Delton Siles—S4
6. Delton Stiles
7. Indiana PA
8. .0 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19919/404
2. 37-063-23671-0003
3. 103 000 000
4. Keystone Energy Resources
5. J W Hastings #2 H-4
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 20.9 million cubic feet
9. March 13, 1980
10. T W Philips Gas & Oil Co
1. 80-19920/1150
2. 37-065-21139-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co N-1396
6. Soldiers Run 664915
7. Jefferson PA
8. 7.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-19921/1157
2. 37-063-22955-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M L Bartholomew N-1389
6. Big Run-Rochester Mill-063423
7. Indiana PA
8. 21.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-19922/3242
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Cerutti No 1
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19923/3243
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Cerutti No 2
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19924/3244
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Cerutti No 3
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19925/3246
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Beers No 2
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19926/3247
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Beers No 3
6. Seminonle
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19927/3248
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Beers No 4
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-19928/3249
2. 37-005-00000-0000
3. 108 000 000
4. Norman A Gillingham
5. Reddinger No 1
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp

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1. 80–19929/3281
2. 37–005–21639–0003
3. 108 000 000
4. James V Spankard
5. Walter A Smith #1
6.
7. Armstrong PA
8. 5.5 million cubic feet
9. March 13, 1980
10. Apollo Gas Co

1. 80–19930/3282
2. 37–005–21640–0003
3. 108 000 000
4. James V Spankard
5. Walter A Smith #2
6.
7. Armstrong PA
8. 5.5 million cubic feet
9. March 13, 1980
10. Apollo Gas Co

1. 80–19931/3285
2. 37–085–21395–R000
3. 108 000 000
4. National Fuel Gas Supply Corp
5. J O Vandervort #1 4564
6. Appalachian Shallow Devonian
7. Jefferson PA
8. 2.9 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19932/3286
2. 37–005–20060–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. H Amon 5987
6. Kilgore
7. Mercer PA
8. 16.8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19933/3287
2. 37–121–22186–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Tasa #1 5990 (JNO)
6. Kilgore
7. Venango PA
8. 12.4 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19934/3288
2. 37–121–22258–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Hovis #1 5993 (JNO)
6. Kilgore
7. Venango PA
8. 12.7 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19935/3289
2. 37–065–20926–R000
3. 108 000 000
4. National Fuel Gas Supply Corp
5. M Himes #1 5994
6. Appalachian Shallow Devonian
7. Jefferson PA
8. 4.9 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19937/3291
2. 37–121–23657–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Smith #1 6203 (JNO)
6. Kilgore
7. Venango PA
8. 8.2 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19938/3292
2. 37–065–21316–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Penn State Game Lands 6205
6. Appalachian Shallow Devonian
7. Jefferson PA
8. 9.3 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19939/3293
2. 37–085–20125–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. F Burdett 6207
6. Kilgore
7. Mercer PA
8. 10.6 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19940/3294
2. 37–085–20126–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. O L Gadsby 6208
6. Kilgore
7. Mercer PA
8. 12.1 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19941/3295
2. 37–047–20308–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Allegheny Nat Forest SC–504
6. Appalachian Shallow Devonian
7. Elk PA
8. 3.7 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19942/3296
2. 37–047–20473–0003
3. 108 000 000
4. National Fuel Gas Supply Corp
5. Penn State Forest SC–509
6. Appalachian Shallow Devonian
7. Elk PA
8. 18.0 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80–19943/405
2. 37–129–21113–0003
3. 103 000 000
4. Nese Energy
5. Javalu N–1
6. Javalu Inc
7. Westmoreland PA
8. 23.1 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co

1. 80–19944/406
2. 37–129–21114–0003
3. 103 000 000
4. Nese Energy
5. Javalu N–2
6. Javalu Inc
7. Westmoreland PA
8. 23.1 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co

1. 80–19945/407
2. 37–129–21115–0003
3. 103 000 000
4. Nese Energy
5. Javalu N–3
6. Javalu Inc
7. Westmoreland PA
8. 23.1 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co

1. 80–19946/3530
2. 37–063–24595–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–1
6. Edward H Trimble
7. Indiana PA
8. 23.1 million cubic feet
9. March 13, 1980
10.

1. 80–19947/3531
2. 37–063–24596–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–2
6. Edward H Trimble
7. Indiana PA
8. 21.9 million cubic feet
9. March 13, 1980
10.

1. 80–19948/3532
2. 37–063–24601–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–3
6. Edward H Trimble
7. Indiana PA
8. 32.8 million cubic feet
9. March 13, 1980
10.

1. 80–19949/3533
2. 37–063–24597–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–4
6. Edward H Trimble
7. Indiana PA
8. 35.7 million cubic feet
9. March 13, 1980
10.

1. 80–19950/3534
2. 37–063–23952–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–5
6. Edward H Trimble
7. Indiana PA
8. 37.5 million cubic feet
9. March 13, 1980
10.

1. 80–19951/3535
2. 37–063–24602–0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward H Trimble T–6
6. Edward H Trimble
7. Indiana PA
8. 118.6 million cubic feet
9. March 13, 1980
10.

1. 80–19952/3536
2. 37–063–24482–0003
3. 103 000 000
4. Keystone Energy Resources
5. W Meyers –1

6. W Meyers
7. Indiana PA
8. 34.6 million cubic feet
9. March 13, 1980
10.

1. 80–19953/3537
2. 37–063–24514–0003
3. 103 000 000
4. Keystone Energy Resources
5. W Meyers –2
6. W Meyers
7. Indiana PA
8. 35.1 million cubic feet
9. March 13, 1980
10.

1. 80–19954/3656
2. 37–033–20648–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. F T Hartzfeld Jr WN–1574
6. Salem 625030
7. Clearfield PA
8. 20.0 million cubic feet
9. March 13, 1980
10. General System Purchasers

1. 80–19955/4101
2. 37–123–27078–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 02 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19956/4102
2. 37–123–27241–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 036 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19957/4103
2. 37–123–27083–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 035 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19958/4104
2. 37–123–27240–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 034 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19959/4105
2. 37–123–27239–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 033 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19960/4106
2. 37–123–27238–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 032 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19961/4107
2. 37–123–27237–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 031 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19962/4108
2. 37–123–27082–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 030 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19963/4109
2. 37–123–27236–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 029 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19964/4110
2. 37–123–27235–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 028 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19965/4111
2. 37–123–27234–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 027 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19966/4112
2. 37–123–27233–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 026 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19967/4113
2. 37–123–27081–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 024 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19968/4114
2. 37–123–27231–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 023 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19969/4115
2. 37–123–27230–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 022 Bright-Wolfe lot 444
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80–19970/4136
2. 37–063–24865–0003
3. 103 000 000
4. Doran & Associates Inc
5. Evelyn J Conner #1 K–A–18
6. Upper Devonian Sand
7. Indiana PA
8. 30.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp

1. 80–19971/4137
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Reddinger No 3
6. Seminole
7. Armstrong PA
8. 1.9 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp

1. 80–19972/4143
2. 37–123–27401–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 038 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80–19973/4144
2. 37–123–27399–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 019 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80–19974/4145
2. 37–123–27400–0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 020 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

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1. 80-19975/4146
2. 37-123-26656-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 025 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19976/4147
2. 37-123-26657-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 028 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19977/4148
2. 37-123-26658-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 027 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19978/4149
2. 37-123-26659-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 028 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19979/4150
2. 37-123-26660-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 029 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19980/4151
2. 37-123-26661-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 030 Jenks lot 447
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19981/4152
2. 37-123-27108-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 016 Pierce
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19982/4153
2. 37-123-27109-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 017 Pierce
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19983/4154
2. 37-123-27110-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 018 Pierce
6. Sill Run pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Co

1. 80-19984/4175
2. 37-063-25077-0003
3. 103 000 000
4. Keystone Energy Resources
5. Inez Colosi—1
6. Inez Colosi
7. Indiana PA
8. 173.3 million cubic feet
9. March 13, 1980
10.

1. 80-19985/4176
2. 37-063-24902-0003
3. 103 000 000
4. Keystone Energy Resources
5. Mary Strainer—1
6. Mary Strainer
7. Indiana PA
8. 123.1 million cubic feet
9. March 13, 1980
10.

1. 80-19986/4177
2. 37-063-24820-0003
3. 103 000 000
4. Keystone Energy Resources
5. Frank Colosi—1
6. Frank Colosi
7. Indiana PA
8. 31.9 million cubic feet
9. March 13, 1980
10.

1. 80-19987/4178
2. 37-063-25078-0003
3. 103 000 000
4. Keystone Energy Resources
5. Inez Colosi—2
6. Inez Colosi
7. Indiana PA
8. 159.1 million cubic feet
9. March 13, 1980
10.

1. 80-19988/3670
2. 37-063-24646-0003
3. 103 000 000
4. Keystone Energy Resources
5. Edward Park—2
6. Edward Park
7. Indiana PA
8. 29.2 million cubic feet
9. March 13, 1980
10. T W Phillips Gas & Oil Co

1. 80-19989/3673
2. 37-063-24237-0003
3. 103 000 000
4. Keystone Energy Resources
5. Ronald Stewart—2
6. Ronald Stewart
7. Indiana PA
8. 105.8 million cubic feet
9. March 13, 1980
10. T W Phillips Gas & Oil Co

1. 80-19990/3676
2. 37-063-24243-0003
3. 103 000 000
4. Keystone Energy Resources
5. Fran Gmys—1
6. Fran Gmys
7. Indiana PA
8. 34.6 million cubic feet
9. March 13, 1980
10. T W Phillips Gas and Oil Co

1. 80-19991/3696
2. 37-125-00000-0000
3. 106 000 000
4. E J Brumage
5. Science AP-22433-PA
6. Science AP-22433-PA
7. Washington PA
8. 2.2 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp

1. 80-19992/3787
2. 37-049-20704-0003
3. 103 000 000
4. Envirogas Inc
5. J Fiske #1
6. Erie Deep
7. Erie PA
8. 18.0 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80-19993/3789
2. 37-063-24228-0003
3. 103 000 000
4. Keystone Energy Resources
5. Wayne Orr—1
6. Wayne Orr
7. Indiana PA
8. 31.9 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co

1. 80-19994/3790
2. 37-063-24262-0003
3. 103 000 000
4. Keystone Energy Resources
5. Wayne Orr—2
6. Wayne Orr
7. Indiana PA
8. 33.3 million cubic feet
9. March 13, 1980
10. Peoples Natural Gas Co

1. 80-19995/3923
2. 37-049-20733-0003
3. 103 000 000
4. Envirogas Inc
5. Guy Smith #3
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp

1. 80-19996/3948
2. 37-063-24925-0003
3. 103 000 000
4. Keystone Energy Resources
5. Thomas Chapman—1
6. Thomas Chapman
7. Indiana PA
8. 91.2 million cubic feet
9. March 13, 1980
10.

1. 80-19997/3949
2. 37-063-24924-0003
3. 103 000 000
4. Keystone Energy Resources
5. Paul Bennett—1

6. Paul Bennett
7. Indiana PA
8. million cubic feet
9. March 13, 1980
10.

1. 80-19998/3950
2. 37-063-24841-0003
3. 103 000 000
4. Keystone Energy Resources
5. Dorothy Harrison—1
6. Dorothy Harrison
7. Indiana PA
8. 38.3 million cubic feet
9. March 13, 1980
10.

1. 80-19999/3951
2. 37-063-24831-0003
3. 103 000 000
4. Keystone Energy Resources
5. Gearhart-Fink—1
6. Gearhart-Fink
7. Indiana PA
8. 36.5 million cubic feet
9. March 13, 1980
10.

1. 80-20000/3952
2. 37-063-24868-0003
3. 103 000 000
4. Keystone Energy Resources
5. Buterbaugh-McCall—1
6. Buterbaugh-McCall
7. Indiana PA
8. 38.7 million cubic feet
9. March 13, 1980
10.

1. 80-20001/3953
2. 37-063-24606-0003
3. 103 000 000
4. Keystone Energy Resources
5. William T Pierce—2
6. William T Pierce
7. Indiana PA
8. 5.9 million cubic feet
9. March 13, 1980
10.

1. 80-20002/4039
2. 37-063-25013-0003
3. 103 000 000
4. Keystone Energy Resources
5. George Overman—1
6. George Overman
7. Indiana PA
8. 18.2 million cubic feet
9. March 13, 1980
10.

1. 80-20003/4086
2. 37-123-27392-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 015 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20004/4087
2. 37-123-27229-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 021 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20005/4088
2. 37-123-27228-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 020 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20006/4089
2. 37-123-27080-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 019 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20007/4090
2. 37-123-27227-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 018 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20008/4091
2. 37-123-27226-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 017 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20009/4093
2. 37-123-27225-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 016 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20010/4094
2. 37-123-27065-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 014 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20011/4095
2. 37-123-27064-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 013 Bright-Wolfe Lot 444
6. Sill Run Pool extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20012/4096
2. 37-123-27063-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 012 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20013/4097
2. 37-123-27062-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 011 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20014/4098
2. 37-123-27061-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 010 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20015/4099
2. 37-123-27060-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 09 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20016/4100
2. 37-123-27079-0003
3. 103 000 000 denied
4. Quaker State Oil Refining Corp
5. 07 Bright-Wolfe Lot 444
6. Sill Run Pool Extension
7. Warren PA
8. .8 million cubic feet
9. March 13, 1980
10. National Fuel Gas Co

1. 80-20017/410
2. 37-033-20056-0003
3. 106 000 000
4. Columbia Gas Transmission Corp
5. 604471
6.
7. Clearfield PA
8. 3.0 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp

1. 80-20018/411
2. 37-065-20474-0000
3. 106 000 000
4. Lee E Minter
5. Starlite Pool #2 Jef-20474
6. El Run
7. Jefferson PA
8. 14.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp

1. 80-20019/412
2. 37-023-20012-0000
3. 106 000 000
4. Lee E Minter
5. Coleman #1 (Dexter #1) Cam-20012
6. Whippoorwill
7. Cameron PA
8. 1.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp

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1. 80-20020/413
2. 37-047-20000-0000
3. 108 000 000
4. Lee E Minter
5. H & G Mason #2
6. Bennezette
7. Elk PA
8. 5.2 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20021/414
2. 37-033-20228-0000
3. 108 000 000
4. Lee E Minter
5. Green Glen Huston #1 Cle-20228
6. Penfield
7. Clearfield PA
8. 11.4 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-20022/415
2. 37-023-20014-0000
3. 108 000 000
4. Lee E Minter
5. Coleman #2 (Dexter) Cam-20014
6. Whippoorwill
7. Cameron PA
8. 23.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20023/416
2. 37-033-20226-0000
3. 108 000 000
4. Lee E Minter
5. Green Glen Huston #2 Cle-20226
6. Penfield
7. Clearfield PA
8. 1.0 million cubic feet
9. March 13, 1980
10. Columbia Gas Transmission Corp
1. 80-20024/417
2. 37-023-20000-0003
3. 108 000 000
4. Lee E Minter
5. Moate #1
6. Driftwood
7. Cameron PA
8. 1.5 million cubic feet
9. March 13, 1980
10. National Fuel Gas Supply Corp
1. 80-20025/419
2. 37-065-20408-0000
3. 108 000 000
4. Lee E Minter
5. Kingman #1 Jef-20408
6. Elk Run
7. Jefferson PA
8. 7.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20026/420
2. 37-033-20305-0000
3. 108 000 000
4. Lee E Minter
5. Clear Run Pool (Dick) Cle-20305
6. Boone Mountain (Clear Run)
7. Clearfield PA
8. 6.4 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20027/421
2. 37-023-20000-0000
3. 108 000 000
4. Lee E Minter
5. Frank Caldwell #1
6. Driftwood
7. Cameron PA
8. 12.4 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20028/422
2. 37-023-20000-0000
3. 108 000 000
4. Lee E Minter
5. Harold Pearsall #1
6. Driftwood
7. Cameron PA
8. 11.7 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20029/423
2. 37-023-20000-0000
3. 108 000 000
4. Lee E Minter
5. Bearpaw #1
6. Driftwood
7. Cameron PA
8. 4.0 million cubic feet
9. March 13, 1980
10. Consolidated Gas Supply Corp
1. 80-20030/1070
2. 37-065-21523-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Walter G Daughenbaugh Wn-1668
6. Oliveburg 523959
7. Jefferson PA
8. 9.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-20031/1087
2. 37-033-20576-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E M Brown N-1414
6. La Borde 390759
7. Clearfield PA
8. 9.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-20032/1111
2. 37-033-20570-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Thomas Bruno N-1395
6. Salem 625030
7. Clearfield PA
8. 1.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-20033/1130
2. 37—063-23217-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Adam Wasicki N-1400
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 13.0 million cubic feet
9. March 13, 1980
10. General System Purchasers
1. 80-20034/1148
2. 37-065-21074-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J W Fye N-1366
6. Soldiers Run 664915
7. Jefferson PA
8. 4.0 million cubic feet
9. March 13, 1980
10. General System Purchasers

Texas Railroad Commission, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-19493/00093
2. 42-255-30576-0000
3. 102 000 000
4. Pennzoil Producing Co
5. B U-Spielhagen No 3 (L)
6. Burnell
7. Karnes TX
8. 800.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80-19494/00334
2. 42-483-00000-0000
3. 108 000 000
4. Morgas
5. Finley #3 26390
6. East Panhandle
7. Wheeler TX
8. 6.6 million cubic feet
9. March 10, 1980
10. Transwestern Pipeline Co
1. 80-19495/00352
2. 42-483-00000-0000
3. 108 000 000
4. Walter Pendleton Jr
5. Sammons A #2 Trec ID #35804
6. East Panhandle
7. Wheeler TX
8. 1.0 million cubic feet
9. March 10, 1980
10. Warren Petroleum Co
1. 80-19496/00811
2. 42-203-00000-0000
3. 108 000 000
4. Maurice L Brown Co
5. Maude Cadenhead Gas Unit #1
6. Bethany-Pettit
7. Harrison TX
8. 20.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80-19497/01089
2. 42-105-00000-0000
3. 108 000 000
4. A F Roberts Jr
5. Shannon V No 1
6. Todd NW (San Andres)
7. Crockett TX
8. 16.6 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19498/01203
2. 42-079-30532-0000
3. 103 000 000
4. Ard Drilling Co Inc
5. D S Wright E No 12
6. Levelland (San Andres)
7. Cochran TX
8. 125.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19499/01245
2. 42-195-30640-0000

3. 103 000 000
4. Horizon Oil & Gas Co of Texas
5. Ochiltree A 2-128 77524
6. Hansford Lower Morrow
7. Hansford TX
8. 122.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80-19500/01301
2. 42-393-00000-0000
3. 108 000 000
4. J & J Gas Properties
5. Bean #1 22581
6. Quinduno (Lower Albany Dolomite)
7. Roberts TX
8. 9.3 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co of America
1. 80-19501/01562
2. 42-089-30922-0000
3. 102 000 000
4. Weaver Oil & Gas Corp
5. A C Abell No 1 #80383
6. Garwood NE (3800) Field
7. Colorado TX
8. 120.0 million cubic feet
9. March 10, 1980
10. Texas Eastern Transmission Corp
1. 80-19502/01566
2. 42-297-31679-0000
3. 102 000 000
4. Weaver Oil & Gas Corp
5. Kitty West Burns #1 79822
6. Kitty Burns (9100 Wilcox E) Field
7. Live Oak County TX
8. 240.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80-19503/01590
2. 42-371-32395-0000
3. 103 000 000
4. Highland Resources Inc
5. Mitchell-Montgomery No 1
6. Puckett East (Strawn)
7. Pecos TX
8. 1000.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80-19504/01732
2. 42-285-31226-0000
3. 102 000 000
4. Highland Resources Inc
5. Brushy Creek Gas Unit No 6
6. Brushy Creek (4850)
7. Lavaca TX
8. 300.0 million cubic feet
9. March 10, 1980
10. Texas Eastern Transmission Corp
1. 80-19505/02024
2. 42-123-30885-0000
3. 103 000 000
4. William Herbert Hunt Trust Estate
5. Egg-Junker Et Al Unit No 3 78761
6. Arneckeville (Yegua 4870)
7. Dewitt TX
8. 152.0 million cubic feet
9. March 10, 1980
10. Texas Eastern Transmission Corp
1. 80-19506/02036
2. 42-219-31971-0000
3. 103 000 000
4. Texas Pacific Oil Co Inc
5. Central Levelland Unit No 207
6. Levelland
7. Hockley TX
8. 6.8 million cubic feet
9. March 10, 1980
10. Amoco Production Co
1. 80-19507/02124
2. 42-501-31300-0000
3. 103 000 000
4. Texas Pacific Oil Co Inc
5. Bennett Ranch Unit No 277
6. Wasson
7. Yoakum TX
8. 2.5 million cubic feet
9. March 10, 1980
10. Shell Oil Co
1. 80-19508/02274
2. 42-455-30296-0000
3. 102 000 000
4. HNG Oil Co
5. Temple #1 ID—80387
6. Apple Springs (Mooringsport)
7. Trinity TX
8. 86.0 million cubic feet
9. March 10, 1980
10.
1. 80-19509/08062
2. 42-219-32384-0000
3. 102 000 000
4. Amoco Production Co
5. Alex A Slaughter Est A No 44A
6. Sundown (ABO)
7. Hockley TX
8. 3.3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19510/02296
2. 42-079-30564-0000
3. 103 000 000
4. Union Oil Co of California
5. Masten C #2
6. Levelland (San Andres)
7. Cochran TX
8. 15.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19511/02408
2. 42-211-30730-0000
3. 102 000 000
4. Hoover & Bracken Energies Inc
5. Campbell #1-11
6. Campbell Ranch (Morrow Upper)
7. Hemphill TX
8. 730.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co, Pioneer Natural Gas Co
1. 80-19512/02409
2. 42-211-30912-0000
3. 102 000 000
4. Hoover & Bracken Energies Inc
5. Campbell #1-13
6. Campbell Ranch (Granite Wash A)
7. Hemphill TX
8. .0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80-19513/02573
2. 42-087-26155-0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Lutes A 1
6. Panhandle East
7. Collingsworth TX
8. 17.4 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19514/02704
2. 42-421-00000-0000
3. 106 000 000
4. Phillips Petroleum Co
5. Hungate No 1
6. Texas Hugoton
7. Sherman TX
8. 18.3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80-19515/02741
2. 42-421-00000-0000
3. 106 000 000
4. Phillips Petroleum Co
5. Witter—B No 5
6. Texas Hugoton
7. Sherman TX
8. 17.9 million cubic feet
9. March 10, 1980
10. Michigan Wisconsin Pipeline Co
1. 80-19516/03133
2. 42-233-00000-0000
3. 106 000 000
4. Phillips Petroleum Co
5. Johnson P No 1
6. Panhandle West
7. Hutchinson TX
8. 16.5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80-19517/03155
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Smith—L No 3
6. Panhandle West
7. Hutchinson TX
8. 10.8 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80-19518/03161
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg 62 No 9
6. Panhandle Hutchinson
7. Hutchinson TX
8. 2.6 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19519/03162
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg—62 No 6
6. Panhandle Hutchinson
7. Hutchinson TX
8. .9 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19520/03163
2. 42-233-00000-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg 62 No 4
6. Panhandle Hutchinson
7. Hutchinson TX
8. .2 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80-19521/03164
2. 42-233-00000-0000
3. 108 000 000

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4. Phillips Petroleum Co
5. Whittenburg 62 No 1
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19522/03165
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg C No 3
6. Panhandle Hutchinson
7. Hutchinson TX
8. .5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19523/03167
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 85
6. Panhandle Hutchinson
7. Hutchinson TX
8. .5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19524/03168
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 87
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.2 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19525/03169
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 92
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19526/03170
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 96
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19527/03171
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 7
6. Panhandle Hutchinson
7. Hutchinson TX
8. .4 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19528/03173
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 17
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19529/03175
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 64
6. Panhandle Hutchinson
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Getty Oil Co

1. 80–19530/03176
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 79
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19531/03177
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 84
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19532/03184
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 15
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.6 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19533/03190
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 91
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.1 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19534/03223
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg C No 2
6. Panhandle Hutchinson
7. Hutchinson TX
8. .5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19535/03239
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 16
6. Panhandle Hutchinson
7. Hutchinson TX
8. 2.3 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19536/03240
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 97
6. Panhandle Hutchinson
7. Hutchinson TX
8. 3.9 million cubic feet
9. March 10, 1980
10. Getty Oil Co

1. 80–19537/03246
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. West Stinnett U No 2–02
6. Panhandle Hutchinson
7. Hutchinson TX
8. .4 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19538/03265
2. 42–087–10518–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. McDowell #7
6. Panhandle East
7. Collingsworth TX
8. 17.8 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19539/03379
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Copper C No 11
6. Panhandle Carson
7. Carson TX
8. .5 million cubic feet
9. March 10, 1980
10. Getty Oil Co

1. 80–19540/03380
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Cooper C No 19
6. Panhandle Carson
7. Carson TX
8. .5 million cubic feet
9. March 10, 1980
10. Getty Oil Co

1. 80–19541/03381
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Cooper C No 20
6. Panhandle Carson
7. Carson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co

1. 80–19542/03403
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 11
6. Panhandle Hutchinson
7. Hutchinson TX
8. .1 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19543/03410
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 20
6. Panhandle Hutchinson
7. Hutchinson TX
8. .1 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19544/03444
2. 42–233–00000–0000
3. 108 000 000
4. CIG Exploration Inc
5. Bost 3R
6. Panhandle West Red Cave
7. Hutchinson TX
8. 9.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19545/03446
2. 42–375–30047–0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A–169R
6. Panhandle West Red Cave
7. Potter TX
8. 14.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19546/03448
2. 42–375–00000–0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A–122
6. Panhandle West
7. Potter TX
8. 3.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19547/03449
2. 42–233–00000–0000
3. 108 000 000
4. CIG Exploration Inc
5. Bost 2R
6. Panhandle West Red Cave
7. Hutchinson TX
8. 13.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19548/03451
2. 42–233–00000–0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins 8R
6. Panhandle West Red Cave
7. Hutchinson TX
8. 16.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19549/03452
2. 42–341–30153–0000
3. 108 000 000
4. CIG Exploration Inc
5. Lubberstedt 1R
6. Panhandle West Red Cave
7. Moore TX
8. 8.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19550/03454
2. 42–233–00000–0000
3. 108 000 000
4. CIG Exploration Inc
5. Johnson 2R
6. Panhandle West Red Cave
7. Hutchinson TX
8. 13.0 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co

1. 80–19551/03497
2. 42–341–00000–0000
3. 108 000 000
4. W L Bruce Operator
5. Guleke #1 RRC#03432
6. Panhandle Field
7. Moore County TX
8. 10.9 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co

Texas Railroad Commission, Oil and Gas Division

1. 80–19552/03499
2. 42–341–00000–0000
3. 108 000 000
4. W B D Oil & Gas Co
5. Guleke Lease #2
6. Panhandle
7. Moore TX
8. 10.9 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co

1. 80–19553/03563
2. 42–179–00000–0000
3. 108 000 000
4. Lefors Petroleum Co Inc
5. East Bull
6. Panhandle
7. Gray TX
8. 8.5 million cubic feet
9. March 10, 1980
10. Coltexo Corp

1. 80–19554/03568
2. 42–273–00000–0000
3. 108 000 000
4. John B. Hawley Jr Trust No 1
5. W E Sellers No 1 36094
6. Ricardo (2200)
7. Kleberg TX
8. 19.0 million cubic feet
9. March 10, 1980
10. Valley Pipe Lines Inc

1. 80–19555/03623
2. 42–201–30837–0000
3. 102 000 000
4. Davis Oil Co
5. J F Patterson Jr
6. Tomball NE (Yegua 5540)
7. Harris TX
8. 365.0 million cubic feet
9. March 10, 1980
10. Trunkline Gas Co

1. 80–19556/03756
2. 42–285–00000–0000
3. 102 000 000
4. Forest Cil Corp
5. R C Robertson No 1 RRC ID #77582
6. North Speaks
7. La Vaca TX
8. 165.0 million cubic feet
9. March 10, 1980
10. Beagull Pipeline Corp

1. 80–19557/03778
2. 42–123–30785–0000
3. 102 000 000
4. Hilliard Oil & Gas Inc
5. Green No 1 75461
6. Christmas S (Gansow)
7. DeWitt TX
8. 640.0 million cubic feet
9. March 10, 1980
10. Trunkline Gas Co

1. 80–19558/03829
2. 42–219–32498–0000
3. 103 000 000
4. Amoco Production Co
5. West RKM Unit No 223
6. Slaughter
7. Hockley TX
8. 15.4 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19559/03897
2. 42–179–00000–0000
3. 108 000 000
4. Lefors Petroleum Co Inc
5. J M Shaw #2
6. Panhandle
7. Gray TX
8. 10.0 million cubic feet
9. March 10, 1980
10. Coltexo Corp

1. 80–19560/03892
2. 42–179–00000–0000
3. 108 000 000
4. Dunigan Operating Co Inc
5. Wheatley #1
6. Panhandle
7. Gray TX
8. 17.0 million cubic feet
9. March 10, 1980
10. Cabot Corp

1. 80–19561/03970
2. 42–179–00000–0000
3. 108 000 000
4. Dunigan Operating Co Inc
5. Billy B Davis #1
6. Panhandle
7. Gray TX
8. 5.0 million cubic feet
9. March 10, 1980
10. Coltexo Corp

1. 80–19562/03980
2. 42–497–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Elbertine No 4
6. West Chico
7. Wise TX
8. 4.1 million cubic feet
9. March 10, 1980
10. Cities Service Co

1. 80–19563/03996
2. 42–461–01429–0000
3. 108 000 000
4. Phillips Petroleum Co
5. (03913) N Pembrook S UN 8507
6. Spraberry (Trend Area)
7. Upton TX
8. .5 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co

1. 80–19564/04064
2. 42–497–00000–0000
3. 108 000 000
4. Mitchell Energy Corp
5. C A Lawrence #7 22840
6. Boonsville Bend Cong
7. Wise TX
8. 4.3 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co of America

1. 80–19565/04231
2. 42–237–00000–0000
3. 108 000 000
4. Mitchell Energy Corp
5. Jack Grace Ranch #2 30947
6. Boonsville Bend Cong
7. Jack TX
8. 11.5 million cubic feet

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9. March 10, 1980
10. Natural Gas Pipeline Co of America
1. 80–19566/04404
2. 42–715–00012–0000
3. 103 000 000
4. Superior Oil Co
5. State of TX Blk 14–L Unit #7
6. High Island Blk 14–L (9400)
7. Jefferson (Offshore) TX
8. 5000.0 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co of America
1. 80–19567/04428
2. 42–237–00000–0000
3. 108 000 000
4. Wood Oil Co
5. Dees #1
6. Boonesville Bend
7. Jack TX
8. 4.0 million cubic feet
9. March 10, 1980
10. Lone Star Gas Co
1. 80–19568/04443
2. 42–435–30535–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ward-C No 3 (59233)
6. Sonora (Canyon Upper)
7. Sutton TX
8. 14.1 million cubic feet
9. March 10, 1980
10. Intratex Gas Co
1. 80–19569/04449
2. 42–135–07271–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Millard-D No 5
6. Penwell (Ellenburger)
7. Ector TX
8. .5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19570/04552
2. 42–467–30405–0000
3. 102 000 000
4. Conoco Inc
5. J W Fincher No 1 02085
6. East Fruitvale (Rodessa 1)
7. Van Zandt TX
8. 25.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19571/04597
2. 42–467–30417–0000
3. 102 000 000
4. Conoco Inc
5. J M Thomas No 1 02092
6. East Fruitvale (Rodessa)
7. Van Zandt TX
8. 80.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19572/04599
2. 42–467–30387–0000
3. 102 000 000
4. Conoco Inc
5. Nellie Smith No 1 02046
6. East Fruitvale (Rodessa)
7. Van Zandt TX
8. 156.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19573/04801
2. 42–135–05734–0000
3. 108 000 000
4. Phillips Petroleum Co
5. TXL–A No 9
6. TXL (San Andres)
7. Ector TX
8. 13.3 million cubic feet
9. March 10, 1980
10. Shell Oil Co
1. 80–19574/04608
2. 42–467–30410–0000
3. 102 000 000
4. Conoco Inc
5. C E Elliott Gas Unit No 3–L 77663
6. East Fruitvale (Rodessa)
7. Van Zandt TX
8. 186.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19575/04611
2. 42–467–30410–0000
3. 102 000 000
4. Conoco Inc
5. Birdie Elliott Oil Unit 3-U 02083
6. East Fruitvale (Rodessa 1)
7. Van Zandt TX
8. 40.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19576/04613
2. 42–467–30420–0000
3. 102 000 000
4. Conoco Inc
5. Pat Prichard Oil Unit No 1 02098
6. East Fruitvale (Rodessa)
7. Van Zandt TX
8. 80.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19577/04623
2. 42–467–30418–0000
3. 102 000 000
4. Conoco Inc
5. Birdie N Eliott O U 2 No 1 02101
6. East Fruitvale (Rodessa 4)
7. Van Zandt TX
8. 80.0 million cubic feet
9. March 10, 1980
10. Delhi Gas Pipeline Corp
1. 80–19578/04629
2. 42–413–30272–0000
3. 108 000 000
4. Amoco Production Co
5. Edwin S Mayer Jr R Unit No 1
6. Sawyer/Canyon
7. Schleicher TX
8. 12.0 million cubic feet
9. March 10, 1980
10. Lone Star Gas Co
1. 80–19579/04644
2. 42–365–30856–0000
3. 103 000 000
4. Crystal Oil and Land Co
5. Jernigan #5
6. Panola
7. Panola TX
8. 165.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80–19580/04664
2. 42–087–00000–0000
3. 108 000 000
4. G C Herrmann Co
5. H E Franks 1–19
6. Panhandle East
7. Collingsworth TX
8. 4.0 million cubic feet
9. March 10, 1980
10. Warren Petroleum Co
1. 80–19581/04701
2. 42–065–00000–0000
3. 108 000 000
4. K & G Production Co
5. Urbanczyk #8
6. West Panhandle Carson County Field
7. Carson TX
8. 20.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80–19582/04721
2. 42–483–00000–0000
3. 108 000 000
4. G C Herrmann Co
5. Romain Pugh 1–12
6. Panhandle East
7. Wheeler TX
8. 7.0 million cubic feet
9. March 10, 1980
10. Warren Petroleum Co
1. 80–19583/04725
2. 42–103–31933–0000
3. 103 000 000
4. Warren Pet Co Div/Gulf Oil Corp
5. P J Lea et al #82
6. Lea (San Andres)
7. Crane TX
8. 35.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19584/04826
2. 42–179–00000–0000
3. 108 000 000
4. G C Herrmann Co
5. McConnell A #1
6. Panhandle
7. Gray TX
8. 5.0 million cubic feet
9. March 10, 1980
10. Kerr-McGee Corp
1. 80–19585/04854
2. 42–365–30854–0000
3. 103 000 000
4. Crystal Oil and Land Co
5. Jernigan #10
6. Panola
7. Panola TX
8. 165.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80–19586/04837
2. 42–435–31072–0000
3. 108 000 000
4. Amoco Production Co
5. Edwin S Mayer Jr I #3
6. Sawyer/Canyon
7. Sutton TX
8. 19.0 million cubic feet
9. March 10, 1980
10. Lone Star Gas Co
1. 80–19587/04953
2. 42–413–30288–0000
3. 108 000 000
4. Amoco Production Co
5. Edwin S Mayer Jr H No 2
6. Sawyer/Canyon
7. Schleicher TX
8. 20.0 million cubic feet
9. March 10, 1980
10. Lone Star Gas Co
1. 80–19588/05037

2. 42–079–30812–0000
3. 103 000 000
4. Getty Oil Co
5. Xit Unit No 159 02046
6. Levelland
7. Cochran TX
8. 30.0 million cubic feet
9. March 10, 1980
10. Cities Service Co
1. 80–19589/05186
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 22
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19590/05187
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 23
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19591/05189
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 25
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19592/05191
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 24
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19593/05193
2. 42–341–00000–0000
3. 108 000 000
4. W L Bruce operator
5. Morton #2 RRC 02364
6. Panhandle
7. Moore TX
8. 11.2 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19594/05200
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 21
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19595/05201
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 18
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19596/05203
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 22
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19597/05209
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 26
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19598/05210
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 21
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19599/05214
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 19
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19600/05235
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 33
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19601/05238
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 46
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19602/05244
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 14
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19603/05247
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 28
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19604/05249
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 29
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19605/05250
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 17
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19606/05254
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 31
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19607/05255
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 44
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19608/05258
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 35
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19609/05261
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 14
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19610/05286
2. 42–341–00000–0000
3. 108 000 000
4. W B D Oil & Gas Co
5. J E Pritchard #2 RRCO1352
6. Panhandle Field

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7. Moore TX
8. 11.3 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19611/05268
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 19
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19612/05272
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 20
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19613/05301
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 16
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19614/05309
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 33
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19615/05337
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State AC No 53
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19616/05343
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State AC No 51
6. Panhandle
7. Hutchinson TX
8. 1.7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19617/05345
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Stevenson A No 27
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19618/05421
2. 42–195–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Man-Womble No 1
6. Cator
7. Hansford TX
8. 13.2 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co
1. 80–19619/05422
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Payne Herring No 2
6. Panhandle
7. Hutchinson TX
8. 3.2 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19620/05540
2. 42–497–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Watson B No 3
6. West Chico
7. Wise TX
8. 14.0 million cubic feet
9. March 10, 1980
10. Cities Service Co
1. 80–19621/05730
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 26
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19622/05729
2. 42–341–00000–0000
3. 108 000 000
4. W B D Oil & Gas Co
5. J E Pritchard #3 RRC01352
6. Panhandle Field
7. Moore TX
8. 11.3 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19623/05726
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Stevenson A No 16
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19624/05724
2. 42–233–00000–0000
3. 108 000 000
4. W L Bruce
5. Dunaway #3 RRC #01145
6. Panhandle
7. Hutchinson TX
8. 4.6 million cubic feet
9. March 10, 1980
10. Diamond Shamrock
1. 80–19625/05717
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 49
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19626/05704
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 30
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19627/05691
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 20
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19628/05692
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 2
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19629/05702
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 32
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19630/05703
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 31
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19631/05658
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 28
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19632/05660
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 23
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19633/05661

2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 24
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19634/05663
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 27
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19635/05689
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State A No 15
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19636/05654
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 1
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. February 10, 1980
10. Getty Oil Company
1. 80–19637/05655
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 25
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19638/05657
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. State B No 27
6. Panhandle
7. Hutchinson TX
8. .3 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19639/06473
2. 42–285–31336–0000
3. 103 000 000
4. Rollum Co
5. C E Williams No 1 ID#79958
6. Sibley (3250)
7. Lavaca TX
8. 65.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19640/06501
2. 42–297–31623–0000
3. 103 000 000
4. McCarrick Gouger & Mitchell
5. Sullivan J D #6
6. Maxine East (Massive Lower)
7. Live Oak TX
8. 365.0 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co of Amer
1. 80–19641/06512
2. 42–135–33008–0000
3. 103 000 000
4. John H Hendrix Corp
5. Edwards Estate #1
6. Edwards West (Canyon)
7. Ector TX
8. 21.6 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Corp
1. 80–19642/06621
2. 42–479–31900–0000
3. 103 000 000
4. Gulf Oil Corp
5. Ramirez-Malakoff Unit No 1 RRC #749
6. Laredo (Lobo)
7. Webb TX
8. 700.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19643/06623
2. 42–479–31959–0000
3. 103 000 000
4. Gulf Oil Corp
5. Martinez I #4 RRC #77128
6. Laredo (Lobo)
7. Webb TX
8. 35.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19644/06625
2. 42–505–30587–0000
3. 103 000 000
4. Gulf Oil Corp
5. Rangel BM #2 RRC #74920
6. J C Martin (Lobo)
7. Zapata TX
8. 40.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19645/06376
2. 42–065–00000–0000
3. 108 000 000
4. Getty Oil Co
5. Schafer Ranch No 234
6. Panhandle
7. Carson TX
8. 3.0 million cubic feet
9. March 10, 1980
10. Getty Oil Company Natural Gas Plant
1. 80–19646/05775
2. 42–401–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Penny NO 5
6. East Texas Field
7. Rusk TX
8. .6 million cubic feet
9. March 10, 1980
10. Parade Co
1. 80–19647/05776
2. 42–401–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Frederick A&B No 5
6. East Texas
7. Rusk TX
8. .1 million cubic feet
9. March 10, 1980
10. Parade Co
1. 80–19648/06200
2. 42–063–00000–0000
3. 103 000 000
4. Sigmor Corp
5. Lamar Turner #2
6. Betlin (Fry) Field
7. Coleman TX
8. 110.0 million cubic feet
9. March 10, 1980
10. Brady Texas Municipal Gas Corp
1. 80–19649/06207
2. 42–317–31986–0000
3. 103 000 000
4. Maguire Oil Co
5. Grantham A—1
6. Ackerly (Dean Sand)
7. Martin TX
8. 25.0 million cubic feet
9. March 10, 1980
10. Getty Oil Co
1. 80–19650/05737
2. 42–233–00000–0000
3. 108 000 000
4. J M Huber Corp
5. Stevenson A No 19
6. Panhandle
7. Hutchinson TX
8. .7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19651/05752
2. 42–341–00000–0000
3. 108 000 000
4. L R Spradling
5. Bivins 55–18 #1–R
6. West Panhandle (Red Cave)
7. Moore TX
8. 1.4 million cubic feet
9. March 10, 1980
10. Colorado Interstate Gas Co
1. 80–19652/05773
2. 42–401–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Thrash No. 41
6. East Texas
7. Rusk TX
8. 1.0 million cubic feet
9. March 10, 1980
10. Parade Co
1. 80–19653/05774
2. 42–401–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Penny No 3
6. East Texas
7. Rusk TX
8. .7 million cubic feet
9. March 10, 1980
10. Parade Co
1. 80–19654/06642
2. 42–215–30444–0000
3. 103 000 000
4. Gulf Oil Corp
5. Garza et al A Unit No 1 RRC #74780
6. El Staggs (7330)
7. Hidalgo TX
8. 900.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19655/06637
2. 42–479–31836–0000
3. 103 000 000
4. Gulf Oil Corp
5. Alexander M M A 3 RRC #75015
6. Laredo (Lobo)

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7. Webb TX
8. 550.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19656/06636
2. 42–479–31995–0000
3. 103 000 000
4. Gulf Oil Corp
5. Bruni Mineral Trct 4 RRC 78042
6. Laredo (Lobo)
7. Webb TX
8. 650.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19657/06635
2. 42–505–30985–0000
3. 103 000 000
4. Gulf Oil Corp
5. Antonio Ramirez et al 1 RRC #78128
6. J C Martin (Lobo)
7. Zapata TX
8. 30.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19658/06634
2. 42–505–30950–0000
3. 103 000 000
4. Gulf Oil Corp
5. Sanchez J M #5 RRC #75421
6. J C Martin (Lobo)
7. Zapata TX
8. 110.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19659/06633
2. 42–479–31983–0000
3. 103 000 000
4. Gulf Oil Corp
5. Martin S J A No 2 RRC #77129
6. Laredo (Lobo)
7. Webb TX
8. 35.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19660/06631
2. 42–215–30815–0000
3. 103 000 000
4. Gulf Oil Corp
5. Hinojosa F G #1 RRC #76250
6. McMoran (8960)
7. Hidalgo TX
8. 730.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19661/06630
2. 42–215–30837–0000
3. 103 000 000
4. Gulf Oil Corp
5. Hinojosa et al #3 RRC #79104
6. McMoran (8960)
7. Hidalgo TX
8. 550.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19662/06629
2. 42–479–31919–0000
3. 103 000 000
4. Gulf Oil Corp
5. Bruni Mineral Trct 3 RRC 76501
6. Laredo (Lobo)
7. Webb TX
8. 100.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19663/06628
2. 42–505–30561–0000
3. 103 000 000
4. Gulf Oil Corp
5. Vergara GB #2 RRC #72056
6. J C Martin (Lobo)
7. Zapata TX
70.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19664/06627
2. 42–479–31335–0000
3. 103 000 000
4. Gulf Oil Corp
5. McKendrick W H #1 RRC #71615
6. Laredo (Lobo)
7. Webb TX
8. 200.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19665/06626
2. 42–215–30771–0000
3. 103 000 000
4. Gulf Oil Corp
5. Hinojosa et al No 2 RRC No 74847
6. McMoran (8960)
7. Hidalgo TX
8. 900.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19666/06670
2. 42–505–30897–0000
3. 103 000 000
4. Gulf Oil Corp
5. Uribe S #3 RRC #74257
6. J C Martin (Lobo)
7. Zapata TX
8. 550.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19667/06686
2. 42–371–32622–0000
3. 103 000 000
4. Mobil Oil Corp
5. Charles B Athey C No 1
6. Coyanosa No (Delaware)
7. Pecos TX
8. 182.5 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19668/06687
2. 42–371–32620–0000
3. 103 000 000
4. Mobil Oil Corp
5. James O'Neal No 6
6. Coyanosa No (Delaware)
7. Pecos TX
8. 100.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19669/06688
2. 42–371–32678–0000
3. 103 000 000
4. Mobil Oil Corp
5. Effie Potts Sibley No 8
6. Coyanosa No (Delaware)
7. Pecos TX
8. 255.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19670/06715
2. 42–179–00000–000
3. 108 000 000
4. Petro-Search Inc
5. Read #5 (1–090–02709–3)
6. Panhandle
7. Gray TX
8. 7.5 million cubic feet
9. March 10, 1980
10. Dorchester Gas Producing Co
1. 80–19671/06908
2. 42–297–31622–000
3. 102 000 000
4. Peter Paul Petroleum Co
5. J A Everett Gas Unit No 1
6. White Creek South (1950)
7. Live Oak TX
8. 120.0 million cubic feet
9. March 10, 1980
10.
1. 80–19672/06962
2. 42–135–32794–000
3. 103 000 000
4. Shell Oil Co
5. East Harper Unit No 9
6. Harper
7. Ector TX
8. 20.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19673/06662
2. 42–505–30574–0000
3. 103 000 000
4. Gulf Oil Corp
5. Martinez-Alexander Gas Unit #1 RRC 7
6. Laredo (Lobo) Field
7. Zapata TX
8. 83.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19674/06663
2. 42–215–30436–0000
3. 103 000 000
4. Gulf Oil Corp
5. Hinojosa-A No 1 RRC #74844
6. McMoran (8960)
7. Hidalgo TX
8. 730.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19675/06664
2. 42–215–30804–0000
3. 103 000 000
4. Gulf Oil Corp
5. Garza et al Unit No 2 RRC #75324
6. Casas S (Vksbg 8750)
7. Hidalgo TX
8. 350.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19676/06665
2. 42–215–30831–0000
3. 103 000 000
4. Gulf Oil Corp
5. Trevino Est et al #1 RRC #77953
6. McMoran (8960)
7. Hidalgo TX
8. 900.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19677/06666
2. 42–505–30974–0000
3. 103 000 000
4. Gulf Oil Corp
5. Maria Ramirez Etal #1 RRC 77694
6. J C Martin (Lobo)
7. Zapata TX
8. 150.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19678/06667

2. 42–479–31830–0000
3. 103 000 000
4. Gulf Oil Corp
5. Bruni Mineral Trust #2 RRC #74290
6. Laredo (Lobo)
7. Webb TX
8. 880.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19679/06668
2. 42–505–30983–0000
3. 103 000 000
4. Gulf Oil Corp
5. Martinez Tr et al Ut 1 RRC 78129
6. Laredo (Lobo)
7. Zapata TX
8. 40.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19680/06669
2. 42–215–30789–0000
3. 103 000 000
4. Gulf Oil Corp
5. Barrera Unit #1 RRC #74888
6. Casas S (Vksbg 8750)
7. Hidalgo TX
8. 900.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19681/06652
2. 42–505–30900–0000
3. 103 000 000
4. Gulf Oil Corp
5. Antonio Martinez et al No 1 RRC #7816
6. Laredo (Lobo)
7. Zapata TX
8. 365.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19682/06653
2. 42–479–31519–0000
3. 103 000 000
4. Gulf Oil Corp
5. Malakoff M E #1 RRC 72195
6. Laredo (Lobo)
7. Webb TX
8. 320.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19683/06654
2. 42–479–31832–0000
3. 103 000 000
4. Gulf Oil Corp
5. McKendrick W H Jr et al #3 RRC #7494
6. Laredo (Lobo)
7. Webb TX
8. 70.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19684/06655
2. 42–505–30992–0000
3. 103 000 000
4. Gulf Oil Corp
5. Mer Martinez et al Ut 1 RRC 77563
6. Laredo (Lobo)
7. Zapata TX
8. 365.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19685/06656
2. 42–505–30545–0000
3. 103 000 000
4. Gulf Oil Corp
5. Martinez-Sanchez Gas Un No 1 RRC 75016
6. J C Martin (Lobo)
7. Zapata TX
8. 160.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19686/06658
2. 42–479–31485–0000
3. 103 000 000
4. Gulf Oil Corp
5. Hein-Haynes Unit No 1 RRC #71616
6. Laredo (Lobo)
7. Webb County TX
8. 130.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19687/06659
2. 42–505–30988–0000
3. 103 000 000
4. Gulf Oil Corp
5. Antonio Martinez et al Unit #1 RRC 78
6. Laredo (Lobo)
7. Zapata TX
8. 220.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19688/06661
2. 42–479–31749–0000
3. 103 000 000
4. Gulf Oil Corp
5. McMahan P A No 2 RRC #72949
6. Laredo (Lobo)
7. Webb TX
8. 550.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19689/06645
2. 42–505–30586–0000
3. 103 000 000
4. Gulf Oil Corp
5. Vergara G B et al 1 RRC #72592
6. J C Martin (Lobo)
7. Zapata TX
8. 880.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19690/06646
2. 42–215–30860–0000
3. 103 000 000
4. Gulf Oil Corp
5. Valdez et al Unit #1 RRC #78616
6. McMoran (8960)
7. Hidalgo TX
8. 550.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19691/06649
2. 42–479–31882–0000
3. 103 000 000
4. Gulf Oil Corp
5. Malakoff Unit #1 RRC 76144
6. Laredo (Lobo)
7. Webb TX
8. 1100.0 million cubic feet
9. March 10, 1980
10. Lovaca Gathering Co
1. 80–19692/06650
2. 42–215–30859–0000
3. 103 000 000
4. Gulf Oil Corp
5. J & C Royalty Corp #1 RRC#79707
6. Casas S (VKSBG 8750)
7. Hidalgo TX
8. 70.0 million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19693/06651
2. 42–215–30441–0000
3. 103 000 000
4. Gulf Oil Corp
5. Garza et al Unit No 1 RRC NO 74824
6. El Staggs (7330)
7. Hidalgo TX
8. 900.0 million cubic feet million cubic feet
9. March 10, 1980
10. Tenngasco Gas Gathering Co
1. 80–19694/07548
2. 42–435–00000–0000
3. 108 000 000
4. C & K Petroleum Inc
5. Adah Cauthorn No 5
6. Sawyer (Canyon)
7. Sutton TX
8. 8.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19695/07596
2. 42–249–01258–0000
3. 108 000 000
4. Grace Petroleum Corp
5. Lester Moore B–2
6. Amargosa
7. jim Wells TX
8. 20.0 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co of America
1. 80–19696/07732
2. 42–355–00000–0000
3. 108 000 000
4. American Petrofina Co of Texas
5. G E Sullivan #1
6. Stratton
7. Nueces TX
8. 14.0 million cubic feet
9. March 10, 1980
10. Tennessee Gas Pipeline
1. 80–19697/07979
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. L M Price A #1
6. Texas Hugoton
7. Sherman TX
8. 18.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum
1. 80–19698/07980
2. 42–393–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Lips Ranch A #1
6. Lips
7. Roberts TX
8. 2.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80–19699/07547
2. 42–435–00000–0000
3. 108 000 000
4. C & K Petroleum Inc
5. Ben Mittel No 1
6. Sawyer (Canyon)
7. Sutton TX
8. 9.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Company
1. 80–19700/07546
2. 42–435–00000–0000
3. 108 000 000
4. C & K Petroleum Inc
5. Ben Mittel No 4
6. Sawyer (Canyon)

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7. Sutton TX
8. 4.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19701/07545
2. 42–435–00000–0000
3. 108 000 000
4. C & K Petroleum Inc
5. Ben Mittel No 3
6. Sawyer (Canyon)
7. Sutton TX
8. 12.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co
1. 80–19702/07527
2. 42–371–00000–0000
3. 108 000 000
4. Gulf Oil Corp
5. Jerusha Robbins et al A No 13
6. Puckett (Devonian)
7. Pecos TX
8. 7.0 million cubic feet
9. March 10, 1980
10. Transwestern Pipeline Co
1. 80–19703/07331
2. 43–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. R S Mangham No 2 ID #79934
6. Carthage (Cotton Valley)
7. Panola TX
8. 200.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80–19704/07206
2. 42–211–30714–0000
3. 103 000 000
4. Kerr-McGee Corp
5. Norris No 4–29
6. Hemphill Granite Wash
7. Hemphill TX
8. 292.0 million cubic feet
9. March 10, 1980
10. Pioneer Natural Gas Co
1. 80–19705/07204
2. 42–211–31015–0000
3. 103 000 000
4. Kerr-McGee Corp
5. Norris No 5–29
6. Hemphill Granite Wash
7. Hemphill TX
8. 317.0 million cubic feet
9. March 10, 1980
10. Pioneer Natural Gas Co
1. 80–19706/07203
2. 42–211–30697–0000
3. 103 000 000
4. Kerr-McGee Corp
5. Norris 44 No 3
6. Hemphill Granite Wash
7. Hemphill TX
8. 76.0 million cubic feet
9. March 10, 1980
10. Pioneer Natural Gas Co
1. 80–19707/07202
2. 42–211–30878–0000
3. 103 000 000
4. Kerr-McGee Corp
5. Norris No 44–4
6. Hemphill Granite Wash
7. Hemphill TX
8. 25.0 million cubic feet
9. March 10, 1980
10. Pioneer Natural Gas Co
1. 80–19708/07197
2. 42–227–00000–0000
3. 103 000 000
4. Petroleum Expl & Dev Funds Inc
5. Flanagan #1 25246
6. Spraberry (Trend Area)
7. Howard TX
8. 5.1 million cubic feet
9. March 10, 1980
10.
1. 80–19709/07132
2. 42–287–30430–0000
3. 103 000 000
4. Thomas D Coffman
5. T Stranger #1 036935
6. Giddings (Austin Chalk-Buda)
7. Lee TX
8. 360.0 million cubic feet
9. March 10, 1980
10. PGP Gas Products Inc
1. 80–19710/07086
2. 42–461–31273–0000
3. 103 000 000
4. Aminoil USA Inc
5. University A–25
6. McElroy Field
7. Upton TX
8. 3.1 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19711/07084
2. 42–103–31731–0000
3. 103 000 000
4. Aminoil USA Inc
5. University A–22
6. McElroy
7. Crane County TX
8. 4.7 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19712/07072
2. 42–359–00000–0000
3. 108 000 000
4. Pioneer Production Corp
5. Bivins D #14 37094
6. West Panhandle
7. Oldham TX
8. 2.2 million cubic feet
9. March 10, 1980
10. Pioneer Natural Gas Co
1. 80–19713/06997
2. 42–057–30785–0000
3. 102 000 000
4. The Superior Oil Co
5. W L Traylor D 9
6. Maude B Traylor N (21 Seg A)
7. Calhoun TX
8. 16.0 million cubic feet
9. March 10, 1980
10. Lo Vaca Gathering Co
1. 80–19714/06964
2. 42–135–32792–0000
3. 103 000 000
4. Shell Oil Co
5. East Harper Unit No 7
6. Harper
7. Ector TX
8. 19.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19715/06963
2. 42–135–32793–0000
3. 103 000 000
4. Shell Oil Co
5. East Harper Unit 8
6. Harper
7. Ector TX
8. 12.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19716/08040
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Sloan G U B #1
6. Texas Hugoton-Chase
7. Sherman TX
8. 18.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum
1. 80–19717/08039
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Norton G U B #1
6. Texas Hugoton
7. Sherman TX
8. 14.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19718/08038
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Carl Craig A #1
6. Texas Hugoto
7. Sherman TX
8. 15.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19719/08036
2. 42–195–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Wilmeth Gas Unit #1
6. Hansford Middle Morrow
7. Hansford TX
8. 11.0 million cubic feet
9. March 10, 1980
10. Nothern Natural Gas Company
1. 80–19720/07989
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. J A Cartrite #1
6. Texas Hugoton
7. Sherman TX
8. 9.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19721/07988
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. J M Gorman A #1
6. Texas Hugoton
7. Sherman TX
8. 17.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum
1. 80–19722/07987
2. 42–421–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Harland G U #1
6. Texas Hugoton
7. Sherman TX
8. 11.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19723/07986

2. 42–195–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Davis G U C #1
6. Texas Hugoton
7. Hansford TX
8. 16.0 million cubic feet
9. March 10, 1980
10. Phillip Petroleum
1. 80–19724/09513
2. 42–179–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. E R Eakins #1
6. Panhandle
7. Gray TX
8. 13.1 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19725/09406
2. 42–461–00000–0000
3. 108 000 000
4. National Coop Refinery Association
5. Owens A #1
6. Bloxom (Devonian) Field
7. Upton County TX
8. 18.0 million cubic feet
9. March 10, 1980
10. Union Texas Petroleum
1. 80–19726/09257
2. 42–355–30849–0000
3. 102 000 000
4. Pennzoil Producing Co
5. E A Kinsey No B 2–L
6. Agua Dulce
7. Nueces TX
8. 450.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80–19727/09256
2. 42–355–31249–0000
3. 102 000 000
4. Pennzoil Producing Co
5. E A Kinsey No B 3–L
6. Agua Dulce
7. Nueces TX
8. 375.0 million cubic feet
9. March 10, 1980
10. United Gas Pipeline Co
1. 80–19728/09247
2. 42–435–00000–0000
3. 108 000 000
4. Hng Oil Co
5. Vanderstucken 21 #1 I D #69691
6. Sawyer (Canyon)
7. Sutton TX
8. 8.0 million cubic feet
9. March 10, 1980
10. Transwestern Pipeline Co
1. 80–19729/09246
2. 42–435–31224–0000
3. 108 000 000
4. Hng Oil Co
5. Vanderstucken 25 #2 I D #66536
6. Sawyer (Canyon)
7. Sutton TX
8. 4.0 million cubic feet
9. March 10, 1980
10. Transwestern Pipeline Co
1. 80–19730/10873
2. 42–505–30905–0000
3. 102 000 000
4. Pennzoil Producing Co
5. Salvador Garcia No 1
6. El Grullo
7. Zapata TX
8. 700.0 million cubic feet
9. March 10, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–19731/10872
2. 42–505–00000–0000
3. 102 000 000
4. Pennzoil Producing Co
5. Antonio M Vela No 2
6. El Grullo
7. Zapata TX
8. 700.0 million cubic feet
9. March 10, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–19732/10661
2. 42–297–31747–0000
3. 102 000 000
4. Pend Oreille Oil & Gas Co
5. C S Nelson Trust et al No 1
6. Limes (Wilcox 7900) Field
7. Live Oak TX
8. 450.0 million cubic feet
9. March 10, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–19733/10583
2. 42–371–32485–0000
3. 103 000 000
4. Gulf Oil Corp
5. Catherine Calhoun et al No 1
6. U S M (Queen)
7. Pecos TX
8. 2.1 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80–19734/10582
2. 42–371–32443–0000
3. 103 000 000
4. Gulf Oil Corp
5. George M Shelton Jr et al No 5
6. U S M (Queen)
7. Pecos TX
8. 15.0 million cubic feet
9. March 10, 1980
10. Northern Natural Gas Co
1. 80–19735/10312
2. 42–261–30428–0000
3. 102 103 000
4. Exxon Corp
5. Mrs S K East #95 81253
6. Rita (9–K 1)
7. Kenedy TX
8. 110.0 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline Co
1. 80–19736/09880
2. 42–433–30525–0000
3. 103 000 000
4. Getty Oil Co
5. Flowers Canyon No 157
6. Flowers
7. Stonewall TX
8. 7.0 million cubic feet
9. March 10, 1980
10. Cities Service Co
1. 80–19737/09879
2. 42–433–30523–0000
3. 103 000 000
4. Getty Oil Co
5. Flowers Canyon No 155
6. Flowers (Canyon Sand)
7. Stonewall TX
8. 2.0 million cubic feet
9. March 10, 1980
10. Cities Service Co
1. 80–19738/09679
2. 42–483–00000–0000
3. 102 000 000
4. Amarex Inc
5. Moore Unit #1
6. Mills Ranch (Atoka)
7. Wheeler TX
8. 182.0 million cubic feet
9. March 10, 1980
10.
1. 80–19739/09245
2. 42–435–31165–0000
3. 108 000 000
4. HNG Oil Co
5. Askew 30 #1–C ID#86451
6. Sawyer (Wolfcamp)
7. Sutton TX
8. 10.6 million cubic feet
9. March 10, 1980
10. Intratex Gas Co
1. 80–19740/09185
2. 42–297–31849–0000
3. 103 000 000
4. Exxon Corp
5. C L McCaslin #13 5661
6. Ramirena SW (YEG 3 UP SEG E)
7. Live Oak TX
8. 240.0 million cubic feet
9. March 10, 1980
10. Natural Gas Pipeline
1. 80–19741/09184
2. 42–065–00000–0000
3. 108 000 000
4. Continental Oil Co
5. Burnett 88A
6. W Panhandle
7. Carson TX
8. 19.3 million cubic feet
9. March 10, 1980
10. Cities Service Gas Co (4911)
1. 80–19742/09128
2. 42–135–00000–0000
3. 108 000 000
4. Carter Foundation Prodn Co
5. J E Parker #1
6. Harper
7. Ector TX
8. 2.0 million cubic feet
9. March 10, 1980
10. Phillips Petroleum Co
1. 80–19743/09112
2. 42–029–00000–0000
3. 108 000 000
4. Meredith Mallory Jr
5. D Garcia #1 60975
6. Von Ormy (Anacacho Lime)
7. Bexar TX
8. 12.1 million cubic feet
9. March 10, 1980
10. Gulfside Gas Co
1. 80–19744/09111
2. 42–029–00000–0000
3. 108 000 000
4. Meredith Mallory Jr
5. Billy Joe Corley #1 62712
6. Von Ormy (Anacacho Lime)
7. Bexar TX
8. 6.6 million cubic feet
9. March 10, 1980
10. Gulfside Gas Co
1. 80–19745/08922
2. 42–329–25314–0000
3. 103 000 000
4. W B Wilson
5. Buchanan #1
6. Spraberry (Trend Area)

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7. Midland TX
8. 10.0 million cubic feet
9. March 10, 1980
10. El Paso Natural Gas Co

1. 80–19746/08815
2. 42–483–30545–0000
3. 103 000 000
4. Texas American Oil Corp
5. B Morgan No 1
6. Panhandle East
7. Wheeler TX
8. 219.0 million cubic feet
9. March 10, 1980
10. Perry Gas Transmission Inc

1. 80–19747/08558
2. 42–479–30410–0000
3. 108 000 000
4. Peninsula Resources Corp
5. Kone #1 #53371
6. Tom Walsh (Escondido)
7. Webb TX
8. 15.7 million cubic feet
9. March 10, 1980
10. Tejas Gas Corp

Utah Division of Oil, Gas and Mining

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–19662/K–117–1
2. 43–047–30573–0000
3. 102 000 000
4. Conoco Inc
5. Conoco State 36 No 7
6. Ouray
7. Uintah UT
8. 55.0 million cubic feet
9. March 12, 1980
10. Mountain Fuel Supply Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–19814
2. 47–087–01664–0000
3. 108 000 000
4. Five Star Gas Co
5. Hazel & Melvin Daugherty #2
6. Looneyville Gas Field
7. Roane WV
8. 3.1 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19815
2. 47–087–02355–0000
3. 108 000 000
4. Five Star Gas Co
5. Gus Long #3114
6. Clover Oil Field
7. Roane WV
8. 2.6 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19816
2. 47–087–02389–0000
3. 108 000 000
4. Five Star Gas Co
5. C E Monroe #7114
6. Looneyville Gas Field
7. Roane WV
8. 3.1 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19817
2. 47–087–00600–0000
3. 108 000 000
4. Five Star Gas Co
5. Augusta Vineyard et al #7125
6. Looneyville Gas Field
7. Roane WV
8. 3.1 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19818
2. 47–087–00143–0000
3. 108 000 000
4. Five Star Gas Co
5. J. W Ferrell #598
6. Clover Oil Field
7. Roane WV
8. 2.6 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19819
2. 47–021–01914–0000
3. 108 000 000
4. I L Morris
5. Wilbert Frame #1
6.
7. Gilmer WV
8. 2.0 million cubic feet
9. March 11, 1980
10. Columbia Gas Company

1. 80–19820
2. 47–087–01112–0000
3. 108 000 000
4. I L Morris
5. Aaron Tawney #1
6.
7. Roane WV
8. 8.0 million cubic feet
9. March 11, 1980
10. Columbia Gas Company

1. 80–19821
2. 47–087–01113–0000
3. 108 000 000
4. I L Morris
5. Aaron Tawney #1
6.
7. Roane WV
8. 10.0 million cubic feet
9. March 11, 1980
10. Columbia Gas Co

1. 80–19822
2. 47–021–01572–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. Alfred Lowther #1
6. Ellis
7. Gilmer WV
8. 1.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19823
2. 47–021–01861–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. D J Moyers #1
6. Dusk Camp
7. Gilmer WV
8. 3.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Co

1. 80–19824
2. 47–021–01915–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A E Whiting #1
6. Gilmer Station
7. Gilmer WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19825
2. 47–021–01923–0000
3. 100 000 000
4. Waco Oil & Gas Co Inc
5. A E Whiting #2
6. Gilmer Station
7. Gilmer WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19826
2. 47–021–01946–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. D J Moyers #2
6. Dusk Camp
7. Gilmer WV
8. 3.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Co

1. 80–19827
2. 47–021–01962–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. R M Marshall Heirs #1
6. Little Kanawha River
7. Gilmer WV
8. 12.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19828
2. 47–021–02224–0000
3. 108 000 000
4. Waco Oil and Gas Co Inc
5. D J Moyers #3
6. Dusk Camp
7. Gilmer WV
8. 3.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Co

1. 80–19829
2. 47–021–02225–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. D. J. Moyers #4
6. Dusk Camp
7. Gilmer WV
8. 3.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19830
2. 47–021–02356–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A E Whiting #1A
6. Gilmer Station

7. Gilmer WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19831
2. 47–021–02357–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A. E Whiting #2A
6. Gilmer Station
7. Gilmer WV
8. .0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19832
2. 47–021–02510–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A E Whiting #4A
6. Gilmer Station
7. Gilmer WV
8. 6.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19833
2. 47–021–02547–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. R M Marshall #2
6. Little Kanawha River
7. Gilmer WV
8. 12.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19834
2. 47–021–02560–0000
3. 108 000 000
4. Waco Oil and Gas Co Inc
5. R M Marshall #3
6. Little Kanawha River
7. Gilmer WV
8. 12.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19835
2. 47–021–02595–0000
3. 108 000 000
4. Waco Oil & Gas Co Inc
5. A E Whiting #3A
6. Gilmer Station
7. Gilmer WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply

1. 80–19836
2. 47–021–02745–0000
3. 108 000 000
4. Waco Oil and Gas Co Inc
5. A E Whiting #5
6. Gilmer Station
7. Gilmer WV
8. 15.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19837
2. 47–041–01087–0000
3. 108 000 000
4. Waco Oil and Gas Co
5. R J Vassar #1
6. Berlin
7. Lewis WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19838
2. 47–021–03219–0000
3. 103 000 000
4. Waco Oil and Gas Company
5. Timma Mick #4
6. Heaters Fork
7. Gilmer WV
8. 10.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Company

1. 80–19839
2. 47–087–01351–0000
3. 108 000 000
4. Five Star Gas Co
5. J W Looney #7122
6. Looneyville Gas Field
7. Roane WV
8. 3.1 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corp

1. 80–19840
2. 47–021–02100–0000
3. 108 000 000
4. Coffman and Morris
5. W H Patterson #1
6. Linn
7. Gilmer WV
8. 5.0 million cubic feet
9. March 11, 1980
10. Carnegie Natural Gas Company

1. 80–19841
2. 47–081–20445–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. New River #7
6. Town
7. Raleigh WV
8. 7.7 million cubic feet
9. March 11, 1980
10. Cabot Corporation

1. 80–19842
2. 47–007–00710–0000
3. 108 000 000
4. J C Baker & Sons Inc
5. Hugh Cunningham #1 GPC 2805
6. Salt Lick
7. Braxton WV
8. 2.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Co

1. 80–19843
2. 47–019–20358–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Kanawha Gauley B–3
6. Falls
7. Fayette WV
8. 21.9 million cubic feet
9. March 11, 1980
10. Cabot Corporation

1. 80–19844
2. 47–081–20456–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land A–20
6. Slab Fork
7. Raleigh WV
8. 19.2 million cubic feet
9. March 11, 1980
10. Cabot Corporation

1. 80–19845
2. 47–081–20457–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land A–21
6. Slab Fork
7. Raleigh WV
8. 9.4 million cubic feet
9. March 11, 1980
10. Cabot Corporation

1. 80–19846
2. 47–081–20430–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Beaver Coal A–3
6. Town
7. Raleigh WV
8. 40.3 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corporation

1. 80–19847
2. 47–081–20431–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Beaver Coal A–5
6. Town
7. Raleigh WV
8. 14.9 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corporation

1. 80–19848
2. 47–081–20438–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Beaver Coal A–6
6. Town
7. Raleigh WV
8. 15.4 million cubic feet
9. March 11, 1980
10. Columbia Gas Transmission Corporation

1. 80–19849
2. 47–109–20770–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–1
6. Barkers Ridge
7. Wyoming WV
8. 108.1 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corporation

1. 80–19850
2. 47–109–20771–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–2
6. Barkers Ridge
7. Wyoming WV
8. 89.8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corporation

1. 80–19851
2. 47–021–01412–0000
3. 108 000 000
4. Coffman and Morris
5. Opha W Keller #1
6. Linn
7. Gilmer WV
8. 4.0 million cubic feet
9. March 11, 1980
10. Carnegie Natural Gas Company

1. 80–19852
2. 47–013–00738–0000
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #16
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19853

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2. 47–013–00739–0000
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #17
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19854
2. 47–013–00772–0000
3. 108 000 000
4. Pennzoil Company
5. M W Stump #2
6. Sherman
7. Calhoun WV
8. 2.4 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19855
2. 47–013–00779–0000
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #19
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19856
2. 47–013–00945–0000
3. 108 000 000
4. Pennzoil Company
5. Elias Poole #2
6. Sherman
7. Calhoun WV
8. 1.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19857
2. 47–013–00972–DFRA
3. 108 000 000
4. Pennzoil Company
5. Elias Poole #1
6. Sherman
7. Calhoun WV
8. 1.0 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19858
2. 47–013–01193–0000
3. 108 000 000
4. Pennzoil Company
5. M W Stump #3
6. Sherman
7. Calhoun WV
8. 2.4 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19859
2. 47–013–01484–0000
3. 108 000 000
4. Pennzoil Company
5. Annie C Boyles #3
6. Lee
7. Calhoun WV
8. 3.2 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19860
2. 47–013–01619–0000
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #20
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–19861
2. 47–013–01643–0000
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #21
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. March 11, 1980
10. Consolidated Gas Supply Corp

1. 80–20035
2. 47–021–03418–0000
3. 103 000 000
4. Waco Oil & Gas Co
5. Jones Heirs #1A
6. Ellis
7. Gilmer WV
8. 40.0 million cubic feet
9. March 11, 1980
10. Carnegie Natural Gas Co

United States Geological Survey
Albuquerque, New Mexico

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–19869/COA–4919–79
2. 05–067–05598–0000–0
3. 108 000 000
4. El Paso Exploration Co
5. Bondad 33–10 9 #13
6. Ignacio Blanco-Mesaverde Gas
7. La Plata CO
8. 15.0 million cubic feet
9. March 12, 1980
10. Northwest Pipeline Corp

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–19864/NM–4882–79
2. 30–025–26308–0000–0
3. 103 000 000
4. Union Oil Co of California
5. Maduro Unit Federal #1
6. Undesignated
7. Lea NM
8. 1300.0 million cubic feet
9. March 12, 1980
10. Llano Inc

1. 80–19865/NM–4882–79
2. 30–025–26308–0000–0
3. 102 000 000
4. Union Oil Co of California
5. Maduro Unit Federal #1
6. Undesignated
7. Lea NM
8. 1300.0 million cubic feet
9. March 12, 1980
10. Llano Inc

1. 80–19866/NM–4885–79–2
2. 30–039–21039–0000–0
3. 108 000 000 Denied
4. Northwest Pipeline Corp
5. San Juan 29–6 #106
6. Basin Dakota
7. Rio Arriba NM
8. .1 million cubic feet
9. March 12, 1980
10. Northwest Pipeline Corp

1. 80–19867/NM–4924–79
2. 30–039–06325–0000–0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 155 No 9 (Second)
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 17.0 million cubic feet
9. March 12, 1980
10. Northwest Pipeline Corp

1. 80–19868/NM–4920–79
2. 30–015–22802–0000–0
3. 103 000 000
4. Depco Inc
5. Dunn A Federal No 7
6. Artesia
7. Eddy NM
8. 20.0 million cubic feet
9. March 12, 1980
10.

1. 80–19870/NM–4918–79
2. 30–039–07758–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 Unit #57
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19871/NM–4917–79
2. 30–045–07152–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Hancock B #1
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 20.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19872/NM–4916–79
2. 30–039–05206–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lindrith Unit #53
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19873/NM–4912–79
2. 30–039–07328–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–6 Unit #35
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19874/NM–4911–79
2. 30–045–21308–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Nagezzi #3
6. Duffers Point Gallup-Dakota Gas
7. San Juan NM
8. 12.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19875/NM–4910–79
2. 30–045–10345–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28–7 Unit #170 PC & CH
6. Blanco South PC & Largo-Chacra
7. Rio Arriba NM
8. 19.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19876/NM–4906–79
2. 30–045–07586–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Johnston #2
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 17.9 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19877/NM–4910–79
2. 30–039–20696–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Kernaghan #2
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 18.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19878/NM–4895–79
2. 30–045–20922–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Jones A #7
6. Blanco South-Pictured Cliff Gas
7. San Juan NM
8. 18.6 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19879/NM–4894–79
2. 30–045–21085–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Hardie #8
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 18.6 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19880/NM–4893–79
2. 30–045–07346–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. White Kutz #1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 17.2 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19881/NM–4892–79
2. 30–045–21268–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Johnston #12
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 19.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19882/NM–4881–79
2. 30–045–06839–0000–0
3. 108 000 000
4. Getty Oil Co
5. Nellie Platero No 4
6. Blanco Pictured Cliffs So
7. San Juan NM
8. 19.3 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19883/NM–4880–79
2. 30–045–06836–0000–0
3. 108 000 000
4. Getty Oil Co
5. Charley Pah No 4
6. Blanco Pictured Cliffs So
7. Rio Arriba NM
8. .0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19884/NM–4879–79
2. 30–045–06714–0000–0
3. 108 000 000
4. Getty Oil Co
5. Charley Pah No 2
6. Blanco Pictured Cliffs So
7. San Juan NM
8. 18.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19885/NM–4878–79
2. 30–039–05996–0000–0
3. 108 000 000
4. Amerada Hess Corp
5. J Apache F #9
6. Otero
7. Rio Arriba NM
8. 17.9 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19886/NM–4868–79
2. 30–045–23499–0000–0
3. 103 000 000
4. Amoco Production Co
5. Mountain Ute Gas Com J Well #1
6. Ute Dome Dakota
7. San Juan NM
8. 182.0 million cubic feet
9. March 12, 1980
10. El Paso Natural Gas Co

1. 80–19887/NM–4867–79B
2. 30–039–22091–0000–0
3. 103 000 000
4. Southland Royalty Co
5. Creek #1–A (MV)
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 100.0 million cubic feet
9. March 12, 1980
10. Northwest Pipeline Corp

1. 80–19888/NM–4867–79A
2. 30–039–22091–0000–0
3. 103 000 000
4. Southland Royalty Co
5. Creek #1–A (PC)
6. Gobernador Pictured Cliffs
7. Rio Arriba NM
8. 50.0 million cubic feet
9. March 12, 1980
10. Northwest Pipeline Corp

The applications for determination in these proceedings together with a copy of this notice are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-10874 Filed 4-9-80; 8:45 am]
BILLING CODE 6450-85-M

[No. 173]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

April 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–20498
2. 47–001–20815–0000
3. 103 000 000
4. Fuel Resources Inc
5. W Harper #1
6. Valley District
7. Barbour County WV
8. 50.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp Brooklyn Union Gas Co

1. 80–20499
2. 47–001–20841–0000
3. 103 000 000
4. Fuel Resources Inc
5. D Carr #1
6. Valley District
7. Barbour County WV
8. 10.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp Brooklyn Union Gas Co

1. 80–20500

2. 47-001-20814-0000
3. 103 000 000
4. Fuel Resources Inc
5. C White #1
6. Valley District
7. Barbour County WV
8. 21.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp Brooklyn Union Gas Co

1. 80-20501
2. 47-013-02942-0000
3. 108 000 000
4. Francis E Cain
5. C J Thomas #4
6. Sheridan
7. Calhoun WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Cabot Corp

1. 80-20502
2. 47-013-20836-0000
3. 108 000 000
4. Tell McDonald Gas Co
5. Tell McDonald #1
6. Sherman District
7. Calhoun WV
8. 1.6 million cubic feet
9. March 18, 1980
10. Consolidated Gas

1. 80-20503
2. 47-013-20890-0000
3. 108 000 000
4. Clayton T Stump Gas Co
5. Clayton T Stump No. 2
6. Sherman District
7. Calhoun WV
8. 1.7 million cubic feet
9. March 18, 1980
10. Consolidated Gas

1. 80-20504
2. 47-013-20929-0000
3. 108 000 000
4. Poling Gas Co
5. Poling Gas Co #1
6. Sherman District
7. Calhoun WV
8. 4.3 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20505
2. 47-013-29370-0000
3. 108 000 000
4. L J Barr Gas Co
5. L J Barr #2
6. Sherman District
7. Calhoun WV
8. 1.4 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20506
2. 47-013-21262-0000
3. 108 000 000
4. Cabin Ridge Gas Co
5. Finley Elliott N 1
6. Lee District
7. Calhoun WV
8. 1.6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20507
2. 47-021-22310-0000
3. 108 000 000
4. Murvin Oil Corp
5. L B Law #1
6. Tanner Creek
7. Gilmer WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Carnagie Natural Gas Company

1. 80-20508
2. 47-085-22313-0000
3. 108 000 000
4. Murvin Oil Corp
5. A R Brake #2
6. Horn & Bone Creek
7. Ritchie WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Carnegie Natural Gas Company

1. 80-20509
2. 47-105-00635-0000
3. 108 000 000
4. Daniel M Moore
5. T A Brown #1
6. Spring Creek
7. Wirt WV
8. .0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20510
2. 47-021-21859-0000
3. 108 000 000
4. W & J Oil and Gas Producers
5. L K Matheney No. 1
6. Troy
7. Gilmer WV
8. 3.4 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20511
2. 47-021-21895-0000
3. 108 000 000
4. Appalachia Oil and Gas Co
5. J J Flesher No 1
6. Troy
7. Gilmer WV
8. 2.8 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20512
2. 47-021-21902-0000
3. 108 000 000
4. Appalachia Oil and Gas Co
5. J J Flesher No 2
6. Troy
7. Gilmer WV
8. 2.8 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20513
2. 47-021-21917-0000
3. 108 000 000
4. Appalachia Oil and Gas Co
5. H B Flesher No 1
6. Troy
7. Gilmer WV
8. 2.6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20514
2. 47-021-21925-0000
3. 108 000 000
4. Appalachia Oil and Gas Co
5. U G Scott Heirs No 1
6. Troy
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20515
2. 47-041-01563-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Smith #2
6. Hackers Creek District
7. Lewis WV
8. 13.0 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20516
2. 47-041-01585-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Harrison #1
6. Hackers Creek District
7. Lewis WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20517
2. 47-041-21695-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Bandy #1
6. Hackers Creek District
7. Lewis WV
8. .7 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20518
2. 47-021-02832-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Spaur #1
6. Glenville District
7. Gilmer WV
8. 7.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20519
2. 47-021-02884-0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Barker #2
6. Glenville District
7. Gilmer WV
8. 10.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20520
2. 47-007-01178-0000
3. 108 000 000
4. Eastern American Energy Corp
5. W A Ramsey #1
6. Lower Sleith
7. Braxton WV
8. 6.1 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20521
2. 47-007-01181-0000
3. 108 000 000
4. Eastern American Energy Corp
5. Ramsey-Bender #2
6. Lower Sleith
7. Braxton WV
8. 11.1 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20522
2. 47-007-01182-0000
3. 108 000 000
4. Eastern American Energy Corp
5. W S Ramsey #1

6. Lower Sleith
7. Braxton WV
8. 22.0 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80-20523
2. 47-013-00199-0000
3. 108 000 000
4. Keith Crihfield
5. J C Carpenter #1
6. Rush Run
7. Calhoun WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Cabot Corp

1. 80-20524
2. 47-021-00644-0000
3. 108 000 000
4. Keith Crihfield
5. O C Godfrey #1
6. Tanner
7. Gilmer WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Cabot Corporation

1. 80-20525
2. 47-105-00609-0000
3. 108 000 000
4. Keith Crihfield
5. Engelke #3
6. Spring Creek
7. Wirt WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20526
2. 47-105-00610-0000
3. 108 000 000
4. Keith Crihfield
5. Engelke #1
6. Spring Creek
7. Wirt WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20527
2. 47-105-00611-0000
3. 108 000 000
4. Keith Crihfield
5. Engelke #2
6. Spring Creek
7. Wirt WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20528
2. 47-021-02045-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Hunter Bennett A #1
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20529
2. 47-021-02091-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Nettie Bush #1
6.
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20530
2. 47-021-02155-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Len Moyers #1
6.
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20531
2. 47-021-02218-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Bailey W Moyers #1
6.
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20532
2. 47-021-02245-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Gladys Townsend #2
6.
7. Gilmer WV
8. .6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20533
2. 47-013-02403-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Charles S Despard Jr B #1
6.
7. Calhoun WV
8. 9.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20534
2. 47-007-00694-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. P P Flint #2
6.
7. Gilmer WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20535
2. 47-013-02419-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Charles S Despard Jr C #1
6.
7. Calhoun WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20536
2. 47-021-01647-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. H S Cole #1
6.
7. Gilmer WV
8. 7.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20537
2. 47-021-01677-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Okey Davis #1
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20538
2. 47-021-01679-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Stella Simmons #1
6.
7. Gilmer WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20539
2. 47-021-01714-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Lucille Hardman #1
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20540
2. 47-021-01766-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. H Reaser #1
6.
7. Gilmer WV
8. 15.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80-20541
2. 47-021-02035-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Dewey Clowser #1
6.
7. Gilmer WV
8. 8.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20542
2. 47-021-02236-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Melton-Wells #1
6.
7. Gilmer WV
8. 14.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20543
2. 47-021-02247-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Albert S Moore #1
6.
7. Gilmer WV
8. 9.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80-20544
2. 47-021-02256-0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Wilbert Frame A #1
6.
7. Gilmer WV
8. 4.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

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1. 80–20545
2. 47–021–02282–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Norman-Withers #1
6.
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20546
2. 47–021–02284–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Post-Jesse #1
6.
7. Gilmer WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20547
2. 47–021–02334–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Lucinda Heater #1
6.
7. Gilmer WV
8. 11.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20548
2. 47–001–04140–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Woodbine #1
6.
7. Barbour WV
8. 10.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20549
2. 47–021–01814–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Carl Waldeck #1
6.
7. Gilmer WV
8. .7 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20550
2. 47–021–02014–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. M L Goldsmith #1
6.
7. Gilmer WV
8. 8.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20551
2. 47–021–02034–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Hunter Bennett C #1
6.
7. Gilmer WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20552
2. 47–097–01056–0000
3. 108 000 000
4. J & J Enterprises Inc
5. R R Colerider
6. Union
7. Upshur WV
8. 11.4 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20553
2. 47–007–00908–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Irene Gerwig #1
6.
7. Braxton WV
8. 5.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20554
2. 47–007–00920–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Albert Gerwig #1
6.
7. Braxton WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20555
2. 47–007–00936–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Ralph Dobbins #1
6.
7. Braxton WV
8. 4.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20556
2. 47–007–00965–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. John E Whitesel Unit #1
6.
7. Braxton WV
8. 14.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20557
2. 47–007–00996–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Carl Schiefer #1
6.
7. Braxton WV
8. 7.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20558
2. 47–007–01000–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Eola Gerwig #1
6.
7. Braxton WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20559
2. 47–007–01009–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Maysel Dobbins #2
6.
7. Braxton WV
8. 6.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20560
2. 47–007–01036–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Anna Fisher #1
6.
7. Braxton WV
8. 5.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20561
2. 47–007–01100–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Carrie Nutter #1
6.
7. Braxton WV
8. 9.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20562
2. 47–015–01286–0000
3. 108 000 000
4. Eastern American Energy Corp
5. Stephenson #1
6. Elk River
7. Clay WV
8. .2 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20563
2. 47–007–01183–0000
3. 108 000 000
4. Eastern American Energy Corp
5. W A Ramsey #2
6. Lower Sleith
7. Braxton WV
8. 20.0 million cubic feet
9. March 18, 1980
10. Equitable Gas Co

1. 80–20564
2. 47–085–03608–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Bee Oil & Gas Co No 1
6. Union District
7. Ritchie County WV
8. .9 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20565
2. 47–001–03760–0000
3. 108 000 000
4. J & J Enterprises Inc
5. C A Dyer #3 Bar—376
6. Phillippi
7. Barbour WV
8. 11.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20566
2. 47–097–04680–0000
3. 108 000 000
4. J & J Enterprises Inc
5. Buck Mill #1 UPS—488
6. Buckhannon
7. Upshur WV
8. 5.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20567
2. 47–097–05130–0000
3. 108 000 000
4. J & J Enterprises Inc
5. Buck Mill #2 UPS—513

6. Union
7. Upshur WV
8. 5.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20568
2. 47–097–09340–0000
3. 108 000 000
4. J & J Enterprises Inc
5. G Egger #3 UPS—824
6. Warren
7. Upshur WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20569
2. 47–097–09250–0000
3. 108 000 000
4. J & J Enterprises Inc
5. G Egger #2 UPS—925
6. Warren
7. Upshur WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20570
2. 47–097–29310–0000
3. 108 000 000
4. J & J Enterprises Inc
5. G Egger #1 UPS—931
6. Warren
7. Upshur WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20571
2. 47–097–29330–0000
3. 108 000 000
4. J & J Enterprises Inc
5. E Post #1–39 UPS—933
6. Warren
7. Upshur WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20572
2. 47–001–02970–0000
3. 108 000 000
4. J & J Enterprises Inc
5. A Bullough (Joseph Bullough)
6. Union
7. Barbour WV
8. 2.5 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20573
2. 47–097–01030–0000
3. 108 000 000
4. J & J Enterprises Inc
5. Edmiston Grove No 2
6. Union
7. Upshur WV
8. 9.4 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20574
2. 47–097–01039–0000
3. 108 000 000
4. J & J Enterprises Inc
5. A M Suder (Monyell Suder)
6. Union
7. Upshur WV
8. 4.6 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20575
2. 47–097–01042–0000
3. 108 000 000
4. J & J Enterprises Inc
5. A M Suder #3
6. Union
7. Upshur WV
8. 7.8 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20576
2. 47–109–20778–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–12
6. Barkers Ridge
7. Wyoming WV
8. 72.4 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20577
2. 47–085–03593–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 7
6. Union District
7. Ritchie County WV
8. .9 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20578
2. 47–085–22409–0000
3. 108 000 000
4. McDowell & Murvin
5. J W Ayers #1
6. Long Creek
7. Ritchie WV
8. 1.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20579
2. 47–085–03593–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–11
6. Barkers Ridge
7. Wyoming WV
8. 51.2 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20580
2. 47–109–20793–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–10
6. Barkers Ridge
7. Wyoming WV
8. 113.6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20581
2. 47–109–20796–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–14
6. Barkers Ridge
7. Wyoming WV
8. 30.3 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20582
2. 47–109–20818–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land I–16
6. Barkers Ridge
7. Wyoming WV
8. 267.3 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20583
2. 47–043–01824–0000
3. 103 000 000
4. W C Hurtt Drilling Co
5. R B Davidson No 1
6. Falls Creek-Branchland
7. Lincoln WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20584
2. 47–043–01837–0000
3. 103 000 000
4. W C Hurtt Drilling Co
5. R B Davidson No 2
6. Falls Creek-Branchland
7. Lincoln WV
8. 15.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20585
2. 47–085–22332–0000
3. 108 000 000
4. Drilco Oil Productions
5. Lawrence Richards #1
6. Berea
7. Ritchie WV
8. .9 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20586
2. 47–085–22445–0000
3. 108 000 000
4. Hardman Drlg Co
5. Ada Hall Oil Co #4
6. Auburn
7. Ritchie WV
8. 1.9 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20587
2. 47–085–22711–0000
3. 108 000 000
4. Hardman Drilg Co
5. Ada Hall Oil Co #3
6. Auburn
7. Ritchie WV
8. 9.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20588
2. 47–085–23559–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 1
6. Union District
7. Ritchie County WV
8. 2.5 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20589
2. 47–085–23569–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 2
6. Union District
7. Ritchie County WV
8. 2.4 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

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1. 80–20590
2. 47–021–02875–0000
3. 103 000 000
4. Trio Petroleum Corp
5. McPherson A No 1
6. Glenville South
7. Gilmer WV
8. 14.6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20591
2. 47–021–22432–0000
3. 108 000 000
4. Murvin Oil Corp
5. G B Young #1
6. Tanners Creek
7. Gilmer WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20592
2. 47–001–22950–0000
3. 108 000 000
4. J & J Enterprises Inc
5. H Streets #1 BAR–295
6. Union
7. Barbour WV
8. 3.0 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20593
2. 47–065–23603–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 10
6. Union District
7. Ritchie County WV
8. .9 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20594
2. 47–065–23584–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 5
6. Union District
7. Ritchie County WV
8. .9 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20595
2. 47–065–03599–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 6
6. Union District
7. Ritchie County WV
8. .8 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20596
2. 47–065–23599–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 8
6. Union District
7. Ritchie County WV
8. .9 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20597
2. 47–065–23601–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 3
6. Union District
7. Ritchie County WV
8. .6 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20598
2. 47–065–23602–0000
3. 108 000 000
4. Big Buck Energy Oil & Gas Inc
5. Crane No 9
6. Union District
7. Ritchie County WV
8. 2.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20599
2. 47–045–00837–0000
3. 108 000 000
4. R W Adams and Associates
5. Segal Browning #198
6. Triadelphia
7. Logan WV
8. 3.2 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20600
2. 47–065–21921–0000
3. 108 000 000
4. Drilco Oil Productions
5. Oma Sutton #1
6. Berea
7. Ritchie WV
8. .6 million cubic feet
9. March 18, 1980
10. Consolidated Gas Supply Corp

1. 80–20601
2. 47–097–01391–0000
3. 108 000 000
4. Herbert O Feldman Agent
5. Hays-Phipps Well
6. Meade District
7. Upshur WV
8. 16.1 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. 80–20602
2. 47–043–02307–0000
3. 103 000 000
4. W C Hurtt Drilling Co
5. R B Davidson No 3
6. Falls Creek-Branchland
7. Lincoln WV
8. 15.0 million cubic feet
9. March 18, 1980
10. Columbia Gas Transmission Corp

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–20480/COA 3291–79
2. 05–087–00000–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 34–10 #8
6. Ignacio Blanco
7. La Plata Co
8. .0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp

1. 80–20497/COA–4975–79
2. 05–067–06149–0000–0
3. 103 000 000
4. American Petroleum Energy Co
5. Argenta-Ute #4
6. Ignacio-Blanco
7. La Plata Co
8. .0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–20436/NM4883–79
2. 30–025–28234–0000–0
3. 102 000 000
4. Union Oil Co of California
5. Paduca Federal #1
6. Undesignated
7. Lea County NM
8. 50.0 million cubic feet
9. March 18, 1980
10. Llano Inc

1. 80–20437/NM4883–79
2. 30–025–28234–0000–0
3. 103 000 000
4. Union Oil Co of California
5. Paduca Federal #1
6. Undesignated
7. Lea NM
8. 50.0 million cubic feet
9. March 18, 1980
10. Llano Inc

1. 80–20438/NM4926–79
2. 30–039–06003–0000–0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 148 #2 (2nd Filin)
6. South Blanco-Pictured Cliffs
7. Rio Arriba NM
8. 14.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp

1. 80–20439/NM4928–79
2. 30–039–22092–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla #107
6. W Lindrith Gallup
7. Rio Arriba NM
8. 44.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20440/NM4928–79
2. 30–039–22035–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Jicarilla #104
6. W Lindrith Gallup
7. Rio Arriba NM
8. 141.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20441/NM4930–79
2. 30–039–22136–0000–0

3. 103 000 000
4. Arco Oil and Gas Co
5. Chacon Hill #2
6. Chacon
7. Rio Arriba NM
8. 31.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20442/NM4931–79
2. 30–039–21938–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #81A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 180.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20443/NM4932–79
2. 30–039–21976–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #32A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 200.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20444/NM4933–79
2. 30–039–21927–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #78A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 180.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20445/NM4934–79
2. 30–039–21923–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #66A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 250.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20446/NM4935–79
2. 30–039–21921–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #70A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 200.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20447/NM4936–79
2. 30–039–21977–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 30–6 unit #18A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 180.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20448/NM4937–79A
2. 30–045–23191–0000–1
3. 103 000 000
4. El Paso Natural Gas Co
5. Case #4A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 150.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20449/NM4937–79–B
2. 30–045–23191–0000–2
3. 103 000 000
4. El Paso Natural Gas Co
5. Case #4A (PC)
6. Blanco Pictured Cliffs
7. San Juan NM
8. 40.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20450/NM4938–79–A
2. 30–045–23176–0000–1
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #12A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 100.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20451/NM4938–79–B
2. 30–045–23176–0000–2
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #12A (PC)
6. Blanco Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20452/NM4939–79
2. 30–045–23175–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Case #3A
6. Blanco Mesavede
7. San Juan NM
8. 110.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20453/NM4940–79–A
2. 30–045–23160–0000–1
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #15A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 100.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20454/NM4940–79–B
2. 30–045–23160–0000–2
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #15A (PC)
6. Blanco Pictured Cliffs
7. San Juan NM
8. 60.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20455/NM4941–79
2. 30–045–23174–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Case #2A
6. Blanco Mesaverde
7. San Juan NM
8. 110.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20456/NM4942–79
2. 30–039–00000–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Lindrith Unit #98
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 30.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20457/NM4943–79
2. 30–039–22067–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Lindrith Unit #96
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 20.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20458/NM4944–79
2. 30–039–21963–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #286
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
Southern Union Gathering Co

1. 80–20459/NM4945–79
2. 30–039–22069–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Lindrith Unit #99
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 60.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20460/NM4946–79
2. 30–039–21965–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Jicarilla 67 #15
6. Basin Dakota
7. Rio Arriba NM
8. 30.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20461/NM4947–79
2. 30–039–22119–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Jicarilla 67 #20
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 50.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co

1. 80–20462/NM4948–79
2. 30–039–21966–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #287
6. Basin Dakota
7. Rio Arriba NM
8. 30.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
Southern Union Gathering Co

1. 80–20463/NM4949–79
2. 30–039–21878–0000–0
3. 103 000 000
4. El Paso Natural Gas Co

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5. San Juan 28–6 unit #97A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 300.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
1. 80–20464/NM4950–79
2. 30–039–21867–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28–6 unit #57A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 350.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
1. 80–20465/NM4951–79
2. 30–039–21865–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28–5 unit #102
6. Basin Dakota
7. Rio Arriba NM
8. 90.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
1. 80–20466/NM4952–79
2. 30–039–21863–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28–5 unit #12A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 350.0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
1. 80–20467/NM4953–79
2. 30–039–22071–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 123C #27
6. Basin Dakota
7. Rio Arriba NM
8. 150.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20468/NM4954–79
2. 30–039–22073–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 120C #16
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 40.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20469/NM4955–79
2. 30–039–22077–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 120C #20
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 60.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20470/NM4956–79
2. 30–045–05610–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Hodges 3
6. Ballard Picture Cliffs
7. San Juan NM
8. .0 million cubic feet
9. March 18, 1980
10. Gas Co of New Mexico
1. 80–20471/NM4957–79
2. 30–045–06401–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Navajo Indian #B–2
6. South Blanco Pictured Cliffs
7. San Juan NM
8. 4.0 million cubic feet
9. March 18, 1980
10. Gas Co of New Mexico
1. 80–20472/NM4958–79
2. 30–045–05722–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Foster #1
6. Ballard Picture Cliffs
7. San Juan NM
8. .0 million cubic feet
9. March 18, 1980
10. Gas Co of New Mexico
1. 80–20473/NM2704–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Co
5. Schwerdtferger #7
6. West Kutz Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. March 18, 1980
10. El Paso Natural Gas Co
1. 80–20474/NM3239–79
2. 30–039–07610–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Gobernador #1
6. Blanco
7. Rio Arriba NM
8. 11.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20475/NM–3240–79
2. 30–039–06089–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #6
6. Gavilan
7. Rio Arriba NM
8. 7.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas
1. 80–20476/NM–3243–79
2. 30–045–10934–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. S/J 32–7 #5
6. Blanco
7. San Juan NM
8. 15.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas
1. 80–20477/NM–3245–79
2. 30–039–06103–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #6
6. Gavalin
7. Rio Arriba NM
8. 9.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20478/NM–3247–79
2. 30–045–80245–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32–7 Unit #17
6. Blanco
7. San Juan NM
8. 17.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Co
1. 80–20479/NM–3273–79
2. 30–039–07960–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Rosa Unit #16
6. Blanco
7. Rio Arriba NM
8. 16.0 million cubic feet
9. March 13, 1980
10. Northwest Pipeline Corp, El Paso Natural Co
1. 80–20481/NM 3292–79
2. 30–039–07311–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Indian B #1
6. Blanco
7. Rio Arriba NM
8. 1.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, Jicarilla Apache Tribe, Phillips Petroleum Co
1. 80–20482/NM 3293–79
2. 30–039–05850–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #13
6. Gavilan
7. Rio Arriba NM
8. 10.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Co
1. 80–20483/NM–03294–79
2. 30–039–05865–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #12
6. Gavilan
7. Rio Arriba NM
8. 7.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20484/NM–03295–79
2. 30–039–06005–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #16
6. Gavilan
7. Rio Arriba NM
8. 5.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co
1. 80–20485/NM–4959–79
2. 30–045–05769–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom C–1
6. Ballard Picture Cliffs
7. San Juan NM
8. 10.9 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20486/NM–4960–79

2. 30–045–05775–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom C–2
6. Ballard Picture Cliffs
7. San Juan NM
8. 10.5 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20487/NM–4961–79
2. 30–045–05897–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom C–3
6. Ballard Picture Cliffs
7. San Juan NM
8. 10.5 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20488/NM–4962–79
2. 30–045–05661–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom #5
6. Ballard Picture Cliffs
7. San Juan NM
8. 1.5 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20489/NM 4963–79
2. 30–045–05817–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom B–4
6. Ballard Picture Cliffs
7. San Juan NM
8. 7.1 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20490/NM 4964–79
2. 30–045–05699–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Hodges 6
6. Ballard Picture Cliffs
7. San Juan NM
8. 6.3 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20491/NM 4965–79
2. 30–045–05730–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Hodges #7
6. Ballard Picture Cliffs
7. San Juan NM
8. 10.3 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20492/NM 4966–79
2. 30–045–06201–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Navajo Indian #B–1
6. South Blanco Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20493/NM 4967–79
2. 30–045–05996–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom A–2
6. Ballard Picture Cliffs
7. San Juan NM
8. .0 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20494/NM 4968–79
2. 30–045–13304–0000–0
3. 108 000 000
4. Supron Energy Corp
5. Newsom A–1
6. Ballard Picture Cliffs
7. San Juan NM
8. 5.1 million cubic feet
9. March 18, 1980
10. Gas Company of New Mexico
1. 80–20495/NM 4973–79
2. 30–039–07246–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Indian I #1
6. Gavilan
7. Rio Arriba NM
8. 20.8 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp
1. 80–20496/NM 4974–79
2. 30–039–21702–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. Rosa Unit #65
6. Basin Dakota
7. Rio Arriba NM
8. 377.0 million cubic feet
9. March 18, 1980
10. Northwest Pipeline Corp

The applicaitons for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by April 25, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 10875 Filed 4–9–80; 8:45 am]

BILLING CODE 6450–85–M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on April 14, 15, and 16, 1980, at the offices of Standard Oil Company of California, San Francisco, California, beginning at 9:30 a.m. on April 14. This meeting will be held at Standard Oil Company of California offices located at 575 Market Street and 225 Bush Street, San Francisco. The meeting will convene on April 14 at 575 Market Street. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) Special Subgroup to design the third IEA Allocation Systems Test (AST–3), which is being held at San Francisco on those dates.

The agenda for the meeting is under the control of the (SEQ) Special Subgroup. It is expected that the following agenda will be followed:

1. Discussion of minutes of first meeting.
2. Discussion and review of AST–3 Test Guide draft by sections.
3. Completion of second draft AST–3 Test Guide.
4. Other business.

II. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on April 15 and 16, 1980, at the offices of Standard Oil Company of California, San Francisco, California, beginning at 10:00 a.m. on April 15. This meeting will be held at Standard Oil Company of California offices located at 575 Market Street, and 225 Bush street, San Francisco. This meeting will convene on April 15 at 575 Market Street.

The agenda for the meeting is as follows:

1. Emergency data system, including:
   Report on March 21st SEQ and *ad hoc* group meeting.
   Progress report on Subcommittee A country-by-country pilot survey (Questionnaire D).
   New Questionnaire A and Questionnaire B reporting instructions.
2. Continuation of Questionnaire A and Questionnaire B in non-emergency periods.
3. Simplified sharing for crises below seven percent shortfall.
4. Training program for new reporting companies.
5. Technical questions on emergency reserves, including:

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Treatment of international bunkers and aviation.
Treatment of naphtha.
90 day reserve requirement.
6. AST–3: progress report by Design Group.
7. Treatment of synthetic fuels.

III. A meeting of Subcommittee C of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on April 16, 1980, at the offices of Standard Oil Company of California, 575 Market Street, San Francisco, California, beginning at 10:00 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Pricing in an emergency.
3. Extraordinary costs.
4. Disputes Settlement Center, including preparation of procedures.
5. Legal clearance:
   A. Survey of IEA countries.
   B. U.S. Voluntary Agreement.
   C. European Economic Community interface with IEA.
6. Legal issues involved in reduced emergency trigger.
7. Survey of IEA member country legislation implementing IEP.
8. Legal consequences of industry representation in NESO's during test and emergency.
9. Role of the IAB in advising IEA, including stock policies.
10. Future work program.

IV. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on April 17, 1980, at the offices of Standard Oil Company of California, 575 Market Street, San Francisco, California, beginning at 9:30 a.m. The agenda for the meeting is as follows.

1. Opening remarks.
2. Communications to and from IEA and reporting companies.
3. Matters arising from second note of IAB meeting on March 3, 1980.
4. Report on and discussion of SEQ meeting of March 4, 1980.
5. Report by IEA on and discussion of Standing Group on Emergency Questions (SEQ) and Standing Group on Oil Market (SOM) meeting of March 5, Governing Board meeting of March 13–14, and other recent developments.
6. Report by IEA on and discussion of worldwide supply situation following March and April Questionnaire "B" submissions and outlook for 1980.
7. Subcommittee "C" report.
   A. Legal clearances, including:
      (1) Survey of IEA countries.
      (2) U.S. Voluntary Agreement.
      (3) European Economic Community (EEC) interface with IEA.
   B. Other legal issues, including:
      (1) Industry representation on NESO's in AST–3.
      (2) Role of the IAB in advising IEA, including stock Policies.
      (3) Reduced emergency trigger.
   C. Survey of IEP implementing legislation.
   D. Dispute Settlement Center, including preparation of procedures.
   E. Future work program.
8. Subcommittee "A" report.
   A. Emergency data system questions.
   B. Continuation of Questionnaire A and Questionnaire B in non-emergency periods.
   C. Technical questions on emergency reserves.
   D. Simplified sharing for crisis below seven percent shortfall.
   E. AST–3 progress report.
   F. Training program for new reporting companies.
   G. Future work program.
9. ISAG Manager's report, including:
   A. Staffing.
   B. AST–3 per diem expense allowance.
10. Future work program and meeting schedule.

V. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on April 24, 1980, at the Centre de Conferences Internationales, 19 Avenue Kleber, Paris, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of Draft Agenda.
2. Summary Record of the 32nd meeting.
3. Import Target Monitoring
   (a) First Quarter 1980 results.
   (b) Countries' policies to achieve targets.
4. Emergency Reserves
   (a) Draft of Governing Board paper on adequacy of present Emergency Reserve level.
   (b) Emergency Reserves for naphtha and bunkers.
   (c) January 1, 1980 IEA countries' Emergency Reserves.
5. Simplified Sharing System.
   Draft of Governing Board Paper.
6. Assessment of the Supply and Demand situation.
   (a) March and April Questionnaire A and B analysis.
   (b) Quarterly Oil Forecast.
7. AST–3:
   (a) Progress Report of the Design Group (2nd Meeting).
   (b) Trade Imbalances in AST–3 data base.
   (c) Countries' report on national preparation for AST–3.
   (d) SEQ Emergency Group for AST–3.
8. Data System:
   (a) Training of new Reporting Companies.
   (b) New Data Reports (May start-up date).
   (c) Emergency Data System Continuation.
   (d) Progress report by the SEQ *ad hoc* group on the Emergency Data System.
9. Future meeting dates.
10. Other business.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. As permitted by 10 CFR § 209.32, the usual seven day notice period has been shortened because the agendas have only recently been determined.

Issued in Washingtom, D.C., April 4, 1980.

Craig S. Bamberger,
Acting Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 80–10925 Filed 4–9–80; 9:51 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[FRL 1460–2]

Federal Assistance Limitation Required by Section 176(a) of the Clean Air Act; Final Policy and Procedures

AGENCIES: Environmental Protection Agency and Department of Transportation.

ACTION: Notice of final policy and procedures memorandum.

SUMMARY: The purpose of this document is to set forth policy and procedures for meeting the Federal assistance limitations in section 176(a) of the Clean Air Act. The procedures are to be applied to certain EPA and DOT activities in nonattainment areas or portions thereof, as designated under section 107(d) of the Clean Air Act, where transportation control measures are needed to attain the primary national ambient air quality standards.

EPA and DOT published a notice of proposed policy and procedures under section 176(a) in the **Federal Register** on June 11, 1979 (44 FR 33473). A number of public comments were received and have been reviewed by EPA and DOT.

EFFECTIVE DATE: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Vincent F. Paparella, Urban Planning Division, Federal Highway Administration, (202) 426–0215; or John O. Hidinger, (202) 755–0480 or Gary Hawthorn (202) 755–0603, Office of Transportation and Land Use Policy, Environmental Protection Agency. Office hours for FHWA are 7:45 a.m. to 4:15 p.m. (ET), Monday through Friday; office hours for EPA are 8:00 a.m. to 4:30 p.m. (ET) Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice announces final Federal policy and procedures for decisions limiting Federal assistance for activities eligible for funding under the Clean Air Act, 42 U.S.C. 7401, *et sec.*, and for transportaion-related activities under Title 23, USC, Highways. The policy seeks to establish consistent procedures for insuring that the requirements in section 176(a) of the Clean Air Act are met in nonattainment areas where transportation control measures are needed to attain primary national ambient air quality standards (NAAQS).

The procedures give recognition to the respective roles and responsibilities of the Department of Transportation (DOT) and Environmental Protection Agency (EPA) in applying the funding and project approval limitations, under section 176(a) of the Act for failure to submit, or make reasonable efforts toward submitting a revised State Implementation Plan (SIP).

Response to Major Comments

Applicability of Federal Assistance Limitation

Several commenters were concerned about the area which would be affected by the funding limitations in section 176(a). One commenter suggested that the entire geographic area under the control of the defaulting agency should be affected by the sanction; more specifically, that if the State legislature were responsible for the failure to comply (e.g., failure to enact needed legislation), then the sanction should be applied to the entire State rather than only to the air quality control regions (AQCR) or nonattainment areas where transportation control measures are needed to attain NAAQS. However, the language of section 176(a) does not permit such a Statewide sanction unless the AQCR or nonattainment area encompasses the entire State. Section 176(a) indicates that the maximum area which could be affected is the AQCR and that the AQCR must include a nonattainment area where transportation control measures are needed to attain NAAQS.

Other commenters suggested applying the funding limitations only to portions of an AQCR, especially in cases where the AQCR includes areas where transportation control measures are not needed to attain NAAQS or where the AQCR includes more than one State. Both the proposed and final policy include language allowing these types of more limited application in appropriate cases.

Other commenters questioned the effect of the sanction on local or regional planning agencies who are responsible for developing the required SIP revisions. Both the proposed policy and final policy address this concern by including an exemption for transportation planning, air quality planning, and research funds.

Criteria for Determining Whether the Federal Assistance Limitation Is Applicable

One commenter suggested developing a mechanism for assuring consistency of sanction-related decisions, such as more specific criteria or objectives for determining whether reasonable efforts are being made. This comment included a suggestion that a national review board be established to review determinations and make recommendations prior to publication of the proposed findings. Another commenter raised the same issue with respect to removing a sanction from an area. Since many factors (e.g., political, economic, institutional issues; severity of air quality problem) influence the nature and extent of efforts made by State and local governments to submit SIPs, EPA believes case-by-case decisionmaking is necessary. The importance of these site specific factors is also the reason for delelgating the responsibility for initial determinations to the EPA Regional Administrators. However, internal EPA administrative review procedures require that each proposed and final finding under section 176(a) be reviewed by EPA Headquarters offices prior to publication. Similarly, all proposed and final rulemaking actions on the SIPs themselves are reviewed by EPA Headquarters offices, and all final SIP actions are signed by the EPA Administrator. EPA believes these review procedures are adequate to assure consistency.

With respect to the suggestion that a national review board be established, EPA believes that adequate opportunities for public comment on both SIP and 176(a) actions already exist within the rulemaking process. In addition, the proposed policy included an opportunity for raising negotations to the national level.

One commenter was particularly concerned about how compliance with section 110(a)(3)(D) and 172(b)(2) of the Clean Air Act might affect sanction decisions. The commenter suggested that sanctions be applied if the SIP does not include evidence that all available Federal, State and local funds will be used insofar as is necessary, to establish, expand or improve the public transportation needs. The same commenter indicated that section 176(a) should be used to encourage a shift from expending funds for highway construction to mass transit development.

Decisions regarding application of Federal assistance limitations under section 176(a) must be based on whether the plan submitted considers each of the elements required by section 172 or whether reasonable efforts to submit such a plan are being made. The proposed and final policy indicate that EPA will base its determination on compliance with SIP-related guidance issued by EPA. Existing EPA SIP-related guidance states that SIPs for areas that cannot attain NAAQS by 1982 must, pursuant to section 110(a)(3)(D), include a commitment to use available Federal, State and local funds, insofar as is necessary, to establish, expand or improve public transportation to meet basic transportation needs as expeditiously as is practicable. The inclusion of such a commitment, and subsequent efforts to develop comprehensive measures to improve public transportation, will be considered by EPA in approving the SIP. In addition, EPA's review of transportation plans and programs submitted to DOT by local and regional planning agencies will focus on examining the effect of proposed transportation system investments on future availability of funds to implement SIP measures, including needed public transportation improvements under section 110(a)(3)(D).

A question was asked on whether section 176(a) should be used to encourage a shift from investments in highway construction to mass transit improvements. The purpose of 176(a) is to ensure that each nonattainment area submits an implementation plan which considers each of the elements required by section 172 or is making reasonable efforts toward submitting such a plan. State and local officials are responsible for deciding transportation program priorities and trade-offs among economic, air quality and transportation alternatives consistent with Clean Air Act requirements. The two most relevant requirements are sections 110(c)(5)(B) and 176(d). Section 110(c)(5)(B) requires SIP submittals that demonstrate attainment beyond 1982 "to include comprehensive measures * * * to establish, expand or improve public transportation measures to meet basic transportation needs as expeditiously as is practicable." Section 176(d) requires priority to be given by Federal agencies to implement transportation measures in the SIP. Section 176(d) "extends to, but is not limited to, authority exercised under the Urban Mass Transportation Act, title 23 of the United States Code * * *"

Procedures for Applying Federal Assistance Limitations

One commenter suggested that there was an inconsistency in the proposed

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procedures since the sanction became effective at the time of publication of a proposed finding in the Federal Register but The procedures are revised to impose the sanction after public comments are received on the proposed finding. This revision makes the effective date consistent with the removal date of sanctions. Furthermore, this revision will allow the public a more meaningful opportunity to comment on the proposed action.

Another commenter suggested that the one-month period for negotiation prior to proposal of a finding be extended to six months. EPA and DOT believe that agencies responsible for developing SIP revisions have had adequate notice of both the requirements in the Act and the implications of failure to comply, and that the time period allowed for negotiations is adequate. Furthermore, the section 176(a) procedures do not require that full compliance with SIP requirements occur within that one-month period, but rather that a "satisfactory agreement to correct the situation" be reached. Appropriate negotiation of these agreements may include development of schedules for correcting deficiences and the timetables for submitting additional material which may extend beyond one month.

One commenter suggested that a State should be able to challenge the validity of NAAQS without forfeiting escrow funds. The procedures, as proposed, indicated that air grants for areas affected by section 176(a) would be held in escrow for one year, but included an exception in cases where the applicant has appealed the denial or suspension of funds. Provided that a challenge to the NAAQS was coupled with a challenge to the denial or suspension of funds, the funds would be held in escrow until completition of administrative or legal proceedings.

The final comment relating to the proposed procedures was that negotiations with affected agencies should be open to the public. In the proposed policy, adequate opportunity was provided to comment on proposed section 176(a) findings during the 30-day comment period. In addition, the final policy and procedures have been amended to provide the public with an opportunity to meet with the EPA Regional Administrator or his designee to discuss the proposed determination during the one-month negotiation period.

Scope of Federal Assistance Limitation

Several commenters suggested that withholding planning grants needed to correct deficiencies in the SIP would counterproductive to the goal of air quality improvement. Similarly, one commenter suggested that lead planning agencies designated under section 174 of the Act be mentioned specifically in the listing of potential exemptions from air grant restrictions. The proposed policy indicated that EPA has discretion to continue to award grants needed for immediate air quality benefits or development of SIP revisions. Language has been added in the final policy to include section 174 agencies in the list of agencies that might be eligible for continued funding.

Another commenter suggested exempting expenditure of preliminary engineering funds from the highway fund restriction. While preliminary engineering funds for exempted projects could be expended, EPA and DOT believe that the Act prohibits funding of preliminary engineering for non-exempt projects.

One commenter was concerned about the effect of a funding limitation on ongoing construction. The Federal assistance limitation would not affect projects for which project authorizations have been signed prior to the date of publication of EPA's final finding.

Finally, one commenter questioned the impact of section 176(a) on construction of major stationary sources. Restrictions on new source construction are addressed in section 110(a)(2)(I) of the Act (see 44 FR 38583, July 2, 1979) and are not directly affected by section 176(a).

The proposed policy and procedures memorandum for applying Federal assistance limitations has been revised, as indicated in the above discussion. In addition, some editorial and language changes have been made to clarify the policy and procedures without changing the basic approach.

The Administrator has determined that this policy is nationally applicable and is based on determinations of nationwide scope and effect. EPA intends that, for purposes of judicial review, the interpretations made by this notice be treated as severable.

Neil Goldschmidt,

Secretary, Department of Transportation.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

The final policy and procedures memorandum follows:

EPA/DOT Final 176(a) Policy

Subject: Policy and Procedures for Applying Federal Assistance Limitations in Section 176(a) of the Clean Air Act.

From: David G. Hawkins, Assistant Administrator for Air, Noise and Radiation, Environmental Protection Agency. John S. Hassell, Jr., Deputy Federal Highway Administrator, Department of Transportation.

Memo to: EPA Regional Administrators, Regions I–X and Federal Highway Regional Administrators, Regions I–X.

Purpose of Memorandum

The purpose of this memorandum is to outline policy and procedures which will be used for applying the Federal assistance limitations in Section 176(a) of the Clean Air Act in nonattainment areas where transportation control measures are needed to attain primary national ambient air quality standards. This memorandum outlines minimum policy and procedural requirements and allows regional offices some discretion and flexibility to develop, in consultation with affected agencies, more specific procedures for review and resolution of issues at the regional level.

Section 176(a) of the Clean Air Act requires that project approvals and grants authorized by the Clean Air Act and Title 23, United States Code, must be withheld from air quality control regions where transportation control measures are necessary to attain national ambient air quality standards if the EPA Administrator finds after July 1, 1979 (and after July 1, 1982, in cases where an extension of the attainment deadline has been authorized) that a Governor has not submitted a plan which considers each of the elements required by Section 172 of the Act, or is not making reasonable efforts to submit such a plan. The only exception to this Federal assistance limitation is that safety, mass transit and transportation improvement projects related to air quality attainment or maintenance may be approved and funded.

Applicability of the Federal Assistance Limitation

The policy established under Section 176(a) applies in all air quality control regions containing nonattainment areas where transportation control measures are needed to attain air quality standards. Within these areas, the finding authorized by Section 176(a) applies to all State Implementation Plan (SIP) revisions for transportation-related pollutants.

The EPA Administrator's finding authorized by Section 176(a) initially must be made after July 1, 1979, for all SIPs to be submitted and revised as part of the January 1979 SIP submittal. The limitation on Federal assistance will only apply if the Administrator finds that the stipulation in Section 176(a) has not been met, that is, that the Governor has not submitted a plan which considers each of the required elements or is not making reasonable efforts to submit such a plan. If the Administrator initially finds that reasonable efforts are being made, that finding may be reversed if the Governor ceases or delays efforts to submit the SIP in an expeditious manner. If a need for an extension of the attainment deadline beyond 1982 has been demonstrated and authorized under Section 172(a)(2), another finding may be made after July 1, 1982.

EPA must promulgate SIPs for nonattainment areas which fail to submit an approvable plan. However, since section 176(a) specifies that the Governor must submit a plan, an existing or new EPA promulgation for transportation-related pollutants will not satisfy this requirement. The Federal assistance limitation may be avoided if the Governor either: (1) certifies that he adopts the EPA promulgation and submits the written evidence required by Sections 172(b)(7) and 172(b)(10); or (2) certifies that the State will revise the SIP to satisfy the requirement in Section 176(a) and demonstrates continuing, good faith efforts toward submittal.

The limitation on Federal assistance required by Section 176(a) will be applied to the geographic areas under the control of the government agency directly responsible for the failure to comply with this section and with authority to remedy the failure. Generally, the area affected will be the air quality control region (AQCR). However, EPA will consider applying the Federal assistance limitations to portions of an AQCR or only to specific agencies if the purpose of the limitation would be better served through more selective application.

Criteria for Determining Whether the Federal Assistance Limitation Is Applicable

The language of Section 176(a) and its legislative history indicate that the limitation will not be imposed if a reasonable program which considers each of the elements in Section 172 is submitted or good faith efforts to submit such a plan are demonstrated.

The EPA Administrator is the person charged with responsibility for determining whether the plan submitted considers each of the required elements or if good faith efforts are being made. In his February 24, 1978 memorandum entitled, "Criteria for Approval of 1979 SIP Revision," (43 FR 21673–21677, May 19, 1978; *See also*, EPA General Preamble for Proposed Rulemaking, 44 FR 20372–20380, April 4, 1979), the Administrator outlined the procedural and substantive requirements under Section 172. The finding authorized in Section 176(a)(3) will be based on these criteria and other guidance issued by EPA clarifying these criteria (e.g., Transportation-Air Quality Planning Guidelines, SIP Checklists, etc. For a complete listing of EPA guidance, *see* 44 FR 8311, February 9, 1979).

Adequate consideration of all the required elements in Section 172 includes an affirmative duty to establish a transportation-air quality planning process, to investigate and compile date on the required elements, including data on control strategies needed to attain air quality standards, and a further duty to incorporate that data into a reasoned analysis of the requirements. The scope of the analysis must be commensurate with the scope and severity of the air quality problem. If the SIP submitted evidences a good faith effort to consider and incorporate the required elements in a manner consistent with the intent and purpose of the Act, no funds or project approvals will be withheld under Section 176(a).

The EPA Administrator may conditionally approve a SIP that contains minor deficiencies (*See* 44 FR 38583, July 2, 1979 and 44 FR 67182, November 23, 1979). He may also approve a schedule for implementing an inspection and maintenance program as part of the 1979 SIP revision. In addition, the Administrator may approve work programs or schedules for analyzing other transportation control measures, including milestones for completing additional studies and incorporating selected control strategies into the SIP (e.g., work program for completing alternatives analysis and developing implementation schedules for selected measures) as part of the 1979 SIP revision. In such cases, if the Administrator finds that the responsible State and local agencies are not complying with conditions, work programs or milestones, or reasonable efforts to comply are not being made, then the Federal assistance limitation may be applied.

In cases where a finding is made that the plan does not adequately consider the required elements, or where no plan is submitted, the question of whether good faith efforts are being made will need to be examined. This decision will be made on a case-by-case basis and rely on evidence submitted by the Governor demonstrating that he is moving toward submittal of an adequate plan in an orderly and expeditious manner.

Procedures for Applying Federal Assistance Limitations

The EPA Regional Administrator will be responsible for making the initial determination that the SIP submitted or efforts being made to submit the SIP satisfy the requirements in Section 176(a). Where the EPA Regional Administrator finds that reasonable efforts are not being made, EPA has agreed to coordinate with the Federal Highway Administration (FHWA) of the Department of Transportation (DOT) using the following procedures for applying the Federal assistance limitations:

1. After July 1, 1979, the EPA Regional Administrator will identify those area where a SIP revision considering each of the Section 172 elements has not been submitted or where reasonable efforts toward submittal are not being made. This identification will include boundaries of areas where the Federal assistance limitations are to be imposed.

2. The initial identification of affected areas will be sent to the appropriate FHWA Regional Office for review and comment. EPA will notify affected agencies and the general public. Appropriate State and local agencies will be provided an opportunity to meet with the EPA Regional Administrator to discuss the reasons for failure to make the requisite good faith efforts. Interested members of the general public may also request a meeting with the EPA Regional Administrator or his designee. DOT Regional/Division representatives will be asked to participate. If a satisfactory agreement to correct the situation cannot be reached within one month from the beginning of negotiations, the EPA Regional Administrator will send the proposed determination, with supporting rationale and documentation, to the EPA Headquarters offices in the form of a Federal Register package (two-week special action review which requires the Administrator's approval). Negotiations may continue at the local level or expand to the national level. The Secretary of Transportation will have the opportunity within these two weeks to disucss proposed determinations with the EPA Administrator.

3. EPA will publish initial proposed section 176(a) findings in the Federal Register. A docket will be established under section 307(d) of the Clean Air Act and a 30-day public comment period will be provided.

4. After considering the public comments, EPA will notify DOT of the final determination on applying the Federal assistance limitations by publishing the final section 176(a)

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finding in the **Federal Register**. When EPA publishes a final 176(a) finding, the FHWA will not approve any projects or award any grants (i.e., authorizations to proceed with work on projects) other than for safety, mass transit and transportation improvement projects related to air quality improvement or maintenance for those areas included in the proposed notice. Similarly, the EPA grant award official will not award EPA air grants (except for those potential excepted activities identified below). These 176(a) findings will be binding for subsequent EPA actions on individual air grant applications.

5. After publication of the final Section 176(a) findings, FHWA Division Administrators will provide FHWA and EPA Regional Administrators with information on those exempt projects advanced in areas affected by the Federal assistance limitation. Procedures for this notification will be jointly negotiated by EPA and FHWA Regional/Divisional Administrators.

6. Removal of a sanction from an area shall be by **Federal Register** notice (special action initiated by EPA Regional Administrator) and a 30-day public comment period will be provided prior to final action. Normally, this can be done at the same time EPA proposes approval of the SIP. Although it can also be done when reasonable efforts have been demonstrated, absent an approvable SIP, removal on this basis should be done only in rare cases. Funding limitations shall remain in effect until publication of the final finding removing the limitation.

7. If EPA initially found that reasonable efforts to submit a plan were being made, the procedures outlined above will apply whenever the EPA Regional Administrator finds that reasonable efforts to submit a plan are not longer being made. Similarly, where a SIP has been approved which includes schedules or work programs for completing additional planning or analytical studies and incorporating selected control strategies into the SIP or where a SIP has been conditionally approved, the procedures outlined above will apply whenever the EPA Regional Administrator finds that reasonable efforts to comply with these schedules or conditions are not being made in a timely manner.

8. The procedures outlined above will also apply to any finding made by EPA after July 1, 1982, with respect to the 1982 SIP revision required in areas unable to attain air quality standards by 1982.

9. Whenever EPA grants are denied under Section 176(a), EPA will keep available for the applicant(s) an amount equal to the amount denied, for a one year period. However, if the applicant has appealed the denial of funds under this section, the amount equal to the amount denied will remain available until completion of administrative or legal proceedings.

Scope of the Federal Assistance Limitation

The following definitions, which have been developed jointly by EPA and DOT, are provided to guide determining which projects may be approved or grants awarded under Title 23, U.S.C., in an area under a funding limitation:

1. *Safety Projects* are those which are proposed for construction to correct existing safety hazards, to replace bridges or to eliminate high hazard locations and roadside obstacles. These improvements include such items as intersection channelization, increasing sight distance, widening narrow pavements, shoulder improvements, adding medians, skid treatments, widening or reconstructing bridges, changes in vertical or horizontal alignment, railroad highway crossing warning devices, traffic signals, guardrails, median barriers, crash cushions, and emergency relief projects authorized under 23 U.S.C. 125. Typically, these projects require little or no additional right-of-way and are highly cost-effective when construction costs are compared to savings in accident costs.

2. *Mass Transit Projects* are those projects which provide funds for planning assistance, operating assistance, or capital assistance for mass transit services, equipment and facilities, and include related facilities and services such as fringe parking lots and high occupancy vehicle lanes.

3. *Transportation Improvement Projects Related to Air Quality Improvement or Maintenance* are transportation and air quality planning and research studies carried out under Section 134 and 307, Title 23, U.S.C.; those projects which have been included in an approved transportation control portion of a SIP; or those projects which are specifically identified as transportation measures related to air quality improvement or maintenance in an annual element of a current Transportation Improvement Program which has been reviewed by EPA under the EPA/DOT Memorandum of Understanding (June 1978) and EPA has not submitted negative comments on the transportation measures.

The Section 176(a) funding limitations are not applicable to transportation projects administered by UMTA under Title 49, U.S.C. In addition, the EPA Regional Administrator has discretion to continue to award grants available under the Clean Air Act to State and local air quality control agencies (including lead planning agencies designated under Section 174 of the Act) if he finds such grants necessary for immediate air quality benefits or development of SIP revisions.

Exemption of a transportation project from the Section 176(a) Federal assistance limitation does not waive any applicable requirements under the National Environmental Policy Act (e.g., Environmental Impact Statement) or Section 176(c) of the Clean Air Act (conformity requirement).

[FR Doc. 80-10986 Filed 4-9-80; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51038; FRL 1459-5]

Certain Chemicals: Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-36, May 2, 1980; PMN 80-57, May 11, 1980; PMN 80-58, April 27, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washinton, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT:

Notice manager	PMN No.1	Telephone
George Bagley	80-57	202/426-3936
George Bagley	80-58	202/426-3936
Paige Beville	80-36	202/426-8815

Mail Address for Notice Managers: Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51038]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2804)).

Dated: April 4, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-58.

Close of Review Period. May 27, 1980.

Manufacturer's Identity. Mobil Chemical Company, P.O. Box 26683, Richmond, VA 23261.

Chemical Identity. Chemical identity claimed confidential. Generic name provided by the submitter: Halogenated aromatic ether.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. This chemical substance will be used as an intermediate.

Production volume. Claimed confidential.

Test Data.

Acute oral LD_{50} (rats): 500 mg/kg.
Acute dermal LD_{50} (rabbits): 2,000 mg/kg.
Skin irritation (rabbits): Slightly irritant.
Eye irritation (rabbit): Non-irritant.
Ames test: Negative.

Environmental Release and Disposal. No significant release of this chemical into the workplace or into the environment is expected. All waste from this process will be disposed of in accordance with procedures approved by the state and the EPA.

PMN 80-57.

Close of Review Period. June 11, 1980.

Manufacturer's Identity. Sun Petroleum Products Company, 1608 Walnut Street, Philadelphia, PA 19103.

Chemical Identity. Claimed confidential. Generic name provided by the manufacturer: Alkyl biphenyls.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Uses. Capacitor fluid sealed into electrical equipment. Solvent for dye and carbonless copy paper.

Physical Data.

Density 20°C: 0.9725.
Boiling point: Above 500°F.
Vapor pressure (mm/HG): 0.01 @ 25°C.
Vapor density (air=1): 7.5.
Flash point: 275°F.
Solubility in water: Nil.
Specific gravity 60/60F: 0.9762.
Percent volatile by volume: Nil.
Appearance and odor: Clear liquid, pleasant aromatic odor.

Health Data.

Acute oral toxicity: LD_{50} (rats) > 5.0 g/kg aspiration hazard if swallowed and vomiting occurs.
Eye irritation: Mildly irritant.
Skin irritation: Mildly irritant.
Acute dermal toxicity (rabbit): LD_{50} > 2.0 g/ky.
Inhalation effects LC_{50}: >5 milligrams per liter of air.
Threshold limit value: Not listed by ACGIH or OSHA, 50 ppm estimated.

Occupational exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Air	1	2	120	0-1	1-10
Use	Air	(1)	(1)	(1)	1-10	1-10
Disposal	Air	(1)	(1)	(1)	0-1	0-1

[1] Unknown.

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Environmental release/disposal.

Media	Duration of release		Chemical Substance release (Kg/yr)
	Hour/day	Day/year	
Air	2	120	10
Land	(1)	(1)	10–100
Water	(1)	(1)	<10

[1] Unknown.

Disposal. The chemical substance is biodegradable. The disposal method for the waste carbonless copy paper will be by incineration.

PMN 80–36.

Close of Review Period. June 2, 1980.

Manufacturer's Identity. Specific identity claimed confidential. The submitter supplied the following information concerning the company's identity. "The submitter has total annual sales of between $10,000,000 and $99,999,999 and intends to produce the new chemical substance at a plant in the Middle Atlantic region of the country. [The submitter's] three digit Standard Industrial Classification Code is 284, Soap Detergents and Cleaning Preparation, Perfumes, Cosmetics, and othe Toilet Preparations."

Chemical Identity. Claimed confidential. Generic name provided by the submitter: Substituted methyl propylamine di-salt of n-alkane dicarboxylic acid.

Data. The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use is claimed confidential. However, the submitter did supply the following information concerning the use of the substance. "The chemical substance will be in open use and could release more than 5,000 kg but less than 50,000 kg of the substance to the environment per year. Industrial employees, both chemical and nonchemical, could be exposed. Environmental release will probably be to water or to a publicly-owned wastewater treatment plant. There is potential eye and skin contact and much, much lower potential for inhalation. Average frequency of contact to skin could be five times a week or more or it could be considerably less. Eye contact should not occur."

Production volume.

First year: More than 1,000 kg but less than 7,000 kg.
Second year: More than 5,000 kg but less than 15,000 kg.
Third year: More than 5,000 kg but les than 32,000 kg.

Test data. The submitter provided results for the following toxicity test conducted on the PMN substance.

Skin corrosion (rabbits): No irritation was observed throughout the test.

The submitter also provided test data and information concerning physical/chemical properties for the two components of the PMN substance, the amine and the acid.

[FR Doc. 80-10036 Filed 4-9-80; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51046; FRL 1459-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN, within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by: PMN 80–53, May 10, 1980. PMN 80–54, May 10, 1980. PMN 80–55, May 10, 1980. PMN 80–56, May 10, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Paige Beville, Notice Manager, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558).

The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The

section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51046]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 4, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80–53.

Close of Review Period. June 9, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter has annual sales between $10,000,000 and $99,999,999 and will produce the new material in the East North Central region of the United States.

Chemical Identity. Polymer of: Ester Diol 204; neopentyl glycol; isophthalic acid; tetrahydrophthalic anhydride; and trimellitic anhydride.

Data. The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use claimed confidential. Substance will be used in a coating material.

Physical/Chemical Properties.

Physical state: liquid at room temperature.

Volatility: non-volatile.

No other physical/chemical properties were provided. No test data were provided.

Production volume.

Production year	Production (kg/yr)	
	Minimum	Maximum
First year	175,000	300,000
Second year	200,000	350,000
Third year	300,000	600,000

Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration peak (ppm)
			Hours/day	Days/year	
Manufacture	Inhalation	3	1	300	1–10
Processing	Inhalation	30	4	300	1–10
Use	Inhalation	(1)	8	300	1–10
Disposal	Inhalation	2	3	300	1–10

[1] Unknown.

Disposal. During clean-up operations during manufacture a small amount of polymer will be recovered and landfilled.

PMN 80–54.

Close of Review Period. June 9, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter has annual sales between $10,000,000 and $99,999,999 and will produce the new material in the East North Central region of the United states.

Chemical Identity. Polymer of: supra castor oil fatty acid; tall oil fatty acid; isononanoic acid; phthalic anhydride; adipic acid; benzoic acid; and pentaerythritol.

Data. The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use claimed confidential. Substance will be used in a coating material.

Physical/Chemical Properties.

Physical state: liquid at room temperature.

Volatility: non-volatile.

No other physical/chemical properties were provided. No test data were provided.

Production volume.

Production year	Production (kg/yr)	
	Minimum	Maximum
First year	50,000	225,000
Second year	50,000	225,000
Third year	40,000	250,000

Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration peak (ppm)
			Hours/day	Days/year	
Manufacture	Inhalation	2	1	300	1–10
Processing	Inhalation	50	4	300	1–10
Use	Inhalation	(1)	8	300	1–10
Disposal	Inhalation	2	3	300	1–10

[1] Unknown.

Disposal. During clean-up operations during manufacture a small amount of the polymer will be recovered and landfilled.

PMN 80–55.

Close of Review Period. June 9, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter has annual sales between $10,000,000 and $99,999,999 and will produce the new material in the East North Central region of the United States.

Chemical Identity. Polymer of: isononanoic acid; phthalic anhydride; maleic anhydride; and pentaerythritol.

Data. The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use claimed confidential. Substance will be used in a coating material.

Physical/Chemical Properties.

Physical state: liquid at room temperature.

Volatility: non-volatile.

No other physical/chemical properties were provided. No test data were provided.

Production volume.

Production year	Production (kg/yr)	
	Minimum	Maximum
First year	5,000	15,000
Second year	5,000	15,000
Third year	3,000	12,000

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Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration peak (ppm)
			Hours/day	Days/year	
Manufacture	Inhalation	2	1	300	1–10
Processing	Inhalation	30	4	300	1–10
Use	Inhalation	(1)	8	300	1–10
Disposal	Inhalation	2	3	300	1–10

(1) Unknown.

Disposal. During clean-up operations during manufacture a small amount of the polymer will be recovered and landfilled.

PMN 80–56.

Close of Review Period. June 9, 1980.

Manufacturer's Identity. Claimed confidential. However, the submitter has annual sales between $10,000,000 and $99,999,999 and will produce the new material in the East North Central region of the United States.

Chemical Identity. Polymer of: propylene glycol; neopentyl glycol; phthalic anhydride; trimethylolpropane; and Empol 1022 dimeric fatty acid.

Data. The following summary is taken from data submitted by the manfacturer in the PMN.

Use. Specific use claimed confidential. Substance will be used in a coating material.

Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration peak (ppm)
			Hours/day	Days/year	
Manufacture	Inhalation	2	1	300	1–10
Processing	Inhalation	30	4	300	1–10
Use	Inhalation	(1)	8	300	1–10
Disposal	Inhalation	2	3	300	1–10

(1) Unknown.

Disposal. During clean-up operations during manufacture a small amount of the polymer will be recovered and landfilled.

Physical/Chemical Properties.

Physical state: liquid at room temperature.

Volatility: non-volatile.

No other physical/chemical properties were provided. No test data were provided.

Production volume.

Production year	Production (kg/yr)	
	Minimum	*Maximum*
First year	10,000	20,000
Second year	15,000	25,000
Third year	20,000	30,000

[FR Doc. 80-10834 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51050; FRL 1459-4]

Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATES: Written comments by May 16, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Radosevich, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before May 18, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51050]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: April 4, 1980.

John P. DeKany

Deputy Assistant Administrator for Chemical Control.

PMN 80–62.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898.

Specific chemical identity. Claimed confidential. Generic name provided by the submitter: Polyester resin of aliphatic polyols, mixed aromatic diacids, and aliphatic diacid.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. The substance will be used as an adhesive.

Production Estimates. Claimed confidential.

Toxicity Data. Oral LD_{50} test (rat): >1.7 g/kg.

Exposure.

Site	Exposure route(s)	No. of exposed employees	Duration of exposure
Manufacturer's	Dermal	3	250 da/yr.
Customer's	Dermal	3/shift	8 hr/da. 1 to 2 shifts/da. 250 da/yr. 8 hr/da.

Environmental Release/Disposal.

Manufacturer's site. Release of the PMN substance into the environment at the manufacturer's site is not anticipated. Wash solvent will be recycled and consumed in subsequent batches.

Customer's site. The PMN substance will be disposed of by land and by incineration. Release to the environment of the PMN substance will be incidental and minimal.

[FR Doc. 80-10836 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1459-3]

Vicon Recovery Associates; Issuance of PSD Permit

Notice is hereby given that on January 25, 1980 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Vicon Recovery Associates to construct a resource recovery facility in Pittsfield, Massachusetts. This permit has been issued under EPA's Prevention of Significant Deterioration of Air Quality regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. Particulate emissions from the source shall not exceed .04 gr/dscf corrected to 12% CO_2.

2. Carbon monoxide emissions from the source shall not exceed 100 ppm by volume (dry basis) and not more than 2.5#/hr.

3. The source shall not combust more than 60,000 tons of refuse in any year.

4. The source shall not combust more than 240 tons of refuse per day.

5. The facility shall not combust fuels of more than 1% sulfur content by weight.

Copies of the PSD permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, MA 02203.

Town Library, Pittsfield, MA 01201.

Department of Environmental Quality Engineering, 1414 State St., Springfield, MA 01109.

Dated: March 20, 1980.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 80-10837 Filed 4-9-80; 8:45 am]

BILLING CODE 6560-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

[Order No. 1]

Modification of Filing Date for the Detailed Overall Management Plans on the Prebuild Southern Portions of the Alaska Natural Gas Transportation System

Dated: March 18, 1980.

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Order.

The Office of the Federal Inspector is an independent establishment of the executive branch, established by Reorganization Plan No. 1 of 1979 and made effective as of July 1, 1979, by Executive Order 12142 of June 21, 1979, 44 FR 36927 (June 25, 1979). This agency is the central focus for Federal Activities concerning the planning, construction, and initial operation of the Alaska Natural Gas Transportation System (ANGTS). Its functions—all of which relate solely to ANGTS—include general monitoring and oversight; scheduling of permits and other governmental authorizations; review and approval of systems, plans, and design during planning; cost control; and enforcement of all Federal statutes, regulations, approvals, and related terms and conditions.

By this order the Federal Inspector is partially modifying the time-frame within which detailed overall management plans for the Alaska Natural Gas Transportation System (ANGTS) are to be filed and approved. Specifically, the management plans for the prebuild portions of the Eastern and Western Legs of ANGTS need not be filed or approved before FERC certification. Instead, the Federal Inspector in the future (before construction starts) will notify the sponsors of these two prebuild proposals, Northern Border Pipeline Company and Pacific Gas Transmission Company respectively, when the process for assessing the management plans should commence.

By way of background, the first "Construction Costs and Schedule" term and condition in the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation*

System, pp. 27–28, requires, before FERC certification, that the project sponsors provide detailed overall management plans for Federal Inspector approval. But this sequence (management plan prior to certificate issuance) did not directly contemplate the prebuild schedule or conventional form of construction. The Federal Inspector concludes that this sequence is neither appropriate nor necessary for the prebuild portions.

The present modification of the management plan time-frame is accomplished pursuant to Sections 9(d) and 9(e) of the Alaska Natural Gas Transportation Act, 15 U.S.C. Section 719g, and Section 102(h)(3) of the Reorganization Plan No. 1 of 1979. The Federal Inspector is amending this Presidential term and condition in a manner which neither "would compel a change in the basic nature and general route" of ANGTS nor "prevent or impair in any significant respect" project expedition.

John T. Rhett,

Federal Inspector.

[FR Doc. 80-10450 Filed 4-9-80; 8:45 am]

BILLING CODE 6820-AW-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Secretary's Advisory Committee on the Rights and Responsibilities of Women; Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women, will hold its National Health Insurance Task Force meeting on Friday, May 2, 1980, from 9:15 A.M. to 4:00 P.M. The meeting will be held on the 3rd floor conference room Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. The agenda will include presentation of women's issues, national health insurance, general discussion, legislative status and strategies.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202–245–8454. This meeting is open to the public.

Dated: April 4, 1980.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committe on the Rights and Responsibilities of Women.

[FR Doc. 80-10795 Filed 4-9-80; 8:45 am]

BILLING CODE 4110-12-M

Cost-of-Living Increase in Social Security Benefits and in Income Limitations for Beneficiaries Under the Supplemental Security Income Program—Correction Notice

On May 15, 1979, a cost-of-living increase of 9.9 percent in benefits under titles II and XVI of the Social Security Act was announced in the **Federal Register** at 44 FR 28423. On page 44 FR 28429 appeared a Table 2. The note at the end of that table should be changed to read as follows:

Note.—The amounts shown in the above table for years of coverage less than 21 are not payable for June 1979 through December 1979 because the corresponding values shown in column II are less than the $133.90 minimum primary insurance amount payable for that period. For months after December 1979, a special minimum primary insurance amount of $128.40 will be payable.

Dated: April 3, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-10858 Filed 4-9-80; 8:45 am]

BILLING CODE 4110-07-M

Health Resources Administration

Application Announcement for Financial Distress Grants

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal year 1981 Grants for Financial Distress are now being accepted under the authority of Section 788(b) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94–484), from four private nonprofit traditionally minority health professions schools which have previously received special Federal grant support and remain in severe financial distress. The Administration's budget requests continued support to these particular schools as part of an ongoing effort to improve their financial situation. A subsequent announcement will be made for all other eligible health professions schools.

Section 788(b) authorizes the award of grants to public or nonprofit private schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health to:

1. Meet the costs of operation of an eligible school which is in serious financial distress;

2. Meet accreditation requirements if the school has a special need for financial assistance in meeting such requirements; and

3. Carry out appropriate operational, managerial, and financial reforms on the basis of information obtained in a comprehensive cost analysis study or on the basis of other relevant information.

Approximately $9.2 million is expected to be available in fiscal year 1981 for awards for all schools, of which $7.7 million has been requested in the Administration's budget for Meharry Medical College (Schools of Medicine and Dentistry), Tuskegee Institute (School of Veterinary Medicine), and Xavier University of Louisiana (College of Pharmacy).

Application materials will be distributed to the four schools directly. Questions regarding administration of these grants may be directed to: Grants Management Officer (D–14), Bureau of Health Professions, HRA, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, MD 20782, Telephone: 301/436–6564.

To be considered for fiscal year 1981 funding, applications from the four schools must be received by the Grants Management Officer, Bureau of Health Professions, Health Resources Administration no later than May 16, 1980.

Dated: April 7, 1980.

Henry A. Foley,

Administrator.

[FR Doc. 80-10921 Filed 4-9-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Moab District Grazing Advisory Board; Meeting

April 4, 1980.

Notice is hereby given in accordance with Public Law 94–579 that a meeting of the Moab District Grazing Advisory Board will be held on Friday, May 16, 1980.

The meeting will begin at 10 a.m. at Crescent Junction, Utah for a field trip. After lunch, the meeting will reconvene at the Moab District Office at 125 West 2nd South in Moab.

The agenda for the meeting will include election of officers. The effect of the current wilderness proposals and the Interim Management Policy will also be discussed. The meeting will be open to the public. Anyone wishing to make an oral statement must notify the Moab District Manager, P.O. Box 970, Moab, Utah 84532 by May 14. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

S. Gene Day,

District Manager.

[FR Doc. 80-10809 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory

April 4, 1980.

This notice modifies the Miles City District Wilderness Intensive Inventory open house schedule announced in the **Federal Register** on March 28, 1980.

The starting time of the Jordan meeting on May 6, 1980, has been changed from 7 p.m. to 3 p.m. The meeting will conclude at 8 p.m. and is being held in the VFW Hall. An additional open house has been scheduled on April 10, 1980, beginning at 2 p.m. in the Alzada Community Hall, Alzada, Montana.

The dates and locations of the following open houses remain unchanged, (all meetings begin at 7 p.m. M.S.T.):

May 5—Court Room—Powder River County Courthouse, Broadus.
May 7—Ashland Public School, Ashland.
May 8—Miles Community College—Room 106, Miles City.

Eugene H. Newell,

Acting State Director.

[FR Doc. 80-10808 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

[4310–84–M; M 45059 (SD)]

South Dakota; Realty Action—Noncompetitive Sale; Public Lands in Union County, S. Dak.

April 3, 1980.

The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Fifth Principal Meridian, S. Dak.

T.90 N., R. 49 W.,
Sec. 32, Lot 1, part and accretions, Lot 6, 33.95 acres *;
Lot 2, part and accretions, and Lot 5, 36.19 acres *;
Lot 3, part, Lot 4, 42.88 acres *.
Sec. 33, Lot 2 part and accretions, Lot 5, 36.98 acres *;
Lot 3 part, and Lot 4, 17.91 acres *;
N½SW¼, 80.00 acres *.

Containing approximately 249.91 acres.

* Resurvey pending.

The above-described lands are being offered as a direct sale to preference right individuals at the appraised fair market value after deducting the value of improvements.

The sale of the lands will not be held until 60 days after the date of this notice.

The subject lands, because of their location and other characteristics are difficult and uneconomic to manage. the sale of these lands would be consistent with local planning, Bureau policy, and Section 203(a) of the Federal Land Policy and Management Act of October 21, 1976. Disposal of these lands would eliminate a series of long standing land title conflicts and the public interest would be served by offering the lands for sale.

Since the lands are encumbered by preference right individuals, they are not being offered for sale at public auction.

The terms and conditions applicable to the sale are:

1. The sale of the lands will be subject to all existing rights.

2. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

3. The mineral rights will be reserved to the United States.

4. A reservation for road rights-of-way will be incorporated into each patent if required in accordance with the Union County road network.

Detailed information concerning the sale, including the Land Report and Environmental Assessment Report, is available for review at the Miles City District Office, Miles City, Montana 59301.

On or before May 16, 1980, interested parties may submit comments to the Secretary of Interior, LLM, 320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-10810 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71203]

Wyoming; Application

April 1, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah filed an application for a right-of-way to construct a 10¾ inch O. D. and a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 17 N., R. 119 W.,
Sec. 22: NE¼NE¼;
Sec. 24: N½N½.

The proposed 4½ inch pipeline will transport natural gas from the Amoco Well No. 23 to a point of connection with the proposed 10¾ inch pipeline, all located within the NE¼ of section 24, T. 17 N., R. 119 W., Uinta County, Wyoming.

The proposed 10¾ inch pipeline designated as Main Line No. 51, will transport natural gas from a point of connection with Mountain Fuel Supply Company's existing Main Line No. 36, located in section 21, to Amoco's plant located in section 13, all within T. 17 N., R. 119 W., Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-10811 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Resource; Management Plan Preparation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Resource Management Plan Preparation; Cedar, Beaver, Garfield Planning Units, Cedar City District.

ADDRESS: Comments or requests for further information should be directed to Dave Kauffman, Planning Coordinator, Bureau of Land Management, P.O. Box 724, Cedar City, Utah 84720.

V45/71 APR 10 1980 UMI

SUMMARY: The Cedar City District, Bureau of Land Management, hereby announces the intent to prepare a Resource Management Plan for the 1,088,000 acres of public land in the Cedar, Beaver, Garfield Planning Units. These lands are administered by BLM at the Beaver River, Kanab, and Escalante Resource Area Offices of the Cedar City District. These lands are located in portions of Iron, Beaver, Garfield and Kane Counties in southwestern Utah as designated on the accompanying map.

The Bureau of Land Management has begun the preplanning phase of the Resource Management Planning process. The primary emphasis in this phase will be to identify issues and problems and develop planning criteria. This planning effort will follow the Public Lands and Resources; Planning System, Final regulations published in the **Federal Register**, (44 FR 46386, August 7, 1979).

The Bureau of Land Management requests public participation in the identification of issues to be considered during the planning process and the development of planning criteria. In this phase there will be workshops held with local officials, community leaders, public land users, and interested groups. In addition, mail distribution of preliminary issues and planning criteria will be conducted to provide an opportunity for the public to participate.

As dates for these events are scheduled, notice will be made by announcement in local news media and by mail. Interested persons wishing to participate in this planning process should contact the Cedar City District.

The Cedar City District will identify an interdisciplinary team to be involved in each step of the resource management planning process. The disciplines to be represented are: Lands, minerals, recreation, wildlife, range, watershed, land use planning, and socio-economics. Issues to be identified include those resource uses which are of high public concern or controversy, significantly affect the human environment, or identified as significant by special legislation or executive direction.

The public will have numerous opportunities to comment throughout all phases of the development of the resource management plan, including field trips during the resource inventory, input to data collection, scoping for formulation of management alternatives, and the review of the draft resource management plan, and environmental impact statement.

Previous planning documents for these planning units are available for review at the following Bureau of Land Management locations:

Beaver River Resource Area, Walker Bank Building, Suite C–3, 44 South Main, Cedar City, Utah 84720
Kanab Resource Area, 320 North First East, P.O. Box 459, Kanab, Utah 84741
Escalante Resource Area, Escalante, Utah 84726
Cedar City District Office, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720

For further information or to submit written comments related to the identification of issues and planning criteria, contact Dave Kauffman, Planning Coordinator at the Cedar City District Office, Telephone (801) 586–2401.

Dated April 3, 1980.

Paul W. Swapp,

Acting District Manager.

BILLING CODE 4310-84-M

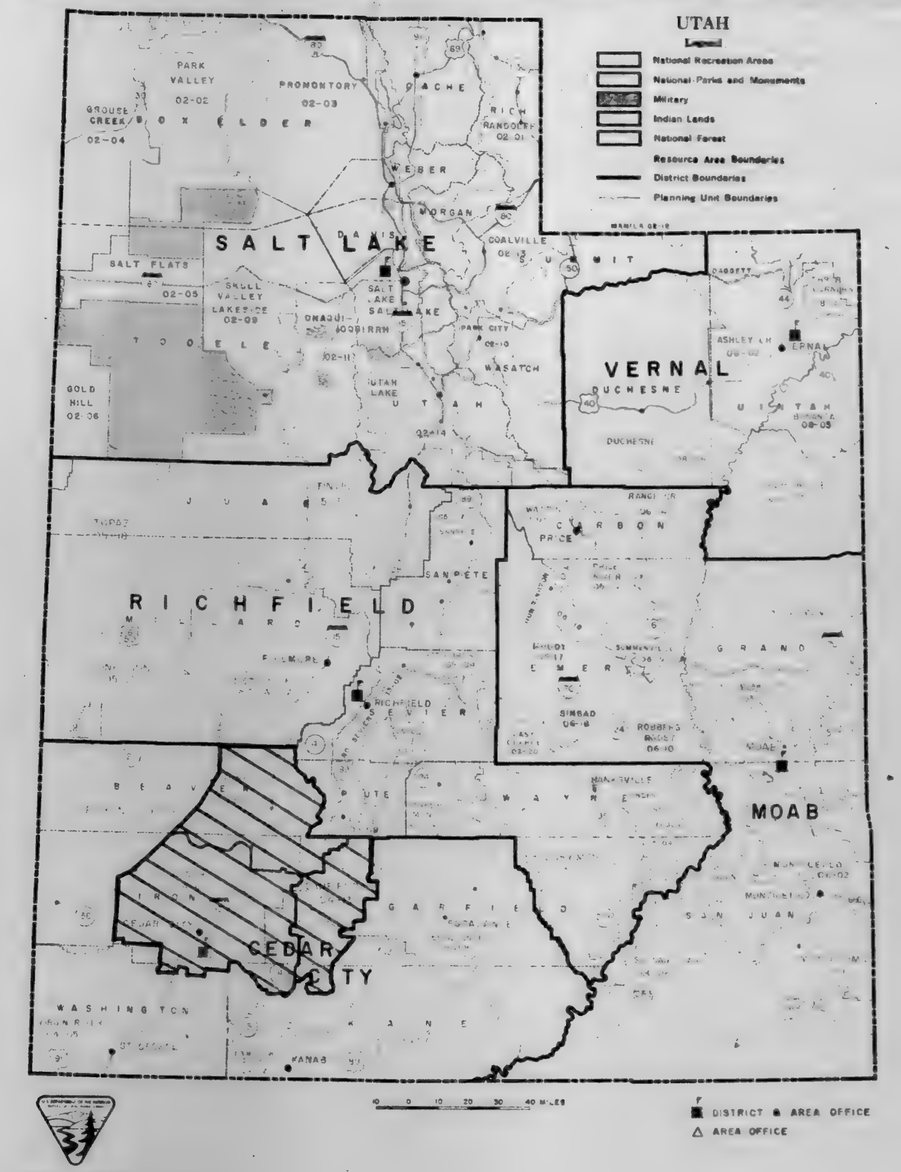

[FR Doc. 80-10849 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-C

V45/71AP10800 UMI

Mineral Leasing; Mapco, Inc.

March 31, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) Mapco Inc. filed an application for a right-of-way to construct a 10 ¾-inch pipeline for the purpose of transporting liquid hydrocarbons across the following described public lands:

New Mexico (NM 36230), New Mexico Principal Meridian

T. 15 N., R. 1 E.,
T. 13 N., R. 3 E.,
T. 13 N., R. 4 E.,
T. 12 N., R. 6 E.,
T. 7 N., R. 11 E.,
T. 2 N., R. 16 E.,
T. 2 N., R. 17 E.,
T. 2 S., R. 21 E.,
T. 3 S., R. 21 E.,
T. 4 S., R. 23 E.,
T. 5 S., R. 24 E.,
T. 6 S., R. 26 E.,
T. 7 S., R. 26 E.,
T. 7 S., R. 27 E.,
T. 9 S., R. 29 E.,
T. 9 S., R. 30 E.,
T. 10 S., R. 30 E.,
T. 17 N., R. 2 W.,
T. 17 N., R. 3 W.,
T. 18 N., R. 3 W.,
T. 18 N., R. 4 W.,
T. 19 N., R. 4 W.,
T. 20 N., R. 5 W.,
T. 21 N., R. 5 W.,
T. 19 N., R. 6 W.,
T. 20 N., R. 6 W.,
T. 21 N., R. 6 W.,
T. 22 N., R. 6 W.,
T. 19 N., R. 7 W.,
T. 22 N., R. 7 W.,
T. 23 N., R. 7 W.,
T. 23 N., R. 8 W.,
T. 24 N., R. 8 W.,
T. 23 N., R. 9 W.,
T. 24 N., R. 9 W.,
T. 25 N., R. 9 W.,
T. 31 N., R. 9 W.,
T. 32 N., R. 9 W.,
T. 25 N., R. 10 W.,
T. 26 N., R. 10 W.,
T. 30 N., R. 10 W.,
T. 26 N., R. 11 W.,
T. 27 N., R. 11 W.,
T. 28 N., R. 11 W.,
T. 29 N., R. 11 W.,
T. 30 N., R. 11 W.,

Colorado (C–29366), New Mexico Principal Meridian

T. 32 N., R. 9 W.,
T. 33 N., R. 9 W.,
T. 33 N., R. 8 W.,
T. 34 N., R. 9 W., (South of the Ute Line)
T. 34 N., R. 9 W., (North of the Ute Line)
T. 34 N., R. 10 W., (South of the Ute Line)
T. 34 N., R. 10 W., (North of the Ute Line)
T. 35 N., R. 10 W.,
T. 35 N., R. 11 W.,
T. 36 N., R. 11 W.,
T. 36 N., R. 12 W.,
T. 36 N., R. 13 W.,
T. 36 N., R. 14 W.,
T. 37 N., R. 14 W.,
T. 37 N., R. 15 W.,
T. 37 N., R. 16 W.,
T. 38 N., R. 16 W.,
T. 38 N., R. 17 W.,
T. 39 N., R. 17 W.,
T. 39 N., R. 18 W.,
T. 40 N., R. 18 W.,
T. 41 N., R. 18 W.,
T. 41 N., R. 19 W.,
T. 42 N., R. 19 W.,
T. 42 N., R. 20 W.,

Sixth Principal Meridian

T. 1 S., R. 101
T. 2 S., R. 101
T. 3 S., R. 101
T. 5 S., R. 101
T. 1 S., R. 102
T. 3 S., R. 102
T. 4 S., R. 102
T. 5 S., R. 102
T. 6 S., R. 102
T. 7 S., R. 102
T. 8 S., R. 102
T. 8 S., R. 103
T. 9 S., R. 103
T. 6 S., R. 104
T. 9 S., R. 104
T. 10 S., R. 104
T. 1 S., R. 101
T. 1 S., R. 102
T. 2 S., R. 102
T. 2 S., R. 103
T. 2 S., R. 104
T. 3 S., R. 104

Utah (U–43521), Salt Lake Meridian

T. 1 N., R. 24 E.,
T. 2 N., R. 24 E.,
T. 3 N., R. 24 E.,
T. 22 S., R. 19 E.,
T. 22 S., R. 20 E.,
T. 23 S., R. 20 E.,
T. 24 S., R. 20 E.,
T. 25 S., R. 20 E.,
T. 22 S., R. 21 E.,
T. 25 S., R. 21 E.,
T. 26 S., R. 21 E.,
T. 22 S., R. 22 E.,
T. 26 S., R. 22 E.,
T. 27 S., R. 22 E.,
T. 28 S., R. 22 E.,
T. 2 S., R. 23 E.,
T. 3 S., R. 23 E.,
T. 4 S., R. 23 E.,
T. 5 S., R. 23 E.,
T. 6 S., R. 23 E.,
T. 21 S., R. 23 E.,
T. 22 S., R. 23 E.,
T. 27 S., R. 23 E.,
T. 28 S., R. 23 E.,
T. 29 S., R. 23 E.,
T. 29½ S., R. 23 E.,
T. 30 S., R. 23 E.,
T. 1 S., R. 24 E.,
T. 2 S., R. 24 E.,
T. 6 S., R. 24 E.,
T. 20 S., R. 24 E.,
T. 21 S., R. 24 E.,
T. 30 S., R. 24 E.,
T. 31 S., R. 24 E.,
T. 6 S., R. 25 E.,
T. 7 S., R. 25 E.,
T. 18 S., R. 25 E.,
T. 19 S., R. 25 E.,
T. 20 S., R. 25 E.,
T. 31 S., R. 25 E.,
T. 32 S., R. 25 E.,
T. 18 S., R. 26 E.,
T. 32 S., R. 26 E.,
T. 33 S., R. 26 E.,

Wyoming (W–89582) Sixth Principal Meridian

T. 20 N., R. 94 W.,
T. 19 N., R. 95 W.,
T. 20 N., R. 95 W.,
T. 19 N., R. 96 W.,
T. 19 N., R. 97 W.,
T. 18 N., R. 98 W.,
T. 19 N., R. 98 W.,
T. 18 N., R. 99 W.,
T. 19 N., R. 99 W.,
T. 17 N., R. 100 W.,
T. 18 N., R. 100 W.,
T. 16 N., R. 101 W.,
T. 17 N., R. 101 W.,
T. 16 N., R. 102 W.,
T. 16 N., R. 103 W.,
T. 14 N., R. 104 W.,
T. 16 N., R. 104 W.,
T. 12 N., R. 105 W.,
T. 13 N., R. 105 W.,
T. 14 N., R. 105 W.,
T. 15 N., R. 105 W.,
T. 16 N., R. 105 W.,
T. 17 N., R. 105 W.,
T. 18 N., R. 105 W.,
T. 18 N., R. 106 W.,
T. 17 N., R. 107 W.,
T. 18 N., R. 107 W.,
T. 18 N., R. 108 W.,
T. 18 N., R. 109 W.,
T. 18 N., R. 110 W.,
T. 18 N., R. 111 W.,
T. 18 N., R. 112 W.,
T. 19 N., R. 112 W.,
T. 17 N., R. 113 W.,
T. 18 N., R. 113 W.,
T. 19 N., R. 113 W.,
T. 22 N., R. 113 W.,
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T. 17 N., R. 114 W.,
T. 19 N., R. 114 W.,
T. 20 N., R. 114 W.,
T. 21 N., R. 114 W.,
T. 22 N., R. 114 W.,
T. 23 N., R. 114 W.,
T. 16 N., R. 115 W.,
T. 20 N., R. 115 W.,
T. 15 N., R. 116 W.,
T. 16 N., R. 116 W.,
T. 14 N., R. 117 W.,
T. 15 N., R. 117 W.,
T. 16 N., R. 117 W.,
T. 17 N., R. 117 W.,
T. 13 N., R. 118 W.,
T. 14 N., R. 118 W.,
T. 17 N., R. 118 W.,
T. 13 N., R. 119 W.,
T. 14 N., R. 119 W.,
T. 17 N., R. 119 W.,
T. 12 N., R. 120 W.,
T. 13 N., R. 120 W.,
T. 12 N., R. 121 W.

The pipeline will transport liquid hydrocarbons from near Rock Springs, Wyomning throgh Colorado, Utah, New Mexico to a point near Hobbs Station, Texas.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the area and district manager concerned at the following locations:

New Mexico (NM 36230)

Bureau of Land Management, P.O. Box 6770, Albuquerque, NM 87107.
Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.
Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

Colorado (C–29366)

Bureau of Land Management, Colorado State Office, Room 700, Colorado State, Bank Building, 1600 Broadway, Denver, CO 80202.
Bureau of Land Management, Montrose District Office, Highway 550 South, P.O. Box 1269, Montrose, CO 81401.
Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, CO 81501.
Bureau of Land Management, Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, CO 81625.

Utah (U–43521)

Bureau of Land Management, P.O. Box 970, Moab, UT 84532.
Bureau of Land Management, 170 S. 500 E., Vernal, UT 84078.
Bureau of Land Management, 136 E. South Temple, Salt Lake City, UT 84111.

Wyoming (W89582)

Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.
Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.
Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001.

Arthur W. Zimmerman,

State Director.

[FR Doc. 10848 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

[AA–16709–4]

Alaska Native Claims Selection

On February 7, 1979, Cook Inlet Region, Inc., filed selection application AA–16709–4 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151) and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Anchorage, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located within the boundaries of Cook Inlet Region. With the agreement of the State of Alaska and Cook Inlet Region, Inc., the lands within selection AA–16709–4 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated June 7, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 12 N., R. 3 W.,
Sec. 9, lot 59.
Containing 5.00 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

1. A right-of-way, AA–20699, for a water pipeline, thirty (30) feet in width for the Central Alaska Utilities, Inc., issued pursuant to Pub. L. 94–579 (October 21, 1976), Title V, 90 Stat. 2743; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (Pub. L. 94–204) provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $74,000. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 148.00 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 148.00 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 701 "C" Street, P.O. Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 "L" Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision by mail shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 12, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of

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appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ricky M. Elliott,

Chief, Branch of Adjudication.

[FR Doc. 80–10840 Filed 4–9–80; 8:45 am]
BILLING CODE 4310–84–M

[AA–6985–D]

Alaska Native Claims Selection

On January 10, 1978, Klukwan, Inc., for the village of Klukwan, filed selection application AA–6985–D under the provisions of Sec. 16(d) of the Alaska Native Claims Settlement Act (ANCSA), as amended (43 U.S.C. 1601, 1615(d)), for the surface estate of certain lands in the vicinity of Long Island in southeastern Alaska, withdrawn for selection by Public Land Order (PLO) 5014.

The application identified certain lands including T. 81 S., R. 84 E., Copper River Meridian. The application did not specifically exclude (by the narrative description or accompanying map) the lands within U.S. Survey 857 or the lands within historical place applications AA–10461 and AA–10467. Therefore, these lands are deemed to be selected by Klukwan, Inc. On September 20, 1912, U.S. Survey 857 was patented to the Board of Home Missions of the Presbyterian Church in the United States of America by patent number 292902. The Bureau of Land Management has no jurisdiction over these lands. Further, the withdrawal for selection by Klukwan, Inc. was made "subject to valid existing rights". Thus the lands in U.S. Survey 857 were not withdrawn and were not available for selection by Klukwan, Inc. Also excepted from the withdrawal in PLO 5614, by specific mention, were the lands within historical place applications AA–10461 and AA–10467. U.S. Survey 922 is totally within application AA–10461. Since none of these lands were withdrawn or available for selection by Klukwan, Inc., the selection application, AA–6985–D, must be and is hereby rejected as to the following described lands:

U.S. Survey 857 of the Presbyterian Mission Reserve, situate at Howkan, Alaska.
Containing 3.81 acres.

U.S. Survey 922 of the U.S. School Reserve, situate at Jackson, Alaska.
Containing 0.80 acres.

AA–10461

Beginning at corner No. 1 on the west coast of Long Island at approximate latitude 54°52'55" N., longitude 132°48'20" W., from which USCGS Howkan bears 169°00' azimuth, approximately 1.36 miles and USCGS Keg bears 299°30' azimuth approximately 2.20 miles, thence east approximately 200 feet to corner No. 2, thence south 25° east approximately 6,400 feet to corner No. 3, thence west approximately 850 feet to corner No. 4 on the coast line, thence meandering northwesterly along said coastline to corner No. 1, the point of beginning.
Containing approximately 176 acres.

AA–10467

Beginning at corner No. 1 on the southwest coast of Long Island, at approximate latitude 54°48'30" N., longitude 132°42'00" W., from which USCGS Cove bears 242°30' azimuth approximately 7.87 miles and USCGS Keg bears 315°00' azimuth, approximately 8.63 miles, thence east approximately 500 feet to corner No. 2, thence north approximately 2,100 feet to corner No. 3, thence north 45° west approximately 2,600 feet to corner No. 4, thence west approximately 1,800 feet to corner No. 5, on the coastline, thence meandering southeasterly along the coastline to corner No. 1, the point of beginning.
Containing appproximately 76 acres.
Aggregating approximately 256 acres.

As to the lands describd below, the application is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(d) of ANCSA, aggregating approximately 21,349 acres, is considered proper for acquisition by Klukwan, Inc., and is hereby approved for conveyance pursuant to Sec. 14(b) of ANCSA.

U.S. Survey 1059, in the Tongass National Forest in the village of Howkan on Long Island, Alaska, excluding historical place application AA–10461 and Native allotment application AA–7034 Parcel A.
Containing approximately 9 acres.

Copper River Meridian, Alaska (Unsurveyed)

T. 80 S., R. 84 E.
Secs. 14, 15 and 16 (fractional), all;
Sec. 17 (fractional), NW¼, SW¼;
Secs. 18 and 19 (fractional), all;
Sec. 20 and 21 (fractional), excluding Mineral Survey 2237;
Secs. 22 to 25 (fractional), inclusive, all;
Sec. 26, all;
Sec. 27 (fractional), all;
Sec. 28, all;
Secs. 29 and 30 (fractional), all;
Sec. 31 (fractional), excluding historical place application AA–10454;
Sec. 32 to 35, inclusive, all;
Sec. 36 (fractional), all.
Containing approximately 9,671 acres.

T. 81 S., R. 84 E.
Sec. 1 (fractional), excluding U.S. Surveys 857, 922 and 1059, historical place application AA–10461 and Native allotment application applications AA–7034 Parcel A and AA–7035;
Sec. 12 (fractional), excluding U.S. Surveys 857 and 1059, historical place application AA–10461 and Native allotment application AA–7746 Parcel A.
Containing approximately 436 acres.

T. 80 S., R. 85 E.
Secs. 19 and 29 (fractional), all;
Sec. 30 (fractional), S½NE¼, NW¼, S½;
Secs. 31 and 32 (fractional), all.
Containing approximately 1,285 acres.

T. 81 S., R. 85 E.
Secs. 1 and 2 (fractional), all;
Secs. 3 to 6, inclusive, all;
Secs. 7 and 8 (fractional), excluding Native allotment application AA–7034 Parcel B;
Sec. 9 (fractional), all;
Sec. 10, all;
Secs. 11, 12 and 13 (fractional), all;
Sec. 15 (fractional), N½NW¼, S½N½, S½;
Sec. 16 (fractional), all;
Sec. 17 (fractional), excluding Native allotment applications AA–7034 Parcel B and AA–7746 Parcel B;
Sec. 18 (fractional), N½, SE¼, excluding Native allotment applications AA–7034 Parcel B and AA–7746 Parcel B;
Secs. 20 and 21 (fractional),all; Sec. 22 (fractional), W½, NW¼NE¼, SW¼SE¼;
Sec. 27 (fractional), excluding historical place application AA–10467 and Native allotment application AA–7034 Parcel C;
Sec. 28 (fractional), excluding historical place application AA–10467.
Containing approximately 9,808 acres.

T. 81 S., R. 86 E.
Sec. 6 (fractional), all;
Sec. 7 (fractional), NW¼;
Sec. 18 (fractional), all.
Containing approximately 140 acres.
Aggregating approximately 21,349 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no public easements to be reserved pursuant to Sec. 17(b) of ANCSA.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Klukwan, Inc., is entitled to conveyance of 23,040 acres of land selected pursuant to Sec. 16(d) of ANCSA, as amended. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 21,349 acres. The remaining entitlement of approximately 1,691 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Klukwan, Inc., and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Ketchikan Daily News. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until May 12, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Klukwan, Inc., Box 493, Haines, Alaska 99827.
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Judith Kammins Albietz,

Chief, Division of ANCSA Operations.

[FR Doc. 80–10841 Filed 4–9–80; 8:45 am]
BILLING CODE 4310–84–M

[F–19155–27]

Alaska Native Claims Selection Easement Conformance

By decision dated December 5, 1975, among other things, certain lands were determined proper for regional selection and approved for interim conveyance to Doyon, Limited under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976)) (ANCSA). Additionally, the decision reserved certain public easements to the United States pursuant to section 17(b) of the ANSCA. On January 12, 1976, Interim Conveyance No. 028 was issued to Doyon, Limited.

Subsequent to the issuance of the Interim Conveyance litigation was initiated concerning easement criteria and authority for reservation of section 17(b) easements in conveyances. An injunction was issued ceasing all further action on easement identification until the litigation was resolved. Finally the litigation *Calista, et al.* v. *Andrus, et al.* was resolved and on November 27, 1978, new section 17(b) easement regulations were published in the **Federal Register** as final rule making (43 FR 56326). Although these actions did not affect Interim Conveyance 028 directly, it is the fiduciary duty of the Secretary to conform all previously reserved section 17(b) easements to the criteria of the new regulation.

The process of review by the Bureau of Land Management to bring easements into conformance with the regulations is now complete. Accordingly, the decision of December 5, 1975 and Interim Conveyance No. 28, dated January 12, 1976, is modified by deleting paragraph 3 of the listed reservations to the United States. No section 17(b) easement will be reserved.

The following section 17(b) easements are being deleted:

3. The public easements designated pursuant to section 17(b) (3) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708; 43 U.S.C. 1616(b)(3), upon the conditions of use prescribed by 43 CFR 2650.4–7 and identified as follows:

a. A secondary corridor for a 100–foot road and a 150–foot pipeline from Primary Corridor Proposal No. 25. Subject easement is described in case file F–21779–27 and crosses T. 9 N., R. 27 E., Fairbanks Meridian, Sections 12, 13, 24, 25 and 36.

The deletion of these easements is contingent upon the donation by Doyon, Limited of trail easement EIN 8 C5 for an existing access trail fifty (50) feet in width from public lands in Sec. 24, T. 10 N., R. 26 E., Fairbanks Meridian, easterly to public lands.

Except as modified by this decision, the decision of December 5, 1975, stands as written.

Notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Any person who claims a property interest in land which is adversely affected by the modification set forth in this decision (as to conformed section 17(b) easements), may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. Also:

1. Any party receiving service of this decision shall have 30 days from the receipt for this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until May 12, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision as to

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the issue of section 17(b) easements, shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is: Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirement for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Judith Kammins Albietz,

Chief, Division of ANCSA Operations.

[FR Doc. 80-10942 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-55; F-19155-77; F-19155-78; F-19155-80; F-19155-81 and F-19155-96]

Alaska Native Claims Selection; Easement Conformance

By decision dated March 3, 1977, among other things, certain lands were determined proper for regional selection and approval for interim conveyance to Doyon, Limited under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976)) (ANCSA). Additionally, that decision reserved certain public easements to the United States pursuant to Sec. 17(b) of the ANCSA.

The decision of March 3, 1977, states in paragraph 3 of the grant of lands, that the interim conveyance shall be subject to the terms and conditions of the agreement of February 18, 1977, between Doyon, Limited and the Secretary of the Interior. This agreement is in essence and easement agreement that permits conveyance of lands to the Native corporation while agreeing that easements will be conformed to new criteria agreed upon at a later date. Conformance is contingent upon resolution of the litigation *Calista, et al.* v. *Andrus, et al.*, and implementation of the Secretary's new easement policy. On November 27, 1978, new Sec. 17(b) easement regulations were published in the **Federal Register** as final rule making (43 FR 56328).

By ANCAB Order RLS-77-1 dated August 23, 1979, the Alaska Native Claims Appeal Board, remanded to the Bureau of Land Management the issue of reservation of easements to be conformed to the new easement regulations.

The process of review by the Bureau of Land Management to bring easements into conformance with the regulations is now complete. Accordingly, the decision of March 3, 1977, is modified by deleting paragraph 3, of the listed reservations to the United States and substituting the following new paragraph:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case files F-21779-55, F-21779-77, F-21779-78, F-21779-80, F-21779-81 and F-21779-96, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

a. (EIN 33 C4) An easement for a proposed access trail fifty (50) feet in width from public lands in Sec. 36, T. 23 N., R. 27 E., Fairbanks Meridian, southeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

The following Sec. 17(b) easements are deleted:

The following easement pertains to T. 23 N., R. 28 E., Fairbanks Meridian (F-21779-96):

a. (EIN 1 C5, D1, D9) A one hundred (100) foot easement for a proposed road crossing the selected area in a northeast-southwesterly direction providing access to public lands. The use of the road is to be controlled by applicable State or Federal law or regulation.

The following easements pertain to Ts. 15 and 16 N., Rs. 27 and 28 E., Fairbanks Meridian (F-21779-77, F-21779-78, F-21770-80, F-21779-81):

b. (EIN 10 C5, G) A streambed access easement along the Grayling Fork of Black River. The easement is from the mean high water line on the right bank of the stream to the mean high water line on the left bank of the stream. This is for access to public lands.

c. (EIN 10 C4, C5, G (10a, 10d, 10e)) The following are one (1) acre site easements for camping and vehicle use and are necessary for access to public lands and waters. The site easements will be located on the Grayling Fork of Black River:

10a. One (1) acre site easement on the right bank of the stream at the junction of the stream and an oxbow, in section 8, T. 16 N., R. 27 E., Fairbanks Meridian.

10b. One (1) acre site easement on the right bank of the stream, at its junction with Bull Creek, in section 4, T. 16 N., R. 28 E., Fairbanks Meridian.

10c. One (1) acre site easement on the right bank of the stream, at the upstream arm of an oxbow, in section 15, T. 16 N., R. 28 E., Fairbanks Meridian.

d. (EIN 11 C5, D1, D9) A streambed access easement along the Bull and Dempsey Creeks. The easement is from the mean high water line on the right bank of the streams to the mean high water line on the left bank of the streams. This is for access to public lands.

e. (EIN 11 C5, D1, D9 (11a, 11b, 11c, 11d, 11e)) The following are one (1) acre site easements for camping and vehicle use and are necessary for access to public lands and waters. The sites will be located along the streams and lakes of the Dempsey and Bull Creeks:

11a. One (1) acre site on the north shore of Vunvekottlui Lake, in section 29, T. 15 N., R. 28 E., Fairbanks Meridian.

11b. One (1) acre site on the north shore of an unnamed lake near its outlet into Dempsy Creek, in section 27, T. 15 N., R. 28 E., Fairbanks Meridian.

11c. One (1) acre site on the left bank of Bull Creek where a small creek empties into Bull Creek, in section 2, T. 15 N., R. 28 E., Fairbanks Meridian.

11d. One (1) acre site on the left bank of Bull Creek where a small creek empties into Bull Creek, in section 27, T. 16 N., R. 28 E., Fairbanks Meridian.

11e. One (1) acre site on the left bank of Bull Creek where a small creek empties into Bull Creek, in section 16, T. 16 N., R. 28 E., Fairbanks Meridian.

f. (EIN 12 C5, D1, D9) A fifty (50) foot wide easement for a proposed trail crossing the selected area in an east-west direction. This is for access to public lands. The use of the trail is to be controlled by applicable State or Federal law or regulation.

g. (EIN 12a C5, D1, D9) A one (1) acre site easement located in section 22, T. 16 N., R. 27 E., Fairbanks Meridian, where the proposed trail (12) adjoins a lake. The site is for camping and vehicle use and is necessary to facilitate access to public lands and waters.

The following easement pertains to T. 11 N., R. 28 E., Fairbanks Meridian (F-21779-55):

h. (EIN 17 C5, D1, D9) A one hunderd (100) foot easement for a proposed road crossing the northwest corner of the

selected area. This is for access to public lands. The use of the road is to be controlled by applicable State or Federal law or regulation.

The following easements pertain to all lands described previously:

i. (EIN 31C) The general right of the United States to enter upon the lands for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

j. (EIN 32 C) Easements for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

Except as modified by this decision, the decision of March 3, 1977, stands as written.

Notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Any person who claims a property interest in land which is adversely affected by the modification set forth in this decision (as to conformed Sec. 17(b) easements), may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. Also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until May 12, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision as to the issue of Sec. 17(b) easements, shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is: Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirement for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Judith Kammins Albietz,

Chief, Division of ANCSA Operations.

[FR Doc. 80-10943 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

[F-19155-26]

Alaska Native Claims Selection; Easement Conformance

By decision dated December 5, 1975, among other things, certain lands were determined proper for regional selection and approved for interim conveyance to Doyon, Limited under the provisions of Section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976)), (ANCSA). Additionally, that decision reserved certain public easements to the United States pursuant to Section 17(b) of the ANCSA.

Subsequently, Doyon, Limited appealed the decision of December 5, 1975, on several issues including reservation of section 17(b) easement. By ANCAB Order RLS 76-2 dated August 23, 1979, the Alaska Native Claims Appeal Board remanded a portion of the appeal to the Bureau of Land Management. The Order stated "that the easements in issue in this appeal are remanded to the Bureau of Land Management for conveyance in conformance with the recently adopted easement regulations."

The process of review by the Bureau of Land Management to bring easements into conformance with the regulations is now complete. Accordingly, the decision of December 5, 1975, is modified by deleting paragraph 3 of the listed reservations to the United States. No section 17(b) easement will be reserved.

The following section 17(b) easements are being deleted:

a. A 100-foot road and a 150-foot pipeline secondary corridor extending from Primary Corridor Proposal No. 25 northeasterly through the selection to the public lands in the Kandik Basin. This route is considered necessary to provide access to public lands and resources. In the event the entire Kandik Basin is subsequently selected by Doyon, Limited, the easement will not be necessary.

b. A 25-foot trail easement along each bank of the Kandik River through the selection.

c. A 25-foot trail easement along each bank of the Nation River, through the selection.

d. A 1-acre campsite on the Kandik River with a spur connector to the proposed road (2). A campsite is needed because of the public use on the Kandik River.

e. An easement along the bed of the Kandik River. The river receives heavy recreational use by boat. Access up the river is by lining or poling a boat and the use of the river bed is necessary for this type of use. In order to preserve this existing use, the reservation of an easement along the bed of the Kandik River is recommended from mean high water to mean high water line.

Except as modified by this decision, the decision of December 5, 1975, stands as written.

Notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Any person who claims a property interest in land which is adversely affected by the modification set forth in this decision (as to conformed section 17(b) easements), may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also;

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until May 12, 1980 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision as to the issue of section 17(b) easements, shall be deemed to have waived those

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rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is: Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirement for filing an appeal may be obtained from the Bureau of Land Management, 701 C. Street, Box 13, Anchorage, Alaska 99513.

Judith Kammins Albiotz,

Chief, Division of ANCSA Operations.

[FR Doc. 80-10044 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

Alaska Outer Continental Shelf; St. George Basin, Outer Continental Shelf Oil and Gas; Intent To Prepare an Environmental Impact Statement for Proposed OCS Sale No. 70

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's Alaska Outer Continental Shelf Office intends to prepare an environmental impact statement (EIS) on the offshore oil and gas leasing proposal for the St. George Basin area, known as OCS Sale No. 70. This proposed sale is tentatively scheduled for December 1982. Four hundred and seventy-nine lease blocks (1,088,137 hectares; 2.7 million acres) have been selected for leasing consideration and further environmental study.

Alternatives to be considered in the environmental statement will include options to delay, modify, or withdraw the proposed lease offering.

A series of scoping meetings has been scheduled to promote public participation in defining the significant issues that relate to the proposed leasing action. These meetings will generally adhere to the following agenda:

1. Introduction—Purpose of meeting.

Brief history of OCS oil and gas leasing and the EIS process.

Information products the Alaska OCS Offices make available to the public to facilitate the leasing process.

Previously defined issues to be considered in the EIS.

2. Presentation of public comments and recommendations on other issues of major concern.

3. Alternatives to the sale, as presently considered in the EIS process.

We have scheduled meetings on April 21, 22, 23, and 24 as follows:

April 21, 1980, 2:30 p.m.: Corporation Offices, Community Hall, King Cove, Alaska.
April 22, 1980, 2:00 p.m.: Community Hall, Akutan, Alaska.
April 22, 1980, 7:30 p.m.: Public Meeting at the Unalaska High School, Unalaska, Alaska.
April 23, 1980, 7:30 p.m.: Civic Center, St. Paul, Alaska.
April 24, 1980, 7:30 p.m.: Community Hall, St. George, Alaska.

In addition to the foregoing, interested persons are encouraged to attend and present their views at a scoping meeting scheduled for April 16, 1980, 8:30 p.m., at Central Junior High School, 15th & C Sts., Anchorage, Alaska. Supplemental information or additional comments not presented at the meetings should be sent to the Alaska OCS Office no later than April 30, 1980.

A scoping meeting for affected Federal agencies will be held April 15, 1980, at 2:30 p.m., at the Alaska OCS Office, Michael Building, 620 East Tenth Avenue, Anchorage, Alaska. A second scoping meeting for the State of Alaska agencies will be held on April 23, 1980, at 2:30 p.m. in the Governor's Conference Room, Capital Building, Juneau, Alaska.

For further information regarding the public meetings or the Sale No. 70 leasing proposal, contact Joseph Dygas, Sale No. 70 EIS Coordinator, Environmental Assessment Division, Alaska OCS Office, P.O. Box 1159, Anchorage, Alaska 99510.

Ed Hastey,

Associate Director, Bureau of Land Management.

April 4, 1980.

[FR Doc. 80-10057 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A., has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2831, Block 181, West Cameron Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 4, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-10062 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-31-M

Allocation Meetings for Disposal of Federal OCS Royalty Oil

On January 14, 1980, a Notice of the "Determination of Nonavailability of Oil to Small Refiners and Disposal of Federal Royalty Oil" (45 FR 2832), was published. In that Notice, it was stated that it was anticipated that allocation meetings for the disposition of the available OCS royalty oil would be held during the week beginning April 15, 1980.

The allocation meeting for the disposition of Pacific OCS royalty oil will be held on Tuesday, April 15, 1980, commencing at 9:00 a.m. PST in Room 226, 160 Federal Building, 1340 West Sixth Street, Los Angeles, California. The allocation meeting for the disposition of Gulf of Mexico OCS royalty oil will be held on Thursday, April 17, 1980, and, if necessary, on Friday, April 18, 1980. The Gulf of Mexico meeting will commence at 9:00 a.m. CST on April 17, 1980, in Room 435, Imperial Office Building, 3301 N. Causeway Boulevard, Metairie, Louisiana.

Applications for OCS royalty oil were received from 117 refiners. For royalty oil from the Gulf of Mexico Area, 114 applications were received. It is anticipated that *93,183* barrels of royalty oil per day will be available from that Area. For royalty oil from the Pacific Area, 35 applications were received. It is anticipated that *4,550* barrels of royalty oil per day will be available from that Area.

Hillary A. Oden,

Acting Chief, Conservation Division, Geological Survey.

[FR Doc. 80-10032 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-31-M

Comments Solicited on Certain Requirements of Outer Continental Shelf (OCS) Orders Nos. 1, 2, 5, and 7

Notice is hereby given that, pursuant to Title 30 of the Code of Federal Regulations, Part 250.10 (30 CFR 250.10), the Chief, Conservation Division, U.S. Geological Survey (USGS), hereby requests comments on proposed revisions of portions of the final OCS Orders Nos. 1, 2, 5, and 7 for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic Areas of the OCS. The final versions of these Orders were published in the **Federal Register**, Part XII, Volume No. 44, No. 247, on December 21, 1979. These Orders became effective on January 1, 1980.

Since these proposed revisions will also be applicable to the final Arctic OCS Orders, when published, prospective lessees and operators for the Arctic Areas are also invited to comment. The proposed Arctic OCS Orders were published in the **Federal Register**, Part V, Vol. 44, No. 115, on June 13, 1979.

Several lessees and other commenters have expressed concern with revisions to requirements of these Orders as follows:

OCS Order No. 1, Paragraph 4, Identification of Subsea Objects

The U.S. Coast Guard and others have expressed concern that excessive reports are being filed because the Order does not place any limitations on the objects which are to be reported. The USGS proposes to revise paragraph 4 of OCS Order No. 1 as set forth below. The U.S. Coast Guard will forward all reports disclosing potential obstructions to the National Marine Fisheries Service for appropriate inclusion on the list of obstructions to fishing devices which is published in the Weekly Notice to Mariners by the Defense Mapping Agency Hydrographic/Topographic Center. This publication is available from: DMAOOS, Code IMA, 650 Brookes Lane, Washington, D.C. 20315.

The U.S. Coast Guard also intends to publish a Notice which will outline the method of position fixing.

Proposed Revision of OCS Order No. 1, Paragraph 4, Identification of Subsea Objects

All OCS Areas

4. *Identification of Subsea Objects.* Prior to the installation of subsea equipment required for lease operations, or in the event of the accidental sinking of an object, the owner shall report the submerged equipment or object to the appropriate U.S. Coast Guard District Commander subject to the following limitations. Reports are not required for equipment or objects that:

a. Are submerged in water at least 305 meters (1,000 feet) deep, or

b. Weigh 18 kilograms (40 pounds) or less and are of such shape or configuration that they are unlikely to snag or damage fishing devices.

The report shall contain the object's description, weight, dimensions, location, and the depth of water in which it is located. The U.S. Coast Guard will determine if it is a hazard to navigation and requires marking in accordance with 33 CFR 64.

OCS Order No. 1, Paragraph 5, Marking of Equipment

Several commenters objected to the requirements of this paragraph because it was added to the Order without a solicitation for comments. As stated in the **Federal Register** on December 21, 1979, Vol. 44, No. 247, page 76215, these requirements were added in accordance with 30 CFR 250.54 and section 403(b) of the Outer Continental Shelf Lands Act Amendments of 1978. On December 6, 1979, a Notice was published in the **Federal Register**, Vol. 44, No. 236, page 70196, soliciting comments on the requirements of 30 CFR 250.54. The comment period for this solicitation closed on February 4, 1980. Since the requirements of paragraph 5 of OCS Order No. 1 and 30 CFR 250.54 are identical, the comments received on 30 CFR 250.54 are applicable to paragraph 5; therefore, these comments will be considered in the development of the final version of paragraph 5 of OCS Order No. 1.

The USGS intends to publish for comment the requirements for the marking of equipment. When this Notice is published in final form, paragraph 5 of OCS Order No. 1 will be revised.

OCS Order No. 2, Subparagraph 2.2(c), Mobile Drilling Units

One commenter suggested that the data requested by this subparagraph should only be required if jack-up drilling equipment is to be used or if there remains a question of safety with respect to a particular selected location.

The USGS agrees with this suggestion and proposes to revise the subparagraph as indicated in the following italics:

All OCS Areas

c. *For bottom setting mobile drilling units,* sediment and seabed data, including seabed profiles, sediment consistency, allowable bearing and sliding loads, and nearby potential seabed hazards, i.e., sand waves, slumps, and mud slides.

OCS Order No. 2, Subparagraph 3.1, General Requirements (Well Casing and Cementing)

One commenter objected to the revision of subparagraph 3.1, item c, which was changed from "maximum anticipated surface pressure" to "anticipated surface pressure." The commenter contended "However, it now appears that some USGS supervisors have interpreted 'anticipated surface pressure' to be determined considering only gas in the hole, which can result in certain wells not being drilled." This revision also impacts subparagraph 5.1.1, Blowout-Preventer (BOP) Equipment, which requires that the working pressure of any BOP shall exceed the anticipated surface pressure to which it may be subjected.

The USGS has determined from comments received, that industry uses a variety of methods to determine the design wellhead pressure for surface and production casing strings and in the selection of BOP stack and wellhead working pressure levels. For example, one company assumes the design pressure used in designing the casing string and selecting the wellhead BOP working pressures is equal to a column of dry gas times a factor equal to the square root of the ratio of 4,000 divided by the casing setting depth. Another company uses a factor of 62½ percent of the anticipated maximum bottom hole pressure. Another company sizes BOP equipment to withstand ⅓ of the estimated bottom hole pressure at the next casing depth. In recognition of the divergence of opinion on this subject, the USGS proposes to revise subparagraph 3.1 as set forth below. This revision will allow the USGS to identify any design wellhead pressures that appear inconsistent with normal industry practice. This procedure will also allow industry to evolve and apply new criteria as it is developed. The proposed revisions of the subparagraph are indicated in italics. The italicized revision renders the first sentence of the second paragraph of subparagraph 5.1.1 redundant; therefore, this sentence will be deleted if subparagraph 3.1 is revised as indicated below.

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Proposed Revision of OCS Order No. 2, Subparagraph 3.1 General Requirements

All OCS Areas

3.1. *General Requirements.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1). The Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. Wells drilled in areas which are underlain by freshwater aquifers shall have casing programs which are designed to protect the freshwater zones. In cases where cement has filled the annular space back to the ocean floor, upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing. If there are indications of inadequate cementing (such as lost returns, cement channeling, or mechanical failure of equipment on the surface, intermediate, and production casing strings), the lessee shall evaluate the adequacy of the cementing operations by pressure testing the casing shoe, running a cement bond log, running a temperature survey, or a combination thereof before continuing operations. If the evaluation indicates inadequate cementing, the lessee shall recement or take other actions as approved by the District Supervisor. The lessee shall verify the adequacy of the remedial cementing operations as required by the District Supervisor.

The design criteria considered for all wells shall be submitted with the Application for Permit to Drill. The criteria to be considered shall include all pertinent factors for well control, such as:

a. Formation fracture gradients.
b. Formation pressure.
c. Anticipated surface pressure.*
d. Casing settings depths.

The lessee shall utilize appropriate drilling technology and state-of-the-art methods, such as drilling-rate evaluation, shale-density analysis, or other appropriate methods in order to enhance the evaluation of conditions of abnormal pressure and to minimize the potential for the well to flow or kick.

All casing, except drive pipe or structural casing, shall be new pipe which meets or exceeds American Petroleum Institute (API) standards, or reconditioned used pipe that has been tested to assure that it will meet or exceed API standards for new pipe. If casing to be used is not fabricated to API standards, the yield strengths of the casing shall be included on the Application for Permit to Drill (Form 9–331 C), provided these specifications are not on file with the USGS.

OCS Order No. 2, Subparagraph 5.1.1, BOP Equipment

The May 18, 1979, version of this subparagraph contained the following requirement in the first paragraph:

"The working pressure of any blowout preventer shall exceed the maximum-anticipated surface pressure to which it may be subjected, except that the working pressure of the annular preventer need not exceed 34,475 kPa (5,000 psi)."

The phrase "except that the working pressure of the annular preventer need not exceed 34,475 kPa (5,000 psi)" was deleted from the final version of the Order which was published on December 21, 1979. Several commenters objected to the deletion of this exception for the following reasons:

1. The deletion was made without a solicitation for comments.

2. A 10,000-psi, 13⅝–inch annular preventer costs $83,000, and larger six 10,000-psi working pressure annular preventers are not available.

3. "The operational need, use and justification for this equipment is very questionable."

The USGS's rationale for the deletion of this exception is as follows:

After the revised Orders was published on May 18, 1979, it was determined that annular BOP's with working pressures of 10,000 psi are available in sizes 13⅝ inch and smaller from several major BOP manufacturers. Since this equipment is available in certain sizes, its use should normally be required, and exceptions may be granted through the departure procedure. Exceptions to the requirement should only be made by Area and District Supervisors after an engineering assessment has been completed. The requirement as originally written would allow the use of a 5,000-psi annular preventer *regardless* of the anticipated surface pressures.

As previously stated in the discussion of the proposed revision of subparagraph 3.1, the following redundant sentence wil be deleted from the second paragraph of subparagraph 5.1.1, if the proposed revision of subparagraph 3.1 is adopted:

Information submitted with the Application for Permit to Drill shall include the anticipated surface pressure and the criteria used to determine the pressure.

OCS Order No. 2, Subparagraph 5.2, Subsea BOP Requirements, and Subparagraph 5.3, Surface BOP Requirements

In the May 18, 1979, version of Order No. 2, Note No. 5 of subparagraph 5.2, Subsea BOP Requirements, was stated as follows:

"—5. When a tapered drill string is in use, the BOP stack shall be equipped with pipe rams to fit both sizes of drill pipe."

In the December 21st version of the Order, the Note stated:

"—5. When a tapered drill string is in use, the BOP stack shall be equipped with two (2) sets of pipe rams for the larger size string and one (1) set for the smaller size string of drill pipe."

The same revision was incorporated into Note No. 2 of subparagraph 5.3, Surface BOP Requirements. Several commenters objected to these revisions for the following reasons:

1. The revision was incorporated without a solicitation for comments.

2. "To add one additional set of pipe rams and all appurtenances to a surface stack of 13⅝" or larger size will cost over $100,000. For a subsea stack, the changes are much more significant and the overall cost to add a third set of pipe rams would be over $250,000."

3. "Tapered drill strings have previously been successfully employed with one set of rams for each size of drill pipe. Therefore, this requirement is not necessary or reasonable."

The USGS's rationale for these revisions is as follows:

The intent of the requirement for two sets of pipe rams for use with a constant diameter drill string is to allow the option of using ram-to-ram stripping or ram-to-annular stripping to enter the hole under pressure. This procedure is a commonly accepted industry practice; therefore, the second set of pipe rams is considered a minimum requirement for a constant diameter drill string.

Regardless of the drilling string configuration, it is generally considered not to be a safe or acceptable practice to operate with only one set of rams for the major pipe string, because during a stripping operation, with only one set of pipe rams, the annular preventer would have to be relied on to accomplish the operation. Moreover, should the pack-off elements fail in the annular preventer, the stripping operation could not be accomplished without a set of backup pipe rams. When a tapered drill string is used, most of the pipe would consist of the larger diameter, and a blowout while making a trip would be far less likely to occur with the smaller size pipe within the stack. In the event that a kick should occur with the smaller size pipe within the stack, it would be necessary to use the annular preventers for the stripping operation; however, the use of the annular preventer could be limited to the number of smaller diameter joints to be stripped to place the larger diameter within the stack.

Pending the analysis of the comments received in response to this Notice and publication of the USGS's final decision on these requirements, the following interim requirements will apply to OCS Order No. 2, subparagraphs 5.1.1, 5.2, and 5.3:

All OCS Areas

1. When the anticipated surface pressure exceeds 5,000 psi, the use of 5,000-psi working pressure annular BOP's may be approved by the Area Oil and Gas Supervisor on a case-by-case basis.

2. When a tapered drill string is in use, the BOP stack shall be equipped with one (1) set of pipe rams to fit each size of drill pipe. The requirement for a backup set of rams for the large size pipe may be waived by the Area Oil and Gas Supervisor on a case-by-case basis.

OCS Order No. 2, Subparagraph 5.7.2, Pressure Testing Surface BOP Systems, and Subparagraph 5.7.3, Pressure Testing of Subsea Systems

One commenter objected to the requirement to test the blind shear rams in subsea BOP stacks at least once each week as required by the Orders for the Pacific, Gulf of Alaska, and Atlantic Areas. It was suggested that the requirement should be the same as the requirement for the Gulf of Mexico Area, which requires the blind rams and blind shear rams to be pressure tested prior to drilling out after each casing string has been set.

The USGS has reviewed the drilling rates for the other OCS Areas and has determined the drilling rate for the Pacific Area is approximately the same as for the Gulf of Mexico Area. Furthermore, intermediate casing strings are usually set in the Pacific Area; therefore, the time lapse between drilling out after setting casing strings would be approximately 1 or 2 weeks. Since this time lapse would allow sufficient frequency of testing, the USGS proposes to revise the requirements for the Pacific Area to be the same as the requirements for the Gulf of Mexico Area. Since this revision pertains to the frequency of testing, it was recognized that it would be editorially simpler and clearer to revise subparagraph 5.7.1, BOP Testing Frequency. Therefore, we propose to revise subparagraphs 5.7.1, 5.7.2, and 5.7.3 for the Pacific and Gulf of Mexico Areas as set forth below. This revision is not proposed for the Gulf of Alaska, Atlantic, or Arctic Areas because of insufficient history of drilling rates. For these frontier areas, the blind and blind shear rams are required to be tested once each week.

Proposed Revision of OCS Order No. 2, Subparagraph 5.7.1, BOP Testing Frequency, Subparagraph 5.7.2, Pressure Testing Surface BOP Systems, and Subparagraph 5.7.3, Pressure Testing of Subsea BOP Systems

Subparagraph 5.7.1, BOP Testing Frequency Pacific and Gulf of Mexico Area

The following sentence is proposed to be added as a last sentence of subparagraph 5.7.1c:

The weekly test is not required for blind and blind shear rams. These rams need only be tested prior to drilling out after each casing string has been set.

Subparagraph 5.7.2, Pressure Testing Surface BOP Systems Gulf of Mexico Area Only

Delete the last two sentences of subparagraph 5.7.2. These sentences are redundant if the revision of subparagraph 5.7.1 is adopted.

Subparagraph 5.7.3, Pressure Testing of Subsea BOP Systems Gulf of Mexico Area Only

Delete the last sentence of subparagraph 5.7.3. This sentence is redundant if the revision of subparagraph 5.7.1 is adopted.

OCS Order No. 2, Subparagraph 5.7.4, Actuation of Surface BOP Systems, and Subparagraph 5.7.5, Actuation of Subsea BOP Systems

Several commenters objected to the daily and every other day requirement for the actuation of surface and subsea BOP pipe rams. It was contended that the actuation of small rams opposite large pipe in a tapered string "* * * is not a prudent practice." It was suggested that the actuation of small rams should be required for each trip rather than an arbitrary time."

The USGS does not propose to revise these requirements because the prescribed actuation frequency is considered the minimum requirement. Furthermore, complete closure of the rams is not required. Indication of partial rams movement by observation of hydraulic actuation pressure gauges and flow indicators is satisfactory. In the case of some surface BOP stacks, partial physical movement of the rams can be visually observed. In the event there are no reliable means of verifying pipe ram movement, the requirements to actuate the smaller rams on a tapered string can be reduced, by an approved departure request, to actuation of the small rams when the small pipe is within the stack during a trip.

OCS Order No. 2, Subparagraph 5.8, Inspection and Maintenance (BOP Systems)

It was contended that the requirement for BOP systems to be inspected and maintained in accordance with the manufacturers' recommended procedures "* * * gives the manufacturer the authority to establish rules of application rather than offer operational guidelines."

The USGS received similar comments on this requirement as written in the proposed National OCS Orders and the May 18th version of the final Orders for all Areas. As stated in previous responses to these comments, "We know of no better source than the manufacturers' manuals concerning parts, lubrication, and operational procedures on blowout preventers." "It is in the manufacturers' interest to insure the reliability of their equipment. Therefore, maintenance procedures are designed to provide the maximum reliable service life." There is no industry consensus standard which satisfactorily addresses the maintenance of BOP systems. The American Petroleum Institute (API) standard "API Recommended Practices for the Blowout Prevention Systems," API RP 53, contains a single sentence in section 7.A.12b which recommends using closing pressures recommended by the manufacturer. This standard contains no information on the maintenance of subsea installations. In the absence of satisfactory industry consensus standards, we believe the manufacturers' manuals contain the best source of information for the maintenance of blowout-preventer stacks; therefore, we do not propose to revise this requirement at this time.

* *Anticipated surface pressure is defined as the surface well pressure which may be exerted upon a casing string and its related wellhead equipment. In the calculation of anticipated surface pressure, the lessee shall take into account the drilling, completion, and producing conditions. He shall consider mud densities to be used below various casing strings, fracture gradients of the exposed formations, casing setting depths, total well depth, formation fluid type, and other pertinent conditions. Considerations for calculating anticipated surface pressure may vary for each segment of the well. The lessee shall include as a part of the statement of anticipated surface pressure a statement containing the calculations used to determine this pressure.*

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OCS Order No. 2, Subparagraph 5.9, Blowout-Preventer Drills

One commenter objected to the requirement that a BOP drill may be required by a USGS designated representative at any time during the drilling operation. It was contended that a USGS representative might require a BOP drill under well conditions where such a test would not be advisable.

The subparagraph states, "A BOP drill may be required by a USGS designated representative at any time during the drilling operation, *after notifying the lessee's senior representative* present." We believe that the phrase "after notifying the lessee's senior representative present" provides a safeguard against a request for a drill at an ill-advised time because the lessee's senior representative would advise the USGS representative of any hazardous well conditions which would prohibit the test. We believe the USGS representative should have the prerogative of requesting an unscheduled BOP drill in order to retain the element of surprise as a test of the state of readiness of the drilling crew and equipment.

OCS Order No. 2, Subparagraph 6.1, Mud Control

It was contended that the requirement for circulating bottoms up prior to starting out of the hole "* * * should be tempered to fit well conditions." The commenter also stated "The requirement that the weight of returning mud must not be less than the weight of mud entering the hole may be impracticable and impossible to meet."

In our opinion, the subparagraph is "* * * tempered to fit well conditions" in that the subparagraph requires "* * * either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, *or proper documentation in the driller's report prior to pulling the pipe as follows:*" Items a, b, and c then list conditions which are required to be documented in the driller's log in lieu of circulating bottoms up.

We do not agree with the commenter's second contention "that the weight of the returning mud must not be less than the weight of the mud entering the hole may be impracticable or impossible to meet." The comparison of the weight of the mud returning to the weight of the mud entering the hole is one of the primary means of detecting fluid influx. If the returning mud weight is lighter than the entering mud weight, there is an indication of influx of well fluids, and the mud should be conditioned until such influx has been terminated.

OCS Order No. 5, Subparagraph 3.2, Specification for Subsurface-Safety Valves

It was suggested that this paragraph be revised to allow the use of valves that had been qualified by performance test to a previous edition of "API Specification for Subsurface Safety Valves," API Spec 14A, during the performance test effectivity.

The USGS proposes to revise subparagraph 3.2 as set forth below to allow the use of previously qualified valves for the duration of the 3-year qualification period. These valves must then be requalified to the Fourth Edition of API Spec 14A as required by section 4.2 of API Spec 14A if manufacturing is to be continued.

Proposed Revision of OCS Order No. 5, Subparagraph 3.2, Specification for Subsurface-Safety Valves

It is proposed to add the following as the last sentence of subparagraph 3.2 of OCS Order No. 5 for all Areas:

All OCS Areas

A valve qualified to a previous edition of API Spec 14A is acceptable provided that the valve enters inventory within 3 years of its qualifying performance test date.

OCS Order No. 7, Subparagraph 1.1.3b, Curbs, Gutters, and Drains for Mobile Drilling Units

It was contended that the subparagraph does not provide time for lessees to come into compliance.

In the discussion of comments for the final version of the Orders which was published in the **Federal Register** on May 18, 1979, it was recognized that the Curbs, Gutters, and Drains requirement should be rewritten to state the U.S. Coast Guard's authority to prescribe requirements for deck drainage systems on mobile drilling units for drainage not associated with the drilling operations. The stated requirement for drainage systems associated with drilling units was originally to be effective July 1, 1979. This effective date was subsequently extended to October 1, 1979, by a **Federal Register** Notice in Vol. 44, No. 127, June 29, 1979. This Notice also stated that the requirement for closed sumps would be modified and "* * * that a properly designed, operated, and maintained sump system that does not permit the discharge of free oil into the OCS waters may be installed. Existing inadequately designed, operated, and maintained sumps which permit the discharge of free oil into OCS waters will have to be replaced."

The October 1, 1979, effective date was subsequently extended to December 1, 1979, by a **Federal Register** Notice in Vol. 44, No. 189, September 27, 1979, and extended again to January 1, 1980, by a **Federal Register** Notice in Vol. 44, No. 232, November 30, 1979. The final requirements were published in the **Federal Register**, Vol. 44, No. 247, on December 21, 1979, with an effective date of January 1, 1980.

We believe the lessees have had sufficient notification of the basic requirements for drainage systems. Since the final requirements were not published until December 21, 1979, the USGS intends to grant departures extending the time for compliance with this requirement on a case-by-case basis.

OCS Order No. 7, Subparagraph 1.2.3, Equipment (Disposal)

One commenter stated "The requirement to report 'The location and description of *any* equipment disposed of * * *' is extremely burdensome both for the lessee and the agencies." The commenter appealed this requirement "* * * as unnecessary and unreasonable in the light of paragraph 4 of OCS Order No. 1."

As previously stated, the requirements of paragraph 4 of OCS Order No. 1 are being revised to improve limitations on the reporting of intentional and accidentally submerged objects. Consistent with this revision, the word "any" and the phrase "to the District Supervisor" have been deleted from the second sentence of the subparagraph. It is proposed to revise the second sentence as follows:

All OCS Areas

The location and description of any equipment disposed of into the ocean shall be reported to the U.S. Coast Guard in accordance with paragraph 4 of OCS Order No. 1.

OCS Order No. 7, Subparagraph 2.2.2, Unattended Facilities (Inspection)

One commenter objected to the daily inspection requirement for unattended platforms.

The subparagraph also provides "or at intervals prescribed by the District Supervisor." The District Supervisor therefore has latitude to reduce this requirement for those unmanned facilities which have a consistent record of pollution-free operation.

OCS Order No. 7, Subparagraph 3.2c, Oil Spill Contingency Plan

One commenter objected to the requirement that the oil spill contingency plan shall contain provisions for identifying and protecting areas of special biological sensitivity. It was contended that the requirement is unclear and does not provide a time for existing plans to be brought into compliance. The intent of this requirement if for the operator to state in his plan the procedures he would use in the event of an oil spill to protect areas of special biological sensitivity such as water fowl, fish, oyster beds, and other aquatic life.

In order to provide a time for existing plans to be brought into compliance, it is proposed to add the following sentence after the first sentence of the subparagraph:

All OCS Areas

Existing oil spill contingency plans which do not conform to the requirements of this subparagraph shall be modified and submitted to the Supervisor for approval 90 days after the effective date of this revision.

Specific comments are solicited on the content of the revisions and the rationales for accepting or rejecting the suggestions of the commenters.

Interested parties are also requested to respond to the following questions:

1. Are the changes necessary?
2. If a 10,000-psi annular BOP was installed, would an operator use the annular preventer at pressures greater than 5,000 psi rather than relying on a ram type? If not, what would be the limiting factors?
3. Would the requirement to use a 10,000-psi annular BOP provide an additional safety factor to prevent a high-pressure gas blowout?
4. What is the availability of high-pressure annular BOP's in various sizes?
5. Is the third ram necessary when a tapered drill string is used?
6. What is the current industry practice pertaining to annular BOP pressure rating requirements and ram requirements for tapered drill strings?

Comments will be accepted until May 24, 1980. Comments should be submitted to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

In order to provide an opportunity for interested parties to participate in discussions of the technical content of this Notice, a public meeting will be held at the National Center Auditorium, 12201 Sunrise Valley Drive, Reston, Virginia, on May 20, 1980, beginning at 9 a.m. All written comments received by May 10, 1980, will be tabulated, and an analysis will be presented by the USGS as a basis for discussion at the meeting. In order to simplify planning for the total number of participants, prospective attendees are requested to notify Mr. Lloyd M. Tracey at the address listed below, prior to May 10, 1980, of their intention to attend.

For further information, contact Mr. Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, telephone: (703) 860–7531. The primary author of this document is Mr. Lloyd M. Tracey, OCS Orders and Standards Section, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092 (703–860–7835).

Dated: April 8, 1980.

Don. E. Kash,

Chief, Conservation Division.

[FR Doc. 80-10931 Filed 4-9-80; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before April 30, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices on or before May 12, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergenovich,

Secretary.

MC–FC–78495. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to HAWAII INTERNATIONAL MOVERS, INC. of Ewa Beach, HI, of Certificate MC 123541 issued April 13, 1970, to TRANSCO HAWAII, INC., of Hiolo, HI, authorizing the transportation over irregular routes, in interstate or foreign commerce, of household goods, as defined by the Commission, between points in the State of Hawaii. Applicant's representative is: Ronald K. Kilmura, 91–120 Hanua Street, Ewa Beach, Hawaii 96706.

MC–FC–78494. By decision of March 3, 1980 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to SHORE CRANE RENTAL SERVICE, INC., of Salisbury, MD of Certificate MC 138395 (Sub-10) issued November 6, 1978 to DOUGLAS H. WEST, of Salisbury, MD, authorizing the transportation of precast concrete products, and materials and supplies used in the installment thereof; from the facilities of Modocrete Corp., at or near Delmar, DE, to points in Kent, Queen Anne's, Talbot, Caroline, Dorechester, Wicomico, Somerset, and Worchester Counties, MD, and Accomack and Northampton Counties, VA. Applicant's representative is: Charles E. Greager and Dixie C. Newhouse, P.O. Box 1417, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, MD 21740.

MC–FC–78474. By decision of February 15, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approve the transfer to HARRY J. BENNIER, JR., doing business as SERVICE TRANSPORT, Taunton, MA, the certificate of registration MC 99387 (Sub-1) issued December 20, 1963, to MOHAWK-MULCAHY EXPRESS, INC., Fitchburg, MA evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate 1439 dated March 7, 1955 issued by The Massachusetts Department of Public Utilities, authorizing the Transportation of property in containers and bundles, manufactured and agricultural products and lumber any where within The

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Commonwealth of Massachusetts, over irregular routes subject to the following conditions: *Prior to or concurrently with consummation,* transferee shall submit a certified copy of the order of the State commission approving the transfer to it of the underlying intrastate certificate(s). Applicant's representative is: John F. O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187.

MC–FC–78488. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to GARY STUFFO d.b.a. JERSEY CITY TRANSFER of Mount Laurel, NJ, Certificate MC 112838 issued December 13, 1973 to STELLMONT EXPRESS, INC. of Camden NJ, authorizing the transportation of general commodities, over irregular routes, between points in the Philadelphia, PA Commercial Zone, as defined of the Commission, on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at Trenton and extending in an easterly direction to Red Bank, and north of U.S. Hwy 30, not including points on said highing, and including points within 10 miles of Atlantic City. Notice of a gateway elimination proceeding directly related to this transfer, Docket No. MC–26644 (Sub-2F), is published in this same **Federal Register** issue. Applicants' representative: Robert B. Pepper, 168 Woodbridges Avenue, Highland Park, NJ 08904.

MC 26644 (Sub-2F), filed January 25, 1980. Applicant: GARY STUFFO, d.b.a. JERSEY CITY TRANSFER, 3 Lancelot Lane, Mount Laurel, NJ 08054. Representative: Robert B. Pepper, 168 Woodbridge Aveune, Highland Park, NJ 08904. To operate as a *common carrier,* by motor carrier, over irregular routes, transporting *general commodities,* except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (1) between New York, NY and Jersey City, NJ, on the one hand, and, on the other, Philadelphia, PA, and (2) between points in Hudson, Essex, Bergen, Passaic, Union, Middlesex, Somerset, and Morris Counties, NJ, on the one hand, and, on the other, Philadelphia, PA.

Notes.—(1) The purpose of this application is to eliminate the gateways of Monroe, NJ and New York, NY. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 10926 in MC–FC–78488, published in this same **Federal Register** issue.

MC–FC–78489. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to DAVE NOAKE, INC., of Springfield, VT, of Permit MC 124545 issued November 17, 1978, to ROBERT CROUCH, d.b.a. R. E. CROUCH TRUCKING, INC., of Chester, VT, authorizing the transportation of *mined and ground talc,* in bags in shipper-owned trailers, from Chester, VT, to points in ME, NH, MA, RI, CT, NY, and NJ; *mined and ground talc,* from Chester VT, to points in DE, MD, OH, PA, ME, NH, MA, RI, CT, NY and NJ, restricted to a transportation service to be performed under a continuing contract or contracts with Vermont Talc, Inc., of Chester, VT. Applicant's representative is: David A. Noake, President, RFD 2 Box 337, Springfield, VT 05156. TA application has been filed. Transferee presently holds no authority.

MC–FC–78480. By decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to WORTHEN VAN SERVICE, INC., of Gillette, WY, of Permit MC 142573 (Sub-1) issued July 24, 1978 to CRAIG JONES, d.b.a. GILLETTE CREW TRANSPORTER, Of Gillette, NY, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, Between Gillette, WY, and points in Albany, Big Horn, Carbon, Campbell, Crook, Converse, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sweetwater, Sublette, Teton and Weston Counties and Yellowstone National Park, WY; Bennett, Butte, Corson, Custer, Dewey, Fall River, Haakon, Hughes, Harding, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Perkins, Pennington, Shannon, Washabaugh, Stanley, Ziebach, Sully and Todd Counties, S.D.; Carter, Blaine, Daniels, Fallon, Fergus, Gallatin, Golden Valley, Garfield, Big Horn, Meagher, Madison, Musselshell, McCone, Park, Petroleum, Phillips, Prairie, Powder River, Richland, Roosevelt, Rosebud, Stillwater and Valley Counties, MT; Bowman, Adams, Billings, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Morton, Sioux, Slope, and Stark Counties, ND; Banner, Cherry, Cheyenne, Dawes, Grant, Garden, Morrill, Kimball, Sheridan, Sioux and Scotts Bluff Counties, NB; Larimer, Routt and Weld Counties, CO. Restriction: The authority granted is under a continuing contract(s) with Burlington Northern, Inc., of St. Paul, MN. Transferee holds no authority from the Commission. An application seeking TA Lease has been filed. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203.

MC–FC–78486. By decision of February 26, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1133 The Motor Carrier Board approved the transfer to PLEASURE TOURS, INC. of Dallas, NC of License MC 12823 issued September 16, 1963 to JOHN WILLIAM WEAVER, d.b.a. PLEASURE TOURS of Shelby, NC authorizing operations as a broker of passengers and their baggage in the same vehicle, in special or charter operations, in round-trip tours, Beginning and ending at points in Cherokee, Clay, Graham, Swain, Macon, Jackson, Haywood, Transylvania, Polk, Rutherford, McDowell, Yancey, Mitchell, Avery, Caldwell, Alexander, Burke, Catawba, Lincoln, and Cleveland Counties, NC, and Hickory Grove, SC, and extending to points in the United States including Alaska and Hawaii. Applicant is authorized to engage in the above-specified operations as a broker at Shelby, NC. Applicant's representative is: A. Grayson Kellar, P.O. Box 535, Dallas, NC 28034. TA application has not been filed. Transferee hold no authority.

MC–FC–78357. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the Transfer Rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to DAVID SELLICK d.b.a. LOST TRAIL STAGES of Certificate MC 113730 (Sub-1) issued February 5, 1978 to EDWARD J. OSTERMAN d.b.a. LOST TRAIL STAGES authorizing transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Salmon, ID and Darby, MT, serving all intermediate points: from Salmon over U.S. Highway 93, to Darby, and return over the same route. Applicant's representative is: David Sellick, Route No. 1, Box 189, Salmon, ID 83467.

MC–FC–78513. By decision of March 17, 1980 issued under 49 U.S.C. 10926 and the Transfer Rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to E. W. GRENON AND SON, INC. of Stoughton, MA, of a portion of Certificates MC 65748 (Sub-5G), issued to PLYMOUTH CAN LINES, INC., of Pittsburgh, PA, authorizing the transportation of household goods, between points in MA, on the one hand, and, on the other, AL, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NV, OH, TN, UT, and WI. Applicant's representative is: Robert J. Gallegher, Suite 1200, 1000 Conn. Ave., N.W., Washington, D.C. 20036.

MC–FC–78173 (republication), filed May 28, 1979, published in the **Federal Register** issue of June 22, 1979, and republished this issue. By decision of July 26, 1979, the Motor Carrier Board approved the transfer of operating rights in Certificate MC 69364, issued June 3, 1942, from ENTERPRISE TRANSFER CO., 740 Ashland, River Forest, IL 60305 (transferor) to R–A INDUSTRIES, INC., 1092 N. North Branch St., Chicago, IL 60622 (transferee). The operating rights in MC 69364 authorize the transportation of general commodities, with exceptions, between points in Lake County, IN, and those in Illinois within the Chicago, IL Commerical Zone as defined by the Commission in 1 M.C.C. 673. The purpose of this republication is to indicate that rights in Certificate MC 69364 are sought to be transferred, not those in Certificate MC 69364 (Sub-1) as inadvertently published in the **Federal Register** issue of June 22, 2979. Respresentative: Phillip A. Lee, 120 W. Madison, Chicago, IL 60602.

MC–FC–78479. By decision of February 14, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to VENTI'S INCORPORATED, d.b.a. VENTI'S EXPRESS, of Weymouth, MA, of Certificate of Registration MC 49088 (Sub-1) issued November 17, 1965, to VENTI'S BOSTON AND QUINCY EXPRESS CO., INC., of Hingham, MA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Massachusetts Certificate 3303, dated March 4, 1965, issued by the Massachusetts Department of Public Utilities, authorizing the transportation of general commodities, between points in MA. Transferee holds no authority from the Commission. An application seeking TA Lease has not been filed. Applicant's representative is: Stanley N. Wallerstein, 45 School St., Boston, MA 02100.

MC–FC–78478. By decision of February 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 approved the transfer to DELL TRANSPORT LTD., of Nelson, British Columbia, Canada, of Certificate MC 109548 issued September 28, 1965 to KAKANEE TRANSPORT LTD., of Nelson, British Columbia, Canada (Stewart W. Enderton, Receiver), authorizing the transportation of fresh fruits and vegetables and mining machinery, equipment and supplies, between the United States, Canada Boundary line at or near Nelway, B.C., Canada, and Spokane, Wa, serving no intermediate points, over a described regular route. Applicant's representative is: Larry Soukoroff, 174 Trenor St., Nelson, British Columbia, Canada ViL 2W1.

MC–FC–78477. By decision of February 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to JIM EDDLEMAN, d.b.a. J&J CATTLE COMPANY, of Wheat Ridge, Co., of Certificate MC 118060 issued (date) July 11, 1960, to CAPITOL PACKING CO., of Denver, CO, authorizing the transportation of frozen fruits, frozen berries and frozen vegetables, from points in CA and WA to Denver and Pueblo, CO, and from points in OR to Denver, CO, and frozen fish and frozen shell fish when moving in the same vehicle, at the same time, with frozen fruits, frozen berries and frozen vegetables, from points in WA to Pueblo, CO. Application has not been filed for temporary authority under 49 U.S.C. 11349. Applicant's representative is: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203.

MC–FC–78475. By decision of February 26, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to WILSON'S TRUCK PAINTING, INC., Conley, GA of Certificate MC 142832 (Sub-1) issued May 23, 1978 to SPIDER WRECKER SERVICE, INC., of Conley, GA authorizing the transportation described below: Irregular routes: *Disabled trucks, tractors, and trailers, and replacements therefor,* Between points in Georgia, on the one hand, and, on the other points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Restriction: The operations authorized above are restricted to the use of wrecker equipment. This certificate may not be joined or tacked with the carrier's other irregular-route authority. Applicant's representative is: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349.

MC–FC–78406. By decision of March 20, 1980 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board authorized WATERSEDGE, INC., East Lansing, MI, to acquire control of FORLOW TRAVEL BUREAU, INC., South Bend, IN., by purchase of capital stock. Forlow Travel holds a broker's license in MC 12483 authorizing it to engage in operations as a broker at Frankfort and South Bend, IN and Oakbrook Terrace, IL, in connection with transportation by motor vehicle, in interstate or foreign commerce of Passengers and their baggage, in special or charter operations, between points in the United States (including AK and HI). Applicants' representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, DC 20005.

[FR Doc. 80–10808 Filed 4–9–80; 8:45 am]

BILLING CODE 7035–01–M

Exemption Under Provision of Mandatory Car Service Rules

[Rule 19, Ex Parte No. 241; 41st Rev. Exemption No. 241]

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a) and 2(b).

Atlantic Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Company
Reporting Marks: CIM
*Consolidated Rail Corporation
Reporting Marks: BCK–CNJ–CR–DLW–EL–ERIE–LV–NH–NYC–P&E–PAE–PC–PCA–PRR–RDG–TOC
Fonda, Johnstown and Gloversville Railroad Company
Reporting Marks: FJG
Hartford and Slocum Railroad Company
Reporting Marks: HS
Hillsdale County Railway Company Inc.
Reporting Marks: HCRC
Lackawaxen and Stourbridge Railroad Corporation
Reporting Marks: LASB
Maryland and Pennsylvania Railroad Company
Reporting Marks: MPA
Pickens Railroad Company
Reporting Marks: PICK

*Addition.

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Effective April 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 80-10802 Filed 4-9-80; 8:45 am]
BILLING CODE 7035-01-M

[Rule 19; Ex. Parte No. 241, 82nd Rev. Exemption No. 90]

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
The Ahnapee & Western Railway Company
Reporting Marks: ANW
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
The Arcata and Mad River Railroad Company
Reporting Marks: AMR
The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Berlin Mills Railway, Inc.
Reporting Marks: BWS
* * *
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
Central Vermont Railway, Inc.
Reporting Marks: CV
Chesapeake Western Railway
Reporting Marks: CHW
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delaware and Hudson Railway Company
Reporting Marks: DH
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Detroit and Mackinac Railway Company
Reporting Marks: D&M–DM
Detroit, Toledo and Ironton Railroad Company
Reporting Marks: DT&I–DTI
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Green Bay and Western Railway Company
Reporting Marks: CBW
Green Mountain Railroad Corporation
Reporting Marks: GMRC
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchison and Northern Railway Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc. D/B/A The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lamoille Valley Railroad Company
Reporting Marks: LVRC
Lancaster and Chester Railway Company
Reporting Marks: LC
Lenawee County Railroad Company, Inc
Reporting Marks: LCRC
Longview, Portland & Northern Railway Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
McCloud River Railroad Company
Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Mississippian Railway
Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT–BKTY
*Moscow, Camden & San Augustine Railroad
Reporting Marks: MCSA
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Jersey, Indiana & Illinois Railroad Company
Reporting Marks: NJII
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
Norfolk and Western Railway Company
Reporting Marks: ACY–N&W–NKP–WAB
Norfolk, Franklin and Danville Railway Company
Reporting Marks: NFD
North Louisiana & Gulf Railroad Company
Reporting Marks: NL&G
Octararo Railway, Inc.
Reporting Marks: OCTR
*Ontario Midland Railroad Corp.
Reporting Marks: OMID
*Oregon, California & Eastern Railway Company
Reporting Marks: OCE
*Oregon, Pacific and Eastern Railway Company
Reporting Marks: OPE
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company
Reporting Marks: PA&M
*The Pittsburgh and Lake Erie Railroad Company
Reporting Marks: P&LE
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Prairie Trunk Railway
Reporting Marks: PARY
Raritan River Rail Road Company
Reporting Marks: RR
St. Lawrence Railroad
Reporting Marks: NSL
St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Sandersville Railroad Company
Reporting Marks: SAN
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
Southern Railway Company
Reporting Marks: CG–NS–SA–SOU
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
*Transkentucky Transportation Railroad, Inc.
Reporting Marks: TTIS
Union Railroad of Oregon
Reporting Marks: UO
Upper Nerion and Plymouth Railroad Company
Reporting Marks: UMP
Vermont Railway, Inc.
Reporting Marks: VTR
The Virginia and Maryland Railroad Company
Reporting Marks: VAMD
Virginia Central Railway
Reporting Marks: VC
Warwick Railway Company
Reporting Marks: WRWK
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective April 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1980.

*Additions.
* * * Delete: Burlington Northern Inc.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 80-10804 Filed 4-9-80; 8:45 am]
BILLING CODE 7035-01-M

[Rule 19, Ex Parte No. 241, Exemption No. 172]

Meridian & Bigbee Railroad Co.; Exemption Under Mandatory Car Service Rules

Because of flooding conditions, Meridian & Bigbee Railroad Company, is unable to relocate empty cars to the industries for loading in accordance with Car Service Rules 1 and 2. Consequently, Meridian & Bigbee Railroad Company is unable to furnish cars of suitable ownership to shippers in order that the cars can be loaded in accordance with Car Service Rules 1 and 2.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

Meridian & Bigbee Railroad Company, is authorized to accept from shippers general service plain boxcars bearing mechanical designation "XM" as listed in the Official Railway Equipment Register, ICC–RER 6410–D, issued by W. J. Trezise, or successive issues thereof, regardless of the provisions of Car Service Rules 1 and 2.

It is further ordered that, This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective 10:00 a.m., March 28, 1980. Expires 11:59 p.m., April 11, 1980.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 80-10799 Filed 4-9-80; 8:45 am]
BILLING CODE 7035-01-M

[Amdt. No. 1 to I.C.C. Order No. 58 Under S.O. No. 1344]

Louisiana Midland Railway Co.; Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 58, and good cause appearing therefor:

It is ordered that I.C.C. Order No. 58 is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 31, 1980.

Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 80-10801 Filed 4-9-80; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. 64 Under Service Order No. 1344]

Meridian & Bigbee Railroad Co.; Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Meridian & Bigbee Railroad Company is unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, because of flooding.

It is ordered (a) *Rerouting traffic.* The Meridian & Bigbee Railroad Company being unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, because of flooding, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Acceptance of traffic in interchange.* In the event the Meridian & Bigbee Railroad Company cannot accept traffic in interchange from a connecting carrier, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* The railroad rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist betweem them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Effective date.* This order shall become effective at 10:00 a.m., March 28, 1980.

(h) *Expiration date.* This order shall expire at 11:59 p.m., April 11, 1980, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall

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be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-10800 Filed 4-9-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 103]

Permanent Authority Decisions; Decision-Notice

Decided: March 11, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limted to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the tranportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act.)

In the absence of legally sufficient petitions for intervention, filed on or before May 12, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before May 12, 1980, or the application shall stand denied.

By the Commission, Review Board Number 1 Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 2202 (Sub-619F), filed February 13, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC. *Transporting: General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* (1) Between Memphis, TN and Athens, AL, over U.S. Hwy 72. (2) Between Huntsville, AL and Chattanooga, TN, over U.S. Hwy 72. (3) Between Memphis, TN and Tupelo, MS, over U.S. Hwy 78. (4) Between Fultin, MS and Cullman, AL over U.S. Hwy 78 and U.S. Hwy 278. (5) Between Jct. MS Hwy 4 and U.S. Hwy 61 over Jct. MS Hwy 4, U.S. Hwy 61, MS Hwy 4, and Jct MS Hwy 30. (6) Between Sherard, MS and Tupelo, MS over MS Hwy 322 and Jct. MS Hwy 6. (7) Between Perthshire, MS and Old Houlka, MS, over MS Hwy 32. (8) Between Rosedale, MS and Houston, MS, over MS Hwy 8. (9) Between Greenwood, MS and Reform, AL, over U.S. Hwy 82. (10) Between Carthage, MS and Scooba, MS, over MS Hwy 16. (11) Between Monroe, LA and Selma, AL, over U.S. Hwy 80. (12) Between Como, MS and Marks, MS, over MS Hwy 310 and MS Hwy 3. (13) Between Sherard, MS and Greenville, MS, over MS Hwy 1. (14) Between Jct U.S. Hwys 61 and 82, at Leland, MS and Natchez, MS over U.S. Hwy 61. (15) Between Indianola, MS and Yazoo City, MS over U.S. Hwy 49W. (16) Between Greenwood, MS and Jackson, MS, over U.S. Hwy 49E and U.S. Hwy 49. (17) Between Jackson, MS and Utica, MS over MS Hwy 18. (18) Between Memphis, TN and Jackson, MS over U.S. Hwy 51. (19) Between Vaiden, MS and Mt. Olive, MS over MS Hwy 35. (20) Between MS/TN State Line and Hardy, MS over MS Hwy 7. (21) Between Pontotoc, MS and Ackerman, MS over MS Hwy 9. (22) Between Pontotoc, MS and New Augusta, MS over MS Hwy 15. (23) Between Columbus, MS and Meridian, MS, over U.S. Hwy 45. (24) Between Waynesboro, MS and the MS/AL State Line over U.S. Hwy 45. (25) Between Meridian, MS and Butler, AL over MS Hwy 19 and AL Hwy 10. (26) Between Jct. MS Hwys 4 and 5 and Hickory Flat, MS over MS Hwy 5. (27) Between Jackson, TN and Booneville, MS over U.S. Hwy 45. (28) Between Iuka, MS and Tremont, MS over MS Hwy 25 and MS Hwy 23. (29) Between Jct. U.S. Hwys 43 and Alt 72 and Decatur, AL over U.S. Hwy 72. (30) Between Red Bay, AL and Russellville, AL over AL Hwy 24. (31) Between Hamilton, AL and Vernon, AL over AL Hwy 17. (32) Between Sulligent, AL and Guin, AL over U.S. Hwy 278. (33) Between Haleyville, AL and Jct U.S. Hwys 78 and 43, over AL Hwy 129, and U.S. Hwy 78. (34) Between Decatur, AL and Wren, AL over AL Hwy 24 and AL Hwy 33. (35) Between Florence, AL and Tuscaloosa, AL over U.S. Hwy 43. (36) Between Lexington, AL and Town Creek, AL, over AL Hwy 101. (37) Between Lexington, AL and U.S. Hwys 43 and 72, over AL Hwy 64, and U.S. Hwy 43. (38) Between AL/TN State Line and Jct AL Hwy 207 and U.S. Hwy 72 over AL Hwy 207. (39) Between AL/TN State Line and Jct AL Hwy 127 and U.S. Hwy 72 over AL Hwy 127. (40) Between Shelbyville, TN and Whitney, AL, over U.S. Hwy 231. (41) Between Gadsden, AL and Dothan, AL, over U.S. Hwy 431. (42) Between Scottsboro, AL and Gadsden, AL, over AL Hwy 35 and AL Hwy 9. (43) Betweem Henamar, AL and Jct AL Hwys 40 and 35 over AL Hwy 40. (44) Between Jct AL Hwy 77 and U.S. Hwy 72 and Jct AL Hwy 63 and U.S. Hwy 431 over AL Hwy 77, and AL Hwy 63. (45) Between Gadsden, AL and Chattanooga, TN over U.S. Hwy 11. (46) Between Albertsville, AL and Ider, AL, over AL Hwy 75. (47) Between Collinsville, AL and Jct AL Hwys 68 and 75 over AL Hwy 68. (48) Between Arab, AL and Guntersville, AL, over AL Hwy 69. (49) Between Sylacauga, AL and Opelika, AL over U.S. Hwy 280. (50) Between Jct AL Hwy 22 and U.S. Hwy 280 and Wadley, AL over AL Hwy 22. (51) Between LaGrange, GA and Jct AL Hwy 86 and U.S. Hwy 431 over GA Hwy 109, AL Hwy 86. (52) Between LaGrange, GA and Andalusia, AL, over U.S. Hwy 29. (53) Between Brantley, AL and AL/FL State Line, over U.S. Hwy 331. (54) Between Troy, AL and AL/FL State Line over U.S. Hwy 231. (55) Between Union Springs, AL and Jct U.S. Hwys 82 and 431 over U.S. Hwy 82. (56) Between Midway, AL and Jct AL Hwy 51 and U.S. Hwy 231 over AL Hwy 51. (57) Between Clayton, AL and Jct AL Hwy 30 and U.S. Hwy 431 over AL Hwy 30. (58) Between Brundidge, AL and Clio, AL, over AL Hwy 10. (59) Between Ariton, AL and Ozark, AL over AL Hwy 123. (60) Between Andalusia, AL and AL/GA State Line over U.S. Hwy 84. (61) Between Andalusia, AL and Danley, AL over AL Hwy 70 (62) Between Andalusia, AL and McKenzie, AL over AL Hwy 55. (63) Between Opp, AL and AL/GA State Line, over AL Hwy 52. (64) Between Samson, AL and Jct AL Hwy 54 and U.S. Hwy 331 over AL Hwy 54. (65) Between Enterprize, AL and Geneva, AL over AL Hwy 27. (66) Between Hartford, AL and AL/FL State Line, over AL Hwy 167. (67) Between Jct AL Hwy 109 and U.S. Hwy 231 and AL/FL State Line over AL Hwy 109 (68) Between Evergreen, AL and Jct U.S. Hwy 84 and AL Hwy 21 over U.S. Hwy 84. (69) Between Monroeville, AL and Frisco City, AL over AL Hwy 21. (70) Between Brewton, AL and Jct AL Hwy 41 and U.S. Hwy 84 over AL Hwy 41 and U.S. Hwy 84. (71) Between Pascagoula, MS and Pensacola, FL over U.S. Hwy 90. (72) Between Grand Bay, AL and Bayou La Batre, AL, over AL Hwy 188 and AL Hwy 16. (73) Between Pensacola, FL and Jct. U.S. Hwys 98 and 90 over U.S. Hwy 98. (74) Between Mobile, AL and Bucks, AL over U.S. Hwy 43. Serving all intermediate points and specified off-route points and serving all points in AL within 65 miles of Birmingham, AL as off-route points in connection with the above routes. Applicant intends to tack these regular routes with its existing authority. Applicant proposes to interline at gateway points throughout its existing system. (Hearing site: Birmingham, AL.)

MC 2202 (Sub-628F), filed February 8, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Crossville, AL, as an off-route point in connection with applicant's regular-route operations. (Hearing site: Atlanta, GA.)

MC 2202 (Sub-630F), filed February 11, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Detroit Gasket and Emerson Electric at or near Newport, TN, as an off-route point in connection with applicant's regular-route operations. (Hearing site: Knoxville, TN.)

MC 2202 (Sub-629F), filed February 8, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facility of Tamco, Alliance Mfg. Co., at or near Shenandoah, VA, as an off-route point in connection with applicant's regular-route operations. (Hearing site: Akron, OH.)

MC 2253 (Sub-108F), filed January 4, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie, (same address as applicant). Transporting *oil containment systems* from Cape Canaveral, FL to points in AL, DE, GA, LA, ME, MD, MS, NH, NJ, NY, TX, and VA. (Hearing site: Jacksonville, FL.)

MC 2633 (Sub-63F), filed January 24, 1980. Applicant: CROSSETT, INC., P.O. Box #946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *petroleum and*

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petroleum products, between points in Warren County, PA, on the one hand, and on the other, points in WV, DE and MD. (Hearing site: Buffalo, NY or Pittsburgh, PA.)

MC 2633 (Sub-64F), filed January 24, 1980. Applicant: CROSSETT, INC., P.O. Box #946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *petroleum and petroleum products,* from points in OH to points in Erie, Warren, McKean, Crawford, Mercer, Venango, Forest, Elk, Cameron, Jefferson, Clarion and Clearfield Counties, PA. (Hearing site: Buffalo, NY or Pittsburgh, PA.)

MC 2633 (Sub-65F), filed January 24, 1980. Applicant: CROSSETT, INC., P.O. Box #946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *petroleum and petroleum products, in bulk,* from points in Warren County, PA to points in that part of NY (including those points on the highways described herein) north and east of a line extending in a northerly direction from the NY/PA State line along U.S. Highway 11 to Syracuse, thence in a westerly direction along NY Highway 5 to junction NY Highway 31B, thence along NY Highway 31B to Weedsport, thence along NY Highway 31 to junction NY Highway 250, and thence in a northerly direction along NY Highway 250 to Lake Ontario. (Hearing site: Buffalo, NY or Pittsburgh, PA.)

MC 2633 (Sub-66F), filed January 24, 1980. Applicant: CROSSETT, INC., P.O. Box #946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *petroleum and petroleum products,* between Bradford, PA, on the one hand, and on the other, points in WV, DE, MD, and NJ (except those in north, east, and west of Mercer and Monmouth Counties). (Hearing site: Buffalo, NY or Pittsburgh, PA.)

MC 2633 (Sub-67F), filed January 24, 1980. Applicant: CROSSETT, INC., P.O. Box #946, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Transporting *petroleum and petroleum products, in containers,* from points in Warren County, PA to points in New York west of Jefferson, Lewis, Oneida, Madison, Chenango and Delaware Counties (Hearing site: Buffalo, NY or Pittsburgh, PA.)

MC 4963 (Sub-115F), filed December 17, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St. NW, Washington, DC. Tranporting *iron and steel articles,* between the facilities of Republic Steel Corporation at Niles, Warren and Youngstown, OH, on the one hand, and, on the other, points in IN, KY, and TN. (Hearing site: Cleveland, OH or Washington, DC.)

MC 4963 (Sub-116F), filed January 24, 1980. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street, N.W., Washington, DC 20004. Transporting *aluminum ingots* between Massena, NY on the one hand, and, on the other, points in OH. (Hearing site: Washington, DC.)

MC 4963 (Sub-117F), filed January 24, 1980. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street, N.W., Washington, DC 20004. Transporting *lumber and lumber products,* between the facilities of Masonite Corporation at Tarboro, NC, on the one hand, and, on the other, points in MI, IN, IL, MO, and WI. (Hearing site: Washington, DC.)

MC 13123 (Sub-100F), filed February 15, 1980. Applicant: WILSON FREIGHT COMPANY, 11353 Reed Hartman Highway, Cincinnati, OH, 45241. Representative: Milton H. Bortz (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between the facilities of Siemens-Allis, Inc. at or near Wendell, NC and Sanford, NC, on the one hand, and, on the other, points in AR, CT, DE, GA, IL, IN, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, OK, PA, RI, TN, TX, VT, VA, WV, WI, and DC (Hearing site: Cincinnati, OH or Washington, DC.)

MC 16513 (Sub-16F), filed February 11, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave, Pennsauken, NJ 08110. Representative: James V. Fleming III (same as applicant). Transporting (1) *Plastic Articles,* from Dover, NH to Cinnaminson, NJ and (2) *Material, equipment, and supplies used* in the sale and distribution of plastic articles (except commodites in bulk), from Connaminson, NJ to Dover, NH. (Hearing site: Washington, DC.)

MC 63562 (Sub-69F), filed February 1, 1980. Applicant: BN TRANSPORT, INC., 6775 East Evans Avenue, P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. Transporting *general commodities* (except those of unusual value, classs A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of All Steel, Inc., at Warrensburg, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations to and from Kansas City, Mo. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 75543 (Sub-6F), filed January 18, 1980. Applicant: VALLERIE TRANSPORTATION SERVICES, INC., P.O. Box 880, Norwalk, CT. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. Transporting *toilet preparations,* from Rye, NY, to points in ME and NH. (Hearing site: Hartford, CT or Washington, DC.)

MC 80443 (Sub-32F), filed January 25, 1980. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *polypropylene agricultural baler* twine, from Albert Lea, MN, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS NC, NH, NJ, NY, OH, OK, PA, SC, TN, TX, WV, VA, VT and WI. (Hearing site: Minneapolis, MN.)

MC 82063 (Sub-117F), filed January 17, 1980. Applicant: KLIPSCH HAULING CO., a Corporation, 10795 Watson Rd., Sunset Hills, MO 63127. Representative: W. E. Klipsch (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facility of Arjay Incorporated in Liberty County, TX, to points in the United States (except AK and HI). (Hearing site: Houston or Dallas, TX.)

MC 87523 (Sub-112F), filed January 11, 1980. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW., Washington, D.C. 20036. Transporting: *wine,* in containers and empty containers, (1) from the facilities of Widmer's Wine Cellars, Inc. at or near Naples, NY to Laconia, NH, empty containers on return, and (2) from Laconia, NH to ME, VT, MA, RI, CT, NY, NH, PA, DE, MD, DC, and VA. (Hearing site: Boston, MA, Washington, D.C.)

MC 105813 (Sub-268F), filed January 21, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *foodstuffs* (except in bulk), from Minneapolis, MN and Martel, OH, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Minneapolis, MN.)

MC 106223 (Sub-74F), filed January 2, 1980. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Road, P.O. Box 232, Ashtabula, OH 44004. Representative: James R. Stiberson, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting *chemicals,* in bulk, in tank vehicles, from Ashtabula, OH, to points in TX and LA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 106603 (Sub-215F), filed January 25, 1980. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Edwin M. Snyder, 22375 Haggerty Rd. P.O. Box 400, Northville, MI 48167. Transporting (1) *fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands; glass fibre mats and mattings; flexible air ducts,* and (2) *materials, equipment, and supplies* used on or incidental to the manufacturing, installation, and distribution of the commodities in (1) above (except commodities in bulk): (A) between Kansas City, KS, on the one hand, and, on the other, points in IL, IN, KY, MI, WI, IA, MN, NE, and OH; (B) between Mountain Top, PA, on the one hand, and, on the other, points in IL, IN, KY, MI, and OH; (C) between Marion and Shelby, OH, on the one hand, and, on the other, points in IL, IN, MI, KY, and WI; and (D) between Fort Wayne, IN, on the one hand, and, on the other, points in IL, IN, MI, KY, and WI, restrictred in (A) through (D) above to the transportation of traffic originating at or destined to the facilities of CertainTeed Corporation. (Hearing site: Washington, DC or Chicago, IL.)

MC 107002 (Sub-574F), filed February 15, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Transporting *Pulpmill liquids,* in bulk, in tank vehicles, between points in AL, AR, LA, MS and TX, restricted to traffic originating at or destined to the facilities of International Paper Company. (Hearing site: Mobile, AL or New Orleans, LA.)

MC 107012 (Sub-487F), filed February 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *air conditioners* and *parts and accessories* for air conditioners, from the facilities of Westinghouse Electric Corp. at or near Norman, OK, to points in AL, AR, AZ, CA, CO, FL, GA, ID, IA, KS, KY, LA, MN, MS, MT, NV, NM, NC, ND, OR, SC, SD, TN, TX UT, VA, WA, and WY. (Hearing Site: Oklahoma City, OK, or Dallas, TX.)

Note.—Common control may be involved.

MC 107012 (Sub-488F), filed February 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture* from Sarasota, FL, to points in AL, CT, DE, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing Site: St. Petersburg, FL, or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-489F), filed February 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *tool chests, tool boxes, cabinets, shelves, racks, mats, casters, work benches, drawers, doors, trays, and brackets,* from the facilities of Waterloo Industries, Inc., at or near (a) Waterloo, IA, (b) Sedalia, MO, and (c) Pocahontas, AR, to points in the United States (except AK and HI), and (2) *parts, materials, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 107012 (Sub-490F), filed February 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture;* from the facilities of LeHigh Furniture at or near Marianna, FL, to points in WV, VA, KY, TN, NC, SC, MS, AL, GA, TX, LA, and DC. (Hearing site: Tallahassee, FL, or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-491F), filed February 5, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *Ventilators,* and *parts and accessories* for ventilators, from the facilities of Arvin Industries, Inc., at or near Okolona, Tupelo, and Verona, MS, to points in the United States except AK, CT, DE, HI, IL, IN, ME, MD, MA, MI, MO, MS, NE, NH, NJ, NY, OH, PA, RI, VT, WV, WI, and DC. (Hearing site: Indianapolis, IN, or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-499F), filed February 8, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Such commodities* as are dealt in or used by retail, department, catalogue sales, hardware, appliance, home improvement, drug and variety stores, between points in the United States (except AK and HI). (Hearing site: San Francisco, CA or Chicago, IL.)

Note.—Common control may be involved.

MC 107012 (Sub-501F), filed February 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *Toilet preparations* and *paper products,* from the facilities of Personal Products at or near Wilmington, IL, to points in MN, IA, MO, WI, MI, IN, OH, KY, TN, AL, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-504F), filed February 13, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Transporting: *Heating and cooling equipment* and parts for heating and cooling equipment, from the facilities of Carrier Corporation at or near Los Angeles, CA, to points in AL, AR, FL, GA, IL, IN, MD, MO, NE, NJ, NY, NC, OH, PA, TN, TX, UT and WA. (Hearing sites: Syracuse, NY or Washington, DC.)

Note.—Common control may be involved.

MC 108053 (Sub-170F), filed January 17, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. Transporting *confectionery, store displays, store display racks, store display stands, and electric signs,* from Reno, NV, to points in AZ, CA, ID, MT, OR, UT, and WA. (Hearing site: Carson City, NV.)

MC 109633 (Sub-44F), filed January 17, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *plastic articles and materials, equipment and supplies used in the manufacture* of plastic articles (except in bulk), between the facilities of Mobil Chemical Company on the one

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hand and on the other points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 111812 (Sub-716F), filed February 8, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *confectionery*, (1) from Hopkins, MN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and (2) from Union and Newark, NJ, and Philadelphia, PA, to Buffalo, NY, and Minneapolis, MN. (Hearing site: Minneapolis, MN.)

MC 111812 (Sub-717F), filed February 11, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *flat laminated safety glass*, from Saratoga Springs, NY, to points in the Unied States (except AK and HI). (Hearing sie: Albany, NY.)

MC 112713 (Sub-299F), filed January 24, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special' equipment), serving the facilities of Wm. Wrigley, Jr. Company, at or near Flowery Branch, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 112822 (Sub-480F), filed February 5, 1980. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *foodstuffs* (except in bulk, in tank vehicles), (1) from Michigan City, IN, to points in CA, and (2) between Chicago, IL, on the one hand, and, on the other, points in CA, KS, MO, OK, and TX. (Hearing site: Chicago IL.)

MC 123023 (Sub-16F), filed January 17, 1980. Applicant: DIPIETRO TRUCKING COMPANY, a corporation, 2201 6th Ave. South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *foodstuffs* (except commodities in bulk) (1) between points in WA, OR, and CA, and (2) between points in WA and OR, on the one hand, and, on the other, points in AZ and NV. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 123272 (Sub-46F), filed January 21, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Ave., Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *clay and clay products*, from points in Hardeman County, TN to points in the United States in and east of MT, WY, CO and NM. (Hearing site: Chicago, IL.)

MC 125433 (Sub-248F), (correction), filed April 17, 1979, published in the **Federal Register**, issue of July 31, 1979, and republished, as corrected this issue. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *concrete paving machinery, and parts and accessories for concrete paving machinery*, (except commodities in bulk), between Cedar Falls, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Curbmaster of America, Inc. (Hearing site: Chicago, IL, to Washington, DC.)

Note.—The purpose of this republication is to show the correct scope of territorial authority as governed by the restriction.

MC 127303 (Sub-73F), filed January 4, 1980. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (a) *cellulose insulation*, from Miledgeville, IL to points in the US (except AK and HI), and (b) *materials, equipment and supplies* used in the manufacture, distribution and sale of celluslose insulation, in the reverse direction. (Hearing site: Chicago, IL.)

MC 127303 (Sub-74F), filed January 4, 1980. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *malt beverages*, from Peoria, IL to points in NE and MO. (Hearing site: Milwauke, WI.)

MC 133233 (Sub-72F), filed January 22, 1980. Applicant: CLARENCE L. WERNER, d.b.a WERNER ENTERPRISES, I–80 and Hwy 50, P.O. Box 37308. Omaha, NE 68137. Representative: James F. Crosby, I–80 and Highway 50, P.O. Box 37205, Omaha, NE 68137. Transporting: *Materials, and supplies* used in the manufacture and distribution of cast iron products, Between points in Pottawattamie County, IA, and on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under a continuing contract(s) with Griffin Pipe Products Co., Oak Brook, IL. (Hearing site: Chicago, IL.)

MC 134142 (Sub-16F), filed February 8, 1980. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Contract carrier*, transporting: Potatoes, cooked and flaked, from Rupert, ID, to points in AL, AZ, CA, CO, FL, GA, IL, NC, OH, OR, TN and TX, under a continuing contract(s) with Borden Foods, Division of Borden, Inc. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134493 (Sub-4F), filed January 28, 1980. Applicant: CHICAGO–ST. LOUIS TRANSPORT, INC., 800 S. Joliet Street, Joliet, IL 60435. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 609602. Transporting *such commodities as are dealt in or used by wholesale grocery or food business houses* (except commodities in bulk), from Chicago and Hoopeston, IL to Wright City, MO. (Hearing site: Chicago, IL.)

MC 134922 (Sub-320F), filed February 6, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *rubber articles* and *clay* (except in bulk), between Fostoria, OH, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IA, KS, KY, MD, MA, MN, MS, MO, NE, NJ, NY, NC, PA, RI, SC, TN, VA, and WI. (Hearing site: Columbus, OH or Little Rock, AR.)

Note.—Common control may be involved.

MC 134922 (Sub-321F), filed January 8, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except in bulk, in tank vehicles, and except classes A and B explosives) between the Henderson County Riverport Authority Facility in Henderson County, KY, on the one hand, and, on the other, those points in the United States in west of LA, AR, MO, IL, and WI (except AK, HI, and LA). (Hearing site: Louisville, KY or Evansville, IN.)

Note.—Common control may be involved.

MC 135653 (Sub-8F), filed January 31, 1980. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 West Smith Medina, OH 44256. Representative: Michael Spurlock, 275 East State St. Columbus, OH 43215. Transporting *foodstuffs*, and *equipment, materials, and supplies* used in the processing of foodstuffs, between points in NY, on the one hand, and, on the other, points in OH, MI, IN, and IL. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 135732 (Sub-43F), filed, January 22, 1980. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove St., Elizabeth, NJ 07202. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. Transporting: *Frozen Foods*, From Benton Harbor, Fenville, Hart, Hartford, Frankfort, Williamsburg, Suttons Bay, and Muskegon, MI; and Green Bay and Oshkosh, WI, to points in GA, IL, MD, MA, MI, MN, MO, NE, OH, OK, TX, and DC. (Hearing site: New York, NY or Washington, DC.)

MC 135803 (Sub-10F), filed January 28, 1980. Applicant: WALLACE TRANSPORT a corporation, 9290 East Highaway 140, P.O. Box 67 Planada, CA 95365. Representative: Leo C Des Lauriers 2901 S. Sunol, Vernon, CA 90023. Transporting *paper and paper products, and materials, supplies and equipment* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from the facilities of Hoerner Waldorf, Champion International Corp. in Anaheim, CA on the one hand, and, on the other, points in AZ and UT. (Hearing site: Los Angeles or San Francisco, CA.)

MC 135953 (Sub-15F), filed January 22, 1980. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting (1) *pet foods*, from Terminal Island, CA; Muscatine, IA, Perham, MN, and El Paso, TX, to points in the U.S. (except AK and HI); (2) *canned goods*, from Terminal Island, CA, to points in the U.S. (except AK and HI); and (3) *materials, equipment and supplies* used in the manufacture of the commodities listed in (1) and (2) above, from points in the U.S. (except AK and HI), to Terminal Island, CA; Muscatine, IA; Perham, MN; and El Paso, TX, restricted in (1) and (3) above against the transportation of commodities in bulk. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 136343 (Sub-211F), filed January 24, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *nonfrozen foodstuffs*, except in bulk, from the facilities of Golden Dipt Co. Division of DCA Food Industries Inc. at or near Millstadt, East St. Louis and Melrose Park, IL to points in AL, CT, DE, FL, GA, IN, KY, MS, MI, MD, NC, NH, OH, PA, RI, SC, TN, VT, WV, NY, NJ, VA, MA, ME and DC. (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 136512 (Sub-20F), filed January 24, 1980. Applicant: SPACE CARRIERS, INC., 444 Lafayette Rd., St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between points in AR, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX and WI. Restricted to the transportation of traffic moving to, from or between the facilities of Minnesota Mining & Manufacturing Company. (Hearing site: St. Paul, MN).

Note.—Common control may be involved.

MC 138432 (Sub-1F), filed February 4, 1980. Applicant: ANDREW T. STINSON, d.b.a., STINSON TRUCKING, 351 South Park Victoria, Milpitas, CA 95035. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *cleaning compounds and ingredients* used in their production, between the facilities of Chemline Industries at Carson City, NV, on the one hand, and, on the other, points in Santa Clara, CA. (Hearing site: San Francisco or San Jose, CA.)

MC 138432 (Sub-18F), filed February 14, 1980. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting: *foodstuffs;* and *material, equipment and supplies* used in the manufacture of foodstuffs (except in bulk); between points in KY on the one hand, and, on the other, points in AR, IL, IN, IA, KS, MO, OK, and OH. (Hearing site: Chicago, IL.)

MC 138633 (Sub-5F), filed January 25, 1980. Applicant: STATEWIDE CARRIERS, INC., 1301 Prairie, Chicago Heights, IL 60411. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. Transporting (1) *paper and paper products*, (except in bulk), from Eau Claire and Ladysmith, WI to points in IL, IN, IA, KY, MI, MN, MO, and OH, and (2) *materials and supplies used in the manufacture and distribution of paper and paper products* (except in bulk) in the reverse direction. (Hearing site: Chicago, IL.)

MC 138882 (Sub-346F), filed February 8, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy AL 36081 Transporting: *Canned goods*, from the facilities of the Joan of Arc Company at or near Hoopeston and Princeville. IL, and St. Francisville and Belledeau, LA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Peoria, IL or Montgomery, AL.)

MC 138882 (Sub-347F), filed February 15, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: Mr. John J. Dykema, P.O. Drawer 707, Troy, AL 36081. Transporting: *Such commodities* as are dealt in and sold by wholesale tire and rubber distributorships (except commodities in bulk in tank vehicles). Between the facilities of Harris Tire and Rubber Co., Inc., at or near Troy, AL; Birmingham, AL; Jackson, MS; Atlanta, GA; and Charlotte, NC; on the one hand, and, on the other points in the states of AL, FL, GA, SC, NC, TN, KY, MS, LA, TX, MO, IL, and VA. (Hearing site: Montgomery , AL or Birmingham, AL.)

MC 139482 (Sub-170F) filed February 4, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting *foodstuffs* (except in bulk, in tank vehicles), from points in Tarrant, Dallas, and Harris Counties, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 139482 (Sub-171F) filed February 4, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting: *foodstuffs*, from the facilities of Sanna Division, Beatrice Foods Co. at points in WI and IL to points in the United States in and west of MN, IA, MO, AR and LA. (Hearing site: Madison, WI.)

MC 139923 (Sub-71F), filed February 4, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are used in the restaurant industry (except in bulk), from points in Preble County, OH, to those points in the United States in and west of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH or Detroit, MI.)

Note.—Common control may be involved.

MC 141532 (Sub-68F), filed February 4, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055.

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Representative: Henry C. Winters, 525 Evergreen Building, Renton WA 98055. Transporting *construction materials* from the facilities of J & P Petroleum Products, Inc., at or near (a) Lewisville, AR, and (b) Dallas, TX, to points in AZ, CA, ID, MT, NM, OR, UT, WA, and WY. (Hearing site: Fort Worth, TX.)

MC 141532 (Sub-69F), filed February 4, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton WA 98055. Transporting (1) *iron and steel articles* and *pipe* from Conroe, TX, to points in the United States (including AK, but excluding HI), and (2) *materials, equipment* and *supplies* used in the production or distribution of iron and steel articles or pipe in the reverse direction. (Hearing site: Fort Worth, TX.)

MC 141532 (Sub-72F), filed February 6, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton WA 98055. Transporting *construction materials* from Sumas, WA, to points in NV. (Hearing site: Los Angeles, CA.)

MC 141532 (Sub-73F), filed February 8, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton WA 98055. Transporting *lumber, lumber mill products, and wood products* from points in AR, LA, OK, and TX to points in AZ, CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Fort Worth, TX.)

MC 142603 (Sub-25F), filed February 5, 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier,* transporting: (1) *automotive parts, automotive accessories, automotive components and automotive equipment,* between Marysville, Warren, and Center Line, MI, Boston and Natick, MA, Newark, DE, Tappan, NY, Richmond, VA, Memphis, TN and St. Louis, MO, under a continuing contract(s) with the Chrysler Corporation, Service and Parts Division, of Center Line, MI. (Hearing site: Saginaw, MI or Springfield, MA.)

MC 143133 (Sub-4F), filed January 17, 1980. Applicant: SHEPPARD ENTERPRISES, INC., 101 Philadelphia Street, Hanover, PA 17331. Representative: Daniel M. Frey, 31 York Street, Hanover, PA 17331. Contract carrier transporting (1) *power steering units* from Hanover, PA, to Delaware, OH, under a continuing contract(s), with R. H. Sheppard Company, Inc., of hanover, PA and (2) *pretzels and potato chips* from Hanover and Centre Hall, PA, to Cincinnati and Toledo, OH, Louisville, KY, Indianapolis, IN, Detroit and Grand Rapids, MI, and Chicago, IL, under a continuing contract(s) with Hanover Guest Quality Foods Corp., of Hanover, PA. (Hearing site: Philadelphia, PA.)

MC 143702 (Sub-11F), filed February 1, 1980. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Transporting: *Foodstuffs,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Tony's Pizza Service at Marshall, MN, to points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, NE, NC, ND, NH, NJ, NY, OH, OK PA, RI, SC, SD, TN, TX, VA, VT, W.VA, WI and DC. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 143702 (Sub-12F), filed February 13, 1980. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Transporting (1) *such commodities as are dealt in or used by drug, grocery and food businesses* (except frozen commodities and commodities in bulk) and (2) *materials and supplies used in the manufacture and distribution of the commodities named in (1) above* (except frozen commodities and commodities in bulk) between the facilities of Colgate-Palmolive Company in Kansas City, KS, on the one hand, and, on the other, points in AR, CA, CO, IA, MO, MN, NE, NM, ND, SD, OK and TX restricted to traffic originating at or destined to the facilities of Colgate-Palmolive Company in Kansas City, KS. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be at issue.

MC 143702 (Sub-13F), filed February 11, 1980. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, Kansas 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Transporting: *meat, meat products, meat by-products* and *articles distributed by meat packinghouses,* as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Vernon Calhoun Packing Co., at Palestine, TX on the one hand, and, on the other, points in CO, IA, IL, IN, KS, NE, MN, MO, MI, ND, SD, and OH, restricted to the transportation of traffic originating at the facilities of Vernon Calhoun Packing Co., at Palestine, TX and destined to the named States. (Hearing site: Kansas City, MO or Dallas, TX.)

Note.—Dual operations may be involved.

MC 144622 (Sub-148F), filed February 8, 1980. Applicant: GLENN BROS., TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *household appliances,* and *parts and accessories* for household appliances (1) between the facilities of the General Electric Co., at Little Rock, AR, on the one hand, and, on the other, the facilities of the General Electric Co., at (a) Louisville, KY, (b) Chicago, IL, (c) Milwaukee, WI, (d) Columbia, MD, (e) Columbia, TN, (f) Decatur, AL, and (g) Bloomington, IN, and (2) from the facilities of the General Electric Co., at Little Rock, AR, to points in LA, MS, NM, OK, and TX. (Hearing site: Little Rock AR.)

Note.—Dual operations may be involved.

MC 144622 (Sub-135F), filed January 14, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting: *General commodities (except commodities in bulk, household goods as defined by the Commisssion, articles of unusual value Classes A & B explosives and commodities which because of size or weight requires the use of Special equipment),* between the facilities of Laerco Transportation and Warehouse at Santa Fe Springs, CA, on the one hand, and, on the other, points in the United States (except Hawaii). (Hearing site: Little Rock, AR or Los Angeles, CA.)

MC 144672 (Sub-23F), filed February 13, 1980. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, Ohio 45426. Representative: Richard H. Schaefer, Victory Express, Inc., P.O. Box 26189, Trotwood, Ohio 45426. Transporting *Such merchandise is dealt in or used by manufacturers* and *converters* of paper, paper products and pulp between Calhoun, TN and (1) points in TX on and west of U.S. Hwy 281 and Brownsville, Beeville, Corpus Christi, Harlingen, Kingsville, new Braunfels, Raymondville, San Benito, San Marcos, Sequin, Sinton, and victoria, TX and (2) points in CT, DE, DC, IL, IN, IA, KY, MD, MA, MI, MN, MO, NJ, NY, OH, PA, RI, VA, WV and WI. Dual operations may be involved. (Hearing site: Columbus, OH.)

MC 145022 (Sub-8F), filed January 9, 1980. Applicant: MARSH BROS. TRUCKING SERVICE, INC., P.O. Box 7398, Station B, Dayton, Ohio 45407. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting: (1) *iron and steel,* and *iron and steel articles:* and (2) *equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, (a) Between Middletown, Fairfield, Mansfield, Cleveland, Columbus, Elyria and Dayton, OH: Marion, IN; and Flint, Grand Blanc, Kalamazoo and Grand Rapids, MI; on the one hand, and, on the other, points in IN, IL, OH, PA, WV and the Lower Peninsula of MI; and (b) from IN, IL, OH, PA, WV, and the Lower Peninsula of MI to Monroe and Dayton, OH. (Hearing site: Columbus, Ohio.)

MC 145582 (Sub-6F), filed February 4, 1980. Applicant: DENMARK TRUCKING, INC., P.O. Box 373, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier* transporting: *paper articles and material, equipment and supplies used in the manufacture and distribution of paper articles* (except commodities in bulk): between the facilities of Mebane Packaging Corporation at or near Greenville, MS, on the one hand, and, on the other, points in AL, FL, GA, LA, TN and TX under a contract(s) with Mebane Packaging Corporation. (Hearing site: Greenville, MS or Jackson, MS.)

MC 146213 (Sub-7F), filed January 2, 1980. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, Post Office Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Avenue, Milwaukee, WI 53202. Transporting *paper* and *paper products, cleaning compounds,* and *plastic containers and dispensers of cleaning compounds* (except commodities in bulk), from the facilities of Bay West Paper Company, Division of Mosinee Paper Corporation, at Green Bay, WI, to points in OK and TX. (Hearing site: Milwaukee or Madison, WI.)

MC 146293 (Sub-50F), filed January 24, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE, Atlanta, GA 30326. Transporting (1) *roof ventilators, portable electric heaters, humidifiers, heat exchangers, and portable fireplaces,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Okolona, Tupelo and Verona, MS, on the one hand, and, on the other, points in the United States (except AK, HI, and MS). (Hearing site: Atlanta, GA or Washington, DC.)

Note.—(A) Applicant is awaiting the issuance of a certificate in MC-146293 Sub 21F, authorizing the transportation of (1) portable electric heaters, humidifiers, consoles, heat exchangers, and portable fireplaces from Verona and Tupelo, MS to points in the United States (except AK and HI), and (2) supplies used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. Upon issuance of the certificate sought in this proceeding, applicant will surrender its Sub 21F certificate for cancellation; and (B) dual operations may be involved.

MC 146293 (Sub-51F), filed January 24, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE, Atlanta, GA 30326. Transporting (1) *paper, paper products, woodpulp, plastic, plastic articles, and polyethylene, and* (2) *materials, equipment and supplies used in the manufacture and distribution of the named products* (except commodities in bulk, in tank vehicles), between the facilities of International Paper Company located in states east of MT, WY, CO and NM, restricted to traffic originating at or destined to IPCO facilities. (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 146303 (Sub-7F), filed January 2, 1980. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Ave., Englewood, CO 80110. Representative: Kenneth Vancil (same address as applicant). Transporting *alcoholic beverages* (except in bulk), from points in CA, FL, IL, IN, KS, KY, MA, MI, MO, NJ, NY, OH, PA, and TN, to the facilities of the (a) Utah Liquor Control Commission at Salt Lake City, UT, and (b) Wyoming Liquor Commission at Cheyenne, WY. (Hearing site: Denver, CO.)

MC 146643 (Sub-30F), filed February 8, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract carrier,* transporting: *Plastic articles and materials and equipment and supplies* (except commodities in bulk) *used in the manufacture and distribution of plastic articles,* between the facilities of Mobil Chemical Co., Plastics Division on the one hand, and, on the other, points in the United States (except AK and HI) under a continuing contract(s) with Mobil Chemical Co., Plastics Division. (Hearing site: Chicago, IL.)

MC 146643 (Sub-31F), filed February 4, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract* carrier, transporting: *household and industrial cleaning products (except in bulk),* from the facilities of Purex Corp. at or near Chicago, IL, to points in IN, KS, the Lower Peninsula of MI, MN, MO, OH, and WI. (Hearing site: Chicago, IL.)

MC 146643 (Sub-32F), filed February 5, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract* transporting: *Cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants, paints, stains, varnishes, plastic bags and filters (except commodities in bulk),* from the facilities of Economics Laboratory, Inc. at or near Joliet, IL, to MO, OH, WI, the Lower Peninsula of MI, and IN. (Hearing site: Chicago, IL.)

MC 146643 (Sub-33F), filed February 4, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract* carrier, by transporting: *Metal cans, ends, lids, and covers,* from Lima, OH to Chicago, IL and points in its Commercial Zone. (Hearing site: Chicago, IL.)

MC 146643 (Sub-34F), filed February 7, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *Contract* carrier, transporting: *Animal feed, (except in bulk),* (1) from Louisville, KY, to points in CT, NY, NJ, MI, IL, IN, OH, WV, PA, and MA; (2) from Minneapolis, MN, to CT, NY, NJ, MI, IL, IN, OH, WV, PA, and MA; and, (3) from Mankato, MN, to IL, IN, IA, and WI. (Hearing site: Chicago, IL or Minneapolis, MN.)

MC 146712 (Sub-1F), filed February 5, 1980. Applicant: STEEL CARGO, INC., R.R. 1, Box 81, Sharpsville, IN 46068. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Contract carrier transporting (1) *fencing materials,* from the facilities of Delta Tube, Inc., at or near Denver, IN, to points in the United States (except CA, OR, WA, MT, ID, UT, ND, SD, AK, and HI), (2) *iron, steel, zinc, lead and articles* (except in bulk) *springs, and construction materials, supplies, and*

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equipment (except in bulk), from the facilities of Penn Dixie Steel Corp., at or near Kokomo, IN, to points in the United States (except CA, OR, WA, MT, ID, UT, ND, SD, AK, and HI), and (3) *materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of the commodities in (1) above, from points in the destination territory in (1) above to the facilities of Penn Dixie Steel Corporation at or near Kokomo, IN, and the facilities of Delta Tube, Inc., at or near Denver, IN, under continuing contract(s) with Penn Dixie Steel Corporation, of Kokomo, IN. (Hearing site: Indianapolis, IN.)

MC 146973 (Sub-4F), filed January 25, 1980. Applicant: SOUTHERN MOTOR FREIGHT, INC., 575 Great Southwest Parkway, Atlanta, GA 30336. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *agricultural fertilizers and industrial and fire retardant chemicals,* from the facilities of National Chemco, Inc., a subsidiary of the Southern Group, Inc., at or near Atlanta and Waynesboro, GA, to those points in the US in and east of WI, IL, KY, TN, AR, and LA, and (2) *ingredients and supplies* used in the manufacture and distribution of agricultural fertilizers and industrial and fire retardant chemicals, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 147203 (Sub-6F), filed January 2, 1980. Applicant: HUDSON PRODUCTS, INC., P.O. Box 142, Hudson, WI 54016. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. Transporting *plastic resin* (except in bulk) from North Kingsville, OH and Lafayette, IN to Minneapolis, MN. (Hearing site: Minneapolis, MN.)

MC 147602 (Sub-2F), filed January 21, 1980. Applicant: DARRELL STAUFFENBERG, d.b.a. STAUFFENDBERG TRUCKING, Route 3, Box 222, Kankakee, IL 60901. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. Transporting: general commodities (except in bulk), between points in IL on and north of U.S. Hwy. 36, restricted to the transportation of shipments having a prior or subsequent movement by rail or water. (Hearing site: Chicago, IL.)

MC 148183 (Sub-16F), filed January 3, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425–13th St. NW, Washington, DC 20004. Transporting *foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Snack-Master Division, at Albany, GA to points in FL, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, PA, and TN. (Hearing site: Atlanta, GA or Washington, DC.)

MC 148243 (Sub-1F), filed January 28, 1980. Applicant: ST. CLAIR BUS TRANSPORTATION, INC., Route 3, Box 565, Leeds, AL 35094. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *passengers and their baggage,* in round trip special and charter operations, beginning and ending at points in Jefferson, Shelby, St. Clair, Talladega, Calhoun, and Etowah Counties, AL, and extending to points in the US (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 148183 (Sub-17F), filed January 3, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425–13th St. NW, Washington, DC 20004. Transporting *meats, meat products, meat byproducts* (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Old Dominion Beef, Inc., at or near Jarratt, VA, to points in AL, CT, WV, DE, FL, GA, MA, MD, NC, NJ, NY, PA, RI, SC, TN, and DC. (Hearing site: Richmond, VA or Atlanta, GA.)

MC 148353 (Sub-2F), filed November 23, 1979. Applicant: PORTER LINES, INCORPORATED, 609 W. Rillito St., Tucson, AZ 85705. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting (1) (a) *chemical* (except those described in (b) and (b) *epoxy compounds, liquid plastic materials, ink materials, paint, paint thinning compounds and chemicals* (except commodities in bulk), in vehicles equipped with mechanical refrigeration; and (2) *printing advertising matter and cable splicing kits,* in mixed loads with commodities in (1) above, from the facilities of Hysol Division, The Dexter Corporation at Olean, NY, to Lees Summit and Kansas City, MO, City of Industry, CA Harbor Zone. (Hearing site: Los Angeles, CA.)

MC 148713 (Sub-2F), filed February 13, 1980. Applicant: NATIONAL TOWING SERVICE, INC., 254 Frey's Gin Rd., P.O. Box 656, Marietta, GA 30061. Representative: Ariel V. Conlin, 53 Sixth St., N.E., Atlanta, GA. 30308. Transporting (1) *wrecked* and *disabled tractors* and *trailers* (including those designed to be drawn by passenger vehicles) and (2) *trucks,* in secondary movements, between points in GA, on the one hand, and, on the other points in AL, SC, NC, TN, FL, MS and KY. (Hearing site: Atlanta, GA.)

MC 148833 (Sub-2F), filed January 2, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company at (a) Chicago, Rochelle, St. Charles, and Bradley, IL; (b) Sioux City, Glenwood and Marshalltown, IA; (c) Omaha, NE; and (d) Kansas City, KS, to points in AZ, CA, and NV. (Hearing site: Chicago, IL.)

MC 149022 (Sub-2F), filed February 4, 1980. Applicant: JOHN D. CARRICO, d.b.a., J. C. TRUCKING, 52621 Fir Rd., Granger, IN 46530. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Contract carrier transporting *lumber and building materials,* (1) from the facilities of Wickes Lumber Company at or near Huntertown, IN, to points in Allen, DeKalb, Noble, Whitley, Steuben, LaGrange, Elkhart, Kosciusko, Wabash, Huntington, Wells, Adams, St. Joseph, Marshall, Fulton, Miami, LaPorte, Porter, Starkes, Jasper, Pulaski, Cass, White, Carroll, Tipper canoe, Howard, Grant, Blackford, Jay, Randolph, Delaware, Madison, Tipton, Clinton, Hamilton, Boone, Henry, Wayne, Hancock, Rush, Fayette and Union Counties, IN, Berrien, Van Buren, Cass, Kalamazoo, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Washtenaw, Jackson, Eaton, Barry, Allegan, Calhoun, and Ingham Counties, MI, and Paulding, Putnam, Fulton, Henry, Lucas, Wood, Hancock, Williams, Defiance, Allen, and Van Wert Counties, OH, (2) between the facilities of Wickes Lumber Company in the IN counties named in (1) above, and (3) from the facilities of Wickes Lumber Company within the above-named IN, MI, and OH counties to points therein, under continuing contract(s) with Wickes Lumber Company, Division of Wickes Corp., of Indianapolis, IN. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 1492 (Sub-72F), filed: January 2, 1980. Applicant: SWIFT AIR DELIVERY, INC., 1710 Allied St., Charlottesville, VA. 22901. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting: *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between Richmond, VA, on the one hand, and, on the other, Charlottesville, Harrisonburg, Staunton and Waynesboro, VA, and points in Albermarle, Augusta, Fluvanna, Greene, Louisa, Nelson, Orange and Rockingham Counties, VA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing sites: Richmond, VA or Washington, DC.)

[FR Doc. 80-10803 Filed 4-9-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree In Action Under the Clean Water Act In Which the United States Seeks To Enforce Compliance by the Erie Coke Chemical Compliance With Ohio State Air Pollution Regulations

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 5, 1980, a proposed consent decree in *United States of America* v. *Erie Coke and Chemical Company,* was lodged with the United States District Court for the Northern District of Ohio (Eastern Division); the proposed consent decree provides for a schedule of compliance with Ohio State Air Pollution Regulations. The proposed consent decree further provides for the adoption of new operating procedures for the company's coke batteries and sets forth a schedule for the installation of pollution control equipment. No penalties are assessed but if the company fails to meet final compliance dates for the installation of required control equipment, it will be subject to penalties as provided in the proposed consent decree.

The proposed consent decree may be examined at the Office of the United States Attorney, U.S. Courthouse, Room 400, Cleveland, Ohio 44114; at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States of America* v. *Erie Coke and Chemical Company,* D. J. Ref. 90–5–2–1–132. In requesting a copy, please enclose a check in the amount of 10 cents per page (reproduction charge) payable to the Treasurer of the United States.

Angus MacBeth,
Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-10850 Filed 4-9-80; 8:45 am]
BILLING CODE 4410-01-M

National Institute of Justice

National Assessment of Minority Employment in the Criminal Justice System; Solicitation

The National Institute of Justice is announcing a call for papers to conduct a national assessment of minority employment in the criminal justice system. More than 500 research and action projects related to minority employment have been funded under the auspices of the Department of Justice. Yet the comparative success of these efforts is unclear. The national assessment will help determine the effectiveness of various employment projects and will allow the development of design(s) for further indepth evaluation.

The solicitation requests preliminary proposals which must be postmarked no later than June 13, 1980. A formal application will be requested by July 11, 1980 following a peer review process described in the solicitation.

The assessment will be funded as a cooperative agreement of 18 months duration at a funding level of $300,000. The cooperative agreement should be awarded by September 1, 1980. To maximize competition for this award, both profit-making and nonprofit-making organizations are eligible to apply. Please note, however, that fees are unallowable.

Copies of the solicitation can be obtained by written request to the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850. Further information can be obtained by phone from Jan Hulla or Joyce Cason, Office of Program Evaluation 301/492–9055.

Dated: April 1, 1980.

Harry M. Bratt,
Acting Director, National Institute of Justice.

[FR Doc. 80-10881 Filed 4-9-80; 8:45 am]
BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Design Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Panel to the National Council on the Arts will be held April 28, 1980 from 9:00 a.m.–5:30 p.m. and April 29, 1980 from 9:00 a.m.–5:30 p.m. in Room 1426, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

A portion of this meeting will be open to the public on April 28, 1980 from 9:00 a.m.–5:30 p.m. and April 29, 1980 from 9:00 a.m.–12:00 a.m. for the discussion of Policy and Guidelines.

The remaining sessions of this meeting on April 29, 1980 from 12:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evalution, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 80-10807 Filed 4-9-80; 8:45 am]
BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-15]

Responses to Safety Recommendations; Availability

Aviation

A–74–14.—The National Transportation Safety Board on January 28 provided the Federal Aviation Administration with comments

concerning FAA's response of last September 11 (44 FR 54561, September 20, 1979). FAA, under date of March 28, has responded to the Board's January 28 letter concerning implementation of a recommendation resulting from investigation of the Ozark Airlines Fairchild Hiller FH–227B accident at St. Louis, Mo., July 23, 1973. The recommendation called on FAA to implement, in cooperation with the National Weather Service (NWS), a system to relay severe thunderstorm and tornado warning bulletins expeditiously to inbound and outbound flights when such bulletins include the terminal area.

The Safety Board's January 28 letter notes that while the steps taken show a genuine effort on FAA's part to collect and disseminate severe weather information, the problem does not appear to be solved. Convective SIGMET's depend, among other things, upon the NWS standard of intensities of level 4 or greater with an areal coverage of 4/10 or more. Thunderstorm activity threatening a terminal often does not satisfy these criteria, and hence there is no warning through this medium.

The Board states that the assignment of meteorologists to the air route traffic control centers (ARTCC's) should result in improved dissemination of weather information. At present, however, information on the location and severity of convective storms is not consistently reaching the individual sector controllers or other ATC facilities. Direct video weather radar displays in the centers might solve this problem. However, they are now installed at only one ARTCC, and experience with the system has been insufficient to fully evaluate its capabilities. The Board also noted that although A–74–14 applies to terminal areas, the procedural changes listed in FAA's September 11 letter apply equally to en route flight.

Further, the Board stated that it is evident from two cases cited in the January 28 reply that timely and sufficient severe weather information may not be provided to controllers and pilots in sufficient time to avoid encounter with potentially hazardous thunderstorms. The Board therefore requested that FAA reevaluate the effectiveness of the Center Weather Service Units and assure the Board further that appropriate action is being taken to expeditiously disseminate severe weather information.

In its March 28 response FAA states that its regions have recently concluded an evaluation of the effectiveness of its Center Weather Service Units, and results indicate that the program is extremely successful. The weather intelligence now available to air traffic control personnel has improved considerably and allows for timely dissemination of severe weather information.

While FAA believes its current efforts and improved procedures fulfill requirements of A–74–14 and are responsive to current aviation weather needs, a continuing search for better, more effective solutions to weather-oriented problems is being made. FAA is planning a single-site operational test of color weather radar equipment which, if successful, would provide a weather radar display at appropriate air route traffic control center control sectors. In addition, FAA has tasked the Systems Research and Development Service to continue to pursue the development of methods which will further improve FAA's weather dissemination capability.

A–76–123.—FAA's letter of March 28 provides information to update action taken concerning a recommendation issued September 19, 1976, in conjunction with the Board's study, "Flightcrew Coordination Procedures in Air Carrier Instrument Landing System Accidents," the recommendation asked FAA to institute procedures which require air traffic controllers to release an aircraft from all airspeed restrictions at least 3 to 4 miles outside of the outer marker on all ILS approaches when the reported weather is below basic VFR minima. (See 41 FR 43255, September 30, 1976.)

FAA states that air traffic control procedures do not permit speed adjustment after an aircraft is cleared for approach except for separation purposes. In no event may adjustments be applied closer to the airport than the final approach fix or 5 miles from the runway, whichever is farther from the runway. Speed management is a cooperative matter. The pilot may refuse a requested speed and state a requested speed and/or final approach intercept point. The norm for all approaches is to terminate speed adjustment when an approach clearance is issued. FAA notes that in many instances, higher than reference speeds are permissive and desirable. Clean configurations and the resulting higher speeds are important factors in greater fuel economy.

Further, FAA states that when weather conditions are less than ceiling 500 feet above the minimum vectoring altitude, visibility 3 miles—vectors must provide for intercept of the final approach course *at least* 2 miles outside the approach gate at an altitude not above the glide slope, for a precision approach or for a nonprecision approach, at an altitude which will allow descent in accordance with the published procedure. The approach gate is a point on the final approach course 1 mile from the final approach fix on the side away from the airport or 5 miles from the landing threshold, which ever is farther from the landing threshold. Thus, the minimum final approach course intercept point would be 7 miles from the landing threshold. However, the usual intercept point for precision (ILS/PAR) approaches is 8 or more miles. FAA says it receives only an occasional user complaint concerning either turn-on distances or release from or refusal of pilot requested speed adjustments.

FAA states that there is no desire on the part of air traffic control to unnecessarily impose speed management techniques. To the contrary, FAA's desire is to allow as much aircrew latitude as possible. The Airman's Information Manual, paragraph 272, was revised in January 1979 and reflects current practices.

A–77–70 and –71.—Also on March 28 FAA responded to the Safety Board's comments of last December 27 concerning actions taken by FAA reference reconsideration of shoulder harnesses for general aviation aircraft and indicated in FAA's earlier response of February 15, 1979, and the Safety Board's letter of November 16, 1978. (See 44 FR 17607, March 22, 1979.) The recommendations concerned installation of shoulder harnesses in general aviation aircraft.

The Safety Board in its December 27 letter, noting that FAA's most recent response of last September 24 (44 FR 57244, October 4, 1979) indicated a decision to reconsider the issues involved, expressed concern over the pace at which this subject of occupant protection in general aviation aircraft is being addressed by FAA. The Safety Board also repeated its request, first made November 16, 1978, for cost-effectiveness analysis information FAA used to support the decision in amendment 23–19 and 91–139 not to require the retrofit of shoulder harnesses in pre-1978 general aviation aircreft, as well as the data substantiating FAA's claim that delethalization was more effective than shoulder harnesses for all seat occupants. As of December 27 this information had not been provided nor had FAA furnished any justification for the delay in providing this information. The Board said that evaluation of the cost-effectiveness analysis and supporting documentation is critical to its review of FAA's decision not to require improved safety for occupants of general aviation aircraft. The Board also referenced its November 16, 1978,

request for information about FAA's decision to delethalize the interior of general aviation aircraft, about the criteria FAA would use to determine if manufacturers meet this requirement, and about the methods FAA would use to assure that the criteria were uniformly applied throughout the Regions. Again, this information had not been provided as of December 27.

FAA's March 28 response reports that the regional survey of shoulder harnesses in small airplanes has been completed. At present, FAA is proceeding with a regulatory analysis in accordance with Executive Order 12044 which, when completed, will enable FAA to determine the proper course of action to pursue. FAA intends to complete this regulatory analysis not later than April 30, 1980.

FAA has reviewed the informal regulatory assessment made at the time of adoption of the current shoulder harness rules. FAA's analysis team is reassessing all aspects to satisfy the intent of Executive Order 12044 and will include a complete report of its findings in the final report. FAA does not believe it would serve any useful purpose to supply the original rough assessment. FAA is now updating "Technical Report No. FS–70–5922–120A, A Summary of Crashworthiness Information for Small Airplanes" to provide additional recommended guidance material to all FAA regions and designers in regard to the delethalization aspects of cabin interiors.

A–79–94 through –97.—The FAA, also on March 28, responded to recommendations issued by the Safety Board last December 31 as a result of a study of the Board's data files of accidents following engine failures or malfunctions in light twin-engine aircraft (light-twins) that occurred from 1972 through 1976. (See 45 FR 3411, January 17, 1980.)

Recommendation A–79–94 asked FAA to examine pilot handbooks for light twin-engine aircraft to determine if, for certain models, there is a need for any additional explanatory information, especially regarding single-engine performance data included. "There are no data concerning single-engine performance and normal operation of the aircraft below V_{mc} and provide any such information to all pilots through accident prevention notices or other means at its disposal. Recommendation A–79–95 asked FAA to periodically disseminate to pilots, certificated flight instructors, and FAA inspectors and their designees, additional information on how to manage light twin-engine aircraft following an engine failure, using advisory circulars, safety seminars, or other means at its disposal.

In response to these recommendations, FAA reports that pilot handbooks for light twins have been examined and FAA believes there are sufficient single-engine performance and normal operation of aircraft below V_{mc} since there cannot be any performance below minimum control airspeed, nor can there be normal operation of aircraft below minimium control airspeed," FAA stated.

Concerning dissemination of information on light twins, FAA reports that its Accident Prevention Staff has published detailed information on the subject of light-twin operational safety. This information is provided in the articles entitled, "Always Leave Yourself An Out" and "Flying Light Twins Safely." Approximately 100,000 of these articles have been distributed to the field and made available to pilots, flight instructors, designated pilot examiners, and air taxi operators through the Accident Prevention Program. Last December 13, all Accident Prevention Coordinators were asked to conduct safety meetings with air taxi operators on the problem areas discussed in the two articles. FAA provided the Board with copies of these articles and an article in the January 1980 issue of FAA General Aviation News, entitled "One Engine Out," which provides information on single-engine performance in light twins. FAA notes that all of these publications explanatory information not required by aircraft certification regulations, or normally found in manufacturers' pilot-operating handbooks. FAA states that dissemination of the information as recommended is an ongoing part of FAA's Accident Prevention Program and that Accident Prevention Specialists have been provided with slide/tape presentations on the subject for use in safety meetings and seminars.

Recommendations A–79–96 and A–79–97 called on FAA to amend 14 CFR 61.57 to require (1) that to act as pilot-in-command of a multiengine aircraft a person must have successfully completed, within the last 24 months, a flight review in a multiengine aircraft; and (2) that during the multiengine flight review, the pilot demonstrates the maneuvers that are required for a multiengine proficiency check in accordance with the flight test guide, especially those maneuvers related to power loss. In response, FAA reports that an internal review of 14 CFR Part 61 is being conducted to identify areas of potential revision. During this review, FAA will study the recommended changes to § 61.57. Also, FAA has included recommendations A–79–96 and A–79–97 in the agenda for consideration during the update of 14 CFR Parts 61 and 141.

Highway

H–79–14 and –16.—The National Highway Traffic Safety Administration on March 24 responded to the Safety Board's comments of February 12 regarding NHTSA's previous response of December 6 (45 FR 2116, January 10, 1980). The recommendations were developed as a result of the Safety Board's special study, "Safety of Multipurpose Vans."

The Board expressed appreciation of NHTSA's shared concern about the possibility of adverse modification of vehicle safety features by vehicle owners but was disturbed by NHTSA's lack of willingness to address the problem. The Board asked to receive specific data to substantiate NHTSA's statements that "* * * injuries resulting from a combination of door jamming and fire are rare" and "* * * the ejection route for many victims is through an open door." A comparison of the actual data for each category for a multiyear period would be helpful for the Board's records.

The Board also noted that exploration of opportunities to remedy door jamming will take place as part of NHTSA's program to upgrade side impact protection and asked to be kept informed as to the progress of that program as related to door jamming. Also, the Board expressed interest in any analysis that might be currently available or is planned that assesses the safety aspects of passenger vehicle rear door interior lock mechanisms. The Board believes that there might be a correlation between that information and NHTSA's concern that "* * * it would be important to know that the provision of such door handles (locks) would not increase the ejection potential for occupants, particularly children."

In response, NHTSA states that the most detailed file that it has for identifying such correlations is the Multidisciplinary Accident Investigations (MDAI) file which records individual clinical studies of special interest accidents. This file cannot be extrapolated to all crashes in the United States because of a lack of representativeness, but it does provide some basis for assessing the problem, NHTSA stated. The files record 16,439 occupants in 9,623 vehicle accidents. Of these, only 19 occupants suffered burn injuries while occupants of vehicles in which a fire was reported *and* in which at least one door jammed. Thirteen of

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the 19 had other nonburn injuries of a severity which equalled or exceeded their burn injury.

NHTSA notes that of the six occupants whose highest severity injury was from a burn, two had only moderate injuries and one was not sitting next to the jammed door. This leaves three fatalities, out of a population of 1,243 fatalities and 16,439 total occupants, that are possibly attributable to the combination of jammed doors and fire. On the same MDAI files, 44 percent of all ejected occupants with a known ejection route were ejected through a door. The National Crash Severity Study also records ejections and ejection route for towaway crash occupants. In this file of 62,444 weighted occupants of crashes occurring from January 1977 through March 1978, 394 were ejected through a known area and 170, or 43 percent, were ejected through a door.

With reference to recommendation H–79–16, NHTSA is now preparing to issue a notice of proposed rulemaking on Standard No. 206 to (1) add latch and hinge requirements for transverse rear doors on vans, hatchbacks, liftbacks and station wagons, and (2) add a requirement for interior door handles on side cargo doors on vans. The proposed latch requirements for transverse rear doors will include the requirement for interior door handles and door locks that can be manually activated from the vehicle interior.

Marine

M–78–63 through –68.—The U.S. Coast Guard on March 19 responded to the Safety Board's comments of last July 9 concerning Coast Guard's initial response of last May 22 (44 FR 34225, June 15, 1979). The recommendations were issued September 22, 1978, following investigation of the sinking of the M/V CHESTER A. POLING near Cape Ann, Mass., on January 10, 1977.

With reference to M–78–63, the Board's July 9 noted that Coast Guard plans to examine all coastal tankships not now required to carry loading manuals to determine if they would benefit from such a manual. The Board asked to be furnished a copy of Coast Guard's proposed schedule for these examinations as well as a listing of the vessels to be examined. In response, Coast Guard reports that a review of its vessels files has revealed 18 tank vessels similar to the CHESTER POLING in size and operation; a list of these vessels, including their official number and route, was attached to the March 19 response. Coast Guard notes that these vessels are neither required to have, nor thought to currently use, a loading manual. Coast Guard also reports that the cognizant Office in Chare, Marine Inspection (OCMI) will, in conjunction with the next regularly scheduled biennial drydock and internal inspection, determine if the vessel has a loading manual aboard. If a loading manual is aboard, determination will be made as to its adequacy and regular use. Also, the OCMI will submit information to provide Coast Guard Headquarters Merchant Marine Technical Staff with necessary data (vessel configuration, loading procedures, route, overall materiel condition, etc.) to assess the vessel's requirement for a loading manual. This review will be completed by approximately July 1, 1982, at which time Coast Guard will determine the need for additional regulatory action to require loading manuals for any of these vessels and will respond further to recommendation M–78–63.

Concerning recommendation M–78–64, the Safety Board's July 9 letter expresses appreciation for Coast Guard's discussion concerning the differences in methods of determining loading information as opposed to hull stress information. In suggesting a feasibility study, however, the Board envisaged an objective determination based on the demonstrated use or non-use of graphically presented hull stress information. The Board notes that an opinion poll of a number of shipmasters or a survey of use during voyages when such material was available would be a usable demonstration of feasibility; Coast Guard's contract related to presentation of stability information to masters (CG 835–633–A) appears to be looking in the direction the Board had intended. Coast Guard's March 19 response shows nonconcurrence with recommendation M–78–64. Coast Guard maintains that hull stress information in graphical form based on loading, sea state, ship speed, and relative heading is not feasible. The discussion in the May 22, 1979, letter was not intended to demonstrate methodological difference in loading information and stress information, but rather to identify several reasons why the accuracy and utility of graphical stress information is doubtful. Coast Guard says that the problem with the POLING was primarily improper loading. There is no evidence that graphical stress information by itself would enhance the safety of coastal tankships.

The Safety Board notes, with respect to recommendation M–78–65, the efforts that Coast Guard is making in attempting to win international concurrence for hypothermia protection. The Board supports Coast Guard's position of requiring enclosed lifeboats for all new vessels and exposure suits for each person on board existing vessels, but believes that exposure suits should be provided on new vessels in addition to the enclosed lifeboats. The Board is pleased that Coast Guard is proceeding with rulemaking action for hypothermia protection in certain U.S. waters and that Coast Guard is committed to advance unilaterally with requirements for U.S. vessels if the IMCO proposal is not adopted. The Board asked to be informed as to Coast Guard's proposed schedule for working with IMCO and as to how long the IMCO approach will be followed before unilateral action is initiated.

In response to the Board's comments on recommendation M–78–65, Coast Guard states that while it partially concurs with the recommendation, it does not intend to require oceangoing vessels with enclosed lifeboats to have exposure suits. The best opportunity for survival is provided by keeping the survivors out of the water and dry. "Even the best exposure suits cannot compare with the potential for survival provided by enclosed boats," Coast Guard states. Improved launching systems for these boats significantly increase the probability that they will be successfully launched. Coast Guard says it appears to be an unnecessary additional cost burden on the operator to require exposure suits in addition to enclosed lifeboats for 200 percent of the persons on board and float-free liferafts for 100 percent of the persons on board. Coast Guard, noting that the situation on the Great Lakes is somewhat different, says rescue is never far away, and enclosed lifeboats for only 100 percent of the persons on board will be required. In a final rule (CGD 76–033a), expected to be published in the next few weeks, Coast Guard will require exposure suits on Great Lakes vessels. The exposure suits can provide a reasonable measure of "back-up" capacity since it is probable that survivors would be picked up quickly.

With regard to the U.S. proposal in IMCO, Coast Guard expects that two more meetings of the Lifesaving Appliances Sub-Committee after 1979 will be required before a firm position to be confirmed by IMCO's Maritime Safety Committee and the IMCO Assembly. Since the Lifesaving Appliances Sub-Committee will probably meet once a year in the future, Coast Guard says it should be able to begin a rulemaking project at the end of 1981, without waiting for IMCO to complete the formal approvals. A final rule could then be in effect by mid-1983 which should roughly correspond to the time of final IMCO action.

With respect to recommendation M–78–66, the Safety Board said it looked forward to reviewing the proposed regulations to include coastal tankships under 46 CFR 33.05–1, 2, and 3 concerning placement of liferafts near widely separated accommodation and/or work spaces. Coast Guard reports that a Supplementary Study of Proposed Rulemaking will be published in March 1980 in response to comments received after publication of the notice of proposed rulemaking. Coast Guard believes that this rulemaking project (docket number CGD 79–72) will satisfy the intent of recommendation M–78–66.

The Safety Board's July 9 letter stated that the six activities described for distribution of information concerning the proper use of helicopter-borne rescue baskets are acceptable toward fulfilling recommendation M–78–67. The Board requested a copy or sample of the placard for placement on the bridge of all inspected vessels 100 gross tons or over for use in final evaluation of Coast Guard action. The Board suggested that the placard also be placed at other locations on the vessel where it would be visible to all crewmembers. The Board also requested copies of the additions and changes in the three manuals listed, as well as the information in the AMVER Bulletin when published. Also, the Board asked if the information currently published in the "U.S. Coast Pilot" on this subject would also be amended.

Coast Guard on March 19 provided copies of the additions and changes to the publications as requested. Coast Guard reports that it is now condensing the article published in the National Fisherman Magazine for publication in the AMVER Bulletin and Marine Council Digest. Articles describing helicopter hoist operations were published in the October and November issues of National Fisherman Magazine. In addition, the Aviation Life Support Systems Manual [CG–429) will have instructions on the helicopter basket hoist. This manual should be in the field by July 1980. Also, Coast Guard has recently made a lecture presentation on helicopter evacuation at the National Safety Congress. Coast Guard reports that the copy of the placard for placement on the bridge of all inspected vessels 100 gross tons and over is undergoing a review process. Final approval is expected by May 1980.

Coast Guard states that it concurs with recommendations M–78–68, which called for installation of a placard of simple user instructions suitable for emergency situations on each Coast Guard helicopter-borne rescue basket. As requested by the Board, Coast Guard on March 19 provided a sample of the picture to be used as a placard for the basket. The photo will be encased in plastic sheeting and affixed to each end of the basket. The picture, showing the proper use of the stokes litter, will be sewn to the chest pad of the litter. These pictures are now being printed and will be distributed to the air stations by letter. The Aviation Life Support Systems Manual (CG–429) is presently being amended and permanent instructions for mounting these pictures will be included in the amendment.

M–79–72 through –75.—On March 3 Coast Guard responded to recommendations issued last August 8 following investigation of the collision of the U.S. bulk carrier SS YELLOWSTONE and the Algerian freighter M/V IBN BATOUTA which occurred in dense fog, June 12, 1978, in the Mediterranean Sea near Gibraltar. (See 44 FR 48001, August 16, 1979.)

In indicating nonconcurrence with recommendation M–79–72, which called for more frequent examinations for renewal of a radar observer's endorsement by deck officers of the U.S. Merchant Marine to maintain their proficiency in using the maneuvering board for solving radar target problems, Coast Guard stated that the facts of the accident do not support a finding of lack of radar proficiency but only a failure to use a maneuvering board or otherwise plot navigation data. Coast Guard states that currently radar proficiency must be demonstrated every 5 years by a test or training course attendance. Coast Guard will soon publish a notice of proposed rulemaking (CGD 76–193A) that proposes a requirement for all radar observer applicants to complete an approved radar training course at least once every 5 years. The 5-year requirement is also reflected in the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978. This convention has not yet been ratified.

Recommendation M–79–73 asked Coast Guard to propose to the International Consultative Organization (IMCO) that a study be initiated to determine the need for establishing an effective vessel traffic service (VTS) at the east end of the Strait of Gibraltar to improve the safety in this heavily trafficked area. Coast Guard rejects this recommendation on the basis that any VTS study or installation would have to be approved and funded by the coastal state. Coast Guard claims that it would be improper to suggest a study of VTS at the eastern end of the Strait of Gibraltar.

Coast Guard concurs with recommendation M–79–74, which called for establishment of a timetable for expediting Coast Guard action to promote the adoption by IMCO of a requirement for the use of bridge-to-bridge radiotelephone in collision avoidance. Coast Guard submitted a position paper to the IMCO Subcommittee of Safety of Navigation at its February 1980 meeting, which paper supported the adoption of an international bridge-to-bridge radiotelephone frequency. Coast Guard believes that language differences and vessel identification problems are serious obstacles to adoption.

Recommendation M–79–75 asked Coast Guard to require periodic gauging of bulkheads on bulk carriers that are more than 15 years old; in particular, the lower portions of bulkheads in cargo holds, bilge wells, saltwater ballast tanks, and machinery spaces should be gauged for timely renewal due to corrosion and wastage. In response, Coast Guard states that its current vessel inspection requirements deal with corrosion wastage in not ony the shell structure, but also internal structural members such as bulkheads. These procedures include gauging at any time during the life of the vessel in those areas where significant wastage is suspected. In indicating nonconcurrence with this recommendation, Coast Guard states that choosing an arbitrary age of 15 years after which vessels should be gauged periodically would serve to diminish the comprehensiveness of current inspection procedures. In addition, vessel casualty reports and inspection records are monitored for trends of excessive corrosion wastage and corrosion-incurred structural failures. Independently, maritime classification societies (such as the American Bureau of Shipping) periodically survey most large commercial vessels. Inspections for corrosion and general wastage is a key element of these surveys, Coast Guard stated.

Railroad

R–79–65 through –67.—The Federal Railroad Administration, under date of February 21, responded to recommendations issued last October 18 to the Secretary of Transportation as a result of the Safety Board's special report, "Progress of Safety Modification of Tank Cars Carrying Hazardous Materials." (See 44 FR 62973, November 1, 1979.)

Recommendation R–79–65 urged the Secretary to require that DOT Specification 112 and 114 tank cars which have been shifted from the T

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retrofit to the J retrofit be equipped with tank head protection by December 31, 1979. Recommendation R–79–66 urged the Secretary to provide that tank cars which have been shifted from the T retrofit to the J retrofit are not to be counted in the requirement for 65 percent retrofit completion of J tank cars by December 31, 1979. FRA's response addresses both recommendations, since they are both relative to tank car owners' decisions to transfer retrofit elections from the T retrofit to the J retrofit.

FRA states that reports summarizing the status of the retrofit as of January 1, 1980, are being received and that data covering 12,539 of approximately 17,485 tank cars have been tabulated. This represents approximately 72 percent of the fleet. FRA notes that if the data covering the remaining 28 percent were similar to that already received, as of January 1, 1980, the status of the retrofit program was as follows:

1. Over 95 percent of the cars being retrofitted to the S specification have been completed. The remaining cars are either at car shops (3 percent) or en route (2 percent).

2. Seventy-eight percent of the cars being retrofitted to the T specification have been completed. An additional 19 percent have been equipped with "head shields" while 2 percent are now at car shops and the remaining 1 percent is in transit to these shops.

3. Over 75 percent of the cars being retrofitted to the J specification have been completed. Facilities are retrofitting approximately 125 cars per week or 1 percent of the total number of tank cars requiring this retrofit.

Further, FRA states that even if the 1978 shifting from T to J is considered, and it is FRA's opinion that the initial 1978 reports represented only preliminary decisions regarding retrofit elections and were not firm commitments, this would mean that an additional 914 (35 percent of 2,613) tank cars could have their tank head protection retrofit delayed into 1980. Since 1,137 (914+223) does not exceed 1,150, changes in retrofit elections have not caused delay in the tank head protection retrofit schedule.

In response to recommendation R–79–67, which urged prompt issuance of a regulation to require that all DOT Specification 105 tank cars which transport hazardous materials be equipped with top and bottom shelf couplers by December 25, 1980, FRA states that it is in the final stages of developing a notice of proposed rulemaking, for issuance by the Materials Transportation Bureau, which addresses this subject. This proposal would retrofit installation of the top and bottom shelf couplers on all DOT specification tank cars along with an overall upgrading of these cars in a manner similar to that proposed in MTB Docket HM–144 for DOT Specification 112 and 114 tank cars. FRA stated that this proposed rulemaking is scheduled for publication in the **Federal Register** during March 1980.

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

April 7, 1980.

[FR Doc. 80-10899 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50–277 and 50–278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 66 and 65 to Facility Operating License Nos. DPR–44 and DPR–56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to permit purging of the primary containment through the Reactor Building Ventilation Exhaust rather than the Standby Gas Treatment System when the reactor is in the cold shutdown condition and the primary system is depressurized.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 19, 1980, (2) Amendment Nos. 66 and 65 to License Nos. DPR–44 and DPR–56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 3rd day of April 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-10785 Filed 4-9-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–328]

Tennessee Valley Authority Sequoyah Nuclear Plant, Unit 2; Order Extending Construction Completion Date

Tennessee Valley Authority (TVA) is the holder of Provisional Construction Permit No. CPPR–73, issued by the Atomic Energy Commission* on May 27, 1970, for construction of the Sequoyah Nuclear Plant, Unit 2, presently under construction at the licensee's site in Hamilton County, Tennessee.

On March 7, 1980, TVA filed a request for an extension of the completion date and stated that the delay in completion of construction of the Sequoyah Unit No. 2 was due to the following factors:

1. Diversion of significant manpower from the Sequoyah Unit No. 2 to Unit No. 1, as a direct result of the TMI–2 accident. Unit No. 1 is now completed and licensed for low power testing.

2. Plant modifications resulting from the preoperational testing and other problems encountered during the final phase of construction.

This action involves no significant hazards consideration, good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

The above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

It is hereby ordered that the latest completion date for Provisional Construction Permit No. CPPR–73 be extended from April 1, 1980, to May 1, 1981.

Date of Issuance: April 4, 1980.

For the Nuclear Regulatory Commission.

D. F. Ross, Jr.,

Acting Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 80-10784 Filed 4-9-80; 8:45 am]

BILLING CODE 7590-01-M

*Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

April 7, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting reqirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out.

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

Revisions

Nuclear Engineering and Radiation Protection Enrollment and Degree Surveys
IR–616 and 617
Annually
Educational institution offering nuclear-related program; 125 responses; 63 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Office of Human Development
Evaluation of Youth Demonstration Grants
Other (see SF–83)
Clients and staff in 7 youth projects, 1,960 responses; 588 hours
Barbara F. Young, 395–6132

Office of Human Development
Facilities Information System
RSA–PT–109
Other (see SF–83)
Rehabilitation facility service versus clients, State versus agencies, 102 responses; 1,664 hours
Barbara F. Young, 395–6132

Revisions

Health Care Financing Administration (Medicare)
Hospital, Hospital-Skilled Nursing Complex and Skilled
Nursing Facility Cost Report
HCFA–2552 and 2552A thru H
Annually
Hospitals and SNF's part. In medicare program, 10,800 responses; 432,000 hours
Richard Eisinger, 395–3214

Social Security Administration
Statistical Report on Numbers of Recipients and Amounts of Money

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and or Nonmedical Payments Under Public Assistance programs
SSA–3637
Monthly
State Department of Public Assistance, 648 responses; 12,960 hours
Barbara F. Young, 395–6132

Extensions

Food and Drug Administration
Shellfish Certification
FD–3038B
Annually
State and foreign agencies, 2,100 responses; 175 hours
Richard Eisinger, 395–3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
Employment Initiatives Report
ETA 8513
Other (see SF–83)
CETA prime sponsors and SESA's, 1,200 responses; 1,200 hours
Arnold Strasser, 395–5080

Employment and Training Administration
Special Esars Validation Surveys
ETA–RC30
Single time
Employers hiring ES applicants, & ES applicants, 5,000 responses; 500 hours
Arnold Strasser, 395–5080

Reinstatements

Employment and Training Administration Application for Award of Exemplary Rehabilitation Certificate
MA 7–52 7–53 7–54 7–55
On occasion
Individuals with other than honorable military discharge, 250 responses; 1,250 hours
Arnold Strasser, 395–5080

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Office—Gail J. Cook—632–3538

Revisions

Passport Application
DSP–11
On occasion,
Passport application, 3,000,000 responses; 454,545 hours
Phillip T. Balazs, 395–4814

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Coast Guard
Certificate of Discharge to Merchant Seaman
CG–718A
On occasion
Vessels on foreign or domestic voyages, 323, 120 responses; 16,156 hours
Susan B. Geiger, 395–5867

Reinstatements

Federal Highway Administration
Accounting System—Accrued Unbilled Costs
FHWA–186
Quarterly
State highway agencies, 208 responses; 832 hours
Susan B. Geiger, 395–5867

Federal Highway Administration
Highway Safety Improvement Program
Annually
State and territorial highway agencies, 55 responses; 19,250 hours
Susan B. Geiger, 395–5867

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376–0436

Extensions

Assistant Secretary (Economic Policy)
Purchases and Sales of Long-Term Securities by "Foreigners"
ICAP form S
Monthly
Banks, Brokers, and Dealers, 2,100 responses; 65,100 hours
Warren Topelius, 395–3211

SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence E. Boston—724–0419

Reinstatements

Change of Address Form
SSS 2
On occasion
Persons born in 1960 and 1961, 2,000 responses; 66,667 hours
Kenneth B. Allen, 395–3785

Selective Service Registration Form
SSS 1
On occasion
Persons born in 1960 and 1961, 8,000 responses; 266,667 hours
Kenneth B. Allen, 395–3785

ACTION

Agency Clearance Officer—W. D. Baldridge—254–7845

Reinstatements

Action Volunteer Reference Form Peace Corps/Vista
On occasion
Description not furnished by agency, 128,000 responses; 128,000 hours
Arnold Strasser, 395–5080

MINIMUM WAGE STUDY COMMISSION

Agency Clearance Officer—Robert J. Miller—376–2459

New Forms

A Study of Employers' Responses to Minimum Wage Increases
Single time
Business establishments representing all sizes and all industries, 1,900 responses; 1,463 hours
Arnold Strasser, 395–5080

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions

Application for Survior Benefits Due Estate
AA–21A
On occasion
Applicants for survivor benefits due estate, 600 responses; 150 hours
Barbara F. Young, 395–6132

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Importers Questionnaire for certain Nonquota Cheese
(Invoice No. 701–TA–52 Through 60)
Single time
Importers of certain nonquota cheese, 60 responses; 240 hours
Phillip T. Balazs, 395–4814

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–10903 Filed 4–9–80; 8:45 am]

BILLING CODE 3110–01–M

Solicitation of Views on Development of a Uniform Procurement System

AGENCY: Office of Federal Procurement Policy; Office of Management and Budget.

ACTION: Notice of Public Hearing.

SUMMARY: Public Law 96–83, the Office of Federal Procurement Policy Act Amendments of 1979 (41 U.S.C. 401 et. seq.), provides that the Administrator for Federal Procurement Policy shall develop and submit to the Congress a proposal for a uniform procurement system including uniform policies, regulations, procedures, and forms. Notice is hereby given that the views of all interested parties are solicited with respect to the scope, content, philosophy and objectives of such a system. Views should be presented in writing to the Office of Federal Procurement Policy at Washington, D.C. on May 6, 1980. The purpose of this action is to ensure that the views of all interested parties are considered in shaping the course and direction of this undertaking.

DATE AND TIME OF HEARING: The hearing, which shall be open to the public, will commence at 9:30 a.m. on May 6, 1980, and will be extended through May 7, 1980 should additional time be required to permit all interested parties to participate.

PLACE OF HEARING: Room 2008, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.

PRESENTATION OF VIEWS: To ensure proper consideration, views must be submitted in writing to the Office of Federal Procurement Policy (OFPP) by May 5, 1980. In the interest of time, consolidation of comments by organization, association, industry or interest groups is encouraged. Persons wishing to present an oral summary at the hearing should make such a request to OFPP not later than May 1, 1980. Persons may appear on their own behalf or as representatives of any entity or any interested group whether public or private to make oral presentations. Such presentations will be limited to 15 minutes duration and will represent a summary or clarification of written views. OFPP will advise those making oral presentations of the day and approximate time for their delivery.

FOR FURTHER INFORMATION CONTACT: David F. Baker, Deputy Assistant Administrator for Logistics, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, N.W., 9013 New Executive Office Building, Washington, D.C. 20503 (Telephone: 202/395–7207).

SUPPLEMENTARY INFORMATION: Supplementary information regarding the subject of this public hearing is set forth in Attachment 1, below.

Karen Hastie Williams,

Administrator.

The following information is provided to assist in the preparation of comments on the uniform procurement system.

A. *Subject.* The Office of Federal Procurement Policy (OFPP) Act Amendments of 1979 requires the Administrator to develop a proposal for submission to the Congress this fall. Elements of that submission are to include:

(1) A proposal for a simplified and uniform procurement system which shall, to the extent considered appropriate and with due regard to the program activities of the executive agencies, include uniform policies, regulations, procedures, and forms to be followed by executive agencies in the procurement of (a) property other than real property in being; (b) services, including research and development; and (c) construction, alteration, repair, or maintenance of real property.

The proposal shall also provide for procurement by recipients of Federal grants or assistance of items specified in (a), (b), and (c) above, to the extent required for performance of Federal grant or assistance programs. In addition, the uniform procurement system will provide for a method for soliciting viewpoints of interested parties in the development of procurement policies and regulations, the conduct and promotion of procurement research and work force development, and the collection and distribution of procurement data.

(2) A proposal, for inclusion in the uniform procurement system, of standard contracts and contract language in order to reduce the Government's cost of procuring goods and services as well as the private sector's cost of doing business with the Government; and

(3) An analysis of projected costs and benefits of the system as proposed, as well as short and long-term plans for implementation of the system, including schedules for implementation.

B. *Definition and Scope.* As used in the Act, the term "procurement" includes all stages of the acquisition process, beginning with the process for determining a need for property and services through to the Federal Government's disposition of such property and services. In this regard, the President noted in signing P.L. 96–83 that the development of a proposal for a uniform procurement system will serve as successor to the National Supply System project which he approved in August 1979. Moreover, the Federal Acquisition Regulation (FAR), on which substantial progress has been made, will be incorporated into the uniform regulations aspect of the uniform procurement system.

C. *Context.* In addition, P.L. 96–83 requires that certain other proposals be developed and submitted to the Congress as elements of the uniform procurement system. Those elements consist of a proposed central management system and recommended procurement legislation which will be necessary to implement the proposed uniform procurement policies, regulations, procedures, forms, standard contracts and contract language. The proposed management system and legislative initiative are not required to be submitted with the initial uniform procurement system proposal this fall. Consequently, they are not intended to be subjects for formal comment at this public hearing. Subsequent public hearings will be held to address those aspects.

D. General Guidance. In developing views on this subject, attention should be given to the Declaration of Policy in Section 2 of the OFPP Act, as amended, which provides procurement policy guidance and which reads, as follows:

"It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government by—

"(1) promoting the use of full and open competition in the procurement of products and services;

"(2) establishing policies, procedures, and practices which will require the Government to acquire property and services of the requisite quality and within the time needed at the lowest reasonable cost;

"(3) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel, and eliminating fraud and waste in the procurement process;

"(4) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

"(5) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

"(6) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

"(7) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

"(8) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operation;

"(9) coordinating procurement policies and programs of the several departments and agencies;

"(10) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

"(11) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government; and

"(12) promoting fair dealing and equitable relationships among the parties in Government contracting."

[FR Doc. 80–10532 Filed 4–9–80; 8:45 am]

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OFFICE OF THE U.S. TRADE REPRESENTATIVE

Solicitation of Views Regarding the Enlargement of the European Community to Include Greece, Spain, and Portugal

The United States has begun an analysis of the impact of EC enlargement on U.S. trade. The Trade Policy Staff Committee seeks the comments of interested parties regarding the future entry of Greece, Spain and Portugal into the European Community.

The European Community is a customs union consisting of nine countries—France, Germany, Italy, Belgium, Luxembourg, Netherlands, United Kingdom, Denmark, Ireland. Trade among the member countries is free of tariffs and other trade restrictions. The EC has signed (subject to ratification in the Parliaments of Greece and the EC member states) an agreement for entry of Greece as the tenth member of the EC on January 1, 1981. Negotiations are now underway between the EC and Spain and Portugal for their entry. Entry of these countries is not expected before 1983.

When the EC has enlarged to include all three countries, it will represent a common market which, in 1978, had a total population of 315 million persons (compared to 217 million in the United States). The expanded EC will have a gross national product approximately the size of that of the United States.

The United States has favored this enlargement of the EC because it will contribute to a strong and stable Europe, accelerate economic growth in the EC and, as a result, will likely accelerate U.S. exports in some product categories. Nevertheless, the United States may face the possibility of impairment of its trade because of the following related developments:

(1) the introduction of mutual, preferential tariff-free access between the current EC and the three new entrants, while tariffs will be maintained against exports from the United States;

(2) the possible introduction of trade-restrictive agricultural policies in the three new member states; and

(3) increases in duties on some products by Greece, Spain and Portugal as the three new member states align their tariffs to those prevailing in the EC.

Major U.S. exports to the three new member states include aircraft and parts, office and computer equipment, chemicals, paper, industrial machinery, corn, wheat and soybeans.

The United States Trade Representative seeks the views of interested U.S. citizens with regard to any advantages or disadvantages for foreign trade which may result from the enlargement of the European Community. Article XXIV of the General Agreement on Tariffs and Trade calls for a full review of the terms of the agreement leading to the enlargement of the EC. The United States will follow the development of the enlargement exercise closely and will fully exercise its legal rights under GATT Article XXIV.

Persons interested in submitting comments should send their statement, in 20 copies, to Carolyn Frank, Secretary of the Trade Policy Staff Committee, Office of the U.S. Trade Representative, 1800 G Street, N.W., Room 735, Washington, D.C. 20506. on or before May 30, 1980. For further information call: Harvey Bale (202) 395–3510.

Ann Hughes,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 80-10659 Filed 4-9-80; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16722; SR-AMEX-80-1]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 3, 1980.

On January 17, 1980, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b–4 thereunder, 17 CFR 240.19b–4, copies of a proposed rule change which would amend Section 122 of the Amex Company Guide relating to independent directors. The rule would recommend that every listed company have at least two "independent directors," *i.e.*, one who is not an officer of the company, who is neither related to its officers nor represents concentrated or family holdings of its shares and who, in view of the company's board of directors, is free of any relationship that would interfere with the exercise of independent judgement. The rule would further recommend that every listed company establish and maintain an audit committee composed solely of independent directors ("independent audit committee").

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16542, January 29, 1980) and by publication in the **Federal Register** (45 FR 8171, February 6, 1980). No comments were received. All written statements with respect to the proposed rule change which were filed with the commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission has long advocated the establishment of independent audit committees as a means of ensuring the effective corporate accountability of public companies.[1] The Commission believes that independent audit committees serve the important function of enhancing corporate accountability, thereby promoting public confidence in the integrity of the markets.[2] In particular, the Commission has urged strengthening the independence and vitality of corporate boards of directors and has suggested that, at least initially, those objectives could be achieved by amending the listing requirements of the self-regulatory organizations, rather than by direct Commission action.[3] Professional organizations such as the American Institute of Certified Public Accountants ("AICPA") also have endorsed the establishment of independent audit committees.[4]

[1] The discovery in the mid 1970's, of questionable and illegal corporate payments causing breaches in the operation of the securities laws' system of corporate disclosure dramatically illustrated the continuing need for developing mechanisms responsive to the problems of corporate accountability, and led to the enactment of the Foreign Corrupt Practices Act of 1977 (Pub. L. No. 95–213, Tit. 1, §§ 102–103 (December 19, 1977)).

[2] In 1940, the Commission recommended establishing committees composed of non-officer members of boards of directors who would be responsible for nominating and arranging the details of engaging auditors. Accounting Series Release No. 19 (Dec. 5, 1940). The Commission reiterated its position in 1972, by endorsing the establishment by all publicly-held companies of audit committees composed of outside directors, Securities Exchange Act Release No. 9548 (March 23, 1972) 37 FR 6850 (April 5, 1972), and, in 1974, by amending the proxy rules to require disclosure of the existence and composition of audit committees. Accounting Series Release No. 165 (December 20, 1974). *See also* Securities Exchange Act Release No. 13346 (March 9, 1977); and "Report to Congress on the Accounting Profession and the Commission's Oversight Role" (July 5, 1978).

[3] Securities Exchange Act Release No. 13346 (March 9, 1977), 44 FR 14793 (March 16, 1977).

[4] On December 7, 1978, the AICPA Board of Directors received and approved a written report from the Institute's Special Committee on Audit

Footnotes continued on next page

In March 1977, the New York Stock Exchange, Inc. ("NYSE") amended its rules to require that all domestic companies listed on the Exchange create and maintain audit committees composed of directors independent of management.[5] Shortly thereafter, the Commission wrote to the national securities exchanges and the National Association of Securities Dealers, Inc. to apprise them of the NYSE rule and suggest that they consider the feasibility of adopting a similar policy.[6] In response, the Amex Board of Directors appointed a Special Advisory Committee on Audit Committees ("Advisory Committee") in November 1978. The Advisory Committee submitted its recommendations to the Amex Board in September 1979. Among other things, the Advisory Committee recommended that the Amex adopt a rule requiring domestic listed companies to establish audit committees composed of a majority of independent directors.[7]

The recommendations of the Advisory Committee were considered by the Amex in formulating the proposed rule change. However, the proposed rule differs from the recommendations in two major respects.[8] First, the proposed fule would recommend rather than require the establishment of audit committees. And, second, the proposed rule would recommend that audit committees be composed entirely of independent directors rather than a majority of independent directors.

While the proposed rule change would not ensure the establishment of independent audit committees by all companies listed on the Amex, it does represent a positive step toward attainment of that objective. The Amex has undertaken to evaluate the success of the proposed rule within one year to determine whether there is a need for further action. If the recommendation of the proposed rule is not embraced by a significant majority of Amex listed companies who currently do not have completely independent audit committees, the Commission would expect the Amex to amend its rule appropriately. The Commission encourages the other self-regulatory organizations to determine whether to adopt a rule requiring the establishment of audit committees composed entirely of members independent of management.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6(b)(5) and the rules and regulations thereunder requiring, among other things, that exchange rules to designed to remove impediments to and perfect the mechanism of a free and open market, to prevent fraudulent and manipulative acts and practices, and in general, to protect investors and the public interest.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10815 Filed 4-9-80; 8:45 am]

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Footnotes continued from last page

Committees which concluded that the AICPA should not establish a requirement for audit committees despite its belief that audit committees are helpful to corporate directors and independent auditors. The Executive Committee of the AICPA recommended the establishment of audit committees by publicly-owned corporations generally. *See* AICPA "Executive Committee Statement on Audit Committees of Board of Directors" (July 1967).

[5] Securities Exchange Act Release No. 13346 (March 9, 1977) (SR–NYSE–77–3).

[6] *See, e.g.*, letter from George Fitzsimmons to Paul Kolton, Amex Chairman, March 11, 1977.

[7] The Advisory Committee also recommended that such a rule provide an exemption procedure for certain smaller companies.

[8] For a discussion of the Commission's endorsement of independent audit committees, *see* Securities Exchange Act Release No. 14970 (July 18, 1978).

[Release No. 11115; 811-2947]

Federated Convertible Income Securities, Inc.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

April 3, 1980.

Notice is Hereby Given that Federated Convertible Income Securities, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 25, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Maryland corporation, registered under the Act on August 13, 1979, and on or about that date it also filed a registration statement (File No. 2–65243) on Form N–1 under the Securities Act of 1933 covering 100,000 shares of its common stock in connection with a proposed public offering of its shares. This registration statement did not become effective, and will be withdrawn pursuant to Applicant's request dated March 26, 1980. Thus, Applicant has never engaged in a public offering of shares of its common stock.

The application states that Applicant does not have any assets, or debts or other liabilities currently outstanding, and that it is not a party to any litigation or administrative proceeding. The application further states that Applicant is presently an inactive corporation under Maryland law, and is not engaged in and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs. Finally, Applicant states that it has not within the last eighteen months transferred any of its assets to a separate trust the beneficiaries of which were or are affiliated persons of its sole shareholder, Federated Asset Management Corporation.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is Further Given that any interested person may, not later than April 28, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any

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notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10817 Filed 4-9-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11117; 812-4592]

Federated Tax-Free Trust; Filing of Application

April 4, 1980.

Notice is hereby given that Federated Tax-Free Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 15, 1980, and amendments thereto on February 29, 1979, and March 13, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Federated Asset Management Corp., a wholly owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking income exempt from federal income tax, and that its portfolio may be invested in a variety of short-term municipal securities. According to the application, Applicant will invest in municipal securities including Industrial Revenue Bonds: (1) which were originally issued for a term of more than one year, if at the time of purchase there is one year or less remaining to maturity, and the securities are rated Aaa or Aa by Moody's Investors Service, Inc. ("Moody's"), or AAA or AA By Standard & Poor's Corporation, Inc. ("Standard & Poor's"); (2) which at the time of purchase carry an effective guarantee by the United States Government as to the payment of principal and interest, such as tax-exempt Project Notes; or (3) which were originally issued for a term of one year or less and which are at the time of purchase rated MIG 1 by Moody's or A–1 by Standard and Poor's or which, if unrated (where the issuer has not sought a rating), Applicant's Trustees determine are of "high quality and of minimal credit risk. The application states that Applicant may, for defensive purposes, make temporary investments in certain other instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4, under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant represents that its Trustees ("Management") have properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interest of its shareholders. According to the application, experience has shown that, given the unique nature of Applicant's policies and operations, there should be a negligible discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Applicant further represents that: (1) its Management has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market valuation method, and (2) its Management has further determined to continuously monitor valuation indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Management undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Management shall be the following:

(a) Review by Management, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that Management will promptly consider what action, if any, should be initiated by Management.

(c) Where Management believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1, above, and Applicant will record, maintain and preserve for a period of not less than 6 years (the first 2 years in an easily accessible place) a written record of Management's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Management's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which Management determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by Management.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice Is Further Given that any interested person may, not later than April 28, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George Fitzsimmons,

Secretary.

[FR Doc. 80-10813 Filed 4-9-80; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by Management in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[Release No. 16721; File No. SR-NYSE-80-2]

New York Stock Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Disapprove Proposed Rule Change

April 3, 1980.

Background

Physical access annual membership was one of several means adopted by the New York Stock Exchange, Inc. ("NYSE") Eleven Wall Street, New York, New York 10005 to increase access to that exchange following the enactment of the Securities Act Amendments of 1975.[1] In approving the creation of annual memberships on March 7, 1978, the Commission found that the establishment of annual physical presence memberships was consistent with the provisions of the Securities Exchange Act of 1934 ("Act")[2] and the rules and regulations thereunder, particularly Section 6(b)(5) of the Act, and stated that in making available electronic access and physical presence annual memberships, the NYSE was providing a "means of increasing access to most or all of the range of benefits (and obligations) attendant upon ownership of a NYSE seat (historically limited in number)."[3] Physical access

[1] In December 1976, the NYSE Committee on Access, *Report on Achieving Greater Access to the New York Stock Exchange* (December 1976) recommended, among other things, that the NYSE create both electronic and physical access annual memberships, and permit equity members to lease seats in order to enhance "the NYSE's ability to compete within the emerging national market system . . ." *Id.* at 8.

[2] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975), 89 Stat. 97 [1975] U.S. Code Cong. and Ad. News 97.

[3] Securities Exchange Act Release No. 14535 (March 7, 1978), 14 SEC Docket 383, 384 (March 21, 1978). At the same time, the Commission approved amendments to Article IX, Section (c) of the NYSE constitution to make a second form of annual membership, electronic access membership.

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members pay annual dues of $35,000, which entitles them to go on the trading floor to carry out business in any of the capacities available to equity members (seat-holders).[4] Presently physical access membership provides the only means, other than by NYSE constitutional amendment, by which the number of NYSE members permitted to maintain physical presence and facilities on the NYSE trading floor can be increased beyond the traditional 1,366 equity members.

On January 7, 1980, the NYSE filed, pursuant to Section 19(b)(1) of the Act,[5] a proposed rule change (SR–NYSE–80–2) to amend Article IX, Section 1(b) of the NYSE constitution [6] to limit the number of physical access annual memberships to no more than two, the number in effect on August 31, 1979. This resulted from a petition presented by 315 floor members, pursuant to Article XX, Section 3b of the NYSE constitution, to obtain a membership vote on the proposed limitation.[7] The NYSE Board of Directors opposed the proposed constitutional amendment on the grounds that new forms of membership, including physicial access annual membership, enhanced the public credibilify of the NYSE and contributed significantly to the ability of the NYSE to take a position of initiative and leadership in the evolving national market system mandated by the Congress.[8] The proposed limitation was approved by a special membership vote on November 16, 1979, and on December 16, 1979, the NYSE Board of Directors authorized the filing of the proposed constitutional amendment with the Commission as required by Section 19(b)(1) of the Act.[9]

Summary of Comments Received

In filing the proposed rule change the NYSE Board of Directors ("Board") determined not to take any position in its Form 19b–4A (the required form for self-regulatory organization proposed rule changes) as to the basis under the Act of the proposal or its burden on competition.[10] Extensive comments were filed on a Form 19b–4A by the major proponents of the proposed rule change, the Alliance of Floor Brokers, Inc. ("Alliance"), an organization of NYSE members. The NYSE incorporated substantial portions of those comments into item 3 (purpose of the proposed rule change), item 4 (basis under the Act), and item 6 (burden on competition) of its Form 19b–4A by an amendment to the Form filed with the Commission on January 25, 1980. Although no formal comments were received other than by the Alliance, the NYSE filed a number of attachments to its Form 19b–4A from which the Board's position can be ascertained.[11] The position of the Board of Directors as well as the position of the proponents of the proposed rule change as set forth in those documents are summarized below.

a. *The position of the Alliance of Floor Brokers.* The Alliance states that physical access membership is not required by the Act [12] and that elimination of physical access membership would bring the NYSE in line with other exchanges which do not permit this form of membership.[13] It further states that the proposal would not impose a burden on competition not necessary or appropriate in furtherance of the Act because other forms of access to the NYSE are available through the Intermarket Trading System ("ITS"),[14] electronic access annual membership, leases by equity members and economic access through negotiated commission rates.[15] The Alliance suggests that the physical access program, which is comprised of only four members, has not increased order flow to the exchange in any material respect.[16] In the Alliance's view, the large number of equity members on the NYSE floor at any given time demonstrates competition among members and assures a fair and competitive price for clients and customers.[17] The Alliance states that it is impossible to compute an equitable allocation of dues charged to physical access members and dues and other fees charged to equity members,[18] because of the differences between the

Footnotes continued from last page

available. There are currently 10 electronic access members. The NYSE's rule filing (SR–NYSE–77–21) also proposed to establish an "options market maker" annual membership and to permit equity members to lease their seats. The Commission approved the seat leasing proposal in Securities Exchange Act Release No. 14256 (December 12, 1977), 42 FR 63974 (December 22, 1977). The options market maker proposal subsequently was withdrawn. Securities Exchange Act Release No. 15026 (August 3, 1978).

[4] NYSE Constitution, Article X, Section 1(a). The dues were raised from $25,000 (the original rate) to $35,000 on October 4, 1979, pursuant to Section 19(b)(3)(A)(ii) of the Act (SR–NYSE–79–43). Securities Exchange Act Release No. 16279 (October 15, 1979) 44 FR 60463 (October 19, 1979).

[5] 15 U.S.C. 78s(b)(1)(1975).

[6] Article IX, Section 1(b) of the NYSE constitution provides that the exchange's membership shall include:

Such number of members of the Exchange, as the Board of Directors may from time to time determine, consistent with available physical floor space and facilities, each of whom shall have paid an annual dues, which shall entitle such member, during the period for which dues have been paid and while such member remains in good standing, to enter physically upon the trading floor and to have facilities thereon for the execution of orders.

[7] Since August 31, 1979, the NYSE has approved two additional applications for physical access membership. The two additonal members each signed an agreement acknowledging that they had been informed by the exchange of the pending membership vote on the proposed constitutional amendment and that if the amendment were approved by the Commission it could result in their losing all privileges as physical access members.

[8] NYSE Form 19b–4A, Exhibit B (Special Membership Bulletin at 3–4, October 5, 1979); Exhibit C (Special Membership Bulletin at 2, November 1, 1979).

[9] Notice of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Rel. No. 16538) and by notice in the Federal Register (45 FR 7022 (January 31, 1980)).

[10] NYSE Form 19b–4A, Exhibit O, P.

[11] These attachments are documents issued in connection with the membership vote or filed in the litigation, *Higgins* v. *Hall* (N.Y. Sup. Ct.) brought by certain members of the NYSE floor community in July 1979, to enjoin the NYSE from granting additional physical access memberships. The suit, which alleged, among other things, that physical access memberships were being approved despite the absence of sufficient space on the NYSE trading floor to accommodate them in contravention of Article IX, Section 1(b) of the NYSE constitution, was dismissed and summary judgment granted in favor of the NYSE on January 24, 1980.

[12] NYSE Form 19b–4, Exhibits K, L, M and O.

[13] NYSE Form 19b–4A, Amendment No. 1 at 15.

[14] The ITS is an intermarket linkage system developed by several exchanges which links participating market centers and provides facilities and procedures for (1) routing of commitments to trade and administrative messages between and among the participants, and (2) participation, under certain conditions, by members of all participant markets in opening transactions in those markets. The ITS contemplates the display of composite quotation information on the floors of each of the participants (at the designated trading area) so that members of each participant will be able to determine readily the best bid and offer for a particular multiply-traded security available from any participant. Currently, the participants in the ITS are the American Stock Exchange, Inc., Boston Stock Exchange, Inc., Midwest Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc. and Philadelphia Stock Exchange, Inc. Approximately 750 securities listed on the New York Stock Exchange or American Stock Exchange and traded on one or more regional exchanges are traded in the ITS. *See* Securities Exchange Act Release Nos. 14661 (April 14, 1978), 15058 (August 11, 1978) and 16214 (September 21, 1979), 43 FR 17419 and 36732, 44 FR 56089.

[15] NYSE Form 19b–4A, Amendment No. 1 at 13. With respect to economic access, the Alliance states:

If one reviews the types of access available, it becomes quite clear that given present competition, additional physical access is neither a necessary nor effective ingredient to the successful operation of the [NYSE] nor to the rights of non-members. Economic access is presently available to both members and non-members. This is available through the ITS, through the right to negotiate commissions, and through the right of non-member brokers to retain a portion of commissions on business they introduce to members or member organizations.

Id. at 18. *See also id.* at 18–23. The Alliance states that it is these innovative business approaches, and not physical access membership, that attract additional order flow to the NYSE floor. *Id.* at 29.

[16] *Id.* at 29.

[17] *Id.* at 15. The Alliance also states that exchange equity members have consistently proven their ability to handle any increased volume. *Id.* at 30.

[18] *Id.* at 31–32.

memberships.[19] Thus, the Alliance believes that the proposed constitutional amendment would eliminate a type of membership which has proven a failure and which has been unfair in its application.[20] The Alliance also suggests that the availability of physical access membership would decrease the value of equity seats. Finally, the Alliance urges that the NYSE trading floor is already overcrowded and cannot accommodate additional personnel.[21]

b. *The position of the NYSE Board of Directors.* The NYSE Board of Directors opposes the proposed constitutional amendment on the grounds that, as part of a comprehensive effort to provide various forms of membership, the physical access membership program has enhanced the credibility of the exchange as a public institution, and that the proposal would not promote the best interests of the exchange, the membership or the investing public.[22] The exchange believes that the questions raised by granting physical access to the NYSE trading facilities to qualified broker-dealers are closely related to, and impact upon, the resolution of much larger issues regarding the national market system.[23] Contrary to the claim of the Alliance that there was insufficient space on the NYSE to accomodate additional physical access members, in October 1979, the NYSE Board of Directors determined that the NYSE floor had space and facilities to accomodate as many as 20 additional physical access members in the near term, based upon, among other things, its facilities upgrade program.[24]

Just prior to the special member election in November 1979, John J. Phelan, Vice Chairman of the NYSE, issued a letter to the membership stating that, in his view, the proposed constitutional amendment would be viewed as a reactionist and regressive step away from the NYSE's current image as a modern, progressive strongly competitive component of the capital raising mechanism of the country.[25]

3. *Proceedings to Determine Whether to Disapprove SR–NYSE–80–2 and Grounds for Disapproval Under Consideration.* The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposed rule change should be disapproved. Institution of disapproval proceedings appears appropriate at this time in view of the legal and policy issues under the Act summarized below raised by the proposal and does not indicate that the Commission has formulated any conclusions with respect to any of the issues involved.

Section 19(b)(2) of the Act provides that the Commission must approve a proposed rule change of a self-regulatory organization if it finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the self-regulatory organization, and must disapprove a proposed rule change if it does not make these findings. In the present case, the applicable provision is Section 6(b) of the Act [26] which establishes substantive requirements governing the rules of exchanges. The requirements of Section 6(b) of the Act that are particularly relevant to consideration of the NYSE's physical access proposal are Section 6(b)(5), which requires that exchange rules be designed to, among other things, remove impediments to and perfect the mechanism of a free and open market and a national market system, and Section 6(b)(8), which requires that exchange rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

1. While the Act does not expressly require the creation of new types of memberships (including annual memberships with physical access privileges), an exchange may limit or eliminate existing forms of membership by rule only if such action would not impose any burden on competition not necessary or appropriate under Section 6(b)(8) of the Act.[27] It appears that the proposed rule change, by placing an arbitrary limit on the number of persons entitled to physical access under its annual membership program, if approved, would result in a burden on competition by restricting existing and potential competition for floor brokerage and other business requiring physical presence on the NYSE floor. Although alternative means of access to the NYSE exist, leasing of seats from equity members is the only alternative means of access which provides both the ability to effect transactions in the NYSE and the right of physical presence on the NYSE trading floor.[28] Leasing, however, does not provide the potential for increasing the number of members entitled to compete on the trading floor beyond the traditional 1,366, and, therefore, is not a substitute for physical access membership.

To the extent the proposed rule change does impose a burden on competition, the proponents of the proposal argue that such a burden is justified by space limitations on the

[19] For example, annual members obtain no equity or other transferable interest in the NYSE and are not permitted to lease their memberships. *Id.* at 32–33.

[20] NYSE Form 19b–4A, Amendment No. 1 at 8, 26–27. The Alliance notes that presently there are only four physical access memberships and suggests that physical access membership has been a source of controversy and friction among members. NYSE Form 19b–4A, Amendment No. 1 at 31, 36.

[21] NYSE Form 19b–4A, Exhibit D.

[22] In creating physical access memberships in 1978, the NYSE Board stated that annual membership would increase the potential for access to the NYSE and encourage greater participation therein. The exchange urged that the creation of physical access membership was consistent with Section 6(b)(2) of the Act in enabling any qualified person to become a member of the exchange, and with Section 6(b)(5) in that the existence of various forms of membership tended to remove impediments to the mechanism of a free and open market. File No. SR–NYSE–77–21.

[23] NYSE Form 19b–4A, Exhibit B at 3–4 (Special Membership Bulletin; October 5, 1979). The exchange notes the continuing relevance of the key factors which prompted it to create physical access membership in 1978: (i) new forms of membership are essential if the exchange is to implement new products and meet increasing competition for order flow; (ii) order flow and its impact on volume are the major factors determining the exchange's future and, therefore, will exert the major influence in determining the prices of regular memberships; (iii) easier access to the exchange should provide an economic incentive for new members to bring capital, expertise and additional business to the NYSE; and, (iv) easier and broader access will improve credibility of the exchange as a public institution.

See also NYSE Form 19b–4A, Exhibit C (Special Membership Bulletin, November 1, 1979).

[24] NYSE Form 19b–4A, Exhibit B at 1–2 (Special Membership Bulletin, October 5, 1979). Earlier, in July 1979, the NYSE completed an eight month study of its facilities and concluded that, although the facilities required continued improvement, the exchange had facilities and services available for additional people on the floor. NYSE Form 19b–4A, Exhibit G at 5–6 (Affidavit of William M. Batten). These conclusions were based upon, among other things, the range of population on the trading floor over the prior 10 years; the number of available booths and telephone lines; the completion of recent safety measures which permitted a 10–20 percent increase in the floor population; and the NYSE's facilities upgrade program which wuld expand usable floor space by approximately 20 percent. *Id.* at 6–7. The NYSE study and a concurrent moratorium on granting physical access memberships were prompted by member complaints that the floor could not physically accomodate additional personnel.

[25] NYSE Form 19b–4A, Exhibit I (Special Membership Bulletin, November 9, 1979).

[26] 15 U.S.C. 78f(b)(1975). *See also* Section 19(g) of the Act, 15 U.S.C. 78s(g)(1975).

[27] *See also* Section 6(c)(4) of the Act. While that section permits an exchange to limit the number of members of the exchange (but not to decrease the number below that in effect on May 1, 1975), the Commission is empowered to amend the rules of an exchange (pursuant to Section 19(c) of the Act) to increase or remove any limitation on the number of memberships in such exchange if the Commission finds that the limitation imposes a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[28] The other alternatives—routing orders on an intermarket basis through the ITS, obtaining electronic access annual membership and negotiative access through reduced commission charges—generally affect only the costs of executing transactions on the NYSE and are not substitutes for the right of physical presence on the floor.

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floor of the NYSE. While the Act permits an exchange, subject to Commission action pursuant to Section 19(c), to limit the number of membership and the number of personnel permitted on its trading floor in order, among other things, to assure the comfort and safety of its members and employees, the proposed rule change, by placing a permanent limitation on physical access membership, seems to be wholly unrelated to space considerations on the NYSE. It, thus, does not appear that the perceived burden on competition which would result from approval of the proposed rule change could be justified on that basis.[29] For these reasons, whether the proposed rule change would impose a burden on competition inconsistent with the requirements of Section 6(b)(8) of the Act is a ground for disapproval under consideration.

2. The proposed rule change, by permanently limiting the number of physical access memberships to two, irrespective of the availability of space and facilities on the NYSE floor, would appear to restrict access to the NYSE, the nation's principal stock market. Thus, whether the proposed rule would be inconsistent with the requirements of Section 6(b)(5) of the Act, that the rules of an exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, also is a ground for dissapproval under consideration.

Procedure; Requests for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, arguments and data, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[30] in particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with the provisions of the Act and the rules and regulations thereunder, specifically Sections 6(b) (5), (8) discussed above.

Interested persons are invited to submit written data, views and arguments regarding the proposed rule change by May 15, 1980.[31] Any person who wishes to file a rebuttal to any other person's submission must file their rebuttal by May 30, 1980. Persons desiring to submit written data, views and arguments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Reference should be made to file No. SR–NYSE–80–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–10814 Filed 4–9–80; 8:45 am]

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[29] The existing rule on physical access membership appears to be more responsive to these concerns in that it permits the NYSE Board of Directors to determine the number of physical access members "consistent with available physical floor space and facilities."

[30] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975 (Pub. L. 94–29, June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral hearing or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong. 1st Sess. 30 (1975).

[31] Section 19(b)(2) requires that proceedings to determine whether to disapprove a proposed rule change be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change, unless the Commission finds good cause to extend the time for the conclusion of such proceedings.

[Release No. 11116; 812–4558]

Paine, Webber Municipal Bond Fund, First Series, et al.; Filing of Application

April 3, 1980.

Notice Is Hereby Given that Paine, Webber Municipal Bond Fund, First Series, Paine, Webber Municipal Bond Fund, Second Series, and Paine, Webber Municipal Bond Fund, Third Series ("Paine, Webber Series"), The Municipal Bond Fund, Series 1 through Series 43 and The Municipal Bond Trust, Series 44 and subsequent series ("National Series"), The Municipal Bond Trust, Multi-State Program, Series 1 and subsequent series ("Multi-State Series"), The Municipal Bond Trust, Multiple Maturity Series 1 and subsequent series ("Multiple Maturity Series"), The Municipal Bond Trust, Puerto Rico Series 1 and subsequent series ("Puerto Rico Series") and The Corporate Bond Trust, Series 1 and subsequent series ("Corporate Series") (collectively referred to as the "Trusts" or "Applicants"), 1221 Avenue of the Americas, New York, New York 10020, filed an application on October 29, 1979, and amendments thereto on February 29 and March 17, 1980, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicants from the provisions of Section 22(d) of the Act to permit Applicants to offer a reinvestment plan pursuant to which holders of units of the Trusts may elect to have distributions with respect to their units reinvested in units of future series of their respective Trusts, or in existing series of the Trusts, without imposition of a sales charge.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, each Paine, Webber Series and each National Series is registered under the Act and is a separate unit investment trust created under the laws of the State of New York by a separate trust indenture and agreement ("Trust Agreement") among Paine, Webber, Jackson & Curtis Incorporated as sponsor ("Sponsor"), United States Trust Company of New York as trustee ("Trustee"), and Standard & Poor's Corporation as evaluator ("Evaluator"). Applicants state that the investment objectives of each of the Paine, Webber Series and each National Series are federally tax exempt income and conservation of capital through investment in a fixed portfolio of interest-bearing municipal bonds. In addition, Applicants state that each Multi-State Series consists of two or more separate unit investment trusts created under the laws of the State of New York by a separate Trust Agreement among the Sponsor, the Trustee and the Evaluator. Applicants represent that the portfolios of the Multi-State Series contain interest-bearing municipal bonds issued by governmental entities located within the state for which each Trust is named and that the investment objectives of each Trust constituting a Multi-State Series are conservation of capital and interest income that is exempt from federal, state and local income taxation for residents of the states for which such Trust is named. Applicants state that units representing fractional undivided interests in the portfolio of each Paine, Webber Series, National Series and Multi-State Series are registered with the Commission pursuant to the Securities Act of 1933.

Applicants state that the Puerto Rico Series and the Multiple Maturity Series are not currently in existence. Applicants represent, however, that they anticipate those Trusts will be organized and registered under the Act. Applicants state that the portfolio of each Puerto Rico Series is expected to consist solely of interest-bearing municipal obligations issued by governmental entities located within the Commonwealth of Puerto Rico and that the investment objectives of each Puerto Rico Series will be conservation of capital and interest income exempt from federal, state and local income taxation. Applicants also represent that each Multiple Maturity Series will consist of two separate unit investment trusts. Applicants state that the portfolio of one trust will contain interest-bearing municipal obligations with long-term maturities which are not less than fifteen years and that the portfolio of the second trust will contain municipal obligations with intermediate-term maturities which will not exceed fifteen years.

According to the application, each Corporate Series consists of a separate unit investment trust created under the laws of the State of Massachusetts by a separate Trust Agreement among the Sponsor, the Trustee and Interactive Data Corporation as evaluator. Applicants state that the portfolio of each Corporate Series contains primarily bonds, debentures, notes and other debt securities issued by corporations and that a limited portion of the portfolios may, under certain circumstances, contain long-term obligations issued or guaranteed by the United States of America or agencies or instrumentalities thereof or corporate obligations which have been privately placed. Applicants represent that the investment objective of each Corporate Series is to provide interest income consistent with the preservation of capital and that units representing fractional undivided interests in the portfolios of existing Corporate Series are registered with the Commission pursuant to the Securities Act of 1933.

Applicants state that purchasers of units of each Trust ("Certificateholders") will receive interest and principal distributions representing their proportionate share of interest and principal received in the respective Trusts net of expenses and amounts required to meet redemptions of units. Applicants represent that such distributions will be made on a monthly, quarterly or semi-annual basis (on the fifteenth day of the month in which the distribution occurs) depending on the plan of distribution selected by the Certificateholder (except for the Paine, Webber Series, which only make semi-annual distributions). Applicants also state that, while the Sponsor is not obligated to do so, it is the Sponsor's present intention to maintain a market for units of each Trust and continuously to offer to purchase such units at prices in excess of the redemption prices as described in the prospectus of each respective Trust.

According to the application, the Sponsor intends to offer Certificateholders of existing and future series of the Trusts an opportunity to participate in a reinvestment plan ("Plan"). Under the Plan Certificateholders may elect to reinvest interest and principal distributions with respect to their units in fractional units of corresponding new Trusts of the Paine, Webber Series, The National Series, The Multi-State Series, The Multiple Maturity Series, The Puerto Rico Series, or The Corporate Series ("Reinvestment Series"), as well as in fractional units of corresponding existing series of the Trusts ("Secondary Units"). Fractional units in a Reinvestment Series or Secondary Units acquired by the Sponsor for the accounts of participants in the Plan are herein referred to as the reinvestment units ("Reinvestment Units").

Applicants state that the Sponsor proposes to offer Reinvestment Units in denominations of hundredths of a unit to Certificateholders participating in the Plan at a price equal to the aggregate offering price of the bonds in the portfolio of the Reinvestment Series (or, in the case of Secondary Units, the existing series of the Trust) divided by the product of 100 times the number of units outstanding plus accrued interest (the "Aggregate Offering Price"). Consequently, Applicants state that each Reinvestment Unit will have a price of approximately $10.

Applicants represent that each Reinvestment Series will be a unit investment trust similar to the existing Trusts except that the Reinvestment Series will be comprised of units to be offered to the general public as well as Reinvestment units. Applicants state that if (1) the Sponsor decides it is inadvisable to offer a Reinvestment Series at any time when such Series is to be offered under the Plan or (2) the Reinvestment Series, in the opinion of the Sponsor, materially differs from its corresponding Trust, then distributions will be reinvested in Secondary Units which have been purchased in the secondary market by the Sponsor. In such case, Applicants state that fractional undivided interests in the Secondary Units will be offered as Reinvestment Units. Applicants state that the use of the Secondary Units is intended only as an alternative to be used when adverse market situations develop, such as a substantial change in interest rates or a decline in demand for units of the Trusts and, accordingly, that the Sponsor anticipates that the use of Secondary Units will rarely occur. Applicants represent that Reinvestment Units will be purchased by the Trustee from the Sponsor for the accounts of the participants in the Plan. Applicants also represent that when Secondary Units are offered as Reinvestment Units, such units, which were acquired by the Sponsor at the then current offering price plus accrued interest, will be units purchased by the Sponsor as market maker and not units remaining unsold from the original distribution. In addition, Applicants state that the series of the Trusts represented by such Secondary Units will have an anticipated remaining maturity of at least ten years and that the obligations in the portfolio of the series so used will include only bonds of investment grade security ratings, that is, "BBB" or better by Standard & Poor's Corporation or "Baa" or better by Moody's Investors Service, Inc. Applicants further represent that the Sponsor will maintain a secondary market in the Secondary Units involved so that the prospectus distributed in connection with them will be current.

Under the Plan, the Trustee will hold for each participating Certificateholder's account distributions of interest and principal, if any, made with respect to units and will purchase Reinvestment Units and, to the extent necessary, fractions thereof, from the Sponsor at the Aggregate Offering Price during the last fifteen days ("Transaction Date") in each January, April, July and October ("Transaction Months"). Applicants state that such distributions will be held by the Trustee in accounts which are non-interest bearing to the participant and that such moneys will be segregated by separate recordation on the trust ledger of the Trustee so long as such practice preserves a valid preference under applicable law. Applicants state

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that, if such preference is not so preserved, the Trustee will handle such moneys in a manner which constitutes the Segregation and holding thereof in trust within the meaning of the Act. Applicants represent that the maximum period during which the Trustee will hold such distributions for the participating Certificateholder's account is three months. Applicants also represent that, if the distributions were held by the Trustee in interest bearing accounts, the Trustee would charge a fee higher than the fee described in the application. Applicants state that, to the extent permitted by the Trust Agreement and applicable banking regulations, the distributions held by the Trustee in non-interest bearing accounts are available for use by the Trustee pursuant to normal banking procedures.

According to the application, a Certificateholder may join the Plan when he invests in units of any series of the Trust, or at any time thereafter, by delivering an authorization form to the Trustee.

Similarly, Applicants state that a Certificateholder may withdraw from the Plan at any time by notifying the Trustee. Applicants state that, unless written notification of withdrawl is given to the Trustee at least five days prior to the first day of the Transaction Month, a Certificateholder who has elected to participate in the Plan will be deemed to have elected to participate in the particular transaction effected in that Transaction Month and that his withdrawal would become effective for the next succeeding distribution after the end of that Transaction Month. Applicants represent that if, in the opinion of the Sponsor, any Reinvestment Series should differ materially from the corresponding prior Trusts, the authorization will be treated as void for that Reinvestment Series and the distributions will be reinvested in Secondary Units which will not differ materially from the corresponding prior Trusts. According to the application, the Sponsor anticipates that a material change that would result in a voided authorization would include facts such as (1) the inclusion of bonds in the portfolio of the Reinvestment Series the interest income on which was not in the opinion of counsel to the issuer exempt from all federal income tax; or (2) the inclusion of bonds in the portfolio of a Reinvestment Series which were not rated "BBB" or better by Standard & Poor's Corporation or "Baa" or better by Moody's Investors Service, Inc. In this regard, Applicants represent that there is no assurance that the quality and diversification of the bonds in the portfolio of any Reinvestment Series or the estimated current return thereon will be similar to that of existing series.

Applicants state that when a Certificateholder indicates that he will participate in the Plan, the Trustee will open an account for the participant and the participant will receive a confirmation of the opening of such account. Applicants represent that, thereafter, whenever a transaction takes place in a participant's account, he will receive a confirmation statement giving complete details of the transaction. Applicants also state that a final prospectus relating to the Reinvestment Units will be mailed within four business days following the Transaction Date or, if such day is not a business day for the Trustee, within four business days following the first such business day thereafter, to each participant along with a confirmation which will indicate to each participant that Reinvestment Units have been purchased on his behalf. Applicants state that such transaction will become final unless the participant notifies the Trustee within twelve days from the date of the confirmation that he does not wish to participate in that transaction. In such case, Applicants state that the Sponsor will rescind the transaction, take back the Reinvestment Units purchased for the participant's account, and remit moneys to the participant in an amount equal to the amount paid for the Reinvestment Units. Applicants further state that a participant also will have the option to withdraw from the Plan entirely by notifying the Trustee. To aid a participant who might desire to withdraw either from the Plan or from a particular transaction, Applicants state that a toll-free telephone number will be established for participants to use for notification of withdrawal.

According to the application, the Trustee will charge each account under the Plan a quarterly fee of 1% of the amount reinvested in such quarter to a maximum fee of $2.50 per quarter. Applicants represent that such fee is based on the costs incurred by the Trustee in administering the Plan and shall be payable quarterly on the Transaction Date. Applicants state that the maximum fee may be increased by the Trustee without the approval of the participants by amounts not exceeding proportionate increases in consumer prices for services as measured by the United States Department of Labor's Consumer Price Index entitled "All Services Less Rent," or if such index is no longer published, then, by a similar index. Applicants also assert that such a provision for fee increases in common and has rarely been used in the past. Applicants represent that the Trustee's fee will be the only charge to the participants under the Plan.

Applicants state that the Sponsor intends to maintain a market for Reinvestment Units and continuously to offer to purchase Reinvestment Units at prices based upon the aggregate offering prices of the underlying bonds plus accrued interest. Applicants also state that the Sponsor may discontinue such purchases at any time. In that event, Applicants represent that the Sponsor may nonetheless purchase Reinvestment Units at a price based on the current redemption price of those units. Applicants further represent that, if the Sponsor repurchases Reinvestment Units in the secondary market at prices below the aggregate offering prices of bonds in the appropriate series, then it will not resell those Reinvestment Units in the secondary market or pursuant to the Plan, but will hold them for eventual tender to the Trustee for redemption. Applicants state that, if the Sponsor does not maintain a market for Reinvestment Units, then a participant desiring to dispose of his Reinvestment Units may be able to do so only by tendering such Reinvestment Units to the Trustee for redemption at the redemption price, which is based upon the aggregate bid prices of the underlying bonds. Applicants state that the aggregate bid prices of the underlying bonds may be expected to be less than the aggregate offering prices. Applicants also state that the description of the Plan will state that, if a participant wishes to dispose of his Reinvestment Units, he should inquire with the Sponsor concerning the current market price prior to making a tender for redemption to the Trustee.

Applicants represent that the Trustee is required to notify the Sponsor of the tender of any Reinvestment Units (or fractions thereof) for redemption. Applicants state that so long as the Sponsor is maintaining a bid in the secondary market at a price in excess of the redemption price, the Sponsor will purchase any Reinvestment Units (or fraction thereof) tendered to the Trustee for redemption at the then current market price, which in no event will be less than the redemption price on the date of tender, by making payment to the Certificateholder not later than the day on which such Reinvestment Units would otherwise have been redeemed by the Trustee. Applicants also state that the Sponsor may tender Reinvestment Units (or fractions thereof) to the Trustee for redemption provided that the Sponsor shall not receive a grater amount on such redemption than the then applicable redemption price plus accrued interest.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon applcation, conditionally or unconditionally exemption any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exempt is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order, pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 22(d) of the Act to the extent necessary to permit the sale of Reinvestment Units under the Plan without imposition of a sales charge.

In support of the requested exemption, Applicants assert that the sales charge on units of the Trusts, which presently is 4% of the net amount invested, is primarily attributable to the efforts to make a customer aware of the Sponsor's investment product and to ascertain the customer's financial requirements and suitability for such investment. Applicants maintain, however, that with regard to the reinvestment of distributions from the Trusts, the customer is already aware of the investment product and his financial requirements have been determined and that, accordingly, little or no additional sales effort is necessary. Consequently, Applicants assert that the sales cost attendant to the purchase of Reinvestment Units is substantially less than the sales cost related to the initial purchase of units of the Trusts. Applicants state that the Sponsor believes that Certificateholders participating in the Plan should receive the benefit of the lower sales cost to the Sponsor through reinvestment of distributions in Reinvestment Units without payment of a sales charge. Applicants state that the increased costs relating to the implementation of the Plan resulting from additional record keeping and other administrative functions for which the Trustee will be responsible will be borne directly by participants in the Plan in the form of the quarterly charge payable to the Trustee.

Notice Is Further Given that any interested person may, not later than April 28, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10816 Filed 4-9-80; 8:45 am]

BILLING CODE 8010-01- M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 3, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following common stocks:

Caesar's World, Inc., $.10 Par Value (File No. 7–5504); and LTV Corporation (The), $.50 Par Value (File No. 7–5505).

These securities are listed and registered on one or more other national securities exchanges.

Interested persons are invited to submit on or before April 30, 1980, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-10818 Filed 4-9-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-5378]

Korean Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Korean Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

Jae Hoon Hwang, 19–48 80th Street, Jackson Heights, N.Y. 11370—President, Director—5% Stockholder.

Min Ja Oh, 222–48 Birmington Parkway, Bayside, N.Y. 11364—Vice President, Secretary and Director—85% Stockholder.

Jee Von Hwang, 19–48 80th Street, Jackson Heights, N.Y. 11370—Director.

The applicant, a New York Corporation, with its principal place of business at 36 West 35th Street, New York, New York 10001, will begin

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operations with $516,000 of paid-in capital and paid-in surplus derived from the sale of 5,160 shares of common stock.

The applicant will conduct its activities principally in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than April 25, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 7, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-10801 Filed 4-9-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1815]

California; Declaration of Disaster Loan Area

Calaveras, El Dorado, Marin and Sonoma Counties and adjacent counties within the State of California constitute a disaster area as a result of natural disaster as indicated:

County, Natural Disaster(s) and Date(s)

Calaveras, heavy rains, unseasonal snow melt, flooding and mudslides, 1/5/80–1/11/80.

El Dorado, heavy rains, unseasonal snow melt, flooding and mudslides, 1/5/80–1/11/80.

Marin, heavy rains, flooding and mudslides, 1/8/80–2/26/80.

Sonoma, heavy rains, flooding and mudslides, 1/8/80–2/26/80.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business of June 2, 1980, and for economic injury until the close of business on January 2, 1981, at: Small Business Administration, District Office, 211 Main Street—4th Floor, San Francisco, California 94105, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 3, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-10800 Filed 4-9-80; 8:45 am]

BILLING CODE 8025-01-M

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR § 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for fluctuating interest rate SBA loans.

For the April–June quarter of 1980, this rate will be eleven and one-eighth (11⅛) percent.

Dated: April 3, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-10802 Filed 4-9-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/284]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on April 28 of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 2:00 p.m. to 5:00 p.m. The meeting will be held in Room 1912 of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss: (a) The international economic aspects of the transborder data flow issue; (b) improving the U.S. Government role in transborder data flows; and (c) strengthening the Advisory Committee as a point of contact with the non-government sector on transborder data flows.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 28, 1980.

Richard D. Kauzlarich,

Executive Secretary.

[FR Doc. 80-10787 Filed 4-9-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/286]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 1, 1980 at 10:00 a.m. in the Theater on the first floor of the Communications Satellite Corporation Building, 950 L'Enfant Plaza, SW., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting is to review work under way in preparation for the international meeting of Study Group 4 in October/November 1980.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

March 31, 1980.

[FR Doc. 80-10789 Filed 4-9-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/285]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on May 6, 1980, in Room 1303, US Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593.

The purpose of the meeeting will be to prepare for the Twenty-Second Session of the Ship Design and Equipment Subcommittee of the Intergovernmental Maritime Consultative Organization (IMCO), which is scheduled for July 7–11, 1980 in London. The agenda includes discussion of the following for the Twenty-Second Session:

—Revision of IMCO Resolution A.325
—Special purpose ships/offshore supply vessels
—noise level on board ships
—maneuverability of ships
—Diving systems
—Nuclear merchant ships

For further information contact Captain R. L. Brown, US Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593. Telephone (202) 426–2167.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

March 27, 1980.

[FR Doc. 80-10788 Filed 4-9-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 133—Airborne Weather and Ground Mapping Pulsed Radar; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 133 on Airborne Weather and Ground Mapping Pulsed Radar to be held on April 29–30, 1980 in RTCA Conference Room 261, 1717 H Street, NW., Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Tenth Meeting Held on January 15–16, 1980; (3) Review Comments Received on Final Draft of Airborne Radar Approach Equipment Minimum Operational Performance Standards; (4) Review Comments Received on Weather Radar Equipment Minimum Operational Performance Standards; (5) Review First Draft of Minimum Operational Performance Standards for Digital Displays; (6) Review European Organization for Civil Aviation Electronics (EUROCAE) Comments on Airborne Radar Approach and Weather Radar Equipment Minimum Operational Performance Standards; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 28, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-10593 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Carroll County, N.H.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Albany, Conway, Bartlett and Jackson (Carroll County), New Hamshire.

FOR FURTHER INFORMATION CONTACT: James Gergler, Area Engineer, Federal Highway Administration, Federal Building, 55 Pleasant Street, Concord, NH 03301, Telephone (603) 224–3385; or Frederic C. Murphy, Coordinator, Environmental Impact Evaluations, N.H. Department of Public Works and Highways, 85 Loudon Road, Concord, N.H. 03301, Telephone (603) 271–3344.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Hampshire Department of Public Works and Highways, (Department), will be preparing and EIS on a possible improvement to New Hampshire (N.H.) Route 16 in the Towns of Albany, Conway, Bartlett and Jackson. The section of Route 16 under consideration for improvement is approximately eleven (11) miles in length. Eight (8) corridors were initially considered. Seven (7) were on new location. Through informational meetings these corridors have been reduced to four (4). These corridors vary in length from 11.2 miles to 14.9 miles.

The improvement is intended to benefit traffic operating conditions in the Conway and North Conway residential and commercial areas.

The proposal has an extensive history of coordination with Federal, State, local and regional agencies and organizations. Five (5) public informational meetings as well as numerous meetings with local agencies concerning traffic, engineering, environmental, social, economic and land use issues have been held. Information from the coordination effort and public informational meetings has revealed that possible impact to historic properties, National Forest property, State Park property, Town Park property, recreation areas and trails, scenic areas, flood plains and wetlands features will occur. Other impact include the relocation of residents and businesses, stream, river, and flood plain crossings, railroad crossing or/and relocation, highway noise intrusions and encroachment of wildlife habitat. The severity of the impact will depend on the corridor selected.

Following the coordination effort and the extensive public involvement process the Department's Interdisciplinary Evaluation Team moved that certain corridors be dropped from further consideration. However, to ensure that the full range of issues related to all corridors are addressed and all significant issues identified a scoping meeting will be held at the Department's headquarters in Room 3 of the John O. Morton Building, 85 Loudon Road, Concord, NH on May 28, 1980 at 1:00 p.m.

The Department will request that the Advisory Council on Historic Preservation, the U.S. Fish and Wildlife Service, Forest Service—U.S. Department of Agriculture, and Corps of Engineers become cooperating agencies. It is the Department's intention to invite the additional following agencies to the scoping meeting: the Soil Conservation Service, the Department of Housing and Urban Development, the Environmental Protection Agency, the Heritage Conservation and Recreation Service,

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and the Water Resources Council. Other agencies, organizations, and individuals interested in submitting comments or attending the scoping meetings should contact the FHWA or the Department at the addresses provided above.

Issued on: March 31, 1980.

F. T. Comstock, Jr.,

Division Administrator, Concord, N.H.

[FR Doc. 80-10528 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-22-M

Federal-Aid Urban System Program; Accelerated Implementation Procedures; Regional Conference

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA has contracted with Public Technology, Inc., to conduct a conference on Accelerated Implementation Procedures for the Federal-aid Urban System (FAUS) Program. The purpose of the conference is to bring together local, State and Federal representatives from FHWA Region 3 (Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia) to discuss experiences and issues connected with the implementation of highway projects under the FAUS program. The objective of the FAUS program is to improve service to major centers of activity within urbanized areas and such other urban areas as States may designate. The conference will provide an opportunity to obtain a better understanding of the program's successes and problems, and will contribute to the improved implementation of the program. The conference will be open to the public by advance registration and will be held on May 19 and 20, 1980.

DATES: Conference to be held May 19 and 20, 1980. Conference reservations must be made by April 18, 1980.

TIME: Conference will begin at 9:00 a.m. on both days.

REGISTRATION: Registration at the conference will be from 6:00 p.m. to 8:00 p.m. on May 18, and from 8:00 a.m. to 9:00 a.m. on May 19. The registration fee for the conference will be $30. Room reservations should be made directly with the hotel.

ADDRESS: Conference to be held at Lord Baltimore Hotel, Baltimore and Hanover Street, Baltimore, Maryland 21201, Telephone: 301-539-8400.

FOR CONFERENCE RESERVATIONS OR ADDITIONAL CONFERENCE INFORMATION CONTACT: Ms. Helene Overly, Conference Coordinator, or Ms. Judy Zimmerman, Public Technology, Incorporated, 1140 Connecticut Avenue, Washington, D.C. 20036, Telephone: 202-452-7700. The FHWA contact person is Mr. Robert J. Kreklau, Office of Engineering, Federal Highway Administration, Room 3206, 400 Seventh Street, SW., Washington, D.C. 20590, Telephone: 202-426-0335 (office hours 7:30 a.m. to 4:00 p.m., Monday through Friday).

Issued on: April 3, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 80-10771 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP80-7; Notice 1]

General Motors Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

General Motors Corporation of Warren Michigan ("GM" herein) has petitioned to be exempted from the notfication and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et. seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.1.2.3.1(c) of Standard No. 208 requires that each rear designated seating position in a passenger car shall have a Type 1 (lap belt) seat belt assembly that conforms to 49 CFR 571.209, Motor Vehicle Safety Standard No. 209, *Seat Belt Assemblies.* Paragraph S4.1(k) of Standard No. 209 requires each seat belt assembly to "be permanently and legibly marked or labeled with model [number] * * * GM has discovered that the center rear seat belt assemblies in approximately 264,000 1980 Chevrolet Citation, Pontiac Phoenix and Buick Skylark passenger cars have an incorrect model number (1717) instead of correct one (1015). The company argues that the noncompliance is inconsequential as the seat belt assemblies comply in all other respects. Further, since the GM part number on the labels is correct, GM records enables the vehicles to be identified in the event of any notification and remedy campaign.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 12, 1980.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 3, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-10917 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-59-M

[Docket IP80-6; Notice 1]

Sheller-Globe Corp.; Petition for Determination of Inconsequential Noncompliance

Sheller-Globe Corporation of Lima, Ohio ("Sheller-Globe" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.217-76, Motor Vehicle Safety Standard No. 217-76, *Bus Window Retention and Release,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and 49 CFR Part 556 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.3(b) of Standard No. 217-76 requires that each school bus door emergency release mechanism operate "upward from inside the bus." Because compliance investigation (agency file CIR 1941) of Dodge vans converted by Sheller-Globe to school buses indicated that on 66 vehicles the releases, in fact, operated downward, Sheller-Globe has petitioned that this noncompliance be deemed inconsequential as it relates to motor vehicle safety, reasoning:

> Each of these 66 units were (sic) equipped with operating instructions explaining the actual operation of the handle installed and an arrow showing the required downward movement * * *.

In addition, Sheller-Globe argues that no confusion is likely since the direction of force, downward, was that generally used by the industry before the effective date of the new requirements.

Interested persons are invited to submit written data, views and arguments on the petition of Sheller-Globe Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The petition and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 12, 1980.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 3, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-10916 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-5; Notice 1]

Wayne Corp.; Receipt of Petition for Determination of Inconsequentiality

Wayne Corp. of Richmond, Indiana, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.217, Motor Vehicle Safety Standard No. 217, *Bus Window Retention and Release,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and 49 CFR Part 556, and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.3 of Standard No. 217 requires that when the emergency door release mechanism is not in the closed position and the vehicle ignition is in the "on" position, "a continuous warning sound shall be audible at the driver's seating position and in the vicinity of the emergency door having the unclosed mechanism." As the agency stated in the preamble to the final rule (41 FR 3871) this means that there must be an audible alarm not only at the driver's position but at each emergency door. In its compliance testing of a 1978 model Wayne 17 passenger school bus (CIR 2133), NHTSA discovered that the bus was equipped with only one alarm, positioned at the driver's seat. In response to inquiry, Wayne acknowledged the noncompliance and stated that it existed on almost 8,000 buses manufactured between April 1, 1977 and February 15, 1979, specifically, on over 5700 Lifeguard school bus bodies, and on over 2100 Busette and Transette school bus bodies. The company has petitioned for an inconsequentiality determination on the basis that "the single warning signal is audible at both locations."

Interested persons are invited to submit written data, views, and arguments on the petition of Wayne Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 12, 1980.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 3, 1980.

Michael Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-10918 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. 77-13W; Notice 2]

Transportation of Natural Gas and Other Gas by Pipeline; Grant of Waiver

The Tennessee Gas Pipeline Company petitioned for a waiver from compliance with the applicable line marketing requirements of § 192.707 of the Federal gas pipeline safety standards (49 CFR Part 192) for their pipeline systems 100 and 800 which cross the Mississippi River near Greenville, Mississippi, and Lake Providence, Louisiana, respectively, in a catenary or curved configuration.

In lieu of placing a line marker at each crossing of the river, as required by § 192.707(a)(1), the petitioner requested that it be allowed to use a marking method that would delineate a zone, or corridor, containing all the pipeline crossings in that zone. This zone would be marked by placing signs slightly upstream of the intersection of the first pipeline in the zone and in the bank, and downstream slightly past the apogee of the furthermost pipeline in the zone. The signs would be standard signs described by 49 CFR 192.707, but in addition, each sign would contain an arrow 8 feet by 6 inches long and 2 feet wide with 12-inch letters stating "Between Signs" with the arrow pointing in the appropriate direction.

In response to this petition, the Materials Transportation Bureau (MTB) issued a notice of petition for waiver, inviting interested persons to comment (44 FR 70945, December 3, 1979). In this notice, MTB stated that it was considering granting the requested waiver on the basis that the marking required by § 192.707, as it applies to navigable waterways, is in this instance not necessary for public safety. Five comments were received in response to the invitation to comment. Those comments supported the granting of the waiver, stating that the proposed zone marking by the Tennessee Gas Company was not only cost effective but enhances safety.

In consideration of the foregoing, MTB, by this order, finds that compliance with § 192.707 is unnecessary and that the requested waiver would not be inconsistent with pipeline safety. Accordingly, effective immediately, the Tennessee Gas Pipeline Company is granted a waiver from compliance with § 192.707 regarding the crossings of their pipeline systems 100 and 800 with the Mississippi River, provided the above alternative marking system, as further described in the peitition, is installed.

V45/71 APR 10 80 UMI

(49 U.S.C. 1672; 49 CFR Parts 1.53 Appendix A of Part 1 and Appendix A of Part 106.)

Issued in Washington, D.C., on April 4, 1980.

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-10736 Filed 4-9-80; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

Customs Regulatory Reporting Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document advises that public comments received by Customs in response to a notice published in the **Federal Register** on October 10, 1979 (44 FR 58575), relating to Customs regulatory reporting requirements, are currently under review. If it is determined that further action to modify, simplify, or eliminate any reporting requirements is required, a subsequent notice will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Lawrence P. Dunham, Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

As part of an ongoing reporting reduction program, Customs published a notice in the **Federal Register** on October 10, 1979 (44 FR 58575), advising that it was reviewing its regulatory reporting requirements to ensure that they were meaningful. In order to determine which reports were necessary, which could be modified or simplified so as to obtain the same information in a less burdensome manner, and which were achieving the policy goals for which they were established, interested persons were invited to submit written comments concerning those reporting requirements which they considered in need of revision or elimination, or which were difficult to understand or costly to comply with.

The five comments received in response to that notice currently are being reviewed. If it is determined on the basis of Customs review that changes to any reporting requirements are necessary, another notice, describing the specific reporting requirements, proposed changes, and requesting additional comments will be published in the **Federal Register.**

Because public participation in the regulatory review process is of substantial assistance in the ongoing reporting reduction program, Customs will from time to time publish notices in the **Federal Register** requesting comments concerning its reporting requirements, its forms, and the data required by those forms.

Dated: April 4, 1980.

William T. Archey,

Commissioner of Customs.

[FR Doc. 80-10339 Filed 4-9-80; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

Commissioner's Advisory Group, Open Meeting

There will be a meeting of the Commissioner's Advisory Group on April 24 and April 25, 1980, in Room 3313 of the Internal Revenue Building. The building is located at 1111 Constitution Avenue, N.W., Washington, D.C. The meeting will begin at 10:00 A.M. on April 24 and 9:00 A.M. on April 25. The agenda will include the following topics:

Thursday, April 24, 1980

Evaluation of the Rulings Process.
Practitioner Education Programs.
Taxpayer Education with Respect to Arrangements that do not produce the advertised tax effects.
IRS Research Efforts.

Friday, April 25, 1980

Practitioners' Tax Opinions.
Voluntary Disclosure in Criminal Cases.
District Counsel Opinions.
Discussion of Future Meetings.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. After the Committee members finish discussing the items on the Agenda, there may be time for statements by non-members. If you want to make a statement at the meeting, or if you would like the committee to consider a written statement, please call or write to Lauralee A. Matthews, Assistant to the Commissioner, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Jerome Kurtz,

Commissioner.

April 7, 1980.

[FR Doc. 80-10880 Filed 4-9-80; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Privacy Act of 1974; Deletion of System of Records

AGENCY: Department of the Treasury, Office of the Secretary.

ACTION: Deletion of system of records OS 00.036, *Home addresses and telephone number File,* under the Privacy Act.

SUMMARY: This system consisted of 3 x 5 cards with the home addresses and telephone numbers of employees in the Office of Debt (OASIA). The system was used to contact employees after normal duty hours for urgent situations. The system was discontinued when the Office of Debt was dissolved in a reorganization within the Office of Developing Nations.

EFFECTIVE DATE: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Alexis Rieffel, 566-2029, OASIA, Office of Developing Nations Finance, Room 5221, Main Treasury Building, Washington, D.C. 20220.

W. J. McDonald,

Assistant Secretary (Administration).

The Home Addresses And Telephone Numbers File (Treasury/OS 00.036) is, upon publication of this notice, being removed from the Department of Treasury Privacy Act Systems of Records as an obsolete and unnecessary file. For reference, this system was last published in 44 FR 07009, dated February 5, 1979.

[FR Doc. 80-10792 Filed 4-9-80; 8:45 am]

BILLING CODE 4810-25-M

Privacy Act of 1974; Deletion of System of Records

AGENCY: Department of the Treasury, Office of the Secretary.

ACTION: Deletion of system of records OS 00.037, *OIDB Employee and Employee Candidate Files,* under the Privacy Act.

SUMMARY: This system consisted of a central manila file of employee and employee candidate files. The system served as a resource for potential employee interviews. The system was discontinued because it was not being utilized.

EFFECTIVE DATE: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. B. Winder, 566-6171, Director, Office of Multilateral Development Banks, Room 5400, Main Treasury Building, Washington, D.C. 20220.

W. J. McDonald,

Assistant Secretary (Administration).

The OIDB Employee and Employee Candidate File (Treasury/OS 00.037) is, upon publication of this notice, being removed from the Department of Treasury Privacy Act Systems of Records as an obsolete and unnecessary file. For reference, this system was last published in 44 FR 07009, dated February 5, 1979.

[FR Doc. 80-10793 Filed 4-9-80; 8:45 am]

BILLING CODE 4810-25-M

Privacy Act of 1974; Revised System of Records

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Revised System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) the Manager, Information Service Division, gives notice of the revision of the system of records entitled Document Delivery Control System (Treasury/OS 00.194). The final phase of the automation of this system has been completed with computerization of the library circulation component, formerly maintained as a manual system. Automation of this function will provide better control over items borrowed from the Treasury Library collection and reduce the amount of time required to maintain circulation records.

DATES: The previous notice published at 44 FR 28127, May 14, 1979, reflected the automation of this system. Since this notice serves only to show the completion of the automation of this system, no public comment is required. This system will become effective on April 15, 1980.

ADDRESS: Department of the Treasury, Office of Administrative Programs Information Services Division, Room 5030 Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Elisabeth S. Knauff, Manager, Information Service Division, Department of the Treasury, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, 202-566-2069.

Dated: April 2, 1980.

W. J. McDonald,

Assistant Secretary (Administration).

Treasury/OS 00.194

SYSTEM NAME:

Document Delivery Control System.

SYSTEM LOCATION:

Department of the Treasury, Office of Administrative Programs, Information Services Division, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees who are library users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees who borrow library materials or receive current news publications or library material on distribution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used by the Information Services Division staff to locate materials withdrawn from the library collection, to distribute periodicals and current news publications, to conduct surveys of continuing user needs, and to complete pre-exit clearance procedures for employees leaving the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records of items borrowed from the Treasury Library collection, distribution lists for publications and subscription control lists are maintained in computer disc and tape files. Hard copy printouts of data are used for working copies to update computer data bases. Computer files are maintained by name of subscriber or borrower, office locator information, office billing code (for subscription control module) and title of publication.

RETRIEVABILITY:

Data can be retrieved from the system by borrower or subscriber name, office or organization, and publication title.

SAFEGUARDS:

Access to the computerized systems online requires knowledge of identification codes and protocols for calling up the data files; printed lists of borrower names are kept in a locked file. Access to the necessary protocols and identification codes is limited to staff of the Readers Services Branch and Acquisitions Unit responsible for maintenance and oversight of the circulation, subscription control, and distribution functions.

RETENTION AND DISPOSAL:

Only current data are maintained on line; hard copy of computer data for the circulation and distribution functions is kept on a current basis only; hard copy of the subscription contol data is kept for current and preceding fiscal years only.

SYSTEM MANAGER(S) AND ADDRESS:

Elisabeth S. Kanuff, Manager, Information Services Division, Department of the Treasury, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

NOTIFICATION PROCEDURE:

Inquires should be addressed to Privacy Act Officer, Department of the Treasury, Room 1322, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington D.C. 20220.

RECORD ACCESS PROCEDURES:

Same as notification above.

CONTESTING RECORD PROCEDURES:

Same as notification above.

RECORD SOURCE CATEGORIES:

Charge-out records completed by borrowers. Requests for subscriptions or distribution submitted by Treasury officials and employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-10794 Filed 4-9-80; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 7, 1980, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administraion benefits to all eligible persons enrolled in Climate Control Institute, 708 South Sheridan, Tulsa, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Ray E. Smith,

Director, VA Regional Office.

[FR Doc. 80-10812 Filed 4-9-80; 8:45 am]

BILLING CODE 8320-01-M

V 45 / 71 APR 10 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 71
Thursday, April 10, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Commodity Futures Trading Commission	1
Federal Election Commission	2
Federal Maritime Commission	3
Federal Claims Settlement Commission	4
International Trade Commission	5
International Commerce Commission	6
National Science Foundation (National Science Board)	7, 8
National Transportation Safety Board	9
Nuclear Regulatory Commission	10

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, April 16, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Commission Authority to Disapprove Rules.

Proposed amendment to Sugar Trade Rule 12.00 and 12.18 of the Coffee, Sugar and Cocoa Exchange.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-728-80 Filed 4-8-80; 3:21 pm]

BILLING CODE 6351-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Tuesday, April 15, 1980.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Personnel.

* * * * *

DATE AND TIME: 10 a.m., Thursday, April 17, 1980.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of Dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory Opinions:
Draft AO 1980-21—James V. Stanton (New York Yankee Baseball Club).
Draft AO 1980-25—Jack Smilowitz (Cong. Candidate—Am. Independent Party—24th District, Calif.)
Draft AO 1980-26—Don Starr, Campaign Manager, Stenholm for Congress Cmte.
IRS liaison.
1980 election and related matters.
Invitation policy.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S730-80 Filed 4-8-80; 3:54 pm]

BILLING CODE 6730-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 23103, April 4, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., April 9, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session:

7. Agreement No. 10272-1—Extension of the term of approval of the Barber-Blue Sea Line/East Asiatic Company Limited Sailing Agreement.

[S-721-80 Filed 4-8-80; 9:24 am]

BILLING CODE 6730-01-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION.

FCSC meeting notice No. 3-80; announcement in regard to Commission meetings and hearings. The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, April 2, 1980 at 10:30 a.m. (Canceled).
Wednesday, April 9, 1980 at 10:30 a.m. (Canceled).
Wednesday, April 16, 1980 at 10:30 a.m. (Canceled).
Wednesday, April 23, 1980 at 10:30 a.m. (Canceled).
Wednesday, April 30, 1980 at 10:30 a.m. (Canceled).

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111—20th Street, N.W.; Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111—20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on April 1, 1980.

Francis T. Masterson,
Executive Director.

[S-727-80 Filed 4-8-80; 2:33 pm]

BILLING CODE 6770-01-M

5

[USITC ERB-80-5]

INTERNATIONAL TRADE COMMISSION— *Executive Resource Board (ERB).*

TIME AND DATE: 10 a.m., Friday, April 18, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b)(2) and (6), Commissioners Alberger, Stern, and Calhoun, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Old Business:
a. Recruitment package for position of Director of Investigations.
b. Review of Individual Development Plans for Executive Development Program.
c. Future ERB initiatives.
2. New Business:

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-724-80 Filed 4-8-80; 1:21 pm]

BILLING CODE 7020-02-M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 16, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Cancellation of Open Special Conference.

MATTER TO BE DISCUSSED: Fitness Policy Review.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone: (202) 275-7252.

[S-725-80 Filed 4-8-80; 2:33 pm]

BILLING CODE 7035-01-M

7

NATIONAL SCIENCE FOUNDATION (National Science Board).

Conference call meeting of the National Science Board's Executive Committee.

DATE: April 4, 1980.

PLACE: Room 545, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550

STATUS: This meeting was closed to the public. Circumstances required that the meeting be called on less than 24-hours notice; no advance notice was possible.

MATTERS CONSIDERED: Consideration of NSF Staff Nominees.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, 202/632-5840.

[S-722-80 Filed 4-8-80; 10:04 am]

BILLING CODE 7555-01-M

8

NATIONAL SCIENCE FOUNDATION (National Science Board).

DATE AND TIME: 1 p.m., April 17, 1980. Open Session. 9 a.m., April 18, 1980. Closed Session.

PLACE: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Open Session—214th Meeting.
2. Chairman's Report.
3. Director's Report: (a) Report on Grant and Contract Activity—3/20-4/16/80. (b) Organizational and Staff Changes. (c) Congressional and Legislative Matters. (d) NSF Budget for Fiscal Year 1981. (e) Preventing Conflicts of Interest in NSF Supported Activities. (f) Other Items.
4. Board Committees—Reports on Meetings: (a) Executive Committee. (b) Planning and Policy Committee. (c) Programs Committee. (d) Committee on Budget. (e) Committee on Fourteenth NSB Report. (f) Committee on Thirteenth NSB Report. (g) Committee on Twelfth NSB Report. (h) Ad Hoc Committee on Big and Little Science.
5. NSF Advisory Groups and Annual Presentations at NSF: (a) Reports on Meetings. (b) Representation at Future Events.
6. Annual Reviews of NSF Centers at NSF.
7. Report of Alan T. Waterman Award Committee.
8. Office of Management and Budget Circular No. A-21.
9. Presentation by Dr. Cornelius J. Pings, Director, National Commission on Research.
10. Other Business.
11. Next Meeting: National Science Board, 216th Meeting, May 15-16, 1980.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

A. Minutes—Closed Session—214th Meeting.
B. Vannevar Bush Award.
C. Nominees for Alan T. Waterman Award Committee.
D. NSB and NSF Staff Nominees.
E. NSB Annual Reports.
F. NSF Budgets for Fiscal Year 1982 and Subsequent Years.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632-5840.

[S-723-80 Filed 4-8-80; 10:04 am]

BILLING CODE 7555-01-M

9

[NM-80-17]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Monday, April 21, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: *Briefing* by the Insurance Institute for Highway Safety on its activities.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

April 8, 1980.

[S-729-80 Filed 4-8-80; 3:21 pm]

BILLING CODE 4910-58-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, April 14, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

10 a.m.

1. Discussion of a Study of the Separation of Functions and Ex Parte Rules in NRC Adjudications for Domestic Licensing (approx. 2 hours, public meeting).

2 p.m.

1. Discussion of Comments and Options on Indian Point Nuclear Power Station (approx. 1½ hours, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status whenever possible.

Roger M. Tweed,
Office of the Secretary.
April 7, 1980.

[S-726-80 Filed 4-8-80; 2:33 pm]

BILLING CODE 7590-01-M

V45I71AP10 80 UMI

V 45 / 71 AP 10 80 UMI

federal register

Thursday
April 10, 1980

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Section 312 Rehabilitation Loan Program; Final Rules on Relocation Requirements and Proposed Rules Governing Administration

V 45 / 71 APR 10 80 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 510

[Docket No. R-80-686]

Relocation Requirements Under the Section 312 Rehabilitation Loan Program

AGENCY: Department of Housing and Urban Development (HUD), Office of Community Planning and Development.

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule establishing the requirements which apply when a tenant (not an owner-occupant) is displaced as a result of a Section 312 Rehabilitation Loan or is permitted to continue in occupancy of the property after the rehabilitation is completed.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. Huecker, Director, Relocation and Real Estate Division, HUD/Community Planning and Development, 451 7th Street, SW., Washington, DC 20410 (202) 755-6336.

SUPPLEMENTAL INFORMATION:

Background

On August 13, 1979, HUD published an interim rule (44 FR 47513; effective September 28, 1979) revising the requirements which apply when a tenant (not an owner-occupant) occupies property to be rehabilitated with a Section 312 Rehabilitation Loan.

On September 6, 1979, the Department published an Advance Notice of Proposed Rulemaking (44 FR 51999) that invited comments on all aspects of the Section 312 program, including the treatment of tenants who occupy property to be rehabilitated under the Section 312 Loan Program. That notice specifically invited readers to address the question, "What requirements should be imposed to avoid or minimize displacement?"

Many of the comments received in response to the Notice of Advance Rulemaking were similar to those received in response to the August 12, 1979 Interim Rule. Therefore, the Department is consolidating its response to both comments in this preamble to the final relocation rule described below.

The final Section 312 relocation rules described below reflect the Department's analysis and determination on comments received in response to the August 12, 1979 interim rule. However, in accordance with the Notice of Advance Rulemaking, the Department is also publishing elsewhere in this same issue of the **Federal Register** a comprehensive proposed rule governing all aspects of the Section 312 Rehabilitation Program. For this reason, persons who wish to provide additional comments on the Section 312 relocation rules may submit those comments in response to that comprehensive proposed rule. All such comments will be considered.

Eighteen (18) comments were received in response to the interim rule.

Nonapplicability of Rules to Rehabilitation Below $2,500 per Dwelling Unit

The interim rule indicated that small rehabilitation projects of $2,500 or less per dwelling would not be covered by the Section 312 relocation rules, unless the tenant was actually ordered to vacate the property. Five (5) of the 18 commenters objected to this provision. These commenters believed that in some cases a rental increase of $13 per month (the cost of amortizing $2,500 at 3% over 20 years) would result in displacement of the tenant because the unit would no longer be affordable and that these tenants should be eligible for relocation assistance.

It was suggested that property owners might use other funds in conjunction with a 312 loan, thereby resulting in higher rehabilitation costs and a rent increase in excess of the $13 needed to amortize $2,500. Several commenters indicated that, even if the cost of amortizing the loan did not exceed $13 per month per unit, there was no guarantee that the owner would restrict the tenant's rent to that amount or less. One commenter suggested that the $2,500 exception be reduced to $1,500 per unit.

It was also indicated that in order to take advantage of the $2,500 exception, landlords might perform inadequate low cost repairs, rather than carry out the necessary rehabilitation of a property.

Two commenters believed the amount used to trigger eligibility for relocation should be increased from $2,500 to $5,000.

The Department recognizes that adoption of the $2,500 rule would mean that HUD rules will not prevent an owner who carries out such small scale rehabilitation from establishing rents in excess of $13 per unit. However, such rents will be limited by prevailing market rates and small scale rehabilitation projects will not substantially affect market rates.

The Department does not intend to support projects that cause displacement as a result of rent increases that follow large scale rehabilitation financed by a combination of a small Section 312 loan and other loan financing, unless relocation assistance is provided. However, the Department is not aware of any such tenant-occupied projects and would prefer to consider the merits of such projects in the selection process, rather than by applying complex relocation requirements to such projects. On balance, the Department believes that the disadvantages of applying the relocation rules to such small scale projects outweigh the advantages, and is therefore adopting the $2,500 exemption rule described at § 510.52(c)(7)(i) below.

Rents Allowable Under Notice of Right to Continue in Occupancy

A number of the commenters objected to the formula used to determine allowable rent increases under the Notice of Right to Continue in Occupancy. Some preferred that the rent increases be established in accordance with the rent regulatory agreement formula. It was also suggested that the rent ceiling for persons who do not meet the Section 8 income-eligibility requirements be set at nonsubsidized fair market rent levels.

For the reasons described in the following discussion of the rent regulatory agreement and its relationship to the notice of right to continue in occupancy, the Department believes that neither the rent regulatory agreement nor any other means of rent control are an appropriate tool for protecting the tenants occupying the building before the rehabilitation. For similar reasons, the Department does not believe that protections for prior tenants can reflect debt service or other costs of rehabilitation.

Several commenters suggested that the rent to a tenant who continues in occupancy after the rehabilitation should be limited to 25% of the tenant's income, regardless of the prior rent. However, such a rule would require the owner to actually reduce the rent at a time when he/she is incurring higher costs to pay for the rehabilitation or would require the locality to provide a deep income subsidy. The Section 312 program contains no provisions for such a rent subsidy. The rules set forth below permit only small increases in the rent to be charged to persons already paying more than 25% of their income for rent. The Department believes that these rent ceilings are reasonable and that the suggested 25% of income ceiling on rent for tenants who continue in occupancy is not feasible.

Provision of Assistance Under Section 8 Existing Housing Program to Displaced Tenants

Several commenters supported the use of Section 8 Existing Housing rental assistance for persons who had been issued a Notice of Displacement and it was suggested that the Department should increase this type of assistance.

On the other hand, several commenters objected to the provision of Section 8 housing to tenants to be displaced. In part, these objections were based on a misunderstanding that led some to believe that the policy would limit the choices of the tenants or that a tenant would not get any benefits, if Section 8 Housing Participation Certificates were not available. It should be noted that under the rules all displaced tenants have the right to rent or buy any replacement dwelling of their choice. If a displaced tenant elects to rent a replacement dwelling and a Section 8 Existing Housing Certificate is not offered to the tenant when the tenant selects the replacement dwelling or if the owner of the dwelling refuses to participate in the Section 8 program, the tenant must be given the full amount of the rental assistance payment described at 24 CFR 42.453.

Others objected to the rule on the basis that the provision of Section 8 housing certificates to those displaced would deprive others of such assistance. The Department's policy on the allocation of Section 8 Existing Certificate, is contained in 24 CFR Part 882. Under that policy the Public Housing Agency administering the Section 8 Existing Housing Program decides in accordance with applicable eligibility criteria and its approved administrative plan, who should receive a Section 8 certificate. The Department has not proposed any change in that policy.

Relationship of Rent Regulatory Agreement to Notice of Right to Continue in Occupancy

Under the Section 312 Rehabilitation program rules, tenant-occupied properties may be covered by two separate requirements that affect the rents that can be charged by the owner.

All investor-owned, residential multifamily properties are covered by a rent regulatory agreement which is designed to prevent excessive profits for investor-owners by assuring that aggregate rents paid by all occupants in the property after the rehabilitation do not provide the owner with a cash return on equity that is more than 20 percent per year.

Because the maximum rent that can be charged under the rent regulatory agreement reflects the cost of rehabilitation and because it is based on the total rents to be collected by the owner rather than individual unit rents, the rent regulatory agreement does not prevent an owner from establishing rent increases for individual tenants that are substantially in excess of the rent that such tenants can afford. (In fact, ordinarily the rent regulatory agreement does not restrain rents charged after rehabilitation assisted with a Section 312 loan. That is because the typical Section 312 loan is in a neighborhood in which the real estate market is depressed and rents possible under such conditions are usually lower than that permitted under the rent regulatory agreement.)

The notice of right to continue in occupancy procedure, on the other hand, is designed to assure that existing tenants, who are not offered relocation assistance, are able to afford the rents charged after rehabilitation. In other words, the notice of right to continue in occupancy performs a role that is not and can not be accomplished by the rent regulatory agreement. It ensures that if a tenant is unable to afford the rent after rehabilitation, he or she will be given opportunities to relocate to affordable replacement housing. Unlike the rent regulatory agreement, the notice of right to continue in occupancy procedure will not be workable in many projects.

For example, if there are only a few tenants in a large building, the owner may be able to hold down the rents for the few given a right to continue in occupancy by charging higher rents for other units in the building. However, in a project with many tenants who are already paying at least 25% of their income for rent, the Notice of Right to Continue in Occupancy procedure will not be feasible unless there is an available rent subsidy. (For example, the rent of a tenant-occupant who holds a Section 8 Existing Housing Participation Certificate is subsidized to an affordable level that meets the requirements of the notice of right to continue in occupancy.) For those projects where the procedure is unworkable, the locality will have to decide whether to offer relocation assistance or accept the fact that the project will not work and decline to endorse the application.

The workability of the notice of right to continue in occupancy procedure must be carefully considered before a project is approved. Attempting to modify the rent regulatory agreement or establishing rent control to protect tenants will not help because such actions would prevent the collection of sufficient rent to repay the Section 312 loan.

Tenant Waivers

A number of commenters raised questions about the workability of the tenant waiver procedure (see § 510.52(c)(6) below). Under that procedure a tenant may agree that, if the rehabilitation takes place, he or she will waive his or her right to a notice of right to continue in occupancy. The commenters believed that a well informed tenant would not waive his or her rights unless alternative protections were available.

The Department does not expect a tenant to give up any payment to which he or she is entitled. In fact, if an individual did so, that would raise questions as to whether his/her waiver was really an "informed" waiver.

On the other hand, under the waiver procedure a tenant is not giving up any payment. Rather, the tenant is making an informed choice between occupying a newly rehabilitated unit at a rent and with a lease he/she considers reasonable as against continuing to live at his/her present rent in an unrehabilitated unit. Under these circumstances, where it is in his or her best interest, the tenant may very well voluntarily make an informed waiver in order to make the project feasible.

It will probably not be possible on large projects to get the extent of agreement among tenants and owner needed to make it possible to rehabilitate using the waiver technique. For small projects, however, with only a few units and good communication between the owner and tenants, it may well be possible to use the waiver technique to negotiate a mutually acceptable package of rehabilitation, rents, leases (and perhaps temporary relocation assistance) to make many projects feasible.

The Department suggests that localities approach the tenants of small projects which would require waivers of relocation entitlements in order to be feasible and explain that situation directly to them. Explain that if the property were being rehabilitated (without any choice for the tenants) the tenants would be eligible for the assistance specified in the Section 312 rules. Explain, however, that the tenants *are* being given a choice and that the choice is between doing the rehabilitation or not doing the rehabilitation.

Since the feasibility of the rehabilitation would require a waiver

from the tenants, the tenants must agree to the entire process, including the resultant formal lease (including new rents and any other provisions) before the rehabilitation can be approved. If tenants who are given that kind of choice, then, with full knowledge of the lease and any other burdens or benefits expected, sign the waiver agreement, they would be considered by HUD to have made an informed, voluntary waiver.

For small, tenant-occupied, Section 312 projects, when Section 8 Existing Housing Participation Certificates are not available, the voluntary, informed waiver should be an important tool for reducing relocation costs and making more projects financially feasible.

In the belief that the tenant waiver procedure is reasonable and useful to both tenants and property owner, the Department has included that provision in the final rule at § 510.52(c)(6). The prescribed format for the waiver is contained in Exhibit 5–4 to Appendix 5 of HUD Handbook 1376.1.

Cost of Administering Relocation

Several commenters indicated that the regulations would put a burden on communities by requiring them, among other things, to administer relocation and, in particular, to verify the incomes of tenants. The modification of the nature of the four-year guarantee of a tenant's right to continue in occupancy (see item 1 in revisions to rules, explained below) will reduce the locality's administrative work. However, a substantial administrative burden remains. Relocation programs, including counseling and the provision of other services, can be very expensive. In some cities, this capability may already be present and the cost of providing services to additional persons may be manageable. Other communities are not so fortunate. All localities will need to weigh carefully the costs of relocation before they endorse Section 312 loans for tenant-occupied properties.

Special Relocation Funding

A number of commenters indicated that an additional grant should be provided by HUD to pay the cost of relocation or that the Section 312 loan should be increased to reflect the relocation costs.

The Department does not, however, have grant funds available for this purpose. Also, funds available for 312 rehabilitation are very limited and the inclusion of relocation costs as an eligible project expense would reduce the level of actual rehabilitation under the program. More importantly, the availability of Federal loans or grant funds for this purpose would likely increase displacement by eliminating or reducing the present incentive of localities to minimize displacement in order to save money. Therefore, the Department has not adopted these suggestions.

Minimizing Displacement

The Advance Notice of Proposed Rulemaking asked reader's views as to "What requirements or methods should be utilized to avoid or minimize displacement?" Thirty persons responded.

A number of the commenters indicated that the present relocation rules are too stringent and should be substantially relaxed. Some requested that one-to-four family properties be exempted from the rules. Some believed that the relocation rules would eliminate or substantially curtail the Section 312 program in their communities.

Some suggested alternative rent controls for protecting tenants who were offered the right to continue in occupancy of the property after rehabilitation. In general, these alternatives were expressed in terms of limiting the owner's return on his/her investment in the rehabilitation and would not assure that the tenant could afford the rent. Many of the comments suggested that there was some confusion as to the purposes of the rent regulatory agreement, which applies to investor-owned residential properties, and the relationship between that agreement and the notice of right to continue in occupancy. A discussion of that relationship is included above.

A number of commenters thought the present relocation rules protected tenants sufficiently and that the requirements should not be increased. Some suggested that an alternative source of funding for relocation be provided by HUD. This comment is discussed above.

Some commenters suggested closer coordination between owners and contractors. One commenter suggested that an owner who failed to comply with the rules should be held in default and legal remedies should be sought. One commenter suggested early notification to tenants of their rights.

It was also suggested that assistance should not be provided to persons who did not meet the income requirements for the Section 8 program.

One commenter suggested adopting the protections contained in the Section 8 moderate rehabilitation program rules as a means of minimizing displacement. Under the Section 8 moderate rehabilitation program, nearly all tenant-occupants are expected to remain in the property during and after the rehabilitation work. This is possible because the rehabilitation work is moderate in scale and the program includes a rental subsidy for all eligible occupants. Under the Section 312 program, larger scale rehabilitation often takes place. Also, the Section 312 program does not include a rental subsidy. For these reasons, the Department does not believe that the suggestion is feasible and it has not been adopted. The Department wishes to note that, with respect to persons actually displaced, the relocation benefits provided under the Section 312 program are more comprehensive than those provided under the Section 8 moderate rehabilitation program.

Some commenters suggested that the Section 8 Existing Housing Program be used to subsidize the rent of low- and moderate-income tenants who continue in occupancy of the property after rehabilitation. This method of subsidizing rents for such tenants can work, in those areas where the Public Housing Agency administering the Section 8 Existing Housing Program issues a Section 8 Existing Housing Family Participation Certificate to such a tenant. However, such certificates must be issued in accordance with the Section 8 eligibility criteria in 24 CFR Part 889 and the selection criteria described in the PHA's Administrative Plan approved by HUD. Since the certificates are not predicated on use of a particular unit, the certificate holder is, of course, free to move to another building.

Although most of comments received indicated a desire to relax the rules and provide lesser protections to tenants, the Department believes that any significant reduction in these protections would be unfair to tenant-occupants and that, with some modifications, the basic requirements published as an interim rule on August 13, 1979 should be retained.

Based on the comments received, and the Department's experience to date, the Department has concluded that the most effective method for minimizing displacement is the retention of rules giving basic relocation rights to tenants who are displaced for a project. The potentially expensive relocation costs to be incurred by an owner causing displacement offer the greatest incentive to owners and localities to minimize displacement under the Section 312 program.

In addition, the final rule requires that, in those situations where it offers the potential of minimizing displacement, the locality shall require the owner to consider the feasibility of carrying out the rehabilitation in stages. Because property owners must carefully analyze and consider all economic aspects of a project, the Department believes that property owners would normally consider the advantages and disadvantages of staging and that inclusion of this requirement in the rules will not be burdensome.

Revisions to Rule

In response to the comments received following publication of the interim rule at 24 CFR 510.113 (44 FR 47513; effective September 26, 1979), the Department is making the following changes to the Section 312 Rehabilitation Loan Program relocation requirements:

1. Many localities objected to the obligations imposed on the locality or owner by the rules designed to protect tenants who are not permanently displaced by a project. Among other things, concern was expressed about the locality's financial liability over the four-year period of the guarantee which may extend beyond project closeout. In response to this concern and in recognition of the fact that the present notice of right to continue in occupancy procedure requires a locality to provide a guarantee that exceeds the protections afforded to displaced tenants, the Department is revising the notice of right to continue in occupancy procedure. Under the revised procedure, the tenant's rights will be secured by a four-year lease that expresses the reasonable terms and conditions of occupancy. If any of these terms and conditions of the lease are violated, the tenant would be expected to seek help from the locality, including pertinent local agencies, to ensure that the owner complies with his/her responsibilities under the provisions of the lease. Under this procedure, the tenant would not automatically be entitled to relocation assistance as is the case under the existing procedure.

2. A number of commenters indicated concern that property owners may displace tenants before submission of a loan application to HUD to avoid compliance with the relocation regulations.

The Department wishes to state that such displacement of tenants, other than for cause, is inconsistent with the objectives of the rules and the Department will consider the disapproval of such loan applications when evidence of such early displacement is provided. To minimize such displacement in the future, the proposed rules include a requirement at § 510.52(c)(1) that would ensure relocation assistance to tenants required to move, other than for cause, during the six-month period immediately prior to submission of the Section 312 preapplication or application to HUD.

3. The notice of right to continue in occupancy procedure set forth certain limitations on the amounts by which an existing residential tenant's rent can be increased during the four-year period after the rehabilitation. The interim rule indicated that the rent to be charged during the first year of the four-year period could be established at the level existing prior to HUD notification of loan approval and reservation of funds. (The rent could not be increased above this level during that first year unless the tenant was paying less than 25% of his/her income for rent.)

This rule presents two problems. It provides the owner no increase in rent in the first year of the guarantee period to recover any of the cost of the rehabilitation. A number of commenters raised this issue. Second, an owner can circumvent the rule by establishment of a substantial rent increase in the period just prior to loan approval.

To address the second concern, and to partially address the concern about first year rent increases, the final rule has been revised to require that the tenant's maximum monthly housing cost (rent and estimated utility costs) for the first year of the guarantee period shall be 105% of the tenant's monthly housing cost for the dwelling unit six months prior to issuance of the notice of right to continue in occupany. As discussed above, however, the notice of right to continue in occupancy procedure is not directed at recovering rehabilitation costs, and, unless some rental subsidy is available, such as that provided under the Section 8 Existing Housing Program or some special circumstances exist, the notice of right to continue in occupancy procedure probably cannot be used.

4. Under the Department's Uniform Act relocation rules at 24 CFR Part 42, a displaced residential tenant who occupies a property for at least 90 days prior to the "initiation of negotiations" meets the basic eligibility requirement for a replacement housing payment. For purposes of the Section 312 relocation rules, the interim rule defined this trigger date as the date of HUD notification of loan approval and reservation of funds. The final rule establishes the effective date of the notice of displacement as the "initiation of negotiations". The effect of this change will be to increase the likelihood that a tenant will meet the mimimum requirements for a replacement housing payment.

5. In conformance with the organization of proposed Section 312 rehabilitation program rules, published today as a proposed rule elsewhere in this issue of the **Federal Register**, the Section 312 relocation rules have been redesignated as § 510.52. Also, to clarify the relocation requirements, the relocation rules have been reorganized and reworded.

Other Information

A Finding of Inapplicability with regard to the environmental impact of these rules has been prepared in accordance with HUD procedures. A copy of the Finding is available for inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC.

(Sec. 312, United States Housing Act of 1964 (42 U.S.C. 1452b); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Accordingly, 24 CFR Part 510 is amended as follows:

§ 510.113 [Deleted]

1. Section 510.113 is deleted.

2. Section 510.52 is established as follows:

§ 510.52 Relocation/displacement.

(a) *Responsibility of Locality.* The locality shall administer its Section 312 Rehabilitation Loan Program in a manner that minimizes any potential or actual involuntary displacement of tenants. Wherever it offers the potential of minimizing displacement, the locality shall require the owner to consider the feasibility of carrying out the rehabilitation in stages. The locality is responsible for assuring compliance with the provisions of this section. Prior to approval of any Section 312 loan, the locality shall certify to HUD that it will assure compliance with these provisions. To pay the cost of relocation payments and other relocation assistance, the locality may use local public funds or funds available under the locality's Community Development Block Grant Program. (To use block grant funds, the locality must adopt a written policy in accordance with 24 CFR 570.602(c).) The locality may also enter into a written agreement with the private owner of a project which provides for the owner to pay all or part of the cost of relocation payments and other assistance incurred under this section and/or to reduce the rent charged to tenants who are permitted to continue in occupancy of a dwelling unit in the project. The locality shall maintain the records described at 24 CFR Part 42.207(e) and 24 CFR Part 42.225.

(b) *Applicability of Uniform Act.* The Uniform Relocation Assistance and Real

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Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 apply to the displacement of certain persons as a result of a Section 312 Rehabilitation Loan provided in connection with an Urban Renewal Project or Neighborhood Development Program under Title I of the Housing Act of 1949, as amended, Code Enforcement under Section 117 of the Housing Act of 1949, or a comprehensive city demonstration program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966.

(c) *Displacement Not Subject to the Uniform Act.* The provisions of this paragraph apply only to approved Section 312 loan activities that are not subject to the Uniform Act. HUD has determined that requirements identical to those set forth at 24 CFR Part 42, as modified by this paragraph (c) shall apply with respect to any tenant (not an owner-occupant) who occupies property to be rehabilitated with such a Section 312 loan.

(1) *Issuance of Notice to Residential Tenants.* Except as indicated in paragraph (c)(7) of this section, the locality shall issue each residential tenant either a notice of displacement (described at § 42.205) that is effective immediately or a notice of right to continue in occupancy (described at § 42.207). The notice shall be issued within 30 days after the locality receives HUD notification of loan approval and reservation of funds, or by such later date as is agreed to by the HUD Area Office. If the tenant is not issued either of these notices within the prescribed time, he or she shall automatically be eligible for relocation assistance as described at 24 CFR 42.205(b). Any tenant required by the owner to move from the property, other than for cause, before issuance of such a notice, but after the date six months prior to submission of the Section 312 preapplication (or application, if there is no preapplication) to the HUD Area Office shall also be issued a notice of displacement. In the latter case, the notice of displacement shall be effective on the date the tenant vacated the property, and, if the tenant chooses to relocate again, the 1-year period within which the tenant must purchase/rent and occupy a replacement dwelling (see § 42.451(c)) and the 18-month period for filing relocation payment claim(s) shall not begin until the tenant has been provided a reasonable choice of opportunities to relocate to a comparable replacement dwelling. If the tenant does not choose to relocate again, he/she shall be given at least 6 months in which to file relocation payment claim(s).

(2) *Issuance of Notice to Nonresidential Tenants.* The locality shall determine whether or not a nonresidential tenant will be required to move as a result of the rehabilitation. If a nonresidential tenant is ordered to vacate the property in connection with the rehabilitation or the locality determines that undue hardships (e.g., substantial increase in rent or costly suspension of operations) will result from the rehabilitation, it shall promptly issue the tenant a notice of displacement (described at § 42.205). If a nonresidential tenant is not required to move as a result of the rehabilitation, the terms and conditions of continued occupancy are matters for negotiation between the owner and tenant.

(3) *"Initiation of Negotiations."* For purposes of determining eligibility for a replacement housing payment under Subpart G of 24 CFR Part 42, the effective date of the notice of displacement shall be considered to be the "initiation of negotiations."

(4) *Replacement Housing Payment.* A displaced residential tenant who meets the eligibility conditions described in § 42.451 is entitled to a replacement housing payment to help him or her rent or buy a replacement dwelling. Any such tenant who chooses to buy a replacement dwelling, shall recieve a downpayment assistance payment computed under § 42.455. Any such tenant who chooses to rent a replacement dwelling, is entitled to a rental assistance payment computed in accordance with § 42.453, unless a Public Housing Agency administering the Section 8 Existing Housing Program (24 CFR Part 882) determines in accordance with the Section 8 eligibility criteria in 24 CFR Part 889 and selection criteria described in its Administrative Plan approved by HUD that the displaced tenant can be issued a Certificate of Family Participation under that program. Assistance under the Certificate can only occur when (i) the tenant has voluntarily selected a replacement dwelling which meets the housing quality standards and other requirements of that program, and (ii) the landlord of the replacement dwelling unit is willing to participate in the program. If the tenant elects to rent a replacement dwelling that cannot be assisted under the Section 8 Existing Housing Program, he/she must be offered the rental assistance payment described at § 42.453. (If an eligible tenant voluntarily selects a rental unit that meets the Section 8 requirements and the owner is willing to participate in the Existing Housing Program but the tenant refuses the Section 8 assistance, the tenant is not entitled to a rental assistance payment. However, the tenant remains eligible for a moving expense payment computed as described at § 42.303 or § 42.353).

(5) *Modifications to Notice of Right to Continue in Occupancy.* A residential tenant who receives a notice of right to continue in occupancy (described at § 42.207) is assured, among other things, that he or she will have the right to continue in occupancy in the property for a period of at least 4 years. These terms and conditions of continued occupancy shall be reasonable and shall be contained in a lease. The lease shall run for a period of at least four (4) years. The tenant's rights shall be in accordance with the lease and the provisions of State and local law. The procedures for an automatic notice of displacement described at 24 CFR Part 42.205(b)(2) and 24 CFR Part 42.207(a)(4) shall not apply. In addition, the provisions at 24 CFR Part 42.207(a)(2) governing the tenant's maximum monthly housing cost (rent and estimated utility charges) during the 4-year period are modified to read as follows:

(i) During the first year of the four-year period, the tenant's monthly housing cost shall be established at a level that does not exceed the greater of:

(A) Twenty-five percent (25%) of the gross income of all adult members of the household, or

(B) 105% of the tenant's monthly housing cost for the unit six months prior to issuance of the notice of right to continue in occupancy.

(ii) At the end of the first, second and third years, the monthly housing cost may be increased. The monthly increase, however, shall not exceed the sum of (A) the average monthly increase in the owner's costs for utility charges and property taxes over the previous year, plus (B) five percent (5%) of the monthly contract rent (exclusive of utility costs) charges during the prior year.

(6) *Waiver of Right to Continue in Occupancy.* Nothing in these regulations shall prevent a fully informed tenant, who will not be required to relocate permanently, from waiving his right to be issued a notice of right to continue in occupancy. The waiver shall be in a format prescribed by HUD.

(7) *Ineligible Tenants.* Under the following circumstances, the tenant is neither entitled to a notice of displacement nor a notice of right to continue in occupancy, nor will he or she receive relocation assistance:

(i) The tenant occupies a dwelling and the cost of the rehabilitation work that is allocable to the tenant's unit does not exceed $2,500 and the locality determines that the tenant will not be required to move because of the rehabilitation. In a building of two or more units, the cost allocable to the tenant's unit includes the pro rata share of the cost of work done to common elements of the property.

(ii) The tenant moves to the property after submission of the loan application and is notified in writing prior to execution of the lease about the próposal and its effect on him or her.

Issued at Washington, D.C., April 2, 1980.

Walter G. Farr, Jr.,

Deputy Assistant Secretary for Community Planning and Development.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 510

[Docket No. R-80-781]

Section 312 Rehabilitation Loan Program

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rulemaking.

SUMMARY: HUD is issuing for public comment proposed rules governing the administration of the Section 312 Rehabilitation Loan Program under the Housing Act of 1964, as amended. No comprehensive rules have been previously published for this program, which has been operating to date under HUD Rehabilitation Financing Handbook 7375.1 REV., dated February 1974 and various Interim rules (44 FR 71, April 11, 1979; 44 FR 92, May 10, 1979; 44 FR 157, August 13, 1979; 44 FR 189, September 27, 1979), Departmental Notices, and Memoranda. With issuance of this Proposed Rule, the Department is for the first time putting existing program policies and procedures into regulatory form and also offering for public comment some significant changes in program policies and procedures. However, it should be understood that the existing Handbook (7375.1 REV.), the referenced Interim Rules, Departmental Notices, and Memoranda shall remain in effect until the proposed Regulations are published as a final rule for effect.

DATE: Comment due date: June 9, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone: 202/755-6300.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Office of Urban Rehabilitation and Community Reinvestment, Room 7162, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone: 202/755-5970. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On September 6, 1979, (44 FR 51999), an Advance Notice of Proposed Rulemaking was published in the **Federal Register** requesting comment on a number of major issues involving the design and administration of the Section 312 Program. Public comment was solicited in order to assist the Department in developing regulations for the program for the first time. The development of regulations for the Section 312 Program is in keeping with Executive Order 12044, "Improving Governmental Regulations," and 24 CFR Part 10, the Department's rulemaking policies.

The public comments, which addressed eight questions contained in the Notice of Advance Rulemaking, were helpful in shaping the development of the Proposed Regulations. Specific comments were sought relating to local loan approval authority, targeting of funds to areas of concentrated neighborhood revitalization, priority for low- and moderate-income persons, funding of nonresidential rehabilitation, terms and conditions of Section 312 loans, costs includable in the loan, a variable interest rate, and actions to avoid or minimize displacement.

Comments were received from private individuals, local and state Government officials, housing and community development administrators, realtors, public interest groups, trade associations, neighborhood organizations, and legal service groups. In order to highlight the major aspects of the proposed Regulations for the Section 312 Program and to discuss the range of public comments, the following summary is organized by the questions as raised in the Advance Notice:

1. What roles should Federal and local agencies play in the administration of the loan program? Under what circumstances should local agencies be given authority to approve loans and under what circumstances should that authority be withdrawn?

Of 47 responses from the public, 25 commented on local loan approval authority. Most were in favor of localities having a greater role in the administration of the program. Six commenting agencies said loan approval authority should be extended to all types of loans and one agency specifically stated that local agencies should be able to approve nonresidential loans. Most comments supported localities having a strong staff capacity to package sound loans and technical assistance capability as a prerequisite for loan approval authority. Several comments stated that localities should have a successful or proven track record in processing either Section 312 or Community Development Block Grant (CDBG) loans in order to receive local loan approval authority.

Localities currently have a substantial role in the administration of the program. Localities select eligible areas, types of property, and prospective borrowers for use of Section 312 funds. Further, presently, over 160 communities have local loan approval authority. With this Proposed Rule, the Department intends to further promote and encourage localities to accept local loan approval authority under specific agreements with HUD.

It is proposed that 18 months after this Regulation becomes final, all localities having committed over $200,000 in General-Use and/or Urban Homesteading rehabilitation loans for any previous 2-year period will be required to assume local approval authority. All other communities having demonstrated the capacity to carry out either a CDBG rehabilitation loan program or a Section 312 Loan Program may also assume local loan approval authority. In some instances, loan approval authority may be granted on multifamily and nonresidential loans where the locality accepts a share of the risk by contributing local funds to the project.

Eleven localities recommended conditions under which loan approval authority should be withdrawn, such as not utilizing the funding allocation, high loan delinquency rates, the capacity and expertise to administer the program are lost, or gross violations of the letter and intent of the program. Periodic monitoring of an LPA's performance will determine whether failure to process and approve loans that meet the HUD acceptable risk standards (§ 510.82) or serious failure to meet requirements of the Section 312 Loan Program has occurred. When abuses are discovered, corrective or remedial sanctions pursuant to Section 510.156 ranging from issuing a letter of warning to cancellation of the Agreement and withdrawal of local approval authority may be instituted.

2. To what extend should loans be targeted to areas of concentrated neighborhood rehabilitation?

Most comments in support of targeting mentioned the importance of visible physical results due to the concentration of rehabilitation in a specific area. They also mentioned the availability of assistance to all residents within a concentrated area that met eligibility criteria as a positive factor for targeting. Some comments against targeting focused on the loss of flexibility to use Section 312 funds outside of target areas which a locality may consider to have an equal need for Section 312 funding. Also several comments were against designating only NSAs within CDBG areas, because some localities that had previously participated would now be at a disadvantage if they have not designated NSAs. A few comments suggested Section 312 rehabilitation should be permitted on a spot basis to parallel CDBG-funded rehabilitation.

HUD has chosen to continue the use of Section 312 funds in targeted areas (CDBG–NSAs and other eligible categorical program areas—§ 510.22) where there are already on-going physical improvements, public facilities and services, and property rehabilitation activities that will produce substantial long-term improvements in the area within a reasonable period of time. It is in accordance with statutory intent that Section 312 funding be used as a supplement to private rehabilitation financing to support other rehabilitation activity in the eligible areas. Further, Section 312 funds can be used only in in designated areas; however, localities have the discretion within the broad statutory and Departmental regulatory requirements to select the number, size, and location of the areas.

Approving Section 312 loans on a spot rehabilitation basis will not be permitted. There are other funding sources available, such as CDBG, that under certain circumstances may be used for this purpose.

3. How should the priority for low- and moderate-income borrowers be established?

Twenty-five localities commented that funds should continue to be made available for low- and moderate-income owner occupants. There were various recommendations on how to implement this priority. Several suggestions mentioned earmarking a percentage (ranging from 50 to 80 percent) of a locality's allocation for loans to low- and moderate-income owner occupants. There was one suggestion that all applications be kept on file with no over-income applications approved until all applications from eligible low- and moderate-income persons were processed first. It was also suggested that those applicants who fail to meet income requirements for a CDBG grant have their applications processed first. Another suggestion was that elderly homeowners on fixed incomes have top priority for funding rehabilitation. One comment, related to the implementation of the statutory priority for applications from low- and moderate-income condominiums and cooperatives, recommended that cities be required to advertise that it is a priority and solict tenants who are principally of low- and moderate-income.

In implementing the low- and moderate-income priority, HUD wants to give localities discretion. In processing and approving loans, localities shall give priority to those applicants of low-and moderate-income who are owner occupants. The Department has chosen not to prescribe specific requirements which every participting locality must meet in implementing the priority for low- and moderate-income owners. Rather, we are encouraging local discretion within the broad limits imposed in this Rule.

There may be valid reasons to accept and approve Section 312 loans from residential and nonresidential property owners, who do not qualify for the low- and moderate-income priority. For example, loans to borrowers to rehabilitate property where conventional financing is not available and where the rehabilitation will serve as an important stimulant to neighborhood revitalization efforts may be appropriate. Also, loans may be issued to higher income nonresidential property owners who will be improving their property, thus benefitting low- and moderate-income persons in the area by providing employment and services. Loans should also be made available to higher income investor-owners who will be providing housing for low- and moderate-income tenants. While HUD believes that localities are in the best position to determine how to balance the statutory priority for low- and moderate-income owner occupants against other program objectives in specific instances such as those just mentioned, HUD does intend to monitor closely localities' performance in this regard, to assure that low- and moderate-income owner occupants are actually receiving a reasonable share of loans.

4. Under what circumstances should nonresidential rehabilitation be funded?

There was a wide range of comments on funding nonresidential rehabilitation. Some localities thought nonresidential funding should be limited to Neighborhood Strategy Areas (NSAs) with a priority given to businesses that serve the NSAs or employ area residents. One locality felt that Section 312 funding should be used on nonresidential properties only when local jurisdictions contribute a share of the funding. Another comment suggested that it should be the locality's option to utilize Section 312 funds to coincide with surrounding and adjoining residential rehabilitation and should focus only on exterior treatment and/or removal of hazardous interior conditions. One locality suggested funding be based on need with criteria developed similar to those for Distressed Cities. Another comment suggested restricting Section 312 funding to residential properties only, because there are other available Federal sources for commercial properties. Localities mentioned that the nonresidential loan limit of $100,000 per property was adequate.

In making loans to applicants, HUD promotes the statutory priority that loans be given to applications of low- and moderate-income persons who own and occupy the property to be rehabilitated. Loans on nonresidential properties will be made where rehabilitation is required as a part of a locality's economic development strategy with primary emphasis placed on neighborhood scale commercial properties. Also the mixed-use property (residential and nonresidential) may be funded where the rehabilitation is required as a part of the locality's community, housing, or economic development strategy as described in 24 CFR 570.304 (1), (2) and (3).

Because a Section 312 loan must be determined to be an acceptable risk, taking into consideration the need for the rehabilitation, the security available for the loan, and the applicant's ability to repay the loan, HUD feels that another set of criteria would not seem to be necessary for nonresidential lending.

5. What terms and conditions should be applied to each loan?

Thirteen commenting officials indicated that the terms and conditions for each loan should remain the same as those presently stipulated in Form HUD–6231. Those commenting generally felt that to add more requirements or to change existing requirements would make the program unwieldy or too complex. Every effort has been made in preparing this Rule to assure that program procedures do not become unwieldy or time-consuming.

Several commenting local officials suggested that HUD should extend the 20-year loan term for repaying Section 312 loans. The statutory authority for the Section 312 Program establishes a term up to 20 years. HUD does not presently have the authority to extend this period.

A few commenting officials suggested that HUD should require applicants to pay off the Section 312 loan over a shorter period of time if the person's income could support a higher monthly payment or if the loan amount was minimal. Section 510.32(b) proposes that all Section 312 loans be made with the shortest reasonable terms consistent with the borrower's ability to pay. Additionally, although there is no minimal loan amount requirement, § 510.36(d) requires that in order to implement cost effective loan

processing, no loan should be made with a monthly repayment of less than $20.

One person suggested that HUD provide an optional loan settlement procedure for projects which are vacant during construction to allow the borrower to make payments only on that portion of the loan amount which is drawn down as construction progresses as opposed to making payment, during construction, on the total loan amount. Section 510.84(c) provides that for loans over $60,000 or for projects where the construction period will be in excess of 4 months, a modified loan settlement and disbursement procedure shall be used, unless it is determined that such procedure will not provide adequate lien priority and security under State and local law. This modified procedure permits a series of checks to be requested from the U.S. Treasury as needed for actual disbursements from the rehabilitation escrow account, with interest accruing only on the actual amount down from Treasury based on the date of the draw. No monthly payments by the borrower will be due until the final loan check has been disbursed.

In addition to the changes noted above, HUD is eliminating the mandatory use of the short-form mortgage currently used for loans under $10,000. Section 510.42 requires that all Section 312 loans except loans of less than $3,500 to purchasers under installment land sales contracts, be settled with a promissory note secured by a recorded mortgage. The form of the promissory note and mortgage will be furnished by the HUD Area Office for use in the jurisdiction in which the property to be rehabilitated is located.

The terms and conditions applicable to loans to be purchaser-occupant, under an installment land sales contract are outlined in § 510.26(a)(2).

6. What costs should be included in loans? Under what circumstances should refinancing of an existing mortgage be allowed?

Costs Includable in the Loan

There were five suggestions that local agencies should be allowed to charge the borrower a processing fee to be includable as an eligible cost in the loan. It was also suggested that other administrative costs, such as property appraisal fees, recording fees, and title search fees should be eligible costs includable in the loan. HUD has determined that application, appraisal and inspection fees are costs which shall be assumed by the local body from local funds such as CDBG funds and shall not be charged to the borrower. However, because of the higher costs involved, the cost for appraisal fees on multifamily and nonresidential properties will be eligible if the borrower agrees to inclusion of these costs in the loan amount. It has also been determined, however, that the cost of professional services, such as architectural and engineering surveys, which are not normally provided by the local body are eligible for inclusion in the loan. Additionally, some legal costs, including fees for title reports, reasonable corrective title work and title insurance, if necessitated by an unclear title history, are eligible costs.

A few respondents suggested that the contingency fee now calculated at 3 percent should be raised. Under § 510.38(n), a contingency reserve not to exceed 5 percent of the cost of rehabilitation for single-family loans and 10 percent for multifamily, nonresidential, and mixed-use loans is proposed. In addition, the contingency on any loan where the modified loan settlement procedure will be utilized may be increased up to an additional 5 percent of rehabilitation costs as described in § 510.84(c)(3). Also, the contingency amount for self-help/sweat equity projects and multifamily projects may be increased to 15 percent as described in § 510.80(e).

One commenter suggested that HUD should allow the borrower more latitude in addressing cosmetic problems while another felt that General Property Improvements should be allowed only where they contributed to the overall rehabilitation effort. The percentage of General Property Improvements should usually be less than 40 percent of the cost of rehabilitation.

Other costs which have been determined as includable in the loan include the cost of meeting cost effective energy standards as described in § 510.50, the cost of interest paid on a construction loan when the Section 312 rehabilitation loan is used as permanent financing, and costs of meeting or correcting environmental considerations.

Refinancing of an Existing Mortgage

Most respondents who addressed the refinancing issue felt that existing refinancing policies were adequate and that if any changes were instituted, it should be an increase in the 20 percent eligibility ratio of total principal and interest payments to income. One commenting local official felt that refinancing should be discouraged and allowed only when an applicant could not otherwise afford the rehabilitation. A few respondents stated that refinancing should be limited to land sales contracts and conventional loans which were used for rehabilitation purposes. Others suggested that only debts which are housing related, such as a mortgage or home improvement debt, should be eligible for refinancing.

In line with that suggestion, § 510.49(a)(3) limits refinancing generally to housing-related indebtedness. Additionally, refinancing is to be used only as a last resort when the additional cost of rehabilitation assistance results in a total housing expense which will be unaffordable by the borrower and the loan is considered vital for neighborhood revitalization. However, HUD will not increase the 20 percent ratio of total principal and interest payments to income because it is a statutory requirement. But in order to limit the benefit of refinancing to those applicants who are most in need, refinancing is being restricted to applicants with incomes below 95 percent of the median income for the area, as described in § 510.40(b)(3).

7. What rules should be applied to the range of interest rates authorization added by the Housing and Community Development Amendments of 1978?

Numerous comments were received on the issue of varying interest rates with suggestions ranging from adamant adherence to the present 3 percent rate for all borrowers to favoring an intricate sliding scale of interest rates which would be tied directly to the applicant's income. HUD, in following the Congressional mandate to develop a variable loan interest rate, has attempted to design an interest rate schedule which would be variable based on income but not difficult or expensive for a locality to administer.

One individual suggested that in lieu of adjusting the 3 percent rate, HUD should decrease the loan term. The commenter felt that decreasing the term would result in a quicker payoff and a more rapid recovery of funds. Section 510.32(b) requires that all Section 312 loans be made with the shortest reasonable term consistent with the borrower's ability to pay. As stated previously, HUD is also requiring that no loan be made with a monthly repayment of less than $20.

Several comments state that the varying interest rate should be applicable only to multifamily and nonresidential loans. HUD has determined, because of the greater number of factors involved in multifamily and nonresidential lending, to maintain the 3 percent interest rate, but to encourage the use of loans to leverage conventional financing. Others suggested that all persons falling within

95 percent of the median income should receive loans at the 3 percent rate and that persons above 95 percent of the median income should receive loans at a higher rate based on the applicant's ability to repay.

For simplicity in varying interest rates, the range of interest rates proposed at § 510.34 are to be applied according to the type of property and income category of the applicant. For single-family owner occupied properties, the interest rate will vary from 3 percent if the borrower's adjusted annual income is below 120 percent of the median to 9 percent if the borrower's adjusted annual income is above 200 percent of the median income of the area, except in cases where the use of a lower rate, not less than 6 percent, is necessary to achieve community development objectives and is justified by the LPA.

For multifamily properties, investor owned single-family properties, mixed-use properties and nonresidential properties, the interested rate will be 3 percent, regardless of the residents' or borrowers' incomes.

8. What requirements should be imposed to avoid or minimize displacement?

Responses to this question and those comments received in response to the Relocation Rules for the Section 312 Rehabilitation Loan Program Interim Rule published on August 13, 1979, in **Federal Register** Vol. 44, No. 157, are discussed and summarized in the preamble to the Final Rule published elsewhere in the **Federal Register** on this date.

Summary of Proposed Rule

The Section 312 Loan Program has evolved in its 15 years of operation in an effort to be more responsive to changing economic, social and community development objectives. The program continues to be a below market interest rate loan program for the rehabilitation of residential, nonresidential and mixed-use property primarily for the benefit of low- and moderate-income persons and the revitalization of eligible areas.

In order to highlight the central issues, a brief analysis of the regulation's major subparts—priorities, eligibility requirements, loan terms and conditions, loan processing and administration—follows:

A. *Priorities.* Localities shall administer the Section 312 loan funds so as to give priority to applications by low- and moderate-income owner occupants, including cooperatives and condominiums, and to the extent feasible to:

(1) Minimize the displacement of low- and moderate-income persons;

(2) Improve the housing of low- and moderate-income persons;

(3) Conserve neighborhoods and improve facilities which principally benefit low- and moderate-income persons; and

(4) Leverage conventional financing.

Loans which do not meet these objectives may be made to meet other housing and community development objectives of a locality participating in the HUD Community Development Block Grant (CDBG) Program.

B. *Eligibility Requirements.* Section 312 loans will only be made in CDBG Neighborhood Strategy Areas (NSAs) or similar designated areas in localities receiving CDBG Small Cities grants; in categorical program areas under the Urban Renewal, Neighborhood Development, and Code Enforcement Programs; in Section 810 Urban Homesteading areas; and to support Urban Development Action Grant (UDAG) activities in NSAs. Limiting the making of loans to CDBG NSAs is a major change in current policy.

Properties eligible for improvement include owner occupied and investor owned residential, nonresidential and mixed-use real property. Applicants must be owners of the real property to be improved; purchaser occupants of single-family property under a land sales contract or similar instrument; or tenants of nonresidential property.

C. *Terms and Conditions.* The term of a Section 312 loan may not exceed 20 years or three quarters of the remaining economic life of the structure after rehabilitation, whichever is less. However, the shortest term possible is encouraged in order to conserve funds.

Interest rates on loans for single family properties are varied at 3, 6, and 9 percent depending on the income of the borrower. Interest rates on other loans are at 3 percent. The leveraging of conventional financing is encouraged by HUD. The variable interest rate provisions, following Congressional mandate, represent a major policy change.

Costs includable in the loan are primarily directed to activities which will improve a property to meet local code or property rehabilitation standards. Excessive general property improvements, administrative costs, and development fees are excluded. Single-family refinancing, although allowed, is restricted in its application in order to provide the majority of loan funds for actual rehabilitation work and to applicants below 95 percent of the median income for the area, a proposed regulatory limit. Multifamily refinancing is currently not permitted although it is statutorily permissible. HUD believes that multifamily refinancing merits further study prior to implementation.

Activities of individuals administering the program which may be considered a conflict of interest shall be prohibited.

Equal Opportunity; Truth-in-Lending; Labor Standards; Environmental Quality; Energy Conservation; and Freedom of Information and Privacy Act requirements shall be implemented.

Displacement shall be minimized and relocation benefits shall be paid to eligible tenants, which may include Section 8 rental assistance.

D. *Loan Processing and Administration.* Localities participating in the program are responsible for performing most loan processing activities, as prescribed in these regulations. Local Approval Authority is recommended for most jurisdictions which have the administrative capacity, expecially those which have committed $200,000 or more annually in general use and/or homesteading funds over the past 2 years. Risk-sharing may be required for local approval of multifamily projects.

The LPA shall conduct property appraisals; verify the applicant's financial standing; determine the scope of work and cost estimates; obtain contractor's bids, and assist in contractor selection and approval. The LPA shall also ensure that eligibility requirements are met and the loan is an acceptable risk.

Loans shall be settled and funds disbursed after inspection and assurance that adequate work has been completed. Funds may be drawn down in a lump-sum and escrowed until contractor payment, or for projects over $60,000 or those to be in construction over 4 months, segmented draw downs from the United States Treasury are required. Supplemental funds are required if the loan amount is insufficient to bring the property up to code standards. A 5 percent (10 percent for multifamily and 15 percent on self-help) loan contingency factor is permitted in the loan amount and a 20, 15, or 5 percent holdback on progress payments is permitted, based upon Area Office judgment. Both the increased contingency amounts and the reduction in progress payment holdback are new features of the program.

Self-help and sweat-equity may be used in the program but require a special agreement with the LPA. The Subpart G, Loan Servicing, is omitted from the proposed rule because the responsibility for loan servicing has only recently been transferred to the Office

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of Urban Rehabilitation and Community Reinvestment, Community Planning and Development. This Subpart is currently being developed and will be published shortly.

Multifamily projects may not exceed 100 units except on special approval of the Area Office to meet revitalization or low- and moderate-income needs. A rent regulatory agreement will be required on multifamily and single-family investor-owned properties to limit displacement and prevent excessive investor profit.

The LPA shall administer the program properly according to these regulations and keep appropriate records. HUD will inspect and monitor the LPA's administration and may impose sanctions for serious violations of Federal requirements, as necessary.

Other Information: The Department has determined that an environmental impact statement is not required with this Rule. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk at the address provided above.

This rule is listed as CPD–24–78 in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, it is proposed to revise 24 CFR Part 510 as follows:

PART 510—SECTION 312 REHABILITATION LOAN PROGRAM REGULATIONS

Subpart A—General

Sec.
510.1 Scope of regulations.
510.2 Purpose of Program.
510.4 Definitions.
510.6 Funding allocation system.

Subpart B—Eligibility requirements

510.20 General.
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510.26 Eligible applicants.

Subpart C—Basic loan terms and conditions.

510.30 General.
510.32 Term of loan.
510.34 Interest rates.
510.36 Maximum loan amount.
510.38 Costs includable in the loan.
510.39 Costs not includable in a loan.
510.40 Refinancing.
510.42 Note and security instrument.
510.44 Title evidence.
510.46 Standard terms and conditions.

Subpart D—Other Federal requirements

510.50 Program administration.
510.52 Relocation displacement.

Subpart E—Loan processing and administration

510.70 General.
510.72 Local approval authority.
510.74 Property appraisal.
510.76 Financial verifications.
510.78 Rehabilitation contract development.
510.80 Self-help sweat equity.
510.82 Loan Approval: Required determinations.
510.84 Loan settlement.
510.86 Management of rehabilitation escrow account.
510.88 Inspection monitoring and progress payments.

Subpart F—Special Requirements Applicable on Multifamily Loans, Mixed Use Properties With More than Five Units, and Single Family Investor Owned Properties.

Sec.
510.100 General.
510.102 Rent regulatory agreement.

Subpart G—Loan Servicing

510.120 General [Reserved]

Subpart H—Performance Evaluation and Recordkeeping

510.150 Records and reporting requirements.
510.154 Performance evaluation.
510.156 Corrective and remedial actions.

Authority: Sec. 312, United States Housing Act of 1964 (42 U.S.C. 1452b), and Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Subpart A—General

§ 510.1 Scope of regulations.

(a) *Applicability.* The policies and procedures in this part are applicable to the making of rehabilitation loans authorized by Section 312 of the Housing Act of 1964, as amended. They include, but are not limited to:

(1) Program policies and objectives;

(2) Eligible program areas and within the areas, eligible applicants for rehabilitation loans;

(3) Loan terms and conditions;

(4) Costs includable in the loans;

(5) Criteria for refinancing housing related indebtedness with rehabilitation loans;

(6) Loan approval criteria and definition of acceptable risk:

(7) Procedures required prior to and after loan settlement;

(8) Loan servicing;

(9) Special procedures for processing multifamily rehabilitation loans under Section 312; and

(10) Records, reporting, performance evaluation, and corrective and remedial provisions.

(b) *Waiver.* The Secretary may waive any provision of this part with respect to any specifically identified Section 312 loan, *Provided,* That the provision waived is not required by statute, judicial decision, executive order, or a regulation which may not be waived by the Secretary. Any such waiver may be granted if the Secretary finds that the provision to be waived would, if applied to the loan in question, adversely affect the achievement of the purposes of Section 312 of the Housing Act of 1964, as amended.

§ 510.2 Purpose of program.

(a) *Purpose.* The purpose of the Section 312 Rehabilitation Loan Program is to provide low interest loan funds to owners and eligible tenants of property to finance the rehabilitation of such property. The loans will generally be made in conjunction with other rehabilitation activity, and only in areas designated by the locality to receive concentrated public investment. The investment should be expected to result in the successful achievement of local community development objectives within a reasonable period of time. These objectives may include the elimination of slums and blight; conservation or renewal of areas; and the improvement of the living conditions of persons principally of low- and moderate-income by providing decent, safe, and sanitary housing.

(b) *Priorities.* In processing and recommending or approving loans under this part, localities shall give priority, as required by Section 312(a) of the Housing Act of 1964 to applications of low- and moderate-income persons who own the property to be rehabilitated and who will occupy such property upon completion of the rehabilitation, including applications by condominiums and cooperatives in which the residents are principally of low- moderate-income. In addition, localities shall administer to the extent feasible the Section 312 Loan Program so as to:

(1) Minimize the displacement of low- and moderate-income persons;

(2) Improve the housing of low- and moderate-income persons;

(3) Revitalize or conserve low- and moderate-income neighborhoods, as defined in 24 CFR 570.302(d)(2)(i); and

(4) Leverage conventional financing.

Loans which do not meet the foregoing priorities may be made when necessary to meet other community development objectives of the locality as described in their community development and housing plan under 24 CFR 570.304.

§ 510.4 Definitions.

(a) *"Applicant"* means the individual, group, corporation or partnership which meets the eligibility requirements of Subpart B, and makes an application for a Section 312 loan.

(b) *"Approving Officer"* means the authorized HUD official, or the individual designated by the Chief Executive Officer of a locality operating a Section 312 Rehabilitation Loan Program and having local approving authority, who approves or disapproves rehabilitation loans.

(c) *"Borrower"* means the individual, group, corporation or partnership which has an application approved for a Section 312 rehabilitation loan.

(d) *"Chief Executive Officer"* means the elected official, or legally designated official, who has the primary responsibility for the conduct of the locality's Governmental affairs.

(e) *"Community Development Program"* means the program conducted by the locality under the provisions of 24 CFR Part 570.

(f) *"Conventional Financing"* means rehabilitation loan funds which are borrowed from private non-governmental financial institutions; the term does not include any Federal, State or local government assisted rehabilitation financing except insurance programs such as FHA insurance programs and loan guarantee programs which guarantee all or a portion of the private loan.

(g) *"Dwelling Unit"* means a residential space which qualifies under the laws of the State or locality as a place of permanent habitation or abode for one or more families or individuals, such as an apartment or house, which contains a living room, kitchen area, bathroom(s) and bedroom(s). However, a dwelling unit in a congregate housing facility need not contain a kitchen area if dining facilities are available within the building or housing complex, and a 0-bedroom unit may have a combined living/bedroom area.

(h) *"General Property Improvements"* (GPIs) means rehabilitation work to improve the condition of the property beyond the property rehabilitation standards, including those repairs which will put the property in a generally good and readily maintainable condition, with the necessary equipment in working order.

(i) *"HUD"* means the U.S. Department of Housing and Urban Development.

(j) *"Investor-Owned Property"* means a property which is residential, nonresidential, or mixed-use and which is not occupied by the owner; or a residential property with five or more dwelling units whether or not occupied by the owner.

(k) *"Leveraging"* means securing conventional financing to supplement a Section 312 loan on a specific property.

(l) *"Locality"* means the unit of general local government, as described in 24 CFR Part 570 Subpart A.

(m) *"Local Processing Agency"* (LPA) means the agency designated by the chief executive officer of the locality to operate the Section 312 Rehabilitation Loan Program for the locality. It may be part of the locality's Governmental structure, or a private or non-profit agency designated by the locality for this purpose.

(n) *"Low- and Moderate-Income"* means (1) *Person,* with respect to borrowers, gross income which does not exceed 95 percent of the median income for the area as adjusted for family size. (In determining income eligibility of individual borrowers, the LPA may use the income limits published by HUD under Section 235 of the Housing and Urban Development Act of 1968); (2) *Area,* with respect to Community Development Block Grant eligible areas, income which does not exceed 80 percent of the median income for the area as adjusted for family size. (In determining income eligibility of target areas, HUD will use the definitions which appear at 24 CFR 570.3 (o) and (p)).

(o) *"Mixed-Use Property"* means real property containing a combination of residential dwelling units with some other use, such as commercial.

(p) *"Multifamily Property"* means real property devoted solely to residential use and composed of five or more dwelling units.

(q) *"Nonresidential Property"* means real property containing no dwelling units as defined in paragraph (g) of this section.

(r) *"Owner"* means the individual or group which holds valid legal title to the property to be rehabilitated.

(s) *"Owner-Occupied"* means a residential property containing one to four dwelling units where the owner lives in one of the units on a full-time basis.

(t) *"Principally"* means more than 50 percent of the families and persons residing in a structure or area, when used in the context of measuring benefit for low- and moderate-income persons.

(u) *"Process"* means the administrative activities undertaken by HUD and/or the LPA to assist the applicant in applying for and using a Section 312 loan.

(v) *"Property Rehabilitation Standards"* (PRS) means the State or local code standards and any other rehabilitation requirements established by a locality in a HUD approved Urban Renewal Plan or Community Development and Housing Plan for the Section 312 target area, as required by § 510.24(b).

(w) *"Rehabilitation"* means the repair of a structure, or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or PRS.

(x) *"Rehabilitation Management Specialist"* means the staff person managing the Section 312 Loan Program, who may act as the Approving Officer for the HUD Area Office.

(y) *Section 312 Rehabilitation Loan Program"* means the program described in this regulation as authorized under Section 312 of the Housing Act of 1964, as amended. It is also variously called the Section 312 Loan Program, the rehabilitation loan program, or just the loan program throughout this regulation.

(z) *"Secretary"* means the Secretary of the Department of Housing and Urban Development or his/her designee.

(aa) *"Self-Help/Sweat Equity"* means the undertaking of all or part of the actual physical rehabilitation work on a property by the owner using materials and equipment purchased with Section 312 loan funds.

(bb) *"Single-Family Property"* means property devoted solely to residential use and composed of one to four dwelling units.

(cc) *"Tenant"* means, (1) in the case of nonresidential property, an individual or group which is occupying a structure or part thereof under a lease; or, (2) in the case of a residential property a family or individual which is occupying a dwelling unit on the property, other than the owner.

(dd) *"Underwrite"* means the positive finding of financial viability and approval of Section 312 loan by the signature of the Approving Officer of the locality or the HUD Rehabilitation Management Specialist, after a careful analysis of the applicant's credit worthiness and certification of adherence to program requirements.

(ee) *"Work Write-Up"* means the itemization of all rehabilitation work to be done on a property, including such directions and specifications for workmanship and materials as may be necessary for the job to be bid and constructed properly.

§ 510.6 Funding allocation system.

(a) A formal funding allocation system shall be used to distribute Section 312 funds which will meet the objectives of:

(1) Permitting an equitable distribution of funds among localities;

(2) Allowing a reasonable degree of certainty of funding within the program year so localities can better project fund use and better determine appropriate staff levels; and

(3) Providing incentives for efficient local Section 312 Program management.

(b) The funding allocation system for distributing Section 312 funds to localities shall be based on such factors as a measure of community development and housing need, a

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measure of priority for rehabilitation, and a measure of priority for rehabilitation, and a measure of capacity to use Section 312 loan funds. This three-part formula is further adjusted by other factors such as a locality's level of loan delinquency, its adherence to the priority for funding applications from low- and moderate-income people, and the quality and efficiency of management in the rehabilitation loan program.

Subpart B—Eligibility Requirements

§ 510.20 General.

This Subpart describes the requirements, policies and procedures governing the eligibility to apply for a rehabilitation loan under Section 312 of the Housing Act of 1964, as amended. In general, these eligibility requirements relate to the individual, group, corporation or partnership applying for the loan; the real property to be improved; and the area in which the property is located. An application shall not be processed by the LPA unless the LPA preliminarily determines that the loan will meet the eligibility requirements of this subpart; however, eligibility under this Subpart does not assure a loan will be approved.

§ 510.22 Eligible areas.

(a) *Areas.* No Section 312 loan shall be approved or made unless the property is located within one of the following areas:

(1) *Community Development Block Grant (CDBG) Program Area.* (i) For localities receiving CDBG Entitlement Grants or Small Cities Multi-Year Comprehensive Discretionary Grants, the eligible Section 312 areas shall be Neighborhood Strategy Areas (NSAs) identified in the locality's 3-year Community Development and Housing Plan pursuant to 24 CFR 570.304. As required by 24 CFR 570.301(c)(1) and 570.304(b)(i)(1), these areas shall be the target of assistance for a concentration of physical improvement, public facilities and services, and property rehabilitation activities sufficient to produce substantial long term improvements in the area within a reasonable period of time. While rehabilitation loan activity must be in an NSA area, a locality may further target a smaller area within the NSA for concentrated treatment. NSAs will remain eligible for Section 312 loans during the 1-year period following the completion of CDBG assisted physical development activities (as defined in 24 CFR 570.201(e)(1)) unless the Area Manager, in consultation with the locality, determines that the eligibility under this Subpart does not rehabilitation goals for the NSA have been substantially carried out prior to that time.

(ii) For localities receiving CDBG Small Cities One-Time Comprehensive or Single-Purpose Discretionary Grants, the designated areas shall have property rehabilitation and coordinated supporting activities similar to those described in paragraph (a)(1)(i) of this section. However, these areas may be smaller and have fewer activities due to the more limited funding. These areas will remain eligible for Section 312 loans for a 1-year period following the end of the program year in which the locality's CDBG funds were received, provided that the administrative capacity to operate the rehabilitation effort is maintained by the locality, in the judgment of the Area Manager.

(2) *Categorical Program Areas.* Loans may be approved in the following categorical program areas provided they are necessary to carry out the original objectives of the project or to enable the project to be financially settled. No loans may be approved after a period of one calendar year from financial settlement of a categorical project unless the area is designated as an NSA or the loan is necessary to meet express post-settlement activity conditions of the financial settlement. Eligible categorical program areas may include:

(i) Urban Renewal Projects approved under Part A of Title I of the Housing Act of 1949.

(ii) Neighborhood Development Project (NDPs) approved under Part B of Title I of the Housing Act of 1949.

(iii) Concentrated Code Enforcement program areas, approved under Section 117 of the Housing Act of 1949, as amended.

(3) *Section 810 Urban Homesteading Areas.* Section 312 rehabilitation loans may be approved in Urban Homesteading Areas approved under Section 810 of the Housing and Community Development Act of 1974, as amended. These loans may be for homesteading properties and for other properties in the homesteading area in order to support the overall upgrading of the neighborhood.

(4) *Urban Development Action Grant (UDAG) Areas.* Section 312 rehabilitation loans may be approved to support UDAG projects, but only if the UDAG target area is also an NSA and designated in the locality's 3-year Community Development and Housing Plan under 24 CFR 570.304, and conforms to the rehabilitation and supporting improvement requirements of § 510.22(a)(1)(i).

(b) *Exceptions.* The Secretary may authorize the approval of a Section 312 Loan on a property not located in one of the eligible areas described in paragraph (a) of this section, if it is determined, upon the recommendation of the Approving Officer, that the loan is necessary or appropriate to the execution of the locality's approved Community Development Program.

§ 510.24 Eligible properties.

(a) *Condition Prior to Rehabilitation.* To be eligible for Section 312 assisted rehabilitation, a property must be in such condition prior to rehabilitation that repairs or improvements are required in order for the property to meet the applicable property rehabilitation standards for the area.

(b) *Property Rehabilitation Standards.* These standards will be State or local code standards and any other rehabilitation requirements established by a locality. In cases where local codes, by reference to new construction codes, would require unfeasible or unrealistic work items not related to basic safety or health needs, the Section 312 loan will not require the meeting of such items as a condition for the loan. Where local housing codes do not exist the property after rehabilitation shall meet standards that approximate but are no more costly than those for housing rehabilitation established by HUD such as those standards cited in the Minumum Design Standards for Rehabilitation for Residential Properties, HUD Handbook 4940.4, but in no case shall be lower than the Housing Quality Standards of the Moderate Rehabilitation Program pursuant to 24 CFR Part 882.405.

(c) *Types of Eligible Properties.* Eligible properties include real property which is:

(1) Owner-occupied single-family residential;

(2) Investor owned single-family residential;

(3) Investor owned multifamily residential containing 5 to 99 dwelling units;

(4) A condominium or cooperative (single- and multifamily residential up to 99 units);

(5) Nonresidential where rehabilitation is required as part of the locality's community or economic development strategy under 24 CFR 570.304(b)(1)(3), with primary emphasis is placed on neighborhood scale commercial properties;

(6) Mixed-use (residential and non-residential) where rehabilitation is required as part of the locality's communication development, housing or economic development strategy under 24 CFR 570.304(b)(1)(2)(3).

(d) *Exceptions.* A section 312 loan shall not be approved on a property which also is or will be assisted under the Section 8 Substantial or Moderate Rehabilitation Programs (24 CFR, Part 881 and 882) unless specifically authorized by the Secretary. Loans on multifamily properties of 100 or more units may be authorized by the Area Manager, pursuant to § 510.100

§ 510.26 Eligible applicants.

(a) *Eligibility Criteria.* To be eligible for and to receive a Section 312 rehabilitation loan, an applicant shall qualify, except as noted in § 510.46(m) under one of the following criteria:

(1) The applicant is the owner of a single-family or multifamily residential property as described in § 510.24.

(2) The applicant is the purchaser-occupant of a single-family property under an installment land sales contract for the acquisition of title to the property: *Provided,* That the conditions under either paragraph (a)(2)(i) or (ii) of this section are met:

(i) The loan amount does not exceed $3,500, and

(A) The contract is a written legal instrument;

(B) The seller of the property holds fee simple title to the property and is legally unable to sell the property or use it for collateral during the term of the contract, except to provide security for the Section 312 loan;

(C) The seller and any subsequent holder of the title to the property are obligated, without qualification, to convey to the purchaser fee simple title and a deed to the property upon satisfaction of the contract terms;

(D) Under the terms of the contract, the purchaser has full use, possession, and quiet enjoyment of the property; equitable title to the property; and full rights of redemption for a period of not less than 90 days, unless equivalent redemption rights are afforded by State or local law to purchasers under an installment land sales contract; and

(E) Approval of the Section 312 loan to the installment land sales contract purchaser-occupant is not granted until the LPA has obtained a copy of the land sales contract and a written legal opinion by LPA counsel that all of the aforementioned conditions are satisfied.

(ii) Without regard to the loan amount,

(A) The contract is a written legal instrument under which the purchaser-occupant has full use, possession, and quiet enjoyment of the property and equitable title to the property;

(B) The owner of the property executes a mortgage or deed of trust securing the Section 312 loan; and

(C) An opinion of LPA Counsel is obtained at loan settlement that conditions in paragraphs (a)(2)(ii) (A) and (B) of this section have been met. Approvals of loans to installment land sales contract purchaser-occupants under this paragraph (a)(2)(ii) are subject to the condition of compliance with these conditions at loan settlement.

(3) *Tenant of Nonresidential Property.* Applicant is a tenant of nonresidential property or on the nonresidential portion of a mixed-use property (where the rehabilitation work relates solely to applicant's leased premises) under a lease having a remaining term at least equal to the term of the section 312 loan. In addition, the owner of the property shall execute a mortgage or deed of trust securing the Section 312 loan and an opinion of LPA counsel shall be obtained at loan settlement that this condition has been met. Approvals of loans to nonresidential tenants under this paragraph (a)(3) are subject to the condition of compliance with the preceding sentence at loan settlement.

(4) *Cooperative or Condominium Association.* For loans to rehabilitate existing residential cooperative or condominum projects, the applicant shall be the governing body of the project's cooperative or condominium association. The application shall include an opinion, acceptable to LPA counsel and to the Approving Officer, of a qualified attorney-at-law that the governing body is authorized by State and local law and the organizational documents of the cooperative or condominium to act in accordance with the application and to agree to the terms and conditions of the loan, including furnishing security as described in § 510.42.

Subpart C—Basic Loan Terms and Conditions

§ 510.30 General.

The purpose of this subpart is to provide the basic terms and conditions applicable to Section 312 rehabilitation loans.

§ 510.32 Term of loan.

(a) *Maximum Term.* The term of a rehabilitation loan shall not exceed 20 years, or three-fourths of the remaining estimated economic life of the structure after rehabilitation, whichever is less. A loan to a tenant (in a nonresidential or mixed-use property) may not extend beyond the unexpired term of the lease, excluding any options to extend the term of the lease that have not been exercised prior to loan approval.

(b) *Minimum Term.* All Section 312 loans shall be made with the shortest reasonable term consistent with the borrower's ability to pay and the maintenance of an acceptable risk, as determined pursuant to § 510.82.

§ 510.34 Interest rates.

(a) Interest rates shall be applied according to the following property and income categories. However, localities shall adhere to the priorities in § 510.2

(b) *Types of property.*—(1) *For single family owner-occupied properties,* the interest rates shall be:

(i) 3 percent if the borrower's adjusted annual family income is below 120 percent of the median income for the area;

(ii) 6 percent if the borrower's adjusted annual family income is below 200 percent but at/or above 120 percent of the median income of the area;

(iii) 9 percent if the borrower's adjusted annual family income is at/or above 200 percent of the median income of the area; except in cases where the use of a lower rate, not less than 6 percent, is necessary to achieve community development objectives and is so documented by the LPA in the case file;

(iv) 3 percent, regardless of the borrower's income, if the loan will be used to leverage conventional financing and at least 50 percent of the total rehabilitation cost is covered by the conventional loan. If less than 50 percent of the total rehabilitation cost is conventionally financed, then the Section 312 loan interest rate will be 3, 6 or 9 percent depending on the borrower's income as above.

(2) *For multifamily properties, investor owned single-family properties, mixed-use properties, and nonresidential properties,* the interest rates shall be 3 percent, regardless of the borrowers' or residents' incomes. The use of the loan to leverage conventional financing is encouraged.

(c) *Maximum Interest Rate.* Notwithstanding any other provision of this Part, the interest rate for a Sectioin 312 loan shall not exceed the average current market yield on outstanding marketable securities of the United States with remaining periods of maturity comparable to the terms of loans made pursuant to Section 312, adjusted to the nearest one-eighth of one per centum. The Secretary will determine when such maximum permissible interest rate for Section 312 loans necessitates reduction of any of the interest rates prescribed in this Section and will issue instructions at that time to localities participating in the Section 312 Loan Program.

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§ 510.36 Maximum loan amount.

(a) *Residential.* (1) The maximum loan amount for a Section 312 rehabilitation loan on a single-family or multifamily property shall not exceed the lesser of:

(i) $27,000 per dwelling unit; or

(ii) the total cost of rehabilitation (plus the cost of refinancing as defined in Section 510.40 of this Part if applicable); or

(iii) an amount, which when added to the outstanding indebtedness related to the property, creates a total indebtedness which does not exceed 97 percent of the sum of the as-is value of the property and the actual cost of rehabilitation.

(b) *Nonresidential.* (1) The maximum loan amount for a Section 312 rehabilitation loan on a nonresidential property shall not exceed the lesser of:

(i) $100,00; or

(ii) the total cost of rehabilitation; or

(iii) an amount, which added to the outstanding indebtedness related to the property, creates a total indebtedness which does not exceed 80 percent of the estimated market value of the property after rehabilitation.

(c) *Mixed-Use.* In the case of a Section 312 loan on a mixed-use property, the maximum rehabilitation loan amount is the sum of the loan amounts, up to their respective maximum, that may be made separately for the residential and nonresidential parts of the property.

(d) *Minimum Loan.* Although there is no minimum loan amount requirement, administration of the program should be cost effective. Very small loans should be carefully considered and purdent professional judgment used in determining if loan servicing and application processing costs may be excessive in relation to the benefits provided by the making of the Section 312 loan. In order to implement cost effective loan processing, no loan shall be made with a monthly loan repayment of less than $20.

§ 510.38 Costs includable in the loan.

The costs described in paragraph (a) of this section are required for inclusion in a Section 312 rehabilitation loan, while the remaining costs, paragraphs (b) through (p) of this section are eligible, within the maximum loan amounts described in § 510.36.

(a) The actual cost of rehabilitation necessary to bring the property up to the property rehabilitation standards applicable to the eligible area in which the property is located, such as meeting the specific objectives of the Urban Renewal Plan if the property is located in an urban renewal project area.

(b) The cost of rehabilitation to correct or remove incipient violations including all physical conditions of the property which, if not repaired, would deteriorate into actual violations of local code standards or PRS within 2 years.

(c) The cost of general property improvements. GPIs shall not be the major focus of the loan, and shall usually be less than 40 percent of the cost of the rehabilitation. Moreover, they man be included only if the minimum improvements required to meet the property rehabilitation standards are statisfied first.

(d) The cost of rehabilitation to comply with environmental standards pursuant to § 510.50.

(e) The cost required to purchase a relatively small parcel of adjacent land in order to bring the property into conformance with local requirements for minimum lot size and dimensions.

(f) The cost of rehabilitation to convert a property from one economic use to another, including, but not limited to, increasing or decreasing the number of units in the property.

(g) The cost of building permits and related fees required to carry out the proposed rehabilitation work.

(h) The cost of architectural, engineering or related professional services required in the preparation of rehabilitation plans and drawings beyond those services normally to be provided by the LPA. These costs shall not, as a general rule, exceed 10 percent of the total rehabilitation cost. All includable architectural, engineering or related professional services must be paid by the borrower if, for any reason, the loan application is not approved.

(i) The cost of processing and settling the loan beyond those services normally to be provided by the LPA, and the costs necessary to obtain security for the loan. These costs may include but are not limited to:

(1) Fees for title evidence and reasonable corrective title work and other related legal fees;

(2) Title insurance, if necessitated by unclear title history;

(3) Fees for recordation and filing of legal documents related to the loan;

(4) Current accruals for the mortgage servicer's escrow account; and

(5) Appraisal fees on multifamily and nonresidential properties.

(j) The cost of emergency repairs to protect the health and safety of the occupants when made in contemplation of applying for a loan provided:

(1) The loan is subsequently approved; and

(2) The repairs are otherwise eligible for inclusion in the loan. Should the loan not be approved for any reason the costs shall be paid by the borrower from funds other than Section 312 funds.

(k) The cost of rehabilitation to meet cost effective energy standards as described in § 510.50.

(l) The cost of interest paid on a construction loan when the Section 312 rehabilitation loan is used as permanent financing.

(m) The cost of liability insurance during the construction period for borrowers acting as their own general contractor, where applicable.

(n) A contingency reserve not to exceed 5 percent of the cost of rehabilitation for single family and mixed-use loans with less than four units and 10 percent for multifamily, nonresidential, and mixed-use loans with five or more dwelling units. In addition, the contingencies on any loan where the modified loan settlement procedure will be utilized may be increased up to an additional 5 percent of rehabilitation costs as described in § 510.84. The contingency amount for self-help/sweat equity projects may be increased to 15 percent as described in § 510.80(e).

(o) The cost of refinancing an existing debt secured by the property to be rehabilitated, provided it is within the prescribed loan limits, and the property is to be used for residential purposes after rehabilitation (see Section 510.40 for particular refinancing requirements).

(p) The cost of accrued interest, taxes, and insurance payments during construction under the modified loan settlement procedures described in § 510.84 (c) and (d).

§ 510.39 Costs not includable in a loan.

The cost of the following items are not eligible to be financed by a Section 312 loan:

(a) The costs of administering the loan program by the locality. Ineligible costs include any type of application fee, credit report fees, inspection fees, and staff or administrative overhead costs;

(b) Work so extensive as to be equivalent to new construction or reconstruction of the property. (This does not exclude so-called "gut" rehabilitation of a property if necessary in part to meet local property rehabilitation standards.)

(c) Excessive general property improvements which are inconsistent with requirements described in Section 510.38.

(d) The repair or construction of swimming pools, but not the cost to fill in or eliminate them from the property.

(e) Rental marketing costs.

(f) Development fees, excluding normal profit and overhead rates.

(g) The cost of interest accrued on conventional or Government rehabilitation loans which are used in tandem with Section 312 loans.

(h) Materials, fixtures, equipment, or landscaping of a type or quality which substantially exceeds that customarily used in the locality for properties of the same general type as the property to be rehabilitated.

(i) Purchase, installation, or repair of furnishings or trade fixtures.

(j) Costs of acquiring the property to be rehabilitated, except as stated in §§ 510.38(e) and 510.40(b)(1).

§ 510.40 Refinancing.

(a) *Includable Costs.* In accordance with the criteria in paragraph (b) of this section, a Section 312 loan may be used to refinance an existing debt secured by the property to be rehabilitated including:

(1) The unpaid principal and accrued interest on a mortgage, deed of trust, land sales contract, or similar instrument;

(2) Termination fees, prepayment penalties, revenue stamps, or taxes required in connection with the transfer of title; and

(3) Refinancing shall only be permitted for indebtedness which can be documented as having resulted from housing related items such as a home improvement loan. Indebtedness from personal liabilities, bill consolidations, business ventures, and family recreation is not generally eligible for refinancing.

(b) *Criteria.* Refinancing shall be used only as a last resort when the additional costs of Community Development rehabilitation or Section 312 rehabilitation assistance results in a total housing expense which will be unaffordable by the borrower and the loan is considered vital to the revitalization of the neighborhood. Moreover, refinancing shall be used only when all other means of financing the needed rehabilitation have proved infeasible, including direct Section 312 financing without refinancing, Community Development Block Grant funded rehabilitation programs, and other public or private financing. The LPA will include in the loan file the reasons substantiating the use of refinancing. In addition, refinancing shall only be allowed when the following criteria are met:

(1) The applicant must occupy and have valid legal title to the property; or the purchaser-occupant under a written land sales contract, or by similar instrument, as described in § 510.26(a)(2)(ii)(A) which has been in effect for at least 180 days prior to application;

(2) The applicant's monthly principal and interest payments for the Section 312 loan, any supplementary rehabilitation loan and the monthly payments on existing debt secured by the property result in total monthly payments for principal and interest that would exceed 20 percent of the applicant's average monthly income;

(3) Applicant's income must not exceed 95 percent of the median income for the area;

(4) The property must be a single-family property;

(5) The actual cost of the rehabilitation shall represent at least 30 percent of the total loan amount. Further, only those repairs to meet PRS shall be included in the 30 percent rehabilitation portion of the loan; and

(6) The cost of refinancing, when added to the cost of rehabilitation, shall not exceed the loan limits under § 510.36

All existing debts secured by the property need not be refinanced. However, those that are refinanced must be entirely paid-off and released.

§ 510.42 Note and security instrument.

(a) *Note.* All Section 312 loans shall be evidenced by a promissory note executed by the borrower in the form prescribed by HUD for use in the jurisdiction in which the property to be rehabilitated is located. In addition to any other provisions prescribed by the Secretary, the note shall have the following characteristics:

(1) The principal amount shall be the amount of the Section 312 loan;

(2) The interest rate shall be established in accordance with Section 510.34;

(3) The note shall provide for late charges of four percent on any amount of any principal and interest payment which is not paid during any calendar month which includes the due date of such payment;

(4) The term of the borrower's obligation to repay shall be established in accordance with § 510.32;

(5) The note shall provide for approximately equal monthly payments to amortize the principal of the loan and the interest which will accrue over its term, as well as the estimated annual amounts of:

(i) Ground rents, if any;

(ii) Property taxes and special assessments, if any;

(iii) Flood, fire and extended coverage, and any other applicable hazard insurance premiums,

unless paragraphs (a)(5) (i), (ii), and (iii) of this section are being escrowed for the borrower by a lender with a lien prior to the lien securing the Section 312 loan.

(b) *Security Instrument.* Except as otherwise provided in paragraph (c) of this section, all Section 312 loans shall be secured by a lien, evidenced by a security instrument (mortgage or deed-of-trust, and any other instrument necessary under applicable law) in the form prescribed by HUD for use in the jurisdiction, upon the property to be rehabilitated with the Section 312 loan. The borrower must establish that after this security instrument has been recorded after loan settlement, the property to be rehabilitated will be free and clear from all other liens and encumbrances, except those liens and encumbrances specifically approved by the Approving Officer as part of the determination of acceptable risk. The Section 312 loan may be in a subordinate lien position as long as it meets the acceptable risk determination pursuant to Section 510.82.

(c) *Exceptions.* Installment land sales contract purchasers who meet the criteria in § 510.26(a)(2)(i) (loans under $3,500) are not required to comply with paragraph (b) of this section.

§ 510.44 Title evidence.

(a) *Evidence.* Evidence of the applicant's valid legal ownership of the property to be rehabilitated and a determination of the existing debt against the property shall be obtained by the LPA.

(1) For loans $10,000 and over evidence of good and marketable title acceptable to leading attorneys in the jurisdiction in which the property is located, updated to the loan settlement date, shall be required.

(2) For loans below $10,000 no formal title evidence shall be required. However, informal verification of the title and a determination of the existing debt against the property shall be made. This may be done by checking local land records, assessor's records or other official records dealing with land ownership on a current basis. Citation of this evidence shall be retained in the LPA project files.

The requirements on ownership and the transfer of ownership under a land sales contract are noted under § 510.26(a)(2) above.

(b) *Counsel Review.* For loans under $10,000, the LPA counsel shall assure the acceptability of the verification material.

§ 510.46 Standard terms and conditions.

A Section 312 loan shall be subject to such additional terms and conditions as may be prescribed by HUD in the loan documents, including but not limited to, the application, the standard terms and conditions or loan agreement.

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promissory note, security instruments, rent regulatory agreement (if any), and any other documents that may be executed by or furnished to the borrower at HUD's direction in connection with the loan. Without limiting HUD's authority to require additional terms and conditions, a Section 312 loan shall be, at a minimum, subject to the following conditions:

(a) *Privacy of Information.* The applicant shall be notified of his/her rights under the Privacy Act as it applies to the information required to determine the applicant's eligibility for the loan and the amount of the loan.

(b) *Use of Funds.* The borrower shall agree to use the loan proceeds only for the approved purposes of the loan.

(c) *Terms.* The borrower shall agree to the loan amount, term, interest rate, and repayment schedule; and LPA administered loan settlement, disbursement, and closeout procedures.

(d) *Expediting Work.* The borrower shall agree, to the maximum extent feasible, to carry out all of the rehabilitation work promptly and efficiently, either personally or under written contract.

(e) *Unacceptable Contractors.* The borrower shall agree not to award any contract for work, material or services to any contractor or subcontractor judged unacceptable by HUD, whether paid for in whole or part by Section 312 loan proceeds.

(f) *Inspections.* The borrower shall agree to allow inspections of the property, the rehabilitation work, and all contracts, materials, equipment, payrolls, conditions of employment, and relevant records and data by HUD or LPA staff or their designee.

(g) *Records.* The borrower shall agree to keep such records for a period as required by HUD and shall make them available for inspection upon appropriate notice.

(h) *Other Federal Requirements.* The borrower shall agree to ensure the enforcement of all requirements of applicable Federal law and regulations, including Equal Opportunity and Labor Standards Requirements.

(i) *Security Maintenance.* The borrower shall agree to preserve the security of the loan by proper property maintenance and the retention of hazard or other forms of property insurance, and to not sell, lease or transfer the property without repayment of the entire loan, except with the consent of HUD.

(j) *Termination.* The borrower shall agree that HUD shall have the right to cancel and terminate the Section 312 loan by written notice to the borrower if rehabilitation work has not commenced within 60 days of the execution of the promissory note or if the rehabilitation work is not completed within a reasonable period of time or if the property is abandoned.

(k) *Repayment.* The borrower shall agree that any part or the entire amount of indebtedness under the note and security instrument shall be due and payable immediately without notice upon:

(1) The appointment of a receiver or liquidator for the property;

(2) The filing of a petition of insolvency under the Bankrutcy Act of 1898 as amended, or similar State law;

(3) The making of an assignment for the benefit of the borrower's creditors;

(4) The divestiture or sale of the property including sale or divestiture of equitable ownership of the property through land sales contract or similar mechanism;

(5) The substantial destruction of the property;

(6) The death or legal incapacity of the borrower prior to completion of the rehabilitation work; or

(7) Upon default by the borrower.

(l) *Administrative Fees.* The borrower shall not pay any bonus, commission or fee for the customary processing of a loan including the preparation of work write-ups and cost estimates, approval of the loan, or any concurrence required to complete the rehabilitation work.

(m) *Conflict of Interest.* (1) The borrower shall agree that no Member of Congress of the United States and no Resident Commissioner shall be permitted to share the proceeds and benefits of the loan.

(2) No member of the governing body of the LPA or the locality; or officer or employee of the LPA or the locality, who exercises functions and responsibilities in connection with the administration of the Section 312 Loan Program, shall have any interest in the proceeds of the loan or any contract for work, supplies or services financed in whole or part with loan proceeds.

(3) No HUD employee above a GS–9 level shall be eligible for a Section 312 loan.

Subpart D—Other Federal Requirements

§ 510.50 Program administration.

(a) *Federal Statutes and Regulations.* The Section 312 Rehabilitation Loan Program shall be administered in compliance with all applicable Federal statutes and regulations including, but not limited to, those cited in this subpart.

(1) *Truth-in-Lending.* The Truth-in-Lending Act of 1968 (15 U.S.C. 1601, *et seq.*) and 12 CFR Part 226 (Regulation Z), requiring that borrowers in consumer credit transactions be vested with certain rights and protections in connection with the transaction and receive specified written information from their lenders. The disclosures must be made before credit is extended and before the borrower becomes obligated in connection with the transaction. The amount of credit that the borrower will have for his/her actual use must be disclosed as well as the finance charge expressed both as a dollar amount and as an Annual Percent Rate (APR). In addition, if a borrower's loan is secured by a lien on his residence, the borrower is allowed 3 days to rescind the transaction. The disclosure provisions of this section apply only to loans on residential and mixed-use property containing one to four dwelling units where the borrower is a person, as opposed to a corporation, partnership or other legal entity. The rescission provision of this Section applies only to loans, secured by a mortgage or deed of trust, on residential or mixed-use property containing one to four dwelling units where the borrower is a person who will reside in the property following rehabilitation.

(2) *Real Estate Settlement.* The Real Estate Settlement Procedures Act of 1974 (RESPA) (12 U.S.C. 2601, *et seq.*), as amended, and the regulations (24 CFR Part 3500) requiring that for the refinancing of a land sales contract for title acquisition the lender shall provide the borrower with a Special Information Booklet and a good faith estimate of the amount or range for each charge for specific settlement services that the borrower is likely to incur in connection with the settlement. The good faith estimates must be developed and presented on a form which is in accordance with 24 CFR 3500.7. Both the booklet and the estimates shall be provided within 3 days of receipt of a written loan application. The Uniform Settlement Statement (HUD–1) shall be used at settlement and an opportunity to inspect the statement one business day prior to settlement shall be afforded the borrower upon request.

(3) *Labor Standards.* (i) For a loan on a residential property that will contain 15 or more dwelling units after rehabilitation; or a loan on a nonresidential property where the actual cost of the rehabilitation work exceeds $2,000, compliance with the Davis-Bacon Act (40 U.S.C. 276a–276–a–5) as amended, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) and all regulations issued under these Acts, and with other applicable Federal laws and regulations pertaining to labor standards will be required. In particular, all laborers and mechanics employed by contractors and subcontractors on rehabilitation work, as noted above, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor.

(ii) For mixed-use properties exceeding the respective threshold for residential of 15 dwelling units or $2,000 for the nonresidential portion, the lower threshold shall determine the applicability of labor standards to the specific project.

(iii) For residential rehabilitation projects using the "Sweat Equity" principle under § 510.80, the Secretary may waive the application of labor standards for work being accomplished by residents, where services are voluntarily donated pursuant to Section 402(f) of the Housing Act of 1950.

(iv) On a project where part of the work is funded by conventional financing, the labor standards requirements shall apply, to the extent required by this Section, to all work that will be performed after loan approval, whether such work is funded conventionally or with Section 312 loans funds. However, if conventional financing involves a loan insurance or guarantee program that requires application of Davis-Bacon where not otherwise required under this Section, Davis-Bacon shall apply as required under such program.

(v) The LPA is responsible for ensuring that labor standards requirements are applied in accordance with this Section. This would include making sure that these requirements are in contract documents, as well as monitoring borrower compliance with these requirements.

(4) *Flood Insurance.* (i) National Flood Insurance Act of 1968, (42 U.S.C. 4001, *et. seq.*) and the regulations thereunder (24 CFR Chapter X) requiring that funds available under this Part shall be expended for rehabilitation purposes in an area identified by the Secretary as having special flood hazards and where the community is not in compliance with requirements of the National Flood Insurance Program pursuant to Section 4105(d) of the Act.

(ii) The use of any funds provided under this Part for rehabilitation purposes in identified special flood hazard areas shall be subject to the mandatory purchase of flood insurance requirements of Section 4105(d) of the Act.

(5) *Freedom of Information and Privacy Acts.* (i) Procedures for requests by members of the public for records and information and standards for disclosure of such records or information under the Freedom of Information Act (5 U.S.C. 552) are contained in 24 CFR Part 15. These procedures and standards apply to the production and disclosure by HUD officials of records and information in HUD's custody, or in the custody of any private organization in a contractual relationship with HUD (such as a loan servicer), concerning the Section 312 Loan Program. Requests to State or local officials for records of information in the custody of the locality, the LPA, or any private organization under contract with the locality or the LPA to exercise any responsibilities in connection with the Section 312 Program are governed by State and local law, except as otherwise provided in paragraph (a)(5)(ii) of this Section.

(ii) Information identifiable as pertaining to individual Section 312 loan applicants and recipients and maintained by the locality or LPA, or any person or organization exercising any Section 312 responsibilities under contract with the LPA or locality, is subject to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. Requests to State or local officials for records or information pertaining to identifiable individual Section 312 loan applicants or recipients which is in the custody of the locality, LPA, or such a contractor are subject to the disclosure limitations set forth in the Privacy Act of 1974. The procedural requirements for responding to such requests are governed by applicable State and local law.

(6) *Right to Financial Privacy Act.* In accordance with the Right to Financial Privacy Act (12 U.S.C. 3401, *et. seq.*), HUD, any locality of LPA, or any person or organization acting for HUD, the locality, or the LPA under contract shall comply with this Section in obtaining financial records or information from any financial institution, as defined in 12 U.S.C. 3401, concerning any individual or any partnership of five or fewer individuals (called a "covered partnership" in the remainder of this Part) in connection with any Section 312 loan.

(i) *Financial Records of Applicants or Assignees.* The LPA or locality which processes the application for any Section 312 loan to one or more individuals or covered partnerships shall give each individual applicant or partner a "Notice to Applicant" in the form prescribed by HUD prior to attempting to obtain financial records or information from a financial institution about such individual, partner, or covered partnership. Similarly, HUD or any loan servicer acting for HUD under contract, shall give a "Notice of Applicant" to any individual or partner of a covered partnership which applies to assume a Section 312 loan. The "Notice to Applicant" advises the person or covered partnership to whom it is given of HUD's rights of access to financial records held by financial institutions concerning such person or partnership in connection with the Section 312 loan. No further Notice shall be required for subsequent access to that person's or partnership's financial records during the term of the loan by HUD, the locality, the LPA, or the loan servicer.

(ii) *Financial Records of Others.* Financial records or information shall not be obtained in connection with a Section 312 loan from a financial institution concerning any individual or any covered partnership which has not applied to receive or assume a Section 312 loan, unless a Customer Authorization, in the form prescribed by HUD, is obtained as described in this paragraph. The Customer Authorization must be signed and dated by the individual or covered partnership whose financial records are sought and must be delivered to the financial institution, before disclosure of the financial records identified therein is permitted. A new Customer Authorization is required when additional records are sought from the financial institution after expiration or outside the scope of the original Customer Authorization. A Customer Authorization is revocable by its issuer at any time prior to disclosure of the records sought. Examples of when Customer Authorizations may be needed in the Section 312 Program are to evaluate the credit worthiness of potential personal guarantors of a loan or in evaluating potential contractors.

(iii) *Certification to Financial Institution.* Each financial institution from which financial records or information are requested by or on HUD's behalf concerning an individual or a covered partnership in connection with a Section 312 loan shall be given a Certification to Financial Institution, in the form prescribed by HUD, that HUD is in compliance with the applicable provisions of the Right to Financial Privacy Act in connection with the request. No further certification shall be required by the financial institution for subsequent access by or on HUD's behalf during the term of the loan to financial records or information concerning individuals or covered partnerships which have received Notices under paragraph (a)(6)(i) of this section. However, a new Certification to Financial Institution is required in every

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case in which a new Customer Authorization under paragraph (a)(6)(ii) of this Section is required.

(iv) *Use of Financial Records.* Financial records of information obtained pursuant to this Section may be used only for the purpose for which they were originally obtained and may not be further disseminated, except as otherwise provided by 12 U.S.C. 3413(b)(4). However, the permissible uses of financial records or information obtained pursuant to paragraph (a)(6)(i) of this Section include any use or transfer of the records in connection with the loan, whether for purposes of processing, servicing, or foreclosure or other collection action. Financial records or information obtained by Customer Authorization under paragraph (a)(6)(ii) of this Section may only be used by or on behalf of HUD in accordance with the terms of the Authorization or 12 U.S.C. 3413(h)(4).

(b) *Certification in Compliance with Federal Statutes and Regulations.* The Chief Executive Officer shall submit certifications, in the form prescribed by HUD, to HUD each year that the locality participating in the Section 312 Rehabilitation Loan Program is administering the program in compliance with the provisions of the following Federal statutes and regulations:

(1) *Equal Opportunity.* (i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, *et seq.*) and the regulations issued under 24 CFR Part 1, providing that no person in the United States shall be excluded from participation in the program, or be denied the benefits of the program, or in any way be subjected to discrimination under the program on the basis of race, color, or national origin. This requirement applied for the period during which the real property is used as rehabilitated or is owned by the recipient, whichever is longer.

(ii) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, *et. seq.*) as amended, requiring that the program be carried out in a manner which will affirmatively further fair housing, including all activities relating to sales, rentals, additional financing, and brokerage services, and shall not discriminate against persons on the basis of race, color, religion, sex or national origin.

(iii) Executive Order 11063 requiring the provision of equal opportunity in housing and nondiscrimination based on race, color, creed or national origin in the sale and rental of housing improved under the program.

(iv) Executive Order 11246 and the regulations under 41 CFR Part 60, requiring that no person shall be discriminated against during the performance of construction contracts under the program, based on race, color, religion, sex, or national origin. Contractors, and subcontractors participating in the program shall take affirmative action to ensure fair treatment in employment, upgrading, demotion, transfer, recruitment and recruitment advertising; lay-off and termination; rates of pay and compensation; and selection for training and apprenticeship.

(v) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701v.), as amended and the regulations in 24 CFR Part 135, requiring that, to the greatest extent feasible, opportunities for training and employment in the program be given to lower income residents of the project area. Contracts awarded in connection with the program shall be awarded to eligible business concerns which are located in, or are owned in substantial part by persons residing in the project area.

(vi) Equal Credit Opportunity Act of 1976 (15 U.S.C. 1691, *et. seq.*) requiring that no person is denied credit based on race, color, religion, national origin, sex, marital status, age (as long as there is the legal capacity to enter into a contract), public assistance program as an income source, or the exercise of any right under the Consumer Credit Protection Act of 1976 (15 U.S.C. 1601, *et. seq.*). The Consumer Credit Protection Act includes the Truth-in-Lending, Fair Credit Reporting, and Consumer Leasing Acts.

(vii) The borrower shall ensure that vacancies will be marketed in a manner to affirmatively further fair housing pursuant to 24 CFR 200.610. If a rehabilitated unit is advertised, it will be done in a manner to inform persons who would otherwise be least likely to apply for the vacancy. The "Equal Opportunity" logo shall be displayed in all advertising.

(2) *National Environmental Policy Act of 1969.* (i) When Section 312 rehabilitation loans are made in eligible CDBG Neighborhood Strategy Areas, the impact of the program shall be assessed as part of the overall community housing and economic development strategy for the project area. The CDBG Environmental Review Record (ERR) for the area shall contain documentation of the locality's consideration of Section 312 activities pursuant to 24 CFR Part 58. Section 312 activities which:

(A) Increase the number of dwelling units per acre by more than 20 percent;

(B) Change land use from residential to nonresidential or nonresidential to residential;

(C) Change one class of residential land use to another class of residential land use; or

(D) Involve a cost of rehabilitation which exceeds 75 percent of the replacement cost of the property after rehabilitation.

shall be separately reviewed (24 CFR 58.21 (b)(8)) and documentation of their impact assessment shall be specifically included in the ERR for the project area. HUD staff will verify that there has been an environmental clearance which is current and has anticipated Section 312 activity, in accordance with 24 CFR 50.21(m)(3).

(ii) When Section 312 rehabilitation loans are made in non-CDBG areas in connection with Urban Renewal, NDP, Code Enforcement, or Urban Homesteading projects or in a CDBG area where there has not been an environmental review, or where a finding in accordance with 24 CFR 50.21(m)(3) cannot be made, HUD will conduct environmental reviews pursuant to 24 CFR Part 50 except as indicated by 24 CFR 50.21(a)(3).

(3) *Historic Preservation.* (i) Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, *et seq.*), Executive Order 11593, and the Preservation of Archeological and Historical Data Act of 1966 (16 U.S.C. 469 a–l *et seq.*), requiring that for those activities included in environmental reviews as noted above, the Procedures for Protection of Historic and Cultural Properties (36 CFR Part 800) shall be carried out concurrently. Consultation with the State Historic Preservation Officer and the National Register of Historic Places shall be accomplished to identify whether properties receiving loans are listed in, or eligible for inclusion in, the National Register of Historic Places and to determine whether or not the Section 312 loan may affect another property that is listed on or eligible for the National Register. If a National Register property is not involved or affected, a statement of this fact shall be made in environmental review record. If the project will affect a National Register property, the procedures of 36 CFR Part 800 pending HUD issuance of 24 CFR Part 59 shall be completed to avoid or mitigate any adverse effects, and the appropriate documentation made part of the environmental review record. These procedures shall be applied in conjunction with CDBG environmental review for the project area pursuant to 24 CFR Part 58.

(ii) For those rehabilitation activities not subject to the environmental review procedures of 24 CFR Part 58, compliance with Section 106 of the National Historic Preservation Act is still required, and documentation of its implementation in accord with 36 CFR Part 800 pending HUD issuance of 24 CFR Part 59, shall be included in the project files by the Local Processing Agency (LPA).

(4) *Floodplains and wetlands.* Rehabilitation activities carried out under this Part shall comply with the requirements of Section 2(a) of Executive Order 11988 on Floodplain Management, with Sections 2 and 5 of Executive Order 11990 on Protection of Wetlands and with the implementing Departmental regulations. The orders require that a threshold determination be made as to whether the activity will be located in or affect a floodplain or wetland. If so, and the activity occurs in a CDBG area, then the procedures outlined in 24 CFR 58.23 shall apply. If the activity is proposed in a non-CDBG area, the Departmental regulations implementing the Orders shall apply.

(5) *Environmental Criteria and Standards.* In areas eligible for Section 312 loans, other than CDBG areas, rehabilitation activities shall comply with 24 CFR Part 51, Environmental Criteria and Standards. In CDBG areas, 24 CFR 58.1(a)(3) and 24 CFR 58.5(a)(2) shall apply.

(6) *Other Environmental Requirements.* (i) Reviews shall be conducted in the NSAs prior to approval of Section 312 loans, under the special authorities cited in 24 CFR 58.22, as applicable.

(ii) When Section 312 loans are proposed to be made in non-CDBG areas as defined in paragraph (b)(2)(ii) of this § 510.50(b)(2)(ii). HUD will retain the responsibility for compliance with these special authorities as cited in paragraphs (b) (3), (4) and (5) of this section, as applicable.

(7) *Lead-Based Paint.* Rehabilitation activities must comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801, *et seq.*) and the HUD Lead-Based Paint Regulations, 24 CFR Part 35, requiring:

(i) The prohibition of the use of lead-based paint (defined at 24 CFR 35.12(a)) in the rehabilitation of residential structures (defined at 24 CFR 35.3(f));

(ii) The inspection for immediate lead-based paint hazards (defined at 24 CFR 35.3(i)), which inspection shall be made pursuant to § 510.88(a) of these regulations;

(iii) The elimination as far as practicable of immediate lead-based paint hazards in residential structures; and

(iv) The notification to owners and tenants of pre-1950 residential structures of the possible existence and potential hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the precautions to be taken to avoid lead-based paint poisoning.

The information in paragraphs (b)(7) (i) and (iii) of this section shall be a required component of the loan.

(8) *Architectural Barriers.* (i) Rehabilitation activities will comply with Section 504 of the Rehabilitation Act of 1973 and the regulations issued there under.

(ii) The residential standards to be used in the Section 312 Program for accessibility by the handicapped shall be the HUD Minimum Property Standards (MPS) or the HUD Minimum Design Standards for Rehabilitation of Residential Properties.

(iii) The standards for accessibility to nonresidential structures by the handicapped shall be the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable By, the Physically Handicapped" Number A–117.1–R 1979, subject to the exceptions contained in 41 CFR 101–19.604.

(iv) Departures from particular requirements of these standards by the use of other methods shall be permitted by the HUD Area Office so long as equivalent access to the facility is provided.

(9) *Cost Effective Energy Conservation.* The Housing and Community Development Act of 1964, as amended in 1978 (42 U.S.C. 1452b.) and the regulations issued under 24 CFR Part 39, require that rehabilitation of residential properties under this program are subject to the Cost Effective Energy Conservation Standards.

(i) Thermal improvement of construction elements which would not be made accessible or become exposed during rehabilitation is not required.

(ii) Energy conservation improvements not practical considering economic feasibility, program needs, and the materials and type of construction, may be eliminated.

(iii) For mid-rise, high-rise and many low-rise multifamily projects, an energy audit must be carried out to identify and specify the energy and cost savings which are estimated to result from installing energy conservation measures.

(iv) All measures determined to be cost effective, given loan term and interest rate, shall be accomplished, especially weatherstripping and caulking.

§ 510.52 Relocation/displacement.

(a) *Responsibility of Locality.* The locality shall adminster its Section 312 Rehabilitation Loan Program in a manner that minimizes any potential or actual involuntary displacement of tenants. Wherever it offers the potential of minimizing displacement, the locality shall require the owner to consider the feasibility of carrying out the rehabilitation in stages. The locality is responsible for assuring compliance with the provisions of this section. Prior to approval of any Section 312 loan, the locality shall certify to HUD that it will assure compliance with these provisons. To pay the cost of relocation payments and other relocation assistance, the locality may use local public funds or funds available under the locality's Community Development Block Grant program. (To use block grant funds, the locality must adopt a written policy in accordance with 24 CFR 570.602(c).) The locality may also enter into a written agreement with the private owner of a project which provides for the owner to pay all or part of the cost of relocation payments and other assistance incurred under this section and/or to reduce the rent charged to tenants who are permitted to continue in occupancy of a dwelling unit in the project. The locality shall maintain the records described at 24 CFR 42.207(e) and 24 CFR 42.225.

(b) *Applicability of Uniform Act.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 apply to the displacement of certain persons as a result of a Section 312 Rehabilitation Loan provided in connection with an Urban Renewal Project or Neighborhood Development Program under Title I of the Housing Act of 1949, as amended, Code Enforcement under Section 117 of the Housing Act of 1949, or a comprehensive city demonstration program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966.

(c) *Displacement Not Subject to the Uniform Act.* The provisions of this paragraph apply only to approved Section 312 loan activities that are not subject to the Uniform Act. HUD has determined that requirements identical to those set forth at 24 CFR Part 42, as modified by this paragraph (c) shall apply with respect to any tenant (not an owner-occupant) who occupies property to be rehabilitated with such a Section 312 loan.

(1) *Issuance of Notice to Residential Tenants.* Except as indicated in paragraph (c)(7) of this section, the locality shall issue each residential tenant either a notice of displacement (described at 24 CFR 42.205) that is effective immediately or a notice of right

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to continue in occupancy (described at 24 CFR 42.207). The notice shall be issued within 30 days after the locality recieves HUD notification of loan approval and reservation of funds, or by such later date as is agreed to by the HUD Area Office. If the tenant is not issued either of these notices within the prescribed time, he or she shall automatically be eligible for relocation assistance as described at 24 CFR 42.205(b). Any tenant required by the owner to move from the property, other than for cause, before issuance of such a notice, but after the date six months prior to submission of the Section 312 preapplication (or application, if there is not preapplication) to the HUD Area Office shall also be issued a notice of displacement. In the latter case; the notice of displacement shall be effective on the date the tenant vacated the property, and, if the tenant chooses to relocate again, the 1-year period within which the tenant must purchase/rent and occupy a replacement dwelling (see 24 CFR 42.451(c)) and the 18-month period for filing relocation payment claim(s) shall not begin until the tenant has been provided a reasonable choice of opportunities to relocate to a comparable replacement dwelling. If the tenant does not choose to relocate again, he/she shall be given at least 6 months in which file relocation payment claim(s).

(2) *Issuance of Notice to Nonresidential Tenants.* The locality shall determine whether or not a nonresidential tenant will be required to move as a result of the rehabilitation. If a nonresidential tenant is ordered to vacate the property in connection with the rehabilitation or the locality determines that undue hardships (e.g., substantial increase in rent or costly suspension of operations) will result from the rehabilitation, it shall promptly issue the tenant a notice of displacement (described at 24 CFR 42.205). If a nonresidential tenant is not required to move as a result of the rehabilitation, the terms and conditions of continued occupancy are matters for negotiation between the owner and tenant.

(3) *"Initiation of Negotiations."* For purposes of determining eligibility for a replacement housing payment under Subpart G of 24 CFR Part 42, the effective date of the notice of displacement shall be considered to be the "initiation of negotiations."

(4) *Replacement Housing Payment.* A displaced residential tenant who meets the eligibility conditions described in 24 CFR 42.451 is entitled to a replacement housing payment to help him or her rent or buy a replacement dwelling. Any such tenant who chooses to buy a replacement dwelling, shall receive a downpayment assistance payment computed under 24 CFR 42.455. Any such tenant who chooses to rent a replacement dwelling, is entitled to a rental assistance payment computed in accordance with 24 CFR 42.453, unless a Public Housing Agency administering the Section 8 Existing Housing Program (24 CFR Part 882) determines in accordance with the Section 8 eligibility criteria in 24 CFR Part 889 and selection criteria described in its Administrative Plan approved by HUD that the displaced tenant can be issued a Certificate of Family Participation under that program. Assistance under the Certificate can only occur when (i) the tenant has voluntarily selected a replacement dwelling which meets the housing quality standards and other requirements of that program, and (ii) the landlord of the replacement dwelling unit is willing to participate in the program. If the tenant elects to rent a replacement dwelling that cannot be assisted under the Section 8 Existing Housing Program, he/she must be offered the rental assistance payment described at 24 CFR 42.453. (If an eligible tenant voluntarily selects a rental unit that meets the Section 8 requirements and the owner is willing to participate in the Existing Housing Program but the tenant refuses the Section 8 assistance, the tenant is not entitled to a rental assistance payment. However, the tenant remains eligible for a moving expense payment computed as described at 24 CFR 42.303 or 24 CFR 42.353).

(5) *Modifications to Notice of Right to Continue in Occupancy.* A residential tenant who receives a notice of right to continue in occupancy (described at 24 CFR 42.207) is assured, among other things, that he or she will have the right to continue in occupancy in the property for a period of at least 4 years. These terms and conditions of continued occupancy shall be reasonable and shall be contained in a lease. The lease shall run for a period of at least four (4) years. The tenant's rights shall be in accordance with the lease and the provisions of State and local law. The procedures for an automatic notice of displacement described at 24 CFR 42.205(b)(2) and 24 CFR 42.207(a)(4) shall not apply. In addition, the provisions at 24 CFR 42.207(a)(2) governing the tenant's maximum monthly housing cost (rent and estimated utility charges) during the 4-year period are modified to read as follows:

(i) During the first year of the four-year period, the tenant's monthly housing cost shall be established at a level that does not exceed the greater of:

(A) Twenty-five percent (25%) of the gross income of all adult members of the household, or

(B) 105% of the tenant's monthly housing cost for the unit six months prior to issuance of the notice of right to continue in occupancy.

(ii) At the end of the first, second and third years, the monthly housing cost may be increased. The monthly increase, however, shall not exceed the sum of (A) the average monthly increase in the owner's costs for utility charges and property taxes over the previous year, plus (B) five percent (5%) of the monthly contract rent (exclusive of utility costs) charges during the prior year.

(6) *Waiver of Right to Continue in Occupancy.* Nothing in these regulations shall prevent a fully informed tenant, who will not be required to relocate permantly, from waiving his right to be issued a notice of right to continue in occupancy. The waiver shall be in a format prescribed by HUD.

(7) *Ineligible Tenants.* Under the following circumstances, the tenant is neither entitled to a notice of displacement nor a notice of right to continue in occupancy, nor will he or she receive relocation assistance:

(i) The tenant occupies a dwelling and the cost of the rehabilitation work that is allocable to the tenant's unit does not exceed $2,500 and the locality determines that the tenant will not be required to move because of the rehabilitation. In a building of two or more units, the cost allocable to the tenant's unit includes the pro rata share of the cost of work done to common elements of the property.

(ii) The tenant moves to the property after submission of the loan application and is notified in writing prior to execution of the lease about the proposal and its effect on him or her.

Subpart E—Loan Processing and Administration

§ 510.70 General.

Localities participating in the Section 312 Program shall be responsible for performing the following program functions in accordance with applicable law, this Part and other applicable Federal regulations and executive orders and any further requirements contained in program forms, legal documents, and Handbooks:

(a) Selection of eligible areas in which to use the loan funds made available by the Secretary, consistent with § 510.22.

(b) Selection of income groups and property types on which to focus the available loan funds, as described in § 510.2 and § 510.24.

(c) Recommendation of loan applications to HUD, or approval of loans under an agreement entered into as described in § 510.72, Local Approval Authority.

(d) Disapproval of loan applications.

(e) Publicizing the availability of Section 312 loan funds in active eligible areas.

(f) Providing program information and application assistance to potential loan applicants.

(g) Processing loan applications which includes, but is not limited to, obtaining credit reports, employment, income deposit verifications, title reports, appraisals and other pertinent information.

(h) Making sound loan underwriting decisions on loan applications pursuant to § 510.82.

(i) Preparing cost estimates, work write-ups and detailed specifications for Section 312-assisted rehabilitation work.

(j) Preparing rehabilitation contract documents and, where necessary, completing formal competitive bidding procedures.

(k) Assisting the borrower in selecting qualified contactors.

(l) Completing loan settlement in accordance with HUD requirements and assuring a valid and enforceable Section 312 loan.

(m) Maintaining a rehabilitation escrow account on behalf of the borrower.

(n) Performing interim and final inspections of the rehabilitation work.

(o) Assisting in resolving disputes between the contractor and the borrower.

(p) Assuring that the rehabilitation financed in whole or in part by the Section 312 Program meets minimum property rehabilitation standards for the area.

(q) Completing loan closeout, including the proper disposition of all funds in the rehabilitation escrow account in accordance with HUD requirements.

(r) Assisting HUD in contacting and counseling borrowers who have become delinquent in making payments on their loans.

(s) Assuring that the other Federal requirements noted in Subpart D are satisfactorily implemented.

§ 510.72 Local approval authority.

(a) *Agreement.* Section 312 rehabilitation loans may be approved by the HUD Area Office or by the locality under a formal agreement between HUD and the Chief Executive Officer of the locality. Loans approved under a formal agreement with a locality are contingent upon fund availability, and HUD shall retain final commitment (obligation) authority.

(1) The Local Loan Approval Agreement shall be in a form prescribed by HUD and shall designate a Local Processing Agency (LPA) within the locality to process the loans, and an Approving Officer to approve or disapprove the loans.

(2) The Agreement shall also specify the type of loans for which the locality will have local approval authority, that is, single-family, multifamily, nonresidential, mixed-use, or any combination of these types.

(3) The locality shall furnish to HUD information on the LPA which has been designated to process Section 312 loans, and the Approving Officer who will make the approval/disapproval decisions.

(4) The determination of whether an LPA is qualified to process rehabilitation loans shall be made by the HUD Area Office Manager.

(5) The person selected as Approving Officer must have supervisory or executive level responsibilities within the locality. The person shall also have a total familiarity with the Section 312 Program requirements and policies, with rehabilitation financing standards, and with conventional underwriting principles. However, the person shall not exercise any direct Section 312 loan processing responsibilities. The LPA may designate an alternative Approving Officer who will act in the Approving Officer's absence, also subject to the HUD approval. No individual may serve as Approving Officer unless mentioned in the Agreement. Once the LPA and Approving Officer are found acceptable, HUD will prepare the Agreement with the locality.

(6) The Agreement once concluded with the locality shall remain in effect until cancelled by HUD or the locality pursuant to the terms of the Agreement.

(b) *Performance Monitoring.* Periodic monitoring of the LPA's performance shall be undertaken by the Area Office staff in accordance with the requirements of § 510.154. Failure to abide by this part or any other HUD program requirement in the operation of the local Section 312 Program shall result in:

(1) Cancellation of the Agreement and withdrawal of local approval authority;

(2) Temporary suspension of all or part of the local approval authority until corrective measures are taken; and/or

(3) Other actions as described in § 510.156 or the Agreement.

(c) *Agreement Required.* All participating localities committing $200,000 or more annually in General Use and/or Urban Homesteading rehabilitation loans for any previous 2-year period shall be required to assume local approval authority for at least single-family loans within 18 months of the effective date of this regulation. Failure to meet this requirement may result in either a reduction of loan fund allocation or in total withdrawal of loan funds. All other participating localities may assure local approval authority if they have demonstrated their capacity to carry out either a CDBG rehabilitation loan program or a Section 312 Loan Program that meets the requirements of § 510.70.

(d) *Risk Sharing.* For local approval authority to be granted on multifamily and nonresidential loans, HUD may require that the locality provide some of its own funds as supplementary financing so that the credit risk is shared. In such cases, the Department will place primary reliance on the willingness of the locality to accept a share of the risk or on a detailed prior review of local loan approval capacity. HUD will further develop rules for granting local approval authority for multifamily and nonresidential property. In all instances, poor loan underwriting and other loan processing inadequacies are subject to the sanctions described in § 510.72(b).

§ 510.74 Property appraisal.

(a) An appraisal is required for every property to be rehabilitated under the Section 312 Program in order to determine the value of the security available for repayment of the loan.

(b) *Residential.* For residential property, an as-is appraisal shall be required. This appraisal represents the price a property will bring on the open market given its current condition, its adaptability, and the availability of conventional financing. The appraised value shall take into consideration any actual or proposed improvements in the neighborhood resulting from housing, community and economic development efforts by the locality.

(c) *Nonresidential.* For a nonresidential property, the appraisal is an estimate of the fair market value of the property after rehabilitation. This estimate of value shall include consideration of the impact of the property improvements and any actual or proposed upgrading of the surrounding area resulting from housing, community and economic development efforts by the locality.

(d) *Mixed-use.* For mixed-use property, the appraisal will include the as-is value for the entire property and the estimated fair market value of the

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nonresidential portion of the property after rehabilitation. The after rehabilitation value shall take into consideration the upgrading of the surrounding neighborhood.

(e) *Appraisal responsibility.* The LPA shall arrange for appraisals by HUD-approved appraisers on properties involving loans of $250,000 or more. For loans of less than $250,000, the appraisals shall be made either by qualified local staff or by fee appraisers. The LPA shall maintain adequate documentation to support the qualifications of the appraiser and the adequacy of the appraisal.

§ 510.76 Financial verifications.

(a) *Forms of verification.* The financial ability of the applicant shall be verified by the LPA for the purpose of making the required determinations under Section 510.82(a)(3) concerning the ability to repay the rehabilitation loan. Determination of the applicant's ability to repay will require verification of sources which may include employment, bank deposits, earnings, credit reports, public assistance payments, alimony and/or child support.

Financial verifications shall be done either by using the financial verification forms developed by HUD or other forms of documentation such as employment verfication by W-2 forms and payroll check stubs. Deposits may be verified with documentation such as passbooks. Earnings may be checked with printed statements. In all cases, data must be adequate to make a sound credit decision.

(b) *Compliance with other Federal Requirements.* Financial verification under this Section is subject to § 510.50(a)(6) of this part, *Right to Financial Privacy Act.* The disclosure of information identifiable as pertaining to individual Section 312 applicants and recipients is subject to § 510.50(5), *Freedom of Information and Privacy Acts.*

§ 510.78 Rehabilitation contract development.

The borrower, as described in § 510.80, may act as his own contractor or may hire a recognized general contractor, who has a license where applicable, with an established track record in performing as a general contractor for the types and level of proposed construction as described in this part.

(a) *Contract Requirements.* (1) Where the borrower is hiring a general contractor, a written contract between them shall be required. At a minimum, the contract shall include:

(i) The specifications of the work to be performed;

(ii) The bid and proposal of the contractor;

(iii) The times within which performance and payment are required;

(iv) All other provisions necessary to describe the responsibilities of both the borrower and the contractor, including a one year warranty on all work performed; and

(v) All provisions necessary to comply with the Federal statutes and regulations which apply to Section 312 construction contracts, including labor standards (§ 510.50(a)(3)), Executive Order 11246 (§ 510.50(b)(1)), and lead-based paint (§ 510.50(b)(7)).

(2) Where the borrower, while not a recognized general contractor, is acting as his/her own general contractor, written contracts with each subcontractor are required pursuant to § 510.80 and the contract provisions of paragraph (a)(1) of this section.

(3) Where the borrower is a recognized general contractor, who has a license where applicable, with an established track record in performing as a general contractor for the types and level of proposed construction as described in this Part, an agreement between the borrower and LPA containing the provisions cited in paragraphs (a)(1)(i) through (v) of and which conforms with the requirements pursuant to paragraph(b)(2)(iii) of this section shall be required.

(b) *Contract Development.* The LPA shall provide technical assistance in contract development as described in this § 510.78(b).

(1) *Determining the scope of work and cost estimates.* While preliminary code enforcement inspections and notices of violations are not required by HUD, the work write-up shall be prepared and include all work necessary to meet the Property Rehabilitation Standards for the eligible area in which the property is located. Any work necessary to comply with the Federal requirements described in § 510.50(b) shall also be included. Finally, the work write-up shall also include all the work necessary to provide the Government with a property sound enough to qualify as an acceptable financial risk. Prior to loan approval, firm bids shall be obtained, or an agreement with the borrower developed pursuant to § 510.80(b), for all work included in the work write-up, whether financed by the Section 312 loan or by supplementary financing. For work estimated to cost under $27,000, the borrower in conjunction with a contractor may provide a detailed work write-up and cost estimate. For work estimated to cost more than $27,000, the borrower with assistance from an independent third party such as an architectural or engineering firm may prepare all or a portion of the detailed work write-up and cost estimate. The LPA will then be required to conduct a physical inspection of the property relating to the planned scope of work and prepare and independent cost estimate in order to assure that the work is sufficient to meet the PRS and that the cost is reasonable. In all cases where the borrower does not provide the work write-up and cost estimate the LPA shall prepare a detailed work write-up and cost estimate as a basis for negotiating the contract. In either case, when negotiation is used, the LPA shall not accept proposals which exceed the initial LPA cost estimate by more than 10 percent.

(2) *Obtaining contractors' bids and proposals.* For rehabilitation estimated to cost over $27,000, the contractor shall be selected by formal competitive bidding, under written procedures developed by the LPA Rehabilitation projects estimated to cost less than $27,000 may utilize negotiation to select a contractor. The borrower and the LPA are encouraged, but not required, to negotiate with more than one contractor. Negotiations may also be used when competitive bidding is infeasible or unreasonable for projects over $27,000, with the approval of the HUD Area Manager.

(3) *Contractor Selection.* The borrower is responsible for selection of the contractor. The borrower shall select the low bidder or another bidder at a bid price within 10 percent of the LPA cost estimate for the work. If the borrower wishes to select a contractor whose bid is more than ten percent higher than the LPA's cost estimate for the work included, the borrower may do so provided that the borrower escrows at time of settlement or provides a letter of commitment pursuant to § 510.86(b), the supplementary financing in the amount by which the contract price exceeds the LPA's cost estimate plus ten percent. However, in order to assure HUD, as lender, of the contractor's qualifications and of compliance with Federal requirements, the LPA shall concur in the award of the contract. Prior to concurrence, the LPA shall assure that each contractor has adequate worker's compensation, comprehensive public liability, and property damage insurance. The LPA shall apply standards for approval of contractors in a manner which complies with § 510.50(b)(1). Also, the locality shall encourage the participation of minority and small local contractors in

the Section 312 Program by helping to reduce their problems with insurance, bonding, credit, or skills training. CDBG funds may be used for this purpose, to the extent permitted by 24 CFR 570.206.

(4) *Contract preparation and award.* The LPA shall prepare the contract and assist the borrower in its execution, as described in § 510.84(a)(7).

§ 510.80 Self-help sweat equity.

(a) *Self-Help Concept.* Rehabilitation work may be undertaken by the borrower, including cooperatives, corporations or partnerships, using their own labor; by acting as a general contractor and supervising the hiring and work of all subcontractors; by acting as a subcontractor for a particular task; or by some combination of these methods. Where subcontractors are utilized in part, the borrower will have separate written contracts with each contractor performing work which shall include those provisions listed in § 510.78(a)(1). The self-help concept may be used on any of the eligible properties under the Section 312 Program.

(b) *Self-Help Agreement.* For those portions of the work to be accomplished by the borrower, either by his own labor, or by acting as a general contractor, an agreement shall be executed between the LPA and the borrower which sets forth the minimum conditions for accomplishing the work. This Self-Help Agreement shall contain:

(1) The specifications and scope of work to be done by the borrower and by subcontractors;

(2) A reasonable time schedule for completion;

(3) Alternate means of accomplishing the work if the borrower is unable or unwilling to do so;

(4) A method of selecting and managing subcontractors;

(5) Cost estimates for materials and equipment to be used by the borrower and for the work to be done by subcontractors;

(6) Compliance standards for applicable Federal, State and local requirements; and

(7) Sanctions to be applied if the work is not completed properly or is unduly delayed.

(c) Technical Assistance. When the borrower serves as general contractor, the LPA shall provide technical assistance as needed under § 510.78(b)(1) for determining the scope of work and cost estimate, clearly differentiating which work will be completed by the borrower and which work will be completed by subcontractors. Construction assistance, in the form of counseling and guidance to the borrower on construction techniques, may be provided by the LPA or its designee as necessary. A written contract between the borrower and each subcontractor is required and shall be reviewed by the LPA prior to the approval of the loan. The LPA shall inspect and ensure the proper installation of materials and equipment. During the progress of the work of each subcontractor, 20 percent of payment will be retained. However, upon satisfactory completion of an individual subcontract, the entire amount due may be released from the rehabilitation escrow account.

(d) Compensation to Borrower. For work accomplished directly by the labor of the borrower, the rehabilitation loan amount shall not include funds to pay the borrower or family members for their labor. Disbursements from the rehabilitation escrow account for specified materials and equipment may be made only after proper installation. In addition, no compensation allowance may be made to the borrower from loan proceeds for his/her performance of the function of general contractor. However, subcontractors who are under contract with the borrower, acting as general contractor, may include profit and overhead in their bid amounts.

(e) Contingency Factor. For rehabilitation loans utilizing the self-help process, the Area Manager may allow up to a 15 percent contingency, if appropriate, as an includable cost under § 510.38.

§ 510.82 Loan Approval: Required Determinations.

In connection with approving a Section 312 rehabilitation loan subject to HUD fund availability, the locality whether or not it has local loan approval authority, shall determine that:

(a) *The loan is an acceptable risk, taking into consideration*—(1) *The need for the rehabilitation.*

(2) *The security available for the loan.* As noted in § 510.42 all loans, except as specified in paragraph (c), shall be secured by a recorded lien on the property. The following provisions shall be utilized where applicable, to improve the security available for the loan:

(i) In cases in which a corporation is the applicant, the authorized Officer of the corporation shall execute the promissory note and mortgage on behalf of the corporation. When there is little or no net worth in a for-profit corporation beyond the property involved in the loan or there are other factors associated with the loan application which call into question the acceptability of the promissory note and mortgage being executed on behalf of the corporation, the Approving Officer may require a corporate officer or the principal stockholder to personally guarantee the Section 312 loan and to co-sign the promissory note. The assets of the personal signatory shall be sufficient to add materially to the security of the loan.

(ii) In cases of joint ownership or when a partnership or trust is the applicant, the Section 312 loan shall be considered a recourse loan and all partners or trustees shall have personal liability for repayment of the Section 312 loan. Limited partners shall assume personal liability by co-signing the note as a borrower or by personally guaranteeing the loan.

(iii) Any personal guarantee or endorsement by an individual shall not relieve the partnership, trust or corporate applicant from being required to secure the Section 312 loan with a mortgage or deed of trust on the property to be rehabilitated.

(3) *The ability of the applicant to repay the loan.* This shall include judgments on the applicant's history of debt repayment as well as the actual sources and amounts comprising the applicant's income and expenses. In cases where an investor owned property only marginally produces enough income to cover expenses and the loan repayment, the applicant's strong financial condition and ability to repay the loan may support a finding of acceptable risk.

(4) *The sufficiency of funds for rehabilitation.* This consideration means assurance that funding from all sources will be sufficient to finance all required rehabilitation.

(b) *The applicant is unable to secure the necessary funds to finance the required rehabilitation from other sources upon comparable terms and conditions.* Other sources in this context refers to conventional financing and does not include other Federal, State or local funding programs providing rehabilitation financing, such as CDBG.

(c) The loan will comply with all other requirements of this Part.

(d) Loans which do not meet these standards shall be disapproved and the applicant informed under the provisions of the Equal Credit Opportunity Act of 1976, pursuant to § 510.50(b)(1)(vi).

§ 510.84 Loan settlement.

(a) *Standard Loan Settlement.* Loan settlement and disbursement of Section 312 rehabilitation loan funds shall be accomplished by the LPA according to the following procedures:

(1) Prepare and have the borrower execute the promissory note and mortgage, deed of trust, or other loan security instrument as required by

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§ 510.42, and as approved by the LPA counsel;

(2) Prepare and have the borrower execute the Rent Regulatory Agreement if required under § 510.102;

(3) Take actions to assure that settlement complies with Federal Labor Standards; Environmental Requirements; Equal Opportunity and Truth-in-Lending Requirements; and Real Estate Settlement Procedures, pursuant to § 510.50;

(4) Ensure that necessary and adequate insurance policies such as fire, flood, disaster and extended coverage are in force and all taxes and special assessments are paid to date of loan settlement and provision is made for collection of monthly escrow payments for these items unless a lender with a senior position is collecting such escrows;

(5) For refinancing, ensure that a full statement of amounts due for all loans or mortgages to be discharged is available;

(6) Advise the borrower of the loan repayment schedule including escrow accounts, the servicer's name and address, and the date the first loan payment is due;

(7) Have the borrower execute the rehabilitation contract and proceed order, to be effective after the full discharge of rescission rights under the Truth-in-Lending Act of 1968;

(8) Have the LPA's counsel participate as may be necessary to assure the legal enforceability of the loan documents and the priority of the lien of the loan security instrument in accordance with the approved loan application;

(9) If the cost of rehabilitation work exceeds the amount of the loan approved, then supplemental financing provided by the borrower shall be provided in a manner described in § 510.86(b).

(10) After settlement, the LPA shall ensure that:

(i) All loan funds are disbursed from the rehabilitation escrow account properly as provided under § 510.86.

(ii) Documentation of full discharge and release of all secured loans or eligible installment land sales contracts proposed to be paid by refinancing is obtained;

(iii) Section 312 loan documents are promptly and properly recorded;

(iv) Within the time prescribed by HUD, all appropriate documentation is forwarded to the HUD Area Office; the necessary loan documents are sent directly to the servicer; and FNMA is notified of the transaction by the submission of a copy of Forms HUD–6230 or –6243 and –6236.

(b) *Standard Disbursement.* Under the standard loan settlement procedure, a check for the full rehabilitation loan amount shall be requested from the HUD Accounting Office, endorsed by the borrower at settlement and deposited in the escrow account; disbursements from escrow may also be made at settlement to reimburse the LPA for eligible incidental costs advanced to the applicant; and to discharge the debts under refinancing procedures (§ 510.40). The borrower's repayments, including principal and interest shall begin as specified at settlement. The contractor shall be paid from the escrow account as the work progresses under the procedures of § 510.88.

(c) *Modified Loan Settlement.* (1) For rehabilitation loans over $60,000 or where the rehabilitation work is to take more than 4 months, a modified loan settlement and disbursement procedure shall be used by the LPA staff unless the Area Office determines that such procedure will not provide adequate lien priority and security under State and local law.

(2) In addition, the modified procedure may be used for loans with one or more of the following characteristics upon concurrence of the HUD Area Office for each such loan.

(i) Investor-owned residential property which will be vacant during the rehabilitation work and will not be generating income;

(ii) Owner occupied residential property which will be vacant during the rehabilitation work, causing double housing expenses for the borrower;

(iii) Rehabilitation work which requires supplemental loans to bring the property up to code standards; and

(iv) Special situations which involve disbursement difficulties such as loans on mixed-use or nonresidential properties with several tenants receiving loans.

(3) Under the modified loan settlement procedure a realistic loan amount shall be estimated prior to loan approval, taking into consideration construction time and probable interest to be accrued, plus the costs of insurance and taxes over this time period. The maximum allowable contingency amount under § 510.38 shall be increased up to an additional five percent when the modified loan settlement procedure is used. However, this additional contingency amount shall not be used for construction cost overruns. It shall cover costs due to unexpected time delays and subsequent increases in the amounts for accrued interest, taxes, and insurance payments.

(4) The standard settlement procedure described in paragraph (a)(1) through (10) of this section shall apply. However, they shall be modified where necessary to accommodate the modified disbursement procedure. In particular:

(i) Truth-in-Lending disclosures shall be estimated amounts based on projected start and completion of construction and the variable payment request schedule; and

(ii) Calculation of the actual loan amount and establishment of the repayment schedule shall occur after the final inspection for satisfactory work is completed and the final check is requested and disbursed appropriately.

(d) *Modified Disbursement.* One or a series of checks shall be requested from the HUD Accounting Office as needed for actual disbursement from the rehabilitation escrow account. Interest shall accrue only on the amounts requested and only from the dates of the checks. No monthly payments by the borrower will be due until the final loan check has been disbursed or at a point prescribed by HUD. The interest which accrues during construction and payments for taxes and insurance during construction shall be included in the loan amount to be amortized over the remaining term of the loan. The actual amount of the monthly payment will depend on construction time and cost, the interest accrued, and the taxes and insurance costs during construction. The remainder of the initially estimated loan amount which is not used for these costs shall be disbursed under the provisions of § 510.88(c)(2).

§ 510.86 Management of rehabilitation escrow account.

(a) *Accounts.* The LPA shall maintain one or more bank accounts as the depository for all rehabilitation loan funds, as well as for supplemental funds provided by the borrower. The account(s) shall be separate and distinct from all other accounts maintained by the LPA and be for the sole purpose of depositing rehabilitation loan funds. Localities are encouraged to open accounts in minority lending institutions and/or institutions that promote and support, by lending practice, the localities' community development objectives.

(b) *Supplemental Funds.* Supplemental funds needed to complete rehabilitation work which are provided by means of a commitment from a recognized lending institution, or a grant or loan from other Federal, State, or local rehabilitation programs may either be deposited in the escrow account or be applied directly to payment for the rehabilitation work. If applied directly, such funds shall be set-

aside for the rehabilitation work under a legally-binding commitment and shall generally be used in full prior to any disbursements being made from the escrow account. For supplemental funds provided in cash by the borrower, these shall be deposited in the escrow account at or prior to loan settlement to assure their availability for the rehabilitation work.

(c) *Disbursements.* (1) Disbursements from the rehabilitation escrow account shall be by check and shall be made payable jointly to the borrower and one or more other payees except as otherwise permitted by the Section 312 loan documents. After securing the borrower's endorsement on the check, the LPA shall transmit it to the other payees. In lieu of this system, a voucher process by which the borrower, inspector, and payee approve the request for payment in writing may be substituted.

(2) If the rehabilitation costs are less than anticipated and unutilized funds remain in the account, the funds may be disbursed in the following order:

(i) To the borrower, as a reimbursement for supplementary funds originally made available as a cash deposit in the escrow account. In no instance shall the reimbursement be in excess of the cash deposit made by the borrower;

(ii) To the principal amount of the supplemental loan, for any additional funds made available through conventional financing or other Federal, State or local rehabilitation assistance programs; and

(iii) To the principal amount of the Section 312 loan.

(d) *Cost Overruns.* If the rehabilitation costs are greater than anticipated, and the scope of work cannot be decreased, the additional funds needed shall be obtained from the borrower and immediately deposited in the rehabilitation escrow account. However, if the reasons for the cost overrun were clearly beyond the control of the borrower, then a new loan application for the total adjusted rehabilitation cost may be processed and approved, subject to availability of funds from HUD, if it does not exceed the Section 510.36 loan limits, and meets the other requirements of this Part. Since the loan amount will be increased, a new loan settlement must be conducted as described in Section 510.84. If loan limits are exceeded, then the excess funds needed to complete the work shall be obtained from the borrower.

(e) *Fund Accountability.* The Secretary and the Comptroller General of the United States, or their designees, shall have access, for the purpose of audit and examination, to the books, documents, and records of the locality and the LPA related to the administration of the Section 312 Loan Program. Records shall be retained for the life of the loan or for such shorter period as may be prescribed by the Secretary.

§ 510.88 Inspection monitoring and progress payments.

(a) *Inspections.* (1) Progress and final payments to the contractor, or to the materials supplier where a line of credit is established in the case of self-help projects, shall only be made after the work has been inspected and found to be in compliance with the contract and with the PRS.

(2) The LPA is responsible for securing inspections on all properties where the Section 312 loan amount is less than $250,000.

(3) On properties with Section 312 loans of $250,000 or more, HUD and the LPA staff shall make joint inspections, as appropriate.

(b) *Holdback.* (1) A holdback of 20 percent of the value of the work completed for each progress payment to the general contractor, and subcontractors under self-help/sweat equity loans is required during construction. Upon inspection and certification of completion in accordance with the contract and applicable PRS, the final construction payment, including the holdback amount, may be approved by the LPA.

(2) The HUD Rehabilitation Management Specialist may authorize a reduction of the holdback on multifamily, self-help/sweat equity and nonresidential projects to 10 percent of the value of the work completed for each progress payment provided that:

(i) The likelihood of construction completion is not jeopardized; and

(ii) Local progress inspections are thorough and accurate.

(3) A further reduction to 5 percent holdback on multifamily, self-help/sweat equity and nonresidential projects may be approved on a case-by-case basis in the form of a waiver by the Area Manager if paragraph (b)(2) (i) and (ii) of this section are met, and the contractor/owner obtains a performance guarantee, performance bond, or letter of credit satisfactory to the Area Manager.

(c) *Payments.* For progress and final payments that the LPA is prepared to approve after inspection, in accordance with this Section, the LPA shall process a disbursement from the rehabilitation escrow account as provided in § 510.86(c). After a final inspection determines that the rehabilitation work has been completed, the LPA shall obtain a release of liens from the contractor and all subcontractors, and a copy of each warranty on the work. Any work not completed in accordance with the construction contract and PRS shall be corrected by the contractor, or else no payment shall be authorized by the LPA.

(d) *Monitoring.* The LPA, to the maximum extent feasible, shall cause the contractor to correct any deficiencies in work covered under the contract within the one year warranty period. The LPA shall determine when it has completed its best efforts to obtain corrective action, and shall not be required to institute legal action on behalf of the borrower.

Subpart F—Special Requirements Applicable on Multifamily Loans, Mixed Use Properties With More Than Five Units, and Single Family Investor Owned Properties

§ 510.100 General.

(a) *Assurances.* The locality shall certify in Block N of the loan application HUD–6243 that: "The property is located in a low- and moderate-income neighborhood as defined in 24 CFR 570.302(d)(2)(i) or at least 51 percent of the property's initial tenants after rehabilitation will be low- and moderate-income (tenants whose gross annual family income, adjusted for family size, does not exceed 95 percent of the median income for the area). The loan is consistent with the locality's current overall community development strategy developed pursuant to Title I of the Housing and Community Development Act of 1974".

(b) *Maximum Unit Exception.* The property must have fewer than 100 units after rehabilitation unless HUD determines that the loan is essential to meet the community development needs of a neighborhood and alternative sources of financing are not available. The Area Manager is hereby authorized to grant an exception to the 100 unit limit. Exceptions must be requested in writing by the locality to the Area Manager and must include clear evidence of the importance of the specific project to the community development needs of the neighborhood in which the property is located. The Area Manager is authorized to approve the locality's request, if the Area Manager finds that:

(1) The rehabilitation of the project will provide needed housing units for low- and moderate-income tenants, *or*

(2) The revitalization of the target area would be significantly hindered if the property were not rehabilitated.

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(3) Under either paragraphs (b) (1) or (2) of this section, alternate sources of financing which would be adequate for the specific project are not available.

§ 510.102 Rent regulatory agreement.

(a) *Agreement.* A Rent Regulatory Agreement shall be executed at loan settlement for all multifamily and investor owned single-family properties rehabilitated with Section 312 funds, for the purpose of limiting the rate of return to the borrower through increased rents caused by the rehabilitation of the property over the first 5 years of the loan commencing on the completion of rehabilitation work. Such an agreement shall be between the borrower and the United States of America acting by and through the Secretary of Housing and Urban Development and shall be executed by the HUD Area Manager or his/her designee on behalf of the Secretary. The agreement shall be in a form prescribed by HUD and shall include, among other loan information:

(1) The total monthly rents that may be charged for all dwelling units in the property computed in accordance with paragraph (b) of this section;

(2) A provision to allow increases in such total monthly rents to cover increases in operating costs, including property taxes, insurance, utilities, maintenance, and other reasonable costs. Such increases in costs shall be documented in the files of the borrower, to be maintained for HUD inspection at its option for a period of 2 years following the expiration of the agreement. The borrower shall notify the LPA administering the loan and all original tenants still in tenancy of any rent increases above the initial allowed maximum and the reasons therefor during the period of the agreement;

(3) A provision for declaring the loan in default and/or for taking other appropriate legal action if the borrower fails to correct violations of the Rent Regulatory Agreement;

(4) A provision that the tenants of the property be provided with information in writing by the borrower regarding the terms of the Rent Regulatory Agreement;

(5) A provision that pre-existing debt and other rehabilitation financing on the property may be calculated into the Rent Regulatory Agreement if the original term is at least ten years pursuant to paragraphs (b)(1) (ii) and (iv) of this section. However, if the term of the existing debt expires within the first four years of the agreement, the amount of annual principal and interest payments on such debt must be subtracted from the figure used in paragraph (b)(1) (ii) and (iv) of this section and the monthly rental amount recalculated on an annual basis for the remaining year or years; and

(6) A provision that the agreement shall bind any successors in interest and shall be recorded with the mortgage which shall specifically incorporate the Rent Regulatory Agreement by reference.

(b) *Rental Amount.* The total monthly rent amount to be used as a basis for the Rent Regulatory Agreement shall be computed by:

(1) Totaling paragraphs (b)(1) (i) through (v) of this section:

(i) The estimated annual operating expenses and taxes after rehabilitation;

(ii) The annual principal and interest payments on pre-existing mortgage debt, but only if the original terms were at least 10 years;

(iii) The annual principal and interest payments on the Section 312 loan;

(iv) The annual principal and interest payments on other rehabilitation financing, but only if the terms are at least 10 years;

(v) An amount which is a reasonable return on investment as determined by HUD, on recommendation of the processing locality, which shall not exceed a 20 percent return on equity defined as:

(A) Appraised market value prior to rehabilitation plus;

(B) The cost of rehabilitation minus;

(C) After rehabilitation indebtedness (of at least a 10-year term) secured by the property.

(2) Dividing the total calculated in paragraph (b)(1) of this section by .93 to adjust for vacancies.

(3) Dividing the amount calculated in paragraph (b)(2) of this section by 12 to calculate the allowable total monthly rent.

(c) *Adjustments.* HUD reserves the right to revise downward the percentage return on equity permitted under paragraph (b)(1)(v) of this section as necessary to reflect changes in economic conditions, including changes in the prime rate. Any such decrease may be made by direct notice to localities processing Section 312 loans and shall be effective only for loans approved after the effective date of such Notice.

Subpart G—Loan Servicing

§ 510.120 General [Reserved]

Subpart H—Performance Evaluation and Record Keeping

§ 510.150 Records and reporting requirements.

(a) *Loan File.* The LPA shall keep complete records for each Section 312 loan which shall include, without being limited to, the following:

(1) All documents and supporting material required for a complete loan application submission to the Approving Officer;

(2) All documents and supporting material relating to loan settlement, the rehabilitation contract, administration of the rehabilitation escrow account, inspection of the rehabilitation work, and loan close-out, including transmittal of documents to the loan servicer;

(3) A record of all contacts with and complaints from the borrower;

(4) A record of all problems experienced with the rehabilitation contractor(s); and

(5) Any other items specifically required by this Part or program forms and documents to be included in the loan file.

(b) *Program Records.* The locality or LPA, as appropriate, shall maintain the following program records:

(1) A record of the amounts and types of loans made on a yearly basis, as well as a record of the areas in which the loans were made;

(2) Accounting records which will, among other things:

(i) Fully disclose activity and status of the rehabilitation escrow account;

(ii) Disclose the name of each borrower, amount of the loan to the borrower, date(s) funds were received from HUD for each loan, date(s) funds were disbursed and the amount and date of any loan cancellations; and

(iii) Facilitate an effective audit.

(3) Documentation of corrective actions taken by the locality as a result of HUD reviews of program performance; and

(4) Other records as may be required by the Secretary by direct notice to the locality.

(c) *Reports.* The Secretary may require localities or LPAs participating in the program to submit periodic or one-time reports which may contain, without being limited to, the following:

(1) Information about amounts and types of loans approved and disapproved;

(2) Characteristics of loan applicants;

(3) Information about other activities in areas where the locality is targeting the loan funds;

(4) Information about the utilization of minority contractors; and

(5) Information concerning application of solar energy systems in rehabilitated property.

§ 510.154 Performance evaluation.

(a) *HUD Review.* HUD shall review each locality's performance at least once each two years to determine whether corrective or remedial actions as described in § 510.156 are necessary because of the locality's failure:

(1) To carry out the Section 312 Program substantially in accordance with the requirements of applicable law, this part, other applicable Federal regulations and executive orders, and any further requirements contained in program forms, legal documents and Handbooks;

(2) To maintain a continuing capacity to carry out the program in an efficient and timely manner;

(3) To provide a sustained level of concentrated public investment to complement the rehabilitation efforts in eligible loan areas, pursuant to § 510.22; or

(4) To meet the priorities and objectives set forth in § 510.2.

(b) *Scope of Review.* In reviewing each locality's performance under this section, HUD will consider all available information, which may include, but need not be limited to, the following:

(1) The loan files maintained by the Secretary and by the locality or LPA;

(2) The locality's rate of committing Section 312 funds compared to any fund use schedules that may have been furnished to the Secretary;

(3) In-depth, on-site monitoring reviews of the locality to view program administration, concentration and quality of rehabilitation activity, including interviews with loan applicants and borrowers;

(4) Reports and records of public and private investment in eligible loan areas, as described in § 510.22;

(5) Reports prepared by the locality or LPA and furnished to the Secretary, as described in § 510.150(c);

(6) Results of previous reviews of the locality's or LPA's performance;

(7) Records maintained by the locality or LPA, as described in § 510.150(b);

(8) Audit reports whether conducted by the locality, the LPA, HUD or the General Accounting Office; and

(9) Records of comments and complaints by citizens and organizations, or litigation.

§ 510.156 Corrective and remedial sanctions.

(a) *Actions.* If the Secretary determines on the basis of a review of the locality's performance under § 510.154, or otherwise, that corrective or remedial actions are necessary, the Secretary may take one or more of the actions authorized in this section. In each instance, the action taken will be designed to first prevent a continuance of the deficiency; second, mitigate any adverse effect of the deficiency to the extent possible under the circumstances; and third, prevent a recurrence of the same or similar deficiency. These actions may include:

(1) Directing the locality to submit additional information concerning any and all aspects of its administration of the program;

(2) Directing the locality to submit progress schedules and other reports on loan activity;

(3) Issuing a letter of warning that advises the locality of a deficiency and puts the locality on notice that more serious sanctions will be taken if the deficiency is not corrected or is repeated;

(4) Directing the locality to suspend or terminate loan processing activities;

(5) Reducing the Section 312 funds to a locality for that fiscal year as a result of the locality's inability to commit funds in accordance with the established use schedule for that locality or because of evidence of poor performance;

(6) Reducing the Section 312 funds available to the locality for the next fiscal year;

(7) Requiring the locality to make local public funds available to a borrower in order to complete the rehabilitation of his/her property where HUD had determined that the locality's deficient administration of the program has resulted in the rehabilitation not being completed with the funds available from the loan;

(8) Conditionding the availability of a succeeding year's funds on the locality's correction of deficiencies noted by HUD; and

(9) Declaring an area no longer eligible for Section 312 funding.

Issued at Washington, D.C., March 14, 1980.

Walter G. Farr, Jr.,

Deputy Assistant Secretary for Community Planning and Development.

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April 10, 1980

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

Availability of Neighborhood Self-Help Development Project Grants—Urban Cycle II; Competitive Solicitation

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N-80-992]

Availability of Neighborhood Self-Help Development Project Grants—Urban Cycle II; Competitive Solicitation

AGENCY: Department of Housing and Urban Development.

ACTION: Announcement of Competitive Solicitation for Neighborhood Self-Help Development Project Grants—Urban Cycle II.

SUMMARY: HUD is accepting applications from neighborhood organizations for grants for eligible neighborhood revitalization projects which directly benefit the residents of low- and moderate—income urban neighborhoods. This grant announcement is the second of two cycles of urban project grants to be solicited during fiscal year 1980. For purposes of this announcement, urban refers generally to areas with a population of more than 10,000 people. Concurrent with this urban project grant announcement, a separate notice of availability is being made for rural project grants.

FOR FURTHER INFORMATION CONTACT: Clifton Barnhill, Program Support Division, Office of Neighborhood Development, Room 4222, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: (202) 755–7970. This is not a toll free number. Grant application kits are available upon written request. To assure a prompt response, it is suggested that your written requests for application kits be made early.

DATE: Applications may be submitted between April 1, 1980 and July 15, 1980. Applications submitted after July 15, 1980 will not be considered for this cycle of project grants and will have to be resubmitted for any subsequent cycles.

Program Background

The Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8123) authorizes grants and other forms of assistance to neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization. The Neighborhood Self-Help Development Act is a component of the President's Urban Policy.

It is the intent of this program, and this announcement, to be responsive to a wide range of neighborhood revitalization activities and to support specific projects identified and developed by neighborhood organizations as they are in the best position to determine the most appropriate means to satisfy their neighborhood revitalization needs. Therefore, any housing, community and economic development projects are eligible for grants if they are not specifically cited as ineligible below, and which contribute to the revitalization of low- and moderate-income neighborhoods, if they directly benefit the residents of those neighborhoods and if they do not discriminate against beneficiaries on the basis of race, color, national origin or age, or because they are handicapped. Examples include neighborhood-initiated new and rehabilitated housing, creative reuse of existing buildings, neighborhood commercial revitalization, neighborhood economic development, and energy conservation and weatherization.

This grant announcement is based on the interim regulations (published in the **Federal Register** on October 22, 1979) and the initial legislation (passed by Congress on October 15, 1978). Interested persons/organizations are urged to review the regulations, this announcement with the factors for award, and the application kit to determine whether or not they should apply under this program. Another announcement for project grants is expected to be published in Fall 1980.

Applicant Eligibility Criteria

Applicants for project grants must be an existing voluntary neighborhood organization with a history of service to the neighborhood in which a proposed project is located and meet each of the following criteria:

(1) The organization must be broadly representative of the neighborhood in which the project will be located;

(2) The organization must be accountable to neighborhood residents with respect to the project being proposed;

(3) The organization must have as one of its objectives the preservation and revitalization of the neighborhood;

(4) The organization must be found by the Secretary to have a proven record or demonstrable capacity for developing resources for, and effectively implementing, neighborhood conservation and revitalization projects;

(5) The organization must be incorporated as a non-profit organization;

(6) The organization must have a board of directors composed chiefly of elected persons who are other than paid staff of the organization, though a small number of paid corporate officers may be part of the board; and

(7) The organization must have financial records in an auditable form.

Eligible Projects and Activities

Grants under this program are to support an organization's preparation and/or implementation costs for specific low- and moderate-income rehabilitated or new housing construction, commercial revitalization, economic development, creative reuse, energy conservation, weatherization or other neighborhood community development projects. Preparation activities may include: advanced stages of planning, financial packaging, architectural services, land acquisition, or developing rehabilitation specifications.

Advanced planning or preparation activities are acceptable when the organization can document that the initial stages of planning for the specific project have been completed and when those activities are tied to project implementation. The applicant must have completed at least sufficient planning to have a clear project structure, an initial financial projection, and an estimated timetable for implementation. Grants under this program will not support the early stages of planning. Grants will also not support the early stages of planning. Grants will also not support the full cost of implementation. When specific projects request funds for *partial* implementation costs, the other financial resources supporting the implementation must be identified. Projects must directly benefit the low- and moderate-income residents of the neighborhood.

Ineligible Project Activities

The following activities are ineligible for project grants:

(1) Planning functions which are not directly combined with project implementation;

(2) Public works such as street repairs which are not associated with the specific project being funded;

(3) Operating social services which are not associated with the specific project to be funded;

(4) An economic development project which will not primarily benefit the residents of the neighborhood in which it will be located;

(5) Operating costs of a community group which are not associated with the specific projects being funded;

(6) Other activities which the Secretary determines are not consistent with the purposes of the Act.

Local Government Certification

Applications must include a letter from the chief elected official of the most immediate jurisdiction of general local government in which the neighborhood is located. The letter must state that the chief elected official has reviewed the application and that the proposed project is consistent with, and supportive of, the specific objectives of that unit of local government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by that unit of general local government. No action will be taken on any proposals which are submitted to HUD without the local government certification.

Factors for Award

Applications will be evaluated and awarded points based on the factors identified below. The weight of each factor is indicated by the assigned number of points. Each sub-factor is considered relatively equal to each other sub-factor within the individual factor.

(1) Organizational Qualifications (30 points)

(a) Proven record or demonstrable capacity of the organization to develop resources, prepare, and effectively implement the same type of neighborhood revitalization project as proposed or a different type of project which required comparable program development.

(b) Proven record or demonstrable capacity of the organization to manage the same type of neighborhood revitalization project as proposed or a different type of project which required comparable management skill.

(c) Extent to which the organization has a history of service to the area served by the project and to low- and moderate-income residents of the area served by the project.

(2) Quality of Project Planning (30 points)

(a) Demonstrated evidence that the organization has addressed neighborhood needs through the development of an overall revitalization strategy and that the project advances that strategy.

(b) Extent to which project planning to date has advanced to the stage where the organization has:

(a) Identified a specific project and described its basic components;

(b) Completed the early stages of planning;

(c) Made a preliminary financial projection;

(d) Estimated a timetable for implementation.

(c) Extent to which neighborhood residents have been involved to date in project planning.

(3) Soundness of Project and Its Components (30 points)

(a) Extent to which the project is realistically conceived and the project components are complete and directly related to each other.

(b) Extent to which the project benefits low- and moderate-income neighborhood residents.

(c) Probable effectiveness of the project and its individual components to accomplish stated objectives.

(d) Extent to which the project is a neighborhood self-help activity i.e., the residents who will be directly affected by the project are actively involved in and supportive of project development, implementation, and evaluation.

(4) Financial Feasibility (30 points)

(a) Extent to which the proposed project includes those of the following which are appropriate:

(1) Self-help resources;

(2) Coordination of resources from local, State or Federal Governments;

(3) Coordination of resources from the private sector.

(b) Strength of evidence that the public and private funding sources identified in sub-factor 4(a) above have been realistically identified; and where possible, have been contacted, support the project and can make funds available contingent on the progress of the project.

(c) Realism of proposed HUD Share of the project budget including the type of personnel, level of direct labor effort, type and quality of materials, extent and duration of travel, suitability of subcontractors and consultants, and reasonableness of the total cost of the HUD Share.

5. Quality of Project Management (30 points)

(a) Quality of project management plan including:

(1) Identification of tasks and sub-tasks of work and their interrelationship;

(2) Assignment of responsibility and accountability for accomplishing work tasks;

(3) Clear time-sequencing for each activity;

(4) Identification and availability of resources necessary to accomplish work tasks;

(5) Establishment of financial controls to accomplish the project within budget.

(b) Demonstrated evidence of capability of project team including project manager, organization staff, and outside consultants.

Application Requirements

The format and content requirements for project grant applications are described in the application kit. Neighborhood organizations should not begin preparing an application until they have obtained an application kit. Each proposed project requires a separate project grant application.

A–95 Review

Each application must comply with the requirements of OMB Circular A–95. At least 60 days prior to submission of the application to HUD, the applicant must provide a notification of its intent to apply for the project grant to offical A–95 State and local clearinghouses. Approximately a month after the notification, the applicant must submit the completed application to the clearinghouses for a 30 day review period prior to submission of the application to HUD. To assure adequate lead time for submittal to HUD after compliance with these requirements, applicants are urged to make the 60 day notification on/or prior to May 6, 1980 and submit the completed application to the clearinghouses by June 5, 1980.

Applicant Notification

All applicants will be notified by mail of the results of the competition after selection for grant awards are made. No information will be available to applicants during the period of HUD evaluation except for those applicants that are determined ineligible. Selections of successful applicants are expected to be announced by HUD in September 1980.

Applicants who are not selected for Cycle II grant awards and who wish to apply for any subsequent cycles must resubmit their applications in order to be considered.

After the period of HUD evaluation but prior to grant award, HUD may require applicants to participate in negotiations and to submit application revisions resulting from negotiations.

Issued at Washington, D.C., April 4, 1980.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 80-10790 Filed 4-9-80; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-80-993]

Availability of Neighborhood Self-Help Development Project Grants—Rural Cycle II; Competitive Solicitation

AGENCY: Department of Housing and Urban Development.

ACTION: Announcement of Competitive Solicitation for Neighborhood Self-Help Development Project Grants—Rural Cycle II.

SUMMARY: HUD is accepting applications from neighborhood organizations for grants for eligible neighborhood revitalization projects which directly benefit the residents of low- and moderate-income rural neighborhoods. This grant announcement is the second of two cycles of rural project grants to be solicited during fiscal year 1980. For purposes of this announcement rural refers generally to areas with a population of less than 10,000 people. Concurrent with this rural project grant announcement, a separate notice of availability is being made for urban project grants.

FOR FURTHER INFORMATION CONTACT: Clifton Barnhill, Program Support Division, Office of Neighborhood Development, Room 4222, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Telephone: (202) 755-7970. This is not a toll free number. Grant application kits are available upon written request. To assure a prompt response, it is suggested that your written requests for application kits be made early.

DATE: Applications may be submitted between April 1, 1980 and July 15, 1980. Applications submitted after July 15, 1980 will not be considered for this cycle of project grants and will have to be resubmitted for any subsequent cycles.

Program Background

The Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8123) authorizes grants and other forms of assistance to neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization. The Neighborhood Self-Help Development Act is a component of the President's Urban Policy.

It is the intent of this program, and this announcement, to be responsive to a wide range of neighborhood revitalization activities and to support specific projects identified and developed by neighborhood organizations as they are in the best position to determine the most appropriate means to satisfy their neighborhood revitalization needs. Therefore, any housing, community and economic development projects are eligible for grants if they are not specifically cited as ineligible below, and which contribute to the revitalization of low- and moderate-income neighborhoods, if they directly benefit the residents of those neighborhoods and if they do not discriminate against beneficiaries on the basis of race, color, national origin, age, or because they are handicapped. Examples include neighborhood-initiated new and rehabilitated housing, creative reuse of existing buildings, neighborhood commercial revitalization, neighborhood economic development, and energy conservation and weatherization.

The term "neighborhood", as it applies to this program, is meant to be broader than as commonly used. For purposes of this program, in some rural areas "neighborhood" may be regarded as synonymous with community. *Thus,* the program focus in rural areas is on community-based organizations serving specific target areas which may be geographically larger than urban neighborhoods. Rural communities and urban neighborhoods share a number of common characteristics which constitute the primary factors for defining the target areas for this program; namely, a sense of identity with an area, common socio-economic characteristics, resident organizations, and a history of being treated as a distinct unit.

The term "rural" refers generally to areas of less than 10,000 in population. This population size criterion is being used as a general guide. Other factors such as location and economic base are often mentioned by experts in attempts to define rural. Such definitions, however, exclude some community-based organizations throughout the nation which consider themselves rural. Applicants are urged to propose to HUD their own perception of the character of their target areas. HUD will consider all reasonable definitions of rural target areas. Thus small cities over 10,000 in population may be considered rural if the applicant can make a convincing case to HUD.

This grant announcement is based on the interim regulations (published in the **Federal Register** on October 22, 1979) and the initial legislation (passed by Congress on October 15, 1978). Interested persons/organizations are urged to review the regulations, this announcement with the factors for award, and the application kit to determine whether or not they should apply under this program. Another announcement for project grants is expected to be published in Fall 1980.

Applicant Eligibility Criteria

Applicants for project grants must be an existing voluntary neighborhood organization with a history or service to the neighborhood in which a proposed project is located and meet each of the applicant criteria. Failure to meet these criteria will result in the application being determined ineligible and not considered for final evaluation. The criteria are:

(1) The organization must be broadly representative of the neighborhood in which the project will be located (in rural areas, the organization must be broadly representative of the population of the target area to be served by the project);

(2) The organization must be accountable to neighborhood residents with respect to the project being proposed;

(3) The organization must have as one of its objectives the preservation and revitalization of the neighborhood;

(4) The organization must be found by the Secretary to have a proven record or demonstrable capacity for developing resources for, and effectively implementing, neighborhood conservation and revitalization projects;

(5) The organization must be incorporated as a non-profit organization;

(6) The organization must have a board of directors composed chiefly of elected persons who are other than paid staff of the organization, though a small number of paid corporate officers may be part of the board; and

(7) The organization must have financial records in an auditable form.

Eligible Projects and Activities

Grants under this program are to support an organization's preparation and/or implementation costs for specific low- and moderate-income rehabilitated or new housing construction, commerical revitalization, economic development, creative reuse, energy conservation, weatherization or other neighborhood community development projects. Preparation activities may include: advanced stages of planning, financial packaging, architectural services, land acquisition, or developing rehabilitation specifications.

Advanced planning or preparation activities are acceptable when the organization can document that the initial stages of planning for the specific project have been completed and when those activites are tied to project implementation. The applicant must have completed at least sufficient planning to have a clear project structure, an initial financial projection, and an estimated timetable for implementation. Grants under this program will not support the early stages of planning. Grants will also not support the full cost of implementation. When specific projects request funds for *partial* implementation costs, the other financial resources supporting the implementation must be identified. Projects must directly benefit the low- and moderate-income residents of the neighborhood.

Ineligible Project Activities

The following activities are ineligible for project grants:

(1) Planning functions which are not directly combined with project implementation;

(2) Public works such as street repairs which are not associated with the specific project being funded;

(3) Operating social services which are not associated with the specific project to be funded;

(4) An economic development project which will not primarily benefit the residents of the neighborhood in which it will be located;

(5) Operating costs of a community group which are not associated with the specific projects being funded;

(6) Other activities which the Secretary determines are not consistent with the purposes of the Act.

Local Government Certification

Applications must include a letter from the chief elected official of the most immediate jurisdiction of general local government in which the neighborhood is located. The letter must state that the chief elected official has reviewed the application and that the proposed project is consistent with, and supportive of, the specific objectives of that unit of local government, including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by that unit of general local government. No action will be taken on any proposals which are submitted to HUD without the local government certification.

Factors for Award

Applications will be evaluated and awarded points based on the factors identified below. The weight of each factor is indicated by the assigned number of points. Each sub-factor is considered relatively equal to each other sub-factor within the individual factor.

(1) Organizational Qualifications (30 points)

(a) Proven record or demonstrable capacity of the organization to develop resources, prepare, and effectively implement the same type of neighborhood revitalization project as proposed or a different type of project which required comparable program development.

(b) Proven record or demonstrable capacity of the organization to manage the same type of neighborhood revitalization project as proposed or a different type of project which required comparable management skill.

(c) Extent to which the organization has a history of service to the area served by the project and to low- and moderate-income residents of the area served by the project.

(2) Quality of Project Planning (30 points)

(a) Demonstrated evidence that the organization has addressed neighborhood needs through the development of an overall revitalization strategy and that the project advances that strategy.

(b) Extent to which project planning to date has advanced to the stage where the organization has:

(a) identified a specific project and described its basic components;

(b) completed the early stages of planning;

(c) made a preliminary financial projection;

(d) estimated a timetable for implementation.

(c) Extent to which neighborhood residents have been involved to date in project planning.

(3) Soundness of Project and Its Components (30 points)

(a) Extent to which the project is realistically conceived and the project components are complete and directly related to each other.

(b) Extent to which the project benefits low- and moderate-income neighborhood residents.

(c) Probable effectiveness of the project and its individual components to accomplish stated objectives.

(d) Extent to which the project is a neighborhood self-help activity, i.e., the residents who will be directly affected by the project are actively involved in and supportive of project development, implementation, and evaluation.

(4) Financial feasibility (30 points)

(a) Extent to which the proposed project includes those of the following which are appropriate:

(1) Self-help resources;

(2) Coordination of resources from local, State or Federal Governments;

(3) Coordination of resources from the private sector.

(b) Strength of evidence that the public and private funding sources identified in sub-factor 4[a] above have been realistically identified; and where possible, have been contacted, support the project, and can make funds available contingent on the progress of the project.

(c) Realism of proposed HUD Share of the project budget including the type of personnel, level of direct labor effort, type and quality of materials, extent and duration of travel, suitability of subcontractors and consultants, and reasonableness of the total cost of the HUD Share.

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(a) Quality of project management plan including:

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(2) Assignment of responsibility and accountability for accomplishing work tasks;

(3) Clear time-sequencing for each activity;

(4) Identification and availability of resources necessary to accomplish work tasks;

(5) Establishment of financial controls to accomplish the project within budget.

(b) Demonstrated evidence of capability of project team including project manager, organization staff, and outside consultants.

Application Requirements

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A–95 Review

Each application must comply with the requirements of OMB Circular A–95. At least 60 days prior to submission of the application to HUD, the applicant must provide a notification of its intent to apply for the project grant to official A–95 State and local clearinghouses. Approximately a month after the notification, the applicant must submit the completed application to the clearinghouses for a 30 day review period prior to submission of the application to HUD. To assure adequate lead time for submittal to HUD after compliance with these requirements, applicants are urged to make the 60-day notification on/or prior to May 6, 1980 and submit the completed application to the clearinghouses by June 5, 1980.

Applicant Notification

All applicants will be notified by mail of the results of the competition after selection for grant awards are made. No information will be available to applicants during the period of HUD evaluation except for those applicants that are determined ineligible. Selections of successful applicants are expected to be announced by HUD in September 1980.

Applicants who are not selected for Cycle II grant awards and who wish to apply for any subsequent cycles must resubmit their applications in order to be considered.

After the period of HUD evaluation but prior to grant award, HUD may require applicants to participate in negotiations and to submit application revisions resulting from negotiations.

Issued at Washington, D.C., April 4, 1980.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 80–10791 Filed 4–9–80; 8:45 am]

BILLING CODE 4210–01–M

V 45 / 71 APR 10 80 UMI

federal register

Thursday
April 10, 1980

Part IV

Department of Health, Education, and Welfare

Health Care Financing Administration

Revocation of Requirements for Emergency Generator and Ground Fault Interrupters in End-Stage Renal Dialysis (ESRD) Facilities

V 45 / 71 APR 10 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 405

Conditions for Coverage of Suppliers of ESRD Services; Revocation of Requirements for Emergency Generator and Ground Fault Interrupters

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: These amendments remove the requirements for emergency generators and ground fault interrupters in end-stage renal dialysis (ESRD) facilities. The purpose is to reduce unnecessary and burdensome requirements which are not necessary to the health and safety of patients.

DATE: Effective on April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Janet Harryman, 301–594–9712.

SUPPLEMENTARY INFORMATION: The Conditions for Coverage of Suppliers of End-Stage Renal Disease Services, which were published on June 3, 1976 (41 FR 22502) are set forth in 42 CFR Part 405. ESRD facilities are currently required to have an alternate power source provided by an emergency generator, and to have ground fault interrupters in electrical circuits. (See 42 CFR 405.2140(a) (4) and (6)).

The requirements for emergency generators and ground fault interrupters have been under criticism by dialysis facilities since they were published. The emergency generator requirement has been criticized as an expense not justified on the basis of patient health and safety. Dialysis machines are equipped with handcranking blood return mechanisms that can be operated by patients or staff. Patients can easily be trained to disconnect themselves from a dialysis machine in the event of a power outage. In a facility, staff are trained, and expected to supervise and assist, in this process. It should be noted, too, that home dialysis, which is a modality encouraged by the Medicare End-Stage Renal Disease Program Amendments of 1978 (Pub. L. 95–292 of June 13, 1978), is carried on without emergency generators and is not regarded as hazardous, even though subject to power failures.

The requirement for ground fault interrupters has been criticized by dialysis facilities either because it was considered unnecessary or because a monitoring system that did not interrupt power to the dialysis equipment in a facility would be safer for the patients. Again, it should be noted that there is no requirement for ground fault interrupters in electrical circuits in the homes of home-dialysis patients.

Survey of Dialysis Facilities

Before publication of a Notice of Proposed Rule Making, we surveyed the medical directors of 20 hospital-based and 38 free-standing dialysis units on the necessity for an auxiliary generator in the event of a power failure. Thirty-two of the 58 respondents indicated that absence of a generator does not adversely affect patient health safety; 44 of the 58 indicated that an adequate staff-patient ratio and patient training were sufficient to obviate the need for an electric generator.

Twenty-nine facilities reported one or more power failures in the past year; 16 had 1 failure; 13 had more than 1 failure. In no instance did power failure result in the hospitalization of patients.

No similar survey was made on the need for ground fault interrupters. The requirement for interrupters was initially placed in the ESRD facility regulations in order to be consistent with the DHEW minimum requirements for general hospital construction that "the electrical circuit(s) to fixed or portable equipment in hydrotherapy units, and to dialysis facilities, shall be provided with 5 milliampere ground fault interrupters" (DHEW Publication No. (HRA) 74–4000). A subsequent revision (DHEW Publication No. (HRA) 79–14500) deleted the specific reference to dialysis facilities and now reads "the electrical circuit(s) to equipment in wet areas shall be provided with 5 milliampere ground fault interrupters. Where ground fault interrupters are used in critical areas, provision shall be made to insure that other essential equipment will not be affected by a single interruption."

Notice of Proposed Rulemaking

On November 7, 1978, we published a Notice of Proposed Rule Making (NPRM) in the **Federal Register** (43 FR 51822), in which we proposed to revoke the requirements for emergency generators and ground fault interrupters in renal dialysis facilities.

Public Comments on Emergency Generator

Of the 21 public comments on the emergency generator requirements, 11 opposed revocation of the requirement, including 4 State health departments, 6 facilities, and the National Fire Protection Association (NFPA). The comments from the health departments and the NFPA were to the effect that acutely ill patients should not have dialysis terminated; however, acutely ill patients are hospitalized and hospitals participating in the Medicare program are still required to have emergency power. One health department declared that removal of the generator requirement was not consistent with the State's requirement for a generator; however § 405.2135 of this subpart requires that dialysis facilities meet all State requirements.

The comment from the American Hospital Association (AHA) expressed concern about adequacy of staff: patient ratios in non-hospital units and stated they would investigate such ratios in hospitals, apprising the ESRD program of the results of the investigation. Of the remaining 9 public comments, 2 ESRD networks, 4 facilities, 2 State health departments, and a State public welfare department saw no problem in revoking the requirements.

Public Comments on Ground Fault Interrupters

Of the 16 public comments on the ground fault interrupter requirement 4 were against revocation of the requirements, including 1 State health department, 1 ESRD network, and 2 facilities. The reasons for opposition were that spilled dialysate solution had been observed at the dialysis machine and that ground fault interrupters should offer a greater degree of safety than not having them. There were 12 comments in favor of revocation and 7 of these comments were from facilities, 2 from State health departments, and one comment each from an ESRD network, AHA, and a State public welfare department. These comments were that the interrupters were not needed or were a greater hazard.

Response to Comments

We believe that patients and staff in a non-hospital dialysis unit can easily be trained to disconnect dialysis machines in the event of a power outage and that patients can be rescheduled for dialysis. Self-dialysis by patients in their homes is carried on without emergency generators and is not regarded as hazardous. We also believe that dialysis facilities are not subject to continually wet conditions.

Since we received only 11 comments opposing the revocation of the emergency generator requirement, and only 4 comments opposing revocation of the ground fault interrupter requirement, and do not have evidence that elimination of the requirements would pose a hazard to the health and safety of patients, we have decided to revoke them.

Effect of This Action

Section 42 CFR 405.2135 requires an ESRD facility to be in compliance with applicable State and local laws and regulations. Therefore, if a State or locality requires an emergency generator, the dialysis facility must comply. Otherwise, there will be no requirements for an ESRD facility to have an emergency generator or ground fault interrupters.

42 CFR 405.2140(a) is amended by revoking paragraphs (a)(4) and (a)(6).

§ 405.2140 Condition: physical environment.

The physical environment in which ESRD services are furnished affords a functional, sanitary, safe, and comfortable setting for patients, staff, and the public.

(a) *Standard: building and equipment.* The physical structure in which ESRD services are furnished is constructed, equipped, and maintained to insure the safety of patients, staff, and the public.

* * * * *

(4) [Revoked].

(5) Water used for dialysis purposes is analyzed periodically and treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques. Records of test results and equipment maintenance are maintained at the facility.

(6) [Revoked].

* * * * *

(Secs. 1102, 1871, 1881(b), Social Security Act; 42 U.S.C. 1302, 1395hh, 1395rr(b))

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare Hospital Insurance, No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: January 31, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: March 24, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80–10900 Filed 4–9–80; 8:45 am]

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V 45 / 71 AP 10 80 UMI

federal register

Thursday
April 10, 1980

Part V

Federal Reserve System

Credit Restraint; Consumer Credit

V 45 / 71 APR 10 80 UMI

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R-0286; Subpart A]

Credit Restraint; Consumer Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On March 14, 1980 (45 FR 17927), the Board adopted provisions to restrain the extension of certain types of consumer credit (12 CFR Part 229, Subpart A), pursuant to the Credit Control Act (12 U.S.C. §§ 1901–1909) as implemented by Executive Order 12201. The provisions require a covered creditor to maintain a special non-interest bearing deposit with the Federal Reserve on the outstanding covered credit during a month that exceeds the creditor's base amount of covered credit. As originally promulgated, the regulation fixed the base as the amount of covered credit outstanding on March 14, 1980 (or the last day or other period immediately prior to March 14, 1980 for which data are available). For many creditors, that base date coincided with a seasonal low point in the amount of covered credit outstanding over a year. Consequently, they would be penalized for normal seasonal increases in credit that are not the result of underlying credit growth. In order to prevent undue hardship to creditors that experience seasonal fluctuation, the Board has amended Subpart A of its credit restraint regulation. The amendment provides a creditor an alternate method to determine its base according to a formula that accomodates seasonal variation in outstanding covered credit. Furthermore, the amendment imposes an additional reporting requirement on creditors that select the alternate method for determining the base.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara D. Ranagan, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3000).

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board adopted a consumer credit restraint program that is designed to curb growth in certain types of consumer credit. As a deterrent to credit expansion, the regulation requires a creditor to maintain a special deposit with the Federal Reserve equal to 15 percent of the growth in the creditor's outstanding covered credit over the base. Members of the Federal Home Loan Banks and all other savings and loan associations maintain the special deposit with the Federal Home Loan Banks. Credit unions, whether or not members of the National Credit Union Administration's Central Liquidity Facility, maintain the special deposit with the Central Liquidity Facility. Under the regulation the base is the fixed amount of covered outstanding on the base date, which is March 14, 1980 (or the last day or other period immediately prior to March 14, 1980 for which data are available).

The base, as currently defined, does not make any provision for seasonal variation in amounts of credit outstanding which many creditors experience. Those creditors, particularly in the retail and oil industry, would be penalized for increases in credit that are attributable solely to seasonal factors. In order to align the regulatory requirements with the program objective of curbing growth, and in order to prevent an inequitable burden on covered creditors that cannot avoid large seasonal increases in outstanding covered credit, the Board has amended the consumer credit restraint regulation (12 CFR Part 229, Subpart A) to provide all creditors, including those that already filed a base report, an alternative method of determining the base that accommodates seasonal variation and allows for a modicum of growth as well.

The amended definition of "base" gives a creditor the option of using a constant base, as the regulation currently provides, or a variable base. The variable base is calculated according to a formula that accommodates seasonal variations reflected by the creditor's own credit data. A creditor must make an initial selection of one method or the other of determining its base and be bound by its choice for the duration of the program. A creditor that chooses the variable base must file a base report by April 29, 1980 that provides the amount of covered credit outstanding in each of the twelve months from April, 1979 to March, 1980. The formula is based on those monthly figures and a factor that provides a diminishing allowance monthly for year-to-year growth. The formula thus yields a base that is directly related to the creditor's pattern of lending over the past twelve months. The formula for the base in any month "i" is:

$$\text{Base for any month "i", 1980} = \left[\left(\frac{\text{Credit outstanding on base date}}{\text{Credit outstanding on same date, 1979}} - 1\right) \times \left(\frac{12-n}{12}\right) + 1\right] \times \text{Credit outstanding in same month "i", 1979}$$

The letter "n" equals the number of months after March; for example, in calculating the base for May, 1980, "n" would be 2.

The following is a step-by-step explanation of how the variable base formula described above works for the month of May, 1980. First the amount of covered credit outstanding on the base date (March 14, 1980 or other period in March, 1980) and the amount of covered credit outstanding for the same date or period in March 1979 are determined. Second, the percent increase (or decrease) in covered credit outstanding, expressed as a proportion, is computed by subtracting the number one from a ratio with the March 1980 figure as the numerator and the March 1979 figure as the denominator. Third, this increase is multiplied by another fraction in which the numerator is twelve less the number of months from March, 1980—in this case two, since May is the second month after March—and in which the denominator is twelve. The number one is then added to the product computed in the third step, and the resulting figure is multiplied by the total amount of covered credit outstanding in May, 1979.

Covered creditors that select the variable base are required, under the amended regulation, to file a base report by April 29, 1980. Covered creditors that have already filed the April 1 base report may still select the variable base alternative and file the new base report. The base report forms will be available from the Reserve Banks. The base report shall contain the creditor's monthly data on outstanding covered credit for the twelve months prior to April, 1980, as well as the amount of covered credit outstanding on the base date and on the same date or period in March, 1979. In addition, the base report shall state the base for each month from April, 1980, through March, 1981, calculated according to the formula. The computational process has been simplified on the base report forms to ease the reporting requirement. A sample form has been completed with the name and outstanding covered credit figures of a fictitious creditor and is included as an appendix.

The Board has also amended the regulation to clarify the reporting requirements in §§ 229.3(a) and 4(a) of its consumer credit restraint regulation. The purpose of this technical amendment is to facilitate compliance with the regulation by creditors that keep records on an other-than-calendar month basis—e.g., those whose books are kept on the basis of a four-week month, followed by a five-week month, followed by a four-week month, and so forth. The Board wishes to make clear that creditors may compile data and report according to whatever type of "month" they customarily employ, and that the regulation does not require modification of recordkeeping done on an other-than-calendar month basis. However, creditors must still file reports by the second Monday of the calendar month following their reporting "month" and maintain the special deposit beginning on the fourth Thursday of the calendar month following their reporting "month."

These actions are being taken to facilitate implementation by certain creditors of the Board's credit restraint measures. Because those measures are already in effect and specifically because creditors must comply with the approaching reporting and special deposit maintenance deadlines, the Board believes that publication of this rule for comment or any delay in its effective date would frustrate its purpose. The Board, therefore, for good cause finds that further notice, public procedure, and deferral of effective date provisions of 5 U.S.C. § 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. §§ 1901–1909) as implemented by Executive Order 12201, the Board hereby amends 12 CFR Part 229, Subpart A, effective March 14, 1980 as follows:

1. In § 229.2, paragraph (b) is revised to read as follows:

§ 229.2 Definitions.

* * * * *

(b) "Base" means either

(1) a constant amount, which is the larger of $2 million or the amount of covered credit outstanding as of the close of business on the base date; or

(2) a variable amount, which is the larger of $2 million or a seasonally projected amount determined by application of a factor each month to the amount of covered credit outstanding in the same month in the preceding year. This factor is based on a comparison of the covered credit outstanding on the base date and the covered credit outstanding in the same date in March 1979, expressed as a ratio, which is progressively diminished by one-twelfth each month. The base for each month after March 14, 1980 equals the factor described above, multiplied by the amount of covered credit outstanding in the corresponding month in the year before. The formula for the base in any month "i" is:

$$\text{Base for any month "i", 1980} = \left[\left(\frac{\text{Credit outstanding on base date}}{\text{Credit outstanding on same date, 1979}} - 1\right) \times \left(\frac{12-n}{12}\right) + 1\right] \times \text{Credit outstanding in same month "i", 1979}$$

where "n" is a variable representing the number of months after March, 1980. (Therefore, "n" equals one in April, "n" equals two in May, and it increases progressively in each succeeding month up to 12 in March, 1981.)

For purposes of filing base and monthly reports as requires by § 229.3, a creditor must choose either the constant amount base or the variable amount base and may not vary that choice.

* * * * *

2. In § 229.3, paragraph (a) is revised to read as follows:

§ 229.3 Reports.

(a)(1) Each covered creditor with $2 million or more of covered credit outstanding as of the base date that selects the constant amount base described in § 229.2(b)(1), and certain covered creditors as may be required by the Board, shall file a base report by April 1, 1980. The base report shall state the amount of the covered creditor's base.

(2) Each covered creditor with $2 million or more of covered credit outstanding as of the base date that selects the variable amount base described in § 229.2(b)(2) shall file a base report by April 29, 1980. Each covered creditor with covered credit outstanding in excess of $2 million on a average basis during any month after the base date that selects the variable amount base shall file a base report together with the monthly report required in paragraph (a)(3) of this subsection. The base report shall state the following: (i) the amount of covered credit outstanding on the base date; (ii) the amount of covered credit outstanding on the same date (or other period) in 1979; (iii) the average amount of covered credit outstanding during each of the twelve months (on a daily average basis if such data are available) beginning April, 1979 and ending March, 1980; (iv) the variable amount base for each of the twelve months beginning April, 1980 and ending March, 1981.

(3) A creditor with a base of $2 million or more as indicated on its base report or with covered credit outstanding in excess of $2 million on an average basis during any calendar month, shall submit monthly reports. The initial monthly report shall be filed by May 12, 1980, for the period March 15, through April 30, 1980; thereafter, the monthly report shall be filed for each full month by the second Monday of the following calendar month. The monthly report shall include the average amount of covered credit outstanding during the month (on a daily average basis if such data are available) and the amount by which that number exceeds the creditor's base.

* * * * *

3. In § 229.4, paragraph (a) is revised to read as follows:

229.4 Maintenance of special deposit.

(a) Each covered creditor shall hold a non-interest bearing special deposit equal to 15 per cent of the amount by which the average amount of its covered credit outstanding during the month exceeds its base. The corresponding period during which the special deposit shall be maintained begins on the fourth Thursday of the calendar month following the month for which the report was filed and continues through the Wednesday before the fourth Thursday of the next calendar month. The special deposit shall be maintained in collected funds in the form of U.S. dollars.

* * * * *

By order of the Board of Governors of the Federal Reserve System, effective April 2, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

Note.—The following appendix will not appear in the Code of Federal Regulations.

BILLING CODE 6210-01-M

APPENDIX

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Section 5 To be Completed by Creditors That Elect a Variable Base

Subsection A

	Bils	Mils	Thous.
Line 1 Amount of covered consumer credit outstanding on March 14, 1980[1]		55	650
Line 2. Amount of covered consumer credit outstanding one year prior to the date or period used for Line 1		45	225
Line 3: Line 1 divided by Line 2 (calculate to four decimal places rounded)		1	1442
Line 4. Line 3 minus 1.0000 (if negative, enter negative amount)			1442

Line 5. Date or period for which base data (Lines 1 and 2 above) are submitted — Line 1 March 14, 1980

Line 2: March 14, 1979

1. For a creditor that has daily credit data available, report the data as of March 14, 1980, or the last day immediately before March 14, 1980 for which such data are available. For a creditor that does not have daily credit data available, report data as of the period immediately before March 14, 1980 for which credit data are available.

Subsection B

Month	Average Amount of Covered Consumer Credit Outstanding Bils	Mils.	Thous.
1. April 1979		45	532
2. May 1979		49	500
3. June 1979		50	185
4. July 1979		50	770
5. August 1979		51	459
6. September 1979		52	488
7. October 1979		52	934
8. November 1979		54	665
9. December 1979		59	625
10. January 1980		57	351
11. February 1980		56	124
12. March 1980		55	455

PENALTIES. For each willful violation of 12 C.F.R. 226 Subpart A, the Board may assess against any creditor, or officer, director or employee thereof who willfully participates in the violation, a maximum civil penalty of $1,000. In addition, a maximum criminal penalty of $1,000 and imprisonment of up to one year may be imposed for willfull violation of this subpart.

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Subsection C

1 Ratio, enter on each line the ratio computed above in Subsection A, Line 4; if negative, enter negative amount	2 Adjustment $(\frac{12-n}{12})$[1]	3 Col 1 × Col 2 (if negative, enter negative amount)	4 Constant	5 Algebraic sum of Col. 3 + Col. 4 (result will always be positive)	6 Amount of covered consumer credit outstanding during the corresponding period one year ago: Enter the amount from Subsection B	Bils	Mils.	Thous.
-.1442	0.91667	-.132203	1.0000	1.132203	Line 1		45	532
-.1442	0.83333	-.120154	1.0000	1.120154	Line 2		49	500
-.1442	0.75000	-.108165	1.0000	1.108165	Line 3		50	185
-.1442	0.66667	-.096147	1.0000	1.096147	Line 4		50	770
-.1442	0.58333	-.084129	1.0000	1.084129	Line 5		51	459
-.1442	0.50000	-.072111	1.0000	1.072111	Line 6		52	488
-.1442	0.41667	-.060123	1.0000	1.060123	Line 7		52	934
-.1442	0.33333	-.048114	1.0000	1.048114	Line 8		54	665
-.1442	0.25000	-.036105	1.0000	1.036105	Line 9		59	625
-.1442	0.16667	-.024037	1.0000	1.024037	Line 10		57	351
-.1442	0.08333	-.012015	1.0000	1.012015	Line 11		56	124
-.1442	0.00000	0.000000	1.0000	1.000000	Line 12		55	455

Base Col. 5 = Col. 6

Base[2]

Computation Month	Bils	Mils	Thous
April 1980[3]		54	854
May 1980		55	341
June 1980		55	535
July 1980		55	578
August 1980		55	725
September 1980		56	220
October 1980		56	085
November 1980		57	259
December 1980		62	052
January 1981		58	241
February 1981		56	788
March 1981		55	455

1 The letter "n" equals the number of months after March, for example, in calculating the base for May 1980, "n" would be 2

2 For creditors that elect a variable base, the base for the special deposit requirement for each computation month is either (1) the amount shown in Column 7 above for the respective computation month or (2) $2 million, whichever is larger.

3 The first computation period covers March 15, 1980 through April 30, 1980. Thereafter, each computation period begins on the first day of each month and ends on the last day of that month.

I certify that the information shown on this report is correct

Authorized Signature _____

Title _____

Area Code and Telephone Number _____

This report must be filed no later than April 29 with the institution designated below.

All credit unions should return this report to the Central Liquidity Facility of the National Credit Union Administration.

All savings and loan associations and cooperative banks should return this report to the Federal Home Loan Bank.

All other creditors should return this report to the Federal Reserve Bank in whose district the respondent company is located.

[FR Doc. 80-11040 Filed 4-9-80; 10:44 am]

BILLING CODE 6210-01-C

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April 10, 1980

Part VI

Department of State
Department of Justice

Immigration and Naturalization Service

Restrictions of Iranian Citizens and Nationals From Transiting the United States Without a Visa

V 45 / 71 APR 10 80 UMI

DEPARTMENT OF STATE

22 CFR Part 41

[Dept. Reg. 108.788]

Iranian Citizens; Nonimmigrant Documentary Waivers

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: Section 41.6 to 22 CFR is amended to withdraw the transit without visa privilege from Iranian citizens.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully III, Acting Director, Office of Legislation, Regulations and Advisory Assistance, Visa Services, Bureau of Consular Affairs, Department of State, (202) 632–1980.

SUPPLEMENTARY INFORMATION: In light of the fact that the Government of Iran has failed to resolve the hostage crisis, it is in the national interest to further restrict the entry of Iranians into the United States.

The privilege of transiting without a visa is a means of facilitating the passage through the United States of aliens in transit to third countries. Aliens accepted for transit without a visa are not required to be in possession of a valid visa in order to effect passage through the United States en route to their ultimate destination.

Since it has been determined to be in the national interest to limit access to the United States by nationals of Iran, it is necessary to withdraw this privilege from nationals of Iran.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. In light of the foregoing, the second sentence in subparagraph (1) of paragraph (e) of § 41.6 is amended as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* * * * This waiver of visa and passport requirements is not available to aliens who are citizens of Iraq or Iran. * * *

* * * * *

(Sec. 101 84 Stat. 116; (8 U.S.C. 1101))

Dated: April 8, 1980.

Barbara M. Watson,

Assistant Secretary for Consular Affairs.

Dated: April 8, 1980.

Concurrence:

David Crosland,

Acting Commissioner for Immigration and Naturalization Service.

[FR Doc. 80-11078 Filed 4-9-80; 11:58 am]

BILLING CODE 4710-06-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Restriction of Transit of Iranian Citizens and Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY This is an amendment of the regulations of the Immigration and Naturalization Service intended to restrict citizens and nationals of Iran from transiting the United States without a visa. This amendment is issued in pursuant to the President's proclamation of April 7, 1980.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT:

For general information:

Stanley J. Kieszkiel, Acting Instructions, Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633–3046

For specific information:

Marvin J. Gibson, Assistant Commissioner, Inspections, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633–3019

SUPPLEMENTARY INFORMATION: On April 7, 1980, the President of the United States announced a break in diplomatic relations with the Government of Iran.

In connection with the President's announcement, the regulations of the Immigration and Naturalization Service governing aliens transiting the United States without a visa will be amended by adding a new sentence that waiver of visa and passport requirement is not available to an alien who is a citizen of Iran.

These regulations are issued under the authority vested in the Attorney General by Section 212 of the Immigration and Nationality Act, 8 U.S.C. 1182.

In the light of the foregoing the following amendment to 8 CFR 212.1(e) is hereby prescribed:

In Part 212, in § 212.1(e), a new sentence is added between the existing first and second sentences. Accordingly, the new second sentence reads as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(e) *Direct transits*—(1) *Transits without visa.* * * * This waiver of visa and passport requirements is not available to an alien who is a citizen of Iran. * * *

* * * * *

(Sec. 103 and 212(a); (8 U.S.C. 1103 and 1182))

Effective date. This amendment became effective on April 7, 1980.

The foregoing actions are taken in accordance with the Presidential directive of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran. Accordingly, the notice and comment and delayed effective date provisions of Section 553 of Title 5 of the United States Code are hereby waived as impracticable and contrary to the public interest.

Dated: April 8, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

Dated: April 8, 1980.

Barbara M. Watson,

Assistant Secretary for Consular Affairs Department of State.

[FR Doc. 80-11079 Filed 4-9-80; 11:58 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Agriculture Department

Federal Grain Inspection Service—

15802 3–11–80 / Grain Standards; general revision

Food and Nutrition Service—

15884 3–11–80 / Food Stamp Program; requirements for establishment of the Performance Reporting System

List of Public Laws

Last Listing April 8, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 2676 / Pub. L. 96–229 "Environmental Research, Development, and Demonstration Authorization Act of 1980". (Apr. 7, 1980; 94 Stat. 325) Price $1.

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m. (identical sessions.)
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Information Center, 213–688–3800.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemallo, 212–264–3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)
WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.) 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504–589–6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

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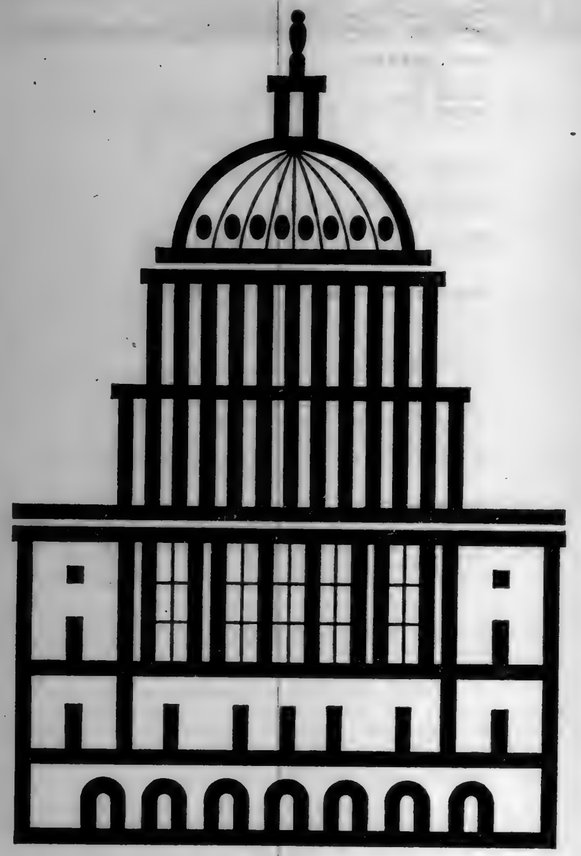

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For those citizens interested in where to go and who to see about a subject of particular concern, the *Manual* provides the "Guide to Government Information" section, a reference to an agency's statement of organization in the *Federal Register* or *Code of Federal Regulations*, and comprehensive name, subject, and agency indexes. Particularly helpful is each agency's "Sources of Information" section, which provides addresses and telephone numbers for obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest.

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federal register

Friday
April 11, 1980

Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in Reader Aids section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; New Orleans, La.; Salt Lake City, Utah; Seattle, Wash.; and Chicago, Ill.**; see announcement in the Reader Aids section at the end of this issue.

24851 **Older Americans Month and Senior Citizens Day** Presidential proclamation

24853 **National Consumer Education Week** Presidential proclamation

25024 **Sexual Harassment** EEOC publishes interim guidelines in order to clarify its position; effective 4–11–80; comments by 6–10–80 (Part IV of this issue)

24903 **Housing for the Elderly or Handicapped** HUD updates presently established cost limits for the direct loan program; comments by 5–12–80

25028 **Emergency School Aid Act** HEW/OE proposes to amend regulations governing nonprofit organization grants; comments by 5–27–80 (Part V of this issue)

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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Highlights

25032 **Emergency School Aid Act** HEW/OE invites applications for grants to public or private nonprofit organizations (NPOs), other than educational agencies; apply by 5–28–80 (Part V of this issue)

24952 **Federal Service Fund Raising** OPM amends manual which sets forth policy and procedures for the Combined Federal Campaign (CFC); effective 4–11–80

24862 **Boycotting Countries** Commerce/ITA clarifies the application of certain restrictions on the route of shipment of exports; effective 4–11–80

24866 **Civil Rights** HUD/FHEO recognizes State and local fair housing laws under the Act of 1968; effective 5–12–80

24937–24946 **Employee Benefit Plans** Labor issues notice of a proposed class exemption to permit loans of securities; comments by 6–11–80

24866 **Simplified Employee Pensions** Labor prescribes an alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974; effective 4–11–80

24864 **National Economic Development Benefits and Costs** WRC issues procedures for evaluation; effective 5–12–80

24899 **Beekeeper Indemnity Payment** USDA/ASCS proposes to terminate program on 5–15–80; comments by 5–1–80

24901 **Accounting Interpretations** USDA/REA proposes rules for rural electric borrowers; comments by 5–12–80 (4 documents)

24859 **Certain Nonimmigrant Physicians** Justice/INS deletes administrative extension of stay; effective 4–11–80

24968 **Recombinant DNA Research** HEW/NIH publishes physical containment recommendations for large-scale uses of organisms (Part II of this issue)

24962 **Sunshine Act Meetings**

Separate Parts of This Issue

24968 **Part II, HEW/NIH**
24974 **Part III, Labor/ESA**
25024 **Part IV, EEOC**
25028 **Part V, HEW/OE**
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Presidential Documents

Title 3—

The President

Proclamation 4745 of April 9, 1980

Older Americans Month and Senior Citizens Day

By the President of the United States of America

A Proclamation

Each year since 1963, the month of May has been designated as our Nation's special time for both honoring our older citizens and assessing their present needs. It is my deep belief that not only the form, but the *meaning*, of that tradition must be observed throughout America.

Since I became President, my Administration has worked hard—and successfully—to improve the quality of older persons' lives by enhancing their physical and material security and by providing greater opportunities for them to continue utilizing their skills and experiences.

We have firmed up the financial base of the Social Security system and are continuing to monitor closely the revenue needs of this most fundamental social program.

We have worked with the Congress to pass the Older Americans Act, which will unify and improve the administration of services.

We have pressed for stronger laws to protect older people against discrimination in the job market and in the allocations of Federal resources, and we have streamlined the enforcement of those laws. We have also taken the initiative to end age discrimination in employment opportunities.

However, significant changes are taking place in our population which raise new issues, and highlight new aspects of existing issues. A decline in the birth rate, along with improvements in health care, are moving us toward a society in which more Americans, and a higher proportion of Americans, will be older. The implications of this gradual but certain shift will be felt by all segments of society.

Answers must be found to a host of questions which have just begun to be asked, let alone resolved.

- How can America be assured that the talents, creativity and experience of its older citizens are adequately tapped through opportunities for salaried employment, self employment and work as volunteers?
- How do we identify and support more policies, both public and private, which further the independence and dignity of older people?
- How can we target resources to meet the health and social needs of older persons with special problems, without perpetuating the myth that most elderly are frail or helpless?
- How can we expedite the transfer of new knowledge from the remarkable advances of biomedical, social and behavioral research?
- How can we focus public policy on the needs and resources of the elderly?
- How can we assure that elderly members of minority groups are full participants in America's progress on behalf of the aged?
- What is the proper role of government at federal, state and community levels in assuring services and opportunities for older citizens, while encouraging the work of private organizations and the caring support of families?

Now is the time to renew a national discussion on these and related issues, through local, state and regional meetings leading up to the White House Conference on Aging in 1981. The forums must involve Americans from all segments of our society: business, labor, educational, cultural, religious, political and community leaders; specialists working with the aged; and, most important, older people themselves.

I therefore urge that community forums be held throughout the Nation during May, to begin the process which will culminate in a thoughtful, productive and enduringly beneficial White House Conference in 1981.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate May 1980 as Older Americans Month. I ask all Americans to participate in the activities and discussions marking this special period, so that America can be strengthened and enlightened by the result. I further designate May 8, 1980, as Senior Citizens Day in honor of older Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of Amercia the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-11113
Filed 4-9-80; 2:26 pm]
Billing code 3195-01-M

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Presidential Documents

Proclamation 4746 of April 9, 1980

National Consumer Education Week

By the President of the United States of America

A Proclamation

America's economy is the largest and most complex in the history of the world. It offers an unparalleled choice of goods and services. For our economy to work best for our people, all of us must have the information and knowledge we need to make intelligent decisions as consumers.

Every citizen can benefit from knowing more about consumer laws, rights, and avenues of redress. Many people—including the young, the elderly and the poor—need help in learning about buying skills, financial management, resource conservation methods, and self-help or alternative solutions to economic constraints. In addition, educated consumers can do much to ensure genuine competition, increased productivity, higher quality, and lower prices in the marketplace.

Many good programs for consumer education, public and private, are now in place. But we need a more comprehensive and coordinated approach. Just as our democratic political system needs well-informed citizens, our free economy needs well-informed consumers who can participate effectively in the marketplace partnership among consumers, government, and business.

Schools, governments, consumer organizations, labor unions, and businesses all can play a role in meeting this challenge. I call upon each of these sectors to examine closely how, individually and collectively, they can initiate and support consumer education.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning October 5, 1980, as National Consumer Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-11114
Filed 4-9-80; 2:27 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 45, No. 72
Friday, April 11, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 335; 351; 432; 752; and 771

Promotion and Internal Placement; Reduction in Force; Reduction in Grade and Removal Based on Unacceptable Performance; Adverse Actions; Agency Grievance System

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: In response to requests from various agencies, the Office of Personnel Management (OPM) is amending its regulations to provide agencies with the authority to make term promotions after entering into a formal agreement with OPM and to exclude from Adverse Action, Reduction-in-Grade and Removal Based on Unacceptable Performance and Agency Grievance Systems regulations the return of an individual from a term promotion to a position of like pay and grade from which promoted.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Maribeth Zankowski, Office of Policy Analysis and Development, Staffing Services, (202) 632–6817.

SUPPLEMENTARY INFORMATION: Under this authority agencies may promote employees for extended, although temporary, periods of time (in excess of 2 years but no more than 5 years in length). There is a clear distinction between term promotions and the broader authority to make temporary promotions. The change permits agencies, after entering into a formal agreement with OPM, to make term promotions in two situations. The first involves the assignment of an employee to a position which is clearly of a project nature and terminates upon completion of the project. The second involves assigning an expert in a specialist field (such as a curator or scientist) to an administrative position for a specified period. At the end of the period, the employee would return to his or her former position or an equivalent position of like pay and status. Such return is excluded from Parts 752, 771, and 432 of Title 5, Code of Federal Regulations.

The performance agreements will include a description of specific types of positions to which term promotions may be made, documentation of the temporary nature of the promotion, and notice to employees that they would be returned to their original position or one of equivalent pay and status at the conclusion of the project or agreed upon period. The notice will also inform the employee that upon completion of the assignment or project, or at the end of the rotational period, the return to the former position (or its equivalent) will not be subject to procedures provided inParts 432 or 752 and will not be grievable under Part 771. Employees must agree in writing to these conditions before commencing the assignment.

Use of the authority is subject to post-audit and oversight by OPM. The exclusions from Parts 432 and 752 procedures apply only to the "return from" or "termination of" a specific project or assignment, or the end of a specified rotation period. For removal or change to lower grade based on unacceptable performance or misconduct, 5 CFR Part 432 or Part 752 will apply.

On January 4, 1980, the Office of Personnel Management published proposed regulations to authorize term promotions and invited comments from the public (45 FR 1040). All comments received were given careful consideration and, for the most part, were favorable. As a result, the Office has not modified its regulation other than to make editorial changes as set out below.

The editorial changes are as follows:

§ 335.102(g)(1). The first sentence now reads "Upon completion *or termination* . . ." This was added for clarification.

§ 335.102(g)(2). We removed the phrase "Demotion of an employee promoted" and added instead "Termination of an assignment". This makes our terminology consistent throughout.

The Office will supplement the regulations with guidance issued through the Federal Personnel Manual System to clarify certain items brought to our attention during the comment period which are outside the scope of the regulations.

One technical aspect of the regulations, eligibility for within-grade increases upon return, was the primary focus of the comments. Clarification will appear in the FPM explaining that individuals returning from term promotions at the completion of the specified period or project are entitled to any within-grade increases which would have accrued to them if they had remained in their former position.

Office of Personnel Management.
Beverly M. Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5, Code of Federal Regulations, as follows:

(1) In § 335.102 paragraph (g) is added to read as follows:

§ 335.102 Agency authority to promote, demote, or reassign.

* * * * *

(g) After entering into a formal agreement with the Office (OPM), promote an employee for a limited term in excess of 2 years but not more than 4 years to complete a designated project, or as part of a planned rotational system for a definite period. Upon the approval of the Office, an agency may extend the period 1 year for a total of 5 years. OPM will consider such requests only on a case-by-case basis.

(1) Upon completion or termination of the assigned project or the termination of the specified rotation period, the agency shall return the employee from the term promotion to the position from which he or she was promoted or to a position of equivalent grade and pay.

(2) The return of an employee to the position from which he or she was promoted to a position of equivalent grade and pay is not subject to Parts 351, 432, 752, and 771, of this chapter. Termination of an employee promoted under this paragraph for any other reason, such as unacceptable performance or misconduct, is covered by the appropriate part of this chapter (Part 432 or 752).

(2) In § 351.201 paragraph (h) is added to read as follows:

§ 351.201 Use of regulations.

* * * * *

(h) This part does not apply to the return of an employee promoted under § 335.102(g) to the position from which promoted or to a postion of equivalent grade and pay.

(3) In § 432.201 paragraphs (c)(3)(x) through (xiii) are redesignated paragraphs (c)(3)(xi) through (xiv). A new paragraph (c)(3)(x) is added to read as follows:

§ 432.201 Coverage.

* * * * *

(c) * * *

(3) * * *

(x) An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

(4) In § 752.401 paragraphs (c)(8) through (14) are redesignated paragraphs (9) through (15) respectively. A new paragraph (c)(8) is added to read as follows:

§ 752.401 Coverage.

* * * * *

(c) * * *

(8) Action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

(5) In § 771.206 paragraphs (c)(1)(vii) through (xii) are redesignated paragraphs (c)(1)(viii) through (xiii). A new paragraph (c)(1)(vii) is added to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

(vii) An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

Authority: 5 U.S.C. 3301, 3302, 3502, 4305, 7514 6325–01.

[FR Doc. 80–11034 Filed 4–10–80; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 831

Retirement; Exclusions From Retirement Coverage; Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation is being issued under the Civil Service Retirement Act, to exclude from retirement coverage limited term, limited emergency, and noncareer (indefinite) appointees in the Senior Executive Service established by the Civil Service Reform Act.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, 202–632–4684.

SUPPLEMENTARY INFORMATION: On September 21, 1979, the Office of Personnel Management published § 831.201(a)(17) in the **Federal Register** (44 FR 54695) as an interim rule, with a request for comments from interested parties before publication as a final rule. No opposition to this rule, which excludes all such appointments made on or after the date of publication (September 21, 1979) was expressed by those who forwarded comments. This rule is, therefore, being adopted as a final rule. For the convenience of the user, the text is reprinted below.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office Of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management revises 5 CFR § 831.201 by adding (a)(17) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(17) Employees serving under limited term, limited emergency and noncareer (designated as indefinite) appointments in the Senior Executive Service.

(5 U.S.C. 8347)

[FR Doc. 80–11035 Filed 4–10–80; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Domestic Quarantine Notices; Gypsy Moth and Browntail Moth Quarantine and Regulations

Correction

In the **Federal Register** of Tuesday, March 11, 1980, in FR Doc. 80–7398 appearing on page 15505, make the following corrections:

(1) On page 15513 in the middle column, the eleventh line reading "Monroe County. The entire County." Should be deleted.

(2) On page 15514, in the second column, under the heading "Maine", the sixteenth line should read "(2) *Low-risk area.* None"

(3) On page 15517, the chart starting on line 13 and covering the first and second columns, under the heading "Concentration readings—" the third subheading should read "8h".

(4) Also on page 15517, the chart at the bottom of the page (chart "b"), should read:

BILLING CODE 1505–01–M

b. Insecticidal Treatment - Ground Application

Material and Dosage

MISTBLOWER

MATERIAL		MIXING DIRECTIONS Small amt.	MIXING DIRECTIONS Large Amount	APPLICATION RATE	DOSAGE (ACTUAL INSECTICIDE)
carbaryl	Sevin® 80S sticker* water	60 g 3.75 ml 1 liter	11.34 kg. (25 lbs.) 710 ml. (24 oz.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	2.24 kg per hectare (2 lbs. per acre)
diflubenzuron	Dimilin® W-25 water	1.45 grams 1 liter	272.2 grams (0.6 lbs.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	16.8 grams per hectare (0.015 lb. per acre)
acephate	Orthene® 75% water	32 grams 1 liter	6.05 kg.(26.6 lbs.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	1.12 kg. per hectare (1 lb. per acre)
HYDRAULIC SPRAY EQUIPMENT					
carbaryl	Sevin® 80S sticker* water	1.5 grams 3.75 ml 1 liter	567 grams (1 1/4 lbs.) 1.4 liter (3 pints) 378.5 liters (100 gallons)	Thoroughly wet the foliage. (Approx. 100 gal/acre)	1.12 kg. per hectare (1 lb. per acre)
acephate	Orthene® 75% water	0.8 grams 1 liter	303 grams (10.7 oz.) 378.5 liters (100 gallons)	Thoroughly wet the foliage. (Approx. 100 gal/acre)	561 grams per hectare (1/2 lb. per acre)

* Pinolene or Chevron stickers are comparable in effectiveness.

BILLING CODE 1505-01-C

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(5) On page 15518, Chart "c. Insecticidal Treatment—Aerial Application—Material and Dosage:", the third subheading "Spray mixture—(per hectare)" should read "Spray mixture—(per acre)".

Also on page 15518 in the third column, underneath chart "c.", in the fourth line, the first number "190.0 liters" should read "1900 liters".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 247]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 13–19, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 13, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 8, 1980, at Los Angeles, California, to reconsider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues to be good.

It is further found that there is insufficient time betwen the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.547 Lemon Regulation 247.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 13, 1980, through April 19, 1980, is established at 250,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1980.

Charles R. Brader

Director Fruit and Vegetable Division. Agricultural Marketing Service.

[FR Doc. 80-11120 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1472

[Amdt. 2]

Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1978–81) Payment and Deduction Rates for 1979 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to announce the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) marketed by producers during the 1979 marketing year. Such payments and deductions are authorized under Commodity Credit Corporation's payment program for shorn wool and unshorn lambs (pulled wool) for the 1978, 1979, 1980, and 1981 marketing years (7 CFR 1472.1501 *et. seq.*) pursuant to the National Wool Act of 1954, as amended (7 U.S.C. 1781 et. seq.). The payment program is intended to encourage the continued domestic production of wool at prices fair to both producers and consumers.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, Emergency and Indemnity Programs Division, ASCS, USDA, 4095 South Building, Washington, D.C. 20013 (202–447–4428). The Final Impact Statement describing the impact of implementing this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedure established in Secretary's Memorandum 1955 to compliment Executive Order 12044 and has been classified as "nonsignificant".

For the 1979 marketing year, section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782) (hereinafter referred to as the "Wool Act") and the regulations at 7 CFR 1472.1503 and 1472.1521 provide that the support price for shorn wool shall be 85 percent of the amount calculated according to the formula set forth in section 703 of the Wool Act. Section 703 and the regulations further provide that the support price for pulled wool shall be at a level comparable to the support price of shorn wool which the Secretary determines will maintain normal marketing practices for pulled wool. On December 8, 1978, the Department of Agriculture announced a price support rate of 115 cents per pound for 1979 marketings of shorn wool.

The payment rates for shorn wool and pulled wool are detemined in accordance with section 704 of the Wool Act, as amended (7 U.S.C. 1783), and the regulations at 7 CFR 1472.1505 and 1472.1521. The rate of payment for wool for each year is based on the difference between the annual national average price received for wool and the previously announced support price. The rate of payment for pulled wool is at a comparable rate to that of shorn wool.

Section 708 of the Wool Act, as amended (7 U.S.C. 1787), authorizes the Secretary of Agriculture to enter into agreements with marketing cooperatives, trade associations and others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats, or the products thereof. These agreements can provide for deductions from support payments to producers to conduct advertising and sales promotion programs for the development and dissemination of information for wool, mohair, sheep or goats or their products. Increased deductions for the 1978–1981 marketing years of 2.5 cents per pound for shorn wool and 12.5 cents per hundredweight for unshorn lambs were authorized in the agreement between the American Sheep Producers Council Inc., (ASPC) and the Secretary of Agriculture approved by producers in a referendum held during August 1978.

This rule merely announces the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) for the 1979 marketing year. There is no latitude in the Wool Act and the regulations determining the payment rate and the deduction rates are the rates authorized in the agreement between the ASPC and the Secretary. This rule also adds a provision which sets forth the price support level for the 1979 marketing year as announced by the Department in December 8, 1978.

A delay in the effective date of this amendment would delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1979. Therefore Ray Fitzgerald, Administrator, ASCS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period in this final action. Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary, impracticable and contrary to the public interest and good cause is found for making this emergency final action effective less than 30 days after publication in the **Federal Register**.

Rule

In consideration of the foregoing, Part 1472 is amended by adding a new paragraph (c) to § 1472.1503, new paragraphs (d) to § 1472.1505 and to § 1472.1521, and a new paragraph (c) to § 1472.1546 as follows:

PART 1472—WOOL

1. Section 1472.1503 is amended by adding a new paragraph (c) as follows:

§ 1472.1503 Announcement of price support level.

* * * * *

(c) *1979 Marketing year.* For the 1979 marketing year, the support level for shorn wool was announced on December 8, 1978, as $1.15 per pound, grease basis.

2. Section 1472.1505 is amended by adding a new paragraph (d) as follows:

§ 1472.1505 Price support payments.

* * * * *

(d) *1979 marketing year.* The national average price received by producers for shorn wool marketed during the 1979 marketing year was 86.3 cents a pound, grease basis, which was 28.7 cents a pound below the 1979 support price of 115 cents for that year. Therefore, the rate of payment for the 1979 marketing year is 33.3 percent.

3. Section 1272.1521 is amended by adding a new paragraph (d) as follows:

§ 1472.1521 Price support payments.

* * * * *

(d) *1979 marketing year.* The rate of payment on unshorn lambs sold during the 1979 marketing year is 115 cents per hundredweight of live lambs based on a difference of 28.7 cents a pound between the price support level of 115 cents and the national average price of 86.3 cents a pound received by producers for shorn wool during the 1979 marketing year (§ 1472.1505(d)).

4. Section 1472.1546 is amended by adding a new paragraph (c) as follows:

§ 1472.1546 Deductions for promotion.

* * * * *

(c) For the 1979 marketing, a deduction will be made from each shorn wool payment at the rate of 2.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 12.5 cents per hundredweight of live lambs as announced in a Department press release issued December 27, 1978. The funds from such deductions will be used to finance the advertising and sales promotion program as provided in the agreement between ASPC and the Department of Agriculture and approved by producers in the 1978 Referendum, pursuant to section 708 of the National Wool Act of 1954, as amended.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787).)

Signed at Washington, D.C., on April 4, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-10986 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Deletion of Surplus and Obsolete Language Regarding Administrative Extensions of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This document deletes a provision in the Service regulations which is no longer in effect and no longer needed. The provision originally provided an administrative extension of stay to certain nonimmigrant physicians during the period January 10, 1977 through January 10, 1978 which was necessitated by the implementation of the Health Professions Educational Assistance Act.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

FOR GENERAL INFORMATION: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

FOR SPECIFIC INFORMATION: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: Section 601 of the Health Professions Educational Assistance Act of 1976, Pub. L. 94–484, which section became effective on January 10, 1977 amended sub-sections 101(a)(15)(H)(i), (ii), and (iii) of the Immigration and nationality Act by setting new criteria for the classification of nonimmigrant physicians. As a result of these amendments certain physicians no longer met the requirements as nonimmigrants. In order to provide for an orderly transition in these cases, the Service provided an administrative extension of stay of up to one year for those physicians who were admitted prior to January 10, 1977 under the former status requirements. This administrative provision promulgated in 8 CFR 214.2(h)(11) expired as of January 10, 1978 and is no longer in effect; therefore, this surplus language in subsection 214.2 of paragraph (h)(11) of Chapter I, Title 8 of the Code of Federal Regulations is being deleted.

PART 214—NONIMMIGRANT CLASSES

§ 214.2(h)(11) [Amended]

1. In § 214.2, paragraph (h)(11) is amended by deleting the entire fifth sentence beginning with "The physician

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who prior to January 10, 1977 . . ." and continuing to the end of the paragraph.

(Secs. 101, 103; 8 U.S.C. 1101 and 1103, as amended)

This regulation is published under 5 U.S.C. 552, as amended, and the authority in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) 28 CFR 0.105(b) and 8 CFR 2.1.

Compliance with the provisions of 5 U.S.C. 553 as to notice of rulemaking and delayed effective date is unnecessary because the amendment is editorial in nature and does not change the effect of the regulation.

Effective date: This amendment becomes effective on April 11, 1980.

Dated: April 8, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-11004 Filed 4-10-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 51

Miscellaneous Amendment; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects the wording of an amendment to the brucellosis indemnity regulations. This action is needed to correct an error regarding the omission of the modifying adjective "exposed."

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: On August 3, 1979, there was published in the **Federal Register** (44 FR 45604) a final rulemaking document amending the brucellosis indemnity regulations in 9 CFR Part 51. Through a typing error and a proof reading oversight, the modifying adjective "exposed" preceding the word cattle in the proviso of § 51.5(b) was omitted.

§ 51.5 [Amended]

In order to correct this error, the proviso in § 51.5(b) is changed to read as follows:

* * * * *

* * * *Provided, however,* that in lieu of branding with the letter "B" and tagging with an approved metal tag, exposed cattle in herds scheduled for herd depopulation, may be identified by USDA-approved backtags and either accompanied directly to slaughter by a Veterinary Services or State representative or moved directly to slaughter in vehicles closed with official seals.

* * * * *

Done at Washington, D.C., this 7th day of April 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-10997 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document gives notice of States specifically approved to receive stallions imported into the United States from Countries affected with contagious equine metritis (CEM).

This action is necessary as a permit will only be issued if the stallion is consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such horses on the basis that the State has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM. The effect of this action is to give notice of such specifically approved States.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On Friday, January 4, 1980, there was published in the **Federal Register** regulations in 9 CFR Part 92, as amended, containing restrictions on the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document lists the States of South Carolina and Virginia as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, § 92.4(a)(5)(ii) of Title 9, Code of Federal Regulations is amended by adding "The States of South Carolina and Virginia," after "The State of Kentucky," as States approved to receive stallions pursuant to § 92.4(i)(2)(iv) of the regulations.

(Secs. 2, 32 Stat. 792 as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141).

This amendment establishes South Carolina and Virginia as States which have been approved to receive stallions from CEM-affected countries for handling in accordance with the provisions of 9 CFR 92.4(a)(6). This amendment must be made effective immediately in order to facilitate the movement of stallions in foreign commerce during the forthcoming breeding season and accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 3rd day of April 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-10831 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 331

Special Provisions for Designated States and Territories; and for Designation of Establishments Which Endanger Public Health and for Such Designated Establishments; Designation of the State of Maine

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Maine as required under section 301(c)(3) of the Federal Meat Inspection Act. Representatives of the Governor of the State have advised this Department that the State is no longer in a position to continue administering a State meat inspection program. Accordingly, effective May 12, 1980, all establishments operating under the Maine meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act.

EFFECTIVE DATES: Effective date of this document will be April 11, 1980. Effective date of the application of regulations, May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION: Representatives of the Governor of the State of Maine have advised this Department that the State of Maine is no longer in a position to continue administering the State meat inspection program after May 9, 1980, and have requested the Department to assume the responsiblity for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Maine had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the Maine program, it is hereby determined that Maine is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On May 12, 1980, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of Maine which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after May 12, 1980, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. Wilson S. Horne, Acting Director, Northeastern Region, Meat and Poultry Inspection Program, U.S. Department of Agriculture, 1421 Cherry Street, Seventh Floor, Philadelphia, PA 19102, (215) 597-4219.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "Maine" is added immediately below "Kentucky."

2. In the "Effective date of application of Federal provisions" column, May 12, 1980, is added on the line with "Maine."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c) 42 FR 35625, 35626, 35631)

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of Maine immediately in accordance with section 301(c) of the Federal Meat Inspection Act in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: April 8, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service

[FR Doc. 80-11038 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-DM

DEPARTMENT OF ENERGY

10 CFR Part 205

Kerosene-Fueled Water Heaters

AGENCY: Department of Energy.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the Department of Energy (DOE) Office of General Counsel pursuant to 10 CFR 205.150 to set forth DOE's determination as to the applicability of test procedures for water heaters set forth in 10 CFR Part 430 to water heaters designed exclusively to use kerosene fuel. A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 212.153.

ADDRESS: Send comments of objection to: Merrill Hathaway, Acting Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Bldg., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Dennis M. Moore, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Bldg., Washington, D.C. 20585 (202) 252-2931.

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Issued in Washington, D.C.

Dated: April 7, 1980.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

10 CFR is amended by adding to the Rulings appearing at the end of Chapter II the following Ruling 1980–1 to read as follows:

Ruling 1980–1; Application of Test Procedures to Water Heaters Designed To Utilize Kerosene Fuel

The Department of Energy (DOE) has recently become aware of some uncertainty concerning the applicability of the DOE's test procedures for water heaters, 10 CFR Part 430, Subpart B. The purpose of this Ruling is to give notice that water heaters designed exclusively to utilize kerosene fuel are not presently covered by these DOE regulations.

Title III, Part B of the Energy Policy and Conservation Act (Pub. L. 94–163) (EPCA) established an energy conservation program for consumer products. As part of this program, § 323 (42 U.S.C. 6293) of the EPCA requires that standard methods of testing be prescribed to determine estimated annual operating cost and at least one other useful measure of energy consumption for certain products, including water heaters.

Test procedures for water heaters were proposed by notice issued April 21, 1977 (42 FR 21576, April 27, 1977); final test procedures for water heaters were prescribed on September 27, 1977 (42 FR 54110, October 4, 1977). The DOE has subsequently amended the test procedures for water heaters by notice issued October 13, 1978 (43 FR 48986, October 19, 1978), in order to specify a new method of determining the measure of efficiency of water heaters, and by notice issued August 30, 1979 (44 FR 52832, September 7, 1979), in order to specify a new measure of capacity, first-hour rating.

The applicability of these test procedures is governed by definitions set forth in 10 CFR 430.2, which provide:

"Gas" means either natural gas or propane.

* * * * *

"Oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71.

* * * * *

"Water heater" means an automatically controlled thermally insulated vessel designed for heating water and storing heated water, which utilizes either oil, gas, or electricity as the fuel or energy source for heating the water, which is designed to produce hot water at a temperature of less than 180° F., * * *.

The DOE is concerned that its test procedures might be improperly construed to apply to a model of water heater designed for use with kerosene fuel. In prescribing the test procedures for water heaters, the DOE did not include kerosene or kerosene-fueld water heaters in the test program, since "water heater" is expressly defined to include only those units utilizing specified fuels and or energy sources, which do not include kerosene. Kerosene is covered neither by the regulatory definition of "oil" nor by the definition of "gas" as § 430.2, quoted above, makes clear. Moreover, the DOE has not published a representative average unit cost for kerosene pursuant to § 323(b)(2) of the EPCA, which would be necessary to perform the test procedure calculations for determining estimated annual operating costs. Therefore, the DOE test procedures for water heaters as presently constituted are not applicable to water heaters designed to utilize kerosene fuel, unless such products are also designed to utilize electricity, natural gas, propane, or No. 2 heating oil as an alternative fuel energy source.

Issued in Washington, D.C., April 5, 1980.

Lynn R. Coleman,

General Counsel.

[FR Doc. 80–11037 Filed 4–10–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final Rule.

SUMMARY: The agency is amending the Restrictive Trade Practices or Boycotts part of the Export Administration Regulations (15 CFR Part 369) which implements Title II of the Export Administration Amendments of 1977 (Pub. L. 95–52), incorporated into the Export Administration Act of 1979. (Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401, *et seq.*). The change is being made to clarify the application of § 369.3(d) of the regulations to certain restrictions on the route of shipment of exports from boycotting countries.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Howard Fenton, Office of Antiboycott Compliance, U.S. Department of Commerce, (202) 377–5942.

SUPPLEMENTARY INFORMATION: Section 8(a)(2)(D) of the Export Administration Act of 1979 (the Act) provides an exception for "complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country." On December 4, 1979, (44 FR 69665) the Department invited interested persons to submit comments on its proposed amendment to § 369.3(d) which would permit compliance with boycotting country restrictions designed to prevent exports from the boycotting country from passing *through* the jurisdiction of a boycotted country. As currently written, § 369.3(d) explicitly permits compliance with restrictions designed to prevent boycotting country exports from being shipped or transshipped *to* a boycotted country but is silent with respect to shipments or transshipments *through* a boycotted country. Comments were to be received before noon on January 4, 1980.

Four of the five comments were in support of the proposed amendment and indicated that the amendment was consistent with provisions of the underlying legislation. The supporting comments pointed out, among other things, that there is nothing in the statutory language or its legislative history which limits the scope of the preposition "to" in the phrase "shipments or transshipments of exports to" to the ultimate destination or final resting place of the exports. The comments also pointed out that Congress intended to recognize the legitimate interests of sovereign states in controlling the end-use of their exports and assuring the arrival of their exports at the intended ultimate destination. It is the Department's view that prohibiting shipment of exports through a boycotted country is a reasonable measure to insure against diversion or seizure of the exports of a boycotting country prior to arrival at their final destination.

One commenter noted that § 8(a)(2)(D) of the Act provides for an exception for both compliance and agreement to comply. Section 369.3(d)(1) of the regulations, which states the general rule, also expressly extends to both compliance and agreement to comply. Proposed examples (viii) and (ix) were stated only in terms of compliance; they did not expressly refer to agreement to comply. All examples under § 369.3(d) should conform to both the statute and § 369.3(d)(1). Based on this comment the Department has inserted the phrase "agree to any comply" in the appropriate places in the final rule to make the statute, regulations and the examples internally consistent.

The factual circumstances described in proposed example (vii) of § 369.3(d), and used as a basis for proposed examples (viii) and (ix) were the same as used in example (i) of this section. Specifically, in example (i), a premise is that "A, a U.S. petroleum company exports petroleum products to 20 countries from boycotting country Y." To avoid any possible confusion about the transactions described not being in the interstate or foreign commerce of the United States, both example (i) and proposed example (vii) are amended in the final rule to include the phrase "* * * including the United States * * *" following the statement "* * * exports petroleum products to 20 countries * * *". This change neither limits nor expands the application of those examples and is done solely to avoid possible confusion.

As proposed § 369.3(d)(3) (i) and (ii) read as follows:

(i) explicitly states that the shipment should not pass through *a port of the* boycotted county enroute to its final destination; or

(ii) affirmatively describes a route of shipment that does not include *a port of the* boycotted country. (Emphasis added).

The Department has deleted the terms "port of the" in recognition of the fact that export shipments through boycotted countries need not necessarily flow through ports. For example, exports may be shipped via surface carrier, waterways, or pipeline and not pass through a "port". These changes have been made to correct an unintended limitation in the description of the proposed exceptions.

One comment opposed the proposed amendments on the grounds that they would encourage American companies to cooperate with unjust foreign boycotts. The Department, as did the majority of commenters, views the amendments as totally consistent with Section 8(a)(2)(D) of the Act and the policy of the U.S. government to oppose unsanctioned foreign boycotts of nations friendly to the United States while recognizing the legitimate rights of sovereign states to control the disposition and ultimate destination of their exports.

As a reiteration of the narrow and specific application of these exceptions, as provided for in the law, paragraph (4) has been added to § 369.3(d). This paragraph states that under the exception a U.S. person may not refuse on an across-the-board basis to do business with a boycotted country or a national or resident of a boycotted country.

The Department has determined that receipt of requests from boycotting countries to restrict the route of shipment of exports from the boycotting country are not reportable. Such requests come within the reporting requirements exception found in § 369.6(a)(5)(ii) which provides that "A request to ship goods via a prescribed route, or a request to refrain from shipping goods via a proscribed route" is not reportable.

Accordingly, § 369.3(d) of Title 15 of the Code of Federal Regulations is amended as set forth below.

1. Section 369.3(d) (3) and (4) are added as follows. (Paragraphs (d) (1) and (2), although unchanged, are repeated for clarity.)

§ 369.3 Exceptions to prohibitions.

(d) Shipment and Transshipment of Exports Pursuant to a Boycotting Country's Requirements.

Compliance with a Boycotting Country's Requirements Regarding Shipment And Transshipment of Exports

(1) A United States person may comply or agree to comply with the export requirements of a boycotting country with respect to shipments or transshipments of exports to:

(i) a boycotted country;

(ii) any business concern of a boycotted country;

(iii) any business concern organized under the laws of a boycotted country; *or*

(iv) any national or resident of a boycotted country.

(2) This exception permits compliance with restrictions which a boycotting country may place on direct exports to a boycotted country; on indirect exports to a boycotted country (*i.e.*, those that pass via third parties); and on exports to residents, nationals or business concerns of, or organized under the laws of, a boycotted country, including those located in third countries.

(3) This exception also permits compliance with restrictions which a boycotting country may place on the route of export shipments when the restrictions are reasonably related to preventing the export shipments from coming into contact with or under the jurisdiction of the boycotted country. This exception applies whether a boycotting country or the vendor of the shipment:

(i) explicitly states that the shipment should not pass through the boycotted country en route to its final destination; or

(ii) affirmatively describes a route of shipment that does not include the boycotted country.

(4) A United States person may not, under this exception, refuse on an across-the-board basis to do business with a boycotted country or a national or resident of a boycotted country.

2. Example (i) appearing at 15 CFR § 369.3(d) is deleted and a new example (i) is inserted as follows:

(i) A, a U.S. petroleum company, exports petroleum products to 20 countries, including the United States, from boycotting country Y. Country Y's export regulations require that products not be exported from Y to boycotted country X.

A may agree to and comply with Y's regulations with respect to the export of goods from Y to X.

3. The following examples are to be added following 15 CFR § 369.3(d) example (vi):

(vii) A, U.S. petroleum company, exports petroleum products to 20 countries, including the United States, from boycotting country Y. Y requires, as a condition of sale, that A not ship the products to be exported from Y to or through boycotted country X.

A may agree to and comply with this requirement, because it is an export requirements of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

(viii) Same as (vii), except that boycotting country Y's export regulations require that products to be exported from Y not pass through a port of boycotted country X.

A may agree to and comply with Y's regulations prohibiting Y-origin exports from passing through a port at boycotted country X, because they are export requirement of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

(ix) Same as (vii), except that Y's export regulations require that A not transship the exported products "in or at" boycotted country X.

A may agree to and comply with Y's regulations with respect to the transshipment of goods in or at X, because they are export requirements of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

Dated April 4, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary for International Trade.

[FR Doc. 80–10777 Filed 4–10–80; 8:45 am]

BILLING CODE 3510–25–M

WATER RESOURCES COUNCIL

18 CFR Part 713

Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C)

AGENCY: U.S. Water Resources Council.

ACTION: Revisions to final rule.

SUMMARY: The Economic Development Administration has ceased publication of *Qualified Areas* which was cited as a reference to designated areas eligible for

employment benefits in paragraph 713.1203(b) (44 FR 72969). The revision provides the criteria for designation of planning regions that have unemployed or underemployed labor resources.

EFFECTIVE DATE: This action becomes effective May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Thomas, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 (202–254–6453).

Paragraph (b) of Section 713.1203 (44 FR 72969) is amended to read as follows:

§ 713.1203 Conceptual basis.

* * * * *

(b) Conceptually, any employment, anywhere in the Nation, of otherwise unemployed or underemployed resources that results from a project represents a valid NED benefit. However, primarily because of identification and measurement problems, and because unemployment is regarded as a temporary phenomenon, the Principles and Standards specifically permit only those labor resources employed onsite in the construction or installation of a project or a nonstructural measure. The Standards state that the WRC will designate planning regions that have unemployed or underemployed labor resources. Areas to be used in the analysis are those areas with "substantial and persistent unemployment," (1) where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent 12 consecutive months, is 6 percent or more and has averaged at least 6 percent for the qualifying time periods specified in paragraph (ii); and (2) where the Secretary of Labor finds that the annual average rate of unemployment has been at least: (i) 50 percent above the national average for three of the preceding four calendar years, or (ii) 75 percent above the national average for two of the preceding three calendar years, or (iii) 100 percent above the national average for one of the preceding two calendar years; and in addition, those Indian reservations that meet the criteria for "substantial and persistent unemployment." Only the portion of project construction activity located in a designated area is eligible for employment benefits as calculated in accord with the procedures specified below.

Any benefit claimed must be clearly justifiable both in terms of availability of amounts of unemployed and/or underemployed labor and their skills and occupations.

Issued on: April 11, 1980.

Leo M. Eisel,

Director.

[FR Doc. 80-10823 Filed 4-10-80; 8:45 am]

BILLING CODE 6410-01-M

18 CFR Part 713

Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C)

AGENCY: U.S. Water Resources Council.

ACTION: Corrections to final rule.

SUMMARY: In the December 14, 1979, **Federal Register** (44 FR 72892) there was published a final rule containing several inaccuracies. Accordingly, the publication of the full text of the regulations is amended by the corrections in this document.

EFFECTIVE DATE: This action shall become effective on April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Thomas, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037 (202–254–6453).

§ 713.313 [Amended]

Section 713.313 (18 CFR Part 713) as published at 44 FR 72928, is corrected by deleting Table 713.313–1 (44 FR 72927) and inserting the following Table 713.313–1 in its place:

Table 713.313-1.—*Drainage Project Evaluation*

Item	Current	Base year	Year[a]	Year[a]	Year[a]	Year[a]	Current capitalized Value[b]
Without project:							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(–) Value of production							
(+) Variable production cost							
(+) System OM&R cost							
Soil capability classification—(indicate class number							
Acres:;							
Row crop							
Pasture							
(–) Value of production							
(+) Variable production cost							
(+) System OM&R cost							
With project:							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(+) Value of production							
(–) Variable production cost							
(–) Remaining system OM&R							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(+) Value of production							
(–) Variable production cost							
(–) Remaining system OM&R							
Benefit							

[a] Average annual value at given year.
[b] Capitalized—percent interest rate over evaluation period.

§ 713.409(c) [Amended]

Paragraph (c) of Section 713.409 (44 FR 72928) is amended by deleting the word "even" in the second sentence.

§ 713.2009 [Amended]

Paragraph (h)(1) of Section 713.2009 (44 FR 72973) is amended by deleting the phrase "foregone real estate taxes;" in the third sentence.

Issued on: April 11, 1980.

Leo M. Eisel,

Director

[FR Doc. 80-10930 Filed 4-10-80; 8:45 am]

BILLING CODE 6410-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 58

[Docket No. 76N-0400]

Good Laboratory Practice for Nonclinical Laboratory Studies; Amendment of Good Laboratory Practice Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the good laboratory practice regulations (GLP's) to delete the provision which requires the retention of reserve samples of test or control article-carrier mixtures. The agency has concluded that the retention of such samples is not necessary to assure the quality of safety testing. The action is based on petitions filed by Riker Laboratories, Inc., and the Pharmaceutical Manufacturers Association.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Paul D. Lepore, Bioresearch Monitoring Staff (HFC–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2390.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 4, 1979 (44 FR 69666), FDA proposed to amend the GLP regulations (21 CFR Part 58) to delete § 58.113(b) (21 CFR 58.113(b)) which requires that "For studies of more than 4 weeks' duration, a reserve sample of each test or control article-carrier mixture shall be taken and retained for the period of time provided by § 58.195." The proposal provided interested persons a time period of 60 days within which to file comments. The agency has received 36 comments on the proposal. All comments were in favor of the agency's proposal.

Based on the comments received and on the reasons set forth in the proposal, the agency concludes that the GLP amendments should be adopted as proposed and set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 408, 409, 502, 503, 505, 506, 507, 510, 512–516, 518–520, 701(a), 706, 801, 52 Stat. 1049–1053 as amended, 1055, 1058 as amended, 55 Stat. 851 as amended, 59 Stat. 463 as amended, 68 Stat. 511–517 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–403, 76 Stat. 794–795 as amended, 82 Stat. 343–351, 90 Stat. 540–560, 562–574 (21 U.S.C. 346, 346a, 348, 352, 353, 355, 356, 357, 360, 360b–360f, 360h–360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354–360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173–1186 as amended (42 U.S.C. 216, 262, 263b–263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 58 is amended as follows:

§ 58.113 [Amended]

1. In § 58.113 *Mixture of articles with carriers,* by deleting and reserving paragraph (b).

§ 58.195 [Amended]

2. In § 58.195 *Retention of records,* by deleting from paragraph (c) the phrase "samples of test or control article-carrier mixtures."

Effective date. This regulation is effective May 12, 1980.

Dated: April 3, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10797 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The regulations are amended to codify a previously approved new animal drug application (NADA) filed for Norco Mills of Norfolk, Inc., providing for safe and effective use of a 2-gram-per-pound tylosin premix for making complete swine feeds, and to add this firm to the list of approved NADA sponsors.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HVF–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701, is the sponsor of NADA 49–890 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 2 grams of tylosin (as tylosin phosphate) per pound for making complete swine feeds used to increase rate of weight gain and to improve feed efficiency.

The NADA was originally approved February 28, 1973. At that time, approved sponsors and their premix levels were not routinely published in the **Federal Register.** The regulations are now amended to codify the NADA.

Approval of this NADA relied upon safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12–491. Use of the data in NADA 12–491 to support this NADA was authorized by Elanco. This action, codification of a previously approved NADA, did not involve reevaluation of the safety and effectiveness data in NADA's 12–491 or 49–890.

Norco Mills of Norfolk, Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are also amended to include this firm in the list of sponsors.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released for public examination at the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

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§ 510.600 Names, addresses and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701	027190.

* * * * *

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
027190	Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701.

* * * * *

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(67) to read as follows:

§ 558.625 Tylosin

* * * * *

(b) * * *

(67) To 027190: 2 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective April 11, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 4, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-10897 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-80-740]

Recognition of Substantially Equivalent Laws

AGENCY: Housing and Urban Development/Office of Fair Housing Equal Opportunity.

ACTION: Final rule

SUMMARY: This rule amends current regulations which provide for recognition of State and local fair housing laws which provide rights and remedies which are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The amendment grants recognition to the States of Delaware and South Dakota.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451–7th Street, S.W., Washington, D.C. 20410 (202) 426–3500.

SUPPLEMENTARY INFORMATION: On December 13, 1979, the Department of Housing and Urban Development published in the **Federal Register** (44 FR 72185) a notice that pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968, as amended, it was proposing to grant recognition to the State fair housing laws of Delaware and South Dakota as being substantially equivalent to Title VIII. The evaluation of the fair housing laws of the States of Delaware and South Dakota was conducted in accordance with the provisions of 24 CFR Part 115, with particular reference to §§ 115.2(a), 115.3 and 115.8. In the notice of December 13, 1979, those sections were set forth to provide appropriate information to all parties with an interest in HUD's proposed action.

All interested persons and organizations were invited to submit written comments on or before February 11, 1980. One comment was received which, after careful review, has been considered as being unresponsive to the question of equivalency of the States of Delaware and South Dakota.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of HUD, 451 Seventh Street, S.W, Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Accordingly, it has been determined to adopt the proposed amendment as a final rule and amend § 115.11 of 24 CFR Part 115 by adding the following two states: Delaware and South Dakota, as follows:

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6.

States

Alaska	Nevada
Colorado	New Hampshire
Connecticut	New Jersey
Delaware	New Mexico
Indiana	New York
Kansas	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island
Massachusetts	South Dakota
Michigan	Virginia
Minnesota	West Virginia
Nebraska	Wisconsin

Localities

District of Columbia

(Sec. 810(c) of the Civil Rights Act of 1968, 18 U.S.C. 245; Sec. 7(d) of the Dept. of HUD Act, 42 U.S.C. 3535(d); Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 234 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 4, 1980.

Sterling Tucker,

Assistant Secretary, Fair Housing and Equal Opportunity.

[FR Doc. 80-11007 Filed 4-10-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Reporting and Disclosure under Title I of the Employee Retirement Income Security Act of 1974; Final Regulation Relating to Model Simplified Employee Pensions

AGENCY: U.S. Department of Labor.

ACTION: Final Regulation.

SUMMARY: This document contains a final regulation that prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) for simplified employee pensions (SEPs) established by use of Internal Revenue Service (IRS) Form 5305–SEP (Model SEPs).

DATES: The effective date of the final regulation is April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Timothy S. Smith, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, Washington, D.C. 20216 (202) 523–8855, or Robert Doyle, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Department of Labor, Washington, D.C. 20216, (202) 523–7901 (these are not toll free numbers).

SUPPLEMENTARY INFORMATION: On September 25, 1979, notice was published in the **Federal Register** (44 FR 55205) that the Department has under consideration a proposal to adopt a regulation, 29 CFR 2520.110a–1, under section 110 of the Act, relating to an alternative method of compliance with reporting and disclosure requirements of Part 1 of Title I of the Act (Part 1) for Model SEPs. Written comments were received in response to the proposal, and, upon consideration of all of the comments, the Department has determined to adopt the regulation in the form set forth herein. The Department has determined, however, that the regulation contained in this document will be designated as § 2520.104–48 rather than § 2520.110a–1 as proposed, in order to conform this regulation with the designation of other regulations that concern provisions applicable to both reporting and disclosure requirements.

A. Discussion of Regulation § 2520.104–48

As adopted, regulation § 2520.104–48 prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 for SEPs established by use of an unmodified IRS Form *5305–SEP*.

Subsection (a) of the regulation, which is unchanged from the proposed regulation, requires that, at the time an employee becomes eligible to participate in a Model SEP, the administrator of that SEP must furnish the employee with a copy of the completed and unmodified IRS Form 5305–SEP used to create the SEP. This includes the General Information, Guidelines and Questions and Answers, as well as the completed Contribution Agreement.

Subsection (b) of the regulation, which is also unchanged, requires that, following the end of each calendar year, the administrator of the Model SEP must notify each participant in that SEP in writing of any employer contributions made under the Contribution Agreement to the participant's individual retirement account or individual retirement annuity (collectively, IRA) for that year.

The requirements of subsections (a) and (b) are parallel to requirements set forth in IRS Form *5305–SEP*. However, subsection (c) of the regulation, which has been modified in some minor respects as discussed below, requires, as a condition on the use of the alternative method, certain additional disclosure in those cases in which (1) the employer establishing and maintaining the SEP selects or recommends the IRAs into which employer contributions may be made under the SEP, or influences its employees' choice of such IRAs, and (2) the IRAs so selected or chosen are subject to restrictions on a participant's ability to withdraw funds, other than restrictions imposed by the Code that apply to all IRAs. In such cases, subsection (c) requires that within 90 days of the date of adoption of this regulation or at the time an employee becomes eligible to participate in the SEP, whichever is later, the administrator of the SEP must give to that employee, in writing, a clear explanation of the restrictions and a statement to the effect that other IRAs, into which rollovers or employee contributions may be made, may not be subject to such restrictions.

B. Discussion of Comments

(1) *Status of SEPs.* Public commentators generally supported the concept of an alternative method of compliance for SEPs. Several commentators, however, raised questions concerning the coverage of SEPs by Title I of the Act (Title I) and requested that the Department clarify its position on this issue.

Section 3(2) of the Act, which is contained in Title I, defines the terms "employee pension benefit plan" and "pension plan" to mean any plan, fund, or program established or maintained by an employer or by an employee organization, or by both, to the extent that by its terms or as a result of surrounding circumstances such plan, fund, or program—

(A) Provides retirement income to employees, or

(B) Results in a deferral of income by employees for periods extending to the termination of the covered employment or beyond,

regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

A SEP is defined in section 408(k) of the Internal Revenue Code of 1954 (the Code) to mean an IRA with respect to which certain conditions set forth in that section are met. Among those conditions are that the employer contribute, under a written allocation formula, to an IRA of each employee qualified to participate.

It seems clear to the Department, in view of the legislative history of section 408(k),[1] the purposes SEPs are intended to serve, and the tax consequences attendant to maintenance of a SEP, that SEPs are designed to provide retirement income to employees and often will result in deferral of income by employees for periods extending to the termination of covered employment or beyond. Whether a SEP is a "pension plan" within the meaning of section 3(2) depends on, among other things, whether the plan is established or maintained by an employer. The existence of employer contributions is an important consideration in determining whether an employer is deemed to establish or maintain the plan for purposes of this section.[2] Since a SEP is established to permit an employer to make contributions to employees' IRAs up to $7,500, it would appear to the Department that generally SEPs would be considered to be maintained by employers. It appears also, that an employer would be deemed to have established a SEP to the extent that it determined the terms and conditions of the SEP, such as the requirements for employee participation in the SEP and the written formula for allocation of employer contributions described in section 408(k)(5) of the Code.

Therefore, it is the Department's view that, as a general matter, a SEP, as described in section 408(k) of the Code, would be a "pension plan" within the meaning of section 3(2) of the Act. Such plans are subject to, among other things, the reporting and disclosure requirements of Title I, unless otherwise exempted.

(2) *Relief For Non-Model SEPs.* Most of the commentators who supported the concept of an alternative method of compliance for SEPs urged that such relief be provided for all SEPs. Many commentators noted that the IRS Model SEP cannot be used by an employer who currently maintains any other qualified retirement plan or who maintained a defined benefit plan in the past. They also noted that the Model SEP does not allow integration with Social Security.[3] They pointed out that section 408(k) of the Code does not require these

[1] See section 19 of H.R. Report No. 95–1800, 95 Cong. 2nd Session 212(1978) and section IV G.2. of Senate Report No. 95–1263, 95 Cong., 2nd Sess. 91(1978).

[2] See, for example, 29 CFR 2510.3–2 (d) and (f) relating to the status under ERISA of individual retirement accounts and tax sheltered annuities, respectively.

[3] Employer contributions under a Model SEP cannot be integrated with or offset by employer contributions made under the Federal Insurance Contributions Act (26 U.S.C. 3111(a)).

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limitations and, in fact, specifically authorizes integration with Social Security. They asserted that many employers who either cannot use, or choose not to use, the IRS Model SEP may wish to establish a non-Model SEP. They argued that if employers establishing non-Model SEPs must comply with the reporting and disclosure requirements of Title I, the Congressional intention that SEPs would be a relatively simple type of retirement plan to establish and maintain will be thwarted.

Several commentators suggested that the proposed regulation be withdrawn and reconsidered in light of the perceived need for broader relief, while others suggest that it be modified to cover all SEPs. Several commentators also suggested that the Department adopt an alternative method of compliance for SEPs that are qualified by the IRS or that comply with IRS regulations concerning SEPs.

The Department agrees that an alternative method of compliance with the reporting and disclosure requirements of Title I may well be appropriate for SEPs other than Model SEPs. However, the Department does not believe that the proposed regulation could be modified to cover non-Model SEPs without significant changes and additions, which would necessitate publication of the changes for public comment prior to adoption. The proposed regulation was intended to facilitate the use of the IRS Model SEP. Therefore, the provisions of that regulation were specifically geared to the terms of the IRS Form 5305–SEP, and cannot easily be adapted to encompass all types of SEPs. Accordingly, in order to avoid delay for those employers who have adopted or who wish to establish Model SEPs, the Department has decided to adopt the proposed regulation with certain modifications discussed below. The Department is currently developing, in coordination with the IRS, a proposed regulation prescribing an alternative method of compliance for SEPs other than Model SEPs, and it anticipates the publication of such a proposed regulation in the near future.

(3) *Substantive Comments.* Subsection (b) provides that following the end of each calendar year the administrator of the Model SEP must notify each participant in the SEP in writing of any employer contributions made under the Model SEP Contribution Agreement to the participant's IRA for that year. One commentator suggested that the Department give attention to coordinating the notification requirement with similar IRS notification requirements. Otherwise, the commentator asserted, employers will be subject to duplicative paperwork and unnecessary expense. The Department notes that subsection (b) does not require a notice in addition to any such notice made in accordance with IRS requirements, and contemplates that compliance with IRS notice requirements in this regard will satisfy the requirements of subsection (b). Consequently, employers will not be subjected to duplicative reporting requirements.

Subsection (c), as proposed, provided that, if the employer establishing and maintaining the SEP selects, recommends, or in any other way influences employees to choose a particular IRA or type of IRA into which contributions under the SEP will be made, and if that IRA or type of IRA places restrictions on a participant's power to withdraw funds (other than restrictions imposed by law), the administrator must give to each employee, in writing, at the time such employee becomes eligible to participate in the SEP, a clear explanation of those restrictions and a statement to the effect that other IRAs may not have such restrictions.

One commentator objected to the disclosure required under that subsection because IRS regulations require that similar information be disclosed by the financial institution sponsoring an IRA. Another commentator objected to the subsection because of what is describes as undefined disclosure requirements. Two commentators suggested that the Department clarify the meaning of the phrase "other than imposed by law." Another commentator suggested that subsection (c) should not be applicable to IRAs established with savings banks, because in such cases there can be no restrictions on the right of a participant to withdraw his fully vested funds except for the usual premature withdrawal penalties imposed by regulatory authorities.

The Department is aware that IRS regulations relating to IRAs require certain disclosure concerning restrictions on withdrawals. The Department, however, believes that such information should be highlighted in those cases where subsection (c) is applicable, because if employees have little or no choice in the selection of the IRAs into which employer contributions will be made, they may be less likely to be aware of, or understand, the terms of those IRAs than if they had themselves selected the IRAs. In addition, if the employer contributes less than the smaller of $1500 or 15 percent of such employees' compensation to such IRAs, those employees may, under certain circumstances, contribute the difference to an IRA which need not be the IRA selected by the employer. Further, such employees may also be entitled to make rollovers from the IRA selected by their employer, or from other IRAs or qualified plans. The Department believes that these employees should be aware that IRAs, other than the one(s) selected by their employer, are available into which their contributions or rollovers could be made and which may not be subject to restrictions on withdrawals other than those required by the Code and applicable to all IRAs. In addition, employers who select, or influence their employees to choose, the IRAs into which employer contributions under the SEP will be made, should be in a position to determine easily whether there are any restrictions or withdrawals. Therefore, the employers should be able to furnish such information to their employees without undue administrative burden or expense.

The Department notes that subsection (c) has been modified to make clear that it applies in all cases in which the IRAs selected by the employer, or as the result of its influence, are subject to restrictions on withdrawals other than restrictions imposed by the Code that are applicable to all IRAs. For example, if an employer selects the IRAs into which it will make its SEP contributions, and if contributions to those particular IRAs are placed in time deposits that are subject to penalties imposed by regulatory authorities for the withdrawal of funds from time deposits before maturity, subsection (c) would apply, and appropriate disclosure would be required. In addition, the information required to be contained in the disclosure statement has been expanded to insure that participants are aware that IRAs which may not be subject to the same restrictions as those IRAs selected or recommended by their employer may be used for rollovers or employee contributions.

Because there was apparently some uncertainty concerning the applicability of subsection (c), and because the disclosure required under that subsection has been modified, the time for complying with the subsection has been changed to the date an employee becomes eligible to participate in a SEP or 90 days after the final regulation is adopted, whichever is later.

Two of the commentators who urged the Department to provide an alternative method of compliance for all SEPs requested that a public hearing be held at which they could express their views. The Department has considered these requests, and had decided that a public hearing concerning the proposed regulation is not necessary and that a public hearing concerning an alternative method of compliance for all SEPs would not be appropriate, if necessary at all, until after a regulation prescribing such an alternative method of compliance has been proposed.

The Department notes that a number of the commentators objected to specific aspects of the IRS Form *5305–SEP*. Since that form is issued exclusively by the IRS, those comments are outside the scope of this regulation.

The matter having been considered, it is determined, pursuant to the provisions of section 110 of the Act:

(1) That the use of the alternative method of compliance prescribed herein is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants and beneficiaries involved, and adequate reporting to the Secretary;

(2) That the application of the requirements of Part 1 would—

(A) Increase the costs to Model SEPs, or

(B) Impose unreasonable administrative burdens with respect to the operation of such plans, having regard to the particular characteristics of those plans; and

(3) That the application of Part 1 would be adverse to the interests of participants in Model SEPs in the aggregate.

C. Drafting Information

The principal author of this proposed regulation was Timothy S. Smith of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor. However, other persons in the Department of Labor participated in developing the proposed regulation, both on matters of substance and style.

D. Statutory Authority

The regulation set forth below is adopted pursuant to the authority contained in sections 110 and 505 of the Act (Pub. L. 93–406, 88 Stat 829, 851, 894 (29 U.S.C. § 1030, 1135)). This regulation is effective immediately April 11, 1980, because it grants an exemption from the reporting and disclosure requirements of Part 1 of Title I of the Act. (See 5 U.S.C. 553(d)(1)).

E. Final Regulation

Accordingly, Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding in the appropriate place § 2520.104–48 to read as follows:

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104–48 Alternative Method of Compliance for Model Simplified Employee Pensions—IRS Form 5305–SEP.

Under the authority of section 110 of the Act the provisions of this section are prescribed as an alternative method of compliance with the reporting and disclosure requirements set forth in Part 1 of Title I of the Employee Retirement Income Security Act of 1974 in the case of a simplified employee pension (SEP) described in section 408(k) of the Internal Revenue Code of 1954 as amended (the Code) that is created by use without modification of Internal Revenue Service (IRS) Form *5305–SEP*.

(a) At the time an employee becomes eligible to participate in the SEP (whether at the creation of the SEP or thereafter), the administrator of the SEP (generally the employer establishing and maintaining the SEP) shall furnish the employee with a copy of the completed and unmodified IRS Form *5305–SEP* used to create the SEP, including (1) the completed Contribution Agreement, (2) the General Information and Guidelines, and (3) the Questions and Answers.

(b) Following the end of each calendar year the administrator of the SEP shall notify each participant in the SEP in writing of any employer contributions made under the Contribution Agreement to the participant's individual retirement account or individual retirement annuity (IRA) for that year.

(c) If the employer establishing and maintaining the SEP selects, recommends, or in any other way influences employees to choose a particular IRA or type of IRA into which contributions under the SEP will be made, and if that IRA is subject to restrictions on a participant's ability to withdraw funds (other than restrictions imposed by the Code that apply to all IRAs), the administrator of the SEP shall give to each employee, in writing, within 90 days of the adoption of this regulation or at the time such employee becomes eligible to participate in the SEP, whichever is later, a clear explanation of those restrictions and a statement to the effect that other IRAs, into which rollovers or employee contributions may be made, may not be subject to such restrictions.

Signed at Washington, D.C., this 8th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-11018 Filed 4-9-80; 4:45 pm]

BILLING CODE 4510-29-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1460–3]

Approval and Promulgation of Implementation Plans, Designations of Areas for Air Quality Planning Purposes; New Hampshire Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve, in part, and disapprove, in part, the State Implementation Plan (SIP) revisions for New Hampshire which were submitted by the State of New Hampshire to the Environmental Protection Agency (EPA) on May 29, 1979 and November 6, 1979. In addition, EPA is taking final action to approve conditionally some elements of the New Hampshire SIP revisions. These plan revisions were prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. On October 9, 1979 (44 FR 57942), EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, discussed certain provisions which in EPA's judgment did not comply with the requirements of the Act, and requested public comment. Two comments have been received during the public comment period on the Notice and two general comments were received earlier.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region 1, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223–6883.

SUPPLEMENTARY INFORMATION: EPA's October 9, 1979 NPR (44 FR 57942) outlined the requirements of the Clean Air Act that New Hampshire has addressed in its submittal. These will not be restated here. The NPR raised several issues which in EPA's judgment required changes either in the SIP narrative or in the regulations. In partial

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response to that Notice, on November 6, 1979, a letter was submitted from the State Attorney General discussing the statutory authority to require inter-source emission offsets as part of the proposed New Hampshire new source review program.

The New Hampshire SIP revisions were developed in response to the requirements of Part D of the Act. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated non-attainment pursuant to Section 107 of the Act. Specific requirements are discussed in detail in a General Preamble in the **Federal Register** of April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50371), September 17 (44 FR 5376) and November 23, 1979 (44 FR 67182). Pursuant to these requirements, additional SIP revisions addressing stationary sources of volatile organic compounds (VOC) are required by July 1, 1980 and January 1, 1981.

On March 3, 1978 (43 FR 9013), pursuant to Section 107 of the Act, EPA designated certain areas as non-attainment based on existing violations of the NAAQS. The table below reflects the non-attainment areas, as of March 3, 1978.

Area	CO	O_3	SO_2 primary	TSP primary	TSP secondary
Metropolitan Keene		X			X
Metropolitan Manchester	X	X			X
Remainder of AQCR 121		X			
Metropolitan Berlin			X	X	
AQCR 149		X			

Today's final rulemaking action results in the following non-attainment designations:

Area	CO	O_3	SO_2 primary	TSP primary	TSP secondary
Metropolitan Keene		X			
Metropolitan Manchester	X	X			X
Nashua	X	X			
Remainder of AQCR 121		X			
Metropolitan Berlin[1]			X	X	

[1] Plans for attaining the primary TSP and SO_2 standards in Berlin were submitted as separate SIP revisions by the state. EPA has published a separate NPR for that area.

EPA has received four letters of comment. One related to procedural matters. (See discussion in Section I F of this Notice.) A second supported the State submittal (Section I B) and two others are nationally applicable and are referenced in Section III of this Notice.

EPA has reviewed the public comments on the October 9 NPR and is taking the following actions:

Approving

1. The redesignation of Keene from non-attainment to attainment for the secondary total suspended particulate (TSP) standard.

2. The request for an extension to July 1, 1980 for submittal of a secondary TSP attainment plan for Manchester.

3. The redesignation of Nashua from unclassifiable to non-attainment for carbon monoxide.

4. The redesignation of the Central New Hampshire Intrastate Air Quality Control Region (AQCR), AQCR 149, from non-attainment for ozone to unclassifiable.

5. Resource commitments for undertaking the various control measures.

6. Interstate pollution notification provisions.

Approving Conditionally

1. The carbon monoxide attainment plan for Metropolitan Manchester.

2. The ozone attainment plan for the Merrimack Valley-Southern New Hampshire Interstate AQCR.

3. The program to review new and modified major stationary sources of pollution in non-attainment areas.

4. The plan showing evidence of public, local and state involvement in SIP development.

Disapproving

1. The program to review new and modified major stationary sources of pollution in attainment areas (prevention of significant deterioration).

Taking No Action on

1. The comprehensive air quality monitoring network.

2. Intergovernmental consultation requirements.

3. Permit fee requirements.

4. Stack height requirements.

5. Public notification provisions.

6. Conflict of interest requirements.

I. New Hampshire's Non-Attainment Plan SIP Revisions

A. *Total Suspended Particulates (TSP) and Sulfur Dioxide (SO_2).*—Keene was designated non-attainment for the secondary TSP standard on March 3, 1978. However, the state requested that Keene be redesignated to attainment based on information included in the May 29, 1979 SIP revisions. Data were presented which showed that high TSP levels in Keene were caused by construction activity occurring within 50–75 feet of the monitor within a one-year period. Where temporary activities such as construction are shown to have caused NAAQS violations, and hence a designation of non-attainment, it is EPA's judgment that, in this case, a redesignation of the area to attainment is appropriate. Another secondary TSP standard violation recorded in Keene was found to be incorrect due to a mathematical error; the corrected reading is not above the NAAQS. Since there have been no other TSP standard violations in Keene during the past two years, in its October 9, 1979 NPR, EPA proposed to approve the state's redesignation request.

Manchester also was designated on March 3, 1978 as non-attainment for the secondary TSP standard. The Governor of New Hampshire submitted a written request to EPA on May 29, 1979 for an 18-month extension of the deadline for submittal of a secondary TSP standard attainment plan. As provided for in Section 110(b) of the Act and EPA regulations in 40 CFR 51.31, EPA proposed to approve the request for an extension to July 1, 1980, based on the state's demonstration that attainment will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology (RACT).

In the March 3, 1978 **Federal Register** Berlin was designated as non-attainment for the primary TSP and SO_2 standards. Attainment plans were submitted by New Hampshire on September 19, 1979, containing measures to bring the Berlin area into attainment for the TSP and SO_2 NAAQS by December 31, 1981. EPA's proposed action regarding the approvability of the Berlin attainment plans has been published in a separate **Federal Register** notice.

No comments were received on these portions of the NPR during the public comment period.

Action: EPA is approving the redesignation of Keene from non-attainment for the secondary TSP standard to attainment, under 40 CFR Part 81. EPA is also approving an 18-month extension, until July 1, 1980, for submittal of a secondary TSP standard attainment plan for Manchester.

B. *Carbon Monoxide (CO).*—1. Metropolitan Manchester Area—The Metropolitan Manchester area was designated non-attainment on March 3, 1978. In order for Manchester to achieve the CO standard by December 31, 1982, the state chose to rely on both the Federal Motor Vehicle Emission Control Program (FMVECP), and a program to identify and correct areas of high CO concentrations (CO hotspots).

Point and area source emission inventories compiled and submitted to EPA by the state indicate that the primary contributor to ambient CO levels in New Hampshire is the automobile. For this reason, the control strategies focus on vehicular control measures. In its submittal, the state indicated that CO reductions achieved through the FMVECP would be sufficient to attain standards. The state indicated, however, that the monitoring data used to compute the necessary reductions required to attain standards, might be unreliable. Accordingly, the state proposed to conduct additional monitoring in the Manchester central business district area using EPA-approved procedures, and to submit a revised plan if necessary, by May 1, 1980, based on the monitoring results.

In addition, the revisions included, in Appendix V, a Memorandum of Understanding (MOU) among the New Hampshire Department of Public Works and Highways (NHDPW&H), New Hampshire Air Pollution Control Agency (NHAPCA) (now called the Air Resources Agency-NHARA), Metropolitan Manchester Planning-Study-Policy Committee (MMPSPC), and the Southern New Hampshire Planning Commission (SNHPC) that provides for interagency programs to study CO hotspot areas and to develop control strategies within the Metropolitan Manchester Planning Study Area to attain the CO standard by December 31, 1982.

EPA received a letter on July 25, 1979 from the U.S. Department of Transportation supporting New Hampshire's procedures developed for transportation strategies.

In the NPR, EPA proposed to approve this portion of the plan conditioned upon submittal of the additional information specified below by May 1, 1980.

Action: EPA is approving the Manchester CO attainment plan conditioned upon the state's submission to EPA by May 1, 1980 of a SIP revision, based on additional monitoring, including a plan for meeting the CO standard in Manchester by December 31, 1982 if the additional monitoring has indicated that a plan is required. The plan must contain, at a minimum, specific control strategies, schedules for implementation and commitments by the responsible agencies.

2. City of Nashua—Nashua was designated unclassifiable on March 3, 1978. In a letter dated February 5, 1979, the Governor requested that EPA redesignate the City of Nashua from unclassifiable to non-attainment based on recent monitoring data. The NPR proposed approval of this redesignation. The state would have to submit a CO attainment plan for the city of Nashua within nine months following the publication of today's rulemaking redesignating Nashua to non-attainment.

No comments were received on this portion of the NPR.

Action: EPA is approving the redesignation of the City of Nashua from unclassifiable to non-attainment for CO, under 40 CFR Part 81. The state must submit to EPA, within nine months following the publication of this Notice, a CO attainment plan for the City of Nashua. During this period the EPA offset policy will be in effect. The policy will stay in effect for an additional six months, or until EPA takes final action on the plan, whichever comes first. Should EPA approve the plan, the offset policy will be superseded by the plan. Should EPA disapprove the plan, or should the State fail to submit a plan within nine months following the publication of the Notice, the construction moratorium will go into effect in the City of Nashua. The CO attainment plan should contain, at a minimum, specific control strategies, schedules for implementation and commitments by the responsible agencies. As part of this plan the state must submit a Memorandum of Understanding (MOU) among appropriate state and local agencies, similar to that executed for metropolitan Manchester. The MOU, among other things, must commit to study CO hotspots and develop control strategies within the City of Nashua to attain the CO standard by December 31, 1982.

C. *Ozone (O_3).*—The Central New Hampshire Intrastate Air Quality Control Region (AQCR) 149 and the New Hampshire portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR 121 were designated non-attainment for ozone on March 3, 1978, and the New Hampshire portion of the Androscoggin Valley Interstate AQCR 107 was designated unclassifiable. Because the NAAQS for ozone was revised from .08 parts per million (ppm) to .12 ppm on February 8, 1979 (43 FR 8202), the state requested redesignation of AQCR 149 to unclassifiable until further monitoring could better define its status. In order to attain the standard in the non-attainment area by December 31, 1982, New Hampshire proposed to rely on the FMVECP as well as upon regulations to control industrial VOC emissions.

Regulation 22, Section III, exempts from control methyl chloroform (1,1,1 trichloroethane) and methylene chloride. These VOCs, while not appreciably affecting ambient ozone levels, are potentially harmful in other respects. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possiblity of human mutagenicity and/or carcinogenicity. With the exemption of these compounds, some sources, particulary existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding those of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP revision can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

EPA is concerned that the state has chosen this course of action without full consideration of the total environmental and health implications. However, EPA is not disapproving the state submittal since it chose to maintain these exemptions, but the Agency is concerned that this policy not be interpreted as encouraging either the increased use of these compounds or compliance by substitution. EPA does not endorse such approaches. Furthermore, state officals and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

Because New Hampshire is a rural ozone non-attainment state, EPA called for the application of reasonably

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available control technology (RACT) for major sources (sources with greater than 100 tons per year potential emissions) for which EPA has published Control Technique Guidelines (CTGs). The categories of sources located in New Hampshire for which EPA has published CTGs are: surface coating of cans, paper, fabric, metal furniture, and magnet wire insulation; fixed-roof tank VOC storage; tank truck gasoline loading terminals; petroleum refineries; cutback asphalt usage; and solvent metal cleaning.

Section 172(b)(2) of the Act requires the implementation of all RACT for VOC sources as expeditiously as practicable. Based upon engineering studies it is EPA's best judgment at this time that most VOC sources can achieve full compliance within one or two years, the date being dependent upon the source category. New Hampshire, however, has asserted that all sources need until 1982 for compliance without explanation as to why this is so.

In the NPR, EPA proposed to approve New Hampshire's ozone attainment plan conditioned on submittal of operating permits with compliance schedules for all VOC sources. The proposed conditions also include an opportunity for public comment on the compliance schedules and submission of the compliance schedules as SIP revisions to EPA no later than April 15, 1980. New Hampshire is currently preparing SIP revisions to satisfy the proposed conditions and intends to submit them to EPA by April 15, 1980. No comments were received on this portion of the NPR.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions of Non-attainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as New Hampshire's, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of New Hampshire's plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January, 1978 and January, 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

Action: EPA is approving the redesignation of AQCR 149 from non-attainment to unclassifiable, under 40 CFR Part 81. This action lifts the construction moratorium for this AQCR. EPA is also approving the ozone attainment plan for AQCR 121 conditioned upon the state's submission to EPA, by April 15, 1980, of a SIP revision containing operating permits for VOC sources which include schedules requiring compliance with emission limitations as expeditiously as practicable and no later than December 31, 1982. Compliance schedules which exceed the length of time recommended in EPA guidance must include supporting information to justify the additional time.

D. *New Source Permit Program.*—New Hampshire's preconstruction review program required by Section 172(b)(6) of the Act is contained in the state's Regulation 16. The regulation covers proposed major sources (those with the potential to emit 100 tons per year or more) and modifications (changes which increase emissions) which will locate within or impact on an area exceeding the NAAQS.

The state's preconstruction review program must assure that permits may be issued only if the requirements of Section 173 of the Act are satisfied. New Hampshire has chosen the emissions offset approach authorized by Section 173(1)(A). However, New Hampshire has allowed an exemption from Regulation 16 for major sources with allowable emissions of less than 50 tons per year. Further, New Hampshire's submittal does not contain a regulation to require that the proposed source's emissions be consistent with reasonable further progress (RFP) towards attainment as provided for in the SIP.

New Hampshire's regulation satisfies Section 173(2) of the Act, which requires the source to meet an emission limitation representing the lowest achievable emission rate, and satisfies in part Section 173(3), which requires a certification that all major sources owned or operated by the permit applicant (or by any entity controlling, controlled by, or under common control with such person) are in compliance with applicable emission limitations and standards. New Hampshire's regulation requires compliance with state, but not federal, regulations.

Regulation 16 requires the applicant to indicate in writing that "completed arrangements" for emission offsets have been made, and thus satisfies the requirement in the last sentence of Section 173; however, the narrative portion of the SIP revisions did not describe how the offsets committed to by the source will be made legally enforceable; for example, as a condition in the applicant's permit.

The New Hampshire SIP revisions describe procedures for implementing the "banking" of excess emission reductions, which are consistent with EPA's Emission Offset Interpretative Ruling (44 FR 3282). New Hampshire's regulation also allows sources the option of utilizing alternative emission reduction measures, commonly referred to as the "bubble" concept; this approach enables sources to employ a more economically efficient mix of control measures.

In the October 9, 1979 NPR, EPA proposed approval of New Hampshire's new source review and permit program, conditioned on the following actions to be taken by the state to correct the plan insofar as it did not meet the requirements of section 173:

1. Within 30 days after publication of the Notice of Proposed Rulemaking, submit a statement from the New Hampshire Attorney General as to whether the state has the authority to impose inter-source emission offsets, including a description of the state permit system as the means for making the offsets legally enforceable.

2. Upon submittal of attainment plans for TSP and SO_2 in Berlin, for TSP and CO in Manchester and for CO in Nashua, include in the RFP line projected growth from sources exempted from the new source permit review.

3. No later than July 1, 1980:

a. Adoption by the New Hampshire Air Resources Commission (NHARC) of a regulation governing construction and operation of major new and modified sources, which specifies that by the time the proposed source is to commence operation, total allowable emissions from existing sources, new or modified sources which are not major emitting facilities, and the proposed source will be sufficiently less than total allowable emissions from existing sources prior to the permit application so as to represent reasonable further progress. This change is necessary to satisfy the requirements of Section 173(1)(A) of the Act.

b. Amendment of Regulation 16, Attachment 2, Section III.A.2. by the NHARC to require that sources owned or operated by the applicant must be in compliance with federal as well as state regulations and standards.

During the 30-day public comment period following publication of the NPR, a letter, dated November 6, 1979, was submitted from David W. Marshall, Assistant Attorney General, to Frank Ciavattieri, EPA Region I Air Branch Chief, which addresses the first condition in the NPR for approval of the new source review and permit program. The letter reviews the state's enabling legislation and concludes that the NHARA has the legal authority to require inter-source emission offsets. The letter explains that the NHARA is authorized to establish and operate a statewide permit system and provides that the director of the NHARA may place conditions in the permit. It concludes that a condition containing an emission offset requirement would be valid, since it would further the purposes of the state air pollution control statute. New Hampshire will include the applicant's finalized, legally binding arrangements for emission offsets, described in Regulation 16, as a condition of the preconstruction permit. New Hampshire has satisfied the first condition specified in the New Source Review section of the October 9, 1979 NPR.

The second condition listed in the NPR is being eliminated in this rulemaking. This condition described an aspect of the RFP requirement to be included in those attainment plans being submitted subsequent to the NPR. However, because RFP is specified in Sections 172 and 173 as a requirement for an approvable attainment plan, it is unnecessary as a condition of approval. Also, during the public comment period, at the request of EPA, New Hampshire added a provision concerning external offsets in order to further insure their enforceability. By letter of March 17, 1980, New Hampshire agreed that in the event a proposed major source locating in a nonattainment area plans to obtain an external emission offset, the permit of the source providing the offset will be amended to account for this commitment and the amended permit will be submitted as a SIP revision.

Action: EPA is approving the program to review new and modified major stationary sources in non-attainment areas conditioned upon New Hampshire's compliance with condition number 3 above by July 1, 1980.

E. *Resource Commitments.*—The state has addressed the increased resources needed to carry out the described stationary and mobile source control measures. The New Hampshire Department of Public Works and Highways identified resources it will use in implementing the portion of the plan regarding attainment and maintenance of the air quality standards for CO and ozone. The Southern New Hampshire Regional Planning Commission (reponsible for implementing CO attainment and maintenance strategies in the Metropolitan Manchester Planning Study Area) has received funds under Section 175 of the Act, and the Nashua Regional Planning Commission (responsible for implementing CO attainment and maintenance strategies in the Nashua Area Transportation Study) is applying for Section 175 funds. If funds are not granted as requested under Section 175, some funds provided pursuant to section 112 of the Federal Highway Act may be available. Continued federal support is essential.

In the NPR, EPA proposed to approve this portion of the submittal and no public comment was received on the proposed action.

Action: EPA is approving this portion of the SIP revisions.

F. *Evidence of Public, Local and State Involvement.*—In accordance with Section 174 of the Act, lead responsibility for preparing the various portions of the carbon monoxide and ozone control plans was delegated by the Governor to two State metropolitan Planning Organizations (MPOs) and two state agencies. Throughout development of the SIP revisions, meetings and briefings were conducted with the and for local officials, legislators, regional planning commissions, state agencies and the Federal land manager's office.

In accordance with Section 172(b)(9), the state provided well-detailed and extensive documentation of public participation efforts for the planning process. Inclusion of a citizen's summary in the beginning of the SIP revisions and a Clean Air Workshop held in November, 1978, were excellent efforts to evoke citizen involvement.

The SIP revisions do not, however, include an adequate identification and analysis of the air quality, health, welfare, economic, energy and social effects of the plan or of the alternatives considered by the state. Also there is no indication that such an analysis was made available for public review and comment. The SIP revisions did not include a plan for sustaining future public participation efforts.

The NPR proposed approval of this section conditioned upon submittal of a long-term public participation plan and issues analysis and public comment on the impact of these revisions by January 1, 1980. EPA and the state have agreed to change this deadline to March 31, 1980. This alteration is based on the delay in EPA's providing a training program for state public participation personnel. The course was held in mid-December.

One commenter expressed dissatisfaction with the lack of input by regional planning commissions in SIP development. EPA's response is two-fold. The Intergovernmental Consultation discussion, Section II E. of this Notice, indicates that EPA's consultation regulations were effective on December 18, 1979. One requirement of those regulations is that all revisions to the State Implementation Plan submitted to EPA after that date must undergo a 45 day A–95 review period to assure coordination of the plan with other state and area-wide planning agencies. In addition, New Hampshire has submitted a draft public participation/intergovernmental consultation plan and impact analysis in response to the conditional approval for this section in the NPR. That plan indicates that the ARA intends to strengthen the roles agencies such as regional planning commissions play in the formulation of future SIP revisions.

Action: EPA is approving the participation and involvement efforts to date in the development of the SIP revisions conditioned upon the submittal to EPA, as a SIP revision, by March 31, 1980, of the analysis and public comment on the health, welfare, air quality, economic, energy and social effects of the plan. EPA has determined that in view of the fact that the date for submission of the additional materials have been postponed only until March 31st, it would be impractical and unnecessary to provide further opportunity for public comment and that good cause therefore exists for proceeding without an additional public comment period.

EPA is also approving the future public participation element conditioned upon compliance with grant conditions contained in the New Hampshire Fiscal Year 1980 program grant under Section 105 of the Act. Under those conditions by March 31, 1980, New Hampshire must submit a comprehensive, detailed program for public involvement. That plan is also to make a commitment of resources to be devoted to the long-range effort.

II. Non-Part D Requirements

A. *Prevention of Significant Deterioration (PSD).*—In the October 9, 1979 NPR EPA proposed to disapprove New Hampshire's PSD program. The New Hampshire regulations pertaining to PSD are found in Attachment 1 of New Hampshire Regulation 16. In addition, the regulation is explained in the narrative portion of the SIP

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revisions. EPA compared the New Hampshire regulation with the federal requirements for approvable state plans in 40 CFR 51.24, as published on June 19, 1978 (43 FR 26380 to 26388), and determined that the New Hampshire plan does not meet all of these requirements.

However, many of EPA's regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the Court issued an opinion, *Alabama Power Company* v. *Costle*, No. 78–1006 (D.C. Circuit, June 18, 1979). (On December 14, 1979 the Court issued the final decision in the case.) As noted in the October 9, 1979 NPR for New Hampshire, the Court's opinion affects several aspects of the New Hampshire PSD program. In light of the decision in *Alabama Power Company* v. *Costle*, New Hampshire decided not to proceed with any additional amendments to Regulation 16 and Attachment 1, until EPA promulgates amended PSD regulations.

Action: Since the state's PSD program is not equivalent to the present federal program, EPA is disapproving the PSD program in the New Hampshire SIP revisions. EPA will continue to operate a federal new source pre-construction permit system designed to protect the allowable deterioration increments until such time as New Hampshire submits an approvable PSD plan under EPA's amended regulations. Regulations under which EPA is operating are found at 40 CFR Part 52.21, as published on June 19, 1978 (43 FR 26388 to 26410).

B. *Conflict of interest requirements.*—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have, as a majority, members who represent the public interest. Any board member or any head of an executive agency with similar powers with any potential conflict of interest must disclose that fact.

A recently passed New Hampshire statute adjusts the membership of the Air Resources Commission and requires disclosure of potential conflicts of interest to reflect these requirements. In the NPR, EPA proposed to approve this portion of the revisions. However, New Hampshire has not yet satisfied the requirement contained in Section 128(a)(2) which provides that potential conflicts of interest by the head of an executive agency which approves permits or enforcement orders must be adequately disclosed. One nationally applicable comment was made during the public comment period. EPA's response is referenced in Section III of this Notice.

Action: EPA is taking no action on this section of the SIP revisions.

C. *Interstate pollution notification requirements.*—Section 126 requires states to identify existing major sources which may significantly contribute to air pollution levels and to provide written notice to nearby states. In addition, they must do the same for any proposed major new stationary sources.

On October 31, 1977 and November 1, 1977 the Director of the New Hampshire Air Pollution Control Commission wrote to officials of the neighboring states of Maine, Massachusetts and Vermont, providing each with a list of sources which may significantly impact on each state. These letters were made available for public inspection during the public comment period on the NPR.

The narrative portion of the SIP revisions describes the state's procedures for notifying adjacent states of any proposed major new stationary sources which would significantly contribute to air pollution levels. This satisfies the other portion of the Section 126 requirements. In the NPR, EPA proposed to approve this portion of the revisions. No public comment was received on that proposal.

Action: EPA is approving this section of the SIP revisions.

In the NPR, EPA proposed to take no action on items D through H below. Applicable public comments are referenced in Section III below. EPA is taking no action on these items in this Notice.

D. *Comprehensive air quality monitoring network.*—Section 110(a)(2)(C) and Section 319 require a comprehensive air quality monitoring network.

New Hampshire has not submitted any revisions to its existing monitoring network requirements as required under 40 CFR Part 58. The state is required to develop a SIP revision in response to these requirements.

E. *Intergovernmental consultation.*—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP.

On June 18, 1979 EPA promulgated regulations concerning intergovernmental consultation (44 FR 35176). The state at this time is in partial fulfillment of the requirement in these regulations that it produce a comprehensive consultation plan. The state and EPA have agreed that this plan will be merged with the public participation plan discussed in Section I F above.

F. *Permit fees.*—Section 110(a)(2)(K) requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing that application as well as those incurred in monitoring and enforcing the permit conditions.

A recently enacted New Hamphire statute contains the language necessary to give the state authority to impose a permit fee. EPA, however, has not yet promulgated regulations concerning the permit fee requirements. (See public comment reference in Section III of this Notice).

G. *Stack height requirements.*—Section 123 requires that the degree of emission limitation may not be affected by stack height in excess of good engineering practice or by dispersion techniques.

EPA proposed stack height regulations on January 12, 1979 (44 FR 2608) but has not yet promulgated the regulations. The state has not addressed this requirement in its SIP revisions.

H. *Public notification provisions.*—Section 127 requires that states provide for notifying the public on a regular basis of instances or areas in which any primary standard was exceeded during any portion of the preceding calendar year.

On May 10, 1979 (44 FR 27569) EPA promulgated regulations concerning public notification which require the state to submit, by March 1, 1980, a SIP revision that contains provisions to comply with the requirement. The state has not addressed this requirement in this SIP revision.

III. Responses to General Comments

One commenter submitted extensive comments which it requested be considered as part of the record for each state plan. Another commenter, a national environmental group, discussed EPA action nationally on permit fee systems and the composition of state boards. Each of the points raised by these commenters and EPA's response have been published at 45 FR 2036, 2039 et seq.

IV. EPA Final Action

EPA is taking final action to conditionally approve certain elements of the New Hampshire submittal. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the state to submit additional materials by the deadlines specified in today's Notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the state has satisfied the conditions.

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Accordingly, New Hampshire's Revisions to the Implementation Plan submitted on May 29, 1979 and November 6, 1979 are approved as satisfying the requirements of Part D and Section 110(a)(2)(I) with the exception of the following which are conditionally approved:

1. the carbon monoxide attainment plan for Metropolitan Manchester;

2. the ozone attainment plan for AQCR 121;

3. the program to review new major and modified stationary sources in non-attainment areas;

4. the plan showing evidence of public, local and state involvement in SIP development.

In addition EPA is disapproving New Hampshire's attachment 1 of regulation 16 (PSD).

The measures above which are approved or conditionally approved are in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of non-compliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the state may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

The 1978 edition of 40 CFR Part 52 lists in the subpart for New Hampshire the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on New Hampshire's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

In addition, sources subject to pre-existing plan requirements may be relieved from complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

The Agency finds that good cause exists for making this action immediately effective for the following reasons:

1. Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 4, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. Section 52.1520, paragraph (c), is amended by adding subparagraph (12)

[1] *See* General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979).

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(12) Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions were submitted on May 29, 1979, and November 6, 1979.

2. Section 52.1521 is amended by changing the heading in the classification chart from "photochemical oxidants (hydrocarbons)" to "ozone".

§ 52.1521 [Amended]

3. Section 52.1522 is revised to read as follows:

§ 52.1522 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves New Hampshire's plan as identified in section 52.1520 of this subpart for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below.

(b) To insure federal approval of State issued new source review permits pursuant to Section 173 of the Clean Air Act, the provisions of Section V of the emission offset interpretative rule published January 16, 1979, (44 FR 3274) must be met.

(c) In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

4. Section 52.1523 is revised to read as follows:

§ 1523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in New Hampshire's plan.

Nonattained areas	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Androscoggin Valley Interstate AQCR 107:							
Berlin	f	f	f	f	a	a	a
Remainder of AQCR	a	b	a	b	a	a	a
Merrimack Valley-SO NH Interstate 121:							
Keene	a	b	a	b	a	a	d
Manchester	a	c	a	b	a	d	d
Nashua	a	b	a	b	a	e	d
Remainder of AQCR	a	b	a	b	a	a	d
AQCR 149	a	b	a	b	a	a	a

a. Air quality level presently below primary standards or area is unclassifiable.
b. Air quality level presently below secondary standards or area is unclassifiable.
c. Eighteen month extension for plan submittal granted; attainment date not yet proposed.
d. December 31, 1982.
e. Redesignation to non-attainment. Nine months granted for submission of an attainment plan; attainment date not yet proposed.
f. Proposed Rulemaking on Berlin has been published separately.
* Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1523 (1978).

5. Section 52.1525 is revised to read as follows:

§ 52.1525 Review of new sources and modifications.

The program to review major new and modified stationary sources in nonattainment areas is approved with the following conditions:

(a) No later than July 1, 1980 New Hampshire must:

(1) adopt a regulation governing construction and operation of major new and modified sources, which specifies that by the time the proposed source is to commence operation, total allowable emissions from existing sources, new or modified sources which are not major emitting facilities, and the proposed source will be sufficiently less than total allowable emissions from existing sources prior to the permit application so as to represent reasonable further progress.

(2) amend Regulation 16, Attachment 2, Section III.A.2 to require that sources owned or operated by the applicant must be in compliance with federal as well as state regulations and standards.

6. A new section 52.1527 is added as follows:

§ 52.1527 Rules and regulations.

(a) *Part D—conditional approval*—The May 29, 1979 revisions are approved as satisfying Part D requirements under the following conditions:

(1) Submittal by May 1, 1980 of a revised carbon monoxide attainment plan for Metropolitan Manchester, if necessary.

(2) Submittal by April 15, 1980 of operating permits containing compliance schedules, and supporting information for each existing VOC source in AQCR 121.

(3) Submittal by July 1, 1980 of a regulation governing construction and operation of major new or modified sources which satisfies the requirements of Section 52.1525(a) of Title 40 of the Code of Federal Regulations.

(4) Submittal by March 31, 1980 of a comprehensive plan for public participation in compliance with Section 105 grant conditions for FY 1980.

(5) Submittal by March 31, 1980 of an analysis and public comment on the health, welfare, air quality, economic, energy and social effects of the May 29, 1979 revisions.

(b) *Non-Part D—No Action*—EPA is neither approving or disapproving the following elements of the revisions:

(1) Comprehensive air quality monitoring network.

(2) Intergovernmental consultation.

(3) Permit fees.

(4) Stack height requirements.

(5) Public notification.

(6) Conflict of interest.

7. In Section 52.1529 paragraph (a) is revised to read as follows:

§ 52.1529 Significant deterioration of air quality.

(a) Attachment 1 of regulation 16 is disapproved.

8. A new section 52.1530 is added as follows:

§ 52.1530 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory time table for submission of New Hampshire's plan for attainment and maintenance of the secondary standard for particulate matter in the Manchester secondary standard non-attainment area (See 40 CFR 81.330).

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.330 [Amended]

1. In § 81.330, the table entitled "New Hampshire—TSP" is amended by deleting the "X" in the column entitled "Does Not Meet Secondary Standards" and by adding an "X" in the column entitled "Better than National Standards" on the line entitled "Keene".

2. In § 81.330, the table entitled "New Hampshire—O_x" is amended to read "New Hampshire—O_3".

3. In § 81.330, the table entitled "New Hampshire—O_3" is amended by striking the "X" in the column entitled "Does Not Meet Primary Standards" and by adding an "X" in the column entitled "Cannot be Classified or Better than National Standards" on the line entitled "Central N.H. Intrastate AQCR 149."

4. In § 81.330 the table entitled "New Hampshire—CO" is amended by adding a line beneath "Metropolitan Manchester" entitled "Nashua".

5. In § 81.330 the table entitled "New Hampshire—CO" is amended by adding an "X" in the column entitled "Does Not Meet Primary Standards" on the line entitled "Nashua".

[FR Doc. 80-11008 Filed 4-10-80: 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1460-8; PP 9F2158/R-242]

Sodium Salt of Acifluorfen; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide sodium salt of acifluorfen and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on soybeans at 0.1 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 0.02 ppm; meat, fat, and meat byproducts of poultry at 0.02 ppm; and milk and eggs at 0.02 ppm.

The regulation was requested by Rohm and Haas Co. This rule establishes a maximum permissible level for residues of sodium salt or acifluorfen.

EFFECTIVE DATE: Effective on April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Ph. D., Product Manager (23), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202-755-1397).

SUPPLEMENTARY INFORMATION: On March 24, 1980, the EPA published a notice of proposed rulemaking in the **Federal Register** (45 FR 18990) in response to a pesticide petition (PP9F2158) submitted to the Agency by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105 under provisions of the Federal Food, Drug, and Cosmetic Act. The petition proposed that 40 CFR 180 be amended by establishing a tolerance for combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the raw agricultural commodities soybeans at 0.1 part per million (ppm); liver and kidney of cattle, goats, hogs, horses, and sheep at 0.01 ppm; fat, meat, and meat byproducts of poultry at 0.01 ppm; milk and eggs at 0.01 ppm. No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. One comment was received from the Rachel Carson Council, Inc. to which the Agency will be responding directly.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before May 12, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M Street, SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirement of Executive Order 12044.

Effective on April 11, 1980 Part 180, Subpart C, is amended by adding a tolerance for residues of Sodium Salt of acifluorfen as set forth below.

Part 180, Subpart C, is amended by adding a new § 180.383 to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

Tolerances are established for combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the following raw agricultural commodities;

Commodity	Parts per million
Cattle, kidney	0.02
Cattle, liver	0.02
Eggs	0.02
Goats, kidney	0.02
Goats, liver	0.02
Hogs, kidney	0.02
Hogs, liver	0.02
Horses, kidney	0.02
Horses, liver	0.02
Milk	0.02

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Commodity	Parts per million
Poultry, fat	0.02
Poultry, mbyp	0.02
Poultry, meat	0.02
Sheep, kidney	0.02
Sheep, liver	0.02
Soybeans	0.1

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated April 7, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-11115 Filed 4-10-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Subchapter C

Medicaid Program; Miscellaneous Corrections

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This document corrects technical and wording errors in the rewritten Medicaid regulations published on September 29, 1978, and March 23, 1979. Those regulations redesignated and clarified, without substantive change, the rules for the Medicaid program (Title XIX, Social Security Act) previously published in 42 CFR Parts 446 through 452, and 45 CFR Parts 205, 206, and 208. We have received both technical and substantive comments; the former are resolved by this document, and the latter will be covered in future proposed rule making.

DATES: Effective September 29, 1978, except §§ 430.0(b)(2) and 432.10(c)(1) which were effective February 9, 1979, and §§ 431.230, 431.250, 435.905, 435.911, and 435.919 which were effective March 23, 1979.

FOR FURTHER INFORMATION CONTACT: Ann Watts, 202-245-8097.

SUPPLEMENTARY INFORMATION: On September 29, 1978 (43 FR 45176), and March 23, 1979 (44 FR 17926), HCFA published rewritten regulations for the Medicaid program, as part of HEW's "Operation Common Sense" effort. Under this effort, HEW agencies are reviewing all existing regulations to eliminate those found unnecessary, revise policies where appropriate, and rewrite regulations in a clearer, simpler manner.

As the first phase of this project for Medicaid, existing regulations were reorganized and rewritten in plain language with no substantive change intended, and they were, therefore, published as final rules. However, we invited comments from anyone who believed that the revision changed existing policy.

We have received a number of comments, some citing errors and others suggesting substantive changes in existing policy. The rules published today contain corrections either of technical errors (citations, spelling, cross-references, etc.) or of inadvertent omissions, improper wording, changes in the organizational structure of the regulations, and the like, which may have appeared to make substantive changes. The suggestions for substantive revisions will be considered in the second phase of the project for Medicaid—issuance during the next several years of proposed rules making policy changes in a number of the more significant subject areas.

Some of the technical corrections are self-explanatory and are not specifically addressed in the preamble. The following is an explanation of the other changes made in this document:

Merit system. In §§ 430.0(b)(2) and 432.10(c)(1), changes reflect the revocation of the merit system standards for State agencies previously contained in 45 CFR Part 70 and now incorporated in 5 CFR Part 900, Subpart F. See Office of Personnel Management regulations published February 9, 1979, (44 FR 8265) and HCFA-AT-79-23 (MMB), *Standards for a Merit System of Personnel Administration.*

Payment for out-of-State services. In § 431.52(b)(3), the reference to use of the "attending physician's" medical advice, in determining whether medical care is more readily available out-of-State, is deleted as an inadvertent addition to policy.

Fair Hearings

1. *Maintaining services.* In § 431.230(a), the Medicaid agency is required to continue assistance if the individual requests a hearing before the date of the adverse action. The words "applicant or" are deleted from paragraph (a) since the requirements for continuation of assistance pending a hearing decision can apply only to recipients.

2. *Federal Financial Participation.* Section 431.250 concerns Federal financial participation (FFP) for expenditures in services for individuals who are successful in their appeal. Paragraph (b) of this section is amended to continue from 45 CFR 205.10(b)(3) the authorization for FFP in payments within the scope of the Medicaid program made in accordance with a court order. The provision contained in 45 CFR 205.10(b)(3) was especially important since it restricted FFP to Medicaid services under the scope of the Federal program. For example, even when there is a court order against a State to provide services beyond the limits of the program, FFP is not available when there are other regulatory provisions which impose limitations (such as separate time limits or limitations on types of services) upon the receipt of Federal funds.

Contracts. Section 431.503 (i), (j), and (k) requires that a contract "specify procedures and criteria for" extending, renegotiating, and terminating the contract. This wording is more stringent than the previous regulation which merely required a contract to "establish provisions and criteria for * * *" Therefore, the section is amended to restore the previous wording and simplify the structure of the section.

Relations with standard-setting and survey agencies. Section 431.610(g)(3) specifies that the survey agency of the State must have on-site inspections of skilled nursing and intermediate care facilities performed within certain time frames if there is a question of compliance with requirements. Paragraph (g)(3)(ii) is changed to clarify that an additional set of time frames applies only to intermediate care facilities certified under special correction plans as specified in §§ 442.112 and 442.113, but not to skilled nursing facilities.

Eligibility (States and District of Columbia) (Part 435)

1. *Definitions and use of terms.* Section 435.4 is revised to clarify that the term "categorically needy" applies to some groups that are not recipients of cash assistance.

2. *Termination from AFDC because of increased earnings or hours of employment.* Section 435.112(b) delineates the 4-month period during which Medicaid is available for individuals whose eligibility for Aid to Families with Dependent Children (AFDC) is terminated. The previous regulation specified the period as "4 calendar months". In order to avoid misinterpretation, the word "calendar" is restored to the regulation.

3. *Individuals in States using more restrictive requirements for Medicaid than the supplemental security income (SSI) requirements.* Sections 435.121 and 435.731 deal with the requirements for determining eligibility in States using more restrictive requirements for aged, blind, or disabled individuals than the standards used under SSI ("209(b)" States). These sections are being corrected to conform to the language of the statute (sec. 1902(f)) which refers only to eligibility requirements more restrictive than SSI, not to optional State supplement programs.

In § 435.121(b)(2) the reference to § 435.230 is deleted, since there previously was no requirement in the regulations that an optional State supplement must meet the Federal requirements in § 435.230(b), in order to permit an agency not to count the supplement as part of an individual's income when financial eligibility is being computed.

4. *Increase in OASDI benefits.* Section 435.134(b) is amended to clarify that certain individuals, whose Old Age, Survivors, and Disability Insurance (OASDI) benefits make them ineligible for Medicaid, must continue Medicaid coverage if they would meet SSI or State supplement income limits except for OASDI benefits.

5. *Individuals who would be eligible for cash assistance except for their institutional status.* Section 435.211 is revised to restore wording clarifying that the option for Medicaid coverage of these individuals applies to those in title XIX reimbursable medical institutions.

The headings of §§ 435.231 and 435.722, "Institutionalized individuals who would not be eligible for cash assistance if they were not institutionalized" are changed to "Individuals in institutions who are eligible under a special income level" in order to describe the content more clearly.

6. *Unemployed parents.* Sections 435.223 and 435.1004(a) are revised to change references to "unemployed father" to "unemployed parent", reflecting the Supreme Court's decision in *Califano* v. *Westcott*, 443 U.S. 76 (1979), that sec. 407 of the Act (Dependent Children of Unemployed Fathers) is unconstitutional because of the discriminatory nature of its gender distinction. The Court ruled that benefits of the AFDC-Unemployed Fathers program must be extended to similarly situated unemployed mothers.

7. *Medically needy coverage of the aged, blind, and disabled in States that impose more restrictive eligibility requirements.* In § 435.321(b)(1), the reference to a State supplementary payment under § 435.230 is deleted. Previous regulations did not require that individuals meet requirements for the type of supplement described in § 435.230 in order to be considered categorically needy; they could meet requirements for any type of State supplement.

8. *Financial responsibility of spouses.* In § 435.723, the term "eligible spouse" is changed to read "ineligible spouse" to correct a typographical error which appeared to change policy.

9. *Income Standards—institutionalized and non-institutionalized.* Sections 435.725(a), 435.733(a), and 435.832(a) are corrected to clarify the deductions made from the agency's payment to an institution.

Also, §§ 435.731, 435.733, 435.812, 435.814, 435.831, and 435.832 have been revised, and §§ 435.813 and 435.815 have been removed, to clarify that the income levels that are used to determine eligibility for the institutionalized are the same levels that are used for non-institutionalized individuals of the same family size. The determination of the amount, if any, that an institutionalized individual must contribute towards the cost of the institutional care is determined as a second step (independent from the determination of eligibility). This change restores the use of a two-step method for making these determinations and reflects the policy recognized in *Friedman* v. *Berger*, 547 F.2d 724 (2d Cir. 1976).

10. *Procedures for determining income eligibility.* In § 435.732(c)(2), the provision for agencies to set limits on "types" of medical expenses to be deducted from income has been changed to "amounts" to correct an inadvertent policy change. In paragraph (d) of this section, the term "countable income" is changed to "remaining income" to express more accurately the concept that eligibility is based on the income remaining after specific deductions.

11. *Medically needy income standards; General requirement.* Section 435.811 is revised to restore wording clarifying that, for purposes of medically needy income levels, "families" includes both eligible and ineligible financially responsible relatives living in the home regardless of actual contribution.

12. *Medically needy income standards—use of AFDC standards.* In §§ 435.812(a)(1), 435.814(a)(1), 435.816, and 435.832, references to standards used under a State's AFDC plan are changed to "approved" AFDC plan to correct an inadvertent policy change.

13. *Medically needy income standard for one person.* In § 435.812, paragraph (a)(4) is deleted and a new paragraph (c) is inserted. These changes will clarify that a State using more restrictive standards for the aged, blind, and disabled than the standards used under SSI ("209(b)" States) may have separate medically needy income levels for those aged, blind, and disabled individuals.

14. *Income eligibility.* Section 435.831 deals with income eligibility of all medically needy individuals. The section is amended by (1) revising the introductory paragraph to clarify that the 6-month prospective period for computing income applies to all medically needy individuals *including* the institutionalized, (2) revising paragraph (c)(2) to specify what incurred medical expenses the agency may limit, and (3) revising paragraph (d) to clarify the individual's entitlement to Medicaid benefits when his incurred medical expenses reduce his income to the income standard. Previous wording relating to eligibility "for the rest of the period for which eligibility is determined" implied that the agency need not pay a "split" claim (one for which both the agency and the recipient are partially responsible because the amount of the claim is greater than the individual's remaining spend-down liability).

15. *Medically needy resource eligibility.* In § 435.845, paragraph (e) is amended to clarify that the paragraph, which deals with the value of resources deducted in determining eligibility, applies in States using any requirements more restrictive than SSI.

16. *Availability of program information.* Section 435.905(a) is amended to clarify that information must be furnished in written form and may be furnished orally only as appropriate.

17. *Timely determination of eligibility.* Section 435.911(c) lists examples of circumstances in which the agency is not required to meet time standards for determining eligibility. Paragraph (c)(3), relating to delays in receipt of eligibility information, is removed because it was not previously in regulations.

18. *Recipients of optional State supplements only.* In order to clarify in § 435.1006 that SSI budget methodology is to be used in determining income, before deductions, for State supplement recipients, the words "as determined by SSI budget methodology" are added to that section.

Eligibility (Guam, Puerto Rico, and the Virgin Islands) (Part 436). Similar changes to those made under Part 435 are being made to Part 436. See the corresponding sections under Part 435 as listed below for explanation of the specific changes.

§ 435.4	§ 436.3
435.112	436.116
435.211	436.211
435.223	436.212
435.811	436.811
435.812	436.812
435.813	436.813
435.816	436.812
435.831	436.831
435.832	436.832
435.1004	436.1003

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Home health services. Section 440.70(b) is revised to clarify that the first 3 items listed (nursing services, home health aide services, and medical supplies, equipment and appliances) are mandatory parts of home health services, while the fourth item (physical therapy, occupational therapy and speech pathology and audiology services) is optional.

Dental services. In § 440.100, paragraph (a) defines dental services as certain procedures provided by or under the direction of a dentist and includes treatment of the teeth and other structures of the oral cavity. The wording of the previous regulation on dental services is being restored to clarify that there has been no substantive change in this definition. The words "direction" and "other" [structures] are being replaced by "supervision" and "associated", respectively.

Hearing and language disorders. Section 440.110 is revised to restore wording indicating that a patient must be referred by a physician for services provided by or under the direction of a speech pathologist or audiologist.

Services of Christian Science nurses. In paragraph (b)(2)(ii) of § 440.170, the word "own" is inserted in the phrase "in his home" to restore previous wording regarding the provision of private duty Christian Science nursing services.

Required services for categorically needy. Section 440.210, which lists minimum services for categorically needy, is corrected by adding a cross-reference to home health services, which was inadvertently omitted from the recodified regulations.

Limits on comparability of services. The age limit in § 440.250(e), concerning inpatient psychiatric services, is changed to include a cross reference to § 441.151(c), which explains the age requirement for these services. This does not constitute a policy change; it merely clarifies the existing regulation.

EPSDT services from title V grantees. Section 441.60, Identifying, informing and referring eligible recipients to title V programs (Maternal and Child Health and Crippled Children's Services), is revised to correct in paragraph (a) an inadvertent change made when the EPSDT regulations were revised in the **Federal Register** of May 18, 1979, (44 FR 29425). The wording of the September 29, 1978 (43 FR 45230) recodification, which required Medicaid agencies to identify all EPSDT eligibles, including those eligible for services from title V, is restored. The May 18 publication had limited the identification requirement to the latter group.

Intermediate care facilities for the mentally retarded. In § 442.441, paragraph (d) is revised to restore wording clarifying that the one-hour limit on use of "time-out" devices and aversive stimuli in behavior modification programs applies when the retarded person is removed from a situation. In § 442.499, paragraph (b) is revised to clarify that an individual who makes entries in the retarded person's record must sign his name and job title or professional capacity (referred to as "identification" in the previous regulation).

Acceptance of State payment as payment in full. Section 447.15 cites sec. 1902(a)(4) of the Social Security Act as the basis of the "payment in full" requirement because it authorizes the Secretary to prescribe requirements as necessary for proper and efficient administration of the State plan, and the acceptance by providers of Medicaid payment as "payment in full" is such a requirement. An additional cite to sec. 1902(a)(14), which prohibits cost sharing or similar charges for mandatory services provided to categorically needy individuals, is added to § 447.15 as further authority for this regulation.

Cost-sharing. Section 447.52 contains rules on the minimum and maximum enrollment fees, premiums and similar charges that may be imposed on the medically needy. With respect to minimum charges, the previous regulation (§ 449.40(a)(2)(i)) provided that, above the basic charge of $1.00 per month for families of a specified size and income, an appropriately higher charge must be imposed on each family with higher income. This requirement was omitted in the rewritten regulation and is now restored by adding a new § 447.52(c).

Drugs: Upper limits of payment: Paragraph (a) of § 447.331 is amended by adding the word "reasonable" before "dispensing fee". This restores language inadvertently omitted when the regulations were rewritten.

Individual practitioners: Upper limits of payment. In § 447.341, paragraph (c) is revised to restore wording to allow the median charge for a service to be determined not only from claims submitted but also from services furnished during a calendar year. This wording was inadvertently omitted.

Comments Not Accepted

Comment. The elimination of the words "adequate" and "meaningful" in describing the Medical Care Advisory Committee's participation in policy development and program administration (§ 431.12(e)) seriously diminished the Committee's role.

Response. The rewritten regulations require Medical Care Advisory committee "participation" in policy development and program administration. We do not view this as a sham requirement. It is intended that the participation be "adequate" and "meaningful", and, therefore, no substantive change was intended by the elimination of these words from § 431.12(e).

Comment. Under § 431.230(a), if the Medicaid agency mails a notice of adverse action 10 days (or 5 days) before the date of action, as required under §§ 431.211 or 431.214, and the recipient requests a hearing *before the date of action,* the agency may not terminate or reduce services until a decision is given after the hearing (with one exception). Under the old regulation (§ 205.10(a)(6)(i)), if the recipient requested a hearing *within the timely notice period,* the agency could not terminate or reduce services. Thus, if an agency sent a notice 15 or 20 days before the date of action, and the recipient did not request a hearing within the 10-day notice period although he did request it before the date of action, services could be ended or reduced.

Response. The recodified regulation does not represent a change in policy. Under both the old and new regulations, the notice must be mailed *at least* 10 (or 5) days before the date of action. A State may choose to give more notice if it wishes, but this does not affect the requirement that services be continued until after the hearing if the recipient requests one. The requirement in § 431.230(a) applies to whatever period the Medicaid agency uses for giving notice.

Comment. Under the old regulations, the requirements relating to transportation were in the section on amount, duration, and scope of services (an administrative requirement under § 449.10(a)(5)(ii), and an optional service under § 449.10(b)(17)(i)). Why is the administrative requirement for assurance of transportation (§ 431.53) now separated from the optional service?

Response. The requirement to assure transportation, which is both an administrative requirement and mandatory on all States, is distinct from the provision of transportation, and optional Medicaid service. Therefore, each has been placed in the appropriate part of the reorganized regulations.

Comment. Section 435.112(b) provides that, for certain families who continue under Medicaid coverage although they have lost AFDC eligibility, the 4-month continued coverage begins on the date AFDC is terminated. The use of the word "terminated" is confusing and might be interpreted as a policy change.

Response. Section 4–20–10 D.2. *Increased Earnings or Hours of Employment,* (pp. 4–6) of the Medical Assistance Manual explains this policy in greater detail. No change in policy results from the recodification.

Comment. Section 435.135(c) is obsolete and should be deleted. This paragraph covers procedures in a 209(b) State for providing Medicaid to individuals who receive OASDI cost-of-living increases. (A "209(b)" State is one using eligibility standards more restrictive than SSI standards.)

Response. This section is applicable to 209(b) States and must be retained. Since 209(b) States do not tie eligibility for Medicaid to receipt of supplemental security income benefits (SSI), this section is necessary in order for those States to understand how they may treat the provisions of section 503 of Pub. L. 94–566 with regard to maintaining Medicaid eligibility. Section 503 concerns the preservation of Medicaid eligibility for individuals who cease to be eligible for SSI on account of cost-of-living increases in Social Security benefits.

Comment. The regulations language previously found at § 448.3(b)(1) has been recodified in Part 435, Subparts H and I, except for a clause which stated "(For both the categorically needy and * * * the medically needy, a State plan must) provide that only such income and resources as are considered available under the provisions of this section may be considered as an applicant's or recipient's * * *" This omission may be interpreted as license to be more restrictive in consideration of income and resources.

Response. The language is not necessary under the new format of the recodified regulations. Subparts H and I set out the requirements for financial eligibility for the categorically and the medically needy respectively. Specific requirements for the consideration of income and resources are then dealt with in these subparts. There has been no change in policy.

Comment. Section 435.520(b)(2) changes policy on determining birthdates for aged, blind, and disabled individuals.

Response. Since SSI uses the "common law" method for determining birthdates, the recodified regulations simply say plainly what was required, but not clearly specified, by the previous regulations.

Comment. In § 435.700, "Scope" of Subpart H on Financial Requirements for the Categorically Needy, the third sentence is not necessary and should be deleted. The sentence states that the financial requirements of AFDC, SSI, or the State supplement apply to individuals receiving those payments.

Response. This statement is not necessary to express accurately what the subpart contains. However, it answers the obvious question which is raised by the first two sentences in the section, i.e., what standards apply to cash assistance recipients.

Comment. In § 435.821, which deals with circumstances under which a Medicaid agency must consider contributions from an individual's relatives as his own income, language was added to paragraph (c) stating that the State's AFDC procedures must be used to determine whether the individual is living with his relatives or considered as living apart. This language did not appear in the old regulation and is an addition to policy.

Response. The new language in § 435.821(c) explains existing policy, in effect prior to the recodification and required by statute (sec. 1902(a)(10)(C)).

Comment. The differences and relationships between determining countable income (§ 435.831) and total available income (§ 435.832) are confusing. Rather than attempting to tie these sections together at § 435.831(b), § 435.832 should be expanded to stand independently.

Response. Section 435.831(a), as corrected, deals with determining countable income for all medically needy including institutionalized persons. For the institutionalized, § 435.832 as corrected, explains post-eligibility treatment of income and resources of institutionalized individuals, including contribution toward cost of care. We have attempted to avoid confusion by clearly labeling these sections and keeping them structurally simple.

Comment. Section 440.90, definition of "clinic services", refers to services provided to an outpatient *by* a facility while the old regulation (§ 449.10(b)(9)) referred to services furnished to an outpatient *in* a facility. Does this mean that services may be furnished outside the facility?

Response. This change is a technical clarification to reflect the fact that a number of clinics include, in the array of services for which they are reimbursed under their Medicaid provider agreements, services that may occasionally be provided at a site outside the clinic itself. For example, the clinic may have a contract for nutritional counseling services to be provided at a community center in a different geographical location. Services provides by clinics in this way are appropriately reimbursed as clinic services. The change in no way authorizes reimbursement for any other services that would not routinely be provided as clinic services (for example, services in a patient's home that should be furnished by a home health agency).

Comment. We should clarify that there is no age or other limitation on inpatient psychiatric services (§ 440.160) furnished in a general hospital.

Response. This section is a definition of a specific optional service—inpatient psychiatric services for individuals under age 21. We do not believe it appropriate to include within this definition a concept that does not define this particular service.

Comment. The phrase in § 440.170(a)(1) on transportation-related travel expenses "* * * determined to be necessary by the agency * * * [to provide medical treatment]" implies that the agency's expenses are covered. Better wording would be "* * * determined by the agency to be necessary * * *"

Response. We believe that the section makes it clear that the expenses referred to are those related to securing the treatment. The types of expenses intended are spelled out in § 440.170(a)(3).

Comment. Clarify why § 440.250 (b), (c), and (e), Limits on comparability of services, use the mandatory word "must" instead of the permissive "may".

Response. We use "must" to eliminate the previous ambiguity of these regulations and to conform to the statute which mandates these limitations.

Comment. In § 441.15, the wording was changed to "the agency provides home health services * * *" from "home health services must be provided * * *" in the previous regulation. This change could be construed to eliminate providers such as rural health clinics and visiting nurses from those qualified to furnish home health services.

Response. The word "agency" is used in this regulation merely to indicate the Medicaid agency's ultimate responsibility for assuring that required services are provided. Section 440.70 specifies who may provide them.

Comment. Include a provision in § 442.404, "Resident's bill of rights", which concerns the rights of recipients in intermediate care facilities, for another person to exercise these rights on behalf of a recipient who is not capable of requesting such help.

Response. This provision is covered by § 442.405, "Delegation of rights and

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responsibilities", which provides for a guardian, next of kin, or sponsoring agency to exercise these rights.

Comment. The rewrite has eliminated from § 442.404(f), "Freedom from abuse and restraints", the requirement that a Qualified Mental Retardation Professional (QMRP) authorize the use of chemical or physical restraints, in the case of a mentally retarded person.

Response. This authorization requirement is contained in § 442.404(f)(2)(iii)(A).

Corrected Redesignation Table

Part 449

Old section	New section
448.2(b)	435.401(c)(1).
448.3(c)(1)(iv)	435.840.
448.3(c)(3)(ii)	435.831(a) (2), (3), 435.845(d), (e).
449.33(a)(5)	431.610(g).
449.33(b)(2)	431.610(h).

Part 450

450.25	431.800.
450.30(a)(2) (words "provide for . . .").	447.251.
450.30(a)(3) (introductory paragraph, words after "cost related basis").	447.301
450.30(a)(3) (words "provide for")	447.251.
450.30(a)(4) (words "provide for")	447.251.
450.30(a)(10)	447.371.
450.30(b)(4)(i)	447.351.
450.30(b)(4)(ii), and (iii)	447.352.
450.30(b)(5)	447.321, 447.325.
450.100	431.610 except (g) & (h).
450.310	455.300.

Corrected Derivation Table

Part 431

New section	Old section
431.610 except (g) & (h)	450.100.
431.610(g)	449.33(a)(5).
431.610(h)	449.33(b)(2).
431.800	450.25.

Part 435

435.110	448.1(b)(1)(i).
435.401	448.2(a) & (b).
435.831	448.1(a)(2)(ii), (b)(3)(iv), (5)(iv), (c)(2), (3), (4).

Part 447

447.251 (covers the previous State Plan requirement in 450.30(a)(2), hospitals, (a)(3), long term care services, and (a)(4), upper limits for all services.	450.30(a)(2). 450.30(a)(3). 450.30(a)(4).
447.301	450.30(a)(3), introductory paragraph, words after "cost-related basis," and 450.30(a)(3)(iv).
447.325	450.30(b)(5).
447.351	450.30(b)(5)(i).
447.352	450.30(b)(4)(ii) and (iii).
447.361	450.30(b)(7).
447.371	450.30(a)(10).

42 CFR Chapter IV, Subchapter C, is amended as set forth below:

A. In the authority citations throughout the subchapter, the references to ", 49 Stat. 647" are deleted wherever they occur.

B. The words "Medicaid" and "Medicare" are capitalized wherever they occur.

C. In Part 430, § 430.0 is amended by—

1. Changing the numbering of paragraph (b)(2) to (b)(2)(ii) and adding a new (b)(2)(i); and

2. Deleting "Part 70 Standards for a Merit System of Personnel Administration" from the list of applicable regulations in paragraph (b)(2)(ii).

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* * * * *

(b) *Federal regulations.* * * *

(2) Other regulations applicable to State medicaid programs include:

(i) 5 CFR Part 900, Subpart F, Administration of the Standards for a Merit System of Personnel Administration; and

(ii) the following HEW Regulations in 45 CFR Subtitle A:

Part 16—Department Grant Appeals Process.
Part 19—Limitations on Payment or Reimbursement for Drugs.
Part 74—Administration of Grants.
Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare: Effectuation of Title VI of the Civil Rights Act of 1964.
Part 81—Practice and Procedure for Hearings Under 45 CFR Part 80.
Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance.

* * * * *

D. Part 431 is amended as follows:

1. Section 431.52 is amended by deleting the reference to "the attending physician's" in paragraph (b)(3).

§ 431.52 Payments for services furnished out of State.

* * * * *

(b) *Payment for services.* * * *

(3) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other State; or

* * * * *

2. Section 431.230(a) is revised by deleting the words "applicant or":

§ 431.230 Maintaining services.

(a) If the agency mails the 10-day or 5-day notice as required under § 431.211 or § 431.214 of this subpart, and the recipient requests a hearing before the date of action, the agency may not terminate or reduce services until a decision is rendered after the hearing unless—

(1) It is determined at the hearing that the sole issue is one of Federal or State law or policy; and

(2) The agency promptly informs the recipient in writing that services are to be terminated or reduced pending the hearing decision.

* * * * *

3. Section 431.250 is amended by revising paragraph (b) as follows:

§ 431.250 Federal financial participation.

FFP is available in expenditures for—

* * * * *

(b) Payments made—

(1) To carry out hearing decisions; and

(2) For services provided within the scope of the Federal Medicaid program and made under a court order.

* * * * *

4. Section 431.503 is amended by revising paragraph (i) and vacating and reserving paragraphs (j) and (k) as follows:

§ 431.503 All contracts.

A State plan must provide that contracts under this subpart—

* * * * *

(i) Establish provisions and criteria for—

(1) Extending the contract;

(2) Renegotiating the contract;

(3) Terminating the contract, including a requirement that the contractor promptly supply all information necessary for the reimbursement of any outstanding medical claims;

(j) [Reserved]

(k) [Reserved]

* * * * *

5. Section 431.521 is amended by correcting the citation in paragraph (a)(2) as follows:

§ 431.521 HMO's with provisional status.

(a) The agency may determine that an entity is an HMO with provisional status if—

* * * * *

(2) The Assistant Secretary for Health has not determined whether the entity meets the definition of section 1903(m)(1)(A) of the Social Security Act.

* * * * *

6. The centered heading above § 431.565 is revised to read as follows:

Prepaid Health Plans: Contract Requirements—Non-Risk Basis

7. Section 431.610 is amended by revising paragraph (g)(3)(ii) as follows:

§ 431.610 Relations with standard-setting and survey agencies.

* * * * *

(g) *Responsibilities of survey agency.* The plan must provide that, in certifying skilled nursing and intermediate care facilities, the survey agency designated under paragraph (e) of this section will—

* * * * *

(3) Have qualified personnel perform on-site inspections—

* * * * *

(ii) For intermediate care facilities with deficiencies as described in §§ 442.112 and 442.113 of this subchapter, within 6 months after initial correction plan approval and every 6 months thereafter as required under those sections.

* * * * *

E. Part 432 is amended by deleting and reserving § 432.10(c)(1), as follows:

§ 432.10 Standards of personnel administration.

* * * * *

(c) *Methods of personnel administration.* Methods of personnel administration must be established and maintained, in the medicaid agency and in local agencies administering the propgram, in conformity with:

(1) [Reserved]

* * * * *

F. Part 433 is amended by correcting § 433.34, (c), (d), (e), and (f) as follows:

§ 433.34 Cost allocation.

* * * * *

(c) *Filing cost allocation plan.* The Medicaid agency must have a cost allocation plan approved by the Division of Cost Allocation (DCA), Regional Administrative Support Center, and on file with the HCFA Regional Office.

(d) *Content of plan.* The cost allocation plan must include—

(1) Methods and procedures for properly charging the costs of administration, medical assistance, and training incurred under the plan, in accordance with 45 CFR Part 74, Appendix C and any other requirements specified by HEW;

(2) Descriptions of functions and activities, by organizational units;

(3) Estimated costs for one year, by cost centers or pools, including costs of all organizational units of the State department in which the Medicaid agency is located (unless specifically waived by the DCA);

* * * * *

(e) *Revision and approval.* (1) The agency must revise the plan whenever the allocation method is outdated because of organizational changes within the agency, changes in Federal law or regulations, or other similar changes.

(2) Approval of the cost allocation plan does not constitute approval of the plan's estimated cost for purposes of calculating claims for FFP.

(f) *Federal financial participation.* (1) FFP is not available in expenditures for administration, medical assistance, and training for any quarterly period unless the State's claims for those expenditures are in accord with a cost allocation plan approved by the DCA for that period and on file with HCFA.

* * * * *

(4) Any costs disallowed under paragraphs (f) (2) and (3) of this section may be reclaimed after the DCA approves a cost allocation plan for the quarter for which the expenditures were claimed, to the extent that the reclaimed amounts are supported by the approved plan.

* * * * *

G. Part 435 is amended as follows:

1. Section 435.4 is amended by revising the definitions of "Categorically needy" and "Families and children" as follows:

§ 435.4 Definitions and use of terms.

As used in this part—

* * * * *

"Categorically needy" means aged, blind or disabled individuals or families and children (1) who are otherwise eligible for medicaid and who meet the financial eligibility requirements for AFDC, SSI, or an optional State supplement; or

(2) Whose categorical eligibility is protected by statute (e.g., persons receiving cost of living increases under § 435.135).

"Families and children" refers to eligible members of families with children who are financially eligible under AFDC or medically needy rules and who are deprived of parental support or care as defined under the AFDC program (see 45 CFR 233.90, 233.100). In addition, this group includes individuals under age 21 who are not deprived of parental support or care but are financially eligible under AFDC rules or medically needy rules (see optional coverage group, § 435.222). It does not include individuals under age 21 whose eligibility for medicaid is based on blindness or disability—for these individuals, SSI rules govern;

* * * * *

2. Section 435.112 is amended by adding the word "calendar" to paragraph (b) as follows:

§ 435.112 Families terminated from AFDC because of increased earnings or hours of employment.

* * * * *

(b) The 4 calendar month period begins on the date AFDC is terminated. If AFDC benefits are terminated retroactively, the 4 calendar month period also begins retroactively with the first month in which AFDC was erroneously paid.

3. Section 435.121 is amended by revising paragraphs (a) and (b)(2) and correcting the cross-reference in paragraph (c)(2) as follows:

§ 435.121 Individuals in States using more restrictive requirements for medicaid than the SSI requirements.

(a) The agency may use medicaid eligibility requirements for the aged, blind, or disabled that are more restrictive than the eligibility requirements for SSI. The agency may be more restrictive in defining blindness or disability, more restrictive in setting financial requirements for income or resources, or both. The requirements may apply to the aged or the blind or the disabled, or to any combination. For example, the agency may use a more restrictive definition of disability for those applying for medicaid as disabled and a more restrictive income requirement for those who apply as aged, but provide medicaid to all individuals receiving SSI on the basis of blindness.

(b) If an agency uses more restrictive requirements under this section—

* * * * *

(2) In determining financial eligibility of an individual in the category to which the more restrictive requirements apply, the agency must deduct, from the individual's income, his SSI payment, any optional State supplement, and incurred medical expenses as specified in § 435.732.

(c) The following sections of this part apply to the agency's use of more restrictive eligibility requirements:

* * * * *

(2) Section 435.321, medically needy coverage.

* * * * *

4. Section 435.134 is amended by revising paragraph (b) as follows:

§ 435.134 Individuals who would be eligible except for the increase in OASDI benefits under Pub. L. 92–336 (July 1, 1972).

The agency must provide medicaid to individuals who meet the following conditions:

* * * * *

(b) The individual would currently be eligible for SSI or a State supplement except that the increase in OASDI under Pub. L. 92–336 raised his income over the limit allowed under SSI. This includes an individual who—

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(1) Meets all current SSI requirements except for the requirement to file an application; or

(2) Would meet all current SSI requirements if he were not in a medical institution or intermediate care facility, and the State's medicaid plan covers this optional group.

5. Section 435.211 is revised as follows:

§ 435.211 Individuals who would be eligible for cash assistance except for their institutional status.

The agency may provide medicaid to individuals in title XIX reimbursable medical institutions and intermediate care facilities who are ineligible for AFDC, SSI, or an optional State supplement because of lower income standards used under these programs to determine eligibility for institutionalized individuals, but who would be eligible for AFDC, SSI, or an optional State supplement as specified in § 435.230 if they were not institutionalized.

6. Section 435.223 is amended by revising paragraph (a) as follows:

§ 435.223 Individuals who would be eligible for AFDC if coverage under the State's AFDC plan were as broad as allowed under title IV-A.

(a) The agency may provide medicaid to individuals who—

(1) Would be eligible for AFDC if the State's AFDC plan included individuals whose coverage under title IV-A is optional (for example, medicaid may be provided to unborn children or members of families with an unemployed parent even though AFDC is not available to them under the State's AFDC plan); or

(2) Would be eligible for AFDC if the State's AFDC plan did not contain eligibility requirements more restrictive than, or in addition to, those required under title IV-A.

* * * * *

7. Section 435.231 is amended by changing the heading as follows:

§ 435.231 Individuals in institutions who are eligible under a special income level.

8. In § 435.321, paragraph (b)(1) is revised by deleting the first cross reference as set forth below:

§ 435.321 Medically needy coverage of the aged, blind, and disabled in States that impose more restrictive eligibility requirements.

* * * * *

(b) To determine whether an individual is covered as categorically needy or medically needy, the agency must—

(1) Consider as categorically needy those individuals who meet the State's categorically needy financial standard and (i) who, before their incurred medical expenses are deducted from income, meet the financial eligibility requirements for SSI or a State supplement; or (ii) whose OASDI increases are not counted under §§ 435.134 and 435.135.

* * * * *

9. Section 435.722 is amended by changing the heading as follows:

§ 435.722 Individuals in institutions who are eligible under a special income level.

10. In § 435.723, paragraph (d) is revised by changing the first reference to "eligible spouse" to read "ineligible spouse" as follows:

§ 435.723 Financial responsibility of spouses.

* * * * *

(d) If only one spouse in a couple applies or is eligible and they cease to live together, the agency must consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse after the month in which they cease to live together.

11. Paragraph (a) of § 435.725 is corrected by adding the phrase "the amount that remains after" as follows:

§ 435.725 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

* * * * *

12. Section 435.731 is amended by revising paragraph (a) and deleting paragraph (b) as follows:

§ 435.731 General requirements for determining income eligibility in States using more restrictive requirements than SSI.

Requirements applicable to all individuals. If the agency, under § 435.121, uses any requirement for aged, blind, or disabled individuals more restrictive than an eligibility requirement under SSI, the agency must determine income in accordance with § 435.732 with respect to any category for which more restrictive requirements are imposed. The agency must use the procedures in § 435.732 regardless of the type of restrictive eligibility factor imposed.

13. Section 435.732 is revised to read as follows:

§ 435.732 Procedures for determining income eligibility.

The agency must determine income eligibility of individuals in the categories specified in § 435.731 in the following manner:

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income:

(1) Any SSI benefit the individual receives.

(2) Any optional State supplement the individual receives.

(3) Increases in OASDI that are deducted under §§ 435.134 and 435.135(c) for individuals specified in those sections.

(4) Other deductions from income applied under the medicaid plan.

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard established under § 435.121 the individual is eligible for medicaid.

(c) *Deduction of incurred medical expenses.* (1) If countable income exceeds the income standard, the agency must deduct from income expenses incurred by the individual or financially responsible relatives for necessary medical and remedial services that are recognized under State law and are not subject to payment by a third party, including medicare and other health insurance premiums, deductibles or coinsurance charges, and co-payments or deductibles imposed under §§ 447.51 or 447.53 of this subchapter.

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income.

(d) *Eligibility based on incurred medical expenses.* If, after incurred medical expenses are deducted, remaining income is equal to or less than the income standard, the individual is eligible for medicaid.

14. Section 435.733 is revised to read as follows:

§ 435.733 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to the following individuals in medical

institutions and intermediate care facilities:

(1) Individuals receiving cash assistance under AFDC who are eligible for medicaid under § 435.110 and individuals eligible under § 435.121.

(2) Individuals who would be eligible for AFDC, SSI, or an optional State supplement except for their institutional status and who are eligible for medicaid under § 435.211.

(3) Aged, blind, and disabled individuals who are eligible for medicaid, under § 435.231, under a higher income standard than the standard used in determining eligibility for SSI or optional State supplements.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the indvidual while in the institution. This protected personal needs allowance must be at least—

(i) $25 a month for an aged, blind, or disabled individual, including a child applying for medicaid on the basis of blindness or disability;

(ii) $50 a month for an institutionalized couple if both spouses are aged, blind, or disabled and their income is considered available to each other in determining eligibility; and

(iii) For other individuals, a reasonable amount set by the agency, based on a reasonable difference in their personal needs from those of the aged, blind, and disabled. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The more restrictive income standard established under § 435.121; or

(ii) The medically needy standard for an individual;

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

15. Section 435.811 is revised as follows:

§ 435.811 General requirement.

To determine eligibility of medically needy individuals and families, a medicaid agency must use an income standard under this subpart based on family size. "Family size" includes all individuals in the family for whom medically needy Medicaid eligibility is being determined and any financially responsible relative living in the home regardless of actual contribution.

16. Section 435.812 is amended by deleting "non-institutionalized" from the heading, by revising the introductory language in paragraph (a) and (a) (1) and (2), by deleting and reserving paragraph (a)(4), and by adding a new paragraph (c), as follows:

§ 435.812 Medically needy income standard for one person.

(a) Except as provided in paragraphs (b) and (c) of this section, the agency must use an income standard to determine eligibility for one individual that at least equals the highest of the following amounts:

(1) The amount of the payment standard for an individual that is generally used to determine eligibility under the State's approved AFDC plan.

(2) The amount of the income standard used to determine eligibility under SSI of an individual in his home.

(3) If the agency provides medicaid, under § 435.230, to individuals receiving only optional State supplements, the amount of the highest income standard generally used to determine eligibility for an optional State supplement of an individual in his home.

* * * * *

(4) [Reserved]

(c) The provisions of this section do not require an agency that has elected to apply more restrictive requirements to the aged, blind, or disabled to extend Medicaid coverage to any aged, blind, or disabled individual who would not have been covered under the State's plan on January 1, 1972. The agency may have a separate standard for the aged, blind, and disabled which is more restrictive than the standard for AFDC.

17. Section 435.813 is deleted and reserved.

§ 435.813 [Reserved]

18. Section 435.814 is amended by deleting "non-institutionalized" from the heading, by revising the introductory language in paragraph (a) and paragraph (a)(1), by deleting and reserving paragraph (a)(4), and by adding a new paragraph (c) as follows:

§ 435.814 Medically needy income standard for two persons.

(a) Except as provided in paragraphs (b) and (c) of this section, the agency must use an income standard to determine eligibility for two persons that at least equals the highest of the following amounts:

(1) The amount of the payment standard for a family of two that is generally used to determine eligibility under the State's approved AFDC plan.

(2) The amount of the income standard used to determine eligibility under SSI of a couple in which both spouses apply as aged, blind, or disabled and live in the same household.

(3) If the agency provides medicaid, under § 435.230, to individuals receiving only optional State supplements, the amount of the highest income standard generally used to determine eligibility for an optional State supplement for couples in which both spouses apply as aged, blind, or disabled and live in the same household.

(4) [Reserved]

* * * * *

(c) The provisions of this section do not require an agency that has elected to apply more restrictive requirements to the aged, blind, or disabled to extend Medicaid coverage to any aged, blind, or disabled individual who would not have been covered under the State's plan on January 1, 1972. The agency may have a separate standard for the aged, blind, and disabled which is more restrictive than the standard for AFDC.

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19. Section 435.815 is deleted and reserved:

§ 435.815 [Reserved]

20. Section 435.816 is revised by changing the reference in the first sentence from "the State's AFDC plan" to "the State's approved AFDC plan."

§ 435.816 Medically needy income standards for three or more persons.

The agency must use an income standard to determine eligibility of families of three or more that at least equals the amount of the payment standard generally used to determine eligibility under the State's approved AFDC plan for families of the same size. This rule also applies in determining eligibility of an individual under age 21 living with his parents who is not eligible as a dependent child and whose parents' income and resources are considered available to him under § 435.821.

21. Section 435.831 is amended by revising the introductory paragraph and paragraphs (a), (b), (c) (2), and (d) to read as follows:

§ 435.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income.

* * * * *

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under §§ 435.812 through 435.816, the individual or family is eligible for medicaid.

(c) *Deduction of incurred medical expenses*

* * * * *

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income under paragraphs (c) (1) (i) and (ii) of this section.

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual or family is eligible for the full amount, duration and scope of services under the plan.

22. Section 435.832 is revised to read as follows:

§ 435.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to medically needy individuals in medical institutions and intermediate care facilities.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the individual while in the institution. This protected personal needs allowance must be at least—

(i) $25 a month for an aged, blind, or disabled individual, including a child applying for medicaid on the basis of blindness or disability;

(ii) $50 a month for an institutionalized couple if both spouses are aged, blind, or disabled and their income is considered available to each other in determining eligibility; and

(iii) For other individuals, a reasonable amount set by the agency, based on a reasonable difference in their personal needs from those of the aged, blind, and disabled. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the highest of—

(i) The amount of the income standard used to determine eligibility for SSI for an individual living in his own home;

(ii) The amount of the highest income standard, in the appropriate category of age, blindness, or disability, used to determine eligibility for an optional State supplement for an individual in his own home, if the agency provides medicaid to optional State supplement recipients under § 435.230; or

(iii) The amount of the medically needy income standard for one person established under § 435.812.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

23. Section 435.845 is amended by removing the words "resource" and "at least" from paragraph (e), dividing paragraph (e) into subparagraphs (1) and (2), and adding a phrase to paragraph (e)(2) as follows:

§ 435.845 Medically needy resource eligibility.

To determine eligibility on the basis of resources for medically needy individuals, the agency must—

* * * * *

(e)(1) For aged, blind, or disabled individuals in States using requirements more restrictive than SSI, deduct the value of resources in an amount no more restrictive than those deducted under the medicaid plan on January 1, 1972 and no more liberal than those deducted in determining eligibility under SSI.

(2) However, the amounts specified in paragraph (e)(1) of this section must be the same as those that would be deducted in determining, under § 435.121, the eligibility of the categorically needy; and

* * * * *

24. The introductory phrase of § 435.905(a) is amended to read as follows:

§ 435.905 Availability of program information.

(a) The agency must furnish the following information in written form, and orally as appropriate, to all applicants and to all other individuals who request it. * * *

* * * * *

25. In § 435.911 paragraph (c) is revised by adding the word "or" to the end of paragraph (c)(1), removing "or" from the end of paragraph (c)(2), and deleting paragraph (c)(3) as follows:

§ 435.911 Timely determination of eligibility.

* * * * *

(c) The agency must determine eligibility within the standards except in unusual circumstances, for example—

(1) When the agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or

(2) When there is an administrative or other emergency beyond the agency's control.

* * * * *

26. In § 435.919, paragraph (b) is amended by changing the reference to Subpart J to Subpart E:

§ 435.919 Timely and adequate notice.

* * * * *

(b) The notice must meet the requirements of Subpart E of Part 431 of this subchapter.

27. Section 435.1004 is amended by revising paragraph (a) to read as follows:

§ 435.1004 Recipients overcoming certain conditions of eligibility.

(a) FFP is available, as specified in paragraph (b) of this section, in expenditures for services provided to recipients who are overcoming certain eligibility conditions, including blindness, disability, continued absence or incapacity of a parent, or unemployment of a parent.

* * * * *

28. Section 435.1006 is revised to read as follows:

§ 435.1006 Recipients of optional State supplements only.

FFP is available in expenditures for services provided to individuals receiving optional State supplements but not receiving SSI, if their income before deductions, as determined by SSI budget methodology, does not exceed 300 percent of the SSI benefit amount payable under section 1611(b)(1) of the Act to an individual who has no income and resources.

H. Part 436 is amended as follows:

1. Section 436.3 is amended by revising the definition of "Categorically needy" as follows:

§ 436.3 Definitions and use of terms.

As used in this part—

* * * * *

"Categorically needy" means aged, blind, or disable individuals or families and children (1) who are otherwise eligible for medicaid and who meet the financial eligibility requirements for OAA, AFDC, AB, APTD, or AABD; or,

(2) Whose categorical eligibility is protected by statute (e.g., persons who received increased OASDI payments. See § 436.112).

* * * * *

2. Section 436.116 is amended by adding the word "calendar" to paragraph (b) as follows:

§ 436.116 Families terminated from AFDC because of increased earnings or hours of employment.

* * * * *

(b) The 4 calendar month period begins on the date AFDC is terminated. If AFDC benefits are terminated retroactively, the 4 calendar month period also begins retroactively with the first month in which AFDC was erroneously paid.

3. Section 436.211 is revised by inserting "title XIX reimbursable" after "individual's * * *" and before "medical institutions * * *".

§ 436.211 Individuals who would be eligible for cash assistance except for their institutional status.

The agency may provide medicaid to individuals in title XIX reimbursable medical institutions and intermediate care facilities who are ineligible for OAA, AFDC, AB, APTD, or AABD because of lower income standards used under those programs to determine eligibility for institutionalized individuals, but who would be eligible for those programs if they were not institutionalized.

4. Section 436.212 is amended by revising paragraph (a) as follows:

§ 436.212 Individuals who would be eligible for cash assistance if the State plan for OAA, AFDC, AB, APTD, or AABD were as broad as allowed under the Act.

(a) The agency may provide medicaid to individuals who—

(1) Would be eligible for OAA, AFDC, AB, APTD, or AABD if the State's plan under those programs included individuals whose coverage under title I, IV–A, X, XIV, or XVI is optional (for example, the agency may provide medicaid to unborn children or members of families with an unemployed parent even though the State's AFDC plan does not include them); or

Would qualify for OAA, AFDC, AB, APTD, or AABD if the State's plan under those programs did not contain eligibility requirements more restrictive than, or in addition to, those required under the appropriate title of the Act. (For example, the agency may provide medicaid to individuals who would meet the Federal definition of disability, 45 CFR 233.80, but who do not meet the State's more restrictive definitions.)

* * * * *

5. Section 436.811 is revised to read as follows:

§ 436.811 General requirement.

To determine eligibility of medically needy individuals and families, the agency must use an income standard under this subpart based on family size. "Family size" includes all individuals in the family for whom medically needy Medicaid eligibility is being determined and any financially responsible relative living in the home regardless of actual contribution.

6. Section 436.812 is amended by deleting "Non-institutionalized individuals" from the heading and by changing the reference in the first sentence of paragraph (b) from "the State's AFDC plan" to "the State's approved AFDC plan" as follows:

§ 436.812 Medically needy income standard.

To determine eligibility the agency must use—

* * * * *

(b) For families of three or more, an income standard that at least equals the amount of the payment standard generally used to determine eligibility under the State's approved AFDC plan for families of the same size. This rule also applies in determining eligibility of an individual under age 21 living with his parents who is not eligible as a dependent child and whose parents' income and resources are considered available to him under § 436.821.

7. Section 436.813 is deleted and reserved:

§ 436.813 [Reserved]

8. Section 436.831 is amended by revising the introductory paragraph, and paragraphs (a), (c)(2), and (d) as follows:

§ 436.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

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(a) *Determining countable income.* The agency must, to determine countable income, deduct amounts that would be deducted in determining eligibility under the State's approved plan for OAA, AFDC, AB, APTD, or AABD.

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under § 436.812, the individual is eligible for Medicaid.

(c) *Deduction of incurred medical expenses: Order of deduction.* * * *

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income under paragraph (c)(1)(i) and (ii) of this section.

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual or family is eligible for the full amount, duration and scope of services under the plan.

9. Section 436.832 is revised to read as follows:

§ 436.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to medically needy individuals in medical institutions and intermediate care facilities.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the individual while in the institution. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The amount of the highest need standard for an individual without income and resources under the State's approved plan for OAA, AFDC, AB, APTD, or AABD; or

(ii) The amount of the medically needy income standard for one person established under § 436.812.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under § 436.812 for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

10. Section 436.1003 is revised to read as follows:

§ 436.1003 Recipients overcoming certain conditions of eligibility.

FFP is available for a temporary period specified in the State plan in expenditures for services provided to recipients who are overcoming certain eligibility conditions, including blindness, disability, continued absence or incapacity of a parent, or unemployment of a parent.

I. Part 440 is amended as follows:

1. Section 440.70 is amended by revising paragraph (b) to read as follows:

§ 440.70 Home health services.

* * * * *

(b) Home health services include the following services and items. Those listed in paragraphs (b) (1), (2) and (3) are required services; those in paragraph (b)(4) are optional.

(1) Nursing service, as defined in the State Nurse Practice Act, that is provided on a part-time or intermittent basis by a home health agency as defined in paragraph (d) of this section, or if there is no agency in the area, a registered nurse who—

(i) Is currently licensed to practice in the State;

(ii) Receives written orders from the patient's physician;

(iii) Documents the care and services provided; and

(iv) Has had orientation to acceptable clinical and administrative recordkeeping from a health department nurse.

(2) Home health aide service provided by a home health agency,

(3) Medical supplies, equipment, and appliances suitable for use in the home, and

(4) Physical therapy, occupational therapy, or speech pathology and audiology services, provided by a home health agency or by a facility licensed by the State to provide medical rehabilitation services. (See § 441.15 of this subchapter.)

* * * * *

2. Section 440.100 is amended by revising paragraph (a) to change the word "direction" to "supervision" and to change the reference to "other" structures of the oral cavity to "associated", as follows:

§ 440.100 Dental services.

(a) "Dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his profession, including treatment of—

(1) The teeth and associated structures of the oral cavity; and

(2) Disease, injury, or impairment that may affect the oral or general health of the recipient.

* * * * *

3. Section 440.110 is amended by revising paragraph (c)(1) to restore a requirement for physician referral, as follows:

§ 440.110 Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

* * * * *

(c) *Services for individuals with speech, hearing, and language disorders.* (1) "Services for individuals with speech, hearing, and language disorders" means diagnostic, screening, preventive, or corrective services provided by or under the direction of a speech pathologist or audiologist, for which a patient is referred by a physician. It includes any necessary supplies and equipment.

* * * * *

4. Section 440.170 is amended by correcting the spelling of "Church" in paragraph (b), restoring the word "own" before "home" in paragraph (b)(2)(ii), and restoring "plan of treatment" in paragraph (f), as follows:

§ 440.170 Any other medical care or remedial care recognized under State law and specified by the Secretary.

* * * * *

(b) *Services of Christian Science nurses.* "Services of Christian Science nurses" mean services provided by nurses who are listed and certified by the First Church of Christ, Scientist, Boston, Mass., if—

* * * * *

(2) The services are provided—

* * * * *

(ii) As private duty services to a recipient in his own home or in a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., if the recipient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the sanatorium.

* * * * *

(f) *Personal care services in a recipient's home.* "Personal care services in a recipient's home" means services prescribed by a physician in accordance with the recipient's plan of treatment and provided by an individual who is—

* * * * *

5. Section 440.210 is revised by adding "and 440.70" after §§ 440.10–440.50".

§ 440.210 Required services for the categorically needy.

A State plan must specify that, as a minimum, categorically needy recipients are provided the services as specified in § 440.10–440.50, and 440.70.

6. Section 440.250 is amended by revising paragraph (e) to clarify the age limit, and paragraph (f) to add "part or all of the [deductibles]", as follows:

§ 440.250 Limits on comparability of services.

* * * * *

(e) If covered under the plan, inpatient psychiatric services (§ 440.160) must be limited to recipients under age 22 as specified in § 441.151(c) of this subchapter.

(f) If medicare benefits under Part B of title XVIII are made available to recipients through a buy-in agreement or payment of premiums, or part or all of the deductibles, cost sharing or similar charges, they may be limited to recipients who are covered by the agreement or payment.

* * * * *

J. Part 441 is amended as follows:

1. In § 441.10, paragraph (e) is revised by changing the parenthetical cite from "§ 441.12" to "441.13".

§ 441.10 Basis.

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services:

* * * * *

(e) Section 1905(a) (following (a)(17)), which prohibits FFP in expenditures for certain services (§ 441.13).

2. Section 441.15 is amended by revising the introductory paragraph as follows:

§ 441.15 Home health services.

With respect to the services defined in § 440.70 of this subchapter, a State plan must provide that—

* * * * *

3. Section 441.60 is revised to read as follows:

§ 441.60 Identifying, informing, and referring eligible recipients to title V services.

The agency must—

(a) Identify all recipients eligible for EPSDT services, including those who are in need of medical or remedial services furnished through title V grantees; and

(b) Ensure that recipients eligible for title V services are informed of available services, and referred if they desire to title V grantees that offer services appropriate to the recipients' needs.

K. Part 442 is amended as follows:

1. Section 442.441 is amended by revising paragraph (d) to read as follows:

§ 442.441 Behavior modification programs.

* * * * *

(d) Time-out devices and aversive stimuli may not be used for longer than one hour for time-out purposes involving removal from a situation, and then only during the behavior modification program and only under the supervision of the trainer.

2. Section 442.499 is amended by revising paragraph (b) as follows:

§ 442.499 Maintenance of resident records.

* * * * *

(b) Any individual who makes an entry in a resident's record must make it legibly, date it, and sign his name and job title or professional capacity.

* * * * *

L. Part 447 is amended as follows:

1. The table of contents is amended by renumbering § 447.351 to read § 447.352 and adding a new heading for § 447.351 as follows:

447.351 Selected medical services, supplies, and equipment: Upper limits.
447.352 Other noninstitutional services: Upper limits.

2. Section 447.15 is amended as follows:

§ 447.15 Acceptance of State payment as payment in full.

A State plan must provide that the medicaid agency must limit participation in the medicaid program to providers who accept, as payment in full, the amounts paid by the agency. (Secs. 1902(a)(4) and (14) of the Act.)

3. Section 447.52 is amended by adding a new paragraph (c) to read as follows:

§ 447.52 Minimum and maximum income-related charges.

For the purpose of relating the amount of an enrollment fee, premium, or similar charge to total gross family income, as required under § 447.51(d), the following rules apply:

* * * * *

(c) *Income-related charges.* The agency must impose an appropriately higher charge for each higher level of family income, within the maximum amounts specified in paragraph (b) of this section.

4. Section 447.331 is amended by adding the word "reasonable" to paragraph (a) as follows:

§ 447.331 Drugs: Upper limits of payment.

(a) The agency may not pay more for prescribed drugs than the lower of ingredient cost plus a reasonable dispensing fee or the provider's usual and customary charge to the general public.

* * * * *

5. Section 447.341 is amended by revising paragraph (c) to add "or services furnished," as follows:

§ 447.341 Individual practitioners: Upper limits of payment.

* * * * *

(c) The median charge for a given service is determined from claims submitted or services furnished during all of the calendar year preceding the

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fiscal year in which the determination is made.

* * * * *

(Section 1102 of the Social Security Act (42 U.S.C. 1302)). (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: March 1, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: April 4, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-10989 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5716

Alaska; Partial Revocation of Public Land Order Nos. 5653 and 5654

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This public land order revokes Public Land Order Nos. 5653 and 5654 as far as they affect the lands described in this order to clear the land status records because the lands have been conveyed out of Federal ownership pursuant to the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:
Beau McClure, 202-343-6511
Bob Arnold, 907-271-5768, Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5653 of November 16, 1978, as amended by Public Land Order No. 5654 of November 17, 1978, withdrawing lands from settlement, sale, location, entry, or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Ch. 2), and section 6 of the Alaska Statehood Act (72 Stat. 339) for the public purpose of preserving, protecting and maintaining the resource values that would otherwise be lost are hereby revoked as far as they affect the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

T. 34 N., R. 16 E.
Secs. 19 to 24, inclusive, all.
Containing approximately 3,819 acres.

T. 34 N., R. 17 E.
Secs. 7 to 24, inclusive, all.
Containing approximately 11,299 acres.

T. 34 N., R. 18 E.
Secs. 7 and 8, all;
Secs. 17 to 20, inclusive, all.
Containing approximately 3,727 acres.

Umiat Meridian, Alaska (Unsurveyed)

T. 10 S., R. 5 W.
Secs. 22 to 27, inclusive, all;
Secs. 34, 35, and 36, all.
Containing approximately 5,760 acres.

T. 11 S., R. 5 W.
Secs. 1, 2, and 3, all;
Secs. 10 to 15, inclusive, all.
Containing approximately 15,336 acres.

T. 12 S., R. 12 W.
Secs. 1 to 12, inclusive, all;
Secs. 17 to 20, inclusive, all;
Secs. 29 and 30, all.
Containing approximately 11,475 acres.

T. 12 S., R. 13 W.
Secs. 1 to 30, inclusive, all.
Containing approximately 19,313 acres.
Aggregating approximately 76,489 acres.

2. The lands described in paragraph 1 have been conveyed out of Federal ownership pursuant to the Alaska Native Claims Settlement Act in accordance with the terms and conditions of the agreement of June 29, 1979, between the Department of the Interior and the Arctic Slope Regional Corporation. The purpose of this order is to clear the Federal land status records; therefore, it is determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (2)(C), is required.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11005 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Second Rev. S.O. No. 1439]

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1439.

SUMMARY: This order authorizes the Union Pacific Railroad Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Beatrice, Nebraska.
2. Between Colby and Goodland, Kansas.
3. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI milepost 581.5 north of Hallam, Nebraska.
4. At Topeka, Kansas, between former RI milepost 88.99 and former milepost 85.25.
5. Between Goodland and Caruso, Kansas.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275-7840.

Decided: March 20, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Union Pacific Railroad Company (UP) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by UP over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1439 Service Order No. 1439.

(a) *Union Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* The Union Pacific Railroad Company (UP) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

(1) Beatrice, Nebraska.

(2) Between Colby and Goodland, Kansas.

(3) Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI milepost 581.5 north of Hallam, Nebraska.

(4) At Topeka, Kansas, between former RI milepost 88.99 to former milepost 85.25.

(5) Goodland, Kansas to Caruso, Kansas.[1]

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the UP to conduct these temporary operations in the public interest (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the UP over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via UP become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, UP and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if UP chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10961 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

[1] Addition.

49 CFR Part 1033

[S.O. No. 1452]

Various Railroads Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1452.

SUMMARY: This order authorizes various railroads to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service, once clean-up operations on the RI have been completed by the Directed Rail Carrier, Kansas City Terminal Railway Company.

EFFECTIVE DATE: 12:01 a.m., March 21, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter, (202) 275-7840.

Decided: March 21, 1980.

The Commission has issued service orders authorizing various railroads to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at various locations for the purpose of serving industries located adjacent to these tracks. The effective date of the orders is 12:01 a.m., March 24, 1980.

The Kansas City Terminal Railway Company (KCT) will provide service until 11:59 p.m., March 23, 1980, as the directed rail carrier (DRC) under Directed Service Order No. 1398 and 1398 (Sub. Nos. 1 and 2). The DRC has been authorized to perform the clean-up operations over the lines of the RI after that date.

The DRC needs additional time beyond March 23 to perform its clean-up operations and to work out problems of an orderly transition from its directed service operations to those of the temporary operators. These include but are not limited to the transfer of control of operations, accounting functions, use of materials and supplies, use and disposition of freight cars, locomotives and other equipment; and arriving at other arrangements to minimize operating difficulties.

The effective date of the service orders will not be changed, but the railroads operating under the authority of the orders will not be authorized to enter upon RI lines before 12:01 a.m., April 1, 1980, unless the KCT has completed the clean-up operations or has reached an agreement with the railroad operating under the temporary authority of these service orders to assume those clean-up responsibilities and the Commission has been so notified by KCT.

It is the opinion of the Commission that an emergency exists concerning the operation by various railroads over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1452 Service Order No. 1452.

(a) *Various Railroads authorized to operate over tracks of Chicago, Rock*

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Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee). Various railroads have been authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) under individual service orders with an effective date of 12:01 a.m., March 24, 1980. In order to permit the Kansas City Terminal Railway Company (KCT), as the directed rail carrier (DRC), to perform clean-up operations, and to provide for an orderly transition from the KCT to the interim operator under these service orders, these railroads are not authorized to enter upon RI tracks before 12:01 a.m., April 1, 1980, unless the KCT has completed its clean-up operations or has reached an agreement with the railroad operating under the temporary authority of these service orders to assume those clean-up responsibilities and the Commission has been so notified by the KCT.

Railroads authorized to perform operations under Service Orders Nos. 1435, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, and 1451, over RI tracks will not commence any of these operations until the requirements of the previous paragraph are fulfilled.

(b) This order does not apply to those operations covered by Service Order No. 1411 (St. Louis Southwestern Railway Company (SSW) operations between Santa Rosa, NM and St. Louis, MO); Service Order No. 1415 (SSW operations of Memphis-Fordyce line); or to Regional Transit Authority's operation of commuter service in the Chicago metropolitan area.

(c) Each railroad is directed to arrive at an agreement regarding clean-up and providing for an orderly transition from KCT operation to its operation with the DRC prior to April 1, 1980.

(d) The following points were not being served by the DRC, and are therefore exempt from the requirements of this order:

Beatrice, NE; Burlington, IA; Fairfield, IA; Ottumwa, IA; Worthington, MN; Sibley, IA; Washington, IA; Roswell, CO; Colorado Springs, CO; and Hobart, OK.

(e) Each railroad shall notify the Commission, KCT/DRC, and the Association of American Railroads when it is ready to commence operations over RI tracks.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 21, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10960 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1436]

Chicago & North Western Transportation Co. (CNW) Authorized To Operate Over Tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW)

Decided: March 13, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1436.

SUMMARY: This order authorizes the CNW to operate over tracks of the MILW at Oshkosh, Wisconsin, in order to relieve cars trapped by the MILW embargo.

EFFECTIVE DATE: 12:01 a.m., March 14, 1980, and continuing in effect until 11:59 p.m., March 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Oshkosh, Wisconsin, have been included in this embargo. Duwe Concrete Industries has been deprived of essential railroad service because of the inability of the MILW to switch this industry at Oshkosh. The Chicago and North Western Transportation Company (CNW) has agreed to switch this industry in order to relieve cars trapped by the embargo. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring the operation of CNW trains over these tracks of the MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1436 Second Revised Service Order No. 1436.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Oshkosh, Wisconsin.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Oshkosh, Wisconsin, for the purpose of switching Duwe Concrete Industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the MILW shall be the rates which were applicable on the shipments at the time of shipment as orignally routed.

(d) *Effective date.* This order shall become effective 12:01 a.m., March 14, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 21, 1980 unless otherwise modified, amended or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of Amercian Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary

[FR Doc. 80-10963 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Second Rev. S. O. No. 1429]

Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1429.

SUMMARY: Authorizes the Illinois Central Gulf Railroad Company to operate over tracks and lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa; between Mendota and Trek, Illinois; and between Pearl Street West and Tri-View Industrial in Sioux City, Iowa, providing for the continuation of service to shippers which would otherwise be deprived of essential railroad services. The order is revised to provide service at Sioux City, Iowa.

EFFECTIVE DATE: 12:01 a.m., March 18, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: March 17, 1980.

By Order No. 290A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10–80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1429 Second Revised Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the States of Iowa and Illinois:

(1) Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa;

(2) Between Mendota, Illinois, and Trek, Illinois;

(3) Between Pearl Street West and Tri-View Industrial in Sioux City, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(d) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 18, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-10964 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Second Revised Service Order No. 1432]

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Decided: March 27, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1432.

SUMMARY: This order authorizes the Chicago and North Western

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Transportation Company (CNW) to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; between Jefferson and Marathon, Iowa; between Jefferson and Waukee, Iowa, at Tama, and between Manning and Huxley, Iowa, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates. A subsequent court order authorized the Trustee to embargo additional lines named in Embargo No. 13–80, effective 11:59 p.m., March 23, 1980.

The Chicago and North Western Transportation Company (CNW) intersects MILW lines at various locations in Iowa, South Dakota and Minnesota, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and at Tama and between Jefferson and Marathon, Iowa.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1432 Second Revised Order No. 1432.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; at Tama and between Jefferson and Marathon, Iowa; between Jefferson and Waukee, Iowa, and between Manning and Huxley, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by CNW over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CNW become effective.

(e) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled *"Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10982 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Revised Service Order No. 1434]

Consolidated Rail Corp. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Decided: March 27, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1434.

SUMMARY: This order authorizes the Consolidated Rail Corporation (CR) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) located at Momence, Illinois, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

The Consolidated Rail Corporation (CR) presently serves industries located on its own line at Momence, Illinois, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Momence, Illinois.

It is the opinion of the Commission that an emergency exists requiring the operation by CR over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1434 Second Revised Service Order No. 1434.

(a) *Consolidated Rail Corporation authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Consolidated Rail Corporation (CR) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Momence, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by CR over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CR become effective.

(e) In transporting traffic over these lines, CR and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if CR chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10985 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1460]

Louisiana & Arkansas Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 26, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1460.

SUMMARY: This order authorizes the Louisiana & Arkansas Railway Company (L&A) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from Winnfield to Hodge, Louisiana, and at Alexandria Yard-Alexandria, Louisiana for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 28, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Louisiana & Arkansas Railway Company (L&A) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by L&A over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1460 Second Revised Service order 1460.

(a) *Louisiana & Arkansas Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* Louisiana & Arkansas Railway Company (L&A) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of service industries located adjacent to such tracks.

(1) Winnfield to Hodge, Louisiana

(2) Alexandria Yard-Alexandria, Louisiana

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(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Illinois Central Gulf Railroad Company and Louisiana Midland Railway Company to operate those portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the L&A to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation, if any, will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the L&A over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via L&A become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, L&A and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if L&A, chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 28, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Robert S. Turkington and John L. Chaney.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10304 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Rev. S.O. 1445]

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1445.

SUMMARY: This order authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the locations that are listed below for the purpose of serving industries located adjacent to such tracks and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980 and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Chicago and North Western Transportation Company (CNW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1445 Service Order No. 1445

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

Between Minneapolis-St. Paul, MN, and Kansas City, MO, and certain branch lines located in the states of Minnesota and Iowa, as follows:

(1) *From:*	*To:*
Rock Junction, MN (milepost 5.2).	Inver Grove, MN (milepost 0.0).
Inver Grove, MN (milepost 344.7).	Northwood, MN (milepost 236.4).
Clear Lake Junction (milepost 191.1).	Short Line Junction, IA (milepost 73.6).
Short Line Junction Yard, IA (milepost 354.0).	West Des Moines, IA (milepost 364.0).
Short Line Junction, IA (milepost 73.6).	Carlisle, IA (milepost 64.7).
Carlisle, IA (milepost 64.7).....	Allerton, IA (milepost 0.0).
Allerton, IA (milepost 363.0).....	Trenton, MO (milepost 415.9).
Trenton, MO (milepost 415.9).	Airline Junction, MO (milepost 502.2).

(2) Between Iowa Falls, IA (milepost 97.4) and Estherville, IA (milepost 206.9).

(3) Between Rake, IA (milepost 50.7) and Ocheyedan, IA (milepost 502.0).

(4) Between Palmer, IA (milepost 454.5) and Royal, IA (milepost 502.0).

(5) Between Dows, IA (milepost 113.4) and Forest City, IA (milepost 158.2).

(6) Between Cedar Rapids, IA (milepost 100.5) Cedar River Bridge, IA (milepost 98.2), and to serve all industry formerly served by the RI at Cedar Rapids, IA.

(7) Between Newton, IA (milepost 320.5) and Earlham, IA (milepost 388.6).[1]

(8) At Sibley, Iowa.[1]

(9) At Worthington, Minnesota.[1]

Temporary service authorized in this Order requires continuation of trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Commission has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the CNW to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the CNW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via CNW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled *"Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association"* (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if CNW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by this order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-11011 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Transport Unit-Grain-Train of Less Cars Than Required by Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1455.

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to transport one unit-grain-train moving under MILW tariff 4007, ICC MILW 4007, from Slater, IA, destined to Lake Charles, LA, routed Milw-Kansas City/The Kansas City Southern Railway Company, comprising 20 cars of grain instead of 25 cars as required by tariff.

EFFECTIVE DATE: 12:01 a.m. March 21, 1980, and continuing in effect until 11:59 p.m. April 15, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 21, 1980.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to transport grain under MILW Tariff 4007 which permits shipments from Slater, Iowa, destined Lake Charles, LA. These shipments move in unit-grain-trains comprising 25 cars in each shipment.

MILW is able to assemble only 20 cars for a shipment of grain from Slater, Iowa, to Lake Charles, LA, routed MILW-Kansas City-KCS. MILW has issued MILW embargo 13–80 effective 11:59 p.m., March 23, 1980, on all traffic originating from some points in the State of Iowa, including Slater. In order to improve car utilization and to prevent this train from being trapped by the embargo, the train must be moved with the 20 cars now on hand.

It is the opinion of the Commission that an emergency exists requiring that MILW be authorized to forward one unit-grain-train of less cars than required by tariff. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1455 Service Order No. 1455.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to transport unit-grain-train of less cars than required by tariff.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to transport one unit-grain-train moving under MILW Tariff 4007, ICC MILW 4007, from Slater, Iowa, destined to Lake Charles, Louisiana, routed MILW-Kansas City-The Kansas City Southern Railway Company, comprising 20 cars of grain instead of 25 cars as required by tariff.

(b) *Application.*

(1) The provisions of this order shall apply to intrastate, interstate and foreign traffic.

[1] Addition.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(c) Bill of lading covering movement authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1455.

(d) *Effective date.* This order shall become effective at 12:01 p.m., March 21, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11012 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 45, No. 72

Friday, April 11, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training in Non-Government Facilities

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes changing the implementing regulations of the Government Employees Training Act which prohibits the use of appropriated funds for training in non-Government facilities that advocate the overthrow of the Government by violence or force and through individuals about whom there exists a reasonable doubt of their loyalty to the United States. This proposed change eliminates an obsolete reference to checking the Attorney General's list for organizations (now inoperative), and the need to request clearances from the Office of Personnel Management and to administer an affidavit of loyalty for individuals.

DATE: Comments must be received on or before June 10, 1980.

ADDRESS: Send or deliver written comments to Mr. Frank Masterson, Director, Training Policy Division, Workforce Effectiveness and Development, Office of Personnel Management, room 7623, 1900 E Street N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Ms. Constance Guttian, Training Policy Division, [202] 653–6214.

SUPPLEMENTARY INFORMATION: The Government Employees Training Act passed in 1958 had a section (now codified as section 4107(a) (1) and (2) of title 5, United States Code) prohibiting agencies from using appropriated funds for providing training through a non-Government facility (including individuals) which advocates the violent overthrow of the Government or through an individual about whom a determination has been made that there exists a reasonable doubt about his or her loyalty. The Department of Justice maintained a list of all organizations it found to be engaged in subversive activities known as the Attorney General's list. This list was used by agencies to determine whether an organization was suitable for use as a source of training. When the Attorney General's list became inoperative, Federal Personnel Manual (FPM) material was changed to eliminate an obsolete reference to the list as part of a general revision. Deletion of the obsolete reference in the regulations to the Attorney General's list was deferred until the next general revision of the regulations. Individuals are checked by the Office of Personnel Management (OPM) and must also sign an affidavit of loyalty. The constitutionality of that affidavit is questionable as a result of a court decision.

This proposed change eliminates an obsolete reference to checking the Attorney General's list for organizations, and the need to request clearances from the Office of Personnel Management and to administer an affidavit of loyalty for individuals. Under the proposed regulation the agency could establish whatever administrative system it found efficient to assure that appropriated funds were not used to train employees by, in, or through a non-Government facility that advocated the overthrow of the Government by violence or force or through an individual about whom there exists a reasonable doubt of his or her loyalty. If an agency has reason to believe it would be useful and cost effective to request OPM to search its investigative files, it may continue to make such requests. OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to revise § 410.504 of Title 5, Code of Federal Regulations, to read as follows:

§ 410.504 Prohibition of training through non-Government facilities advocating overthrow of the Government by force or violence.

The head of the agency shall make the determination that payments for training by, in, or through a non-Government facility are not in violation of section 4107(a) (1) and (2) of title 5, United States Code.

Authority: 5 U.S.C. 4101 *et seq.*

[FR Doc. 80-11036 Filed 4-10-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 760

Beekeeper Indemnity Payment Program (1978–81); Termination

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Stabilization and Conservation Service proposes to amend its regulations relating to the beekeeper indemnity payment program by terminating the program on May 15, 1980. This action is taken because of a lack of funds for a program which has been determined to be of low priority. This notice invites comments on the proposed termination.

DATE: Comments must be received on or before April 30, 1980.

ADDRESS: Send comments to Director, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert Cook, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, 4095 South Building, Washington, D.C. 20013, (202) 447–7997.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977, 91 Stat. 921, 7 U.S.C. 284, extended the authority of the Secretary to conduct the Beekeeper Indemnity Payment Program through September 30, 1981. On July 14, 1978, the Department published final regulations (43 F.R. 3026) to govern the conduct of the program through September 30, 1981. It is not mandatory that the program be conducted.

The proposed 1980 budget for the Department of Agriculture contained no funding for the Beekeeper Indemnity Payment Program. On June 15, 1979, the Beekeeper Indemnity Payment Program Regulations were amended to provide

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that payment of claims filed after that date would be conditioned upon the availability of funds. Claims for 1978 losses, approved for approximately $2.10 million, were unpaid because of the lack of funds. The Agriculture Appropriations Act for Fiscal Year 1980 authorized $2.89 million for the beekeeper indemnity program.

The public is invited to submit written comments regarding the proposed termination, to the Director, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013. Persons submitting comments should include their names and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095 South Building, Washington, D.C. 20013. Persons submitting comments should include their names and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095, South Building, USDA, during regular business hours.

This proposal is being published under emergency procedures as authorized by Executive Order 12044 and Secretary's Memorandum 1955, without a full 60-day comment period. I have determined that an emergency situation exists which warrants less than a full 60-day comment period. Accordingly, the comment period is shortened and public comments must be received by April 30, 1980 in order to be assured of consideration.

Proposed rule

The Department proposes to amend 7 CFR Part 760, by revising the title of the Subpart—Beekeeper Indemnity Payment Program (1978–1981)—and § 760.101(b) to read as follows:

Subpart—Beekeeper Indemnity Payment Program (1978–80)

* * * * *

§ 760.101 Definitions.

* * * * *

(b) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1978, and ending not later than May 15, 1980.

This regulation has been determined significant under the USDA criteria implementing Executive Order 12044 "Improving Government Regulations." An approved impact analysis on the proposal to terminate the program is available from the Emergency and Indemnity Programs Division.

Signed at Washington, D.C., on April 2, 1980.

Weldon B. Denny,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-10928 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: In view of the rising interest in peak shaving and load shedding equipment and the increasing emphasis in energy conservation practices, REA proposes to supplement REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to include the accounting for load control equipment that reduces customer electricity demand at peak-use hours. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447–7221.

SUPPLEMENTARY INFORMATION: In view of the rising interest in peak shaving and load shedding equipment (and consequently the electric borrowers' investment in such equipment), coupled with increasing emphasis in energy conservation practices, REA intends to address the question of how to properly account for distribution load control equipment. At the present time, it is REA's position that distribution load control equipment, if installed on a consumer's residence, should be included in Account 371, Installations on Customer's Premises, while the accounting for transmitters or like equipment would be handled in one of two ways. Those transmitters centrally located would be charged to Account 397, Communication Equipment, while those located at substations would be charged to Account 362, Station Equipment.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-10929 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to include the accounting for unbilled service revenue. Due to the timing difference which occurs between the reading of a customer's meter and the billing for that usage, many utilities render substantial amounts of service by the end of any accounting period for which billings have not yet been issued. In view of the ever increasing utility rates, including fuel adjustment clauses, REA expects that this level of unbilled service revenue will be significant. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447–7221.

SUPPLEMENTARY INFORMATION: Due to the timing difference which occurs between the reading of a customer's meter and the billing for that usage, many utilities render substantial amounts of service by the end of any accounting period for which billings have not yet been issued. In view of the ever increasing utility rates, including fuel adjustment clauses, REA expects that this level of unbilled service revenue will be significant. A problem also arises during periods of fluctuating customer usage, when the expenses incurred in supplying power for the current month are not offset until the billings are made the following month. Therefore, in a move to provide accounting recognition of these transactions in the period to which they relate, REA plans on adopting an accounting interpretation requiring borrowers to accrue any significant amounts of unbilled service rendered at the end of an accounting period. The proposed rule will establish guidelines for determining materiality and application.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-10821 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to clarify the accounting treatment of purchased power refunds.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone (202) 447–7221.

SUPPLEMENTARY INFORMATION: There has been an increasing number of commission orders requiring power suppliers to make purchased power refunds. This has resulted in numerous questions concerning the accounting for these transactions.

These questions have included ones similar to the following:

(1) If the refund is to be returned to patrons, how is it to be accounted for, as a true refund of current receipts and therefore a reduction in revenue and cost of purchase power or as a retirement of capital credits?

(2) If the purchased power refund is to be retained by the cooperative, how should it be accounted for?

(3) Often, to compensate the cooperative for the use of its money, regulatory commissions will provide for interest on the refunds. The interest is normally computed from the date of payment to the power supplier to the date of refund. If the refund covers several accounting periods a portion of the interest will also relate to prior periods. How should the interest received from the power supplier be accounted for?

(4) What effect should refunds of purchased power costs to a generation and transmission cooperative have on its member cooperatives?

REA will be issuing an accounting interpretation providing further guidance on the proper accounting for purchased power refunds. All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-10722 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to clarify the accounting for legal expenses. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447–7221.

SUPPLEMENTARY INFORMATION: Some electric cooperative borrowers have adopted the policy of arbitrarily allocating to construction costs a portion of their legal fees incurred. This has led to the accounting question of how to properly determine the amounts applicable to construction and consequently the amounts to be capitalized. REA intends that legal fees related to construction be properly supported and identified. Only those fees specifically relating to construction would be eligible for capitalization. Fees relating to loan activity would be charged to Account 181, Unamortized Debt Expense, while all other services would require expensing to either Account 417.1, Expenses of Nonutility Operations, or Account 923, Outside Services Employed, as appropriate. Proper identification should be furnished by the attorney or REA would require the entire legal fee to be expensed as described above.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-10723 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8908]

Encyclopaedia Britannica et al.; Petition To Reopen and Modify Final Order

AGENCY: Federal Trade Commission.

ACTION: Public Comment Invited on Petition.

SUMMARY: Pursuant to § 2.51 of its Rules of Practice, the Commission invites public comment on a petition filed by Encyclopaedia Britannica, Inc. seeking to reopen and modify the order issued in Docket No. 8908 on March 9, 1976.

DATE: Comments must be received on or before May 12, 1980.

ADDRESS: Requests for copies of Encyclopaedia Britannica's petition

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should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW, Washington, DC 20580. Comments should be filed with the Office of the Secretary, Room 172, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Edward D. Steinman, Associate Director for Litigation, Bureau of Consumer Protection, Federal Trade Commission, Room 206, Washington, DC 20580. (202) 523–3948.

SUPPLEMENTARY INFORMATION: On March 9, 1976, the Commission issued an order in Docket No. 8908 against Encyclopaedia Britannica, Inc., a corporation, and Britannica Home Library Services, Inc., a corporation. The order includes provisions (Paragraphs II(A) and II(B)) requiring Encyclopaedia Britannica to disclose in certain advertising and in a specified manner that persons who reply as requested may be contacted by a salesperson for the purpose of selling respondent's products. The order also requires (Paragraphs II(D) and II(E)) that when a sale representative of the respondent visits the home or place of business of potential purchasers of respondent's products, such representative shall, at the time admission is sought, present a 3 by 5 card which identifies the sales representative and discloses that the purpose of the visit is to sell respondent's products.

On August 2, 1979, the United States Court of Appeals for the Seventh Circuit affirmed and enforced the Commission order in this docket. On March 17, 1980, the Supreme Court of the United States denied respondents' petition for certiorari. Accordingly, pursuant to Section 5(g)(3) of the Federal Trade Commission Act, the order of the Commission in this docket is now final.

On March 18, 1980, the Commission stayed the effective date of Paragraphs II (A), (B), (D) and (E) of the order issued in this docket to permit the Commission to consider a proposed modification of the said paragraphs. The stay was issued at the request of the Commission's staff in anticipation of Encyclopaedia Britannica's request to modify its order. The stay is effective until further notice to the company.

On March 26, 1980, Encyclopaedia Britannica, Inc. filed a petition, pursuant to Section 2.51 of the Commission's Rules of Practice, to reopen this matter and modify Paragraphs II (A), (B), (D) and (E) of the order issued on March 9, 1976. Under the proposed modifications, the wording of the disclosures required in certain advertising would be changed. Use of one of several disclosures would be permitted and additional disclosures would be allowed if approved in advance by the Commission's staff. The requirement that the disclosures by in 10-point boldface type wold be deleted, although the disclosures would still have to be made in a clear and conspicuous manner. Encyclopaedia Britannica has also requested an order modification that would allow the company, for one year from the date the order became final, to substitute an ordinary business card for the 3 by 5 card required by the order. The business card would identify the person employed by the company as a "Sales Representative" but would not state, as required by the order, that the purpose of the visit is to sell respondent's products. In addition, the sales representative would not have to direct a potential customer to read the card as required by the order.

Under the proposed modification, Encyclopaedia Britannica would be permitted, under special procedures, to petition the Commission for further changes in the order for one year after the order became final. The Commission would be obliged to respond to such petition within 120 days after filing. The petition must contain information demonstrating that any further changes in the advertising or card-at-door provisions will be effective in communicating the information required by the order.

Under Commission Rule 2.51, this request to reopen and modify has been placed on the public record. Unless the Commission determines that earlier disposition is necessary, the request shall remain on the public record for 30 days. During this period. the public is invited to comment on the request, Thereafter, the Commission may, in its discretion, issue an order reopening the proceeding and modifying the order as requested.

The Commission cautions all concerned that placing this petition on the public record and inviting public comment does not indicate that the proposal has been reviewed or adopted by the Commission, or any individual member of the Commission.

Approved:

Albert H. Kramer,

Director, Bureau of Consumer Protection.

[FR Doc. 80-10934 Filed 4-10-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodologies; Proposed Rulemaking; Extension of Comment Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) extends the comment period through May 12, 1980, on the proposal to adopt a new methodology for establishing an adverse effect wage rate governing the temporary alien employment certification program in agriculture. This action is being taken to allow commenters more time to make meaningful comments on the issue.

DATES: Interested persons are invited to submit written comments on the proposed rule on or before May 12, 1980.

ADDRESS: Send written comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8410, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213. Telephone: 202–376–6297.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 11, 1980 (45 FR 15914), ETA proposed a new methodology for computing adverse effect wage rates (AEWRs) in agriculture and proposed continuing the old methodology for logging. AEWRs are the minimum wages that must be offered and paid by employers seeking to temporarily employ nonimmigrant alien workers. See 20 CFR § 655.207. If lower wages were permitted to be offered or paid, the wages of similarly employed U.S. workers would be adversely affected and an adequate test of the availability of U.S. workers would be frustrated.

DOL has received numerous requests from interested parties that the 30-day comment period announced at 45 FR 15914 be extended. DOL has determined that it would be in the public interest to extend the comment period, and that an extension through May 12, 1980, would be appropriate.

Accordingly, the comment period is hereby extended through May 12, 1980.

Signed at Washington, D.C., this 8th day of April, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-11002 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-30-M

20 CFR Parts 675, 676, 677, 678, 679

Comprehensive Employment and Training Act; Regulations for Program Under Title I, II, VI, and VII of the Act; Correction

AGENCY: Department of Labor.

ACTION: Proposed rules; correction to preamble.

SUMMARY: This document contains changes to the preamble of the proposed rules under the Comprehensive Employment and Training Act which were published as Part VI of the **Federal Register** on April 4, 1980. These proposed rules contain certain amendments concerning services to veterans which were not discussed in the preamble.

DATES: Comments are due on or before May 5, 1980.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Attention: Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION: Robert Anderson, Telephone (202) 376–6254.

SUPPLEMENTARY INFORMATION: FR Doc. 80–10089 (45 FR 23296) is amended by the following changes to the preamble.

1. After the fourth full paragraph in the third column on page 23296 the following paragraph is added:

Section 676.11(c)(5)(iii) is clarified to indicate that the annual plan must describe efforts to increase the participation of qualified disabled and Vietnam-era veterans in accordance with § 676.30a(a), which sets forth procedures for serving such veterans.

2. After the sixth full paragraph in the third column on page 23296, the following paragraph is added:

Section 676.12(d) is amended to specify that prime sponsors shall provide written notification of the availability of the CETP to veterans organizations.

3. After the fourth full paragraph in the third column on page 23297, the following paragraphs are added:

Section 676.30a(a)(1) is amended to include VETS projects of the National League of Cities among the examples of organizations which are appropriate for entering into cooperative arrangements to increase the participation of qualified special disabled and Vietnam-era veterans in CETA programs.

Section 676.30a(a)(4) is amended to specify the types of programs or initiatives which may be used to serve veterans.

Section 676.30a(a)(5) is amended to make clear that prime sponsors shall make special efforts to acquaint veterans and veterans organizations with the employment and training opportunities available under CETA and to clarify prime sponsor responsibility to coordinate veterans activities and services.

In Section 676.30a(b)(2)(i)(B), language is added to indicate that special emphasis shall be given to the development of jobs which utilize the skills veterans acquired with their military service and training.

The fifth full paragraph in the third column on page 23297 is deleted since the subject matter is covered by the above paragraph concerning section 676.30a(a)(5).

Signed at Washington, D.C., this 8th day of April, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-11003 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 885

[Docket No. R–80–780]

Loans for Housing for the Elderly or Handicapped; Cost Limits

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This amendment will update the presently established cost limits (zero to 2-bedroom units) for the Section 202 direct loan program for housing for the elderly or handicapped. Additionally, it establishes cost limits for three and for four or more bedroom units to accommodate the non-elderly handicapped with large families.

DATE: Comments due: May 12, 1980.

ADDRESS: Comments should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: George O. Hipps, Jr., Director, Office of Multifamily Housing Development, Washington, D.C. 20410; Telephone (202) 755–5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 18, 1979, the Department published in the **Federal Register** the revised cost limits for the HUD Low Cost and Moderate Income Insurance Programs (44 FR 28659). This amendment will update and establish comparable cost limits for the Section 202 program.

Additionally, the amendment rectifies a processing gap by providing cost limits for three and for four or more bedroom units to serve the need of non-elderly handicapped families.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5216, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. This rule is listed as H–66–79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, it is proposed to amend 24 CFR Part 885, Section 885.410 by deleting (b) (1), (2), and (3) and (c) (1), (2), and (3) and adding new (b) (1)–(5) to read as follows:

Note.—The latest revision of § 885.410 appeared in the **Federal Register** of March 1, 1978 (43 FR 8492).

§ 885.410 Amount and terms of financing.

* * * * *

(b) For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Assistant Secretary) the maximum loan amount, depending on the number of bedrooms, shall be:

(1) $22,900 per family unit without a bedroom,
(2) $26,550 per family unit with one bedroom,
(3) $31,500 per family unit with two bedrooms,
(4) $37,100 per family unit with three bedrooms, restricted to non-elderly handicapped families,
(5) $42,000 per family unit with four or more bedrooms, restricted to non-elderly handicapped families.

(c) In order to compensate for the higher costs incident to construction of elevator type structures of sound

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standards of construction and design, the field office may increase the dollar limitations per family unit as provided in paragraph (c) of this section, not to exceed:

(1) $28,400 per family unit without a bedroom,
(2) $30,550 per family unit with one bedroom,
(3) $36,200 per family unit with two bedrooms,
(4) $42,750 per family unit with three bedrooms, restricted to non-elderly handicapped families,
(5) $48,700 per family unit with four or more bedrooms, restricted to non-elderly handicapped families.

* * * * *

(Sec. 202 of the Housing Act of 1959, 12 U.S.C. 1701q; Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., March 13, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commission.

[FR Doc. 80-10733 Filed 4-10-80; 8:45 am]

BILLING CODE 4210-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1108

[Ex Parte No. 55 (Sub-No. 22)]

Revision of National Environmental Policy Act Guidelines

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules—notice of extension of comment due date.

SUMMARY: The Association of American Railroads has requested that the comment due date previously established in this rulemaking proceeding [45 Fed. Reg. 15237 (1980)] be extended from April 9, 1980, to April 28, 1980. The Association requires the additional time to coordinate an industry-wide response to the notice of proposed rulemaking. Since this approach should facilitate Commission consideration of comments, an extension of the comment due date to April 28, 1980, will be granted.

DATE: The comment due date in this proceeding is extended to April 28, 1980.

FOR FURTHER INFORMATION CONTACT:
Carl Bausch or Steve Botts (Telephone: 202-275-7916)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-10851 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Five Mollusc Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Status Review.

SUMMARY: The Service will review the status of (1) *Pleurobema curtum* Curtus' mussel; (2) *Pleurobema marshalli* Marshall's Mussel; (3) *Pleurobema taitianum* Judge Tait's mussel; (4) *Epioblasma penita* penitent mussel, and (5) *Quadrula stapes* stirrup shell, to determine whether these species should be proposed for listing as Endangered or Threatened species. Preparatory to a possible listing proposal for these mussels, information is also solicited on areas that may qualify as critical habitat, and any associated economic and other impacts which might occur from critical habitat designation.

This action is being taken because a review of available literature indicates that the Tombigbee River may be the last remaining habitat of these species and that severe modification of this river system is presently occurring in the form of the Tennessee-Tombigbee Waterway Project. Information received as a result of this notice will be used to assist the Service in determining the status of these species.

DATE: Information concerning the status of these species should be submitted on or before July 11, 1980.

ADDRESSES: Comments on this notice of review should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Mr. John Spinks, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

A review of available literature indicates that the Tombigbee River, particularly from Epes, Sumter County, Alabama, to Fulton, Itawamba County, Mississippi, may provide the last remaining habitat for the five (5) species of naiad molluscs addressed herein. These species typically inhabit silt-free shoal areas of sand and/or gravel with a moderate to swift current. *Quadrula stapes*, *Pleurobema taitianum*, and *Epioblasma penita* historically occurred in the Alabama River system; however, the only specimens of these three species taken in recent years have been from the Tombigbee River. It is believed that the apparent extirpation of these species from the Alabama River is a result of the relatively recent modification of that river from a free-flowing state into a series of impoundments. Specimens of *Pleurobema curtum* and *Pleurobema marshalli* have never been taken outside of the Tombigbee River system.

The most obvious threat to the continued existence of these species is the U.S. Army Corps of Engineers Tennessee-Tombigbee Waterway Project, as well as the Tombigbee River and Tributaries Project. Habitat alteration in the form of channel dredging, removal of streamside vegetation, increased turbidity and siltation, and activities associated with reservoir construction will subject these species to an environment unsuitable for their survival.

The Service is seeking the views of the Governors of Mississippi and Alabama, as well as other Federal agencies and interested parties, and is requesting from them any data relative to the status, distribution, population trends, or potential threats to these species. All data received as a result of this notice, as well as data on hand, will be analyzed by the Service to determine whether any or all of these species should be proposed for listing as Endangered or Threatened species, and whether critical habitat should be included. Any information received in regard to economic and other impacts associated with potential critical habitat areas will also be taken into consideration.

The following documents were consulted during the preparation of this notice:

(1) A Preimpoundment Study of Macrobenthos on the River Section of the Tennessee-Tombigbee Waterway, First Supplemental Environmental Report, Continuing Environmental Studies-Tennessee-Tombigbee Waterway, Alabama and Mississippi-Vol. IX, App. F, Mobile District, Corps of Engineers.

(2) Rare and Endangered Mollusks (Naiads) of the U.S., U.S. Department of the Interior.

(3) Endangered and Threatened Plants and Animals of Alabama, Alabama Museum of Natural History.

(4) A Preliminary Report on the Naiad Mollusks (Bivalvia: Naiadoida) of the Tombigbee River in the vicinity of Columbus, Mississippi, The ASB Bulletin.

(5) Statement of Dr. David H. Stansbery, Public Meeting on Tennessee-Tombigbee Wateway on March 29, 1977, Columbus, MS.

This notice of status review was prepared by Richard G. Rummel, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

Note.—The Department of the Interior has determined that this notice is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: April 2, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-11001 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-55-M

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Notices

Federal Register
Vol. 45, No. 72
Friday, April 11, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 1:30 p.m., Monday, April 21, 1980 in the Library of the Administrative Conference, 2120 L Street, NW, Suite 500, Washington, DC. This meeting had originally been scheduled for April 14, 1980.

The Committee will meet to discuss final recommendations on remedial order procedures at the Department of Energy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting.

For further information concerning this meeting contact William C. Bush at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, DC 20037 (202–254–7020). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
April 4, 1980.
[FR Doc. 80-10020 Filed 4-10-80; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Sunflower Electric Cooperative, Inc., Hays, Kans.; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with an application for financing to REA from Sunflower Electric Cooperative, Inc., P.O. Box 980, Hays, Kansas 67601, to finance the construction of a 280 MW coal-fired electric generating station at Holcomb, Kansas, a 345 kV line approximately 150 miles long from Holcomb to the Kansas-Nebraska State line, and related facilities.

Additional information may be secured on request, submitted to Mr. Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of the REA Final EIS have been sent to various Federal State, and local agencies, as outlined in the Council on Environmental Quality Regulations. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5839, or at Sunflower's address indicated above.

Comments concerning the environmental impact of the proposed construction should be addressed to Mr. Zoller at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action, with respect to this matter (including any release of funds), will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C. this 3rd day of April, 1980.

Robert W. Feragen,
Administrator, Rural Electrification Administration.
[FR Doc. 80-10769 Filed 4-10-80; 8:45 am]
BILLING CODE 3410-15-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission originally scheduled for April 15, 1980, at Hartford, Connecticut 16103, (FR Doc. 80–9693 on page 20987) has been changed.

The meeting now will be held on April 16, 1980. The place and time will remain the same.

Dated at Washington, D.C., April 7, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80-10083 Filed 4-10-80; 8:45 am]
BILLING CODE 6335-01-M

Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on May 6, 1980, at the Federal Building, 1520 Market, Room 3720, St. Louis, Missouri 63103.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive a report on the affirmative action factfinding meeting; and program planning for housing followup study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 8, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80-10084 Filed 4-10-80; 8:45 am]
BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 5:00, on May 6, 1980, at the Airport Marina Hotel, 2910 Yale Boulevard, S.E., Albuquerque, New Mexico 87119.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss the higher education and energy development processes.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 7, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.
[FR Doc. 80-10082 Filed 4-10-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6–80]

Proposed Foreign-Trade Zone—San Juan, P.R., Customs Port of Entry; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Commercial Development Company (PRCDC), a public corporation of the Commonwealth of Puerto Rico, requesting authority to establish a general-purpose foreign-trade zone in the City of Guaynabo, Puerto Rico, adjacent to the City of San Juan and within the San Juan Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 7, 1980. The applicant is authorized to make this proposal under Joint Resolution No. 64 of the Commonwealth of Puerto Rico Legislature, approved on June 4, 1979.

The proposal calls for the establishment of a general-purpose zone of 60.37 acres within a 203-acre International Trade Center being developed by PRCDC in the City of Guaynabo, within one mile of seaport facilities on San Juan Bay. As owner and developer of the zone facility, PRCDC will at the outset construct two warehouse facilities containing about 125,000 square feet for zone operations.

The application contains economic data and information concerning the need for a zone in the San Juan area. Several firms have indicated their intention to use the requested zone area for storage, assembly, processing, manipulation and exhibition activities involving such products as typewriters, wearing apparel, musical instruments and accessories, sporting goods, blankets, studio beds, and food service equipment.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman) Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; James R. Cahill, Director, Inspection and Control Division, U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel James W. R. Adams, District Engineer, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, Florida 32201.

As part of its investigation, the Examiners Committee will hold a public hearing on April 30, 1980, beginning at 9 a.m., in Room 756 of the Federal Building, Chardon Avenue, San Juan, Puerto Rico. The purpose of the hearing is to help inform interested parties about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by April 23, 1980. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the executive secretary, at any time from the date of this notice through May 30, 1980. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, Federal Building, Room 659, Chardon Avenue, San Juan, Puerto Rico 00918

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6888–B, 14th and E Streets, NW, Washington, D.C. 20230

Dated: April 8, 1980.

John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 80-10085 Filed 4-10-80; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration, Caribbean Fishery Management Council; Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Scientific and Statistical Committee which will meet with members of the Council having expertise in billfish resource management, to examine and provide recommendations to the Council on the development of a fishery management plan for billfishes.

DATES: The meeting will convene on Wednesday, April 30, 1980, at 9:30 a.m., and will adjourn at approximately 4:30 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: April 7, 1980.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 80-11013 Filed 4-10-80; 8:45 am]
BILLING CODE 3510-22-M

Issuance of General Permits To Incidentally Take Marine Mammals

On April 4, 1980, general permits were issued to:

1. The Japan Deep Sea Trawlers Association, Daito Building, 6/F, Ogawa/cho 3–6, Kanda, Chiyoda-ku, Tokyo, Japan (Category 1);

2. The National Federation of Medium Trawlers, Showa Kiakan, 3–2,

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Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan (Category 1);

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2–7–2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan (Category 5);

4. DALMOR, Gydnia, Poland (Category 1); and

5. ORDA, Swinoujscie, Poland (Category 1);

for the taking of marine mammals incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (42 FR 64551–64560). The general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: April 4, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11017 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss the Shark Fishery Management Plan; status of other fishery management plans; foreign fishing applications; other fishery management matters, as well as administrative matters.

DATES: The meeting will convene on Wednesday, May 14, 1980, at approximately 1 p.m., and will adjourn at approximately 1 p.m. on Friday, May 16, 1980. The meeting is open to the public.

ADDRESS: The meeting will take place at the Golden Eagle, Philadelphia Avenue on the Beach, Cape May, New Jersey.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2351.

Dated: April 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11014 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Four Corners Economic Development Region, Southwest Border Economic Development Region; Modification of Boundaries

Pursuant to the provisions of Section 501(a) of the Public Works and Economic Development Act of 1965, as amended, (42 U.S.C. 3161(a)), and having examined pertinent data, I have determined that the Four Corners Economic Development Region, composed of all of Colorado, Nevada, and Utah and parts of Arizona and New Mexico, meets requirements for enlargement to include Otero County, New Mexico. Accordingly, in response to a request from the Executive Committee of the Four Corners Regional Commission and the Governor of New Mexico, and the unanimous resolution of the Southwest Border Regional Commission, I have today, March 24, 1980, modified the boundaries of the Four Corners Region so that it now includes Otero County, New Mexico, and modified the boundaries of the Southwest Border Region so that it no longer includes Otero County, New Mexico.

Inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Development, Room 2092, Main Commerce Building, 14th and Constitution Avenue N.W., Washington, D.C. 20230.

Philip M. Klutznick,

Secretary of Commerce.

[FR Doc. 80-10972 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 11, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145

SUPPLEMENTARY INFORMATION: On January 25, 1980, February 1, 1980, and February 8, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 6152, 45 FR 7276, and 45 FR 8691) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1980:

Class 8465

Fieldpack, Canvas
(Knapsack (Packsack))
8465–00–205–3493

Class 8440

Scarf, Man's Wool
8440–01–005–2558
8440–00–160–6843
8440–00–823–7520

SIC 7349

Janitorial Service
Waltham Federal Center
424 Trapelo Road
Waltham, Massachusetts

SIC 7349

Cardboard & Paper Scrap Recovery
New Cumberland Army Depot
New Cumberland, Pennsylvania

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80-10969 Filed 4-10-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Champlin Petroleum Co. Application for Permission To Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of petition and request for comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that, on March 31, 1980, Champlin Petroleum Company (Champlin), in accordance with the provisions of 10 CFR § 205.90 *et seq.* and § 211.10(b), filed an application for permission to use multiple allocation fractions for the marketing areas served by its Enid, Oklahoma, and Corpus Christi, Texas, refineries.

A copy of Champlin's application, with proprietary material deleted, may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street, N.W., Washington, D.C. 20461.

DATE: Interested firms may submit comments on Champlin's application to the address listed below until the close of business fifteen (15) working days after the appearance of this notice in the **Federal Register.**

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 653–3431.

Joel M. Yudson, Office of the General Counsel, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 4th day of April 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-11027 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Wisconsin Industrial Fuel Oil, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 20, 1980. Comments by: May 12, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri, 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street; Kansas City, Missouri, 64106. (Phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On March 20, 1980, the Office of Enforcement of the ERA executed a Consent Order with Wisconsin Industrial Fuel Oil, Inc. of Oak Creek, Wisconsin. Under 10 CFR § 205.199J(B), a Consent Order which involves a sum of less that $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Wisconsin Industrial Fuel Oil, Inc. (Wisconsin) with its home office located in Oak Creek, Wisconsin is a firm engaged in the marketing of residual fuel oils to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Wisconsin Fuel, the Office of Enforcement, ERA, and Wisconsin Industrial Fuel Oil, Inc. entered into a Consent Order.

The Consent Order encompasses Wisconsin's sale of covered products during the period August 19, 1973 through May 31, 1976.

II. Disposition of Refunded Overcharges

In this Consent Order, Wisconsin Fuel agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of Four Hundred Thousand Dollars ($400,000) Five Years from the effective date of the document. Refunded overcharges will be in the form of:

1. A certified check in the amount of $268,885.14 made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition; and

2. Cash payments or credit refunds in the amount of $131,114.86 made to industrial and institutional classes within five years of the effective date of the document.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, condition or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Wisconsin Fuel Consent Order." We will consider all comments we receive by 4:30 P.M., local time, on May 12, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(F).

Issued in Kansas City, Missouri, on the 3rd day of April, 1980.

William G. Miller,

Manager, Central Enforcement District, Economic Regulatory Administration.

[FR Doc. 80-11019 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

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FEDERAL ENERGY REGULATORY COMMISSION

[Project No. EL80-24]

Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York; Complaint

April 7, 1980.

Take notice that on March 27, 1980, the Connecticut Municipal Electric Energy Cooperative (CMEEC) filed a formal complaint and motion for partial summary judgment against the Power Authority of the State of New York (PASNY).

In its complaint, CMEEC requests the Federal Energy Regulatory Commission (Commission) to review PASNY's recent decision to allocate 145 megawatts of out-of-state preference power from the Niagara Project to Allegheny Electric Cooperative (Allegheny), Vermont Public Service Board (Vermont), and Pennsylvania and American Municipal Power-Ohio, Inc. (AMP-Ohio), and to exclude CMEEC, Massachusetts Municipal Wholesale Electric Company (MMWEC),[1] and the Borough of Lansdale, Pennsylvania (Lansdale) from that allocation. Specifically, CMEEC asks the Commission to find on a summary basis that PASNY's failure to allocate any Niagara preference power to CMEEC is in violation of a requirement in the Niagara Redevelopment Act (NRA), 16 U.S.C. 836 (1976), that preference power be distributed "in such manner as to encourage the widest possible use."

In addition, CMEEC states that PASNY's allocation of 145 megawatts of Niagara power to out-of-state preference customers violates the NRA by failing to allocate 10 percent of the power from the Project to those customers. CMEEC requests the Commission to find that the NRA and its legislative history require PASNY to distribute 10 percent of the power from the Project to out-of-state preference customers. In the alternative, if it is found that the standard of the NRA is that a reasonable amount up to 10 percent of the Project's power is to be allocated to out-of-state preference customers, CMEEC asks the Commission to determine whether 145 megawatts constitutes a reasonable amount.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before May 9, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10057 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-85-M

[1] On March 4, 1980, MMWEC filed a similar complaint and motion for partial summary judgment against PASNY in FERC Docket No. EL80-19. Notice of MMWEC's complaint in EL80-19 was issued by the Commission on March 14, 1980, setting April 14, 1980 as the last date for filing protests or petitions to intervene.

[Project No. 3049]

Windsor Locks Canal Co., Application for Preliminary Permit

April 7, 1980.

Take notice that on February 20, 1980, Windsor Locks Canal Company filed an application for preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)–825(r)] for the proposed Windsor Locks Canal Project, FERC No. 3049, that would be located on the Connecticut River and utilize the existing Windsor Locks Dam and Canal System, in Hartford County, Connecticut. The existing dam was constructed in 1902. Correspondence with the Applicant should be addressed to: Theodore R. Wirtz, Windsor Locks Canal Company, Box 114, Windsor Locks, Connecticut 06096.

Purpose of the Project.—Power generated by the project would be sold to the Dexter Corporation for use in its manufacture of paper products.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to $192,500.

Project Description.—The Windsor Locks Canal Project would utilize an existing 7-foot-high, 1,596-foot-long timber crib diversion dam and a 5.3-mile-long canal system located along the west bank of the Connecticut River. Applicant proposes to construct a powerhouse located near the terminus of the canal system, containing a single tube-type turbine with a total rated capacity of 3,000 kW. Average annual generation would be approximately 25,300,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before June 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in

accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 6, 1980. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10058 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria.

The subsequent arrangement to be carried out under the above mentioned agreements involve approval of the following retransfer: RTD/EU(AT)–12, from Austria to West Germany, fuel spheres and particles containing 1.3 grams of uranium, with 0.5802 grams of U-235, 0.357 grams of U-233, and 20.17 grams of thorium for post-irradiation analysis and subsequent disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11020 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of American and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: S–EU–635, United States to West Germany, 200 milligrams of plutonium enriched to greater than 98% in Pu–240, and 100 milligrams of plutonium enriched to greater than 90% in Pu–242, to be used for the preparation of accelerator targets for basic research in nuclear fission.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11021 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreement involve approval of the following sale: S–CA–289, United States to Canada, 50 micrograms of thorium–229, to be used as an isotopic tracer for analysis of natural thorium in biological samples.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11022 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Australia and Sweden.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following sales:

S–AU–99, United States to Australia, 78.9 grams of natural uranium and 7.1 grams of thorium, as ores, to be used as standards for calibration of equipment.

S–SW–57, United States to Sweden, 296.8 grams of natural uranium, as ore, to be used as standards for calibration of equipment.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials, will not be inimical to the common defense and security.

These subsequent arrangements will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11023 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway.

The subsequent arrangement to be carried out under the above mentioned

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agreements involve the approval of the following retransfer: RTD/EU(NO)-29, from Norway to the United Kingdom, 563 grams of uranium, containing 63.5 grams of U-235, and 2.6 grams of plutonium, in the form of four irradiated test rods, for post-irradiation examination, interim storage, and eventual return to the United States.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11024 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Austria, Finland and Japan.

The subsequent arrangements to be carried out under the above mentioned agreements involve the approval for shipment, without charge, of the following materials:

Contract No.	United States to	Description of material
WC-EU-145	Italy	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-146	France	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-147	Belgium	173.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-148	France	20 grams of uranium, enriched to 3.1% uranium-235
WC-EU-149	Italy	86.9 grams of uranium, enriched to 2.35% uranium-235.
WC-EU-150	United Kingdom.	4 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-151	United Kingdom.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-152	Netherlands	86.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-153	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235.
WC-EU-154	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-155	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-156	West Germany.	20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-157	West Germany.	20 grams of uranium, enriched to 3.1% uranium-235.
WC-AT-6	Austria	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-FI-4	Finland	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-JA-20	Japan	86.9 grams of uranium, enriched to 2.35% uranium-235.
WC-JA-21	Japan	86.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.

The materials listed above are to be used in the Safeguards Analytical Laboratory Evaluation (SALE) program, which is designed to evaluate the capabilities of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11025 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administation

Public Information Forum; Status of the Boulder City Area Consolidatd Power Marketing Criteria

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of public information forum, status of the Boulder City Area consolidated power marketing criteria.

SUMMARY: Another of a series of Public Information Forums to consider consolidated power marketing in the Boulder City area is scheduled to be held on May 16, 1980. The power marketing criteria consolidation items to be covered include: (1) technical considerations for the implementation of consolidation; (2) load-resources coordination including future analysis of the Navajo resource; and (3) power delivery conditions.

DATE: A Public Information Forum will be held on May 16, 1980, beginning at 9 a.m. at Sam's Town Hotel, Virginia City Room, in Las Vagas. Nevada.

ADDRESS: For further information or comments concerning the Public Information Forum contact: Mr. R. A. Olson, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293-8115.

SUPPLEMENTARY INFORMATION: Through publication in the **Federal Register** and Public Information Forums, Western is proposing consolidated power marketing criteria for the resources of the Boulder Canyon (Hoover), Parker-Davis, and Central Arizona (Navajo) Projects.

These criteria would provide guidelines for the marketing of each of the Boulder City area resources as power becomes available and will provide guidelines under which applications for power will be accepted. The availability of these resources for allocation and/or renewal will be dictated in part by the inservice dates of proposed capacity additions at the Hoover Powerplant ("Upratings and Modifications"), the projected inservice dates of power-consuming features of the Central Arizona and Salinity Control Projects, and the expirations of electric service contracts for each project.

These criteria are being developed under the general authority of Reclamation laws including: the Federal Water Power Act of 1920; the Boulder Canyon Project Act of 1928; the Rivers and Harbors Act of 1935; the Reclamation Project Act of 1939; the Boulder Canyon Project Adjustment Act of 1940; the Flood Control Act of 1944; the Act to Consolidate Parker Dam Power Project and Davis Project of 1954; the Boulder City Act of 1958; the Colorado River Basin Project Act of 1968; and the Department of Energy Organization Act of 1977. In the formulation process, consideration will be given to studies and analyses; public questions and comments; and recommendations from and consultations with customers and other interested parties.

Customers and interested parties are invited to submit written comments directly to Western's Boulder City Area Office and/or present written or oral views, data, or arguments at this Public Information Forum.

Issued at Golden, Colorado, April 4, 1980.

Robert L. McPhail,

Administrator.

[FR Doc. 80-11026 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-79-1; FRL 1460-4]

Air Quality Criteria for Particulate Matter and Sulfur Oxides; Availability of External Review Draft

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of external review draft.

SUMMARY: As previously announced, EPA is revising the existing criteria documents for particulate matter and sulfur oxides (PM/SO_x) under Sections 108 and 109 of the Clean Air Act. This notice announces the availability of an external review draft of a revised combined criteria document for PM/SO_x, and invites public comment on its contents.

TO OBTAIN COPIES: Address all written requests for copies to Project Officer for PM/SO_x, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. To place a telephone request dial (919) 541-3746.

DATES: The external review draft will be available for release April 15, 1980, although requests for copies may be made immediately. Public comments on the draft document must be *received* by July 3, 1980, at the above address.

SUPPLEMENTARY INFORMATION: As discussed in the **Federal Register** of October 2, 1979 (44 FR 56730), if the Administrator should decide to propose revised national ambient air quality standards for particulate matter or sulfur oxides, the proposal would be based on a final revised criteria document. Whether or not revised standards are proposed, however, upon issuance of a final criteria document the rulemaking procedures specified in Section 307(d) of the Clean Air Act will be followed in review of the PM/SO_x standards. The present draft criteria document is being circulated to provide public review and an opportunity for the submission of comments. The draft will also be reviewed by the Science Advisory Board's Clean Air Scientific Advisory Committee, at a public meeting to be announced in the **Federal Register.**

A public docket, ECAO-CD-79-1, has been established at the Environmental Criteria and Assessment Office in Research Triangle Park, N.C., containing materials related to EPA's review and revision of the criteria for PM/SO_x. The docket will also be available for inspection between the hours of 8 to 4 at EPA headquarters in the Central Docket Section, Room 2902, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Among other things, the docket will contain all public comments submitted, as well as EPA's response to major comments. The Agency welcomes all comments pertaining to this draft document and requests that an original and three copies of all comments be submitted. To facilitate consideration of the comments received on this lengthy and complex document, commentators who submit extensive comments are requested to list at the outset the major comments they wish to see addressed, and to reference in the list those pages in the body of their comments where the major points are discussed.

Section 109(d)(1) of the Clean Air Act, 42 U.S.C. 7409(d)(1), requires EPA to complete its review and (if appropriate) revision of the criteria documents and related standards by December 31, 1980. Therefore, EPA will not entertain requests for extension of the July 3, 1980, deadline for receipt of public comments, barring extraordinary circumstances.

Due to the scope of the materials included in the draft document, it has been prepared in four volumes. Volume I contains a summary of the criteria review, including an assessment of health and welfare effects considered to be significant. Volume II addresses measurement methods, emissions and concentrations, and transport and transformation phenomena associated with PM and SO_x. Volume III addresses so-called welfare effects caused by these pollutants, including acidic precipitation, vegetation and materials damages, and effects on visibility and climate. Volume IV addresses the health effects of PM and SO_x, including deposition of particles and gases, and a review of animal toxicology, human clinical, and community health (epidemiology) studies. All four volumes will be mailed in response to each request.

Dated: April 7, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-10074 Filed 4-10-80; 10:02 am]

BILLING CODE 6560-01-M

[FRL 1460-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of March 31, 1980 to April 4, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from April 11, 1980 and will end on May 27, 1980. The 30-day review period for final EIS's as calculated from April 11, 1980 will end on May 12, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA of CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR HARD COPY REPRODUCTION: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources

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Press, 2100 M Street, NW., Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will no be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 31, 1980 to April 4, 1980 the 30-day review period will be calculated from April 11, 1980. The review period will end on May 12, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 31, 1980 to April 4, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal Agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: April 8, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I.—EIS's Filed With EPA During the Week of March 24 Through 28, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250 (202) 447–3965.

Forest Service

Draft

Gilbert Bay/Holkham Bay Area, Tongass National Forest, Alaska, April 1: Proposed is recreational development and sale of timber in the Gilbert/Holkham Bay areas of the Tongass National Forest in Alaska. In addition to no action, alternatives for road development, a logging camp and transfer facility, dispersed recreation and mining development are considered for the timber sale. The recreational alternatives include: 1) primitive and semiprimitive development, 2) moderate lodge/resort development, 3) combination of 1 and 2, 4) major lodge/resort development in addition to primitive and semiprimitive recreation, 5) site locations for major lodge/resort development, and 6) no action. (EIS Order No. 800234).

Multorpor Ski Bowl Master Plan, Mt. Hood National Forest, Clackamus County, Oreg., April 1: Proposed is a management plan for the Multorpor Ski Bowl located in the Mt. Hood National Forest, Clackamus County, Oregon. The area, which encompasses 640 acres, would receive additional facilities which would increase the ski areas's capacity. The capacity may range from 5,800 to 7,200 people at one time depending upon which combination of lifts are needed. The plan extends ski area development into a 300 acre area southwest of the existing ski permit area. Additional facilities include: 1) new lifts, 2) additional ski runs, 3) restoration of warming hut and expansion of existing lodge and service/rest facilities, 4) additional winter/summer recreation, and 5) improved access and parking. (EIS Order No. 800232).

Final

Mt. Rogers, National Recreation Area, Scenic Highway, several counties, Va., April 2: Proposed is a management plan for the Mount Rogers National Recreation Area in the Jefferson National Forest, Carroll, Grayson, Smyth, Washington and Wythe Counties, Virginia. The plan involves development of campgrounds, information facilities, primitive camping areas, and trail facilities to accommodate developed and dispersed recreation use. Utilization of other resources is permitted where compatible with the recreational objective. The alternatives consider: 1) conventional management, 2) high density recreation, 3) low density recreation, 4) maximum national development, and 5) management as a preservation area. (USDA–FS–R8–FEIS–Admin–78–02). Comments made by: TVA, HUD, DOI, DJUS, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800237).

Rural Electrification Administration

Final

Holcomb Generating and Transmission facility, Finney County, Kans., April 4: Proposed is the awarding of guaranteed loan funds for the construction of the Holcomb-Red Willow 280MW coal-fired generating plant located near Holcomb in Finney County, Kansas. The project includes a 150 mile 345 kV transmission facility, 3.5 miles of rail spur, a pulverized coal boiler, and other features. Water required for condenser cooling and other plant processes will be obtained from a series of wells to be located on the plant site. (USDA–REA–EIS (ADM)–79–9–F). Comments made by: USDA, COE, DOI, EPA, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 800239).

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272–0121.

Draft

Wiggins Pass Small Boat Navigation Improvement, Collier County, Fla., April 4: Proposed are navigation improvements for Wiggins Pass in Collier County, Florida. Three plans are considered in detail. Plan C involves improvements of Wiggins Pass and the Eastern Channel to the Wiggins Pass Marina. Plan G involves improvement of Wiggins Pass and the Southern Channel to Vanderbilt Lagoon. Plan H is the selected alternative and combines the Gulf and inlet channels with eastern and southern bay waterway improvements. The improvements would consist of widening the channel by dredging and placement of navigational aids. (Jacksonville District). (EIS Order No. 800240).

Aquatic Plant Control Program, S.C., South Carolina, April 3: Proposed is a cooperative aquatic plant control program for waters within the State of South Carolina. Target species include alligator weed, brazilian eloida and water primrose. Control may be directed at other species if any should significantly interfere with the use of public waters. Alligator weed would be controlled by an integrated program involving insects and herbicides. Brazilian eloda and water primrose would be controlled by herbicides alone. The original draft, #750898, filed 6–23–75, was replaced by a revised draft. (Charleston District). (EIS Order No. 800238).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377–4335.

Economic Development Administration

Draft

Hope City Regional Water System, Little River, Hempstead County, Ark., April 2: Proposed is the awarding of a EDA grant for the development of a regional water system for the City of Hope in Hempstead County,

Arkansas. The plan would consist of a raw sewer intake structure and pump station located on Little River. A 30-inch raw water line would run along Allen's Ferry Road to a 5.3 mgd water treatment plant located near Fulton. The finished water would be pumped along a 20-inch line to a booster pumping station and then into 12-inch lines connecting into the existing distribution system. (EIS Order No. 800235).

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G–064, Forrestal Bldg., Washington, DC 20585 (202) 252–4600.

Draft Supplement

Energy Performance Standards, New Buildings (DS–1), Regulatory, April 4: Proposed are energy performance standards for new buildings. This statement supplements draft EIS, #791187, filed 11–23–79. This document examines the institutional, socioeconomic and physical environment, which would include adopting, administering, enforcing and monitoring the effectivness of the standards. Four alternative implementation programs are presented. (DOE/EIS–0061/DS–1). (EIS Order No. 800241).

ENVIRONMENTAL PROTECTION AGENCY

Headquarters

Contact: Ms. Norma Hughes (WH–548), Environmental Protection Specialist, Office of Water and Waste Management, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 472–2830.

Final

Atlantic Ocean Waste Disposal Site Designation, Atlantic Ocean, April 2: Proposed is the designation of a 106-mile Chemical Waste Disposal site in the Atlantic Ocean for continuing use. The site is located approximately one hundred nautical miles east of Cape May, New Jersey, and is primarily used by industries located in the New York-New Jersey-Delaware area. The purpose of the action is to provide an environmentally acceptable area for the disposal of wastes which: 1) comply with EPA's rigid marine impact criteria, or 2) must be disposed of until a suitable, land-based disposal method is available. The alternatives include no action, and the use of other sites. Comments made by: COE, DOE, HEW, DOC, DOT, State and local agencies, groups and businesses. (EIS Order No. 800236).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6300.

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Kenyon Drive/S. Bonneyview Trunk Sewer Extensions, Shasta County, Fla., April 1: Proposed is the awarding of a CDBG for the construction of the Kenyon Drive and South Bonneyview trunk sewer extensions in the City of Redding, Shasta County, California. These extensions would service 2,639 residential units. The alternatives include: (1) no action, (2) replace existing septic tank systems and sewering only at existing dwellings, (3) alternate design location for trunklines, (4) greater trunkline capacity, and (5) reduced trunkline capacity. (EIS Order No. 800233.)

Nuclear Regulatory Commission

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P–518, Washington, D.C., 20555 (301) 492–8446.

Draft Supplement

Susquehanna Steam Electric Station Water Reservoir, Luzerne County, Pa., April 1: Proposed is the issuance of permits for the construction of a water storage reservoir to be located on a tributary of the Susquehanna River in Conyngham Township, Luzerne County, Pennsylvania. The propose of the reservoir is to supply water to the Susquehanna River during periods of low river-flow to replace the water consumptively used by the Susquehanna Steam Electric Station. The facility would consist of an earth and rockfill dam constructed across the valley, a spillway, an inlet-outlet structure, a pipeline, and a pumping station. (NUREG–0564) (EIS Order No. 800231.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft

Hammond Railroad Relocation and Consolidation, Lake County, Ind., April 1: Proposed is the Hammond Railroad relocation and consolidation project located in Lake County, Indiana. Several alternatives are considered which include: (1) rerouting of the N&W through Hammond; (2) consolidation of Conrail traffic through Porter, Burns Harbor, Ogden Dunes, Portage, Lake Station and Gary; (3) rerouting of Chessie System through traffic out of the Miller neighborhood of Gary, East Chicago and North Hammond; and (4) a combination plan. In addition, a no action and a limited build alternative are considered. (FHWA–IND–EIS–79–02–D) (EIS Order No. 800230.)

Federal Aviation Administration

Final

Yap State Airport, Improvement, Yap Islands, Trust Territory of the Pacific Islands, April 4: Proposed is the improvement and development of the Yap State Airport located in Yap Islands, a Trust Territory within the Pacific Islands. The improvements and developments would include: (1) relocation of airport northeast of the present site; (2) construction of a 6,000 X 150 foot runway with future capacity to expand runway to 6,900 feet; (3) providing a 6,400 X 500 foot graded safety area centered on the runway centerline and 200 X 150 foot blast pads at each end; (4) installing fencing, grading and relocation of a road; (5) installing runway visual aids; (6) constructing apron and terminal areas; (7) acquisition of property. Comments made by: COE, DOT, DOI, HUD, HEW, EPA, USN, USAF, USA, DOC, AHP, State and local Agencies, Groups and Businesses. (EIS Order No. 800242.)

EIS's Filed During the Week of Mar. 31, 1980, Through Apr. 4, 1980

[Statement Title Index—by State and County]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Draft	Gilbert Bay/Holkham Bay Area, Tongass NF	800234	Apr. 1, 1980	USDA
Arkansas	Hempstead	Draft	Hope City Regional water System, Little River	800235	Apr. 2, 1980	DOC
Atlantic Ocean		Final	Atlantic Ocean Waste Disposal Site Designation	800236	Apr. 2, 1980	EPA
California	Shasta	Draft	Kenyon Drive/S. Bonneyview Trunk Sewer Extensions.	800233	Apr. 1, 1980	HUD
Florida	Collier	Draft	Wiggins Pass Small Boat Navigation Improvement	800240	Apr. 4, 1980	COE
Indiana	Lake	Draft	Hammond Railroad Relocation and Consolidation	800230	Apr. 1, 1980	DOT
Kansas	Finney	Final	Holcomb Generating and Transmission Facility	800239	Apr. 4, 1980	USDA
Oregon	Clackamus	Draft	Multorpor Ski Bowl Master Plan, Mt. Hood NF	800232	Apr. 1, 1980	USDA
Pennsylvania	Luzerne	Supple	Susquehanna Steam Electric Station, Water Reservoir.	800231	Apr. 1, 1980	NRC
Regulatory		Supple	Energy Performance Standards, New Buildings (DS–1).	800241	Apr. 4, 1980	DOE
South Carolina		Draft	Aquatic Plant Control Program, S.C. (DR)	800238	Apr. 3, 1980	COE
Trust Territory		Final	Yap State Airport, Improvement, Yap Islands	800242	Apr. 8, 1980	DOT
Virginia	several	Final	Mt. Rogers, Natl. Recreation Area, Scenic Highway.	800237	Apr. 2, 1980	USDA

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Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/ extension	Date review terminates
DEPARTMENT OF COMMERCE					
Dr. Sidney R. Galler, Deputy Assistant Secretary Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.	Point Reyes Farallon Islands Marine Sanctuary, California, Pacific Ocean, Regulatory.	Draft 800205	Mar. 28, 1980	Extension	May 27, 1980.
DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–D Admin. Bldg., Washington, D.C. 20250, (202) 447–3965.	1980 Maine Cooperative Spruce Budworm Suppression.	Final 800185	Mar. 24, 1980	Waiver	Apr. 8, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Mr. Richard H. Broun, Director Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6300.	Woodlawn Drainage System, City and County of Schenectady, New York.	Draft 790912	July 20, 1979	
		Final 791291	January 8, 1980	April 7, 1980

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No	Date notice published in FEDERAL REGISTER	Reason for retraction
None				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80–11028 Filed 4–10–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1460–1]

Utica Terminal, Inc.

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act) as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for the Prevention of Significant Deterioration of Air Quality (PSD), to Utica Terminals, Inc., Utica, Illinois.

On January 2, 1980, Utica Terminals, Inc. submitted a request to the United States Environmental Protection Agency (U.S. EPA), Region V office, for a determination of applicability of the regulations for PSD.

On February 20, 1980, Utica Terminals, Inc. was notified that it is not subject to a PSD review.

This determination does not relieve Utica Terminals, Inc. of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section Region V U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2090.

Dated: March 31, 1980.

John McGuire,

Regional Administrator, Region V.

February 20, 1980.

Mr. B. E. Smith,

Meredosia Terminal, Box 254, Meredosia, IL

Dear Mr. Smith: We are in receipt of your request for a determination of the applicability of the regulations for the Prevention of Significant Deterioration of Air Quality (PSD) at 43 F.R. 26403, June 19, 1978, to a proposed emulsified asphalt manufacturing and shipping plant located in LaSalle County near Utica, Illinois.

The U.S. Environmental Protection Agency (U.S. EPA) has determined that Utica Terminal, Inc. is not subject to a PSD review as a major polluting source. None of the emissions were calculated to exceed 12 tons per year. For a facility in this category, the regulations define a major polluting source as one which has the potential to emit 250 tons per year or more of any pollutant regulated under the Act.

Thank you for your cooperation.

Very truly yours,

Sandra S. Gardebring,

Director, Enforcement Division.

cc: Daniel Goodwin, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency.

bcc: C. Colantoni.

[FR Doc. 80–10973 Filed 4–10–80; 8:45 am]
BILLING CODE 6560–01–M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within *10* days after publication of this notice in the **Federal Register.** Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: 10107–9.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10107–9 amends Article 7 of the basic agreement of the Trans-Pacific Freight Conference (Hong Kong)/ Independent Lines Rate Agreement to limit a member's voting rights after giving notice of resignation.

Agreement No.: 10108–5.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10108–5 amends Article 7 of the basic agreement of the New York Freight Bureau (Hong Kong)/ Independent Lines Rate Agreement to limit a member's voting rights after giving notice of resignation.

By Order of the Federal Maritime Commission.

Dated: April 8, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–10949 Filed 4–10–80; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Hereford Investment Co., Formation of Bank Holding Company, Correction

This notice is a republication of a previous **Federal Register** document (FR Doc. 80–8082) appearing at page 17071 of the issue for Monday, March 17, 1980.

Hereford Investment Co., Hereford, Colorado, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 92.31 percent of the voting shares of Hereford State Bank, Hereford, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Hereford Investment Co., Hereford, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Hereford Insurance Agency, Hereford, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of acting as insurance agent or broker for multiple-line insurance, primarily fire, crop, general casualty and automobile insurance sold in a community with a population not exceeding 5,000, and acting as agent or broker for credit life insurance directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from the offices of Hereford State Bank in Hereford, Colorado, and the geographic area to be served is the area within a 50 mile radius of Hereford, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

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at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1980.

Board of Governors of the Federal Reserve System, March 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10036 Filed 4-10-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 7, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 29, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Request for Supplemental Data for Application License on Domestic Satellite Earth Station for Applicant Whose Program Uses Small Dish Antenna. FCC Report and Order 76-1169 authorizes the use of a small diameter satellite earth station antenna (down to 4.5 meters) provided applicant provides certain required supplemental data (set out in section 67 of the Report and Order) in its application to demonstrate that acceptable objectives can be achieved by their proposed facilities. The FCC estimates approximately 500 supplemental requests are received annually and that respondent burden averages 16 hours per response.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-10046 Filed 4-10-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Radiopharmaceutical Drugs Advisory Committee	May 1 and 2, 9 a.m., Conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 1, 12 m. to 1 p.m.; open committee discussion May 1, 9 a.m. to 12 m. and 1 p.m. to 5 p.m.; open committee discussion May 2, 9 a.m. to 5 p.m.; Timothy Ulatowski (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee willl discuss the Pediatric Labeling Progress Report; the proposed study on Adverse Reactions to Radiocontrast Agents; new drug applications (NDA's); PIPIDA Kit, and Safety and Efficacy; update of guidelines for Radiopharmaceutical Drugs and report on Radiopharmaceutical Drug Research Committees.

Committee name	Date, time, and place	Type of meeting and contact persons
2. Teratology Subcommittee of the Science Advisory Board	May 6, 9 a.m., Teratology Bldg., National Center for Toxicological Research, Jefferson, Ariz.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; Ruth Magee, National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528.

General function of the Committee. The Board advises on the establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Subcommittee will discuss the update on estrogen research; placental transfer and metabolism of glucocorticoids, behavior teratology evaluation, testing, and extrapolation; pharmacokinetics; prenatal hypertension; subcellular mechanisms; morphogenesis of malformation; and future directions.

Committee name	Date, time, and place	Type of meeting and contact person
3. Science Advisory Board	May 8 and 9, 8:30 a.m., Bldg. 13, National Center for Toxicological Research, Jefferson, Ariz.	Open public hearing May 8, 8:30 to 9:30 a.m.; open committee discussion May 8, 9:30 a.m. to 5 p.m., May 9, 8:30 a.m. to 3 p.m.; Ruth Magee National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4525.

General function of the Committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Board will discuss the future at NCTR: recent scientific accomplishments; National Toxicology Program; mutagenesis research; teratogenesis research; pathology; INTOX program; chemistry/instrumentation; carcinogenesis research and molecular biology research.

Committee name	Date, time, and place	Type of meeting and contact person
4. Subcommittee of the Pulmonary-Allergy Drugs Advisory Committee.	May 19 and 20, 9 a.m., Conference room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 19, 9 a.m. to 10 a.m.; open committee discussion May 19, 10 a.m. to 5 p.m.; May 20, 9 a.m. to 5 p.m.; Conrad Leslie (HFD-160), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3500.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs used in pulmonary disease and makes appropriate recommendations to the Commissioner of Food and Drugs.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Subcommittee will discuss the development of an acceptable clinical protocol for the evaluation of cardiac function following combined administration of beta adrenergic agonist drugs and theophylline.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Applications for reimbursement for participation in the meetings listed above should be sent to Ronald Wylie (HF-70), Office of Consumer Affairs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application, please call Ron Wylie at 301-443-2932. The time limits for applying for such reimbursement are as follows:

Committee meeting	Meeting date	Reimbursement applications must be received by
1. Radiopharmaceutical Drugs Advisory Committee.	May 1-2	Apr. 21.
2. Teratology Subcommittee of the Science Advisory Board.	May 6	Apr. 24.
3. Science Advisory Board	May 8-9	Apr. 24.
4. Subcommittee of the Pulmonary Allergy Drugs Advisory Committee.	May 19-20	May 1.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any applications for reimbursement for participation in the meeting(s) announced in this notice in the docket for this notice.

Dated: April 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10039 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

Medical Device Panels; Request for Nominations for Voting Members on Advisory Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for voting members to serve on certain public advisory panels of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and those that will or may occur on the panels or sections during the next 12 months. The Food and Drug Administration (FDA) has a special interest in ensuring that women, minority groups, and physically handicapped persons are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified females, minority candidates, and physically handicapped persons.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 4 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESS: All nominations and curricula vitae for the voting members of the respective advisory panels must be sent to: Kay A. Levin, Bureau of Medical Devices (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910 (301–427–7076).

FOR FURTHER INFORMATION CONTACT: Robert S. Kennedy, Bureau of Medical Devices (HFK–400), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7230.

SUPPLEMENTARY INFORMATION: FDA requests nominations for voting members for the following panel or sections of panels:

1. Circulatory Systems Devices Panel: 2 vacancies immediately; 1 vacancy 6/30/80

2. Surgical and Rehabilitation Devices Panel

a. General and Plastic Surgery Devices Section: 3 vacancies 8/31/80

b. Orthopedic Devices Section: 3 vacancies immediately; 2 vacancies 8/31/80

c. Physical Medicine Devices Section: 1 vacancy immediately; 1 vacancy 8/31/80

3. Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

a. Ophthalmic Devices Section: 1 vacancy immediate; 2 vacancies 10/31/80

b. Ear, Nose, and Throat Devices Section: 2 vacancies 10/31/80

c. Dental Devices Section: 1 vacancy immediately; 3 vacancies 10/31/80

4. Respiratory and Nervous System Devices Panel

a. Anesthesiology Devices Section: 2 vacancies 11/30/80

b. Neurological Devices Section: 1 vacancy immediately; 1 vacancy 11/30/80

5. General Medical Devices Panel

a. General and Personal Use Devices Section: 1 vacancy immediately; 3 vacancies 12/31/80

6. Obstetrics-Gynecology and Radiologic Devices Panel

a. Obstetrics-Gynecology Devices Section: 2 vacancies 1/31/81

b. Radiology Devices Section: 1 vacancy immediately; 3 vacancies 1/31/81

7. Clinical Chemistry and Hematology Devices Panel

a. Clinical Chemistry Section: 2 vacancies 2/28/81

b. Clinical Toxicology Section: 3 vacancies 2/28/81

c. Hematology Devices Section: 1 vacancy immediately; 3 vacancies 2/28/81

8. Immunology and Microbiology Devices Panel

a. Immunology Devices Section: 2 vacancies 2/28/81

b. Microbiology Devices Section: 1 vacancy immediately

FDA also requests nominations at any time during the year for nonvoting consultants for the panel and sections of panels listed above as well as for the following: Gastroenterology-Urology Devices Section of the General Medical Devices Panel.

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94–295), the functions of the panels listed above are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption of certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Persons nominated for membership shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The term of office is approximately 3 years.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory panels or sections. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory panel, and appears to have no conflict of interest that would preclude panel membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463), 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: April 1, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–10691 Filed 4–10–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80D–0069]

Radioactive Drugs; Proposed Revocation of Interim Enforcement Policy and Notice of Availability of Proposed Guideline for Nuclear Pharmacies Describing Activities That Require Registration as a Drug Establishment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) proposes to revoke the interim enforcement policy applicable to nuclear pharmacies published in the **Federal Register** of July 25, 1975 (40 FR 31314). It also announces the availability of and summarizes a proposed FDA guideline for nuclear pharmacies that sets forth criteria for determining when a nuclear pharmacy or similar facility must register as a drug establishment.

DATE: Comments by July 10, 1980.

ADDRESS: Comments (preferably four copies) concerning the guideline should be sent to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The guideline and supporting documents may be viewed at the office of the FDA Hearing Clerk.

FOR FURTHER INFORMATION CONTACT: For information on the nuclear pharmacy guideline:

Albert Lanvender, Bureau of Drugs (HFD–313), Food and Drug Administration, Department of Health, Education, and Welfare, Rockville, MD 20857, 301–443–3750.

For information on this notice:

Robert D. Bradley, Bureau of Drugs (HFD–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 25, 1975 (40 FR 31314), FDA announced its intention to clarify the responsibilities of nuclear pharmacies under the Federal Food, Drug, and Cosmetic Act. Pending this clarification, FDA further announced that, as an interim enforcement policy, the agency would not take regulatory action against a nuclear pharmacy that did not comply with the requirements of the Federal Food, Drug, and Cosmetic Act (the act) and the Public Health Service Act, except where regulatory action is necessary to protect the public health, as long as the pharmacy (1) complies with applicable local laws regulating the practice of pharmacy, and (2) is licensed, where applicable, by the Nuclear Regulatory Commission or an Agreement State to possess, use, or transfer radioactive drugs. In addition, the notice stated that FDA was drafting regulations to define those operations connected with the preparation of radioactive drugs, including radioactive-biological products, that would require registration and would not warrant application of the exemption provided in section 510(g) of the act (21 U.S.C. 360(g)) for the practice of pharmacy.

The agency adopted this interim policy to avoid any disruption in the practice of nuclear pharmacy and nuclear medicine throughout the United States. It became effective on the effective date of regulations also published in the **Federal Register** of July 25, 1975 (40 FR 31298), which terminated a preexisting exemption for radioactive drugs from FDA's investigational new drug requirements. That exemption was originally published in the **Federal Register** of January 8, 1963 (28 FR 183). This termination notice required manufacturers and distributors of radioactive drug products to comply with the act and applicable regulations, including requirements for registration, drug listing, current good manufacturing practices, new drug applications, investigational new drugs, labeling, and advertising. The agency concluded that, although radioactive drug manufacturers would be subject to the act, nuclear pharmacies would not be subject to the act, under the conditions specified, until the status of nuclear pharmacies was further clarified.

The notice to nuclear pharmacies published in the **Federal Register** of July 25, 1975 (40 FR 31314) indicated that proposed regulations would be drafted to clarify the obligation of nuclear pharmacies under the act. FDA now concludes that a guideline, prepared by FDA's Bureau of Drugs under § 10.90(b) (21 CFR 10.90(b)) of the agency's procedural regulations, will be sufficient to advise nuclear pharmacies of their obligations under the act. A guideline prepared under § 10.90(b) represents the formal position of FDA and, except in unusual situations involving an immediate and significant danger to health, will be followed by the agency until it is amended or revoked.

A draft guideline that states the criteria for determining whether the activities of a nuclear pharmacy would require it to register under section 510(g) of the act, and be subject to additional requirements, has been prepared and is now available from the Hearing Clerk, (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Any interested person may submit written comments on the guideline. The comments (preferably four copies) should be sent to the Hearing Clerk at the above address. Any comments received will be considered in the preparation of a final guideline.

At the time the nuclear pharmacy guideline is final, FDA will simultaneously revoke (1) the interim enforcement policy pertaining to nuclear pharmacies set forth in the **Federal Register** of July 25, 1975 (40 FR 31314), and (2) any letter issued by FDA prior to the effective date of the guideline that discusses when a nuclear pharmacy should register insofar as the letter is inconsistent with the guideline. FDA currently believes the guideline should be effective 180 days after a notice of its availability is published in the **Federal Register.** The 180-day period will enable a nuclear pharmacy that is engaged in any procedure that the guideline specifies as requiring registration as a drug establishment sufficient time to comply with the act and the implementing regulations. Nuclear pharmacies or other facilities that are required to register under the act will be subject, among other provisions, to the drug registration provisions of section 510 of the act and Part 207 of the regulations, the current good manufacturing practice provision of section 501 of the act and Parts 210 and 211 (21 CFR Parts 210 and 211), and the factory inspection provisions of section 704 of the act (21 U.S.C. 374). Nuclear pharmacies may obtain information and appropriate forms for registering as a drug establishment from FDA Regional or District offices or by contacting the Bureau of Drugs, Drug Listing Branch (HFD–315), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

Dated: April 4, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–10700 Filed 4–7–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80F–0029]

Voltek, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Voltek, Inc., has filed a petition proposing to amend the food additive regulations to provide for the safe use of azodicarbonamide as a blowing agent for polyethylene foam in food-contact articles.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3260) has been filed by Voltek, Inc., 100 Shepard St., Lawrence, MA 01843, proposing that the food additive regulations be amended to provide for the safe use of azodicarbonamide as a blowing agent for polyethylene foam articles that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 31, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80–10692 filed 4–10–80; 8:45 am]

BILLING CODE 4110–03–M

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Office of Education

Commission on the Review of the Federal Impact Aid Program; Hearing

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Montgomery, Alabama, on May 1, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Public Law 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Alabama, Georgia, Florida, South Carolina, Mississippi, Tennessee, and Kentucky. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission as soon as possible. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission by the end of April, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: May 1, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Robert E. Lee High School, Room 250, 225 Ann Street, Montgomery, Alabama 36107.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. no. (202) 653–5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Public Law 95–961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 8th day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80–11031 Filed 4–10–80; 8:45 am]

BILLING CODE 4110–02–M

Commission on the Review of the Federal Impact Aid Program; Meeting

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program, the members of which were appointed by the President on August 15, 1979, will hold a special meeting on May 1, 1980, in Montgomery, Alabama. The meeting will be open to the general public, and all interested persons are invited to attend. Notice of the meeting is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: May 1, 1980. The Commission will meet at 9:00 a.m. and continue until business is completed.

ADDRESS: Robert E. Lee High School, Room 250, 225 Ann Street, Montgomery, Alabama 36107.

TENTATIVE AGENDA: The Commission members will conduct Commission business, consider a report previously submitted by the Commission staff, and consider a report to be submitted to Congress.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. no. (202) 653–5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Public Law 95–961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 8th day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80–11032 Filed 4–10–80; 8:45 am]

BILLING CODE 4110–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Regional Administrator

[Docket No. D–80–598]

Acting Area Manager, Region IV (Atlanta); Designation for Knoxville Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Knoxville Area Office.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT: George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 664, 75 Spring Street, SW., Atlanta, Georgia 30303, 404–221–5199.

Designation of Acting Area Manager for Knoxville Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director Housing Division.
3. Director, Community Planning and Development Division.
4. Director, Administrative Management Division.
5. Area Counsel.

This designation supersedes the designation effective June 18, 1978. (43 FR 39860, 9/7/78).

This designation shall be effective as of January 8, 1980.

Fred O. DeBruhl, Sr.,

Area Manager, Knoxville Area Office.

Geraldine G. Thompson,

Regional Administrator, Region IV (Atlanta).

[FR Doc. 80–10970 Filed 4–10–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Canon City Grazing Advisory Board, Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to he held at 1 p.m., Monday, May 12, 1980 at the Canon City District Office, Hwy. 50 at Dozier Avenue, Canon City, Colorado.

The purpose of the meeting will be to elect officers, review progress on implementation of allotment management plans in the San Luis Resource Area, review plans for implementation of allotment management plans in the Royal Gorge Resource Area, and to initiate, conduct and settle business pertaining to expenditure of Range Betterment Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first served basis. Any member of the public may file with the Board, a written statement concerning matters to be discussed.

Persons wishing further information concerning the meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado at (303) 275–7494.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: March 31, 1980.

Melvin D. Clausen,

District Manager.

[FR Doc. 80–10923 Filed 4–10–80; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS DES 80–18]

Livestock Grazing Management: Gunnison Basin, American Flats/Silverton Area, Colo.; Availability of Draft Environmental Impact Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental impact statement on livestock grazing management in the Gunnison Basin, American Flats/Silverton Area, Colorado, and invites written comment by June 9, 1980.

The DEIS analyzes the potential impacts that would result from implementation of a livestock grazing management program on approximately 637,000 acres of public land managed by the Bureau of Land Management (BLM) in southwestern Colorado.

The proposal calls for a new system of spring rest to guide livestock grazing use in the area. Also included would be continuation of 34 existing allotment management plans (AMPs) and development of 69 new AMPs. Less intensive management would be applied to 50 allotments, 11 allotments which are presently not allotted for livestock grazing would continue in that status, and livestock grazing would be eliminated from 2 allotments.

A system of rangeland improvements is included in the proposed action. Such improvements would consist of springs, fences, wells, water pipelines, cattle guards, reservoirs, and trails, all designed to improve livestock distribution and management flexibility. Other improvements would involve rangeland treatments, both mechanical and chemical, designed to reduce sagebrush densities and increase forb and grass vegetation production.

The proposed program would result in improvement of rangeland condition, terrestrial habitat for wildlife, and watershed conditions in the Gunnison River watershed. Rangeland in good and excellent condition would increase by 171,000 acres, poor condition rangeland would decrease by 88,000 acres, and livestock and wildlife vegetation would be expected to increase by over 16,000 animal unit months in the next 20 years.

Five alternatives were considered in addition to the proposed action which provides for spring rest from livestock grazing. They were: (a) no action-continuation of the present program, (b) elimination of all livestock from public lands, (c) an alternative favoring wildlife and watershed values, (d) an alternative favoring livestock grazing, and (e) a fall rest alternative.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Room 2063, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: (202) 343–6011)
Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: (303) 837–4481)
Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401 (Phone: (303) 249–7791)
Gunnison Basin Resource Area Office, Bureau of Land Management, 336 South 10th Street, Montrose, Colorado 81401 (Phone: (303) 249–2244)
San Juan Resource Area Office, Bureau of Land Management, 701 Camino Del Rio, Durango, Colorado 81301 (Phone: (303) 247–4082)

Public Libraries

Montrose Regional Library, 434 South First, Montrose, Colorado 81401
Western State College Library, Gunnison, Colorado 81230
Gunnison County Public Library, 307 N. Wisconsin, Gunnison, Colorado 81230
Crested Butte Library, 312 N. Main, Crested Butte, Colorado 81224
Silverton Public Library, 1118 Reese, Silverton, Colorado 81433
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206

County Courthouses

Montrose County, Montrose, Colorado
Hinsdale County, Lake City, Colorado

San Juan County, Silverton, Colorado
Gunnison County, Gunnison, Colorado
Saguache County, Saguache, Colorado
Ouray County, Ouray, Colorado

Single copies of the draft statement can be obtained from the District Manager, Montrose District Office; the Area Manager, Gunnison Basin Resource Area; or the State Director, Colorado State Office, at the addresses listed above.

Written comments on the draft environmental impact statement should be submitted by June 17, 1980, to the District Manager, Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.

Oral and written comments will also be received at public hearings on May 20, 1980, at the Community Center in Lake City, Colorado; on May 21, 1980, at Webster Hall in Gunnison, Colorado; and on May 22, 1980, at the Courthouse Annex in Montrose, Colorado. The hearings will all convene at 7:00 p.m.

Oral testimony of 10 minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The 10-minute time limitation will be strictly enforced. The complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Written requests to testify orally should be received at the Montrose District Office at the above address prior to close of business on May 14, 1980. Requests should identify the organization represented and should be signed by the prospective witness. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Speakers will be heard, if present, in their established order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinions of a private citizen.

Comments on the draft environmental impact statement, whether written or oral, will receive equal consideration in preparation of a final environmental impact statement.

Dated: April 4, 1980.
Ed Hastey,
Associate Director.
[FR Doc. 80-10043 Filed 4-10-80; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 17593]

Order Providing for Opening of Public Lands and National Forest Lands; Proposed Withdrawal and Opportunity for Public Hearing

Correction

In FR Doc. 80-10098 appearing on page 22197 in the issue of Thursday, April 3, 1980, make the following corrections:

1. In the first column of page 22198, the paragraph below the first land description beginning "On January 25, 1980, . . ." should have been designated as paragraph "2.".

2. In the same column, 7 lines from the bottom of the page, ". . . S28°96′E . . ." should have read ". . . S28°06′E . . .".

BILLING CODE 1505-01-M

Oregon, Intensive Wilderness Inventory of Public Lands Along the Proposed Route of the Alaska Natural Gas Transportation System; Final Decisions in Effect

The final decisions on the intensive inventory of approximately 62,550 acres of public land in Oregon located along the proposed route of the Alaska Natural Gas pipeline, announced in the **Federal Register** on February 12, 1980, became effective on March 12, 1980. The decisions are final and in effect for Inventory Units OR-5-1 and OR-5-2 in the Prineville District and for numerous parcels, each with less than 5,000 acres. No protests against any of these decisions were received.

Frank A. Edwards,
Acting State Director.
[FR Doc. 80-11010- Filed 4-10-80; 8:45 am]
BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; North Atlantic Technical Working Group Committee; Change in Meeting Date, Time, and Place

The meeting for the North Atlantic Technical Working Group, originally scheduled for 15 April, has been rescheduled as follows:

Date: 29 April 1980
Place: State Suites A&B, The Copley Plaza Hotel, 138 James Street, Boston, Massachusetts.
Time: 9:30 a.m. to 3:30 p.m.

Frank Basile,
Manager, New York OCS Office.
[FR Doc. 80-10040 Filed 4-10-80; 8:45 am]
BILLING CODE 4310-84-M

Status of Wilderness Review of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Status of Wilderness Review of Public Land.

SUMMARY: This notice summarizes the present status of the wilderness review of roadless public lands and islands required by the Federal Land Policy and Management Act (FLPMA), section 603(a). The purposes of this notice are to provide (1) one source of information summarizing current wilderness review activities, (2) advance notice of upcoming decisions, public review periods, etc., and (3) a statistical update of the wilderness inventory. This notice is divided into two parts: a calendar of events, and a statistical summary table.

DATE: All information in this notice is current through April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Andy Gibbs, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone: (202) 343-6064.

SUPPLEMENTARY INFORMATION: This calendar of events is the third of a series whose last notice appeared in the **Federal Register** March 11, 1980 (p. 15679). The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories whose final decisions are in effect, as well as studies or reports not yet initiated, are not reported in this notice. For detailed information regarding each specific activity, reference is made either to the appropriate notice previously appearing in the **Federal Register**, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless lands and islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resource uses. The President will send his recommendations to Congress. Only Congress can actually designate an area as wilderness.

The inventory process has two stages: (1) an initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive inventory for those lands which may possess wilderness characteristics. The intital inventory process was completed in the contiguous Western States by October 1, 1979. In instances where important resource use decisions are pending, the inventory process may be accelerated in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

The FLPMA also requires early study of 55 natural and primitive areas which were formally identified by the Secretary of the Interior prior to November 1, 1975. By July 1, 1980, the Secretary will submit to the President recommendations on these areas. They are referred to as "instant study areas" (ISA's).

Dated: April 8, 1980.
Ed Hastey,
Associate Director.

CALENDAR OF EVENTS

Alaska

Accelerated Nonwilderness Assessment

—Alaskan section of Alaska Natural Gas Transportation System notice of intent to conduct a nonwilderness assessment within existing utility and transportation corridors announced in **Federal Register** March 13, 1980 (p. 16355); proposed decision announced in **Federal Register** April 4, 1980 (p. 23071); began 30-day public comment period.

Arizona

Accelerated Intensive Inventory

—Hualapai-Aquarius proposed decision announced in **Federal Register** September 7, 1979 (p. 52340); comment period ended December 12, 1979; final decision anticipated April 1980. Affects units 2-37, 2-43, 2-46, 2-48, 2-50, 2-51 to 2-54, 2-56 to 2-63, 2-65, 2-67.

—Overthrust Belt final decision announced in **Federal Register** February 22, 1980 (p. 11919); protest period ended March 26, 1980; protests received; announcement anticipated April 1980. Affects units: 1-105 to 1-109, 1-112 to 1-115, 1-119 to 1-124, 1-127 to 1-130, 1-134, 1-135.

Study/Reporting

—Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under Secretarial review.

—Paiute, Paria, and Vermillion Cliffs ISA's draft suitability reports and environmental statements anticipated late April.

California

Statewide Intensive Inventory

—final decision announced in **Federal Register** January 7, 1980, (p. 1457); protest period ended February 5, 1980; protests announced in **Federal Register** April 3, 1980 (p. 22198); protest decision anticipated June.

—proposed decision on several previously deferred interstate units announced in **Federal Register** April 3, 1980 (p. 22198).

Accelerated Intensive Inventory

—California Desert Conservation Area (CDCA) amended decision announced in **Federal Register** January 7, 1980 (p. 1456); protest period ended February 5, 1980; one protest received; but did not address an area open to protest; amended decision in effect.

Units Under Formal Appeal to IBLA

—Notice of appeal announced in **Federal Register** January 7, 1980 (p. 1456). Affects CDCA intensive inventory units: 117, 131, 136, 137-A, 143, 150, 156, 158, 172, 207, 217, 221, 222, 227, 242, 251, 251-A, 263 to 266, 271, 299, 305, 321, 325, 334, 343, 348, 376.

—Notice of appeal announced in **Federal Register** January 7, 1980 (p. 1457). Affects non-CDCA initial inventory units: CA-010-031, 033, 047, 069, 087, 101, CA-020-701, 901, 1001; CA-030-300, 400, and 500.

Study/Reporting

—CDCA draft Plan Alternatives and Environmental Impact Statement released February 15, 1980; 90-day public comment period ends May 15, 1980.

Colorado

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** February 1, 1980 (p. 7312); 90-day public comment period ends April 30, 1980.

Units Under Formal Appeal to IBLA

—Notice of appeal filed with IBLA January 21, 1980. Affects initial inventory unit 070-031.

Study/Reporting

—Powderhorn ISA draft ES and suitability reports anticipated late April.

Eastern States

Statewide Initial Inventory (Minnesota Only)

—final decision announced in **Federal Register** March 21, 1980 (p. 18492); appeal period ends April 21, 1980.

Accelerated Intensive Inventory

—Koochiching Bogs (units 42 and 45) final decision announced in **Federal Register** February 22, 1980, (p. 11921); protest period ended March 24, 1980 without protest; decision in effect.

Idaho

Statewide Initial Inventory

—protest decision announced in **Federal Register** February 8, 1980 (p. 8732); appeal period ended March 10, 1980. One notice of intent to appeal filed with State Director. Affects stateline units 16-48 a, b, and c. 16-53, 16-56a, 16-59, 16-70, 17-19, 17-21, 17-26, 22-1.

—amended decision announced in **Federal Register** February 8, 1980 (p. 8732) for units which were under formal appeal to IBLA; protest period ended March 10, 1980; 51 protests received; affects units 23-1, 35-3, 35-4, 35-5.

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** April 3, 1980 (p. 22195); began 90-day public comment period.

Accelerated Intensive Inventory

—Challis Planning Area protest decision announced in **Federal Register** February 29, 1980 (p. 13542); appeal period ended March 31, 1980; two notices of intent to appeal filed with State Director. Affects units 46-11, 46-13, 46-14, 46-14a.

—Overthrust Belt protest decision announced in **Federal Register** February 15, 1980 (p. 10463); affecting Game Creek (unit 34-8) appeal period ended March 16, 1980 without appeal; decision in effect.

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—Owyhee Planning Area final decision announced in **Federal Register** January 16, 1980 (p. 3114); protest period ended February 15, 1980; nine protests received; protest decision anticipated late spring. Affects units 16–26, 16–28, 16–36, 16–40 to 16–42, 16–44, 16–45, 16–47, 16–49 a, b, d, e, and 16–52.

Study/Reporting

—Great Rift (Grassland Kipuka) ISA draft ES released as announced in **Federal Register** March 5, 1980 (p. 14251); public comment period ends April 14, 1980.

Montana

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** March 28, 1980 (p. 20570); began 90-day public comment period.

Accelerated Intensive Inventory

—Bitter Creek (unit 064–356) as affected by proposed Alaska Natural Gas Transportation System proposed decision announced in **Federal Register** October 25, 1979 (p. 61464); comment period ended December 20, 1979; final decision anticipated April.

—Overthrust Belt final decision announced in **Federal Register** February 22, 1980 (p. 11920); protest period announced in **Federal Register** March 28, 1980 (p. 20570); protest period ends April 30, 1980. Affects units 074–151 a and b, 074–155, 075–102, 075–105, 075–106, 075–110, 075–114, 075–115, 075–123 to 126, 075–133, 075–134, 075–138, 076–001 to 004, 076–007 to 011, 076–015, 076–022, 076–024 to 026, 076–028, 076–029, 076–031, 076–033, 076–034, 076–042, 076–043, 076–047, 076–051, 076–054, 076–059, 076–063, 076–069 to 071.

Study/Reporting

—Humbug Spires and Bear Trap Canyon ISA's draft ES and suitability report anticipated April 1980.

Nevada

Statewide Initial Inventory

—decision on protest announced in **Federal Register** February 6, 1980 (p. 8164); appeal period ended March 7, 1980 without appeal; decision in effect. Affects all units identified for intensive inventory.

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** April 1, 1980 (p. 21356); began 90-day public comment period.

Accelerated Intensive Inventory

—Cedar Ridge (unit 010–088) final amended decision announced in **Federal Register** February 14, 1980 (p. 10038); protest period ended March 19, 1980 without protest; decision in effect.

—Macks Canyon and Hickison final decision announced in **Federal Register** February 14, 1980 (p. 10038); protest period ended March 19, 1980 without protest; decision in effect. Affects units 050–0408 and 060–366.

—Pueblo Mountain (units 020–642 a and b) final decision announced in **Federal Register** February 15, 1980 (p. 10461); protest period ended March 19, 1980 without protest, decision in effect.

—Overthrust Belt final decision announced in **Federal Register** February 8, 1980 (p. 8731); protest period ended March 17, 1980; three protests received; announcement anticipated April. Affects units 0161. 0220 to 0226, 0230 to 0233, 0235, 0236, 0238, 0411, 0422, 0423, 0425, 0428, and 04R–15; also 0118, 0121 to 0126, 0157, 0162 to 0164; also 0136, 0137, 0139, 0143, 0144, 0145, 0155, 0159, 0166, 0412, 0414, 0438, 0440, 0441, and 0447.

—Pine Creek Canyon, Pinyon-Joshua, Bristlecone Pine, Goshute Canyon, Lahontan-Cutthroat Trout ISA's accelerated inventory final decision announced in **Federal Register** February 14, 1980 (p. 10037); protest period ended March 19, 1980 without protest; decision in effect.

New Mexico

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** March 28, 1980 (p. 20572); began 90-day public comment period.

Oregon

Statewide Intensive Inventory (Includes Washington)

—proposed decision announced in **Federal Register** March 27, 1980 (p. 20167); began 90-day public comment period.

Accelerated Intensive Inventory

—John Day (units 5–1, 5–2 as affected by proposed Alaska Natural Gas Transportation System) final decision announced in **Federal Register** February 12, 1980 (p. 9349); protest period ended March 13, 1980 without protest; decision in effect.

—Thirty selected units final decision announced in **Federal Register** March 27, 1980 (p. 20166); protest period ends April 28, 1980. Affects units: 1–76 to 1–78, 1–105, 1–111, 2–1, 2–2, 2–11 to 2–17, 2–21, 2–23, 2–24, 2–26, 2–74, 2–79, 2–81, 2–82, 3–36, 3–151, 3–154, 3–156, 3–199, 5–14, 5–57, 5–58.

Units Under Formal Appeal to IBLA

—Notice of appeal announced in **Federal Register** November 29, 1979 (p. 68526); affects initial inventory unit 11–6.

Utah

Statewide Intensive Inventory

—Proposed decision announced in **Federal Register** March 28, 1980 (p. 20576); began 90-day public comment period.

Accelerated Intensive Inventory

—Deep Creek Mountains (units 020–066 and 050–020) final decision announced in **Federal Register** March 14, 1980 (p. 16569); protest period ends April 14, 1980.

—Unit 050–070 (as affected by Intermountain Power Project) decision on protest announced in **Federal Register** January 31, 1980 (p. 7015); appeal period ended March 1, 1980 without appeal; decision is in effect.

—Dirty Devil (unit 050–236) final decision announced in **Federal Register** February 15, 1980 (p. 10462); protest period ended March 17, 1980; seven protests received; announcement anticipated April.

—Overthrust Belt final decision announced in **Federal Register** February 6, 1980 (p. 8165); decision in effect as announced in **Federal Register** March 20, 1980 (p. 18130). Affects units UT–040–136, 269 to 273, and two interstate units with Nevada, UT–040–123 (NV–050–0166) and UT–040–124 (NV–050–0143).

—Devil's Garden, Joshua Tree, Book Cliffs, and Link Flats ISA's proposed intensive inventory decision announced in **Federal Register** January 16, 1980 (p. 3114); comment period ended February 15, 1980; final decision anticipated early April 1980.

Units Under Formal Appeal to IBLA

—Notice of appeal filed with IBLA January 24, 1980. Affects accelerated intensive inventory units 060–007–011, 060–012, 050–233.

Wyoming

Statewide Intensive Inventory

—Proposed decision announced in **Federal Register** April 4, 1980 (p. 23073); began 90–day public comment period.

Accelerated Intensive Inventory

—Overthrust Belt protest decision announced in **Federal Register** March 6, 1980 (p. 14867); appeal period ends April 11, 1980. Affects units: 040–110, 040–221 to 223.

Statistical Summary Table, BLM Wilderness Inventory Results as of Apr. 4, 1980

State	Public lands subject to wilderness inventory	Acres dropped from inventory	Acres still under inventory: Inventory decision not yet announced	Acres still under inventory: Proposed intensive inventory decision announced: Lacking wilderness characteristics	Acres still under inventory: Proposed intensive inventory decision announced: With wilderness characteristics	Acres identified as wilderness study areas
1. Contiguous Western States:						
Arizona	12,596,000	7,209,000	4,870,000	0	0	517,000
California	16,585,000	10,118,000	97,000	26,000	4,000	6,338,000
Colorado	7,196,000	6,690,000	0	491,000	785,000	50,000
Idaho	11,949,000	8,983,000	295,000	1,079,000	804,000	820,000
Montana	8,140,000	5,979,000	0	1,378,000	534,000	249,000
Nevada	49,118,000	33,077,000	17,000	11,319,000	3,079,000	1,626,000
New Mexico	12,847,000	10,486,000	14,000	1,327,000	872,000	148,000
North Dakota	58,000	58,000	0	0	0	0
Oklahoma	7,000	7,000	0	0	0	0
Oregon	[1] 13,965,000	7,584,000	0	4,192,000	1,750,000	439,000
South Dakota	277,000	272,000	0	5,000	0	0
Utah	22,076,000	16,707,000	0	3,190,000	1,752,000	427,000
Washington	310,000	296,000	0	14,000	15	0
Wyoming	17,793,000	16,678,000	0	562,000	497,000	56,000
Totals	[1] 173,727,000	124,154,000	5,264.00	23,582,000	10,057,000	10,670,000

State [2]	Public lands subject to wilderness inventory	Acres dropped from inventory	Acres still under inventory	Acres identified as wilderness study areas
2. Eastern States:				
Minnesota	[3] 45,000	44,000	1,000	0

[1] Total acreage reduced by 27,000 acres due to recalculation of O&C lands exempt from wilderness review.
[2] Other Eastern States will be listed as inventory decisions are announced.
[3] Includes an estimated 2,000 acres of unsurveyed islands.

[FR Doc. 80–11018 Filed 4–10–80; 8:45 am]
BILLING CODE 4310–84–M

National Park Service

Pictured Rocks National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, as amended by Pub. L. 94–409, 90 Stat. 1247, that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held on Monday, April 28, 1980, at 2 p.m., e.d.t., at the Munising Community Center, Munising, Michigan.

The Commission was established by Pub. L. 89–668, 80 Stat. 922, 16 U.S.C. 460–s, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Glenn C. Gregg (Chairman)
Mr. James Mueller
Mr. James Becker
Mr. Leo R. Gariepy
Mr. Lawrence L. Lemanski

Matters to be discussed at this meeting include:

1. Introduce new Commission members and review meeting decorum rules.

2. General update on winter activities at Pictured Rocks National Lakeshore, including staffing reports.

3. Review of the construction program at Munising Falls and the general development program for the Lakeshore.

4. Review of the revised alternatives for the Lakeshore General Management Plan.

5. Briefing by the Alger County Task Force on its activities.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Donald F. Gillespie, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone 906–387–2607.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Pictured Rocks National Lakeshore Headquarters at Sand Point, four miles east of Munising, Michigan.

Dated: April 2, 1980.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 80–10933 Filed 4–10–80; 8:45 am]
BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

[Federal Leases Nos. U–020305, U–044076, U–0142235, U–0147570, and U–073120]

Availability for Public Review of a Coal Mining and Reclamation Plan for an Underground Coal Mine Proposed by Coastal States Energy Co. and Getty Oil Corp. for the Skyline Mine Emery County, Utah

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for Public Review of Coal Mining and Reclamation Plan for an Underground Coal Mine

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from Coastal States Energy Company and Getty Oil Corporation to mine Federal coal at the Skyline Mine. A brief description of the location follows:

Location of Lands To Be Affected

Applicant: Coastal States Energy Company and Getty Oil Corporation
Mine Name: Skyline Mine
State: Utah
County: Emery
Section, Township, Range: Sections 10, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 of T.13S, R.6E. SLM.
Office of Surface Mining Reference Number: UT–0003

The mine is a new mine operating on non-Federal and Federal coal lands located about four miles southwest of Scofield, Utah.

The proposed plan into the Federal coal lease area involves multiseam underground mining of Federal coal mostly overlain by Federal surface administered by the U.S. Forest Service for 30 years at a production rate of approximately 5 million tons per year at full production. Coal will be conveyed to a train load-out facility at the mouth of Eccles Canyon. The Federal coal lease area is 6,400 acres.

The mining and reclamation plan has been determined to be sufficiently complete to issue this notice to inform the public of the availability of the plan for review. The Office of Surface Mining will prepare a technical analysis (TA) to determine whether the proposed plan meets the requirements of SMCARA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information

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from the Company. Any further information obtained would also be available for public review.

No action on the plan will be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the Federal Register. Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to Section 211.5(c)(2) of Title 30, Code of Federal Regulations.

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202, and at the Division of Oil, Gas and Mining, Department of Natural Resources, 1588 West North Temple, Salt Lake City, Utah, 84116. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address.

FOR FURTHER INFORMATION CONTACT:
Dr. Thomas R. Schultz or John Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202.

Donald A. Crane,
Regional Director.

[FR Doc. 80-10941 Filed 4-10-80; 8:45 am]
BILLING CODE 4310-05-M

[Federal Leases Nos. W-313568, W-0311810, and W-0312311]

Correction of the Announcement of a Public Meeting Related to the Surface Coal Mine Proposed by Kerr-McGee Coal Corp., for the East Gillette Mine, Campbell County, Wyo.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of correction.

SUMMARY: On March 27, 1980 in the **Federal Register**, the Office of Surface Mining and Reclamation published a notice to hold a public meeting in Gillette, Wyoming on a Coal Mining and Reclamation Plan proposed by the Kerr-McGee Corp. for the East Gillette Mine. A correction should be made to that public notice. The third major change to the proposed mining and reclamation plan should have the "not" removed from between "would" and "be mined," and should read:

Although lease W-311810 includes all of secs. 5 and 6, only W½ of sec. 6 would be mined instead of the west half of sec. 5 and all of sec. 6. Consequently Garner Lake Road would not have to be relocated.

FOR FURTHER INFORMATION CONTACT:
Floyd L. Johnson or John E. Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 (303) 837-5656.

Donald A. Crane,
Regional Director.

[FR Doc. 80-10942 Filed 4-10-80; 8:45 am]
BILLING CODE 4310-05-M

Water and Power Resources Service

Exchange Water Service Contracts From Buffalo Bill Reservoir; Availability of the Proposed Contracts for Public Review and Comment

The Department of the Interior, through the Water and Power Resources Service, has completed the negotiations for the form of contracts with the Northfork Valley Ditch Company, L. B. and M. E. Bridges, and Carl, Rosetta, and Earl Sauerwein, all of Cody, Wyoming. The three contracts are for exchange water service from Buffalo Bill Reservior, the principal storage feature of the Service's Shoshone Project. The proposed contract form was prepared pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187).

Buffalo Bill Dam and Reservoir were constructed as a storage feature of the Shoshone Project on the Shoshone River near Cody, Wyoming, for the purpose of impounding water for irrigation, power generation, flood control, and other beneficial uses. Approximately 15,000 acre-feet of water are annually surplus to present needs of existing Shoshone Project users and planned needs for the irrigation of the 19,200 acre Polecat Bench area.

The proposed water service is intended to supplement the existing water rights of the contractors, all of whom are irrigators on the North Fork of the Shoshone River. During periods of drought or low flows, the contracts would allow releases to be made from the reservoir to satisfy prior water rights downstream of the reservoir, thus averting a shutdown of the contractors' diversions by the State of Wyoming.

The contracts are for a maximum of 1,000 acre-feet annually for the Northfork Valley Ditch Company (855 acres), 100 acre-feet annually for L. B. and M. E. Bridges (48.5 acres), an 200 acre-feet annually for Carl, Rosetta, and Earl Sauerwein (272.5 acres). The water service charge under the proposed contracts is $1.60 per acre-foot, to be paid whether or not water is actually delivered under the contracts. These rates are subject to adjustment at 5-year intervals throughout the 20-year term of the contracts.

The proposed contracts will be available for public review and written comment for 30 days following the date of this notice. The Commissioner of Water and Power Resources will review comments submitted and based on the number, source, and nature of the comments will decide whether to hold a public hearing. All written correspondence concerning the proposed contracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

For further information and copies of the proposed contract forms, please contact Gary Anderson, Agricultural Economist, Division of Water and Land, Water and Power Resources Service, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657-6424.

Dated: April 4, 1980.

David R. Schuster,
Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-10822 Filed 4-10-80; 8:45 am]
BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

April 8, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before April 28, 1980.

No. 43811, Southwestern Freight Bureau, Agent No. B-60, on petroleum and petroleum products from stations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to stations in Colorado, Utah, Wyoming and Farmington, NM, in Supplement 106 to Southwestern Freight Bureau, Agent's Tariff ICC SWFB 4690, effective May 3, 1980. Grounds for relief—need for additional revenue to cover costs.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10953 Filed 4-10-80; 8:45 am]
BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the Transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC-107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before May 1, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence May 12, 1980, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT-51-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Ploof Truck Lines, Inc., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-52-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Big T Truck Service, Inc., 5878 Buford Highway, Suite 5, Atlanta, Ga 30340. Representative: Stephen J. Habash, Baker & Hostetler—Suite 1800, 100 E. Broad Street, Columbus, OH 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT-53-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: The Andrews Moving & Storage Co., 4811 Van Epps Road, Cleveland, OH 44131. Representative: David A. Turano, Baker & Hostetler—Suite 1800, 100 E Broad Street, Columbus, Oh 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT-54-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Best Line Inc. P.O. Box 765, Hopkins, MN 55343. Representative: John L. Clark, President (address same as applicant). Government Agency involved: Department of Defense.

GT-55-80 (special certificate—Government traffic), filed March 19, 1980., Applicant: Republic Portsmouth Storage Corporation, P.O. Box 927, Portsmouth, VA 23705. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW—Suite 1200, Washington, D.C. 20036. Government Agency involved: Department of Defense, Department of Transportation, and General Services Administration.

GT-56-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: International Transport, Inc., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Building., Fargo, ND 58126. Government Agency involved. Departments of Agriculture, Commerce, Defense Energy, Interior, and Transporation; American Battle Monuments Commission, Civil Aeronauatics Board, Commission of Fine Arts, Environmental Protection Agency, Federal Communications Commission, Federal Energy Management Agency, Federal Maritime Commission, General Services Administration, International Communications Agency, National Aeronautic & Space Administration, National Science Foundation, National Transporation Safety Board, Nuclear Regulatory Commission, Tennessee Valley Authority, U.S. Arms Control & Disarmament, U.S. International Trade Commission Agency, and U.S. Postal Service.

GT-57-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Tillamook Growers Co-op, 7875 Telegraph Road, Pico Rivera, CA 90660. Representative: Ted Vermeulen, Sec/Tres (address same as applicant). Government Agency involved: Department of Defense, US Government Printing Office, and General Services Administration.

GT-58-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Trans-United, Inc., 425 W. 152nd Street, P.O. Box 2081, E. Chicago, IN 46312. Representative: Joseph Winter, 29 S LaSalle Street, Chicago, IL 60603. Government Agency involved: Department of Defense.

GT-59-80 (special certificate—Government traffic), filed March 19, 1980. Applicant Leonard Bros. Trucking Co., Inc., 2515 NW 20th Street, Miami, FL 33152. Representative: Robert F. McCaughey (address same as applicant). Government Agency involved: Departments of Energy, Defense, Army, Air Force, Navy, Agriculture, Treasury, US Coast Guard, General Services Administration, Bureau of Indian Affairs, and National Aeronautic and Space Administration.

GT-60-80 (special certificate—Government traffic), filed March 18, 1980. Applicant: Transcon Lines, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Griffin, Dysart, Taylor, Penner and Lay, PC, 1221 Baltimore Ave., Midland Building, Kansas City, MO 64105. Government Agency involved: General Services Administration, Department of Defense, Federal Prison Industries, US Government Printing Office, Social Security Administration, Veterans Administration, Internal Revenue Service, US Postal Service, US Bureau of Mints, US Department of Energy.

GT-61-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Madison Brothers Delivery Service, Inc., 101 Indiana Avenue, Toledo, OH 43602. Representative: Floyd Madison (address same as applicant). Government Agency involved: General Services Administration, and Department of Defense.

GT-62-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Abbott Trucking, Inc., Route 3, Delta, OH 43515. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: General Services Administration, Department of Defense.

GT-63-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: The Youngstown Cartage Company, 625 West Federal Street, Youngstown, OH 44501. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: General Services Administration, and Department of Defense.

GT-64-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Ohio Eastern Express, Inc., 300 West Perkins Avenue, P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense, General Services Administration, and Housing & Urban Development.

GT-65-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Doudell Trucking

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Company, 555 E Capitol Avenue, P.O. Box 842, San Jose, CA 95106. Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, PC, 100 Pine Street—Suite 2550, San Francisco, CA 94111. Government Agency involved: Department of Defense, and General Services Administration.

GT–66–80 (Special certificate—Government traffic), filed March 19, 1980. Applicant: Santa Claus Associated Trucking, Ltd., P.O. Box 190, Farmingdale, NJ 07727. Representative: Jean Halsey, Secretary-Treasurer (address same as applicant). Government Agency involved: Department of Defense, General Services Administration, Departments of Treasury, State, Transportation, and Justice; Environmental Protection, Atomic Energy Commission.

GT–67–80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Mercer Marine Transit Corp., P.O. Box 368, Calhoun, GA 30701. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Government Agency involved: Department of Defense, Tennessee Valley Authority, Nuclear Regulatory Commission, General Services Administration, Department of Agriculture, Federal Prison Industries, Department of Energy.

GT–68–80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Douglas Trucking Company, P.O. Box 698, Corsicana, TX 75110. Representative: Jack K. Williams, President (address same as applicant). Government Agency involved: General Services Administration, Departments of Defense and Agriculture.

GT–69–80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Jewet Scott Truck Line, Inc., P.O. Box 267, Mangum, OK 73554. Representative: Jewett Scott, Jr. (address same as applicant). Government Agency involved: General Services Administration, and Department of Defense.

GT–70–80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Adams Trucking, Inc., 1711 W Second Street, Webster City, IA 50595. Representative: Ronald D. Adams (address same as applicant). Government Agency involved: Departments of Defense, Agriculture, and Education; General Services Administration, and Commodities Credit Corporation.

GT–71–80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Circle B Transportation Corp of North Dakota, P.O. Box 207, Wheatridge, CO 80033. Representative: Al Lagerheim, General Mgr. (address same as applicant). Government Agency involved: Departments of Defense, and Agriculture; General Services Administration and Treasury Department.

GT–72–80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Petroleum Carriers Company, P.O. Box 762 5104 W 14th Street, Sioux Falls, SD 57101. Representative: Leonard R. Kofkin, 39 S LaSalle Street, Chicago, IL 60603. Government Agency involved: Defense Logistics Agency, Defense Fuel Supply Center, Defense Fuel Region, Central, St. Louis, MO.

GT–73–80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Government Transportation Company, 7800 Route #13, Levittown, PA 19057. Representative: Robert L. Evans, Sr. (address same as applicant). Government Agency involved: Department of Defense, and General Services Administration.

GT–74–80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Arrow Freightways, Inc., 150 Woodward Road SE, P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd, President (address same as applicant). Government Agency involved: Department of Defense, General services Administration, Bureau of Indian Affairs, Atomic Energy Commission, U.S. Forest Service, and Bureau of Mines.

GT–75–80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Classic City Moving and Storage, Inc., 120 Oneta Street, Athens, GA 30601. Representative: T. James Brannon, President (address same as applicant). Government Agency involved: Navy Supply Corps School, Athens, GA.

GT–76–80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Pacific Intermountain Express Co., P.O. Box 8004, Walnut Creek, CA 94596. Representative: Alfred G. Krebs, Mgr.—Commerce, 25 North Via Monte, Walnut Creek, CA 94598. Government Agency involved: U.S. Government Manual (1979–80 edition).

GT–77–80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Mercury Van Lines, Inc., 18930 Gaithersburg-Laytonsville Road, Gaithersburg, MD 20760. Representative: Denise Gibson, Assistant Treasurer (address same as applicant) Government Agency involved: Department of Defense, and General Services Administration.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10865 Filed 4–10–80; 8:45 am]

BILLING CODE 7035–01–M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR § 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC–115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before May 1, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence May 12, 1980, subject to its tariff publication effective date.

HG–8–80 (special certificate—used household goods), filed March 19, 1980. Applicant: Elrod Moving & Storage Co., 2796 Grace Road, Macon, GA 31206. Representative: William B. Elrod (address same as applicant). Authority sought: Between points in Houston, Bleckley, Dodge, Jasper, Laurens, Montgomery, Pike, Telfair, Upson, Wilcox, Bibb, Butts, Dooley, Johnson, Lamar, Macon, Pulaski, Teuetman, Washington, Wilkinson, Baldwin, Crawford, Hancock, Jones, Monroe, Peach, Putman, Twiggs, Wheeler counties, GA, serving Robins AFB, GA.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–10852 Filed 4–10–80; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacture of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 12, 1979, Western Fher Laboratories Inc., Carretera 132, Km. 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances Phenemetrazine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80–10877 Filed 4–10–80; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958 (h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 5, 1980, Diosynth Inc. 3432 W. Henderson Chicago, ILL 60618, made application to the Drug Enforcement Administration to be registered as an importer of Cencentrate of Poppy Straw, a basic class controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefore, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958 (a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: April 8, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80–10879 Filed 4–10–80; 8:45 am]

BILLING CODE 4410–09–M

Manufacture of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 5, 1980, Diosynth Inc., 3432 W. Henderson, Chicago, Ill. 60618, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Concentrate of Poppy Straw	II
Codeine	II
Thebaine	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80–10878 Filed 4–10–80; 8:45 am]

BILLING CODE 4410–09–M

Manufacture of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 11, 1980, Plant Hope, Inc., 19 Clarke Street, Athens, Ohio 45701, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule I controlled substances Marihuana and Tetrahydrocannabinols.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80–10880 Filed 4–10–80; 8:45 am]

BILLING CODE 4410–09–M

Manufacture of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 18, 1978, M.D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substances Methylphenidate and Diphenoxylate.

V 45 / 72 APR 11 1980 UMI

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger

Administrator, Drug Enforcement Administration.

[FR Doc. 80-10881 Filed 4-10-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-6369]

A & W Products Co., Inc.; Affirmative Determination Regarding Application for Reconsideration

On February 1, 1980, the firm on behalf of its workers applied for administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of A & W Products Company, Inc., Port Jervis, New York. This determination was published in the **Federal Register** on January 18, 1980, (45 FR 3679).

In denying the workers of A & W Products Company, Inc., eligibility to apply for adjustment assistance, the Department cited the results of a survey of customers of A & W Products Company to support the conclusion that increases of imports of school and office supplies have not contributed importantly to the separation of workers and to the declines in sales and production at the workers' firm. The petitioners challenge the results of the Department's survey arguing that the survey was not comprehensive and not representative of the circumstances at their firm. The petitioners submit a list of customers which, the petitioners allege, may have substituted imported school and office supplies for the articles formerly purchased from A & W Products Company.

Conclusion

After review of the application, I conclude that this claim of the petitioners is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 28th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-10884 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

TA-W-6375]

D&R Coat Co., Inc.; Revised Determination on Reconsideration

On February 7, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of D & R Coat Company, Inc., Hoboken, New Jersey. This determination was published in the **Federal Register** on February 19, 1980 (45 FR 10976).

In denying the workers of D & R Coat Company, Inc., eligibility to apply for adjustment assistance, the Department concluded that D & R Coat Company suffered losses in sales and employment primarily because the firm was unable to produce a new product line demanded by a major customer.

On reconsideration, the Department reviewed the survey of the manufacturers with which D & R Coat Company contracted. The Department found that a manufacturer that accounted for a majority of D & R Coat Company's business in 1977 and 1978 increased purchases of imported ladies' coats while reducing purchases from D & R Coat Company in 1978 compared with 1977 and in the first five months of 1979 compared with the same period in 1978. The original reason for the Department's denial of D & R Coat Company's workers, i.e., that it was unable to produce a certain type of garment was found to be of little relevance based on lost sales to its major manufacturer.

The ladies' coats produced by D & R Coat Company are included in the import category "Women's, Misses' and Children's Coats and Jackets." Imports in this category increased both absolutely and relative to domestic production in 1978 compared with 1977.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of ladies' coats contributed importantly to the total or partial separation of workers and former workers at D & R Coat Company, Inc., Hoboken, New Jersey. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers at the Hoboken, New Jersey, plant of D & R Coat Company, Inc., who became totally or partially separated from employment on or after October 25, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-10882 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6673 and 6878]

Great Western Sugar Co., Loveland, Colo. (TA-W-6673), and Denver, Colo. (TA-W-6878); Negative Determination Regarding Application for Reconsideration

By an application dated March 14, 1980, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at the Loveland, Colorado, Manufacturing Research and Development Laboratory and the Denver, Colorado, offices of the Great Western Sugar Company. The determination was published in the **Federal Register** on March 11, 1980 (45 FR 15725).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner claims that layoffs from Great Western Sugar Company's Manufacturing Research and Development Laboratory and General Offices in Loveland and Denver, Colorado, respectively, in September 1979 was because of imports of raw sugar and yet the Department's denial issued on February 29, 1980, was based on the status of the sugar industry in March 1980. Further, the petitioner cannot see how staff personnel could be denied while other workers at Great Western Sugar were certified.

The Department's review indicated that the Department's negative determination was based on the fact that workers at the Loveland, Colorado, Research and Development Center and the Denver, Colorado, General Offices of Great Western Sugar did not meet the "contributed importantly" test. The instant workers provided services for the company as a whole and did not work for any specific plant. Company sales and production increased, in quantity, in 1979 compared to 1978 and company sales, as a percent of U.S. production, increased in the first nine months of 1979 compared to the first nine months of 1978.

Since only workers producing an article fall within the scope of the Trade Act and since the instant workers worked for the entire company, the Department's determination tied the petitioning workers to the performance of the whole company. No basis is available for certifying the staff personnel since the workers at Great Western Sugar did not meet the "contributed importantly" test nor the production and sales criterion.

The Department's denial was not based on the status of the sugar industry in 1980 nor on the price of sugar in 1980 versus the price in 1979 but on the failure of the worker groups to meet the "contributed importantly" test.

The Department sees no validity in the petitioner's claim concerning the circumstances at Longmont, TA-W-1636; Brighton, TA-W-1635; and the Johnstown Molasses factory, TA-W-1637; where workers were certified eligible for trade adjustment assistance on August 16, 1977, and whose certifications have all expired and the September 1979 circumstances at the Research and Development Center and General Offices at Loveland and Denver, Colorado, respectively. Further, workers at Johnstown, Colorado, filing under TA-W-2283 produced monosodium glutamate and met all the statutory criteria while producing that product. Workers at the Greeley, Colorado, plant, TA-W-1793, were denied certification because their layoffs were attributed to contract difficulties between Great Western Sugar and the beet growers in February 1977 and not imports.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 4th day of April 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-10999 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7336 and 7337]

Island Creek Coal Co.; Big Creek Mines No. 1 and No. 2; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 10, 1980 in response to a worker petition received on February 11, 1980, which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the Big Creek Mines #1 (TA-W-7336) and #2 (TA-W-7337) of the Island Creek Coal Company, Sidney, Kentucky.

Big Creek Mines #1 and #2 of the Island Creek Coal Company had been in operation for less than three months at the time of the investigation. Due to the short term of operation of Big Creek Mines #1 and #2, it is not possible to determine trends of sales and production and to statistically measure the impact of imports. In addition, worker qualifying requirements in Section 231 of the Act may not be met by any employees at Big Creek Mines #1 and #2 of the Island Creek Coal Company. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10993 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7109]

Jones & Laughlin Steel Corp., Northwest Ore Division; Termination of Investigation

Pursuant to Section 223 of the Trade Act of 1974, an investigation was initiated on February 13, 1980, in response to a worker petition received on February 1, 1980, which was filed by the United Steelworkers of America on behalf of workers and former workers of the Virginia, Minnesota plant of the Northwest Ore Division, Jones and Laughlin Steel Corporation. The workers produced finely ground iron ore.

The Virginia, Minnesota, plant had been in operation for less than six months at the time of the investigation, operating only during July, August and September, 1979. It did not operate during 1977, 1978 or at any other time in 1979. Due to the short term of operation of the Virginia, Minnesota, plant, it is not possible to determine trends of sales and production and to statistically measure the impact of imports. In addition, worker qualifying requirements in Section 231 of the Act may not be met by any employees of the Virginia, Minnesota, plant of the Northwest Ore Division, Jones and Laughlin Steel Corporation. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10996 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7127]

Keolyn Plastics, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 1980, in response to a petition filed on behalf of workers at Keolyn Plastics, Incorporated, Mount Prospect, Illinois. The wokers produce custom molded parts for industry plastics.

The petitioners requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 27th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10991 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6359T]

Leather Styles, Inc.; Revision of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-6359T: investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223(d) of the Act.

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On January 15, 1980, workers engaged in employment related to the production of leather apparel at Leather Styles, Inc., New York, New York, were certified as eligible to apply for trade adjustment assistance. The Notice of Certification was published in the **Federal Register** on January 25, 1980, (45 FR 6208).

The investigation regarding termination of certification was initiated on March 11, 1980, to determine whether the group of workers specified above continue to meet the group eligibility requirements of Section 222 of the Act. The Notice of Investigation was published in the **Federal Register** on March 11, 1980, (45 FR 15728). No public hearing was requested and none was held.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

Whenever it becomes evident that any of the criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification. The investigation reveals that, without regard to whether any of the other criteria have been met, the following criterion is no longer being met with respect to workers at Leather Styles, Inc., New York, New York:

That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

Evidence developed during the termination investigation revealed that Leather Styles, Inc., ceased operations in October, 1979 and vacated the premises. Therefore, all the separations that can occur have occurred.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in the production of leather apparel at Leather Styles, Inc., New York, New York, are no longer attributable to the conditions specified in Section 222 of the Trade Act of 1974. In accordance with Section 223(d) of the Act, I hereby revise the certification of January 15, 1980, to read as follows:

All workers of Leather Styles, Inc., New York, New York, who became totally or partially separated from employment on or after October 31, 1978, and before April 5, 1980, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after April 5, 1980, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 3rd day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-10997 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6765 and 7228]

Motor Wheel Corp.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 10, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Centrifuse Division of the Lansing, Michigan plant of Motor Wheel Corporation (TA-W-6765). Workers at the Centrifuse Division produce brake drums for cars, and light, medium and heavy trucks. An investigation was initiated on February 25, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Lansing, Michigan plant, excluding the Centrifuse Division, of Motor Wheel Corporation (TA-W-7228). Workers at the Lansing plant, excluding the Centrifuse Division, produce wheels for cars and light trucks and brake drums for cars and light, medium and heavy trucks.

With respect to the production of brake, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of imports to domestic consumption of brake drums for passenger cars and light trucks decreased from 1977 to 1978 and from 1978 to 1979. Industry sources indicate that imports of brake drums for medium and heavy trucks were negligible from 1977 to 1979.

Surveyed customers of the Lansing plant which decreased purchases from Motor Wheel indicated that they decreased purchases of imported brake drums for cars and light trucks.

Total company sales and production of brake drums for medium and heavy trucks by the Lansing plant increased from 1978 to 1979.

With respect to the production of wheels, all of the requirements have been met.

U.S. imports of wheels for motor vehicle use increased absolutely and relative to domestic production from 1977 to 1978 and in the first 9 months of 1979 compared to the same period of 1978.

Surveyed customers of the Lansing plant decreased purchases from Motor Wheel and increased purchases of imported wheels for automobiles and light trucks from 1978 to 1979.

Conclusion

After careful review, of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with wheels for cars and light trucks produced at the Lansing, Michigan plant, excluding the Centrifuse Division, of Motor Wheel Corporation contributed importantly to the decline in sales or production and to the total or partial separations of workers at that part of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lansing, Michigan plant, of Motor Wheel Corporation engaged in employment related to the production of wheels who became totally or partially separated from employment on or after December 20, 1978 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I further determine that all workers of the Lansing, Michigan plant, including the Centrifuse Division, of Motor Wheel Corporation engaged in employment related to the production of brake drums are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-10990 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

Ship 'N Shore; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

TA-W—6919, 6920: Aston, Pennsylvania
TA-W—6921: Chester, Pennsylvania
TA-W—6922, 6923, 6933: New York, New York
TA-W—6924: Montgomeryville, Pennsylvania
TA-W—6927: Atlanta, Georgia
TA-W—6928: Boston, Massachusetts
TA-W—6929: Chicago, Illinois
TA-W—6930: Dallas, Texas
TA-W—6931: Los Angeles, California
TA-W—6932: Philadelphia, Pennsylvania
TA-W—6936: Weissport, Pennsylvania
TA-W—6937: Richland, South Carolina
TA-W—6938: Travelers Rest, South Carolina
TA-W—6939: Oley, Pennsylvania
TA-W—6940: Ephrata (I), Pennsylvania
TA-W—6942: Forest City, Pennsylvania
TA-W—6943, 6944: West Hazelton, Pennsylvania

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on February 5, 1980 in response to a worker petition received on January 28, 1980 which was filed on behalf of workers and former workers producing ladies' blouses, shirts, tops, skirts, pants, blazers and vests at the following locations of Ship 'n Shore: Aston, Pennsylvania; Chester, Pennsylvania; New York, New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; Philadelphia, Pennsylvania; Weissport, Pennsylvania; Richland, South Carolina; Traveler's Rest, South Carolina; Oley, Pennsylvania; Ephrata (I), Pennsylvania; Forest City, Pennsylvania; West Hazelton, Pennsylvania. The investigation revealed that the company produces primarily ladies' tops.

In the following determinations, without regard to whether any of the other criteria have been met, for workers engaged in employment related to the production of ladies' sportswear at the Aston, Pennsylvania; Chester, Pennsylvania; New York, New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; and Philadelphia, Pennsylvania locations of Ship 'n Shore, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted with customers representing a substantial portion of total company sales by Ship 'n Shore in 1978 and 1979. The survey revealed that, in the aggregate, customers responding to the survey decreased their purchases of ladies' sportswear (including tops, skirts, pants, blazers and vests) from Ship 'n Shore and also decreased their reliance on imported ladies' sportswear in 1979 compared to 1978.

U.S. imports of women's, misses' and children's skirts, slacks and shorts, coats and jackets and women's, girls' and infants' vests declined absolutely in January-September 1979 compared to the same period in 1978.

For workers engaged in employment related to the production of ladies' blouses, shirts, and tops at the following locations of Ship 'n Shore, all of the criteria have been met: Aston, Pennsylvania; Chester, Pennsylvania; New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; Philadelphia, Pennsylvania; Weissport, Pennsylvania; Richland, South Carolina; Travelers Rest, South Carolina; Oley, Pennsylvania; Ephrata, (I) Pennsylvania; Forest City, Pennsylvania; West Hazelton, Pennsylvania.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to each preceding year and increased relative to domestic production in 1978 compared to 1977. Imports increased absolutely in 1979 compared to the average level of imports for the period of 1975–1978.

A Departmental survey was conducted with customers representing a substantial portion of total company sales by Ship 'n Shore in 1978 and 1979. The survey revealed that, in the aggregate, the respondents to the survey decreased their purchases of ladies' blouses from Ship 'n Shore and increased their reliance on imported ladies' blouses in 1979 compared to 1978. Ladies' blouses represented the overwhelming majority of sales by Ship 'n Shore.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses, shirts, and tops produced at Ship 'n Shore contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with provisions of the Act, I make the following certification:

All workers of Ship 'n Shore in the following locations, engaged in employment related to the production of ladies' blouses, shirts, and tops, who became totally or partially separated from employment on or after the impact dates indicated and before the termination dates indicated are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-	Location	Impact date	Termination date
6919	Bridgewater Rd., Aston, Pa	July 1, 1979	
6920	Tryens Rd., Aston, Pa	Sept. 1, 1979	
6921	I-95, Chester, Pa	June 15, 1979	
6922	1441 Broadway, New York, N.Y	July 1, 1979	
6923	1411 Broadway, New York, N.Y	July 1, 1979	
6924	Montgomeryville, Pa	Apr. 1, 1979	
6927	Atlanta, Ga	June 1, 1979	
6928	Boston, Mass	June 1, 1979	
6929	Chicago, Ill	June 1, 1979	
6930	Dallas, Tex	June 1, 1979	
6931	Los Angeles, Calif	June 1, 1979	
6932	Philadelphia, Pa	June 1, 1979	
6933	New York, N.Y	June 1, 1979	
6936	Weissport, Pa	June 1, 1979	
6937	Richland, S.C	Jan. 22, 1979	Feb. 1, 1980.
6938	Travelers Rest, S.C	June 1, 1979	
6939	Oley, Pa	Jan. 22, 1979	Mar. 1, 1980.
6940	Ephrata, Pa. (I)	Sept. 8, 1979	Mar. 1, 1980.
6942	Forest City, PA	Nov. 1, 1979	
6943	Hazelton, West Hazelton, Pa	Sept. 1, 1979	Mar. 1, 1980.
6944	West Hazelton, Pa	April 1, 1979	

Signed at Washington, D.C. this 4th day of April 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-10998 Filed 4-10-80; 8:45 am]

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[TA-W-7367]

U & I, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 17, 1980 in response to a worker petition received on February 19, 1980 which as filed by the American Federation of Grain Millers on behalf of workers and former workers producing sugar at U & I, Incorporated, Garland, Utah.

All other workers at the Garland refinery were previously certified eligible to apply for adjustment assistance benefits (TA–W–2080). The impact date was May 6, 1976. The certification expired on October 31, 1979. The Garland refinery was closed permanently in January 1979.

Since all workers were covered by the previous certification a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 7th day of April 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–10980 Filed 4–10–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6848]

Washburn Wire Co.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on January 24, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Washburn Wire Company, E. Providence, Rhode Island. Workers at the plant produce carbon and alloy steel wire and rods. In the following determinations, without regard to whether any of the other criteria have been met for workers producing carbon and alloy steel wire, and carbon steel rods, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

Sales and production of carbon and alloy steel wire increased in 1979 compared to 1978.

U.S. imports of alloy steel wire declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

U.S. imports of carbon steel wire rods declined both absolutely and relative to domestic shipments in 1978 compared to 1977, and again in 1979 compared to 1978.

For workers producing alloy steel rods all of the criteria have been met.

U.S. import of alloy steel wire rods increased absolutely in 1979 compared to 1978.

A Department of Labor survey revealed that customers with decreased purchases from the Washburn Wire Company and increased purchases of imported alloy steel rods represented a significant proportion of the firm's decline in the sale of alloy steel rods in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the alloy steel rods produced at the Washburn Wire Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of alloy steel rods at the Washburn Wire Company, E. Providence, Rhode Island who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80–10995 Filed 4–10–80; 8:45 am]

BILLING CODE 4510–28–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of April 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp. Saginaw Steering Gear Division (workers).	Athens, Ala.	3/24/80	3/21/80	TA–W–7,544	Steering components for automobiles.
American Nail Corp.	Earth City, Mo	3/24/80	3/13/80	TA–W–7,545	Machine quality threated pallet nails.
General Electric Co., Engineered Cast Products Department (United Electrical, Radio & Machine Workers of America).	Elmira, N.Y	3/24/80	3/21/80	TA–W–7,546	Cylinder jackets for locomotive also stationery parts for steam and gas turbines.
A. O. Smith Corp. (workers)	Milwaukee, Wis	3/24/80	3/20/80	TA–W–7,547	"A" Frame used by General Motors.
Anderson Shakes & Shingle, Inc. (workers)	Cathlamet, Wash	3/24/80	3/19/80	TA–W–7,548	Shakes and shingles.
Hayes Packing Corp. (workers)	Binghamton, N.Y	3/24/80	3/19/80	TA–W–7,549	Beef and table cuts.
American Nu-Color, Inc. (company)	Manville, N.J	3/24/80	3/12/80	TA–W–7,550	Pigment dispersions for the PVC plastic industry.
Universal Clothes, Inc. (company)	New York, N.Y	3/24/80	3/14/80	TA–W–7,551	Men's sport jackets and suits.
Sherwood Sportswear (workers)	Boston, Mass	3/24/80	3/13/80	TA–W–7,552	Ladies' shirts and sportswear.
Basic Items, Inc. (ACTWU)	Alliance, Ohio	3/24/80	3/17/80	TA–W–7,553	Ladies' coats and jackets.
Interstate Manufacturing Corp., Inc. (UAW)	Romeo, Mich	3/24/80	3/17/80	TA–W–7,554	Plastic auto trim and moldings.
AMF, Harley Davidson Motor, Inc. (workers)	Milwaukee, Wis	3/24/80	3/18/80	TA–W–7,555	Harley Davidson golf cars and motorcycles.
Textron, Inc., Randall Burkart Division (United Brotherhood of Carpenters & Joiners of America).	Wilmington, Ohio	3/24/80	3/11/80	TA–W–7,556	Component parts for the automotive industry.
RCA—Solid State Division (workers)	Somerville, N.J	3/6/80	2/29/80	TA–W–7,557	Solid state devices.
Craig Byron Co. (workers)	Fall River, Mass	3/10/80	3/7/80	TA–W–7,558	Ladies' clothing.
Allen Knitting Mills, Standard Textiles Division (workers).	New York, N.Y	3/21/80	3/11/80	TA–W–7,559	Knit fabrics.
IPM Development Engineering Group (AIWA).	St. Joe, Mich	3/21/80	3/9/80	TA–W–7,560	BIC turntables.
Cormier Corp. (workers)	Franklin; N.H	3/13/80	3/10/80	TA–W–7,561	Terry cloth slippers, cut and sew for nursing suits, shorts etc. also sales.
Central Dye (workers)	Laconia, N.H	3/13/80	3/10/80	TA–W–7,562	Dye operations.
White Mt. Industries (workers)	Campton, N.H	3/13/80	3/10/80	TA–W–7,563	Cut and sew operations.
Woodsville Industries (workers)	N. Haverhill, N.H	3/13/80	3/10/80	TA–W–7,564	Cut and sew operations.
Cormier Construction Co. (workers)	Franklin, NH	3/13/80	3/10/80	TA–W–7,565	Erect steel buildings.
Cormier Hosiery Mills, Inc. (workers)	Laconia, N.H	3/13/80	3/10/80	TA–W–7,566	Hosiery and knit fabrics.
Clowerdale Sports Company, Inc. (ILGWU)	Elmont, N.Y	3/5/80	3/3/80	TA–W–7,567	Pants, shirts and blouses.
Budd Co. (UAW)	Philadelphia, Pa	3/20/80	3/18/80	TA–W–7,568	Metal Stampings for trucks and vans.
Hamill Manufacturing Co. (UAW)	Romeo, Mich	3/24/80	3/17/80	TA–W–7,569	Seat belts and other automotive components.
Hamill Manufacturing Co. (UAW)	Imlay, Mich	3/24/80	3/17/80	TA–W–7,570	Seat belts and other automotive components.
Hamill Manufacturing Co. (UAW)	Ubly, Mich	3/24/80	3/17/80	TA–W–7,571	Seat belts and other automotive components.
Hamill Manufacturing Co. (UAW)	Bad Axe, Mich	3/24/80	3/17/80	TA–W–7,572	Seat belts and other automotive components.
Hamill Manufacturing Co. (UAW)	Washington, Mich	3/24/80	3/17/80	TA–W–7,573	Seat belts and other automotive components.
National Manufacturing Corp.	Tonowanda, N.Y	3/21/80	3/5/80	TA–W–7,574	Paints, caulking compounds, coatings for autos.
Clinch Valley Coal Corp. No. 2 (workers)	North Tazewell, Va	2/26/80	3/24/80	TA–W–7,575	Metallurgical coal.
Wollman Industries, Inc. (United Textile Workers of America).	Hazelton, Pa	3/21/80	3/10/80	TA–W–7,576	Woven fabrics.
New Process Gear Corp. (workers)	E. Syracuse, N.Y	3/26/80	3/21/80	TA–W–7,577	Gearing for manual transmission of Chrysler automobiles.

[FR Doc. 80–11000 Filed 4–10–80; 8:45 am]

BILLING CODE 4510–28–M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80–18; Exemption Application No. D–1425]

Exemption From the Prohibitions for Certain Transactions Involving the Bradford Marine Inc., Profit-Sharing Plan Located in Fort Lauderdale, Fla.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale by the Bradford Marine Inc., Profit-Sharing Plan (the Plan) of its one-half interest in real property in Ocala, Florida and the cash sale by the Plan of its one-third beneficial interest in real property of the Samuel T. Decker Trust, to Mr. Charles R. Blickle, a party in interest to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Newman of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 1, 1980 notice was published in the **Federal Register** (45 FR 7324) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1), and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of sections 4975(c)(1) (A) through (E) of the Code, for the cash sale by the Plan of its one-half interest in real property of Ocala, Florida and the cash sale by the Plan of its one-third beneficial interest in real property of the Samuel T. Decker Trust, to Mr. Charles R. Blickle, a party in interest to the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the Notice of Proposed Exemption. No public comments and no request for a

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hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan. Accordingly the restrictions of sections 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Plan's one-half undivided interest in a 56.67 acre tract in Ocala, Marion County, Florida, for $70,000 and the cash sale of the Plan's undivided one-third beneficial interest in the Samuel T. Decker Trust for $74,719, to Charles R. Blickle, provided that the sales prices are not less than the fair market value of the property interests at the time of the sales.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 3rd day of April 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10753 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-19; Exemption Application No. D-1688]

Exemption From the Prohibitions for Certain Transactions Involving Equitable Life Assurance Society of the United States and RREEF USA Fund I Located in Los Angeles, Calif.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit the sale of a building (the Building) and adjacent property by the Equitable Life Assurance Society of the United States (Equitable) to RREEF USA Fund I (the Fund) and subsequent to the sale, the lease of space in the Building by the Fund to Equitable. The relationship of Equitable and the Fund is that Equitable is a fiduciary or otherwise a party in interest with respect to several employee benefit plans (the Plans) that have invested in the Fund. However, Equitable has no fiduciary authority with regard to Plan assets that are invested in the Fund.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980, notice was published in the **Federal Register** (45 FR 9412) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1), and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants represent that they have fully complied with the notice provisions set out in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treaasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of the Building and adjacent property by Equitable to the Fund on January 3, 1980, and the lease of a portion of the Building by the Fund to Equitable, which commenced on January 3, 1980.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of April, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor

[FR Doc. 80-10754 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-21; Exemption Application No. D-1253]

Exemption From the Prohibitions for a Certain Transaction Involving the Edward L. Hollenberg, M.D. Family Practice, Inc. Employees' Money Purchase Plan and Trust Located in Pulaski County, Ind.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the assignment of a land contract by STEBENED FARMS (the Partnership), a partnership in which the Edward L. Hollenberg, M.D. Family Practice, Inc. Employees' Money Purchase Plan and Trust (the Plan) holds the majority interest, to Dr. Edward L. Hollenberg, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 15, 1980 notice was published in the **Federal Register** (45 FR 2917) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by Dr. Edward L. Hollenberg, a party in interest with respect to the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the notice requirements contained in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in

ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the assignment of a land contract by the Partnership, in which the Plan holds the majority interest, to Dr. Edward L. Hollenberg, a party in interest, for $100,000, provided that this amount is not less than fair market value at the date of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 4th day of April, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10756 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-20; Exemption Application No. D-444]

Exemption From the Prohibitions for Certain Transactions Involving the Herman Frankel Co., Retirement Profit Sharing Plan and Trust and Administrative Services, Inc., Retirement Profit Sharing Plan and Trust Located in Orchard Lake, Mich.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption retroactively permits the sale of respective undivided interests in a parcel of unimproved real estate by the Herman Frankel Company Retirement Profit Sharing Plan and Trust and the Administrative Services Inc. Retirement Profit Sharing Plan and Trust (collectively referred to as the Plans) to Suburban Communities Inc., a party in interest with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Antsen of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-6915. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: On February 1, 1980 notice was published in the **Federal Register** (45 FR 7327) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of respective undivided interests in a parcel of unimproved real estate owned by the Plans to Suburban Communities Inc., a party in interest with respect to the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, effective June 25, 1976 the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale by the Plans for $40,640 per Plan of their respective undivided interests in a parcel of unimproved real estate to Suburban Communities Inc., provided that the sales price wes not less than the fair market value of the Plans' respective undivided interests on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of April 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10755 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-22; Exemption Application No. D-1511]

Exemption From the Prohibitions for Certain Transactions Involving the Quabaug Rubber Co. Retirement Plan Located in North Brookfield, Mass.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit a loan of $750,000 by the Quabaug Rubber Company Retirement Plan (the Plan) to the Quabaug Rubber Company (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980 notice was published in the **Federal Register** (45 FR 9407) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a certain loan of money by the Plan to the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to all persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the operate for the requirement of section 401(a) of the Code that a plan must exclusion benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Departmenet makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reasons of 4975(c)(1) (A) through (E) of the Code shall not apply to the loan of $750,000 by the Plan to the Employer for a period of five years with an interest rate of the greater of 1% over the prime rate or 12% provided that at the time of the loan the Employer's office building on Ward Street in North Brookfield, Massachusetts which is to be used for collateral for the loan is completed and ready for occupancy.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of April 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Adminsitration, U.S. Department of Labor.

[FR Doc. 80-10757 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-23; Exemption Application No. D-1480]

Exemption From the Prohibitions for Certain Transactions Involving the International Union of Operating Engineers Local No. 37 Pension Fund and the International Union of Operating Engineers Local No. 37 Health and Welfare Fund Located in Baltimore, Md.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the International Union of Operating Engineers Local #37 Pension Fund and the International Union of Operating Engineers Local #37 Health and Welfare Fund (the Plans) to sell, for cash, personal property to Decision-Science, Inc., a party in interest.

FOR FURTHER INFORMATION CONTACT: Hazel Witte of the Office of Fiduciary

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Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980 notice was published in the **Federal Register** (45 FR 9406) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for a transaction described in an application filed on behalf of the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No public comments were received by the Department.

The applicant has represented that notice to interested persons has been given as set forth in the Notice of Proposed Exemption. The notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the cash sale by the Plans of office furniture and fixtures and a Varian V77-420 computer system to Decision-Science, Inc. for $86,958.98, provided that this amount is not less than the fair market value at the time of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 4th day of April, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10758 filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1398]

Proposed Exemption for Certain Transactions Involving the Stokely-Van Camp, Inc. Revised Profit-Sharing Plan for Salaried Employees Located in Indianapolis, Ind.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the International Revenue Code of 1954 (the Code). The proposed exemption would exempt the disposition of certain real property owned by the Stokely-Van Camp, Inc. Revised Profit Sharing Plan for Salaried Employees (the Plan) in accordance with an Agreement executed by the First National Bank of Chicago as trustee (the Trustee) of the Plan and Stokely-Van Camp, Inc. (the Company). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Trustee, the Company and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 6, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1398. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld, of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Trustee and the Company, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. In May, 1967, the Company redeemed 97,185 shares of Stokely-Van Camp, Inc. common stock with a fair market value, based on New York Stock Exchange quotations at the time of the redemption, of $2,296,000 from the Plan. The Company accomplished this redemption by delivering a deed to six non-adjacent farms (the Rochelle farms) to the Plan. The Rochelle farms located in Lee and Ogle Counties, Illinois total approximately 3,023 acres and were valued at $2,296,000 in May 1967 by an independent real estate appraisal.

2. Following conveyance of the Rochelle farms to the Plan, the Company leased them back from the Plan under an agreement entitled Indenture of Lease (Indenture) for an initial term of ten years, with options to the Company to renew the agreement for four consecutive five-year terms. Under the Indenture, the Company was required to pay the Plan $137,760 annually, which was computed at 6 percent of the 1967 value of the Rochelle farms.

The Company was required to pay all taxes, insurance and other costs relating to the Rochelle farms. The Plan, under the Indenture, has a "put" option to compel the Company to purchase the Rochelle farms for $2,296,000 at the termination of the Indenture or if the Company is in default under the terms of the Indenture. In addition, the Company has a "call" option to purchase the Rochelle farms for $2,296,000 on May 31, 1985. The Company exercised its option to extend the Indenture for an additional five-year term beginning June 1, 1977, at a rental of $183,680 annually, which reflects an 8 percent return on $2,296,000.

3. The Company believes that the presence of the cross-options and an annual rental set at a percentage of the aggregate value of the redeemed stock demonstrates that the Indenture is, in fact, a financing device which represents an extension of credit for the redemption price ($2,296,000), secured by legal title to the Rochelle farms. Thus, the exercise of the call option by the Company would constitute the repayment of a fixed debt with an attendant return of security within the meaning of the transitional rules contained in section 414(c)(1) and 2003(c)(2)(A) of the Act. The First National Bank of Chicago, as Trustee of the Plan, has not acceded to the Company's position in view of sections 414(c)(3) and 2003(c)(2)(C) of the Act which require that a lessee pay fair market value for property subject to a lease in effect on July 1, 1974.

4. Both the Company and the Trustee desire to resolve their differences as promptly as possible on a basis equitable to plan participants and fair to Company stockholders. Following negotiations between the Company and the Trustee, the parties executed an Agreement on April 1, 1979 providing for the disposition of the Rochelle farms and the allocation of the cash sales proceeds, subject to obtaining an administrative exemption from the Department of Labor.

5. Pursuant to the Agreement, the Trustee was to sell, and the Company was to relinquish its interest in, the Rochelle farms to one or more third-party purchasers. In order to take advantage of favorable market conditions, the vast majority of the Rochelle farms were sold at public auction on July 27, and 28, 1979. Closings for the sales occurred on September 25, 26, and 27, 1979. The gross sales price obtained from the auction was $8,691,701.10. The unsold property represents less than 10 percent of the total area of the Rochelle farms.

6. Since the Company could have renewed its right to occupy the Rochelle farms under the Indenture until June 30, 1984 (the expiration of the transition rules contained in section 414(c)(2) and 2003(c)(2)(B) of the Act), the reversion of the property to the Plan under the Indenture probably would not have occurred before that date. Thus, the applicants have agreed that the present value of the Plan's interest in Rochelle farms is the present discounted value of the Rochelle farms on June 30, 1984 without regard to any further rights accorded to the Company under the Indenture. Although not directly determinable at present, that value may be approximated by treating the present fair market value of the Rochelle farms as the 1984 value and adding the present value of future fair market rental payments. Consequently, the Trustee and Company have provided in the Agreement that the value of the Plan's interest in the Rochelle farms consists of the sum of the net proceeds from the sale of the Rochelle farms discounted back from June 30, 1984 to the dates of sale free of the encumbrance contained in the Indenture plus the present value of the future rental payments under the Indenture through June 30, 1984. The excess, if any, of the net sales proceeds will be paid to the Company in recognition of the call option which it had under the terms of the Indenture. Thus, after the $8,691,701.10 gross sales price is reduced for expenses related to the sale, the Company will receive $2,037,923.81 under the Agreement and the Plan will receive $6,311,992.92. These amounts will be adjusted upward as the remainder of the Rochelle farms are sold. The Trustee has received $2,296,000 from the sales since, under either the Trustee's or Company's interpretation of the Indenture, the Plan is entitled to receive at least $2,296,000. The remainder of the net proceeds will be placed in escrow to preserve the rights of the Plan and the Company pending the outcome of the exemption proceedings. Although the Company continues to believe that it is involved with the Plan in an arm's-length financing transaction, and not a lease, it has agreed to pay increased monthly payments retroactive to June 1, 1977, pursuant to advice given by Doane Appraisal Service, a division of Doane Agricultural Service, Inc. The Company has paid the excess of the increased monthly payments over the amounts actually paid for the period beginning June 1, 1977 into escrow.

7. The Trustee and the Company believe that a disposition of the Rochelle farms and the allocation of its proceeds in accordance with the Agreement will avoid the expense, delay and uncertainty involved in reaching a binding judicial determination on the complex factual, statutory and constitutional issues presented by the Indenture. Moreover, the Trustee feels that more liquid and higher-yielding investment alternatives are available if the Plan's interest can be liquidated. The sale of the Plan's interest to a third party

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by the Trustee at the present time would have subjected the third party to the Company's call option on May 31, 1985, thus depressing the potential sales price obtainable.

8. Under the agreement, the Company will retain the use of three shop and labor camp areas, aggregating approximately 9 acres, located on two of the Rochelle farms, for one year renewable periods not to extend beyond December 31, 1982. The farms on which these shop and labor camp areas are located have been sold subject to the requirement that the purchaser(s) lease such areas to the Company at a fair market rental.

9. In summary, the applicants represent that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) The Trustee of the Plan represents that the Agreement liquidating the Plan's interest in the Rochelle farms is in the best interests of the Plan and its participants and beneficiaries; (2) The disposition of the Rochelle farms in accordance with the Agreement will avoid the expense, delay and uncertainty involved in reaching a judicial determination on the complex issues presented by the Indenture; and (3) It will allow the Plan to invest the proceeds in more liquid and higher-yielding investments.

Notice to Interested Persons

A copy of this notice of the proposed exemption will be inserted in the pay envelope of every participant employed by the Company. Persons who are currently receiving benefits or who have terminated their employment with the Company will be sent a copy of the notice by first class mail at the address last known to the Company. The notification of interested persons will be made within 25 days after the date of publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employess of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and if its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the disposition of the Rochelle farms and the division of the sales proceeds in accordance with the Agreement executed on April 1, 1979 by the Trustee and Company as described above.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of April, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10781 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D–1634 and 1635]

Proposed Exemption for Certain Transactions Involving the Yakima Orthopedic Clinic, Inc. P.S. Money Purchase Pension Plan and Trust and the Yakima Orthopedic Clinic, Inc. P.S. Profit-Sharing Plan and Trust Located in Yakima, Wash.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of real estate and the improvements thereon by the Yakima Orthopedic Clinic, Inc. P.S. Money Purchase Pension Plan and Trust and the Yakima Orthopedic Clinic, Inc. P.S. Profit Sharing Plan and Trust (collectively referred to as the Plans) to Dr. Jack C. Irwin, a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and benficiaries of the Plans, Dr. Jack C. Irwin and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 28, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–1634/1635. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department of Labor, telephone (202) 523–8915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by Drs. Jack C. Irwin and James J. Haven, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 13471, April 28, 1975), Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plans, a profit sharing and a money purchase plan, are both individual account plans that permit each participant the right to designate the manner of investment of funds contributed for his account. The real estate which is the subject of the exemption request is in the accounts of Dr. Irwin and currently represents 35% of the assets of those accounts. On October 31, 1979, there were seven participants in each of the Plans with Drs. Irwin and Haven serving as trustees and administrators of the Plans.

2. In December of 1973 Dr. Irwin directed his individual account in both Plans to acquire approximately 20.2 acres of residential farmland for $55,000 with a cash down payment of $15,900 and the balance in the form of a real estate contract. The property was acquired from Mr. Curtis Chase, a party represented to be unrelated to Dr. Irwin, the Plans or the Yakima Orthopedic Clinic, Inc. P.S. As of February 1, 1980 the outstanding balance owed on the real estate was $18,590.

3. The real estate in question is residential farmland supporting subsistence agricultural activities that returns annual income of less than $2,000 or approximately two percent of the acquisition cost. The administrative expenses of maintaining the property have recently exceeded the income from such property by $150 per year.

4. The farmhouse on the property was in need of substantial renovation and remodeling in order to provide any rental income. During the winter months it had been necessary to lease the property rent-free for purposes of protecting the property against vandalism.

5. Dr. Irwin's accounts in the respective Plans have expended approximately $30,000 for substantial renovation and structural improvements to maintain and protect the home from permanent damage. The expenditures were made at this time because they were essential in order to preserve the value of the asset which would have become unreclaimable had renovation not been undertaken. This expense has been taken into consideration by the independent real estate appraiser, Mr. Ralph D. Wohlers, who has placed the current fair market value of the property and its improvements at $88,000.

6. It is represented that Dr. Irwin as an individual, partner, or shareholder in a corporate entity does not own, directly or indirectly, any interest in property adjacent to the subject real estate.

7. A sale by the Plans would afford them the opportunity for a higher rate of return on current assets in light of the investment opportunities available in today's market.

8. There is no current expectation of future appreciation of the property and in light of its geographic location and possible national energy conservation measures, there is concern that the value of the property may even decline. Therefore, the Plans propose to sell the real estate and improvements thereon to Dr. Irwin for $88,000 cash, the appraised value of the property. The Plans would not incur any expense for real estate commissions in connection with the sale.

9. In summary, the applicants represent that the proposed sale meets the criteria of section 408(a) of the Act because: (1) it will be a one time transaction for cash; (2) it would allow the Plans to divest themselves of improved real estate that is relatively illiquid, that represents a substantial percentage of the assets in the separate accounts of Dr. Irwin and the maintenance of which has recently resulted in small operating losses to those accounts; (3) it will allow the Plans to sell the property for a profit at a price determined by an independent appraisal; (4) the Plans will not be required to pay any real estate commissions with respect to the sale; and (5) the trustees have represented that the proposed sale is in the best interests of the Plans.

Notice to Interested Persons

Within ten working days of publication of the proposed exemption in the **Federal Register,** all present participants in the Plans will receive by personal delivery or first class mail a written summary and description of the transaction, a copy of the notice of pendency and a written statement informing them of their right to comment on the proposed exemption, and their right to request that a hearing be held.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and

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not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale of a parcel of real estate and the improvements thereon by the Plans for $88,000 to Dr. Jack C. Irwin, provided that the sales price is not less than the fair market value of the real estate at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of April, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-10782 Filed 4-10-80; 8:45 am]

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Office of Pension and Welfare Benefit Programs

Proposed Class Exemption To Permit Certain Loans of Securities by Employee Benefit Plans

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption, if granted, will exempt the lending of securities by employee benefit plans to certain banks and broker-dealers, if the conditions of the proposed exemption are met. If granted, the proposed exemption would affect participants and beneficiaries of employee benefit plans, persons who manage the assets of such plans, and parties in interest who engage in securities lending transactions with such plans.

DATES: Written comments must be received by the Department on or before June 11, 1980.

ADDRESSES: All written comments (preferably three copies) should be addressed to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: "Securities Lending".

The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C

FOR FURTHER INFORMATION CONTACT: Jane Kanter, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523–9146. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a)(1) (A) through (D) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code.

Four applications have been filed requesting individual exemptions concerning the lending of securities by employee benefit plans. These applications were filed by Grumman Corporation Pension Trust (D–762), Morgan Guaranty Trust Company (D–1102), Salomon Brothers (D–1108), and Fischer, Francis, Trees & Watts, Inc. (D–1130). In addition, the American Bankers' Association (the ABA) filed an application requesting a class exemption covering the lending of securities by employee benefit plans (D–1323). These applications were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

As stated in the above procedure, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application is under consideration by the Department. Accordingly, the Department is, with one exception, notifying each applicant for an individual exemption of the fact that its application is not being considered separately from the proposed class exemption, and that its comments with respect to the proposed class exemption are sought by the Department.[1]

Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978, transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, although the applications for individual exemptions were filed with both the Department and the Internal Revenue Service, this notice is issued solely by the Department.

Summary of Facts and Representations

The applications contain facts and representations with regard to the proposed exemption, which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

According to the applicants, institutional investors, other than employee benefit plans, currently lend securities which they hold in their portfolios to broker-dealers.[2] This practice apparently has developed in response to the needs of broker-dealers to borrow securities in order to consummate transactions requiring physical delivery of securities.

Although there has been an increase in recent years in the number of securities transactions that do not involve the transfer of a certificate, physical delivery of certificates is still the principal means of consummating securities transactions, particularly in the case of corporate bonds.

Ordinarily, when corporate stocks and bonds are sold through a broker-dealer, the seller's broker-dealer must deliver certificates for the security within five business days after the trade date. If the seller's broker-dealer fails to receive the certificates from its customer and cannot obtain such certificates from another source, it will be unable to complete the transaction. It is not uncommon for the seller or its broker to be unable to deliver the needed certificates within the five-day period.

In order to complete a securities transaction, a broker-dealer may have to borrow funds from a bank or to liquidate other investments in order to purchase and carry securities needed for delivery. The borrowing of securities certificates on a temporary basis has been advantageous to broker-dealers for several reasons. It has enabled broker-dealers to reduce failures to deliver. In addition, the immediate availability of certificates through borrowing accelerates completion of transactions which improves the cash flow of broker-dealers. Moreover, broker-dealers have been able to reduce their borrowing costs because the cost of borrowing certificates is less than that of bank borrowing. For these reasons, there has been significant demand by broker-dealers to borrow securities certificates.[3]

Two applicants represent that by lending certificates that are already held in their portfolios, investors can augment the return on those investments without additional capital outlay, without sacrificing the investment income that would otherwise be earned, and without altering the composition of their portfolios.[4]

The basic elements of a securities lending transaction are as follows. The loans generally are fully collateralized by cash, bank letters of credit, or liquid securities such as United States Government obligations. The collateral is adjusted, or "marked to market," during the term of the loan in order to maintain full collateralization in the event the market value of the loaned securities or collateral changes. The lender receives compensation in the form of a loan premium. This loan premium may be in the nature of interest that is based on the value of the loaned securities and the duration of the loan, or it may be derived through the use by the lender of cash collateral for short-term investments. A lender also receives payments equal to all dividends, interest, or other distributions made on the loaned securities during the term of the loan. While a lender may terminate a loan at any time by giving notice to the borrower, a loan is ordinarily terminated when the borrower obtains certificates for the securities borrowed and conveys them to the lender. Most securities loans to broker-dealers are outstanding for only a brief period of time, averaging approximately one month. In the event of default, the borrower remains liable for any expenses due to default that are not covered by the collateral.

Salomon Brothers states that the lending of securities certificates is encouraged by the U.S. Securities and Exchange Commission as a means of improving the processing of securities transactions and reducing the number of incompleted transactions.[5]

The applicants argue that the requested exemptions are in the interest of the plans and their participants and beneficiaries, in that they would allow the plans to generate additional income with no additional capital outlay and no change in the composition of their portfolios. They argue that securities lending would not affect a fiduciary's basic investment decisions to buy, sell, or hold securities because the demand for loans of any particular security is unpredictable and the relatively modest rate of return on securities lending would not act as an economic disincentive in the event that a sale was otherwise desirable in light of market conditions. Accordingly, the lending of securities should not have any effect on the composition of a plan's securities portfolio.

The applicants argue further that the requested exemptions are protective of the rights of plan participants and beneficiaries in that (1) the loans would be fully collateralized during their entire term with cash or U.S. Government securities, (2) the plans could terminate the loans on short notice, and (3) the borrowers would remain liable for any expenses due to default not covered by the collateral.

Discussion of Proposed Exemption

The proposed exemption would apply to the lending of securities from a plan to a broker-dealer or bank if neither the borrower (broker-dealer or bank) nor an affiliate of the borrower is a fiduciary with respect to the plan assets being loaned.[6]

One condition of the proposed class exemption is that, at the time the securities are delivered to the borrower, the plan must receive collateral that consists of cash or securities issued or guaranteed by the U.S. Government or its agencies, or any combination thereof, equal to not less than 102 percent of the market value of the borrowed securities.[7] The two percent margin must be maintained throughout the duration of the loan. The Department believes that a margin is appropriate in order to protect the interests of the participants and beneficiaries of a plan lending securities in a transaction covered by the proposed exemption. It appears to the Department that the proposed two percent margin should provide sufficient protections without unduly limiting the ability of plans to engage in securities lending transactions. The Department is aware that, under certain circumstances,

[1] The Department has granted a temporary individual exemption to permit the lending of securities to broker-dealers and banks by the Grumman Corporation Pension Trust (44 FR 31750, June 1, 1979). Under the terms of that exemption, it will terminate upon the final disposition of this class exemption.

[2] The Grumman Corporation Pension Trust represents that it wishes to lend securities to certain banks that are dealers in United States Government and Agency securities, as well as to broker-dealers.

[3] Salomon Brothers represents that the volume of securities borrowing by broker-dealers has increased substantially over the last several years. At the end of 1974, New York Stock Exchange member firms had outstanding securities borrowings of approximately $800 million; this total rose to approximately $1.5 billion by the end of the first quarter of 1976 and to almost $2 billion by the second quarter of 1977.

[4] For example, at the time Morgan Guaranty Trust Company submitted its application, it anticipated the possibility of an annual return between .03% and .05% on the principal of the total holdings of loanable securities in the employee benefit plans it manages.

[5] This applicant also asserts that securities lending has been recognized by other authorities. For example, the Office of the Comptroller of the Currency has permitted the lending of securities by a national bank on behalf of agency accounts and trusts under certain conditions. (See letter to First City National Bank of Houston, dated June 27, 1978). In addition, the Internal Revenue Service has determined that the lending of securities by tax exempt organizations constitutes an ordinary or routine investment activity and, therefore, income earned by such lending is not subject to tax under section 511 of the Code as unrelated business taxable income (Revenue ruling 78–88, I.R.B. 1978–10, p. 12). Further, the Board of Governors of the Federal Reserve System permits broker-dealers to borrow securities for the purpose of making deliveries, without regard to the margin limitations otherwise imposed by Regulation T (12 CFR 220.6(h)).

[6] For purposes of this class exemption the term "affiliate" of a person shall include: (i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person; (ii) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such person; and (iii) Any corporation or partnership of which such person is an officer, director or partner. For purposes of this definition the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

[7] Sample securities lending agreements submitted by various applicants require collateral with a market value ranging from 100 to 102 percent of the market value of the borrowed securities.

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financial institutions and institutional investors require margins in excess of two percent when lending securities. In this regard, the Department notes that the two percent margin required in the proposed exemption is a minimum requirement, and that in certain cases it may be appropriate for a plan fiduciary lending securities, in keeping with its fiduciary duties under section 404 of the Act, to require a margin in excess of two percent.

Another condition of the proposed exemption is that the securities must be used solely for purposes described in section 6(h) of Regulation T of the Federal Reserve Board (cited above).[8] In addition, prior to each loan, the borrower must furnish the plan with the most recent statement of its financial condition and a representation by the borrower that there has been no material adverse change in its financial condition since the date of the statement.

The plan also must receive a reasonable fee that is related to the value of the borrowed securities and the duration of the loan. In addition, the loan must be made pursuant to a written loan agreement, the terms of which are at least as favorable to the plan as would be an arm's length transaction between the borrower and an unrelated party.

Another condition would require the borrower to furnish to the plan by the close of each business day during the term of the loan a report of the market value of all collateral and the market value of all borrowed securities at the close of trading on the previous business day. If the market value of the collateral at the close of trading on the previous business day was less than 102 percent of the market value of the borrowed securities at the close of trading on that day, the borrower would be required to deliver to the plan with the report an additional amount of cash or securities (as described above), the market value of which, together with the market value of all previously delivered collateral, equals at least 102 percent of the market value of all borrowed securities. While the Department believes that daily reporting would be an important protection for plan participants, it appears to the Department that requiring daily reports from the borrower to the lender concerning the market value of borrowed securities and collateral is a safeguard that may not be necessary in all securities lending arrangements. The Department, therefore, invites comments concerning when, and under what circumstances, the interests of plan participants and beneficiaries would be protected if such reports were required on a less frequent basis, or were not required.[9] For the purpose of this class exemption, a plan fiduciary who causes a plan to engage in a securities lending transaction covered by the exemption will not be deemed to have caused the plan to have engaged in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the borrower's failure to comply with a condition of the exemption. For example, if the borrower fails to deliver additional collateral when required by a condition of the exemption, the fiduciary would not be deemed to have violated section 406(a)(1) of the Act solely by virtue of such failure. Under these circumstances, however, the fiduciary may violate the requirements of section 404 of the Act if, among other things, the fiduciary does not act prudently to protect the interests of plan participants and beneficiaries.

[8] Under section 6(h) of Regulation T, borrowing is permitted for the purpose of making delivery of securities in the case of short sales, failure to receive securities requested for delivery, or other similar cases.

[9] The conditions of the proposed class exemption are based on conditions contained in sample securities lending contracts submitted with several of the applications and on conditions suggested by various applicants.

Fee Arrangements

Although the draft exemption submitted by the ABA would permit a trustee or other fiduciary who manages the assets of a plan to receive reasonable compensation from the plan for the provision of securities lending services, neither the ABA nor any of the other applicants has requested relief from any specific prohibited transaction provision of the Act of Code for such arrangements.

The furnishing of services to a plan for a fee by a party in interest or disqualified person, including a trustee or other fiduciary, is prohibited by sections 406(a)(1)(C) of the Act and 4975(c)(1)(C) of the Code. Sections 408(b)(2) of the Act and 4975(d)(2) of the Code and the regulations promulgated thereunder[10] provide exemptions from the restrictions of sections 406(a) of the Act and 4975(c) (1)(A) through (D) of the Code for the provision of services to a plan by a party in interest or disqualified person, if certain conditions are met.

However, certain arrangements for the provision of securities lending services may also involve violations of the prohibitions of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code, which prohibit a fiduciary of a plan from dealing with the assets of the plan in his own interest or for his own account.[11] It should be noted that it is the Department's view that the exemptions provided by sections 408(b)(2) of the Act and 4975(d)(2) of the Code do not provide relief from the prohibitions of sections 406(b)(1) of the Act or 4975 (c)(1)(E) of the Code.[12] Nevertheless, section 408(b)(6) of the Act and 4975(d)(6) of the Code exempt from the restrictions of sections 406(a) and 406(b)(1) of the Act and 4975(c)(1)(A) through (E) of the Code the provision of ancillary services by a bank or similar financial institution to a plan for which it is a fiduciary, if certain conditions are met.[13]

It is the view of the Department, based on information contained in the above described submissions, that the provision of securities lending services to a plan by a bank or similar financial institution that exercises discretionary authority or control respecting management of the plan's assets which include securities, is an ancillary service within the meaning of sections 408(b)(6) of the Act and 4975(d)(6) of the Code.

A trustee or other fiduciary, therefor, may provide securities lending services to a plan for an additional fee if: (1) The transaction meets the requirements of sections 408(b)(2) of the Act and 4975(d)(2) of the Code and does not constitute a violation of sections 406(b) of the Act and 4975(c)(1)(E) or (F) of the Code, or (2) the fiduciary is a bank or similar financial institution, the

[10] 29 CFR 2550.408b–2 and 26 CFR 54.4975–6(a)

[11] For example, if a particular arrangement for the provision of securities lending services provides for the payment to a fiduciary of fees that are determined as a percentage per annum of the average daily value of the collateral held by or on behalf of the plan, and if the fiduciary controls the frequency and duration of the loans, the arrangement could give rise to violations of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code. See ERISA Advisory Opinion 79–11A, dated February 23, 1979.

[12] See, 29 CFR 2550.408b–2(a) and (e) and 26 CFR 54.4975–6(a)(1) and (5). Thus, a fiduciary may not use the authority, control, or responsibility which makes such a person a fiduciary to cause a plan to pay an additional fee for the provision of a service to such fiduciary, or to a person in which the fiduciary has an interest. However, under certain circumstances, if one fiduciary is retained by a second fiduciary (who has no interest in the first fiduciary) to provide a service to the plan for an additional fee, the fiduciary providing the service has not engaged in an act described in sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code and the exemptions under sections 408(b)(2) of the Act and 4975(d)(2) of the Code are available if the conditions of those sections are met. In addition, if a fiduciary provides a service to a plan without the receipt of compensation or other consideration, other than reimbursement of direct expenses properly and actually incurred in the performance of the service, the provision of such service does not, in and of itself, constitute an act described in sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code.

[13] See, 29 CFR 2550.408b–6 and 26 CFR 54.4975–6(c).

transaction meets the requirements of sections 408(b)(6) of the Act and 4975(d)(6) of the Code, and the transaction does not constitute a violation of sections 406(b)(3) of the Act or 4975(c)(1)(F) of the Code.[14]

Because none of the applicants requested relief from any specific prohibited transaction provision of the Act or Code for the provision of securities lending services to a plan by a trustee or other fiduciary for a fee, and because the Department has not been persuaded that any relief, beyond that provded by the statutory exemptions discussed above, is appropprate, no such relief is included in the proposed class exemption.

It should be noted, however, that the Department has made no determination as to whether any particular fee arrangement, or class thereof, including the example referred to in note 11, *supra*, satisfies the conditions of sections 408(b)(6) of the Act and 4975(d)(6) of the Code. Whether a fee arrangement satisfies the conditions of either of the statutory exemptions discussed above depends on the facts and circumstances surrounding that arrangement.[15]

Notice to Interested Persons

Because all plan participants and beneficiaries whose plans invest in securities could conceivably be considered interested persons, the Department has determined that the only practical form of notice is publication in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before any exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan(s) and of participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the plan(s);

(3) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(4) This exemption is supplemental to and not in derogation of any other provisions of the Act or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Written Comments

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

On the basis of the facts and representations set forth in the applications, the Department proposes to grant the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1:

The restrictions of section 406(a)(1)(A) through (D) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the lending of securities that are assets of an employee benefit plan to a broker-dealer registered under the Securities Exchange Act of 1934, or to a bank, if:

1. Neither the borrower nor an affiliate of the borrower is a fiduciary with respect to the plan assets being loaned;

2. Simultaneously with the delivery of the securities, the plan receives from the borrower collateral, consisting of cash or securities issued or guaranteed by the United States Government or its agencies, or any combination thereof, having, at such time, a market value equal to not less than 102 percent of the then market value of the securities loaned;

3. The borrowed securities are used solely for purposes described in section 6(h) of Regulation T of the Federal Reserve Board (12 CFR 220.6(h));

4. Prior to the loan the borrower furnishes the plan with the most recent statement of the borrower's financial condition and a representation by the borrower that there has been no material adverse change in its financial condition since the date of the statement furnished;

5. The loan is made pursuant to a written loan agreement, the terms of which are at least as favorable to the plan as an arm's length transaction between the borrower and an unrelated party would be;

6. The plan receives (i) a reasonable fee that is related to the value of the borrowed securities and the duration of the loan, and (ii) the equivalent of all distributions made to holders of the borrowed securities during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock dividends or stock splits and rights to purchase additional securities;

7. The borrower furnishes to the plan by the close of each business day during the term of the loan a report of the market value of all collateral and the market value of all borrowed securities at the close of trading on the previous business day and, if the market value of the collateral at the close of trading on a business day is less than 102 percent of the market value of the borrowed securities at the close of trading on that day, the plan receives from the borrower with the report an additional amount of cash or securities (as described above), the market value of which, together with the market value of all previously

[14] Sections 408(b)(2) and 408(b)(6) of the Act and sections 4975(d)(2) and 4975(d)(6) of the Code provide exemptions only from certain prohibitions of sections 406 and 4975, respectively, and do not affect any other prohibitions, restrictions, or requirements to which a trustee or other fiduciary may be subject under the Act or any other law.

[15] In that regard, it should also be noted that in order for a party in interest (disqualified person) to receive compensation from a plan for any other service in connection with the lending of a plan's securities, such as a finders fee, the conditions of either of the statutory exemptions discussed above must be satisfied or an administrative exemption must be available. In addition, if the receipt of compensation by a fiduciary, directly or indirectly, from a third party in connection with the lending of a plan's securities, involves violations of sections 406(b)(3) of the Act and 4975(c)(1)(F) of the Code no relief is provided by those statutory exemptions.

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delivered collateral, equals at least 102 percent of the market value of all borrowed securities.

The loan agreement may provide that part of the collateral may be returned to the borrower if the market value of the collateral exceeds 102 percent of the market value of the borrowed securities, as long as the market value of the remaining collateral equals at least 102 percent of the market value of the borrowed securities;

8. The loan may be terminated by the plan at any time, whereupon the borrower shall deliver certificates for securities identical to the borrowed securities (or the equivalent thereof in the event of reorganization, recapitalization or merger of the issuer of the borrowed securities) to the plan within the customary delivery period for such securities, or five business days, whichever is lesser; and

9. In the event the loan is terminated, and the borrower fails to return the borrowed securities or the equivalent thereof within the customary delivery period for such securities or five business days, whichever is lesser: (i) The plan may, under the terms of the agreement, purchase securities identical to the borrowed securities (or their equivalent as described above) and may apply the collateral to the payment of the purchase price, any other obligations of the borrower under the agreement, and any expenses associated with the sale and/or purchase, and (ii) the borrower pays to the plan the amount of any remaining obligations and expenses not covered by the collateral plus interest at a reasonable rate.

If the borrower fails to comply with any condition of this exemption in the course of engaging in a securities lending transaction, the plan fiduciary who caused the plan to engage in such transaction shall not be deemed to have caused the plan to engage in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the borrower's failure to comply with the conditions of the exemption.

For purposes of this class exemption the term "affiliate" of a person shall include: (i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person; (ii) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such person; and (iii) Any corporation or partnership of which such person is an officer, director or partner. For purposes of this definition the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Signed in Washington, D.C., this 8th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-11015 Filed 4-8-80; 4:45 pm]

BILLING CODE 4510-29-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–52 Comp., p. 1004) and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers.

Corbin, Ltd., Huntington, WV; 01–22–80 to 01–21–81. (Men's pants)

Crane Mfg. Co., Marionville, MO; 01–08–80 to 01–07–81. (Men's and women's jeans)

Crystal Springs Shirt Corp., Crystal Springs, MS; 03–11–80 to 03–10–81. (Men's and boy's shirts)

Flushing Shirt Mfg. Co., Grantsville, MD; 01–18–80 to 01–17–81. (Men's shirts)

The following certificate was issued in Puerto Rico:

Amertex Enterprises, Ltd., San Lorenzo PR; 12–17–79 to 12–16–80; 50 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of $2.74 an hour. (Men's coveralls)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 28, 1980.

Signed at Washington, D.C. this 4th day of April, 1980.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 80-10987 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80–27)]

NASA Advisory Council (NAC) Life Sciences Advisory Committee; Meeting

The NAC Life Sciences Advisory Committee (LSAC) will meet at the National Aeronautics and Space Administration Headquarters on May 5, 1980. The meeting will take place from 3:00 p.m. to 5:30 p.m. in Room 5026 of Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including 11 Committee members and participants).

The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. These programs bear on the health and well-being of all who travel aboard U.S. spacecraft. As such, they encompass the practice of space medicine, research into the effects of space flight on the human organism and research into systems by which life can be protected and supported in space. The programs also concern the possible use of space flight to enhance understanding of biological processes and they seek to understand how life originated on Earth and whether it occurs elsewhere. The Committee is chaired by Dr. Richard Wurtman. Following is the approved agenda for the meeting:

Agenda

May 5, 1980

3:00 p.m. Introductory Remarks
3:15 p.m. Review of Life Sciences Program
4:00 p.m. Review of Procedures
Identification of New Research
Peer Review Procedures
Determination of Intramural/Extramural Balance
5:00 p.m. Flight Experiment Planning
5:30 p.m. Adjourn

For further information please contact Dr. Paul Rambaut, Executive Secretary of the Committee, Code SBR–3, National Aeronautics and Space Administration, Washington, DC 20546, telephone (202) 755–3723.

Russell Ritchie

Deputy Associate Administrator for External Relations.

April 7, 1980.

[FR Doc. 80-10926 Filed 4-10-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Notice of Meeting

The Twenty-Fourth meeting of the National Commission on Unemployment Compensation is scheduled to be held in the Texas Employment Commission office building at 1117 Trinity Street, Third Floor, Austin, Texas. The meeting will begin at 9:00 A.M., on Thursday, April 17, and conclude at 10:30 A.M., on Saturday, April 19. The agenda is as follows:

Thursday, April 17

9 a.m.–9:30 a.m.: Report on Legislative Developments—James M. Rosbrow.
9:30 a.m.–10:30 a.m.: Review of Tentative Decisions on Special Unemployment Benefit Programs.
10:30 a.m.–12:30 p.m.: Review of Materials Submitted by Commissioner Ken Morris:
A. "A Claimant Advocacy Proposal."
B. "A Proposal for the Protection of Workers * * *."
12:30 p.m.–2 p.m.: Lunch for the Commission and Staff, in the TEC Building.
2 p.m.–5:30 p.m.: Review of Recommendations on State Appeals Processes, Murray Rubin.
Review of State Financing Recommendations.
Break (5:30 p.m.)

Friday, April 18

9 a.m.–10:30 a.m.: Review of Tentative Decisions on Reinsurance.
10:30 a.m.–12:30 p.m.: Discussion of Federal Requirements.
12:30 p.m.–2 p.m.: Lunch for Commission and Staff, in the TEC Building.
2 p.m.–5:30 p.m.: Continuation of Discussion of Federal Requirements.
Break (5:30 p.m.)

Saturday, April 19

8:30 a.m.–10:30 a.m.: Continuation of Discussion of Federal Requirements.
Agenda for Future Meetings.
Adjourn (10:30 a.m.)

Since the Commission has concluded its hearings, no testimony will be received at this meeting. However, written statements will continue to be accepted, and will be distributed promptly, upon receipt, to all members. Twenty copies of any statement should be directed to the executive director of the Commission at the address indicated below.

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235–2782.

Signed at Washington, D.C. this 7th day of April 1980.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80-10988 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on the Sequoyah Nuclear Plant Units 1 and 2; Meeting

The ACRS Subcommittee on the Sequoyah Nuclear Plant will hold a meeting on April 28, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to continue its review of the Tennessee Valley Authority (TVA) application for a license to operate Units 1 and 2.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, April 28, 1980

8:30 a.m. until the conclusion of business.

The Subcommittees may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, TVA, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555 and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, TN 37402.

Dated: April 4, 1980.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 80-10783 Filed 4-10-80; 8:45 am]

BILLING CODE 7590-01-M

Reassertion of Certain Regulatory Authority in the State of Arizona

By letter dated February 8, 1980, Governor Bruce Babbitt, State of Arizona, stated that the State does not wish to retain regulatory authority over (a) uranium mill tailings (by product material as defined in section 11e(2) of the Atomic Energy Act of 1954, as amended), and (b) related milling operations at this time. Therefore, Arizona is making arrangements to transfer to NRC the related files and information on the license issued to

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Pinal Minerals and Mining, the only existing license in this category. Governor Babbitt also stated in the February 8, 1980 letter that there are currently no new applications in this category in process.

Pursuant to the provisions of section 274j of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission found on April 4, 1980 that it is necessary to terminate that part of Arizona's agreement relinquishing NRC authority over uranium milling activities and to reassert NRC licensing and regulatory authority over these activities and the uranium mill tailings produced, in order to protect the public health and safety. This finding ensures that there will be no lapse of licensing and regulatory authority over these activities and materials upon relinquishment of this authority by the State of Arizona. This reassertion of authority will become effective on April 15, 1980.

Persons seeking licenses for activities within Arizona involving byproduct material as defind in section 11e(2) of the Atomic Energy Act of 1954, as amended, or activities resulting in the production of such byproduct material should file such applications with the U.S. Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 7th day of April, 1980.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Acting Director, Office of State Programs.

[FR Doc. 80-10971 Filed 4-10-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Amendment of Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies

AGENCY: Office of Personnel Management.

ACTION: Notice of Amendments.

SUMMARY: The Office of Personnel Management is amending the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies*, which sets forth policy and procedures for the Combined Federal Campaign (CFC). Amendments to the *Manual* allow more charitable groups to have access to the Combined Federal Campaign; change the formula by which funds collected during the Campaign are distributed; strengthen the prohibitions against coercion; provide more Federal employee participation in local CFC administration; and require that contributors be better informed as to the objectives of participating groups and how funds collected are distributed.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Patti, Assistant to the Director, U.S. Office of Personnel Management, Room 5532, 1900 E Street, NW., Washington, DC. 20415. (202) 632-5544.

SUPPLEMENTARY INFORMATION: On Tuesday, February 12, 1980, the U.S. Office of Personnel Management (OPM) published proposed amendments to the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies.* (45 FR 9418, February 12, 1980.) The proposed amendments to the *Manual* provided for:

1. Increased emphasis on voluntary giving and employees' freedom of choice, including the following specifically *prohibited* fund-raising practices:

—Solicitation of employees by their supervisors.

—Setting 100 percent participation goals.

—Providing contributions lists for purposes other than the routine collection and forwarding of contributions and installment pledges.

—Establishing personal dollar goals or quotas.

2. Creation of a new National and International Service Agencies grouping, to include additional national voluntary organizations which provide direct human services.

3. Revision of eligibility criteria for national voluntary organizations to permit broader participation in CFC by removing the requirement for local chapter structure to deliver services and by relaxing the 25 percent limitation on administrative and fun-raising expenses.

4. Expansion of participation by voluntary organizations at the local level by providing a mechanism for participation by local charities that are not members of the United Way.

5. Increased employee involvement in local CFCs. Inclusion of employee union representatives on local Federal coordinating committees.

Comments on the proposed amendments to the *Manual* were invited.

More than three thousand comments were received. Commenters included national and local voluntary agencies and groups, Federal Executive Boards, Federal employees, Federal employee unions, and private citizens. Most of the comments were supportive of the proposed amendments and did not offer substantive suggestions for change. Many other commenters, however, while they did not make specific proposals for change criticized the proposed amendments because they did not adopt all the recommendations of the Subcommittee on Civil Service of the House Post Office and Civil Service Committee, submitted to OPM following the Subcommittee's October, 1979 hearings on the Combined Federal Campaign. In response to this, OPM notes that while we did not implement each specific recommendation of the Subcommittee, the amendments are a constructive response to the principles set forth in the recommendations. In considering the Subcommittee's recommendations, the OPM had to take into account the views and interests of all interested parties, including, those presently participating in the CFC and those seeking to participate; and the administrative feasibility of carrying out CFC operations, including our concern that the CFC not result in disruption of Government operations, or that it not throw too large a burden on managers, employees, and voluntary organizations. We believe the amendments represent a fair and logical balance between these interests.

Comments on specific amendments to the *Manual,* and OPM's response to those comments, are discussed below.

Sections 1.6, 2.21, 4.12a, 4.14, 6.2, 6.3, 6.41d, 6.43, 6.43c, 6.621, and I–M of Guidelines (Preventing Coercion and Informing Contributors)

In view of the concerns that have been expressed about possible coercion of Federal employees during CFC campaigns we proposed to supplement the policy statements already present in the *Manual* with even stronger statements against activities which may intrude upon the Federal employee or military member's right to contribute or not contribute or to keep his or her actions confidential or to make them public.

Commenters overwhelmingly agreed with the proposed amendments, although several expressed the opinion that the requirements were overly restrictive. We see no basis for reducing any of the amendments made to strengthen the voluntary nature of the campaign. Rather, OPM is adding to the proposed prohibited actions two issues raised by respondents: (1) "Using" contributor lists for purposes other than the routine collection and forwarding of contribution and installment pledges; and (2) making and using non-contributor lists. These two issues fit very closely with practices earlier proposed to be prohibited (Section 1.6).

A respondent called attention to the need to include a location where military members might get information on how complaints of coercion are handled in the organization. This comment has been adopted and Sections 2.21e and 4.12a are changed as result.

A respondent suggested that the length of campaigns be clearly limited to six weeks inasmuch as a longer period of solicitation may tend to be coercive. Section 1.42 has been amended to clarify this point.

While there was widespread agreement with the proposed amendments on this subject, one respondent claimed the proposed amendments did not go far enough. Specific suggestions include: that the *Manual* deal with the possible coercion from the repeated requests by a keyworker for the return of the contribution forms. This respondent proposed that Section 6.621 be changed to allow contributors to return a gift either to a keyworker or directly to the payroll unit or central accounting and the gift could be made anonymously in either situation. This respondent also proposed that Section 6.43 be amended to require that keyworkers receive written instruction on prohibited fund-raising practices and to require the keyworker to fully inform all potential contributors of their contribution choices. The respondent also suggested that the *Manual* should prohibit management officials or supervisors from conducting small group meetings.

With regard to permitting contributors to return their gifts directly to payroll or central accounting, OPM feels that this would seriously complicate campaign operations in that the payroll or accounting office is often not located in the same geographic area as the contributor. In addition, some gifts, in cash or check, do not need to be processed by the payroll or accounting office. Sections 6.6 and 6.102 of the *Manual* now provide that campaign literature must inform the potential contributor of the right to make a confidential gift and provide for its transmission through the system without identifying the giver. The means are presently available within the system for contributors to make confidential gifts. Campaign procedures now provide (Section 4.14) that orientation sessions should concentrate on adherence to *Manual* policies and procedures protecting the potential contributor's right to make a true voluntary gift. Follow up contacts by keyworkers are a normal and key part of campaign operations and are certainly not inherently coercive. Managers and supervisors should not be excluded from participation in the campaign; in fact, they are expected to extend their support to the campaign activities. OPM feels that the proposed amendments will be effective in assuring the voluntary nature of the Combined Federal Campaign.

Sections 3.1 and 4.2 (Types of Voluntary Agencies and Authorized Groups)

The increasing number and types of voluntary organizations interested in participating in the Combined Federal Campaign indicates the need for an additional grouping of national voluntary organizations which are not in the health or international service field and not part of the United Way local fund-raising system. The proposed amendments would have added to the existing category of international service agencies, national agencies which have a domestic welfare service function. We found persuasive the comments which alleged that the addition of those agencies to the grouping dedicated to international service would be confusing to contributors who are primarily interested in supporting humanitarian service abroad. We have, therefore, authorized the establishment of a separate National Service Agency category which is distinct from the existing international service category. This new grouping is described in sections 3.1e and 4.2e.

Since establishment of a new grouping in each campaign will be dependent on one or more national service agencies meeting the national eligibility criteria and local service requirements, no provision is being made in this or other parts of the *Manual* (Section 4.5) for participation of the National Service Agencies group in planning campaign operations until some experience is developed. This issue will be reviewed after a period of experience has been established.

In connection with the proposal to establish a new group for the domestic campaigns, several respondents proposed the designation of the United Service Organization (USO) as a fourth group in the Overseas Combined Federal Campaign. These proposals are based upon USO's new status as an organization with a national charter and the urgent service demands levied upon USO in the overseas area.

A national charter for USO was signed into law on December 29, 1979, authorizing it to function as the vehicle through which the American people provide moral-supporting services to the members of the Armed Forces. The charter provides for the President of the United States to appoint a number of members of the corporation and of the governing body of USO. The Secretary of Defense is an ex-officio member of the governing body and the Department of Defense is authorized to provide support to USO toward achievement of its mission. The new charter gives the USO a status somewhat similar to that of the American Red Cross.

USO has taken the position that its placement as a member of the ISA group within the Overseas Campaign has hampered its ability to bring the organization and its programs to the attention of contributors and that operating as a separate group would give it a higher degree of visibility to contributors.

The great majority of contributors to the Overseas Campaign are military personnel. DOD civilian personnel and representatives of the military services deal with USO on a daily basis at overseas locations in Europe and the Pacific and are fully aware of USO activities and capabilities. They are also totally aware of the needs of overseas military personnel. OPM has received letters of support for the USO position from the Office of the Secretary of Defense, other defense agencies, organizations of military and retired military members and some members of Congress. We agree with these respondents that it is appropriate to link the change in USO status in the Overseas Campaign with other revisions being made in the participating groups at this time.

Section 4.2a (Participation in Federated Campaigns by Local Agencies Not Members of the Local Federated Group)

The proposed requirement that those agencies pre-register through the local United Way has been revised to conform with changes made to the proposed Section 4.22a, Application Procedures.

Section 4.22a (Application Procedures)

The proposed amendments would have required local agencies which are not members of the local federated group to register for participation in the Combined Federal Campaign through the local United Way.

Many who objected to the proposed changes stated that it was improper for one of the current CFC participating groups to review the applications of potential competitors. The OPM concurs to an extent and has revised the amendments to: (1) Provide for application directly to the Federal Coordinating Group instead of the United Way; (2) reserve to the Federal Coordinating Group all eligibility determinations; (3) permit the Federal Coordinating Group to request a

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qualified screening organization such as the United Way to assist the Federal Coordinating Group in the review and processing of the applications and to make recommendations for Federal Coordinating Group action. Because all eligibility determinations will be made by the Federal Coordinating Group, there is no need to provide for appeals.

OPM believes this to be a reasonable accommodation of those who felt that the proposed amendments would unfairly exclude local agencies and those who foresaw the possibility that Federal Coordinating Group members would be required to devote an inordinate amount of time to the review process if an initial screening service was not available through whatever qualified organization was selected by the Coordinating Group.

It seems appropriate, in light of the numerous critical comments regarding this section, to emphasize that the eligibility determination made by the Federal Coordinating Group is to be based entirely on the applicant's demonstration that it meets the eligibility criteria specified in Section 4.2a.

Section 4.7 (Division of Receipts)

Under the current distribution formula a dollar base is established for each participating group and is used as a basis for dividing contributed funds among the participant voluntary groups. Contributions designated by contributors to specific agencies are applied to the groups' dollar base and then undesignated contributions are applied as needed to meet each groups' unfilled base.

The proposed amendments would have modified the base period which is used in determining each participating groups' dollar base by expanding the current base period of 1972 through 1976 to all past campaigns. That total history base period would have been updated annually to reflect the results of the most recent campaign. The proposed change would have provided a standard method of reflecting shifts in the groups' relative shares of campaign receipts which have occurred in some CFCs since 1976.

Opposition to that change centered on the belief that the proposal, for numerous reasons, would not adequately reflect distribution patterns for the division of receipts. The National Health Agencies, for example, contend that the proposal would, in the short-run, reduce NHA's share of receipts and advocate the abolishment of the dollar base concept and the distribution of receipts based on a formula which reflects distribution patterns only from the most immediate past five years. Other commenters believed it necessary to change the current procedures (which provide that except when designations exceed a group's base, undesignated funds will be distributed in a manner which assures that each group reaches the same percentage of its dollar base) to permit contributors who wish to do so to completely insulate their contributions from agencies to which they are opposed. Other respondents believe that the dollar base concept, which was adopted in the mid-1950's to assure that none of the participating groups would be adversely affected by the transition from separate to a single combined campaign, is now outdated and too inflexible to respond to changes in the programs of the voluntary agencies and the contributor's interest in those programs.

On balance, OPM is persuaded that the dollar base concept is no longer an appropriate method for allocating undesignated contributions among the participating groups. OPM is committed to the policy that Federal employees should determine more directly how their CFC contributions are distributed among the voluntary agencies. Therefore, OPM will not implement the proposed total history dollar base formula. Instead, OPM has adopted for the 1980, 1981, and 1982 CFCs a formula which is not founded on the old dollar base concept and will authorize and encourage experimentation with other means of dividing receipts among CFC participants. One purpose of the experiments is to explore the feasibility of a transition to a complete designation system of donor allocation of contribution. Another purpose is to explore the feasibility of total local option on the distribution of undesignated funds. We encourage the participating groups to submit to OPM by May 2, 1980, written recommendations regarding (1) the methodology they suggest for testing a total designation program; (2) the specific CFCs or categories of CFCs which should be included in the tests; and (3) guidelines for sharing and analyzing test results.

Another purpose is to invite and encourage Federal Coordinating Groups to propose to OPM by May 2, 1980, written recommendations for local experimentation with total local option on the distribution of undesignated funds by the Federal Coordinating Group. By May 30, 1980, OPM will prepare and share with the participating groups its plan and guidelines for the CFC Experimental Receipts Distribution Testing Program.

The formula for all CFC's which are not participating in the distribution experiments provides for the distribution of undesignated funds on the basis of each group's relative percentage share of the total undesignated funds from each CFC's most immediate past five campaigns. Inasmuch as the National Service Agency group, when established in a local CFC, will have no history of undesignated receipts, the local Federal Coordinating Group must determine what portion of the undesignated funds will go to the National Service Agencies. The designations which each group receives will have no bearing on the amount of undesignated funds it receives. The abolishment of the dollar base concept eliminates overbase receipts and the necessity for the local Federal Coordinating Group to decide how those funds will be distributed among the participants. In summary campaign receipts will be distributed in the following manner: in each CFC, designated contributions will be channeled to the designated organization; undesignated contributions are divided among the participating groups in the same proportion that their share of the undesignated funds for the past five years bears to the total undesignated funds for the past five years in the local campaign.

Section 5.23 (Avoidance of Competition)

The intent of the proposed amendment was the removal of Section 5.23, which provided that "approval will not be granted to more than one national health agency within a single field which deals with a physical handicap or disease or to more than one international service agency meeting a particular human need in the same geographic area." The provision was meant originally to avoid duplication of services and unnecessary competition among health and welfare agencies. Another effect may be, however, in some cases, to preclude the approval of newer agencies that may direct more effective, more innovative efforts to a particular need. The objective in amending this section was to open access to whatever health and welfare agencies could meet the eligibility criteria.

The comments on this proposal raise no significant new issues. One respondent suggested that the Eligibility Committee should evaluate each agency's ability to make good use of the funds donated and consider whether an applicant's program would duplicate work already being done by one or more other CFC participants.

We continue to hold that an agency should not be entitled to protection against competition merely because it was the first CFC participant to deal with a particular health or welfare need. Other agencies may be more effective or be more responsive to the public. The Eligibility Committee is not an appropriate mechanism for selecting from among various agencies to represent a particular category of health and welfare service. It is for the contributor, ultimately, to determine which agency he or she will support based on criteria both personal and important to him or her.

Section 5.24b (Public Support)

The proposed amendments would have added to the list of eligibility factors the requirement that at least 50 percent of the agency's income come from donations from the general public. The objective of this provision was to ensure that organizations given access through the CFC to those individual members of the general public who are Federal employees, receive the main part of their support from individuals in the general public, rather than other sources which would be less likely to demonstrate general public acceptance of the organization.

Commenters objected to this criterion on the grounds that it was arbitrarily set; that it would exclude many organizations (some already participating in the CFC) which receive substantial support in the form of grants from governments and private foundations, corporate and government gifts in kind, court awards of attorney's fees, and fees for services; and that small organizations do not have the large fund-raising system to go directly to the general public for support. It was also observed that the 50 percent standard exceeded the Internal Revenue Code's Standard used to determine whether an organization is a "publicly supported charity."

OPM has concluded that while it is desirable for organizations participating in the CFC to have a broad base of support from individual contributors, the proposed 50 percent standard is too stringent, and could have had unforeseen and undesired results. Consequently, OPM is eliminating this paragraph from the amendments. Language already in the *Manual* require organizations to demonstrate that they enjoy broad public support.

Section 5.34 (Administrative and Fund Raising Expenses)

Another amendment intended to facilitate access by more groups to the CFC was a change to section 5.34 of the *Manual*, which sets forth as an eligibility requirement that voluntary organizations' administrative and fund-raising expenses be reasonable. Section 5.34 provides that expenditures for administration and fund-raising not exceeding 25% of total support and revenue will be considered reasonable. Voluntary organizations whose administrative and fund-raising expenses exceed this percentage have the opportunity to demonstrate the reasonableness of their expenses. Amendments to this section would have allowed newly established agencies a three-year period in which to attain the 25% level of expenses, and allowed older agencies an opportunity to demonstrate that their receipts from the CFC would reduce the percentage of their expenses to a reasonable level.

Several commenters questioned the constitutionality of section 5.34 in light of *Village of Schaumburg* v. *Citizens for a Better Environment, et al.*, decided by the U.S. Supreme Court on February 20, 1980. In *Schaumburg*, the Court found that an ordinance which completely barred door-to-door or on-street solicitation of contributions by charitable organizations whose administrative expenses exceeded 25% violated those organization's rights under the First and Fourteenth Amendments. The Court explained that organizations whose primary purpose is to gather and disseminate information about and advocate positions on matters of public concern use their own paid staff to carry out these functions as well as to solicit financial support. In its decision, the Court distinguished and did not reverse an earlier case, *National Foundation* v. *Forth Worth*, 415 F.2d 41 (1969), cert. denied, 396 U.S. 1040 (1970), which upheld an ordinance which, like section 5.34, permitted an organization unable to comply with an expense limitation to obtain a permit by demonstrating that its solicitation costs were nevertheless reasonable.

In view of the *Forth Worth* case, we have concluded that the *Manual's* 25% standard for reasonable administrative cost is valid. Furthermore, OPM believes that the minimization of administrative expenses is a worthwhile goal, and that setting a limit on these expenses beyond which they must be justified is necessary to protect CFC contributors from groups which misuse the funds contributed to them. However, in view of the *Schaumburg* Decision, we amend section 5.34 to make clear that the *Manual's* 25% standard creates a presumption of reasonable administrative costs but is not a complete bar to eligibility.

Section 5.35 (Fund-Raising Practice)

The Fund-Raising Manual places restriction on the participating agencies' general fund-raising practices. It specifically prohibits several practices including "mailing of unordered tickets or commercial merchandise with a request for money in return". That provision has been criticized as being needlessly restrictive, difficult to interpret and unlikely to affect Federal employees who are solicited at their workplaces. Consequently, the proposed amendments deleted that specific practice from the listing of fund-raising practices which are prohibited if an agency participates in the Combined Federal Campaign. The proposed deletion was opposed by only one responding organization, and the National Easter Seal Society offered persuasive argument for the deletion.

One respondent suggested that in view of the changes in various aspects of local CFC administration, the *Manual* should emphasize that the local Federal Coordinating Group is the final authority for administration of the local CFC. OPM concurs and has revised sections 2.6 and 4.3 accordingly.

Section 5.38 (Financial Reporting)

The proposed amendments contained a provision intended to amend the current requirement that national organizations submit an annual consolidated financial report certified by a CAP and provided instead for an annual combined financial report which utilizes the audited reports of the national headquarters and the affiliates. However, the proposed amendment mistakenly referred in its final sentence, to "The consolidated report" creating some confusion as to the intent of the proposal. The sentence should have read, "The combined report". Several respondents commented on this error. Section 5.38 has been corrected to provide only for "combined reports."

General Issues

A number of respondents commented on the OPM failure to address the issue of the Subcommittee's proposal that all local CFC fiscal agents be independent or disinterested fiduciaries. OPM is not aware of any charge of impropriety concerning the use of participants as fiscal agents for the receipt of pledge cards and drafts from payroll offices for distribution among the participating groups. To have required a change at this time would have required most of the 500 local campaigns to negotiate and arrange different fiscal agents during the process of collecting this year's contributions. This would have placed a

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heavy administrative burden on both the voluntary groups and the Federal payroll offices. We note that the Subcommittee requested the General Accounting Office to inquire into the matter of whether greater safeguards are needed in the operation of CFC fiscal agents. We will look into this matter further when GAO has completed its review.

The proposed amendments added a requirement for the contributor's leaflet to provide instructions as to how an employee may obtain more specific information about agencies participating in the campaign, their programs and their finances (Section 4.12a). Although few comments were received on this point, several comments were received suggesting that Federal employees be provided with more information on the metod used to distribute campaign receipts and the division of receipts from the prior year's campaign. We agree with these suggestions, especially in view of the fact that the *Manual* establishes a new method for distributing collected funds, effective for the upcoming campaign. Therefore, we have added requirements that the contributor's leaflet provide a clear description of the method used to distribute funds and furnish information on the division of receipts from the previous campaign in accordance with a standard format (see Attachment A to Chapter 4).

A number of respondents observed that the proposed amendments did not provide access to the CFR for charitable of non-profit organizations which are not voluntary health and welfare agencies. OPM continues to believe that for reasons of administrative feasibility and otherwise the language of E.O. 10927 should be interpreted to include only health and welfare agencies and organizations with substantially similar purposes and modes of operation.

Accordingly, the Office of Personnel Management is amending the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies* as set forth below.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

1.42 *Assigned Campaign Periods.* Federal fund-raising campaigns are assigned to fall, winter, or spring periods. In the United States, Combined Federal Campaigns are held in the fall; the DOD Overseas Combined Federal Campaign is also held during the fall. The solicitation period for a Combined Federal Campaign is limited to six weeks. Where there is no Combined Federal Campaign, the fall period is designated for united funds, community chest, or other local federated groups; the winter period for national health agencies and international service agencies; and the month of March for the American Red Cross, except in communities where it participates in a local united fund or Combined Federal Campaign.

Section 1.6 Preventing Coercive Activity

True voluntary giving is the basic concept underlying Federal fund-raising activities. Actions which provide or create the perception that employees do not have the free choice to give or not give or to publicize their gifts or keep them confidential, is contrary to the intent of Federal fund-raising policy. The following activities are not in accord with the intent of Federal fund-raising policy and, in the interest of preventing coercive activities in Federal fund-raising, are not permitted in Federal fund-raising campaigns:

1. Supervisory solicitation of employees supervised.

2. Setting 100% participation goals.

3. Providing and using contributor lists for purposes other than the routine collection and forwarding of contributions and installment pledges.

4. Establishing personal dollar goals or quotas.

5. Developing and using lists of non-contributors.

2.21 *Federal Agency Heads.* The head of each executive department and agency is responsible for:

a. Seeing that voluntary fund-raising within the department or agency is conducted in accordance with the policies and procedures prescribed by this *Manual.*

b. Designating a top-level representative as Fund-Raising Program Coordinator to work with the Director of the U.S. Office of Personnel Management as necessary in the administration of the fund-raising program within the agency.

c. Assuring full participation and cooperation from his/her installations in local fund-raising campaigns.

d. Assuring that the policy of voluntary giving and clear employee choice is upheld during the fund-raising campaign.

e. Providing a mechanism to look into employee complaints of undue pressure and coercion in Federal fund-raising. Agencies shall provide procedures and assign responsibility for investigation of such complaints. Personnel offices should be responsible for informing employees of the proper organizational channels for pursuit of such complaints.

2.6 *Local Federal Coordinating Groups.* When there are a number of Federal agency offices and installations in the same local area, some interagency coordination is necessary in order to achieve effective community-wide campaigns and to improve general understanding and compliance with the fund-raising program. The Director, Office of Personnel Management assigns the responsibility for local coordination of existing organizations of Federal agency heads whenever possible, and to special committees where needed.

The local Federal coordinating group is authorized to make final decisions within the provisions and policies established in the *Manual,* on all aspects of the local campaign.

2.61 *Authorized Local Federal Coordinating Groups.* Coordinating responsibility is assigned to one of the following organizations:

a. Federal Executive Boards. These boards exist in principal cities of the United States for the purpose of improving interagency coordination. They are composed of local Federal agency heads who have been designated as Board members by the heads of their departments and agencies under Presidential authority.

b. Federal Executive Associations and Business Associations. These self-organized associations of local Federal officials exist at many points of Federal concentration for the purpose of general interagency cooperation.

c. Fund-Raising Program Coordinating Committees. These committees are established in communities, as needed, under the authority of E.O. 10927, where there is no Federal coordinating group in existence. Leadership in organizing such a committee is the responsibility of the head of the local Federal installation which has the largest number of civilian and military personnel. Local Federal agency heads or their designated representatives serve on the committee and determine all organizational arrangements.

d. Employee Union Representation. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve in whatever organization exercises local coordinating responsibilities.

3.1 *Types of Voluntary Agencies.* Voluntary agencies are private, self-governing organizations financed primarily by contributions from the public. Some are national in scope, with a national organization that provides services at localities throughout the nation, often through state or local

chapters or affiliates. Others are primarily local, both in form of organization and extent of services. The Federal program involves solicitation arrangements for the following broad categories of such agencies:

a. Local health, welfare, or recreational services agencies, such as visiting nurse associations, homes and clinics for children and the aged, and neighborhood centers for youth recreation and guidance.

b. National health agencies providing research and public education on a national basis as well as local services, e.g., the American Cancer Society and American Heart Association.

c. National and international welfare, recreational services, and emergency relief—the American National Red Cross.

d. National agencies having an international service function which involves health or welfare programs in foreign countries, such as CARE and Project HOPE.

e. National agencies having a domestic welfare service function which includes direct services to meet basic health and welfare needs.

3.541 *DOD Overseas Combined Federal Campaign.* A Combined Federal Campaign is authorized for all Department of Defense activities in the overseas areas during a six week period in the fall. Groupings of agencies that may participate in the Overseas Combined Federal Campaign will consist of: The American Red Cross; the United Service Organization; those national health agencies recognized for campaigns in the domestic area (the Federal Service Campaign for the National Health Agencies); and those international service agencies recognized for campaigns in the domestic area, plus any national voluntary agency recognized for overseas campaigns.

4.12 *Campaign and Publicity Materials.*

* * * * *

a. *Contributor's Leaflet.* This will be the only informational material distributed to individual contributors. It will describe the CFC arrangement, name and describe the participating groups, explain the provisions for designations, the payroll deduction privilege, etc., provide a clear description of the method used to distribute funds, and furnish information on the division of receipts from the prior year's campaign in accordance with the format in Attachment A. It will list each member organization of the voluntary group with a brief statement of about 25 words on its program. It will provide instructions as to how an employee may obtain more specific information about agencies participating in the campaign, their programs and their finances. The contributor's leaflet will also inform employees of their right to pursue complaints of undue pressure or coercion in Federal fund-raising activities. The leaflet will refer civilian employees to consult with their personnel office and military personnel with their commanding officers to identify the organization handling such complaints in the agency.

Some sample CFC text items are included in Attachment A to chapter 4.

* * * * *

4.14 *Orientation, Training and Publicity Arrangements.* A formal plan should be developed to cover the orientation of management and employee organization officials, the training of keyworkers and publicity to employees and service members.

Federal officials should assist campaign leaders by making an enthusiastic and purposeful statement of support in their installations in order to insure maximum group interest and response. Orientation sessions, however, should stress adherence to *Manual* policies and procedures on prohibitions against individual employee quotas, assessments, or any other form of coercive action, and on the employee's right of confidentiality as to the amount of his gift. Contributions must be voluntary.

It is essential that keyworkers be trained effectively on CFC procedures and be equipped to answer any questions or problems the contributors may have as well as questions of a substantive nature regarding the programs of the voluntary agencies.

Employees and service members should be told the background and purpose of the combined campaign arrangements, including the use of installment payment through payroll withholding. Special stress should be placed on pledging generously on a once-a-year basis in order to provide a fair amount of support for all authorized voluntary groups.

Care should be taken that the Combined Federal Campaign kick-off ceremony emphasizes the joint appeal aspect and the combined effort of the voluntary agencies involved. In addition, there should be no publicity within Federal establishments given to specific voluntary agency needs that acts to detract from the consolidated effort represented by CFC.

Section 4.2 *Authorized Voluntary Groups*

Arrangements for each local CFC will be worked out through negotiations between the local Federal officials and representatives of the major voluntary groups (United Way, National Health Agencies, International Service Agencies). The *five* authorized voluntary groups are as follows:

a. A local united fund, community chest, or other local federated group which is a member in good standing of, or is recognized by, the United Way of America, is eligible to solicit in a CFC. The number of member agencies in a fund or chest campaign varies from around 20 to over 200, depending upon the locality. (Local health and welfare service agencies that are not participating members of the local federated fund-raising group may participate in the Federal campaign for designated contributions only in accordance with the provisions of Sections 4.2A, 4.21A, and 4.22A).

b. The National Health Agencies. Eligibility of recognized national health agencies to solicit in a CFC is limited to those locations where the national agency is organized to provide direct and substantial service in the local area (county), and where it is not a member agency of the local united fund or chest. The extent of services in the campaign area could, of course, vary from area to area and among individual health agencies. Some examples of direct and substantial services are: health counseling; disease prevention programs, innoculations; screening for detection of disease, and referrals; clinics and treatment of illnesses and handicaps; educational and information services. As a minimum a health agency should be performing one or more of the above services in the campaign area to be eligible to participate in the local CFC. As a general rule employees in the solicitation area, or their families, should be able to receive service from a particular health agency, if needed, within a reasonable distance of the employment station. The determination on whether a particular health agency is providing such service in the area is made by the local Federal coordinating group.

c. The International Service Agencies. Program operations of International Service Agencies are generally conducted overseas, so that fund-raising eligibility is not limited to the places where they have local chapters or committees. However, if a local chapter participates as a member of the local United Way campaign, it cannot

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participate as a member of the ISA group in the Federal campaign.

d. The American Red Cross. Red Cross chapters constitute the fourth authorized group. Eligibility to solicit in a CFC is limited to those locations where Red Cross does not raise funds with the local united fund or chest.

e. The National Service Agencies. These national agencies have a domestic welfare service function which includes direct services to meet basic human welfare needs. National Service Agencies may solicit a CFC only in those areas where the national agency provides direct and substantial service in the local area. The extent of services in the campaign area could, of course, vary from area to area and among individual Service Agencies. Some examples of direct services are: Income assistance, mental health, and nutritional counseling; recreational therapy program; and information and referral services. As a general rule, employees in the solicitation area, or their family, should be able to receive service from a particular Service Agency, if needed, within a reasonable distance of his employment station. The determination whether a particular Service Agency is providing such service in the area is made by the local Federal Coordinating Group.

4.2A *Participation in Federal Campaigns by Local Agencies not Members of the Local Federated Group.* Arrangements will be established by each local Federal Coordinating Group to permit employees to designate a contribution to approved local health or welfare agencies that are not members of the local federated group. These procedures will require eligible local voluntary agencies to pre-register with the Federal Coordinating Group to participate in that year's Combined Federal Campaign for designated contributions only. Arrangements will be made by the Central Receipt and Accounting Point to distribute designated contributions to those agencies after appropriate adjustments are made for shrinkage and campaign costs.

4.21A *Eligibility Criteria.* To be eligible to participate for designated contributions through these arrangements local voluntary agencies must meet the minimum requirements listed below:

a. A non-profit, tax exempt charitable organization supported by direct contributions from the general public.

b. The agency is providing a bona-fide program of health or welfare services in the area covered by the local CFC.

c. The agency must operate without discrimination and must carry out affirmative action programs to assure equal employment opportunity. This policy applies to persons served by the agency, to the staff of the agency and to membership on its governing board and committees.

d. The agency's financial records are audited annually by an independent public accountant whose examination conforms to generally accepted auditing standards. Financial reports to the public must provide full disclosure of all support, revenue, and expenditures and must comply with Standards of Accounting and Financial reporting for Voluntary Health and Welfare Organizations.

e. The agency's administrative and fund-raising costs must conform to the requirements of Section 5.34.

4.22A *Application Procedures.* In order to be eligible for participation in the Federal Campaign for employee designation of contributions, local agencies not members of the federated group must submit an application for registration in the CFC to the local Federal Coordinating Group. The Federal Coordinating Group is responsible for reviewing and taking action on the applications based on eligibility requirements in Section 4.2A. The Federal Coordinating Group may request a qualified screening organization to assist in the processing and review of applications by making an initial screening of applications against the eligibility requirements and recommending approval or denial of the application. Agencies that meet the eligibility requirements are listed and participate in the CFC for *designations only.* If the Federal Coordinating Group determines that the eligibility requirements are not met, reasons for that determination will be provided to the agency within 60 days of the receipt of the application. Decisions of the Federal Coordinating Group are final.

4.3 *Responsibility of Local Federal Coordinating Groups.* Each Federal coordinating group is required to organize a Combined Federal Campaign in the local area for which it has fund-raising responsibility. The heads of executive departments and agencies will request their local officials to cooperate fully with the decisions of the Federal coordinating group in all aspects of CFC arrangements.

The Federal coordinating group makes all final decisions on all aspects of the local campaign. The Federal Coordinating Group's decision must be consistent with the provisions and policies of the *Manual.*

4.5 *Organizing the Local Campaign.* As previously mentioned, direction of the campaign shall be under the overall policy guidance of the Federal coordinating group and such other arrangements as necessary shall be made to assure the greatest possible success for the campaign. This will include the appointment of a campaign chairman who should carry out campaign duties in an impartial manner, insuring full participation of the voluntary groups in planning campaign arrangements. The major voluntary groups—the United Way, the National Health Agencies, and the International Service Agencies—will have much expertise and campaign know-how which can be helpful in the conduct of the Federal campaign. Decisions on expenditures for campaign arrangements will be made through agreement among those voluntary groups, after consultation with the local Federal coordinating group. When complete, the detailed campaign arrangements will be formalized in a written agreement that includes a budget bearing the signature of the representatives of these authorized voluntary groups and the chairman of the Federal coordinating group, signifying approval of the campaign arrangements.

4.51 *CFC Committee.* Where necessary, the local Federal Coordinating Group will designate a committee from among its principal members, called the CFC Committee, to give top leadership and direction to the planning, conduct, and evaluation of the local combined campaign. The Federal coordinating group may redelegate any of the authority for the campaign to the CFC Committee. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve on the CFC Committee or whatever organization exercises local coordinating responsibilities.

Section 4.7 Division of Receipts

Dollars donated or pledged in a Combined Federal Campaign are either designated by the contributor for a specific voluntary organization, or undesignated. Undesignated funds are those contributions not designated to any particular beneficiary organization. Designated receipts are always credited to the designated organization.

The following method will be used for distribution of undesignated receipts for all CFCs which have been in existence for five years, unless the representative of the participating voluntary groups unanimously agree on another method: The local Federal Coordinating Group will allocate what it believes to be a reasonable portion of the undesignated funds to the National Service Agencies which participate in that CFC. The balance of the undesignated funds will be distributed to the United Way, the National Health Agencies, the International Service Agencies and, when it is not part of the local United Way, the American Red Cross in the same proportions that their respective shares of undesignated funds from the past five campaigns bear to that CFC's total undesignated receipts from its last five campaigns. Overbase money from the 1975 through 1979 campaigns will be treated as undesignated funds in computing the shares of the groups. Local agencies participating in the CFC independently of the local United Way are not eligible for undesignated funds.

The Federal Coordinating Group for a Combined Federal Campaign which does not have five years of experience will determine how undesignated receipts will be distributed. Those Federal Coordinating Groups may use any system they find reasonable except that undesignated funds may not be allocated among the participating groups on the basis of their respective shares of designated contributions.

Sample Text Items (Attachment A—Chapter 4)

How are pledges divided among the campaign organizations? (The language below is intended as an example of how the contributor's leaflet should explain division of receipts from the 1980–81 campaign, the first drive utilizing the new formula. Each local CFC will need to review the suggested language carefully and make any modifications necessary to reflect accurately the local situation. After the 1980–81 campaign, delete the explanation of the earlier method for distributing funds.)

Sample Text

"Approximately 97% of this year's CFC contributions will go to the more than 200 volunteer agencies listed in this booklet. All designated gifts to specific agencies are channeled to the specified agency—either through the appropriate partner (NHA, ISA, NSA, or UW) or, in the case of local groups not part of the United Way, directly to the specified agency. All undesignated gifts are allocated among the four partners according to a formula based on previous campaign experience.

Last year nearly $1 million in collected contributions was distributed approximately as follows:

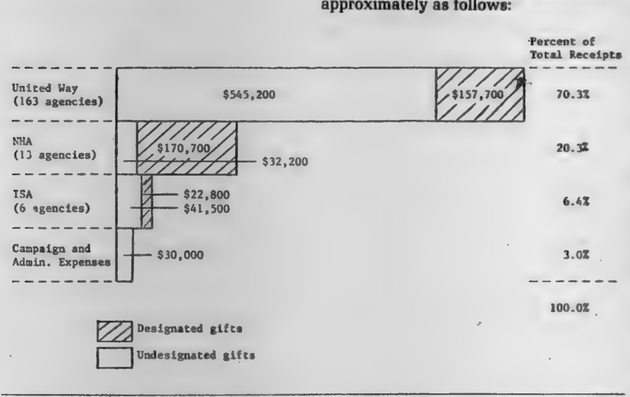

This year, with the addition of the National Service Agencies, undesignated gifts will be allocated among four major voluntary groupings rather than three. In addition, the formula used to distribute undesignated funds will be different from previous years.

Prior to this year's campaign, CFC contributions were distributed using a "dollar base" formula; each of the major voluntary groupings was assigned a dollar base determined by past campaign experience. Designated gifts were first credited toward each group's dollar base; then undesignated funds were distributed in such a manner as to assure that each group achieved its established dollar base, or if collected funds were not sufficient, to assure that each group received an equal percentage of its predetermined dollar base.

Beginning with this year's campaign, contributions will be distributed in the following manner: First, designated gifts will be channeled to the specified agency; then, undesignated gifts will be allocated among the four agency groupings in proportion to each group's average share of undesignated funds over the last five campaigns. This formula does away with the dollar base method for distributing CFC funds. You may be sure that all signed designations are honored."

Note.—The figures in this sample text are illustrative only, and are based on aggregate statistics for total CFC receipts nationwide. Specific data are to be developed and used locally for each CFC, based on experience in the local campaign.

5.23 *Avoidance of Competition.* [This section is deleted.]

5.24 *National Scope.* The voluntary agency must demonstrate that:

a. It is organized on a national scale with a national association which is representative of its constituent parts and which, through its board of directors, exercises close supervision over the operations and fund-raising policy of any local chapters or affiliates.

b. It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability can be demonstrated:

1. When a voluntary agency provides a service in all or most of the States;

2. When contributor support comes from all or most parts of the Nation;

3. By the extent of public support and the number and location of contributors;

4. By the national character of any public campaign;

5. By the reputation of the organization nationally; and

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6. By the proportionate effect of the organization's participation in CFC on total income.

c. It has sufficient fund-raising representatives at decentralized locations to be able to enter into full participation with a group of voluntary agencies in conducting local campaigns throughout the United States.

d. If it is a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local coverage to implement its national program and local service programs in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

e. If it is a national service agency, it has a well-defined program which meets basic health or welfare needs in the United States in cities or communities with which or nearby are Federal offices or installations with large numbers of personnel.

f. If it is an international service agency, it has a well-defined program which meets basic human needs in an overseas area.

5.34 *Administrative and Fund-Raising Expense.* Administrative and fund-raising expenses must be reasonable. Expenditures for administrative and fund-raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expense exceeds this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising and administrative expenses under all the circumstances in its case. Circumstances which could demonstrate the reasonableness of administrative and fund-raising expenses include, but are not limited to:

a. Newly established agencies which can demonstrate the likelihood of reducing their administrative and fund-raising expenses to a reasonable level within a reasonable period.

b. Older agencies which can demonstrate that the impact of CFC contributions on their administrative and fund-raising costs is likely to bring those expenses to within a reasonable level.

5.35 *Fund-Raising Practice.* The voluntary agency's publicity and promotional activities must be based upon the actual program and operations of the agency, must be truthful and nondeceptive, and must include all material facts. The agency's fund-raising practices must assure protection against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finders fees, percentages, bonuses, or overrides for fund-raising; and no general telephone solicitation of the public.

5.38 *Financial Reports.* Preparation of a combined annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations is required. The combined report shall include all income and expenditure for the national operations and all chapters, committees, affiliates, or satellites.

Section 6.2 True Voluntary Giving

True voluntary giving is the free response of an individual to an appeal which provides full knowledge of the human needs at stake and encourages a generous contribution in relation to the individual's financial ability and responsibility as a good citizen. Employees must have the clear choice to give or not give and no action may be taken which creates the appearance that the employee has no choice.

6.3 *Campaign Objectives.* The purposes of the Federal fund-raising compaign are:

a. To inform Federal employees of the essential role that voluntary agencies play in the community and the nation and their need for public support.

b. To provide an opportunity for every individual to donate to specific worthy agencies with which he or she is familiar and which he or she wants to support.

c. To seek maximum voluntary participation while preserving the individual's right to give or not to give.

d. To stimulate generous giving in relation to the ability of the giver while preserving the right to give in a confidential manner if he or she chooses to do so.

Section 6.43 Keyworker Responsibilities

A key worker is selected for the personal solicitation of about 25 employees, depending upon the unit organization. The keyworker should not be the supervisor of the employees solicited. They should be chosen for leadership qualifications, compatibility with coworkers and motivation toward successful performance. Since a keyworker is acting, in effect, as an agent of the recognized voluntary agencies in contacting potential contributors, it is important that each keyworker be given a thorough briefing on the program and purpose of the participating voluntary agencies, perferably by representatives of the fund-raising agencies themselves. The keyworker's responsibilities are to:

a. Personally contact each prospective contributor in the assigned group and provide the educational literature and contributor's card or envelopes appropriate to the campaign;

b. Explain the services performed by the voluntary agencies and answer any questions about them and the Federal fund-raising program;

c. Urge a generous gift, with the goal of maximum voluntary participation in mind; where appropriate call attention to local suggested giving guides;

d. Collect employee contributions, forward them and make reports in accordance with local arrangements for the particuar campaign.

6.621 *Solitication.* Each potential giver must be given full opportunity to exercise his/her option to contribute or not to contribute and to disclose the amount of his/her gift or keep it confidential. No action which might be coercive or contrary to the principles of true voluntary giving is permitted.

Attachment to Chapter 6

Campaign Guidelines for Voluntary Giving.

* * * * *

I. Agency or Installation Heads, Campaign Chairmen, and Division Campaign Chairmen.

* * * * *

M. Discourage contact with individual givers by other than designated keypersons. Management officials and supervisors should not be solicitors and should always talk to givers in a group, never putting an individual "on the spot".

[FR Doc. 80-11030 Filed 4-10-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, Rev. Supp. No. 15]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $2,871,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

National Farmers Union Property and Casualty Company, 12025 East 45th Avenue, Denver, Colorado 80251.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1979 Revision, at page 38095 to reflect this change. Copies of the 1980 Revision, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 3, 1980.

Gerald Murphy,

Acting Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-10975 Filed 4-10-80; 8:45 am]
BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 14, 1980, at 9:00 a.m., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1427, Federal Building, 1220 SW. Third Avenue, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in McMinnville Aviation Incorporated, McMinnville, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 3, 1980.

R. J. Vogel,

Director, VA Regional Office.

[FR Doc. 80-10976 Filed 4-10-80; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) on the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the transfer of the following nuclear materials to the IAEA for the research reactor at the Bandung Reactor Centre in Bandung, Republic of Indonesia:

12.680 kilograms of uranium, containing 2.523 kilograms of U–235 (19.9%) for use as fuel in the TRIGA Mark II reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 9, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11249 Filed 4-10-80; 8:45 am]
BILLING CODE 6450-01-M

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Sunshine Act Meetings

Federal Register
Vol. 45, No. 72
Friday, April 11, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-277; April 9, 1980]

CIVIL AERONAUTICS BOARD.

Short notice of closed board meeting.

TIME AND DATE: 1:00 p.m., April 9, 1980.

PLACE: Room 1011, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Negotiations with the People's Republic of China to be held in Beijing on April 15, 1980.

2. Negotiations with New Zealand.

3. Recommended Position for U.S. Netherlands Negotiations, April 22, 1980, The Hague.

4. Alitalia's Petition for Reconsideration of Order 79-12-208.

SUPPLEMENTARY INFORMATION: Because of the heavy negotiating schedule and the travel required by the staff, this is the only time in the next three weeks that we will be able to have all the participants available. There are upcoming consultations with several countries and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on these items on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, George A. Dalley

This memo concerns strategy and positions that have been or may be taken by the United States in consultations with Ireland. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(b) and 14 CFR Section 3106.5(i)(2) and that any meeting on this item should be closed.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, George A. Dalley

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Elizabeth E. Bailey; and Member George A. Dalley.
Assistants to Board Members.—Mr. David Kirstein, Mr. Vance Forte, Mr. Steven Lachter, and Mr. Bernard Diederich.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Counsel.—Ms. Mary Schuman, Mr. Peter Schwarzkopf, and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Dan Casper, Mr. Ivars Mellups, Mr. Doug Leister, Mr. Don Litton, Mr. Frank Murphy, Mr. Jim Horneman, Mr. Jim McMahan, Mr. Herb Aswall, Mr. Rich Loughlin, and Mr. Regis Milan.
Bureau of Consumer Protection.—Mr. Reuban Robinson.
Office of Economic Analysis.—Mr. Robert Frank.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Mrs. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that this meeting may be closed to public observation.

Phyllis T. Kaylor,
Secretary.

Mary McInnis Schuman,
General Counsel.

[S-736-80 Filed 4-9-80; 3:55 pm]
BILLING CODE 6320-01-M

2

[M-276, Amdt. 1; April 8, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C.

SUBJECT:

10. Docket 33830, Final rule extending the Board's fare flexibility policy to the Puerto Rico/Virgin Islands markets. (BDA)

17. Dockets EAS-489, 490 and 499, Appeal of Essential Air Transportation Determinations filed by Alliance, Chadron and Sidney, Nebraska, and the Nebraska Aeronautics Commission. (OGC, OCCR, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Items 10 and 17 are being deleted because additional time is needed for staff preparation. Accordingly, the following Members have voted that Items 10 and 17 be deleted from the April 10, 1980 agenda and that no earlier announcement of these deletions was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-737-80 Filed 4-9-80; 3:55 pm]
BILLING CODE 6320-01-M

3

[M-276, Amdt. 2; April 8, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

2a. Warsaw Convention Liability Limits (BCP).

3a. The effect of check-in deadlines on the right to a no-smoking seat. (OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 2a was intended to be placed on the agenda for the meeting scheduled for April 10, 1980, however, due to a clerical error it was omitted from this agenda. This item raises important questions on which the staff needs instructions from the Board in order to permit them to continue their work, so it can not be held until the next meeting. Item 3a is being added to the April 10, 1980 agenda because of the need for careful consideration of the issues presented, the staff was unable to present this item to the Board by the usual deadline. The issues it raises, however, are closely related to those of Item 3. It is important that they be considered together and therefore agency business requires that Item 3a be added to the April 10, 1980 agenda. Accordingly, the following Members have voted that agency business requires the addition of Items 2a, and 3a to the April 10, 1980 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-738-80 Filed 4-9-80; 3:55 pm]
BILLING CODE 6320-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, April 8, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Bank of Inverness, Inverness, Florida, for consent to establish a branch in Unincorporated Citrus County (P.O. Floral City), Florida.

Notice of acquisition of control: United of America Bank, Chicago, Illinois.

Discussion of proposed legislation.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" 5 (U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 8, 1980.

Federal Deposit Insurance Corporation.
Hannah R. Gardiner,
Assistant Secretary.

[S-735-80 Filed 4-9-80; 3:55 pm]
BILLING CODE 6714-01-M

5

April 9, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:00 a.m., April 16, 1980.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plum, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—446th Meeting, April 16, 1980, Regular Meeting (10:00 a.m.)

CAP-1. Docket No. ER80-256, Wisconsin Power & Light Co.
CAP-2. Docket No. ER80-246, Edison Sault Electric Co.
CAP-3. Docket No. ER78-80, Central Illinois Public Service Co.
CAP-4. Docket No. ER77-89, Central Illinois Public Service Co.
CAP-5. Docket No. ER78-380, Indiana & Michigan Electric Co.
CAP-6. Docket No. ER76-716, Indiana & Michigan Electric Co.
CAP-7. Docket No. EL80-3, Pacific Power and Light Co.

Gas Agenda—446th Meeting, April 16, 1980, Regular Meeting

CAG-1. Docket No. TA80-1-26 (PGA80-2, IPR80-2, AP80-1, GRI80-2, LFUT80-1, TT80-1, and PGA80-2a).
CAG-2. Docket No. CI79-406, Shell Oil Co.
CAG-3. Docket Nos. G-14515, CI77-123, CI78-674, CI78-993, and G-12154, Gulf Oil Corp.
CAG-4. Docket No. CI66-919, et al., Mobil—GC Corp. (successor to General Crude Oil Co.);
Docket No. CI79-108, CNG Producing Co.;
Docket No. CI77-252, Placid Oil Co.;
Docket No. CI77-257, Hunt Oil Co.;
Docket No. CI77-260, Hassie Hunt Exploration, Co., et al.;
Docket No. CI77-261, Highland Resources, Inc.;
Docket No. CI77-280, Ashland Exploration, Inc.;
Docket No. CI79-643, Tenneco Exploration Ltd.;
Docket No. G-9299, et al., Phillips Petroleum Co., et al.
Docket No. CI77-532, Exxon Corp.;
Docket No. CI62-588, Amoco Production Co.;
Docket No. CI72-171, The Superior Oil Co.;
Docket No. CI72-235, Placid Oil Co.;
Docket No. CI72-238, Hunt Oil Co.;
Docket No. CI72-240, Hunt Petroleum Corp.;
Docket No. CI72-255 and CI75-24, Getty Oil Co.;
Docket No. CI72-295, Canadian Superior Oil (U.S.) Ltd.
Docket No. CI72-398, Transocean Oil, Inc.
Docket No. CI72-583, Highland Resources, Inc.
Docket No. CI79-471 and CI79-516, Mesa Petroleum Co.;
Docket No. CI79-467 and CI79-468, Kerr-McGee Corp.;
Docket No. CI79-508, Cities Service Co.;
Docket No. CI78-894, CNG Producing Co.;
Docket No. CI78-967, CNG Producing Co.;
Docket No. CI75-481, et al., The Superior Oil Co. et. al.;
Docket No. CI75-482, The Superior Oil Co.;
Docket No. CI78-1151, Transco Exploration Co.;
Docket No. CI76-535 (CS71-775), Northern Michigan Exploration Co.;
Docket No. CI80-31, Texas Eastern Exploration Co.;
Docket No. CI80-115, et al., Mobil-GC Corp.; (Successor to General Crude Oil Co.);
Docket No. CI74-274, Phillips Petroleum Co.;
Docket No. CI78-1217, Cities Service Co.;
Docket No. CI79-534, The Superior Oil Co.;
Docket No. CI80-118 (CS72-544), Mobil-GC Corp.;
Docket No. CI77-400, Texaco, Inc.
Docket No. CI79-648, Champlin Petroleum Co.;
Docket No. CI76-93, et al., Texaco, Inc., et al.;
Docket No. CI80-175, Pennzoil Producing Co.;
Docket No. G-19284, et al., General American Oil Co. of Texas, et al.
Docket No. CI80-32, Transco Exploration Co.;
Docket No. CI80-103, Texas Eastern Exploration Co.;
Docket No. G-13633, et al., Pennzoil Producing Co., et al.;
Docket No. CI79-438, General American Oil Co. of Texas, et al.;
Docket No. CI80-66, General American Oil Co. of Texas, et al.;
Docket No. CI80-172, Shell Oil Co.;
Docket No. CS71-210, et al., Gould Oil Inc. (Barnett Oil Co.).
CAG-5. Docket No. CP78-532, Ozark Gas Transmission System.
CAG-6. Docket No. CP77-476, Columbia Gas Transmission Corp.
CAG-7. Docket No. CP79-501, Gas Gathering Corp.
CAG-8. Docket No. CP79-494, Florida Gas Transmission Co.
CAG-9. Docket No. CP79-482, United Gas Pipe Line Co.
CAG-10. Docket No. CP80-173, Cities Service Gas Co.
CAG-11. Docket No. CP79-502, Transcontinental Gas Pipe Line Corp.
CAG-12. Docket No. CP79-457, Mississippi River Transmission Corp.
Docket No. CP78-376, Panhandle Eastern Pipeline Corporation and Trunkline Gas Co.
Docket No. CP80-143, Kansas-Nebraska Natural Gas Co.

CAG–13. Docket No. CP78–453, ANR Storage Co.;
Docket No. CP78–527, Great Lakes Gas Transmission Co.;
Docket No. CP78–545, Michigan Wisconsin Pipe Line Co.;
Docket No. CP79–438, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.;
Docket No. CP79–465, Michigan Consolidated Gas Co., Interstate Storage Division.
CAG–14. Docket No. CP80–286, Consolidated Gas Supply Corp.
CAG–15. Docket No. CP79–299, El Paso Natural Gas Co.

Power Agenda—448th Meeting, April 16, 1980, Regular Meeting

I. Electric Rate Matters

ER–1. Docket No. ER80–243, Southern Company Services, Inc.
ER–2. Docket Nos. ER77–488 and ER78–520 (Phase I), El Paso Electric Co.
ER–3. Docket No. ER77–411, et al., and ER77–23, et al., Illinois Power Co.
ER–4. Docket Nos. E–9520 and ER77–531, Illinois Power Co.
ER–5. Docket No. EL 79–8, Central Power & Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, and West Texas Utilities Co.

Miscellaneous Agenda—448th Meeting, April 16, 1980, Regular Meeting

M–1. Docket No. RM79–28, Amendments to Part 32 of the Regulations Under the Federal Power Act; Regulation Governing Interchange Energy Transmission Rates for Section 202(c) Emergencies.
M–2. Docket No. RM79–29, Amendments to Part 35 of the Regulations Under the Federal Power Act; Proposed Limitations on Adders for All Electric Rates.
M–3. Docket No. RM79–55, Small Power Production and Cogeneration Facilities—Rates and Exemptions.
M–4. Docket No. RM80– , Discontinuance of the Form RO211 and of Lists of Approved Forms, Statements and Reports.
M–5. Reserved.
M–6. Docket No. RM79–67, Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978.
M–7. Docket No. RM79–76, High-cost Natural Gas Produced From Tight Formations.
M–8. Docket No. RM80– , Revision of Filing Requirements of Part 273 of the Commission's Regulations.
M–9. Docket No. RM76–10, rate Schedule Analysis on a Continuing Basis: FERC Form No. 108. Docket No. RM76–15, Regulation of Small Producers.

Gas Agenda—448th Meeting, April 16, 1980, Regular Meeting

I. Pipeline Rate Matters:
RP–1. Docket No. RP78–86, Transwestern Pipeline Co.
II:
CI–1. Docket No. G–17136, Trice Production Co.;
Docket No. G–18516, Oleum Inc.;
Docket No. RI80–234, Trice Production Co.
CI–2. Docket No. RI75–112, Certain Producer and Pipeline Respondents.
III. Pipeline Certificate Matters:
CP–1. Docket Nos. CP78–123, et al., Northwest Alaskan Pipe Line Co., et al. (Northern Border Pre-Build).

Kenneth F. Plumb,
Secretary.

[S–734–80 Filed 4–9–80; 3:55 p.m.]
BILLING CODE 6450–01–M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45 F.R. 21436, April 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 3, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item was added to the agenda for the open meeting:

Targeted Advances Program and Changes to the Dividend Policy for the Federal Home Loan Banks for 1980.

Announcement is being made at the earliest practicable time.

No. 335, April 3, 1980.

[S–731–80 Filed 4–9–80; 10:19 am]
BILLING CODE 6720–01–M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45 FR 23576, April 7, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 10, 1980.

PLACE: 1700 G Street, N.W. Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:

Holding Company Acquisition and Merger—PennCorp Financial, Inc., Santa Monica, California and Houston First Financial Group, Houston, Texas, to acquire Capitol City Savings Association, Austin, Texas, and to merge said association into Houston First American Savings Association, Houston, Texas.
Application to Acquire Control of—First Savings and Loan Association of Midland, Midland, Texas—Southern Union Company and Southern Union Financial Corporation.

The following item has been withdrawn from the agenda for the open meeting:

Merger—Tuscon Savings and Loan Association, Baltimore, Maryland, into Chesapeake Federal Savings and Loan Association, Baltimore, Maryland.

Announcement is being made at the earliest practicable time.

No. 336, April 9, 1980.

[S–739–80 Filed 4–9–80; 3:55 pm]
BILLING CODE 6720–01–M

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 16, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Naples Federal Savings and Loan Association, Naples, Florida.
Application for Branch Office—Florida Federal Savings and Loan Association, St. Petersburg, Florida.
Application for Branch Office—Bridgeport Federal Savings and Loan Association, Bridgeport, Pennsylvania.
Request for Extension of Time to Open a Branch Office—Republic Federal Savings and Loan Association, Altadena, California.
Bank Membership and Insurance of Accounts—Frontier Savings and Loan Association, Redondo Beach, California.
Bank Membership and Insurance of Accounts—Mt. Whitney Savings and Loan Association, Exeter, California.
Commitment of Insurance of Accounts—Lincoln Savings and Loan Association, Miami, Unincorporated Dade County, Florida.
Preliminary Application for Conversion into a Federal Mutual Association—Cherryville Savings and Loan Association, Cherryville, North Carolina.
Conversion to a State-Chartered Mutual Association—St. Augustine Federal Savings and Loan Association, St. Augustine, Florida.
Liquidity Deficiency Penalties—North Louisiana Federal Savings and Loan Association, Lake Providence, Louisiana.
Application to Issue Secured Short-Term Notes—Continental Federal Savings and Loan Association, Oklahoma City, Oklahoma.
Service Corporation Application—C K Federal Savings and Loan Association, Concord, North Carolina.
Travel Authorization for Members of the Federal Savings and Loan Advisory Council.

No. 337, April 9, 1980.

[S–740–80 Filed 4–9–80; 3:55 pm]
BILLING CODE 6720–01–M

9

FEDERAL MARITIME COMMISSION.

DATE AND TIME: April 16, 1980, 10:00 a.m.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Petition of Totem Ocean Trailer Express, Inc. for the Commission to exercise jurisdiction over commodity rates exempt from regulation by the Interstate Commerce Commission.
2. Docket No. 79–61: Pan Ocean Bulk Carriers, Ltd.—Investigation of Rates on Neo-Bulk Commodities in the Trade Between the United States and South Korea—Recommendation of Hearing Counsel for further staff investigation.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–732–80 Filed 4–9–80; 12:54 pm]
BILLING CODE 6730–01–M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, April 15 and Wednesday, April 16, 1980.

PLACE: As indicated.

STATUS: Open and closed.

Tuesday, April 15; Bethesda (East-West Towers—Room 550) 4350 East-West Highway

10:00 a.m.

1. Briefing on Low-Power License for Salem (approximately 2 hours, rescheduled from 4/10) (public meeting).

2:00 p.m.

1. Briefing on Interim Actions on Peformance Testing for Personnel Dosimetry (approximately 1 hour, public meeting).
2. Briefing on Investigation of QA-QC Problems at South Texas Nuclear Project (approximately 1 hour, closed—exemption 5).

Wednesday, April 16; Commissioners' Conference Room—1717 H Street NW.

10:00 a.m.

1. Discussion of Accident Considerations Under NEPA (approximately 2 hours, public meeting).

2:00 p.m.

1. Briefing on Status of Review of Environmental Qualification of Electrical Components at Operating Power Reactors (approximately 2 hours, public meeting).
2. Affirmation Session (approximately 10 minutes, public meeting):
   a. Buckley FOIA Appeal,
   b. Review of ALABs 577 and 581 (Carolina P&L),
   c. Delegation of Authority to Regional Directors.
3. Time Reserved for Discussion and Vote on Affirmation Items (If required) (approximately 15 minutes, public meeting).

ADDITIONAL INFORMATION: Changes in Schedule for *Thursday, April 10;* "Briefing on Salem" is postponed to Tuesday, April 15. The "Affirmation Session" on April 10 will be held in the afternoon.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status whenever possible.

Roger M. Tweed,
Office of the Secretary.

[S–733–80 Filed 4–9–80; 3:11 pm]
BILLING CODE 7590–01–M

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federal register

Friday
April 11, 1980

Part II

Department of Health, Education, and Welfare

National Institutes of Health

Recombinant DNA Research; Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

V 45 / 72 APR 1 1 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Recombinant DNA Research; Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

AGENCY: National Institutes of Health (NIH), HEW.

ACTION: Publication of physical containment recommendations for large-scale uses of organisms containing recombinant DNA molecules.

SUMMARY: These physical containment recommendations for large-scale uses of organisms containing recombinant DNA molecules are published for public information in accordance with the recommendation of the NIH Recombinant DNA Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Dr. W. Emmett Barkely, Director, Division of Safety, Building 13, Room 2E45, National Institutes of Health, Bethesda, Maryland 20205.

SUPPLEMENTAL INFORMATION: The NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 6724, January 29, 1980) specify in Section IV–E–1–b–(3)–(d) that the Director, NIH, is responsible for "authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences."

At its September 6–7, 1979, meeting, the NIH Recombinant DNA Advisory Committee (RAC) adopted (by a vote of 14 in favor, none opposed, and 3 abstentions) procedures to be followed in reviewing such large-scale experiments. These procedures included the submission by the applicant of certain information including "a description of the applicant's laboratory practices, containment equipment, and facilities relevant to the containment of large volumes of culture."

At its May 21–23, 1979, meeting, the RAC approved (by a vote of 19 in favor, none opposed, and no abstentions) the creation of a working group to "examine physical containment requirements for large-scale experiments and that a document should be prepared."

At its December 6–7, 1979, meeting, the RAC reviewed Draft Physical Containment Guidelines for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules and voted (15 in favor, none opposed, and no abstentions) that additional comments be solicited on the draft standards.

At its March 6–7, 1980, meeting, the RAC reviewed Draft Physical Containment Guidelines for Large-Scale Use of Organisms Containing Recombinant DNA Molecules which had been revised from the earlier draft, based upon comments received. Following considerable discussion at the meeting, a motion was passed (with 16 in favor, 2 opposed, and 1 abstention) that the document be published in the **Federal Register.**

The document which is now published in the **Federal Register** contains changes from that reviewed by the RAC on March 7, 1980, based upon suggestions made at the March 7 meeting. These changes are:—(1) To eliminate what was Section VII–C–6 in the draft reviewed by the RAC on March 7, 1980; Section VII–D–6 which consists of identical text has been retained.—(2) To change the phrase "using a non-debilitated strain of the host organisms used in the research or production process" to "using the organism that will serve as the host for propagating the recombinant DNA molecules" in Section VII–B–2, VII–B–5, VII–C–2, VII–C–5, VII–C–8, VII–D–2, VII–D–5, and VII–D–9.

When earlier drafts of this document had been prepared it was proposed that it might eventually be formally promulgated as Part VII of the NIH Guidelines for Research Involving Recombinant DNA Molecules. It has not in fact been formally adopted as Part VII of the NIH Guidelines. The format has, however, been retained in this *Draft* Part VII. This document, while not formally part of the NIH Guidelines, can serve as a model for those preparing submissions to the NIH under the NIH Guidelines.

The document now published in the **Federal Register** is endorsed by the NIH Division of Safety as physical containment recommendations appropriate for large-scale uses of organisms containing recombinant DNA molecules.

Dated: March 31, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

Draft Part VII of the NIH Guidelines for Research Involving Recombinant DNA Molecules

VII. Physical Containment for Large-Scale Uses of Viable Organisms Containing Recombinant DNA Molecules

This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to all large-scale research or production activities approved by the Director, NIH in accordance with Sections IV–E–2–b–(1)–(e) and IV–E–1–b–(3)–(d) of the NIH Guidelines.

All provisions of the NIH Guidelines shall apply to large-scale research or production activities with the following modifications:

- Part VII shall replace Section II–B when quantities in excess of 10 liters of culture are involved in research or production.
- The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the biological safety officer shall include those specified in Section IV–D–4.
- The institution shall establish and maintain a health surveillance program for personnel engaged in large-scale research or production activities involving viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. The program shall include: preassignment and periodic physical and medical examinations; collection, maintenance and analysis of serum specimens for monitoring serologic changes that may result from the employee's work experience; and provisions for the investigation of any serious, unusual or extended illnesses of employees to determine possible occupational origin.

VII–A. *Selection of Physical Containment Levels.* The selection of the physical containment level required for recombinant DNA research or production involving more than 10 liters of culture is based on the containment guidelines established in Part III of the Guidelines. For purposes of large-scale research or production, three physical containment levels are established. These are referred to as P1–LS, P2–LS, and P3–LS. The P1–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P1 containment at the laboratory scale. The P2–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P2 containment at the laboratory scale. The P3–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. No provisions are made for large-scale research or production of viable organisms containing recombinant DNA molecules which require P4 containment at the laboratory scale. If necessary, these requirements will be established on an individual case basis.

VII–B. *P1–LS Level.*

VII–V–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to reduce the potential for escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment providing all physical containment requirements specified in Section II–B–1. of the Guidelines are met.

VII–B–2. Culture fluids (except as allowed in VII–B3.) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII–B–3. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII–B–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII–B–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII–B–6. Emergency plans required by Section IV–D–3–d. shall include methods and procedures for handling large losses of culture on an emergency basis.

VII–C. *P2–LS Level.*

VII–C–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment providing all physical containment requirements specified in Section II–B–2. of the Guidelines are met.

VII–C–2. Culture fluids (except as allowed in VII–C–3.) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII–C–3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of cultures fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII–C–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g. incinereation) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII–C–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opended for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII–C–6. Rotating seals and other mechanical devices directly associated with a closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhasted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

VII–C–7. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

VII–C–8. A closed system used for the propagation and growth of viable organisms containing the recombinant DNA molecules shall be tested for integrity of the containment features using the organism that will serve as the host for propagating recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecues, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

VII–C–9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified. This identification shall be used in all records reflecting testing, operation, and maintenance and in all documentation relating to the use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

VII–C–10. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

VII–C–11. Emergency plans required by Section IV–D–3–d shall include methods and procedures for handling large losses of culture on an emergency basis.

VII–D. *P3–LS Level.*

VII–D–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessels used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system providing all physical containment requirements specified in Section II–B–3 of the Guidelines are met.

VII–D–2. Culture fluids (except as allowed in VII–D–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

VII–D–3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII–D–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g. incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII–D–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at or slightly below atmospheric pressure.

VII–D–7. Rotating seals and other mechanical devices directly associated with a closed system used to contain viable organisms containing recombinant DNA molecules shall be be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

VII–D–8. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

VII–D–9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be tested for integrity of the containment features using the organisms that will serve as the host for propagating the recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

VII–D–10. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified: This identification shall be used in all records reflecting testing, operation and maintenance and in all documentation relating to the use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

VII–D–11. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

VII–D–12. Emergency plans required by Section IV–D–3–d shall include methods and procedures for handling large losses of culture on an emergency basis.

VII–D–13. Closed systems and other primary containment equipment used in handling cultures of viable organisms containing recombinant DNA molecules shall be located within a controlled area which meets the following requirements:

VII–D–13–a. The controlled area shall have a separate entry area. The entry area shall be a double-doored space such as an air lock, anteroom or change room that separates the controlled area from the balance of the facility.

VII–D–13–b. The surfaces of walls, ceilings, and floors in the controlled area shall be such as to permit ready cleaning and decontamination.

VII–D–13–c. Penetrations into the controlled area shall be sealed to permit liquid or vapor phase space decontamination.

VII–D–13–d. All utilities and service or process piping and wiring entering the controlled area shall be protected against contamination.

VII–D–13–e. Handwashing facilities equipped with foot-, elbow-, or automatically-operated valves shall be located at each major work area and near each primary exit.

VII–D–13–f. A shower facility shall be provided. This facility shall be located in close proximity to the controlled area.

VII–D–13–g. The controlled area shall be designed to preclude release of culture fluids outside the controlled area in the event of an accidental spill or release from the closed systems or other primary containment equipment.

VII–D–13–h. The controlled area shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential. If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the controlled area shall not be recirculated to other areas of the facility. The exhaust air from the controlled area may be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

VII–D–14. The following personnel and operational practices shall be required:

VII–D–14–a. Personnel entry into the controlled area shall be through the entry area specified in section VII–D–13–a.

VII–D–14–b. Persons entering the controlled area shall exchange or cover their personal clothing with work garments such as jumpsuits, laboratory coats, pants and shirts, head cover, and shoes or shoe covers. On exit from the controlled area the work clothing may be stored in a locker separate from that used for personal clothing or discarded for laundering. Clothing shall be decontaminated before laundering.

VII–D–14–c. Entry into the controlled area during periods when work is in progress shall be restricted to those persons required to meet program or support needs. Prior to entry all persons shall be informed of the operating practices, emergency procedures, and the nature of the work conducted.

VII–D–14–d. Persons under 18 years of age shall not be permitted to enter the controlled area.

VII–D–14–e. The universal biohazard sign shall be posted on entry doors to the controlled area and all internal doors when any work involving the organism is in progress. This includes periods when decontamination

procedures are in progress. The sign posted on the entry doors to the controlled area shall include a statement of agents in use and personnel authorized to enter the controlled area.

VII–D–14–f. The controlled area shall be kept neat and clean.

VII–D–14–g. Eating, drinking, smoking and storage of food are prohibited in the controlled area.

VII–D–14–h. Animals and plants shall be excluded from the controlled area.

VII–D–14–i. An effective insect and rodent control program shall be maintained.

VII–D–14–j. Access doors to the controlled area shall be kept closed, except as necessary for access, while work is in progress. Service doors leading directly outdoors shall be sealed and locked while work is in progress.

VII–D–14–k. Persons shall wash their hands when leaving the controlled area.

VII–D–14–l. Persons working in the controlled area shall be trained in emergency procedures.

VII–D–14–m. Equipment and materials required for the management of accidents involving viable organisms containing recombinant DNA molecules shall be available in the controlled area.

VII–D–14–n. The Controlled area shall be decontaminated in accordance with established procedures following spills or other accidental release of viable organisms containing recombinant DNA molecules.

[FR Doc. 80–10290 Filed 4–10–80; 8:45 am]
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federal register

Friday
April 11, 1980

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Maryland.—MD80–3021.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA80–5110	Mar. 14, 1980.
Florida:	
FL78–1088	Oct. 6, 1978.
Georgia:	
GA79–1014	Jan. 5, 1979.
GA79–1122	Aug. 31, 1979.
Maryland:	
MD78–3046	May 19, 1978.
Massachusetts:	
MA79–2008	Mar. 16, 1979.
Mississippi:	
MS80–1031	Jan. 11, 1980.
New York:	
NY79–3030	Aug. 31, 1979.
NY80–3001	Feb. 29, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Indiana:	
IN79–2004(IN80–2019)	Jan. 26, 1979.
IN79–2060(IN80–2015)	June 22, 1979.
Missouri:	
MO79–4092(MO80–4023)	Dec. 7, 1979.
New York:	
NY76–3077(MO80–3023)	Oct. 20, 1978.
Pennsylvania:	
PA78–3121(PA80–3025)	Sept. 22, 1978.
PA78–3016(PA80–3026)	Apr. 14, 1978.
PA78–3069(PA80–3028)	Oct. 6, 1978.

Cancellation of General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 30 days from the date of this notice the following General Wage Determinations applicable to residential construction consisting of single family homes and apartments up to and including four (4) stories:

NJ75–3068—Cape May County, New Jersey, dated July 11, 1975 in 40 FR 29437
NJ75–3097—Union County, New Jersey, dated September 19, 1975 in 40 FR 43414
MI75–2120—Muskegon County, Michigan, dated October 24, 1975 in 40 FR 49955
MI77–2104—Chippewa County, Michigan, dated July 22, 1977 in 42 FR 37699

Signed at Washington, D.C., this 4th day of April 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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NEW DECISION

STATE: Maryland

COUNTIES: Montgomery, Prince Georges

DECISION NO.: MD80-3021

DATE: Date of Publication

DESCRIPTION OF WORK: Residential Construction consisting of single family houses and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
RESIDENTIAL CONSTRUCTION					
Bricklayers	12.00				
Carpenters	6.32				
Carpet Layers	7.00				
Cement Masons	9.89				
Dry Wall Finishers	9.29				
Dry Wall Hangers	9.82				
Electricians	8.65	.70	3%		
Laborers:					
Unskilled	4.80				
Mason Tender	5.44				
Lathers	8.00				
Painters	6.74				
Plasterers	8.00				
Plumbers	8.38				
Roofers	5.50				
Sheet Metal Workers	6.00				
Soft Floor Layers	7.00				
Tile Setters	8.50				
Truck Drivers	5.98				
Power Equipment Operators					
Asphalt Paver	5.97				
Asphalt Roller	7.02				
Backhoe	8.00				
Bulldozer	9.26				
Gradall	6.45				
Grader	7.50				
Loader	7.89				

MODIFICATION PAGE 1

DECISION NO. CA80-5110 - Mod. #1

(45 FR 16796 - March 14, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Add:					
Communications and Systems Technicians:					
Monterey County	$14.85	1.15	3%+3.71		.10
Remaining Counties	10.00	.70	.30	1.87	
Painters:					
Sacramento, Sierra and Solano Counties:					
Brush	14.90	1.50	2.00	.80	.06
Spray	15.40	1.50	2.00	.80	.06
Tapers	15.70	1.50	2.00	.80	.06
Change:					
Plasterers:					
Alameda and Contra Costa Counties	12.94	1.10	2.60		.03
Monterey County	14.51	1.00	1.35		.01
Alpine, Amador, Butte, Calaveras, Colusa, El-Dorado, Glenn, Lassen (southern half), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties	13.21	1.21	2.15		.03

MODIFICATION PAGE 2

DECISION NO. CA80-5110 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Cos.	$11.60	1.13	.95	1.25	.01
Mariposa, Merced, Stanislaus and Tuolume Cos.	11.10	1.20	2.50	2.00	
Plumbers:					
Contra Costa County	17.07	1.40	2.39		.26
Plumbers; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Cos. (excluding Lake Tahoe area)	16.32	1.62	2.07		.14
Roofers:					
Lake, Mendocino, Napa, Solano and Sonoma Cos.:					
Roofers	12.43	1.10	1.40	2.43	.09
Mastic Workers; Kettle men (2 kettles w/o pumps)	12.68	1.10	1.40	2.43	.09
Bitumastic; Enamelers; Pipewrappers; Coal Tar pitch	14.43	1.10	1.40	2.43	.09
San Francisco and San Mateo Counties:					
Roofers	13.21	.80	1.50	1.90	.09
Mastic Workers; Kettle men (2 kettles w/o pumps	13.46	.80	1.50	1.90	.09
Bitumastic; Enamelers; Pipewrappers; Coal Tar pitch	14.21	.80	1.50	1.90	.09
Elevator Constructors	16.37	.895	.69	a	.03

MODIFICATION PAGE 3

Decision No. FL78-1086 - Mod. # 1	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(43 FR-46449 - October 6, 1978) Brevard & Volusia County, Florida					
Change:					
Sheet Metal Workers (Volusia Co.	7.63	.55	.30	.50	.04
DECISION #GA79-1014 - Mod. #8					
(44 FR 1632 - January 5, 1979) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Glaziers	$11.40	.80	.53		.11
Laborers:					
Group 1	7.30	.30	.33		.10
Group 2	7.52	.30	.33		.10
Group 3	7.80	.30	.33		.10
Group 4	8.05	.30	.33		.10
Group 5	8.37	.30	.33		.10
Plumbers & Pipefitters	11.90	1.00	.85		.11
DECISION #GA79-1122 - Mod. #4					
(44 FR 51491 - August 31, 1979) DeKalb & Fulton Counties, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 7.30	.30	.33		.10
Air tool operators (air, electric or gas powered, such as jackhammer, paving breaker, tamper, vibrator, spade, chipping hammer, & barco tamp), & pipelayers	7.52	.30	.33		.10
Tunnel laborers	8.05	.30	.33		.10
Powdermen	8.37	.30	.33		.10
Miners	9.90	.30	.33		.10
Plumbers & Pipefitters	11.90	1.00	.85		.11

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MODIFICATION PAGE 4

DECISION #MD 78-3046-Mod. # 7
(42 FR 21813-May 19, 1978)
Baltimore City, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters	11.70	.75	.69		.07
Laborers:					
Laborers	7.05	.35	.55		.075
Power Tool Operators	7.15	.35	.55		.075
Pipelayers, Wagon Drill operators, Air track drillers, Burners (demolition)	7.55	.35	.55		.075
Mason Tenders & Mortar Mixers (brick & stone work only)	8.20	.30	.50		.075
Add:					
Laborers:					
Jackhammer Operators-80 # and over	7.30	.35	.55		.075

MODIFICATION PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA79-2008 - MOD. #2 (44 FR 16313 - March 16, 1979) Essex County, Massachusetts					
Change:					
Carpenters & Soft Floor Layers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, W. Newbury, Lynn, Lynnfield, Nahant, Sangus, and Swampscott, Andover, Lawrence, Methuen, N. Andover, & W. Andover	$ 11.65	.95	1.00		.10
Electricians: Andover, Lawrence, Methuen, North Andover, Salisbury, West Newbury, Amesbury, Boxford, Georgetown, Groveland, Harverhill, Merrimac, Newbury, Newburyport, and Rowley	12.37	.75	3%+.60		.02
DECISION NO. MS-80-1031-Mod. #3 (45 FR 2492 - January 11, 1980) Hancock, Harrison, Jackson and Pearl River Counties, Mississippi					
CHANGE:					
Plumbers and Steamfitters	$11.43	.56	.75		.05

MODIFICATION PAGE 6

DECISION #NY79-3030 - Mod. #1
(44 FR 51481 August 31, 1979)
Steuben County, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.07	1.40	.90		.01
Bricklayers, Cement Masons, Marble Masons, Plasterers, Tile and Terrazzo Workers	11.05		.50		
Cement Masons, Heavy and Highway	11.20		.50		
Glaziers	9.60	.45	.60		.03
Ironworkers:					
Twps. of Atlantic and South Dansville:					
Structural, Ornamental, Reinforcing, Machinery Movers, Riggers, Rodmen, Fence Erectors and Stone Derrickmen	12.10	1.00	1.05		.10
Sheeters	12.35	1.00	1.05		.10
Sheeters, Bucker-up	12.225	1.00	1.05		.10
Remainder of County:					
Structural, Ornamental, Reinforcing, Machinery Movers, Fence Erectors Riggers, Rodmen, and Stone Derrickmen	10.98	.85	1.05		.05
Sheeters	11.23	.85	1.05		.05
Sheeters, Bucker-up	11.10	.85	1.05		.05
Plumbers and Steamfitters:					
Twps. of Avoca, Canisteo, Cohocton, Dansville, Fremont, West Union, Greenwood, Hartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pultney, Troupsburg, Wayland, Woodhill, Cameron, Rathbone and Tuscarora	13.18	2.485	1.22		.20
Sheet Metal Workers	11.22	.60	3%+.80		.10
Sprinkler Fitters	13.54	.75	1.05		.08
POWER EQUIPMENT OPERATORS:					
HEAVY AND HIGHWAY CONSTRUCTION					
Group I	12.35	1.15	1.25	a	.15
Group II	11.94	1.15	1.25	a	.15
Group III	10.78	1.15	1.25	a	.15
Group IV	9.75	1.15	1.25	a	.15

MODIFICATION PAGE 7

DECISION #NY79-3030 - Mod. #1

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or					
CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

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MODIFICATION PAGE 8

DECISION #NY79-3030 - Mod. #1

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

MODIFICATION PAGE 9

DECISION #NY80-3001 - Mod. #1
(45 FR 13617 February 29, 1980)
Dutchess County, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, grading, digging ditches	8.98	1.10	1.71	a+.40	
Hod Carriers, plasterers tenders, scaffold builders - (padlock and self supporting scaffold 14' or under, all runways) mortar mixers (machine and hand), concrete mixers (by machine under 21E), vibrators, form setters, pipelayers, asphalt rakers handling reinforcement rods, drillers, jackhammer operator, signalmen, gunniting, motorbugs, water pump 2" or under, barco machine, wrechers, paving breakers, power saw operators, other machine operators	9.23	1.10	1.71	a+.40	
Blasters, laser beam operators	9.38	1.10	1.71	a+.40	
IRONWORKERS	10.90	1.86	3.30	1.60	
POWER EQUIPMENT OPERATORS:					
HEAVY AND HIGHWAY CONSTRUCTION (Northern part of Dutchess to the Northern boundary line of the city of Poughkeepsie)					
GROUP I	12.35	1.15	1.25	a	.15
GROUP II	11.94	1.15	1.25	a	.15
GROUP III	10.78	1.15	1.25	a	.15
GROUP IV	9.75	1.15	1.25	a	.15

SUPERSEDEAS DECISION

STATE: INDIANA COUNTIES: *See Below
DECISION NO.: IN80-2019 DATE: Date of Publication
Supersedes Decision No. IN79-2004 dated January 26, 1979 in 44 FR 5621
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes & apartments up to & including 4 stories)

*CLAY, DAVIESS, GIBSON, GREENE, KNOX, MARTIN, PARKE, PIKE, POSEY, PUTNAM, SULLIVAN, VANDERBURGH, VERMILLION & VIGO

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clay, Greene, Parke, Putnam, Vermillion & Vigo Cos.	$13.65	.50	1.20		
Remaining Counties	12.91	.45	1.00		.03
BOILERMAKERS	14.25	1.275	1.00		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Posey & Vanderburgh Cos.	11.78	1.00	.75		
Remaining Counties	12.65	.60	1.00		.04
CARPENTERS; Piledrivermen; & Soft Floor Layers:					
Clay (N. of Hwy 246 including Brazil), Parke (except east of Twps. of Jessup, Rosedale, Carbondale, & Portland), Vermillion (South of Summit Grove) & Vigo Cos.:					
Carpenters; Soft Floor Layers	12.05	.58	.70		.02
Piledrivermen	12.55	.58	.70		.02
Clay (S. of Hwy 246 including Brazil), Daviess, Gibson (Princeton), Greene (excluding Twps. of Beech, Center, & Jackson), Knox, Martin, Pike (Jefferson & Washington Twps.), Posey, Sullivan & Vanderburgh Counties:					
Carpenters; Soft floor Layers	11.50	.70	.77		.02
Piledrivermen	11.90	.70	.77		.02
Greene Co. (Twps. of Beech, Center & Jackson):					
Carpenters; Soft Floor Layers	12.10	.72	.60		.01
Piledrivermen	12.35	.72	.60		.01

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Parke (East of Twps. of Jessup, Rosedale, Carbondale, & Portland), Putnam, & Vermillion (North of the South city limit of Summit Grove):					
Carpenters	13.15	.75	.85		.00
Pike Co. (exclu. Jefferson & Washington Twps.):					
Carpenters	12.27	.70	1.00		
Piledrivers	12.52	.70	1.00		
CEMENT MASONS:					
Clay, Parke, Putnam, Vermillion, & Vigo Cos.	10.20	.60	.25		
Daviess, Gibson, Knox, Martin & Pike Cos.	11.05	.80	.80		
Greene & Sullivan Cos.	12.05	.60	1.00		.04
Posey & Vanderburgh Cos.	12.30	.85	.65		
ELECTRICIANS:					
Clay, Greene, Knox (Electrical contracts over $5,000.00), Parke, Sullivan & Vigo Cos.	13.25	.55	3%+.70		.01
Daviess, Gibson, Martin, Pike, Posey, & Vanderburgh Cos.	13.85	.50	3%		4%
Knox (Electrical contracts under $5,000.00) Co.	12.85	.55	3%+.70		.01
Putnam County	13.70	4%	7%		4%
Vermillion County	13.17	.50	3%+.50		.25%
ELEVATOR CONSTRUCTORS:					
Clay, Greene, Parke, Putnam, Vermillion & Vigo Cos.	12.79	.745	.56	a+b	.035
Daviess, Gibson, Knox, Martin, Pike, Posey, Sullivan & Vanderburgh Cos.	12.86	.745	.56	a+b	.035
GLAZIERS:					
Clay, Greene (N½), Parke, Putnam, Sullivan (N½), Vermillion & Vigo Cos.	14.19				
Gibson, Knox, Pike, Posey, Sullivan (S½) & Vanderburgh Cos.	10.905	.48	.50	.25	

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DECISION NO. IN80-2019

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (except Gibson, Pike, Posey, & Vanderburgh Cos.)	11.85	1.00	2.30		.10
LATHERS:					
Clay, Daviess (N½), Greene, Martin, Parke, Vermillion, & Vigo Cos.	11.04	.61	.45		.04
Daviess (S½), Gibson, Knox, Pike, Posey, & Vanderburgh Cos.	11.97		.20		.01
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:					
Posey & Vanderburgh Cos.	11.10	.75	.75		
Remaining Cos.	12.25	.60	1.00		.04
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
All Counties, except Posey & Vanderburgh Cos.	8.50	.60	1.00		.04
MILLWRIGHTS:					
Clay (N. of Hwy. 246 including Brazil), Parke, Putnam, Vermillion & Vigo Cos.	13.15	.75	.85		.08
Clay (S. of Hwy. 246 exclu. Brazil), Daviess, Gibson (Princeton), Greene (exclu., Beech, Center & Jackson Twps.), Knox, Martin, Pike (Jefferson & Washington Twps.),& Sullivan Cos.	12.10	.70	.77		.02
Greene (Jackson, Center, & Beech Twps.) Co.	12.85	.77	.64		.01
Pike (Rem. of Co.), Posey, & Vanderburgh Cos.	12.29	.60	.90		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Clay & Putnam (City of Greencastle) Cos.:					
Brush; Drywall; Paperhanging; Pointing & Taper	9.00				
Brush-Steel; Roller	9.50				
Brush-Swing Stage	10.05				
Spray-Steel	10.50				
Spray	10.25				
Sandblasters; Spray-Swing Stage	10.75				
Daviess & Knox Cos.:					
Brush up to 30 ft.	11.30	.55			
Brush over 30 ft.	12.10	.55			
Wall Covering Hangers	12.60	.55			
Drywall Preparing	11.45	.55			
Roller up to 30 ft.	12.15	.55			
Roller over 30 ft.	12.95	.55			
Sandblasting, Spray up to 30 ft.	12.30	.55			
Sandblasting, Spray over 30 ft.	13.10	.55			
Greene, Sullivan & Vigo Cos.:					
Brush; Drywall w/o Tools Paperhangers w/o Tools; & Rollers	11.25				
Spray	11.00				
Structural Steel to 30 ft.	11.50				
Structural Steel 30 ft. to 100 ft.; Drywall w/Tools; Paperhangers w/ Tools; Spray	12.25				
Structural Steel over 100 ft.; Sandblasting	13.25				
Martin Co.					
Brush; Roller; Drywall	9.00				
Sandblasting; Spray	10.00				
Vinyl Hanging	9.10				
Parke & Vermillion Cos.:					
Brush; Paperhangers; Tapers	10.65			.50	
Sandblasting	12.65			.50	
Spray	12.15			.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Putnam Co. (exclu. City of Greenecastle):					
Brush; Roller; Drywall Tapers & Finishers	11.25	.70			
Structural Steel	11.50	.70			
Sandblasting	12.25	.70			
Spray	14.52				
Gibson (Power Plant in Princeton), Pike, Posey, & Vanderburgh Cos.:					
Brush; Roller	11.90	.80	.40		
Sandblasting; Spray; Steamcleaning; & Waterblasting	12.90	.80	.40		
Drywall Tapers	12.15	.80	.40		
PLASTERERS:					
Daviess, Gibson, Knox, & Martin Cos.	11.05	.80	.80		
Greene & Sullivan Cos.	12.65	.60	1.00		.04
Pike, Posey, & Vanderburgh Cos.	13.38				
PLUMBERS; Steamfitters:					
Clay, Greene, Knox (N. of Hwy. #50), Parke, Pike (Hoosier Energy Power Plant), Putnam, Sullivan, Vermillion & Vigo Cos.	13.85	.60	1.00		.10
Daviess, Gibson, Knox (S. of Hwy. #50), Pike (Rem. of Co.), Posey, & Vanderburgh Cos.	14.35	.60	1.00		.08
Martin County	13.60	.60	1.00		.15
ROOFERS:					
Clay, Greene, Knox, Parke, Sullivan, Vermillion, & Vigo Cos.	12.20	.50	.20		
Daviess, Gibson, Martin, Pike, Posey, & Vanderburgh Cos.					
Composition & Waterproofers	12.20	.75	.70		
Slate, Tile; Concrete Slab; Gypsum Plank	12.53	.75	.70		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Putnam Co.:					
Composition & Waterproof	12.50	.65	.50		
Slate, Tile, Asbestos & Precast Slab	12.75	.65	.50		
SHEET METAL WORKERS:					
Clay, Parke, Putnam, Sullivan, Vermillion & Vigo Cos.	13.41	.50+c	1.10		.09
Daviess, Gibson, Knox, Martin, Pike, Posey, & Vanderburgh Cos.	12.97	.55	.55		.03
SPRINKLER FITTERS	13.33	.75	1.05		.08

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. 7 paid holidays: A through F & Day after Thanksgiving

b. Employer Contributes 8% of Regular Hourly Rate to Vacation Pay Credit for Employee Who has Worked in Business more than 5 Years. 6% for Employee Who has worked in Business Less than 5 Years.

c. 3% of Gross Earnings to SASMI

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Daviess, Gibson, Knox, Pike, Posey, & Vanderburgh Cos.					
GROUP I	9.90	.85	.75		.09
GROUP II	10.10	.85	.75		.09
GROUP III	10.20	.85	.75		.09
GROUP IV	10.90	.85	.75		.09
Remaining Counties					
GROUP I	9.30	.85	.75		.09
GROUP II	9.50	.85	.75		.09
GROUP III	9.60	.85	.75		.09
GROUP IV	10.30	.85	.75		.09

GROUP I - Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's; Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not listed; All Portable Water Pumps With Discharge Up to 3 Inches

GROUP II - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding Railroad Material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (Metallic & non-metallic)

GROUP III - Plasterers' Tenders; Mason Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons

GROUP IV - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clay, Daviess, Greene, Knox, Parke, Putnam, Sullivan, Vermillion & Vigo Cos.					
GROUP I	13.15	.55	.75		.08
GROUP II	13.05	.55	.75		.08
GROUP III	12.85	.55	.75		.08
GROUP IV	8.00	.55	.75		.08

CLASSIFICATIONS

GROUP I - Master Mechanics

GROUP II - Utility Operator

GROUP III - Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork Lifts; Tournadozer; Mixer over 14S Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or Similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with Half Yard Bucket and/or Back Hoe Attachment; Trench Machines Cutting over 24"; Dredging Equipment; Central-Mix Plant Engineer; CMI or Similar Type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back-Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe cleaning Machines; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor Without Winch; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Rosco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; All one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caisnonn; Shafts or any Similar Type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP IV - Mixers 14S Capacity or Less; Trench Machine Cutting 24" and under; Farm Tractor with less than Half Yard Bucket and Other Attachments Except Back Hoe; truck Crane Oiler; Power Subgrader Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gunite Machine; Air Tuggers; Truck Crane Drivers; House Elevators When Used for Hoisting Material; Two to Four Generators or Welding Machines; Mechanized Heaters Irrespective of Motor Power When Used for Temporary Heat; Small Rollers on Earth; Engine Tenders; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-Propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies Motor Driven; Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers Without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with Booms from 149 ft. to 199 ft. Including Jib Receive Additional $.75 Per Hour
Cranes with Boom over 199 ft. Including Jib Receive Additional $1.25 Per Hour

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See below
DECISION NUMBER: IN80-2015 DATE: Date of Publication
Supersedes Decision No.: IN79-2060, dated June 22, 1979 in FR 36683
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

*Statewide, except Lake, LaPorte, Porter and St. Joseph Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Jasper, Newton and Starke Counties	13.53	.75	.82		.15
Elkhart County	11.97	.90	.90		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove) and Warren Counties	12.80	.75	.70		.08
Remainder of State of Indiana	11.93	.70	.70		.05
CEMENT MASONS:					
Adams, Allen, DeKalb, Noble, Steuben and Whitley Counties	10.85	.75	.80		.02
Brown, Jackson, Jefferson, Jennings, Lawrence, Orange Scott & Washington Cos.	11.00				
Benton (Eastern 2/3), Carroll, Cass, Clinton, Fountain (Eastern ½), Howard, Jasper (Southern 2/3), Miami, Montgomery, Newton (Southeastern 2/3), Tippecanoe, Warren (Eastern 2/3), & White Cos.	10.75	.60	.75		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jasper (Northeastern portion of Co. west to, but not including Wheatfield), Pulaski (Northern 2/3 of Co.), & Starke Counties	12.75	1.00	1.00		.06
Fulton, Marshall & Pulaski (S½) Counties	11.23	.85	.80		.04
Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash, & Wells Counties	10.75	.60	.80		
Clark, Floyd, & Harrison Counties	9.88	1.00	.70		.04
Elkhart, Kosciusko & LaGrange Counties	12.28		.30		.02
Boone, Hamilton (Southern ½ of Co., North to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (Northern ½ of Co.) Counties	11.16	.75	.75		.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	12.30	.85	.65		
Greene & Sullivan Cos.	12.05	.06	1.00		.04
Hamilton (Northern ½ of Co.), Hancock (Eastern ½ of Co.), Henry, Madison & Tipton Cos.	11.66	.65	.50		.08
Newton (Northern 1/3) Co.	11.42	.90	.60		.03
Decatur, Fayette, Franklin, Rush, Union & Wayne Cos.	10.35		1.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Daviess, Gibson, Knox, Martin & Pike Cos.	11.05	.80	.80		
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	10.20	.60	.25		
IRONWORKERS:					
Adams, Allen, Blackford, DeKalb, Delaware (Northeastern 1/3 of Co.), Grant (excluding S/W portion), Huntington, Jay, Kosciusko (SW portion incl. Warsaw), LaGrange (Eastern ½ of Co.), Noble, Randolph (N. part of Co. excluding Union City but including Winchester), Steuben, Wabash, Wells & Whitley Counties	12.35	1.00	1.70		.02
Elkhart, Fulton, Kosciusko (Rem. of Co), LaGrange (Western ½ of Co), Marshall, Pulaski & Starke, Counties	11.95	1.00	1.98		.03
Jasper (Northern ½ of Co), & Newton Counties	13.62	.90	1.66		.09
Clark, Crawford, Floyd, Harrison, Jackson (Southern ½ of Co.), Jefferson, Jennings (Southern ½ of Co.), Lawrence (Southern 2/3 of Co.), Martin (Eastern ½ of Co.), Orange, Scott & Washington Counties	12.00	1.40	1.45		.06
Marion County	12.10	1.00	1.95		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bartholomew, Boone (Southeastern ½ of Co.), Brown, Clinton (Eastern 1/3 of Co.), Decatur (Western ½ of Co.), Delaware (Southern 2/3 of Co.), Fayette (Western ½ of Co.), Franklin (NW Tip of Co.), Grant (SW portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (Northern ½ of Co), Jennings (Northern ½ of Co.), Johnson, Lawrence (Northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (Eastern ½ of Co., excluding Greencastle), Rush, Shelby, & Tipton Counties	12.25	1.00	1.95		.05
Benton, Boone (Northwestern ½ of Co.), Carroll, Cass, Clinton (Western 2/3 of Co.), Fountain, Jasper (Southern ½ of Co), Miami, Montgomery, Tippecanoe, Warren, & White Counties	12.24	1.00	1.65		.02
Fayette (Eastern ½ of Co.), Randolph (Rem. of Co.), Union (N 2/3 of Co.), & Wayne Counties	12.36	1.00	1.45		.06
Clay, Daviess, Greene, Knox, Lawrence (Northwestern 1/6 of Co.), Parke, Putnam (Western ½ of Co., including Greencastle), Sullivan, Vermillion, & Vigo Counties	11.85	1.00	2.30		.10
Dearborn, Decatur (Eastern ½ of Co), Franklin (Remainder of Co.), Ohio, Ripley, Switzerland, & Union (Southern 1/3) Cos.	13.08	1.00	1.45		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Adams, Allen, DeKalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley & Wells (Northern ½ of Co. to & incl. Bluffton):					
Brush, Paperhangers; Rollers & Tapers	9.90	.60	.85		.12
Sandblasters; Spray	10.90	.60	.85		.12
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller & Steel	9.45		.50		
Spray	10.45		.50		
Benton, Clinton, Fountain, Montgomery, Putnam (except City of Greencastle), Tippecanoe, & Warren Cos.:					
Brush; Roller	11.25	.70			
Structural Steel	11.50	.70			
Sandblasting	12.25	.70			
Spray	14.52	.70			
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the South city limits of Bluffton) Counties:					
Brush	10.80		.80		
Spray	11.80		.80		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (North ½ of Co.) & Shelby Cos.:					
Brush	11.24	.78	.48		
Spray	12.24	.78	.48		
Brown, Monroe, Morgan (excluding North ½ of Co.) & Owen Cos.:					
Brush	8.90			.30	
Structural Steel	9.65			.30	
Spray	9.90			.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll, Jasper, Newton, & White Counties:					
Brush	12.65	.79	.60		.05
Sandblasting; Sign & Spray	13.40	.79	.60		.05
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Counties:					
Brush	9.83	.35	.20		.03
Spray	10.28	.35	.20		.03
Clay & Putnam (City of Greencastle) Cos.:					
Brush; Drywall; Paperhanger; Pointing & Taping	9.00				
Brush-Steel; Roller	9.50				
Brush-Swing Stage	10.05				
Spray	10.25				
Spray-Steel	10.50				
Sandblasting; Spray-Swing Stage	10.75				
Daviess, Gibson & Knox Cos.:					
Brush up to 30'	10.55	.55			
Brush over 30'	11.35	.55			
Spray up to 30'	11.55	.55			
Spray over 30'	12.35	.55			
Dearborn, Ohio, Ripley & Switzerland Counties:					
Brush; Roller; Wallwashing; Drywall Taping & Finish; Paperhanging & Vinyl; Seamless Floors & Finishing Floors; Sanding	11.50				
Sandblasting & Steam Clean	11.50				
Spray; Epoxy	12.00				
Tanks, Elevators, Bridges, Steeples over 40 ft.	12.60				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties:					
Brush	13.05	.80	.40		
Spray	14.05	.80	.40		
Elkhart, Kosciusko, Marshall, Pulaski & Starke Counties:					
Brush	10.44		.40		15.00p/y
Drywall Taping & Finish; Paperhangers; Spray & Vinyl	10.34		.40		15.00p/y
Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties:					
Brush	9.35				
Sandblasting; Spray	10.35				
Structural Steel:					
Scaffold over 30 ft.	9.60				
Lawrence, Martin & Orange Counties:					
Brush; & Structural Steel	9.00				
Parke, & Vermillion Cos.:					
Brush	10.65			.50	
Spray	12.15			.50	
Greene, Sullivan & Vigo Counties:					
Brush	11.25				
Spray	12.25				
Structural Steel up to 30'	11.50				
Structural Steel 30' to 100'	12.25				
Structural Steel over 100'	13.25				

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	9.00	.85	.75		.09
GROUP 2	9.15	.85	.75		.09
GROUP 3	9.20	.85	.75		.09
GROUP 4	9.30	.85	.75		.09
GROUP 5	9.85	.85	.75		.09

LABORERS

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rap Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy, Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Screed Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION

	ZONE 2	ZONE 2A	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP 1	9.20	9.00	9.00	9.20	9.40
GROUP 2	9.35	9.15	9.15	9.35	9.55
GROUP 3	9.40	9.20	9.20	9.40	9.60
GROUP 4	9.50	9.30	9.30	9.50	9.70
GROUP 5	10.05	9.85	9.85	10.05	10.25
GROUP 6:					
A.	9.40	9.20	9.20	9.40	9.60
B.	9.55	9.35	9.35	9.55	9.75
C.	10.00	9.80	9.80	10.00	10.20
D.	9.50	9.30	9.30	9.50	9.70

Fringe Benefits Payments			
H & W	Pensions	Vacation	Education and/or Appr. Tr.
.85	.75		.09

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)
ZONE 2: Elkhart & St. Joseph Counties
ZONE 2A: Kosciusko, LaGrange, & Marshall Counties
ZONE 3: Benton, Blackford, Boone, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Jay, Madison, Miami, Montgomery, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wayne, & White Counties
ZONE 4: Marion & Shelby Counties
ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

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LABORERS (SEWER, TUNNEL, & WATER CONSTRUCTION)

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rap Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy, Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Screed Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

GROUP 6 - A. Bottom Man; Concrete Man
B. Concrete Headman
C. Miner or Header Man
D. Mucker & Tunnel Laborer

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley Counties					
Air Tool Operators; Jackhammers; Top Laborers; Well Point Leadman	9.00	.85	.75		.09
Pipelayer Tender	9.20	.85	.75		.09
Pipelayer	9.30	.85	.75		.09
Air Track Drillers; Wagon Drill Men; Dynamite Men; Powderman	9.85	.85	.75		.09
Free Air Tunnel & Caisson Work:					
Miners	9.80	.85	.75		.09
Muckers & Tunnel Laborers	9.25	.85	.75		.09
Bottom Men; & Concrete Men	9.30	.85	.75		.09

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POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$12.44	.75	.65		.10
GROUP II	11.13	.75	.65		.10
GROUP III	10.46	.75	.65		.10
GROUP IV	9.29	.75	.65		.10
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke, Cos.:					
GROUP I	11.26	1.25	1.35		.08
GROUP II	9.95	1.25	1.35		.08
GROUP III	9.28	1.25	1.35		.08
GROUP IV	8.11	1.25	1.35		.08
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	12.56	.50	.80		.08
GROUP II	11.25	.50	.80		.08
GROUP III	10.58	.50	.80		.08
GROUP IV	9.41	.50	.80		.08
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	12.36	.75	.75		.08
GROUP II	11.05	.75	.75		.08
GROUP III	10.38	.75	.75		.08
GROUP IV	9.21	.75	.75		.08

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (30 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame; Tractor with scoop

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

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POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 3 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Tender; Hetherington Driver; Hetherington Tender; Hydra Seeder; Mechanics Tender; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine 2 of 300 amps or over

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POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties:					
GROUP I	$12.44	.75	.65		.10
GROUP II	11.13	.75	.65		.10
GROUP III	10.46	.75	.65		.10
GROUP IV	9.29	.75	.65		.10
Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne & White Counties:					
GROUP I	12.50	.55	.65		.10
GROUP II	11.50	.55	.65		.10
GROUP III	9.60	.55	.65		.10
GROUP IV	8.50	.55	.65		.10

CLASSIFICATIONS

Group 1: Air Compressor (pressurizing Shafts, Tunnels and Divers); Air Tugger; Auto Patrol; Back Filler; Backhoe; Boom Cat; Boring Machine; Bull Dozer; Caisson Drilling Machine; Cherry Picker; Compactor (with dozer blade); Concrete Mixer (dual drum); Concrete Plant; Concrete Pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual Purpose Truck (pitman type); Ditching Machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork Lift; Formless Paver; Generator (power for Welders or Compressors); Gradall; Helicopter; Helicopter Winch Operator; High Lift - Front End Loader; Hoist; Locomotive and/or Dinky Engine; Mechanic on job site; Mucking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop and Tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle Carrier - Ross type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with Backhoe (1/2 yard and over); Trench Box - power driven; Tunnel Shield; Welder (craft)

Group 2: A-Frame Truck; Batcher Plant (Automatic Dry Batch); Bending Machine - power driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bull Float; Compactor or Tamper - self-propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader - power driven; Ditching Machine (less than 18"); Drilling Machine; Finish Machine and Bull Float; Finishing Machine; Fireman - Pile Driving and Boilers; Gunite Machine; Head Greaser; Mesh Depresser - Mesh Placer; P.C.C. Concrete Belt Placer; Roller - Asphalt, Stone and Sub Base; Rotary Drill; Sheepsfoot Roller - self-propelled; Spreader or Base Paver - self-propelled; Sub Grader; Throttle Valve with Air Compressor or Boiler; Tractor with Backhoe (under 1/2 yard); Tractor - High Lift, farm type; Tractor, industrial type; Tractor with Winch; Well Points; Winch Truck

Group 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot, power agitated; Flex Plane; Form Grader; Hydrohammer; Jacks - Hydraulic, power driven; Minor Equipment Operator 2, 3, 4 or 5; Paving Joint Machine; Post Hole Digger; Roller, earth; Throttle Valve; Track Jack, power driven; Tractor, farm type; Truck Crane Driver

Group 4: Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Power Broom; Pump Welding Machine; Tenders

POWER EQUIPMENT OPERATORS
(Sewer, Tunnel, & Water Construction)

Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.25	.40	.45		.08
Group 2	9.15	.40	.45		.08
Group 3	7.91	.40	.45		.08

CLASSIFICATIONS

Group 1: A-Frame Winch Truck; Air Compressor, 900 cu. ft. and over; Air Tugger; Auto-grade (CMI); Auto Patrol: Backhoe; Ballast Regulator (RR); Batcher Plant (electric control concrete); Bending Machine (Pipe); Bituminous Plant; Bituminous Mixer Travel Plant; Bituminous Paver; Roller; Bulldozer; Cable Way; Chicago Boom; Clamshell; Concrete Mixer (21 cu. ft. or over); Concrete Paver; Concrete Pump (Creto); Crane; Craneman; Crusher Plant; Derrick; Derrick Boat; Dinkey; Dope Pots (Pipeline); Draglino; Dredge Operator; Dredge Engineer; Drill Operator; Elevating Grader; Elevator; Ford Hoe (or similar type equipment); Forklift; Formless Paver; Gantry Crane; Gradeall; Grademan; Grout Pump; Helicopter Crew; Hetherington Paver; Highlift; Hoist; Hopto; Hough Loader (or similar type); Hydro Crane; Hydro Hammer; Locomotive Crane; Locomotive; Mechanic; Mobile Mixer; Motor Crane; Mucking Machine; Multiple Tamping Machine (RR); Overhead Crane; Pile Driver; Pulls; Push Dozer; Push Boats; Roller (Sheepfoot); Ross Carrier; Scoop; Shovel; Side Boom; Swing Crane; Tail Boom; Tar Machine (Pipeline); Throttle Valve; Tower Crane; Trench Machine; Welder, heavy duty; Truck Mounted Concrete Pump and Drill; Well Point; Whirleys

Group 2: Air Compressor (up to 900 cu. ft.); Brakeman; Bull Float; Concrete Mixer (over 10S and under 21S); Concrete Spreader or Puddler; Deck Engine; Electric Vibrator Compactor (earth or rock); Finishing Machine; Fireman; Greaser (on grease facilities servicing heavy equipment); Material Pump; Motor Boats; Portable Loader; Post Hole Digger; Power Broom; Rock Roller; Roller-wobble wheel (earth and rock); Spike Machine (RR); Seaman Tiller; Spreader Rock; Sub-grader; Tamping Machine; Welding Machine; Widener (Apsco or similar type)

Group 3: Bituminous Distributor; Cement Gun; Concrete Saw; Conveyor; Deck Hand Oiler; Drill Tender; Earth Roller; Form Grader; Generator; Guard Rail Driver; Heater; Oiler; Paving Joint Machine; Steam Jenny; Truck Crane Oiler; Vibrator; Water Pump

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POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction) Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	13.15	.55	.75		.08
GROUP II	13.05	.55	.75		.08
GROUP III	12.85	.55	.75		.08
GROUP IV	8.00	.55	.75		.08

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork lifts; Tournadozer; Mixer over 14S Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel, Macadam and Brick Surface; Ross Carrier or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with half Yard bucket and/or Back Hoe Attachment; Trench Machines cutting over 24"; Dredging Equipment; Central Mix Plant Engineer; CMI or similar type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe Cleaning Machines; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor Without Winch; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Reseo Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caissons; Shaft or any similar type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

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POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 14S capacity or less; Trench Machine cutting 24" and under; Farm Tractor with less than half yard bucket and other Attachments except Back Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gunite Machine; Air Tuggers; Truck Crane Drivers; House Elevators when used for hoisting Material; Two to Four Generators or Welding Machine; Mechanized Heaters irrespective of Motor Power when used for temporary heat; Small Rollers on Earth; Engine Tenders; Firemen; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Fulcometer; Switchman on Paint Pots; Fireman on Asphalt Plants; Distributar Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies motor driven; Oilers; Barrel; Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib, receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive addftional $1.25 per hour

DECISION NO. IN80-2015

POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction) Jasper, Newton, Pulaski, & Starke Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.20	$1.10	$1.10		.05
Group 2	12.70	1.10	1.10		.05
Group 3	11.15	1.10	1.10		.05
Group 4	10.15	1.10	1.10		.05

CLASSIFICATIONS

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27S cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes, all; Cranes, Hammerhead Tower; Crater Crane; Derricks, all; Derricks, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tugger, one floor; Hydraulic Boom Truck; Locomotive, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors

Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backhoe, Front-end Loader with Backhoe Bucker, 1/2 cu. yd. and under; Grader, Elevating; Greaser Engineer; Grouting Machines; Highlift Shovels or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoists, all elevators; Hoists, Tugger, single drum; Post Hole Digger; Rollers, all; Scoops - tractor drawn; Stone Crushers; Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractors, farm and similar type; Air Compressor - small, 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches

Group 4: Heaters, Mechanical (1 to 5); Oilers & Saltsman

DECISION NO. IN 80-2015

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 9.805	31.00a	37.00a		
GROUP B	9.755	31.00a	37.00a		
GROUP C	9.705	31.00a	37.00a		
GROUP D	9.655	31.00a	37.00a		
GROUP E	9.605	31.00a	37.00a		
GROUP F	9.555	31.00a	37.00a		
GROUP G	9.505	31.00a	37.00a		
GROUP H	9.455	31.00a	37.00a		
GROUP I	9.405	31.00a	37.00a		
GROUP J	9.355	31.00a	37.00a		
GROUP K	9.305	31.00a	37.00a		
GROUP L	9.205	31.00a	37.00a		

CLASSIFICATIONS

GROUP A - Accy Wagons over 3 Buckets
GROUP B - Accy Wagons to and including 3 Buckets
GROUP C - Tandem-tandem Semi-Trucks; Truck Mechanics and Welders; Heavy Equipment Type Water Wagon over 5,000 Gallons; Tri-Axle Trucks pulling Tilt-Top Trailers; Low Boys, Tandem-tandem Axle
GROUP D - Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.; Tandem Axle Trucks pulling Tilt-Top Trailers; LowBoys; Tandem Axle Tri-Axle Batch
GROUP E - Tandem "Dog-Legs" Trucks; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F - Truck Mounted Pavement Breakers; Tandem Trucks over 15 Ton Payload; Single Axle Semi-Trucks; Farm Tractors hauling material; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under; Mixer Trucks, All Types; Single Axle Trucks pulling Tilt-Top Trailer; Lowboys, Single Axle
GROUP G - Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)
GROUP H - Single Axle Dog-Legs; Tandem Trucks or Dog Legs; Winch Trucks or A Frames used for Transportation; Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I - Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors, (two man)
GROUP J - Single Axle Straight Trucks; Wet or Dry 3 (34E) Batches or less; Grease & Maintenance Trucks servicing Single Axle Trucks
GROUP K - Tenders; Greasers; Tire men; Batch Board Tenders
GROUP L - Pick-Up trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

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LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide, except Clark, Clinton (Frankfort), Crawford, Dearborn, DuBois, Floyd, Fountain, Gibson, Harrison, Jackson, Jefferson, Miami (Peru & Bunker Hill Air Base), Newton, Perry, Pike, Posey, Scott, Spencer, Switzerland, Vanderburgh, Vermillion, Warren, Warrick and Washington, Counties:					
Linemen; Technicians	12.27	.45	3%		.5%
Equipment Operators	9.58	.45	3%		.5%
Powder & Equipment Mechanic	9.37	.45	3%		.5%
Groundman Truck Driver w/w	8.00	.45	3%		.5%
Groundman	7.68	.45	3%		.5%
Clark, Floyd, Harrison, Jackson, Jefferson, Scott, & Washington, Counties:					
Linemen; Line Truck Driver; Mechanized Equipment Operators	15.20	.45	3%		.5%
Groundmen	9.42	.45	3%		.5%
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties:					
Linemen; Line Truck Operators; Hole Digger; Cable Splicer	13.90	.45	3%		.5%
Truck Driver	12.85	.45	3%		.5%
Groundman	12.54	.45	3%		.5%
Newton County:					
Linemen	14.98	.45	3%		.5%
Fountain, Vermillion, & Warren Counties:					
Linemen; Groundman Equipment Operator	13.67	.45	3%		.5%
Groundman Truck Driver with Winch	11.22	.45	3%		.5%
Groundman Truck Driver without Winch	10.53	.45	3%		.5%
Groundman	10.00				
Clinton (Frankfort Only) & Miami (Peru & Bunker Hill Air Base Only) Counties:					
Linemen; Heavy Equipment Operators "A"	12.38	.45	3%		.5%
Cable Splicers	13.46	.45	3%		.5%
Heavy Equipment Operators "B"	9.98	.45	3%		.5%
Powderman; Equipment Mechanic	9.75	.45	3%		.5%
Groundman - Truck Driver with Winch	8.17	.45	3%		.5%
Groundman	7.79	.45	3%		.5%
Groundman - Truck Driver without Winch	6.99	.45	3%		.5%

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dearborn & Switzerland Counties					
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operator all Mechanized equipment operators	13.90	.70	3%+.60		.5%
Groundmen	10.41	.70	3%+.60		.5%
Over 18 up to & including 21 mi radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all Mechanized equipment operators	14.30	.70	3%+.60		.5%
Groundmen	10.65	.70	3%+.60		.5%
Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all Mechanized equipment operators	14.30	.70	3%+.60		.5%
Groundmen	10.73	.70	3%+.60		.5%
Over 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all Mechanized equipment operators	14.45	.70	3%+.60		.5%
Groundmen	10.84	.70	3%+.60		.5%

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Missouri COUNTY: Statewide
DECISION NO.: MO80-4023 DATE: Date of Publication
Supersedes Decision No. MO79-4092 dated December 7, 1979 in 44 FR 70637
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & FILEDRIVERMEN:					
Zone 1	11.76	.65	.70	.50	.03
Zone 1A	11.36	.65	.70	.50	.03
Zone 2	11.21	.65	.70	.50	.03
Zone 3	11.90	.50	.40		.03
Zone 4	11.30	.50	.40		.03
Zone 5	10.35	.65	.70	.50	.03
Zone 6	11.87	.33			.03
Zone 7	11.87	.33			.03
Zone 7A	11.57	.33	.30		.03
Zone 8	11.47	.53			.03
Zone 9	11.00	.50	.30		.05
Zone 10	11.96	.75	.90		

AREAS COVERED BY CARPENTERS & FILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, St. Francois & Washington Counties
Zone 3 - Cass and Lafayette Counties
Zone 4 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper & Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County & City

DECISION NO. MO80-4023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
Zone 1	11.675	.65	.50		
Zone 2	10.93				
Zone 3	9.50	1.00	.95		
Zone 4	12.50	.65	.50		
Zone 5	7.50	.85	.50	.55	
Zone 6	8.75				
Zone 7	10.43				
Zone 8	11.05				
Zone 9	7.40				
Zone 10	11.30	.65	.50		
Zone 11	10.55				
Zone 12	10.15	1.00	.95		

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass and Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski and Texas Counties
Zone 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00
Zone 4 - Clay, Jackson, Platte and Ray Counties
Zone 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
Zone 9 - Barry, Barton, Jasper, Lawrence, McDonald, Newton and Vernon Counties
Zone 10 - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
Zone 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties
Zone 12 - St. Louis City and County, Jefferson, and St. Charles Counties, and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects $100,000.00

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Electrical contract over $15,000.00	12.30	.54	3%	11.5%	4%
Electrical contracts $15,000.00 & under	10.49	.54	3%	11.5%	4%
ZONE 2	13.38	.69	3%+.70	.95	.12
ZONE 3					
Electrical contracts not to exceed 2000 man hours	12.38	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	3%+.70	.95	.12
ZONE 4					
Electrical contracts not to exceed 2000 man hours	12.38	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	3%+.70	.95	.12
ZONE 5					
Electrical contract not to exceed 2000 man hours	11.78	.69	3%+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	3%+.70	.95	.12
ZONE 6	12.25	.70	3%+5½%	15½%	.12
ZONE 7					
Electrical contracts over $15,000.00	12.25	.70	3%+5½%	15½%	.10
ZONE 8					
Electrical contract $15,000.00 and under	11.46	.70	3%+5½%	15½%	.10
ZONE 9					
Electrical contract $15,000.00 and under	8.86	.70	3%+5½%	15½%	.10
ZONE 10					
Electrical contract $15,000.00 and under	6.26	.70	3%+5½%	15½%	.10

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ELECTRICIANS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 11	12.305	.47	3%+1.00	6%	.02
ZONE 12	12.795	.47	3%+1.00	6%	.02
ZONE 13	11.84	.60	3%+1.00	7%	.02
ZONE 14					
Electricians	10.54	.65	3%+.75	5%	.01
Cable splicers	10.89	.65	3%+.75	5%	.01
ZONE 15					
Electricians	13.00	.47	3%+.50	7%+.30	.01
Cable splicers	13.25	.47	3%+.50	7%+.30	.01

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $15,000.00
Electrcial contracts $15,000.00 and under

ZONE 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due west to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded

ZONE 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.

ZONE 5 - Carroll, Cooper, Morgan, Ray and Saline Counties

ZONE 6 - St. Charles County, St. Louis County and City

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
Electrical contract over $15,000.00

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ELECTRICIANS (CONT'D)

ZONE 8 - Franklin, Jefferson, Lincoln, and Warren Counties.
Electrical contracts $15,000.00 and under

ZONE 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contracts $15,000.00 and under

ZONE 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties:
Electrical contracts $15,000.00 and under

ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties

ZONE 12 - Pulaski County

ZONE 13 - Andrew, Buchanan, Clinton, and DeKalb Counties

ZONE 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties

ZONE 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

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DECISON NO. MO 80-4023

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	12.075	.55	1.05		.09
Zone 2	12.35	.80	1.50	1.00	.05
Zone 3	12.235	.80	1.50	1.00	.05
Zone 4	11.30	.75	.65		.12
Zone 5	12.25	.55	1.05		.06
Zone 6	10.00	.45	.55		.04
Zone 7	9.90	.45	.65		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Cos.

ZONE 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.

ZONE 6 - Howell, Oregon, Ozark and Taney Cos.

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
Zone 1	10.09	.60	.60	.75	.10
Zone 2	8.69	.60	.60	.75	.10
Zone 3	10.10	.60	.50		.10
Zone 4	9.20	.60	.50		.10
GROUP 2					
Zone 1	10.24	.60	.60	.75	.10
Zone 2	8.84	.60	.60	.75	.10
Zone 3	10.25	.60	.50		.10
Zone 4	9.35	.60	.50		.10
GROUP 3					
Zone 1	10.39	.60	.60	.75	.10
Zone 2	8.99	.60	.60	.75	.10
Zone 3	10.40	.60	.50		.10
Zone 4	9.50	.60	.50		.10
GROUP 4					
Zone 1	10.59	.60	.60	.75	.10
Zone 2	9.19	.60	.60	.75	.10
Zone 3	10.60	.60	.50		.10
Zone 4	9.70	.60	.50		.10
GROUP 5					
Zone 1	10.84	.60	.60	.75	.10
Zone 2	9.44	.60	.60	.75	.10
Zone 3	10.85	.60	.50		.10
Zone 4	9.85	.60	.50		.10

LABORERS CLASSIFICATION DEFINITIONS ZONES 1 and 2

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines,power tool operator, all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block; dynamite and powder men; welder

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LABORERS CLASSIFICATION DEFINITIONS ZONES 3 and 4

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, manhole builder helpers and mortar men on brick or block manholes; sandblasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade,Dallas, Daviess, DeKalb,Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties

ZONE 3 - Franklin, Jefferson and St. Charles Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
ZONE 5					
Group 1	9.65	.60	.60	.75	.10
Group 2	9.80	.60	.60	.75	.10
Group 3	9.95	.60	.60	.75	.10
Group 4	10.15	.60	.60	.75	.10
Group 5	10.45	.60	.60	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; from setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.

GROUP 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6 - St. Louis City and County:					
General laborer	10.575	.45	1.00		
Dynamiter or powderman	11.075	.45	1.00		
Pier hole	10.825	.45	1.00		
LINE CONSTRUCTION:					
ZONE 1					
Lineman	14.32	.45	3%+.25		4%
Lineman operator	13.33	.45	3%+.25		4%
Groundman powderman	9.94	.45	3%+.25		4%
Groundman	9.44	.45	3%+.25		4%
Groundman (1st 6 mos.)	8.08	.45	3%+.25		4%
ZONE 2					
Lineman	13.68	.45	3%+.25		4%
Lineman operator	13.04	.45	3%+.25		4%
Groundman powderman	9.48	.45	3%+.25		4%
Groundman	8.75	.45	3%+.25		4%
Groundman (1st 6 mos.)	6.64	.45	3%+.25		4%
ZONE 3					
Lineman & cable splicers	12.16	.50	3%	12½%	4%
Groundman - winch driver	8.93	.50	3%	12½%	4%
Groundman - driver	8.61	.50	3%	12½%	4%
Equipment operator	10.87	.50	3%	12½%	4%
Groundman - 1st 6 mos.	6.91	.50	3%	12½%	4%
Groundman - next 12 mos.	7.20	.50	3%	12½%	4%
Groundman - next 12 mos.	7.90	.50	3%	12½%	4%
Groundman - thereafter	8.61	.50	3%	12½%	4%
ZONE 4					
Lineman	12.70	.45	3%+7%		4%
Groundman equipment op.	11.27	.45	3%+7%		4%
Groundman - Class A	7.99	.45	3%+7%		4%
ZONE 5 - Railroad and Cross County Transmission Lines					
Lineman	12.13	.45	3%+.25		4%
Lineman operator	11.22	.45	3%+.25		4%
Groundman powderman	8.34	.45	3%+.25		4%
Groundman	7.78	.45	3%+.25		4%
Pole treating specialist	12.73	.45	3%+.25		4%
Pole treating truck driver	8.34	.45	3%+.25		4%
Pole treating groundman	7.78	.45	3%+.25		4%

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties

ZONE 5 - Atchinson, Andrew, Buchanan, Bates, Benton, Barton, Barry, Clinton, Caldwell, Clay, Carroll, Cass, Cedar, Christian, DeKalb, Daviess, Dallas, Dade, Douglas, Grundy, Greene, Gentry, Harrison, Holt, Henry, Hickory, Jackson, Johnson, Jasper, Livingston, Lafayette, Laclede, Lawrence, Mercer, McDonald, Nodaway, Newton, Ozark, Platte, Pettis, Polk, Ray, Saline, St. Clair, Stone, Taney, Vernon, Worth, Webster and Wright Counties

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PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Brush and roller	12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Bridge	12.94	.55	.70		.08
ZONE 2					
Brush	10.50		.25		.01
Spray	11.25		.25		.01
ZONE 3					
Brush	7.85				
Spray	8.35				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	11.25				
Bridge	12.00				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	12.25				
All structural steel over 50 ft. in height	12.00				
ZONE 6					
Brush	10.95	.85	.35		
Spray	11.95	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	9.87		.45		
Spray	10.245		.45		
ZONE 9					
Brush	10.20		.20		
Spray	10.70		.20		
ZONE 10					
Brush	11.24	.68	.33		.08
Spray	12.74	.68	.33		.08
ZONE 11					
Brush	9.90	.50			
Spray, bridgemen, steelmen	10.40	.50			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 12					
Brush	7.50				
Structural steel	8.00				
Spray	6.80				
ZONE 13					
Brush	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair,Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 10 - Jefferson, St. Charles and St. Louis & City Counties
ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 12 - St. Francois and Ste. Genevieve Counties
ZONE 13 - Marion County

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP I	11.90	.75	1.00	.75	.10
GROUP II	11.65	.75	1.00	.75	.10
GROUP III	10.95	.75	1.00	.75	.10
GROUP IV	9.45	.75	1.00	.75	.10
GROUP V	12.15	.75	1.00	.75	.10
GROUP VI	11.90	.75	1.00	.75	.10
GROUP VII	9.95	.75	1.00	.75	.10
ZONE 2					
GROUP I	10.52	.50	1.00		
GROUP II	9.97	.50	1.00		
GROUP III	9.52	.50	1.00		
GROUP IV:					
(a)	11.32	.50	1.00		
(b)	12.07	.50	1.00		
(c)	12.52	.50	1.00		
(d)	13.27	.50	1.00		
(e)	11.02	.50	1.00		
ZONE 3					
GROUP I	11.85	.75	1.00	.40	.02
GROUP II	11.65	.75	1.00	.40	.02
GROUP III	11.45	.75	1.00	.40	.02
GROUP IV	10.85	.75	1.00	.40	.02
GROUP V	12.10	.75	1.00	.40	.02
GROUP VI	12.35	.75	1.00	.40	.02
GROUP VII	12.60	.75	1.00	.40	.02
ZONE 4					
GROUP I	10.85	.75	1.00	.40	.02
GROUP II	10.50	.75	1.00	.40	.02
GROUP III	10.30	.75	1.00	.40	.02
GROUP IV	9.45	.75	1.00	.40	.02
GROUP V	11.10	.75	1.00	.40	.02
GROUP VI	11.35	.75	1.00	.40	.02
GROUP VII	11.60	.75	1.00	.40	.02

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5					
GROUP I	12.45	.85	1.00	1.05	.10
GROUP II	12.20	.85	1.00	1.05	.10
GROUP III	11.50	.85	1.00	1.05	.10
GROUP IV	10.00	.85	1.00	1.05	.10
GROUP V	12.70	.85	1.00	1.05	.10
GROUP VI	12.95	.85	1.00	1.05	.10
GROUP VII	13.20	.85	1.00	1.05	.10
ZONE 6					
GROUP I	11.65	.85	1.00	1.05	.10
GROUP II	10.30	.85	1.00	1.05	.10
GROUP III	10.10	.85	1.00	1.05	.10
GROUP IV	8.80	.85	1.00	1.05	.10
GROUP V	11.90	.85	1.00	1.05	.10
GROUP VI	12.15	.85	1.00	1.05	.10
GROUP VII	12.40	.85	1.00	1.05	.10
ZONE 7					
GROUP I	12.07	.60	1 00	.46	
GROUP II	10.95	.60	1.00	.46	
GROUP III	10.75	.60	1.00	.46	
GROUP IV	9.20	.60	1.00	.46	
GROUP V	12.32	.60	1.00	.46	
GROUP VI	12.57	.60	1.00	.46	
GROUP VII	12.82	.60	1.00	.46	
ZONE 8					
GROUP I	12.07	.60	1.00	.46	
GROUP II	10.95	.60	1.00	.46	
GROUP III	10.75	.60	1.00	.46	
GROUP IV	9.20	.60	1.00	.46	
GROUP V	12.32	.60	1.00	.46	
GROUP VI	12.57	.60	1.00	.46	
GROUP VII	12.82	.60	1.00	.46	
ZONE 9					
GROUP I	11.30	.75	1.00	.40	.02
GROUP II	11.10	.75	1.00	.40	.02
GROUP III	10.90	.75	1.00	.40	.02
GROUP IV	10.30	.75	1.00	.40	.02
GROUP V	11.55	.75	1.00	.40	.02
GROUP VI	11.80	.75	1.00	.40	.02
GROUP VII	12.05	.75	1.00	.40	.02

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled;highloader-fork lift; and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2
GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.
GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1
GROUP IV - Mechanic's helper, oiler
GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels and backhoes, 3 yd. capacity or over
GROUP VI - Hoist (each additional drum over 1 drum)
GROUP VII - Oiler driver, all types
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

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POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley, air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine, boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jack-hammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-green); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine; automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D:

GROUP II - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street, welding machine, one over 400 amp.; winch operating from truck

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D:

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer; operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds. (d) Air pressure engineer operating over ten pounds. (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane

Work in tunnel or tunnel shaft, .25¢ above base rate.

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor operator; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator (50 hp or less); hydrobroom

GROUP IV - Oiler, grout machine

GROUP V - Crane with 3 yds. & over buckets; Dragline operator - 3 yds. & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; crane rigs, 100' of boom (including jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs 150' to 200' or over (incl. jib)

GROUP VII - Crane, rigs 200' or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam-shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled;highloader; hoisting engine - 2 active drusm; launchhammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators;trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fire-man (drum or bouler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator, crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator;form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

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POWER EQUIPMENT OPERATORS ZONES 5,6,7, and 8 CONT'D:

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)
GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair,Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk. St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - St. Louis City and County					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week
b - Employer contribution of $12.50 per week
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.
d - Paid vacation of 3 days for 600 hours of service any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
GROUP 1	9.99	.75	1.25	.75	
GROUP 2	10.19	.75	1.25	.75	
GROUP 3	10.50	.75	1.25	.75	
GROUP 4	10.65	.75	1.25	.75	
GROUP 5	9.765	.75	1.25	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

GROUP 3 - A-frame, low boy, boom

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1	12.80				
GROUP 2	12.95				
GROUP 3	13.02				
GROUP 4	12.91				
GROUP 5	12.70				
ZONE 4					
GROUP 1	11.75				
GROUP 2	11.90				
GROUP 3	11.97				
GROUP 4	11.86				
GROUP 5	11.65				
ZONE 5					
GROUP 1	12.15	1.00	1.25		
GROUP 2	12.30	1.00	1.25		
GROUP 3	12.37	1.00	1.25		
GROUP 4	12.26	1.00	1.25		
GROUP 5	12.05	1.00	1.25		
ZONE 6					
GROUP 1	10.94	1.00	1.25		
GROUP 2	11.09	1.00	1.25		
GROUP 3	11.21	1.00	1.25		
GROUP 4	11.10	1.00	1.25		
GROUP 5	10.84	1.00			
ZONE 7					
GROUP 1	10.21	1.00	1.25		
GROUP 2	10.36	1.00	1.25		
GROUP 3	10.48	1.00	1.25		
GROUP 4	10.37	1.00	1.25		
GROUP 5	10.11	1.00	1.25		

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion,Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois,Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Cuunties
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin Gentry, Grundy, Harrison,Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

"Unlisted classificatiuns needed for work not including within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(ii))."

SUPERSEDEAS DECISION

STATE: New York COUNTY: Westchester
DECISION NO.: NY80-3023 DATE: Date of Publication
Supersedes Decision No. NY78-3077 dated October 20, 1978 in 43 FR 49196
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	14.77	.8617	1.7233		
Boilermakers	13.19	5%	15%	7%	.02
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	13.05	1.00	2.00	a	.07
Carpenters	10.40	1.40	1.25	1.30	.135
Dockbuilders	12.59	1.70	1.03	1.01	.05
Electricians	12.75	6%	9½%+b	10%	.5%+.02
Elevator Constructors	11.32	.745	.35+j	c+d	.02
Glaziers	12.85	.66	1.91	.67	.01
Ironworkers:					
Ornamental	11.53	1.51	3.05	1.00	.14
Structural	12.50	1.86	3.85	1.60+c	.11
Reinforcing	10.79	1.325	1.985	.75+d	.03
Laborers, Building:					
Unskilled	8.50	1.15	1.05	.75+e	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement Breakers, Plastering, Accoustic Pumps, Barco and all Air Tampers, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and all Pneumatic Equipment	8.75	1.15	1.05	.75+e	
Lathers:					
Metal	10.79	1.325	1.985	.75+d	.03
Wall on	12.00				
Leadburners	10.75	.40	.25	f	.01
Marble Setters:					
Cutters and Setters	10.25	1.21	1.71	g	
Carvers	10.45	1.21	1.71	g	
Polishers	10.93	1.21	1.71	g	
Crane Operators	9.55	1.21	1.71	g	
Painters:					
Brush	9.55	.65	1.08	.40	.05
Spray	10.55	.65	1.08	.40	.05
Tapers	10.35	.65	1.08	.40	.05
Steel and Swing Stage and Boatswain Chair	10.91	.65	1.08	.40	.05
Piledrivers and Soft Floor Layers	12.69	1.70	1.78	1.05	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers	12.01	1.788	1.14	1.20	.30
Roofers	10.50	2.69	2.70		.10
Sheet Metal Workers	13.32	2.093	1.903		.13
Sprinkler Fitters	13.54	.75	1.05		.08
Terrazzo Workers	11.88	1.32	1.50		
Terrazzo Finisher	9.84	1.21	1.50		
Terrazzo Finisher Machine Operator	9.99	1.21	1.50		
Tile Setters	11.223	1.15	1.10		
Welders - receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).					

PAID HOLIDAYS:
A-New Year's Day; M-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: Columbus Day and one hour off with pay on Election Day
b. Employer contributes $7.50/day to a Security Benfit Fund
c. Paid Holidays: A and F provided the employee works a full half day preceding or following the holiday.
d. Work of Christmas Eve and New Years Eve will terminate at 12 noon but employees will receive a full days pay.
e. One hr. off to vote on election day
f. Holidays A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediatly preceding and following the holiday
g. Holiday: ½ day's pay for Labor Day

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Blasters, blaster (quarry master) Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	10.40	9%	9%	a+.82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders. barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatim tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	9.85	9%	9%	a+.82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	9.75	9%	9%	a+.82	
Joy driller's helper, wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	9.60	9%	9%	a+.82	
	9.50	9%	9%	a+.82	

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: (CONT'D)					
Wrecking:					
Blasters	10.50	9%	9%	a+.82	
Barmen, and burner	10.00	9%	9%	a+.82	
Barmen helpers and laborers	9.85	9%	9%	a+.82	
Shaft and Tunnel in Free Air:					
Blasters	10.65	9%	9%	a+.82	
Concrete setters	10.85	9%	9%	a+.82	
Form setters	10.35	9%	9%	a+.82	
Miners, drill runners air, tuggers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	10.15	9%	9%	a+.82	
Puddlers	10.10	9%	9%	a+.82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe relinors and Boring	10.00	9%	9%	a+.82	
Laborers	9.75	9%	9%	a+.82	
Powder carriers, signalmen	9.70	9%	9%	a+.82	
Brakemen	9.65	9%	9%	a+.82	
Outside laborers	9.60	9%	9%	a+.82	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veterans' Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Street Lighting Systems, installation of Signal Cable Systems, Overhead and Underground when installed on streets and right of way:					
Linemen	9.28	5%%+a	7½%	10%	.02
Compressor	7.68	5%%+a	7½%	10%	.02
Lamp Changer	7.16	5%%+a	7½%	10%	.02
Utility Outside Work:					
Linemen	10.71	6%+b	9½%	10%	.02
Compressor	8.67	6%+b	9½%	10%	.02
Boring Machine	9.32	6%+b	9½%	10%	.02
Dynamite Man	9.53	6%+b	9½%	10%	.02
Groundman	7.28	6%+b	9½%	10%	.02
Driver Groundman	8.14	6%+b	9½%	10%	.02
New Construction of Steel Towers, Substations, All Railroad Work Underground:					
Linemen and Cable Splicers	13.26	6%+b	9½%	10%	.02
Equipment Operators	12.20	6%+b	9½%	10%	.02
Heavy Driver groundman	10.67	6%+b	9½%	10%	.02
Driver Groundman	10.21	6%+b	9½%	10%	.02
Groundman	9.68	6%+b	9½%	10%	.02
Dynamite and Transit Men	11.80	6%+b	9½%	10%	.02
Mechanic	11.54	6%+b	9½%	10%	.02

FOOTNOTES:
a. Employer contributes $3.00 per hour to Supplementary Unemployment Benefit Fund.
b. Employer contributes $7.00 per hour to Supplementary Unemployment Benefit Fund.

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POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	14.572	6%+1.20	10%	a	2%
GROUP I-B	14.105	6%+1.20	10%	a	2%
GROUP II	13.66	6%+1.20	10%	a	2%
GROUP III-A	13.517	6%+1.20	10%	a	2%
GROUP III-B	13.047	6%+1.20	10%	a	2%
GROUP IV-A	13.235	6%+1.20	10%	a	2%
GROUP IV-B	12.905	6%+1.20	10%	a	2%
GROUP V-A	12.232	6%+1.20	10%	a	2%
GROUP V-B	11.762	6%+1.20	10%	a	2%
GROUP VI-A-1	15.94	6%+1.20	10%	a	2%
GROUP VI-A-2	15.087	6%+1.20	10%	a	2%
GROUP VI-A-3	14.087	6%+1.20	10%	a	2%
GROUP VI-A-4	14.802	6%+1.20	10%	a	2%
GROUP VI-A-5	18.802	6%+1.20	10%	a	2%
GROUP VI-A-6	12.232	6%+1.20	10%	a	2%
GROUP VI-A-7	18.517	6%+1.20	10%	a	2%
GROUP VI-B-1	10.732	6%+1.20	10%	a	2%
GROUP VI-B-2	12.332	6%+1.20	10%	a	2%
GROUP VI-B-3	10.817	6%+1.20	10%	a	2%
GROUP VI-B-4	13.93	6%+1.20	10%	a	2%
GROUP VII	14.575	6%+1.20	10%	a	2%

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POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; barber green loader-euclid loader or similar type; conway or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; letourneau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker(air ram); paver (concrete); road boring machine; road mix machines; ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scoopmobile-tractor-shovel over 1½ yards; trenching machines-vermeer concretesaw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane under 25 ton and cherry picker under 25 ton

GROUP I-B: Compressor (steel erection); pulse meter and push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader; bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; mechanic (outside) all types; welder scrapers-20 yards struck and under; machine pulling Sheep's Foot Roller; vibratory rollers, etc. and roller 4 ton and over

GROUP III-A: Asphalt plant; boiler (high pressure); Bulldozer D6 and similar tractors with a draw bar Horse Power less than 100; concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader-1½ yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine and well point system

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size,; lighting unit (portable & generator); welding machine (steel erection and excavation); and compressor plant

GROUP IV-A: Air tractor drill; batch plant; bending machines; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader; pump-gypsum, etc., pump-plaster; roller under 4 ton; spreading and fine grading machine; syphone pump-air-steam; tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine and roof hoist (tugger hoist)

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POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION PROJECTS CONT'D

GROUP IV-B: Compressor to 125 [illegible]; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny and sweeper

GROUP V-A: Concrete saw; oiler fuel truck and oiler grease truck

GROUP V-B: Mechanics helper; oiler; paint compressor; welder's helper and motorized roller (walk behind)

GROUP VI-A-1: Master mechanic and assistant master mechanic

GROUP VI-A-2: Helicopter hoist operator

GROUP VI-A-3: Welder certified

GROUP VI-A-4: Engineer pile driver

GROUP VI-A-5: Helicopter pilot

GROUP VI-A-6: Helicopter signalman

GROUP VI-A-7: Engineer,-all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs)

GROUP VI-B-1: Utility man

GROUP VI-B-2: Second engineer

GROUP VI-B-3: Oiler (asphalt paver)

GROUP VI-B-4: Cable splicer

GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, supper structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engineer-material; overhead crane and power house plant

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I-A	13.25	6% + a	9½%	b	2%
Group I-B	12.625	6% + a	9½%	b	2%
Group II-A	12.45	6% + a	9½%	b	2%
Group III-A	12.325	6% + a	9½%	b	2%
Group III-B	11.70	6% + a	9½%	b	2%
Group IV-A	12.20	6% + a	9½%	b	2%
Group IV-B	11.575	6% + a	9½%	b	2%
Group V-A	11.20	6% + a	9½%	b	2%
Group V-B	10.575	6% + a	9½%	b	2%
Group VI-A					
Class I	14.45	6% + a	9½%	b	2%
Class II	13.70	6% + a	9½%	b	2%
Class III	16.70	6% + a	9½%	b	2%
Class IV	13.45	6% + a	9½%	b	2%
Class V	16.95	6% + a	9½%	b	2%
Class VI	11.20	6% + a	9½%	b	2%
Class VII	12.2875	6% + a	9½%	b	2%
Group VI-B					
Miscellaneous					
Class I	10.575	6% + a	9½%	b	2%
Class II	9.75	6% + a	9½%	b	2%

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telophics, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASS III - Engineer- all Tower Cranes, all clibing cranes and all cranes of greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the some is rigged (except for pile rigs).

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter Pilot

CLASS VI - Helicopter Signalman

CLASS VII - Jersey spreader, pavement breaker (air raw), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams & York
DECISION NO.: PA80-3025 DATE: Date of Publication
Supersedeas Decision No. PA78-3121 dated September 22, 1978, in 43 FR 43232.
DESCRIPTION OR WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.61	1.12	.90		.01
Boilermakers	14.64	1.175	1.00		.02
Bricklayers & Stonemasons	10.65	.60	.45		
Carpenters (York County)	10.44	.75	.70		.03
Carpenters (Adams County)	10.92	.55	.65		.05
Cement Masons (Adams County)	10.79	.70	.70		
Cement Masons (York County)	9.94	.35	.25		.01
Electricians:					
Franklin, Carrol, Monoghan, and Fairview Townships in York County	11.36	.65	3%+.67		1/4%
Remainder of York County, and Adams County in its entirety	11.95	.45	3%+.15		.01
Elevator Constructors	11.23	.745	.56	a+b	.025
Elevator Constructors Helpers	7.86	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.615				
Glaziers	10.14	.55	.60		.01
Ironworkers	12.505	1.24	1.36		.03
Laborers:					
General laborers	7.20	.50	.62		
Operator of jackhammer (etc.)	7.40	.50	.62		
Wagon drill operator	7.50	.50	.62		
Handling of all materials(etc.)	7.35	.50	.62		
Laborers assisting tile (etc.)	7.25	.50	.62		
Handling & using dynamite	7.53	.50	.62		
Caisson work (top men)	7.45	.50	.62		
Caisson work (bottom men)	7.65	.50	.62		
Mixer man	7.60	.50	.62		
Line Construction:					
Linemen, cable splicers	12.05	.45	3%		3/8%
Winch truck operators	8.43	.45	3%		3/8%
Groundman	7.23	.45	3%		3/8%
Marble, tile & terrazzo workers	9.20	.45	.45		
Millwrights (Adams County)	12.57	.55	.65		.05
Millwrights (York County)	10.94	.75	.70		.03

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DECISION NO. PA80-3025 PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$8.40	.35	.15		
Steel & Spray	8.95	.35	.15		
Piledrivermen	11.52	1.48	1.40	a	.13
Plasterers (York County)	8.60	.35	.25		.01
Plasterers (Adams County)	9.85	.70	.70		.01
Plumbers	11.55	.85	.90		.12
Roofers:					
Composition	10.00	.61	.30	.25	
Slate & tile	10.60	.61	.30	.25	
Sheet Metal Workers	11.06	1.42	1.18		.14
Soft Floor Layers:					
Adams County	9.20	.55	.65		.05
York County	10.44	.75	.70		.03
Sprinkler Fitters	13.55	.75	1.05		.08
Steamfitters	11.55	.85	.90		.12
Truck Drivers:					
Pickup, Dump, Service Trucks, Flat Trucks to and including 2 License Highway Plates	8.39	d	e		
Transit Mix, Winch Trucks, Tractor Trailers, all types of Euclid, Ross Lumber Carriers, and Trucks over 2 Plates	8.64	d	e		
Welder- Receive rate for craft					

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. PA80-3025 PAGE 3

Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years of more of service or 6% basic hourly rate for 4 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.

d. Employer shall contributes $71.37 per month to a Health & Welfare Fund.

e. Employer shall contributes $46.80 per month to a Pension Fund.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

DECISION NO. PA80-3025 PAGE 4

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lehigh
DECISION NO.: PA80-3026 DATE: Date of Publication
Supersedeas Decision No. PA78-3016 dated April 14, 1978, in 43 FR 16106.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.61	1.12	.90		.01
BoilermaKers	14.64	1.175	1.00		.02
Bricklayers	10.90	1.00	1.15		.01
Carpenters	11.10	.84	.72		.03
Cement Masons	11.27	1.00	.41		
Electricians	11.75	.70	3%+.80		.02
Elevator constructors	11.615	.745	.56	a+b	.025
Elevator Constructors' Helpers	70%JR	.745	.56	a+b	.025
Elevator Constructors' Helpers (Probationary)	50%JR				
Glaziers	9.19	.40	.40		.01
Ironworkers, Structural	12.45	1.14	1.36		
Ironworkers, Reinforcing	12.45	1.14	1.36		
Ironworkers, Ornamental	12.45	1.14	1.36		
Laborers:					
Laborers & window cleaners	8.09	.62	.59		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrified concrete or non metallic pipe and the making of joints for same and cofferdams (below 10')	8.34	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	8.84	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and moldco-D and sandblastor helpers, power buggies, all floor hardner and "curo" application shall be work of the mason tender, all pumps such as the concrete, plaster mortar and water, installing plastic or other non-solid					

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Laborers: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
refractory materials in connection with the boiler work	$8.49	.62	.59		
Barko Tamper Operator	9.11	.62	.59		
Lathers	11.11	.65	.40		.01
Lead Burners	10.75	.40	.25	c	.01
Line Construction:					
Linemen & cable splicers	12.61	.45	3%		3/8of 1%
Groundmen	7.57	.45	3%		3/8 of 1%
Winch truck operator	8.83	.45	3%		3/8 of 1%
Marble Setters	9.65	1.00	1.15		
Millwrights	11.50	.84	.72		.05
Painters:					
Brush	10.65	1.23	.75		.05
Structural steel	11.75	1.23	.75		.05
Spray	11.65	1.23	.75		.05
Plasterers	11.12	1.00	.41		.01
Plumbers	12.73	.85	1.40		.14
Roofers, composition & slate	12.03		1.30		
Sheet Metal Works	11.06	1.42	1.18		.14
Soft Floor Layers	9.95	.64	.72		.08
Sprinklers Fitters	13.55	.75	1.05		.08
Piledrivermen	11.52	2.48	1.40	d	.13 .11
Steamfitters	12.76	.80	1.45		.01
Stone Masons	10.90	1.00	1.15		.01
Terrazzo Workers	9.90	1.00	1.15		
Tile Setters	9.65	1.00	1.15		
Truck Drivers	8.93	e	f	g	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Eight paid holidays; A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday, & is available for work the days preceding & following the holiday.

d. Paid Holidays: Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day, Thanksgiving Day and Christmas Day.

e. Employer contributes $83.03 per month to a Health & Welfare Fund.

f. Employer contributes $56.35 per month to a pension fund.

g. When an employee has been employed for one year but less than five years he shall receive one weeks vacation.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contrctc clauses (29 CFR, 5.5 (a) (1) (II))."

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machiines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Berks
DECISION NO.: PA80-3028 DATE: Date of Publication
Supersedeas Decision No. PA78-3069 dated October 6, 1978, in 43 FR 46475.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.61	1.12	.90		.01
Boilermakers	14.64	1.175	1.00		.02
Bricklayers & Stonemasons	10.40	.90	.85		
Carpenters	10.48	.77	.65.		
Cement Masons	10.29		1.65		
Electricians:					
Herford, Longswamp & Washington, Twps., portion of Maxatawney, Twp., east of Sacony Creek Marion, Tulpehocken & Bethel Twps.	11.75	.70	3%+.80		.02
Remainder of County	10.09	.65	3%+.67		1/4%
Elevator Constructors	12.49	.78	3%+ .30		.03
Elevator Constructors' Helpers	11.615	.745	.56	b+c	.025
Elevator Constructors' Helpers (Prob.)	70% of JR	.745	.56	b+c	.025
Glaziers	50% of JR 9.19	.40	.30		.01
Ironworkers, structural & ornamental, bridge	12.40	1.24	1.36		.02
Ironworkers, reinforcing	12.40	1.24	1.36		.02
General Laborers	8.00	.45	.35		
Operators of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies	8.23	.45	.35		
Cofferdam, (below 10'), tunnel free air muckers	8.28	.45	.35		
Handling and Using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold builders and removal for plasterers	8.39	.45	.35		
Mason tenders, scaffold builders, removal for mason and power buggies	8.43	.45	.35		
Plasters	8.45	.45	.35		

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DECISION NO. PA80-3028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$11.28		.25		.01
Lead Burners	10.75	.40	.25	a	.01
Line Construction:					
Lineman	12.61	.45	3%		3/8 of 1%
Groundman	7.57	.45	3%		3/8 of 1%
Winch truck operator	8.83	.45	3%		3/8 of 1%
Millwrights	11.00	.77	.65		
Painters:					
Brush	9.75	.75	.80		
Bridge, tower, stacks & tanks	11.20	.75	.80		
Spray and steel	10.80	.75	.80		
Piledrivermen	11.52	2.48	1.40	a	.13
Plasterers	10.31		1.65		.01
Plumbers	12.73	.85	1.40		.14
Roofers:					
Albany, Maxstany and Windsor Composition and slate	12.03		1.30		
Remainder of County Composition, damp & waterproof	13.47	1.40	.95	d	
Roofer Assistant	6.50	1.40	.95	d	
Sheet metal workers	11.06	1.42	1.18		.14
Soft floor layers	10.48	.77	.65		
Sprinkler Fitters	13.55	.75	1.05		.08
Steamfitters	12.76	.80	1.45		.11
Stone masons	10.40	.90	.85		
Truck Drivers:					
Truck drivers					
Truck drivers, helpers					

DECISION NO. PA80-3028

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F, plus the Friday after Thanksgiving.

d. Paid holidays: Election Day and Labor Day.

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

DECISION NO. PA80-3028

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc. 80-10732 Filed 4-10-80; 8:45 am]
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federal register

Friday
April 11, 1980

Part IV

Equal Employment Opportunity Commission

Sex Discrimination Harassment; Adoption of Interim Guidelines

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Interim Interpretive Guidelines

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim amendment to guidelines on discrimination because of sex.

SUMMARY: The Equal Employment Opportunity Commission is amending its Guidelines on Discrimination Because of Sex on an interim basis, in order to clarify its position on the issue of sexual harassment and to invite the public to comment on the issue. This amendment will re-affirm that sexual harassment is an unlawful employment practice. These Interim Guidelines are in full effect from the date of their publication; however, EEOC will receive comments for 60 days subsequent to the date of publication. After the comment period EEOC will evaluate the comments, make whatever changes to the Interim Guidelines may seem appropriate in light of the comments, and publish the final Guidelines.

DATES: Effective date: April 11, 1980. Comments must be received on or before June 10, 1980.

ADDRESSES: Written comments may be addressed to: Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, NW., Room 4096, Washington, D.C. 20506.

All envelopes should be marked Sexual Harassment on the lower left corner.

All public comments may be reviewed from 9:30 a.m. to 4:30 p.m., Monday through Friday, at: Library (Room 2303), EEOC, 2401 E Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, Office of Policy Implementation, Room 4002, 2401 E Street, NW., Washington, DC 20506, (202) 634–7060.

SUPPLEMENTARY INFORMATION: Sexual harassment like harassment on the basis of color, race, religion, or national origin, has long been recognized by EEOC as a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. However, despite the position taken by the Commission, sexual harassment continues to be especially widespread. Because of the continued prevalence of this unlawful practice, the Commission has determined that there is a need for guidelines in this area of Title VII law. Therefore, on an interim basis EEOC is amending its Guidelines on Discrimination because of Sex (37 FR 6836, April 5, 1972, as amended) to add § 1604.11, Sexual Harassment.

Interim § 1604.11(a) provides that harassment on the basis of sex is a violation of Title VII and states that such unwelcomed behavior may be either physical or verbal in nature. The interim section also sets out three criteria for determining whether an action constitutes unlawful behavior. These criteria are (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. It is the Commission's position that sexual harassment, like racial harassment, generates a harmful atmosphere. Under Title VII, employees should be afforded a working environment free of discriminatory intimidation whether based on sex, race, religion, or national origin. Therefore, the employer has an affirmative duty to maintain a workplace free of sexual harassment and intimidation.

Interim § 1604.11(b) recognizes that the question of whether a particular action or incident establishes a purely personal, social relationship without a discriminatory employment effect requires a factual determination. In making such a determination, the Commission will look at the record as a whole and at the totality of the circumstances, emphasizing the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Interim § 1604.11(c) applies general Title VII principles to the issue of sexual harassment and states that an employer is responsible for the acts of its supervisory employees or agents, regardless of whether the acts were authorized or forbidden by the employer and regardless of whether the employer knew or should have known of the acts. This paragraph (c) of § 1604.11 further states that the Commission will determine whether an individual acts in either an agency or a supervisory capacity on a case by case basis, examining the circumstances of the particular employment relationship and the job functions performed by the individual, rather than accepting an individual's title as being controlling.

Interim § 1604.11(d) distinguishes the employer's responsibility for the acts of its agents or supervisors from the responsibility it has for the acts of other persons. This paragraph (d) of 1604.11 states that liability for the acts of those persons not mentioned in paragraph (c) exists only when the employer, or its agents or supervisory employees, knows or should have known of the conduct. The paragraph further provides that the employer may rebut this apparent liability for the conduct by showing that it took immediate and appropriate corrective action.

Consistent with the policy of voluntary compliance under Title VII, § 1604.11(e) recognizes that the best way to achieve an environment free of sexual harassment is to prevent the occurrence of sexual harassment by utilizing appropriate methods to alert the employees to the problem and to stress that sexual harassment, in any form, will not be tolerated. This paragraph (e) of § 1604.11 requires an employer to take all steps necessary for the prevention of sexual harassment and gives the following as examples of steps which might be deemed necessary: Affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of sexual harassment under Title VII, and developing methods to sensitize all concerned.

This amendment to the "Guidelines on Discrimination Because of Sex" is a significant regulation under Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978). There are no regulatory burdens or recordkeeping requirements necessary for compliance with the amendment. The Commission has determined that these proposed guidelines will not have major impact on the economy and that a regulatory analysis is not necessary.

In compliance with Executive Order 12067 (43 FR 28967, July 5, 1978), the Commission has consulted with representatives of the Office of Personnel Management, Department of Justice, Department of Labor, and Department of Health, Education, and Welfare. At the end of the 60 day comment period, the Commission will again consult with these agencies on the issues raised through the public comment process.

Signed at Washington, D.C. this 3rd day of April, 1980.

Eleanor H. Norton,

Chair, Equal Employment Opportunity Commission.

Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows:

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.[1] Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to persons other than those mentioned in paragraph (c) of this section, an employer is responsible for acts of sexual harassment in the workplace where the employer, or its agents or supervisory employees, knows or should have known of the conduct. An employer may rebut apparent liability for such acts by showing that it took immediate and apppropriate corrective action.

(e) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

[FR Doc. 80-10946 Filed 4-8-80; 12:15 pm]

BILLING CODE 6570-06-M

[1] The principles involved here continue to apply to race, color, religion or national origin.

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Part V

Department of Health, Education, and Welfare

Office of Education

Emergency School Aid

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 185

Emergency School Aid

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations governing nonprofit organization grants under the Emergency School Aid Act. Under this program, a nonprofit organization supports a local educational agency in the development or implementation of a qualifying desegregation plan. These proposed regulations implement changes in the program made by Pub. L. 95–561, address concerns raised by the public in response to a prior notice of proposed rulemaking, and take into account the reduction in appropriations for the program from $17.5 million in FY 1979 to $5 million in FY 1980.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Comments should be addressed to Dr. Shirley McCune, U.S. Office of Education, Room 2001, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. L. Ann Benjamin, (202) 245–8230.

SUPPLEMENTARY INFORMATION: The authority for these proposed regulations is the Emergency School Aid Act ("ESAA" or "the Act"), Title VI of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 3191 *et seq.*).

Background

On June 29, 1979, a notice of proposed rulemaking (NPRM) for programs authorized under ESAA was published in the **Federal Register** (44 FR 38364). The ESAA NPRM included regulations that would govern nonprofit organization (NPO) grants. The public had 60 days to comment on the NPRM. Public hearings were held on August 1 in the ten HEW regional offices.

Among the most controversial sections of the ESAA NPRM were those related to the NPO program. Numerous comments were received concerning the priority given to applications that related to recent desegregation plans and the elimination of compensatory education and in-service training activities, as well as the statutory abolition of the State apportionment feature of the program. A new notice of proposed rulemaking is being published to give the public an opportunity to comment on the revisions. Among the major changes to the sections of the ESAA NPRM relating to the NPO program are the following:

(a) The elimination of categories relating to the recency of a cooperating local educational agency's desegregation plan as a means of evaluating applications.

(b) The addition of several new selection criteria addressing recency of the plan, project design, the evaluation plan, and the budget.

(c) The addition of training to LEA staff and specialized technical assistance as authorized activities.

Also included is a new criterion relating to the applicant's recruitment of members of minority groups. The Commissioner believes that the inclusion of minority group members on an applicant's staff may enhance its ability to carry out desegregation-related activities. Where an applicant's staff does not include these persons, the Commissioner wishes to encourage it to expand the pool from which it selects employees. This is the purpose of the criterion.

The criterion assumes that an applicant selects employees from the expanded pool on a nondiscriminatory basis. It does not authorize the applicant to apply any preference in favor of minority group members, or to select a candidate who is not, on the basis of nondiscriminatory criteria, best suited for the job. In addressing the criterion, an applicant should either show that its staff includes minority group members or describe its efforts to recruit these persons for employment.

The following comments were submitted in response to the proposed regulations. After the summary of each comment, a response states the changes that have been made in the regulations or the reasons why no change is considered appropriate. The comments are grouped according to the sections of the proposed regulations with which they are concerned.

General

Comment. Several commenters objected to the absence of a requirement that each NPO establish an advisory group.

Response. No change has been made. The statute does not require the establishment of an advisory group under the NPO program as it does under other ESAA programs providing assistance to local educational agencies (LEAs). However, the selection criteria address the extent to which an NPO involves parents, students and community members in the development and implementation of the project.

§ 185.112 Authorized activities.

Comment. A number of commenters objected to the ban on activities related to the provision of compensatory education, the development of basic skills, and the training of a local educational agency's staff.

Response. Training of LEA staff related to the development or implementation of a qualifying plan has been added as an authorized activity. However, the prohibition on the provision of compensatory education and the development of basic skills under an NPO grant still applies. An evaluation of the NPO program by the Rand Corporation ("An Evaluation of the Emergency School Aid Act Nonprofit Organization Program", Vols. I–IV, 1978) revealed that these activities undermine the effectiveness of the NPO in facilitating school desegregation. Moreover, the legislative history of amendments to the Act made by Pub. L. 95–561 calls into question the emphasis given to these activities in the past and indicates a Congressional preference for activities more closely related to the desegregation process. (H.R. Rep. No. 1137, 95th Cong., 2d Sess. 96–97 (1978))

Comment. One commenter questioned why an applicant that proposes to support the development of a nonrequired qualifying plan must receive a written request from the LEA for that assistance.

Response. No change is necessary. In the case of a nonrequired plan, unlike a plan required by a court agency, there is no assurance that the LEA will adopt a plan at the end of the project period. A request for assistance in the development of the plan is an indication that the LEA intends to adopt a plan.

§ 185.113 Application procedures.

Comment. One commenter asked that LEAs and NPOs requesting ESAA assistance in support of the same qualifying plan be permitted to develop their needs assessments jointly.

Response. No change is necessary. A joint needs assessment is permitted under the proposed regulations and is encouraged by the selection criterion that addresses the extent to which the NPO demonstrates that the needs it identifies are related to the LEA's qualifying plan.

Comment. On commenter suggested that a State educational agency (SEA) be given the opportunity to review NPO applications from within the State.

Response. No change has been made. The statute does not require SEA review of NPO applications, as it does for applications submitted by LEAs. The Commissioner believes that it is unduly burdensome on applicants to impose this requirement when the statute fails to do so.

§ 185.114 Approval of new projects.

Comment. A number of commenters advocated a return to State competitions for NPO applications. One commenter suggested that if the NPO national competition were to be retained in the final regulations, some funds should be set aside for applicants proposing to support desegregation-related activities in small LEAs.

Response. No change has been made. The State apportionment feature of the NPO program contained in previous legislation was abolished by Pub. L. 95–561. In order to provide an equal chance to compete for all applicants, no funds will be set aside.

§ 185.115 Approval of projects to support the implementation of a plan.

Comment. Several commenters requested that multi-year awards be available to NPO applicants.

Response. The regulation provides for project periods of up to 36 months.

Comment. Many commenters objected to the use of the categories reflecting the recency of plan implementation as a means of evaluating NPO applications.

Response. The categories will not be used. However, a selection criterion addressing the recency of plan implementation has been added.

Comment. One commenter asked why experience with other community organizations was considered a relevant criterion. This commenter suggested that experience in setting up and offering programs would be a more relevant criterion.

Response. No change has been made. The Rand study of the NPO program indicated that organizations that achieved the greatest impact in promoting desegregation were those that utilized citizen action strategies such as informing the public on desegregation issues or forming coalitions with other community organizations. This finding was taken into consideration in developing the criterion.

§ 185.116 Approval of projects to support the development of a plan.

Comment. One commenter asked what kind of evidence would be "convincing" with respect to the probable adoption of a plan to be developed under an NPO grant.

Response. This criterion has been revised to address the LEA's commitment to the adoption of a plan. Evidence of this commitment might include minutes of a school board meeting or public statements made by authorized officials indicating the LEA's intention to cooperate with the applicant and to adopt and implement a plan.

Invitation to Comment

Interested persons are invited to submit written comments, suggestions, and recommendations to be considered prior to the issuance of the final regulations. Comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 45th day after publication of this document will be considered.

Commenters should (1) identify the section of the proposed regulations with which the comments are concerned; (2) describe their concern with respect to that section; and (3) recommend specific action. This is the kind of information that is needed in order to give maximum consideration to each commenter's concerns.

All written comments submitted in response to this notice will be available for inspection, both during and after the comment period, in Room 2001, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of the proposed regulations. The first citation is the appropriate section of the Act (Title VI of the Elementary and Secondary Education Act of 1965, as amended). This is followed by a citation to the same provision in the United States Code.

Accordingly, the Commissioner proposes to revise 45 CFR Part 185 as set forth below.

Dated: March 12, 1980.

William L. Smith,

U.S. Commissioner of Education.

Approved: March 14, 1980.

Peter D. Relic,

Acting Assistant Secretary for Education.

Approved: April 7, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.529, Nonprofit Organization Grants.)

1. The table of contents is amended by adding a new entry for Subpart G to read as follows:

PART 185—EMERGENCY SCHOOL AID

Subpart G—Nonprofit Organization Grants

Sec.
185.120 Purpose.
185.121 Other applicable regulations.
185.122 Eligible applicants.
185.123 Authorized activities.
185.124 Application procedures.
185.125 Approval of new projects.
185.126 Selection criteria.
185.127 Selection criterion: Recency of qualifying plan.
185.128 Selection criterion: Need.
185.129 Selection criterion: Project design.
185.130 Selection criterion: Organizational experience.
185.131 Selection criterion: Personnel.
185.132 Selection criterion: Evaluation plan.
185.133 Selection criterion: Budget.
185.134 Selection criterion: Commitment to plan adoption.

2. A new Subpart G is added to read as follows:

Subpart G—Nonprofit Organization Grants

§ 185.120 Purpose.

The purpose of a nonprofit organization grant is to support a local educational agency's (LEA's) development or implementation of a qualifying plan described in section 185.32 of the Emergency School Aid Act regulations published in the **Federal Register** on June 29, 1979 (44 FR 38364) in a notice of proposed rulemaking (hereinafter referred to as the ESAA NPRM).

(Section 604(b)(3), 606(b); 20 U.S.C. 3194(b)(3), 3196(b))

§ 185.121 Other applicable regulations.

(a) Awards under this subpart are subject to the language contained in the provisions of the ESAA NPRM set out in this paragraph.

(1) Section 185.1(b), relating to the purposes of the Emergency School Aid Act.

(2) Section 185.3, except 185.3(b)(2) and (5), relating to other applicable regulations.

(3) Section 185.4, containing definitions.

(4) Section 185.32, relating to qualifying plans.

(b) All references in this subpart to sections in Part 185 refer to sections in the ESAA NPRM.

(Section 606(b); 20 U.S.C. 3196(b))

§ 185.122 Eligible applicants.

(a) Any public or private nonprofit agency, institution or organization (NPO), other than an LEA, is eligible to apply for a grant under this subpart.

(b) An NPO may receive a grant under this subpart regardless of whether the

LEA whose plan the NPO proposes to support applies for assistance under the Act.

(c) An NPO that proposes to support the development of a qualifying plan must receive a written request for that assistance from the LEA, except in the case of plan described in § 185.32(a) that has been required but not yet adopted.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.123 Authorized activities.

(a) Except as provided in paragraph (b) of this section, an NPO may apply for any activity that is designed to support the development or implementation of a qualifying plan. These activities include, but are not limited to—

(1) Encouraging parental and community involvement in matters relating to the development or implementation of the plan;

(2) Providing information to parents and community members on the contents of the plan;

(3) Monitoring the implementation of the plan;

(4) Carrying out activities designed to promote interracial and intercultural understanding among students who are affected by, or are reasonably likely to be affected by, the implementation of the plan;

(5) Carrying out activities designed to stimulate a desire to learn in those students;

(6) Addressing non-academic problems faced by those students—at home, in school, or in the community—that affect their adjustment to schools to which the plan relates;

(7) Promoting student understanding of and support for the plan;

(8) Providing training to LEA staff related to the development or implementation of the plan; and

(9) Providing specialized technical assistance to LEA staff in areas related to the development or implementation of the plan, such as the development of affirmative action programs or the review of curricular materials.

(b) (1) An NPO may not use funds under this subpart in connection with the provision of compensatory education or the development of basic skills.

(2) An NPO may not use funds under this subpart for monitoring the implementation of the plan where a court-appointed group is conducting a similar activity.

(Section 608(b); 20 U.S.C. 3198(b))

§ 184.124 Application procedures.

(a) An NPO may include in an application activities in support of only one qualifying plan. However, an NPO may submit more than one application.

(b) An NPO shall include in its application a needs assessment that shows the severity of the needs addressed by the proposed activities and the relationship of those needs to the development or implementation of a qualifying plan.

(c) An NPO shall address each selection criterion in §§ 185.127–185.134 that applies to its application.

(d) An NPO that proposes to support the implementation of a qualifying plan shall include in its application—

(1) A copy of the LEA's qualifying plan or a detailed description of that plan; and

(2) The date when the LEA adopted the plan.

(e) An NPO that proposes to support the development of a plan shall include a copy of the LEA's request for that assistance, if a request is required under § 185.122(c).

(f) An NPO shall include in its application an assurance that it has met and will meet the applicable requirements of the Act and this part.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.125 Approval of new projects.

(a) Applications for projects to support the development of qualifying plans and those to support the implementation of plans are considered separately. The Commissioner states in the application notice published in the **Federal Register** the amount of funds available for each type of project.

(b) The Commissioner evaluates applications for projects that support the development of qualifying plans on the basis of the selection criteria in §§ 185.128–185.134. The Commissioner evaluates applications for projects that support the implementation of qualifying plans on the basis of the selection criteria in §§ 185.127–185.133.

(c) If more than one otherwise approvable project relates to the same qualifying plan, the Commissioner—

(1) Reviews the approvable activities to identify any duplication in the needs addressed by those activities; and

(2) In the case of duplication, approves only the activity contained in the highest ranking application.

(d) The Commissioner may approve a project period of up to 36 months.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.126 Selection criteria.

The selection criteria in §§ 185.128–185.134 apply to an application for a project that supports the development of a qualifying plan. The selection criteria in §§ 185.127–185.133 apply to an application for a project that supports the implementation of a qualifying plan. The number of points awarded for each criterion depends on how well the application addresses all the factors under the criterion. The total possible score is 100 points.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.127 Selection criterion: Recency of qualifying plan (10 points).

(a) In the case of an application for a project that supports the implementation of a qualifying plan, the commissioner considers the recency of the implementation date of the qualifying plan on which the applicant bases its application.

(b) In assessing the recency of a qualifying plan, the Commissioner uses the table set out below. The Commissioner assigns each application the number of points in column B that corresponds to the period of time in column A between—

(1) The implementation date of the LEA's plan on which the applicant bases its eligibility, as described in § 185.35(c)(2); and

(2) The july 1 that follows the deadline date for applications under this subpart.

Table

Column A—implementation date	Column B—points
3 years or less	10
More than 3 years but not more than 6 years	5
More than 6 years	1

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.128 Selection criterion: Need (20 points).

The Commissioner considers:

(a) The severity of the needs to be addressed (10 points).

(b) The extent to which the identified needs are directly related to the development or implementation of the qualifying plan (10 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.129 Selection criterion: Project design (25 points).

The Commissioner considers the extent to which:

(a) The project objectives are likely to meet the identified needs (5 points).

(b) The proposed activities are designed to meet the objectives within the project period (5 points).

(c) Parents, students, and community members are involved in the development and implementation of the project (5 points).

(d) The applicant demonstrates sensitivity to the community and the population to be served (5 points).

(e) The applicant's management plan is effective in terms of resource allocation, realistic schedules, and a sufficient amount of time to be spent on the project by the proposed staff members (5 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.130 Selection criterion: Organizational experience (10 points).

The Commissioner considers the extent to which the applicant has experience in working effectively with the LEA and with community organizations, especially on matters related to school desegregation and race relations.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.131 Selection criterion: Personnel (15 points).

The Commissioner considers (a) the extent to which the project director and other key project staff members are qualified, on the basis of training and experience, to carry out the project (10 points).

(b) If the applicant's staff does not include members of minority groups, the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of those groups (5 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.132 Selection criterion: Evaluation plan (5 points).

The Commissioner considers the quality of the proposed plan for evaluating the success of the project in achieving the stated objectives.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.133 Selection criterion: Budget (5 points).

The Commissioner considers the extent to which proposed costs are reasonable in relation to the expected benefits of the project.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.134 Selection criterion: Commitment to plan adoption (10 points).

In the case of an application for a project that supports the development of a qualifying plan, the Commissioner considers the extent to which the cooperating LEA is committed to the adoption of a qualifying plan.

(Section 608(b); 20 U.S.C. 3198(b))

[FR Doc. 80-10805 Filed 4-10-80; 8:45 am]
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Emergency School Aid Act

AGENCY: Office of Education, HEW.

ACTION: Notice of closing date for receipt of applications for nonprofit organization grants.

SUMMARY: Applications are invited for grants to public or private nonprofit organizations (NPOs), other than local educational agencies, under the Emergency School Aid Act (ESAA.)

SUPPLEMENTARY INFORMATION: Authority for this program is contained in Section 608(b) of Title VI of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978.

(20 U.S.C. 3198(b))

The purpose of a nonprofit organization grant is to support a local educational agency's development or implementation of a qualifying desegregation plan.

Closing Date for Transmittal of Applications—An application for a grant must be mailed or hand delivered by May 28, 1980.

Applications Delivered by Mail—An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.529, Nonprofit Organization Grants, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand–An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information—Proposed regulations for the Nonprofit Organization Grants Program are published in this issue of the **Federal Register**. Applicants should review these regulations, particularly the selection criteria in §§ 185.127–185.134, before preparing their applications. Applicants also should note that the Commissioner will approve project periods of no more than thirty-six months under this program.

Available Funds—Five million dollars is available for nonprofit organization grants in fiscal year 1980. Of that amount, approximately $200,000 is expected to be available for projects that support the development of qualifying plans and no more than $4,800,000 for projects that support the implementation of qualifying plans. These amounts are only estimates and do not bind the Office of Education. Application forms and program information packages are expected to be ready for mailing by April 17, 1980. They may be obtained by writing to the Division of Program Operations, Equal Educational Opportunity Programs, Office of Education, Room 2007 A, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations—Regulations applicable to the Nonprofit Organization Grants Program include the following:

(1) Regulations governing the Nonprofit Organization Grants Program (45 CFR Part 185).

Regulations for the Nonprofit Organization Grants Program are published in proposed form in this issue of the **Federal Register.**

Applicants should base their applications on the proposed regulations in this issue. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(2) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

These regulations were published in final on April 3, 1980 (45 FR 22494). When they become effective, they will supersede the Office of Education general provisions regulations (45 CFR Parts 100a through 100d) and will govern awards under this program.

If changes that relate to the preparation of applications for fiscal year 1980 are made in final regulations governing this program, the Commissioner may extend the closing date to permit applicants to amend their applications.

FURTHER INFORMATION: For further information, contact Ms. L. Ann Benjamin, Division of Program Development, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue SW., Room 2011 A, Washington, D.C. 20202. Telephone: (202) 245–8230.

(20 U.S.C. 3198)

(Catalog of Federal Domestic Assistance Number: 13.529)

Dated: March 19, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-10988 Filed 4-10-80; 8:45 am]

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federal register

Friday
April 11, 1980

Part VI

Department of Commerce

International Trade Administration

Ferrous Scrap; Receipt of Petition Requesting Monitoring of Exports; Public Hearings and Invitation To Comment

V 45 / 72 APR 1 1980 UMI

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Receipt of Petition Requesting Monitoring of Exports of Ferrous Scrap, Notice of Public Hearings and Invitation To Comment

AGENCY: Office of Export Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of receipt of petition requesting monitoring; notice of public hearings and invitation to comment.

SUMMARY: The Department has received a petition requesting the monitoring of exports of ferrous scrap and public hearings thereon. This Notice defines the scope of the Department's intended proceeding on the petition, establishes hearing dates and locations, and invites public comment on the subject of the proceeding.

DATES: Hearings: Washington, DC—April 28–29, 1980; New Orleans, Louisiana—May 1–2, 1980; Chicago, Illinois—May 12–13, 1980; San Francisco, California—May 15–16, 1980.

The precise locations and times will be announced in a subsequent **Federal Register** notice.

Comments: By May 27, 1980.

ADDRESS: Send comments in twenty copies to Office of Export Administration, Attention: Short Supply Division, P.O. Box 7138, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377–3984.

SUPPLEMENTARY INFORMATION: By rule published in the **Federal Register** on January 4, 1980 (45 FR 1007), the Department issued regulations implementing Section 7(c) of the Export Administration Act of 1979 by establishing procedures to be followed in petitioning the Secretary of Commerce for the imposition of monitoring of exports or export controls, or both, on metallic materials capable of being recycled, and for the conduct of public hearings relating to export monitoring or controls.

On March 26, 1980, the Department received a petition requesting the monitoring of exports of ferrous scrap submitted by the Ferrous Scrap Consumer's Coalition, Suite 308, 1055 Thomas Jefferson Street, NW, Washington, DC 20007. The petition requested that public hearings be held. After reviewing this petition, the Department has determined that it substantially meets the criteria established by the regulations cited above and the Department has accordingly accepted it for consideration under those regulations.

In order to assure a comprehensive examination of the ferrous scrap market situation and the possible need for governmental action under the Export Administration Act in response thereto, the Department has decided to expand the scope of the proceeding on this matter to include not only the ferrous scrap commmodities identified by the petitioner but also certain other commodities that can be used as ferrous scrap.

The commodities to be considered by the Department in this proceeding are:

Iron and Steel Waste and Scrap, and Related Commodities as follows:

Schedule B No.	Commodity description
	CARBON STEEL AND IRON
607.0810	No. 1 Heavy melting
607.0815	No. 2 Heavy melting
607.0820	No. 1 Bundles
607.0825	No. 2 Bundles
607.0830	Borings, shovelings and turnings
607.0835	Shredded
607.0840	Iron scrap
607.0845	Other
	ALLOY STEEL
607.0910	Stainless steel
607.0920	Other
	RELATED COMMODITIES
610.2230	Used rails
690.2500, through 690.7710	Other used railroad parts and equipment of iron and steel
610.1800, 610.1900, 610.2400	
699.0100	Ships, boats, and other vessels exported for scrapping
690.1000	Self-propelled rail vehicles designed to carry passengers or articles, used
690.1535	Passenger, baggage, mail, freight and other cars not self-propelled, used or rebuilt

Public Comments

To assist the Department in its evaluation of this matter, interested persons are encouraged to submit written comments, views, or data concerning the need for export monitoring or export controls on the commodities listed above, the extent to which market developments have met the criteria set forth in Sections 7(b)(1) and/or 3(2)(C) of the Export Administration Act of 1979; the desirability of imposing export monitoring or export controls at this time on one or more of the commodities under consideration; and any other matters which are relevant to the subject of this proceeding.

In order to assure that comments may be given the fullest possible consideration, interested persons are urged to submit their comments at the earliest possible date and not to wait to present them during one of the public hearings. Persons selected to testify at a hearing will be limited in the time they are permitted to speak and they will be expected to summarize their testimony rather than to present it in full. Public comments will receive full and equal consideration whether submitted in writing or presented orally.

The period for submission of comments on the action under consideration will end as of 5:00 p.m. EDT May 27, 1980. Because of the statutory deadlines, the date for the receipt of comments to be considered will not be extended. All comments received by the Department prior to that time and date, including testimony presented at the public hearings described below, will be considered by the Department in its final decision on this matter. All relevant comments on the petition received prior to the publication of this Notice will also be considered. However, no comments received after the close of the comment period will be accepted or considered by the Department. Similarly, written public comments which are accompanied by a request that part or all of the material be treated as confidential because of its proprietary nature or for any other reason must be submitted in accordance with the provisions of 15 CFR 377.8(i). In accordance with that provision, information which is not accepted by the Department as confidential will be returned to the submitter and will not be considered unless it is resubmitted as nonconfidential information.

All public comments on the subject of this proceeding will be made a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or from foreign governments. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person or organization on whose behalf they are purported to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

The public record concerning this subject will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Main Building, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Public Hearings

The Department will hold public hearings on this matter on the dates and at the locations listed below:

Washington, DC, April 28–29, 1980.
New Orleans, Louisiana, May 1–2, 1980.
Chicago, Illinois, May 12–13, 1980.
San Francisco, California, May 15–16, 1980.

The precise locations and times will be announced in a subsequent Federal Register Notice.

Persons desiring to present testimony at a hearing on the need for export monitoring or export controls on the commodities listed above must make a written request to the Office of Export Administration, Attention: Short Supply Division, at the address listed above. The request should contain a phone number where such person may be reached through the day before the hearing. Since it may be necessary to limit the number of persons making such presentations, requests to make an oral presentation should: describe the requestor's interest in the proceeding, explain why that person is an appropriate representative of a group or class of persons that has such an interest, and enclose a concise summary of the proposed oral presentation.

The Department will notify each person selected to be heard before 12:00 noon on the day prior to the hearing. Persons selected to be heard should bring 100 copies of their statement to the hearing on the day they are scheduled to testify. If statements are lengthy, oral testimony should be limited to summarizing the written statements. All presentations at a hearing will be made a part of the public record with respect to this proceeding.

The Department reserves the right to select the persons to be heard at each hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. No person or organization will be permitted to testify at more than one hearing and the length of each presentation will be limited, based on the number of persons requesting to be heard.

A Department official will be designated to preside at the hearings. These will be fact-finding and not judicial or evidentiary-type hearings. Only members of the hearing panel may ask questions and there will be no cross-examination of persons presenting statements.

Persons who wish to do so may submit questions to be asked of any person making a statement at the hearing to the address indicated for requests to speak. Such questions must be received no later than 5:00 p.m. two days prior to the hearing and, if deemed appropriate, may be posed by the panel members during the hearing. Questions may also be submitted in writing to the presiding officer at the time of the hearing. The Department or, if the question is submitted at the hearing, the presiding officer, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced in the **Federal Register** or by the presiding officer at the hearing.

A transcript of each hearing will be made and the Department will retain the entire record of the hearing, including the transcript, which will be made available for inspection at the Freedom of Information Office at the address listed above. Copies of the transcript may be purchased by interested persons from the reporter.

The Department will reach a final decision on this matter within 45 days of the close of the comment period. This decision and any regulations necessary to implement it, together with a detailed statement of the reasons for the Department's decision, will be published in the **Federal Register.**

Authority: 3, 7, 15, and 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 et seq.; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10–3, 45 FR 6141 (January 25, 1980); International Trade Administration Organization and Function Order 41–1, 45 FR 11862 (February 22, 1980).

Donald A. Furtado,

Acting Under Secretary for International Trade.

[FR Doc. 80–11239 Filed 4–10–80; 9:39 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development—Office of the Assistant Secretary—

15927 3–12–80 / Community development block grants; small cities program; revision of regulations

TRANSPORTATION DEPARTMENT

Coast Guard—

15176 3–10–80 / Drawbridge operations; Delaware River (Back Channel), N.J.

TREASURY DEPARTMENT

Customs Service—

10758 2–19–80 / Addition of Austria to list of qualified countries whose aircraft are exempt from duties and taxes

Rules Going Into Effect April 12, 1980

TREASURY DEPARTMENT

Internal Revenue Service—

16177 3–13–80 / Wage withholding on remuneration for which a corresponding deduction is allowable under section 913

List of Public Laws

Last Listing April 10, 1980.

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 6585 / Pub. L. 96–230 To extend the reorganization authority of the President under chapter 9 of title 5. (Apr. 8, 1980; 94 Stat. 329) Price $1.00.

S.J. Res. 131 / Pub. L. 96–231 Designating April 10, 1980, as "ORT Centennial Day". (Apr. 8, 1980; 94 Stat. 330) Price $1.00.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

LOS ANGELES, CALIF.

WHEN: April 14, 15, and 16; at 9 a.m. (identical sessions.)
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–688–3800.

BOSTON, MASS.

WHEN: April 24; at 9 a.m.
WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
WHEN: April 25; at 9 a.m.
WHERE: Room E228, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).
RESERVATIONS: Call the Boston Federal Information Information Center, 213–688–3800.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)
WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.
RESERVATIONS: Call Dorothy Gemallo, 212–264–3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)
WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.) 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504–589–6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

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federal register

Monday
April 14, 1980

Highlights

25037 **Days of Remembrance of Victims of the Holocaust** Presidential proclamation

25143-25147 **Projects for Child Abuse and Neglect Programs** HEW/HDSO announces that applications are being accepted for fiscal year 1980; apply by 6-18 and 7-3-80 (3 documents)

25136 **Firefighter Protective Clothing** FEMA authorizes grants in the amount not to exceed $15K total to be dispersed among ten fire departments throughout the Nation, letters of interest by 4-30-80

25114 **Petroleum Import Adjustment Program** DOE/ERA announces public conferences on 4-18 and 4-22-80

25102 **Business and Industrial Loans** USDA/FmHA announces insured loan interest rates; effective 4-14-80

25060 **Deserter Apprehension Program** DOD/AF prescribes policies and procedures for management of desertion and unauthorized absence; effective 2-1-80

25366 **Recombinant DNA Molecules** HEW/NIH gives notice of actions under guidelines for research; effective 4-14-80 (Part IV of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Area Code 202–523–5240

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25080 **Investment Management** SEC solicits public comments concerning issues to be considered in connection with Investment Advisers Act Study; comments by 8–4–80

25208 **Pipeline Safety** DOT/RSPA extends comment period to 6–9–80 on study of methods of assuring adequate financial responsibility for certain LNG and LPG activities

25302 **Water Resources Planning** WRC issues proposal regarding principles, standards, and procedures; comments by 6–13–80 (Part II of this issue)

25350 **Aircraft Emission Standards** DOT/FAA proposes amendment to ensure compliance with EPA smoke emissions standards for in-use JT3D engines; comments by 6–28–80 (Part III of this issue)

25355 **Aircraft Operating Noise Limits** DOT/FAA proposes compliance requirements for certain turbojet airplanes engaged in domestic or foreign air commerce in the United States; comments by 6–28–80 (Part III of this issue)

25068–25073 **Forage Seeding and Production Crop Insurance** USDA/FCIC proposes procedures for insuring forage effective with the 1981 crop year; comments by 6–13–80 (2 documents)

25208 **Textile Products from Dominican Republic** CITA adjusts levels of restraint established for certain cotton and man-made fiber textile products; effective 4–16–80

25111 **Privacy Act** Wage and Price Stability Council

25211 **Sunshine Act Meetings**

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 4747 of April 10, 1980

Days of Remembrance of Victims of the Holocaust

By the President of the United States of America

A Proclamation

Thirty-five years ago, in the closing days of World War II, U.S. Armed Forces liberated the Dachau concentration camp in southern Germany. Words can hardly convey the shock and horror the world felt on seeing the victims—both the living and the dead—of the Nazi program of deliberate genocide.

Dachau and the other death camps, Buchenwald, Auschwitz, Treblinka and the others, were the machinery used by the Nazi regime to perpetrate the Holocaust—the systematic, state-sponsored extermination of six million Jews and the murders of millions of other people. The Holocaust was a crime virtually without equal in history. It has left deep moral scars on all humankind. No one who participated in the liberation of those camps or who knows their history can ever forget them—least of all the 250,000 survivors who found a home and built a new life in this country after the war.

During my trip to Israel, I visited Yad Vashem, the Israeli memorial to the victims of the Holocaust. I vowed then, and I repeat now, that the world must never permit such evil to occur again.

We must study the record of the Holocaust and learn its lessons. We must never forget the terrible fruits of bigotry and hatred, and continually rededicate ourselves to the principles of equality and justice for all peoples.

In recognition of the magnitude of those crimes against humanity, the Congress of the United States, by joint resolution (S.J. Res. 97), has authorized and requested the President to issue a proclamation designating a week of remembrance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate April 13 through April 19, 1980 as "Days of Remembrance of Victims of the Holocaust." I ask the American people to observe this solemn anniversary of the liberation of Dachau with appropriate study, prayers and ceremonies, as a tribute to our determination to eliminate the hatred that produced such horror from the face of the earth.

On the recommendation of the President's Commission on the Holocaust, I also ask the people of the United States to observe International Holocaust Commemoration Day on April 13, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-11368
Filed 4-10-80; 3:40 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority to reflect the establishment of the positions of Deputy Under Secretary for International Affairs and Deputy Under Secretary for Commodity Programs.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Siegler, Office of the General Counsel, Washington, D.C. 20250, (202–447–6035).

SUPPLEMENTARY INFORMATION: The delegations of authority are being amended to reflect the establishment of the positions of Deputy Under Secretary for International Affairs and Deputy Under Secretary for Commodity Programs which replace the former position of Deputy Under Secretary for International Affairs and Commodity Programs. Any action taken by the Deputy Under Secretary for International Affairs or the Deputy Under Secretary for Commodity Programs prior to the effective date of this rule which would otherwise be authorized under this rule, are hereby ratified.

Accordingly, 7 CFR Part 2 is amended as follows:

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

Section 2.63 is amended to read as follows:

§ 2.63 Deputy Under Secretaries for International Affairs and for Commodity Programs.

(a) *Delegations.* Pursuant to § 2.21, subject to reservations in § 2.22 and subject to policy guidance and direction by the Under Secretary, the following delegations of authority are made to the Deputy Under Secretary for International Affairs and the Deputy Under Secretary for Commodity Programs, to be exercised only during the absence or unavailability of the Under Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for International Affairs and Commodity Programs: *Provided That,* this authority shall be exercised by the respective Deputy Under Secretary in the order in which he or she has taken office as a Deputy Under Secretary.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: April 1, 1980.

Dale E. Hathaway,
Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 80–11151 Filed 4–11–80; 8:45 am]
BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 985

[Docket No. F&V AO–79–1]

Spearmint Oil Produced in the Far West; Order Regulating Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule enacts the marketing order regulating the handling of spearmint oil produced in the Far West which includes the States of Washington, Idaho, Oregon and portions of California, Nevada, Montana, and Utah.

The order provides for the establishment of a Committee of producers and one public member for local administration. Producer allotment bases and annual allotments will be established to regulate the quantity of spearmint oil handlers may purchase from or handle on behalf of spearmint oil producers. This should result in greater market stability for spearmint oil producers.

EFFECTIVE DATE: The order will become effective April 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued September 19, 1979; published September 25, 1979 (44 FR 55184).

Notice of Recommended Decision—Issued January 4, 1980; published January 9, 1980, (45 FR 1888).

Final Decision—Issued February 22, 1980, (45 FR 13096).

Spearmint oil producers voted in a referendum conducted by mail ballot March 5, 1980 to March 14, 1980 to accept the order.

IMPACT STATEMENT: This final rule has been reviewed under the USDA criteria for implementing Executive Order 12044 and has been classified "significant". An Impact Analysis is available from J. S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5053.

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of spearmint oil produced in the Far West.

Upon the basis of the record, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order regulates the handling of spearmint oil produced in the production area in the same manner as, and is applicable only, to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which a hearing has been held;

(3) The order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the

declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of spearmint oil produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of spearmint oil produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional Findings.* It is necessary in the public interest to make this order effective not later than its publication in the **Federal Register**. Any delay beyond that date would tend to disrupt the orderly marketing of spearmint oil during the 1980 season, which begins June 1, 1980. It is essential that the Spearmint Oil Administrative Committee, the administrative body provided for in the order, be selected and organized, and begin functioning as soon as possible so that the determination of a marketing policy for the 1980–81 marketing year would not be delayed beyond June 1, 1980, the beginning of that year.

Under the order, the Committee will have to issue allotment bases to producers of spearmint oil so that, in the event volume regulations are deemed necessary, a salable quantity and producers' annual allotments can be determined. In order to be able to plan their operations for the 1980–81 marketing year, producers must know as soon as possible the size of their base and the allotment that may be issued to them. Any delay in the effective date of the program would impede issuance of those bases and establishment of a marketing policy for the 1980–81 marketing year, thereby causing hardship. Moreover, the provisions of the order are well known to handlers of spearmint oil produced in the production area because: (1) A public hearing was held at Pasco, Washington, on October 16, 17 and 18, 1979, and evidence was received from producers, handlers and other interested persons; (2) the recommended decision and the final decision were published in the **Federal Register** on January 9, 1980 (45 FR 1888) and February 28, 1980 (45 FR 13096), respectively; (3) Copies of the order and its regulatory provisions were made available to all known persons who may be subject thereto, prior to the referendum which was held March 5 through March 14, 1980, to determine whether producers of spearmint oil in the production area favor or approve issuance of this order; and (4) all known handlers of spearmint oil were mailed a copy of the marketing agreement, the regulatory provisions of which are identical to the order.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559).

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the volume of spearmint oil covered by this order, refused or failed to sign the aforesaid proposed marketing agreement; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers, as defined in the order, of spearmint oil produced in the production area; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the period June 1, 1979, to January 31, 1980, were engaged within the Far West in the production of spearmint oil for market and such producers produced for market at least two thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That, on and after the effective date hereof, the handling of spearmint oil produced in the Far West shall be in conformity to and in compliance with the following terms and conditions:

A new Part 985 is added to Title 7 of the Code of Federal Regulations to read as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

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Authority: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

Definitions

§ 985.1 Secretary

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 985.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, Stat. 31, as amended; 7 U.S.C. 601–674).

§ 985.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 985.4 Spearmint oil.

"Spearmint oil", hereinafter referred to as "oil", means the essential oil extracted by distillation from plants, grown in the production area, of the genus Mentha, species Cardiaca (commonly referred to as Scotch Spearmint), Spicata (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

"Class 1"—Oil extracted from the first cutting of Scotch Spearmint.

"Class 2"—Oil extracted from the second cutting of Scotch Spearmint.

"Class 3"—Oil extracted from Native Spearmint.

"Class 4"—Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

The Committee, with the approval of the Secretary may change these classes to recognize new, or delete obsolete, classes.

§ 985.5 Production area.

"Production area" means all the area within the States of Washington, Idaho, Oregon, and that portion of California and Nevada north of the 37th parallel and that portion of Montana and Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. The State of Washington.

(b) District 2. The State of Idaho and that portion of the States of Montana, Nevada, and Utah included in the production area.

(c) District 3. The State of Oregon and that portion of the State of California included in the production area.

§ 985.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

"Handler" means any person who handles oil.

§ 985.8 Handle.

"Handle" means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the production area or from the area to points outside thereof: *Provided,* That (a) the preparation for market of salable oil by producers who are not dealers or users, (b) the sale or transportation of salable oil by a producer to a handler of record within the production area, or (c) the transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or (d) the delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing year.

"Marketing year" means the 12 months from June 1 to the following May 31, inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 985.10 Crop.

"Crop" means that oil produced by a producer during the marketing year.

§ 985.11 Salable oil.

"Salable oil" means that oil which is free to be handled.

§ 985.12 Salable quantity.

"Salable quantity" means the total quantity of each class of oil which handlers may purchase from, or handle on behalf of, producers during a marketing year.

§ 985.13 Annual allotment.

"Annual allotment" means that portion of the salable quantity prorated to a producer.

§ 985.14 Part and subpart.

"Part" means the order regulating the handling of oil grown in the production area, and all rules and regulations issued thereunder. The order shall be a "subpart" of such part.

Administrative Committee

§ 985.20 Establishment and membership.

A Spearmint Oil Administrative Committee is hereby established (hereinafter referred to as "Committee") and shall consist of eight members, each of whom shall have an alternate, to administer the terms and provisions of this part. Four of the members and alternates shall be producers in District 1; two members and alternates shall be producers in District 2; and one member and alternate shall be a producer in District 3. One member and alternate shall represent the public.

§ 985.21 Eligibility.

Each member and alternate member of the Committee shall be, at the time of selection and during the term of office, a producer, or an officer or employee of a producer, in the district for which selected: *Provided,* That these requirements should not apply to the public member and alternate member.

§ 985.22 Term of office.

The term of office of each member and alternate member of the Committee shall be for two calendar years: *Provided,* That one-half of the initial members and alternates shall serve for terms ending December 31, 1980, and one-half of the initial members and alternates shall serve for terms ending December 31, 1981. Members and alternates shall serve in such capacity for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 985.23 Nominations.

(a) *Procedure.* (1) Nominations for producer members of the Committee and their alternates shall be made at nomination meetings of producers in each District. Such meetings shall be held at such times (on or before November 1 of each year) and places as the Committee shall designate. One nominee shall be elected for each position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than December 1 of each year.

(2) Only producers, including duly authorized officers or employees of producers present and eligible to serve as producer members of the Committee, shall participate in the nomination. If a producer produces oil in more than one district, the producer shall select the district in which that producer will participate and notify the Committee of the choice.

(3) Should the Committee find it impractical to hold nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Ballots to be used may contain the names of candidates and a blank space for write-in candidates for each position, together with voting instructions. The eligible person receiving the highest number of

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votes for a member or alternate position shall be the nominee for that position.

(4) The producer members of the Committee shall nominate the public member and alternate member at the first meeting following the selection of members for a new term of office.

(b) *Initial members.* As soon as practicable following the effective date of this subpart, the Secretary shall hold, or cause to be held, nomination meetings of producers in each district to nominate the initial members of the Committee.

(c) The Committee with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

§ 985.24 Selection.

Committee members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

§ 985.25 Alternate members.

An alternate for a member shall act in the place of such member (a) in the member's absence, (b) in the event of the member's death, removal, resignation, or disqualification, until a successor for the member's unexpired term has been selected and has qualified, or (c) when requested and designated by the member.

§ 985.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Committee, a successor to fill the unexpired term shall be nominated and appointed in the manner specified in §§ 985.23 and 985.24. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 985.20.

§ 985.27 Powers.

The Committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 985.28 Duties.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees and consultants as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause the books of the Committee to be audited by a certified public accountant at such times as the Committee may deem necessary, or as the Secretary may request, to submit copies of each audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to oil;

(i) To submit to the Secretary such available information as may be requested or that the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee and its subcommittees as is given to its members;

(l) To investigate compliance and use means available to prevent violations of the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the Committee: *Provided,* That such changes shall reflect insofar as practical, shifts in oil production within the production area and numbers of producers; and

(n) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 985.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person and seven members of the Committee shall constitute a quorum. Decisions of the Committee shall require the concurring vote of at least six members. If both a Committee member and appropriate alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place.

(b) The Committee may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That each proposition is explained accurately, fully, and identically to each member. All votes shall be confirmed promptly in writing. Seven concurring votes and no dissenting votes shall be required for approval of a Committee action by such method.

§ 985.30 Expenses and compensation.

Members of the Committee, their alternates, subcommittees including any special subcommittees, shall serve without compensation but shall receive such allowances for necessary expenses, incurred in performing their duties, as may be approved by the Committee.

Research

§ 985.31 Research and development projects.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of oil. The Committee shall consider ongoing research, by industry and grower organizations, in making its recommendations. The expense of such projects shall be paid from funds collected pursuant to § 985.41.

Expenses and Assessments

§ 985.40 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, and for the maintenance and functioning of the Committee during each marketing year. The Committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 985.41 Assessments.

(a) *Requirements for payment.* Each person who first handles salable oil shall pay to the Committee, upon demand, that handler's pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary times the quantity of oil which the handler handles as the first handler thereof. The payment of assessments for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. Such increase shall be applied to all oil handled during the applicable marketing year. In order to provide funds for the administration of this part before sufficient operating income is available from assessments, the Committee may accept advance assessments and may also borrow money for such purpose. Advance assessments received from a handler shall be credited toward assessments levied against the handler during the marketing year.

§ 985.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the Committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the Committee for expenses authorized pursuant to § 985.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided,* That any sum paid by a first handler in excess of that handler's pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such person. Each handler's share of such excess funds shall be the amount of assessments paid in excess of that handler's pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

Volume Limitations

§ 985.50 Marketing policy.

(a) The Committee shall meet on or before January 15 of each year to adopt a Marketing Policy for the ensuing marketing year or years. As soon as is practical following the meeting or meetings, the Committee shall submit to the Secretary recommendations for volume regulations deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted to the Secretary if the Committee subsequently adopts a new or revised policy because of changes in the demand and supply situation with respect to the various classes of oil.

(b) In determining such marketing policy, Committee consideration shall include but not be limited to:

(1) The estimated quantity of salable oil of each class held by producers and handlers;

(2) The estimated demand for each class of oil;

(3) Prospective production of each class of oil;

(4) Total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year;

(5) The quantity of reserve oil, by class, in storage;

(6) Producer prices of oil, including prices for each class of oil;

(7) General market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

(c) Notice of the marketing policy recommendations for a marketing year and any later changes shall be announced publicly by the Committee, and be submitted promptly to the Secretary and all producers and handlers. The Committee shall publicly announce its marketing policy or revision thereof and notice and contents thereof shall be submitted to producers and handlers by bulletins or through appropriate media.

(d) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may adopt a marketing policy for the 1980–81 marketing year.

§ 985.51 Recommendations for volume regulation.

(a) If the Committee's marketing policy considerations indicate a need for limiting the quantity of oil of each class marketed, the Committee shall recommend to the Secretary a salable quantity and allotment percentage for the ensuing marketing year. Such recommendations shall be made prior to February 15, or such other date as the Committee, with the approval of the Secretary, may establish.

(b) At any time during the marketing year for which the Secretary, pursuant to § 985.52(a), has established a salable quantity and an allotment percentage for each class of oil, the Committee may recommend to the Secretary that such quantity be increased with an appropriate increase in the allotment percentage. Each such recommendation, together with the Committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(c) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may recommend a salable quantity for the 1980–81 marketing year.

§ 985.52 Issuance of volume regulation.

(a) Whenever the Secretary finds, on the basis of the Committee's recommendation or other information, that limiting the total quantity of a class of oil of any crop that handlers may purchase from or handle on behalf of producers during a marketing year, would tend to effectuate the declared policy of the act, the Secretary shall establish the salable quantity for that oil.

The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base for that class of oil. The allotment percentage shall be established for each class of oil by dividing the salable quantity by the total

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of all producers' allotment bases for the same class of oil.

(b) When an allotment percentage for a class of oil is established for any marketing year, no handler shall purchase from or handle on behalf of producers any oil of that class during such year unless:

(1) It is, at the time of handling, within the unused portion of a producer's annual allotment, and

(2) Such handler notifies the Committee of the handling in such manner as it may prescribe.

§ 985.53 Allotment base.

(a) *Initial issuance.* Each producer desiring an allotment base for one or more classes of oil shall register with the Committee and furnish to it, on forms provided by the Committee, a report of the number of pounds of each class of oil sold during each of the marketing years of 1977, of 1978, and of 1979, which is the representative base period, and the number of pounds of each class of oil currently available for sale and the location of such oil, the name and address of each handler, the quantity of oil by class sold to each handler, the acreage and location of each year's production of spearmint, and any additional information requested by the Committee. A producer who has changed or changes identity from an individual producer to a partnership or corporate producer, or from a partnership to a corporate or individual producer, or from a corporate to a partnership or individual producer, may for the purpose of establishing the initial and subsequent allotment base, register with the Committee as one and the same person.

(b)(1) Initially, the allotment base for each class of oil shall be established by the Committee for each registered producer, at the option of such producer, as follows:

(i) The average annual number of pounds of oil of that class sold during any two marketing years of the representative base period; or

(ii) The average annual number of pounds of that class of oil sold during the representative period plus 33⅓ percent of oil of that class currently available for sale; or

(iii) The quantity of that class of oil sold during the 1979 marketing year, plus the quantity of that class of oil currently available for sale.

(2) If a producer has spearmint planted by February 27, 1979, but has no sales history during the representative period, the producer's allotment base shall be established by multiplying its acreage to be harvested for spearmint oil by the average amount of oil per acre sold in the allotment base of other producers in the state or area, whichever is more representative, in which the acreage is located: *Provided,* That, the Committee shall review and adjust these allotment bases in accordance with paragraph (c) of this section on the basis of the producer's sales of spearmint oil.

(c) Periodically, but at least once every five years, the Committee shall review and adjust each producer's allotment base to recognize changes and trends in production and demand. Any such adjustment shall be made in accordance with a formula prescribed by the Committee with the approval of the Secretary.

(d)(1) Beginning with the 1982–83 marketing year, the Committee annually shall make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. Fifty percent of these additional allotment bases shall be made available for new producers and 50 percent made available for existing producers.

(2) Any person may apply for an additional allotment base for any class of oil by filing an application with the Committee on or before December 1 of the marketing year preceding the marketing year for which the additional allotment bases will be made available.

(3) The Committee shall, with the approval of the Secretary, establish rules and regulations to be used for determining the distribution of additional allotment bases. In establishing such rules, the Committee shall take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced and other economic and marketing factors.

(e) The right of each producer receiving an allotment base, or any legal successor in interest, to retain all or part of an allotment base, shall be dependent on continuance to make a bona fide effort to produce the annual allotment referable thereto and failing to do so, such allotment base shall be reduced by an amount equivalent to such unproduced portions.

§ 985.54 Issuance of annual allotments.

(a) Whenever the Secretary establishes a salable quantity and allotment percentage for a class of oil that may be freely marketed during a marketing year, the Committee shall issue an annual allotment to each producer holding an allotment base for that class of oil. Each producer's annual allotment for a class of oil shall be determined by multiplying the producer's allotment base for that class of oil by the applicable allotment percentage.

(b) On or before December 1, the Committee shall furnish each registered holder of an allotment base a form for the producer to apply for an annual allotment for the ensuing marketing year. The Committee, with the approval of the Secretary, shall establish rules and regulations prescribing the information to be submitted on this form. The Committee shall notify each producer of the producer's annual allotment for each class of oil within 10 days after the Secretary establishes the salable quantity and allotment percentage.

(c) Through 1981, a handler may acquire oil of a producer's own production to fulfill a written contract entered into by these two persons prior to February 27, 1979. The terms of this contract shall require the producer to deliver to that handler a specified quantity of a class of oil from that producer's production at a specific price from a specified acreage and produced prior to 1982. The quantity of oil acquired by the handler pursuant to that contract during the 1980–81 or 1981–82 marketing year may exceed the producer's annual allotment for the applicable marketing year, but shall be charged against the producer's annual allotment for that year.

§ 985.55 Identification.

(a) Each producer shall, under supervision of the Committee, identify each class of oil within 15 days following its production, or such other period of time as is recommended by the Committee with the approval of the Secretary. Identification of oil shall be accomplished before its delivery either to a handler for handling as salable oil, or to the Committee or its designees for storage as excess oil.

(b) Identification shall indicate whether the oil is salable or excess oil and include the name of the producer, the class of oil, the net weight, the container number and such other information as may be required by the Committee.

(c) Identification shall be accomplished in accordance with rules and regulations established by the Committee with the approval of the Secretary.

(d) No handler shall handle as salable oil, and the Committee shall not receive as excess oil, any oil that has not been identified as provided in this section, and no person shall alter or remove any identification except when incidental to final disposition.

§ 985.56 Excess oil.

Oil of any class in excess of a producer's applicable annual allotment shall be identified as excess oil and shall be disposed of as follows:

(a) Before October 15, or such date as the Committee, with the approval of the Secretary, may establish, a producer, following notification of the Committee, may transfer excess oil to another producer to enable that producer to fill a deficiency in that producer's annual allotment, or

(b) Before November 1, or such other date as the Committee, with the approval of the Secretary, may establish, excess oil, not used to fill another producer's deficiency, shall be delivered to the Committee or its designees for storage. Such oil shall be stored for the account of the producer. All costs of storage including identification and insurance shall be paid by the producer of excess oil. No handler shall handle excess oil and no producer shall deliver excess oil to other than the Committee or its designees.

(c) The Committee, with the approval of the Secretary, may establish such rules and regulations as it deems necessary for the transfer or storage of excess oil.

§ 985.57 Reserve pool requirements.

(a) On November 1, or such other date as the Committee, with the approval of the Secretary may establish, the Committee shall pool identified excess oil as reserve oil in such manner as to accurately account for its receipt, storage, and disposition. The Committee shall store reserve oil for the account of the producer and maintain the identity of the reserve oil by producer's name, the year produced, the class of oil, and such other identification as may be used in normal commercial trade practices. The Committee shall designate a Committee employee as reserve pool manager.

(b) *Disposition.* (1) When, in any marketing year, a producer has produced less than the annual allotment of a class of oil, the producer may, upon notification of the Committee, fill the deficiency with the same class of reserve oil from the producer's prior production.

(2) Prior to March 15 of any year, or such other date as recommended by the Committee and approved by the Secretary, a producer may notify the Committee of a possible deficiency in the producer's ensuing year's production of oil and wishes to use reserve oil from own production to fill the ensuing year's annual allotment. The Committee shall approve the producer's request if the oil is still available at the time of the request.

(3) Under supervision of the Committee, a producer may exchange salable oil for the same class and quantity of reserve oil from own production so long as the oil is properly identified.

(4) When the Committee finds that additional oil is needed to fill the normal market demand, it shall offer all or a portion of the reserve oil for sale to handlers. Offers to sell, extension of offers and withdrawal of offers shall be subject to disapproval by the Secretary. The Committee may establish rules and regulations governing the offers and sale to handlers.

(5) The Committee may use reserve oil for market development projects approved by the Secretary. Such projects may be conducted by the Committee or in conjunction with or through handlers.

(c) *Pool expenses and proceeds.* Expenses incurred by the Committee in handling and storing reserve oil shall be paid by the equity holders. The proceeds from the disposition of reserve oil shall be distributed, after deduction of any expenses incurred by the Committee in receiving, handling, storing, and disposing thereof, to the equity holders or their successors in interest, on the basis of the number of pounds, class of oil and quality credited to each equity holder's account in the pool. A full accounting to each equity holder, or successor in interest, in each reserve pool shall be made by the Committee annually.

§ 985.58 Exempt oil.

Oil held by a producer or handler on the effective date of this subpart shall not be regulated under this subpart if reported and identified to the Committee not later than 60 days after that date. Any such oil not reported and identified to the Committee shall be subject to all regulation under this subpart.

§ 985.59 Transfers.

(a) Nothing contained in this part shall prevent a producer from transferring the location where that producer's annual allotment is produced to another location except that the producer shall report the transfer to the Committee within 30 days after the transfer.

(b) A producer may transfer all or part of an allotment base to another producer under rules and regulations established by the Committee, with the approval of the Secretary: *Provided,* That the allotment base obtained by transfer from another producer or issued pursuant to § 985.53(d)(1) shall not be transferred for at least 2 years following transfer or issuance, and that the person receiving the allotment base submit to the Committee, evidence of an ability to produce and sell oil from such allotment base in the first marketing year following the transfer or issuance of the allotment base.

Reports and Records

§ 985.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any oil which was held by the handler at such times as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of oil received, the identifying marks, class of oil, weight, place of production, and the producer's name and address at such times as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, each handler shall furnish such other information as may be necessary to enable the Committee to exercise its powers and perform its duties under this part.

§ 985.61 Records.

Each handler shall maintain such records pertaining to all oil handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 985.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where oil is received or held, and at any time during reasonable business hours, shall be permitted to inspect such handlers' premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 985.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall

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at all times, be kept in the custody and under the control of one or more employees of the Committee who shall disclose such information to no person other than the Secretary.

Miscellaneous Provisions

§ 985.64 Compliance.

No person shall handle oil except in conformity with the provisions of this part.

§ 985.65 Rights of the Secretary.

Members of the Committee and subcommittees, and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the Committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the Committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 985.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 985.67 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States or name any agency or division in the U.S. Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

§ 985.68 Personal liability.

No member or alternative member of the Committee and no employee or agent of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 985.69 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 985.70 Separability.

If any provision of ths part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 985.71 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated or suspended in one of the ways specified in § 985.72.

§ 985.72 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part upon a finding that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year upon a finding that such termination is favored by a majority of the producers who, during the preceding marketing year, produced for market more than 50 percent of the volume of oil so produced: *Provided,* That termination shall be effective only if announced before May 31 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 985.73 Proceedings after termination.

Upon termination of the provisions of this part, the Committee shall, for the purpose of liquidating the affairs of the Committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary execute such assignments or other instruments necesary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Committee and upon trustees.

§ 985.74 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have risen or which may thereafter arise in connection with any provision of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 14, 1980.

Signed at Washington D.C. on April 8, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-11108 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, 36, 91, 121, 135, and 139

[Docket No. 18315; Amdt. Nos. 91-159A and 135-2A; SFAR No. 41A]

Increase in Approved Takeoff Weights and Passenger Seating Capacities; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes editorial corrections to Special Federal Aviation Regulation (SFAR) 41 adopted on September 7, 1979. The SFAR prescribes additional airworthiness requirements applicable to certain existing multiengine small airplanes to allow an increase in approved takeoff weights and passenger seating capacities.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT:

Eli S. Newberger, Safety Regulations Staff, AVS–24, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION: This amendment of SFAR 41 (44 FR 53723, September 17, 1979) is editorial in nature to provide an omitted date, change an incorrectly stated date, and delete a regulatory reference listed in error.

As indicated in the preamble, SFAR 41 is applicable to existing propeller-driven multiengine small airplanes. The existing airplanes eligible for amended or supplemental type certificates are those type certificated prior to the effective date of the SFAR; i.e., October 17, 1979. This amendment provides the omitted date in paragraphs 1.(a) and 1.(b).

Paragraph 5.(b)(3) of the SFAR inadvertently cites the certification cutoff date of the given class of airplanes as July 1, 1970. Since this paragraph parallels § 135.169(b)(3), for consistency, the date is corrected to July 19, 1970.

Of the three sections of Appendix A, Part 135, referenced in paragraph 5.(c) of the SFAR, section 19.(b)(3) does not relate to landing requirements and was inadvertently included. Paragraph 5.(c) and the corresponding preamble discussion are amended by deleting the erroneous reference.

This amendment corrects the editorial errors as noted and good cause exists for making the amendment effective April 14, 1980.

Adoption of Amendment

Accordingly, the preamble of SFAR 41 and the text of SFAR 41 of the Federal Aviation Regulations (14 CFR SFAR 41) are amended, effective April 14, 1980, as follows:

1. By amending the preamble of SFAR 41, Discussion of Comments, 5. Exception, under the discussion of section 5.(c) by deleting the phrase "§ 19.(b)(3) and".

2. By amending Special Federal Aviation Regulation 41 as follows:

a. By amending § 1.(a) by inserting the words "prior to October 17, 1979," following the words "originally type certificated" and before the words "in accordance with".

b. By amending the lead-in of § 1.(b) by inserting the words "originally type certificated prior to October 17, 1979," between the words "airplane" and "that".

c. By amending § 5.(b)(3) by deleting the date July 1, 1970, and inserting the date July 19, 1970, in place thereof.

d. By amending § 5.(c) by deleting the reference "19.(b)(3)".

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on April 7, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-11084 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-30-AD; Amdt. 39-3741]

Airworthiness Directives; McDonnell Douglas DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) to require a one-time inspection of previously repaired cracks in the auxiliary emergency exit door jamb. This amendment is required to correct repairs that do not restore the original structural integrity to the aircraft. This amendment applies to McDonnell Douglas DC-9 series airplanes.

DATES: Effective April 14, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESS: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591,

or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION:

Subsequent to the issuance of AD 79–24–01 (Amendment No. 39–3618, 44 FR 67102), the FAA learned of repairs made to the non-ventral aft pressure bulkhead auxiliary emergency exit door jamb which did not return the aircraft to its original structural integrity. In some cases steel doublers were installed which could alter the load path and in time result in additional cracks developing in the door jamb and the bulkhead web.

Therefore, the FAA is amending AD 79–24–01 to require a one-time visual inspection and modification, if necessary, to ensure that all repairs are in accordance with the configurations set forth in McDonnell Douglas Alert Service Bulletin A53–146; to provide relief from the inspections for 10,600 landings for those aircraft with a new emergency exit door jamb installed; and require that all future repairs be accomplished in accordance with data approved by the Chief, Aircraft Engineering Division.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39–3618 (44 FR 67012) AD 79–24–01 is amended as follows:

1. Paragraph (c)(3) is amended to read as follows:

For cracks for which no repair is prescribed in McDonnell Douglas DC–9 Alert Service Bulletin A53–127, Revision 1, dated September 26, 1979, repair in accordance with data approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. Renumber paragraphs (e), (f) and (g) to (g), (h) and (i), respectively and add new paragraphs (e) and (f) as follows:

(e) Within the next 500 landings after or at the next inspection required by paragraph (a)(4) or (b)(2), whichever occurs first, visually inspect the auxiliary emergency exit door jamb for repairs in accordance with paragraph (2)(C) of McDonnell Douglas DC–9 Alert Service Bulletin A53–146, dated March 14, 1980. (Hereinafter referred to as SB A53–146). Repairs not in accordance with SB A53–146 are to be modified as follows:

(1) For repairs to cracks which extend radially outboard, prior to further flight the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 3 of SB A53–146.

(2) For repairs to cracks which extend radially inboard, within the next 500 landings the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 2 of SB A53–146.

(3) For repairs to circumferentially oriented cracks, within the next 1,000 landings, the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 1 of SB A53–146.

(f) If a new replacement door jamb, P/N 5910163–9 or –255 is installed, within 10,000 landings after installation of the new door

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jamb, and thereafter at intervals not to exceed 2,000 landings, inspect the door jamb in accordance with paragraph (b)(2).

3. Add new paragraph (j) as follows:

(j) The inspections and modifications required by this AD need not be accomplished if, after the effective date of this AD, the aircraft is operated without cabin pressurization and a placard is installed in the cockpit, in full view of the pilots, stating: "Operation With Cabin Pressurization is Prohibited."

This amendment becomes effective April 14, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, Calif., on March 28, 1980.

Herman C. Bliss,

Acting Director, FAA Western Region.

[FR Doc. 80-11066 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-19-AD; Amdt. 39-3743]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This notice adopts a new airworthiness directive (AD) that requires inspection, and repair or replacement, as necessary, of the horizontal stabilizer rear spar on McDonnell Douglas Model DC-9 series airplanes. The AD is needed to prevent crack growth which could result in loss of structural integrity of the horizontal stabilizer rear spar.

DATES: Effective May 12, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attn: Director, Publications and Training, C1-750 (54-60).

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been reports of twelve cases of cracking of the horizontal stabilizer upper rear spar cap on McDonnell Douglas Model DC-9 series airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued to require inspection; and repair or replacement as necessary of the horizontal stabilizer rear spar on McDonnell Douglas DC-9 series airplanes.

The 800 hour compliance time for the initial inspection has been established by the FAA on the basis of safety consideration and is the same as that recommended by the manufacturer in the applicable service bulletin. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the FAA within the time the FAA has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD within the time the FAA has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the **Federal Register**. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD was informally coordinated with the Air Transport Association, the Airline Pilots Association and representatives of various operators at a meeting in the FAA Western Regional Office on February 28, 1980. As a result of the meeting, certain relaxatory compliance times were incorporated in the present AD as compared to the original FAA proposal presented at the meeting. These changes include deletion of inspection requirements until aircraft time in service reaches 20,000 hours, (was 15,000), and revision of the originally proposed 800 hour compliance on aircraft with 20,000 to 30,000 hours' time in service, to a compliance time of 1,200 hours.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas: Applies to Model DC-9-10, -20, -30, -40, -50 series airplanes (including military C9A, C9B, and VC9C airplanes) certificated in all categories.

Compliance required as indicated, unless already accomplished. To prevent possible loss of structural integrity of the horizontal stabilizer rear spar, accomplish the following:

(a) On the accumulation of 20,000, or more, hours' total time in service, but less than 30,000 hours' total time in service, within 1,200 hours' additional time in service from the effective date of this AD, inspect the left and right horizontal caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(b) On the accumulation of 30,000, or more, hours' total time in service, within 800 hours' additional time in service from the effective date of this AD, inspect the left and right horizontal stabilizer upper and lower rear spar caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(c) If minor cracks are found which are within the limits of Figure 1 of Service Bulletin A55-31, remove minor cracks by trimming out as shown in Figure 1 of paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(d) Horizontal stabilizer spars which have been subjected to crack trim-out per paragraph (c) of this AD, must be reinspected by visual and eddy current methods within 800 hours' additional time in service after accomplishment of paragraph (c), and thereafter at intervals not to exceed 800 hours' time in service until or prior to the accumulation of 3,200 hours' time in service since accomplishment of paragraph (c) of this AD, at which time the spar cap must be removed and replaced with a like serviceable part.

(e) If cracks are found which are beyond the trim-out limits of Figure 1 of Service Bulletin A55-31, remove and replace with like serviceable part, and reinspect by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980, prior to the accumulation of 20,000 hours' additional time in service on the replacement part.

(f) If no cracks are found as a result of any of the inspections required by this AD, re-inspect the left and right horizontal stabilizer upper and lower rear spar caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980, at intervals not to exceed 6,400 hours' time in service since the last inspection.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(h) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective May 12, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Issued in Los Angeles, Calif., on April 1, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-11067 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-11-AD, Amdt. 39-3744]

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment revises Airworthiness Directive (AD) 79-18-02 which requires inspection and replacement, as necessary, of the lanyard cables on B. F. Goodrich escape slide/raft assemblies on certain Boeing 747 airplanes to include terminating action. The requirement for repeat inspections of the firing and packboard lanyards is eliminated, if they are replaced with approved nylon coated lanyards.

DATES: Effective date April 22, 1980.

ADDRESSES: The service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Roger S. Young Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Amendment 39-3537 (44FR50034) AD 79-18-02, requires the inspection and/or replacement of slide/raft firing and packboard lanyards. Subsequent to the issuance of Amendment 39-3537, information has been supplied to the FAA which warrants changes to the AD.

Since this regulation is relieving in nature and imposes no additional burden, it is found that notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 79-18-02, (Amdt. 39-3537, 44 FR 50034) as follows:

By amending Paragraph C to read:

C. Repeat inspections, described in paragraph A, at intervals not to exceed one (1) year from the date of the last inspection unless the lanyards are replaced as described in Boeing Service Bulletin 747-25A2467, Revision 2, paragraph III E, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. This replacement is terminating action for this Airworthiness Directive.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 22, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on April 2, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-11068 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-16-AD; Amdt. 39-3745]

Airworthiness Directives; All Aircraft Utilizing the Pure-Air Filter In Accordance With STC SA59NW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive requiring replacement of the Pure-Air foam filter element after 100 hours time in service since new, and installation of an internal screen on the downstream side of the filter box. A replacement interval for the foam filter element is also specified.

The effect of the action would be to remove old and brittle filter elements from service and to warn all maintenance personnel that plastic air filters must receive proper maintenance and replacement.

There have been four incidents during the past 8 months involving loss of engine power resulting from an aged filter disintegrating and then being partially ingested into the carburetor butterfly valve.

DATE: Effective date April 22, 1980.

ADDRESS: Pure-Air, Inc., Kent, P.O. Box 946, Kent, Washington 98031.

FOR FURTHER INFORMATION CONTACT: Francis LaBrash, FAA Modification Section, ANW-219, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone: 206-767-2528.

SUPPLEMENTARY INFORMATION: Several incidents have occurred during the past few months, as reported by Malfunction and Defect Reports, in which there were partial or complete engine failures due to ingestion of portions of the air filter element (a plastic foam), which hardens and deteriorates with time. The filter then breaks up and is ingested into the carburetor butterfly valve.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this

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amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Pure-Air, Inc.: Applies to all aircraft using the Pure-Air, Inc. carburetor air inlet filter installed per STC SA69NW.

Compliance is required as indicated.

A. Within 60 days from the effective date of this AD, unless already accomplished.

1. Remove Pure-Air filter foam elements which have been installed for more than 100 hours time in service or one year, whichever occurs first, and install screen (PN M–117 Large or PN M–118 Small) on the downstream inside surface of the filter box (PN M–102 Large or PN M–101 Small) by means of the filter attach bolts.

2. Replace each Pure-Air filter element which has accumulated either 100 hours or one year in service with a new filter element.

B. Replace the foam filter element:

1. Every 100 hours time in service or 12 calendar months, whichever comes first.

2. Any time the filter element becomes 50% covered with any foreign material.

C. Install the new Pure-Air supplied decal, which reflects the above replacement times, in plain view on the upper right hand outside surface of the filter box.

This amendment becomes effective April 22, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (42 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 110354; February 26, 1979)

Issued in Seattle, Wash., on April 2, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80–11069 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 79–EA–62, Amdt. 39–3746]

Airworthiness Directives; Boeing Vertol

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to Boeing Vertol 107–II type rotorcraft, which requires a life limit on the aft transmission quill shaft PN 107–D2067–1 and –3. This amendment results from evaluations conducted by the manufacturer.

EFFECTIVE DATE: April 16, 1980. Compliance is required as set forth in the AD.

ADDRESSES: Boeing Vertol Service Bulletins may be acquired from the manufacturer at P.O. Box 16858, Philadelphia, Pa. 19142.

FOR FURTHER INFORMATION CONTACT:
E. Manzi, Propulsion Section, AEA–214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2894.

SUPPLEMENTARY INFORMATION: In view of the air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Boeing Vertol: Applies to all 107–II type helicopters.

Compliance required as indicated unless already accomplished.

To prevent possible failure of aft transmission quill shafts P/N 107D2067–1 and –3 accomplish the following:

1. Within 50 hours in service after the effective date of this AD, remove from service all quill shafts P/N 107D2067–1 and –3 that have accumulated 5990 or more hours in service.

2. Quill shafts with less than 5990 hours in service must be replaced when the parts have accumulated not more than 6040 hours in service.

3. Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration (FAA) Eastern Region, may adjust the compliance time specified in this AD.

Effective date. This amendment is effective April 16, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89)

Issued in Jamaica, New York, on April 2, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80–11070 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–EA–10; Amdt. 39–3747]

Airworthiness Directives; DeHavilland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to DeHavilland DHC–7 type airplanes, which requires an inspection of the main landing gear drag strut for cracks. The amendment results from two findings of cracks during routine inspections. The failure of the drag strut could result in failure of the landing gear which could cause an accident. An emergency directive was issued under date of February 1, 1980.

EFFECTIVE DATE: April 16, 1980, and was effective for all recipients of the emergency directive issued under date of February 1, 1980. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT:
C. Birkenholz, Airframe Section. AEA–212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2875.

SUPPLEMENTARY INFORMATION: In view of the continuing air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

DeHavilland: Applies to DHC–7 model airplanes, Serial Numbers 1 thru 18, certificated in all categories.

To prevent possible failure of the main landing gear due to cracking in the upper drag strut, accomplish the following:

1. Prior to next flight, and daily thereafter, visually inspect the lower lug end of the upper drag strut sub-assembly on the main landing gear for cracks, in accordance with ACCOMPLISHMENT INSTRUCTIONS in DeHavilland Alert Service Bulletin A7–32–18, paragraphs 1. and 2., dated February 6, 1980, or equivalent.

2. At intervals of 40 hours in service or 50 landings, whichever occurs first, after the effective date of this AD, with gear partially retracted, inspect lugs for cracks in accordance with paragraph 3. of the above DeHavilland service bulletin

ACCOMPLISHMENT INSTRUCTIONS or equivalent.

3. If cracks are found, the upper drag strut assembly must be replaced before further flight by parts with the same part numbers or equivalent, inspected and found serviceable in accordance with the above DeHavilland service bulletin or equivalent.

4. Within 200 hours in service or 250 landings, whichever occurs first, after the effective date of this AD, inspect the upper drag strut lower lug ends by Eddy Current methods in accordance with paragraph 4. of the ACCOMPLISHMENT INSTRUCTIONS in the above DeHavilland service bulletin or equivalent.

5. When inspection in paragraph 4. is accomplished the inspections in paragraphs 1. and 2. are no longer required.

6. Report positive findings, including crack length, from any inspection, to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, within 10 days of inspection. (Reporting approved by Office of Management and Budget under OMB No. 04–R0174).

7. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

8. Compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

Effective date. This amendment is effective April 16, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Jamaica, New York, on April 2, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80–11071 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–EA–6; Amdt. 39–3748]

Airworthiness Directives; Pratt & Whitney of Canada, Ltd.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to Pratt & Whitney of Canada, Ltd. PT6A type aircraft engines, which requires an inspection and replacement where necessary of the fuel pump drive coupling. This amendment results from the discovery of spline wear of the coupling which can cause engine flameout.

EFFECTIVE DATE: April 18, 1980. Compliance is required as set forth in the AD.

ADDRESSES: Pratt & Whitney of Canada, Ltd. Service Bulletins may be acquired from the manufacturer at P.O. Box 10, Longueuil, Quebec, Canada J4K4X9.

FOR FURTHER INFORMATION CONTACT: J. Kiselica, Airframe Section, AEA–214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2894.

SUPPLEMENTARY INFORMATION: In view of the air safety problem associated with a potential flameout, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Applies to Pratt & Whitney Aircraft of Canada, Limited PT6A–6, –6A, –6B, –6/C20, –11, –15AG, –20, –20A, –20B, –21, –25, –25A, –27, –28, –34, –34B, –34AG, –36, –41, –45A, –45B, –112, –135 turboprop engines and Pratt & Whitney Aircraft PT6A–20A, –25, –27, –28, –34 turboprop engines incorporating Part Number 02–14910–01 fuel pump coupling.

Compliance required as indicated unless previously accomplished.

To preclude wear of the fuel pump drive coupling splines which results in an engine flameout condition, accomplish the following:

a. Within the next 50 hours in service after the effective date of this AD for engines which have had a fuel pump removed within the last 200 hours in service, inspect 02–14910–01 fuel pump drive coupling for wear or damage. If the fuel pump drive coupling is worn or damaged replace the fuel pump drive coupling with a new coupling with the same part number or 5006050 coupling assembly in accordance with Paragraph 2, Accomplishment Instructions, in Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 as applicable or an approved equivalent inspection and parts. If 02–14910–01 coupling is installed repeat above inspection each 200 hours in service thereafter until Paragraph b is accomplished.

b. For all engines, prior to July 1, 1981, replace 02–14910–01 fuel pump drive coupling with 5006050 coupling assembly in accordance with Paragraph 2, Accomplishment Instructions in Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 as applicable or approved equivalent inspection and parts. When 5006050 coupling assembly is installed, the inspection requirements of this AD no longer apply.

Aircraft may be flown to a base for performance of maintenance required by this AD per FAR 21.197 or FAR 21.199.

All equivalent inspections and parts must be approved by the Chief, Engineering & Manufacturing Branch, of the Eastern Region of the FAA.

(Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 pertain to this subject)

Effective Date: This amendment is effective April 18, 1980.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89)

Issued in Jamaica, New York, on April 3, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80–11080 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 78–NE–08, Amdt. No. 39–3710]

Airworthiness Directives; Pratt & Whitney Aircraft JT9D Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Pratt & Whitney Aircraft JT9D turbofan engines by requiring additional gearbox magnetic plug inspections. The amendment is needed since the FAA has determined that the 5,000 hour inspection threshold specified in the existing AD is inadequate to detect all instances of gearbox bearing distress.

DATES: Effective—April 16, 1980. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable technical manual and service bulletin may be obtained from: Pratt & Whitney Aircraft Group, United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the service bulletin is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION:
Daniel P. Salvano, Propulsion Section, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7348.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3195, AD 78–08–13, which currently requires a repetitive main gearbox magnetic plug inspection on Pratt &

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Whitney Aircraft JT9D turbofan engines. After issuing Amendment 39–3195, the FAA has determined, based on service experience, that main gearboxes having less than 5,000 hours time in service since new or since the last bearing inspection may experience internal bearing failures. Therefore, the FAA is amending Amendment 39–3195, by requiring magnetic plug inspections of main gearboxes having less than 5,000 hours time in service since new or since the last bearing inspection, on Pratt & Whitney Aircraft JT9D turbofan engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–3195 (43 FR 17345), AD 78–08–13, as follows:

1. By adding a new paragraph 2 to read: All gearboxes having 5,000 hours or less time in service since new or 5,000 hours or less time in service since the last bearing inspection, in accordance with the JT9D Engine Manual, P/N 646028, Section 72–02–50, must be inspected with either (a) or (b) whichever occurs earlier:

a. Within the next 650 hours and every 650 hours thereafter until a total gearbox time of 5,000 hours has been accumulated.

b. At a total gearbox time of 5,300 hours.

2. By renumbering the present paragraph 2 to read "3" and revising paragraph 3a and 3b(1) of the amendment as follows: "If no additional spalled particles are found resume the repetitive inspection of paragraph 1 or 2 as applicable."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket.

Issued in Burlington, Massachusetts, on April 3, 1980.

Arthur Varnado,

Acting Director, New England Region.

[FR Doc. 80-11081 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80–NW–15–AD; Amdt. 39–3752]

Airworthiness Directives; Boeing Model 707–300B Series, 707–300C Series and 727C/727–100C Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive to require inspections and replacement as required of the main deck cargo door cam support fittings on Boeing Model 707–300B series airplanes with main deck cargo doors, Model 707–300C series airplanes, and Model 727C/727–100C series airplanes. Cracks have been detected in these fittings which could eventually reduce the door attachment integrity and result in a rapid decompression.

DATES: Effective date—April 20, 1980. Initial compliance—As prescribed in the body of the AD.

ADDRESSES: The Boeing documents specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW–212, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: Several instances of cracked main cargo door cam support fittings have been reported. Cracks were detected in the bushed bore which supports the cam shaft and in the lower curved flange of the fitting. Cracking is attributed to fatigue from pressurization cycles. Loss of two adjacent fittings could allow the cargo door to distort sufficiently to result in rapid loss of cabin pressure. These fittings are installed in all 707–300B series airplanes with main deck cargo doors, 707–300C series airplanes, and 727C/727–100C series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, action is taken herein to require inspection and replacement, if required, of the main cargo door cam support fitting.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 707–300B series airplanes with main deck cargo doors, 707–300C series airplanes, and 727C/727–100C series airplanes, certificated in all categories. Compliance required as indicated:

To detect cracks in the main deck cargo door cam fittings, accomplish the following:

A. Within the initial compliance times specified below, eddy current inspect all eight (8) main cargo door cam support fittings for cracks in accordance with Boeing Alert Service Bulletin Numbers 707–A3387 and 727–52–A124, as applicable, or later FAA approved revisions, or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Compliance required for aircraft which have accumulated on the effective date of this AD:

1. 30,000 or more landings—within 250 landings after the effective date unless accomplished within the last 750 landings;

2. 20,000 or more landings, but less than 30,000 landings—within 500 landings unless accomplished within the last 500 landings;

3. Less than 20,000 landings—prior to the accumulation of 20,500 landings.

B. Repeat the inspection in accordance with Paragraph A of this AD at intervals not to exceed 1,000 landings.

C. Cracked fittings must be replaced prior to further flight or repaired in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repaired fittings must be inspected in accordance with Paragraph B of this AD. Replacement fittings must be inspected in accordance with Paragraph A of this AD upon accumulation of 20,000 landings, and thereafter at intervals not to exceed 1,000 landings.

D. Aircraft with less than five (5) cracked fitting(s) may be ferried unpressurized to a maintenance base for replacement in accordance with FAR 21.197.

E. For the purpose of complying with this AD, pressurization cycles may be substituted for landings, if an operator has complete records of pressurization cycles.

This AD may be amended to include terminating action provisions.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 20, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provision of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on April 4, 1980.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-11075 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20247; Amdt. 39–3754]

Airworthiness Directives; Short Brothers Limited Model SC 7 Skyvan Series 3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection, and reinstallation if necessary, of the spring heel block attachment to the air/ground lever on Short Brothers Limited Model SC 7 Skyvan Series 3 airplanes. This AD is necessary to ensure that the spring heel block is retained on the air/ground lever. If the spring heel block inadvertently becomes detached, it could fall into and jam, or restrict the movement of, the engine power controls which could result in loss of control of engine power and impair control of the airplane.

DATES: Effective—April 28, 1980. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast, BT 3 9 DZ, Attention: Product Support Manager.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: There have been reports that the spring heel block has become detached from the air/ground lever as installed on Short Brothers Limited Model SC 7 Skyvan Series 3 airplanes. The spring heel block, if detached, can fall into other engine control systems located in the vicinity and jam, or restrict the movement of, the engine power controls which could result in loss of control of engine power settings and impair control of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one time inspection of the spring heel block to air/ground lever attachment to ensure that the spring heel block retaining pin and plate are properly installed, and re-installation of the spring heel block if it is found detached.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited: Applies to Model SC 7 Skyvan Series 3 airplanes certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent possible jamming or restricted movement of the engine power levers, accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, inspect the air/ground lever to check that the spring heel block retaining pin P/N SC 7–47–5349 is securely locked into position by retaining plate P/N SC 7–47–5350.

(1) If, as a result of this inspection, the spring heel block or the retaining pin or plate are found to be missing or improperly installed, before further flight—

(i) Replace the missing parts with parts of the same P/N or reinstall improperly secured parts;

(ii) Remove all unattached parts found in the console area;

(iii) Check all controls located on the pilot's console for freedom of movement and full travel; and

(iv) Return the airplane to service.

(2) If, as a result of this inspection, the spring heel block, retaining pin and retaining plate are found to be properly installed the airplane may be returned to service.

Note.—Shorts Service Bulletin No. 76–A56 concerns this same subject.

This amendment becomes effective April 28, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

Issued in Washington, D.C. on April 3, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-11078 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20246, Amdt. 39–3755]

Airworthiness Directives; British Aerospace/Societe Nationale Industrielle Aerospatiale Concorde Type I Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes telegraphic AD dated April 6, 1979, which was previously made effective to all known United States operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes. The AD requires replacement of the electrical pitch trim computer with a

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modified electrical pitch trim computer of a new part number.

DATES: This amendment becomes effective April 14, 1980. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable service bulletin (campaign wire) may be obtained from:

British Aerospace, Inc., Brooklands Road, Weybridge, Surrey, England RT 13 OSJ.
Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France.

A copy of the campaign wire is contained in the Rules Docket in Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT:
D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: An emergency telegraphic airworthiness directive (AD) was adopted on April 6, 1979, which required replacement of the electrical pitch trim computer with a modified electrical pitch trim computer of a new part number and repetitive inspection of the existing computer until replaced. The April 6 telegram superseded telegraphic AD dated March 27, 1979 which had required inspection and testing of the existing electrical pitch trim computer and installation of a temporary placard. The March 27 telegram had superseded a telegram issued on March 21, 1979 because certain clarifications were needed.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed to make the ADs effective immediately as to all known U.S. operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes by telegraphic means.

The telegraphic AD dated April 6, 1979, required the pitch trim computer replacement by no later than April 15, 1979. Since the time for replacements has passed, and repetitive inspections need not be performed on modified computers, the telegraphic AD dated April 6, 1979, is being superseded by a new AD that deletes the repetitive inspection requirement. Clarifying language has also been added concerning the FAA-approved equivalent to the manufacturer's campaign wire.

Since a situation exists that requires immediate adoption of this regulation, notice and public procedure thereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace/Societe Nationale Industrielle Aerospatiale: Applies to all Concorde Type I airplanes, certificated in any category.

To prevent unwanted deviation from the flight path, accomplish the following:

(a) Prior to the next flight after the effective date of this AD, unless already accomplished, remove electrical pitch trim computers 1C151 or 2C151 and install in their place modified electrical pitch trim computers, P/N 49–004.071C51 or P/N 49–004.072C151, as appropriate, in accordance with Concorde Campaign Wire 22CW019, issue 2, dated March 27, 1979, or an equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

Note.—Concorde service bulletin 22A019 (Mod. 1669) also concerns the installation of the modified electrical pitch trim computers.

This supersedes telegraphic airworthiness directive dated April 6, 1979.

This amendment becomes effective April 14, 1980.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on April 3, 1980.

M. C. Beard,
Director of Airworthiness.

[FR Doc. 80–11077 Filed 4–11–80; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–WE–2]

Establishment of Transition Area; Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Globe, Arizona. The transition area is necessary to provide controlled airspace for arrival/departure operations for the Globe-San Carlos Regional Air Facility Airport, Globe, Arizona.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536–6102.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area for Globe, Arizona (45 FR 10806). The FAA has established an instrument approach procedure (NDB–A) for the Globe-San Carlos Regional Air Facility Airport. Designation of this transition area is to provide controlled airspace for increased aircraft operations in the Globe area. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the **Federal Register** on January 2, 1980, (45 FR 445).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a transition area at Globe, Arizona. This transition area provides protection for IFR arrival/departure operations authorized in the Globe, Arizona area. This amendment increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., May 15, 1980, as follows:

Under § 71.181 add:

Globe, Arizona

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Globe-San Carlos Regional Air Facility Airport (latitude 33°21'10" N., longitude 110°40'10" W.); and within 4 miles each side of the 080° bearing from the Globe-San Carlos Regional Air Facility Radiobeacon (RBN) (latitude 33°21'16" N., longitude 110°39'53" W.) extending from the 5-mile radius area to 10 miles east of the RBN.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on April 1, 1980.

W. R. Frehse,
Acting Director, Western Region.

[FR Doc. 80–11084 Filed 4–11–80; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–WA–5]

Amendment to Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action suspends Federal Airway V–83 within the Talon Military Operations Area (MOA) near Carlsbad, N. Mex., during the time that the MOA is activated by Notice to Airman (NOTAM). Suspension of the airway within the MOA facilitates military training which is not compatible with the existence of the airway and permits more efficient joint military and civil use of the navigable airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
George O. Hussey, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–3715.

SUPPLEMENTARY INFORMATION:

History

On March 20, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Federal Airway V–83, 12,000 feet MSL and above, within the Talon MOA during the time that the MOA is activated by NOTAM (45 FR 18027). Interested persons were afforded the opportunity to participate in the rulemaking proceeding through the submission of comments. Comments received expressed no objection to the proposal. This amendment is the same as that proposed in the notice. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) suspends that portion of Federal Airway V–83 12,000 feet MSL and above from 7 miles northwest of Carlsbad VORTAC to 19 miles southeast of Roswell VORTAC during the time that the Talon MOA is activated by NOTAM.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 G.m.t., May 15, 1980, as follows:

In § 71.123, under V–83; add "That portion of the airway 12,000 feet MSL and above from 7 miles (Lat. 32°22'08" N., Long. 104°15'57" W.) northwest of Carlsbad VORTAC to 19 miles (Lat. 33°02'04" N., Long. 104°30'32" W.) southeast of Roswell VORTAC is suspended during the time that the Talon MOA is activated by NOTAM."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on April 8, 1980.

James Burns, Jr.,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–11085 Filed 4–11–80; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 95

[Docket No. 20249; Amdt. No. 95–291]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Lewis O. Ola, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable

airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of those close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on April 8, 1980.

John S. Kern,

Acting Chief, Aircraft Programs Divisions.

BILLING CODE 4910-13-M

§95.50 GREEN FEDERAL AIRWAY 10
is amended by adding:

FROM	TO	MEA
Ellee, Alas. NDB	Humboldt, Alas NDB	5000

§95.52 GREEN FEDERAL AIRWAY 12
is amended by adding:

FROM	TO	MEA
Ellee, Alas. NDB	Humboldt, Alas NDB	10000

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Wolbach, Neb VORTAC	Des Moines, Iowa VORTAC	*10000
*3900-MOCA		MAA-17500

§95.6002 VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
Helena, Mont. VOR	*Manor INT, Mont.	**9500
*9000—MCA Manor INT, NW-bound		
**9100—MOCA		
Manor INT, Mont.	*Bozeman, Mont. VOR	8500
*9300—MCA Bozeman VOR, SE-bound		
*Bozeman, Mont. VOR	Livingston, Mont. VOR	10000
*9300 – MCA Bozeman VOR, SE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Helena, Mont VOR	*Vosta INT, Mont	
	W-bound	9700
	E-bound	10800
*10800 – MRA		
Vosta INT, Mont.	Conna INT, Mont.	10800
Conna INT, Mont	Livingston, Mont. VOR	10000
Helena, Mont. VOR	*Vosta INT, Mont.	
Via S alter	Via S alter.	
	W-bound	9700
	E-bound	10800
*10800 – MRA		
Vosta INT, Mont.	*Manor INT, Mont.	
Via S alter.	Via S alter.	9700
*9200—MCA NW-bound		
Manor INT, Mont.	Bozeman, Mont. VOR	
Via S alter	Via S alter.	8500
*Bozeman, Mont. VOR	Livingston, Mont. VOR	
Via S alter	Via S alter.	10400
*9300-MCA Bozeman VOR SE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended by adding:

FROM	TO	MEA
Gardner, Mass. VOR	Tyngs INT, Mass.	3500
Tyngs INT, Mass.	Lawrence, Mass. VOR	2000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Charleston, W. Va. VORTAC	*Italy INT, W. Va.	3000
*4000-MRA		

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Gilbi INT, Fla	Covel INT, Fla	
Via E alter.	Via E alter.	*3500
*1500-MOCA		
Covel INT, Fla	Ft Myers, Fla VOR	
Via E alter	Via E alter	2000

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Montgomery, Alas VOR	Annie INT, Ala	2000
Annie INT, Ala	Vulcan, Ala. VOR	3000

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Raven INT, Calif	Garey INT, Calif.	
	NE-bound	10500
	SW-bound	8000
Garey INT, Calif	*Lucer INT, Calif	10500
*9300-MCA Lucer INT, SW-bound		

§95.6010 VOR FEDERAL AIRWAY 10
is amended to read in part:

FROM	TO	MEA
*Steff INT, Kans	Hutchinson, Kans VOR	**3100
*4200-MRA		
**3000-MOCA		
*Steel INT, Kans	Hutchinson, Kans VOR	
Via N alter	Via N alter	**3200
*4000-MRA		
**3000-MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to delete:

FROM	TO	MEA
Woons INT, R.I.	Milis INT, Mass.	*2300
*1800-MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Woons INT, R.I.	Wilki INT, Mass.	3000
Wilki INT, Mass	Milis INT, Mass	2000

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Raven INT, Calif.	Garey INT, Calif.	
	NE-bound	10500
	SW-bound	8000
Garey INT, Calif.	*Lucer INT, Calif.	10500
*9300-MCA Lucer INT, SW-bound		

§95.6024 VOR FEDERAL AIRWAY 24
is amended to read in part:

FROM	TO	MEA
Aberdeen, S D VOR	Watertown, S.D VOR	*3700
*3200-MOCA		

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§95.6027 VOR FEDERAL AIRWAY 27
is amended to read in part:

FROM	TO	MEA
Geviate, Calif. VOR *6000-MCA Orcutt, SE-bound	*Orcutt INT, Calif.	6000
Orcutt INT, Calif.	San Luis Obispo, Calif. VOR	4000

§95.6045 VOR FEDERAL AIRWAY 45
is amended to read in part:

FROM	TO	MEA
Kimes INT, N C	Greensboro, N C VOR	2500

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Pierre, S D. VORTAC *3600-MOCA	Swimm INT, S.D.	*5500
Swimm INT, S D	Bismarck, N D VORTAC	
	S-bound	5500
	N-bound	3600

§95.6086 VOR FEDERAL AIRWAY 86
is amended to read in part:

FROM	TO	MEA
*Bozeman, Mont. VOR *9300-MCA Bozeman VOR, SE-bound	Livingston, Mont. VOR	10400

§95.6099 VOR FEDERAL AIRWAY 99
is amended by adding:

FROM	TO	MEA
Hartford, Conn. VOR *2100-MOCA	Eagre INT, Conn.	*3000
Eagre INT, Conn. *2200-MOCA	Layer INT, Conn	*3000
Layer INT, Conn.	INT 057 M rad Hartford VOR & 025 M rad Putnam VOR	3000
INT 057 M rad Hartford VOR & 025 M rad Putnam	Dreom INT, Mass.	3000
Dreom INT, Mass.	INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	3500
INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	Lobby INT, Mass.	3500
Lobby INT, Mass.	Manjo INT, Mass.	2900
Manjo INT, Mass.	Rever INT, Mass.	2000
Rever INT, Mass.	Boston, Mass. VOR	2000

§95.6106 VOR FEDERAL AIRWAY 106
is amended to delete:

FROM	TO	MEA
Gardner, Mass. VOR	Stare INT, N.H.	3500
Stare INT, N.H.	Manchester, N.H. VOR	2000

§95.6106 VOR FEDERAL AIRWAY 106
is amended to read in part:

FROM	TO	MEA
Gardner, Mass. VOR	Cinky INT, N H.	2600
Cinky INT, N.H.	Manchester, N.H. VOR	2000

§95.6132 VOR FEDERAL AIRWAY 132
is amended to read in part:

FROM	TO	MEA
*Steel INT, Kans. *4000-MRA **3000-MOCA	Hutchinson, Kans. VOR	**3200

§95.6140 VOR FEDERAL AIRWAY 140
is amended to read in part:

FROM	TO	MEA
Nashville, Tenn. VOR *2400-MOCA	Herne INT, Tenn.	*3000
Herne INT, Tenn.	Livingston, Tenn. VOR	3000

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Nitny INT, Fla.	Vero Beach, Fla. VOR	2000

§95.6218 VOR FEDERAL AIRWAY 218
is amended to read in part:

FROM	TO	MEA
Waukon, Ia. VOR *4000-MRA **2500-MOCA	*Boulk INT, Wis.	**5000
Boulk INT, Wis. *2500-MOCA	Rockford, Ill. VOR	*4000

§95.6234 VOR FEDERAL AIRWAY 234
is amended to read in part:

FROM	TO	MEA
Biway INT, Kans. *3300-MOCA	Gabie INT, Kans	*4300
Gabie INT, Kans. *3000-MOCA	Hutchinson, Kans. VOR	*3200

§95.6267 VOR FEDERAL AIRWAY 267
is amended to read in part:

FROM	TO	MEA
Palm Beach, Fla. VOR Via E alter.	Shods INT, Fla. Via E alter.	2000

§95.6280 VOR FEDERAL AIRWAY 280
is amended to read in part:

FROM	TO	MEA
Corbo INT, Kans. *3500-MOCA	Wiper INT, Kans.	*8000
Wiper INT, Kans. *3000-MOCA	Hutchinson, Kans. VOR	*3100

§95.6292 VOR FEDERAL AIRWAY 292
is amended to delete:

FROM	TO	MEA
Putnam, Conn. VOR *2000-MOCA	Bosox INT, Mass.	*2600
Bosox INT, Mass. *1800-MOCA	Broth INT, Mass.	*2300
Broth INT, Mass.	Boston, Mass. VOR	2300

§95.6292 VOR FEDERAL AIRWAY 292
is amended to read in part:

FROM	TO	MEA
Putnam, Conn. VOR	Dreom INT, Mass.	3000
Dreom INT, Mass.	INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	3500
INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	Lobby INT, Mass.	3500
Lobby INT, Mass.	Manjo INT, Mass.	2900
Manjo INT, Mass.	Rever INT, Mass.	2900
Rever INT, Mass.	Boston, Mass. VOR	2000

§95.6345 VOR FEDERAL AIRWAY 345
is amended to read in part:

FROM	TO	MEA
Eau Claire, Wis. VOR *3000-MOCA	Hayward, Wis. VOR	*4500

§95.6506 VOR FEDERAL AIRWAY 506
is amended to read in part:

FROM	TO	MEA
Bethel, Alas VOR *1900-MOCA	Marsi DME Fix, Alas.	*2000
Marsi DME Fix, Alas *9500-MRA **3200-MOCA @MEA Gap is established with a gap in navigation signal coverage.	*Johni DME Fix, Alas.	**8000
*Johni DME Fix, Alas. *9500-MRA **3200-MOCA @MEA Gap is established with a gap in navigation signal coverage	Decio DME Fix, Alas	**8000
Decio DME Fix, Alas. *3200-MOCA	Nome, Alas. VOR	*6000

§95.7089 JET ROUTE NO. 89 is amended to read in part:

FROM	TO	MEA	MAA
Lakeland, Fla. VORTAC	Atlanta, Ga. VORTAC	25000	45000

§95.7091 JET ROUTE NO. 91 is amended by adding:

FROM	TO	MEA	
Cross City, Fla. VORTAC	Atlanta, Ga. VORTAC	24000	45000

2. By amending Sub-part D as follows:

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
J-18 is amended to read in part:			
St Joseph, Mo VORTAC	Bradford, Ill. VORTAC	75	St. Joseph
Bradford, Ill VORTAC	St Joseph, Mo VORTAC	179	Bradford

[FR Doc. 80-11072 Filed 4-11-80; 8:45 am]
BILLING CODE 4910-13-C

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Employment, Wages, Self-Employment, and Self-Employment Income

Correction

In FR Doc. 80-0295 appearing on page 20074 in the issue of Thursday, March 27, 1980, make the following corrections:

1. On page 20087, middle column, in the tenth line of § 404.1058(a)(2), "If" should have read "If".

2. On page 20092, third column, in § 404.1083, the last paragraph should have been designated "(d)" instead of "(b)".

BILLING CODE: 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 630

[AR 190-9]

Military Absentee and Deserter Apprehension

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army published on January 29, 1980 an Interim Rule (45 FR 6566) and requested public comment on the amendment of Army regulations concerning the Military Absentee and Deserter Apprehension program. Only one inquiry was received requesting verbal information on the historical precedence for payment of rewards for deserter apprehension; therefore, 32 CFR Part 630 is promulgated as a final rule.

EFFECTIVE DATE: February 1, 1980.

ADDRESS: HQDA(DAPE-HRE), Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Colonel Thomas A. MacDonnell, GS, Chief, Law Enforcement Division, HQDA(DAPE-HRE), Washington, DC 20310 (202) 695-5662.

New Part 630 as published on January 29, 1980 is promulgated as a final rule.

Thomas A. MacDonnell,

Colonel, U.S. Army, Chief, Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

20310.

[FR Doc. 80-11195 Filed 4-11-80; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

32 CFR Part 889

Desertion and Unauthorized Absence

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 889 of Chapter VII, Title 32, of the Code of Federal Regulations. This revision prescribes the policies and procedures for management of desertion and unauthorized absence. It clarifies the circumstances for return to military control and assigns responsibility for actions required to implement the new Deserter Apprehension Program. This part implements DOD Directive 1325.2, August 20, 1979.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. June Hughes, HQ AFMPC/MPCAKE, Randolph AFB, Texas 78148, telephone (512) 657-2148.

SUPPLEMENTARY INFORMATION: Part 889 of Subchapter I, Chapter VII, Title 32, of the Code of Federal Regulations has been revised. The revision updates instructions for action at base level; restricts requests for FBI assistance to aggravated cases; increases the amounts of the rewards and reimbursements payable to persons or agencies apprehending or returning absentees or deserters, and generally updates office symbols and references.

Accordingly, Title 32 of the Code of Federal Regulations is amended by revising Part 889 to read as follows:

PART 889—DESERTION AND UNAUTHORIZED ABSENCE

Subpart A—General Information and Policy

Sec.

889.1 Purpose.
889.2 When unauthorized absence begins and ends.
889.3 Administrative classification of deserters.
889.4 When return to military control occurs.
889.5 Apprehension policy.
889.6 Authority to apprehend.
889.7 Where absentees are returned to military control.

Subpart B—Responsibilities

889.8 General Responsibilities.

Subpart C—Cooperation With Civil Authorities

889.9 Notice to civil authorities.
889.10 Absentees detained by civil authorities.
889.11 Rewards and reimbursements.
889.12 Notice of return to military control.

Subpart D—Action Involving National Security

889.13 Action in cases involving security considerations.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 35-73, December 3, 1979, and Interim Message Change, January 28, 1980. Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—General Information and Policy

§ 889.1 Purpose.

This part sets out policies and standard procedures for the management of desertion and unauthorized absence. It tells how the Air Force tries to reduce the number of absences and return the absentees to military control. It implements DOD Directive 1325.2, August 20, 1979. This part applies to all military personnel serving on, or ordered to report to, active duty with the Air Force. This includes members of the Reserve components who are serving on, or ordered to report to active duty or active duty for training.

Note.—This regulation prescribes a system of records which is affected by the Privacy Act of 1974 as authorized by 10 U.S.C. 885, 886, and 887.

§ 889.2 When unauthorized absence begins and ends.

An unauthorized absence:

(a) Starts at the time a member is absent from the place where he or she is required to be present. Cite the date and hour.

(b) Ends when the absentee or deserter returns to military control (see 889.4). Cite the date and hour.

§ 889.3 Administrative classification of deserters.

Classify an absentee as a deserter, for administrative purposes, and issue a DD Form 553, Absentee Wanted by the Armed Forces, when he or she:

(a) Has been absent without leave (AWOL) for 30 consecutive days. Count the day of departure as the first day of AWOL. This status lasts through 2400 hours on the 30th consecutive day. Change the absentee's status to desertion at 0001 hours on the 31st day.

(b) Is AWOL, without regard to the length of the absence, and:

(1) Is under duty or travel restrictions imposed by AFR 205-32, USAF Personnel Security Program.

(2) Has had access in the past 12 months to TOP SECRET information or other classified information for which special access authority is required.

(3) Has gone to, or remains in, a foreign country and, while in the foreign country, has requested or applied for, or accepted, any type of asylum or resident permit from that country, or any governmental agency of the foreign country.

(4) Action pending on a previous unathorized absence has not been completed.

(5) Is an escaped prisoner.

(6) In addition to being AWOL, is wanted for a serious offense.

Note.—Refer to 889.13 if (b) (1), (2), or (3) of this section applies.

§ 889.4 When return to military control occurs.

Return to military control occurs when (date and hour):

(a) An absentee or deserter surrenders to, is delivered to, or is apprehended by or for military authorities; or

(b) A civilian authority holding the absentee or deserter for some reason other than at the request of the military informs the military of his or her availability; or

(c) An absentee or deserter otherwise comes under the control of military personnel; or

(d) Is determined by HQ AFMPC/MPCAKE to have been returned to military control.

Note.—An absentee in the hands of civil authorities is no longer considered to be at large when a detainer is lodged with civilian authorities. The detainer ensures that military authorities will be told when civilian authorities are ready to release the absentee.

§ 889.5 Apprehension policy.

Commanders must make every effort to apprehend absentees as quickly as possible. Investigation of the facts of the case and apprehension efforts must start immediately when an unauthorized absence occurs. These efforts not only help return the absentees to military control sooner, but they can also serve to deter others from unauthorized absence. When a lead as to the location of an absentee is developed, the security police pass it to the proper civil law enforcement authorities and ask for their help in returning the absentee to military control. The CBPO prepares a DD Form 553 in these cases, if one has not been issued. Distribution is limited to the military records and the civil authorities concerned.

§ 889.6 Authority to apprehend.

(a) Absentees and deserters may be apprehended by members of the Armed Forces as prescribed by Article 7b of the UCMJ and the Manual for Courts-Martial (MCM).

(b) A civil officer who has authority to apprehend offenders under the laws of the United States may summarily apprehend a deserter from the Armed Forces and deliver him or her into the custody of the Armed Forces. See Article 8 of the UCMJ and MCM. Civilian law enforcement authorities may apprehend absentees when requested to do so by Military or Federal authorities.

(c) United States authorities may apprehend absentees and deserters in foreign countries only when authorized to do so by an international agreement with the country concerned, or by agreement with proper local authorities when such agreement is not violative of an existing international agreement. In these cases:

(1) Give careful consideration, in consultation with the servicing staff judge advocate, to possible international implications and adverse foreign reaction.

(2) Where apprehension cannot be accomplished, or in any case where doubt exists as to apprehension authority, a report of the facts must be sent to HQ USAF/JACI, Wash DC 20324, for submission through channels to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) for resolution.

§ 889.7 Where absentees are returned to military control.

(a) Absentees and deserters will be received at any military installation staffed by active duty personnel. Immediate action must be taken to transfer an individual to the nearest installation of his or her branch of the military service having facilities to process absentees and deserters.

(b) In foreign countries, military attachés, the Chiefs of Military Assistance Advisory Group (MAAG) or similar organizations will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the individual in the country where assistance is requested.

(1) Generally, such deserters and absentees are advised and assisted to report, at their own expense, to a proper United States military installation within the United States or overseas.

(2) Unless they are citizens of the country in which assistance is requested, absentees and deserters must be reported to the proper authorities of such foreign country with a view toward deportation.

(3) If the individual departs the foreign country or is deported, the military attaché or Chief of the MAAG will make arrangements, if possible, when such departure is known, to have the individual taken into custody on his or her arrival within a territory where United States military officers have authority to apprehend.

(4) The Chief of the US diplomatic mission must be kept fully informed.

Subpart B—Responsibilities

§ 889.8 General responsibilities.

(a) All Members. All members of the Air Force must be present for duty at the time and place they are ordered to be. It is their responsibility to do this in support of mission accomplishment.

(b) Commanders and Supervisors at All levels. Commanders and supervisors must:

(1) Make sure that all members understand and assume their responsibility to be present for duty at the time and place they are ordered to be.

(2) Take prompt action when a member is not present for duty.

(c) Directorate of Personnel Plans (HQ USAF/MPX):

(1) Is the focal point for personnel policy.

(2) Is responsible for initiating and fostering those policies that will minimize the occurrence of unauthorized absence and desertion.

(d) International Law Division, Office of the Judge Advocate General (HQ USAF/JACI). This is the focal point for international law issues concerning apprehension overseas.

(e) Chief of Security Policy, Air Force Office of Security Police (HQ AFOSP/SP):

(1) Is the focal point for apprehension of absentees and deserters.

(2) Evaluates and proposes changes as

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needed to the Joint Service Apprehension Program.

(3) Develops, disseminates, monitors, and evaluates policies and procedures for the apprehension of Air Force absentees.

(4) With the assistance of the Defense Investigative Service establishes liaison and maintains a level of coordination with civilian law enforcement agencies and other military services as necessary to encourage their active participation in absentee and deserter apprehension programs.

(5) Provides guidelines and monitors the use of escorts in moving members returned to military control.

(f) Directorate of Criminal Investigation, Air Force Office of Special Investigations (HQ AFOSI/IVG):

(1) Makes entries in the National Crime Information Center (NCIC).

(2) Inquires into the circumstances of unauthorized absences when asked by commanders to do so.

(g) Airman Separations Branch, HQ Air Force Manpower and Personnel Center (HQ AFMPC/MPCAKE):

(1) Coordinates and disseminates procedures for management of unauthorized absences.

(2) Monitors disposition of absentees returned to military control and gives guidance in unusual cases.

(3) Is the Air Force Deserter Information Point (DIP).

(4) Maintains statistical data concerning unauthorized absences.

(h) Military Pay Division, HQ Air Force Accounting and Finance Center (HQ AFAFC/MP). Establishes procedures to prevent absentees from drawing pay to which they are not entitled.

(i) Base Commanders and Higher Echelon Commanders:

(1) Must stress continually the Air Force position on unauthorized absence and desertion.

(2) Set up management practices and programs to deter absenteeism and desertion.

(3) Undertake local publicity and information efforts about the deserter apprehension program that will serve to deter potential absentees.

(4) Develop programs to ensure retention of the maximum number of those absentees or deserters who have returned to military control and have the potential for continued effective service.

(5) Make agreements with local or area commanders of other services to facilitate the pickup and transportation of absentees or deserters of all Services.

(j) Major Command (MAJCOM) Commanders. They must make sure that Consolidated Base Personnel Offices (CBPOs) and units comply with this part.

Subpart C—Cooperation With Civil Authorities

§ 889.9 Notice to civil authorities.

(a) Within the Jurisdiction of the United States. CBPOs send out DD Forms 553 promptly when a member is administratively classified as a deserter. They send them to the Armed Forces and civil law enforcement agencies that are most apt to be helpful in apprehending the particular absentee. HQ AFMPC/MPCAKE sends notices to the FBI and to the Department of State in certain cases. These include cases where the absentee is known, or thought, to have gone to a foreign country.

(b) Outside the Jurisdiction of the United States. Major commands take action as the local situation may warrant. They must act within the primacy of international agreements to secure cooperation in apprehension of members who are absent without leave (see 889.7).

§ 889.10 Absentees detained by civil authorities.

(a) Absentees and deserters detained temporarily in the hands of US civil authorities must be picked up by military authorities as soon as possible. As a goal, they should be picked up within 48 hours after military authorities are told that US civil authorities will release them. In situations where absentees and deserters are detained temporarily in the hands of foreign authorities, especially individuals detained by foreign authorities other than those of the country of assignment, consultation with the servicing staff judge advocate is required. Civil authorities apprehend and hold absentees as a service to the military departments. They should not be required to help them longer than necessary.

(b) Unless other specific arrangements have been made, when one of the military services picks up absentees or deserters from civil authorities anywhere in CONUS, they pick up all such individuals at the same time. They do this without regard to the military service from which the member is absent. They take the absentees to the nearest military installation that has facilities to process absentees or deserters. If the military service cannot pick up all the absentees or deserters being held, they notify the military service or services of the individuals who remain in custody. This should be done before those who are making the pickup leave the confinement facility.

§ 889.11 Rewards and reimbursement.

(a) Any authorized communication, oral or written, from a military or Federal law enforcement official or agency, requesting active cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Air Force constitutes the basis for a reward. After such communication, persons or agencies apprehending, detaining, or delivering absentees, deserters, or escaped military prisoners to military control are rewarded or reimbursed (but not both) as follows:

(1) Payment of a reward of $50 for the apprehension and detention of absentees, deserters, or escaped military prisoners until the military authorities take them under control.

(2) Payment of a reward of $75 for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners.

(3) When persons or agencies who apprehend or return absentees and deserters to military control may not be paid a reward, reimbursement for reasonable and actual expenses may be made not to exceed $75 for any one case.

(b) Payments authorized by (a) of this section and cost of travel of guards assigned to the absentees or deserters will be charged to the military personnel appropriation of the Air Force. These costs will not be reimbursed by the absentee or deserter. Costs associated with an absentee's or deserter's own transportation for return to military control will be charged to the pay account of the individual member as prescribed in the Joint Travel Regulation, volume I, chapter 5.

§ 889.12 Notice of return to military control.

Civil authorities must be told immediately when an absentee has returned to military control. This is necessary to prevent the apprehension of a person who is no longer a deserter or one who has been discharged. The DD Form 616 is the standard format for this notice within the United States. Other means of notification may be used outside the United States, if they are more appropriate.

Subpart D—Action Regarding National Security

§ 889.13 Action in cases involving security considerations.

This section gives instructions for additional actions that must be taken when a case involves matters that may affect the national security. When an absentee is administratively classified as a deserter for one of the reasons in 889.3(b) (1), (2), or (3):

(a) The commander:

(1) Immediately notifies HQ USAF/DAI, HQ AFOSI/IVG/IVO and HQ AFMPC/MPCAKE, by message (includes MINIMIZE), with the servicing CBPO and affected MAJCOM or MAJCOMs as information addresses. The message gives:

(i) Information required to prepare a DD Form 553 with the data numbered to correspond to the items on the form.

(ii) The type of classified information to which the absentee had access (COMSEC, CRYPTON, SIOP, SCI, or other).

(iii) Any information that may show whether the absentee has defected or may have compromised classified information.

(iv) Other information the commander deems to be significant.

(2) Refers the case, for investigation, to the AFOSI unit servicing the base of assignment.

(3) Immediately inventories the classified material to which the absentee had access.

(4) Gives the AFOSI, as soon as possible, an assessment of the degree of damage to the national security that could result from unauthorized disclosure of the information.

(b) HQ AFMPC/MPCAKE prepares and sends the DD Form 553 to the FBI as soon as the commander's message ((a)(1) of this section) is received.

(c) HQ AFOSI/IVO works with the FBI to expedite the investigation, find, and apprehend the absentee.

[FR Doc. 80-11080 Filed 4-11-80; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1460-7]

Designation of Areas for Air Quality Planning Purposes: State of Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice revises the attainment status designations in the State of Texas for areas with respect to ozone (O_3). These two areas are being redesignated from nonattainment to attainment. These revisions are a result of a request from the State in the form of Texas Air Control Board (TACB) Resolution R79-2 which was submitted to the EPA on April 6, 1979.

DATE: Effective April 14, 1980.

FOR FURTHER INFORMATION CONTACT:
Jerry M. Stubberfield, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION:

Introduction

Section 107(d)(1) of the Clean Air Act required the States to submit to the Administrator a list identifying all air quality control regions, or portions thereof, that have not attained the National Ambient Air Quality Standards (NAAQS). The Act further required that the Administrator promulgates this list with such modifications as he deemed necessary, as required under Section 107(d)(2) of the Act. On March 3, 1978, at 43 FR 9037, the Administrator promulgated nonattainment designations for the State of Texas for total suspended particulates (TSP), ozone (O_3), and carbon monoxide (CO). These designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412, in response to comments received, the Administrator revised and amended certain of the original designations. The Act also provided that a State may, from time to time, review and revise its designations list and submit these revisions to the Administrator for promulgation, as specified under Section 107(d)(5). The State of Texas has revised its original designation list and on April 6, 1979, submitted these revisions for TSP and ozone to the EPA in TACB Resolution R79-2. For ozone, EPA has reviewed the revisions and all supporting information, and concurs with the State's redesignation of these areas. The TSP revisions submitted in the same resolution will be addressed in a separate final rulemaking to be published at a later date.

The changes listed by the State and being approved by EPA for ozone are as follows: 1. Travis County from "does not meet primary standards" to "cannot be classified or better than national standards."

2. McLennan County from "does not meet primary standards" to "cannot be classified or better than national standards."

The State revised the designations for these two counties on the basis of promulgated changes to the ozone standard which, among other things, revised the method of determining a violation of the standard. Under the new standard, a violation was determined to have occurred when the expected number of daily maximum ozone values above the level of the standard exceeds one. The State reevaluated the air quality data in light of these changes and determined that for Travis and McLennan Counties, the expected number of exceedances was less than one, which in turn indicates attainment status.

On October 12, 1979 (at FR 58922) EPA published a notice of proposed rulemaking, proposing approval of the redesignations submitted by the State under TACB Resolution R79-2, and soliciting public comment on that proposal. No comments were received.

Current Action

EPA is hereby approving the revisions to the attainment status designations submitted by the State of Texas under TACB Resolution R79-2. As a result of these redesignations, the requirements of Title I, Part D of the Act no longer apply in the redesignated areas. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

The Travis County redesignation is being made immediately effective in order to lift the growth restrictions applying in nonattainment areas for which SIP revisions required by Part D of the Clean Air Act have not been submitted by the State and approved by EPA. The McLennan County redesignation is being made immediately effective in order to resolve matters under litigation.

The EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Sections 107(d), 171(2) and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d), 7501(2) and 7601(a))

Dated: April 8, 1980.

Douglas M. Costle,
Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.344 [Amended]

In § 81.344—Texas, the attainment status designation table for ozone is amended by revising the designations for Travis and McLennan Counties from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the O_3 table for § 81.344 reads as set forth below:

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Texas—O.

Designated area	Does not meet primary standard	Cannot be classified or better than national standard
* * * * *		
AQCR 212		X
* * * * *		

[FR Doc. 80-11152 Filed 4-11-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5717

[CA-4985, CA-5204, CA-4668]

California, Public Land Order No. 5712; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct an error in the land description of Public Land Order No. 5712 of February 11, 1980.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 202-343-6486. By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The description of lands in Public Land Order No. 5712 of February 11, 1980, as published in 45 FR 11132-11133 of the issue of February 20, 1980, is hereby corrected by changing Lot 24 to Lot 25, Sec. 23, T. 46 N., R. 5 E. The total acreage will not change.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11247 Filed 4-11-80; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5718

[C-23841]

Colorado; Withdrawal of National Forest Lands for the Eisenhower Memorial Tunnel

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,365 acres, more or less, of land in the Arapaho National Forest from operation of the mining laws for protection of the Eisenhower Memorial Tunnel.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Alvah Whitledge, Colorado State Office, 303-837-2825.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from entry or location under the mining laws (30 U.S.C. Ch. 2), for protection of public safety and public investment in the Eisenhower Memorial Tunnel on Interstate Highway 70.

Arapaho National Forest

Sixth Principal Meridian

T. 4 S., R. 76 W. (unsurveyed)

Beginning at the summit of a peak of 12,757 feet elevation in Section 19, known locally as Coon Hill, thence northeasterly along the hydrographic crest of the ridge separating Summit and Grand Counties to the hydrographic crest of the Continental Divide. Thence southerly along the hydrographic crest of the Continental Divide to a point of intersection with the boundary of the Loveland Basin Recreation Area which was withdrawn by PLO 1825 of March 26, 1959. Thence southerly and westerly following the boundary of said PLO 1825 to the summit of a peak of 12,701 feet elevation in Section 29. Thence, southwesterly along the hydrographic ridge separating the Straight Creek drainage from the Snake River drainage to the summit of a peak of 12,481 feet elevation in Section 31. Thence, northerly across Straight Creek to the point of beginning, encompassing an area of 1,365 acres, more or less. The intention of this boundary being to withdraw all lands at the head of Straight Creek east of Coon Hill west of the Continental Divide and not presently withdrawn by PLO 1825 for the Loveland Basin. In combination with the Loveland Basin withdrawal this withdrawal will completely surround the I-70 Eisenhower Tunnel, which passes through the Continental Divide.

The area described aggregates approximately 1,365 acres, more or less, in Summit and Clear Creek Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetable resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of twenty years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11248 Filed 4-11-80; 8:45 am]
BILLING CODE 4310-84-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1050

Uniform Federal Standards on Property Management Standards

AGENCY: Community Services Administration.

ACTION: Correction to final rule.

SUMMARY: The Community Services Administration (CSA) is publishing a correction to the final rule on the Uniform Federal Standards on Property Management (Subpart O), published in the **Federal Register** on Thursday, February 7, 1980 (Vol. 45 page 8299). This action corrects typographical errors in the original document.

FOR FURTHER INFORMATION CONTACT: Mr. E. W. Covington, Community Service Administration, 1200 19th Street NW., Washington, D.C. 20506, telephone (202) 632-6520, teletypewriter (202) 254-6218.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

Joe P. Maldonado,

Deputy Assistant Director for Community Action.

The following corrections are being made to the final rule published in the **Federal Register** on February 7, 1980, pp. 8299-8303:

1. On page 8301, column 1, section references in § 1050.130-8(a)(1) (ii) and (iv) are corrected to read as follows:

PART 1050—UNIFORM FEDERAL STANDARDS

Subpart O—Property Management Standards

* * * * *

§ 1050.130-81 Standard—other nonexpendable property.

(a) * * *

(1) * * *

(i) * * *

(ii) The appropriate CSA Property Administrator shall issue disposition instructions to grantees within 120 calendar days after the end of the grant for which it was acquired. If disposition instructions are not issued within the 120 calendar day period, the grantee shall apply the standards of § 1050.130-8 (b) and (c) as appropriate.

(iii) * * *

(iv) When title is transferred either to the Community Services Administration or to a third party, the provisions of § 1050.130-8(c)(2)(B) below should be followed.

* * * * *

(c) *Disposition of other nonexpendable property.* When a grantee no longer needs the property as provided in § 1050.130-8(b), the property may be used for other activities in accordance with the following conditions: * * *

2. On page 8303, column 1, § 1050.130-11(c)(2) the last sentence should read: Surplus property acquired through the state will be accounted for on the grantee's inventory records for CSA property.

[FR Doc. 80-11006 Filed 4-11-80; 8:45 am]
BILLING CODE 6315-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 30

[CGD 79-081a]

Evaluation of Programs for Licensing and Certification of Foreign Tank Vessel Personnel

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim final rules.

SUMMARY: In FR Docket 80-10444 appearing at page 23425 of the April 7, 1980 issue, both the *Effective Date* and the *Comment Closing Date* are incorrect. The dates appearing on this page should be corrected to reflect an *Effective Date* of March 31, 1980 and a *Comment Closing Date* of August 7, 1980.

FOR FURTHER INFORMATION CONTACT: LCDR Daniel E. Struck, c/o Commandant (G-MVP/14), U.S. Coast Guard, Washington, D.C. 20593, Telephone (202) 426-6259.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

April 9, 1980.

[FR Doc. 80-11198 Filed 4-11-80; 8:45 am]
BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Amdt. 71-16]

Standard Time Zone Boundary in the State of Alaska; Conforming Amendment

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This document amends the Regulations of the Secretary of Transportation to clarify the boundary that exists between the Yukon and Pacific Time Zones in the State of Alaska.

EFFECTIVE DATE: 2:00 a.m. PST Sunday, April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of the General Counsel, Department of Transportation, 400 Seventh Street, S.W., Room 10421, Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: On September 27, 1979 in an amendment to 49 CFR Part 71, the Department announced that it was relocating the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau, Alaska, and a portion of the surrounding area from the Pacific to the Yukon Zone, effective April 27, 1980 (44 FR 55575).

In the September 27 document, the Department did not make necessary conforming changes in companion sections in Part 71. It is the purpose of this document to make those conforming amendments by (1) redesignating § 71.11(b) as a new § 71.10a, (2) redesignating § 71.11(a) as a new § 71.11, and (3) amending § 71.10 and revising the remaining portion of § 71.11 to reflect the new boundaries set forth in § 71.10a.

Since this amendment merely makes editorial corrections to a previously published amendment, notice and public comment procedures hereon are unnecessary and good cause exists for making the amendment effective in fewer than 30 days after publication in the **Federal Register**.

In consideration of the foregoing, § 71.11(b) is redesignated as a new § 71.10a and § 71.11(a) is redesignated as new § 71.11 of Title 49 of the Code of Federal Regulations; and §§ 71.10 and 71.11 of Title 49 are revised, effective 2:00 am PST April 27, 1980, to read as appears below.

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267); Section 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(e)(5)); § 1.56(1) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.56(1)).

Issued in Washington, D.C. on April 8, 1980.

Mark Aron,

Deputy General Counsel.

§ 71.10 Pacific zone.

The fifth zone, the Pacific standard time zone, includes that part of the United States that is west of the boundary line between the Mountain and Pacific standard time zones described in § 71.9 and east of the boundary line between the Pacific and Yukon standard time zones described in § 71.10a.

§ 71.10a Boundary line between Yukon and Pacific zones.

Alaska. Beginning at Boundary Peak No. 74 on the Alaska/Canadian borderline; thence running westerly on a straight line to the head of Endicott Arm; thence northwesterly, along the southerly and southwesterly edge of Endicott Arm to Point Astley; thence southwesterly along the east edge of Stevens Passage to Point League; thence southwesterly across Stevens Passage to Point Hugh on the south end of Glass Peninsula on Admiralty Island; thence northerly along the east edge of Seymour Canal to 57°37' north latitude; thence west on 57°37' north latitude to the west edge of Seymour Canal; thence northwesterly across Admiralty Island to Fishery Point, being on the easterly edge of Chatham Strait; thence westerly to East Point on Chichag of Island; thence northwesterly approximately 11 miles, to a mountain with an elevation of 2,775 feet; thence northwesterly approximately 8 miles to a mountain with an elevation of 3,408 feet; thence northwesterly approximately 2.5 miles, to a mountain with an elevation of 3,030 feet; thence northwesterly approximately 4.5 miles, to a mountain with an elevation of 3,430 feet, all of said mountains being on Chichagof Island; thence due south to the northerly edge of Tenakee Inlet; thence northwesterly, along the northerly edge of said inlet to the head of said inlet; thence northwesterly approximately 2 miles to a mountain with an elevation of 3,253 feet; thence westerly approximately 6 miles to Pyramid Peak; thence westerly to Crag Mountain; thence northwesterly to Mount Althorp; thence northwesterly to Column Point located on the northeast side of Althorp Peninsula; thence due west from Column Point until an intersection is reached with 137°W. longitude.

§ 71.11 Yukon zone.

The sixth zone, the Yukon standard time zone, includes that part of the United States that is west of the boundary line between the Pacific and Yukon standard time zones described in § 71.10a and east of 141°W. Longitude.

[FR Doc. 80-11009 Filed 4-11-80; 8:45 am]
BILLING CODE 4910-62-M

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DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 21

Migratory Bird Permits; States Meeting Federal Falconry Standards

AGENCY: Fish and Wildlife Service.

ACTION: Final rule.

SUMMARY: The Service adds North Carolina to the list of States where falconry laws have been determined by the Director to meet or exceed the minimum Federal standards. Falconry may be practiced in the States listed in 50 CFR 21.29.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: John E. Cross, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–9242.

SUPPLEMENTARY INFORMATION: Regulations in 50 CFR 21 provide for the review and approval of State falconry laws by the Service. Included in that section is a list (§ 21.29(k)) of those States whose laws have been approved, and in which falconry is permitted pursuant to a system of joint Federal-State permits.

As provided by § 21.29(c), the Director has reviewed a certified copy of the falconry regulations of the State of North Carolina [Regulations 15 NCAC 10B.0216 and 15 NCAC 10H.0600(.0801–.0612)]. The regulations meet or exceed the minimum restrictions, conditions and requirements contained in 50 CFR 21.29(d) through 50 CFR 21.29(i) pursuant to permit requirements, classes of permits, examination procedures, facilities and equipment standards, raptor marking and raptor taking restrictions. The North Carolina regulations also meet or exceed all restrictions or conditions found in 50 CFR 21.29(j).

The Director has determined, based on the review, that the regulations of the State of North Carolina meet or exceed the Federal standards. Upon publication of this amended § 21.29(k) in the **Federal Register**, the practice of falconry in North Carolina shall be governed by 50 CFR 21.28 and 21.29.

The primary author of this document is Margaret Cash, Regulations Coordinator, Division of Law Enforcement, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

§ 21.29 [Amended]

Accordingly, § 21.29(k) of Part 21 of Chapter I, Title 50 of the Code of Federal Regulations, is amended by adding North Carolina, alphabetically and preceded by an asterisk, to the list of States.

Note.—The Department has determined that this document is not a significant rule and does not require regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: April 7, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80–11039 Filed 4–11–80; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 45, No. 73
Monday, April 14, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

COST ACCOUNTING STANDARDS BOARD

4 CFR Part 418

Promulgation of Standard; Public Meeting

AGENCY: Cost Accounting Standards Board.

ACTION: Notice of public meeting.

SUMMARY: This notice is issued in furtherance of the decision of the Cost Accounting Standards Board to invite the public to observe meetings at which the Board considers the merits of Standards, rules and regulations, including modifications, which are proposed for final promulgation. The Board will consider a proposal to promulgate a Cost Accounting Standard on "Allocation of Direct and Indirect Costs." The Standard to be considered is based on three proposed Standards, Part 417—Distinguishing Between Direct and Indirect Costs, Part 418—Allocation of Indirect Cost Pools, Part 419—Allocation of Overhead Costs of Productive Functions and Activities, published for comment in the **Federal Register** on July 23, 1979, (44 FR 42988) and on the response to that publication. The meeting will be open to the public.

DATE: 2:00 p.m., April 30, 1980.

ADDRESS: General Accounting Office, Room 7315, 441 G Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Nelson H. Shapiro, Executive Secretary 202—275–6111.

Nelson H. Shapiro,

Executive Secretary.

[FR Doc. 80–11125 Filed 4–11–80; 8:45 am]

BILLING CODE 1820–01–M

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Part 2424

Expedited Review of Negotiability Issues

AGENCY: Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority, and Federal Service Impasses Panel.

ACTION: Proposed amendment of rules and regulations.

SUMMARY: This proposed amendment would expressly provide for the issuance of orders and for the taking of compliance actions by the Authority in negotiability dispute cases filed under section 7117 of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7117).

COMMENT DATE: Written comments will be considered if received no later than May 30, 1980.

ADDRESS: Send written comments to Samuel A. Chaitovitz, Executive Director, Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Samuel A. Chaitovitz, Executive Director, (202) 254–9595.

SUPPEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. The issuance of these rules and regulations is authorized by 5 U.S.C. 7134.

Subpart A of Part 2424 of the final rules and regulations (45 FR 3511) establishes the procedures for the expedited processing of negotiability dispute cases; that is, cases in which an agency involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to a matter proposed to be bargained, and the exclusive representative appeals to the Authority from this allegation of the agency, as prescribed in 5 U.S.C. 7117(b) and (c).

Section 2424.10 of Subpart A of Part 2424 (45 FR 3513) provides that the Authority shall expedite such negotiability proceedings, and that, at the earliest practicable date, the Authority shall issue a written decision on the allegation of the agency. Since the adoption of these rules and regulations, and particularly § 2424.10 thereof, questions have been raised by agencies and labor organizations relating to the nature of the obligations of the parties under negotiability decisions issued by the Authority.

In conformity with the powers and duties of the Authority under 5 U.S.C. 7105(a)(2)(D), (E) and (I), and implementive of 5 U.S.C. 7117(b) and (c), the Authority proposes to amplify § 2424.10 by expressly providing therein that the decision in a negotiability case shall include an order. In those cases where the order directs that the agency shall upon request bargain concerning the matter in dispute, the proposed rules and regulations further provide appropriate compliance procedures limited solely to the negotiability dispute presented.

Accordingly, it is proposed to amend § 2424.10 of Subpart A of Part 2424 of the rules and regulations, by revising the section heading, designating the existing text as paragraph (a), and adding new paragraphs (b) and (c). As so amended, it is proposed that § 2424.10 read as follows:

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

§ 2424.10 Authority decision and order; compliance.

(a) Subject to the requirements of this subpart the Authority shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the agency a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Authority finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Authority shall include an order that the agency shall upon request bargain concerning such matter. If the Authority finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Authority shall so

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state and issue an order dismissing the petition for review of the negotiability issue. If the Authority finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the agency, the Authority shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the agency or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the agency shall upon request bargain concerning the disputed matter. If the Authority finds such a failure to comply with its order, the Authority shall take whatever action it deems necessary, including enforcement under 5 U.S.C. 7123(b). (5 U.S.C. 7134.)

Federal Labor Relations Authority.

Dated: April 9, 1980.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

S. Jesse Reuben
Deputy General Counsel.

[FR Doc. 80-11118 Filed 4-11-80; 8:45 am]
BILLING CODE 6325-15-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 415

Proposed Forage Production Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring forage in the production stage effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring forage production to include several changes and to reissue the regulations in a clearer, shorter, and more simplified document. This proposed rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than June 13, 1980, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified as "not significant".

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Forage Production Crop Insurance Regulations (7 CFR Part 415) as published in the **Federal Register** at 43 F.R. 38682 (Wednesday, August 30, 1978), effective with the 1981 crop year.

In addition to shortening and simplifying the regulations, the proposed 7 CFR Part 415 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be October 10, (4) that insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring, in which case, insurance shall not attach the first year until May 22 following the year of seeding, (5) for three coverage level options in each county, and (6) that the actuarial table will provide the level which will be applicable to contracts unless a different level is elected by the insureds. The conversion level will be the one closest to the percent level in each county, which means it can vary by counties.

In addition, § 415.5 of the proposed Forage Production Crop Insurance Regulations, titled "Good Faith Reliance on Misrepresentation," increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring forage crops at the production stage as found in 7 CFR Part 415 will not be applicable to the 1981 and succeeding forage production crops but will remain in effect for Federal Crop Insurance Corporation forage production insurance policies issued for the crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue the Forage Production Crop Insurance Regulations effective for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, to read as follows:

PART 415—FORAGE PRODUCTION CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

415.1 Availability of Forage Production Insurance.
415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
415.3 Public notice of indemnities paid.
415.4 Creditors.
415.5 Good faith reliance on misrepresentation.
415.6 The contract.
415.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 415.1 Availability of forage production insurance.

Insurance shall be offered under the provisions of this subpart on forage production in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage production insurance will be offered.

§ 415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for forage which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 415.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 415.4 Creditors.

An interest of a person in an insured crop existing by virtues of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 415.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage production insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 415.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage production crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 415.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1979 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage production contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Production Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Production Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Production—Crop Insurance Contract

(Contract number)

(Identification number)

(Name and address) (Zip code)

(County) (State)
Type of entity
Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage production on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.
Level Election—
Price Election—

Example: For the 19— Crop Year Only (100 Percent Share)

Location/ Farm No.	Guarantee per acre*	Premium per acre**	Practice

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until cancelled or terminated as provided in the contract. This accepted application, the following forage production insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./Witness to signature)

(Signature of Application)
—————, 19—
(Date)

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Address of office for county:

Phone

Location of farm headquarters:

Phone

Forage Production Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be forage which is intended for harvest as livestock feed and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage of forage grown on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) where forage ground cover is less than 75 percent at the beginning of the insurance period as determined by the Corporation, (4) which has reached the fourth and subsequent crop years after the year of establishment for alfalfa or the sixth and subsequent crop years after the year of establishment for alfalfa-grass mixtures, unless otherwise approved by the Corporation, (5) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (6) seeded with another crop, except as otherwise provided herein, or (7) grown for experimental purposes.

3. Responsibility of insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of forage grown in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time insurance attaches. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Production guarantees, coverage levels, and prices for computing indemnities. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced 20 percent for any unharvested acreage.

5. Annual premium. (a) The annual premium is earned and payable at the time insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio [1] through previous crop year	Number of years of continuous experience through previous year														
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	90	90	90	90	90	85	85	85	80
.81–1.00	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year [2]	Number of loss years through previous year														
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	138	156	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring in which case insurance will not attach the first year until May 22 following the year of seeding. Insurance shall cease on the earliest of (a) final adjustment of a loss, (b) total destruction of the insured forage crop, (c) removal of the forage from the windrow or field following final harvest, or (d) October 15 of the crop year.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, (2) a loss occurs on any harvested acres before forage is removed from the windrow or the field, or (3) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not late than 30 days after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, (3) the date the entire forage crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for Indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of forage on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of forage to be counted for the unit, (3) multiplying the remainder by the applicable price for completing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any harvested production from volunteer plants growing with the forage crop shall be counted as forage on a weight basis.

(2) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded to any crop, including forage, insurable on such acreage (excluding small grains normally maturing for harvest in the following crop year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of 20 percent of the production guarantee for all other unharvested acreage.

(d) Notwithstanding the provisions of subsection (b) of this section, when forage is harvested as other than air-dry hay, the production to be counted shall be adjusted to the equivalent of air-dry hay, as determined by the Corporation.

(e) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of forage becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of insured share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all forage produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termintion. (a) the contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and County	Cancellation date	Termination date for indebtedness
All states	Sept. 15	Oct. 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of

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this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. Meaning of Terms. For the purposes of forage production crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding forage production insurance in the county.

(b) "Alfalfa" means a pure stand of alfalfa or a stand of alfalfa and any other forage in which 60 percent or more of the ground cover is alfalfa.

(c) "Alfalfa-grass mixtures" means a mixed stand of alfalfa and grass or other forage in which alfalfa comprises more than 25 percent but less than 60 percent of the ground cover.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the acturial table.

(e) "Crop year" means the period from the date insurance attaches until harvest is normally completed and shall be designated by the calendar year in which the forage crop is normally harvested.

(f) "Established stand" means having at least 75 percent of the stand which is considered by the Corporation as normal.

(g) "Harvest" means the severance of the forage plant from the land for the purpose of livestock feed.

(h) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(i) "Insured" means the person who submitted the application accepted by the Corporation.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Share" means the interest of the insured as land-lord, owner-operator, or tenant in the insured forage crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of forage in the county on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

(o) "Year of establishment" for spring-seeded forage means the calendar year in which the forage is seeded, and for fall-seeded forage means the calendar year immediately following the year in which the forage is seeded.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of forage to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured forage acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

Approved by the Board of Directors on March 14, 1980.

Dated: April 7, 1980.

Approved by:

W. Otto Johnson,

Acting Manager.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 80–11124 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–08–M

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7 CFR Part 414

Proposed Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring forage in the seeding stage effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring forage seeding to include several changes and to reissue the regulations in a clearer, shorter, and more simplified document. This proposed rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than June 13, 1980, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified as "not significant".

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Forage Seeding Crop Insurance Regulations (7 CFR Part 414) as published in the **Federal Register** at 43 FR 16693–16697 (Thursday, April 20, 1978), 43 FR 1837 (May 1, 1978), and 44 FR 74796 (December 18, 1979) effective for the 1981 crop year.

In addition to shortening and simplifying the regulations, the proposed 7 CFR Part 414 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest charge applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be March 31 in all States except New York where the date will be September 15, (4) the cancellation date for New York State will be June 30, (5) that the end of the insurance period will be (a) spring-seeded forage: May 21 following the calendar year of seeding or (b) fall-seeded forage: October 15 following the calendar year of seeding.

In addition, § 414.5 of the proposed Forage Seeding Crop Insurance Regulations titled "Good Faith Reliance on Misrepresentation" increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring forage crops at the seeding stage as found in 7 CFR Part 414 will not be applicable to the 1981 and succeeding forage seeding crops but will remain in effect for Federal Crop Insurance Corporation forage seeding insurance policies issued for the crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

PROPOSED RULE: Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue the Forage Seeding Crop Insurance Regulations effective for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, to read as follows:

PART 414—FORAGE SEEDING CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

414.1 Availability of Forage Seeding Insurance.
414.2 Premium rates and amounts of insurance.
414.3 Public notice of indemnities paid.
414.4 Creditors.
414.5 Good faith reliance on misrepresentation.
414.6 The contract.
414.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 414.1 Availability of forage seeding insurance.

Insurance shall be offered under the provisions of this subpart on forage seeding in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage seeding insurance will be offered.

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§ 414.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance for forage seeding which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance from among those amounts shown on the actuarial table for the crop year.

§ 414.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 414.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 414.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage seeding insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 414.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage seeding crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 414.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage seeding crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1978 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage seeding contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Seeding Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Seeding Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Seeding—Crop Insurance Contract

(Contract number)

(Identification number)

(Name and Address) (ZIP Code)

(County) (State)

Type of entity

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the amount of insurance per acre.

The premium rates and amounts of insurance shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.

Elected amount of insurance per acre

Example: For the 19— Crop-Year Only (100 percent Share)

Location/ Farm No.	Amount of Insurance per acre*	Premium Per Acre**	Practice

*Your amount of insurance will be on a unit basis (acres x amount of insurance per acre x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following forage seeding insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, premium rates, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./witness to signature)

(Signature of applicant)

19—

(Date)

Address of office for county:

Phone

Location of farm headquarters:

Phone

Forage Seeding Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of or failure to establish a stand or forage resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be forage seeded to establish a stand of forage intended for harvest as livestock feed for which the actuarial table shows an amount of insurance and premium rate per acre and which is seeded on insured acreage.

(b) The acreage insured for each crop year shall be that acreage seeded to the crop of insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to reseed to the insured crop and such acreage was not reseeded, (4) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal stand to be established, (5) of volunteer forage, (6) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (7) seeded with another crop (excluding nurse crops), or (8) seeded for the development or production of hybrid seed or for experimental purposes.

3. Responsibility of insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of forage seeding in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of seeding. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Amounts of insurance. For each crop year of the contract, the amounts of insurance shall be those shown on the actuarial table.

5. Annual premium. (a) The annual premium is earned and payable at the time of seeding and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio[1] through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	55
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio[1] through previous crop year	Number of loss years through previous year[2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	106	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,*

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When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach at the time of seeding and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest of the forage crop, (c) spring-seeded forage: May 21 following the calendar year of seeding, (d) fall-seeded forage: October 15 following the calendar year of seeding, or (e) total destruction of the insured crop.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage seeding on any unit is damaged to the extent that the insured does not expect to further care for the crop or intends to reseed insured fall-seeded acreage in the spring by the final seeding date for spring-seeded acreage, or (2) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to forage. Notice shall also be given when such acreage has been put to another use or reseeded.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earlier of (1) the calendar date for the end of the insurance period, or (2) the date the entire forage seeding on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) furnish proof of acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage seeding on the unit by the applicable amount of insurance per acre, which product shall be the amount of insurance for the unit, (2) subtracting therefrom the amount obtained by multiplying the sum of acres with an established stand plus 10 percent of the seeded acres for the unit by the applicable amount of insurance per acre, and (3) multiplying the result obtained in step (2) by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) Acres with an established stand for a unit shall be determined by the Corporation and shall include the following: (1) Any acreage having at least 75 percent of a normal stand as determined by the Corporation, (2) any acreage abandoned or put to another use without the prior written consent of the Corporation, (3) any acreage damaged solely by an uninsured cause, or (4) any harvested acres.

(d) A reseeding payment will be made on any insured fall-seeded acreage with less than a 75 percent stand on which the Corporation has given written consent, and is reseeded in the next succeeding spring by the final spring seeding date, equal to 50 percent of the amount of indemnity determined in accordance with subsection (b) of this section.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of insured share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract; cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
New York	June 30	Sept. 15
All other States	Dec. 31	Mar. 31

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix.—Additional Terms and Conditions

1. Meaning of terms. For the purposes of forage seeding crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the amounts of insurance, premium rates, insurable and uninsurable acreage, and related information regarding forage seeding insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

(d) "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Reseed" means mechanical incorporation into the soil of seed at not less than 50 percent of the original seeding rate.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured forage crop at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(k) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of either fall-seeded forage or spring-seeded forage in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to the applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of the crop to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the seeding of forage.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) There shall be no abandonment to the Corporation of any insured forage acreage.

(c) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c); *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(d) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(e) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the crop is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(f) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Amount of insurance. (a) If the insured has not elected on the application an amount of insurance from among those shown on the actuarial table, the amount of insurance which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the amount of insurance for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

Approved by the Board of Directors on March 14, 1980.

Approved by:

W. Otto Johnson,
Acting Manager.

Dated: April 7, 1980.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

[FR Doc. 80–11123 Filed 4–11–80; 8:45 am]
BILLING CODE 3410–05–M

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Agricultural Marketing Service

7 CFR Part 1260

[Docket No. BRIA-2]

Beef Research and Information; Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum results; termination of proceeding.

SUMMARY: This document announces that the requisite number of beef producers voting in a referendum failed to approve the issuance of an Order to establish a beef research and information program under the amended Beef Research and Information Act. Therefore, the Order published in the Federal Register on December 14, 1979, will not become effective and this proceeding is terminated.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: On December 14, 1979, a decision and Order to implement the amended Beef Research and Information Act (7 U.S.C. 2901 *et seq.*) were published in the Federal Register (44 FR 72838). As provided in Section 9 of the Act (7 U.S.C. 2908), the Order could become effective only if approved by cattle producers voting in a referendum. Under Procedure for the Conduct of Referendums published in the Federal Register, May 17, 1977, (42 FR 25315) and amended December 11, 1979, (44 FR 71404) beef producers registered to vote during the period January 28 through February 6, 1980, and voted during the period February 19 through February 22, 1980, to determine whether they approved issuance of the Order.

Results of the referendum show that 79,818 producers voted in favor and 151,297 producers voted against the Order with 231,115 ballots cast. The number of beef producers registered to vote totaled 289,151. The referendum results show that less than the required majority of beef producers voted in favor of issuing the Order. Therefore, the Order published on December 14, 1979 shall no become effective and the proceeding is terminated.

Signed at Washington, D.C. on April 8, 1980.

William T. Manley

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-11121 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 17

Nomination of Candidate for Election to the Board of Directors

AGENCY: Comptroller of the Currency.

ACTION: Proposed Rescission of Regulation.

SUMMARY: The Comptroller proposes to rescind the subject regulation which states that a national bank may provide in its Articles of Association or Bylaws, or both, that shareholders other than the bank's present management who desire to nominate a candidate for election to the Board of Directors must first notify the bank and the Comptroller. The primary reasons for proposing rescission are that the regulation may not serve any meaningful regulatory purpose and may be unfair to minority shareholders. Rescission may further the Comptroller's goal of reducing unnecessary banking regulation.

DATES: Comments should be received on or before June 13, 1980.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: Mr. Larry A. Mallinger, Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: This action involves a regulation which provides that a national bank may adopt an Article of Association or Bylaw requiring shareholders other than present management to notify the bank and the Comptroller of an intention to nominate candidates to the bank's Board of Directors. Two key issues appear to be involved in this proposal.

The first is whether any significant regulatory purpose of the Comptroller is served by retention of 12 CFR 17. Historically, the Comptroller's Office has not maintained logs of notices required under the regulation, because filings have been so infrequent. The regulation by its terms is permissive; that is, there is no requirement that a bank adopt an Article of Association, or Bylaw, requiring notice of the subject information from nonmanagement nominees. The regulation also may be unnecessary because, even in its absence, a bank may be permitted, under prevailing law, to adopt an Article of Association or Bylaw containing the substance of 12 CFR 17. The Comptroller invites comments on (a) the regulatory purpose to be served by this regulation and (b) the legal ability of a national bank to adopt similar requirements in the absence of the regulation.

The second major issue connected with this proposal is whether retention of the regulation is unfair to minority shareholders. By its terms, 12 CFR 17 applies only to nonmanagement nominees. Management nominees are not required to submit the information listed in (a)-(e) of the regulation and to comply with its other provisions. Comments are solicited on this treatment of nonmanagement nominees. Comments are also requested as to whether 12 CFR 17 could be applied to restrict unfairly the exercise of cumulative voting rights provided by statute (12 U.S.C. 61). The regulation states in pertinent part that "any nomination for director not made in accordance therewith, may be disregarded and the votes cast for each such nominee may be disregarded by the vote tellers." Under this language, an uncompromising management could arbitrarily refuse to accept the nominees of a minority shareholder, and the votes intended therefor, on the basis that a part of 12 CFR 17 was not precisely followed. The Comptroller invites comments on this question.

There are several alternatives to rescinding 12 CFR 17. First, the substance of the notification requirement could be retained in simplified form within the Comptroller's regulation on Change in Bank Control (12 CFR 15). Another alternative would be to retain the regulation, but require management nominees to submit the same information as nonmanagement nominees. Comments on these alternatives or others, such as the retention of 12 CFR 17 in its present form, are requested.

Rescission is expected to have little effect on national banks. For example, the proposed action will not impose any additional costs or requirements on national banks and will remove a requirement for shareholders of which they are normally not even aware.

All comments received will be available for public inspection.

Dated: April 8, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-11082 Filed 4-11-80; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-20-AD]

Airworthiness Directives; Piper Model 600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would provide an advisory relative to engine fuel pressure safe operating limits on Piper Model 600 series airplanes. The proposed AD is needed to prevent unintentional engine fuel leaning due to low pressure fuel supply at altitude which could result in engine overheating, detonation and possible engine failure.

DATES: Comments must be received on or before June 16, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.o. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of engine overheating and detonation resulting in engine damage to the extent of in-flight engine failure, in some cases, on Piper Model 601 and 601P series airplanes. A contributing factor has been determined to be engine operation at fuel supply pressures less than the 18 PSI minimum required for safe operation of the engine at power settings above "idle." Since this condition is likely to exist or develop on other aircraft of the same type design, the proposed AD would require caution markings on the fuel pressure gauges and a revision to the operating limitations section of the Airplane Flight Manual specifying the appropriate engine fuel pressure limitation on Piper Model 600 series airplanes.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Piper: (Ted Smith) Applies to Aerostar Model 601 and 601P airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible engine failure due to excessive lean fuel/air mixtue, accomplish the following:

(a) Within 30 days from the effective date of this AD, index and mark the left hand and right hand engine fuel pressure gauges with a yellow arc between the 12 PSI and 18 PSI range, and incorporate provisions in the Airplane Flight Manual limitations section to the effect that: Fuel boost pump must be ON when fuel pressure indication is less than 18 PSI and engine is operating above the idle power range.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on March 31, 1980.

Herman C. Bliss,

Acting Director, FAA Western Region.

[FR Doc. 80-11083 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/79-AWE-18]

Proposed Group II Terminal Control Area; Phoenix, Ariz.

Correction

In FR Doc. 80-10375 appearing on page 23457 in the issue of Monday, April 7, 1980 make the following corrections:

On page 23463, the file line was omitted at the bottom of the first column, and above the "Billing Code" and should have read "[FR Doc. 80-10375 Filed 4-4-80; 12:03 pm]".

On page 23460, first column, the fourth line of paragraph (a) should have read: "gathering and aerial advertising would".

In the last paragraph in the second column, the first line should have read: "In the 80 original TRSAs, in which Stage";

In the third column, second complete paragraph, the tenth line should have read: "encouraging pilots to use a "Heads Up", and the fourth line of paragraph (h) should have read: "To base the "on-again, off-again"".

On page 23461, first column, second paragraph, the first word in the seventeenth line should have read: "compression";

In the second column, first paragraph, the fourteenth line should have read: "required to be equipped with a VOR or TACAN".

On page 23462, first column, the second line of the second complete paragraph should have read: "from 5,500 feet MSL to and including 12,500".

BILLING CODE 1505-01-M

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 275

[Release No. IA-717; File No. S7-830]

Solicitation of Public Comments Concerning Issues To Be Considered In Connection With the Investment Adviser Act Study

AGENCY: Securities and Exchange Commission.

ACTION: Solicitation of public comments.

SUMMARY: The Securities and Exchange Commission today announces that the Division of Investment Management ("Division") is requesting public comments relating to the nature and scope of issues to be considered by the Division in the course of its study of the Investment Advisers Act of 1940.

DATE: Comments should be received on or before August 4, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-830. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael J. Eizelman, Esq. (202-272-2079), Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: For some time, the Commission has been aware of a need to reevaluate its investment adviser regulatory program in light of the growth of the advisory industry and the increasing variety and complexity of the services provided by investment advisers. In 1976, the Commission supported legislation which would have, among other things, empowered the Commission to prescribe standards of minimum professional qualifications and financial responsibility for investment advisers. The legislation was reported favorably by the Senate Committee on Banking, Housing and Urban Affairs but was not voted upon by the full Senate.[1]

Thereafter, the Division established the Office of Investment Adviser Regulation ("Advisers Office") in December, 1978. In addition to being responsible for the day-to-day administration of the Investment Advisers Act of 1940 ("Advisers Act"), including responses to interpretive and no-action requests under the Advisers Act, the Advisers Office is conducting a comprehensive study of the current regulatory scheme applicable to investment advisers.

Partly for the purpose of obtaining additional information concerning the investment advisory industry the Commission, in January of 1979, adopted certain revisions to Form ADV, the application for registration as an investment adviser.[2] At that time, the Commission also adopted new Rule 204-3 [17 CFR 275.204-3] under the Advisers Act (the "Brochure Rule") to require that specified disclosure be made to current and prospective advisory clients, and adopted new Form ADV-S, a short annual supplement to Form ADV.

In June, 1979, the Commission issued for public comment a proposed rule which would provide an exemption from Section 205(1) [15 U.S.C. 80b-5(1)] of the Advisers Act to permit registered investment advisers to business development companies to receive performance-based fees.[3] That proposed rule was intended in part to remove a possible impediment to the flow of capital into new and developing companies.

Subsequently, in July of 1979, the Commission adopted new Rule 206(4)-3 [17 CFR 275.206(4)-3] under the Advisers Act delimiting the circumstances under which an investment adviser may make a cash payment to a person who refers clients to, or solicits clients for, the adviser.[4]

The Commission anticipates that, as the Division's review of the Advisers Act continues, additional rulemaking under that statute will take place in the future. However, some of the issues to be considered by the Division might result in recommendations which can be implemented only if Congress amends the Advisers Act. Before the Division makes any decision as to whether it should recommend legislation to amend the Advisers Act, it seems appropriate to invite public comment concerning issues which might result in legislative recommendations. The issues presently under consideration are set forth below.

Some, but not all, of these issues are ones which were considered in connection with the 1976 proposed legislation. For example, one of the most important issues under consideration is whether one or more self-regulatory organizations should be established to prescribe and adminster requirements under the Advisers Act, and whether membership in such a self-regulatory organization can and should be made mandatory for investment advisers.[5]

It is envisioned that in the investment advisory industry several self-regulatory organizations could develop to take account of various specialized segments of the industry. For example, different self-regulatory organizations might interest financial planners, pension consultants, and investment managers to investment companies. This would be in contrast to the self-regulatory system presently applicable to broker-dealers. Although Section 15A of the Securities Exchange Act of 1934 [15 U.S.C. 78o-3] does not by its terms limit broker-dealer self-regulation to the National Association of Securities Dealers, Inc. ("NASD"), for economic reasons the NASD has become the sole registered national securities association for broker-dealers. The same economic factors may account, at least in part, for the fact that the majority of broker-dealer firms have chosen to become members of the NASD. To the extent that different economic considerations might apply with respect to the investment advisory industry, it seems possible that self-regulation in that industry can be effective only if membership in at least one of the self-regulatory organizations which might come into existence is made mandatory.

The Division invites public comment with respect to the following areas of inquiry, as well as any other matters which interested persons believe should be considered in connection with the Division's evaluation of whether to recommend legislation to amend the Advisers Act:

(1) Should authority to prescribe and administer requirements under the Advisers Act be vested in one or more self-regulatory organizations? Should rulemaking powers be vested in such self-regulatory organizations with oversight by the Commission? For example, should such organizations be authorized to prescribe rules of conduct? Should membership in at least one such organization be mandatory or should an investment adviser be allowed to choose, as an alternative, direct regulation by the Commission? Is there any constitutional impediment to making membership in a self-regulatory organization mandatory?

(2) Should minimum professional qualification standards be established under which investment advisers would be required to submit to a test or examination or to meet standards of training and experience in the investment advisory field? Should any such standards vary with respect to advisers who provide different types of services and have different types of clients? Should professional qualifications be prescribed by one or more self-regulatory organizations or should such qualifications be prescribed by the Commission?

(3) Should specific financial responsibility requirements for investment advisers be established? Should any such standards differ for various segments of the investment advisory industry? For example, should the standards apply to those investment advisers which exercise discretionary authority with respect to advisory accounts or have custody or possession of securities or funds of their clients but not to those which only provide impersonal investment advisory services such as advisory newsletters? In conjunction with, or in lieu of, financial responsibility standards, should bonding requirements be prescribed? Should financial responsibility standards be prescribed by one or more self-regulatory organizations or should such standards be prescribed by the Commission?

(4) Should the Advisers Act be amended to permit private suits for damages for violations of Section 206 of the Advisers Act [15 U.S.C. 80b-6]?[6]

(5) Should any of the exclusions from the definition of investment adviser provided by Section 202(a)(11)(A)-(E) of the Advisers Act [15 U.S.C. 80b-2(a)(11)(A)-(E)] be modified?

(6) Should any of the exceptions from the investment adviser registration requirements contained in Section 203(b) of the Advisers Act [15 U.S.C. 80b-3(b)] be modified? For example, in light of developments in the securities market, specifically the increase in securities not traded on national exchanges, should the intrastate exception contained in Section 203(b)(1) [15 U.S.C. 80b-3(b)(1)] be eliminated?

(7) What measures, if any, should be taken to eliminate unnecessary regulatory burdens and achieve more uniform and consistent regulation of investment advisers?

By the Commission.

George A. Fitzsimmons,

Secretary.

April 4, 1980.

[FR Doc. 80-11230 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[1] S. Rep. No. 94-910, 94th Cong., 2d Sess. (1976). The House version of the legislation, H.R. 13737, was reported to the House Committee on Interstate and Foreign Commerce by the Subcommittee on Consumer Protection and Finance but was not considered by the full Committee.

[2] Investment Advisers Act Release No. 644 (January 30, 1979) [44 FR 7870, February 7, 1979].

[3] Investment Advisers Act Released No. 680 (June 19, 1979) [44 FR 37470, June 26, 1979].

[4] Investment Advisers Act Released No. 668 (July 12, 1979) [44 FR 42128, July 18, 1979].

[5] The 1976 proposed legislation would have authorized and directed the Commission to make a study of the appropriateness of establishing one or more self-regulatory organizations.

[6] *See Transamerica Mortgage Investors, Inc. v Lewis.* 100 S. Ct. 242 (1979).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110 and 165

[CCGD 11-80-03]

Safety Zone, San Diego Bay, Calif.; Proposal To Disestablish a Seaplane Area and Establish a Safety Zone Adjacent to U.S. Coast Guard Air Station, San Diego, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone in the waters immediately adjacent to Coast Guard Air Station, San Diego, California. The continued unrestricted mooring and operation of vessels in these waters is potentially hazardous to the vessels and Coast Guard helicopters operating from the Air Station. Establishment of this safety zone would require persons to comply with the general safety zone regulations contained in 33 CFR Part 165.20 which prohibit persons from entering or remaining in the safety zone without authorization from the Captain of the Port. This proposal would also disestablish an area adjacent to the Air Station reserved for the use of Coast Guard seaplanes.

DATE: Comments must be received on or before: May 29, 1980.

ADDRESSES: Comments should be submitted to Commander, Eleventh Coast Guard district (m), 400 Oceangate, Long Beach, CA 90822. Comments received will be available for examination at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James B. Morris, Marine Safety Division, Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822, (213) 590-2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include their name and address, identify this notice (CCGD 11-8-03) and the specific section of the proposal to which their comment applies, and give reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped self addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

DRAFTING INFORMATION: The principal persons involved in drafting the proposal are: Lieutenant Commander James B. Moris, Project Officer, Marine Safety Division Eleventh Coast Guard District; and Lieutenant Commander Ronald S. Matthew, Project Attorney, District Legal Office Eleventh Coast Guard District.

DISCUSSION OF THE PROPOSED RULE: This proposed safety zone is intended to provide an increased level of safety for both vessels and Coast Guard helicopters in the vicinity of the Coast Guard Air Station, San Diego, California. The waters adjacent to the Air Station have been used increasingly by vessels as an anchorage. The flight paths of helicopters taking off and landing at the Air Station lie over these waters presenting the possibility that vessels may be damaged or even capsized by the rotor wash from the helicopters. In addition, the presence of sailboats, with their high masts, near the landing area, creates the need for the Coast Guard pilots to use a steeper than normal approach path which is not in the interest of public safety.

The Coast Guard promulgated regulations which set forth the procedures for the establishment of safety zones for the protection of vessels, structures, and water and shore areas. These regulations also provide for publishing specific safety zones when they have a continuing application (33 CFR Part 165, 42 FR 63369).

This safety zone would remain in effect at all times. All marine traffic in the vicinity would be prohibited from entering or remaining in this safety zone without authorization from Captain of the Port, San Diego, California. This proposed safety zone, which will be marked by buoys, would include the waters of San Diego Bay within

approximately 100 yards of the Air Station heliport.

This proposal would also disestablish a seaplane area (33 CFR 110.210(a)(2)), adjacent to the Air Station, in which the anchoring of vessels is prohibited. The area is unnecessary since the Coast Guard does not presently operate seaplanes out of San Diego and has no future plans to do so.

A preliminary environmental evaluation has been completed and an initial determination has been made that this proposed action would result in no adverse impact on the quality of the human environment.

The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034), that this proposed amendment is nonsignificant and that its impact is so minimal that an Evaluation is not warranted.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33, Code of Federal Regulations as follows:

PART 110—ANCHORAGE REGULATIONS

1. By revoking and reserving paragraphs (a)(2) and (b)(3) of Sec. 110.210.

§ 110.210 [Amended]

PART 165—SAFETY ZONES

2. By adding a new Sec. 165.1101 in Subpart B to read as follows:

§ 165.1101 San Diego Bay, Calif.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone: A line beginning at latitude 32°43'37.2"N., longitude 117°10'45.0"W.; thence to latitude 32°43'36.2"N., longitude 117°10'41.5"W.; thence to latitude 32°43'27.8"N., longitude 117°10'45.8"W.; thence to latitude 32°43'30.0"N., longitude 117°10'53.0"W.; thence of latitude 32°43'33.0"N., longitude 117°10'51.5"W.; thence along boundary of Coast Guard Air Station, San Diego, to the point of beginning.

Note.—The northeast, southeast and southwest corners of this safety zone are marked by white buoys with horizontal orange bands.

(38 Stat. 1053, 33 USC 471; 92 Stat. 1471, 33 USC 1225; 49 CFR 1.46(c)(1) and (n)(4); 33 CFR 1.05–1(g) and 165.10)

Dated: March 21, 1980.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 80-11197 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 80-032]

Newark Bay, Passaic, and Hackensack River, NJ, Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Bergen, Hudson and Essex Counties, New Jersey have requested that the Coast Guard consider changes to the regulations governing the operation of the following drawbridges across the Passaic River, New Jersey: Union Avenue (mile 13.2), Jackson Street (mile 4.6), Bridge Street (mile 5.6), and Clay Street (mile 6.0). These changes were requested to reduce county operating expenses, to deal with shortages of qualifed bridgetenders and because a majority of vessel transits are made during daylight and early evening hours. In light of the proposed amendment to regulations for the Newark Bay, Passaic River and Hackensack River drawbridges published in the **Federal Register** of Thursday, March 13, 1980, the Coast Guard is interested in receiving comment regarding the requested changes to the regulations for the four above-named bridges, especially with regard to the impact on the earlier proposal.

DATES: 1. Comments must be received on or before May 12, 1980. 2. The Third Coast Guard District will hold two public hearings on April 23, 1980 to receive comments on the earlier proposal as well as on changes discussed in this advance notice.

ADDRESSES: 1. Comments should be submitted to and are available for examination during normal business hours at the Office of the Commander (oan-br), Third Coast Guard District, Building 135A, Governors Island, New York, N.Y. 10004. 2. The public hearings will be held on April 23, 1980, as follows: *Beginning at 1:30 p.m.*, at: City Council Chambers, City Hall, 920 Broad Street, Newark, N.J.; *Beginning at 7:30 p.m.*, at: City Council Chambers, City Hall, 176 Park Avenue, Rutherford, N.J.

Requests to speak at the public hearings should be submitted to the Office of the Commander (oan-br), Third Coast Guard District, Governors Island, New York, N.Y. 10004, (212) 668–7165).

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Aids to Navigation Branch, Third Coast Guard District, Building 135A, Governors Island, New York, N.Y. 10004, (202–668–7165).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 80–032) and give reasons for concurrence with or any recommended change in the requested operating rules. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed postcard or envelope.

Interested persons are also invited to attend the public hearings and present oral or written statements. It is requested that anyone desiring to make comments at the public hearings notify the Commander (oan-br), Third Coast Guard District at the address listed above, at least 10 days before the scheduled date of the public hearings and specify which hearing they plan to attend and the approximate length of time needed for the presentation. Comments at each public hearing will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request. All communications received before the expiration of the comment period will be evaluated before further action is taken. In the event that the Coast Guard determines that the requested changes, or modifications thereto, have merit, a notice of proposed rulemaking will be published and further opportunity to comment will be provided before final action is taken.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Richard A. Gomez, Project Manager, and Lieutenant Bruce H. Tobey, Project Attorney, Third Coast Guard District.

This document has been reviewed and is not considered significant under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). If further action is taken, a draft evaluation will be prepared and included in the public docket. Information and data are solicited for inclusion in the draft evaluation.

Discussion

Bergen County has requested that eight hours advance notice be given of the estimated time of an opening of the Union Avenue Bridge during the hours of midnight to 7 a.m. The draw would open as soon as possible for the passage of public vessels. The draw would be manned on a 24-hour basis and will be opened on signal during waterway

dredging if at least two weeks advance notice of anticipated commencement was given.

Hudson and Essex Counties have requested consideration of closure between the hours of 11 p.m. and 7 a.m. daily of their Jackson Street, Bridge Street, and Clay Street bridges.

The Coast Guard has not completed its assessment of the preliminary information supplies with these requests for changes in the regulations. However, because of the impact the operation of these bridges may have on the proposed rule published March 13, 1980 (45 FR 16203), comment regarding both the proposed rule and the recommendations set forth in this advance notice are solicited in order to gain a full appreciation of the situation. It should be noted that the Jackson Street, Bridge Street, and Clay Street drawbridges are all within one mile of Amtrak's Dock Bridge, one of the key drawbridges in the earlier proposal.

These bridges provide vehicular traffic with a means of crossing the Passaic River. The Hackensack and Passaic River area is heavily industrialized and populated and the industries and persons in this area depend on water, rail, and highways to transport the region's raw materials and finished products, as well as the people who work and live in this area. The Passaic River is transited by oil barges and other commercial vessels as well as pleasure vessels during the boating season. As discussed in the NPRM published March 13, 1980, when several bridges are in close proximity to one another the problems faced by mariners are compounded, requiring a coordinated regulatory approach.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: April 9, 1980.

W. E. Caldwell,

Rear Admiral, Chief, Office of Marine Environment and Systems, U.S. Coast Guard.

[FR Doc. 80-11196 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Parts 30 and 151

[CGD 80-02]

Revisions to Subchapter D Lists of Flammable and Combustible Bulk Cargoes

Correction

In FR Doc. 80–10442, appearing on page 23475, in the issue of April 7, 190 make the following correction:

On page 23476, second column, add the entry "Dimethyl Benezene*" above the fifth entry from the bottom.

BILLING CODE 1505-01-M

Research and Special Programs Administration

49 CFR Parts 172, 173, 177, 178, and 179

[Docket No. HM–166D; Notice No. 80–6]

Shipment of Hazardous Materials; Proposed Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

DATE: Comments must be received on or before June 15, 1980.

ADDRESS: Address comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that the docket number be identified and that five copies be submitted. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th St., SW., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202–472–2726).

SUPPLEMENTARY INFORMATION: This document is the fifth of a series of notices and amendments to incorporate changes in the hazardous materials regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. On November 30, 1978, MTB published the first notice of proposed rulemaking under Docket HM–166; Notice 78–11 (43 FR 56070).

In summary, these proposed amendments would (1) require water shipments of Arsine, Chloropicrin and methal chloride mixture, Cyanogen gas, Germane, Hydrocyanic acid, liquefied, Hydrocyanic acid (*prussic*), solution (*5% or more hydrocyanic acid*), and Phosphine to be segregated the same as required for flammable gases. Also, a new entry would be added for Poisonous liquid *or* gas, n.o.s. having a subsidiary flammable gas hazard; (2) remove Manganese dioxide from § 172.101; (3) correct the packaging reference in column (5)(b) of § 172.101 for Strychnine, solid; (4) change the words "Cargo-only aircraft" to read "Cargo aircraft only" each time they appear throughout the regulation; (5) allow IMCO or United Nations placards on portable tanks, freight containers, motor vehicles and rail cars in addition to the required DOT placards; (6) change the reference to nitrocarbonitrate in § 173.63(a)(3) to read "a material classed as a blasting agent"; (7) revise §173.93(a)(4) to clearly state that two distinct packaging systems are authorized; (8) delete all references to "asbestos" as a cushioning material; (9) increase the maximum drum capacity to 60 gallons in § 173.178(a)(1); (10) delete the reference to Specification 28A in § 173.191(a)(4); (11) delete the reference to Specification 28 in § 173.245(a)(8) and Specification 43A in § 178.245(a)(11); (12) allow all of the commodities named in § 173.249 to be shipped by aircraft under the provisions of § 173.249(b); (13) authorize the use of a strong metal can instead of a tinplate slip cover metal can in § 173.252(g)(3); (14) delete the reference to a cancelled specification in § 173.253(a)(2) and add Specification 1M; (15) delete the reference to Specification 43A in § 173.257(a)(2); (16) revise certain paragraphs in § 173.264 by removing obsolete packagings; (17) remove the restriction in § 177.838(a) requiring shipments of flammable solids or oxidizing materials to be covered by a tarpaulin when in water-tight bulk containers; (18) add a new § 178.0–3 to allow packagings to be marked with the United Nations symbol and packaging identification code as provided in Annex I of the IMCO Code and (19) revise § 179.201–7(b) by increasing the vent bursting pressure to not more than 100 percent of tank test pressure.

Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

Since this is a miscellaneous notice, it is not practical to group these proposed changes by subject area as stated in the preamble of the first HM–166 notice. Instead, a format similar to the one used for Docket Ho. HM–139 is being used.

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Proposed Amendments of Hazardous Materials Regulations

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.101	To specify in Column (7)(c) of the Hazardous Materials Table that segregation must be the same as for flammable gases for each of the following commodities: Amine Chloropicrin and methyl chloride mixture Cyanogen gas Germane Hydrocyanic acid, liquefied Hydrocyanic acid, solution Phosphine [Add] Poisonous liquid or gas, n.o.s.	To revise Column (7)(c) of § 172.101 by adding "Segregation same as for flammable gases" for: Amine Chloropicrin and methyl chloride mixture Cyanogen gas Germane Hydrocyanic acid, liquefied Hydrocyanic acid, solution Phosphine [Add] Poisonous liquid or gas, n.o.s.
§ 172.101, Strychnine, solid	Column (5)(b) of the Hazardous Materials Table incorrectly references § 173.377 instead of § 173.365.	To revise Column (5)(b) of § 172.101 to read § 173.365 instead of § 173.377 for Strychnine, solid.
§ 172.101, Manganese dioxide	Test data furnished by Kerr-McGee Chemical Corp., indicates that Manganese dioxide, is not a corrosive when wet, to either aluminum or steel and it does not come within any of the other defined classes of hazardous material. Also, Manganese dioxide has been removed from the Restricted Articles list of the International Air Transport Association (IATA) and the Air Transport Association of America.	To delete Manganese dioxide from § 172.101.
§ 172.203(f)	To eliminate the inconsistency between 49 CFR § 172.203(f) which requires the words "Cargo-only aircraft" to be entered after the basis description and international standards which specify that air waybill be marked "Cargo aircraft only". The MTB intends to change "Cargo only aircraft" to read "Cargo aircraft only" each time it appears throughout the regulations in the final rulemaking to this notice.	To revise § 172.203(f) to read: (f) *Transportation by air.* When a package containing a hazardous material is offered for transportation by air and this subchapter prohibits its transportation aboard passenger-carrying aircraft, the words "Cargo aircraft only" must be entered after the basic description.
§ 172.502	To allow the use of IMCO or United Nations placards in addition to the required DOT placards on portable tanks, freight containers, motor vehicles and rail cars.	To revise the introductory text of § 172.502(a) and to add paragraph (c) to read: (a) Except as provided in paragraph (c) of this section, no person may affix or display on a portable tank, freight container, motor vehicle or rail car any placard described in this subpart unless— (c) The restriction in paragaphs (a) and (b) of this section does not apply to portable tanks, freight containers, motor vehicles or rail cars placarded in conformance with—(1) Any United Nations recommendation in the document entitled "Transport of Dangerous Goods, (1977)" or (2) The requirements of the International Maritime Dangerous Goods Code (IMCO Code).
§ 173.63(a)(3)	To delete the reference to nitrocarbonitrate and replace it with the words "a material classed as a blasting agent". This change was inadvertently omitted by Docket HM-143.	To revise § 173.63(a)(3) to read: (3) Specification 23F or 23H (§ 178.214 or § 178.219 of this subchapter). Fiberboard boxes having one inside 26-gauge metal container, measuring not over 8 inches in diameter and 31 inches long, containing high explosives (ammonium dynamite core) surrounded by a material classed as a blasting agent. Authorized gross weight not to exceed 65 pounds.
§ 173.93(a)(4)	Referenced paragraph authorizes certain Class B explosives to be shipped in tight metal cases in tight wooden boxes free from loose knots and cracks or tight metal containers. Gross weight not to exceed 200 pounds. Confusion exists as to whether a two part packaging system is required or whether two distinct packaging systems are authorized.	To revise § 173.93(a)(4) to read: (4) Tight metal cases in tight wooden boxes, not over 200 pounds gross weight; or tight metal containers not over 200 pounds gross weight.
§ 173.157(a)(3)	To delete the reference to asbestos as an authorized cushioning material. This action is necessary because asbestos is now listed as a hazardous material in 49 CFR.	To revise § 173.157(a)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside fiber containers securely closed by taping or gluing, or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each inside container may not exceed 1 pound. Except for lauroyl peroxide, wet, each inside container must be surrounded by an appropriate fire-resistant cushioning material. Gross weight in specification 12B65 fiberboard boxes may exceed 65 pounds, but may not exceed 80 pounds, provided the net weight (dry weight) of the contents does not exceed 50 pounds.
§ 173.157(a)(5)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.157(a)(5) to read: (5) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. Authorized only for benzoyl peroxide.
§ 173.167(b)(1)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.157(b)(1) to read: (1) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each bag may not exceed 1 pound. Each bag must be surrounded by an appropriate fire-resistant cushioning material.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.157(b)(3)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.157(b)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers make of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. Net weight (dry weight) in each outside box may not exceed 50 pounds.
§ 178.158(a)(1)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.158(a)(1) to read: (1) Specification 15A or 15B (§ 178.168 or § 178.169 of this subchapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. Net weight in outside container must no exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.
§ 173.158(a)(3)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.158(a)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in Spec. 12B65 boxes may be more than 65, but not more than 80 pounds, provided net weight of content does not exceed 50 pounds.
§ 173.178(a)(1)	To authorized shipments of calcium carbide in water-tight metal drums having a maximum rated capacity of 60 gallons instead of 55 gallons. Information on file from the Union Carbide Corporation indicates that calcium carbide drums in current use are rated at 58 gallons and hold 600 pounds net weight.	To revise the last sentence in § 173.178(a)(1) to read: Maximum rated capacity may not exceed 60 gallons.
§ 173.191(a)(4)	To delete the reference to cancelled Specification 28A. Specification 1B, 1C, 1E, 2B, 28A, 31, 34B, and 43A, were deleted from Part 178 by HM-117 on March 12, 1979, and in some instances certain specification references were inadvertently omitted in Part 173.	To delete § 173.191(a)(4)
§ 173.245(a)(8)	To delete the reference to cancelled Specification 28	To delete § 173.245(a)(8)
§ 173.245(a)(11)	To delete the reference to cancelled Specification 43A	To delete § 173.245(a)(11).
§ 173.249(a)	To list all of the commodities named in § 173.249(a) in paragraph (b) of that section	To revise § 173.249(b) to read: Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid sodium hydroxide solution; potassium hydroxide solution, and boiler compound, liquid solution, when offered for transportation by aircraft, must be packaged as follows (also authorized for transportation by rail freight, highway or water).
§ 173.252(g)(3)	To authorize the use of other types of metal cans in addition to the presently authorized tinplate slipcover metal can. The present wording was taken from two special permits which were issued in 1961 and 1966 and is now considered to be more restrictive than needed for safety reasons.	To revise the second sentence in § 173.252(g)(3) to read: Each bottle must be enclosed in a strong metal can surrounded by incombustible cushioning material.
§ 173.253(a)(2)	To delete the reference to a cancelled specification and to add an authorization to use DOT Specification 1M glass carboys.	To revise § 173.253(a)(2) to read: (2) Specification 1M (§ 178.17 of this subchapter). Glass carboys in expended polystyrene packagings. Not authorized for transportation by aircraft.
§ 173.257(a)(2)	To delete the reference to cancelled Specification 43A	To delete § 173.257(a)(2).
§ 173.261(b)(2)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.261(b)(2) to read: (2) Fire-estinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with an appropriate fire-resistant cushioning material and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.
§ 173.264(a)(1)	To remove obsolete packagings. The MTB believes that DOT Specification 15A, 15B, 15C, 16A, and 19A packagings are not being used in this service.	To delete § 173.264(a)(1)
§ 173.264(a)(7) and notes thereto	To remove obsolete packaging. The MTB believes that DOT Specification 5A is not being used in this service	To delete § 173.264(a)(7) and Notes 2, 3, 4, and 5

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Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.264(a)(8)	To remove obsolete packagings. The MTB believes that DOT Specification 103A, 105A100, and ARA–IV tank cars are not being used in this service.	To revise § 173.264(a)(8) to read: (8) Specification 103AW, 105A100W, 111A100F2, 111A60W2, 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to paragraph (a)(7) of this section). Authorized only for hydrofluoric acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.
§ 173.264(a)(10) and notes thereto	To remove obsolete packagings. The MTB believes that DOT Specification 6D is not being used in this service.	To delete § 173.264(a)(10) and Notes 1, 2, and 3.
§ 173.264(a)(11)	To remove obsolete packagings. The MTB believes that DOT Specification 103B is not being used in this service.	To revise § 173.264(a)(11) to read: (11) Specification 103BW, 111A100W4, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength except Specification 111A100W4 tanks are authorized only for acid of 70 percent strength.
§ 173.264(a)(19)	To remove inside Specification 2TL and add specification 2U. The MTB believes that the 2TL container is not being used in this service. However, the MTB has issued four exemptions authorizing the use of Specification 12P with two inside specification 2U polyethylene containers of not over 2½-gallon capacity each.	To revise § 173.264(a)(19) to read: (19) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside specification 2U polyethylene containers of not over 2½-gallon capacity each. Authorized only for acid of 48 to 52 percent.
§ 173.266(c)(4)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.266(c)(4) to read: (4) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, or § 178.190 of this subchapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1 pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with an appropriate fire-resistant cushioning material.
§ 173.267(c)(3)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.267(c)(3) to read: (3) Each bottle must be placed in a tightly closed metal container and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes or powdered china clay, etc. The metal container must be packed in the outside container, and well cushioned by incombustible mineral packing material.
§ 173.268(h)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.268(h) to read: (h) Cushioning inside containers. Inside containers must be well cushioned. Except as provided in subparagraph (1) of this paragraph, all material for cushioning must be incombustible mineral material such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, etc. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers shall be provided to prevent the bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.
§ 173.268(i)(3)	To delete references to asbestos as an authorized cushioning material	To revise § 173.268(i)(3) to read: (3) Each bottle must be placed in a tightly closed metal container, and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, or powdered china clay, etc. The metal container must be packed in outside containers, and well cushioned by incombustible mineral packing material.
§ 173.269(e)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.269(e) to read: (e) Inside containers must be well cushioned. All material for cushioning must be incombustible mineral material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, or powered china clay, etc. The use of hay, excelsior, ground cork, or similar material either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming in contact with, each other, and the box must be tight to prevent sifting of cushioning material.
§ 173.271(a)	To authorize the shipment of phosphorus oxychloride in DOT Specification 1M glass carboys. This commodity is presently being shipped in a similiar type of packaging under DOT–E 4390.	To add paragraph (19) to § 173.271(a) to read: (19) Specification 1M (§ 178.17 of this subchapter). Glass carboys in expanded polystyrene packagings. Authorized only for phosphorus oxychloride. Not authorized for transportation by aircraft.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.274(a)(1), Note 1	To delete the reference to asbestos as an authorized cushioning material	To revise Note 1 in § 173.274 to read: NOTE.—Bottles manufactured of Pyrex glass or glass of equal acid resistance, authorized only for material containing an excess of sulfur trioxide, with Pyrex glass stoppers, or glass stoppers of equal acid resistance, ground to fit and held in place by plaster of Paris covered by strong cloth securely tied; each bottle must be placed in a metal container, well cushioned therein with an appropriate fire-resistant cushioning material.
§ 173.287(b)(4)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.287(b)(4) to read: (4) Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter). Fiberboard box with one inside glass container not over 4 fluid ounces capacity, packed in a wax-lined cylindrical fiber carton with metal ends. The bottle closure must consist of a tightly secured, fitted, ground glass stopper. Space between the bottle and the inner surface of the fiber cylinder must be filled with an appropriate fire-resistant cushioning material in sufficient quantity to completely absorb the contents of the bottle in the event of breakage. Not authorized for solutions containing nitric acid.
§ 177.838(a), Last sentence	To delete the requirement that motor vehicles transporting flammable solids or oxidizing materials have to be covered by tarpaulins or other suitable means when in water-tight bulk containers.	To amend § 177.838(a) by changing the last sentence to read: Shipments in water-tight bulk containers do not have to be covered by a tarpaulin.
§ 178.172–18	To correct two typographical errors	To revise § 178.172–18(a) to read: (a) Box shall be securely closed. Nails, if used, shall be as prescribed in §§ 178.172–8, 178.172–10, 178.172–11, and 178.172–12.
§ 178.0–3	An amendment to the IMCO Code which became effective on March 1, 1980, provides for the marking of a United Nations (UN) symbol and packaging identification code on packagings. The purpose of these markings is to certify compliance with the packaging testing and construction provisions contained in Annex I of the IMCO Code. While the United States does not require the application of these markings, or consider this marking provision to apply to existing types and designs of packagings (which may continue in use under the "grandfather" provision of the preamable of Annex I to the IMCO Code) it is, nevertheless, likely that many shippers and packaging manufacturers will desire to apply the UN symbol and packaging identification code to packagings in order to facilitate the movement of these packagings in international transportation.	To add § 178.0–3 to read: § 178.0–3 United Nations symbol and packaging identification code. In addition to the markings required by this subchapter, packagings may be marked with the United Nations symbol and packagings identification code as provided in Annex I of the IMCO Code, provided the person applying these markings has established that the packaging conforms to the applicable provisions of Annex I of the IMCO Code.
§ 179.201–7(b), First sentence	To increase the vent bursting pressure to not more than 100 percent of tank test pressure.	To revise the first sentence of § 179.201–7(b) to read: (b) Safety vents, if used, shall be of approved design, at least 1-¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will burst at not more than 100 percent of tank test pressure.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued at Washington, D.C., on April 7, 1980.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transporation Bureau.

[FR Doc. 80-11199 Filed 4-11-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1461–7]

Approval and Promulgation of Michigan Implementation Plan—Carbon Monoxide and Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On April 25, 1979, the State of Michigan submitted to USEPA a portion of its revised State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act as amended in 1977. The purpose of this notice is to discuss the results of USEPA's review of the carbon monoxide and ozone attainment demonstrations and transportation control plan portions of the Michigan SIP, to propose rulemaking action on these portions and to invite public comment.

DATE: Comments on these revisions and on proposed USEPA action on the revisions are due on or before May 14, 1980.

ADDRESSES: Copies of these SIP revisions are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office

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Building, 7150 Harris Drive, Lansing, Michigan 48917.

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION:

General Information

USEPA announced receipt and availability for public inspection of the April 25, 1979, proposed revisions in the August 13, 1979 **Federal Register** (44 FR 47350). At that time USEPA indicated that a subsequent notice would be published to discuss USEPA's review of and proposed action on the Michigan submittal. Additionally, on October 26, 1979, November 8, 1979, and on December 26, 1979, the State submitted additions and amendments to the ozone and carbon monoxide portions of its revised SIP. USEPA announced receipt and availability of these additional materials in the March 14, 1980 **Federal Register** (45 FR 16504).

The proposed revisions to the Michigan SIP apply to those urbanized areas of Michigan that have not demonstrated attainment of the National Ambient Air Quality Standards (NAAQS) for ozone and/or carbon monoxide. As required by the Act, the purpose of these revisions is to implement measures for controlling the emissions of these pollutants in nonattainment areas and to demonstrate that these measures will provide for attainment of the standard as expeditiously as practicable, but not later than December 31, 1982 for the primary standards; or under certain conditions by December 31, 1987.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979 (44 FR 20372), and are not reiterated in this notice. Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182), discussing, among other things, additional criteria for SIP approval.

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. These areas are delineated at 40 CFR Part 81, Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

On April 25, 1979, the State of Michigan submitted plans for all of the designated ozone and/or carbon monoxide nonattainment areas in the State. Additional material concerning ozone attainment was submitted by the State on October 26, 1979, and on November 8, 1979. On December 26, 1979, the State of Michigan submitted Transportation Control Plans (TCPs) for the Grand Rapids, Lansing, Flint and Detroit urban areas. The Grand Rapids TCP was developed by the Grand Rapids and Environs Transportation Study (GRETS) Technical and Policy Committees; the Lansing TCP was developed by the Tri-County Regional Planning Commission (TCRPC); the Flint TCP was developed by the Genesee-Lapeer-Siawassee Region V Planning and Development Commission (GLSRPDC) Executive Committee; and the Detroit TCP was developed by the Southeast Michigan Council of Governments (SEMCOG). Each of these agencies has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing control measures in the plan.

The local plans were adopted in Grand Rapids on October 31, 1979 (Technical Committee) and November 7, 1979 (Policy Committee); in Lansing on November 28, 1979; in Flint on November 21, 1979; and in Detroit on November 30, 1979.

Each of the TCPs contains measures designed to attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide. The plans for Grand Rapids, Lansing, and Flint demonstrate attainment of the ozone standards by December 31, 1982. The plans for the Detroit urban area, consisting of Wayne, Monroe, Washtenaw, Livingston, Oakland, Macomb and St. Clair Counties, demonstrate that attainment of the ozone standard cannot be achieved by December 31, 1982, and the State of Michigan has requested a five year extension under Section 172(a)(2) of the Clean Air Act for those counties. The plans also demonstrate that portions of Wayne, Oakland, and Macomb Counties cannot attain the carbon monoxide NAAQS by December 31, 1982, and the State of Michigan has requested a five year extension for these areas as well.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA proposed approval on two areas of the Michigan SIP revisions on transportation:

(1) A description of the program planning process which describes the steps involved in the identification, evaluation, selection, adoption and implementation of specific transportation control strategies.

(2) An identification of the estimated financial resources necessary to carry out the process.

Final action on these two areas, along with today's proposed rulemaking, will be taken at a later date.

The purpose of this notice is to discuss the result of USEPA's review of the transportation control measures and demonstrations of attainment, to propose rulemaking on those portions of the Michigan SIP revision, and to invite public comment. A thirty day comment period is being used to enable publication of final action of the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in Section 172 of the Clean Air Act, and because notice of public availability of the SIP revisions was published in the **Federal Register** on August 13, 1979 and March 14, 1980.

Requirements for Transportation Control Plans and Demonstrations of Attainment

The transportation control plans for the four urban areas idenify transportation strategies that will reduce mobile source hydrocarbon emissions and demonstrate attainment of the ozone standard by December 31, 1982 for Grand Rapids, Lansing and Flint, and by December 31, 1987 for Detroit. The Detroit plan includes transportation measures to reduce emissions of carbon monoxide, and demonstrate attainment of the carbon monoxide standards in portions of

Wayne, Oakland and Macomb Counties by December 31, 1987.

USEPA has evaluated the transportation control plans and the attainment demonstrations using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 **Federal Register** (44 FR 20372), the "USEPA–USDOT Guideline for Air Quality-Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs." To assist the public in preparing comments on the proposed SIP revisions, a summary of the principal requirements is presented below.

1. Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress. Section 172 of the Act states that the SIP must include a program for selecting transportation measures to attain the emission reduction targets of the SIP. This program must include schedules for the expeditious implementation of adopted transportation measures and schedules for the analysis and adoption of additional transportation measures.

The April 4, 1979 **Federal Register** and its supplements details the requirements for acceptable attainment demonstrations. A brief summary is as follows:

a. A definition of the geographic areas covered by the plan.

b. An accurate, comprehensive, and current emission inventory.

c. Emission reduction estimates for each adopted or scheduled control measure or for related groups of control measures.

d. A determination of the level of control needed to demonstrate attainment of the primary NAAQS by 1982 (1987 if attainment cannot be made by 1982 for ozone or carbon monoxide). This should include a consideration of future emission growth.

e. A provision for reasonable further progress (RFP) toward attainment of the primary standards prior to 1982 or 1987.

f. A provision for the annual reporting on the progress toward meeting the compliance schedules outlined in the SIP

g. An identification and quantification of an emissions growth increment, which will allow for major new or modified stationary sources. Alternatively, an emissions offset approach can be adopted to accommodate new sources.

2. Interagency Agreements and Assignments of Tasks. Pursuant to section 174 of the Act, the State and elected officials of affected local governments must determine respective responsibilities of the state air pollution control agency, other state agencies, the lead local agencies, and local units of government. This determination must identify the responsibilities for strategy evaluation, adoption, implementation, and enforcement.

3. Analysis of Alternatives. Pursuant to section 172(b)(2) of the Act, all reasonably available transportation measures must be evaluated and considered for implementation. At a minimum, the strategies listed in section 108(f) of the Act must be considered for each nonattainment area needing transportation related emission reductions. Areas that need an extension of the attainment date for carbon monoxide or ozone must commit to establish, expand or improve public transit and to meet basic transportation needs [§ 110(a)(3)(D) and 110(c)(5)(B)].

4. Implementor Commitments. Pursuant to section 172(b)(10) of the Act, the SIP must include written evidence that the State and other units of government have adopted the necessary requirements in legally enforceable form. Further, the SIP must contain commitments to implement and enforce the SIP strategy as well as annual emission reduction goals.

5. Financial and Manpower Resources. Pursuant to section 172(b)(7) of the Act, the SIP must identify the fiscal resources necessary to carry out the plan provisions.

6. Reporting of Progress. Pursuant to section 172(b)(5) of the Act, the SIP must contain procedures and schedules for periodic monitoring of progress in implementing strategies and in achieving annual emission reductions. Section 176(c) of the Act requires that the lead local agency determine the conformity of its transportation control plan and programs with the SIP.

7. Impacts of Plan Provisions. Pursuant to section 172(b)(9)(A) of the Act, the SIP must identify and analyze the air quality, health, welfare, economic, energy, and social effects of the plan provisions and the alternatives considered.

8. Public Participation. Pursuant to section 172(b)(9) of the Act, the SIP must contain evidence of public, local government and State legislative involvement and consultation regarding the planning process and proposal.

9. Strategies. Each State Implementation Plan must include strategies which will be used to demonstrate attainment of the NAAQS.

USEPA has reviewed each of the four transportation control plans and attainment demonstrations to determine if they have satisfied these requirements and a discussion of the review for each metropolitan area follows. USEPA proposes to approve the transportation control plans and the ozone attainment demonstrations for the Flint, Grand Rapids and Lansing urban areas, the transportation control plans for the Detroit urban area, and the ozone control strategy for the 24 rural ozone nonattainment counties in Michigan. The carbon monoxide and ozone attainment demonstrations for the Detroit urban area will be addressed in a separate **Federal Register** notice.

Transportation Control Plans and Attainment Demonstrations for Carbon Monoxide and Ozone

In each urban nonattainment area the designated lead local agency, in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT), developed the control strategy. These strategies are designed to ensure attainment of the ozone NAAQS for the four urban areas and of the carbon monoxide NAAQS for portions of Wayne, Macomb, and Oakland Counties. As part of the control strategy, the State submitted revised regulations for controlling hydrocarbon emissions from stationary sources, transportation control plans and, for the Detroit urban area which requested a five year extension for attainment of the CO and ozone NAAQS, a vehicle inspection and maintenance (I/M) program. Final action to conditionally approve the State's hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. Also, the I/M program for the Detroit urban area will be addressed in a separate **Federal Register** notice.

In addition to these elements, the control strategies contained attainment demonstrations for ozone and/or carbon monoxide. This section of the notice discusses the attainment demonstrations and transportation control plans for each of the following urbanized areas:

Urban Area	*Counties*
Flint	Genesee
Lansing	Ingham, Clinton and Eaton
Grand Rapids	Kent
Detroit	Wayne, Livingston, Macomb, Washtenaw, Monroe, Oakland, and St. Clair

Flint Urban Area

Based on measured violations of the ozone National Ambient Air Quality Standard (NAAQS) occurring during the years 1975, 1976 and 1978, Genesee County, Michigan was designated as a nonattainment area for ozone. The Genesee-Lapeer-Shiawassee Region V

Planning and Development Commission, Executive Committee, as the designated lead local agency for the area, in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT) prepared the control strategy and transportation control plan for the area. The transportation control measures are designed to yield further reductions of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 1982 with reduced hydrocarbon emissions occurring as a result of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA stated that to be fully approvable, the completed transportation portion of the plan must identify initial emission reduction targets. On November 21, 1979, and on December 12, 1979, respectively, the Genesee County Metropolitan Alliance and the Genesee-Lapeer-Shiawassee Region V Planning and Development Commission Executive Committee resolved to seek Reasonable Available Control Measures to achieve reductions in hydrocarbon emissions from mobile sources of between one-half of one percent and one percent between 1977 and 1982. The transportation control plan for the Flint urban area contains representative strategies already adopted and to be implemented between 1979 and 1982. The table below identifies the projects, implementors and the emission reductions associated with the projects.

Strategy	Implementor(s)	Annual emission reduction
Improve public transit	Mass Transit Authority (MTA), Davidson Area Transportation Service.	4.3 tons of HC through 1982.
Improve traffic flow; Upgrading signals on Fifth Avenue	City of Flint	14.6 tons of HC through 1982.
Widening the Grant Traverm and Garland Street intersections		
Removing parking at Detroit intersection		
Increase vehicle occupancy, Ridersharing activities (2 percent reduction in vehicle miles traveled).	Mass Transit Authority, Genesee County Metropolitan Planning Commission, Region V Planning and Development Commission.	206 tons of HC through 1982.
Reduce travel demand, Bicycle program	No agency action needed.	2.5 tons of HC through 1982.

USEPA has reviewed the control strategy and ozone attainment demonstration developed for the Fint urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all of the portions of the transportation control plan and the ozone attainment demonstration for the Flint urban area.

Lansing Urban Area

Although no monitored violations have been recorded, the Lansing urban area is designated as nonattainment for the ozone standard in the October 5, 1978 **Federal Register** (43 FR 46010). Absence of monitored violations is probably due to lack of proper monitoring in the area, and the designation is based on the fact that all other major urban areas in the State, including those of similar size (Grand Rapids and Flint) are showing violations of the ozone standard. The Tri-County Regional Planning Commission, as the designated lead local agency for the area, in conjunction with MDNR and MDOT, prepared the control strategy and the transportation control plan for the Lansing urban area, which includes portions of Ingham, Clinton and Eaton Counties. The transportation control measures are designed to yield further reduction of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 31, 1982, with reduced hydrocarbon emissions occurring due to use of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

Emission reduction targets were required by USEPA as stated in the August 13, 1979 **Federal Register** (44 FR 74355). On December 5, 1979, the Tri-County Regional Planning Commission adopted a resolution to seek Reasonable Available Control Measures to achieve reductions in hydrocarbon emissions from mobile sources between one-half of one percent and one percent by December 31, 1982.

The transportation control plan for the Lansing urban area contains representative transportation control strategies already adopted which are to be implemented between 1979 and 1982. The following table identifies the project, implementors and the emission reductions associated with the projects.

Strategy	Implementor	Annual emission reduction
Improve transit service, Adjustment of Headways on route No. 1	Capital Area Transportation Authority (CATA).	1.1. tons of HC through 1982.
Improve traffic flow, Upgrade Logan Street	MDOT	9.8 tons of HC through 1982.
Increase vehicle occupancy, Vanpool/carpool program (5 percent employer population).	CATA	38.7 tons of HC through 1982.
Reduce travel demand, Bicycle system improvements along Grand River	MDOT	.02 tons of HC through 1982.

USEPA has reviewed the control strategy and ozone attainment strategy developed for the Lansing urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all portions of the transportation control plan and the ozone attainment demonstration for the Lansing urban area.

Grand Rapids Urban Area

Based on measured violations of the ozone NAAQS occurring in the years 1976–1978 inclusive, Kent County, Michigan was designated as a nonattainment area for ozone. The Grand Rapids and Environ Transportation Study (GRETS) Technical Committee and the GRETS Policy Committee, as the designated lead local agency for the area, in conjunction with the MDNR and MDOT prepared the control strategy and transportation control plan for the area. The transportation control measures are designed to yield further reductions of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 31, 1982. Reduction of hydrocarbon emissions is predicted due to use of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

Emission reduction targets were required by USEPA as stated in the August 13, 1979 **Federal Register** (44 FR 47355). On October 31, 1979 and November 7, 1979, respectively, the GRETS Technical Committee and the GRETS Policy Committee resolved to establish and commit to an initial hydrocarbon emission reduction target of one-half of one percent to one percent by 1982.

The transportation control plan for the Grand Rapids urban area contains representative control strategies already adopted which are to be implemented between 1979 and 1982. The following table identifies the project implementors and the emission reductions associated with the projects.

Strategy	Implementor	Annual emission reduction
Improve public transit	Grand Rapids Area Transportation Authority.	7.28 tons of HC through 1982.
Improve traffic flow improve East Beltline	MDOT	8.1 tons of HC through 1982.
Increase vehicle occupancy vanpool program (25 vans in Employer Program).	West Michigan Regional Planning Commission.	23.0 tons of HC through 1982.
Reduce vehicle miles traveled Bikeway along M. 45	Kent County Road Commission.	.05 ton of HC through 1982

USEPA has reviewed the control strategy and ozone attainment demonstration developed for the Grand Rapids urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all portions of the transportation control plan and the ozone attainment demonstrations for the Grand Rapids urban area.

Detroit Urban Area

Based on measured violations of the ozone NAAQS occurring during the years 1975–1978 inclusive, Wayne, Monroe, Washentaw, Livingston, Oakland, Macomb and St. Clair Counties were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour primary carbon monoxide NAAQS in 1975–1977 inclusive, portions of Wayne, Oakland and Macomb Counties were designed as nonattainment areas for carbon monoxide. These areas are delineated at 40 CFR Part 81. The Southeast Michigan Council of Governments (SEMCOG), as the designated lead local agency for the area, prepared the control strategy for the area in conjunction with MDNR and MDOT. The control strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the Detroit urban area.

The strategy developed by SEMCOG does not predict attainment of either the carbon monoxide or the ozone NAAQS by December 31, 1982. However, the strategy projects that the necessary reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1987. Since attainment of the NAAQS for these two pollutants cannot be demonstrated by 1982, despite the application of all reasonably available control measures, the State of Michigan has requested a five year extension, until December 31, 1987.

For those areas requesting such an extension, the Act requires the implementation of certain additional measures. These additional measures are: (1) a schedule for the development, adoption, and implementation of a vehicle emissions control inspection and maintenance (I/M) program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987, (4) a commitment to establish, expand, and improve public transportation to meet basic transportation needs. USEPA will discuss the carbon monoxide and ozone attainment demonstrations for the Detroit urban area, as well as the State's proposed I/M program, in a separate **Federal Register** notice.

The program for the analysis of alternatives is contained in the State's New Source Review (NSR) program for those sources proposing to locate in the area. Final approval of the NSR program will be published in a separate **Federal Register** notice.

Emission reductions will be achieved through the implementation of controls on hydrocarbon emissions from stationary sources, the use of the Federal Motor Vehicle Control Program (FMVCP), additional Transportation Control Measures and a Vehicle Inspection/Maintenance (I/M) program. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice discusses the transportation control measures for the Detroit urban area.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA stated that to be fully approvable, the completed transportation portion of the Detroit plan must contain a description of how the analysis of emission control strategies will be undertaken and a

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schedule for the study, adoption and implementation of control strategies. SEMCOG has committed to a revised planning process which prioritizes transportation projects which have a beneficial air quality impact. The planning process relies on methodologies included in an USEPA–MDOT contractor-produced handbook. The handbook for assessing transit and other transportation systems management measures includes strategies to improve mass transit ridership and meet basic transportation needs. The State of Michigan has submitted a detailed work program for the transportation air quality planning activities SEMCOG will undertake, including a schedule for the study and adoption of transportation air quality measures as follows:

Milestone	Date
Completion of alternative analysis process.	December 1980.
Amendment of regional TSM element to include specific transportation-air quality policies.	June 1981.
Adoption of project implementation schedules for inclusion in the 1982 SIP revision.	June 1982.

USEPA proposes to approve this schedule and the description of the analytical procedures to be used in the evaluation of transportation measures as satisfying section 172(b)(2) of the Clean Air Act which requires that all reasonable transportation measures be evaluated and considered for implementation.

Initial reduction targets were identified and submitted by the MDNR in the form of a resolution passed by the Executive Committee of SEMCOG on November 30, 1979. The Committee resolved to achieve, through transportation imporvements, the following emission reduction targets:

Pollutant	Percent 1982	Percent 1987
Hydrocarbon	2.0	3.0
Carbon monoxide	2.5	4.0

The base levels of emissions for 1982 and 1987 represent mobile source emissions without transportation improvements. The percentage in each case is the reduction from the base level as a result of implementing transportation improvements.

USEPA proposes to approve these targets as satisfying the requirements of section 172(b)(10) of the Clean Air Act.

In the August 13, 1979, **Federal Register** (44 FR 47355), USEPA stated that to be fully approved the completed transportation portion of the Detroit plan must identify TSM strategies, schedules for implementation, responsible agencies and estimates of emission reduction for these projects.

On December 26, 1979, the State offically submitted on behalf of SEMCOG an analysis of representative TSM-SIP strategies in terms of their impact on emissions in 1980 as follows: These projects are already completed or will be completed (Western Wayne County Signal Optimization and Expanded Transit System) by December 1980.

Strategy	Responsible agency	Emission reduction HC (tons/year)	Emission reduction CO (tons/year)
Western Wayne County Signal Optimization	Wayne City Road Commission.	571	5910
Vanpooling (187 vans)	SEMCOG	74.2	572
Southfield Bicycle Bridge	City of Southfield	.035–.088	.42–1.05
MDOT Carpool Lots (23 lots)	MDOT	30.0	153
Signal Interconnection Projects	Oakland County Road Commission.	20.8	245
Expanded Transit Service	Southeastern Michigan Transportation Authority.	224	1850

USEPA proposes to approve these measures at satisfying section 172(b)(11)(C) of the Clean Air Act, which requires the identification of other transportation measures necessary to provide for attainment of the ozone and carbon monoxide NAAQS by December 31, 1987.

USEPA has reviewed the control strategy developed for the Detroit urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) USEPA proposes to approve the Detroit transportation control plan portion of the Michigan SIP as satisfying all of the nine requirements for an approvable nonattainment area SIP.

USEPA will propose action on the carbon monoxide and ozone demonstrations of attainment for Detroit in a separate **Federal Register** notice. The State has demonstrated that attainment of these standards is not possible by December 31, 1982 despite the implementation of all reasonably available control measures, and has requested an extension until December 31, 1987 for meeting the carbon monoxide and ozone NAAQS. USEPA will propose action on the State's carbon monoxide and ozone attainment demonstrations and vehicle I/M program in a separate **Federal Register** notice.

Ozone Control Strategy for Rural Nonattainment Areas

In addition to the urban nonattainment areas, twenty-four counties in Michigan have been designated as rural nonattainment areas. These include: Marquette, Muskegon, Gratiot, Midland, Saginaw, Bay, Guscola, Huron, Sanilac, Ottawa, Ionia, Shiawassee, Lapeer, Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Jackson, Berrien, Cass, Branch, Hillsdale and Lenawee Counties. Although only two of the rural counties, Muskegon and Marquette, contained ozone monitors and recorded violations, the remaining rural counties were classified as nonattainment for ozone based on their proximity to the the urban nonattainment areas and the regional nature of the ozone problem.

The criteria for an approvable ozone SIP for rural nonattainment areas are described in the April 4, 1979 **Federal Register** (44 FR 20372) and are reiterated below. Although an ozone SIP must assure reasonable further progress and demonstrate attainment in all nonattainment areas, the SIP need not include a specific demonstration of attainment and reasonable further progress in rural areas. Demonstration of attainment for urban nonattainment areas, along with the requirement for reasonably available control technology (RACT) on stationary sources of hydrocarbons in all ozone nonattainment areas, should assure reasonable further progress and attainment in the rural areas by minimizing the pollutants transported from urbanized to rural areas. USEPA's final action to conditionally approve Michigan's hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This strategy include a requirement for the application of RACT for major stationary sources in Michigan's rural nonattainment counties. In addition, USEPA has proposed approval of the ozone attainment demonstrations for the Flint, Lansing and Grand Rapids areas elsewhere in this notice. Proposed action on the carbon monoxide and ozone attainment demonstrations for the Detroit urban area will be discussed in a separate **Federal Register** notice.

USEPA has reviewed the ozone control strategy and Michigan Part D ozone SIP for the 24 rural ozone attainment counties in the State, and found that they satisfy the criteria for an approvable ozone SIP for rural nonattainment areas as described in the April 4, 1979 **Federal Register** (44 FR 20372). Therefore USEPA proposes to approve these revisions to the Michigan ozone SIP.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sections 110, 172, and 301(a) of the Clean Air Act, as amended. (42 U.S.C. 7410, 7502, 7601(c)))

Dated: April 1, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-11183 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1462-8]

Approval and Promulgation of Michigan State Implementation Plan; Carbon Monoxide and Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On April 25, 1979, the State of Michigan submitted to the U.S. Environmental Protection Agency (USEPA) a portion of its revised State Implementation Plan (SIP) pursuant to Part D of the Lean Air Act as amended in 1977. USEPA announced receipt and availability of these proposed revisions in the August 13, 1979 **Federal Register** (44 FR 47350). At that time USEPA discussed the submittal, proposed rulemaking and inited public comment. the notice include a discussion of USEPA's review of the carbon monxide and attainment demonstrations and the vehicle emission control inspection and maintenance (I/M) program. Michigan requested a one-year extension until June 30, 1980 for obtaining legal authority to implement an I/M program. In the August 13, 1979 notice (44 FR 47350). USEPA stated that it would discuss its decision on granting that extension in a supplemental notice of proposed rulemaking.

The State submitted its response to the August 13, 1979 notice on October 12, 1979. Additional material was submitted to USEPA on October 26, 1979 and on March 20, 1980. The purpose of this notice is to discuss the results of USEPA's review of these proposed revisions, to propose rulemaking on the ozone and carbon monxide attainment demonstrations and the vehicle emissions control inspection and maintenance (I/M) program for the Detroit urban area, and to invite public comment.

DATE: Comments on these revisions and on proposed USEPA action on the revisions are due by May 14, 1980.

ADDRESSES: Copies of these SIP revisions are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Gary Gulezian Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FUTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886–6038.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 8962) and October 5, 1978 (43 Fr 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Qualtiy Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979, (44 FR 20372). Supplements to the April 4, 1979, notice were published on July 2, 1979 (44FR 38583). August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182), discussing, among other things, additional criteria for SIP approval.

On April 25, 1979, the State of Michigan submitted plans for all of the designated ozone and/or carbon monoxide nonattainment areas in the state. Additional material concerning ozone attainment was submitted by the State on August 25, 1979, November 8, 1979, and December 26, 1979. USEPA announced receipt and availability of these addtional materials in the March 14, 1980 **Federal Register** (45 FR 16504). Also, on October 12, 1979, October 22, 1979 and March 20, 1980, the State of Michigan submitted clarifications and amendments to its vehicle I/M program.

Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. USEPA will propose approval of the ozone attainment demonstrations and the transportation control plans for the Flint, Lansing and Grand Rapids urban areas, and the transportation control plans for the Detroit urban area in a separate **Federal Register** notice. In the latter notice, USEPA will also propose approval of the Michigan Part D ozone SIP for the twenty-four rural ozone nonattainment counties in Michigan. The purpose of this notice is to propose rulemaking on the carbon monoxide and ozone attainment demonstrations and the vehicle I/M program for the Detroit urban area, and to invite public comment.

A thirty day comment period is being used to enable publication of final action of the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in Section 172 of the Clean Air Act, and because a prior discussion of these revisions was published in the **Federal Register** of August 13, 1979.

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Requirement for a Vehicle Inspection and Maintenance Program

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the funtioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Vehicles which do not comply with the program requirements can be prohibited from operating on public roads by requiring proof of compliance in order to purchase license plates or to register a vehicle.

Section 172 of the Clean Air Act requires that State Implementation Plans (SIPs) for States which include nonattainment areas meet certain criteria. For areas which demonstrate that they will not be able to attain the National Ambient Air Quality Standards (NAAQS) for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available control measures, an extension up to 1987 may be granted. In such cases, section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program.

USEPA issued guidance on February 24, 1978, on the general criteria for SIP approval, including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance materials referred to in the General Preamble for Proposed Rulemaking 44 FR, 23072, 20373, n.6. The July 17, 1978 Hawkins I/M policy memorandum should be consulted for details. The key elements for I/M SIP approval are as follows:

(1) Legal Authority—According to section 172(b)(10), States or local governments must have adopted the necessary statutes, regulations, ordinances or other legally enforceable documents to implement and enforce the I/M program. The legal authority must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA.

(2) Commitment to Implement—Section 172(b)(10) of the Act also requires that written evidence of the appropriate governmental bodies' commitment to implement and enforce the appropriate elements of the program must be included.

(3) Schedules for the Implementation of the Plan—A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B). The July 17, 1978, Hawkins I/M policy guidance memorandum estabished as USEPA policy the key milestones for the implementation of the various types of I/M programs. These milestones were the general SIP requirement for compliance codified at 40 CFR 51.15(c). This selection required that increments of progress be incorporated for complance schedules over one year in length.

(4) Program Effectiveness—In the July 17, 1978, Hawkins I/M policy memorandum USEPA stated that each State must commit to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987. This reduction is measured by comparing the levels of emissions projected to December 31, 1987, with and without the I/M program. This policy is based on section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

To be acceptable, an I/M program must achieve the requisite 25 perent reductions in both hydrocarbons and carbon monoxide exhaust emissions from passenger cars by the end of Calendar Year 1987. The Act mandated "implementation of all reasonably available control as expeditiously as practicable." (Section 172(b)(2).) At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona, operating at about 20 percent stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet has not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.)

Depending on program type (private garage or centralized inspection), a mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20 percent stringency factor, USEPA predicts the reductions of both carbon monoxide and hydrocarbon exhaust emissions of 25 percent can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions.

Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20 percent stringency factors, it is USEPA policy to use a 25 percent emission reduction as the criterion to determine compliance of the I/M portion with section 172(b)(2).

(5) Identification and Commitment to Resources—Section 172(b)(7) of the Act requires that the necessary finances and resources to carry out the I/M program must be identified and committed.

Michigan's Inspection and Maintenance Program

The State of Michigan has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone in the Detroit urban areas is not possible by December 31, 1982, despite the implementation of all reasonable emission control measures. Therefore, the State has requested an extension until December 31, 1987 for the Detroit area. According to the requirements of section 172(b)(1) of the Act, a schedule for implementation of an I/M program is required to grant such an extension. In a letter dated April 25, 1979, accompanying the State's SIP submission, the Govenor of Michigan requested an extension of the statutory deadline and submitted the State's proposal for a vehicle I/M program for the Detroit area.

The April 25, 1979 submittal was discussed in the August 13, 1979 **Federal Register** (44 FR 47350). At that time, USEPA noted deficiencies in the Michigan plan, proposed rulemaking and invited public comment. On October 12, 1979, the State responded to USEPA's notice of proposed rulemaking. Also on October 26, 1979 and March 20, 1980 the State submitted additional materials on its proposed I/M program. On April 3, 1980 the Michigan Legislature passed an I/M bill, which as of the date of this notice has not yet been signed by the Governor or formally submitted to USEPA.

The purpose of this notice is to discuss USEPA's review of these subsequent submittals and the I/M bill passed by the Michigan Legislature, to propose rulemaking on the carbon monoxide and ozone attainment demonstrations and vehicle I/M program for the Detroit urban area, and to invite public comment.

In the August 13, 1979 **Federal Register** (44 FR 47350) USEPA noted deficiencies in the State's submittal of April 25, 1979. This section of the notice discusses those deficiencies, the State's response to that notice, and USEPA's response.

(1) In the August 13, 1979 notice (44 FR 47456), USEPA noted that Section 172(b)(10) of the Act requires written evidence that the State has adopted the necessary requirements by statute, regulation or other legally enforceable document and has committed itself to implement and enforce the elements of the plan.

On June 14, 1979, the Governor of Michigan requested an extension until June 30, 1980 to certify adequate legal authority to implement and enforce anI/M program. Conditions for USEPA to grant such an extension are discussed in the February 24, 1978, General Criteria for SIP Approval Guidance, the July 17, 1978, Hawkins I/M policy memorandum and the Regional Administrator's letter of January 24, 1979. This guidance indicates that an extension to July 1, 1980, is possible, but only when the State can demonstrate that (a) there was insufficient opportunity to conduct necessary technical analyses and/or (b) the legislature has had no opportunity to consider any necessary enabling legislation for I/M between enactment of the 1977 amendments to the Act and June 30, 1979. On April 4, 1979, in the "General Preamble for Proposed Rulemaking on Approval of State Implementation Plans for Nonattainment Areas" (44 FR 20372), USEPA substantially limited its position on the opportunity for such an extension based on insufficient opportunity to conduct necessary technical analyses. USEPA stated in that notice that "as far as USEPA is aware, the needed information is now available." (44 FR 20377, n. 27)

Michigan's request for an extension to obtain I/M legal authority cited insufficient time to conduct adequate technical analyses. USEPA denied Michigan's request on the basis that the analyses that were incomplete at that time were directed toward design and selection of an appropriate I/M program for Michigan, and not, as contemplated by the extension policy, for the purposes of determining the need for and benefit of an I/M program. On September 28, 1979 the USEPA Administrator denied the request stating that such an approval would be inconsistent "with the position which EPA has uniformly taken as toI/M legal authority in other states * * * In EPA's judgment it is not essential to resolve each aspect of a program before general enabling legislation is adopted."

On March 20, 1980, the Governor of Michigan submitted to USEPA additional information on the State'sI/M program. This submittal included a clarifying letter, an amended I/M implementation schedule, and a copy of a bill (House Bill #5367) then currently under consideration by the Michigan Legislature. The Governor requested USEPA to "speed up the rulemaking with respect to the transportation control plan [including I/M]" and to consider the important features of House Bill #5367, which as of that time had not yet been adopted, in USEPA's proposed rulemaking. On April 3, 1980 the Michigan Legislature passed an I/M bill entitled "Senate Substitute for House Bill #5367," as agreed to in the Conference Committee, April 3, 1980 (hereinafter referred to as "MichiganI/M bill"). As of the date of this notice this bill has not yet been signed by the Governor or formally submitted to EPA for consideration. Because of the Governor's request to expedite EPA's rulemaking on the transportation component of the Michigan SIP, EPA is today reviewing the State's March 20, 1980 submittal, substituting the Bill passed by the Michigan legislature on April 3, 1980, for the draft bill included in the March 20, 1980 submittal.

Based on this review, EPA proposes to approve the State of Michigan's legal authority to implement and enforce anI/M program. This approval is conditional upon the Michigan I/M bill being signed by the Governor and formally submitted to EPA prior to final rulemaking. This proposed action is based on the following analysis.

The I/M bill, as adopted by the legislature, authorizes the implementation of an I/M program in those areas of the State where the NAAQS for ozone or carbon monoxide will not be attained, or have not been attained by December 31, 1982, despite the implementation of all reasonable available control measures. The bill provides for a program to be implemented according to dates specified by the USEPA. The bill also provides for the prohibition of registration of non-complying vehicles in affected areas by the Secretary of State. The bill requires that the inspection incorporate a test procedure which complies with Clean Air Act requirements and the rule promulgated by USEPA pursuant to Section 207(b) of the Clean Air Act. The bill allows for the inspection network and the stringency level of the test to be determined by the Department of State in the administrative rulemaking process. The State has committed to support cut points which would reflect a 20 percent stringency factor. Data developed by the Southeastern Michigan Council of Governments (SEMCOG) indicates that a 20 percent stringency factor would result in 25 percent emission reduction of both hydrocarbons and carbon monoxide. The stringency factor and effectiveness of the program are discussed in more detail elsewhere in this notice.

Therefore USEPA proposes to find the Michigan I/M bill adequate legal authority as required by Sections 172(b)(7) and (10) of the Act. If such authority is later withdrawn or found to be inadequate to authorize implementation or enforcement of the required program, the SIP will no longer satisfy the requirements of Part D.

(2) In the August 13, 1979 **Federal Register** (44 FR 47356), USEPA stated that at the time of certification of adequate legal authority the State must commit to implement and enforce I/M program.

The Michigan I/M Bill provides that an I/M program shall be implemented and that non-complying vehicles shall be denied motor vehicle registration. Further, the Governor emphasized this point in his March 20, 1980, letter when he stated "With respect to a commitment to implement the program, you should be aware that the legislation which prohibits registration of motor vehicles without a certificate of compliance is a clear mandate to implement the program." USEPA accepts the State's affirmation that such legislation constitutes a commitment to implement and enforce the program.

(3) In the August 13, 1979, **Federal Register** (44 FR 47356), USEPA noted six deficiencies in the Michigan I/M Implementation schedule. The dates in the schedule should include the milestones described in ther July 17, 1978 Hawkins I/M policy memorandum. The State's submittal of March 20, 1980 contains a revised I/M Implementation schedule, which included these additional required milestones. However, the new submittal cotains extended dates for implementation of these milestones which differ from the April 25, 1979 submittal and are not consistent with the Bill passed by the legislature. Furthermore, the schedule dates do not meet USEPA requirements as described in the July 17, 1978 Hawkins I/M policy memorandum. In that memorandum, implementation of mandatory repair for failed vehicles no

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later than two and a half years after passage of needed legislation or certification of adequate legal authority for new centralized systems and one and a half years after legislation or certification for decentralized systems or for centralized systems which are adding emission inspections to safety inspections * * *. This means that a new centralized program must start by December 31, 1982, while [decentralized programs] must start by December 31, 1981. Where I/M can be implemented more expeditiously, it must be. Each state implementation schedule must be looked at individually to determine if it is as expeditious as practicable. Implementation dates ordered by courts, if earlier than these dates, take precedence."

Michigan's original submittal of April 25, 1979 contained two schedules for implementation of two alternative I/M programs, a decentralized and a centralized program. The schedules called for implementation of the decentralized option by December, 1981, and implementation of the centralized option by December 1982. However, the amended schedule of March 20, 1980, contains a single implementation date despite the fact that the decision on program type (centralized or decentralized) is left to State administrative rulemaking. Further, the Michigan I/M Bill states that the I/M program shall take effect not later than a date specified by USEPA.

USEPA proposes to approve Michigan's I/M implementation schedule if, prior to final rulemaking the State revises its I/M implementation schedule to be consistent with EPA policy and the State's legal authority. In the alternative, USEPA proposes to conditionally approve Michigan's I/M schedule on the condition that these deficiences are corrected on a schedule negotiated with the state and USEPA.

(4) In the August 13, 1979 notice (44 FR 47356), USEPA reiterated its policy that each State must "commit itself to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987 compared to what emissions would be in the absence of I/M. A commitment to this reduction is a necessary element of an approvable Part D SIP."

The Governor's letter of March 20, 1980 contains a commitment to support cut points which would reflect a 20 percent stringency factor. Based on date developed by the Southeastern Michigan Council of Governments (SEMOG) use of this 20 percent stringency factor would result in a 25 percent emission reduction of both hydrocarbons and carbon monoxide. However, the SEMCOG calculations do not reflect particular vehicle and repair exemptions which are allowed under the current Michigan I/M Bill. Based on USEPA's review of the SEMCOG data, USEPA believes that the State will be able to demonstrate a 25% reduction in emissions. However until additional calculations are provided by the State USEPA cannot be absolutely certain of this conclusion. Thus the State should demonstrate that an I/M program with a 20% stringency factor which is consistent with the provisions of the State's legal authority will achieve a 25 percent emission reduction. If the State's calculations predict emission reductions of less than 25 percent, the State should commit to a stringency factor that will achieve the required emission reduction. USEPA will approve the commitment to the required emission reduction if the State corrects the above noted deficiency during the public comment period. Alternatively USEPA will conditionally approve this commitment on the condition that this deficiency be corrected on a schedule negotiated between the State and USEPA.

(5) Section 172(b)(7) requires the identification and commitment of the necessary finances and resources to carry out the I/M program. The State's submittal of April 25, 1979 contained a discussion of funding and staffing requirements for I/M implementation. However, this discussion pertained only to funding for I/M evaluation studies during fiscal year 1979, and did not address the issue of funding for program implementation funding until the parameters of the I/M program have been more fully defined.

The State must demonstrate that the inspection fee, as proscribed by the legal authority, will be sufficient to cover the cost of the program. Alternatively, the State must commit to provide any additional resources necessary to establish and implement the I/M program. If the State corrects these deficiencies during the public comment period or according to a schedule negotiated between the State and USEPA, then USEPA will approve the State's I/M resource commitment.

Carbon Monoxide and Ozone Attainment Demonstrations

Section 110 of the Clean Air Act as amended in 1977 requires the development of a control strategy for each nonattainment area. For ozone, a plan is required for major urban areas (those areas having a population greater than 200,000 as of 1970) which have been designated as nonattainment for ozone. For carbon monoxide, however, all nonattainment areas must submit a plan to demonstrate attainment of the NAAQS. On April 25, 1979, the State of Michigan submitted plans for all of the designated carbon monoxide and/or ozone nonattainment areas in the State. USEPA will propose approval of the ozone attainment demonstrations for Flint, Lansing, and Grand Rapids in a separate **Federal Register** notice. This notice addresses the carbon monoxide and ozone attainment demonstrations and vehicle I/M program for the Detroit urban area.

Based on monitored violations of the ozone NAAQS occurring during the years 1975–1978 inclusive, Wayne, Monroe, Washtenaw, Livingston, Oakland, Macomb and St. Clair counties were designated as nonattainment areas for ozone. Additionally, based on violations of the 8-hour primary carbon monoxide NAAQS in 1975–1977 inclusive, portions of Wayne, Oakland and Macomb counties were designated as nonattainment areas for carbon monoxide. These areas are delineated at 40 CFR Part 81. The Southeast Michigan Council of Governments (SEMCOG), as the designated lead local agency for the area, prepared the control strategy for the area in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT). The strategy contains transportation control measures, stationary source control plans, and provisions for the development of a vehicle I/M program. All of these control plans are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area and ensure attainment of the NAAQS for these pollutants. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice, and the vehicle I/M program is discussed elsewhere in this notice. USEPA will propose approval of the transportation control plans for the Detroit urban area in a separate **Federal Register** notice.

The strategy developed by SEMCOG does not demonstrate attainment of either standard by December 31, 1982. However, the strategy predicts that the necessary reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1987. Since attainment of the NAAQS for these pollutants cannot be demonstrated by 1982, despite the application of all reasonably available control measures, the State of Michigan has requested a five year extension, until December 31, 1987 for carbon monoxide and ozone.

For those areas requesting such an extension, § 172(b)(11) of the Act requires the implementation of certain additional measures. These additional measures are: (1) a schedule for the development, adoption, and implementation of a vehicle emissions control inspection and maintenance I/M program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, and (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987.

On April 3rd, the State of Michigan adopted the necessary legislation for the implementation of an I/M program. This bill, which to date has not been signed by the Governor, and submitted to USEPA meets the USEPA's requirements for I/M legal authority are discussed elsewhere in this notice.

The program for the analysis of alternatives is contained in the State's New Source Review (NSR) program for those sources proposing to locate in the area. Final approval of the NSR program will be published in a separate **Federal Register** notice.

Emission reductions will be achieved through the implementation of controls on hydrocarbon emissions from stationary sources, the use of the Federal Motor Vehicle Control Program (FMVCP), additional Transportation Systems Management (TSM) programs and a Vehicle Inspection/Maintenance (I/M) program. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. Also, the Transportation Control Plan for the Detroit area will be addressed in a separate **Federal Register** notice.

The State of Michigan used the linear rollback approach (LRA) to determine the required carbon monoxide emission reduction. Application of the LRA Indicates that carbon monoxide emissions in the Detroit area must be reduced by 40 percent from the base year (1977) emissions to attain the NAAQS. The plan projects that emission reductions from the Federal Motor Vehicle Control Program (FMVCP) as required by the Clean Air Act will achieve a 21 percent carbon monoxide emission reduction by December 31, 1982, and a 51 percent emission reduction by December 31, 1987. Translated into tons per year, the plan indicates that by the 1982 statutory deadline, total carbon monoxide emissions will be 915,949 tons/year, of which 48,973 tons/year is due to stationary sources and 866,976 tons/year is due to mobile sources.

The projected carbon monoxide nonattainment area emissions and anticipated reductions for 1982 and 1987 indicate that the required emission attainment level will not be achieved by 1982. The data compiled by SEMCOG shows that reasonable further progress will be achieved through 1982, and attainment of the standard is predicted prior to 1987.

For ozone, application of the LRA indicates a 52 percent reduction (395,000 tons in 1977 down to 190,000 tons by 1982) in emissions is necessary to attain the NAAQS. The projected hydrocarbon nonattainment area emissions and anticipated reductions for 1982 and 1987 indicate that the required attainment level will not be achieved by 1982. The data indicated that reasonable further progress will be achieved through 1982, and attainment of the ozone NAAQS is predicted no later than 1987.

USEPA has reviewed the control strategy developed for the Detroit urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) USEPA proposes to approve the carbon monoxide and ozone attainment demonstrations for the Detroit urban area if the State of Michigan submits formal certification of legal authority to implement an I/M program to USEPA prior to final rulemaking.

Interested persons are invited to comment on the revised Michigan SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received on or before (30 days from date of publication of this notice) will be considered in USEPA's final rulemaking. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of Sections 110, 172, and 301(a) of the Clean Air Act, as amended. (42 U.S.C. 7410, 7502, 7601(c)).

Dated: April 2, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-11392 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF ENERGY

10 CFR Part 435

Draft Environmental Impact Statement Supplement for Energy Performance Standards for New Buildings

AGENCY: Department of Energy.

ACTION: Notice of Availability of Draft Environmental Impact Statement (EIS) Supplement for Energy Performance Standards for New Buildings and scheduling of an additional public hearing on the Supplement.

SUMMARY: The Department of Energy announces availability of the Draft EIS Supplement for Energy Performance Standards (the Standards) for New Buildings. This Supplement elaborates on the information presented in the Draft EIS for Energy Performance Standards in New Buildings which was published at (44 FR 68120 November 28, 1979). The information presented in this Supplement is a more detailed analysis of the socioeconomic and institutional impacts that may result from implementing the Standards than was presented in the November Draft EIS. The results of the Draft EIS Supplement do not expand the range of physical impacts on the environment which were presented in the November draft EIS. Hearings on this supplemental EIS will be a part of the hearings on the November Draft EIS published at (45 FR 4359 January 22, 1980). An additional hearing will be held in Washington, D.C., specifically on this supplement, as announced below.

DATE: Written comments on the Draft EIS Supplement must be received by the Department by close of business, May 26, 1980. Five public hearings will be held on the draft EIS regarding the Energy Performance Standards for New Buildings Program. Four of these will be a part of the last four hearings scheduled in a document published at 45 FR 4359, January 22, 1980.

An additional hearing will be held in Washington, D.C., on April 28 and 29, at the International Inn, 10 Thomas Circle, Washington, D.C., 20005 beginning at 9:00 a.m., local time, each day. Requests to speak at the April 28 and 29 hearing

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must be received by April 21 and the speakers selected will be notified by April 23.

After all scheduled speakers have delivered their statements, and if time allows, time will be provided for anyone who wishes to make an unscheduled oral statement.

ADDRESS: Additional hearing will be held in Washington, D.C., on April 28 and 29, at the International Inn, 10 Thomas Circle, Washington, D.C.

Single copies of the Draft EIS Supplement may be obtained from Mr. J. Binkley at the address listed below. Copies of the Supplement are also available for public review in the Department of Energy Freedom of Information Reading Room, at the address listed below, between the hours of 8 a.m. and 4 p.m. Monday through Firday, except Federal holidays.

Written comments (in 15 copies) and requests to speak at hearing, as well as questions regarding the conduct of the hearing should be directed to JoAnne Bakos at: U.S. Department of Energy, Office of Conservation and Solar Energy, Room 6A–034, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319.

FOR FURTHER INFORMATION CONTACT:

James L. Binkley, A.I.A. (Buildings and Community Systems), U.S. Department of Energy, Office of Conservation and Solar Energy; Room GF–231, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (800) 424–9040 (Continental US), (800) 424–9081 (Alaska, Hawaii; territories and possessions), (202) 252–2855 (Washington, D.C.).

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, U.S. Department of Energy, Room 4G–064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–4600.

JoAnne Bakos (Hearing Procedures), U.S. Department of Energy, Office of Conservation and Solar Energy, Room 6A–034, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319.

Ms. Verlette Gatlin, U.S. Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room GA–152, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–5960.

Issued in Washington, D.C., April 10, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80–11415 Filed 4–11–80; 10:40 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FRL 1462–6; FAP 9H5215/P15]

Proposed Feed Additive Tolerance for N,N,-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal at 3 parts per million (ppm). The proposal was submitted by Wyandotte Corp. This amendment would establish a maximum permissible level for residues of the subject pesticide in cottonseed meal.

DATE: Comments must be received by April 24, 1980.

ADDRESS: Address comments to: Mr. Robert Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202–755–2196.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor (PM 25) at the above address.

SUPPLEMENTARY INFORMATION: On May 7, 1979, the EPA published in the **Federal Register** (44 FR 26794) a notice that BASF Wyandotte Corp., P.O. Box 181, Parsippany, New Jersey 07054, had submitted a petition (FAP 9H5215). This petition proposed that 21 CFR Part 561 be amended by the establishment of a regulation permitting residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal resulting from application of the subject plant growth regulator to growing cotton with a tolerance limitation of 2.5 ppm.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 2.5 ppm to 3 ppm. Because of the potential increase in exposure to humans of *N,N*-dimethylpiperidinium chloride residues as a result of the higher tolerance, the tolerance is being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The acute toxicity data considered in support of the proposed tolerance included a rat acute oral toxicity study with an LD_{50} (lethal dose) of 1,420 milligrams (mg)/kilogram (kg) of body weight (bw), a rabbit acute oral toxicity study with an LD_{50} of 1,780 mg/kg bw, a rat acute dermal study at 46 percent with an LD_{50} greater than 5 milliliters (ml)/kg, a rat acute dermal study at 4.4 percent with an LD_{50} of greater than 5,000 mg/kg bw, rabbit eye irritation studies with slight irritation, rabbit skin irritation studies with slight irritation, rat inhalation studies with slight irritation, and a mouse intraperitoneal study with an LD_{50} of 42.8 mg/kg bw. The subchronic and chronic studies evaluated included a 90-day rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm; a 90-day dog feeding study with an NOEL of 1,000 ppm; a two-year rat feeding and oncogenicity study with an NOEL of 1,000 ppm; a three-generation rat reproduction study, including a teratology study with an NOEL of 3,000 ppm; and a dominant lethal mouse (mutagenicity) study (negative).

Desirable data lacking from the petition are a six-month dog feeding study and additional information on the two-year mouse feeding and oncogenicity study, including information on the strain of mice used, and hematology and clinical biochemistry data for the initial testing periods. The petitioner has been notified of the outstanding data. The petitioner agreed in his letter of March 13, 1980 to submit the data. There are no regulatory actions pending against the registration of the chemical.

The nature of the residue in animals and plants is adequately understood. An adequate analytical method (gas chromatography using a nitrogen-specific detector) is available for enforcement purposes. Residues could occur in eggs, milk, and the meat, fat, and meat byproducts of livestock (40 CFR 180.6(a)(2)), but such residues would be covered by a related proposed regulation that appears elsewhere in today's **Federal Register** concerning the establishment of tolerances for residues of the plant growth regulator in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep; cottonseed; and cotton forage. There are no other considerations involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Therefore, it is proposed that 21 CFR 561 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before May 14, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comment period is being limited to 10 days so that the tolerance may be established in the second week of April. The use of this new plan regulator will result in a substantial increased yield of cotton by American farmers. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "FAP 9H5215/P15". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 348))

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 561, § 561.197 be revised in its entirety to read as follows:

§ 561.197 N,N-Dimethylpiperidinium chloride.

A tolerance is established for residues the plant growth regulator *N,N*-dimethylpiperidinium chloride in the following processed feed when present therein as a result of application of this plant growth regulator to growing cotton:

Feed	Parts per million
Cottonseed meal	3

[FR Doc. 80–11399 Filed 4–11–80; 8:45 am]

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40 CFR Part 180

[PP 9F2189/P135; FRL 1462-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on the Raw Agricultural Commodities; Proposed Tolerances for the Pesticide Chemical N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride on a variety of raw agricultural commodities. The proposal was submitted by Wyandotte Corp. This amendment would establish maximum permissible levels for residues of the plant growth regulator on certain raw agricultural commodities.

DATE: Comments must be received by April 24, 1980.

ADDRESS: Address comments to: Mr. Robert Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-2196.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor (PM 25) at the above address.

SUPPLEMENTARY INFORMATION: On May 7, 1979, notice was given (44 FR 26794) that BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany, New Jersey 07054, had filed a petition (PP 9F2189) with the EPA. This petition proposed to amend 40 CFR 180 by establishing tolerances for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the raw agricultural commodities cotton forage at 3 parts per million (ppm); cottonseed at 1.5 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm; and eggs and milk at 0.05 ppm. (The petitioner also requested establishment of a tolerance of 0.1 ppm in the meat, fat, and meat byproducts of poultry, but this proposed tolerance was inadvertently omitted from the notice of filing and is therefore being included at this time.)

Subsequently, the petitioner amended the petition by increasing the proposed tolerance on cottonseed from 1.5 ppm to 2 ppm. (A related document concerning establishment of a feed additive regulation for residues of the subject plant growth regulator appears elsewhere in today's **Federal Register**.) Because of the potential increase in exposure of humans to residues as a result of the higher tolerance, the tolerances are being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The acute toxicity data included a rat acute oral toxicity study with an LD_{50} (lethal dose) of 1,420 milligrams (mg)/kilogram (kg) of body weight (bw), a rabbit acute oral toxicity study with an LD_{50} of 1,780 mg/kg bw, a rat acute dermal study at 46 percent with an LD_{50} greater than 5 milliliters (ml)/kg, a rat acute dermal study at 4.4 percent with an LD_{50} of greater than 5,000 mg/kg bw, rabbit eye irritation studies with slight irritation, rabbit skin irritation studies with slight irritation, rat inhalation studies with slight irritation, and a mouse intraperitoneal study with an LD_{50} of 42.8 mg/kg bw. The subchronic and chronic studies evaluated included a 90-day rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm; a 90-day dog feeding study with an NOEL of 2,000 ppm; a two-year rat feeding and oncogenicity study with an NOEL of 1,000 ppm; a three-generation rat reproduction study, including a teratology study with an NOEL of 3,000 ppm; and a dominant lethal mouse (mutagenicity) study (negative).

Desirable data lacking from the petition are a six-month dog feeding study and additional information on the two-year mouse feeding and oncogenicity study, including information on the strain of mice used and hematology and clinical biochemistry data for the initial testing periods. The petitioner has been notified of the outstanding data. The petitioner agreed in his letter of March 13, 1980, to submit the data.

Based on an acceptable daily intake (ADI) of 0.5 mg/kg bw/day and a maximum permissible daily intake (MPI) of 30 mg/day/60-kg person, these tolerances contribute a theoretical maximum residue contribution (TMRC) of 0.0488 or 0.16 percent of the ADT. The ADI is based on an NOEL of 1,000 (two-year rat feeding study) and a 100-fold safety factor.

There are no regulatory actions pending against the registration of the chemical. The nature of the residue in animals and plants is adequately understood. An adequate analytical method (gas chromatography using a nitrogen-specific detector) is available for enforcement purposes. Residues could occur in eggs, milk, and meat, fat, and meat byproducts of livestock (40 CFR 180.6(a)(2)), but such residues would be covered by the proposed tolerances. No other considerations are involved in establishing the proposed tolerances.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the proposed tolerances established by amending 40 CFR 180 will protect the public health. It is proposed, therefore, that the tolerances be esatablished as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 10 days after publication of this proposal in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comment period is being limited to 10 days so that the tolerance may be established in the second week of April. The use of this new plant regulator will result in a substantial increased yield of cotton by American farmers. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9F2189/P135". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 516, (21 U.S.C. 346a(e)).

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart C, be amended by adding the new § 180.384 to read as follows:

§ 180.384 N,N-Dimethylpiperidinium chloride; tolerances for residues.

Tolerances are established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cotton forage	3
Cottonseed	2
Eggs	0.05
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mby	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Milk	0.05
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1

[FR Doc. 80-11398 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 73
Monday, April 14, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Business and Industrial Loans; Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1980.423(b) is as follows:

a. Insured loans for other than public bodies in rural areas will be at the rate of fourteen and one-half percent (14-½%). This rate will remain in effect until a change is published in the Federal Register.

Funds are very limited for this program. $10 million is available nationwide for Fiscal Year 1980.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne A. Isenberg, Room 4118, Farmers Home Administration, USDA, Washington, DC 20250. Phone: 202–447–4871.

April 1, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–10827 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

1980 Cooperative Spruce Budworm Suppression Project, Maine; Final Environmental Impact Statement; Record of Decision

After a thorough review of the Final Environmental Impact Statement, and comments received on the Draft Environmental Impact Statement, I have concluded that it is not appropriate for the Forest Service to provide financial assistance for Maine's proposal to control the spruce budworm on 1.66 million acres by applying chemical insecticides. This is the selected alternative shown in the Final Environmental Impact Statement. The selected alternative is environmentally preferable to the other alternatives when physical, biological, economic, and social factors are weighed on balance.

I am concerned about the economic justification for the project; the resource protection needs; environmental impacts of repeated chemical insecticide application; and, I am not convinced that widespread aerial spraying is the sound approach to a long-term solution of the spruce budworm problem in Maine. The other alternatives examined included: biological insecticides on 1.66 million acres; small landowner management assistance; insecticide treatment on 3.5 million acres; insecticide treatment on 1.66 million acres with initiation of integrated pest management; and, biological insecticides on 250,000 acres with initition of IPM.

I have concluded that Federal financial assistance should sustain and advance the initiatives in integrated pest management of the spruce budworm already being pursued by the State and major landowners. Federal financial participation will involve Forest Service participation in research, pilot tests, operational demonstration of a biological insecticide (*Bacillus thuringiensis*), demonstrations of other IPM techniques, monitoring, timber supply and demand analyses, and assistance to owners of small woodlands.

Implementation of this decision may take place immediately because the Environmental Protection Agency granted a waiver of the 30-day waiting period between filing of the Final Environmental Impact Statement and Record of Decision under provisions of 40 CFR 1506.10. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: April 10, 1980.

Allen J. Schacht,

Acting Area Director, Northeastern Area, State & Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 80–11372 Filed 4–10–80; 4:33 pm]

BILLING CODE 3410–11–M

Regional Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Southern Region which includes 15 National Forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Puerto Rico, and two National Grasslands in Texas.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary's regulations promulgated pursuant to the National Forest Management Act of 1976. Based on an anaylsis of the Region's supply capacity and demand for its resource outputs, the plan will be used to determine resource goals and objectives for the Southern Region National Forests and Grasslands in coordination with the states involved.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection and resource use activities. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of respurce outputs and expenditure levels. In formulating these alternatives, the following criteria will be met:

(1) Each alternative will be capable of being achieved;

(2) A no-action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged;

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative.

(4) Each identified major public issue and management concern will be addressed in one or more alternatives; and

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative. Each alternative will state at least:

(1) The condition and uses that will result from long-term application of the alternative;

(2) The goods and services to be produced, and the timing and flow of these resource outputs;

(3) Resource management standards and guidelines; and

(4) The purposes of the management direction proposed. The selected alternative will guide the management of the Southern Region through establishment of management standards and guidelines.

Early in the environmental analysis, Federal and State agencies, organizations, and individuals who may be interested in or affected by the decision will be invited to participate in a scoping process, which includes: (a) Identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review. To accomplish this scoping effort, the Southern Region will publish an announcement in April 1980 in appropriate newspapers and send information packets to and solicit comments from: Federal and State agencies; Indian Tribes; a cross-section of user groups; and individuals and organizations who have expressed an interest in National Forest management in the past.

R. Max Peterson, Chief of the Forest Service, is the responsible official for the environmental impact statement, and Robert F. Williams (Telephone No. 404–881–2242) is the Team Leader for the environmental impact statement/Land and Resource Management Plan.

The draft environmental impact statement will be available by July 1981 and the Final Environmental Impact Statement is scheduled for completion by January 1982.

Comments on this Notice of Intent or on the proposal should be sent to the Regional Forester, Southern Region, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.

Dated: April 3, 1980.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 80–11223 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–11–M

Science and Education Administration

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration, Cooperative Research, announces the following meeting:

Name: Committee of Nine.
Dates: May 28 and 29, 1980.
Time: 9:00 a.m. both days.
Place: U.S. Department of Agriculture, Room 330–GHI Building, 500 12th Street, SW., Washington, D.C.
Type of Meeting: Open to the public. Persons may participated in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person listed below.
Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.
Contact Person for agenda and more Information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Science and Education Administration, Cooperative Research, Washington, D.C. 20250, telephone: 202/447–4329.

Done at Washington, D.C., this 8th day of April 1980.

W. I. Thomas,

Administrator, Cooperative Research.

[FR Doc. 80–11098 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–22–M

Soil Conservation Service

Black Creek-Mason Watershed, Michigan

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Black Creek-Mason Watershed, Mason County, Michigan.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include land treatment and 9.4 miles of multipurpose flood prevention and drainage channel work.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 13, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: April 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11050 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Cherokee Sandy Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

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FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Services Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for one multipurpose structure and associated recreational facilities, which will provide flood control, municipal and industrial water, and recreational benefits to the city of Pauls Valley, Garvin County, Oklahoma, and the surrounding community.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of one floodwater retarding structure.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated: April 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11053 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Chickies Creek Watershed, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:
Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and Courthouse, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, telephone number (717) 782–4403.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Chickies Creek Watershed, Lancaster and Lebanon Counties, Pennsylvania.

The environmental evaluation of this federally-assisted action indicates that the project may cause local, regional or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, impoundments, channel improvements and diking.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and Courthouse, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, telephone number (717) 782–4403.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservative Service.

[FR Doc. 80–11051 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Cow Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for critical area treatment in the Cow Creek Watershed project, Jefferson and Stephens Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

Project measures will include grade stabilization structures, diversions, critical area plantings, shaping and sodding, fencing, and waterways to protect such severely eroded areas as gullies, badly scoured areas, and roadside ditches against continued accelerated erosion.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Date: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11061 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Foard County Roadside Erosion Control R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, P.O. Box 648, Temple, Texas, telephone 817–774–1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Foard County Roadside Erosion Control RC&D Measure, Foard County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of erosion control practices on county road rights-of-way and adjacent privately owned lands. The planned works of inprovement include shaping, filling, critical area plantings, diversions, fencing, a small grade control structure, and grassed waterways to control gully erosion on 13 road-sections involving about 97 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, P.O. Box 648, Temple, Texas, telephone 817–774–1214. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11047 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Jackson Park Critical Area Treatment R. C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculure.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jackson Park Critical Area Treatment RC&D Measure, Henderson County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 4.5 acres of eroding recreational land by 242 tons of soil each year. The planned works of improvement include seeding the area to adapted vegetation and necessary structural measures for surface water disposal.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11046 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Northfield Critical Area Treatment R.C. R.C. & D. Measure, Minnesota

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612–725–7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northfield Critical Area Treatment R.C. & D. Measure, Rice County, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of a environmental impact statement are not needed for this project.

The measure concerns a plan for reducing streambank erosion on the Cannon River. The planned works of improvement include streambank protection (riprap), sodding, and critical area planting.

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The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612–725–7675. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limit number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 3, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11049 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Peacham School Drainage R.C. & D. Measure, Vermont

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Peacham School Drainage R.C. & D. Measure, Caledonia County, Vermont.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the drainage of a wet area associated with a school recreation area. The planned works of improvement include perforated plastic pipe installed underground on a gravel base and shaping and seeding of a grassed waterway.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 3, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11048 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Rush Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures remaining to be built in the Rush Creek Watershed project, Grady, Stephens, and Garvin Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of three floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the finding of no significant impact is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated: April 3, 1980.

[FR Doc. 80–11052 filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Transylvania Community Hospital Critical Area Treatment R.C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Transylvania Community Hospital Critical Area Treatment R.C. & D. Measure, Transylvania County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 8 acres of hospital grounds by over 300 tons of soil each year. The planned works of improvement include seeding the area to adapted vegetation and necessary structural measures to control surface water.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11045 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Transylvania County Schools Critical Area Treatment R.C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Transylvania County Schools Critical Area Treatment R.C. & D. Measure, Transylvania County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 16 acres of the school grounds by 717 tons of soil each year. The planned works of improvement include seeding the area with adapted vegetation and necessary structural measures to control surface water.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11044 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Upper North Laramie River Watershed, Wyoming

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601, telephone number (307) 265–5550.

NOTICE: Mr. Frank S. Dickson, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Wyoming, is hereby providing notification that a record of decision is available for the Upper North Laramie River Watershed. Single copies of this record of decision may be obtained from Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601, telephone number (307) 265–5550.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program) Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11054 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Wilkerson Creek Watershed, Alabama

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Authorization of Federal Assistance in the Installation of Works of Improvement.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Lingle, State Conservationist, Soil Conservation Service, Wright Building, 138 South Gay Street, P.O. Box 311, Auburn, Alabama 36830, telephone number (205) 821–8070.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Wilkerson Creek Watershed, Alabama.

(Catolog of Federal Domestic Assistance Program No. 10.904, Watershed protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11042 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Middle Fork Hood River Watershed, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 1220 S.W. 3rd Avenue, Portland, Oregon 97204, telephone number (503) 221–2751.

NOTICE: Pursuant to section 102(2)(c) of the National Environmental Policy Act

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of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice of a finding of no significant impact due to the proposed Clear Branch Dam abutment drain and ballast works of improvement in Hood River County, Oregon.

The environmental assessment of this federally-assisted action indicates that the works of improvement will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The proposed action is in the left abutment to intercept water seepage and add weight for stabilization.

The pipe drain to be installed will be covered with rock ballast which will blend into the present rock on the downstream side of the dam. Rock for the proposed action will come from an existing pit which cannot be viewed from the lake or adjoining recreation area.

The environmental assessment for the proposed action is on file and may be reviewed by interested parties by contacting Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204, telephone number (503) 221–2751. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address. Copies of the finding of no significant impact have been sent to interested Federal, State, and local agencies and interested parties, and published in the local newspaper serving Hood River County, Oregon.

No administrative action on implementation of this proposal will be taken until 30 days after the notice of its availability appears in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11126 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Washington Creek Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures remaining to be built in the Washington Creek Watershed project, Garvin and McClain Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of three floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11127 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended April 4, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Mar. 31, 1980	37960	Weyburn Flying Services Ltd., P.O. Box 54, Weyburn, Saskatchewan, Canada S4H 2J8. Application of Weyburn Flying Services Ltd. pursuant to Section 402 of the Act requests a Foreign Air Carrier Permit for Charter Service with Small aircraft, in the form granted by the Board to other Canadian Carriers pursuant to Order 74–11–154, between the United States and Canada. Answers may be filed by April 28, 1980.
Mar. 31, 1980	37961	Aikan Air Ltd., Hangar "A", Whitehorse Airport, Whitehorse, Yukon Canada Y1A 3E4. Application of Aikan Air Ltd. pursuant to Section 402 of the Act requests a Foreign Air Carrier Permit for Charter Service with small aircraft, in the form granted by the Board to other Canadian Carriers pursuant to Order 74–11–154, between the United States and Canada. Answers may be filed by April 28, 1980.
Apr. 1, 1980	37965	Mackey International, Inc., c/o Theodore I. Seamon, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, NW., Suite 300, Washington, D.C. 20036. Application of Mackey International, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests a new or amended certificate of public convenience and necessity authorizing it to engage in foreign air transportation with respect to persons, property and mail between the coterminal points Atlanta, Georgia and Tampa, Florida and the coterminal points Freeport and Nassau, Bahamas Islands. Conforming Applications and Answers may be filed by April 29, 1980.
Apr. 1, 1980	37967	Singapore Airlines Limited, c/o Laurence A. Short, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of Singapore Airlines Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests that its foreign air carrier permit be amended so as to authorize SIA to engage in foreign air transportation of persons, property and mail between Singapore and Los Angeles, California via Hong Kong, Taipei, and Tokyo, Japan. Answers may be filed by April 29, 1980.
Apr. 2, 1980	37971	Hughes Air Corp., d.b.a. Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d.b.a. Hughes Airwest pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Spokane, Washington, and San Francisco, California. Conforming Applications and Answers are due April 16, 1980.
Apr. 3, 1980	37975	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment of its Certificate of Public Convenience and Necessity for Route 1 so as to authorize it to perform scheduled nonstop air transportation between Seattle, Washington and Phoenix, Arizona. Answers may be filed by April 17, 1980.
Apr. 3, 1980	37902	Hughes Air Corp., d.b.a. Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d.b.a. Hughes Airwest pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Phoenix, Arizona. Conforming Applications and Answers are due April 17, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–11215 Filed 4–11–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 35936]

Commuter Airlines, Inc.; Enforcement Proceeding; Amended Hearing

On April 7, 1980, the Bureau of Consumer Protection filed a motion requesting that the hearing in this proceeding be postponed until June 3, 1980. Respondent Commuter Airlines, Inc., does not object to the postponement, and for good cause shown, the motion is granted.

Accordingly: Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, previously scheduled for April 15, 1980 (45 FR 9964, February 14, 1980), is rescheduled for June 3, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80–11213 Filed 4–11–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 37880]

Green Mountain Airlines, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding on April 30, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80–11214 Filed 4–11–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79–00290. Applicant: University of California—Lawrence Berkeley Laboratory, 1 Cyclotron Road,

V 45 / 73 APR 14 80 UMI

Berkeley, California 94720. High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System, Model JNM/FX-90Q(II) and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used specifically for studies on:

(1) Naturally occurring siderophores and biomimetic synthetic highly selective sequestering agents for 3^+ and 4^+ cations;

(2) Mixed hydroxo-anion aqueous complexes of fission products and actinides found in nuclear waste;

(3) Actinide and lanthanide organometallic chemistry, especially borohydrides, substituted borohydrides and hydride compounds;

(4) Snythesis of organo and inorganic uranium (IV and VI) compounds for laser isotope separation;

(5) Magnetic resonance studies of rhodium, molybdenum and tungsten organo-metal cluster compounds;

(6) Synthesis and NMR study of mixed actinide-Rh, Sn, W cluster compounds;

(7) T_1 and T_{1-rho} spin lattice relaxation studies (^{13}C, ^2H) of substituted lanthanide and actinide cyclooctatetraene compounds to determine the relationship between T_1's and conformations. The article will also be used partly for educational purposes by graduate students who will gain exposure to and/or increased competence in the use of pulsed Fourier Transform NMR. Advice submitted by the National Bureau of Standards: February 13, 1980. Article ordered: February 1, 1979.

Docket No.: 79-00348. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article:

JNM/FX-90Q High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for studies of the structures and the dynamics of molecules and molecular aggregates. Pulsed fourier transform NMR spectra will be obtained for ^1H, ^2H, ^{13}C, ^{15}N, ^{17}O, ^{19}F, ^{31}P, ^{199}Hg, ^{119}Sn, ^{29}Si, ^{195}Pt, and ^{59}Co, with particular interest in determining the mobility of parts of molecules by measuring T_{1-rho} versus temperature. The article will also be used to teach the application of various NMR techniques for the determination of molecular structure and for the identification of unknown organic compounds in the course Chemistry 5.56, Special Topics in Organic Chemistry. Advice submitted by the National Bureau of Standards: February 11, 1980. Article ordered: July 2, 1979.

Docket No.: 79-00350. Applicant: Southern Illinois University—Edwardsville, Edwardsville, IL 62026. Article: JNM/FX-90Q(II) High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article will be used in studies entitled:

1. The Structure of Metal—Chelating Glyopeptide Antibiotics (^1H, ^{13}C, ^{55}Mn)
2. The Role of Metal Ions in the Structure and Function of Plant Lectins, (^1H, ^{13}C, ^{15}N, ^{19}F, ^{31}P).
3. The Chemistry of Natural Bithienyl Acelylenes. (^1H, ^{13}C).
4. The Chemistry of Strained-Ring Heterocyles (^1H, ^{13}C, ^{19}F, ^{15}N, ^{17}O).
5. Interpretation of Host-Guest Interactions of Macrocylic O and N Bridged Compounds (^1H, ^{13}C, ^{23}Na, ^7Li, ^{17}O, ^{15}N) in the course of which the molecular structure or conformational states of synthetic and natural organic molecules, metal sites of metallobiopolymers, and metal complexing materials will be sought from NMR data. In addition, the projects intend to seek information on the dynamics of conformational interchange processed, metal-ligand exchange rates, and metal-protein interactions, and some thermodynamic and structural information will be obtained in the course of the experimentation. Advice submitted by the National Bureau of Standards: February 11, 1980. Article ordered: May 8, 1979.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides the capability for making T_{1-rho} (spin-lattice relaxation) measurements in the rotating frame. The National Bureau of Standards advises in its respectively cited memoranda that the feature described above is pertinent to the purposes for which each of the foreign articles to which these applications relate is intended to be used. NBS also advises that it knows of no domestic instrument which provided the pertinent feature of each article at its time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value of any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-11055 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

Functions Relating to Antidumping and Countervailing Duties; Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for International Trade under ITA Organization and Function Order 41-1 dated January 30, 1980, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Import Administration:

a. Section 303 and Title VII, including Section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1303; 1671 *et seq.*) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to antidumping and countervailing duties, except the authority to take final actions [1] as "administering authority";

b. Sections 514, 515, and 516 of the Tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

c. Sections 318, 502 (a) and (b), and 617 of the Tariff Act of 1930 (19 U.S.C. 1318, 1502 (a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to the investigation and enforcement of antidumping and countervailing duties;

d. Section 2632(e) of Title 28 of the United States Code and section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they relate to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a).

[1] Final actions refer to the making of final determinations under the Act.

Effective date. This delegation of authority shall be effective immediately and shall remain in force pending the revision of applicable ITA Organization and Function Orders to reflect the responsibilities of the Deputy Assistant Secretary under these statutes.

Dated: April 3, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-11128 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee, which will meet to discuss amendments to the Squid, Mackerel and Butterfish Fishery Management Plans.

DATES: The meeting will convene on Thursday, May 8, 1980, at approximately 9 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: April 9, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11194 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-22-M

COUNCIL ON WAGE AND PRICE STABILITY

[WPOA39]

Privacy Act of 1974; Systems of Records

Notice is hereby given that the Council on Wage and Price Stability has transferred the following systems of records to the Office of Administration, Executive Office of the President, pursuant to Executive Order 12028 and Reorganization Plan No. 1 of 1977.

a. Personnel Records—formerly CWPS-1.

b. Payroll Records—formerly CWPS-3.

For the convenience of the public, the Council is re-publishing its Privacy Act System of Records as currently maintained. "Appendix A" is no longer applicable. Routine uses are shown within the systems notice itself, and therefore "Appendix A" is deleted.

CWPS-1

Note.—Formerly CWPS-2, Correspondence Records.

SYSTEM NAME:

Controlled Correspondence and Document Tracking System—CWPS.

SYSTEM LOCATION:

Office of Administration and Management, Council on Wage and Price Stability, Room 100A, Winder Building, 600 17th Street, N.W., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose written correspondence has been sent, directly or indirectly, to the Council on Wage and Price Stability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written correspondence sent, directly or indirectly, to the Council.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Council on Wage and Price Stability Act, 12 U.S.C. Section 1904 note and 6 CFR Part 703.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

The system is used as a reference by Council staff of Council correspondence with the public, as a management information tool to expedite Council responses to public inquiries and comments, and as an information data bank for coordinating public and company correspondence with other Council monitoring data systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

This system is maintained on a computer data base in the Office of Administration and Management until an approved response has been sent to the author of the incoming correspondence. The correspondence information is commonly retrieved from the system by the following categories: author name, company name, subject, or response due date. Records are retained on magnetic tape/disk and on periodic hard copy print-outs in the Communications Service Center of the Council. Records are under the personal surveillance of authorized Council employees during working hours and in a secure area at other times. Access to the records which are maintained by DIALCOM, Inc., in their computer is further restricted by an access "Code Number" which is known only to a limited number of authorized personnel. The system and records therein will be preserved for the life of the Council.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Administration and Management, Council on Wage and Price Stability, Room 115, Winder Building, 600 17th Street, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. Procedures are detailed in Council regulations published in 6 CFR Part 703.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Procedures are detailed in Council regulations published in 6 CFR Part 703.

RECORD SOURCE CATEGORIES:

The individual initiating the correspondence with the Council.

Sally Katzen,

General Counsel.

April 4, 1980.

[FR Doc. 80-11235 Filed 4-11-80; 8:45 am]

BILLING CODE 3175-01-M

V 45 / 73 AP P 14 80 UMI

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Deep Water Port and Industrial Park, Columbia River near Kalama, Wash.

AGENCY: U.S. Army Corps of Engineers (DoD).

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. Under Section 10 of the River and Harbor Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act of 1977 (P.L. 95–217), the Port of Kalama, Washington, has applied for permits to perform work in navigable waters of this Engineer District. The U.S. Army Corps of Engineers, Portland District, and the Port of Kalama will be joint lead agencies in preparing the Environmental Impact Statement (EIS). The EIS will comply with the requirement of both the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA).

2. The proposed facility is a deep water port and industrial park on the Columbia River, Mile 72, in Cowlitz County, new Kalama, Washington. A pier and conveyor belt are proposed to extend 600 feet from the shoreline to a shiploading facility. Approximately 50 percent of the property will be protected by diking and filling, which will utilize approximately 1.2 million cubic yards of fill. The facility will be used to import and export bulk commodities, possibly including coal, potash, bentonite, soda ash, and wood chips.

3. All practical and feasible alternatives to the proposed work which would satisfy the purpose and needs of the applicant, including alternative sites, will be addressed in the EIS.

4. The identification of issues has been started by the distribution of a public notice announcing the Portland District's intent to prepare an EIS and inviting affected Federal, state, and local agencies, Indian tribes, and other interested persons to participate in the identification of issues and preparation of the EIS. A meeting is not planned by the U.S. Army Corps of Engineers at this time.

5. The Draft Environmental Impact Statement is scheduled to be released to the public for review and comment during the month of August 1980.

6. Comments and questions about the proposed action and DEIS can be addressed to: District Engineer, U.S. Army Engineer District, Portland, Attn.: NPPEN–PL–3, P.O. Box 2946, Portland, OR 97208.

By authority of the Secretary of the Army.

Dated: April 8, 1980.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGO.

[FR Doc. 80–11147 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–AR–M

Department of the Army

Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases.

Date of meeting: May 2, 1980.

Time and place: 0900 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0900–1000 hrs to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research and from 1630–1700 hrs for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on 2 May 1980 from 1000–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Room 1111, Building 40, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.

Richard O. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 80–11148 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–08–M

Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 15 May 1980 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT–PPM, Washington, DC 20315. Topics to be discussed should be received on or before 8 May 1980.

Dated: April 8, 1980.

John J. Durant,

Colonel, GS, Director of Personal Property.

[FR Doc. 80–11149 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–08–M

Performance Review Boards; List of Members

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for Department of the Army.

EFFECTIVE DATE: April 15, 1980.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Executive Assignment Office, Directorate of Civilian Personnel, Headquarters, Department of Army, the Pentagon, Washington, DC 20310 (202) 697–2169.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority relative to the performance of the senior executives. Each board's review and evaluation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board will be established for those commands who do not have enough senior executives to warrant the establishment of separate boards.

Publication of this notice rescinds the notice published in 45 CFR, page 10839, dated 19 February 1980, to account for changes in title of some Performance Review Board members, replacements for retiring members and the additional members of the Boards not previously published.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA) are:

1. Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office of Assistant Secretary of the Army (Manpower and Reserve Affairs)—Chairman.
2. Mr. Joseph H. Yang, Deputy Assistant Secretary of the Army (Research and Development).
3. Mr. David C. Hardison, Deputy Under Secretary of the Army for Operations Research, Office of the Under Secretary of the Army.
4. Mr. Edward L. Rogers, Principal Deputy, Office of the Assistant Secretary of the Army (Civil Works).
5. Mr. John F. Wallace, Deputy for Management Systems, Office of the Assistant Secretary of the Army (Installations, Logistics and Financial Management).
6. Mr. Isaac C. Hunt, Jr., Principal Deputy General Counsel, Office of the General Counsel.
7. Mr. Milton H. Hamilton, Administrative Assistant, Office of the Secretary of the Army.

The Members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Major General W. K. Hunzeker, Director of Resources and Management, Office of the Deputy Chief of Staff for Logistics.
5. Mr. James J. Leonard, Deputy Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.
8. Brigadier General Joseph C. Lutz, Director, Human Resources Development, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.
13. Brigadier General James A. Williams, Deputy Assistant Chief of Staff for Intelligence.
14. Mr. Walter W. Hollis, Scientific Advisor, U.S. Army Operational Test and Evaluation Agency.
15. Brigadier General Richard J. Bednar, Assistant Judge Advocate General for Civil Law.
16. Major General Ennis C. Whitehead, Commander, U.S. Army Concepts Analysis Agency.
17. Mr. Harold L. Stugart, The Auditor General.
18. Mr. Michael A. Janoski, Deputy Auditor General.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General James A. Johnson, Deputy Chief of Engineers.
2. Major General William E. Read, Assistant Chief of Engineers.
3. Major General E. R. Heiberg, Director of Civil Works, Chief of Engineers.
4. Brigadier General James N. Ellis, Division Engineer, Middle East Division.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Lee Garrett, Chief, Engineer Division, Director of Military Programs, Office, Chief of Engineers.
9. Mr. Zane Goodwin, Chief, Engineer Division, Norther Central Division.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Division.
12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.
13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.
14. Mr. George Brazier, Chief, Construction-Operations Division, Director of Civil Works, Office, Chief of Engineers.
15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for U.S. Army Materiel Development and Readiness Command (DARCOM) are:

1. Major General Robert L. Moore, Chief of Staff, HQ DARCOM—Chairman.
2. Major General Jere W. Sharp, Director, Procurement and Production, HQ DARCOM.
3. Brigadier General(P) Benjamin F. Register, Jr., Director, Materiel Management, HQ DARCOM.
4. Major General Elton J. Delaune, Jr., Comptroller, HQ DARCOM.
5. Major General Stan R. Sheridan, Director, Development and Engineering, HQ DARCOM.
6. Mr. Francis X. McKenna, Command Counsel, HQ DARCOM.
7. Mr. William S. Charin, Deputy Director, Personnel, Training and Force Development, HQ DARCOM.
8. Mr. Seymour J. Lorber, Director, Quality Assurance, HQ DARCOM.
9. Dr. Robert E. Weigle, Technical Director, Armament Research and Development Command.
10. Mr. Richard B. Lewis, Technical Director, Aviation Research and Development Command.
11. Dr. Robert S. Wiseman, Assistant to Deputy Commanding General for Science and Technology, HQ DARCOM.
12. Dr. Hermann R. Robl, Technical Director, Army Research Office.
13. Mr. Barton J. Toohey, Comptroller, Tank-Automotive Readiness Command.
14. Mr. Thomas J. Keenan, Director, Procurement and Production, Troop Support Readiness Command.
15. Lieutenant General Woodrow W. Vaughan, U.S. Army (Retired).
16. Mr. Norm Klein, Assistant to Deputy Commanding General for Science and Technology (Retired), HQ DARCOM.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General—Chairman.
2. Brigadier General Quinn H. Becker, M.D., Director of Health Care Operations.
3. Brigadier General Bernhard T. Mittemyer, M.D., Director of Professional Services.
4. Brigadier General Garrison Rapmund, M.D., Commander, U.S. Army Medical Research and Development Command.
5. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

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6. Dr. L. C. Johnson, M.D., Chairman, Department of Orthopedic Pathology, Armed Forces Institute of Pathology.
7. Dr. G. F. Bahr, M.D., Chairman, Department of Cellular Pathology, Armed Forces Institute of Pathology.
8. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.
9. Dr. T. R. Sweeney, M.D., Ph.D., Scientific Advisor (Biochemistry), Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General William H. Fitts, Deputy Chief of Staff for Personnel, U.S. Army Forces Command.
2. Major General John B. Blount, Chief of Staff, U.S. Army Training and Doctrine Command.
3. Mr. Fred W. Wolcott, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.
4. Mr. Allen J. Dowd, Special Assistant for Transportation Engineering, Military Traffic Management Command.
5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, U.S. Army Communications Command.
6. Major General Thomas R. Healy, Deputy Chief of Staff for Personnel, U.S. Army, Europe and Seventh Army.
7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, U.S. Army Training and Doctrine Command.
8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.

William S. Fraim,

Chief, Civil Service Reform Act, Special Project Office.

[FR Doc. 80-11146 Filed 4-11-80; 8:45 am]

BILLING CODE 3710-06-M

Office of the Secretary

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on April 28, 1980 from 1330 to 1600, in Room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

M. S. Healy,

OSD Federal Register Liaison, Washington Headquarters Services, Department of Defense.

April 8, 1980.

[FR Doc. 80-11101 Filed 4-11-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Public Conferences on Proclamation 4744, the Petroleum Import Adjustment Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Public Conferences on Proclamation 4744, the Petroleum Import Adjustment Program.

SUMMARY: On April 2, 1980, the President signed Proclamation 4744 published at (45 FR 22864, April 3, 1980), establishing the Petroleum Import Adjustment Program. Proclamation 4744 implements the President's decision, announced March 14, to impose a gasoline conservation fee of $4.62 per barrel on imports of crude oil, with the burden of the fee to fall entirely on gasoline.

To inform members of the industry and the general public on the operation of the Petroleum Import Adjustment Program, the Economic Regulatory Administration (ERA) of the Department of Energy will hold public conferences on April 18, 1980, in Houston, Texas and April 22, 1980, in Washington, D.C. A copy of the tentative agenda for both conferences is set forth below.

At each of the public conferences there will be an opportunity for questions from the audience. The opportunity for questions and answers will, of necessity, be limited and will be subject to the control of the presiding official. In order to be as responsive as possible during theconferences, the ERA recommends that questions on the operation of the program be submitted, in writing, in advance of the public conferences.

DATES: Conference dates: April 18, 1980, at 10:00 a.m., in Houston, Texas; April 22, 1980, at 10:00 a.m., in Washington, D.C.

ADDRESSES: The conferences will be held at the United States Courthouse, Courtroom No. 6 (1th Floor), 515 Rusk Avenue, Houston, Texas, and the Economic Regulatory Administration, Room 2105, 2000 M Street, N.W., Washington, D.C. All written questions concerning the operation of the Petroleum Import Adjustment Program should be directed to Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Box XS, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT;

Robert Gillette (Office of Public Hearings Management), Economic Regulatory Administration, Room 2214. 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3757

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055.

SUPPLEMENTAL INFORMATION: A copy of the tentative agenda for the public conferences is appended to this notice.

Issued in Washington, D.C., on April 8, 1980.

Doris J. Dewton,

Assistant Administrotor, Office of Petroleum Operations, Economic Regulatory Administration.

APPENDIX

Department of Energy

Economic Regulatory Administration

Tentative Agenda for Public Conferences on Proclamation 4744—Petroleum Import Adjustment Program—*April 18 and 22, 1980*

10:00–10:30 Program Overv overview
10:30–11:00 Crude Oil and Gasoline Imports
11:00–11:30 Questions
11:30–12:00 Gasoline Entitlements
12:00–12:30 Questions
12:30–2:00 Lunch Break
2:00–2:30 Cost Passthrough
2:30–3:00 Questions
3:00–3:30 Enforcement
3:30–4:00 Questions
4:00–4:30 Concluding Remarks and Final Questions

[FR Doc. 80-11253 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-01-M

South Hampton Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: March 25, 1980.

COMMENTS BY: May 14, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On March 25, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with South Hampton Refining Company of Silsbee, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

South Hampton Refining Company is a firm engaged in the refining of crude oil and the marketing of motor gasoline and other refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline and other refined petroleum products, the Office of Enforcement, ERA, and South Hampton Refining Company entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was August 1973 through December 1975, the alleged overcharges occurred only through December 1974 and included all sales of motor gasoline and other refined petroleum products which were made during that period.

2. South Hampton Refining Company did not apply in a manner acceptale to the DOE the provisions of 6 CFR Part 150, Subpart I., and 10 CFR Part 212, Subpart E, when determining the prices to be charged for its motor gasoline and other refined petroleum product; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and South Hampton Refining Company, have agreed to a settlement in the amount of $2,100,000. The terms of the refund consist of a $1,600,000 bank reduction in unrecovered increased motor gasoline costs and $500,000 cash, $175,000 to be refunded within 60 days of the effective date of the Consent Order, with the balance of the refundable amount to be paid in two installments. Within 12 months from the date of the first payment, the next installment of $150,000 will be made and the remaining $175,000 to be paid within 24 months from the date of the first payments. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and South Hampton Refining Company.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, South Hampton Refining Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $2,100,000 in the manner specified in I.3. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writting to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on South Hampton Refining Company, Consent Order." We will consider all comments we receive by 4:30 pm, local time, on May 14, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of April 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-11150 Filed 4-11-80; 8:45 am]

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FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. G–6342, etc.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

April 7, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G–6342, D, Mar. 18, 1980	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	El Paso Natural Gas Company, SEMU Eumont #64 Well, Monument Area, Lea County, New Mexico.	[1]	
G–15700, D, Mar. 21, 1980	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tennessee Gas Transmission Company, Eugene Island Block 18 Field, St. Mary Parish, Louisiana.	[2]	
CI65–739, D, Mar. 21, 1980	Shell Oil Company	Michigan Wisconsin Pipe Line Company, Kings Bayou Field, Cameron Parish, Louisiana.	[3]	
CI80–255, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Tex. 75221.	Warren Petroleum Company, State "17" Lease, Lea County, New Mexico.	Lease expired by its own terms in July, 1978, due to nonproduction. Contract has been terminated according to its terms effective as of 12–1–79.	
CI80–256 (CI–69–930), B, Mar. 14, 1980.	Anadarko Production Company, *et al.*, P.O. Box 1330, Houston, Tex. 77001.	Lone Star Gas Company, Stephens County, Oklahoma.	Depleted and leases terminated as a result of cessation of production.	
CI80–249, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	The Nueces Company (Delhi), Mabel J. Bailey Lease, Two Freds Field, N/2 Sec. 44, Blk., 1, W & NW Survey, Loving County, Texas.	[4]	
CI80–250, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Aminoil USA, Inc. T. L. Carpenter Lease, Carter County, Oklahoma.	[5]	
CI80–251, A, Mar. 26, 1980	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Tex. 79173.	Trunkline Gas Company, Block 353, East Cameron Area, South Addition, Offshore Louisiana.	[6]	15.025
CI80–253, A, Mar. 27, 1980	Diamond Shamrock Corporation	Transcontinental Gas Pipe Line Corporation, Block 37, Vermilion Area, Offshore Louisiana.	[7]	15.025
CI80–254, A, Mar. 26, 1980	Ocean Production Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Company, West Cameron Block 22, in the Gulf of Mexico, Offshore Louisiana.	[8]	15.025
CI80–257, A, Apr. 1, 1980	Phillips Petroleum Company, 5 C4 Phillips Building, Bartlesville, Okla. 74004.	El Paso Natural Gas Company, Britt A No. 1 and B No. 2 located in the Monument Field, Lea County, New Mexico.	[9]	14.73
CI80–258, A, Mar. 31, 1980	Texas Pacific Oil Company, Inc., 1700 One Main Place, Dallas, Tex. 75250.	Trunkline Gas Company, East Cameron Area, South Addition, Block 353, Offshore Louisiana.	[10]	15.025
CI80–259, A, Mar. 28, 1980	Ocean Production Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Company, South Marsh Island Block A–265, in the Gulf of Mexico, Offshore Louisiana.	[9]	15.025
CI80–260, (G–6646), B, Apr. 1, 1980.	Sun Oil Company, P.O. Box 20, Dallas, Tex. 75221	Texas Eastern Transmission Corporation, No. Minoak and Yoward Fields, Bee County, Texas.	[11]	
CI79–629, C, Apr. 1, 1980	Amerada Hess Corporation, 1200 Milam, 6th Floor, Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Company, High Island Area, Block A–475, Offshore Texas.	[12]	14.65

[1] By Contract dated 7–17–48, covers only the sale of gas-well gas. The SEMU Eumont #64 Well has been reclassified by the New Mexico Conservation Commission from a gas well to an oil well, thereby eliminating it from said contract. By letter of 6–22–76, the casinghead gas from the well was added to Conoco's Contract dated 7–27–73, with Warren Petroleum Company which, upon FERC approval of this application, will process the gas in its interstate sale to El Paso Natural Gas Company under Warren's Rate Schedule No. 60, Docket No. CI72–502.

[2] The State of Louisiana, Department of Natural Resources (State Mineral Board), as Lessor, requested Shell's plans for development on the unproductive portions of State Lease 1666 or the surrender thereof. Shell was unable to commit to drilling a well on S/L 1666 within the time schedule proposed by the Board. As a result, partial surrender of the Lease, 384.26 acres more or less, was released to the Board.

[3] The lessor demanded by letter dated 10–9–79 that Shell release in full, lease L–18516—A. P. Welch, Jr. *et al.*, due to Shell's failure to produce in paying quantities for more than ninety (90) days.

[4] Contract expired by its own terms on 1–1–80. No gas has been available for sale under such contract since 1971. Total unit sales during 1970 and 1971 averaged approximately 1 MCFD.

[5] The gas volumes have declined to the extent that it is no longer economically feasible for Aminoil USA, Inc., to maintain its connection to this lease.

[6] Applicant is filing under Gas Purchase Contract dated 9–10–79.

[7] Applicant is filing under Gas Purchase Agreement dated 3–13–80.

[8] Applicant is filing under Gas Sales Contract dated 2–26–80.

[9] Applicant is filing under Gas Purchase Contract dated 3–1–80.

[10] Applicant is filing under Gas Purchase Agreement dated 1–30–80.

[11] No gas has been produced and sold since April, 1978; Sun's leases have expired and the Wolters Gas Unit well was plugged and abandoned on 12–4–78.

[12] Applicant is filing under Gas Purchase Contract dated 7–24–79, amended by Amendatory Agreement dated 2–5–80.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80–11156 Filed 4–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–83]

ANR Storage Co.; Proposed Changes in FERC Gas Tariff of ANR Storage Co.

April 7, 1980.

Take notice that ANR Storage Company (ANR), on April 1, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes would increase the charges of ANR to its storage service customers solely by reason of reflecting in its rates, the increase in interest cost level incurred since its Initial Rates were approved. All elements used to compute the rates proposed in the subject filing, other than interest rate, are the same as those used to compute the Initial Rates. The proposed changes would increase revenues from ANR's total service by $4,874,000 per year. ANR has also proposed a tariff provision to adjust such rates periodically as interest rates change.

Copies of the filing were served upon the Company's customers.

Any party desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80–11154 Filed 4–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–319]

Central Vermont Public Service Corp.; Filing of Power Transmission Contract

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Central Vermont Public Service Corporation (Central Vermont) tendered for filing a rate schedule together with a Power Transmission Contract between Central Vermont and the Village of Hyde Park Water & Light Department (Customer) dated March 10, 1980. Pursuant to Section 35.11 of the Commission's regulations Central Vermont requests waiver to the 60 day notice requirement and an effective date of January 1, 1980. The request for waiver, Central Vermont states, is in order to provide a rate for the transmission of power on the Company's facilities which has been purchased by the Customer from the New York Power Authority through the Public Service Board of the State of Vermont, which purchase has an effective date of January 1, 1980.

The Company states that the rate under which the service is to be rendered is the same as that provided for in its FERC Rate Schedules No. 89, 93 and 97.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80–11155 Filed 4–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–293]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 24, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80–293 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during an indefinite period commencing July 17, 1980, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system and the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Section 311 or 312 of the natural Gas Policy Act of 1976.

Applicant states that the total cost of the proposed facilities would not exceed $20,000,000 for any one-year period, with no single onshore project to exceed $2,500,000, and no single offshore project to exceed $3,500,000. For the period July 17, 1980 through December 31, 1980, the total calendar year limit would not exceed $9,124,000, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

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Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11157 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-292]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 24, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-292 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to and a natural gas storage service for New York State Electric and Gas Corporation (NYSEG), an existing jurisdictional customer of Applicant, for a limited term commencing on April 1, 1980, and ending on March 31, 1985, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to NYSEG, quantities of up to 2,650 dekatherms (dt) equivalent of natural gas per day, but not to exceed 575,000 dt equivalent of gas per contract year, at a rate equivalent to the rate specified in Applicant's Rate Schedule SCQ or any effective superseding rate schedule, it is stated. Applicant states that the proposed sales would be subject to interruption if necessary for the protection of service to Applicant's firm long-term sales customers.

Applicant also proposes to provide a natural gas storage service for NYSEG under and pursuant to the terms of Applicant's Rate Schedule GSS for any effective supeseding rate schedule, it is stated. The proposed storage service would have a storage capacity of 275,000 dt equivalent and a daily demand quantity of 3,750 dt equivalent it is said. Applicant states that the proposed gas sale and storage service are for a limited term of five years.

Applicant states that the subject proposal would not necessitate the construction of any new or additional facilities. Applicant further states that deliveries of natural gas would be made for NYSEG's account at the existing point of interconnection between the facilities of Applicant and those of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at Ellisburg Storage Pool in Potter County, Pennsylvania. Tennessee has agreed to transport these quantities of gas for NYSEG's account from Ellisburg to an existing connection with NYSEG near Lockport in Niagara County, New York, it is said. Applicant asserts that the subject proposals would enable NYSEG to provide more reliable service to its customers in the Lockport area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11158 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-296]

Consolidated Gas Supply Corp.; Application

April 7, 1980

Take notice that on March 25, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-296 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to recomplete four abandoned wells for storage observation purposes in Lewis County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that analysis of data obtained from recent drilling activity near the Southwestern portion of its Fink Storage Pool, located in Lewis County, West Virginia, indicates that storage operations may be affecting a larger area of the storage formation than has been the case previously. In order to further compile data of this type and in order to monitor more closely the pressures in the storage formation in this area, Applicant proposes to recomplete four abandoned wells for purposes of storage observation. It is stated that the data to be obtained from these wells would enable Applicant to determine whether any further measures would be required, and to what extent.

Applicant states that the cost of the proposed project would be $370,800, which cost would be financed from funds on hand or which would be obtained from Applicant's parent company, Consolidated Natural Gas Company. It is further stated that no new sales or services are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80 11159 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-299]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 26, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-299 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to recomplete five abandoned wells and one production well for storage observation purposes in Lewis and Harrison Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that analysis of data obtained from recent drilling activity in the area to the north of its Lost Creek Storage Field, Lewis and Harrison Counties, West Virginia, indicates that storage operations may be affecting a larger portion of the storage formation than has previously been the case. In order to further compile data of this type and in order to monitor more closely the pressures and water levels in the storage formation in this area, Applicant proposes to recomplete five abandoned wells for storage observation. Applicant further proposes to recomplete one producing well, located on the southern boundary of the field, in order to complete more pressure and water level data applicable to the southern area of the pool.

Applicant states that the cost of the proposed project would be $486,000, which cost would be financed from funds on hand or which would be obtained from Applicant's parent company, Consolidated Natural Gas Company. It is further stated that no new sales or services are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11160 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-19]

Diversified Properties, Inc.; Extension of Time

April 4, 1980.

On March 26, 1980, Diversified Properties, Inc. filed a request for a 60 day extension of time to file a petition for review of a decision and order issued February 29, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. BEO-0408). The motion states that additional time is needed because of the complexity of the case and the relatively new regulations governing this action. The motion further states that legal counsel recently retained by the Company require additional time to familiarize themselves with the case.

18 CFR § 1.40(d)(2) allows a period of thirty days for the filing of a petition for review. Under the circumstances, an extension of thirty days appears adequate. Therefore, the petition for review shall be filed on or before May 2, 1980.

Diversified Properties, Inc. has also filed a request for interim relief. 18 CFR § 1.40(e)(4) permits such request to be made in a proceeding pursuant to § 1.40. Such a proceeding is commenced by the filing of a petition for review, 18 CFR § 1.40(d)(1). Accordingly, action on the request for interim relief must await the filing of a petition for review. If additional time is still required for the filing of this petition for review, an appropriate motion should be filed with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11161 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 2761]

El Dorado Irrigation District and El Dorado County Water Agency; Scoping Meeting

April 8, 1980.

Take notice that Commission staff will hold a scoping meeting on the possible environmental impacts of the proposed SOFAR Upper Mountain Project No. 2761. The proposed project would be located on the South Fork of the American River and its tributaries in El Dorado and Alpine Counties, California. The project would affect lands of the United States within Eldorado National Forest and the Department of the Interior's Central Valley Project, Sly Park Unit.

Interested parties are invited to participate in the scoping meeting to be convened by staff on April 29, 1980, at 9:00 a.m., in the Eldorado National Forest, Conference Room, 100 Forni Road, Placerville, California.

The purpose of the meeting is to encourage interested persons and organizations to assist staff in identifying the significant issues to be analyzed in depth in the environmental impact statement. The meeting will also serve as a means of identifying and eliminating from detailed study those issues that are not significant.

Staff will identify the significant issues that should be addressed in the environmental impact statement. Interested persons are requested to identify significant issues that they believe staff should address. If you are unable to attend this meeting you are encouraged to file written detailed comments by April 24, 1980. If you do not file comments or attend the meeting, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning this meeting and the environmental impact statement should be directed to: Mr. Mark Robinson, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at (202) 376-9060.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11162 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-82]

Granite State Gas Transmission, Inc.; Filing of Proposed Tariff Changes

April 7, 1980.

Take notice that on April 1, 1980, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, tendered for filing Twenty-Eight Revised Sheet No. 3A in its FERC Gas Tariff, Original Volume No. 1.

According to Granite State, Twenty-Eight Revised Sheet No. 3A restates its Base Tariff Rate for its jurisdictional sales of gas, pursuant to the requirements of § 154.38(4)(d)(vi)(a) of the Commission's Regulations. Granite State states that the restated Base Tariff Rate will be in effect from April 1, 1980, and that collections thereunder would be subject to refund.

Granite State further states that its restated Base Tariff Rate is applicable to its sales to Northern Utilities, Inc., which is Granite State's sole jurisdictional customer.

According to Granite State, copies of its filing were served upon Northern Utilities and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11163 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-391 etc.]

Great Plains Gasification Associates, et al.; Extending Time for Filing

Issued: April 4, 1980.

Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Co. Docket No. CP78-391. Columbia Gas Transmission Corporation; Michigan Wisconsin Pipe Line Company; Natural Gas Pipeline Company of America; Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Transcontinental Gas Pipe Line Corporation Docket Nos. CP75-278 and CP77-556. Great Lakes Gas Transmission Company Docket No. CP75-283.

At the request of counsel for Great Plains Gasification Associates, and good cause therefor existing, the time limitation specified in Ordering Paragraph (E) of Opinion No. 69 for the filing of a *pro forma* gas tariff in accordance with the modifications required by the Commission is extended to and including April 18, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11164 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-320]

Illinois Power Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Illinois Power Company (Illinois Power) tendered for filing proposed Amendment No. 6, dated February 19, 1980 to the Interchange Agreement, dated March 15, 1973, between Iowa-Illinois Gas and Electric Company (IIGE) and Illinois Power.

Illinois Power indicates that this filing is made for an increase in Short-Term Firm Capacity and Short-Term Non-Firm Power reservation charges.

Illinois Power states that a copy of the filing was served upon IIGE, the Illinois Commerce Commission, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11165 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-318]

Iowa-Illinois Gas & Electric Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Company) on April 1, 1980, tendered for filing a First Amendment dated February 12, 1980, to a Facilities Agreement dated August 15, 1973, with Iowa Electric Light and Power Company (Iowa Electric), proposed to become effective June 1, 1980.

Company states the Amendment effects changes in certain billing determinates associated with additional investment in 161/69-kV transformation facilities at its Substation 56, in service since January 1, 1977, and revises the method of and payment for operation and maintenance charges related to these and other facilities from an as-billed to a percentage-of-investment basis. Company states the facilities are used in rendering service from its Substation 56 near Davenport, Iowa, to serve Iowa Electric's remote load in the City of Walcott, Iowa. The result of these adjustments, it is stated, is to reduce accumulated charges since January 1, 1977 by an estimated $5,350.20, and to increase annual charges by approximately $662.59, assuming an effective date as requested.

Company states copies of the filing have been mailed to Iowa Electric and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11166 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-40]

Iowa Southern Utilities Co.; Application

April 7, 1980.

Take notice on March 28, 1980, the Iowa Southern Utilities Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the guarantee of a 7 year loan in the amount of $5,000,000 for its wholly owned subsidiary Sidco, Inc.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The proceeds from the loan will be used to purchase a 33% undivided interest in the coal cars of unit trains which are dedicated to hauling the coal from a mine in Wyoming to the Ottumwa Generating Station Unit #1 near Chillicothe, Iowa, of which the Company owns a 33% undivided interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11167 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-315]

Kansas City Power & Light Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Kansas City Power & Light Company (KCPL) filed with the Commission new increased Schedules of Rates and Charges for Firm Power Service to supersede and replace Schedules of Rates and Charges for Firm Power Service in contracts and agreements with the following wholesale customers:

1. Missouri Power & Light Company (MPL), FERC No. 73
2. City of Marshall, Missouri (Marshall), FERC No. 83
3. Missouri Public Service Company (MPS), FERC No. 74
4. City of Baldwin City, Kansas (Baldwin), FERC No. 85
5. City of Carrollton, Missouri (Carrollton), FERC No. 86
6. City of Gardner, Kansas (Gardner), FERC No. 79
7. City of Garnett, Kansas (Garnett), FERC No. 78
8. City of Higginsville, Missouri (Higginsville), FERC No. 72
9. City of Osawatomie, Kansas (Osawatomie), FERC No. 77
10. City of Ottawa, Kansas (Ottawa), FERC No. 70
11. City of Pomona, Kansas (Pomona), FERC No. 82
12. City of Prescott, Kansas (Prescott), FERC No. 76
13. City of Salisbury, Missouri (Salisbury), FERC No. 87
14. City of Slater, Missouri (Slater), FERC No. 81
15. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County), FERC No. 69
16. United Electric Cooperative, Inc. (United), FERC No. 84

KCPL states that the proposed effective date for each new increased Schedule of Rates and Charges is June 1, 1980, and that the new Schedules of Rates and Charges reflect an increase of $7,379,313 in annual revenues to KCPL based on its cost of service to wholesale firm power customers during the 12-month test period ended May 31, 1961. Additionally, KCPL states that the changes embodied in the new Schedules of Rates and Charges include only increased rates for Demand and Energy Charges.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of KCPL's submittal

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are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11169 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-41]

Louisiana Interstate Gas Co.; Surrender of Exemption

April 7, 1980.

Take notice that on March 17, 1980, Louisiana Interstate Gas Company (Louisiana), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP70-41 a surrender of the declaration of exemption issued pursuant to Section 1(c) of the Natural Gas Act in the instant docket on December 8, 1969, all as more fully set forth in the document which is on file with the Commission and open to public inspection.

Louisiana states that it had sought the declaration of exemption in anticipation of purchasing natural gas within or at the boundary of Louisiana from a person or persons legally authorized to transport in intrastate commerce or sell gas for resale in interstate commerce. Louisiana states that it never purchased natural gas in interstate commerce as _ would have been permitted under its exemption.

It is further stated that the mere existence of the declaration of exemption has raised questions regarding the status of Louisiana as an intrastate pipeline within the meaning of the Natural Gas Policy Act of 1978, particularly since the issuance of Commission Order No. 63 (45 FR 1672) on January 3, 1980, in Docket No. RM79-24. Louisiana, therefore, desires to surrender the subject Declaration of Exemption.

Any person desiring to be heard or to make any protest with reference to said surrender should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11168 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-314]

Louisiana Power & Light Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on March 31, 1980, Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated May 23, 1979 with the City of Houma, Louisiana (City) which provides service schedules for Emergency Service Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. 2 LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FERC Docket No. ER 76-162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket ER76-868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76-867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77-405 with the Town of Jonesboro (Rate Schedule FERC No. 59) in Docket No. ER77-404 with the City of Monroe (Rate Schedule FERC No. 60), and in Docket No. ER79-366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective June 1, 1980, the date included in the Agreement.

LP&L stated that a copy of this filing was mailed to the City of Houma, Louisiana, and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11170 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-297]

Michigan Wisconsin Pipe Line Co.; Application

April 8, 1980.

Take notice that on March 25, 1980, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-297 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to increase the daily deliverability of its Gapeby Creek Area and Woodward Area gathering systems, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the successful acquisition of new reserves in the Anadarko Basin of Kansas, Texas, and Oklahoma to offset declining deliverability of older reserves is contingent upon the availability of sufficient capacity in its gathering systems. Approximately 80,000 Mcf of additional capacity would be required to sustain gas reserve additions at the 200,000,000 Mcf per year level which was attained during 1978 and 1979, it is asserted.

In order to increase capacity of the Gapeby Creek system by approximately 35,000 Mcf per day, Applicant proposes to construct approximately 20.2 miles of 12¾-inch O.D. pipeline in Wheeler County, Texas, the pipeline looping an existing section of the 10-inch line (Trunk 485) between mile post 89.1 and mile post 109.3. The cost of the loop line is estimated at $3,364,970, Applicant states.

To attain the balance of the additional capacity, it is further proposed herein to increase the capacity of the Woodward Area system by approximately 45,000 Mcf per day by the construction of 28.9 miles of 20-inch O.D. loop line and the addition of 3,950 horsepower of compression. It is stated the loop line would comprise two sections, the first being located in Woodward County, Oklahoma, on the discharge side of Mich Wisc's Mooreland Compressor Station and extending 10.8 miles therefrom along Trunk 461. The second loop, it is asserted, would be located in Comanche County, Kansas, on the discharge side of Mich Wisc's Buttermilk Compressor Station and extending 18.1 miles therefrom along Trunk 460. It is stated the additional 3,950 horsepower of compression would be comprised to two additional 1,000 horsepower class compressor units which are proposed to be installed at Mich Wisc's Lenora Compressor Station, an additional 1,200 horsepower class compressor unit proposed to be installed at Mich Wisc's Custer Station, and the uprating also at the aforementioned Custer Station of three existing compressor units from 750 horsepower of compression to 1,000 horsepower of compression. The instant proposal further includes minor yard modifications and new check measurement facilities which are necessary to increase the daily deliverability through Mich Wisc's Mooreland Compressor Station. The aforementioned Trunk 461 and Trunk 460 loop lines are estimated to cost $3,327,680 and $5,283,510, respectively, and the compression and station modifications are estimated to cost $4,827,650, it is asserted.

The total cost of the pipeline, compressor and station modification facilities described above is $16,836,630 which would be financed initially with treasury funds and other funds generated internally, together with borrowings from banks under short-term lines of credit as required, Mich Wisc states. Mich Wisc anticipates that any bank borrowings would subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11171 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-23]

Midwestern Gas Transmission Co.; Filing of Tariff Sheets Pursuant to Commission Approved Stipulation and Agreement

April 7, 1980.

Take notice that on March 31, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective May 1, 1980:

Third Revised Volume No. 1

Twenty-Seventh Revised Sheet No. 5
Thirteenth Revised Sheet No. 5A
Sixth Revised Sheet Nos. 80, 81 and 82

Original Volume No. 2

Third Revised Sheet No. 37

Midwestern states that these tariff sheets reflect the terms and provisions of a Stipulation and Agreement dated April 18, 1979, as approved and amended by the Commission's letter order of July 10, 1979 and its order of February 21, 1980. Midwestern further states that the tariff sheets also reflect PGA and other rate adjustments, as well as other tariff changes accepted by the Commission in other dockets.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers, affected state regulatory commissions and all parties in docket No. RP78-23.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11172 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-287]

Midwestern Gas Transmission Co.; Application

April 7, 1980.

Take notice that on March 20, 1980, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-287 an application pursuant to Section 7(c) of the Natural Gas Act and Section § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing with the date of an order in this proceeding and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's owned production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the proposed facilities would not exceed 3 percent of Applicant's gas plant with the cost of single onshore and offshore projects not to exceed 25 percent of the total annual cost or $2,500,000 for onshore projects and $3,500,000 for offshore projects.

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whichever is less. The cost of the proposed facilities, it is stated, would be financed from general funds or borrowings under revolving credit agreements.

Any person desiring to be heard or to take any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, washiington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise adivsed, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11173 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-44]

Montana-Dakota Utilities Co.; Application

April 7, 1980.

Take notice that on April 2, 1980, Montana-Dakota Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismerck, North Dakota, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order for authority to issue 1,000,000 shares of Common Stock, par value $10, and 200,000 shares of Preferred Stock, without par value, via negotiated placement.

The net proceeds from the issuance and sale of the securities are to be used for the Applicant's construction program and other corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11174 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-49 (PGA80-2)]

Montana-Dakota Utilities Co.; Purchased Gas Cost Adjustment Filing

April 7, 1980.

Take notice that on March 31, 1980 Montana-Dakota Utilities Co. ("MCU"), 400 North Fourth Street, Bismarck, North Dakota 58501, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Thirteenth Revised Sheet No. 3A

First Revised Volume No. 2

Sixth Revised Sheet No. 10

MDU states that this tariff filing is being made pursuant to its Purchased Gas Cost Adjustment Provision. Thirteenth Revised Sheet No. 3A provides for a reduction in MDU's total rate under Rate Schedules G-1, PR-1, and I-1. The proposed rate under Rate Schedules G-1 and PR-1 will decrease from the currently effective 220.292 cents per Mcf to a new rate of 194.884 cents per Mcf. The rate decrease under Rate Schedule I-1 will be from the currently effective 217.292 cents per Mcf to a new rate of 191.884 cents per Mcf.

Sixth Revised Sheet No. 10 provides for a total rate increase under Rate Schedule X-1 from 183.130 cents per Mcf to 201.372 cents per Mcf.

The proposed effective date for all the tariff sheets is May 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11175 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-154]

Montana-Dakota Utilities Co.; Petition To Amend

April 7, 1980.

Take notice that on March 21, 1980, Montana-Dakota Utilities Co. (Petitioner), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP75-154 a petition to amend the order issued May 11, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on July 3, 1975, it was granted temporary certificate authorization to construct and operate certain pipeline facilities in Montana, and to transport for and exchange gas with Kansas-Nebraska Natural Gas Company, Inc. (K-N). The temporary certificate was amended on October 6, 1975, to include additional purchase, transportation and exchange of gas, it is stated. It is further stated that on

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 100.1), it was transferred to the Commission.

December 27, 1976, Petitioner sought to amend the then pending application for construction so as to authorize the construction and operation of lesser facilities than were included in the original application. By order of May 11, 1977, Petitioner was authorized to construct the lesser facilities.

Petitioner proposes herein to construct and operate the following facilities which were constructed and which differ in ways not authorized. The certificate, it is stated, authorized the construction and operation of a compressor station at Vida, Montana, containing four compressor units totaling 1,980 horsepower, and the addition to the existing Saco compressor station of two compressor units with a total of 900 horsepower. Petitioner states the actual installation consisted of four compressor units at the Vida compressor station with a total of 2,400 horsepower, and two additional units at the Saco compressor station with a total of 1,200 horsepower.

Petitioner states that compressor availability, reduction of necessary inventory of spare parts, lower installation costs, interchangeability of units in case of unit failure and ease of training for operators were factors in selecting six identical units in place of those originally authorized.

The actual cost for the Vida station facilities was $1,551,376 and the actual cost for the Saco station facilities was $998,416.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11176 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-137]

Montana Power Co.; Application for Approval of Rates

April 7, 1980.

Take notice that on March 5, 1980, The Montana Power Company (Applicant), 45 East Broadway, Butte, Montana 59701, filed in Docket No. ST80-137 an application pursuant to Subpart F of Part 284 of the Commission's Regulations for approval of rates for oil displacement gas sales delivered to the farmer's Union Central Exchange (CENEX), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states it has enterered into an agreement with CENEX for the delivery of gas to CENEX through Montana-Dakota Utilities company (MDU). According to Applicant, the cost of the gas is based on its cost plus an allowance for transportation (including a reasonable return) to the point of delivery to MDU for Applicant.

Applicant states that the contract for sale to CENEX includes a transportation charge of 11.6 cents, in addition to the adjusted average acquisition cost of gas, plus an allowance of 4.267 percent of the Canadian border price for compressor fuel. Applicant further states the pricing, developed after arms' length bargaining with CENEX, is in compliance with the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11177 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-288]

Michigan Wisconsin Pipe Line Co.; Application

April 7, 1980.

Take notice that on March 20, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-288 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional gas measurement facilities to be located at the existing TransOcean Oil Inc. (TransOcean) Grand Chenier processing plant in the vicinity of Lower Mud Lake, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to gas sale contracts dated October 29, 1971, as amended September 6, 1978, and dated June 4, 1974, as amended November 15, 1977, and September 6, 1978, it purchases from TransOcean gas reserves underlying the West Cameron area 171, offshore Louisiana (Block 171). The gas supplies are delivered by TransOcean to Applicant through Applicant's pipeline and are delivered for processing at the Grand Chenier plant. Since the commencement of gas deliveries during 1978 from High Island Offshore System (HIOS) to Applicant, the production attributable to Block 171 gas has been commingled with the gas from HIOS. It is stated that the commingled gas currently being delivered into and redelivered from the Grand Chenier processing plant is measured by six 6-inch turbine meter runs (3 inlet and 3 outlet).

Applicant proposes to construct and operate two additional inlet and two additional outlet meter runs at the Grand Chenier plant. Applicant states it is obligated to deliver to the Grand Chenier processing plant a quantity of gas which would enable TransOcean to recover the liquefiable hydrocarbons contained in its deliveries to Applicant. Because the gas which Applicant receives from HIOS contains less hydrocarbon constituents, Applicant must redeliver to TransOcean volumes in excess of the design capacity of Applicant's metering facilities in measuring input and output of the Grand Chenier plant, it is stated. It is further stated that the additional volumes of gas have necessitated bypassing Applicant's

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metering facilities and using plant orifice meters operated by TransOcean. Thus, the construction and operation of additional measuring facilities would allow Applicant to reactivate its metering system and have design capacity sufficient to measure the flow of gas through the processing plant and allocate shrinkage, it is asserted.

The estimated cost of the proposed facilities would be $262,440, it is stated. This cost, Applicant asserts, would be financed from funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to praticipate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11178 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-291]

Northwest Pipeline Corp.; Application

April 8, 1980.

Take notice that on March 24, 1980, Northwest Pipeline Corporation (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP80-291 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification and operation of certain facilities for the delivery of natural gas within existing contract quantities to Northwest Natural Gas Company (Northwest Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to modify an existing meter station at Deer Island, Oregon, so that additional authorized sales volumes up to 155,000 Mcf per day could be delivered to Northwest Natural at this delivery point. Applicant states that with such modification at the meter station, it would be able to continue delivery of volumes pursuant to Applicant's currently effective Rate Schedule ODL-1 for firm service along with providing deliveries of additional volumes pursuant to its Rate Schedule IOS-1 for interruptable services. It is stated that the currently authorized firm service which Applicant provides to Northwest Natural at Deer Island, Oregon, is for volumes of up to 22,835 Mcf per day. Any deliveries in excess of the 22,835 Mcf of firm service would be made pursuant to Applicant's currently effective Rate Schedule IOS-1 for interruptable service, it is asserted.

Applicant states this additional delivery capability would enable Northwest Natural to receive sufficient volumes of interruptable gas to provide Portland General Electic (Portland General) with a full supply for existing electric power generation facilities. It is staed that Northwest Natural would need the capability to receive additional interruptable supply to serve Portland General beginning May 1, 1980, which service would be provided from May 1 through September 30, in each of the next five years.

Applicant states that the estimated cost of modification to the Deer Island meter station is $94,000. It is further stated that Northwest Natural has agreed to reimburse Applicant for cost of modification of the facilities.

Specifically, Applicant proposes to install two meter runs and appurtenant facilities at the existing meter station in Cowlitz County, Washington, which would enable Applicant to deliver the additional volumes to Northwest Natural at the Columbia County, Oregon, delivery point.

Any person desiring to be heard or to take any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11179 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-41]

Pacific Power & Light Co.; Application

April 7, 1980.

Take notice that on April 1, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue up to 4.2 million shares of its Common Stock, par value 3.25 per share, and exempting the issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission's Regulations. The net proceeds will be used to retire short-term indebtedness.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11180 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-310]

Pennsylvania Electric Co., et al.; Filing

April 7, 1980.

Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company, Docket No. ER80-310.

The filing Company submits the following:

Take notice that on March 31, 1980, the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, Proposed Revision 6 of Schedule 4.01 of the existing Agreement among them, dated July 21, 1969.

The GPU Service Corporation states that Schedule 4.01 defines the installed capacity obligations within GPU and sets forth the weekly rate per kilowatt on which payments shall be based for deficiency of capacity among the GPU System Companies.

The GPU Service Corporation further states that the revision to this Schedule is proposed to conform with changes, submitted to the FERC, in the Pennsylvania-New Jersey-Maryland Interconnection Agreement to which the GPU System Companies are signatories.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11181 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-317]

Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, the parties to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement tendered for filing proposed Schedule 4.01 Revision No. 3 to the original Agreement between them as heretofore amended and supplemented, which is filed with the Commission under the following Rate Schedule designations:

Rate Schedule

	FPC No.
Public Service Electric & Gas Company	23
Philadelphia Electric Company	21
Pennsylvania Power & Light Company	21
Baltimore Gas & Electric Company	9
Jersey Central Power & Light Company	7
Metropolitan Edison Company	7
Pennsylvania Electric Company	24
Potomac Electric Power Company	19

The PJM parties state that proposed Schedule 4.01 sets forth the rate for capacity deficiency transactions under the PJM Agreement for the 12-month Planning Period beginning June 1, 1980.

The PJM parties further state that no new facilities will be installed nor will existing facilities be modified in connection with the proposed schedule. It is requested that the proposed schedule become effective on June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11182 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-311]

Public Service Co. of Oklahoma; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on March 31, 1980, Public Service Company of Oklahoma, tendered for filing a Letter Agreement dated January 16, 1980 between PSO and Arkansas Power and Light Company (AP&L) which provides for PSO to transfer 209,300 megawatthours of its entitlement for the 1980 summer exchange period. This entitlement, provided for in the agreement between Tennessee Valley Authority and the Mississippi Power and Light Company and for delivery of the allocated diversity capacity and energy within the South Central Electric Companies' agreement rate schedule FERC No. 118 with Southwestern Electric Power. PSO states that it desires to transfer the energy and accompanying capacity entitlement to reduce its excess reserves in 1980 and AP&L desires to purchase this entitlement for its system requirements in the summer exchange period.

PSO requests the proposed sale to become effective as of May 25, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

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not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11183 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-323]

Public Service Co. of Oklahoma; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated, June 23, 1971 between PSO and Associated Electric Cooperative, Inc. (AEC) amending the Letter Agreement, a supplement to the Interconnection Agreement between PSO and AEC which is on file with the Commission as Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. PSO 186. The Letter Agreement provides for increase in capacity rate for sale of unit capacity by PSO to AEC.

PSO states that the change being made in the proposed capacity rate is as agreed to by both parties in the Letter Agreement. The Agreement provides for an increase in the capacity rate every three (3) years.

The effective date for the proposed change is June 1, 1980.

Any person desiring to be heard or to protest, said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11184 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket ER80-313]

Public Service Co. of New Mexico; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on March 31, 1980, tendered for filing proposed changes in its FERC PNM Rate Schedule 2.2, which provides rates to the wholesale customer, City of Gallup, New Mexico. The proposed changes would increase revenues from the sales and services to Gallup by $2,102,920 on the basis of PNM's sales during Period II.

The Company estimates its rate of return under the rates proposed, but not in effect, in FERC Docket ER79-478 under Period II would be 5.9 percent. The rate of return on equity under the rates presently in effect for the 12 months ended September 30, 1979, is negative 10.89 percent. This rate of return is inadequate and totally fails to compensate the Company for its cost. More importantly, however, it does not enable the Company to generate funds necessary to meet its construction program required to meet its growth.

Copies of the filing were served upon the public utility's jurisdictional customers being served under this rate schedule and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11185 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-294]

Southern Natural Gas Co.; Application

April 7, 1980.

Take notice that on March 24, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-294 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in place 1.2 miles of 6-inch pipeline and appurtenant facilities, which is a portion of Applicant's Big Point Field line located in Lake Pontchartrain, St. Tammany Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would abandon in place the portion of the Big Point Field line that extends from the upstream starting point of said line to a point in the vicinity of Applicant's Mile Post 1.17 on the line, all of which is located in Lake Pontchartrain. Applicant states that the Big Point Field line was originally utilized by Applicant to transport gas reserves committed to Applicant from the Big Point Field, St. Tammany Parish, Louisiana. Applicant states that after these reserves were depleted a portion of the Big Point Field line, the portion for which it seeks abandonment authorization, was damaged beyond repair by shell-dredging operatings in Lake Pontchartrain.

Applicant further states that even though Applicant cannot utilize the damaged portion of this line, the remainder of the Big Point Field line, for which Applicant does not seek abandonment authorization, is being utilized and shall continue to be utilized for transportation services involving other gas reserves in the Big Point Field area. It is stated that the proposed abandonment would not result in any termination of service currently conducted on the Big Point Field line.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11186 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-49 Docket No. RP78-36]

Southern Natural Gas Co.; Proposed Changes in FPC Gas Tariff

April 7, 1980.

Take notice that Southern Natural Gas Company (Southern) on March 31, 1980 tendered for filing Fortieth Revised Sheet No. 4-A to its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective May 1, 1980. Southern states that the revised sheet is being submitted to comply with the Federal Energy Regulatory Commission's (Commission) Opinion No. 83 issued March 27, 1980, in Docket No. RP78-36. The rate filing does not make any change in Southern's total cost of service as previously submitted in Docket No. RP80-49. Rather, the filing commences the second step of the phase-out of the mileage based rate zones on Southern's system as provided for in Opinion No. 83.

The rates shown on Fortieth Revised Sheet No. 4-A will result in a net annual decrease in jurisdictional revenues of approximately $996,000 from the rates currently in effect in Docket No. RP80-49.

Copies of the filing are being served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11187 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-41 PGA80-2]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

April 7, 1980.

Take notice that Southwest Gas Corporation ("Southwest") on April 1, 1980 tendered for filing Substitute Eighth Revised Sheet No. 10 pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a reduction in rates from those as originally filed by Southwest on February 21, 1980 in Docket No. TA80-2-41, due to settlement of Northwest Pipeline Corporation's general rate case proceeding at Docket No. RP79-57. Southwest states that the reduced rates result in a decrease of .839¢ per therm in Southwest's rates when compared to those as originally filed on February 21, 1980.

Southwest has requested waiver of its PGA provisions and applicable Commission Regulations as necessary to permit Southwest to track its supplier's reduced rates on April 1, 1980. Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the Califonal Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11188 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-284]

Texas Gas Transmission Corp.; Application

April 7, 1980.

Take notice that on March 18, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-284 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 0.67 mile of 6⅝-inch O.D. pipeline across the Ohio River between Hancock County, Kentucky, and Perry County, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its service to existing customers in the Cannelton and Tell City, Indiana, area is totally dependent on one 8-inch pipeline crossing of the Ohio River at this location. The United States Army Corps of Engineers has completed a series of locks and dams along the Ohio River, one of the dams being located approximately 3.8 miles upstream of Applicant's existing 8-inch river crossing, it is stated. Applicant asserts that the changes in river action brought about by the dams caused severe bank erosion. Applicant further asserts that such bank erosion coupled with ever increasing river traffic makes the river crossing susceptible to damage.

A loss of the existing 8-inch line at the aforementioned location would result in the interruption of service to customers in the Cannelton and Tell City, Indiana, service areas for a period of at least two months, it is said. Applicant submits that the construction of the proposed 6⅝-inch O.D. pipeline crossing would reduce the danger of such a service interruption. The total estimated cost of the proposed construction is $461,000, it is said. Applicant further asserts that such cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy

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Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11189 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-435]

Transcontinental Gas Pipe Line Corp.; Amendment to Application

April 7, 1980.

Take notice that on March 25, 1980, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-435 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application in said docket so as to reflect the addition of a point of redelivery to United Gas Pipe Line Company (United) at Starks, Calcasieu Parish, Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that, pursuant to a temporary certificate issued in the instant docket on August 3, 1977, it is presently authorized to transport for United up to 90,000 Mcf of natural gas per day produced in Vermilion Area Block 22, offshore Louisiana, and delivered into Applicant's Central Louisiana gathering system onshore in the Pecan Island area, Vermilion Parish through facilities owned jointly by Applicant, Florida Gas Transmission Company, and Sea Robin Pipeline Company. Applicant states that it receives the gas at the Pecan Island location and redelivers equivalent volumes to or for the account of United at interconnections between the systems of Applicant and United located in Victoria County, Texas, and Acadia Parish, Louisiana, and the interconnection between Applicant's system and the system of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. located near Crowly, Acadia Parish, Louisiana.

Applicant proposes to establish an additional point of delivery to United located at the existing interconnection between the facilities of Applicant and United at Starks, Calcasieu Parish, Louisiana. It is asserted that such additional receipt point would provide United with greater operational flexibility.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11190 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-17]

United Gas Pipe Line Co.; Informal Conference

April 7, 1980.

Take notice that on April 18, 1980, at 1:30 p.m., an informal conference will be held on the certificate application filed by United Gas Pipe Line Company in Docket No. CP80-17. The conference will be held in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11191 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-295]

United Gas Pipe Line Co.; Application

April 7, 1980.

Take notice that on March 25, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-295 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 4.69 miles of 4-inch loop pipeline in Vernon Parish, Louisiana, and for permission and approval to abandon a 220 horsepower compressor, also situated in Vernon Parish, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Applicant proposes to construct and operate a 4-inch loop line which would be installed parallel with Applicant's existing 4-inch pipeline serving Leesville and Hornbeck, Louisiana, commencing at a point south of Leesville, extending southerly and looping the remaining portion of the said existing 4-inch line.

Additionally, Applicant requests permission to abandon its existing Leesville Compressor Station, which is located in Section 35, Township 1 North, Range 9 West, Vernon Parish, Louisiana.

Applicant states that the existing 4-inch Leesville line cannot maintain adequate peak hour service to Applicant's customers in Leesville and Hornbeck without fully utilizing the available horsepower of the Leesville Compressor Station. Applicant asserts that installation of the proposed loop line would enable it to meet the current and future deliverability requirements of its customers served by the Leesville line without the need for the Leesville compressor. Applicant further asserts that the loop line would provide greater reliability than the existing compressor can provide, without incurring the additional expense of maintenance costs, it is said.

The estimated cost of the proposed loop line is $496,000 which cost would be financed from Applicant's funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permissiona and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11192 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

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the recovery of increases in the cost of gas and of unrecovered purchased gas cost. Western further states the proposed Purchase Gas Cost Adjustment for the Northern Division is 15.79 cents per Mcf. The proposed surcharge adjustment is 8.93 cents per Mcf for the Northern Division and <11.52> cents per Mcf for the Southern Division; the surcharge adjustments will only be effective over the six-month period May 1, 1980 through October 31, 1980.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C., 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Wester's filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11193 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1461-4; OPTS-51049]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by May 18, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the

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[Docket No. TA80-2-52 (PGA80-2)]

Western Gas Interstate Co.; Proposed PGA Rate adjustment

April 7, 1980.

Take notice that on Mar. 31, 1980, Western Gas Interstate Company ("Western") filed herein Fourteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on May1, 1980.

Western states the proposed increase in rates is being filed in accordance with its Tariff's PGA clause which permits

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chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, Summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before May 18, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticide and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The Comments are to be identified with the document control number "[OPTS–51049]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 8, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80–60.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of butyl acrylate, 2-hydroxyethyl acrylate, methyl acrylate, and methyl methacrylate.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Overprint coating.

Production Estimates.

Production year	Kilograms	
	Minimum	Maximum
July 1980–June 1981	10,000	150,000
July 1980–June 1982	20,000	200,000
July 1982–June 1983	40,000	400,000

Physical/Chemical Properties

Percent Solids	45 percent.
pH	8.0.
Viscosity	200 cps.
Density	1.05.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 52,000.

Toxicity Data

All reactive monomers	LD_{50} (rat) [1]	PEL [2] (ppm)	TWAE [3] (ppm)	TLV [5] (ppm)
Methyl methacrylate.	Intraperitoneal 1,328 mg/kg.	*100		
Methyl acrylate.	Oral-300 mg/kg		10	
Butyl acrylate	Oral-3,730 mg/kg			10
2-Hydroxyethyl acrylate.	Oral-850 mg/kg		5	

[1] LD_{50} values are from the 1978 National Institute of Occupational Safety Hazard Registry of Toxic Effects.
[2] Permissible exposure limit.
[3] Time weighted average exposure recommended by manufacturer.
[4] Part per million.
[5] Threshold limit value.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	6	1	90	0–1 mg/m³	1–10 mg/m³

Occupational.

The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Processing	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Disposal	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	1,000/10,000 kg/yr.

Wetted polymer is retained in holding tank then landfilled by an outside source in accordance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10/100 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

PMN 80–59.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of methyl methacrylate, methyl acrylate, styrene, 2-ethylhexyl acrylate, and 2-hydroxyethyl acrylate.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Overprinting coatings.

Production Estimates

Production year	Kilograms	
	Minimum	Maximum
First year, July 1980	20,000	250,000
Second year, July 1981	40,000	400,000
Third year, July 1982	45,000	450,000

Physical/Chemical Properties

Percent solids	45 percent.
ph	2.5.
Viscosity	250 cps.
Density	1.050.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 100,000.

Toxicity data

All reactive monomers	LD_{50} (rat)	PEL (PPM)	TWAE (PPM)
Methyl methacrylate	Intraperitoneal 1,328 mg/kg.	100	
Methylacrylate	Oral-300 mg/kg	10	
Styrene	Oral-5,000 mg/kg	100	

Toxicity data—Continued

All reactive monomers	LD_{50} (rat)	PEL (PPM)	TWAE (PPM)
2-Ethylhexyl acrylate	Oral-5,660 mg/kg		5
2-Hydroxyethyl acrylate.	Oral-850 mg/kg		5

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	6	1	90	0–1 mg/m³	1–10 mg/m³

Occupational.The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Processing	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Disposal	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10–10,000 kg/yr.

Wetted polymer is retained in holding tank then landfiled by an outside source in accordance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10 kg/yr
Land	10–10,000 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

PMN 80–61.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylonitrile, butyl acrylate, methyl acrylate, and 2-hydroxyethyl acrylate.

Date. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. The substance will be used as laminating adhesive (50% of production) and as let down vehicle (ink) (50% of production).

Production Estimates

Production year	Kilograms	
	Minimum	Maximum
July 1980–June 1981	10,000	150,000
July 1981–June 1982	20,000	200,000
July 1982–June 1983	40,000	400,000

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Physical/Chemical Properties

Percent Solids	46 percent.
pH	3.
Viscosity	450 cps.
Density	1.04.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 400,000.

Toxicity Data

All reactive monomers	LD_{50} (rat)	PEL (ppm)	TWAE (ppm)	TLV (ppm)
Butyl acrylate	Oral-3,730 mg/kg			10
Methyl acrylate	Oral-300 mg/kg		10	
Acrylonitrile	Oral-82 mg/kg2		2	
2-Hydroxyethyl acrylate	Oral-650 mg/kg			5

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration Hour/day	Maximum duration Day/year	Concentration Average	Concentration Peak
Manufacturing	Dermal	6	1	90	0–1 mg/m³	1–10 mg/m³

Occupational. The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration Hour/day	Maximum duration Day/year	Concentration Average	Concentration Peak
Processing	Dermal	2	1	90	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physcial states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Activity	Exposure route	Maximum number exposed	Maximum duration Hour/day	Maximum duration Day/year	Concentration Average	Concentration Peak
Disposal	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	1,000–10,000 kg/yr.

Wetted polymer is retained in holding tank then landfilled by an outside source in accorance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10–100 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

[FR Doc. 80-11105 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-1; OPP-50472]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicants under the Federal Insecticide, Fungicide, and Rodenticide Act. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 239–EUP–78. Chevron Chemical Co., Richmond, CA 94804. This experimental use permit allows the use of 16,000 pounds of the herbicide thiobencarb on rice to evaluate control of barnyard grass and sprangletop. A total of 4,000 acres are involved. This program is authorized only in the State of California. The experimental use permit is effective from March 21, 1980 to June 30, 1981. A temporary tolerance for residues of the active ingredient and its metabolite 4-chlorobenzyl methylsulfone in or on rice grain has been established. (PM–23, Willa Y. Garner, Room: E–351, Telephone: 202/755–1397)

No. 201–EUP–58. Shell Oil Co., Washington, D.C. 20036. This experimental use permit allows the use of 224 pounds of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methyl-ethyl)benzeneacetate to evaluate control of pear psylla, codling moth, pear slug, pear rust mite, and leafrollers on pears. A total of 150 acres are involved. The program is authorized only in the States of California, Michigan, New York, Oregon, Pennsylvania, and Washington. The experimental use permit is effective from March 21, 1980 to March 21, 1981. A temporary tolerance for residues of the active ingredient in or on pears has been established. (PM–17, Franklin D. R. Gee, Room: E–341, Telephone: 202/426–9417)

Persons wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: April 4, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-11107 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-3; OPP-30177]

Receipt of Applications To Register Pesticide Products Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Applications have been submitted to the EPA to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products.

SUPPLEMENTARY INFORMATION: Notice of approval or denial of the applications to register these pesticide products will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

COMMENTS/INQUIRIES: Interested persons are invited to submit written comments on these applications. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, or by telephone at the numbers cited. The comments must be received within 30 days from the date of application of this notice in the **Federal Register** (May 14, 1980) and should bear a notation indicating the EPA file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The labels furnished by the applicants, as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

Dated: April 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Applications Received

EPA File Symbol 3125–GEA. Mobay Chemical Corp., Agricultural Chemicals Div., P.O. Box 4913, Kansas City, MO 64120. Amaze technical. Active Ingredient: 2-[[ethoxyl[(1-methylethyl)amino] phosphinothioyl]oxy]benzoate 90%. Application proposes that this pesticide be used in insecticide formulations only. PM16 Mr. William Miller, Room E–343 (202—426–0458).

EPA File Symbol 3125–GEE. Mobay Chemical Corp. Amaze 6 emulsifiable insecticide. Active Ingredient: 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy]-b

enzoate 66%. Application proposes that this product be classified for restricted use to control corn rootworm on corn. PM16. Mr. William Miller, Room E–343 (202–426–9458).

EPA File Symbol 3125–GEU. Mobay Chemical Corp. Amaze 20% granular. Active ingredient: 1-methylethyl 2-[[ethoxyl[(1methylethyl) amino]phosphinothioyl]oxy]benzoate 20%. Application proposes that this product be classified for general use on corn to control corn rootworm and on turf grasses to control Japanese beetle larvae. PM16. Mr. William Miller, Room E–343 (202–426–9458).

EPA File Symbol 3125–GEG. Mobay Chemical Corp. Amaze 15% granular. Active ingredient: 1-methylethyl 2-[[ethoxyl[(1-methylethyl) amino]phosphinothioyl]oxy]benzoate 15%. Application proposes that this product be classified for general use on corn to control corn rootworm and on turf grasses to control Japanese beetle larvae. PM16. Mr. William Miller, Room E–343 (202–426–9458).

[FR Doc. 80-11106 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1460-6]

Science Advisory Board, Environmental Measurements Committee; Open Meeting

As required by Pub. L. 92–463, notice is hereby given that a meeting of the Environmental Measurement Committee of the Science Advisory Board will be held on April 30 and May 1, beginning at 8:30 a.m. and on May 2, 1980, beginning at 10:30 a.m. The meeting will be held in Conference Room 107 of the Environmental Research Center, 26 West St. Clair, Cincinnati, Ohio. The Committee is meeting to review programs of the Environmental Monitoring and Support Laboratory at the Environmental Research Center, particularly those in the areas of water physical, chemical and biological methods of measurement, quality assurance and instrumentation development.

The meeting is open to the public. Anyone wishing to attend, participate, or obtain information should contact Ms. Lindeke Trumbly, Staff Assistant or Dr. Douglas Seba, Executive Secretary, Environmental Measurements Committee, at (202) 472–9444 by April 23, 1980.

Richard M. Dowd,

Staff Director, Science Advisory Board.

April 2, 1980.

[FR Doc. 80-11102 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-5; FP 6G1836/T231]

2-(M-Chlorophenoxy) Propionic Acid; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the renewal of temporary tolerances for residues of the plant growth regulator 2-(*m*-chlorophenoxy) propionic acid on certain raw agricultural commodities at various tolerance levels. The renewal was requested by Union Carbide Agricultural Products Co.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM) 23, (TS–767), Room 351, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460, 202–755–1397.

SUPPLEMENTARY INFORMATION: On April 13, 1978, the Environmental Protection Agency (EPA) announced (43 FR 15467) the establishment of temporary tolerances for residues of the plant growth regulator 2-(*m*-chlorophenoxy) propionic acid in or on the raw agricultural commodity pineapples (fresh fruit only) at 0.3 part per million (ppm). This tolerance was established in response to a pesticide petition (PP 6G1836) submitted by Amchem Products, Inc., Brookside Ave., Ambler, PA 19002, under provisions of the Federal Food, Drug, and Cosmetic Act.

Subsequently, the petitioner amended the petition by adding temporary tolerances for residues of the subject pesticide in or on the raw agricultural commodities pineapple fodder and pineapple forage at 0.2 ppm; the kidneys of cattle, goats, hogs, horses, and the

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meat, fat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, and sheep at 0.04 ppm. The original and amended tolerances expired November 2, 1979.

Union Carbide Agricultural Products Co., Brookside Ave., Ambler, PA 19002, requested a two-year renewal of these temporary tolerances both to permit the continued testing to obtain additional data to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 264–EUP–52 that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide Agricultural Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire February 20, 1982. Residues not in excess of 0.3 ppm remaining in or on pineapples (fresh fruit only); 0.2 ppm remaining in pineapple fodder and forage; 0.4 ppm remaining in the kidneys of cattle, goats, hogs, horses, and sheep; and 0.04 ppm remaining in the meat, fat, and meat byproducts (except kidneys) after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Willa Garner at the above address.

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: April 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11104 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-6; 8 OP-4]

Union Carbide Corp.; Filing of Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Union Carbide Corp. has submitted a pesticide petition proposing to amend 21 CFR Part 193 by establishing a tolerance for residues of aldicarb in or on dried raisins at 0.8 part per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Mitchell, Product Manager (PM–12), (TS–767), Room E–355, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202–426–2635.

COMMENTS: Comments submitted should bear a notation indicating the petition number "FAP OH5251". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

SUPPLEMENTARY INFORMATION: Union Carbide Corp., Bay Meadows Way, Jacksonville, FL 32216, has submitted a food additive petition (FAP OH5251) proposing that 21 CFR 193 be amended by establishing a tolerance for the combined residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)-oxime) and its cholinesterase-inhibiting metab-

olites 2-methyl 2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)-oxime and 2-methyl-2-(methylsulfonyl)pro-

pionaldehyde *O*-(methylcarbamoyl)-oxime in or on the processed food dried raisins at 0.8 ppm as a result of application of aldicarb to growing grapes. This action is being taken under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11103 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–615–DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of California (FEMA–615–DR), dated February 21, 1980, and related determinations.

DATED: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: The Notice of a major disaster for the State of California dated February 21, 1980, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 21, 1980.

Santa Cruz County has been designated for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-11100 Filed 4-11-80; 8:45 am]

BILLING CODE 6718-01-M

U.S. Fire Administration

USFA Project FIRES to Field Test Improved Firefighter Protective Clothing

The U.S. Fire Administration has authorized grants in the amount not to exceed $150K total to be dispersed among ten fire departments throughout the Nation to field test and evaluate improved protective clothing.

The need for improved firefighters protective clothing has been expressed by the fire service for many years. The firefighter's primary defense against death and injury is his personal protective equipment. The present turnout gear has been in use for years and is inadequate in many aspects.

Approximately one year after the formation of the Fire Administration, the USFA in cooperation with NASA entered into a program for the design, development, fabrication, field test and evaluation of improved firefighers personal protective clothing and equipment.

In order to avoid the problems experienced by using a piecemeal approach in the development of new equipment, a philosophy of integration was adopted from the initiation of the project. The project's name, FIRES, which is an acronym for Firefighters Integrated Response Equipment System, emphasizes the fact that a systematic integration approach would be taken to develop a total protective envelope.

From its inception, the project staff has been assisted by members of the fire service through the active participation of a User Requirements Committee (URC). The Committee membership is composed of firefighters, fire chiefs, volunteers, instructors, city managers and fire department safety personnel from across the country.

With the assistance of the URC members a set of requirements for personal protective clothing and equipment were established. The results were then translated into performance standards which included physical and human factors, test methodology and procedures. The standard includes performance criteria for a totally integrated personal protective system.

Existing turnout gear was tested and evaluated against the performance requirements to determine which existing items or features were suitable for inclusion in an improved system and areas where improvements were required.

Design and manufacturing specifications were developed for an integrated protective clothing system that would answer the needs of the fire service, using existing technology, while still staying within the limits of costs which municipal fire departments could reasonably be expected to afford.

Working with the protective clothing industry, the USFA/NASA project team has fabricated a number of ensembles meeting the established design and manufacturing specifications. Laboratory and simulated fireground tests were conducted on the suits to ensure that the performance criteria were being sustained.

To further stimulate the orderly transfer of the technology developed during the earlier phases of the project, industry briefings have been scheduled to allow for the first-hand dissemination of the performance standards and specifications to all of the potential suppliers of the improved protective clothing.

Plans have been developed for the continuation of the project which will include field tests and evaluation of improved protective clothing ensembles in selected fire departments across the country. It is intended that the USFA will award grants to as many as ten fire districts to purchase and field test protective clothing fabricated according to the standards and specifications developed under the earlier phases of the project. Grants will be awarded to those fire departments which will allow for the most representative evaluation of the field test ensembles, and the evaluation criteria will be structured to realize this goal. In addition, to continue with our original objective of involving the whole fire service community in this project, awards consideration will include the cooperative participation of fire department management and labor, and the community administration.

USFA is now interested in hearing from Fire Departments willing to participate in the field test process. All letters of interest should be addressed to the U.S. Fire Administrator, Gordon Vickery, not later than April 30, 1980.

Address: Gordon Vickery, Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Questions: Refer to Andrew Sears, National Fire Data Center, U.S. Fire Administration, 202/632–7195.

Dated: April 3, 1980.

Gordon Vickery,

Administrator.

[FR Doc. 80-11099 Filed 4-11-80; 8:45 am]

BILLING CODE 6718-04-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10159–9.

Filing party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 10159–9 modifies the basic agreement of the American West African Freight Conference Rationalization Agreement to provide that assessments shall be made periodically against each party to defray the operating and capital costs of managing pier(s) and/or other berthing facilities allocated to the Agreement.

Agreement No. 10374.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, NW, Washington, D.C. 20036.

Summary: Agreement No. 10374, among Hapag-Lloyd Aktiengesellschaft, Intercontinental Transport-(ICT) B.V. and Compagnie Generale Maritime, provides for the establishment of a coordinated service for the transportation of containerized cargo in the trade between U.S. ports on the Gulf and South Atlantic Coasts, and ports in Europe (including the United Kingdom, Eire, Scandinavia and the Baltic), excluding the Mediterranean. The agreement provides that: (1) The vessels used in the service will not carry cargo in containers in excess of 800 TEU's, on a weekly basis, in each direction; (2) the parties will ship loaded and empty containers on vessels it operates and on vessels operated by the other parties; (3) each party will issue its own bill of lading to shippers, but the parties will establish and maintain a uniform form of bill of lading; (4) there will be no pooling of revenues or sharing of operational expenses with respect to the service, however, the parties may share administrative expenses; (5) LASH barges, empty cargo containers and/or related equipment may be interchanged among the parties, subject to mutually acceptable terms and conditions.

Agreement No. 10374–1

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800

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Massachusetts Avenue, N.W., Washington, D.C. 20036

Summary: Agreement No. 10374–1, among Hapag–Lloyd Aktiengesellschaft, Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime, amends the basic agreement described above. The purpose of the amendment is to clarify the ability of the parties to charter vessels for use in the trade.

Agreement No. 10386

Filing party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Seccion "B", Lavalle 361–8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10386, by and among Empresa Lineas Maritimas Argentinas S.A.; A. Bottacchi S.A. de Navegacion C.F.I.I.; Moore McCormack Lines, Inc.; Sea-Land Service, Inc.; Companhia de Navegacao Lloyd Brasileiro; A/S Ivarans Rederi (Ivarans); Van Nievelt, Goudriaan & Co., b.v.; Montemar S.A. Comercial y Maritima and Reefer Express Lines Pty., Ltd., is a cargo revenue pooling and sailing agreement in the northbound trade from Argentine ports within the La Plata/Rosario range to the U.S. East Coast ports from Key West, Florida to Portland, Maine. The agreement sets forth the participants' pool share and required minimum sailings in the applicable trade. The agreement will be effective upon approval by the respective government maritime authorities and shall remain in effect through December 31, 1983. Agreement No. 10386 is intended to supersede Agreement No. 10349. Ivarans, though designated as a participating carrier in the agreement, did not sign the agreement.

Agreement No. 10386–1

Filing party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Seccion "B", Lavalle 361–8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10386–1, among A. Bottacchi S.A. de Navegacion C.F.I.I.; Companhia de Navegacao Lloyd Brasileiro; Empresa Lineas Maritimas Argentinas S.A.; Montemar S.A. Comercial y Maritima; Moore McCormack Lines, Inc.; Reefer Express Lines Pty., Ltd. and Sea-Land Service, Inc., provides for the reservation of a nine percent pool share quota for A/S Ivarans Rederi (Ivarans), should Ivarans agree to become a party to Agreement No. 10386. Said pool share quota is temporarily allocated to the national- and nonnational-flag signatory lines on a pro rata basis.

Dated: April 9, 1980.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80–11216 Filed 4–11–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Adrian Building Corp.; Formation of Bank Holding Company

Adrian Building Corporation, Adrian, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82 percent or more of the voting shares of Adrian State Bank, Adrian, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11207 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Chase Financial Services, Inc.; Formation of Bank Holding Company

Chase Financial Services, Inc., Chase, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Rice County State Bank, Chase Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11204 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Crofton State Co.; Formation of Bank Holding Company

Crofton State Company, Crofton, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of Crofton State Bank, Crofton, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to Reserve Bank, to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11205 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Hope Bank Holding Co.; Formation of Bank Holding Company

Hope Bank Holding Company, Hope, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of First State Bank of Hope, Hope, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11206 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Isensee Corp.; Formation of Bank Holding Company

Isensee Corporation, Naples, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 50 percent or more of the voting shares of First National Bank of Englewood, Englewood, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than May 5, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11203 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Manufacturers Hanover Co.; Proposed Expansion of Underwriting Activities

Manufacturers Hanover Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(c)), for permission to expand its underwriting activities engaged in by its indirect subsidiary, Ritter Life Insurance Company.

Applicant states that its subsidiary would engage in the reinsurance of credit life insurance sold by subsidiaries of its subsidiary, Ritter Financial Corporation, in connection with extensions of credit by them. The reinsurance activities would relate to insurance sold through the offices listed below, which serve the counties in which they are located and portions of certain contiguous counties: (1) Indiana: North Vernon, Salem, Franklin, Linton, Greensburg, Corydon, Mitchell and Boonville; (2) Kentucky: Georgetown, Lawrenceburg, Louisville and Nicholasville; (3) Maryland: LaVale and Pocomoke City. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing , and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

FR Doc. 80–11200 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Nobles Agency, Inc.; Approval To Engage in Insurance Activities

Nobles Agency, Inc., Brewster, Minnesota, doing business as Brewster Agency, Inc., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activities of operating a general insurance agency in a community of less than 5,000. These activities would be performed from offices located in Brewster, Minnesota, and the geographic areas to be served is the area within a radius of about 6–7 miles of the office in Brewster, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11201 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Orbanco, Inc.; Acquisition of Bank

Orbanco, Inc., Portland, Oregon, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Southern Oregon State Bank, Grants Pass, Oregon. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation

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would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11202 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Ray County Bancshares, Inc.; Formation of Bank Holding Company

Ray County Bancshares, Inc., Hardin, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Hardin State Bank, Hardin, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11206 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Oglethorpe Power Co.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Oglethorpe Power Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of the Southern Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 2, 1980.

FOR FURTHER INFORMATION CONTACT:

Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-11212 Filed 4-11-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

Correction

In FR Doc. 80-10026 appearing on page 21711 in the issue of Wednesday, April 2, 1980, make the following changes to the list of High Rate Geographical Areas on page 21711, third column:

1. In the heading, "HRG's" should have read "HRGA's".

2. In the second line, "Annapolis, MI" should have read "Ann Arbor, MI".

On page 21712, first column, make the following changes in the list of HRGA allowance changes:

1. The first entry should have read "Akron, OH".

2. The 24th entry should have read "Eatontown, NJ" instead of "Eastown, NJ".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Mine Health Research Advisory Committee Annual Report; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Public Law 92-463 (5 U.S.C. Appendix I), the fiscal year 1979 annual report for the following Federal advisory committee utilized by the Center for Disease Control has been filed with the Library of Congress:

Mine Health Research Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C. (telephone: 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m., copies will be available for inspection at the Department of Health, Education, and Welfare, Department Library, HEW North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. (telephone: 202/245-6791).

Dated: April 4, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11144 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Immunization Practices Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), 5 U.S.C. Appendix I, the Center for Disease Control announces the renewal of the Immunization Practices Advisory Committee by the Secretary of Health, Education, and Welfare, with the concurrence of the General Services Administration.

This committee provides advice and guidance to the Department of HEW regarding the most appropriate application of antigens and related agents (e.g., vaccines, antisera, immune globulins) for effective disease control in the civilian population. Additionally, the committee reviews and reports regularly on immunization practices and recommends improvements in the national immunization efforts.

Authority for the Immunization Practices Advisory Committee will expire April 1, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 4, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11143 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 5-6, 1980.

Place: Room B-19, Building 3, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: J. Donald Millar, M.D., Executive Secretary of Committee, Building 1, Room 2047, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Phone: Commercial 404/329-3701, FTS 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will discuss some emerging issues in measles, adult immunization, and adverse reaction surveillance; it will review a proposed revised recommendation on smallpox vaccine in view of worldwide eradication of the disease; on influenza it will hear reports on vaccine formulation recommendations of an interagency work group and on vaccine efficacy, virus surveillance, morbidity and mortality (including Reye Syndrome); it will formulate its recommendation on vaccine usage for the 1980-81 influenza season. On May 6, the Committee will consider a proposed revision of its recommendation on immune globulins for protection against viral hepatitis. Recent activity, including surveillance, in connection with other diseases may be reviewed as appropriate or relevant.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 8, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11145 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Final Maximum Allowable Cost Determination; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of Final Notice.

SUMMARY: This document corrects an omission to the final notice published in the **Federal Register** on February 14, 1980 (45 FR 10032) on final maximum allowable cost determinations, hydralazine HCl, 25 and 50 mg tablets. That notice inadvertently omitted a Food and Drug Administration report on hydralazine, which we intended to include as an Appendix.

EFFECTIVE DATE: The cost limits became effective on March 31, 1980.

FOR FURTHER INFORMATION, CONTACT:

Joel J. Schaer, 301-594-9635.

Dated: April 7, 1980.

Leonard Schafer,

Administrator Health Care Financing Administration.

Appendix

Date: August 6, 1979.

To: Chairman, Pharmaceutical Reimbursement Board, Health Care Financing Administration.

From: Director, Bureau of Drugs, Food, and Drug Administration.

Subject: Report to the Board on Investigation of Alleged Therapeutic Failures of Hydralazine.

As the Board requested at the May 30 hearing concerning CIBA-GEIGY's supplemental statement alleging therapeutic failures of generic hydralazine tablets at Carswell Air Force Base, we have conducted a thorough investigation of the charges. Our complete files on this investigation are attached to this memorandum. Investigators from our Dallas Field Office visited Carswell Air Force Base and interviewed the reporting physician; investigators from our Baltimore Field Office interviewed members of the Pharmaceutics and Therapeutics Committee at Andrews Air Force Base hospital; and samples of the suspect lots were analyzed in FDA laboratories.

It is clear that the allegations made by CIBA-GEIGY in their supplemental statement of May 29 and the affidavit of Henry C. Kirsch, also of May 29, are not substantiated by this investigation. At the hearing the representatives of Ciba-Geigy promised a full report of their information to the FDA, but declined to release their "report" to the Board because they wished to protect the confidentiality of the reporting physician. Subsequently, the identify of the physician has become public knowledge and Ciba-Geigy's only report, which consists of a brief letter dated May 29 to Dr. Jones of the Bureau of Drugs, is attached.

I have personally reviewed the case reports from the Carswell Air Force Base hospital. The data show only one occasion in one patient when the blood pressure increased significantly in association with the use of generic hydralazine—the May 14, 1979 office visit of patient 1-e (erroneously typed as 1-3 in the investigator's report of June 12, 1979). The blood pressure changes in all other patients are either typical of the variation that occurs from day to day in hypertensive patients or are not correlated in time with the use of any particular brand of hydralazine. In patient 1-e the isolated blood pressure increase found on May 14, 1979 was under control again on May 18, 1979. While the cause of this transient increase is unknown, such changes are not infrequent in hypertensive patients. One such episode in one patient cannot reasonably be taken as evidence of "therapeutic failure," especially when the product is apparently working in many other patients in the same clinic.

Our conclusion is that Ciba-Geigy's allegation of therapeutic failure in this instance is wholly unsubstantiated. In fact, the record suggests that a Ciba-Geigy sales representative sowed the seeds of discontent over generic hydralazine at Carswell Air Force Base by suggesting to the medical staff that the generic product may not be bioavailable. Ciba-Geigy then simply reported to alleged occurrence of therapeutic failures without any serious evaluation of the evidence. The net effort was to thrust the burden of investigating the situation onto the taxpayers and to take advantage of the administrative process for establishing a MAC.

My understanding is that the Board may wish to discuss how best to handle eleventh-hour submissions, with the intent of separating those that may have merit from those that are frivolous and derive from a failure of corporate responsibility. We will be pleased to cooperate with the Board in developing an approach to this problem.

Because the charges of therapeutic inequivalence of hydralazine were found unsupportable, we see no reason for any further delay in the MAC setting process on this drug.

J. Richard, Crout, M.D.

Date: July 17, 1979.

To: Director, Bureau of Drugs, HFD-1.

From: Director, Division of Drug Product Quality, HFD-330.

Subject: Investigations of Allegations Made by Henry C. Kirsch, of Ciba-Geigy, May 29, 1979 to the MAC Board.

This is a summary report of the investigations made by the Food and Drug Administration into the allegations in the affidavit filed by Henry C. Kirsch, Ciba-Geigy Corporation, on May 29, 1979 filed with Ciba-Geigy's supplemental statement to the MAC Board. The Affidavit alleged: (1) that therapeutic failures occurred at Carswell Air Force Base (CAFB) which reflected on the quality of Lemmon's hydralazine tablets, and (2) that therapeutic failures occurred at Carswell Air Force Base (CAFB) which for similar reasons, Andrews Air Force Base had discontinued the use of Lemmon's hydralazine.

The FDA investigation at Carswell Air Force Base disclosed that the base pharmacy began dispensing Lemmon's 25 mg

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hydralazine tablets in mid-February 1979, and halted in the 3rd week of May 1979. Approximately 69,000 tablets were dispensed to an estimated 500 to 600 out patients.

Dr. X is the only physician (of 7–10 treating hypertensive patients in the clinic) who reported observing lack of effectiveness to DPSC and to the Ciba-Geigy representative, Mr. George French. He produced 5 case histories for the investigator (not 6 as charged in the affidavit). When the FDA investigator discussed the details of the five case histories with Dr. X, he (Dr. X) stated that these were poor examples of product failure. In fact a close examination of the medications prescribed suggests that generic Hydralazine was sparingly prescribed by Dr. X. In most instances Apresoline 50 mg was prescribed, and in such circumstances the base pharmacy dispensed only the Apresoline 50 mg tablets. (They did not dispense 2×25 mg generic Hydralazine Tablets). The Base pharmacy had continued to stock and dispense Apresoline 50 mg concurrently with Lemmon's Hydralazine 25 mg tablets. Dr. X also reported that he had observed more significant deficiencies in other products which he had not reported as deficiencies.

A review of the five medical records by the Division of Drug Experience indicated that all patients were on multi-drug regimens, using a combination of Inderal, Lasix, Hygroton, Aldactone, Minipress, Hydrochlorothiazide, and Slow-K along with Apresoline or generic Hydralazine. There is no clear way in which a report of ineffectiveness can be substantiated. Chart summaries and graphs constructed from the medical records (attachment 1) suggest the following:

A. In light of the intrinsic variable nature of hypertension, there are actually too few readings at too infrequent intervals on most of these patients to make any clear judgment as to effectiveness or lack thereof of any of these drugs with the possible exception of the short period on patient 1(a).

B. In all of the cases, there were changes in several of the medications, dose and frequency, which would make it very difficult to make any attribution ot one particular product.

C. The records themselves are very brief and many entries appear to be made by the assistant (nurse/practitioner or corpsman) and countersigned by Dr. X suggesting no continuity of surveillance allowing this type of judgment.

D. In two or more of the cases there was the tendency to switch one or more medications at many visits, such that again no definite impression of therapeutic effectiveness or lack thereof could be clearly made.

E. There is no indication on the chart as to the presence or absence of patient compliance. This factor alone would tend to neutralize any pharmacological evaluation.

Our investigation further uncovered that when Mr. French, the Ciba-Geigy representative, learned that generic Hydralazine tablets were stocked at CAFB, he suggested to Dr. X that the Base could still acquire Apresoline through the VA depot, and he proved a telephone contact. The CAFB did not procure Apresoline 25 mg from the VA because DPSC advised against doing so.

Also during his visits of CAFB Mr. French suggested to Dr. X that Lemmon's Hydralazine tablets may lack the bioavailability of Ciba-Geigy's Apresoline. He gave him promotional material (attachment 2) on the bioavailability of Apresoline (hydralazine) and Apresoline-Esidrix (hydralazine HCl and hydrochlorothiazide).

During one of his visits the Ciba-Geigy representative had also discussed cost factors at CAFB and indicated to Major Bolerjact, Officer-in-Charge, Pharmacy, that in future Apresoline will probably come into the DOD system at $5.00 below the generic product. (Lemmon's contract expires in July 1979).

In mid-May the dispensing of the generic Hydralazine product was discontinued because of Dr. X's recommendation and CAFB purchased Apresoline 25 mg on a direct (purchase) basis. Subsequently and report of ineffectiveness with Lemmon's Hydralazine 25 mg tablets was filed (DPSC complaint was dated May 25, 1979).

Ciba-Geigy also claimed in their supplemental statement that the Pharmaceutics and Therapeutics Committee at Andrews AFB (AAFB) had express concern over the quality of the depot-supplied Lemmon product and had decided to discontinue its use in favor of Apresoline purchased from local wholesalers, FDA interviews with professional personnel indicated that there were no incidents of problems with Lemmon's Hydralazine Tablets. Also the base complaint-file had no reports of problems with hydralazine.

Our investigations revealed that Ciba-Geigy representative had approached Major Selle, Capt. Gerald Merritt with regard to bioavailability data. Capt. Merritt also referred him to Major William H. Stigelman their Chairman of the Department of Pharmacy and member of the base Pharmacy and Therapeutic Committee. We also learned that drug representatives are allowed to assemble displays of drug products in the hospital. Maj. Selle indicated these representatives pushed the brand name products over the generic product to the hospital doctors and enlisted personnel. In fact he added "He (drug firm representative) is not supposed to go to the Doctor's Offices. but they do". Capt. Merritt remembers that Ciba-Geigy representatives asked permission (about 3 weeks before June 15), to use the minutes of the Pharmacy and Therapeutics Committee meeting (attachment 3) in a company publication. The permission was denied.

According to the minutes, the Pharmacy and Therapeutics Committee chose to purchase Apresoline, and three other brand name drug products in place of the generic equivalents for the following reasons:

a. No bioavailability data available (to the staff) for the generic product.

b. Confusion to the patient and staff due to differences in size, color, etc., for the generic product.

c. No manufacturer's guarantee of legal support, should efficacy or adverse reaction problems arise for the generic product.

d. No company representatives with the generic product.

e. No manufacturers services such as resolving difficult questions giving toxicity data and the like.

The Pharmacy and Therapeutics Committee also considered cost factor. They concluded that there is no cost advantage to the generic product as compared to the brand name product. According to the P & T Committee minutes and Maj. Selle, the AFB is able to purchase Apresoline from the VA supply depot for less than they can purchase the generic product from the Air Force Depot.

As part of this investigation, our Philadelphia office inspected Lemmon Pharmacal Company. They found nothing that would have an effect on setting a MAC. In addition analysis of samples collected from the reported "ineffective" lots showed them to meet the compendial standards (attachment 4).

Based on the results of our investigations, we conclude that there is no support for any of the allegations made in Ciba-Geigy's supplemental submissions.

J. Joseph Belson.

[FR Doc. 80-11221 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-35-M

National Professional Standards Review Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and time: May 12, 1980 (10:00 a.m. to 5:00 p.m.); May 13, 1980 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), HEW North Building 330 Independence Avenue, SW., Washington, D.C.

Purpose of meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On April 28, 1980 a tentative agenda will be available to the public.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 5329–S, Switzer Building, 330 "C" Street, SW., Washington, D.C. 20201 (202) 245–0348.

Dated: April 8, 1980.

Cleo E. Hancock, Jr.,

Staff Director, National Professional Standards Review Council.

[FR Doc. 80-11220 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-35-M

Office of Human Development Services

[Program Announcement No. 13628–804]

Demonstration Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of Human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of Availability of Grant Funds for Demonstration Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for demonstration grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is July 3, 1980.

Scope of This Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to demonstration grants authorized by Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse.* A description of this program was published for comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this demonstration program is to test approaches to the prevention of child sexual abuse through programs of education for school-age children.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

1. To design and implement educational programs for school-age children which are aimed at helping to prevent or reduce the occurrence of child sexual abuse by increasing awareness of the problem and its consequences;

2. Within the context of specific program models, to develop and test methods of imparting information to children concerning the causes, symptoms, warning signals and behavior associated with sexual abuse and assault, as well as techniques for dealing with and avoiding sexually abusive situations and information on where to go for help;

3. To develop education/prevention program models which can be adapted to reach children of all ages and which can be tested on diverse populations such as inner city, rural, minority, and handicapped;

4. To demonstrate ways of gaining the acceptance and cooperation of school systems and/or other organizations with access to large numbers of children in implementing and institutionalizing educational prevention programs of this type;

5. To develop and test materials, curricula and/or teaching aids which can be used by other programs to replicate these demonstration efforts;

6. To define and test various elements of successful program implementation, such as numbers and ages of children being worked with at one time, length of time needed to impart necessary information, educational and/or intellectual skills level being addressed, and quality of the educational/training experience; and

7. To work closely with local child protection agencies and any available sexual abuse treatment programs to insure that local investigation and treatment resources are sufficient to meet the needs created by any case finding which may occur during the course of the education/prevention programs.

Applications are also solicited from programs which have already gained some experience in implementing child sexual abuse educational prevention programs and which reflect the objectives listed above, plus the following additional objectives:

8. To provide orientation and supporting information to the other education/prevention projects in order to share the benefits of experience and expertise which have already been acquired; and

9. To design and implement, in collaboration with the other projects, a research effort which will analyze comparative data on both the process and outcome effectiveness of these projects, addressing such issues as are listed in Objective 6 above.

Eligible Applicants

Eligible applicants for these demonstration projects are public and private nonprofit organizations which can certify access to populations of school-age children in sufficient numbers to broadly test the efficacy of the program model proposed. Priority will be given to awarding grants to agencies from a variety of different auspices in order to: (1) Encourage a diversity of program models, and (2) compare accessibility and acceptance of such programs by school systems and other children's institutions for purposes of future replicability. Agencies which traditionally may not be associated with providing child protective services (such as schools, mental health agencies, rape crisis centers and voluntary organizations serving children and youth) but which have the expertise to develop a demonstration program model are encouraged to apply.

Available Funds

The Administration for Children, Youth and Families expects to award $300,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this demonstration program. It is expected that approximately three to four education/prevention project grants will be awarded for amounts of $30,000 to $50,000 each for the initial year. These projects will be supported for two years. One collaborative prevention project which will combine both demonstration and collaborative research will be awarded for an amount not to exceed $100,000 for the initial year. This project will be supported for up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget period(s) depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees are not required to provide a share of the budget for this grants program for the education/prevention projects. A five per cent share of the budget is required of the collaborative research grantee because of the significant research component of this project.

The Application Process

Availability of Forms

Application for a grant under the Demonstration Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this

purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the application may be obtained by writing to: National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 755–0587.

Application Submission

One signed original and two copies of the great application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

A–95 Notification Process

The Demonstration Projects for Child Abuse and Neglect Program is covered under the provisions of OMB Circular A–95. Applicants for grants must, prior to submission of an application, notify the State A–95 Clearinghouse of their intent to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant applications for Demonstration Prevention through Education projects will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project in terms of availability of adequate resources and facilities, and previous knowledge and/or experience in this or a related program area. Organizations applying for the Collaborative Research Project must document prior experience in developing and implementing a prevention/education project similar to the ones being solicited under this Program Annoucement. (10 points)

2. The applicant's proposed staff have or will have the knowledge, expertise and current experience in the areas of child sexual abuse, curriculum development and direct work with children and are well qualified to carry out the proposed work plan. (Proposed staff for the Collaborative Research Project should include personnel with experitse in program evaluation.) (25 points)

3. The applicant's presentation of the project's objectives, philosophical orientation, and results or benefits expected demonstrate a clear understanding of the purpose and objectives of this demonstration program. (20 points)

4. The applicant's program narrative describes a work plan which is clear, comprehensive and feasible and has the potential for attaining the project's objectives. This criterion relates to the application's work plan, scheduling of activities, content of educational curriculum and plans for utilization and dissemination of information. (For the Collaborative Research Project, this criterion also includes an evaluation plan and research design.) (35 points)

5. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (10 points)

The following criteria *must* be met in order for an application to be approved for funding:

1. The applicant organization has included formal letters of agreement from those schools, institutions or organizations which have the authority to certify access to the populations of children which the project proposes to serve during the first year of the project.

2. The applicant has included in its budget provisions for one two-day meeting in Washington, D.C., and one three-day meeting in Milwaukee, Wisconsin.

3. The applicant has certified that it will collaborate/cooperate fully with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of program evaluation and information sharing, and applicants for the prevention/education projects have certified that they will collaborate/cooperate fully with the Collaborative Research Project designated by the National Center.

4. The applicant has agreed to provide quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is July 3, 1980.

Applications may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hand-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C. or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date*, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch, Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201 13628—804.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80–11218 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–92–M

[Program Announcement No. 13628–803]

Research Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of Human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of availability of grant funds for research projects for the child abuse and neglect program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for research grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is: June 16, 1980.

Scope of this Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to research authorized under Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse*. A description of this program was published for public comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this research program is to support social scientists working in the field of the prevention and treatment of child sexual abuse in undertaking studies which address: (1) The impacts of alternative interventions in cases of intrafamily child sexual abuse, (2) the use of children in pornography and (3) intrafamily child sexual abuse.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

For Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse

1. To generate additional knowledge about the nature and effects of various approaches to intervention in cases of intrafamily child sexual abuse;

2. To examine and compare (in terms of goals, philosophies, auspice, professional discipline, theoretical orientation and procedures) the similarities, differences, advantages, disadvantages and outcomes or results of alterntive intervention programs or practices applied in cases of intrafamily child sexual abuse;

3. To examine and compare the relative impacts of various types of intervention on all members of families (especially victims) involved in cases of intrafamily child sexual abuse; and

4. To use the information generated by this research to identify for the field of research and practice issues and seek answers to key policy and programs questions regarding the most appropriate and effective interventions and procedures for cases of intrafamily child sexual abuse.

For Research on the Use of Children in Pornography

1. To enable social scientists to propose self-defined research to generate new knowledge and understanding about the problem of child pornography, contribute to the development of remedial programs and provide insights into new approaches to preventing and reducing the problem and its consequences;

2. To conduct exploratory research on (a) the nature, scope and severity of the use of children in pornography and (b) its causes and correlates;

3. To develop and test research methodologies for acquiring data on this difficult-to-asses problem which will advance the field in terms of exploring alternative approaches to gaining access to better information about child pornography; and

4. To identify key issues and research questions for the field of research and practice which require further in-depth examination.

For Field-Initiated Research on Intrafamily Child Sexual Abuse

To enable social scientists to generate new knowledge that will advance understanding of the nature of intrafamily child sexual abuse and the most effective ways to prevent and/or treat the problem.

Eligible Applicants

Eligible applicants for these research projects are public and private nonprofit organizations with the capability of carrying out the proposed research projects.

Available Funds

The Administration for Children, Youth and Families expects to award $350,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this research program.

It is expected that one grant will be awarded for *Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse* in the amount of $100,000 to $200,000 for the initial year. This project will be supported for a period of up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget periods in the amount of $150,000 to $200,000 in the second 12 months $100,000 to $200,000 in the third 12 months, depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

It is expected that one grant will be awarded for *Research on the Use of Children in Pornography* in the amount of approximately $50,000 for the initial year. This project will be supported for a period of up to two years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month period in the amount of approximately $50,000 depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

It is expected that one to three grants will be awarded for *Field-Initiated Research on Intrafamily Child Sexual Abuse* in the amount of approximately $50,000 each for the initial year. These projects will be supported for periods of up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for additional 12-month periods in the amount of approximately $50,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Each grantee is required to provide a share of the budget for this grants program. The grantee's share must be at least 5% of the total cost of the proposed project. Cash or inkind contributions may be used as the grantee's share of the cost of the project.

The Application Process

Availability of Forms

Application for a grant under the Research Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the application may be obtained by writing to: National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's

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Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 755–0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant research applications under this program will be reviewed and evaluated against the following criteria:

For Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse

1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adequate discussion of all aspects of the proposed methodology, including literature synthesis, selection of data collection sites, sampling plan, development of hypotheses, data collection, data analysis, conclusions and recommendations, ability to build upon existing knowledge, participation of service programs in research design, impingement of methodology upon the cooperating service programs, and implementation plans.

(c) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (50 points for all criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to examine a range of intervention approaches to the problems of intrafamily child sexual abuse in terms of a range of impacts). (20 points)

For Research on the Use of Children in Pornography—1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adequate discussion of all aspects of the proposed methodology, including ability to build upon existing knowledge, questions to be addressed and rationale, approaches for addressing questions, data collection, data analysis, ability to add to existing knowledge, and implementation problems.

(c) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (50 points for all of criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to conduct exploratory research covering a broad range of child pornography issues, concentrating as much on methodology development as on the formulation of answers to specific questions). (20 points)

For Field-Initiated Research on Intrafamily Child Sexual Abuse—1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adquate discussion of all aspects of the proposed methodology, including background summary, issue formulation and rationale, data acquisition plan, data analysis, ability to build upon existing knowledge, hypothesis testing and implementation problems.

(c) The methodology will produce results which are scientifically sound.

(d) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (45 points for all of criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to make an in-depth study of a specific intrafamily child sexual abuse issue). (10 points)

6. The issue to be examined by the applicant's proposed project is of major importance in increasing knowledge and understanding of intrafamily child sexual abuse. (15 points)

For all research projects under this program announcement, the following criteria must be met in order for an application to be approved for funding:

1. A clear statement assures that the project director (or principal investigator) has written the program narrative portion of the application.

2. The application, if it depends upon the accessibility of certain data sources for its implementation, includes letters of agreement from any organizations providing such necessary access to data.

3. The applicant has certified that it will collaborate/cooperate with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of project monitoring and information sharing.

4. The applicant has agreed to provide regular quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is June 16, 1980.

Applications may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hand-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C., or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date,* as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to: Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch—Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201, 13628–803.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth, and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80–11217 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–92–M

[Program Announcement No. 13628–805]

Service-Improvement Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of Availability of Grant Funds for Service Improvement Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for service improvement grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is: July 3, 1980.

Scope of this Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to service grants authorized under Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse.* A description of this program was published for public comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this service improvement program is to support communities in their efforts to substantially improve the delivery of services to victims of child sexual abuse and their families (1) through the installation of new or modified program components in existing public or private service agencies and (2) through interagency coordination among agencies having responsiblity for intervention in and treatment of intrafamily child sexual abuse.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

1. To improve the delivery of services to victims of intrafamily child sexual abuse and their families through the development of specialized intervention and treatment program components.

2. To improve the delivery of services to victims of intrafamily child sexual abuse and their families by improving and supporting coordination among agencies with responsbilities and/or resources for intervening in or treating cases of intrafamily child sexual abuse.

3. To increase knowledge and understanding about ways in which different types of agencies can develop specialized service components in order to be more responsive and improve the quality of services to families which are involved in child sexual abuse.

4. To increase knowledge and understanding about ways in which agencies with responsibilities for investigation, disposition and treatment of intrafamily child sexual abuse can better define their respective roles and coordinate their services.

5. To develop increased expertise in the field regarding methods of developing better coordination between the criminal justice system and social service systems in cases of intrafamily child sexual abuse.

Eligible Applicants

Eligible applicants for these service improvement projects are public and private nonprofit or organization which provide social, law enforcement, child protective, health, mental health or other relevant services to children and their families.

Available Funds

The Administration for Children, Youth and Families expects to award $700,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this service-improvement program). Approximately 10 grants will be awarded as a part of the service-improvement program, approximately five for *Specialized Service Projects* and approximately five for *Resource Team Projects.*

It is exepcted that five grants will be awarded for projects which will develop specialized components within a single agency or organization for dealing exclusively with cases of intrafamily child sexual abuse (referred to hereafter as *Specialized Service Projects) in amounts of approximately $50,000 each for the initial year. These projects will be supported for three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month periods in the amount of approximately $50,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.*

It is expected that five grants will be awarded for projects which will focus on coordinating the existing specialized resources of *at least three community agencies in order to improve the management of intrafamily child sexual abuse cases (referred to hereafter as Resource Team Projects)* in amounts ranging from $50,000 to $80,000 for the initial year. These projects will be

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supported for three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget periods in amounts ranging from $50,000 to $80,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees are not required to provide a share of the budget for this grants program.

The Application Process

Availability of Forms

Application for a grant under the Sercice-Improvement Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms of Program Guidance materials which should be used in preparing the program narrative section of the application may be obtained by writing to: National Center on Child and Abuse and Neglect. Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013. Telephone: (202) 755–0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

A–95 Notification Process

The Service-Improvement Projects for Child Abuse and Neglect Program is covered under the provisions of OMB Circular A–95. Applicants for grants must, prior to submission of an application, notify the State A–95 Clearinghouse of their intent to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant applications for these service-improvement projects will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project in terms of availability of adequate resources and facilities and previous knowledge and/or experience in this or a related program area. (10 points)

2. The applicant's proposed staff have or will have the knowledge, expertise and current experience in the area of intrafamily child sexual abuse and are well qualified to carry out the proposed work plan. (20 points)

3. The applicant's presentation of the project's objectives, philosphical orientation and results or benefits expected demonstrate a clear understanding of the purpose and objectives of this demonstration program. (20 points)

4. The applicant's program narrative describes a work plan which is clear, comprehensive and feasible and has the potential for attaining the project's objectives. This criterion relates to the application's work plan, scheduling of activities and dissemination and utilization plan.) (40 points)

5. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (10 points)

The following criteria *must* be met in order for an application to be approved for funding:

1. *For the Resource Team Projects,* the applicant organization has included formal letters of agreement from cosponsors, with certification that the cosponsoring agencies have participated in the preparation of the application and will participate in the project's implementation in the ways specified.

2. *For the Specialized Service Projects,* the applicant organization has included letters of support from the mandated child protective service agency and cognizant law enforcement and judicial agencies within its community which have responsibility for managing reported cases of intrafamily child sexual abuse.

3. The applicant has included in its budget provisions for one two-day meeting in Washington, D.C., and one three-day meeting in Milwaukee, Wisconsin.

4. The applicant has certified that it will collaborate/cooperate fully with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of program monitoring, evaluation and information sharing.

5. The applicant has agreed to provide quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is July 3, 1980.

Application may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hnad-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C., or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date,* as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to: Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch—Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201 13628–805.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catolog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80–11219 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–92–M

National Institutes of Health

Meetings of the National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute on May 22, 23, and 24, 1980, National Institutes of Health, Building 31, Conference Room 10, at 9:00 a.m.

This meeting will be open to the public on May 22 from 9:00 a.m. to approximately 4:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held May 21, 1980, at 5:30 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on May 22 from 4:00 p.m. until recess, and on May 23 from 9:00 a.m. to adjournment on May 24 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 5:30 p.m. to adjournment on May 21, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and the personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Insitutes of Health.

[FR Doc. 80–11095 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting of National Advisory Environmental Health Sciences Council

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 27–28, 1980, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 27, 1980, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, interagency activities and a presentation on the NCI Bioassay Program, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 27, from 1:00 p.m. to adjournment on May 28, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 4B31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 755–4015, FTS 672–4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, 13.893, 13.894, National Institutes of Health)

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–11096 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–08–M

Board of Regents of the National Library of Medicine; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 22–23, 1980, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents on the preceding day, May 21, 1980, from 2:00 p.m. to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public from 9:00 a.m. to 12:00 noon on May 22 and from 9:00 a.m. to 11:00 a.m. on May 23 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 522b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the entire meeting of the Subcommittee on May 21 will be closed to the public, and the regular Board meeting on May 23 will be closed from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, roster of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13–879—National Insititutes of Health)

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Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11094 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Cancer Research Manpower Review Committee; Change in Meeting Date

Notice is hereby given of a change in meeting date for the Cancer Research Manpower Review Committee, National Cancer Institute, May 25, 1980, which was published in the **Federal Register** on March 11, 1980 (45 FR 15679).

The meeting will now be held two days, May 24–25, 1980, starting at 9:00 a.m. on May 24 at the Kings Inn, 1333 Hotel Circle South, San Diego, California. The meeting will be open to the public from 9:00 a.m.—10:00 a.m. on May 24 to review administrative details. The meeting will be closed to the public from 10:00 a.m. to adjournment on May 24 and from 9:00 a.m. to adjournment on May 25 to review research grant applications as stated in the notice. Attendance by the public will be limited to space available.

For further information, please contact Dr. Leon J. Niemiec, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7803).

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11096 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Committee; Change in Meeting Date

Notice is hereby given of a change in meeting date for the Clinical Trials Committee, National Cancer Institute, May 13–14, 1980, which was published in the **Federal Register** on March 28, 1980 (45 FR 20586).

The meeting will now be held on May 8–9, 1980, starting at 9:00 a.m. at the National Institutes of Health, Building 31A, Conference Room 6A35, Bethesda, Maryland 20205. The meeting will be open to the public from 9 a.m. to 9:30 a.m. on May 8 to review administrative details. The meeting will be closed to the public from 9:30 a.m. to adjournment on May 8 and from 9:00 a.m. to adjournment on May 9 to review contract proposals as stated in the notice. Attendance by the public will be limited to space available.

For further information, please contact Dr. Gerald U. Liddell, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575).

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11092 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Consensus Development Conference on Long-Term Management of Febrile Seizures

Notice is hereby given that the National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, will hold a consensus development conference May 19–21, 1980, at the Masur Auditorium, Bldg. 10, NIH. Topic of the conference is the long-term management of children with febrile seizures. The conference is open to any interested individuals or groups.

Febrile seizures are any seizures occurring in children aged 1 month to 7 years that are associated with fever but are without evidence of intracranial infection or defined metabolic or toxic cause. Excluded from this definition are fever-associated seizures occurring in children who previously have had seizures without fever.

Conference participants will attempt to reach consensus on the best methods for managing children with febrile seizures. Specific issues to be discussed include: What are the risks facing children who have had febrile seizures? What can chronic or intermittent prophylaxis accomplish in reducing these risks, and what are the potential risks of prophylaxis? Can we now develop a rational approach to management of children with febrile seizures, or are further studies needed?

Contact: Ms. Nancy Becker, Prospect Associates, 11325 Seven Locks Road, Suite 220, Potomac, MD 20854. Telephone: (301) 983–0535.

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11090 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Diagnostic Research Advisory Group; Cancellation

Notice is hereby given of the cancellation of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, April 24–25, 1980, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205, which was published in the **Federal Register** on March 14, 1980 (45 FR 16565). For further information, please contact Mr. Louis P. Greenberg or Dr. R. Quentin Blackwell, Executive Secretaries of the Committee, Building 31, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205 (301/496–1591).

Dated April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11091 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

President's Cancer Panel; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, May 19, 1980, Building 31C, Conference Room 9, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 5:00 p.m. to adjournment, to hear reports on activities of the President's Cancer Panel and the National Cancer Program. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5854) will furnish summaries of the meeting, rosters of Panel members, and substantive program information, upon request.

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 80-11088 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Recombinant DNA Advisory Committee, Working Group on Eukaryotic Viral Vectors; Meeting

Notice is hereby given of a Working Group on Eukaryotic Viral Vectors sponsored by the Recombinant DNA Advisory Committee at Convention Hall, Conference Room 152, Miami Beach, Florida 33139 on May 13, 1980 from 11:00 a.m. to approximately 2:00 p.m. during the annual meeting of the American Society for Microbiology.

The Working Group will discuss proposed changes in the NIH Guidelines for Research Involving Recombinant DNA Molecules for use of eukaryotic viral vectors in tissue culture experiments.

Further information may be obtained from Dr. Stanley Barban, Office of Recombinant DNA Activities, NIAID, NIH, Building 31, Room 4A52, Bethesda, Maryland—telephone 301 496–6051.

The meeting will be open to the public. Attendance by the public will be limited to space available.

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11093 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

Revised Table on Prepublication Release of Statistical Information on Metals and Minerals; Availability of Nonfuels Minerals Data

AGENCY: Department of the Interior, Bureau of Mines.

SUMMARY: In view of the reorganization of the Bureau of Mines and hence the change in sources of nonfuels minerals data noted herein, a revision of the previous table was indicated. This revision supersedes the table published in 43 FR 37226 on August 22, 1978. The Department of Energy has the responsibility for fuels data collection, analysis, and reporting.

FOR FURTHER INFORMATION CONTACT: Branch of Domestic Data: Robert B. McDougal (202) 634–4771.

SUPPLEMENTARY INFORMATION: In adherence to section 103 of the Budget and Accounting Procedures Act of September 12, 1950 (31 U.S.C. 18b), and Directive No. 4, 1978 Statistical Policy Handbook, Office of Federal Statistical Policy and Standards, this notice provides public announcement of the time when monthly and quarterly data collected and published by the Bureau of Mines can be orally released to the public in response to telephone inquiries prior to publication.

The table below lists mineral commodities and indicates the frequency of the release of statistics by the Bureau of Mines, a description of the information contained in the release, the commodity specialist responsible for the report and the specialist's telephone number, and the approximate number of weeks after the reporting period that information can be made available to the public in response to a telephone request.

Reports may be mailed to all persons asking to be placed on the mailing list for the report(s). Requests for individual copies should be addressed to the Branch of Production and Distribution, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Requests to receive reports on a recurring basis should be forwarded to the Branch of Editorial Services, Bureau of Mines, 2401 E Street, NW., Washington, D.C. 20241.

Dated: April 8, 1980.

Lindsay D. Norman,

Assistant Director, Bureau of Mines.

Time of Availability of Minerals Data and Commodity Specialists Who Can Be Called by Telephone for Such Data

Name of release	Description of information	Commodity specialist	Periodicity [1] (reference period of data)	Approximate number of weeks after reference period when data are available [2]
Aluminum Report	Primary Aluminum: Production, Imports, Exports. Secondary Aluminum: Receipts, Consumption, Stocks, Imports, Exports of Scrap; Production, Shipments, Stocks of Alloys.	H. F. Kurtz, 202–634–1080.	Monthly	8 to 9.
Antimony Report	Production, Imports, Exports, Consumption and Stocks	J. A. Rathjen, 202–634–1063.	Quarterly	8 to 9.
Bauxite and Alumina Report	Production and Imports of Bauxite, Imports and Exports of Alumina	H. F. Kurtz, 202–634–1080.	Quarterly	8 to 9.
Bismuth Report	Consumption, Imports, Exports	R. J. Beede, 202–634–1064.	Quarterly	7 to 8.
Cadmium Report	Production, Imports, Exports, and Stocks	J. A. Rathjen, 202–634–1063.	Quarterly	8 to 9.
Cement Report	Shipments by Producing District, Shipments by State of Destination, and Imports	R. H. Singleton, 202–634–1194.	Monthly	7 to 8.
Chromium Report	Consumption and Stocks of Chromite. Production, Shipments and Stocks of Chromium Ferroalloys and Metal, Consumption by End Use and Consumer Stocks of Chromium Ferroalloys and Metal. Imports and Exports.	N. A. Matthews, 202–634–1024.	Monthly	7 to 8.
Cobalt Report	Production, Shipments Consumption of Cobalt Materials and Consumption of Cobalt by End Use, Stocks, and Imports.	S. F. Sibley, 202–634–1015.	Monthly	7 to 8.
Copper Industry Report	Consumption of Refined Copper; Consumption and Stocks of Purchased Copper-Base Scrap; Secondary Metal Recovered From Scrap Products From Copper-Base Scrap; Imports and Exports of Copper and Copper-Base Scrap. Price of Copper.	H. J. Schroeder, 202–634–1070.	Monthly	8 to 9.
Copper Production Report	Mine, Smelter and Refinery Production and Stocks	H. J. Schroeder, 202–634–1070.	Monthly	7 to 8.
Copper Sulfate Report	Production, Shipments and Stocks	H. J. Schroeder, 202–634–1070.	Quarterly	6 to 7.
Ferrosilicon Report	Production, Shipments and Producer Stocks; Consumption and Consumer Stocks; and Imports and Exports.	P. A. Kuck, 202–634–1024.	Monthly	7 to 8.
Fluorspar Report	Production, Shipments, Consumption, Stocks and Unit Value of Shipments. Imports	D. S. Kostick, 202–634–1177.	Quarterly	8 to 9.
Gold and Silver Report	(a.)—Mine Production; Imports and Exports; (b.)—Refinery Production, Consumption and Stocks.	W. C. Butterman-Gold, 202–634–1071; H. J. Drake-Silver, 202–634–1055.	(a.)—Monthly, (b.)—Quarterly.	7 to 8.
Gypsum Report	Production, Total Sold by End Use. Imports, Exports, Sales by Sales Region	J. W. Pressler, 202–634–1206.	Monthly	9 to 10.
Iron and Steel Scrap Report	Receipts, Production, Stocks and Consumption of Scrap by Manufacturers of Pig Iron and Raw Steel, Manufacturers of Steel Castings, and by Iron Foundries and Miscellaneous Users of Scrap; Imports and Exports.	K. W. Palmer, 202–634–1029.	Monthly	9 to 10.
Iron Ore Report	Production, Shipments, Stocks. Imports and Exports. Consumption	F. L. Klinger, 202–634–1010.	Monthly	7 to 8.

Time of Availability of Minerals Data and Commodity Specialists Who Can Be Called by Telephone for Such Data—Continued

Name of release	Description of information	Commodity specialist	Periodicity [1] (reference period of data)	Approximate number of weeks after reference period when data are available [2]
Lead Industry Report	Primary Lead Production and Consumption. Receipts, Consumption and Stocks of Lead and Tin Based Scrap and Secondary Metal Recovered From Scrap. Imports and Exports.	J. M. Lucas, 202–634–1083.	Monthly	8 to 9.
Primary Lead Production Report	Mine Production and Production. Shipments and Stocks of Refined and Antimonial Lead.	J. M. Lucas, 202–634–1083.	Monthly	6 to 7.
Lime Report	Sold or Used by Type of Lime and Total Sold Used by State. Imports	J. W. Pressler, 202–634–1206.	Monthly	6 to 7.
Magnesium Report	Changes in Production and Shipments. Imports and Exports	B. Petkof, 202–634–1085.	Quarterly	6 to 7.
Manganese Report	Consumption and Stocks of Manganese Ore. Production and Stocks of Manganese Products. Consumption by End Use and Consumer Stocks of Manganese Products. Imports and Exports.	G. L. DeHuff, 202–634–1014.	Monthly	7 to 8.
Mercury Report	Mine Production. Consumption, Producer and Consumer Stocks. Imports and Exports	H. J. Drake, 202–634–1055.	Quarterly	8 to 9.
Molybdenum Report	Production, Consumption and Stocks of Molybdenum Concentrates. Production, Shipments and Stocks of Molybdenum Products. Consumption by End Use and Consumer Stocks of Molybdenum Products. Imports and Exports.	J. T. Kummer, 202–634–1020.	Monthly	7 to 8.
Nickel Report	Consumption by End Use and Consumer Stocks, Imports and Exports	N. A. Matthews, 202–634–1024.	Monthly	7 to 8.
Phosphate Rock Report	Stocks, Receipts, Production and Disposition. For all Types of Phosphate Rock Combined.	W. F. Stowasser, 202–634–1190.	Monthly	7 to 8.
Platinum-Group Metals Report	Refinery Production and Sales to Consuming Industries; Stocks Held by Refineries, Importers and Dealers; Imports and Exports.	J. H. Jolly, 202–634–1053.	Quarterly	8 to 9.
Selenium Report	Production, Shipments and Producer Stocks. Imports	J. R. Loebenstein, 202–634–1058.	Monthly	6 to 7.
Sodium Compounds	Production of Natural Soda Ash and Natural Sodium Sulfate	D. S. Kostick, 202–634–1177.	Monthly	5 to 6.
Sulfur Report	Frasch Sulfur and Recovered Sulfur: Production Shipments, Stocks, Apparent Consumption; Imports and Exports.	J. E. Shelton, 202–634–1190.	Monthly	7 to 8.
Tin Report	Consumption, Tin Recovered From Scrap Processed, Imports, Stocks of Consumers and Importers and Jobbers. Prices of Tin.	J. F. Carlin, Jr., 202–634–1063.	Monthly	7 to 8.
Titanium Report	Production and Consumption of Ingot and Pigments, Consumption of Scrap and Sponge Metal. Stocks of Sponge Metal Scrap, and Pigments. Imports of Ores, Pigments, and Sponge Metal, Exports of Ores, Pigments, and Metal.	L. E. Lynd, 202–634–1073.	Quarterly	8 to 9.
Tungsten Report	Stocks and Consumption of Tungsten Concentrates. Production and Producers Stocks of Tungsten Products. Consumption by End Use and Consumer Stocks of Tungsten Products. Exports and Imports.	P. T. Stafford, 202–634–1020.	Monthly	7 to 8.
Vanadium Report	Consumption, by End Use, and Consumer Stocks of Vanadium Products. Imports and Exports.	G. A. Morgan, 202–634–1017.	Monthly	7 to 8.
Zinc Production Report	Mine and Smelter Production, Stocks, and Shipments. Zinc Prices	V. A. Cammarota, 202–634–1063.	Monthly	6 to 7.
Zinc Industry Report	Production, Consumption and Stocks of Slab Zinc. Production, Shipments, and Stocks of Products From Zinc Scrap. Stocks, Receipts and Consumption of Zinc Scrap. Imports and Export.	V. A. Cammarota, 202–634–1063.	Monthly	7 to 8.
Minerals and Materials/A Monthly Survey	Consumption, Mine Production and Secondary Production, Imports, Exports, Private and Government Investories, and the Price for Aluminum Cement, Chromium, Cobalt, Copper, Gold, iron Ore, Iron and Steel, Iron and Steel Scrap, Lead, Manganese, Molybdenum, Nickel, Platinum-Group Metals, Silver, Sulfur, Tin, Zinc.	K. P. Hanks, 202–653–7740.	Monthly	5 to 9.

[1] Reference period of data is for full calendar month or calendar quarter.
[2] Number of weeks after the end of calendar month or calendar quarter when summaries are available for the data on the period covered.

[FR Doc. 80-11129 Filed 4-11-80; 8:45 am]
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INTERSTATE COMMERCE COMMISSION

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed by May 5, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on or before May 5, 1980, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices on or before May 14, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5. The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergenovich,
Secretary.

F.D.–29278F. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151. The Motor Carrier Board approved the transfer to American Forwarding, Inc., at Garden Grove, CA, of Permits No. FF–462 and Sub–1 issued October 9, 1975, and May 9, 1978, to Merchants International, Inc. (Richard A. Bartt, Trustee in Bankruptcy), of Alexandria, VA, authorizing the transportation of *Used Household Goods, Unaccompanied Baggage, and Used Automobiles,* between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export-import traffic, and (b) *Used Household Goods and Unaccompanied Baggage,* between points in the United States (including Hawaii but excluding Alaska) on the one hand, and, on the other, points in Alaska. Applicant's representative is: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. Transferee holds no authority and is not affiliated with any carriers.

Republication

MC–FC–78078 filed March 16, 1979. By decision of March 20, 1980, the Motor Carrier Board approved the transfer of Permit No. MC–18037 Sub–No. 8, issued October 11, 1979, from Chas. Levy Circulating Company, 1200 N. Branch St., Chicago, IL 60602 to Chas. Levy Transportation Co., Inc. (same address) The permit generally authorizes newspapers, magazines, books, periodicals, publications, and calendars, from Chicago, IL, to points in WI, KY, the lower Peninsula of MI, and a portion of Western OH, and returned shipments in the reverse direction, under contract with printing houses, publishing houses, or newsdealers. Petitions for reconsideration of the Board's decision should be filed with the Commission within 30 days of this notice. This proceeding was previously published in the August 21, 1979 issue of the **Federal Register.** Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603.

MC–FC–78278F. By decision of February 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1151 The Motor Carrier Board approved the transfer to American Forwarding, Inc. of Permits FF–462 and Sub-1 issued October 9, 1975 and May 9, 1978, to Merchants International, Inc. (Richard A. Barth Trustee in Bankruptcy of Alexandria, Va., authorizing the transportation of *Used Household Goods, Unaccompanied Baggage, and Used Automobiles,* between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export-import traffic, and (b) *Used Household Goods and Unaccompanied Baggage,* between points in the United States (including Hawaii but excluding Alaska) on the one hand, and, on the other, points in Alaska. Applicant's representative is: Alan F. Wohlstetter, 1700 K St., Washington, D.C. 20006. Transferee holds no authority and is not affiliated with any carrier.

MC–FC–78324, on 1980, the Motor Carrier Board approved the transfer to Transferee: R. M. BUZZEE, INC. d.b.a. RAPID DELIVERY, 476 Southwick Rd., Westfield, MA 01085, of the operating rights of Transferor: VIRGINIA L. BELANGER d.b.a. RAPID DELIVERY, 476 Southwick Rd., Westfield, MA 01085. Representative: Joseph E. Rodgers 75 Broad St. Westfield, MA 01085, set forth in Certificate of Registration No. MC–58583 (Sub-No. 2), issued December 30, 1963, authorizing operations coextensive to those covered by Irregular Route Common Carrier Certificate No. 1204, dated November 3, 1959, and Regular Route Common Carrier Certificate No. 935, dated August 21, 1944, issued by the Massachusetts Department of Public Utilities. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–FC–78415, filed December 18, 1979, CHIEF FREIGHTWAYS, INC. (CHIEF), (21 Orchard Hill Drive Enfield, CT 06082), transferree, and, ROYAL SERVICE, INCORPORATED (ROYAL) (Delmont Avenue, Westfield, MA 01085), transferor. Applicants' representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Chief is purchasing the operating rights of Royal evidenced by Certificate of Public Convenience and Necessity No. MC–20899. The certificate authorizes transportation as a motor common carrier of *household goods, road building materials, machinery, boilers, radiators and parts thereof, abrasives, wire insulators, poles and cross arms, groceries, thread, and nursery stock,* over irregular routes, between Westfield, MA, on the one hand, and, on the other, points and places in Connecticut, New York, and Rhode Island. Chief is authorized to operate as a motor common carrier pursuant to Certificate of Registration No. MC–99855 (Sub-1), which authorizes transportation of *general commodities,* over irregular routes, between points in Massachusetts.

Note.—Directly related applications seeking elimination of the gateway of Westfield, MA and seeking conversion of Certificate of Registration No. MC–99855 (Sub-1), in Dockets No. MC–99855 (Sub-No. 2F) and MC–99855 (Sub-No. 3F), respectively, have been filed and are published in this same **Federal Register** issue.

MC 99855 (Sub-2F), filed December 18, 1979. Applicant: CHIEF FREIGHTWAYS, INC., 21 Orchard Hill Drive, Enfield, CT 06082. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods, road building materials, machinery, boilers, radiators and parts thereof, abrasives, wire insulators, poles and cross arms, groceries, thread, and nursery stock,* between points in Massachusetts, on the one hand, and on the other, points in Connecticut, New York, and Rhode Island. (Hearing site: Hartford, CT.)

Note.—(1) The purpose of this application is to eliminate gateway of Westfield, MA, in order to provide a through service. (2) Directly related applications seeking a transfer of and seeking conversion of a Certificate of Registration (Dockets No. MC–FC–78415 and MC–99855 (Sub-No. 3F) respectively, have been filed and are published in this issue of the **Federal Register.**

MC 99855 (Sub-3F), filed December 18, 1979. Applicant: CHIEF FREIGHTWAYS, INC., 21 Orchard Hill Drive, Enfield, CT 06082. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Conversion of Certificate of Registration No. MC–99855 (Sub-1) into a Certificate of Public Convenience and Necessity authorizing transportation, as a common carrier, over irregular routes, of *general commodities,* between points in Massachusetts. (Hearing site: Hartford, CT.)

Note.—Directly related applications seeking transfer of Certificate of Registration No. MC–99855 (Sub-1) and seeking elimination of the gateway of Westfield, MA (Docket No. MC–FC–78415 and MC–99855 (Sub-No. 2F), respectively) have been filed and are published in this same **Federal Register** issue.

MC–FC–78487. By decision of March 12, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to Douglas Truck Lines, Inc. of New Brighton, MN of Certificate No. MC–114606 (Sub Nos. 3, 4, and 7) issued 6/27/58, 6/6/60 and 6/18/74 to S.F. Douglas Truck Line, Inc. and MC–118253 (Sub-Nos. 1, 3, 6, and 8) issued 12/29/59,

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8/9/63, 12/3/72 and 1/31/73 to S.F. Douglas Truck Lines Company authorizing the transportation in MC–114606 (Sub-No. 6), and (Sub-No. 8), as set forth below: MC 114606 Sub-3, *liquid sugar and corn syrup mixtures,* in tank vehicles, and *sugar,* in bulk, from Chaska, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin. Sub-5 and 7, *Sugar,* in bulk, *liquid sugar, corn syrup,* and *mixtures of liquid sugar and corn syrup,* from Chaska and Crookston, Minn., to points in the upper peninusla of Michigan. *Sugar,* in bulk, in tank vehicles, from Chaska, Minn., to Fremont, NE. MC 118253 Sub-1, *general commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Fargo, ND, and St. Paul, MN, serving the intermediate and off-route points of Minneapolis and South St. Paul, MN: From Fargo over U.S. Highway 10 to Anoka, MN, and these over U.S. Highway 52 to St. Paul, and return over the same route. From Fargo over U.S. Highway 52 to Anoka, MN, and thence over U.S. Highway 10 to St. Paul, and return over the same route. *Sugar* from Moorhead, MN to Ortenville, MN. Sub-3, *Dry animal feed, dry poultry feed,* and *sugar,* from Drayton, ND, to points in MN, with no transportation for compensation on return except as otherwise authorized. Sub-6, General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Fertile, MN, and Fargo, ND, serving intermediate and off-route points within 25 miles of Fertile, on southbound traffic only: from Fertile, over Minnesota Highway 32 to junction Minnesota Highway 200 (formerly Minnesota Highway 31), thence over Minnesota Highway 200 to Ada, MN, thence over Minnesota Higway 9 to Borup, MN, thence over county highways to junction U.S. Highway 75, thence over U.S. Highway 75 to Moorhead, MN, and thence across the Red River to Fargo, and return over the same route. Livestock, between Fertile, MN, and points within 25 miles of Fertile, on the one hand and, on the other, West Fargo and Union Stockyards, Cass County, ND. Canned vegetables, from the plant site of Green Giant Company, at Glencoe, MN, to points in Montana, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized. Bottled fruit flavored beverages, from the facilities of Green Giant Company at Glencoe, MN, to points in Montana, North Dakota, South Dakota, and the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized.

MC–FC–78502. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Elsie M. Amerman, Olney, IL, of Permit No. MC–142884 (Sub-No. 1), issued December 8, 1977 to Sam G. Amerman (by Elsie M. Amerman, surviving spouse), Olney, IL, authorizing the transportation of *malt beverages,* from the facilities of Anheuser-Busch, Inc., at St. Louis, MO, to Lawrenceville, IL, under continuing contract(s) with Gray Wholesale, Inc., of Lawrenceville, IL. Applicants' representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 61701.

MC–FC–78503. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Wesley J. Hemenway d.b.a. W. J. Hemenway Trucking, Big Falls, MN, of Certicate No. MC–138792 (Sub-No. 1), issued November 8, 1974, to D. J. Viskoe Trucking, Inc., St Joseph, MN, authorizing the transportation of *fence panels, pickets, post and rail and shingles,* from Little Fork, MN, to Chicago, IL, Denver, CO, Grand Island and Lincoln, NE. Oklahoma City, OK, St. Louis, MO, Sioux Falls, SD, and Wichita, KS. Applicants' Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402.

MC–FC–78511. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Jack Brown of Dallas, TX of Certificate No. MC–140941 issued November 17, 1976 to Earnest Hallmark, Jr. d.b.a. Hallmark Wrecker Service of Dallas, TX authorizing the transportation of (1) wrecked and disabled motor vehicles, and (2) replacement vehicles for those commodities in (1) above, in wrecker service, between points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction U.S. U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico Boundary line, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, and New Mexico. Applicant's representative is: Thomas F. Sedbery, 810 Vaughn Bldg. Austin, TX 78701. TA application has not been filed. Transferee holds no authority.

MC–FC–78514. By decision of March 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier board approved the transfer to BAB Transport, Inc., of Ashland, VA of Certificate No. MC–138265 issued June 25, 1973 to W. A. Barnes Trucking Co., Inc. of Prince George, VA authorizing the transportation of *lumber,* over irregular routes, from Richmond, VA, and points in Virginia within 60 miles of Richmond, to points in Maryland, Delaware, New Jersey, and that part of Pennsylvania within 90 miles of Reading, PA, including Reading, and the District of Columbia. Applicants' representative is: Calvin F. Major 200 West Grace Street Suite 415, Richomond, VA 23220.

MC–FC–78515. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Beneto, Inc., of West Sacramento, CA, of Certificate No. MC–144600 (Sub-No. 1F) issued June 25, 1979 to Ramco Transportation, Inc., of West Sacramento, CA authorizing the transportation, over irregular routes, of petroleum oil and greases (except in bulk, in tank vehicles), from Richmond, CA, to points in Oregon and Washington. Applicant's representative is: Jonathan M. Lindeke, c/o Thrope & Loynd, 100 Bush St., Suite 428, San Francisco, CA 94104.

MC–FC–78516. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Red River Trails, Inc., of Rothsay, MN, of the following certificates or portions of certificates issued to Stewart Doyle, Inc., of Fargo, ND: (1) No. MC–125726, issued December 3, 1969, authorizing the transportation, over regular routes, of Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (a) Between Fargo, ND, and Oakes, ND, serving all intermediate points: From Fargo over U.S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32, west of Enderline, ND, thence over North Dakota Highway 32 to junction North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and return over the same route. (b) Between Oakes, ND, and Ellendale, ND, serving all intermediate points: From Oakes over North Dakota Highway 1 to junction North Dakota Highway 11, thence over North Dakota

Highway 11 to Ellendale, and return over the same route, with incidental charter operations in interstate or foreign commerce under rules and regulations prescribed by the Commission pursuant to section 10932(c) of the Interstate Commerce Act, as amended November 10, 1966. (2) A portion of No. MC–125726 (Sub-No. 3), issued November 6, 1973, authorizing the transportation, over regular routes, of Passengers, Between Fargo, ND, and Moorhead, MN, serving all intermediate points: From Fargo over city streets to Moorhead, and return over the same route, with no rights to conduct incidental charter operations in interstate or foreign commerce. (3) No. MC–125726 (Sub-No. 4), issued December 1, 1975, authorizing the transportation, over regular routes, of Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (a) Between Thief River Falls, MN, and Fargo, ND, serving all intermediate points, except those between Marcoux and Crookston, MN: From Thief River Falls over Minnesota Highway 32 to junction U.S. Highway 2, thence over U.S. Highway 2 to Crookston, MN, thence over U.S. Highway 75 (portion formerly Minnesota Highway 81) to Moorhead, MN, and thence over U.S. Highway 10 to Fargo, and return over the same route, with (1) Service restricted against the interchange Marcoux of Crookston, MN, of Traffic between Thief River Falls, MN, and Grand Forks, ND. (2) Service at Marcoux and Crookston also restricted against the transportation of traffic moving between such points. (b) Between Marcoux, MN, and Moorhead, MN, serving all intermediate points between Marcoux and Hawley, but with service at Hawley only in connection with transportation of passengers to and from points east or north of Hawley: From Marcoux over Minnesota Highway 32 to junction U.S. Highway 10, and thence over U.S. Highway 10 through Hawley, MN, to Moorhead, and return over the same route. (C) Between Gary, MN, and junction Minnesota Highway 32 and unnumbered highway about 1 mile east of Gary, serving all intermediate points: From Gary over unnumbered highway to junction Minnesota Highway 32, and return over the same route, with rights in 3 (a), (b), and (c) to conduct incidental charter operations in interstate or foreign commerce under rules and regulations prescribed by the Commission pursuant to section 10932(c) Interstate Commerce Act, as amended November 10, 1966; subject to retention by Stewart Doyle, Inc., of that portion of Certificate No. MC–125726 (Sub-No. 3), authorizing the transportation, over irregular routes, of passengers in special operations, between Fargo, ND, and points within 5 miles of Fargo, ND. Applicant's representative are: Gene P. Johnson and Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108.

MC–FC–78517. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Amabile & Propst, Inc., of Archbald, PA, of Certificate No. Mc–79929 issued November 23, 1971 to Dorothy L. Norton and Bradford, d.b.a. Norton's Bus & Taxi Company (Stephen G. Bresset, Trust-in-Bankruptcy), of Damascus, PA, authorizing the transportation of Passengers and their baggage, during the season extending from the 1st of May to the 30th of September, inclusive, Between Cochecton, NY, and Honesdale, Camp With-a-Wind, and Camp Swago, PA, serving all intermediate points, as follows: From Cochecton across the Delaware River to Damascus, PA, Thence over Pennsylvania Highway 371 via Tyler Hill, PA, to West Damascus, PA, thence over unnumbered highway (formerly Pennsylvania Highway 91), via Girdland and Carley Brook, PA, to Honesdale, and return over the same route. From Cochecton to Damascus as specified above, thence over Rural Highway 63045 to Galilee, PA, thence over Rural Highway 63044 to junction Pennsylvania Highway 191 (formerly Pennsylvania Highway 90), thence over Pennsylvania Highway 191 to Camp With-a-Wind, a point 2 miles north of Lookout PA. (also from Damascus to West Damascus as specified above, thence over unnumbered highway (formerly Pennsylvania Highway 91), to junction Pennsylvania Highway 191 (formerly Pennsylvania Highway 90), thence to Camp With-a-Wind as specified above, and return over the same routes. From Cochecton to Damascus as specified above, thence over Rural Highway 63045 to junction Rural Highway 63087, thence over Rural Highway 63087 via Galilee, PA, to Camp Swago, and return over the same route. Incidental charter operations also authorized. Transferee holds no authority from the Commission. An application seeking TA lease has not been filed. Applicants' representative: Joseph F. Heary, 121 S. Main St., Taylor, PA 18517.

MC–FC–78518. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Terry Weber, of Eau Galle, WI 54737 a portion of Certificate No. MC–94798 issued September 18, 1972 to Lyle Drier, of Eau Galle, WI authorizing the transportation of *Livestock,* Between farms in the Towns of Waterville, Waubeck Durand, Lima, Albany, and Frankfort, Pepin County, Eau Galle, Rock Creek, Weston, Dunn County, Maxville, and Canton, Buffalo County, WI, and the villages of Eau Galle, Arkansaw, Durand, Rock Falls, and Ella, WI, on the one hand, and, on the other, South St. Paul and Newport, MI *building materials,* From South St. Paul, St. Paul, Minneapolis, Newport, and Hastings, MI. To: farms in the Towns of Waterville, Waubeck, Durrand, Lima, Albany, and Frankfort, Pepin County, Eau Galle, Rock Creek, Weston, Dunn County, Maxville, and Canton, Buffalo County, WI, and the villages of Eau Galle, Arkansaw, Durand, Rock Falls, and Ella, WI. Applicant's representative is: James T. Flescher, 1745 University Ave., St. Paul, MN 55104. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78519. By decision of March 13, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to Milk Tank Lines, Inc., Frazer, PA of Certificate MC–141776 Sub 30, issued December 17, 1979, to Foodtrain, Inc., Ringtown, PA, authorizing the transportation of *oleomargarine, vegetable oils, vegetable oil shortening,* and *vegetable salad oil,* from Columbus, OH to points in CT, DE, MA, ME, MD, NH, NJ, NY, RI, VT, and DC, and points in PA on and east of Interstate Hwy 81, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. Applicants' representatives: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001, for transferee, and Pauline E. Myers, Suite 348, Pennsylvania Bldg., Washington, D.C. 20004, for transferor. Application has been filed for approval of temporary lease. Transferee holds no authority from the Commission.

MC–FC–78520. By decision of March 20, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Donald L. Branham, Glen Burnie, MD of Permit No. MC–88253 (Sub-No. 1), issued May 18, 1967, to Paul Seeley, Woodlawn, MD, authorizing the transportation of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (except

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commodities in bulk), between points in the territory bounded by a line beginning at Cape Charles, VA, and extending in southerly direction along the Chesapeake Bay to the Atlantic Ocean, then in a northerly direction along the Atlantic Coast to the Delaware Bay, then along the west shore of the Delaware Bay and Delaware River to Delaware City, DE, then in a northerly direction along DE Highway 9 to junction DE Highway 273, then along DE Highway 273 to the DE–MD State line, then north along the DE–MD State line to the PA–MD State line, and then west along the PA–MD State line to the Susquehanna River, then in a northwesterly direction along the east bank of the Susquehanna River to Columbia, PA, then easterly along U.S. Highway 30 to Lancaster, PA, then in a northerly direction along PA Highway 72 to junction U.S. Highway 22, then in a westerly direction along U.S. Highway 22 to junction PA Highway 34, then in a southwesterly direction along PA Highway 34 to junction PA Highway 274, then continuing southwesterly along PA Highway 274 to junction PA Highway 75, then south along PA Highway 75 to junction U.S. Highway 30, then west along U.S. Highway 30 to McConnellsburg, PA, then south along U.S. Highway 522 through Culpeper, VA to junction VA Highway 3, then southeasterly along VA Highway 3 to Fredericksburg, VA, then southeasterly along, U.S. Highway 17 to Gloucester Point, VA, and then across the Chesapeake Bay to Cape Charles, VA, including points on the above-described lines and highways, under continuing contract(s) with Acme Markets, Inc. Applicants' representative: Donal Branham, 6194 Harris Heights, Glen Burnie, MD 21060.

MC–FC–78522. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to James A. Park, d/b/a James A. Park Trucking, of Bradford, PA, of Certificate No. MC–76416 issued March 5, 1941 to Herman Swanson (Kenneth Swanson, Executor) of Bradford, PA, authorizing the transportation of machinery, materials, supplies, and equipment incidental to the discovery, development, and production of natural gas and petroleum, between Bradford, PA, and points in PA and NY within 40 miles of Bradford, PA. Applicant's representative is: Deborah W. Babcox, 605 W. Main St., Smethport, PA 16749. Transferee holds no I.C.C. authority. An application seeking temporary lease authority has been filed.

MC–FC–78525. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Robert R. Law of Seeronk, MT of Certificate No. MC–30203 Sub–No. 3 issued (date) to B & T Transportation Co. of Boston, MA authorizing the transportation of General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Holbrook, MA and points in MA within 10 miles of Holbrook on the one hand, and, on the other, points in CT (except Danielson, New London, and Norwich, and those bounded by the CT River, I 86 and CT-MA State Line. Applicant's representative is: John F. O'Donnell 60 Adams Street, P.O. Box 238, Milton, MA 02187. TA application has been filed. Transferee does not hold authority.

MC–FC–78527. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Van Handel Transit, Inc., of Kaukauna, WI, of E-letter notices in No. MC–113535 E–1, E–2, E–3, E–4, E–5, E–6, E–7, and E–8, published in the Federal Register issues of May 2, 1974, May 3, 1974, October 3, 1974, August 24, 1974, and April 23, 1975, issued to A & W Trucking Co., Inc., of Mosinee, WI, authorizing the transportation of (Sub-No. E1) Meats, meat products, and meat by-products, and articles distributed by meat packinghouses from Dubuque, Iowa to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing and Winona, Minn., restricted to the transportation of traffic originating at Dubuque, Iowa. (Sub-No. E–2) Meats, meat products and meat by-products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers from Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing and Winona, Minnesota to Dubuque, Iowa. (Sub-No. E3) Canned goods, from Minneapolis, Minn., to points in that part of Iowa (except Dubuque) on and east of U.S. Highway 69, and points in that part of Illinois on and north of U.S. Highway 36. (Sub-No. E4), Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, between points in Minnesota within 35 miles of Lanesboro, on the one hand, and, on the other, points in Wisconsin (except (1) between Winona and LaCrosse, and (2) between such points on the one hand, and, on the other, the following points in Wisconsin: Adams, Friendship, Bangor, junction Wisconsin Highway 13 and 21, junction U.S. Highway 16 and Wisconsin Highway 162, Stevens Point, and those on a line extending from Stevens Point to Plover, thence over Wisconsin Highway 54 to Wisconsin Rapids, thence over Wisconsin Highway 13 to junction Wisconsin Highway 21, thence over Wisconsin Highway 21 to Necedah, thence over Wisconsin Highway 80 to New Lisbon, thence over U.S. Highway 16 to the Wisconsin-Minnesota State Line. (Sub-No. E5) Meats, meat byproducts, meat products, and dairy products and articles distributed by meat-packinghouses, from Minneapolis, Minn., to points in Wisconsin. (Sub-No. E6) Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, skins, and pieces thereof, and commodities in bulk), from Madison, Wis., to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn. (Sub-No. E7) Cheese, from La Crosse and Mosinee, Wis., to Dixon, Illinois. (Sub-No. E8) Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses (1) between La Crosse, Wis., on the one hand, and, on the other, Minneapolis, Minn., and (2) between Durand, Wis., on the one hand, and, on the other, Green Bay, Beloit, Prairie du Chien, Marinette, and Milwaukee, Wis. Applicant's representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transferee holds no authority from this Commission. An application seeking TA lease has been filed.

MC–FC–78528. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the Transfer to Clipper Moving & Storage, Inc., of Baltimore, MD, of Certificate No. MC01813, issued February 6, 1974 to Chesapeake Van Lines, Inc., also of Baltimore, MD, authorizing the transportation of household goods, between Baltimore, MD, and points within 6 miles of Baltimore, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA, and DC. Applicant's representative is: John L. Shareghnessy, 1413 S. Haven St., Baltimore, MD 21224, Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005.

MC–FC–78532. By decision of March 21, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Lawry Air Freight, Inc., Westfield, MA, of Certificate of Registration No. MC–120928 (Sub-No. 1), issued April 5, 1966, to Kern's Trucking, Inc., Pittsfield, MA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 5366, dated August 15, 1964, issued by the Massachusetts Department of Public Utilities, subject to the condition that transferee shall file a certified copy of the state certificate, or—if the State Commission does not reissue the certificate—a certified copy of the State order approving the transfer of the underlying intrastate rights. Applicants' representative: James M. Burns, Suite 413, 1383 Main St., Springfield, MA 01103.

MC–FC–78533. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to Beverage Transport, Inc., Ennis, TX, of Certificate No. MC–118403, issued November 14, 1960, to James Holland, d.b.a. City Produce, Greenville, TX, authorizing the transportation of *bananas*, from Galveston, TX and New Orleans, LA, to Dallas, TX; and *coconuts*, in mixed shipments with bananas, from New Orleans, LA, to Dallas, TX. Applicants' representative: Barry J. Brooks, 2340 Fidelity Union Tower, Dallas, TX 76201.

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[Volume No. 8]

Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, Gateways, and Pack & Crate.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission on or before May 14, 1980 with a copy being furnished the applicant. Protests to these applications will be *rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 1515 (Sub-254 M1F), filed December 18, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Petitioner holds motor *common* carrier Certificate in MC–1515 Sub 254 issued December 5, 1979. MC–1515 Sub 254 authorizes transportation, over regular routes, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, between Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange, over the New Jersey Turnpike, serving the intermediate points (1) between the Newark-Jersey City Interchange and the New Brunswick Interchange, and (2) at Interchange Nos. 5 and 7, restricted against the transportation of traffic (a) originating at New York, NY, and destined to Newark, NJ, or originating at Newark, NJ, and destined to New York, NY, except on carrier's intercity operations which neither originate at nor are destined to points in NJ, and (b) from or to Interchange Nos. 5 and 7 of the New Jersey Turnpike, which originated at or is destined to Philadelphia, PA, or New York, NY. By the instant petition, petitioner seeks to modify the authority by removing the restriction.

MC 17883 (M1F), (Notice of filing of petition to modify certificate), filed September 28, 1979. Petitioner: SKYLINE EXPRESS, INC., 421 East 16th Street, Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC–17883, issued March 26, 1968, to operate over irregular routes, in interstate or foreign commerce, transporting *General commodities* (except those of unusual value, classes A and B explosives, brick, coal, coke, pipe, conduits, clay, terra cotta, cut glass, fireworks, fish, flowers, hides, livestock, live poultry, sand, gravel, stone, x-ray machines, tubes, and commodities injurious or contaminating to other lading), between Paterson, NJ, on the one hand, and, on the other, Middletown, NY, Port Jervis, and Yonkers, NY. Between New York, NY, on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, NJ, and Elizabeth, NJ. By the instant petition, petitioner seeks to modify the authority as follows: change the last part to include all of the state of NJ, in lieu of certain Counties of Bergen, Essex, Hudson, and Passaic, and Elizabeth, NJ.

MC 76065(M1F), MC 76065 Subs 6(M1F), 7(M1F), 9(M1F), 11(M1F), 14(M1F), 18(M1F), 20(M1F), Sub 21(M2F), Sub 24(M2F), Sub 25(M1F), Sub 28(M1F), Sub 29(M1F), Sub 32(M1F), Sub 33(M1F), Sub 34(M1F), and MC–76065 E1 and E2 (M1F), notice of filing of petition to modify certificates, filed November 28, 1979. Petitioner: EHRLICH–NEWMARK TRUCKING CO., INC., 505–509 West 37th St., New York, NY 10018. Representative: Martin Werner, 888 7th Ave., New York, NY 10019. Petitioner holds motor *common carrier* authority in the above numbered dockets, issued March 4, 1944, September 11, 1947, June 13, 1949, December 26, 1956, January 11, 1963, January 25, 1967, August 9, 1968, (Sub 20 shows no issue date), December 2, 1974, November 2, 1976, March 24,

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1976, March 16, 1976, June 25, 1976, September 17, 1976, Sub 34 is still pending issuance, May 2, 1975, July 7, 1975, and November 8, 1977, respectively. The commodities in the above certificates generally are garments, dry goods, wearing apparel, wearing apparel accessories, department store merchandise, and materials, equipment and supplies used in the manufacture of wearing apparel (except commodities in bulk). MC–76065 authorizes, over irregular routes, the transportation of garments, and materials and supplies for the manufacture thereof, (1) between New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ on the one hand, and, on the other, points in NJ and DE, and those in PA, MD, and WV on and east of U.S. Hwy 11, and (2) between Philadelphia, PA, on the one hand, and, on the other, Wilmington, DE, and Baltimore, MD. MC–76065 Sub 6 authorizes over irregular routes, the transportation of Garments, between New York, NY and Washington, DC. MC–76065 Sub 7 authorizes over irregular routes, the transportation of garment on hanger, from Ebensburg, PA, to New York, NY, and Materials and supplies used in the manufacture of garments, from New York, NY, to Ebensburg, PA. MC–76065 Sub 9 authorizes over irregular routes, the transportation, of garments, from Philadelphia, PA, and Baltimore, MD, to Washington, DC, and damaged and defective garments, from Washington, DC, to Philadelphia, PA, and Baltimore, MD. MC–76065 Sub 11 authorizes over irregular routes, the transportation of garments, on hangers, and materials and supplies used in the manufacture of garments, between Baltimore, MD, on the one hand, and, on the other, Millville and Vineland, NJ, and points in Atlantic County, NJ. MC–76065 Sub 14 authorizes over irregular routes, the transportation of wearing apparel on hangers, and materials and supplies for the manufacture of wearing apparel when moving on the same vehicle and at the same time with wearing apparel on hangers, between Laurel, DE, and Federalsburg, MD. MC–76065 Sub 18 authorizes over irregular routes the transportation of wearing apparel and wearing apparel accessories when moving in the same vehicle with wearing apparel, from points in that part of the New York, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to facilities of Lane Bryant, Inc., in Washington, DC; and returned shipments of the above-described commodities, in the reverse direction. MC–76065 Sub 20 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except commodities in bulk), (1) between Baltimore Md, and points in Baltimore, Carroll, Frederick, Howard, Montgomery and Prince Georges Counties, MD, on the one hand, and, on the other, points in PA on, east and south of a line beginning at the NJ–PA State line, then west over U.S. Hwy 22 to junction PA Hwy 61, then south over PA Hwy 61 to junction PA Hwy 10, then over PA Hwy 10 to the PA–MD State line, those points in DE on and north of DE Hwy 310, and those points in NJ bounded by a line beginning at the PA–NJ State line, then over U.S. Hwy 22 to junction NJ Hwy 18, then south over NJ Hwy 18 to junction U.S. Hwy 9, then south over U.S. Hwy 9 to junction NJ Hwy 50, then over NJ Hwy 50 to junction NJ Hwy 49, then over NJ Hwy 49 to junction Interstate Hwy 295 near Pennsville, and (2) between Philadelphia, PA on the one hand, and, on the other, those points in DE on and north of DE Hwy 310, and points in that part of NJ on and south of U.S. Hwy 22, and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland and Camden Counties). MC–76065 Sub 21 authorizes over irregular routes the transportation of (1) wearing apparel, (2) materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), and (3) department store merchandise when moving in the same vehicle with wearing apparel on hangers, between Washington, DC, Philadelphia, PA, and those points in PA and MD on and east of U.S. Hwy 11, on the one hand, and, on the other, points in VA (except Crewe), restricted against the tacking of such authority with other authority held by carrier. MC–76065 Sub 24 authorizes over irregular routes, the transportation of wearing apparel, on hangers and in containers, and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, Washington, DC, points in NJ, DE, VA, and those points in PA, MD, and WV on and east of U.S. Hwy 11. MC–76065 Sub 25 authorizes over irregular routes, the transportation of wearing apparel, and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between New York, NY, and points in NJ, on the one hand, and, on the other, Bridgewater, Christianburg, Clifton Forge, Dublin, Elkton, Fairfield, Harrisonburg, Independence, Manassas, Parnassas, Suffolk, and Wytheville, VA. MC–76065 Sub 28 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except in bulk), between West Bristol, PA, and Philadelphia, PA, on the one hand, and, on the other, Salisbury, MD. MC–76065 Sub 29 authorizes over irregular routes, the transportation of wearing apparel, between points in Carroll County, MD, on the one hand, and, on the other, Washington, DC. MC–76065 Sub 32 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except commodities in bulk), between points in PA on and east of U.S. Hwy 11, on the one hand, and, on the other, points in DE, and those in Carolina, Dorchester, and Wicomico Counties, MD. MC–76065 Sub 33 authorizes over irregular routes the transportation of wearing apparel as described in Appendix X in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, and accessories and dry goods, between points in Passaic, Bergen, Essex, Hudson, Morris, Union, Middlesex, Somerset and Monmouth Counties, NJ, on the one hand, and, on the other, points in Nassau and Suffolk Counties, NY, restricted against the transportation of traffic both originating at and destined to points in the above named Counties. MC–76065 Sub 34, which is pending issuance of a certificate, authorizes wearing apparel and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between New York, NY, Philadelphia, and Mechanicsburg, PA, and Baltimore, MD, and points in NJ, on the one hand, and, on the other, points in NC, restricted to the transportation of traffic originating at or destined to points in NC. MC–76065 Sub E1, published in the May 2, 1975 **Federal Register** authorizes (1) Wearing apparel, loose, on hangers (except commodities in bulk), (2) from points in PA on, east, and south of a line beginning at the NJ–PA State line, then along U.S. Hwy 22 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 10, then along PA Hwy 10 to the PA–MD State line to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) between points in that part of DE on and north of DE Hwy 310, on the one hand, and, on the other, Richmond and

Newport News, VA, (2) wearing apparel loose, on hangers, (a) from New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ, to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) from Portsmouth, VA, to New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ (3) wearing apparel, loose, on hangers (except commodities in bulk), (a) from points in that part of NJ on and south of U.S. Hwy 22, and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties), to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) from Newport News and Richmond, VA, to points in NJ on and south of U.S. Hwy 22 and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties), (4) materials and supplies used in the manufacture of wearing apparel, when transported from and to plant sites of clothing and wearing apparel manufacturers (except commodities in bulk), (a) from points in NJ bounded by a line beginning at the PA–NJ State line, then along U.S. Hwy 22 to junction NJ Hwy 18, then along NJ Hwy 18 to junction U.S. Hwy 9, then along U.S. Hwy 9 to junction NJ Hwy 50, then along NJ Hwy 50 to junction NJ Hwy 49, then along NJ Hwy 49 to junction Interstate Hwy 295 near Pennsville, NJ, and points in Hudson, Essex, Union, Passaic and Middlesex Counties, NJ to Newport News, Portsmouth, and Richmond, VA, (b) from points in that part of PA on, east, and south of a line beginning at the NJ–PA State line, then along U.S. Hwy 22 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 10, then along PA Hwy 10 to the PA–MD State line to Newport News, Portsmouth, and Richmond, VA., (c) between Baltimore, MD, and points in Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, on the one hand, and, on the other, points in NJ on and north of NJ Hwy 33, (d) between DC, on the one hand, and, on the other, points in NJ which are within the New York, NY Commercial Zone, (e) from Newport News and Richmond, VA, to points in NJ bounded by a line beginning at the NY–NJ State line, then along NJ Hwy 284 to junction NJ Hwy 15, then along NJ Hwy 15 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction U.S. Hwy 1/9, then along U.S. Hwy 1/9 to junction Business U.S. Hwy 1, then along Business U.S. Hwy 1 to the Hudson River. MC–76065 Sub E2, by order served August 26, 1975, authorizes the transportation of (1) garments (a) between Baltimore, MD, and points in Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, on the one hand, and, on the other, points in NJ on and north of NJ Hwy 33 (b) between DC, on the one hand, and, on the other, points in NJ within the New York, NY Commercial Zone, and (c) from points in DE on and north of DE Hwy 310 to Newport News, Portsmouth, and Richmond, VA, and (2) wearing apparel, loose, on hangers, from Newport News and Richmond, VA, to points in that part of NJ on and north of a line beginning at the NY–NJ State line, then along NJ Hwy 284 to junction Sussex County Hwy 565, then along Sussex county Hwy 565 to NJ Hwy 15, then along NJ Hwy 15 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 280, then along Interstate Hwy 280 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction U.S. Business Hwy 1, then along U.S. Business Hwy 1 to the Hudson River. By the instant petition, petitioner seeks to modify and embrace the aforementioned authority to read: "(1) wearing apparel, on hangers and/or in cartons, (2) materials, supplies and equipment used in the manufacture, sale and distribution of wearing apparel, and (3) department store merchandise and/or chain store merchandise moving in the same vehicle with (1) and/or (2), between New York, NY, points in DE, NJ, those in MD, PA, and WV on and east of U.S. Hwy 11, those in Suffolk, Westchester and Rockland Counties, NY, Fairfield County, CT, and DC.

Note.—Any issuance of a certificate would be subject to prior or coincidental cancellation of the aforementioned authority at applicant's written request.

MC 80395 M1F, filed January 2, 1980. Applicant: T & R CARRIERS, INC., Paterson, NJ. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common* carrier Certificate in MC–80395 issued on May 13, 1948. MC–80395 authorizes as pertinent transportation, over irregular routes, of *general commodities* (except those of unusual value, livestock, dangerous explosives, fibre conduit, junction boxes and fittings, household goods as defend in *Practices of Motor Common Carriers, of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Newark, Paterson, Passaic, and Jersey City, NJ, on the one hand, and, on the other, points and places in Rockland and Orange Counties, NY. By the instant petition, petitioner seeks to modify the territorial description to read "between points in NJ, on the one hand, and, on the other, points and places in Rockland, and Orange Counties, NY."

MC 110525 (Sub-372), et al M1F, filed February 8, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Dowingtown, PA 19335. Representative: William H. Shawn, Suite 501, 1730 M St., N.W., Washington, DC 20036. Petitioner seeks to remove various Canadian traffic restrictions on its Certificate MC–110525 Sub 372, et al, under the Revised Policy Concerning Operating Authority to and from points in Canada. Petitioner is general authorized to transport commodities in bulk, including liquid chemicals, petroleum products, among others, between points in the United States, on the one hand, and the international boundary line between the United States and Canada. Removal of the Canadian traffic restrictions would eliminate the specific ports of entry petitioner must serve and certain Canadian origins and destinations restrictions imposed upon petitioner's certificates.

MC 114284 (Sub-51 M1F), filed January 3, 1980. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., P.O. Box 82307, Stockyard Station, Oklahoma City, OK 73148. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66604. Petitioner holds motor *common* carrier Certificate in MC–114284 Sub 51 issued March 31, 1972. MC–114284 Sub 51 authorizes transportation, over irregular routes of *chocolate and chocolate candies*, and *candies and confectionery products* (except chocolate products) in mixed loads with chocolate and chocolate candies, from the facilities of Bunte Candies, Inc., at Oklahoma City, OK, to points in NM and AZ, points in El Paso and Hudspeth Counties, TX, and points in that part of TX on and bounded by a line beginning at Texas-New Mexico State line and extending along the eastern boundary of Husdspeth County, TX, to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the Red River, near Childress, TX, then along the north bank of the Red River to the Texas-Oklahoma State line, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the authority by deleting the restriction and the mixed loads restriction.

MC 115162 (Sub-368) (MIF) (notice of filing of petition to modify certificate), filed October 9, 1979. Petitioner: POOLE TRUCK LINE, INC., Evergreen AL 36401. Representative: Robert E. Tate (same

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address as applicant). Petitioner holds a motor *common carrier* certificate in MC–115162 Sub 368, issued June 8, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *Ground clay, floor sweeping compounds and absorbents* (except in bulk), from the facilities of Oil-Fri Corporation of America at near Ochlocknee, Ga, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. *Floor sweeping compounds and absorbents* (except in bulk), from the facilities of Oil-Dri Corporation of America at or near Ripley, MS, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. This certificate may not be tacked or joined with the carrier's other irregular-route authority.

By the instant petition, petitioner seeks to modify the certificate as follows: in part 1, substitute From *Thomas County; GA, in lieu of "from the facilities of Oil Dri Corporationof America at or near Ochlocknee, GA"..*

MC 135185 (Sub-31, 33, and 37 MIF) (notice of filing of petition to modify certificate), filed August 24, 1979. Petitioner: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ann, CA 92705. Representaive: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Petitioner holds *contract carrier* authority in MC–135185 Sub 31, 33, and Sub 37, served July 25, 1978, January 30, 1979, and October 29, 1979, respectively. MC–135185 Sub 31 authorizes, over irregular routes, the transportation of (a) *Drugs, cosmetics, plastic boxes, weed killing compounds* and *animal and poultry feed supplements* (except commodities in bulk), from the facilities of Eli Lilly & Co., at or near Ronoke, VA, and Indianapolis, LaFayette, and Clinton, IN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and (b) *Materials and supplies* used in the manufacture and production of the commodities in (a) above (except commodities in bulk), in the reverse direction. MC 135285 Sub 33 authorizes the same commodities as described in Sub 31 in both (a) and (b) above, between the facilities of Eli Lilly and Company, at or near (1) Roanoke, VA, on the one hand, and, on the other, West Helena, AR, and points in KY, WV, TN, MD, NC, MS, AL, GA, SC, FL, and DC, and (2) Indianapolis, Lafayette, and Clinton, IN, on the one hand, and, on the other, West Helena, AR, and points in KY, WV, TN, VA, MD, NC, MS, AL, GA, SC, FL, and DC. MC–135185 Sub 37 authorizes *drugs, cosmetics, plastic boxes weed killing compounds,* and *animal and poultry feed supplements,* and (b) *materials and supplies* used in the manufacture of the commodities in (1)(a) above (except comodities in bulk), from the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX on and west of U.S. Hwy 281, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in TX on and west of U.S. Hwy 281 to the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN. All three Sub are under a continuing contract(s) with Eli Lilly and Company, of Inidanapolis, IN. By the instant petition, petitioner seeks to add *"plastic articles,* and *materials and supplies* used in the manufacture and production of plastic articles," to the commodity description in the said three permits.

MC 138134 (Sub-5) (MIF), (notice of filing of petition to remove a restriction), filed November 27, 1979. Petitioner: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, IA 52632. Representaive: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. Petitioner holds *contract carrier* authority in MC–138134 Sub 5, served August 27, 1976. MC–138134 Sub 5 authorizes over irregular routes, the transportation of *calcium carbide,* in metal containers of not less than 2 tons capacity, from Keokuk, IA, to points in CO, IL, IN, KS, MI, MN, MO, NE, OH, PA, NJ, NY, ND, SD, and WI, under a continuing contract(s) with Midwest Carbide Corp., of Keokuk, IA. By the instant petition, petitioner seeks to delete "in metal containers of not less than 2 tons capacity".

Mc 140024 (Sub-119M1F), filed January 21, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). Petitioner holds motor *common* carrier Certificate in MC–140024 Sub 119 issued July 26, 1979. MC–140024 Sub 119 authorizes transportation, over irregular routes, of *confectionery products* (except commodities in bulk), in vehicles equipped for mechanical refrigeration, (1) from Boston, MA, to points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, NV, OH, OR, UT, WA, and WI, (2) from West Reading, PA, to points, in AZ, CA, CO, ID, IL, IA, KS, MN, MO, NE, NM, NV, OR, UT, WA, and WI, (3) from North Grosvenordale, CT, to points in AZ, CA, CO, IL, IN, LA, MI, MN, OH, and WI, and (4) from Roxboro, MA, to points in AR, AZ, LA, MI, MN, MO, NE, NM, NV, OH, OR, UT, WA, and WI. By the instant petition, petitioner seeks to modify the authority by the addition of Foxboro, MA as an origin point.

MC 144122 (Sub-6M1F), (notice of filing of petition to modify certificate), filed October 15, 1979. Petitioner: CARRETTA TRUCKING, INC., 160 South, Route 17, Paramus, NJ 97652. Representative: Charles J. Williams, Esq., 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds a motor *common carrier* certificate in MC–144122 Sub 6, issued October 4, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *general commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) (1) between Hartford, CT, Baltimore, MD, Boston, MA, Albany and New York, NY, and Philadelphia and Pittsburgh, PA, on the one hand, and, on the other, Los Angeles, Sacramento, San Diego, San Francisco, San Jose, Fresno, and Oakland, CA, and (2) from Hartford, CT, Baltimore, MD, Boston, MA, Albany and New York, NY, and Philadelphia and Pittsburgh, PA, to Phoenix and Tucson, AZ, Reno, NV, and Salt Lake City, UT, restricted to the transportation of shipments moving on freight forwarder bills of lading issued by Westransco Freight Company located at Los Angeles, CA. By the instant petition, petitioner seeks modify the certificate as follows: in the restriction, delete "issued by Westransco Freight Company, located at Los Angeles, CA", thus, restriction would read: restricted to the transportation of shipments moving on freight forwarder bills of lading.

MC 144122 (Sub-10M1F) (notice of filing of petition to modify certificate), filed September 28, 1979. Petitioner: CARRETTA TRUCKING, INC., 160 South, Route 17, Paramus, NJ 07652. Representative: Charles J. Williams, Esq., 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds a motor *common carrier* certificate in MC–144122 Sub 10, issued June 4, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *Electric wire* from Linden and Hillside, NJ, to points in CO, IL, and TX. By the instant petition, peititioner seeks to modify the certificate as follows: Add New Brunswick and Paterson, NJ to the origin territory.

MC 145302 (M1F) (Notice of filing of petition to modify permit), filed September 26, 1979. Petitioner: GULF STATES CORPORATION, Box 7130, Trenton, NJ 08628. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Petitioner holds a motor *contract carrier* permit in MC–145302, issued July 26, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *materials* used in the manufacture of glass (except petroleum products and chemicals, in bulk, in tank vehicles), between Fairfield, AL, Wilmington, DE, Shoals, IN, Bow, NH, Camden, NJ, Middletown, OH, Morrisville, PA, Memphis, TN, and Cresap, WV, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with The Calumite Company, of Trenton, NJ. By the instant petition, petitioner seeks to add Burns Harbor, IN as an added point to his permit.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before May 14, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 18121 (Sub-20F) (republication) filed September 14, 1977, previously noticed in the FR issued of November 3, 1977. Applicant: ADVANCE TRANSPORTATION CO., a corporation, 5005 South Sixth Street, Milwaukee, WI 53201. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. A Decision by the Commission Division 1, decided February 14, 1980, and served February 25, 1980, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties, WI. Applicant is fit, willing, and able properly to perform the granted service and to conform to the Commission's regulations.

Note.—Applicant intends to tack the above authority with its existing regular route authority in order to provide service to and from the Wisconsin territory for shippers it serves in the Chicago, IL area. The purpose of this republication is to indicate applicant's intent to tack.

MC 35320 (Sub-215F) (republication) filed February 28, 1979, previously noticed in the FR issue of July 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). By the Commission, Review Board Number 1, decided March 10, 1980, and served March 14, 1980, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), serving Halls, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Substitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to eliminate the facility reference in the territorial description.

MC 143130 (Sub-1F) (Republication) filed, October 18, 1978, previously noticed in the FR issue of December 19, 1978. Applicant: RITCHIE BUS LINES, INC., 4 Meado Road, Northboro, MA 01532. Representative: Francis W. McInerny, 1000 16th St., NW., Washington, DC 20036. A Decision by the Commission, Division 1, decided March 6, 1980, and served March 13, 1980, finds on exceptions that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate for foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at Ashland, Auburn, Clinton, Framingham, Grafton, Holden, Hopkinton, Lancaster, Leicester, Millbury, Paxton, Rutland, Spencer, West Boylston, and Worcester, MA and extending to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MI, MS, NH, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC. The purpose of this republication is to add New Hampshire as a destination state.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to interven under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffice or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published appication notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the test and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Expecially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 30605 (Sub-165F), filed September 17, 1979. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman St., Wichita, KS 67202. Representative: Martin J. Rosen, 256 Montgomery St., San Francisco, CA

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94104. Authority sought to operate as a *commond carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ehrenberg and Phoenix, AZ, and (2) between Ehrenberg and Phoenix, AZ, over Interstate Hwy 10, as an alternate route for operating convenience only. *The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Washington, DC, or San Francisco, CA.)*

MC 149271F, filed December 10, 1979. Applicant: NATIONAL PARK TOURS, INC., P.O. Box 95, Jackson, WY 83001. Representative: Timothy J. Bommer, P.O. Box 1728, Jackson, WY 83001. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (1) over regular routes, *passengers and their baggage, and express and newspapers*, between Jackson Hole Airport, WY, and Grand Targhee Resort, WY, from Jackson Hole Airport over U.S. Hwy 187 to junction WY State Hwy 22, then over WY State Hwy 22 to junction ID State Hwy 33 at the WY-ID State line, then over ID State Hwy 33 to Driggs, ID, then over unnumbered Hwy to Grand Targhee Resort, and return over the same route, serving all intermediate points, and serving Teton Village, WY, as an off-route point, and (2) over irregular routes, *passengers and their baggage*, in special and charter operations, beginning and ending at points in Teton County, WY, including Grand Teton and Yellowstone National Parks, and extending to points in MT, ND, SD, NE, CO, UT, and ID. (Hearing site: Cheyenne or Casper, WY.)

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 24, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 124211 (Sub-E127) filed September 14, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). *Junk and scrap meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) from points in AL, to points in MN on and west of US Hwy 71; ND, SD and WY (points in NE in the Council Bluffs, IA, commercial zone, and points in Saunders County, NE*); (b) between points in AL, on the one hand, and, on the other, points in CA on and north of US Hwy 60; CO on and north of US Hwy 24; ID; IA on and west of US Hwy 59; MN on and west of US Hwy 71; MT, NV, ND, OR, SD, UT, WA and WY (points in NE in the Councils Bluffs, IA, commercial zone*); (c) between points in AZ on and south of US Hwy 60, on the one hand, and, on the other, points in ME, NH, and VT (points in NE in the Council Bluffs, IA, commercial zone); (d) between points in AZ, on the one hand, and, on the the other, points in CT, DE, DC, IL, IN, IA, KY, MD, MA, MI, MN, MO on and north of US Hwy 40, NJ, NY, ND, OH, PA, RI, SD, VA, WV and WI (points in ND*); (e) from points in AZ to points in KY (Lincoln, NE, commerical zone*); (f) between points in AR, on the one hand, and, on the other, points in CO on and north of US Hwy 6; IA on and west of US Hwy 75; MN on and west of US Hwy 71; MT; NV on and north of US Hwy 40; ND; OR; SD; UT on and north of US Hwy 40; WA and WY (points in NE*); (g) from points in CA (except points south of US Hwy 60) to points in IL, IN, IA, MI, MN, MO on and north of US Hwy 40, ND on and east of US Hwy 81, OH, SD on and east of US Hwy 281, and WI (points in Saunders County, NE*); (h) from points in CA (except points south of US Hwy 60) to points in KY (Lincoln, NE, commercial zone); (i) between points in CA (except points south of US Hwy 60), on the one hand, and, on the other, points in FL, GA, ME, MS on and south of US Hwy 78, NH, NC, SC and VT (points in NE*); (j) between points in CA (except points south of US Hwy 60), on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (k) between points in CO on and north of US Hwy 24, on the one hand, and, on the other, points in FL, GA and MS on and north of US Hwy 82 (points in NE*); (l) between points in CO, on the one hand, and, on the other, points in ME, NH, NC, SC, and VT (points in NE*); (m) from points in CO on and north of US Hwy 24, to points in IL on and north of US Hwy 50, IN, IA, MI, MN, ND on and east of US Hwy 81, OH, SD on and east of US Hwy 77, WI and St. Louis, MO (points in Saunders County, NE*); (n) from points in CO on and north of US Hwy 24, to points in KY (Lincoln, NE, commercial zone*); (o) between points in CO on and north of US Hwy 24, on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (p) from points in CT, to points in KS, ND, SD, and WY (points in Saunders County, NE*); (q) between points in CT, on the one hand, and, on the other, points in NM, OK and TX on and west of US Hwy 77 (points in NE*); (r) from points in DE, to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (s) between points in DE, on the one hand, and, on the other, points in NM, OK and TX on and west of US Hwy 183 (points in NE*); (t) between points in FL, on the one hand, and, on the other, points in ID, IA on and west of US Hwy 59, KS on and north of US Hwy 40, MN on and west of I Hwy 35, MT, NV, ND, OR, SD, UT, WA and WY (points in NE*); (u) between points in GA, on the one hand, and, on the other, points in ID, IA on and west of US Hwy 75, KS on and north of US Hwy 36, MN on and west of US Hwy 71, MT, NV on and north of US Hwy 50, ND, OR, SD, UT on and north of US Hwy 50, WA and WY (points in NE*); (v) between points in ID, on the one hand, and, on the other, points in LA, MS, NC, OK on and east of US Hwy 77, SC and TX on and east of US Hwy 77 (points in NE*); (w) between points in ID, on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (x) from points in ID, to points in KY (Lincoln, NE, commercial zone*); (y) from points in ID to points in IL, IN, IA, KS on and east of US Hwy 77, MI on and south of US Hwy 10, MN on and south of US Hwy 14, MO, OH, WI on and south

of US Hwy 10, Minneapolis, MN, Green Bay, WI (points in Saunders County, NE*); (z) from points in IL on and north of US Hwy 24, to points in KS on and west of US Hwy 81, ND on and west of US Hwy 281, and SD on and west of US Hwy 81 (points in Saunders County, NE*); (aa) between points in IL on and north of US Hwy 24, on the one hand, and, on the other, points in OK on and west of US Hwy 183, and TX on and west of US Hwy 281 (points in NE*); (bb) from points in IN on and north of US Hwy 24, to points in KS on and west of US Hwy 81, ND on and west of US Hwy 281, SD on and west of US Hwy 81, and WY (points in Saunders County, NE*); (cc) between points in IN on and north of US Hwy 24, on the one hand, and, on the other, points in OK on and west of US Hwy 183, and TX on and west of US Hwy 281 (points in NE*); (dd) from points in IN on and south of US Hwy 24, to points in ND, SD and WY (points in Saunders County, NE*); (ee) between points in IA on and north of US Hwy 6, on the one hand, and, on the other, points in NM, OK on and west of US Hwy 75, and TX on and west of US Hwy 77 (points in NE*); (ff) from points in IA on and south of US Hwy 30, to points in WY (points in Saunders County, NE*); (gg) between points in KY on and south of US Hwy 60, on the one hand, and, on the other, points in MT, NV, ND, OR, SD, UT, WA and WY (points in NE*); (hh) from points in KY on and south of US Hwy 60, to points in ND, SD, and WY (points in Saunders County, NE*); (ii) between points in LA, on the one hand, and, on the other, points in MN on and west of US Hwy 71; MT, ND, OR, SD, WA and WY (points in NE*); (jj) between points in ME, on the one hand, and, on the other, points in NM, OK and TX on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (kk) from points in MD, to points in SD, ND, and WY (points in Saunders County, NE*); (ll) from points in MA, to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (mm) between points in MD and MA, on the one hand, and, on the other, points in NM (points in NE*); (nn) from points in MI (except points north of US Hwy 10), to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (oo) between points in MI, on the one hand, and, on the other, points in OK on and west of US Hwy 77, NM and TX on and west of US Hwy 75 (points in NE*); (pp) between points in MN, on the one hand, and, on the other, points in NM, OK and TX (points in NE*); (qq) between points in MS, on the one hand, and, on the other, points in MT, NV on and north of US Hwy 40, ND, OR, SD, UT on and north of I Hwy 80, and WY (points in NE*); (rr) from points in MO, to points, in ND, SD and WY (points in Saunders County, NE*); (ss) from points in MT, to points in IL, IN, IA on and south of US Hwy 20, KS on and east of US Hwy 77, MI on and south of US Hwy 10, MO, OH, and WI on and south of US Hwy 18 (points in Saunders County, NE*); (tt) from points in MT, to points in KY (Lincoln, NE, commercial zone*); (uu) between points in MT, on the one hand, and, on the other, points in NC, OK on and east of US Hwy 77, SC, TX on and east of US Hwy 77, VA on and south of US Hwy 60, and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (vv) from points in NV, to points in IL, IN, IA, MI, MN, MO on and north of US Hwy 40, OH and WI (points in Saunders County, NE*); (ww) between points in NH, on the one hand, and, on the other, points in NM on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (xx) between points in NH, on the one hand, and, on the other, points in NM, ND, OK, OR, SD, TX on and west of US Hwy 75, UT, WA, and WY (points in NE*); (yy) from points in NJ, to points in ND, SD, and WY (points in Saunders County, NE*); (zz) between points in NJ, on the one hand, and, on the other, points in NM, OK, and TX on and west of US Hwy 81 (points in NE*); (aaa) between points in NM on and south of US Hwy 60, on the one hand, and, on the other, points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (bbb) between points in NM, on the one hand, and, on the other, points in NY, OH, PA, RI, SD, ND, and WI (points in NE*); (ccc) from points in NY, to points in KS on and west of US Hwy 75, ND, SD and WY (points in Saunders County, NE*); (ddd) between points in NY, on the one hand, and, on the other, points in OK and TX (points in NE*); (eee) between points in NC, on the one hand, and, on the other, points in ND, OR, SD, UT, WA and WY (points in NE*); (fff) between points in ND, on the one hand, and, on the other, points in OK and TX (points in NE*); (ggg) from points in OH, to points in ND, SD, and WY (points in Saunders County, NE*); (hhh) between points in OK, on and south of US Hwy 60, on the one hand, and, on the other, points in VT (points in NE*); (iii) between points in OK on and east of US Hwy 81, on the one hand, and, on the other, points in OR, SD, WA and WY (points in NE*); (jjj) between points in OK on and west of US Hwy 81, on the one hand, and, on the other, points in SD and WI (points in NE*); (kkk) from points in OR, to points in IL, IN, IA, MI on and south of US Hwy 10, MO, OH, and WI on and south of US Hwy 12 (points in Saunders County, NE*); (lll) from points in OR, to points in KY (points in the Lincoln, NE, commercial zone); (mmm) between points in OR, on the one hand, and, on the other, points in KY, SC, TN, VA and WV on and south of US Hwy 60, and points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (nnn) from points in PA, to points in ND, SD, and WY (points in NE in the Council Bluffs, IA, commercial zone*); (ooo) from points in RI, to points in ND, SD and WY (points in Saunders County, NE*); (ppp) between points in RI, on the one hand, and, on the other, points in OK and TX (points in NE*); (qqq) between points in SC, on the one hand, and, on the other, points in SD, UT, WA and WY (points in NE*); (rrr) between points in SD, on the one hand, and, on the other, points in TX and VT (points in NE*); (sss) from points in SD, to points in KY (Lincoln, NE, commercial zone*); (ttt) from points in TN to points in ND, SD and WY (points in Saunders County, NE*); (uuu) between points in TX, on the one hand, and, on the other, points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (vvv) between points in TX, on the one hand, and, on the other, points in WA and WY (except points in TX west of US Hwy 385) (points in NE*); (www) from points in UT, to points in IL, IN, IA, MI, MN, OH and WI (points in Saunders County, NE*); (xxx) from points in VT, to points in ND, SD and WY (points in Saunders County, NE*); and (yyy) from points in WA, to points in IL, IN, IA, MO, and OH (points in Saunders County, NE*). Restriction: The authority granted (except paragraphs (a), (c), (e), (hh), (jj), (ww), (aaa), (hhh), (uuu), and (xxx)) is restricted against the transportation of scrap meats. (Gateway eliminated: asterisked)

Office of Proceedings, Permanent Authority Decisions, Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 26, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed

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below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 14, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-note (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4 Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 115703 (Sub-19F), filed August 15, 1979. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Suite 710, Statler Building, Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, machine parts and articles* which because of size or weight require the use of special handling or rigging between points in CT, DE, MD, MA, NJ, NY, NC, OH, PA, RI, VA, WV and the District of Columbia, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 129480 (Sub-43F), filed August 13, 1979. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Ave., S.E., Calgary, Alberta, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a common carrier, by motor vehicle, in foreign commerce, over irregular routes transporting (1) *farm machinery* and (2) *parts* for farm machinery from Hesston, KS, to ports of entry on the international boundary line between the United States and Canada at or near Sweetgrass, MT. (Hearing site: Denver, CO.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 145734 (Sub-16F), filed November 30, 1979. Applicant: BD TRUCKING CO., a corporation, P.O. Box 817, Ripon, CA 95366. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *machinery, equipment, materials, and supplies*, used or useful in logging, mining, road building, and construction work, and (b) *such commodities* when moving as a replacement, additional, repair, or a standby shipment, (2) *iron and steel articles*, as described in Appendix V to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, and (3) *construction materials*, between points in CA, on the one hand, and, on the other, points in AZ, CO, MT, UT, and WY. *The sole purpose of this application is to substitute single-line for joint-line operations.* (Hearing site: San Francisco, CA.)

Office of Proceedings, Permanent Authority Decisions Volume—Decision-Notice

Decided: March 25, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before May 14, 1980. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below, and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 130802F, filed March 10, 1980. Applicant's name and address are JAMES M. BROCKMAN, 4914 Lankershim Boulevard, North Hollywood, CA 91601. The name under which operations will be performed is BROCKMAN & ASSOCIATES. Applicant is represented by Milton W. Flack in this proceeding whose address is 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: James M. Brockman, an individual, sole proprietor. The business address is 4914 Lankershim Boulevard, North Hollywood, CA 91601. The daily operations will be managed by James M. Brockman, whose business is 4914 Lankershim Blvd., North Hollywood, CA 91601. Applicant is affiliated with the following shipper or warehouse: None.

MC 141323 (Sub-2F), filed February 14, 1980. Applicant: TMT INTERMODEL TRANSPORT, INC., 815 Haines Street, Jacksonville, FL 32206. Representative: Leo C. Franey, 918–16th Street, N.W., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (A) Lake Charles, LA, and (B) Miami, FL, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Lake Charles, LA, or Miami, FL.)

Office of Proceedings, Permanent Ex-Water Authority Decision-Notices

Decided: March 25, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before May 14, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human evironment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations

are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 141323 (sub-2F), filed February 14, 1980. Applicant: TMT INTERMODAL TRANSPORT, INC., 815 Haines St., Jacksonville, FL 32206. Representative: Leo C. Franey, 918–16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zones of (A) Lake Charles, LA, and (B) Miami, FL, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Lake Charles, LA, or Miami, FL.)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11112 Filed 4-11-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2392 (Sub-132 TA), filed September 26, 1979, published in the **Federal Register** January 7, 1980 and republished this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, Omaha, NE 68127. Representative: Keith D. Wheeler, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. By decision entered March 19, 1980, the Motor Carrier Board granted applicant, 90 day temporary authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, from Schuyler, NE to Rush City, MN. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto. Purpose of this republication is to show the correct destination points of Rush City MN instead of Rush City, NE.

[Notice No. F-17]

The following applications were filed in Region I. Send protests to Regional Authority Center, Interstate Commerce Commission, 150 Causway St., Rm. 501, Boston, MA 02114.

MC 144061 (Sub-1–2TA), filed February 21, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ. 07481. Representative: Jack L. Schiller, 345 Webster Ave., Brooklyn, NY. 11230. *Contract carrier*, irregular routes. (1) *Cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains, varnishes, plastic bags, filters*, and *cleaning* and *sanitizing equipment* from the facilities of Economics Laboratory, Inc., located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA to points in the United States (except AK and HI.) (2) *Raw materials* used in the production and manufacturing of *cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains, varnishes*, and *cleaning* and *sanitizing equipment*, from points in the United States (except AK and HI) to the facilities of Economics Laboratory, Inc. located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA. (3) *Semi finished raw materials* used in the production and manufacturing of *cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains*, and *varnishes* between the facilities of Economics Laboratory, Inc. located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA. *Condition:* The above traffic is restricted to service to be performed under a contract or continuing contracts with Economics Laboratory, Inc. of St. Paul, MN.

MC 146440 (Sub-1–3TA), filed February 27, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA. 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA. 02148. *General commodities, with the usual exceptions* from points in Middlesex County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A. Feinberg, 220 Lowell Street, Peabody, MA. 00960.

MC 146440 (Sub-1–4TA), filed February 27 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA. 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA. 02148. *General commodities, with the usual exceptions* from points in Worcester County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A. Feinberg, 220 Lowell Street, Peabody, MA. 00960.

MC 143236 (Sub-1–1TA), filed February 26, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ. 07032. Representative: Elizabeth Eleanor Murphy, 40 Hackensack Avenue, S. Kearny, NJ. 07032. *Electric motors* between Carlstadt, NJ., on the one hand, and, on the other, points in AL, AK, CA, GA, IA, IL, IN, MO, MN, MS, NC, OH, PA, SC, TX, and WI. Restricted to traffic originating at or destined to the facilities of Brevel Motors, Division of McGraw Edison. Supporting Shipper: Brevel Motors, Broad and 16th Streets, Carlstadt, NJ., 07072

MC 150159 (Sub-1–1TA), filed February 25, 1980. Applicant: WILNER'S LIVERY SERVICE, INC., 1421 Witherspoon Street, Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Avenue Highland Park, NJ 08904. *Passengers and their baggage, in special operations*, in non-scheduled door-to-door service of not more than six (6) passengers in any one vehicle, not including driver, between points in Middlesex, Somerset, and Union Counties, NJ, on the one hand, and, on the other, John F. Kennedy International and LaGuardia Airports, NY, and Philadelphia International Airport, Philadelphia, PA. Supporting shippers: Hanson Industries, Inc., 23 Wood Avenue South, Iselin, NJ, Edison Travel, Inc., Edison Colonial Village Rte. 27, Edison, NJ, Travelong, Inc., 1478 Morris Avenue, Union, NJ, Bridgewater Travel Service, Inc., 1948 Washington Alley Road, Martinsville, NJ, and Ethicon, Inc., Sommerville, NJ.

MC 140006 (Sub-1–1TA), filed February 26, 1980. Applicant: JOHN W. GEORGE, d.b.a. HEPNER'S TRUCKING CO., 1810 East Washington Avenue, Vineland, NJ. 08360. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ. 08904. *Floor covering and materials and supplies used in the installation and manufacturing thereof, except in bulk*, between Vineland, NJ and Philadelphia, PA, on the one hand, and, on the other, Atlanta, Dalton, and Rome GA, and Chattanooga, TN. Supporting Shippers: The Carpet Shop, 92 North Delsea Drive, Vineland, NJ. 08360 and Aspen Wholesale Carpets, Inc., 7025 Colonial Highway, Pennsauken, NJ. 08109.

MC 128343 (Sub-1–3TA), filed April 1, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. *Contract carrier*, irregular routes: *Commodities as are dealt in by retail department stores and equipment, materials*, and *supplies* used in the distribution and manufacture thereof between facilities of Child World, Inc., at or near Avon, MA, Obetz, OH and Kansas City, MO, on the one hand, and, on the other, Los Angeles, CA and points in states east of and including TX, OK, KS, IA and MN. (Supporting shipper: Child World, Inc., Avon, MA.)

MC 145679 (Sub-1–2TA), filed March 27, 1980. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NI 68106. *Cutting tools and materials and supplies used in the manufacture of cutting tools*, from Fitchburg, MA and Newcomerstown, OH to Los Angeles, CA. Supporting Shipper: Simonds Cutting Tools, Division of Wallace Murray Corporation, Intervale Road, Fitchburg, MA 01420.

MC 150447 (Sub-1–1TA), filed March 31, 1980. Applicant: GSC TRANSPORT, INC., 1050 State Street, Perth Amboy, NJ 08861. Representatives: John L. Alfano and Roy A. Jacobs, Esqs. (Alfano & Alfano, P.C.) 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier*, irregular (1) *Foam glass insulation and glass block in containers or trailers with chassis; and (2) Empty trailers with chassis or containers*, between Port Allegany, PA, on the one hand, and, on the other, New York, NY and Baltimore, MD. *restricted* to shipments having a prior or subsequent movement by water, under contract with Pittsburgh Corning Corporation of Pittsburgh, PA. Supporting shipper: Pittsburgh Corning Corporation, Pittsburgh, PA.

MC 146418 (Sub-1–TA), filed March 28, 1980. Applicant: WALTER A. SOWDEN JR., d.b.a. SOWDEN TRANSPORTATION CO., 92 East Main Street, Somerville, NJ 08876. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ. 07080. *Contract carrier*, irregular routes, *(1) Liquid Plastic, except in bulk in tank vehicles*, From: North Baltimore, OH. and Waukesha, WI. to points in CT, DE, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, RI, TN, TX, UT, and WI, and, (2) Polyvinyl Chloride Resins, except in bulk in tank vehicles, From: points in DE, IL, ON, KY, LA, NJ, NY, OH, and PA, to North Baltimore, OH and Waukesha, WI, under a continuing contract or contracts with Plast-O-Meric Incorporated, North Baltimore, OH, 45872.

MC 142765 (Sub-1–2TA), filed April 2, 1980. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Road, Bethany, Connecticut 06460. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. *Contract carrier irregular* routes, *such merchandise as is dealt in by bakery houses*, between Baltimore, MD and Clifton, NJ and points in their commercial zones. Supporting shipper: Silber's Bakery, Inc., Baltimore, MD.

MC 150360 (Sub-1–1TA), filed March 27, 1980. Applicant: KENNEDY CO., INC., d.b.a. BRENNAN TRANSPORTATION SERVICES, Pike Road, Mt. Laurel, NJ 08054. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. *Pharmaceutical Tablets* from the facilities of PACO Packaging, Incorporated, Lakewood, NJ to Philadelphia, PA. Supporting shipper: PACO Packaging, Incorporated, Rt. 70 and Corporate Highway, Lakewood, NJ 08701.

MC 148370 (Sub-1–1TA), filed March 24, 1980. Applicant: TRAFIK SERVICES, INC., 11 Newark Street, Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). *Contract carrier*, Irregular routes: *Paper and paper products, and paper and pulpboard combined with aluminum foil, copper flashing with or without paper and paper products and supplies* used in the sale of the foregoing commodities from the plantsite of the Fortifiber Corporation at Attleboro, MA to all points in US. RESTRICTION: The shipments are restricted to a transportation service to be provided under a continuing contract or contracts with the Fortifiber Corporation of Attleboro, MA. Supporting shipper: Fortifiber Corporation, 55 Starkey Avenue, Attleboro, MA 02703.

MC 150448 (Sub-1–1TA), filed March 31, 1980. Applicant: CHART TRANSPORTATION, INC., 243 W. Hazlewood Avenue, Rahway, NJ 07065.

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Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Plastic articles (except commodities in bulk),* from Monaca, PA; La Porte, Port Arthur, and Houston, TX; and Metuchen, NJ, to points in the U.S. (except AK and HI). Supporting shipper(s): Arco Polymers, Inc., 1500 Market St., Philadelphia, PA 19101.

MC 124423 (Sub-1–1TA), filed March 27, 1980. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: Lawrence Day (same address as applicant). *Drugs, medicines, chemicals and materials, equipment supplies and records used in connection with research, manufacture and distribution thereof* (except commodities in bulk and limited to shipments weighing 5,000 pounds or less), between Rahway, NJ, on the one hand, and, on the other, points in DE, DC, MD, MA, NC, NH, NY, PA, SC, RI, VT. Supporting shipper: Merck, Inc., P.O. Box 2000, Rahway, NJ.

MC 119543 (Sub-1–1TA), filed March 26, 1980. Applicant: RICHARD J. MULLANEY, 66 Helena Street, Leominster, Massachusetts 01453. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, Massachusetts 01103. *Coke, in bulk, in dump vehicles;* from the plantsite of Philadelphia Coke Co., Inc. at Philadelphia, PA, to Barre, Blackstone, Bridgewater, Brockton, Concord, Easton, Fitchburg, Gilbertville, Graniteville, Indian Orchard, Lawrence, Lynn, North Andover, Ware, Westfield, Whitman, and Worcester, MA, and Cumberland, Esmond, Johnston, and Woonsocket, RI. Supporting shipper: Philadelphia Coke Co., 4501 Richmond St., Phil., PA 19137.

MC 146048 (Sub-1–1TA), filed March 28, 1980. Applicant: INTERCOASTAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: *Paper and paper articles,* from the facilities of Automatic Data Processing, Inc. at or near Clifton, NJ to Santa Clara and LaPalma, CA, under a continuing contract(s) with Automatic Data Processing, Inc. of Trenton, NJ. Supporting shipper(s): Automatic Data Processing, Inc., 405 Route 3, Clifton, NJ 07015.

MC 150441 (Sub-1–1TA), filed March 31, 1980. Applicant: JOHN E. ZULAK HAULAGE LIMITED, 1489 Augustine Drive, Burlington, Ontario, Canada L7P 2N1. Representative: Robert D. Gunderman, Esq., Suite 710, Statler Building, Buffalo, NY 14202. *Contract carrier,* irregular routes: *Scrap materials,* between ports of entry on the International Boundary line between the U.S. and Canada located in MI and NY, on the one hand, and, on the other, Detroit, MI and Dunkirk, NY, restricted to the transportation of traffic performed under a continuing contract or contracts with Mostel Metals Company of Canada Ltd. Supporting shipper(s): Mostel Metals Company of Canada Ltd., 371 Comstock Road, Scarborough, Ontario, Canada M1L 2H3.

MC 142319 (Sub-1–1TA), filed March 31, 1980. Applicant: STRAUSS TRUCKING, LTD., P.O. Box 316, Bloomsbury, NJ 08804. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Shopping carts, and materials, supplies and equipment used in the manufacture thereof,* between Pennsauken, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper(s): United Steel & Wire Co., Inc., Suckle & National Highway, Pennsauken, NJ 08110.

MC 61016 (Sub-1–2TA), filed March 31, 1980. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Philip J. Shine, Esq., 95 State Street, Suite 909, Springfield, MA 01103. *Passengers and their baggage,* in the same vehicle with passengers over irregular routes in charter and special operations, in vehicles specially equipped to accommodate wheelchairs, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New York; and (2) beginning and ending at the points named in (1) and extending to points in the United States, including Alaska, but excluding Hawaii. There are 13 supporting shippers whose statements may be examined at ICC Boston office.

MC 148849 (Sub-1–2TA), filed March 26, 1980. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Such commodities as are sold or dealt in by department stores, paper and paper products (except commodities in bulk),* (1) from points in the Chicago, IL Commercial Zone, to Sharonville, OH; (2) from Miami, FL, to Charlotte, NC: and (3) from Charlotte, NC, to Sharonville, OH. Supporting shipper(s): Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, IL 60671.

MC 61016 (Sub-1–1TA), filed March 28, 1980. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Charles A. Webb, Suite 800, South, 1800 M Street, NW., Washington, D.C. 20036. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Springfield, MA, and Portland, ME serving all intermediate points, over the following routes: (1) From Springfield, MA over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Portland, ME and return over the same route; (2) From Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to MA Hwy 110, then over MA Hwy 110 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Portland, ME, and return over the same route; and (3) From Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction MA Hwy 110, then over MA Hwy 110 to junction MA Hwy 1A, then over MA Hwy 1A to junction NH Hwy 1A at the MA-NH State line, then over NH Hwy 1A to U.S. Hwy 1 at Portsmouth, NH, then over U.S. Hwy 1 to junction ME Hwy 1A near York Village, ME, then over ME Hwy 1A to junction unnumbered hwy near York Beach, ME, then over unnumbered hwy to junction U.S. Hwy 1 near Ogunquit, ME, then over U.S. Hwy 1 to junction ME Hwy 9 at Elms, ME, then over ME Hwy 9 to junction U.S. Hwy 1 at Saco, ME, then over U.S. Hwy 1 to Portland, ME, and return over the same route, serving the off-route points of Biddeford Pool, Bay View, Old Orchard Beach and Pine Point, ME

MC 146418 (Sub-1–1TA), filed March 28, 1980. Applicant: WALTER A. SOWDEN, JR. d.b.a. SOWDEN TRANSPORTATION CO., 92 East Main Street, Somerville, NJ 08876. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract,* irregular, (1) *Liquid plastic, except in bulk in tank vehicles,* from North Baltimore, OH and Waukesha, WI to points in CT, DE, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, RI, TN, TX, UT and WI, and (2) *Polyvinyl chloride resins, except in bulk, in tank vehicles,* from points in DE, IL, ON, KY, LA, NJ, NY, OH and PA to North Baltimore, OH and Waukesah, WI. Supporting shipper(s); Plast-O-Meric Incorporated, North Baltimore, OH 45872.

MC 145914 (Sub-1–2TA), filed March 27, 1980. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. *Contract,* Irregular, *Bakery goods other than frozen in truckload lots,* between the facilities of Sunshine Biscuits, Inc., Sayreville, NJ and the facilities of Sunshine Biscuits, Inc. in Columbus, GA. Supporting shipper: Sunshine Biscuits, Inc. of Sayerville, NJ 08872.

MC 143785 (Sub-1–1TA), filed March 28, 1980. Applicant: B & W INC., 89 Teed Drive, Randolph, MA 02368. Representative: William H. Burke, 89 Teed Drive, Randolph, MA 02368. *Contract,* Irregular *Containers, glassware, bottles, cans, jars, bottle caps, boxes and materials and supplies used in the manufacture and use thereof,* From points in MA to points in NY, except the Boroughs of Bronx, Kings, Manhattan, Queens and Richmond; and the counties of Nassau and Suffolk. Supporting shipper: Foster Forbes, Inc. of Milford, MA 01759.

MC 145981 (Sub-1–1TA), filed March 28, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Industrial Plumbing Supplies, and materials, equipment, and supplies used in the manufacture and sale of Industrial Plumbing Supplies (except commodities in bulk),* Between Medford and Boston, MA, and its Commercial Zone, on the one hand, and, on the other, points in the states of CA, FL, GA, IL, SC, TX, and TN. Supporting shipper(s): Asahi/America, P.O. Box 310, Riverside Ave., Medford, MA 02155.

MC 98542 (Sub-1–1TA), filed March 27, 1980. Applicant: COLLINS & SIMMONS, INC., (a Delaware corporation), P.O. Box 98, Wolcott, NY 14590. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. *Such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), between points in Genesse, Livingston, Monroe, Ontario, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in DE, MD, NJ, NY, NC, PA, and VA. Supporting shipper: Curtice-Burns, Inc., Lent Ave., Le Roy, NY 14482.

MC 138861, (Sub-1–4TA), filed April 3, 1980. Applicant: C–LINE, INC., Tourtellot Hill road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between railroad ramps located at Bridgeport, North haven, and Plainfield, CT; Boston, West Springfield, and Worcester, MA; Pawtucket and Providence, RI, on the one hand, and, on the other, points in CT, MA, and RI, restricted to shipments having a prior or subsequent movement by rail. Supporting shipper: Go-Van Consolidators, Inc. Warwick, RI.

MC 150394 (Sub-1–1TA) filed April 3, 1980. Applicant: P & L ENTERPRISES, 1776 Main Street, Springfield, MA 01103. Representative: Robert J. Brooks, 1111 E Street, N.W., Suite 501, Washington, DC 20004. *Contract carrier* irregular routes, *passengers and their baggage, in vehicles seating 25 passengers or less,* between the facilities of Boardwalk Regency Hotel and Casino, at Atlantic City, NJ, on the one hand, and, on the other, Washington, DC, and points in CT, DE, MD, NY, PA, and VA, under a continuing contract with Happy Day Tours, Inc., exclusive booking agent for Boardwalk Regency Hotel and Casino. Supporting shipper: Happy Day Tours, Inc., Atlantic City, NJ.

MC 150494 (Sub-1–1TA), filed April 4, 1980. Applicant: SIMCOE COACH LINES LIMITED, R.R. No. 3, Sutton West, Ontario, Canada LoE 1RO. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, New York 14202. *Passengers and their baggage, in the same vehicle with passengers in round-trip charter and special operations, in sightseeing and pleasure tours,* beginning and ending at ports of entry on the United States-Canada Boundary lines and extending to points in KY, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV and DC, restricted to trips beginning and ending at or near Keswick and Sutton, Ontario. Supporting shipper: Walker Travel Service, 33 Queensway South, Keswick, Ontario, Canada L4P 1Y8.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St. Room 620, Philadelphia, PA 19106.

MC 117344 (Sub-2–2TA), filed March 27, 1980. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, OH 45215. Representative: John C. Spencer (same address as applicant). *Plastic Pellets, in bulk, in tank or hopper type vehicle,* from Owensboro, KY to Etowah, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammond Plastics-Midwest, Inc., P.O. Box 990, Harbor Rd., Owensboro, KY 42301.

MC 106920 (Sub-No. 2–1TA), filed March 17, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, DC 20001. *Foodstuffs (except in bulk),* from the facilities of Anderson-Clayton Foods, Inc., at or near Jacksonville, IL, to points in MO for 180 days. An underlying ETA seeks 90 days. Supporting shipper: Anderson-Clayton Foods, Inc., 7839 Churchill Way, Dallas, TX 75251.

MC 146964 (Sub-II–7TA), filed March 24, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valentik (same as applicant). *Paper and paper products* between Erie and Lock Haven, PA and Oswego, NY to pts. in AL, GA, NC, SC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammermill Paper Co., Box 1440, 1540 East Lake Rd., Erie, PA 16533.

MC 150416 (Sub-II–1TA), filed March 20, 1980. Applicant: H. P. HOFFMAN COMPANY t.d.b.a. MOYER TRUCKING AND MOVING, R.D. No. 1, Kegerise Dr., Temple, PA 19560. Representative: John W. Dry, 541 Penn St., Reading, PA 19601. (1) *Fabricated Hair,* from the facilities of F. P. Woll & Co., Philadelphia, PA, to points in OH and WV, and vice versa: (2) *China and glassware,* from the facilities of Reading China & Glass Co., Wyomissing, PA, to points in OH, NY and NJ, and vice versa; (3) *Shirts and Materials,* from the facilities of Fleetwood Shirt Corp., Fleetwood, PA, to points in NJ and NY, and vice versa: (4) *Trivets and Cast Iron Items,* from the facilities of Robert Emig Products, Inc., Reading, PA, to points in NJ and NY, and vice versa; (5) *New and Used Trailers,* from the facilities of Fisher Leasing, Inc., Reading, PA, to points in NJ, and vice versa; (6) *Plastic-Coated Parts,* from the facilities of Fusion Coatings, Inc., Robesonia, PA, to points in NJ, and vice versa. Supporting shippers: There are six (6) supporting shippers. Their statements may be examined at the ICC Regional Office in Phila., PA.

MC 22162 (Sub-II–1TA), filed March 27, 1980. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *New automobiles and trucks* from Baltimore, MD, to KY, IN, MI, and TN for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Nissan Motor Corp. in U.S.A., 18501 Figueroa St., Carson, CA 92048.

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MC 2202 (Sub-II–3TA), filed March 24, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving the plantsite of Tamco/Alliance Mfg. Co. at or near Shenandoah, VA as an off-route point in connection with applicant's regular routes to and from Staunton, VA, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Staunton, VA. Applicant proposes to interline at existing gateways throughout its system. An underlying E.T.A. seeks 90 days authority. Supporting shipper(s): tamco/Alliance Mfg. Co., 22790 Lake Park Blvd., Alliance, OH 44601.

MC 2202 (Sub-II–4TA), filed March 27, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Sterling, KS and points in its commercial zone as off-route points in connection with applicant's regular routes to and from Hutchinson, KS, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Hutchinson, KS. Applicant proposes to interline at existing gateways throughout its system. An underlying E.T.A. seeks 90 days authority. Supporting shipper(s): ARK Manufacturing Co., Inc., P.O. Box 327, 112 S. Broadway, Sterling, KS 67579.

MC 2202 (Sub-II–5TA), filed March 28, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Coushatta, LA and points in its commercial zone as off-route points in connection with applicant's regular routes to and from Shreveport, LA, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Shreveport, LA. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: Sunbeam Corp., Drawer J, Coushatta, LA 71019; Dadco Fashions, P.O. Box 546, Coushatta, LA 71019.

MC 140952 (Sub-II–1TA), filed March 28, 1980. Applicant: REFRIGERATED EXPRESS, INC., 720 Twelfth St., Huntington, WV 25701. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Such commodities as are dealt in by grocery and food business houses, requiring protective service, except commodities in bulk,* between Jackson and Pearl, MS on the one hand, and, on the other, points in AR on, south and east of a line beginning at MS River and extending along AR Hwy 4 to McGehee, then south along U.S. Hwy 65 to junction with U.S. Hwy 165, then along U.S. Hwy 165 to the AR–LA State line; those points in LA on and east of a line beginning at the AR–LA State line and extending south along U.S. Hwy 167 to the Gulf of Mexico; those points in AL on, west and south of a line beginning at the MS–AL State line extending along U.S. Hwy 90 to Mobile, then along U.S. Hwy 43 to junction with U.S. Hwy 80, then along U.S. Hwy 80 to the AL–MS State line, and all points in MS for 180 days. Supporting shipper(s): Hershey Chocolate Co., 19 East Chocolate Ave., Hershey, PA 17033; Leaf Confectionery, Inc., 1155 No. Cicero Ave., Chicago, IL 60651; Luden's Inc., 200 No. 8th St., Reading, PA 19603; The Nestle Co., Inc., 100 Bloomingdale Rd., White Plains, NY 10605.

MC 119632 (Sub-II–4TA), filed March 27, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Foodstuffs, canned, prepared, or preserved (except frozen or in bulk),* from the facilities of Carnation Co. at Fort Wayne, IN to points in KY, MI, and OH for 180 days. Supporting shipper(s): Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 119632 (Sub-II–6TA), filed March 28, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Plastic bottles, less than 1 gallon capacity,* from the facilities of Polycon Industries, Inc. at Chicago, IL to Souderton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polycon Industries, Inc., 1001 E. 99th St., Chicago, IL 60628.

MC 116763 (Sub-2–4–TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Lighting fixtures and parts therefor (except commodities in bulk, in tank vehicles),* from Chattanoga, TN to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the above named origin and destined to the indicated destinations. Supporting shipper: Lithonia Lighting, Division of National Service Industries, Inc., P.O Box H, 1400 Lester Rd., Conyers, GA 30207.

MC 108631 (Sub-2–1TA), filed March 31, 1980. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road and Industrial Drive, Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Steam condenser parts and heat exchangers and parts thereof,* From the facilities of Ecolaire Condenser, Inc., Easton, PA to Vogtle, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ecolaire Condenser, Inc., Lehigh Drive, West Easton, PA 18042

MC 147681 (Sub-II–2TA), filed March 24, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. No. 2, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant). *Glass containers,* one gallon or less capacity, from Glass Container Corporation located in Knox, Marienville, Parker, PA; Clarion Warehousing in Clarion County, PA; and General Warehousing, DuBois, PA to points in NJ, MD and DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corp., Penn Ave., Knox, PA.

MC 147681 (Sub-II–3TA), filed March 27, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. No. 3, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant). *Glass containers,* between Hartford and Dayville, CT, on the one hand, and, on the other, points in MI, for 180 days. An underlying ETA seeks 90 authority. Supporting shipper(s): Glass Containers Corp., Knox, PA 16232.

MC 107403 (Sub-2–15TA), filed March 27, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Coke Breeze, in bulk, in dump vehicles,* from points in IN, IL, KY, PA, WV and MI to Ironton, OH for 180 days. Supporting shipper(s): Ironton Coke Corporation, 11750 Chesterdale Road, Cincinnati, OH 45246.

MC 116763 (Sub-2–7TA), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative:

Gary J. Jira (same address as applicant). *Canned or preserved foodstuffs,* from the facilities of Heinz USA at or near Pittsburgh, PA to the facilities of Heinz USA at or near Jacksonville, FL and Grand Prairie, TX, and restricted to traffic originating at the named origin facilities and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 116763 (Sub-2–6TA), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). (1) *Such commodities as are dealt in by manufacturers and distributors of small electric appliances* from facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH to points in the United States (except AK and HI), and (2) *Such materials, equipment and supply commodities as are dealt in by manufacturers and distributors of small electric appliances* from points in the United States (except AK and HI), to facilities of Hamilton Beach Division at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hamilton Beach Division, Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 61825 (Sub-2–6TA), filed March 31, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). (a) *Containers, glassware, container components and scrap materials* and (b) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), between those points in the United States in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Midland Glass Co., Inc, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 116763 (Sub-2–5TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Paper, paper products and plastic articles and such equipment, materials and supplies* as are used in the manufacture and distribution of commodities named above (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), Between the facilities of Erving Paper Mills, Inc., at or near LaGrange, GA on the one hand, and on the other, points in AL, AR, FL, KY, LA, MS, NC, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at or destined to the facilities of Erving Paper Mills, Inc. Supporting shipper(s): Erving Paper Mills, Inc., Erving, MA 01344.

MC 67646 (Sub-86TA), filed August 13, 1979, originally published in the **Federal Register** of March 12, 1980. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Common carrier;* regular routes: *General Commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) serving Medina, NY as an off-route point in connection with the carrier's presently authorized regular route operations, for 180 days. Applicant intends to tack authority sought herein with authority held under docket numbers MC 67647 and MC 8600. Supporting shipper: Fisher Price Toys, 636 Girard Ave., East Aurora, NY 14052. The purpose of this re-publication is to show the correct scope of authority which was previously published incorrectly.

MC 110563 (Sub-23TA), filed March 24, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambasicia (same as applicant). *Fruit juice, dairy products, spring water,* from Flemington, NJ to points in IL, IN, MI, and OH. An underlying ETA seeks 90 days authority. Supporting shipper: Johanna Farms, Inc., P.O. Box 272, Flemington, NJ 08822.

MC 110525 (Sub-2–3TA), filed March 24, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downington, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from Pasadena, TX to ports of entry between the U.S. and Mexico, for 180 days. Supporting shipper: Air Products and Chemicals, Inc., P.O. Box 538, Allentown, PA 18105.

MC 110525 (Sub-2–2TA), filed March 24, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downington, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). *Hexamethylamine diamine, in bulk, in tank vehicles* from Orange and Victoria, TX to Chattanooga, TN and Camden, SC, for 180 days. Supporting shipper(s): E. I. duPont de Nemours and Co., 1007 Market St., Wilmington, DE 19898.

MC 139464 (Sub-2–1TA), filed March 24, 1980. Applicant: BASS TRANSPORT, INC., Rte. 2, Box 64–A, Altavista, VA 24517. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Masonry surface coatings, binders and tape* from the facilities of Crist Masonry Products Co. near New Market, VA to Portland and Salem, OR and points in their commercial zones, for 180 days. Supporting shipper(s): Crist Masonry Products Co., P.O. Box 1047, Harrisonburg, VA 22801.

MC 8771 (Sub-2–4TA), filed March 26, 1980. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Pipe bending or cleaning machines* from Mendota, IL to points in the United States (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper(s): Heico Inc, Mendota, IL 61342.

MC 138714 (Sub-2–2TA), filed March 26, 1980. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contract;* irregular: *newsprint paper* from the facilities of Bear Island Paper Co., Inc., located at or near Ashland, VA, to points in DE, MD, PA and DC, under a continuing contract(s) with Bear Island Paper Co., Inc., for 180 days. Supporting shipper: Bear Island Paper Co., Inc., 80 Field Point Rd., Greenwich, CT 06830.

MC 117760 (Sub-2–1TA), filed March 26, 1980. Applicant: FLOYD A. SCHEIB, INC., P.O. Box 528, 609 Main St., Hegins, PA 17938. Representative: John W. Dry, 541 Penn St., Reading, PA 19601. (1) *Clay,* in bags, from Claybourne, KY, and TN, to points in PA, NY and MA; (2) *Talc and Soap Stone,* in bags, from Gouverneur, NY, to points in PA, KY and TN. Supporting shippers: Kentucky-Tennessee Clay Co., P.O. Box 449, Mayfield, KY 42066; Gare, Inc., P.O. Box 1686, Haverhill, MA 01830.

MC 114569 (Sub-2–18TA), filed March 27, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as

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applicant). *Machinery, equipment, and supplies.* From: Broadview, IL. To: Lumberton, NC. Supporting shipper(s): Elkay Manufacturing Co., 2700 S. 17th Ave., Broadview, IL 60153.

MC 146890 (Sub-2-4TA), filed March 26, 1980. Applicant: C & E TRANSPORT, INC., d.b.a., C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. *Doors* from the facilities of Nicolai Co., at or near Portland and Springfield, OR to points in the U.S. (except AK, HI, and OR). An underlying ETA seeks 90 days authority. Supporting shipper: Nicolai Co., 1812 N. Columbia Blvd., Portland, OR 97217.

MC 47149 (Sub-2-1TA), filed March 24, 1980. Applicant: C. D. AMBROSIA TRUCKING CO., R. D. #1, Edinburg, PA 16116. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Coal,* in bulk, in dump vehicles, from Armstrong County, PA to points in OH, and those points in NY on and west of a line beginning at the PA–NY state line and extending over U.S. Hwy 11 to junction NY Hwy 13, and then over NY Hwy 13 to Lake Ontario. An underlying ETA seeks 90 days. Supporting shipper: Sharon Steel Corp., Carpentertown Coal & Coke Co., P.O. Box 291, Sharon, PA 16146.

MC 123255 (Sub-2-1TA), filed March 24, 1980. Applicant: B & L MOTOR FREIGHT, INC., 1964 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same as applicant). *Air Filters* from the facilities of Dust Stop Corp. located in Columbus, OH, and points in the commercial zone of Columbus, OH, to points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, PA, RI, WV, WI, DC, and Kansas City, KS commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper: Dust Stop Corp., 2195 Broehm Rd., Columbus, OH 43207.

MC 150316 (Sub-2-1TA), filed March 25, 1980. Applicant: ROBERT M. HARRIS, an individual Star Rte., Box 134, Buckingham, VA 23921. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Contract carrier;* irregular route: (1) *Stone, stone products, and steel and aluminum sheets and products* from the facilities of Allen Morrison, Inc., of Lynchburg, VA to points in CA, CT, IN, ME, MA, MI, MN, NH, NJ, NY, OH, OR, PA, VT, WA, WV, and WI and (2) *Aluminum, cement, mortar, surface coatings, steel and cardboard* from points in (1) above to the facilities of Allen Morrison, Inc., at Lynchburg, VA, for 180 days, under a continuing contract(s) with Allen Morrison, Inc., Lynchburg, VA. Supporting shipper(s): Allen Morrison, Inc., Rutherford St. and Orchard St., Lynchburg, VA 24505.

MC 138000 (Sub-2-4TA), filed March 24, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Malt beverages,* from Pabst (Houston County) GA, Peoria, IL, Newark, NJ and Milwaukee, WI including their respective commercial zones to points in SC, NC, VA, MD, DC, DE, IL, IN, OH, MI, KY, TN, NJ, WV, PA and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pabst Brewing Company, 917 W. Juneau Avenue, Milwaukee, WI 53201.

MC 147281 (Sub-2-1TA), filed March 24, 1980. Applicant: ROBERT G. WILLMENT AND EDWARD J. BLYZWICK, JR. d.b.a. KEYSTONE AIR FREIGHT EXPEDITING, 49 Warren St., Pittsburgh, PA 15205. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities,* except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipment, between the Greater Pittsburgh International Airport in Allegheny County, PA on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia International Airport at or near New York, NY, Newark International Airport at or near Newark, NJ, Detroit Metropolitan Airport near Detroit, MI and Bradley International Airport near Hartford, CT. Restricted to the transportation of shipments having a prior or subsequent movement by air for 180 days. An underlying ETA seeks 90 days. Supporting shippers: Circle Airfreight Corp., Cargo Bldg. 2, Greater Pittsburgh International Airport Coraopolis, PA. 15108; McGregor Swire Air Services, Ltd. 117 McLaughlin Rd., Coraopolis, PA 15108; Burlington Northern Air Freight, Inc., 314 Moon Clinton Rd, Coraopolis, PA 15108; Airborne Freight Corp., 645 Moon Clinton Rd, Coraopolis, PA 15108.

MC 145773 (Sub-2-2TA), filed March 24, 1980. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell 100 E. Broad St., Columbus, OH 43215. *Contract,* irregular: (1) *Household dishwashing machines; household dishwashing machine parts; household compactors; food processing equipment; computing scales; and commercial refrigerators,* from the facilities of Hobart Corporation in the states of AL, GA, IL, KS, KY, LA, MN, OH, PA, SC and UT to points in the U.S. (except AK and HI), and (2) *equipment, materials and supplies* used in the manufacture of the above described items (except commodities in bulk), in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hobart Corporation Troy, OH.

MC 4963 (Sub-2-10TA), filed March 24, 1980. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Iron and steel articles, metals and metal products* between facilities of Oceana Corp. at or near Darlington, SC and points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oceana Corp., P.O. Box 273, Pawleys Island, SC 29585.

MC 3246 (Sub-2-2TA), filed March 24, 1980. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Ave., Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Plastic articles, wire, equipment, materials and supplies used or useful in the manufacture or distribution of plastic articles or wire (except commodities in bulk)* between the facilities of G.T.E. Products Corp. at Warren, PA, on the one hand, and, on the other, points in the U.S. (except points in Chautauqua, Cattaraugus and Erie Counties, NY), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: G.T.E. Products Corp., 816 Lexington Ave., Warren, PA 16365.

MC 133966 (Sub-2-1TA), filed March 25, 1980. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., NW, Washington, DC 20004. *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, flexible air ducts, insulating products and materials, glass fiber rovings, yarn and strands, glass fiber mats and mattings,* from the facilities of CertainTeed Products Corp., at or near Mountaintop, PA, to points in FL, IL, IA, LA, GA and TX. Supporting shipper: CertainTeed Products Corp., Box 860, Valley Forge, PA 19482.

MC 150452 (Sub-II-1TA), filed March 31, 1980. Applicant: CORONET FOODS, INC., 203 15th St., Wheeling, WV 26003. Representative: Michael D. Bromley, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. *Coffee, in packages,* from the facilities of Stanley W. Ferguson, Inc., Boston, MA, to Bridgeport, CT; Edison, NJ; Henrietta, NY; Bedford Hts., Dayton and Toledo, OH; and Aston, Carnegie and Quakertown, PA. An underlying ETA seeks 90 days authority. Supporting shipper: Stanley W. Ferguson, Inc., 365 C St., Boston, MA 02127.

MC 127100 (Sub-II-1TA), filed March 31, 1980. Applicant: B & B MOTOR LINES, INC., 911 Summit St., Toledo, OH 43624. Representative: Charles K. Boxell, 711 1st Fed. Plaza, Toledo, OH 43624. *Contract,* irregular: *Malt (beer and ale) beverages in containers* from Eden, NC to Toledo, OH, under a continuing contract with Metropolitan Distributing Co. An underlying ETA seeks 90 days authority. Supporting shipper: Metropolitan Distributing Co., 911 Summit St., Toledo, OH 43624.

MC 141572 (Sub-II-2TA), filed March 28, 1980. Applicant: COUNCILL HAULING, INC., 1447 Clay St., Franklin, VA 23851. Representative: Richard J. Lee, Suite 1222, 700 Bldg., 700 E. Main St., Richmond, VA 23219. *Contract,* irregular: *Meat meal in steamship containers* between Norfolk, VA and Sanford, NC. An underlying ETA seeks 90 days authority. Supporting shipper: United Protein, Inc., P.O. Box 1866, Sanford, NC 27330.

MC 148476 (Sub-II-2TA), filed March 24, 1980. Applicant: BLUE HEN LINES, P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Contract;* irregular: *Bakers yeast, in vehicles equipped with mechanical regrigeration,* from E. Brunswick, NJ to points in PA, OH, IN, MI and IL. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser-Busch Companies, 721 Pestalozzi St., St. Louis, MO 63118.

MC 150421 (Sub-II-1TA), filed March 26, 1980. Applicant: CHARLES A. MENDOLA, d.b.a. C & M SERVICE CO., 2403 Horace Dr., Wilmington, DE 19808. Representative: Charles A. Mendola (same as above). *Automobile motors and tranmissions,* from Port of Philadelphia at or near Allegheny & Tioga Aves., Phila., PA, to Chrysler Assembly Plant, Newark, DE and General Motors Assembly Plant, Boxwood, Wilmington, DE. Supporting shipper: Chrysler Motors Corp., 550 S. College Ave., Newark, DE 19711.

MC 102616 (Sub-II-6TA), filed March 26, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same as applicant). *Dry talc, in bulk, in tank or hopper-type vehicles,* from Three Forks, MT to Worthington, OH. Supporting shipper(s): General Electric Corp., 6325 Huntley Rd., Worthington, OH 43085.

MC 141684 (Sub-II-1TA), filed March 27, 1980. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore St., Baltimore, MD 21224. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *General Commodities,* (except articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities which because of size or weight require special equipment), between the facilities of Command Cargo Corporation at or near Savage, MD, on the one hand, and, on the other points in VA, MD, DE, WV, PA, and DC. Applicant intends to interchange at the facilities of Command Cargo Corporation at Savage, MD. Supporting shippers: There are eight supporting shippers. Their statements may be examined at the ICC office of Philadelphia, PA.

MC 116763 (Sub-2-3TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Glass containers,* from the facilities of Midland Glass Co., Inc., at or near Cliffwood, NJ, Henryetta, OK, Shakopee, MN, Terre Haute, IN & Warner Robins, GA to points in the US in and east of MN, IA, MO, OK & TX, for 180 days. Restricted to traffic originating at the named origins & destined to the indicated destinations. Supporting shipper(s): Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 119632 (Sub-II-5TA), filed March 28, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Foodstuffs, canned or preserved (except frozen or in bulk),* from the facilities of Heinz USA at or near Holland, MI to points in DE, MD, NJ, NY, PA east of US Hwy 220, VA, WV and DC. Restricted to traffic originating at the named facilities and destined to the name States for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA Div., Box 57, Pittsburgh, PA 15230.

Mc 106557 (Sub-II-1TA), filed March 28, 1980. Applicant: PAMCO, INC., P.O. Box 926, Columbus, OH 43216. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Contract;* irregular: *Rendering products, by-products and hides* between Gallipolis, OH and Pittsburgh, PA, on the one hand, and, on the other, points in VA. Restricted to the transportation of shipments originating at or destined to the facilities of Inland-Ohio Hide, Inc. or Inland Products, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland-Ohio Hide, Inc. & Inland Products, Inc., P.O. Box 926, Columbus, OH 43216.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 146993 (Sub-3-2TA), filed March 26, 1980. Applicant: Raymond L. Vaughan d.b.a. VAUGHAN CARTAGE COMPANY, P.O. Box 1798, LaGrange, GA 30241. Representative: C. E. Walker, P.O. Box 7381, Columbus, GA 31908. *General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by railroad,* between railroad ramps located at Columbus, GA, on the one hand, and on the other, Heard, Troup, Fulton, Meriwether Counties, GA, and Randolph, Chambers, Lee, Tallapoosa Counties, AL. Also, like traffic between points in Muscogee County, GA, on the one hand, and, on the other, rail ramps located in Atlanta, GA. Supporting shipper: There are seven statements of support.

MC 114848 (Sub-3-1TA), filed March 31, 1980. Applicant: WHARTON TRANSPORT CORP., 1498 Channel Ave. P.O. Box 13068, Memphis, Tennessee 38113. Representative: James M. Wharton, President (same address as above). *Hydrated Lime,* from Fredonia, KY to Martin, TN. Supporting shipper: Southern Milling Co., 109 Lindell St., Martin, TN 38237.

MC 141652 (Sub-3-1TA), filed March 25, 1980. Applicant: ZIP TRUCKING CO., INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *Fresh Meat* from Plainview, TX to Metairie and New Orleans, LA, and Gulfport and Hattiesburg, MS. Supporting Shipper: Malone Properties, Inc. d.b.a. Western Sizzlin Steak House, 353 Courthouse Road, Gulfport, MS 39501.

MC 124117 (Sub-3-1TA), filed March 24, 1980. Applicant: Earl Freeman and Marie Freeman d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Beverages, related advertising materials, containers and pallets* between Perrysburg, OH and its commerical zone and points in GA. Supporting shipper: Stroh Brewery, 1 Stroh Dr., Detroit, MI 48226.

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MC 115311 (Sub-3–4TA), filed March 27, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. (1) *Glass containers, closures, corrugated cartons* from the facilities of Brockway Glass Company, at or near Montgomery, AL to points in LA, OK, AR, MS, AL, GA, FL, SC, NC, TN, KY, VA and (2) *Pallets* in the reverse direction. Supporting Shipper: Brockway Glass Company, Inc., McCullough Ave., Brockway, PA 15824.

MC 150388 (Sub-3–1TA), filed March 24, 1980. Applicant: BOSS TRANSPORTATION CO., INC., 2511 Rosehaven, Germantown, Tennessee 38136. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. *Confectionery and confectionery products, except commodities in bulk,* (1) From the facilities of Schrafft Candy Company at or near Boston and Woburn, MA and West Reading, PA to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KY, LA, MA, MN, MI, MO, MS, NC, ND, NE , NY, OH, OK, PA, SC, TN, TX, UT, VA and WI, except from Boston and Woburn, MA to points in MA and except from West Reading, PA to points in PA, and (2) From the facilities of Deran Confectionery Co., Inc. at or near Boston, MA to points in AZ, AR, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA and WY. Supporting shipper: Deran Confectionery Co., Inc., 134 Cambridge Street, Cambridge, MA 02141. Schrafft Candy Company, Sullivan Square, Charlestown, MA 02129.

MC 107002 (Sub-3–4TA), filed March 27, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Asphalt, in containers,* from Lumberton, MS to points in LA. Supporting shipper: Southland Oil Company, P.O. Box 16668, Jackson, MS 39206.

MC 150423 (Sub-3–1TA), filed March 27, 1980. Applicant: SOUTHERN CONTAINER TRANSPORT, INC., 3306 Palm Island Road, Jacksonville, FL 32250. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Beer, Empty Barrels, Drums, Kegs, Bottles, Cans and Pallets* between Jacksonville, FL on the one hand, and, on the other, Atlantia and Doraville, GA. Supporting shipper: Atlantic Beverage Company, 970 Jefferson Street, N.W., Atlanta, GA 30318.

MC 107002 (Sub-3–6TA), filed March 27, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Alcohol, in bulk, in tank vehicles,* from Decatur, IL to Greenville, MS and Vicksburg, MS. Supporting shipper: Lamar Refining Co., Box 500, Madison, MS 39110.

MC 147886 (Sub-3–2TA), filed March 24, 1980. Applicant: AM & M, INCORPORATED, P.O. Box 1627, Jackson, Tennessee 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. (1) *Paper and plastic bags, rolls of wrapping paper and materials and supplies* used in the manufacture and packaging and distribution of paper bags (except commodities in bulk, in tank vehicles); from the plantsite of International Paper Co. at or near Jackson, Tennessee to points in the United States in and east of ND, SD, NE, KS, OK and TX; and (2) Materials and supplies used in the manufacture and distribution of commodities shown in (1) above (except commodities in bulk, in tank vehicles); From points in the United States in and east of ND, SD, NE, OK, KS and TX to the plantsite of International Paper Co. at or near Jackson, Tennessee. Supporting shipper: International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 107515 (Sub-3–7TA), filed March 24, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Lighting Fixtures and/or parts therefor* from Chattanooga, TN to points in the US (except AK and HI) for 180 days. Supporting shipper: Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H—1400 Lester Road, Conyers, GA 30207.

MC 143639 (Sub-3–1TA), filed March 24, 1980. Applicant: SMITH AND SMITH, INC., 4361 Headquarters Road, Charleston Heights, SC 29405. Representative: Frank A. Graham, Jr., Attorney at Law, 707 Security Federal Building, Columbia, SC 29201. *Slag* from points in Charleston County, SC to points in Burke County, NC. Supporting shipper: Coastal Mining Corp., P.O. Box 247, Summerville, SC 29483.

MC 149006 (Sub-3–1), filed March 31, 1980. Applicant: H. D. DILL AND SONS LUMBER COMPANY, P.O. Box 302, Linden, TN 37096. Representative: Winston S. Evans, 18th Floor, Third National Bank Bldg., Nashville, TN 37219. *Wooden crossties,* from points in TN on and west of I–65 (except Dickson, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne and Williamson Counties) to Terre Haute, IN. Supporting shipper: Western Tar Products Corporation, P.O. Box 270, Terre Haute, IN 47806.

MC 150140 (Sub-3–2TA), filed March 24, 1980. Applicant: FAR WEST PRODUCE EXCHANGE, INC., P.O. Box 37, 315 First Avenue, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Contract: Lighting fixtures and/or parts therefor* from Chattanooga, TN to points in AZ, CA, NM, NV, OR and WA for 180 days. Supporting shipper: Lithonia Lighting, div. of National Service Industries, Inc., P.O. Box H—1400 Lester Road, Conyers, GA 30207.

MC 106074 (Sub-3–5TA), filed March 26, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Frozen foods* from San Antonio, TX to Atlanta, GA; Chicago, IL; Denver, CO; Fullerton, CA; Kansas City, KS; Kansas City, MO; Secaucus, NJ; and Tampa, FL; and points in their commercial zones. Supporting shipper: R. J. Reynolds Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102.

MC 114334 (Sub-3–2TA), filed March 26, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Applicant's Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Concrete roofing tile and accessories* from the facilities of National Tile Industries, Inc., located in Pottawatomie County, OK to points in AL, GA, IL, KY, LA, MS, MO, NC, SC and TN. Supporting shipper: National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801.

MC 2473 (Sub-3–3TA), filed March 24, 1980. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, NC 27292. Representative: Homer M. Curry, Green Needles Road, Lexington, NC 27292. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from New York, NY and points within 20 miles of New York, NY; points in that part of PA on, south and east of a line beginning at Easton and extending along U.S. Highway 22 to Harrisburg and thence along the Susquehanna River to the PA–MD State Line; points in New Jersey and Baltimore, MD, to points in NC and SC (except those in Forsyth, Guilford, Davidson and Stokes Counties, NC and points in NC and SC within 100 miles of the named NC counties). Supporting shippers: G. B. Goldman Paper Co., 2201 E. Allegheny Ave., Philadelphia, PA 19134; Mobil Oil Corp., 150 E. 42nd St., New York, NY 10017.

MC 138157 (Sub-3–11TA), filed March 17, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a., SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Merchandise sold in and distributed by paint, hardware and home improvement center stores, and materials, equipment and supplies used in the manufacture, sale and distribution of the above-named commodities,* from Oakland, CA to points in TX, AL, MS, OK, GA, NC, LA, FL, and TN. Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore, dual operations may be involved. Supporting shipper: The Flecto Company, Inc., 1000—45th Street, Oakland, CA 94608.

MC 147886 (Sub-3–3TA), filed March 27, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, Tennessee 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. (1) *Foam cushion material, and related packaging accessories,* from facilities of Inter-Pac Packaging Corp. at Memphis, TN to points in AL, GA, KY, LA, MS, NC, OH, SC and VA; and (2) *plastic foam pellets or powder,* from Midland, MI to facilities of Inter-Pac Packaging Corp. at Memphis, TN; and (3) *plastic forms, planks, shapes and boards* from Hanging Rock, OH to Inter-Pac Packaging Corp. facilities at Memphis, TN. Supporting shipper(s): Inter-Pac Packaging Corp., 1750 Transport Ave., Memphis, TN 38116.

MC 150333 (Sub-3–2TA), filed March 17, 1980. Applicant: KNOX CARTAGE COMPANY, INC. 2335 Texas Ave., Knoxville, TN 37921. Representative: Timothy McGhee (same address as applicant). *General commodities (except household goods, Classes A and B explosives, and commodities which because of size and weight require special equipment)* between points in Anderson, Blount, Cocke, Hamblen, Jefferson, Knox, Louden, McMinn, Roane, and Sevier Counties, TN. Restriction: restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: there are 9 statements of support.

MC 147547 (Sub-3–1TA), filed March 17, 1980. Applicant: R & D TRUCKING CO., INC., Church Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Needles, syringes and hospital supplies* from the facilities of Sherwood Medical Industries at or near Norfolk, NE to Dallas, TX and its commercial zone. Supporting shipper: Brunswick Corp., One Brunswick Plaza, Skokie, IL 60077. Dual operations may be involved.

MC 144026 (Sub-3–4TA), filed March 13, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 2550 M Street, N.W., Suite 520, Washington, DC 20037. *Iron and steel articles* between points in the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY under continuing contracts with DuBose Steel, Inc. Supporting shipper: DuBose Steel, Inc., P.O. Box 1098, Roseboro, NC 28382.

MC 150170 (Sub-3–2TA), filed March 20, 1980. Applicant: METRO SALES CORP., 1921 W. 1st Street, P.O. Box 1861, Sanford, FL 32771. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Such commodities as are dealt in by retail and wholesale nurseries and garden shops* (except in bulk), (2) *materials and supplies used in the manufacture and distribution of the commodities in* (1) above (except in bulk), and (3) *commodities, the transportation of which are otherwise exempt from economic regulation* under 49 U.S.C. § 10526(a)(6) (formerly § 203(b)(6) of the Interstate Commerce Act) in mixed shipments with commodities limited in (1) and (2) above (except in bulk), between points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Carcon, Inc., P.O. Box 367, Hialeah, FL 33010 and Deco Plants Company, a Division of Ralston Purina Company, 2525 South Park Avenue, Apopka, FL 32703.

MC 144041 (Sub-3–2TA), filed March 27, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. (1) *Feminine hygiene products and toilet preparations* and (2) *materials, supplies and equipment used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk),* between New York City, NY (and its commercial zone) on the one hand, and, on the other, Benson, Dunn, and Raleigh, NC. Supporting shipper(s): Chicopee, P.O. Box 1151, New Brunswick, NJ 08901 and Personal Products Company, Van Liew Ave., Milltown, NJ 08850.

MC 150387 (Sub-3–1TA), filed March 28, 1980. Applicant: ARRENDALE TRUCKING, INC., Highway 441, South, P.O. Box 193, Clarkesville, Georgia 30523. Representative: Joe T. Taylor, III, McClain, Mellen, Bowling & Hickman, 300 Peachtree Center South, Atlanta, Georgia 30303. *Carpeting, floor covering, carpet padding, rugs; materials, supplies and equipment used in the installation and manufacturing of carpet or rugs,* from Murray County, Georgia to points in the U.S. in and east of ND, SD, NE, KS, OK and TX (except FL, NC and SC) and return. Supporting shipper(s): There are seven (7) statements in support.

The following applications were filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

Republication, Originally Published in Issue of March 11, 1980

MC 51146 (Sub-4–619TA), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew Reid (same address as applicant). *Animal, fish, and poultry feed,* from Richmond, IN to points in NJ, MA (except Boston), NY (except Central Islip, Staten Island, Ronkokoma, and Stone Ridge), CT, DE, MD (except Baltimore and Walkersville), VT, ME, NH, and RI. An underlying ETA seeks 90 days authority. Supporting shipper: Ralson Purina Company, Checkerboard Square, St. Louis, MO 63130.

MC 30837 (Sub-4–486TA), filed December 26, 1979. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314—39th Ave., Kenosha, WI 43142. Representative: Paul Sullivan, 711 Washington Bldg., NW, Washington, D.C. 20005. *Automobiles and trucks, in secondary movements, in truckaway service,* from Ports of Entry at Baltimore, MD and Port Neward, NJ to points in IL, IN, MI, MN, OH, and WI, restricted to the transportation of Renault vehicles manufactured or assembled in France. An underlying ETA seeks 90 days authority. Supporting shipper: American Motors Corporation, 14250 Plymouth Rd., Detroit, MI 48232.

MC 35626 (Sub-4–2), filed March 26, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Avenue, N.W., Grand Rapids, Michigan 49501. Representative: Michael P. Zell, Vice President-General Counsel, Interstate Motor Freight System, 110 Ionia Avenue, N.W., Grand Rapids, Michigan 59501. *Such commodities as*

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are dealt in by wholesale, retail and chain grocery and food business houses and commodities used in the manufacture, sale and distribution of the commodities listed above between the facilities of Hunt-Wesson Foods, Inc. at or near Memphis, TN on the one hand, and, Springfield, Mountain Grove, and W. Plains, MO on the other. Supporting shipper: Hunt-Wesson Foods, P.O. Box 61770, New Orleans.

MC 124078 (Sub-4–12TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Ground limestone,* in bulk, in tank vehicles, from Gantt's Quarry, AL to No. Canton, OH, for 180 days. Supporting shipper: Georgia Marble Company, 2575 Cumberland Parkaway, NW, Atlanta, GA 30339.

MC 124078 (Sub-4–13TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Flour,* in bulk, from Teutopolis, IL to IN, IA, KS, KY, MO, MN & WI, for 180 days. Supporting shipper: Siemer Milling Company, Teutopolis, IL.

MC 114606 (Sub-4–2TA), filed March 14, 1980. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 S.W. First Street, New Brighton, MN 55112. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Sugar, in bags,* from Crookston and Moorhead, MN, to Manawa, WI, for 180 days. Supporting shipper: American Crystal Sugar Company, Moorhead, MN 56560.

MC 125708 (Sub-4–7TA), filed March 24, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *Farm equipment, parts and supplies therefor,* from Lenox, IA, to OH, NE, MN, SD, and IL, and (2) *materials, supplies, parts, and equipment used in the production of farm equipment* from Arthur, IL, St. Joseph, MO, Fargo, ND, and Sioux Falls, SD, to Lenox, IA, (1) and (2) *restricted* to traffic originating at or destined to the facilities of Tote Co. at Lenox, IA. Supporting shipper: Tote Co., Dallas and Walnut Streets, Lenox, IA 50851.

MC 136278 (Sub-4–2), filed March 10, 1980. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, Michigan 48217. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. *Lime and dead burned dolomite,* from Maple Grove, OH, to Ashland, KY for 180 days. Supporting shipper: Basic Incorporated, 845 Hanna Bldg., Cleveland, OH 44115.

MC 124078 (Sub-4–11TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Salt Cake,* from Baltimore, MD to West Point, VA, for 180 days. Supporting shipper: The Chesapeake Corp. of VA, Box 311, West Point, VA 23181.

MC 82079 (Sub-4–1TA), filed February 6, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Such merchandise as dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, materials and supplies used in the conduct of such businesses* from the facilities of Fostoria Distribution Services Co. at or near Fostoria, OH to points in MI. Supporting shipper: Fostoria Distribution Services Co., Fostoria, OH 44830.

MC 138896 (Sub-4–2TA), filed March 6, 1980. Applicant: AJAX TRANSFER COMPANY 550 East 5th Street South, South St. Paul, MN 55075. Representative: Randy Busse, Traffic Manager (Address same as applicant). *Such commodities as are handled by retail grocery stores, drug stores, hardware stores, department stores; Chemicals, (except in bulk),* from St. Paul, MN to points in MN, SD, WI and Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon Counties, MI. Restricted to traffic having prior or subsequent movement in interstate commerce. Supporting shipper: Lawrence Vitek, Central Warehouse Company, 739 Vandalia, St. Paul, MN 55114.

MC 138896 (Sub-4–1TA), filed March 12, 1980. Applicant: AJAX TRANSFER COMPANY 550 East 5th Street South, South St. Paul, MN 55075. Representative: Randy Busse, Traffic Manager, 550 East 5th Street South, South St. Paul, MN 55075. *Such commodities as are sold by retail stores, drug stores and department stores; materials, equipment and supplies used in the manufacture of such commodities;* (1) from Minneapolis and Chaska, MN to points in IA, MN, ND, SD, WI and the upper peninsula of MI. (2) From Milwaukee, WI and Winona, MN to Chaska, MN. Restricted to traffic having prior or subsequent movement in interstate commerce. Supporting shipper: Minnetonka, Inc., Box 1A, Minnetonka, MN.

MC 51146 (Sub-4–25TA), filed March 13, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Bakery mixes, bags of edible flour, icings, jellies, and such commodities as are dealt in, or used by, bakeries* from Chicago and Wheeling, IL to Burnsville, MN. An underlying ETA seeks up to 90 days authority. Supporting shipper: J. W. Allen Company, 110 N. Peoria, Chicago, IL 60607

MC 51146 (Sub-4–28TA), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Clay, brick, and tile products* from points in the US (except AK and HI) to points in WI. An underlying ETA seeks up to 90 days authority. Supporting shipper: Hockers Bros. Brick & Tile Company, Inc., 2870 S. Broadway, Green Bay, WI 54306.

MC 51146 (Sub-4–27TA), filed March 12, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of laminated plastic and wood products* between the facilities of Fiberesin Industries, Inc. at Ashippun and Oconomowoc, WI on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks up to 90 days authority. Supporting shipper: Fiberesin Industries, Inc., P.O. Box 88, Oconomowoc, WI 53066.

MC 148428 (Sub-4–1TA), filed March 13, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. (1) *Such merchandise as is distributed as premiums and gifts;* and (2) *material, equipment and supplies used by premium fulfillment houses;* between the facilities of the Maple Plain Company at Howard Lake, Litchfield, Maple Plain and Watertown, MN and Portland, OR, on the one hand, and, on the other, Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Jacksonville, FL, Atlanta, GA, Chicago, IL, Des Moines, IA, Lexington, KY, New Orleans, LA, Worchester, MA, Detroit, MI, Kansas City and St. Louis, MO, Syracuse, NY, Charlotte, NC, Cleveland, OH, Philadelphia and Pittsburgh, PA, Memphis, and Nashville, TN, Dallas and Houston, TX, Seattle, WA and Milwaukee, WI. Supporting shipper: The Maple Plain Co., One Industry Drive, Maple Plain, MN 55359.

MC 118806 (Sub-4–2TA), filed March 11, 1980. Applicant: ARNOLD BROS. TRANSPORT LTD., 851 Lagimodiere Blvd., Suite 200, Winnipeg, Manitoba, CN R2J 3K4. Representative: Bernard J. Kompare, Esq., Sullivan & Associates, Ltd., Suite 160, 10 S LaSalle St., Chicago, IL 60603. *Soybean meal,* From Mankato, Savage and Dawson, MN, to the ports of entry on The International Boundary Line between the U.S. and Canada, located at Noyes, MN, and Pembina, ND. Restriction: Restricted to the transportation of traffic moving in foreign commerce. Supporting shipper: The Pillsbury Company, 7900 Xerxes Ave., Bloomington, MN 55431.

MC 110988 (Sub-4–14TA), filed March 17, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Tanning extract* from points in MA to Milwaukee, WI. Supporting shipper: Chemtan Company, Inc., P.O. Box C, Exeter, NH 03833.

MC 118696 (Sub-4–6TA), filed March 10, 1980. Applicant: FEREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Paper and paper products,* from the facilities of Gilman Paper Company at or near Hazelwood, MO to points in IA, NE, WI, IL, KY, IN, OH, and MI. Supporting shipper: H. L. Bryan, Gilman Paper Company, Box 520, St. Marys, GA 31158.

MC 135598 (Sub-2TA), filed February 19, 1980. Applicant: SHARKEY TRANSPORTATION, INC., 3803 Dye Road, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Cleaning, scouring and washing compounds in containers* from Plano, IL, to Atlanta, GA; Jackson, MS; Ft. Madison, IA, Kansas City & St. Louis, MO; Cincinnati, Painesville & Fostoria, OH; and Detroit, MI. Supporting shipper: American Cyanamid Company, Inc., Berdan Avenue, Wayne, N.J. 07470.

MC 51146 (Sub-4–26TA), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Automobile parts and equipment, materials, supplies, and related articles* used in the manufacture, production, and assembly of motor vehicles between the facilities of General Motors Corporation at Janesville, WI and points in MI, OH, IL, IN, NY, and MO. Supporting shipper: General Motors Corporation, Suite 1300, Top of Troy, 755 W. Big Beaver Road, Troy, MI 48084.

MC 76266 (Sub-4–2TA), filed March 14, 1980. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, Minnesota 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. *Such merchandise* as is dealt in by wholesale and retail hardware stores except commodities in bulk and foodstuffs, between the facilities of Farwell Ozman Kirk & Company at or near South St. Paul, MN and Russellville, AR, on the one hand, and on the other, points in and east of AR, CO, NE, ND, OK, SD and TX. Supporting shipper: Farwell Ozman Kirk & Co., 411 Farwell Avenue, South St. Paul, MN 55075.

MC 145818 (Sub-4–1TA), filed March 17, 1980. Applicant: AMERICAN TRANSPORT, INC., 305 East 14th St., Sioux Falls, SD 57102. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, OK City, OK 73106. *Contract,* irregular, (1) *Farm Grain Bins,* and *Buildings, Aeration, Auguring Equipment,* (2) *Equipment, Materials, Supplies* and *Pipe* used in the manufacture and assembly of articles listed in (1) above, between points in SD, ND, IA, MN, WI, IL, IN, MO, AR, LA, TX, OK, KS, NE, NM, CO, WY, and MT. Restricted to transportation performed for Agra Sun Systems, Inc. and Wholesale Farm Supply. Supporting shippers: Agra Sun Systems, Inc. and Wholesale Farm Supply. 4915 N. Lincoln Blvd, Oklahoma City, OK.

MC 117068 (Sub-4–3TA), filed March 19, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. *Industrial and irrigation system power units,* from the facilities of White's Inc., at Houston, TX, to Memphis, TN, Garden City, KS, Aurora and Hastings, NE. Supporting shipper: White's Inc., P.O. Box 2344, Houston, TX 77001.

MC 118846 (Sub-4–1TA), filed March 12, 1980. Applicant: DALE JESSUP, INC., RR 1, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. *Contract carrier:* irregular routes: *Steel chain, machine finished, sprocketed or belting,* from the facilities of Diamond Chain Co., a Div. of Amsted Industries, Indianapolis, IN to points in GA, TX, CA and AL. An underlying ETA seeks 90 days authority. Supporting shipper: Diamond Chain Company, P.O. Box 7045, 402 Kentucky Avenue, Indianapolis, IN 46207.

MC 150326 (Sub-4–2TA), filed March 18, 1980. Applicant: WILLIAM KNOLL, d.b.a. K & D TRUCKING, 1326 North Elm Street, Fargo, ND 58102. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract carrier:* irregular routes: *Beet pulp shreds, in bulk,* from the facilities of American Crystal Sugar Company at or near Drayton, MD to the facilities of Ralston Purina Company at Minneapolis, MN. Supporting shipper: Ralston Purina Company, 3801 Hiawath Avenue South, Minneapolis, MN 55406.

MC 150248 (Sub-4–1TA), filed March 18, 1980. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Honed steel tubing,* from Muscoda, WI to Rugby, ND. Supporting shipper: Rugby Hydraulic Co., Rural Route 1, Box 10, Rugby, ND 58368.

MC 51146 (Sub-4–29TA), filed March 21, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of home appliances and lawn and garden equipment* from Amana, IA; Indianapolis and Hobart, IN; Syracuse, NY; Fort Worth, TX; Atlanta, GA; and Galesburg, IL to the facilities of Roth Corporation at Milwaukee, WI. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Roth Corporation, 11925 W. Carmen Avenue, Milwaukee, WI 53225.

MC 110988 (Sub-4–15TA), filed March 21, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Inedible animal tallow, fats, grease, and fatty acides* from Philadelphia, PA to points in OH, IN, MI, IL, WI, MO, IA, MN, and KY, for 180 days. Supporting shipper: Jacob Stern & Sons, Inc., 910 Benjamin Fox Pavilion, Jenkintown, PA 19046.

MC 145078 (Sub-4–3TA), filed March 19, 1980. Applicant: RAYMOND SEMRAU 904 Miller Street, Marinette, WI 54143. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Cheese and cheese products* (1) from Lena, WI to Big Stone City, SD, Denver, CO, Salt Lake City, UT, Las Vegas, NV, and points in CA (except Maywood, CA); and (2) from Big Stone City, SD, to Denver, CO, Salt

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Lake City, UT, Las Vegas, NV, and points in CA under a continuing contract with Frigo Cheese Corp., of Lena, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frigo Cheese Corp., Lena, WI 54139.

MC 125708 (Sub-4-6TA), filed March 20, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolly Madison Blvd., McLean, VA 22101. *Steel sheet and steel coils* (1) from Birmingham, AL, to GA, SC, FL, TN, NC, AR, and LA, and (2) from New Orleans, LA, Nashville, TN and Charleston, SC, to Birmingham, AL. Restricted to traffic originating at or destined to Metals, Inc., Birmingham, AL. Supporting shipper: Metals, Inc., P.O. Box 5506, Birmingham, AL 35207.

MC 147876 (Sub-4-3TA), filed March 11, 1980. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Paper and paper products,* from Leitchfield, KY to WA, CA, NV, ID, MT, WY, UT, AZ, CO, LA, TX, and NM for 180 days. Supporting shipper: Port Huron Paper Company, Port Huron, MI.

MC 150408 (Sub-4-1TA), filed March 20, 1980. Applicant: W. A. LASCODY, R.R. #1, Box 22, Riverton, IL 62561. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Manganese dioxide waste, in bulk* from facilities of Mobay Chemical Corporation, Agricultural Chemicals Division at Kansas City, MO to Ozark, AL, Walnut Ridge, AR, Quincy, Springfield, and Rose Claire, IL. An underlying ETA seeks 90 days authority. Supporting shipper: Mobay Chemical Corporation, Agricultural Chemicals Division, P.O. Box 4913, Kansas City, MO 64120.

MC 148646 (Sub-4-1TA), filed March 26, 1980. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: William J. Gambucci, Suite M-20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract carrier,* irregular routes: (1) *Steel grain bins, knocked down or in sections, parts and attachments therefor,* from Kansas City, MO to points in MN on and west of U.S. Hwy 71 and ND on and east of U.S. Hwy 281; and (2) *steel buildings knocked down or in sections, parts and attachments therefor,* from Galesburg, IL to points in MN on and west of U.S. Hwy 71 and ND on and east of U.S. Hwy 281. Restricted to the transportation of traffic under a continuing contract or contracts with Farm Builders, Inc. Supporting shipper: Farm Builders, Inc., Highway 82 South, Fargo, ND 58103.

MC 141138 (Sub-4-1TA), filed March 20, 1980. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Ln., Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Wheat middlings,* in bulk, from Chester, IL, to Memphis, TN. An underlying ETA seeks 90 days authority. Supporting shipper: Allied Mills, Inc., 2205 Lamar Ave., Memphis, TN 38114.

MC 51146 (Sub-4-30TA), filed March 26, 1980. Applicant: SCHARIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of air vents* from Clinton, IA to Richmond, VA; Charlotte, NC; Baltimore, MD; Elizabeth, NJ; Canton, MA; Syracuse and Albany, NY; Philadelphia, PA; and points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Air Vent, Inc., 1710 S. 21st, Clinton, IA 52732.

MC 76266 (Sub-4-3TA), filed March 28, 1980. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, MN 55118. *Plastic materials, plastic articles, plastic pipe, tubing, fittings and connections* and (2) *materials, supplies and accessories used in the manufacture and installation thereof* (except in bulk in tank vehicles). Restricted to traffic originating or destined to the facilities of Robintech, Inc. between the facilities of Robintech, Inc. at or near Grinnell, IA and points in the U.S. except AK and HI and IA. Supporting shipper: Robintech, Inc., P.O. Box 2342, Ft. Worth, TX 76113.

MC 118696 (Sub-4-10TA), filed March 28, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Heating and air conditioning units and component parts,* from the facilities of Heil-Quaker Corporation at or near Nashville, TN, to points in IL, IN, IA, KY, MI, MO, OH, WV, and WI. Supporting shipper: Joe Malone, Heil-Quaker Corporation, National Distribution Center, 714 Heil-Quaker Blvd., Lavergne, TN 37086.

MC 118696 (Sub-4-11TA), filed March 27, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Urethane foam and foam products,* from the facilities of United Foam Corporation at or near Bremen, IN; Allentown, PA; Louisville, KY and Franklin, NJ, to points in and east of ND, SD, NE, KS, OK and TX; and (2) *materials, equipment and supplies used in the manufacture, sale and distribution of urethane foam and foam products,* from Chicago, IL and Allentown, PA, to the facilities of United Foam Corporation at or near Bremen, IN. Supporting shipper: United Foam Corporation, 1111 W. Dewey St., Bremen, IN 46506.

MC 148308 (Sub-4-1TA), filed March 27, 1980. Applicant: ROTRANSCO, INC., 6135 West 65th Street, Chicago, IL 60638. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Contract carrier:* Irregular routes: *Automobile parts and accessories therefor;* between the facilities of Toyota Motor Distributors U.S.A., Inc., at Carol Stream, IL, on the one hand, and, on the other, points in IL, IN, WI, and MN. Restricted to transportation under contract or contracts with Toyota Motor Distributors U.S.A., Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Toyota Motor Distributors U.S.A., Inc., 500 Kehoe Boulevard, Carol Stream, IN 60187.

MC 148499 (Sub-4-1TA), filed March 17, 1980. Applicant: H & A EXPRESS, INC., 209 Anderson St., Holmen, WI 54636. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Glass containers, from Plainfield, IL to LaCrosse, WI. Supporting shipper: G. Heileman Brewing, 100 Harborview Plaza, LaCrosse, WI 54601.

MC 109449 (Sub-4-4TA), filed March 31, 1980. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Gary Huntbatch, 6366 West 6th Street, Winona, MN 55987. *Such merchandise as is dealt in by wholesale and retail gift stores.* From Addison, TX to Tulsa and Oklahoma City, OK. Restricted to shipments originating at and destined to the facilities utilized by Tuesday Morning, Inc., at the above named origin and destinations.

MC 19778 (Sub-4-1TA), filed March 28, 1980. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. General Commodities (except those of unusual value, Classes A and B explosives, Commodities in bulk, Commodities which because of size and weight require the use of special equipment) between Chicago, IL; Milwaukee, WI; Green Bay, WI; Portage, WI; Madison, WI; St. Paul, MN; Minneapolis, MN; Austin, MN; Spencer, IA and Davenport, IA on the one hand, and, on the other Rockton, Shirland, Durand, Davis, Rock City, Dakota, Freeport, Florance, Shannon, Harper, Forreston, Leaf River, Byron, Holcomb, Kings, Flag Center, Rochelle, Scarbord, Welland, Mendota, Ladd, Depue, Hennepin, Grandville, Genoa, De Kalb, New Lebanon, Momence, IL; Hartford, Woodland, Iron Ridge, Burnett, Atwater, Waupun, Brandon, Fairwater, Markesan, Ripon, Oshkosh, Beaver, Dam, Fox Lake, Randolph, Cambria, Mayville, Knowles, Pembine, Brownsville, South Byron, Fond du Lac, Sobieski, Abrams, Stiles, Lena, Coleman, Pound, Beaver, Crivitz, Wausaukee, Amberg, WI; Iron Mountain, Randville, Sagola, Channing, Amasa, Sidnaw, Mass, Ontonagon, MI; Eagle, Palmyra, Whitewater, Milton Junction, Janesville, Orfordville, Brodhead, Monroe, Gratoit, Calamine, Mineral Point, Chippewa Falls, Eau Claire, Caryville, Durand, WI; Cannon Falls, Welch, Kenyon, Zumbrota, Le Center, Mankota, Mapleton, MN; Fargo, Hickson, Christine, Abercrombie, Wahpeton, Fairmount, ND; White Rock, SD; Wheaton, Dumont, Graceville, Clinton, MN; Elk Point, Burbank, Vermillion, Gayville, Yankton, Tyndall, Avon, Wagner, Lake Andes, Gedes, Platte, Scotland, Canton, Harrisburg, Sioux Falls, Renner, Dell Rapids, Trent, Egan, Flandreau, Madison, Ramona, Lake Preston, Bryant, Emery, Mitchell, Wentworth, Letcher, Woonsocket, Wolsey, Tulare, Redfield, Ashton, Mellette, Warner, Mount Vernon, Plankinton, White Lake, Kimball, Chamberlain, Oacoma, Reliance, Kennebec, Presho, Drauper, Murdo, Okaton, Stamford, Kadoka, Rapid City, SD; Pipestone, Hatfield, Edgerton, Chandler, Iona, Wirock, Fulda, Kimbrae, Miloma, Okabena, Lakefield, Brownsdale, Grand Meadow, Spring Valley, Wykoff, Fountain, Lanesboro, Peterson, Rushford, MN; Adel, Akron, Albert City, Amana, Anamosa, Atkins, Bayard, Boyden, Cambridge, Cedar Rapids, Charter Oak, Coon Rapids, Council Bluffs, Delmar, Des Moines, Fairfax, Fonda, Grimes, Hawarden, Hedrick, Hopkinton, Hull, Inwood, Jefferson, Keystone, Lansing, Lohrville, Lost Nation, Madrid, Manilla, Manning, Mapleton, Maquoketa, Marathon, Marion, Maxwell, Melbourne, Middle Amana, Monticello, Neola, Newhall, North English, Olin, Oxford Junction, Panora, Perry, Redfield, Rock Valley, Rockwell City, Sac City, Sigourney, Sioux City, Slater, South Amana, Springville, Storm Lake, Tama, Underwood, Ute, Van Horne, Waukee, Weston, Williamsburg, Woodward, IA, restricted to transportation of traffic having a prior or subsequent movement by rail. Supporting shipper: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 516 W. Jackson Blvd., Chicago, IL. 60606.

MC 69116 (Sub-4-5TA), filed March 26, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Cartons, bottle or can carrying,* from Ft. Atkinson, WI, to Fulton, South Volney, and Aburn, NY. An underlying ETA seeks 90-day authority. Supporting shipper: Philip Morris Industrial Incorporated, 4200 North Holton Street, P.O. Box 294, Milwaukee, WI 53201.

MC 118776 (Sub-4-3TA), filed March 27, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Wood pulp dishes, plates and trays, NOIBN, on egg cases or egg carrier fillers and flats combined, molded wood pulp, nested packing partitions, NOIBN, wood pulp, nested solid, not corrugated* from Hammond, IN and its commercial zone to points in MN, MO, KS and WI. Supporting shipper: Keyes Fibre Company, 6629 Indianapolis Blvd., Hammond, IN 46323.

MC 40978 (Sub-4-1TA), filed March 26, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *New furniture* from St. Louis and Springfield, MO, and Paoli, IN, to points in IA, IL, MI, MN and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Town House Furniture, LTD., 7901 Michigan Avenue, St. Louis, MO, 63111.

MC 118776 (Sub-4-4TA), filed March 27, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Paper and plastic disposable food service containers and ice cream cones,* from Chicago, IL and its commercial zone to points in MO, KS, TN, KY, AR, IA and NE. Supporting shipper: Sweetheart Cup Corporation, 7575 S. Kostner, Chicago, IL 60652.

MC 133666 (Sub-4-1TA), filed March 26, 1980. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. *Contract carrier, irregular routes: Road asphalt, road oils, and fuel oils,* in bulk, in tank vehicles, (1) between points in WY and MN; and (2) from Dickinson, ND to points in MN, under continuing contract(s) with Duininck Bros. and Gilchrist of Prinsburg, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 43038 (Sub-4-7TA), filed March 26, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071, [jointly with] Nicholas W. Hetman, 3800 Frederica, Owensboro, KY 42301. *Motor Vehicles,* (excluding trailers) in secondary movements, in truckaway service, from Houston, TX, to points in the state of TX. An underlying ETA seeks 90 days authority. Supporting shippers: American Honda Motor Co., Inc., 100 W. Alondra Blvd., P.O. Box 970, Gardena, CA 90247.

MC 150278 (Sub-4-1TA), filed March 26, 1980. Applicant: BODIN'S, INC., 208 Wilson Avenue, Box 687, Bayfield, Wisconsin 54814. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Contract carrier,* irregular routes; *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses,* in vehicles equipped with mechanical refrigeration, between Chicago, IL and points in its commercial zone, on the one hand, and on the other, Superior, WI. Restriced to shipments originating at or destined to the facilities of Twin Ports Grocery Company, Superior, under a continuing contract with Twin Ports Grocery Company. Supporting shipper: Twin Ports Grocery Company, 1230 Poplar Ave., Superior, WI. 54880.

MC 124078 (Sub-4-14TA), filed March 27, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cullet (broken glass),* in bulk, from Charlotte, MI to Streator, IL. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 124078 (Sub-4-15TA), filed April 2, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601,

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Milwaukee, WI 53201. *Ground limestone,* in bulk, in tank vehicles, from Gantt's Junction, AL to Evansville, IN. Supporting shipper: Thompson, Weinman & Company, P.O. Box 130, Cartersville, GA 30120.

MC 136545 (Sub-4–1TA), filed March 28, 1980. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Materials, equipment and supplies used in the manufacture of hydraulic cylinders* from points in IL, IN, MI, OH, and MN, to the facilities of RamRod Hydraulics, Inc., located at or near Medford, WI. Supporting shipper; RamRod Hydraulics, Inc., 949 South Gibson St., Medford, WI 54451.

MC 125894 (Sub-4–2TA), filed March 27, 1980. Applicant: J & R SCHUGEL TRUCKING, INC., 310 Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Feed and feed ingredients* from New Prague, MN to points in IL, IN, NE, SD and WI. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, MN 55402.

MC 150415 (Sub-4–2TA), filed March 28, 1980. Applicant: DECATUR WAREHOUSE COMPANY, P.O. Box 988, Decatur, IL 62525. Representative: Michael W. O'Hara, Esq., 300 Reisch Bldg., Springfield, IL 62701. (1) *Parts, supplies and materials* used in the manufacture and maintenance of heavy machinery and equipment between Springfield, IL and Decatur, IL; and (2) *Products of soybean and corn* (except in bulk) from Champaign and Decatur, IL to Decatur, IL; both restricted to traffic having a prior or subsequent movement by rail. An underlying E/T/A seeks 90 days authority. Supporting shipper: A. E. Staley Manufacturing Co., P.O. Box 151, Decatur, IL 62525, and Fiat-Allis Construction Machinery, Incorporated, 300 South 6th St., Springfield, IL 62710.

MC 150424 (Sub-4–1TA), filed March 28, 1980. Applicant: NESHEM-PETERSON, INC., Berthold, ND 58718. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Contract;* irregular; *grain drying and grain handling equipment and supplies and knocked down grain bins and steel buildings and parts and accessories* therefore from points in the U.S. (except AK and HI) to Berthold, ND, under contract with Neshem-Peterson, Inc., and *such equipment, materials* and *supplies used in the manufacture* and *assembly of semi-trailers, agricultural machinery* and *agricultural implements,* from points in the U.S. (except AK and HI) to the facilities of Turtle Mountain Manufacturing Company near Belcourt, ND, under contract with Turtle Mountain Manufacturing Company. An underlying ETA seeks 90 days authority. Supporting shipper: Neshem-Peterson, Inc., Berthold, ND 58718; Turtle Mountain Manufacturing Company, Box 770, Belcourt, ND 58316.

MC 106185 (Sub-4–4TA), filed March 31, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 215 South 11th Street, Minneapolis, Minnesota 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. *Plastic materials, plastic articles, plastic pipe, tubing, fittings and connections and (2) materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk in tank vehicles) restricted to traffic originating or destined to the facilities of Robintech, Incorporated. Between the facilities of Robintech, Incorporated at or near Danville, IL; Evansville, IN; Slidell, LA; Weatherford, TX and Wichita Falls, TX on the one hand and points in the U.S. except points in AK and HI. Supporting shipper: Robintech, Incorporated, P.O. Box 2342, Fort Worth, Texas 76113.

MC 120364 (Sub-4–1TA), filed January 24, 1980. Applicant: A & B FREIGHT LINE, INC, 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Robert M. Kaske (same as applicant). *Adhesives, automotive supplies, castings, chemicals, containers, iron and steel articles, machinery and parts, tires and rubber products;* between the Murphy Kullens warehouses at Freeport, Rockford, IL and Beloit, WI and points in the States of IA, IN, and WI. Supporting shipper: Murphy Kullens Warehouse, Rockford, IL.

MC 54855 (Sub-4–1TA), filed November 23, 1979. Applicant: LOUISVILLE, NEW ALBANY & CORYDON RAILROAD COMPANY, d.b.a. LOUISVILLE AND CORYDON TRANSFER, 210 West Walnut Street, Corydon, IN 47112. Representative: Walter Saulman (same address as applicant). *Kitchen cabinets,* from English, IN to Louisville, KY. Supporting shipper: Schmidt Cabinet Co., Inc., New Salisbury, IN 47161.

MC 126555 (Sub-4–4TA), filed March 31, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Galen Meek (same as applicant). *Clay, ground and pulverized, and Clay products and by-products* from Las Vegas, NV to points in WY, MT, and ND. Supporting shipper: Industrial Mineral Ventures, Inc., Star Rt. 15, Box 549, Lathrop Wells, NV 89020.

MC 150294 (Sub-4–3TA), filed April 4, 1980. Applicant: HAROLD A. CORBIN, R.R. No. 2, Manhattan, IL 60442. Representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. *Steel and Metal Products* between Bensenville and Schaumburg, IL, on the one hand, and on the other, points, in AR, CT, FL, IL, IN, IA, KY, MI, MN, MO, OH, OK, PA, TN, TX, VA and WI. Supporting shipper(s): Nelsen Wire Co. 1060 E. Irving Park Road, Bensonville, IL 60106; New Process Steel Corporation, 421 Spring So. Road, Roselle, IL 60172.

MC 15975 (Sub-4–2TA), filed April 1, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Aluminum cans,* from the facilities of Reynolds Metal Company at or near Woodbridge, NJ and Middletown, NY, to Kansas City, MO; Albany, GA; Salisbury, NC; and Ft. Worth and Houston, TX. An underlying ETA seeks up to 90 days authority. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261.

MC 119974 (Sub-4–1TA), filed April 4, 1980. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. *Meats, meat products, meat by-products and-articles distributed by meat packinghouses* (except hides and skins and commodities from the facilities utilized by Armour Food Company at Omaha, NE to points in IL, IN, IA, KY, MI, MN, MO, OH and WI. Supporting shipper: Armour Fresh Meat Company, 111 W. Claredon, Greyhound Tower, Phoenix, AR 85077.

MC 148185 (Sub-4–1TA), filed April 3, 1980. Applicant: WINFRIED P. BARTZ d.b.a. WINN BARTZ TRUCKING, RFD, La Valle, WI 53941. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract carrier:* Irregular routes: (1) *Recyclable foundry waste products* from Reedsburg, WI, to points in IA and (2) *Scrap steel* from Chicago, IL to Reedsburg, WI, under a continuing contract or contracts with Grede Foundries, Inc. Underlying ETA seeks 90 day authority. Supporting shipper: Grede Foundries, Inc., 9898 Blue Mound Road, Milwaukee, WI 53226.

MC 142715 (Sub-4–3TA). Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55079. Representative: K. O. Petrick (same as applicant). *General commodities* (except Class A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission), between points in the US

in and east of CO, NE, ND, OK, SD, and TX. Restricted to the facilities utilized by W. W. Grainer, Inc. Supporting shipper: W. W. Grainer, Inc., 5959 West Howard St., Chicago, IL 60648.

MC 83292 (Sub-4–4TA), filed April 3, 1980. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmsted Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Sodium bicarbonate,* (except in bulk), from the facilities utilized by Church and Dwight Co., Inc. located in the counties of Seneca and Sandusky, OH, to points in IL, IN, KY, MI, and TN. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 369, Discataway, NJ 08854.

MC 134730 (Sub-4–1TA), filed April 1, 1980. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes, Secretary-Treasurer (same address as applicant). *Contract;* irregular, *Heat Processing Equipment, Parts and Accessories for Heat Processing Equipment, and Materials, Parts, Supplies and Equipment used in the manufacture and repair of heat processing equipment,* between Watertown, WI on the one hand, and, on the other, points in the U.S. excluding AK and HI, under a continuing contract(s) with Lindberg, A Unit of General Signal. Supporting shipper: Lindburg, a unit of General Signal, 304 Hart Street, Watertown, WI 53094.

MC 117730 (Sub-4–2TA), filed April 1, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 N. LaSalle, #2027, Chicago, IL 60602. *Rough aluminum castings,* from the facilities of Harris Metals Co., at Cookeville, TN to Indianapolis, IN, Peoria, IL, and Racine, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Harris Metals Co., 2315 Hilham Road, Cookeville, TN 38501.

MC 139482 (Sub-4–9TA), filed April 1, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Charcoal, Charcoal Briquets, Materials, Equipment and Supplies* used in the manufacture of such commodities (1) from Scotia, NY, to points in CT, ME, MA, NH, NJ, PA, RI, VT and DE; and (2) from Dickinson, ND to points in AZ, CA, CO, NM, TX, and UT. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center E., Atlanta, GA 30346.

MC 119750 (Sub-4–1TA), filed March 21, 1980. Applicant: PERKINS MOTOR TRANSPORT, INC., P.O. Box 218, Savage, MN 55378. Representative: Jack L. McGraw (same address as applicant). *Cement and flyash, in bulk,* from points in the states of IA and WI to Savage, MN. Restricted to the transportation of traffic originating at or destined to the facilities of Fabcon, Inc., at Savage, MN. Supporting shipper: Fabcon, Inc., Savage, MN 55378.

MC 123272 (Sub-4–2TA), filed March 20, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. (1) *Malt beverages* (except commodities in bulk), from the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH to points in GA; and (2) *Containers and dunnage,* from points in GA to the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH. Supporting shipper: Stroh's Brewery Company, I Stroh's Drive, Detroit, MI 48226.

MC 139482 (Sub-4–6TA), filed March 21, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Meat (with the usual description),* from the facilities of or utilized by Armour and Company at or near Huron, SD, Worthington, MN and Madison, NE to points in the United States (except AK and HI). An underlying ETA application seeks corresponding authority for 30 days. Supporting shipper: Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AR 85077.

MC 139482 (Sub-4–7TA), filed March 24, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Glass and glass product,* from Jeannette, PA to points in the U.S. in and East of ND, SD, NE, KS, OK, and TX. Supporting shipper: General Glass International Corp., 270 N. Avenue, New Rochelle, NY 10801.

MC 110420 (Sub-4–9TA), filed March 10, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW, Washington, DC 20004. *Petroleum Products,* in bulk, in tank vehicles, between points in IL, IN, and WI. Restricted to traffic originating at or destined to the facilities of Amoco Oil Co., Energy Cooperative, Inc., Lubricants, Inc. and RTE–ASEA Corporation. Supporting shippers: Amoco Oil Company, 200 S. Randolph Dr., Chicago, IL 60606. Energy Cooperative, Inc., 6300 River Road, Rosemont, IL 60018. Lubricants, Inc., W255N3120 Duplainville Rd., Pewaukee, WI 53072. RTE–ASEA, 400 Prairie Avenue, Waukesha, WI 53186.

MC 150372 (Sub-4–1TA), filed March 24, 1980. Applicant: DALE C. FINCK, P.O. Box 263, Black Hawk, SD 57718. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract,* irregular: *Such Merchandise as is dealt in by retail and catalogue order stores* between Rapid City, SD on the one hand, and on the other hand, points in Crook and Campbell Counties, WY under a continuing contract or contracts with Sears Roebuck and Co., Rapid City, SD. Supporting shipper: Sears Roebuck and Co. 2200 North Maple, Rapid City, SD 57701.

MC 135052 (Sub-4–3TA), filed March 19, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Indiana 46176. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, Indiana 46204. *Expanded Plastic articles or plastic materials,* except commodities in bulk, in tank vehicles, from Indianapolis, IN, to points in the states of AL, AR, GA, IL, IA, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, VA, WV, and WI. Supporting shipper: W. R. Grace & Co., P.O. Box 295, Reading, PA, 19603.

MC 115430 (Sub-4–1TA), filed March 31, 1980. Applicant: GOBEL FREIGHT LINES, INC., 120 W. Madison St., Chicago, IL 60603. Representative: Edward H. Instenes, 128½ East Third St., P.O. Box 676, Winona, MN 55987. *Malt Beverages,* From La Crosse, WI to the facilities of Southwest Beer Distributors at or near Crestwood, IL. Supporting shipper: Southwest Beer Distributors, Inc., Crestwood, IL.

MC 119702 (Sub-4–2TA), filed March 26, 1980. Applicant: STAHLY CARTAGE CO., 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 666 Eleventh Street, N.W., Washington, D.C. 20001. *Distillate Fuel Oil,* in bulk, in tank vehicles, from Williams Brothers Pipeline Terminal located at or near St. Charles, Missouri to Centralia, Illinois. Supporting shipper: Wisconsin Industrial Fuel Oil, Inc., 610 W. Rawson Avenue, Oak Creek, WI 53154.

MC 720 (Sub-4–2), filing date March 31, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wisconsin 53963. Representative: Tom Westerman, Director of Commerce, P.O. Box 227, Waupun, Wisconsin 53963. *Such commodities as are dealt in by*

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wholesale and retail grocery stores and food business houses from New Prague, MN on the one hand, and on the other points in Illinois. Restricted to transportation performed from the facilities of International Multifoods Corporation. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, Minnesota 55402.

MC 107162 (Sub-4-2-TA) filed March 21, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1 Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Lumber, lumber products, wood products and waferboard* from points in the Upper Peninsula of MI and points in WI on and north of WI Hwy. 64 to points in the US in and east of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 90 days' authority. Supporting shippers: M&M Rustic Fence, Inc., P.O. Box 37, Amberg, WI, 54102; and Edward Hines Lumber Co., 200 S. Michigan Ave., Chicago, IL 60604.

MC 114632 (Sub-4-7TA), filed March 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. *Ground clay and ground clay products,* from Middleton, TN to points in CO, IL, IA, KS, MN, MO, MT, NE, ND, SD, WI, and WY. Supporting shipper: Maltan, Inc., P.O. Box 626, Memphis, TN 38101

MC 114632 (Sub-4-6TA), filed March 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson P.O. Box 287, Madison, SD 57042. *General Commodities,* between Bristol, PA on the one hand, and, on the other, points in CA, IL and TX. Supporting shipper: Delaware Valley Shippers Association, 2209 E. Farragut, Bristol, PA 19007.

MC 129790 (Sub-4-1TA), filed March 25, 1980. Applicant: JOSEPH A. BECKER, d.b.a., BECKER HI-WAY FRATE, Route 5, Box 10B Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Canned goods,* from Plainview, MN and Manitowoc, WI to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MA, MI, MS, MO, NE, NY, ND, OH, OK, PA, SD, TN, WV, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Lakeside Packing Company, P.O. Box 1127, 508 Jay Street, Manitowoc, WI, 54220.

MC 139482 (Sub-4-8TA), filed March 21, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except commodities in bulk), between Washington, Clinton and Farmville, NC and Byesville, OH, on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks authority for 30 days. Supporting shipper: Scovill, Inc., P.O. Box 1156, Washington, NC 27889.

MC 135052 (Sub-4-4TA), filed March 21, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 N. Meridian Street, Indianapolis, IN 46204. *Paper and paper products, and pallets on return,* (1) from Hazelwood, MO, to AR, IL, IN, KY, MI, OH, PA, TN, WI, WV and (2) from St. Marys, GA, to AL, FL, KY, MS, NC, SC and TN. Supporting shipper: Gilman Paper Company, Post Office Box 520, St. Marys, GA 31558.

MC 117730 (Sub-4-1TA), filed March 21, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Resin coated sand* in bulk in van conveyor trailers, from the facilities of Acme Resin Corp., at Chicago and Oregon, IL, to the facilities of Huron Castings, Inc., at Pigeon, MI. An underlying ETA seeks 9 days authority. Supporting shipper: Acme Resin Corp., 1401 Circle, Forest Park, IL.

MC 109141 (Sub-4-2TA), filed March 27, 1980. Applicant: CARL J. AUSTAD & SON, INC., 500 Railroad Av., Hettinger, ND 58639. Representative: T. L. Secrest, Box 430, Hettinger, ND. *Liquefied petroleum gas,* between the facilities of Western Gas Processors, LTD, Teddy Roosevelt Plant, Billings County, Fairfied, ND, to Burlington Northern Railroad Loading Site, Belfield, ND. An underlying ETA seeks 90 days authority. Supporting shipper: Heetco, Inc., P.O. Box 188, Lewistown, MO 63452.

MC 119767 (Sub-4-1TA), filed March 28, 1980. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John Sims, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Alcoholic liquors, materials, equipment and supplies used in the manufacture and distribution thereof (except in bulk, in tank vehicles),* (1) From Peoria, IL to Bardstown, KY; (2) From Bardstown, KY to points in IL, IN, MI, MN, MO, ND, OH, SD and WI. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61601.

MC 114457 (Sub-4-6TA), filed March 27, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James Wills, 2102 University Ave., St. Paul, MN 55114. (1) *Such commodities* as are dealt in by manufacturers and distributors of small electric appliances, from the facilities of Hamilton Beach Division at Washington, Clinton, and Farmville, NC and Byesville, OH to points in the U.S. (except AK and HI); and *(2) Materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above,* on return. An underlying ETA seeks 90 days authority. Supporting shipper: Hamilton Beach Division, Scovill Inc., P.O. Box 1158, Washington, NC 27889.

MC 144531 (Sub-4-1TA), filed March 28, 1980. Applicant: SULLI-VAN LINES, INC., 43 Cortland Av., Highland Park, MI 48203. Representative: Lillian Ryan (same address as applicant). *Contract; Irregular; Military tank tractor parts, finished or not finished,* from points in New York, NY, Detroit, MI, Chicago, IL, and Philadephia, PA to the facilities of Ronal Industries at New York, NY and Minowitz Manufacturing at Detroit, MI, under continuing contract(s) with Ronal Industries and Minowitz Manufacturing. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ronal Industries, Inc., 25 Martin Pl., Port Chester, NY 10573; Minowitz Manufacturing Co., 27941 Groesbeck Hwy., Roseville, Mi 48066.

MC 123407 (Sub-4-26TA), filed March 31, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Iron and steel articles* between Charlotte, NC, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of shipments originating at or destined to the facilities of Rosson-Richards of North Carolina. Supporting shipper: Rosson-Richards of North Carolina, 5200 David Cox Road, P.O. Box 33814, Charlotte, NC 28233. An underlying ETA seeks 90 days authority.

MC 128831 (Sub-4-2TA), filed March 31, 1980. Applicant: DIXON RAPID TRANSFER, INC., Rt. 64, East, Mt. Morris, IL 61054. Representative: Abe Diamond, 29 La Salle St., Chicago, IL 60603. *Pitch Targets,* from the facilities of Reagent Chemical & Research, Inc., White Flyer Div., Shamokin, PA to IL, IA, MN, WI, IN and MO. An underlying ETA seeks 90 days authority. Supporting shipper: Conevera's Guns & Reloading Supplies, Inc., 5064 Dailette Dr., Rockford, IL 61102.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 69834 (Sub-5-1TA), filed March 27, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kansas 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kansas 67213. *Talcum Powder,* from Los Angeles, California, to the plantsite at Industrial Coatings Division, Wichita, Kansas. Supporting shipper: Ameron Industrial Coatings Division, 16,116 E. 13th, Wichita, Kansas 67230.

MC 69834 (Subs-5-2TA), filed March 27, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kansas 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kansas 67213. *Cleaning compounds, alkalai liquid, hypochlorite solution, water treatment compounds, paint and related commodities,* from Garland, Texas, to points in Kansas. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. 55102.

MC 93840 (Sub-5-3TA), filed March 31, 1980. Applicant: GLESS BROS, INC., P.O. Box 219, Blue Grass, Iowa 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Chemicals,* from Buffalo, IA, to points in IA, IL, IN, MN, MO, NE, ND, SD, WI and MT. Supporting shipper: Vulcan Materials Company.

MC 98614 (Sub-5-1), filed April 2, 1980. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Petroleum and Petroleum Products, in bulk, in tank vehicles,* (1) from West Memphis, AR and its commercial zone to points in TN on and west of U.S. Highway 27, Butler, Cape Girardeau and Pemiscot Counties, MO, DeSoto and Grenada, County, MS. (2) from Mississippi and Pemiscot Counties, MO to points in TN on and west of U.S. Highway 27. Supporting shipper: There are six (6) supporting shippers.

MC 98614 (Sub-5-2TA), filed April 2, 1980. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Petroleum and Petroleum Products, in bulk, in tank vehicles,* (1) from Caddo and Bienville Parish, LA and Union County, AR to points in Bowie County, TX, and (2) from Caddo and Bienville Parish, LA to points in Nevada, Ashley, Little River, Union, Columbia, Miller, Hempstead, Hot Springs, Pulaski, White, Jackson, Sebastian and Pope Counties, AR. Supporting shippers: Mid South Companies, 1414 New Boston Rd., Texarkana, TX 75501. Arkla Chemical Corporation, P.O. Box 21734, Shreveport, LA, 71151.

MC 107037 (Sub-5-2TA), filed March 31, 1980. Applicant: BROWN TRANSFER COMPANY, 1202 E. 26th St., Kearney, NE 68847. Representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Common carrier,* regular routes: *General commodities,* except those of unusual value, Classes A and B explosives, household goods, livestock, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, between Broken Bow, NE and Kearney, NE, serving all intermediate points, as follows: from Kearney, NE, over NE Hwy 10 to junction NE Hwy 40, thence over NE Hwy 40 to junctions US Hwy 183, thence over US Hwy 183 to junction NE Hwy 92, thence over NE Hwy 92 to Broken Bow, NE, and return over the same route; and from Kearney, NE over NE Hwy 10 to junction NE Hwy 2, thence over NE Hwy 2 to junction NE Hwy 92, thence over NE Hwy 92 to Broken Bow, NE, and return over the same route. Supporting shippers: 50.

Note.—Tacking with applicant's regular route authority at Kearney, NE is requested.

MC 107496 (Sub-5-10TA), filed April 2, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. *Caustic soda, in bulk, in tank vehicles,* from the Pennwalt facilities at Wyandotte, MI and Lemont, IL to points in IN and OH. Supporting shipper: Ulrich Chemical Co., 3318 E. Pontiac Street, Ft. Wayne, IN 46803.

MC 111401 (Sub-5-3TA), filed March 31, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic, P.O. Box 632, Enid, OK 73701. *Aviation Gasoline, in bulk, in tank vehicles,* from Memphis, TN to Galveston, TX. Supporting shipper: Galveston Air Center, Inc., P.O. Box 3413, Galveston, TX, 77552.

MC 111231 (Sub-5-5TA), filed March 31, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Lumber and lumber products,* from Conway County, AR, to all points and places in IL, IN, IA, KS, MO, WI, MI, OK, TX, MN, OH, TN, MS, and LA. Supporting shipper: Pinecrest Lumber Company, Inc., P.O. Box 128, Plumberville, AR 72127.

MC 116077 (Sub-5-4TA), filed March 13, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. Representative: J. C. Browder, 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. *Spent Catalyst, in bulk, in tank vehicles, from Corpus Christi, Texas,* to Enid, Oklahoma and Good Hope, Louisiana. Supporting shipper: Champlian Petroleum Company, Post Office Box 552, Enid, Oklahoma 73701.

MC 116111 (Sub-5-1TA), filed March 10, 1980. Applicant: BOOTH'S TOW SERVICE, 3101 E. 85th Street, Kansas City, Missouri 64132. Representative: Joseph M. Booth (same address as applicant). *Wrecked, Disabled, Repossessed, or Stolen Vehicles,* between points in MO and KS on the one hand and on the other points in the United States except AK and HI. Supporting shippers: There are 6 supporting shippers.

MC 117119 (Sub-5-5TA), filed April 2, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Fluorescent and H.I.D. lighting fixtures and parts with or without lamps* from Americus, GA and Eufaula, AL to points in the U.S. (except AK and HI), restricted to traffic originating at the facilities of Gibson-Metalux Corporation at the named points. Supporting shipper: Gibson-Metalux Corporation, P. O. Box 1207, Americus, GA 31709.

MC 117765 (Sub-5-3TA), filed March 31, 1980. Applicant: HAHN TRUCK LINE, INC., P. O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Flour and corn meal (except in bulk), Bird Seed, Popcorn, Feed and Feed Ingredients,* (1) From Shawnne, OK to AR and MO and (2) From Alton, IL to Shawnee, OK. Supporting shipper: Shawnee Milling Company, P. O. Box 1567, Shawnee, OK 74801.

MC 118959 (Sub-5-4TA), filed April 2, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, MO 63701. Representative: Jack Gleason, 130 S. Frederick, Cape Girardeau, MO 63701. *Materials, Supplies and Equipment used in the manufacturing and distribution of Cleaning, Scouring and Washing Compounds (except commodities in bulk),* From the facilities of the Container Corporation of America in Houston and Arlington, Texas to the facilities utilized by the Procter & Gamble Company at or near Alexandria, Louisiana. Supporting shipper: Procter &

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Gamble Company; P. O. Box 599, Cincinnati, Ohio 45201.

MC 119700 (Sub-5-1TA), filed March 31, 1980. Applicant: STEEL HAULERS, INC., 308 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. *Miscellaneous and structural steel or fabricated iron or steel products* from the facilities of Lacy Steel Co., Inc., at or near Lawrence, KS, to points in the states of AR, CO, IL, IN, IA, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: Lacy Steel Co., Inc., P.O. Box 247, Lawrence, KS 66044.

MC 119789 (Sub-5-10TA), filed April 1, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Foodstuffs and materials, supplies, equipment and ingredients used in the manufacture and sale of Foodstuffs* between Jacksonville, IL; Sherman, TX; and Humboldt, TN on the one hand, and, on the other, points in the United States except AK and HI. Supporting shipper: Anderson-Clayton Foods, Inc.; P.O. Box 226165, Dallas, TX 75266.

MC 119789 (Sub-5-11TA), filed April 1, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Foodstuffs (except in bulk)* from Ripon, CA to Charlotte, NC; Columbus, OH; Dallas and Houston, TX; Dearborn, MI; Edison, Pensauken and Woodbury, NJ; Hazelwood, MO; Itasca, IL; Jacksonville, FL; Memphis, TN; Springfield, MA; and Liverpool, NY. Supporting shipper: The Nestle Company, Inc.; 100 Bloomingdale Road; White Plains, NY 10605.

MC 119789 (Sub-5-12TA), filed April 2, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Steel Vent Tubing* from Pine Bluff, AR to points in the U.S. on and east of U.S. Highway 85. Supporting shipper: Century Tube Corporation; P.O. Box 7612; Pine Bluff, AR 71611.

MC 121517 (Sub-5-2TA), filed April 2, 1980. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15672, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil, in bulk, in tank vehicles,* from Cushing, OK to points in Collins, Dallas, Franklin, Hopkins, Hunt and Red River Counties, TX. Supporting shipper(s): Sterling Energy Company, Inc., d.b.a. SENCO, P.O. Box 3799, Abilene, TX 79604.

MC 121658 (Sub-5-1TA), filed April 1, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Common, regular paper and paper products* from the facilities of Olinkraft, Inc. at or near West Monroe, LA to Conway, AR, from West Monroe, LA over U.S. Hwy 165 to junction U.S. Hwy 65 at or near Dermott, AR; then over U.S. Hwy 65 to Conway, AR, serving no intermediate points. Supporting shipper(s): Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.

MC 123649 (Sub-5-2TA), filed March 31, 1980. Applicant: MAGILL TRUCK LINES, INC., 211 West 53rd North, Wichita, Kansas 67204. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. *Livestock and grain trailers in towaway service* from Denver, CO to Wichita, KS. Supporting shipper: Merritt Trailer Sales, Inc., 4159 North Broadway, Wichita, Kansas 67219.

MC 124141 (Sub-5-5TA), filed March 17, 1980. Applicant: JULIAN MARTIN INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Common; Irregular. *Such commodities as are dealt in or used by wholesale and retail discount and variety stores,* From the facilities of Wal-Mart Stores Inc. at Bentonville and Searcy, AR to the facilities of Wal-Mart Stores Inc. in the states of AL, AR, IL, KS, KY, LA, MS, MO, OK, TN and TX. Supporting shipper: Wal-Mart Stores Inc., P.O. Box 116, Bentonville, AR 71712.

MC 124141 (Sub-5-4TA), filed March 24, 1980. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 W, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Adhesives and caulking compounds and materials and supplies used in the sale and distribution thereof (except in bulk)* from Hutchinson, KS to Rector, AR, Atlanta, GA, St. Paul, MN, Hatfield, PA and Valencia, CA, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except in bulk) from East Camden, AR, Atlanta and Conyers, GA, Chicago, Jacksonville and Kankakee, IL, Mishawaka, IN, Muscatine, IA and Grand Rapids, MI, Kansas City and St. Louis, MO, Ashland, Columbus and Piquo, OH, Madison, WI and Huntington, WV to Hutchinson, KS. Supporting shipper: Leech Products, Inc., 1430 West 4th Street, Hutchinson, KS 67501.

MC 125254 (Sub-5-2TA), filed March 31, 1980. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Equipment, materials and supplies (except commodities in bulk), used in the manufacturing or packaging of food products* from points in Indiana to the facilities of Heinz, U.S.A. at or near Muscatine and Iowa City, Iowa. Supporting shipper: Heinz, U.S.A., P.O. Box 57, Pittsburgh, PA 15230.

MC 126118 (Sub-5-10TA), filed March 31, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Central air conditioning units, air handling units, heating units, and equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between the facilities of General Electric Co. located at Fort Smith, AR and Tyler, TX and points in AL, CT, DE, DC, FL, ID, IL, IN, LA, MD, ME, MA, MI, MS, MT, NV, NJ, NM, NY, NH, NC, ND, OH, OK, RI, TX, UT, VT, VA, WV and WY. Supporting shipper: General Electric Co., Richard Archer, Manager of Materials, Troup Highway, Tyler, TX 75710.

MC 128007 (Sub-5-4TA), filed March 31, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburgh, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Drilling Compounds,* Between the following cities and their Commercial Zones: Gravette, AR; Bakersfield, CA; Delphi, IN; Rayne, LA; Laurel, MS; Woodbridge, NJ; Lindsay and Tulsa, OK; Beeville, Liberty, Houston, and Odessa, TX; Vernal and Bonanza, UT; and Rock Springs, WY. Restricted to the transportation of shipments originating at or destined to facilities used by Rotary Drilling Services, Inc. Supporting shipper: Rotary Drilling Services, Inc., 7255 East 46th Street, P.O. Box 45286, Tulsa, OK 74145.

MC 129328 (Sub-5-1TA), filed March 27, 1980. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165 (801 Vaughn Bldg.), Austin, TX 78768. Contract; Irregular. *Paper and paper products; materials equipment and supplies used in the manufacture, sale and distribution of paper and paper products; except commodities in bulk,* between the plantsites of Sonoco Products Company at or near Arlington, Longview and Houston, TX and Henderson, TN on the one hand, and, on the other, points in AR, LA, MS, OK and TX. Restricted to a transportation service to be provided under a continuing contract or contracts with Sonoco Products Company. Supporting shipper: Sonoco Products Company, North Second Street, Hartsville, SC 29550.

MC 133233 (Sub-5-2TA), filed March 31, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Contract; Irregular. *Cast iron pipe, and fittings for installation,* from the facilities of Midwest Pipe Fabricators, Inc., Omaha, NE to points in MT, WY, CO, NM, ID, UT, AZ, NV, WA, OR, and CA. Supporting shipper: Midwest Pipe Fabricators, Inc., 2530 N. 85th Street, Omaha, NE 68134.

MC 134286 (Sub-5-4TA), filed April 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). *Facial tissues (except in bulk)* from the facilities of Stirling Converting Company located at or near Bridgewater, NJ, to the facilities of Komko Industries at Maryland Heights, MO. Supporting shipper: Mary Ann Kuhle, Stirling Converting Company, P.O. Box 29, Boundbrook, NJ 08805.

MC 134286 (Sub-5-5TA), filed April 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). (1) *Household appliances and (2) Materials and supplies used in the manufacture and distribution of (1) above (except commodities in bulk in (1) and (2) above)* from the facilities between Edison, Woodbridge, Linden, Avenel, Jamesburg (So. Brunswick Township), and Metuchen, NJ, on the one hand, and, on the other, points in IL, IN, OH, MI, GA, SC, TX, and KS. Restricted to traffic originating at or destined to the facilities of Edison Products Company. Supporting shipper: Everett Hatton II, Edison Products Company, Route 27 at Vineyard Road, P.O. Box 337, Edison, NJ 08817.

MC 134755 (Sub-5-2TA), filed March 31, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. (1) *Cardboard and cardboard products, (2). Iron and steel articles, and (3). Vinyl* from (1). New Bedford, MA, (2) Chicago, IL, and (3). Austell, GA to Springfield, MO. Supporting shipper: McBee Loose Leaf Binder Products, Division of Litton Industries, 424 North Cedarbrook, Springfield, MO 65802.

MC 135326 (Sub-5-2TA), filed March 28, 1980. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, Shreveport, LA 71107. Representative: M. D. Wood, 2500 McCain Boulevard, North Little Rock, AR 72116. *Industrial mineral filler (limestone chalk)* from Washington, AR to and between all points and places in MO, OK, TX, LA, MS and TN. Supporting shipper: Ozan Creek Mining Company, P.O. Box 57, Washington, AR 71862 (new plant site).

MC 135797 (Sub-5-22TA), filed March 31, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., Post Office Box 130, Lowell, AR 72745. *Textiles,* from Batesville, MS to St. Martinville, LA. Supporting shipper: Union Underwear, P.O. Box 780, Bowling Green, KY 42101.

MC 135861 (Sub-5-8TA), filed April 1, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *(1) Plastic and vinyl building materials, siding, window profiles, insulation board, and related accessories, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above;* (1) from Weatherford and Saginaw, TX to points in the U.S. (except AK and HI), and (2) from points in the U.S. (except AK and HI) to Weatherford and Saginaw, TX. Supporting shipper: Master Shield, Inc. div Robintech, Inc., Box 835, Weatherford, TX 76086.

MC 135861 (Sub-5-9TA), filed April 1, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *Foodstuffs, except in bulk,* from points in NY and NJ and San Francisco, CA, to Houston, TX. Supporting shipper: Fanci Foods, Inc., 343 Oyster Point, So. San Francisco, CA 94080.

MC 136786 (Sub-5-15TA), filed March 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, Iowa, 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *General commodities (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in the United States (except AK & HI), restricted to traffic originating at or destined to the facilities of Scott and Fetzer Company and Creata-Form. Supporting shipper: The Scott and Fetzer Company, Cleveland, Ohio.

MC 136786 (Sub-5-16TA), filed March 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, Iowa, 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) bullets, small arms, Class C explosives and primers, (2) sporting goods and equipment;* (1) from the facilities of Omark Industries at or near Lewiston, ID, to points in the United States (except AK & HI), and (2) from the facilities of Omark Industries at or near Oroville, CA to points in the United States (except AK and HI). Supporting shipper: Omark Industries, Cleveland, Ohio.

MC 139923 (Sub-5-1TA), filed March 31, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. (1) *Canned goods and frozen foods* from points in CA to facilities of The Kroger Company at Atlanta, GA; Charleston, WV; Cincinnati, Columbus and Solon, OH; Houston, Irving and San Antonio, TX; Detroit and Grand Rapids, MI; Fort Wayne and Indianapolis, IN; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Peoria, IL; Pittsburgh, PA; Salem, VA; St. Louis, MO; and Kansas City, KS; and points in the Commerical zones of the respectively names cities; (2) *frozen foods* from Kansas City, KS, and points in its commerical zone to the facilities of The Kroger Company at Atlanta, GA; Charleston, WV; Cincinnati, Columbus and Solon, OH; Houston, Irving and San Antonio, TX; Detroit and Grand Rapids, MI; Fort Wayne and Indianapolis, IN; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Peoria, IL; Pittsburgh, PA; Salem, VA; and St. Louis, MO and points in their commerical zones; and (3) *Grocery carts* from Burbank, CA, and points in ts commerial zone to the facilities of The Kroger Company at points in AL, AR, GA, IL, IN, KS, KY, LA, MI, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH. 45201.

MC 140709 (Sub-5-1TA), filed March 31, 1980. Applicant: FRANKHAUSER BROS. INC., 139 Hillside, El Dorado, KS. 67042. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Part (1) liquid fertilizer,* from the

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Commerical zone of El Dorado, KS to points in OK and those points in MO south of US Hwy 50 and west of MO Hwy No. 19. *Part (2) liquid fertilizer solutions, urea and anhydrous ammonia,* from the facilities of Terra Chemical Co., at or near Woodward, OK to points in KS; MO & TX *Part (3) liquid fertilizer,* from the facilities of N–REN at or near Pryor, OK to points in KS and points in MO south of US Hwy No. 19. *Part (4) dry fertilizer,* from the facilities of Kasier Agricultural Chemicals, a division of Kaiser Aluminum & Chemical Sales, Inc. at or near Pryor, OK to points in KS and points in MO south of US Hwy 50 and west of MO Hwy No. 19. Supporting shippers: Pro-Mar, Inc., P.O. Box 817, El Dorado, KS. 67042. Kaiser Agricultural Chemicals, P.O. Box 65697, West Des Moines, IA 50265. W. R. Grace & Co., P.O. Box 277, Memphis, TN 38101.

MC 140829 (Sub-5–11TA), filed March 31, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Paper and paper articles,* from Columbus, GA to Kansas City, Lawrence, Leavenworth and Topeka, KS and Kansas City, MO; restricted to the tranportation of traffic originating at the faciliites utilized by Hallmark Cards, Inc. and destined to the indicated destinations. Supporting shipper: Hallmark Cards, Inc., P.O. Box 361, Liberty, MO 64068.

MC 140829 (Sub-5–9TA), filed March 31, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Paper and paper articles,* from Dallas, TX to points in CO, IN, KS, KY, MO, NE, OK and TN. Supporting shipper: Paper Tech, Inc., 4924 Woodall Street, Dallas, TX 75247.

MC 141676 (Sub-5–8TA), filed March 7, 1980. Applicant: J. D. AND BILLY HINES TRUCKING, INC., Moores Highway, Prescott, AR 71857. Representative: J. D. Hines, Moores Highway, Prescott, AR 71857. Contract; Irregular. *Wood chips, bark, saw dust and shavings thereof,* from the facilities of Edward Hines Lumber Co. at or near Nashville, Howard County, AR to points in McCurtain County, OK, Ouachita, Union, and Lincoln Parishes in LA and Bowie County, TX. Supporting shipper: Edward Hines Lumber Co., P.O. Box 69, Hope, AR, 71801.

MC 142364 (Sub-5–6TA), filed March 31, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq. P.O. Box 1065, Fayetteville, AR 72701. *Such merchandise as is dealt in or used by wholesale and retail grocery stores* between the facilities of Griffin Wholesale Grocery Distributrors, at or near Van Buren, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Griffin Wholesale Grocery Distributors, P.O. Box 126, Van Buren, AR 72956.

MC 142857 (Sub-5–1TA), filed March 31, 1980. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107–B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Contract, irregular, (1) *malt beverages* and *related advertising materials,* from the facilities of Adolph Coors Co. in Jefferson County, CO to points in AR, and (2) *empty used beverage containers* and *materials and supplies used in and dealt with by breweries,* in the reverse direction, under continuing contract(s) with distributors of Adolph Coors in AR. Supporting shippers: Adoplph Coors Co., Golden, CO 80401; Bolls Distribution Co., Inc., 700 E. Broad Street, Texarkana, AR 75502; Coors of Southwest AR, Inc., 147 Pebble Beach Drive, Little Rock, AR 72212; South Central Coors of AR, Inc., 918 Garland, Little Rock, AR; Coors of Western AR, Inc., P.O. Box 1444, Fayettevile, AR 72701, and Coors of Eastern AR, Inc., 1707 Eagle Drive, W. Memphis, AR 72301.

MC 144622 (Sub-5–7), filed March 31, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Ladders, scaffolding, work and lift platforms, parts and the materials and supplies used in the manufacture and distribution thereof except in bulk* between Wooster, OH on the one hand, and, points in the United States (except AK and HI) on the other hand. Supporting shipper: Bauer Corporation, 1505 East Bowman Road, Wooster, OH 44691.

MC 145878 (Sub-No. 5–1), filed April 2, 1980. Applicant: JOHNNY KNOL TRUCKING COMPANY, INC., Route 1, Box 105–X, Oklahoma City, Oklahoma 73111. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Pumps, Plastic Pipe, Materials, Supplies and Equipment used in connection with agricultural water well pump systems in shipper owned trailers.* From Oklahoma City, OK to Amarillo, Dallas, and San Antonio, TX, Wichita, KS, and Fort Smith, AR. Supporting shipper: Modern Pipe Inc., 600 East California, Oklahoma City, OK 73104.

MC 148035 (Sub-5–2TA), filed April 2, 1980. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Common, irregular; Fuels, in bulk, in tank vehicles,* from Omaha, NE to Rockport, MO and from Rockport, MO to Auburn, NE. Supporting shipper: American Agri-Fuels Corporation, Suite 1010; 1006 Grand, Kansas City, MO 64106.

MC 148291 (Sub-No. 5–1TA), filed March 31, 1980. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *general commodities, except commodities in bulk,* those of unusual value, Classes A and B explosives, household goods, as defined by the Commission and those requiring special equipment; between Harrison, AR, and Tulsa, OK, and points in their respective commercial zones, serving all intermediate points in AR, and points in their respective commercial zones, and the off-route point of Rogers, AR and points in its commercial zone; from Harrison over U.S. Hwy 62 to junction AR Hwy 68, then over AR Hwy 68 to the AR-OK state boundary line, then over OK Hwy 33 to Tulsa and return over the same route.

Applicant intends to tack this authority with presently held authority and to interline at Harrison, Fayetteville, Springdale, AR and Tulsa, OK. Supporting shippers: There are 24 supporting shippers.

MC 148819 (Sub-5–2TA), filed March 21, 1980. Applicant: G and J TRUCKING, INC., P.O. Box 4201, 3701 Spradling Avenue, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Contract; Irregular. *Wire and steel products and materials and supplies used in the manufacture of wire and steel products* between the facilities of Southern Steel and Wire Company in Ft. Smith, AR, on the one hand, and, on the other, points in CO, KS, OK, TX, AR, TN, NC, KY, OH, IN, MI, IL, IA, MO, AL, SC, LA, GA and MS. Supporting shipper: Southern Steel and Wire Company, 3501 S. Tulsa, Ft. Smith, AR 72901.

MC 149157 (Sub-5–1TA), filed March 21, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 1017, Omaha, NE 68101. Contract; Irregular. *Fishing tackle and fishing rods, in boxes, crates, containers or packages.* from Seattle, WA, to Spirit Lake, IA, restricted to transportation of shipments having a prior movement via air or water. Supporting shipper: Berkley & Company, Inc., Highway 9 & 71, Spirit Lake, IA 51360.

MC 149169 (Sub-5–2TA), filed February 22, 1980. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., 2003 MacArthur Drive, P.O. Box 1770, Orange, Texas 77630. Representative: John P. Jones, III, 715 Church Street, Beaumont, Texas 77005. *General commodities in export containers* between the Beaumont, TX Commercial Zone and the Houston, TX Commercial Zone, restricted to traffic having a prior or subsequent movement by water in interstate commerce. Supporting shipper: Schenekers International Forwarders, Inc., 1121 Walker Street, Houston, TX 77002.

MC 150097 (Sub-5–1TA), filed February 22, 1980. Applicant: RONALD W. COGBURN, Rte. 2. Box 151KC, Bastrop, TX 78602. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Fruit juices, nuts, seeds, dried fruits, grains, oils, foodstuffs, and related healthfood items, in cans, bottles and packages,* from Los Angeles, Chico and Emeryville, CA, to Austin, TX; and from Hereford, TX to New Orleans, LA. Supporting shipper: Texas Health Distributors, 4501 Guadalupe St., Suite 109, Austin, TX 78751.

MC 150311 (Sub-5–5TA), filed April 1, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. (1) *Plastic and vinyl building materials, siding, window profiles, insulation board, and related accessories,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above;* (1) from Weatherford and Saginaw, TX to points in the US (except AK & HI), and (2) from points in the US (except AK & HI) to Weatherford and Saginaw, TX. Supporting shipper: Master Shield, Inc. div. Robintech, Inc., P.O. Box 835, Weatherford, TX 76086.

MC 150376 (Sub-5–3TA), filed March 24, 1980. Applicant: C & M CARTAGE COMPANY, INC., 1911 N.W. First Street, Oklahoma City, Oklahoma 73106. Representative: Greg E. Summy, P.O. Box 1540, Edmond, Oklahoma 73034. *Oilfield drilling mud additives, except in bulk,* from the facilities of Arnold & Clarke Chemical Company, at or near Houston, TX to Lindsay, Oklahoma City and Shattuck, OK. Supporting shipper: Arnold & Clarke Chemical Company, 1010 East Reno, Oklahoma City, OK.

MC 150440 (Sub-5–1TA), filed March 31, 1980. Applicant: UNIVERSAL EXPRESS, LTD., 536 S. 19th Street, West Des Moines, Iowa 50265. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Household and commercial laundry and kitchen appliances and parts and materials used in the repair or manufacture of such appliances (except commodities in bulk, in tank vehicles);* between Newton, IA, on the one hand, and, on the other, points in DC, DE, IN, KS, KY, MD, MI, MO, NJ, NC, OH, OK, PA, SC, TX, VA and WV. Supporting shipper: The Maytag Company, Newton, Iowa 50208.

MC 150449 (Sub-5–1), filed March 31, 1980. Applicant: JAMES COCHRAN, d.b.a. COCHRAN FARMS, R. R. #2, Adel, Iowa 50003. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Wood trusses,* from the facilities of Adel Truss Products, Inc. at or near Adel, IA, to points in IL, KS, MN, MO, NE, SD and WI. Supporting shipper: Adel Truss Products, Inc.

MC 150450 (Sub-5–1TA), filed March 31, 1980. Applicant: WILLIAM C. COBURN, an individual, 1004 Hickory Avenue, Berryville, AR 72616. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Livestock feed and supplements,* from Springfield, MO to points in Carroll, Boone and Madison Counties, AR. Supporting shipper: Farm Supply Cooperative, Inc., Highway 21 South, Berryville, AR 72616.

MC 150454 (Sub-5–1TA), filed March 31, 1980. Applicant: DAVID J. BEIDLER d.b.a. BEIDLER TOWING, 936 White Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *(1) Disabled and repossessed motor vehicles; and (2) Replacement vehicles for disabled motor vehicles,* between Dubuque, IA, on the one hand, and, on the other, points in IL and WI. Supporting shippers: There are six shippers supporting application.

MC 150466 (Sub-5–1TA), filed April 2, 1980. Applicant: LYLE MOLYNEUX & SONS., INC., R.R. 1, What Cheer, IA 50268. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer, in bulk,* from points in MO and IL to points in IA. Supporting shipper: Kaiser Agricultural Chemicals, Box 228, Keota, IA 52248.

MI 50469 (Sub-5–1TA), filed April 2, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076. (501) 982–6511. Contract carrier, irregular route, *sheet steel tanks, sprayers, poultry and livestock equipment and accessories thereof;* between the facilities of H. D. Hudson Manufacturing plants at Hastings, MN; Overland Park, KS; Rockford, IL; Oshkosh, WI; and Ravenna, OH on the one hand and to points in the states of Arkansas, Mississippi, Texas, Louisiana, and Oklahoma on the other hand. Supporting shipper: H. D. Hudson Manufacturing Co., 500 North Michigan Avenue, Chicago, IL 60611.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 40915 (Sub-6–1TA), filed March 28, 1980. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, CA 92663. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. *Pickup truck campers,* from the facilities of The Coleman Company, Inc. at Somerset, PA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. Supporting shipper: The Coleman Company, 250 North St. Francis, Wichita, KS 67210.

MC 150456 (Sub-6–1TA), filed March 31, 1980. Applicant: DAN CHAMBERS TRUCKING, LTD., P.O. Box 400, Lumby, B.C., Canada. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Washington 98104. *Wood Residuals,* from Ports of Entry on the U.S./Canada International Boundary line at or near Oroville, WA to Pateros and Omak, WA for 180 days. Supporting shipper: Crown Zellerback, 1500, S.W. 1st Avenue, Portland, Oregon 97201.

MC 140409 (Sub-6–1TA), filed March 28, 1980. Applicant: CIRCLE B TRANSPORTATION CORPORATION OF NORTH DAKOTA, P.O. Box 207, Wheatridge, Colorado 80033. Representative: Al Lagerheim (same as applicant). (1) *Malt beverages and related advertising matter,* from points in Jefferson County, Colorado to all points in the states of AZ, AR, ID and TX; and (2) *empty used beverage containers and materials, equipment and supplies used in or dealt in by brewery manufacturing facilities,* from all points in the states of AZ, AR, ID and TX to points in Jefferson County, Colorado, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: L. Bonner, Transportation Director, Coors Industries, Golden, CO 80401.

MC 140409 (Sub-6–2TA), filed March 31, 1980. Applicant: CIRCLE B TRANSPORTATION CORPORATION OF NORTH DAKOTA, P.O. Box 207, Wheatridge, Colorado 80033. Representative: Al Lagerheim (same as applicant). (1) *Foodstuffs; cooked, cured, preserved or prepared frozen,* from Fullerton, La Habra and Anaheim CA

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and Laramie, WY to AL, AZ, CA, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NM, NC, OR, OH, OK, PA, SC, TN, TX, UT, WA, WI, WY and the District of Columbia; and (2) *Foodstuffs; cooked, cured, preserved or prepared frozen,* from the states of AL, AZ, CA, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NM, NC, OR, OH, OK, PA, SC, TN, TX, UT, WA, WI, WY and the District of Columbia to Fullerton, La Habra and Anaheim, CA and Laramie, WY, for 180 days. Supporting shipper: R. M. Brown, Distribution Manager, Packers Cold Storage, Inc., 310 East Walnut Avenue, Fullerton, CA 92632.

MC 150259 (Sub-6–3TA), filed March 28, 1980. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Contract Carrier:* Irregular routes: *Sulphur,* from Mountain Fuel Supply Company near Mountain View, WY, to Conda and Don, ID, for the account of Mountain Fuel Supply Company, for 180 days. Supporting shipper: Mountain Fuel Supply Company, 180 East 1st South, Salt Lake City, UT 84111.

MC 136407 (Sub-6–2TA), filed March 31, 1980. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Contract Carrier:* Irregular routes: (1) *Malt beverages* from points in Jefferson County, CO to Fayetteville, Fort Smith, Little Rock, Pine Bluff, Texarkana, and West Memphis, AR; (2) *Equipment, materials and supplies* used and dealt in by breweries from points in AR to points in Jefferson County, CO; (3) *Charcoal* from Paris, AR to Denver and Grand Junction, CO; Restriction: The authority in (1) and (2) is limited to a transportation service to be performed under a continuing contract(s) with Adolph Coors Company, and the authority in (3) is limited to a transportation service to be performed under a continuing contract(s) with King Sooper Discount Division of Dillon Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401; King Sooper Discount Division of Dillon Company, Inc., P.O. Box 5567 T.A., Denver, CO 80217.

MC 150434 (Sub-6–2TA), filed April 1, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 S. Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading issued by ABC–TNT, a freight forwarder as defined in Section 10102 (8) of the Interstate Commerce Act, between points in OR, CA, and WA on the one hand, and, on the other, points in CT, NY, NJ, MA, VA, PA, MI, IL, IN, OH, and DE, for 180 days. Supporting shipper: ABC Trans National Transport, Inc., P.O. Box 3266, Anaheim, CA 92803.

MC 144344 (Sub-6–1TA), filed March 28, 1980. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119, San Jose, CA 95108. Representative: James H. Gulseth, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. *Personal care products, nutritional food supplements, vitamins, candy and household cleaning products,* between Hayward, CA, on the one hand, and, on the other, Reno, NV and points within sixty miles of Reno, NV, for 180 days. Restricted to commodities originating at or destined to the Shaklee Corporation facilities at Hayward, CA and (1) interlined at Reno, NV for movement from or to CO, UT, ID, WY and NE, or (2) destined for home delivery at Reno, NV and points within sixth miles of Reno, NV. An underlying ETA seeks 90 days authority. Supporting shipper: Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608.

MC 56640 (Sub-6–1TA), filed March 28, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses* (except frozen commodities and commodities in bulk), from Fairfield, Oakland, and San Leandro, CA, to points in Washington for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Clorox Company, 1221 Broadway, Oakland, CA 94612.

MC 115826 (Sub-6–5TA), filed March 31, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). (1) *Edible and inedible oils, ester, cleaning and working compounds, wax, textile softeners, fireproofing compounds, fatty acids, azelaic acid, pelargonic acid, chemicals* (except in bulk); (2) *materials and supplies* used in the manufacturing, sale and distribution of the commodities described in (1) (except in bulk), between the facilities of Emery Industries, Inc. at or near Santa Fe Springs and Los Angeles, CA, Cincinnati, OH, Lock Haven, PA, Mauldin, SC and Linden, NJ, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: Emery Industries, Inc., 1300 Carew Tower, Cincinnati, OH 45202.

MC 115826 (Sub-6–6TA), filed March 31, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (A) from the facilities of Monfort of Colorado, Inc. at or near Grand Island, NE to points in the United States (except AL and HI); (B) from the facilities of Monfort of Colorado, Inc. at or near San Angelo, TX to the facilities of Monfort of Colorado, Inc. at or near Grand Island, NE for 180 days. Supporting shipper: Monfort of Colorado, Box G, Greeley, CO 80632. An underlying ETA seeks 90 days authority.

MC 124679 (Sub-6–11TA), filed March 31, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Representative: Michael L. Bunnell (same as applicant). *Foodstuffs* from Idaho Falls, Idaho to points in California for 180 days. Supporting shipper: Idaho Fresh-Pak, P.O. Box 130, Lewisville, Idaho 83431.

Note.—Applicant holds motor contract carrier authority in MC 128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 125433 (Sub-6–16TA), filed March 27, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Foodstuffs,* (1) from Battle Creek, MI, Lancaster, OH and Sharonville, OH to points in CO, UT and OK; and (2) from Louisville, KY to points in TX, PA, NJ, NY, CT, RI and MA. Restriction: Restricted against the transportation of foodstuffs in vehicles equipped with mechanical refrigeration and further restricted to traffic originating at the facilities utilized by Ralston Purina, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ralston Purina, Checkerboard Square, St. Louis, MO 63188.

MC 140193 (Sub-6–1TA), filed March 31, 1980. Applicant: RICH GRANT, INC., 910 West 24th Street, Ogden, UT 84401. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT. *Contract,* Irregular routes: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, inedible tallow, and commodities in bulk), from points in IA, MN, and NE to points in UT under a continuing contract(s) with Dean & Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dean & Co., 1375 Industrial Road, Salt Lake City, UT.

MC 141548 (Sub-6–3TA), filed March 28, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Sprinkler systems, K.D.; parts, components and accessories* from points in El Paso County, Colorado to points in and west of Michigan, Ohio, Indiana, Illinois, Missouri, Arkansas, and Texas except Colorado, Alaska, and Hawaii for 180 days. Supporting shippers: Tumac Industries, Inc., 650 Ford Street, Colorado Springs, CO 80915; A & B Steel, Inc., P.O. Box 67, Colorado Springs, CO 80901.

MC 150455 (Sub-6–1TA), filed March 31, 1980. Applicant: M. DENNIS JONES, d.b.a. DENNY'S WRECKER SERVICE, 4705 Yellowstone Avenue, Pocatello, Idaho 83201. Representative: (same as applicant). *Damaged, disabled and/or repossessed vehicles and/or motorized equipment and contents,* between the point of *storage* located in the states of ID, MT, and WY, to points in the United States for 180 days. There are 6 supporting shippers.

MC 150438 (Sub-6–1TA), filed March 28, 1980. Applicant: JAFCO INDUSTRIES INC., 8015 North Market St., Spokane, WA 99220. Representative: Frank J. Pagnotta (same address as applicant). *Contract carrier,* irregular routes: (1) *Lumber and lumber products,* from points in WA including ports of entry on the International Boundary line between the U.S. and Canada located in WA, to points in MT, OR, WA, and CA for the accounts of Tolko Forest Products, Wales Lumber Co., and Hern Lumber and Sawmills Co.; (2) *non-metallic minerals for feed and fertilizers* from Greenacres, WA, to points in OR and ID for the account of Greenacres Gypsum & Lime Company; and (3) *dry-wall products, accessories and supplies* from Spokane, Woodinville, Pasco, WA, and Post Falls, ID, to points in WA, ID, and OR for the account of G & W Drywall Supply, for 180 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the office listed below.

MC 730 (Sub-6–2TA), filed March 31, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94598 (Mailing address: P.O. Box 8004, Walnut Creek, CA 94596) Representative: R. N. Cooledge (same as applicant). *Asphalt sealer,* in bulk, in tank vehicles, from Salt Lake City, UT to points in KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: AAC, Inc., Post Office Box 3405, Lawrence, KS.

MC 135082 (Sub-6–4TA), filed March 28, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: J. B. Martin (same as applicant). *Iron and steel articles,* from Portland, OR to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Northwest Pipe and Casing Co., P.O. Box 38, Clackamas, OR 97015.

MC 124692 (Sub-6–3TA), filed March 28, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Prefabricated metal buildings, knocked down, component parts and accessories therefor,* from the facilities of American Buildings Co. at or near Carson City, NV to points in WA, OR, ID, MT, CA, CO, UT and AZ, for 180 days. Supporting shipper: American Buildings Co., Box 1768, Carson City, NV 89701.

MC 150457 (Sub-6–1TA), filed March 28, 1980. Applicant: SARAI ENTERPRISES, LTD., 12163 Old Yale Road, Surrey, B.C., CD V3V 3X6. Representative: Wallace Aiken, Attorney at Law, 1215 Norton Bldg., Seattle, WA 98104. *Contract carrier:* irregular routes *Lumber and lumber products* between ports of entry on the International Boundary line between the U.S. and Canada located in WA and points in WA, for 180 days. Supporting shipper: James R. Hemphill, Sales Manager, Capilano Timber Company Limited, P.O. Box 130, New Westminster, B.C., Canada V3L 4Y4.

MC 138875 (Sub-6–5TA), filed April 1, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, an Idaho corporation, 11900 Franklin Road, Boise, Idaho 83709. Representative: F. L. Sigloh (same as applicant). *Iron oxide (except in bulk),* from Milwaukee, WI to points in ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Monte J. Sallee, Buyer, Wholesalers, Inc., 1300 E. Franklin Road, Meridian, ID 83642.

MC 141867 (Sub-6–2TA), filed March 28, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities as are dealt in or used by the manufacturers of pallets, bins and containers,* between points in the states of WA, OR, ID, UT, NV and MT, for 180 days. Supporting shipper: Precision Wood Products, Inc., 4303 Fruit Valley Rd., Vancouver, WA 98660.

MC 136818 (Sub-6–3TA), filed March 31, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road., P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. (1) *Furniture* (crated and uncrated), (2) *furniture parts,* and (3) *materials, equipment and supplies* used in the manufacture of (1) and (2) above (except commodities in bulk), from Phoenix, AZ, and its commercial zone, to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gabriel Manufacturing, 110 N. Perry Lane, Tempe, AZ; Arizona Woodcraft, Inc., 2200 W. Filmore Ave., Phoenix, AZ 85009; Woodstuff Manufacturing, Inc., 1635 S. 35th Ave., Phoenix AZ 85009.

MC 12376 (Sub-6–1TA), filed March 31, 1980. Applicant: TENNYSON TRANSFER & STORAGE, INC., 4910 Irving St., Boise, Idaho, 83706. Representative: W. L. Woolley (same address as applicant). *General commodities manufactured and/or distributed by Amway Corporation* from Boise, Idaho to points in Ada, Canyon, Gem, Elmore and Payette Counties in Idaho for 180 days. The right to interline at Boise, ID is sought. Supporting shipper: W. A. Wood, Transportation Supervisor, Amway Corporation, 7250 South 228th St., Kent, Washington 98031.

MC 26396 (Sub-6–4TA), filed April 1, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Drilling mud and drilling mud additives* (except in bulk) from points in CA, CO, MT, NV, ND, SD, UT and WY to ports of entry on the International Boundary line between the United States and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Clagary, Alberta T3C 2B3.

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MC 110325 (Sub-6-31TA), filed March 31, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier:* regular routes: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Siemens-Allis, Inc., at or near Wendell, NC, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days.

Note.—Applicant proposes to tack the authority sought with its authority in MC-110325 and Subs thereto, and proposes to inter-line with other motor carriers. Supporting shipper: Siemens-Allis, Inc., 801 S. 60th Street, West Allis, WI.

MC 141804 (Sub-6-22TA), filed March 28, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Cat Litter,* from Wrens, GA to Dallas and Houston, TX, Little Rock, AR, Memphis, TN, Oklahoma City, OK and St. Louis, MO and their respective commercial zones, for 180 days. Supporting shipper: Vernon W. Bender, Inbound Planning, Target Stores, 777 Nicollet Mall, Minneapolis, MN 55402.

MC 141804 (Sub-6-23TA), filed March 28, 1980. Applicant: WESTERN EXPRESS, DIVISION of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Furniture* from the facilities of Silver Manufacturing, at or near Knoxville, TN to points in WY, CO and points in and east of ND, SD, NB, KS, OK and TX (except TN), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Jim Atkins, Traffic Manager, Silver Manufacturing, 2742 Hancock Street, Knoxville, TN 37917.

MC 150414 (Sub-6-2TA), filed March 25, 1980. Applicant: WOOD'S VAN LINES, INC., 733 Auzerais Avenue, San Jose, CA 95126. Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, P.C., 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Used household goods,* between Fresno, Madera, Merced, Stanislaus, Sacramento, Yolo, Solano, Napa, Marin, Contra Costa, Alemeda, Santa Clara, San Mateo, San Francisco, Sonoma, Mendocino, San Joaquin, San Luis Obispo, Monterey, Santa Cruz, San Benito, and Tulare Counties, CA, restricted to the transportation of traffic having prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Milo Import & Sales Co., Inc., 766 Valencia Street, San Francisco, CA 94110.

MC 89684 (Sub-6-2TA), filed March 31, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, UT 84110. Representative: John J. Morrell (same as applicant). *Common Carrier:* Regular routes: *Medical supplies, bandages, syringes, sutures, orthopedic goods, braces and related items,* between Colorado Springs, CO and Denver, CO over I-25, for Bergen Brunswig Medical/Surgical, including the right to tack, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bergen Brunswig Medical/Surgical, 4920 North Park Dr., Colorado Springs, CO 80907.

MC 143775 (Sub-6-4TA), filed March 31, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Truck bodies* from Chattanooga, TN, to Phoenix, AZ. for 180 days. Supporting shipper: Michael Dettmer, Sales Manager, Western Truck Equipment Company, 2400 S. 14th Street, Phoenix, AZ 85036.

MC 125433 (Sub-6-13TA), filed March 17, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Building and construction materials* (except in bulk), and (2) *materials and supplies used in the manfacture and distribution of construction materials* (except in bulk), between the facilities of The Celotex Corporation, a Jim Walter Company, at or near Tracy, CA, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA, for 180 days. Supporting shipper: Jim Walter Corporation, 1500 North Dale Mabry Highway, Tampa, FL 33607.

MC 135221 (Sub-6-1TA), filed March 17, 1980. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 28724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. (a) *Toilet preparations and soaps* from Burbank CA, to points in WA, OR, CO, ID, MT, UT, AZ, NM, and TX and (b) *Materials, equipment and supplies used in the manufacture and distribution of toilet preparations and soaps* (Except commodities in bulk) from Des Plaines, IL, and Cincinatti, OH, to Burbank, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Andrew Jergens Company, 99 West Verdugo Ave., Burbank, CA 91502.

MC 149238 (Sub-6-1TA), filed March 17, 1980. Applicant: TRANS-SOUTHWEST CARRIERS INC., 1074 South 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address as applicant). *Contract carrier:* irregular routes: *Used motor vehicles, used equipment and machinery, used parts and accessories, and freight all kinds as purchased or sold by a used equipment and motor vehicles dealer,* except hazardous materials between points in AZ, CA, CO, ID, MT, NE, NV, NM, OK, OR, TX, WA, and WY on the one hand, and on the other, Salt Lake City, UT, for the account of Equipment Sales Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Equipment Sales Inc., 1074 South 500 West, Salt Lake City, UT 84101.

MC 42092 (Sub-6-1TA), filed March 31, 1980. Applicant: ACME INTER-CITY FREIGHT LINES, 3414 2nd Avenue South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. (1) *General commodities,* except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, and those injurious or contaminating to other lading (a) between Mt. Vernon, WA and Anacortes, WA and their respective commercial zones, serving all intermediate points, over regular routes as follows: From Mt. Vernon, WA over SSR 536 to Junction SSR 536, thence over SSR 536 to junction SSR 20, thence over SSR 20 to Anacortes, WA and return over the same route. (b) Between Burlington, WA and Anacortes, WA and their respective commercial zones, serving all intermediate points, over regular route as follows: From Burlington, WA over SSR 20 to Anacortes, WA and return over the same route. (2) *General Commodities,* except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, and those injurious or contaminating to other lading, over irregular routes between Mt. Vernon and Burlington, WA on the one hand and all points in Whatcom County, WA on the other

hand, for 180 days. Supporting shippers: There are 25 shippers. Their statements may be examined at the office listed. An underlying ETA seeks 90 days authority.

MC 98891 (Sub-6-1TA), filed April 3, 1980. Applicant: ALLSTATE TRUCKING, INC., a NM corporation, Bolack Blvd., Post Office Box 1936, Farmington, NM 87401. Representative: James E. Snead, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, NM 87501. *Frac sand* and *cement in bulk* from Grand Junction, Denver, Colorado Springs, Pueblo, Portland and Florence, CO, and Amarillo, TX to points in San Juan, Rio Arriba and McKinley Counties, NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are six shippers. Their statements may be examined at the Regional Office listed.

MC 145455 (Sub-6-1TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, (P.O. Box 390), Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Contract carrier:* Irregular routes: *Animal feed preparations, liquid, in bulk,* from points in CA to points in NV and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: R. S. Wilson Co., P.O. Box 15423, Los Angeles, CA 90015.

MC 135215 (Sub-6-2TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, (P.O. Box 390), Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Lime, in bulk,* from points in Clark County, NV to points in CA and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Flintkote Lime Company, 4700 Ramon Boulevard, Monterey Park, CA 91754.

MC 145455 (Sub-6-3TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, P.O. Box 390, Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Contract Carrier:* Irregular routes: *Liquid animal feed ingredients, in bulk, in tank vehicles,* from points in Yuma County, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Snow Commodities Company, Inc., P.O. Drawer D, South Pasadena, CA 91030.

MC 106523 (Sub-6-1TA), filed April 3, 1980. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, MT 59104. Representative: Charles A. Murray, Jr., 207A Behner Bldg., 2822 Third Avenue, North, Billings, MT 59101. *Common salt,* in bulk, in pneumatic trucks from Solar, Utah to points in Montana, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63166.

MC 150375 (Sub-6-1TA), filed April 2, 1980. Applicant: CLARK REBER d.b.a. TRUC DISTRIBUTING, P.O. Box B, Santa Clara, Utah 64765. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. *Meat, Meat products, meat by-products and articles as described in Sections A & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of (1) Sioux Preme Packing Company at or near Sioux Center, IA, and (2) York Packing Company at York, NE, to points in CA. for 180 days. Supporting shippers: Sioux Preme Packing Company, P.O. Box 177 Highway 75 South, Sioux Center, IA 51250 and Golden California Meat Packers, Inc., 3189 West Dakota, Fresno, CA 93776.

MC 42487 (Sub-6-11TA), filed April 3, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular route: *General commodities, (except those of unusal value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Wilson Sporting Goods Company, at or near Ada, OH, as an off-route point in connection with carrier's presently authorized regular-route operations, for 180 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority held in MC 42487 Sub 578. The authorities in MC 42487 (Sub-578), in turn, will be joined with other present authorities at such points as Boston, MA, Hagerstown, MD, Detroit, MI, Chicago, IL, Indianapolis, IN, St. Louis, MO and Minneapolis, MN to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connection carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Wilson Sporting Goods Company, 2233 West Street, River Grove, IL 60160.

MC 113678 (Sub-6-4TA), filed April 3, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Foodstuffs* (except commodities commodities in bulk) (1) from Vacaville, CA, to points in IL, IN, and UT, and (2) from LaPorte, IN, to points in CA, restricted in parts (1) and (2) to traffic originating at the facilities of American Home Foods Division of American Home Products Corp., at the named origins for 180 days. Supporting shipper: American Home Foods Division of American Home Products Corporation, 685 Third Avenue, New York, NY.

MC 147832 (Sub-6-1TA), filed April 1, 1980. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright St., Wheat Ridge, Co 80033. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from Denver, CO to points in AL, FL, GA and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Roth Boneless Beef, 4320 Glencoe St., Denver, CO and Peppertree Beef Company, 5300 Franklin, Denver, CO.

MC 141548 (Sub-6-4TA), filed April 2, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Iron and steel and iron and steel articles when transported with non-ferrous articles* from points in CA, CO, MN, NE, OR, TX, UT, and WA to points in Spokane County WA for 180 days. Supporting shippers: There are 12 shippers. Their statements may be examined at the Regional Office listed.

MC 146306 (Sub-6-1TA), filed April 2, 1980. Applicant: JOHN D. LARNED, d.b.a. J&P TRANSPORTATION, 6201 E. 42nd Avenue, Denver, Co 80216. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Authority Sought: *Contract* carrier, over *irregular* routes transporting: *such commodities as are dealt in or used by grocery and food business houses* (except commodities in bulk and meats), from the facilities utilized by CIA Consolidators, Inc., at or near Denver, CO to Grand Junction, CO and points within its commercial zone, under continuing contract or contracts with CIA Consolidators, Inc. of Denver, CO, for 180 days. A corresponding ETA has also been filed for 30 days plus two extensions.

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MC 150255 (Sub-6–1TA), filed April 2, 1980. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone Street, Denver, CO 80211. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. (1) *Malt veverages and advertising materials* (except in bulk), from points in Jefferson County, CO to Bakersfield, Bishop, Fresno, Lodi, Truckee, Merced, Modesto, Pittsburg, Portola, Redwood City, San Francisco, Santa Margarita, Stockton, Suisun City, Susanville, Visalia, Lemoore, and West Sacramento, CA; Kingman and Bullhead City, AZ; and Las Vegas and Reno, NV; and (2) *Empty used containers and materials, supplies and equipment dealt in or used by breweries* (except in bulk) in the reverse direction, for 180 days. Restriction: Restricted to the transportation of traffic originating at or desined to the facilities of Adolph Coors Company and its distributors. An underlying ETA seeks 90 days authority. There are 20 shippers. Their statements may be examined at the Regional office listed.

MC 128527 (Sub-6–3TA), filed April 1, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Insulation and Insulating Materials,* from the facilities of Mountain Fiber Co., at or near Hyrum, UT to points in ID, MT, CO, OR, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mountain Fiber Co., 1100 Anvil Road, Hyrum, UT 84319.

MC 144572 (Sub-6–1TA), filed April 2, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors, and wines* from the facilities of Heublein, Inc., located at or near Hartford, CT and its commercial zone to points in IL, IN, WI, MI, MO, KY, CO, ID, NV, AZ, MT, CA, and WY, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Heublein, Inc.-Spirits Group, 330 New Park Avenue, Hartford, CT 06101.

MC 147840 (Sub-6–1TA), filed April 2, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 S. E. Gideon Street, Portland, OR 97202. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Container manufacturing materials and supplies,* from Cucamonga and Pittsburg CA, to the facilities of Continental Can Co., U.S.A., located in OR, WA and ID, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Continental Can Co., U.S.A., 10200 North Lombard Street, Portland, OR, 97203.

MC 141532 (Sub-6–4TA), filed March 31, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. (1) *Furnaces, air-conditioners, combination furnace and air-conditioner units and cooling systems;* and (2) *parts, attachments and accessories* for the commodities in (1) above (except commodities in bulk) from the facilities of General Electric Co. at or near Tyler, TX to points in AZ, CA, CO, CT, DC, FL, GA, IA, ID, IL, IN, MA, MD, MI, MN, MO, MT, NC, NE, NJ, NY, OH, OR, PA, SC, TX, UT, VA, WA, WI, WV, and WY, for 180 days. Supporting shipper: General Electric Co., Troupe Hi-Way, Tyler, TX.

MC 150484 (Sub-6–1TA), filed April 2, 1980. Applicant: PATIO FREIGHT LINES, INC., 4075 Guasti Road, Room 114, Ontario, CA 91761. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Forest products, paper products, woodenware, matches, wood pulp, paper dishes, plates, and trays* (a) from the facilities of Diamond International, Inc., located at Dixfield, Oakland and Old Town, ME, Palmer and Springfield, MA, Cloquet, MN and Groveton, NH, to points in CA, NV, OR and WA; (b) from the facilities of Diamond International, Inc., located at Dixfield and Oakland, ME, and Springfield, MA, to the facilities of Diamond International located at Cloquet, MN, for 180 days. Supporting shipper: Diamond International, Inc., 733 Third Avenue, New York, NY 10017.

MC 142935 (Sub-6–1TA), filed April 2, 1980. Applicant: PLASTIC EXPRESS 2999 La Jolla Street, Anaheim, California 92806. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, California 92633. *Fruit juices and apple products* from the facilities of TREE TOP, INC., Cashmere, Selah and Wenatchee, Washington and points in their respective commercial zones, to points in Oregon, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Tree Top, Inc., P.O. Box 248, Selah, WA 98942.

MC 148377 (Sub-6–1TA), filed April 2, 1980. Applicant: R & W SERVICES, INC., 35301 Farnham Drive, Newark, CA 94560. Representative: Eldon M. Johnson, Attorney at Law, 650 California Street, Suite 2808, San Francisco, CA 94108. *Sulphuric acid, in bulk, in rubber-lined tank trailers,* between Fremont, California and Golden, Colorado, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amchem Products, Inc. 300 Brookside, PA 19002.

MC 150479 (Sub-6–1TA), filed April 2, 1980. Applicant: SAFEWAY LINES AND TOUR COMPANY, 1922 East Gale Avenue, Los Angeles, CA 90001. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. *Passengers and their baggage* in charter operations between all points in Los Angeles County, CA, on the one hand, and, on the other, all points within the Counties of Clark, NV and Coconino, Mohave, Yavapai, Maricopa, Pinal, Yuma, Pima and Santa Cruz, AZ, for 180 days. An underlying ETA seeks 90 days authority. There are 12 shippers. Their statements may be examined at the Regional office listed.

MC 138875 (Sub-6–6TA), filed April 2, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, An Idaho Corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Metal shelving,* from Terrell, TX to Salt Lake City, UT, Boise, ID, Seattle, WA, Portland, OR, points in CA and Las Vegas, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Billy Joe Cox, Traffic Manager, Maytex, Inc., P.O. Box 729, Terrell, TX 75160.

MC 138875 (Sub-6–7TA), filed April 2, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, An Idaho Corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Candy and confectionery products (except commodities in bulk),* from Bryan, OH to points in CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): James J. Paule, Traffic Manager, Spangler Candy Company, Box 71, 400 North Portland Street, Bryan, OH 43506.

MC 150401 (Sub-6–1TA), filed April 3, 1980. Applicant: THERMAL SYSTEMS, INDUSTRIES, 3055 West 2100 South, Salt Lake City, UT 84119. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier,* Irregular routes: *Insulation* and *materials and supplies used in the manufacture, distribution and installation of insulation,* between Salt Lake County, UT on the one hand, and, on the other, WA, OR, ID, CA, MT, WY, NV, AZ, NM, CO, NE, & TX, under a continuing contract(s) with Thermal Systems, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thermal Systems, Inc. 3055 West 2100 South, Salt Lake City, UT 84119.

MC 26396 (Sub-6–7TA), filed April 3, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Barbara S. George (same as applicant). *Drilling mud additives* (except in bulk, in tank vehicles), from Salisbury, NC to Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Milchem Incorporated, 3920 Essex Lane, P.O. Box 22111, Houston, TX 77027.

MC 26396 (Sub-6–18TA), filed April 3, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. (1) *Agricultural chemicals* (except in bulk); and (2) *Materials and supplies used in the manufacture, sale and distribution of agricultural chemicals* (except in bulk); between points in AL, AZ, CA, CO, CT, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OR, SD, TN, TX, UT, VA, WA, WV, WI, and WY, restricted to shipments originating at or destined to the facilities utilized by Monsanto Company, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. An underlying ETA seeks 90 days authority.

MC 150385 (Sub-6–1TA), filed April 3, 1980. Applicant: VISALIA EXPRESS LINES, INC., Post Office Box 3692, 3750 Nicholas Drive, Visalia, CA 93278. Representative: Marshall A. Smith, Jr., 2322 North Maroa Avenue, Fresno, CA 93704. *Contract carrier:* Irregular routes: (1) *Paper and paper products, corrugated or other than corrugated; plastic trays,* from Visalia, CA to Portland, OR Kent, WA Seattle, WA Tacoma, WA and Tukwila, WA; (2) *Paper, corrugated or wrapping,* from Longview, WA to Visalia CA, for the account of Malanco of California, Inc (Delaware Corporation), for 180 days. Supporting shipper: Malanco of California, Inc (Delaware Corporation), P.O. Box 3046, Visalia, CA 93278.

MC 135803 (Sub-6–4TA), filed April 3, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140 (P.O. Box 67), Planada, CA 95365. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Plastic articles, paper articles and bakery goods,* between points in AZ, CA and NV, restricted to shipments originating at plantsites or warehouses of Sweetheart Cup Corp., for 180 days. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90023.

MC 136644 (Sub-6–1TA), filed April 2, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same as applicant). *Contract Carrier,* Irregular routes: *Gypsum Wallboard and materials and supplies used in the installation and application of gypsum wallboard,* from the plant site of Domtar Gypsum America, Inc., at or near Antioch, California to points in WA, for the account of Domtar Gypsum America, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Domtar Gypsum America, Inc., 1221 Broadway, Seventh Floor, Oakland, California 94612.

MC 141804 (Sub-6–24TA), filed April 2, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Lighting fixtures and/or parts therefor* from Chattanooga, TN to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Alan Whitten, Lithonia Lighting, Division of National Service Industries, Inc., P.O. BOX H, Conyers, GA 30207.

MC 150485 (Sub-6–1TA), filed April 3, 1980. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Mobile homes and portable buildings, and equipment, materials and supplies used in the distribution and installation of mobile homes and portable buildings,* (1) from points in the Commercial Zones of Caldwell, ID, Albany, OR, Aumnsville, OR, and McMinnville, OR to points in the Commercial Zone of Spanaway, WA, for the account of Romans Mobile Homes of Spanaway, WA; (2) from points in the Commercial Zones of Albany and Pendleton, OR to points in the Commercial Zone of Kent, WA, for the account of Golden Homes, Inc., of Kent, WA; and (3) from points in the Commercial Zones of Boise, ID, Nampa, ID, Albany, OR and Bend, OR to points in the Commercial Zone of Tacoma, WA, for the account of Westlin Homes, Inc., of Tacoma, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westlin Homes, Inc., 9122 So. Tacoma Way, Tacoma, WA 98499; Romans Mobile Homes, 16615 Pacific Avenue, Spanaway, WA 98387; Golden Homes, Inc., 23460 Pacific Hi-Way South, Kent, WA 98031.

MC 141871 (Sub-6–1TA), filed April 2, 1980. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: M. J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (1) *Appliances,* and (2) *Parts, materials, supplies, and equipment* used in the distribution or repair of appliances from the facilities of Whirlpool Corporation at Clearfield, UT to points in AZ, CA, NV, OR, and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whirlpool Corporation, 2000 U.S. 33 No., Benton Harbor, MI 49022.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11109 Filed 4–11–80; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Kansas Legal Services in Topeka, Kansas, to serve Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, and Stevens Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80–11131 Filed 4–11–80; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or

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prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project.. . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Gulf Coast Legal Foundation in Houston, Texas, to serve Grimes and Montgomery Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of field Services.

[FR Doc. 80-11132 filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

East Texas Legal Services in Nacogdoches, Texas, to serve Polk, San Jacinto, Trinity and Walker Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11133 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Waco/McLennan County Legal Aid in Waco, Texas, to serve Bosque, Freestone, Hill, Limestone and Navarro Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11134 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

West Texas Legal Services in Fort Worth, Texas, to serve Cooke County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11135 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Southeast Louisiana Legal Services Corporation in Hammond, Louisiana, to serve St. Tammany and Washington Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E. 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11136 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 94-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Acadiana Legal Services Corporation in Lafayette, Louisiana, to serve Evangeline and St. Mary Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E. 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11137 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Fuel; Meeting

The ACRS Subcommittee on Reactor Fuel will hold a meeting on April 29, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to discuss the NRC research program on reactor fuels for the ACRS annual reports to NRC and Congress. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Tuesday, April 29, 1980—8:30 a.m. until the conclusion of business.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interesed persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul A. Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 9, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-11122 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Babcock and Wilcox Water Reactors; Meeting

The ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on April 29, 1980 in Room 1167, 1717 H St., NW, Washington, DC 20555 to review NUREG-0667, "Transient Response of Babcock and Wilcox-Designed Reactors," published April 2, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only dring those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as parcticable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 29, 1980, 1:00 p.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Babcock and Wilcox, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 9, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-11130 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Nuclear Power Plant (the facility) located in Charlevoix County, Michigan. The amendment is to become effective within 90 days of its date of issuance.

The amendment authorizes a change in the requirements for the fire brigade to increase the minimum size shift fire brigade from 3 to 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1980, (2) Amendment No. 32 to License No. DPR-6, and (3) the Commission's related

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Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of March, 1980.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 80-11141 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320 (10 CFR 2.206)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Units 1 and 2); Director's Decision

In a petition of February 25, 1980, Robert Gary of Philadelphia, Pennsylvania, requested pursuant to 10 CFR 2.206 that the Commission take certain actions with respect to radiation monitoring and emergency planning at the site of the Three Mile Island Nuclear Station. Specifically, Mr. Gary requests three basic actions:

1. Institution of a monitoring program that would include collection and sampling of various domestic animals' thyroids, planting of a certain variety of spiderwort, and collection and sampling of the flesh, bones, and teeth of various wild animals;

2. Double placement of thermoluminescent dosimeters to be read on a "blind" basis by two independent laboratories; and

3. Preparation and dissemination of an evacuation plan "before any further planned criticality of fuel in the Unit 2 reactor vessel."

As the "specification of facts that constitute the basis of this request", Mr. Gary restates some of the history of the Three Mile Island accident and alleges that "the health effects to be expected from the releases of the noble gases from the stack vent are more severe than presently recognized by the NRC." Petition at 7. Mr. Gary apparently believes that, without his special monitoring program, the public will not have "an accurate or complete official record" kept of releases from operation of the Three Mile Island units. Therefore, Mr. Gary reasons, the public will be unable to make "informed decisions about where to situate themselves and/or reside" and will be precluded in the future from "being able to put on successful litigation to receive compensation for radiogenic harms." Petition at 8. Finally, Mr. Gary contends that the public is harmed by "having to live under circumstances such that if a major radiological release which would call for immediate evacuation of the area were to occur, there is no . . . feasible plan whereby the area could be evacuated." *Id.*

Mr. Gary does not show why existing radiation monitoring and plans for emergency preparedness are inadequate nor does he identify how his requested actions will satisfy his particular concerns. As required under 10 CFR 2.206(a), it is incumbent upon Mr. Gary to establish facts or reasons that provide a basis for taking particular action. General allegations that a particular action is needed or certain objectives should be met are, without more, insufficient to provide an adequate basis for relief under 10 CFR 2.206. *See Public Service Company of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), Commission Memorandum and Order at 8 (Docket Nos. 50-546 & 50-547, March 13, 1980). In considering a petition under 10 CFR 2.206, the Director of Nuclear Reactor Regulation is not required "to accord presumptive validity to every assertion of fact" or to surmise the underlying facts of reasons that form the basis of the petition. *See Northern Indiana Public Service Company* (Bailly Generating Station, Nuclear 1), CLI-78-7, 7 NRC 429 (1978), *aff'd sub nom. Porter County Chapter of the Izaak Walton League v. NRC*, 606 F.2d 1363 (D.C. Cir. 1979).

Mr. Gary makes his request for a special monitoring program as part of any action "taken for purposes of the cleanup of Unit 2". Petition at 1. The staff notes that radiological environmental monitoring capabilities have been provided by the NRC, the Environmental Protection Agency (EPA), the Commonwealth of Pennsylvania and the licensee. These capabilities are described in NUREG-0662, "Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere", a copy of which has been previously provided to Mr. Gary. This monitoring program would also be used during the decontamination of the reactor building atmosphere, and the staff believes that these monitoring programs would be adequate for this phase of decontamination operations. To the extent that additional or different capabilities are required for future operations, the Commission will ensure that appropriate capabilities are provided. Mr. Gary provides no reasons why his particular program should be instituted now or in the future. Mr. Gary's petition only describes the measures that he believes should be taken and generally alleges that there is a need for adequate monitoring. In the absence of a particular showing that, for example, current monitoring efforts are inadequate or that Mr. Gary's proposal has some special advantages, I see no purpose to instituting a proceeding to consider Mr. Gary's proposed monitoring plan.

As to emergency preparedness, Mr. Gary raises particularly the issue of evacuation of the area around the Three Mile Island site. Specifically, Mr. Gary requests that an adequate evacuation plan be prepared and disseminated prior to "any further planned criticality of fuel in the Unit 2 reactor vessel". The fuel in the Unit 2 reactor is not critical. "Planned criticality" of the reactor implies resumed operation of Unit 2, and operation of Unit 2 would not resume, if at all, until Unit 2 had been repaired. The operating authority for the Federal Aviation Administrationreactor was formally suspended in July 1979. Order for Modification of License, *published in* 44 FR 45271 (Aug. 1, 1979). The current provisions for emergency preparedness for Unit 2 generally meet the Commission's current emergency planning requirements. However, the Commission has taken significant steps in recent months to upgrade the quality and scope of emergency planning at all nuclear reactor sites. Plans for TMI-2 will necessarily be revised in the future to conform to the Commission's requirements. Although evacuation of the population is the responsibility of State and local officials, the NRC has proposed a revision to its rules on emergency planning to require NRC concurrence in State and local government response plans. *See* 44 FR 75167 (Dec. 19, 1979). As described in the Memorandum of Understanding between NRC and the Federal Emergency Management Agency (FEMA), 45 FR 5847 (Jan. 24, 1980), FEMA will take the lead in reviewing the adequacy of State and local emergency plans. In January 1980, NRC and FEMA jointly issued for interim use and comment "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654/FEMA-REP-1). Mr. Gary has been provided a copy of this document with this decision. One of the objectives of these criteria (*see* p. 42) is similar to Mr.

Gary's concern: that information concerning emergency preparedness is available and disseminated to the public. While the staff cannot say that the State, local and licensee plans approved for TMI-2 will track Mr. Gary's proposal exactly (*e.g.*, that plans will be exactly 50 pages in length of that Educational Testing Service will be consulted on the vocabulary used in the written plans), the Commission intends to assure, prior to any planned operation of the Unit 2 reactor, that adequate emergency response plans exist for TMI-2 and are appropriately distributed.

The current focus of efforts to improve emergency preparedness at the Three Mile Island site concerns specifically Unit 1. The Commission's Order and Notice of Hearing, CLI-78[8, 10 NRC (Aug. 9, 1979), in the Three Mile Island Unit 1 restart proceeding requires the Metropolitan Edison to improve its emergency preparedness capability. As described in the attached portions of the staff's "Status Report on the Evaluation of Licensee's Compliance with the NRC Order dated August 9, 1979" (Docket No. 50-289, Jan. 11, 1980), Metropolitan Edison Company has submitted an upgraded emergency plan that conforms to Regulatory Guide 1.101 (Rev. 1, March 1977) and NUREG-0610, "Draft Emergency Action Level Guidelines for Nuclear Power Plants" (Sept. 1979). Included in the appendices to Metropolitan Edison's plans are supporting emergency plans for the Commonwealth of Pennsylvania and for countries near the Three Mile Island site. The Commonwealth's and local government's plans provide for protective actions, including evacuation, in the event of a radioligical emergency. The Pennsylvania Emergency Management Agency is the lead State agency for the coordination of radiological emergency response plans. The State and local plans are under review by the Regional Advisory Committee, consisting of FEMA, NRC, EPA, the U.S. Department of Transportation and the Food and Drug Administration. In view of the foregoing, I do not intend to institute another proceeding on emergency preparedness based on Mr. Gary's particular request.[1]

Accordingly, Robert Gary's petition of February 25, 1980, is denied. A copy of this decision will be filled with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20 days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Maryland, this 7th day of April, 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-11142 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[1] The staff also notes that emergency planning contentions have been admitted in the hearing on Unit 1's restart. *See* Third and Fourth Special Prehearing Conference Orders (Docket No. 50-289, Jan. 25 and Feb. 29, 1980).

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised Technical Specifications (TSs) for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises TSs to be consistent with the cycle 6 fuel reload analysis and revises TSs for reactor coolant system heatup and cooldown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with the use of fuel from Exxon Nuclear Company, Inc., for Cycle 6 operation and the use of Exxon analytical methods was published in the **Federal Register** on September 7, 1979 (44 FR 52389). On October 8, 1979, a petition was filed by H. Kirshen and the Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency. No other Petition or request for a hearing was filed. The petition was subsequently withdrawn and the proceeding dismissed on February 8, 1980, by Order of the Atomic Safety and Licensing Board (45 FR 10495, February 15, 1980). The power increase which was also the subject of the above-mentioned Notice is not authorized at this time. In addition, prior public notice in connection with the revised TSs for reactor coolant system heatup and cooldown was not published or required since this action does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment filed July 17, 1979, as supplemented by letters dated October 30 and December 4, 1979, and January 28, February 12, and 15, and March 12, 1980, (2) Amendment No. 47 to License No. DPR-40 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April 1980.

For the Nuclear Regulatory Commission,

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-11140 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 1); Modification of November 30, 1979 Order

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License No. DPR-24 which authorizes the licensee to operate the Point Beach Nuclear Plant, Unit 1, located in Two Creeks, Wisconsin, under certain specified conditions. License No. DPR-24 was issued by the Atomic Energy Commission on October 5, 1970 and is due to expire on July 25, 2008.

II

Inservice inspections of the Point Beach Unit 1 steam generators performed during the August 1979 and October 1979 outstages indicated extensive general intergranular attack and caustic stress corrosion cracking on certain of the external surfaces of the

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steam generator tubes. As a result of information provided in discussions with the licensee and its representatives, which is documented in a letter dated November 23, 1979 from S. Burstein to H.R. Denton, and the Staff's Safety Evaluation Report, dated November 30, 1979, on Point Beach Unit 1, Steam Generator Tube Degradation due to Deep Crevice Corrosion, it was determined that additional operating conditions would be required to assure safe operation prior to resumption of operation of Unit 1 from the 1979 refueling outage.

III

The licensee in letters dated November 29, 1979 and November 30, 1979 agreed to additional conditions which were necessary to provide reasonable assurance for safe operation of Unit 1. On November 30, 1979, an Order was issued to impose limiting conditions on continued operation of Unit 1 for a period of 60 effective full power days, at which time the licensee was required to shut down until the Director of Nuclear Reactor Regulation determined in writing in accordance with condition 6 of the Order that the results of the eddy current tests required by the Order were acceptable. On February 28, 1980, Unit 1 was taken out of service for the tests required by the Order. On March 28, 1980, the licensee provided the results of such tests to the NRC.

In accordance with condition 6 of the November 30, 1979 Order the NRC staff has reviewed the licensee's March 28, 1980 submittal and has assessed whether continued operation of the facility would be safe. I have found for the reasons given in the attached Safety Evaluation that the public health, safety and interest requires that Unit 1 be shut down and certain tests be conducted within 90 effective full power days of operation after the date of this Order. The licensee has agreed to this condition. Subject to this condition and with continuation of the other conditions set forth in the November 30, 1979 Confirmatory Order and the January 3, 1980 Modification of the Order, I have concluded that there is reasonable assurance that the public health and safety will not be endangered by the continued operation of Point Beach Unit 1.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT the November 30, 1979 Confirmatory Order for Modification of License be amened, effective immediately, to delete condition 1 of Section IV of that Order and replace such condition with the following condition.

1. Within 90 effective full power days from the date of this Order, a 2000 psia primary-to-secondary hydrostatic test and a 800 psia secondary-to-primary hydrostatic test shall be performed. Also during this plant outage, an eddy current examination shall be performed on tubes in each steam generator. The program shall be submitted to the NRC for staff review and require examination of about 1000 tubes in the central region of the hot leg and three (3) percent of all tubes outside this central region and 3% of all cold leg tubes. The central region shall encompass all areas where deep crevice corrosion has previously been observed.

All other conditions of the November 30, 1979 Confirmatory Order and the January 3, 1980 modification of that Order, including condition 6 requiring that the licensee not resume operation after the required eddy current examinations until the Director, Office of Nuclear Reactor Regulation, determines in writing that the results of such tests are acceptable, remains in effect in accordance with their terms.

V

Copies of the above referenced documents are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Docuement Department, University of Wisconsin, Steven's Point Library, Stenves Point, Wisconsin 54451.

VI

Any person whose interest may be affected by this Order may within twenty days of the date of this Order request a hearing with respect to this Order. Any request for a hearing shall be addressed to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 with a copy to the Executive Legal Director at the above address. If a hearing is requested by a person who has an interest affected by the order, the Commission will issue an order designating the time and place of hearing. Any such request shall not stay the immediate effectiveness of this order.

In the event a hearing is held, the issues to be considered at such hearing shall be:

1. Whether the facts stated in Sections II and III of this Order provide an adequate basis for actions ordered; and

2. Whether the license should be modified to include the conditions set forth in Part V of this Order.

Effective Date: April 4, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-11139 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21518; 70-6378]

Blackstone Valley Electric Co.; Proposed Increase in Short-Term Borrowing

April 9, 1980.

In the matter of Blackstone Valley Electric Company, Washington Highway, P.O. Box 1111, Lincoln, Rhode Island.

Notice is hereby given that Blackstone Valley Electric Company ("Blackstone"), an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration, previously filed and amended in this matter, pursuant to the Public Utility Holding Company Act of 1935 designating Sections 7(a)(1), 8 and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 10, 1979 (HCAR No. 21336), Blackstone was authorized to borrow funds during the period ending December 31, 1980, through the issuance and sale of short-term notes to banks in a maximum amount outstanding at any one time not to exceed $3,200,000.

By post-effective amendment, Blackstone proposes to increase its short-term debt authorization to $4,700,000. It is stated that such increase is necessary due to the rising level of interest that must be paid on Blackstone's $25,000,000 note to Chase Manhattan Bank, N.A. which, as last extended pursuant to authorization granted on January 28, 1980 (HCAR No. 21409), is due January 27, 1981. It is stated that the increased interest expense as well as the continuing escalation of other costs have substantially reduced Blackstone's available cash. The $4,700,000 amount requested is the maximum currently permitted under Blackstone's Preferred Stock Provisions.

Rhode Island Hospital Trust National Bank presently has extended separate lines of credit to Blackstone and Montaup Electric Company ("Montaup"), an affiliate. The separate lines will be merged into one line which will be available to either Blackstone or Montaup. No other change will be made in the terms of the line.

Blackstone has credit lines with a number of banks subject to the following arrangement: (1) borrowing at the prime rate with no formal compensating balance; (2) borrowing at the prime rate with compensating balances not exceeding 20%; and (3) borrowing at the pime rate or the prime times a percentage thereof together with a commitment fee based on a fraction of the prime rate. Assuming a prime rate of 20% and the maximum balance requirements of 20%, the effective interest rate would be 25%.

There are no additional fees or expenses to be incurred in connection with the proposed transaction. It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 6, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11228 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16729; File No. SR-BSPS-79-3]

Bradford Securities Processing Services, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 1, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change

The text of the proposed rule change is as follows:

Bradford Securities Processing Services, Inc. ("the Corporation") shall offer a Syndicate Packaging Service to managers, co-managers, or participants in an underwriter's syndicate offering of a new issue of debt or equity securities. The Corporation will, on a nationwide basis, examine and count the securities, segregate participation of each syndicate member, and verify payment from syndicate members. The Corporation will also deliver the securities pursuant to the instructions of the underwriters.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

Purpose of Proposed Rule Change

The proposed rule change would codify an existing practice with respect to the meaning and administration of an existing rule of the Corporation, and will describe the service offered in greater detail for the benefit of both the Securities and Exchange Commission and the user community. The fee schedule for this service had previously been codified in SR-BSPS-77-2.

The Syndicate Packaging Service is available to a "syndicate" or group of underwriters involved in the distribution of an issue of debt or equity securities. The first step in the service is the gathering of all the pertinent information by the Corporation including the name and quantity of the issue, the number of pieces, the number of underwriters, the place of the syndicate, and the time of the distribution. Once this information has been gathered, the services which are performed by the Corporation will differ depending upon the type of security involved in the distribution.

In a Municipal Bond Packaging, the Corporation segregates the bonds by maturity, physically checks bonds for necessary information, counts the bonds, records bond numbers, and collects and bundles the bonds by underwriter.

The service for registered bonds and stock packaging, after receipt by the Corporation from the transfer agent of stock certificates bundled together by underwriter, includes counting; verification of denomination, certificate numbers, name of underwriter, dates, signatures, descriptive language; checking related to designated sale, selling group and retentions; and delivery of securities pursuant to the instructions of each participating underwriter.

The factors which may be utilized to determine the fees charged for this service may include the number of man hours involved, the use of the Corporation's wire facilities, the use of the corporation's window facilities, and the number of man hours needed in controlling settlement. The number of man hours involved may vary depending upon the location of the syndicate, travel time, and the number of certificates involved.

Basis Under the Act for Proposed Rule Change

The proposed rule change will confirm the interpretation and application of an existing policy, practice and rule as to what is meant by the Syndicate Packaging Service which was initially described in the Corporation's Form CA-1 Application for Registration as a clearing agency, and has been included in a prior rule filing relating to fee schedules for various services offered by the Corporation. The offering of this service facilitates prompt and accurate clearance and settlement of securities transactions, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and helps to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

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Comments Received From Members, Participants or Others on Proposed Rule Change

No comments have been solicited or received from participants or others on the proposed rule change.

Burden on Competition

The Corporation does not believe that the proposed rule change will impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty (60) days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 5, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 7, 1980.

[FR Doc. 80-11229 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21517; 70-5892]

Central and South West Corp.; Proposed Issue and Sale of Common Stock Pursuant to Employee Share Ownership Plan and Request for Exemption From Competitive Bidding

April 8, 1980.

In the matter of Central and South West Corporation, One Main Place, Dallas, Texas. Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration, previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By orders dated October 8, 1976 and August 18, 1978 (HCAR Nos. 19710 and 20675), CSW was authorized to issue and sell up to 2,000,000 shares of its authorized and unissued common stock, par value $3.50 per share, through its employee share ownership plan ("Plan"). The Plan was established for the benefit of CSW and its direct and indirect subsidiaries; Central Power and Light Company, Central and South West Services, Inc., Public Service Company of Oklahoma, Transok Pipe Line Company, Southwestern Electric Power Company and West Texas Utilities Company. As of March 15, 1980, 648,045 shares remain unsold.

CSW now requests authorization to issue and sell 2,000,000 shares of its authorized and unissued common stock, par value $3.50 per share, in addition to the 2,000,000 shares previously authorized. Under the Plan, a trust has been established to hold the stock shares for the benefit of the participating employees. The proposed 2,000,000 shares ("Additional Shares") are to be issued to or sold to the trustee of the Plan.

The Additional Shares are estimated to be sufficient to account for the total CSW and employee contributions to be made for the 1979 and 1980 tax years and also for other purchases by the trustee through December 31, 1981. The exact number of Additional Shares to be issued and sold to the trust will be determined by dividing the amount of the additional 1% of investment tax credit and the total 1% credit pursuant to the employee and matching employer contributions for the years 1979 and 1980, respectively, by the average closing price of CSW's common stock as reported on the New York Stock Exchange Composite Transactions for the twenty consecutive trading days immediately preceding the date of issuance of such additional shares.

Based on CSW System's estimated qualifying property additions for 1979 and 1980 and assuming maximum participation by employees, CSW estimates that the additional investment tax credit for both years would be approximately $20,800,000. In addition, $6,700,000 of dividends applicable to the shares held by the trustee will be used for the purchase of Additional Shares, resulting in a total of $27,500,000. Assuming that the purchase price for the CSW stock were $11.00 per share, a total of approximately 2,500,000 Additional Shares would be issued. The 2,500,000 shares added to the 1,351,955 shares which have been issued under the Plan results in a total of 3,851,955 shares. The total of 4,000,000 shares which will be authorized if the present post-effective amendment is approved is said to be necessary to afford adequate leeway for the purchase of shares by the trust in accordance with the Plan and for periodic purchases of shares with funds generated from dividends paid on shares held by the trust. It is stated that the Additional Shares also are necessary to meet unexpected contingencies such as a decrease in the market price of the common stock.

CSW requests exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $7,000, including printing fees of $5,000 and legal fees of $1,000. It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 2, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11227 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21516; 70-6436]

Columbia Gas System, Inc.; Proposal of Holding Company To Issue Unsecured Notes to Banks; Request for Exception From Competitive Bidding

April 7, 1980.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807. Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia's operating subsidiaries are principally engaged in one or more phases of the natural gas business, including: exploration and development of hydrocarbon reserves (principally natural gas), production, purchase, storage, transmission, distribution and wholesale and retail sale of natural gas, production of synthetic gas from hydrocarbon feedstock, importation and regasification of liquified natural gas, research and development of coal gasification and production and sale of propane and other extracted hydrocarbon products. It is presently estimated that up to $200,000,000 of long-term capital will be required during 1980 in order to finance the 1980 capital expenditures programs of Columbia's subsidiaries. (See File 70-6435.)

Columbia seeks authorization to issue up to an aggregate principal amount of $200,000,000 of unsecured subordinated promissory notes to a group of commercial banks under a Revolving Credit and Term Loan Agreement ("Agreement"). This Agreement would provide a "back up" line of credit. Columbia states that in view of the current disarray in the bond markets, such a line of credit is necessary in the event it becomes impractical or uneconomic to sell its debentures and to provide flexibility as to the timing of any such sales. A list of the lending banks and the amount of the line of credit at each will be filed by amendment. The net proceeds from the borrowings will be added to the general funds of Columbia, which, together with funds then available and funds subsequently generated from operations, will be used to provide the necessary capital for the programs of its subsidiaries.

The Agreement will provide for two forms of notes: a Revolving Credit Note and a Term Note (collectively, the "Notes"). The Revolving Credit Note for each participating bank will be the lesser of the aggregate amount of its Commitment or the aggregate unpaid principal amount of all loans made by such bank, will mature April 1, 1985, and will provide for prepayment and reborrowing throughout the revolving period. Under the Agreement, each bank agrees to lend on April 1, 1985, an amount not to exceed its commitment; however, to the extent necessary, each bank shall apply any portion of the proceeds to repay any outstanding balance on the Revolving Credit Notes. The Term Notes will be dated April 1, 1985, and will mature on March 31, 1987. The Revolving Credit Note will bear interest at the Fluctuating Prime Commerical Lending Rate of Morgan Guaranty Trust Company of New York ("Prime") during the first three years, and at 103% times Prime during the fourth and fifth years. The Term Note will bear interest at 105% times Prime. Under the terms of the Agreement, Columbia would pay a fee of 2% per annum of the Prime times the aggregate amount of the line plus ⅛ of 1% per annum of the unused portion of the line. If half the line of credit were borrowed, the effective cost of borrowing would be 21.3% during the first three years, 21.9% during the fourth and fifth years and 22.3% during the sixth and seventh years, based upon a prime commercial rate of 20%.

No amortization will be required on the Notes and they may be prepaid in whole or in part at any time without penalty. The Notes will be subordinated to the debentures of Columbia presently outstanding or to be outstanding under the Indenture dated as of June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, Trustee.

Columbia requests exception from the competitive bidding requirements of Rule 50 pursuant to clause (a)(2) thereof. In this connection, Columbia states that the Notes will have a maturity of ten years or less and will be issued to a commerical bank. It is also stated that no fee or remuneration is to be paid in connection therewith to any third person. No state commission and no federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11233 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21514; 70-6439]

Eastern Utilities Associates; Proposed Acquisition of Stock of Inactive Company

April 7, 1980.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding

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Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes to purchase 100 shares of capital stock of Eastern Edison Electric Company ("Eastern") at their par value of $10 per share. This stock constitutes all the authorized and issued capital stock of Eastern.

Eastern was incorporated in Massachusetts on February 16, 1951 under the name Eastern Edison Electric Company, Inc. The name of the company was changed pursuant to a special act of the Massachusetts Legislature, Chapter 339 of the Acts of 1951 (the "1951 Act"), to Eastern Edison Company. Such special authorization was necessary because electric companies incorporated under the Massachusetts laws are otherwise required to include the word "electric" in their names. Eastern was organized to participate in a plan of reorganization of EUA and its subsidiaries (the "First Plan") submitted to this Commission to comply with a Commission order dated April 4, 1950 issued in proceedings under Section 11(b) of the Act (File No. 59–89). Among other provisions of the First Plan, Eastern was to acquire the stock of EUA's Rhode Island subsidary, Blackstone Valley Gas and Electric Company, now Blackstone Valley Electric Company ("Blackstone"). The 1951 Act made it clear that Eastern would have corporate power to acquire the stock of Blackstone, a matter which was not clear under the general statutes of Massachusetts.

The Massachusetts Department of Public Utilities ("MDPU") authorized the issuance of the full amount of Eastern's authorized stock, 100 shares of capital stock of the par value of $10 per share, in an order dated December 14, 1951. However, the final version of the First Plan which was approved by the Commission and ordered enforced by the United States District Court for the District of Massachusetts did not provide for the participation of Eastern in the reorganization and, consequently, its stock was not issued. Although Eastern never owned assets, it has been continued in existence by its board of directors for its possible value in any future structural changes.

EUA recently submitted to this Commission another plan puruant to Section 11(e) of the Act which the Commission approved on February 23, 1979 (HCAR No. 20931) and which became effective on July 31, 1979 pursuant to an order of the United States District Court for the District of Massachusetts resulting in the merger of Fall River Electric Light Company into Brockton Edison Company.

By Chapter 233 of the Massachusetts Acts of 1978, Brockton Edison Company was authorized to change its name to Eastern Edison Company and did so effective August 1, 1979 in conjunction with the merger. EUA now wishes to change the name of Eastern in order to avoid confusion. Massachusetts law requires that a corporate name change be approved by the shareholders of the corporation; if there are no shareholders, then the incorporators have the power of the shareholders. Since Eastern never issued its shares, there are no shareholders to authorize the change and EUA states that the incorporators are no longer available.

In order to effect the name change, Eastern's board of directors decided to issue the company's stock. Mr. Charles Jackson, Jr., a partner in the law firm of Gaston Snow & Ely Bartlett, counsel to EUA, agreed to purchase the stock to facilitate the name change. Eastern thereupon issued and sold the stock to Mr. Jackson for $1,000, which is the aggregate par value and price approved by the MDPU. EUA now desires to purchase the stock from Mr. Jackson for $1,000. EUA has no present plans for making Eastern active but would like to obtain control because of the special authority conferred by the 1951 Act which could conceivably be useful to EUA in the future.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no federal or state commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 2, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other actions as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80–11232 Filed 4–11–80; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 11121; 812–4487]

Johnston Mutual Fund; Filing of an Application for an Order Amending a Previous Order Pursuant to Section 6(c) of the Act Granting Exemption From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

April 8, 1980.

In the matter of the Johnston Mutual Fund, One Boston Place, Boston, Massachusetts. Notice is hereby given that The Johnston Mutural Fund ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company and organized as a "series company," filed an application on March 7, 1980, requesting an order of the Commission amending a prior order of the Commission dated August 1, 1979 (Investment Company Act Release No. 10801) ("Prior Order") to exempt the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extend necessary to permit the Applicant to compute the net asset value per share of one of its series, the Johnston Cash Management Fund (CMF"), according to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it has three series of shares, each representing interests in separate pools of assets. One of the Applicant's series, CMF, is a "money market fund," offering to individuals, corporations, fiduciaries and institutions a means of investing in a professionally managed portfolio of money market instruments with the objective of obtaining as high a level of current income as is consistent with the preservation of capital and liquidity.

Applicant represents that CMF invests exclusively in various high-grade money market instruments as enumerated in its prospectus, including United States government and federal agency obligations; United States dollar-denominated obligations of the largest banks, including United States banks and their branches located outside the Unite States and United States branches of foreign banks; prime commercial paper; high grade corporate obligations which ar rated AAA or AA by Standard & Poor's Corporation or Aaa or Aa by Moody's Investor Services, Inc., and certain repurchase agreements as described in Applicant's prospectus. Applicant further states that all of CMF's assets are invested in money market instruments maturing in less than one year and the dollar-weighted average maturity of its portfolio may not exceed 120 days.

Applicant indicates that at the present time, in determining the net asset value per share of CMF, Applicant employs two valuation procedures, depending upon the remaining maturity of the particular instrument being valued. Applicant states that for portfolio instruments with remaining maturities in excess of 60 days (i) instruments for which market quotations are readily available are valued at their most recent bid price (generally expressed on a yield basis) as obtained from a major market maker for such instruments, and (ii) instruments (and other assets) for which market quotations are not readily available are valued at their fair value as determined in good faith in accordance with consistently applied procedures established by and under the general supervision of Applicant's Trustees. The value of portfolio instruments with remaining maturities of 60 days or less is determined on the basis of the amortized cost valuation technique, i.e., valuing an instrument at its cost and, thereafter, assuring a constant amortization to maturity of any discount or premium, regardless of the impact fo fluctuating interest rates on the market value of the instrument.

Pursuant to the Prior Order, Applicant states that it determines the net asset value per share of CMF for purposes of sales, redemptions and repurchases by the "penny rounding" technique, which involves calculating net asset value to the nearest cent of the CMF $1.00 per share price. Applicant now seeks an order which would amend the Prior Order and exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit CMF's portfolio securities to be valued according to the amortized cost valuation method.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, in pertinent part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. Section 2(a)(41) defines, in pertinent part, the term "value" in a similar manner.

In Investment Company Act Release No. 9786, dated May 31, 1977, the Commission expressed the view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments (except those having maturities of 60 days or less) on an amortized cost basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transactions or any class or classes of persons, securities or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

According to the application, Applicant's Trustees have determined in good faith that in light of the characteristics of CMF as described above, including the conditions to which Applicant must adhere as set forth in the Prior Order, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and in Applicant's best interest and reflects the fair value of such securities. Applicant indicates that under the amortized cost method CMF shareholders would continue to have the conveniences and advantages of a stable purchase and redemption price of $1.00 per share as described in its application requesting the exemptions contained in the Prior Order.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

(1) In supervising CMF's operations and delegating special responsibilities involving management of CMF's portfolio to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to their shareholders—to establish procedures reasonably designed, taking into account current market conditions and CMF's investment objectives, to stablize CMF's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Applicant's Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of CMF as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of CMF exceeds ½ of 1%, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where Applicant's Trustees believe the extent of any deviation from CMF's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates or market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates or market value for individual portfolio instruments, or (2) values obtained for yield data relating to classes of money market instruments published by reputable sources.

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realize capital gains or losses, or to shorten CMF's average portfolio maturity; withholding dividends; or utilizing an net asset value per share as determined by using available market quotations.

(3) Applicant will cause CMF to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for CMF; provided, however, that CMF will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[1]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit the portfolio investments of CMF, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 29, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[1] In fulfilling this condition, if the disposition of portfolio instruments results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce CMF's dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11228 Filed 4–11–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21515; 70–6440]

National Fuel Gas Co.; Proposal To Remove for a 5-Year Period Charter Limitation Relating To Issuance or Assumption of Unsecured Debt; Order Authorizing Solicitation of Proxies in Connection Therewith

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York. Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) thereof and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to submit to the holders of its preferred stock at a special meeting of such holders to be held May 15, 1980, a proposal to authorize National and its subsidiaries, for a five year period, to issue or assume unsecured debt having maturities of less than ten years in excess of the present limitation thereon contained in National's Restated Certificate of Incorporation ("Certificate"), and to solicit proxies from the holders of its preferred stock in connection therewith.

The pertinent restrictions in National's Certificate provide that, except with the consent of the holders of a majority of the preferred stock then outstanding, National will not issue or assume, nor permit any subsidiary to issue or assume, any unsecured debt, if, after giving effect to such issue or assumption, (a) unsecured debt of National and its subsidiaries would exceed 20% of the aggregate of all existing secured debt (including debentures) and the capital stock, premiums thereon, and surplus of National and its subsidiaries consolidated or (b) unsecured debt of National and its subsidiaries having maturities of less than ten years would exceed 10% of such amount. National proposes to request authority from the holders of its preferred stock to remove the 10% limitation for a five year period. National would remain subject to the 20% limitation.

The continued application of the 10% limitation during the next few years may inhibit the continued orderly financing of the Company's construction and exploration and development programs. Expenditures for these programs for the years 1978 and 1979 amounted to $46,630,000 and $51,400,000, respectively. The 1980 programs contemplate expenditures of approximately $93,000,000. It is expected that the level of expenditures in subsequent years will also be in excess of the 1979 level. The Company expects to raise most of the funds required to finance its construction and exploration and development programs through the sale of additional debentures and prefered stock, with the balance being provided from internal sources. Interim financing and working capital will be provided through short-term borrowings.

The principal effect of the 10% limitation on National's financing program is on the timing and nature of long-term financing. With the limitation in effect National would normally be forced to refund is short-term borrowings with additional debentures or preferred stock each time that the amount of these borrowings approaches 10% of the Company's capitalization. Adoption of the proposal would eliminate the 10% limitation on short-term borrowings for a five year period.

Adoption of the proposal requires the affirmative vote of a majority of the total number of the outstanding shares of preferred stock voting as a class. Middle South intends to solicit proxies from the holders of its preferred shares in connection with the proposal. The relevant proxy materials have been filed with the Commission and accelerated Commission action thereon is requested pursuant to Rule 62.

The fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 1, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of proxies from the National preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies from the National preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11234 Filed 4–11–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16723; File No. SR–PSE–80–2]

Pacific Stock Exchange Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–24, 16 (June 4, 1975), notice is hereby given that on March 13, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Articles V, X, XI, XII and XIV of the Constitution of the PSE. The most important terms of the proposed changes to the Constitution are summarized below.

Article V

Two new definitions would be added to Article V. "Member Organization" would be defined to include a sole proprietor as well as a partnership or corporation and, in this way, differs from the definition of "Member Firm." A new definition of "Associated Person" would be included as Section 7 for the purpose of broadening both the existing definition of "Member" and "Allied Member" thereby encompassing certain employees and other persons not covered by those two existing definitions.

Article X

Article X in its current form provides for the suspension of a member or member firm for failure to perform his or its contracts due primarily to insolvency. This Article would be substantially rewritten to provide for either expulsion or suspension of a member organization for failure to perform contracts, insolvency, statutory disqualifications, financial difficulties or operating inadequacies. The Article further would provide for a means by which the Board of Governors or the Executive Committee might summarily suspend a member organization for the reasons stated above. The expelled or suspended member would be able to request a hearing or apply for reinstatement.

Article XI

The majority of changes made to Article XI would provide for procedures by which an aggrieved party might appeal a decision of the Board of Governors that resulted in a temporary suspension.

Article XII

This Article would be amended to more clearly define those matters which may be submitted to Arbitration pursuant to the Rules of the Exchange. This new definition is intended to conform to the Uniform Arbitration Code developed by the Securities Industries Conference on Arbitration.

Article XIV

Changes made to this Article also would provide an aggrieved party with an opportunity for a hearing in connection with summary action taken by the Board of Governors, the Executive Committee or the President for failure to pay dues, fees, charges or fines. Provisions also would be made for the disposition of any membership which was subsequently declared a treasury membership.

The Exchange states that the basis and purpose of the foregoing proposed rule change is a follows:

The purpose of the proposed changes to the Constitution of the PSE is to provide standards which the Board of Governors and its Executive Committee may use in determining grounds for summary suspension or expulsion of members or member organizations to limit access of members or member organizations with respect to services offered by the Exchange, to provide procedures for review of any summary action taken by the Board or its Executive Committee, and to provide procedures for reinstatement after suspension. In addition, Article XII would be amended to more clearly define those matters which may be submitted to Arbitration pursuant to the rules of the Exchange.

The proposed changes to the PSE Constitution are consistent with Sec. 6(b) of the Act in general, and further the objectives of Sections 6(b)(5), 6(b)(6), and 6(b)(7) of the Act, in particular, in that they are designed to promote just and equitable principles of trade to protect investors and the public interest, and to provide for members and member organizations to be appropriately disciplined for violations of the Securities Exchange Act of 1934 and the Rules, policies and procedures of the PSE.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The Exchange finds that the proposed rule change would impose no burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, May 19, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

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Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 5, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 7, 1980.

[FR Doc. 80-11231 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-5368]

Hop Chung Capital Investors, Inc.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Hop Chung Capital Investors, Inc. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

You Hon Lee, 103 Park Street, #3, New York, New York 10013—President, Director, 14.8% Stockholder.

Peter Wong, 25–58 128th Street, College Point, New York 11354—Secretary, Treasurer, Director and Manager, 20% Stockholder.

Park Lum Won, 76 Mulberry Street, #3A, New York, New York 10013—Director, 10% Stockholder.

The applicant, a New York Corporation, with its principal place of business at 21A Mott Street, New York, New York 10013, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 500 shares of common stock to eleven stockholders.

The applicant will conduct its activities principally in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than April 29, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 8, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-11050 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-5133]

Northern Capital Corp.; License Surrender

Notice is hereby given that Northern Capital Corporation, 1017 Walnut Street, Batavia, Illinois 60510 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Northern Capital Corporation was licensed by the Small Business Administration on March 16, 1979.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on April 2, 1980, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 7, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment

[FR Doc. 80-11087 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5386]

Pan Pac Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Pan Pac Capital Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Dr. In-Ping Jack Lee, 84 Harwood Ave., Berkeley Heights, NJ 07922 (President, Director and 33.79%).

Ms. Tsui-Hsing Hou Liao, 2710 Quail Ridge, Stillwater, OK 74074 (Director, Vice President and 19.88%).

Mr. Jenn Chang Chen, 61 Wu-fu 4th Rd., Kaohsiun, Taiwan (9.94%).

Dr. Chin-Tsun Yang, 505 Hemspstead Ave., Rockville Centre, NY 11570 (Chairman of the Board and 9.94%).

Ms. Tuen-in Su, 1–3–5–4–503, Higashi-Nakano, Nakano-Ku, Tokyo 164, Japan (8.15%).

Dr. David T. Y. Chen, 430 E. 67th St., New York, NY 10021 (Treasurer, Secretary, Director and 9.94%).

Mr. Yu M. Su, 21 N. 18th St., Niles, MI 49120 (3.98%).

Mr. Roger Sun, 49–11 Flatlands Ave., Brookly.m NY 11210 (4.38%).

The Applicant is a New York corporation with its principal office at 195 Hudson Street, New York, New York 10013, and will begin operations with $503,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the States of New York, New Jersey, Connecticut and Pennsylvania.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than April 29, 1980, submit to SBA written comments on the proposed Applicant to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 8, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-11085 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-038]

Chemical Transportation Advisory Committee, Subcommittee on Personnel Protection; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a Personnel Protection Subcommittee meeting of the Chemical Transportation Advisory Committee to be held on Wednesday, May 7, 1980 beginning at 9:00 a.m. in room 6319, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593.

This will be the second meeting of the Personnel Protection Subcommittee. The requirements for personnel entry into cargo tanks, cofferdams, pump rooms, peak tanks and other confined spaces will be discussed.

For additional information, contact: Captain William N. Spence, Commandant (G–MHM), U.S. Coast Guard, Washington, D.C. 20593, (202) 426–2300.

For scheduling and for providing adequate seating, those wishing to present oral statements or attend the meeting should notify Captain Spence's office no later than the day before the meeting.

Issued in Washington, D.C., on April 3, 1980.

W. D. Markle, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 80-11210 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

[CGD 80-037]

Possible Alteration of the Southern Pacific Transportation Co., Bridge Across the Mermentau River, Mile 68.0 at Mermentau, La.; Public Hearing

Notice is hereby given in accordance with Section 3 of the Act of June 21, 1940, as amended, (Truman-Hobbs Act) that a public hearing regarding the possible alteration of the Southern Pacific Transportation Company railroad bridge across the Mermentau River, mile 68.0, at Mermentau, Louisiana will be held on Friday, May 16, 1980 at 1:30 p.m., in Mermentau Elementary School, 4th and Church Streets, Mermentau, Louisiana.

The existing swing bridge provides a horizontal clearance of 52 feet between fenders and vertical clearance of 10 feet above mean high water in the closed position and unlimited in the open position. It is located 310 feet downstream from the new U.S. Highway 90 fixed span bridge which provides a horizontal clearance of 125 feet between fenders and a vertical clearance of 44 feet above mean high water.

Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. This may require increasing the horizontal clearance on the bridge to meet the needs of navigation. The purpose of the hearing is to give interested parties an opportunity to be heard and offer evidence as to whether the existing bridge is unreasonably obstructive and if so what alteration is required having due regard for the necessities of free, easy and unobstructed navigation on the waterway, rail traffic and the impact that any alteration would have on the quality of the human environment.

Any person who wishes may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Building, 500 Camp Street, Rm. 1310, New Orleans, Louisiana 70130, (504–589–2965) any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Eighth Coast Guard District, Bridge Administration Branch.

(54 Stat. 498, 33 U.S.C. 513; Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6))

Dated: April 9, 1980.

W. E. Caldwell,

Rear Admiral. U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-11209 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-80-1]

Louisiana Southern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Louisiana Southern (LSO) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the LSO be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The LSO seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

V45173AP14800 UMI

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–80–1 and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49 (d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on April 3, 1980.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80–11045 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–06–M

Research and Special Programs Administration

Extension of Time for Submission of Comments on Study of Methods of Assuring Adequate Financial Responsibility for Certain LNG and LPG Activities

AGENCY: Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Extension of Comment Period.

SUMMARY: This notice announces a one month extension of the comment period on the study of methods of assuring adequate financial responsibility for certain LNG and LPG activities published on March 24, 1980 (45 FR 19114). The extension of the comment period to June 9, 1980 is made in response to a request of the Interstate Natural Gas Association of America, and will allow additional time for the public to prepare comments on the topics to be covered in the study. Section 7(a) of the Pipeline Safety Act of 1979 requires completion of the study and a report to Congress by September 26, 1980.

Issued in Washington, DC on April 7, 1980.

Leon D. Santman,

Director, Materials Transportation Bureau, Research and Special Programs Administration.

[FR Doc. 80–10950 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–60–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Levels of Restraint Established for Certain Cotton and Man-Made Fiber Textile Products From the Dominican Republic

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing the levels of restraint established during the agreement year which began on June 1, 1979 and extends through May 31, 1980 for men's and boys' woven cotton shirts in Category 340; women's, girls' and infants' man-made fiber knit shirts and blouses in Category 639; and man-made fiber brassieres in Category 649 by the application of swing.

(2) Applying carryforward in Categories 340, 351, 639, 649 and adjusting the level of restraint for cotton nightwear in Category 351 to deduct the swing applied to the other categories, thus reducing the level of restrait for Category 351 from 247,000 dozen to 244,660 dozen for the twelve-month period which began on June 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic provides for increases of seven percent in specific ceilings during an agreement year, provided equivalent amounts are deducted from other specific ceilings. In accordance with the terms of the bilateral agreement, and at the request of the Government of the Dominican Republic, the levels of restraint for Categories 340, 639 and 649 are being increased and that for Category 351 is being reduced for the agreement year which began on June 1, 1979 and extends through May 31, 1980.

EFFECTIVE DATE: April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 3, 1979, there was published in the **Federal Register** (44 FR 69317) a letter dated November 28, 1979 from the Chairman of the Commitee for the Implementation of Textile Agreements to the Commissioner of Customs establishing levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on June 1, 1979 and extends through May 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the levels of restraint previously established for Categories 340, 351, 639 and 649.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements, April 9, 1980.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 28, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. It further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 16, 1979, and for the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340, 351, 639 and 649 produced or manufactured in Dominican Republic, in excess of the following levels of restraint:

Category	Amended twelve-month level of restraint [2] (dozen)
340	139,263
351	244,660
639	313,912
649	1,712,250

[2] The levels of restraint have not been adjusted to account for any imports after May 31, 1979.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Rgister.**

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 80–11362 Filed 4–11–80; 8:45 am]

BILLING CODE 3510–25–M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific limits may be exceeded by 7 percent to account for swing; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Levels of Restraint for Certain Cotton Textile Products Exported from Brazil, Effective on April 1, 1980; Correction

On March 31, 1980, there was published in the **Federal Register** (45 FR 20989) a letter dated March 26, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing the levels of restraint applicable to Categories 337, 339 and 369 (pt.), produced or manufactured in Brazil and exported to the United States during the twelve-month period beginning on April 1, 1980 and extending through March 31, 1981. The units shown for Category 369 (pt.) in the letter to the Commissioner of Customs should have been "pounds" instead of "dozens".

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80–11361 Filed 4–11–80; 8:45 am]

BILLING CODE 3510–25–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 9, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper, 447–6201

New Forms

Departmental and other
Survey of Official Grain Inspection Agencies
Single time
Official grain inspection agencies, 85 responses; 15 hours
Charles A. Ellett, 395–5080

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Revisions

Agricultural Marketing Service
Application for Grain License
CP-333
On occasion
Employees of official grain inspection agencies, 1,700 responses; 612 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633-9770

Revisions

Refiners' Monthly Cost Allocation Report
EIA-14
Monthly
Crude oil refiners, 2,100 responses; 36,750 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245-6511

New Forms

Food and Drug Administration
Obligations of Sponsors and Monitors of Clinical Investigations
On occasion
Mfgs. and researchers of FDA regulated products, 6,000 responses; 3,000 hours
Richard Eisinger, 395-3214

Revisions

Social Security Administration
Report on Individuals With Childhood Impairment
SSA-1323
On occasion
Public and nonpublic schools or agencies, 75,000 responses; 25,000 hours
Barbara F. Young, 395-6132

EXTENSIONS

Food and Drug Administration
Shellfish Certification Cancellation
FD-3038C
On occasion
States, District of Columbia and 3 foreign countries, 210 responses; 18 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

New Forms

Housing Management
Dwelling Unit Inspection Report
HUD-52580
On occasion
Public housing agencies, 500,000 responses; 250,000 hours
Richard Sheppard, 395-3211

Policy Development and Research
Interview Guides for 1978 Grantees of the Small Cities Program
Single time
Local government officials and others running small cities, 320 responses; 280 hours
Richard Sheppard, 395-3211

ACTION

Agency Clearnce Officer—W. D. Baldrige—254-7845

New Forms

Older American Volunteer Program Transportation Survey
Single Time
Directors of Action OAVP projects, 942 responses; 471 hours
Arnold Strasser, 395-5080

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653-6890

New Forms

Women-Owned Small Business and Federal Procurement
Single time
Women-owned small business, 700 responses; 233 hours
Officer of Federal Statistical Policy and Standard, 673-7974

Export Information Survey
SBA 1174
Single time
Small firms, primarily, 25,000 responses; 6,250 hours
Edward C. Springer, 395-4814

U.S. INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523-0267

New Forms

Mushroom Importers' Questionnaire [1]
Single time
Importers of canned mushrooms, 104 responses; 1,040 hours
Phillip T. Balazs 395-4814

Mushroom Growers' Questionnaire [1]
Single time
Mushroom growers, 100 responses; 1,000 hours
Phillip T. Balazs, 395-4814

Canned Mushroom Purchasers' Questionnaire [1]
Single time
Purchasers of canned mushrooms, 60 responses; 600 hours
Phillip T. Balazs, 395-4814

Mushroom Canners' Questionnaire [1]
Single time
Canners of mushrooms, 45 responses, 720 hours
Phillip T. Balazs, 395-4814

C. Louis Kincannon,
Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80-11422 Filed 4-11-80; 10:53 am]
BILLING CODE 3110-01-M

[1] These reports will be acted on before normal 10-day period. The clearance of these questionnaires on an expedited basis is necessary in order for the International Trade Commission to complete its investigation concerning this product within the statutory time limits.

Sunshine Act Meetings

Federal Register
Vol. 45, No. 73
Monday, April 14, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-276, Amdt. 3; April 9, 1980]

CIVIL AERONAUTICS BOARD.

Addition of item to the April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 15a Docket 37868, Boston-London Service Case.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Since April 10, 1980 is the last Board Meeting for three weeks and the staff was not able to complete this item sooner, it is necessary to schedule this item for that meeting on short notice in order to notify the eligible carrier as soon as possible. Accordingly, the following Members have voted that agency business requires the addition of Item 15a to the April 10, 1980 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-750-80 Filed 4-10-80; 3:26 pm]
BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 3:00 p.m., April 16, 1980.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matter—proposed administrative action.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-742-80 Filed 4-10-80; 11:07 am]
BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, April 15, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 80-1-FOIA-13, concerning a request by a company for statistics developed by a Commission attorney.
2. Freedom of Information Act Appeal No. 79-1-FOIA-456, concerning requests by two former employees for their charge files.
3. Report on Commission Operations by the Executive Director.

Closed to the Public

1. Ratification of Notation Vote concerning withdrawal of Commissioner's charge.
2. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued April 8, 1980.

[S-751-80 Filed 4-10-80; 3:40 pm]
BILLING CODE 6570-06-M

4

[USITC SE-80-22]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, April 22, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Steel jacks (Docket No. 647).
5. Dextrines from EC (Inv. 701-TA-11 through -19 and -22 through -30—briefing and vote.
6. Portable electric typewriters (Inv. 731-TA-12)—vote.
7. Any items left over from previous agenda.

Portions Closed to the Public

8. Portable electric typewriters (Inv. 731-TA-12)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-748-80 Filed 4-10-80; 3:30 pm]
BILLING CODE 7020-02-M

5

[USITC SE-80-23]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, April 24, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C., 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Melamine from Italy, Netherlands, and Austria (Inv. 731-TA-13, -14, and -16)—briefing and vote.
2. Weighing machinery and scales from Japan (Inv. 701-TA-7)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-749-80 Filed 4-10-80; 3:30 pm]
BILLING CODE 7020-02-M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, May 27, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE DISCUSSED:

1. Compliance and Enforcement Issues.

V 45 / 73 AP 14 80 UMI

2. Fitness Policy.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, Telephone: (202) 275–7252.

[S–745–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7035–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, April 17, 1980.

PLACE: 1776 G Street, N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Division of Assets, Liability and Capital under Part 709 of the Rules and Regulations. (Spinoff from Davey McKee Lakeland FCU No. 133346.)
3. Report on actions taken under delegations of authority.
4. Application for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–746–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7535–01–M

8

NATIONAL CREDIT UNION ADMINISTRATION BOARD.

Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced meeting on Thursday, April 10, 1980, include the following additional items which will be closed to public observation under the exemptions (8) and (9)(A)(ii) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)):

1. Special Assistance Under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Merger. Closed pursuant to exemptions (8) and (9)(A)(ii).

Earlier announcement of this change was not possible.

The previously announced items are:

1. Administrative Actions.
2. Department of Labor proposed regulation.

The meeting will be held at 3 p.m. in the 7th floor Board Room, 1776 G Street, N.W., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–747–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7535–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 14 (changes).

PLACE: As indicated.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Monday, April 14; Commissioners' Conference Room—1717 H Street NW.

9:30 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (approximately 1 hour, closed—exemptions 2 and 6) (Additional Item).

10:30 a.m.

1. Discussion of a Study of the Separation of Functions and Ex Parte Rules in NRC Adjudications for Domestic Licensing (approximately 1½ hours, public meeting).

2:00 p.m.

1. Discussion of Comments and Options on Indian Point Nuclear Power Station (public meeting, as announced).

Tuesday, April 15: Bethesda (East-West Towers—Room 550) East West Highway

10:00 a.m.

1. Briefing on Status of Review of Environmental Qualification of Electrical Components at Operating Power Reactors (approximately 2 hours, public meeting) (rescheduled from 4/16).

2:00 p.m.

1. Briefing on Interim Actions on Performance Testing for Personnel Dosimetry (as announced).
2. Briefing on Investigation of QA-QC Problems at South Texas Nuclear Project (closed—exemption 5) (as announced).

Wednesday, April 16; Commissioners' Conference Room—1717 H Street NW.

10:00 a.m.

1. Discussion of Accident Considerations Under NEPA (as announced).

2:00 p.m.

1. Briefing on Low-Power License for Salem (approximately 2 hours, public meeting) (rescheduled from 4/15).
2. Affirmation Session (as announced):
   a. Buckley FOIA Appeal,
   b. Review of ALAB's 577 and 581 (Carolina P&L),
   c. Delegation of Authority to Regional Directors.
3. Time Reserved for Discussion and Vote on Affirmation Items (as announced).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status whenever possible.

Dated: April 9, 1980.

Walter Magee,

Office of the Secretary.

[S–744–80 Filed 4–10–80; 1:05 pm]

BILLING CODE 7590–01–M

10

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting on Thursday, April 10, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session and that Commission business required consideration of this matter and no earlier notice therof was possible.

The subject matter of the closed meeting scheduled for Thursday, April 10, 1980, at 10:00, will be:

Regulatory matter bearing enforcement implications.

Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2178.

April 9, 1980.

[S–741–80 Filed 4–10–80; 9:46 am]

BILLING CODE 8010–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission

will hold the following meetings during the week of April 14, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, April 15, 1980, at 9:00 a.m., and on Wednesday, April 16, 1980, at 9:00 a.m. and immediately following the 10:00 a.m. open meeting. An open meeting will be held on Wednesday, April 16, 1980, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 15, 1980, at 9:00 a.m., will be:

Formal orders of investigation.

Regulatory matter bearing enforcement implications.

Access to investigative files by Federal, State, or Self-Regulatory Authorities.

Cooperation with other law enforcement agency.

Litigation matters.

Institution of injunctive action.

Freedom of Information Act appeals.

Opinions.

Administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, April 16, 1980, at 9:00 a.m., will be:

Regulatory matters bearing enforcement implications.

The subject matter of the closed meeting scheduled for Wednesday, April 16, 1980, immediately following the 10:00 a.m. open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Wednesday, April 16, 1980, at 10:00 a.m., will be:

1. Consideration of whether to amend Rule 17a–7 under the Investment Company Act of 1940 to exempt, subject to conditions, the purchase or sale of certain securities between a registered investment company and a person which is an affiliated person of such company (or an affiliated person of such a person) solely by reason of having a common investment adviser, common officers, and/or common directors. For further information, please contact Mark J. Mackey at (202) 272–3045.
2. Consideration of whether to grant a modification of the terms and conditions upon which John R. Patterson was permitted to reenter the securities business in a non-supervisory, non-proprietary capacity as a registered representative with Offerman & Co., Inc., a registered broker-dealer. For further information, please contact David P. Tennant at (202) 272–2947.
3. Consideration of whether to issue a release requesting public comments on a proposed amendment of the requirements for the filing of amendments to Schedule 13D in Rule 13d–2(a), which provides in general that an amendment is required whenever a material change occurs in the information relating to beneficial ownership information set forth in Schedule 13D; the proposed amendment would delete an exception to these requirements for acquisitions of less than two percent during any twelve-month period. For further information, please contact W. Scott Cooper at (202) 272–2589.
4. Consideration of whether to grant the application of Doherty & Co. and Edward F. Doherty for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272–2644.
5. Consideration of whether to affirm action, taken by the Duty Officer, denying a request to review a no-action position taken by the Division of Corporation Finance regarding the applicability of Rule 14d–2(b), promulgated under Section 14(d) of the Securities Exchange Act of 1934, to a shareholder proposal which may be presented at the annual meeting of Financial General Bankshares, Inc. shareholders. For further information, please contact Richard K. Wulff at (202) 272–2741.
6. Consideration of whether to recommend a proposal to Congress to adopt amendments to Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 to increase the aggregate amount of debt securities that may be partially or totally exempt from that Act. For further information, please contact Robert Rupp at (202) 272–2644.
7. Consideration of whether to grant the request of Rogers and Wells for waivers of imputation of disqualification pursuant to Rule 6(e) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.
8. Consideration of whether to grant the appeal of FOI Services, Inc. under the Freedom of Information Act ("FOIA") from the denial of its request for documents in the Commission's possession or custody relating to the work to be performed by a consulting firm, Environmental Research and Technology, Inc. ("ERT"), for the United States Steel Company ("USSC"), which work was required pursuant to the terms of the final Commission opinion and order settling the Commission's administrative proceeding against USSC; ERT has requested that confidential treatment pursuant to Exemption 4 of the FOIA be accorded portions of the project proposal prepared by it for USSC. For further information, please contact Theodore Bloch at (202) 272–2454.
9. Consideration of whether to affirm action, taken by the Duty Officer, approving the request of Baker, Glast, Riddle, Tuttle & Elliott for a waiver of imputed disqualification pursuant to Rule 6(e) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.
10. Consideration of whether to issue a release which would amend Rule 3–19(k) of Regulation S–K to postpone the audit requirement for disclosures of oil and gas reserve information until a decision is reached on requiring this information in the primary financial statements of oil and gas producers. For further information, please contact James. L. Russell at (202) 272–2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact John Granda at (202) 272–2091.

April 10, 1980.

[S–743–80 Filed 4–10–80; 11:17 am]

BILLING CODE 8010–01–M

12

TENNESSEE VALLEY AUTHORITY: (Meeting No. 1240).

TIME AND DATE: 7:00 p.m., EST, Thursday, April 17, 1980.

PLACE: Liberty Bell Complex, The Little Theatre, Doak Street, Johnson City, Tennessee.

STATUS: Open.

Old Business

1. Further Consideration of Director Clement's Request that TVA Reduce Power System Costs by 5 Percent.

New Business

A—Project Authorizations

1. No. 3062.1—Amendment to project authorization for advance waste heat control (in collaboration with U.S. Environmental Protection Agency).
2. No. 3512—Construction of a new chimney and associated plant modifications at Colbert Steam Plant Units 1–4.

B—Purchase Awards

1. Req. No. 826846—Isokinetic stack sampling stations for Sequoyah and Watts Bar Nuclear Plants.
2. Amendment to Contract 76K61–86790 with General Electric Company for turbine-generators for Yellow Creek Nuclear Plant.
3. Req. No. 824689 (Reissue)—Standby diesel engine-driven generating units for Yellow Creek Nuclear Plant.
4. Req. No. 108287—Conductor cable, ACSR, for Phipps Bend-Sullivan 500-kV transmission line and various other transmission lines.
5. Amendment to Contract 76K50–821100 with Zurn Industries, Inc., for cooling towers for Hartsville and Phipps Bend Nuclear Plants.
6. Req. No. 825930—Construct access railroad for Yellow Creek Nuclear Plant.

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C—Power Items

1. Letter agreement with the Arnold Engineering Development Center (AEDC) providing for a temporary extension of the existing power supply arrangements under Contract TV-33420A, as amended.

2. Lease and amendatory agreement with Sheffield, Alabama, covering lease of TVA's Cherokee District Substation.

3. Standard-form agreement covering arrangements for certain distributors' participation in TVA's Air-Conditioning Cycling Program.

4. Proposed uranium property acquisition in the Gas Hills Mining District of Wyoming from Federal-American Partners (FAP), amendment to the Exploration and Milling Agreement with FAP, and assignment of certain leasehold interests by TVA to FAP.

D—Personnel Actions

1. Renewal of consulting contract with Roland A. Kampmeier, Chattanooga, Tennessee, for advice and assistance in connection with TVA's power programs and energy-related programs, requested by the Office of Power.

2. Renewal of consulting contract with Gabriel O. Wessenauer, Chattanooga, Tennessee, for advice and assistance in connection with TVA's power programs and energy-related programs, requested by the Office of Power.

3. Employees Health and Safety Incentive Programs—Phippe Bend Nuclear Plant Construction Project and Division of Chemical Operations.

E—Real Property Transactions

1. Grant of permanent easement to the Louisville and Nashville Railroad Company for approaches to a railroad bridge, affecting approximately 0.41 acre of Guntersville Reservoir land located in Jackson County, Alabama—Tract XTGR-132RR.

2. Filing of condemnation suits.

F—Unclassified

1. Agreement with the State of Tennessee for construction of a truck climbing lane to facilitate deliveries to Hartsville Nuclear Plant.

2. Revised TVA Policy Code relating to personal services contracts.

3. Settlement of litigation brought by Aaron H. Lancaster against TVA and Robert Darnell, a TVA employee, for injuries and property damage as the result of a vehicular accident.*

Dated: April 10, 1980.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-752-80 Filed 4-10-80; 4:04 pm]

BILLING CODE 8120-01-M

*Approved by individual Board members. This would give formal ratification to the Board's action.

V45/73 APR 14 80 UMI

federal register

Monday
April 14, 1980

Part II

Water Resources Council

Proposed Rules; Principles, Standards, and Procedures for Planning Water and Related Land Resources

V 45 / 73 APR 14 80 UMI

WATER RESOURCES COUNCIL

18 CFR Parts 710, 711, 713, 714 and 716

Principles, Standards, and Procedures for Water Resources Planning

AGENCY: U.S. Water Resources Council.

ACTION: Proposed Rules.

SUMMARY: The Water Resources Council proposes to publish rules for water resources planning, pursuant to the Water Resources Planning Act of 1965 (42 U.S.C. 1962 et seq.). The intent of these rules is to ensure consistency and accuracy among Federal agencies in water resources planning.

DATES: Comments are due on or before June 13, 1980. See Supplementary Information for dates of public meetings.

ADDRESS: Interested persons are invited to submit written comments to the Director, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037. All written comments made pursuant to this notice will be available for public inspection at the address given above. See Supplementary Information for addresses of public meetings.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, U.S. Water Resources Council, telephone 202/254–6453.

SUPPLEMENTARY INFORMATION:

Authority

The Water Resources Planning Act of 1965 directs the Water Resources Council to establish "principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects." (42 U.S.C. 1962a–2)

The Act also authorizes the Council to "make such rules and regulations as it may deem necessary or appropriate for carrying out those provisions of this Act which are administered by it." (42 U.S.C. 1962d–1)

Section 102(2)(B) of the National Environmental Policy Act of 1969 requires Federal agencies to "identify and develop methods and procedures * * * which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations." (42 U.S.C. 4332) This requirement for Federal agencies is also included in the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1507.2(b)).

Background

The Principles and Standards for Planning Water and Related Land Resources were published as a Notice in the **Federal Register** on September 10, 1973 (38 FR 24778). The Standards were amended on August 14, 1974 (39 FR 29242) pursuant to the provisions of Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17).

On July 12, 1978, the President issued a directive titled "Improvements in the Planning and Evaluation of Federal Water Resources Programs and Projects." This directive requires the Water Resources Council to prepare a planning manual to ensure accuracy and consistency in Federal water resources programs and projects. The President also directed the Council to modify the 1973 Principles and Standards to: accomplish the full integration of water conservation into project and program planning and review, as a component of both the economic development and environmental quality objectives; and require the preparation and inclusion of a primarily nonstructural plan as one alternative whenever structural project and program alternatives are considered.

On January 5, 1979, additional direction was given by the President in Excecutive Order 12113 (44 FR 1955), which directed the Council to ensure that it has established a current set of principles, standards, and procedures.

On December 14, 1979, the Water Resources Council adopted and published Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning as a final rule, 18 CFR Part 713 (44 FR 72892). Also, on December 14, 1979, the Principles and Standards were revised (44 FR 72978) to incorporate policies on water conservation and nonstructural measure considerations.

Part 710 of the proposed rules states the principles for the following three levels of planning: (1) Level A—framework studies and assessments; (2) Level B—regional and river basin studies that lead to a recommended plan; and (3) Level C—implementation studies. Part 711 of the proposed rules includes both the principles and standards for Level C planning. The principles are integrated with the standards for Level C planning to provide a coherent statement of principles and standards. Standards for Level B planning will be prepared by the Water Resources Council at a future date.

The rules being proposed include only part of the Federal water resources planning procedures being prepared by the Water Resources Council at the direction of the President. In addition to the December 14, 1979, NED Procedures (Part 713) and these proposed rules, other efforts will be directed toward development of procedures for plan formulation (Part 712), supplemental EQ procedures, (Part 714) development evaluation procedures for regional economic development (Part 715), and preparation of the remainder of evaluation procedures for other social effects (Part 716). It is anticipated that this additional work could begin about October 1980.

General Discussion: Part 710—Principles for Planning Water and Related Land Resources, and Part 711—Principles and Standards for Planning Water and Related Land Resources (Level C).

Agencies have experienced difficulty in implementing the September 10, 1973, Principles and Standards. Revisions are needed for clarity and conciseness, to make the Principles and Standards more understandable, and to achieve consistency in their application.

The President's June 6, 1978, message called for the reduction of duplication and inconsistency in policies and less "red tape" to implement Federal program requirements and plans. In view of this, and while addressing the need to incorporate the requirements of Executive Order 12074, Urban and Community Impact Analysis (3 CFR 217) in the Principles and Standards, the Water Resources Council, at its meeting on December 20, 1978, decided that revisions of the Principles and Standards should incorporate the requirements of Urban and Community Impact Analysis along with the requirements of other impact analyses. The Council has also recognized the need to integrate into the Principles and Standards, the requirements of the Council on Environmental Quality's Regulations for implementing the provisions of NEPA (40 CFR Parts 1500–1508).

The intent of these proposed rules (Part 710 and Part 711) is to: revise the principles and standards to be current, clear, and concise; incorporate appropriate consideration for urban and community impact analysis; and incorporate the appropriate requirements of the National Environmental Policy Act and regulations established by the Council on Environmental Quality in 40 CFR Parts 1500–1508. The proposed rules are not intended to modify the basic concepts of the 1973 Principles and Standards (as revised).

General Discussion: Part 713—Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C).

During the preparation of the December 14, 1979, Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (18 CFR Part 713), procedures for deep draft navigation and commercial fishing were deferred for further development. These procedures have now been prepared as Subparts J and L of Part 713. Benefits to commercial trapping, which had been considered, are not included because Federal water resources plans have little impact on commercial production of furbearing animals.

The Council also proposes to amend Subpart A to state that the applicability of Subparts J and L will be at the discretion of the Secretaries of Departments through fiscal year 1981.

General Discussion: Part 714 Environmental Quality (EQ) Evaluation Procedures for Level C Water Resources Planning.

The intent of these proposed procedures is to ensure consistency and accuracy among agencies in the analysis of beneficial and adverse environmental quality (EQ) effects of alternative plans for water and related land resource development.

In developing these procedures it is recognized that the state of the art for analysis of EQ effects has not matured to the point where acceptable, specific, quantitative measurement and evaluation techniques could be adopted as requirements. Therefore, the Council intends to further investigate the development of such techniques, and will supplement these procedures with specific, acceptable, valid techniques as they become available.

Public comment is invited on all aspects of these procedures. Specific comments on the following issues would be of particular assistance:

A. A concept of EQ value is used as a basis for defining the quality of resources. The EQ values identified in the draft procedures are: ecological, aesthetic, historic, educational/scientific, and pristine values (see § 714.350). Is this a valid approach to defining resource quality? If so, what values, if any, should be added to or dropped from this set?

B. The procedures present a process for evaluating effects of alternative plans on EQ resources. The process is performed in four phases: scoping, inventorying, assessment, and appraisal (see Subpart D). Is this process a proper focus for EQ evaluation procedures? If not, what would you propose? For example, would a different outline, such as one focused on EQ values or one focused on administrative classes of resources (as listed in column 1, Table 714.410–1) be a better basis for EQ evaluation procedures?

C. Paragraph 714.410(a)(3) presents criteria for identifying resources to be evaluated in addition to federally recognized resources listed in Table 714.410–1. The criteria are: location in study area; likelihood of being affected; possession of material EQ value; and significance based on institutional, public, or technical recognition. Is this a valid set of criteria for identifying such resources? If not, what criteria should be used?

D. Techniques for measuring and forecasting the quantity and quality of EQ resources are generally described, but their use is not specifically required (see §§ 714.410(b)(3) and 714.420(b)(4) and (c)(3)). Should other techniques be included? If so, what techniques should be added? Should the use of any specific techniques be mandated at this time?

E. The appraisal of significant effects as either beneficial or adverse is based on a comparison of future resource conditions with and without plans, to guidelines (see § 714.440(a)). Is this use of guidelines a valid approach to determining the desirability of effects? If not, what approach should be used?

F. The determination of the net EQ effect of an alternative plan is based on the judgment of the agency decisionmaker. However, no specific techniques to facilitate this judgment have been provided. Can you recommend any techniques or alternative approaches that would be useful in determining net EQ effect?

G. EQ effects are often evaluated in terms of descriptive categories, such as enhancement, improvement, conservation, preservation, protection, creation, and restoration. This approach has not been included in these procedures due to the apparent lack of a comprehensive set of categories, and clear, acceptable definitions for categories. Should a set of such categories be included in these procedures? If so, what function should they perform in EQ evaluation; what categories should be included; and what are the differences among the categories that should be included?

General Discussion: Part 716—Procedures for Evaluation of Other Social Effects in Level C Water Resources Planning: Subparts A and E.

One of the items addressed in the President's Directive of July 12, 1978, was the "consideration and display of engineering uncertainty" associated with Federal water resources projects. A proposed procedure for evaluating the cost of possible dam failure was included in the proposed rules for the National Economic Development (NED) Procedures (44 FR 30198) but it was not published as a final rule under 18 CFR 713. The issue of assignment of a probability of failure to individual dams to calculate an expected cost of dam failure for inclusion in the NED Procedures remains unresolved.

In responding to the President's Directive to consider and display engineering uncertainty, the proposed procedure calls for the estimation and display of the adverse effects of dam failure in the Other Social Effects (OSE) account. Since average annual monetary values are not required in the OSE account, effects of a potential dam failure can be described without regard to the probability of occurrence.

Public Meetings

Public meetings on all Parts of the proposed rules will be held as follows:

May 20—9 a.m. to 5 p.m., Federal Building, Room 140, 601 East 12th Street, Kansas City, MO 64106.

May 23—9 a.m. to 5 p.m., United States District Court, Ceremonial Courtroom, 19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

May 29—9 a.m. to 5 p.m., Lower Level Conference Room, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

The amount of time for oral statements during the meetings will be limited. Anyone planning to make a statement should write or telephone Peggy Kilburn, Water Resources Council, 2120 L Street, N.W., Washington, DC., 20037, (telephone 202/254–6453) and indicate which meeting will be attended and the time of day preferred. The Council will schedule the time as closely as possible to that requested and will notify speakers as to the time allotted.

Finalization of Rules

This publication represents the beginning of a 60-day review to receive input from all interested persons. After public review and comment has been obtained and after consultation with the Member agencies of WRC, it is intended that final rules will be developed.

Required Analyses

These proposed rules have been determined to be significant under

Executive Order 12044, and a draft regulatory analysis has been prepared.

Based on an environmental assessment, prepared in accordance with 40 CFR 1500–1508, the Director of the Council has determined that these proposed rules will not significantly affect the quality of the human environment, and signed a finding of no significant impact.

Copies of the combined draft regulatory analysis and environmental assessment, and the finding of no significant impact may be obtained from the Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC, 20037.

Leo M. Eisel,

Director.

Proposed Rules

It is proposed that the Code of Federal Regulation, Title 18, Chapter VI be amended as follows:

1. By adding a new Part 710 to read as follows:

PART 710—PRINCIPLES FOR PLANNING WATER AND RELATED LAND RESOURCES

Subpart A—Introduction

Sec.
710.1 Purpose.
710.2 Scope.
710.3 Authority.
710.4 Applicability.

Subpart B—General Planning Considerations

710.11 General setting—projections.
710.12 Scoping.
710.13 Public participation.
710.14 Period of analysis.
710.15 Risk and uncertainty—sensitivity analysis.
710.16 Discount rate.
710.17 Relative prices and general price levels.
710.18 Review and consultation.
710.19 Interdisciplinary planning.
710.20 Ground water.
710.21 Instream flow.
710.22 Documentation.
710.23 Federal-State relationship in planning.

Subpart C—National Objectives

710.30 General.
710.31 National economic development.
710.32 Environmental quality.

Subpart D—Inventory

710.40 Inventory.

Subpart E—Alternative Plans

710.50 General.
710.51 Required alternative plans.
710.52 Other alternative plans.

Subpart F—Accounts

710.60 General.
710.61 National economic development account.
710.62 Environmental quality account.
710.63 Regional economic development account.
710.64 Other social effects account.

Subpart G—Displays

710.70 General.
710.71 Content and format.

Subpart H—Cost Allocation

710.80 Cost allocation.

Subpart I—Plan Selection

710.90 General.
710.91 Net benefits rule.

Subpart J—Planning Process

710.100 Level B and Level C studies.
710.101 Level A studies.

Subject K—National Program for Federal and Federally-Assisted Activities

710.120 National programs.

Authority: Sec. 103 and 402, Pub. L. 89–80, 79 Stat 245 (42 U.S.C. 1962a–2 and d–1).

Subpart A—Introduction

§ 710.1 Purpose.

These Principles establish rules to be followed by the Water Resources Council (WRC) and WRC-designated agencies in planning Federal and Federally-assisted water and related land resource programs and projects. Their purpose is to establish uniformity in water and related land resources planning. They provide the basic policy for the Standards and the Procedures.

§ 710.2 Scope.

(a) These Principles cover water and related land resources planning. They establish the basic process to be followed by river basin commissions and Federal agencies and specify how each phase of the process is to be performed.

(b) The national objectives and accounts covered by these Principles incorporate and are consistent with the concept of human environment as used in the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4361) and the appropriate portions of the NEPA process regulations established by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508.

§ 710.3 Authority.

These Principles are established as rules pursuant to the Water Resources Planning Act of 1965, (Pub. L. 89–80) as amended (42 U.S.C. 1962a–2 and d–1). These Principles supersede the *Principles for Planning Water and Related Land Resources,* 38 FR 24781–24788, September 10, 1973, and revisions in 44 FR 72978–72980, December 14, 1979.

§ 710.4 Applicability.

(a) These Principles apply to the following three levels of Federal Water and related land resources planning as defined by WRC:

(1) *Level A—framework studies and assessments.* Level A planning studies are broad-based evaluations or appraisals designed to ascertain the desirability of conservation, development, and utilization of water and related land resources. These studies identify problems and opportunities in the nation, regions, river basins, and specific areas.

(2) *Level B–regional and river basin studies that lead to a recommended plan.* Level B planning studies are planning efforts to provide input to, or be adopted as, comprehensive, coordinated water resources plans, or portions thereof, for regions or river basins. Level B studies include strategies, policies, and programs which provide a basis for detailed studies and actions leading to implementation of Federal, State, and local government programs. Comprehensive studies specifically authorized by the Congress are to be carried out to the extent necessary to fulfill their statutory requirements.

(3) *Level C—implementation studies.* Level C studies are program or project feasibility studies generally undertaken by a single Federal agency and which are expected to result in project authorization, funding, and implementation. These studies are conducted in response to findings and conclusions identified in assessments and regional and river basin studies, or in direct response to national, or local problems and opportunities.

(b) These Principles are to be implemented by WRC and are to be applied by river basin commissions, WRC-designated Federal-State organizations, compact commissions for studies funded by WRC, and WRC-designated Federal agencies.

(c) The Chairman of WRC, the Chairman of a river basin commission, the Secretary of a department, and the head of an independent agency shall retain the discretion to exempt studies for which planning is complete or will be complete by the end of FY 1981.

(d) Authorized projects exempted from complying with the Principles and Standards of September 10, 1973 are exempt from complying with these Principles.

(e) These Principles shall take effect 30 days from the date of their publication in the **Federal Register.**

Subpart B—General Planning Considerations

§ 710.11 General setting—projections.

(a) Formulation and evaluation of alternative plans are to be based on the most likely conditions expected to exist in the future with and without the plan. The projection of with- and without-plan conditions is to be based on national and regional projections of income, employment, output, population, and land use trends, the amounts of goods and services likely to be demanded, and expected environmental conditions. The without-plan condition is the condition expected to prevail in the absence of any alternative plan in the study and is the same as the alternative of taking no action.

(b) National projections used in planning are to be based on a reasonably full employment economy. This does not preclude consideration of special analyses of regions with high rates of unemployment and underemployment in calculating benefits from using unemployment and underemployed labor resources.

(c) It is important to maintain conceptual, methodological, and geographical consistency in regard to projections among Level A and Level B planning studies. To accomplish this, national/regional projections of population and economic activity are prepared for and published by the WRC. These projections are to be the basis for establishing the with- and without-plan conditions unless it is determined by the planner that these projections are not appropriate. If these projections are not appropriate, the planning report will contain an explanation as to why the plan has been based on other projections.

§ 710.12 Scoping.

Planning is to include an early and open process termed "scoping" to identify both the likely significant issues and the range of issues to be addressed. Scoping is to be used as appropriate throughout planning to ensure that all significant decisionmaking factors are addressed.

§ 710.13 Public participation.

Interested and affected agencies, groups, and individuals are to be provided opportunities to participate throughout the planning process. The responsible Federal planning agency is to contact: other Federal agencies; the governors or State agencies responsible for water planning; appropriate regional, State, and local agencies; national, regional, and local groups; and individuals to solicit their participation. A joint public participation program should be established with willing agencies and groups.

§ 710.14 Period of analysis.

The period of analysis is to be the same for all effects being evaluated. The period of analysis is to be the lesser of—

(a) The period of time over which the plan would serve a useful purpose; or

(b) A period not to exceed 100 years.

§ 710.15 Risk and uncertainty—sensitivity analysis.

(a) Situations of risk are defined as those in which the potential outcomes can be described in reasonably well known probability distributions. Some types of risks, such as the probability of particular flood damages, are to be incorporated in the planning and evaluation procedures. In situations of uncertainty, potential outcomes cannot be described in objectively known probability distributions.

(b) Risk and uncertainty arise from measurement errors and from the underlying variability of complex, natural, social, and economic situations. Methods of dealing with risk and uncertainty include:

(1) Collection of more detailed data to reduce measurement error.

(2) Use of more refined analytic techniques.

(3) Increasing safety factors in design.

(4) Selection of measures with better known performance characteristics.

(5) Reducing the irreversible or irretrievable commitments of resources.

Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty are to be considered in the planning process.

(c) Plans should be examined to determine the uncertainty inherent in the data or various assumptions of future economic, demographic, environmental, and technological trends. Reasonably probable projections that would, if realized, appreciably affect plan design should be analyzed.

(d) The planner's primary role in dealing with risk and uncertainty is to identify the areas of sensitivity and describe them clearly so that decisions can be based on the best available information.

§ 710.16 Discount rate.

The discount rate to be used for the formulation and economic evaluation of plans for water and related land resources will be published by the Water Resources Council at the beginning of each fiscal year. The rate will be determined in accordance with § 704.39 of this chapter.

§ 710.17 Relative prices and general price levels.

(a) Relative price relationships for outputs and inputs prevailing during or immediately preceding the period of planning are generally to be used to represent the price relationships expected over the period of analysis, unless specific considerations indicate that other assumptions should be made. Exceptions to the general rule will occur if real exchange values are expected to change over the period of analysis.

(b) The general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning are to be used to represent the prices expected over the period of analysis, except to the extent that the real value of specific outputs or inputs is expected to change.

(c) It is recognized that the relationships between monetized and non-monetized values may change over the period of analysis. Any assumption of change is to be documented.

§ 710.18 Review and consultation.

Review and consultation with interested and affected agencies, groups, and individuals are required in the planning process. Reviews are to be consistent with the requirements of the NEPA process (40 CFR Parts 1500–1508). The NEPA process and the planning process described in these Principles are complementary.

§ 710.19 Interdisciplinary planning.

Planning is to use an interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts.

§ 710.20 Ground water.

Planning studies are to give appropriate consideration to any ground water problems in the study area and the effects of the alternative plans on ground water resources.

§ 710.21 Instream flow.

Within the scope of the planning process, the responsible planning agency is to determine and consider instream flow needs relevant to the planning setting.

§ 710.22 Documentation.

Planning studies are to be documented in a clear, concise manner.

§ 710.23 Federal-State relationship in planning.

The responsible Federal planning agency or river basin commission is to contact the Governor or the designated State agency for each affected State prior to initiating a study and enter into

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such agreements as are necessary to carry out a coordinated planning effort.

Subpart C—National Objectives

§ 710.30 General.

(a) Two coequal national objectives provide the basis for formulation of plans for the conservation and use of water and related land resources. These objectives are protection and enhancement of national economic development (NED) and protection and enhancement of environmental quality (EQ).

(b) Water and related land resource plans are to be formulated to improve the quality of life through contributions to the NED and EQ objectives. Plans are to be formulated to alleviate problems and take advantage of opportunities that occur at the national, regional, State, and local levels in ways that contribute to the NED and EQ objectives.

§ 710.31 National economic development.

Contributions to national economic development are identified by increases in the value of the national output of goods and services.

§ 710.32 Environmental quality.

Contributions to environmental quality are identified by protection of or improvements in the quantity of natural and cultural resources as measured in common physical units or in the quality of these resources as measured in terms of specific EQ values.

Subpart D—Inventory

§ 710.40 Inventory.

An inventory is to be made to determine the quantity and characteristics of water and related land resources of the study area and to identify opportunities for further use or preservation of those resources. The inventory is to include data appropriate to the identified problems and opportunities and the potential for formulating and evaluating alternative plans. The inventory is to identify both present and projected future resource conditions without any of the alternative plans.

Subpart E—Alternative Plans

§ 710.50 General.

(a) This subpart applies to Level B and Level C studies.

(b) An alternative plan consists of structural and/or nonstructural measures, strategies, or programs formulated to alleviate specific problems or take advantage of specific opportunities associated with water and related land resources in the study area.

(c) A range of possible alternative plans implementable by various levels of government and by nongovernment interests is to be systematically formulated in terms of the contributions of each plan to the national economic development and environmental quality objectives. Each plan is to represent an alternative for reallocating or preserving water and related land resources to alleviate the identified problems or realize the opportunities.

(d) Alternative plans are not to be limited to those the Federal planning agency could implement directly under current authorities. Plans that may be implemented under the authorities of other Federal agencies, State and local entities, and nongovernment interests are also to be considered. Therefore, the cooperative role of local, State, regional, Federal organizations, and nongovernment interests in implementing alternatives will be stressed.

(e) Measures included in alternative plans are to be in compliance with existing statutes, administrative regulations, and established common law. However, the planning effort, including the further development of alternatives, may include an evaluation of the possibility and the effect of changing such statutes, regulations, or common law.

(f) Water conservation is to be fully integrated into plan formulation as a means of achieving NED and EQ objectives. Water conservation consists of actions that will—

(1) Reduce the demand for water;

(2) Improve efficiency in use and reduce losses and waste; and/or

(3) Improve land management practices to conserve water.

A clear contrast is drawn between the above conservation elements and storage facilities. A range of measures that can, over time, balance water demanded for various purposes with water availability is to be considered.

(g) Alternative plans are to include appropriate mitigation measures as determined by the responsible Federal planning agency. Mitigation measures are to be implemented concurrently with and in proportion to the installation of other plan measures. Fish and wildlife habitat mitigation measures are to be planned in coordination with Federal and State fish and wildlife agencies as required by the rules implementing the Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661–664).

§ 710.51 Required alternative plans.

Alternative plans are to include: a national economic development plan, an environmental quality plan, and a primarily nonstructural plan. These particular plans are required to ensure that consideration is given to the widest practical range of alternative plans. The concept of a practical alternative plan means that the NED or EQ plan may include elements which address the other objective.

(a) *National economic development plan.*—A plan that maximizes net contributions to the NED objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems and take advantage of the specific opportunities that define the NED objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the NED plan.

(b) *Environmental quality plan.*—A plan that maximizes net contributions to the EQ objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems, take advantage of the specific opportunities, and preserve the specific attributes that define the EQ objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the EQ plan.

(c) *Primarily nonstructural plan.*—(1)A "primarily nonstructural" plan is to be formulated and included as a candidate plan (See § 710.90) whenever structural project or program alternatives are considered.

(2) A primarily nonstructural plan is the plan that makes maximum feasible use of nonstructural measures to address water resource problems and opportunities. The determination of maximum feasible use will be based on the maximum use of nonstructural measures that contribute to the NED and the EQ objectives.

(3) Nonstructural measures are complete or partial alternatives to the traditional structural measures for addressing water resources problems and opportunities. The ideal nonstructural alternative is the least cost, implementable modification in public policy, management practice, regulatory policy, or pricing policy that would bring marginal benefits and marginal costs for each project output into equality. The NED and EQ objectives are to serve as the basis for the measurement of costs and benefits.

§ 710.52 Other alternative plans.

Other alternative plans that make varying contributions to the NED and EQ objectives and contributions to various mixes of these objectives should be formulated so as to adequately explore the range of alternative plans for addressing the NED and EQ objectives.

Subpart F—Accounts

§ 710.60 General.

(a) This subpart applies to Level B and Level C studies.

(b) Four accounts are to be used in organizing the information on effects of candidate plans (See § 710.90). These four accounts are: national economic development (NED), environmental quality (EQ), regional economic development (RED), and other social effects (OSE). These four accounts encompass all significant effects of a plan on the human environment as required by NEPA and on social well-being as required by Section 122 of the Flood Control Act of 1970 (Pub. L. 91–611, 84 Stat. 1823).

(c) Relationships between short-term use of the environment and long-term maintenance and enhancement of productivity, are to be identified in the appropriate account or accounts. Any irreversible or irretrievable commitments of resources are also to be identified in the appropriate account or accounts.

(d) Effects of an alternative plan in each account are the differences between the projected conditions "with the plan" and projected conditions "without the plan."

(e) Values in the NED account are to be expressed in monetary units. Values in the EQ account are to be expressed in appropriate quantitative units or qualitative terms. Values in the RED account are to be expressed in a combination of monetary and other quantitative units. Values in the OSE account are to be expressed in monetary units, other quantitative units, or qualitative terms.

(f) Monetary values in the accounts are measured in annual sums and converted to average annual equivalents by appropriate discounting techniques.

§ 710.61 National economic development account.

(a) Beneficial effects in the NED account are increases in the economic value of the national output of goods and services. These beneficial effects include: the value of goods and services from a plan; the value of output resulting from external economies caused by a plan; and the value associated with the use of otherwise unemployed or underemployed labor.

(b) Adverse effects in the NED account are the opportunity costs of resources used in the production of structural and nonstructural measures in a plan. In evaluating NED costs, resource use is broadly defined to include all aspects of the economic value of the resource. This requires consideration of the direct and indirect, private and public uses that producers and consumers are currently making of available resources or are expected to make of them in the future. For convenience of measurement and analysis, NED costs are to be classified as project outlays, associated costs, other direct costs, and external diseconomies.

§ 710.62 Environmental quality account.

(a) Beneficial effects in the EQ account are improvements in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. The evaluation of EQ benefits is based on a process that includes scoping, inventory, assessment, and appraisal.

(b) Adverse effects in the EQ account are unfavorable changes in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. The evaluation of adverse effects is based on the same process used for evaluating EQ benefits.

§ 710.63 Regional economic development account.

(a) The RED account registers changes in the distribution of regional economic activity as a result of each alternative plan. Two measures of the effects of the plan on regional economies are used in the account: regional income and regional employment.

(b) The regions used for RED analysis are those regions within which the plan will have particularly signficant income and employment effects. Effects of a plan not occurring in the significantly affected regions are to be placed in a "rest of nation" category.

(c) There are major difficulties in estimating some effects in the RED account. RED effects may be excluded if they cannot be estimated in a sound manner or will not have a material bearing on the decisionmaking process.

§ 710.64 Other social effects account.

(a) The OSE account registers plan effects from perspectives which are not reflected in the other three accounts. The categories of effects in the OSE account may be the following: urban and community impacts (Office of Management and Budget Circular A–116); life, health, and safety factors; energy requirements and conservation.

(b) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or will not have a material bearing on the decisionmaking process may be excluded from the OSE account.

Subpart G—Displays

§ 710.70 General.

(a) This subpart applies to Level B and Level C studies.

(b) Displays are graphs, tables, and summary statements in a format which facilitates the analysis and comparison of alternative plans. Concise, understandable displays are needed during the planning process and to provide documentation in compliance with NEPA.

§ 710.71 Content and format.

(a) Displays are to report the present and projected future resource conditions without any of the alternative plans and described the problems and opportunities related to the planning setting.

(b) Displays regarding candidate plans (See § 710.90) are to include—

(1) Measures in each plan; and

(2) Effects in the NED, EQ, RED, and OSE accounts.

Subpart H—Cost Allocation

§ 710.80 Cost allocation.

(a) This subpart applies to Level B and Level C studies.

(b) Cost allocation is the process of apportioning financial costs among purposes served by a plan. The need for cost allocation among purposes stems from pricing and cost-sharing policies that vary among purposes. Cost allocation among purposes and the apportionment of cost shares to Federal and non-Federal public and private and private interests are steps in the preparation of RED and OSE accounts.

(c) Financial costs are to be allocated to those purposes served by a plan. All purposes are to be treated comparably.

Subpart I—Plan Selection

§ 710.90 General.

(a) This subpart applies to Level B and Level C studies.

(b) The planning process leads to identification of alternative plans that could be recommended or selected. These plans are referred to as candidate plans. It is from among these plans that a recommended plan is to be selected. The culmination of the planning process is the selection of the recommended plan to be implemented, or the decision to take no action. The selection is to be based upon a comparison of effects of alternative plans.

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§ 710.91 Net benefits rule.

(a) A recommended plan (when considered individually on the basis of the with-plan versus without-plan comparison) must have combined beneficial NED and EQ effects that outweigh combined adverse NED and EQ effects. For example, a plan lacking net NED benefits may be recommended if net EQ benefits are sufficiently large, even though EQ benefits are not stated in monetary terms.

(b) The affected river basin commission, Secretary of a Department, or head of an independent agency may make an exception to the net benefits rule if circumstances warrant such exception. A decision to make an exception is to be documented and the reasons given.

Subpart J—Planning Process

§ 710.100 Level B and Level C studies.

(a) Level B and Level C water and related land resources planning consists of the following major steps:

(1) Specify the water and related land resources problems and opportunities (relevant to the planning setting) associated with the NED and EQ objectives;

(2) Inventory and analyze water and related land resource conditions within the planning area;

(3) Formulate alternative plans;

(4) Evaluate the effects of the alternative plans;

(5) Compare alternative plans; and

(6) Select a recommended plan based upon the comparison of alternative plans.

(b) Plan formulation is a dynamic process whose various steps should, at a minimum, be reiterated one or more times. This reiteration process, which may occur at any step, may sharpen the planning focus or changes its emphasis as new data are obtained or as the specification of problems or opportunities changes or becomes more clearly defined.

§ 710.101 Level A studies.

Any appropriate planning process may be chosen for Level A studies. Level A studies may involve only phases 1 and 2 of the process specified for Level B and Level C studies.

Subpart K—National Program for Federal and Federally Assisted Activities

§ 710.120 National programs.

The formulation of national programs requires that priorities be established among recommended plans for projects, States, regions, and river basins. Considerations such as budget resources, national environmental policy, and alternative public and private investments will provide the basis for formulating national programs.

2. By adding a new Part 711 to read as follows:

PART 711—PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES—LEVEL C

Subpart A—Introduction

Sec.
711.1 Purpose.
711.2 Scope.
711.3 Authority.
711.4 Applicability.

Subpart B—General Planning Considerations

711.11 General setting—projections.
711.12 Scoping.
711.13 Public participation.
711.14 Period of analysis.
711.15 Risk and uncertainty—sensitivity analysis.
711.16 Discount rate.
711.17 Relative prices and general price levels.
711.18 Review and consultation.
711.19 Interdisciplinary planning.
711.20 Ground water.
711.21 Instream flow.
711.22 Documentation.
711.23 Federal-State relationship in planning.

Subpart C—National Objective

711.30 General.
711.31 National economic development.
711.32 Environmental quality.

Subpart D—Inventory

711.40 Resource conditions.
711.41 Problems and opportunities.
711.42 Constraints.

Subpart E—Alternative Plans

711.50 General.
711.51 Required alternative plans.
711.52 Other alternative plans.

Subpart F—Accounts

711.60 General.
711.61 National economic development account.
711.62 Environmental quality account.
711.63 Regional economic development account
711.64 Other social effects account.

Subpart G—Displays

711.70 General.
711.71 Content and format.

Subpart H—Cost Allocation

711.80 General.
711.81 Basic concepts.
711.82 Cost allocation procedures.
711.83 Allocation of component cost.
711.84 Two-step procedure for determining separable cost.
711.85 Use of other methods.
711.90 General.
711.91 Candidate plans.

Subpart I—Plan Selection

Sec.
711.92 Selection.
711.93 Net benefits rule.

Subpart J—Planning Process

711.100 Introduction.
711.101 Major steps.
711.102 Specification of the problems and opportunities associated with the NED and EQ objectives.
711.103 Inventory water and related land resource conditions within the planning area.
711.104 Formulation of alternative plans.
711.105 Evaluation of effects.
711.106 Comparison of alternative plans.
711.107 Plan selection.
711.108 Reiteration.

Authority: Sec. 103 and 402, Pub. L. 89–90, 79 Stat. 245 (42 U.S.C. 1962a–2 and d–1).

Subpart A—Introduction

§ 711.1 Purpose.

These Principles and Standards establish rules to be followed by the Water Resources Council (WRC) and WRC-designated agencies in planning Federal and Federally-assisted water and related land resource programs and projects. Their purpose is to establish uniformity in water and related land resources planning. These Principles and Standards include the Principles required for Level C studies established as Part 710 of this chapter. They provide the basic policy for the Procedures (Level C).

§ 711.2 Scope.

(a) These Principles and Standards cover water and related land resources planning. They establish the basic process to be followed by the Federal agencies and specify how each phase of the process is to be performed.

(b) The national objectives and accounts covered by these Principles and Standards incorporate and are consistent with the concept of human environment as used in the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4361) and the appropriate portions of the NEPA process regulations established by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508.

§ 711.3 Authority.

These Principles and Standards are established as rules pursuant to the Water Resources Planning Act of 1965 (Pub. L. 89–80), as amended (42 U.S.C. 1962a–2 and d–1). These Principles and Standards supersede the *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24781–24862, September 10, 1973, revisions in 44 FR 72978–72990, December 14, 1979, and revisions in 39 FR 29242, August 14, 1974.

§ 711.4 Applicability.

(a) These Principles and Standards apply to the planning of Level C Implementation Studies which are defined as program or project feasibility studies generally undertaken by a single Federal agency and which are expected to result in project authorization, funding, and implementation. These studies are conducted in response to findings and conclusions identified in assessments and regional and river basin studies, or in direct response to national, regional, State or local problems and opportunities. The following agency activities are explicitly covered:

(1) Corps of Engineers water resources projects.

(2) Water and Power Resources Service water resources projects.

(3) Tennessee Valley Authority water projects.

(4) Soil Conservation Service water and related land resources projects.

(5) National Park Service, Heritage Conservation and Recreation Service, and Forest Service national recreation area projects.

(6) Forest Service and National Park Service wild, scenic, and recreational river studies.

(7) Fish and Wildlife Service Federal waterfowl refuge projects.

(b) These Principles and Standards are applicable to—

(1) Projects that may be approved by agency administrators;

(2) Projects requiring Congressional authorization; and

(3) Authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents.

(c) The Secretary of a department and head of an independent agency shall retain the discretion to exempt projects not yet authorized for which preauthorization planning is now complete or will be complete by the end of fiscal year 1981 and those authorized projects requiring post-authorization planning if such planning is now complete or will be complete by the end of fiscal year 1981.

(d) Authorized projects exempted from complying with the Principles and Standards of September 10, 1973 are exempt from complying with these Principles and Standards.

(e) These Principles and Standards shall take effect 30 days from the date of their publication in the **Federal Register**.

Subpart B—General Planning Considerations

§ 711.11 General setting—projections.

(a) Formulation and evaluation of alternative plans are to be based on the most likely conditions expected to exist in the future with and without the plan. The projection of with- and without-plan conditions is to be based on national and regional projections of income, employment, output, population, and land use trends, the amounts of goods and services likely to be demanded, and expected environmental conditions. The without-plan condition is the condition expected to prevail in the absence of any alternative plan in the study and is the same as the alterntive of taking no action.

(b) National projections used in planning are to be based on a reasonably full employment economy. This does not preclude consideration of special analyses of regions with high rates of unemployment and underemployment in calculating benefits from using unemployed and underemployed labor resources.

(c) National and State environmental and social standards and thresholds relating to such categories as water quality, air quality, or minimum health are to be considered.

(d) Other approved plans that have been adopted for the planning area and other current planning efforts are to be considered.

(e) Projections are to be made for selected years over the period of analysis to indicate how changes in economic conditions and environmental resources are likely to have an impact on problems and opportunities.

(f) Environmental projections are to be identified in terms of specific indicators of the quantity and quality of natural and cultural resources.

§ 711.12 Scoping.

(a) Planning is to include an early and open process termed "scoping" to identify both the likely significant issues and the range of issues to be addressed. As soon as practicable after a decision to begin planning, the agency is to undertake scoping. This effort should include affected Federal, State and local agencies and other interested groups or persons. Scoping is to be used as appropriate throughout planning to ensure that all significant decisionmaking factors are addressed.

(b) As part of the scoping process the agency should:

(1) Determine the extent to which the likely significant issues are to be analyzed.

(2) Identify and eliminate from detailed study any issues that are not significant or that have been adequately covered by prior study.

(3) Identify any current or future planning that is related to but not part of the study under consideration.

(4) Identify other review and consultation requirements so that cooperating agencies, if any, may prepare other required analyses and studies concurrently and integrated with the study under consideration.

(5) Indicate the tentative planning and decisionmaking schedule.

(6) Hold an early scoping meeting or meetings. The scoping meetings may be integrated with other early planning meetings if the impacts of a particular action are confined to specific sites.

(7) Repeat the above steps if there is a substantial change in the planning emphasis or if new circumstances or information make it necessary.

(c) Scoping may be used to combine or narrow the number of problems, opportunities, measures, plans, effects, etc., so that meaningful and efficient analysis and choice among alternative plans can occur.

§ 711.13 Public participation.

(a) Interested and affected agencies, groups, and individuals are to be provided opportunities to participate throughout the planning process. The responsible Federal planning agency is to contact: other Federal agencies; the governors or State agencies responsible for water planning; appropriate regional, State, and local agencies; national, regional, and local groups; and individuals to solicit their participation. A joint public participation program should be established with willing agencies and groups.

(b) Public participation may be accomplished by—

(1) Soliciting public opinion early in the planning process;

(2) Encouraging periodic oral expressions of public views and recording and considering them;

(3) Holding public meetings early in the planning process to advise the public of the nature and scope of the study, to open lines of communication, to listen to the needs and views of the public, and to identify interested individuals and agencies;

(4) Holding additional public meetings as appropriate throughout the planning process; and

(5) Making pertinent plans, reports, data analyses, interpretations, and other information available for public inspection.

(c) Efforts to secure public participation should be pursued through public hearings, public meetings, workshops, information programs, citizen committees, and other appropriate means.

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§ 711.14 Period of analysis.

The period of analysis is to be the same for all effects being evaluated. The period of analysis is to be the lesser of—

(a) The period of time over which the plan would serve a useful purpose; or

(b) A period not to exceed 100 years.

§ 711.15 Risk and uncertainty—sensitivity analysis.

(a) Situations of risk are defined as those in which the potential outcomes can be described in reasonably well known probability distributions. Some types of risks, such as the probability of particular flood damages, are to be incorporated in the planning and evaluation procedures. In situations of uncertainty, potential outcomes cannot be described in objectively known probability distributions.

(b) Risk and uncertainty arise from measurement errors and from the underlying variability of complex natural, social, and economic situations. Methods of dealing with risk and uncertainty include:

(1) Collection of more detailed data to reduce measurement error.

(2) Use of more refined analytic techniques.

(3) Increasing safety factors in design.

(4) Selection of measures with better known performance characteristics.

(5) Reducing the irreversible or irretrievable commitments of resources.

Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty are to be considered in the planning process.

(c) Plans should be examined to determine the uncertainty inherent in the data or various assumptions of future economic, demographic, environmental, and technological trends. Reasonably probably projections that would, if realized, appreciably affect plan design should be analyzed.

(d) The planner's primary role in dealing with risk and uncertainty is to identify the areas of sensitivity and describe them clearly so that decisions can be based on the best available information.

§ 711.16 Discount rate.

The discount rate to be used for the formulation and economic evaluation of plans for water and related land resources will be published by the Water Resources Council at the beginning of each fiscal year. The rate will be determined in accordance with § 704.39 of this chapter.

§ 711.17 Relative prices and general price levels.

(a) Relative price relationships for outputs and inputs prevailing during or immediately preceding the period of planning are generally to be used to represent the price relationships expected over the period of analysis, unless specific considerations indicate that other assumptions should be made. Exceptions to the general rule will occur if real exchange values are expected to change over the period of analysis.

(b) The general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning are to be used to represent the prices expected over the period of analysis, except to the extent that the real value of specific outputs or inputs is expected to change.

(c) It is recognized that the relationships between monetized and non-monetized values may change over the period of analysis. Any assumption of change is to be documented.

§ 711.18 Review and consultation.

Review and consultation with interested and affected agencies, groups, and individuals are required in the planning process. Reviews are to be consistent with the requirements of the NEPA process (40 CFR Parts 1500–1508). The NEPA process and the planning process described in these Principles and Standards are complementary.

§ 711.19 Interdisciplinary planning.

Planning is to use an interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts. The disciplines of the planners are to be appropriate to the scope and issues identified in the scoping process (See § 711.13).

§ 711.20 Ground water.

(a) Planning studies are to give appropriate consideration to any ground water problems in the study area and the effects of the alternative plans on ground water resources.

(b) Within the framework of the planning process, the responsible planning agency is to determine—

(1) Whether any ground water problems exist in the study area under present or projected conditions;

(2) Whether and to what extent the alternative plans will cause or contribute to ground water problems; and

(3) What actions would avoid or minimize ground water problems.

Such considerations are to be in accordance with NED and EQ objectives, and the effects of alternative plans on ground water are to be recorded in the appropriate account (See Subpart F).

§ 711.21 Instream flow.

Within the scope of the planning process, the responsible planning agency is to determine and consider instream flow needs relevant to the planning setting. Effects of modifying instream flow are to be recorded in the appropriate accounts.

§ 711.22 Documentation.

Planning studies are to be documented in a clear, concise manner such that an independent reviewer can fully and clearly understand the basic decisions that were made and the reasons for them.

§ 711.23 Federal-State relationship in planning.

The responsible Federal planning agency is to contact the Governor or the designated State agency for each affected State prior to initiating a study and enter into such agreements as are necessary to carry out a coordinated planning effort.

Subpart C—National Objectives

§ 711.30 General.

(a) Two coequal national objectives provide the basis for formulation of plans for the conservation and use of water and related land resources. These objectives are protection and enhancement of national economic development (NED) and protection and enhancement of environmental quality (EQ).

(b) Water and related land resource plans are to be formulated to improve the quality of life through contributions to the NED and EQ objectives. Plans are to be formulated to alleviate problems and take advantage of opportunities that occur at the national, regional, State, and local levels in ways that contribute to the NED and EQ objectives.

§ 711.31 National economic development.

(a) Contributions to national economic development are identified by increases in the value of the National output of goods and services.

(b) The NED objective for the relevant planning setting is stated in terms of the public's expressed desired to alleviate problems and realize opportunities related to the output of goods and services or to increased economic efficiency.

(c) Each statement of problems or opportunities is to be expressed in terms of a desired output. The statement should identify the problem or opportunity and indicate the desired output. Example statements are:

(1) Reduce flood losses in the Red River floodplain to increase agricultural production;

(2) Increase the agricultural output of the irrigated sector of Tolland County; and

(3) Improve the quality of the recreational experience at Lake Zoar.

§ 711.32 Environmental quality.

(a) Contributions to environmental quality are identified by protection of or improvements in the quantity of natural and cultural resources as measured in common physical units or in the quality of these resources as measured in terms of specific EQ values. The values are:

(1) The ecological value of natural resources that support or provide the food, water, cover, reproduction, space, and other life requirements of plant and animal populations and communities.

(2) The aesthetic value of views, sounds, scents, and other perceptual stimuli of natural and cultural resources that provide diverse and pleasant surroundings.

(3) The historic value of natural resources and cultural places, objects, and lore that have played a special role in influencing the course of human activity or that have religious or cultural significance to a group.

(4) The educational and scientific value of natural and cultural resources that convey an understanding of how and why things occur or have occurred in the past, or that have potential for future educational or scientific use.

(5) The pristine value of natural resources that provide the opportunity to experience or contemplate conditions essentially unaltered by man or substantially recovered from prior human influence.

(b) Desirable levels of ecological, aesthetic, historic, educational/scientific, and pristine values are based on institutional recognition (laws); on judgments by scientific and technical experts; and on the expressed concerns of the public.

(c) The EQ objective for the relevant planning setting is stated in terms of the public's expressed desire to alleviate problems, preserve options, and realize opportunities related to the quantity or quality of natural and cultural resources. Each statement is to be expressed in terms of a desired output.

(1) EQ problems exist when—

(i) The present EQ resource value in a study area is below the desired level and will remain static or continue to decline under current trends; or

(ii) The present EQ resource value is expected to decline in the absence of protective action.

(Example statement: Modify streamflows in the Rocky River to stem the decline in steelhead populations.)

(2) EQ opportunities exist whenever an action might be taken to enhance a condition that may or may not be considered a problem.

(Example statement: Improve the 18,000-acre wetland in Beautiful Valley to provide additional food and cover for waterfowl use.)

Subpart D—Inventory

§ 711.40 Resource conditions.

(a) An inventory is to be made to determine the quantity and characteristics of water and related land resources of the study area and to identify opportunities for further use or preservation of those resources. The inventory is to include data appropriate to the identified problems and opportunities and the potential for formulating and evaluating alternative plans. The inventory does not necessarily include an exhaustive listing of resources of the area.

(b) The inventory is to identify both present and projected future resource conditions without any of the alternative plans. This without-plans condition serves as the base for evaluating the effects of each of the alternative plans.

§ 711.41 Problems and opportunities.

(a) The inventory phase should also include an analysis of the identified problems and opportunities and their implications on the planning setting. This analysis should be used to redefine the specific problems and opportunities associated with the NED and EQ objectives.

(b) Based on this analysis, an appraisal is to be made of the potential for alleviating the problems and realizing the opportunities. This provides guidance as to the possible scope and magnitude of actions to meet the demands for each problem or opportunity. This appraisal should identify possibilities for management, development, preservation, and other opportunities for action. Resource inventories may suggest additional problems or opportunities. These possibilities will indicate the resource capabilities relative to specific commodities, services, or environmental amenities desired by the public. By proper selection of these development or management possibilities, alternatives may be formulated for each problem or opportunity associated with NED and EQ objectives.

§ 711.42 Constraints.

Constraints to the attainment of the desired levels of national output of goods and services or environmental amenities for the planned period are to be identified. Constraints may include resource limitations, competitive use of the resources, legislation that prohibits desired use or development, or other limitations.

Subpart E—Alternative Plans

§ 711.50 General.

(a) This subpart defines the alternative plans to be formulated in the planning process.

(b) An alternative plan consists of structural and/or nonstructural measures, strategies, or programs formulated to alleviate specific problems or take advantage of specific opportunities associated with water and related land resources in the study area.

(c) A range of possible alternative plans implementable by various levels of government and by nongovernment interests is to be systematically formulated in terms of the contributions of each plan to the national economic development and environmental quality objectives. Each plan is to represent an alternative for reallocating or preserving water and related land resources to alleviate the identified problems or realize the opportunities.

(d) Alternative plans are not to be limited to those the Federal planning agency could implement directly under current authorities. Plans that may be implemented under the authorities of other Federal agencies, State and local entities, and nongovernment interests are also to be considered. Therefore, the cooperative role of local, State, regional, Federal organizations, and nongovernment interests in implementing alternatives will be stressed.

(e) Measures included in alternative plans are to be in compliance with existing statutes, administrative regulations, and established common law. However, the planning effort, including the further development of alternatives, may include an evaluation of the possibility and the effect of changing such statutes, regulations, or common law.

(f) Water conservation is to be fully integrated into plan formulation as a means of achieving NED and EQ objectives. Water conservation consists of actions that will—

(1) Reduce the demand for water;

(2) Improve efficiency in use and reduce losses and waste; and/or

(3) Improve land management practices to conserve water.

A clear contrast is drawn between the above conservation elements and storage facilities. A range of measures that can, over time, balance water demanded for various purposes with water availability is to be considered.

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(g) Alternative plans are to include appropriate mitigation measures as determined by the responsible Federal planning agency. Mitigation measures are to be implemented concurrently with and in proportion to the installation of other plan measures. Fish and wildlife habitat mitigation measures are to be planned in coordination with Federal and State fish and wildlife agencies as required by the rules implementing the Fish and Wildlife Coordination Act of 1958 (16 U.-S.C. 661–664).

(h) Plans, or increments thereto, are not to be recommended for Federal development that would physically or economically preclude non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the NED and EQ objectives when comparably evaluated according to these Principles and Standards. Taxes foregone on the proposed Federal Plan and taxes paid on the non-Federal alternative are to be excluded in such comparisons.

711.51 Required alternative plans.

Alternative plans are to include: a national economic development plan, an environmental quality plan, and a primarily nonstructural plan. These particular plans are required to ensure that consideration is given to the widest practical range of alternative plans. The concept of a practical alternative plan means that the NED or EQ plan may include elements which address the other objective.

(a) *National economic development plan.* A plan that maximizes net contributions to the NED objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems and take advantage of the specific opportunities that define the NED objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the NED plan.

(b) *Environmental quality plan.* (1) A plan that maximizes net contributions to the EQ objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems, take advantage of the specific opportunities, and preserve the specific attributes that define the EQ objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the EQ plan.

(2) In formulating alternatives to maximize net contributions to the EQ objective, consideration is to be given to measures that explicitly preclude any significant forms of physical construction or development. Positive actions, such as zoning changes or public land acquisition, may be necessary to assure realization of the "no development" concepts.

(c) *Primarily nonstructural plan.* (1) A "primarily nonstructural" plan is to be formulated and included as a candidate plan (see § 711.90) whenever structural project or program alternatives are considered.

(2) A primarily nonstructural plan is the plan that makes maximum feasible use of nonstructural measures to address water resources problems and opportunities. The determination of maximum feasible use will be based on the maximum use of nonstructural measures that contribute to the NED and EQ objectives.

(3) Nonstructural measures are complete or partial alternatives to the traditional structural measures for addressing water resources problems and opportunities. The ideal nonstructural alternative is the least cost, implementable modification in public policy, management practice, regulatory policy, or pricing policy that would bring marginal benefits and marginal costs for each project output into equality. The NED and EQ objectives are to serve as the basis for the measurement of costs and benefits.

(4) A nonstructural measure or measures may in some cases offer a complete alternative to a traditional structural measure or measures. In other cases, nonstructural measures may be combined with fewer or smaller traditional structural measures to produce a complete alternative. It may at times be necessary to combine structural and nonstructural measures to formulate alternative plans for attainment of the planning objectives.

(5) The assessment of nonstructural measures should be considered for all water resources planning purposes, including water supply, flood control, power, transportation, recreation, fish and wildlife, and other purposes.

§ 711.52 Other alternative plans.

Other alternative plans that make varying contributions to the NED and EQ objective and contributions to various mixes of these objectives should be formulated so as to adequately explore the range of alternative plans for addressing the NED and EQ objectives. The number and variety of alternative plans will be governed by—

(a) The problems and opportunities associated with the water and related land resources in the study area;

(b) The overall resource capabilities of the study area;

(c) The available alternative measures; and

(d) Preferences and conflicts among different segments of the public regarding the trade-off between NED and EQ objectives.

Subpart F—Accounts

§ 711.60 General.

(a) This subpart defines the accounts to be used in organizing information on the effects of alternative plans.

(b) Four accounts are to be used in organizing the information on effects of candidate plans (see § 711.90). these four accounts are: national economic development (NED), environmental quality (EQ), regional economic development (RED), and other social effects (OSE). These four accounts encompass all significant effects of a plan on the human environment as required by NEPA and on social well-being as required by Section 122 of the Flood Control Act of 1970 (Pub. L. 91–611, 84 Stat. 1823).

(c) Relationships between short-term use of the environment and long-term maintenance and enhancement of productivity are to be identified in the appropriate account or accounts. Any irreversible or irretrievable commitments of resources are also to be identified in the appropriate account or accounts.

(d) Effects of an alternative plan in each account are the differences between the projected conditions "with the plan" and projected conditions "without the plan."

(e) Values in the NED account are to be expressed in monetary units. Values in the EQ account are to be expressed in appropriate quantitative units or qualitative terms. Values in the RED account are to be expressed in a combination of monetary and other quantitative units. Values in the OSE account are to be expressed in monetary units, other quantitative units, or qualitative terms.

(f) Monetary values in the accounts are measured in annual sums and converted to average annual equivalents by appropriate discounting techniques.

(g) Each account is to provide a statement of the effects of a plan from a particular point of view. Accounts are to be viewed independently, and are not to be aggregated. A plan may produce monetary benefits in the NED account, the same or greater monetary benefits in the RED account, net increases in several resource values in the EQ account, and several effects in the OSE account. However, within a given account, a monetary benefit or cost, change in resource value, or effect can be claimed only once. Claiming the same benefit, cost, change in resource value, or effect more than once in a given account would constitute double counting, which is not permitted.

§ 711.61 National economic development account.

(a) *General.* (1) Beneficial effects in the NED account are increases in the economic value of the national output of goods and services. These beneficial effects include: the value of goods and services from a plan; the value of output resulting from external economies caused by a plan; and the value associated with the use of otherwise unemployed or underemployed labor.

(2) Adverse effects in the NED account are the opportunity costs of resources used in the production of structural and nonstructural measures in a plan.

(3) The procedures for evaluating NED effects are found in Part 713 of this chapter.

(b) *Goods and services.* (1) *General measurement standard.* The general measurement standard for the value of goods and services is defined as the willingness of users to pay for each increment of output from a plan. Such a value would be obtained if the "seller" of the output were able to apply a variable unit price and charge each user an individual price to capture the full value of the output to the user. Since, in most instances, it is not possible for the planner to measure the actual demand situation, four alternative techniques can be used to obtain an estimate of the total value of the output of the plan: willingness to pay based upon market price or simulated market price; change in net income; cost of the most likely alternative; and administratively established values.

(i) *Market price or simulated market price.* If the additional output from a plan is too small to have a significant effect on price, actual or simulated market prices will closely approximate the total value of the output and may be used to estimate willingness to pay. If the additional output is expected to have a significant influence on market price, and if the effects cannot be estimated more precisely, a price midway between the price expected with and without the plan may be used to estimate the total value.

(ii) *Change in net income.* The value of increased output of intermediate goods and services is measured by their total value as inputs to producers of final consumer products. The total value of intermediate goods or services to producers is properly measured as the increase in net income received by producers with a plan compared to net income received without a plan. Net income is defined as the market value of producers' outputs less the market value of producers' inputs exclusive of the cost of the intermediate goods or services resulting from a plan.

(iii) *Cost of the most likely alternative.* The cost of the most likely non-Federal alternative may be used to estimate NED benefits for a particular output if non-Federal interests are likely to provide a similar output in the absence of any of the alternative plans under consideration and if NED benefits cannot be estimated from market price or change in net income. This assumes, of course, that society would in fact undertake the alternative means. Because the planner may not be able to determine whether alternative means would be undertaken in the absence of the project, this procedure for benefit estimation is to be used cautiously in determining the most likely alternative, the planner is to give adequate consideration to nonstructural and conservation measures as well as structural measures.

(iv) *Administratively established values.* Administratively established values are values for specific goods and services explicitly set and published by WRC. An example of administratively established values is the range of unit day values for recreation. A value within this range of set values, in certain situations, may be selected in the absence of a specific estimate of willingness to pay.

(2) *Categories.* Goods and services in the NED account are limited to the following categories:

(i) Municipal and industrial (M & I) water supply.

(ii) Agricultural floodwater, erosion, and sedimentation.

(iii) Agricultural drainage.

(iv) Agricultural irrigation.

(v) Urban flood damage.

(vi) Power (hydropower).

(vii) Transportation (inland navigation).

(viii) Transportation (deep draft navigation).

(ix) Recreation.

(x) Commercial fishing.

(xi) Categories of benefits based on procedures approved by the Water Resources Council.

(xii) Other categories of benefits for which procedures are documented in the planning report and which are in accordance with the general measurement standards in paragraph (b)(1) of this section.

(3) *Specific measurement standards.* (i) *Municipal and industrial water supply.* Where water is priced at its marginal cost, that price is to be used to calculate willingness to pay for additional water supply. In the absence of such direct measures of willingness to pay, the benefits from a water supply plan are to be measured instead by the resource cost of the alternative most likely to be implemented in the absence of that plan. For smaller communities (population of 10,000 or less) that are not able to afford an alternative water supply comparable to the Federal water supply plan, the benefit is to be equal to the cost of the separable M&I facilities plus an appropriate share of the remaining joint cost of the project.

(ii) *Agricultural floodwater, erosion, and sedimentation.* Willingness of the users to pay is the basis for approximating the value of output from these activities, whether it be in the form of increased production of intermediate or final goods or release of resources. Productivity increases are determined by measuring the difference in net income accruing to the enterprise on the specified land resource without the plan compared with what that enterprise would receive as net income with the plan on the same land resource. Changes in land use benefits are determined by measuring the difference in net income from the enterprise at an alternative location that would be utilized without the plan compared with the net income from the enterprise at a new location which is improved or enhanced as a result of the plan or by measuring the net income change for the enterprise precluded from using the given land resources with the plan as compared with the without plan situation, plus the net income change for the enterprise that would be allowed to use the given land resource with the plan as compared to the without plan situation. Where it is not possible to directly employ net income changes to derive benefits, the estimate of actual or prospective damages to the physical properties of the enterprises involved can be employed as an approximation of net income change.

(iii) *Agricultural drainage.* The benefit is measured as the increased value of agricultural output to the nation or the reduced cost of maintaining a given level of output. See Section 711.61(b) (3) (ii).

(iv) *Agricultural irrigation.* The benefits are computed as the increased net income that would result from reduced production cost, or intensification benefits through production of current crops and increased acreages of rice, cotton, pasture, corn, oats, soybeans, wheat, milo, barley, or hay. The intensification benefits are computed as the difference in net income with compared to without

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the plan. Increased acreages of other crops are evaluated as the efficiency gained in the project area as compared to typical lands in the WRC assessment subarea (ASA).

(v) *Urban flood damage.* Benefits accrue primarily through the reduction in actual or potential damages associated with land use. If floodplain use is the same with and without the plan, the benefit (inundation reduction benefit) is the increased net income generated by that use. If an activity is removed from the floodplain, this benefit is realized only to the extent that removal of the activity increased the net income of other activities in the economy. If the type of floodplain use is unchanged but the method of operation is modified because of the plan, the benefit (intensification benefit) is the increased net income generated by the floodplain activity. If an activity is added to the floodplain because of a plan, the benefit (location benefit) is the difference between aggregate net incomes (including economic rent) in the economically affected area with and without the plan.

(vi) *Power (hydropower).* Where energy from electric power plants is priced at its marginal cost, this price is to be used to calculate willingness to pay. In the absence of such direct measures of marginal willingness to pay, the benefit from energy produced by hydroelectric powerplants will be measured instead by the resource cost of the most likely alternative to be implemented in the absence of the hydroelectric powerplant.

(vii) *Transportation (inland navigation).* The basic enconomic benefit of a navigation plan is the reduction in the value of resources required to transport commodities. Navigation benefits can be categorized as cost reduction benefits (same origin-destination; same mode), shift of mode benefits (same origin-destination; different mode), shift of origin-destination benefits, and new movement benefits. A cost reduction benefit is the reduction in economic cost of using the waterway. A shift of mode benefit is the savings in resources from not having to use a more costly mode. A shift or origin benefit is the difference in total costs of getting the commodity to its place of use with and without the plan. A shift of destination benefit is the difference in net revenue to the producer with and without the plan. A new movement benefit is the value of the delivered commodity less the transportation and production costs with the plan.

(viii) *Transportation (deep draft navigation).* The economic benefits for deep draft navigation are the gains in national economic efficiency and the increase in the value of output of goods and services. The benefit categories are cost reduction benefits; same commodity, origin-designation, harbor; same commodity, origin-designation, different harbor; shift in commodity, origin-designation; induced commodity; prevention and reduction of damage; advance replacement and operation and maintenance savings; and dredged material utilization. Benefits accrue from reductions in economic costs, savings in resources, increased outputs and land enhancement.

(ix) *Recreation.* For the most part, water oriented recreation is produced publicly and distributed in the absence of a viable market mechanism. For this reason, the increase in recreation provided by a plan may be measured on the basis of simulated willingness to pay. The methods which may be used to approximate demand and what people are willing to pay are the travel cost method, the contingent valuation method, and the unit day value method.

(A) With the travel cost method using marginal travel costs as a measure of what people are willing to pay for water oriented recreation and how price affects use, the relationship between price and per capita attendance can be established for recreation sites and market areas. This relationship, the conventional demand curve having a negative slope, sums up the response of user's demand to alternative prices of the recreational product (or experience). The area under this demand curve to the left of the capacity constraint plus any user fees measures total willingness to pay for recreational opportunities at the site.

(B) With the contingent valuation method, annual willingness to pay can be obtained directly from potential visitors by a survey which establishes a simulated market. Users are allowed to bid on the annual use of the site until the maximum willingness to pay is established. This method may be applied where lack of data, insufficient variability in travel costs, or unique characteristics of the site make use of the travel cost method inappropriate.

(C) Where use of demand estimating techniques such as travel cost or contingent valuation methods is not cost effective because of the small size of the project, a single value (unit day value method) per recreation day may be chosen from a range of values. These ranges will reflect availability of general or specialized recreation opportunities, location of the site relative to alternative opportunities, and characteristics of the user population.

(x) *Commerical fishing:* The benefits, which include consumer surplus to commercial fishing, can be measured as the resulting change in the value of output minus those costs related to their production. When a plan affects the market supply of fish such that the change in output is small relative to current output and therefore will not affect market price, the value of extra output can be measured by the change in revenue less associated cost of harvesters. If the additional output generated by the change in supply is expected to affect output prices, the gross value of extra output can be estimated using a price midway between that expected with and without the plan. This gross value measure minus the increase in costs to primary harvesters provides an estimate of the value of the increase in production including consumer surplus.

(c) *External economies.* (1) The external economies to be included in the NED benefit evaluation are the uncompensated, incidental, and unintended effects of a project that increase economic efficiency by increasing the output of intermediate or final consumer goods over and above the direct outputs accounted for in the plan or project. In this sense, the pertinent external economies are "external" to the plan or project. Pertinent external economies involve a technical or physical relationship. For example, a project planned only for flood control and hydropower purposes might reduce downstream water treatment cost; this reduction in costs would be shown as an external economy in the NED account.

(2) The external economies to be included in the NED account do not include decreases in the price of products or services resulting from the plan or changes in the prices of related goods and services.

(d) *Use of otherwise unemployed or underemployed labor resources.* (1) If otherwise unemployed or underemployed labor resources are used in implementing a plan the social cost of implementation is less than the financial cost. The opportunity cost of employing otherwise unemployed workers is conceptually equal to the value of leisure time foregone by such workers but may be assigned a zero value since there is no generally accepted procedure for measuring the value of leisure time. The opportunity cost of employing otherwise underemployed workers is equal to earnings under without plan conditions.

(2) Conceptually, the effects of the use of unemployed or underemployed labor resources should be treated as an adjustment to the adverse effects of a plan on national economic development. Since this approach leads to difficulties in cost allocation and cost sharing calculations, the effects from the use of such resources are to be treated as an addition to the benefits resulting from a plan.

(3) Beneficial effects from the use of unemployed or underemployed labor resources are limited to labor employed onsite in the construction or installation of a plan. This limitation reflects identification and measurement problems and the general requirement that national projections are to be based on a reasonably full employment economy.

(4) WRC is to develop a list of planning regions with substantial and persistent unemployment based on criteria approved by WRC. The list will be updated periodically and distributed to planning agencies.

(5) Where the planning region has been designated as having substantial and persistent unemployment and it can be shown that these labor resources will in fact be employed or more effectively employed compared to the without-plan condition in construction or installation of the plan, the net additional payments to the unemployed or underemployed labor resources are defined as a benefit.

(e) *Adverse effects—NED.* (1) *Measurement standards.* (i) In evaluating NED costs, resource use is broadly defined to include all aspects of the economic value of the resource. This requires consideration of the direct and indirect, private and public uses that producers and consumers are currently making of available resources or are expected to make of them in the future.

(ii) If market prices reflect the full economic value of a resource to society, they are to be used to determine NED costs. If market prices do not reflect these values, it is intended that associated costs, other direct costs, and external diseconomies will account for the additional values.

(iii) NED costs should be adjusted by an allowance for the salvage value of land, equipment, and facilities that would have value for nonproject uses at the end of the period of analysis.

(2) *Cost categories.* For convenience of measurement and analysis, NED cost are to be classified as project outlays, associated costs, other direct costs, and external diseconomies.

(i) *Project outlays.* The NED costs of project outlays include the costs incurred by the responsible Federal entity and by other Federal or non-Federal entities to construct a project in accordance with sound engineering and environmental principles and to place it in operation. These costs include postauthorization costs for investigation, survey, planning, and design; construction costs; construction contingency costs; administrative services costs; mitigation costs; relocation cost (excluding transfer payments); historical and archaeological salvage cost, land, water, and mineral rights costs; and operation, maintenance and replacement costs.

(ii) *Associated costs.* These are the cost of measures needed over and above project measures to achieve the benefits claimed during the period of analysis. For example, associated costs would include the cost of irrigation water supply laterals and on-farm irrigation systems.

(iii) *Other direct costs.* These are the costs of resources directly required for a project or plan, but for which no financial outlays are made. For example, other direct costs would include displaced public recreational use at a project site.

(iv) *External diseconomies.* These costs are uncompensated, offsite NED losses caused by the installation, operation, maintenance, or replacement of project or plan measures. Examples of external diseconomies include increased downstream flood damages caused by channel modifications, dikes, or the drainage of wetlands, and increased water supply treatment costs caused by irrigation return flows.

§ 711.62 Environmental quality account.

(a) *General.* (1) For convenience of measurement and analysis, beneficial and adverse effects in the EQ account are classified according to the resources affected.

(2) The procedures for evaluating EQ effects are in Part 714 of this chapter.

(b) *Beneficial effects—EQ.* Beneficial effects in the EQ account are improvements in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. These values are described in § 711.32. The evaluation of EQ benefits is based on a process that includes scoping, inventory, assessment, and appraisal.

(1) Scoping is performed to limit and define the geographic area, the EQ resources and values, and the time period to be used in the evaluation.

(2) Inventorying is performed to collect and develop data, within the limits defined in scoping, for use in assessing the effects. Inventorying includes forecasting the without-plan and with-plan resource conditions.

(3) Assessment is performed to identify and, where possible, measure the effects of alternative plans on EQ resources. For a given resource the difference between the without-plan condition and the with-plan condition is the effect of the plan on that resource.

(4) Appraisal is performed to evaluate the desirability of effects on EQ resources. Appraisal is based on institutional recognition, public concern, and technical and scientific judgment.

(c) *Adverse effects—EQ.* Adverse effects in the EQ account are unfavorable changes in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. These values are described in § 711.32. The evaluation of adverse effects is based on the same process used for evaluating EQ benefits. This process is given in paragraph (b) of this section.

(d) *Net effect on environmental quality.* The net effect on environmental quality is based on an appraisal of the EQ beneficial and adverse effects. This appraisal is to be conducted on each alternative plan to determine if it has net benefits, net adverse effects, or no net EQ effect. This determination is to be made by the appropriate agency decisionmaker on the basis of the summary appraisal of effects. Institutional recognition, public concern, and technical and scientific judgment factors are to be explicitly included in the determination of the net EQ effect. The basis for the determination is to be clearly documented.

§ 711.63 Regional economic development account.

(a) *General.* (1) The RED account registers changes in the distribution of regional economic activity as a result of each alternative plan. Two measures of the effects of the plan on regional economies are used in the account: regional income and regional employment.

(2) The regions used for RED analysis are those regions within which the plan will have particularly significant income and employment effects. Effects of a plan not occurring in the significantly affected regions are to be placed in a "rest of nation" category.

(3) There are major difficulties in estimating some effects in the RED account. RED effects may be excluded if they cannot be estimated in a sound manner or will not have a material bearing on the decisionmaking process.

(b) *Positive effects on regional economic development.* (1) *Regional income.* The positive effects of a plan on

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a region's income are equal to the sum of the NED benefits that accrue to that region, plus transfers of income to the region from outside the region.

(i) *Regional incidence of NED benefits.* Because of the definition of region used for the RED account, all or almost all the NED benefits for the plan should accrue to the regions being analyzed. The NED benefits of a plan that accrue to a region are to be organized in the same benefit categories used in the NED account.

(ii) *Transfers.* (A) Income transfers to a region as a result of a plan include income from: project outlays, transfers of basic economic activity, indirect effects, and induced effects. In each case income transfers refer to increases in income within the region rather than to increases in total expenditure. These increases in income are closely associated with value added by economic activity in the region.

(B) Income from project outlays is that portion of project outlays that become income in the regional economy.

(C) Income from transfers result from shifts in basic economic activity to the region from outside the region. These shifts refer to changes in the location of economic activity between the with and without plan conditions.

(D) Income from indirect effects is regional income resulting from expansion in the production of inputs to industries supplying increased final products and regional exports.

(E) Income from induced effects is regional income resulting from changes in consumption expenditures generated by increases in personal income.

(2) *Regional employment.* (i) The positive effects of a plan on regional employment are directly parallel to the positive effects on regional income, so the analysis of regional employment effects is to be organized in the same categories using the same conceptual bases as the analysis of positive regional income effects. Regional employment associated with each of the regional income categories is to be calculated and listed accordingly.

(ii) To the extent practical planning reports are to provide reasonable estimates of the composition of the increased employment by the relevant service, trade, and industrial sectors, including a separate estimate for agriculture. The nature of the employment increase to each sector is to be classified as to the level of skill required—unskilled, semiskilled, and highly skilled.

(c) *Negative effects on regional economic development.* (1) *Regional income.* The negative effects of a plan on a region's income are equal to the sum of the NED costs of the plan that are borne by the region, plus transfers of income from the region to the rest of the nation.

(i) *Regional incidence of NED costs.* The NED costs of a plan that are borne by a region are to be organized in the same categories used in the cost section of the NED account. Information from the cost allocation and cost sharing analysis undertaken as a part of the planning process will be needed to estimate these direct regional expenditures.

(ii) *Transfers.* Income transfers from the region include income losses from plan-induced shifts of industrial activity from the region to the rest of the nation, losses in existing transfer payments, plus any impacts that may affect the region as a result of NED costs or transfers from the region.

(2) *Regional employment.* (i) The negative effects of a plan on regional employment are to be organized and analyzed using the same categories and conceptual bases used for negative regional income effects (Paragraph (c)(1) of this section).

(ii) The categorization of negative regional employment effects is to be the same as for the positive regional employment effects (Paragraph (b)(2) of this section).

(d) *Relationship between RED and NED effects.* To the extent possible, income information in the RED account is to be organized in the same categories as the NED benefits. The relationship between the affected regional economies and the national economy is to be recognized. Since the NED account registers all effects on the national economy, any differences between the regional and national economic effects of a plan must take the form of transfers from the rest of the nation. The effect of these transfers is to be registered in a "rest of nation" listing. The effects in each category of the rest of nation listing are to be equal to the difference between the RED effects and NED effects of a plan. This rest of nation listing is to be displayed in the RED account together with the RED and NED effects.

§ 711.84 Other social effects account.

(a) *General.* (1) The OSE account registers plan effects from perspectives which are not reflected in the other three accounts. The categories of effects in the OSE account may be the following: urban and community impacts [Office of Management and Budget Circular A–116); life, health, and safety factors; energy requirements and conservation.

(2) Effects are to be evaluated in terms of their impacts on the separate regions and communities affected.

(3) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or will not have a material bearing on the decisionmaking process may be excluded from the OSE account.

(b) *Urban and community impacts.* (1) Urban and community impacts are the impacts listed in Office of Management and Budget [OMB) Circular A–116, which implements Executive Order 12074, Urban and Community Impact Analysis (3 CFR 217). While a formal and detailed Urban and Community Impact Analysis, as defined in OMB Circular A–116, is not required for Level C studies, the specified types and locations of significant impacts are to be reported in the OSE account.

(2) The principal types of urban and community impacts are—

(i) Income, especially that of low income households (as defined in the Comprehensive Employment and Training Act (§3, Pub. L. 95–524, 92 Stat. 1909));

(ii) Employment, especially minority employment;

(iii) Population size and composition;

(iv) The fiscal condition of the State and local governments; and

(v) the quality of urban and community life.

(3) Impacts include direct and indirect effects and are to be reported in both absolute and relative terms.

(4) Impacts are to be reported for the following types of places: central cities; suburban communities; nonmetropolitan communities; distressed cities [as defined by HUD, Office of Urban Development Action Grants); communities with higher than average rates of unemployment; communities with per capita income lower than the U.S. average; and other categories of places considered appropriate.

(c) *Life, health, and safety.* Effects in this category include items such as risk of flood, drought, or other disaster affecting the security of life, health, and safety; and risk of dam failure and potential loss of life, property, and essential public services.

(d) *Energy requirements and conservation.* Effects in this category include items such as use of non-renewable energy resources during construction and operation of facilities; and conservation of non-renewable energy resources.

Subpart G—Displays

§ 711.70 General.

(a) Displays are graphs, tables, and summary statements in a format which facilitates the analysis and comparison of alternative plans. Concise, understandable displays are needed during the planning process and to provide documentation in compliance with NEPA.

(b) Displays are to be prepared to facilitate the analysis and comparison of alternative plans necessary to make the following determinations:

(1) The effectiveness of given plans in solving the problems and taking advantage of the opportunities identified in the planning process.

(2) What must be given up in monetary and nonmonetary terms to enjoy the benefits of the various alternative plans.

(3) The differences among alternative plans in terms of their effects on the NED and EQ objectives and their regional economic development and other social effects.

§ 711.71 Content and format.

The content and format of the displays is to be determined by the planning agency subject to the following requirements:

(a) Displays are to report the present and projected future resource conditions without any of the alternative plans and describe the problems and opportunities related to the planning setting.

(b) Displays regarding candidate plans (§ 711.90) are to include:

(1) Measures in each plan;

(2) Effects in the NED, ED, RED, and OSE accounts; and

(3) Differences between the effects of the recommended plan and the effects of each of the other candidate plans. These differences are to be set forth in a consistent manner so that positive and negative differences in effects are readily discernible.

(c) Alternative plans that were considered but did not become candidate plans are to be briefly described. This description is to include the measures, the effects, and the reasons for their not becoming candidate plans.

Subpart H—Cost Allocation

§ 711.80 General.

(a) Cost allocation is the process of apportioning financial costs among purposes served by a plan. The need for cost allocation among purposes stems from pricing and cost-sharing policies that vary among purposes. Cost allocation among purposes and the apportionment of cost shares to Federal and non-Federal public and private interests are steps in the preparation of RED and OSE accounts.

(b) Financial costs are to be allocated to those purposes served by a plan. Purposes include benefit categories other than external economies and use of otherwise unemployed or underemployed labor resources. All purposes are to be treated comparably.

(c) Financial costs may differ from NED costs. Financial costs may include transfer payments, but do not include associated costs, other direct costs, and external diseconomies.

§ 711.81 Basic concepts.

(a) Separable cost for each purpose in a plan is the reduction in cost that would result if that purpose were excluded from the plan. This reduction in cost will include—

(1) The cost of facilities and activities serving only the excluded purpose; and

(2) Reductions in the cost of facilities and activities serving multiple purposes.

(b) Joint cost is the total cost for a plan minus the sum of separable costs for all purposes.

(c) Remaining benefit for each purpose is the amount, if any, by which the NED benefit for that purpose exceeds the separable cost for that purpose.

§ 711.82 Cost allocation procedures.

The cost allocation procedure is determined by the relationship between joint costs and the sum of remaining benefits for all purposes.

(a) If joint cost is smaller than the sum of remaining benefits for all purposes, costs are to be allocated by a procedure commonly known as the "separable costs—remaining benefits" method. This procedure consists of the following steps:

(1) Estimate NED benefit for each purpose.

(2) Estimate separable cost for each purpose.

(3) Determine remaining benefit for each purpose.

(4) Determine joint cost.

(5) Allocate joint cost among purposes in proportion to remaining benefits.

(6) Determine the total allocation to each purpose by summing for each purpose the separable cost and the allocated share of joint cost.

(b) If joint cost is larger than the sum of remaining benefits for all purposes, the allocation of cost to each purpose is to be—

(1) The larger of separable cost for that purpose or NED benefit for that purpose; and

(2) An additional share of cost assigned by the agency decisionmaker.

§ 711.83 Allocation of component cost.

Cost sharing policies for some purposes pertain to cost components, such as land costs, construction costs, and operation and maintenance costs. An allocation of component cost among purposes by the separable costs—remaining benefits method does not alter the total allocation to each purpose. Costs for each cost component specified in the relevant cost sharing policy are to be allocated among purposes.

§ 711.84 Two-step procedure for determining separable cost.

A two-step procedure for determining separable cost may be used in limited cases where a significant part of total cost is incurred for two or more but not all purposes. Cost separable to two (or more) purposes but not separable to individual purposes may be allocated among the two (or more) purposes in proportion to remaining benefits. The sum by purpose of separable cost and allocated joint cost (joint to the two or more but not all purposes) are then treated as separable cost in allocating total cost among all purposes. The agency decisionmaker is to decide if the cost incurred for two or more but not all purposes is significant enough to justify the effort required for the two-step procedure.

§ 711.85 Use of other methods.

The agency decisionmaker is to use judgment to determine whether or not the prescribed method yields unreasonable results. If the agency decisionmaker judges that it does, he or she may grant an exception to the use of the prescribed method. Such a decision and the reasons for it are to be documented. In such cases, an alternative method that makes a more equitable distribution of costs commensurate with benefits will be used.

Subpart I—Plan Selection

§ 711.90 General

The planning process leads to the identification of alternative plans that could be recommended or selected. These plans are referred to as candidate plans. It is from among these plans that a recommended plan is to be selected. The culmination of the planning process is the selection of the recommended plan to be implemented, or the decision to take no action. The selection is to be based upon a comparison of the effects of alternative plans.

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§ 711.91 Candidate plans.

The previous formulation steps including application of the four tests (See § 711.104(e)) should effectively identify the alternative plans that are to be considered as candidates for a recommended plan. The candidate plans should be significantly differentiated from each other, primarily in terms of their emphasis on the NED and EQ objectives; that is, each plan should make a unique contribution to one or both objectives not made by others under consideration. The candidate plans include those required alternative plans specified in § 711.51 (i.e., NED, EQ, nonstructural) as well as other appropriate alternative plans (See § 711.52).

§ 711.92 Selection.

(a) The alternative of taking no action, i.e., selecting none of the alternative plans, is to be fully considered.

(b) Selection of the recommended plan is to be made by the agency decisionmaker for Federal projects and by State and local sponsors for Federally-assisted projects.

(c) The basis of selection is to be fully reported, including considerations used in the selection process. An explicit presentation is to compare the recommended plan to the other candidate plans.

§ 711.93 Net benefits rule.

(a) A recommended plan (when considered individually on the basis of the with-plan versus without-plan comparison) must have combined beneficial NED and EQ effects that outweigh combined adverse NED and EQ effects. For example, a plan lacking net NED benefits may be recommended if net EQ benefits are sufficiently large, even though EQ benefits are not stated in monetary terms.

(b) The Secretary of a Department or head of an independent agency may make an exception to the net benefits rule if circumstances warrant such exception. A decision to make an exception is to be documented and the reasons given.

Subpart J—Planning Process

§ 711.100 Introduction.

The planning process consists of a series of steps that identify or respond to problems and opportunities and culminates in a recommended or selected plan. The process involves an orderly and systematic approach to making determinations and decisions at each step so that the interested public and decisionmakers in the planning organization can be fully aware of the basic assumptions employed, the data and information analyzed, the reasons and rationales used, and the full range of implications of each alternative plan.

§ 711.101 Major steps.

(a) The planning process consists of the following major steps:

(1) Specify the water and related land resources problems and opportunities (relevant to the planning setting) associated with the NED and EQ objectives;

(2) Inventory and analyze water and related land resource conditions within the planning area;

(3) Formulate alternative plans;

(4) Evaluate the effects of the alternative plans;

(5) Compare alternative plans; and

(6) Select a recommended plan based upon the comparison of alternative plans.

(b) Plan formulation is a dynamic process whose various steps should, at a minimum, be reiterated one or more times. This reiteration process, which may occur at any step, may sharpen the planning focus or change its emphasis as new data are obtained or as the specification of problems or opportunities changes or becomes more clearly defined.

§ 711.102 Specification of the problems and opportunities associated with the NED and EQ objectives.

(a) The desire to alleviate problems, realize opportunities, and protect environmental characteristics is to be specified for the planning area in terms of the NED and EQ national objectives (See Subpart C).

(b) The problems and opportunities are to be defined so that meaningful levels of achievement are identified. This will facilitate the formulation of alternative plans in cases where there may be resource, technical, legislative, or administrative constraints to the total alleviation of a problem or realization of an opportunity.

(c) The problems and opportunities are to be stated for both current and future conditions. Desired conditions for the future should be explicitly stated.

(d) The problems and opportunities are to reflect the specific effects that are desired by groups and individuals as well as the problems and opportunities declared to be in the national interest by the Congress or by the Executive Branch. This identification and detailing of problems and opportunities is the process of making explicit the range of preferences and desires of those affected by resource development. It should be understood that the initial expressions of problems and opportunities may be modified during the planning process.

§ 711.103 Inventory water and related land resource conditions within the planning area.

The opportunity to alleviate problems and realize opportunities is determined in the inventory phase. The inventory of resource conditions is to be related to the problems and opportunities previously identified. (See Subpart D.)

§ 711.104 Formulation of alternative plans.

(a) *General.* The alternative plans to be formulated are identified in Subpart E.

(b) *Steps in formulation.* Alternative plans are to be formulated in a systematic manner. The following steps are provided for guidance but may be adjusted for the particular planning setting.

(1) Array problems or opportunities that are essentially complementary, that is, the satisfaction of one of the problems or opportunities does not preclude satisfaction of other problems or opportunities.

(2) Identify relevant alternative measures for alleviating problems or realizing opportunities. An analysis should be made for each alternative measure, including an identification of the beneficial and adverse consequence to other problems and opportunities. The assembly of information on alternative measures will provide a basis for selecting the most effective measure, or combination of measures for satisfying problems and opportunities and for identifying the problems and opportunities that are not satisfied.

(3) Group the measures that are essentially in harmony to satisfy the problems and opportunities. Each set of measures represents the nucleus for an alternative plan.

(4) Formulate the required alternative plans (See § 711.51) and other alternative plans (See § 711.52).

(c) *Implementation schedule.* Formulation should consider the likely schedules of implementation to identify the schedule that would result in the most desirable mix of contributions to the national objectives. Alternative plans should be scheduled for implementation so that desired beneficial effects are achieved efficiently and effectively.

(d) *Increments.* A major increment of an alternative plan is to be included only if the beneficial effects of the proposed increment are judged to outweigh its adverse effects.

(e) *Plan tests.* Alternative plans should be analyzed to determine how well each plan meets the tests of completeness, effectiveness, efficiency, and acceptability. The results of the tests should be considered by the agency decisionmaker in selecting the recommended plan.

(1) The completeness test determines the extent to which a given alternative plan provides and accounts for all necessary investments or other actions to assure the planned effects. This may require relating the plan to other types of public or private plans if the other plans are crucial to the realization of the contributions to the objectives. Beneficial and adverse effects must be treated comparably when relating water and land resources plans to other plans.

(2) The effectiveness test determines the extent to which a plan alleviates the specified problems and achieves the specified opportunities.

(3) The efficiency test determines whether, among all acceptable alternative measures, (Federal and non-Federal, water and nonwater, structural or nonstructural), the given alternative plan includes the least cost means of alleviating specified problems and realizing specified opportunities associated with the NED and EQ objectives.

(4) The acceptability test is a determination of the workability and viability of the alternative plan in the sense of acceptance by the public and its compatibility with existing laws, regulations, and public policies.

§ 711.105 Evaluation of effects.

(a) *General.* The evaluation of the effects of each alternative plan consists of an assessment and appraisal.

(b) *Assessment.* Assessment is the process of measuring or estimating the effects of an alternative plan. Assessment determines the difference between without-plan and with-plan conditions for each of the categories of effects identified in Subpart F—Accounts.

(c) *Appraisal.* (1) Appraisal is the process of placing social values on the technical information gathered as part of the assessment process.

(2) Since technical data concerning benefits and costs in the NED account are expressed in dollar terms, the NED account already contains a weighting of effects; therefore, appraisal is applicable only to the EQ, RED, and OSE accounts.

(d) *Displays.* The information from evaluation is to be displayed according to the directions provided in Subpart G—Displays.

§ 711.106 Comparison of alternative plans.

(a) The comparision of plans focuses on the differences between the alternative plans as determined from the evaluation phase (See § 711.105).

(b) The differences are to be organized on the basis of the effects in the four accounts. Each plan is compared with other plans.

(c) The comparison of plans usually results in the designation of some of the alternative plans as candidate plans. This designation may be changed based on a refinement of data or analyses, reiteration, expressions of public concern, etc. See § 711.108

§ 711.107 Plan selection.

After consideration of the various alternative plans, their impacts, and after the appropriate reiterations, a plan is selected by the agency decisionmaker following the general guidance in Subpart I.

§ 711.108 Reiteration.

(a) The planning process described in these Principles and Standards is an iterative process in which returning to earlier phases is a key to successful implementation. Reiteration will frequently occur upon completion of the comparison of plans. Among the reasons for returning to an earlier phase at this point, or at any point, are the following:

(1) More detail is needed as basis for selection of a recommended plan;

(2) The consideration of alternative plans reveals significant shortfalls in alleviating the problems or realizing the opportunities of one or both of the objectives;

(3) Information obtained on resource capability and alternative plans suggests that the initial specification of problems or opportunities was in error and requires modification;

(4) Public policy changes occurring during the planning study suggest the need for change in emphasis for the NED or EQ objectives; and

(5) The consideration of alternative plans reveals significant adverse effects.

(b) The above reasons are only suggestive of the need for returning to an earlier planning step. As a general guide, the extent and number of reiterations should be based on a judgment of whether or not new information, further detail, or other changes are likely to result in significant changes in the identified problems or opportunities or in the plans considered.

3. By amending Part 713 as follows:

PART 713—PROCEDURES FOR EVALUATION OF NATIONAL ECONOMIC DEVELOPMENT (NED) BENEFITS AND COSTS IN WATER RESOURCES PLANNING (LEVEL C)

a. Section 713.3 is to be amended by redesignating the existing text of paragraph (b) as paragraph (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 713.3 Agency activities covered by the manual

* * * * *

(b)(1) * * *

(2) The discretionary authority for project purposes covered under Subparts J and L applies to those projects not yet authorized or for which preauthorization planning is now complete or will be complete by the end of FY 1981 and to those authorized projects requiring post-authorization planning if such planning is now complete or will be completed by the end of the FY 1981. This discretionary authority extension for Subparts J and L may not be exercised after July 31, 1982.

* * * * *

b. By adding Subparts J and L to read as follows:

Subpart J—NED Benefit Evaluation Procedures—Transportation (Deep-Draft Navigation)

Sec.

713.801 Introduction.
713.803 Conceptual basis.
713.805 Planning setting.
713.807 Evaluation procedure.
713.809 Problems in application.
713.811 Report and display procedures.

Authority: Sec. 103, Pub. L. 89–80; 79 Stat. 245; 42 U.S.C. 1962 a–2.

Subpart J—NED Benefit Evaluation Procedures: Transportation (Deep-Draft Navigation)

§ 713.801 Introduction.

This chapter presents the procedure to be followed in measuring the beneficial contributions to national economic development (NED) associated with the deep-draft navigation features of water resources plans and projects. Deep-draft navigation features include construction of new harbors and channels and improvements of existing or natural harbors. Harbor improvements include such structural projects as the construction of breakwaters and jetties to protect exposed harbors and the provision of entrance channels, interior channels, turning basins, and anchorage areas. Nonstructural deep-draft plans consist of such measures as improved traffic management and pilotage regulations.

§ 713.803 Conceptual basis.

The benefits from Federal navigation projects and plans are the gains in national economic efficiency and the increase in the value of output for goods

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and services. Principal direct navigation benefits are categorized as follows:

(a) *Transportation benefits.* Specific transportation savings may result from the use of larger vessels; more efficient use of existing vessels; reductions in transit time; lower cargo handling and tug assistance costs; and reduced interest and storage costs from an extended navigation season.

(1) *Cost reduction benefits.* Transportation benefits in the waterborne movement of commodities are the savings in resources from not having to use a more costly alternative means of transportation. Cost reduction benefits are categorized as follows:

(i) *Same commodity, origin-destination, and harbor.* These benefits apply to commodities now moving or expected to move via a given harbor with compared to without the proposed improvement. These benefits apply to existing harbors.

(ii) *Same commodity and origin-destination; different harbor.* These benefits apply to commodities that are now moving or expected to move via alternative harbors without the proposed improvement but that would, with the proposed plan, be diverted through the subject harbor with no change in final origin or destination. These benefits apply to both new and existing harbors.

(2) *Benefits from shifts in the origin and destination of commodities.* The improvement of a harbor may provide economic incentives for the development of commodity sources and points of use and result in traffic movements different from those that would prevail in the absence of the proposed plan. Analysis may indicate that users of the harbor would increase their share of a given market at the expense of other suppliers or users. These benefits apply at both new and existing projects.

(3) *Benefits from induced commodities.* If the proposed plan would induce new traffic that would not be expected without the plan because of prohibitive cost or lack of any available transportation, the resulting benefit can be measured as the delivered price of the commodity minus all associated economic costs.

(b) *Benefits from prevention or reduction of damages.* To the extent that the savings are not otherwise claimed, benefits can be claimed for the prevention or reduction of navigation damages to vessels and shore facilities; cleanup costs; and losses in beneficial uses due to collisions, groundings, and wave damages caused by hazardous or inadequate channel conditions.

(c) *Benefits from advance replacement, operation, and maintenance savings.* Benefits may be claimed when a proposed Federal project includes replacement of existing improvements if replacement would extend the period over which existing benefits would be realized. Benefits may also be claimed if the proposed project would reduce the costs of maintenance and operation of existing improvements unless clear evidence is available that maintenance is unjustified. This type of benefit may be claimed for any project purpose and is not unique to navigation.

(d) *Dredged material utilization benefits.* (1) A new harbor or the modification of an existing harbor often produces incidental land enhancement benefits from the use of the dredged material. This benefit is not unique to navigation and may apply to any project utilizing fill material. A land enhancement benefit is calculated on the basis of the change in market value of the land made usable by the fill material (limited to the cost of equivalent fill). This market value should exclude the impact of the proposed navigation improvement to avoid double counting of benefits.

(2) A similar incidental benefit may result if dredged material has a saleable value for various purposes (e.g., coral and sand).

§ 713.805 Planning setting.

The planning setting consists of the physical, economic and policy conditions that influence and are influenced by a proposed plan or project over the planning period. The planning setting is defined in terms of a without-project condition and with-project condition.

(a) *Without-project condition.* The without-project condition is the most likely condition expected to exist over the planning period in the absence of a plan or any significant change in law or public policy. It provides the basis for estimating benefits for alternative with-project conditions. Assumptions specific to the study are to be stated and supported. The basic assumptions for all studies are:

(1) Nonstructural practices within the authority and ability of port agencies, other public agencies, and the transportation industry will be considered to determine changes that are likely to occur. These practices may consist of reasonably implementable changes in management and use of existing vessels and facilities on land and water. Particular attention should be paid to the attitudes of public agencies and private industries towards the impact, economic efficiency, and acceptability of proposed nonstructural practices. Nonstructural alternatives include, but are not limited to, lightering, tug assistance, use of favorable tides, split deliveries, topping off, alternative ports, and trans-shipment facilities.

(2) Alternative harbor and channel improvements available to the transportation industry over the planning period include those in place and under construction at the time of the study and those authorized projects that can reasonably be expected to be in place over the planning period.

(3) All existing laws and charges required by law will be assumed to remain in effect.

(4) Authorized operation and maintenance will be assumed to be performed in the harbors and channels over the period of analysis unless clear evidence is available that maintenance of the project is unjustified.

(5) In projecting commodity movements involving intermodal movements, sufficient capacity of the hinterland transportation and related facilities, including port facilities, will be assumed unless there is substantive data to the contrary.

(6) A reasonable attempt should be made to reflect advancing technology affecting the transportation industry over the period of analysis. However, the benefits from improved technology should not be credited to the navigation improvement.

(b) *With-project condition.* The with-project condition is the one expected to exist over the period of analyses if a project is undertaken. The with-project condition is to be described for each alternative plan. Since benefits attributable to each alternative will generally be equal to the difference in the total transportation costs with and without the project, the assumptions stated for the without-project condition must be used to establish the with-project condition for each alternative. The alternatives will include a primarily nonstructural plan presented in a manner comparable to structural plans.

(1) Specific nonstructural alternatives for deep ports are generally within the discretion of the private shipper or carrier and therefore are part of the without conditions.

(2) Nonstructural alternatives that are sometimes within the discretion of a public entity and are therefore subject to change in the with condition include, but are not limited to, traffic management, pilotage regulations, addition of berths, and additions or modifications to terminal facilities.

(c) *Display.* The derivation and selection of with and without project conditions shall be clearly presented in

planning reports in accordance with the following guidelines:

(1) The assumptions specific to the study shall be stated.

(2) The significant technical, economic, environmental, social, and other elements of the planning setting to be projected over the period of analysis will be specified. The rationale for selecting these elements will be clearly discussed.

(3) The with and without project conditions will be presented in appropriate tabular and graphic displays with respect to the elements selected as in paragraph (2) of this section and as exemplified by Tables 1, 4, 5, and 6.

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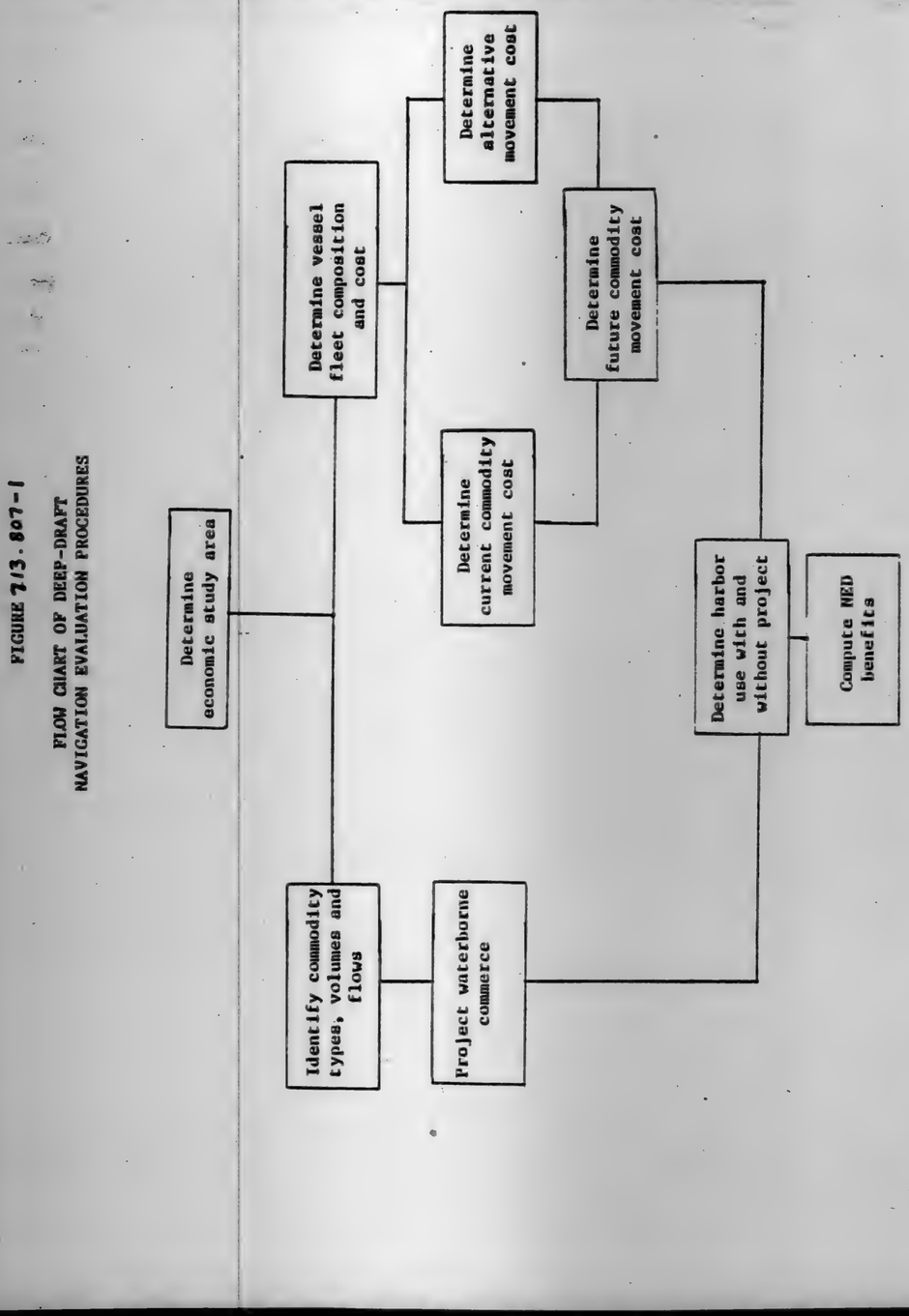

FIGURE 713.807-1
FLOW CHART OF DEEP-DRAFT NAVIGATION EVALUATION PROCEDURES

§ 713.807 Evaluation procedure.

The following steps are used to estimate navigation benefits. The level of effort expended on each step depends upon the nature of the proposed improvement, the state-of-the-art for accurately refining the estimate, and the sensitivity of project formulation and justification to further refinement. A flowchart of navigation evaluation procedures is shown in Figure 713.807–1.

(a) *Step 1—Determine the economic study area.* The trade area that is economically tributary to the proposed harbor and channel improvement must be delineated. An assessment must be made of the types and volumes of commodities being shipped into and out of this trade area. The economic study area is the area within which these commodities will flow via the improvement under study. The delineation and description of the trade area requires a study of the transportation network geographically tributary to the studied improvement in order to determine the area that can be served more economically by the improvement. Diversion from or to adjacent competitive harbors as well as distribution via competing modes of transport must be considered. It should be recognized that the lines of demarcation for the economic study area are not fixed and that the area may expand or contract as a result of innovations or technological advances in transportation and/or production or utilization of a particular commodity. The economic area is likely to vary for different commodities. Combinations of economic areas will result in a trade area delineated specifically for the improvement under study. However, in many cases, due to the close proximity of adjacent harbors to the proposed improvement, the economic study area may be the same as, or overlap with, such adjacent harbors. Therefore, in the final delineation of the trade area for a given improvement, there should be adequate discussion of the trade area relative to adjacent ports and any commonality that might exist.

(b) *Step 2—Identify types and volumes of commodity flow.* To estimate the types and volumes of commodities that now move on the existing project or that may be attracted to the proposed improvement, an analysis must be made of commerce that flows into and out of the economic study area. This analysis results in an estimate of gross potential cargo tonnage; the estimate is refined by successive steps to give an estimate of prospective commerce that may reasonably be expected to use the harbor during the period of analysis in light of existing and prospective conditions. If benefits from economics of ship size are related to proposed deepening of the harbor, generally only a few commodities or types of shipments will be affected. Thus, an historical summary of types and trends of commodity tonnage should be displayed. The steps and considerations generally involved in estimating current volumes of prospective commerce are:

(1) If the plan consists of further improvement of an existing project, statistics on current waterborne commerce will provide the basis for evaluation. For new harbors where there is no existing traffic, or for existing commodity movements that may be susceptible to diversion from adjacent harbors, basic information is collected by means of personal interviews or questionnaires sent to shippers and receivers throughout the economic study area. Secondary commercial data are usually available through State and local public agencies, port records, and transportation carriers. In the case of new movements, attention shall be given to resource and market analyses.

(2) After determining the types and volumes of commodities currently moving or expected to move in the economic study area, it is necessary to obtain origins, destinations, and vessel itineraries in order to analyze the commodity types and volumes that are expected to benefit from the proposed improvement. Commodities that are now moving without the project but that would shift origins or destinations with the project, as well as induced movements, should be segregated for additional analysis (see steps 5 and 6). A study should be made of various alternatives for the existing traffic and of new traffic susceptible to diversion from alternative harbors or other modes of transportation. The objective of such a study is to determine the type and volume of those commodities for which savings could be affected by movement via a proposed navigation improvement and the likelihood that such movements would occur. Savings must be sufficient to divert traffic from established distribution patterns and trade routes. Particular attention should be given to alternative competitive harbors in the case of new movements and to hinterland traffic in determining the likelihood of prospective commerce. Elements to be considered in subjecting the current tonnage to further analysis include, but are not limited to, the following: size and type of vessel, annual volume of movements, frequency of movements, volume of individual shipments, adequacy of existing harbor and transportation facilities, rail and truck connections, and service considerations. As a general rule, this prospective traffic is the aggregate of a large number of movements (origin-destination pairs) of many commodities; the benefit from the navigation project is the savings on the aggregate of these prospective movements.

(c) *Step 3—Project waterborne commerce.* (1) Projections of the potential use of the harbor under study shall be developed for selected years from the time of the study until the end of the period of analysis. Commodity projections shall be set forth and documented for the commodity groups identified in Step 2. The methods used to make the projections must be defensible and must be coordinated with government entities that have expertise concerning the commodities being considered. It may be necessary to use more than one method, depending on the availability of data. For example, OBERS projection data may be found to be inappropriate, and the method for imports is likely to be different from the method of exports. The analyst shall undertake independent studies to ascertain the most appropriate projection methodologies, basing the final choice on an assessment of the available secondary data. These data will assist in delineating the limits on the rate of increase in waterway traffic and facilitate a better understanding of the problem of projections. Secondary data shall be supplemented with (i) interviews of relevant shippers, carriers, and port officials; (ii) opinions of commodity consultants and experts; and (iii) historical flow patterns. Commodity projections shall be constructed on the basis of the results of the independent studies. The projection methodologies selected should be described in sufficient detail to permit a review of their technical adequacy.

(2) Sensitivity analysis of several levels of projections may be needed for the economic analysis. There may be a high level projection embodying optimistic assumptions and a low level projection based on assumptions of reduced expectations. The high and low projections should bracket the most foreseeable conditions. The third and fourth levels of projections can reflect the with- and without-project conditions based on the most likely estimates of the future. If a proposed plan would not induce commodity growth, one level of projection may be shown for both the with- and without-project conditions.

(3) The commodities included in the projections should be identified, if possible, according to the following

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waterborne modes: containerized, liquid bulk, dry bulk, break-bulk, etc. Projection-related variables include estimated value, density, and perishability. The commodities should also be categorized by imports, exports, domestic shipments, domestic receipts, and internal trade. Projected tonnages by trade areas both with and without the project should be displayed at least for the study year, the base year, fifth year, tenth year, and then by decades over the period of analysis.

(4) Most projections of waterborne commerce are static estimates of dynamic events; therefore, the projections should be sufficiently current to support the report conclusions.

(d) *Step 4—Determine vessel fleet composition and cost.* (1) *Vessel fleet composition.* A key component in the study of deep-draft harbor improvements is the size and characteristics of the vessels expected to use the project. Data on past trends in vessel size and fleet composition, and anticipated changes in fleet composition over the project life will be presented. Estimates of future fleet will be consistent with domestic and world fleet trends and based on data provided from various sources including, but not limited to, United States Maritime Administration, Office of the Chief of Engineers, trade journals, trade associations, shipbuilding companies, and vessel operating companies. The completed study of the foreign and/or U.S. fleet will be translated to the particular area under study in order to determine the composition of the current and future fleet that would utilize the subject harbor both with and without the proposed improvement. Adequate lead time must be provided for anticipated changes in fleet composition for vessels that are currently a small part of the world fleet. Size selection may vary according to trade route, type of commodity, volume of traffic, canal restrictions, foreign port depths, and lengths of haul. It may not be realistic or acceptable to assume that the optimum size vessel is always available for charter; the preferred approach is a fleet concept that includes a range of vessels expected to call with and without the project. It is suggested that tabulations in the report show composition of vessel fleets by deadweight tonnage for each type of vessel beginning with the current fleet and by decades through the period of analysis. Historical records of trips and drafts of vessels calling at the existing project should also be displayed.

(2) *Vessel operating costs.* To estimate transportation costs, deep-draft vessel operating costs must be obtained for various types and classes of foreign and United States flag vessels expected to benefit from using the proposed improvement. Since vessel operating costs are not readily available from ocean carriers or from any central source, such costs will be developed and provided by the Office of the Chief of Engineers on an annual basis for use in plan evaluation. Planners may determine to what extent, if any, these vessel costs must be modified to meet the needs of local conditions. Selected vessel operating costs will be clearly displayed in the report so that reviewers may compare the costs used in the report with those costs developed and maintained by the Corps of Engineers.

(e) *Step 5—Determine current cost of commodity movements.* Transportation costs prevailing at the time of the study will be determined for all tonnage identified in Step 2. Transportation costs shall include the full origin-to-destination cost, including handling, transfer, storage, and other accessory charges. Costs will be constructed for the with- and without-project condition. The without-project condition will be based on costs and conditions prevailing at the time of the study. Costs with improvement will reflect any efficiencies that can be reasonably expected, such as use of larger vessels, increased loads, reduction in transit time and delays (tides), etc.

(f) *Step 6—Determine current cost of alternative movement.* Transportation costs prevailing at the time of the study will be determined for all tonnage identified in Step 2 for alternative movements. The cost shall include the full origin-to-destination cost. Such alternatives include, but are not limited to, competitive harbors, lightering, lightening and topping-off operations, off-shore port facilities, trans-shipment terminals, pipelines, traffic mangement, pilotage regulations, and other modes of transportation. Competitive harbors with existing terminal facilities and sufficient capacities shall be considered as possible alternatives for traffic originating in or destined to the hinterland beyond the confines of the harbor and for all other new commerce as well as all diverted traffic. Commerce with final origins and destinations within the confines of the study harbor is normally noncompetitive with other harbors and need not be considered for diversion unless unusual circumstances exist. Diversion of established commerce now moving through the existing harbor to or from the hinterland is dependent on many different cost and service factors; therefore, to assure that all of these factors are included in the analysis, interviews and consultations with shippers and receivers should be conducted prior to any determination concerning diversion of traffic. Factors to be considered in the analysis will include, but are not limited to, transportation costs for both inland and ocean movement, handling and transfer charges, available service and schedules, carrier connections, institutional arrangements, and other related factors. In addition, for commodities with shifts in origins and destinations, as well as for new movements, data must be collected on the value of the delivered product as well as production and transportation costs for shipments with the project. The specific data and method of collection will vary with the specific situation and the nature of the benefit.

(g) *Step 7—Determine future cost of commodity movements.* Relevant shipping costs during the period of analysis and future changes in the fleet composition, port delays, and port capacity must be estimated under the with- and without-project conditions for each alternative improvement under study. Future transportation costs will be based on the vessel operating cost prevailing at the time of the study. Additional analysis may be necessary to obtain data on the relationship between total volume and delay patterns and port capacity for the with- and without-project condition for each alternative. Changes in costs due to the project should be identified and separated from changes due to other factors.

(h) *Step 8—Determine project use with and without project.* At this point, the analyst will have a list of commodities that potentially might use the proposed improvement; potential tonnages of each commodity; transportation costs for alternatives and for the proposed improvement; and present and future fleet composition with and without the proposed plan. To project the proposed harbor use over time, both with and without the project, the analyst must compare costs, other than project costs, for movements via the proposed plan and via each alternative. Any changes in the cost functions and demand schedules in the current and future without condition and the current and future with condition must be analyzed. Conceptually, this step should include all factors that might influence a demand schedule. The analyst must determine the impact of uncertainty in the use of the harbor; the level of service provided; and existing and future inventories of vessels. Adequate lead time for adoption must be provided for vessels that are currently a small percentage of the world fleet.

(i) *Step 9—Compute NED benefits.* Once the tonnage moving with and without a plan is known and the cost via the proposed harbor and via each alternative are known, total NED navigation benefits will be computed using the applicable discount rate.

(1) *Cost reduction benefits.* (i) *Traffic with same commodity, origin-destination, and harbor.* For traffic now using the harbor or expected to use it, in the future, both with and without the proposed project, including future growth, the transportation benefit is the difference between current and future transportation cost for the movement by the existing project (without-project condition) and the cost with the proposed improvement (with-project condition).

(ii) *Traffic with same origin-destination; different harbor.* For commerce shifted to the proposed improvement from other harbors or alternatives, including future growth, the benefit is any reduction in current and future costs when movement via the proposed improvement is compared with each alternative.

(2) *Shift in origin-destination benefits and new movement benefits.* This benefit is the value of the delivered product minus the transportation and production costs with the project (Steps 2 and 6). The benefit must be cross-checked against each currently available production and transportation alternative to ensure that the project causes the changed movement and will be used when built.

(3) *Prevention and reduciton and damages benefits.* Benefits for the prevention or reduction of damages to vessels and shore facilities, cleanup costs, and losses in beneficial uses may be difficult to measure. Direct interview and empirical studies are the most appropriate means of determining past damages and losses. Reduction in collisions, groundings, and damages to shore facilities will be based on the probability of accidents with and without the project. Past damages from collisions and groundings can be used in frequency-damage relationships for claiming benefits.

(4) *Advance replacement and operation-maintenance benefits.* The benefit for advance replacement of existing improvements will be for replacement-in-kind. Replacement that involves improvement will be separately identified. When the operation and maintenance costs of an existing harbor are reduced as a result of a project, benefit equal to savings in cost is creditable to the project.

(5) *Land enhancement and dredged material utilization benefits.* The net benefit from filled land created by disposition of dredged material from the proposed improvement is the net increased market value, limited to the cost of equivalent fill, exclusive of development costs and any additional costs of depositing the dredged material. If the dredged material has salable value, the benefits may be the fair market value of the material.

§ 713.809 Problems in application.

(a) *Multiport analysis.* The procedure in this manual calls for a systematic determination of alternative routing possibilities. The data needed for such a determination are often difficult to obtain; therefore, interviews with knowledgeable experts will often have to be relied upon.

(b) *Ultimate origins and destinations.* The procedure calls for an analysis of full origin-destination costs to determine routings as well as to measure benefits in some instances. Problems will arise in determining the ultimate origins and destinations of commodities and in determining costs. Therefore, the analyst should attempt to shorten the analysis to the most relevant cost items.

(c) *Sensitivity analysis.* Risk and uncertainty must be addressed in the analysis. In dealing with uncertainty, three techniques may be used: establishing consistent sources of data; expanding the data-gathering effort; and estimating the range of benefits. The technique of estimating the range of benefits shall be implemented and the results in terms of effects on project benefits shall be computed and displayed in tabular form in the project report for the following:

(1) *Current tonnage.* Benefits for the recommended alternative shall be computed on the basis of current tonnage.

(2) *Current fleet.* Benefits for the recommended alternative shall be computed on the basis of tonnage over time using current fleet characteristics.

(3) *Growth beyond 20-year period.* Benefits for the recommended alternative shall be computed assuming no growth in tonnage or changes in fleet characteristics beyond 20 years in the future.

(4) *Other.* The report shall contain such other sensitivity analyses as are appropriate.

(d) *Data sources.* The following discussion summarizes key data sources, including problems in their use:

(1) *Interviews.* Data not available from secondary sources shall be collected by personal interviews. (Only interview forms approved by Office of Management and Budget shall be used.) The questionnaire used and a summary of responses shall be compiled and displayed in the project report in such a way that individual sources are not disclosed.

(2) *Publications.* Data concerning commerce in foreign trade, United States coastal shipping, and activities of U.S. flag vessels in foreign trade, together with limited data concerning the world fleet, are readily available from a number of Federal agencies, trade journals, and port publications. However, data concerning the foreign-flag fleet are often not regularly available in up-to-date form from sources in the United States. Principal governmental sources are the U.S. Army, Corps of Engineers, the U.S. Department of Commerce, Maritime Administration and Bureau of the Census. For more detailed background on world fleet trends, shipping outlooks, and vessel characteristics, available foreign literature must be carefully analyzed. A few of the available foreign ship registers and literature are listed below to illustrate the type of data available from foreign sources.

Lloyd's Register of Shipping, London (Annual).
The Tanker Register, H.B. Clarkson (Annual).
The Bulk Carrier Register, H.B. Clarkson (Annual).
Shipping Statistics and Economics (and special reports), H.P. Drewry, Ltd., London (Monthly).
Fairplay International Shipping Journal (and special reports), London (Monthly).

§ 713.811 Report and display procedures.

Clear presentation of study results, as well as documentation of assumptions and steps in the analysis, will facilitate review of the report. The accompanying tables are suggested for all navigations reports. The suggested tables are not intended to limit the number of displays, nor is each of the illustrated displays required in every report. The number of displays will depend on the complexity of the study.

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Table 713.811-1.—*Projected Vessel Fleet Size Distribution,*[a] —— *Fort Channel Plan*

[By percentage]

Vessel size (dwt)	Current[b]	Percentage of tonnage					
		Base year[c]	Year 5	Year 10	Year 20	Year—20	Yearend
	With project						
Total							
	Without project						
Total							

[a] Size distribution projections should be made separately, as follows: 1. For foreign and U.S. flag fleets. 2. For vessel types. 3. For trade routes (where distances, constrictions or other circumstances indicated varying sized vessel fleets). 4. For year project plan.
[b] Study year.
[c] First year of project.

Table 713.811-2.—*Typical Vessel Dimension of Vessel Fleet by Type and Deadweight Tonnage*

Type	Vessel characteristics			
	DWT	Length	Beam	Draft, loaded

Table 713.811-3.—*Computation of Annual Transportation Costs* [a] *for* ————

DWT group (000)	Foot channel				Foot channel				Foot channel			
	Tonnage carried		Unit cost	Total cost (000)	Tonnage carried		Unit cost	Total cost (000)	Tonnage carried		Unit cost	Total cost (000)
	Percent	Volume (000)			Percent	Volume (000)			Percent	Volume (000)		
Total												

[a] Similar computations should be included for major commodity movements.

Table 713.811-4.—*Projected Commerce for Deep-Draft Traffic*

Commodity[a]	Current[a]	Base year[b]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
	With project								
	Without project								

[a] Study year.
[b] First year of project.
[c] Commodities should be categorized by trade area.

Table 713.811-5.—*Projected Vessel Trips for Deep-Draft Traffic*

Vessel type[a]	Current[b]	Base year[c]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
	With project								
	Without project								

[a] Show projected vessel trips by type of vessel and total for project life.
[b] Study year.
[c] First year of project.

Table 713.811-6. *Project Savings for Deep-Draft Traffic*

Commodity[a]	Current[b]	Base year[c]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
	With project								
	Without project								

[a] Savings should be shown by commodity and total commerce.
[b] Study year.
[c] First year of project.

Subpart L—Benefit Evaluation Procedures—Commercial Fishing

Sec.
713.1001 Introduction.
713.1003 Conceptual basis.
713.1005 Planning setting.
713.1007 Evaluation procedure: General.
713.1009 Evaluation procedure: Identify the affected areas.
713.1011 Evaluation procedure: Determine the without-project condition.
713.1013 Evaluation procedure: Determine conditions that would exist with an alternative plan.
713.1015 Evaluation procedure: Estimate NED benefits.
713.1017 Problems in application.
713.1019 Evaluation procedure: Data sources.
713.1021 Report and display procedures.

Authority: Sec. 103, Pub. L. 89–80; 79 Stat. 245; 42 U.S.C. 1962 a–2.

Subpart L—NED Benefit Evaluation Procedures: Commercial Fishing

§ 713.1001 Introduction.

(a) This section provides procedural guidance for the evaluation of the national economic development (NED) benefits of water and related land resources plans to commercial fishing. These procedures shall apply to marine, estuarine, and fresh water commercial fisheries for both fish and shellfish.

§ 713.1003 Conceptual basis.

(a) The NED benefits, which include consumer surpluses to commercial fishing from a project or plan, can be measured as the change in the value of output minus the changes in the harvesting costs.

(b) When the projected change in output is too small to affect market price, the value of any change in output can be measured by the change in revenue minus associated costs to primary harvesters. On the other hand, if additional output is expected to affect market prices, the gross value of the change in output can be estimated using a price midway between that expected with and without the plan. (See Section F of Water Resources Council Standards for a graphical depiction of this measure of value.) This gross value measure minus the increase in costs to harvesters will provide an estimate of the value of the increase in production.

§ 713.1005 Planning setting.

(a) *Without-project condition.* The without-project condition is the most likely condition expected to exist in the future in the absence of one of the proposed alternative plans. Several specific element shall be included in the without-project condition:

(1) *Habitat condition.* The biological resources consist of stocks of living resources subject to commercial fishing, any living resources ecologically related to the stocks, the migration pattern and reproduction rate of the stocks, and any physical characteristic of the environment essential to these living resources.

(2) *The institutional setting.* Existing local, State, regional, national, and international policies and regulations governing the harvest and sale of the affected species, including the level of access to the fishery shall be included in the without-project condition. Expected revisions of such policies and rules shall also be included unless policy or rule revision is one of the alternative plans being studied.

(3) *Nonstructural measures.* The effects of implementing all reasonably expected nonstructural methods, including those required or encouraged by Federal, State, and local policies, shall be included. Nonstructural measures may include, but are not limited to, prevention of pollution to the marine environment or changing the temperature or oxygen level of the water.

(4) *Market conditions.* The projected number of harvesters, the percentage of their time and capacity utilized, harvest technology, the markets in which they buy inputs, fishing efforts, probable harvests, harbors and channels utilized, and probable processing and distribution facilities shall be included in the without-project condition. Projected market conditions should be consistent with the projected biological and institutional conditions.

(b) *With-project condition* The with-project condition is the most likely condition expected to exist in the future with a given project alternative. The elements and assumptions included in the without-project condition shall also be included in the with-project condition. Special attention should be given to tracing economic conditions related to postive or negative biological impacts of the proposed plan.

§ 713.1007 Evaluation procedure: General.

The steps in §§ 713.1009–.1015 are necessary to estimate NED benefits to commercial fishing from water or related land resources plans. The level of effort to be expended on each step depends on the nature of the proposed project, the reliability of data, and the degree of refinement needed for project formulation and evaluation.

Figure 713.1007–1 Flowchart of Commercial Fishing Evaluation Procedures

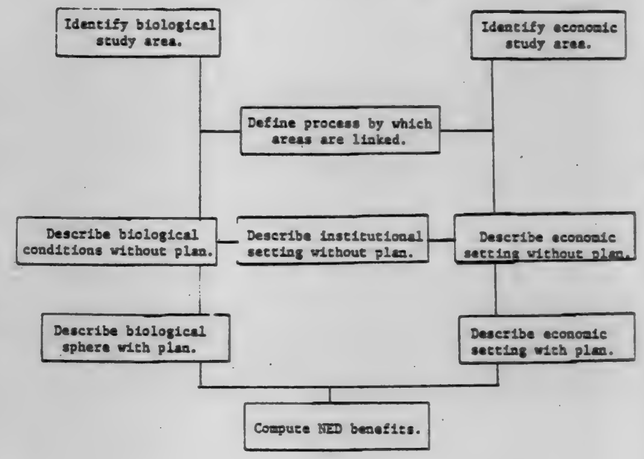

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§ 713.1009 Evaluation procedure: Identify the affected areas.

(a) Identify the biological study area which is the ecosystem within which the proposed alternative plans will have impacts on habitat or fishery conditions.

(b) Identify the economic study area which is the economic setting within which the proposed alternative plans will have impacts on the inputs or outputs of the harvesters.

(c) Describe the process by which the biological and economic study areas are linked for those management and development plans that directly or indirectly affect both areas.

§ 713.1011 Evaluation procedure: Determine the without-project condition.

(a) Estimate the harvest of the relevant species in physical terms if a project is not undertaken. Include a detailed description of the stock, including catch per unit of effort and whether or not the projected harvest is at, or near, the range of absolute decreasing returns. (See § 713.1005(1))

(b) Describe the most likely set of institutional conditions that would exist without a project. (See § 713.1005(2).)

(c) Estimate the prices of the relevant species and the total cost of harvesting in each of the relevant years if a project is not undertaken. A weighted ex-vessel price that corrects for seasonal fluctuations should be obtained. (See § 715.1005(4).)

§ 713.1013 Evaluation procedure: Determine conditions that would exist with an alternative plan.

(a) Estimate the harvest of the exploited stocks in each of the relevant years if an alternative plan is undertaken.

(b) Estimate the price of the harvested species and the total cost of harvesting in each of the relevant years if a project is undertaken. This will require an understanding of the economics of entry and exit for the fish harvesting industry, as well as the effects of a change in harvest rates on the catch per unit of effort.

§ 713.1015 Evaluation procedure: Estimate NED benefits.

(a) *Change in gross revenues.* Calculate the differences in the value of changes in output to the harvesters between the without- and with-project conditions for each year for the life of the proposed plan.

(b) *Change in consumer surplus.* The change in consumer surplus is calculated by multiplying the change in output by one-half the expected change in price as a result of the plan.

(c) *Change in associated costs.* Calculate the differences in total harvesting costs between the with- and without-project conditions for each year of the plans.

(d) *Net NED benefits.* The value of the change in output plus the change in consumer surplus minus the change in harvesting cost for each year is the measure of the NED benefits as a result of the proposed plan. The net NED benefit is the present value of the stream of annual benefits.

§ 713.1017 Problems in application.

(a) The fact that fish are common, as opposed to private, property creates special problems in measuring NED benefits. Unless entry is restricted, excessive quantities of capital and labor will enter a fishery; that is, entry will continue until the "economic rent" from the living stock is dissipated. This excess entry will result in economic inefficiency in the utilization of fishery resources because the value of the resulting extra output will be less than the social opportunity cost of the entry. Some economic benefits may be realized but the total benefits will not be as large as they might be if entry were restricted. Although evaluation of this potential has been limited by the specification of the with- and without-project condition in § 713.1005 four specific points are worthy of separate mention.

(1) *Transitory benefits.* Because the benefits from harvesting open-access fisheries tend to be dissipated through entry of excess capital and labor, some NED benefits from commercial fishing can be transitory. It will therefore be necessary to determine how many years these benefits will last and in what amounts for each year. Other benefits may vary over time but will last for the life of the plan.

(2) *Open access.* The fact that open access to a fishery can result in lower net benefits than limited entry can lead to significant problems in interpretation of NED benefits, especially if the project would have a negative effect on the fishery. If an open access fishery is biologically damaged as a result of a project, the financial costs will be less than the potential social costs if the damage to the fishery precludes better management through an institutional change to restricted entry sometime in the future. Therefore, if such management is possible, a theoretical with-without comparison would indicate that the project not only causes direct losses in NED benefits but it also prevents possible gains from proper management through restricting access to the fishery.

(3) *Industry capacity.* The excess capacity that will normally exist will make it difficult to obtain a proper estimate of changes in costs associated with changes in harvests. In some instances, idle boats will be available and the only additional costs will be operating costs. In other instances, vessels that are already operating will be able to harvest the extra catch without significant change in variable costs.

(4) *Regulation.* Because of the tendency of open-access fisheries to attract excess capital and labor which can deplete the stocks, most commercial fishing operations are currently subject to government regulations which stipulate the manner, time, place, etc., in which harvesting may take place. These stipulations usually result in harvesting activity that is not as economically efficient as it might be. These stipulations will therefore affect the size of NED benefits and will, in general, make them smaller than they otherwise would be.

(b) Another important issue is the productivity of the exploited stock. As the harvest rate of living stocks goes up, it is possible to reach a range in which increases in annual harvesting efforts will actually produce a long-run decrease in the quantities harvested. Further, in instances in which there are no restrictions on entry to the harvesting sector, it is possible that commercial fishing will operate in this range of absolute decreasing returns. This is possible because individual operators will compare only their revenues and costs; they will not be concerned with the absolute productivity of the stock. This can be very important in determining NED benefits because what may appear to be a positive effect (something that encourages an increase in harveating effort) may ultimately result in negative benefits (decreased total harvest and increased cost per unit of harvest).

§ 713.1019 Evaluation procedure: Data sources.

Data for annual harvests, demand, harvesting and processing costs, ex-vessel and other prices, physical production, biological modeling, models or information about management policies and regulations, and survey results are available from several Federal, State, and local government agencies, universities (especially those with sea grant programs), private organizations (such as industry groups, fishermen unions, or cooperatives), regional fisheries management councils, and international commissions or organizations. Initial contacts should be made with the National Marine Fisheries Service Regional Office, United States Coast Guard, State resource agencies having management or other responsibility for the fishery or resource in question, and all local or regional fishery councils, commissions, or institutes that have responsibility or jurisdiction or that are functioning within the area affected by the project. Fisheries dynamics biologists at universities or at Natural Marine Fisheries Service regional laboratories will be the best source of information on biological effects and their repercussion in the market.

§ 713.1021 Report and display procedures.

Clear presentation of study results, as well as documentation of key input data assumptions and steps in the analysis, will facilitate review of the report. Table 713.1021–1 is a suggested method of data presentation. Its use will provide the reader with information on physical changes in output as well as value. Further, the value data are divided into changes in market value and changes in consumer surplus. As noted in § 713.1003 above, it is possible to combine these two steps by taking the average of expected price before and after project during a year to arrive at a gross value of output. Because the benefits are broken down into annual flows, it will be possible to determine if and when the open access nature of commercial fishing will lead to a dissipation of any NED benefits provided by the project.

**Table 713.1021–1.—*Guide to Benefit Calculation*

Years	1	2	n
(1) Change in output			
(2) Market value of change in output (line 1 times expected price).			
(3) Costs associated with change in output.			
(4) Net market value (line 2 minus line 3).			
(5) Changes in consumer surplus			
(6) Net change in value of production (line 4 plus line 5).			

Present value of annual flow of net change in value of production for ——— years at — percent is ———.

4. By adding a new Part 714 to read as follows:

PART 714—ENVIRONMENTAL QUALITY EVALUATION PROCEDURES FOR LEVEL C WATER RESOURCES PLANNING

Subpart A—Introduction

Sec.
714.100 Purpose and scope.
714.110 Authority.
714.120 Agency activities covered.
714.130 Application.
714.140 Modification.
714.150 Judicial review.

Subpart B—Definitions

714.200 Definitions.

Subpart C—General Evaluation considerations

714.300 Introduction.
714.310 Interdisciplinary planning.
714.320 Public involvement.
714.330 Integration of other review, coordination and consultation requirements.
714.340 Significance.
714.350 EQ account.
714.360 Measurement framework.
714.370 Documentation.
714.380 Performance objectives.

Subpart D—Process

714.400 Introduction.
714.410 Scope resources.
714.420 Inventory resources.
714.430 Assess effects.
714.440 Appraise effects.

Authority: Sec. 103 and 402, Pub. L. 89–80, 79 Stat. 245 (42 U.S.C. 1962a–2 and d–1); Sec. 102(2)(b), Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4332).

Subpart A—Introduction

§ 714.100 Purpose and scope.

(a) The Water Resources Council (WRC) has developed procedures to provide operational guidance on how to implement the Principles and Standards established by WRC pursuant to Section 103 of the Water Resources Planning Act Pub. L. 89–80; 42 U.S.C. 1962a–2). This part of the procedures is specifically intended to supplement and implement the Standards for the evaluation and display of environmental quality (EQ) effects in water resources planning (Level C).

(b) These procedures provide a systematic method for evaluating the nonmonetary effects of alternative plans on natural and cultural resources to be displayed in the EQ account. The "human environment" cited in the National Environmental Policy Act (NEPA, Pub. L. 91–190) is made up of the full range of resources and values included in the four P&S accounts. Therefore, EQ evaluation by itself will address only the part of the human environment related to the ecological, aesthetic, historic, educational/scientific, and pristine values of natural and cultural resources. Other values, such as the monetary human health, and social values of natural, cultural, and other resources, are to be evaluated in accordance with the appropriate evaluation procedures for the NED, RED, and OSE accounts.

(c) Compliance with these procedures is intended to satisfy the analysis and disclosure requirements of NEPA, and assist agencies in meeting the requirements of NEPA, as specified in the NEPA regulations (40 CFR 1500–1508), with respect to the EQ account. Table 714.100 lists some of the interrelationships between the NEPA regulations and these procedures.

**Table 714.100—*Interrelationships Between NEPA Regulations and These Procedures*

Requirements of NEPA regulations (40 CFR 1500–1508)	Related requirements of these procedures (18 CFR 714)
1501.2 Apply NEPA early in the process.	714.400 Early stages of EQ evaluation.
1501.6 Cooperating agencies.	714.310 Members of cooperating agencies on the interdisciplinary team. 714.320 Cooperating agencies as members of the public. 714.410 Cooperating agencies in the Scope Resources Phase.
1501.7 Scoping	714.320 public involvement in EQ evaluation. 714.340 Focus on significant resources. 714.410 Identify other institutionally recognized resources to be evaluated.
1502.14 Alternative including the proposed action (section in EIS).	714.420 Forecast "without plans" conditions (No Action alternative). 714.430–440 Substantial and equal analysis of each alternative plan.
1502.16 Environmental consequences (section in EIS).	714.430–440 Identification, description and appraisal of EQ effects of each alternative plan.
1502.25 Environmental review and consultation requirements.	714.330 Integration of other requirements into EQ evaluation.

Table 714.100—*Interrelationships Between NEPA Regulations and These Procedures*—Continued

Requirements of NEPA regulations (40 CFR 1500-1508)	Related requirements of these procedures (18 CFR 714)
	714.410 Use of other, existing requirements in EQ evaluation.
1508.8 Elimination duplication with State and local procedures.	714.410 Integration of resources of State and local importance into EQ evaluation.
1508.6 Public involvement	714.320 Public involvement in EQ evaluation. 714.410 Public involvement in the Scope Resources Phase.

§ 714.110 Authority.

(a) The President's July 12, 1978, memorandum: "Planning and Evaluation Standards," stated that reforms were essential to achieve environmental quality in water resources management. It further stated that "too little attention has been paid to environmental values" and directed WRC to publish a planning manual that will ensure that benefits and costs are calculated in compliance with the Principles and Standards.

(b) WRC's authorities for developing these procedures are Sections 103 and 402 of the Water Resources Planning Act (Pub. L. 89–80; 42 U.S.C. 1962a–2 and d), and Section 102(2)(B) of NEPA (Pub. L. 91–190; 42 U.S.C. 4332).

(c) NEPA is the Nation's basic charter for protection of the environment. Section 101 establishes policies and set goals; Section 102 provides means for carrying out the policy. Section 102(2)(B) specifically requires Federal agencies to "Identify and develop methods and procedures. . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in discisionmaking along with economic and technical considerations."

§ 714.120 Agency activities covered.

(a) These procedures are to be used for the evaluation of beneficial and adverse EQ effects of Federal and Federally-assisted water resources projects covered in § 711.4 of the Principles and Standards for Planning Water and Related Land Resources. They apply to all Level C (project) planning studies subject to the Principles and Standards, including projects that may be approved by agency administrators; projects requiring congressional authorization; and authorized projects or separable features of authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents. For the purposes of these procedures a project shall be considered "under construction" when funds have been appropriated by the Congress or budgeted by the President for land acquisition or physical construction activity. Projects for which postauthorization planning documents are not required shall be considered under construction when authorized for construction.

(b) The Secretaries of Departments shall retain the discretion to review those projects not under construction and may, under their discretionary authority, wholly exempt a project from complying with these procedures, or partially exempt a project and direct expedited additional planning to meet specific procedures.

(1) This discretionary authority applies to those projects not yet authorized for which preauthorization planning is now complete or will be complete by the end of fiscal year 1981, and to those authorized projects requiring postauthorization planning if such planning is now complete or will be complete by the end of fiscal year 1981. For purposes of these procedures, preauthorization or postauthorization planning shall be considered complete when the appropriate planning documents have been approved by the responsible agency's field office.

(2) Secretarial authority to exempt projects from the procedures is provided to prevent undue loss of the time or expenditure of public funds in those cases in which the Secretary judges additional planning to be unnecessary.

(3) This discretionary authority may not be exercised after July 31, 1982. When this authority is exercised, the decision and reasons for it are to be recorded in the planning document.

(c) Authorized projects exempted from complying with the Principles and Standards are also exempted from complying with these procedures.

§ 714.130 Application.

The administrator of each covered Federal or Federally-assisted program is responsible for applying these procedures. The responsible agency administrator shall adopt these procedures within 30 days after the date of publication as final rules in the Federal Register.

§ 714.140 Modification.

To ensure that the best available techniques and accurate and consistent analyses are used, WRC will periodically supplement these procedures with specific measurement techniques as the state of the art advances, and revise these and subsequently adopted procedures as experience, research, and planning conditions dictate.

§ 714.150 Judicial review.

The Water Resources Council's intent is that judicial review of agency compliance with these procedures not occur before an agency has filed a final environmental impact statement, or has made a final finding of no significant impact (in compliance with NEPA), or initiates action that will result in irreparable injury. Further, it is WRC's intent that trivial violation of these procedures not given rise to any independent cause of action.

Subpart B—Definitions

§ 714.200 Definitions.

Alternative plan. An alternative plan consists of structural and/or nonstructural measures that alleviate particular problems or take advantage of specific opportunities associated with water and related land resources in the study area. As used in these procedures, "alternative plans" includes individual measures and combinations of measures.

Effect. An effect is the difference between the specific without-plans and with-plan condition of an EQ resource under a given alternative plan, as measured or estimated by quantity and quality indicators.

EQ resource. An EQ resource is a specific identifiable natural or cultural form, process, or other phenomenon (including those related to land, water, atmosphere, plants, animals, and cultural objects, sites, buildings, structures, and districts) that:

(a) Is located in a specified study area;

(b) Is significant based on institutional or technical criteria or public concern; and

(c) Possesses one or more EQ values.

Guideline. A guideline is a standard, criterion, threshold, optimum level, or other desirable level for a quantity or quality indicator that provides a basis for judging whether an effect is beneficial or adverse. For example, a guideline for the quality indicator "carrying capacity" may be "between one and two quail/acre."

Indicator. An indicator is a measurable attribute of an EQ resource that specifies resource characteristics for which data will be collected. Two types of indicators are used in EQ evaluation. Quantity indicators, such as area and distance, are used to measure the physical dimensions of a resource. Quality indicators, such as carrying capacity and visual diversity, are used to directly measure or estimate a resource's EQ values.

Period of analysis. The period of analysis is the time horizon for beneficial and adverse effects of alternative plans. The period of analysis will be the lesser of the period of time over which alternative plans can reasonably be expected to serve a useful purpose, or a period not to exceed 100 years. For purposes of EQ evaluation, the period of analysis is to include the installation period during which alternative plans would be implemented.

Study area. The study area is a geographic space with an identified boundary that includes the area identified in the study's authorizing document; the locations of resources included in the study's identified problems and opportunities; the locations of alternative plans, often called "project areas"; and the locations of resources affected by alternative plans. The study area for EQ evaluation is to be synonymous with the study area defined in the planning process.

With-plan condition. The with-plan condition is an estimation of the most probable future conditions of an EQ resource expected to result from implementation of a specific alternative plan formulated during the study.

Without-plans condition. The without-plans condition is an estimation of the most probable, future condition of an EQ resource in the absence of any of the study's alternative plans. The without-plans condition is synonymous with the No Action alternative required by regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA (40 CFR 1502.12).

Subpart C—General Evaluation Considerations

§ 714.300 Introduction.

(a) EQ evaluation is a set of activities and their aggregate outcomes that is necessary to identify, describe, and appraise the effects of alternative plans on significant natural and cultural resources. Its purpose is to identify the beneficial and adverse effects of alternative plans on EQ resources so that agency decisionmakers can appraise the net effects of the plans. The interaction of EQ evaluation with the planning process is intended to emphasize enhancement and avoid degradation of EQ resources.

(b) EQ is one of the four accounts in which the effects of alternative plans are to be evaluated. Taken together, these four accounts—EQ, National Economic Development (NED), Regional Economic Development (RED), and Other Social Effects (OSE)—encompass the "human environment" cited in NEPA and CEQ's regulations implementing NEPA's procedural provisions (40 CFR 1500–1508).

§ 714.310 Interdisciplinary planning.

(a) Interdisciplinary planning is the approach to decisionmaking in which professionals with specific expertise in subjects requiring analysis for a particular study are involved in each step of the planning process. The involvement of these experts, hereinafter referred to as "planners," ensures that the best appropriate information is included in and has a material bearing on the decisionmaking process. Interdisciplinary planning is required by the P&S and NEPA, and is emphasized in EQ evaluation.

(b) Like the overall water resources planning process, EQ evaluation necessitates the use of an interdisciplinary approach to deal effectively with the wide range of natural and cultural resources encompassed by EQ. In addition to professionals in the planning agency, interdisciplinary planning includes participation by experts and professionals in cooperating agencies where necessary knowledge and skills are not immediately available in the planning agency.

§ 714.320 Public involvement.

(a) Many Federal policies on water resources planning require the involvement of individuals and groups, including representatives of other Federal and non-Federal agencies. Specific public involvement procedures vary among agencies but generally include provisions for primary contact through meetings, hearings, or workshops, and secondary contact through letters of comment on study documents and other means.

(b) The intent of public involvement is inherent in some specific processes and procedures not usually included in traditional agency approaches to public involvement programs. For example, many Federal policies related to EQ have been implemented by procedures that require a specific type of review, coordination, or consultation between planning agencies and agencies with custodial responsibilities for certain EQ-related factors. Such procedures include the "NEPA process" pursuant to NEPA, the "Section 7 consultation process" pursuant to the Endangered Species Act; the "Section 106 procedure" pursuant to the National Historic Preservation Act; the Coordination Act report" pursuant to the Fish and Wildlife Coordination Act; and the "consistency determination" pursuant to the Coastal Zone Management Act. In addition, CEQ's regulations implementing NEPA require that planning (lead) agencies request the participation of other (cooperating) agencies with juriadiction by law or special expertise early in the NEPA process and during the scoping process (see NEPA regulations, 40 CFR 1501.6–1501.7). Those procedures further supplement the NEPA mandate for interdisciplinary planning by ensuring that the expertise and views of cooperating agencies be an integral part of the lead agency's planning.

(c) EQ evaluation requires the involvement of many public groups and individuals to meet several objectives. First, the public is a source of information in identifying and measuring EQ resources, collecting and developing data on EQ resources, appraising significant effects, and meeting other requirements when the knowledge and opinions of others are needed. Second, as a reviewer of the results of EQ evaluation, the public will have opportunities to ensure that their views have been properly incorporated into analyses; to understand the implications of their views concerning the significance of resources and effects and the beneficial and adverse effects of alternative plans; and to react to evaluation results in such a way that alternative plans may be modified in reformulation.

§ 714.330 Integration of other review, coordination, and consultation requirements.

To the fullest extent possible, EQ evaluation is to be conducted concurrently and integrated with the documentation, studies, and analyses required by other environmental review, coordination, and consultation mandates and procedures, including but not limited to those related to NEPA, the Endangered Species Act, the National Historic Preservation Act, the Fish and Wildlife Coordination Act, and the Coastal Zone Management Act. Documentation, studies, and analyses based on these requirements and EQ evaluation should be complementary to avoid duplication.

§ 714.340 Significance.

EQ evaluation will focus on issues that are significant, that is, that are likely to have a material bearing on the decisionmaking process. The decisionmaking process includes EQ evaluation, planning, and all other related processes leading ultimately to implementation of a plan. In EQ evaluation, significance is attributable

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to both resources and effects. Insignificant issues will not be included in evaluation, but such issues may be reintroduced if they are later demonstrated to be significant.

§ 714.350 EQ account.

The EQ account includes natural and cultural resources that possess one or more EQ values, which are the nonmonetary qualities of natural and cultural resources of utility to man. EQ values are:

(a) Ecological value, which is attributable to natural resources that do or could support or provide the food, water, cover, reproduction, space, and other life requirements of plant and animal populations and communities. The Grey Lodge Wildlife Area and the Chesapeake Bay great blue heron rookery are examples of resources with ecological value.

(b) Aesthetic value, which is attributable to views, sounds, scents and other perceptual stimuli of natural and cultural resources that do or could provide diverse and pleasant surroundings for human enjoyment and appreciation. A view of the South Branch Valley and the sound of Blackwater Falls are examples of resources with aesthetic value.

(c) Historic value, which is attributable to natural resources and cultural places and objects that have played a special role in, or contain an account of, the course of human activity. The Seneca Trail and the Red Rock cliff dwellings are examples of resources with historic value.

(d) Educational and scientific value, which is attributable to natural and cultural resources that convey an understanding of how and why things occur or took place, or have a potential for future educational or scientific use. The Tuscaroara Sandstone formation and the restored Trading Post settlement are examples of resources with educational and scientific value.

(e) Pristine value, which is attributable to natural resources that provide the opportunity to experience conditions essentially unaltered by man's activities or substantially recovered from prior human influence. The Emigrant Basin Wilderness Area and the Blackwater Canyon are examples of resources with pristine value.

§ 714.360 Measurement framework.

(a) EQ evaluation requires the measurement of effects of alternative plans on the quantity and quality of natural and cultural resources.

(b) Effects on the quantity of natural and cultural resources are measured in terms of physical dimensions, such as acres, miles, etc. Effects on resource quantities are determined by measuring differences between the with-plan and without-plans conditions for such physical dimensions.

(c) Effects on the quality of natural and cultural resources are measured in terms of the resources' ecological, aesthetic, historic, educational/scientific, and pristine values. Changes in these values are estimated by measuring the difference between the with-plan and without-plans conditions of quality indicators.

(d) Determination of an alternative plan's beneficial and adverse effects results from consideration of changes in the quantity and quality of natural and cultural resources.

§ 714.370 Documentation.

(a) A study's EQ evaluation is to be documented in such a way that an independent reviewer can fully and clearly understand the decisions that were made and the reasons for making them. Documentation should be clear, concise, and effective in communicating its contents.

(b) Data collected by field sampling, laboratory experiments, interviews, literature searches, and other means are to be documented to include:

(1) Date and place of data collection;

(2) Name of person(s) who collected the data;

(3) Techniques and methods used, including assumptions;

(4) Known or suspected factors that could affect the accuracy of data collection methods, including gaps in relevant information and scientific uncertainty;

(5) Data collected; and

(6) Interpretations of the data.

(c) Data collected prior to initiation of an EQ evaluation that is referenced or incorporated in the EQ evaluation will be documented as described in paragraph (b) of this section to the extent practical.

(d) The reasons and bases for action, decisions, and results required in the EQ evaluation activities are to be documented in an appropriate form. Narrative statements, ranging from short notes to extensive description, are appropriate for most documentation needs. Other formats that may be used are: maps, including composites and overlays; graduated scales, including time lines; graphs; lists; tables; scale models; sound recordings; photographs; films; conceptual drawings; and other formats that accurately record information.

§ 714.380 Performance objectives.

Performance objectives are statements of intent for the EQ evaluation process, and serve as guides to planners in making decisions on how to carry out and document EQ evaluation. EQ evaluation and its documentation are to:

(a) Be generally understandable to members of the public interested in the evaluation.

(b) Be accessible to members of the public interested in participating in the evaluation.

(c) Be traceable so that members of the public interested in knowing the bases and events that led to decisions can follow these factors through the process.

(d) Focus on identification, measurement, and appraisal of significant effects on EQ resources.

(e) Result in information that will be useful to making decisions in advancing the planning process.

(f) Include only the level of detail necessary for reasonable accuracy of measurements, estimates, and other descriptions needed in making decisions.

(g) Be based on scientifically valid and acceptable precepts to the extent practical.

Subpart D—Process

§ 714.400 Introduction.

(a) *Purpose.* The purpose of EQ evaluation is to identify beneficial and adverse effects of alternative plans on EQ resources. The EQ evaluation process described in this subpart is to be used to achieve this purpose.

(b) *Relationships to Planning Process.* (1) EQ plays two roles in water resources planning. First, as a National Objective it is a basis for identifying problems and opportunities, and formulating alternative plans which emphasize resolution of EQ-related problems and realization of EQ-related opportunities. In this capacity, it is also equal with NED in judging the net effect of alternative plans as a basis for plan recommendation. See Part 712, Planning Procedures (to be published) for a more detailed discussion of this aspect of EQ in water resources planning. Second, EQ is one of the four P&S accounts in which effects of alternative plans are to be evaluated and displayed. Taken together, these four accounts of EQ, NED, RED, and OSE encompass the "human environment" cited in NEPA. The EQ procedures contained herein are to be used for evaluating effects in the EQ account. Procedures for evaluating effects in the NED, RED, and OSE accounts are presented in Parts 713, 715 and 716, respectively (Parts 715 and 716 to be published). See Figure 714.400–1 for a graphic presentation of these relationships.

Figure 714.400-1

Relationships Between Planning Process and Coverage in the Principles, Standards and Procedures

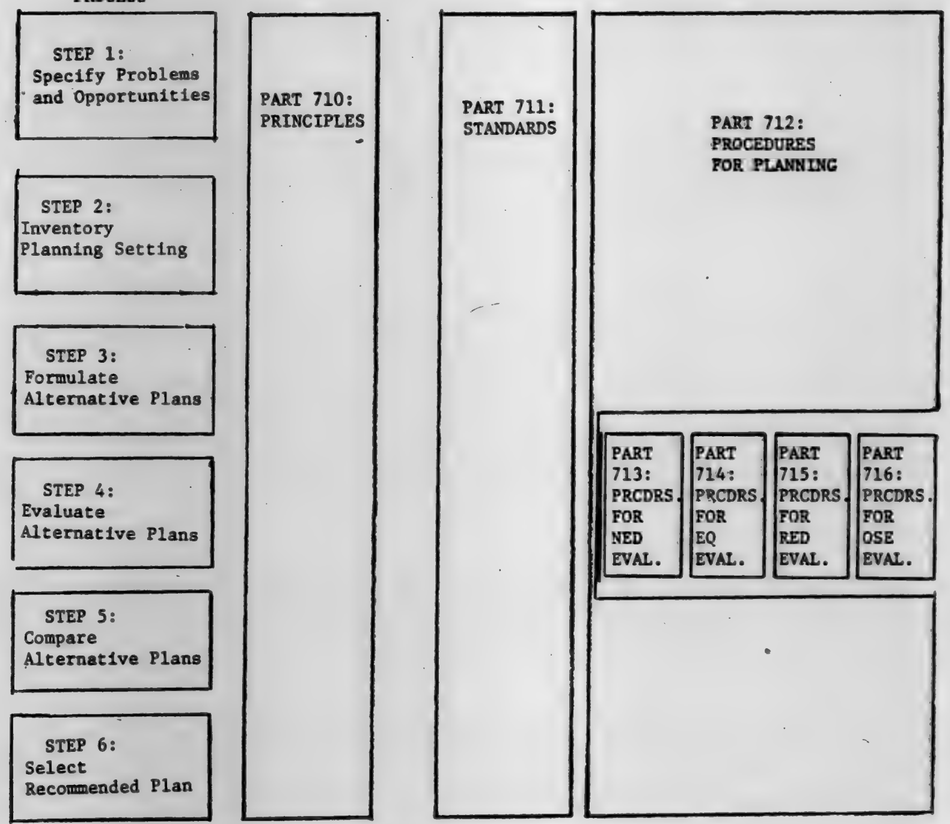

NOTE: Although focused on planning step 4, procedures in evaluation parts (713-716) also include certain necessary requirements related to other planning steps.

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(2) In its role as an evaluation account, EQ and the other P&S evaluation procedures comprise the procedures for evaluating alternative plans (Step 4 of the planning process). While evaluation can be seen as a distinct increment in the planning process, it is important that evaluation is not seen as an end in itself. Rather, evaluation is to be viewed in the context of its relationships to the other planning steps, particularly Formulate Alternative Plans (Step 3) and Compare Alternative Plans (Step 5). Repetition of the Step 1–2–3–4–5 sequence is the essence of plan formulation and reformulation. Using information from inventorying (Step 2), alternative plans are formulated (Step 3), and evaluated (Step 4) to describe intended and unintended effects. Effects of alternative plans on EQ, NED, RED, and OSE are compared (Step 5) to identify which plans would result in the greatest beneficial effects, and least adverse effect. Subsequently, based on this comparison, some plans may be eliminated; others would be reformulated by changing plan measures to improve intended beneficial effects and diminish adverse effects. Other plans may be added to address new problems and opportunities. Reformulated plans are again compared to further narrow the range of approaches. Additional repetitions of the five steps will eventually produce a set of plans from which a recommended plan can be selected (Step 6).

(c) *Evaluation phases.* (1) While evaluation is comprised of assessment and appraisal of effects, the EQ evaluation process described in these procedures also includes the necessary scoping and inventorying that are preparatory to assessment and evaluation. Therefore, EQ evaluation is to be performed in the following four phases:

(i) Scope Resources—this phase defines the resources and measurements for EQ evaluation.

(ii) Inventory Resources—this base builds a data base for EQ evaluation.

(iii) Assess Effects—this phase identifies and describes the physical and value dimensions of the significant effects of alternative plans on EQ resources.

(iv) Appraise Effects—this phase identifies and describes the desirability of the effects of alternative plans on EQ resources.

(2) Although these phases are presented linearly here, many interrelationships exist among these phases and their activities. Planners may have to repeat phases and activities in stages to complete a given EQ evaluation.

(d) *Evaluation stages.* (1) Planners are to conduct EQ evaluation in several stages, performing and repeating evaluation phases and activities in increasing levels of detail, each level commensurate with the evaluation needs of the overall planning effort. The level of detail and number of stages will vary with each planning study, but the following stages, shown graphically in Figure 714.400–2, should be considered for every study:

Figure 714.400-2
Relationship Between Planning-Process Steps and EQ Evaluation Phases and Stages

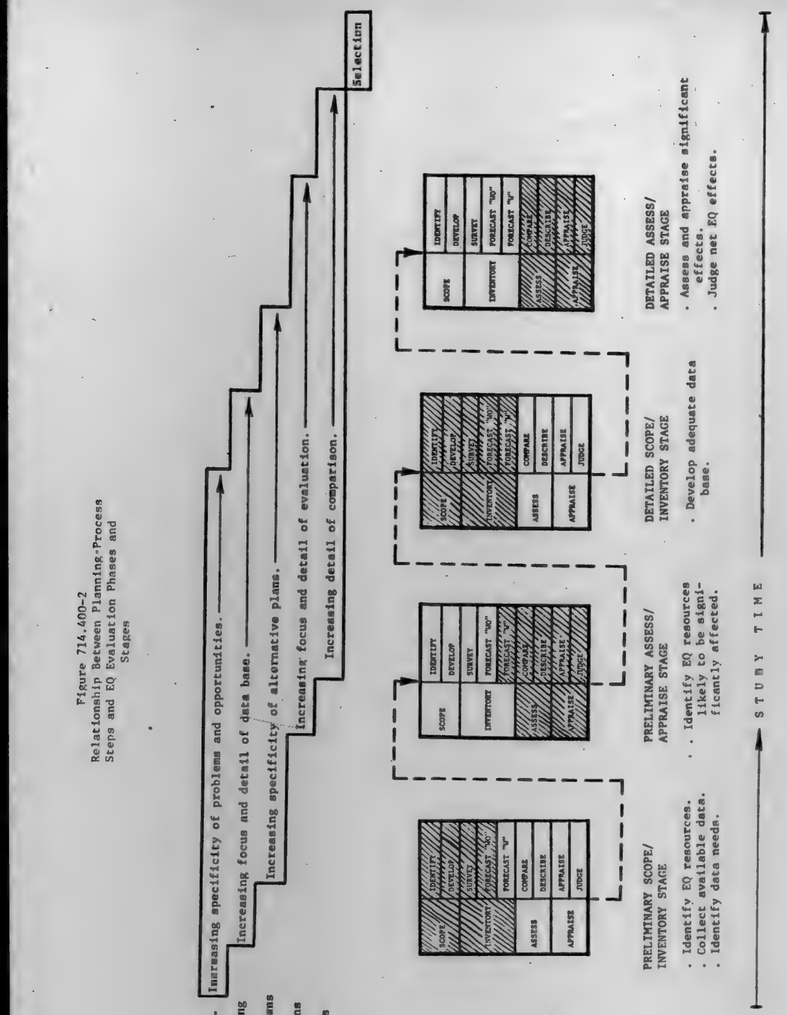

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(i) Early in the planning, a preliminary scope and inventory stage should be used to identify EQ resources and measurements, and to collect readily available data. This stage should emphasize the Scope Resources phase to provide a focus for evaluation and to reveal data collection and forecasting needs for the Inventory Resources phase. Early identification of EQ resources will also be helpful in identification of resources for which problems and opportunities are specified to enhance the EQ objective.

(ii) Following the preliminary formulation of conceptual alternative plans, a preliminary assess-and-appraise stage should be used to identify EQ resources likely to be affected. This stage should emphasize the Assess Effects phase, further focusing data needs by identifying those resources that would be beneficially or adversely affected, intentionally or unintentionally, by each of the alternative plans. The assessment and appraisal of effects at this stage will help identify alternative plans in terms of their enhancement and degradation of EQ resources, thereby providing bases for futher reformulations in Steps 3 through 5 of the planning process.

(iii) During the formulation of specific alternative plans, a detailed scope-and-inventory stage should be used to develop an adequate data base for the detailed assessment and appraisal of effects. This stage should emphasize the Inventory Resources phase, including completion of data collection programs and forecasting activities.

(iv) Following final formulation of specific alternative plans, a detailed assess-and-appraise stage should be used to identify, describe, and appraise significant effects and appraise the net EQ effect of each alternative plan. This stage should emphasize the Assess Effects and Appraise Effects phases to provide the agency decisionmaker with reasonable bases for judging net EQ effects. The results of this appraisal, considered jointly with the outcome of concurrent NED evaluation of the same alternative plans, will form the basis for plan selection in Step 6 of the planning process.

(2) Repeating phases and activities in stages of increasing levels of detail should aid in focusing on those EQ resources and effects that will play a role in decisionmaking, rather than on resources unrelated to or not affected by alternative plans.

§ 714.410 Scope resources.

The Scope Resources phase is performed to define the resources and measurements to be used in a study's EQ evaluation. In the first scoping activity, natural and cultural resources to be evaluated are identified on the basis of their presence in the study area, their likelihood of being affected by an alternative plan, EQ values, and significance. Resources with these characteristics are to be further evaluated. In the second scoping activity, a framework for measuring the quantity and quality of identified EQ resources is developed.

(a) *Identify EQ resources.* (1) This activity is performed to identify the specfic natural and cultural resources that would be likely to have a material bearing on the decisionmaking process if they were affected by an alternative plan. The resources identified will be analyzed in later EQ evaluation activities.

(2) Existing Federal mandates recognize many nationally important natural and cultural resources. As a minimum, the EQ values of the types of resources listed in column 1 of Table 714.410–1 will be identified and evaluated in all EQ evaluations in accordance with the procedures listed in column 4 of the table. Fish and wildlife resources, endangered species, cultural resources, wetlands, and floodplains located in the study area are to be identifed and evaluated in accordance with established procedures of other Federal agencies, pursuant to statutory authority, listed in column 4 of the table. Evaluations performed in accordance with those established procedures will also conform, to the extent practical, with the scoping, inventorying, assessment, and appraisal procedures described here, and will provide information suitable for the display required by § 714.440 (a)(4). Other resources listed in column 1 of Table 714.410–1 will be identified in accordance with the NEPA regulations; scoping process (40 CFR 1501.7) and evaluated in accordance with the procedures of this part.

Table 714.410–1.—*Resources Required To Be Evaluated*

Col. 1 Types of EQ resource required to be evaluated	Col. 2 Source of national recognition	Col. 3 Source for identification of specific resources	Col. 4 Procedures for identification and evaluation of resources	Col. 5 Quantitative measurement of resources (indicator/unit/guideline)
Fish and wildlife habitat	Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 *et seq.*).	Coordination with Fish and Wildlife Service, National Marine Fisheries Service, and State fish and wildlife agency in accordance with 50 CFR 410 (proposed rules).	50 CFR 410, Fish and Wildlife Coordination Act, Uniform Procedures for Compliance: Department of the Interior, Office of the Secretary and Department of Commerce, National Oceanic and Atmospheric Administration (proposed rules).	Area of each habitat type/acres/preservation and enhancement.
Endangered species critical habitat.	Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).	50 CFR 17.11, List of Endangered and Threatened Wildlife and Plants, Department of the Interior, Fish and Wildlife Service; and coordination with Fish and Wildlife Service and National Marine Fisheries Service in accordance with 50 CFR 402.01–402.05.	50 CFR 402.01–402.05, Interagency Cooperation Regulations: Department of the Interior, Fish and Wildlife Service and Department of Commerce, National Marine Fisheries Service.	Area of each critical habitat/acres/preservation and enhancement.
Cultural resources (archeological, historic, architectural and scientific resources).	National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 *et seq.*).	National Register of Historic Places, and coordination with State Historic Preservation Officer in accordance with 36 CFR 800.	36 CFR 800, Protection of Historic and Cultural Properties, Final Amendments: Advisory Council on Historic Preservation; 36 CFR 60, Criteria for Evaluation, National Register of Historic Places, Department of the Interior, Heritage Conservation and Recreation Service.	Presence of each National Register property/present-absent/preservation and restoration.

Table 714.410–1.—*Resources Required To Be Evaluated*—Continued

Col. 1 Types of EQ resource required to be evaluated	Col. 2 Source of national recognition	Col. 3 Source for identification of specific resources	Col. 4 Procedures for identification and evaluation of resources	Col. 5 Quantitative measurement of resources (indicator/unit/guideline)
Wetlands	Executive Order 11990, Protection of Wetlands Clean Water Act of 1977.		40 CFR 230, Section 404(b)(1) Evaluation Guidelines: Environmental Protection Agency (Applicable only to dredge and fill actions).	Area of each wetland type/acres/preservation and enhancement.
Floodplains	Executive Order 11988, Floodplain Management.	Coordination with Federal and State agencies listed in Table 1, 43 FR 6030.	43 FR 6030, Floodplain Management Guidelines for Implementing E.O. 11988: U.S. Water Resources Council.	Area of each floodplain/acre/preservation and enhancement.
Prime and unique farmland	CEQ Memorandum of August 30, 1976: Analysis of Impacts on Prime and Unique Farmland in Environmental Impact Statements.	Coordination with Department of Agriculture, State Land Use Committee.	40 CFR 1501.7 "Scoping," Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act: Council on Environmental Quality for identification of EQ resources; and 18 CFR 714, Procedures for Evaluating Environmental Quality Effects: U.S. Water Resources Council for evaluation of EQ resources.	Area of prime and unique farmland/acres/preservation and enhancement.
Areas of particular concern within the coastal zone.	Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*).	Coordination with State agency with coastal zone management responsibilities.	Same as above	Area of each area of particular concern/acres/preservation and enhancement; or presence of each area of particular concern (e.g., for historic sites)/present-absent/preservation and enhancement.
Wild and scenic rivers	Wild and Scenic Rivers Act (16 U.S.C. 1271 *et seq.*).	Coordination with Department of the Interior and Department of Agriculture.	Same as above	Length of wild, scenic and recreational river/river-miles/preservation.
Water (quality)	Clean Water Act of 1977, (33 U.S.C. 1251 *et seq.*).	Coordination with Environmental Protection Agency and State agency with water quality responsibilities.	Same as above	Flow in water courses, or area of water body/cubic feet per second (cfs), or acre-feet/preservation or improvement in flow or area with respect to applicable water quality standards.
Air (quality)	Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).	Coordination with Environmental Protection Agency and State agency with air quality responsibilities.	Same as above	Area/square-miles/preservation or improvement in area with respect to applicable air quality standards.

(3) Many other natural and cultural resources are recongized for their national, State, regional, or local importance. Therefore, as a minimum, agencies shall use the NEPA scoping process (40 CFR 1501.7) to provide other agencies, groups, and individuals the opportunity to identify other natural and cultural resources which are important for decisionmaking purposes based on the following criteria:

(i) The resource is partially or fully located in the study area;

(ii) The resource is likely to be affected by one or more alternative plans;

(iii) The resource possesses or could possess one or more material EQ values; and

(iv) The resource is significant based on institutional, public, or technical recognition.

(4) Significance based on institutional recognition means that the importance of a resource is acknowledged in the established laws, adopted plans, and other legal instruments of public agencies or private groups. Sources of institutional recognition include:

(i) Public laws, executive orders, and regulations, as well as other legal instruments of the Federal government not listed in Table 714.410–1.

(ii) Laws, directives, plans, regulations, and other legal instruments of States with jurisdiction in the study area. Examples are State water and air quality regulations, State historic preservation plans, and State lists of rare, threatened, or endangered species.

(iii) Laws, plans, codes, ordinances, and other legal instruments of regional and local public entities with study area jurisdictions. Regional entities include river basin commissions, councils of government, and regional planning boards. Local entities include counties, districts, parishes, cities, towns, and villages. Examples of sources are regional open space plans, county lists of historic sites, and town zoning ordinances.

(iv) Charters, bylaws, and formal policy statements of nongovernment environmental entities. Examples are the National Audubon Society Blue List of Species, properties of the National Trust for Historic Preservation, and properties of the Nature Conservancy.

(5) Significance based on public recognition means that some segment of the general public recognizes the importance of a resource. Public recognition may take the form of controversy, support, conflict, or opposition and may be expressed formally, as in official letters, informally, or merely implied. Environmental-related customs and traditions of people in the study area are also to be considered. Resources recognized by the public will vary among study areas and often change over time.

(6) Significance based on technical recognition means that the importance of a resource is based on scientific

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knowledge of factors critical to its existence. Factors that may be considered include resource scarcity, fragility, resiliency, reproducibility, tolerance, stability, productivity, diversity, and integrity. Technical factors will vary among resources and study areas and may change over time.

(7) It is the responsibility of the agency (including the lead planning agency), group, or individual that identifies the resource to provide documented evidence that the resource meets the criteria in § 714.410(a)(3). An agency decisionmaker may reject inclusion of a resource if, in his or her judgment, the evidence does not reasonably demonstrate that a resource meets the criteria in § 714.410(a)(3). Reasons for such rejections are to be recorded. Agencies may use other procedures in addition to the scoping process to identify EQ resources, provided that such procedures also produce the required evidence.

(d) *Develop measurement framework.* (1) This activity is performed to identify the specific quantity and quality measurements for each EQ resource identified in the previous activity. Identified measurements will guide data collection in the following phase of EQ evaluation.

(2) The quantity of an EQ resource is to be measured in terms of a physical dimension. For each EQ resource, an indicator, unit of measurement, and guideline are to be selected for quantity measurement. If the amount of a resource is not a relevant measurement, a simple measurement of "presence" may be used. Column 5 of Table 714.410–1 lists the quantity indicators, units, and guidelines to be used for specific types of resources. For other EQ resources, indicators and units are to be selected based on the professional judgment of planners with expertise relevant to each resource, and guidelines are to be derived based on the source of institutional, public, or technical recognition used to justify the resource's significance.

(3) The quality of an EQ resource is to be measured in terms of its ecological, aesthetic, historic, educational/scientific, and pristine values. For each EQ value provided by a resource, one or more indicators are to be selected for measurement or estimation of EQ value changes. For each indicator, a method of measurement and a guideline are to be selected. Indicators and methods of measurement are to be selected based on the professional judgment of planners with expertise relevant to each resource and value. Indicators may provide a direct measure of value or a means of estimating value. For example, the ecological value of an aquatic habitat could be measured directly in terms of habitat units, or its value could be estimated based on the change in pertinent water chemistry parameters. Methods of measurement include but are not limited to habitat-based assessment methodologies for determining ecological values, visual resource rating methodologies for determining aesthetic values, and professional judgment for determining historic, educational/scientific, and pristine values. In selecting guidelines, first preference is to be given to legally established guidelines, such as "minimal accessibility" for a designated scenic river. If there are no legally established guidelines, guidelines for resources or indicators measuring ecological, historic, and educational/scientific values will be based on the professional judgment of planners with expertise relevant to those values; and guidelines for resources or indicators measuring aesthetic and pristine values will be based on public preferences as determined by planners. See Table 714.410–2 for examples of indicators and units for measuring EQ values.

Table 714.410–2 Examples of Indicators and Units of Measurement for EQ Value

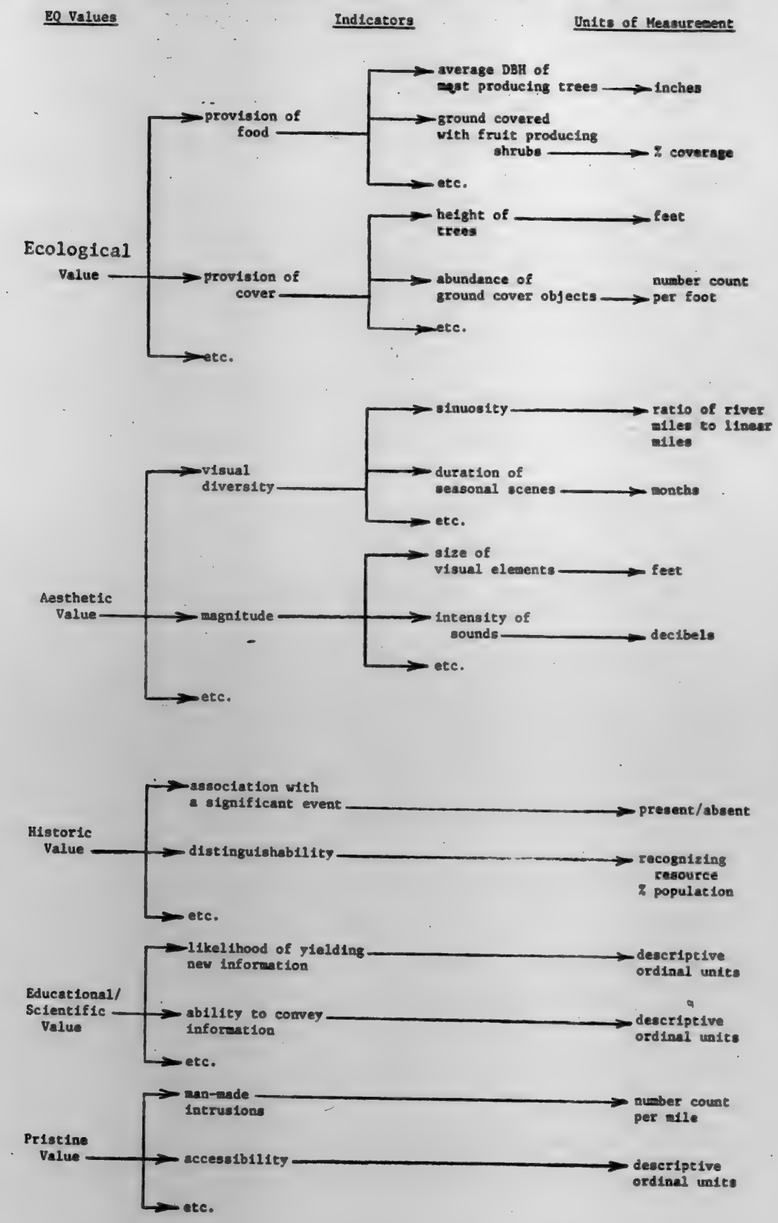

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Note.—These examples are for illustration purposes only and are not to be interpreted as required or limiting.

(4) Quantity and quality indicators and guidelines are to be identified in accordance with the scoping process required by NEPA regulations (40 CFR 1501.7) using the expertise of cooperating agencies (40 CFR 1501.6) and the preferences of public interests as appropriate. Indicators, units, and guidelines may be changed as necessary for each evaluation situation.

(5) The measurement framework for each EQ evaluation is to be documented in accordance with the format shown in Table 714.410–3.

§ 714.420 Inventory resources.

Inventorying is performed to collect and develop data, within the previously defined resource and measurement limits, for use in assessing the effects of alternative plans on EQ resources. In the first inventorying activity, data for past and existing conditions of identified EQ resources are collected. In the second and third activities, future without-plans and with-plan conditions are estimated. The three inventorying activities are discussed in detail in this section.

(a) *Survey existing conditions.* (1) This activity is performed to collect data that describe the trend and existing conditions of EQ resources. The trend condition is the recorded historic description of a resource. The existing condition is the most recent description of a resource, i.e., as it existed at the latest date of the trend condition. Trend and existing conditions of EQ resources are to be described in terms of the quantity and quality indicators selected in the previous activity.

Table 714.410–3
Format for Measurement Framework

EQ Resource	Quantity/ Quality	Indicators	Units	Guidelines
(List study area EQ resources, as identified in accordance with Section 714.410 (a)).	Quantity	(List a quantity indicator for each EQ resource, as identified in accordance with Section 714.410(b).)	(List a unit of measurement for each quantity indicator, as identified in accordance with Section 714.410 (b).)	(List a guideline for each quantity indicator, as identified in accordance with Section 714. 410(b).)
	Quality (List the EQ values attributed to each listed EQ resource: Ecological, Aesthetic, Historic Educational/ Scientific, Priatine, as identified in accordance with Section 714. 410(a).)	(List one or more quality indicators for each listed EQ value, as identified in accordance with Section 714.410(b).)	(List a unit of measurement for each quality indicator, as identified in accordance with Section 714.410(b).)	List a guideline for each quality indicator, as identified in accordance with Section 714.410(b).)
Example Harrison Farm- "Old Field"	Quantity	Area	Acres	500 acres (preserve existing acreage, or create additional area).
	Ecological Value	Carrying Capacity	Habitat Suit-ability Index (HSI)	0.7 (preserve existing HSI, or increase it by better management).
	Aesthetic Value	Visual Diversity	0-10 Scale (criteria) for scale	6 (preservation or enhance-ment visual diversity).
	Historic Value	Sense of Association with signing of 1783 treaty.	Narrative descrip-tion.	Preservation of existing condi-tion, or restoration of condi-tions to approach 1783 condition.

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(2) The description of trend and existing conditions of EQ resources is to be undertaken in Step 2, Inventory Planning Setting, of the planning process. During early planning, available trend and existing condition data is to be collected for each EQ resource. Predictions about the likely occurrence of other EQ resources should be developed, based on the available data, as a guide to later data collection.

(3) If existing condition data is out of date, invalid, or unavailable, a data collection program is to be developed to provide current data. Data collection programs are to require the use of professionals and expertise relevant to each EQ resource for developing and analyzing data, in accordance with the NEPA regulations' cooperating agencies (40 CFR 1501.6) and scoping (40 CFR 1501.7) requirements. Data collection programs are to be initiated early enough such that required data is available when needed for evaluation. The EQ data base is to be reviewed during each stage of evaluation to progressively focus it at the proper level of detail necessary for evaluation.

(4) Agencies are to insure the professional integrity, including scientific integrity, of the methodologies and analyses used in data collection programs as required by the NEPA regulations (40 CFR 1502.24).

(b) *Forecast without-plans conditions.* (1) This activity is performed to develop data that describe the future conditions of EQ resources in the absence of any of the alternative plans under consideration. Without-plans conditions are to be described for EQ resources in terms of the same quantity and quality indicators used to inventory data on past and existing conditions.

(2) The without-plans condition is an estimation of the most probable future condition of an EQ resource in the absence of any of the study's alternative plans. The without-plans condition includes any changes expected to directly or indirectly result from all reasonably foreseeable actions without any of the study's alternative plans. For example, if it is reasonably certain that within the next 20 years 60 percent of the study area's woodlands will be cleared for agricultural purposes without a Federal plan, the effects of such clearing will be included in the without-plans condition. Or if existing legislation, such as the Clean Water Act, is expected to improve conditions in the study area, such improvements are to be included in the without-plans conditions. A without-plans condition may be expressed in a series of data for several specified future dates, or as a data average over the period of analysis.

(3) Without-plans conditions are to be based on:

(i) Trend and existing conditions data;

(ii) Other available related forecasts (for example, local and use plans, population projections);

(iii) Established institutional objectives and constraints, and customs and traditions related to the resource (for example, State historic preservation plans, management goals for wildlife regfugees, local agricultural practices); and

(iv) The effects of all reasonably foreseeable actions expected to occur in the absence of any of the study's alternative plans (for example, the effects described in other planning reports, Final Environmental Impact Statements, etc.).

(4) Approaches for estimating without-plans conditions will vary by EQ resource; EQ value; study area; availability of expertise, time, and money, and other factors. In addition, individual forecasting approaches are not mutually exclusive and may be used in various combinations to accommodate specific study needs. Therefore, while there is no one approach, or combination of approaches, that can be mandated for all circumstances, several general forecasting approaches should be considered. These include:

(i) Adoption of available forecasts developed by other sources;

(ii) Use of scenarios to describe hypothetical futures and the likely sequences of events that might lead to those futures;

(iii) Use of expert judgment techniques, such as Delphi and nominal group, in which the views of relevant professionals are systematically elicited and analyzed; and,

(iv) Use of extrapolation techniques, such as trend analysis and simple modeling, which rely on historic trend data to describe the future.

(5) EQ forecasts should attempt to cover the entire period of analysis, unless so doing would be unrealistic or unreasonable. If it is not realistic or reasonable to estimate future conditions over the entire period of analysis, planners are to develop a forecast of the longest possible duration and give their reasons for not estimating to the end of the period. Conversely, the period of analysis is not to constrain longer-term forecasts if they can be realistically and reasonably made and if they are needed to describe irreversible or irretrievable commitments of resources, or the relationship of short-term uses of man's environment to long-term productivity.

(c) *Forecast with-plan conditions.* (1) This activity is performed to develop data that describes the future conditions of EQ resources under each of the alternative plans being considered. With-plan conditions are to be described for each alterntive plan in terms of the affected EQ resource, using the same quantity and quality indicators used in the previous activity.

(2) The with-plan condition is an estimation of the most probable future condition of an EQ resource expected to occur as a result of implementation of a specific alternative plan formulated during the study. It is a forecast that starts at the date of plan implementation and ends on the last date of the period of analysis. It includes changes likely to directly or indirectly result both from the plan and from all reasonably foreseeable actions that are not part of the plan.

(3) The bases for estimating with-plan conditions include those used in forecasting without-plans conditions: trend and existing conditions, related forecasts, institutional objectives and constraints, and effects of other actions. In addition, a with-plan condition is to be based on the known effects of comparable past actions on the same or similar resources. (A considerable body of information has been developed on the known effects of existing water resources projects, many of which do not include programs to monitor and record ongoing effects.) Approaches for forecasting with-plan conditions include scenario writing, expert judgment techniques, and comparative analysis.

§ 714.430 Assess effects.

Assessment is performed to identify and describe the effects of alternative plans on EQ resources. In the first activity, the without-plans conditions and with-plan conditions are compared for each resource in terms of the quantity and quality indicators, to identify effects. Where differences are identified, the nature of the difference is described in the next activity. These activies are described in detail in this section.

(a) *Compare without-plans conditions to with-plan conditions.* (1) This activity is performed to identify the effects of alternative plans on EQ resources. It requires a comparison between the without-plans and with-plan conditions for each resource in terms of quantity and quality indicators. An effect is indicated whenever without-plans and with-plan conditions are different.

(2) If two or more quality indicators are forecast for a given EQ resource the without-plans and with-plan conditions must be compared for each indicator to determine whether all forecast estimates show the same type of effect. For example, if the ecological value of the resource "oak-pine habitat in the Upper Pauleysmum River Basin" is being measured in terms of the indicator "carrying capacity," forecasts for several additional indicators related to "carrying capacity" may have been developed (for example "percent herbaceous ground cover," "relative abundance of fruit-producing understory," "average DBH of mast producing trees," etc., as relative to various species). In this case, the effects on each of the additional indicators must be analyzed to determine how each relates to the main indicator, "carrying capacity," in order to determine the effect in terms of that indicator.

(3) Once an effect is identified, it is to be described in the next activity in EQ evaluation. If no effect is identified (i.e., the without-plans and with-plan conditions for a give EQ resource are equal), the unaffected EQ resource is to be dropped from further analysis, except for EQ resources listed in column 1 of Table 714.410–1, which are to be identified by "no effect" in the display required by § 714.440(a)(4).

(b) *Describe effects.* (1) This activity is performed to describe each effect on an EQ resource identified in the previous activity. The description is to be undertaken in two steps. In the first step, effects are to be described in terms of their location, duration, and magnitude.

(i) Location is the place where an effect is expected to occur. It is to be described in terms of an identifiable geographic location, such as "between river miles 57 and 63." The location of an effect should be described as specifically as possible without revealing the location of sensitive resources such as archaeological sites and endangered species habitats that could be jeopardized by wide distribution of location information.

(ii) Duration is the length of time over which an effect is expected to occur. It is to be described in terms of a duration period beginning at a specific time, such as "20 years beginning in 1990." The duration of most effects will be confined to a span of time within the period of analysis. However, some perpetual effects, such as the loss of a distinctive landform, may exceed the final date of the period of analysis.

(iii) Magnitude is the measurable difference between without-plans and with-plan conditions.

(A) If an EQ resource or indicator is measured in cardinal units (that is, it can be added, subtracted, multiplied, and divided), magnitude is to be expressed as the numeric difference between the without-plans and with-plan conditions. If a measurement unit is based on some other type of scale, such an ordinal scale of "great diversity, moderate diversity, low diversity," magnitude is to be expressed in either a numeric or narrative form suitable for accurately describing the difference.

(B) Magnitude is to be expressed as a series of data over time, such as "−400 acres in 1990, −200 acres in 2000, −150 acres in 2010," or as a datum average over the effect's duration, such as "−175 acres, 1990–2040." The time at which, or the period over which, an identified magnitude is expected to occur will always be noted.

(iv) Other characteristics of effects may be described where their description is relevant and useful to decisionmaking.

(2) In the second step, the significance of each effect is to be determined based on the criteria prescribed in the NEPA regulations (40 CFR 1508.27), which are as follows:

"Significantly as used in NEPA requires considerations of both context and intensity:

"(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests and the locality. Significance varies with the setting of the proposed action. For instance, in the case of site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

"(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of major action. The following should be considered in evaluating intensity:

"(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

"(2) The degree to which the proposed action affects public health or safety.

"(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

"(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

"(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

"(6) The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

"(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

"(8) The degree to which the action may adversely affect districts, sites, buildings, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

"(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

"(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment."

(3) Effects that are determined to be significant, whether beneficial or adverse, are to be appraised in the next phase of EQ evaluation. Effects that are not determined to be significant are to be dropped from further analysis, except that effects on the resources listed in column 1 of Table 714.410–1 are to be appraised in the next phase of EQ evaluation whether or not these effects are determined to be significant.

§ 714.440 Appraise effects.

Appraisal is performed to identify the desirability of significant effects on EQ resources, individually and collectively, for each alternative plan. In the first activity, significant effects are to be appraised as either "beneficial" or "adverse." All significant effects and the resources affected are then to be displayed for each alternative plan. In the next activity, the desirability of each alternative plan's overall net effect on EQ will be appraised. The overall effect of each plan will be judged as "net beneficial," "net adverse," or "no net effect." These appraisal activities are described in this section.

(a) *Appraise significant effects.* (1) This activity is performed to identify the desirability of each alternative plan's individual significant effects on EQ resources. The desirability of effects is to be described as either "beneficial" or "adverse" based on the following definitions:

(i) An effect is beneficial if, for a given EQ resource the withplan condition more closely approaches or attains the guideline than its without-plans condition. Example: the Julian City archaeological site has been identified as an EQ resource with historic value, its quality indicator is "sense of association with a significant event," and its guideline is "preservation of the site's sense of association." If the site's without-plans condition shows that the association would be lost as a result of planned residential development, but its with-plan condition for Plan X shows that the association would be preserved as a result of Federal land acquisition

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included in the plan, the effect of Plan X would be classified as beneficial.

(ii) An effect is adverse if, for a given EQ resource the without-plans condition more closely approaches or attains the guideline than its with-plan condition. Example: the Gradey Swamp habitat, with a guideline of "habitat suitability index of 1.0" for its ecological value, is identified as an EQ resource. An adverse effect would occur if the habitat's without-plans condition showed a habitat suitability index of 0.7 and its with-plan condition for Plan X showed a habitat suitability index of 0.5.

(2) The effect on the physical dimension of each EQ resource is to be appraised by comparing the without-plans condition, the with-plan condition, and the guideline.

(3) The effect on the ecological, aesthetic, historic, educational/scientific, and pristine values of each EQ resource is to be appraised by comparing the without-plans condition, with-plan condition, and the guideline for each of the resource's EQ values. In addition, appraisal of an effect on an EQ value of a resource is to include consideration of the effect, if any, on the resource's physical dimension, and the relationship of the physical (quantitative) effect to the EQ value (qualitative) effect. For example, the acreage of a particular habitat may be beneficially increased with an alternative plan, but the habitat's ecological value could be adversely affected by human activities, such as recreation, attracted to the area. But, an improvement in the ecological value of a habitat would not necessarily be benefical unless an adequate amount of habitat would be available. Thus, changes in both quantitative physical dimensions and qualitative values must be considered to fully interpret and appraise effects on EQ values.

(4) Appraised effects are to be displayed in tables developed in accordance with the format illustrated in Table 714.440. A table is to be prepared for each alternative plan. The display will be provided to the agency decisionmaker for judgment of net EQ effects.

(b) *Judge net EQ effects.* (1) This activity is performed to describe the desirability of the overall or net EQ effect of each alternative plan. Net effect is to be described as "net beneficial EQ effect," "net adverse EQ effect," or "no net EQ effect" based on the following definitions:

(i) A net beneficial EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined beneficial effects on EQ resources outweigh the plan's combined adverse effects on EQ resources.

(ii) A net adverse EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined adverse effects on EQ resources outweigh the plan's combined beneficial effects on EQ resources.

(iii) No net EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined beneficial and adverse effects on EQ resources are equal.

Table 714.440.—Format for Appraisal of Alternative Plans

SIGNIFICANTLY AFFECTED EQ RESOURCES	QUANTITY EFFECTS		QUALITY EFFECTS									
			Ecological Value		Aesthetic Value		Historic Value		Educational/Scientific Value		Pristine Value	
	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal
(List each significantly affected EQ resource, as identified in accordance with Section 714.430(b)).	(Describe the location, duration, magnitude, and reasons for significance of each effect on the quantity of each listed EQ resource as identified in accordance with Section 714.430(b)).	(State whether each effect on the quantity of each listed EQ resource is beneficial or adverse and the reason(s) that supports the stated appraisal, as identified in accordance with Section 714.440(a)).	(Describe the location, duration, magnitude and reasons for significance of each change in the ecological value of each listed EQ resource as identified in accordance with Section 714.440(a)).	(State whether each change in the ecological value of each listed EQ resource is beneficial or adverse and the reason(s) that supports the stated appraisal, as identified in accordance with Section 714.440(a)).	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.)	not applicable.	not applicable.	not applicable.	not applicable.
Example ..... Harrison Farm old field.	-400 acres in NW quadrant during reservoir filling (1990); significant based on cumulative effect.	adverse; failure to preserve existing acreage.	-750 habitat units annually over the period of analysis (1990–2040) in NW quadrant; significant based on cumulative effect.	adverse; failure to preserve or enhance existing carrying capacity.	-3 visual diversity units in NW quadrant over the period of analysis (1990–2040); significant based on proximity to State Park.	beneficial; visual diversity improved.	loss of association with Treaty signing site over the period of analysis (1990–2040); significant based on historic designation of site.	adverse; sense of association with Treaty signing event destroyed.	not applicable.	not applicable.	not applicable.	not applicable.

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(2) The agency decisionmaker is responsible for judging which of these types of net EQ effects best reflects the desirability of an alternative plan's overall effect on environmental quality. This judgment is to be based on a thorough consideration of all significant effects on EQ resources. In making a judgment on the EQ effect, the agency decisionmaker is acting on behalf of the public and must therefore consider public views related to the judgment. The decisionmaker may change a judgment on the net EQ effect of an alternative plan based on a reevaluation of existing information, or whenever relevant new information is brought to his or her attention. Reasons for the change are to be properly documented.

(3) Planners are to assist agency decisionmakers by presenting information bearing on the judgment of net EQ effect in a manner that aids the judgment process. As a minimum, the tables used to document the Appraise Significant Effects activity, as illustrated in Table 714.440, are to be provided to the decisionmaker prior to judgments on net EQ effect.

(4) The net EQ effect of each alternative plan is to be expressed in a clear and complete narrative statement that identifies the type of net EQ effect expected and, as specifically as practicable, the reasons that provided the basis for the judgment.

5. By adding a new Part 716 to read as follows:

PART 716—PROCEDURES FOR EVALUATION OF OTHER SOCIAL EFFECTS (OSE) IN WATER RESOURCES PLANNING (LEVEL C)

Subpart A—Purpose

Sec.

716.1 Authority and relationship to the principles and standards.
716.3 Agency activities covered by the Manual.
716.5 Responsibility for application of the Manual.
716.7 Schedule for application of the Manual.
716.9 Modification of the Manual.

Subpart B–D—(Reserved).

Subpart E—OSE Evaluation Procedures: Dam Failure

716.301 Introduction.
716.303 Conceptual basis.
716.305 Planning setting.
716.307 Evaluation procedures.
716.309 Report and display procedures.

Authority: 42 U.S.C. 1962d–1.

Supart A—Purpose

§ 716.1 Authority and relationship to the principles and standards.

On July 12, 1978, President Carter directed the Water Resources Council (WRC) and its Member agencies to "carry out a thorough evaluation of current agency practices for making benefit and cost calculations" and "publish a planning manual that will ensure that benefits and cost are estimated using the best current techniques and calculated accurately, consistently and in compliance with the Principles and Standards and other applicable economic evaluation requirements." This Part of the procedures is specifically intended to supplement and implement the Standards for the evaluation and display of Other Social Effects (OSE) in water resources planning (Level C) established by the Water Resources Council pursuant to Section 103 of the Water Resources Planning Act (Pub. L. 89–80; 42 U.S.C. 1962a–2).

§ 716.3 Agency activities covered by the manual.

(a) These procedures shall be used for the evaluation and display of Other Social Effects of Federal and federally-assisted water resources projects covered in § 711.4 of the Principles and Standards for Planning Water and Related Land Resources. The procedures apply to all Level C (project) planning subject to the Principles and Standards, including (1) projects that may be approved by agency administrators, (2) projects requiring congressional authorization, and (3) authorized projects or separable features of authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents. For the purposes of these procedures a project shall be considered "under construction" when funds have been appropriated by the Congress or budgeted by the President for land acquisition or physical construction activity. Projects for which postauthorization planning documents are not required shall be considered under construction when authorized for construction.

(b) The Secretaries of Departments shall retain the discretion to review those projects not under construction and may, under their discretionary authority, wholly exempt a project from complying with these procedures or partially exempt a project and direct expedited additional planning to meet specific procedures. This discretionary authority applies to those projects not yet authorized for which preauthorization planning is now complete or will be completed by the end of fiscal year 1981 and to those authorized projects requiring postauthorization planning if such planning is now complete or will be complete by the end of fiscal year 1981. For purposes of applying this Manual, preauthorization or postauthorization planning shall be considered complete when the appropriate planning documents have been approved by the responsible agency's field office. Secretarial authority to exempt projects from the procedures of this Manual is provided to prevent undue loss of time or expenditure of public funds in those cases in which the Secretary judges additional planning to be unnecessary. This discretionary authority may not be exercised after July 31, 1982.

(c) Authorized projects exempted from complying with the Principles and Standards are also exempted from complying with these procedures.

§ 716.5 Responsibility for application of the manual.

The administrator of each covered Federal or federally-assisted program is responsible for applying these procedures.

§ 716.7 Schedule for application of the manual.

The responsible agency administrators shall adopt these procedures within 30 days after the date of publication as final rules in the **Federal Register.**

§ 716.9 Modification of the manual.

The Water Resources Council will revise these procedures periodically as experience, research, and planning conditions dictate.

Subparts B–D (Reserved)

Subpart E—OSE Evaluation Procedures: Dam Failure

§ 716.301 Introduction.

This chapter presents the procedure to be followed for measuring and displaying the potential adverse contributions to Other Social Effects (OSE) associated with the possible failure of dams.

§ 716.303 Conceptual basis.

(a) *General.* The *Federal Guidelines for Dam Safety* prepared by the Ad Hoc Interagency Committee on Dam Safety of the Federal Coordinating Council for Science, Engineering and Technology, June 25, 1979, should minimize the risk of future dam failures, but the possibility of dam failure still exists. Current economic analyses of alternative water

resource plans do not explicitly reflect the expected social costs associated with low-probability disasters resulting from stuctural failures. The state-of-the-art of risk-based analysis does not permit precise specification of the probability of failure of individual structures. Nevertheless, potential losses can be used in the evaluation of alternative plans and in the assessment of additional safety features incorporated into dam facilities.

(b) *Types of adverse effects.* The adverse effects of dam failure include physical damage or loss; income loss; emergency costs; loss of future benefits; and loss of life, health, and safety. Each activity affected by a dam failure experiences losses in one or more of these categories. See Section 713.503 for a description of physical damages, income losses, and emergency costs.

(c) *Definition of dam or project.* As used in this section a dam or project is an artificial barrier, including appurtenant works, that impounds or diverts water and that: (1) is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier if it is not across a stream, channel, or watercourse, to the maximum water storage elevation; or (2) has an impounding capacity at maximum water storage elevation of 50 acre feet or more. These procedures do not apply to any barrier 6 feet or less in height, regardless of storage capacity, or regardless of height, to barriers with an impounding capacity at maximum water storage elevation of 15 acre feet or less. These lower size limitations should be waived if a potentially significant downstream hazard exists.

(d) The procedures apply to both dams with permanent reservoirs and detention dams used for temporary storage of floodwaters. The impounding capacity at maximum water storage elevation includes storage of floodwaters above the normal full storage elevation.

§ 716.305 Planning setting.

(a) *General.* The estimation of adverse effects that would be incurred in the event of failure of a dam shall be based on a careful analysis of the with- and without-failure conditions.

(b) *Without-failure condition.* The without-failure condition is the land use and related conditions likely to occur in the absence of dam failure. The without-failure condition corresponds closely to the condition expected to exist in the future with a given alternative plan that includes the dam being analyzed.

(c) *With-failure condition.* The with-failure condition is the most likely condition expected to exist in the future with a given dam failure. Dam failure is defined as a catastrophic failure characterized by the sudden, rapid, and uncontrolled release of impounded water. It is recognized that there can be lesser degrees of failure and that any malfunction or abnormality outside the design assumptions and parameters that adversely affect a dam's primary function of impounding water is properly considered a failure. Such lesser degrees of failure can lead to or heighten the risk of a catastrophic failure, but are normally amenable to corrective action.

§ 716.307 Evaluation procedures.

Four steps shall be completed in estimating and displaying the potential adverse effects of dam failure. The steps are designed primarily to relate land use to the hazard from an OSE perspective. The level of effort expended on each step depends on the sensitivity of alternative plan formulation to further refinement. Emphasis should be on evaluating the overall reasonableness of local land use plans (a) with respect to OBERS and other larger area data, and (b) in recognition of the hazard of dam failure.

(a) *Step 1—Delineate affected area.* The area affected consists of all areas likely to be inundated with floodwaters or affected indirectly as a result of dam failure. Maps delineating the affected area and indicating land uses and significant development or improvements shall be prepared. To assist in the evaluation of hazard potential, areas delineated on inundation maps shall be classified according to the degree of occupancy and potential for hazard.

(1) The *primary impact area* is the area in the direct path of the initial wave from the dam breach. This area is comparable in concept to the "floodway" recognized in the regulations of the National Flood Insurance Program.

(2) The secondary impact area is the area expected to be flooded primarily by rising water, where less serious damage is expected. This area is comparable in concept to the "flood fringe" recognized in the regulations of the National Flood Insurance Program.

(b) *Step 2—Determine characteristics of affected areas.* The existing and projected characteristics of the affected area shall be described. The categories of characteristics used to determine benefits from reduction of urban and rural flood damages (Sections 713.511 and 713.207 through 713.219) shall be used as a guide.

(c) *Step 3—Project activities and land use in affected areas.* The projections of activities and land use shall be consistent with the projections used to estimate benefits for the dam or project. The analyst must recognize that the areas subject to flooding in the event of dam failure are likely to be larger than those subject to recurring flooding.

(d) *Step 4—Collect land market value and related data.* The land market value and related data utilized for the affected areas shall be consistent with the data used to estimate benefits for the alternative plan containing the dam. The procedures in Section 713.525 shall be used as a guide.

§ 716.309 Report and display procedures.

The report shall include enough data to enable the reviewer to follow the key steps in the analysis.

(a) *Report procedures for risk and uncertainty.* To assist reviewers in assessing their own response to risk, the following shall be displayed.

(1) The inundation map for the flood event resulting from dam failure, including the delineation of the primary and secondary impact areas.

(2) The number of people and towns affected; the number and value of structures and acres by land-use type; description of essential services (water, power, fire protection, and sanitary services, etc.) and distance to unaffected essential services; anticipated warning time; and flood depths, velocity, duration, debris content, etc., and other indicators pertinent to catastrophic flooding.

(b) *Summary tables.* Summary Tables 716.309–1 and 716.309–2 are suggested presentations for all reports that include a dam as a measure of achieving benefits. Other summary tables may be necessary and pertinent. Other data pertinent to the evaluation shall also be presented and appropriately displayed.

Table 716.309–1.—*Number of Persons Subject to Hazards*

	Number—Time period[a]						
	P0	P10	P20	P30	P40	P50	P100
Primary Impact Area							
Secondary Impact Area							
Total							

[a] The designation P10 and P20 identify the tenth and twentieth year, respectively, of project life.

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Table 710.309-2.—*Number of Acres (or Structures) Subject to Inundation*[a]

	Acres—Time period[b]						
	P0	P10	P20	P30	P40	P50	P100
PROPERTY TYPE							
Residential:							
a. (Subclassification of residential units)							
b.							
c.							
Commercial:							
Industrial:							
Agricultural:							
a. (Subclassification of agricultural uses)							
b.							
c.							
Semipublic:							
Transportation:							

[a] Tables should be displayed for the primary and secondary impact areas. Similar tables reflecting the value of these properties should also be displayed.

[b] The designations P10 and P20 identify the tenth and twentieth year respectively, of project life.

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Part III

Department of Transportation

Federal Aviation Administration

Proposed Amendment To Ensure Compliance With EPA Smoke Emission Standards for In-Use JT3D Engines and Proposed Requirements for Compliance With Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Docket No. 20250; Notice No. 80-6]

SFAR 27—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes; Proposed Amendment to Ensure Compliance with EPA Smoke Emissions Standards for In-Use JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendments to the FAA airplane emissions rules to ensure compliance with the aircraft and aircraft engine emission (smoke) standards for in-use JT3D engines in accordance with the compliance schedule established on October 16, 1979, by the U.S. Environmental Protection Agency (EPA) under 40 CFR Part 87 (44 FR 64266; November 6, 1979). This proposal reflects the EPA's extension of compliance deadlines to be more compatible with the FAA's aircraft operating noise limits rule applicable to U.S. aircraft using the JT3D engines (14 CFR Part 91, Subpart E). It would require timely modification of in-use JT3D engines manufactured before January 1, 1978, in accordance with a phase compliance schedule (intermediate compliance dates of January 1, 1981, and January 1, 1983) with full compliance beginning January 1, 1985. JT3D engines manufactured on or after January 1, 1978, are already required by EPA to meet those engine emission standards. This FAA rulemaking action is required by Section 232 of the Clean Air Act, as amended in 1970 by Pub. L. 91-604 (42 U.S.C. 1857 f10). Elsewhere in today's Federal Register, the FAA is proposing amendments to its operating noise limits rule that would also affect the operation of airplanes powered by JT3D engines, as well as other airplanes.

DATES: Comments must be received on or before June 28, 1980. Final compliance date for the EPA regulation being implemented is January 1, 1985, with intermediate phased compliance dates of January 1, 1981, and January 1, 1983.

ADDRESS: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20250, 800 Independence Avenue SW., Washington, D.C. 20591;

Or deliver comments in duplicate to:

FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C.

Comments may be examined in the Rules Docket daily between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Emanuel M. Ballenzweig, Air Quality Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8933.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. However, reflecting the division of regulatory responsibility between EPA (under section 231 of the Clean Air Act, as amended, 42 U.S.C. 1857 f-9) and the Secretary of Transportation (under section 232 of that Act, 42 U.S.C. 1857 f-10), comments are not requested concerning the substance or the compliance dates of the already final requirements of EPA's Part 87 that are incorporated in the FAA proposal. Since those comments would involve EPA's regulatory authority, including grants of exemption, they should be submitted directly to the EPA, although the FAA would appreciate that information copies of any of those comments be sent to the FAA Rules Docket. Comments that do not involve either the substance or the compliance date of the provisions of EPA's Part 87 that are incorporated in this notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to the address for comments indicated above. Timely comments will be considered by the FAA Administrator before taking action on the proposed rules. The proposals contained in this notice (other than the incorporated provisions of EPA's Part 87) may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. ——." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background History

Under section 232 of the Clean Air Amendments of 1970, Pub. L. 91-604, the FAA has a duty to issue regulations to ensure compliance with all aircraft emission standards promulgated under section 231 of the Act, which are currently prescribed in EPA Regulations (40 CFR Part 76) originally issued on July 6, 1973, and published in the Federal Register (38 FR 19088) on July 17, 1973.

Accordingly, on December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27, published in the Federal Register (38 FR 35437) on December 28, 1973. The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and related test procedures issued by the EPA under 40 CFR Part 87.

The SFAR, as originally issued ensured compliance with only those standards and procedures in EPA Part 87 that were effective beginning February 1, 1974. On December 23, 1974, the FAA issued an amendment to SFAR 27 (Amdt. SFAR 27-1, published December 30, 1974, 39 FR 45008) to ensure compliance with the fuel venting emission standards in EPA Part 87 that were effective beginning January 1, 1975. A second amendment to SFAR 27 was issued on November 23, 1975 (Amdt. SFAR 27-2, published November 28, 1975, 40 FR 55311) to ensure compliance with smoke emission standards in EPA's Part 87 applicable to new and in-use aircraft turbofan or turbojet engines designed for subsonic airplanes that have a rated power of 29,000 pounds thrust or greater, effective January 1, 1976. A third amendment was issued on December 21, 1977 (Amdt. SFAR 27-3, published December 29, 1977, 42 FR 64876) to ensure compliance of JT3D engines manufactured on and after January 1, 1978, with smoke emission standards in EPA's Part 87.

The Proposal

The FAA proposes to amend SFAR-27 pursuant to the Clean Air Amendments of 1970, to require compliance with the EPA's Part 87 exhaust emission (smoke) requirements that apply to in-use JT3D engines on the prescribed phased compliance schedule. That rule is contained in § 87.31(c) of Part 87 (40 CFR 87.31(c)). It provides that the exhaust emission of each in-use Class T3 engine, specified under § 87.1(a) as gas turbine engines of the JT3D Model family, may not exceed a smoke number of 25, when measured in accordance with the related test procedures under EPA's Part 87. To meet these smoke requirements for Class T3 engines would require a retrofit of the combustor in JT3D engines manufactured before January 1, 1978. Those manufactured on or after that date must already comply.

That provision of EPA's Part 87 affecting in-use JT3D engines was originally scheduled to take effect January 1, 1978, but as a result of a petition from the Air Transport Association of America (ATA), the compliance schedule was relaxed to permit phased compliance with full compliance by September 1, 1981 (43 FR 54861; December 15, 1976). In response to an FAA suggestion, the EPA subsequently proposed to further amend the compliance schedule to coincide with 14 CFR 91.305, the FAA's phased schedule for noise compliance by JT3D-powered airplanes operated under FAR Parts 121 and 135 which are not flown in foreign commerce (43 FR 12815; March 24, 1978). It should be noted that EPA's Part 87 applies to civil JT3D-powered airplanes that have a U.S. standard airworthiness certificate (or foreign equivalent) and operate in the United States. It, therefore, covers some airplanes not currently covered by FAR Part 91, Subpart E, including those airplanes operated exclusively under FAR Part 91, those operated in foreign air commerce in the United States, as well as those operated under FAR Parts 121, 123, and 135. The compliance schedule prescribed under 40 CFR 87.31(c) is as follows:

"(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T3 shall not exceed a smoke number of 25. Each operator shall achieve compliance in accordance with the following schedule:

(1) One-quarter of its operational Class T3 engines by January 1, 1981.

(2) One-half of its operational Class T3 engines by January 1, 1983.

(3) All of its operational Class T3 engines by January 1, 1985.

This compliance schedule notwithstanding, Class T3 engines which do not meet a smoke number of 25 may continue to be operated if, under an FAA approved plan, replacement engines or replacement airplanes have been ordered and are scheduled for delivery prior to January 1, 1985, but not after the dates specified on the plan. For the purpose of this paragraph, replacement engines are engines of a class different from Class T3 and have been shown to meet the smoke emission standards in this part appropriate to their class."

Operational Engines

Though the term "operational engines" is not defined in 40 CFR Part 87, the above quote from § 87.31(c) indicates that operational Class T3 engines are a subset of the in-use aircraft gas turbine engines of Class T3. (The term "in-use aircraft gas turbine engine" is defined in Part 87 as an aircraft gas turbine engine which is in service.) For purposes of enforcement, "operational Class T3 engines" include only those engines that an operator has installed on airplanes that operate in the United States. Therefore, spare engines will not be monitored, though they will have to come into compliance at about the same rate as operational engines in order to keep an operator's airplane fleet in compliance when operational engines need to be removed. EPA indicates that this enforcement approach is consistent with 40 CFR Part 87.

Replacement Airplanes

EPA has defined the term "replacement engines" in § 87.31(c) where the term "replacement airplane" was introduced, but not defined because the EPA assumed that an analogous definition was implied. for purposes of enforcement, a "replacement airplane" is an airplane powered by engines other than Class T3 that meet applicable smoke emission requirements. The EPA has indicated that this approach is consistent with 40 CFR Part 87, as interpreted by the EPA.

Achieving Compliance

Pratt and Whitney Service Bulletin No. 4694 describes the methods and parts for modification of in-use JT3D engines to provide a burner configuration that results in smoke density levels consistent with the EPA maximum limit. The burner retrofit configuration in this referenced Service Bulletin (described, also, in the FAA-approved Engineering Change 284890) has been installed in a JT3D-7 engine and demonstrated to produce maximum smoke numbers well below the standard of 25 during separate test runs. In addition, this modification has undergone several thousand cycles of engine testing, several airline tests and more than 150,000 hours of service tests. Based on these tests, the burner retrofit configuration described in Service Bulletin 4694 is considered to be in conformance with the EPA standards. Therefore, and the EPA agrees, modification of a JT3D engine in accordance with the above Service Bulletin will be satisfactory evidence of compliance with 40 CFR Part 87, if that engine is properly maintained.

Thus, in a fashion similar to that used in SFAR 27 to ensure compliance of in-use JT8D engines, this notice proposes to incorporate by reference the P & W Service Bulletin No. 4694 in § 14 of the SFAR. The Service Bulletin is available for examination in the FAA Rules Docket, AGC-24, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, or may be obtained from Pratt and Whitney Aircraft Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. In addition, to ensure that the incorporated materials are reasonably available to interested persons, if the rule is adopted, it will also be available at the locations listed in a proposed new § 10(e). The incorporation by reference will be submitted for approval of the Director of the Federal Register pursuant to 1 CFR Part 51 before issuing a final rule based on this notice. It should be noted that incorporated documents merely describe an acceptable means of compliance for an in-use JT3D engine to achieve the EPA smoke standards and that any other means consistent with § 11 of the SFAR that is demonstrated to limit engine emissions below smoke number 25 under the precribed test procedures of EPA's part 87 will be accepted as complying with the provisions of § 87.31(c) that are incorporated in this proposed amendment to SFAR 27.

Pratt and Whitney Service Bulletin No. 2417 which has been incorporated by reference in SFAR 27, has been cancelled by Pratt and Whitney and has been incorporated in parts catalogs. Since retrofit in accordance with Pratt and Whitney Service Bulletin No. 2531 is sufficient to meet JT8D smoke requirements without reference to Service Bulletin 2417 or Engineering Change 197707 (which provided the details needed for conducting a service evaluation of the smoke reduction chamber configuration for JT8D engines), it is proposed that the incorporation by reference of Pratt and Whitney Service Bulletin 2417 and Pratt and Whitney Engineering Change 197707 be deleted from SFAR 27.

Replacement Plans

Final compliance requirements are applicable to an operator's JT3D engines

which are operational in the United States after December 31, 1984; the interim dates in the phased compliance schedule will not be applicable to those JT3D engines an operator schedules for replacement under an FAA-approved plan as such engines may continue to be operated up to January 1, 1985, or an earlier date specified in the approved plan. Thus, if an operator elects to provide the FAA a plan under which replacement engines (engines of a class different than Class T3 that have been shown to meet EPA smoke emission requirements) or replacement airplanes (airplanes powered by engines of a class different that Class T3 that meet applicable EPA smoke emission requirements) are scheduled for delivery prior to January 1, 1985; these engines and airplanes would be relieved from the requirements of the phased compliance schedule for Class T3 engines, until January 1, 1985, or an earlier date specified in the plan. Note, that those approved replacement plans may be a compliance strategy for smoke emissions even though the FAA's operating noise limits rule does not require compliance before 1985 for Part 91 operators and, as proposed, for operators engaged in foreign air commerce in the United States.

Under the proposal, any replacement plan for engine emissions purposes should be submitted to FAA's Office of Environment and Energy and should; at a minimum, include the operator's name and address, the name, address and phone number of the person submitting the plan, the operator's current and projected inventory of JT3D engines (by serial number) and JT3D-powered airplanes (by aircraft registration number and airplane serial number) covered by this SFAR, plus the verifiable schedule for replacement of those engines and airplanes. Applicants would certify that the plan is true and complete.

The approval process for a replacement plan will consider whether the plan would provide similar benefits to the phased emission reduction that would be achieved through a phased retrofit program. Thus, a plan submitted by an operator with a large JT3D-powered fleet would be unacceptable if it delayed replacement of a substantial portion of its fleet until December 31, 1984, and did not provide a compelling reason for such an inordinate delay. In considering approval of replacement plans for those operators required to prepare compliance plans for noise (under 14 CFR 91.308) or replacement plans for noise (under 14 CFR 91.305), the approval process for replacement plans for emmissions will compare the various plans for consistency and differences. While some differences would be expected since the objectives are not the same, each operator's fleet projections and compliance strategy should be traceable among the various plans the operator submits.

Compliance Schedule (Interim Compliance Dates)

The proportions prescribed by the EPA in 40 CFR 87.31(c) for the interim compliance dates of January 1, 1981, and January 1, 1983, apply to the total number of operational engines of Class T3, owned or controlled by each operator on those dates, that are not scheduled for replacement before January 1, 1985, in accordance with an FAA-approved replacement plan. EPA agrees that the proportions in § 87.31(c) apply to the total number of operational engines of Class T3 owned or controlled by each operator, and do not apply to each individual JT3D-powered airplane operated by each operator. Therefore, the portion of each operator's fleet subject to compliance with the smoke standards for in-use Class T3 engines include the total number of Class T3-powered airplanes in the operator's fleet on each interim compliance date less those Class T3-powered airplanes in the operator's fleet that are scheduled for replacement in accordance with an approved replacement plan. The following examples are provided to illustrate application of the rule: (1) An operator with four JT3D-powered airplanes engaged in U.S. operations on January 1, 1981, (sixteen operational engines) and no approved replacement plan, is required to have four of those operational engines in compliance with the smoke standards in order for the required one-fourth of the operational engines to be in compliance. Since this emissions requirement is not airplane specific, the distribution of the complying engines among his fleet of JT3D-powered airplanes is inconsequential; i.e., at one extreme there may be four complying engines on one airplane with no complying engines on the other three, and at the other extreme there may be one complying engine on each airplane. On January 1, 1983, if the size of the operator's JT3D-powered fleet is unchanged, eight operational engines (four additional) must be in compliance in order to bring the required one-half of the operator's operational engines of Class T3 into compliance. (2) An operator with eight JT3D-powered airplanes engaged in U.S. operations (32 operational engines) on January 1, 1981, and no approved replacement plan is required to have eight of those operational engines in compliance by that interim date in order to have one-fourth of those operational engines in compliance. If the operator sells four of those airplanes by January 1, 1983, with non-complying engines (or puts those four airplanes on routes that do not serve United States airports, the operator's remaining JT3D-powered fleet of four airplanes (16 operational engines) would be in compliance by that interim date without any further retrofit since the eight engines that remain in compliance constitute one-half of those operational engines. (3) An operator with eight JT3D-powered airplanes (32 operational engines) and an approved replacement plan which includes replacement of four airplanes (16 operational engines) by January 1, 1985, is required to have four engines in compliance by the interim date of January 1, 1981, and eight by the interim compliance date of January 1, 1983, providing there are no changes made to the JT3D-powered fleet during the interim years that are not covered by the FAA-approved plan (e.g., purchases or sales of JT3D-powered airplanes, changes to operations specifications, failure to meet the dates specified in the approved plan, etc.). These examples illustrate compliance only with the EPA's smoke emission standards. Operators must also achieve compliance with the operating noise limits rule under Part 91 Subpart E (including the amendments proposed elsewhere in today's **Federal Register** extending that rule to airplanes engaged in foreign air commerce in the United States) which requires individual airplanes in the fleet to be shown to comply. Thus, compliance with the smoke emission rule does not ensure compliance with the applicable operating noise limit rule for that airplane. Both rules must be satisfied separately. For example, for some airplanes not retrofitted for smoke, an approved replacement plan or EPA exemption may be necessary to postpone complying with the 1981 and 1983 interim dates under EPA's smoke emission rule even though the current or proposed FAA noise rule does not require compliance until 1985 for that airplane. Operators should review their compliance options for both noise and smoke to ensure timely compliance with each.

As indicated in SFAR 27 § 9(a), the FAA cannot grant a variance from the prescribed schedule established by EPA. Since changes to the compliance schedule are not possible as a result of this rulemaking action, operators are reminded that they should take the necessary actions to meet the phased compliance schedule. On January 8, 1980, Pratt and Whitney announced that they had in stock sets of retrofit parts for 40 engines and that there is a 16 month lead time for additional sets of this hardware. Retrofit or replacement actions cannot be delayed until this rulemaking is finalized, if the schedule is to be met.

Field examinations, operations specifications, airplane flight manuals, noise compliance plans, and similar documentation will be among the tools used by the FAA in determining whether operators meet the compliance schedule.

Certification and Engine Approval Actions

This notice proposes amendments to §§ 15, 17, 19, and 21 of SFAR 27 to reflect the EPA requirements applicable to in-use JT3D engines. Since the EPA amendment to § 87.31(c) concerning in-use JT3D engines affects the continued operation of airplanes powered by JT3D engines, it raises questions concerning the need and the appropriateness of including references to in-use JT3D engines in the certificate actions covered by §§ 15, 17, and 21 and the approval actions in § 19. After reviewing these current provisions in light of the EPA amendment, the FAA feels it would be misleading to issue certificates or make approvals after the final compliance date for engines that cannot legally be operated in the United States. This proposal is consistent with the treatment given Class T2 and T4 engines and T3 engines manufactured on and after January 1, 1978. However, since operation of non-complying, in-use JT3D engines manufactured before January 1, 1978, is not completely prohibited until January 1, 1985, the proposal uses that date as the cutoff date for further certificate and approval action, regardless of the date of application. Since the 1981 and 1983 interim phased compliance dates for in-use JT3D engines do not apply to certificate and approval actions for JT3D engines manufactured on and after January 1, 1978, any date prior to January 1, 1985, (the final compliance date in EPA's Part 87 that applies to all JT3D engines) would be more stringent than the EPA rule. Comments are specifically invited on the need and appropriateness of covering these actions in the proposed amendment, and on the proposed cut-off date for further certification and approval actions.

As each Class T3 engine is modified to meet the smoke standards, the model designator on the engine identification plate must be modified in accordance with Pratt & Whitney Service Bulletin 4694 in order to comply with § 19(b) of SFAR 27.

Operation

This notice proposes to amend § 25 to indicate that EPA's Part 87 phased compliance schedule for in-use JT3D-powered airplanes operated in the United States will be enforced by FAA.

Codification

Consideration is being given to codifying permanently the FAA airplane emissions regulations (SFAR 27) under Title 14 of the Code of Federal Regulations (CFR). There are several options being considered, including (1) Redistributing the provisions of SFAR 27 among the various parts of the code as appropriate, e.g., Part 21, Part 33, Part 45, Part 91, etc., and (2) continuing to provide a single code unit for engine emissions by establishing a new Part in Title 14, e.g., Part 34, with references to other affected parts. Comments are invited on the desirability of permanent codification and the appropriate option to follow in this eventual codification.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Special Federal Aviation Regulation (SFAR) 27 as follows:

1. By adding a new § 10 to read as follows:

§ 10 Incorporation by reference.

(a) *General.* This SFAR prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are contained in published material which is reasonably available to the class of persons affected and has been approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) *Incorporated matter.* (1) Each publication, or part of a publication, which is referenced but not set forth in full-text in this SFAR and which is identified in paragraph (c) of this section is hereby incorporated by reference and made a part of SFAR 27 with the approval of the Director of the Federal Register.

(2) Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of any subsequent change in incorporated matter that impacts compliance with standards and procedures is made under Part 11 of 14 CFR Chapter I and 1 CFR Part 51.

(c) *Identification statement.* The complete title or description which identifies each published matter incorporated by reference in this SFAR is as follows:

(1) Pratt and Whitney Service Bulletin 2531, Revision No. 10, dated December 28, 1972: Containing instructions on incorporation of a combustion chamber assembly configuration for JT8D engines which reduce visible smoke emissions.

(2) Pratt and Whitney Service Bulletin 4694, Revision No. 2, dated May 22, 1979: Containing instructions, parts list, and manpower requirements for providing a burner configuration for JT3D engines that reduces smoke density levels to meet EPA standards, and containing new model designations for complying engines.

(d) *Availability for distribution.* Operators affected by portions of this SFAR concerning in-use Class T3 and Class T4 engines normally receive the referenced documents from the manufacturer, Pratt and Whitney Aircraft when issued. Copies of Service Bulletins may be obtained (without cost) upon request to Pratt and Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108.

(e) *Availability for inspection.* A copy of each publication incorporated by reference in this SFAR is available for public inspection at the following locations:

(1) FAA office of the Chief Counsel, Rules Docket, Room 916, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, D.C.

(2) Department of Transportation, Branch Library, Room 930, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, D.C.

(3) The respective Regional Offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts.

(ii) Eastern Regional Office, Federal Building, John F. Kennedy (JFK) International Airport, Jamaica, New York.

(iii) Southern Regional Office, 3400 Whipple Street, East Point, Georgia.

(iv) Great Lakes Regional Office, 2300 East Devon, Des Plaines, Illinois.

(v) Central Regional Office, 601 East Twelfth Street, Kansas City, Missouri.

(vi) Southwest Regional Office, 4400 Blue Mound Road, Fort Worth, Texas.

(vii) Rocky Mountain Regional Office, 10255 East 25th Avenue, Aurora, Colorado.

(viii) Northwest Regional Office, FAA Building, 9010 East Marginal Way South,

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King County International Airport (Boeing Field), Seattle, Washington.

(ix) Western Regional Office, 15000 Aviation Boulevard, Hawthorne, California.

(x) Alaskan Regional Office, 632 Sixth Avenue, Anchorage, Alaska.

(xi) Pacific-Asia Regional Office, 1833 Kolakoua Avenue, Honolulu, Hawaii.

(xii) European Regional Office, Tour Madou Building, 1 Place Madou, 1020 Brussels, Belgium.

(4) The Office of the Federal Register, Room 8401, 1100 "L" Street, NW., Washington, D.C.

2. By amending § 14 as follows:

a. By amending paragraph (b) to read as follows:

§ 14 Compliance.

* * * * *

(b) Compliance with the exhaust emission requirements of this SFAR that apply to Class T4 engine beginning on February 1, 1974, is shown if the engine is a JT8D–11, JT8D–15, JT8D–17, or subsequent civil JT8D engine; or if the engine is a JT8D–1, JT8D–7 or JT8D–9 engine that was modified in accordance with Pratt and Whitney Service Bulletin 2531 which is incorporated by reference in § 10 of this SFAR.

* * * * *

b. By redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and amending the redesignated paragraph (d) by deleting the words "and January 1, 1978," and substituting for them the words "January 1, 1978; January 1, 1981; January 1, 1983; and January 1, 1985,".

c. By adding a new paragraph (c) to read as follows:

* * * * *

(c) Compliance with the exhaust emissions requirements of this SFAR that apply to Class T3 engines beginning on January 1, 1978; January 1, 1981; January 1, 1983; and January 1, 1985, is shown if the engine is a JT3D–12 engine or if the engine has been redesignated as a JT3D–1A, JT3D–1A–MC6, JT3D–1A–MC7, or a JT3D–7A engine after being modified in accordance with Pratt and Whitney Service Bulletin 4694, which is incorporated by reference in § 10 of this SFAR.

* * * * *

3. By amending § 15 as follows:

a. By amending paragraph (a)(5) to read as follows:

§ 15 Type certificates.

(a) * * *

(5) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

b. By amending paragraph (b) by deleting the words "date specified in subparagraph (a)(4)" and substituting for them the words "dates specified in subparagraphs (a)(4) and (a)(5)."

4. By amending § 17 as follows:

a. By amending paragraph (a)(5) to read as follows:

§ 17 Supplemental and amended type certificates.

(a) * * *

(5) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

b. By amending paragraph (b) by deleting the words "subparagraphs (a)(2) and (a)(4) of this section" and substituting for them the words "subparagraphs (a)(2), (a)(4), and (a)(5) of this section."

5. By amending § 19(a)(3) to read as follows:

§ 19 Engine approvals.

(a) * * *

(3) For an engine of Class T3, unless—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

6. By amending § 21(e) to read as follows:

§ 21 Standard airworthiness certificates.

* * * * *

(e) For airplanes powered by engines of Class T3—

(1) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(2) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

7. By amending § 25 as follows:

a. By amending the introductory clause by deleting the words "paragraphs (a) through (d)" and substituting for them the words "paragraphs (a) through (e)."

b. By amending paragraph (e) to read as follows:

§ 25 Operations.

* * * * *

(e) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) In addition, regardless of date of manufacture, each engine complies with the exhaust emission requirements according to the following schedule:

(A) One quarter of the operational Class T3 engines by January 1, 1981.

(B) One half of the operational Class T3 engines by January 1, 1983.

(C) All operational Class T3 engines by January 1, 1985.

This compliance schedule notwithstanding, Class T3 engines which do not meet a smoke number of 25 may continue to be operated if, under an FAA approved plan, replacement engines or replacement airplanes have been ordered under a binding contract and are scheduled for delivery before January 1, 1985, but not after the date specified in the plan. For purposes of this paragraph, replacement engines are engines of a class other than Class T3 engines that have been shown to meet the smoke emission requirements and related test procedures of 40 CFR Part 87 appropriate to their class.

(Sec. 232, Clean Air Act, as amended December 31, 1970, Pub. L. 91–604 (42 U.S.C. 1875f–10) as delegated (36 FR 3733); 40 CFR Part 87; secs. 307(c), 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, and 1423); sec. 6c, Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.45))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on April 8, 1980.

John E. Wesler,

Director, Office of Environment and Energy.

[FR Doc. 80-11063 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 20251; Notice No. 80–7]

Aircraft Operating Noise Limits; Proposed Requirements for Compliance With Part 36 Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendments to the aircraft operating noise limits rule applicable to civil subsonic turbojet powered airplanes with maximum weights of more than 75,000 pounds that are engaged in domestic or foreign air commerce in the United States. Those aircraft, whether of U.S. or foreign registry, would be required to comply with at least "Stage 2 noise levels" and certain other provisions of Part 36 in order to operate in the United States after specified dates. These amendments are proposed under § 611 of the Federal Aviation Act of 1958, as amended, to reflect the recently enacted Title III of the Aviation Safety and Noise Abatement Act of 1979.

Statutory extensions of the compliance dates under specified terms and conditions are implemented. Those statutory provisions provide an incentive to replace noncomplying two-engine and three-engine airplanes with the quieter Stage 3 airplanes and exempt two-engine airplanes to provide air transportation services to small communities in the United States.

In the preamble to the operating noise limits rule adopted in 1976, the FAA announced its intention to take additional regulatory action, if an international agreement were not reached before 1980 on international operating noise requirements and a compliance schedule for achieving either the U.S. noise levels (FAR Part 36) or the international noise levels (ICAO Annex 16). The recently enacted Aviation Safety and Noise Abatement Act of 1979 requires completion of portions of this regulatory action, in accordance with the Act, within 120 days.

DATES: Comments must be received on or before June 28, 1980.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 20251, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate and marked Docket No. 20251, to: Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined weekdays between 8:30 a.m. and 5 p.m. in the Rules Docket.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 755–9027.

SUPPLEMENTARY INFORMATION:

I. Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are specifically invited on the overall regulatory, economic, and environmental aspects of the proposal, including environmental impacts other than noise. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. To the extent not limited by statute, proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20251." The postcard will be date/time stamped and returned to the commenter.

II. Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA–430), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

III. Synopsis of Proposals

The FAA is considering amendments to Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to bring Subpart E into conformance with Title III of the Aviation Safety and Noise Abatement Act of 1979 which is provided as an appendix to this notice (Pub. L. 96–193; 94 Stat. 50; hereinafter referred to as the "ASNA Act"). These amendments would apply to civil subsonic turbojet engine powered airplanes with maximum weights of more than 75,000 pounds and would require compliance with Stage 2 or Stage 3 noise levels under Part 36 (including the permissible use of tradeoffs provisions) as a condition of operating in the United States after specified dates. Unless scheduled for replacement under a FAA approved plan or covered by a "service to small communities exemption," each affected airplane must be shown to comply with the applicable Stage 2 or Stage 3 noise levels under Part 36 or it may not be operated in the United States on and after the following dates:

January 1, 1981—

a. At least one quarter of the airplanes operated by each operator in domestic air commerce that have four engines with no by-pass ratio or a by-pass ratio less than two; and

b. At least half of the airplanes powered by any other type or number of engines and engaged in domestic air commerce.

January 1, 1983—

a. At least one half of the airplanes operated by each operator in domestic air commerce that have four engines with no by-pass ratio or a by-pass ratio less than two; and

b. All the airplanes powered by any other type of number of engines and engaged in domestic air commerce.

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January 1, 1985—

All airplanes engaged in domestic or foreign commerce in the United States, regardless of the State of registry or airworthiness certification.

Operators of affected airplanes engaged in both domestic and foreign air commerce may elect to apportion those airplanes between the two types of operations in accordance with a FAA approved method of apportionment.

The compliance date for a particular airplane may be extended under an approved replacement plan or a "service to small communities exemption," subject to a number of eligibility and termination requirements specified in the ASNA Act. Those dates specified are as follows:

After January 1, 1983—

An exemption covering a two-engine airplane to provide service to small communities expires on the date of delivery to another person of an exempted two-engine airplane that is sold, or otherwise disposed of, to that other person.

On or before January 1, 1985—

a. The authority to continue operations under an approved replacement plan, for the replacement of a three-engine or four-engine airplane expires on January 1, 1985, or on an earlier date specified in the plan.

b. An exemption covering a two-engine airplane with more than 100 passenger seats to provide service to small communities expires on January 1, 1985, unless the airplane is earlier sold, or otherwise disposed of, to another person.

On or before January 1, 1986—

The authority to continue operations under an approved replacement plan for the replacement of a two-engine airplane expires on January 1, 1986, or on an earlier date specified in the plan.

On or before January 1, 1988—

An exemption covering a two-engine airplane with 100 passenger seats or less to provide service to small communities expires on January 1, 1988, unless the airplane is earlier sold, or otherwise disposed of, to another person.

To be eligible for approval of a plan for the replacement of two-engine and three-engine airplanes that would allow operations until the dates discussed above, an operator must enter into a binding contract before January 1, 1983, that specifies delivery of a Stage 3 airplane before the applicable compliance date. Approval of a replacement plan for any other airplane would continue to be governed by the current rule which allows operations until a date on or before January 1, 1985, where the plan provides for a replacement airplane that either (1) has been shown to be a Stage 2 airplane before issuance of its original standard airworthiness certificate; or (2) has been reengined, or otherwise modified, and shown to be a Stage 3 airplane under Part 36. After the expiration of an exemption or the authority to continue operations under an approved replacement plan, compliance with Part 36 noise levels must be shown in order to operate that airplane in the United States.

For purposes of the exemption to provide air transportation service to small communities by two-engine airplanes, the seat configuration of the airplane is governed by that seating capacity shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

In bringing those affected airplanes engaged in foreign air commerce in the United States under Subpart E of Part 91, this notice proposes to apply the same Part 36 noise limits and other requirements currently applicable under Subpart E. In addition, this notice proposes to apply to all operators the provisions governing the service to small communities exemption and the authority to operate a Stage 1 airplane under an approved replacement plan. It does not propose, for the reasons discussed in this notice, to allow aircraft to demonstrate compliance with the International Civil Aviation Organization (ICAO) Annex 16 noise limits as an acceptable alternative to Part 36. If before the January 1, 1985, compliance date ICAO adopts noise standards which are substantially compatible with the requirements prescribed in Parts 36 and 91, the FAA will consider rulemaking to allow airplanes engaged in foreign air commerce to be operated if they have been shown to comply with those standards. The proposal would revoke the current limitation in Subpart E on the permissible use of Part 36 tradeoff provisions in demonstrating compliance with required Part 36 noise levels.

Operators of aircraft in foreign air commerce are also reminded that in accordance with FAR Part 11 and § 611 of the Act, and the Administrator may grant exemptions in the public interest from the FAA's noise control and abatement regulations. In considering the public interest, the Administrator reviews the need to provide air transportation services to those airports that would be affected. The Administrator also considers the factors contributing to a fair and reasonable access to U.S. airports by both domestic and foreign operators under substantially similar requirements to provide noise level reductions at those airports. Exercise of that discretionary authority, pursuant to § 611, ensures full consideration of the particular matters presented by a petitioner for relief from specific provisions of the regulation. The Administrator considers, among other things, whether the regulation, as applied to the petitioner, is economically reasonable, technologically practicable, and appropriate to the particular type of aircraft affected under the circumstances presented. It should be noted that under § 611, the FAA is required to consult with the Environmental Protection Agency before granting an exemption from the rule proposed. To ensure that an adequate opportunity to review any requests for exemption from operators engaged in foreign air commerce, requests should be filed in the early part of 1984. In reviewing requests for exemption applicable to an operator's service to the United States pursuant to a bilateral agreement, the FAA will consider whether there has been a demonstration that the service would be jeopardized without relief from the regulation.

IV. Regulatory History

Part 36 of the Federal Aviation Regulations "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969), which became effective December 1, 1969, originally prescribed noise measurement, evaluation, and level requirements for the issuance of type certificates, and changes to those certificates, for subsonic transport category airplanes and for subsonic turbojet engine powered airplanes, regardless of category and weight. That regulation initiated the noise abatement regulatory program of the FAA under the statutory authority of Pub. L. 90–411 (July 21, 1968), which added section 611 to the Federal Aviation Act of 1958 (the "Act").

On December 17, 1976, after consultations with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, the FAA adopted Amendment 91–136 which added Subpart E to Part 91 (41 FR 56046; December 23, 1976). Subpart E applies to U.S. registered civil subsonic airplanes with maximum weights of more than 75,000 pounds and having standard airworthiness certificates. It requires, as a condition to continuing operation after certain dates, that airplanes be shown to comply with the noise levels of Part 36. A phased compliance schedule applies to airplanes engaged in commercial and air carrier operations. Interim compliance dates of January 1, 1981 and January 1, 1983, apply to specified portions of an operators fleet. Final compliance for all airplanes is required before January 1, 1985. Special provisions govern replacement of existing airplanes, apportionment of an operator's fleet between domestic and foreign commerce, and the limitation on the permissible use of the tradeoff provisions in Part 36 (§ C36.5(b)).

On December 13, 1979, after consultations with the Secretary and the EPA, the FAA adopted Amendment 91–161, entitled "Aircraft Operating Noise Limits: Compliance Plans and Expanded Definition of 'Replacement Airplanes'" (44 FR 75558; December 20, 1979; and 45 FR 6924; January 31, 1980). That amendment (1) redefines "replacement airplanes" to allow credit under the rule for certain reengined airplanes, and (2) requires periodic submission to the FAA of fleet operator compliance plans and status reports for achieving and maintaining compliance under the rule.

V. Aircraft Noise Rules

Pub. L. 90–411, 92–574, 95–609, and 96–193 were enacted to provide the statutory basis for promulgating regulations providing present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under section 611 of the Act, the FAA, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations.

Since the adoption of Part 36 in 1969, the FAA has issued a number of other notices proposing amendments to its provisions and, subsequent to notice and public procedure, has adopted those amendments which have been found to be consistent with the provisions of section 611 of the Act. Those amendments have increased the protection of the public health and welfare by providing the necessary control and abatement of aircraft noise and sonic boom. In addition to the FAR Part 36 airplane noise certification rules, the FAA has adopted rules governing how airplanes should be operated for noise control purposes. On March 28, 1973, the FAA published an amendment to Part 91 (Amendment 91–112; 38 FR 8051) to prohibit unauthorized operation of civil aircraft at supersonic speeds over the United States. Amendment 91–134 (41 FR 52388; November 29, 1976), amended Part 91 for noise abatement purposes to require that a pilot in command of a civil turbojet-powered airplane use the lowest authorized flap setting consistent with safety. Amendment 91–136 (41 FR 56046; December 23, 1976) as previously discussed, added Subpart E to Part 91 to require phased compliance with the Part 36 noise limits by civil subsonic turbojet engine powered airplanes with maximum weights of more than 75,000 pounds that are not operated in foreign air commerce. Amendment 91–153 (43 FR 28406; June 29, 1978) strengthened the prohibition on sonic booms under § 91.55 and prohibits the operation to and from U.S. airports of all civil supersonic aircraft, except a limited number of Concorde SSTs, that do not meet FAR Part 36 noise standards. Amendment 91–161, as previously discussed, amended Subpart E to allow replacement credit during the phased compliance period for certain re-engined airplanes shown to comply with Stage 3 noise levels and to require U.S. operators to submit compliance plans and status reports under the rule.

VI. Need for Regulation

Operations by U.S. and foreign air carriers engaged in foreign air commerce create a significant noise impact at the international airports. Because of their longer flight distances which require more fuel, international flights normally operate at higher gross weights and create higher noise levels during takeoff. The noise impact increases as operations increase and will become more significant by 1985 when most U.S. airplanes used in domestic service must meet Stage 2 noise levels of Part 36. Also, additional "gateway" cities are receiving international operations as more international routes are awarded.

In the Aviation Noise Abatement Policy issued by DOT/FAA on November 18, 1976, and again in the preamble to Subpart E, the FAA stated that U.S. regulatory action would be taken in the event an agreement for compliance was not reached in the ICAO by 1980. Such an agreement has not been reached. In fact, at the 97th ICAO session held in Montreal during May and June 1979, the ICAO Council agreed to request all member States to take no action before January 1, 1988, and then to limit any prohibition of operations by noncomplying airplanes only at the most noise sensitive airports. Since U.S. airports that are served by international flights tend to be among the largest and busiest U.S. airports, the noise impact on those airports is also among the most serious.

In light of the noise control and abatement objectives of section 611 of the Act and as a result of the recently enacted ASNA Act, the FAA must proceed with rulemaking requiring compliance by 1985 unless, for a limited period, an airplane is specifically excepted or exempted. At the same time, the FAA is fully aware of the expectations of foreign air carriers and commercial operators that 1985 would be the earliest noise compliance date they would face in the United States should the ICAO mechanism not produce an agreement by January 1, 1980.

Aircraft noise has been identified as a significant annoyance for millions of persons in the United States. The problem is particularly serious at many major international airports. Shown below is the change in daily scheduled international operations of large turbojets at five of the major jetports between 1972 and 1979.

International Operations

Jetport	1972	1979	Change
New York (JFK)	284	251	−[1]33
Miami (MIA)	119	234	+115
Chicago (ORD)	83	83	+0
Los Angeles (LAX)	52	89	+37
Boston (BOS)	41	50	+9
Totals	559	693	+134

[1] The net reduction is attributed primarily to a significant increase in the use of wide-bodied airplanes with their large passenger capacities.

Without action to mitigate the noise contribution of airplanes engaged in foreign air commerce, the current rule, which is not applicable in all cases to those aircraft, provides only partial relief, and places the responsibility for airport noise reduction solely on the operations of U.S. registered aircraft not engaged in foreign commerce.

In proposing to extend the Part 36 noise level standards to both foreign and domestic airplanes engaged in foreign air commerce, the FAA is acting pursuant to Title III of the ASNA Act and section 611 of the Act. This proposal to amend Part 91 of the Federal Aviation Regulations is the result of several years of study by the FAA of the considerations and objectives of section 611 of the Act and the recently enacted statutory mandate. The development of the proposal included consultation with the Secretary of Transportation and the Environmental Protection Agency (EPA) in order to assure the fullest possible consideration of the factors of public health and welfare, safety, economic reasonableness, and technological practicability of the proposed rule.

As a result of the impact of aircraft noise on airport neighbors, serious pressures have developed that could

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threaten the continued growth of healthy national and international air transportation systems. Those pressures have led to restrictions on airport usage such as curfews, restrictions on the use of certain aircraft, opposition to airport development and serious liability exposure for existing airports. Other titles of the ASNA Act of 1979 also address many of those issues and will be the subject of future rule making proceedings.

There are over 13,000 public airports operating in the United States. Those airports vary widely in their size, closeness to populated areas, and aircraft mix. Some of those airports are among the busiest in the world, with 84 airports having more than 200,000 annual operations, 160 airports having more than 150,000 operations each year, and well over 200 airports having more than 100,000 annual operations. The busiest airports are generally located in the vicinity of the larger metropolitan areas and, thus, affect a significant number of people.

The conclusion of the many years of FAA review of this problem is that, both from the standpoint of the quality of life in hub airport environments and from the standpoint of the preservation of strong national and international air transportation systems, Federal action is required to ensure that all aircraft comply with at least the original 1969 Part 36 noise levels. Congress included this requirement in Title III of the Aviation Safety and Noise Abatement Act of 1979.

Title III of the Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, to make certain changes in the aircraft operating noise limits rule contained in Subpart E of Part 91. This proposal contains those required changes, outlined as follows:

Section 302 requires the FAA to complete rulemaking within 120 days to require both foreign and domestic operators engaged in foreign air commerce to comply with rules comparable to those currently contained in FAR Part 91, Subpart E. Under that section, the rulemaking would have had to conform to any pertinent agreement reached through the International Civil Aviation Organization (ICAO) by January 1, 1980. However, such an agreement was not reached. That section also permits the FAA to require international operators to comply with either the present domestic rule (contained in Parts 36 and 91) or ICAO Annex 16, if the Annex 16 standards "are substantially compatible" with the rule contained in Parts 36 and 91. Since there are technical differences between Part 36 and ICAO Annex 16 that can make differences for particular airplane types and since ICAO Annex 16 does not include operational requirements like those in Part 91, Subpart E, use of Annex 16 for the international portion of the U.S. rule could create (particularly for U.S. operators that are engaged in both foreign and domestic service) two distinct fleets with conceivably different noise levels and applications of different noise abatement technology. Further, to permit compliance to be shown with either Annex 16 or Part 36 could be to invite a meticulous search of the two standards for some small advantage for particular airplanes and fleets. That would only tend to reduce the protection to the public health and welfare intended by this proposal. Accordingly, this proposal would require compliance to be shown with Part 36.

Section 303 Provides a "new technology aircraft incentive" by permitting continued operation of noncomplying (Stage 1) two- and three-engine airplanes until no later than January 1, 1986, and January 1, 1985, respectively, if the airplane will be replaced by a Stage 3 airplane. To qualify, the operator must have a binding contract entered into before January 1, 1983, specifying a delivery date for the replacement before the applicable compliance date and an FAA approved replacement plan covering that airplane.

Section 304 entitled "small community service exemption" provides for issuance of exemptions to operators of noncomplying (Stage 1) two-engine airplanes to provide air transportation services. Those exemptions expire on January 1, 1988, for airplanes with 100 passenger seats or less, and on January 1, 1985, for airplanes with 100 passenger seats or less, and on January 1, 1985, for airplanes with more than 100 passenger seats (as those airplanes were configured on December 1, 1979, or at any earlier date established for any particular airplane). If an exempted airplane is sold, or otherwise disposed of, to another person after January 1, 1983, it is no longer exempted and is subject to the requirements that the airplane be brought into compliance before further operations in the United States by the other person.

Section 305 rescinds the current limitation in Subpart E concerning the permissible use of noise level tradeoffs when demonstrating compliance with Part 36.

VII. Section-by-Section Analysis of the Proposal

This notice proposes amendments to Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) which contains the operating noise limits and related requirements that apply to the operation of affected aircraft in the United States. The following discussion outlines the proposed changes to each affected provision implementing Title III of the Aviation Safety and Noise Abatement Act of 1979.

A. Applicability to airplanes engaged in foreign air commerce

This notice proposes to amend § 91.301(a)(1) to reflect the expanded applicability to Subpart E for civil subsonic airplanes engaged in foreign air commerce in the United States, regardless of the State of registry of the airplane. The current provision would be restructured and a new paragraph added to provide comparable treatment for foreign registered airplanes with maximum weights of more than 75,000 pounds. The new paragraph would apply if the airplane would be required by the Federal Aviation Regulations to have a U.S. standard airworthiness certificate in order to conduct the operations intended for that airplane were it registered in the United States. A new paragraph (a)(2) would be added to indicate that there is no need, and, thus, no requirement for foreign operators to submit compliance plans and status reports. Section 91.308 is currently applicable only to domestic operators. Compliance status of airplanes operated in the United States by foreign operators can be adequately monitored through the existing mechanisms covering those airplanes.

B. Relationship to Part 36

Paragraph 91.301(b) would be revised to expressly incorporate the Part 36 definitions of "Stage 2" and "Stage 3" of noise levels and of airplanes described in terms of those noise levels ("Stage 2 airplanes" and "Stage 3 airplanes"). Those terms are used whenever appropriate to identify more specifically the applicable Part 36 noise levels under Part 91, Subpart E.

C. Tradeoff provisions

Under the proposal, paragraph 91.301(c) governing the limited applicability of the tradeoff provisions of § C36.5(b) in showing compliance with Subpart E is deleted to implement the legislative authorization to use "tradeoffs" in showing compliance with the provision of Subpart E (section 305 of the ASNA Act).

D. Final compliance dates

Section 91.303 would be amended to reflect the legislative authorization (sections 303(b) and 304, ASNA Act) for extending the final compliance dates beyond January 1, 1985. The affected provisions govern two-engine airplanes under FAA approved replacement plans (proposed § 91.305(d)(1)) or under the small communities exemption provisions (proposed § 91.306). Two-engine airplanes are generally required to achieve full compliance by January 1, 1983, in accordance with § 91.305(b)(2). In other respects, the Stage 2 or Stage 3 noise levels still must be achieved according to the phased compliance schedule and by all affected subsonic airplanes by January 1, 1985, in order to operate in the United States.

E. Phased compliance

Current § 91.305 prescribes the phased compliance schedule for U.S. registered airplanes operated under Parts 121 or 135, including provisions for extending those dates up to January 1, 1985, under an FAA approved plan for "replacement airplanes" that have been shown to comply with specified Part 36 noise levels. The proposal would expand the general applicability of the section to include all affected airplanes operated in domestic U.S. air commerce, regardless of their State of registry. (This change is necessary to ensure that the noise abatement objectives of the rule are not) inadvertently subverted in those cases where U.S. operators operate foreign registered airplanes in the United States under the recently adopted provisions of the international Air Transportation Competition Act of 1979.) For purposes of phased compliance, the proposal distinguishes between airplanes operated in domestic U.S. air commerce, and those operated in foreign air commerce in the United States. The current schedule for compliance would apply generally to airplanes engaged in domestic U.S. air commerce. The notable exceptions are those airplanes covered by the statutory compliance date extensions for replacement airplanes (proposed § 91.306(a) and (b)) and for providing air transportation service to small communities (proposed § 91.307(a)). For airplanes engaged in foreign air commerce in the United States, regardless of the State of registry, the proposal requires full compliance as follows:

(1) By January 1, 1985, all affected airplanes not operated under an approved replacement plan or exemption from proposed § 91.303, and for two-engine airplanes having more than 100 passenger seats and operated under a service to small communities exemption (proposed § 91.307(a)(3)).

(2) By January 1, 1986, for two-engine airplanes scheduled to be replaced under an approved plan (proposed § 91.306(a)); and

(3) By January 1, 1988, for two-engine airplanes having 100 passenger seats or less and operated under a service to small communities exemption (proposed § 91.307(a)(2)).

The provision for apportionment of airplanes engaged in foreign air commerce by U.S. operators would be transferred from current § 91.307 to § 91.305(c). That provision would be revised to permit persons operating airplanes in both domestic and foreign air commerce in the United States to apportion those airplanes between the two kinds of operations. That would be accomplished by electing to comply with the schedule for airplanes operated in foreign air commerce with respect to that portion of the airplanes operated by that person shown, under an FAA approved method of apportionment, to be engaged in foreign air commerce in the United States.

F. Replacement airplanes

Currently, § 91.305(c) permits continued operation of a certain noncomplying (Stage 1) airplane after the applicable phased compliance date, if it is scheduled to be replaced. To be eligible, the airplane must be covered by an FAA approved replacement plan and must have a scheduled delivery before January 1, 1985, of a replacement airplane shown to comply with Stage 2 or Stage 3 noise levels. Recently, § 91.305(c) was amended to permit replacement by airplanes which have been reengined, or otherwise modified, and shown to comply with Part 36, Stage 3 noise level requirements (44 FR 75558; Dec. 20, 1979). However, based on the legislative mandate previously indicated, specific additional requirements apply to the replacement of two- and three-engine airplanes and different dates are prescribed. This notice implements those requirements under § 91.306 and revises the current provisions to apply only to other airplanes and to clarify that the "order" for the replacement airplane must be under a "binding contract," not merely an option to buy, as discussed below. In all cases, operation of the airplane to be replaced may continue until the dates prescribed in the rule but not beyond the date specified in the approved plan. For replacement of either two-engine or three-engine airplanes, the contract must be executed before January 1, 1983, and specify delivery of a Stage 3 airplane before January 1, 1985, for three-engine airplanes and before January 1, 1986 for two-engine airplanes. This notice reflects those requirements and dates while preserving the current rule for other airplanes covered by Subpart E. Accordingly, it should be noted that replacement of airplanes subject to January 1, 1981, or January 1, 1983, interim compliance dates will still need FAA approved replacement plans and binding contracts for replacement airplanes *before* the applicable compliance dates.

In order to determine whether acceptable contractual obligations supporting a replacement plan have been executed by the operator of the Stage 1 airplanes, the proposal provides for the submission of a certified application for approval of the replacement plan. Proposed paragraph 91.306(d) would apply to each replacement plan, including a revised plan, submitted for approval to the FAA. It would require operators of the airplanes to be replaced to submit to the FAA, Director of the Office of Environment and Energy an application containing specified information constituting the plan, and certified as true and correct (under penalty of 18 U.S.C. 1001), upon which the FAA would rely in considering whether to approve the replacement plan. More than one airplane may be the subject of one replacement plan. On the basis of the application and replacement plan, the FAA should be able to determine whether a mutually binding contract between the operator and an aircraft manufacturer, or other contractor, for actual and timely delivery of eligible replacement airplanes has been entered into as contemplated under section 303 of the ASNA Act and proposed FAR § 91.306.

The information required to be included in the application should simplify the process of applying for and considering approvals and avoid, in most cases, the need for submitting the actual contracts and complex financing documents for review before a replacement plan could be approved. It would provide the requisite assurances that replacement of the airplanes covered will in fact occur and eligible replacement airplanes will be put into service as contemplated. In that regard, an approved replacement plan would permit the continued operation of the Stage 1 airplane only until the date specified in the plan or its expiration under the rule and only so long as the

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material facts and representations made by the operator and relied upon in giving an approval still apply. The FAA contemplates that commercially sound transactions must be presented in order to obtain approval of each replacement plan.

G. Service to small communities exemption

The statute provides for issuance of limited exemptions to permit Stage 1 airplanes powered by two engines to operate after otherwise applicable interim and final compliance dates in order to ensure air transportation services to "small communities" (section 304 of the ASNA Act). That provision is implemented under a proposed new § 91.307. Under the proposal, the Administrator issues to operators exemptions covering specific two-engine airplanes to permit operations in providing air transportation services to small communities in the United States. Paragraph (a) of the proposed new section provides the statutory dates for termination of the exemption; that is, January 1, 1985, for airplanes with more than 100 passenger seats and January 1, 1988, for airplanes with 100 passenger seats or less. Also, if an exempted airplane is sold, or otherwise disposed of, to another person on or after January 1, 1983, the exemption terminates on the date of delivery to that person. Paragraph (b) contains the provision indicating that the airplane's seating capacity is governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

H. Compliance plans and status.

Proposed amendments to § 91.308 do not include any proposal to extend the requirements of submitting compliance plans and status reports to foreign operators because existing mechanisms governing foreign operators are adequate to ensure compliance. However, several changes in the rule, primarily affecting U.S. operators engaged in domestic U.S. and foreign air commerce, are proposed to reflect more clearly the proposed changes in the operating noise limit requirements applicable to their airplanes. Paragraph (a) would be amended to apply to airplanes under foreign registry that are operated by U.S. operators in the United States. Editorial changes would be made in paragraphs (b) (2) and (3) to reflect proposed amendments to other sections. Paragraph (c)(3) would be amended to require each U.S. operator to report the total number of airplanes engaged in domestic U.S. air commerce and in foreign air commerce in the United States, as well as the total number of airplanes in each of those classes that are powered by four turbojet engines with—(1) no by-pass ratio or with a by-pass ratio less than two; and (2) any other type or number of engines. U.S. operators would also report the number of two-engine airplanes in each class operated under service to small communities exemption. Under the proposal, current paragraph (c)(4)(x) would be amended to govern only retirements of DC–8 and B–707 airplanes operated in domestic U.S. air commerce and a new paragraph (c)(4)(xi) would cover those airplanes operated in foreign air commerce in the United States. Several paragraphs would be redesignated and a new paragraph (c)(4)(xiv) would be added to cover separately two-engine airplanes operated under an exemption to provide air transportation services to small communities. Corresponding reporting codes would be amended or added to paragraph (c)(5) to reflect those amendments to the compliance plan and status reporting requirements affected by the ASNA Act.

The Unusually Short Comment Period

Section 302 of the ASNA Act requires that portion of this regulatory proceeding be completed within 120 days. Accordingly, there is limited time available to receive and evaluate comments on the proposals contained in this notice. Due to the time limitations, the FAA has provided the maximum period possible for receiving comments consistent with its obligation to adopt regulations in a timely manner. Virtually all of the provisions in the proposals are dictated by the legislation but have been tailored in form and terminology to conform with the existing provisions of Part 91, Subpart E. Commenters should concentrate on those matters over which the Administrator has discretion in adopting final regulations implementing the ASNA Act. Necessarily, the time limitation for comments must be adhered to strictly to ensure completion of those proceedings within the 120 days allowed.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

* * * * *

Subpart E—Operating Noise Limits

§ 91.301 Applicability; relation to Part 36. [Amended]

1. By amending § 91.301 as follows:

a. By revoking paragraph (c) and marking it "[Reserved]."

b. By adding a new paragraph (a)(2) and amending paragraphs (a)(1) and (b) to read as follows:

(a) * * *

(1) Sections 91.303, 91.305, 91.306, and 91.307 apply to civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and—

(i) If U.S. registered, that have standard airworthiness certificates; or

(ii) If foreign registered, that would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States..

Those sections apply to operations under this part and Parts 121, 123, 129, and 135 of this chapter.

(2) Section 91.308 applies to U.S. operators of civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds. That section applies to operators operating under this part and Parts 121, 123, and 135 but not to those operating under Part 129 of this chapter.

* * * * *

(b) Unless otherwise specified, as used in this subpart "Part 36" refers to 14 CFR Part 36, including the noise levels under Appendix C of that part, notwithstanding the provisions of that part excepting certain airplanes from the specified noise levels. For purposes of this subpart, the various stages of noise levels, the terms used to describe airplanes with respect to those levels, and the terms "subsonic airplane" and "supersonic airplane" have the meanings specified under Part 36 of this chapter.

2. By amending § 91.303 to read as follows:

§ 91.303 Final compliance: subsonic airplanes.

Except as provided in §§ 91.306 and [new] 91.307, on and after January 1, 1985, no person may operate in the United States any subsonic airplane covered by this subpart, unless that airplane has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter.

3. By revising § 91.305 to read as follows:

§ 91.305 Phased compliance under Parts 121, and 135: Subsonic airplanes.

(a) *General.* Except as provided in §§ 91.306 and [new] 91.307, each person operating airplanes under Parts 121 or 135 of this chapter, regardless of the State of registry of the airplane, shall comply with this section with respect to subsonic airplanes covered by this subpart.

(b) *Compliance schedule.* Unless scheduled for replacement in a plan approved under § 91.306, or exempted under [new] § 91.307, airplanes operated in domestic U.S. air commerce must be shown to comply with Stage 2 or Stage 3 noise levels under Part 36, in accordance with the following schedule, or they may not be operated in the the United States:

(1) By January 1, 1981:

(i) At least one quarter of the airplanes that have four engines with no by-pass ratio or with a by-pass ratio less than two.

(ii) At least half of the airplanes powered by any other type or number of engines.

(2) By January 1, 1983:

(i) At least one half of the airplanes that have four engines with no by-pass ratio or with a by-pass ratio less than two.

(ii) All airplanes powered by any other type or number of engines.

(c) *Apportionment of airplanes.* For purposes of paragraph (b) of this section, a person operating airplanes engaged in domestic and foreign air commerce in the United States may elect to comply with the schedule for airplanes operated in foreign air commerce with respect to that portion of the airplanes operated by that person shown, under an approved method of apportionment, to be engaged in foreign air commerce in the United States.

4. By adding a new § 91.306 to read as follows:

§ 91.306 Replacement airplanes.

A Stage 1 airplane may be operated if, under an approved plan, a replacement airplane has been ordered by the operator under a binding contract as follows:

(a) For replacement of an airplane powered by two engines, until January 1, 1986, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifies delivery before January 1, 1986, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(b) For replacement of an airplane powered by three engines, until January 1, 1985, but not after the date specified in the plan, if the contract is entered by January 1, 1983, and specifies delivery before January 1, 1985, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(c) For replacement of any other airplane, until January 1, 1985, but not after the date specified in the plan, if the contract specifies delivery before January 1, 1985, of a replacement airplane which—

(1) Has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter prior to issuance of an original standard airworthiness certificate; or

(2) Has been shown to comply with Stage 3 noise levels under Part 36 of this chapter prior to issuance of a standard airworthiness certificate other than original issue.

(d) Each operator of a Stage 1 airplane for which approval of a replacement plan is made under this section, shall submit to the FAA Director of the Office of Environment and Energy an application constituting the proposed replacement plan (including revised plans) that contains the information specified under this paragraph and which is certified (under penalty of 18 U.S.C. 1001) as true and correct. Each application for approval must provide the information specified in the contract, upon which the FAA may rely in considering its approval, as follows:

(1) Name and address of the applicant.

(2) Aircraft type and model and registration number for each airplane to be replaced under the plan.

(3) Aircraft type and model of each replacement airplane.

(4) Scheduled date of delivery and the scheduled introduction into service of each replacement airplane.

(5) Name and addresses of the parties to the contract and any other persons who may effectively cancel the contract or otherwise control the performance of any party.

(6) Information specifying the anticipated disposition of the airplanes to be replaced.

(7) A statement that the contract represents a legally enforceable, mutual agreement for delivery of an eligible replacement airplane.

5. By revoking § 91.307 and substituting for it a new § 91.307 to read as follows:

§ 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.

(a) A subsonic, Stage 1 airplane powered by two engines may be operated after the compliance dates prescribed under §§ 91.303, 91.305, and 91.306, when, with respect to that airplane, the Administrator issues an exemption from the noise level requirements under this subpart to permit operation to provide services to small communities in the United states. Each exemption issued under this section terminates on the earlier of the following dates—

(1) For an exempted airplane sold, or otherwise disposed of, to another person on or after January 1, 1983—on the date of delivery to that person;

(2) For an exempted airplane with a seating configuration of 100 passenger seats or less—on January 1, 1988; or

(3) For an exempted airplane with a seating configuration of more than 100 passenger seats—on January 1, 1985.

(b) For purposes of this section, the seating configuration of an airplane is governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

6. By amending § 91.308 as follows:

a. By amending the section heading to read as follows:

§ 91.308 Compliance plans and status: U.S. operators of subsonic airplanes. [Amended]

b. By amending paragraph (a) after the words "covered by this subpart" by adding the words "and which is either U.S. registered or foreign registered and operated by a U.S. operator in the United States."

c. By amending paragraph (b)(2) by deleting the words "airplane types" and substituting for them the word "airplanes."

d. By amending paragraph (b)(3) after the words "applicable to that airplane" by deleting the word "type" and after the words "through 1985" by adding the words "or until any later compliance date for that airplane prescribed under this subpart,".

e. By amending paragraph (c)(3) to read as follows:

* * * * *

(c) * * *

(3) The total number of airplanes covered by this section and in each of the following classes and subclasses:

(i) Airplanes engaged in domestic air commerce.

(A) Airplanes powered by four turbojet engines with no by-pass ratio or with a by-pass ratio less than two.

(B) Airplanes powered by any other type or number of engines.

(C) Airplanes covered by an exemption issued under [new] § 91.307 of this subpart.

(ii) Airplanes engaged in foreign air commerce.

(A) Airplanes powered by four turbojet engines with no by-pass ratio or with a by-pass ratio less than two.

(B) Airplanes powered by any other type or number of engines.

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(C) Airplanes covered by an exemption issued under [new] § 91.307.

* * * * *

f. By amending paragraph (c)(4)(x) after the words "For DC–8 and B–707 airplanes" by adding the words "operated in domestic U.S. air commerce."

g. By amending paragraph (c)(4)(xii) by deleting the reference to "§ 91.307 of this subpart" and substituting for it the words "§ 91.305(c) of this subpart."

h. By redesignating paragraphs (c)(4)(xi), (xii), (xiii), and (xiv) as paragraphs "(c)(4)(xii)," "(c)(4)(xiii)," "(cx)(4)(xv)," and "(c)(4)(xvi)," respectively, and adding two new paragraphs "(c)(4)(xi)," and "(c)(4)(xv)" to read as follows:

* * * * *

(c) * * *

(4) * * *

(xi) For DC–8 and B–707 airplanes operated in foreign air commerce in the United States, which have been or will be retired from service in the United States between [insert publication date of this notice] and January 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

* * * * *

(xiv) For two-engine airplanes exempted under § 91.307, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of termination of the exemption and the appropriate code and applicable dates which indicate the compliance strategy planned or implemented for the airplane.

* * * * *

f. By amending paragraph (c)(5) by amending the description for code "RET" and by adding two new codes "RFC" and "EXD" after the code "RET" to read as follows:

RET—For DC–8 and B–707 airplanes operated in domestic U.S. air commerce and retired from service in the United States without replacement between January 24, 1977, and January 1, 1985.

RFC—For DC–8 and B–707 airplanes operated in foreign air commerce in the United States and retired from service in the United States between [insert publication date of this notice] and January 1, 1985.

EXD—For two-engine airplanes exempted under § 91.307 from the noise level requirements of this subpart to provide air transportation services to small communities.

(Secs. 307, 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, and 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title III, Aviation Safety and Noise Abatement Act of 1979 (Pub. 96–193; 94 Stat. 50); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970, and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Washington, DC, on April 8, 1980.

John E. Wesler,

Director, Office of Environment and Energy.

Appendix A to Notice No. 80–7

Public Law 96–193—Feb. 18, 1980, 94 Stat. 50)

Aviation Safety and Noise Abatement Act of 1979

* * * * *

Title III

Definitions

Sec. 301. For purposes of this title—

(1) the term "noncomplying aircraft" means any civil subsonic turbojet power aircraft (A) which (i) has a maximum certificated takeoff weight of 75,000 pounds or more, and (ii) in the case of an aircraft registered in the United States, has a standard airworthiness certificate issued pursuant to section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423), and (B) which does not comply with the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977; and

(2) the term "Secretary" means the Secretary of Transportation.

Compliance for International Carriers

Sec. 302. (a) If, by January 1, 1980, the International Civil Aviation Organization (hereafter referred to as "ICAO") does not reach an agreement (1) which adopts the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977, or (2) on noise standards and an international schedule for compliance with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91), the Secretary, acting through the Administrator, shall commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation to comply with the noise standards set forth in such regulations (14 CFR parts 36 and 91) or with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91) during the 5-year period thereafter, at a phased rate of compliance similar to that in effect for aircraft registed in the United States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

(b) If, prior to January 1, 1980, the International Civil Aviation Organization reaches an agreement on noise standards that complies with clause (a)(1) of (a)(2) of this section, the Secretary, acting through the Administrator of the Federal Aviation Administration, shall immediately commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation, to comply with the noise standards set forth in such agreement at a phased rate of compliance similar to that in effect for aircraft registered in the United States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

New Technology Aircraft Incentive

Sec. 303. (a) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying three-engine aircraft, but not beyond January 1, 1985, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1985, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1976 (F.R. Vol. 43, p. 8722, et seq.).

(b) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying two-engine aircraft, but not beyond January 1, 1988, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1988, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1976 (F.R. Vol. 43, p. 8722, et seq.).

Small Community Service Exemption

Sec. 304. (a) The Secretary shall provide an exemption from applicable noise standards to any person operating a noncomplying two-engine aircraft to permit such person to operate such aircraft.

(b) Any exemption issued pursuant to this section shall terminate on whichever of the following dates first occurs:

(1) in the event such operator sells or otherwise disposes of such aircraft to another person on or after January 1, 1983, on the date such aircraft is delivered to such other person;

(2) in the case of an aircraft with a seating configuration of 100 passenger seats or less, on January 1, 1988; or

(3) in the case of an aircraft with a seating configuration of more than 100 passenger seats, on January 1, 1985.

(c) For the purposes of subsection (b) of this section, the seating configuration of an aircraft shall be the seating configuration that existed on such aircraft on December 1, 1979, or such earlier date as the Secretary may establish in individual cases.

Tradeoff Allowance

Sec. 305. Notwithstanding any other provision of law or any rule, regulation, or order issued pursuant thereto, the tradeoff provisions contained in appendix C of part 36 of title 14 of the Code of Federal Regulations shall apply in determining whether any aircraft complies with the provisions of subpart E of part 91 of title 14 of the Code of Federal Regulations.

* * * * *

[FR Doc. 80–11082 Filed 4–11–80; 8:45 am]

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federal register

Monday
April 14, 1980

Part IV

Department of Health, Education, and Welfare

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

V 45/73 APR 80 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HEW.

ACTION: Notice of actions under NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH, under the 1980 NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 6724).

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205. (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of January 31, 1980, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on March 6–7, 1980. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

I. Decisions on Actions Under Guidelines

I–A. Amendment of Section III–O of the Guidelines

In response to a letter of December 21, 1979, from Dr. Stuart Levy of Tufts University the following notice appeared in the **Federal Register** of January 31, 1980:

"Dr. Stuart Levy of Trufts University School of Medicine has recommended an amendment to Section III–O of the Proposed Revised Guidelines (44 FR 69210). Dr. Levy notes that the plasmid studied in his risk-assessment studies was a nonconjugative poorly mobilizable plasmid. He suggests that a distinction be made between nonconjugative plasmids and nonconjugative plasmids which are also poorly mobilizable; such as amendment would provide additional biological containment. The relevant portion of Section III–O of the Proposed Revised Guidelines which would be amended reads as follows:

" * * * Other experiments using *E. coli* K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system (i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid bacteriophages or nonconjugative plasmids shall be used as vectors)* * *. The amended section proposed by Dr. Levy would read as follows (amended text in italic):

" * * * Other experiments using *E. coli* K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system (i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) *lambda or lambdoid bacteriophages or nonconjugative poorly mobilizable (able to be mobilized at a frequency of less than 10^{-6} by a derepressed conjugative plasmid in the same cell) plasmids shall be used as vectors)*" * *."

No comments were received during the thirty day comment period.

This proposed amendment to the language of Section III–O was considered by the RAC at its March 6–7, 1980 meeting. In the discussion it was pointed out that insertion into the Guidelines of the requirement for a "poorly mobilizable" plasmid would then necessitate specification of what tests, under which conditions, must be performed to show that a particular plasmid was or was not "poorly mobilizable." Instead the RAC recommended by a vote of eleven in favor, none opposed and five abstentions, that reference to a new footnote be added to Section III–O, the footnote to read as follows:

"A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed."

I accept this recommendation.

I–B. Proposed Amendment of Section III–O of the Guidelines

In response to suggestion made in a letter of December 27, 1979, from Dr. Kent Wilcox of the Medical College of Wisconsin, a notice proposing to amend the language of Section III–O was published in the **Federal Register** of January 31, 1980. The relevant part of Section III–O currently reads as follows:

"* * * An exception, however, which does require prior review and approval by the IBC is any experiment in which there is a deliberate attempt to have the *E. coli* K–12 efficiently express any gene coding for a eukaryotic protein.* * *"

Dr. Wilcox suggests that for clarity, this sentence be modified to read as follows:

"* * * An exception, however, which does require prior review and approval by the IBC is any experiment in which there is a deliberate attempt to have the *E. coli* K–12 efficiently express as a protein product the information carried in any gene derived either from a eukaryotic organism or from any virus or viroid which infects a eukaryotic organism.* * *"

During the thirty day comment period, no comments were received.

At the RAC meeting on March 6–7, 1980, it was agreed that the proposed new wording clarifies the intent of this sentence. A motion accepting this amendment to the language of Section III–O was passed by the RAC by a vote of eighteen in favor, none opposed and no abstentions.

I accept this recommendation.

I–C. Request to Include all Species of the Genus Erwinia in Appendix A, Sublist A

In response to a letter of December 27, 1979, the following notice appeared in the **Federal Register** of January 31, 1980:

"In response to the proposed revised Guidelines published in the **Federal Register** on November 30, 1979 (44 FR 69210), Dr. Clarence Kado of the University of California, Davis, has requested that the NIH consider the inclusion of all *Erwinia* species in Sublist A, Appendix A. Currently only one *Erwinia* species, *E. amylovora*, is included on the list. Dr. Kado suggests that consideration be given to all *Erwinia* species on the basis of an exchange of genetic material by natural means with *E. coli* and a 20% DNA–DNA homology of *E. coli* with *Erwinia* species."

During the thirty day comment period no comments were received.

At the RAC meeting of March 6–7, 1980, the data submitted by Dr. Kado were reviewed. By a vote of fourteen in favor, none opposed and three abstentions the RAC accepted a motion to change the entry in Appendix A, Sublist A of the Guidelines from "*Erwinia amylovora*" to "*Genus Erwinia.*"

I accept this recommendation.

I–D. Request for Approval To Clone Exotoxin A Gene of Pseudomonas Aeruginosa

In a letter of November 19, 1979, Dr. C. W. Shuster of Case Western Reserve University requested that the RAC consider the status under the Guidelines of cloning the exotoxin A gene of *Pseudomonas aeruginosa* in *Escherichia coli.* At its December 6–7, 1979 meeting, the RAC indicated that Dr. Shuster's request appeared to require an exception to a prohibition. Accordingly, the following notice was published in the January 31, 1980 **Federal Register** for a thirty day comment period:

"Dr. C. W. Shuster of Case Western Reserve University has requested the RAC to consider whether the cloning of the exotoxin A gene of *Pseudomonas aeruginosa* in *E. coli* K–12 is permitted. Under exemption I–E–4, *P. aeruginosa* and genus *Escherichia* are listed in Appendix A, Sublist A.

However, according to Section I–E, Exemptions:

It must be emphasized that the following exemptions (4) are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited.

Section I–D–2 prohibits:

Deliberate formation of recombinant DNA's containing genes for the biosynthesis of toxins potent for vertebrates (2A) (e.g., botulinum, diphtheria toxins; venoms from insects, snakes, etc).

Dr. Shuster notes that exotoxin A and *P. aeruginosa* are safe under normal laboratory conditions. *P. aeruginosa* is an opportunistic pathogen and exotoxin A is only one of a series of virulence factors necessary to produce pathogenicity. This request was presented to the RAC at its December 6–7, 1979 meeting. At that time, the RAC felt that approval of the proposed experiments appeared to require an exception to a prohibition. Accordingly, the request is being published in the **Federal Register** for a thirty day comment period prior to being reconsidered by the RAC at its March 6–7, 1980 meeting."

Prior to the March 6–7, 1980 RAC meeting, two additional requests for permission to perform similar experiements were received.

Dr. Stanley Falkow of the University of Washington requested permission to clone the exotoxin A gene. His long letter of January 18, 1980 included the following arguments: (1) *Pseudomonas aeruginosa* is ubiquitous in nature. (2) *Pseudomonas aeruginosa* does not ordinarily cause disease in healthy individuals. It is a CDC Class 1 agent. (3) Exotoxin A is only one factor in the virulence of *Pseudomonas aeruginosa.* (4) *Pseudomonas aeruginosa* exotoxin A is far less toxic (1 mg. = 5×10^3 mouse LD50 doses) than toxins such as *Clostridium botulinum* a toxic (1 mg. = 1.8×10^3 mouse LD50 doses).

Dr. James Miller of the University of Louisville, Kentucky, in a letter of January 18, 1980, requested permission to clone the *Pseudomonas aeruginosa* exotoxin A gene in *Pseudomonas aeruginosa.*

The RAC at its March 6–7, 1980 meeting once again considered this item. The importance of such experiments for understanding bacterial pathogenicity was stressed. It was agreed that *Pseudomonas aeruginosa* exotoxin A is not as potent a toxin as botulinum or diphtheria toxin. A motion that *Pseudomonas aeruginosa* exotoxin A not be considered a potent toxin, and therefore not be covered under Prohibition I–D–2 passed by a vote of seven in favor, two opposed and ten abstentions. Following the vote it was pointed out that: (a) This would allow total exemption from the Guidelines under Sections I–E–3 and I–E–4 respectively for the cloning of the *Pseudomonas aeruginosa* exotoxin A gene in *Pseudomonas aeruginosa* and *Escherchia coli;* and (b) this was more than any of the investigators were actually requesting. A motion to reconsider the previous vote passed by a vote of fifteen in favor, non opposed and two abstentions. A motion to permit the cloning of *Pseudomonas aeruginosa* exotoxin A in *E. coli* K–12 at P1 + EK1 containment passed by a vote of fourteen in favor, non oppossed, and three abstentions.

I–E. Classification of Plant Pathogens

The following notice appeared in the **Federal Register** of January 31, 1980:

"In response to the proposed revised Guidelines for Research Involving Recombinant DNA Molecules published in the **Federal Register** on November 30, 1979 (44 FR 69210), M.T. Goff, Animal and Plant Health Inspection Service, United States Department of Agriculture, has proposed that a classification of plant pathogens be included in the Guidelines. Philip D. Harriman, National Science Foundation, has also submitted a similar proposal. Messrs. Goff and Harriman request that a portion of the Report of a Workshop on Risk Assessment of Agricultural Pathogens, dealing with a hazard classification of plant pathogens, be included in the Guidelines. This Workshop was held on March 20–21, 1978, and the report appeared as Appendix G to the Environmental Impact Assessment which accompanied proposed revised Guidelines published for comment in the **Federal Register** of July 28, 1978 (43 FR 33042). Specifically, they request that the following classification be added to Appendix B of the Guidelines:

IV. Plant Pathogens.

Class 1A Agents—Plant pathogens not in Class 1B.

Class 1A Agents—All organisms that are subject to quarantine restrictions for any of the following reasons:

(i) Plant pathogens not known to occur in the United States.

(ii) Plant pathogens that are not widely distributed throughout the ecological range of their hosts in the United States.

(iii) Plant pathogens subject to U.S. Federal or State eradication or suppression programs.

A USDA permit [2] is required to import or to move plant pathogens across State lines.

Footnotes 2 of Appendix B of the proposed revised Guidelines reads as follows:

USDA permit also required for import and interstate transport.

It is proposed that this footnote be modified to read as follows in order to serve as a single footnote for both animal and plant pathogens:

[2] A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

During the thirty day comment period, no comments were received.

The RAC discussed this item at its March 6–7, 1980 meeting, and determined that the addition of the proposed classification of plant pathogens to Appendix B of the Guidelines was unnecessary. Rather, the RAC suggested by a vote of twenty in favor, none opposed, and no abstentions, that the footnote

A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782."

be added to Section V of the Guidelines and cited wherever the Guidelines refer to plant pathogens.

I accept this recommendation.

I–F. Request for Consideration of Appropriate Containment Conditions

The following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Olen Yoder of Cornell University has asked the RAC to consider the appropriate containment level for the return of *Helminthosporanium maydis* DNA, which has been cloned in *Saccharomyces cerevisiae,* to the host of origin."

During the thirty day comment period, no comments were received.

The RAC at its March 6–7, 1980 meeting discussed this proposal. *Helminthosporanium maydis* is a fungus which grows on corn. Work will be done with the strain called race O. The vector will be the hybrid *E. coli*-yeast plasmid Ylp5. This is a "return to host of origin" type experiment with the intermediate host being yeast strain SHY2. The RAC by a vote of eight in favor, none opposed and nine abstentions accepted a P2 level of containment for the proposed experiments.

I accept this recommedation.

I–G. Request for Consideration of Appropriate Containment Conditions

In response to a request of December 13, 1979 to set containment conditions for experiments involving *Schizophyllum commune,* the following notice was placed in the **Federal Register** of January 31, 1980:

"Dr. Marvin Schwalb of New Jersey Medical School has requested that the RAC consider the containment levels appropriate to the return of *Schizophyllum commune* DNA cloned in *Saccharomyces cerevisiae* to *Schizophyllum commune.* In addition, Dr. Schwalb requests permission to clone the *S. cerevisiae* derived vector YR414/ura 3 and

the *Saccharomyces* 2 mu plasmid containing yeast or *S. commune* sequences in *S. commune.*"

During the thrity day comment period, no comments were received.

The RAC at its March 6–7, 1980 meeting discussed this item. It was noted that *Schizophyllum commune* is a nonpathogenic saprophytic basidomycete which occurs widely in nature. The proposed experiments were judged to pose no hazard. The RAC by a vote of eighteen in favor, none opposed and one abstention, accepted a P2 level of containment for the proposed experiments.

I accept this recommendation.

I–H. Request for Consideration of Appropriate Containment Conditions

In response to a request of December 7, 1979, to clone *Wangiella dermatitidis* DNA, the following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Charles Jacobs of the University of Texas at Austin has requested permission from the RAC to clone *Wangiella dermatitidis* DNA in *Wangiella dermatitidis* using *Saccharomyces/E. coli* hybrid plasmids as vectors. Dr. Jacobs requests that the RAC assess appropriate containment conditions."

During the thirty day comment period, no comments were received.

The RAC discussed this item during its March 6–7, 1980 meeting. *Wangiella dermatitidis* is a fungus which can in rare instances cause a deep mycosis in humans. It is classified by the Center for Disease Control as a Class 2 agent. This is essentially a "return to host of origin" type experiment. With the proviso that a HV2 certified *Saccharomyces/E. coli* hybrid plasmid vector be employed in the experiments, the RAC by a vote of ten in favor, none opposed and four abstentions recommended that the experiments be approved at the P3 level of containment.

I accept this recommendation.

I–I. Proposed Exemption for Streptococcus Mutans and Streptococcus Sanguis

The following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Francis Macrina of the Virginia Commonwealth University has proposed that *Streptococcus mutans* and *Streptococcus sanguis* be included under the exemption category of Section I–E–4 of the Guidelines on the basis that these bacteria have been shown to exchange chromosomal DNA by known physiological processes. These two organisms would then constitute a new Sublist of Appendix A."

No comments were received during the thirty day comment period.

At the March 6–7, 1980 meeting, the RAC discussed the data submitted by the investigator in support of his request. It was agreed that the documentation is good showing natural genetic exchange of chromosomal genes from *Streptococcus mutans* to *Streptococcus sanguis*. It was pointed out that the Director, NIH, had previously endorsed the concept of "one-way lists" for Appendix A (**Federal Register**, December 22, 1978, Page 60100). The RAC recommended by a vote of nineteen in favor, none opposed, and no abstentions, that a new sublist be added to Appendix A of the Guidelines exempting recombinant DNA experiments involving the one-way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis*.

I accept this recommendation.

I–J. Proposed Revision of Section III–C–1–e and Its Subsections

The following notice appeared in the **Federal Register** of January 31, 1980:

"The proposed revised Guidelines (44 FR 60210), in Appendix C, cite a limited exemption, under Section I–E–5, for certain recombinant DNA experiments in tissue culture:

Under exemption I–E–5 of these Revised Guidelines are those recombinant DNA molecules that are propagated and maintained in cells in tissue culture and that are derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus).

This exemption was promulgated in the **Federal Register** of July 20, 1979 (44 FR 42914). In its original formulation (44 FR 22314), the exemption proposed to include recombinant DNA molecules that contain no more than one-fourth of the genome of a eukaryotic virus. At its December 6–7, 1979 meeting, Dr. Wallace Rowe submitted a document requesting that the RAC reconsider the question of allowing exemption for tissue culture experiments involving recombinant molecules containing no more than one-fourth of the genome of a virus. A working group was appointed to make recommendations for consideration at the March 6–7, 1980 meeting. It has been recommmended that Sections III–C–1–e, III–C–1–e–(1), III–C–1–e–(1)–(a), and III–C–1–e–(1)–(b) of the Guidelines be changed and that a new Section III–C–1–e–(1)–(c) be added. Section III–C–1–e–(2) would remain unchanged. The proposed revised sections would read as follows:

III–C–1–e. All Viral Vectors.

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical) may be propagated and maintained in cells in tissue culture in the absence of helper vurus using P1 containment. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genomé. For such experiemnts, no MUA need be submitted but prior notice must be given to the IBC as described in Section III–O of the Guidelines. The IBC should handle such registration documents as described in Section III–O.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the helper virus are not able to grow in human cells.

III–C–1–e–(1)–(c). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P3 containment if wild type strains of the helper virus are not able to grow in human cells.

During the thirty day comment period no comments were received.

At the March 6–7, 1980 meeting, the RAC discussed this proposal. In support of the proposal it was stated that there is no experimental evidence to date that any eukaryotic virus can dispense with one-third of its genetic information and replicate autonomously or that less than two-thirds of viruses from different Families can fully complement each other's genetic composition.

During the discussion it was recommened that the proposed Section III–C–1–e–(1)–(a) as published in the **Federal Register** on January 31, 1980 should be further modified in two ways:

The last two sentences of proposed Section III–C–1–e–(1)–(a) should be deleted. (Deletion means a more conservative review procedure for these experiments).

In the first sentence, the words "in the absence of helper virus" should be deleted. A new second sentence should be added as follows: "It must be shown that the cells lack helper virus for the specific Families of the defective viruses being used." (This change means a more conservative standard concerining the presence of helper viruses.)

A motion that RAC accept Sections III–C–1–e, III–C–1–e–(1), as III–C–1–e–(1)–(a) as published in the **Federal Register** on January 31, 1980, with the two modifications in Section III–C–1–e–(1)–(a) as noted above, passed by a vote of thirteen in favor, three opposed, and five abstentions. A vote to defer consideration until the next RAC meeting of the proposed new Sections III–C–1–e–(1)–(b) and III–C–1–e–(1)–(c) as published in the **Federal Register** on January 31, 1980 passed by a vote of

thirteen in favor, five opposed and one abstention.

During the discussion it was also suggested that in Section III–C–1–e–(1)–(a), after the word "Family," reference to footnote 36 be added, and that footnote 36 be revised to make reference to the third report of the International Committee on Taxonomy of Viruses.

I accept the recommendations of the RAC, i.e., Footnote 36 will be revised and new Sections III–C–1–e, III–C–1–e–(1), and III–C–1–e–(1)–(a) as recommended by the RAC at their March 6–7, 1980 meeting will replace the previous Sections so numbered. Sections III–C–1–e–(1)–(b) and III–C–1–e–(2) remain identical in wording (**Federal Register**, January 29, 1980), but they now fall under a new heading III–C–1–e. "All Viral Vectors," rather than as previously III–C–1–e. "All Other Potential Viral Vectors."

In addition for clarification, I am adding reference to a new footnote 50 in Section III–C–1–e–(1)–(a) after the words "* * * considered identical)." Footnote 50 will read "i.e. the total of all genomes within a Family shall not exceed two-thirds of the genome."

II. Summary of Major Actions Under Guidelines

II–A. Amendment of Section III–O of the Guidelines and New Footnote 49

A new footnote 49 is added to section V of the Guidelines, as follows:

"[49]A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed."

The fourth paragraph of Section III–O of the Guidelines is modified to add reference to Footnote 49, as follows:

"Other experiments using E. coli K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system [i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid bacteriophages or non-conjugative plasmids [49] shall be used as vectors]. For these experiments * * *"

II–B. Amendment of Section III–O of the Guidelines

Section III–O (fourth paragraph, last sentence) of the Guidelines is amended to change the words "* * * have the *E. coli* K–12 efficiently express any gene coding for a eukaryotic protein." to "* * * have the *E. coli* K–12 efficiently express as a protein product the information carried in any gene derived either from a eukaryotic organism or from any virus or viroid which infects a eukaryotic organism."

II–C. Inclusion of Genus Erwinia in Appendix A, Sublist A

The entry "*Erwinia amylovora*" in Appendix A, Sublist A of the Guidelines is changed to "Genus *Erwinia*."

II–D. Approval to Clone Exotoxin Gene of Pseudomonas Aeruginosa

Added to Appendix E of the Guidelines is the following: "Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherchia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*."

II–E. New Footnote 48 Concerning Plant Pathogens

A new footnote 48 is added to Section V of the Guidelines, as follows:

"[48]A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782."

Reference to footnote 48 is added as given below to the following sections of the Guidelines:

"I–D–3. Deliberate creation by the use of recombinant DNA of a plant pathogen (48) with increased virulence and host range beyond that which occurs by natural genetic exchange (2A)."

"III–A–2–e–(1)–(a)–(*l*). Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL) and Plant Viruses (48) * * *"

"III–A–2–e–(2)–(e). RNA Plant Viruses and Plant Viroids (48) * * *"

"III–C–4. Plant Host-Vector Systems Other than Viruses (48) * * *"

In addition the footnote given at the bottom of the first column of pg. 6748 of the Guidelines (**Federal Register**, January 29, 1980) is changed to:

"A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782."

II–F. Return of Helminthosporanium Maydis DNA to Helminthosporanium Maydis

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybird *E. coli*—yeast plasmid Y1p5. The cloned DNA may be returned, to and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment."

II–G. Return of Schizophyllum Commune and Saccharomyces Cerevisiae DNA to Schizophyllum Commune

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be retunred to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment."

II–H Return of Wangiella Dermatitidis DNA to Wangiella Dermatitidis

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Sacchromyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment."

II–I. Streptococcus Mutans and Streptococcus Sanguis as a New Sublist in Appendix A

A new sublist is added to Appendix A of the Guidelines as follows:

"Sublist E—One way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis*."

II–J. Revision of Guidelines Section III–C–1–e and Its Subsections

Revision of Footnote 36. Addition of New Footnote 50. A new footnote number 50 is added to Section V of the Guidelines as follows:

"[50]i.e. the total of all genomes within a Family shall not exceed two-thirds of the genome."

Footnote 36 of Section V of the Guidelines is revised by changing the first sentence to:

"As classified in the Third Report of International Committee on Taxonomy of viruses: Classification and Nomenclature of Viruses. R. E. F. Matthews. Ed. Intervirology 12 (120–296) 1979."

Section III–C–1–e, III–C–1–e–(1) and III–C–1–e–(1)–(a) of the Guidelines are revised as follows:

"III–C–1–e. All Viral Vectors.

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (36) being considered identical (50)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one

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Family but each fragment must be less than two-thirds of a genome."

Additional Change in the Guidelines

In addition to the changes in the Guidelines recommended at the March 6–7 RAC meeting, one further change is hereby promulgated to correct a printing error. Section IV–D–1–c was printed incorrectly in the **Federal Register** of January 29, 1980 (45 FR 6739) where it therefore incorrectly appears that the "Note" within the Section consists of two sentences. Actually the Note should consist of only one sentence, the succeeding sentence not being part of the Note. Section IV–D–1–c had been printed correctly in the **Federal Register** of November 30, 1979 (44 FR 69225). The correct version of Section IV–D–1–c is as follows:

"IV–D–1–c. Submit, for each recombinant DNA project that meets with its approval, a Memorandum of Understanding and Agreement (MUA) to the funding agency for approval and registration. (Note: No MUA is required for experiments described in Section III–O). All projects, however, can proceed upon IBC approcal (before submission of the MUA to the funding agency) except for the following, which require prior approval by NIH (or other funding agency designated by NIH for this purpose):"

Dated: April 8, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-11097 Filed 4-11-80; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL COMMUNICATIONS COMMISSION

16192 3–13–80 / FM broadcast station in Washburn, Wisc.; changes in table of assignments

PERSONNEL MANAGEMENT OFFICE

16455 3–14–80 / Adoption of final master plan for alternative work schedule experiments

List of Public Laws

Last Listing April 11, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5794 / Pub. L. 96–232 To designate the building known as the Federal Building in Evansville, Indiana, as the "Winfield K. Denton Building". (Apr. 10, 1980; 94 Stat. 331) Price $1.00.

S.J. Res. 97 / Pub. L. 96–233 Designating April 13 through April 19 as "Days of Remembrance of Victims of the Holocaust". (Apr. 10, 1980; 94 Stat. 332) Price $1.00.

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4-15-80
Vol. 45 No. 74
Pages 25371-25786

federal register

Tuesday
April 15, 1980

Highlights

25373 **Creating an emergency board to investigate a dispute between the Port Authority Trans-Hudson Corporation and certain of its employees** Executive order

25371 **Technical amendments to Proclamation 4744 (Petroleum imports)** Presidential proclamation

25439 **Child Care Food Program** USDA/FNS adjusts payment factors for reduced rate lunches and suppers; 5-1 through 6-30-80

25652 **Viral and Rickettsial Vaccines** HEW/FDA proposes to amend biologics regulations in response to report and recommendations; comments by 5-15 and 7-14-80 (Part II of this issue)

25383 **Old-Age; Survivors and Disability** HEW/SSA clarifies regulations on Federal insurance; effective 4-15-80

25563 **Hasidic Jewish Americans** SBA issues decision on request for group determination of social disadvantage

25461 **Medical Device Panels** HEW/FDA requests nominations for nonvoting representatives on public advisory panels; nominations by 5-15-80

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25760 **Drug Product Labels** HEW/FDA specifies requirements for designating manufacturer's name; 4–10–81 (Part III of this issue)

25392 **Disability and Survivor's Benefits** VA increases rates; effective 10–1–79

25411 **Home Lot Loans** VA proposes allowable easements for drainage and irrigation; comments by 5–15–80

25389 **Indian Relocation** Navaho and Hopi Indian Relocation Commission amends grievance procedure for hearings; effective 4–15–80

25466 **Potassium Lease** Interior/BLM announces land offered by sealed bid; comments by 4–28–80

25467–25469 **Outer Continental Shelf** Interior/GS issues notice of receipt of proposed development and production plans for oil, gas, and sulphur operations

25394 **Disabled Persons** HEW/Sec'y issues rule regarding procurement regulations dealing with accessibility for meetings, conferences, and seminars; effective 4–15–80

25397 **State Public Assistance Plans** HEW/SSA simplifies procedures for methods of personnel administration; effective 4–15–80

25408 **Natural Gas Policy** USDA/Sec'y proposes amendment regarding certification of essential agricultural uses, requirements; comments by 6–12–80

25557 **Commercial Nuclear Reactors** NRC announces publication of petition for EIS on high burnup fuel; comments by 6–16–80

25559 **Gamma Irradiators** NRC issues and makes available regulatory guide

25393 **Awarding Contracts** HEW/Sec'y issues miscellaneous amendments; effective 4–15–80

25558 **Privacy Act Document** NRC

25567 **Sunshine Act Meetings**

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25760 **Part III, HEW/FDA**

25780 **Part IV, DOE/ERA**

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Presidential Documents

Title 3—

The President

Proclamation 4748 of April 11, 1980

Technical Amendments to Proclamation 4744

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Proclamation 4744 is hereby amended as follows:

Section 1–101. Section 1–104 of Proclamation 4744 is amended by renumbering paragraph (a)(2) as (a)(3), and by the addition of a new paragraph (a)(2) to read:

"(a) . . .

(2) With respect to the entry of gasoline subject to the payment of a fee, the Secretary shall refund fees paid or reduce fees owed by the amount of any additional levy which results in a reduction in entitlements obligations as set forth in Section 2–105(b) of this Proclamation and which is imposed and collected by Puerto Rico on such entries that are consumed in Puerto Rico; *provided,* that, with respect to each barrel, such refunds or reductions may not exceed the amount of the actual fee for the month in which the entry was made."

Sec. 1–102. Section 2–105(a) of Proclamation 4744 is amended by revising the phrase "paragraphs (b) and (c)" to read "paragraph (b)".

Sec. 1–103. Section 2–109 of Proclamation 4744 is amended to read:

"Sec. 2–109. Notwithstanding any provision to the contrary in the Energy Regulations:

"(a)(1) A person that is a refiner may add to its B_t^t factor for gasoline (its increased purchased product costs as described in Section 212.83 of the Energy Regulations) for use in determining any current month's prices an amount equal to $4.20 multiplied by the number of barrels of gasoline subject to the gasoline conservation fee which that refiner entered into the United States in the month two months prior to such month. Any increases in gasoline prices that are allowed as a result of such addition to the B_t^t factor shall not be made prior to May 15, 1980.

"(2) If, in any current month beginning with June 1980, the amount of gasoline conservation fees on gasoline paid by a refiner in the month immediately preceding that month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of gasoline subject to the gasoline conservation fee which were entered into the United States by that refiner in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's B_t^t factor for use in determining that month's prices.

"(b)(1) A person that is a refiner may add to its A_t^t factor for gasoline (its increased crude oil costs as described in Section 212.83 of the Energy Regulations) for use in determining any current month's prices an amount equal to $4.20 multiplied by the number of barrels of that refiner's gasoline production in the month two months prior to that month. Any increases in gasoline prices

that are allowed as a result of such addition to the A_i^t factor shall not be made prior to May 15, 1980.

"(2) If, in any current month beginning with June 1980, the amount paid by a refiner for gasoline entitlements purchased in the month immediately preceding that particular month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of that refiner's gasoline production in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's A_i^t factor for use in determining that month's prices.

"(3) The amount added to or subtracted from the A_i^t factor pursuant to this section shall not be subject to the "gasoline tilt" provision found in the last sentence of the first paragraph of Section 212.83(a)(2)(iii)(C) of the Energy Regulations."

Sec. 1–104. Section 3–103(a) of Proclamation 4744 is amended by revising the phrase "Section 3–103" to read "Section 3–102".

Sec. 1–105. Section 4–101 of Proclamation 4744 is amended by revising the phrase "April 14" to read "April 24".

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80–11617
Filed 4–14–80; 11:26 am]
Billing code 3195–01–M

V 45 / 74 A P 15 80 UMI

Presidential Documents

Executive Order 12207 of April 12, 1980

Creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of its Employees

A dispute exists between the Port Authority Trans-Hudson Corporation and certain of its employees represented by the Brotherhood of Railway Carmen of the United States and Canada.

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

The dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), it is hereby ordered as follows:

1–101. *Establishment of Board.* There is established a board of three members to be appointed by the President to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

1–102. *Report.* The board shall report its finding to the President with respect to the dispute within 30 days from the date of this Order.

1–103. *Maintaining Conditions.* As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the Port Authority Trans-Hudson Corporation, or by its employees, in the conditions out of which the dispute arose.

Jimmy Carter

THE WHITE HOUSE,
April 12, 1980.

[FR Doc. 80–11618
Filed 4–14–80; 11:27 am]
Billing code 3195–01–M

V 45 / 74 AP 15 80 UMI

Rules and Regulations

Federal Register
Vol. 45, No. 74
Tuesday, April 15, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 275

[Amdt. No. 160]

Food Stamp Program—Performance Reporting System

Correction

In FR Doc. 80–7491, appearing on page 15884, in the issue of Tuesday, March 11, 1980, make the following correction.

On page 15907, second column, in the first complete paragraph, the thirteenth line should have read: "may be the 6 months prior to the month of review or the 6 months prior to the month".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

10 CFR Part 205

Administrative Procedures and Sanctions; 1980 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of interpretations.

SUMMARY: Attached are interpretations issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period March 1, 1980 through March 31, 1980.

Appendix B identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585, (202) 252–2931.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations depend for their authority on the accuracy of the factual statement used as a basis for the interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them (§ 205.85(c)). An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling (§ 205.85(e)). The interpretations published below are not subject to administrative appeal.

Issued in Washington, D.C., April 9, 1980.

Merrill F. Hathaway, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings.

Appendix A.—*Interpretations*

Number	To	Date	Category	File No.
1980–5	Mobil Chemical Company	Mar. 25	Fuel Use Act	A–572
1980–6	Basin, Inc	Mar. 31	Price and Allocation	A–465

Interpretation 1980–5

To: Mobil Chemical Company.
Regulations Interpreted: 10 CFR 500.2(a).
Code: GCW–FU—Fuel Use Act

Regulations; Definition of Alternate Fuel and Refinery; Waste Gas.

Facts

The Mobil Chemical Company (Mobil) owns and operates an ethylene plant (plant) which is part of that firm's Olefins/Aromatics Chemical Manufacturing Plant located at Beaumont, Texas. The plant processes naphtha, ethane, and propane as feedstocks and primarily produces ethylene, propylene, benzene, and toluene. The plant also produces, as an unavoidable residue from the effluents of the plant's thermal reactors, a waste gas which consists of approximately 98.9 percent hydrogen and methane and small amounts of ethylene, ethane, and oily polymers.

Mobil is presently considering a substantial capital investment to modernize the plant in order to reduce the consumption of petroleum feedstock, natural gas, and electric power. The modernization plan would include the installation of several new ethylene process furnances having a higher heat recovery efficiency than the furnances to be replaced. The existing electric cracked gas compressor of this system would be replaced by a steam-driven compressor. In addition, Mobil proposes to install a new high-pressure steam boiler in a parallel cracking system. These units would be "new major fuel-burning installations" (MFBI's), as defined in 10 CFR 500.2, and thus may be subject to the fuel use prohibitions set forth in 10 CFR Part 505.

Mobil's existing plant utilizes the waste gas supplemented by natural gas as a primary fuel source. The new process furnances and boiler would be fired on 100 percent waste gas. Natural gas would be used in this equipment in emergency situations only. The improved yield efficiency of this modernization plan would result in an estimated feedstock, fuel, and power savings equivalent to approximately 640,000 barrels of crude oil per year while producing additional ethylene.

Mobil contends that this waste gas qualifies as an "alternate fuel," as defined in 10 CFR 500.2(a), one of the regulations implementing the Powerplant and Industrial Fuel Use Act of 1978 (FUA), Pub. L. No. 95–620 (November 9, 1978).[1] Under FUA a new MFBI may not consume petroleum or natural gas as a primary energy source without an exemption from the Department of Energy (DOE). FUA encourages the use of alternate fuels in place of petroleum or natural gas. A new MFBI in a plant engaged in industrial operations may consume waste gas that qualifies as an alternate fuel without an exemption from DOE.

Issue

Does Mobil Chemical Corporation's Beaumont, Texas ethylene plant engage in "industrial operations" under paragraph (6) of the definition of alternate fuel in 10 CFR 500.2(a) so that waste gas may be consumed by a new MFBI at that plant as an alternate fuel under the regulations implementing the Powerplant and Industrial Fuel Use Act of 1978?

Interpretation

Pursuant to paragraph (6) of the definition of alternate fuel in 10 CFR 500.2(a) of the regulations[2] implementing the Powerplant and Industrial Fuel Use Act of 1978, Mobil Chemical Corporation's Beaumont, Texas ethylene plant engages in "industrial operations" so that a new MFBI at that plant may consume waste gas as an alternate fuel.

Section 505.2(a) of DOE's regulations pertaining to an MFBI provides:

[1] 42 U.S.C. § 8301 *et seq.*
[2] *See* 44 FR 28950 (May 17, 1979).

"Section 202(a) of the Act prohibits, unless an exemption has been granted under Subpart C or D of this Part, the use of petroleum or natural gas as a primary energy source in any new installation consisting of a boiler."

Sections 507.3(a) and 507.4(a) provide that an "alternate fuel," as defined in § 500.2(a), is excluded from the definitions of natural gas and petroleum and thus such an "alternate fuel" may be burned in a new MFBI without an exemption from DOE.

"Alternate fuel" is defined at § 500.2(a) in pertinent part as follows:[3]

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes—

* * * * *

(6) *Waste gases from industrial operations. (For purposes of this subsection (6), the term "industrial" does not pertain to refineries.) (Emphasis added.)*

This regulation provides, therefore, that a waste gas from an industrial operation is an alternate fuel. Nowhere in the regulations set forth in 10 CFR Parts 500 *et seq.* are the terms "refinery" and "industrial operations" expressly defined. Absent such a definition, we conclude that in this context the term "refinery" generally has the same meaning as that term has in other relevant DOE regulations set forth in the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211.[4] Every operation that does not take place at such a "refinery" is to be considered to be an industrial operation for purposes of paragraph (6) of the definition of alternate fuel in 10 CFR 500.2a.

Relevant terms in 10 CFR Part 211 are defined in § 211.51 as follows: [5]

"Crude oil" means a mixture of liquid hydrocarbons including lease condensate that exists in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

"Refined petroleum product" means gasoline, kerosene, middle distillate (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuels.

"Refineries" means those industrial plants, regardless of capacity, processing crude oil feedstock and manufacturing refined pertroleum products, except when such plant is a petrochemical plant.

"Petrochemical plant" means those industrial plants, regardless of capacity, that process petrochemical feedstocks and obtain at least thirty (30) percent conversion, by weight to petrochemicals . . . so long as the weight of hydrocarbon contained in the final petrochemical is equal to at least thirty (30) percent of the initial petrochemical feedstock fed to the plant under consideration.[6]

Since Mobil's ethylene plant in Beaumont, Texas, processes petrochemical feedstocks and obtains approximately 70 percent conversion, by weight, to the petrochemicals ethylene, propylene, benzene and toluene,[7] the plant qualifies under these definitions as a "petrochemical plant" and thus is not a "refinery."

For the reasons set forth above, we have determined that Mobil's ethylene plant at Beaumont, Texas, is engaged in industrial operations for the purposes of paragraph (6) of the definition of alternate fuel in 10 CFR 500.2(a) and, therefore, may burn its waste gas, consisting primarily of methane and hydrogen, as an alternate fuel in any new MFBI in that plant.

Issued in Washington, D.C., on March 28, 1980.

Thomas C. Newkirk,

Deputy General Counsel for Regulation.

Interpretation 1980–6

To: Basin, Inc.

Regulations and Statutes Interpreted: 10 CFR 205.202, 210.62, 211.63; EPAA §§ 2 (a) and (b), 4(b)(1).

Code: GCW–AI–Normal Business Practices; Supplier/Purchaser Relationship.

Facts

Basin, Inc. (Basin) is an independent firm located in Midland, Texas, which purchases domestic crude oil at the wellhead and gathers, transports, and sells the crude oil to refineries and other purchasers. Based on these activities, Basin is a reseller of crude oil as defined in 10 CFR 212.31, and is thereby subject to the general regulations set forth in Parts 205 and 210, the allocation regulations in Subpart C of Part 211, and the price regulations in Subpart L of Part 212. Basin currently maintains supplier/purchaser relationships pursuant to 10 CFR 211.63(b) with its purchasers of crude oil, and these firms or subsequent purchasers eventually refine the crude oil into motor gasoline and other finished products which are then marketed through normal distribution channels.

BTA Oil Producers (BTA), which supplies Basin with 4,000 barrels per day of crude oil of various regulatory tiers, has recently proposed to terminate its existing supplier/purchaser relationship with Basin in accordance with the requirements set forth in 10 CFR 211.63(d) and to enter into a new agreement that would provide for the sale by BTA to Basin of the same crude oil previously supplied. Although Basin would continue its present functions of collecting, storing, and transporting the crude oil, as a condition to continued receipt of the crude oil Basin would be required to resell the entire volume to a joint venture composed of BTA and Hill Petroleum Company (Hill), which would enter into a processing agreement with Erickson Refining Corporation (Erickson) to have the crude oil refined. According to the joint venture agreement between BTA and Hill, BTA would own a 60 percent interest in the venture.

Under the terms of the processing agreement with Erickson, the joint venture would retain title to the crude oil being refined and would receive refined petroleum products allocated to it based on assays of each crude oil shipment delivered to the refinery. Erickson would provide only refining services for which it would be paid a monetary fee, while the joint venture would have sole responsibility for the sale and transportation of the refined petroleum products to available markets.

Based on the foregoing facts, Basin has requested an interpretation concerning the permissibility of the arrangements proposed by BTA. In particular, Basin raises questions regarding the applicability of 10 CFR 210.62 to the above facts.[8]

Issue

Do the Mandatory Petroleum Price and Allocation Regulations, particularly 10 CFR 210.62, prohibit the sale of domestic crude oil by BTA to Basin on condition that Basin resell the crude oil to a joint venture composed of BTA and Hill?

Interpretation

For the reasons set forth below, the DOE has determined that the proposed sale of domestic crude oil by BTA to Basin on condition that Basin resell the crude oil to a joint venture composed of BTA and Hill is prohibited by § 210.62. The new arrangement

[3] The relevant statutory definition is set forth at § 103(a)(6) of FUA.

[4] This Interpretation does not imply that the Economic Regulatory Administration (ERA) of DOE could not adopt by rulemaking a different and broader definition of refinery for purposes of 10 CFR 500.2(a). It may be permissible for ERA to provide, for example, that certain petrochemical plants or gas processing plants (as defined in 10 CFR 211.51) are refineries. Such action would be consistent with the related definition of "refiner" in the Mandatory Petroleum Price Regulations, 10 CFR 212.31. *Cf. Mobil Oil v. FEA*, 566 F.2d 67 (TECA 1977).

[5] Certain of the terms referred to in these definitions, such as motor gasoline, middle distillate, and butanes, are also expressly defined in § 211.51. The inclusion of LPG as a "refined petroleum product" in § 211.51. does not affect the inclusion of "liquid petroleum gas" in the definition of natural gas at 10 CFR 507.2.

[6] The regulatory language deleted ("or other products that are converted to petrochemicals") is inappropriate to apply to paragraph (6) of the definition of alternate fuel in 10 CFR 500.2(a) because that regulation envisions determining whether or not a waste gas qualifies as an alternate fuel solely through an examination of the industrial or refining operations at a plant site. It is irrelevant to this determination that a plant's products may be used as a petrochemical feedstock by another plant.

Section 211.62 defines a refinery to include a petrochemical plant. We consider applying this definition to paragraph (6) of the definition of alternate fuel in § 500.2(a) inappropriate because of the narrow purpose of this inclusion, which is related strictly to the Buy/Sell and Entitlements programs. *See Monsanto Co.*, 2 FEA ¶83,028 (January 31, 1975).

[7] Section 211.51 defines "petrochemicals" in reference to the oil import regulations, 10 CFR 213.27(8), for purposes of determining what is a "petrochemical plant" and thus not a "refinery" under that section. For the purposes of applying these terms to determine what is an industrial operation under paragraph (6) of the definition of alternate fuel in 10 CFR 500.2(a), petrochemicals means olefins (including ethylene, propylene and butylenes), diolefins (including butadiene), aromatics (including benzene, toluene and xylenes), acetylene, and products derived thereform.

[8] Since Basin's request is resolved on the basis of the conditional sale of crude oil by BTA to Basin, we do not reach the other issues raised by Basin, including the permissibility of processing agreements under DOE regulations. *See Notice of Intent, Amendments Concerning Processing Agreements Involving Non-Refiners*, Docket No. ERA–R79–53, 45 FR 3080 (January 16, 1980).

proposed by BTA is an impermissible modification of normal business practices in that it fundamentally changes Basin's relationship with BTA, it was not customary in the sale of this crude oil, and it would frustrate important objectives of the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93–159 (November 27, 1973) (EPAA).[9] Consequently, the joint venture is not entitled to acquire such volumes of crude oil for processing and marketing under the facts presented inasmuch as this acquisition of crude oil would be improper under the applicable DOE regulations.

Producers of domestic crude oil are subject to allocation regulations set forth in Subpart C of Part 211, which require the maintenance of supplier/purchaser relationships. Those regulations generally freeze "all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976," or which are begun thereafter through a first sale that is exempt from this rule. 10 CFR 211.63(b).[10]

In addition to requiring the maintenance of supplier/purchaser relationships with respect to sales of domestic crude oil, the regulations affect relations between producers, resellers, and refiners of crude oil. Section 210.62(a) directs that suppliers of crude oil deal with their purchasers according to normal business practices and that no supplier "modify any normal business practice so as to result in the circumvention of any provision of this chapter." Section 210.62(b) prohibits any preference or sales treatment which frustrates or impairs the purposes of the price and allocation regulations or of the EPAA. Section 210.62(c) provides in relevant part:

Any practice which constitutes a means to obtain a price higher than is permitted by the regulations in this chapter *or to impose terms or conditions not customarily imposed upon the sale of an allocated product* is a violation of these regulations. (Emphasis added.)

Subsection (c) makes clear that the imposition of terms or conditions not customarily imposed upon the sale of an allocated product is also a violation of this regulation.

That BTA intends to sever its current supplier/purchaser relationship with Basin and to create a new one (see 10 CFR 211.63(b)(2)) does not relieve BTA of the requirement of Section 210.62 that the customary business practices established in the original relationship be continued. Actions that circumvent or contravene the requirements of any DOE regulation are broadly prohibited by Section 205.202, which supplements Subpart C of Part 211, and therefore the new relationship may not be substituted simply to avoid that obligation. Accordingly, the changes proposed by BTA are to be considered as modifications of its existing supplier/purchaser relationship with Basin.

The modification of the relationship between BTA and Basin is not a mere change without significance, but on the contrary is inherently significant in that it would eliminate a fundamental and essential aspect of Basin's business. Basin currently purchases the subject crude oil from BTA with a free and clear title and markets that oil to several purchasers with whom it has existing supplier/purchaser relationships pursuant to Section 211.63(b). BTA has not customarily designated Basin's purchasers but now proposes to impose the fundamental condition that all future supplies of crude oil be resold to the joint venture in which it is a participant. This modification of BTA's normal business practices would supplant Basin's crude oil resale operations with an arrangement designed solely to provide BTA with the economic benefits of obtaining refined petroleum products for resale through its participation in the joint venture. As set forth in the request for interpretation, the agreement proposed by BTA would impair competition fostered by DOE regulations in that it would totally eliminate any opportunity for Basin's current purchasers, subsequent purchasers, and any other potential purchasers, to obtain supplies of this crude oil from Basin.

The EPAA was enacted in response to the threat presented to the petroleum industry and to the national economy by shortages of domestic and imported crude oil, residual fuel oil, and refined petroleum products.[11] It was determined that such shortages were likely to lead to dislocations in the national distribution system and that regulatory authority was necessary to minimize the resulting impact.[12] Thus, while the overall objectives of the EPAA require the application of certain restrictions on the petroleum industry, it is also the purpose of that Act to preserve competition. Accordingly, the EPAA authorizes allocation and price regulations, and § 4(b)(1)(D) provides as a specific objective of those regulations:

(D) preservation of an economically sound and competitive petroleum industry, including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers.

The EPAA further states that the regulations issued thereunder should provide for the allocation of crude oil to provide adequate supplies to refineries and to provide for equitable distribution of crude oil at equitable prices, in a manner designed to minimize "economic distortion, inflexibility, and unnecessary interference with market mechanisms."[13]

BTA's proposed arrangement therefore takes on added significance in light of the findings and objectives of the EPAA and the Mandatory Petroleum Price and Allocation Regulations which are intended to prevent the harmful effects of inadequate supplies of crude oil, residual fuel oil, and refined petroleum products. In the proposed arrangement, BTA seeks to exercise the leverage of its position as the owner of a supply of crude oil in order to modify its business relationship with Basin and to control subsequent distribution of that oil [14] as well as the products to be derived therefrom. Thus, the modification contravenes the purposes of the EPAA and the regulations and falls within the prohibitions of § 210.62.

As presented by Basin, BTA's proposal would result in discrimination among Basin's purchasers in violation of § 210.62(b) in that it would provide for dealing with one purchaser, the joint venture, on terms that preclude dealing with other purchasers. The proposed agreement would obligate Basin to extend an absolute preference to the joint venture through a condition imposed by BTA, while BTA itself would be a partner in that venture. The resulting arrangement would have the effect of frustrating or impairing the purposes of the EPAA and the DOE regulations as previously described.

Based on the foregoing analysis the proposed arrangement between BTA and Basin would significantly modify the applicable normal business practices because it would require that Basin eliminate its current purchasers, their subsequent purchasers, and other potential purchasers from the chain of supply of BTA's crude oil. The restraint that would be imposed on Basin, and the resulting barrier to other purchasers, would therefore violate Section 210.62 (a), (b) and (c). BTA may not sell its crude oil to Basin on condition that such crude oil be resold to a designated joint venture inasmuch as the first sale of that crude oil in this manner would not be in accordance with § 210.62.

Issued in Washington, D.C., on March 31, 1980.

Thomas C. Newkirk,

Deputy General Counsel for Regulation.

[9] 15 U.S.C. § 751 *et seq.* (1976).

[10] Pursuant to § 211.63(d), there are various methods by which a supplier/purchaser relationship may be terminated. Although Basin anticipates that all terminations of supplier/purchaser relationships for the crude oil to be supplied to the joint venture would be in compliance with § 211.63(d)(1)(i), it should be noted that the requirements of that subsection must be fully met. As set forth in *Arizona Fuels Corporation*, Interpretation 1979–18, 44 FR 60266 (October 19, 1979), consent to termination of a supplier/purchaser relationship by a purchaser under § 211.63(d)(1)(i) must be in writing, giving notice of the termination date, and all subsequent purchases of the crude oil involved must consent in writing to that termination. All such consents must be express and knowing.

[11] EPAA, § 2(a).

[12] EPAA, § 2(b).

[13] EPAA, § 4(b)(1) (E), (F) and (I).

[14] Possible anticompetitive effects of vertical restraints, such as limitations by a seller on its customer's choice of purchasers in the resale of a product, have been subjected to close scrutiny under the antitrust laws. *See, e.g., Continental T.V., Inc.* v. *G.T.E. Sylvania, Inc.*, 433 U.S. 36 (1977); *United States* v. *Arnold, Schwinn & Co.*, 388 U.S. 365 (1967); *United States* v. *Bausch & Lomb Optical Co.*, 321 U.S. 707 (1944).

Appendix B.—*Cases Dismissed*

File No.	Requester	Category	Date dismissed
A–525	American Car Rental Association	Price	Feb. 13.
A–463	San Jose Peace Officer's Association	Price and Allocation	Mar. 14.
A–284	Texaco, Inc.	Allocation	Mar. 10.

[FR Doc. 80–11411 Filed 4–14–80; 8:45 am]

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FEDERAL ELECTION COMMISSION

11 CFR Chapter I

[Notice 1980-14]

Presidential Election Campaign Fund; Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Transmittal of Regulations to Congress.

SUMMARY: FEC regulations governing the administration of the Presidential Primary Matching Payment Account provided for in Chapter 96 of Title 26, United States Code have been revised. The revised regulations at 11 CFR Chapter I have been transmitted to Congress pursuant to 26 U.S.C. 9039(c). Under the following revisions, the Commission may suspend matching fund payments to a candidate who knowingly, willfully and substantially exceeds expenditure limitations, and that candidate would be prohibited from receiving any further payments. Current regulations provide that the Commission may suspend matching fund payments to a candidate who knowingly and willfully exceeds expenditure limitations, but payments to that candidate would be resumed if he or she repaid an amount equal to the excessive expenditure and paid or agreed to pay any civil or criminal penalties resulting from the violation.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before Congress 30 legislative days in accordance with 26 U.S.C. 9039(c).

FOR FURTHER INFORMATION CONTACT: Patricia Ann Fiori, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20510 (202) 523-4143.

SUPPLEMENTARY INFORMATION: The Commission on November 5, 1979, published a Notice of Proposed Rulemaking (44 FR 5594). No comments were received on the proposed regulations.

Explanation and Justification of Revised Regulations Governing Suspension of Payments From the Presidential Primary Matching Fund

Under the proposed revisions to the Presidential Primary Matching Fund regulations, the Commission may suspend payments to a candidate who, after certification for matching funds, knowingly, willfully and substantially exceeds the expenditure limitations at 11 CFR 9035. A candidate whose payments are suspended will, under the proposed revisions, be ineligible to receive any further payments.

Regulations promulgated on May 7, 1979, provide that the Commission may suspend matching payments to a candidate who knowingly and willfully exceeds expenditure limitations after certification for public funds (11 CFR 9033.9).[1] However, such a candidate may re-establish eligibility by repaying an amount equal to the excessive expenditure and by paying or agreeing to pay any civil or criminal penalties resulting from the violation of the limitation. Under the proposed revisions, the Commission may suspend payments to a candidate only if he or she knowingly, willfully *and substantially* exceeds expenditure limitations. In addition, under the proposed revisions, a candidate will not be permitted to re-establish eligibility after payments have been suspended for exceeding expenditure limitations.

Statutory provisions at 26 USC 9033(b)(1) state that in order to receive matching funds, a candidate must certify to the Commission that the candidate and his or her authorized committees "will not incur qualified campaign expenses in excess of the limitations of such expenses under [26 USC] section 9035." A candidate who exceeds the expediture limitations of 26 USC 9035 after certifying that he or she will not exceed those limitations violates a basic condition of eligibility for matching funds and that candidate's eligibility for continued receipt of payments is thereby terminated. Such a result is consistent with the statutory provisions establishing the public financing system for presidential primary candidates, as well as with the legislative history of those provisions.

The statutory provisions governing entitlement to matching funds expressly provide that a candidate must establish his or her eligibility for those funds by meeting certain conditions. The conditions are set forth at 26 USC 9033, which provides that in order to be eligible for payments, a candidate must make certain agreements and certifications. Further, it is clear that the statute empowers the Commission to determine whether a candidate has established eligibility by meeting the specific conditions, and a candidate who does not meet those conditions is ineligible to receive matching funds. (See *Committee to Elect Lyndon LaRouche* v. *FEC*. Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9091 (D.C.Cir. 1979), *cert. denied*, — US — (February 19, 1980)(No. 79-801)).

As a condition precedent to the receipt of federal matching funds, a candidate must, under 26 USC 9033(b)(1), certify that he or she will not exceed the expenditure limitations applicable to publicly financed candidates. While the statute does not specifically authorize the suspension of payments to a candidate who violates a condition of eligibility by exceeding expenditure limitations, the Commission's power to suspend is implied from its express authority to determine initial eligibility. Because eligibility is a continuing requirement, the power to determine initially whether eligibility has been established necessarily implies the authority to monitor eligibility. Section 9033 specifically sets forth conditions of eligibility. These conditions consist of a series of agreements and certifications which the candidate must make prior to receiving matching funds. Where a candidate fails to abide by an agreement or certification which relates to a requirement central to the Act—such as the expenditure limitations—that candidate is failing to fulfill the basic conditions for eligibility to continued receipt of matching payments. In such a situation, the Commission has the authority to revoke that candidate's eligibility.

Moreover, without the authority to suspend payments to a candidate who is violating the conditions of eligibility, the Commission would be unable to protect the integrity of the public financing system. Allowing candidates to exceed expenditure limitations while continuing to receive matching funds undermines the equal protection of the public financing system. A central concept of the statutory provisions establishing that system is equal treatment of all candidates. The candidate who abides by expenditure limitations would suffer a great disadvantage if another candidate were permitted to exceed those limitations and still receive public funds. To prevent this inequitable result, matching fund payments must be permanently suspended to any candidate who exceeds expenditure limitations.

Finally, permanent suspension of matching fund payments to a candidate who has knowingly, willfully and substantially exceeded expenditure limitations is consistent with the legislative history of the public financing system for presidential candidates. The legislative history of the matching fund system indicates that the primary purpose of that legislation was to curb "abuses by special interest groups and big money . . . in connection with campaigns to the office of President".[2] Congress sought to further this purpose by "drastically reducing the amounts which may be expended by the candidate".[3] It would thus run counter to the very purpose of the public financing statute to allow candidates who knowingly, willfully and substantially exceed expenditure limitations to subsequently receive public funds. Such an outcome would permit a candidate to make vast amounts of campaign expenditures, and nevertheless receive matching payments, thereby defeating the basic purpose underlying the enactment of public financing.

11 CFR 9033.9 is amended to read as follows:

PART 9033—ELIGIBILITY

• • • • •

§ 9033.9 Suspension of payments.

(a) If the Commission has reason to believe that a candidate or his or her authorized committee(s) has knowingly, willfully and substantially failed to comply with the disclosure requirements of 2 USC 434 and 11 CFR Part 104, or that a candidate has knowingly, willfully and substantially exceeded the expenditure limitations at 11 CFR 9035, the Commission may make an initial determination to suspend payments to that candidate.

(b) The Commission shall notify the candidate of its initial determination, giving the legal and factual reasons for the determination and advising the candidate of the evidence upon which its initial determination is based. The candidate shall be given an opportunity within 20 days of the Commission's notice to comply with the above cited provisions or to submit written legal or factual materials to demonstrate that he or she is not in violation of those provisions.

(c) The Commission shall consider any written, legal or factual materials submitted by the candidate in making its final determination. Such materials may be submitted by counsel if the candidate so desires.

(d) Suspension of payments to a candidate will occur upon a final determination to suspend payments by the Commission. Such final determination shall be accompanied by a written statement of reasons for the Commission's action. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(e)(1) a candidate whose payments have been suspended for failure to comply with reporting requirements may become entitled to receive payments if he or she subsequently files the required reports and pays or agrees to pay any civil or criminal penalties resulting from failure to comply.

(2) a candidate whose payments are suspended for exceeding expenditure limitations shall not be entitled to receive further matching payments under 11 CFR 9034.1.

Dated: April 9, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-11404 Filed 4-14-80; 8:45 am]

BILLING CODE 6715-01-M

[1] Current regulations at 11 CFR 9033.3 also provide that a candidate is ineligible for matching funds if he or she has knowingly, willfully and substantially exceeded the expenditure limitations prior to certification.

[2] H.R. Rep. No. 93-1239, 94th Cong., 2nd Sess. 13 (1974).

[3] S. Rep. No. 93-689, 94th Cong., 2nd Sess. 5 (1974).

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0272]

Electronic Fund Transfers; Definitions and Rules of Construction Documentation of Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting in final form amendments to § 205.9 of Regulation E (Electronic Fund Transfers) to (1) exempt deposits of cash, checks, drafts, and similar paper instruments at electronic terminals from the requirement that the terminal location be disclosed on the periodic statement, (2) provide that institutions may disclose the charges for account maintenance *or* the charges for electronic fund transfers on periodic statements, (3) permit financial institutions operating certain cash-dispensing terminals to mail a terminal receipt on the next business day following the day the transfer was initiated, until financial institutions replace those terminals, and (4) delay until August 10, 1980, the requirements that the terminal location and name of any third party to or from whom funds were transferred be disclosed on the periodic statement. These amendments are intended to facilitate compliance with the requirements of Regulation E, while not diminishing the consumer protections that it provides. The Board is also issuing an analysis of the economic impact of the amendments adopted at this time.

EFFECTIVE DATE: May 10, 1980.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation: Dolores S. Smith, Section Chief, or Lynne B. Barr, Senior Attorney (202-452-2412), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the economic impact analysis: Frederick J. Schroeder, Economist (202-452-2584), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Sections 205.2(g) and 205.9(b)(1)(iv)—Definition of electronic fund transfer and disclosure of terminal location.* The Board has been asked to reconsider its opinion that deposits of cash, checks, drafts, or similar paper instruments at electronic terminals are encompassed by the definition of "electronic fund transfer" in § 205.2(g), and that the requirements of the Act and regulation apply to them. Commenters contended that such transfers are not initiated electronically and should therefore be excluded. Commenters also stated that operational problems make it difficult and costly to treat deposits at ATMs and other terminals as electronic fund transfers.

The Board believes that the protections provided by the Act, particularly error resolution procedures, should be given to consumers using this type of service. It remains the Board's opinion that deposits at terminals are electronic fund transfers within the meaning of the Act. This view is supported by the Report of the Senate Committee on Banking, Housing and Urban Affairs (Report No. 95-915) which states that "automated teller machine transactions, such as cash withdrawals or deposits" are encompassed within the definition.

Certain specific operational problems were raised by the commenters. First, concern was expressed that all accounts held at a financial institution will be subject to the regulatory requirements (such as initial disclosures, documentation requirements, and error

resolution) because it is possible for a consumer to deposit money to accounts for which there is no EFT agreement. It is the Board's opinion that a deposit by a consumer at an electronic terminal does not make an account subject to the requirements of Regulation E, absent an agreement (by encoding accounts on the access device, marketing the deposit service, or specific agreement) between the consumer and the financial institution to permit deposits to the account. The Board's position on this issue is similar to that taken with respect to which accounts are subject to the requirements of § 205.9(b) (see 45 FR 8250). Institutions may limit the accounts to which deposits may be made by consumers and thus limit their exposure. Institutions may also limit the permissible dollar amount of deposits, provided disclosure is made pursuant to § 205.7(a).

Another concern of financial institutions relates to the difficulty of processing these deposits. It is the Board's understanding that deposits at terminals, because the amount of the deposit must be verified and availability of the funds determined, are generally processed with other deposits rather than with other terminal transfers, and that the terminal location is generally not captured. After the effective date of the regulation, the financial institution would have to capture and store the terminal location for disclosure on the periodic statement. In order to do so, according to commenters, institutions would have to verify and manually process ATM deposits separately from, not only other ATM transfers, but also other deposits. The Board is concerned that these increased processing steps and costs would result in loss of depository services to consumers and interfere with the development of such EFT services; it has therefore adopted an amendment to § 205.9(b)(1)(iv) exempting deposits at terminals from the requirement that the terminal location be disclosed on the periodic statement. It should be noted that the Board considers this an interim exemption that will become unnecessary as methods to process these transfers electronically become readily available to financial institutions.

The Board believes that this amendment will not decrease the significant consumer protections provided to consumers by the error resolution and other requirements of the regulation, which remain in effect as to deposits at electronic terminals. If a consumer requests additional information about a deposit within the time periods prescribed in § 205.11(b), for example, the institution must comply with the error resolution requirements.

This amendment and the one discussed in section (2) below are being adopted without an opportunity for further public comment on the specific wording because the Board believes that there has been ample opportunity for comment on the issues, and because a prompt resolution is necessary in view of the time remaining until the effective date of the regulation. Accordingly, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with these two amendments.

One commenter asked whether section 906(f), which provides that any documentation provided pursuant to the Act constitutes *prima facie* proof of payment to another person, would apply to terminal receipts for deposits at terminals. The Board believes that section 906(f) does not apply to deposits to the consumer's account, since no payment is being made to another person. If a deposit is made to another person's account, and, because of an agreement between the consumer making the deposit and the financial institution as to deposits to *that* account, the other person's account is subject to Regulation E, the receipt would constitute *prima facie* proof of payment.

Financial institutions have asked what their responsibility will be under the regulation when the amount of a deposit as verified by the institution is more or less than the amount entered by the consumer into the terminal. Although financial institutions may wish to notify consumers immediately of any discrepancy, the Board believes that a financial institution is not required by the regulation to notify the consumer of the different amount until the periodic statement is sent. The statement should reflect the proper amount, or, depending on the institution's system, a correction of the erroneous amount. The financial institution must, of course, comply with the error resolution procedures when an error in a deposit is alleged by the consumer.

Financial institutions also expressed concern about potential consumer fraud. Financial institutions are concerned that they will be unable to resolve error allegations within the 10-business-day period prescribed by § 205.11, and will have to provisionally recredit the consumer's account for the amount alleged to be in error during the investigation. The Board believes that a financial institution completes its investigation responsibilities under § 205.11 by examining the questioned deposit, verifying the amount, and reporting to the consumer in accordance with the regulation's requirements.

The Board has also been asked whether cash payments made at electronic terminals are subject to the Act. It is the Board's opinion that such payments are not electronic fund transfers because they do not debit or credit an "account" as that term is defined in the Act.

(2) *Section 205.9(b)(3)—Charges for electronic fund transfers.* The Board has adopted an amendment to § 205.9(b)(3) to permit a financial institution to disclose on periodic statements the total charges (a) for electronic fund transfers or the right to make transfers, *or* (b) for account maintenance assessed against the account during the statement period. This amendment comports with the statutory language. It permits disclosure on the periodic statement of the total charges assessed against the account during the statement period, including any transaction charges. No change has been made to § 205.7(a)(5), however, and financial institutions must separately disclose the EFT charges, including transaction charges, when the initial disclosures are made. The amendment is being adopted in response to comments on the final regulation that raised significant operational obstacles to separate disclosure of EFT and non-EFT charges, particularly for accounts where the charges are identical for electronic and paper transfers. The Board believes that the amendment more closely approximates the congressional intent with respect to such charges, will not reduce the information given to the consumer (who will be told what the separate EFT charges are in the initial disclosures required by § 205.7), and will result in cost savings to financial institutions.

The Board does not believe that overdraft or stop payment charges are EFT charges or charges for the right to make electronic fund transfers. They need not be disclosed under §§ 205.7(a) or 205.9(b).

(3) *Section 205.9(f)—Receipt requirements for certain cash-dispensing terminals.* Section 205.9(a) of the regulation, which becomes effective May 10, 1980, provides that a financial institution must make a written receipt available to the consumer at the time any transfer is initiated at an electronic terminal. It came to the Board's attention that some financial institutions operate cash-dispensing electronic terminals that are incapable of generating a receipt to the consumer at the time the transfer is initiated. In response to concerns that financial

institutions would take these terminals out of service on May 10 because of non-compliance and that a valuable service would thus be unavailable to consumers, the Board proposed an amendment to Regulation E to permit financial institutions with such terminals until January 1, 1981, to replace the terminals, provided that in the interim the financial institution mails or delivers a receipt to the consumer on the next business day after the transfer was initiated (45 FR 8268, February 6, 1980). The proposed deferral of the effective date was intended to give financial institutions adequate opportunity to replace existing terminals.

The vast majority of the comments favored some delay in the May 10 effective date of the requirement that a receipt be made immediately available. However, most financial institutions operating the terminals in question argued that the seven-month extension would be an insufficient period in which to make the capital expenditure necessary to replace the affected terminals. These institutions argued that no loss in consumer protection would occur as a result of a permanent "grandfathering" of such terminals, because the consumer would receive the required information in the mail shortly after the transfer has taken place. In fact, these commenters argued, the possibility of detecting unauthorized use of an access device would be enhanced by the practice of mailing the receipt to the consumer on the next business day.

The Board has adopted an amendment (§ 205.9(f)) that will permit financial institutions operating certain cash-dispensing terminals to mail or deliver a written terminal receipt to the consumer on the next business day after the transfer is initiated. The amendment applies to terminals that (a) do not permit transfers other than cash withdrawals, (b) cannot make a receipt available to the consumer at the time the transfer is initiated, (c) cannot be modified to provide a receipt at that time, and (d) were purchased or ordered prior to February 6, 1980, the date the final regulation was published (45 FR 8264). The Board considered but rejected requests that it totally exempt such cash dispensers from the receipt requirement.

This is a permanent exception as to terminals purchased or ordered by the financial institution before February 6, 1980. There is no specific date by which these terminals must be replaced. Section 904 of the Act permits the Board to "provide for such adjustments and exceptions for any class of electronic fund transfers, as in the judgment of the Board are necessary or proper to effectuate the purposes" of the Act. The amendment adopted by the Board will permit financial institutions to phase out these terminals in an orderly and cost-effective manner, and to continue providing what appears to be a beneficial service to consumers. The Board believes that the consumer protection provided by the receipt requirement will not be significantly changed by the amendment.

The Board believes that the amendment permits financial institutions to reinstall their present cash-dispensers in new locations. It should be noted that the exception may only be used by the financial institution that presently owns or operates the terminals; terminals sold to other financial institutions will not remain within the exception.

(4) *Section 205.9(g)—Delayed effective date for certain periodic statement requirements.* The Board has adopted an amendment (§ 205.9(g)) which provides that a financial institution's failure to describe an electronic fund transfer in accordance with certain periodic statement requirements shall not constitute a violation of the Act or regulation as to any transfer that occurs before August 10, 1980. These requirements relate to § 205.9(b)(1)(iv), which requires disclosure of the terminal location for each transfer, and § 205.9(b)(1)(v), which requires disclosure on the statement of the name of any third party to or from whom funds were transferred.

The Board proposed the delay in the effective date of these portions of the regulation because it had become aware that financial institutions were expecting to experience serious difficulty in complying with these two requirements by May 10. The Board issued the final portions of Regulation E on February 6, 1980, slightly more than three months before the effective date of the regulation. The Board was concerned that rushed compliance efforts to meet the deadline and non-compliance after that date would result in substantial costs to financial institutions.

The comments received by the Board, with one exception, favored the adoption of a delayed effective date. Financial institutions responded to a request for specific estimates of costs that would be incurred if they had to comply by May 10, and subsequent reductions in those costs should the delay be adopted. Their estimates are discussed in detail in section (5) below. Significant obstacles to compliance by May 10 cited by commenters included the necessary modifications in computer software; redesign, reprinting, and distribution of statement forms; training of personnel; and the pretesting of new statement programs and formats.

The Board has determined, based on the comments received and its own analysis, that a brief delay in the effective date of these two periodic statement requirements will result in cost savings to financial institutions and will not result in a significant reduction in the consumer protections afforded by the Act.

The Board considered, but rejected, suggestions to delay the effective date for a longer period and to extend the delay to other requirements. Most financial institutions commented that this brief delay, limited to the two most difficult provisions in the documentation requirements, was adequate.

The Board wishes to insure that consumers enjoy the major protections of the Act and regulation during the three-month delay. Consequently, a requirement previously stated in the **Federal Register** has been incorporated into the regulation. Where applicable, financial institutions must, upon the consumer's request and without cost, provide the consumer with evidence of proof of payment to another person (as provided by section 906(f) of the Act). The Board reiterates that financial institutions must treat any request for additional information from the consumer as to an incompletely identified transfer as an "error" under § 205.11(a) and comply with the error resolution procedures.

(5) *Economic impact analysis.* Section 904(a)(2) of the Act requires the Board to prepare an analysis of the economic impact of the regulation that the Board issues to implement the Act. The following economic analysis accompanies sections of the regulation that are being issued in final form.[1]

The analysis must consider the costs and benefits of the regulation to suppliers and users of electronic fund transfer (EFT) services, the extent to which additional documentation, reports, records, or other paperwork would be required, the effects of the regulation on competition in the provision of electronic fund transfer services among large and small financial institutions, and the effects of the regulation on the availability of EFT services to different classes of consumers, particularly low-income consumers.

[1] The analysis presented here is to be read in conjunction with the economic impact analysis that accompany the Board's final rules at 44 FR 18474 (March 28, 1979), at 44 FR 33838 (June 13, 1979), at 45 FR 46433 (August 8, 1979), at 44 FR 59468 (October 15, 1979), and at 45 FR 8259 (February 6, 1980).

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The regulation in part reiterates provisions of the statute and in part amplifies the statute. Therefore, the economic analysis considers impacts of both the regulation and the statute, and throughout the analysis a distinction will be made between costs and benefits of the regulation and those of the statute. *The following analysis assumes that the regulation and the Act have no relevant economic impact if they are less restrictive than current industry practices or state law. In this case, the regulation will not affect costs, benefits, competition, or availability and will not inhibit the market mechanism. The following analysis of the regulation and the Act is relevant only if their provisions are more constraining than those provisions under which institutions would otherwise operate.*

Section 205.9(b)(1)(iv) is amended so that deposits of cash, checks, drafts, or similar paper instruments at electronic terminals are not subject to the terminal location documentation requirement. Commenters pointed out that deposits made at electronic terminals are usually processed in the same way as deposits made at night depositories, at lobby drop boxes, and through the mail. Many financial institutions do not segregate deposits made at electronic terminals from other deposits and have no way of identifying at which electronic terminal a deposit was made. Costly changes in operating procedures and separate manual processing would be necessary to capture terminal location information for such deposits. The amendment is expected to reduce compliance costs and prevent the elimination of terminal deposit services by some institutions that could not comply in the absence of the amendment. Consumers will continue to receive receipts for deposits at electronic terminals and be protected by the error resolution procedures and other provisions of the Act and regulation.

Section 205.9(b)(3) is amended to provide that financial institutions may show on the periodic statement the total amount of all fees or charges assessed against the account during the statement period. Total fees or charges assessed only for EFTs or the right to make such transfers need not be reported separately, as had been previously required. Commenters pointed out that most data processing systems are not now capable of segregating the information needed to compute charges associated only with electronic transfers. Reprogramming accounting systems would be very expensive. Furthermore, many institutions assess fees or charges for service packages that include EFT services, so that isolation of changes related only to EFT would not be possible. This amendment is expected to reduce compliance costs substantially. Consumers will continue to be assured to receiving documentation of account fees and charges so that they can use that information to shop for the best of the different types of accounts available in the market.

Section 205.9(f) grants financial institutions a permanent exemption from the § 205.9(a) terminal documentation requirements for certain cash dispensers. A recent survey of all insured commercial banks revealed that the number of cash dispensers in operation was 623 in 1974, 437 in 1976, and 395 in 1979; and that the number of automated teller machines in operation was 1476 in 1974, 3032 in 1976, and 6215 in 1979.[2] It is apparent that the number of cash dispensers in use at commercial banks has declined in absolute terms and as a percentage of all automated retail banking machines. Similar trends in equipment use are expected to be obtain for other types of financial institutions.

In response to its request for information, the Board received comments from 11 financial institutions that were each operating at least one cash dispenser incapable of issuing receipts to consumers. All of these commenters requested a delay of the effective date or a permanent exemption from the requirements under consideration. Commenters cited customer satisfaction with existing cash dispensers, some of which have been in place for over 10 years, and the high costs associated with abandoning or replacing cash dispensers. Costs of replacing a non-complying machine were estimated to range from $20,000 to $50,000, depending on the type of replacement equipment, in addition to site preparation, reprogramming, and card base replacement costs. Furthermore, given the long lead times required to order and secure delivery of new equipment, some financial institutions could not replace non-complying machines by May 10, 1980.

This information, together with the realization that the stock of existing cash dispensers is declining as machines are retired and replaced with machines capable of issuing receipts when transfers are made, leads the Board to grant a permanent exemption from the § 205.9(a) documentation requirements for cash dispensers that were purchased or ordered prior to February 6, 1980. While the number of financial institutions and consumers affected by the exemption is relatively small, the impact of the exemption on them will be significant and provide a net benefit.

Consumers will retain the documentation protections afforded by the Act because of the provision that financial institutions must mail or deliver, on the business day following the transfer, a written receipt detailing the required transfer information. At the same time, financial institutions will not be forced to abandon cash-dispenser service or replace existing service with more costly service. The costs of any premature abandonment or replacement would be passed on to consumers to some degree.

Although the requirement to mail or deliver a written transaction document will increase the paperwork and record-keeping burden of institutions that do not now provide that service for cash-dispenser transactions, the burden will be much smaller than that imposed by the Act were the regulatory exception not granted. Without the exemption, equipment replacement costs and costs of civil liabilities for noncompliance would be greater. The exemption will provide greater relief from the statutory compliance burden for small financial institutions because they are less able than larger institutions to bear fixed costs associated with meeting the Act's compliance deadline.

The exemption is expected to have some influence on the availability of EFT services to different income classes of consumers. Certain of the affected cash dispensers are the only form of EFT service offered in the low-income rural areas they serve, and the exemption will permit the continued operation of those machines. Furthermore, some low-income consumers might be priced out of the market for EFT services if higher transaction charges were imposed because of cash dispenser replacement.

Section 205.9(g) delays until August 10, 1980, the effective date of two periodic statement requirements, §§ 205.9(b)(1) (iv) and (v). The delay applies to all financial institutions. Commenters provided compliance cost estimates that demonstrate that documentation of terminal locations and of third-party names are among the most burdensome requirements of the Act. Most commenters indicated that they would have to incur substantial system development costs in order to capture the necessary information and reproduce it on periodic statements.

[2] David A. Walker, "An Analysis of Financial and Structural Characteristics of Banks with Retail EFT Machines," Working Paper No. 79-1. Washington, D.C.: Federal Deposit Insurance Corporation, 1979, p. 3.

Some institutions and contract processors stated that the necessary reprogramming efforts could not be completed by May 10, 1980, regardless of cost, because sufficient human resources are not available and because new systems require time for field testing and modification. Rushed compliance efforts would probably require much greater expenditures and more costly revisions than efforts directed toward an August 10, 1980, or later compliance deadline. Many commenters were unable to provide estimates of cost savings from the three-month delay. For the 25 commenters that gave cost estimates, the delay was expected to save a total of over $1 million.

Other costs are associated with the terminal location and third-party name documentation requirements. These include costs of the addition of data storage capacity to handle the increased volume of transaction information, costs of retraining employees who use the new systems, and costs of discarding obsolete periodic statement forms and other supplies. The more time financial institutions and processors have in which to comply, the more efficiently resources can be allocated.

In consideration of the cost estimates furnished by commenters, the Board is extending the compliance deadline 3 months beyond the effective date of the Act. This regulatory provision is expected to yield a significant cost savings to financial institutions as a group and, for many individual institutions, prevent either widespread curtailments of EFT services or extensive violation of the statutory documentation requirements in case services are not curtailed. No significant loss of consumer benefits is expected, because consumers will have access to all information, proof of payments, and error resolution procedures required by law.

Although financial institutions will be spared substantial costs by the extension, commenters stated that many institutions, most of them small, will not be in compliance by August 10, 1980. Commenters anticipated that these institutions may have to suspend consumer EFT services, some of which have been successfully offered for many years, in order to protect themselves from civil liability under the Act. Even if compliance could be achieved soon after August 10, 1980, any disruption, however short, in EFT services would harm these institutions by causing loss of service with consequent loss of customers, by necessitating mailings of explanations to customers, and by requiring the use of managerial resources for discontinuing and later reinstating services. For many small financial institutions there will be little opportunity to control the process because they rely on outside processors, many of which cannot complete program modifications and client retraining by August 10, 1980. Low-income customers who have only savings accounts and who use EFT services will be adversely affected by the Act to the extent that their institutions will not be able to document the names of third-party payors or payees on periodic statements.

The delay in the effective date will reduce paperwork and documentation costs for those institutions that, in the absence of a delay, would continue to offer EFT services and would seek to comply by manually inserting transfer documentation into periodic statements.

(6) Pursuant to the authority granted in 15 U.S.C.A. 1693b, the Board hereby amends 12 CFR Part 205, effective May 10, 1980, by adding a footnote to paragraph (b)(1)(iv), amending paragraph (b)(3), and adding paragraphs (f) and (g) to § 205.9, to read as follows:

§ 205.9 Documentation of transfers.

* * * * * *

(b) *Periodic statements.* * * *

(1) * * *

(iv) For each transfer initiated by the consumer at an electronic terminal,[*] * * *

* * * * * *

(3) The total amount of any fees or charges, other than a finance charge under 12 CFR 226.7(b)(1)(iv), assessed against the account during the statement period for electronic fund transfers or the right to make such transfers, or for account maintenance.

* * * * * *

(f) *Receipt requirements for certain cash-dispensing terminals.* The failure of a financial institution to comply with the requirement of paragraph (a) of this section that a receipt be made available to the consumer at the time an electronic fund transfer is initiated at an electronic terminal shall not constitute a violation of the Act or this regulation, provided

(1) The transfer occurs at an electronic terminal that

(i) Does not permit transfers other than cash withdrawals by the consumer,

(ii) Cannot make a receipt available to the consumer at the time the transfer is initiated,

(iii) Cannot be modified to provide a receipt at that time, and

(iv) Was purchased or ordered by the financial institution prior to February 6, 1980; and

(2) The financial institution mails or delivers a written receipt to the consumer that complies with the other requirements of paragraph (a) of this section on the next business day following the transfer.

(g) *Delayed effective date for certain periodic statement requirements.* The failure of a financial institution to describe an electronic fund transfer in accordance with the requirements of paragraphs (b)(1) (iv) and (v) of this section shall not constitute a violation of the Act or this regulation unless the transfer occurs on or after August 10, 1980, if, when a transfer involves a payment to another person, the financial institution, upon the consumer's request, and without charge, promptly provides the consumer with proof that such a payment was made.

* * * * * *

By order of the Board of Governors, April 10, 1980.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 80-11400 Filed 4-14-80; 8:45 am]
BILLING CODE 6210-01-M

[*] A financial institution need not identify the terminal location for deposits of cash, checks, drafts, or similar paper instruments at electronic terminals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

[Regulations No. 4]

Federal Old-Age, Survivors, and Disability Insurance

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: The Department of Health, Education, and Welfare (HEW) is revising its regulations to make them clearer and easier for the public to use. As part of this effort, we are revising completely Subpart B of 20 CFR Part 404. Subpart B contains the rules for determining the insured status of a worker and crediting quarters of coverage (QCs) for purposes of old-age, disability, dependents', and survivors' insurance benefits under title II of the Social Security Act. We have completely reorganized these regulations and rewritten the rules in simpler, briefer language. We have not changed the substance of our current rules, but have removed outdated and rarely used provisions.

DATES: The final rule is effective April 15, 1980.

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FOR FURTHER INFORMATION CONTACT: Dave Smith, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7336.

SUPPLEMENTARY INFORMATION: We have rewritten this subpart as part of HEW's "Operation Common Sense," a Department-wide effort to review, simplify, and reduce HEW's regulations. This subpart is important because insured status is a basic factor in determining if benefits are payable to a worker or to others based on that worker's earnings record. Whether a worker has insured status depends on the number of quarters of coverage (QCs) credited to him or her.

We published our proposed revision of Subpart B in the **Federal Register** in a Notice of Proposed Rulemaking (NPRM) on July 11, 1979 (44 FR 40526) with a 60-day comment period. We did not receive any comments. However, we felt we could improve the presentation of the subpart by further reorganizing the material, reversing the order of the discussion of insured status and QCs. We also made some refinements in language. These changes do not affect the substance of the rules.

In these final regulations we also included an appendix which shows the QC amount for each year after 1978. We explain in the regulations that the adjusted amount is published the preceding year on or before November 1 as a Notice in the **Federal Register**. We also updated the cross-references to material in Subpart D of 20 CFR Part 404 to reflect the recodification of that subpart published at 44 FR 34479 (June 15, 1979).

In both the NPRM and final regulations we have added a provision to the former regulations and deleted some provisions from the former regulations.

Added Provision

We have added a provision in § 404.110(d)(2) (§ 404.120(d)(2) in the NPRM) on crediting QCs for fully insured status based on wages paid before 1951. This provision reflects the amendment made to section 215(d)(1)(C) of the Social Security Act by section 142(b) of Pub. L. 92–603, enacted October 30, 1972. The amendment provides that total wages before 1951 include wages considered paid to a person before 1951 under section 231 of the Act (relating to benefits in case of certain persons interned in the United States during World War II). These wage credits may affect a person's current eligibility or benefit amount.

Deleted Provisions

Former § 404.103(d)(1)(x) contained conditions about crediting QCs based on wages paid in a year before 1951 equal to $3,000. We removed these conditions since they were taken out of the law by the Social Security Amendments of 1960 (section 206 of Pub. L. 86–778) and no longer apply.

Former § 404.113a concerned transitional insured status and applied only to certain claimants who attained age 72 before 1969 and are not fully insured. We removed this section from the regulations because we rarely use it, but we will apply this provision in appropriate cases.

Former § 404.115(b)(1) explained when disability insured status must be met for disability insurance benefits payable for months before January 1973. We removed this provision because it is outdated.

Former §§ 404.115(b)(2)(ii), 404.116(b)(3)(ii), and 404.116(d)(3)(ii) set out the conditions under which an application for a period of disability or disability insurance benefits filed before October 1972 was treated in the same way as an application filed after September 1972 for applying certain rules dealing with disability insured status. We removed these provisions because they are outdated.

Former § 404.120(a) permitted us to grant QCs based on a worker's railroad compensation for purposes of establishing a period of disability even though that compensation may not be used for other purposes under title II of the Social Security Act. The authority for this provision was contained in section 5(k)(1) of the Railroad Retirement Act (RRA) of 1937, but was deleted by the RRA of 1974 (section 18 of Pub. L. 93–445). We contacted the Railroad Retirement Board about a technical amendment to the RRA that would reinstate the deleted material. Until this material is reinstated, however, the provision in former § 404.120(a) no longer applies; therefore, we removed it.

Accordingly, the final rule is adopted as set forth below.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; and 13.805 Social Security-Survivors Insurance.)

Dated: February 22, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: April 9, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Subpart B of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart B—Insured Status and Quarters of Coverage

General

Sec.

404.101 Introduction.
404.102 Definitions.

Fully Insured Status

404.110 How we determine fully insured status.
404.111 When we consider a person fully insured based on World War II active military or naval service.
404.115 Table for determining the quarters of coverage you need to be fully insured.

Currently Insured Status

404.120 How we determine currently insured status.

Disability Insured Status

404.130 How we determine disability insured status.
404.131 When you must have disability insured status.
404.132 How we determine fully insured status for a period of disability or disability insurance benefits.
404.133 When we give you quarters of coverage based on military service to establish a period of disability.

Quarters of Coverage

404.140 What is a quarter of coverage.
404.141 How we credit quarters of coverage for calendar years before 1978.
404.142 How we credit self-employment income to calendar quarters for taxable years beginning before 1978.
404.143 How we credit quarters of coverage for calendar years after 1977.
404.144 How we credit self-employment income to calendar years for taxable years beginning after 1977.
404.145 When you acquire a quarter of coverage.
404.146 When a calendar quarter cannot be a quarter of coverage.

Appendix—Quarter of coverage amounts for calendar years after 1978.

Authority: Secs. 205, 212, 213, 214, 216, 217, 223, and 1102 of the Social Security Act, 53 Stat. 1368, 64 Stat. 504 and 505, 68 Stat. 1080, 64 Stat. 512, 70 Stat. 815, and 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631, 42 U.S.C. 405, 412, 413, 414, 416, 417, 423, and 1302; 5 U.S.C. Appendix.

Subpart B—Insured Status and Quarters of Coverage

General

§ 404.101 Introduction.

(a) *Insured status.* This subpart explains what we mean when we say that a person has insured status under the social security program. It also describes how a person may become fully insured, currently insured or insured for disability benefits. Your insured status is a basic factor in determining if you are entitled to old-age or disability insurance benefits or to a period of disability. It is also a basic factor in determining if dependents' or survivors' insurance benefits or a lump-sum death payment are payable based on your earnings record. If you are neither fully nor currently insured, no benefits are payable based on your earnings. (Subpart D of this part describes these benefits and the kind of insured status required for each.) In §§ 404.110–404.120 we tell how we determine if you are fully or currently insured. The rules for determining if you are insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits are in §§ 404.130–404.133. Whether you have the required insured status depends on the number of quarters of coverage (QCs) you have acquired.

(b) *QCs.* This subpart also sets out our rules on crediting you with QCs. QCs are used in determining insured status. In general, you are credited with QCs based on the wages you are paid and the self-employment income you derive during certain periods. (See Subpart K of this part for a definition of "wages" and "self-employment income".) Our rules on how and when you acquire a QC are contained in §§ 404.140–404.146.

§ 404.102 Definitions.

For the purpose of this subpart—

"Act" means the Social Security Act, as amended.

"Age" means how many years old you are. You reach a particular age on the day before your birthday. For example, if your sixty-second birthday is on July 1, 1979, you became age 62 on June 30, 1979.

"Quarter" or "calendar quarter" means a period of three calendar months ending March 31, June 30, September 30, or December 31 of any year.

"We," "our," or "us" means the Social Security Administration.

"You" or "your" means the worker whose insured status is being considered.

Fully Insured Status

§ 404.110 How we determine fully insured status.

(a) *General.* We describe how we determine the number of quarters of coverage (QCs) you need to be fully insured in paragraphs (b), (c), and (d) of this section. The table in § 404.115 may be used to determine the number of QCs you need to be fully insured under paragraph (b) of this section. We also consider certain World War II veterans to have died fully insured (see § 404.111).

(b) *How many QCs you need to be fully insured.* (1) You need at least 6 QCs but not more than 40 QCs to be fully insured. A person who died before 1951 with at least 6 QCs is fully insured.

(2) You are fully insured for old-age insurance benefits if you have one QC (whenever acquired) for each calendar year elapsing after 1950 or, if later, after the year in which you became age 21, and before the year you reach retirement age, that is, before—

(i) The year you became age 62, if you are a woman;

(ii) The year you became age 62, if you are a man who becomes age 62 after 1974;

(iii) The year 1975, if you are a man who became age 62 in 1973 or 1974; or

(iv) The year you became age 65, if you are a man who became age 62 before 1973.

(3) A person who is otherwise eligible for survivor's benefits and who files an application will be entitled to benefits based on your earnings if you die fully insured. You will be fully insured if you had one QC (whenever acquired) for each calendar year elapsing after 1950 or, if later, after the year you became age 21, and before the earlier of the following years:

(i) The year you die; or

(ii) The year you reach retirement age as shown in paragraph (b)(2) of this section.

(c) *How a period of disability affects the number of QCs you need.* In determining the number of elapsed years under paragraph (b) of this section, we do not count as an elapsed year any year which is wholly or partly in a period of disability we established for you. For example, if we established a period of disability for you from December 5, 1975 through January 31, 1977, the three years, 1975, 1976 and 1977, would not be counted as elapsed years.

(d) *How we credit QCs for fully insured status based on your total wages before 1951.*

(1) *General.* For purposes of paragraph (b) of this section, we may use the following rule in crediting QCs based on your wages before 1951 instead of the rule in § 404.141(b)(1). We may consider you to have one QC for each $400 of your total wages before 1951, as defined in paragraph (d)(2) of this section, if—

(i) You have at least 7 elapsed years as determined under paragraph (b)(2) or (b)(3) of this section; and

(ii) The number of QCs determined under this paragraph plus the number of QCs credited to you for periods after 1950 make you fully insured.

(2) *What are total wages before 1951.* For purposes of paragraph (d)(1) of this section, your total wages before 1951 include—

(i) Remuneration credited to you before 1951 on the records of the Secretary;

(ii) Wages considered paid to you before 1951 under section 217 of the Act (relating to benefits in case of veterans);

(iii) Compensation under the Railroad Retirement Act of 1937 before 1951 that can be credited to you under title II of the Social Security Act; and

(iv) Wages considered paid to you before 1951 under section 231 of the Act (relating to benefits in case of certain persons interned in the United States during World War II).

(e) *When your fully insured status begins.* You are fully insured as of the first day of the calendar quarter in which you acquire the last needed QC (see § 404.145).

§ 404.111 When we consider a person fully insured based on World War II active military or naval service.

We consider that a person, who was not otherwise fully insured, died fully insured if—

(a) The person was in the active military or naval service of the United States during World War II;

(b) The person died within three years after separation from service and before July 27, 1954; and

(c) The conditions in § 404.1315 and § 404.1316 that permit us to consider the person fully insured are met.

§ 404.115 Table for determining the quarters of coverage you need to be fully insured.

(a) *General.* You may use the following table to determine the number of quarters of coverage (QCs) you need to be fully insured under § 404.110. Paragraphs (b) and (c) of this section tell you how to use this table.

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Worker who reaches retirement age as described in § 404.110(b)(2)			Worker who dies before reaching retirement age as described in § 404.110(b)(2)		
Col. I	Col. II[1]		Col. III[2]	Col. IV[3]	Col. V[4]
Date of birth	Men	Women	Year of death		Age in year of death
Jan. 1, 1880 or earlier	6	6	[5]1957	5	[6]25
Jan. 2, 1880 to Jan. 1, 1894	7	6	1958	7	29
Jan. 2, 1894 to Jan. 1, 1895	8	6	1959	8	30
Jan. 2, 1895 to Jan. 1, 1896	9	6	1960	9	31
Jan. 2, 1896 to Jan. 1, 1897	10	7	1961	10	32
Jan. 2, 1897 to Jan. 1, 1898	11	8	1962	11	33
Jan. 2, 1898 to Jan. 1, 1899	12	9	1963	12	34
Jan. 2, 1899 to Jan. 1, 1900	13	10	1964	13	35
Jan. 2, 1900 to Jan. 1, 1901	14	11	1965	14	36
Jan. 2, 1901 to Jan. 1, 1902	15	12	1966	15	37
Jan. 2, 1902 to Jan. 1, 1903	16	13	1967	16	38
Jan. 2, 1903 to Jan. 1, 1904	17	14	1968	17	39
Jan. 2, 1904 to Jan. 1, 1905	18	15	1969	18	40
Jan. 2, 1905 to Jan. 1, 1906	19	16	1970	19	41
Jan. 2, 1906 to Jan. 1, 1907	20	17	1971	20	42
Jan. 2, 1907 to Jan. 1, 1908	21	18	1972	21	43
Jan. 2, 1908 to Jan. 1, 1909	22	19	1973	22	44
Jan. 2, 1909 to Jan. 1, 1910	23	20	1974	23	45
Jan. 2, 1910 to Jan. 1, 1911	24	21	1975	24	46
Jan. 2, 1911 to Jan. 1, 1912	24	22	1976	25	47
Jan. 2, 1912 to Jan. 1, 1913	24	23	1977	26	48
Jan. 2, 1913 to Jan. 1, 1914	24	24	1978	27	49
Jan. 2, 1914 to Jan. 1, 1915	25	25	1979	28	50
Jan. 2, 1915 to Jan. 1, 1916	26	26	1980	29	51
Jan. 2, 1916 to Jan. 1, 1917	27	27	1981	30	52
Jan. 2, 1917 to Jan. 1, 1918	28	28	1982	31	53
Jan. 2, 1918 to Jan. 1, 1919	29	29	1983	32	54
Jan. 2, 1919 to Jan. 1, 1920	30	30	1984	33	55
Jan. 2, 1920 to Jan. 1, 1921	31	31	1985	34	56
Jan. 2, 1921 to Jan. 1, 1922	32	32	1986	35	57
Jan. 2, 1922 to Jan. 1, 1923	33	33	1987	36	58
Jan. 2, 1923 to Jan. 1, 1924	34	34	1988	37	59
Jan. 2, 1924 to Jan. 1, 1925	35	35	1989	38	60
Jan. 2, 1925 to Jan. 1, 1926	36	36	1990	39	61
Jan. 2, 1926 to Jan. 1, 1927	37	37	1991	40	62
Jan. 2, 1927 to Jan. 1, 1928	38	38			
Jan. 2, 1928 to Jan. 1, 1929	39	39			
Jan. 2, 1929 or later	40	40			

[1] Number of QCs required for fully insured status; living worker or worker who dies after reaching retirement age.
[2] Worker born before Jan. 2, 1930 who dies before reaching retirement age.
[3] Number of QCs required for fully insured status.
[4] Worker born Jan. 2, 1930 or later, who dies before reaching retirement age.
[5] Or earlier.
[6] Or younger.
[7] Or later.

(b) *Number of QCs you need.* The QCs you need for fully insured status are in column II opposite your date of birth in column I. If a worker dies before reaching retirement age as described in § 404.110(b)(2), the QCs needed for fully insured status are shown in column IV opposite—

(1) The year of death in column III, if the worker was born before January 2, 1930; or

(2) The age in the year of death in column V, if the worker was born after January 1, 1930.

(c) *How a period of disability affects the number of QCs you need.* If you had a period of disability established for you, it affects the number of QCs you need to be fully insured (see § 404.110(c)). For each year which is wholly or partly in a period of disability, subtract one QC from the number of QCs shown in the appropriate line and column of the table as explained in paragraph (b) of this section.

Currently Insured Status

§ 404.120 How we determine currently insured status.

(a) *What the period is for determining currently insured status.* You are currently insured if you have at least 6 quarters of coverage (QCs) during the 13-quarter period ending with the quarter in which you—

(1) Die;

(2) Most recently became entitled to disability insurance benefits; or

(3) Became entitled to old-age insurance benefits.

(b) *What quarters are not counted as part of the 13-quarter period.* We do not count as part of the 13-quarter period any quarter all or part of which is included in a period of disability established for you, except that the first and last quarters of the period of disability may be counted if they are QCs (see § 404.146(d)).

Disability Insured Status

§ 404.130 How we determine disability insured status.

(a) *General.* We have three different rules for determining if you are insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits. To have disability insured status, you must meet one of these rules and you must be fully insured (see § 404.132 which tells when the period ends for determining the number of quarters of coverage (QCs) you need to be fully insured).

(b) *Rule I—You meet the 20/40 requirement.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are fully insured; and

(2) You have at least 20 QCs in the 40-quarter period (see paragraph (e) of this section) ending with that quarter.

(c) *Rule II—You become disabled before age 31.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You have not become (or would not become) age 31;

(2) You are fully insured; and

(3) You have QCs in at least one-half of the quarters during the period ending with that quarter and beginning with the quarter after the quarter you became age 21; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one; and

(ii) If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter.

(d) *Rule III—You are statutorily blind.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are disabled by blindness as defined in § 404.1501(b)(1)(ii); and

(2) You are fully insured.

(e) *How we determine the 40-quarter or other period.* In determining the 40-quarter period or other period in paragraph (b) or (c) of this section, we do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC.

§ 404.131 When you must have disability insured status.

(a) *For a period of disability.* To establish a period of disability, you must have disability insured status in the quarter in which you become disabled or in a later quarter in which you are disabled.

(b) *For disability insurance benefits.* (1) To become entitled to disability insurance benefits, you must have disability insured status in the first full month that you are disabled as described in § 404.1501(a), or if later—

(i) The 17th month (if you have to serve a waiting period described in § 404.315(d)) before the month in which you file an application for disability insurance benefits; or

(ii) The 12th month (if you do not have to serve a waiting period) before the month in which you file an application for disability insurance benefits.

(2) If you do not have disability insured status in a month specified in paragraph (b)(1) of this section, you will be insured for disability insurance benefits beginning with the first month after that month in which you do meet the insured status requirement and you also meet all other requirements for disability insurance benefits described in § 404.315.

§ 404.132 How we determine fully insured status for a period of disability or disability insurance benefits.

In determining if you are fully insured for purposes of paragraph (b), (c), or (d) of § 404.130 on disability insured status, we use the fully insured status requirements in § 404.110, but apply the following rules in determining when the period of elapsed years ends:

(a) If you are a woman, or a man born after January 1, 1913, the period of elapsed years in § 404.110(b) used in determining the number of quarters of coverage (QCs) you need to be fully insured ends as of the earlier of—

(1) The year you become age 62; or

(2) The year in which—

(i) Your period of disability begins;

(ii) Your waiting period begins (see § 404.315(d)); or

(iii) You become entitled to disability insurance benefits (if you do not have to serve a waiting period).

(b) If you are a man born before January 2, 1913, the period of elapsed years in § 404.110(b) used in determining the number of QCs you need to be fully insured ends as of the earlier of—

(1) The year 1975; or

(2) The year specified in paragraph (a)(2) of this section.

§ 404.133 When we give you quarters of coverage based on military service to establish a period of disability.

For purposes of establishing a period of disability only, we give you quarters of coverage (QCs) for your military service before 1957 (see Subpart N of this part). We do this even though we may not use that military service for other purposes of title II of the Act because a periodic benefit is payable from another Federal agency based in whole or in part on the same period of military service.

Quarters of Coverage

§ 404.140 What is a quarter of coverage.

(a) *General.* A quarter of coverage (QC) is the basic unit of social security coverage used in determining a worker's insured status. We credit you with QCs based on your earnings covered under social security.

(b) *How we credit QCs based on earnings before 1978 (General).* Before 1978, wages were generally reported on a quarterly basis and self-employment income was reported on an annual basis. For the most part, we credit QCs for calendar years before 1978 based on your quarterly earnings. For these years, as explained in § 404.141, we generally credit you with a QC for each calendar quarter in which you were paid at least $50 in wages or were credited with at least $100 of self-employment income. Section 404.142 tells how self-employment income derived in a taxable year beginning before 1978 is credited to specific calendar quarters for purposes of § 404.141.

(c) *How we credit QCs based on earnings after 1977 (General).* After 1977, both wages and self-employment income are generally reported on an annual basis. For calendar years after 1977, as explained in § 404.143, we generally credit you with a QC for each part of your total covered earnings in a calendar year that equals the amount required for a QC in that year. Section 404.143 also tells how the amount required for a QC will be increased in the future as average wages increase. Section 404.144 tells how self-employment income derived in a taxable year beginning after 1977 is credited to specific calendar years for purposes of § 404.143.

(d) *When a QC is acquired and when a calendar quarter is not a QC (general).* Section 404.145 tells when a QC is acquired and § 404.146 tells when a calendar quarter cannot be a QC. These rules apply when we credit QCs under § 404.141 or § 404.143.

§ 404.141 How we credit quarters of coverage for calendar years before 1978.

(a) *General.* The rules in this section tell how we credit calendar quarters as quarters of coverage (QCs) for calendar years before 1978. We credit you with a QC for a calendar quarter based on the amount of wages you were paid and self-employment income you derived during certain periods. The rules in paragraphs (b), (c), and (d) of this section are subject to the limitations in § 404.146, which tells when a calendar quarter cannot be a QC.

(b) *How we credit QCs based on wages paid in, or self-employment income credited to, a calendar quarter.* We credit you with a QC for a calendar quarter in which—

(1) You were paid wages of $50 or more (see paragraph (c) of this section for an exception relating to wages paid for agricultural labor); or

(2) You were credited (under § 404.142) with self-employment income of $100 or more.

(c) *How we credit QCs based on wages paid for agricultural labor in a calendar year after 1954.*

(1) We credit QCs based on wages for agricultural labor depending on the amount of wages paid during a calendar year for that work. If you were paid wages for agricultural labor in a calendar year after 1954 and before 1978, we credit you with QCs for calendar quarters in that year which are not otherwise QCs according to the following table.

(2) When we assign QCs to calendar quarters in a year as shown in the table in paragraph (c)(1) of this section, you might not meet (or might not meet as early in the year as otherwise possible) the requirements to be fully or currently insured, to be entitled to a computation or recomputation of your primary insurance amount, or to establish a period of disability. If this happens, we assign the QCs to different quarters in that year than those shown in the table if this assignment permits you to meet these requirements (or meet them earlier in the year). We can only reassign QCs for purposes of meeting these requirements.

(d) *How we credit QCs based on wages paid or self-employment income derived in a year.*

(1) If you were paid wages in a calendar year after 1950 and before 1978 at least equal to the annual wage limitation in effect for that year as described in § 404.1027(a), we credit you with a QC for each quarter in that calendar year. If you were paid at least $3,000 wages in a calendar year before 1951, we credit you with a QC for each quarter in that calendar year.

(2) If you derived self-employment income (or derived self-employment income and also were paid wages) during a taxable year beginning after 1950 and before 1978 at least equal to the self-employment income and wage limitation in effect for that year as described in § 404.1068(b), we credit you

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with a QC for each calendar quarter wholly or partly in that taxable year.

§ 404.142 How we credit self-employment income to calendar quarters for taxable years beginning before 1978.

In crediting quarters of coverage under § 404.141(b)(2), we credit any self-employment income you derived during a taxable year that began before 1978 to calendar quarters as follows:

(a) If your taxable year was a calendar year, we credit your self-employment income equally to each quarter of that calendar year.

(b) If your taxable year was not a calendar year (that is, it began on a date other than January 1, or was less than a calendar year), we credit your self-employment income equally—

(1) To the calendar quarter in which your taxable year ended; and

(2) To each of the next three or fewer preceding quarters that were wholly or partly in your taxable year.

§ 404.143 How we credit quarters of coverage for calendar years after 1977.

(a) *Crediting quarters of coverage (QCs).* For calendar years after 1977, we credit you with a QC for each part of the total wages paid and self-employment income credited (under § 404.144) to you in a calendar year that equals the amount required for a QC in that year. For example, if the total of your wages and self-employment income for a calendar year is more than twice, but less than 3 times, the amount required for a QC in that year, we credit you with only 2 QCs for the year. The rules for crediting QCs in this section are subject to the limitations in § 404.146, which tells when a calendar quarter cannot be a QC. In addition, we cannot credit you with more than four QCs for any calendar year. The amount of wages and self-employment income that you must have for each QC is—

(1) $250 for calendar year 1978; and

(2) For each calendar year after 1978, an amount determined by the Secretary for that year (on the basis of a formula in section 213(d)(2) of the Act which reflects national increases in average wages). The amount determined by the Secretary is published in the **Federal Register** on or before November 1 of the preceding year and included in the appendix to this subpart.

(b) *Assigning QCs.* We assign a QC credited under paragraph (a) of this section to a specific calendar quarter in the calendar year only if the assignment is necessary to—

(1) Give you fully or currently insured status;

(2) Entitle you to a computation or recomputation of your primary insurance amount; or

(3) Permit you to establish a period of disability.

§ 404.144 How we credit self-employment income to calendar years for taxable years beginning after 1977.

In crediting quarters of coverage under § 404.143(a), we credit self-employment income you derived during a taxable year that begins after 1977 to calendar years as follows:

(a) If your taxable year is a calendar year or begins and ends within the same calendar year, we credit your self-employment income to that calendar year.

(b) If your taxable year begins in one calendar year and ends in the following calendar year, we allocate proportionately your self-employment income to the two calendar years on the basis of the number of months in each calendar year which are included completely within your taxable year. We consider the calendar month in which your taxable year ends as included completely within your taxable year.

Example. For the taxable year beginning May 15, 1978, and ending May 14, 1979, your self-employment income is $1200. We credit 7/12 ($700) of your self-employment income to calendar year 1978 and 5/12 ($500) of your self-employment income to calendar year 1979.

§ 404.145 When you acquire a quarter of coverage.

If we credit you with a quarter of coverage (QC) for a calendar quarter under paragraph (b), (c), or (d) of § 404.141 for calendar years before 1978 or assign it to a specific calendar quarter under paragraph (b) of § 404.143 for calendar years after 1977, you acquire the QC as of the first day of the calendar quarter.

§ 404.146 When a calendar quarter cannot be a quarter of coverage.

This section applies when we credit you with quarters of coverage (QCs) under § 404.141 for calendar years before 1978 and under § 404.143 for calendar years after 1977. We cannot credit you with a QC for—

(a) A calendar quarter that has not begun;

(b) A calendar quarter that begins after the quarter of your death;

(c) A calendar quarter that has already been counted as a QC; or

(d) A calendar quarter that is included in a period of disability established for you, unless—

(1) The quarter is the first or the last quarter of this period; or

(2) The period of disability is not taken into consideration (see § 404.320(a)).

Appendix—Quarter of Coverage Amounts for Calendar Years After 1978

This appendix shows the amount determined by the Secretary that is needed for a quarter of coverage for each year after 1978 as explained in 404.143. We publish the amount as a Notice in the **Federal Register** on or before November 1 of the preceding year. The amounts determined by the Secretary are as follows:

Calendar year:	Amount Needed
1979	$260
1980	$290

[FR Doc. 11384 Filed 4-14-80; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

21 CFR Part 178

[Docket No. 79F-0243]

Indirect Food Additives: Adjuvants, Production Aids and Sanitizers; Dodecylbenzenesulfonic Acid and Isopropyl Alcohol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the safe use of dodecylbenzenesulfonic acid and isopropyl alcohol as components of sanitizing solutions. The agency is taking this action in response to a petition filed by Pennwalt Corp.

DATES: Effective April 15, 1980; objections by May 15, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of August 24, 1979 (44 FR 49792) that a petition (FAP 9H3429) had been filed by Pennwalt Corp., Three Parkway, Philadelphia, PA 19102, proposing that the food additive regulations be amended to provide for the safe use of dodecylbenzenesulfonic acid and isopropyl alcohol as components of sanitizing solutions for use on food-processing equipment and utensils and on glass bottles and other glass containters intended for holding milk.

Having evaluated the data in the petition and other relevant material, the Food and Drug Administration concludes that the food additive regulations should be amended as set forth below:

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 178 is amended in § 178.1010 by revising paragraphs (b)(7) and (c)(5) to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS AND SANITIZERS

§ 178.1010 Sanitizing solutions.

* * * * *

(b) * * *

(7) An aqueous solution containing dodecylbenzenesulfonic acid and either isopropyl alcohol or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

* * * * *

(c) * * *

(5) Solutions identified in paragraph (b)(7) of this section will provide not more than 400 parts per million dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800) or not more than 40 parts per million of isopropyl alcohol.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 15, 1980 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 15, 1980.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: April 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-11288 Filed 4-14-80; 8:45 am]

BILLING CODE 4110-03-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Revision of Regulations Regarding Commission Hearings

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: This notice amends the grievance procedure regulation by which aggrieved relocation applicants may have their grievance heard and a determination made. The reason for this amendment is that the current regulation is constitutionally inadequate. The intended effect of the amendment is to provide relocation applicants with a constitutionally adequate and fair procedure for determinations of eligibility, hearings, and administrative review.

EFFECTIVE DATE: April 15, 1980.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, 2717 N. Steves Boulevard, Building A, Flagstaff, AZ 86001, telephone No., (602) 779-3311, ext. 1376, FTS: 261-1376

SUPPLEMENTARY INFORMATION: On September 17, 1978, there was published in the **Federal Register** (44 FR 53761) a notice of proposed revision of regulations regarding grievance procedures. The comment period ended October 17, 1979.

Discussion of Comments

1. Comment was received concerning adding a time limit on identification of the applicant's representive. Even if the lawyer-representative made no appearance before the hearing date, the hearing could proceed. The applicant will have been informed of his right to representation when notified of the determination. In the rare instances when representation is not sought until the last moment, provisions can be made for rescheduling the hearing to permit preparation. Section 700.8 (A) was reworded to say "Communication of determinations to the applicant shall include an explanation of the availability of grievance procedures, including hearings and representation of counsel." This more clearly informs the applicant of these rights.

2. Subparagraph K was added to provide retroactive rights to those who have already moved.

3. Comment was received concerning the Hearing Officer provision. The Administrative Procedure Act limits the choice of persons eligible to preside at hearings, and is applicable to the Commission, 5 U.S.C. §§ 554(a). 25 CFR § 700.8 (D) as proposed in its final form, comports with the Administrative Procedures Act and due process standards and is adopted as proposed.

4. Comment was received concerning notification of appeal rights. This comment related to (1) interpretation of communications, and (2) the time limit within which the hearing request must be made. Provision was made in the final rule for communication of appeal rights in person by Commission field staff. Insofar as this method is relied on, the Commission may thereby further assure that the applicant received notice and understood it.

5. Comment was received concerning interpreters at hearings. The course and conduct of the hearing is the Hearing Officer's domain; used of interpreters is reposed in his or her discretion.

6. Comment was received concerning possible ambiguity in the term "benefits." Definition of this term will be incorporated in 25 CFR 700.5 by future publication in the **Federal Register**.

7. Comment was received concerning provisions for the Certifying Officer to reconsider the initial determination. This concept is incorporated into the final rule.

8. Comment was received concerning imposing a thirty-day time limit on final agency action and this was done.

9. Comment was received recommending that the Commission pay successful applicant's attorney expenses and all applicants' per diem, mileage,

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and related expenses. This suggestion was not incorporated into the final rule because of the cost involved and because it would reduce assets available for the fulfillment of the Commission's mandate under Pub. L. 93–531.

The principal author is William G. Lavell, Field Solicitor, Valley Bank Center, Suite 2080, 201 N. Central Avenue, Phoenix, AZ 85073.

Accordingly, 25 CFR 700.8 is amended in its final form to read as follows:

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

§ 700.8 Determinations of Eligibility, Hearings, and Administrative Review.

(a) *Initial Commission Determinations.*

(1) Initial Commission determinations concerning individual eligibility or benefits for any person who has filed a claim for benefits shall be made by the Certifying Officer pursuant to published Commission policy. The determination shall include the amount, if any, to which the individual is entitled, and shall state the reasons therefor. Such determinations shall be communicated to the Applicant by certified letter or in person by Commission staff. A record of such personal notice shall be maintained by the Commission.

(2) An explanatory conference shall be scheduled by and with the Certifying Officer if requested by the Applicant within fourteen days of the communication of the determination; the right to a hearing is not dependent on the holding of such a conference. The Certifying Officer may reverse, amend, or leave standing the initial determination as a result of such conference *provided that* his decision shall be communicated to the Applicant by certified letter or in person by Commission staff within five days after such conference.

(3) Communications of determinations to the Applicant as provided for in (a)(1) of this subsection shall include an explanation of the availability of grievance procedures, including hearings and representation of counsel.

(4) No decision which at the time of its rendition is subject to appeal to the Commission shall be considered final agency action subject to judicial review under 5 U.S.C. sec. 704 *provided that* in the event of a whole or partial denial, no benefits shall be paid unless and until said determination is reversed or modified as provided for herein.

(b) *Availability of Hearings.* All persons aggrieved by initial Commission determinations concerning eligibility or benefits may have a Hearing to present evidence and argument concerning the Determination. Parties seeking such relief from the Commission's initial determination shall be known as "Applicants." When multiple Applicants claim interest in one benefit, determination, or question of eligibility, their hearings may be consolidated at the Presiding Officer's discretion.

(c) *Request for Hearings.* Hearing requests may be made in person or by letter and must be received by the Commission within thirty days after the notice letter was received, the personal notice was given, or if an explanatory conference is held, after the decision of the Certifying Officer.

(d) *Presiding Officers.* The hearing shall be presided over and conducted by one of the Commissioners appointed pursuant to 25 U.S.C. § 640d–11(b) or by an Administrative Law Judge appointed under 5 U.S.C. § 3105 who may be procured from another agency as defined by 5 U.S.C. § 551(1).

(e) *Hearing Scheduling and Documents.*

(1) Hearings shall be held as scheduled by the Presiding Officer.

(2) Notice of the hearing shall be communicated in writing to the applicant at least fourteen days prior to the hearing and shall include:

(i) the time, date, and nature of the hearing;

(ii) the legal authority and jurisdiction under which the hearing is to be held; and

(iii) matters of law and fact asserted or at issue.

(3) Written notice of the Applicant's objections, if any, to the time, date, or place fixed for the Hearing shall be filed with the Presiding Officer at least five days before the date set for the Hearing. Such notice of objections shall state the reasons therefor and suggested alternatives. Discretion as to any changes in the date, time, or place of the hearing lies entirely with the Presiding Officer, *provided that* the fourteen-day notice period as provided in paragraph 2 above shall be observed unless waived in writing by the applicant or his representative.

(4) All hearings shall be held within thirty days after Commission receipt of the Applicant's request therefor unless this time limit is extended by the Presiding Officer.

(5) All hearings shall be conducted at the Commission offices in Flagstaff, Arizona, unless otherwise designated by the Presiding Officer.

(6) All time periods in this regulation include Saturdays, Sundays, and holidays. If any time period would end on a Saturday, Sunday, or holiday, it will be extended to the next consecutive day which is not a Saturday, Sunday, or holiday.

(7) A copy of each document filed in a proceeding under this section must be served by the filing party or any other party or parties in the case. In all cases where a party is represented by an attorney or representative, such attorney or representative will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney or representative, which service shall suffice as if made upon the Applicant. Where a party is represented by more than one attorney or representative, service upon one of the attorneys or representatives shall be sufficient.

(8) Hearings will be recorded verbatim and transcripts thereof shall be made when requested by any parties; costs of transcripts shall be borne by the requesting parties unless waived according to § 700.8(F)(1)(e).

(9) Applicants may be represented by an attorney licensed by the highest court of the state in which the Hearing is conducted or by an advocate licensed to practice in any tribal court.

(f) *Evidence and Procedure.*

(1) At the Hearing and taking of evidence, the Applicant shall have an opportunity to:

(i) submit and have considered facts, witnesses, arguments, offers of settlement, or proposals of adjustment;

(ii) be represented by a lawyer or other representatives as provided herein;

(iii) have produced Commission evidence relative to the determination *provided that* that scope of pre-hearing discovery of evidence shall be limited to relevant matters and to methods as determined by the Presiding Officer;

(iv) examine and cross-examine witnesses;

(v) receive a transcript of the Hearing on request and upon payment of appropriate Commission fees which may be waived in cases of indigency.

(2) The Presiding Officer is empowered to:

(i) administer oaths and affirmations;

(ii) rule on offers of proof;

(iii) receive relevant evidence;

(iv) take depositions or have depositions taken when the ends of justice would be served and to permit other pre-hearing discovery within his discretion;

(v) regulate the course and conduct of the hearings, including prehearing procedures;

(vi) hold conferences for the settlement or simplification of the issues by consent of the parties;

(vii) dispose of procedural requests or similar matters;

(viii) make a record of the proceedings;

(ix) hold the record open for submission of evidence no longer than fourteen days after completion of the Hearing;

(x) make or recommend a decision in the case based upon evidence, testimony, and argument presented;

(xi) enforce the provisions of 5 USCA § 557(d) in the event of a violation thereof; and

(xii) issue subpoenas authorized by law.

(g) *Post-Hearing Briefs.* Applicants may submit post-hearing briefs or written comments to the Presiding Officer within fourteen days after conclusion of the Hearing. In the event of multiple applicants or parties to a Hearing, such briefs shall be served on all such applicants by the applicant submitting the brief.

(h) *Presiding Officer Decisions.*

(1) The Presiding Officer shall submit to the Commission written findings of fact, conclusions of law, and decision based upon the evidence and argument presented, within sixty days, not including any period the record is held open, if any, after conclusion of the Hearing.

(2) Copies of the Presiding Officer's findings of fact, conclusions of law, and decision shall be mailed to the Applicant. The Applicant may submit briefs or other written argument to the Commission within fourteen days of the date of the Presiding Officer's determination was mailed to them.

(i) *Final Agency Action.* Within 30 days after receipt of the Presiding Officer's decision, the Commission shall affirm or reverse the decision and issue its final agency action upon the application in writing; *provided that* in the event one Commissioner sits as the Presiding Officer, the final agency action shall be determined by the remaining Commissioners who did not so preside over the hearing.

(j) *Direct Appeal to Commissioners.* Commission determinations concerning issues other than individual eligibility or benefits which do not require a Hearing may be appealed directly to the Commission in writing. The Commission decision will constitute final agency action on such issues.

(k) *Completed Relocations.* These procedures shall apply to all relocatees who have completed moves on or before the effective date of this regulation. Such individuals shall have 180 days after the effective date of this regulation within which to request a Hearing under this regulation. Notice of this right shall be mailed to all such individuals within 30 days after the effective date of this regulation.

(Pub. L. 93–531, 85 Stat. 1712, 25 U.S.C. 640–d—640–d–24)

Sandra Massetto,

Chairperson, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 80–11292 Filed 4–14–80; 8:45 am]

BILLING CODE 4310–HB–M

VETERANS ADMINISTRATION

38 CFR Part 3

Definition of Child

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulation defining the term "child". This action implements one of the provisions of a law called the Veterans' Health Care Amendments of 1979 which sets forth rules for recognition of a person adopted under foreign law as a child of a veteran.

EFFECTIVE DATE: This regulation amendment is effective June 13, 1979, the date of enactment of the law designated as Pub. L. 96–22.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202–389–3005).

SUPPLEMENTARY INFORMATION: On pages 61210–11 of the Federal Register of October 24, 1979, there was published a proposed amendment to 38 CFR 3.57 to implement section 401 of Pub. L. 96–22 which provides rules for recognition of children adopted under foreign law.

Interested persons were given until December 3, 1979, to submit comments, suggestions or objections to the proposed amendment of § 3.57. We received no comment, suggestions, or objections.

Our own review, however, found that the proposed paragraph (e)(3)(i) did not specify that a veteran had to be receiving a dependent's allowance (or similar monetary benefit payable under title 38, United States Code) for the person that is the subject of the adoption. This has been corrected in the final regulation by the addition of the words "for the person" after the word "receiving" in the proposed regulation.

Approved: April 8, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 3—ADJUDICATION

1. In § 3.57, the introductory portion of paragraph (c) preceding subparagraph (1) is revised and paragraph (e) is added so that the added and revised material reads as follows:

§ 3.57 Child.

* * * * *

(c) *Adopted child.* Except as provided in paragraph (e) of this section, the term means a child adopted pursuant to a final decree of adoption, a child adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period, and a child who has been placed for adoption under an agreement entered into by the adopting parent (or parents) with any agency authorized under law to so act, unless and until such agreement is terminated, while the child remains in the custody of the adopting parent (or parents) during the period of placement for adoption under such agreement. The term includes, as of the date of death of a veteran, such a child who

* * * * *

(e) *Child adopted under foreign law—*(1) *General.* The provisions of this paragraph are applicable to a person adopted under the laws of any jurisdiction other than a State. The term "State" is defined in 38 U.S.C. 101(20) and also includes the Commonwealth of the Northern Mariana Islands. The term "veteran" includes, for the purposes of this paragraph, a Commonwealth Army veteran or new Philippine Scout as defined in 38 U.S.C. 1766.

(2) *Adopted child of living veteran.* A person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of the veteran unless all of the following conditions are met.

(i) The person was less than 18 years of age at the time of adoption.

(ii) The person is receiving one-half or more of the person's support from the veteran.

(iii) The person is not in the custody of the person's natural parent unless the natural parent is the veteran's spouse.

(iv) The person is residing with the veteran (or in the case of divorce following adoption, with the divorced spouse who is also a natural or adoptive parent) except for periods during which the person is residing apart from the veteran for purposes of full-time attendance at an educational institution or during which the person or the veteran is confined in a hospital, nursing home, other health-care facility, or other institution.

(3) *Adopted child of deceased veteran.* A person shall not be considered to have been a legally adopted child of a veteran as of the date of the veteran's

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death and thereafter unless one of the following conditions is met.

(i) The veteran was entitled to and was receiving for the person a dependent's allowance or similar monetary benefit payable under title 38, United States Code at any time within the 1-year period immediately preceding the veteran's death; or

(ii) The person met the requirements of paragraph (e)(2) of this section for a period of at least 1 year prior to the veteran's death.

(4) *Verification.* In the case of an adopted child of a living veteran, the requirements of paragraph (e)(2) (ii), (iii) and (iv) of this section are for prospective application. That is, in addition to meeting all of the requirements of paragraph (e)(2) of this section at the time of initial adjudication, benefits are not payable thereafter for or to a child adopted under the laws of any jurisdiction other than a State unless the requirements of paragraph (e)(2) (ii), (iii) and (iv) of this section continue to be met. Consequently, whenever Veterans Administration benefits are payable to or for a child adopted under the laws of any jurisdiction other than a State, and the veteran who adopted the child is living, the beneficiary shall submit, upon Veterans Administration request, a report, or other evidence, to determine if the requirements of paragraph (e)(2) (ii), (iii), and (iv) of this section were met for any period for which payment was made for or to the child and whether such requirements will continue to be met for future entitlement periods. Failure to submit the requested report or evidence within a reasonable time from date of request may result in termination of benefits payable for or to the child.

(38 U.S.C. 101(4), 210(c))

[FR Doc. 80-11271 Filed 4-14-80; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

Increased Compensation

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its regulations to implement the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 enacted November 28, 1979. This law increases the rates of disability compensation and dependency and indemnity compensation payable to surviving spouses and children by 9.9 percent.

EFFECTIVE DATE: The change is effective October 1, 1979, the effective date specified by the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Pub. L. 96-128).

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., (202) 389-3005.

SUPPLEMENTARY INFORMATION: On pages 6416-17 of the Federal Register of January 28, 1980, the Veterans Administration published proposed amendments to §§ 3.350 and 3.552 of title 38, Code of Federal Regulations. In addition to the increase in the rates of disability compensation and dependency and indemnity compensation, the law provides that a veteran in receipt of disability compensation at the intermediate rate between 38 U.S.C. 314 (n) and (o) plus compensation under 38 U.S.C. 314(k) who is in need of aid and attendance, is entitled to the additional compensation authorized by 38 U.S.C. 314(r) (1) or (2). The law also provides that the intermediate rate shall be fixed at the arithmetic mean between the two rates concerned.

We gave the public until February 28, 1980 to submit comments, suggestions or objections to our proposed amendment of §§ 3.350 and 3.552. We received two letters from the same person.

Neither letter dealt with the specific changes that were proposed. The commentator discussed his own disability and offered a number of suggestions about Veterans Administration programs in general that would require legislation to implement. Consequently the proposed amendments of §§ 3.350 and 3.552 are adopted as proposed.

Approved: April 8, 1980.

By direction of the Administration.

Rufus H.Wilson,

Deputy Administrator.

1. In § 3.350, paragraphs (a) (introductory portion preceding subparagraph (1)), (f)(1) (i) and (iii), (2) (i) and (iii) and (5), and (h) are revised so that the added and revised material reads as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $1,104 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314 (a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $1,547 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

(f) *Intermediate or next higher rate.* An intermediate rate authorized by this paragraph shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned. (38 U.S.C. 314(p))

(1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m).

* * * * *

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n).

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindnss of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m).

* * * * *

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n).

* * * * *

(5) *Three extremities.* Anatomical loss or loss of use, or a combination of anatomical loss and loss of use, of three extremities shall entitle a veteran to the next higher rate without regard to whether that rate is a statutory rate or an intermediate rate. The maximum monthly payment under this provision may not exceed the amount stated in 38 U.S.C. 314(p).

* * * * *

(h) *Special aid and attendance benefit; 38 U.S.C. 314(r)—(1) Maximum compensation cases.* A veteran receiving the maximum rate under 38 U.S.C. 314 (o) or (p) who is in need of regular aid and attendance or a higher level of care is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) Determination of this need is subject to the criteria of § 3.352. The regular or higher level aid and attendance allowance is payable whether or not the need for regular aid and attendance or a higher level of care was a partial basis for entitlement to the maximum rate under 38 U.S.C. 314 (o) or (p), or was based on an independent factual determination.

(2) *Entitlement to compensation at the intermediate rate between 38 U.S.C. 314 (n) and (o) plus special monthly compensation under 38 U.S.C. 314(k).* A veteran receiving compensation at the intermediate rate between 38 U.S.C. 314 (n) and (o) plus special monthly compensation under 38 U.S.C. 314(k) who establishes a factual need for regular aid and attendance or a higher level of care, is also entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) Determination of the factual need for aid and attendance is subject to the criteria of § 3.352:

(3) *Amount of the allowance.* The amount of the additional allowance payable to a veteran in need of regular aid and attendance is specified in 38 U.S.C. 314(r)(1). The amount of the additional allowance payable to a veteran in need of a higher level of care is specified in 38 U.S.C. 314(r)(2). The higher level aid and attendance allowance authorized by 38 U.S.C. 314(r)(2) is payable in lieu of the regular aid and attendance allowance authorized by 38 U.S.C. 314(r)(1).

2. In § 3.552, paragraph (g) is revised to read as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $1,547 because of entitlement to another rate under section 314(l) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $1,217 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314(m), $1,383.

(3) If entitlement is under section 314(n), $1,547 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 80-11272 Filed 4-14-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Parts 3-1, 3-2, and 3-3

Miscellaneous Amendments

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department and Health, Education, and Welfare is amending the departmental procurement regulations, 41 CFR Chapter 3, to make miscellaneous changes and deletions.

Subpart 3-1.53, Considerations in Selecting Award Instrument—Contract or Grant, is being deleted because it is outdated. The Department is preparing a new subpart addressing this subject which will be published at a later date.

Under Subpart 3-2.4, Opening of Bids and Award of Contract, changes are being made to clarify a portion of the regulation, redesignate subparagraphs to correspond to the recently issued FPR Amendment 204, and update organizational designations.

Under Subpart 3-3.2, Circumstances Permitting Negotiation, it was found that numerous changes were required to update and clarify the regulation so the entire subpart is being deleted and replaced by a new subpart.

EFFECTIVE DATE: April 15, 1980.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Office of Procurement Policy, Office of Grants and Procurement, OASMB-OS, HEW, Washington, D.C. 20201 (202-245-0481).

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow interested parties to participate in the rulemaking process. However, since these amendments are administrative in nature and concern the clarification of regulations, the public rulemaking process was deemed unnecessary in this instance. The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: April 8, 1980.

Matthias Lasker

Acting Deputy Assistant Secretary for Grants and Procurement.

1. Under Part 3-1, General, Subpart 3-1.53, Considerations in Selecting Award Instrument—Contract or Grant, is deleted in its entirety, and the table of contents for Part 3-1 is amended to delete reference to that subpart.

2. Under Subpart 3-2.4, Opening of Bids and Award of Contract, of Part 3-2, Procurement by Formal Advertising, the following amendments are made:

§ 3-2.406-4 [Amended]

a. In § 3-2.406-4, Disclosure of mistakes after award, paragraph (a) is to remain reserved, paragraph (d) is redesignated paragraph (b), paragraph (c) is to remain reserved, and paragraph (e) is redesignated paragraph (d). In addition, the following is to be added as the last sentence in newly designated paragraph (b): "Contracting officers are not authorized to make these determinations."

§ 3-2.407-8(c) [Amended]

b. In § 3-2.407-8(c), *Protest after award,* subparagraph (2) is amended by deleting the opening phrase "Protests submitted to the Secretary" and substituting the phrase "Protests which have been lodged with the Secretary or the Comptroller General." In addition, the following is added as subparagraph (3):

* * * * *

(3) Protests lodged with the contracting officer shall be handled in the manner described in § 3-2.407-8(b)(2)(iii).

c. Throughout Subpart 3-2.4, change the organizational designation "Division of Procurement Policy and Regulations

Development" to read "Office of Procurement Policy."

3. Under Part 3–3, Procurement by Negotiation, Subpart 3–3.2, Circumstances Permitting Negotiation, is cancelled in its entirety, and a new Subpart 3–3.2 is established. In addition, the table of contents for Part 3–3 is amended to add the following:

Subpart 3–3.2—Circumstances Permitting Negotiation

Sec.
3–3.200 Scope of subpart.
3–3.201 National emergency.
3–3.205 Services of educational institutions.
3–3.206 Purchases outside the United States.
3–3.210 Impracticable to secure competition by formal advertising.
3–3.211 Experimental, developmental, or research work.
3–3.212 Purchases not to be publicly disclosed.
3–3.215 Otherwise authorized by law.

Subpart 3–3.2—Circumstances Permitting Negotiation

§ 3–3.200 Scope of subpart.

The citation of authority under which a contract is negotiated shall be referenced to the statutory provisions, e.g., the proper citation for use of the exception contained in § 1–3.211 is 41 U.S.C. 252(c)(11). The citation of authority to negotiate under other law (§ 1–3.215) shall be as prescribed in § 3–3.215.

§ 3–3.201 National emergency.

(a) [Reserved]
(b) [Reserved]
(c) [Reserved]
(d) *Limitations.* This authority shall not be used for other than assistance to labor surplus areas or small business concerns and administration of the Balance of Payments Program, without the prior written approval of the principal official responsible for procurement (not delegable).

§ 3–3.205 Services of educational institutions.

(a) [Reserved]
(b) *Limitations.* (1) This authority shall be used only for the procurement of specialized noncommercial services which are customarily performed by educational institutions. Use of this authority for any service other than those listed in § 1–3.205(a) shall require a written determination with supporting facts by the principal official responsible for procurement (not delegable) that the particular type of service is available only from educational institutions.

(2) Proposals shall be solicited from as many educational institutions as are known to possess the required capability. This shall be consistent with § 1–3.101(c). Solicitation of a single educational institution shall require a written "justification for Noncompetitive Procurement" in accordance with the requirements of Subpart 3–3.53.

(3) Where the circumstances of both (1) and (2) above pertain in the same case, the required determinations shall be combined and made by the official designated in § 3–3.5306.

§ 3–3.206 Purchases outside the United States.

This authority shall be used in preference to any other authority under the circumstances set forth in § 1–3.206.

§ 3–3.210 Impracticable to secure competition by formal advertising.

(a) *Application.* (1) Negotiation under § 1–3.210 shall be conducted on a competitive basis to the maximum practicable extent, except when negotiation is justified under the circumstances specified in § 1–3.210(a)(1).

(2) The example specified in § 1–3.210(a)(3) shall apply only if the negotiation is for the identical requirements specified in the unresponsive bid. If specification deviations are authorized, or if delivery, quantity, or other requirements are changed, the revised requirements shall be readvertised or, if appropriate, negotiated under one of the other authorities prescribed in Subpart 1–3.2.

(3) Cases of doubt in applying the example specified in § 1–3.210(a)(13) shall be resolved in favor of formal advertising.

(b) *Limitations.* This authority shall not be used when negotiation is authorized by any other authority set forth in § 1–3.201 through § 1–3.215.

§ 3–3.211 Experimental, developmental, or research work.

(a) [Reserved]
(b) *Limitations.* Whenever more than single unit quantities of equipment or supplies are to be procured under this authority, the quantity shall be justified as reasonable and essential by the program authority submitting the procurement request.

§ 3–3.212 Purchases not to be publicly disclosed.

(a) [Reserved]
(b) *Limitations.* This authority shall be used in preference to any other authority when competition is to be limited because of the need for nondisclosure (also see § 1–1.1003–2(a)(1)).

§ 3–3.215 Otherwise authorized by law.

(a) [Reserved]
(b) When other statutory authority is the basis for negotiation, the proper citation for the contract is 41 U.S.C. 252(c)(15) plus the Section number, Title of the Act, and the Public Law number (or U.S. Code citation) of the statute which permits negotiation.

[FR Doc. 80-11388 Filed 4-14-80; 8:45 am]
BILLING CODE 4110-12-M

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41 CFR Parts 3–1 and 3–7

Disabled Persons; Accessibility to Meetings, Conferences, and Seminars

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending its procurement regulations by adding § 3–1.356, Accessibility of meetings, conferences, and seminars to persons with disabilities. The purpose of this amendment is to assure that meetings, conferences, and seminars sponsored by the Department will meet minimum accessibility standards so that persons with disabilities may fully participate.

In conjunction with this regulation, Subpart 3–7.50, Special Contract Clauses, is amended by adding a contract clause to assure contractor compliance with the regulation.

EFFECTIVE DATE: These amendments are effective April 15, 1980.

FOR FURTHER INFORMATION CONTACT: Hal G. Hubachek, Office of Procurement Policy, OGP–OASMB–OS, Room 538–H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202–245–8791).

SUPPLEMENTARY INFORMATION: On November 2, 1979, the proposed rule regarding the accessibility of meetings, conferences, and seminars was published in the Federal Register (44 FR 63115). Public comments were invited and sixteen comments were received. The Department received comments from three State governments, five groups representing disabled people, seven departmental activities, and one individual. All except one respondent supported the proposed regulation.

The respondent opposing the regulation expressed the opinion that the requirements would be "to[o] stringent to be enforceable or gain any general acceptance by those persons responsible for planning public meetings for training, seminars, etc." The Department does not agree with the respondent's opinion, and, considering the comment in light of the preponderance of supporting comments, the Department is inclined to accept the majority view and is adopting the regulation. Furthermore, the Department does not agree that the requirements imposed by the regulation will put an onerous burden upon contractors who conduct meetings, conferences, and seminars for the Department. In addition, the Department is committed to making its programs accessible to all individuals, including the disabled.

Several respondents suggested a standard provision be added to the regulation that would recognize the variable additional costs of providing special services and facilities, (i.e., the costs of interpreters, recorders, tapes, readers, but not permanent fixtures or real property). The Department does not agree that such a standard provision is necessary because the majority of the contracts awarded by the Department are cost-reimbursement type contracts, so the contractor would be able to recover the variable costs generated by compliance with the regulation and contract clause. In addition, these costs, in comparison to the total cost of the contract, would vary according to the individual contract requirements. In some contracts, the costs of conducting a meeting or meetings may be an incidental part of the contract and hence a minute cost consideration, while in other contracts, these costs may represent the principal portion of the contract. The Department believes a standard provision is not appropriate and the situation must be dealt with on a contract-by-contract basis. Therefore, the recommendation is not adopted.

A number of respondents addressed the specific needs of hearing impaired attendees. Some respondents felt qualified interpreters are required to assure full participation of hearing impaired attendees, and the substitution of notetakers would not assure an adequate level of participation. The Department agrees with this recommendation, and has incorporated it in the final rule.

A further concern expressed by these respondents was the availability of teletype equipment to hearing impaired attendees. One respondent indicated that portable teletype equipment using regular phone lines is readily available for lease or purchase, and suggested on-site teletype capabilities be required.

The Department agrees that the use of on-site teletype equipment is the preferable method of providing this service. However, the Department also believes that providing transportation to a local teletype facility is an acceptable alternate means of supplying this service. Therefore, the Department has added the stipulation that the provision of on-site teletype equipment will be required only if local teletype facilities are unavailable.

One respondent recommended that an exception from the facilities requirements in the contract clause be allowed if the contractor knows that no physically disabled individual will be in attendance at the meeting, seminar, or conference. The Department does not agree with the recommendation because the policy is applicable to conferences, meetings, or seminars that are open to the public or involve HEW personnel, and it would be extremely difficult, if not impossible, to determine whether disabled individuals would be in attendance under those circumstances.

Some respondents noted minor differences between the technical terminology contained in the proposed rule and that in the accessibility standards established by the American National Standards Institute. Therefore, changes have been made to the regulation to make it consistent with established Federal Standards. For example, the term "jamb to jamb" does not clearly indicate the accepted technical usage, and the term "clear width" has been substituted for it.

A number of comments were received from departmental organizations suggesting changes to clarify minor ambiguities in the proposed rule, and those comments furthering the intent of the regulation have been incorporated.

Therefore, 41 CFR Chapter 3 is amended in the manner set forth below.

Dated: April 8, 1980.

Matthias Lasker,
Acting Deputy Assistant Secretary for Grants and Procurement.

1. Under Subpart 3–1.3, General Policies, of Part 3–1, General, the following section is added, and the table of contents for Part 3–1 is amended to add the following:

* * * * *

Subpart 3–1.3—General Policies

* * * * *

§ 3–1.356 Accessibility of meetings, conferences, and seminars to persons with disabilities.

(a) It is the policy of HEW that all meetings, seminars, and conferences be accessible to individuals with disabilities. For the purposes of this policy, accessibility is defined as both physical access to meeting, conference, and seminar sites, and aids and services to enable individuals with sensory disabilities to fully participate in meetings, conferences, and seminars.

(b) In regard to procurement, the policy is applicable to all contracts where the statement of work requires the contractor to conduct conferences, meetings, or seminars that are open to the public or involve HEW personnel, but not to ad hoc meetings that may be necessary or incidental to contract performance.

(c) The contracting officer shall be responsible for including the clause described in § 3–7.5026 in every solicitation and resulting contract when the statement of work requires the contractor to conduct meetings, conferences, or seminars in accordance with paragraph (b), above.

(d) The project officer shall be responsible for obtaining, reviewing, and approving the contractor's plan, which is to be submitted in response to paragraph (a) of the contract clause described in § 3–7.5026. A consolidated or master plan for contracts requiring numerous meetings, conferences, or seminars will be acceptable. The project officer, prior to approving the plan, shall consult with the Office of Facilities Engineering, or the Office of Regional Operations for Facilities Engineering and Construction in the region where the meeting, conference, or seminar is to be held, to assure that the contractor's plan meets the accessibility requirements of the contract clause. The Office of Facilities Engineering or the Office of Regional Operations for Facilities Engineering and Construction shall make a determination on the adequacy of the contractor's plan, and notify the project officer, in writing, within ten (10) working days of receiving the request from the project officer.

2. Under Subpart 3–7.50, Special

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Contract Clauses, of Part 3–7, Contract Clauses, the following section is added, and the table of contents for Part 3–7 is amended to add the following:

* * * * *

Subpart 3–7.50—Special Contract Clauses

* * * * *

Sec.
3–7.5026 Accessibility of meetings, conferences, and seminars to persons with disabilities.

Subpart 3–7.50—Special Contract Clauses

* * * * *

§ 3–7.5026 Accessibility of meetings, conferences, and seminars to persons with disabilities.

The following clause is to be used in accordance with § 3–1.356

Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities

The Contractor agrees as follows:

(a) *Planning.* The Contractor will develop a plan to assure that any meeting, conference, or seminar held pursuant to this contract will meet or exceed the minimum accessibility standards set forth below. This plan shall include a provision for ascertaining the number and types of disabled individuals planning to attend the meeting, conference, or seminar. This plan shall be submitted to the project officer for approval prior to initiating action. (A consolidated or master plan for contracts requiring numerous meetings, conferences, or seminars may be submitted in lieu of separate plans.)

(b) *Facilities.* Any facility to be utilized for meetings, conferences, or seminars in performance of this contract shall be accessible to persons with disabilities. The Contractor shall determine, by an on-site inspection if necessary, that the following minimum accessibility requirements are met, or suitable modifications are made to meet these requirements, before the meeting:

(1) *Parking.* (i) Where parking is available on or adjacent to the site, one 12' wide space must be set aside for the car of each mobility impaired attendee. The space need not be permanently striped but may be temporarily marked by signs, ropes, or other means satisfactory to carry out this provision.

(ii) Where parking is not available on or adjacent to the site, valet parking or other alternative means to assist a person who has a mobility impairment may be used. Alternative means must be satisfactory in the judgment of the Government project officer.

(2) *Entrances.* (i) "Entrances" shall include at least one accessible entrance from street/sidewalk level, and at least one accessible entrance from any available parking facility.

(ii) The entrance shall be level or accessible by ramp with an incline that allows independent negotiation by a person in a wheelchair. In general, the slope of the incline shall be no more than 1" rise per foot of ramp length (1:12).

(iii) Entrance doorways shall be at least 30" in clear width and capable of operation by persons with disabilities. Revolving doors, regardless of foldback capability, will not meet this requirement.

(3) *Meeting Rooms.* (i) Meeting room access from the main entrance area must be level or at an independently negotiable incline (approximately 1:12) and/or served by elevators from the main entrance level. All elevators shall be capable of accommodating a wheelchair 29" wide by 45" long.

(ii) Meeting rooms shall be on one level or, if on different levels, capable of being reached by elevators or by ramps that can be independently negotiated by a person in a wheelchair. Doorways to all meeting rooms shall be at least 30" in clear width.

(iii) The interior of the meeting room shall be on one level or ramped so as to be independently negotiable for a person in a wheelchair.

(iv) Stages, speaker platforms, etc. which are to be used by persons in wheelchairs must be accessible by ramps or lifts. When used, the ramps may not necessarily be independently negotiable if space does not permit. However, any slope over 1:12 must be approved by the project officer. Each case is to be judged on its own merits.

(v) If a meeting room with fixed seating is utilized, seating arrangements for persons in wheelchairs shall be made so that these persons are incorporated into the group rather than isolated on the perimeter of the group.

(4) *Restrooms.* (i) Restrooms shall have level access, signs indicating accessibility, and doorways shall be at least 30" clear width.

(ii) Sufficient turning space within restrooms shall be provided for independent use by a person in a wheelchair 29" wide by 45"long. A space 60" by 60" or 63" by 56" of unobstructed floor space as measured 12" above the floor is acceptable by standard; other layouts will be accepted if it can be demonstrated that they are usable as indicated.

(iii) There will be a restroom for each sex or a unisex restroom with at least one toilet stall capable of accommodating a wheelchair 29" wide by 45" long. (by standard, the minimum is 3' 0" by 4' 8") with outswinging doors or privacy curtains. Wall mounted grab bars are required.

(iv) When separate restrooms have been set up for mobility impaired persons, they shall be located adjacent to the regular restrooms and shall be fully accessible.

(5) *Eating Facilities.* (i) Eating facilities in the meeting facility must be accessible under the same general guidelines as are applied to meeting rooms.

(ii) If the eating facility is a cafeteria, the food service area (cafeteria line) must allow sufficient room for independent wheelchair movement and accessibility to food for persons in wheelchairs, and cafeteria staff shall be available to assist disabled persons.

(6) *Overnight Facilities.* If overnight accommodations are required:

(i) Sufficient accessible guest rooms to accommodate each attendee who is disabled shall be located in the facility where the meeting, conference, or seminar is held, or in a facility housing the other attendees which is conveniently located nearby, whichever is satisfactory to the project officer.

(ii) Overnight facilities shall provide for the same minimum accessibility requirements as the facility utilized for the meeting, conference, or seminar. In addition, guest room access from the main entrance area shall be level, ramped at an independently negotiable incline (1:12), and/or served by elevators capable of accommodating a wheelchair 29" wide by 45" long.

(iii) Doorways to guest rooms, including the doorway to the bathroom, shall be at least 30" in clear width.

(iv) Bathrooms shall have wall mounted grab bars at the tub and water closet.

(v) Guest rooms for persons with a disability shall be provided at the same rate as a guest room for other attendees.

(7) *Water Fountains.* Water fountains shall be accessible to disabled persons, or have cup dispensers for use by persons in wheelchairs.

(c) *Provisions of Services for Sensory Impaired Attendees.* (1) The Contractor, in planning the meeting, conference, or seminar, shall include in all announcements and other materials pertaining to the meeting, conference, or seminar a notice indicating that services will be made available to sensory impaired persons attending the meeting, if requested within five (5) days of the date of the meeting, conference, or seminar. The announcement(s) and other material(s) shall indicate that sensory impaired persons may contact a

specific person(s), at a specific address and phone number(s) to make their service requirements known. Phone number(s) shall include a teletype number for the hearing impaired.

(2) The Contractor shall provide, at no costs to the individual, those services required by persons with sensory impairments to insure their complete participation in the meeting, conference, or seminar.

(3) As a minimum, when requested in advance, the Contractor shall provide the following services:

(i) For hearing impaired persons, qualified interpreters. Provisions will also be made for volume controlled phone lines and, if necessary, transportation to local teletype equipment to enable hearing impaired individuals to receive and send meeting related calls. If local teletype equipment is not available, the Contractor shall provide on-site teletype equipment. Also, the meeting rooms will be adequately illuminated so signing by interpreters can be easily seen.

(ii) For vision impaired persons, readers and/or cassette materials, as necessary, to enable full participation. Also, meeting rooms will be adequately illuminated.

(iii) Agenda and other conference material(s) shall be translated into a usuable form for the visually and hearing impaired. Readers, braille translations, and/or tape recordings are all acceptable. These materials shall be available to sensory impaired individuals upon upon their arrival.

(4) The Contractor is responsible for making every effort to ascertain the number of sensory impaired individuals who plan to attend the meeting, conference, or seminar. However, if it can be determined that there will be no sensory impaired person (deaf and/or blind) in attendance, the provision of these services under paragraph (c) for the nonrepresented group, or groups, is not required.

[FR Doc. 80-11382 Filed 4-14-80; 8:45 am]
BILLING CODE 4110-12-M

Social Security Administration

45 CFR Parts 205 and 235

General Administration; Public Assistance Programs; Administration of Financial Assistance Programs; State Plan for Methods of Personnel Administration

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: These final regulations simplify procedures for State plans in accordance with the revised Standards for a Merit System of Personnel Administration published by the Office of Personnel Management, February 16, 1979. The revised Standards provide for a simplified, more uniform approach to personnel requirements established as a condition for Federal grants-in-aid to State and local governments. The Standards, 5 CFR § 900.610–1, require certification of agreement by the chief executive of the jurisdiction to maintain a system of personnel administration in conformance with the Standards. The regulations will require the State plan to establish and maintain a personnel system that conforms with the Standards.

EFFECTIVE DATE: The regulations will be effective April 15, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Greene, Program Specialist, Office of Family Assistance, Social Security Administration, 330 C Street, S.W., Washington, D.C. 20201; telephone (202) 245–1594.

SUPPLEMENTARY INFORMATION:

Background

Before March 9, 1977, the personnel administration regulations for the medical assistance, social service, and AFDC programs were administered by the Social and Rehabilitation Service (SRS). SRS was abolished by HEW's reorganization of March 9, 1977 (42 FR 13262). Former SRS functions are now performed by three agencies within HEW: the Office of Human Development Services (OHDS); the Health Care Financing Administration (HCFA); and the Social Security Administration (SSA).

HCFA administers the medical assistance programs; HCFA personnel management regulations are contained in 42 CFR 446.160. OHDS personnel management regulations for the social services programs under title XX of the Social Security Act are contained in 45 CFR 228.9

SSA administers the AFDC program; AFDC personnel administration regulations are contained in 45 CFR 205.200. We are amending § 205.200 to make it inapplicable to the financial assistance programs administered under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act. We are adding new § 235.50 to apply to the financial assistance programs under title I, IV–A, X, XIV, or XVI (AABD) administered by the Social Security Administration. The remaining rules in § 205.200 which apply to the social services programs administered under title I, IV–A, X, XIV, or XVI (AABD) for Guam, Puerto Rico, and the Virgin Islands will be recodified and revised in Title 45, Chapter XIII by the Office of Human Development Services.

The Final Rules

These are final regulations. They update prior rules that apply to the financial assistance programs in all jurisdictions. They also provide administrative changes required by the revised Standards for a Merit System of Personnel Administration, 5 CFR 900.610–1. These revised Standards were published on February 16, 1979 in the **Federal Register** (44 FR 10237). These changes will prevent duplication in administering the Standards and they do not affect applicants or recipients under the programs. Consequently, the Secretary finds that it is unnecessary to publish a Notice of Proposed Rule Making.

Differences Between Current Rules and Final Rules

1. Amending § 205.200 removes from this section rules for standards of personnel administration for financial assistance programs. Previously, the rules on this subject for other programs were relocated. The HCFA rules for the Medicaid program are now contained in 42 CFR 446.160. The OHDS rules for the social services programs under title XX of the Social Security Act are contained in 45 CFR 228.9. OHDS will recodify and revise in title 45 CFR, Chapter XIII, the rules for the social services programs under title I, IV–A, X, XIV, or XVI (AABD) in Guam, Puerto Rico, and the Virgin Islands, which remain in 45 CFR 205.200. The SSA rules for the financial assistance programs will be contained in the new 45 CFR 235.50.

2. Section 205.200 has required States to submit statements of acceptance of State standards of personnel administration from all local jurisdictions, and to establish methods to assure compliance by local jurisdictions. Under the revised Standards, the chief executive of local jurisdictions is responsible for certifying conformance with the Standards. It would be a duplication for the State agency to require statements of acceptance and to assure compliance by local jurisdictions. Section 235.50 requires that the State agency establish and maintain a personnel system that conforms with the Standards.

3. Section 205.200 has required U.S. Civil Service Commission (CSC) review of a list of documents attached to the State plan; this is an unnecessary review because the basic documents listed have been reviewed by the CSC and now will be reviewed by the Office of Personnel Management. The new

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§ 235.50 eliminates the requirement for submission of the list.

(Secs. 2, 402, 1002, 1102, 1402, and 1602 of the Social Security Act, as amended; 74 Stat. 987 as amended, 45 Stat. 627 as amended, 49 Stat. 645 as amended, 49 Stat. 647 as amended, 64 Stat. 555 as amended, 78 Stat. 198 as amended; 42 U.S.C. 302, 602, 1202, 1302, 1352, and 1382 Note.)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Dated: January 18, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: April 8, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

45 CFR Chapter II is amended as set forth below:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Part 205, § 205.200(a) is amended to read as follows:

§ 205.200 Standards of personnel administration.

These rules apply only to the social services or programs in Guam, Puerto Rico, and the Virgin Islands. Rules for the financial assistance programs under title I, IV–A, X, XIV, or XVI (AABD) in all jurisdictions are found in Part 235, § 235.50 of this title.

(a) A State plan for social services programs in Guam, Puerto Rico, or the Virgin Islands, funded under title I, IV–A, X, XIV, or XVI of the Social Security Act shall provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the State plan and in local agencies administering the State plan in conformity with the standards for a Merit System of Personnel Administration, 45 CFR Part 70 and any standards prescribed by the (former) U.S. Civil Service Commission, now the Office of Personnel Management, pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, State laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 or to modifying or superseding standards issued by the Commission must be submitted to the (former) U.S. Civil Service Commission, now the Office of Personnel Management, in accordance with 5 CFR Part 900 for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department of Health, Education, and Welfare on request.

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

2. Part 235 is amended by adding § 235.50 to read as follows:

§ 235.50 State plan requirements for methods of personnel administration.

(a) A State plan for financial assistance programs under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act must provide that methods of personnel administration will be established and maintained in public agencies administering or supervising the administration of the program in conformity with the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F, which incorporates the Intergovernmental Personnel Act Merit Principles (Pub. L. 91–648, Sec. 2, 84 Stat. 1909), prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended.

[FR Doc. 80-11386 Filed 4-14-80; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Amending Rules Reflecting a Reorganization of the Common Carrier Bureau; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: Paragraphs (a) through (j) were inadvertently left out of Section 0.91, Functions of the Bureau in Order FCC 79–882, amending the Commission's Rules and Regulations to reflect a reorganization of the Common Carrier Bureau published at 45 FR 16191, March 13, 1980.

EFFECTIVE DATE: March 17, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joe Hall, Office of the Executive Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Common Carrier Bureau, Errata.

Released: April 3, 1980.

In an order (FCC 79–882) issued March 7, 1980, the Commission announced amendments to Section 0.91 and 0.92 of the Commission's Rules and Regulations and deletion of Sections 0.93 through 0.102 to reflect a reorganization of the Common Carrier Bureau. The introductory paragraph of Section 0.91, Functions of the Bureau, was amended; however, the following paragraphs (a) through (j) were inadvertently left out of the Order although there were no changes or deletions to these paragraphs. Accordingly, paragraphs (a) through (j) are retained under the introductory paragraph in Section 0.91 of the Commission's Rules and Regulations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Accordingly, FR Doc 80–7747 published at 45 FR 16191, March 13, 1980 is corrected on page 16192 in the first column under "Appendix" as follows:

§ 0.91 [Amended]

1. Amendatory item 1 is revised to read:

"1. The introductory paragraph in § 0.91 is amended to read:"

2. Under the paragraph in § 0.91 and before amendatory item 2 insert five asterisks.

[FR Doc. 80-11383 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 0

[FCC 80–179]

Transferring Authority for Common Carrier Matters Involving Public Coast Stations to the Private Radio Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends its rules to transfer authority for common carrier matters involving public coast stations from joint delegation to the Chiefs of the Private Radio and Common Carrier Bureaus to sole delegation to the Chief of the Private Radio Bureau. This action will affect public coast station licensees. The consolidation of authority is expected to result in savings of time and resources expended on common carrier matters in the maritime mobile service.

EFFECTIVE DATE: April 18, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Penny Wells, Private Radio Bureau (202–632–7175).

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 31, 1980.

Released: April 7, 1980.

In the matter of Amendment of Part 0 to transfer authority for common carrier matters involving public coast stations to the Private Radio Bureau.

1. The purpose of this order is to amend our rules to transfer authority for all matters involving public coast stations in the maritime mobile service to the Private Radio Bureau. Until now, the Common Carrier Bureau and the Private Radio Bureau have been authorized to act jointly on common carrier aspects of our regulation of public coast stations. The consolidation of authority is expected to result in savings of time and resources expended on common carrier matters in the maritime mobile service. The licensees affected by this change are licensees of public coast stations.

2. Because these amendments relate solely to agency management, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply. Authority for the amendments is set out in Sections 4(i) and 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 155(d).

3. Accordingly, it is ordered, effective April 18, 1980, that the rule amendments set forth in the attached Appendix are adopted.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 0—COMMISSION ORGANIZATION

1. Section 0.91 is amended to read as follows:

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends and administers policies and programs for the regulation of the services, facilities, rates and practices of entities (excluding public coast stations in the maritime mobile service) which furnish interstate or foreign communications services for hire—whether by wire, radio, cable or satellite facilities—and of ancillary operations related to the provision or use of such services. The Bureau also licenses all radio facilities used for such services, including those dedicated entirely to intrastate use. The Bureau performs the following specific functions:

* * * * *

2. Section 0.131 is amended to read as follows:

§ 0.131 Functions of the Bureau.

The Private Radio Bureau develops, recommends, and administers policies and programs for the development and regulations of the Private Radio Services. These services include nationwide and international uses of radio by persons, businesses, state and local governments, and other organizations licensed to operate their own communications systems for their own use as an adjunct of their primary business or other activity. This program includes, among others (a) the compulsory use of radio for safety at sea purposes, and (b) the regulation of public coast station. The Bureau performs the following functions:

* * * * *

3. Paragraph (a) of § 0.291 is amended to read as follows:

§ 0.291 Authority delegated.

The Chief, Common Carrier Bureau, is hereby delegated authority to perform all functions of the Bureau, described in § 0.91, subject to the following exceptions and limitations.

(a) *Authority concerning applications.* (1) The Chief, Common Carrier Bureau shall not have authority to act on any formal or informal radio applications of Section 214 applications for common carrier services which are in hearing status or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million or the annual rental is in excess of $2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service.)

(2) * * *

* * * * * *

4. Section 0.301 is amended to read as follows:

§ 0.301 Authority delegated jointly to Chiefs of Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska. (For record of actions taken under this section, see Section 0.337.)

5. Section 0.333 is amended to read as follows:

§ 0.333 Authority delegated jointly to the Chief of the Common Carrier and Private Radio Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Private Radio Bureau to act upon applications involving common carrier matters in the aeronautical mobile service, and in the fixed service in Alaska.

6. Section 0.335 is added to read as follows:

§ 0.335 Authority for common carrier matters delegated to Chief, Private Radio Bureau.

The Chief of the Private Radio Bureau is delegated authority for all common carrier matters involving public coast stations in the maritime mobile service.

[FR Doc. 80-11307 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 0

Change in the Office of Plans and Policy

AGENCY: Federal Communications Commission.

ACTION: Amendment of Rules.

SUMMARY: The Commission has centralized responsibility for coordinating its international functions in the Office of Science and Technology. This amendment changes the Commission's rules to incorporate the transfer of the Office of Plans and Policy's portion of that function.

EFFECTIVE DATE: April 18, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Jr., Office of Executive Director (202) 632–7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 3, 1980.

Released: April 7, 1980.

In the matter of Editorial Amendment of Part 0 of the Commission's rules to

V 45 / 74 APR 15 80 UMI

reflect a change in the Office of Plans and Policy.

1. The Commission has voted to centralize responsibility for coordination of its international functions. This responsibility is transferred from the Office of Plans and Policy to the Office of Science and Technology. While all Bureaus and Offices will continue to participate as appropriate, this move will permit concentration of expert personnel.

2. The new assignment to the Office of Science and Technology was part of a larger action and will be published separately. Part 0 of the rules and regulations is being amended to reflect the change in the Office of Plans and Policy.

3. The amendment adopted herein pertains to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 533, are therefore inapplicable. Authority for the amendment adopted herein is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective April 18, 1980, that Part 0 of the rules and regulations is amended as set forth in the Appendix below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

R. D. Lichtwardt,
Executive Director.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. In § 0.21, paragraph (h) is amended and paragraph (i) is redesignated as (j) and new paragraph (i) is added to read as follows:

§ 0.21 Functions of the Office.

* * * * *

(h) To coordinate the formation and presentation of Commission positions in domestic communications policy; represent the Commission at appropriate interagency discussions and conferences.

(i) To participate in the development of international communications policy with the Office of Science and Technology, as appropriate; provide representation at international meetings when appropriate.

(j) Develop and recommend procedures and plans for the effective handling of policy issues within the Commission.

[FR Doc. 80-11309 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[Docket BC 79-130; RM-3132; RM-3167]

Radio Broadcast Services; FM Broadcast Assignment to Nederland, Tex.

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns FM Channel 221A as a first FM channel to Nederland, Texas, in response to a petition filed by Ralph H. McBride. The channel could provide for a first aural broadcast service in the community.

EFFECTIVE DATE: May 23, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: April 2, 1980.

Released: April 8, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations, (Port Neches and Bridge City, Texas), BC Docket No. 79-130, RM-3132, RM-3167.

1. The Commission has before it the *Notice of Proposed Rule Making,* released May 31, 1979, 44 FR 33120, in response to a petition from Ralph H. McBride ("McBride") of Port Neches, Texas, and Harold D. and Linda Richardson ("Richardson") of Bridge City, Texas. Both petitioners requested the assignment of FM Channel 221A to their respective community. Since these cities are only 11 kilometers (7 miles) apart and the required spacing is 104 kilometers (65 miles), the channel cannot be assigned to both communities. The *Notice* proposed the assignment of Channel 221A to either community, in the alternative, and requested petitioners to indicate what, if any, channels are available to the three precluded communities of: Newton, Texas; Merryville, Louisiana; and DeQuincy, Louisiana. Comments were filed by both petitioners.

2. Port Neches (pop. 10,694) [1] in Jefferson County (pop. 246,402), is located adjacent to Port Arthur, Texas, approximately 138 kilometers (85 miles) east of Houston. Port Neches is served locally by daytime-only AM Station KSUZ. Bridge City (pop. 8,164) in Orange County (pop. 71,170) is located 11 kilometers (7 miles) east of Port Neches. Bridge City has no local aural service.

3. McBride submits that no regular Class A channels are available for the precluded communities. However, he claims that adoption of the "Bergen" rule making proceeding (Dkt. 80-90) [2] would result in the availability of Class A channels for the precluded communities in addition to a different Class A channel for Bridge City, Texas. Richardson submits that the precluded communities will probably not be able to financially support a radio station.

4. Richardson contends that, since Port Neches is being served by a daytime AM station, the public interest would be best served by assigning Channel 221A to Bridge City and providing it with a first local aural service.

5. McBride states that upon further examination of the area, it was discovered that there is a greater existing need for a first FM service in another community, Nederland, Texas. Nederland is located approximately 3 miles southwest of Port Neches and is nearly twice as large. In view of this McBride has amended his petition by requesting that Channel 221A be assigned to Nederland, Texas, while further stating that he would accept a Port Neches assignment.

6. The Commission has concluded that, on the facts of this case, the 10-mile rule, § 73.203(b) of the Commission's rules can be utilized to permit the use of Channel 221A at any of the three communities. This means that, although the channel will be assigned to Nederland, any person can apply for it to serve either Nederland, Port Neches or Bridge City. Thus, no matter which of the three communities were to receive the allocation, neither of the other two would be foreclosed from specification as the community of license in an application citing the 10-mile rule. The ultimate city chosen will have to be decided by application processing.

7. Accordingly, it is ordered, that effective May 23, 1980, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations is amended as follows:

City	Channel No.
Nederland, Texas	221A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

[1] Population figures are taken from the 1970 U.S. Census.

[2] This rule making proceeding (Dkt. 80-90), *Notice* released March 14, 1980, as it pertains here, proposes to permit the use of Class A FM stations on channels reserved for Class B or C operation.

Federal Communications Commission.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 11302 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-290; RM-3438]

Radio Broadcast Services; FM Assignment to Vandalia, Mo.

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns FM Channel 261A to Vandalia, Missouri, as that community's first FM assignment, in response to a petition filed by Roger C. Elliott. The proposed channel can provide for a first local aural broadcast service to Vandalia.

EFFECTIVE DATE: May 23, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(B), *Table of Assignments,* FM Broadcast Stations. (Vandalia, Missouri), BC Docket No. 79-290, RM-3438.

Report and Order—Proceeding Terminated

Adopted: April 2, 1980.

Released: April 8, 1980.

1. The Commission has before it the *Notice of Proposed Rule Making,* adopted October 26, 1979, 44 FR 64441, proposing the assignment of FM Channel 261A to Vandalia, Missouri, at the request of Roger C. Elliott ("petitioner"). Supporting comments were filed by petitioner in which he stated his readiness to apply for the channel, if assigned. An opposition to the proposal was filed by Pike County Broadcasting Co. ("Pike"), licensee of Stations KPCR (AM) and KPCR-FM, Bowling Green, Missouri, to which petitioner replied.

2. Vandalia (pop. 3,160) [1], in Audrain County (pop. 25,362), is located approximately 129 kilometers (80 miles) northwest of St. Louis, Missouri. There is no local aural broadcast service in Vandalia.

3. In opposition, Pike claims that its stations provide primary coverage to Vandalia. It asserts that if a station were to be operated in Vandalia, Pike would suffer loss of revenues as would some of the other stations in the area which serve Vandalia. Pike also notes that receivers would be skipping back and forth between two frequencies, especially in autos, so that instead of providing these people with a second primary FM service they would be deprived of one good primary FM service which they already have.

4. In response, petitioner states he does not deny that Pike is making an effort to serve Vandalia. However, petitioner contends that Vandalia deserves a station of its own so that more extensive coverage of local board meetings, special events and regular broadcasts of local events can be presented. As for receivers having to skip back and forth between two frequencies, petitioner notes that there are numerous FCC cases wherein stations substantially more powerful, with the same amount of separation between them, experience no difficulties.

5. We believe it is in the public interest to assign Channel 261A to Vandalia, Missouri. The argument made by Pike that a new station in Vandalia would take away revenues from other stations in the area is a matter we generally defer for resolution at the application stage rather than in a rule making context. It should be noted that in establishing the FM Table of Assignments we gave high priority to providing each community with at least one FM broadcast station, especially if the community lacked local aural service. Even if nearby stations do provide coverage of Vandalia and even if they offer some programming directed to Vandalia, this is not a basis for refusing to provide a community with a first broadcast outlet for local expression. An FM channel assignment here would provide a choice of programming and local programs directed to meeting the special needs, interests and problems of Vandalia. No station, owing its primary obligation to another locality, could be expected to provide the equivalent of such local service. As for the alleged technical difficulties described as skipping we have, in the past, authorized numerous situations in which the frequencies are only four channels removed, often in the same city, without such difficulties having been reported. We have not been offered a showing adequate to indicate special problems here. See also *Muncie, Indiana* (Notice), Dkt. 20834, 41 FR 24186 (1976). Further, we have undertaken a search of alternate channels but could find none available for assignment on a "drop-in" basis. We do not believe that Pike's allegation of expected technical difficulties should foreclose the opportunity of a first local aural service at Vandalia. Rather, Pike may seek for itself a change in frequency at a later date if unsatisfied with the reception of its station.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing, it is ordered, That effective May 23, 1980, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Vandalia, Missouri	261A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 11303 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Rev. S.O. No.1451]

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1451.

SUMMARY: This order authorizes the St. Louis-San Francisco Railway Company (SLSF) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the folowing locations for the purpose of serving industries located adjacent to such tracks, and provides for the continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Stations between Wichita, Kansas, and Enid, Oklahoma.

2. Stations between Dallas, Texas, and Fort Worth, Texas.
3. Chickasha, Oklahoma.
4. Hobart, Oklahoma.
5. Okeene, Oklahoma.
6. Lawton, Oklahoma.
7. Oklahoma City, Oklahoma.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: March 19, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The St. Louis-San Francisco Railway Company (SLSF) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion on the Commission that an emergency exists requiring the operation by SLSF over tracks formerly operated by RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.145 Revised Service Order No. 1451.

(a) *St. Louis-San Francisco Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* St. Louis-San Francisco Railway Company (SLSF) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

(1) Stations between Wichita, Kansas, and Enid, Oklahoma.
(2) Stations between Dallas, Texas, and Fort Worth, Texas.
(3) Chickasha, Oklahoma.
(4) Hobart, Oklahoma.
(5) Okeene, Oklahoma.
(6) Lawton, Oklahoma.
(7) Oklahoma City, Oklahoma.*

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company and Fort Worth and Denver Railway Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the SLSF to conduct these temporary operations in the public interest as listed in paragraph (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the SLSF over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via SLSF become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, SLSF and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association*" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if SLSF chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-11343 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

*Addition.

49 CFR Part 1033

[S.O. No. 1466]

Atchison, Topeka & Santa Fe Railway Co., Authorized To Substitute 60-Foot Boxcars for 50-Foot Boxcars for Loading Tires

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1466.

SUMMARY: This order authorizes The Atchison, Topeka and Santa Fe Railway Company to substitute 60-foot boxcars for 50-foot boxcars for loading tires from Ardmore, Oklahoma, in order to improve freight car utilization.

EFFECTIVE DATE: 12:01 a.m., April 11, 1980, and continuing in effect until 11:59 p.m., June 30, 1980.

FOR FURTHER INFORMATION CONTACT:
J. Kenneth Carter (202) 275–7840.

Decided: April 10, 1980.

The Atchison, Topeka and Santa Fe Railway Company (ATSF) is authorized to transport tires under Southwestern Freight Bureau Tariff (SWFB) tariffs 2005–J and 2006–K in boxcars not over 52 feet 6 inches in length. The ATSF has 60-foot boxcars which are available for this loading but which cannot be used because of the tariff restrictions. The ATSF requests authority to substitute 60-foot boxcars for 50-foot boxcars for loading tires at Ardmore, Oklahoma, in order to improve car utilization.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1466 Service Order No. 1466.

(a) *The Atchison, Topeka and Santa Fe Railway Company authorized to substitute 60-foot boxcars for 50-foot boxcars for loading tires.* The Atchison, Topeka and Santa Fe Railway Company is authorized to substitute 60-foot boxcars for 50-foot boxcars for loading tires at Ardmore, Oklahoma, subject to the rates as provided in Item 19800 in ICC–SWFB 2005–J Tariff and in Item 19800 in ICC–SWFB 2006–K Tariff.

(b) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before 60-foot boxcars are substituted for 50-foot boxcars as authorized in paragraph (a) of this order.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1466.

(e) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) *Effective date.* This order shall become effective at 12:01 a.m., April 11, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1980, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11341 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish Fisheries; Fishery Closure

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Notice of closure of the yellowtail flounder fishery west of 69° West Longitude.

SUMMARY: This notice closes the yellowtail flounder fishery west of 69° West Longitude to all vessel classes effective April 13, 1980. The closure is based on requirements of the Fishery Management Plan for Atlantic Groundfish that the annual quotas for cod, haddock, and yellowtail flounder be enforced through fishery closures. The annual quota for yellowtail flounder in the management area west of 69° West Longitude has been attained.

EFFECTIVE DATE: The closure is effective as of 0001 hours EST, April 13, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, telephone: (617) 281–3600.

SUPPLEMENTARY INFORMATION: Final regulations governing domestic fishing for Atlantic groundfish (cod, haddock, and yellowtail flounder) were promulgated on January 3 and 11, 1979 (44 FR 885 and 44 FR 2397). These regulations implement the Fishery Management Plan for Atlantic Groundfish (FMP), as amended, which was prepared by the New England Fishery Management Council (Council) in consultation with the Mid-Atlantic Fishery Management Council. These regulations establish annual and quarterly quotas for each fishery by species, area, and vessel class. The regulations also establish catch limitations on per week or per trip basis and provide for adjustment of these limitations as a means of spreading fishing effort over the fishing year and avoiding fishery closures. Finally, the regulations implement the intent of the FMP that a fishery must be closed to prevent annual quotas from being exceeded.

The FMP was extended for the 1979–1980 fishing year beginning on October 1, 1979, and ending September 30, 1980 (44 FR 55885). The annual quota for yellowtail flounder west of 69° W. (commercial and recreational) is 3,700 mt. The annual quota for the area east of 69° W. is 4,400 mt.

The Regional Director, Northeast Region, National Marine Fisheries Service, has monitored catches and landings of yellowtail flounder in the current fishing year. Based on the fishery statistics for the first and second quarters, the Regional Director has determined that the annual quota of yellowtail flounder west of 69° W. has been attained. In accordance with § 651.24(b) of the final regulations (44 FR 890), the Regional Director has recommended that the yellowtail flounder fishery west of 69° W. be closed on April 13, 1980. The Assistant Administrator for Fisheries has reviewed the findings and recommendation of the Regional Director and confirms that they set forth the appropriate evidence and date for a fishery closure. Therefore, the Assistant Administrator, under § 651.24(c) of the final regulations (44 FR 890), has determined that the yellowtail flounder fishery west of 69° W. will be closed April 13, 1980, for all vessel classes.

The yellowtail flounder fishery closure west of 69° W. will continue until the end of the fishing year (September 30, 1980). During this closure period, all vessel classes will be limited to an incidental catch of yellowtail flounder west of 69° W. specified by the emergency amendment to § 651.24(d)(2) of the regulations made effective on April 6, 1980 (45 FR 22949). This incidental catch allowance for all vessels is 1,000 pounds per trip from the area west of 69° W.

Appendix B of the regulations, which contains the catch limitations by vessel class, species, and area, has been revised to include this closure and is set out below.

Signed at Washington, D.C., this 9th day of April, 1980.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801, *et seq.*)

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Appendix B.—*Catch Limitations*

[Revised Effective April 13, 1980]

Cod (pounds/week)[1]

Vessel class	Gulf of Maine	Georges Bank and South
0–60 GRT	2,500	7,000
61–125 GRT	5,000	14,000
126+ GRT	7,000	20,000
Fixed Gear	5,000	16,000

Haddock (pounds/week)[1]

Vessel class	Gulf of Maine	Georges Bank and South
0–60 GRT	5,000	7,000
61–125 GRT	7,000	14,000
126+ GRT	10,000	20,000
Fixed Gear	10,000	16,000

Yellowtail Flounder (pounds/week or trip)[2]

Vessel class	West of 69° W.	East of 69° W.
0–60 GRT	Closed April 13	5,000
61–125 GRT	Closed April 13	5,000
Over 125 GRT	Closed April 13	5,000

[1] No overruns are allowed.
[2] Pounds per week or per trip, whichever is the longer time period. No overruns are allowed.

[FR Doc. 80-11385 Filed 4-11-80; 8:45 am]
BILLING CODE 3510-22-M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

29 CFR Part 2520

Regulation Relating to Reporting and Disclosure Under Title I of the Employee Retirement Income Security Act of 1974

AGENCY: U.S. Department of Labor.

ACTION: Notice of interim rulemaking with request for comments.

SUMMARY: This document contains a notice of adoption on an interim basis and requests comments for permanent adoption of a regulation that describes an alternative method of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) for certain simplified employee pensions (SEPs) other than those created by the use of Internal Revenue Service (IRS) Form 5305–SEP.

DATES: The interim regulation is effective April 14, 1980. Written comments must be received by the Department of Labor (the Department) on or before June 15, 1980.

ADDRESS: Interested persons are invited to submit written data, views or arguments (preferably at least three copies) concerning any part or all of the interim regulation to "Section § 2520.104–49, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, N–4508, U.S. Department of Labor, Washington, D.C. 20216." All written submissions will be open for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Timothy S. Smith, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8855 or Robert Doyle, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Department of Labor, Washington, D.C. 20216, (202) 523–7901. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department has adopted interim regulation § 2520.104–49, effective April 14, 1980. The interim regulation sets forth an alternative method for satisfying the reporting and disclosure requirements of Part 1 of Title I of the Act (Part 1) for certain SEPs other than those that are created by use of IRS Form 5305–SEP.

A. Background

On September 25, 1979, the Department published in the **Federal Register** a notice of proposed rulemaking which described a proposed alternative method of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Act (Part 1) for SEPs established by use of IRS Form 5305–SEP (Model SEPs) (44 FR 55205). Many of the commentators on that proposed regulation indicated that Model SEPs were of limited utility to employers and requested that the Department provide an alternative method of compliance for SEPs other than Model SEPs. In the discussion of those comments in the preamble to the final regulation concerning Model SEPs (§ 2520.104–48 (45 FR 24866, April 11, 1980)), the Department noted that it believed that an alternative method of compliance might be appropriate for SEPs other than Model SEPs.[1]

In creating SEPs, Congress provided that individual retirement accounts and individual retirement annuities (collectively IRAs) might be incorporated into employer funded retirement arrangements. By doing so, Congress intended to provide a type of pension arrangement that would be easier to establish and administer and would entail less reporting and disclosure than existing employer maintained retirement plans.[2] However, if SEPs must comply with the reporting and disclosure requirements of Part 1, this intention would be largely thwarted.

The Department, therefore, issued regulation § 2520.104–48, and is publishing the alternative method of compliance for SEPs other than Model SEPs that is described below. This alternative was developed in coordination with the IRS, and it is the Department's intention that the reporting and disclosure requirements set forth in the alternative method of compliance will, in most cases, be satisfied by compliance with IRS reporting and disclosure requirements regarding SEPs. In this regard, it is anticipated that the IRS will issue a form that will provide information concerning SEPs and IRAs which, if furnished to employees, will satisfy the requirements of section (a)(2) of the alternative.

B. Discussion of Regulation § 2520.104–49

The interim regulation set forth below prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 for all non-Model SEPs, except in those cases where the employer who establishes or maintains the SEP selects, recommends or substantially influences its employees to choose the IRAs into which employer contributions will be made, and those IRAs are subject to internal provisions which prohibit withdrawals of funds by participants for any period of time.[3] The Department notes that, if IRAs are selected by an employer who establishes a SEP and are subject to provisions that allow withdrawals but reduce earnings or impose other

[1] Under section 110 of the Act, the Department may prescribe an alternative method for satisfying any requirement of Part 1 with respect to a pension plan or class of pension plans subject to that requirement if it determines:

(1) That the use of the alternative method is consistent with the purposes of Title I and that it provides adequate disclosure to participants and beneficiaries of the plan, and adequate reporting to the Department.

(2) That the application of that requirement would—

(A) increase the costs to the plan, or

(B) impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or type of plan involved; and

(3) That the application of Part 1 would be adverse to the interests of plan participants in the aggregate.

[2] See section 19 of H.R. Report No. 95–1800, 95 Cong., 2nd Sess. 212 (1978) and section IV G.2 of Senate Report No. 95–1263, 95 Cong., 2nd Sess. 91 (1978).

[3] Non-Model SEPs which are subject to such prohibitions would, therefore, be subject to the reporting and disclosure requirements of Part 1.

penalties, the SEP would be covered by this alternative method of compliance.[4]

The alternative method of compliance requires the administrator of a non-Model SEP, generally the employer who establishes or maintains the SEP, to furnish certain written information to participants in the SEP. The bulk of this information must be furnished to an employee at the time he or she becomes eligible to participate in the SEP. At that time the administrator must furnish specific information about the particular SEP arrangement adopted and general information concerning SEPs and IRAs. Those administrators whose SEPs provide for integration with Social Security or involve certain particular types of IRAs must furnish certain additional information. All administrators must also furnish each participant information concerning any amendment to the terms of the SEP and any employer contributions made under the SEP to the participant's IRA.

The specific information items concerning the SEP that must be furnished to an employee at the time he or she becomes eligible to participate in the SEP are: The requirements for employee participation in the SEP; The formula under which employer contributions to the SEP will be allocated among participants' IRAs; The name or title of the individual who is designated by the employer to provide additional information to participants concerning the SEP and employer contributions thereunder; and, If the employer selects or recommends, or substantially influences employees to choose the IRAs into which employer contributions will be made,[5] the terms of those IRAs.

The general information that must be furnished to an employee at the time he or she becomes eligible to participate in the SEP includes a statement concerning the various types of IRAs into which employer or participant contributions may be made and a clear explanation of, among other things: The operation of a SEP; The statutory provisions concerning SEPs and contributions thereunder; and How a participant treats SEP contributions for tax purposes.

In the case of a SEP that provides for integration with Social Security,[6] the information furnished to an employee when the employee becomes eligible to participate in the SEP must make it clear that Social Security taxes paid by the employer on account of a participant will, in whole or in part, be counted as employer contributions under the SEP allocation formula.[7] The information must also contain examples of the effect that integration will have on actual employer contributions under the SEP.

In addition to the information that must be furnished by the administrator of a SEP to employees at the time they become eligible to participate in the SEP, the administrator must also furnish each participant a copy of any amendment to the terms of the SEP and a written explanation of its effect within 30 days of the effective date of the amendment. Following the end of each calendar year, the administrator of a SEP also must notify each participant in writing of any employer contribution made under the SEP to the participant's IRA(s) for that year. Such notification must be made no later than the later of January 31 of the year following the year for which the contribution is made, 30 days after the contribution is made, or 30 days after the effective date of this regulation.

It should be noted that, under the alternative method of compliance, a plan administrator would not be required to file a summary plan description or an annual report. It appears to the Department that the filing of a summary plan description is not necessary because, among other things, all SEPs that meet the requirements of section 408(k) of the Code will be substantially similar. It also appears that the filing of annual reports with the Department is not necessary because of the type of control that a participant in a covered SEP will have over the IRA(s) in which the assets of the SEP are held and because the sponsors of those IRA(s) are regulated by various federal and state agencies or are specifically approved by the IRS.

C. Temporary Regulation

The Department recognizes that employers who either cannot use or wish not to use a Model SEP may desire to establish a non-Model SEP, and that many such employers may be discouraged from doing so unless an alternative method of compliance for non-Model SEPs is available. In order to be useful for those employers who wish to establish a non-Model SEP and make contributions for 1979, an alternative method of compliance should be effective before April 15, 1980, the deadline for making SEP contributions for calendar year 1979, so that employers will know the reporting and disclosure obligations applicable to such SEPs. For the foregoing reason, and because the regulation provides an exemption from the otherwise applicable requirements of Part 1, the Department finds that good cause exists for making this regulation temporarily effective without advance publication as specified in the Administrative Procedure Act (5 U.S.C. 553(d)).

Pursuant to the requirements of section 110 of the Act, the Secretary makes the following determination:

(1) That the use of the alternative method of compliance is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to participants and beneficiaries in the covered SEPs, and adequate reporting to the Secretary,

(2) That the application of the requirements of Part 1 would—

(A) Increase the costs to the covered SEPs, or

(B) Impose unreasonable administrative burdens with respect to the operation of such plans, having regard to the particular characteristics of those plans; and

(3) That the application of Part 1 would be adverse to the interests of participants in the covered SEPs in the aggregate.

D. Drafting Information

The principal author of this interim regulation is Timothy S. Smith of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor. However, other persons in the Department of Labor participated in developing the interim regulation both on matters of substance and style.

E. Statutory Authority

The interim regulation set forth below is adopted on a temporary basis pursuant to sections 110 and 505 of the

[4] A SEP is a SEP described in section 408(k) only if "(A) employer contributions thereto are not conditioned on the retention in such pension of any portion of the amount contributed, and (B) there is no prohibition imposed by the employer on withdrawals from the simplified employee pension."

Nothing in this notice or in the interim and proposed regulation is intended to express an opinion by the Department as to whether that section prohibits an employer from selecting as the IRAs into which employer contributions will be made IRAs that contain or are subject to restrictions on a participant's ability to withdraw funds.

[5] The Department notes that, if the assets of a SEP are used for the benefit of a party in interest or disqualified person with respect to that SEP (as defined in sections 3(14) of the Act and 4975(e)(2) of the Code) violations of sections 406 of the Act and 4975(c)(1) of the Code may occur. For example, if, in connection with the establishment and maintenance of a SEP, an employer directs its employees to open IRAs with a particular financial institution and in return for making SEP contributions to those IRAs the employer receives from that institution a loan or other benefit, such conduct would involve violations of sections 406(a)(1)(D) and 406(b) of the Act and 4975(c)(1) (D), (E) and (F) of the Code.

[6] A SEP under which employer contributions are integrated with or offset by part or all of employer contributions made under the Federal Insurance Contributions Act (26 U.S.C. 3111(a)).

[7] This requirement would be satisfied if the allocation formula itself is sufficiently clear concerning integration.

Act (Pub. L. 93-406, 88 Stat. 829, 851, 894, 29 U.S.C. 1030, 1135).

F. Interim Regulation

Accordingly, Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding in the appropriate place § 2520.104-49 to read as follows:

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104-49 Alternative method of compliance for certain simplified employee pensions.

Under the authority of section 110 of the Act, the provisions of this section are prescribed as an alternative method of compliance with the reporting and disclosure requirements set forth in Part 1 of Title I of the Act for a simplified employee pension (SEP) described in section 408(k) of the Internal Revenue Code of 1954 as amended, except for (1) a SEP that is created by use of Internal Revenue Service Form *5305-SEP*, and (2) a SEP in connection with which the employer who establishes or maintains the SEP selects, recommends or influences its employees to choose the IRAs into which employer contributions will be made and those IRAs are subject to provisions that prohibit withdrawal of funds by participants for any period of time.

(a) At the time an employee becomes eligible to participate in the SEP (whether at the creation of the SEP or thereafter) or up to 90 days after the effective date of this regulation, whichever is later, the administrator of the SEP (generally the employer establishing or maintaining the SEP) shall furnish the employee in writing with:

(1) Specific information concerning the SEP, including:

(i) The requirements for employee participation in the SEP,

(ii) The formula to be used to allocate employer contributions made under the SEP to each participant's individual retirement account or annuity (IRA),

(iii) The name or title of the individual who is designated by the employer to provide additional information to participants concerning the SEP, and

(iv) If the employer who establishes or maintains the SEP selects, recommends or substantially influences its employees to choose the IRAs into which employer contributions under the SEP will be made, a clear explanation of the terms of those IRAs, such as the rate(s) of return and any restrictions on a participant's ability to roll over or withdraw funds from the IRAs, including restrictions that allow rollovers or withdrawals but reduce earnings of the IRAs or impose other penalties.

(2) General information concerning SEPs and IRAs, including a clear explanation of:

(i) What a SEP is and how it operates,

(ii) The statutory provisions prohibiting discrimination in favor of highly compensated employees,

(iii) A participant's right to receive contributions under a SEP and the allowable sources of contributions to a SEP related IRA (SEP-IRA),

(iv) The statutory limits on contributions to SEP-IRAs,

(v) The consequences of excess contributions to a SEP-IRA and how to avoid excess contributions,

(vi) A participant's rights with respect to contributions made under a SEP to his or her IRA(s),

(vii) How a participant must treat contributions to a SEP-IRA for tax purposes,

(viii) The statutory provisions concerning withdrawal of funds from a SEP-IRA and the consequences of a premature withdrawal, and

(ix) A participant's ability to roll over or transfer funds from a SEP-IRA to another IRA, SEP-IRA, or retirement bond, and how such a rollover or transfer may be effected without causing adverse tax consequences.

(3) A statement to the effect that:

(i) IRAs other than the IRA(s) into which employer contributions will be made under the SEP may provide different rates of return and may have different terms concerning, among other things, transfers and withdrawals of funds from the IRA(s),

(ii) In the event a participant is entitled to make a contribution or rollover to an IRA, such contribution or rollover can be made to an IRA other than the one into which employer contributions under the SEP are to be made, and

(iii) Depending on the terms of the IRA into which employer contributions are made, a participant may be able to make rollovers or transfers of funds from that IRA to another IRA.

(4) A description of the disclosure required by the Internal Revenue Service to be made to individuals for whose benefit an IRA is established by the financial institution or other person who sponsors the IRA(s) into which contributions will be made under the SEP.

(5) A statement that, in addition to the information provided to an employee at the time he or she becomes eligible to participate in a SEP, the administrator of the SEP must furnish each participant:

(i) Within 30 days of the effective date of any amendment to the terms of the SEP, a copy of the amendment and a clear written explanation of its effect, and

(ii) No later than the later of:

(A) January 31 of the year following the year for which a contribution is made,

(B) 30 days after a contribution is made, or

(C) 30 days after the effective date of this regulation

written notification of any employer contributions made under the SEP to that participant's IRA(s).

(6) In the case of a SEP that provides for integration with Social Security

(i) A statement that Social Security taxes paid by the employer on account of a participant will be considered as an employer contribution under the SEP to a participant's SEP-IRA for purposes of determining the amount contributed to the SEP-IRA(s) of a participant by the employer pursuant to the allocation formula, and

(ii) Several examples of the effect that integration with Social Security would have on actual employer contributions under a SEP.

(b) No later than the later of:

(1) January 31 of the year following the year for which a contribution is made,

(2) 30 days after a contribution is made, or

(3) 30 days after the effective date of this regulation

the administrator of the SEP shall notify a participant in the SEP in writing of any employer contributions made under the SEP to the participant's IRA(s).

(c) Within 30 days of the effective date of any amendment to the terms of the SEP, the administrator shall furnish each participant a copy of the amendment and a clear explanation in writing of its effect.

Signed at Washington, D.C. this 14th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-11627 Filed 4-14-80; 11:50 am]

BILLING CODE 4510-29-M

Proposed Rules

Federal Register
Vol. 45, No. 74
Tuesday, April 15, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 1124

[Docket No. AO-368-A10]

Milk in the Oregon-Washington Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider three dairy farmer cooperatives' proposal to temporarily amend certain provisions of the order. The provisions proposed to be amended relate to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The cooperative associations contend that these temporary changes are needed to help them keep their member milk associated with the order during the next several months. The proposed changes would apply to April-August 1980.

DATE: April 22, 1980.

ADDRESS: Holiday Inn, Portland South, 25425 SW. Boones Ferry Road, Wilsonville, Oregon 97070.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn, Portland South, 25425 S.W. Boones Ferry Road, Wilsonville, Oregon 97070 (at Stafford Road Exit on Interstate 5), beginning at 9:30 a.m., local time, on April 22, 1980, with respect to proposed amendments to the tentative marketing agreement, and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The hearing is being convened in less than April 30, 1980, as the only means of providing due consideration at a public hearing to emergency marketing conditions relating to the proposed amendments contained herein.

Evidence will be taken to determine whether emergency marketing onditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to the proposals being considered. Evidence also will be taken to determine whether the temporary suspension procedure should be used to implement any action found to be necessary on the basis of the tesimony and evidence presented.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Farmers Cooperative Creamery, Corvallis Milk Producers Association, and Eugene Farmers' Creamery:

Proposal No. 1

In the third sentence of paragraphs (a) and (b) of § 1124.11, delete the work "not" for the months of April-August 1980.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, P.O. Box 23606, Portland, Oregon 97223; or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the proceeding is completed, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of General Counsel.
Dairy Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, Oregon-Washington marketing area.

Signed at Washington, D.C., on April 9, 1980.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service.

[FR Doc. 80-11301 Filed 4-14-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposal to suspend certain provisions of the order relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension was requested by three cooperative associations to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for their dairy farmer members regularly associated with the market.

A cooperative association representing a substantial number of producers on the market submitted comments opposing the proposed suspension. Because of the conflicting

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viewpoints among interested parties, no action is being taken at this time to temporarily suspend the provisions in question. The Department, however, has scheduled a public hearing to further explore the matter in depth.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension, issued March 26, 1980; published March 28, 1980 (45 FR 20490).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). The proceeding was initiated by a notice of proposed suspension of certain provisions of the order issued March 26, 1980 (45 FR 20490). In the notice of proposed suspension, the public was invited to submit comments not later than April 4, 1980.

The provisions that were proposed to be suspended for the months of March–August 1980 are as follows:

In the third sentence of paragraphs (d) and (b) of § 1124.11, the word "not."

Statement of Consideration

The proposed suspension would have removed the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March–August 1980. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quanitity received during the month from all member producers at pool plants. Similarly the operator of a pool plant may divert a total quanitity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by three coopertive associations representing a substantial number of producers on the market. It was supported by three additional cooperative associations.

The basis of the request for suspension was that current marketing conditions require the three associations to handle an increasing quantity of reserve milk supplies because of substantial increases in milk deliveries by their member producers. They indicated this situation is aggravated by the fact that sales to one of their principal fluid outlets have declined substantially since the first of the year because the outlet lost a large wholesale account. Also, the cooperatives state that sales to another outlet can no longer count as a credit in determining their diversion allowances since the outlet is no longer a pool plant.

The cooperatives indicate that their reserve milk supplies are normally moved directly from member farms to nonpool manufacturing plants. However, because of current marketing conditions, they expect their reserve milk supplies during the months of March–August 1980 to exceed substantially the order's present allowable diversions. They contend that without the suspension a substantial part of their member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to still maintain producer status for such milk during the March–August 1980 period.

Another cooperative association which represents a substantial number of producers on the market submitted written views opposing the proposed suspension. The cooperative's principal objection to the proposed suspension was the concern that additional unneeded Grade A milk supplies would be pooled that would further depress returns to producers that regularly serve the fluid market. In the cooperative's view, the proposed suspension would disrupt the normal supply arrangements of the market. The cooperative concluded that the petitioners' request would provide for disorderly marketing conditions.

In view of the conflicting viewpoints among interested parties concerning the request, it is concluded that the requested suspension should not be implemented on the basis of this proceeding. Instead, the matter should be considered at a public hearing where the issue may be explored in depth. Accordingly, the proceeding begun in this matter on March 26, 1980, is hereby terminated.

A notice of hearing is being issued concurrently with this termination of proceeding.

Signed at Washington, D.C., on April 9, 1980.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service.

[FR Doc. 80-11340 Filed 4-14-80; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 2900

[Docket No. 80–1]

Proposed Amendment Regarding Certification of Essential Agricultural Uses and Requirements; Natural Gas Policy Act

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to amend its regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act. This amendment would add SIC 3412—Metal shipping barrels, drums, kegs and pails (food related only) to the list of essential agricultural uses certified by the Secretary of Agriculture. The proposed amendment is in response to a petition submitted by the Steel Shipping Container Institute.

DATES: Written comments are due by 4:30 p.m., June 12, 1980.

ADDRESS: All written comments should be sent to Weldon V. Barton, Director, Office of Energy, Room 226–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Weldon V. Barton, Director, Office of Energy, Room 226–E, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250; Telephone Number: (202) 447–2455.

The proposed action does not alter the impacts described or conclusions drawn in the combined Environmental Impact Statement and Final Impact Statement developed May 14, 1979, in connection with the Essential Agricultural Uses Requirements certification rule (7 CFR Part 2900). Thus, the combined statement describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Earle Gavett, Office of Energy, Room 5173, South Building, 12th and Independence Avenue, SW., U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Description of Proposal.
III. Public Comment.

I. Background

Under Section 401 of the Natural Gas Policy Act of 1978 (NGPA), the Secretary of Agriculture is required to certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) essential agricultural uses of natural gas and the amounts of natural gas for such essential agricultural uses necessary for full food and fiber production. A final rule containing such certification was issued by the Secretary of Agriculture on May 17, 1979 (44 FR 28782).

The Secretary of Energy and the FERC have incorporated the USDA certification in their rules promulgating and implementing agricultural priority in curtailment plans of interstate pipelines, in accordance with the NGPA.

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." Also, the proposal has been reviewed pursuant to USDA's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and USDA has determined that the proposed action alters the impacts disclosed by less than one-tenth of 1 percent and does not affect the conclusions drawn in the combined Environmental Impact Statement and Final Impact Analysis prepared May 14, 1979, in connection with the Essential Agricultural Uses and Requirements certification rule. Therefore, this action is proposed under the same analysis.

II. Description of Proposal

7 CFR 2900.3 includes sanitary food packaging necessary for "food quality maintenance." This category contains a list of SIC codes for safe packaging of foods including those for paper coating and glazing, bags, paperboard boxes, sanitary food containers, metal cans, glass containers, and other food packaging materials.

The Steel Shipping Container Institute has petitioned the USDA to amend 7 CFR 2900.3 to include under Sanitary Food Packaging, SIC 3412—Metal shipping barrels, drums, kegs and pails (food related only). The metal containers identified range in size from 3.5 to 65 gallons. Certain foods, including highly perishable items such as bananas, tomatoes, and vegetable oils or delicate flavorings such as vanillas, clove oils and cola concentrates are stored in large coated steel shipping containers, which when properly sealed, create an environment where the foods may be safely stored without special temperatures for long periods of time. Some cheeses are actually processed and aged in metal drums. Many food products such as fruits and vegetables are first processed into large containers to rapidly place in safe storage large quantities of highly perishable commodities during extremely short harvest periods. Food processors later reprocess the product into consumer products. For example, much of the production of tomatoes grown for processing is initially processed into a tomato paste or purée and stored in large metal drums. Later, as needed, the drums are shipped to points near consumption and the product reprocessed into pizza sauces, catsup, and other tomato-food products and repackaged in various consumer size containers.

Since the development of the interior coated steel shipping container in the 1920–1930 period, a great number of foods and flavorings have been packaged only in steel containers either for economical advantages or because delicate flavorings cannot be maintained in other packages because of permeation, subtle migration or chemical reaction.

Natural gas is essential to the metal food container industry as a process gas to apply the protective coatings to these large food shipping containers. A high quality, high-temperature flame is essential so that the products of combustion do not contaminate the coatings.

These large food containers are not easily stored and most food processors have limited storage capability for empty food containers. Generally, the processors keep only small inventories of large containers, and when the size of the crop or livestock production is known they will order sufficient containers to be manufactured to meet their needs. This often times requires container manufacturers to be fabricating and coating food containers only days before they are used by food processors, with container manufacturing occurring concurrently with harvesting and processing.

The natural gas use for manufacturing food related metal containers is about 250,000 mcf annually. This is less than one-hundredth of 1 percent of the interstate gas component identified as essential agricultural use in the May 14, 1979 combined Environmental Impact Statement and Final Impact Statement.

The USDA considered the option of denial of the petition, but after due consideration of the points raised by the petitioner the USDA believes that sufficient justification exists to institute rulemaking procedures to modify the existing Essential Agricultural Use certification.

III. Public Comment

The public is invited to participate in any aspect of this proposed amendment by submitting data, views, or arguments with respect to the proposals herein set forth.

Written comments must be submitted by 4:30 p.m., June 12, 1980, to the address indicated in the "Address" section of this preamble, and should be identified on the outside envelope and on the document with the designation: "Part 2900—Metal Food Containers." Five copies should be submitted. All comments received will be available for public inspection in Room 5173 South Building, 12th and Independence Avenue, SW., Washington, D.C. 20250 between the hours of 9 a.m. and 4 p.m., Monday through Friday. All comments received by 4:30 p.m., June 12, 1980, and other relevant information will be considered by the Director, Office of Energy before final action is taken on this proposed amendment.

Any information or data submitted which is considered by the party who submitted it to be confidential must be so identified and submitting in writing, one copy only. The Director reserves the right to determine the confidential status of the information or data and to treat it accordingly.

§ 2900.3 [Amended]

In consideration of the foregoing, it is proposed to amend Chapter XXIX of Title 7 § 2900.3 Code of Federal Regulations by adding under "Food Quality Maintenance—Food Packaging," immediately after 3411 Metal Cans (food related only): 3412 Metal Shipping Barrels, Drums, Kegs and Pails (food related only).

(Pub. L. 95–621, 15 U.S.C. Section 3301 *et seq.*, November 8, 1978.)

Dated: April 9, 1980.

Weldon V. Barton,

Director, Office of Energy.

[FR Doc. 80-11300 Filed 4-14-80; 8:45 am]

BILLING CODE 3410-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1307

Consumer Products Containing Benzene; Extension of Time for Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for promulgation of rule.

SUMMARY: The Commission extends for 180 days, from April 16, 1980 to October 13, 1980, the time in which it must issue a consumer product safety rule to delcare that certain benzene-containing consumer products are banned

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hazardous products under section 8 of the Consumer Product Safety Act (CPSA) or withdraw the rule proposed on May 19, 1978. This extension is necessary to enable the Commission to obtain and evaluate data from several ongoing projects, which data will provide a firmer basis for considering final action on the proposal. In taking this action, the Commission recognizes that the need for immediate action on the use of benzene in consumer products may have or has diminished because of the declining use of benzene in such products.

DATE: The Commission extends the time for issuance of a final rule or withdrawal of the proposal from April 16, 1980 to October 13, 1980.

ADDRESS: All the information that the Commission has that is relevant to this proceeding may be examined in the Office of the Secretary, Consumer Product Safety Commission (CPSC), 1111 18th St., N.W., Third floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Rory Sean Fausett, Health Sciences, Consumer Product Safety Commission (CPSC), Washington, D.C. 20207, 301–492–6481.

SUPPLEMENTARY INFORMATION: On May 19, 1978, the Commission proposed a ban under section 8 of the Consumer Product Safety Act (CPSA) of all consumer products, except gasoline and solvents or reagents for laboratory use, containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. (See 43 FR 21838.) Based on the information discussed in the proposal, the Commission preliminarily concluded that benzene-containing consumer products present an unreasonable risk of injury to the public because benzene inhalation can cause blood disorderrs, chromosomal abnormalities, and leukemia. The Commission also preliminarily concluded that no feasible safety standard could adequately protect the public from these risks.

The Commission received a total of 44 written comments as well as 6 oral presentations concerning the proposed ban. Many of the comments criticized the proposal and raised complex scientific and technical issues, including the claim that there is no evidence that low levels of exposure to benzene constitute a health hazard, the assertion that the Commission's risk assessment is inadequate, and the claim that the proposed contamination level is neither justified nor commercially feasible. In order to adequately address these comments, the Commission on October 10, 1978 (43 FR 47197) and again on April 16, 1979 (44 FR 22499) extended the time in which it must publish a final rule or withdraw the proposal. This time currently expires on April 16, 1980.

During the present extension period, the Commission staff conducted a limited market survey of selected consumer products to determine their benzene content. (The final report of this survey is under preparation.) The data gathered indicate that benzene is no longer being intentionally added to consumer products. These data also indicate that approximately 10 percent of the products surveyed contained over 0.1 percent benzene; however, none of the products contained over 0.25 percent benzene. The staff believes, furthermore, that the survey shows that solvents are available which permit formulation of products whose final benzene content is below the proposed 0.1 percent limit. (The findings of the survey are consistent with a report provided to the Commission in December, 1978 by Battelle Columbus Laboratories, entitled "Analysis of Technical and Economic Feasibility of a Ban on Consumer Products Containing 0.1 Percent or More Benzene.")

In addition to the staff market survey, a study of benzene air levels resulting from typical use of various consumer products is currently being conducted for the Commission at Edgewood Arsenal. The Commission believes it is appropriate to await the results from this study, exptected in several months, before proceeding on benzene. The study will provide data necessary to determine consumer exposure.

Another factors supporting an extension of time is that the Commission plans to issue a general order requiring any firms which have manufactured, imported, or privately labeled any consumer products, except gasoline, containing benzene as an intentional ingredient since January 1, 1979 to provide the Commission with specified information concerning such products. The order privides 45 days for firms to report the required information; in addition, firms are required to update the information or report new uses of benzene as an intentional ingredient in consumer products for a one year. period. The Commission believes information received in response to the order will be helpful in determining appropriate final action on the proposed benzene ban. The Commission notes that it will be several months before it receives initial responses under the order since the order must be cleared by the General Accounting Office (GAO) under the Federal Reports Act (44 U.S.C. 3512).

The Commission also points out that the U.S. Supreme Court heard oral argument this past fall in the case to review the decision of the Fifth Circuit setting aside the Occupational Safety and Health Administration (OSHA) benzene standard. (*American Petroleum Institute* v. *OSHA* 581 F.2d 493; *Industrial Union Department* v. *A.P.I.* and *Marshall* v. *API.*, S. Ct. Nos. 911 and 1036, 1978 Term.) It is expected that the Supreme Court will issue its opinion in the case, which may have a bearing on Commission regulation of benzene, before the end of June of this year.

Therefore, in view of the need to obtain and evaluate data from several ongoing benzene projects (i.e., the exposure study, the market survey, and the general order), the diminished need for immediate action because of the declining use of benzene in consumer products, and the soon expected ruling of the Supreme Court in the OSHA benzene case, the Commission in accordance with section 9(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2058(a)), finds that good cause exists to extend for 180 days, until October 13, 1980, the period within which it must issue a consumer product safety rule or withdraw the proposal. This period may be further extended for good cause by notice published in the **Federal Register.**

Dated: April 9, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80–11259 Filed 4–14–80; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF LABOR

29 CFR Part 29

Labor Standards for the Registration of Apprenticeship Programs: List of Occupations Meeting the Criteria for Apprenticeability; Extension of Comment Period

AGENCY: Department of Labor.

ACTION: Extension of time for comments.

SUMMARY: This notice extends the time for filing comments on proposed rulemaking on Title 29 CFR § 29.4 (Criteria for Apprenticeable Occupations) that sets forth the characteristics that denote an apprenticeable occupation. Appendix A is an initial listing of those occupations that appear to possess all of the required characteristics. Additional occupations now approved by BAT and/one or more states or territorial apprenticeship agencies remain under review and will be published at a later date.

DATE: Comments are now due on or before July 11, 1980.

ADDRESSES: Send comments, communications to Paul H. Vandiver, Director, Office of National Industry Promotion, Employment and Training Administration, U.S. Department of Labor, Bureau of Apprenticeship and Training, Washington, D.C. 20213. Comments shall be in writing and submitted in duplicate.

FOR FURTHER INFORMATION CONTACT: Paul H. Vandiver (202) 376–6214.

SUPPLEMENTARY INFORMATION: On March 11, 1980, a document was published in the **Federal Register** (45 FR 15571) proposing to amend Title 29 CFR Part 29, by adding Appendix A—List of Occupations Meeting the Criteria for Apprenticeability. That proposal allowed a comment period of 60 days or until May 12, 1980.

Since the publication of that document, various requests for the extension of the period provided for the receipt of comments have been received. The importance of the issues addressed in that proposal requires that the Department proceed to final rulemaking as expeditiously as possible. However, the Department also wishes to provide sufficient time for all interested parties to prepare and submit comments. Therefore, an additional 60 day period is provided and comments will be received on this proposal until July 11, 1980.

Dated: April 9, 1980.

Ernest G. Green,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 80–11258 Filed 4–14–80; 8:45 am]

BILLING CODE 4510–30–M

VETERANS ADMINISTRATION

38 CFR Part 36

Allowable Easements for Drainage and Irrigation Purposes—Guaranteed Home and Mobile Home Lot Loans

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) is proposing to amend its regulations to specify the conditions under which easements for drainage and irrigation purposes will be viewed as acceptable limitations on title. Adoption of these amendments should reduce the paperwork burdens of both lenders and the VA with regard to drainage and irrigation easements.

DATES: Comments must be received on or before May 15, 1980. It is proposed that these amendments become effective on the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. Comments will be available for inspection at the address shown above during normal business hours until May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Veterans Administration, Washington, DC 20420, (202–389–2691).

SUPPLEMENTARY INFORMATION: Section 36.4350 sets forth the requirements concerning the estate in the realty which must be acquired by the veteran before the property will be deemed eligible for GI financing. Paragraph (c) of that section sets forth certain limitations on title which are acceptable and taken into account in the property appraisal and determined by the Administrator as not materially affecting the reasonable value of the property. As presently written, paragraph (c)(4)(i) includes only easements for public utilities as a generally acceptable limitation on the quantum or quality of the estate to be acquired by the veteran. It is proposed to amend paragraph (c)(4)(i) to provide that easements for irrigation and drainage purposes which do not interfere with the use of any buildings or improvements are else acceptable, having been taken into account in the appraisal of residential property and determined by the Administrator as not materially affecting the reasonable value of such property. This should result in a reduction in requests by lenders for case-by-case rulings on the acceptability of individual drainage and irrigation easements. The time and effort involved in submitting and processing these requests places unnecessary paperwork burdens on program participants and on VA personnel. The formalized position on acceptable easements in regulatory form will eliminate unnecessary paperwork and save time and effort for all parties. Inclusion of the requirement that the drainage and irrigation easements will not interfere with any of the buildings or improvements on the property is to assure that there will be no diminution of protection for the VA or the veteran.

An identical amendment is proposed for § 36.4253(c)(4)(i) which provides title requirements for mobile home lots.

These amendments are proposed under authority granted the Administrator by sections 210(c), 1803(c) and 1819(g) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between 8 am and 4:30 pm, Monday through Friday (except holidays) until May 27, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: April 8, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. Section 36.4253 is amended as follows:

(a) By deleting the words "his price" and inserting the words "the price" in paragraph (b)(5)(iii).

(b) By revising paragraph (c)(4)(i) as set forth below:

§ 36.4253 Title and lien requirements.

* * * * *

(c) The following limitations on the quantum or quality of the estate or property shall be deemed for the purposes of paragraph (b) of this section to have been taken into account in the appraisal of the mobile home lot and determined by the Administrator as not materially affecting the reasonable value of such property:

* * * * *

(4) *Easements.* (i) Easements for public utilities along one or more of the property lines and easements for drainage or irrigation ditches, provided the exercise of the rights thereof do not interfere with the use of the mobile home or improvements located on the subject property.

* * * * *

2. In § 36.4350, paragraph (c)(4)(i) is revised as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *

(c) The following limitations on the quantum or quality of the estate or property shall be deemed for the purposes of paragraph (b) of this section to have been taken into account in the appraisal of residential property and determined by the Administrator as not

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materially affecting the reasonable value of such property:

* * * * *

(4) *Easements.* (i) Easements for public utilities along one or more of the property lines and easements for drainage or irrigation ditches, provided the exercise of the rights thereof do not interfere with the use of any of the buildings or improvements located on the subject property.

* * * * *

(38 U.S.C. 210(c), 1803(c), 1819(g).)

[FR Doc. 80-11273 Filed 4-14-80; 8:45 am]
BILLING CODE 4320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 74 and 405

Clinical Laboratories—Quality Control

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Public Health Service proposes to amend the quality control regulations applicable to clinical laboratories by including additional quality control and testing requirements for procedures which measure Alpha-fetoprotein levels in mid-pregnancy maternal sera and amniotic fluids. Laboratories licensed under the Clinical Laboratories Improvement Act of 1967 are subject to Part 74 of Title 42, Code of Federal Regulations; and laboratories certified for reimbursement under the Medicare program, Title XVIII of the Social Security Act, are subject to Part 405. We plan to publish a Notice of Proposed Rulemaking (NPRM) containing the amendments concurrently with an NPRM by the Food and Drug Administration which will establish restrictions on the sale, distribution, and use as a condition of approval of any application for Premarket Approval of Alpha-fetoprotein test kits.

FOR FURTHER INFORMATION CONTACT: Joseph H. Boutwell, M.D., Deputy Director, Bureau of Laboratories, Center for Disease Control, Atlanta, GA 30333, Phone: (404) 329-3263 or FTS: 236-3263.

Dated: April 1, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 80-11387 Filed 4-14-80; 8:45 am]
BILLING CODE 4110-85-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[Gen. Docket No. 80-135; RM-3378; FCC 80-178]

Permitting the Continued Assignment of Frequencies in the 420-450 MHz Band for Non-Government Radiolocation

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Federal Communication Commission proposes to amend its regulations relating to frequency allocations and private land mobile radio services by deleting the January 1, 1981 cut-off date to permit the continued assignment of frequencies in the 420-450 MHz band for non-Government radiolocation usage. This action is taken in response to a petition filed by Del Norte Technology, Inc.

DATES: Comments must be received on or before May 16, 1980 and Reply Comments must be received on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropéa/Mr. George Sarver, Office of Science & Technology (202) 632-6350

In the matter of Revision of Parts 2 and 90 of the Commission's Rules and Regulations to permit the continued assignment of frequencies in the 420-450 MHz band for non-Government radiolocation; Gen. Docket No. 80-135; RM-3378; Proposed rule making.

Adopted: March 31, 1980;

Released: April 8, 1980.

I. Introduction

1. The Commission has under consideration a petition in the above-entitled matter filed by Del Norte Technology, Inc. (hereinafter "Del Norte"). Petitioner requests that footnote US 217 of Part 2 and Section 90.103(c)(21) of the rules be amended to delete the January 1, 1981, cut-off date for assignment of frequencies in the 420-450 MHz band for non-Government radiolocation. Petitioner further proposes that expanded operation be allowed inland [1] using spred spectrum techniques and that technical standards be developed to govern the continued operation of non-Government radiolocation equipment in the 420-450 MHz band.

2. Timely comments were filed by Crown Zellerback; Geophysical Service, Inc.; Hardcastle Ag-Air, Inc.; The Helicopter Association of America; The National Agricultural Aviation Association; Sercal, Inc.; The U.S. Department of Agriculture; and Weyerhauser Company. All comments filed were supportive of the petition.

3. The Del Norte petition will be handled as a two-part request with one part requiring summary action before January 1, 1981, and the other part requiring in depth analysis and consideration to determine expanded usage and operative technical standards. The first issue, to delete the cut-off date from the rules, needs consideration as soon as possible so that the status of current non-Government shoreline radiolocation users in the band can be determined. In accordance with the current rules, these radiolocation users must cease operation by January 1, 1981. The second issue, to develop technical standards for continuing radiolocation usage and the possible expanded usage to include inland operation and spread spectrum techniques, is complex in nature and will require extensive and careful consideration. This consideration will include coordination with the Interdepartmental Radio advisory Committee (IRAC) as well as other users of the band to invite their comments on the expanded usage. Since the Commission has no established policy or rules pertaining to the use of spread spectrum techniques, technical evaluation which could possible include field testing during an experimental/developmental phase to determine the electromagnetic compatibility of Del Norte's systems, especially with the primary users of the band, could be required. It is estimated that this evaluation along with consideration of the comments of other users will require considerably longer than the Januray 1, 1981 deadline. Accordingly, the scope of this proceeding will be limited only to consideration of the issue to delete the January 1, 1981 cut-off date. The remaining issues will be considered in a subsequent rule making action.

II. Background

4. On August 21, 1974, the Commission adopted a Notice of Proposed Rule Making in Docket 20147 [2] to amend Parts 2 and 91 (now Part 90) of the Commission's Rules to permit the assignment of frequencies in the 420-450 MHz band for non-Government radiolocation. The amendment was necessary to accommodate old SHORAN-type radiolocation systems that were required to vacate frequencies in the 220-310 MHz band. The NPRM considered the 420-450 MHz and the 2900-3700 MHz bands as possibilities for allocation. Use of the 2900-3700 MHz band was considered least desirable by users since operational systems were not available at the time. On the other hand, equipemnt in the 420-450 MHz band was available for immediate use and, in fact, equipment designed for operation int he 220-310 MHz band could be converted and continue to be used with a relatively simple modification.

5. On March 10, 1976, the Commission adopted a Report and Order in Docket 20147 [3] to permit the assignment of the 420-450 MHz band for non-Government radiolocation. The Commission did qualify the assignment, however, by requiring the operation to cease on January 1, 1981. In the Report and Order the Commission stated that the enactment of the January 1, 1981 cut-off date would be subject to further review at that time. Accordingly, such review now appears necessary in view of the instant petition by Del Norte requesting deletion of the cut-off date to provide continued use of the 420-450 MHz band for non-Government radiolocation.

III. Why Continued Usage of the 450 MHz Band?

6. Del Norte is a manufacturer of radiolocation equipment operating in the 9 GHz range. These radiolocation devices are used in a variety of applications such as the mapping of offshore areas for oil exploration, the precise determination of possible drilling locations, and for other hydrography purposes. Moreover, with the increased reliance on agricultural chemicals in food production and forestry, accurate positioning has become essential to ensure that these substances are applied in a manner that is environmentally safe and productively efficient. Because of widespread demands from users of radiolocation equipment for greater ranges than available from 9 GHz gear, Del Norte undertook a program of research and development involving use of the 420-450 MHz band. Equipment tests conducted by the petitioner demonstrated that the path loss of a signal at 9.4 GHz was considerably greater than at a 435 MHz test frequency. For example a radiolocation system operating at 435 MHz could achieve a range of up to 50 miles over water whereas a comparable system operating at 9.4 GHz could only achieve a 15 mile range. Moreover, the propagation findings at 9 GHz correspond with comments filed by Offshore Navigation, Inc. in the 1974 rulemaking action that alleged that 2900-3700 MHz band is not a practical substitute for the 420-450 MHz band because of propagation difficulties and the consequent lack of suitable equipment. Accordingly, since greater ranges than obtainable above 2900 MHz are considered necessary for offshore radiolocation operations, the continued use of the 420-450 MHz band is considered necessary. Del Norte also notes that the desirability of the 420-450 range is further demonstrated by the fact that foreign manufacturers are competing for the production of radiolocation equipment in this band.

IV. Compatibility With Primary Users.

7. Del Norte purports that the present non-Government radiolocation operation should be allowed to continue since it is compatible with that of other users in the band. With continued usage on a secondary basis as the current rules provide, operation would be on a non-interference basis with primary users. Thus, radiolocation users would therefore be responsible to protect the primary users of the band from interference. In this regard, when the petition for rule making in Docket 20147 was first received, it was referred to IRAC for consideration because the primary allocation of the band was for Government radiolocation. Following extensive discussions and actual system testing, results indicated the operations to be compatible and, thus, IRAC agreed to permit non-Government radiolocation in the 420-450 MHz band on a secondary basis.

8. The probability of interference to primary users is believed minimal because of the transient nature of the operations and the use of highly directional antennas which generally are pointed out to sea and tilted slightly downward. Furthermore, compatibility is enhanced by the physical separation that exists between the non-Government radiolocation systems and other users. The non-Government radiolocation users are generally confined to rural and offshore areas providing an isolation which insures that interference problems are unlikely to arise. To maintain maximum isolation, continued operation would only be authorized along the shorelines of Alaska and the contiguous 48 states as the Commission's Rules presently allow. Compatibility appears to be further supported by the absense of any known interference complaints on file with the Commission regarding the non-Government radiolocation users in almost four years since Docket 20147 was enacted. A further safeguard is available in that each application for operation will be closely reviewed by the Commission on a case-by-case basis before authorization to determine compatibility with the primary users.

V. Proposals

9. Accordingly, it is proposed to delete the January 1, 1981 cut-off date in § 2.106, Footnote US 217 and § 90.103(c)(21) to permit the continued operation of non-Government radiolocation stations in the 420-450 MHz band subject to the following conditions:

a. Operation is permitted on a secondary basis to the Government Radiolocation Service and the Amateur Radio Service.

b. Operation is limited to usage along the shorelines of Alaska and the contiguous 48 states.

c. Authorization will be granted on a case-by-case basis with particular attention given to the proposed power and antenna system requirements.

In formulating these proposals, the Commission took into account the modifications to the 420-540 MHz band adopted by the 1979 World Administrative Radio Conference as well as the operating agreements with Canada and Mexico. In this regard, the same interference protection that is provided for the Government Radiolocation and Amateur Radio Services shall be afforded any other user of the frequencies. Also, the usual coordination procedures with Canada and Mexico during licensing shall be employed when geographical considerations so require.

VI. Procedural Matters

10. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Sam Tropea (202) 632-6350. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking [4] is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

11. The proposed amendments to Parts 2 and 90 of the rules, as set forth in the Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303(c), (h) and (r) of the Communications Act of 1934, as amended.

[1] Current use of the band by non-Government radiolocation is restricted to the shorelines of Alaska and the contiguous 48 states.

[2] See Notice of Proposed Rule Making, FCC 74-882.

[3] See *Report and Order*, FCC 76-228.

[4] See 68 F.C.C. 2d 804 (1978) where the Commission set forth its interim policy.

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12. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before May 16, 1980, and reply comments on or before June 2, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Parts 2 and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

1. In § 2.106, footnote US 217 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US 217 Pulse-ranging radiolocation systems may be authorized for Government and non-Government use in the 420–450 MHz band along the shorelines of Alaska and the contiguous 48 states. Such authorizations will be granted on a case-by-case basis, and all stations operating in accordance with those authorizations will be secondary to stations operating in accordance with the allocation table. All power and antenna height specifications shall be made on a case-by-case basis.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

2. In § 90.103, paragraph (c)(21) is amended to read as follows:

§ 90.103 Radiolocation service.

(c) * * *

* * * * *

(21) Non-Government pulse-ranging radiolocation stations in this band are secondary to the Government Radiolocation Service, the Amateur Radio Service and the Amateur Satellite Service. All power and antenna height specifications shall be made on a case-by-case basis.

* * * * *

[FR Doc. 80-11369 Filed 4-14-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-50]

Extending Time for Filing Comments and Reply Comments to FM Assignment in Coeur D'Alene, Idaho

AGENCY: Federal Communications Commission.

ACTION: Proposed rule (order extending time for filing comments and reply comments).

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the assignment of FM channels at Coeur D'Alene, Idaho. Idaho Broadcasting, Inc., requested the additional time to enable it to file additional information in this proceeding.

DATES: Comments must be filed on or before June 9, 1980, and reply comments must be filed on or before June 30, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 4, 1980.

Released: April 7, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Coeur D'Alene, Idaho), BC Docket No. 80–50, RM–3183.

1. On February 6, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 12451, concerning the above-entitled proceeding. The dates for filing comments and reply comments are April 7, and April 28, 1980, respectively.

2. On March 26, 1980, Idaho Broadcasting, Inc. ("Idaho B/C"), filed a timely request seeking an extension of time for filing comments to and including July 15, 1980. Idaho B/C states it wishes to engage an engineer who can provide it with more information on the alternatives presented in the proceeding.

3. We are of the view that the public interest would be served by this extension so that Idaho B/C may file any information which might be helpful to the Commission in reaching a decision in this proceeding. We cannot agree that an additional 3 months is necessary for a thorough study of the issues in this case. However, we are willing to extend the time period to provide another 2 months. Also, as a result, it is necessary to extend the reply comment date.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 80–50 are extended to and including June 9, 1980, and June 30, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80-11304 Filed 4-14-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80–142; RM–3446]

Proposed FM Broadcast Assignment to Elkins, W. Va.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of FM Channel 237A to Elkins, West Virginia, as that community's first FM assignment, in response to a petition filed by Garry L. Bowers, Eleanor I. Freed and Richard H. McGraw, a Joint Venture. The proposed channel could provide a first local commercial FM broadcast service to Elkins.

DATES: Comments must be filed on or before June 2, 1980, and reply comments on or before June 24, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1980.

Released: April 9, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Elkins, West Virginia), BC Docket No. 80–142, RM–3446.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Garry L. Bowers, Eleanor I. Freed and Richard H. McGraw, a Joint Venture ("petitioners"), proposing the assignment of Channel 237A to Elkins, West Virginia, as its first FM commercial assignment.

(b) The channel can be assigned in compliance with the minimum distance separation requirements.

(c) Petitioners state they will apply for the channel, if assigned.

2. *Community Data.*—(a) *Location.* Elkins, seat of Randolph County, is located approximately 161 kilometers (100 miles) northeast of Charleston, West Virginia.

(b) *Population.* Elkins—8,287;[2] Randolph County—24,596.

(c) *Local Aural Broadcast Service.* Elkins is served locally by fulltime AM Station WDNE and noncommercial educational FM Station WCDE(FM), Channel 212.

3. *Economic Considerations.* Petitioners state that, according to the Randolph County Development Authority, the 1975 population of Elkins was approximately 9,000. They note that the existing businesses in Elkins center around coal, lumber, health services and government. Petitioner has submitted demographic data with respect to Elkins in order to demonstrate its need for a first commercial FM assignment.

4. Petitioners note that Elkins is in the "Quite Zone" of the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and the Naval Installation at Sugar Grove, West Virginia. They attached a letter from NRAO which indicated that NRAO believed it could approve an Elkins FM site without a special antenna and would be willing to allow a maximum of 3 kW ERP toward Green Bank. Petitioners also attached a letter from the Naval Research Laboratory which stated that a quick survey was made of the sites suggested by petitioners' engineering consultant, and that several sites appear to be acceptable in the area proposed by petitioners. A more precise determination is to be made when a firm proposal is submitted.

5. We believe it would be in the public interest to propose the assignment of Channel 237A to Elkins, West Virginia. The proposed channel could provide Elkins with its first local commercial FM broadcast service.

6. Comments are invited on the proposal to amend the FM Table of Assignments § 73.202(b) with regard to Elkins, West Virginia, as follows:

City	Channel No.	
	Present	Proposed
Elkins, West Virginia	.....	237A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 2, 1980, and reply comments on or before June 24, 1980.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[Docket No. 80–142 RM–3446]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-11308 Filed 4-14-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 87

[PR Docket No. 80–137; RM–3429; FCC 80–184]

Providing for Automatic Digital Communications in the Aeronautical En Route Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend the rules to provide for the operation of automatic digital communications systems in the aeronautical enroute service. This action was requested by Aeronautical Radio, Inc., which is a non-profit communications company owned

[1] Public Notice of the petition was given on August 17, 1979, Report No. 1188.

[2] Population figures are taken from the 1970 U.S. Census.

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by the air transport industry. The intended effects are more efficient use of radio frequencies and improved airline operations.

DATES: Comments must be received on or before May 16, 1980, and reply comments must be received on or before June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

Adopted: March 31, 1980.

Released: April 10, 1980.

In the matter of amendment of Part 87 of the rules to provide for automatic digital communications in the aeronautical enroute service, PR Docket No. 80–137, RM 3429.

1. In this Notice we are proposing to amend the Commission's rules to establish regulations for the operation of automatic digital communications systems in the aeronautical enroute service.

Background

(Aeronautical En Route Service)

2. The aeronautical enroute service provides for air-ground communications for the operational control (i.e., flight management) of aircraft by the owners or operating companies.[1] Communications relate to the safe and efficient operation of aircraft. Typical messages concern aircraft position reports, performance, fuel, weather, supplies, passenger needs and the like. Public correspondence, that is private or personal messages of passengers or crew, is not permitted on enroute frequencies.

3. Aeronautical enroute stations (ground stations) are the means by which companies satisfy FAA requirements to maintain reliable communications between each aircraft and the appropriate dispatch office in the case of large airlines, or maintain flight following systems in the case of small airlines and large commercial aircraft operations (14 CFR 121.99 and 121.125, respectively).

4. The Commission's rules governing enroute stations are set forth in Subpart E of Part 87 (Aviation Services). These stations are required to "* * * provide all necessary non-public service, HF and VHF, * * * without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical enroute stations which are to furnish such service and for shared liability in the operation of such stations * * *" [2] Further, only one enroute station in the domestic service and one such station in the international service may be authorized at any one location.[3] (Location for the purposes of this rule is defined as an area which can be adequately served by the particular station.)

(Aeronautical Radio, Inc.)

5. Aeronautical Radio, Inc. (ARINC) Is the licensee of all but a half dozen of the more than 2500 VHF and HF enroute stations located throughout the United States. ARINC was incorporated in 1929, with the encouragement of the then Federal Radio Commission, as a private communications company serving the air transport industry on a non-profit, cost-sharing basis. Its principal customers as well as principal stockholders are the U.S. scheduled airlines. However, ARINC provides enroute service to all aircraft operators, including foreign airlines, business entities and private individuals, who make cooperative arrangements. ARINC has done an outstanding job in effectively and efficiently utilizing available spectrum and regularly introducing improvements in operational techniques.

Petition

6. ARINC has filed a petition for rulemaking requesting that we amend Part 87 of the rules to establish regulations for the operation of automatic digital communications systems in the aeronautical enroute service. ARINC indicates that in cooperation with the aviation industry it has developed an automatic digital communications system.[4] This system consists of digital message generating and decoding equipment located on board aircraft and at selected ground facilities together with the normal VHF transmitters and receivers.

7. ARINC points out that an automatic digital communications system in the enroute service will provide two important public benefits. First, spectrum will be conserved by reducing the time required to make routine reports. Digital communications take only a fraction of the time necessary to transmit the same information by voice. Second, airline operations will be improved and cockpit workloads reduced by automatically reporting routine information via nonvoice data. Examples of such routine information include aircraft arrival/departure times, estimated arrival times, fuel, and passenger capacity. Various events will initiate the messages, such as closure of a cabin door or engine oil pressure for departure time. By relieving the flight crew of the responsibility of making these reports via voice communications, the cockpit workload will be eased and the reliability of reported information increased.

8. At page 3 of its petition ARINC states that the airborne installations will employ conventional VHF aeronautical transceivers to send and receive messages. When a message has been received from an aircraft by an aeronautical enroute ground station, it will go the ARINC control computer. There it will be checked for transmission errors, and if it is correct, the computer will key the appropriate ground station to transmit an acknowledgment. Once received in appropriate form, the ARINC computer will automatically route the message to the airline operating agency over ARINC's Electronic Switching System. If no acknowledgment is received, the aircraft station will automatically retransmit the message, typically up to six times. If no acknowledgment is received after the sixth retransmission, a light will flash in the cockpit to alert the crew that the message has not been received. At this point, the crew may activate the system to retransmit the message digitally or contact an ARINC communications center for transmission of the message by voice.

9. ARINC indicates that its system will initially operate on a single frequency for both air-to-ground and ground-to-air. Expansion to a second frequency in the enroute band may be desirable in the future. It will utilize audio phase shift keying transmitting 2400 bits per second of ASCII encoded data. The use of audio phase and frequency shift keying in the band (117.975–136 MHz) is currently provided for in Section 87.67 of the rules. We feel that the existing emission designator (13A9) in conjunction with an authorized

[1] Operational control communications are defined in Volume II of Annex 10 to the Convention on International Civil Aviation as communications required for exercising authority over initiation, continuation, diversion or termination of a flight. In other words, such communications are used by an organization to directly manage its aircraft operations.

These operational control communications should not be confused with air traffic control communications which relate to the safe, and orderly flow of air traffic, i.e., provide safe separation of aircraft. In the United States, air traffic control services are provided by the Federal Aviation Administration (FAA).

[2] 47 CFR 87.291(a)

[3] 47 CFR 87.291(b)

[4] The system is known as the ARINC Communications Addressing and Reporting System (ACARS). ACARS is a registered trademark.

bandwidth of 25 kHz, adequately prescribes the emission limitations which the equipment must meet to be compatible with other emissions used in the band 117.975–136 MHz. Also maximum flexibility will be provided for equipment designers.

10. The system will employ two modes of operation. The demand mode will be used where traffic is light. The airborne terminal will first listen to avoid interference and then transmit data on its own initiative. The polled mode will be used when traffic management is advantageous. After switching the airborne terminals to the polled mode, the ground facility will poll the aircraft periodically. The terminal will alert the flight crew if it is not polled for more than 2.5 minutes.

11. After extensive operational tests ARINC indicates that a number of rule amendments and clarifications are needed to establish a basis for the regular operation of an automatic digital communications systems in the aeronautical enroute service. Essentially, the changes proposed by ARINC relate to the form of station identification, the requirement for a licensed radio operator at a control point, the maintenance of station logs, and transmitter control requirements. Although ARINC's proposed changes are based on its own system, other automatic digital communications are not precluded.

Discussion

12. We believe that the implementation of an automatic digital communications system in the aeronautical enroute service, as proposed by ARINC, would be in the public interest. The substitution of automatic data communications for routine voice reports would increase efficiency and conserve scarce spectrum. As the Commission's UHF Task Force previously noted, the present spectrum available for enroute communications will be saturated by 1985.[5] Further the so-called Golden Triangle, the area between Boston, Chicago and Washington, is apparently nearly saturated today. In addition to the conservation of scarce spectrum, such an automatic digital communications system would benefit air transport operations by increasing information reliability and decreasing cockpit workload.

13. The rule changes requested by ARINC are designed to accommodate the operation of a computer controlled digital communications system in what is presently a voice communications system. The first area to be clarified involves station identification. Section 87.115(b) currently provides, in part, for station identification "* * * either by call sign or other recognized means of identification * * * " which includes "* * * name of station, location of station, operating agency, official registration, flight identification number, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized." Further, § 87.115(i) exempts certain radio systems from transmission of identification where impracticable (e.g., weather radar, radio altimeter, air traffic control transponder). Although ARINC considers that § 87.115 is sufficiently broad to encompass its digital system, it suggests that a new subparagraph be added to clarify system identification requirements. In that there only will be approximately 200 such ground facilities utilizing the line-of-sight range of UHF communications and a characteristic emission in the band, we believe that station identification would be impracticable within the meaning of § 87.115(i). Therefore, the addition of such a digital system to to the examples listed in paragraph (i) is preferable to adding new paragraph to the rules. However, if in the future such systems proliferate in the Aviation or other Services, some form of station identification may be required.

14. Second, implementation of an automatic digital communications system will necessitate that the rules be changed to indicate that licensed radio operators are not required in the initiation of digital messages at enroute ground stations. Section 87.139(a) now provides that operator licenses are not required for flight personnel operating airborne radionavigation aids, for the operation of an emergency locator transmitter or survival craft station, and for the operation of stations which retransmit communications received by automatic means.[6] The ARINC system is computer controlled. It incorporates circuitry to prevent interference and excessively long transmissions. Alarm circuits are employed to notify personnel of system malfunctions and test circuits are available to test the operation of the entire ground system. Therefore, we consider such computer controlled digital communications systems similar to other automatically controlled systems and, likewise, the presence of a licensed operator at the "control point" unnecessary.

15. Third, since the ground terminals will automatically be controlled by computer, we concur with ARINC's view that it would not be practicable to maintain an operator's station log as required by § 87.99. The proposed system, however, will keep a record of the hours of operation, messages transmitted and operational status of the stations. Additionally, FAA's requirements[7] regarding the retention of records relating to any emergency, claim or complaint will be complied with.

16. Lastly, automatic digital enroute stations which are computer controlled (as all such systems must be) appear not to require a licensed radio operator at a "control point" as envisioned in § 87.75. Similarly, the additional requirements for a visual indication when the transmitter is radiating, and for equipment to permit aural monitoring would appear unnecessary.[8] ARINC proposes exempting such automatic digital enroute stations from these requirements. The system requirements suggested, although based on the ARINC system do not preclude other automatic digital system.

Proposal

17. In view of the above, we propose to amend §§ 87.75, 87.99, 87.115 and 87.139 of the rules to provide for the operation of automatic digital communications systems in the aeronautical enroute service. The proposed amendments to the Commission's rules as set forth in the attached Appendix below, are issued pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Comments

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 16, 1980, and reply comments on or before June 2, 1980. All relevant and timely comments

[5] UHF Task Force Working Paper, March 1978, at page 97. This projection did not take into consideration the increased efficiencies resulting from technological improvements as the substitution of data communication for voice communication.

[6] 47 CFR 87.139(a):

§ 83.139 Operator licenses not required for certain operations.

(a) Operator licenses are not required for the following:

(1) Flight personnel when concerned with the operation of airborne radar sets, radio altimeters, transponders and other airborne automatic radionavigation aids.

(2) Operation of an aircraft station using only an emergency locator transmitter, or a survival craft station while it is being used solely for survival purposes, or for testing of such stations.

(3) Operation of any radio station authorized under this part which retransmits by automatic means communications received by radio.

[7] 14 CFR 121.711.

[8] Typical digital transmissions will be less than one second.

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and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

20. Regarding questions on matters covered in this document contact Robert McNamara (202) 632-7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. In § 87.75, the introductory sentence of paragraphs (c) and (d) are amended and new paragraph (f), added to read as follows:

§ 87.75 Transmitter control requirements.

* * * * *

(c) Except for stations governed by paragraph (f) of this section, a control point is a position which meets all of the following conditions: * * *

(d) Except for stations governed by paragraph (f) of this section, at each control point the following facilities shall be installed: * * *

* * * * *

(f) In the aeronautical enroute service, the control point for an automatically controlled enroute station shall be the computer facility which controls the transmitter. Each such computer facility shall be installed and protected so that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee. Any transmitter controlled by such a computer facility shall be equipped with automatic controls to render the transmitter inoperative following a continuous transmission of more than 180 seconds.

2. In § 87.99, the first sentence of paragraph (a) is amended to read as follows:

§ 87.99 Information required in station logs.

(a) Except for radionavigation land test stations (MTF) and automatically controlled aeronautical enroute stations, all stations at fixed location shall maintain logs showing hours of operation, frequencies used and hours of duty and the signature of the operator(s) on duty. * * *

* * * * *

3. In § 87.115 paragraph (i) is amended by adding the words "automatically controlled aeronautical enroute station" at the end of the paragraph, to read as follows:

§ 87.115 Station identification.

* * * * *

(i) Radio systems, where the transmission of specific identification is considered to be impracticable, are exempted from the provisions of this section; e.g., airborne weather radar, radio altimeter, air traffic control transponder, distance measuring equipment, collision avoidance equipment, racon, radiosonde, radio relay, radionavigation land test station (MFT), and automatically controlled aeronautical enroute stations that transmit digital communications.

* * * * *

4. In § 87.139, new paragraph (a)(4) is added to read as follows:

§ 87.139 Operator licenses not required for certain operations.

(a) * * *

(4) Operation of any aeronautical enroute station which transmits by automatic means digital communications to aircraft stations.

* * * * *

[FR Doc. 80-11305 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[Gen. Docket No. 80-136; RM-2910; RM-2939; RM-3281; RM-3302; FCC 80-183]

Amending Rules Concerning Station Identification Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The FCC proposes to amend station identification requirements in the Amateur Radio Service. The present rule requires amateur radio stations to identify the station with which contact was made, at the end of the transmission. The proposal would eliminate this requirement for all communications except those involving international third party traffic. The adoption of this proposal would reduce channel usage, and would permit amateur radio operators to complete their transmissions in less time.

DATES: Comments must be received on or before July 16, 1980 and Reply Comments must be received on or before August 15, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Jonston, Private Radio Bureau, (202) 254-6884.

Adopted: March 31, 1980.

Released: April 9, 1980.

In the matter of Amendment of Part 97.84(a) of the Amateur Radio Service Rules, PR Docket No. 80-136, RM-2910, RM-2939, RM-3281, RM-3302.

1. The Commission has before it four petitions for rulemaking separately filed by James R. Sebolt in 1977, John C. Kanode on behalf of the Potomac Valley Radio Club in 1977, Arlington R. Kaeding in 1978, and Stephen R. Mann in 1978. The petitioners request that the Commission consider simplifying the identification requirements for amateur radio stations. 47 CFR 97.84.

2. Section 97.84(a) of the Amateur Radio Service Rules and Regulations provides that:

(a) An amateur station shall be identified by the transmission of its call sign at the beginning and end of each single transmission or exchange of transmissions and at intervals not to exceed 10 minutes during any single transmission or exchange of transmission of more than 10 minutes of duration. Additionally, at the end of an exchange of telegraphy (other than teleprinter) or telephony transmissions between amateur stations, the call sign (or generally accepted network identifier) shall be given for the station, or for at least one of the group of stations with which communicatin was established.

Two petitioners request that the Commission eliminate completely the requirement that amateur radio operators identify the station with which they were in contact, at the end of the trasmission. The third petitioner also favors elimination of this requirement, except that he would retain the restriction for international third party communications. The fourth petitioner requests that this requirement be eliminated where the entire exchange of communication lasts less than one minute. In addition, one petitioner requests that the rules be amended to allow stations completing an exchange in less than one minute to identify themselves at any time during the exchange, rather than at the beginning and end of each transmission.

3. FCC monitoring observers sample transmissions in progress, as well as the beginning or end of transmissions. For this reason, the proposal to allow identification at any time during a transmission lasting less than one minute rather than at the beginning and end of transmission, cannot be adopted. If adopted, this proposal would preclude FCC monitoring observers from identifying the transmitting station, if, for instance, the observer began monitoring the transmission after the identification was given.

4. The petitioners, and others who have filed comments pursuant to the Public Notices released by this Commission, advance the following arguments for amending § 97.84(a)'s requirement that amateur radio operators identify the station with which they were in contact, at the end of the transmission.

(1) Each station is required to identify its own transmission; therefore there is no need to require stations to also identify each other.

(2) The removal of this restriction would reduce channel usage, and therefore reduce channel congestion.

(3) This amendment would benefit United States amateur radio operators engaged in contest operations by increasing the number of communications that could be completed within a set period of time.

(4) The Amateur Radio Service is the only radio service where station operators are still required to identify the station with which contact has been made. A similar requirement was deleted from the Citizens Radio Service Rules in 1975. 54 F.C.C. 2d 841, 40 FR 33667 (1975).

Proposal

5. The Commission proposes to delete the requirement that amateur radio stations identify the station with which they were in contact for all transmission except those involving international third party communications.[1] International third party communications are excluded from the scope of the proposed amendment because of the Commission's obligation to enforce the International Radio Regulations. Article N30/41, No. 6355/1561 of the International Radio Regulations provides, in part, that "* * * [i]t is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties." The United States does have bilateral agreements with 29 countries which permit third party traffic, but with regard to other countries, the prohibition is still applicable. Without the identification requirement presently imposed by our rules, enforcement of the prohibition would be very difficult.

6. We are also proposing to extend requirement that radio stations identify the station with which they were in contact where international third party communication is involved, to teleprinter communications. Heretofore, teleprinter had been excluded from this requirement, but there appears to be no reason not to require this type of identification, especially where the requirement would strengthen the enforcement mechanism available to the Commission, and only minimally impact the licensee.

7. Our proposal is not limited to only those transmissions which last less than one minute. The arguments advanced in favor of that proposition (i.e. that contest operations would be enhanced * * *) extend to the less restrictive proposal we have adopted as well.

8. In view of the above, the petitions proposing to simplify station identification requirements in the Amateur Radio Service are adopted to the extent that they are not inconsistent with this *Notice*. All proposals contained in the petitions which are inconsistent with this *Notice* are denied. The proposed amendment of the Commission's rules, as set forth in the attached appendix below, is issued pursuant to the authority contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 16, 1980, and reply comments on or before August 15, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments shall be furnished the Commission. All comments received in response to Notice of Proposed Rule Making will be available for public inspection in the Docket Reference Room in the Commission's Office in Washington, D.C.

11. Regarding questions on the matters covered in this document contact John B. Johnston, Rules Division, (202) 254-6884.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

I. Part 97 of the Commission's Rules is amended as follows:

1. In § 97.84, paragraph (a) is amended and paragraph (h) is added to read as follows:

§ 97.84 Station identification.

(a) Each amateur radio station shall give its call sign—

(1) When it begins or ends each single transmission or exchange of transmissions, and

(2) At least every ten minutes during a transmission or exchange of transmissions.

* * * * *

(h) At the end of an exchange of third party communications with a station located in a foreign country, each amateur radio station shall also give the call sign of the station with which third party communications was exchanged.

[FR Doc. 80-11306 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

[1] See the Appendix for the complete text of the proposed amendment.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1041

[Ex Parte No. MC-139]

Removal of Mechanical Refrigeration Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rules.

SUMMARY: The Interstate Commerce Commission is proposing to adopt a rule which would delete from all existing certificates and permits restrictions limiting transportation service to that which is provided in "vehicles equipped with mechanical refrigeration."

Carriers operating pursuant to authorities so restricted may be authorized to "dry freight" (commodities not requiring refrigeration while in transit) as well as commodities requiring refrigeration. However, the vehicle restriction may prevent them from achieving maximum efficiency, because a trailer equipped with mechanical refrigeration devices has a reduced load capacity and usually represents a larger capital investment than an ordinary trailer. Removal of the restriction could, therefore, enable affected carriers to provide shippers of dry freight with

improved service due to fuel savings and lower costs.

DATE: Comments should be filed May 30, 1980.

ADDRESSES: Send an original and 15 copies, if possible, of comments to: Ex Parte No. MC–139, Office of Proceedings, Room 5416, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Eliot C. Horowitz, (202) 275–7973; or Donald J. Shaw, Jr. (202) 275–7292.

SUPPLEMENTARY INFORMATION: This proceeding stems from a petition seeking institution of rulemaking filed by Refrigerated Transport Company, Inc., of Forest Park, GA. Petitioner is an irregular route motor common carrier primarily engaged in the transportation of foodstuffs.

Petitioner states that many shippers of dry foodstuffs look to specialized motor carriers in the "protective service field" to transport their traffic, because of these carriers' general expertise concerning marketing and distribution patterns germane to the food industry. It asserts that the removal of the vehicle restriction would enable these carriers better to serve shippers of dry freight, in their authorized origin territories, by using ordinary trailers with increased cargo space (perhaps yielding as much as 10 percent increased load capacity). Since many of these carriers also possess authorities to transport other kinds of dry commodities, petitioner urges that the removal of the restriction would result in more efficient service on backhauls.[1]

Petitioner claims that the restriction serves basically to protect the interests of general commodities carriers, which have only "peripheral and insubstantial interests" in the movement of foodstuffs. It believes that, in general, where individual carriers have filed applications for the purpose of having the restriction removed from their specific authorities, no substantial opposition has been encountered from existing carriers.

Discussion

"Protective service" is provided by motor carriers with respect to a broad range of commodities (including, for example, various chemicals and drugs). Some articles require heating, others refrigeration, while in transit.

Where a carrier has recevied authority to engage in a "temperature controlled service," the Commission has, from time to time, imposed the vehicle restriction at issue. The underlying rationale for the use of the term is discussed in *Refrigeroted Transport Co., Inc., Extension—Foodstuffs*, 88 M.C.C. 71 (1961). Essentially, the vehicle restriction is used instead of a more limited commodity description such as "refrigerated commodities," in order to avoid interpretive problems.

The Commission has occasionally imposed the restriction on an applicant's authority based on the evidence in an adjudication. More often, the restriction resulted without any affirmative showing of necessity. In either event, its effect has been to shield carriers engaged in the transportation of dry freight from additional competition. As the Commission has stated, "the additional expense inherent in the operation of mechanically refrigerated vehicles should effectively prohibit the entry of applicants into the dry freight business." *Frozen Food Express, Ext.—Four States*, 103 M.C.C. 913 (1967).

Even so, as a practical matter, the vehicle restriction has not precluded many specialists from participating in the transportation of dry freight. Such participation stems from a variety of factors. For example, many shippers (e.g. those in the food industry), require the transportation of dry freight as well as commodities requring temperature-controlled service. Many tender truckloads of dry freight to carriers operating under the restriction because of these carriers general expertise regarding the handling and distribution of the involved commodities. Still others require dry freight service from these carriers because existing carriers cannot furnish sufficient units to handle their traffic volumes. In a number of adjudications, where the Commission has explicitly addressed the issue, it has removed the vehicle restriction from the certificates of carriers to enable them to provide shippers with a complete service. See, for example, *Clay Hyder Trucking Ext.—Removal of Restriction*, 89 M.C.C. 757 (1962). In so doing the Commission recognized that the enhanced efficiencies and economies of the applicants' operations overrode the interests of existing carriers in keeping applicants out of the dry freight market.

The time has come to examine the restriction closely. We believe that the vehicle restriction at issue may no longer serve the public interest. Restrictions are inherently undersirable and should not be imposed or retained except where it is shown conclusively that they are necessary in the public interest and consistent with practicable and effective transportation regulation. See *Fox-Smythe Transp. Co. Extension—Oklahoma*, 106 MC.C. 1, 9 (1967). Restrictions can prevent affected carriers from rendering shippers and their consignees a fully efficient and economical service. We have long recognized that the utilization of equipment to its fullest capacity is economically sound and that improved transportation methods must be recognized and encouraged. Cf. *Removal of Truckload Lot Restrictions*, 106 M.C.C. 455 (1968).

In the temperature-controlled service market, there is a particularly strong basis for questioning the retention of the restriction at issue. As noted by the Commission's task force (see footnote 1), "refrigerated carriers" are heavily dependent upon and transport substantial volumes of non-refrigerated commodities to achieve a balance in their operations. (For this reason alone, many specialists have acquired independent licenses to transport dry commodities as backhauls. Yet as noted by petitioner, even where dry freight is transported between service points in both directions, the restriction mandates that service must still be provided in special equipment). Accordingly, there appear to be compelling grounds for the wholesale removal of the vehicle restriction.

We must nonetheless consider whether the obvious benefits accruing to affected motor carriers and shippers outweigh the interests of existing carriers of dry freight. In essence, would the action contemplated result in destructive competition contrary to the public interest? We doubt it. Removal of the restriction, after all, would not result in any expansion of the actual commodities, or the service points authorized to be served, in the existing licenses of petitioner and similarly situated carriers. Plainly, however, it could have competitive implications, since carriers in the "protective service" field would be able to commit additional resources to the general carriage of dry freight, unencumbered by regulatory constraint. We view this as a salutary effect.

It is the Commission's policy to encourage competition in the transportation industry. The need to do so is widely recognized. In *Bowman Transportation* v. *Arkansas—Best Freight System*, 419 U.S. 281, 298 (1974), the Supreme Court stated that a policy in favor of competition embodied in the laws has application in a variety of economic affairs. Even where Congress has chosen Government regulation as the primary device for protecting the public interest, a policy of facilitating competitive market structure and performance is entitled to consideration. Other, more recent, Court decisions addressing the need to consider the effects of our actions on competition include *Sawyer Transport, Inc.* v. *Interstate Commerce Commission*, 565 F. 2d 474 (7th Cir. 1977), and *P. C. White Truck Line, Inc.* v. *Interstate Commerce Commission*, 551 F. 2d 1326 (D.C. Cir. 1977). Accordingly, respondents to this notice of proposed rules who disagree with this approach must demonstrate why we should not follow it here.

We are concerned with the effect which the proposed action could have on the current availability of refrigerated equipment to shippers of commodities requiring temperature controlled equipment. Insofar as refrigerated equipment is being used for the transportation of dry freight, it is counterproductive and inefficient. In fact, the Motor Carrier Task Force, (footnote 1, *supra*) in its initial report at p. 66, states that the use of refrigerated equipment for movements where it is unnecessary is one of the factors leading to present equipment shortages in areas where it is essential. We anticipate that removal of the equipment restrictions will make a larger pool of refrigerated equipment available for protective service—at least in the short run—because some dry commodities will shift to transporttion in non-refrigerated equipment. While carriers may not replace this equipment in the future as a result of this proposal, this could support petitioner's claim that unnecessarily sophisticated vehicles are being used. Respondents are urged to address this important issue.

Environmental and Energy Consequences

A preliminary review of the proposal by the Commission's Energy and Environment Branch suggests that the proposed regulation will not have a significant effect upon the quality of the human environment, nor does it constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. The probable effect of the rule would be to enhance operating efficiencies, and to generate fuel savings over the course of time, although at the outset a possible excess of competition for dry freight could result in additional vehicle miles for certain commodities on certain routes. It is extremely difficult to quantify the potential long or short term energy effects at this time. Therefore, parties are urged to submit, where possible, statistical information regarding the extent to which dry freight is currently transported in vehicles equipped with temperature control devices. A more detailed energy analysis will be issued with the final decision.

Accordingly, we propose to revise Title 49 of the Code of Federal Regulations by the addition of a new § 1041.25 which would read substantially as follows:

§ 1041.25 "Vehicles equipped with mechanical refrigeration" restriction.

Restrictions embraced in individual motor carrier certificates and permits, which limit service to that provided "in vehicles equipped with mechanical refrigeration," shall be considered as of no further force and effect. These certificates and permits shall be considered as authorizing transportation services without regard to the restrictions.

This notice of proposed rulemaking is issued pursuant to 49 U.S.C. 10321, and 10922 and 5 U.S.C. 553 and 559.

Decided: March 24, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioners Stafford and Clapp concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (Concurring)

I have no objection to putting out the proposed restriction elimination for public comment. I do, however, object to the statements in the notice which seem to indicate that a judgment on the issue has already been made.

Commissioner Clapp (Concurring)

While I am in favor of soliciting comments on the proposed removal of the equipment restriction, I am concerned about the language and tone of this Notice. A notice proposing a rule or policy change should encourage comments, not discourage them as I fear this Notice does. Because many rule changes have ramifications far beyond what six Commissioners may anticipate, public comments are extremely critical to our deliberative process.

The Notice includes several unnecessary statements and pronouncements with which I am not prepared to agree. First, I cannot agree that "restrictions are inherently undesirable." If that were true, there would be no need to proceed further. Second, I cannot conclude at this time that transportation of dry freight in refrigerated vehicles "is counterproductive and inefficient." This could be true or false depending on the circumstances. The relative quantities of dry vs. perishable commodities and the location of the service points would, I suspect, be significant factors. Third, I cannot say that there are "compelling" grounds for wholesale removal of the vehicle restriction or that removal of the restriction involves "obvious" benefits. I prefer to see the comments before making these judgments.

[FR Doc. 80-11344 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[1] See also, *Initial Report of the Motor Carrier Task Force*, Interstate Commerce Commission (May, 1979), p. 59.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

Tanner Crab Off Alaska; Amendment to Fishery Management Plan and Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Amendment to fishery management plan and proposed regulations.

SUMMARY: Amendment No. 5 to the Fishery Management Plan for Tanner Crab off the Coast of Alaska (FMP) has been approved. The amendment is necessary because new information indicates that the quantity and distribution of Tanner crab stocks have changed. Participation in the fishery by U.S. vessels has increased dramatically in the last several years. The amendment will ensure protection of the Tanner crab stocks by establishing new harvest limits, and reducing the total allowable level of foreign fishing (TALFF). Regulations to implement this amendment are proposed for public comment.

DATE: Comments on the amendment and proposed regulations are invited until June 14, 1980.

ADDRESS: Please send comments to: Denton R. Moore, Permits and Regulation Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Please indicate "Tanner crab comments" on the envelope.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586–7221.

SUPPLEMENTARY INFORMATION:

A. Background

The FMP for Tanner crab off Alaska was prepared by the North Pacific Fishery Management Council (Council), approved by the Assistant Administrator for Fisheries on behalf of the Secretary of Commerce, and published in the **Federal Register** on May 16, 1978 (43 FR 21170) under authority of the Act (16 U.S.C. 1801 *et seq.*). Final regulations applicable to

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vessels of the United States were published on December 6, 1978 (43 FR 57148). Final regulations applicable to vessels of foreign nations were published on December 19, 1978 (43 FR 59075; 43 FR 59292).

The FMP has been amended four times. The first amendment extended the implementing regulations through October 31, 1979 (44 FR 1115). The second amendment increased the optimum yield (OY) for the Kodiak district from 25 million pounds to 35 million pounds, and the third authorized vessels of foreign nations to take a portion of the TALFF in a specified area south of 58° N. latitude (44 FR 15503). Amendment No. 4 extended the FMP and implementing regulations, as amended, through October 31, 1980 (45 FR 785).

The Council considered new information on the Tanner crab fishery at its October 4–5, 1979 meeting. At that time, the Council reviewed the results of the 1979 National Marine Fisheries Service (NMFS) Tanner crab trawl survey in the Bering Sea, and received extensive testimony from U.S. and foreign interests participating in this fishery. On the basis of new information presented and analysis of fishery performance, the Council prepared Amendment No. 5, which has been reviewed and approved by the Assistant Administrator.

B. Substance of Amendment

Amendment No 5 and implementing proposed regulations would make changes in the management of the Bering Sea and Aleutian Islands area Tanner crab stocks as follows:

1. *Optimum Yields* (OY). (a) Reduce the OY for *C. bairdi* Tanner crab from the current level of 40,381 m.t. to a range of 10–15,000 m.t.; and

(b) Increase the OY for *C. opilio* Tanner crab from the current levels of 16,360–17,268 m.t. north of 58° N. latitude, and 10,000 m.t. south of 58° N. latitude to a total OY of 58,984 m.t.

2. *Domestic Annual Harvest* (DAH). (a) Increase the estimate of DAH for *C. opilio* from the current level of 12,268 m.t. to 51,484 m.t.; and

(b) Decrease the estimate of DAH for *C. bairdi* from the current level of 40,381 m.t. to a range of 10–15,000 m.t. which is the new OY.

3. *TALFF.* Reduce the TALFF for *C. opilio* from the current level of 15,000 m.t. to 7,500 m.t.

4. *Area Restrictions.* Restrict foreign fishing to the area north of 58° N. latitude and west of 164° west longitude.

5. Joint Venture Amendment. Implement provisions of the Joint Venture Amendment. For clarity, the amendment incorporates parts of the FMP which had previously been approved.

C. Discussion

The OY for *C. bairdi* has been reduced because a 1979 NMFS trawl survey and a review of 1979 fishery performance both indicate that the abundance of *C. bairdi* is declining, and will continue to decline over the next few years. Although this decline is attributed to natural stock fluctuations, the OY has been reduced to provide additional protection, and to assure continuing availability of crabs to the U.S. fishery.

It also appears that abundance of *C. opilio* stocks will be slightly lower in 1980. Nevertheless, it was possible to raise the OY for *C. opilio* because 1979 OY level has been set low for socio/economic reasons. Consequently, the Council is able to assure adequate protection of the resource while allowing an increase in harvest to accommodate the developing U.S. fishery.

One of the reasons the 1979 OY specification for *C. opilio* was set lower than necessary to protect the resource was the Council policy of encouraging growth in the U.S. *C. opilio* fishery. Partly as a result of this policy, the U.S. *C. opilio* fishery has grown rapidly in the past few years.

The estimate of DAH has been reassessed, based principally upon analysis of recent past performance, and testimony of U.S. harvesters and processors as to their capacity and intent to harvest and process the resource. The DAH is now increased from 12,268 m.t. to 51,484 m.t. of crab. The principal unknown in making this estimate is how the market will perform given a decrease in *C. bairdi* and an increase in *C. opilio;* and the extent to which any demand changes will affect amounts of crab harvested. The DAH estimate of 51,484 m.t. reflects the best judgment of the Council, taking these uncertainties into account, of the amount of *C. opilio* U.S. fishermen can reasonably be expected to harvest. A higher DAH and inseason adjustment of DAH and TALFF was considered impracticable because of the economics and logistics of the fishery.

The TALFF for *C. opilio* has been reduced to 7,500 m.t. which must be taken north of 58° N. latitude and west of 164° W. longitude. The purpose of this measure is to avoid gear conflicts and to minimize foreign incidental harvest of *C. bairdi. C. bairdi* stocks occur predominately south of 58° N. latitude, and are fully utilized by U.S. fishermen. Surveys indicate that *C. bairdi* stocks occur only in insignficant amounts north of this line. A directed fishery on *C. bairdi* in this area therefore would not be feasible, and retention of the few incidental *C. bairdi* caught is expected to have no impact on the resource. The regulations therefore authorize both foreign and U.S. vessels fishing for *C. opilio* north of 58° N. latitude to retain any incidental *C. bairdi* which may be taken.

In accordance with the requirements of P.L. 95–354, the Council has considered the possibility of "joint venture" participation in this fishery, and has concluded that no joint venture operations are likely during 1980. The amendment also authorizes, and the regulations provide for, an annual survey of processor capacity and intent to process Tanner crab.

The Assistant Administrator for Fisheries, NOAA, under delegation of authortiy from the Secretary of Commerce, has determined that the regulations as described above:

(1) Are necessary and appropriate to the conservation and management of Tanner crab resources off the coast of Alaska;

(2) Are consistent with the National Standards and other provisions of the Act and other applicable law;

(3) Does not constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act; and

(4) Are significant under the provisions of Executive Order 12044, "Improving Government Regulations." A Regulatory Analysis has been prepared and may be obtained from Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, Alaska 99802.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 10th day of April 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

BILLING CODE 3510-22-M

TANNER CRAB OFF ALASKA FISHERY MANAGEMENT PLAN

A. The Fishery Management Plan for Tanner Crab off Alaska which was published on May 16, 1978 in the Federal Register (43 FR 21170) is amended as follows:

(All changes made in sequential order by Federal Register page and section numbers.)

Page 21176; Summary:

Table A - insert new table

Page 21181; Section 2.2 (E) 2 delete and replace as follows:

"2. DAH (Domestic Annual Harvest) is the estimated portion of the U.S. Tanner crab harvest which will be utilized by domestic processors (DAP), and the estimated portion, if any, delivered to foreign processors which are permitted to receive U.S. harvested Tanner crab in the Fishery Conservation Zone. DAH = DAP + JVP

a. DAP (Domestic Annual Processing) is the estimated portion of DAH that is expected to be processed by U.S. processors.

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TABLE A -- Alaska Tanner Crab Maximum Sustainable Yield (MSY), Acceptable Biological Catch (ABC), Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), & Total Allowable Level of Foreign Fishing (TALFF) by Management Area for 1979/1980.

(lbs = millions) ( ) indicate point estimate

AREA	MSY lbs	MSY MT	ABC lbs	ABC MT	OY lbs	OY MT	DAH lbs	DAH MT	DAP lbs	DAP MT	TALFF lbs	TALFF MT
SOUTHEASTERN												
Southeast	2.5	1,134	1/		2/		3/		4/		5/	
Yakutat	3.0	1,361	1/		2/		3/		4/		5/	
PR. WM. SOUND	7.2	3,266	3-7	1,361-3,175	2/		3/		4/		5/	
COOK INLET	5.3	2,404	1/		2/		3/		4/		5/	
KODIAK	21.5	9,752	15-25	6,804-11,340	2/		3/		4/		5/	
S. PEN/ALEUTIAN												
S. Peninsula	20.0	9,072	20-30	9,072-13,608	2/		3/		4/		5/	
Aleutian	2.0	907	1/		2/		3/		4/		5/	
BERING SEA												
C. bairdi	22-33	9,980-14,970	1/		2/		3/		4/		5/	
C. opilio	103-153	46,720-69,400	103-153	46,720-69,400	130	58,984	113.47	51,484	4/		16.53	7,500*
	(126)	57,150	(126)	(57,150)	2/							

1/ ABC=MSY 2/ OY=ABC 3/ DAH equals or exceeds OY 4/ DAP=DAH 5/ N/A

* TALFF restricted to north of 58 degrees N. latitude

The Council will reassess and revise the DAP annually based on processor reports and any changes in factors which would alter the level of resource utilization.

H. JVP (Joint Venture Processing) is the U.S. harvested portion of the OY in excess of the capacity and intent of U.S. processors to utilize or for which actual U.S. markets are not available that will be delivered to foreign processors which are authorized to receive such U.S. harvested Tanner crab in the Fishery Conservation Zone. The components of the DAH are dynamic and require annual assessment to insure that DAH remains realistic and based on the best available, current information. Accordingly, DAH values will be amended as required.

Section 2.2. C — delete; insert as follows:

C. TALFF (Total Allowable Level of Foreign Fishing) is determined by deducting DAH from OY (TALFF = OY - DAH).

Page 21183; Section 3.2.1 — 1st paragraph, delete 3rd sentence;

insert new sentence as follows: "The 1977 harvest was 94 million pounds (42,800 mt), the 1978 harvest was 125 million pounds (56,770 mt) and the 1979 harvest was approximately 145 million pounds (65,090 mt).

Page 21185 Section 3.2.1.3 — delete section; insert new section as follows:

"From its beginning, the Alaska catch of Tanner crab has shown a steady, yearly increase from the 1961 harvest of 6,800 pounds (3.1 mt) to the 1974 harvest of 64 million pounds (29,000 mt). However, the 1975 catch decreased by 20 million pounds compared to 1974. A remarkable increase is shown since: 79 million pounds in 1976, 98 million pounds in 1977 and 125 million pounds in 1978. In 1979, the total catch was approximately 145 million pounds with a dramatic increase in C. opilio crabs, from 1.3 million to over 30 million pounds. C. bairdi catches were reduced because of lower resource abundance in the Bering Sea."

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Page 21185; Section 3.2.2.3 — 1st paragraph, next to last sentence; delete and insert as follows:
"The Japanese quota for Tanner crab in 1977 was 12,500 mt; in 1978, 15,000 mt and 15,000 mt in 1979. The quota for 1980 was set at 7,500 mt. Due to the decline of the resource, and the increasing domestic fishery, the Council forecast no available surplus over DAH for assignment to TALFF beyond 1980."

Page 21187; Section 3.5.1.2 — delete section; insert new section as follows:
"Tanner crab is processed into four primary forms: whole/dressed, section, meat and canned. As a by-product, fish meal is also produced. Table 2 shows the 1976 shellfish production and wholesale value. In 1976, the wholesale value of Tanner crab was about $37 million, of which $20.1 million was from whole/dressed, $9.3 million from meat, $5.8 million from canned, $1.5 million from section and $20,600 from meal. This was the peak production year to that time and the next highest year was 1973 ($33.7 million). Central Alaska was the dominant Tanner crab production area where, in terms of wholesale value, more than 70 percent of all Alaska Tanner crab production was realized.
Table 2 contains the 1976 shellfish production and wholesale values."

Page 21189; Section 3.5.1.3 — delete section and replace as follows:
"In 1976, 32.6 million pounds of Tanner crab products were available for distribution from Alaska with a wholesale value of about $37 million. This comprised about 21 percent of the total wholesale value of shellfish in Alaska.
Tanner crab catches in 1976 and 1977 were 79 and 98 million pounds respectively. (Table 1.)
In 1976, the composition of total Tanner crab wholesale value in Alaska by product form shows that 54.6 percent is in whole/dressed (frozen) form, 25.3 percent in meat, 15.8 percent in canned, 4.2 percent in section form and 0.1 percent in meal."

Page 21191; Section 3.5.3.1 — 1st line, change "1975" to "1976".
3rd line, change figure to "$36,764,849".

Page 21193; Section 3.7 — 4th line, change year to "1970-1977";
3rd line, change year to "1977";
8th line, change figures to $486,160 and 1977.

Page 21198; Section 4.8 — Estimate of Future Stock Conditions
delete all after "Bering Sea."
insert the following:
Eastern Bering Sea: Declining stock conditions associated with C. bairdi with lower catches forecast through 1981; C. opilio stock remains stable but pre-recruit abundance is down 29% from the 1978 survey.

Page 21199; Section 7.0 — delete "FAC" from title; 2nd sentence from bottom, delete "for the 1978 fishing season.";

Add new paragraph after "...U.S. Fishery Conservation Zone." as follows.
"Some C. bairdi will be caught by the Japanese fishery North of 58° N. latitude in the Bering Sea. Historically, the proportions of that species in the crab catch of that area has ranged from 8-12%, the rest being C. opilio. Retention of C. bairdi by the Japanese fishery is permitted, since the amount taken is expected to be minimal. The impact on the resource of the removal of that number of mature males (immature males are not of marketable size), is not expected to have any deleterious effect on the scattered stocks of C. bairdi in this area which is the northern periphery of its range. C. bairdi is so sparsely distributed in this area that no directed fishery for them by the U.S. fishermen will be feasible."

Page 21200; Section 8.3.2 — 6th line, place period (.) after "latitude" and delete rest of sentence.

Page 21201; Section 8.7 — 5th line; delete all after "tu"; insert: "Section 204 of the Fishery Conservation and Management Act of 1976."

Page 21210; Section A.7.0 — delete title and replace as follows: "Total Allowable Level of Foreign Fishing (TALFF)"

Page 21215; Section B. 6. 1 — Delete "The estimated ABC of 3-7 million pounds (1,360-3,175 mt) includes the estimated MSY."
Add "The estimated ABC of 3-7 million pounds (1,360-3,175 mt) approaches the estimated MSY."

Page 21215; Section B.7.0 — delete "FAC"; insert "TALFF"
delete text, replace with: "No surplus stocks are available to foreign nations from this management area."

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Page 21227; Section C.7.0 — delete "FAC" and insert "TALFF" delete text, replace with: "No surplus stocks are available to foreign nations from this management area."

Page 21229; Section D.3.2 — add to last paragraph as follows: "The 1978 season (January-April) in the Kodiak area had a guideline harvest level of 15-25 million pounds (6,804-11,340 mt) and a harvest of 33.1 million pounds."

Page 21232; Section D.7.0 — delete "FAC" and insert "TALFF" delete text, replace with: "No surplus stocks are available to foreign nations from this management area."

Page 21238; Section E.7.0 — delete "FAC" and insert "TALFF" delete text, replace with: "No surplus stocks are available to foreign nations from this management area."

Page 21238; Section F.3.0 — delete section; replace with new material as follows:

F.3.0 DESCRIPTION OF FISHERY

F.3.1 Species and location

The Bering Sea management area is defined as all Bering Sea waters north of 54°36' N. latitude.

The target species are C. bairdi and C. opilio. (C. bairdi is the larger of the two.) All but a fraction (estimated 2%) of the C. bairdi resource is located south of 58° N. latitude.

F.3.2 History of Exploitation

F.3.2.1 Domestic Fishery

United States fishermen entered the Bering Sea in 1947 to harvest red king crab (Paralithodes camtschatica). The first reported catches of Tanner crab were made in 1968 and were incidental to the king crab harvest. In 1974, a directed Tanner crab fishery was started with the target species being C. bairdi. The fishery has grown dramatically since that time. In three years (to 1977), over 34.5 million pounds (15,028 mt) were landed; the catch in 1978 totaled 70 million pounds (31,818 mt) and the 1979 catch was nearly 74 million pounds (33,636 mt).

The ocean areas fished by U.S. fishermen are predominantly International North Pacific Fisheries Commission (INPFC) areas [1/] 5564 and 5569, located north and northwest of Unimak

1/ 1 degree latitude/longitude rectangles.

Island and INPFC areas 5669 and 5670 near St. George Island in the Pribilof Islands.

F.3.2.1.1 Description of User Groups

Seattle-based fishermen, non-resident to the State of Alaska, are the primary exploiters of the Tanner crab resource in the Bering Sea. A growing number of Alaskan residents who own salmon or shrimp vessel fish the Bering Sea after first fishing their local area during competing fisheries.

F.3.2.1.2 General Description of Fishing Effort

Fishing effort in the Bering Sea continues to increase annually in numbers of vessels and vessel size. A large-scale effort is presently being conducted to harvest and process the allowable biological catch. Projections for 1980 are that the estimated fishing effort/processing capacity is capable of utilizing the entire optimum yield. The increase in the number of vessels participating in the Tanner crab fishery from the 1978 to the 1979 fishery was more than 40%, resulting in a fleet size of approximately 220 crabbers.

F.3.2.1.3 Catch Trends

U.S. fishermen caught 18,000 pounds (8.2 mt) of Tanner crab in 1968. In 1976, the catch was 22.3 million pounds (10,115 mt), in 1977 the catch was 51.5 million pounds (23,400 mt), 70 million pounds in 1978 (31,818 mt), and approximately 74 million pounds (33,636 mt) in 1979. The combined harvesting/processing projection for 1980 is based partly on the increase in catch and effort during 1979.

An additional perspective in the catch trend for the Bering Sea Tanner crab is shown in the comparisons of the 1978 C. opilio catch of 1.8 million pounds and the 1979 catch of over 34.1 million pounds. (See Table 1.)

F.3.2.1.4 Description of Vessels and Gear

Boats fishing Tanner crab are generally steel constructed "crabber" vessels that average 140 net tons and 93.4 feet in keel length. New vessel construction tends to the "combination boat", primarily a crab fishing vessel which can be converted to trawling for the emerging trawl fishery in the Gulf of Alaska and Bering Sea areas.

Gear fished from these boats are rebar stock crab pots, approximately seven feet square by three feet deep.

Page 21238; Section F 3.2.2.2 & 3.2.2.3 Delete all after second paragraph and table, and add:

Harvests by the Japanese in 1977 were restricted to a quota of 27,550,000 pounds (12,500 mt). Under the conditions of the preliminary fishery management plan for the eastern Bering Sea crab, the Japanese were permitted to harvest their quota in the area

west of 164° W. longitude and north of 56° N. latitude.

In 1978, the Japanese quota was 33 million pounds (15,000 mt) and in 1979 the quota remained the same with the provision that 2,500 mt of C. opilio from the Japanese quota of Tanner crab could be harvested south of 58° N. latitude and west of 173° W. longitude. That provision was also in effect for the remainder of the 1978 fishing season after July 1, 1978. The purpose of the measure was to allow the Japanese fishery to harvest the assigned TALFF without interference from ice conditions which might interfere with the harvest of the allowable catch.

In 1980, the TALFF was set at 7,500 mt, and foreign fishing was restricted to north of 58° N. latitude and west of 164° W. longitude. Most of the catch is expected to be C. opilio (88-92%) with incidentally caught C. bairdi allowed to be retained."

Page 21241; Section F.3.2.2.4. Delete "...and delivered daily to the factoryship." and add "...and delivered once or twice a day to the factoryship."; Delete last sentence in section.

Page 21241; Section F.3.3.1. Delete "...Alaska Department of Fish and Game manages the domestic" and add "...Alaska Department of Fish and Game has managed the domestic..."

Page 21241; Section F.3.3.2.1 Delete last line

Page 21241; Section Table 3 Delete

Page 21243; Section F.3.3.3 2nd paragraph, 17th line, change "are" to "were".

Page 21246; Section F.3.3.3.1. Last paragraph, delete "A pair of U.S. observers monitored catches of both Japanese...entire 1977 fishery." and add "....A pair of U.S. observers monitored catches of each of the Japanese...entire 1977, 1978 and 1979 fisheries."

Page 21246; Section F.3.5.1.1. After "...in 1976 was $4.4 million." add "In 1979, it was $32.7 million."

Page 21246; Section F.3.5.2. Before "Data for the Bering Sea..." add "Complete up-to-date ..."

Page 21246; Section F.3.5.2. After "...statewide section." add "U. S. catching capacity has been increasing rapidly for the last 3 years. In 1975, 240 boats engaged in the King crab fishery in this area, an increase of 20 from 1978. Most of the boats in the fishery are new combination trawler/crabbers with size increasing annually. Most new additions to the fleet are in the 110' to 160' range with increased fishing power from the older portion of the fleet which averages approximately 45' in length. The greatest proportional increase has been in the catcher/ processor category, from 3 in 1978, to 13 in 1979. Generally larger ships, 120'to 160' the catcher/processor remain on the grounds during the season, usually processing all of their catch by cooking and freezing in sections. It is expected that all of the ships in the King crab fishery, will engage in the Tanner crab fishery in 1980 with the exception of a few who will turn to bottomfish, plus some new construction entering the fleet since the King crab season. The influx of catcher/processors into this fishery adds a new dimension to management of this resource. Dockside inspection of catches to insure compliance with size and sex regulations will not be possible since the catch is butchered and processed at sea. Sex and size cannot be determined from the finished product."

Page 21246; Section F.3.5.3 delete last sentence.

Page 21246; Section F.4.2 Delete 2nd sentence; insert: "Trawl surveys by NMFS indicate C. opilio is the most numerous of the two species."; After "... C. bairdi being the..." add "...preferred...".

Page 21249; Section F.4.7 line 9, change "are" to "were". Change last sentence in first paragraph to read: "Trawl surveys for 1979 indicate C. bairdi pre-recruits down 38% from 1978 and C. opilio pre-recruits down 29%, with much reduced levels of harvestable males forecast by 1980 and continuing for several years thereafter."

Page 21249; Section F.4.7.1	2nd paragraph, delete all after 1st sentence: replace with the following: "However, the distribution of abundance is different between species. Almost all the stock of C. bairdi occurs south of 58° N. latitude. Large C. opilio extend somewhat farther north, with about 6 percent of the total stock surveyed during 1979 located north of 58° N. latitude (Based on 1979 NMFS survey.)" delete 4th paragraph and replace as follows: "The estimated abundance of legal size (greater than 140 mm) male crab is 67 million pounds, (33,900 mt) with a range of 55-82 million pounds (24,950-37,200 mt). Applying an average annual exploitation rate of .4 to the abundance of legal size C. bairdi males gives an MSY of 27 million pounds (12,250 mt), with a range of 22-33 million pounds (9,980-14,970 mt).	5th paragraph, delete and replace as follows: The estimated MSY for C. opilio is calculated from the estimated abundance of males greater than 104 mm which is 218 million pounds (98,890 mt) with a range of 178-263 million pounds (80,740-119,300 mt). 6th paragraph, delete and replace as follows: "The calculated exploitation rate applied is 0.58 (Sumerton and Low, 1977) and results in an ABC of 126 million pounds (57,150 mt) for C. opilio, with a range of 103-153 million pounds (46,720-69,400 mt). Detailed calculations are given in Reeves, 1979. Six percent of this estimate is available from the area north of 58° N. latitude, where large C. bairdi occur only rarely.
Page 21247; Figure F3		Delete.
Page 21249; Table F5		Delete existing table; Insert new Table F5.
Page 21249; Section F.4.7.1		insert period; delete "(Figure F3)."
Page 21249; Section F.4.7.3		3rd line, change figures to 22-33 million pounds (9,980 - 14,970) mt, "126,000,000", "57,150".

TABLE F5 -- Estimates of maximum sustainable yield of male Tanner Crab in the Eastern Bering Sea.

Species	Size Group	Millions of crabs	Average Weight-Pounds	Millions of Pounds	Exploitation Rate	Millions of Pounds
C. bairdi	≥135*	28	2.40	(55-82) 67	0.40	(22-33) 27
C. opilio	>104	156	1.40	(178-263) 218	0.58	(103-153) 126

* The biological data are based on inside the spine measurements. The legal definition includes the spines in carapace measurements. Therefore, the legal interpretation of the size limit will allow the harvest of crab which are according to the biological measurement up to 5 mm smaller; as a result, when calculating an MSY based on 140 mm minimum size, all crab ≥ must be considered.

Page 21249; Section F.4.8	delete section, replace as follows: "The 1979 NMFS survey indicates a continual decline in the stock of C. bairdi, with declining catches expected through 1981. The stock of C. opilio appears relatively stable. However, the abundance of pre-recruits was lower in the 1979 NMFS surveys and suggests lower catches in the future.
Page 21249; Section F.5.3	Delete section and replace as follows: "The DAH for C. bairdi in the eastern Bering Sea is expected to equal the OY of 22-33 million pounds (9,980-14,970 mt.) The DAH for C. opilio in the eastern Bering Sea is expected to be near the estimate of 113.4 million pounds (51,484 mt).

Page 21249; Section F.6.1. Delete "...and C. opilio in the Bering Sea." and add "...C. opilio in the Bering Sea is 103-153 million pounds expressed as a point estimate of 126 million pounds (57,150 mt). ABC is expressed as a point figure rather than a range to simplify the derivation of TALFF. While expression of ABC and OY as a range is probably sounder biologically considering the paucity of accurate information about this species, a point figure on the safe, or conservative side of a range will not adversely affect the stocks or impair the proposed fisheries. It greatly simplifies the derivation of TALFF in a fishery where some excess of OY is expected over DAH and is used in all FMP's where that condition exists."

Page 21250; Section F.6.2.d 2nd paragraph, 6-7th line, delete "during the 1977/78 season." 9th line, change figures to "51,484" and "113,470,000"; delete rest of sentence.

Page 21249; Section F.6.2.c. Change "... C. opilio population exceeds domestic industry size requirements, the U.S. fishery for Tanner crab is therefore primarily for C. bairdi." to "... C. opilio populations exceeds previous domestic industry size preferences, the U. S. fishery for Tanner crab has been primarily for C. bairdi."

Page 21249; Section F.6.2.c. After "...primarily for C. bairdi." add new paragraph

" Declining stocks of C. bairdi, expanding market opportunities for Tanner crab, and improved processing techniques for the smaller C. opilio are overcoming the U.S. processors reluctance to buy C. opilio. It is expected they will make up an increasingly larger proportion of the U.S. catch in the future. As noted earlier, the U.S. C. opilio catch increased from 1.8 million pounds in 1978 to 34 million pounds in 1979. On at least some markets, the two species of Tanner crab are interchangeable, larger C. opilio sections are indistinguishable from C. bairdi sections and the meat from both species in all size ranges is the same in all known tests.

Processor resistance to C. opilio in the past has been largely from the added costs of processing more crab for the same amount of product and some processing problems with small crab because of the configuration of existing processing machinery and procedures. That resistance is being overcome by price differentials to the fishermen between the two species and new processing equipment or adjustments to existing equipment and procedures."

Page 21250; Section F.6.2.f delete 2nd paragraph, insert as follows:

Optimum yields for Tanner crab are prescribed as follows: C. bairdi 22-33 million pounds - (10-15,000 mt) C. opilio 130 million pounds - (59,984 mt).

Page 21250; Section F.7.0 1st paragraph, 3rd sentence, delete and replace as follows: "For this reason and in order to prevent gear conflicts and a foreign by-catch of C. bairdi crab, the foreign harvest of Tanner crab is restricted to the area north of 58° N. latitude.

Page 21250; Section F.7.0 2nd paragraph, 1st line, delete "approximately half", insert: "six percent", 5th line, delete "(Fig. F3)"
2nd paragraph, 6th line, delete "relatively".
2nd paragraph, 8th line, insert period (.) after "fishery" and delete remainder of sentence.
3rd paragraph, delete first sentence and insert as follows:

The record used to establish DAH for C. opilio at 113,470,000 pounds contains information on the capacity and intent of the U.S. fleet, its phenomenal 40% growth in new boats for 1980 and the availability of foreign and domestic markets. Insofar as a DAH of this magnitude would impact the Tanner crab markets and reduce the amount available for any foreign allocation, the resultant reduction in TALFF was also considered. TALFF was set equal to OY (130,000,000 pounds) - DAH (113,470,000 pounds) or 16,530,000 pounds (7,500 mt); a 50% reduction over 1979.

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Page 21250; Section F.8.3.2 delete section and insert new material as follows:

See Statewide Section

8.3.2. Management measures governing foreign fishing are as follows:

(1) The total allowable foreign catch shall not exceed 7,500 mt of snow (Tanner crab) from that portion of the Bering Sea over which the United States exercises fishing jurisdiction. Foreign fishing is allowed only north of 58° N. latitude and west of 164 degrees W. longitude.

Page 21251; Section 10.0 Insert following Reeves: Reeves, J.E., 1979. Report to the NPFMC, Oct. 5, 1979.

Page 21250; Section F.7.0. After the third paragraph, add

"1979 NMFS surveys showed approximately 6% of the male C. opilio are greater than 104 mm, north of 58° N. latitude. Using an OY of 130,000,000 pounds (59,037 mt), this is only 7,800,000 pounds (3,542 mt), well under the 16,530,000 pounds (7,500 mt) established as TALFF. There is reason to believe the survey did not, for undetermined reasons, sample that northern area adequately. The Japanese fishery took over 12,000 metric tons in that area in 1979, with no appreciable drop in CPUE by the end of the season. The Japanese fishery also takes C. opilio to a size of 100 mm carapace width, one age class lower than used in preceding computations of ABC/OY. Considering these facts, it is probable that the 1980 fishery will be able to take the full 7,500 metric tons allocated without any harm to the resource. Even C. opilio of 100 mm carapace width have been breeding for two or more years. Heavy cropping of that and older age classes is not likely to affect the spawning success of the crab populations."

BILLING CODE 3510-22-C

PART 611—FOREIGN FISHING

A. *It is proposed to amend 50 CFR Part 611 as follows:*

§ 611.20 [Amended]

1. Appendix 1 to § 611.20 is amended to read:

Species	Species code	Area	Optimun yield (OY) in mountain time	Domestic harvest (DAH) mountain time	Joint Venture (JVP) [1] mountain time	Reserve	TALFF
•	•	•	•	•	•		•
Alaska Fisheries:							
•	•	•	•	•	•		•
Tanner Crab Fishery:							
C. opilio and hybrid	610 and 684	I, II, III and IV	58,984	51,484	0	N/A	7,500
C. bairdi	501	I, II, III and IV	15,000	15,000	0	N/A	0
•	•	•	•	•	•	•	•
•	•	•	•	•	•	•	•

[1] TALFF of *C. opilio* Tanner crab may be taken only north of 58° N. latitude and west of 164° W. longitude. Any *C. bairdi* Tanner crab taken incidentally to the permitted harvest of *C. opilio* Tanner crab may be retained."

§ 611.91 [Amended]

2. Section 611.91 is amended as follows:

(a) Amend § 611.91(b)(2) to read:

(b) * * *

"(2) *TALFF.* The total allowable level of foreign fishing (TALFF) for Tanner crab is set forth in Appendix 1 to § 611.20."

* * * * *

(b) Amend § 611.91(d) to read:

* * * * *

(d) *Closed Areas.* No foreign vessel may engage in fishing for Tanner crab:

(1) Within twelve nautical miles of the baseline used to measure the U.S. territorial sea;

(2) South of 58° N. latitude; or

(3) East of 164° W. longitude.

* * * * *

(c) Amend § 611.91(f)(1) by deleting all of subparagraph (ii) and changing the numbering of subparagraph (iii) to (ii).

PART 671—TANNER CRAB OFF ALASKA

B. *It is proposed to amend 50 CFR Part 671 as follows:*

§ 671.4 [Amended]

1. Amend § 671.4(b) by striking "72 hours" in the two places where it appears, and substituting "one week".

2. Section 671.4 is amended by adding a new subsection (e) to read as follows:

* * * * *

(e) Any U.S. processor who receives Tanner crab by way of purchase, barter, trade, or sale from a U.S. fishing vessel or prior purchaser subject to this Part shall provide, when requested to do so by the Regional Director, but in no event more than twice a year, the following information by Tanner crab species:

(1) Actual plant capacity to process Tanner crab in the next fishing year, in terms of weight, and

(2) The estimated actual amount by weight of Tanner crabs to be processed in the coming fishing year.

§ 671.5 [Amended]

3. Section 671.5 is amended by adding the following at the end of § 671.5(a):

(a) * * * prohibited by this part; "except that *C. bairdi* Tanner crab taken incidentally to permitted fishing for *C. opilio* Tanner crab in the area north of 58° N. latitude and west of 164° W. longitude may be retained."

§ 671.21 [Amended]

4. Section 671.21 is amended as follows:

(a) Amend Table 1 in § 671.21(a) to read:

Registration area	Optimum yield (in metric tons) [1]	Species
* * * * *		
Registration Area J:		
Kodiak district	15,865	All
* * * * *		
Bering Sea district	10,000–15,000	*C. bairdi.*
	58,984	*C. opilio.*
* * * * *		

(b) Amend § 671.21(b) to read:

* * * * *

(b) * * * in each respective area, "except that *C. bairdi* Tanner crab taken incidentally to permitted fishing for *C. opilio* Tanner crab in the area north of 58° N. latitude and west of 164° W. longitude may also be retained."

* * * * *

(c) Amend § 671.21(c) to read:

* * * * *

(c) *Field Orders.* Except as provided in § 671.21(b), if the Regional Director determines that the optimum yield for a particular species of Tanner crab in any geographic area specified in Table 1 will be reached, he shall issue a field order pursuant to § 671.27(a) prohibiting fishing for that particular species of Tanner crab in that geographic area. Fishing for prohibited species of Tanner crab by vessels of the United States in the applicable geographic area is prohibited from the effective date of the field order.

* * * * *

§ 671.26 [Amended]

5. Section 671.26(b)(3) is amended to read:

(b) * * *

(3) During any period when fishing for all species of Tanner crab is prohibited in any Federal registration area, all Tanner crab pots shall either be removed from the water or stored in less than 25 fathoms (46m) of water, with all doors secured fully open and all bait and bait containers removed, with the following exceptions:* * *"

6. Section 671.26(f)(3)(iv) is amended to read:

(f) * * *

(3) * * *

(iv) * * * except that Tanner crab other than *C. bairdi*, and *C. bairdi* taken incidentally in the area north of 58° N. latitude and west of 164° W. longitude, may be * * *"

7. Section 671.26(f)(4) is amended to read:

(f) * * *

(4) *Storage of gear.* During any period when fishing for all species of Tanner crab is prohibited in the applicable area, Tanner crab pots. * * *"

[FR Doc. 80-11397 Filed 4-14-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 74
Tuesday, April 15, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child Care Food Program; National Average Payment Factor for Reduced Price Lunches and Suppers, and Administrative Payment Factors and Food Service Payment Factors in Alaska for the Period May 1–June 30, 1980

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

Pursuant to Section 11 of the national School Lunch Act, as amended by Pub. L. 95–627, and § 226.4 of the regulations governing the Child Care Food Program (7 CFR Part 226) published on January 22, 1980, notice is hereby given of an adjustment in the national average payment factor for reduced price lunches and suppers served to children attending participating institutions in the Child Care Food Program. Section 4 of Pub. L. 95–627 amends Section 11(a) of the National School Lunch Act by changing the differential between the earning factor for free lunches and that for reduced price lunches from 10 to 20 cents. This provision applies to the Child Care Food Program because the rates of reimbursement under the Program are based on the National School Lunch Program rates. Furthermore, Congress intended that this provision would go into effect for the Program with implementation of the tiering system. Hence, the reduction in the reduced price levels does not go into effect until May 1, 1980. The national average payment factors for free and paid lunches and suppers served under the Program remain the same as those issued in the Child Care Food Program's reimbursement rate notice for the period January 1–June 30, 1980. (That rate notice was published in the **Federal Register** on January 11, 1980, 45 FR 2355.) Accordingly, the national average payment factor for reduced price lunches and suppers during the two-month period May 1–June 30, 1980, in all States except Alaska, shall be as follows.

For each lunch or supper served in the Program to children from families whose incomes meet the eligibility criteria for reduced-price school meals the national average payment factor will be 59.50 cents, making a total of 77.25 cents when added to the paid rate.

Pursuant to Section 12 of the National School Lunch Act, as amended by Section 10(a) of Pub. L. 95–627, and § 226.4, § 226.13, and § 226.14 of the aforementioned Child Care Food Program regulations, the Department has made adjustments for Alaska to the national average payment factor for reduced price lunches and suppers served to children attending participating institutions, the administrative payment factors for participating sonsoring organizations of day care homes, and the food service payment factors for meals served to children in participating day care homes. These adjustments were not included in the regulations published in the **Federal Register** of January 22, 1980.

In Alaska, these payment factors during the two month period May 1–June 30, 1980, shall be as follows:

For each lunch or supper served in the Program, in Alaska, to children from families whose incomes meet the eligibility criteria for reduced price school meals the national average payment factor will be 108.75 cents, making a total of 137.25 cents when added to the paid rate.

For sponsoring organizations of day care homes in the Program, in Alaska, the monthly administrative payment factors will be: (a) 73 dollars for each of the initial 25 day care homes; (b) 57 dollars for each of the next 50 day care homes; and (c) 49 dollars for each additional day care home.

For meals served in the Program, in Alaska, in day care homes the food service payment factors will be: (a) 75 cents for each breakfast served; (b) 146 cents for each lunch or supper served; and (c) 44 cents for each supplement served.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226) published on January 22, 1980 at 45 FR 4960.

(Catalog of Federal Domestic Assistance Program No. 10.558)

(Section 2, Pub. L. 95–627, 92 Stat. 3603, 42 U.S.C. 1766; Section 4, Pub. L. 95–627, 92 Stat. 3619, 42 U.S.C. 1759a; Section 10, Pub. L. 95–627, 92 Stat. 3623, 42 U.S.C. 1760)

EFFECTIVE DATE: This notice shall be effective as of May 1, 1980.

Dated: April 11, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-11421 Filed 4-14-80; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

1980 Spring Vegetation Management Program; Siuslaw National Forest, Benton, Douglas, Lane, Lincoln Tillamook, and Yamhill Counties, Oreg.; Finding of No Significant Impact

An environmental assessment has been prepared that discusses the Spring 1980 vegetation management program for site preparation, conifer release, control of noxious weeds, and tree nursery management, on the Alsea, Hebo, Mapleton, Waldport Ranger Districts and the Beaver Creek Nursery of the Siuslaw National Forest. The environmental assessment involves the control of competing vegetation on 4,692 acres. All proposed treatment areas are located on National Forest lands within Benton, Douglas, Lane, Lincoln, Tillamook and Yamhill Counties, Oregon. The assessment is available for public review at the Alsea Ranger District in Alsea, Oregon, Hebo Ranger District in Hebo, Oregon, Mapleton Ranger District in Mapleton, Oregon, Waldport Ranger District in Waldport, Oregon, and the Siuslaw National Forest Office in Corvallis, Oregon.

Under the preferred alternative, 2,640 acres are proposed to be treated for conifer release, 1,997 acres for site preparation, 47 acres for control of noxious weeds and 8 acres for management of Beaver Creek Nursery. Forty-two percent of proposed acreage will be treated by aerial application method, 35 percent by chemcial ground application, and 23 percent by manual methods.

The aerial application portion of this program is only those unfinished units

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assessed in the Final Environmental Statement, Vegetation Management with Herbicides–USDA–FS–R6–FES (Adm) 75–13 (Revised).

I have determined through the environmental analysis that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors, which are discussed in detail in the environmental assessment: (a) that the physical and biological effects of the proposed treatment are limited to the project area, (b) management requirements and constraints and mitigation measures ensures against the potential of significant adverse effects. (c) No irretrievable loss of timber production, (d) there are no apparent adverse cumulative or secondary effects, (e) no known threatened or endangered plants or animals within affected areas. This alternative has been determined to be environmentally preferable to the other alternatives considered in the assessment because it will provide a balance of environmental protection as well as goods and services for the public.

Some public concern has been expressed over the use of any chemical and the effects it has on water quality. The required mitigation measures and constraints on the implementation of the preferred alternative is designed to protect the water quality. State and Federal water quality standards will be met.

No action will be taken prior to 30 days from the date this finding is published in the **Federal Register**.

The responsible official is Larry A. Fellows, Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97330.

Dated: April 3, 1980.

Jerald N. Hutchins,

Acting Forest Supervisor.

[FR Doc. 80–11334 Filed 4–14–80; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

South Mississippi Electric Power Association, Hattiesburg, Miss.; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $325,000,000 to South Mississippi Electric Power Association, of Hattiesburg, Mississippi. These loan funds will be used to finance the acquisition of approximately a 10 percent ownership interest in the Grand Gulf Nuclear Station with two generating units each having a nameplate rating of 1,250,000 kilowatts.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. George B. Taylor, Manager, South Mississippi Electric Power Association, P.O. Box 1589, Hattiesburg, Mississippi 39401.

In order to be considered, proposals must be submitted on or before May 15, 1980, to Mr. Taylor. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as South Mississippi Electric Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 7th day of April 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80–11222 Filed 4–14–80; 8:45 am]

BILLING CODE 3410–15–M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I (the Act) and paragraph 8.b. of Office of Management and Budget Circular No. A–63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on May 8, 1980 from 10 a.m. to 6 p.m. and on May 9, 1980 from 8:30 a.m. to 2 p.m. at 2201 C Street NW., Washington, D.C., in Room 7219.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065 dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of April 3, 1980 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8.d.(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552 (b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: April 10, 1980.

Charles R. Oleszycki,

Advisory Committee Management Officer.

[FR Doc. 80–11380 Filed 4–14–80; 8:45 am]

BILLING CODE 5820–32–M

CIVIL AERONAUTICS BOARD

[Docket 37278]

American Airlines, Inc.; New York-San Juan Cargo Service; Enforcement Proceeding; Postponement of Hearing

By Notice dated March 18, 1980 (45 FR 18412, dated March 21, 1980), this proceeding was set to be heard April 23, 1980. At the request of the parties as stated at the prehearing conference heard April 8, 1980, the hearing is postponed pending further notice.

Dated at Washington, D.C., April 10, 1980.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 80–11388 Filed 4–14–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 36595]

Competitive Marketing of Air Transportation; Supplemental Prehearing Conference

Notice is hereby given that a supplemental prehearing conference in the above-entitled matter is assigned to be held on April 29, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William H. Dapper.

Dated at Washington, D.C., April 9, 1980.

William H. Dapper,

Administrative Law Judge.

[FR Doc. 80–11385 Filed 4–14–80; 8:45 am]

BILLING CODE 6320–01–M

[Dockets Nos. 33363, 36234]

Former Large Irregular Air Service Investigation; Application of Silvas Air Lines, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Silvas Air Lines, Inc., Docket 36234, has been reassigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., April 7, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80–11384 Filed 4–14–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Exhibitors' Briefing for the U.S. National Exhibition—Beijing; Notice of Briefing

The Office of East-West Trade Development, International Trade Administration, U.S. Department of Commerce will hold an Exhibitors' Briefing on May 12, 1980 at 10:00 AM, in the Department of Commerce Main Auditorium. The purpose of this briefing is to inform the Exhibitors participating in the "U.S. National Exhibition—Beijing" (to be sponsored by the Department of Commerce in Beijing, China, on November 17–28) about subjects specifically relating to the Exhibition. The subjects to be covered at the briefing will be as follows:

Political Overview of the People's Republic of China (PRC);
Economic Overview of the PRC;
Market Promotion;
Exhibition Administration;
Design and Construction;
Freight Forwarding; and
Travel Arrangements and Accommodations.

All paid Exhibitors to the Exhibition have been invited. There will be a limited number of seats available to the public on a reservation basis. To reserve a seat, telephone Ursula Williams, (202) 377–2614, or write Ms. Williams at the Department of Commerce, Room 4815, 14th and Constitution Avenue, Washington, D.C. 20230.

Dated: April 10, 1980.

Steve Sind,

Office of East-West Trade Development, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80–11381 Filed 4–14–80; 8:45 am]

BILLING CODE 3510–25–M

Presbyterian-University Hospital, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666 11th Street NW., Washington, D.C.

Docket No. 80–00142. Applicant: Presbyterian-University Hospital, DeSoto at O'Hara, Pittsburgh, Pennsylvania 15213. Article: Automated Ultrasonic Body Scanner. Manufacturer: Ausonics, Ltd., Australia. Intended use of article: The article is intended to be used to provide consistent and high quality images of the body in the following applications:

(1) Use in the examination of female breast for identification of focal mass lesions and differentiation of benign from malignant masses so as to see what extent ultrasound can replace X-ray mammography.

(2) To study the brain in infants and young children to determine to what extent ultrasound can replace computerized tomographic scanning.

(3) To investigate the application of the article for rapid and automatic scanning of abdomen in order to reduce the time necessary for the performance of ultrasound exams and to improve the quality of images obtained.

In addition the article will be used to train residents, technologists, medical students, and staff radiologist in the more effective use of ultrasound for evaluating human disease. Application received by Commissioner of Customs: January 15, 1980.

Docket No. 80–00143. Applicant: University of California, Lawrence Berkeley Laboratory, One Cyclotron Road, Berkeley, CA 94720. Article: Electron Microscope, 1.5 MEV. Manufacturer: Kratos Incorporated, United Kingdom. Intended use of article: The article is intended to be used in performing the following experiments:

(1) Direct observation of gas-solid interaction in an environmental chamber, e.g., oxidation or corrosion of metals, reduction of oxides, gasification processes in coals,

(2) Examination of biological tissues in a hydrated state,

(3) Direct observation and simulation of radiation damage in materials for fusion and fission reactor applications, and

(4) Studies of thick sections of ceramics used in high temperature or waste-storage applications. Application received by Commissioner of Customs: January 17, 1980.

Docket No. 80–00144. Applicant: LSU Medical Center—Shreveport, 1501 Kings Highway, Shreveport, LA 71103. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article is intended to be used for studies of human and animal surgical and autopsy tissue with the following objectives:

(1) Investigation of the reactions of various tissues to injury.

(2) Delineation of normal fine structural appearance.

(3) More precise identification of undifferentiated tumors. The article will also be used in the course General Pathology/Systemic Pathology to teach basic pathologic processes to sophomore medical students. Application received by Commissioner of Customs: January 21, 1980.

Docket No. 80–00145. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: 14 Faraday Rotators. Manufacturer: Hoya Corporation, Japan. Intended use of article: The articles are intended to be used for the investigation of the feasibility of producing a thermonuclear microexplosion using a uniquely high intensity laser pulse. The articles are precision apparatus which are integrally incorporated into the laser beam chain to optically isolate the laser beam reflected back from the target, and to prevent the beam from traveling backwards in each amplifier chain

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thereby destroying the components and apparatus in the forward part of the chain. Application received by Commissioner of Customs: January 21, 1980.

Docket No. 80-00146. Applicant: Papanicolaou Cancer Research Institute, 1155 N.W. 14th St., (POB 016188), Miami, Florida 33101. Article: NMR Spectrometer, Model FX-90Q and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for studies in the general areas of biochemistry, biophysics, pharmacology and medicine. These studies will include:

(1) Microenvironmental Geometry of C-C Lyase Active Sites.

(2) Characterization of Biological Tissues by NMR.

(3) Studies of the Mechanisms of Aldolases and Ketolases.

(4) Studies of the Mechanism and Regulation of Lactose Synthase.

(5) Conformational Aspects and Dynamics of Ionophore Complexation.

(6) NMR Studies of the Conformation of Bradykinin. Application received by Commissioner of Customs: January 21, 1980.

Docket No. 80-00147. Applicant: Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia, PA 19107. Article: Electron Microscope, EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used primarily for study of biological specimens of human origin, i.e. kidney and muscle biopsies for diagnosis, tumor tissue for ultrastructural study to diagnose tumor type in doubtful cases, brain biopsy specimens for identification of virus particles in cases of encephalitis, and identification of some agents that cause occupational disease, such as asbestos fibers. The properties of the biological specimens to be studied are ultrastructural features such as the detailed microanatomy of renal glomerulus cell membranes, and organelles such as mitochondria, lysosomes, ribosomes, specific granules, Golgi apparatus, desmosomes, microfilaments and microtubules. The article will also be used in a training program to provide both theoretical and practical experience in diagnostic pathology. Application received by Commissioner of Customs: January 21, 1980.

Docket No. 80-00148. Applicant: University of Pennsylvania School of Medicine, 36th and Hamilton Walk, Philadelphia, PA 19104. Article: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for continued investigation of the mechanism of action of insulin in adipocytes from its initial binding to the horomone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and distribution, plasma membrane ATPase activity and membrane phosphorylation. Application received by Commissioner of Customs: January 23, 1980.

Docket No. 80-00149. Applicant: U.S. Naval Research Laboratory, Washington, D.C. 20375. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for simultaneous microstructural, chemical, and crystallographic analyses at resolutions in the range of 0.2 to 20 nm. These needs include:

(1) Identifications of chemical distributions and associated microstructures in ion-implanted materials;

(2) Determinations of crystal structures and chemical distribution associated with grain boundaries in ceramic materials;

(3) Structure-chemistry-property relationships in granular superconducting fibers;

(4) Studies of phase instabilities in alloys exposed in harsh service environments;

(5) Studies of the deformation structures surrounding crack tips in alloys and their relationships to fracture mechanisms. Application received by Commissioner of Customs: January 23, 1980.

Docket No. 80-00150. Applicant: University of Tennessee, Center for the Health Sciences, Stout Neuroscience Mass Spectrometry Laboratory, 800 Madison Avenue, Memphis, Tenn. 38163. Article: Mass Spectrometer, Model Varian 731. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used to analyze Oligopeptide fragments produced from the novel protein kinase AUT-PK-85 isolated from adrenocortical carcinoma, hypothalamic peptide hormones and vasoactive phospholipids. Secondarily, the article will be used to analyze leucotrienes, prostaglandins, thromboxanes, urinary organic acids, drug metabolities, steroids, saccharides, and other compound types. Investigations will be conducted to: (1) Obtain the amino acid sequence of an adrenocortical carcinoma protein kinase, (2) quantify endogenous amounts of biologically active, underivatized oligopeptides, and (3) elucidate structure of a vasoactive phospholipid. In addition, the article will be used in the course Mass Spectrometry of Biologically Important Compounds for educational purposes. Application received by Commissioner of Customs: January 23, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-11335 Filed 4-14-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Designate a Marine Sanctuary Offshore Point Reyes and the Farallon Islands, Calif.; Availability of Funds for Public Participation

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: Pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434, OCZM is considering the designation of certain waters off the Coast of California, adjacent to Point Reyes and the Farallon Islands, as a marine sanctuary. A DEIS discussing this proposal was published in March 1980. Public hearings will be held in San Francisco on May 13, 1980, at 1:00 p.m. at the Jack Tarr Hotel, Cathedral Hill Room B-Mezzanine Level, 1101 Van Ness Avenue, and in Point Reyes Station on May 13, 1980, at 7:00 p.m. at the West Marin School Auditorium, Highway 1. Comments on the DEIS will be accepted until May 27, 1980.

In order to promote a full and fair determination of the issues involved, OCZM is making available $5,000 to compensate persons eligible under the criteria set forth in NOAA regulations (15 CFR Part 904) for their participation in this proceeding.

DATES: Closing date for the receipt of applications for compensation is May 5, 1980.

FOR FURTHER INFORMATION CONTACT: JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W. Washington, D.C. 20235, 202/634-4236.

SUPPLEMENTAL INFORMATION: History of Proposal: In 1977 NOAA received several recommendations that waters offshore Point Reyes and surrounding the Farallon Islands should be designated as a marine sanctuary, the recommendations varying somewhat as to the actual boundary. A public meeting was held in April 1978 to discuss these recommendations.

An Issue Paper was prepared and issued in December 1978 outlining alternative proposals for public review. Based on the responses to this paper, and consultation with other Federal agencies, the Pacific Regional Fishery Management Council, State and local governments, and interest group, NOAA prepared a draft environmental impact statement on which public comment is solicited. NOAA will hold public hearings in San Francisco and Point Reyes Station, California on May 13, 1980, to receive comments on the proposal and on the DEIS.

Issues Involved: The basic issues which will be analyzed by the DEIS and considered at the public hearings are:

What conservation, recreational, ecological, and esthetic resources are found in the general area under consideration?

Is designation of a marine sanctuary necessary to protect and manage these resources?

What size should a marine sanctuary be?

What regulatory and other measures should be taken within a sanctuary to ensure protection and proper management?

Available Fund: A total fund of $5,000 is availalble to compensate eligible applicants. This fund may be distributed among one or more applicants, or, at the discretion of the Administrator, not distributed at all.

Eligible Persons: In accordance with the criteria of 15 CFR 904.3 persons who represent an interest the presentation of which can reasonably be expected to contribute substantially to a fair determination of the issues described above may be eligible for compensation from these funds. In determining eligibility and the amount of compensation, the Administrator may take into account:

(a) Whether the interest will be adequately represented otherwise;

(b) The need to encourage participation by segments of the public who may have little economic incentive to participate;

(c) The importance of the representation to a fair balance of interests;

(d) The number and complexity of the issues presented;

(e) The importance of public participation; and

(f) The applicant's resources available for participation.

Eligible Costs: The Administrator may compensate eligible persons for some or all of the reasonable costs incurred in participating including:

(1) Salaries for participants or employees of participants;

(2) Fees for consultants, experts, contractual services, and attorneys;

(3) Travel and travel related costs such as lodging, meals, tipping, telephone calls, etc.; and

(4) Document reproduction, postage, etc.

Procedures for Applying: Applications must be filed with the Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, no later than May 5, 1980, and shall contain the information required by and be filed in accordance with the NOAA's financial participation regulations, 43 FR 17806 (April 26, 1978).

Dated: April 9, 1980.

Donald W. Fowler,

Acting Deputy Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 80-11238 Filed 4-14-80; 8:45 am]

BILLING CODE 3510-08-M

Office of the Secretary

Establishment and Membership of Departmental Performance Review Board

This notice announces the establishment of the Departmental Performance Review Board (PRB) in the Department of Commerce and the appointment of all its initial members. The Departmental PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appropriate appointing authority on SES retention and compensation matters, including performance based pay adjustments, awarding of bonuses and amounts, and initial recommendations for potential rank awards. The Departmental PRB will review the performance of appointing authorities and their immediate deputies who are in the SES and other SES members whose ratings are initially prepared by their respective appointing authorities.

The appointment of the members of the Department PRB will be for a period of approximately 18 months and will officially begin on April 15, 1980.

The names of the 18 members of the Departmental PRB are set forth below:

Guy W. Chamberlin, Jr., Deputy Assistant Secretary for Administration, Office of the Secretary

Clifford J. Parker, Director, Office of Budget and Program Evaluation, Office of the Secretary

Joseph C. Brown, Deputy Director for Personnel Administration, Office of the Secretary

Daniel Levine, Deputy Director, Bureau of the Census, Office of the Chief Economist

Shirley Kallek, Associate Director, Economic Fields, Bureau of the Census, Office of the Chief Economist

Hal W. Williams, Deputy Assistant Secretary for Economic Development, Economic Development Administration

George W. Karras, Deputy Assistant Secretary for Operations, Economic Development Administration

William Skidmore, Acting Deputy General Counsel, Office of the General Counsel

John B. Roose, Director, Office of Export Promotion, Industry and Trade Administration

Frederick L. Montgomery, Acting Deputy Assistant Secretary for Trade Agreements, Industry and Trade Administration

Richard O. Thomas, Director, Office of Policy and Plans, Maritime Administration

Allan A. Stephenson, Deputy Director, Minority Business Development Agency

James W. Brennan, Deputy General Counsel, -National Oceanic and Atmospheric Administration

Stanley I. Cohn, Deputy Administrator for Operations, National Telecommunications Information Administration

Lucy Falcone, Deputy Assistant Secretary for Domestic Economic Policy, Office of Policy

Edward L. Brady, Associate Director, International Affairs, National Bureau of Standards, Office of Science and Technology

Herbert C. Wamsley, Executive Assistant to the Commissioner, Patent and Trademark Office, Office of Science and Technology

Lee Wells, Acting Deputy Assistant Secretary, United States Travel Service

Persons desiring any further information about the Departmental PRB or its membership may contact Mr. John Innocenti, Executive Secretary to the Departmental Performance Review Board, Office of Personnel, Main Commerce Building, Room 5102, Washington, D.C. 20230, 202/377-2245.

Dated: March 28, 1980.

John Innocenti,

Executive Secretary, Departmental Performance Review Board, U.S. Department of Commerce.

[FR Doc. 80-11245 Filed 4-14-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1980 commodities to be

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produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 15, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On February 8, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (45 FR 8691) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1980:

Class 8115

Box, Wood, Nailed, 8115–00–N00–0019, Requirements for Pine Bluff Arsenal, Pine Bluff, Arkansas only.

Class 3990

Pallet, Material Handling, 3990–00–935–7826, Requirements for Pine Bluff Arsenal, Pine Bluff, Arkansas only.

C. W. Fletcher,

Executive Director.

[FR Doc. 80–11237 Filed 4–14–80; 8:45 am]

BILLING CODE 6820–33–M

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act of 1978; Information Concerning Compliance Reports To Be Filed by Persons Owning, Operating, or Proposing To Operate One or More Existing Electric Powerplants

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of requirement to file compliance reports.

SUMMARY: This notice is to call to the attention of electric utilities and to inform the public that pursuant to Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*), hereinafter "the Act" or "FUA", persons owning, operating or proposing to operate one or more existing electric powerplants required to come into compliance with the prohibitions of the Act were required to submit a report to the Department of Energy on or before January 1, 1980, and annually thereafter. Specifically, the reports must identify and furnish compliance related information for all existing powerplants which (1) are subject to the Section 301 statutory prohibitions on the use of natural gas; (2) are subject to a final prohibition order issued pursuant to Section 301; (3) are subject to the Section 405 prohibitions on the increased use of petroleum; and (4) were elected to be covered by the Electric Utility System Compliance Option pursuant to Title V of the Act.

DATES: Reports are to be filed by January 1, 1980, and annually thereafter.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone: (202) 653–4055.

James W. Workman, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone: (202) 653–3637.

James Renjilian, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, Phone: (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 712 of the Powerplant and Industrial Fuel Use Act of 1978 reads as follows:

"Sec. 712. Compliance report.

Any person owning, operating, or proposing to operate one or more existing electric powerplants required to come into compliance with the prohibitions of this Act shall on or before January 1, 1980, and annually thereafter, submit to the Secretary a report identifying all such existing electric powerplants owned or operated by such person.

Such report shall—

(1) set forth the anticipated schedule for compliance with the applicable requirements and prohibitions by each such electric powerplant;

(2) indicate proposed or existing contracts or other commitments or good faith negotiations for such contracts or commitments for coal or another alternate fuel, equipment, or combinations thereof, which would enable such powerplant to comply with such prohibitions; and

(3) identify those electric powerplants, if any, for which application for temporary or permanent exemption from the prohibitions of this Act may be filed."

In filing documents required under Section 712 of FUA, the applicable provisions of Interim Rule Part 501, Subpart A (44 FR 28530, 28544; May 15, 1979) should be followed.

Issued in Washington, D.C., April 7, 1980.

Robert L. Davies,

Assistant Administrator for Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–11254 Filed 4–14–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Projects Nos. 2994 and 3028]

Borough of Lehighton, Pa., et al.; Applications for Preliminary Permits

April 9, 1980.

Take notice that the Borough of Lehighton, Pennsylvania filed on November 5, 1979, and the Delaware River Basin Commission and the Commonwealth of Pennsylvania filed on January 29, 1980, competing applications [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)–825(r)] for preliminary permits for a proposed hydroelectric power project that would be known as the Beltzville Hydroelectric Project, FERC Projects Nos. 2994 and 3004, respectively. The proposed project would be located at the U.S. Army Corps of Engineers' Beltzville Dam, on Pohopoco Creek in Carbon County, Pennsylvania. Correspondence with the Borough of Lehighton, Pennsylvania, should be directed to: Mr. Mort Smedley, Business Manager, Borough of Lehighton, Municipal Building, Lehighton, Pennsylvania 18235. Correspondence with the Delaware River Basin Commission and the Commonwealth of Pennsylvania should be directed to: Mr. Gerald M. Hansler, Executive Director, Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey 08628; and to Mr. Clifford Jones, Secretary, Department of Environmental Resources, Commonwealth of Pennsylvania, Evangelical Press Building, Harrisburg, Pennsylvania 17120.

Purpose of Project—Project energy developed from Project No. 2994 would be sold to Applicant's retail customers. Project energy developed from Project No. 3028 would be sold by the Applicants to public utilities or local municipalities and institutions.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would conduct surveys, an engineering feasibility study, and an economic and environmental assessment of the proposed project. Depending upon the outcome of the studies, each of the Applicants would decide whether to proceed with an application for license. The Borough of Lehighton estimates that the cost of studies under the permit would be $75,000. The Delaware River Basin Commission and the Commonwealth of Pennsylvania estimate the cost of studies under the permit would be at least $50,000.

Project Descriptions—Each Applicant would utilize the U.S. Army Corps of Engineers' Beltzville Dam and Reservoir on Pohopoco Creek, and each project would consist of: (1) a powerhouse to be located at the end of an existing outlet tunnel; (2) turbines and generators to be installed in the powerhouse; and (3) appurtenant facilities.

The Borough of Lehighton, Pennsylvania, intends to install turbine-generators having a total capacity of 3,500 kW. The estimated average annual energy output is 15,000,000 kWh.

The Delaware River Basin Commission and the Commonwealth of Pennsylvania intends to install turbine-generators having a total capacity of between 2,000 and 5,000 kW. The estimated average annual energy output is from 10,000,000 to 20,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desirng to file a competing application must submit to the Commission, on or before June 9, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 8, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 9, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–11405 Filed 4–14–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3026]

Delaware River Basin Commission and the Commonwealth of Pennsylvania; Application for Preliminary Permit

April 9, 1980.

Take notice that an application was filed January 28, 1980, under the Federal Power Act, 16 U.S.C. § 791(a)–825(r), by the Delaware River Basin Commission and the Commonwealth of Pennsylvania, for a preliminary permit for a proposed water power project to be known as the Blue Marsh Dam Project, FERC No. 3026. The project would be located on the Tulpehocken Creek (a tributary of the Schuylkill River) in Berks County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey 08628; and Department of Environmental Resources, Commonwealth of Pennsylvania, Evangelical Press Building, Harrisburg, Pennsylvania 17120.

Purpose of Project—Project energy would be sold to public utilities or to local industries and institutions.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of three years, during which time they would assess economic and environmental features of the proposed project, as well as conduct surveys and an engineering feasibility study. Depending upon the outcome of the studies, the Applicants would decide whether to proceed with an application for license. Applicants estimate that the cost of studies under the permit would be at least $50,000.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' (Corps) existing Blue Marsh Dam and Reservoir. The project would consist of: (1) a powerhouse to be constructed at the downstream terminus of the existing outlet tunnel, and (2) appurtenant facilities. The installed capacity would be between 800 and 2,000 kW. It is estimated that the average annual energy output would be between 7,000 and 16,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 9, 1980 either the competing application itself or a notice of intent to file a competing application. Submission

of a timely notice of intent allows an interested person to file the competing application no later than August 8, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protest, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the Requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission, will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 9, 1980. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11405 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3027]

Delaware River Basin Commission and the Commonwealth of Pennsylvania; Application for Preliminary Permit

April 9, 1980.

Take notice that an application was filed January 29, 1980, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Delaware River Basin Commission and the Commonwealth of Pennsylvania, for a preliminary permit for a proposed water power project to be known as the Prompton Dam Project, FERC No. 3027. The project would be located on the Lackawaxen River (a tributary of the Delaware River) in Wayne County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey 08628; and Department of Environmental Resources, Commonwealth of Pennsyvania, Evangelical Press Building, Harrisburg, Pennsylvania 17120.

Purpose of Project—Project energy would be sold to public utilities or to local industries and institutions.

Proposed Scope and Cost of Studies Under Permit—Applicants seek issuance of a preliminary permit for a period of three years, during which time they would conduct surveys, an engineering feasibility study, and an economic and environmental assessment of the proposed project. Depending upon the outcome of the studies, the Applicants would decide whether to proceed with an application for license. Applicants estimate the cost of studies under the permit would be at least $50,000.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' (Corps) existing Prompton Dam and Reservoir which, under existing Congressional authorization, would be raised 2 feet by the Corps. The project would consist of (1) a powerhouse to be constructed at the end of an existing outlet tunnel; and (2) appurtenant facilities. The installed capacity would be between 500 and 2,000 kW, with an average annual energy production of between 4,000 and 15,000 MWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasbility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. if an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 9, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 8, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 9, 1980. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kennety F. Plumb,

Secretary.

[FR Doc. 80-11407 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3094]

New Hampshire Hydro Associates; Application for Preliminary Permit

April 10, 1980.

Take notice that on March 21, 1980, New Hampshire Hydro Associates filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Moore's Falls Project, FERC No. 3094, that would be located on the Merrimack River in Hillsboro County, New Hampshire. Correspondence with the Applicant should be addressed to: Attorney David B. Ward, Case and Ward, P.C., 1050 17th St. N.W., Suite 510, Washington, D.C. 20036.

Purpose of the Project

Power generated by the project would be sold to either Concord Electric Company, Public Service Company of New Hampshire, or New Hampshire Electric Cooperative, Inc. for distribution to their customers.

Proposed Scope and Cost of Studies Under Permit

The work proposed under the preliminary permit would include an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to $100,000.

Project Description

The Moore's Falls Project would consist of: (1) A 70-foot high, 600-foot long concrete dam; (2) and 800-acre reservior with a usable storage capacity of 2,000 acre feet; (3) a powerhouse containing two tubular turbine/generator units with a total rated capacity of 14.8 MW; (4) a 120-foot wide, 250-foot long tailrace channel; (5) a 6,500-foot long, 34-kV transmission line; and (6) appurtenant facilities. The estimated annual output of the project is 85,000,000 kWh that would save the equivalent of 140,000 barrels of oil or 40,000 tons of coal annually.

Purpose of Preliminary Permit

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks an 18-month permit.

Agency Comments

Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications

Anyone desiring to file a competing application must submit to the Commission, on or before June 13, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 12, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions To Intervene

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 13, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11408 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2752]

Northern Lights, Inc.; Availability of Staff Draft Environmental Impact Statement

April 10, 1980.

Notice is hereby given in the captioned Project, that on or about April 18, 1980, as required by 18 CFR 2.81(b), a draft environmental impact statement prepared by the staff of the Federal Energy Regulatory Commission was made available for comments. This statement deals with the environmental impact of the issuance of a Federal Energy Regulatory Commission license to Northern Lights, Inc. for the construction, operation, and maintenance of the proposed Kootenai Falls Hydroelectric Project, FERC No. 2752, consisting of: One diversion structufe and reservoir on the Kootenai River; intake and outlet structures; underground powerstation and switchyard; new and improved recreation facilites; and associated tunnels, transmission facilities, and access road.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, DC 20426 and its San Francisco Regional Office located at 333 Market Street, 6th Floor, San Francisco, California.

Copies may be ordered from the Commission's Office of Public Information, Washington, DC 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 2, 1980.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to 18 CFR 1.8. Petitioners must also file timely comments on the draft statement in accordance with 18 CFR 2.81(c).

All petitions to intervene must be filed on or before June 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11409 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3105 and 3106]

The Power Authority of the State of New York; Applications for Exemption for Small Conduit Hydroelectric Facilities

April 10, 1980.

Take notice that on March 27, 1980, the Power Authority of the State of New York (PASNY) filed, pursuant to 30 of the Federal Power Act [16 U.S.C. 823(a)], applications for exemption from licensing for two separate, proposed, small conduit hydroelectric facilities.

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The proposed hydroelectric facilities (FERC Projects Nos. 3105 and 3106) would be located on the City of New York's (City) existing water distribution system in Ulster and Westchester Counties, New York. Water flowing in the conduits is obtained through aqueducts from the Ashokan and Kensico Reservoirs. Correspondence with the Applicant should be directed to Mr. Thomas R. Frey, Vice President and General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

Purpose of Project

Power from the project would be sold to the City of New York for municipal use.

Project Description

The proposed facilities are: (1) the Ashokan development (Project No. 3105) to be located along the headworks of the existing Catskill Aqueduct down-aqueduct from Ashokan Reservoir, in the Township of Olive, in Ulster County. The facilities to be constructed include (a) a 240-foot long, 10-foot diameter penstock; (b) a 60-foot by 20-foot semi-underground powerhouse which would contain (c) two turbine-generators with a rated capacity of 2,375 kW, each; and (d) a tailrace to the existing aerator chamber outlet channel; (2) the Kensico development (Project No. 3106) to be located along the headworks of the lower Catskill Aqueduct down-aqueduct from Kensico Reservoir in the Town of Mount Pleasant in Westchester County. The facilities would consist of (a) three new turbine-generator units each having a rated capacity of 1,000 kW installed in existing bays within the lower aqueduct effluent chamber.

Agency Comments

The U.S. Fish and Wildlife Service and the New York Department of Environmental Conservation are requested pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene

Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 22, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11410 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of February 22 Through February 29, 1980

Notice is hereby given that during the week of February 22, 1980 through February 29, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

April 10, 1980.

List of Cases Received by the Office of Hearings and Appeals.

[Week of Feb. 22 through 29, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 22, 1980	R. D. Smith Oil Company, Highland, Illinois	BEE-0910	Allocation Exception. If granted: R. D. Smith Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 25, 1980	A. J. Oil Company, Hanna City, Illinois	BEE-0916	Allocation Exception. If granted: A. J. Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 25, 1980	Corn Belt FS, Inc., Decatur, Illinois	BEE-0915	Allocation Exception. If granted: Corn Belt FS, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 25, 1980	Exxon Company, U.S.A., et al., Washington, D.C.	BEA-0210, BEA-0214-0223.	Appeal of an Assignment Order. If granted: The January 7, 1980, Assignment Order issued to Saigo Products, Ltd. by the Economic Regulatory Administration, Region V, regarding the firm's supply obligations to Service Oil Company, Inc. would be rescinded.
Feb. 25, 1980	Interstate Truck Stops, Inc., Blue Springs, MS	BEA-0236	Appeal of an Assignment Order. If granted: The Assignment Order issued to Speedway Petroleum by the Economic Regulatory Administration, Region V, regarding the firm's supply obligations would be rescinded.
Feb. 25, 1980	Mike's Shell Service, et al., Daleville, IN	BEA-0224 thru BEA-0237.	Appeal of an Assignment Order. If granted: The Assignment Order issued to Speedway Petroleum by the Economic Regulatory Administration, Region, V, regarding the firm's supply obligations would be rescinded.
Feb. 25, 1980	Port-O-Call Mobil, Indianapolis, IN	BEA-0242	Appeal of an Assignment Order. If granted: The Assignment Order issued to Speedway Petroleum by the Economic Regulatory Administration, Region, V, regarding the firm's supply obligations would be rescinded.

List of Cases Received by the Office of Hearings and Appeals.—Continued

[Week of Feb. 22 through 29, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 25, 1980	Quaker State Oil/Gulf Oil Corporation, Washington, D.C.	BEJ-0052	Motion for Protective Order. If granted: Quaker State Oil and Gulf Oil Corporation would enter into a Protective Order with respect to Quaker State's Application for Exception (Case No. BEE-0795).
Feb. 25, 1980	Quaker State Oil/Marathon Oil Company, Washington, D.C.	BEJ-0048	Motion for Protective Order. If granted: Quaker State Oil Refining Corporation and Marathon Oil Company would enter into a Protective Order regarding confidential information to be exchanged by the firms.
Feb. 25, 1980	S & W Engine Supply, Oklahoma County, Oklahoma.	BXE-0918	Extension of relief granted in S & W Engine Supply, —— DOE Par. (November 8, 1979). If granted: S & W Engine Supply would be permitted to continue to sell the crude oil produced from the Baker Townsend Lease located in Oklahoma County, Oklahoma at upper tier ceiling prices.
Feb. 26, 1980	Alger Oil Co., Rising Sun, Maryland	BEE-0920	Allocation Exception. If granted: Alger Oil Co. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Feb. 26, 1980	Exeter Shell Service, Manchester, NH	BRD, BRH-0820.	Motion for Discovery; Motion for Evidentiary Hearing. If granted: Discovery would be granted and a evidentiary hearing would be covened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-0820) issued to Exeter Shell Service.
Feb. 26, 1980	Shell Oil Company, Houston, TX	BEA-0204	Appeal of a Buy/Sell Order. If granted: The February 5, 1980, Buy/Sell Order issued to Commonwealth Oil Refining Company, Inc. by the ERA would be modified.
Feb. 26, 1980	Southwestern States Marketing Corporation, Abilene, TX.	BFA-0205	Appeal of a Freedom of Information Denial. If granted: The January 18, 1980, Information Request Denial issued by the Economic Regulatory Administration, Region VI, would be modified and Southwestern States Marketing Corp. would receive access to certain DOE information.
Feb. 27, 1980	Doub and Muntzing, Washington, D.C.	BFA-0206	Appeal of a Freedom of Information Denial. If granted: The January 25, 1980, Information Request Denial issued by the DOE Office of Policy, Procurement and Contracts Management Directorate, would be rescinded and Doub and Muntzing would receive access to the Logistics Management Institute Report.
Feb. 27, 1980	Exxon Company, U.S.A., Houston, TX	BEA-0208	Appeal of an Assignment Order. If granted: The January 28, 1980, Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding Exxon's supply obligations to Coemo Oil Company, Inc. would be rescinded.
Feb. 27, 1980	La Gloria Oil & Gas Company, Houston, TX	BEA, BES-0207	Appeal and Stay of an Assignment Order. If granted: The February 1, 1980, Assignment Order issued to La Gloria Oil and Gas Company by the Economic Regulatory Administration, Region V, regarding La Gloria's supply obligations to Buster Enterprises, Inc. would be rescinded and La Gloria would receive a Stay of the order pending a final determination on its Appeal.
Feb. 27, 1980	National Oil Jobbers Council, Washington, D.C.	BEH-0012	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with National Oil Jobbers Council's Application for Temporary Stay and Stay (Case Nos. BST, BES-0060).
Feb. 27, 1980	Office of Enforcement, Washington, D.C.	BRR, BRS-0064.	Request for Stay; Request for Modification. If granted: The Office of Enforcement would receive a Stay of the January 11, 1980, Remedial Order Appeal issued to Shenandoah Oil Corp. Pending a final determination on its Application for Modification.
Feb. 28, 1980	Aminoil USA, Inc., Houston, TX	BXE-0921	Extention of Relief Granted in Aminoil USA, Inc. 2 DOE Par. 81,114 (October 24, 1978). If granted: Aminoil USA, Inc. would be permitted to continue to sell the crude oil produced from the California State Lease 392 located in Huntington Beach, California at upper tier ceiling prices.
Feb. 28, 1980	Eastern Oil Company, Tampa, FL	BRA-0213	Appeal of Remedial Order. If granted: The January 18, 1980, Revised Remedial Order issued to Eastern Oil Company by the Economic Regulatory Administration, Region IV, would be rescinded.
Feb. 28, 1980	Exxon Company, U.S.A., Houston, TX	BEA-0211	Appeal of an assignment Order. If granted: The January 28, 1980, Assignment Order issued to Exxon Co. USA by the Economic Regulatory Administration, Region IV, regarding Exxon's supply obligations to Major Oil would be rescinded.
Feb. 28, 1980	Exxon Company, U.S.A., Houston, TX	BEA, BES-0212	Appeal of an Assignment Order; Request for Stay. If granted: The January 29, 1980, Assignment Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, regarding Exxon's supply obligations to Marine Oil Company would be rescinded and the firm would receive a stay of the order pending a final determinition in its Appeal.
Feb. 28, 1980	Marathon Oil Company, Findlay, Ohio	BEA-0209	Appeal of an Assignment Order. If granted: The January 29, 1980, Assignment Order issued to Quarry Self Serve by the Economic Regulatory Administration, Region V, regarding Marathon Oil Company's supply obligations to Quarry Self Serve would be rescinded.
Feb. 28, 1980	Pester Refining Company, Washington, D.C.	BES-0258	Request for Stay. If granted: Pester Refining Company would receive a stay of the January 29, 1980, Assignment Order issued to the firm by the Economic Regulatory Administration, Region VII, pending a final determination on its Appeal which the firm intends to file.
Feb. 28, 1980	Texaco, Inc., White Plains, NY	BED, BEJ-0049	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Texaco, Inc. in connection with Laketon Asphalt Refining, Inc.'s Application for Exception (Case No. DXE-6986) and the two firms would enter into a Protective Order regarding information concerning the case.
Feb. 29, 1980	Champlin Petroleum Company, Tulsa, Oklahoma	BEA-0240, BES-0240.	Appeal of Assignment Order. If granted: The February 1, 1980, Temporary Assignment Order issued to Buster Enterprises, Inc. by the Economic Regulatory Administration, Region V, regarding Champlin Petroleum Company's supply obligations to Buster would be rescinded.
Feb. 29, 1980	Chevron U.S.A., Inc., San Francisco, California	BEJ-0050	Motion for Protective Order. If granted: Chevron U.S.A., Inc. and Pride Refining, Inc. would enter into a Protective Order regarding documents in connection with Pride's Application for Exception (Case No. BEE-0651).
Feb. 29, 1980	DOE-Economic Regulatory Administration (Long Point Marina), Washington, D.C..	BRR-0027	Modification/Rescission of Remedial Order. If granted: The February 20, 1980, Final Remedial Order issued by the DOE (Case No. BRW-0013) to Long Point Marina would be rescinded.
Feb. 29, 1980	National Oil Jobbers Council, Washington, D.C.	BSG-0016	Request for Special Redress. If granted: The Special Report Orders issued by The Office of Enforcement to petroleum jobbers would be modified.
Feb. 29, 1980	Vickers Petroleum Corporation, Wichita, KN	BES-0051, BEA-0239.	Request for Stay, Appeal of an Entitlement Notice. If granted: The December 1979, Entitlement Notice would be modified with respect to Vickers Petroleum Corp.'s entitlements purchase obligations and the firm would receive a stay of the obligations pending final determination on its Appeal.

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Notices of Objection Received

[Week of Feb. 22, 1980, to Feb. 29, 1980]

Date	Name and location of applicant	Case No.
2/25/80	Cunningham Oil Co., Columbus, Ga.	DEE-3490
2/21/80	Marty's Amoco, Laurel, Md.	DEE-7354
2/25/80	Gold Oil Co., Houston, Tex.	BXE-0454
2/25/80	Tropicana Petroleum Ltd., Paramount, Calif.	BEE-0426
2/26/80	Pennant Petroleum Co., Tulsa, Okla	DEE-3931
2/26/80	Big D&W Refining & Solvents	DEE-7895
2/26/80	Petroleum Products Corp., Harrisburg, Pa.	DEE-2858
2/27/80	Coggin Oil Co., Caraway, Ark	BEE-0400
2/22/80	Seaview Exxon	DEE-6834
2/22/80	Mohammed Abzakh	DEE-5762

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of February 22 Through February 29, 1980

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

February 22, 1980

Daigh Automotive Engineering, BXE–0914, California.
Isiminger's Arco, BEE–0903, Pennsylvania.
R&R Texaco (Strother), BXE–0904, Louisiana.
Sumner's Amoco, BEE–0911, Virginia

February 25, 1980

Belle Haven Sunoco, BEE–0912, District of Columbia.
Dow Jones & Co., Inc., BEE–0506, New Jersey.
Engel Oil Co., Inc., BEE–0909, Minnesota.
L.H. Smith Oil Corp., BEE–0913, Indiana.

February 26, 1980

Lyons Oil Co., BEE–0919, Wisconsin.

February 27, 1980

Cone Oil Co., Inc., BEE–0545, Tennessee.
Peninsula Transportation, BEE–0928, Virginia.

February 29, 1980

Allen's Fairway, BEE–0940, Mississippi.
Gluth Oil Co., BEE–0941, Michigan.
Wilson's Arco, Inc., BEE–0924, Rhode Island.
Wilson's Arco, Inc., BEE–0923, Rhode Island.

Items retrieved—15.

[FR Doc. 80-11305 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; February 25 Through February 29, 1980

Notice is hereby given that during the period February 25 through February 29, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

April 10, 1980.

Proposed Decision and Order

C & C Oil Co., Inc., Huntington, Ind., BEE–0401, gasohol.

The C & C Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and sell gasohol. On February 26, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Church & Son Oil Co., Clayton, Ga., BEE–0377, gasohol.

Church & Son Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and sell gasohol. On February 26, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

D. Gilliam Production Co., El Dorado, Ark., DEE–0412, crude oil.

D. Gilliam Production Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Cook-Gilliam Lease at market prices. On February 29, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception request should be denied.

Foeman Shelton Distributor, Inc., Morganfield, Ky., DEE–8268, gasohol.

Foeman Shelton Distributor, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and sell gasohol. On February 29, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

General Machine Corp., Duo-Matic Olsen, Inc., Emmaus, Pa., Park Forest South, Ill., BEE–0422, BEE–0648, testing requirements.

General Machine Corporation and Duo-Matic Olsen, Inc. filed Applications for Exception from the provisions of 10 CFR, Part 430, the Energy Conservation Program for Consumer Products. If the exception requests are granted, the applicants will not be required to perform energy efficiency and consumption tests on their combination fuel furnances and boilers. On February 26, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that General Machine's and Duo-Matic Olsen's exception applications be granted.

Hobart Corp., Cleveland, Ohio, DEE–4459, dishwasher.

On September 5, 1979, Hobart Corporation filed an Application for Exception from the provisions of Appendix C Subpart B of 10 CFR 430. The exception request, if granted, would permit Hobart to test the Kitchen Aid dishwasher Model KD–19 using 120°F inlet water instead of 140°F inlet water. On February 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Kern County Refinery, Inc., Bakersfield, Calif., DXE–0098, crude oil.

In accordance with Decisions and Orders issued to Kern County Refinery, Inc. which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program) the firm submitted actual financial data for its fiscal year ended March 31, 1978. On February 25, 1980, after reviewing the level of exception relief granted to Kern under the applicable standards, the DOE issued a Proposed Decision and Order which determined that Kern should purchase $2,182,113 of entitlements.

Stubbs Oil Co., Inc., Statesboro, Ga., BEE–0459, gasohol.

Stubbs Oil Co., Inc. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Stubbs to receive an increased allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. On February 26, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Zenith Oil Co., Minneapolis, Minn., DEE–2556, No. 2 heating oil.

Zenith Oil Company (Zenith) filed an Application for Exception from the provisions of the Mandatory Petroleum Price Regulations. The exception request, if granted, would permit Zenith to be relieved of its obligation to comply with the terms of a Remedial Order which the Regional Administrator of FEA Region V had issued to the firm on August 10, 1977. On February 26, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case Number, and Location

Bosar Enterprises, DEE–7870; DEL–7870; DES–7870, New York, NY.
Earl Wilkins, DEE–6041, Reform, AL.
Larry Mills Exxon, DEE–7105, Olancha, CA.
Surry Lane Service, DEE–6566, Hempstead, NY.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case Number, and Location

"F" Street Mobil, DEE–6668, Philadelphia, PA.
General Dynamics Corp., DEE–7152, Groton, CT.
Joe's 66 Service, DEE–4033, Columbus, NB.
Pomperaug Shell, DEE–7402, Woodbury, CT.
Regan's Service, DEE–7111, Newton, MA.
Richard's R. Wheeler, Inc., DEE–5364, Worcester, MA.
Rockside and 21 Shell, DEE–6559, Independence, OH.
Russell Distributing, DEE–4174, Rector, AR.
Steamboat Springs Station No. 1, DEE–7534, Washington, DC.
Valley Exxon, DEE–7158, Yountville, CA.

[FR Doc. 80-11306 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfer:

RTD/SD(EU)–28, from West Germany to Switzerland, 473.12 grams of uranium, containing 431.0 grams of U–235 (91.10%) to be irradiated in the SAPHIR reactor for production of Molybdenum 99. It is intended that the irradiated material will be retransfered to West Germany for separation of the uranium and molybdenum.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 9, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11250 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following sale:

S–EU–638, United States to United Kingdom, 500 micrograms of Plutonium-242 (greater than 99.96%) to be used as radio tracer for Pu-238 and Pu-239 in the analysis of bioassay and environmental samples.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 9, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11251 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan.

The subsequent arrangement to be carried out under the above mentioned agreements involves the approval of the following retransfer;

RTD/EU(JA)–34, from Japan to West Germany, one fission counter, containing 0.40 grams of uranium, enriched to 93.16% in U–235, to be used for neutron flux measurements for the study of high temperature gas cooled reactors.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than April 30, 1980.

For the Department of Energy.

Dated: April 9, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11252 Filed 4-14-80; 8:45 am]

BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Action on Consent Order With Exxon Corp.

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR § 205.199J that it has adopted the consent order with Exxon Corporation (Exxon), executed on and published for comment in 45 FR 9993 on February 14.

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1980. The consent order resolves all issues of compliance with the DOE Mandatory Petroleum Price Regulations, at §§ 212.83(b) and 212.84, concerning the pricing of imported crude oil in interaffiliate transactions in the period August 1973 through May 1975. In the consent order, Exxon agrees to a $377,200.00 reduction in increased costs of crude oil allocated to gasoline.

As required by regulation OSC received comments on the consent order for a period of not less than 30 days following publication of the notice of the consent order. One comment was received. OSC considered that comment and determined that the consent order should be made final without modification. The consent order is effective as an order of the Department of Energy (DOE) on April 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Marcell R. Anthony, Assistant Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Washington, D.C. 20461, 202–633–8292.

Copies of the consent order may be received free of charge by written request to: Exxon Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C., Room GB-145.

SUPPLEMENTARY INFORMATION:

The Consent Order

On February 14, 1980, OSC published notice in the **Federal Register** at page 9993, announcing the execution of a consent order between Exxon and OSC. In compliance with DOE regulations, that notice, and a press release issued on February 4, 1980, briefly summarized the consent order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the consent order.

The consent order can be summarized as follows:

1. The consent order resolves a Notice of Proposed Disallowance issued to Exxon by the Federal Energy Administration.

2. The raised issues in the Notice were resolved by a reduction of Exxon's increased costs of crude oil allocated to gasoline by $377,200.00.

3. The provisions of 10 CFR § 205.199J are applicable to the Consent Order.

Comment Received

One comment was received. This comment was submitted by a trade association representing wholesale-consumer interests in a product which is not currently covered. It states that the consent order fails to bring relief on a volumes-purchased basis directly to consumers of that product, jet fuel, who have been overcharged during the period in question.

The comment does not take cognizance of the fact that the amount in question is relatively small to permit any meaningful partition or allocation. Thus, any allocation of the remedy over all products would result in negligible impact upon the prices of those products, particularly the prices of products like jet fuel which are not currently covered under the regulations. Moreover, the amount represents a crude *cost* contested as excessive, rather than an alleged overcharge, as advanced in the comment. Clearly, there is no overcharge to be allocated. Given this fact, the reduction in current crude oil costs allocated to gasoline provides a tangible benefit whereas the allocation of costs among all products would have virtually no effect in this case.

OSC has considered the comment submitted, and as a result has found no reason to modity or reject the consent order. Accordingly OSC has determined that the proposed consent order with Exxon should be made final, effective April 15, 1980.

Issued in Washington, D.C., March 28, 1980.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 80-11394 Filed 4-14-80; 8:45 am]
BILLING CODE 5450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[80P-67; FRL 1462-3]

ICI Americas, Inc.; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed the temporary tolerance for residues of the insecticide permethrin, the *cis* and *trans* isomers of (3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclorpropanecarboxylate), in or on the raw agricultural commodity celery at 5 parts per million (ppm).

DATE: This temporary tolerance expires on January 25, 1981.

FOR FURTHER INFORMATION CONTACT:
Franklin D. R. Gee, Product Manager (PM) 17, Room E–341 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202–426–9417).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 7, 1979 (44 FR 12493) EPA announced the establishment of a temporary tolerance for residues of the insecticide permethrin (*cis* and *trans* isomers of (3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclorpropanecarboxylate) in or on the raw agricultural commodity celery at 5 ppm. The tolerance was established in response to a pesticide petition (PP 8G 2029) submitted by ICI Americas, Inc. That temporary tolerance permitted the marketing of the celery treated in accordance with experimental use permit 10182–EUP–9. It expired January 25, 1980.

ICI Americas, Inc requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 10182–EUP–9 which has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on condition that the experimental use permit be used with the following provisions:

1. The total amount of active ingredient to be used will not exceed the quantity authorized by the experimental use permit; and

2. ICI Americas, Inc., will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance and upon request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 25, 1981. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodity celery after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j)))

Dated: April 9, 1980.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11401 Filed 4-14-80; 8:45 am]
BILLING CODE 6560-01-M

[OPP-50463A; FRL 1462-2]

Issuance of Experimental Use Permit; Correction

On Tuesday, March 18, 1980 in FR Doc. 80–8196 (45 FR 17201), information appeared pertaining to the issuance of an experimental use permit, No. 476–EUP–97, to Stauffer Chemical Co. In the title, Summary and Supplementary Information sections the active ingredient should have read "S-propyl dipropylthiocarbamate alternate formula containing R–29148". (PM–25, Robert J. Taylor, Rm. E–359, Telephone: 202/755–2196.

Dated: April 9, 1980.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11402 Filed 4-14-80; 8:45 am]
BILLING CODE 6560-01-M

[OPP-50464A, FRL 1462-1]

Issuance of Experimental Use Permit; Correction

On Tuesday, March 18, 1980 in FR Doc. 80–8197 (45 FR 17201), information appeared pertaining to the issuance of an experimental use permit, No. 476–EUP–99, to Stauffer Chemical Co. In the title, SUMMARY, and SUPPLEMENTARY INFORMATION sections the active ingredient should have read "S-ethyl dipropylthiocarbamate alternate formula contining R–29148". (PM–25, Robert J. Taylor, Rm. E–359, Telephone: 202/755–2196)

Dated: April 9, 1980.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11403 Filed 4-14-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Dockets Nos. 80–140, 80–141; Files Nos. BPH–10922, BPH–780831AL]

Broadcasting Enterprises, Inc. and Logan County Broadcasting Co.; Hearing Designation Order

Adopted: March 28, 1980.

Released: April 10, 1980.

In re Applications of Broadcasting Enterprises, Inc., Caulksville, Arkansas, Req: 95.3 MHz, Channel 237 0.68 kW (H&V), 568.5 feet, BC Docket No. 80–140, File No. BPH–10922; Gordon Hixson tr/as Logan County Broadcasting Company, Paris, Arkansas, Req: 95.3 MHz, Channel 237 0.7 kW (H&V), 562 feet, BC Docket No. 80–141, File No. BPH–780831AL; for construction permits for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications.

2. Logan's ascertainment survey appears deficient. Logan failed to provide a racial or ethnic demographic breakdown of the community of Paris; it does not appear that Logan interviewed leaders of women's groups, minority groups, the elderly, youth, public safety, health and welfare, and recreation; Logan failed to indicate when the community leader and the general public surveys took place; and Logan did not state who conducted the community leader interviews. An ascertainment issue will be specified.

3. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communication's Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding,

5. Accordingly, It Is Ordered, That, pursuant to Section 309(a) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1.0 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.

2. To determine the efforts of Logan to ascertain the needs and problems of the area to be served and the means by which the applicant proposes to meet those needs and problems.

3. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

6. It Is Further Ordered, That, prior to the grant of the construction permit, the presiding Administrative Law Judge shall determine whether the winning applicant would be one mile short-spaced with a proposed operation in Springdale, Arkansas (RM–3373), and if so, whether the winning applicant has shown that a waiver of § 73.207 of the Commisison's Rules is warranted.

7. It Is Further Ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It Is Further Ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,
Chief, Broadcast Facilities Division.

[FR Doc. 80-11278 Filed 4-14-80; 8:45 am]
BILLING CODE 6712-01-M

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[Report No. B-5]

TV Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: April 4, 1980.

Cutoff date: May 27, 1980.

Notice is hereby given that the applications listed below are accepted for filing. Because the applications listed below are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed below will be accepted for filing.

Petitions to deny the applications listed below and minor amendments thereto must be on file with the Commission not later than the close of business on May 27, 1980. Any application previously accepted for filing and in conflict with any application listed below may also be amended as a matter of right not later than the close of business on May 27, 1980. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's rules.

BPCT-791026KJ (new), Spokane, Washington, Frontier Media, Inc., Channel 22. ERP: Vis. 1197 kW; HAAT: 1707 feet.

BPCT-791026KP (new), Austin, Texas, Mountain Laurel Broadcasting, Inc., Channel 42. ERP: Vis. 5000 kW; HAAT: 1172 feet.

BPCT-791026KG (new), Austin, Texas, Television Corporation of Central Texas, Channel 42. ERP: Vis. 5000 kW; HAAT: 1393 feet.

BPCT-791026KH (new), Austin, Texas, Pappas Telecasting, Inc., Channel 42. ERP: Vis. 5000 kW; HAAT: 1288 feet.

BPCT-791025KE (new), Austin, Texas, Austin Telecasting Co., Channel 42. ERP: Vis. 5000 kW; HAAT: 1293 feet.

BPCT-791026KM (new), Tacoma, Washington, Tacoma Community TV, Inc., Channel 20. ERP: Vis. 5000 kW; HAAT: 1730 feet.

BPCT-791026KL (new), Tacoma, Washington, Family Broadcasting Company, Channel 20. ERP: Vis. 2094 kW; HAAT: 800 feet.

BPCT-791026LB (new), Omaha, Nebraska, Pappas Telecasting, Inc., Channel 42. ERP: Vis. 78.8 kW; HAAT: 511.5 feet.

BPCT-791129KM (new), Salt Lake City, Utah, Golden West Broadcasters, Channel 14. ERP: Vis. 1585 kW; HAAT: 3944 feet.

BPCT-791130LB (new), Salt Lake City, Utah, Salt Lake Broadcasters, Inc., Channel 14. ERP: Vis. 1750 kW; HAAT: 3688 feet.

BPCT-790910KE (new), Omaha, Nebraska, Katz Broadcasting Corp. of Omaha, Channel 15. ERP: Vis. 3020 kW; HAAT: 1316 feet.

BPCT-791026KN (new), Omaha, Nebraska, Mid-America Broadcasting, Inc., Channel 15. ERP: Vis. 5000 kW; HAAT: 1143 feet.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-11275 Filed 4-14-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

D. T. Maley, Assoc. (Donald T. Maley, dba), 195 Hempstead Ave., Rockville Center, NY 11570.

Concord International Forwarders, Inc., 5529 NW 84th Avenue, Miami, FL 33166.
Officers: Olga Fernandez, President/Secretary, Eduardo Leon, Vice President/Treasurer.

Expeditors International of Washington, Inc., 119 First Ave., South, Seattle, WA 98104.
Officers: John M. Kaiser, President, Mike Krummel, Vice President, Susan R. Kaiser, Secretary/Treasurer.

Rical Express Inc., 10420 La Cienega Blvd., Inglewood, CA 90304.
Officers: Ernest So, President, Calvin Ng, Vice President, Ricky Leung, Secretary, Francis So, Treasurer, Leung Choy Yuk Tsang, Director.

Aurora International Forwarding Inc., 5060 Shawline Drive, San Diego, CA 92111.
Officers: Paul H. Comtois, President, John C. Beima, Vice President, Judith Brewer, Secretary/Treasurer.

Louis A. Segarra, dba A.A.A. Customs Brokers, Calla Marina 151, San Juan, PR 00901.

Omni Express International Inc., 5305 West 102nd Street, Los Angeles, CA 90045.
Officers: Linda R. Ruoff, President, Isobel Pritchard, Vice President.

Horizon International (Earl E. Egan, Ronald J. Will, Samuel E. Millender, dba), 201 Napoleon Avenue, New Orleans, LA 70115.

Continental Forwarding Co. (John D. Cioffi, dba), P.O. Box 81222 AMF, Cleveland, OH 44181.

J. F. Lumpkin, CHB (Jimmy Franklin Lumpkin and Elizabeth Ann Lumpkin, dba), P.O. Box 4189, North Little Rock, AR 72116.

Jodari International Freight Forwarding Inc., 10216 SW First Street, Sweetwater, FL 33174.
Officers: Jorge Machado, President, Clara Y. Machado, Director.

IBEX International Forwarding Corp., 33-19 170th Street, Flushing, NY 11358.
Officer: Kenneth Carroll, President.

Chicago Cargo Corp., 5665 North Gage Street, Rm. 201, Rosemont, IL 60018.
Officers: Wm. D. Dean, President, Jeffrey W. Pearson, Secretary/Treasurer, Louwanne M. Sheftic, Director.

Whaling City Trucking Incorporated, dba Associated North American, 95 Cranston Street, Cranston, RI 02920.
Officers: Leonard Fishkin, President/Director, Joseph Samson, Vice President/General Manager, Betty McCarthy, Treasurer/Director, Clement A. Poulin, Secretary/Director.

Roger Alfonso, 5945 N.W. 113th Terrace, Hialeah, FL 33012.

Finsec Export Inc., 137-09 Eastgate Plaza, Springfield Gardens, NY 11413.
Officer: Robert F. Stalling, President/Secretary/Treasurer.

By the Federal Maritime Commission.

Dated: April 10, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-11369 Filed 4-14-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Banco Real International, Inc.

Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Establishment of U.S. Branch of a Corporation To Be Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Banco Real International, Inc., Chicago, Illinois. Banco Real International, Inc. would operate as a subsidiary of Banco Real S.A., Sao Paulo, Brazil. The proposed corporation has also applied for the Board's approval under section 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Houston, Texas. The factors that are to be considered in acting on these applications are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20051 to be received no later than May 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 8, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11288 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engaged *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 3, 1980.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Banc One Corporation, Columbus, Ohio (financing activities; Ohio): to engage, through a subsidiary, Banc One Financial Corporation in the activities of making, acquiring, and selling, for its own account and for the account of others, loans and other extensions of credit including loans to finance agricultural production, commercial and industrial loans, and loans to individuals for household, family, and other personal expenditures; and servicing such loans and other extensions of credit for itself and for non-affiliated banks and for institutional investors. These activities will be performed from offices located at 100 East Broad Street, Columbus, Ohio and at 8060 Montgomery Road, Cincinnati, Ohio. The geographic area to be served from such offices will be Ohio.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Imperial Bancorp, Inglewood, California (commercial finance activities; Alaska, Arizona, California, Nevada and Oregon): to engage through its subsidiary, Imperial Credit Corporation, in the activities of making, acquiring or servicing loans and other extensions of credit for its own account and for the account of others as an insurance premium finance company, primarily engaged in insurance premium financing consisting of financing of premiums relating to both commercial and consumer property and casualty insurance. These activities will be conducted from offices in Los Angeles and Costa Mesa, California, serving Alaska, Arizona, California, Nevada, and Oregon. Comments on this application must be received by April 25, 1980.

C. *Federal Reserve Bank of Boston*, (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

1. Multibank Financial Corp., Quincy Massachusetts, (data processing services; Massachusetts): to engage, through its direct subsidiary, Multibank Computer Corp., in processing bank related financial data. This activity would be conducted from an existing office in Auburn, Massachusetts, and would be performed for a single company located in Massachusetts. Comments on this application must be received by May 5, 1980.

2. Multibank Financial Corp., Quincy, Massachusetts (data processing services; Massachusetts): to engage, through its direct subsidiary, Multibank Computer Corp., in data processing services for customers of affiliated banks. These activities, which include demand deposit accounting, installment loan accounting and time deposit accounting, would be conducted from an existing office in Auburn, Massachusetts, servicing customers located throughout Massachusetts, Rhode Island, northern Connecticut, eastern New York, southern New Hampshire and southern Vermont. Comments on this application must be received by May 5, 1980.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11281 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 8, 1980.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Barnett Banks of Florida, Inc., Jacksonville, Florida (check verification services; North Carolina and South Carolina): to engage through its subsidiary, Verifications, Inc., in offering check verification services including

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authorizing subscribing merchants to accept certain personal purchase money checks and obligating Verifications, Inc. to purchase any properly verified checks which are subsequently dishonored. These activities will be conducted from the principal office of Verifications, Inc. located in Jacksonville, Florida, and will be offered throughout the States of North Carolina and South Carolina. Comments on this application must be received by April 29, 1980.

B. *Federal Reserve Bank of Kansas City* (John F. Zoellner, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

BBJ Incorporated, Ord, Nebraska (insurance activities; Nebraska): to continue to engage in general insurance activities, including the sale of fire and casualty, credit, life,and accident insurance, in a community with a population not exceeding 5,000. These activities would continue to be conducted from an office in Ord, Nebraska, serving Ord, Nebraska.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 8, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11289 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Blackwater Bancshares, Inc.; Formation of Bank Holding Company

Blackwater Bancshares, Inc., Blackwater, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers Stock Bank, Blackwater, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 6, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11285 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Elba State Co.; Formation of Bank Holding Company

Elba State Company, Elba, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Elba State Bank, Elba, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11280 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Proposed Acquisition of Silner Factors, Inc.

First International Bancshares, Inc., Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire substantially all of the assets of Silner Factors, Inc., Beverly Hills, California.

Applicant states that the proposed subsidiary would engage in the activities of wholesale factoring. These activities would be performed from offices of Applicant's subsidiary in Beverly Hills, California, and the geographic area to be served is the Los Angeleles, California metropolitan area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11282 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Hibernia Bancshares Corp.; Formation of Bank Holding Comany

Hibernia Bancshares Corporation, San Francisco, California, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Hibernia Bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11284 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Indiana National Corp.; Proposed Retention of the Monument Life Insurance Co.

The Indiana National Corporation, Indianapolis, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of The Monument Life Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would continue to engage in the activities of underwriting as reinsurer credit life and credit accident and health insurance directly related to extensions of consumer credit by Applicant's subsidiaries. These activities would continue to be performed from offices of Applicant's subsidiary in Indianapolis, Indiana, and the geographic areas to be served are the eight counties comprising the Indianapolis SMSA. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than May 8, 1980.

Board of Governors of the Federal Reserve System, April 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11287 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

K.B.J. Enterprises, Inc.; Acquisition of Bank

K.B.J. Enterprises, Inc., Sibley, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 19.98 percent of the voting shares of The Viking Corporation, Denison, Iowa, and indirectly acquiring Crawford County Trust and Savings Bank, Denison, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11283 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Lloyds Bank Limited; the Royal Bank of Scotland Group Limited; the Royal Bank of Scotland Limited; Proposed Acquisition of James Talcott Factors, Inc.

Lloyds Bank Limited, London, England, and The Royal Bank of Scotland Group Limited and The Royal Bank of Scotland Limited, both of Edinburgh, Scotland, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission for their subsidiary Lloyds and Scottish Limited, Edinburgh, Scotland to acquire through its subsidiary Lloyds and Scottish America Corporation, all of the shares of James Talcott Factors, Inc., New York, New York.

Each applicant states that the proposed subsidiary would engage in the activity of factoring accounts receivable in both the retail and wholesale textile, apparel and related industries. These activities would be performed from offices of the proposed subsidiary in New York, New York, serving the thirty one most eastern states, and in Los Angeles, California, serving the nineteen most western states. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11278 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Old Canal Bankshares II, Inc.; Formation of Bank Holding Company

Old Canal Bankshares II, Inc., Lockport, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Old Canal Bankshares, Inc., Lockport, Illinois, and thereby indirectly acquiring 80.04 per

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cent of the voting shares of Heritage First National Bank of Lockport, Lockport, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11279 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Van Dyke Bank Holding Corp.; Formation of Bank Holding Company

Van Dyke Bank Holding Corp., Sioux City, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.8 percent of the voting shares of First Trust and Savings Bank, Alta, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11286 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorp; Formation of Bank Holding Company

Central Bancorp, Central City, Nebraska, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of Central Bank, Central City, Nebraska. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 30, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11376 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Citizens Security Bancshares, Inc.; Formation of Bank Holding Company

Citizens Security Bancshares, Inc., Bixby, Oklahoma, has applies for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Security Bank and Trust Company, Bixby, Oklahoma. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11378 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

Coronado Bancshares, Inc.; Formation of Bank Holding Company

Coronado Banchares, Inc., El Paso, Texas, has applied for the Board' approval under 3(a)(1) of the Bank Holding Compnay Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84 percent or more of the voting shares of Coronado State Bank, El Paso, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11377 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

LeRoy Bancshares, Inc.; Formation of Bank Holding Company

LeRoy Bancshares, Inc., LeRoy, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank, LeRoy, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11379 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

National City Corp.; Acquisition of Bank

National City Corporation, Cleveland, Ohio, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less director's qualifying shares) of the voting shares of The Henry County Bank, Napoleon, Ohio. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-11380 Filed 4-14-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Programmatic Environmental Impact Statement; Intent To Prepare

The General Services Administration (GSA) Region 8 intends to prepare a Programmatic Environmental Impact Statement that will address Federal agency space requirements in the Denver-Boulder Standard Metropolitan Statistical Area through the year 2000. This EIS will address the space needs generated by the anticipated growth of Federal agencies housed by GSA in the SMSA; the various alternatives of housing these agencies and all impacts associated with this growth.

The scoping process for this EIS will consist of a request for Federal, state and local agencies to assist GSA in identifying the appropriate scope of this EIS. The agencies contacted will be those normally consulted under the Intergovernmental Cooperation Act and OMB Circular A-95 procedures. Other organizations who have expressed interest in GSA programs will also be invited to identify the appropriate scope of this EIS. A scoping meeting will be held.

Suggestions or questions should be directed to Mr. Dean L. Frohardt, GSA Region 8 (8 PRG), Bldg. 41, Denver Federal Center, Denver, CO 80225. Telephone (303) 234-4357.

Dated: April 4, 1980.

P. J. Menardi,

Acting Regional Administrator.

[FR Doc. 80-11241 Filed 4-14-80; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Advisory Council on Developing Institutions; Meeting

AGENCY: Advisory Council on Developing Institutions.

ACTION: Notice of meeting.

SUMMARY: This Notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Developing Institutions. This Notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: April 29, 1980; 9:00 a.m. to 5:00 p.m.

ADDRESS: Conference Room 3652, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Paul H. Carnell, Executive Director, Advisory Council on Developing Institutions, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202 (202/245-9862).

SUPPLEMENTARY INFORMATION: The Advisory Council on Developing Institutions is established under Section 303 of the Higher Education Act of 1965, as amended (20 U.S.C. 1051-1056), unless otherwise noted. The Council is directed to:

Assist the Commissioner—

In identifying developing institutions through which the purposes of this title may be achieved; and

In establishing the priorities and criteria to be used in making grants under Section 304(a); and

In determining, for a Professor Emeritus Grant exceeding two academic years, the period of the additional award; and

In determining the stipend and dependency allowance for a Professor Emeritus Grant for each academic year of teaching or research.

The meeting of the Council shall be open to the public.

The proposed agenda includes: Preparation of the annual report to Congress; and other administrative matters and related business.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the Executive Director of the Advisory Council on Developing Institutions, Room 3905, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on April 10, 1980.

Paul H. Carnell,

Executive Director, Advisory Council on Developing Institutions.

[FR Doc. 80-11345 Filed 4-14-80; 8:45 am]

BILLING CODE 4110-02-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Anesthesiology Devices Section of the Respiratory and Nervous System Devices Panel.	May 15, 9 a.m., Rm. 425, 8757 Georgia Ave., Silver Spring, MD.	Closed committee discussion of trade secret data 9 a.m. to 10 a.m.; open public hearing 10 a.m. to 11 a.m.; open committee discussion 11 a.m. to 4 p.m.; David S. Shindell (HFK-430), 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to the classification of anesthesia and respiratory therapy devices. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify David S. Shindell by May 1, 1980, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Committee will discuss the comments received in response to the proposed classification regulations for anesthesia and respiratory therapy devices, and it will review and discuss the safety and effectiveness data in a premarket approval application.

Closed committee discussion. The panel will review trade secret information in premarket approval application #P800003. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name*	Date, time, and place	Type of meeting and contact person
2. General and Plastic Surgery Devices Section of the Surgical and Rehabilitation Devices Panel.	May 23, Rm. 525–529, H. H. Humphrey Bldg., 200 Independence Ave., SW., Washington, DC.	Open public hearing 8 a.m. to 9 a.m.; open committee discussion 9 a.m. to 9:30 a.m; closed committee discussion of trade secret data 9:30 a.m. to 11 a.m.; open committee discussion 11 a.m. to 4 p.m., Mark F. Parrish (HFK–410), 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7238

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the devices listed below to Mark Parrish. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Mark Parrish by May 16, 1980, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review a premarket approval application for an absorbable hemostatic agent, including in vitro studies, animal studies, and clinical evaluations of the agent; classify sunlamp tanning booths, silicone adhesives for use with implanted prosthetic devices, and cargile membrane; and review its previous classification recommendations for wound-dressing devices and materials.

Closed committee discussion. The panel will review trade secret information in a premarket approval application for an absorbable hemostatic agent. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in the notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designating as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information or a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necesary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to Ronald Wylie (HF–70), Office of Consumer Affairs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application, please call Ron Wylie at 301–443–2932. The time limits for applying for such reimbursement are as follows:

Committee meeting	Meeting date	Reimbursement applications must be received by
1. Anesthesiology Devices Section of the Respiratory and Nervous System Devices Panel.	May 15	April 30.
2. General and Plastic Surgery Devices Section of the Surgical and Rehabilitation Devices Panel.	May 23	May 2.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any applications for reimbursement for participation in the meeting(s) announced in this notice in the docket for this notice.

Dated: April 8, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80–11056 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–03–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 9:30 a.m., Wednesday, April 23, 1980.

ADDRESS: The meeting will be held at the State Capitol Bldg., Rm. 305, Salt Lake City, UT 84114.

FOR FURTHER INFORMATION CONTACT: Kathy Brunner, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 500 U.S. Customhouse, Denver, CO 80202, 303–837–4915.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Denver District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–11058 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–03–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Alan L. Hoeting, District Director, Detroit District Office, Detroit, MI.

DATE: The meeting will be held at 9:30 a.m., Tuesday, May 6, 1980.

ADDRESS: The meeting will be held at the George Potter Larrick Building, Conference Room, 1560 E. Jefferson, Detroit MI.

FOR FURTHER INFORMATION CONTACT: Diane M. Place, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 1560 E. Jeffersson, Detroit MI 48207, 313–226–6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Detroit District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–11059 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–03–M

Medical Device Panels; Request for Nominations for Nonvoting Representatives of Consumer and Industry Interests on Public Advisory Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document invites nominations for nonvoting consumer and industry representatives to serve on certain public advisory panels of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and for those that will or may occur on the panels or sections during the next 12 months. The Food and Drug Administration (FDA) has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female and minority candidates, the physically handicapped, and nominations from small businesses that manufacture medical devices subject to the regulations.

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DATE: Nominations should be received on or before May 15, 1980 for vacancies listed in this notice.

ADDRESS: All nominations and curricula vitae for consumer representatives must be submitted in writing to the Associate Commissioner for Consumer Affairs (HF–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. All nominations and curricula vitae for industry representatives must be submitted in writing to Kay A. Levin, Bureau of Medical Devices (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: For consumer interests: Naomi Kulakow, Office of Consumer Affairs (HF–70), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006. For industry interests: Robert S. Kennedy, Bureau of Medical Devices (HFK–400), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7230.

SUPPLEMENTARY INFORMATION: FDA requests nominations for nonvoting members representing consumer and industry interests for the following panels or sections.

Device panel section	Approximate date representative needed	
	Consumer	Industry
1. Surgical and rehabilitation devices panel:		
a. Orthopedic devices section	8/31/80	NA
b. Physical medicine devices section	NA	8/31/80
2. Ophthalmic, ear, nose, and throat; and dental devices panel: a. Ear, nose, and throat devices section	10/31/80	NA
3. Respiratory and nervous system devices panel: a. Neurological devices section	11/30/80	11/30/80
4. General medical devices panel: a. Gastroenterology-urology devices section	NA	12/31/80
5. Obstetrics-gynecology and radiologic devices panel: a. Obstetrics-gynecology devices section	1/31/81	NA
6. Clinical chemistry and hematology devices panel:		
a. Clinical chemistry section	NA	2/28/81
b. Clinical toxicology section	NA	2/28/81
7. Immunology and microbiology devices panel:		
a. Immunology devices section	NA	2/28/81
b. Microbiology devices section	NA	2/28/81

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94–295, 90 Stat. 539–583), the functions of the panels and sections listed above are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption of certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, (9) and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device panel include as nonvoting members a representative of consumer interests and a representative of interests of the device manufacturing industry. Each of the sections identified in this notice will have a representative of consumer interests and a representative of industry interests.

Any interested person may nominate one or more qualified persons as a nonvoting member of a particular advisory panel or section to represent consumer interests as identified in this notice. Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate nonvoting member of a particular panel or section may nominate one or more qualified persons to represent industry interests.

Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of an advisory panel, and, in the case of a consumer representative, appears to have no conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory panel or section or in any advisory panel or section. A complete curriculum vitae of each nominee shall be included. The term of office is approximately 3 years.

The agency has instituted, on a trial basis, a new selection process for members representing consumer interests. This process temporarily replaces the procedures set out in 21 CFR 14.84(c). The voting groups that have previously elected consumer representatives have selected a consortium of consumer organizations. This consortium will recommend two candidates to the agency, and agency staff will make the final selection.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each organization to consult with the others in selecting a single nonvoting member representing industry interests for that particular committee within 30 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: April 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–11057 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–03–M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, continued regulation of health maintenance organizations: determination of noncompliance.

SUMMARY: On September 25, 1979, the Director of the Office of Health Maintenance Organizations determined that Manhattan Health Plan, (MHP), 425 East 61st Street, New York, New York 10021, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of MHP as a federally qualified HMO. Rather, MHP has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)) (the Act), if the Secretary makes a determination under Section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by

section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

Dated: April 7, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80–11336 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–85–M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, continued regulation of health maintenance organizations: determination of noncompliance.

SUMMARY: On August 24, 1979, the Director of the Office of Health Maintenance Organizations determined that American Health Plan, Inc. (AHP), 1701 Northeast 164th Street, North Miami Beach, Florida 33162, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of AHP as a federally qualified HMO. Rather, AHP has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)) (the Act), if the Secretary makes a determination under Section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

Dated: April 7, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80–11337 Filed 4–14–80; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Goshute Indians; Plan for the Use and Distribution of Goshute Indians' Judgment Funds Awarded in Dockets 326–B and 326–J Before the Indian Claims Commission

April 2, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 18, 1975, 89 Stat. 826, in satisfaction of the award granted to the Goshute Indians in Indian Claims Commission Dockets 326–B and J. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 12, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on July 17, 1979, and the Senate on July 19, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on October 19, 1979, as provided by Section 5 of the 1973 Act, *supra.*

Publication of this plan has been delayed pending passage of S.J. Resolution 108 (which became Pub. L. 96–194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra.*

The plan reads as follows:

"The funds appropriated by the Act of December 18, 1975, 89 Stat. 826, in satisfaction of an award granted to the Goshute Indians in Dockets 326–B and J before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

The funds shall be divided by the Secretary of the Interior (hereinafter 'Secretary') on the basis of the respective tribal rolls of the Confederated Tribes of the Goshute Reservation (hereinafter 'Goshute Tribe') and the Skull Valley Tribe of Utah (hereinafter 'Skull Valley Tribe') developed pursuant to this plan.

Goshute and Skull Valley Tribal Rolls

To effect the division of the funds the Secretary shall prepare, in cooperation with the respective tribal governing bodies and enrollment committees, tribal rolls containing the names of all eligible persons born on or prior to and living on the effective date of this plan.

In order to prepare an official roll for the Goshute Tribe the Secretary shall utilize as the tribal base roll the Agency Census of January 1, 1939, as corrected by the Agency Census of January 31, 1941, and including those whose names were not removed by November 24, 1941, and criteria and procedures for enrollment specified in the tribe's constitution and bylaws and Ordinance no. 76–G–13, as amended October 16, 1976.

In order to prepare an official roll of the Skull Valley Tribe the Secretary shall utilize the tribal enrollment ordinance of June 28, 1956.

Any additional enrollment procedures required for either tribe shall be promulgated by the Secretary. The decision of the Secretary concerning eligibility to appear on the Goshute tribal base roll or on the Goshute and Skull Valley tribal rolls brought current to the effective date of this plan shall be final.

Share of the Goshute Tribe

Per Capita Payment Aspect (50 Percent)

Subsequent to the preparation and approval of the membership roll referred to above, the Secretary shall make a per capita distribution of fifty (50) percent of the share, in a sum as equal as possible, to each tribal enrollee.

Programing Aspect

1. *Education and Training Program (Ten Percent).* Ten (10) percent of the share, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and shall not be expended, and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, to fund an Education and Training Program. Said program shall consist of scholarships and other educational assistance and vocational training. The tribal governing body shall develop a suitable code to administer the program, including the screening of applicants, with preference extended to off-reservation members of the tribe.

2. *Tribal Administration (Twenty Percent).* Twenty (20) percent of the share shall be invested by the Secretary and shall not be expended, and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for tribal administrative needs. Such needs and projects shall include, but not be limited to, the establishment and maintenance of the position of Tribal Manager, reimbursement of tribal council members in the conducting of tribal business and maintenance and protection of a community building and other tribal or community facilities.

3. *Economic Development and Land Consolidation Program (Ten Percent).* Ten (10) percent of the share shall be invested by the Secretary, and such funds and all interest and investment income accrued shall be expended for land purchase and consolidation and for the securing of water rights. Such purchases shall be utilized for livestock and other tribal enterprises designed to employ and train tribal members and to produce revenue for the tribe. The tribal governing body shall develop an appropriate ordinance and code of operations to govern this program. Any profits derived shall, with the approval of the Secretary, be added on an annual budgetary basis to the Dividend Payments Program provided for below.

4. *Dividend Payments Program (Ten Percent).* Ten (10) percent of the share shall be invested by the Secretary and shall not be expended, and the interest and investment income accrued shall be utilized for periodic dividend payments to the members of the tribe. Such dividend payments shall be determined by the tribal governing body on an annual budgetary basis with the approval of the Secretary.

Share of the Skull Valley Tribe

Per Capita Payment Aspect (67 Percent)

Subsequent to the preparation and approval of the membership roll referred to above, the Secretary shall make a per capita distribution of sixty-seven (67) percent of the share, in a sum as equal as possible, to each tribal enrollee.

Programing Aspect

1. *Dividend Payment and Tribal Operations Program (Twenty-Four Percent).* Twenty-four (24) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and shall not be expended. Sixty-six (66) percent of the interest and investment income accrued shall be utilized for periodic dividend payments to the members of the tribe. Such dividend payments shall be determined by the tribal governing body on an annual budgetary basis, with the approval of the Secretary, and shall continue for a period of at least ten years from the effective date of this plan. Subsequent to the end of the ten-year period the tribal governing body may reprogram the sixty-six percent portion of the funds with the approval of the Secretary.

Thirty-four (34) percent of the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for the following purposes: the management and maintenance of a community building; a funeral fund to supplement Federal and State programs; and the management of the tribal water system on the Skull Valley Reservation and for other tribal operations.

2. *Community Building and Other Capital Improvements (Three Percent).* Three (3) percent of the funds shall be invested by the Secretary and shall not be expended, and the interest and investment income accrued shall be utilized as matching funds for the construction of a community building and other capital improvements as needed. In the event that full grants for construction are available, the funds shall be designated on an annual budgetary basis, with the approval of the Secretary, for maintenance of the facilities.

3. *Farm Enterprise (Six Percent).* Six (6) percent of the funds shall be invested by the Secretary and shall not be expended, and the interest and investment income accrued shall be utilized by the tribal governing body on an annual budgetary basis for the development of a tribal farming enterprise. The expenditure of such funds shall be contingent upon the acceptance by the Secretary of a tribal plan of operations for this enterprise.

General Provisions

The per capita shares and dividend payments of living competent adults shall be paid directly to them. Shares and payments of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Shares and payments of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares and payments of minors shall be handled pursuant ot 25 CFR 60.10(a) and (b)(1) and 104.4.

Should any funds in any of the above-cited general program categories not be needed or be found in excess of programing goals in any given annual budget, such funds may be transferred by the affected tribal governing body, with the approval of the Secretary, to another of the above-cited general program categories.

None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-11338 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-02-M

Nisqually Indian Reservation, Wash.; Proclaiming Certain Lands as Part of Indian Reservation; Correction

April 3, 1980.

In FR Doc. 80-1282, appearing at page 2910 in the issue for Tuesday, January 15, 1980, the land description is hereby corrected by deleting the period on the last line of the land description and adding "; lying Northerly of the North right-of-way line of Secondary State Highway No. 5-1."

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-11342 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-02-M

Receipt of Petition for Reassumption of Jurisdiction, Spokane Tribe of the Spokane Reservation

April 3, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Spokane Tribe of the Spokane Reservation, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Spokane Agency Office, Bureau of Indian Affairs, Wellpinit, Washington.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-11246 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[NM 33740]

Amcoal, Inc., Invitation for Coal Exploration Program

April 7, 1980.

U.S. Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to coal exploration license application NM 33740, qualified members of the public are hereby invited to participate with Amcoal, Inc., on a pro rata cost sharing basis in a program for the exploration of coal deposits owned by the United States of America in the S½ Sec. 8, T. 14 N., R. 17 W., NMPM, McKinley County, New Mexico.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Amcoal, Inc., P.O. Box 376, Fort Wingate, New Mexico 87316. Such written notice must be received no later than 30 calendar days after the publication of this notice in the **Federal Register.**

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management. A copy of the exploration plan as submitted by Amcoal, Inc., may be examined at the Bureau of Land Management, State Office, Room 3031, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico.

Larry L. Woodard,

Acting State Director.

[FR Doc. 80-11244 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

[N-2158]

Nevada; Classification Partially Revoked and Lands Open To Entry

April 7, 1980.

On February 6, 1970 (FR, Vol. 35, No. 30, Page 2901) the following described land was classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws and from sale under R.S. 2455:

Mount Diablo Meridian, Nevada

T. 21 N., R. 34 E.
Sec. 27, SE¼;
Sec. 34, NW¼.
The land described aggregates 320 acres.

Review and evaluation of the land use capabilities of the above described land indicates that the classification is no longer valid and it is hereby revoked.

The land is now open to the operation of the public land laws, subject to valid existing rights and the requirements of applicable law. The land has been open continually to the mining laws and to applications and offers under the mineral leasing laws. All valid applications received at or before 10 a.m. on May 16, 1980 shall be considered as simultaneously fied at that time. Those received therafter shall be considered in the order of filing.

Inquiries concerning this land should be addressed to Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-11242 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

[N-21759]

Nevada; Realty Action, Sale of Public Lands in Washoe County, Nev.

April 7, 1980.

The following described land has been examined and identified for disposal by public auction under the Authority of Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than fair market value which has been determined to be $160,000.00.

Mount Diablo Meridian, Nevada

T. 20 N., R. 24 E.,
Sec. 2, S½S½.
Comprising 160 acres.

The sale will be held on Friday, April 25, 1980, at the BLM Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada. Registration of bidders will begin at 8:00 a.m. and the sale will start at 9:00 a.m.

The land is being offered for sale to provide public lands for industrial expansion, private enterprise. The sale is consistent with the Bureau's planning. Public interest will be well served by making these lands available for public sale.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for communication line purposes which have been granted to Bell Telephone Company of Nevada, its successors or assigns on August 18, 1958 for a period of 50 years, under the Act of March 4, 1911, 36 Stat. 1253; 43 U.S.C. 961. (Nev-030375)

2. Those rights for power distribution line purposes which have been granted to Sierra Pacific Power Company, its successors or assigns, on June 27, 1967 for a 50 year period, under the Act of March 4, 1911, 36 Stat. 1253; 43 U.S.C. 961. (N-861)

3. An easement 50 feet in width will be reserved along the eastern boundary of the parcel, to assure continued ingress and egress to adjacent land.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of the public discussions, is available for review at the Bureau of Land Management, Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445. No bid will be accepted for less than the appraised price and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of corporations, subject to the laws of any state or the United States.

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Bids must be made by a principal or his agent, either by sealed bid mailed or delivered to the Bureau of Land Management, Winnemucca District Office, or by oral bidding at the sale. Bids delivered or sent by mail will be considered only if received at the Bureau of Land Management, Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445 prior to 4:30 p.m. on Thursday, April 24, 1980. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. N-21759; Sale to be Held April 25, 1980." The highest sealed bid on the parcel will determine the base of the oral bidding conducted the day of the sale. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the highest bid will be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale and oral bids will then be invited. After oral bids, if any, are received, the highest qualifying bid will be declared by the authorized officer. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price within 30 days of the sale. Failure to submit the full bid price within 30 days shall result in cancellation of the sale of the parcel and the deposit shall be forfeited and disposed of as other receipts of sale. All bids will be either returned, accepted, or rejected in writing within 30 days of the sale date.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-11243 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

Potassium Lease Offering by Sealed Bid

April 4, 1980.

U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. Notice is hereby given that certain potassium resources in the lands hereinafter described will be offered for lease by sealed bid to the qualified bidder of the highest cash amount per acre or fraction thereof in accordance with the provisions of the Act of February 7, 1927 (44 Stat. 1057), as amended. The minimum acceptable bid is $25 per acre. The sale will be held at 2:00 p.m., local time, May 1, 1980, in room 3A, Sweeney Convention Center, corner of Marcy and Grant, Santa Fe, New Mexico. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time and place set for opening of such bids.

Potassium Offered: The potassium resource to be offered is located in southeastern New Mexico in Eddy County about 20 miles east of Carlsbad. The lands are entirely within the Carlsbad Known Potash Leasing Area and are described as follows:

T. 21 S., R. 30 E., New Mexico Principal Meridian
*Sec. 9, E½;
Sec. 10, N½, SW¼;
Containing 800.0 acres.

Potash in the area is contained in the Salado Formation within the McNutt potash zone. The 10th, 8th, 7th, 5th, and 4th ore zones contain an estimated 31.07 million tons in place or 19.22 million tons recoverable at 13.1% K_2O. However, only the 5th and 7th ore zones containing 8.25 million tons in place or 7.01 million tons recoverable are of current economic interest.

Public Comments: The public is invited to submit written comments concerning fair market value of the offered potassium reserves to the Bureau of Land Management and the U.S. Geological Survey. These comments will be reviewed and taken into consideration in the determination of fair market value of the potassium of the offered lands. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and to the Regional Conservation Manager, Conservation Division, Geological Survey, P.O. Box 25046, Mail Stop 609, Denver Federal Center, Denver, Colorado 80225, to arrive no later than April 28, 1980.

Notice of Availability: Bidding instructions are included in the detailed statement of lease sale. The detailed statement, all case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary by the commenter and meeting the exemptions stated in the Freedom of Information Act, are available for public inspection in Room 3031, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico 87501.

The successful bidder is obligated to pay for the newspaper publications of this notice.

Arthur W. Zimmerman,

State Director.

[FR Doc. 80-11320 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

*No surface disturbing activities will be allowed in the NE¼NE¼, W½NE¼, N½SE¼NE¼, NW¼SE¼, W½SW¼SE¼, Sec. 9, in order to protect known archeological values.

Wilderness Meeting in Eureka, Nev.; Changed Location

In the **Federal Register** of April 1, 1980, page 21356, the BLM announced a series of meetings in Nevada concerning its proposals on wilderness study areas on public lands. One of those sessions is planned for Eureka, Nevada on April 16, 1980. The notice said that the afternoon session (from 1 to 4:30 p.m.) was to be held at the Eureka Courthouse. That meeting has been changed to the BLM's Eureka office. The evening session (from 7 to 9 p.m.) will still be held at the Eureka Courthouse.

Dated: April 8, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80-11416 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

Koochiching Bog Units 42 and 45, Minnesota; Final Wilderness Inventory Decision

In the February 19, 1980 **Federal Register**, the Bureau of Land Management (BLM) announced its final intensive wilderness inventory decision on two units known as Koochiching Bog Units 42 and 45, encompassing 21,407.22 acres of public lands in Koochiching County, Minnesota.

The decision provided that, unless timely protests were received by the BLM Eastern States Director, 350 South Pickett Street, Alexandria, Virginia 22304, within a thirty-day period ending at 4:00 p.m., Eastern Standard Time, March 24, 1980 the decision would become *final.* No protests were received.

Under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, Change 3, the final intensive wilderness inventory decision for the following units became effective March 24, 1980:

Unit	Acres
Koochiching Bog Unit 42	10,394.72
Koochiching Bog Unit 45	11,012.50
Total acreage	21,407.22

The above public lands are no longer subject to BLM wilderness review and the management restrictions imposed by Section 603 of the Federal Land Policy and Management Act no longer apply.

Roger L. Hildebeidel,

Director, Eastern States.

[FR Doc. 80-11277 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-20]

Owyhee Grazing Draft Environmental Impact Statement; Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearings on Owyhee grazing DEIS.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed grazing management program for the Owyhee Resource Area of the Boise District in southwestern Idaho. The proposal involves changes in initial stocking rates, implementing improved grazing systems and installation of range improvements. Approximately 1 million acres of public lands are involved. Copies of the draft environmental impact statement are available for inspection at the following locations:

Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702. Telephone: (208) 334-1582.
Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724. Telephone: (208) 334-1770.
Public Affairs, Bureau of Land Management, Interior Building, 18th and G Street, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director or the Boise District Manager, Bureau of Land Management, at the above addresses.

Notice is hereby given that the draft environmental impact statement will be available for public review and comment for 60 days from the date filed with the Environmental Protection Agency. The Department of the Interior invites written comments on the adequacy of the draft statement to be submitted by June 10, 1980.

Notice is also given that public hearings will be held at: (1) The Red Lion Inn, Boise, Idaho, May 28, 1980, at 7 p.m.; and (2) Marsing Grade School, Marsing, Idaho, May 29, 1980, at 3 and 7 p.m.

DATES: May 28, 1980—Public hearing in Boise. May 29, 1980—Public hearing in Marsing. June 10, 1980—Deadline for receiving written testimony.

ADDRESS: Written comments on the Draft EIS should be sent to: Owyhee Grazing EIS, BLM Boise District Office, 230 Collins Road, Boise, Idaho 83702.

FOR FURTHER INFORMATION CONTACT: Ted Milesnick or Oscar Anderson, BLM Boise District Office, Telephone: (208) 334-1290.

SUPPLEMENTARY INFORMATION: Individuals wishing to testify may do so by appearing at a hearing place as previously specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at public hearings, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Boise District Manager at the above address.

Dated: April 9, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-11357 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

Utah and Colorado; Adoption of Regional Leasing Target

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the Federal coal management regulations (43 CFR 3420.3-2(j)), the Secretary of the Interior has the responsibility for establishing a Federal coal leasing target for each of the Federal coal production regions. This notice is to inform the public that, on March 28, 1980, the Secretary adopted a leasing target of 322 million tons of in-place Federal coal for the Uinta-Southwestern Utah Federal Coal Production Region. The target is to achieve 1985 through 1990 production levels and to promote competition in the region.

The target was arrived at after analyzing potential production from coal mines in the region, after extensive public hearings, and after consultation with State and local officials and the Departments of Energy and Justice. The approval of the Intermountain Power Project and the proposed exchange of preference right lease applications held by Utah Power and Light Company were key factors considered in deriving the leasing target.

FOR FURTHER INFORMATION CONTACT: Edward F. Spang, Regional Coal Team Chairperson, at the Bureau of Land Management, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89509, or call (702) 784-5451.

Dated: April 9, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-11283 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Mammal Division (Philip Myers), Museum of Zoology, University of Michigan, Ann Arbor, Michigan 48100.

The applicant requests a permit to import 6 skulls from tapir (*Tapirus terrestris*), 2 skeletons from black-throated piping guan (*Pipile jacutinga*) and 1 skeleton from solitary tinamou (*Tinamus solitarius*) for scientific purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6467. Interested persons may comment on this application on or before May 15, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 10, 1980.

Fred Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-11367 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

V 45 / 74 APR 15 80 UMI

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2834, Block 236, West Cameron Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11294 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed developent and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2919, Block 91, Ship Shoal Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana.

FOR FURTHER INFORMATION CONTACT: U.S Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Cuaseway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11295 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1025, Block 239, Ship Shoal Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11296 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Ocean Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1023, Block 224, Ship Shoal Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11297 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Pennzoil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3118, Block A–499, High Island Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11299 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2659, Block A–28, Brazos Area.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 7, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11298 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS, 0453, Block 130, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-11859 Filed 4-16-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 4, 1980. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 30, 1980.

Carol Shull,

Acting Keeper of the National Register.

ARKANSAS

Drew County

Monticello, *Hardy, Robert Lee, House*, 207 S. Main St.

Pulaski County

Little Rock, *Compton-Wood House*, 800 High St.

CALIFORNIA

Inyo County

Little Lake vicinity, *Fossil Falls Archeological District*, N of Little Lake off CA 395

San Francisco County

San Francisco, *Fort Miley Military Reservation (Point Lobos Military Reservation)*, Off CA 1

V 45 / 74 AP 15 80 UMI

IOWA

Black Hawk County

Cedar Falls, *Forrest Milling Company Oatmeal Mill,* N. Main St.

Linn County

Mount Vernon, *Cornell College-Mount Vernon Historic District,* Roughly bounded by RR tracks, College Blvd., N. 10th, N. 8th, and S. 3rd Aves., N. 2nd and S. 4th Sts.

KENTUCKY

Anderson County

Lawrenceburg, *Hanks, Thomas H., House,* 516 E. Woodford St.

Jefferson County

Louisville, *Old U.S. Customshouse and Post Office and Fireproof Storage Company Warehouse,* 300–314 W. Liberty St.
Louisville, *Parkland Historic District,* Roughly bounded by RR tracks, Hale Ave., S. 26th and S. 30th Sts.
Louisville, *Russell Historic District,* Roughly bounded by S. 15th, S. 26th, Congress and W. Broadway Sts.

Kenton County

Covington, *Seminary Square Historic District,* Roughly bounded by RR tracks, Holman, 9th and 12th Sts.

Ohio County

Hartford, *Hill, Samuel E., House,* 519 E. Union St.

Union County

Morganfield, *Hughes, Daniel H., House,* 213 W. O'Bannon St.

LOUISIANA

Concordia Parish

Frogmore, *Gillespie,* U.S. 84

East Feliciana Parish

Clinton, *Boatner House,* Plank and Taylor Sts.

Iberville Parish

Plaquemine, *Iberville Parish Courthouse (Plaquemine City Hall),* 209 Main St.

Lafourche Parish

Thibodaux, *Rienzi Plantation House,* LA 308

Tangipahoa Parish

Amite, *Greenlawn,* 200 E. Chestnut St.
Ponchatoula vicinity, *Nichols House,* 2 mi. W of Ponchatoula on LA 22

Washington Parish

Mount Hermon, *Magee, Nehemiah, House,* SW of Mount Hermon

MASSACHUSETTS

Berkshire County

Pittsfield, *Allen, William Russell, House,* 359 East St.

Suffolk County

Boston, *New England Conservatory of Music,* 290 Huntington Ave.

Worcester County

Uxbridge, *Farnum, Coronet John, House,* Mendon St.

MICHIGAN

Cheboygan County

Mackinaw City, *Stimpson, Forrest J., House (Mackinaw City Marine Recording Station)* 516 N. Huron Blvd.

Clinton County

St. Johns, *East Ward School,* 106 N. Traver St.
St. Johns, *Union School,* 205 W. Baldwin St.

Genesee County

Fenton, *Vermont House and Fenton Grain Elevator,* 302 and 234 N. Leroy St.
Flint, *Whaley, Robert J., House,* 624 E. Kearsley St.

Houghton County

Houghton, *College Club House and Gymnasium,* 1416 College Ave.

Jackson County

Jackson, *Michigan Theater,* 124 N. Mechanic St.
Springport vicinity, *Jameson, James M., Farm,* E of Springport at 10220 N. Parma Rd.

Kalamazoo County

Kalamazoo, *Masonic Temple Building,* 309 N. Rose St.

St. Joseph County

Constantine, *Art Gallery Building,* 156 S. Washington St.

Shiawassee County

Corunna, *Ingersoll, John N., House,* 570 W. Corunna Ave.

MISSISSIPPI

Chickasaw County

Okolona, *Elliott-Donaldson House,* 109 Church St.

Leflore County

Greenwood, *Cotton Row Historic District,* Cotton, Front, Fulton, Howard, Main, and Market Sts.

Wilkinson County

Woodville, *Hampton Hall,* MS 61

NEW MEXICO

Eddy County

Hope vicinity, *Pope's Artesian Well Camp No. 3*

Luna County

Deming vicinity, *Fort Cummings Historic District,* NE of Deming

NORTH CAROLINA

Madison County

Hot Springs, *Sunnybank,* NC 209

OHIO

Clark County

Enon vicinity, *Pickaway Settlement Battlesite,* N of Enon

Franklin County

Columbus, *Near Northside Historic District,* Off U.S. 23

PENNSYLVANIA

Berks County

Kutztown, *Kutztown 1892 Public School Building,* White Oak and Normal Ave.

Bucks County

Wrightstown vicinity, *Wrightstown Octagonal School House,* SW of Wrightstown off PA 232

Centre County

Bellefonte, *McAllister-Beaver House,* 817 E. Bishop St.

Franklin County

Upton vicinity, *McCoy-Shoemaker Farm,* SW of Upton on PA 995
Waynesboro, *Hamilton, Alexander, House,* 45 E. Main St.

Lackawanna County

Scranton, *Watkins-Maxey House,* 520 Monroe Ave.

Lehigh County

Egypt, *Troxell-Steckel House,* 4229 Reliance St.

Montgomery County

Penllyn, *Foulke Mansion,* Penllyn and Blue Bell Pike

SOUTH DAKOTA

Brookings County

Brookings, *Carnegie Public Library,* 524 4th St.
Brookings, *Wenona Hall and Wecota Hall,* Medary Ave.

Brown County

Aberdeen, *Masonic Temple,* 503 S. Main St.

Edmunds County

Ipswich, *Parmley, J. W., House,* 4th St. and 4th Ave.

Fall River County

Hot Springs, *Hot Springs High School,* 146 N. 16th St.

Hughes County

Pierre, *St. Charles Hotel,* 207 E. Capitol Ave.
Pierre vicinity, *Oahe Chapel,* NW of Pierre

Kingsbury County

Oldham, *Peterson-Loriks House*

Lawrence County

St. Onge, *St. Onge Schoolhouse,* Off SD 24

Minnehaha County

Renner, *Renner Lutheran Sanctuary,* Off U.S. 77
Sioux Falls, *Central Fire Station,* 100 S. Minnesota Ave.

Potter County

Hoven, *St. Bernard's Catholic Church,* SD 20

Todd County

Rosebud, *Rosebud Agency,* 1 Main St.
Rosebud, *Rosebud Hotel (Old Club)* 7 Circle Dr.
Rosebud vicinity, *Spotted Tail Gravesite*

Yankton County

Yankton, *Trierweiler, Dr. John, House,* 301 Spruce St.

TENNESSEE

Haywood County

Brownsville, *College Hill Historic District,* TN 19 and U.S. 70/79

TEXAS

COMMERCIAL STRUCTURES OF EL PASO BY HENRY C. TROST THEMATIC RESOURCES. Reference—see individual listings under El Paso County.

Anderson County

Palestine, *Link House,* 925 N. Link St.

El Paso County

El Paso, *Abdou Building, (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 115 N. Mesa St.
El Paso, *Bassett, O. T., Tower (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 301 Texas Ave.
El Paso, *Caples, Richard, Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 300 E. San Antonio Ave.
El Paso, *Columbia Furniture (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 216 E. Overland Ave.
El Paso, *El Paso International Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 125 N. Stanton St.
El Paso, *Hills, W. S., Commercial Structure (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 215–219 San Antonio Ave.
El Paso, *Hotel Cortez (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 300 N. Mesa St.
El Paso, *Hotel Paso del Norte (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 115 S. El Paso St.
El Paso, *Newberry, J. J., Company (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 201–205 N. Stanton St.
El Paso, *Palace Theatre (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 209 S. El Paso St.
El Paso, *Plaza Hotel (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* Oregon and Mills Sts.
El Paso, *Popular Department Store (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 102 N. Mesa St.
El Paso, *Roberts-Banner Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 215 N. Mesa St.
El Paso, *Singer Sewing Company (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 211 Texas Ave.
El Paso, *State National Bank (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 114 E. San Antonio Ave.
El Paso, *Union Bank and Trust (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 104–106 San Antonio Ave.
El Paso, *White House Department Store and Hotel McCoy (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 109 Pioneer Plaza

Llano County

Llano, *Badu Building,* 601 Bessemer Ave.

Starr County

Rio Grande City, *LaBorde House, Store and Hotel,* 601 E. Main St.

UTAH

Garfield County

Panguitch vicinity, *Pole Hollow Archeological Site*

Juab County

Callao vicinity, *Fish Springs Caves Archeological District*

Salt Lake County

Salt Lake City, *Armstrong, Francis, House,* 667 E. 1st South St.

San Juan County

Aneth Vicinity, *Aneth Terrace Archeological District*

Utah County

American Fork, *American Fork Presbyterian Church,* 75 N. 1st East St.

VIRGINIA

Danville (independent city)

Danville Tobacco Warehouse and Residential District, Off U.S. 58

WISCONSIN

Adams County

Friendship vicinity, *Roche-a-Cri Petroglyphs*

Iron County

Montreal, *Montreal Company Location Historic District,* WI 77

Oconto County

Oconto, *Oconto Main Post Office,* 141 Congress St.

Rock County

Beloit, *Pearsons Hall of Science,* Beloit College campus
Milton, *Milton College Historic District,* College St.
Orfordville vicinity, *West Luther Valley Lutheran Church,* SW of Orfordville on W. Church Rd.

[FR Doc. 80-10935 Filed 4-14-80; 8:45 am]
BILLING CODE 4310-03-M

Bureau of Land Management

[INT DEIS 80-19]

Availability of the Draft Environmental Impact Statement, Anaconda Nevada Moly Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the draft environmental impact statement (DEIS) on the Anaconda Copper Company's proposed Nevada Moly project.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a DEIS concerning the Anaconda Copper Company's proposal to develop, mine, and mill a deposit of molybdenum ore. A major part of the proposal is the proposed construction of a 86 mile long 230 kV powerline by the Sierra Pacific Power Company to provide power for the mine/mill complex. The DEIS analyzes the impacts of the proposal, alternate routing of the powerline and a range of materials for its construction, as well as alternative means of milling the ore.

DATE: Comments by June 2, 1980.

ADDRESS: Comments should be sent to: State Director, Bureau of Land Management, Federal Building, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Comments will be available for public review at the above address during regular business hours (7:30–4:15) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Pat Clason, Division of Rights-of-Way and Project Review (332), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, (202) 343–5441; or Mike Walker, Bureau of Land Management, Environmental Coordination Branch, Federal Building, 300 Booth Street, Reno, Nevada 89520, (702) 784–5602.

SUPPLEMENTARY INFORMATION: A limited number of copies of the DEIS are available upon request at the following offices:

Battle Mountain District Office, P.O. Box 194, Battle Mountain, Nevada 89820.
Tonopah Resource Area Hdqrs Bldg., 102 Old Radar Base, Tonopah, Nevada 89049.
Bureau of Land Management, Nevada State Office, Federal Building, 300 Booth Street, Reno, Nevada 89520.

Also, copies are available for review at public libraries in: Tonopah, Battle Mountain and Reno, Nevada.

Dated: April 10, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-11321 Filed 4-14-80; 8:45 am]
BILLING CODE 4310-84-M

[INT FES 80-15]

Superior Oil Co. Land Exchange and Oil Shale Resource Development

AGENCY: Bureau of Land Management (BLM), Interior.

V. 45 / 74 APR 15 1980 UMI

ACTION: Notice of availability of the final environmental impact statement (FEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior (DOI) has prepared a FEIS on a proposed land exchange with Superior Oil Company and subsequent oil shale development project.

SUPPLEMENTARY INFORMATION: The DOI (BLM) has prepared a FEIS on a land exchange proposed by Superior Oil Company which would involve the exchange of 2,045 acres of public land for 2,572 acres of Superior Oil Company land. As a result of the land exchange, Superior Oil Company could mine approximately 26,000 tons of oil shale per day.

The oil shale would be processed on site and produce approximately 11,500 barrels of shale oil, 4,800 tons of nahcolite, 1,000 tons of soda ash, and 580 tons of alumina per day. The FEIS analyzes the impacts that would result from the mining and processing operations. The FEIS also analyzes the alternative of leasing these public lands for oil shale development.

FOR FURTHER INFORMATION CONTACT: Mel Berg, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, (202) 343–5441.

Copies of the FEIS will be available for inspection at the following locations:

Bureau of Land Management, Public Affairs, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343–6011.

Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625, (303) 824–3417.

Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, (303) 837–3515.

Bureau of Land Management, White River Resource Area, 317 E. Market, Meeker, Colorado 81641, (303) 878–5084.

Public Libraries

Public Library of Craig, Craig, Colorado 81625
Rifle Public Library, Rifle, Colorado 81650
Meeker Public Library, 200 Main, Meeker, Colorado 81641
Rangely Public Library, 109 E. Main St., Rangely, Colorado 81648
Conservation Library, Denver Public Library, 1537 Broadway, Denver, Colorado 80206

County Courthouses

Moffat County, Craig, Colorado 81625
Garfield County, Glenwood Springs, Colorado 81601.

A limited number of single copies of the FEIS can be obtained from the District Manager, Craig District Office or the State Director, Colorado State Office, at the addresses listed above.

Dated: April 10, 1980.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 80-11322 Filed 4-14-80; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Notice

Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby amend the second sentence of the notice relating to the exhibit, "Post-Impressionism: Crosscurrents in European and American Paintings, 1880–1906," published in the **Federal Register** on March 31, 1980 (45 FR 21061), to read as follows: These objects are imported pursuant to an agreement on packing, transportation, and catalogue publication between the National Gallery of Art, Washington, D.C. and the Royal Academy of Arts, London, England, and pursuant to loan agreements between the National Gallery of Art and the foreign owner of each painting.

Notice of this amendment is ordered to be published in the **Federal Register.**

Dated April 10, 1980.

Charles W. Bray III,

Acting Director, International Communication Agency.

[FR Doc. 80-11336 Filed 4-14-80; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Notice 177]

Assignment of Hearings

April 8, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 42487 (Sub-916F), Consolidated Freightways Corporation of Delaware, now assigned for hearing on May 19, 1980 (1 week) at Omaha, NE in Omaha Hilton Hotel, 10th & Dodge Street.

MC 4963 (Sub-67F), Jones Motor Co., Inc., now assigned for Prehearing Conference on April 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

FD-28934, Chicago and North Western Transportation Company Construction and Operation of a Line of Railroad in Niobrara and Goshen Counties, WY and in Sioux and Scotts Bluff Counties, NE, FD-29066, Chicago and North western Transportation Company-Construction, now assigned for further Prehearing Conference on April 18, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 80443 (Sub-23F), Overnite Express, Inc., now assigned for hearing on May 19, 1980 (2 days) at Minneapolis, MN in a hearing room to be later designated.

MC-F-14166F, Refrigerated Transport Co., Inc.-Purchase (Portion)-Dakota Express, Inc., and LTL Perishables, Inc., now assigned for hearing on May 21, 1980 (3 days) at Minnepalis, MN in a hearing room to be later designated.

MC 120981 (Sub-29F), Bestway Express, Inc., now assigned for continued hearing on April 7, 1980 (2 days) at Montgomery, AL will be held at the Ramada Inn, East, 1355 East Boulevard, and continued to April 10, 1980 (2 days) at Mobile, AL will be held at the Ramada Inn, Airport, 165 and Airport Boulevard, 600 Beltline Highway, South and continued to May 5, 1980 (2 days) at Birmingham, AL in a hearing room to be later designated.

MC 100666 (Sub-463F), Melton Truck Lines, Inc., now assigned for hearing on July 8, 1980 (9 days) at Birmingham, AL in a hearing room to be later designated.

MC 116400 (sub-7F), Lawrence Transfer & Storage Corporation, transferred to Modified Procedure.

MC 139960 (Sub-1F), Western Pacific Transport Company, now assigned for hearing on July 7, 1980 (2 weeks) at San Francisco, CA, in a hearing room to be later designated.

MC 65802 (Sub-66F), Lynden Transport, Inc., now assigned for hearing on June 5, 1980 (2 days) at Seattle, WA is advanced to June 2, 1980 (5 days) at Seattle, WA, in a hearing room to be later designated.

MC 85811 (Sub-12F), AMSCO Transportation, Inc., now being assigned for hearing on June 25, 1980 (3 days), at Kansas city, Mo. in a hearing room to be designated later.

MC 108633 (Sub-17F), Barnes Freight Line, Inc., now assigned for hearing on April 14, 1980 will be held in Room No. 401, 1776 Peachtree Street, N.W., Atlanta, GA., continued to April 17, 1980 at the Holiday Inn-Capitol, 924 Madison Avenue, Montgomery, AL., continued to April 21, 1980 at the Ramada Inn Airport, Airport Highway, Birmingham, AL., and continued to April 23, 1980 at the Holiday Inn, 3810 University Drive, Huntsville, AL.

MC 5623 (Sub-44F), Arrow Trucking Company, now assigned for hearing on April 15 thru 18, 1980 will be held at the Securities and Exchange Commission, Building 410, Seventeenth Street, Denver, CO, and continued to April 21 thru 25, 1980 in Room No. 158, U.S. Customs House, 721 19th Street, Denver, CO. No. MC 145441 (Sub-29F), A.C.B. Trucking, Inc., Application Dismissed.

MC-FC-77914, American Tank Transport, Inc., Baltimore, MD Transferee and Secon Service System, Inc., New York, NY. Transferor now being assigned for hearing on June 10, 1980 (4 days), at New York, NY. in a hearing room to be designated later.

MC 116457 (Sub-45F), General Transportation, Inc., transferred to Modified Procedure.

MC 118044 (Sub-3F), Keeshin Charter Service, Inc., now being assigned for hearing on June 11, 1980 (3 Days), at Chicago, IL, in a hearing room to be designated later.

MC 145441 (Sub-38F), A.C.B. Trucking, Inc., now being assigned for hearing on June 2, 1980 (2 Days), at Los Angeles, CA, in a hearing room to be designated later.

MC 129857 (Sub-8F), G.R.M., Inc. d.b.a. Port Terminal Transport, Inc., now being assigned for hearing on June 4, 1980 (3 Days), at Los Angeles, CA. in a hearing room to be designated later.

AB-6 (Sub-73F), Burlington Northern, Inc. Abandonment Near Laclede and Unionville, MO, now assigned for hearing on April 29, 1980 will be held in the Circuit Court Room, County Court House, Unionville, MO.

MC 125368 (Sub-63F), Continental Coast Trucking Company, Inc., now being assigned for hearing on June 17, 1980 (1 Day), at Omaha, NE, in a hearing room to be designated later.

MC 95540 (Sub-1057F), Watkins Motor Lines, Inc., now being assigned for hearing on June 18, 1980 (3 Days), at Omaha, NE, in a hearing room to be designated later.

MC 119493 (Sub-298F), Monkem Company, Inc., now being assigned for hearing on June 23, 1980 (2 Days), at Kansas City, MO, in a hearing room to be designated later.

MC C-10331, Pennsylvania Public Utility Commission-v-mushroom Transportation Company, Inc., now assigned for hearing on April 14, 1980 at Philadelphia, PA, is postponed indefinitely.

MC 144630 (Sub-18F), Stoops Express, Inc., now being assigned for hearing on July 16, 1980 (1 Day), at Tampa, FL, in a hearing room to be designated later.

MC 146002 (Sub-2F), Brookridge Leasing, Inc., now being assigned for hearing on July 17, 1980 (2 Days), at Tampa, FL, in a hearing room to be designated later.

MC 147144-F, International Carriers, Inc., now being assigned for hearing on July 21, 1980 (5 Days), at Miami, FL, in a hearing room to be designated later.

MC 140094 (Sub-1F), Latin Express Service, Inc., now assigned for hearing on April 9, 1980 at Miami, FL, is postponed indefinitely.

MC 123048 (Sub-441F), Diamond Transportation System, Inc., now being assigned for hearing on June 3, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 106647 (Sub-44F), Clark Transport Company, Inc., now being assigned for hearing on June 4, 1980 (3 Days), at Chicago, IL, in a hearing room to be designated later.

MC 119493 (Sub-297F), Monkem Company, Inc., now being assigned for hearing on June 9, 1980 (2 Days), at Chicago IL, in a hearing room to be designated later.

MC 120096 (Sub-31F), Uintah Freightways, A Corporation, Application Dismissed.

MC 116457 (Sub-43F), General Transportation Incorporated, now assigned for hearing on June 2, 1980 at Phoenix, AZ, is canceled and transferred to Modified Procedure.

MC 140829 (Sub-253F), Cargo, Inc., now being assigned for hearing on May 9, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC-C-10038, A&H Truck Line, Inc., Etal, -v-Overnite Transportation Company, Application Dismissed.

MC 16513 (Sub-15F), Reisch Trucking & Tranportation Company, Inc., transferred to Modified Procedure.

MC 69116 (Sub-238F), Spector Industries, Inc. d.b.a. Spector Freight Systems, transferred to Modified Procedure.

MC 125708 (Sub-167F), Thunderbird Motor Freight Lines, Inc., now assigned for hearing on April 15, 1980 at Ft. Worth, TX, is canceled and transferred to Modified Procedure.

MC 146965-F, Redding Lumber Transport, Inc., now assigned for hearing on May 5, 1980 at Sacramento, CA, is canceled and transferred to Modified Procedure.

MC 57239 (Sub-45F), Renner's Express, Inc., now being assigned for hearing on July 21, 1980 (5 Days), at Indianapolis, IN, in a hearing room to be designated later.

MC 106887 (Sub-10F), A. D. Ray Trucking, Inc., MC 145976 (Sub-2F), C & Y Leasing Corporation, now assigned for hearing on May 5, 1980 (1 week) at Casper, WY, in a hearing room to be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11332 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241; 41st Rev. Exemption No. 12]

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a) and 2(b).

Atlantic and Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Company
Reporting Marks: CIM
*Consolidated Rail Corporation
Reporting Marks: BCK–CNJ–CR–DLW–EL–ERIE–LV–NH–NYC–P&E PAE–PC–PCA–PRR–RDG–TOC
Fonda, Johnstown and Gloversville Railroad Company
Reporting Marks: FJG
Hartford and Slocum Railroad Company
Reporting Marks: HS
Hillsdale County Railway Company Inc.
Reporting Marks: HCRC
Lackawaxen and Stourbridge Railroad Corporation
Reporting Marks: LASB
Maryland and Pennsylvania Railroad Company
Reporting Marks: MPA
Pickens Railroad Company
Reporting Marks: PICK

Effective April 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-11327 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241; 82d Rev. Exemption No. 90]

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

*Addition.

V 45 / 74 APR 15 80 UMI

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
The Ahnapee & Western Railway Company
Reporting Marks: AHW
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
The Arcata and Mad River Railroad Company
Reporting Marks: AMR
The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Berlin Mills Railway, Inc.
Reporting Marks: BMS
* * *
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
Central Vermont Railway, Inc.
Reporting Marks: CV
Chesapeake Western Railway
Reporting Marks: CHW
City of Prineville
Reporting Marks: COP
The Claredon and Pittsford Railroad Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delaware and Hudson Railway Company
Reporting Marks: DH
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Detroit and Mackinac Railway Company
Reporting Marks: D&M–DM
Detroit, Toledo and Ironton Railroad Company
Reporting Marks: DT&I–DTI
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Green Bay and Western Railway Company
Reporting Marks: GBW
Green Mountain Railroad Company
Reporting Marks: GMRC
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc. d.b.a. The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lamoille Valley Railroad Company
Reporting Marks: LVRC
Lancaster and Chester Railway Company
Reporting Marks: LC
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
McCloud River Railroad Company
Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Mississippian Railway
Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT–BKTY
*Moscow, Camden & San Augustine Railroad
Reporting Marks: MCSA
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Jersey, Indiana & Illinois Railroad Company
Reporting Marks: NJII
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
Norfolk and Western Railway Company
Reporting Marks: ACY–N&W–NKP–WAB
Norfolk, Franklin and Danville Railway Company
Reporting Marks: NFD
North Louisiana & Gulf Railroad Company
Reporting Marks: NL&G
Octararo Railway, Inc.
Reporting Marks: OCTR
*Ontario Midland Railroad Corp.
Reporting Marks: OMID
*Oregon, California & Eastern Railway Company
Reporting Marks: OCE
*Oregon, Pacific and Eastern Railway Company
Reporting Marks: OPE
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company
Reporting Marks: PA&M
*The Pittsburgh and Lake Erie Railroad Company
Reporting Marks: P&LE
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Prairie Trunk Railway
Reporting Marks: PARY
Raritan River Rail Road Company
Reporting Marks: RR
St. Lawrence Railroad
Reporting Marks: NSL
St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Sandersville Railroad Company
Reporting Marks: SAN
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
Southern Railway Company
Reporting Marks: CG–NS–SA–SOU
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
*Transkentucky Transportation Railroad, Inc.
Reporting Marks: TTIS
Union Railroad of Oregon
Reporting Marks: UO
Upper Merion and Plymouth Railroad Company
Reporting Marks: UMP
Vermont Railway, Inc.
Reporting Marks: VTR
The Virginia and Maryland Railroad Company
Reporting Marks: VAMD
Virginia Central Railway
Reporting Marks: VC
Warwick Railway Company
Reporting Marks: WRWK
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective April 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

*Additions.
***Delete: Burlington Northern Inc.

[FR Doc. 80-11328 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: April 8, 1980.

In our decision of February 26, March 4, 11, 18, 25, and April 1, 1980, a 13-percent surcharge was authorized on all owner-operator traffics, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.5-percent. Accordingly, we are authorizing a 13.5 percent surcharge for this traffic. All owner-operators are to receive compensation at the 13.5-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utlizing owner-operators, the 1.3-percent surcharge for United Parcel Service, nor in the 5.0-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., April 11, 1980.

By the Commission: Chairman Gaskins, Vice Chairman Gresham Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (Dissenting)

I would hold the owner-operator/truckload surcharge to 13 percent.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

April 7, 1980 ..... 114.1¢

	(1) Line transportation performed by owner-operators [1]	(2) Other [2]	(3) Bus carrier	(4) UPS
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	13.5	2.3	5.0	[3]2.1
Percent surcharged allowed	13.5	2.3	5.0	[4]1.3

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-11331 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief; Formerly Fourth Section Application

April 9, 1980.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before April 30, 1980.

No. 43812, Southwestern Freight Bureau, Agent No. B–59, on Clay from stations in South Dakota and Wyoming to Kirbyville TX, and stations taking same basis of rates as published in Supplement 12 to Southwestern Freight Bureau, Agent's Tariff ICC SWFB 4321–A, effective May 14, 1980. Grounds for relief-destination rate relationships.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11330 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. 64 under S.O. No. 1344]

Meridian & Bigbee Railroad Co.; Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Meridian & Bigbee Railroad Company is unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, because of flooding.

It is ordered,

(a) *Rerouting traffic.* The Meridian & Bigbee Railroad Company being unable to transport promptly all traffic offered for movement between Meridian, Mississippi, and Myrtlewood, Alabama, because of flooding, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Acceptance of traffic in interchange.* In the event the Meridian & Bigbee Railroad Company cannot accept traffic in interchange from a connecting carrier, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Effective date.* This order shall become effective at 10:00 a.m., March 28, 1980.

(h) *Expiration date.* This order shall expire at 9:00 a.m., April 1, 1980, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 28, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-11325 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of "Waste" Products for Reuse or Recycling; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products

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for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in *"Waste" Products*, Ex Parte No. MC–85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission or or before May 5, 1980. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

P–5–80 (Special certificate—waste products), filed March 10, 1980. Applicant: North Pacific Lumber Co., 1505 SE Gideon, Portland, OR. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. Sponsor: Publishers Paper Company of Oregon City, OR. Commodity: Waste Products (waste paper).

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11329 Filed 4–14–80; 8:45 am]

BILLING CODE 7035–01–M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operting rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after April 15, 1980 except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before May 15, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC–F–14291F, filed January 9, 1980. NATIONAL FREIGHT, INC. (National) (57 West Park Avenue, Vineland, NJ 08360)—control—ALL FLORIDA FREIGHTWAYS, INC. (All) (57 West Park Avenue, Vineland, NJ 08360) and ALL FLORIDA FREIGHTWAYS, INC.—control and merger—CROWN MOTOR LINES, INC. (Crown) (2225 Broadway Avenue, Jacksonville, FL 32211). Representative: Peter J. Nickles, 888 16th Street NW., Washington, DC 20006. National seeks authority to control All, through the purchase of all of the capitol stock of All. By the same application All seeks authority to acquire control of Crown and to merge the operating rights and property of Crown into All for ownership, management, and operation. Bernard A. Brown who controls National through ownership of 58% of its common stock, and who controls All through ownership of its common stock, seeks to acquire control of All and Crown through this transaction.

The operating rights to be acquired by All are contained in Crown's certificates issued in No. MC–96925 and sub-numbers thereunder, which authorizes the transportation as follows: (1) Irregular route authority for *commodities generally*, except commodities in bulk or in tank trucks, commodities requiring special equipment or special handling, or commodities requiring mechanical refrigeration; between Callahan, Hilliard, Cecil Field, Jacksonville, Jacksonville Beach and Mayport, FL. (Service between Cecil Field, FL, on the one hand, and, Mayport and Jacksonville, Naval Air Station, FL, on the other, shall be restricted to shipments originating and terminating at those three points only); and (2) *Commodities generally*, except articles in bulk and articles requiring specialized

equipment and specialized handling, between Jacksonville and Palatka, FL, over U.S. Hwy 17, serving intermediate points of Orange Park, Green Cove Springs and Bostwick, FL, and off-route point of Penny Farms, FL; thence over FL Hwy 207 to Hastings and Spuds, FL; thence over FL Hwy 13 to Riverdale, Picolata, Orangedale, Switzerland, Mandarin, and Jacksonville, FL. *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission, between Orlando, FL, and Ocala, FL, serving all intermediate points and the off-route points of Eustis and Altamonte Springs, FL: From Orlando over U.S. Hwy 441 to Ocala, and return over the same route; between DeLand, FL, and Eustis, FL, serving all intermediate points: from DeLand over FL Hwy 44 to Eustis, and return over the same route, between DeLand, FL, and Altoona, FL, serving all intermediate points: from FL Hwy 42 to Altoona, and return over the same route, between Eustis, FL, and Groveland, FL, serving all intermediate points: from Eustis over Hwy 19 to Groveland, and return over the same route, between Ocala, FL, and Barberville, FL, serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing and Connor, FL: from Ocala over FL Hwy 40 to Barberville and return over the same route, between Sanford, FL, and Mt. Dora, FL, serving all intermediate points: from Sanford over FL Hwy 46 to Mt. Dora, and return over the same route, between Astor Park, FL, and Clermont, FL, serving all intermediate points: from Astor Park over FL Hwy 445 to jct FL Hwy 19, thence over FL Hwy 19 to jct FL Hwy 561, and thence over FL Hwy 561 to Clermont, and return over the same route, between Jacksonville, FL, and New Smyrna Beach, FL, serving all intermediate points and the off-route point of Ormond Beach, FL: from Jacksonville over U.S. Hwy 1 to New Smyrna Beach, and return over the same route. *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission, between Jacksonville, FL, and Greenland, FL, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: from Jacksonville over Alternate U.S. Hwy 1 (via John E. Matthews Bridge) to jct U.S. Hwy 1, thence over U.S. Hwy 1 to Greenland, and return over the same route. (Restriction: These operations are restricted to the transportation of shipments having an immediate prior or subsequent movement in pool car or pool truck service or to the transportation of shipments having an immediate prior or subsequent movement by water.) *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission, between Hawthorne, FL, and Palatka, FL, serving all intermediate points and the off-route point of Edgar, FL: from Hawthorne over FL Hwy 20 to Palatka, and return over the same route, between St. Augustine, FL, and Bunnell, FL, serving all intermediate points: from St. Augustine over FL Hwy 207 to Palatka, FL, thence over FL Hwy 100 to jct FL Hwy 20, and thence over FL Hwy 20 to Bunnell, and return over the same route, between DeLand, FL, and New Smyrna Beach, FL, serving all intermediate points: from DeLand over FL Hwy 44 to New Smyrna Beach, and return over the same route, between DeLand, FL, and Daytona Beach, FL, serving all intermediate points: from DeLand over U.S. Hwy 17 to jct U.S. Hwy 92, thence over U.S. Hwy 92 to Daytona Beach, and return over the same route, between DeLand, FL, and Bunnell, FL, serving all intermediate points: from DeLand over U.S. Hwy 17 to FL Hwy 11, and thence over FL Hwy 11 to Bunnell, and return over the same route, between Bunnell, FL, and Flagler Beach, FL, serving all intermediate points: from Bunnell over FL Hwy 11 to Flagler Beach, and return over the same route, between Jacksonville, FL, and Ocala, FL, serving all intermediate points: from Jacksonville over FL Hwy 228 to Maxville, FL, thence over U.S. Hwy 301 to Waldo, FL, thence over FL Hwy 24 to Gainesville, FL, and thence over U.S. Hwy 441 to Ocala, and return over the same route. (Restriction: These operations are restricted to the transportation of shipments having an immediate prior or subsequent movement in pool car or pool truck service or to the transportation of shipments having an immediate prior or subsequent movement by water.) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Orlando, FL, and Ocala, FL, serving all intermediate points and the off-route points of Eustis and Altamonte Springs, FL: from Orlando over U.S. Hwy 441 to Ocala, and return over the same route, between Orlando, FL, and Leesburg, FL, serving all intermediate points: from Orlando over FL Hwy 50 to jct FL Hwy 33, thence over FL Hwy 33 to jct U.S. Hwy 27, and thence over U.S. Hwy 27 to Leesburg, and return over the same route, between DeLand, FL, and Eustis, FL, serving all intermediate points: from DeLand over FL Hwy 44 to Eustis, and return over the same route, between DeLand, FL, and Altoona, FL, serving all intermediate points: from DeLand over FL Hwy 42 to Altoona, and return over the same route, between Eustis, FL, and Groveland, FL, serving all intermediate points: from Eustis over FL Hwy 19 to Groveland, and return over the same route, between Ocala, FL, and Barberville, FL, serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing and Conner, FL: from Ocala over FL Hwy 40 to Barberville, and return over the same route. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Sanford, FL, and Mt. Dora, FL, serving all intermediate points, from Sanford over FL Hwy 46 to Mt. Dora, and return over the same route, between Astor Park, FL, and Clermont, FL, serving all intermediate points: from Astor Park over FL Hwy 445 to FL Hwy 19, thence over FL Hwy 19 to jct FL Hwy 561, and thence over FL Hwy 561 to Clermont, and return over the same route, between Jacksonville, FL, and New Smyrna Beach, FL, serving all intermediate points and the off-route point of Ormond Beach, FL; from Jacksonville over U.S. Hwy 1 to New Smyrna Beach, and return over the same route, between Palatka, FL, and Hawthorne, FL, serving all intermediate points and the off-route point of Edgar, FL: from Palatka over FL Hwy 20 to Hawthorne, and return over the same route. (Restriction: This operation is restricted against service to, from, or between points in Alachua Cy., FL), between St. Augustine, FL, and Bunnell, FL, serving all intermediate points: from St. Augustine over FL Hwy 207 to Palatka, FL, thence over FL Hwy 100 to jct FL Hwy 20 and thence over FL Hwy 20 to Hawthorne, and return over the same route. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between DeLand, FL, and New Smyrna Beach, FL, serving all intermediate points: from DeLand over FL Hwy 44 to New Smyrna Beach, and return over the same route,

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between DeLand, FL, and Daytona Beach, FL, serving all intermediate points: from DeLand over U.S. Hwy 17 to jct U.S. Hwy 92, thence over U.S. Hwy 92 to Daytona Beach, and return over the same route, between DeLand, FL, and Bunnell, FL, serving all intermediate points: From DeLand over U.S. Hwy 17 to jct FL Hwy 11, and thence over FL Hwy 11 to Bunnell, and return over the same route, between Bunnell, FL, and Flagler Beach, FL, serving all intermediate points: from Bunnell over FL Hwy 100 to Flagler Beach, and return over the same route, between Jacksonville, FL, and Ocala, FL, serving all intermediate points: from Jacksonville over FL Hwy 228 to Maxville, FL, thence over U.S. Hwy 301 to Waldo, FL, thence over U.S. Hwy 24 to Gainesville, FL, thence over U.S. Hwy 441 to Ocala, and return over the same route. (Restriction: This operation is restricted against service to, from or between any points in Alachua Cy., FL), between Jacksonville, FL, and Lake City, FL, serving all intermediate points: from Jacksonville, and over U.S. Hwy 90 to Lake City, and return over the same route, (Restriction: This operation is restricted against service to, from or between points in Columbia Cy, FL), between New Smyrna Beach, FL, and Melbourne, FL, serving all intermediate points: from New Smyrna Beach over U.S. Hwy 1 to Melbourne, and return over the same route, between Melbourne, FL, and Orlando, FL, serving all intermediate points: from Melbourne over U.S. Hwy 192 to Ashton, FL, thence over FL State Road 15 to Orlando, and return over the same route, between Jacksonville, FL, and Greenland, FL, as an alternate route for operating convenience, only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From Jacksonville over Alternate U.S. Hwy 1 (via John E. Matthews Bridge), to jct U.S. Hwy 1, thence over U.S. Hwy 1 to Greenland, and return over the same route. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment and tractors), between Ocala, FL, and Tampa, FL, serving no intermediate points, but serving points in Pinellas Cy., FL, as off-route points: from Ocala over FL Hwy 200 to jct Interstate Hwy 75, thence over Interstate Hwy 75, thence over Interstate Hwy 75 to Tampa, and return over the same route. (Restriction: These operations are restricted against the transportation of building and construction materials originating at Tampa, FL.) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Melbourne and Florida City, FL, over U.S. Hwy 1, serving all intermediate points, (2) between Tampa and Miami, FL: from Tampa over FL Hwy 60 to jct U.S. Hwy 27, at or near Lake Wales, FL, then over U.S. Hwy 27 to Miami, and return over the same route, serving all intermediate points, serving those points in FL on and south of a line beginning at Clearwater, FL, and extending along FL along FL Hwy 60 to its jct with Interstate Hwy 4, then along Interstate Hwy 4 to its jct with FL Hwy 50, then along FL Hwy 50 to its jct with FL Hwy 405, then along FL Hwy 405 to its jct with FL Hwy 402, then along FL Hwy 402 to the Atlantic Ocean (except Monroe Cy.) as off-route points in connection with routes (1) and (2) above, (3) between Melbourne and Miami, FL, from Melbourne over Interstate Hwy 95 to jct with Florida Turnpike, then over Florida Turnpike to Miami, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (4) between Orlando and Miami, FL, from Orlando over Interstate Hwy 4 to jct with Florida Turnpike, then over Florida Turnpike to Miami, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ocala and Tampa, FL, (1) From Ocala over U.S. Hwy 301 to jct U.S. Hwy 92, then over U.S. Hwy 92 to Tampa, and return over the same route, serving all intermediate points, (2) from Ocala over State Road 40 to jct U.S. Hwy 41, then over U.S. Hwy 41 to Tampa, and return over the same route, serving all intermediate points. Serving in connection with routes (1) and (2) above, off-route points in Citrus, Hernando, Pasco, Pinellas, Hillsborough and Sumter Cys., FL. Operating rights of All Florida Freightways sought to be controlled by National Freight: all of the foregoing rights of Crown Motor Lines if All Florida's control of those rights and merger with Crown is approved; and the operating rights of Overseas Transportation Co. (Docket No. MC–1388) and South Florida Transportation Co. (Docket No. MC–97850), as approved in MC–F–13892, served March 6, 1980, specifically: regular route authority for *explosives, articles of unusual value,* and *general commodities,* except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Miami, FL, and Key West, FL, serving all intermediate points, and the off-route points of Opa Locka, FL, and points within ten miles of U.S. Hwy 1 between Miami and Key West, FL, from Miami over U.S. Hwy 1 to Key West, and return over the same route, and *automobiles, trucks,* and *buses,* in secondary movements, in truckaway and driveaway service, between Miami, FL, and Key West, FL, serving no intermediate points, From Miami over U.S. Hwy 1 to Key West, and return over the same route; regular route authority for *general commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Miami, FL, and Homestead, FL, serving all intermediate points, and the off-route point of the plant site of Lehigh Portland Cement Company, near Sweetwater, FL, from Miami over U.S. Hwy 41 to junction FL Hwy 27, and thence south over FL Hwy 27 to Homestead, and return over the same route; and authority to transport *freight* in common carriage: to, from and between Ft. Lauderdale and Miami, FL, and intermediate points over State Road No. 5 and, as an alternate route, over State Road No. 84, from Ft. Lauderdale to State Road No. 7, thence over State Road No. 7 to Miami, FL, serving Coconut Grove, Dania Beach, Davie, Deerfield Beach, Golden Beach, Gulfstream, Hialeah, Hollywood Beach, Miami Beach, Miami Springs, North Miami Beach, Opa-Locka, Pompano Beach, Port Everglades, and Wilton Manor, as off-route points, and between Ft. Lauderdale and Riviera Beach, FL, serving all intermediate points, over the following routes, from Ft. Lauderdale, FL, north over U.S. Hwy No. 1 (State Road No. 5) and/or State Road No. A1A to Riviera Beach, FL, and return over the same routes, with authority to use the Sunshine State Parkway for operating conveniences only, and including all lateral east-west highways and/or streets connecting the three routes above named; and a Certificate of Registration issued in Docket No. MC–97850 (Sub 2) issued on June 26, 1968, to operate and transport general commodities over regular and alternate routes as follows: (a) Between Riviera Beach and Orlando, FL, serving all intermediate points: from Riviera Beach over U.S. Hwy 1 to Titusville, thence over State Road 405 to its junction with State Road 50, thence over State Road 50 to Orlando, and return over the same route, (b) between Miami and Orlando, FL, serving all intermediate points, from Miami over U.S. Hwy 27 to South Bay, thence over State Road 80 to Belle Glade, thence over U.S. Hwy 441 to Orlando, and return over the same route, (c) between South Bay and Orlando, FL, serving all intermediate points: from South Bay over U.S. Hwy 27 and 27A to Haines City, thence over U.S. Hwy 17 to Orlando and return over the same route, (d) between Miami and Tampa, FL, serving all intermediate points, from Miami over U.S. Hwy 41 to Punta Gorda, thence over U.S. Hwy 17 to Bartow, thence over U.S. Hwy 92 to Tampa and return over the same route, (e) Between Punta Gorda and Tampa, FL, over U.S. Hwy 41 serving all intermediate points, (f) Between the junction of U.S. Hwy 41 and State Road 29 near Everglades, FL, and Fort Myers, FL, serving all intermediate points: from said junction of U.S. Hwy 41 with State Road 29 to its junction with State Road 82, thence over State Road 82 to Fort Myers and return over the same route, (g) Between Orlando and Tampa, FL, over Interstate Hwy 4 serving no intermediate points, (h) Between the West Palm Beach interchange on the Sunshine State Parkway and the junction of said parkway with U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only, subject to the restriction that no authority is granted hereby to engage in heavy hauling, as construed by orders of the Commission, or to transport commodities in bulk, liquid or dry, and over the following off-route areas: (i) All other points in FL on or south of a line beginning at the western terminus of FL Hwy 60, thence easterly along FL Hwy 60 to its junction with Interstate Hwy 4, thence easterly along Interstate Hwy 4 to its junction with FL Hwy 50, thence easterly along FL Hwy 50 to its junction with FL Hwy 405, thence northeasterly along FL Hwy 405 to its junction with FL Hwy 402, thence easterly along FL Hwy 402 to its eastern terminus (except those points in Dade and Monroe Counties on U.S. Hwy 1 and FL Hwy 27, south of Miami will be served as off-route points). National is a *common carrier* pursuant to certificates No. MC–2860 and sub-numbers thereunder. These authorities include general commodity regular-routes extending between CT and DC, and general commodity irregular route authority in the New England and Middle-Atlantic states, and special commodity irregular route authority in the eastern half of the country. (Hearing site: Washington, DC.)

Note.—An application for temporary authority has been filed.

MC–F–14300F, Filed January 21, 1980. STAFFORD TRUCKING, INC. (2155 Hollyhock Lane, Elm Grove, Wisconsin 53122)—purchase—Wunnicke Transfer Lines, Inc. (101 South Buchanan Street, Boscobel, Wisconsin 53805.) Representatives: Richard A. Westley, 4506 Regent Street, suite 100, Madison, WI 53705 and Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Stafford Trucking, Inc. (Stafford) purchasing the operating rights of Wunnicke Transfer Lines, Inc. (Wunnicke). Jack P. Stafford and Grace Stafford, both of 2155 Hollyhock Lane, Elm Grove, WI 53122, and Wilcy Stafford, of 836 River Street, Portage, WI 53901, seeks to acquire control of the rights of Wunnicke through the transaction. The interstate operating rights that the transferee is purchasing are contained in Wunnicke's permits which authorize operations as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, as follows: MC–13095 transporting *Malt Beverages,* from St. Paul, MN, to points in Crawford, Grant, Richland, and Iowa Counties, WI. *Empty malt beverage containers,* from points in Crawford, Grant, Richland, and Iowa Counties, WI to St. Paul, MN. *Canned goods,* from points in Brown, Calumet, Manitowoc, Sheboygan, Fond du Lac, Dodge, Columbia and Green Lake Counties, WI, to Dubuque, IA and East Dubuque, IL. *Apples,* from Gays Mills, WI, and points within six miles thereof, to points in ND, SD, MN, IA, and IL. *Grain, feed, salt, seed, and agricultural commodities,* between points in WI south and west of a line beginning at La Crosse, WI, and extending along U.S. Highway 16 to junction WI Highway 13, thence along WI Highway 13 to Beloit, WI, those points in IL north of U.S. Highway 6, and those points in IA north and east of a line beginning at Davenport, IA, and extending along U.S. Highway 6 to Des Moines, IA, thence along U.S. Highway 69 to the IA-MN state line, including points on the indicated portions of the highways specified. And under such contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail grocery and food business houses, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified below: *Such merchandise* as is dealt by retail grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Clinton, Davenport, and Dubuque, IA, and Freeport and Chicago, IL, to Boscobel, Soldiers Grove, Dodgeville, Fennimore, and Spring Green, WI. And under such contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale houses or retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified below: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (a) from Dubuque, IA and Milwaukee, WI, to points in WI south and west of a line beginning at La Crosse, WI, and extending along U.S. Highway 16 to Wisconsin Dells, WI, thence along WI Highway 13 to Beloit, WI including points on the indicated portions of the highways specified, and (b) Between points in Wisconsin territory described immediately above. And under such contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale houses, the business of which is the sale of cheese, for the transportation of the commodities indicated and in the manner specified below: *Creamery and cheese factory supplies and cheese,* (a) between Boscobel, WI, and points in WI within 35 miles of Boscobel, on the one hand, and, on the other, Sterling, Freeport, Dixon, and Chicago, IL, and Beaver Dam, Green Bay, Merrill, Sheboygan, Wisconsin Rapids, DePere, Loyal, Milwaukee, Superior, Fond du Lac, Marshfield, Plymouth, and Monroe, WI, (b) Between Sterling, Freeport, Dixon, and Chicago, IL, and points on that portion of U.S. Highway 18 between Clear Lake, IA, and the IA-WI state line, including Clear Lake, on the one hand, and, on the other, Beaver Dam, Green Bay, Merrill, Sheboygan, Wisconsin Rapids, DePere, Loyal, Milwaukee, Superior, Fond du Lac, Marshfield, Plymouth, and Monroe, WI, and (c) From points on that portion of U.S. Highway 18 between Clear Lake, IA, and the IA-WI state line, including Clear Lake, to Sterling, Freeport, Dixon, and Chicago, IL, and Boscobel, WI, and points in WI within 35 miles of Boscobel; MC–13095 (Sub-No. 8), transporting *Dried whey mixed with animal fat,* from Boscobel, WI, to Dundee, Gibson City, Peoria, Pittsfield, Union, and Waukegan, IL, Cedar Rapids, Davenport, Marshalltown, and Sioux

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City, IA, and Mankato and Minneapolis, MN. *Lactose,* from Boscobel, WI, to Milwaukee, WI, Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Milk Specialties, Inc., of Dundee, IL. *Butter,* from Richland Center, WI, to Dubuque, IA, Restriction: The operations authorized next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Breakstone Sugar Creek Foods Division of Kraftco Corporation, of Chicago, IL. *Cheese and creamery and cheese factory supplies,* (a) from points in WI, to Van Hert, OH, and (b) From Monticello and Luana, IA, Houston, MN, and Van Wert, OH, to points in WI, Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Borden Foods, Cheese Division, Division of Borden, Inc., of Plymouth, WI.; MC–13095 (Sub-No. 10), transporting *Whey, whey by-products, lactose, feeds and feed ingredients,* from Boscobel, WI, and Dundee, IL, to points in the United States (except AK and HI); and *Materials, supplies, and equipment* used or useful in the manufacture and distribution of the commodities in (1) above, from points in the United States (except AK and HI), to Boscobel, WI, and Dundee, IL. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is limited to the transportation of service to be performed, under a continuing contract, or contracts, with Milk Specialists Co., Division of Cudahy Company, of Dundee, IL. The authority granted herein is restricted against the transportation of commodities in bulk; and MC–13095 (Sub-No. 12) transporting *Materials and supplies* used or useful in the manufacture and distribution of cheese, from points in WI to Mission, SD; and *Cheese,* from Mission, SD, to points in WI. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Borden, Inc. Stafford Trucking, Inc., holds motor common carrier authority pursuant to certificates issued in MC–117370 and sub-numbers thereunder. Dahlman Truck Lines, Inc., a motor common carrier controlled by Jack P. Stafford, holds authority pursuant to certificates issued in MC–123907 and sub-numbers thereunder. (Hearing site: Madison, WI, or Chicago, IL.)

Notes.—(1) Dual operations may be involved. (2) Application for temporary authority has been filed.

MC–F–14318F, filed February 15, 1980. ELEVELD CHICAGO FURNITURE SERVICE, INC. (Eleveld) (4020 West 24th Street, Chicago, IL 60623)—purchase (portion)—ALLIED VAN LINES, INC. (Allied) (25th Avenue and Roosevelt Road, Broadview, IL 60153). Representative: Terry C. Fewell, P.O. Box 4403, Chicago, IL 60680. Eleveld seeks authority to purchase a portion of the interstate operating rights of Allied. Allied, the sole stockholder of Eleveld, seeks authority to continue in control of said rights through the transaction. The operating rights to be purchased by Eleveld are contained in Allied's certificate No. MC–15735 (Sub-No. 27), which authorize operations, as a motor common carrier, over irregular routes, transporting *furniture, furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment,* all new and uncrated, between points in CA, OK, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). Eleveld holds authority from the Commission pursuant to a certificate issued in MC–87986, which authorizes the transportation of *household goods,* as defined by the Commission, between specified points in NJ, on the one hand, and, on the other, points in NJ, NY, PA, CT, and MA. Allied holds authority as a motor *common carrier* pursuant to certificates issued in MC–15735 and sub-numbers thereunder. Allied also controls Transportation Equity Corporation, a noncarrier which controls Blodgett Furniture Service, Inc., a motor *common carrier* pursuant to certificates issued in MC–35890 and sub-numbers thereunder. (Hearing site: Chicago, IL.)

MC–F–14325F, filed March 3, 1980. PENINSULA TRUCK LINES, INC. (Peninsula) (6314, Seventh Avenue South, P.O. Box 80038, Seattle, WA 98108)—purchase—OLYMPIC TRANSPORTATION CO. (Olympic) (306 East State Street, Aberdeen, WA 98520). Representative: Michael A. Jonson, 300 Central Building, Seattle, WA 98104. Peninsula seeks authority to purchase the interstate operating rights and property of Olympic. Stanley Vander Pol, Merwyn Haveman, and Paul Vander Pol, who combined control Peninsula through the majority stock ownership, seek to acquire control of said rights and property through the transaction. Peninsula is purchasing the interstate operating rights contained in Olympic's Certificates in MC–65773 and MC–65723 (Sub-No. 2), which authorize the transportation, as a motor common carrier, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Aberdeen and Forks, WA, over U.S. Hwy 101, with service authorized to and from the intermediate and off-route points of Hoquiam, Humptulips, Neilton, Quinault, Queets, Kalaloch, Ewell Ranch, and Clearwater, WA; (2) between Aberdeen and Taholah, WA, from Aberdeen over U.S. Hwy 101 to junction WA Hwy 9C, then over WA Hwy 9C to Taholah, and return over the same route, serving all intermediate points; and (3) between Copalis Beach and Aberdeen, WA, from Copalis Beach over WA Hwy 90 to junction U.S. Hwy 101, then over U.S. Hwy 101 to Aberdeen, and return over the same route, with service authorized to and from the intermediate and off-route points of Hoquiam, Tulips, Copalis, Copalis Crossing and Ocean City, WA. Peninsula is authorized to operate as a motor common carrier, transporting general and specified commodities, over regular and irregular routes, in the State of WA, pursuant to certificates issued in MC–113165 and sub-numbers thereunder. (Hearing site: Seattle or Tacoma, WA.)

Note.—Application for temporary authority has been filed in MC–FC–78243F.

MC–F–14326F, filed February 29, 1980. DONALD H. BAUGHMAN, INC. (Baughman) (986 Oliver Street, North Tonawanda, NY 14120)—purchase (portion)—JOHN SCHUTT, JR., INC. (Schutt) (665 River Road, North Tonawanda, NY 14120). Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202, and Frank J. Weiner, 15 Court Square, Boston, MA 02108. Baughman seeks authority to purchase a portion of the interstate operating rights and property of Schutt. Donald H. Baughman, the sole stockholder of Baughman, seeks authority to acquire control of said rights through the transaction. Baughman is purchasing the interstate operating rights contained in Schutt's Certificates in MC–104123 (Sub-Nos. 60, 66, 69, 71, 73, 75, and 77), which authorize the transportation, as a motor common carrier, over irregular routes, of the following: (1) *Malt,* in bulk, from Buffalo, NY to points in CT, DE, MD, MA, NH, NJ, NY, PA, and RI; (2) *aluminum chloride anhydrous,* in bulk, in tank vehicles, equipped with pneumatic unloading devices, from Lockport, NY to Institute, WV; (3) *aluminum chloride,* in bulk, in tank vehicles, from Elberta, NY to Institute, WV; (4) *aluminum chloride,* in bulk, in tank vehicles, from the port of entry on the U.S.-Canada Boundary line at Buffalo, NY to points in that part of WV on and west of U.S. Hwy 19; (5) *aluminum chloride,* in bulk, from Elberta and Lockport, NY and ports of entry on the U.S.-Canada Boundary line located on the Niagara River to points in AL, CT, DE, FL, GA, IL (except points in St. Louis, MO—East St. Louis, IL Commercial Zone as defined by the Commission), IN KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI; (6) *dry aluminum chloride,* in bulk, in tank vehicles, (a) from Elberta and Lockport, NY to points in TX and LA, (b) from Brainards, NJ to Ashtabula, OH, Baltimore, MD, Institute, WV, West Elizabeth, PA, and Staten Island, NY; (c) from Elton, MD to Ashtabula, OH, Institute, WV, West Elizabeth, PA, and Staten Island, NY and (d) from LaPorte, TX, to Ashtabula, OH, Baltimore, MD, Institute, WV, West Elizabeth, PA and Staten Island, NY; (7) *anhydrous aluminum chloride,* dry, in bulk, in tank vehicles, from ports of entry on the U.S.-Canada Boundary line located in MI and NY to points in LA, MD, and TX restricted to traffic originating at the facilities of Welland Chemical, Ltd., at Sarnia, Ontario, Canada. Vendee is authorized to operate as a common carrier in the transportation of anhydrous aluminum chloride, in bulk, from the facilities of Ascension Chemical of Texas, Inc., at or near Huntsville, TX, to points in the United States (except AK, CA, and HI), under Certificae No. MC–144335F. (Hearing site: Buffalo, NY.)

MC–F–14327F, filed March 3, 1980. Applicant: WILLIAM A. NEELY (2055 North River Road, St. Clair, MI 48079), PAUL L. COSPER (28473 Westerleigh Road, Farmington Hills, MI 48018), CHARLES H. RACHES, JR. (2686 Birch Harbor Lane, West Bloomfield, MI 48033), FREDERICK G. SCHRIEVER (64 Clairview, Gross Pte. Shores, MI 8236), and G. WILLIAM COBLE (3618 Chalmette Court, Nashville, TN 37215)—Control—AURELIA TRUCKING CO. (Aurelia) (2121 Petit Avenue, Port Huron, MI 48060). Representative: Robert D. Schuler, 100 West Long Lake Road, suite 102, Bloomfield Hills, MI 48013. The individual vendees seek to acquire control of Aurelia through the purchase of 1,889 shares of the issued and outstanding shares of the capital stock of Aurelia. Vendees Neely, Cosper, Raches, and Schriever control W. H. Froh, Inc., a motor *contract carrier* pursuant to Permits in MC 117910 and sub-numbers thereunder, which authorize the transportation, over irregular routes, of *specified commodities,* in AR, IL, IN, IA, LA, MI, MN, MO, NY, OH, and WI. Vendee Coble controls Coble Systems, Inc., a non-carrier and sole stockholder of Liberty Contract Carrier, Inc., a motor *contract carrier* pursuant to authority authorized in MC 142181 and sub-numbers thereunder. The interstate operating rights of Aurelia sought to be controlled are contained in Certificates in MC 117820 and sub-numbers thereunder, which authorize the transportation, as a motor *common carrier,* over irregular routes, of *specified commodities,* in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Lansing, MI.)

Notes.—(1) Dual operations may be involved. (2) Application for temporary authority has been filed.

MC–F–14304F, filed January 21, 1980. Applicant: ECKLEY TRUCKING, INC. (Eckley) (P.O. Box 201, Mead, NE 68041)—purchase (portion)—ERNEST McRAE, trustee in bankruptcy, and the FIRST NATIONAL BANK & TRUST CO. OF SALINA, KS, a secured creditor, for-DALKE TRANSPORT, INC. (Dalke) (606 Douglas Building, Wichita, KS 67202). Representatives: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101, and John E. Jandera, 641 North Harrison, Topeka, KS 66603. Eckley seeks authority to purchase a portion of the interstate operating rights of Dalke. Gerald Eckley, Gladys Eckley, James Eckley, Connie Eckley, Monty Walker, and Chris Walker, the stockholders of Eckley, also seek authority to acquire control of said rights through the transaction. Eckley is purchasing the interstate operating rights contained in Dalke's certificates in MC 140241 (Sub-Nos. 10, 19, and 25), which authorize the transportation, as a motor *common carrier,* over irregular routes, of (1)(a) *metal forming equipment and rolled formed steel articles,* from Moundridge, KS, to points in the United States (except AK, HI, and KS), and (b) *materials and supplies* used in the manufacture of metal forming equipment and rolled formed steel articles (except commodities in bulk), from points in the United States (except AK, HI, and KS), to Moundridge, KS, restricted to the transportation of traffic originating at or destined to the facilities of The Bradbury Co., Inc., at or near Moundridge, KS; (2)(a) *iron and steel articles,* and (b) *grain handling equipment,* from the facilities of Grain Spouting and Elevator of Kansas, Inc., at or near Hutchinson, KS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the above-named origin facilities; and (3) *plastic pipe and plastic pipe fittings* (except commodities in bulk), from Broken Arrow, OK, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Continental Industries, Inc., at or near Broken Arrow, OK. Eckley holds motor *common carrier,* authority pursuant to certificates issued in MC 5227 and sub-numbers thereunder. (Hearing site: Omaha, NE, or Wichita, KS.)

Notes.—(1) Application for temporary authority has been filed. (2) Eckley also seeks to purchase authority granted to Dalke in Mc 140241 (Sub-No. 8). This authority has not been certificated. Eckley should file a Petition for Substitution of Applicant in this sub-number.

Decided: April 3, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (In MC–F–14300F, Board member Taylor dissents. He would condition the notice to show that applicant has failed to establish the amount of the purchase price. He is unwilling to approve an indefinite purchase price such as here proposed.)

Agatha Mergenovich,

Secretary.

[FR Doc. 80–11323 Filed 4–14–80; 8:45 am]

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[Vol. No. 7]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority; Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All Pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission on or before May 15, 1980, with a copy being furnished the applicant. Protests to these applications will be *rejected.*

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A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitioner not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 8973 (Sub-52M2F and Sub-44M1F), (notice of filing of petition to modify certificates), filed August 8, 1979. Petitioner: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in MC 8973 Sub-52 issued September 27, 1979, and MC 8973 Sub-44G issued July 14, 1978, respectively. MC 8973 Sub-52 authorizes transportation, over irregular routes (1) *Plastic articles* and *materials, equipment, and supplies* used in the manufacture or distribution of plastic articles (except commodities in bulk), between points in CT, NY, and those in NY located on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, on the one hand, and, on the other, points in the United States (except AK and HI). (2) *Aluminum articles, aluminum products, building materials,* and *materials, equipment, and supplies* used in the manufacture, sale, processing, distribution, and installation of the commodities listed in (2) above (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI). (3) *Chemicals and coal tar products,* in containers, between points in Bergen, Middlesex, and Morris Counties, NJ, on the one hand, and, on the other, points in CT and NJ, and those in NY on or east or U.S. Hwy 11 and on or south of U.S. Hwy 20. (4) *Such building materials* and *materials, equipment and supplies* used in the manufacture, sale, processing, distribution, or installation of building materials, as are chemicals or coal tar products in containers, between points in CT, NJ, and those points in NY, located on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, on the one hand, and, on the other, points in the United States (except AK and HI). (5) *Such asphalt, composition roofing products, urethane and urethane products,* as are chemicals or coal tar products, in containers, from points in CT, NJ and those points in NY on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, to points in AL, AR, IL, IN, KY, LA, MI, MS, OH, TN, and WV. (6) *Resins,* in containers, from points in CT and NJ and those points in NY on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20 to points in OH, VA, MD, DE, PA, NJ, NY, MA, CT, ME, RI, NH, VT, and DC, restricted in (6) above to the transportation of shipments having a prior movement by water and destined to the points named above. MC 8973 Sub-44G authorizes transportation, over irregular routes, (1) *Materials, equipment, and supplies* (except commodities in bulk and commodities requiring special equipment) used in the manufacture and sale of plastic articles (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, CO, NM, and TX (except points in NJ, NH, and ME), on the one hand, and, on the other New York, NY, and those points in Bergen, Middlesex, Morris, Passaic, and Somerset Counties, NJ, which are located more than 20 miles from the corporate limits of New York, NY. (2) *Such plastic articles and hardware used in the manufacture and sale of plastic articles* (except commodities in bulk and those requiring special equipment) and (commodities in bulk), from those points in the United States in and east of ND, SD, NE, CO, NM, and TX (except points in NJ, NH, and ME), to points in NJ, NY, ME, NH, VT, MA, RI, CT, PA, OH, DE, MD, VA, and DC. Restriction: The service authorized herein is restricted against the transportation of traffic from the facilities of the Celotex Corporation and Wicto Chemical Co., at or near Perth Amboy, NJ. This certificate may not be joined or tacked with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the above certificates by adding "chemicals (except in bulk)" to the commodity description in Sub-52, part (1), and in Sub-44G, part (1) and (2).

MC 29934 (M2F), MC 29934 (Sub-3 M1F), MC 29934 (Sub-14 M1F), and MC 29934 (Sub-15 M1F), notice of filing of petition to modify certificates, filed November 29, 1979. Petitioner: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds *common carrier* authority in MC 29934, MC 29934 Sub-3, MC 29934 Sub-14, and MC 29934 Sub-15, issued January 10, 1941, March 21, 1949, January 16, 1967, and April 24, 1969, respectively. MC 29934 authorizes, as pertinent, over irregular routes, the transportation of *groceries,* between Philadelphia, PA, on the one hand, and, on the other, New York, NY, Newark, NJ, Baltimore, MD, and Wilmington, DE. MC 29934 Sub-3 authorizes, as pertinent, over irregular routes, the transportation of *canned, preserved, or frozen foodstuffs,* from Camden and Winslow, NJ, and points in Cumberland County, NJ, to points in VA, and *frozen foods,* from Camden, NJ, and points in Cumberland County, NJ, to Washington, DC, and points in CT, DE, MA, MD, NY (except New York City), PA (except Philadelphia), and RI. MC 29934 Sub-14 authorizes over irregular routes, the transportation of *canned goods,* from points in Union County, NJ, to points in CT, and Columbia, Greene, Ulster, Dutchess, Sullivan, Orange, Putnam, Westchester, and Rockland Counties, NY. MC 29934 Sub-15 authorizes over irregular routes, the transportation of *food* and *food products,* (except commodities in bulk), from points in Cumberland, Salem, and Gloucester Counties, NJ, to points in CT, DE, MD, MA, NY, PA, RI, and DC, restricted to the transportation of traffic originating at points in Cumberland, Salem, and Gloucester Counties, NJ. By the instant petition, petitioner seeks to consolidate the above authority and modify it to read: "*such commodities* as are used in and dealt by chain grocery and food business houses, and materials, supplies, and equipment used in the distribution and sale of such commodities (except in bulk), between points in CT, DE, MD, NJ, MA, NY, PA, RI, VA, and DC."

MC 35045 M1F notice of filing of petition to modify certificate, filed October 22, 1979. Petitioner: HORNE HEAVY HAULING, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: Carl U. Hurst (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 35045, issued December 9, 1974, authorizing transportation over irregular routes, as pertinent, of (1) *commodities,* the transportation of which, because of size or weight, requires the use of special equipment, and of *related machinery parts* and *related contractors' materials* and *supplies,* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts* and *supplies* moving in connection therewith (restricted to commodities which are transported on trailers), between points within 175 miles of Chattanooga, TN, including Chattanooga. By the instant petition, petitioner seeks to modify the above territory to read, "Between points in TN, MS, AL, GA, SC, NC, VA, and those points in KY within 175 miles of Chattanooga, TN.

MC 51146 (Sub-204 M1F), notice of filing of petition to modify a certificate, filed January 22, 1980. Petitioner: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Blvd., 2nd Floor, Ft. Lauderdale, FL 33308. Petitioner holds motor common carrier authority in MC 51146 Sub-204, issued August 23, 1974, authorizing transportation over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL and Green Bay, WI, serving the intermediate points of Fond du Lac, Oshkosh, and Appleton, WI, and the off-route points of West Bend, Waupun, Neenah, and Menasha, WI, over specified routes. By the instant petition, petitioner seeks to modify the above authority so as to read: "general commodities (except those of unusual value, classes A and B explosives, and commodities requiring special equipment), between Chicago, IL and Green Bay, WI, serving all intermediate points, and the off-route points of Waukegan and Zion, IL, and Kenosha, Racine, West Bend, Sheboygan, Waupun, Manitowac, Neenah, and Menash, WI, over the same specified routes".

MC 55896 (Sub-79 M1F), notice of filing of petition to modify certificate, filed February 19, 1980. Petitioner: R–W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Petitioner holds motor *common carrier* authority in certificate MC 55896 Sub-79, issued October 1, 1979, authorizing transportation over irregular routes, of *glass containers* and *container accessories,* from the facilities of Kerr Glass Manufacturing Corporation, at or near Dunkirk, IN, to points in IL, MI, MO, OH, PA, and WI. By the instant petition, petitioner seeks to modify the above authority so as to read: "*glassware, glass containers,* and *container accessories,* from Dunkirk, IN, to points in IL, MI, MO, OH, PA, and WI."

MC 59655(M1F), notice of filing of petition to modify the terrritorial description, filed November 9, 1979. Petitioner: SHEEHAN CARRIERS, INC., 62 Lime Kiln Rd., Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds *common carrier* authority in MC–59655, served October 15, 1962, MC 59655 authorizes, as pertinent, over irregular routes, the transportation of *general commodities* (except those of unusual value, liquor, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Passaic, Bergen, Hudson, Essex, and Union Counties, NJ, on the one hand, and, on the other, New York, NY, and points in Westchester, Rockland, and Orange Counties, NY. By the instant petition, petitioner seeks to modify the territorial description, so that it may read: "between points in NJ, on the one hand, and, on the other, New York, NY, and points in Westchester, Rockland, and Orange Counties, NY."

MC 100666 (Sub-222M1F) notice of filing of petition to delete a restriction, filed December 26, 1979. Petitioner: MELTON TRUCK LINES, INC., 1129 Grimmett Dr., Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Willimson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Petitioner holds motor *common carrier authority* in Certificate MC–100666 Sub 222, issued March 27, 1974, over irregular routes, authorizing the transportation of *building and construction materials* (except commodities in bulk), between points in AR, KS, LA, OK, TN, and TX. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at and destined to points in such states. By instant petition, petitioner seeks to modify the authority herein by deleting the restriction.

MC 109736 (Sub-8M1F), notice of filing of petition to delete a restriction, filed December 27, 1979. Petitioner: CAPITOL BUS COMPANY, P.O. Box 3343, Harrisburg, PA 17105. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Petitioner holds motor *common carrier* authority in Certificate MC–109736 Sub 8, issued December 9, 1958, over regular routes, authorizing transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Gettysburg, PA, and Washington, DC, serving intermediate points between Gettysburg, PA, and Frederick, MD, including Frederick, restricted (1) against the pick-up of passengers at Frederick on southbound trips, and (2) against the discharge of passengers at Frederick on northbound trips: From Gettysburg over U.S. Hwy 15 to Frederick, thence over U.S. Hwy 240 to Washington, and return over the same route. By instant petition, petitioner seeks to delete the restriction which reads "restricted (1) against the pick-up of passengers at Frederick on southbound trips, and (2) against the discharge of passengers at Frederick on northbound trips".

MC 109736 (Sub—24M1F), notice of filing of petition to delete a restriction, filed December 27, 1979. Petitioner: CAPITOL BUS COMPANY, P.O. Box 3343, Harrisburg, PA 17105. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Petitioner holds motor *common carrier* authority in Certificate MC–109736 Sub 24, issued February 16, 1968, over alternate routes, authorizing transportation of *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between Binghamton, NY, and Scranton, PA, serving no intermediate points: From Binghamton over New York Hwy 17 to junction Interstate Hwy 81, and thence over Interstate Hwy 81 to Scranton, and return over the same route, restricted against the transportation of passengers and their baggage and of shipments of express and newspapers (1) originating or interchanged at Binghamton on southbound trips, and (2) destined to or interchanged at Binghamton on northbound trips. By instant petition, petitioner seeks to delete the restriction

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which reads "restricted against the transportation of passengers and their baggage and of shipments of express and newspapers (1) originating or interchanged at Binghamton on southbound trips, and (2) destined to or interchanged at Binghamton on northbound trips".

MC 109736 (Sub-39M1F), notice of filing of petition to delete a restriction, filed December 27, 1979. Petitioner: CAPITOL BUS COMPANY, P.O. Box 3343, Harrisburg, PA 17105. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Petitioner holds motor *common carrier* authority in Certificate MC–109736 Sub 39, issued November 19, 1979, over irregular routes, authorizing the transportation of *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between Baltimore, MD, and Washington, DC: From Baltimore over the Baltimore-Washington Parkway to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, and return over the same route, serving Baltimore for purposes of joinder only, serving no intermediate points, and serving Baltimore-Washington International Airport as an off-route point, restricted to the transportation of traffic moving to or from points north of Baltimore, MD. By instant petition, petitioner seeks to delete the restriction which reads "serving Baltimore for purposes of joinder only and to the transportation of traffic moving to or from points north of Baltimore, MD".

MC 112304 (Sub-91 MlF) (notice of filing of petition to modify the commodity description), filed November 30, 1979. Petitioner: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Petitioner was authorized in MC–F–12116 and MC 112304 (Sub-91), by the Initial Decision served February 8, 1979, which became effective on March 19, 1979, *common carrier* authority, over irregular routes. MC 112304 (Sub-91), when certificated, would authorize the transportation of *machinery,* the transportation of which by reason of size or weight requires the use of special equipment, between points in IL, IN, KY, MD, MI, NY, OH, PA, VA, WV, WI, and DC, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, RI, and DC. By the instant petition, petitioner seeks to modify the commodity description to read: "*commodities* which by reason of their size or weight require special handling or the use of special equipment, self-propelled articles, each weighting 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith".

MC 114004 (Sub-124 MlF) (notice of filing of petition to modify the commodity description), filed October 29, 1979. Petitioner: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Hwy, Little Rock, AR 72209. Representative: Winston G. Chandler (same address as petitioner). Petitioner holds *common carrier* authority in MC 114004 (Sub-124), served September 29, 1976. MC 114004 (Sub-124) authorizes over irregular routes, the transportation of *motor homes,* in secondary movements, in driveaway service, between Dublin, Edgemont, Ontario, Perris, Riverside, San Fernando, San Marcos, and Sun Valley, CA, Colorado Springs and Lafayette, CO, Boise, ID, Macomb, IL, Decatur, Elkhart, and Nappanee, IN, Southbridge, MA, Benton Harbor, MI, Winona, MN, Carbondale and Paxinos, PA, New Taxewell, TN, McKinney and Sulphur Springs, TX, Sunnyside, WA, and the facilities of Recreational Enterprises, Inc., at or near Gainesville, FL, the facilities of Georgie Boy Manufacturing Company, Inc. at or near Edwardsburg, MI, and the facilities of Travel Equipment Corporation, at or near Howe, In, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). By the instant petition, petitioner seeks to modify he commodity description, by adding "automobiles".

MC 116044 (MlF) (notice of filing of petition to modify the territorial description), filed November 5, 1979. Petitioner: MORTON DELIVER SERVICE, INC., 260 W. 35th St., New York, NY 10001. Representative: George A. Olsen, P.O. Box 357, Gladston, NJ 07934. Petitioner holds *common carrier* authority in MC 116044, served July 20, 1956. MC 116044 authorizes over irregular routes, the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bergen, Passaic, Hudson, Essex, Union, Middlesex, Monmouth, and Somerset Counties, NJ, on the one hand, and, on the other, New York, NY. By the instant petition, petitioner seeks to modify the territorial description so that it may read: "between points in NJ, on the one hand, and, on the other, New York, NY".

MC 117257 (Sub-3M lF) (notice of filing of petition to modify a permit), filed January 28, 1980. Petitioner: D-S TRANSPORT, INC., 324 16th St., North Moorhead, MN 56560. Representative: Gene P. Johnson, P.O. Box 2471 Fargo, ND 58108. Petitioner holds motor contract carrier authority in Permit MC 117257 (Sub-3), issued December 26, 1979, authorizing transportation, over irregular routes, of *malt beverages,* (1) from St. Louis, MO, and LaCrosse, WI, to Detroit Lakes and Perham, MN, under continuing contract(s) with D-S Beverages, Inc., of Moorhead, MN (2) from Milwaukee, WI, to Moorhead, MN, under continuing contract(s) with Valley Distributing Company, and Hansen Distributing, Inc., both of Moorhead, MN, (3) Milwaukee, WI, to Fargo, ND, under continuing contract(s) with Beverage Wholesalers, Inc., of Fargo, ND, and (4) from St. Paul, MN, and St. Louis, MO, to Wahpeton, ND, under continuing contract(s) with Red River Jobbing, of Wahpeton, ND. By the instant petition, petitioner seeks to modify (3) above so as to read: "from Milwaukee, WI, to Fargo, ND, under continuing contract(s) with Beverage Wholesalers, Inc., of Fargo, ND, and D-S Beverages, Inc., of Moorhead, MN"; and further seeks to modify (4) above so as to read: "from St. Paul, MN, and St. Louis, MO, to Fargo, Grand Forks, and Wahpeton, ND, under continuing contract(s) with D-S Beverages, Inc., of Moorhead, MN, Dakota Sales Company, Inc., of Grand Forks, ND, and Red River Jobbing, of Wahpeton, ND".

MC 117852 (Sub-2 MlF) (notice of filing of petition to modify certificate), filed September 17, 1979. Petitioner: HAROLD'S GARAGE, INC., 19 Holyoke Street, Northampton, MA 01060. Representative: Harold F. Willard (same address as applicant). Petitioner holds a motor *common carrier* certificate in MC 117852 (Sub-2) issued January 25, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *Motor vehicles, dollies, trailers, and semi-trailers* (except house trailers designed to be drawn by passenger automobiles), by use of wrecker equipment only, between Enfield, Suffield, Windsor Locks, and Warehouse Point, CT, and points in MA, on the one hand, and, on the other, points in that part of the United States on and east of ND, SD, NE, KS, OK, and TX. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. By the instant petition, petitioner seeks to modify the authority as follows: remove the restriction "by the use of wrecker equipment only".

MC 121567 (Sub-1M1F) (notice of filing of petition to modify certificate), filed August 16, 1979. Petitioner: WICHITA AIR CARGO DELIVERY, INC., Cargo Building, Municipal Airport, Wichita, Kansas 67209. Representative: George Schneller (same adress as above). Petitioner holds a motor common carrier certificate in MC 121567 (Sub-1), authorzing transportation over irregular routes of general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, municipal Airport, Wichita, KS, on the one hand, and, on the other, points in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick Counties, KS and Kay County, OK, (except points within 25 miles of the Wichita Municipal Airport). Restriction: The operations authorized herein are restricted to traffic having an immediately prior or immediately subsequent movement by air. By the instant petition, Petitioner seeks to eliminate the territorial restriction "except points within 25 miles of the Wichita Municipal Airport" and to add the counties of Barton, Ellsworth, Rice, McPherson, Saline, and Stafford Counties, KS.

MC 121335 (Sub-2M1F) (notice of filing petition to modify the commodity description), filed November 30, 1979. Petitioner: FILM TRANSPORT CO. OF CAL., INC., 1525 W. 23 St., Los Angeles, CA 90007. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Petitioner holds a motor *common carrier* certificate in MC 121335, (Sub-2), issued November 30, 1978, authorizing in part transportation over irregular routes of: *General commodities* (except classes A and B explosives, commodities of unusual value, households goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles), between desert Hot Springs, Yucaipa, Joshua Tree, Yucca Valley and Twenty-Nine Palms, CA, and those points in that part of CA on and within a boundary line beginning at the junction of CA Hwy. 1 and CA Hwy. 27 at the shoreline of the Pacific Ocean, then north along CA Hwy. 27 to its junction with the northern boundary of Los Angeles, CA, then north and east along the Los Angeles city limits to its junction with the Angeles National Forest boundary, then east along the southern boundaries of the Angeles and San Bernardino National Forests' boundaries to the San Bernardino-Riverside Counties boundary near Beaumont, CA, then east along said county Boundary to CA Hwy. 62, then south along CA Hwy. 62 to junction I–10, then east along I–10 to junction CA Hwy. 111 at or near Coachella, CA, then south along CA Hwy. 111 to juncton CA Hwy 115 at or near Calipatria, CA, then south along CA Hwy 115 to junction Interstate Hwy 8 at or near Holtville, CA, then east along Interstate Hwy 8 to junction CA Hwy 98, then south approximately 2 miles along an imaginary line to its junction with the international boundary line between the U.S. and Mexico, then west along the international boundary line between the U.S. and Mexico to the shoreline of the Pacific Ocean, then northwest along the shoreline of the Pacific Ocean to the point of beginning. Petitioner seeks deletion of "classes A and B explosives" from the exceptions to the commodity description. The certificate, otherwise, would remain the same.

MC 123407 (Sub-134M1F) (notice of filing of petition for modification and interpretation), filed December 6, 1979. Petitioner: SAWYER TRANSPORT, INC., Sawyer Center, Route #1, Chesterton, IN 46304. Representative: H. E. Miller Jr. (same address as applicant). Petitioner holds motor common carrier authority in Certificate MC 123407 (Sub-134), issued May 26, 1978, authorizing, as pertinent, transportation of *empty containers,* between points in the United States (except AK and HI). By the instant petition, petitioner seeks an interpretation of the term "empty containers", and further seeks to add an additional commodity description to its present authority which would read as follows: "such commodities as are dealt in and used by manufacturers and distributors of containers (except commodities in bulk)".

MC 124174 (M1F) (notice of filing of petition to modify the commodity description), filed November 26, 1979. Petitioner: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, NE 68137. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Petitioner holds *common carrier* authority in MC 124174, served March 17, 1972. MC 124174 authorizes, as pertinent, over regular routes, the transportation of "*General commodities,* (except those of unusual value, classes A and B explosives, groceries, dry goods, drugs, liquor, household goods as defined by the Commission, emigrant moveables, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)." Between Oskaloosa, IA, and Omaha, NE serving the intermediate and off-route points of Knoxville, Ackworth, Indianola, Adel, Dexter, Casey, Anita, Atlantic, Oakland, Pleasantville, Beech, and Menlo, Iowa, without restriction; and the off-route point of Grinnell, Iowa, restricted to the transportation of feed (animal and poultry), and agricultural implements and parts, from Omaha, Nebraska, to Grinnell; and points within 35 miles of Oskaloosa, and those within 5 miles of Gilman, Iowa, including Gilman, restricted to livestock to or from Omaha: From Oskaloosa over IA Highway 92 to junction U.S. Highway 65, then over U.S. Highway 65 to Des Moines, Iowa, then over Iowa Highway 90 to junction U.S. Highway 6 (portion formerly Iowa Highway 90), and then over U.S. Highway 6 to Omaha, and return over the same route. Between Oskaloosa, IA, and Chicago, IL, serving the intermediate and off-route points Rock Island, Moline, Rock Falls, East Moline, and Sandwich, IL, without restriction; and points within 35 miles of Oskaloosa, and those within 5 miles of Gilman, IA, including Gilman, restricted to livestock only, as follows: From Oskaloosa over Iowa Highway 92 to junction U.S. Highway 61, then over U.S. Highway 61 to junction Iowa Highway 22, then over Iowa Highway 22 to Davenport, Iowa, then over U.S. Highway 6 to junction IL Highway 92, then over IL Highway 92 to junction U.S. Highway 34, then over U.S. Highway 34 to Chicago, and return over the same route; and also Return from Chicago over U.S. Highway 20 to Rockford, IL, then over U.S. Highway 51 to junction U.S. Highway 34, and then over the above-specified route to Oskaloosa." This Petition seeks to remove the restriction against the transportation of groceries, dry goods, drugs and liquors. Removal of the restriction would allow Petitioner to transport "general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, emigrant moveables, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading."

MC 128972 (Sub-1M1F) (notice of filing of petition to modify permit), filed March 1, 1979. Petitioner: JOHN LOUIE GIBSON, P.O. Box 22, Walnut Cove, NC 27052. Representative: John E. Gehring, P.O. Box 575, Walnut Cove, NC 27052. Petitioner holds a motor *contract carrier* permit in MC 128972 (Sub-1), issued June 6, 1968, to operate over irregular routes, in interstate or foreign commerce, transporting *Lime* and *fertilizer* in bags, From Austinville, Chatham, Danville, Norfolk, and Roanoke, VA, to Walnut

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Cove, NC, with no transportation for compensation on return except as otherwise authorized. *Lime*, in bags, From Austinville, Chatham, Danville, Norfolk, and Roanoke, VA, to Greensboro, NC, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Agrico Chemical Company, Division of Continental Oil Company, of Greensboro, NC. By the instant petition, petitioner seeks to modify the permit by changing the name of the shipper from John G. Fulton, to the new dealership of Smith-Douglas, a division of Borden Chemical, Borden, Incorporated, and to haul fertilizer and lime from the facilities of Smith-Douglas at Danville, VA, to Walnut Cove, NC. Also add another contract with Monitor Roller Mill, Incorporated, Walnut Grove, NC, transporting fertilizer and lime from the facilities of Monitor Roller Mill, Incorporated at Roanoke and Norfolk, VA, to Walnut Cove, NC.

MC 136786(M1) (notice of filing of petition for modification), filed December 27, 1979. Petitioner: ROBCO TRANSPORTATION, INC., 4333 Park Ave., Des Moines, IA 50321. Representative: Stanley C. Olsen, 7400 Metro Blvd., Suite 411, Edina, MN 55435. Petitioner holds motor common carrier authority in Certificate MC 136786 issued November 5, 1973, authorizing, as pertinent, transportation of (1) *cheese and cheese products*, and (2) *pizza toppings*, from Denver, CO, Superior, NE, and Hutchinson and Wichita, KS, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of shipments originating at the facilities of Leprino Cheese Company at the above-named origin points. By instant petition, petitioner seeks to modify the certificate in MC 136786 as follows: (1) cheese and cheese products, and (2) pizza toppings, from the facilities of Leprino Cheese Company at Denver, CO, and Hutchinson and Wichita, KS and the facilities of Mid-America Dairymen, Inc. and/or Mid-America Farms, Inc. at Superior, NE, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the facilities named above.

MC 138225(M1F) and MC 138225 (Sub-2M1F) (notice of filing of petition to modify the territorial descriptions), filed October 23, 1979. Petitioner: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Rd., Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds *contract carrier* authorities in MC 138225, served July 12, 1974, and MC 138225 (Sub-2), served October 17, 1974. MC 138225 authorizes over irregular routes, the transportation of (1) *swimming pools*, (2) *swimming pool parts* and (3) *materials, supplies, and equipment* used in connection with swimming pools (except commodities in bulk), from Garfield and East Paterson, NJ, to points in the United States (except AK and HI), under continuing contract(s) with Heldor Associates, Inc., of Hamden, CT. MC 138225 (Sub-2), authorizes, over irregular routes, the transportation of *materials, equipment, and supplies* (except commodities in bulk, the transportation of which because of size or weight require the use of special equipment) used in the manufacture or installation of swimming pools, from points in the United States (except AK and HI), to the facilities of Heldor Associates, Inc., at or near Garfield, and East Paterson, NJ, restricted to the transportation of traffic destined to the facilities of Heldor Associates, Inc., at or near Garfield and East Paterson, NJ, under a continuing contract(s) with Heldor Associates, Inc., of Hamden, CT. By the instant petition, petitioner seeks to modify (1) MC 138225, by adding the origin point of Morristown, NJ, and (2) MC 138225 (Sub-2), by adding the destination point of Morristown, NJ and modify the restriction to read: "restricted to the transportation of traffic destined to the facilities of Heldor Associates, Inc., at or near Garfield, East Paterson and Morristown, NJ."

MC 140024 (Subs- 56 and 81M1F) (notice of filing of petition to modify certificates), filed November 8, 1979. Petitioner: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as petitioner). Petitioner holds *common carrier* authority in MC 140024 (Subs- 56 and 81), served August 19, 1976, and June 27, 1978 respectively. MC 140024 (Sub-56) authorizes over irregular routes, the transportation of *iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, NE, to points in IL, IN, MI, OH, and WI, restricted to the transportation of shipments originating at the above-named facilities and destined to the destinations. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized therein. MC 140024 (Sub-81) authorizes over irregular routes, the transportation of *iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, NE, to points in AL, AR, KY, LA, MS, NY, PA, TN, and WV, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. MC 140024 (Sub-81) may not be tacked or joined with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify and embrace both certificates so that the authority would read: *iron and steel articles*, from the facilities of the Nucor Corporation, at or near Norfolk, NE, to points in AL, AR, IL, IN, KY, LA, MI, MS, OH, NY, PA, TN, WV, and WI. This modification not only removes the restrictions, but also provides service to all three divisions of the Nucor Corporation.

MC 142205 (Sub-7 M1F) (notice of filing of petition to modify the territorial description), filed October 12, 1979. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22073. Representative: James E. Savitz, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Petitioner holds a motor *contract carrier* Permit in MC 142205 (Sub-7), served August 18, 1978, authorizing transportation, over irregular routes of: (1) *Custom upholstered furniture*, from Sterling, VA, to points in the United States in an east of MN, IA, NE, KS, OK, and TX (except VA); and (2) *Equipment, materials, and supplies* (except lumber) *used in the manufacture of custom upholstered furniture*, from the destination states listed in (1) above, to Sterling, VA, under a continuing contract(s) with Metro Manufacturing Co., of Herndon, VA. Restriction: The Commission reserves the right to impose such terms, conditions, or limitations in the future as it may find necessary to insure that carrier's operations conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to modify the authority by changing the origin point in Part (1) from Sterling, VA to Culpeper, VA, and by changing the termination point of Part (2) from Sterling, VA to Culpeper, VA.

MC 145216 (Sub-1M1F) (notice of filing of petition to modify a certificate), filed December 27, 1979. Applicant: SUNSHINE EXPRESS OF WILSON, INC., P.O. Box 4812, Rocky Mount, NC 27801. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Petitioner holds motor *common carrier* certificate in MC 145216 (Sub-1F) issued December 5, 1979, authorizing transportation, over irregular routes, transporting *general commodities*, between railroad ramps located at or near Rocky Mount, Smithfield, Goldsboro, Greenville, and Wilmington, NC, on the one hand, and, on the other, points in North Carolina, restricted to the transportation of shipments having a prior or subsequent movement by rail or water. By the instant petition, petitioner seeks to modify the authority so as to add the railroad ramps at Raleigh, Fayetteville and Morehead City, NC to the base area and to authorize ex-water shipments.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before May 15, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 116004 (Sub-51F) (republication), filed October 24, 1978, published in the **Federal Register** issue of January 18, 1979, and republished this issue. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant). An Initial Decision, of the Commission, Administrative Law Judge, decided July 3, 1979, served July 17, 1979 and a Decision, of the Commission, Division 1, decided November 13, 1979, and served November 28, 1979, finds that the present and future convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Liberal, KS, and St. Louis, MO, from Liberal over U.S. Hwy 54 to junction Kansas Turnpike, then over Kansas Turnpike to junction Interstate Hwy 70, and then over Interstate Hwy 70 to St. Louis, and return over the same route, serving all intermediate points in Kansas which applicant is authorized to serve under its presently existing authority, restricted against the transportation of traffic moving between Kansas City and St. Louis, MO; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 126305 (Sub-96F) (republication), filed September 7, 1978, published in the **Federal Register** issue of November 2, 1978, and republished this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A Decision of the Commission, Review Board Number 4, decided July 30, 1979, and served August 31, 1979 and a Decision of the Commission, Division 2, Acting as an Appellate Division, decided January 21, 1980 and served January 29, 1980, on further consideration find that the present and future public convenience and necessity require operations by applicant to operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting *iron and steel articles, machinery, and equipment*, between Birmingham, AL, on the one hand, and, on the other, points in the United States (except AK and HI); that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the plantsite restriction.

MC 135810 (Sub-10F) (republication), filed September 28, 1978, published in the **Federal Register** issue of November 28, 1979, and republished this issue. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue, Pomona, NJ 18240. Representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Avenue, NW., Washington, D.C. 20037. A Decision of the Commission, Review Board Number 2, decided October 23, 1979, and served November 14, 1979, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, in containers, from Rochester, NY, to Pleasantville, NJ; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission regulations. The purpose of this republication is to reflect service as a *common carrier* authority in lieu of contract as previously published, and assigned MC 127955 (Sub-5F).

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50906, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

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Permanent Ex-Water Authority Decision-Notices

Decided: March 25, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before May 15, 1980. The protest must contain she *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protext. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 15, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 147694 (Sub-2F), filed October 19, 1979. Applicant: H E K, INCORPORATED, d.b.a. ELLIOTT BAY SERVICE TRANSFER, 1701 First Ave. S., Seattle, WA 98134. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 9801. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (a) Seattle, WA and (b) Tacoma, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 148295F, filed September 25, 1979. Applicant: CAROLINA SHIPPING COMPANY, INC., P.O. Box 873, Charleston, SC 29402. Representative: Roy A. Powell, Jr. (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Charleston, SC, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Charleston or Columbia, SC.)

MC 150119 (Sub-1F), filed February 25, 1980. Applicant: WILLETT OF TEXAS, INC., 711 Louisiana, Suite 1150, S. Tower, Houston, TX 77002. Representative: Joe G. Fender (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Houston, TX, restricted to traffic having a prior or subsequent movement by water.

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

Permanent Authority Decisions Volume, Decision-Notice

Decided: March 25, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 15, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Brokers

MC 130785F, filed December 24, 1979. Applicant: AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA, d.b.a. WORLD TRAVEL SERVICE, 2601 South Figueroa St., Los Angeles, CA 90007. Representative: George L. Hayford, c/o Automobile Club of Southern California, 605 West Olympice Blvd., Los Angeles, CA 90015. To engage in operation, in interstate or foreign commerce, as a *broker*, at Los Angeles, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the United States (including AK and HI). (Hearing site: Los Angeles, CA.)

MC 130794F, filed January 24, 1980. Applicant: INTERNATIONAL TOURS, INC., 5001 East 68th St., Suite 530, Tulsa, OK 74136. Representative: David Forbes (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Tulsa, OK, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the United States (except AK and HI). (Hearing site: Tulsa or Oklahoma City, OK.)

Permanent Authority Decisions, Decision-Notice, Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 26, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062,2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 15, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminary and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or

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before May 15, 1980 (or, if the application later become unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4. Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 110325 (Sub-122F), filed November 8, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Muskegon, MI as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Grand Rapids, MI)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 111231 (Sub-291F), filed November 7, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a common carrier, by motor vehicle, over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and commodities which require the use of special equipment) (1) between Atlanta GA and Jacksonville, FL, from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, and return over the same route, (2) between Mobile, AL and Jacksonville, FL, over Interstate Hwy 10, and (3) between Birmingham, AL and Jacksonville, FL, from Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 82 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, IA, then over U.S. Hwy 41 to junction U.S. Hwy 52, then over U.S. Hwy 52, to Lafayette, IN, then over Indiana Hwy 43 (also U.S. Hwy 231) to Crawfordsville, IN, then over Indiana Hwy 32 to Lebanon, IN, then over Interstate Hwy 65 to junction Indiana Hwy 100, then over Indiana Hwy 100 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN. (Hearing site: Little Rock, AR or Washington, DC.)

Note.—Applicant intends to tack the authority sought at Mobile, Birmingham, and Atlanta with existing regular-route authority. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 138104 (Sub-87F), filed October 19, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles and pipe*, between points in CO, KS, NM, OK, and TX. (Hearing site: Fort Worth or Dallas, TX.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 15, 1980.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 29555 (Deviation 38), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 18, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, MO, over Interstate Hwy 70 to Indianapolis, IN and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, MO, over U.S. Hwy 71 to Clarinda, IA, then over Iowa Hwy 2 to Sidney, IA, then over U.S. Hwy 275 to Omaha, NE, then over U.S Hwy 6 to junction Iowa Hwy 149, the over Iowa Hwy 149 to Cedar Rapids, IA, then over U.S. Hwy 30 to junction alternate U.S. Hwy 30, then over alternate U.S. Hwy 30 to Chicago, IL, then over U.S. Hwy 41 to junction U.S. Hwy 52, then over U.S. Hwy 52, to Lafayette, IN, then over Indiana Hwy 43 (also U.S. Hwy 231) to Crawfordsville, IN, then over Indiana Hwy 47 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Terre Haute, IN, then over U.S. Hwy 41 to Evansville, IN.

MC 29555 (Deviation 39), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 18, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, MO, over Interstate Hwy 70 to St. Louis, MO, then over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, IN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, MO, over U.S. Hwy 71 to Clarinda, IA, then over Iowa Hwy 2 to Sidney, IA, then over U.S. Hwy 275 to Omaha, NE, then over U.S Hwy 6 to junction Iowa Hwy 149, the over Iowa Hwy 149 to Cedar Rapids, IA, then over U.S. Hwy 30 to junction alternate U.S. Hwy 30, then over alternate U.S. Hwy 30 to Chicago, IL, then over U.S. Hwy 41 to junction US. Hwy 52, then over U.S. Hwy 52, to Lafayette, IN, then over Indiana Hwy 43 (also U.S. Hwy 231) to Crawfordsville, IN, then over Indiana Hwy 32 to Lebanon, IN, then over Interstate Hwy 65 to junction Indiana Hwy 100, then over Indiana Hwy 100 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN.

MC 29555 (Deviation 40), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 18, 1980. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, MO, over Interstate Hwy 70 to Indianapolis, IN, then over Interstate Hwy 74 to Cincinnati, OH and return over the same for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, MO, over U.S. Hwy 71 to Clarinda, IA, then over Iowa Hwy 2 to Sidney, IA, then over U.S. Hwy 275 to Omaha, NE, then over U.S. Hwy 6 to junction Iowa Hwy 149, then over Iowa Hwy 149 to Cedar Rapids, IA, then over U.S. Hwy 30 to junction alternate U.S. Hwy 30, then over alternate U.S. Hwy 30 to Chicago, IL, then over U.S. Hwy 41 to junction U.S. Hwy 52, then over U.S. Hwy 52, to Lafayette, IN, then over Indiana Hwy 43 (also U.S. Hwy 231) to Crawfordsville, IN, then over Indiana Hwy 32 to Lebanon, IN, then over Interstate Hwy 65 to junction Indiana Hwy 100, then over Indiana Hwy 100 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN, then over Indiana Hwy 37 to Bedford, IN, then over U.S. Hwy 50 to Cincinnati, OH.

MC 29555 (Deviation 41), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 18, 1980. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, MO, over Interstate Hwy 70 to St. Louis, MO, then over Interstate Hwy 64 to Louisville, KY and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, MO, over U.S. Hwy 71 to Clarinda, IA, then over Iowa Hwy 2 to Sidney, IA, then over U.S. Hwy 275 to Omaha, NE, then over U.S. Hwy 6 to junction Iowa Hwy 149, then over Iowa Hwy 149 to Cedar Rapids, IA, then over U.S. Hwy 30 to junction alternate U.S. Hwy 30, then over alternate U.S. Hwy 30 to Chicago, IL, then over U.S. Hwy 41 to junction U.S. Hwy 52, then over U.S. Hwy 52, to Lafayette, IN, then over Indiana Hwy 43 (also U.S. Hwy 231) to Crawfordsville, IN, then over Indiana Hwy 32 to Lebanon, IN, then over Interstate Hwy 65 to junction Indiana Hwy 100, then over Indiana Hwy 100 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN, then over Indiana Hwy 37 to English, IN, then over Indiana Hwy 64 to Edwardsville, IN, then over Indiana Hwy 62 to New Albany, IN, then over U.S. Hwy 31W to Louisville, KY.

MC 112713 (Deviation 64), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Row Avenue, Overland Park, KS 66207, filed March 14, 1980. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From Winston-Salem, NC, over Interstate Hwy 40 to Nashville, TN, and (2) From Kings Mountain, NC, over U.S. Hwy 74 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Nashville, TN, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Winston-Salem, NC, over U.S. Hwy 52 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, GA, then over U.S. Hwy 41 to Nashville, TN.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket 59440, filed February 8, 1980. Applicant: GROSKOPF-WEIDER TRUCKING CO., INC., 1761 Denmark Street, Sonoma, CA. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) Livestock; (c) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (d) Commodities when transported in bulk, in dump trucks or in hopper-type trucks; (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) Logs; (g) Fresh fruits and vegetables; (h) Articles of extraordinary value; (i) Automobiles, trucks, buses, and trailer coaches and campers. Between all points and places in the San Francisco Territory, as described in Note A, attached hereto, on the one hand, and all points and places in Napa, Sonoma and Mendocino Counties, on the other hand. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

San Francisco Territory

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary

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of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State Building, Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket T-9729, filed January 24, 1980. Applicant: ROBERT O. ALLEN, JR., 57 Kattelville Road, Box 86, Chenango Bridge, NY 13745. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Concrete pipe and concrete products and materials and accessories* for the installation thereof: From the Town of Chenango (Broome County) and the Cities of Syracuse and Rochester to all points in the State. *Paper and paper products and waste paper:* Between Broome County on the one hand, and, on the other, the Counties of Clinton, Erie, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Niagara, Rensselaer, St. Lawrence, Warren and Washington. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus Bldg. No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 77-473-T, filed March 4, 1980. Applicant: SMITH & WATERS, INC., Nation Road, Ware Shoals, SC 29692. Representative: William B. Patrick, Jr., P.O. Drawer 1207, Greenwood, SC 29646. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Over irregular routes: Commodities in general (usual exceptions): Between points and places in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Colleton, Dorchester, Edgefield, Greenwood, Hampton, Laurens, McCormick, Newberry, Oconee, Orangeburg, Pickens and Saluda Counties, South Carolina, and between points and places in these counties and points and places in South Carolina and between points and places in Greenville County for the purpose of interchange only, and between points and places in Greenville County for the purpose of interchange only and points and places in South Carolina (except that no commodities in bulk in dump vehicles may be transported between points and places in Laurens, Newberry, Oconee and Pickens counties, and between points and places in these counties and points and places in South Carolina, not including that area within a five-mile radius of the post office at Ware Shoals); cotton in bales, cotton waste, cotton bagging and cotton ties; and, fertilizer and fertilizer materials: Between points and places in South Carolina; fruits and vegetables: Between points and places in Edgefield and Saluda Counties, South Carolina, and between points and places in Edgefield and Saluda Counties and points and places in South Carolina; brick, tile, terra cotta pipe, concrete blocks, pipe and slabs: Between points and places in Aiken, Fairfield, Greenwood, Lexington and Richland Counties, South Carolina, and from points and places in these counties to points and places in South Carolina; grain: Between points and places in Aiken, Edgefield and Saluda Counties, South Carolina, and between points and places in these counties and points and places in South Carolina; petroleum products in drums and packages: from Charleston, South Carolina, to points and places in Edgefield County, South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to The Public Service Commission Transportation Division, P.O. Drawer 11649, Columbia, SC 29211, and should not be direct to the Interstate Commerce Commission.

Permanent Authority Notices

Substitution Applications: Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2). These proposals are published as "service sought", (as opposed to decision-notices), because in each case it appears questionable as to whether all or part of the authority sought should be issued, weighing applicant's evidence under 49 CFR 1062.2. (For example, questions may be raised relating to applicant's contentions concerning why the involved joint-line service has been cancelled or is in a state of deterioration which warrant a decision on the merits, regardless of whether the applicaiton is opposed.)

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 15, 1980.

Petitions for intervention without leave (i.e., automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the applications's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition, however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e., applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after April 15, 1980.*

MC 123907 (Sub-3F), filed September 4, 1979. Applicant: DAHLMAN TRUCK LINES, INC., 2041 Madison St., Stevens Point, WI 54481. Representative: Nancy J. Johnson, P.O. Box 218, 103 East Washington St., Crandon, WI 54520.

Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by wholesale, food business houses, and in connection therewith, equipment, materials, and supplies, when moving from, to or between warehouses, plants or other facilities of food manufacturing plants or wholesale food business houses, between those points in WI, on, south and west of U.S. Hwy 12 and those in IL on and north of a line extending from the IL-IN border, then west along U.S. Hwy 36 to junction IL Hwy 78, then north along IL Hwy 78 to the IL-WI border, and (2) *paper and paper products*, from those points in WI on, north and east of U.S. Hwy 12 to points in IL on and north of a line extending from the IL-IN border, then west along U.S. Hwy 36 to junction IL Hwy 78, then north along IL Hwy 78 to the IL-WI border. (Hearing site: Madison, or Milwaukee, WI.)

Note.—Applicant proposes to serve points between the described area of IL sought to be served herein and points in WI on, north and east of U.S. Hwy 12 which it is presently authorized to serve.

MC 135082 (Sub-86F), filed May 23, 1979. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 4100 Edith Blvd., NE, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, wood products, and millwork*, (except commodities in bulk, in tank vehicles), between points in AR, AZ, CA, CO, ID, KS, KA, MO, OK, MI, NM, NV, OR, TX, UT, WA, and WY. (Hearing site: Albuquerque, NM.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Irregular-Route Motor Common Carriers of Property Elimination of Gateway Applications

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before May 15, 1980. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530). A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 113666 (Sub-97G), filed December 31, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: William H. Shawn, 1730 M St., NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products* (except in bulk), (1) from points in PA, to points in NY, MI, IL, IN, OH, MD, NJ, and WV, (2) from points in OH, to points in IN, IL, OH, NY, NJ, MI, PA, and MD, (3) from points in PA, IL, IN, OH, MD, WV, NJ, MI, and NY, (4) from points in MO, to points in MI, WV, OH, IL, and IN, and (5) from points in WV, to points in NY, MI, NJ, IL, IN, OH, MD, and PA. The purpose of this filing is to eliminate the gateways of Detroit, MI and Buffalo, NY. (Hearing site: Washington, DC.)

MC 119777 (Sub-388G), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel annealing, charging and journal boxes, structural bases, and nails*, between (a) points in IL, on the one hand, and, on the other, points in FL, GA, and SC, (b) points in IN, on the one hand, and, on the other, points in AL, FL, LA, and MS, (c) New York, NY, on the one hand, and, on the other, points in AR, CO, KS, LA, MS, MO, OK, and TX, (d) points in OH, on the one hand, and, on the other, points in AL, AR, LA, MS, OK, and TX, (e) points in PA, on the one hand, and, on the other, points in AR, LA, MS, OK, and TX, and (f) points in WV, on the one hand, and, on the other, points in AR, CO, KS, OK, and TX, (2) *iron and steel mine roof bolts*, from Gadsden, AL, to points in IL, IN, and OH. The purpose of this filing is to eliminate the gateway of Hopkinsville or Bowling Green, KY. (3) *coated corrugated pipe and corrugated alloy pipe*, from points in IL to points in VA, on, south and west of a line beginning at the VA-WV state line and extending east along U.S. Hwy 60 through Covington, VA, to Clifton Forge, VA, and then south along U.S. Hwy 220 through Roanoke, VA to the VA-NC state line. The purpose of this filing is to eliminate the gateway of Jeffersonville, IN. (4) *iron and steel mine roof bolts*, from Birmingham, AL, to points in IL, IN, OH, and PA. (5) *iron and steel wire fencing, and fencing stays, fixtures, gates and rods*, (a) from Ft. Worth and Dallas, TX, and Oklahoma City, OK to New York, NY and points in IN, OH, PA, and WV, and (b) from Mobile and Birmingham, AL and New Orleans, LA, to New York, NY and points in IL, IN, OH, PA, and WV. The purpose of this filing is to eliminate the gateways of Mayfield, Paducah or Middlesboro, KY. (6) *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which, because of their size and weight, require the use of special equipment (except prefabricated buildings and oilfield commodities as described in 61 M.C.C. 209, 299), (a) from points in TN, IL, IN, and KY to points in NY and NJ within that part of the New York, NY, commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451. The purpose of this filing is to eliminate the gateway of Louisville, KY and (b) from points in TN to points in ME, NH, VT, MI on and north of MI Hwy 21, MN, OH, PA, and WV. The purpose of this filing is to eliminate to gateways of Adolphus, KY and Wayne County, WV. (7) *iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (a) between points in IL and IN, on the one hand, and, on the other, points in OH, PA, WV, TN, and New York, NY. The purpose of this filing is to eliminate the gateway of KY. (b) from New York, NY and points in IL, IN, KY, OH, WV, PA, and TN, to points in AL, AR, GA, IA, KS, LA, MS, MO, NE, OK, TN, TX, and WI. The purpose of this filing is to eliminate the gateways of Kokomo, IN, Hopkins County, KY, and Boyd County, KY. (c) from points in IL, IN and KY, to points in ME, NH, VT, MI on and north of MI Hwy 21, and MN. The purpose of this filing is to eliminate the gateway of KY and Wayne County, WV. and (d) from points in AR, LA, MS, and TX (except Houston), to points in KY, IL, IN, WI, IA, TN, MO, MN, points in MI on and north of MI Hwy 21, NH, VT, ME, OH, PA, WV, NY, and NJ within that part of the New York, NY commercial zone as defined in the fifth supplemental report

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in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451. The purpose of this filing is to eliminate the gateways of Parkersburg, WV, Boyd County, and Louisville, KY and Wayne County, WV. (8) *coated pipe, alloy pipe, steel sheets, iron and steel couplings, mine roof washers, crop ends, angles, channels, plates, pipe, casing and tubing*, (except commodities which because of size or weight require the use of special equipment), from New York, NY and points in KY, OH, WV, PA, TN, and AR to points in AZ, NM, NC, SC, and FL. The purpose of this filing is to eliminate the gateways of KY, Sparta, IL, and Parkersburg, WV. (9) *iron and steel guard rails*, from (a) points in IL to points in SC, (b) points in IN to points in LA, MS, NM, and TX, (c) points in OH to points in AR, LA, MS, NM, OK, and TX, (d) points in PA, to points in AR, CO, KS, LA, NM, OK, and TX, (e) points in TN, to MN and WI, and (f) points in WV, to points in AR, CO, KS, NM, OK, and TX. The purpose of this filing is to eliminate the gateway of Evansville, IN and its commercial zone. (Hearing site: not specified.)

MC 119777 (Sub-462G), filed June 6, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel annealing, charging and journal boxes, structural bases, and nails*, between (a) points in IL, on the one hand, and, on the other, points in FL, GA, and SC, (b) points in IN, on the one hand, and, on the other, points in AL, FL, LA and MS, (c) New York, NY, on the one hand, and, on the other, points in AR, CO, KS, LA, MS, MO, OK, and TX, (d) points in OH, on the one hand, and, on the other, points in AL, AR, LA, MS, OK and TX, (e) points in PA, on the one hand, and, on the other, points in AR, LA, MS, OK, and TX, and (f) points in WV, on the one hand, and, on the other, points in AR, CO, KS, OK, and TX. The purpose of this filing is to eliminate the gateway of Muhlenberg County, KY. (2) *Iron and steel mine roof bolts*, from Gadsden, AL, to points in IL, IN and OH. The purpose of this filing is to eliminate the gateway of Hopkinsville or Bowling Green, KY. (3) *Coated corrugated pipe and corrugated alloy pipe*, from points in IL, to points in VA, on, south and west of a line beginning at the VA–WV State line and extending east along U.S. Hwy 60 through Covington, VA to Clifton Forge, VA and thence south along U.S. Hwy 220 through Roanoke, VA to the VA–NC State line. The purpose of this filing is to eliminate the gateway of Jeffersonville, IN. (4) *Iron and steel mine roof bolts*, from Birmingham, AL to IL, IN, OH, and PA. The purpose of this filing is to eliminate the gateway of Hopkinsville, or Bowling Green, KY. (5) *Iron and steel wire fencing, and fencing stays, fixtures, gates and rods*, (a) from Ft. Worth and Dallas, TX and Oklahoma City, OK to New York, NY and points in IN, OH, PA, and WV, and (b) from Mobile and Birmingham, AL and New Orleans, LA to New York, NY and points in IL, IN, OH, PA, and WV. The purpose of this filing is to eliminate the gateways of Mayfield, Paducah or Middlesboro, KY. (6) *Iron and steel articles*, as described in Appendix V of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which, because of their size and weight, require the use of special equipment (except prefabricated buildings and oilfield commodities as described in 61 M.C.C 209 and 299), (1) from points in TN, IL, IN, and KY, to points in NY and NJ within part of the New York, NY commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451. The purpose of this filing is to eliminate the gateway of Louisville, KY, (b) from points in TN, to points in ME, NH, VT, MI on and north of MI Hwy 21, MN, OH, PA, and WV. The purpose of this filing is to eliminate the gateways of Adolphus, KY and Wayne County, WV. (7) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) between points in IL and IN, on the one hand, and, on the other, points in OH, PA, WV, TN and New York, NY. The purpose of this filing is to eliminate the gateways at points in KY. (b) From New York, NY and points in IL, IN, KY, OH, WV, PA and TN, to points in AL, AR, GA, IA, KS, LA, MS, MO, NE, OK, TN, TX, and WI. The purpose of this filing is to eliminate the gateways of Kokomo, IN, Hopkins County, KY and/or Boyd County, KY. (c) From points in IL, IN, and KY, to points in ME, NH, VT, MI on and north or MI Hwy 21, and MN. The purpose of this filing is to eliminate the gateway of Wayne County, WV and points in KY. (d) From points in AR, LA, MS, and TX (except Houston, TX) to points in KY, IL, IN, WI, IA, TN, MO, MN, points in MI on and north of MI Hwy 21, NH, VT, ME, OH, PA, WV, NY and NJ within that part of the New York, NY commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451. The purpose of this filing is to eliminate the gateways of Parkersburg and Wayne County, WV and Louisville and Boyd County, KY. (8) *Coated pipe, alloy pipe, steel sheets, iron and steel couplings, mine roof washers, crop ends, angles, channels, plates, pipe, casing and tubing* (except commodities which because of size or weight the use of special equipment), from New York, NY and points in KY, OH, WV, PA, TN and AR, to points in AZ, NM, NC, SC, and FL. The purpose of this filing is to eliminate the gateways of Sparta, IL, Parkersburg, WV and points in KY. (9) *Iron and steel guard rails*, from points in (a) IL, to points in SC, (b) IN to points in LA, MS, NM, and TX, (c) OH, to points in AR, LA, MS, NM, OK and TX, (d) PA, to points in AR, CO, KS, LA, NM, OK and TX, (e) TN, to points in MN and WI, and (f) WV, to points in AR, CO, KS, NM, OK, and TX. The purpose of this filing is to eliminate the gateway of Evansville, IN and its commercial zone.

Irregular-Route Motor Common Carriers of Property-Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 25, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E262), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Furnishings, crated* (1) From points in NM, to points in CT, DE, DC, MD, MA, MI, NJ, NY, OH, PA, and RI. (2) From points in Bernalillo, Guadalupe, Los

Alamos, Sandoval, San Miguel, Santa Fe, Torrance. Valencia, Colfax, Harding, Mora, Taos, Union Counties, NM, to points in Adams, Allen, Blackford, De Kalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrance, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby, Tipton, Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington, Wayne, Benton, Carroll, Cass, Fountain, Fulton, Howard, Jasper, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Porter, Pulaski, Saint Joseph, Starke, Tippecanoe, Warren, White Counties, IN; Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Allen Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley Counties, KY; and points in WV. (4) From points in Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, Roosevelt Counties, NM, to points in Adams, Allen, Blackford, De Kalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby, Tipton, Benton, Carroll, Cass, Fountain, Fulton, Howard, Jasper, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Porter, Pulaski, Saint Joseph, Starke, Tippecanoe, Warren, White Counties, IN; Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio Counties, WV. (5) From points in Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro Counties, NM, to points in Adams, Allen Blackford, De Kalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby, Tipton, Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington, Wayne, Benton, Carroll, Cass, Fountain, Fulton, Howard, Jasper, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Porter, Pulaski, Saint Joseph, Starke, Tippecanoe, Warren, White Counties, IN; points in KY, and WV. (Eliminate the gateway of Chicago, IL)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11324 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Service Order No. 1344; ICC. Order No. 58; Amdt. No. 1]

Louisiana Midland Railway Co.; Rerouting Traffic

To: Louisiana Midland Railway Company.

Upon further consideration of I.C.C. Order No. 58, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 58 is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 31, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-11326 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 2]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: April 7, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.* I.C.C. ——(1980), 45 FR 22945 (April 4, 1980).

This decision is being issued to modify the appendix to DSO No. 1462 by extending the line authorized to be served by the Fort Worth and Denver Railroad Company (FW&D).

The FW&D has requested the extension of the line authorized to be served under the terms and conditions of DSO No. 1462, so that it may serve a shipper at Bushland, TX. The shipper along the extended line requires immediate rail service. Accordingly, we will amend paragraph 8 to the appendix to DSO No. 1462 [45 FR 22947] ("RI Lines Authorized To Be Operated by DRCS") to read as follows:

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8. *Fort Worth and Denver Railroad Company (FW&D):*

A. Terminal trackage at Amarillo and Bushland, Texas (milepost 754.1 to milepost 776.0) including all yard trackage within these points and including the spur tracks (old Liberal line) to the Asarco Plant.

B. Bowie, Texas (milepost 543.2) to North Fort Worth, Texas (milepost 609.6).

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11380 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 5]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: April 8, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.*, ——— I.C.C. ——— (1980), 45 FR 22945 (April 4, 1980).

This decision is being issued to modify the appendix to DSO No. 1462 by including an additional DRC and specifying the RI lines over which it will be authorized to operate.

The Atchison, Topeka, and Sante Fe Railway Company (Sante Fe) has requested to be authorized to operate as a DRC under terms and conditions similar to those set forth in DSO No. 1462, with certain exceptions discussed below.

The Santa Fe is not a party to the negotiated labor protection agreement signed March 4, 1980 (entitled *Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rails Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives Association*), referred to hereafter as the March 4 agreement. In its request for authority to operate as a DRC, Santa Fe states that it is willing to provide labor protection in accordance with the terms of the March 4 agreement, subject to specified exceptions.

We have interpreted the March 4 agreement as satisfying the employee protection requirements of the Interstate Commerce Act—including the provisions of 49 U.S.C. § 11125(b)(4)—for purposes of interim operations over the Rock Island. We do not believe that Santa Fe has shown that the March 4 agreement, modified as it proposes, would satisfy the relevant statutory labor protective requirements. Therefore, if the Santa Fe commences operations as authorized in this decision, it must either become a party to the March 4 agreement or comply with the requirements of 49 U.S.C. § 11125(b)(4) in the manner specified in Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, at 300–303 (1979), or in any other manner negotiated with affected RI employees.

The shippers along the involved line require significant rail service. Accordingly, we will amend the appendix to DSO No. 1462 [45 FR 22948] ("RI Lines Authorized To Be Operated by DRCs") by adding the following provision:

19. *Atchison, Topeka, and Santa Fe Railway Company (Santa Fe):* From Etter to Morse Junction, TX, including the branch line to Sheerin, TX, and from Morse, TX, to Liberal, KS. In performing the operations specified in this paragraph, Santa Fe shall comply with the employee protection requirements of 49 U.S.C. § 11125(b)(4) in the manner specified in Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, at 300–303 (1979), or in any other manner negotiated with the affected RI employees, unless it becomes a party to the negotiated labor protection agreement signed March 4, 1980 (entitled *Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Association*), in which case the latter agreement shall govern Santa Fe's obligations to RI employees under DSO No. 1462.

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11390 Filed 4-14-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29305; Service Order No. 1451]

St. Louis-San Francisco Railway Co.—Compensation for Use of Terminal Tracks—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); and St. Louis-San Francisco Railway Co.—Authority To Use Terminal Tracks—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: April 7, 1980.

In Service Order No. 1451, (45 FR 20883, March 31, 1980) as revised, we authorized the St. Louis-San Francisco Railway Company (Frisco) to operate over designated terminal tracks of the Chicago, Rock Island & Pacific Railroad Company (Rock Island or RI). The service order was issued in order to authorize the performance of essential railroad service for shippers located on lines embargoed by the bankrupt Rock Island. Under the provisions of the service order, the trustee of the RI estate and the Frisco were to establish terms of compensation to be paid to the estate for the use of Rock Island Properties. If the parties failed to agree upon compensation, the service order provided that compensation would be fixed by the Commission, as authorized by 40 U.S.C. 11123(b)(2).

Frisco has filed a petition asserting that it has been unable to reach agreement with the RI trustee regarding compensation. Frisco requests, therefore, that the Commission fix reasonable terms of compensation. It states that it believes reasonable compensation should be based upon a monthly rental charge equal to one-twelvth of 10 percent of "ledger value of the Rock Island road property account for the track segments involved".

The trustee has replied to the petition. The trustee takes the position that reasonable compensation should equal

1.2 percent of gross salvage value of the involved property or 1.2 percent of going concern value of the property, whichever is greater. Going concern value, for this purpose, would be considered to be equal to the annual gross revenues attributable to the property.

Discussion and Conclusions

Under the provisions of 49 U.S.C. 11123, the Commission is not required to fix compensation in every decision authorizing use of one carrier's facilities by another. Our authority to fix compensation is limited to instances where the carriers do not agree on terms of compensation. The Commission's role, therefore, is to arbitrate an unresolved dispute between two negotiating parties. When the Commission performs this function, its duty is to make a rational accommodation of the opposing interests on review. The Court will limit its consideration to determining whether the Commission has done so. See *National R. R. Passenger Corp.* v. *I.C.C.*, 610 F.2d 865, 875 (D.C. Cir. 1979) (remanded to the Commission, in part, on other grounds), and *National R. R. Passenger Corp.* v. *I.C.C.*, 610 F.2d 881, 886 (D.C. Cir., 1979).

Frisco has offered to pay compensation to the trustee that would yield a return of 10 percent per year on the depreciated book value of the involved property. We believe this would be unreasonably low. The depreciated book value of the property does not reflect the current fair value of the property. Further, an annual rate of return of 10 percent would be well below currently prevailing rates on conservative investments, such as government notes and bank certificates.

The trustee seeks compensation that would yield 14.4 percent per year on the greater of either gross salvage value of the property or on the going concern value of the property (measured by 1978 Rock Island gross station revenues adjusted for rate increases since 1978). We believe that the trustee's proposed rate of return of 14.4 percent is reasonable in view of current returns on conservative investments. The method of determining going concern value of the property proposed by the trustee, however, would greatly overstate the fair rental value of the property. Fair rental value of the property should be determined on the basis of net revenues produced by the property, not gross revenues.

We believe that the trustee should be compensated for the use of RI properties in accordance with a two-part formula. The first part of the formula will be a base rental assessed on route miles, payable on a monthly basis, in advance. The second part of the formula will be a share of net revenues, if any, derived by Frisco from its operations over the involved tracks. The base rental payment will assure the trustee of some payment for the use of the property, even if the involved lines do not produce net revenues when operated as rail property. The second part of the formula will provide the trustee with a return on the going concern value of the property, if the involved lines generate net revenues from rail operations.

We conclude that the rental under the first part of our compensation formula should be fixed at $1,250.00 per route mile per year, payable on a monthly basis, in advance. We are aware of former track rental agreements where compensation has been $2,475 per route mile per year and other agreements where no compensation has been paid. The facts involved in those cases show that they are extreme situations involving high and low compensation.

In the high compensation case, the involved lines were used solely to provide service on an interim basis and would not be acquired by the carrier providing such service under subsidy. In the case involving no compensation in return for undertaking to provide security and maintenance of the involved lines, an agreement regarding sale of the line to the lessee had already been reached. The instant proceeding involves a situation between those two extremes. The RI will be liquidated and many of its lines will be purchased by other railroads. No purchase agreements have been reached as yet, however. Because an intermediate situation is involved here, we believe a reasonable base rental would be one-half the amount set in the previous high-compensation case, that is $1,237.50 per route mile per year. In addition, Frisco will be required to provide for the security and maintenance of rail properties actually utilized by it in providing interim service pursuant to Service Order No. 1451 as revised.

If the Frisco's operations over the involved lines yield a profit, the trustee will receive additional compensation under the second part of our formula. Because the share of profits would be passive income to the trustee, we believe that 14.4 percent of net revenues would yield a fair return. Net revenues should be calculated in accordance with the Commission's regulations applicable in abandonment proceedings (49 CFR 1121.41–1121.43), subject only to the following exceptions: (1) the casualty reserve account is eliminated; (2) rehabilitation expenses are reported under maintenance of way and structures costs; and (3) bridge traffic revenues and costs are eliminated.

In determining the share of traffic attributable to RI at former RI-Frisco reciprocal switching points, RI's share shall be considered to be the same as the share handled by Kansas City Terminal Railway Company in its operations under Directed Service Order No. 1398.

We are arriving at this interim resolution based on the best information available to us because of the need to establish some level of compensation so that service will be commenced. We will entertain any additional information submitted by the parties if they wish us to reconsider this decision.

The parties are advised that our conclusions here are not etched in stone. We will entertain petitions and are ready to reconsider this matter if anyone offers a better idea.

We find:

1. The Frisco and the Rock Island Trustee have been unable to agree upon terms for compensation of the RI estate for the use of RI property by Frisco under Service Order No. 1451, as revised.

2. The terms of compensation set forth in this decision will be reasonable within the meaning of 49 U.S.C. 11123.

3. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

1. If the Frisco commences operations over the Rock Island's lines as authorized in Service Order No. 1451, as revised, it shall compensate the Rock Island estate for the use of RI properties in accordance with the terms of this decision.

2. This decision shall be effective on the date it is served.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Clapp concurring with a separate expression. Commissioner Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring:

I am disappointed that a majority is unwilling to make a firm commitment on the compensation formula in this proceeding. While our conclusions should never be "etched in stone," it is important at this juncture to give railroads contemplating temporary service a definite statement on

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which they can rely. The action taken here continues the uncertainty.

[FR Doc. 80-11391 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 3]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: April 7, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. See Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.* ——— I.C.C. ——— (1980.) 45 FR 22945 (1980).

This decision is being issued to modify the appendix to DSO No. 1462 by including two additional RI lines over which the Chicago and North Western Transportation Company (C&NW) will be authorized to operate.

The C&NW has requested authority to operate from Altoona to Pella, IA, and from Carlisle to Indianola, IA under the terms and conditions of DSO No. 1462. The shippers along these lines require significant rail service. Accordingly, we will amend the appendix to DSO No. 1462 [45 FR 22948] ("RI Lines Authorized To Be Operated by DRCS") by adding the following provisions under paragraph 9. *Chicago and North Western Transportation Company (C&NW):*

R. from Altoona to Pella, IA.
S. from Carlisle to Indianola, IA.

We find:

(1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

(1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11393 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

[Directed S.O. No. 1462, Supplemental Order No. 4]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: April 7, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, Various Railroads—Directed Service—Chicago, R.I. & P. —— I.C.C. —— (1980), 45 FR 22945 (April 4, 1980).

This decision is being issued to modify the terms and conditions of DSO No. 1462 by including operations by DRCs under continuation of RI trackage rights agreements.

Operation under continuation of RI trackage rights agreements is necessary in order for some DRCs to provide service over RI lines. We will, therefore, authorize continuation of trackage rights to the extent necessary for DRCs to provide the services authorized in DSO No. 1462. We will amend the "Operations" section of DSO No. 1462 to read as follows:

Operations—The DRC's are authorized to operate over the RI tracks designated in the appendix to this decision. The DRCs further, may operate under continuation of trackage rights agreements between the RI and other carriers to the extent necessary in order to perform the services authorized in this decision. Operation over the designated tracks includes use of facilities and appurtenances thereto that are necessary or reasonably related to train operations, including but not limited to: Yards; yard facilities; maintenance facilities; communication, electrical, and signal facilities; locomotive and car repair facilities; scales; etc.; subject, however, to the following notification requirements. The DRC's shall, within one week of commencing operations, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations. Any facilities or appurtenances not so identified in the notification shall not be deemed to be part of the operations authorized by this decision, unless contested. Disagreements concerning the scope of operations and use of facilities shall be resolved by appropriate Commission orders.

Operation over the designated RI tracks includes entry and exit to those tracks, for the purpose of handling traffic to or from stations on the lines, as well as for the purpose of handling traffic that neither originates nor terminates at any station on any such line.

We find:

(1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered:

(1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11333 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decision; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 70

Decided: March 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 8515 (Sub-36F), filed December 21, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting (1) *alcoholic liquors* in bulk or in containers and (2) *materials and supplies* used in the production of the commodities in (1), between points in IL, on the one hand, and, on the other, Bardstown, Cox's Creek, Frankfort, and Louisville, KY. (Hearing site: Chicago, IL.)

MC 8535 (Sub-109F), filed December 27, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Transporting *iron and steel articles* (except in dump vehicles), from the facilities of Raritan River Steel Company, at Perth Amboy, NJ, to those points in the United States in and east of AR, IA, LA, MS, and MO (except points in DE, KY, MD, NJ, NY, OH, PA, VA, WV, and DC). (Hearing site: Newark, NJ, or Washington, DC.)

MC 14215 (Sub-79F), filed December 21, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representive: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *alloys and silicon metal,* from the facilities of Ohio Ferro-Alloys Corp., at Philo and Powhattan, OH, to points in VA. (Hearing site: Columbus, OH.)

MC 41635 (Sub-52F), filed December 26, 1979. Applicant: DEALERS TRANSPORT COMPANY, A CORPORATION, 1368 Riverside Blvd., Memphis, TN 38101. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *automobiles and trucks,* in secondary movements in truck-away service, between points in TN, and KY. (Hearing site: Memphis, TN.)

Note.—Applicant intends to tack the requested authority with its present authority in MC 41635 at points in KY and TN.

MC 67234 (Sub-27F), filed December 26, 1979. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting (1) *games and toys* and (2) *toy and game*

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parts used in the manufacture of toys, from Seattle, WA, to Toledo, OH, and Mt. Clemens, MI. (Hearing site: Minneapolis, MN; or Washington, DC.)

MC 73165 (Sub-499F), filed December 11, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *machinery*, and (2) *equipment and supplies, materials, accessories and parts* for machinery, between points in the United States (except AK and HI), restricted to movements originating at or destined to the facilities used by Gandy Equipment Corporation. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Philadelphia, PA.)

MC 73165 (Sub-500F), filed December 27, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *buildings, building panels, building parts*, and (2) *materials, accessories and supplies* used in the installation and construction of commodities in (1) (except commodities in bulk), between the facilities of Butler Manufacturing Company, at or near San Marcos, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to transportation of traffic originating at or destined to the named facilities. (Hearing site: Dallas or Houston, TX.)

MC 94265 (Sub-338F), filed December 26, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products and meat byproducts* as described in Section A of Appendix I to the Report in *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (1) from Norfolk, VA, to points in FL and WI; (2) from Philadelphia, PA, to points in DE, IA, IL, IN, KS, KY, MD, MN, MO, NE, NC, OH, PA, TN, and WI, and (3) from Charleston, SC, to points in AL, AR, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, NE, OH, OK, SC, TN, TX, VA, WV, and DC. (Hearing site: Richmond, VA, or Washington, DC.)

MC 99234 (Sub-19F), filed December 26, 1979. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *building materials, equipment and supplies and iron and steel articles*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Denver, CO.)

MC 105045 (Sub-138F), filed December 26, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting *architectural stone, mortar (in bags) and metal lathes*, between the facilities of Architectural Cast Stone, of Indiana, at Indianapolis, IN, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Indianapolis, IN.)

MC 106074 (Sub-140F), filed December 26, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *synthetic staple fiber*, from the facilities of American Cyanamid Company, at or near Pace, FL, to points in NC, SC, TN on and east of Interstate Hwy 65, and VA on and south of Interstate Hwy 64. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations are involved.

MC 106674 (Sub-452F), filed December 26, 1979. Applicant: SCHILL MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *cornstarch*, in bags, from Morrisville, PA, to points in IL, IN, MI, MN, OH, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-453F), filed December 26, 1979. Applicant: SCHILL MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *unfinished cross-ties, wooden* from points in TN to Indianapolis, IN and Madison, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-455F), filed December 26, 1979. Applicant: SCHILL MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *building materials* (except commodities in bulk), from facilities of Bird & Son, Inc., at or near Shreveport, LA, to points in AL, AR, IL, IN, KY, MS, MO, TN, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-957F), filed December 26, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting *composition board*, from Marinette, WI, to points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 107295 (Sub-958F), filed December 26, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting (1) *fabricated metal articles*, from Eufaula, AL, to points in the US (except AK and HI), and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 107295 (Sub-959F), filed December 26, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting *aluminum scrap metal and aluminum products*, between Chandler, AZ, and Russellville, AR, and from Russelville, AR, to Seattle, WA, Dallas, TX, and San Diego and Los Angeles, CA. (Hearing site: Phoenix, AZ.)

MC 111214 (Sub-19F), filed December 27, 1979. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier* transporting (1) *pipe, pipe fittings, castings, and assessories and (2) material, equipment, and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), between the facilities of The Central Foundry Company, at or near Holt, AL, on the one hand, and, on the other points in AL, AR, FL, GA, LA, MS, NC, SC, TN and TX, under continuing contract(s) with Central Foundry Company, of Holt, AL. (Hearing site: Tuscaloosa, AL.)

MC 111375 (Sub-110F), filed May 16, 1979, previously noticed in **Federal Register** on March 27, 1980. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers, converters; processors, distributors, and printers of paper and paper products (except commodities in bulk), from points in WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—This republication corrects the docket number adding the sub number, to read MC 111375 Sub-110F.

MC 114604 (Sub-103F), filed December 27, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. Transporting *glass containers, container accessories, and empty cartons* (except in bulk), from the facilities of Kerr Glass Manufacturing Corp., at or near Huntington, WV, to points in AL, MS, LA, AR, TX, FL, GA, NC, SC, TN, VA, KY, IL, IN, and OH. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-104F), filed December 27, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificate*, MCC 209 and 766 (except hides and commodities in bulk), and foodstuffs (frozen or chilled), from the facilities of New Orleans, Cold Storage and Warehouse Co., LTD, at or near New Orleans, LA, to those points in the US in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-105F), filed December 27, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Transporting *foodstuffs* (except frozen foods or commodities in bulk), between the facilities of Stokely-Van Camp, Inc., at or near Gibson City, Hoopston, and Rochelle, IL, Indianapolis and Tipton, IN, Hart and Scottville, MI, Norwalk and Paulding, OH, Appleton, Cumberland, Frederic, and Plymount, WI, and, Newport and Tellico Plains, TN, on the one hand, and, on the other, those points in the US in and east of ND, SD, NE, KS, OR, and TX, restricted to transportation of traffic originating at or destined to the facilities of Stokely-Van Camp, Inc. (Hearing site: Atlanta, GA.)

MC 125335 (Sub-95F), filed December 26, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *paper, paper forms, and paper products, and (2) such commodities* as are used in the manufacture and distribution of commodities in (1) between points in Rutherford County, TN, on the one hand, and on the other, points in AL, FL, GA, IL, IN, KS, LA, ME, MI, MN, MO, NC, OH, PA, TX, and WI. (Hearing site: Dayton, OH, or Harrisburg, PA.)

MC 128555 (Sub-42F), filed December 21, 1979. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. *Contract carrier*, transporting *canned goods*, from the facilities of Woldert Canning, Inc., at or near Lindale, TX, to points in the US (except points in AK, HI, ID, ME, MT, ND, NH, NV, OR, SD, UT, VT, WA, and WV), under continuing contract(s) with Woldert Canning, Inc., of Tyler, TX. (Hearing site: Tampa, FL.)

MC 128555 (Sub-43F), filed December 26, 1979. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Contract carrier*, transporting *foodstuffs*, (except in bulk in tank vehicles) and *materials, supplies and equipment* used in the manufacture and distribution of foodstuffs, between points in the US (except AK and HI), under continuing contract(s) with Ragu' Foods Inc., of Greenwich, CT. (Hearing site: Miami, FL, or Washington, DC.)

MC 129455 (Sub-40F), filed December 21, 1979. Applicant: GARRETTA TRUCKING, INC., S 160 Route 17, Paramus, NJ 07652. Representative: Joseph Garetta (same address as applicant). *Contract carrier*, transporting (1) *drugs and toilet preparations* (except in bulk), from Decatur, IL, to points in the U.S. (except AK and HI) and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1), in the reverse direction, under continuing contract(s) with Carter Wallace, Inc., of Cranbury, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 133095 (Sub-287F), filed December 21, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting *cleaning, buffing and polishing compounds, and toiletries* (except commodities in bulk), from the facilities of American Cynamid Company, at or near Jackson, MS, to points in IA, IL, IN, MI, MO, OH, and WI. (Hearing site: New York, NY, or Dallas, TX.)

MC 133565 (Sub-17F), filed December 26, 1979. Applicant: TRUE TRANSPORT, INC., 15 Stockton St., Newark, NJ 07101. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Transporting (1) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in vehicles equipped with mechanical refrigeration, restricted to traffic having a prior or subsequent movement by water, and (2) *empty containers, trailers, and trailer chassis*, between New York, NY, Philadelphia, PA, and Baltimore, MD, and Norfolk, VA, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, and points in that part of Pennsylvania—New York State line at or near Lawrenceville, PA, and extending along U.S. Hwy 15 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the Pennsylvania–Maryland State line. (Hearing site: New York, NY.)

MC 133565 (Sub-18F), filed December 27, 1979. Applicant: TRUE TRANSPORT, INC., 15 Stockton St., Newark, NJ 07101. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Transporting (1) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers, having a prior or subsequent movement by water, and (2) *empty containers, trailers, and trailer chassis*, between New York, NY, Philadelphia, PA, and Baltimore, MD, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania—New York State line at or near Lawrenceville, PA, and extending along U.S. Hwy 15 to junction U.S. Hwy 11, at or near Camp Hill, PA, then along U.S. Hwy 11 to the Pennsylvania–Maryland State line. (Hearing site: New York, NY.)

MC 133735 (Sub-12F), filed December 26, 1979. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *liquid fertilizer*, in bulk, in tank vehicles, from the facilities of FirstMiss Inc., at or near Fort Madison, IA, to points in IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 133965 (Sub-16F), filed December 27, 1979. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, Suite 330, Steele Park, 50 South Steele St., Denver, CO 80209. Transporting *tallow*, in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, CO, AZ, NM, CA, NV, UT, and WY. (Hearing site: Omaha, NE, or Sioux City, IA.)

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MC 134134 (Sub-55F), filed December 21, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, I–80 and Hwy 50, P.O. Box 37205, Omaha, NE 68137. Transporting *confectionary and confectionary products*, from the facilities of Just Born, Inc., at or near Bethlehem, PA, to points in CO, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, and TN. (Hearing site: Washington, DC, Philadelphia, PA.)

MC 135325 (Sub-8F), filed December 26, 1979. Applicant: WEMCO, INC., 3989 Wyoming Ave., Dearborn, MI 48126. Representative: James R. Striverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *cement and mortar*, from points in Charlevoix and Emmet Counties, MI, to points in IL, IN, OH, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 135524 (Sub-94F), filed December 26, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, wood products and sawmill products*, from points in Calvert, Charles, and St. Marys, Counties, MD, and Westmoreland, VA, to points in the US (except AK and HI). (Hearing site: Columbus, OH, or Richmond, VA.)

MC 135524 (Sub-101F), filed December 26, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 4501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *iron and steel articles* (1), from the facilities of Republic Steel Corporation, at Chicago, IL, and Gary, IN, to points in MI, and OH, and (2) from the facilities of Republic Steel Corporation, at Canton, Cleveland, Elyria, Massillon, Niles, Warren, and Youngstown, OH, to points in IL, IN, and MI. (Hearing site: Columbus, or Cleveland, OH.)

MC 139495 (Sub-515F), filed December 20, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwich Lane, Silver Spring MD 20910. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Farmlands Foods, Inc., at (a) Carroll, Denison, Iowa Falls, Sioux City, Des Moines, and Ft. Dodge, IA, and (b) Crete, Lincoln, and Omaha, NE, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-516F), filed December 26, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwich Lane, Silver Spring MD 20910. Transporting *foodstuffs*, from Fresno and Kingsburg, CA, to points in the US (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-517F), filed December 26, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwich Lane, Silver Spring MD 20910. Transporting *hunting ammunition, and equipment*, from Oroville, CA, and Lewiston, ID, to points in the US (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-518F), filed December 26, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwich Lane, Silver Spring MD 20910. Transporting *fungicides, insecticides, and agricultural chemicals* (except commodities in bulk, in tank vehicles), between points in the US (except AK, and HI), restricted to transportation of traffic originating at or destined to the facilities of Gustafson, Inc. (Hearing site: Washington, DC.)

MC 14002 (Sub-172F), filed December 26, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *adhesives* (except in bulk), in vehicles equipped with mechanical refrigeration, from Columbus, OH, to Anaheim and Hayward, CA Atlanta, GA, Brighton, MA, Chicago, IL, Denver, CO, Detroit, MI, Ft. Smith, AR, Ft. Worth, TX, Kansas City, KS, Memphis, TN, North Bergen, NJ, Portland, OH, St. Louis, MO, Salt Lake City, UT, and Seattle, WA. (Hearing site: Denver, CO, or Columbus, OH.)

MC 140024 (Sub-173F), filed December 26, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *lag screw bolts* from Slovay, NY, to points in McKinley County, NM. (Hearing site: Denver, CO or Syracuse, NY.)

MC 140665 (Sub-81F), filed December 27, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *general commodities*, (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, articles requiring special equipment, and commodities in bulk), between points in the US (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of the B. F. Goodrich Company. (Hearing site: Cleveland, OH or Washington, DC.)

MC 142804 (Sub-330F), filed December 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *television parts and accessories*, from Forrest City, AR, to Little Ferry, NJ. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-331F), filed December 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *vehicle parts, accessories, and supplies*, from (1) Culver City, CA, to those points in the US in and west of ND, SD, NE, KS, OK, and TX (except AK and HI), and (2) from points in the US (except AK and HI), to, Culver City, CA. (Hearing site: Los Angeles, CA.)

MC 143775 (Sub-135F), filed December 27, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *canned and preserved foodstuffs*, from Wenatchee, WA, to the facilities of Heinz USA, at or near Grand Prairie, TX, Greenville, SC, Harrison, NJ, Iowa City, IA, Jacksonville, FL, Mechanicsburg, PA, Pittsburgh, PA, and Toledo, OH, restricted to transportation of traffic originating at the named origin and destined to the named facilities. (Hearing site: Pittsburgh, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 146115 (Sub-2F), filed December 27, 1979. Applicant: SPECIAL SERVICES DELIVERY, INC., P.O. Box 243, Towanda, PA 18848. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Contract carrier* transporting *commodities* dealt in or used by a manufacturer of cosmetics, between Newark, DE, on the one hand, and, on the other, points in Berks, Bradford, Bucks, Carbon, Chester, Columbia, Daulphin, Delaware, Lackawanna, Lehigh, Lucerne, Lycoming, Monroe, Montgomery,

Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, Wyoming, and York Counties, PA, and points in NJ, under continuing contract(s) with Avon Products, Inc., of Newark, DE. (Hearing site: Washington, DC.)

MC 147415 (Sub-4F), filed December 20, 1979. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58501. Representative: Charles E. Johnson, 3rd and Rosser Ave., Gate City Savings & Loan Building, P.O. Box 1982, Bismarck, ND 58501. Transporting *sugar*, in bags, from the facilities of American Crystal Sugar Company, at or near Moorhead, Crookston, and East Grand Forks, MN, to points in ND, MN, IL, and WI. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 147504 (Sub-4F), filed December 27, 1979. Applicant: RSSI TRUCK LINE, INC., 2909 North Emporia, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. *Contract carrier*, transporting (1) *asphalt and roofing materials*, from the facilities of Roofers Service Supply, Inc., at Wichita, KS, to points in AR, CO, IL, IN, IA, KY, MN, MO, NE, NM, OK, SD, TN, TX, and WY and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) in the reverse direction, under continuing contract(s) with Roofers Service Supply, Inc., of Wichita, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 147625 (Sub-2F), filed September 17, 1979, previously noticed in the **Federal Register** issue of March 25, 1980 as MC 147625. Applicant: AAA AIR ENTERPRISES, INC., P.O. Box 19130, Eppley Airfield, Omaha, NE 68119. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106.

Note.—This partial republication corrects the docket and sub number, which is MC 147625 (Sub-2F).

MC 148354 (Sub-3F), filed December 26, 1979. Applicant: TWIN CITY DISTRIBUTING, INC., 611 8th St., P.O. Box 637, Greeley, CO 80631. Representative: Wm. Fred Cantonwine, 6785 E. 50th Ave., Suite 201, Commerce City, CO 80022. *Contract carrier*, transporting *meats and meat byproducts* used as or in manufacture of animal feed and feed ingredients (except hides and commodities in bulk, in tank vehicles), from Greely and Denver, CO, to Livingston, Los Angeles and San Diego, CA, Kankakee, IL, Algona, Ft. Dodge and Des Moines, IA, Topeka, KS, Independence, Kansas City and St. Joseph, MO, Crete, Fremont, Hastings, Lincoln, Omaha, and York NE, Forest Grove and Portland, OR, and Jefferson, WI, under continuing contract(s) with J. R. Nylen, Ltd., Valley Feed & Provision Company, of Greeley, CO. (Hearing site: Denver, CO.)

MC 148414 (Sub-2F), filed December 27, 1979. Applicant: UNIDYNE CORPORATION, 981 Scott St., Norfolk, VA 23502. Representative: Dale E. Forwood (same address as applicant). *Contract carrier*, transporting (1) *aluminum and steel fabricated products, fixtures, and accessories*, such as are used in department stores, (2) *iron, steel and plastic articles, athletics goods, sporting and gymnastic equipment*, in tubular form and boxed; (3) *wood display products, fixtures, and accessories*, such as are used in department stores, from the facilities of Advance Metal Products Company, at or near Los Angeles, CA, to New Orleans, LA; St. Paul, MN; Chicago, IL, and points in CT, MO, OH, TX, WV, FL, NC, SC, VA, MD, PA, NY, NJ, DE, and DC, under continuing contract(s) with Advance Metal Products Company, of Compton, CA. (Hearing site: Washington, DC, or Los Angeles, CA.)

MC 148785 (Sub-2F), filed December 21, 1979. Applicant: SUDDEN MOVING & STORAGE, INC., d.b.a. SUDDEN TRUCKING COMPANY, 5154 Kennedy Ave., Cincinnati, OH 45213. Representative: Kevin R. Reichley, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers of *auto parts*, between Columbus, OH, on the one hand, and, on the other, points in MO, GA, CA, IL, IN, and MI. (Hearing site: Columbus or Cincinnati, OH.)

MC 149025F, filed December 21, 1979. Applicant: VAN NORTWICK BROS. INC., 129 State Highway 36, East Keansburg, NJ 07734. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Transporting *passengers and their baggage*, in the same vehicle with passengers in round-trip charter operations, beginning and ending at points in Ocean County, NJ, and extending to points in the U.S. (excluding AK and HI). (Hearing site: Toms River or Lakewood, NJ.)

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Decided: March 3, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liverman and Jensen. Member Jensen not participating.

MC 8310 (Sub-12F), filed December 20, 1979. Applicant: JEFF'S TRUCKING, INC., 408½ Main St., Waupun, WI 53963. Representative: Allan B. Torhost, 217 E. Jefferson St., Burlington, WI 53105. Transporting *foodstuffs* (except commodities in bulk), and *equipment, materials and supplies* used in the manufacture and sale of foodstuffs, between the facilities used by Green Giant Co., in WI and IL, on the one hand, and, on the other, points in IL and WI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 11220 (Sub-188F), filed December 14, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, IL, and Green Bay, WI, over U.S. Hwy 41, (2) between Chicago, IL, and Two Rivers, WI, from Chicago, IL, over U.S. Hwy 14 to Madison, WI, then over U.S. Hwy 151 to Manitowoc, WI, then over WI Hwy 42 to Two Rivers, and return over the same route, (3) between Beloit and Green Bay, WI, from Beloit over WI Hwy 15 to Milwaukee, WI, then over U.S. Hwy 141 to Green Bay, and return over the same route, (4) between Janesville and Oshkosh, WI, over WI Hwy 26, (5) between Madison and Milwaukee, WI, over U.S. Hwy 18, (6) between Bloomington, IL, and Madison, WI, over U.S. Hwy 51, serving all intermediate points in (1) through (6) above, and serving as off-route points, points in Cook, Lake, McHenry, Boone, Winnebago, Ogle, DeKalb, Lee, Bureau, Putnam, LaSalle, Grundy, Kendall, Kane, Dupage, and Will Counties, IL, and Kenosha, Racine, Walworth, Rock, Dane, Jefferson, Waukesha, Milwaukee, Washington, Dodge, Ozaukee, Sheboygan, Fond du Lac, Manitowoc, Calument, Winnebago, Outagamie, and Brown Counties, WI, (7) between Hammond, IN, and Lincoln, NE, over U.S. Hwy 6, (8) between Chicago Heights, IL, and Cedar Rapids, IA, over U.S. Hwy 30, (9) between Chicago IL, and Des Moines, IA, from Chicago over U.S. Hwy 34, to Ottumwa, IA, and then over U.S. Hwy 63 to Oskaloosa, IA, then over IA Hwy 163 to Des Moines, and return over the same route, (10) between Chicago IL, and Waterloo, IA, over U.S. Hwy 20, (11) between Quincy, IL, and Dubuque, IA, from Quincy over U.S. Hwy 24 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Dubuque, and return over the same route, (12) between

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Davenport and Dubuque, IA, from Davenport over U.S. Hwy 67 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Dubuque, and return over the same route, serving all intermediate points in (7) through (12) above, and serving as off-route points, points in McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, DeKalb, Kane, DuPage, Cook, Will, Grundy, Kendall, LaSalle, Bureau, Putnam, Lee, Whiteside, and Rock Island Counties, IL, Lee, DeMoines, Louisa, Muscatine, Scott, Clinton, Jackson, Dubuque, Black Hawk, Linn, Johnson, and Polk Counties, IA, Lancaster, Cass, Sarpy, Douglas, Saunders, Dodge, and Washington Counties, NE, and Oelwein, Amana, Knoxville and Marshalltown, IA, (13) between Albert Lea and Minneapolis, MN, from Albert Lea over MN Hwy 13 to junction Interstate Hwy 35W, then over Interstate Hwy 35W to Minneapolis, and return over the same route, (14) between Albert Lea and Owatonna, MN, from Albert Lea over U.S. Hwy 65 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Austin, MN, then over U.S. Hwy 218 to Owatonna, and return over the same route, (15) between Faribault and St. Paul, MN, over MN Hwy 3 (16) between St. Cloud and New Ulm, MN, from St. Cloud over U.S. Hwy 52 to Rochester, MN, then over U.S. Hwy 14 to New Ulm, and return over the same route, (17) between Mankato and Minneapolis, MN, over U.S. Hwy 169, serving all intermediate points in (13) through (17) above, (18) between St. Paul and Duluth, MN, from St. Paul over Interstate Hwy 35E, to junction Interstate Hwy 35, then over Interstate Hwy 35 to Duluth, and return over the same route, serving no intermediate points, and serving the off-route points of Cloquet, MN, and Superior, WI, (19) between Minneapolis, MN, and Kansas City, MO, from Minneapolis over Interstate Hwy 35W, to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route, serving all intermediate points in MN and Des Moines, IA, (20) between Rochester, MN, and Waterloo, IA, over U.S. Hwy 63, serving no intermediate points, (21) between Kansas City, MO, and Council Bluffs, IA, over Interstate Hwy 29, serving the intermediate point of St. Joseph, MO, and the off-route points of Glenwood, Red Oak, and Shenandoah, IA, and serving junction Interstate Hwy 29 and IA Hwy 2 for the purpose of joinder only, (22) between Kansas City, MO, and Peoria, IL, over U.S. Hwy 24, serving the intermediate points of Taylor, MO, and Quincy, IL, (23) between Lincoln, NE and junction Interstate Hwy 29 and IA Hwy 2 from Lincoln, over NE Hwy 2 to the NE–IA state line, then over IA Hwy 2 to junction Interstate Hwy 29 and return over the same route, serving no intermediate points, and serving junction Interstate Hwy 29 and IA Hwy 2 for purposes of joinder only, and (24) between Hampton, MN and junction MN Hwy 50 and Interstate Hwy 35, over MN Hwy 50, serving all intermediate points. (Hearing site: Memphis, TN, or Atlanta, GA.)

Note.—Applicant proposes to join the requested routes with existing regular routes at common joinder points in MN, WI, IL, IN, and MO.

MC 35320 (Sub-540F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Young & Vann Supply, Co., Inc. at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-541F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Birkelbach Machine and Pump Inc., at or near Little field, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Lubbock, TX or Dallas, TX.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-542F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Ludlow Corporation at or near Indianola, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-543F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Duval Corporation at or near Rustler Springs, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: El Paso, TX or Dallas, TX.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-544F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Montgomery Rubber and Gasket Co., at or near Montgomery, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Montgomery, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 Sub-545F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Denson Oil and Tire Co., at or near Gadsden, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-546F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Noland Co., at or near Gadsden, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-547F), filed February 7, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Modern Tables, Inc., at or near Gadsden, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack to its existing authority.

MC 42011 (Sub-62F), filed January 25, 1980. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *recycled ceiling fiber and additives* (except commodities in bulk), from the facilities of Montello, Inc., at Sand Springs, OK, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1), above (except commodities in bulk), in the reverse direction. (Hearing site: Tulsa, OK.)

MC 47171 (Sub-160F), filed February 5, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820 Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *chemicals* (except in bulk), from Bridgeville and Neville Island, PA, to Gastonia, NC. (Hearing site: Charlotte, NC.)

MC 52921 (Sub-37F), filed January 31, 1980. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *alcoholic liquors*, and *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), (1) between Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) between New Orleans, LA, on the one hand, and, on the other, points in AL, AZ, AR, CA, FL, GA, LA, MS, NM, and TX, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: New Orleans, LA.)

MC 53841 (Sub-40F), filed February 8, 1980. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting (1) *petroleum and petroleum products, vehicle body sealers,* and *sound deadener compounds* (except commodities in bulk), and (2) *containers,* in mixed shipments with the commodities in (1) above, from the facilities of Pennzoil Company at Oil City and Rouseville, PA, and the facilities of Wolf's Head Oil Refining Company at Reno, PA, to points in KY, NJ, OH and WV. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 53841 (Sub-41F), filed February 8, 1980. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of General Warehousing of Dubois, Inc., at Dubois, PA, on the one hand, and, on the other, those points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 61440 (Sub-180F), filed December 10, 1979. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Chicago, IL, and Des Moines, IA, as an alternate route for operating convenience only, over Interstate Hwy 80, serving no intermediate points and serving Des Moines as a point of joinder only; (2) Between Des Moines, IA, and Los Angeles, CA, as an alternate route for operating convenience only: From Des Moines over Interstate Hwy 80 to junction 76, then over interstate Hwy 76 to Denver CO then over Interstate Hwy 70 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, Ca, and return over the same routes, serving no intermediate points. (Hearing site: Oklahoma City, OK, or Washington, D.C.)

Note.—The alternate route authority sought here is in conjunction with carrier's presently authorized regular route operations between Chicago, IL, and Des Moines, IA, and Los Angeles, CA. Lee Way presently operates over regular routes from Chicago, IL, via St. Louis, MO, Oklahoma City, OK, San Antonio, and El Paso, TX, Phoenix, AZ and Los Angeles, CA and from Des Moines, IA, via Kansas City, MO, Oklahoma City, OK, San Antonio and El Paso, TX, Phoenix, AZ and Los Angeles, CA.

MC 67450 (Sub-102F), filed February 7, 1980. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting *corn products and soybean products* (except in bulk), from Muscatine, IA, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 93840 (Sub-55F), filed December 10, 1979. Applicant: GLESS BROTHERS, INC., Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *salt* and *salt products,* (1) from the facilities of Cargill, Inc., at points in Scott County, IA to points in MO and those in WI north and east of a line beginning at Milwaukee, WI, and extending along Interstate Hwy 94 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction U.S. Hwy 51, to the MI–WI State line, and (2) from the facilities of Cargill, Inc., at Pekin, IL to points in IA. (Hearing site: St. Paul, MN.)

MC 95540 (Sub-1154F), filed December 10, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same

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address as applicant). Transporting (1) *lawn and garden equipment, motor bikes, and go-carts,* (2) *parts and accessories* for the commodities in (1) and (2), and (3) *equipment, materials and supplies* used in the manufacture of commodities in (1) and (2) above, between points in IA, and the facilities used by Bird Engineering Co., in NE, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL or Washington, DC.)

MC 111201 (Sub-50F), filed January 28, 1980. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting *metal containers,* from Salisbury, NC, to the facilities of Shasta Beverage Co., at or near Birmingham, AL. (Hearing site: Atlanta, GA.)

MC 112801 (Sub-251F), filed December 10, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of McIntyre Chemical Company, at or near Chicago, IL, to points in CA, GA, MA, TX, NY, NJ, and PA. (Hearing site: Chicago, IL.)

MC 112801 (Sub-252F), filed January 31, 1980. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Inland Specialty Chemical Corp., at or near New Haven, IN, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Fort Wayne, IN.

MC 112801 (Sub-253F), filed February 6, 1980. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *polyvinyl adhesives and dry animal glue,* in tank vehicles, from Oak Creek, WI, to points in IL, MI MN, WI, and IN; and (2)(a) *metal cutting fluids and soaps,* and (b) *materials and supplies* used in the manufacture of the commodities in (2)(a), in bulk, in tank vehicles, between St. Charles, IL, on the one hand, and, on the other, points in CA, CO, TX, OK, LA, NY, NJ, VA, NC, GA, PA, OH, KY, MI, MO, WI, and MN. (Hearing site: Chicago, IL.)

MC 114211 (Sub-445F), filed January 8, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers, distributors, and dealers of agricultural and industrial equipment, between Allentown, WI, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii), restricted to traffic originating at or destined to the facilities of Kasten Manufacturing Company. (Hearing site: Milwaukee or Madison, WI.)

MC 115331 (Sub-536F), filed February 4, 1980. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting *alcohol, and neutral and distilled spirits,* from Jacksonville, FL, Columbus, OH, Merrimack, NH, and Williamsburg, VA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX and those in CA, CO, and WA. (Hearing site: St. Louis, MO.)

MC 115601 (Sub-27F), filed December 26, 1980. Applicant: BROOK ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, DE 19802. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. *Contract carrier,* transporting *precious metals* and *precious metal solutions,* between Newark and Union, NJ, on the one hand, and, on the other, Huntsville, AL, under continuing contract(s) with Engelhard Industries Division of Engelhard Minerals and Chemicals Corporation, of Iselin, NJ. (Hearing site: Philadelphia, PA.)

Note.—Dual operations are involved.

MC 115841 (Sub-754F), filed February 11, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), from points in GA to points in CA, IL, IN, KS, MI, NC, NJ, NY, OH, OK, OR, and SC. (Hearing site: Atlanta, GA or Washington, DC.)

MC 115931 (Sub-104F), filed December 10, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *weed killing compounds, ice melting compounds,* and *dry fertilizer,* and (2) *containers,* for the commodities in (1) above, from Kenosha, WI, to points in MN, MT, ND, and SD. (Hearing site: Milwaukee, WI.)

MC 119741 (Sub-257F), filed February 8, 1980. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of DPM of Kansas, Inc., at or near Wichita, KS, to points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, KS, LA, ME, MD, MA, MS, MT, NV, NH, NJ, NM, NC, OK, OR, RI, SC, TN, TX, UT, VT, VA, WA, WV, WY, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Wichita, KS.)

MC 124821 (Sub-83F), filed January 28, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting: (1) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cortland, Chenango, Broome, Chemung, and Steuben Counties, NY, and Franklin, Columbia, Montour, Bradford, Lackawanna, Luzerne, Wayne, Lehigh, Northampton, Tioga, and Schuylkill Counties, PA, on the one hand, and, on the other, points in CA, OR, WA, CO, TX, MO, MN, IL, WI, MI, GA, FL, and OH, restricted to the transportation of traffic originating at or destined to the facilities used by Northeastern Pennsylvania Shippers Cooperative Association, Inc.; and (2) *printed matter,* and *materials, supplies,* and *equipment* used in the manufacture and distribution of printed matter (except commodities in bulk), between points in CT, IL, IN, KY, MD, MA, ME, MI, MN, MO, NJ, NY, OH, PA, RI, TN, VT and WI, restricted to the transportation of traffic originating at or destined to the facilities of Harper and Row Publishers, Incorporated. (Hearing site: Harrisburg, PA.)

MC 128371 (Sub-9F), filed February 14, 1980. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Highway, Holland, OH 43528.

Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. Transporting *scrap metal,* in dump vehicles, (1) from Pittsburgh, PA, to Bryan, Montpelier, Cincinnati, Defiance, and Cleveland, OH, Aurora, IN, and Detroit, MI, (2) from Cleveland, OH, to Detroit, MI, and (3) from Cincinnati, OH, to Aurora, IN, and Detroit, MI. (Hearing site: Columbus or Cincinnati, OH.)

MC 129191 (Sub-14F), filed February 1, 1980. Applicant: RICHARD T. PLATTNER, d.b.a. JANS MOTOR SERVICE, 12600 South Laramie Avenue, Alsip, IL 60658. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting *iron and steel articles,* from the facilities of Jones & Laughlin Steel Corporation, at or near Chicago, IL, to points in IL, St. Louis, MO, and Davenport, IA. (Hearing site: Chicago, IL.)

MC 129631 (Sub-79F), filed February 11, 1980. Applicant: PACK - TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT 84107. Representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, CO 80203. Transporting *iron and steel* articles, between points in CO, ID, MT, OR, UT, NV, WA, and WY. (Hearing site: Portland, OR.)

MC 129951 (Sub-7F), filed February 8, 1980. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Drive, Boulder, CO 80301. Representative: Harley I. Keeter, Jr. (same address as applicant). Transporting *ore* and *ore concentrates,* from points in Boulder, Teller, Gilpin, Clear Creek, and Jefferson Counties, CO, to East Helena, MT, Kellogg, ID, Bartlesville, OK, and points in Randall, Potter, Galveston, El Paso, and Harris Counties, TX, and Orleans Parish, LA. (Hearing site: Boulder, CO.)

MC 133591 (Sub-97F), filed January 25, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street Winchester, KY 40391. Transporting *alcoholic liquors,* and *materials, equipment,* and *supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), between Fort Smith, AR, New Orleans, LA, Bardstown and Louisville, Ky, and Plainfield, IL on the one hand, and, on the other, points in MI, IN, TN, KY, MS, IL, LA, AR, MO, IA, MN, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, AZ UT, ID, WA, OR, NV, and CA. (Hearing site: Chicago, IL or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 134501 (Sub-76F), filed January 28, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture,* from ponts in WI, to points in IN, on and south of U.S. Hwy 50, and those in IA, KS, MO, NE, NH, NY, OH, PA, VT, and WY; and (2) *custom architectural woodwork, fixtures,* and *equipment,* from points in WI to points in the United States (except AK and HI). (Hearing site: Milwaukee, WI or Dallas, TX.)

MC 134501 (Sub-77F), filed January 28, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture,* from points in AR (except Ft. Smith and Van Buren) to points in AL, AZ, CA, FL, IN, IA, KS, LA, MS, MO, NE, NM, OH, TN (except Shelby County), and WV; and (2) *fixtures,* from points in AR (except Ft. Smith and Van Buren) to points in the United States (except AK and HI), restricted in (1) and (2) above against transportation of commodities which because of their size or weight require the use of special equipment. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 134501 (Sub-78F), filed January 25, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture,* from Lowell, MA, to ponts in AL, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, ME, MD, MI, MN, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN (except Shelby County), UT, VT, VA, WA, WV, WI, WY, and DC and (2) *fixtures,* from Lowell, MA, to points in the United States (except AK and HI). (Hearing site: Boston, MA or Dallas, TX.)

MC 135070 (Sub-153F), filed February 4, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *petroleum products and lubricating oils,* (except commodities in bulk), and *such commodities* as are dealt in or used by retail fuel stations, and automobile service centers, between the facilities of Exxon Company, U.S.A., at or near (a) Bayonne and Bayway, NJ, (b) Baton Rouge, LA, (c) Baytown, TX, and (d) Pittsburgh, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston or Dallas TX.)

Note.—Dual operations may be involved.

MC 135691 (Sub-42F), filed February 8, 1980. Applicant: DALLAS CARRIERS CORP., P.O. Box 402626 Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *materials, supplies and equipment* used in the manufacture and distribution of foodstuffs, (except commodities in bulk) from those points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the United States-Canada boundary line, to the facilities used ty Tenneco West, Inc., at points in CA, under continuing contract(s) with Tenneco West, Inc., of Bakersfield, CA. (Hearing site: Los Angeles, CA.)

Note.—Duel operations maybe involved.

MC 135950 (Sub-7F), filed December 27, 1979. Applicant: KERN TRUCKING, INC., R.R. 1 Box 162, Bedford, IN 47421. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract carrier,* transporting *gypsum and gypsum rock; and materials* used in the manufacture of gypsum products, in bulk, between points in Martin County, IN, on the one hand, and, on the other, points in IL, IA, KY, MI, MO, OH, PA, TN, and WI, under continuing contract(s) with National Gypsum Company, Gold Bond Building Products, Div., of Charlotte, NC. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 138741 (Sub-106F), filed February 11, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *gypsum, gypsum products, and building materials* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above (except commodities in bulk), between points in AL, AR, CO, DE, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Georgia-Pacific Corporation, Gypsum Division. (Hearing site: Washington, DC.)

MC 141951 (Sub-1F), filed February 1, 1980. Applicant: MARY DICK AND HOLLIS A. DICK, d.b.a. H.O. DICK TRANSFER CO., P.O. Box 307, Bethany, IL 61914. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *corn products* and *soybean products,* in bulk, in tank vehicles, from Decatur, IL, to points in

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FL, GA, IN, IA, KY, MI, MO, OH, TN, and WI, restricted to the transportation of traffic originating at the facilities of A. E. Staley Manufacturing Company, at Decatur, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 144061 (Sub-13F), filed February 15, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. *Contract carrier,* transporting (1) *cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, plastic bags, filters,* and *cleaning* and *sanitizing equipment* from the facilities of Economics Laboratory, Inc., at points in NJ, IL, MN, TX, and CA to points in the United States (except AK and HI), and (2) *materials* used in the manufacture of the commodities in (1) above, in the reverse direction, (3) *materials* used in the manufacture of cleaning and polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants and paints, between the facilities of Economics Laboratory, Inc., at or near (a) Avenel and Palisades Park, NJ, (b) Joliet, IL, (c) St. Paul, MN, (d) Garland, TX, and (e) San Jose and City of Industry, CA under continuing contract with Economics Laboratory, Inc., of St. Paul, MN. (Hearing site: Minneapolis, MN.)

MC 145011 (Sub-7F), filed September 18, 1979. Applicant: R. F. WESTBURY, 1617 Willis Road, Richmond, VA 23224. Representative: Carroll B. Jackson, 1610 Vincennes Road, Richmond, VA 23229. To oprate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning, scouring, and washing compounds, maintenance supplies,* and *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), (a) between points in VA, NC, SC, GA, and TN, on the one hand, and, on the other, points in CA, OR, WA, ID, NV, UT, AZ, CO, NM, and OK, and (b) from Portsmouth, VA, to points in TX and IL, under continuing contract(s) in both (1) and (2) above with The Procter & Gamble Company, The Procter & Gamble Distributing Company, and The Procter & Gamble Manufacturing Company, of Cincinnati, OH. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 145441 (Sub-103F), filed February 11, 1980. Applicant: A.B.C. TRUCKING INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk), from Lake Wales, FL, to those points in the United States in and east of MI, IL, MO, KS, OK, and TX. (Hearing site: Little Rock, AR or Miami, FL.)

Note.—Dual operations may be involved.

MC 145651 (Sub-4F), filed February 4, 1980. Applicant: DUNCAN & SONS, INC., P.O. Box 775, Lewis, CO 81327. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *petroleum products* (except in bulk, in tank vehicles), from Los Angeles, CA, to points in AZ, CO, MN, and UT. (Hearing site: Los Angeles, CA.)

MC 145651 (Sub-5F), filed February 5, 1980. Applicant: DUNCAN & SONS, INC., P.O. Box 775, Lewis, CO 81327. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *burlap,* from Los Angeles, CA, to Monte Vista, CO. (Hearing site: Denver, CO or Albuquerque, NM.)

MC 146101 (Sub-2F), filed January 31, 1980. Applicant: MIDSTATES REFRIGERATED EXPRESS, INC., P.O. Box 420, East Chicago, IN 46312. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. Transporting *frozen foods,* between the facilities of Continental Freezers of Illinois, at Chicago, IL, on the one hand, and, on the other, points in IN, MI, OH, KY, MO, KS, WI, IA, NE, and those points in PA on and west of Interstate Hwy 79. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL.)

MC 146821 (Sub-4F), filed January 29, 1980. Applicant: RONALD BESTEMAN PRODUCE, INC., 2240 Byron Center Road SW., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49509. Transporting *meats, meat products, poultry products,* and *materials equipment, and supplies* used in the production of meats, meat products, and poultry products, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in MI, on the one hand, and, on the other, points in WV, KY, MO, IN, IL, WI, IA, MN, TN, OH, NY, and PA. (Hearing site: Lansing, MI or Chicago, IL.)

MC 146890 (Sub-19F), filed February 8, 1980. Applicant: C & E Transport, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *confectionery products and cough drops,* from the facilities of Luden's, Inc., at Reading, PA, to points in OH, MI, IL, IN, MO, and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 147841 (Sub-3F), filed February 5, 1980. Applicant: CENTENNIAL TRUCK LINES, INC., 301 Broadway, Jersey City, NJ. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. Transporting *building materials,* between the facilities of Barclay Industries, Inc., at or near Lodi, NJ, on the one hand, and, on the other, points in CT, MD, MA, NY, OH, PA, and VA. (Hearing site: New York, NY, or Newark, NJ.)

MC 147880F filed July 12, 1979. Applicant: AQUA-TERRA ORGANIC FARMS, INC., 257 Oak St., San Francisco, CA 94102. Representative: Ray Hills, 1826 Divisadero St., San Francisco, CA 94115. *Contract carrier,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from San Francisco, CA, to Buffalo, NY, and Gainesville, FL, and (2) from Gainesville, FL, to points in CO and CA, under continuing contract(s) with (a) Leather Luggage, Inc., of Gainesville, FL, and (b) McLavish Equity, of Lockport, NY. (Hearing site: San Francisco or Sacramento, CA.)

MC 148430 (Sub-2F), filed December 14, 1979. Applicant: ROBERT E. CREAGER, d.b.a. POISON SPIDER HOT SHOT SERVICE, 3100 Knollwood Drive, Casper, WY 82601. Representative: Clifford J. Neilson, 430 East 1st Street, Casper WY 82601. Transporting (1) *material, equipment, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and (2) *materials, equipment, and supplies* used in or in connection with the contstruction, operation, repair, servicing, mantenance and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, ID, MT, NM, ND, SD, UT, and WY, restricted against the transportation of complete oil drilling rigs. (Hearing site: Casper, WY, or Cheyenne, Wy.)

MC 148451 (Sub-1F), filed February 11, 1980. Applicant: HOLSTINE TRUCKING, INC., 125th Old Brighton Road, Henderson, CO 80640. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 8023. Transporting (1) *bananas, and* (2) *seafood and agricultural* commodities otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6), in mixed loads with bananas, from Houston and Galveston, TX, Gulfport, MS, and New Orleans, LA, to points in CO. (Hearing site: Washington, DC.)

MC 148500 (Sub-3F), filed December 10, 1979. Applicant: BULK HAULERS, INC., P.O. Box 4186, Macon, GA 31208. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *fertilizer* and *fertilizer materials,* in bulk, in dump vehicles, (1) from Brunswick and Albany, GA, to points in AL, and (2) from Dothan, AL, to points in GA.

MC 148791 (Sub-3F), filed February 1, 1980. Applicant: TRANSPORT-WEST, INC., 247 West 1400 South, Salt Lake City, UT 84115. Representative: William S. Richards, Post Office Box 2465, Salt Lake City, UT 84110. *Contract carrier,* transporting *such commodities* as are dealt in or used by department, discount, variety stores, between Salt Lake City, UT, and Reno, NV, under continuing contract(s) with Groud Central Stores, of Salt Lake City, UT. (Hearing site: Salt Lake City, UT.)

MC148801 (Sub-2F), filed February 8, 1980. Applicant: RAYMOND L. EDGE d.b.a. R. L. EDGE TRUCKING, 6750 Fielder Road, Rex, GA 30273. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *viedo broadcasting equipment, and component parts and supplies for viedo* broadcasting equipment between the facilities of Bell System Video Pool at or near Conyers, GA, on the one hand, and, on the other points in AL, FL, KYLA, MD, MS, NJ, NY, OH, PA, TN, VA, WV, NC, SC, IN, AR, MO, IA, WI, IL, MI DE, NH, CT, ME, MA, and DC, and those in TX on and east of Interstate Hwy 35. (Hearing site: Atlanta, Ga.)

MC 148930 (Sub-1F), filed January 28, 1980. Applicant: AERO DELIVERIES, INC., 529 Gidley Drive, P.O. BOX 416, Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Contract carrier* transporting *industrial chemicals* from South Bend, IN, to points in MI, under continuing contracts, with Van Waters & Rogers, Division of Univar, of South Bend, IN. (Hearing site: Chicago, IL or Lansing, MI.)

Passenger

MC 142630 (Sub-2F), filed September 17, 1979. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 645 Madison Avenue, New York, NY 10022. Representative: Arthur Wagner, 600 Madison Avenue, New York, NY 10022. Over regular routes transporting (1) *passengers and their baggage,* between Ramsey, NJ, and Suffern, NY, from Ramsey over NJ Hwy 17 to the NJ–NY State line, then over NY Hwy 17 to junction Interstate Hwy 87, then over Interstate Hwy 87 to junction Airmont Road, and then over Airmont Road to Suffern, and return over the same route, serving no intermediate points, and (2) over irregular routes, transporting *passengers and their baggage,* in special operations, in non-scheduled door-to-door service, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, New York, NY. (Hearing site: New York, NY, Newark, NJ.)

Note.—Applicant intends to tack part (1) with existing regular-route authority to provide service between New York City airports and Suffern, NY.

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Decided: March 7, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier and Hill,

MC 200 (Sub-434F), filed December 26, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *confectionery,* serving Bryan, OH as an off-route point in connection with carrier's regular-route authority. (Hearing site: Kansas City, MO.)

MC 200 (Sub-436F), filed December 26, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as applicant). Transporting *containers, container ends, and container closures, and materials and supplies* used in the manufacture and or distribution of the foregoing commodities, from Golden, CO, to Milwaukee, WI. (Hearing site: Kansas City, MO.)

MC 720 (Sub-77F), filed February 11, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *foodstuffs* from the facilities of Northern Star Company at Minneapolis, MN, to Chicago, IL, restricted to the transportation of traffic originating at the facilities of Northern Star Company. (Hearing site: Minneapolis, MN or Madison, WI.)

MC 720 (Sub-78F), filed February 11, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting (1) *plastic articles and paper products,* (2) *materials, equipment and supplies* used in the manufacture and distribution of plastic articles and paper products, (3) *aluminum foil,* and (4) *deodorizers,* between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Presto Products, Inc. (Hearing site: Appleton or Milwaukee, WI.)

MC 730 (Sub-484F), filed December 12, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94596. Representative: A. G. Krebs (same address as applicant). Over regular routes transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Missoula, MT, and Superior, WI: from Missoula over Interstate Hwy 90 to Billings, then over Interstate Hwy 94 to Fargo, ND, then over US Hwy 10 to junction MN Hwy 210, then over MN Hwy 210 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction US Hwy 2 (also from Fargo, ND, over Interstate Hwy 94 to junction MN Hwy 23, then over MN Hwy 23 to junction Interstate Hwy 35, and then over Interstate Hwy 35 to junction US Hwy 2), then over US Hwy 2 to Superior, and return over the same routes, serving the intermediate points of Butte, Bozeman, Livingston, Laurel, Billings, and Miles City, MT, Bismarck and Fargo, ND, and Fergus Falls, Brainerd, St. Cloud, Cloquet, and Duluth, MN, the off-route point of Anaconda, MT, and serving the junction of Interstate Hwy 90 and US Hwy 12, the junction of Interstate Hwy 94 and MT Hwy 200S, and the junction of Interstate Hwy 35 and MN Hwy 23 for purposes of joinder only, (2) between Sioux City, IA, and Pembina, ND, over Interstate Hwy 29, serving the intermediate points of Sioux Falls and Brookings, SD, and Fargo and Grand Forks, ND, and the off-route points of Vermillion, Yankton, and Watertown, SD, and Grafton and Wahpeton, ND, (3) between St. Paul and St. Cloud, MN, over US Hwy 10, serving no

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intermediate points, (4) between St. Paul, MN, and the junction of Interstate Hwy 35 and MN Hwy 23, at or near Sandstone from St. Paul over Interstate Hwy 35 to its junction with MN Hwy 23, and return over the same route, serving no intermediate points, and serving the junction of Interstate Hwy 35 and MN Hwy 23 for purposes of joinder only, (5) between Sioux Falls, SD, and Billings, MT, from Sioux Falls over Interstate Hwy 90 to junction US Hwy 85, then over US Hwy 85 to junction US Hwy 212, then over US Hwy 212 to Billings, and return over the same route, serving the intermediate point of Rapid City, SD, the off-route points of Lead and Deadwood, SD, and serving the junction of Interstate Hwy 90 and US Hwy 14 for purposes of joinder only, (6) between Winona, MN, and the junction of Interstate Hwy 90 and US Hwy 14 at or near Wall, SD, from Winona over US Hwy 14 to its junction with Interstate Hwy 90 and return over the same route, serving the intermediate points of Rochester and New Ulm, MN, and Brookings and Pierre, SD, and serving the junction of US Hwy 14 and Interstate Hwy 35, the junction of US Hwy 14 and MN Hwy 13, the junction of US Hwys 14 and 169, and the junction of US Hwy 14 and Interstate Hwy 29 for purposes of joinder only, (7) between Bridgeport, NE, and Rapid City, SD, from Bridgeport over US Hwy 385 to its junction with SD Hwy 79, then over SD Hwy 79 to Rapid City, and return over the same route, serving no intermediate points, and serving the junction of US Hwy 385 and US Hwy 20 for purposes of joinder only, (8) between Cheyenne, WY, and the junction of US Hwy 87 and MT Hwy 200 at or near Grassrange, MT, from Cheyenne over US Hwy 87, to its junction with MT Hwy 200, and return over the same route, serving the intermediate points of Casper, Sheridan, and Buffalo, WY, and Billings, MT, (9) between Butte and Sweetgrass, MT, over US Hwy 91 (also Interstate Hwy 15), serving the intermediate points of Helena and Great Falls, MT, (10) between the junction of Interstate Hwy 90 and US Hwy 12 at or near Garrison and Helena, MT, from the junction of Interstate Hwy 90 and US Hwy 12 over US Hwy 12, to Helena, and return over the same route, serving no intermediate points, (11) between Great Falls, MT, and Portal, ND, from Great Falls over US Hwy 87 to junction MT Hwy 200, then over MT Hwy 200 to junction MT Hwy 200S, then over MT Hwy 200S to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction MT Hwy 16, then over MT Hwy 16 to junction MT Hwy 200, then over MT Hwy 200 to junction ND Hwy 200, then over ND Hwy 200 to junction US Hwy 85, then over US Hwy 85 to junction ND Hwy 5, then over ND Hwy 5 to junction US Hwy 52, then over US Hwy 52 to Portal, and return over the same route, serving the junction of US Hwy 87 and MT Hwy 200, and the junction of Interstate Hwy 94 and MT Hwy 200S for purposes of joinder only, (12) between Minot, ND and Eau Claire, WI, from Minot over US Hwy 2 to junction US Hwy 53, then over US Hwy 53 to Eau Claire, and return over the same route serving the intermediate points of Grand Forks, ND, Crookston, Bemidji and Duluth, MN, and Superior and Chippewa Falls, WI, (13) between St. Paul, MN and Green Bay, WI, from St. Paul over Interstate Hwy 94 to junction WI Hwy 29, then over WI Hwy 29 to Green Bay (also from junction Interstate Hwy 94 and WI Hwy 29 over Interstate Hwy 94 to junction US Hwy 10, then over US Hwy 10 to junction US Hwy 41, and then over US Hwy 41 to Green Bay), and return over the same route, serving the intermediate points of Menomonie, Eau Claire, Chippewa Falls, Wausau, and Stevens Point, WI, and the off-route point of New London, WI, and those in Wood and Portage Counties, WI, (14) between Chicago, IL, and Eau Claire, WI, from Chicago over US Hwy 12 to junction combined Interstate Hwys 90 and 94 at or near Madison, WI, then over combined Interstate Hwys 90 and 94 to junction Interstate Hwy 94, and then over Interstate Hwy 94 to Eau Claire, and return over the same route, serving the intermediate points of Lake Geneva, Whitewater, Fort Atkinson, and Madison, WI, and the off-route point of Wisconsin Dells, WI, (15) between Rockford, IL, and St. Paul, MN, from Rockford over US Hwy 51 to junction IL Hwy 75, then over IL Hwy 75 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction combined Interstate Hwys 90 and 94, at or near Madison, WI, then over combined Interstate Hwys 90 and 94 to junction Interstate Hwy 90, near Tomah, WI, then over Interstate Hwy 90 to junction US Hwy 61, and then over US Hwy 61 to St. Paul, MN, and return over the same route, serving the intermediate points of Belcoit, Janesville, Edgerton, Madison, and La Crosse, WI, and Winona, MN, and the off-route points of Fort Atkinson, WI, and Rochester, MN, (16) between Milwaukee and Green Bay, WI, over US Hwy 41 (also over US Hwy 141), serving all intermediate points, the off-route points of West Bend and New London, WI, and all off-route points in Calumet, Fond du Lac, Manitowoc, Sheboygan, and Winnebago Counties, WI, (17) between Wausau and Milwaukee, WI, from Wausau over US Hwy 51 to junction combined Interstate Hwys 90 and 94, then over combined Int Hwys 90 and 94 to junction Interstate Hwy 94, at or near Madison, WI, and then over Interstate Hwy 94 to Milwaukee, and return over the same route, serving the intermediate points of Stevens Point and Madison, WI, and the off-route points of Watertown and Oconomowoc, WI, (18) between Charles City, IA, and Madison, WI, over US Hwy 18, serving no intermediate points, (19) between Des Moines, IA and Manitowoc, WI, from Des Moines over Interstate Hwy 235 to junction Intersate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 380, then over Interstate Hwy 380 to Cedar Rapids, IA, and then over US Hwy 151 to Manitowoc, and return over the same route, serving the intermediate points of Dubuque, IA, and Madison, Beaver Dam, and Fond du Lac, WI, and serving Cedar Rapids and the junction of Interstate Hwys 80 and 380 for purposes of joinder only, (20) between Omaha, NE, and Indianapolis, IN, from Omaha over US Hwy 275 to junction US Hwy 34, then over US Hwy 34 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, and return over the same route, serving the intermediate points of Ottumwa, Fairfield, and Burlington, IA, Galesburg, Peoria, Bloomington, Champaign, and Danville, IL, and Crawfordsville, IN, and the off-route points of Ft. Madison and Keokuk, IA, and serving the junction of US Hwys 34 and 218 for purposes of joinder only, and serving Boulder, CO, points in IL and IN on and north of Interstate Hwy 70, and Bloomington, Franklin, Seymour, Columbus, and North Vernon, IN, as off-route points in connection with carrier's regular-route operations in (1) through (20) above, (21) between Kansas City, MO, and Rockford, IL, from Kansas City, over US Hwy 24 to junction US Hwy 51, then over US Hwy 51 to Rockford, and return over the same route, serving the intermediate points of Rochelle and Peoria, IL, and the off-route points of Ft. Madison and Keokuk, IA, (22) between Albert Lea and Burnsville, MN, over MN Hwy 13, serving all intermediate points, (23) between Duluth and Bemidji, MN, from Duluth over US Hwy 53 to International Falls, then over US Hwy 71 to Bemidji, and return over the same route, serving the intermediate point of International Falls, MN, (24) between Pierre, SD and Portal, ND, from Pierre over US Hwy 83 to junction US Hwy 52, then over US Hwy 52 to Portal, and return over the same route, serving the intermediate points of Bismarck and Minot, ND, and the off-route point of Minot Air Force Base, (25) between Coeur D'Alene and New Meadows, ID, over US Hwy 95, serving the intermediate points of Moscow, Lewiston, and Grangeville, ID, (26) between Missoula and Port of Roosville, MT over US Hwy 93, serving the intermediate points of Polson, Kalispell, and Whitefish, MT, (27) between Lewiston, ID, and Lolo, MT, over US Hwy 12, serving no intermediate points, and serving the junction of US Hwy 12 and Idaho Hwy 13 for purposes of joinder only, (28) between Duluth, MN, and the port of entry on the international boundary line between the United States and Canada at or near Grand Portage, MN, over US Hwy 61, serving no intermediate points, (29) between the junction of Interstate Hwys 80 and 380 and the junction of US Hwys 34 and 218, from the junction of Interstate Hwys 80 and 380 over Interstate Hwy 80 to junction US Hwy 218, then over US Hwy 218 to its junction with US Hwy 34, and return over the same route, serving no intermediate points, and serving the termini for purposes of joinder only, (30) between Grangeville, ID, and the junction of ID Hwy 13 and US Hwy 12, from Grangeville over Idaho Hwy 13 to junction US Hwy 12, and return over the same route, serving no intermediate points and serving the junction of ID Hwy 13 and US Hwy 12 for purposes of joinder only, and (31) between Butte, MT, and Idaho Falls, ID, over US Hwy 91, serving no intermediate points. (Hearing site: Milwaukee, WI or Los Angeles, CA.)

MC 5470 (Sub-213F), filed January 11, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *such commodities* as are transported in dump vehicles, between Buffalo, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Buffalo, NY or Washington, DC.)

MC 5470 (Sub-215F), filed January 30, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *coke,* in dump vehicles, from Swedeland, PA, to points in VA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 5470 (Sub-216F), filed January 30, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *crude clay,* in bulk, from Albany, NY to Aspers, PA. (Hearing site: New York, NY or Washington, DC.)

MC 5470 (Sub-218F), filed February 1, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *coconut charcoal,* in bulk, in dump vehicles, from Baltimore, MD to Pittsburgh, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 5470 (Sub-219F), filed February 1, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St. NW., Washington, DC 20006. Transporting *sponge iron,* in dump vehicles, from Georgetown, SC, to points in the United States (except AK and HI). (Hearing site: Georgetown, SC, or Washington, DC.)

MC 11220 (Sub-201F), filed January 28, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Game Time, Inc., at or near Fort Payne, AL, on the one hand, and, on the other, points in AL, AR, CA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, PA, TN, TX, WV, and WI. (Hearing site: Birmingham, AL.)

MC 13651 (Sub-25F), filed February 13, 1980. Applicant: PEOPLES TRANSFER, INC., 1430 West 11th St., Long Beach, CA 90813. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *such commodities* as are dealt in or used by grocery and food business houses, discount and variety houses, and suppliers of the foregoing, between points in AZ, CA, NV, OR, WA, ID, MT, UT, WY, CO, TX and NM. (Hearing site: San Francisco or Los Angeles, CA.)

MC 22311 (Sub-27F), filed February 6, 1980. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting *wrought steel pipe* between the facilities of Plexco, Division of Amsted Industries at Franklin Park, IL and North Lima OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, MN, NY, NC, OH, PA, SC, TN, WV, and WI. (Hearing site: Chicago, IL or Washington, DC.)

MC 35320 (Sub-463F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Livingston Carton Co., Inc. at or near Livingston, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations (Hearing site: Birmingham, AL or Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority.

MC 35320 (Sub-464F), filed December 31, 1979. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Ford Motor Company at or near Listerhill and Sheffield, AL, as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Nashville, TN or Atlanta, GA.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-474F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Huyck Corporation at or near Aliceville, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN or Washington, DC.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-522F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Roberson Advertising Service at or near New Orleans, LA, as an off-route

point in connection with carrier's otherwise authorized regular route operations. (Hearing site: New Orleans, LA or Washington, DC.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-523F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Reily Chemical Inc. at or near New Orleans, LA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: New Orleans, LA or Washington, DC.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-524F), filed December 31, 1979. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Bailey Division, U. S. M. Corp. at or near Belvidere, IL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 35320 (Sub-557F), filed February 7, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Climate Control Equipment Co., Inc., at or near Montgomery, AL, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Montgomery, AL or Atlanta, GA.)

Note.—Applicant intends to tack its sought rights to its existing authority.

MC 38320 (Sub-23F), filed January 28, 1980. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer "C", Campbellsville, KY 42718. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting (1) *textiles and textile products* and (2) *materials, equipment and supplies* used in the manufacture and distribution of textiles and textile products, between the facilities of Union Underwear Company, Inc., at or near Jamestown, KY, Campbellsville, KY, and Bowling Green, KY, on the one hand, and, on the other, points in AL, GA, IL, IN, KY, LA, MS, MO, NC, OH, PA, SC, TN, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN, or Louisville, KY.)

MC 56270 (Sub-38F), filed February 8, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). Transporting *iron and steel articles, and fabricated steel* from St. Paul and Edina, MN to points in IA, IL, IN, ND, NE, SD, and WI. (Hearing site: Madison or Milwaukee, WI.)

MC 56270 (Sub-39F), filed January 30, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). Transporting *such commodities* as are manufactured, distributed or used by a manufacturer or distributor of bituminous fibre products and plastic products (except commodities in bulk) between the facilities of Bermico Company at or near West Bend, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison or Milwaukee, WI.)

MC 56270 (Sub-40F), filed January 30, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401–55 State St., P.O. Box 2385, Green Bay, WI 54306. Representative: Dennis L. Sedlacek (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic pipe between Fairfield, IA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Madison or Milwaukee, WI.)

MC 61231 (Sub-167F), filed December 31, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *iron and steel articles* from the facilities of Nucor Corporation at or near Norfolk, NE, to points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NM, ND, OH, OK, SD, TN, TX, WA, WI and WY. (Hearing site: Omaha, NE.)

MC 61401 (Sub-23F), filed February 8, 1980. Applicant: MARX TRUCK LINE, INC., 220 Lewis, Sioux City, IA 51101. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. *Contract carrier* transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodites in bulk), between the facilities used by Swift and Company at or near Sioux City, IA, on the one hand, and, on the other, points in IL, IN, IA, MN, MO, NE, SD, and WI, under continuing contract(s) with Swift & Company of Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 67450 (Sub-103F), filed January 31, 1980. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting (1) *such commodities as are dealt in or used by manufacturers and distributors of bathroom accessories and plumbing supplies*, and (2) *outdoors barbeque grills*, between Atlanta, GA Somerset, PA, and Cook, DuPage and Kane Counties, IL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and NM. (Hearing site: Chicago, IL.)

MC 75840 (Sub-131F), filed December 26, 1979. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, 3400 Third Avenue, South, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *chemicals, paint and paint products, textile fibres, film, pigments, rubber products, photo products, and fluorocarbons (except in bulk)*, between the facilities of E. I. duPont De Nemours & Company, Inc., in WV, VA, OH, PA, TN, GA, NJ, NY, DE, KY, SC & NC, on the one hand, and, on the other, Houston, TX. (Hearing site: Washington, D.C.)

MC 82841 (Sub-283F), filed January 28, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 717 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *pipe* (except iron and steel) and *fittings*, from Lindsay, Santa Ana and Stockton, CA to points in CO, KS, NE, UT, and WY. (Hearing site: Los Angeles, CA.)

MC 82841 (Sub-284F), filed January 28, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting (1) *concrete pumps, conveyors, scaffolding*, and (2) *accessories* and *parts* for the foregoing commodities between Yankton, SD, on the one hand, and, on the other, points in SD, ND, NE, KS, OK, TX, MT, WY, CO, NM, WA, OR, ID, NV, UT, CA, and AZ. (Hearing site: Omaha, NE.)

MC 93980 (Sub-88F), filed February 13, 1980. Applicant: VANCE TRUCKING COMPANY, INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, DC 20004. Transporting *boards, building wall or insulation, fibre board or pulpboard*, from Woodstock,VA, to points in FL, SC, NC, KY, and TN. (Hearing site: Washington, DC.)

MC 97251 (Sub-11F), filed February 8, 1980. Applicant: TURNER TRUCKING COMPANY, INC., 1215 W. Main St., Lebanon, IN 46052. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the facilities of Chesebrough Pond's, Inc. at Monticello, IN, to Chicago, IL. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 97310 (Sub-36F), filed January 31, 1980. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, Mississippi 39301. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, Georgia 30326. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Birmingham, AL, and Huntsville, AL, (a) from Birmingham over U.S. Hwy 31 to Decatur, AL, then over alternate U.S. Hwy 72 to Huntsville, and return over the same route serving all intermediate points. (b) from Birmingham over U.S. Hwy 31 to junction AL Hwy 26, then over U.S. Hwy 231 to Huntsville, and return over the same routes serving all intermediate points; and (2) between Memphis, TN, and Huntsville, LA, (a) from Memphis over U.S. Hwy 72 to Huntsville, LA, and return over the same route, serving only those intermediate points located in AL, (b) from Memphis over U.S. Hwy 72 to junction alternate U.S. Hwy 72, then over alternate U.S. Hwy 72 to Huntsville, and return over the same routes, serving all intermediate points located in AL and serving points in Crittenden County, AR, as off route points in connection therewith. (Hearing site: Birmingham, AL or Memphis, TN.)

MC 105881 (Sub-63F), filed February 12, 1980. Applicant: MR & R TRUCKING COMPANY, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 16th Street NW., Suite 502, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Marion County, FL, as intermediate or off-route points in connection with carrier's regular routes. (Hearing site: Gainesville, FL or Ocala, FL.)

Note.—Applicant intends to tack.

MC 106400 (Sub-122F), filed December 31, 1979. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, MO 65102. Transporting *asphalt*, in bulk, in tank vehicles, from Kansas City, KS, to points in Boone County, AR. (Hearing site: Kansas City, MO.)

MC 108341 (Sub-178F), filed December 31, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as applicant). Transporting (1) *buildings, building panels, building parts*, and (2) *materials, accessories, equipment, and supplies* used in the installation, erection, manufacture and construction of buildings, building panels and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company at or near San Marcos, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Butler Manufacturing Company at or near San Marcos, TX. (Hearing site: Washington, DC.)

MC 111231 (Sub-294F), filed December 26, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting (1) *iron and steel articles*, and (2) *materials equipment and supplies* (except commodities in bulk) used in the manufacturing, processing and distribution of steel forgings and forging dies, between the facilities of West Chicago Forge, Inc., at or near Doniphan, MO, and points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NB, OK, TN, TX and WI. (Hearing site: Washington, DC or Chicago, IL.)

MC 114211 (Sub-437F), filed December 31, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in, distributed by, or used by manufacturers, distributors, dealers and brokers of lumber, lumber mill products, wood products, and forest products, from points in AR, LA, OK, and TX, to points in ND, SD, WY, CO, NE, TX, OK, KS, MO, IA, MN, WI, IL, IN, MI, OH, and PA. (Hearing site: Boise, ID.)

MC 114211 (Sub-438F), filed December 31, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are manufactured, dealt in, distributed or used by manufacturers, dealers, and distributors of agricultural, industrial and construction machinery and equipment, between Menasha, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Green Bay or Manitowoc, WI.)

MC 114211 (Sub-444F), filed February 8, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *iron and steel articles*, between Channelview, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago or Kankakee, IL.)

MC 115331 (Sub-517F), filed August 28, 1979. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: Steve Vogt, 11040 Manchester Road, St. Louis, MO 63122. Transporting (1) *paper and paper products* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) between Hawesville, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, LA, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, WV and WI, restricted to the transportation of traffic originating at or destined to the facilities of Western Kraft Paper Group, Williamette Industries. (Hearing site: Washington, DC or Louisville, KY.)

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MC 115651 (Sub-82F), filed February 6, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., Rockford, IL 61102. Representative: E. Stephen Heisley, 666–11th St., Washington, DC 20001. Transporting *petroleum products*, in bulk, in tank vehicles, from Rochelle, IL, to points in WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 115841 (Sub-757F), filed February 11, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Part Dr., Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting (1) *alcoholic beverages* and (2) *materials, equipment and supplies* used in the manufacture and distribution of alcoholic beverages, (a) between Ft. Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) beween New Orleans, LA, on the one hand, and, on the other, points in AL, AR, AZ, CA, FL, GA, LA, MS, NM, OK, and TX, restricted in (a) and (b) to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 119741 (Sub-256F), filed February 8, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Kor-Bert, Inc., at or near Klemme, IA to points in AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, MD, MA, MI, MN MO, NE, NJ, NY, ND, OH, OK, PA, RI, SD, TX, VA, WV, WI, and DC. (Hearing site: Fort Dodge, IA.)

MC 123201 (Sub-8F), filed February 1, 1980. Applicant: HORVATH BROS. TRUCKING, INC., 322 Schuyler Ave., Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *iron and steel, and iron and steel articles*, between points in NJ, on the one hand, and, on the other, points in CT, DE, MA, MD, NY, PA, RI, VA, and DC. (Hearing site: New York, NY or Washington, DC.)

MC 124711 (Sub-103F), filed December 26, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rod Parker (same address as applicant). Transporting *petroleum and petroleum products*, in bulk, from KS and Kansas City, MO, to points in IA. (Hearing site: Kansas City, KS or Omaha, NE.)

MC 124821 (Sub-81F), filed February 13, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *charcoal* and *charcoal briquettes*, and (2) *materials, equipment, and supplies* used in the the manufacture or distribution of the commodities in (1) (except commodities in bulk), from points in NY, to points in PA, ME, IN, IL, OH and NJ, restricted to the transportation of traffic originating at or destined to facilities used by Husky Industries, Inc. (Hearing site: Harrisburg, PA.)

MC 124821 (Sub-82F), filed February 7, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *leather and leather products*, and (2) *materials* used in the manufacture and distribution of leather and leather products, between Wilkes-Barre, PA, on the one hand, and, on the other, points in MA and ME. (Hearing site: Harrisburg, PA.)

MC 125951 (Sub-54F), filed February 13, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same as applicant). Transporting *meat, meat products, meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilties of Hygrade Foods at or near Storm Lake and Cherokee, IA, to points in TX and LA, and points in the United States east of WI, IL, MO, AR, and LA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Omaha, NE.)

MC 128030 (Sub-131F), filed February 1, 1980. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *waste and scrap paper*, from points in MO, MI, OH, and KY to Cayuga, IN. (Hearing site: Chicago, IL.)

MC 129191 (Sub-13F), filed February 15, 1980. Applicant: RICHARD T. PLATTNER d.b.a. JANS MOTOR SERVICE, 12600 South Laramie Avenue, Alsip, IL 60658. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. Transporting *iron and steel articles*, from the facilities of United States Steel Corporation at or near Gary, IN and South Chicago, Joliet and Waukegan, IL, to points in IL (from Gary only), IN (from IL origins only), IA, KY, MO, Lower Peninsula or MI, OH (on and west Interstate Hwy 75) and WI (except points in Kenosha, Milwaukee and Racine counties, WI) and Kansas City, MO restricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL.)

MC 129291 (Sub-15F), filed February 15, 1980. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, KY 40505. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, KY, and Atlanta, GA over Interstate Hwy 75, serving no intermediate points. (Hearing site: Lexington, KY or Atlanta, GA.)

MC 133591 (Sub-90F), filed December 26, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting *fabrics, towels, cloths, apron*, and *textile products*, from North Little Rock, AR, to points in CA. (Hearing site: Sioux Falls, SD or New Brunswick, NJ.)

MC 133591 (Sub-94F), filed January 28, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 S. Main St., Winchester, KY 40391. Transporting *frozen foodstuffs* from Chickasha and Tulsa, OK, to Memphis, TN and points in IL, MN, IA, MO, AR, LA, TX, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, NV, CA, OR, and WA. (Hearing site: St. Louis, MO.)

MC 134300 (Sub-46F), filed February 8, 1980. Applicant: TRIPLE R EXPRESS, INC., 498 First Street, NW., New Brighton, MN 55112. Representative: Samuel Rubestein, P.O. Box 5, Minneapolis, IN 55440. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA, restricted to transportation of traffic originating at or

destined to facilities used by K-Tel International, Inc. Hearing site: Minneapolis or St. Paul MN.

MC 135070 (Sub-155F), filed February 6, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *paper and paper products and equipment, materials and supplies* used in the manufacture and distribution of the foregoing commodities, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Philadelphia, PA Or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135691 (Sub-43F), filed January 28, 1980. Applicant: DALLAS CARRIERS CORP., P.O. Box 402626, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68401. *Contract carrier* transporting (1) *processed nuts and seeds, carob mix, carob coated almonds, ambrosia mix, banana chips and dried fruits*, and (2) *agricultural commodities exempt from economic regulation* under 49 U.S.C. Section 10526(a)(6) of the Interstate Commerce Act when transported in mixed loads with the commodities in (1), from the facilities used by Tenneco West, Inc., at points in CA to points in the United States (except AK and HI), under continuing contract(s) with Tenneco West, Inc., of Bakersfield, CA. (Hearing site: Los Angeles, CA.)

MC 136080 (Sub-6F), filed December 26, 1979. Applicant: ELIZABETH S. & BERNIE L. LAFOE, d.b.a. E. S. LAFOE, RFD 1, Route No. 7, Ferrisburg, VT 05456. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier, transporting bakery products*, from the facilities of Koffee Kup Bakery, Inc., at Burlington, VT, to points in CT, MA, ME, NH, NJ, NY, PA, and RI, under continuing contract(s) with Koffee Kup Bakery, Inc. of Burlington, VT. (Hearing site: Boston, MA or Montpelier, VT.)

MC 136500 (Sub-12F), filed November 20, 1979. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract carrier* transporting *steel articles* used in the manufacture of railroad freight cars (1) from points in the United States (except AK and HI) to Clinton, IL, and (2) from Clinton, IL to Novi, MI, Waukesha, WI, and Winder and Columbus, GA, under continuing contract(s) with Portec, Inc., Midwest Railcar Operations of Clinton, IL. (Hearing site: Chicago, IL.)

MC 136500 (Sub-13F), filed November 23, 1979. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract carrier* transporting *roll-over protective structures* from Portland, OR to points in the United States (except AK and HI) under continuing contracts(s) with Tub-Lok Products, Div. of Portland Wire & Iron Works Co., of Portland, OR. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 138000 (Sub-53F), filed August 30, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *such commodities* as are dealt in by retail chain department stores from the facilites of K-Mart, Inc., at Chicago, IL to Detroit, MI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 138741 (Sub-105F), filed February 11, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. Transporting (1) *roofing and building materials*, (except in bulk), and (2) *equipment, machinery, materials and supplies* used in the manufacture, packaging, storage, distribution and installation of the commodities in (1) (except in bulk), between points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, OH, OK, PA, TN, TX and WI. (Hearing site: Dallas, TX.)

MC 140201 (Sub-5F), filed December 26, 1979. Applicant: SONELL, INC., Neshaminy Plaza, Building 1, Suite 111, Cornwells Heights, PA 19020. Representative: Steven M. Tannenbaum, 133 N. 4th St., Philadelphia, PA 19106. Transporting *confectionery and foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration (1) between the facilities utilized by (a) Hershey Chocolate Company, at Hershey and Derry Township, Dauphin County, PA, (b) Y&S Candies, Inc., in East Hempfield Township, Lancaster County, PA, and (c) Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA, and Mechanicsburg, PA, and (c) Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA, and Mechancisburg, PA, and (2) from the facilities utilized by (a) Hershey Choloclate Company at Hershey and Derry Township, Dauphin County, PA, (b) Y&S Candies, Inc., in East Hempfield Township, Lancaster County, PA, and (c) Dauphin Distribution Services, Inc., in Hampden Township, Cumberland County, PA, and Mechanicsburg, PA, to New York, NY, points in Suffolk and Westchester Counties, NY, and points in Suffolk and Westchester Counties, NY, and points in Bergen, Middlesex and Somerset Counties, NJ. (Hearing site: Philadelphia, PA.)

MC 142181 (Sub-18F), filed January 28, 1980. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier*, transporting (1) *such merchandise as is dealt in by catalogue showroom stores and* (2) *materials, equipment, fixtures and supplies* utilized in the business of a catalogue showroom company, between points in the United States in and east of KS, NE, ND, OK, SD and TX, under continuing contract(s) with Service Merchandise Company, Inc., of Nashville, TN. (Hearing site: Nashville, TN.)

MC 143320 (Sub-3F), filed January 29, 1980. Applicant: POTAWATOMI TRAILS, INC., 51585 Winding Waters Lane, Elkhart, IN 46514. Representative: Richard P. Miller (same address as applicant). Transporting *such commodities* as are used in the manufacture and distribution of mobile homes, buildings in sections, and recreational vehicles (except commodities in bulk) between points in the United States (except AK and HI), restricted to transportation of traffic originating at or destined to the facilites used by G. M. Distributors, Inc., G. M. Industrial Corporation. (Hearing site: Elkhart, IN.)

MC 144140 (Sub-48F), filed January 22, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *foodstuffs* (except in bulk) from the facilities of American Home Food, Division of American Home Products Corporation, at or near Milton, PA to points in AL, GA, FL, NC, OH, SC, and TN. (Hearing site: Orlando, FL or Washington, DC.)

MC 144630 (Sub-42F), filed February 8, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 00248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in or used by manufacturers of glass, plastic, metal and earthenware products, between the facilities used by Anchor Hocking Corporation at points in CA, FL, IL, IN, MD; MN, NJ, OH, PA, TX, and WV, on the one hand, and, on the other, points in the United States

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(except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Anchor Hocking and its subsidiaries Phoenix Glass, Moldcraft, Inc., and Amerock, Inc. (Hearing site: Columbus, OH or Indianapolis, IN.)

MC 144910 (Sub-13F), filed January 30, 1980. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT, TRUCKING, 811 Landay Avenue, Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Transporting *malt beverages and advertising material*, from the facilities of Pabst Brewing Company at Newark, NJ, and Pabst (Houston County), GA, to points in MD and OH. (Hearing site: Washington, DC.)

MC 145011 (Sub-8F), filed September 18, 1979. Appliant: R. F. WESTBURY, 1617 Willis Road, Richmond, VA 23224. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *Contract carrier*, transporting (1) *aluminum foil, aluminum, aluminum products, boxes, plastic articles, paper, and paper articles*, and (2) *materials, equipment*, and *supplies* used in the manufacture, and storage of the commotities in (1) (except in bulk in tank vehicles), between Bellwood, Richmond and Grottoes, VA, on the one hand, and, on the other, points in CO, FL, GA, IL (except Chicago), IN, MI, and TX, under continuing contract(s) with Reynolds Metals Company of Richmond, VA. (Hearing site: Richmond, VA or Washington, DC.)

MC 145011 (Sub-9F), filed September 23, 1979. Applicant: R. F. WESTBURY, 1617 Willis Road, Richmond, VA 23224. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *Contract carrier*, transporting (1) *bakery products, food products, dust, meal, peanuts, racks, stands, paper, paper articles, advertising matter*, and (2) *materials, supplies and equipment* used in the manufacture, or distribution of the commodities in (1) above, (except in bulk in tank vehicles), between Richmond, VA, and points in Henrico County, VA, on the one hand, and, on the other, points in CA, IL, IN, MI, OH, OR, TX, WA, and WI, under continuing contract(s) with Nabisco, Inc. of East Hanover, NJ. (Hearing site: New York, NY or Newark, NJ.)

MC 145240 (Sub-7F), filed January 28, 1980. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Contract carrier*, transporting (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) *materials, ingredients and supplies* used in the manufacture, and distribution of the commodities in (1), from the facilities of the Ralston Purina Company at or near Oklahoma City, OK, to points in AR, LA, and TX, under continuing contract(s) with Ralston Purina Company of Edmond, OK. (Hearing site: Dallas, TX or Oklahoma City, OK.)

MC 145441 (Sub-99F), filed February 11, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk) from the facilities of Lykes Pasco Packing Co. at or near Dade City, FL, to points in WA, ID, OR, CA, NV, AZ, TX, OK, KS, AR, LA, IL, IN, MI, OH, KY, and PA. (Hearing site: Little Rock, AR or Miami, FL.)

MC 145441 (Sub-100F), filed January 28, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting (1) *television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment;* and (2) *accessories, components, and parts* for the commodities set forth in (1) above, from the facilities of RCA Corporation at Bloomington, IN, to points in AR, KS, OK, LA, and TX. (Hearing site: Indianapolis, IN or Little Rock, AR.)

MC 145441 (Sub-101F), filed January 28, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *iron castings* from Memphis, TN, to points in CA, CT, FL, GA, IL, IN, KS, MI, NH, NM, NY, NC, OH, OK, OR, PA, RI, SC, TX, UT, VA, WA, WV, and WI. (Hearing site: Little Rock, AR or Memphis, TN.)

MC 145441 (Sub-102F), filed February 13, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, N. Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *paper and paper products*, between points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Philadelphia, PA or Little Rock, AR.)

MC 146021 (Sub-5F), filed February 8, 1980. Applicant: RALPH OWENS TRUCKING CO., INC., R.O. Box 711, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *sugar*, refined, in packages, from Sugar Land, TX, to points in AR, CO, KS, LA, MO, and OK. (Hearing site: Houston or Dallas, TX.)

MC 146360 (Sub-21F), filed February 15, 1980. Applicant: FLOYD SMITH, JR. TRUCKING, INC., P.O. Box 816, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *such commodities* dealt in by grocery and food business houses and materials, equipment and supplies used in the conduct of such business between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Allied Sysco Food Services, Inc. (Hearing site: Boise, ID.)

MC 146361 (Sub-11F), filed February 15, 1980. Applicant: WOLTER TRUCK LINES, INC., R.D. 1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *ammonium sulfate fertilizer*, in bulk, in dump trucks, from Wilmington, DE, to points in MD, DE, NJ, PA, and NY. (Hearing site: Washington, DC.)

MC 146671 (Sub-5F), filed September 4, 1979. Applicant: PRODUCE SERVICE, INC., d.b.a. PSI, 1120 Erie St., North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *charcoal, charcoal briquets, fireplace logs, wood chips, and lighter fluid* (except commodities in bulk), from Meta, MO, to points in AZ, CA, CO, FL, GA, KS, MS, NE, NM, OK, OH, SD, TX, UT, and WA. (Hearing site: Kansas City, MO.)

MC 146671 (Sub-6F), filed September 4, 1979. Applicant: PRODUCE SERVICE, INC., d.b.a. PSI, 1120 Erie St., North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *foodstuffs* (except commodities in bulk), from Booner Springs, KS, to points in OK, TX, MO, AR, LA, NM, and AZ. (Hearing site: Kansas City, MO.)

MC 146671 (Sub-7F), filed September 4, 1979. Applicant: PRODUCE SERVICE, INC., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *charcoal, charcoal briquets, fireplace logs, wood chips, and lighter fluid* (except commodities in bulk), from Dickinson, ND to points in MN, SD, IA, NE, MO, AR, LA, TX, OK, KS, MT, ID, WA, OR, WY, CA, NV, AZ, CO, UT and NM. (Hearing site: Kansas City, MO.)

MC 146671 (Sub-8F), filed September 4, 1979. Applicant: PRODUCE SERVICE, INC., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *charcoal, charcoal briquets, fireplace logs, wood chips, and lighter fluid* (except commodities in bulk), from Branson, MO to points in AR, LA, MS, IN, TN, IL, OH, TX, OK, KY, NE, IA, WV, VA, PA, CA, CO, KS, UT, AL, and NV. (Hearing site: Kansas City, MO.)

MC 146671 (Sub-10F), filed November 9, 1979. Applicant: PRODUCE SERVICE, INC., d.b.a. PSI, 1120 Erie Street, North Kansas City, MO 64116. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *cider, apple* (except in bulk), from Alton and Olney, IL, to points in IA, MO, KS, NE, OK, TX, AR, and CO. (Hearing site: Kansas City, MO.)

MC 146730 (Sub-8F), filed January 28, 1980. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 195, Sedalia, MO 65301. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Transporting (1) *iron and steel pipe* from the facilities of Progressive Fabricators, Inc., at St. Louis, MO to Hope Creek Generating Station, Salem County, NJ and Bailly Station Nuclear Plant near Baillytown, IN; and (2) *steel plate* from the facilities of US Steel and Bethlehem Steel, at or near South Chicago, Gary, and Burns Harbor, IN to the facilities of Progressive Fabricators, Inc., at or near St. Louis, MO. (Hearing site: Jefferson City or St. Louis, MO.)

MC 146751 (Sub-4F), filed February 14, 1980. Applicant: J. C. LAWRENCE TRUCKING, INC., 1519 Ripley Street, P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, 2550 M Street NW., Suite 475, Washington, D.C. 20037. Transporting *iron and steel articles*, from the facilities of Connors Steel Company at or near Birmingham, AL, to points in IL, IN, IA, MI, MO, OH, PA, WV, WI, NY, MD, and DE. (Hearing site: Birmingham, AL or Chicago, IL.)

MC 146780 (Sub-3F), filed February 11, 1980. Applicant: MABE BROTHERS ENTERPRISES, INC., 5591 Williams Rd., Norcross, GA 30093. Representative: Thomas M. Mabe, 744 Buckskin Circle, Norcross, GA 30093. *Contract carrier*, transporting *yearbooks and printed matter, and material and supplies* used in the manufacture, printing and assembling of yearbooks between points in Forsyth County, NC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Hunter Publishing Company of Winston-Salem, NC. (Hearing site: Charlotte, NC or Columbia, SC.)

MC 147770 (Sub-2F), filed February 11, 1980. Applicant: WEST AMERICAN TRANSPORT, INC., 1260 W. North Temple, Salt Lake City, UT 84116. Representative: Mark K. Boyle, 10 West Broadway Bldg., Suite 400, Salt Lake City, UT 84101. *Contract carrier* transporting *machinery, equipment and supplies* used in or in connection with environmental and pollution control systems, filtration and sedimentation processes, and mining operations, (except commodities in bulk), between points in UT, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Envirotech Corporation of Menlo Park, CA. (Hearing site: Salt Lake City, UT.)

MC 148001 (Sub-2F), filed February 11, 1980. Applicant: M. G. Broaddus, III, Route 1, Box 113H, Bowling Green, VA 22427. Representative: Calvin F. Major, 200 W. Grace St., Richmond, VA 23220. *Contract carrier* transporting (1) *kiln dried lumber and bedframes*, from Fredericksburg, VA, to points in CT, MA, NY, OH, WV, NJ, MD, PA, MI, DE, NC, SC, GA, and KY, and (2) *lumber* used in the manufacture of picture frames and moldings, from points in CT, MA, NY, OH, WV, NJ, MD, PA, MI, DE, NC, SC, GA, and KY, to Bowling Green, VA, under continuing contract(s) in (1) with Clayborne C. Beck & Son, Inc., of Fredericksburg, VA, and in (2) with Foreign and Domestic Woods, Inc., of Bowling Green, VA. (Hearing site: Richmond, VA.)

MC 148521 (Sub-2F), filed February 13, 1980. Applicant: ALLEN TRANSIT, INC., 308 Leasure Way, New Bethlehem, PA 16242. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract carrier* transporting (1) *coal* from points in PA and MD to points in NY and OH, (2) *salt* from points in NY and MD to points in PA, and (3) *calcium chloride* from points in NY to points in PA under continuing contract(s) in (1) with Reddinger Coal Company, Inc., of Distant, PA, and Kittanning Freeport Coal Company of Brookville, PA, in (2) with Keystone Salt Service, Inc., of New Bethlehem, PA, and in (3) with Keystone Salt Service, Inc., of New Bethlehem, PA. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 149120 (Sub-1F), filed January 8, 1980. Applicant: WORLD WIDE THEATRICAL RENTALS, INC., 695 So. Glenwood Place, Burbank, CA 91506. Representative: Robert J. Nachshin, One Wilshire Building, Suite 1600, Wilshire Boulevard at Grand Avenue, Los Angeles, CA 90609. Transporting *equipment, materials, and supplies* for television, motion picture, live theatrical, industrial and promotional productions between points in the United States (except AK or HI). (Hearing site: Los Angeles, CA or Washington, DC.)

MC 149170 (Sub-3F), filed February 11, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in by retail or wholesale department stores (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Target Stores, a Division of Dayton-Hudson Corporation. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application for approval under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Montgomery or Dothan, AL.)

MC 149321F, filed February 4, 1980. Applicant: SCHMIDT TRUCKING, INC., 520 East 8th Street, Garner, IA 50438. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract carrier* transporting (1) *corrugated plastic tubing* between Lake Mills, IA, Montpelier, IN, Towanda and Lawrence, IL, Ann Arbor, MI and Geneva, NY, on the one hand, and, on the other, points in CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, UT, WI and WY (2) *equipment, material and supplies* used in the manufacture, distribution and installation of corrugated plastic tubing (except commodities in bulk) from points in CO, ID, IL IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, UT, WI and WY to Lake Mills, IA, Towanda and Lawrence, IL, Montpelier, IN, Ann Arbor, MI and Geneva, NY, under continuing contract(s) with Certain-Teed/Daymond Company of Ann Arbor, MI. (Hearing site: Lansing, MI or Des Moines, IA.)

MC 149331F, filed February 4, 1980. Applicant: CITY CAR RELEASING CO., INC., 11631 Mt. Elliott, Detroit, MI 48212. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *automobiles, truck, chassis, and vans*, in truckaway service, between Detroit, MI, and points in MI, OH, IN, IL, PA, IA and WI. (Hearing site: Detroit, MI.)

MC 149370F, filed February 12, 1980. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Road, Atlanta, GA 30341. Representative: E. Stephen

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Heisley, 805 McLachlen Bank building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, paper products, wax products, clay products, feldspar products, wood products, foodstuffs, antipollution and biochemical apparatus, products used in radiological research, organic chemistry kits, talc, feldspar, candles, pottery, chinaware, ceramics, gift items, molds,* and *machinery,* (2) *parts and accessories* for the foregoing commodities, and (3) *materials, equipment and supplies* used in the manufacture or distribution of the foregoing commodities (except in bulk, in tank vehicles), between the facilities of Wheaton Industries at or near Des Plaines, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 149370 (Sub-1F), filed February 12, 1980. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Road, Atlanta, GA 30341. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery used in the manufacture of glass products* (except commodities in bulk), (3) *bottle coating systems* (except commodities in bulk), (4) *parts and accessories for the commodities in (2) and (3) above* (except commodities in bulk), and (5) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above* (except commodities in bulk), between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 149370 (Sub-2F), filed February 12, 1980. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Road, Atlanta, GA 30341. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc* (except commodities in bulk), (2) *molds and machinery used in the manufacture of glass products* (except commodities in bulk), (3) *bottle coating systems* (except commodities in bulk), (4) *parts and accessories for the commodities in (2) and (3) above* (except commodities in bulk); and (5) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above* (except commodities in bulk), between the facilities of Wheaton Industries at or near Centralia, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 149380F, filed October 9, 1979. Applicant: NEYRINCK BROS., INC., 7140 Riga Highway, Riga, MI 49228. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *feed* between points in IN, IL, MI and OH. (Hearing site: Detroit, MI or Washington, DC.)

MC 149380 (Sub-1F), filed October 9, 1979. Applicant: NEYRINCK BROS., INC., 7140 Riga Highway, Riga, MI 49228. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *fertilizer* between points in IN, IL, MI, OH and WI. (Hearing site: Detroit, MI or Washington, DC.)

MC 150030 (Sub-1F), filed February 4, 1980. Applicant: NICHOLAS POLSELLI, d.b.a TEMPERATURE CONTROL TRANSPORT, 74 South Street, Troy, NH 03465. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Contract carrier,* transporting (1) *meats, smoked,* and (2) *cured meats,* in containers, in vehicles equipped with mechanical refrigeration, from the facilities of Colonial Provision Co., Inc., at Boston, MA to points in FL, under continuing contract(s) with Colonial Provision Co., Inc. of Boston, MA. (Hearing site: Boston, MA.)

MC 149320F, filed February 5, 1980. Applicant: EDWARD J. DOUGLAS AND LILLIAN M. DOUGLAS, d.b.a., DOUGLAS MOTOR COACH, 8 Surfside Ave., Winthrop, MA 02152. Representative: Frederic Pike, 18 Tremont St. Boston, MA 02108. Transporting *passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at Winthrop, MA and extending to points in FL. (Hearing site: Boston, MA.)

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Decided: March 12, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 3062 (Sub-48F), filed January 14, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: Guy H. Boles (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Calvert City, KY as an off-route point in connection with carriers otherwise authorized regular-route operations. (Hearing site: St. Louis or Jefferson City, MO.)

MC 4963 (Sub-112F), filed January 14, 1980. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E Street, NW., Washington, DC 20004. Transporting *metal articles,* between the facilities of King Fifth Wheel, at Marshville, NC, on the one hand, and, on the other, points in WI, SC, IA, MI, AL, TN, KY, IN, WV, MO, IL, GA, PA, NY, ME, NH, and MD. (Hearing site: Charlotte, NC or Washington, DC.)

MC 20992 (Sub-60F), filed January 21, 1980. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradfore E. Kistler, P.O. Box 82020, Lincoln, NE 68501. Transporting *such commodities as are dealt in or used by agricultural, industrial and materials handling equipment distributors and manufacturers* (except commodities in bulk, in tank vehicles), between points in Lake County, SD on the one hand, and, on the other, points in the United States (except AK, HI, and SD), restricted to the transportation of traffic originating at or destined to points in Lake County, SD. (Hearing site: Sioux Falls, SD.)

MC 32882 (Sub-136), filed Januaray 18, 1980. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting *Motor graders* and *hydraulic asphalt paver extensions,* from the facilities of Bower Industries Inc., at or near Orange, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 32882 (Sub-137F), filed January 18, 1980. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting (1) *self-propelled tractors* (except truck tractors), *loaders, backhoes, and bulldozers,* and (2) *parts, attachments and accessories for the commodities in* (1) above, from the facilities of J. I. Case Company, at or near Burlington and Bettendorf, IA to points in AZ, UT, WY, MT, ID, NV, CA, OR, NM, CO, and WA, restricted to traffic originating at the named origins. (Hearing site: Portland, OR.)

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. § 11343(a)(1978) (formerly Section 5(2), of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unncessary.

MC 61592 (Sub-484F), filed January 17, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *fabricated plastic products, heating and air conditioning systems, sheet metal products, and pipe,* and (2) *equipment, materials,* and *supplies* used in the distribution and installation of the commodities in (1) above, between the facilities of Acme Manufacturing Company at Medina, NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted (a) to traffic originating at or destined to the named facilities and (b) against the transportation of commodities in bulk and those requiring special equipment. (Hearing site: Washington, DC.)

MC 87103 (Sub-45F), filed January 22, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko (same address as applicant). Transporting (1) *boilers, parts, and accessories* for boilers, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above (except in bulk), between the facilities of Bryan Steam Corporation at Peru, IN on the one hand, and, on the other, points in the United States (except AK and HI), restricted to shipments originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 96992 (Sub-24F), filed January 31, 1980. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Transporting *meats, meat products, meat byproducts,* and *articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from points in Cameron and Hidalgo Counties, TX to points in the United States (except AK and HI). (Hearing site: McAllen, TX.)

MC 99123 (Sub-8F), filed February 4, 1980. Applicant: QUAST TRANSFER, INC., P.O. Box 7, Winsted, MN 55395. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Hutchinson, MN, and junction MN Hwy 7 and MN Hwy 621, over MN Hwy 7, and (2) between Cokato, MN, and junction MN Hwy 7 and McLeod County Road at or near Silver Lake, MN, from Cokato over Wright County Road to the Wright-McLeod County line, then over McLeod County Road to the named junction at or near Silver Lake, and return over the same route. (Hearing site: St. Paul, MN.)

Note.—Applicant intends to tack the authority sought herein with its existing regular route authority which authorizes operations wholly within the state of MN.

MC 107012 (Sub-480F), filed January 18, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *carpeting* from Dillon, SC and East Dublin, GA, to Minneapolis, MN. (Hearing site: Amsterdam, NY or Washington, DC.)

MC 107012 (Sub-481F), filed January 14, 1980. Applicant: NORTH AMERCIAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *plastic bottles,* from the facilities of Hussey Molding, at or near Manchester, NH, to Charleston, TN. (Hearing site: New York, NY or Washington, DC.)

MC 107012 (Sub-486F), filed January 31, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *paper, paper products, plastics, plastic products, corrugated boxes, and pulp board* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between points in the United States (exept AZ, CA, ID, MT, NM, NV, OR, UT, WA and WY), restricted to the transportation of traffic originating at or destined to the facilities of Crown Zellerbach Corporation. (Hearing site: New York, NY or Washington, DC.)

MC 107103 (Sub-26F), filed February 8, 1980. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, S.W., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Transporting *gypsum, gypsum products, and materials, equipment and supplies used in the manufacture, installation and distribution of the aforenamed commodities,* between the facilities of Grand Rapids Gypsum Co., Inc. at Grand Rapids, MI, on the one hand, and, on the other, points in IL, IN, IA, KY, OH and WI. (Hearing site: Lansing or Detroit, MI.)

MC 108053 (Sub-172F), filed January 17, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between the facilities of Bridgeview Distribution Centers, Inc., at or near Bridgeview, IL, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, restricted to the transportation of traffic which originates at or is destined to the named facilities. (Hearing site: Chicago, IL.)

MC 111812 (Sub-709F), filed January 14, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting *arc welders, battery chargers, and parts for arc welders and battery chargers,* from the facilities of Century Manufacturing Company, at or near Minneapolis, MN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. (Hearing site: Minneapolis, MN.)

MC 115523 (Sub-201F), filed December 3, 1979. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck St., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *clay,* from points in Nye County, NV to points in AZ, CA, CO, ID, KS, MT, NE, NV, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Salt Lake City, UT.)

MC 115523 (Sub-204F), filed January 21, 1980. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck St., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting (1) *chemicals,* between points in Salt Lake, Davis, Weber, Utah, and Wasatch Counties, UT, on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International

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Boundary line between the United States and Canada, restricted to the transportation of shipments moving from or to the facilities of Nalco Chemical Company; and (2) *chemicals* (in bulk), from Casper, WY, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, UT, WA, and WY. (Hearing site: Salt Lake City, UT.)

MC 116763 (Sub-644F), filed January 21, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as dealt in or used by wholesale, retail chain grocery and food business houses and *foodstuffs* (except commodities in bulk, in tank vehicles), from points in the U.S. in and east of MN, IA, MO, OK, and TX (except MI), to points in MI, restricted to the transportation of traffic originating at the named origins and destined to the facilities of Allied Supermarkets, Inc., in MI. (Hearing site: Detroit, MI.)

MC 118202 (Sub-149F), filed January 17, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *sauerkraut*, from North Norwich and Ontario Center, NY to points in IL, IN, IA, MI, MN, NE, ND, OH, SD, and WI. (Hearing site: Buffalo, NY.)

MC 118263 (Sub-102F), filed January 22, 1980. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. Transporting *foodstuffs* (except in bulk), from the facilities of Beatrice Foods Company at or near Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TN, restricted to shipments moving from above named origins. (Hearing site: Toledo or Cleveland, OH.)

MC 118263 (Sub-103F), filed January 22, 1980. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting *animal feed* (except in bulk), from the facilities of the Hubbard Milling Co., at Louisville, KY, to points east of MN, IA, MO, AR, and LA. (Hearing site: Louisville or Lexington, KY.)

MC 118263 (Sub-104F), filed January 22, 1980. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting *frozen foods* (1) from the facilities of Pet Incorporated, Frozen Foods Division, at Allentown and Chambersburg, PA, and public storage facilities used by Pet Incorporated at Fogelsville and Waynesboro, PA, Winchester, VA, and Martinsburg and Ranson, WV, to points in AL, GA, IL, IN, KY, LA, MI, MS, NY, NC, OH, OK, SC, TN, TX, VA, and WV; and (2) from the facilities of Pet Incorporated, Frozen Foods Division, Chickasha, OK, and public storage facilities used by Pet Incorporated at Tulsa, OK, to points in IL, IN, KY, MI, OH, and PA. (Hearing site: St. Louis, MO or Louisville, KY.)

MC 119493 (Sub-352F), filed January 15, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near Muscatine and Iowa City, IA, to points in AR, KY, OK, IN, and TX, restricted to traffic originating at the named facilites and destined to the named States. (Hearing site: Pittsburgh, PA or Chicago, IL.)

MC 119493 (Sub-355F), filed January 7, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *alcoholic liquors* (except in bulk, in tank trucks), and *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, between Ft. Smith, AR, Bardstown and Louisville, KY, Plainfield, IL, and New Orleans, LA, on the one hand, and, on the other, points in and east of MT, WY, CO, and NM, restricted to traffic from or to the facilities of Hiram Walker & Sons, Inc., at the above locations. (Hearing site: Peoria or Chicago, IL.)

MC 126822 (Sub-80F), filed January 28, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS. Representative: John T. Pruitt (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of GAF Corporation. (Hearing site: Washington, DC.)

MC 129032 (Sub-124F), filed January 11, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, 74145. Representative: David R. Worthington (same address as applicant). Transporting *alcoholic liquors*, and *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), between Ft. Smith, AR, Bardstown, KY, Louisville, KY, New Orleans, LA, Plainfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Hiram Walker and Sons, Inc. (Hearing site: Chicago, IL or St. Louis, MO.)

MC 129712 (Sub-29F), filed January 14, 1980. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier* transporting (1) *metal buildings*, knocked down, and *parts* for metal buildings, (2) *meter enclosures*, and (3) *materials, equipment, and supplies* used in the installation, maintenance and manufacture of the commodities named in (1) and (2) above, between the facilities of Parkline, Inc., in (a) Putnam County, WV, and (b) Creek County, OK, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Parkline, Inc. (Hearing site: Atlanta, GA.)

MC 133403 (Sub-4F), filed December 17, 1979. Applicant: HUDSON TRANSIT CORPORATION, 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021. Transporting *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, (1) between Painted Post, NY and Andover, NY, from junction NY Hwy 17 and NY Hwy 417 at or near Painted Post, NY over NY Hwy 17 to junction NY Hwy 36 (Exit 34) near Hornell, NY, then over NY Hwy 36 to junction NY Hwy 21, then over NY Hwy 21 to junction NY Hwy 417, and return over the same route, serving all intermediate points, (2) between junction county Hwy 11 and NY Hwy 17 (Exit 39) and junction NY Hwy 415 and NY Hwy 17 (Exit 38) at Bath, NY, from junction county Hwy 11 and NY Hwy 17 (Exit 39) over county Hwy 11 to NY Hwy 415, then over NY Hwy 415 to NY Hwy 17 (Exit 38) and return over the same route, serving all intermediate points, and (3) between Afred Station, NY, and Alfred, NY, over NY Hwy 244, serving all intermediate points. (Hearing site: Binghamton or Elmira, NY.)

MC 134183 (Sub-13F), filed February 13, 1980. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Contract carrier* transporting (1) *carpet strip and adhesives*, from Asheville, NC, to points in and east of MT, WY, CO, and NM, and (2) *nails*, from Savannah, GA, to Asheville, NC, under continuing contract(s) with Roberts Consoldiated Industries, Inc., City of Industry, CA. (Hearing site: Los Angeles, CA.)

MC 134922 (Sub-319F), filed January 28, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *wire* and *cable*, from Ashton and Phillipsdale, RI, to points in AR, LA, MS, OK, TN, and TX. (Hearing site: Washington, DC or Philadelphia, PA.)

Note.—Applicant states the purpose of this application is to replace interline service it is presently providing (in part) in conjunction with other carriers, with single-line service.

MC 135152 (Sub-39F), filed January 31, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, OH 45202. Transporting (1) *household appliances*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of household appliances, (except commodities in bulk), from the facilities of the General Electric Company, at Louisville and Appliance Park, KY to points in IL and MO. (Hearing site: Washington, DC.)

Note.—Dual operations maybe involved.

MC 138313 (Sub-68F), filed January 30, 1980. Applicant: BUILDERS TRANSPORT, INC., 409 14th St. SW., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *barite mud treating compound*, from points in Missoula County, MT, to points on the international boundary line between the United States and Canada in ID and MT. (Hearing site: Washington, DC.)

MC 139193 (Sub-115F), filed February 12, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW., Washington, DC 20006. Contract carrier transporting (1) *frozen foods*, from the facilities of Banquet Foods Corporation, at or near Kansas City, Marshall, Macon, Moberly, Milan, and Carrollton, MO, to points in AL, AR, FL, GA, LA, MS, and TN, and (2) *such commodities, materials, equipment, and supplies* dealt in or utilized by manufacturers of frozen foods, in the reverse direction, under continuing contract(s) with Banquet Foods Corporation of St. Louis, MO. (Hearing site: Washington, DC.)

MC 140563 (Sub-51F), filed January 30, 1980. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *scrap or waste newspapers*, from points in NJ, NY, and DC, to points in Laurens County, GA. (Hearing site: Atlanta, GA.)

MC 140812 (Sub-80F), filed January 30, 1980. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), between these points in the United States in and west of MI, OH, KY, TN, NC, SC, GA, and FL, restricted to traffic originating at or destined to the facilities used by the Carnation Co. (Hearing site: Los Angeles, CA.)

MC 141002 (Sub-1F), filed January 28, 1980. Applicant: ARNEL TOURS, a corporation, 229 Peachtree St., N.E., Atlanta, GA 30303. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *passengers and their baggage*, in the same vehicle with passengers, (1) in charter operations, between points in Fulton, Clayton, Cobb, Douglas, Gwinett, DeKalb, Dougherty, Clarke, Walton, Barrow, Oconee, Morgan, Putnam, Hall, Haralson, Fayette, Coweta, Spalding, Cherokee, Forsyth, Rockdale, Newton, Henry, Carroll, Bartow, Paulding, Jackson, Upson, and Madison Counties, GA, to points in the United States (including AK, but except HI); and (2) in round trip special operations, beginning and ending at points in GA, those points in AL on and east of a line beginning at the AL–TN State line, and extending along U.S. Hwy 31 to Flomation, and then along U.S. Hwy 29 to the AL–FL State line, those points in TN on and east of U.S. Hwy 231, and those points in SC on, south and west of Interstate Hwy 26, and extending to points in the United States (except AK and HI); and (3) in special and charter operations from points in the United States (except AK and HI) to those points in GA, AL, TN, and SC described in (2) above, restricted to traffic having an immediately prior movement by air. (Hearing site: Atlanta, GA.)

MC 141252 (Sub-11F), filed January 21, 1980. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas Ave.; Las Vegas, NV 89102. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *clay pipe* and *fittings*, from the facilities of Mission Clay Products, at or near Corona, CA, to points in Clark and Nye Counties, NV, and Coconio and Navajo Counties, AZ. (Hearing site: Las Vegas, NV.)

MC 141403 (Sub-2F), filed February 8, 1980. Applicant: ROBERT RUPPRECHT d.b.a. REPCO, 900 North Watertown Road, Jefferson, WI 53549. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting *malt beverages*, from Milwaukee, WI, to points in the Upper Peninsula of MI (except Sault Ste. Marie). Condition: Applicant shall maintain separate accounts and records for its for-hire carrier operations, distinct from its other business activities. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 141532 (Sub-64F), filed January 14, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *lumber and wood products*, from points in LA and TX, to points in CO and NM. (Hearing site: San Francisco, CA.)

MC 141532 (Sub-65F), filed January 14, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *olivene sand*, in bags, from Hamilton, WA, to points in Alameda, Contra Costa, San Francisco, and Santa Clara Counties, Ca. (Hearing site: San Francisco, CA.)

MC 141532 (Sub-66F), filed January 19, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting *pipe and pipe fittings*, from the facilities of Wheeling Machine Products, at or near (a) Wheeling, WV and (b) Cambridge, OH, to Los Angeles and Woodlake, CA and Vancouver, WA. (Hearing site: Los Angeles, CA.)

MC 141533 (Sub-15F), filed February 7, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Ave., Elmsford, NY 10532. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with

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mechanical refrigeration, between New York, NY on the one hand, and, on the other, points in AL, FL, and GA. (Hearing site: New York, NY.)

MC 141533 (Sub-16F), filed February 7, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Ave., Elmsford, NY 10532. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between New York, NY on the one hand, and, on the other, points in IL, IN, MI, OH, WV, and WI. (Hearing site: New York, NY.)

MC 141533 (Sub-17F), filed February 8, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Ave., Elmsford, NY 10532. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Transporting *foodstuffs* (except in bulk), from the facilities of Valley Distributing & Storage Company, at or near Wilkes-Barre and Scranton, PA, to New York, NY. (Hearing site: New York, NY.)

MC 142672 (Sub-114F), filed January 14, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Box Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *expandable polystyrene beads*, from points in IL, NJ, and NY, to the facilities of Electro Foam Packaging Corporation, at or near Sallisaw, OK. (Hearing site: Ft. Smith, AR or Tulsa, OK.)

Note.—Dual operations may be involved.

MC 142672 (Sub-115F), filed January 18, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *fruitcakes and candy*, from Bogart, GA to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or FT. Smith, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-116F), filed January 18, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *foodstuffs* (except frozen) from Stockton, Modesto and Ventura, CA, to points in CT, MA, MD, NJ, NY and PA. (Hearing site: Stockton, CA or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-119F), filed January 18, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *alcoholic liquors*, and *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, (except commodities in bulk, in tank vehicles), between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, and Plainsfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Peoria, IL or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 144122 (Sub-68F), filed January 31, 1980. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). Transporting *electrical wire and cable* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Continental Copper and Steel Ind., Inc., Hatfield Wire and Cable Division. (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 144572 (Sub-35F), filed January 31, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. Transporting: *alcoholic beverages, and nonalcoholic beverage mixes* (except commodities in bulk), from St. Paul, MN, St. Louis, MO, Phoenix, AZ, Seattle, WA, and Houston, TX, to the facilities of C & C Distributing Company, at Denver, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 144622 (Sub-136F), filed January 18, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities used by L & M Surco Mfg., Inc., at or near (a) Atlanta, GA, (b) Dallas, TX, (c) South River, NJ, and (d) Emeryville, CA, on the one hand, and, on the other, points in the United States (including AK, but except HI). (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144622 (Sub-140F), filed January 28, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles* distributed by meat-packing houses, and *commodities* used by meat packers in the conduct of their businesses, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Joseph, MO to points in the United States (including AK, but except HI), restricted to traffic originating at the facilities of the Armour Company, at St. Joseph, MO. (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144622 (Sub-141F), filed January 28, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *frozen meats*, from Chicago and East Peoria, IL, Oklahoma City, OK, Logansport, IN, Cincinnati, OH, Louisville, KY, Milwaukee, WI, and points in IA, MO, KS, MN, and NE, to Greenville, MS. (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144793 (Sub-2F), filed January 28, 1980. Applicant: RICHARD PELLETIER, d.b.a. PELLETIER TRUCKING, 8744 Avalon St., Alta Loma, CA 91701. Representative: Richard Pelletier (same address as applicant). Transporting *electric generators and motors*, and *materials and supplies* used in the manufacture thereof, between points in CA, on the one hand, and, on the other, points in OK, MO, and MI. (Hearing site: Los Angeles, CA.)

MC 145102 (Sub-49F), filed January 14, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53588. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of plastic, wooden and health care products, from the facilities of Bemis Manufacturing Company, at or near Sheboygan Falls, WI, to points in the United States (except AK and HI) (Hearing site: Madison or Milwaukee, WI.)

MC 145152 (Sub-172F), filed January 22, 1980. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of barbeque materials and supplies (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Husky Industries, Inc. (Hearing site: Atlanta, GA or Fayetteville, AR.)

MC 145743 (Sub-16F), filed January 24, 1980. Applicant: T.F.S., INC., RR 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226, N. Phillips Ave., Sioux Falls, SD 57101. Transporting *beverages and alcoholic liquors and wines*, from points in MN, MO, KY, OH, IA and CA, to points in Hall County, NE. (Hearing site: Lincoln, NE or Sioux Falls, SD.)

MC 145802 (Sub-5F), filed January 28, 1980. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *frozen bakery products*, from Nashville, TN, to points in AR, IA, IL, KS, MI, MN, MO, NE, OK, OR, TX, WA, and WI. (Hearing site: Nashville, TN.)

MC 145842 (Sub-10F), filed December 3, 1979. Applicant: SUNDERMAN TRANSFER, INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. Transporting *fresh meat, frozen meat, and meat products*, from Kenosha, WI, to points in FL, GA, IL, IN, MI, NY, NC, OH, PA, SC, and Va. (Hearing site: Chicago, IL or Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 145883 (Sub-3F), filed, January 24, 1980. Applicant: DANIEL B. ROEDIGER, Rt. 5, Box 205, Wapakoneta, OH 45895. Representative: David A. Turano, 100 East Broad St. Columbus, OH 43215. Transporting *soybean meal*, in bulk, from the facilities of Cargill, Inc., at or near Sidney, OH, to points in IN, KY, MI, OH, PA, and WV. (Hearing site: Columbus, OH).

MC 146032 (Sub-6F), filed January 28, 1980. Applicant: SKYCAB, INC., 137 North 4th St., Philadelphia, PA 19106. Representative: Steven M. Tannenbaum, 133 North 4th St., Philadelphia, PA 19106. Transporting *such commodities* as are dealt in or used by distributors of photographic equipment and supplies except commodities in bulk, in tank vehicles), from the facilities of Berkey Marketing Companies, Division of Berkey Photo, Inc., In Queens County, NY, to Philadelphia and Pittsburgh, PA, Baltimore, MD, Richmond, VA, Charleston, WV, Charlotte, NC, Atlanta, GA, New Orleans, LA, Orlando, FL, Columbus and Toledo, OH, Detroit, MI, Chicago, IL, St. Louis, MO and Denver, CO. (Hearing site: Philadelphia, PA.)

MC 146193 (Sub-6F), filed January 28, 1980. Applicant: CAMPBELL GRAIN CORPORATION, Box 94 Humeston, IA 50123. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *fertilizer*, from the facilities of Kaiser Agricultural Chemicals at (1)(a) East Dubuque and Cordova, IL, (b) Alexandria, Trenton, Brunswick, and Hannibal, MO, and (c) South Sioux City and Omaha, NE, to points in IA, (2) White Cloud, KS, to points in NE and MO, and (3) East Dubuque, IL, to points in WI and MN, restricted to traffic originating at named origins and destined to named destinations. (Hearing site: Omaha, NE or Kansas City, MO.).

MC 146893 (Sub-9F), filed January 14, 1980. Applicant: BROWN TRANSPORT, INC., Box 327A; R.R. 3, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, Oh 43215. *Contact carrier*, transporting *slag*, in bulk, between Middletown, OH, on the one hand, and, on the other points in IN, under continuing contract(s) with The Calumite Company, of Trenton, NJ. (Hearing site: Cincinnati, OH.)

MC 146972 (Sub-3F), filed January 14, 1980. Applicant: BLUE STAR TRUCKING, INC., 140 Jackson Ave., Edison, NJ 08817. Representative: Thaddeus C. Raczkowski, 3288 Route #27, P.O. Box 9, Kendall Park, NJ 08824. *Contract carrier*, transporting (1) *foodstuffs* (except in bulk), and (2) *materials, supplies and equipment used* in the manufacture and distribution of foodstuffs, between points in MD, NJ, and PA, on the one hand, and, on the other, the facilities of Ragu Foods, at Manchester and Rochester, NY, under continuing contract(s) with Ragu Foods, Inc. (Hearing site: Newark, NJ or New York City, NY.)

MC 147223 (Sub-3F), filed February 15, 1980. Applicant: AMERICAN PRIORITY ENTERPRISES, INC., 408 East Elizabeth Ave., Linden, NJ 07601. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier* transporting *drugs, medicines, pharmaceuticals, stomahesive products, toothbrushes, store displays, printed matter*, (1) between Somerset, NJ, on the one hand, and, on the other, Somerville, MA, Alexandria, VA, and Baltimore, MD; (2) from Greensboro, NC, to New Brunswick, NJ; and (3) between New York, NY, and Kenly, NC, under continuing contract(s) with E. R. Squibb and Son, Inc., of New Brunswick, NJ.(Hearing site: Newark, NJ.)

MC 147413 (Sub-5F), filed December 31, 1979. Applicant: SUNRICH TRANSPORTATION COMPANY, a corporation, 303 South Santa Fe, Pueblo, CO 81002. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. *Contract carrier* transporting *Meats, meat products and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 from Pueblo, CO to points in NV, restricted to the transportation of traffic originating at or destined to facilities used by Alpha Beta Packing Company, Pueblo, CO under continuing contract(s) with Alpha Beta Packing Company, of Pueblo, CO. (Hearing site: Denver, CO.)

MC 147413 (Sub-6F), filed February 5, 1980. Applicant: SUNRICH TRANSPORTATION COMPANY, a corporation, 303 South Santa Fe, Pueblo, CO 81002. Representative: William J. Lippman. 50 South Steele Street, Denver, CO 80209. *Contract carrier* transporting *flour and taco shells*, from points in CA to Pueblo, CO, under continuing contract(s) with Candy's Tortilla Factory, Inc., of Pueblo, CO. (Hearing site: Denver, CO.)

MC 147553 (Sub-6F), filed January 18, 1980. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *insulation and insulating materials*, from points in CA to points in ID. (Hearing site: Boise, ID.)

MC 147612 (Sub-3F), filed January 31, 1980. Applicant: WILLARD D. VAN ZUIDEN, Box 333, Albany, IL 61230. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting: *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at Sterling and Rock Falls, IL, to points in AL, AR, CO, CT, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, NC, ND, OH, OK, PA, SD, TN, TX, and WI, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 147783 (Sub-1F), filed February 4, 1980. Applicant: B. L. CARTAGE CO., a corporation, 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *asphalt and asphalt products*, in bulk, in tank vehicles, from Janesville, WI to points in IL on and north of U.S. Hwy 136. (Hearing site: Chicago, IL.)

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MC 148363 (Sub-2F), filed February 8, 1980. Applicant: WILLIAM H. BECK, INC., P.O. Box 51, Fulton, NY 13069. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. *Contract carrier,* transporting *liquid brewers condensed solubles, brewers yeast, and grain, and by-products,* resulting from the manufacture of beer, in bulk, between the facilities of Anheuser Busch, Inc., in Merrimack, NH, East Brunswick and Newark, NJ, and Syracuse, NY, under continuing contract(s) with Anheuser Busch, Inc., of St. Louis, MO. (Hearing site: Albany, NY or Boston, MA.)

MC 148723 (Sub-2F), filed January 28, 1980. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Contract carrier,* transporting *such commodities* as are dealt in by retail variety and discount stores (except commodities in bulk), from Little Rock, AR, to points in TX, LA, MS, TN, and MO, restricted to shipments originating at and destined to the facilities of Sterling Stores Company, Inc., under continuing contract(s) with Sterling Stores Company, Inc., of Little Rock, AR. (Hearing site: Little Rock, AR.)

MC 148732 (Sub-2F), filed January 15, 1980. Applicant: L & J TRUCKING, INC., 8022 Rose Dr., P.O. Box 5566, La Palma, CA 90622. Representative: Vanita Jean Moffit (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or converters of paper and paper products (except commodities in bulk), from the facilities of Nekoosa Papers, Inc., at points in Portage and Wood Counties, WI, to points in AZ, CA, ID, NM, MT, NV, OR, UT, WA, and WY. (Hearing site: Madison or Wisconsin Rapids, WI.)

MC 149182 (Sub-1F), filed January 14, 1980. Applicant: SAMUEL R. GELDMACHER, Box 411, Mona, UT 84645. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier,* transporting *drilling mud,* from the facilities of Industrial Minerals Venures, at or near Imvite (Nye County), NV, to Nephi, UT, under continuing contract(s) with Drilling Mud, Inc. (Hearing site: Salt Lake City, UT.)

MC 149282F, filed January 9, 1980. Applicant: CLIFFORD A. PARKHURST, 1229 Dakota North, Huron, SD 57350. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766. (except hides and commodities in bulk, in tank vehicles), from the facilities of Huron Dressed Beef, Inc., at Huron, SD, to points in CO, IL, IA, KS, MN, MO, ND, NE, and WI, restricted to (except on traffic moving in foreign commerce), to the transportation of traffic originating at the named facilities and destined to the named destination states. (Hearing site: Pierre, SD.)

MC 149292F, filed January 14, 1980. Applicant: CHARLES JOLLEY, JR. d.b.a. C. J. TRUCKING, 4199 N. Ojai Road, Santa Paula, CA 93060. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. *Contract carrier,* transporting *alcoholic beverages,* from Los Angeles and Long Beach, CA, to Ventura and Santa Barbara, CA, restricted to traffic having a prior movement by water, under continuing contract(s) with Lagomarsino's of Ventura, Ca. (Hearing site: Los Angeles, CA.)

MC 149293F, filed January 14, 1980. Applicant: THREE STAR TRUCKING CO., a corporation, 7871 Ritz, Westland, MI 48185. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. Transporting *iron and steel articles, building materials,* and *roofing materials,* between Chicago, IL, on the one hand, and, on the other, Toledo, OH, and those points in MI in and south of Oceana, Newaygo, Mecosta, Sabella, Midland, and Bay Counties. (Hearing site: Detroit or Lansing, MI, or Chicago, IL.)

MC 149312F, filed January 17, 1980. Applicant: RUDOLPH A. WAGNER, 135th and Derby Rd., Lemont, IL 60439. Representative: Wyatt O. Wagner, 45 N. Orchard St., Madison, WI 53715. *Contract carrier,* transporting *packaged cement products and packaged salt products,* (a) from points in Cook County, IL to points in Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Manitowoc, Marathon, Marquette, Menominee, Milwaukee, Monroe, Ozaukee, Outagamie, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Taylor, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, WI; and (b) from points in Milwaukee County, WI, to points in Cook, DuPage, Kane, Lake, McHenry, and Will Counties, IL, under continuing contract(s) in (a) and (b) with Dry Mix Concrete Co., of Franklin Park, IL, and International Salt Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 149363 (Sub-1F), filed February 6, 1980. Applicant: HIGHLAND TRUCK COMPANY, a corporation, 25520 Woodvilla, Southfield, MI 48075. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. *Contract carrier,* transporting *foodstuffs,* in mechanically refrigerated equipment, between the facilities of Detroit City Dairy, Inc., at Highland Park, MI, on the one hand, and, on the other, St. Louis, MO, New York, NY, Philadelphia, PA, Baltimore, MD, and NJ, and points in WI, IL, OH, and IN, under continuing contract(s) with Detroit City Dairy, Inc., of Highland Park, MI. (Hearing site: Detroit, MI, or Washington, DC.)

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Decided: March 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 5227 (Sub-65F), filed February 8, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting (1) *malt beverages,* from Milwaukee, WI, and Peoria Heights, IL, to points in KS, MN, NE, IA, CO, MO, OK, and AR; (2) *equipment, materials, and supplies* used in the production and distribution of malt beverages, in the reverse direction; and (3) *containers,* from Northglenn, CO, to points in WI, IL, GA, and NJ. (Hearing site: Kansas City, MO, or Milwaukee, WI.)

MC 11207 (Sub-526F), filed February 15, 1980. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington DC 20014. Transporting (1) *heating, cooling and dust collecting apparatus, blower systems, machinery, machinery parts, furnace coils, dust collectors and arresters, and iron and steel articles;* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) (except commodities in bulk) between Birmingham, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Birmingham, AL or Washington, DC.)

MC 21866 (Sub-141F), filed January 28, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting: (1) *metal racks and supports,* and (2) *Materials, equipment, and supplies* used in the manufacture, distribution and installation of metal racks and supports (except commodities in bulk), between the facilities of T. J. Cope, Inc. at Collegeville, PA, on the one hand, and, on the other, points in the United States (except AK, HI and PA). (Hearing site: Philadelphia, PA or Washington, DC.)

MC 26396 (Sub-298F), filed October 9, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *livestock handling equipment and feeders,* from the facilities of Westguard Industries, Inc., at or near Cheyenne, WY, to those points in the U.S. in and west of LA, AR, MO, IL and WI, and (2) *materials, equipment* and *supplies* used in the production and distribution of commodities named in (1) above, in the reverse direction. (Hearing site: Casper, WY, or Billings, MT.)

MC 26396 (Sub-344F), filed February 11, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *drilling mud and drilling mud additives,* from points in the United States (except AK and HI) to ports of entry on the International Boundary line between the United States and Canada located in MT. (Hearing site: Billings, MT, or Lincoln, NE.)

MC 52657 (Sub-750F), filed November 28, 1979. Applicant: ARCO AUTO CARRIER, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting *motor vehicles,* in secondary movements, in truckaway service, from Pitcarn, PA and points within 20 miles thereof to points in MD, restricted to the transportation of motor vehicles having a prior movement by rail. (Hearing site: Chicago, IL.)

MC 60186 (Sub-67F), filed February 1, 1980. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street, NW, Washington, D.C. 20004. Transporting, *electrical appliances* from Columbia, MD to points in VT. (Hearing site: Washington, DC.)

MC 67646 (Sub-90F), filed February 8, 1980. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. Over regular transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) between Randolph, NY, and the junction of U.S. Hwy 15 and NY Hwy 417: from Randolph over NY Hwy 17 to Steamburg, NY (also from Randolph over NY Hwy 394 to Steamburg), then over NY Hwy 17 to its junction with NY Hwy 417, then over NY Hwy 417 to its junction with U.S. Hwy 15, and return over the same route, (2) between Randolph, NY, and the junction of NY Hwy 17 and NY Hwy 415 (formerly U.S. Hwy 15). Serving in (1) and (2) all intermediate points between Randolph and Olean, NY, including Olean, and the off-route point of Little Valley, NY. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 69116 (Sub-246F), filed June 26, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) (a) between the GA–FL State line and Chicago, IL, over U.S. Hwy 41, (b) from the GA–FL State line over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 94, the over Interstate Hwy 94 to Chicago, and return over the same route, (2) between the GA–FL State line and Lansing, MI, over U.S. Hwy 27, (3) between junction of U.S. Hwys 27 and 127 (near Rossville, GA), and Lansing, MI, over U.S. Hwy 127, (4) between the GA–FL State line, and Asheville, NC, over U.S. Hwy 19, (5) between the GA–FL State line, and Flint, MI, over U.S. Hwy 23, (6) between the GA–FL State line, and Flint, MI, over Interstate Hwy 75, (7) between Brunswick, GA, and Detroit, MI: From Brunswick over U.S. Hwy 25 to junction Interstate Hwy 25E then over U.S. Hwy 25E to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Detroit, and return over the same route, (8) between the GA–FL State line and Wilmington, DE, over U.S. Hwy 301, (9) (a) between the FL–GA State line, and Boston, MA, over U.S. Hwy 1, (b) between the GA–FL State line, and Boston, MA, over Interstate Hwy 95, (10) between the GA–FL State line, and junction U.S. Hwys 17 and 1 (near Fredericksburg, VA), over U.S. Hwy 17, (11) between the GA–AL State line and junction U.S. Hwy 84 and Interstate Hwy 95, over U.S. Hwy 84, (12) between the GA–AL State line and junction of U.S. Hwys 82 and 17, over U.S. Hwy 82, (13) between Brunswick, GA, and junction of U.S. Hwys 341 and 41 (near Griffin, GA), over U.S. Hwy 341, (14) between the GA–AL State line and Petersburg, VA, over Interstate Hwy 85, (15) between the GA–AL State line and junction Interstate Hwys 20 and 95, over Interstate Hwy 20, (16) between the GA–FL State line and junction U.S. Hwys 441 and 23, over U.S. Hwy 441, (17) between Savannah and Macon, GA, over Interstate Hwy 16, (18) between Columbus and Savannah, GA, over U.S. Hwy 80, (19) between Macon and Thomson, GA: From Macon over GA Hwy 49 to Milledgeville, GA, then over GA, then over GA Hwy 22 to Sparta, GA, then over GA Hwy 16 to Thomason, and return over the same route, (20) between Atlanta and Augusta, GA, over U.S. Hwy 78, (21) between junction U.S. Hwy 78 and GA Hwy 17 (near Washington, GA) and junction U.S. Hwy 23 and GA Hwy 17, over GA Hwy 17, (22) between Charleston, SC, and Asheville, NC, over Interstate Hwy 26, (23) between Columbus, SC, and Cleveland, OH, over Interstate Hwy 77, (24) between Charleston, SC, and junction U.S. Hwys 41 and 52 (near Fowler, IN), over U.S. Hwy 52, (25) between Washington, GA, and Conway, SC, over U.S. Hwy 378, (26) between Myrtle Beach, SC, and Lynchburg, VA, over U.S. Hwy 501, (27) between Spartanburg and Dillon, SC, over SC Hwy 9, (28) between Florence, SC, and Wilmington, NC, over U.S. Hwy 76, (29) between Asheville and Wilmington, NC, over U.S. Hwy 74, (30) between junction U.S. Hwy 41 and Interstate 40, and Greensboro, NC, over Interstate Hwy 40, (31) between the GA–AL State line and Washington, DC, over U.S. Hwy 29, (32) between Durham and New Bern, NC, over U.S. Hwy 70, (33) between Lexington and Williamston, NC, over U.S. Hwy 64, (34) between Michigan, IN, and Wilmington, NC, over U.S. Hwy 421, (35) between Winston Salem, NC, and junction of U.S. Hwys 158 and 17, over U.S. Hwy 158, (36) between Ashtabula, OH, and Rockingham, NC: From Ashtabula over OH Hwy 11 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction WV Hwy 7, then over WV Hwy 7 to junction WV Hwy 92, then over WV Hwy 92 to junction U.S. Hwy 219, then over U.S. Hwy 219 to Interstate Hwy 64, then over

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Interstate Hwy 64 to U.S. Hwy 220, then over U.S. Hwy 220 to Rockingham, and return over the same route, (37) between the junction of U.S. Hwy 58 and Interstate Hwy 77 and Portsmouth, VA, over U.S. Hwy 58, (38) between the GA–FL State line and Roanoke, VA, over U.S. Hwy 221, (39) between Danville, VA, and Richmond, VA, over U.S. Hwy 360, (40) between New Harmony, IN, and Norfolk, VA: From New Harmony over IN Hwy 66 (formerly U.S. Hwy 460) to junction IN Hwy 62, then over IN Hwy 62 (formerly U.S. Hwy 460) to junction U.S. Hwy 31E, then over U.S. Hwy 31E (formerly U.S. Hwy 460) to junction U.S. Hwy 60, then over U.S. Hwy 60 (formerly U.S. Hwy 460) to junction U.S. Hwy 460, then over U.S. Hwy 460 to Norfolk, and return over the same route, (41) between junction of U.S. Hwy 41 and Interstate Hwy 64, and Norfolk, VA: From junction of U.S. Hwy 41 and Interstate Hwy 64 over Interstate Hwy 64 to Charleston, WV, then over U.S. Hwy 60 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Norfolk, and return over the same route (also to Charleston, WV, as specified above, then over Interstate Hwy 77 to proposed Interstate Hwy 64 near Beckley, WV, then over proposed Interstate Hwy 64 to junction Interstate Hwy 64, then over Interstate Hwy 64, as specified above, to Norfolk, and return over the same route), (42) between St. Joseph, MI, and junction of U.S. Hwy 31 and Interstate Hwy 64, and over U.S. Hwy 31, (43) between Terre Haute, IN, and junction Interstate Hwy 70 and 77, over Interstate Hwy 70, (44) between Chicago, IL and Richmond, VA: From Chicago, over U.S. Hwy 41 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction OH Hwy 309, then over OH Hwy 309 to junction of OH Hwy 31, then over OH Hwy 31 to junction of U.S. Hwy 33, then over U.S. Hwy 33 to Richmond, and return over the same route, (45) between Vincennes, IN, and junction of U.S. Hwy 50 and Interstate Hwy 77, over U.S. Hwy 50, (46) between Cleveland, OH, and junction OH Hwy 7 and U.S. Hwy 52, over U.S. Hwy 422, (47) between Michigan City, IN, and junction U.S. Hwy 35 and Interstate Hwy 64, over U.S. Hwy 35, (48) between Baltimore, MD, and junction U.S. Hwy 222 and PA Hwy 309: From Baltimore, MD, over Interstate Hwy 83 to York, PA, then over U.S. Hwy 30 to junction U.S. Hwy 222 (also, from Baltimore over Interstate Hwy 83 to Harrisburg, PA, than over U.S. Hwy 422 to junction U.S. Hwy 222), then over U.S. Hwy 222 to junction of PA Hwy 309, and return over the same route, (49) between Wilmington, DE, and Easton, PA: From Wilmington over U.S. Hwy 13 to Philadelphia, PA, the over PA Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Easton, and return over the same route, (50) between New Haven, CT, and Springfield, MA: (a) From New Haven over U.S. Hwy 5 to Springfield and return over the same route, (b) From New Haven over Interstate Hwy 91 to Springfield Hwy 91 to Springfield, and return over the same route, (51) between Springfield and Boston, MA, over Interstate Hwy 90, (52) between New York, NY, and Boston, MA: From New York City over Interstate Hwy 87 to Albany, NY, then over U.S. Hwy 20 to Pittsfield, MA, then over MA Hwy 9 to Boston, and return over the same route, (53) between Rome, GA and junction Interstate Hwy 78 and PA Hwy 309: From Rome over U.S. Hwy 411 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction PA Hwy 309, and return over the same route, (54) between junction U.S. Hwys 41 and 6, and Richmond, VA: From junction of U.S. Hwys 41 and 6 over U.S. Hwy 6 to junction U.S. Hwy 250, then over U.S. Hwy 250 to Richmond, and return over the same route, and (55) between Hardeeville, SC, and Boone, NC, over U.S. Hwy 321, (a) serving the termini of all routes and serving as intermediate or off-route points, all points in CT, GA, IN, MA, NJ, NC, OH, RI, SC, VA, those in that part of MI on and south of MI Hwy 21, the District of Columbia, Easton, York, Harrisburg and Philadelphia, PA, and points within 25 miles of Philadelphia, Baltimore, MD, Louisville, KY, and New York City, NY, and (b) serving all points on said routes in KY (except Louisville), WV, TN, MD (except Baltimore), DE, PA (except Easton, York, Harrisburg, and Philadelphia, PA, and points in PA within 25 miles of Philadelphia) and NY (except New York City), for purposes of joinder only, except as otherwise authorized. Applicant proposes to tack the requested authority with its existing authority. (Hearing sites: Boston, MA, Charlotte, NC, Chicago, IL, and Memphis, TN.)

Note.—Applicant is presently authorized to serve the points and areas sought in this application. The purpose of this application is to eliminate gateways and to convert a portion of applicant's Sub-188 Certificate from irregular to regular routes.

MC 76177 (Sub-335F), filed February 14, 1980. Applicant: BAGGETT TRANSPORTATION COMPANY, Two South 32nd Street, Birmingham, AL 35233. Representative: Mel P. Brooker, Jr., 110 South Columbus Street, Alexander, VA 22314. Transporting *Classes A, B and C explosives, ammunition, ingredients and components parts of ammunition, blasting materials and supplies, blasting agents and empty containers* between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 86247 (Sub-28F), filed February 15, 1980. Applicant: ICL–INTERNATIONAL CARRIERS LIMITED, 7701 West Jefferson Avenue, Detroit, MI 48209. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. Transporting *silca sand, magnesite and refractory sand* in dump vehicles, between Ottawa, IL, and ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, MI restricted to the transportation of foreign traffic.

MC 99667 (Sub-4F), filed January 14, 1980. Applicant: TRI–VALLEY TRANSPORTATION, INC., 111 East 4th Street, P.O. Box 2195, Grand Island, NE 68801. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *meat,* from Darr, NE, to points in TX. (Hearing site: Omaha, NE.)

MC 100666 (Sub-526F), filed February 15, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *canned fruit,* from facilities of Wintergarden Warehouse at Brownsville, TX to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN and WI. (Hearing site: Fort Worth, TX.)

MC 102616 (Sub-1027F), filed February 13, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillion Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *acrylonitrile,* in bulk, in tank vehicles, from Addyston, OH to points in SC. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 103926 (Sub-102F), filed February 4, 1980. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 56387, 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30343. Transporting *construction equipment, pile driving equipment, piling and pile shells,* between points in the United States except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Raymond International Builders, Inc. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 108676 (Sub-158F), filed February 11, 1980. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., N.E., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773 Frankfort, KY 40602. Transporting *flat glass,* from the facilities of PPG Industries, Inc., at or near Decatur, IL, to points in the US. (Hearing site: Pittsburgh, PA.)

MC 112617 (Sub-471F), filed February 15, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant.) Transporting *chemicals and petroleum products,* in bulk, in tank vehicles, from Cavert City, Doe Run and Louisville, KY, to points in AZ, CA, ID, NV, OR, SD, and WA. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114457 (Sub-534F), filed July 30, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *automatic feeders, skinning and fleshing machines, conveyors, wood splitters, cleaning drums, cleaning equipment, parts and accessories,* and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) (except commodities in bulk), between Eden Valley and Litchfield, MN, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or St. Paul, MN.)

MC 117786 (Sub-90F), filed February 4, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *such commodities* as are dealt in and distributed by retail department stores (except commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in OH, KY, IN, WV, MI and IL. (Hearing site: Phoenix, AZ.)

MC 119777 (Sub-459F), filed February 11, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting *zinc oxide, lead, fertilizer, and insulation materials,* (except in bulk), between points in the United States, restricted to the transportation of traffic originating at or destined to facilities used by Eagle-Picher Industries, Inc. (Hearing site: Kansas City, MO, or Tulsa, OK.)

MC 119777 (Sub-460F), filed February 11, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting (1) *wallboard, gypsum board, particleboard, composition board, insulation and construction materials,* and (2) *materials and supplies* used in the manufacture, and distribution of commodities in (1) between West Memphis, AR, on the one hand, and, on the other, points in TX, OK, MO, LA, MS, AL, GA, TN, KY, IL, IN, and OH. (Hearing site: Memphis, TN, or Little Rock, AR.)

MC 119777 (Sub-461F), filed February 11, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting *composition board,* from the facilities of Abitibi-Price Corporation in Wiles County, NC to points in the United States in and east of ND, SD, NE, CO, TX and NM. (Hearing site: Detroit, MI.)

MC 123476 (Sub-52F), filed January 30, 1980. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Ind. Ct., Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting *plastic, and expanded plastic products* (except in bulk in tank vehicles), from Stevens Point, WI, to points in the US on and east of US Hwy 85. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 124306 (Sub-80F), filed February 15, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th Street, NW, Washington, DC 20036. Transporting *synthetic plastic granules,* in bulk, in tank vehicles, from Darlington, S.C. to points in the United States (except AK and HI). (Hearing site: Charlotte, NC, or Washington, DC.)

MC 128837 (Sub-15F), filed February 15, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *lumber, lumber products and particle board,* from points in AL, AR, LA and MS to points in IA, IL, IN, MO, OH and KY. (Hearing site: Chicago, IL.)

MC 129387 (Sub-111F), filed February 15, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *bottles, glass beverage,* from points in IL and IN to points in SD. Hearing site: Chicago, IL, or Sioux Falls, SD.)

MC 134197 (Sub-9F), filed February 8, 1980. Applicant: JACKSON AND JOHNSON, INC., Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting (1) *foodstuffs* (except in bulk), and (2) *materials, supplies and equipment* used in the distribution of commodities in (1) between points in NJ, PA, DE, MD, ME, VT, NH, MA, CT, RI, DC, and New York, NY, and Nassau, Suffolk, Westchester, and Rockland Counties, NY, on the one hand, and, on the other, the facilities of Seneca Foods Corporation, at Marion, Williamson, E. Williamson, Newark, Oaks Corners, Dundee, Himrod, and Penn Yan, NY. (Hearing site: Rochester or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 134806 (Sub-65F), filed February 11, 1980. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. Contract carrier, transporting: *footwear,* from Wilton, ME to points in CA, under continuing contract(s) with G. H. Bass & Company, of Wilton, ME. (Hearing site: Washington, DC.)

MC 135797 (Sub-201F), filed April 25, 1979, previously issued in the **Federal Register** issue of October 4, 1979, and republished this issue. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail grocery houses (except commodities in bulk), from Byhalia, MS, and Rialto, CA, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

Note.—The purpose of this republication is to reflect correctly the territorial description.

MC 136786 (Sub-202F), filed February 4, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting *meat, meat products, meat byproducts* and *articles distributed by meat packing houses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at Omaha, NE to points in DC, DE, GA, MD, NC, NJ, NY, PA, SC, VA, and WV, restricted to the transportation of traffic originating at the above named origins and destined to

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the nearest destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 136786 (Sub-209F), filed February 4, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *Such commodities* as are dealt in by wholesale, retail, grocery and food business houses and feed businesses; *soy products; paste; flour products; dairy products* and (2) *materials, ingredients and supplies* used in the manufacture, distribution of commodities in (1) above (except commodities in bulk), between the facilities of Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, LA, NM, TN, and TX. (Hearing site: Oklahoma City, OK.)

MC 136786 (Sub-210F), filed February 19, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting *meat, meat products, meat by-products, dairy products* and *articles distributed by meat packinghouses and commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in Sections A, B, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Company located at Mason City, IA on the one hand, and, on the other, points in the U.S. in and east of AR, KS, LA, OK, ND, NE, and SD, restricted to the transportation of traffic originating at and/or destined to the facilities of Lauridsen Foods, Inc. and/or Armour and Company. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 136786 (Sub-212F), filed February 15, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting (1) *cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants, paints, stains, varnishes, plastic bags* and *filters,* and (2) *supplies* and *equipment* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk) between Joliet and Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Economics Laboratory, Inc. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138627 (Sub-90F), filed February 8, 1980. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *iron and steel articles,* from Granite City, IL to points in MN, ND, SD, and WI. (Hearing site: St. Louis, MO, or Des Moines, IA.)

MC 139587 (Sub-13F), filed May 29, 1979, and previously noticed in the FR issue of January 8, 1980. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *steel storage and display racks,* from the facilities of Old Brazos Forge, Inc., at or near Brenham, TX, to those points in the United States in and west of NY, PA and MI). (Hearing site: Kansas City, MO.)

Note.—This republication is to reflect correctly the territorial description.

MC 139697 (Sub-4F), filed June 4, 1979, previously published in the FR issue of February 26, 1980, and republished this issue. Applicant: EDWARD BRUCE WAGONER, d.b.a. WAGONER TRANSPORTATION, 19562 Dice St., South Bend, IN 46614. Representative: Morton E. Kiel Suite 1832, 2 World Trade Center New York, NY 10048. *Contract carrier,* transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, (1) between points in IN on the one hand, and, on the other points in AL, AZ, CA, CO, CT, DE, FL, GA, IL, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, WY, and DC, and (2) from Cockeysville, MD to South Bend, IN, under continuing contract(s) with McCormick Company, Inc., of Cockeyville, MD. (Hearing site: Washington, DC.)

Note:—The purpose of this republication is to correctly reflect the territorial description in (1) above.

MC 139906 (Sub-100F), filed February 5, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, 512 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting, *household products* (except in bulk), from the facilities of Blue Cross Laboratories, Inc., at or near North Hollywood, CA, to points in the US (except AK and HI). (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note:—Dual operations may be involved.

MC 139906 (Sub-101F), filed February 6, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *medical and surgical equipment and supplies,* and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above (except in bulk), (1) between the facilities of Automated Molding Company, at or near Pamona, CA and the facilities of Bard-Parker Division at Hancock, NY and Salt Lake City, UT, and (2) from the facilities in (1) above to Benecia, CA, Atlanta, GA, Itasca; IL, Fairfield, NJ, and Dallas, TX. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 143127 (Sub-69F), filed June 2, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14568. Representative: Linda A. Calvo (same address as applicant). Transporting, *foodstuffs,* from the facilities of Campbell Soup Company at Napoleon, OH, to points in IL, IN, KY, NJ, NY, PA, and WV. (Hearing site: Buffalo, NY, or Cleveland, OH.)

Note.—Dual operations may be involved.

MC 143236 (Sub-48F), filed January 28, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ 07032. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Transporting *swimming pool parts and accessories* between Elizabeth, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hayward Manufacturing Company, Inc. (Hearing site: Washington, DC.)

MC 143236 (Sub-49F), filed February 11, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ 07032. Representative: Elizabeth Murphy (same address as applicant). Transporting *paints and materials* used for the distribution of paint, between Union NJ, on the one hand, and, on the other, points in FL, LA, and TX, restricted to the transportation of traffic originating at or destined to the facilities of International Paint Company, Inc. (Hearing site: Newark, NJ.)

MC 143267 (Sub-104F), filed February 15, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, NW., Washington, DC 20005. Transporting *building materials,* from Grand Rapids, MI, to points in IN, IL, KY and OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143436 (Sub-40F), filed February 5, 1980. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Drive, P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting *such merchandise* as is dealt in by retail department stores, drug stores, and hardware stores and *materials and supplies* used in the manufacture and distribution of such merchandise between the facilities of Drackett Products Company at or near Urbana, OH on the one hand, and, on the other, points in IN and KY. (Hearing site: Indianapolis, IN.)

MC 148187 (Sub-2), filed February 6, 1980. Applicant: VIERON, INC., 5326 Wasena Ave., Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Contract carrier, transporting *fuel oils and gasoline,* in bulk, (1) from Baltimore, MD, to points in VA, WV and DC, and (2) from Fairfax City and Newington, VA, to points in MD WV, and DC, under continuing contract(s) with Pedroni Fuel Oil of Vineland, NJ, and Waller Petroleum Company, of Towson, MD. (Hearing site: Baltimore, MD.)

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Decided: March 10, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 35227 (Sub-13F), filed November 8, 1979. Applicant: EDSON EXPRESS, INC., P.O. Box 925, Longmont, CO 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. Over regular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, CO and Lander, WY, serving the intermediate point of Riverton, WY, and serving points in WY in the Gas Hills Uranium Mining District as off-route points, (1) from Denver over Interstate Hwy 25 to junction U.S. Hwy 26, then over U.S. Hwy 26 to Riverton, WY, then over WY Hwy 789 to Lander, and return over the same route; and (2) from Denver over U.S. Hwy 287 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Lander, WY, and return over the same route. (Hearing site: Lander, WY, or Denver, CO.)

MC 51146 (Sub-807F), filed January 24, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *household appliances,* and *equipment, materials and supplies,* used in the manufacture and distribution of household appliances (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of the Major Appliance Business Group of General Electric. (Hearing site: Chicago, IL.)

MC 51146 (Sub-815F), filed February 1, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of beverages from points in the United States in and east of ND, SD, NE, KS, OK, and TX to the facilities of Tippecanoe Beverages, Inc., at points in IN. (Hearing site: Chicago, IL.)

MC 67156 (Sub-5F), filed February 4, 1980. Applicant: CONTAINER TRANSPORT COMPANY, DIVISION OF FIBREBOARD CORPORATION (a Delaware corporation), P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same adress as applicant). *Contract carrier,* transporting (1) *gypsum products, plaster and lime,* from points in Clark County, NV, to points in Los Angeles and Orange Counties, CA; and (2) *fibreboard, pulpboard, and lumber,* in the reverse direction, under continuing contract(s) in (1) and (2) with Louisiana-Pacific Corporation, of Portland, OR, and The Flintkote Company, of Los Angeles, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 67156 (Sub-6F), filed February 8, 1980. Applicant: CONTAINER TRANSPORT COMPANY, DIVISION OF FIBREBOARD CORPORATION (a Delaware corporation), P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same adress as applicant). *Contract carrier,* transporting *paper, paper articles, and woodpulp,* in containers having a subsequent movement by water, from the facilities of Fibreboard Corporation, at Antioch, CA, to Oakland and San Francisco, CA; and (2) *containers,* in the reverse direction, under continuing contract(s) with Hanjin Container Lines, Ltd., of Oakland, CA. (Hearing site: Oakland or San Francisco, CA.)

MC 78687 (Sub-85F), filed November 1, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC. 20001. Transporting *household cleaning products* (except commodities in bulk) from the facilities of Purex Corporation at Bristol, PA, to points in NY. (Hearing site: Philadelphia, PA.)

Note.—Dual operating may be invovled.

MC 108937 (Sub-62F), filed February 1, 1980. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Hutchinson, MN and St. Paul, MN, over MN Hwy 7, (2) between Hutchinson, MN and Litchfield, MN, over MN Hwy 22 and (3) between Hutchinson, MN and Glenco, MN, over MN Hwy 22. (Hearing site: St. Paul, MN.)

MC 113666 (Sub-191F), filed December 6, 1979. Applicant: FREEPORT TRANSPORT, INC., Drawer "A" 1200 Butler Ro, Freeport, PA 16229. Representative: D. R. Smetanick (same address as applicant). Transporting (1) *abrasives materials and steel shot and* (2) *materials and supplies* used in the production of the commodities in (1) above, between Niagara Falls, NY, and those ports of entry on the international boundary line between the United States and Canada at points in NY and MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114606 (Sub-13F), filed December 19, 1979. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 S.W. 1st St., New Brigton, MN 55551. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *refined sugar,* in bulk, from the facilties used by North Central Sugar Marketing Cooperative, (a) at or near Wahpeton, ND, to points in MN, IA, WI, IL, MO, SD, and NE, and (b) at or near Renville, MN, to points in IA, WI, IL, MO, SD, and NE. (Hearing site: Minneapolis or St. Paul, MN.)

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MC 115357 (Sub-15F), filed February 6, 1980. Applicant: TAT, INC., 800 Wyoming St., P.O. Box 4013, Kansas City, MO 64101. Representative: Raymond A. Greene, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *automobiles and trucks*, in secondary movements in truckaway service, between Kansas City, KS, on the one hand, and, on the other, points in MO, and those points in IL within the St. Louis, MO-East St. Louis, IL commercial zone. (Hearing site: Kansas City, MO.)

MC 115667 (Sub-17F), filed February 4, 1980. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 5658 West Marginal Way S.W., Seattle, WA 98106. Representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., Suite 1900, Seattle, WA 98171. Transporting, in foreign commerce only, *wood residuals*, from the port of entry on the international boundary line between the United States and Canada, at or near Oroville, WA, to points in WA. (Hearing site: Seattle, WA, or Portland, OR.)

MC 115826 (Sub-577F), filed February 6, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *fiberglass materials, fiberglass products, plastic materials, and plastic products*, and (2) *materials, equipment, and supplies* used in the manufacturing, packing, or installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Owens-Corning Fiberglass Corporation, at or near Amarillo, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-578F), filed February 15, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *shampoo, toilet preparations, soap, and cosmetics*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (a) between Friendship, NC, and those points in that part of the United States in and east of WI, IL, KY, TN, and MS; and (b) from Friendship, NC, to points in CA. (Hearing site: Denver, CO.)

MC 115826 (Sub-580F), filed February 11, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *foodstuffs, pet foods and ingredients* used in the manufacture of pet foods (except commodities in bulk), between the facilities of McK, Limited, at or near Loveland, CO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 119777 (Sub-454F), filed February 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting *timber and timber products*, from Lady Lake, FL to points in GA, AL, MS, LA, TN, VA, NC, SC, KY, IN, IL and WV. (Hearing site: Miami or Tampa, FL.)

MC 119777 (Sub-455F), filed February 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer, "L", Madisonville, KY 42431. Transporting *fencing and materials* used in the installation of fencing, from points in FL to points in TN, VA, NC, SC, GA, AL and MS. (Hearing site: Tampa or Jacksonville, FL.)

MC 119777 (Sub-456F), filed February 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer, "L", Madisonville, KY 42431. Transporting (1) *paper, paper products, cellulose products, vinyl book binders, vinyl book covers, and plastics*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Georgia Pacific Corporation. (Hearing site: Washington, DC.)

MC 136246 (Sub-39F), filed November 1, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *grease and tallow*, in bulk, from the facilities of Hastings Hide, Inc., at Hastings, NE, to points in IA, KS, and MO. (Hearing site: Omaha, NE.)

MC 142416 (Sub-6F), filed July 26, 1979. Applicant: HAMILTON TRANSFER, STORAGE & FEEDS, INC., Box H, Hwy 26 West, Torrington, WY 82240. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, CO and Cheyenne, WY, over U.S. Hwy 87 and Interstate Hwy 25, serving no intermediate points, (2) between Cheyenne, WY and Torrington, WY, from Cheyenne over Interstate Hwy 25 to junction U.S. Hwy 26, then over U.S. Hwy 26 to Torrington, (b) from Cheyenne over Interstate Hwy 25 to junction U.S. Hwy 85, then over U.S. Hwy 85 to Torrington, and (c) from Cheyenne over Interstate Hwy 80 to junction WY Hwy 215, then over WY Hwy 215 to junction WY Hwy 151, then over WY Hwy 151 to junction U.S. Hwy 85, then over U.S. Hwy 85 to Torrington, and (d) serving in (a), (b), and (c) all intermediate points, and points in Goshen County, WY, and points in Laramie County, WY east of Interstate Hwy 25 and the Missouri Basin Power Project in Platte County, WY as off-route points. (Hearing site: Torrington or Cheyenne, WY.)

MC 143396 (Sub-7F), filed February 4, 1980. Applicant: R. B. HUMPHREYS, INC., P.O. Box 736, Tibbitts Rd., New Hartford, NY 13413. Representative: S. Michael Richard, P.O. Box 225, Webster, NY 14580. Transporting *foodstuff* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in FL, GA, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC. (Hearing site: New York or Syracuse, NY.)

Note.—Dual operations may be involved.

MC 145036 (Sub-2F), filed December 17, 1979. Applicant: THOMAS O MARTINDALE, 1530 N. Sierra Bonita, Hollywood, CA 90046. Representative: Thomas O Martindale (same address as applicant). Transporting *automobiles*, between points in CA, AZ, NM, TN, LA, OR, NV, UT, CO, KS, OK, WA, ID, MT, WY, ND, SD, NE, MN, IA, IL, WI, MO, and AR. (Hearing site: Los Angeles, CA.)

MC 146117 (Sub-2F), filed December 26, 1979. Applicant: D. C., INC., 712 South York, Mechanicsburg, PA 17055. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contact carrier*, transporting *such commodities* as are used or dealt in by manufacturers of cosmetics, between Newark, DE, and York, PA, on the one hand, and, on the other, points in Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties, PA, under continuing contract(s) with Avon Products, Inc. (Hearing site: Washington, DC.)

MC 146676 (Sub-2F), filed February 12, 1980. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: Richard H. Brandon, 220 West Bridge St., Dublin, OH 43017. Transporting (1) *stereo speakers, cabinets, wood fuel*, and *insulation board* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk); between Tiffin, OH, on the one hand, and, on the other, points in the United States (except AL and HI). (Hearing site: Columbus, OH.)

MC 148456 (Sub-2F), filed February 4, 1980. Applicant: MICHAEL MASTEL, d.b.a. MASTEL TRANSFER, Hazelton, ND 58544. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. *Contact carrier*, transporting (1) *corrugated steel pipe, sheet piling, and guard rail*, and (2) *accessories* for the commodities in (1) above, from Minneapolis, MN and Topeka, KS, to points in ND, under continuing contract(s) with Basin Steel, Inc., of Bismarck, ND. (Hearing site: Bismarck, ND, or Minneapolis, MN.)

MC 148647 (Sub-1F), filed February 14, 1980. Applicant: HI-CUBE CONTRACT CARRIER CORP., 7005 South Pulaski Rd., Chicago, IL 60629. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. *Contact carrier*, transporting (1) *such commodities* as are dealt in by grocery, hardware and drug stores, (2) *cleaning and building maintenance materials and supplies*, (3) *swimming pool, spa and hot tub products*, (4) *chemicals*, and (5) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) through (4) above, between points in the United States (except AK and HI), restricted in (1) through (5) above against the transportation of commodities in bulk), under continuing contract(s) with Purex Corporation. (Hearing site: Los Angeles, CA.)

MC 149236 (Sub-2F), filed February 4, 1980. Applicant: CUNDIFF TRUCKING CO, a corporation, P.O. Box 253, Russell Springs, KY 42642. Representative: William L. Willis, 708 McClure, Frankfort, KY 40601. Transporting (1) *cheese and cheese products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of cheese and cheese products, between the facilities of Cudahy Foods, at Harrodsburg, Russell Springs and Tompkinsville, KY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Harrodsburg or Lexington, KY.)

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Decided: February 29, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 5227 (Sub-61F), filed February 4, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *construction materials*, from Wilmington and Chicago, IL to points in IA, MO, MS, NE, CO, and MN. (Hearing site: Tampa, FL, or Lincoln, NE.)

MC 11207 (Sub-522F), filed February 4, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *composition board*, from the facilities of Abitibi-Price Corporation, at points in (a) Lucas County, OH, and (b) Wilkes County, NC, to those points in the United States in and east of ND, NE, SD, CO, and NM. (Hearing site: Detroit, MI, or Washington, DC.)

MC 19227 (Sub-252F), filed February 1, 1980. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting *torpedos*, between Keyport, WA, on the one hand, and, on the other, Seal Beach, CA, Travis Air Force Base, CA, New London, CT, Charleston, SC, and Yorktown, VA. (Hearing site: Washington, DC.)

MC 59557 (Sub-19F), filed January 10, 1980. Applicant: AUCLAIR TRANSPORTATION, INC., P.O. Box 5195, Manchester, NH 03108. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA, Chicago, IL, Dallas, Ft. Worth, Houston, TX, Los Angeles, Oakland, and San Francisco, CA, Jacksonville, Orlando, St. Petersburg, Miami, and Tampa, FL. (Hearing site: Boston, MA, or Concord, NH.)

MC 63417 (Sub-267F), filed February 1, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *such commodities* as are dealt in and distributed by grocery, hardware, and drug stores, (2) *cleaning and building maintenance materials and supplies*, (3) *swimming pool, spa, and hot tub products*, (4) *chemicals*, and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) through (4) above, between points in the United States (except AK and HI), restricted (a) to the transportation of traffic originating at or destined to the facilities of Purex Corporation, and (b) against commodities in bulk. (Hearing site: Roanoke, VA.)

MC 69116 (Sub-261F), filed February 4, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Midland, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Midland, MI or Chicago, IL.)

Note.—Applicant proposes to tack the requested authority with its existing authority.

MC 102616 (Sub-1026F), filed January 8, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *corn product*, in bulk, from Muscatine, IA, to points in the United States (except AK and HI). (Hearing site: Des Moines, IA or Chicago IL.)

MC 107496 (Sub-1266F), filed January 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *fly ash*, in bulk, from Weston, MO, to points in IA, KS, and NE. (Hearing site: Kansas City, MO or Des Moines, IA.)

MC 107496 (Sub-1267F), filed January 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *asphalt and asphalt products*, in bulk, (1) from Janesville, WI, to points in IL and IA, and (2) from Nevada, MO, to points, in KS. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 107496 (Sub-1268F), filed January 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AZ, AR, CA, CO, IL, IN, IA, LA, MA, MN, MO, NE, NV, NJ, NM, OH, OK, OR, PA, TN, TX, UT, WA, WI, and WY.

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(Hearing site: Omaha, NE, or Des Moines, IA.)

MC 107496 (Sub-1269F), filed January 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *liquefied petroleum gas,* in bulk, from the Dester LPG Terminal, at or near Dexter, MO, to points in AR, IL, KS, KY, OK, and TN. (Hearing site: St. Louis, MO, or Des Moines, IA.)

MC 109397 (Sub-488F), filed December 7, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO. (a Delaware corporation), P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as appliant). Transporting (1) *machinery,* and (2) *parts and supplies* for machinery, from Arvada, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 109397 (Sub-498F), filed January 30, 1980. Appliant: TRI-STATE MOTOR TRANSIT CO. (a Delaware corporation), P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *equipment, materials,* and *supplies* used in the mining and manufacturing of copper, (except commodities in bulk in tank vehicles), from the facilities of Kennecott Copper Corporation, at or near (a) Garfield, UT, and (b) Hurley, NM, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 114457 (Sub-559F), filed February 4, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Willis (same address as applicant). Transporting (1) *dental, hospital, hygenic, medical, and surgical supplies,* and (2) *materials, equipment, and supplies* used in the application and maintenance of the commodities in (1) above, (except commodities in bulk), from Argonne, IL, to points in MN. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 114457 (Sub-560F), filed February 4, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *corn products in bags* from Muscatine, IA to points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 117786 (Sub-89F), filed February 11, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85015. Transporting *alcoholic beverages,* in vehicles equipped with mechanical refrigeration, from New York City, NY, Jersey City, NJ and Dayton, NJ, to points in AZ, CA, and NV. (Hearing site: Phoenix, AZ.)

MC 119656 (Sub-72F), filed January 8, 1980. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *steel springs, wear plates,* and *parts* for tractor trailer machine tools, grading and road making equipment, and agricultural implements, between the facilities of Winamac Steel Products Division of Norris Industries, at Winamac, IN, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *iron and steel articles,* between Harrisburg, PA, on the one hand, and, on the other, points in MN, IL, IN, MI, KY, TN, OH, and WV. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119777 (Sub-453F), filed February 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *building materials, fiberglass, and fiberglass products,* and (2) *materials, equipment, and supplies* used in the manufacture of distribution of commodities in (1) above, between Ennis, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 119777 (Sub-457F), filed February 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 83 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *iron and steel articles,* from points in LA, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 119777 (Sub-458F), filed Febrary 4, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *non-ferrous metal articles,* and (2) *materials, equipment,* and *supplies* used in the production and mining of the commodities in (1) above, between points in Pima County, AZ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 125777 (Sub-270F), filed February 1, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *granulated slag* between the facilities of H. B. Reed Company at or near Moundsville, WV, on the one hand, and, on the other, points in DE, IN, KY, MO, NC, NJ, NY, OH, PA, SC, VA, and DC. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 125777 (Sub-271F), filed February 1, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *alloys and chrome ore,* in dump vehicles, from Charleston, SC, to points in the United States (except AK and HI). (Hearing site: Charleston, SC, or Washington, DC.)

MC 126736 (Sub-123F), filed January 9, 1980. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: L. H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Transporting *granulated slag,* in bulk, from points in Charlton County, GA, to points in FL. (Hearing site: Jacksonville, FL.)

MC 128007 (Sub-150F), filed January 10, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *meats, meat products, and meat byproducts,* as defined in Section A of the Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in boxes, between Pittsburg, KS, on the one hand, and, on the other, points in AR, MO, OK, and TX. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 133676 (Sub-14F), filed January 10, 1980. Applicant: COMET TRUCK LINE, INC., P.O. Box 3175, Baton Rouge, LA 70821. Representative: Harold H. Mitchell, Jr., 120 South Poplar St. P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper, woodpulp, paper articles and chemicals* (except commodities in bulk), and (2) *materials, equipment,* and supplies used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of Georgia Pacific Corporation, in East Baton Rouge Parish, LA, on the one hand, and, on the other, points in AL, AR, LA, MS and TX, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Baton Rouge or St. Francisville, LA.)

MC 133676 (Sub-15F), filed February 4, 1980. Applicant: COMET TRUCK LINE, INC., P.O. Box 3175, Baton Rouge, LA 70821. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Baton Rouge, LA and St. Francisville, LA, over U.S. Hwy 61, serving all intermediate and off-route points in East Baton Rouge Parish, LA. Condition: Applicant must request in writing the coincidental cancellation of its certificate of registration in MC 133676 (Sub-6F). (Hearing site: Baton Rouge or New Orleans, LA.).

MC 134477 (Sub-402F), filed February 4, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *automotive parts,* and *materials and supplies* used in the manufacture of automobiles (except commodities in bulk), from points in WI, to the facilities of Ford Motor Company, at or near St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-305F), filed February 1, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of charcoal and hickory chips, and between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of the Kingsford Company. (Hearing site: Louisville, KY, or Washington, DC.).

MC 136786 (Sub-206F), filed February 4, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *foodstuffs, drugs, plastic articles, and rubber products* (except commodities in bulk), from Sturgis, MI, and Columbus, OH, to points in OR and WA. (Hearing site: Columbus, OH.).

MC 138157 (Sub-215F), filed January 10, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Floor covering materials* and *materials, equipment and supplies* used in the manufacture and distribution of floor covering materials, from Whitehall, PA and Vailsgate, NY, to points in KY, VA and TN. (Hearing site: Knoxville, TN.)

Note.—Dual operations may be involved.

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Decided: March 5, 1980.

By the Commission, Review Board Number 2, Members Liberman, Eaton and Jensen. Member Jensen not participating.

MC 29866 (Sub-3F), filed February 11, 1980. Applicant: WHITE STAR TRUCKING LINES, INC., 521 Young St., Tonawanda, NY 14150. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405. *Contract carrier,* transporting *foodstuffs and pet food* (except commodities in bulk, in tank vehicles), between Buffalo, NY, and Chicago, IL, under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 35807 (Sub-112F), filed February 6, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant). *Contract carrier,* transporting *coin, currency, securities, jewelry, and articles of unusual value,* between Savannah, GA, on the one hand, and, on the other, points in Allendale County, SC, under continuing contract(s) with banks and banking institutions. (Hearing site: Savannah, GA.)

MC 126346 (Sub-33F), filed February 8, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 So. LaSalle St., Suite #1600, Chicago, IL 60603. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of lawn and garden products and snow blowers, between the facilities of Ariens Company at (a) Des Moines, IA, and (b) Brillion, WI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Ariens Company. (Hearing site: Chicago, IL.)

MC 142126 (Sub-7F), filed February 15, 1980. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale Street, Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *contract carrier,* transporting *plastic articles* (except in bulk), from Leola, PA, to points in CT, ME, MA, NH, NJ, NY, RI, and VT, under a continuing contract(s) with Dart Container Corporation of Pennsylvania, of Leola, PA. (Hearing site: Boston, MA, or Washington, DC.)

MC 142766 (Sub-12F), filed February 8, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Ave., Kearny, NJ 07032. Representative: Elizabeth Murphy (same address as applicant). *Contract carrier,* transporting (1) *plastic articles, and school and office supplies,* and (2) *equipment and materials* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), between the facilities of Sterling Plastics, Division of Borden Chemical, at or near Mountainside, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Sterling Plastics, Division of Borden Chemical. (Hearing site: Newark, NJ, or New York, NY.)

Note.—Dual operations may be involved.

MC 143387 (Sub-9F), filed February 8, 1980. Applicant: ASSOCIATED COURIERS, INC., 342 Fee Fee Rd., Maryland Heights, MO 63043. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603 *Contract carrier,* transporting *radioactive pharmaceuticals, radioactive isotopes and medical testing kits,* between Maryland Heights, MO, on the one hand and on the other, points in CO, IA, KS, LA, MN, MO, MT, NB, ND, SD, OK, TX, WY, and MS, under continuing contract(s) with E. R. Squibb & Son, Inc. Condition: To the extent any permit issued in this proceeding authorizes the transportation of radioactive commodities it shall be limited, in point of time, to a period expiring 5 years from its date of issuance. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 143387 (Sub-10F), filed February 8, 1980. Applicant: ASSOCIATED COURIERS, INC., 342 Fee Fee Rd., Maryland Heights, MO 63043. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603 *Contract carrier,* transporting *radioactive pharmaceuticals radioactive isotopes and medical testing kits,* between Maryland Heights, MO, on the one hand, and, on the other, points in Kentucky, Louisiana and New Mexico, under a continuing contract(s) with Mallinckrodt, Inc. Condition: To the extent any permit issued in this proceeding authorizes the transportation of radioactive commodities it shall be limited, in point of time, to a period expiring 5 years from its date of issue. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 143956 (Sub-9F), filed February 15, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same address as applicant). Transporting *lead and alloys,* between Manville, RI, on the one hand, and, on the other, Darien, WI, Los Angeles, CA, and points in PA and IN. (Hearing site: Providence, RI.)

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Note.—Dual operations may be involved.

MC 144117 (Sub-63F), filed February 11, 1980. Applicant: T. L. C. LINES, INC., P.O. Box 1090, 1666 Fabick Dr., Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers of photographic products (except commodities in bulk) from the facilities of Eastman Kodak Company, at Rochester, NY, to Oak Brook, IL. (Hearing site: Chicago, IL, or Washington DC.)

MC 144407 (Sub-19F), filed February 11, 1980. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *household appliances*, and (2) *materials, equipment, and supplies* used or useful in the manufacture and sale of household appliances (except commodities in bulk), between the facilities used or utilized by the Edison Products Co., Division of White-Westinghouse Corporation, located at or near Edison, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 144667 (Sub-17F), filed February 8, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) (a) *prepared animal diets*, and (b) *meats, meat products, meat and byproducts and articles distributed by meat packing houses*, from the facilities of Central Nebraska Packing, Inc. at or near North Platte, NE, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the production and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Lincoln, NE.)

MC 146856 (Sub-1F), filed January 24, 1980. Applicant: EUGENE P. SCHREINDL, d.b.a., AMERICAN INDEPENDENT EXPRESS, 40849 Sundale Dr., Fremont, CA 94538. Representative: Eugene P. Schreindl (same address as applicant). *Contract carrier*, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour and Company, at or near South San Francisco, CA, to Mesa, Phoenix, and Tempe, AZ, under continuing contract(s) with Armour and Company, and (2) *malt beverages* (except in bulk), from the facilities of Carling National Breweries, Inc., at or near Phoenix, AZ, to points in CA, under continuing contract(s) with Carling National Breweries, Inc. (Hearing site: San Francisco, CA.)

MC 147636 (Sub-8F), filed February 13, 1980. Applicant: LARRY E. HICKOX, d.b.a., LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *welding equipment and supplies*, from Troy, OH, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or Cleveland, OH.)

Note.—Dual operations may be involved.

MC 147746 (Sub-1F), filed January 17, 1980. Applicant: TRI-UNION EXPRESS, INC., 3680 179th St., Suite D, Hammond, IN 46323. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *iron and steel articles*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, and WI. (Hearing site: Chicago, IL.)

MC 147947 (Sub-1F), filed December 17, 1979. Applicant: SANDERS CARTAGE COMPANY, INC., 117 Industrial Rd., P.O. Box 515, Cleburne, TX 76031. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, Cleburne, TX, restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Fort Worth, TX, or Washington, DC.)

MC 148016 (Sub-6F), filed January 10, 1980. Applicant: MCWHORTER-GRAY ENTERPRISES, INC., 1010 Highway 15 North, Ripley, MS 38663. Representative: Robert H. Taylor, P.O. Box 864, Jackson, MS 39205. *Contract carrier*, transporting *new furniture*, from Dumas, MS, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY), under continuing contract(s) with Jerry Reno Manufacturing Company, of Dumas, MS. (Hearing site: Memphis, TN.)

Appendix D

MC 148356 (Sub-2F), filed December 18, 1979. Applicant: STAR MOTOR FREIGHT LINES, INC., 3110 No. Stone, Colorado Springs, CO 80907. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver and Lamar, CO: from Denver over Interstate Hwy 25, U.S. Hwy 85, or U.S. Hwy 87 to Pueblo, CO, and then over U.S. Hwy 50 to Lamar, and return over the same route, serving all intermediate points. (Hearing site: Denver or Pueblo, CO.)

Note.—Applicant intends to interline at Denver, CO, and Colorado Springs, CO, and to tack at common points with existing for future regular-route authority.

MC 148636 (Sub-1F), filed February 1, 1980. Applicant: GOLDEN ARROW, INC., P.O. Box 726, Clifton, NJ 07015. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting *such commodities* as are dealt in or used by manufacturers of hardware (except commodities in bulk), between the facilities of Hardware Designers, Inc., at Mt. Kisco, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Hardware Designers, Inc., of Mt. Kisco, NY. (Hearing site: New York, NY.)

MC 148667 (Sub-1F), filed October 18, 1979. Applicant: BIG T TRUCK SERVICE, INC., 5878 Buford Hwy., Suite 5, Atlanta, GA 30360. Representative: Stephen J. Habash, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the Department of Defense Depot, at Memphis, TN, to Eglin Air Force Base, in Oklaloosa County, FL, McCoy Air Force Base, in Orange County, FL, Fort Benjamin Harrison, in Marion County, IN, Fort Knox, in Hardin County, KY, Camp Grayline, in Crawford County, MI, Selfridge Air Force Base, in McComb County, MI, Wurtsmith Air Force Base, in Iosco County, MI, Rickenbacker Air Force Base, at or near Columbus, OH, and Wright-Patterson Air Force Base, at or near Fairborn, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 148998 (Sub-1F), filed January 17, 1980. Applicant: MERCHANTS' DELIVERY SERVICE, INC., P.O. Box 999, San Antonio, TX 78294.

Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Antonio, TX, on the one hand, and, on the other, Laredo, TX, restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Laredo, TX.)

MC 149207 (Sub-1F), filed January 17, 1980. Applicant: BLUE MT. EXPRESS, INC., Route 8, Box 43, Frederick, MD 21701. Representative: Hanna & Cullen, 2550 M St., N.W., Suite 475, Washington, DC 20037. *Contract carrier*, transporting *such commodities* as are dealt in by grocery and food business houses (except frozen commodities and commodities in bulk), between the facilities of The Clorox Company, at Frederick, MD on the one hand, and, on the other, points in PA, VA, and WV, under continuing contract(s) with The Clorox Company. (Hearing site: Washington, DC or Baltimore, MD.)

MC 149247 (Sub-1F), filed January 24, 1980. Applicant: JOHNNY M. JENKINS and ARTHUR L. JENKINS, d.b.a. KENTUCKY TENNESSEE GEORGIA EXPRESS, 304 Oothcaloga St., Calhoun, GA 30701. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. Transporting *floor coverings, and materials and supplies* used in the manufacture of floor coverings (except commodities in bulk), between points in Georgia and Hamilton Counties, TN, on the one hand, and, on the other, points in KY, and those in TN on and east of a line beginning at the KY–TN state line and extending along Interstate Hwy 75 to junction U.S. Hwy 129, and then over U.S. Hwy 129 to the TN–NC state line. (Hearing site: Chattanooga or Nashville, TN.)

MC 149296F, filed January 25, 1980. Applicant: LEVINGE CORPORATION, 6804 La Paseo, Houston, TX 77087 Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract carrier*, transporting (1) *equipment, materials, and supplies* used in, or in connection with, the discovery, development production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, (2) *equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (3)(a) *values, engines, generators, and switchgear*, and (b) *parts* for the commodities in (3)(a), between Houston, TX, on the one hand, and, on the other, points in LA, MS, and OK, under continuing contract(s) in (1), (2), and (3)(a) and (b), with WKM Valve Div., ACF Industries, Inc., FMC Corporation, NL Rig Equipment/NL Industries, Inc., Baylor Company, Stewart & Stevenson Services, Inc., Waukesha-Pearce Industries, Inc., and Cummins Marine Sales & Service, all of Houston, TX. (Hearing site: Houston, TX.)

MC 149297, filed January 17, 1980. Applicant: H. C. CROKER WRECKER SERVICE, INC., P.O. Box 403, Lavonia, GA 30553. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *wrecked or disabled motor vehicles, and replacement vehicles* by use of wrecker equipment only, between points in GA, on the one hand, and, on the other, points in OH, IN, IL, MO, AR, LA, MS, FL, SC, NC, VA, WV, KY, and TN. (Hearing site: Atlanta, GA.)

MC 149307F, filed January 14, 1980. Applicant: FREIGHT EXPRESS, INC., 1 No. LaSalle St., Suite 2225, Chicago, IL 60602. Representative: David Kugler (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of National Brands, Inc., at Troy, MI, and Feather Lite Manufacturing Company, a Division of National Brands, Inc., at Hot Springs, AR, on the one hand, and, on the other, points in the United States, including AK but excluding HI. (Hearing site: Detroit, MI.)

MC 149356F, filed February 8, 1980. Applicant: CARE TRANSPORTATION, INC., 700 Woodward Ave., Chippewa Falls, WI 54729. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract carrier*, transporting *liquefied petroleum gas*, from Minneapolis, MN to points in Washburn, Polk, St. Croix, Pierce, Barron, Dunn, Pepin, Buffalo, Rusk, Chippewa, and Trempealeau Counties, WI, under continuing contract(s) with Farmers Union Central Exchange, Inc. (CENEX). Condition: Any permit issued in this proceeding shall be limited in point of time, to a period expiring 5 years from its date of issue. (Hearing site: Minneapolis, MN.)

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Decided: March 17, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 24583 (Sub-36F), filed January 24, 1980. Applicant: FRED STEWART COMPANY, a corporation, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *bromine*, in bulk, in shipper owned trailers, from the facilities of The Dow Chemical Company near Magnolia, AR, to those points in the US on and east of U.S. Hwy 85. (Hearing site: Little Rock or El Dorado, AR.)

MC 44783 (Sub-11F), filed February 8, 1980. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, P.O. Box 557, Mineral Ridge, OH 44440. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting (1) *building materials and supplies* (except commodities in bulk; (2) *iron and steel articles* (except those in (1) above), and (3) *equipment, materials, and supplies* used in the manufacture of iron and steel articles (except commodities in bulk), between points in OH, PA, and Hancock Brooke, OH, and Marshall Counties, WV, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, PA, VA, WV, WI, TN, and NC. (Hearing site: Columbus, OH or Washington, DC.)

MC 52793 (Sub-57F), filed February 8, 1980. Applicant: BEKINS VAN LINES CO., a corporation, 3090 Via Mondo, Compton, CA 90221. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting *new furniture, furnishings, shelving, wall units, office partitions, filing cabinets, lighting fixtures, and tool boxes*, from points in AR and TX to points in the US (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 61403 (Sub-282F), filed February 1, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *liquid chemicals*, in bulk, in tank vehicles, from the plant site of International Minerals & Chemical Corporation at Terre Haute, IN, to those points in the US in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 61403 (Sub-283F), filed February 1, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *chemicals*, in bulk, in tank vehicles, from plant site of Argus Chemical, Div. Witco Chemical Corp., Taft, LA, to those points in the US

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in and east of MN, IA, MO, AK, and TX. (Hearing site: New Orleans, LA.)

MC 63562 (Sub-70F), filed February 11, 1980. Applicant: BN TRANSPORT, INC., P.O. Box 22694, 6775 East Evans Ave., Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *plastic pipe and aluminum pipe,* from Grand Island, NE to points in MN, ND, and SD. (Hearing site: Spokane, WA or Denver, CO.)

MC 71593 (Sub-57F), filed January 7, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter, (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission and those requiring special equipment) from the facilities of Southeastern Michigan Shippers Co-Operative in Michigan to Bridgeport, Hartford, CT; Boston, Natick, Worcester, MA; New York, NY; Philadelphia, PA; Chicago, IL; Baltimore, MD; and Atlanta, GA. (Hearing site: New York, NY.)

MC 71593 (Sub-58F), filed January 8, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same address as applicant). Transporting *ground clay* in bags from Olmstead, IL; Bloomfield, MO; and Paris, TN, to points in the states of AL, AK, CT, DC, DE, FL, GA, IL (except from Olmstead, IL), IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO (except from Bloomfield, MO), NH, NJ, NY, NC, OH, PA, RI, SC, TN (except from Paris, TN), VT, VA, WV, and WI. (Hearing site: Newark, NJ.)

MC 71652 (Sub-43F), filed February 11, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280–4669 Crater Lake Hwy, Medford, OR. Representative: David J. Stewart (same address as applicant). Transporting *building board,* from the facilities of Masonite Corporation, at or near Ukiah, CA, to points in AZ, CO, MT, NV, NM, UT, and WY. (Hearing site: Medford, OR or San Francisco, CA.)

MC 82063 (Sub-118F), filed February 15, 1980. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Rd., Sunset Hills, MO 63127. Representative: W. E. Klipsch, (same address as applicant). Transporting *bromine,* in bulk, in shipper owned trailers, from the facilities of The Dow Chemical Company, near Magnolia, AR, to those points in the US east of U.S. Highway 85. (Hearing site: Little Rock, AR or Memphis, TN.)

MC 87103 (Sub-43F), filed February 14, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward Bocko (same address as applicant). Transporting *iron and steel articles,* from the facilities of Weirton Steel Company at (a) Weirton, WV, and (b) Stubenville, OH, to points in AL, AR, FL, GA, LA, MN, NC, SC, and TX, restricted to the transportation of traffic originating at the named origins. (Hearing site: Washington, DC or Pittsburgh, PA.)

Note.—Dual operations may be involved.

MC 96813 (Sub-5F), filed January 8, 1980. Applicant: FISK TRUCKING AND TRANSFER COMPANY, a corporation, 716 San Fernando Rd., Los Angeles, CA 90065. Representative: Glenn Fisk (same address as applicant). Transporting *tile, plastic sheets, and marble,* from points in Los Angeles and Orange County, CA, to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties, CA. (Hearing site: Los Angeles or San Bernardino, CA.)

MC 104523 (Sub-77F), filed February 15, 1980. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *drilling fluids* and *drilling mud* and *drilling fluid* and *drilling mud ingredients,* between points in AR, CO, FL, IA, KS, MN, MO, MT, NC, ND, NE, NM, NV, OK, SD, TN, TX, UT, WA, WV, and WY. (Hearing site: Kansas City, MO.)

MC 107012 (Sub-322F), filed February 15, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting *foam and plastic articles, artificial Christmas trees, holiday decorations, ornaments and novelty items, wading pools, swimming pool flotation chairs, toys and games, coin banks, and notebooks,* from the facilities of General Foam Plastics Corporation at or near (a) Lebanon, IN, (b) Scranton, PA, and (c) Norfolk, VA, to points in the U.S. (except AK and HI). (Hearing site: Norfolk, VA or Washington, DC.)

MC 107012 (Sub-476F), filed January 2, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *carpet samples,* from points in GA and Chattanooga, TN, to Fort Wayne, IN. (Hearing sites: Chicago, IL or Washington, DC.)

MC 107012 (Sub-477F), filed January 7, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *appliances,* from the facilities of Amana Refrigeration, Inc., at or near Amana, IA to points in CO, AZ and NV. (Hearing sites: Des Moine, IA or Chicago, IL).

MC 107012 (Sub-476F), filed January 8, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *toys, games, juvenile novelty items, and sporting goods,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from points in NY, NJ, PA, MD and TN to points in the U.S. (except AK and HI). (Hearing sites: Philadelphia, PA or Washington, DC.)

MC 107323 (Sub-64F), filed February 4, 1980. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are used by or dealt in by *manufacturers of baby foods and baby food products (except commodities in bulk),* from the facilities of Gerber Products Company at or near Fremont, MI, to points in PA and Cattaraugus, Chautauqua and Erie Counties, NY. (Hearing site: Chicago, IL.)

MC 107403 (Sub-1317F), filed January 30, 1980. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, between Carson City, MI, on the one hand, and, on the other, Cleveland and Toledo, OH, Chicago and Lemont, IL and Indianapolis, East Chicago, Ft. Wayne, and Hammond, IN. (Hearing site: Washington, DC.)

MC 107403 (Sub-1320F), filed January 14, 1980. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *fertilizer,* in bulk, in tank vehicles, from the facilities of Cenex Soil Service Center, at or near Billings, MT, to points in WY and ND. (Hearing site: Washington, DC.)

MC 108053 (Sub-171F), filed January 17, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *alcoholic beverages, materials, equipment, and supplies* used in the manufacture and distribution of alcoholic beverages (except in bulk, in tank vehicles) (1) between Fort Smith, AR, on the one hand, and, on the other, points in AZ, CA, CO, ID, IL, IA, MN, NE, NV, NM, ND, SD, OR, UT, WA, WI, WY, and (2) between Plainfield, IL, on the one hand, and, on the other, points in CO, IA, MN, MT, NE, NM, ND, SD, and WY, restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL.)

MC 108053 (Sub-173F), filed January 21, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. Transporting *such merchandise as is dealt in by wholesale or retail food business houses* (except foodstuffs), and *materials, equipment and supplies* used in the conduct of such business, from Chicago, IL, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 108223 (Sub-31F), filed January 14, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, P.O. Box 43050, St. Paul, MN 55164. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting: over regular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dickinson, ND, and Billings, MT, over Interstate Hwy 94, serving no intermediate points; (2) between Billings, MT, and Seattle, WA over Interstate Hwy 90, serving all intermediate points; (3) between Seattle, WA, and Portland, OR, over Interstate Hwy 5, serving all intermediate points; (4) between Spokane, WA, and Portland, OR; from Spokane, WA, over Interstate Hwy 90 to junction US Hwy 395, then over US Hwy 395 to junction Oregon Hwy 14, then over Oregon Hwy 14 to junction US Hwy 730 to junction Interstate Hwy 80 then over Interstate Hwy 80 to Portland, OR, and return over the same route, serving all intermediate points. (Hearing site: Applicant anticipates approximately 200 witnesses would testify taking approximately one week of hearing time. Because of the geography of the application applicant requests that the hearing be held in multiple locations including St. Paul, MN, Chicago, IL, Seattle, WA and Billings, MT.)

MC 110683 (Sub-165F), filed October 17, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Charleston, SC, and Asheville, NC over Interstate Hwy 26, serving all intermediate points, and serving points in Charleston, Berkeley, Dorchester, Colleton, Richland, Lexington, Saluda, Fairfield, Newberry, Greenwood, Laurens, Union, Spartanburg, Anderson, Pickens, and Greenville Counties, SC, and Polk, Henderson, Transylvania, Buncombe, Yancey, Madison, Haywood, and Swain Counties, NC, as off-route points; (2) between Middlesboro, KY, and Elizabeth City, NC, serving all intermediate points, from Middlesboro over U.S. Hwy 25E, to junction U.S. Hwy 58, then over U.S. Hwy 58 to junction U.S. Hwy 501, then over U.S. Hwy 501 to junction VA Hwy 96, then over VA Hwy 96 to junction NC Hwy 96, then over NC Hwy 96 to Oxford, then over U.S. Hwy 158 to Elizabeth City, and return over the same route, serving points in Bell County, KY, Lee, Scott, Washington, Grayson, Carroll, Patrick, Henry, Pittsylvania, and Halifax Counties, VA, and Person, Granville, Vance, Warren, Nash, Wilson, Pitt, Edgecombe, Martin, Bertie, Halifax, Northampton, Washington, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, NC, as off-route points; (3) between Corbin, KY, and Augusta, GA, serving all intermediate points, from Corbin over U.S. Hwy 25E to junction U.S. Hwy 25, then over U.S. Hwy 25 to Augusta, and return over the same route, serving points in Laurel, Whitley, Knox, and Bell Counties, KY, Madison, Yancey, Haywood, Buncombe, Transylvania, Henderson, Polk Counties, NC, and Pickens, Greenville, Oconee, Anderson, Laurens, Abbeville, Greenwood, Saluda, McCormick, Edgefield, and Aiken Counties, SC, as off-route points; (4) between New Bern, NC, and Jellico, KY, serving all intermediate points, from New Bern over U.S. Hwy 70 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Jellico, and return over the same route, serving points in Carteret, Pamlico, Craven, Jones, Onslow, Beaufort, Greene, Lenoir, Duplin, Wayne, Johnston, Wake, Franklin, Durham, Orange, Alamance, Caswell, Guilford, Davidson, Forsyth, Davie, Rowan, Iredell, Lincoln, Catawba, Alexander, Burke, Caldwell, Rutherford, McDowell, Buncombe, Haywood, and Madison Counties, NC, and Whitley County, KY, as off-route points; (5) between Richlands and Charlotte, NC, over NC Hwy 24, serving all intermediate points and serving points in Jones, Onslow, Duplin, Sampson, Cumberland, Hoke, Harnett, Moore, Richmond, Randolph, Montgomery, Stanley, Union, Cabarrus, and Mecklenburg Counties, NC, as off-route points; (6) between Charlotte, NC, and Fair Play, SC, over Interstate Hwy 85, serving all intermediate points, and serving points in Mecklenburg, Gaston, Cleveland, and Polk Countes, NC, and York, Cherokee, Spartanburg, Greenville, Anderson, Pickens, and Oconee Counties, SC, as off-route points; (7) between Bristol, VA, and Wilmington, NC, over U.S. Hwy 421, serving all intermediate points, and serving points in Pender, Brunswick, New Hanover, Sampson, Johnston, Harnett, Chatham, Randolph, Alamance, Guilford, Forsyth, Stokes, Rockingham, Yadkin, Surry, Iredell, Alexander, Wilkes, Caldwell, Allegheny, Ashe, Wautauge, Mitchell, Bladen, Columbus, and Avery Counties, NC, as off-route points; (8) between Danville, VA, and Savannah, GA, serving all intermediate points, from Danville, over U.S. Hwy 29 to Charlotte, NC, then over U.S. Hwy 21 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Savannah, and return over the same route, serving points in Pittsylvania County, VA, Rockingham, Caswell, Stokes, Guilford, Forsyth, Randolph, Davidson, Rowan, Davie, Cabarrus, Lincoln, Mecklenburg, Gaston, and Union Counties, NC, and York, Chester, Union, Lancaster, Newberry, Fairfield, Kershaw, Saluda, Lexington, Richland, Sumter, Calhoun, Orangeburg, Bamberg, Dorchester, Colleton, Allendale, Hampton, Jasper, Charleston, and Beaufort Counties, SC as off-route points; (9) between Lumberton, NC, and Yemassee, SC, over Interstate Hwy 95, serving all intermediate points, and serving points in Robeson, Bladen, and Columbus Counties, NC, and Dillon, Marlboro, Horry, Darlington, Marion, Florence, Sumter, Clarendon, Calhoun, Berkeley, Williamsburg, Dorchester, Bamber, Colleton, Jasper, and Beaufort Counties, SC, as off-route points; (10) between Charleston, SC, and Augusta, GA, over

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U.S. Hwy 78, serving all intermediate points, and serving points in Charleston, Berkeley, Dorchester, Colleton, Orangeburg, Bamberg, Allendale, Hampton, Barnwell, Aiken, and Edgefield Counties, SC, as off-route points; (11) between Hillsville, VA, and Ocoee, TN, serving all intermediate points in NC and VA, from Hillsville over Interstate Hwy 77 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Ocoee, and return over the same route, serving points in Surry, Allegheny, Stokes, Wilkes, Yadkins, Davie, Alexander, Iredell, Rowan, Lincoln, Catawba, Caldwell, Burke, Rutherford, McDowell, Cleveland, Polk, Henderson, Transylvania, Jackson, Haywood, Swain, Macon, Clay, Graham, and Cherokee Counties, NC, as off-route points; (12) between Wilmington, NC, and Point South, SC, over U.S. Hwy 17, serving all intermediate points, and serving points in New Hanover and Brunswick Counties, NC, and Horry, Williamsburg, Georgetown, Berkeley, Charleston, Colleton, Jasper, and Beaufort Counties, SC, as off-route points; (13) between Charlotte, NC, and Augusta, GA, serving all intermediate points, from Charlotte over U.S. Hwy 74 to junction U.S. Hwy 601, then over U.S. Hwy 601 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Augusta, and return over the same route, serving points in Mecklenburg and Union Counties, NC, and York, Chester, Lancaster, Chesterfield, Fairfield, Kershaw, Lee Sumter, Richland, Lexington, Saluda, Aiken, McCormick, and Barnwell Counties, SC, as off-route points; (14) between Ranger, NC, and Tellico Plains, TN, serving all intermediate points, from Ranger over NC Hwy 294 to junction TN Hwy 123, then over TN Hwy 123 to junction TN Hwy 68, then over TN Hwy 68 to Tellico Plains, and return over the same route, serving points in Cherokee County, NC, as off-route points; (15) between Hillsville, VA, and Myrtle Beach, SC, serving all intermediate points, from Hillsville, over U.S. Hwy 52 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction U.S. Hwy 501, then over U.S. Hwy 501 to Myrtle Beach, SC, and return over the same route, serving points in Carroll County, VA, Surry, Stokes, Yadkin, Forsyth, Guilford, Davie, Davidson, Rowan, Cabarrus, Montgomery, Stanly, Union, Anson, Richmond, and Scotland Counties, NC, and Chesterfield, Marlboro, Darlington, Lee, Florence, Marion, Dillon, and Horry Counties, SC, as off-route; (16) between Gate City, Va, and Columbia, SC, serving all intermediate points, from Gate City over U.S. Hwy 23 to junction U.S. Hwy 321, then over U.S. Hwy 321 to Columbia and return over the same route, serving points in Watauga, Ashe, Avery, Caldwell, Alexander, Burke, Catawba, Lincoln, Gaston, Union, and Mecklenburg Counties, NC, and Cherokee, York, Union, Chester, Lancaster, Newberry, Fairfield, and Richland Counties, SC, as off-route points; (17) between Florence and Camden, SC, serving all intermediate points, from Florence over U.S. Hwy 301 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Camden, and return over the same route, serving points in Florence, Darlington, Lee, Kershaw, and Sumter Counties, SC, as off-route points; (18) between Jonesville, VA, and junction U.S. Hwy 25 and NC Hwy 208, serving all intermediate points, from Jonesville over VA Hwy 70 to junction TN Hwy 70, then over TN Hwy 70 to junction NC Hwy 208, then over NC Hwy 208 to junction U.S. Hwy 25, and return over the same route, serving points in Madison, Yancey, Mitchell, and Haywood Counties, NC, as off-route points; and (19) between Rosman, NC, and Greenville, SC, serving all imtermediate points, from Rosman over U.S. Hwy 178 to junction SC Hwy 8, then over SC Hwy 8 to junction U.S. Hwy 123, then over U.S. Hwy 123 to Greenville, and return over the same route, serving joints in Transylvania, Jackson, Henderson Counties, NC, and Oconee, Pickens, Anderson, and Greenville Counties, SC, as off-route points. Conditions: (1) The regular-route authority granted in this proceeding shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must file a statement providing specific references, by docket and sub-no., to the irregular-route authority it seeks here to convert and must request, in writing, the imposition of restriction on its underlying irregular-route authority precluding service between any two points authorized to be served here pursuant to regular-route authority. The purpose of this application is to convert irregular-route authority to regular route and to eliminate gateways. (Hearing site: Washington, DC; Charlotte, NC.)

Note.—Applicant proposes to tack sought authority with existing authority at common points.

MC 112223 (Sub-131F), filed February 5, 1980. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting *dry edible sugar,* in bulk, in tank vehicles, from Chaska, Crookston, Moorhead, and Renville, MN, and Wahpeton, ND to Battle Creek, MI, Evansville, IN, Lafayette, IN, Chicago and Kankakee, IL. (Hearing site: St. Paul, MN.)

MC 112822 (Sub-481F), filed February 5, 1980. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *alcoholic liquors* and *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors (exept in bulk, in tank vehicles), (1) between Ft. Smith, AR, on the one hand, and, on the other, points in the US (except AK and HI), and (2) between Plainfield, Il, on the one hand, and, on the other, points in WI, IN, MN, MO, KS, OK, CO, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 112893 (Sub-61F), filed January 30, 1980. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *asphalt and asphalt products, in bulk, in tank vehicles,* from Janesville, WI to points in IL on and north to U.S. Highway 136. (Hearing site: Chicago, IL.)

MC 113843 (Sub-279F), filed February 4, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Shells (same address as applicant). Transporting *staples, stapling machines and stapling machine parts,* from East Greenwich, RI, Indianapolis, IN, Lexington, KY, Detroit, Farmington, and Grand Rapids, MI, Minneapolis, MN, Kansas City, Maryland Heights, and St. Louis, MO, and Middleburgh Heights, and Cleveland, OH, restricted to the transportation of traffic originating at the facilities of Bostitch, Division of Textron. (Hearing site: Boston, MA.)

MC 113843 (Sub-280F), filed February 4, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Shells (same address as applicant). Transporting *such commodities* as are dealt in by retail wholesale and food business houses (except commodities in bulk, in tank vehicles), from the facilities of Lever Bros. Co., at or near Chicago, IL, and Hammond, IN, to points in MD, NJ, NY, PA, and RI. (Hearing site: Chicago, IL.)

MC 114273 (Sub-698F), filed January 28, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *foodstuffs,* except in bulk, in tank vehicles from Richmond, VA, to points in PA, MI, NJ, IN, and NY. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

MC 114552 (Sub-248F), filed January 8, 1980. Applicant: SENN TRUCKING COMPANY, A Corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Transporting *nails and wire* between points in Lexington County, SC on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NE, OH, SC, TN, VA, and WV. (Hearing site: Columbia, SC, Atlanta, GA or Washington, DC.)

MC 114552 (Sub-249F), filed January 4, 1980. Applicant: SENN TRUCKING COMPANY, Post Office Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission between port cities in AL, FL, GA, MD, NC, SC, and VA, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Charleston, SC, Savannah, GA, or Jacksonville, FL.)

MC 114632 (Sub-272F), filed January 2, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *paper and paper products,* and *commodities* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between points in AR, IA, KS, MN, MO, NE, OH, OK, TX, and WI, restricted to transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Cincinnati, OH or Chicago, IL.)

MC 114632 (Sub-273F), filed January 4, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *aluminum and aluminum articles,* and *zinc alloy ingots,* from the facilities of Aluminum Smelting & Refining Co., Inc. and Certified Alloys Company at Maple Heights, OH to points in IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, ND, OK, SD, TX and WI. (Hearing site: Cleveland, OH or Washington, DC.)

MC 114632 (Sub-274F), filed January 4, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *advertising matter, periodicals, and equipment, materials and supplies* used in the printing and publishing business, from the facilities of Dayton Press, Inc., at Dayton, OH to points in PA, D.C., MD, CT, MA, NY, NJ, RI, VA, MN, ND, SD, KS, MO, IA, NE and WI. (Hearing site: Dayton, or Columbus, OH.)

MC 114632 (Sub-275F), filed January 4, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *aluminum and aluminum articles, and materials, equipment, and supplies* used in the manufacture and distribution of aluminum and aluminum articles, between points in Yankton County, SD, on the one hand, and, on the other, points in CO, GA, IL, IN, IA, KS, MN, MO, MT, NE, ND, TN, TX, OK, WI and WY. (Hearing site: Sioux Falls, SD or Minneapolis, MN.)

MC116063 (Sub-163F), filed January 2, 1980. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). Transporting *soybean oil,* in bulk, in tank vehicles, from Dallas, TX, to Port Ivory (Staten Island), NY. (Hearing site: Fort Worth or Dallas, TX.)

MC 116763 (Sub-645F), filed February 13, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles, used house furniture, commodities the transportation of which because of size or weight requires the use of special equipment, automobiles, trucks and buses as described in the report in *Descriptions in Motor Carrier Certificates,* 61, MCC 209 and 766, and explosives), between those points in the US in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Allied Foods, Inc. (Hearing site: Atlanta, GA.)

MC 118202 (Sub-150F), filed February 8, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *empty plastic containers,* (1) from Port Clinton, OH to points in IL, IN, IA, KY, MI, MN, MO, NY, ND, PA, SD, TN, and WI; (2) from St. Paul, MN, to Port Clinton, OH. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 119493 (Sub-356F), filed February 8, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *iron and steel articles and materials and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between Sioux City, IA on the one hand, and, on the other, points in IA, IL, IN, KS, MN, and MO. (Hearing site: Sioux City, IA or Omaha, NE.)

MC 119543 (Sub-11F), filed February 15, 1980. Applicant: RICHARD J. MULLANEY, 66 Helena Street, Leominster, MA 01453. Representative: David M. Marshall, 101 State Street Suite 304, Springfield, MA 01103. Transporting *coke,* in bulk, between Swedeland, PA on the one hand, and, on the other, points in ME, NH, VT, MA, CT and RI. (Hearing site: Washington, DC.)

MC 119843 (Sub-10F), filed February 11, 1980. Applicant: ROESCH LINES, INC., 844 E. Ninth Street, San Bernardino, CA 92402. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Transporting *passengers and their baggage* in round-trip charter operations, beginning and ending at points in Los Angeles and San Diego Counties, CA, and extending to points in the US (including AK, but excluding CA and HI). (Hearing site: Los Angeles, CA.)

MC 121473 (Sub-3F), filed January 22, 1980. Applicant: VENCO TRUCKING INC., R. D. #3, Emlenton, PA 16373. Representative: Guy W. Shoup (same address as applicant). Transporting *petroleum products,* in packages, and *empty containers,* between Rouseville and Reno, PA, on the one hand, and, on the other, points in OH and NY. (Hearing site: Pittsburg, PA.)

MC 123993 (Sub-71F), filed January 24, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting *such commodities* as are dealt in by grocery and drug stores (except in bulk), between the facilities of Colgate-Palmolive at or near Kansas City, KS, on the one hand, and, on the other, points in LA. (Hearing site: New Orleans, LA or Dallas, TX.)

Note.—Dual operations may be involved.

MC 124692 (Sub-328F), filed February 8, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting

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lumber and wood products, from the facilities of Potlatch Corporation at or near Couer d'Alene, Jaype, Kamiah, Lewiston, Post Falls, Potlatch, St. Maries, and Santa, ID to points in CA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Boise, ID.)

MC 124813 (Sub-224F), filed February 15, 1980. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *spring steel,* from Detroit, MI, to Omaha, NE. (Hearing site: Omaha, NE or Washington, DC.)

Note.—Dual operations may be involved.

MC 125433 (Sub-375F), filed February 4, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting (1) *building and construction materials* (except in bulk), and (2) *materials* and *supplies* used in the manufacture and distribution of construction materials (except in bulk), between the facilities of The Celotex Corporation a Jim Walter Company at or near Tracy, CA, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR and LA. (Hearing site: Chicago, IL.)

MC 125433 (Sub-376F), filed February 4, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *salt, sand, and fertilizer spreaders,* from the facilities of Highway Equipment Company at or near (a) Cedar Rapids, IA, (b) Lebanon, TN and (c) Oneonta, NY to points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 125433 (Sub-380F), filed February 8, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *plastic film and sheeting,* from points in Los Angeles and Orange Counties, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 125433 (Sub-381F), filed February 11, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *paints, resins, adhesives, and paint material* (except in bulk), from Riverside, CA, to points in the United States (except AK and HI), restricted to the Transportation of traffic originating at the facilities utilized by Devoe & Raynolds Company. (Hearing: Los Angeles, CA.)

MC 125433 (Sub-382F), filed February 11, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting (1) *prefabricated buildings,* knocked down, or in sections, and (2) *equipment, supplies* and *parts* used in the construction, erection and completion of prefabricated buildings (except in bulk in tank vehicles), from Ft. Collins, CO, to points in TX, LA, AR and OK. (Hearing: Denver, CO.)

MC 125433 (Sub-384F), filed February 14, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *outdoor recreational equipment and heating and air conditioning apparatuses* between the facilities of the Coleman Company at or near Wichita, KS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing: Chicago, IL.)

MC 135953 (Sub-16F), filed January 25, 1980. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses* (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at (1) Albert Lea, MN and (2) Marshall, MO, to points in CT, DE, VA, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 136343 (Sub-212F), filed January 28, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick P.O. Box 1166, Harrisburg, PA 17108. Transporting *paper and paper products* from Hamilton and West Carrollton, OH, to points in CT, DE, ME, MD, NA, NH, NJ, NY, NC, PA, RI, VT, VA, WV and DC. (Hearing site: Columbus, OH or Washington, DC.)

Note.—Dual operations may be involved.

MC 136343 (Sub-213F), filed February 8, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, Esq., McNees, Wallace & Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *paper, paper products, and plastic articles,* and *materials, equipment,* and *supplies* used in the manufacture and distribution of all the foregoing commodities (except commodities in bulk in tank vehicles), between points in the United States in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, the facilities of James River Corporation in VA, DE, NJ, MA, ME, and MI, restricted to the transportation of traffic originating at or destined to the facilities of James River Corporation. (Hearing site: Richmond, VA; Washington, DC.)

Note.—Dual operations may be involved.

MC 136553 (Sub-101F), filed February 5, 1980. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *liquid fertilizer,* from Clinton, IA, to points in IL and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 136773 (Sub-8F), filed February 4, 1980. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Rd., Stratford, NJ 08084. Representative: Alan Kahn, 100 South Broad St., Philadelphia, PA 19110. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in PA on and east of U.S. Hwy 15 and on and south of Interstate Hwy 80, points in DE and NJ. (Hearing site: Phildelphia, PA.)

MC 138703 (Sub-5F), filed January 28, 1980. Applicant: BOESDORFER TRUCKING, INC., 117 Church St., Pleasant Plains, IL 62677. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *clay,* in bulk, in dump vehicles, from Springfield, IL, to Muscatine, IA. (Hearing site: St. Louis, MO; Chicago, IL.)

MC 139482 (Sub-172F), filed February 13, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting *televisions, video tape recorders, microwave ovens and parts* and *accessories* for the foregoing commodities, from Franklin Park, IL, to Denver, CO. (Hearing site: Chicago, IL.)

MC 139973 (Sub-81F), filed January 21, 1980. Applicant: J. H. WARE TRUCKING CO., a corporation, P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *electrical applicances,* (2) *equipment and parts* for electrical appliances, and (3) *poleline hardware,* between Greenville, NC and Lumberton, MS, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Chicago, IL.)

MC 140243 (Sub-11F), filed February 15, 1980. Applicant: APPLE HOUSE, INC., 3726 Birney Avenue, Scranton, PA 18505. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting (1) animal and poultry feed, from Limeridge, PA, to Miami, FL, and (2) plastic film sheeting and plastic bags, from Pottsville, PA to points in NC, FL, and GA. (Hearing site: Philadelphia, PA.)

MC 140612 (Sub-81F), filed February 8, 1980. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). Transporting over irregular routes, *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, and those requiring special equipment), between the facilities utilized by the Ardan Co. at points in the United States (except AK and HI). (Hearing site: Des Moines, IA.)

MC 141443 (Sub-57F), filed January 17, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities as are dealt in by wholesale, retail and chain grocery and food business houses,* and *equipment, materials* and *supplies* used in the conduct of such business (except in bulk), between points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI and WY, restricted to the transportation of traffic originating at or destined to the facilities utilized by Safeway Stores, Inc. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 141443 (Sub-58F), filed January 17, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *petroleum products and fuel additives,* (except in bulk), from the facilities of Majestic Lubricating Company at or near Tulsa, OK, to points in AZ, AR, CA, CO, ID, KS, LA, MO, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Tulsa, OK.)

Note.—Dual operations may be involved.

MC 141443 (Sub-59F), filed February 11, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *cheese, cheese products* and *synthetic cheese,* from the facilities of L. D. Schreiber Cheese Co. at or near Logan, UT, to points in CO, ID, MT, OR and WA. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 141533 (Sub-14F), filed February 4, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford NY 10532. Representative: Bruce J. Robbins, 118–21 Queens Boulevard, Forest Hills, NY 11375. Transporting *frozen meats,* from Port Newark, NJ and Philadelphia, PA, to points in IL, IN, WI, MI and Louisville, KY. (Hearing site: New York, NY.)

MC 141742 (Sub-12F), filed February 1, 1980. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Walter H. Walker, III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *lumber and lumber products,* (a) from points in OR, to points in CA and NV; and (b) from points in CA, to points in NV, restricted in (a) and (b) above to the transportation of traffic from the facilities of Bendix Forest Products. (Hearing site: San Francisco, CA.)

MC 142703 (Sub-27F), filed February 15, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, Post Office Box 14072, Cincinnati OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Alexandria, VA on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142743 (Sub-21F), filed February 15, 1980. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *building and roofing materials, and materials, equipment and supplies* used in or incidental to the manufacture, installation and distribution of the foregoing commodities (except commodities in bulk), between points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of GAF Corporation. (Hearing site: Washington, D.C., Atlanta, GA, or Chicago, IL.)

MC 144622 (Sub-142F), filed February 1, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant) and Attorney: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *food stuffs* from the facilities of Land O' Frost at Searcy, AR, to points in AL, AZ, CA, CO, FL, GA, KS, LA, MD, MI, NC, OK, OR, SC, TN, TX, UT, VA, WA, and WV. (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144622 (Sub-146F), filed February 13, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting (1) *cigarette lighters,* (2) *lighter fuels and accessories* for the commodities in (1) above, and (3) *electric applicances,* between Woodbridge, NJ, on the one hand, and, on the other, Reno and Sparks, NV, and points in CA. (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 146293 (Sub-52F), filed February 11, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Serby & Mitchell, P. C., Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting (1) *such merchandise as is dealt in by wholesale, retail, chain grocery stores, food business houses, and agricultural feed business houses, soy products, dry flour paste,* and *dairy products;* (2) *materials, equipment, ingredients and supplies* used in the development, manufacture, distribution, and sale of the commodities in (1), (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company). (Hearing site: St. Louis, MO.)

Note.—Dual operations may be involved.

MC 146753 (Sub-7F), filed February 8, 1980. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995.

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Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *dessert and beverage preparations,* from the facilities of Gel-Sert Company at West Chicago, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 148743 (Sub-2F), filed January 14, 1980. Applicant: JOEY CRAWFORD TRUCKING COMPANY, Rt. 1, Box 366D, Farmington, MO 63640. Representative: Joey Crawford (same address as applicant). Transporting (1) *lime,* in bulk, in dump vehicles, from St. Genevieve, MO, to Carleton, MI, and (2) *dolomite,* in dump vehicles, from Gibsonburg, OH, to Flat River, MO. (Hearing site: St. Louis, MO, or Detroit, MI.)

MC 149353 F filed February 13, 1980. Applicant: D. D.H., INC., P.O. Box 459, Middleburg, FL 32068. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting: *lumber,* from Lake Butler, FL, to points in GA and FL. (Hearing site: Jacksonville, FL.)

MC 149043 (Sub-1F), filed January 31, 1980. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45414. Representative: Andrew Jay Burkholder, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215. Transporting *sugar, corn syrup,* and *fructose, in bulk, in tank vehicles,* between points in NY, NJ, MI, IN, OH, IL and PA. (Hearing site: Columbus, OH.)

MC 149362 F filed February 8, 1980. Applicant: EUREKA VAN & STORAGE COMPANY, INC., P.O. Box 17383, Dulles International Airport, Washington, D.C. 20041. Representative: Dean N. Wolfe, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *household goods as defined by the Commission,* between points in MD, VA, and DC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.).

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Decided: March 28, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

(1) MC 7840 (Sub-26F). Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601.

(2) MC 48441 (Sub-54F). Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364.

(3) MC 73688 (Sub-110F). Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Ave., P.O. Box 7195, Memphis, TN 38107.

(4) MC 78687 (Sub-88F *). Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118.

(5) MC 106920 (Sub-87F). Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869.

(6) MC 115331 (Sub-525F). Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Rd., St. Louis, MO 63122.

(7) MC 119349 (Sub-34F *). Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450.

(8) MC 127303 (Sub-68F). Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326.

(9) MC 136161 (Sub-26F). Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362.

(10) MC 136511 (Sub-96F). Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 23502.

(11) MC 141914 (Sub-66F). Applicant: FRANKS & SON, INC., Route 1, Box 1 8A, Big Cabin, OK 74332.

(12) MC 142873 (Sub-2F *). Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First St., Parsons, WV 26287.

(13) MC 144676 (Sub-4F *). Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666.

(14) MC 145950 (Sub-71F *). Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706.

(15) MC 146573 (Sub-9F). Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354.

(16) MC 146890 (Sub-17F *). Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338.

(17) MC 147451 (Sub-1F *). Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006.

(18) MC 148600 (Sub-1F *). Applicant: TRANSHIELD TRUCKING, INC., 1470 N. Farnsworth Ave., P.O. Box 1617, Aurora, IL 60507.

(19) MC 147452 (Sub-1F *). Applicant: W. D. W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023.

(20) MC 148573 (Sub-2F *). Applicant: SHEA/RUSTIN TRANSPORT CO., a corporation, P.O. Box 93567, Martech Station, Atlanta, GA 30318.

Representative for all applicants above: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. By applications filed October 26, 1979, the 20 above-named carriers are granted authority to transport (1) *glass products, metal products, plastic products, clay and clay products, feld-spar, and talc,* (except commodities in bulk), (2) *molds and machinery* used in the manufacture of glass products, (3) *bottle coating systems,* (4) *parts and accessories* for the commodities in (2) and (3) above, (except commodities in bulk), and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above, (except commodities in bulk), between the facilities of Wheaton Industries, at or near Centralia, IL, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Washington, DC.)

Note.—* Dual operations may be involved.

MC 133085 (Sub-15F), filed November 8, 1979. Applicant: TRENCO, INCORPORATED, 2109 Marydale Ave., P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc,* (except commodities in bulk), (2) *molds and machinery* used in the manufacture of glass products, (3) *bottle coating systems,* (4) *parts and accessories* for the commodities in (2) and (3) above, (except commodities in bulk), and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above, (except commodities in bulk), between the facilities of Wheaton Industries, at or near Centralia, IL, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 148655 (Sub-1F), filed November 8, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *glass products, metal products, plastic products, clay and clay products, feldspar, and talc,* (except commodities in bulk), (2) *molds and machinery* used in the manufacture of glass products, (3) *bottle coating systems,* (4) *parts and accessories* for the commodities in (2) and (3) above, (except commodities in bulk), and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above, (except commodities in bulk), between the facilities of Wheaton Industries, at or near Centralia, IL, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

Volume No. 137

Decided: April 7, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC8973 (Sub-61F) (correction), filed July 17, 1979, published in the **Federal Register**, issue of February 12, 1980, and republished, as corrected, this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *containers; and materials, supplies and equipment* used in the manufacture and distribution of containers (except in bulk) between points in the United States (except AK and HI). (Hearing site: New York, NY.) The purpose of this republication is to correct the commodity and territorial description in part (1). The remainder of the authority remains as previously published.

MC119632 (Sub-105F) (correction), filed August 3, 1979, published in the **Federal Register**, issue of March 5, 1980, and republished as corrected this issue. Applicant: REED, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Ragu Foods, Inc., at Rochester and Manchester, NY, to Milwaukee, WI, and points in IL, MI, OH and PA. (Hearing site: Rochester or Buffalo, NY.) The purpose of this republication is to correctly identify "Milwaukee, MI" as "Milwaukee, WI" which was previously published in error.

MC139482 (Sub-144F) (correction), filed August 6, 1979, published in the **Federal Register**, issue of March 5, 1980, and republished, as corrected, this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting (1) *mechanical construction forms,* and (2) *equipment and supplies* used in the manufacture of the commodities in (1) above, between points in WI, MN, ND, SD and IA. (Hearing site: Minneapolis or St. Paul, MN.) The purpose of this republication is to correct the territorial description.

MC145433 (Sub-1F) (correction), filed August 27, 1979, published in the **Federal Register**, issue of February 28, 1980, and republished, as corrected, this issue. Applicant: COLORADO STEEL & WIRE TRANSPORTATION CO., INC., Route 1, Box 161C, Eaton, CO 80615. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Contract carrier,* transporting (1) *steel fence posts, rebars, barbed bailing wire, angles, smooth bars, T-bar stock, fence, nails and welded fabric,* from the facilities of Colorado Steel and Wire Company, at or near Loveland, CO, to points in IN and MO, and (2) materials used in the manufacture of the commodities named in (1) above, in the reverse direction, under continuing contract(s) with Colorado Steel and Wire Company, of Loveland, CO. Condition: Issuance of a permit in this proceeding is subject to the prior or coincidental cancellation, at the written request of applicant and the other partners owning Transport Steel, of permit MC140517. (Hearing site: Denver, CO.) The purpose of this republication is to correct the commodity description in Part (1) above.

MC146643 (Sub-12F), filed August 6, 1979, and published in the **Federal Register**, issue of March 5, 1980, as (Sub-1F) and republished as corrected this issue. Applicant: DAVID GREECH TRANSPORTATION SYSTEMS, INC., 3202 State Street, South Chicago Heights, IL 60411. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. The purpose of this republication is to correctly identify the correct Sub No. assigned to this application which is (Sub-12F) in lieu of (Sub-1F) which was previously published in error. The request of authority remains the same as published.

MC 146953 (Sub-1F), filed May 23, 1979, and published in **Federal Register** issue of December 6, 1979, and republished as corrected this issue. Applicant: MONROE FUGATE, d.b.a. H & M CARTAGE, 17151 South Overhill, Tinley Park, IL 60477. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract carrier* transporting (1) *plastic articles and chemicals* (except in bulk), from the facilities of Arco-Polymers, Inc., at or near (a) Chicago, IL, (b) Port Arthur, TX, (c) Beaver Valley, PA, and (d) Youngstown, OH, to points in AR, IA, IL, IN, KY, MI, MO, OH, PA, TX, and WI, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) with Arco-Polymers, Inc., of Chicago, IL. (Hearing site: Chicago, IL.) The purpose of this republication is to show (1) "contract carrier authority" in lieu of "common carrier authority", and (2) the correct commodity description in part (1).

Volume No. 138

Decided: April 7, 1980.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill.

MC 133233 (Sub-73F), filed September 12, 1979, and published in the **Federal Register** issue of March 11, 1980 as (Sub-4F), and republished as corrected this issue. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, I–80 and Highway 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 63137. The purpose of this republication is to correctly identify the Correct Sub. No. assigned to this application which is (Sub-73F) in lieu of (Sub-4F) which was previously published in error. The request of authority remains the same as published.

MC 139482 (Sub-150F), filed August 2, 1979, and published in the **Federal Register** issue of March 5, 1980, and republished as corrected this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *bakery products* (except frozen), from Marietta, OK, to points in (a) Fresno, Sacramento, and Vacabille, CA; (b) Hartford, CT; (c) Denver, CO; (d) Cedar Rapids, IA; (e) Boise and Pocatello, ID; (f) Lawrence, MA; (g) Baltimore, MD; (h) Minneapolis, MN, and its commercial zone; (i) Winston Salem, NC; (j) Fargo and Minot, ND; (k) Grand Island, NE; (l) Akron and Cleveland, OH; (m) Pittsburgh, PA; (n) Pawtucket, RI; (o) Bristol and Richmond, VA; (p) Salt Lake City, UT; (q) Tacoma, WA; and (r) Milwaukee, WI. (Hearing site: Minneapolis or St. Paul, MN.) The purpose of this republication is to show the correct destination to read "(d) Cedar Rapids, IA" in lieu of "(d) Cedar Rapids, LA" published in error.

MC 141532 (Sub-46F) (correction), filed September 24, 1979, published in the **Federal Register**, issue of March 18, 1980 and republished, as corrected this issue. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *aluminum and aluminum products,* from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV to points in AZ, CA, CO, KS, OR, TX, and WA; and (2)(a) *titanium and titanium products,* and (2)(b) *materials and supplies* used in the production of the commodities in (2)(a) above (except commodities in bulk), between Toronto, OH, and Henderson, NV, restricted to the transportation of traffic originating at or destined to facilities of Titanium Metals

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Corp. of America. (Hearing site: Las Vegas, NV.)

Note.—The purpose of this republication is to correct the commodity description and territorial description.

MC 144672 (Sub-18F) (correction), filed August 27, 1979, published in the **Federal Register**, issue of March 5, 1980, and republished, as corrected, this issue. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper, paper products, pulp and plastic products (except in bulk), between Kalamazoo, MI, Edgely, PA, and Berlin and Gorham, NH, on the one hand and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Brown Company. (Hearing site: Kalamazoo, MI.) The purpose of this republication is to correct the territorial description and the restriction.

Note.—Dual operations may be involved.

MC 147463F (correction), filed June 20, 1979, published in the **Federal Register**, issue of January 15, 1980, and republished, as corrected, this issue. Applicant: R. M. GUINTHER, INC., R.D. No. 3, Box 81, Boyertown, PA 19512. Representative: John W. Dry, Esquire, 541 Penn Street, Reading, PA 19601. Transporting *specialty chemicals and metals*, between the facilities of Kawecki-Berylco Industries, a division of Cabot Corporation, in Colebrookdale Township, Berks County, and Douglas Township, Montomery County, PA, and in CT, DE, IN, MD, NJ, NY and OH. (Hearing site: Philadelphia, PA or Washington, DC.) The purpose of this republication is to correct the territorial description.

MC 147983 (Sub-2F) (correction), filed August 30, 1979, published in the **Federal Register**, issue of March 5, 1980, and republished, as corrected, this issue. Applicant: MIAMI TRUCKING, INC., 585 East Fifth Street, Peru, IN 46970. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. Transporting (1) *raw materials for processing or mixing into dry fertilizer*, and (2) *fertilizer*, dry, between points in IN on the one hand, and, on the other, points in OH on and west of U.S. Hwy 75, and between points in IN and points in IL in Cook, Will, Kankakee, Iroquois, Vermilion, Edgar, Clark, Crawford, Lawrence, Wabash, Edwards, White and Gallatin Counties. (Hearing site: Chicago, IL or Washington, DC.) The purpose of this republication is to correct the authority by removing the restriction "restricted to service for Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc."

Volume No. 141

Decided: April 7, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.

MC 72423 (Sub-9F) (correction), filed September 6, 1979, published in the **Federal Register** issue of March 5, 1980, and republished as corrected this issue. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut St., Sterling, CO 80751. Representative: Raymone M. Kelley, 450 Capitol Life Center, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sterling, CO and Ogallala, NE, from Sterling over U.S. Hwy 6, to Holyoke, CO, then over CO Hwy 176 to junction NE Hwy 23, then over NE Hwy 23 to Grant, NE, and then over NE Hwy 61 to Ogallala, and return over the same route, serving all intermediate points. (Hearing site: Denver, CO or Ogallala, NE.) The purpose of this republication is to add applicant's intention to tack and interline.

Note.—Applicant indicates intention to tack with existing authority, and interline with other carriers at Sterling and Holyoke, CO, and Ogallala, NE.

MC 107162 (Sub-55F) (correction), filed August 13, 1979, published in the **Federal Register**, issue of February 26, 1980, and republished, as corrected, this issue. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting (1) *lumber and lumber products*, from Bangor, WI, to points in Nassau County, NY, (2) *lumber* from Camden, NJ, Norfolk, VA, Charleston, SC, and New Orleans, LA to points in IA, IL, IN, MI, MN, OH and WI, and (3) *building and insulating materials* (except iron and steel articles and commodities in bulk) from the facilities of the CertainTeed Corporation in Scott County, MN, to points in WI and the Upper Peninsula of MI. (Hearing site: Chicago, IL or Detroit, MI.) The purpose of this republication is to correct the commodity description in Part (3). The remainder of the authority remains as previously published.QQ02

Note.—Dual operations may be involved.

MC 121332 (Sub-3F), filed September 17, 1979, and published in the **Federal Register** issue of March 5, 1980, as MC 121322 (Sub-3F), and republished as corrected this issue. Applicant: STEVE J. DUNNE CARTAGE, INC., 1800 South Wolf Road, Des Plaines, IL 60018. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. The purpose of this republication is to correctly identify the applicant's MC number to read MC 121332 in lieu of MC 121322 which was previously published in error. The request of authority remains the same as published.

MC 139482 (Sub-145F) (correction), filed August 20, 1979, published in the **Federal Register**, issue of February 26, 1980, and republished, as corrected, this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877 New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting (1) *such commodities* as is dealt in by grocery and food business houses and agricultural feed business houses; soy products; paste, flour products; dairy based products and (2) *materials, ingredients, equipment and supplies* used in the manufacture, distribution and sale of the products in (1) above (except commodities in bulk), between points in the US (except AK and HI), restricted to shipments originating at or destined to facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO.) The purpose of this republication is to correct the commodity in part (1).

MC 141652 (Sub-36F), filed September 13, 1979, and published as MC 141652 Sub 361F in the FR issue of March 18, 1980, and republished as corrected this issue. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39207. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. The purpose of this republication is to correctly identify the correct Sub No. assigned to this application which is Sub 36F in lieu of Sub 361F previously published in error. The request of authority remains the same as published.

MC 143032 (Sub-29F), filed September 18, 1979, and published as MC 143032 Sub 279F in the FR issue of March 5, 1980, and republished as corrected this issue. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. The purpose of this republication is to correctly identify the correct Sub No. assigned to this application which is Sub 29F in lieu of Sub 297F previously published in error. The request of authority remains the same as published.

MC 147423F, filed May 24, 1979, and published in the FR issue of October 23, 1979, and republished as amended this issue. Applicant: BOND TRANSFER, INC., 1831 Mills Avenue, P.O. Box 10756, El Paso, TX 79997. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., 807 Brazos Street, Austin, TX 78701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between El Paso, TX, on the one hand, and, on the other, points in Grant, Hidalgo, Luna, Dona Ana, Otero, Lincoln, Chaves, Eddy, and Lea Counties, NM. (Hearing site: El Paso, TX.) The purpose of this republication is to remove the restriction which was previously published.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11112 Filed 4-14-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Committee on Apprenticeship; Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given of an open meeting of the Subcommittee on Equal Apprenticeship Opportunity to be held on April 29, 1980, at the Department of Labor Building, Room N-5437, 200 Constitution Avenue, NW, Washington, D.C. The meeting will be in session from 1:30 p.m. until 3:30 p.m. approximately.

The agenda for the meeting includes:

1. a. BAT Overview of the regulations on "Nondiscrimination on the Basis of Handicap"

b. The Handicap Issue and Affirmative Action—BAT/Women's Bureau Report

2. Establish liaison procedure to review all related regulations in advance so that the Committee will be in a preactor rather than reactor position to coordinate this information and set up guidelines.

3. Status Report on Promotional Activity—The Public Service Announcement Campaign.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

If time permits, members may be permitted to address the Subcommittee on the above issues.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary shoud be addressed as follows: Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D Street, N.W. (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 10th day of April 1980.

Ernest G. Green,
Assistant Secretary for Employment and Training Administration.

[FR Doc. 80-11348 Filed 4-14-80; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-32-M]

Grand Rapids Gypsum Co.; Petition for Modification of Application of Mandatory Safety Standard

Grand Rapids Gypsum Company, P.O. Box 2475, Grand Rapids, Michigan 49501, has filed a petition to modify the application of 30 CFR 57.4-52 (underground use of gasoline) to its mine located in Kent County, Michigan. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner's mine is non-gaseous and incline entries are concrete lined, with alternate access at mid point 50 feet above lower level and 50 feet below portal level.

2. Petitioner is operating a pickup truck using non-leaded gasoline with an E.P.A. approved catalytic convertor for access to the mine shop, to and from the mine and for occasional engineering use.

3. Petitioner's mine has only one mine opening that will accommodate this truck.

4. Petitioner states that a modification of the standard to allow the use of only this one mine opening will not result in a diminution of safety for the miners affected because:

a. Loading and unloading as well as engineering work will be performed with the engine off,

b. Noxious fume emissions are eliminated because of the use of no-lead fuel and the catalytic converter,

c. The fuel tank is well protected from any possible contact from wall abrasion, and

d. The mine is all horizontal except for a 25% grade incline access which is the mine ventilation exhaust portal. Any rollover chances are minimal.

5. Further, petitioner states that in the event of a mine emergency, immediate access by this highway-type vehicle would greatly improve medical response or other needed assistance.

6. For the reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 4, 1980.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11349 Filed 4-14-80; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-35-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.21-78 (permissible equipment) to its mine located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. Under normal operating conditions, the mine is ventilated by an 8-foot diameter, 300 HP main fan. A standby fan will be installed at the surface.

2. As an alternative to installation of a permissible standby fan, petitioner proposes to install a 200 HP Jetair Model P-4150-B, two-state axial fan, which is driven by an inline totally enclosed motor (460V, 3 phase). This fan will be installed at the surface, and will be protected by a methane monitor in the ventilation air exhaust stream. The

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monitor would shut down the fan in the event dangerous quantities (1.0 percent or more) of methane are present in the air current.

3. Because of the relatively limited extent of the planned mine, as well as the very localized and low concentrations of methane encountered in its mine development, petitioner maintains that even the lower air capacity of the proposed standby fan will exceed the requirements for methane dilution.

4. In the event the standby fan stops, the petitioner would promptly de-energize all electrical power to the mine.

5. The petitioner states that this alternative method of operation will provide the same measure of protection to the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 4, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11350 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-23-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.6-142 (explosives loading) to its mine located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner wishes to place approximately 1,000 pounds of water gel explosives at the bottom of several deep blastholes in order to fragment oil shale by a method similar to vertical crater retreat blasting.

2. The blastholes will be approximately 10 inches in diameter, 400 to 800 feet deep, and will be drilled from the surface.

3. As an alternative method, petitioner proposes to load these explosives through a wireline dump boiler, a cannister of approximately the capacity of the charge, the lower end of which opens on set-down to release the charge.

4. In the event the explosive is not discharged from the cannister at the bottom of the blasthole, that fact would be immediately apparent from the weight of the wireline. Attempts to activate the cannister dump could then be repeated. If such attempts failed, the charge could be raised to the surface in the cannister with no greater hazard than that initially associated with lowering it into position.

5. With the cannister being suspended by wireline, no opportunity exists for forced rotation to build up heat.

6. Petitioner contends that the alternative method proposed is the safest one that can be devised for the emplacement of these quantities of explosives at the bottom of deep vertical blastholes.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 4, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11351 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-22-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Appliction of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.21-24 (ventilation failure or stoppage) to its mine located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Under normal operating conditions, the mine is ventilated by an eight foot diameter, 300 HP main fan.

2. As an alternative method which will at all times guarantee the safety of the miners affected, petitioner proposes to:

a. Install a smaller 200 HP standby fan to be operated on the surface in compliance with applicable gassy mine standards in the event of stoppage of the main fan,

b. Withdraw all persons from the affected active workings and/or the mine in the event the main fan stops,

c. Leave electrical power to the mine pumps, which are located upstream with respect to the direction of mine air flow. This is to prevent the mine from flooding in the event the main fan stops while the standby fan is started, even though a methane excursion above 1.0 percent may occur downstream of the pumps.

d. Deenergize all electrical power to the mine if a 1.0 percent concentration of methane in the air is measured at the pumps.

e. Resume work in the mine after ventilation has been reestablished by the standby fan only in areas where a detailed ventilation survey shows that methane concentration is below 1.0 percent.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 4, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11352 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-35-C]

T & H Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

T & H Coal Company, Inc., Route 1, Box 88, Jackhorn, Kentucky 41825 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 2 Mine located in Knott County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner is mining a coal seam ranging from 28" to 36" in height.

2. The installation of lighting fixtures to the miner's equipment would result in a diminution of safety for the miners affected because:

a. The height of the coal seam keeps the miners bent to such a position that the light from this equipment would shine directly in the miners' eyes, causing temporary blindness; and,

b. The equipment was not originally built for the installation of lights.

3. For these reasons, petitioner requests a modification of the standard for the mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 4, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11353 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-15-C]

P-G & H, Inc.; Petition for Modification of Application of Mandatory Safety Standard

P-G and H, Inc., P.O. Box 39, Dry Branch, West Virginia 25061, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 5 Mine located in Kanawha County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner is mining a coal seam ranging from 31 to 45 inches thick, with fragile roof, soft bottom and sharp localized undulations.

2. Petitioner states use of currently available illumination equipment for its electric face equipment would result in a diminution of safety to miners for the following reasons:

a. Illumination equipment would be sheared off the tops and sides of the mine's face machines because of the low seam height and narrow entries.

b. Glare problems from illumination equipment prevents the use of the miners' cap lamps for communications and control of the face activities.

c. Small changes in working height cause glare and increase fatigue to the miners.

3. For these reasons, petitioner requests a modification from application of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 14, 1980.

Frank A. White,

Director, Office of Standards Regulations and Variances.

[FR Doc. 80-11354 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-39-M]

Exxon Minerals Co., U.S.A.; Petition for Modification of Application of Mandatory Safety Standard

Exxon Minerals Company, U.S.A., P.O. Box 3020, Casper, Wyoming 82602, has filed a petition to modify the application of 30 CFR 57.11-55 (emergency hoisting facility) to its Highland Uranium Operation, Buffalo Shaft, located in Converse County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. There is a secondary escape hoist system permanently located at the ventilation intake shaft from which the employees would be hoisted from the mine.

2. Petitioner proposes to construct an additional means of escape in the form of a portable hoisting system that will be designed to hoist employees through any of the four exhaust ventilation boreholes connecting with the underground working.

3. This proposed emergency escape system will be used for hoisting employees only in the event of a disaster and during required monthly tests.

4. Petitioner states that this proposed emergency escape system would decrease the possibilities of employees becoming trapped in the mine should a disaster block access to the other two escape systems.

5. Petitioner states that this proposed hoisting system would increase the safety of the underground workers beyond that required by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 15, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11355 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-30-M]

Riverside Cement Co.; Petition for Modification of Application of Mandatory Safety Standard; Correction

In 45 FR 8755 (February 8, 1980) the Mine Safety and Health Administration published notice that the Riverside Cement Company had submitted a petition for modification of 30 CFR 55.13-20 for its Crestmore mine located at Riverside, California.

In that notice, the Riverside Cement Company's Oro Grande mine located at Oro Grande, California was omitted. This notice is to add that mine as a location at which the company has applied for a modification.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-11356 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries or certifications of eligibility to apply for worker adjustment assistance issued during the period March 31-April 4th, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA-W-6912; Berman's, the Leather Experts, Leather Goods Factory, Minneapolis, Minnesota

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers at Berman's, The Leather Experts, Leather Goods Factory, Minneapolis, Minnesota. The workers produced men's and women's leather apparel and leather accessories.

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U.S. imports of leather apparel increased absolutely in each year from 1975 through 1978 before decreasing in 1979. U.S. imports of flat goods including leather accessories increased absolutely in 1979 compared to 1978.

Company imports of leather apparel increased significantly in 1979 compared to 1978. Berman's, The Leather Experts permanently closed its Leather Goods Factory at the end of December 1979.

In this case, therefore, the certifying officer has determined that:

All workers at Berman's, The Leather Experts, Leather Goods Factory, Minneapolis, Minnesota who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7186; Chrysler Corporation, Dayton Plant I, Dayton, Ohio

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at the Dayton Plant I of Chrysler Corporation, Dayton, Ohio. The workers produce heaters and air conditioner components for cars and trucks.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

The Department determined that the Dayton Plant I of Chrysler Corporation was substantially integrated into the production of one or more of the Chrysler car and truck lines which have been subject to import injury. A significant proportion of the total output of the Dayton Plant I was ultimately used in the production of trade-impacted Chrysler cars and trucks during the MY 1978–MY 1979 period.

In this case, therefore, the certifying officer has determined that:

All workers of the Dayton Plant I of Chrysler Corporation, Dayton, Ohio, who became totally or partially separated from employment on or after February 6, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6891; Connie Sportswear, Incorporated; Elizabeth, New Jersey

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Connie Sportswear, Incorporated of Elizabeth, New Jersey. The workers produce men's leather coats.

U.S. imports of men's and boys' leather coats and jackets increased in the January-September period of 1979 compared with same period of 1978.

Connie Sportswear, Incorporated is a garment contractor producing men's leather coats for manufacturers. A survey of the manufacturers of Connie Sportswear revealed that these manufacturers decreased their purchases from Connie Sportswear in 1979 compared with 1978 and had decreasing sales of men's leather coats. A survey of customers of the manufacturers revealed that several customers decreased purchases from the manufacturers and increased purchases of imported leather coats in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that "All workers of Connie Sportswear, Incorporated, Elizabeth, New Jersey who became totally or partially separated from employment on or after July 2, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

(TA–W–6904); Kolo, Incorporated, North Bergen, New Jersey

(TA–W–6904–A); Sally Gee, Incorporated, Ridgefield, New Jersey

The investigation was initiated on February 1, 1980 in response to a petition which was filed on behalf of workers at Kolo, Incorporated, North Bergen, New Jersey. The investigation was subsequently expanded to include workers at Sally Gee, Incorporated, Ridgefield, New Jersey. The workers at both firms produce women's sportswear.

Kolo, Incorporated is a prime contractor for Sally Gee, Incorporated.

In a survey conducted by the Department of Commerce, customers accounting for a significant portion of Sally Gee, Incorporated's sales declines indicated that they had decreased purchases from Sally Gee, Incorporated and increased purchases of imports. The Department of Commerce on September 7, 1979 certified Sally Gee, Incorporated, and Kolo, Incorporated eligible to apply for firm adjustment assistance.

In this case, therefore, the certifying officer has determined that:

All workers of Kolo, Incorporated, North Bergen, New Jersey (TA–W–6904) and Sally Gee, Incorporated, Ridgefield, New Jersey (TA–W–6904–A) who became totally or partially separated from employment on or after May 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6893; Northland Dodge Sales, Incorporated, St. Louis, Missouri

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Northland Dodge Sales, Incorporated, St. Louis, Missouri. The workers were engaged in the sale and servicing of Dodge cars and trucks.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

The Department determined that Northland Dodge Sales, Incorporated, a wholly-owned subsidiary of Chrysler Corporation, was substantially integrated into the production of one or more of the Chrysler car and truck lines which have been subject to import injury. Northland Dodge Sales, Incorporated was exclusively engaged in the sale and servicing of Dodge cars and trucks during the 1978–1979 period. Sales of trade-impacted cars and trucks accounted for a significant proportion of the total sales of Northland Dodge Sales, Incorporated in both 1978 and 1979. Production of trade-impacted Dodge cars and trucks at seven Chrysler Corporation assembly plants declined significantly from MY 1978 to MY 1979. Certifications were issued on behalf of workers at all seven of these plants on November 6, 1979 (TA–W–5979–83, 6037–38). In this case, therefore, the certifying officer was determined that:

All workers of Northland Dodge Sales, Incorporated, St. Louis, Missouri, who became totally or partially separated from employment on or after October 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6906; Seiberling Tire and Rubber Company, Barberton, Ohio

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Barberton, Ohio plant of the Seiberling Tire and Rubber Company. The workers at the Barberton plant produce passenger car and truck tires.

U.S. imports of both passenger car and truck tires increased absolutely and relative to domestic production in 1979 compared with 1978.

The Department surveyed major customers and a random sample of the smaller customers of Seiberling. The survey revealed that some customers increased purchases of imported passenger car or truck tires and decreased purchases from Seiberling in 1979 compared with 1978. The survey further indicated that the reliance on imports by customers of Seiberling was substantially above the industry-wide level and had increased for both passenger car and truck tires in 1978 and 1979.

In this case, therefore, the certifying officer has determined that "All workers of the Barberton, Ohio plant of the Seiberling Tire and Rubber Company who became totally or partially separated from employment on or after May 20, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

TA–W–6808; Shutzer Manufacturing Company, Incorporated, Lawrence, Massachusetts

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at the Lawrence, Massachusetts plant of Shutzer Manufacturing Company, Incorporated. The workers produce men's leather coats.

U.S. imports of men's and boys' leather coats and jackets increased absolutely in the first three quarters of 1979 compared with the same period of 1978.

A Department survey revealed that several customers of Shutzer, accounting for a significant proportion of company sales, reduced purchases from the company in 1979 from 1978 and increased their purchases of imported leather coats.

In this case, therefore, the certifying officer has determined that "All workers of Shutzer Manufacturing Company, Incorporated, Lawrence, Massachusetts who became totally or partially separated from employment on or after February 21, 1980 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

TA–W–6810; Star Sportswear Manufacturing Corporation, Lynn, Massachusetts

The investigation was initiated on January 18, 1980 in response to a petition which was filed on behalf of workers at Star Sportswear Manufacturing Corporation, Lynn, Massachusetts. The workers produce men's leather coats.

U.S. imports of leather coats and jackets increased absolutely and relative to domestic production in 1978 compared to 1977. The ratio of imports to domestic production has been over 50 percent in each year from 1975 through 1979.

A Department survey revealed that customers representing a significant percentage of total company sales in 1978 reduced their purchases of men's leather coats from the subject firm in 1979 compared to 1978 while increasing their reliance on men's leather coats from foreign sources. As a percentage of total demand for leather coats by the responding customers, imports increased from 1978 to 1979.

In this case, therefore, the certifying officer has determined that "All workers of Star Sportswear Manufacturing Corporation, who became totally or partially separated from employment on or after September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of March 31–April 4th, 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11117 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-28-M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period March 31–April 4th, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–7245; Adriana Coat, Incorporated, Jersey City, New Jersey

The investigation was initiated on March 3, 1980, in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Adriana Coat, Incorporated, Jersey City, New Jersey. The workers produced ladies' coats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses', and children's coats and jackets decreased absolutely in 1979 compared with 1978.

Manufacturers for whom Adriana Coat, Incorporated, performed contract work in 1979 did not import ladies' wool coats in 1979. Gross sales by the manufacturers increased in January–October 1979 compared to the like period in 1978. The manufacturers increased their orders of ladies' wool coats with Adriana Coat, Incorporated in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that all workers at Adriana Coat, Incorporated, Jersey City, New Jersey, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6911; Allied Products Corporation, South Bend Stamping Division, South Bend, Indiana

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers at the South Bend Stamping Division, South Bend, Indiana, of Allied Products Corporation. Workers at the plant produce automotive body stampings.

The investigation revealed that criterion (3) has not been met.

According to industry sources, U.S. imports of motor vehicle body stampings are negligible, both absolutely and by comparison to the domestic market.

After careful review, I determine that all workers of the South Bend Stamping Division, South Bend, Indiana, of Allied Products Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

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TA-W-7153; Bohme and Blinkmann, Inc., Cleveland, Ohio

The investigation was initiated on February 19, 1980, in response to a petition which was filed by the Cleveland Typographical Union on behalf of workers at Bohme and Blinkmann, Inc., Cleveland, Ohio. The workers at Bohme and Blinkmann, Inc. are engaged in typesetting operations.

The investigation revealed that workers of Bohme and Blinkmann, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Bohme and Blinkmann, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Bohme and Blinkmann, Inc. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in typesetting operations at Bohme and Blinkmann, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by Bohme and Blinkmann, Inc. all employee benefits are provided and maintained by Bohme and Blinkmann, Inc. Workers are not, at any time, under employment or supervison by customers of Bohme and Blinkmann, Inc. Thus, Bohme and Blinkmann, Inc. and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Bohme and Blinkmann, Inc., Cleveland, Ohio are denied eligiblity to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7251; The Cementation Company of America, Incorporated, Eccles, West Virginia

The investigation was initiated on March 3, 1980, in response to a petition which was filed by the United Mine Workers or America on behalf of workers at The Cementation Company of America, Incorporated, Eccles, West Virginia. The workers at the Cementation Company of America, Incorporated are engaged in providing the service of shaft and slope construction for coal companies.

The investigation revealed that workers of The Cementation Company of America, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to The Cementation Company of America, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports. The Cementation Company of America, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company producing an article.

All workers engaged in shaft and slope construction work at The Cementation Company of America, Incorporated are employed by that firm. All personnel actions and payroll transaction are controlled by The Cementation Company of America, Incorporated. All employee benefits are provided and maintained by The Cementation Company of America, Incorporated. Workers are not, at any time, under employment or supervision by customers of The Cementation Company of America, Incorporated. Thus, The Cementation Company of America, Incorporated and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of The Cementation Company of America, Incorporated, Eccles, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7106; Charisse Fashions, Incorporated, New Hyde Park, New York

The investigation was initiated on February 13, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Charisse Fashions, Incorporated, New Hyde Park, New York. The workers produce women's coats and jackets.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's coats and jackets declined absolutely in 1979 compared with 1978.

Sales of women's coats and jackets by Charisse Fashions, Incorporated, New Hyde Park, New York increased in 1978 compared with 1977 and in 1979 compared with 1978. Sales increased in each quarter of 1979 compared to the like quarter of 1978. Monthly and quarterly declines within the period were the result of normal seasonal business fluctuations.

In this case, therefore, the certifying officer has determined that all workers of Charisse Fashions, Incorporated, New Hyde Park, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7126; Commercial Carriers, Incorporated, Atlanta, Georgia

The investigation was initiated on February 19, 1980 in response to a worker petition which was filed on behalf of workers at Commercial Carriers, Inc., Atlanta, Georgia. The workers at Commercial Carriers, Inc. are engaged in providing the service of transporting automobiles and trucks.

The investigation revealed that workers of Commercial Carriers, Inc. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Commercial Carriers, Inc. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Commercial Carriers, Inc. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with another company producing automobiles or trucks.

All workers engaged in transporting automobiles and trucks at Commercial Carriers, Inc. are employed by that firm. All personnel actions and payroll transactions are controlled by Commercial Carriers, Inc. Workers are not, at any time, under employment or supervision by customers of Commercial Carriers, Inc. Thus, Commercial Carriers, Inc. and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determine that all workers of Commercial Carriers, Inc. are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6872; Dowling Bag Company, Incorporated; Valdosta, Georgia

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at the Valdosta, Georgia plant of Dowling Bag Company, Incorporated. The workers at the Valdosta plant produce paper, burlap, open mesh and woven polypropylene fabric bags.

The investigation revealed that with respect to workers engaged in employment related to paper bag production, criterion (2) has not been met.

Sales and production of paper bags at the Valdosta, Georgia plant of Dowling Bag Company increased in 1979 compared to 1978 and in January 1980 compared to January 1979.

With respect to workers engaged in employment related to textile bag production (burlap, open mesh and woven polypropylene), criterion (3) has not been met.

The decline in textile bag sales at Dowling in 1979 compared to 1978 was attributable to declining burlap and woven polypropylene bag sales. Open mesh bag sales increased from 1978 to 1979 and in January 1980 compared to January 1979.

Industry sources reported that in the second half of 1979 there was a shortage of the principle raw material used in woven polypropylene bag production. This shortage was caused by a temporary reduction in production capacity in a plant of the raw material producer.

Woven polypropylene fabric bags are included in the category of bags of man made fibers. U.S. imports of bags of man made fibers declined both absolutely and relative to domestic production in 1979 compared to 1978. The ratio of U.S. imports of bags of man made fibers to domestic production was one percent or less in every year from 1975 through 1979. U.S. exports of bags of man made fibers were more than twice as much as imports in every year from 1975 through 1979.

U.S. imports of burlap bags declined absolutely in 1979 compared to 1978.

The Office of Trade Adjustment Assistance conducted a survey of Dowling's burlap bag customers. None of the customers responding to the survey purchased imported burlap bags in 1979 or January 1980.

In this case, therefore, the certifying officer has determined that all workers of the Valdosta, Georgia plant of Dowling Bag Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7271; Falcon Air, Incorporated, Flint, Michigan

The investigation was inititated on February 26, 1980 in response to a petition which was filed on behalf of workers at Falcon Air, Incorporated, Flint, Michigan. The workers at Falcon Air, Incorporated, Flint, Michigan are engaged in providing the service of transporting auto parts by air on a nationwide basis.

The investigation revealed that workers of Falcon Air, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Falcon Air, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Falcon Air, Incorporated and its customers have no controlling interest in one another. The subject firm shares common ownership with another firm engaged in air transport services.

All workers engaged in transporting auto products at Falcon Air, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Falcon Air, Incorporated. All employee benefits are provided and maintained by Falcon Air, Incorporated. Workers are not, at any time, under employment or supervision by customers of Falcon Air, Incorporated. Thus, Falcon Air, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Falcon Air, Incorporated, Flint, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6860; Federal Screw Works, Detroit, Michigan; Romulus, Michigan

The investigation was initiated on January 28, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Detroit, Michigan (Plant #1) and Romulus, Michigan plants (Plants #3 and #4) of Federal Screw Works. Workers at the Detroit, Michigan and Romulus, Michigan plants of Federal Screw Works produce specialty nuts and bolts and steel stock for nuts and bolts.

Investigation revealed that criterion 3 has not been met.

U.S. imports of specialty fasteners, including specialty nuts and bolts, were negligible in 1978 and 1979. Total U.S. imports of nuts and bolts and large screws decreased both absolutely and relative to domestic production in 1979 compared to 1978.

The Department's survey of customers representing over 95 percent of the subject firm's sales in 1978 and 1979 indicated that these customers' purchases of imported specialty nuts and bolts represented less than one-half of one percent of total purchases in 1978 and 1979.

In this case, therefore, the certifying officer has determined that all workers of the Detroit, Michigan (Plant #1) and Romulus, Michigan plants (Plants #3 and #4) of Federal Screw Works are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6873; FMC Corporation, Industrial Chemical Group, South Charleston, West Virginia

The investigation was initiated on January 30, 1980 in response to a petition which was filed by the United Steel Workers of American on behalf of workers at FMC Corporation, Industrial Chemical Group, South Charleston, West Virginia. The workers produce primarily chlorine, caustic soda, hydrogen peroxide, carbon bisulfide, and carbon tetrachloride.

The investigation revealed that criterion (3) has not been met.

U.S. imports of chlorine, carbon bisulfide and carbon tetrachloride have been less than 1.9 percent of domestic production in the years 1977 through 1978. Imports of caustic soda decreased in 1979 compared to 1978. Imports of carbon tetrachloride decreased absolutely in 1979 compared to 1978.

Combined sales and production, in quantity, of all chemicals produced at the South Charleston facilities increased in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of the South Charleston, West Virginia plants of FMC Corporation, Industrial Chemcial Group are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7262; Fred A. Groves Motor Company, Cape Girardeau, Missouri

The investigation was initiated on March 3, 1980, in response to a petition filed on behalf of workers at Fred A. Groves Motor Company, Incorporated, Cape Girardeau, Missouri. The workers at Fred A. Groves Motor Company,

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Incorporated are engaged in providing the service of selling new and used cars.

The investigation revealed that workers of Fred A. Groves Motor Company, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Fred A. Groves Motor Company, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Fred A. Groves Motor Company Company, Incorporated and its suppliers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in selling new and used automobiles at Fred A. Groves Motor Company, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Fred A. Groves Motor Company, Incorporated. All employee benefits are provided and maintained by Fred A. Groves Motor Company, Incorporated. Workers are not, at any time, under employment or supervision by suppliers of Fred A. Groves Motor Company, Incorporated. Thus, Fred A. Groves Motor Company, Incorporated, and not any of its suppliers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Fred A. Groves Motor Company, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7250; Gibson Electric Company, Incorporated, Beckley, West Virginia

The investigation was initiated on March 3, 1980, in response to a petition which was filed by the United Mine Workers of America on behalf of workers at Gibson Electric Company, Incorporated, Beckley, West Virginia. The workers at Gibson Electric Company, Incorporated are engaged in providing the service of electrical construction of coal preparation plants.

The investigation revealed that workers of Gibson Electric Company, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Gibson Electric Company, Incorporated, by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Gibson Electric Company, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in electrical construction at Gibson Electric Company, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Gibson Electric Company, Incorporated. All employee benefits are provided and maintained by Gibson Electric Company, Incorporated. Workers are not, at any time, under employment or supervision by customers of Gibson Electric Company, Incorporated. Thus, Gibson Electric Company, Incorporated and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Gibson Electric Company, Incorporated, Beckley, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6820; Goodyear Tire and Rubber Company, Jackson, Michigan

The investigation was initiated on January 21, 1980 in response to a worker petition which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers at the Jackson, Michigan plant of Goodyear Tire and Rubber Company. Workers at the Jackson plant produce truck tires and passenger car tires.

The investigation revealed that criterion (3) has not been met.

A Department survey of major customers and a random sample of customers purchasing passenger car tires from Goodyear revealed that most customers either do not import or decreased purchases of imported passenger car tires in 1979 compared with 1978. The reliance on imports by the customers of Goodyear buying passenger car tires was substantially below the industry-wide levels in 1978 and 1979.

The decline in production of truck tires was primarily due to a decreased demand for tires by truck manufacturers, reflecting decreased vehicle production in 1979 compared with 1978. In addition, a survey of major truck tire customers indicated that most customers either did not import tires or increased purchases from Goodyear. The customer that increased imports and decreased purchases from Goodyear was not significant in terms of Goodyear's total truck tire sales.

In this case, therefore, the certifying officer has determined that all workers of the Jackson, Michigan plant of the Goodyear Tire and Rubber Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7191; Gorgas & Associates, Incorporated, Claymont, Delaware

The investigation was initiated on February 25, 1980, in response to a petition which was filed on behalf of workers at Gorgas & Associates, Incorporated, Claymont, Delaware. The workers at Gorgas & Associates, Incorporated were engaged as the exclusive sales agents in six states for a manufacturer of personal care products.

The investigation revealed that workers at Gorgas & Associates, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Gorgas & Associates, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory critieria for certification and that reduction must directly relate to the product impacted by imports.

Gorgas & Associates, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in sales operations at Gorgas & Associates, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Gorgas & Associates, Incorporated. All employee benefits are provided and maintained by Gorgas & Associates, Incorporated. Workers are not, at any time, under employment or supervision by customers of Gorgas & Associates, Incorporated. Thus, Gorgas & Associates, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Gorgas & Associates, Incorporated, Claymont, Delaware are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6796; Louis Roth Clothes, Incorporated, Los Angeles, California

The investigation was initiated on January 9, 1980 in response to a petition which was filed on behalf of workers at Louis Roth Clothes, Incorporated, Los Angeles, California. The workers produce men's clothing.

Surveyed customers who decreased purchases from Louis Roth did not increase purchases of imported men's clothing. Most customers that did purchase imports also increased purchases from other domestic suppliers.

In this case, therefore, the certifying officer has determined that all workers of Louis Roth Clothes, Incorporated, Los Angeles, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6880, Pierce Garment Company, Incorporated; New Bedford, Massachusetts

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Pierce Garment Company, Incorporated; New Bedford, Massachusetts. The workers produce ladies' skirts, pants, robes, knit tops and blazers.

The investigation revealed that criterion (3) has not been met.

Pierce Garment Company, Incorporated produced primarily ladies' sportswear (skirts, pants, knit tops and blazers); sportswear accounted for all Pierce's 1979 sales decline.

U.S. imports of women's, misses', and children's skirts, slacks, blouses and shirts declined absolutely in the January-September period of 1979 compared to the same period of 1978.

A Departmental survey was conducted with the manufacturers who decreased contracts with Pierce Garment Company, Incorporated for ladies' sportswear in 1979 compared to 1978. Those manufacturers did not import ladies' sportswear nor did they use overseas contractors in 1978 or 1979. Furthermore, each of those manufacturers showed an increase in sales in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Pierce Garment Company, Incorporated; New Bedford, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6925, 6926, 6934, 6935, 6941; Ship 'n Shore; Charleston, South Carolina; Burlington, New Jersey; Baxley, Georgia; Ephrata (II), Pennsylvania

The investigation was initiated on February 5, 1980 in response to a petition which was filed on behalf of workers at the Charleston, South Carolina; Burlington, New Jersey, Baxley, Georgia and Ephrata, Pennsylvania (II) locations of Ship 'n Shore. The workers are engaged in employment related to the production of ladies' blouses, shirts, tops, skirts, pants, blazers and vests.

The investigation revealed that criterion (2) has not been met with respect to workers at the Charleston, South Carolina and Ephrata, Pennsylvania (II) locations of Ship 'n Shore.

The Charleston, South Carolina location of Ship'n Shore is a factory outlet store. Sales increased in quantity and value in 1979 compared to 1978 and in the January and February period of 1980 compared to the same period of 1979.

The Ephrata, Pennsylvania (II) plant opened in October 1979. From October, 1979 through February, 1980, production and employment has increased in each month compared to the previous month, except for the month of December 1979. Production and sales at the Ephrata II plant are equal.

With respect to workers at the Burlington, New Jersey facility and at the Baxley, Georgia plants of Ship 'n Shore, the investigation revealed that criterion (3) has not been met.

The Burlington, New Jersey location of Ship 'n Shore is a factory outlet store which opened in September 1979. Sales and employment have remained relatively constant except for some monthly fluctuations over the six months the store has been open. Due to the short term of operations, it is not possible to discount the seasonal influence on these monthly fluctuations, and therefore it cannot be considered that imports contributed importantly to monthly sales declines.

Workers at the Baxley plants produce ladies' sportswear. A Departmental survey was conducted with customers representing a substantial portion of total company sales by Ship 'n Shore in 1978 and 1979. The survey revealed that, in the aggregate, customers responding to the survey decreased their purchases of ladies' sportswear (including tops, skirts, pants, blazers, and vests) from Ship 'n Shore and also decreased their reliance on imported ladies' sportswear in 1979 compared to 1978.

U.S. imports of ladies' pants, blazers and vests decreased absolutely in 1979 compared to 1978.

Workers at the Baxley, Georgia plants of Ship 'n Shore are not separately identifiable by product line. Ladies' blouses (tops) account for a relatively small percentage of the sportswear. Any import influence on this product line could not have contributed importantly to overall employment declines at these plants.

In this case, therefore, the certifying officer has determined that all workers of the Charleston, South Carolina; Burlington, New Jersey; Baxley, Georgia; and Ephrata (II), Pennsylvania locations of Ship 'n Shore are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6909; Spectator Casuals, Incorporated; New York, New York

The investigation was initiated on February 1, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Spectator Casuals, Incorporated, New York, New York. The workers produced ladies' dresses and suits.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's and misses' dresses and women's, misses' and children's suits decreased absolutely in 1979 compared to 1978.

The Office of Trade Adjustment Assistance conducted a survey of major customers of Spectator Casuals, Incorporated. Most customers responding to the survey reported that they either reduced purchases of imported ladies' dresses and suits in 1979 compared to 1978 or did not purchase any imported ladies' dresses or suits in 1978 or 1979. Those customers who reduced purchases from Spectator from 1978 to 1979 and increased purchases of imported ladies' dresses and suits during this time period represented an insignificant proportion of Spectator's sales decline from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of Spectator Casuals, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6884; Tami Sportswear, Incorporated, San Francisco, California

The investigation was initiated on January 30, 1980 in response to a petition which was filed on behalf of workers at Tami Sportswear, Incorporated, San Francisco, California. The workers

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produced ladies' sportswear (skirts, jackets, pants and vests).

The investigation revealed that criterion (3) has not been met.

U.S. imports of Women's Misses' and Children's skirts; Slacks and Shorts; and Coats and Jackets decreased in absolute terms in 1979 compared to 1978.

A Departmental survey among customers of Tami Sportswear, Incorporated revealed that most customers which reduced their purchases of ladies' sportswear (skirts, pants, jackets and vests) from Tami Sportswear, in 1978 compared to 1977 and in 1979 compared to 1978, increased their purchases to a greater extent with other domestic sources than with foreign sources. Those customers which increased their purchases of imported sportswear and which decreased purchases from Tami and from other domestic sources were an insignificant proportion of Tami's sales. In aggregate, imported sportswear as a percent of total sportswear demand remained constant from 1978 to 1979.

In this case, therefore, the certifying officer has determined that all workers of Tami Sportswear, Incorporated, San Francisco, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–6867; Textile Prints Corporation, Branford, Connecticut

The investigation was initiated on January 28, 1980 in response to a petition which was filed on behalf of workers at Textile Prints Corporation, Branford, Connecticut. Workers at the subject firm produce finished printed fabric.

The investigation revealed that criterion (3) has not been met.

Textile Prints Corporation produced finished fabric for the apparel industry. The petitioners allege that increased imports of finished garments contributed importantly to the decline in sales or production and to the separation of workers at Textile Prints Corporation. Imported wearing apparel cannot be considered like or directly competitive with finished fabric. Imports of all types of finished fabric must be considered in determining import injury to workers producing finished fabric at Textile Prints Corporation, Branford, Connecticut.

Imports of all finished fabric into the United States decreased during the period January through September 1979 as compared to the same period in 1978. The ratio of imports to domestic production was 2.1 percent in 1978.

Both company sales and employment increased on an annual basis in 1979 as compared to 1978. Any quarterly decreases in sales or employment were attributable to seasonal market conditions affecting their manufacturing/converter customers.

In this case, therefore, the certifying officer has determined that all workers of Textile Prints Corporation, Branford, Connecticut are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7242; West End Cartage, Incorporated, Melvindale, Michigan

The investigation was initiated on March 3, 1980, in response to a petition which was filed on behalf of workers at West End Cartage, Incorporated, Melvindale, Michigan. The workers at West End Cartage, Incorporated are engaged in providing the service of transporting auto parts within the Detroit, Michigan commercial zone.

The investigation revealed that workers of West End Cartage, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to West End Cartage, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

West End Cartage, Incorporated and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company producing an article.

All workers engaged in transporting auto parts at West End Cartage, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by West End Cartage, Incorporated. All employee benefits are provided and maintained by West End Cartage, Incorporated. Workers are not, at any time, under employment or supervision by customers of West End Cartage, Incorporated. Thus, West End Cartage, Incorporated, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of West End Cartage, Incorporated, Melvindale, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7263; Yellow Freight System, Incorporated, Kokomo, Indiana

The investigation was initiated on February 22, 1980, in response to a petition which was filed on behalf of workers at Yellow Freight System, Incorporated, Kokomo, Indiana. The workers at Yellow Freight System, Incorporated are engaged in providing the service of transporting general commodities with special exceptions.

The investigation revealed that workers of Yellow Freight System, Incorporated do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Yellow Freight System, Incorporated by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Yellow Freight System, Incorporated and its customers have no controlling interest in one another. The subject firm has a subsidiary which is engaged in petroleum exploration.

All workers engaged in transporting general commodities at Yellow Freight System, Incorporated are employed by that firm. All personnel actions and payroll transactions are controlled by Yellow Freight System, Incorporated. All employee benefits are provided and maintained by Yellow Freight System, Incorporated. Workers are not, at any time, under employment or supervision by customers of Yellow Freight System, Incorporated. Thus, Yellow Freight System, Incorporated and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Yellow Freight System, Incorporated, Kokomo, Indiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–8454; Youngstown Sheet and Tube Company, Indiana Harbor Works, East Chicago, Indiana

The investigation was initiated on November 27, 1979 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Indiana Harbor Works of the Youngstown Sheet and Tube Company, East Chicago, Indiana. Workers at the Indiana Harbor Works produce coke, tin mill products, hot and cold rolled steel and strip, galvanized steel sheet, steel plate an steel pipe and tubing. Youngstown Sheet and Tube Company operates under the management of the Jones and Laughlin Steel Corporation.

All employees at the Indiana Harbor Works engaged in employment related to the production of coke and tin mill products are currently eligible to apply for adjustment assistance under an existing certification.

For the products listed below, the investigation revealed that criterion (3) has not been met.

Hot and Cold Rolled Sheet and Strip. U.S. imports of hot and cold rolled sheet and strip decreased absolutely and relative to domestic shipments in 1978 compared with 1977 and in 1979 compared with 1978.

Galvanized Sheet. U.S. imports of galvanized steel sheet decreased absolutely and relative to domestic shipments in 1979 compared with 1978.

Surveyed customers indicated that they did not decrease purchases of galvanized sheet from Jones and Laughlin and increase purchases of imported galvanized sheet in 1979 compared with 1978. Respondents which increased purchases of imports also reported purchases of imports also reported increased purchases from Jones and Laughlin.

Plate and Pipe and Tubing. U.S. imports of carbon steel plate and seamless carbon steel pipe and tubing decreased absolutely and relative to domestic production in 1979 compared with 1978.

Sales and production of carbon steel plate at the Indiana Harbor Works increased in 1978 compared with 1977 before declining in the first eleven months of 1979 compared with the same period of 1978.

In this case, therefore, the certifying officer has determined that:

All workers of the Indiana Harbor Works of the Youngstown Sheet and Tube Company, East Chicago, Illinois are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby Certify that determinations were issued with respect to all of the aforementioned cases during the week of March 31–April 4, 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-11118 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6629]

Mercer Rubber Company, Inc., Trenton, N.J.; Negative Determination Regarding Application for Reconsideration

By letter of March 24, 1980, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Mercer Rubber Company, Inc., Trenton, New Jersey. The determination was published in the **Federal Register** on March 4, 1980, (45 FR 14164).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner claims that foreign competition in conveyor belting and expansion joints caused the layoffs at the Mercer Rubber Company's Trenton, New Jersey, plant and that the Department's denial was based on current performance and not on what Mercer Rubber could do if it were not for imports.

The Department's review indicated that workers at Mercer Rubber were denied eligibility because they did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey which represented a substantial portion of Mercer Rubber's 1978 and 1979 conveyor belt sales indicated that the few customers which decreased their purchases of conveyor belting from Mercer and increased their imports also increased their purchases of domestically-produced conveyor belting. The Department's survey further showed that customers which decreased their purchases from Mercer and increased their purchases of imported expansion joints accounted for an insignificant portion of the firm's decline in sales of that product. None of the survey respondents indicated that they anticipated decreased purchases of belting and expansion joints from domestic sources and incresed purchases of imports.

Mercer Rubber's sales and production of rubber hose increased in quantity and value in 1978 compared to 1977 and in 1979 compared to 1978. The Department does not consider the petitioner's claim of unrealized business opportunities as relevant sicnce the Act does not address itself to such potential business losses but addresses itself instead to actual declines in production and/or sales and worker separations.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 8th day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-11119 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6699, 6700 and 6701]

Timex Corp., Little Rock, Ark.; Adams Field Plant, et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance: Correction

In the matter of Timex Corporation, Little Rock, Arkansas; Adams Field Plant, Murray Street Plant, East Roosevelt Plant.

In FR Doc. 80-7464 appearing at page 15732 in the **Federal Register** of March 11, 1980 the 8th line from the bottom of the 1st column on pg. 15733 is corrected by omitting the word "Timex".

Signed at Washington, D.C., this 8th day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-11211 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-28-M

LIBRARY OF CONGRESS

Special Amplifier—Risk of Injury From Improper or Unauthorized Use; Policies and Procedures for Distribution

The National Library Service for the Blind and Physically handicapped (NLS) has available special amplifiers for free loan to blind and physically handicapped people who have been certified as eligible for the NLS library program. These amplifiers may be attached to NLS headsets for use with

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playback equipment by persons with hearing loss.

The NLS amplifier-headset combination has a maximum output capability of 130 dB sound pressure level as determined by audiology studies. In the opinion of qualified persons consulted by NLS, such high intensity amplification can permanently damage hearing without causing warning pain or discomfort. Further, the audio plugs with which the special amplifier is equipped are compatible with those found in domestic commercial audio systems; therefore, persons with normal hearing may risk injury by improper and unauthorized use of the special amplifier.

As a precautionary measure, these policies and procedures are being published in the **Federal Register** to inform the public concerning the rules and regulations governing the distribution of the special amplifier. As a basis for these rules and regulations, NLS has adopted the precedent established by the U.S. Food and Drug Administration governing the distribution of hearing aids **Federal Register**, Vol. 42, No. 31, February 15, 1977, pages 9286–9296; **21** CFR 801.420). Therefore, efective immediately:

(1) The special amplifier will be issued only to those eligible borrowers of the recording playback equipment provided by NLS who have obtained a certification in writing by a physician or licensed audiologist which states that the applicant's hearing loss has been evaluated within the last six months, and that the special amplifier is appropriate.

The certification, a copy of which will be supplied to the applicant, will contain a warning concerning the possible hazardous effect if the device receives improper use.

(2) For persons over the age of 18 years the hearing loss evaluation may be waived in writing; however, such a waiver is strongly discouraged. In the case of a minor. i.e., a person under the age of 18 years, no waiver of the hearing loss evaluation will be permitted.

(3) Applications may be sent directly to the following address: National Library Service for the Blind and Physically Handicapped, Library of Congress, Equipment Control Officer, Washington, D.C. 20542 or to the cooperating regional library serving the area in which the applicant resides. The application will then be forwarded to NLS. The special amplifiers will be distributed only by authorized NLS personnel in Washington, D.C.

In a further effort to prevent the risk of injury resulting from improper or unauthorized use, all special amplifiers will be packaged with the following:

(1) A warning statement label permanently affixed to the special amplifier,

(2) An instruction booklet describing in detail the special amplifier's operating characteristics, and

(3) Information sheets, in both large print and braille reflecting the warning statement contained in the booklet.

For the Librarian of Congress.

Edmond L. Applebaum,

Associate Librarian for Management Library of Congress.

April 7, 1980.

[FR Doc. 80-11412 Filed 4-14-80; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-28]

NASA Advisory Council (NAC); Space Systems and Technology Advisory Committee (SSTAC); Meeting

The Informal Advisory Subcommittee on Chemical Propulsion of the NAC SSTAC will meet May 1–2, 1980, in Room 647, Federal Office Building 10B, NASA Headquarters, 600 Independence Avenue, SW, Washington, DC. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying and examining chemical propulsion technology requirements for future mission requirements, and to recommend program additions, deletions, or changes in scope or emphasis which may be found necessary to support the overall NASA Space research and technology objectives. The Chairperson is Mr. Gerard W. Elverum, Jr., and there are seven members of the Subcommittee. The following is the approved agenda for the meeting:

Agenda

May 1, 1980

8:30 a.m.—Introductory Remarks.
9:00 a.m.—Review of Projected Future Space Missions, Vehicle Needs and Requirements.
10:30 a.m.—Review of Projected Chemical Propulsion Needs to Meets Future Vehicle Requirements.
11:30 a.m.—Review of Current NASA Chemical Propulsion Program and Long Range Plan.
2:00 p.m.—Committee Discussion on NASA Chemical Propulsion Technology Program Appropriateness and Adequacy.

May 2, 1980

8:30 a.m.—Committee Formulation of Recommendations.
12:30 p.m. Adjourn.

For further information contact Dr. Raymond S. Colladay, Executive Secretary of the Subcommittee, Code RTP–6, NASA Headquarters, Washington, DC 20546. Telephone 202/755–3273.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

April 9, 1980.

[FR Doc. 80-11255 Filed 4-14-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-29]

NASA Advisory Council (NAC); Meeting

The NASA Advisory Council's Informal *Ad Hoc* Task Group on Handling Unconventional Ideas will meet on May 5, 1980, in room 6004, Federal Building 6, 400 Maryland Avenue, SW, Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (about 30 persons, including task group members and other participants).

The Informal *Ad Hoc* Task Group on Handling Unconventional Ideas was established under the NASA Advisory Council to determine the approaches employed by NASA in handling unconventional, often innovative, ideas and to recommend on additional ways that such ideas can be stimulated, evaluated, and supported by NASA. The task group will report its findings to the Council. The chairperson of the task group is Mr. Willis M. Hawkins and the task group is composed of three other members of the Council. For further information, contact the executive secretary, Mr. Carl Praktish, NASA Headquarters, Code D, Washington, DC A/C 202 755–3572.

AGENDA

May 5, 1980

1:00 p.m.—Introductory Remarks.
1:10 p.m.—Round Table Discussion of Present NASA Approaches.
3:00 p.m.—Discussion and Report Preparation.
5:00 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

April 9, 1980.

[FR Doc. 80-11256 Filed 4-14-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: NSF Advisory Council.
Place: Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Date: Thursday, May 1, and Friday, May 2, 1980.
Time: 9:00 a.m. until 5:00 p.m., both days.
Type of Meeting: Open.
Contact Person: Mr. Bruce Darling, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone (202) 632–4384.
Purpose of Advisory Council: The purpose of the NSF Advisory Council is to provide advice and counsel to the NSF Director and principal members of his staff on Foundation-wide issues which require the expertise of the many and varied disciplines and program interests represented in the Foundation.
Summary Minutes: May be obtained from the contact person at above stated address.
Agenda: To review progress by the four task groups of the NSF Advisory Council and to meet with the Director and Deputy Director and NSF staff.

Dated: April 9, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-11291 Filed 4-14-80; 8:45 am]

BILLING CODE 7555-01-M

Availability of Advisory Committee Reports

The National Science Foundation has filed with the Library of Congress reports of six NSF advisory committees.

The reports were filed as required by the Federal Advisory Committee Act and are available for public inspection and use at the Library of Congress, Room 256, Rare Book Division, Washington, DC, and at the Committee Management Office, National Science Foundation, Room 247, Washington DC.

The names and titles of the committee submitting reports are:

(1) Advisory Committee for Atmospheric Sciences
Atmospheric Sciences into the 1980's
(2) Advisory Committee for Environmental Biology
Report of the Oversight Review Committee of the Population Biology and Physiological Ecology Programs
(3) Advisory Committee for Physics
Gravitational Radiation Dectector Projects Report
Report of the NSF Subcommittee to Review NSF-Supported Nuclear Science Laboratories
Report of the Advisory Committee on the Review of Gravitational Physics
(4) Advisory Committee on Post-International Phase of Ocean Drilling (IPOD) Science
The Merits and Potential of a Proposed Ocean Drilling Program for the 1980's
(5) DOE/NSF Nuclear Science Advisory Committee
Recommendations for FY 1981 Facility Construction
The 1978 Census of Basic Nuclear Scientists in the USA
A Long Range Plan for Nuclear Science
(6) National Science Foundation Advisory Council
Equipment Needs and Utilization Accountability in Research

M. Rebecca Winkler,

Committee Management Coordinator.

April 10, 1980.

[FR Doc. 80-11290 Filed 4-14-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-51-6]

Catherine Quigg; Filing of Petition for Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Publication of petition for rulemaking by Catherine Quigg.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a petition for rulemaking filed by Catherine Quigg, Research Director, Pollution and Environmental Problems, Inc. The petition, which has been assigned Docket No. PRM–51–6, requests the NRC to amend 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to require the preparation of a generic environmental impact statement for high burnup nuclear fuel as used in commercial nuclear reactors, stored in spent fuel pools or cooling racks, or potentially as processed in reprocessing plants or disposed of in permanent sites.

DATE: Comment period expires June 16, 1980.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docket and Service Branch.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The petitioner states that with the decision not to reprocess, the Federal government and the utilities want to use more uranium in existing nuclear fuel in light water reactors across the country. To that end, the U.S. Department of Energy (DOE) has initiated cost-shared high burnup projects with Duke Power Company and Arkansas Power & Light. The DOE is also supporting two pellet clad interaction (p.c.i.) projects with Consumers Power Company and Commonwealth Edison Company.

The petition also states that on March 7, 1979 the NRC issued a permit to the Commonwealth Edison Company allowing the irradiation of four Zion fuel assemblies to extend burnups in Zion 2, up to about 55,000 MWD/MTU. Zion's Technical Specifications previously provided for a burnup limit of 38,000 MWD/MTU. The petitioner indicates that there has been no experience with fuel size fuel assemblies irradiated to these burnups, but nonetheless the NRC issued a Negative Declaration stating the higher burnups would have no appreciable environmental impact.

The petitioner states that these experiments and others are being conducted without an Environmental Impact Statement, even though they could cause significant and widespread long and short term effects on the human environment. The petitioner says that her major concern is the nationwide program of high burnup fuel in nuclear reactors that is sure to follow these fairly limited experiments. She requests, therefore, that 10 CFR Part 51 be amended to require that a full Environmental Impact Statement be prepared covering the generic environmental impacts of high burnup nuclear fuel as used in commercial nuclear reactors, stored in spent fuel pools or cooling racks, and potentially as processed in reprocessing plants or disposed of in permanent sites.

The petitioner concludes that the use of high burnup fuel could have the following significant effects upon the human environment:

1. Greater fission gas releases from nuclear reactors.

2. Increased fission gas releases from spent fuel pools.

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3. Production of inferior grade nuclear spent fuel which can lead to long term environmental hazards.

4. Potential for greater radiological impact in reactor and spent fuel pool accidents.

5. Increased radioactive releases during reprocessing.

The petitioner's arguments with respect to each of the above potential effects are set forth in the petition.

Dated at Washington, D.C., this 8th day of April 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chik,

Secretary of the Commission.

[FR Doc. 80-11224 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Notices of System of Records, Proposed Minor Amendments

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Proposed Minor Amendments of Systems of Records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC–22. The amendments clarify and update the information contained in the NRC Systems of Records, necessitated by the division of the Personnel Performance Appraisals Systems into two sections. The additional section will incorporate the new Senior Executive Service into the System and establish a separate System location.

COMMENT DATE: Comments are due on or before May 15, 1980.

ADDRESS: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Phone: (301) 492–8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC System of Records is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the purposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch by May 15, 1980. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

1. System of Records NRC–22, "Personnel Performance Appraisals—NRC," is amended to read as follows:

NRC–22

SYSTEM NAME:

Personnel Performance Appraisals—NRC: Part A, GG–15 employees and below; Part B, Senior Executive Service and equivalent employees.

SYSTEM LOCATION:

Part A: Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Part B: Chairman, Performance Review Board, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains evaluations of employees, evaluation criteria and methods, supervisory appraisals of performance and career development potential, and other related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d)(1976);

b. 5 U.S.C. 4311, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in the folders.

RETRIEVABILITY:

Records are accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Part A: Retained 1 year, or until subsequent rating is prepared, whichever is later.

Part B: Retained for 5 years, or until the fifth annual appraisal is completed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Part A: Chief, Personnel Operations Branch Division of Organization and Personnel Office of Administration U.S. Nuclear Regulatory Commission Washington, DC 20555

Part B: Chairman, Performance Review Board U.S. Nuclear Regulatory Commission Washington, DC 20555

NOTIFICATION PROCEDURE:

Director, Office of Administration U.S. Nuclear Regulatory Commission Washington, DC 20555

RECORD ACCESS PROCEDURES.

Same as "Notification procedure" for each part.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure" for each part.

RECORD SOURCE CATEGORIES:

Part A: Individual to whom record pertains and employee's supervisor.

Part B: Individual to whom record pertains and employee's supervisors: any documents and sources used to develop critical elements and performance standards for that Senior Executive Service position.

Dated at Bethesda, Maryland this 4th day of April, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-11236 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold a meeting on April 30, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to continue its evaluation of the need to develop quantitative safety goals for nuclear power plants and consideration of the actual form these goals may take and what they should accomplish. The Subcommittee will also discuss some general items related to the Probabilistic Analyses Staff's ongoing programs and budget. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, April 30, 1980

8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 9, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-11310 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.9, "Guide for the Preparation of Applications for Licenses for the Use of Gamma Irradiators," describes the type of information that the NRC staff needs to evaluate an application for a license to use sealed radioactive sources for the gamma irradiation of materials. The information reported on Form NRC–313(I) should be sufficient to enable the NRC staff to determine that the applicant's equipment, facilities, and radiation protection program are adequate to protect health and minimize danger to life and property. A draft regulatory guide on this subject (Task OH 706–4) was issued for public comment in February 1979.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of April 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-11311 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

Application for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses for the period March 31 through April 5, 1979. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., N.W., Washington, D.C.

Dated this day April 7, 1980 At Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
U.S. Dept. of Energy, 03/26/80, 04/04/80, XSNM01672	19.79 pct. enriched uranium	27.1	5.37	For fabrication of fuel elements for Univ. of Michigan Reactor.	West Germany.
U.S. Dept. of Energy, 03/26/80, 04/04/80, XSNM01673	19.79 pct. enriched uranium	32.6	6.45	For fabrication of fuel elements for Univ. of Michigan Reactor.	France.

[FR Doc. 80-11312 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

V 45 / 74 A P 15 80 UMI

Application for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following application for export licenses for the period March 10, through March 29, 1980. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms: Total element	Material in kilograms: Total isotope	End-use	Country of destination
General Elect., 02/07/80, 03/10/80, XSNM01662	4.0 pct. enriched uranium	259,000	4,500	Initial cores for Taiwan Power Units 7 and 8.	Taiwan.
Transnuclear, Inc., 03/12/80, 03/13/80, XSNM01663	3.4 pct. enriched uranium	10,794	367	Reload for Doel 1	Belgium.
Transnuclear, Inc., 03/18/80, 03/19/80, XSNM01664	4.013 pct. enriched uranium	30,740			
	.711 pct. natural uranium	129,284	1,234	Will be used as stockpile in accordance with provisions of offset agreement.	West Germany.
Transnuclear, Inc., 03/21/80, 03/21/80, XSNM01665	3.3 pct. enriched uranium	49,656	1,638.65	Reloads for Bugey 3 and Fessenheim 2 reactors.	France.
Transnuclear, Inc., 03/25/80, 03/26/80, XSNM01667	93.3 pct. enriched uranium	40.460	37.760	Fuel for JMTR and JRR-2 research reactors.	Japan.
Transnuclear, Inc., 03/25/80, 03/26/80, XSNM01668	45.4 pct. enriched uranium	22.142	10.053	For use in JMTRC	Japan.
General Elect., 03/07/80, 03/10/80, XR135	2894 MWT (964 MWE), Taiwan Power Nuclear Units 7 and 8, $209,000,000.				Taiwan.
Rockwell Int'L, 03/14/80, 03/17/80, XC0M0382	Globe stop valves for Bhabha Atomic Res. Center, $1,800.				India.
General Atomic Co., 03/24/80, 03/26/80, XSNM01669	7.4 gms	6.6 gms			
	55.4				
		11.0	93		
			19.9	For use in TRIGA Mark II Research Reactor.	Bangladesh.
NL Industries, 03/17/80, 03/21/80, ISNM79008(01)	34.64 pct. thru 93.23 pct.	Add'l 24.969	Add'l 15.541	Increase quantity of material authorized for import.	From Canada.
Edlow Intl., 03/03/80, 03/06/80, XU08488	.711 pct. natural uranium	192,328		Fuel for W. Germany reactors	West Germany.
Edlow Intl., 03/05/80, 03/07/80, XU08489	.711 pct. natural uranium	119,242		Fuel for Grohnde reactor	West Germany.
Byron Jackson, 03/06/80, 03/11/80, XC0M0376		Specially designed parts and components for Tarapur $20,000.			India.
Byron Jackson, 03/06/80, 03/11/80, XC0M0377		Specially designed parts and components for Tarapur $3,000,000.			India.
Carpenter Tech, 03/14/80, 03/17/80, XC0M0381		160 pieces Zircaloy—4 alloy fuel channels for Tarapur 1 and 2, $736,720.			India.
Coordination Council for N. American Affairs, 03/10/80, 03/18/80, XMAT0103.		4,000 Deuterium		For Taiwan Research reactor	Taiwan.
Helix Process Systems, 11/18/79, 03/20/80, XC0M0386		Two hydrogen recombiners for Koeberg Nuclear Power Plant.			South Africa.

Dated this day, April 7, 1980, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

[FR Doc. 80-11313 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293A]

Boston Edison Co.; Receipt of Attorney General's Supplemental Advice

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following supplemental advice from the Attorney General of the United States, dated March 17, 1980, with respect to Pilgrim Nuclear Power Station, Unit No. 1:

"By letter dated October 24, 1979, you requested that the Department of Justice ("Department") renderd additional advice pursuant to Section 105(c) of the Atomic Energy Act of 1954 as amended, 42 U.S.C. § 2135c, concerning the application by the Boston Edison Company ("BECO") for a license to operate its Pilgrim Nuclear Power Station.

"On August 2, 1971, the Department advised the then Atomic Energy Commission that allegations advanced by certain Massachusetts Municipals, in petitions to intervene; with respect to antitrust matters, raised substantial questions which warranted an antitrust hearing pursuant to Section 105c. We noted at that time, however, that the competitive situation in New England was improving in that the municipal systems had gained access to some nuclear power plants and were participating in the efforts to form a New England power pool. We concluded by suggesting:

'It is possible that BECO and the intervenors may decide that their interests would be best served by mutual efforts to negotiate arrangements to ensure the intervenors reasonable access to low-cost power, and that a hearing might thereby be rendered unnecessary. We would of course be pleased to provide further advice to the Commission on the need for hearing if in light of subsequent developements the Commission should so request.'

"The petitions to intervene and our request for an antitrust hearing are still pending before the Nuclear Regulatory Commission.

"On June 26, 1974, the Department rendered advice on Pilgrim Nuclear Generating Station, Units 2 and 3, Boston Edison Company, *et al.*, AEC Docket Nos. 50-471A, 50-472A, and pointed out that BECO had demonstrated a commitment to allow municipal utilities in New England to gain access to bulk power from Pilgrim Units 2 and 3 on the same basis as is available to investor-owned utilities and that this represented a significant step toward improving the competitive situation in New England. The Department concluded that, therefore, an antitrust hearing would not be necessary. The Department also noted that because negotiations between BECO and various municipal utilities for access to Pilgrim Nuclear Power Station were ongoing, we would not change our advice with respect to that nuclear unit.

"On April 20, 1978, in advising the NRC regarding additional applications for participation in Pilgrim Unit No. 2, the Department again concluded that no antitrust hearing would be necessary.

"You have now informed us that the settlement negotiations between BECO and the Massachusetts Municipals have been concluded to the satisfaction of the parties and that the Massachusetts Municipals have filed a 'Withdrawal of Intervention as Moot' with the Nuclear Regulatory Commission. You have asked us whether, in light of that information, the Department still believes that an antitrust hearing should be held.

"Since the Department rendered its advice in 1978, we have received no new information which would indicate that issuance of an operating license to Boston Edison Company would 'create or maintain a situation inconsistent with the antitrust laws.' 42 U.S.C. § 105(c). In light of this, because of the withdrawal of the Massachusetts Municipals' Petition to Intervene and based upon other information we have received, the Department is of the opinion that an antitrust hearing is no longer necessary with respect to the instant application."

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 80-11314 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al., Issuance of Amendment to Facility Operating License

In the matter of Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., City of Tallahassee.

The U.S. Nuclear Regulator Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications concerning containment structural integrity to incorporate guidance on selecting the number of tendons for inspection and detensioning requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated November 21, 1977, as revised by letter dated February 15, 1980, (2) Amendment No. 29 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of April, 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-11315 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-538]

Memphis State University; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. R-127, issued to Memphis State University, which revised the license and Technical Specifications for operation of the AGN-201 nuclear reactor (the facility) located on the licensee's campus in Memphis, Tennessee. The amendment is effective as of its date of issuance.

The amendment authorizes: (1) an increase in the facility's licensed maximum power level from 100 milliwatts (thermal) to 20 watts (thermal) for continuous operation and authorizes intermittent operation at power levels not in excess of 1000 watts (thermal); and (2) an increase in the amount, from 700 grams to 1400 grams, of contained U-235 enriched equal to or less than 20% for use in connection with the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the **Federal Register** on September 7, 1979 (44 FR 52389). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1979, as supplemented August 3, 1979, and August 28, 1979, (2) Amendment No. 1 to License No. R-127, (3) the Commission related Safety Evaluation/ Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission in Washington,

V4574AP1580 UMI

D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 28th day of March 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-11316 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co., et al.* (Millstone Nuclear Power Station, Unit No. 3); Order Extending Construction Completion Date

Northeast Nuclear Energy Company, et al.* are the holders of Construction Permit No. CPPR-113 issued by the Atomic Energy Commission** on August 9, 1974, for construction of the Millstone Nuclear Power Station, Unit No. 3, presently under construction at a site located in New London County, Connecticut.

On August 3, 1979, the Northeast Nuclear Energy Company acting for itself and the other owners of the Millstone Nuclear Energy Power Station, Unit No. 3 filed a request for an extension of the completion date. Construction has been delayed due to two deferrals of the in-service date for Unit No. 3. Contributing to the two deferrals were: (1) unexpected rises in the price of uranium and other fuel cost increases, and (2) strikes by the carpenters' union and the boilermakers' union.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation, dated March 26, 1980. The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Millstone Nuclear Power Station, Unit No. 3, published in February, 1974. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room established for the Millstone Nuclear Power Station, Unit No. 3 facility in Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

In accordance with Section 185 of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations, including 10 CFR § 50.55(b), it is hereby ordered that the latest completion date for CPPR-113 be extended from October 1, 1979 to December 30, 1985.

Date of issuance: April 7, 1980.

For the Nuclear Regulatory Commission.

D. F. Ross, Jr.,

Acting Director, Division of Project Management.

[FR Doc. 80-11317 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Supporting Extension of Construction Permit No. CPPR-113; Expiration Date for the Millstone Nuclear Power Station, Unit 3

The U.S. Regulatory Commission (the Commission) has reviewed Northeast Nuclear Energy Company's (permittee) request to extend the expiration date of the construction permit for the Millstone Nuclear Station, Unit 3 (CPPR-113), which is located in New London County, Connecticut. The permittee requested a six year, three month extension for the permit to December 1985, to allow for completion of construction of the plant.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal relative to this change to CPPR-113. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been described in the Final Environmental Statement related to construction of Millstone Nuclear Power Station, Unit 3, dated February 1974.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Dated at Bethesda, Maryland, this 26th day of March 1980.

For the Nuclear Regulatory Commission.

Donald E. Sells,

Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 80-11318 Filed 4-14-80; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

California; Visit

April 10, 1980.

Notice is hereby given that the Chairman of the Commission will be visiting the *Sonoma Index Tribune* in Sonoma, California, and the *Point Reyes Light* in Point Reyes, California, on April 14 and 15, 1980, for the purpose of acquiring a general knowledge of preparation of newspapers by mailers. A report of the visit will be on file in the Commission docket room.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 80-11319 Filed 4-14-80; 8:45 am]

BILLING CODE 7715-01-M

THE PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, time and place: April 30, 1980.
Open business session: 2:00 p.m. to 4:00 p.m., Room 541, Denver Hilton, 1550 Court Place, Denver, Colorado 80202, (303) 893-3333.

Sarita G. Schotta,

Executive Director.

April 9, 1980.

[FR Doc. 80-11347 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-23-M

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*The following are the holders of Construction Permit No. CPPR-133: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, City of Holyoke, Massachusetts Gas and Electric Department, the Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Massachusetts Municipal Wholesale Electric Company, Middleton Municipal Light Department, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Cooperative, Inc., Vermont Electric Power Company, Inc., The Village of Lyndonville Electric Department, Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

**Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, time and place: May 1, 1980.
Open public hearings: 8:30 a.m.-2:30 p.m., Old Supreme Court Chambers, The State Capitol, Colfax and Sherman Streets, Denver, Colorado.
Date, time and place: May 1, 1980.
Open public hearings: 7:30 p.m.-9:30 p.m., Auraria Center, 1212 Mariposa Street, Denver, Colorado (303) 534-7614.
Date, time and place: May 2, 1980.
Open public hearings: 10:00 a.m.-12:00 p.m., Denver Indian Center, 1580 Gaylord Street, Denver, Colorado.
Date, time and place: May 2, 1980.
Open public hearings: 2:00 p.m.-5:00 p.m., Lowry Air Force Base, Denver, Colorado.

Sarita G. Schotta,

Executive Director.

April 9, 1980.

[FR Doc. 80-11346 Filed 4-14-80; 8:45 am]

BILLING CODE 4510-23-M

SMALL BUSINESS ADMINISTRATION

Hasidic Jewish Americans; Decision on Request for Group Determination of Social Disadvantage

SBA has received a request on behalf of Hasidic Jewish Americans for designation as a minority group which has members who are socially disadvantaged because of their identification as members of the group, for the purpose of eligibility for SBA's section 8(a) procurement set-aside program. (Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a), as amended by Pub. L. 95-507.) Approving a group designation of social disadvantage for purposes of the 8(a) program also would mean that prime contractors of the Federal Government could presume that any firm owned and operated by members of the group is owned and operated by socially and economically disadvantaged individuals, for purposes of meeting the requirements of the Federal subcontracting program established in Section 8(d) of the Small Business Act, 15 U.S.C. § 637(d), as amended by Pub. L. 95-507.

Pursuant to SBA regulations (13 CFR 124.1-1(c)(3)(iii)), a notice was published in the **the Federal Register** soliciting comments and information from the public in response to the request. (45 FR 7666, February 4, 1980.) SBA received a total of 151 comments pertaining to the request. These comments, as well as supporting data submitted with the request, have been duly evaluated by SBA.

Pursuant to the provisions of 13 CFR 124.1-1(c)(3)(iii)(D), this shall constitute notice that Hasidic firms owned and controlled by socially and economically disadvantaged persons are eligible to participate in the 8(a) and 8(d) programs, but not on the basis of a group designation of social disadvantage. Thus, the Hasidic entrepreneur seeking entry into the 8(a) program must first make an individualized showing of social disadvantage. In order to be certified into the 8(a) program, the firm would then have to meet the other eligibility requirements imposed by law, just as members of groups designated as socially disadvantaged must meet those requirements. With respect to the 8(d) program, a contractor of the Federal Government shall presume that socially and economically disadvantaged individuals shall include those Hasidic Jewish Americans who have been found by SBA to be socially and economically disadvantaged pursuant to Section 8(a) of the Small Business Act.

The full text of the above decision, and the data evaluated by SBA in reaching the decision, are available for public inspection at the Office of the Assistant Administrator for Public Communications, 1441 L Street NW., Washington, D.C. 20416.

Dated: April 9, 1980.

William A. Clement, Jr.,

Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration.

A. Vernon Weaver,

Administrator, Small Business Administration.

[FR Doc. 80-11375 Filed 4-14-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting; Correction

In the matter of a meeting notice published at 45 FR 17709, March 19, 1980 (FR Doc. No. 80-8358): Correction of City.

The Small Business Administration Region III Advisory Council, located in the geographical area of Richmond, Virginia, will hold a public meeting at 10:00 a.m., Thursday, April 17, 1980 through noon on Friday, April 18, 1980, at the Sheraton Beach Inn, Virginia Beach, Virginia, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, write or call Raymond P. Kuttenkuler, District Director, U.S. Small Business Administration, P.O. Box 10126, Richmond, Virginia 23240—(804) 771-2741.

Dated: April 8, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-11370 Filed 4-14-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 10:00 a.m. (EST), Wednesday, May 14, 1980, in the Essex House Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert D. General, District Director, U.S. Business Administration, Federal Building, Room 578, 575 North Pennsylvania Street, Indianapolis, Indiana 46204—(317) 269-7272.

Dated: April 8, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-11371 Filed 4-14-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the georgraphical area of Albuquerque, New Mexico, will hold a public meeting from 10:00 a.m. to 3:00 p.m., Friday, May 9, 1980, at the Small Business Administration, 5000 Marble, N.E., Second Floor Conference Room, Albuquerque, New Mexico, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call E. Maine Shafer, District Director, U.S. Small Business Administration, 5000 Marble, N.E. Room 320, Albuquerque, New Mexico 87110—(505) 766-3574.

Dated: April 8, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-11368 Filed 4-14-80; 8:45 am]

BILLING CODE 8025-01-M

V 45 / 74 APR 15 80 UMI

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Houston, Texas, will hold a public meeting at 10:00 a.m., Thursday, May 8, 1980, in the offices of the Small Business Administration located at One Allen Center, Suite 705, 500 Dallas Avenue, Houston, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Joseph J. Luna, Acting District Director, U.S. Small Business Administration, One Allen Center, Suite 705, 500 Dallas Avenue, Houston, Texas 77002—(713) 226–4897.

Dated: April 8, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80–11373 Filed 4–14–80; 8:45 am]

BILLING CODE 8025–01–M

Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Helena, Montana, will hold a public meeting at 9:30 a.m., Thursday, May 8, 1980, at the offices of the Small Business Administration located in the Federal Office Building, 301 S. Park, Room 528, Helena, Montana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, Federal Building, 301 S. Park, Drawer 10054, Helena, Montana 59601—(406) 449–5381.

Dated: April 8, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80–11374 Filed 4–14–80; 8:45 am]

BILLING CODE 8025–01–M

Productivity and Small Business Innovation

Pursuant to statutory authority set forth in Secton 634(d) of Title 15, United States Code, the Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esq., with the approval of the Administrator, A. Vernon Weaver, will conduct a public hearing in Boston, Massachusetts on May 8 and 9, 1980, on Productivity and Small Business Innovation. The hearing will convene at 10:00 a.m. (EDT) in Room 1507 on May 8th and Room 505 on May 9th—John F. Kennedy Federal Building; Government Center; Boston, Massachusetts 02110.

The Office of the Chief Counsel for Advocacy will consider how small business innovation affects national productivity including such factors as changes in flows of invested capital, R. & D. expenditures, costs of regulations, increases in inflation, changes in labor force or human resources (skills, experience, and education), as well as environmental or institutional changes which stimulate technological creativity.

The traditional productivity measure which has been used, reflects "output per worker-hour." What has not been made sufficiently clear in this measurement or in overall productivity policy, is the importance of small business activities in improving our overall national productivity efforts and the influence of small business on some of the contributing factors leading to a greater increase in the rate of productivity growth.

Participants will include diverse, innovative, and technology oriented small firms which may be considered currently in or having recently passed through a pre-venture capital raising stage. Such firms will be marketing or close to marketing a product or process which could have some measurable impact in a "national need" area, i.e. energy, medicine, food, etc.

The hearing is open to the public. Any member of the public may make a verbal statement, but must file a written statement prior to the hearing. Any member of the public may file a written statement with the Office of Chief Counsel for Advocacy before, during or after the hearings. All communications or inquiries regarding these hearings should be attentioned to: Jerry Feigen, Associate Advocate, Capital Formation/Venture Capital, Small Business Administration, 1441 L Street, N.W., Room 1010–C, Washington, D.C. 20416, 202–653–6808.

Milton D. Stewart,

Chief Counsel for Advocacy.

[FR Doc. 80–11433 Filed 4–14–80; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice CM–8/287]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Safety of Life at Sea Subcommittee will conduct an open meeting at 9:30 a.m. on Wednesday, May 7, 1980 in room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C.

The purpose of the meeting is to finalize preparations for the 42nd session of the Maritime Safety Committee (MSC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled to meet May 19–23, 1980 in London. In particular, the SOLAS Subcommittee will discuss development of U.S. positions dealing with, interalia, the following topics:

—Amendments to the 1974 SOLAS Convention;

—Casualty statistics;

—Surveys and inspections;

—Reports of various MSC subcommittees.

For further information contact Mr. Gerard P. Yoest, International Affairs Division, U.S. Coast Guard (G–AIA/21), 2100 Second Street, S.W., Washington, D.C. 20593, telephone (202) 426–2280.

Dated: March 7, 1980.

John Todd Stewart,

Chairman, Shipping Coordinating Commitee.

[FR Doc. 80–11339 Filed 4–14–80; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

DEPARTMENT OF TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 80–6]

Memorandum of Understanding

Following is the text of the revised Memorandum of Understanding between the Bureau of Alcohol, Tobacco and Firearms (ATF) and Mine Safety and Health Administration (MSHA) in which MSHA agrees to perform on behalf of ATF inspections of explosives storage facilities and records required at the storage site of all mines subject to MSHA jurisdiction.

For further information contact the following offices:

Bureau of Alcohol, Tobacco and Firearms, Special Operations Branch, Dan Crowley, 566–7591;

Division of Mine Safety and Health, Office of the Solicitor, Bernard McGuire, 235–1148.

Memorandum of understanding between the Mine Safety and Health Administration, Department of Labor, and the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury

1. *Purpose.* A. On June 1, 1971, the Mining Enforcement and Safety Administration (MESA), Department of the Interior, formerly the Bureau of Mines (Bureau), and the Bureau of Alcohol, Tobacco anf Firearms (ATF), Department of the Treasury, formerly the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, entered into a Memorandum of Understanding. This Memorandum provided for MESA inspections of facilities in mines under MESA jurisdiction involving applications for licenses and permits under 18 U.S.C. 841 et seq., and implementing regulations issued in 27 CFR Part 181, Subpart J (soon to be renumbered 27 CFR Part 55), and for MESA to conduct compliance inspections in regard to storage and certain recordkeeping requirements issued by ATF.

B. The Federal Mine Safety and Health Act of 1977 (Mine Act), Pub. L. 91–173, as amended by the Pub. L. 95–164, 30 U.S.C. 801 et seq., which became effective on March 9, 1978, consolidates all mine health and safety under the Mine Act, transfers MESA to the Department of Labor, and changes the name of MESA to the Mine Safety and Health Administration (MSHA), Department of Labor. The purpose of this revision of the original Memorandum of Understanding is to substitute MSHA for MESA, make certain other changes and to execute a memorandum between MSHA and ATF.

C. MSHA agrees to perform on behalf of ATF inspections of storage facilities and records required at the storage site (Under 18 U.S.C. 841 et seq. and applicable regulations in 27 CFR Part 181) of all mines subject to MSHA jurisdiction.

2. *General Authorities.* A. Under Title XI (Regulation of Explosives) of the Organized Crime Control Act of 1970, Pub. L. 91–452, 18 U.S.C. 841 et seq. ATF is responsible for:

(1) Issuing licenses to persons engaged in the business of importing, manufacturing, and dealing in explosive materials;

(2) Issuing permits to persons who rely on interstate commerce to acquire explosive materials or who transport explosive materials in interstate commerce;

(3) Establishing standards for the storage of explosive materials; and

(4) Inspecting storage facilities of licensees and permittees.

B. Under the Mine Act, MSHA is responsible for administering the Federal mine safety and health program, including establishing safety standards for the transportation, storage, and use of explosive materials in mining operations and the periodic inspection and investigation of storage facilities located on mine property.

3. *Standards.* A. MSHA will enforce safety and security standards found in 27 CFR Part 181, Subpart J, and the recordkeeping requirements in Section 181.127 of Subpart G. In the event that these standards conflict with a MSHA requirement, MSHA shall enforce the regulations or standards which provide for the greater safety or security of persons in and around a mine.

B. MSHA safety specifications and security requirements will govern the movement and use of explosive materials taken underground for mining and other activities.

4. *MSHA Inspections.* A. MSHA will conduct on behalf of ATF a compliance inspection of persons holding licenses and permits under 18 U.S.C. 841 et seq., who also are subject to the jurisdiction of MSHA, during each regular MSHA inspection and investigation of mine operators. The mine operator will be cited for violations of ATF regulations observed during both a regular and other inspection. These compliance inspections will consist of inspecting all storage facilities and required records at storage facilities under the applicable regulations of 27 CFR Part 181. The results of inspections conducted on behalf of ATF shall be promptly submitted to ATF. In the event that further administrative or judicial action is necessary, such action will be taken by ATF with the assistance of the MSHA inspector, where needed.

B. ATF accepts the inspection of these storage facilities and records by MSHA as satisfying the purposes of 18 U.S.C. 841 et seq., including the conditions imposed on license and permit applicants with respect to storage facilities for explosive materials.

5. *ATF Inspection. ATF will make inspections of applicants (and their explosive storage facilities) for licenses and permits under 18 U.S.C. 841 et seq., and the implementing regulations and rulings. The results of these inspections will be promptly given to MSHA.*

6. *Listings and Reports.* A. MSHA will furnish ATF Hedquarters a list, updated as necessary, of all mines subject to the jurisdiction of MSHA District and Subdistrict offices. These lists will be distributed by ATF to its regional offices for use in processing applications received from applicants coming under the jurisdiction of MSHA.

B. Each ATF Regional Regulatory Administrator will furnish to MSHA a list of ATF personnel who will provide advice or assistance to MSHA. ATF Headquarters will promptly furnish to MSHA District Managers copies of rulings and variances issued to mines under MSHA jurisdiction.

C. MSHA will furnish the appropriate ATF Regional Regulatory Administrator a copy of accident investigation reports, (including reports furnished by mine operators) relating to accidental detonations which MSHA investigates, and ATF will furnish MSHA District Managers a copy of accident investigation reports relating to accidental detonations of interest to MSHA which ATF investigates.

7. *Working Agreements.* Working or implementing agreements to provide guidelines and procedures relating to inspections of explosives licensees and permittees, who are also subject to MSHA's jurisdiction, shall be prepared in writing and executed as ATF Orders, as necessary, and coordinated with MSHA by ATF Headquarters personnel.

8. *Cooperation.* MSHA and ATF will cooperate in the development of uniform standards for the safe and secure storage of explosive materials and procedures relating to inspections of explosive licensees and permittees, to the greatest extent possible. They will also maintain liaison and cooperation with each other in regard to their respective responsibilities under the Federal mine safety programs and under 18 U.S.C. 841 et seq., and each agency will furnish to the other all information of interest to the other relating to explosive materials.

9. *Training.* ATF will provide, at MSHA's request, training for MSHA inspectors in ATF storage and recordkeeping requirements.

10. *Interagency Coordination.* The Special Operations Branch of Regulatory Enforcement (ATF), and the Chief, Division of Safety, Coal Mine Safety and Health, and Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health (MSHA) shall serve as liaison points to facilitate communication and cooperation between the two agencies.

11. *Termination.* The Memorandum of Understanding of June 1, 1971, shall terminate as of April 9, 1980, at which time it is replaced by this Memorandum. This Memorandum of Understanding shall continue from April 9, 1980: Provided, however, that it may be terminated at any time by either party giving written notice of termination to the other party at least (90) days prior to the date fixed on such notice.

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Dated: April 9, 1980.

Robert B. Lagather,

Assistant Secretary of Labor for Mine Safety and Health, Department of Labor.

Dated: April 9, 1980.

Richard J. Davis,

Assistant Secretary for Enforcement and Operations, Department of Treasury.

[FR Doc. 80-11257 Filed 4-14-80; 8:45 am]

BILLING CODE 4810-31-M

V 45 / 74 A P 15 80 UMI

Sunshine Act Meetings

Federal Register
Vol. 45, No. 74
Tuesday, April 15, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-276 Amdt. 4; April 10, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

2a. Warsaw Convention Liability Limits. (For Information, dated March 18, 1980, BCP

11. Travel Committee, Inc.—Petition for review of staff action denying waiver of the major change provisions of Part 380. (memo No. 9568, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 2a is being deleted from today's agenda because the staff requires additional time to consider this matter. Item 11 is being deleted from today's agenda because the General Counsel's staff needs more time for coordination. Accordingly, the following Members have voted that Items 2a and 11 be deleted from today's agenda and that no earlier announcement of these deletions was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.

[S-760-80 Filed 4-11-80; 3:52 pm]

BILLING CODE 6320-01-M

2

[M-276 Amdt. 5; April 10, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

10. Docket 33836, Final rule extending the Board's fare flexibility policy to the Puerto Rico/Virgin Islands markets. (Memo No. 7847-T, BDA, OEA)

32. Docket 36294, Revised NPRM on whether denied boarding compensation must be paid to passengers transfered to an extra section of a flight. (Memo No. 9510-B, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 10 is being reinstated on the Agenda for April 10, 1980, as it was inadvertently deleted. Item 32 is being deleted because it was found that additional staff work is required. Accordingly, the following Members have voted that Item 10 be reinstated and that Item 32 be deleted from the April 10, 1980 Agenda and that no earlier announcement of this deletion and reinstatement was possible.

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.

[S-761-80 Filed 4-11-80; 3:52 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., April 11, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

11:30 a.m. Enforcement Matter.
11:45 a.m. Legislative Matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-754-80 Filed 4-11-80; 11:32 am]

BILLING CODE 6351-01-M

4

[FR No. 708]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 10, 1980, at 10:00 a.m.

CHANGE IN MEETING: Due to an emergency situation, the Commission set a meeting to discuss the following matters in executive session.

Title 26 Matching Funds for Honorable Edward M. Kennedy/Kennedy for President Committee.

Title 26 Matching Funds for Lyndon H. La Rouche/Citizens for La Rouche.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-753-80 Filed 4-10-80; 4:08 pm]

BILLING CODE 6715-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 24963; April 11, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 16, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

ER-6—E-9563, U.S. Department of the Interior, Bonneville Power Administration.
ER-7—EL79-26 and ER79-600, Central Power & Light Company.
M-5(A)—RM79-35, Exemptions of Small Conduit Hydroelectric Facilities from Part I of the Federal Power Act.
M-5(B)—RM79-52, Continuance of Service.
M-10—RM79-78, Final Rule Under the NGPA Defining the Term New Well.
CP-2—CP79-473, Alabama-Tennessee Natural Gas Company.
CP-3—CP80-11, Southern Natural Gas Company.

Kenneth F. Plumb,

Secretary.

[S-759-80 Filed 4-11-80; 2:27 pm]

BILLING CODE 6450-85-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 9, 1980.

TIME AND DATE: 10 a.m., Wednesday, April 16, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Princess Susan Coal Company, WEVA 79-423-R (Petition for Discretionary Review; issues include miners' right to walkaround pay during MSHA spot inspections).
2. North American Coal Corporation, LAKE 79-116, etc. (Petition for Discretionary Review; issues include interpretation of 30 CFR § 70.100(b)).
3. Windsor Power House Coal Company, WEVA 79-193-R (Petition for Discretionary Review; issues include interpretation of 30 CFR § 75.316).
4. Old Ben Coal Company, VINC 75-267, IBMA 76-21—continued from April 2, 1980 (issues include whether withdrawal order issued under section 104(c) of the 1969 Coal Act was properly affirmed by the Administrative Law Judge).
5. Pacer Corporation, DENV 79-257-PM (Issues include whether the Secretary proved a violation of 30 CFR § 55.5-1(a)).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-758-80 Filed 4-11-80; 2:27 pm]

BILLING CODE 6820-12-M

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 9, 1980.

TIME AND DATE: 10 a.m., Monday, April 14, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Union Rock and Materials Corporation, DENV 78-579-PM (Petition for Discretionary Review; issues include interpretation of 30 CFR § 56.14-6).
2. Duval Corporation, WEST 79-194-M (Petition for Discretionary Review; issues include owner-operator liability for violations committed by independent contractors).
3. Peabody Coal Company, LAKE 80-36, etc. (Petition for Discretionary Review; issues include right to a evidentiary hearing when proposed settlement rejected).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-757-80 Filed 4-11-80; 2:20 pm]

BILLING CODE 6820-12-M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 11:30 a.m., Thursday, April 17, 1980.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Policy Review Session: Post-Purchase Consumer Remedies—Open Portion (Presentations by Professor Laura Nader, and a representative from an automobile manufacturer, concerning consumer remedies).

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information (202) 523-3830; recorded message: (202) 523-3806.

[S-755-80 Filed 4-11-80; 1:31 pm]

BILLING CODE 6750-01-M

9

POSTAL SERVICE (Board of Governors).

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR § 7.5) and the Government in the Sunshine Act (5 U.S.C. § 552b), hereby gives notice that it intends to hold a meeting on Sunday, April 20, 1980, at 10:30 a.m., at Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. The meeting is not open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On April 1, 1980, the Board of Governors voted to close to public observation its next meeting, scheduled for 10:30 a.m. on April 20, 1980. Each of the members of the Board voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch; and Secretary of the Board Cox.

Agenda

1. Discussion of Postal Service ratemaking strategy. (The Board will discuss Postal Service ratemaking plans. As stated above in the Notice of Meeting, the session on this matter will be closed to the public.)
2. Opinion and Recommended Decision upon Reconsideration of Postal Rate Commission, dated March 24, 1980, re Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78-2).

(The Governors of the Postal Service will consider the Commission's Recommended Decision. As stated above in the Notice of Meeting, the discussion of this item will be closed to the public.)

3. Discussion of the Opinion and Recommended Decision upon Reconsideration of the Postal Rate Commission re Electronic Mail Classification Proposal, 1978 (Commission Docket No. MC78-3).

(The Governors of the Postal Service will consider the Commission's Recommended Decision. As stated above in the Notice of Meeting, the discussion of this item will be closed to the public.)

Louis A. Cox,

Secretary.

[S-756-80 Filed 4-11-80; 2:25 pm]

BILLING CODE 7710-12-M

V 45 / 74 APR 15 1980 UMI

federal register

Tuesday
April 15, 1980

Part II

Department of Health, Education, and Welfare

Food and Drug Administration

Viral and Rickettsial Vaccines; Proposed Implementation of Efficacy Review

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 601 and 630

[Docket No. 78N-0100]

Viral and Rickettsial Vaccines; Proposed Implementation of Efficacy Review

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the biologics regulations in response to the report and recommendations of the Panel of Review of Viral Vaccines and Rickettsial Vaccines. The Panel reviewed the safety, efficacy, and labeling of viral and rickettsial vaccines and human and equine immune serum globulins. On the basis of the Panel's findings and recommendations, the Commissioner of Food and Drugs is proposing to classify those products in Category I (safe, effective, and not misbranded) and Category IIIA (on the market during futher studies in support of effectiveness) and is inviting comments and the submission of additional data on the status of these products.

The Commissioner is also announcing his conclusions as to those products which are in Category II (unsafe, ineffective, or misbranded) and Category IIIB (off the market pending completion of studies permitting a determination of effectiveness). In the near future, the Commissioner will publish a notice of opportunity for a hearing (NOH) to revoke the licenses for products in Categories II and IIIB. Comments and additional data will be requested in the NOH.

DATES: Comments on the classification of products into Category I and IIIA and on proposed amendments to the biologics regulations should be submitted on or before July 14, 1980. Comments on the confidentiality of data submitted ror review by the Panel should be submitted on or before May 15, 1980.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 13, 1973 (38 FR 4319), the Commissioner issued § 601.25 (21 CFR 601.25) concerning procedures for the review of the safety, effectiveness, and labeling of biological products licensed prior to July 1, 1972. Under a redesignation of panel assignments published in the **Federal Register** of June 19, 1974 (39 FR 21176), the biological products reviewed were assigned to one of the following categories: (a) bacterial vaccines and bacterial antigens with "no U.S. standard of potency," (b) bacterial vaccines and toxoids with standards of potency, (c) viral vaccines and rickettsial vaccines, (d) allergenic extracts, (e) skin test antigens, or (f) blood and blood derivatives.

Under § 601.25, the Commissioner assigned responsibility for the initial review of each of the biological product categories to a separate independent advisory review panel consisting of qualified experts to ensure objectivity of the review and public confidence in the use of these products. Each panel was charged with preparing an advisory report to the Commissioner which was to: (1) evaluate the safety and effectiveness of the biological product, (2) review the labeling of the biological product, and (3) advise him on which biologcal products under review are safe, effective, and not misbranded. The advisory report includes a statement classifying products into one of three categories.

Category I designates those biological products determined by the panel to be safe, effective, and not misbranded. The panel's statement may include any condition relating to active components, labeling, tests required prior to release of batches, product standards, or other conditions necessary or appropriate for their safety and effectiveness.

Category II designates those biological products determined by the panel to be unsafe or ineffective or to be misbranded.

Category III designates those biological products determined by the Panel not to fall within either Category I or II on the basis of its conclusion that the available data are insufficient for classification and for which further testing is therefore required. Those biological products in Category III for which continued licensing, manufacturing, and marketing are recommended are designated as Category IIIA. Those biological products in Category III for which the suspension of their license is recommended are designated as Category IIIB. The recommendations for either Category IIIA or IIIB are based on assessment of the present evidence of safety and effectiveness of the product and the potential benefits and risks likely to result from the continued use of the product for a limited period of time, while questions raised concerning the products are being resolved by further study.

Because of a recent Federal court decision involving the review and classification of over-the-counter drugs, the agency has reevaluated the legal status of on-going product review procedures. It is FDA's conclusion that the biologics' review Category IIIA designation is proper and is unaffected by the ruling applicable to OTC drugs.

The case, *Cutler* v. *Kennedy*, challenged the propriety of the OTC classification Category III, which authorized the continued marketing of OTC drugs that had been found to be not generally recognized as safe and effective and thus which were new drugs as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(p), but for which there were no effective new drug applications as required by 21 U.S.C. 355. If a drug is not a new drug because it is generally recognized as safe and effective, no such approval is required.

On July 16, 1979, the United States District Court for the District of Columbia concluded that to the extent that the OTC Category III authorized the marketing of drugs that are new drugs but yet unapproved, that interim status was illegal. The Court ruled that the new drug provisions of the Federal Food, Drug, and Cosmetic Act created a statutory benchmark and that no drug failing to meet the statutory criteria could be classified otherwise while further data were being developed.

The regulations governing the biologics review (21 CFR 601.25) also provide for a classification, Category IIIA, to designate those products for which safety and effectiveness data are incomplete but which remain on the market while further data are developed. However, the biologics under review have been licensed under the Public Health Service Act, 42 U.S.C. 262. The purpose of the review is not to establish, for the first time, the marketing status of a product, as is the purpose of the OTC review, but rather to reaffirm or question, based upon current scientific standards, the data upon which the license is based. Classification of a biologic in biologics Category IIIA does not reflect a finding that a product cannot, as a matter of law, be licensed or that it is not exempt from the licensure requirement, but rather that the data are insufficient to recommend revoking the existing license or that the data supporting the license should be supplmented. In this respect a Category IIIA biologic is in a regulatory status analogous to that of an interim food additive. See 21 CFR 180.1. Licensed biologicals are not subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act. See 21 CFR 310.4. The question of their being "new" and thus requiring prior FDA approval or "old" (generally recognized as safe and effective) and thus not subject to prior review is not at issue. All biologics must be licensed whether they are generally recognized as safe and effective or not.

In the **Federal Register** of February 28, 1973 (38 FR 5359), the Commissioner requested data and information regarding viral vaccines and rickettsial vaccines. Additional data and information regarding the safety and effectiveness of related immune globulins and sera were requested in the **Federal Register** of June 19, 1974 (38 FR 21176).

Some concern has been expressed that information submitted to FDA under § 601.25 will become public information. Data and information submitted in response to the February 28, 1973 and June 19, 1974 notices and falling within the provisions of 5 U.S.C. 552(b), 18 U.S.C. 1905, or 21 U.S.C. 331(j) have been handled as confidential. However, with the publication of this proposed implementation and the Panel's findings, such data and information will, under § 601.25(b)(2), be made publicly available after May 15, 1980, and may be viewed at the office of the Hearing Clerk, except to the extent that the person submitting the data and information demonstrates that it still falls within the confidentiality provisions of one or more of the above statutes. Accordingly, comments concerning confidentiality should be submitted on or before May 15, 1980.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectivenes, and labeling of viral vaccines, rickettsial vaccines, and related immune globulins and antiserum:

Panel chairman, Saul Krugman, M.D., Professor, Department of Pediatrics, New York University School of Medicine, New York, NY 10016;
John P. Fox, M.D., Professor, Department of Epidemiology, University of Washington, Seattle, WA 98105;
William S. Jordan, Jr., M.D., Professor, Department of Community Medicine, University of Kentucky School of Medicine, Lexington, KY 40506 (since September 1, 1976, Director, Microbiology and Infectious Diseases Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, MD 20205);
Edwin H. Lennette, M.D., Ph.D., Chief Viral and Rickettsial Diseases Laboratory, California Department of Health, Berkeley, CA 94704;
June E. Osborn, M.D., Professor of Pediatrics and Medical Microbiology, Associate Dean of the Graduate School, University of Wisconsin, Madison, WI 53706;
Kenneth McIntosh, M.D., Professor of Pediatrics, University of Colorado Medical Center, Denver, CO 80262;
Wade P. Parks, M.D., Ph.D., Head, Viral Carcinogenesis Branch, National Cancer Institute, National Institutes of Health, Bethesda, MD 20205 (resigned from Panel June 30, 1976).

The Panel was convened on July 2, 1973 in an organizational meeting. Working meetings were held: July 2, August 30-31, October 29-30, December 17-18, 1973; February 6-7, April 2-3, June 17, September 6-7, November 4-5, 1974; January 6, February 10-11, March 12-13, April 10-11, July 7-9, December 18-19, 1975; February 10-11, June 22-24, 1976; January 24, October 3-4, 1977; and January 23-25, 1978.

Two nonvoting liaison representatives served on the Panel. W. Palmer Dearing, M.D., nominated by the Consumer Federation of America, served as the consumer representative. John Adams, Ph.D., of the Pharmaceutical Manufacturers Association, nominated by a number of producers with products under review by the Panel, served as the industry representative. Karl Bambach, Ph.D, substituted for Dr. Adams during his absences. Morris Schaeffer, M.D., Ph.D., participated in the Panel meetings in his capacity as Director of the Office of Efficacy Review, Bureau of Biologics, FDA. Jack Gertzog, Deputy Director, Office of Efficacy Review, Bureau of Biologics, FDA, served as Executive Secretary of the Panel.

In addition, the Panel considered the advice of the following consultants:

Samuel L. Katz, M.D.
David T. Karzon, M.D.
Edwin D. Kilbourne, M.D.

Over 250 persons requested an opportunity or were otherwise invited to appear before the Panel and present their views on one or more of the vaccines and related matters. Every person who requested an opportunity was heard by the Panel. The names of these persons are on file with the Hearing Clerk.

The Panel on Review of Viral Vaccines and Rickettsial Vaccines evaluated all data submitted for the following vaccines and other related products:

Table 1—*Licensed Vaccines Considered by the Panel*[1]

Manufacturer	Product
Parke, Davis & Co	Adenovirus Vaccine.
	Adenovirus and Influenza Virus Vaccines, Combined, Aluminum Phosphate Adsorbed.
Eli Lilly & Co	Influenza Virus Vaccine.
Lederle Laboratories Division, American Cyanamid Co.	Influenza Virus Vaccine.
Merrell-National Laboratories, Division of Richardson-Merrell, Inc..	Influenza Virus Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Influenza Virus Vaccine.
Parke, Davis & Co	Influenza Virus Vaccine.
Wyeth Laboratories, Inc	Influenza Virus Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Measles, Mumps and Rubella Virus Vaccine, Live.
	Measles and Rubella Virus Vaccine, Live.
	Measles-Smallpox Vaccine, Live.
Dow Chemical Co	Measles Virus Vaccine, Live, Attenuated.
Lederle Laboratories Division, American Cyanamid Co.	Measles Virus Vaccine, Live, Attenuated.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Measles Virus, Vaccine, Live, Attenuated.
Eli Lilly & Co	Mumps Vaccine.
Lederle Laboratories Division, American Cyanamid Co.	Mumps Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Mumps Virus Vaccine, Live.
Connaught Laboratories, Ltd...	Poliomyelitis Vaccine.
Cutter Laboratories, Inc.	Poliomyelitis Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Poliomyelitis Vaccine.
Parke, Davis & Co	Poliomyelitis Vaccine, Poliomyelitis Vaccine, Adsorbed.
Lederle Laboratories Division, American Cyanamid Co.	Poliovirus Vaccine, Live, Oral Trivalent, Type 1, Type 2, and Type 3.
Pfizer, Ltd	Poliovirus Vaccine, Live, Oral, Trivalent.
	Poliovirus Vaccine, Live, Oral, Type 1.
	Poliovirus Vaccine, Live, Oral, Type 2.
	Poliovirus Vaccine, Live, Oral, Type 3.
Wyeth Laboratories, Inc.	Poliovirus Vaccine, Live, Oral, Trivalent.
	Poliovirus Vaccine, Live, Oral, Type 1.
	Poliovirus Vaccine, Live, Oral, Type 2.
	Poliovirus Vaccine, Live, Oral, Type 3.
Eli Lilly & Co	Rabies Vaccine.
Lederle Laboratories Division, American Cyanamid Co.	Rocky Mountain Spotted Fever Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Rubella and Mumps Virus Vaccine, Live.
	Rubella Virus Vaccine, Live.
Recherche et Industrie Therapeutiques, S.A. (Smith Kline and French).	Rubella Virus Vaccine, Live.
Division of Biological Products, Bureau of Laboratories, Michigan Department of Public Health.	Smallpox Vaccine.
Connaught Laboratories, Ltd...	Smallpox Vaccine.
Lederle Laboratories Division, American Cyanamid Co.	Smallpox Vaccine.
Massachusetts Public Health Biologic Laboratories.	Smallpox Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Smallpox Vaccine.
Merrell-National Laboratories, Division of Richardson-Merrell, Inc..	Smallpox Vaccine.
Wyeth Laboratories, Inc	Smallpox Vaccine.
Eli Lilly & Co	Typhus Vaccine.
Lederle Laboratories Division, American Cyanamid Co.	Typhus Vaccine.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Typhus Vaccine.

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Table 1—*Licensed Vaccines Considered by the Panel*[1]—Continued

Manufacturer	Product
Merrell-National Laboratories, Division of Richardson-Merrell, Inc.	Yellow Fever Vaccine.

[1] Only biological products that have been licensed prior to July 1, 1972, are reviewed in this report.

Table 2—*Licensed Antiserum and Human Immune Globulin Preparations*[1]

Manufacturer	Product
Istituto Sieroterapico Vaccinogeno Toscano, "Sclavo".	Antirabies Serum.
Lederle Laboratories Division, American Cyanamid Co.	Antirabies Serum.
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Immune Globulin (Human), Pepsin-Modified.
Abbott Laboratories	Immune Serum Globulin (Human).
Armour Pharmaceutical Co.	Immune Serum Globulin (Human).
Division of Biologic Products, Bureau of Laboratories, Michigan Department of Public Health.	Immune Serum Globulin (Human).
Cutter Laboratories, Inc	Immune Serum Globulin (Human).
Dow Chemical Co	Immune Serum Globulin (Human).
E. R. Squibb & Sons, Inc	Immune Serum Globulin (Human).
Lederle Laboratories Division, American Cyanamid Co.	Immune Serum Globulin (Human).
Massachusetts Public Health Biologic Laboratories.	Immune Serum Globulin (Human).
Merck Sharp & Dohme, Division of Merck & Co., Inc.	Immune Serum Globulin (Human).
North American Biologicals, Inc.	Immune Serum Globulin (Human).
Osterreichisches Institut fur Haemodenvate G.m.b.H.	Immune Serum Globulin (Human).
Parke, Davis & Co	Immune Serum Globulin (Human).
Travenol Laboratories, Inc., Hyland Division.	Immune Serum Globulin (Human).
Wyeth Laboratories, Inc	Immune Serum Globulin (Human).
Lederle Laboratories Division, American Cyanamid Co.	Measles Immune Globulin.
Parke, Davis & Co	Measles Immune Globulin.
Cutter Laboratories, Inc	Mumps Immune Globulin (Human)
Travenol Laboratories, Inc., Hyland Division.	Mumps Immune Globulin (Human).
Travenol Laboratories, Inc., Hyland Division.	Vaccinia Immune Globulin (Human).

[1] Only biological products that have been licensed prior to July 1, 1972, are reviewed in this report.

The advisory Panel appointed to review data and information concerning safety, effectiveness, and labeling of viral and rickettsial vaccines has completed their review as follows:

Basis of Evaluation

The development of various viral vaccines has had a profound influence on the course and history of preventive medicine during the past two centuries. The necessary technology is now available to prepare safe, potent, and highly effective vaccines for the prevention of smallpox, poliomyelitis, measles, mumps, rubella, and other viral diseases. The extensive use of these vaccines is responsible in great part for the substantial decline in the morbidity and mortality of infectious diseases.

The terms "safety," "potency," and "effectiveness" are relative, not absolute. The evaluation of these terms and their application to the assessment of a licensed vaccine is based, in great part, on the risk-benefit assessment of the product in question. The importance of this position was highlighted by Sir Graham Wilson when he stated:

It is fair to conclude that most of the well-known protective immunological agents that we use do a great deal more good than harm. The complications and accidents for which they are from time to time responsible must be looked upon as the price we pay for the protection these agents confer upon us. There is no insurance without a premium. Our business is to provide a greater and more comprehensive insurance and to diminish the size of the premium.

The role of viral vaccines in promoting the health and welfare of mankind may be illustrated by a brief historical review of three vaccines which have had a notable impact in reducing the high morbidity prevalent during the prevaccination era.

1. *Smallpox.* The efficacy of vaccination for the prevention of smallpox was well established at the beginning of the 19th century. In 1796, Edward Jenner performed the first human-to-human vaccination with pustular material obtained from the cowpox lesion of a milkmaid's hand. A typical pox lesion developed on the arm of the boy who was inoculated. Some 2 month later, the boy was shown to be immune to reinoculation with pustular material from an active case of smallpox. Jenner extended these studies and showed that cowpox, a mild disease, was protective against smallpox. His historic observations were published in 1798 and 2 years later his findings were confirmed by Benjamin Waterhouse in the United States.

However, the availability of an effective vaccine did not eradicate smallpox and it remained a serious problem more than a century later. During the 10-year period from 1920 to 1930, there were more than 530,000 reported cases and 4,790 smallpox deaths in the United States. The acceptance of vaccination as a routine public health practice resulted in a decline in the number of smallpox cases in the United States from 110,672 in 1920 to 40,280 in 1925; 15,000 in 1938; 56 in 1948; and 0 in 1954. During the past 20 years, there has been not one confirmed case of smallpox reported in the United States.

The eradication of smallpox from most countries of the world in the 1970's has been an extraordinary achievement. The impact of Jenner's great contribution in incalculable. When he performed his first vaccination in 1796, about 45,000 deaths were caused by smallpox in Britain each year. Moreover, of all reported deaths, one in every five was due to this disease, and during the 18th century smallpox was responsible for the death of more than 60 million people in the world.

2. *Poliomyelitis.* The dramatic decline in the incidence of poliomyelitis in the United States is a direct result of the polio-vaccine program initiated in 1955. In 1954, there were 38,000 reported cases of poliomyelitis, of which 18,500 were paralytic. In 1975, there were only 5 paralytic cases, an alltime low since official reporting of the disease was initiated in 1912. Since 1954, more than 400 million doses of inactivated poliovirus vaccine (Salk) have been distributed in the United States. In addition, since 1961 more than 400 million doses of live, attenuated, poliovirus (Savin) have been used in extensive community-wide and routine immunization programs.

Inactivated poliovirus vaccine was the first safe and effective vaccine to be used for the prevention of poliomyelitis. Despite its excellent record, it did have limitations, namely, the vaccine's antigenic potency was variable and repeated inoculations were necessary to maintain antibody levels which declined rather rapidly (Refs. 1 through 10).

Live attenuated poliovirus has been used extensively throughout the world as a vaccine. Its effectiveness and safety have been well established. It is given orally; it is antigenically potent; and a single dose is followed by a rapid antibody response. Its capacity to produce intestinal resistance to reinfection has been responsible for its capacity to abort epidemics of poliomyelitis. The oral vaccine has been as effective, more acceptable, and more convenient to administer than an injectable vaccine.

3. *Measles.* Measles has been recognized as a disease for more than 11 centuries. It was first described in 850 A.D. by Rhazes, an Arabian physician. This universal disease, occurring on all continents and in all people, has had a major impact on the history and destiny of many nations. For example, Louis XV, King of France, became heir to the French crown after measles killed his brother, mother, and father. During an epidemic in the Fiji Islands in 1875, approximately 20,000 people died of measles, a loss of about one-fifth of the native population. The disease had a tremendous impact on the American Civil War, affecting 75,000 troops and causing approximately 5,000 deaths. Even as late as World War I it was an important cause of military casualties. During 1918 and 1919, 90,000 soldiers

caught the disease and more than 2,000 died. The advent of antibiotics and gamma globulin after World War II was followed by a significant decline in the bacterial complications of measles. However, despite a remarkable decrease in the mortality rate, measles continued to be an uncontrollable disease which attacked most children before adolescence.

The most significant advance toward the control of measles occurred in 1954, more than 1,100 years after the disease was recognized. In that year John F. Enders and his colleagues first isolated a strain of measles virus, later known as the Edmonston Strain. They later succeeded in attenuating the virus. In March 1963, after 9 years of carefully controlled trials by many investigators, a live attenuated measles virus vaccine, Edmonston Strain, was licensed for use in the United States. A further attenuated strain of live measles virus, the Schwarz Strain, was subsequently licensed as a vaccine in February 1965. The use of more than 60 million doses of vaccine during the past 10 years has been followed by a dramatic decline in the incidence of measles and measles encephalitis in the United States (See Figs. A–1 and A–2).

The number of reported cases of measles has declined from approximately 500,000 per year before licensing the vaccine in 1963 to less than 50,000 cases since 1972. The number of reported cases of measles encephalitis has declined progressively from approximately 300 prior to 1963 to an alltime low of 14 in 1974.

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Figure A-1

REPORTED CASES OF MEASLES BY FOUR-WEEK PERIODS UNITED STATES, 1960-1975

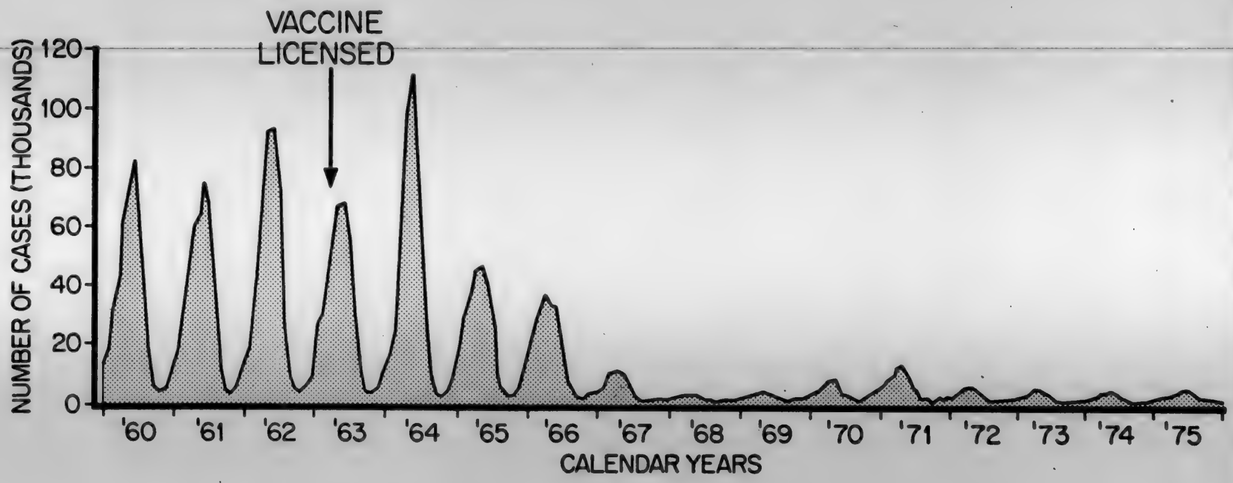

Source: Center for Disease Control

Figure A-2

Net Doses of Live Measles Vaccine Distributed United States 1963-1975

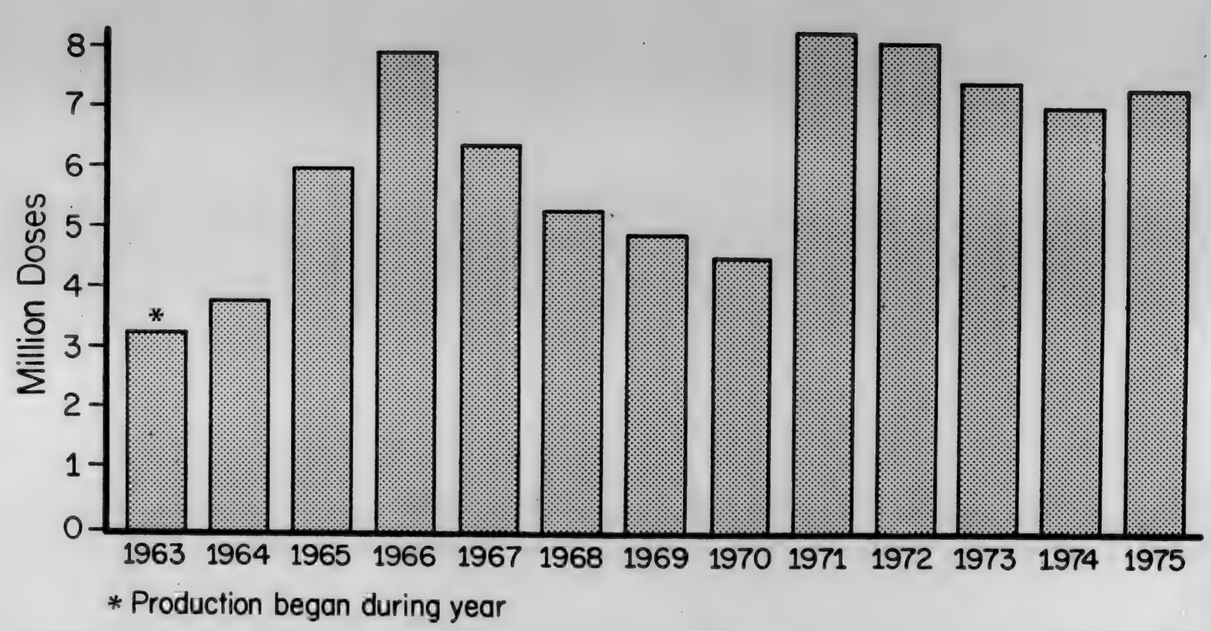

Source: Center for Disease Control

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Risk and Responsibilities

The development and subsequent licensing of effective vaccines for the prevention of poliomyelitis, measles, mumps, and rubella during the past 2 decades stem, in great part, from important contributions by many investigators in the United States. Thus, this country has been in the forefront in its support of research for the prevention of these infectious diseases. The United States, however, has been backward in its failure to deal with the important problem of public responsibility for the minimal but unavoidable risks associated with immunization procedures.

It is well-known that adverse reactions and even severe complications may occur in rare circumstances, even when vaccine has been prepared and used in accordance with accepted regulations and recommendations. Most reactions of this type represent an unusual and unpredictable host response. The occurrence of postvaccinal encephalitis is a classic example. Also, coincidental disease totally unrelated causally to the vaccine is bound to occur under the laws of probability. Given such circumstances, it is difficult to place responsibility and determine the validity of liability and malpractice suits against physicians and claims for damages against manufacturers.

Since immunizations recommended by national health authorities are of benefit not only for the recipient of the vaccine but for the community in general, several European countries and Japan have established a public compensation system under which the government has accepted responsibility for the recognized hazards of immunization.

In assessing liability, the responsibilities of manufacturer, physician, and State must be clearly defined. The manufacturer has two major responsibilities, i.e., to ensure that each batch of vaccine is manufactured and tested in strict accordance with regulations, and to include in the package insert for physicians a careful description of the risks that may be associated with the use of the vaccine in question. Medical personnel are obligated to inform the prospective vaccinee of any known possible risk.

In contrast with other types of prescription drugs, the major quantities of vaccines used are provided in connection with public health immunization campaigns. The State and Federal governments assume responsibilities for planning, funding, and implementing public health immunization campaigns and for licensing the vaccines which may be used legally. The government should also assume a further responsibility to provide compensation to persons suffering damage because of rare untoward reactions resulting from administration of vaccines which are properly manufactured, labeled, and correctly administered.

Sir Graham Wilson concluded his book, "The Hazards of Immunization," with the following commentary:

Vaccines, of one sort of another, have conferred immense benefit on mankind but, like aeroplanes and motor-cars, they have their dangers. My intention has been to provide information on these dangers in the belief that, unless they are known and recognized, the task of guarding against them is bound from time to time to meet with unexpected and possibly disastrous failures. Manufacturers entrusted with the preparation of immunological products must, in particular, be careful to maintain eternal vigilance. A single slip may be disastrous. Over-confidence must at all costs be avoided. St. Paul issued a warning against this: "Let him that thinketh he standeth take heed lest he fall"; and Shakespeare expressed the same thought in even stronger terms: "And you all know security Is mortals' chiefest enemy". It is for us, and for those who come after us, to see that the sword which vaccines and antisera have put into our hands is never allowed to tarnish through over-confidence, negligence, carelessness, or want of foresight on our part.

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Introductory Comments

The Panel on Review of Viral and Rickettsial Vaccines evaluated all data submitted in support of the licensure of the vaccines, antisera, and human immune globulin preparations listed in Tables 1 and 2.

In its review of the submitted data and in the preparation of its report, the Panel applied the definitions of safety, effectiveness, and labeling which are specified in § 601.25(d) (1) through (5) (21 CFR 601.25(d) (1) through (5)) of the biologics regulations governing the new procedures. These regulations state:

(1) Safety means the relative freedom from harmful effect to persons affected, directly or indirectly, by a product when prudently administered, taking into consideration the character of the product in relation to the condition of the recipient at the time. Proof of safety shall consist of adequate tests by methods reasonably applicable to show the biological product is safe under the prescribed conditions of use, including results of significant human experience during use.

(2) Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological or other effect of the biological product, when used under adequate directions for use and warnings against unsafe use, will serve a clinically significant function in the diagnosis, cure, mitigation, treatment, or prevention of disease in man. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a) (5)(ii) of this chapter, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the biological product or essential to the validity of the investigation, and that an alternative method of investigation is adequate to substantiate effectiveness. Alternate methods, such as serological response evaluation in clinical studies and appropriate animal and other laboratory assay evaluations may be adequate to substantiate effectiveness where a previously accepted correlation between data generated in this way and clinical effectiveness already exists. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered.

(3) The benefit-to-risk ratio of a biological product shall be considered in determining safety and effectiveness.

(4) A biological product may combine two or more safe and effective active components: (i) When each active component makes a contribution to the claimed effect or effects; (ii) when combining of the active ingredients does not decrease the purity, potency, safety, or effectiveness of any of the individual active components; and (iii) if the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent preventive therapy or treatment for a significant proportion of the target population.

(5) Labeling shall be clear and truthful in all respects and may not be false or misleading in any particular. It shall comply with Section 351 of the Public Health Service Act and sections 502 and 503 of the Federal Food, Drug, and Cosmetic Act, and in particular with the applicable requirements of §§ 610.60 through 610.65 and Subpart D of Part 201 of this chapter.

These definitions are elaborated upon as appropriate within the generic review for each vaccine.

After completing a product-by-product review, the Panel assigned each product to one of the following three categories:

Category I. Biological products determined to be safe and effective and specifying conditions under which they would not be misbranded.

Category II. Biological products determined to be unsafe or ineffective or misbranded.

Category III. Biological products determined not to fall within either Category I or II on the basis of the Panel's conclusion that the available data are insufficient to classify such products, and for which further testing is therefore required. For those products judged to be in Category III, the Panel was asked to recommend whether the license for the product should be retained (IIIA) or revoked (IIIB), while adequate data concerning safety, effectiveness and potency were being generated under controlled conditions.

The report which follows includes the basis for the Panel's recommendations and the details of both generic review of each type of vaccine and an individual review of each licensed product. If there is only a single manufacturer for a product, the generic considerations are included within the review of such single products. In some instances, the generic reviews recommend that additional studies be conducted on vaccines found by the Panel to be safe and effective (Category I). While the charge to the Panel by the Commissioner of Food and Drugs did not specifically ask for such recommendations in relations to safe and effective (Category I) products, the Panel considers such studies as appropriate for assessment of the benefit-to-risk factors which the Panel was asked to consider. With respect to its recommendations for additional studies for Category I products, the Panel believes that the state of the art and the benefit/risk assessments will both benefit by these recommendations.

As a preamble to the generic and individual product reviews, the Panel has prepared the following statement which discusses the overall basic principles and considerations relating to viral and rickettsial vaccines.

Basic Concepts of Immunity to Viral and Rickettsial Infections

Natural infection with virus and rickettsiae, with the important exception of respiratory viruses, is followed by solid and long lasting immunity which protects against clinical disease and reinfection, the latter to a variable extent. For most contact-transmitted agents, reduced susceptibility to reinfection is particularly important since it operates to inhibit spread of such agents in the population. As the number of susceptibles in the population is reduced, there is a corresponding reduction in the likelihood that an infected individual will make effective contact with a susceptible. While other factors such as social behavior, frequency of contact, and physical environment (e.g., temperature, humidity) affect infectivity, the net inhibition of spread reduces the risk of infection for the remaining nonimmune members of the population. This phenomenon of "herd immunity" and its application to immunization strategies will be considered in a later section.

In general, protective immunity to infection depends on humoral antibodies. However, the relatively normal clinical response of persons with agammaglobulinemia to most viral infections suggests that other forms of immunity such as cell-mediated immunity may play important protective roles in the natural course of viral infections. Conversely, delayed hypersensitivity mediated by cellular immunity may also be a major determinant in the clincial symptoms of viral infections, e.g., the rash of measles.

Protective antibodies are specific for surface antigens of viruses. These antibodies can be induced by the whole virus (during infection or as incorporated in an inactivated vaccine) or by purified viral surface antigens. The protective effect of an antibody depends on its reaction with extracellular virus to form complexes which lead to noninfectivity.

Intracelluar virus is not affected by antibody. Thus, once infection has been initiated, the role of an antibody is limited to restricting the spread of virus. Since effective levels of serum antibody rarely develop in response to infection until most, if not all, susceptible cells have been infected, antibody is not thought to play an important role in recovery from viral infections. Thus postexposure use of immune serum globulin containing specific antiviral antibodies is protective only within a limited period after exposure. In addition, use of vaccines to stimulate active immunity is usually protective only when vaccination is begun substantially before exposure occurs (rabies constitutes a possible exception).

The protective effect of humoral immunity, including that induced by vaccines, depends on several factors. One is the relation between antibody titer and the exposure dose of virus. Under naturally occurring conditions, variation in infecting virus dose is probably fairly narrow, thus antibody titer is the usual determinant of whether infection will take place. Even when infection does occur, the antibody tends to restrict spreading of the virus, thereby minimizing the resulting disease. This is a beneficial effect of vaccine-induced immunity that sometimes is overlooked.

While the general rule is that antibody is most protective against the homologous agent, the immunity related to it will be protective against heterologous but related agents to a degree corresponding to the strength of the antigenic cross-relation between the agents. Such heterologous immunity is a potentially important determinant of the natural occurrence of infection and disease and may be an important consequence of vaccine-induced immunity, most notably in the case of vaccinia and smallpox.

Perhaps the most important area relating to the protective effect of humoral antibody is the pathogenesis of infection and disease. Since our concern here is entirely with the acute events following infection from exogenous sources, the development of persisting infection (latent, recrudescent, or continuing patent) will not be discussed except as it relates to new exposures. Portal of entry, site of primary virus localization, target tissues or organs (disease sites), paths by which virus reaches such targets, and total viral replication are more easily illustrated by specific disease examples.

Yellow fever illustrates the situation in which the agent is introduced through

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the skin and gains entrance rather rapidly into the blood stream resulting in wide dissemination throughout the host. The systemic nature of the infection permits extensive viral replication. A correspondingly large mass of viral antigen which stimulates a major antibody response may account for the usual lifelong persistence of antibody. The usual portal of entry through the skin exposes the infecting dose of virus directly to humoral antibody present in tissue fluids and blood so that full protection is usually afforded by any detectable level of serum antibody. This situation also exists for other viral and rickettsial agents transmitted by blood-sucking arthropods.

Measles represents a similarly systemic infection which differs chiefly in usual portal of entry, i.e., through respiratory and/or conjunctival mucous membranes. Presumably, the virus replicates initially in mucosal cells and then quickly gains entrance into the lymphatics and/or blood stream by which systemic dissemination occurs. The resulting immunity is effective and usually lifeling. While antibody of the IgA class, when present in mucous secretions, may protect the mucosal cells from infection, clinical disease depends on systemic spread. Because systemic spread generally would be prevented by even low levels of serum antibody, resistance to disease will be lifelong although reinfection may occur. Rubella, chickenpox, and, perhaps, mumps are other important examples of this class of diseases although exhibiting some differences.

The pathogenesis of poliovirus infections is somewhat more complex. The virus usually gains entry via the oropharynx and/or the lower alimentary tract and is shed more copiously from the latter for periods which may exceed 100 days. The virus penetrates the mucosa and localizes initially in the underlying lymphoid tissues (e.g., tonsils and Peyer's patches). Further spread may be by one or both of two paths. Systemic dissemination via the blood probably occurs in all cases and helps insure the abundant antigenic stimulus which results in long-lasting seroimmunity. The motor neurons of the spinal cord and brain stem are the crucial sites of the only significant disease process (that causing paralysis). Fortunately, such central nervous system (CNS) involvement is very rare (1 in 200 to 800 infections). The ususal protective effect of passively transferred serum antibody (demonstrated experimentally in monkeys) suggests that CNS invasion usually is via the blood stream. However, autonomic and olfactory nerve fibers constitute a proven (again in monkeys) alternate path, which would explain the ready induction of paralytic disease following enteric infection in monkeys possessing high titer, homotypic serum neutralizing antibody induced by nonreplicating (Salk-type) vaccine, and also explain the surprisingly large number of cases of paralytic disease in persons with a history of three or more inoculations of Salk vaccine. Natural alimentary tract infection results in substantial but relative resistance to reinfection which depends on antibody of the IgA type present in mucous secretions. Such antibody is induced by inactive poliovaccines only when the vaccines are highly potent. In summary, serum antibody appears to be highly effective in preventing CNS invasion by the blood stream route but affords negligible protection against lower alimentary tract infection. If this occurs, CNS invasion by the nerve fiber pathway remains possible, even though serum antibody is present and the infected host may be a significant source of infection to others.

Influenza viruses, Types A and B, represent agents which may invade the lower respiratory tract where ciliated mucosal cells are the primary sites of localization. Disease results from the destruction of cells lining the tracheobronchial tree and the spread of virus to bronchiolar cells and cells of the alveolar septa. Although viremia is not a prominent feature of infection, viral relication in the nonimmune host is extensive enough to induce major antibody response. However, the effectiveness and durability of postinfection immunity are highly dependent on the degree of antigenic shift by subsequently infecting viruses. Protection of the mucosal cells from infection depends largely on secretory (IgA) antibody. Antibody in serum and tissue fluids (IgA) is believed important in limiting spread of virus from these superficial, primarily infected cells and, as a result, may afford significant protection against disease.

Noninfective Vaccines and Live Viruses

A reasonable goal of vaccine-induced immunoprophylaxis is to achieve a durable, protective immunity against both infection and disease comparable to that which follows natural infection, but with a greatly reduced or negligible risk of disease. Viral vaccines fall into one of two basic types, viz. those which contain nonreplicating antigens and those which contain a viable agent and so immunize by infection. This section will consider the known and potential advantages and disadvantages of each type.

1. *Noninfective vaccines.*—a. *Potency and effectiveness.* To be effective, an immunization schedule using noninfective vaccines must provide an antigenic mass sufficient to elicit an immune response of adequately protective and durable degree. Thus, vaccine potency is the most important criterion for effectiveness. Therefore, the dosage should be established in appropriate clinical trials with selected nonimmune volunteers.

The ultimate measure of vaccine effectiveness is protection against infection and/or disease. This ordinarily is demonstrated directly in small-scale, well-controlled experimental challenge studies and/or in carefully designed field studies during outbreaks which provide a natural challenge. From such studies, or from observations of the effectiveness of naturally-acquired immunity, it is usually possible to determine the type and the relative titer of serum antibody that correlates with protection. If this has been established for a specific agent, the antibody response of vaccinees may afford an acceptable basis for evaluating vaccine effectiveness.

The immunogenicity in man of particular lots of vaccine should be predictable from in vitro assays of specific antigen content and/or from tests for immunogenicity in experimental animals. Immunogenicity for man will, of course, also depend on the size, number, and spacing of vaccine doses (a single dose is the ideal). The need for multiple doses is an obvious public health disadvantage, which possibly might be overcome with the use of adjuvants.

The noninfective vaccines currently licensed are administered parenterally, either subcutaneously or intramuscularly. Possibly because this results in little or no stimulation of secretory antibody, such vaccines afford only relative protection, or no protection, against infection via mucosal portals of entry. Hence, the vaccinee may be protected against disease, but once infected he constitutes a potential source of infection for susceptible contacts. This possibility is lessened if the immunity engendered reduces the amount and/or duration of virus excretion.

The durability of immunity induced by noninfective vaccines can be established by monitoring serum antibody levels in individuals who are not exposed to infection. Generally, in the absence of natural restimulation, such immunity will wane. However, after primary immunization, the host is specifically conditioned to respond quickly and in high degree to new stimulation. Depending on the length of the incubation period of the disease, this enhanced responsiveness may be sufficiently rapid, when triggered by natural infection, to protect the host against disease.

b. *Possible adverse effects.* These relate to the viral antigen and to the menstrum in which it is contained.

(1) *Viral antigen.* first, there may have been failure to fully inactivate the virus, so that infection and disease may occur, e.g., the so called Cutter episode with Salk poliomyelitis vaccine. (For a discussion of the Cutter episode see Ref. 1) Second, the inactivated antigen may be toxic and cause local and/or systemic reactions, e.g., influenza vaccines. Third, the vaccine may induce hypersensitivity to the viral antigen without inducing protection against infection. As a result, the vaccinee may become susceptible to disease of unusual severity from natural infection with wild-type virus, such as has occurred following immunization with inactivated measles virus vaccine.

(2) *Vaccine menstruum.* Virus for noninfective vaccines is usually propagated in nonhuman cells. The final preparation of viral antigen (vaccine), therefore, may contain host tissue components, trace amounts of antibiotics, small amounts of formalin (or other chemicals) used to inactivate the viral antigen(s), viral components, and killed bacterial contaminants such as endotoxins, etc. although infrequent, sensitization to the host tissue can result in significant disease if the sensitization is organ specific (e.g., sensitization to CNS constituents induced by rabies vaccine). While, in theory, repeated use of a vaccine might induce sensitivity to other nonviral components, the greater hazard relates to reactions elicited in vaccine recipients already sensitive to one or another such component (e.g., antibiotics, traces of substrate, or even formalin). Residual formalin usually causes only slight, transient pain at the site of inoculation. ordinarily, formalin, or other chemical agents will also inactivate microbial contaminants, but this inactivation may not be complete (e.g., SV–40 virus in earlylots of inactivated poliomyelitis vaccine). Bacterial endotoxins pose a particular problem for vaccines produced from egg-grown viruses (e.g., influenza virus) because of the apparent difficulty in avoiding contamination with gram-negative bacteria. If present in sufficient quantity, such endotoxins may cause significant, acute systemic reactions. Menstruum problems concern both noninfective and live virus vaccines, but generally are under better control in the latter.

Although generally considered safer than live virus vaccines, noninfective vaccines are characterized by multiple-dose inoculation schedules, protection against disease but not necessarily infection, relatively short-lived immunity, and an increased likelihood of adverse reactions associated with their administration.

2. *Live virus vaccines.* The basic idea of live virus vaccines is simple but the relevant considerations are numerous and complex. A strain of the virus (or of an antigenically similar agent) must be found or produced, which will induce in man an immunizing infection with an acceptable or negligible risk of disease. Relevant considerations include finding or producing a suitable genetically stable strain of the virus, recognizing its avirulent character, determining the minimal consistently infective dose, demonstrating the effectiveness and durability of the resulting immunity, and establishing both primary safety (for the vaccinee) and secondary safety (for the vaccinee's contacts). These points are considered very briefly in the following presentation along with an abbreviated discussion of issues concerning substrates used for vaccine production.

a. *Origin of candidate attenuated virus strains.* The ability to test candidate strains for possible avirulence requires a suitable animal model (e.g., the monkey for yellow fever virus or poliovirus) or the possibility of using human volunteers (for agents causing disease with minimal risk of serious sequelae). Viruses undergo spontaneous mutation at rates dependent on many factors. The mutations result in virus populations that are heterogeneous with respect to various characteristics including the ability to infect and to cause disease in man. Historically, a variety of approaches have been employed to segregate avirulent strains from viral populations containing wild-type characters. These approaches include the use of isolates from naturally occurring subclinical infections, passage in unnatural animal hosts or in tissue culture systems held at low temperature to provide an environment favoring replication of the avirulent particles or cloning parental populations. Ultimately, it is desirable when possible to produce clones (strains deriving from single virions) which are genetically homogenous (at least originally) and genetically stable, and can be tested for their ability to infect and cause disease.

Testing for avirulence is a major problem in the assessment of live virus vaccines. It is made easier if an appropriate animal model for the disease exists (e.g., the rhesus monkey for yellow fever, poliomyelitis, and measles). Nevertheless, in all instances final testing for avirulence must be conducted with human volunteers. If no animal model exists, the initial testing must be conducted with humans.

Once an acceptable avirulent strain of virus (candidate vaccine strain) is found, the inherent mutability of viruses makes testing the genetic stability of the strain with respect to virulence properties as it is propagated for production of vaccine lots and as it replicates in vaccinees imperative. While further direct testing of ability to cause disease may be necessary, on occasion, this may prove cumbersome and, if human volunteers are necessary, almost prohibitive. This makes comparative studies of avirulent and of wild-type virus strains highly desirable to determine those in vitro characteristics which correlate with virulence or avirulence. When genetic markers which differentiate avirulent from wild-type strains have been identified, examination of new vaccine lots and of viral isolates from vaccinees for these markers may serve as a monitor on the overall genetic stability of the vaccine virus strain. Such monitoring is based on the assumption (not fully justified) that if these markers maintain their character, the avirulence character probably is also unchanged. Changes occurring during replication in the vaccinee are of concern chiefly if spread of the virus to susceptible contacts is possible. Changes which occur as new vaccine lots are produced pose a potential hazard to the vaccinees themselves. The likelihood that genetic reversion will occur can be minimized by use of the "seed lot" system in producing vaccines so that no production lot represents more than three to five passages from an original, thoroughly tested "master seed" (see Recommendations).

b. *Potency and effectiveness.* Since live virus vaccines immunize by inducing infection in the recipient, establishing the minimum dose of vaccine virus required to infect the nonimmune recipient is essential. When this is known, the potency of the vaccine is evaluated simply on the basis of an in vitro assay of its infective titer.

Considerations relating to vaccine effectiveness are essentially similar to those outlined with respect to noninfective vaccine. Maternally derived antibody persisting during the early months of life, may establish an age limit below which vaccination.

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particularly by parenteral routes (e.g., measles and rubella) may be less effective at reasonable virus dosage levels. Another important factor is "interference" by which a concurrent infection with a wild virus, or with another vaccine virus, blocks infection with the vaccine virus administered. This has been observed with orally administered poliovirus vaccine and may prove important for possible live respiratory virus vaccines (e.g., influenza).

Experience with current live virus vaccines indicates that excellent and durable immunity against both disease and reinfection can be induced by a candidate vaccine which meets the conditions discussed above. Thus, recipients of a live virus vaccine are effectively removed from the pool of susceptible individuals and ordinarily will play no future role in the spread of the virus within the population.

c. *Consideration of safety.* As discussed in the context of the noninfective vaccines, live virus vaccines contain host cell components, a dose of viable attenuated infective virus, and often a stabilizer. With the exception of smallpox vaccine (vaccinia virus), current live virus vaccines contain very low amounts of host cell proteins. They are presumed, on the basis of current technology, not to contain any known viruses other than the vaccine strain itself (yellow fever vaccine is an exception, and this situation is now being corrected).

(1) *Substrate.* One present concern is with viral contaminants. These may be introduced during the production process or, more likely, may have been present in the cell substrate. This latter possibility is closely related to the origin of such cells and can be reduced (or virtually eliminated) by use of established cell strains (e.g., WI–38 diploid cells of human fetal origin). The established cell strains must be studied for the presence of extraneous agents or must be obtained from cells from animal or egg that are specific pathogen-free. Reliable detection of known viruses is technically possible, although the procedures presently prescribed need to be improved. Since, with the exception of B virus (*Herpesvirus simiae*) from monkeys, the pathogenic potential for man of the recognized indigenous viruses is either not known or believed to be negligible, failure to detect their presence is of unknown importance.

The presence of host cell genetic material and the possible presence of unknown, potentially oncogenic viruses in live virus vaccines poses theoretical risks to vaccine recipients. These risks are best managed by careful monitoring of both the vaccine and its recipients. (However, the problem posed may be more difficult than a quick appraisal suggests. Recognition that a vaccine contains a heretofore unknown viral contaminant of undetermined pathogenicity for man is an epidemiologic problem which will be discussed in a later section.)

Since viruses grow inside cells, the final licensed product actually represents the net product of a particular virus-cell interaction. One poorly understood aspect of this interaction is the influence of the cell on the virulence of the vaccine strains of certain viruses (e.g., poliovirus and rubella). The inability to predict the effect of a particular cell on a given virus property such as reversion rate to neurovirulence (poliovirus) or a side effect such as arthritis (rubella) emphasizes the need for careful clinical trials prior to licensing. Perhaps equally important is the need to support more research into the mechanisms which lead to a loss of undesirable viral properties and to the acquisition of beneficial properties.

(2) *Vaccine virus.* Infection with an attenuated virus may give rise to an attendant immediate effect or to a long-delayed adverse effect. The first concern is with the immediate adverse effects. The frequency and severity of adverse effects in vaccinees are important criteria in determining vaccine acceptability. Also, in view of the immediacy of these reactions their evaluation should be quick and straightforward by means of simply designed clinical trials. The difficulty with such trials lies in size rather than design. To provide assurance that a truly serious outcome will occur in no more than 1 in 10,000 vaccinees would require observation of 100,000 or more individuals. It should also be remembered that the outcome of infection is partly determined by host factors, age in particular. In the nonimmune host, the consequences of infection usually are potentially most important in infancy, least in early childhood, and increasingly important with advancing age thereafter. Thus, if contemplated use of the vaccine includes adults, this age group should be included in the clinical trials. The possible important of pregnancy usually must be deduced from observations on naturally infected pregnant women (and their fetuses). Primary immunologic deficiencies and diseases or therapeutic measures known to impair the normal immune response also are of concern. Once again, evaluation of the part played by immunologic defects hinges on the experience of such deficient patients undergoing a natural infection, or responding to vaccine administered inadvertently.

Shedding by a vaccine recipient of sufficient virus to infect susceptible contacts raises concerns about their risk. As noted previously, an attenuated vaccine virus replicating in the human host may undergo reversion towards the wild type acquiring virulence characteristics. Hence, clinical trials should include studies of two types: (i) analysis of situations (classrooms and/or family units) in which spread to susceptible contacts can be observed and outcome of contact infections evaluated, and (ii) characterization of viral isolates collected from the vaccinees and from infected contacts for evidence of reversion. If contact spread appears to pose a hazard, this should be taken into account in recommendations of vaccine use.

The long delayed adverse effect of a live virus vaccine would depend on a persistent but possibly latent infection. Thus far, no current vaccine virus strain and, with the exception of measles and perhaps rubella, no corresponding wild-type virus has demonstrated such effects. Subacute sclerosing panencephalitis (SSPE), a presumed late and rare consequence of natural measles, is a theoretically possible effect of measles vaccine. (See Generic Reivew of Measles Virus Vaccine and discussion of safety under the summary of this section.)

In summary, live virus vaccines overcome most of the objections raised concerning noninfective vaccines in terms of ease of administration, protection, and durability of protection. However, live virus vaccines are very complex materials genetically and their safe use in man requires careful controls and extensive experience. Under proper conditions, live virus vaccines are safe and effective.

Summary—Live Virus Versus Noninfective Vaccines

1. *Administrative considerations.*—a. *Live virus vaccines.* A single dose ostensibly suffices for parenterally administered vaccine. Except for vaccinia and influenza virus vaccines (when such become available), the need for reimmunization is questionable and probably is required only after a long interval. For orally administered poliovirus vaccine, multiple feedings are recommended to ensure that gastrointestinal infection is established.

b. *Noninfective vaccines.* Primary immunization generally requires a course of two or more doses and maintenance of immunity usually requires periodic enhancing (booster) innoculations.

2. *Effectiveness and duration of immunity.*—a. *Live virus vaccines.* (1) Measles and yellow fever vaccines give long-lasting (10 or more years) solid immunity against disease and relative protection against subclinical infection.

(2) Oral poliovirus vaccine provides a long-lasting highly effective protection against disease and relative high protection against infection.

(3) Smallpox vaccine provide highly effective protection for a limited period (1 to 3 years).

(4) Rubella and mumps vaccines provide effective protection against disease but the duration of protection has not been established.

b. *Noninfective vaccines.* (1) Inactivated poliomyelitis vaccine is about 95 percent effective against paralytic disease based on experience in the United States, but is relatively ineffective against enteric infection. The duration of immunity is not firmly established. (However, the Swedish vaccine, which seems to be more potent than the early United States vaccine, is apparently effective against infection as well as disease.)

(2) Influenza vaccine is relatively (70 to 80 percent) effective against disease caused by the homologous virus and less effective against subclinical infection. The duration of protection is limited inpart by continuous changes or shifts in the antigenic character of the wild virus.

(3) Rabies vaccine represents a special case. Except in the case of high risk populations (for instance veterinarians) the vaccine is seldom given in the absence of prior exposure.

3. *Safety.*—a. *Live virus vaccines.* Some licensed vaccines cause minor systemic reactions in 5 percent or more of recipients. Vaccinia virus causes true although usually mild disease in 100 percent of successful vaccinations. Serious reactions which are not always clearly caused by the vaccine have been observed in recipients of all live virus vaccines and are extremely infrequent. The best verified instances (and of greatest concern) are those which may follow smallpox and live poliovirus vaccines. Spread of the virus to contacts with subsequent induction of disease has been verified only for polio and vaccinia viruses. Only in the case of early lots of yellow fever vaccine (which contained human serum as a stabilizer) has disease (hepatitis B) caused by a viral contaminant been recognized.

b. *Noninfective vaccines.* The presence of residual live virus has posed a problem only with poliomyelitis vaccine (the Cutter episode; also the presence of SV–40 virus in many lots of vaccine produced between 1955 and 1960). Local and, especially in children, systemic reactions have followed influenza vaccines and have been attributed in part to a toxic effect of the viral antigen. Isolated instances of allergic reactions have been reported in individuals sensitive to egg proteins who received vaccines (influenza and typhus) prepared for egg-grown agents. Vaccine failures, marked by naturally contracted disease, are relatively common despite "adequate" immunization and warrant consideration in relation to vaccine safety.

4. *Contribution to herd immunity.*—a. *Live virus vaccines* make a substantial contribution to herd immunity since successfully vaccinated persons play no future role in spread of the agent.

b. *Noninfective vaccines* make a doubtful or unclearly established contribution. In addition, vaccinees commonly acquire natural infection and often shed enough virus to permit spread to contacts.

The Problem of Subtle and/or Long-Delayed Adverse Effects of Vaccines

In the previous section which considered the adverse effects and safety of vaccines, the possible long-delayed effects were only briefly mentioned. The precise nature of such long-delayed effects is not pertinent to this discussion unless they are identifiable and significant. Indeed, one should be prepared for effects of a completely unforeseen nature. The problem is how to recognize that a relation may exist between administration of a vaccine and instances, perhaps rather isolated, of disease occurring in persons who had received the vaccine at variable but lengthy intervals before the onset of the disease. The value of animal models in the solution of this problem is clearly limited. This problem cannot be solved completely in the abstract and may never be solved in specific instances. Nonetheless, awareness of its existence is important, and approaches to its solution should be developed. It is also important to note that this problem is related to theoretical consequences of vaccination. These consequences are sufficiently tenuous in prospect that when the public health benefits of a given vaccine are under assessment, the risks should not be given undue weight in estimating the benefit/risk ratio of that vaccine.

A basic proposition in epidemiology is that associations consistent with a causal relation are not discovered until the possibility that they exist is recognized. Historically, epidemiologists start with a defined disease and search for its causes. Typically they begin with a case-control (retrospective) study in which "possibly significant experiences" of cases are compared with those of appropriate controls. The decision as to what constitutes "possibly significant experiences" is crucial. The recent "epidemic" of clear-cell adenocarcinomas of the vagina and cervix in adolescent and young adult females is instructive. Someone, either fortuituously or possessing unusual insight, decided to explore the antenatal as well as the postnatal experiences of the patients and the controls. As a result, it was found that diethyl stilbesterol (DES) given to the patients' mothers to counteract threatened abortion was clearly incriminated. The important point is that in future case-control studies of diseases of uncertain etiology, a history of prior immunization (both antenatal and postnatal) must be included in the list of "possibly significant experience."

An opposite but highly relevant approach begins by regarding vaccines as possible causes of diseases yet to be specified. This dictates that vaccine recipients (and some appropriate control group) must be followed indefinitely for the occurrence of significant illnesses. The practical problems of this approach are obvious and, at first glance, so overwhelming that one is tempted to abandon it forthwith. Which recipients? Who would be appropriate controls? How large should the comparison groups be? By what mehcanism and by whom would the follow-up be implemented? Before taking up these questions, we should consider possible patterns of occurrence of vaccine-induced disease and existing or potentially retrievable information on vaccine usage and possibly related disease.

Except for smallpox vaccine, viral and rickettsial vaccines are relatively recent developments, appearing since the late 1930's when yellow fever vaccine was introduced. Since then, new vaccines have been introduced and substantial information exists concerning how much and in what target populations they have been used. Also, much information exists in more or less readily available records concerning both significant morbidity and mortality in the United States population. Finally, large numbers of persons who were vaccinated, and those who were eligible but were not vaccinated, still survived. Conceivably, such survivors can be identified and investigated for disease experience that may have escaped

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recording and can be followed for future disease experience. In summary, a large mass of information exists which, although difficult to explore, could greatly hasten recognition of significant, long-delayed adverse effects of specific vaccines.

Assuming that a given vaccine does cause delayed effects, what are possible distinctive features of the vaccine-disease relation? First, a temporal clustering of cases reflecting the incubation period should be evident when disease onsets are plotted on a time axis which begins with date of vaccination. The demonstration of such clustering constitutes a forceful argument for etiologic relationship in the absence of case-control comparison. Related to this, a time plot of numbers of persons vaccinated should rise in parallel with later increasing incidence of the related disease. Next, occurrence of disease may be strongly influenced by one or more host characteristics of which age and perhaps sex are most likely to be important. By analogy with observations in laboratory animals, infants and very young children should be most vulnerable to any oncogenic effects of a vaccine-transmitted virus. Realization that such host factors may operate is clearly important in exploration of the relation between vaccination and vaccine-induced disease.

The Panel's concern and that of FDA, is with determination and establishment of the standards for acceptable safety of vaccines. Hence, beyond trying to educate epidemiologists to include evaluation of immunization histories in case-control studies of disease etiology, a basic approach assumes that vaccines may cause diseases of unforeseen nature after long, but temporarily unknown, incubation periods. The only possible design is a cohort (or prospective) study in which vaccine recipients and comparable controls are monitored over an extended (perhaps indefinite) period. Ideally, provision for such a study should be made in planning and conducting the clinical trials that are required to establish vaccine safety. Volunteers would first be screened to identify susceptibles. Under current practice, the susceptibles are formed into two groups, one to receive vaccine and the other a placebo. For obvious ethical reasons, if the vaccine proves both effective and of acceptable safety, the placebo group must subsequently also be offered the vaccine and, hence can no longer serve or be useful as a long-term control. The revised design would then utilize the volunteers found to have been naturally immune as a third comparison group for prolonged observation. Vaccinated members of the original placebo group would be combined with the original vaccine group for extended observation. If the comparison groups are large enough, such a design would permit detection of the effects of a possible viral contaminant, and also of possible undesirable properties of the vaccine virus acquired through genetic reversion or mutation during propagation in cell cultures.

The necessary size of the comparison groups depends on the estimated rate of loss to followup and how one defines acceptable safety. Presently, acceptance of a new live vaccine virus strain requires that it cause no significant acute disease in a specified large number of susceptible vaccines. Observation of 10,000 vaccine recipients would afford reasonable assurance that, in normal use, no more than one individual in 1,000 would experience a significant serious consequence. The study design suggested above would provide an initial vaccine group of about twice that number but the size of the long-term comparison group would depend on the extent of prevalence of natural immunity. Current regulations for some of the viral vaccines such as rubella require that the manufacturer obtain (and transit to the Bureau of Biologics) identifying information sufficient to permit a followup of 5,000 vaccinees. This design would require such information for all members of the two long-term comparison groups. Since the adequacy of the control group suggested here is open to question with respect to size, and to a possible confounding effect of natural acquisition of immunity in this group (natural infection in some members may give rise to delayed consequences similar to those referable to the vaccine virus strain), it should be recalled that analysis of the experience of the vaccine recipients alone should be revealing, i.e., vaccine-related disease should show clustering in time and the frequency might vary with age and sex. The followup operation is clearly feasible, although admittedly costly. Who should be responsible for it is a political question, but simple logic would suggest FDA or the Center for Disease Control (CDC), both part of the Public Health Service (PHS).

How the foregoing design can be applied to vaccines already licensed is more difficult to determine. One highly unacceptable possibility is to conduct new trials for long-term followup only. More realistically, attempts should be made to identify those persons who received a specific vaccine soon after it was introduced.

For vaccines licensed in recent years, such approaches would include thousands of participants in the original clinical trial who were identified by the manufacturer. Others might be identified from the records of health agency immunization clinics, prepaid medical care plans, etc. Construction of truly appropriate control groups poses such a seemingly insoluble problem that evaluation of the vaccines might have to rest entirely on the experience of the vaccinated individuals. However, at least some control groups are possible. For the reportable diseases, persons who experienced the disease (and presumably had not been vaccinated) might be identified. Aslo, for vaccines used largely during childhood, individuals whose childhood shortly preceded the advent of the vaccine could be identified. Finally, the experience of persons identified as recipients of one vaccine could be compared with that of recipients of other vaccines. Undoubtedly, other possibilities exist, but the main point is that it should be possible, with respect to current vacines, to take advantage of the experience that has accumulated since the vaccines were licensed and thereby hasten the recognition of their possible adverse effects.

Problems Involving Political and Ethical Considerations

The approval and licensure of vaccines, the development of standards for effectiveness and safety, and policies concerning recommended usage of vaccines involve judgments and decisions which are based only in part on scientific knowledge. The following is an examination of some of these problems together with a few notes intended to identify the nature of the pertinent considerations. In none of these problems is vaccine effectiveness the issue, although the degree of effectiveness may be a factor.

1. *The clinical trial to explore safety.* Scientifically, using the established design of double-blind studies with placebo controls, a clinical trial can yield reliable estimates of the risk of serious consequences, of whatever degree, associated with a vaccine. For estimation of very small risks, larger numbers of volunteers are required. The questions at issue are: "What degree of risk is acceptable?" and "How does one define serious consequences?" The answers are obviously influenced by any sequelae associated with the naturally occurring disease and with the risk associated with other available preventive measures. These are value judgments and cannot (or should not) be made only by scientists. The more difficult question concerns the acceptable degree of risk. The answer to this question determines the required size of the clinical trial.

It was emphasized earlier that host factors, age in particular, may play an important part in response to viral infection. This is particularly relevant to live virus vaccines. Hence, the clinical trial should include individuals of all age groups likely to receive the vaccine. For most vaccines, infants and young children comprise the primary target population. The ethical problem of gaining fully informed consent for such young individuals is well recognized but is emphasized here as a clearly restrictive factor which affects the conduct of adequate trials. An obviously helpful aspect is that, in most cases, the young volunteers would benefit from the immunization.

2. *Benefit/risk ratio.* The ultimate approval of a vaccine hinges heavily on the benefit/risk ratio. This term implies a quantitative formula which, unfortunately, is not attainable with exactitude. However, as a statement, it does carry the important implication that measurable risk is not of itself an adequate reason for disapproval, a decision to be made only after assessment of possible offsetting benefits.

Both benefit and risk can be expressed as quantitative estimates which, however, often are not fully reliable. These can be expressed in terms of individual risk, e.g., vaccination is associated with a possibility of one per million that serious related disease will occur as compared with a lifetime risk of one per thousand that serious natural disease will occur if no vaccine is given. According to these estimates, the odds that an individual will not experience specific serious disease are improved 1,000-fold by vaccination. The problem also can be viewed in terms of an entire population. Using the probabilities suggested above, vaccination of a million young children would eventuate in one case of serious disease whereas without vaccination some 1,000 individuals in this age group would eventually acquire such disease during their lifetime. With the comparative risks as stated, approval would be clearly indicated.

Unfortunately, the problem is seldom so clearly delineated. Often, alternative effective methods of prophylaxis may already be available, e.g., noninfective versus live virus poliomyelitis vaccine. This particular example serves to illustrate a number of other factors that must enter into any assessment. One factor is vaccine cost. The viral antigen content of inactivated poliomyelitis vaccine must be much greater than that of a live virus vaccine, and hence its cost presumably is greater. Another is acceptability; live virus vaccine, because it is taken by mouth rather than via a needle, is much more acceptable, a factor important to extending immunization to the lower socioeconomic segments of the population. Still another factor is the possible benefit to susceptible members of the population who may escape vaccination. Because the killed-virus poliomyelitis vaccine affords little protection against intestinal infection, recipients may continue to participate in the spread of wild poliovirus whereas recipients of live virus vaccine become highly resistant to infection and usually play no further role in viral spread. Thus, extensive use of live virus vaccine reduces the probabilities that unvaccinated susceptibles will be infected with wild virus.

In the above discussion, "serious consequences" were not defined. If these include possible lethal outcome, they take on additional weight and especially so in the case of a vaccine used against a rarely lethal disease. This latter situation has not yet been encountered. However, in this connection, concerns have been expressed about potential oncogenic effects due to presence in the vaccine of unknown viral contaminants, or to genetic fragments of oncogenic viruses somehow incorporated into the genome of the vaccine virus. As suggested previously, such a theoretical risk should carry little or no weight in estimating the benefit-risk ratio when, on practical grounds, the ratio is highly favorable. Nevertheless, even the theoretical possibility of such risk makes it mandatory to maintain a continuing surveillance to detect the postulated effects and to reevaluate the benefits against the risk if such effects are recognized.

Another major consideration is economic, which for lack of adequate data often is ignored. These data would contrast the cost of a vaccine and its administration plus the costs (medical care, rehabilitation, impairment of ability to earn income) of vaccine-related disease with costs of a similar nature that would have accrued from cases of the natural disease. For an "acceptably safe" and effective vaccine against a serious disease, again the ratio should be highly favorable. However, if the preventable disease occurs chiefly in young children and is infrequently associated with permanent sequelae, a different answer might result. The question then might become "how much cost can be justified to prevent one crippling or lethal case of disease?" This clearly requires a societal rather than a scientific judgment.

3. *Recommendations for vaccine usage.* Vaccines necessarily are administered to individuals under the direction of a physician as part of a program for protection of the recipient as an individual, or as part of a publicly sponsored or encouraged program directed toward control of the specific disease. In their use of vaccines, physicians are guided by "official" recommendations which typically indicate who should be immunized, the circumstances requiring or justifying immunization, any specific precautions that should be observed, and absolute or relative contraindications to vaccination. Inattention to precautions and contraindications may constitute medical malpractice although the decision to vaccinate is otherwise basically left to the physicians' judgment.

While vaccination must afford benefit to the recipient, it is also usually a matter of public concern. At the least, the illness prevented obviates loss of time from school or work and lessens by one case the need for medical services and facilities. For vaccines which protect effectively against infection as well as disease, extensive vaccination makes contact spread more difficult. Thus, the risk of disease is reduced for any remaining unvaccinated susceptibles. If the vaccination program is sufficiently extensive and sustained, eradication of the wild-type virus from increasingly large geographic areas may be an attainable goal.

The Federal government has accepted responsibility, implemented by the PHS Advisory Committee on Immunization Practices (ACIP), for the development and promulgation of recommendations on vaccine use. An additional advisory group, theoretically independent but in practice closely coordinated with ACIP, is the Committee on Infectious Diseases of the American Academy of Pediatrics whose parallel recommendations, largely focused on pediatric use of vaccines, appear in its periodic report (known as the "Red Book"). The published recommendations reflect public policy and serve as a guide to the use of vaccines in populations as well as in individual cases. Examples are the efforts to increase the use of measles and poliomyelitis vaccines to achieve virtual eradication of the wild agents, and to concentrate on prepubertal children as recipients of rubella vaccine

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to reduce the chance that susceptible women will be infected during pregnancy.

The FDA through the Bureau of Biologics is charged with approval and licensure of vaccines and regulation of their production, packaging, advertising, and release. The packaging aspect covers the inserts which contain recommendations on use, statements of risk, etc. Inevitably, decisions concerning approval also involve consideration of how a vaccine will be used. On this point, there is some overlap in attitude and philosophy with ACIP, but there is no question that the matters of safety and effectiveness are, by law, the responsibility of the Bureau of Biologics. Since both factors are potentially influenced by how the vaccines are used, the Bureau of Biologics also should be basically responsible for promulgating vaccine usage recommendations. In view of the present commendable collaboration between CDC (and its ACIP appendage) and the Bureau of Biologics, the question might appear to be academic, but it is nonetheless an important political question which should be further considered.

4. *Public liability for adverse effects of vaccines.* The intent of this section is to state briefly a very real problem which needs urgent resolution. Through FDA, the Federal government assumes responsibility for the effectiveness and safety of licensed vaccines. Through CDC, the government also has accepted responsibility for recommending how vaccines should be used. These responsibilities as noted above, reflect the major public interest served by vaccines; hence, the continued availability of vaccines is also a major public concern, and one which is now being threatened.

It is not possible to produce an effective vaccine that is absolutely and infallibly safe. Hence, an occasional recipient will suffer significant injury and, in at least some instances, unrelated disease when it coincides with vaccination will be (and has been) attributed to the vaccine. There is little argument but that persons truly injured by a vaccine should receive fair monetary compensation. However, under present circumstances they seek redress from the manufacturer and from the administering physician or nurse who have been held liable in the courts when adverse effects are judged due to a vaccine, even when it has been produced and administered in strict compliance with existing standards and regulations. The resulting judgments are causing such financial loss to the manufacturers that some at least are abandoning vaccine production, and others are said to be considering it. Indeed, for these reasons the continued availability of poliovirus vaccine is in serious jeopardy.

The obvious solution to this problem requires legislation. Victims of established adverse effects of vaccines which have been produced and released in full compliance with Federal regulations should be compensated adequately by the Federal government. Concomitantly, the manufacturer of the vaccine, assuming no culpability on its part, should be held free of liability. The laws enacted in Denmark and the Federal Republic of Germany provide for compensation from public funds to persons suffering damage consequent upon vaccinations that are recommended to the public by the competent authorities. In both countries, a reasonable probability of the causal relationship between the immunization and the injury is regarded as sufficient basis for payment of damages. In Germany, damages are paid as a pension, and this is the case also in Denmark provided that the disablement is 50 percent or more. If the disablement is less than 50 percent, damages are usually paid as a capital sum. Children, however, receive their compensation only after they have reached an age of 15 years. Below this age, financial aid can be obtained from public funds under the general social laws.

Reference

(1) Nathanson, N. and A. D. Langmuir, "The Cutter Incident," *American Journal of Hygiene*, 78:16–81, 1964.

Generic Review of Poliomyelitis Vaccine

Background

Poliomyelitis emerged in the late 1800's as a disease of significance in temperate zones. Its viral etiology was established in 1909 and the existence of three antigenically distinct serotypes was recognized in 1949. The work of Enders and his colleagues, beginning in 1949, demonstrated that polioviruses could be propagated in tissue and cell culture with easily discernible cytopathic effects. This landmark discovery opened the door to major studies which led to nearly complete epidemiologic understanding of the disease, basically because cell cultures replaced monkeys (1 tube culture = 1 monkey) for virus isolation attempts and for assay of neutralizing antibodies. More important, for present purposes, the discovery made possible the development and production of effective vaccines, first the inactivated virus type (inactivated poliomyelitis vaccine (IPV)) licensed in this country in 1955 and then the live attenuated virus vaccine for oral use (oral poliomyelitis vaccine (OPV)) licensed in 1961.

The situation in the United States immediately preceding and following the introduction of these vaccines for general use is summarized in Figures 1 and 2.

As shown in Figure 1, the reported incidence of poliomyelitis rose consistently from 1941 to an apparent peak in 1953 when nationwide attack rates reached nearly 23 per 100,000 for paralytic disease and 37 per 100,000 for all forms. The effectiveness of IPV is reflected in the dramatic decline in incidence of the disease after 1955. With the virtual replacement of IPV by OPV in 1962, incidence further decreased to the point where rates are no longer meaningful. The total number of paralytic cases in 1971, 1972, 1973, 1974, 1975, and 1976 was only 17, 29, 7, 4, 5, and 8, respectively.

The overall pattern of usage of vacines is reflected in Table 3 and Figure 2A.

The chief points of interest are: (1) from 1964 on, the distribution of IPV declined dramatically, reaching the point where it is now obtainable only with difficulty, although still licensed; (2) reflecting its use in large community-wide programs, monovalent OPV (MOPV) was most extensively distributed in 1962 to 1964; and (3) since 1966, trivalent OPV (TOPV) has virtually replaced MOPV. The reasons for these changes are fairly obvious. OPV is easier to administer than IPV is more acceptable, and the resulting immunity is more like that following natural infection, i.e., it is longer lasting and provides greater resistance to alimentary infection. MOPV represents three separate oral vaccines, thus making maintenance of stocks and keeping of records more difficult than with the single product represented by TOPV.

The most important remaining aspect of vaccine use is identification of the population segments which are not vaccinated. Even though OPV is readily more accepted than IPV, the problem remains a significant one.

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Figure 1

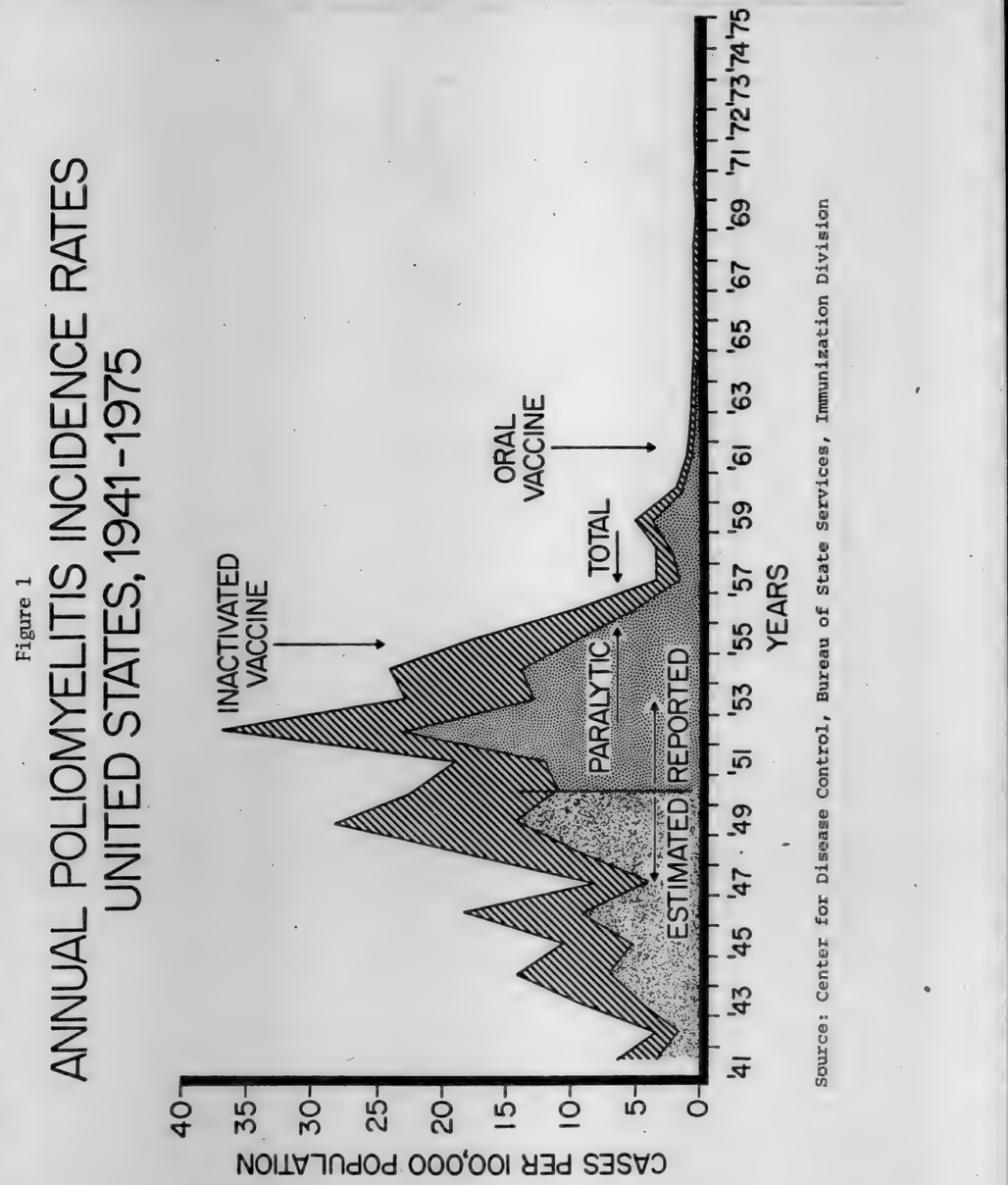

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FIGURE 2

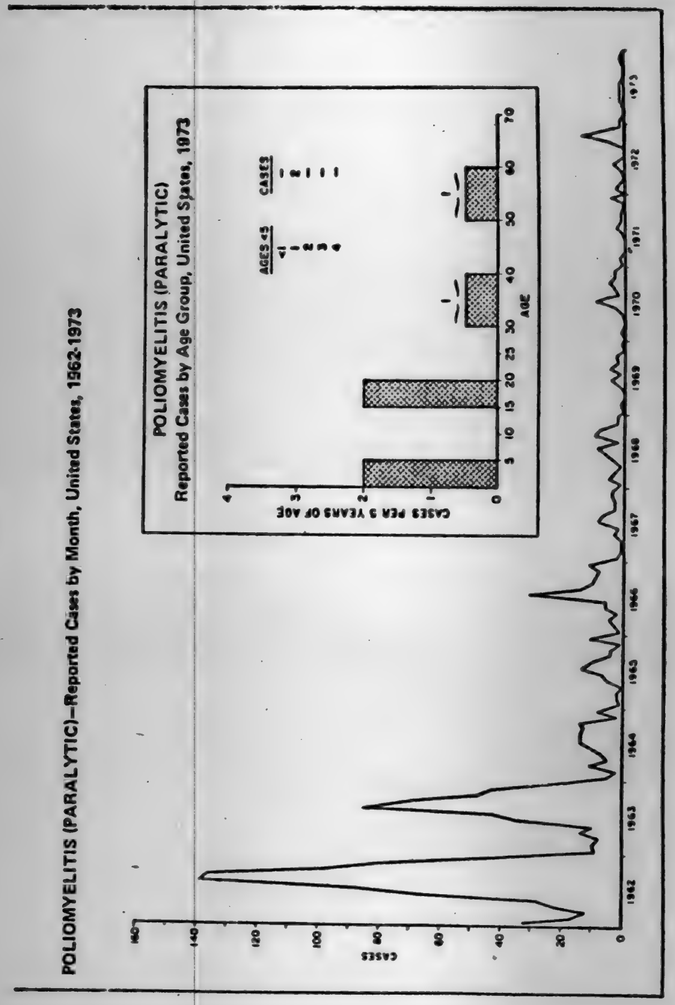

SOURCE: Center for Disease Control, Bureau of Epidemiology.

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Table 3.—*Poliomyelitis Vaccine Distribution, Net Doses.(Millions) by Year, United States, 1962–71*

	1962[1]	1963	1964	1965	1966	1967	1968	1969	1970	1971
Inactivated poliomyelitis vaccine (IPV)	15.3	19.0	8.8	7.5	5.5	4.0	2.7	[2]		
Oral poliomyelitis vaccine, live (OPV):										
Monovalent (MOPV):										
Type 1	33.1	38.7	24.9	4.7	1.4	1.3	0.5	0.4	0.3	[3]0.2
Type 2	37.0	34.2	29.8	3.4	1.3	0.9	0.5	0.4	0.2	0.1
Type 3	13.7	54.2	28.4	3.7	1.4	1.9	0.6	0.4	0.3	0.2
Trivalent (TOPV)		[3]4.2	24.0	17.4	24.0	18.0	23.9	22.5	25.8	25.5
Total	99.1	150.3	115.9	36.7	33.6	25.2	28.2	23.7	26.6	25.9

[1] July-December (biologics surveillance program began July 1962).
[2] Not shown since fewer than three distributors reported.
[3] Production began in Mid-1962

Source: "Immunization Against Disease—1972," page 37, Center for Disease Control, PHS, DHEW.

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Figure 2A

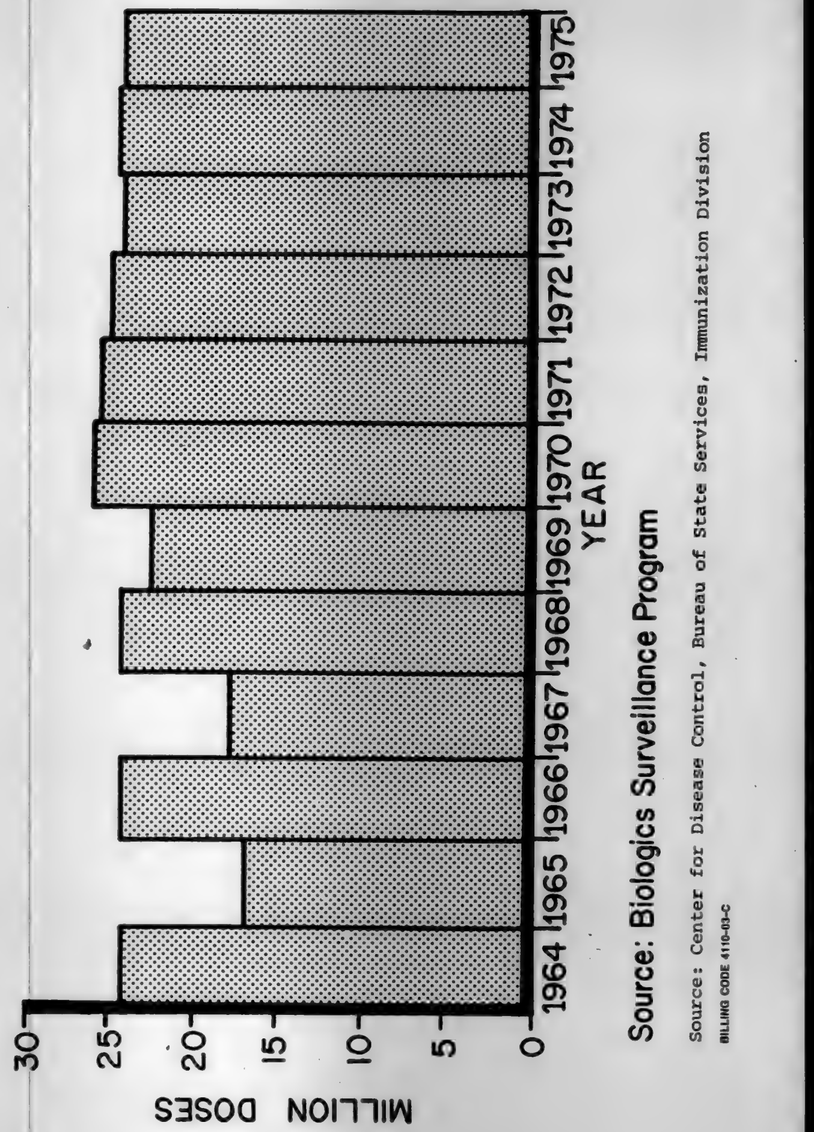

In central city populations during 1974, 13.1 percent of children between the ages of 1 to 4 and 9.9 percent of children between the ages of 5 to 9 had never received any type of polio vaccination (Ref. 16).

The 1977 recommendations of the Public Health Service Advisory Committee on Immunization Practices (ACIP) are as follows (Ref. 1):

Rationale for Choice of Vaccine. Although IPV and TOPV are both effective in preventing poliomyelitis, when the benefits and risks for the population as a whole are balanced, TOPV is the vaccine of choice for primary vaccination of children in the United States. The choice of TOPV as the principal polio vaccine in the United States has also been made by the Committee on Infectious Diseases of the American Academy of Pediatrics (1) and a special expert committee of the Institute of Medicine, National Academy of Sciences (2). This is because TOPV establishes intestinal immunity to reinfection, is simple to administer, is well accepted by patients, does not require periodic booster doses, and has a record of having essentially eliminated disease associated with wild polioviruses in this country.

Some countries successfully use IPV, either wholly or in part, to control poliomyelitis. However, because of many differences between them and the United States, particularly with respect to risks of exposure to wild polioviruses and the ability to achieve and maintain very high vaccination rates in the population, their experiences with IPV are not directly applicable here. It is seriously doubted, in fact, based on current achievements in the United States with other injectable antigens, that a sufficient number of persons would regularly be given primary and booster vaccination with IPV to sustain the general level of poliomyelitis protection in the community needed to prevent recurrence of outbreaks.

When considering the immunization of specific individuals, there are occassions when TOPV and IPV are viewed as being alternatives, or when either TOPV or IPV is the specific vaccine of choice, or when both TOPV and IPV may be useful. Prospective vaccinees or their parents should be made aware of the polio vaccines available and the reasons why recommendations are made for giving specific vaccines at particular ages and under certain circumstances. Furthermore, the benefits and risks of the vaccines for individuals and the community should be stated so that vaccination is carried out among persons who are fully informed.

TOPV. Primary immunization. Infants, children, and adolescents through age 18 years: The primary series is 3 doses. The first 2 doses should be given not less than 6 and preferably 8 weeks apart. The third dose should follow in 8–12 months. For infants, the first dose is commonly given at the same time as the first dose of DTP, at 6–12 weeks of age. For older children and adolescents, the third dose may be given as early as 6 weeks after the second if circumstances do not permit the optimal 8–12 month interval.

Adults: Routine polio vaccination of adults residing in the continental United States is not necessary. This is because most adults are already immune, because the risk of exposure to poliomyelitis is generally very small, and because there may be a slightly greater risk of vaccine-associated paralysis among adults than among children receiving TOPV. However, a susceptible adult at increased risk of exposure to infection by virtue of travel to an area where poliomyelitis is common should complete primary immunization with either IPV or TOPV. The schedules are the same as for other age groups.

Supplementory Doses. Entering school: On entering kindergarten or first grade, all children who completed the primary series of TOPV in early childhood should be given a single dose of TOPV. This additional dose will assure immunity to all 3 poliovirus types in the event the original primary series failed to do so. All other children should complete the primary series.

Preadolescent vaccination: A special expert committee of the Institute of Medicine, National Academy of Sciences, reviewing poliomyelitis immunization proposed giving a single dose of TOPV (or completing a full series if required) to children (about 11–12 years old) entering seventh grade. In the committee's view, this supplementary dose could help to assure solid immunity among young adult parents who if susceptible might contract vaccine-associated polio through household contact with infant or childhood vaccinees. The Advisory Committee on Immunization Practices (ACIP) considers the available serologic data to be an insufficient basis on which to recommend routine revaccination of this particular age group. However, the preadolescent years are a good time to evaluate polio immunity and to complete vaccination of those who are inadequately protected. If serologic evidence indicates the value of more generalized revaccination at this time, such an effort could be useful.

Increased risk: Anyone who has completed the primary TOPV series in the past should be given a single additional dose of TOPV when there is a substantial risk of exposure to poliomyelitis, as in traveling. The actual need for this supplementary dose has not been established, but there is value in assuring protection against infection with wild polioviruses when exposure can reasonably be expected.

Pregnancy: Pregnancy is neither an indication for vaccination against poliomyelitis nor a contraindication when protection is needed, as during an epidemic. There is no evidence to suggest that a pregnant woman or her fetus is at greater risk from TOPV than are other persons. (See also, General Recommendations on Immunization, in MMWR 25(44), 1976.)

TOPV-Associated Risk. As indicated above, administration of oral polio vaccines has been associated temporally with paralysis in healthy recipfents and their contacts. Other than efforts to identify persons with immune deficiency conditions, no currently available screening procedures can identify those persons likely to experience such an adverse reaction. Although the risk of vaccine-associated paralysis is extremely small for vaccinees and their susceptible family and other close personal contacts, they should be informed of this risk. When the attenuated vaccine strains are to be introduced into a household with adults who have never been vaccinated, some physicians may choose to give these adults at least 2 doses of IPV a month apart, if not the full primary series, before the children receive TOPV. (Vaccination of the children should be assured and not unnecessarily delayed by this process.)

Contraindications. Immune deficiency diseases and altered immune states: Patients with immune deficiency diseases, such as combined immuno-deficiency, hypogammaglobulinemia, and agammaglobulinemia, should not be given TOPV because of their significantly increased risk of vaccine-associated disease.

Furthermore, patients with altered immune states such as those occurring in leukemia, lymphoma, or generalized malignancy or by lowered resistance from therapy with corticosteroids, alkylating drugs, antimetabolites, or radiation should not be given TOPV because replication of the vaccine viruses theoretically might be potentiated. When possible, all patients with altered immunity should avoid close, household-type contact with recipients of TOPV for at least 2–3 weeks after vaccination. IPV may be the preferable vaccine for immunizing all persons in this setting. (See also: IPV-Other Uses.)

IPV. Primary Immunization. All ages: Four doses should be given; volume and route of injection are specified by the manufacturer. Of these, 3 doses should be given at approximately 1-to 2-month intervals, and the fourth, 6–12 months after the third. This schedule should be integrated with DTP vaccination begining at 6–12 weeks of age.

Booster doses. A booster dose every 2–3 years has generally been recommended to sustain optimal levels of antibody. It should be noted that this recommendation was developed when the IPV in use was less potent than that available today. As experience is gained with newer IPV products, the recommended interval between booster doses will probable be increased.

The need for IPV boosters could be obviated by supplementing IPV vaccination with primary vaccination with TOPV. In this regard, individuals at particular risk of exposure to poliomyelitis who have received 3 or more doses of IPV should be given at least 1 dose of TOPV, preferably the full primary series.

Other Uses. Children or adults with immune deficiency diseases or altered immune states who are at risk of exposure to poliomyelitis should be vaccinated with IPV. Their antibody responses cannot be assured, but they may derive some protection from vaccination.

Physicians may elect to give a primary series of IPV or, when constrained by time, at least 2 doses 1 month apart to adults who have never been vaccinated ahd who: (1) by reason of travel are at risk of exposure to poliomyelitis or (2) are likely to come in contact with vaccine virus following routine immunization of their children. Less than full

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primary immmunization should be supplemented later with the additionally recommended doses.

Precautions. Since IPV contains trace amounts of streptomycin and neomycin, there is a possibility of hypersensitivity reactions in individuals sensitive to these antibiotics.

IPV-Associated Risk. No serious side effects of IPV have been reported.

Case Investigation and Epidemic Control.

The occurrence of a single case of polio should prompt an immediate epidemiologic investigation, including an active search for other cases. if evidence implicates wildpolio virus, a vaccination plan designed to contain spread should be developed. Within an epidemic area, TOPV should be provided for all persons over 6 weeks of age who have not been completely immunized or whose immunization status is unknown.

References

(1) Committe on Infectious Diseases, American Academy of Pediatrics, "Poliovirus Immunization Reexamined," *News and comment*, 27(12 Supp.), 1976.

(2) Nightingale, E., "Recommendations for a National Policy on Poliomyelitis Vaccination," *New England Journal of Medicine*, 297: 249–253, 1977.

A number of aspects of the Food and Drug regulations for manufacture of poliomyelitis vaccine warrant comment, in part to emphasize their importance and in part to raise questions regarding possible revisions.

1. *Poliomyelitis Vaccine, Inactivated (IPV).*—a. *Virus strains.* A manufacturer may employ any virus strain which will give a vaccine that meets the established criteria for safety and potency, but the use of any specific strain may be prohibited whenever the Commissioner "finds that it is practicable to use another strain of the same type that is potentially less pathogenic to man and that will produce a vaccine of at least equivalent safety and potency" (21 CFR 630.1(b)).

The IPV manufactured in this country contains the same strains of Type 2 (MEF–1) and Type 3 (Saukett) polioviruses that were first employed by Salk, and all manufacturers but one have included antigen derived from the Mahoney strain of Type 1 virus, which is highly neurovirulent for monkeys. This manufacturer has, for reasons not indicated in his submission, used the Parker strain of Type 1 virus. The British turned to the Brunenders Type 1 strain after an episode of vaccine-associated disease which involved persistent lived Type 1 Mahoney strain virus. While important changes in the procedures mandated by the regulations make occurrence of similar episodes very unlikely, it would seem reasonable to consider the use of existing known attenuated strains for any IPV that is produced in the future.

b. *Safety.* The regulations reflect concern with both the occurrence of extraneous agents and the persistence of active (live) polioviruses.

(1) *Extraneous microbial agents.* In addition to requirements for testing the "inactivated" monovalent virus pools and the trivalent vaccine for lymphocytic choriomeningitis virus and SV–40, the regulations specify testing each virus harvest or monovalent virus pool, prior to inactivation, for the presence of *Mycobacterium tuberculosis*, B virus (*Herpesvirus simiae*), and SV–40. Fluids from control vessels (uninoculated cultures representing the tissue from which the virus was prepared) may be tested in place of the virus sample.

The Panel recommends that, as well as the tests prescribed on the vaccine itself, the regulations require more extensive testing of control cell cultures, e.g., appropriate observation of control vessels and examination of the control vessel fluids by the most sensitive available methods, on order to exclude the agents named as well as others that might be present in monkey kidney cells (MKC).

(2) *Residual active polioviruses.* The regulations in their present form reflect lessons learned from the earlier episode of vaccine-associated disease. Because of their implications for other products, some of these lessons warrant restatement here.

One is that man, the intended recipient of the "inactivated" product, is a highly sensitive detector of minute amounts of live virus and may well be more sensitive than the available laboratory test systems. In recognition of this, much more stringent tests for active virus were mandated. These included the testing in cell cultures of two sizable and properly timed (see below) samples of each monovalent pool and of the final product in a large number (20) of monkeys. In the latter test, the animals were inoculated by combined intracerebral, intraspinal, and intramuscular routes; in addition, they were given cortisone to enhance susceptibility, and an irritant (procaine penicillin) was injected into the muscle of one limb to simulate the provoking effect seen in man.

A second lesson (enunciated especially clearly by Gard (Ref. 2) is that the curve of viral inactivation becomes asymptotic as the extinction limit is approached and is not a straight line. This makes it impossible to predict precisely from an inactivation curve the time when all the virus will have become inactive. Thus, in addition to tests conducted during the inactivation process (to determine the rate), it is required that two samples (mentioned above) be taken after the estimated baseline time (when 1 milliliter (ml) should contain no more than 1 $TCID_{50}$), the second of which must be taken at least 3 days after the first.

Finally, it was recognized that, when the amount of virus present is exceedingly small, attempts to detect it in any given instance may be unsuccessful. Therefore, occasional vaccine lots which do contain active virus may appear satisfactory because of false negative tests. To insure that the basic procedures routinely employed by a manufacturer do result in complete inactivation (and thus safe lots of vaccine), the rule of consistency was introduced. No lot shall be released unless (1) it is one of five consecutive lots produced by the same manufacturing process, all of which were virus negative and (2) each of the monovalent pools included in the vaccine is similarly one of a series of five consecurive virus-negative monovalent pools of the same virus type.

c. *Potency.* The concept underlying the current potency standard is valid. Vaccine potency is judged on the basis of the titers of antibody elicited in monkeys using a standard multidose regimen reasonably analogous to that recommended for man. Such titers are expressed as the relation of the geometric mean titer (GMT) values (for 10 monkeys) to the titers determined in the same test of reference antisera for each type. A satisfactory vaccine must induce titers which equal or surpass prescribed multiples (different for each type) of the titers of the reference sera. The tests are performed after the final processing, including addition of any preservative (but excluding any adjuvant), with samples from the bulk lots. Dating of vaccine is based on potency tests by the manufacturer on vaccine stored in final packages. This guards against loss of antigen by adsorption to glass container walls, as occurred in the early period of licensure.

Historically, the IPV available prior to the Cutter incident and presumably that used during the Francis trials of the Salk Vaccine, were generally more potent than that produced after 1955, when a requirement for filtration prior to inactivation was imposed. Furthermore, in the post-1955 period, vaccines were acceptable if they induced antibody levels which were two-thirds or more of the prescribed levels of the reference sera. The regulations governing poliovirus vaccines which were implemented in 1968 required that the concentration of each viral immunotype in the vaccine be increased. However, it is not known how the potency of the one IPV now available (Connaught) compares with that of the vaccine produced in Sweden.

2. *Poliovirus Vaccine, Live, Oral (OPV)*

a. *Virus strains.* The regulations specify criteria for what constitutes acceptable strains and seed virus rather than requiring that only designated strains be used.

The initial crucial criterion for acceptance of an original strain was the demonstration that it be "free of harmful effect upon administration in the recommended dosage to at least 100,000 people susceptible to poliomyelitis, under circumstances where adequate epidemiologic surveillance of neurological illness has been maintained." The present regulations require testing in 1 million subjects for acceptability of new strains (21 CFR 630.10(b)(2)). An accepted set of these strains currently exists with which extensive experience has been gained in this country (as well as elsewhere).

Provision is made for possible replacement of strains, inasmuch as the Commissioner may "prohibit the use of a specified strain whenever he finds it practicable to use another strain of the same type which is potentially less pathogenic for man, and that it will produce a vaccine of greater safety and of at least equivalent potency" (21 CFR 630.10(b)(6)). From a practical viewpoint, assuming that any new candidate strain would have to satisfy the criterion of "one million susceptibles" (21 CFR 630.10(b)(2)), this provision is not very meaningful since nowhere could such a trial be conducted today.

Two properties of the poliovirus vaccine strains are important with respect to safety for man, viz., the neurovirulence for monkeys of the strain per se and the genetic stability of the virus during its replication in the gut of recipients. Although each of the accepted strains displays a satisfactory and comparable low degree of neurovirulence when tested directly in monkeys, experience in the United States with presumed vaccine-associated disease in recipients and contacts of recipients of vaccines prepared since 1961 from these strains suggests that the genetic stability of the respective types is not the same. It is recommended that the problem of genetic stability be critically evaluated and that some thought be given to a more realistic approach to the replacement of the less stable strains. It is suggested that for a strain with an acceptable degree of monkey neurovirulence and, as seen from limited clinical trials in man, more stable "virulence" markers and an equivalent or superior immunogenicity, allowance might be made for authorized (licensed) use of this strain to provisionally replace the current strain. Such authorization should be coupled with a careful monitoring program designed jointly by the Bureau of Biologics and CDC.

The regulations concerning criteria for a seed virus prescribe rigorous scrutiny of monkey neurovirulence and include rescrutiny when a new production seed lot is introduced or when there is evidence of a change in neurovirulence of the production virus.

Provision is made for FDA to supply reference viruses to be used by the manufacturers to control potency (virus titer) and monkey neurovirulence of vaccines. Trivalent and monovalent vaccine lots of all three types are to be compared for potency with reference virus preparations of the corresponding types but, for monkey neurovirulence, the single yardstick is Reference Attenuated Poliovirus, Type 1.

b. *Vaccine production.* The seed lot system is formalized in the provision that virus in the final product may represent no more than five cell culture passages from the original strain, each such passage material having met the criteria established for seed viruses.

The original regulations specified that cultures of kidney cells from only Macaca or Ceropithecus monkeys may be used as the substrate for virus propagation and included generally appropriate and reasonably adequate precautions concerning the selection of monkeys and freedom of the cultures from adventitious microbial agents.

In October 1971, the regulations (21 CFR 631.10(a)) were amended to permit use of human cell cultures as the substrate. This general question is dealt with separately but the stated requirements are of interest. In particular are the requirements that the cell line be capable of producing a vaccine which, by experience in at least 10,000 persons, has been found safe and antigenic; that at least 5,000 of these vaccinees must reside in areas where health-related statistics are regularly compiled by appropriate procedures; and that data adequate to identify the vaccinees be filed with the Bureau of Biologics. The latter requirement is presumably to facilitate uncovering any possible relationship of long-delayed adverse effects to the fact of vaccination.

Provision for long-term followup is a very commendable requirement. However, to date it has not been possible to develop a feasible and economically realistic mechanism for carrying out such a followup. In addition, the specified number is small and would reasonably assure detection of adverse effects with a true incidence of only 1 or more per 1,000. Ideally, for a product that is to be given to millions of individuals, we should be concerned with frequencies at least as low as 1 in 100,000.

c. *Safety and potency.* The basic test for potency is viral infectivity titer and the $TCID_{50}$ content of one dose of vaccine is specified for both MOPV and TOPV. The latter includes different amounts of each viral immunotype.

The regulations prescribed reasonable and generally appropriate measures to exclude unwanted microbial agents (except perhaps Type C RNA containing retroviruses) that might be in the substrate initially or might be acquired by contamination during manufacture. Obviously, these measures should be updated as new technology develops.

Perhaps a more crucial problem has to do with assurances of the safety of the vaccine virus strains themselves which, by selection and mutation, might change character during replication. This problem is dealt with in two ways. Less difficult to interpret is the required test for in vitro genetic markers associated with virulence. These markers should include the rct/40 marker and at least one other. While such markers are in no sense measures of virulence, they do help to identify the strains. The more difficult requirement is the test for monkey neurovirulence. This involves separate groups of monkeys inoculated intrathalamically and intraspinally with each monovalent vaccine lot. The monkeys are observed clinically for paralysis and histopathologically for the qualitative and quantitative presence of poliomyelitis-like lesions, i.e., the grade of severity and degree of dissemination. Observations are compared with similar observations of monkeys inoculated with the Reference Attenuated Poliovirus. A lot is acceptable "if a comparative analysis of the test results demonstrate that the neurovirulence of the test virus pool does not exceed that of the Reference Attenuated Poliovirus" (21 CFR 630.16(b)(1)(iii)).

The verdict of Judge Newcomer (*Griffin* v. *United States*, U.S. Court of Appeals for the Third Circuit, No. 73–1326) makes it clear that an appropriate statistical definition of the phrase "does

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not exceed" must be incorporated in the criterion.

We note, however, that the regulations include the principle of consistency in the requirement that each monovalent pool must be one of a series of at least five successive pools that pass the monkey neurovirulence test. When an adequate statistical definition is developed, for example, one with 95 percent confidence limits, it can be expected that 5 percent of the vaccines will fail the test. Therefore, it will be necessary to reevaluate the consistency requirement and redefine it so that it continues to assure vaccine safety without seriously affecting the continuous availability of the product.

Analysis

1. *Efficacy.* The purpose of both IPV and OPV is to prevent the paralytic consequences of infection with polioviruses. Only IPV has been the subject of a rigorously controlled field trial which not only affirmed its relative effectiveness (see below) but established beyond question the protective significance of specific neutralizing antibody. Thus, for checking on the efficacy of specific products, and even of OPV generically, the ability to raise antibody became a valid criterion of efficacy. Additional criteria include the duration of immunity, apparent alteration of epidemiologic patterns, resistance to infection, and the related ability to contribute to development of herd immunity with a possible goal of eradicating wild-type polioviruses from large areas. The generic evidence for efficacy is summarized below.

a. *IPV.* While poliomyelitis vaccine may be regarded as a generic product, there have been changes in the product with time, largely towards higher potency, so that generic experience may not be completely relevant to current products, i.e., it may understate the case. The 1954 Francis trial established that inactivated polio vaccine (IPV) as produced by several manufacturers was relatively effective (90 percent) in preventing paralytic disease. Continued monitoring by CDC of vaccine usage and the vaccination status of reported cases indicate that reasonable protective effectiveness was being maintained. Data for 1959 indicate effectiveness (percent) by age and number of doses of vaccine (Table 3A).

Table 3A.—*Percent Effectiveness*

Age in years	3 doses	4 or more doses
0–4	91	[illegible]
5–14	93	[illegible]
15–39	82	[illegible]
Total	91	[illegible]

Nonetheless, in 1959 there were 3,401 reported cases of paralytic disease, of which 750 (14.2 percent) had received three doses of vaccine and 177 (3.4 percent) had been given four or more doses. Failure of high titer homotypic antibody induced by Salk vaccine to prevent paralytic disease in orally infected cynomolgous monkeys suggests that the reason for many, if not most, of the above vaccine failures was not failure to elicit antibody but rather failure to prevent enteric infection, the virus invading the CNS via the nerve fibre (autonomic) pathway rather than the blood stream (Ref. 3). The Swedish experience with ostensibly much more potent vaccine (resulting in virtual elimination of wild polioviruses) suggests that IPV can be highly effective. Over a 2-year period (1969–1970), weekly sewage samples from three Stockholm sewage plants yielded polioviruses on only 11 occasions, all in 1969; on seven of these occasions the virus recovered was Type 3 which is the least immunogenic component of IPV (Ref. 4). Considered in the light of this information, the purification and concentration of the vaccine viruses represent steps in the right direction.

In summary, properly administered IPV reliably induces antibody formation (90 percent to all three types after three doses), is highly effective in preventing paralytic disease, and has clearly altered the epidemiologic pattern of disease in the United States. However, significant numbers of paralytic cases have occurred in adequately vaccinated persons, and, in the United States at least, dissemination of wild-type virus continued with significant frequency (Refs. 5 and 6).

b. *OPV.* There is abundant epidemiologic evidence that subclinical infection with wild polioviruses confers effective, long-lasting protection against paralytic disease. The most compelling points are: (1) In earlier times in this country, the disease, despite the abundant spread of polioviruses, was virtually restricted to very young children (hence the name infantile paralysis) and nearly the entire older population was immune as the result of silent infection acquired early in life. This situation obtains at the present time in the developing countries. (2) In isolated communities, i.e., Alaskan Eskimos, antibody persisted over long periods in the absence of reintroduction of viruses. When virus was introduced, i.e., in Tahiti, it was virtually restricted to individuals born since the particular virus type (Type 1) was last present. There is less abundant, but convincing, evidence that prior infection (reflected by possession of homotypic neutralizing antibody) also affords relative protection against infection in the face of exposure within a household sufficient to infect most nonimmunes. (In the Louisiana families studied, 90 percent of the susceptibles but only 20 percent of the immunes became infected.)

The high frequency of subclinical infections suggests that some, and perhaps many, strains of the wild virus are of low virulence, thus raising the possibility that strains selected for low virulence (or modified in the laboratory) might safely induce an immunity comparable to that arising from natural infection, i.e., protecting against infection as well as disease. Use of such strains as a vaccine should not only protect the recipients against disease but, by making spread of wild strains more difficult, afford indirect protection to those individuals who remain nonimmune. Exploration of this possibility by several investigators, using the behavior of candidate strains in monkeys as a main criterion for selection, was attended with both failure (poor immunizing ability or production of disease in recipients) and success; the latter presently represented by the Sabin strains, whose exhaustive testing in the laboratory was completed in 1957 and 1958.

In considering evidence for the efficacy of the Sabin strains, it must be recalled that an apparently effective inactivated trivalent vaccine developed by Salk had been available and widely used since 1955. The huge field trial which terminated in 1955 established that the Salk vaccine induced formation of neutralizing antibody in a high proportion of nonimmune vaccinees indicating protection against the disease. The proportion of those who developed neutralizing antibodies varied with different lots of vaccine. Subsequent experience appeared to confirm the efficacy of the Salk vaccine, since its widespread use was followed by a dramatic decline in the incidence of paralytic disease. Indeed, based on reasonably accurate estimates of the proportions in each population age group that had received vaccine and the vaccination status of the cases reported, CDC showed that the operational efficacy continued at about 90 to 95 percent for those who had received three or more doses of vaccine. Despite this, a disturbing absolute number of adequately vaccinated persons (three or more doses) experienced paralytic disease (927 cases in 1959 or nearly 18 percent of all cases in that year). We

now know, partly from the Louisiana studies (Ref. 6), that the Salk vaccine then in use (probably much less potent than that produced by Gard in Sweden) induced little protection against enteric infection. We also know from the work of Craig and Brown in 1959 that enteric challenge infection of vaccinated cynomolgous monkeys frequently resulted in paralytic disease despite rather high levels of vaccine-induced antibody (Ref. 3). This suggests the operation of an alternate pathway to the CNS that is unguarded by serum antibody and which probably exists also in man.

Evidence for the efficacy of the Sabin strains needs to be considered in the light of the foregoing experience as well as independently. There has been no large controlled trial of efficacy analogous in scale to the Francis trial of the Salk vaccine. There have been numerous small trials in which the ability to induce antibody in 90 percent or more of susceptibles has been demonstrated for individual monotypic vaccines and for trivalent formulations (these also have served as safety tests, as discussed later). Also, the development of secretory antibodies (coproantibodies) has been demonstrated. Limited followup of children given the vaccine in early clinical trials suggests good persistence of antibody over periods of 6 to 8 years. The stability of the titers suggests that antibody would persist indefinitely.

However, later serologic surveys have revealed a less than satisfactory antibody response and persistence. Relatively poor responses that remain inadequately explained (possibilities include interference due to other enteroviruses and maternal antibody in breast milk) have been encountered among infants in warm climate, developing areas. Studies in Israel suggest that whatever the factors involved, they can be overcome by beginning vaccination at a very early age by using a three-dose regimen of trivalent vaccine routinely and, for lower socioeconomic groups, giving a fourth reinforcing dose later, preferably in the cooler months (Ref. 7). A possibly analogous situation also may exist in the United States. Rasmussen et al. Studied antibody levels in children of low income families in six United States cities, and found that not only had 60 percent received less than three doses (38 percent had received none) but, of those who had received three or four doses, only 28 percent (three doses) or 41 percent (four doses) had antibody to all three viral types (Ref. 8).

The protective significance of neutralizing antibody induced by the vaccine can be inferred from the Louisiana studies (among others) for infection and from the Francis trial (1954) for occurrence of disease (Ref. 9). While no challenge experiments with wild virus strains have been reported, challenges have been done with the vaccine strains by Sabin and others. Although persons lacking homotypic antibody are almost uniformly susceptible to infection, the strains infect few who possess high-avidity antibody, or who have had previous infection with the homotypic vaccine strain. Such reinfection is apparently a function of infecting dose. However, the vaccine strains, as did the wild polio strains in Louisiana, readily infected persons who lacked antibody but who had received the Salk IPV.

Some degree of protective antigenic cross-relation does exist between the three poliovirus serotypes. This crossing occurs between Type 2 and both Types 1 and 3 but not between Types 1 and 3. In this light, the great uniformity with which the Type 2 strain induces antibody (virtually 100 percent) as compared with that to Types 1 and 3 becomes significant. The Francis trial (1954) provided general evidence for the importance of heterotypic immunity by the finding that 64 percent of the virus-positive paralytic cases among controls were in children originally triple negative serologically (only 13 percent of all controls were triple negative). The protective effect of Type 2 virus against Type 1 virus infection was specifically demonstrated in Singapore in 1958 when administration of Sabin Type 2 vaccine was followed by a clear protection against disease in an epidemic due to Type 1 virus (Ref. 10).

Evidence of general effectiveness for protection against disease is derived partly from the very large mass immunization trials carried out in the U.S.S.R. and Central European countries, and also from the virtual elimination after 1963 of paralytic poliomyelitis in the United States as well as other countries following OPV mass vaccination (including Great Britain where the Sabin strain vaccines have replaced vaccines of the Salk type). This is reflected in the "Annual Poliomyelitis Summaries" from which the following data are taken (Refs. 11, 12, and 13). Wide use of OPV began in 1962, a year in which 691 paralytic cases were reported in the United States. This number fell to 336 in 1963, 103 in 1966, 48 in 1968, 33 in 1970, 19 in 1971 including 9 "vaccine-associated" cases (8 in contacts), about which more will be said later, and an all time low of 4 in 1974. All three virus types were nearly equally represented. Effectiveness obviously depends on potency. Although titration of the vaccine strains in susceptible children suggests that the MID_{50} for man is 1 to 10 $TCID_{50}$, the current regulations specify that the dose for each monovalent vaccine contain $10^{5.3}$ to $10^{6.0}$ $TCID_{50}$ and, because of relative differences in competitive interference, the trivalent formulation contain $10^{5.4}$ to $10^{6.4}$ of Type 1, $10^{4.8}$ to $10^{5.8}$ $TCID_{50}$ of Type 2, and $10^{5.2}$ to $10^{6.2}$ $TCID_{50}$ of Type 3 virus.

To summarize, OPV reliably induces the formation of long-persisting serum antibody, enteric secretory antibody, and relative protection against enteric infection, and it clearly protects against disease. That it contributes to eradication of wild-type strains is not readily demonstrable because the vaccine strains induce abundant shedding of virus that is not always unquestionably distinguishable from wild-type strains and because of reversion and the apparent selective advantage of reverted virus, may develop marker characteristics which resembles the wild-type virus. These factors also make it difficult to establish unequivocally a cause and effect relationship on the basis of marker testing of isolates from cases of presumed vaccine-associated disease.

There are important problems concerning the development of poliovirus antibody response of infant vaccines already infected with other enteroviruses. This situation clearly exists in certain economically disadvantaged parts of the world, but its significance in the United States is not known at present.

2. *Safety.*

a. *IPV.* The vaccine-associated disease episode in 1955 focused concern on the need for complete inactivation of the virulent virus strains comprising the viral antigen.

Because of the inherent difficulty in detecting trace amounts of living poliovirus in the vaccine which was made evident by this experience, consistent freedom from detectable virus (in a consecutive series of production lots) is an important safety criterion.

Following the discovery of SV–40 in 1961, tests revealed that certain lots of vaccine produced in the period 1961 to 1963 did contain SV–40 after formalin inactivation. As an interim measure, these lots were further treated with *beta*-propiolactone to inactivate residual SV–40. It is probable, of course, that many lots produced prior to 1961 also contained live SV–40. In 1964, the

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regulations required that vaccines be free from SV–40 before formalin inactivation, and tests of the final product in animals and in vitro were modified accordingly.

The question of oncogenic risks associated with SV–40 or other components of the vaccine substrate remains a theoretical concern; to date, however, followup of children in the United States vaccinated with lots known to have contained live SV–40 has failed to reveal any excess incidence of tumors (Ref. 14).

The 1955 episode also led to institution of continuing surveillance by CDC for detection of possible vaccine-associated cases. As criteria CDC used the time of onset after vaccination (4 to 30 days); possible paralysis of the injected arm; and, of special importance, the clustering of suspected cases among recipients of a particular vaccine lot. On this basis, no further cases associated with the use of IPV were recognized, but numerous cases of paralytic disease not meeting all of the above cited CDC criteria did occur within 30 days after receipt of a dose of Salk vaccine. Thus in 1959 there were 259 such cases of which 11 manifested the first paralysis in the inoculated limb (site-correlated). In the 2 succeeding years, the corresponding figures were 116 and 26 total cases with 11 and 2 cases, respectively, site-correlated. These experiences, to a large extent, presumably reflect coincidental occurrence of infection in recently inoculated persons. They also may well include a number of cases directly attributable to IPV by virtue of either the provoking effect of inoculation in an already infected person or even possible residual live virus in the vaccine. From the various reports of product-specific experience, few other reactions of significance were seen including possible hypersensitivity reactions.

The main adverse effect, thus, became vaccine failure, i.e., the occurrence of paralytic disease despite adequate immunization rather than disease induced by vaccination, although the latter, as already indicated, cannot be completely excluded.

b. *OPV.* Generically, safety concerns relate to the vaccine strains themselves (both the original strains and progeny viruses in the vaccine recipients) and to the exclusion of other microbial agents, bacterial or fungal but especially viral. These agents could be introduced by contamination during manufacture, be present in the serum employed in the culture media, or come from the monkey kidney cells used for virus propagation. Recently, this concern has carried over to the use of the WI–38 (human fetal lung) strain of diploid, fibroblastic cells now employed by one manufacturer for viral propagation.

c. *Vaccine virus.* The same vaccine strains are used by all manufacturers and were selected by triple plaque purification in an attempt to obtain genetically homogeneous progeny with a very low order of neurovirulence for monkeys (and hence presumably for man). Progressively larger field trials in man (most relevant being those which involved several million people under 20 years of age in the U.S.S.R., where the age pattern of immunity resembled that in the United States) confirmed the basic acceptability of all three strains with respect to safety for man. However, as suggested by study of numerous isolates from vaccinees, some reversion towards increased monkey neurovirulence does occur during passage in man and conceivably could occur during passage in cell culture. To minimize this possibility and to detect any changes that might occur, the former Division of Biologics Standards (DBS) prescribed certain procedures to be employed by manufacturers. These procedures included use of a seed-lot system (master seed lot, production seed lots, production lots of vaccine) to limit the number of passages to no more than five from the original strains, a series of tests of seed lots and, most important, tests of production lots for level of monkey neurovirulence and possession of certain vitro markers (rct/40 and d) which may be correlated with neurovirulence. This topic was covered in discussion of the FDA regulations. The extensive experience of all manufacturers and of DBS-Bureau of Biologics with the foregoing neurovirulence tests of production lots is currently being analyzed by virus type by the Bureau of Biologics. Such analysis could be the basis for the essential statistical definition of the requirement that the neurovirulence of a production lot cannot exceed that of the reference attenuated virus.

Fortunately, considerable data are available concerning human experience. Early experience with at least one candidate strain (Type 1) in Miami and Berlin raised the specter of vaccine-induced disease—the clinching evidence was recovery of vaccine-like virus from the spinal cord of a fatal case. However, no such episodes were reported in relation to the very extensive trials which preceded approval of the Sabin strains. These strains were approved separately and monovalent vaccines were released as approved, Type 3 being last, in the spring of 1961. By August of that year, it became apparent that in certain areas cases of poliomyelitis apparently related to immunization were occurring following mass use of the Type 3 vaccine. A special advisory committee was formed by the Surgeon General to study the situation. Basically, cases were more frequent in older (20+ years) persons and followed inoculation with Type 3 vaccine, although some also followed Type 1 virus vaccine. There was no association of cases with individual vaccine lots or manufacturers. Surprisingly, there were few documented cases in contacts. In the summer of 1964, at its final meeting, the committee evaluated all suspected cases using the following criteria:

(1) Onset of illness within 4 to 30 days and of paralysis not sooner than 6 days after feeding; (2) significant residual lower motor neuron paralysis; (3) laboratory data not inconsistent with respect to multiplication of the virus fed; (4) no evidence of other motor neuron disease, definite sensory loss, or progression (or recurrence) of paralytic disease 1 month or more after onset.

Several criticisms concerning these criteria are appreciated by the Panel. Nevertheless, using these criteria, the original review, committee identified 57 cases as "compatible" with vaccine association, and CDC has continued to use the same criteria since 1965. A comparison of vaccines employed during those two periods, 1961–1964 and 1965–1972, and the instances of reported cases are summarized in Table 4 (Ref. 13).

Table 4.—*Occurrence of Vaccine-Associated Cases of Poliomyelitis According to Vaccine Virus Type and Vaccination Intervals*

Class of patient (time)	Vaccine administered				
	Type 1	Type 2	Type 3	Trivalent	All
Recipients:					
1961 to 1964	[1] 16 [2](0.15)	2(0.02)	39(0.37)	5(0.18)	62(0.18)
1965 to 1972	1(0.11)	0	5(0.51)	9(0.05)	16(0.05)
Contacts:					
1961 to 1964	0	0	3(0.03)		3(0.01)
1965 to 1972	2(0.23)	2(0.29)	0	38(0.20)	42(0.20)

[1] Number compatible cases.
[2] Incidence (cases per million distributed doses).

More recent CDC data (M. Gregg, presented August 11–12, 1975 at the American Academy of Pediatrics) extend through 1974 and add five recipient and eight contact cases (all TOPV related). During 1965–74, 151 million doses of vaccine were distributed. Hence, the frequency of adverse reactions in this period remained at one event (recipient or contact) per 4.8 million doses distributed although, with the advent of TOPV, the ratio of contact to recipient cases has increased to 3.3:1.

Proper interpretation of the 83 recipient cases and the 53 contact-associated cases is seriously complicated by several factors: (1) Only monovalent types of OPV were used in the 1961 to 1964 period; subsequently, primarily trivalent OPV has been used. (2) A major use of MOPV in the 1961 to 1964 period was as a part of mass vaccination campaign in locations where abundant wild-type virus was still present. (3) Since 1965, the vaccine (chiefly TOPV) has been used in public health immunization campaigns and by private physicians in their practice. (4) According to data presented to the Panel by the Bureau of Biologics, vaccines prepared and administered from 1965 to the present are comprised of virus strains with significantly lower neurovirulence potential than earlier strains. (5) Although there were remarkably few vaccine-associated cases (136 through 1974 or about 1 per 4 million distributed doses of vaccine), many were incompletely analyzed and include an unknown proportion representing disease in immunodeficient children. (6) Adults, who were a major source of recipient cases in 1961 to 1964, have not been routinely immunized since 1964.

With these reservations, the following statements can be tentatively made. Administration of trivalent OPV is associated with less than one "compatible" case among recipients per 15 million doses (or, including contacts, less than 1 per 4.8 million doses), and omission of individuals with altered immune status would probably reduce this rate even further. The special vulnerability of immunodeficient children to vaccine virus infection will be emphasized in a forthcoming CDC report. Finally, an analysis of the contact-associated cases occurring since 1965 reveals that these cases are nearly equally distributed between Type 2 and Type 3 strains, thus suggesting a previously unappreciated instability to Type 2 virus with respect to neurovirulence.

d. *Vaccine substrate.* Procedures for the exclusion of extraneous agent from production lots depend on the cells used for virus propagation, i.e., primary monkey kidney (MKC) or WI–38. For MKC, the monkeys used are observed in quarantine to insure general good health and, by specific test, freedom form tuberculosis. The initial unit of production is the pair of kidneys from one animal. Tests for specific agents are conducted separately in parallel on cell culture fluids removed immediately prior to virus inoculation, on fluids from control cell cultures held an additional 14 days, and on viral harvests from inoculated cultures. These include cultures for various bacteria and mycoplasma; obsevation of the control cultures for possible nonpoliovirus effects (cytopachic effect (CPE), hemadsorption, interference); subinoculation into various monkey, human, and rabbit cell cultures to exclude known simian agents, including SV–40, pox viruses, *Herpesvirus simiae* (Bvirus), and measles virus; and inoculation into adult and suckling mice and into rabbits and guinea pigs to exclude coxsackie-viruses, LCM virus,other neurotropic viruses, *Herpesvirus simiae* (B virus) again, and tubercle bacilli. All these tests involve the use of specified (large) sample of the production material (commonly 500 doses or 50 ml, whichever represents the greater volume).

Despite these specified precautions, the question of the presence of contaminating viruses in nonhuman primate substrates persists. The safety record is clear in terms of at least 15 years of followup. However, it might be suspected that viruses such as papovaviruses (other than SV–40), cytomegaloviruses, foamy virus, C type viruses, and perhaps other unknown viruses of primates could theoretically be present in a vaccine and not be detected by test methods currently prescribed by regulations. The presence of any such viruses would be clearly undesirable even though no increase in oncogenic risk to vaccines has thus far been detected. The principal theoretical advantage of vaccine produced in MKC culture is its freedom from human genetic material. The principal practical advantage is the 15–year record of safety associated with its use.

Recent amendments to the regulations allow production of vaccine in an approved strain of human cell cultures (in this case, WI–38 cells) which are identified by historical records; shown to be free of oncogenic properties and of adventitious microbial agents; and shown capable of producing a vaccine which, by experience in at least 10,000 persons, has been found to be safe and antigenic. Cell cultures used for vaccine production must be monitored karyologically and shown to fall within 95 percent confidence limits of the status of the original cell strain. Cultures are also checked for CPE before inoculation, and growth fluids tested in monkey, rabbit, and primary human cell cultures are checked for possible adventitious agents. Uninoculated control cultures (25 percent of a production batch) are similarly observed and further checked by hemadsorption and inoculation into embryonated eggs. The actual viral harvests are then checked in a manner similar to that prescribed for MKC viral harvests.

Introduction of a human diploid celline as the vaccine substrate raises two questions, one relating to the vaccine viruses and the other to transmissible effects of the substrate. While the Pfizer experience suggests that virus in production lots of vaccine is of acceptable neurovirulence (i.e., meets the requirements specified in the regulations), the information on reversion rates for virus so produced is not adequate. As detailed in the review of the Pfizer submission, vaccine

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progeny virus shed by vaccinated children proved reasonably stable with respect to rct/40 and d markers but showed a clear trend towards increasing monkey neurovirulence over time ("early" versus "late" isolates), especially in the case of Type 2 and Type 3 virus isolates. While a similar trend has been observed with the progeny of MKC produced vaccine strains, direct comparison of the magnitudes of change would be desirable. Another question, so far unexplored, is whether poliovirus vaccines cultivated in WI–38 cells contain human DNA or RNA and, if so, what the signficance might be. The question of genetic stability has been raised previously, but the effect of the substrate upon genetic reversion after gut passage is a subject for further study. There is as yet no information that will allow comparison of the stability (rct/40 and d markers as well as monkey neurovirulence) of vaccine virus progeny shed by children fed virus propagated in WI–38 and those fed virus propagated in MKC.

As mentioned earlier, the WI–38 cell line has been widely studied in terms of karyotype, presence of adventitious agents and tumorigenic potential. All of the data available to date indicate that the line is "safe" in terms of its use in vaccine production although, as with any candidate cell substrate, one can pose a number of theoretical risks.

Thought should be given to the future availability of WI–38 cell stocks as well as to any problems which might arise and preclude the use of WI–38 cell stocks for vaccines. Since large volumes of cells are required in producing bulk lots of vaccine, and since the WI–38 strain enters the early phase of senescence at about population doubling level (PDL) 31–33, cultures for production must be initiated with low passage stock. PDL 8 material represents the lowest level available, and hence the current supply of low passage WI–38 cells represents a finite resource.

For these reasons the Panel recommends that the Bureau of Biologics continue its programs on the development of candidate cell lines which can serve as alternative to WI–38. Based on broad experience with WI–38 cells, it is recommended that efforts be directed toward the development of a similar human cell line. However, since characterization of a new cell line is a time-consuming, complex procedure requiring years of work with no guarantee of success, other options should be exercised, such as continued studies to characterize the diploid fetal rhesus lung line developed by the Bureau several years ago. While cultures of this type have not been used for vaccine preparation, they merit consideration. Use of the WI–38 (and potentially other lines) of human diploid cells as an accepted viral substrate for vaccines greatly improves the safety aspects of OPV in that the possibility of adventitious agents endogenous to the substrate are greatly reduced. Furthermore, the uniformity or consistency of the WI–38 cell line in PDL 20–29 provides the most thoroughly evaluated cell substrate employed for human viral vaccines. To date no adventitious human viral agent has been recovered from these cells. Also, live virus vaccines, including OPV, produced in these cells have been administered to hundreds of thousands of persons with no recognized adverse effects. However, it is possible that infrequent acute complications might have been missed or that possibly more frequent complications with long latent periods (over 10 years) would not yet be apparent.

The theoretical long-term oncogenic or latent virus risk of WI–38 cells has been particularly criticized. It should be noted that there is little evidence that viruses homologous to a host species are more virulent for that host than viruses from a heterologous host, whereas the opposite has been observed, e.g., monkey B virus in man and SV–40 in hamsters. Except for the unexpected occurrence of clustered untoward reactions, the risk from vaccines produced in WI–38 (or other human cell strains) will be known only from carefully organized, large-scale prospective studies designed to detect low incidence complications. The problems of conducting such studies have already been commented upon.

3. *Benefit/risk.* The considerations here are all generic rather than product-specific. Prior to the advent of Salk vaccine, the incidence of paralytic poliomyelitis was clearly rising and had reached about 25,000 cases. In 1971 the actual number was 17, including 9 "vaccine-associated" cases (8 of which were in contacts). None of these occurred in persons with a history of adequate vaccination. This compares with 3,400 cases in 1959 (when Salk vaccine had been widely used since 1955) of which 18 percent (over 900 cases) were in persons who had been adequately vaccinated. Based upon the experience with United States licensed vaccines, either type is highly beneficial. However, oral vaccine is clearly superior to Salk vaccine, despite an overall risk (contacts included) of about 0.2 case per million distributed doses of vaccine. Further comparisons would require comparison of age-specific risks of the vaccinees and their contacts with the projected similar risks in the total population, had no vaccine become available. This probably would show a great benefit among children and some among adults for whom the risk of contact-acquired vaccine infection with disease seems to be greatest. It would be important to know just what the risk to contact adults is, since it may be greater than the risk they would experience as vaccine recipients.

4. *Labeling.* Labeling should conform to FDA's regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

Recommendations.

1. *IPV.* In light of the current limited availability and use of IPV, the Panel recommends that, if there is a continued demand for the product, consideration should be given to making changes in Federal regulations governing manufacture of IPV as follows:

a. It would be prudent if virus strains employed to produce IPV were of low neurovirulence.

b. The feasibility of propagating vaccine virus in human diploid cell should be explored.

c. Comparative testing of vaccines licensed in the United States and of those currently in use in Europe should be undertaken to determine the relative potency of these products. The United States potency standards should then be reevaluated in light of these results.

d. The package inserts should state the indications for IPV and relate these indications to those recommended for OPV.

e. Manufacturers who have not produced IPV for 2 or more years should again be required to demonstrate their capability to produce a satisfactory product before new vaccine lots are released.

2. *OPV.* a. The Panel suggests that PHS should consider revising their recommendations for use in terms of the following:

(i) The Panel sees no reason to continue recommendation of MOPV as an alternative method for routine immunization. MOPV is most logically used to combat epidemics of known virus type and inserts of any MOPV should reflect the use.

(ii) Risk of disease, given poliovirus infection of a nonimmune person, is age-dependent and is greater for adults than for children. Risk of disease due to virus of vaccine origin is greater for those infected by contact (because of possible virus reversion) than for vaccinees. With routine immunization limited to children, most vaccine virus infections in adults will be contact-acquired and, logically, be most frequent among nonimmune adults. While the magnitude of the related risk of disease is not precisely known, the Panel believes that unimmunized parents of children undergoing OPV immunization should be included among the adults for whom TOPV is recommended.

(iii) Vaccinees should be informed of the occurrence of fecal shedding of virus and the related potential for spread of infection should be emphasized together with appropriate precautions to minimize such spread. (See also (ii), above.)

(iv) Since wild enterovirus infections existing at the time of vaccine feeding may, by interference, prevent immunizing infection, the recommendations should indicate that when circumstances do not dictate otherwise, OPV for other than infant immunization should be administered when enterovirus prevalence is usually low (perhaps November through June).

b. Several issues concerning neurovirulence of the vaccine virus strains should be resolved.

(i) PHS regulations should be revised after the analysis being carried out by the Bureau of Biologics has been completed to include an appropriate statistical definition of the requirements for interpretation of the neurovirulence test of vaccine lots.

(ii) The Panel is concerned with the apparent genetic instability of the currently licensed poliovirus strains employed in TOPV. The Bureau of Biologics should give consideration to developing a program that will attempt to resolve current problems and eventually permit the selection of strains for licensing which are adequately immunogenic, of acceptable low neurovirulence, and of maximum genetic stability with respect to neurovirulence.

This problem has both practical and theoretical aspects. On the practical side, the potential future nonavailability of primates for the critical testing of neurovirulence makes it imperative to identify in vitro marker correlates of neurovirulence. On the theoretical side, possibly related to its review of the statistical evaluation of monkey neurovirulence tests, the Bureau of Biologics should support research to better understand the genetic basis of attenuation.

(iii) To make substitution of strains possible, the criteria for strain acceptability in the Federal regulations should be modified. Emphasis should be given to the importance of documentation of the monkey neurovirulence characteristics of the strains and to definitive characterization of the genetic stability of strains recovered after gut passage in intensive, carefully conducted clinical trials, supplemented by intensified postlicensing surveillance during the year or two after the vaccine is first released. These requirements would be more attainable and more meaningful than the current requirement to test in 1 million susceptibles.

c. Review of problems relating to the virus substrate lead the Panel to the following recommendations:

(i) A technical workshop should be convened to evaluate the relative merits of simian and human cell substrates for viral vaccine production. This should be composed of presently active investigators representing expertise in virology, cell culture karyology, immunology, and epidemiology. The apparent merits of the human cell substrates clearly imply an advantage over simian or other primary cell substrates and, if this advantage is valid, only human cell substrates should be employed. The workshop should consider in detail the actual and theoretical risks of the two types of substrate and what, if any, research should be sponsored by the Bureau of Biologics to resolve the issue.

(ii) PHS regulations governing tests for adventitious agents should be revised to insure that full advantage is taken of new methodology as it evolves for detecting such agents as well as foreign nucleic acids or proteins.

(iii) As part of the overall vaccine surveillance effort, large (100,000 or more) comparison groups of recipients of vaccines produced in diploid and in simian cell substrates, should be identified for followup.

d. The Panel strongly urges that legislation be enacted to provide reasonable compensation to the injured person, and protection of the manufacturers against liability, in cases of adverse effects attributed to licensed vaccines produced in accordance with PHS regulations and properly administered (see Preface and Introduction).

Review of Individual Poliomyelitis Vaccine Products

Poliomyelitis Vaccine (Purified) Manufactured by Connaught Laboratories, Ltd.

1. *Description.* The vaccine is prepared according to the method of Salk. It is a suspension of the three types of poliovirus, Type 1 (Mahoney strain), Type 2 (MEF strain), and Type 3 (Saukett strain), which are grown in monkey kidney cell cultures and inactivated with formalin. The vaccine is purified and reconstituted to contain approximately twice the original concentration of virus antigen. It contains no more than 200 micrograms (mcg) of streptomycin and 7 mcg of neomycin per ml. It contains no serum.

a. *Recommended use.* For the prevention of poliomyelitis.

(1) *Precautions.* Vaccination should be deferred in the presence of active infection, acute respiratory disease, and during the course of steroid or other immunodepressant therapy. It should not be given to individuals sensitive to streptomycin and neomycin.

(2) *Caution.* Discard any vaccine which is not perfectly clear and cherry red in color.

(3) *Adverse reactions.* There are remarkably few, but it is always possible that the recipient may be highly sensitive to a vaccine component, hence it is advisable to have epinephrine 1:1000 available.

(4) *Dosage and administration.* The vaccine is given in 1 ml doses, subcutaneously or intramuscularly. The regimen is a series of 3 doses separated by 4 or more weeks and a booster dose given 6 to 12 months after the third dose. Recall doses every 2 to 3 years are recommended.

b. *Contraindications.* No contraindications are stated as such.

2. *Analysis.* a. *Efficacy.* The general evidence for efficacy of IPV is presented in the generic review.

The manufacturer's data provides convincing evidence that given to infants 2½ to 4 months of age, the vaccine alone or in any of several combinations (DPT, DT, T, DP, Measles) will induce an antibody response to all three poliovirus types in about 97 percent of individuals with a titer of 1:16 and in 89 percent of individuals with a titer greater than 1:16. Evidence also is presented to show that a satisfactory proportion of the Canadian population possesses antibody to all three types, presumably attributable largely to widespread use of IPV and that, at least in Ontario, paralytic disease has fallen to a very low level, from 0 to 2 cases per year since 1962. (This observation alone, however, does not firmly establish IPV efficacy since OPV is also used.)

b. *Safety.* The safety of IPV generically is discussed elsewhere. Review of the manufacturer's data indicates that the Connaught Laboratories, Ltd. vaccine has been rigorously tested and that the methods employed consistently give a product free from any detectable (by the tests employed) viable microbial agents including poliovirus as well as SV–40

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virus and other adventitious agents. Apropos SV–40, kidney cells from only Cercopithecus or Cynomolgous monkeys are used.

c. *Benefit/risk.* This discussed in the generic statement.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of the ACIP. The summary under the heading indications and usage should include indications for preferring IPV and OPV.

3. *Conclusions.* a. *Critique.* In general, the submission is adequate. The procedures, etc., are clearly described, and the necessary documentation on use of the vaccine in man has been provided. Several specific comments, however, seem cogent:

(1) Vaccine seed pools are defined but the history of the virus strain from the time of its isolation should be given. Of all the manufacturers considered in this review, Connaught Laboratories, Ltd. demonstrates the highest concern for seed pool characterization and identification. However, reliance on a complement fixation test for strain identification rather than virus neutralization should not be encouraged.

(2) Because of the details provided by Connaught in its submission, which could well serve as a model, this vaccine is comparatively easy to evaluate.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness.

Poliomyelitis Vaccine Manufactured by Cutter Laboratories, Inc.

This product has not been manufactured for a number of years and the only way to assure that competence for its production exists, and to guarantee its safety and efficacy, is to require a new submission when and if Cutter laboratories, Inc., desires to resume marketing of this vaccine. It is recommended that 21 CFR 601.5 be invoked, whereby the Commissioner may recommend that a license be suspended or revoked upon finding that "manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made."

Furthermore, if the manufacturer proposes to resume production, the Panel recommends that this product be placed in Category IIIB and that appropriate license(s) be revoked pending completion of additional testing and conformance with the recommendations of this report because there is no evidence presumptive of safety or effectiveness for this product.

Poliomyelitis Vaccine; Poliomyelitis Vaccine, Adsorbed Manufactured by Parke, Davis & Co.

These two products have not been manufactured for some years and the only way to assure that competence for their production exists, and to guarantee their safety and efficacy, is to require a new submission when and if Parke, Davis & Co. desires to resume marketing of these vaccines. It is recommended that 21 CFR 601.5 be invoked, whereby the Commissioner may recommend that a license be suspended or revoked upon finding that "manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made."

Furthermore, if the manufacturer proposes to resume production, the Panel recommends that this product be placed in Category IIIB and that appropriate license(s) be revoked pending completion of additional testing and conformance with the recommendations of this report because there is no evidence presumptive of safety or effectiveness for this product.

Poliomyelitis Vaccine (Purivax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

This product has not been manufactured since 1965, and the only way to assure that competence for its production exists, and to guarantee its safety and efficacy, is to require a new submission when and if Merck Sharp & Dohme, Inc. desires to resume marketing of this vaccine. It is recommended that 21 CFR 601.5 be invoked, whereby the Commissioner may recommend that a license be suspended or revoked upon finding that "manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made."

Furthermore, if the manufacturer proposes to resume production, the Panel recommends that this product be placed in Category IIIB and that appropriate license(s) be revoked pending completion of additional testing and conformance with the recommendations of this report because there is no evidence presumptive of safety or effectiveness for this product.

Poliovirus Vaccine, Live, Oral Trivalent, Orimune; and Poliovirus Vaccine, Live, Oral, Types 1, 2, and 3 Monovalent, Orimune Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* This description is taken from the package insert.

Trivalent is a mixture of three types of attenuated polioviruses which have been propagated in Cercopithecus monkey kidney tissue culture. The cells are grown in the presence of a nutrient medium consisting of Earle's balanced salt solution containing lactalbumin hydrolysate, antibiotics, vitamins and calf serum. After cell growth, the medium is removed and replaced with fresh medium containing the poliovirus inoculum but no calf serum. The final vaccine is diluted: with sorbitol solution for use in a 2 ml dose; with modified tissue culture maintenance medium containing sorbitol for use in a 0.5 ml dose; and with modified tissue culture maintenance medium for the use in the 2 drop (0.1 ml) dose.

Each dose (whether 2 ml, 0.5 ml or 2 drops) contains less than 5 micrograms of streptomycin, neomycin and mycostatin.

Potency is expressed in terms of tissue culture infective doses ($TCID_{50}$) of virus contained in the recommended vaccine dose. The approximate $TCID_{50}$ of each strain of poliovirus in a human dose is as follows: Type 1—800,000; Type 2—100,000; and Type 3—500,000.

The description for the monovalent vaccines differs from the above in that it refers to the specified virus type; states the limit of each antibiotic per dose to be 1 microgram; and, for each type, the virus content to be 200,000—1 million $TCID_{50}$ per dose.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.* This is covered in large part in the generic review. Lederle Laboratories has complied with the licensing requirement (21 CFR 630.11) that five consecutive production lots of each monovalent vaccine be tested in susceptible persons and that each lot elicit serum neutralizing antibody in at least 80 percent of recipients after one dose. The results were as follows:

Table 5.—*Neutralizing Antibody Response to Monovalent OPV*

Preimmunization antibody titer	Antibody response to viral type					
	Type 1		Type 2		Type 3	
	Number of vaccinees	Seroconversion [1]	Number of vaccinees	Seroconversion [1]	Number of vaccinees	Seroconversion [1]
<1:4	141	89.3	134	91.0	182	86.8
1:4 or 1:8	81	81.4	71	97.1	49	83.6

[1] Percentage of group seroconversion.

For trivalent vaccine, the Biologic Regulations prescribe that after the required feeding regimen, each of five consecutive production lots must attain in susceptible individuals a seroconversion rate of at least 99 percent for each of the three viral types. Again, Lederle Laboratories has complied with this requirement; of 422 children with no antibody to any of the three virus types, seroconversion after two feedings of vaccine was 90.4 percent for Type 1, 99.7 percent for Type 2, and 98 percent for Type 3. A third feeding raised the proportion of seroconversions to Type 1 to 98.3 percent. They also showed that preexisting enterovirus infection had some inhibitory effect on infection with polivirus vaccine. In populations which included children possessing antibody to one or two serotypes, similar seroconversion rates were observed to the lacking type.

Finally, in a followup of these trials it was found that antibody persisted for over three years in a high proportion of vaccine recipients.

Table 6.—*Persistence of Antibody Induced by Oral Poliomyelitis Vaccine*

Postvaccination interval	Percentage of individuals with antibody to:		
	Type 1	Type 2	Type 3
One years	90.0	100.0	96.7
Two years	90.0	100.0	94.5
Three years	81.3	100.0	94.5

b. *Safety.*

(1) *In vivo and in vitro tests.* The Lederle Laboratories submission consists of detailed descriptions of the various test procedures (in the original licensing submission and amendments) and a sample protocol for a lot of Type 1 virus said to be representative of all protocols (including these for Types 2 and 3) submitted to FDA. Also included were sets of review information, one set each for single monovalent lots and one for a trivalent lot formed from the same three monovalent lots. Thus actual data were provided for two lots of Type 1 virus, one each of Type 2 and Type 3 viruses, and data for one lot of trivalent vaccine. The reported testing was amply documented and appeared in all cases to have yielded satisfactory results, including the crucial monkey neurovirulence test. The most troublesome and least stable strain of poliovirus for all manufacture is Type 3. Examination of the data submitted for the single lot of Lederle Type 3 virus tested showed that its apparent neurovirulence was less than that of the Type 1 reference vaccine. Later data submitted by the Bureau indicated that testing of five successive lots of each type had indicated acceptable low neurovirulence for all.

(2) *Information on vaccine recipients.* Individuals included in the field trials mandatory for licensure were observed for possible immediate adverse effects. None of significance were reported.

(c) *Benefit/risk.* See generic discussion.

d. *Labeling.* Labeling should conform to the FDA's regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.*

a. *Critique.* The principal defects in the submission are a lack of information on range of variations encountered in the monkey neurovirulence tests of successive vaccine lots, especially Type 3, (the desired data was later furnished by the Bureau) and the failure to report product-specific adverse experiences. The generic monovalent and trivalent vaccines are effective, useful, and safe. These products are acceptable examples of the generic vaccine.

b. *Recommendations.* The Panel recommends that these products be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for these products.

Poliovirus Vaccine, Live, Oral, Trivalent, (Diplovax) Manufactured by Pfizer Ltc.

1. *Description.* Diplovax is a mixture of monovalent (Types 1, 2, and 3 Sabin strains) vaccines propagated in a human diploid cell line (WI–38 Hayflick); each dose contains approximately 800,000 Type 1, 100,000 Type 2, and 500,000 Type 3 $TCID_{50}$.

The WI–38 strain of human diploid cells represents a cell line propagated by repeated serial passage. It has been shown to be free of any known adventitious agents by extensive testing.

Further statements in the labeling indicate that the vaccine strains, manufacturing methods, and testing comply with the PHS requirements. Lactalbumin hydrolysate medium is employed in the tissue culture host system for viral propagation. Potency is expressed in terms of $TCID_{50}$ with ± 0.5 log accuracy and the meaning of this term is explained. Sucrose is added to the vaccine as a stabilizer and inclusion of phenol red gives the vaccine a variable red color. If the color of an entered vial changes from red to yellow on storage, bacterial contamination should be suspected and the vial discarded.

Also included in the description is the following statement of vaccine action:

Usually, both a systemic and local response are produced. A systemic response involves production of serum or humoral antibodies which help protect the individual against clinical poliomyelitis infections. A local response is one in which resistance to further infection by the same virus type is produced in the intestinal tract. The resistance to further infection may reduce the incidence of temporary carriers, individuals who harbor and disseminate naturally-occurring wild poliovirus although they may show no clinical symptoms of infection.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.*

a. *Efficacy.* Basic to efficacy is potency. Assay data for 10 filling lots (derived from a single large lot) indicate that all contained the requisite amounts of virus of each type. Also, in the review information submission, data were included to show the stability of potency for each virus type during 6 months of storage at 4° C and for one year at −20° C.

Also included were data on the response in seronegative children given monovalent vaccines (five consecutive production lots of each type) and trivalent vaccine (also five consecutive lots). For comparison, previously acquired data for vaccine produced by this manufacturer in MKC are also presented in the submission. Single feedings of the monovalent WI–38 diploid cell-produced vaccines resulted in satisfactory seroconversion for all viral types (Type 1, 92.3 percent; Type 2, 90.6 percent; Type 3, 88.9 percent) based on studies of from 144 to 191 children. Trivalent feeding (three dose series) of 100 children negative for antibody to all three viral types resulted in higher rates, viz., 96, 99, and 94 percent, respectively.

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These results are equivalent or superior to the earlier ones with MKC vaccine prepared by this manufacturer. Otherwise, the case for efficacy is based on the aggregate generic experience with the Sabin strains of poliovirus.

b. *Safety.* This submission includes a summary brochure on the comparative virtues of WI-38 human cells versus primary monkey kidney cells, and a Pfizer-produced pamphlet which describes the WI-38 cell strain and its use in vaccine production. The pamphlet contains pertinent references on the subject. The essence of the presentation is that the WI-38 cell strain constitutes a single cell source for which a 20-year reservoir exists, and that it has undergone considerable scrutiny for adventitious agents and undesirable (e.g., oncogenic) properties, all with negative results. Recent evaluation of the situation regarding supply put in question the 20-year availability of the cell strain.

Also included are data concerning the characteristics of the vaccine progeny virus shed by the children given the monovalent vaccines. Data on the rct/40 marker are given for isolates grouped by time since feeding but they show no consistent trend related to increasing time between feeding and viral recovery (intervals 1-22, 23-42, and 43 or more days). The results, combining all time intervals, are shown in Table 7.

Table 7—Distribution of rct/40 Markers of Progeny Virus Shed by Children Given Monovalent OPV

Poliovirus	Percentage of isolates with rct/40 marker		
	t−	t±	t+
Type:			
1 [1]	78	22	0
2 [2]	43	54	3
3 [3]	34	66	0

[1] 125 isolates.
[2] 124 isolates.
[3] 58 isolates.

There was least shift in marker characteristics with Type 1 virus, but the few rct+ isolates were all Type 2. These data are said to closely parallel similar data on progeny virus shed after feeding vacine virus grown in monkey kidney cells. Tests for the d marker were made on 137 isolates (all three types were represented). Since none indicated a shift from d (virus grows poorly under low concentrations of bicarbonate) to d+ (virus grows well under low or high bicarbonate concentrations), this test was discontinued in the evaluation of shed virus.

Some of the isolates, representing viral recoveries made both early (first 2 weeks) and late (3 or more weeks) after feeding the vaccine, were tested by intracerebral inoculation in monkeys using first cell culture passage fluid (undiluted) and two monkeys per isolate. The results are summarized in Table 8.

Table 8—Results of Tests for Neurovirulence of Progeny Virus Shed by Children Given Monovalent OPV

Virus type	Viral isolate	No. of monkeys	Percent of monkeys showing		
			Negative for lesion and/or paralysis	Histologic lesions	Paralysis
1	Early	13	77	23	0
	Late	31	45	95	6
2	Early	16	69	31	0
	Late	22	32	64	18
3	Early	14	29	71	36
	Late	41	10	90	34

The submission concludes that:

Although there is some evidence of increased neurovirulence for monkeys in the later specimens of virus of all three types, the pattern follows that which has been seen and extensively reported in the literature for monkey kidney vaccines. It also should be pointed out that 10 of the Type 3 specimens had titers greater than 10^5 $TCID_{50}$ per dose, i.e., 10 times that which is used in the standard neurovirulence test. It is our view, therefore, that preparations of the vaccine in human diploid cells instead of monkey kidney tissue has not resulted in any significant change in the biological characteristics of the vaccine viruses.

It is unfortunate that parallel concurrent studies were not done with vaccines produced in MKC.

Other than data on the potency and animal safety of the final containers of trivalent vaccine from 10 filling lots, the only data on in vitro and animal testing of production lots are those for five consecutive lots of monovalent Type 1 vaccine. These covered tests in eggs; hemadsorption on control cultures; chromosome studies; tumorigenicity (comparing WI-38 cells with HEP-2 cells in adult mice); and tests in suckling and adult mice, guinea pigs, rabbits, mycoplasma medium, other bacteriologic media, human embryonic lung cells, human embryonic kidney cells, vervet monkey kidney cells, and rabbit kidney cells, all for possible adventitious or contaminating agents. The material tested included control cultures, fluids representing medium changes (from production cultures), fluids from control cultures, and the actual virus-harvest fluids. All such tests were judged satisfactory. Similar data for consecutive lots of Types 2 and 3 were later supplied by the Bureau of Biologics. However, it should be noted that in the past occasional lots had to be discarded because of bacterial or fungal contamination, and that in two instances batches of WI-38 cells being built up to passage 29 (that used for vaccine production) had to be discarded because of contamination with attenuated polioviruses of still unknown origin. Since then, the manufacturing procedures were modified (in 1972-1973) and the problem has not recurred.

Tests on the vaccine virus itself were the same as those prescribed for MKC vaccine which incorporated in vitro markers (rct/40 and d), identity of the virus, and its neurovirulence in monkeys. These five lots of Type 1 virus were tested in parallel with reference lots of Type 1 virus. Careful comparison fails to reveal significant variation of results between test lots of vaccine or between test and reference lots and thus for Type 1 vaccines points to a desirable consistency in the product. Later, similar data were submitted for Type 2 and Type 3 virus vaccines by the Bureau.

Other than data on the viral isolates from vaccine recipients mentioned above, there is no product-specific information regarding human safety. The Pfizer brochure mentions use of WI-38 cells to produce vaccines containing poliovirus; adenovirus Type 4; rhinovirus; and measles, rubella, smallpox, varicella, and arboviruses which, in the aggregate, have been given in the United States and Eurpoe to over 2 million persons with no reports of any untoward effects due to adventitious agents. No specific reference is made to poliovirus vaccines or to possible effects of vaccine strain polioviruses. The material on file in the Bureau of Biologics contains a fairly detailed summary of the experience of Ikic' in Yugoslavia with vaccines produced in WI-38 cells, and this was accepted as evidence of compliance with the requirement that the human cell line be "shown to be capable of producing a vaccine which, by experience in at least 10,000 persons, has been found to be safe and antigenic" (21 CFR § 630.12(b)).

c. *Benefit/risk.* The available evidence suggests that Diplovax does not differ in safety or efficacy from trivalent vaccine produced in MKC. The generic discussion should be consulted.

d. *labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.*

a. *Critique.* A serious effort was made to study reversion rates in progeny virus descended from vaccine virus propagated in human diploid cells, but a concurrent parallel study of progeny derived from virus grown in MKC unfortunately was not done. Such a study is urgently needed.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. The need for a stury on the reversion rate of vaccine virus grown in MKC has been noted. The potential superiority of established human strains, such as WI-38, as a long-lasting, single source of cells over primary cells obtained from animals is such that a special effort should be made to identify, and follow over an extended period, a sizeable group of recipients of Diplovax. This would gradually provide a more solid basis for judging the safety for man of vaccines so produced.

Poliovirus Vaccine, Live, Oral, Types 1, 2, and 3 (Sabin) Manufactured by Pfizer, Ltd.

Insufficient information was provided by the manufacturer for these monovalent products, which the company was licensed to manufacture at the time of this review. The manufacturer has never marketed the monovalent components of the currently licensed product in this country. In the absence of sufficient information from the manufacturer concerning labeling and marketing experience with the monovalent products, the Panel can make no determination regarding their relative benefits and risks, and the panel must recommend that these products be placed in Category IIIB and that the appropriate licenses be revoked.

Poliovirus Vaccine, Live, Oral, Trivalent (Sabin); and Poliovirus Vaccine, Live, Oral, Types 1, 2, and 3 (Sabin) Manufactured by Wyeth Laboratories, Inc.

This vaccine has not been manufactured for a number of years and the only way to assure that competence currently exists for its production, and to guarantee its safety and efficacy, is to require a new submission when or if Wyeth Laboratories, Inc., desires to resume marketing of the vaccine. It is recommended that 21 CFR 601.5 be invoked, whereby the Commissioner may recommend that a license be suspended or revoked upon finding that "manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made."

Furthermore, if the manufacturer proposes to resume production, the panel recommends that this product be placed in Category IIIB and that appropriate license(s) be revoked pending completion of additional testing and conformance with the recommendations of this report because there is no evidence presumptive of safety or effectiveness for this product.

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Generic Review of Smallpox Vaccines

Background

To our knowledge, smallpox vaccines have not before been subjected to a thorough systematic review for safety and effectiveness. The basis for the standards used in their licensure in many cases are decades old. Because these vaccines present certain generic problems which can be addressed in a general way, the specific product reviews are introduced with this broad statement. Some of the general recommendations will appear at the end of this review; others will be outlined in the product reviews which follow.

It must be recognized that there are no other licensed vaccines which permit a measurable bacterial count in an injectable product. In addition, there are no other live viral vaccines where the passage history of the seed virus is unregulated and where a seed lot system of some sort is not uniformly in use. Furthermore, there are few other vaccines whose administration is associated with such a degree of morbidity. Nevertheless, smallpox vaccine is, generically speaking, of proven effectiveness. There is a problem, however, in proving the effectiveness of specific products which have never been used under field conditions in the control of an epidemic. This is not a purely academic consideration, since it seems quite possible that vaccine made from a strain of vaccinia virus distantly related to established strains might no longer protect against smallpox. A classic protection study of course, cannot be reasonably demanded from each company producing vaccine. Is protection against challenge with a standard strain of vaccinia virus an adequate substitute for such efficacy trials? Perhaps, but it should be noted that the studies of Wesley and other describe the capacity of the CV-1 strain to protect against challenge while at the same time apparently inducing only low or undetectable amounts of neutralizing antibody (Refs. 1 and 2).

For many years, routine smallpox immunization of all children in the United States was both the recommended and the accepted medical practice. As the World Health Organization (WHO) smallpox

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eradication progressed, and as worldwide importation smallpox outbreaks decreased in frequency, it became increasingly evident that the morbidity of vaccinia virus inoculation outweighed the risk of exposure to smallpox itself. For this reason, in 1972 routine smallpox immunization was no longer considered advisable, and the recommendation of ACIP in that year (the latest available) reads as follows:

At the present time, the routine use of smallpox vaccine as part of pediatric immunization schedules is not recommended in the United States. Selective vaccination of persons at potential risk of contracting smallpox should be continued.

International travelers. All travelers going to endemic or infected areas should be vaccinated before departing from the United States. For purposes of validating an International Certificate of Vaccination, primary vaccinations must be inspected, and the traveler revaccinated if the initial vaccination were not successful. Although inspection of revaccination is not required by international regulations, health workers are strongly encouraged to examine the revaccination site and again revaccinate the traveler if a major reaction has not occurred (see General Vaccination Information).

High risk groups. Hospital and health personnel constitute the first line of defense after importation. The large percentage of secondary cases acquired in hospitals following importations in Europe warrants maintaining high level immunity in this group. A regular program of revaccination every 3 years is recommended for all hospital and medical personnel and public health and allied professions.

More recently, in an interim report ("Morbidity and Mortality Weekly Report," January 17, 1976) ACIP has withdrawn its recommendation for systematic programs of routine vaccination of hospital and health personnel.

In spite of these recommendations, smallpox vaccination is still widely practiced in this country. There are many physicians who disagree with the discontinuance of routine smallpox immunization and who vaccinate all children after their first birthday. Many adults are immunized for international travel, even though published requirements for entry into many countries no longer require it. Moreover, largely because of frustration with other therapeutic modalities, vaccination is widely performed for treatment of such common ailments as aphthous stomatitis, recurrent herpes labialis, and recurrent gential herpes, in spite of a conspicuous lack of evidence for its efficacy. It is hoped that, as the eradication of smallpox becomes a reality and with increasing education of physicians, these misguided practices will cease.

The ACIP enumerates the following contraindications to smallpox vaccination (1972):

Skin disorders. Eczema and other forms of chronic dermatitis in the individual to be vaccinated or in a household contact are contraindications to vaccination. An inquiry into the family history for skin disorders should always take place before vaccination. If vaccination is required for an individual with dermatitis because of potential exposure in an endemic or infected area, Vaccinia Immune Globulin (VIG) should be administered to the vaccinee at the time of vaccination. VIG will not prevent successful vaccination. If there is real need to vaccinate an individual who may thus create a hazard for a household contact with dermatitis, consideration should be given to separating the vaccinee from his contact until the vaccination lesion has healed.

Pregnancy. In rare instances, vaccinia virus crosses the placental barrier and infects the fetus. Of the few reported cases of fetal vaccinia, virtually all have followed primary vaccination. If vaccination is indicated because of possible exposure to smallpox, VIG should generally be given simultaneously with the vaccine, particularly in cases of primary vaccination.

Altered immune states. Leukemia, lymphoma, and other reticuloendothelial malignancies; dysgammaglobulinemia; therapy with immunosuppressive drugs, such as steroids and antimetabolites or radiation are strong contraindications to vaccination. Vaccination should be considered only under circumstances of actual smallpox exposure. If such a person is exposed to smallpox making vaccination mandatory, VIG should be given at the time of vaccination.

Analysis

1. *Efficacy.* Recommendations concerning effectiveness are based on the conviction that the protective effect of a smallpox vaccine is dependent on the strain of virus used, the infective titer of the product at the time of its use, and the mode of its administration. If these can be regulated, effectiveness will be assured in so far as possible.

2. *Safety.* Safety is to a large extent dependent on the strain of virus used, the mode of its administration, and the proper selection of recipients. Although immediate safety can be monitored for each product regardless of the strain of virus used in manufacture, possible long-term effects and rare events such as encephalitis may be difficult to control. Thus, for safety as well as efficacy, the virus strain appears to be important.

3. *Benefit/risk.* The benefit/risk ratio of smallpox vaccines varies with the circumstances of their use. In the United States the benefit probably exceeds risk only for travelers to endemic areas and for hospital and other personnel directly exposed to risk. This judgment is based on statistics of morbidity due to smallpox vaccination. The data are summarized in Table 9.

Table 9.—*Complications Associated With Smallpox Vaccination per 1 Million Vaccinations*

Complication	Complications per million primary vaccinations					Complications per million revaccinations—all ages
	Age at vaccination				All ages	
	<1	1 to 4	5 to 19	20+		
Death (from all complications)[1 2 3]	5.0	0.5	0.5	(4)	1.0	0.1
Postvaccinal encephalitis	6.5	2.2	2.6	3.5	2.9	.0
Vaccinia necrosum[3]	0.0	0.4	1.0	5.9	.9	.7
Eczema vaccinatum[3]	14	44	35	30	35	3
Generalized vaccinia[3]	394	235	140	212	242	9
Accidental infection[3]	507	577	371	606	529	42
Erythematous urticarial reactions[5]	(4)	(4)	(4)	(4)	(4)	(4)

[1] Neff, J. M., J. M. Lane, J. H. Pert, R. Moore, J. D. Millar, and D. A. Henderson, "Complications of Smallpox Vaccination: I. National Survey in the United States," *New England Journal of Medicine* 276:125–132, 1967.

[2] Lane, J. M., F. L. Ruben, J. M. Neff, and J. D. Millar, "Complications of Smallpox Vaccination, 1968: National Surveillance in the United States," *New England Journal of Medicine*, 281:1201–1208, 1969.

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[4] Lane, J. M., F. L. Ruben, J. M. Neff, and J. D. Millar, "Complications of Smallpox Vaccination, 1968: Results of Ten Statewide Surveys," *Journal of Infectious Diseases*, 122:303–309, 1970.

[5] Neff, J. M. (unpublished data).

[6] Unknown.

Source: "Morbidity and Mortality Weekly Report," 9/25/71, CFC, PHS, DHEW.

In 1968, there were at least 9 deaths due to vaccination (6 in primary vaccinees, 2 in revaccinees, and 1 in a contact), 16 cases of postvaccinia encephalitis (all in primary vaccinees), 11 of vaccinia necrosum (5 in primary vaccinees), 126 of eczema vaccinatum (58 in primary vaccinees, 8 in revaccinees, and 60 in contacts), 143 of generalized vaccinia, and 193 accidental infections. All of these figures are derived from reported cases. The true rates of the various complications of smallpox vaccination are unknown but are undoubted higher than this.

When there is danger of exposure to smallpox, the benefit-risk ratio rises. This important concept should be made clear to individuals using and receiving vaccine.

Recommendations

1. *Efficacy.* Because control of the strain of vaccinia virus in the vaccine appears to be the most feasible way of assuring efficacy, it is recommended that all manufacturers use the same strain and assure uniformity by use of a seed lot system. At the present time, only vaccine produced by certain manufacturers has been proven effective. The possibility should be explored that a primary seed lot produced by one of these manufacturers might be provided for use as seed for all licensed manufacturers. The regulation of the seed lot system can be based on the recommendations made in 1965 by WHO and incorporated in World Health Organization Technical Report Series, No. 323, Annex 4, Section 3.1, pp. 60–61, 1966.

2. *Potency.* Potency in vitro should be better defined. In this regard, we look on the rabbit scarification method as being inferior in its quantitative aspects to the pock counting method. It is recognized that a rabbit skin response possesses some physiologic meaning since it measures dermotropism as well as infective units, and in this and other respects it may be closer to a measurement of vaccine potency in man. However, control of vaccine strain and passage history should control these variables. Moreover, the use of the present "either/or" requirement does not seem logical if one system is clearly better than the other or if both are necessary. Therefore, in vitro potency should be defined by the pock counting method and, as at present, the vaccine lot in question should be compared with an FDA standard. The Panel notes with approval that the Commissioner published a proposed change to this effect in the **Federal Register** of March 14, 1975 (40 FR 11884), which was adopted November 19, 1976 (41 FR 51009) (21 CFR 630.70, 630.73, 630.74).

b. Each manufacturer should provide a clear statement of the product's potency in man. Each manufacturer should test initially, and in addition whenever there is a change in its manufacturing protocol, one lot of its vaccine in 50 primary vaccines, with a required take rate of greater than 95 percent.

3. *Sterility.* The Panel questions whether the present standards for sterility are adequate. It is recommended that the standards for percutaneous vaccine be raised to those for jet-gun vaccine (1 organism per 100 doses) and that the jet-gun vaccine be bacteriologically sterile.

4. *Extraneous organisms.* The question is raised as to whether in addition to bacteria, other types of extraneous organisms should be searched for in calf lymph vaccines. Because the potential presence of such organisms has not caused any proven problems, it seems appropriate that at this time the matter should be examined in research laboratories before any decisions are reached requiring such tests of the manufacturers. An effort should be made to examine smallpox vaccines for adventitious viral agents and particles, and to cultivate mycoplasmas from calf lymph before preservatives are added.

5. *Quality of vaccine.* The Bureau of Biologics should continue to examine records of each manufacturer to ascertain the consistency of quality in production of vaccine including any lots not submitted for release.

6. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP. Inclusion of the following specific information is emphasized:

a. Indications for vaccination, according to the latest recommendations of ACIP;

b. Contraindications and precautions for vaccination, according to the latest recommendations of ACIP;

c. Anticipated complications of vaccination, including all those mentioned by ACIP, with some information as to their expected frequency;

d. A dating of ACIP recommendations which are being quoted;

e. A statement that certain contraindications to vaccination may be only relative in the face of exposure to smallpox, and that in such cases vaccinia immune globulin should be used;

f. The strain of vaccinia virus used to make the vaccine;

g. The potency of the vaccine, in pock forming units per ml, as related to the United States Reference Smallpox Vaccine.

Review of Individual Smallpox Vaccine Products

Smallpox Vaccine in Three Formulations: Glycerinated Vaccine; Dried Vaccine; Dried Vaccine for Jet Injection Manufactured by Connaught Laboratories, Ltd.

1. *Description.* Complete details of the production and processing are supplied for each formulation which describe the origin of the virus (Bureau of Laboratories, Department of Health, New York City in 1927), its passage history (renewal approximately every two years, until 1967, by exclusive passage on calves), and seed-lot system in use since 1967, (no more than five passages removed from the primary seed lot). Also given are the details of production of secondary seed lots and final production lots on calves, including selection of calves, skin preparation, inoculation procedure, measures to minimize soiling of vaccination area, treatment of the vaccination area during the incubation period, and, finally, the harvesting of the pulp followed by necropsy to insure the calves were free of any pathological condition. From this point on processing of the pulp differs according to the final vaccine formulation desired. The following descriptions are quoted from the package inserts submitted to the Panel.

Smallpoc vaccine (glycerinated) "is a suspension of live vaccinia virus propagated on calf skin. The vaccine has been shown by appropriate test methods to contain not more than 200 nonpathogenic organisms per ml and it will retain its potency until the date stamped on the package, providing it is constantly kept at not above 0° C. The virus is quickly inactivated at room temperature."

Smallpox vaccine (dried) is prepared "from partly purified suspensions of vaccinia virus propagated on calf skin and shown by appropriate test methods to contain not more than 200 nonpathogenic organisms per cubic centimeter (cc). During the preparation of the vaccine small amounts of streptomycin and neomycin are added. When reconstituted with the diluent provided, the vaccine contains not more than 0.5 mcg streptomycin and 0.25 mcg neomycin per 0.01 cc (approximately 1 dose) as well as 0.3 percent phenol.

The dry powder dissolves without difficulty in the diluent which consists of 40 percent glycerin in McIlvaine buffer containing 0.2 percent phenol.

Smallpox vaccine (dried) for jet injection is prepared "from partly purified suspensions of vaccinia virus propagated on calf skin and shown by appropriate test methods to contain not

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more than one organism per 100 doses. During the preparation of the vaccine small amounts of streptomycin and neomycin are added. When reconstituted with the diluent provide, the vaccine contains not more than 0.25 mcg streptomycin and 0.13 mcg neomycin per 0.1 cc (approximately 1 dose) as well as 0.3 percent phenol. The diluent contains 0.2 percent phenol."

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic reviews.

2. *Analysis.* Information concerning safety, bacterial contamination, potency, stability, and final identity is given in complete detail in sections II and IV of the corresponding separate partial submissions.

The glycerinated vaccine must contain at least 10^8 plague forming units (pfu) per ml of vaccinia virus and, after 18 hours incubation at 37° C, must retain at least 10^7 pfu. The vaccine must be innocuous for guinea pigs and mice, must contain no more than 200 viable nonpathogenic organisms per ml and must contain no pathogenic bacteria, as judged by inoculation into guinea pigs of positive cultures from the tests for viable bacteria. Identity of vaccinia virus is established by the agar gel immunodiffusion technique, using antivaccinia virus serum and normal rabbit serum. For the freeze-dried formulation, basically similar criteria must be met except that in the freeze-dried state there must be no more than 1 percent residual moisture and there must be no loss of potency during 30 days storage at 37° C. For the freeze-dried material intended for jet injection, the criteria for acceptance differ from those just described chiefly with respect to bacterial content. This must not exceed more than one non-pathogenic bacterium per 10 ml (100 doses) of reconstituted product.

a. *Efficacy.* Data concerning efficacy are provided in the form of detailed reports of clinical trials with material from each of the three formulations. The criteria for efficacy are the proportion of primary takes in previously unvaccinated individuals and major reactions in those undergoing revaccination. All three formulations performed satisfactorily.

b. *Safety.* Data concerning human safety are supplied in consolidated form for all three formulations. During 1960–1972, many millions of doses of vaccine were distributed. Review of the data submitted on complications attendant upon vaccination revealed no unusual rate for this product.

c. *Benefit-risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* This submission is well documented and fully adequate.

b. *Recommendations.* The Panel recommends that these products be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for these products.

Smallpox Vaccine, Avianized Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* The package insert states the following:

> Smallpox vaccine, avianized, Lederle, is a suspension of vaccinia virus obtained from infected portions of the chorioallantoic membranes of embryonated chicken eggs. It is used for active immunization against smallpox * * * Antibiotics added to the virus inoculum in the preparation of this product are present in the final product at concentrations per vaccination which do not exceed 0.27 mcgm of neomycin sulfate, 0.5 units of polymyxin B sulfate, and 0.03 mcgm of tetracycline. The vaccine is stabilized and preserved with approximately 45 percent sorbitol w/v. The product contains no more than 200 viable organisms per ml.

The history of the origin of the Lederle vacinia strain is throughly detailed in the supplement to the submission.

RIF-free flocks which "meet the requirements of U.S. Pullorum-clean standards" are used for the production of eggs.

Potency is measured in eggs, and an equivalence has been shown for the avianized vaccine of pfu to potency determined in rabbits by scarification.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* Not pertinent.

(2) *Humans.* In their submitted material, and in information from the Bureau of Biologics there is adequate information to conclude that this vaccine produces takes in an acceptable proportion of both primary recipients and revaccinees. Actual protection against smallpox by egg-grown vaccines has been claimed by at least three groups quoted in a paper by Espmark, (Ref. 3). In addition, unpublished reports claim that egg-grown vaccines were largely responsible for the eradication of smallpox in Brazil. None of these reports refers specifically to the Lederle product.

More recently, the Lederle egg-grown vaccine has been compared to the Wyeth "Dryvax" in a detailed protocol involving primary vaccination, revaccination, and extensive serologic studies, which was coordinated by the Infectious Disease Branch of the National Institute of Allergy and Infectious Diseases. The results of this study support the conclusions that the avianized vaccine performed identically to the calf-lymph product, from the points of view of reactogenicity infectivity in human skin production of hemagglutination-inhibiting and neutralizing antibody and protection against subsequent challenge with a standard vaccination (Ref. 4). In this study, 143 children received the Lederle vaccine subcutaneously and none experienced necrotic local reactions.

b. *Safety.* (1) *Animals.* The required tests for sterility and animal safety are performed. As mentioned above, RIF-free eggs are used. It is of interest that in spite of claims of the manufacturer (which, it must be said, do not appear in the package insert or in advertising), that the egg product is bacteriologically safer than calf-lymph vaccine; 47 percent of the chorioallantoic membrane (CAM) pools were contaminated, in some instances exceeding the allowable standards. Sorbitol has a bactericidal effect.

(2) *Humans.* Reported complications for 1968–1973 are enumerated, but are marketing data are not, so a denominator is not available. The company does not report an excess of adverse reactions with percutaneous vaccine. An unpublished manuscript was brought to the attention of the Panel (Ref. 5). According to this report, about 15 percent of recipients of egg-grown (Lederle-produced) vaccine developed deep necrotizing reactions when jet injector vaccine was used. These findings were discussed by the manufacturer at a meeting, and no satisfactory explanation for the reactions emerged. The company has never marketed jet injector vaccine.

c. *Benefit/risk.* See generic review.

d. *Labeling.* Labeling should conform to the FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* The avianized vaccine is in many ways a product preferable to the calf-lymph vaccine. Specialized facilities are not needed for its production, bacteriologically sterile vaccine is

resonable possibility, and production is efficient and inexpensive.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. Additional analysis of the experience in India and Brazil with avianized vaccines, with special reference to effectiveness, should be done. In addition, the possibility of variable dermal toxicity among lots should be monitored because of the importance of this product and others like it in the future of smallpox vaccines.

Smallpox Vaccines Manufactured by Massachusetts Public Health Biologic Laboratories

No data have been provided by the manufacturer for Smallpox Vaccine for which they were licensed at the time this review was undertaken. In the absence of any information from the manufacturer, the Panel can make no determination regarding the relative benefits and risks of this product.

Recommendations. The Panel recommends that this product be placed in Category IIIB and that the appropriate license be revoked pending submission of evidence regarding the safety and effectiveness of this product.

Smallpox Vaccine Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

This submission deals with a discontinued product. The submission and other available information fail to provide sufficient evidence to justify continued licensing. The license, therefore, should be revoked. It is recommended that § 601.5 be invoked whereby the Commissioner may recommend that a license may be suspended or revoked upon finding that "manufacturing of products or of a product has been discontinued to an extent that a meaningful inspection or evaluation cannot be made." Furthermore, if the manufacturer proposes to resume production, the Panel recommends that this product be placed in Category IIIB and that appropriate license(s) be revoked pending completion of additional testing and conformance with the recommendations of this report because there is no evidence presumptive of safety or effectiveness for this product.

The Panel believes that the Bureau of Biologics interpretation of the regulations concerning permissible combinations (21 CFR 610.17) of licensed products to mean that a manufacturer must hold a license for smallpox vaccine in order to purchase and market another producer's licensed smallpox vaccine for a combined product should be modified, and if necessary, the regulation should be changed to allow an exception to be approved in this and perhaps other related instances.

Smallpox Vaccine and Smallpox Vaccine Freeze-Dried Manufactured by Merrell-National Laboratories, Division of Richardson-Merrell, Inc.

1. *Description.* Liquid vaccine is stated to be a glycerinated live virus vaccine, prepared from calf lymph * * *. The vaccine has been shown by appopriate test methods to contain not more than 200 organisms per ml. For color contrast, brilliant green (1:6,000) has been added. Preservative: 0.4 percent phenol. [The freeze-dried vaccine] contains a purified suspension of the live virus of vaccinia (cowpox) and is derived directly from calf lymph. The vaccine has been shown by appropriate test methods to contain not more than 200 organisms per ml. The purified virus, prior to freeze-drying, is suspended in an aqueous solution of sodium chloride (0.85 percent), 1:10,000 benzalkonium chloride, 1:6,000 brilliant green for color contrast and stabilized with peptone (5 percent). The diluent for the reconstruction of Smallpox Vaccine, Freeze-Dried consists of glycerin 50 percent in sterile distilled water. The preservative is phenol (0.25 percent).

Potency in vitro is measured in pock-forming units in relation to FDA standards and is acceptable (data supplied on five lots).

The manufacturing process is adequately described; although care of the calves and harvest of lymph are not outlined in the submission, subsequent treatment of the vaccine is detailed.

a. *Recommended use.* See the generic discussion.

b. *Contraindications.* See the generic discussion.

2. *Analysis.* a. *Efficacy.* (1) *Animals.* Not pertinent.

(2) *Humans.* Data are submitted for trials in 1961 when 19 primary vaccinees (out of 19) had takes, and the considerable data on revaccinees indicate a potent vaccine.

b. *Safety.* (1) *Animals.* The product satisfies the FDA regulations in regard to sterility and animal safety.

(2) *Humans.* The information presented is based on the marketing experience from 1968 through 1972 and includes many millions of doses of both liquid and freeze-dried vaccine. Review of the data submitted on complications revealed no unusual rate for this product.

c. *Benefit-risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* See the generic product review.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Smallpox Vaccine Manufactured by Division of Biologic Products Bureau of Laboratories, Michigan Department of Public Health

1. *Description.* The vaccine consists of a 50 percent suspension in glycerol with 0.5 percent phenol of liquid vesicular material from healthy calves vaccinated with vaccinia virus. This suspension is put up in capillary tubes, five per package, together with scarifying needles and rubber bulbs.

The virus strain employed is derived from strain #999 obtained in 1937 from the Massaschusetts Antitoxin and Vaccine Laboratory (the origin of strain #999 is not known). Since then, it has been given annual cycles of rabbit-calf passage, with each calf passage providing the seed for one season.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.* Prior submissions, together with supplementary ones, report on tests of activity of smallpox vaccine conducted from 1948 through 1972. The results are summarized in Table 10.

Table 10.—*Results of Potency Tests, Smallpox Vaccine, Michigan Department of Public Health*

Year	Results of vaccination (takes/recipients)	
	Primary vaccination	Revaccination
1948	2/2	6/7 (1[1])
1950	5/6	17/38 (21[1])
1958	5/5	5/10 (5[1])
1963	8/8	
1965	9/9	
1970–72	14/26	21/35

[1] Classed "immune."

Such tests are conducted periodically. The results suggest potency for man is basically adequate for primary vaccination. The record for revaccination, 49/90 or 55 percent, is less reassuring but may reflect a combination of poor vaccination technique, the inclusion of many recently vaccinated persons, and failure to use WHO criteria for classification of response.

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b. *Safety.* (1) *Animals.* The submission cites the standard tests in animals and the potency test in rabbits.

(2) *Humans.* Data are provided on millions of doses distributed between 1961–72. A review of the data submitted on complications revealed no unusual rate for this product.

c. *Benefit/risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* See generic review.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Smallpox Vaccine ("Dryvax") Manufactured by Wyeth Laboratories, Inc.

1. *Description.* This is a lyophilized preparation of calf lymph containing vaccinia virus. The vaccine is reconstituted with 50 percent glycerine for inoculation by the multiple pressure technique or with .02M phosphate buffered saline for administration by jet gun. The reconstituted vaccine contains no more than 200 organisms per cc and the upper limits of the antibiotics employed during processing are stated as being not more than 100 u/cc polymyxin, 200 mcg/cc dihydrostreptomycin, 200 mcg/cc chlortetracycline, and 100 mcg/cc neomycin.

Vaccine comes with or without brilliant green, and in a form intended for jet-gun use only or in one not intended for jet-gun use.

Potency is measured *in ovo* by pockforming units and is adequate and well defined for two lots.

The production method is well described in material provided by the Bureau of Biologics from its license files.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.*

(1) *Animals.* Not pertinent.

(2) *Humans.* The recording of take rates (both primary and revacination) is adequate. Wyeth Laboratories, Inc., in addition, submitted the following statement:

Wyeth was the principal supplier of vaccine to a major phase of the eradication program carried out in West and Central Africa in addition to its contributions to other parts of the global program.

b. *Safety.* (1) *Animals.* The Bureau of Biologics' requirments for sterility and animal safety are satisfied.

(2) *Humans.* Minor complications of vaccination are well detailed in the data for Wyeth's product. However, the manufacturer does not submit either marketing data or data on major complications reported to them.

c. *Benefit-risk.* See generic review.

d. *Labeling.* Labeling should conform to the FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federl Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* See generic review.

b. *Recommentations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

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Generic Review of Measles Virus Vaccine

Background

Live measles virus vaccine falls into two generic categories: (1) attenuated Edmonston strain, and (2) further attenuated strains derived from the Edmonston strain.

About 4 million cases of measles, almost as many as the number of births each year, occurred annually in the United States before the development and widespread utilization of live attenuated measles vaccines. There were about 450 measles-associated deaths per year. The most frequent severe complications of measles were pneumonia and acute encephalitis; the latter occurred in 1 per 1,000 cases of natural measles infection (Ref. 1). In addition to this acute neurologic complication of measles infection, a much less common chronic form of encephalitis, which is fatal, occurs in approximately 0.5–1.0 case per 100,000 cases of measles infection. This chronic encephalitis associated with measles infection is called subacute sclerosing panencephalitis (SSPE).

In the late 1950's, John F. Enders and Samuel L. Katz initiated development of a live attenuated vaccine using the Edmonston strain of measles virus. This virus was repeatedly subpassaged in a variety of laboratory hosts. Each of the currently licensed vaccines was originally derived from one of two virus passage levels designated as the Enders A and the Enders B level, respectively. The passage history is shown in Table 11.

Table II.—*Derivation of the Enders A and Enders B Lines From the Edmonston Strain of Measles Virus*

Viral substrate	Number of serial passages
Primary human embryonic kidney (HEK)	24
Primary human amnion (HA)	28
Embryonated egg (E)	6
Chick embryo cell culture (CETC)	[1]13–A
Embryonated egg (E)	6
Chick embryo cell culture (CETC)	[1]3–B

[1] Level.

Thus a pool of virus (designated as 373C) at the A passage level was HEK–24 HA–28 E–6 CETC–13. The B passage level pool (designated as 749D) was HEK–24 HA–28 E–6 CETC–13 E–6 CETC–3.

The first vaccine was licensed in 1963 and by 1965 several other manufacturers received licenses. These vaccines were commonly administered in conjunction with Measles Immune Globulin (Human) in order to decrease the rates of reactivity (febrile response and rash) seen following vaccination. In 1965 and 1968, vaccines prepared from derivatives of the Edmonston virus obtained after additional serial laboratory passage were licensed. These vaccines were less reactogenic for man and could be administered without the concomitant use of globulin. Such preparations are currently the most commonly used.

Following the widespread use of measles vaccine, there has also been a dramatic decrease in the number of measles associated deaths. This is due in large part to the high protective effect of the vaccine, the elimination of complications such as pneumonia, and the low incidence of acute neurologic disorders following administration of measles vaccine; the latter incidence is not very different from the "background" rate of encephalitis in young children (approximately one case per 1 million children as compared to a rate of one case of acute encephalitis per 1,000 children following natural measles infection). The earliest live attenuated measles vaccines had an incidence rate of associated extensive neurologic disorders of 1.61 per 1 million doses of measles vaccine, and the further attenuated vaccines subsequently developed have a lower incidence rate of 0.78 cases of acute encephalitis per 1 million doses of vaccine. Thus, the use of measles virus vaccines has led to a marked decrease in acute encephalitis due to measles infection.

However, the effect of measles vaccines on the incidence of the chronic type of encephalitis (SSPE) associated with measles virus infection is more difficult to discern. There are two major reasons for this: (1) The incidence of SSPE prior to the introduction of measles vaccine is not well defined. Several names were applied to the clinical syndrome and their identification as a single illness was not made until the association of measles with this disorder was confirmed in the late 1960's. In the absence of intensive prospective and retrospective studies, therefore, it was difficult to determine the incidence of SSPE until the early 1970's. (2) Although the interval between infection with measles virus and the expression of the clinical disease is variable, it is usually quite long, averaging 7 years.

Recently, more complete information has been obtained by the Bureau of Biologics, the Center for Disease Control, and scientists at the University of Tennessee relative to the epidemiology of SSPE during the past 8 years (Ref. 2). Some important epidemiologic findings have been made. The annual incidence of this rare but fatal disease has been decreasing the past few years in the United States (approximately 45 cases of SSPE occurred annually between 1966–1971, but in 1975 and 1976 there were 12 and 10 new cases, respectively, in the United States). The following findings were observed in patients with SSPE who had a history of measles immunization: (1) there was no relationship between onset of SSPE and age at time of vaccination; (2) SSPE occurred a mean of 3.3 years after vaccination, and (3) the potential risk was 0.48–1.13 cases of SSPE per million estimated measles vaccine recipients.

A recent update of this carefully case-controlled study (published in "Morbidity and Mortality Weekly Report," September 23, 1977) reported as follows:

Fifty-two children with SSPE diagnosed since January 1, 1974, were each matched by age, sex, and race with both a long-term playmate and a hospitalized child. Vaccination and disease histories, verified by medical records review, were available for all cases and for 96 controls (Table 1). Children with SSPE were significantly more likely to have had natural measles than were controls ($p > .001$). Control children were significantly more likely to have received measles vaccine than were SSPE cases ($p > .001$). There was no difference between cases and controls with regard to having received measles vaccine after having had natural measles (21.2% vs 20.8%).

Table 1.—*History of Measles Infection and Measles Vaccination in 52 Children With SSPE and 96 Control Children*

Measles disease/vaccine history	SSPE cases (percent)	Controls (percent)
Had natural measles; no measles vaccination	32 (61.5)	25 (26)
Had natural measles; received measles vaccine	11 (21.2)	20 (20.8)
Had no history of measles; received measles vaccine	6 (11.5)	43 (44.8)
Had no history of measles or measles vaccination	3 (5.8)	8 (8.3)
Total	52	96

Two SSPE cases (3.8%) and 4 control children (4.2%) had received 2 or more doses of measles vaccine. Eleven SSPE cases (21.2%) had natural measles before they were 1 year old compared to 4 control children (4.2%) ($p > .01$). Four control children but none of the SSPE cases had received measles vaccine before they were 1 year old.

In short, it appears that utilization of measles vaccine has been associated with no detectable increase in the number of new cases of SSPE in the United States. In fact, the data currently available suggest that if there is any risk of developing SSPE following measles vaccination, it would be less than that associated with the alternative, i.e., natural infection with the virus. Obviously, more data are needed concerning these relationships (Ref. 3).

The Public Health Service Advisory Committee on Immunization Practices generally recommends that all susceptible children, i.e., those who have not had measles or measles vaccine, should be vaccinated after 1 year of age (15 months) with a single dose of live measles virus vaccine (Refs. 4 and 5). If an Edmonston B strain vaccine is to be used, it is recommended that it be accompanied by measles immune globulin, 0.01 ml/lb of body weight, given with different syringes at different sites. Measles immune globulin should *not* be given with further attenuated measles vaccines.

In the face of an epidemic or in areas with high measles incidence in the first 15 months of life, it may be desirable to vaccinate infants as young as 6 months of age, in which case these children should be revaccinated after reaching 15 months of age.

It is further recommended that children vaccinated before the age of 13 months, particularly if measles immune globulin was given concomitantly, be revaccinated. Also children who received killed measles vaccine should be vaccinated with live vaccine. High risk groups in which immunization is particularly important include children with chronic illnesses such as heart disease, cystic fibrosis, and tuberculosis, and those who are malnourished or institutionalized.

It is noted that live measles vaccine can usually prevent disease if administered within 2 days of exposure. It is rarely necessary to immunize adults, but no special untoward effects have been noted when this is done.

Precautions listed include: severe febrile illness, tuberculosis not under active treatment, recent administration of immune serum globulin (within 3 months), or marked hypersensitivity to vaccine components (chicken protein, etc.).

Contraindications listed include: altered immune states (leukemia, lymphoma, generalized malignancy, chemical immunosuppression, radiation therapy) and pregnancy.

The Food and Drug regulations governing manufacture of live, attenuated measles virus vaccines include specification of a seed lot system, with appropriate testing of new seed lots for neurovirulence. Chick embryo tissue must be derived from flocks certified to be free of obvious fowl pathogens and of avian leucosis, Rous sarcoma and "other adventitious agents pathogenic for chickens" (21 CFR 630.32(b)).

Virus in the final vaccine must be no more than ten tissue culture passages beyond the passage used to perform the clinical trials which qualified the manufacturer for license of that strain. Only primary cell cultures shall be used in the manufacture of Measles Virus Vaccine, Live, Attenuated.

Additional testing for safety includes mouse inoculation (21 days' observation of adult mice, 14 days' observations of

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suckling mice), inoculation of embryonated chicken eggs, and inoculation of monkey, chick, and human cell cultures. Bacteriologic and complement-fixation for avian leucosis virus (COFAL) testing are done.

The potency required is "no less than the equivalent of 1,000 $TCID_{50}$ of the U.S. reference per human dose" (21 CFR 630.34).

Labeling requirements include specification of dose and a statement of caution about inactivation by temperature and light.

Analysis

1. *Efficacy.* Experience in the use of live, attenuated measles vaccines now covers more than 12 years and some 80 million doses. In terms of seroconversion, all preparations result in at least 95 percent responses in susceptibles over the age of 13 months. In addition, in epidemic situations the protective efficacy has ranged from 83 to 98 percent. Groups of apparent vaccine failures include:

a. Those who received killed measles vaccine or followed shortly thereafter by live vaccine when it was available before 1968;

b. Those who received live attenuated measles virus vaccine, Edmonston B strain, with or without human immune serum globulin (ISG) before 13 months of age;

c. Those who received further attenuated measles virus vaccine with ISG in a dose intended for use with the more reactive Edmonston B vaccine;

d. Those who received live measles vaccine that had lost its potency because of exposure to excessive light or heat.

Duration of protection has been well evaluated in several studies. Adequate levels of antibody have been demonstrated 11 years postimmunization in nearly all vaccines with no exposure over the intervening years; thus, there is no evidence at present to suggest the need for reimmunization in general.

2. *Safety.* Both the Edmonston B and further attenuated vaccine strains have been shown to be remarkably safe in terms of major complications. In fact, the incidence of neurologic illness occurring within 4 weeks of measles vaccination is as low as, if not lower than, that in the general population, i.e., 2 per million per 4 week interval. In only one instance has isolation of a measles vaccine-like virus actually substantiated a possible association of vaccination and neurologic disease. It is noteworthy that the risk per million in the past few years has been substantially lower than in the first years of immunization with attenuated virus, which suggests that the further attenuated strains in current use may be even safer than the Edmonston B type of attenuated virus vaccine. However, this is a minor point since at no time has clear proof been addressed to indicate the vaccine as etiologically responsible for neurologic disease at or above background levels.

In terms of minor complications, the Edmonston B type vaccine must be distinguished from further attenuated strains. The former evokes a modified measles rash in 30 to 60 percent of instances, and significant percentages of recipients experience fever of 103° F or greater lasting 2 to 5 days. While these manifestations are usually not accompanied by toxicity or significant disability, they are sufficiently prominent to result in the recommendation that gamma globulin be given simultaneously. This additional procedure introduces an entirely new set of risks (e.g., second injection; dosage error resulting in failure of vaccine take, etc.). This makes this class of measles vaccine less useful in the overall balance than the further attenuated vaccines. These latter preparations evoke only mild manifestations (low grade fever and/or rash in up to 20 percent of recipients) and at a level insufficient to necessitate gamma globulin administration.

3. *Benefit/risk.* All of the above considerations result in an excellent benefit/risk ratio. The benefit of widespread, early vaccination of susceptibles against measles is clear: the prevention of approximately 95 percent of instances of measles, with a durable protective immunity. Unmodified measles is associated with a risk of numerous respiratory complications and about one instance of overt encephalitis per 1,000 cases of measles, at least 400 deaths per year, and unmeasured additional instances of minimal neurologic damage. The risk of the vaccine is, at most 2 per million doses distributed in terms of major neurologic disease, so that the benefit to risk ratio is enormously in favor of live attenuated measles virus immunization. (see Fig. 3.)

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Figure 3

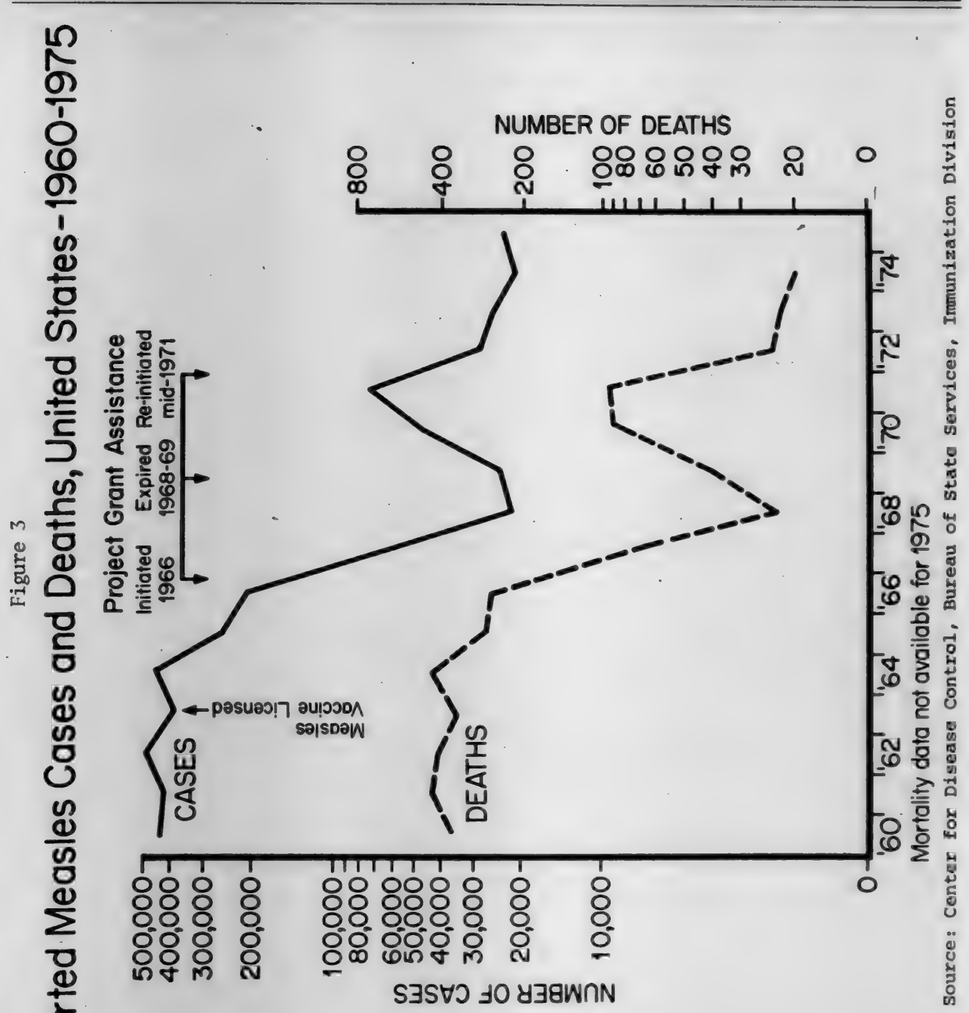

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The Edmonston strain clearly has a greater risk of minor complications and gamma globulin adds additional risk factors. Both of these points thus weigh in favor of the currently employed further attenuated measles vaccine preparation.

The issue of SSPE has been raised as an additional possible risk of measles vaccination, as it is of measles itself. However, more than 10 years have passed since widespread vaccination was initiated, and the incidence of SSPE has decreased as vaccination has continued.

4. *Labeling. Labeling should conform to the FDA's proposed regulations for labeling for prescription drugs used in man as reported in the* Federal Register of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

Recommendations

Further attenuated measles virus vaccines are excellent, safe preparations and licensure is appropriate and should be continued. The Edmonston B vaccine is notably more reactogenic and the need for it is questionable in view of the availability of superior products. Consideration might be given to continuance of the license for Edmonston B vaccine with the understanding that the manufacturer will take steps to develop a product that will be at or below the level of reactogenicity of other vaccines currently available.

Review of Individual Measles Virus Vaccine Products

Measles Virus Vaccine, Live, Attenuated (Schwarz Strain) ("Lirugen") Manufactured by Dow Chemical Co.

1. *Description.* The package circular states that it is " " " a highly attenuated measles (rubeola) virus vaccine that is usually well tolerated but still highly antigenic. Further attenuation of the Edmonston strain of virus decreases systemic reactions so that the simultaneous use of gamma globulin with LIRUGEN is not generally indicated.

The virus is propogated in chick embryo tissue culture using medium '199'. A residual of not more than 50 micrograms each of neomycin B sulfate and stretomycin and 0.000001 micrograms of amphotericin B are present per dose " " ".

Each single dose of LIRUGEN contains no less than 1,000 $TCID_{50}$ of measles virus expressed in terms of the assigned titer of NIH reference measles virus.

a. *Recommended use.* " " " for active immunication of children against measles (rubeola). It will not immunize against German measles (rubella). The vaccine should be administered to measles-susceptible children at 12 months of age or as soon thereafter as possible to provide protection in early life. " " " may be given as early as 9 months, repeating the injection at 12–14 months of age to assure an immune reponse.

The vaccine is particularly recommended for children in institutionalized settings, with chronic diseases (e.g., cystic fibrosis, heart disease, and asthma and other chronic pulmonary diseases) and with tuberculosis under treatment.

The vaccine is not recommended for adults unless they reside in isolated areas and/or communities in which measles is not endemic.

b. *Contraindications.* These are given as marked sensitivity to chicken protein, eggs, feathers, generalized and/or hematologic malignancies, and acute respiratory disease or other active febrile infection. The vaccine should not be used in pregnant women and patients undergoing treatment with corticosteroids, irradiation, alkylating drugs, or antimetabolites.

2. *Analysis.*—a. *Efficacy.*

(1) *Animals.* The data are limited. This is of minor relevance in view of the human data.

(2) *Humans.* There is an enormous literature concerning the excellent effioacy of live, attenuated measles vaccine; much of the recent information concerns this particular strain (Schwarz). In summary, seroconversion occurs in over 95 percent of susceptibles over the age of 1 and antibody persists with or without asymptomatic reexposure, although it is relatively low for at least 10 years. In several epidemics where this vaccine has presumably or definitely been used previously in part of the exposed population, the protective efficacy has ranged from 91 to 98 percent. In general, vaccine failure has appeared to leave the individual completely susceptible, although there is some suggestion that a few previously vaccinated individuals had modified disease following natural exposure.

b. *Safety.*—(1) *Animals.* The routine tests have been done as required by regulations and no evident problem has been encountered.

(2) *Humans.* A febrile and/or exanthematous reaction occurs in approximately 20 percent of children. Precautions in giving the vaccine to children known to have febrile convulsions, cerebral injury, etc., are well delineated. The major risk is neurologic. Data concerning the occurrence of significant neurologic disease within 4 weeks of administering any live measles vaccine assign a risk of less than 2 per million doses, which is slightly lower than the random risk. In only one instance, a measles vaccine-like virus has been isolated, which serves to support a possible association of vaccination and disease. All other evidence has been serologic and/or circumstantial. It is noteworthy that the risk per million in the past few years has been substantially lower than in the first years of immunization with attenuated measles virus, suggesting that this and other further attenuated strains may be even safer.

c. *Benefit/risk.* The annual number of measles cases prior to introduction of the vaccine approximated the number of births per year—probably about 4 million. Of these, about 10 percent were reported. About 400 annual deaths from measles were reported; 750 annual cases of nonlethal, permanent neurologic damage were reported; other less striking residua, although not measurable, were quite possibly even more significant. National vaccination programs reduced this rate of reported cases to about 20,000; with temporary cessation of the program, the rate climbed to 75,000; and with renewed stress on immunization in 1971, it has again dropped. Thus, the benefit is at least 90 percent reduction in cases of measles, and a concomitant reduction in complications. When contraindications are observed, the risk is minimal, i.e., about two cases of neurologic disease per 2 million doses of vaccine. Thus, the benefit/risk ratio is enormously in favor of live, attenuated measles virus vaccine immunization, and sufficient data exist to state that this pertains specifically to the Schwarz strain.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the Federal Register of April 7, 1975 (40 FR 15392) and the updated recommendations of ACIP.

There is a potentially serious inconsistency in that the statement to protect the vaccine from light appears on the box but not on the vial.

The package inserts are good in most respects. There is a commendably emphasized note concerning potential confusion of rubeola with rubella.

3. *Conclusions.*—a. *Critique.* This submission is extensively supported by an accompanying literature, both published and preprinted.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Measles Virus Vaccine, Live, Attenuated (M–VAC) Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* The package circular states that M–VAC Measles Virus Vaccine, Live, Attenuated, Lederle, is a suspension of Edmonston strain measles virus, live, attenuated, propagated in chicken embryo cell culture. The virus suspension is stabilized with a protein (casein) hydrolysate and sorbitol, and then lyophilized. Each single dose vial contains not less than 1,000 $TCID_{50}$ of measles virus expressed in terms of the assigned titer of the Bureau of Biologics reference measles virus. A dose contains about 50 micrograms each of streptomycin and neomycin.

a. *Recommended use.* "" " " for immunization of all susceptible children against measles (rubeola)." The product is especially recommended for children with malnutrition, chronic illness (heart disease, cystic fibrosis, chronic pulmonary diseases), and those in institutional settings. For maximum efficacy, the vaccine "should be administered when children are at least 12 months old. When used " " " between 6 to 9 and before 12 months of age, there occurs some reduction in efficacy and repeat immunization (booster) after 1 year of age is recommended."

The live virus vaccine is recommended for all children who received inactivated measles virus vaccine. "The vaccine is not effective in the prevention of rubella (German measles)."

b. *Contraindications.* These are given as pregnancy; leukemia, lymphoma, and other generalized malignancies; during or following therapy which depresses cell-mediated immunity or resistance to disease such as steroids, irradiation, alkylating agents, and antimetabolites; severe febrile illness; active tuberculosis unless under active treatment; and known or suspected hypersensitivity to chicken egg protein. There is an added, excellent statement that if immediate protection against measles is required and vaccine is contraindicated, passive immunization should be considered and the dosage of gamma globulin is given.

2. *Analysis.*—a. *Efficacy.*

(1) *Animals.* The data are of minor relevance in view of data on man.

(2) *Humans.* The present product has the properties of Edmonston strain; 95 percent or more of susceptibles convert serologically; immunizing efficacy has been shown in community and institutional settings; and durable immunity persisting for at least 10 years has been demonstrated with or without asymptomatic reexposure. Antibody titers achieved after immunization of susceptibles with Edmonston strain attenuated measles virus have been found to be higher than those induced by further attenuated strains, but in both instances antibody persistence is of long duration.

b. *Safety.*—(1) *Animals.* The data given are appropriate, but they are not as germane as those dealing with experience in man.

(2) *Humans.* Minor complications, viz., fever and rash, are a frequent concomitant of this product; even when gamma globulin is given simultaneously, the incidence of fever over 103° F appears to be about 15 percent. Major complications have not been conclusively demonstrated, even though many millions of doses of Edmonston strain measles vaccine have been administered.

c. *Benefit/risk.* See generic review. The Edmonston strain clearly has a greater risk of minor complications (high fever, rash), and, since gamma globulin is recommended for simultaneous administration, several additional factors must be considered beyond those pertinent to the further attenuated measles vaccines. In favor of the Edmonston strain is its greater immunogenicity, as indicated by higher titers of HI antibody. However, there is no evidence of greater persistence of the antibody response elicited.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the Federal Register of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP. In addition, the label should state that the high incidence of febrile reactions can be decreased by a simultaneous inoculation of measles immune globulin.

3. *Conclusions.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. While this product is effective and safe with respect to major complications, it is more frequently associated with minor complications than are the more attenuated measles vaccines, and it is recommended in conjunction with gamma globulin whereas the others can be given alone.

Measles Virus Vaccine, Live, Attenuated, MSD (Attenuvax) Manufactured by Merck & Dohme, Division of Merck Sharp & Co., Inc.

1. *Description.* The package circular states that Attenuvax (measles virus vaccine, live attenuated, MSD) is a measles virus vaccine prepared by using a more attenuated line of measles virus derived from Enders' attenuated Edmonston strain. The further modification of the virus in ATTENUVAX was achieved in the Merck Institute for Therapeutic Research by multiple passage of Edmonston virus in cell cultures of chick embryo at low temperature. Clinical studies have demonstrated that ATTENUVAX is highly immunogenic and well tolerated. The coadministration of human immune globulin has not been necessary for reduction of clinical reactions. A single injection of the vaccine has induced a measles antibody response in 97 percent or more of susceptible persons.

a. *Recommended use.* The preparation is intened for active immunization of children 1 year of age or older against measles (rubeola). In high risk situations, the vaccine may be given as early as 9 months of age. It is especially recommended for children in institutions, those with inactive tuberculosis or tuberculosis under treatment, or with chronic disease (e.g., cystic fibrosis, heart disease, asthma or other chronic pulmonary disease). It is recommended for adults only if their isolated circumstances warrant, e.g., residence in nonendemic areas.

b. *Contraindications.* These are given as sensitivity to eggs, chickens, chicken feathers, or neomycin; febrile illness; active untreated tuberculosis; leukemia, lymphoma, or other generalized malignancies; patients undergoing therapy with corticosteroids, irradiation, ACTH, alkylating agents, antimetabolities, gamma globulin deficiency (i.e., agammaglobulinemia, hypogammaglobulinemia, or dysgammaglobulinemia); and pregnancy.

2. *Analysis.*—a. *Efficacy.*

(1) *Animals.* The data available are limited and are of minor relevance in view of data on man.

(2) *Humans.* The general efficacy of live attenuated measles vacines has been well established. With specific reference at Attenuvax, three studies are cited in which 96 to 100 percent of susceptibles serocoverted (N=approximately 180) as measured by the hemagglutination-inhibition test. In addition, Attenuvax was one of the vaccines represented in studies of outbreaks in 1969–1971 in which vaccination was shown to be 90 to 95 percent protective.

b. *Safety.* Routine tests have been done in animals as required by Federal regulations. No evidence is given that problems have been encountered. The major (neurologic) risks appears to be 2

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per million or less and in no instance has the association of neurologic complications with vaccination been more than circumstantial. (See also the generic statement for measles vaccine.)

c. *Benefit/risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

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Generic Review of Mumps Virus Vaccines

Background

Mumps is a relatively benign disease of childhood with a low case fatality rate and usually only a moderate morbidity. Many patients do not manifest parotitis and there is a substantial incidence of asymptomatic infection. The meningoencephalitis occasionally associated with mumps is usually uncomplicated and self-limited. The greatest stimulus for prevention of mumps by vaccine comes from the feared occurrence of orchitis in postpubertal males. While this is documented to occur with a frequency as great as 20 percent (in epidemic situations as occur in the military), the incidence of subsequent sterility is very low.

While live, attenuated vaccines for mumps had been developed in other countries earlier, the only vaccine available in the United States until 1967 was a killed virus preparation, inactivated with formaldehyde and evaluated for potency by its ability to evoke an antibody response in guinea pigs. The efficacy of this preparation is very much in question (see below).

In 1967, a live, attenuated mumps virus vaccine (virus grown in chick embryo cell cultures) was introduced, and since then it has been used widely with clearly demonstrated safety and efficacy.

The Public Health Service Advisory Committee on Immunization Practices emphasizes its recommendation that mumps immunization programs should not be allowed to take priority over more essential ongoing community health activities. However, whatever resources are sufficient, incorporating live mumps vaccine into routine childhood immunization programs is desirable. The combination live virus vaccines which include mumps antigen can be particularly efficient for this purpose. Keeping this in mind, the Panel recommends that it be given at any age over 1 year, especially to children approaching puberty, to adolescents, and to adults, especially males, who have not had mumps or who have no serologic evidence of mumps immunity. Under those circumstances, a single dose subcutaneously is given, with no booster required. It is cautioned that the vaccine does not offer postexposure protection, but in the case of ineffectual exposure it will then offer immunity and will do no harm.

Precautions include severe febrile illnesses, hypersensitivity to vaccine components (egg proteins), leukemia, lymphoma and other generalized malignancies, therapeutic immunosuppression, and pregnancy. No contradictions are specifically listed.

The FDA regulations governing manufacture of live, attenuated mumps virus vaccine include a seed lot system; propagation in chick embryo cell cultures from eggs of flocks free of Rous and avian leukosis viruses as well as fowl pathogens; neurovirulence safety testing in monkeys of seed lots, and safety testing in adult and suckling mice, monkey and human cell cultures, and embryonated chicken eggs, as well as the usual bacteriologic screening; and a minimum potency of 5,000 $TCID_{50}$ per dose. The labeling should include warnings concerning photochemical deterioration as well as dose designation.

Regulations governing manufacture of formaldehyde-inactivated mumps virus vaccines date back to September 4, 1952 and will not be reviewed in detail herein. The most pertinent feature is the potency of the vaccine. As measured by a complement fixation test, at least a 1:16 dilution of test vaccine should yield 4+ fixation against 4 units of mumps immune serum.

Analysis

1. *Efficacy.*—a. *Live attenuated mumps virus vaccine.* There is wide experience with attenuated mumps virus vaccine and excellent documentation of its efficacy. An example is shown in Table 12, taken from Hilleman et al. (Ref. 1).

Table 12.—*Evaluation of Protective Efficacy of Mumps Virus Vaccine Among Initially Susceptible Children—Comparison of Attack Rates for Laboratory-Proved Cases of Natural Mumps Among Vaccinated and Controls*

Time period after vaccination to challenge	Group	Vaccinated cases/risk	Percentage	Unvaccinated cases/risk	Percentage	Efficacy percentage
0 to 10 months	Family	2/29	6.9	50/59	84.7	91.7
	Classroom	2/114	1.8	49/113	43.4	95.9
11 to 20 months	Family	1/14	7.1	22/24	91.7	92.3
	Classroom	1/26	3.8	24/40	60.0	94.1
Total	All	5/174	2.9	133/224	59.4	95.1

Neutralizing antibody was shown to persist for at least 8 years after vaccination, and protective immunity was retained through the 8 observation years (the attack rates of children exposed to mumps were 0/18 in vaccinies and 27/35 in the unvaccinated).

B. *Mumps vaccine, killed.* Essentially no data are available to document the efficacy of this preparation in the prevention of mumps. A study by Habel in 1951 (Ref. 2), which suggested protection by a killed mumps virus vaccine, used a different preparation, one in which the vaccine was mixed with a peanut oil-beeswax adjuvant. A study by Meyer et al. in 1966 (Ref. 3) used the presently available type of preparation in parents, who were seen when their children had mumps and who themselves had not had the clinical disease. In their group of 176 vaccinees, there were 14 clinical cases of mumps (8 percent) in comparison to six cases of the clinical disease among 153 controls (3.9 percent).

Thus, no efficacy was demonstrated by this study using two sub-cutaneous injections of 1.0 ml each approximately 1 week apart.

Sood used a current preparation (2 doses of 1 ml each at an interval of 2 weeks) in Gorkha recruits (Ref. 4). There were 51 cases of mumps among 1,000 vaccinees, and 94 among 1,040 controls, giving a coefficient of vaccine effectiveness of 1.4.

Disregarding those cases which occurred within the first 3 weeks, there was a reduction in incidence of mumps in the vaccinated group as compared to the control group (31.0 per 1,00 v. 70.1 per 1,000, or a coefficient of effectiveness of 2.2).

A study to test rapid immunization potential by Friedman et al. (Ref. 5) showed that even a large dose (10 ml) given as a single injection to children resulted in only 17 percent (4/23) seroconversion within 1 week.

2. *Safety.*—a. *Live, attenuated mumps virus vaccine.* Few, if any significant adverse reactions or complications have been associated with delivery of many millions of doses. The Center for Disease Control cites only one serious illness associated with mumps antibody rise within 2 months of immunization. The manufacturer cites, of many millions of doses, the following temporally related incidents: nine cases of encephalitis (0.7 per million), two febrile convulsions, one case each of deafness and visual disturbance.

b. *Mumps vaccine, killed.* Data are sparse. Field trials report a small percentage of febrile reactions. The producers report only one complaint, an undescribed neurological disorder, during the period 1969 through June 1973.

3. *Benefit/risk.*—a. *Live, attunuated mumps virus vaccine.* The benefit/risk ratio is favorable in that there is excellent protection against the disease with virtually no reported short-term complications of vacinnation. While the disease is usually nonfatal it may occasionally be associated with considerable morbidity and occasionally with serious complications. (see Fig. 4)

b. *Mumps vaccine, killed.* While there is apparently very little risk from vaccination with currently available inactivated mumps vaccine products, there is also no demonstrable benefit, resulting in a ratio approaching zero.

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Figure 4

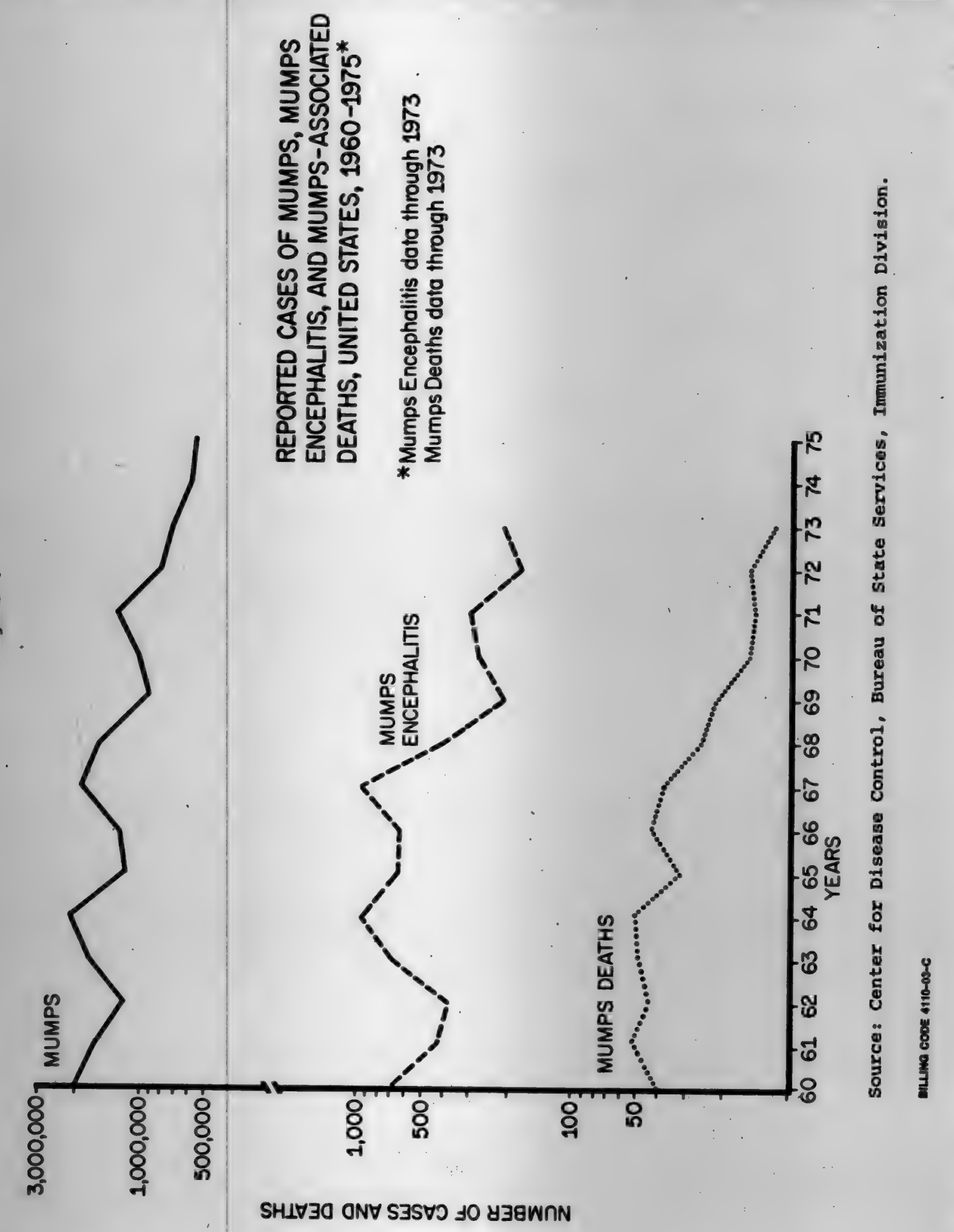

4. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

Recommendations

1. *Live, attenuated mumps virus vaccine.* This is an excellent biological product and the license should be continued.

2. *Mumps vaccine, killed.* It is recommended that licensure for manfacture of this product be withdrawn in that there is no demonstrable efficacy of the currently available inactivated mumps vaccine and no justification for its continued production.

Review of Individual Mumps Virus Vaccine Products

Mumps Virus Vaccine, Live (Mumpsvax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* Live mumps virus, Jeryl-Lynn strain, attentuated (B level) by passage in embryonated hens' eggs and in chick embryo cell culture, with the vaccine being prepared from virus grown in the latter medium. Each does of vaccine contains not less than 5,000 $TCID_{50}$ of mumps virus, as stated on the label and in the package insert, and also contains 25 mcg of neomycin per dose.

a. *Recommended use.* The vaccine is indicated for immunization against mumps in children over 1 year of age and adults.

b. *Contraindications.* (1) Pregnancy; (2) Sensitivity to eggs, chicken, chicken feathers, or neomycin; (3) Blood dyscrasias, leukemia, lymphoma, etc; (4) Therapy with ACTH, corticosteroids, irradiation, or other immunosuppressants; (5) Gamma globulin deficiency; (6) Any active infection.

2. *Analysis.*—a. *Efficacy.* (1) *Animals.* See section on human efficacy.

(2) *Humans.* Efficacy is clearly established both in terms of serologic response and in terms of protection (see Table 12). Neutralizing antibody has been shown to persist for at least 8 years after vaccination and protective immunity through at least 6 years (Ref. 6).

b. *Safety.* (1) *Animals.* Routine tests are done as required by Federal Regulations.

(2) *Humans.* There have been few, if any, significant adverse reactions or complications following the administration of the many million doses given thus far. The rate of temporally associated neurologic disease occurring within 30 days after vaccination is less than 1 per million, which is similar to or less than the expected rate in unimmunized children of a similar age.

c. *Benefit/risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions.*—a. *Critique.* This is a safe and effective product in children. There are inadequate data regarding protective effectiveness in susceptible adults (e.g., military recruits) but safety and antigenicity have been established in adults.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Mumps Virus Vaccine (Inactivated) Manufactured by Eli Lilly & Co.

1. *Description.* This preparation is a suspension of killed mumps virus derived from the extra-embryonic fluids of virus infected chick embryos. The virus is concentrated and purified by differential centrifugation inactivated with formaldehyde solution, 1:2,000, and suspended in isotonic saline containing 0.05 molar glycine. Thimerosal solution, 1:10,000, is used as the preservative.

a. *Recommended use.* The vaccine is intended for active immunization against mumps. The primary immunization consists of two injections given 1 to 4 weeks apart, and a booster injection is given 6 months to 1 year later. Emphasis is on prevention of mumps in young adults, particularly those in segregated populations (e.g., military recruits, medical students, and nurses). Routine administration of vaccine to all susceptible individuals is recommended, with susceptibility being determined by use of skin test antigen. Its use is also recommended to abort epidemics. Use of the vaccine for routine immunization before adolescence is not recommended.

b. *Contraindications.* (1) A history of egg sensitivity;

(2) Immune individuals;

(3) Therapy with ACTH, corticosteroids or other immunosuppressants.

2. *Analysis.*—a. *Efficacy.* (1) *Animal.* The minimum acceptable antigen concentration is that which will give complete (4+) fixation of complement at a 1:16 dilution against 4 units of a FDA reference antiserum. One batch in this submission is shown to have a titer of 1:64. The submission also includes data on a recent (1973) lot tested in guinea pigs (1 ml given intraperitoneally); pooled sera from 10 such guinea pigs had a CF titer of 1:32 against the 4 units of antigen required.

(2) *Human.* The manufacturer submitted no data concerning the effectiveness of his current product; the literature cited as pertaining to effectiveness dealt with a different product, incorporated into a peanut oil-beeswax adjuvant.

b. *Safety.* (1) *Animal.* The submission states that the product passes all safety tests.

(2) *Human.* The product is safe with less than 1 complaint per 100,000 doses of vaccine distributed.

c. *Benefit/risk ratio.* While there is no evidence of direct, substantial risk, there is also no evidence that the vaccine is of benefit, since it is poorly antigenic and offers no sustained protection.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP. The labeling in the submission to the Panel is considered inappropriate because one must read the fine print to discover that this is inactivated mumps vaccine, whereas the label should clearly indicate inactivation.

3. *Conclusions.*—a. *Critique.* Use of this vaccine requires prior determination of susceptibility in the recipient, but with the currently available antigens, the present skin test is not a reliable indicator of immunity as reported in the **Federal Register** of September 30, 1977 (42 FR 52674).

It seems highly unlikely that use of serological tests to determine susceptibility in exposed adults would be appropriate or timely, and the expense, even if such tests are available, would not be justified to attain the minimal protection that might be offered by inactivated vaccine.

The Panel concludes that the indications, as given, are inappropriate. Inactivated mumps virus vaccine is only marginally effective, and is of very limited usefulness.

b. *Recommendation.* Given the availability of live mumps virus vaccine, there seems to be no good justification for the continued production of inactivated mumps vaccine. Consequently, the Panel recommends that this product be placed in Category II and that appropriate license(s) be revoked because there are compelling reasons to assume a lack of

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effectiveness and an unsatisfactory benefit-risk ratio for this product.

The Panel is aware that inactivated mumps virus vaccine is used to hyperimmunize donors as a source of immune plasma for the production of mumps immune globulin (human). This vaccine usage is discussed in the section dealing with mumps immune globulin.

Mumps Vaccine (Killed) Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* The vaccine is prepared from the allantoic fluid of embryonated hens' eggs infected with mumps virus. The virus is concentrated, inactivated with formaldehyde and ethylene oxide, and suspended in a 0.1 M sodium phosphate buffered solution with 1:10,000 thimerosal added as a perservative. The actual viral content is not stated.

a. *Recommended use.* To protect susceptible individuals who have been exposed to infection, the vaccine should be given 2 to 3 days after such exposure.

The recommended immunizing dose for children and adults is two injections of 1.0 ml each, administered either subcutaneously or intramuscularly. The interval for optimal immunizations is not known, but 1 to 4 weeks between injections is suggested.

b. *Contraindications.* (1) Presence of tuberculosis, debilitating disease, latent or active infections;

(2) Sensitivity to eggs, chicken, or chicken feathers.

2. *Analysis.*—a. *Efficacy.* (1) *Animals.* Potency is measured by a compliment fixation test. At least a 1:16 dilution of the test vaccine should give complete (4+) fixation of complement against four units of a FDA Reference Antiserum Seven guinea pigs were each given 1 ml of vaccine intraperitoneally, bled 3 weeks later and the sera tested for antibody by complement fixation; a serum CF titer of 1:32 against 4 units of antigen (equal to minimum requirements) was shown in protocols provided for a recent batch.

(2) *Humans.* The submission incorporates references pertinent to the efficacy of killed mumps vaccine. These are discussed with pertinent data, under the generic review. The Panel knows of no evidence that effective protection can be induced within 2 to 3 days after exposure as is implied by the recommended use of the product within this interval. Sood's data (Ref. 4) suggest that a 3 to 6 week interval is necessary and show that absolutely no protection is afforded within 3 weeks postvaccination, evidently even after the second dose.

No procedure for determining susceptibility is given. It does not seem justified to recommend general vaccination of children except where special conditions exist (e.g., large groups housed in institutions, summer camps, orphanages, etc.) and vaccination is repeated at annual intervals to keep the antibody titer at an adequate level.

b. *Safety.* (1) *Animals.* The tests reported in the submission were satisfactory.

(2) *Humans.* Field trials report the occurence of a small percentage of febrile reactions; the producer reports only one complaint, an undescribed neurological disorder during the period 1969 thru June 1973.

c. *Benefit/risk.* While there is no evidence of a substantial direct risk, there is also no evidence of benefit, since the vaccine is poorly antigenic and offers no sustained protection.

d. *Labeling.* The labeling is inappropriate because it is not immediately obvious that the product is an inactivated mumps virus vaccine. The Panel also considers the indications to be inappropriate (see Recommendation). Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and the updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* This product is not recommended by ACIP. As detailed above, there is no evidence that this product is efficacious. In view of the availability of an effective attentuated mumps virus vaccine, there seems little or no need for this product.

b. *Recommendation.* There is no good justification for the continued production of inactivated mumps virus vaccine, and the Panel recommends that this product be placed in Category II and that appropriate license(s) be revoked because there are compelling reasons to assume lack of effectiveness and an unsatisfactory benefit-risk ratio for this product. The Panel is aware that inactivated mumps virus vaccine is used to hyperimmunize donors as a source of plasma for the production of mumps immune globulin (human). This vaccine usage is discussed in the section dealing with mumps immune globulin.

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(6) Weibel, R. E., E. B. Buynak, A. A. McLean, and M. R. Hilleman, "Long-Term Follow-up for Immunity After Monovalent or Combined Live Measles, Mumps, and Rubella Virus Vaccines," *Pediatrics*, 56:360–387, 1975.

Generic Review of Rubella Virus Vaccine

Background

Infection with rubella virus is generally a benign self-limiting illness of childhood. However, infection of a susceptible woman during the first trimester of pregnancy may give rise to transplacental infection of fetal tissues and result in serious congenital abnormalities. The recognition of this association between rubella infection and congenital disease was first made in Australia by Gregg in 1941. (See Ref. 1 for one discussion of this association.) Since then, his observations have been confirmed during the course of several rubella epidemics, including the United States epidemic of 1964 which resulted in a large number of infants with congential rubella syndrome. The prevention of rubella epidemics and their sequelae became possible with the development of attenuated live rubella virus vaccine. The vaccine was licensed in June 1969 and more than 70 million doses have been administered. The data in Table 13 indicate that as many as 80 percent of children 5 to 9 years old have natural or vaccine-acquired immunity.

Table 13.—*Rubella Immunization Status of Children in Age Groups 1–4 and 5–9; United States 1965–72*

[Population in thousands]

Year	Net dosage of vaccine[1] distributed	1–4 year age group: Population	1–4 year age group: percent with Vaccine	1–4 year age group: percent with Infection	1–4 year age group: percent with Vaccine/infected	5–9 year age group: Population	5–9 year age group: percent with Vaccine	5–9 year age group: percent with Infection	5–9 year age group: percent with Vaccine/infected
1965		16,502		28.5		20,361		56.0	
1966		16,091		25.1		20,436		51.8	
1967		15,552		20.2		20,662		46.8	
1968		14,954		18.5		20,856		44.2	
1969		14,393		16.7		20,773		40.4	
1970	[2]29.3	14,123	37.2	14.4	47.3	20,421	48.5	31.8	67.3
1971	8.6	14,112	51.2	13.9	59.4	19,799	63.2	28.0	77.8
1972	7.0	13,905	56.9	12.3	63.3	19,552	64.8	25.7	79.5

[1] Biologics Surveillance (million).
[2] Total doses (not) distributed from June 1969 through December 1970.
Source: CDC, Bureau of Epidemiology.

The purpose of rubella vaccination is primarily to prevent rubella embryopathy. The direct approach to this goal would be to immunize all women before they become pregnant. The impossibility of insuring that any given women was not pregnant and an increased rate of side effects (joint symptons) in women rendered this direct approach impractical on a public health level. Because children, on the basis of serologic and epidemiologic studies, were an important primary source of virus excretion to infect pregnant women, rubella vaccine policy was initially to immunize children of all ages. Women of child-bearing age, if not pregnant, are of equal importance and all others are of significantly lower priority to receive vaccine.

The Public Health Service Advisory Committee on Immunization Practices for rubella vaccine recommends live rubella virus vaccine for all children between the age of 1 year and puberty. It should not be administered to infants less than 1 year of age because of their possible failure to respond to vaccination.

Priority for immunization should be given to children in kindergarten and elementary school because they are a major source of virus dissemination in the community. For optimum program effectiveness, it is essential that immunization activities be developed to ensure ongoing, routine immunization of preschool children as well. A history of rubella is not reliable; therefore, all children should receive vaccine.

It is desirable for rubella vaccination programs to include adolescent girls and adult women. Because of the precautions which must apply, potential vaccinees in these groups should be considered individually. They should receive vaccine only if they are shown to be susceptible by serologic testing and if they agree to prevent pregnancy for 2 months after immunization.

To accomplish such extended use of rubella vaccine, accurate serologic testing capabilities should be improved. With sufficient laboratory services available, there is merit in undertaking prenatal or antepartum screening for rubella susceptibility and, if appropriate, immunization in the immediate postpartum period. *Pregnant women should not under any circumstances be given vaccine.*

Immunization of adolescent or adult males is of lower priority; however, it may be a useful practice in the prevention or control of outbreaks of rubella in circumscribed population groups.

There is no evidence that live rubella virus vaccine given after exposure will prevent illness. There is, however, no contraindication to immunizing children already exposed to natural rubella. Similarly, there is no harm in vaccinating persons who have had rubella.

The contraindications are as follows:

1. *Pregnancy.* Live rubella virus vaccine is contraindicated.

2. *Altered immune states.* Attenuated rubella virus infection might be potentiated by severe underlying disease such as leukemia, lymphoma, or generalized malignancy, and when the immunologic response has been suppressed with steriods, alkylating drugs, antimetabolities, or radiation. Such patients should not be given live rubella virus vaccine.

3. *Febrile illness.* Immunization should be postponed until the patient has recovered.

4. *Hypersensitivity to vaccine components.* Theoretically, rubella vaccine should not be given to children clearly hypersensitive to the animals from which cells are derived for use in vaccine production or to other components of the vaccine. To date, there have been no documented reports of serious reactions to rubella vaccine clearly attributable to hypersensitivity.

Now that the vaccine is in general use, accurate diagnosis and reporting of congenital rubella syndrome and vaccine complications have become more important than ever. All cases of birth defects suspected of being related to rubella should be thoroughly investigated and reported. There should also be continuing followup of women inadvertently vaccinated during pregnancy.

A number of aspects of FDA regulations for manufacture of Rubella Virus Vaccine, Live, warrant emphasis or comment. (See 21 CFR 630.60).

1. *Strains.* Vaccine strains must be identified by historical records and antigenic specificity. Field studies must document that the strain is safe, potent, and noncommunicable to susceptible, unvaccinated persons.

2. *Cell substrate.* There are some aspects of testing cell substrates for extraneous agents or indigenous viruses, especially in the duck embryo system, which should be updated.

3. *Potency.* Potency requirements are regularly met by the manufacturer. Photoinactivation is applicable to this vaccine as well as to other viral vaccines and is a factor in storage of the products.

4. *Production procedures.* A defined seed-lot system is in effect; five passages from the master seed are permitted.

5. *Safety tests.* Tests in monkey kidney cell cultures for cytopathic viruses are probably not as important as tests employing human cells. The inoculation of embryonated eggs should specify incubation period and subpassage requirement of tests to be employed.

Analysis

1. *Efficacy.*—a. *Animals.* Not applicable.

b. *Humans.* Immunization against rubella is directed toward prevention of infection in the pregnant woman since, during the early months of pregnancy, the virus may cross the transplacental barrier to infect the fetus, with the risk of embryopathy. The effectiveness of the vaccine has been evaluated in a number of ways. First, in early experimental studies high passage level virus was shown to produce a modified infection and to be immunogenic in the rhesus monkey. The antibody response produced by such an infection protected animals against subsequent challenge with the natural virus. Second, the vaccine has been shown to protect vaccinees exposed to wild virus under natural conditions; i.e., in rubella epidemics, vaccinees did not develop clinical disease whereas cases of rubella were observed in seronegative, previously unvaccinated persons.

The most direct evidence of effectiveness would be through epidemiologic analysis of the incidence of the disease and on the ability of the vaccine to reduce the incidence of congenital defects associated with the rubella syndrome. The following is

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based on data extracted from CDC reports (Ref. 1) and a review of the current literature on rubella. This epidemiological approach to an evaluation of the effectiveness of rubella vaccine in the United States is complicated by several variables: (1) surveillance is inadequate for both the clinical disease and the congenital rubella syndrome; (2) spread of the virus and the development of epidemics are somewhat unpredictable; and (3) the increasing use of serological screening, followed by abortion for proven rubella infection in the first trimester of pregnancy, could be responsible for the decreased number of infants born with congenital rubella.

Figure 5 shows reported cases of rubella by year from 1966 through 1973 and Figure 6 shows the reported cases by 4-week periods 1969 through 1975.

Although the accuracy and completeness of reporting of rubella vary considerably in different areas of the country, the data available do appear sufficient to permit analysis of disease patterns and trends in the United States. Thus, despite yearly and regional variations, the great preponderance of States reported (see Fig. 5) a decline in rubella from 1971 to 1972, with the total number of cases showing a decline of 43 percent (from 45,086 to 25,507) over this 1 year and a decline of 50 percent from the average number of cases reported in each of the years 1967 to 1971. From 1969, when rubella vaccine was first licensed (see Fig. 6A), the incidence of rubella has decreased steadily through 1975 with only slight upward fluctuations in 1973 and 1975.

The appearance of epidemic rubella every 6 to 9 years had led to predictions that another significant epidemic would occur in the early 1970's. No such epidemic occurred, and the incidence of rubella over the last 46 years (shown in Fig. 7) suggests that use of the vaccine since 1969 has affected the 7- to 9-year cycling of rubella epidemics in this country.

Data on the age incidence of rubella collected from four areas, viz., Illinois (exclusive of Chicago), Chicago, Massachusetts, and New York City for the 4-year interval 1969 to 1972 have been compared with similar data from the same areas for the 5-year period 1963 to 1967. The observed decrease in incidence was found to give a generally symmetrical pattern in each age group; also, the accumulated percentages of rubella cases by age for the pre- and postvaccination periods showed no significant difference. While absence of a displacement in the age-specific incidence curve may represent an unusual situation in these four study aeas, a more likely interpretation is that immunization of school-age children has lead to a diminished activity of rubella virus in all age groups.

While the information available on the congenital rubella syndrome is not entirely satisfactory, the data suggest that there has been a decline in this syndrome coincident with widespread immunization and with the concomitant decline in the incidence of reported rubella.

The Center for Disease Control, in 1969, established a National Registry for the Congenital Rubella Syndrome, but the reporting of cases has been less than satisfactory. Of some 284 case reports received by the Registry by July 1974, only 237 represent children born in 1969 or later. Eleven of the 50 States have reported no cases and certain States (California, Colorado, and Louisiana) account for a disproportionately large number of cases in the Registry (Ref. 3). In figure 8 the reported incidence of rubella is given by 4-week periods from 1969 to 1975 in order to provide a background for the lower graph which depicts the cases of congenital rubella syndrome (CRS) reported to the Registry by date of birth since 1969.

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Figure 5

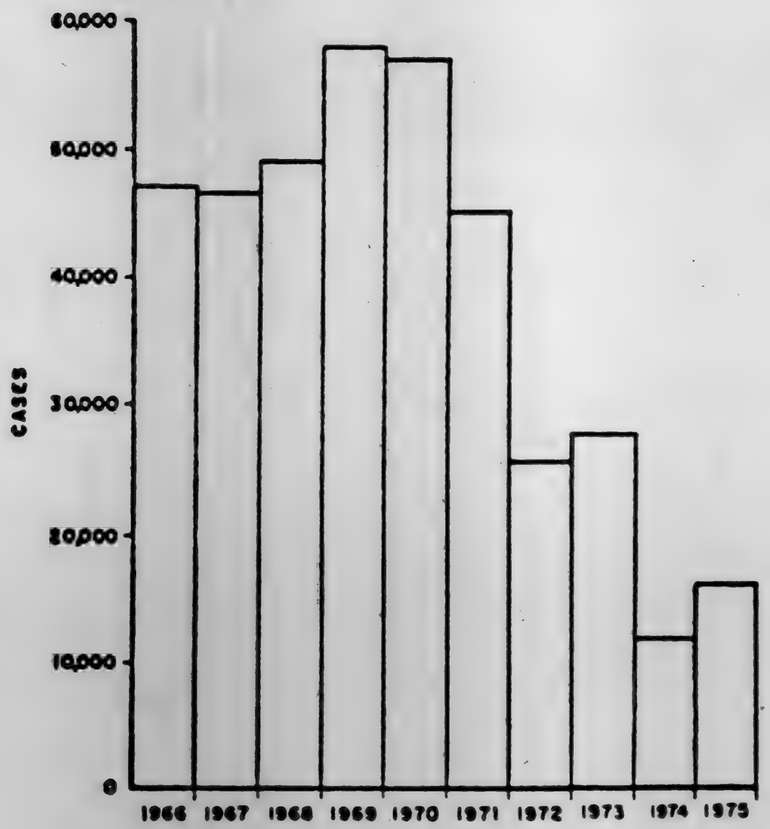

Source: From Rubella Surveillance Report, CDC, August 1976

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Figure 6

REPORTED CASES OF RUBELLA, BY 4-WEEK PERIODS, UNITED STATES, 1969*-1975

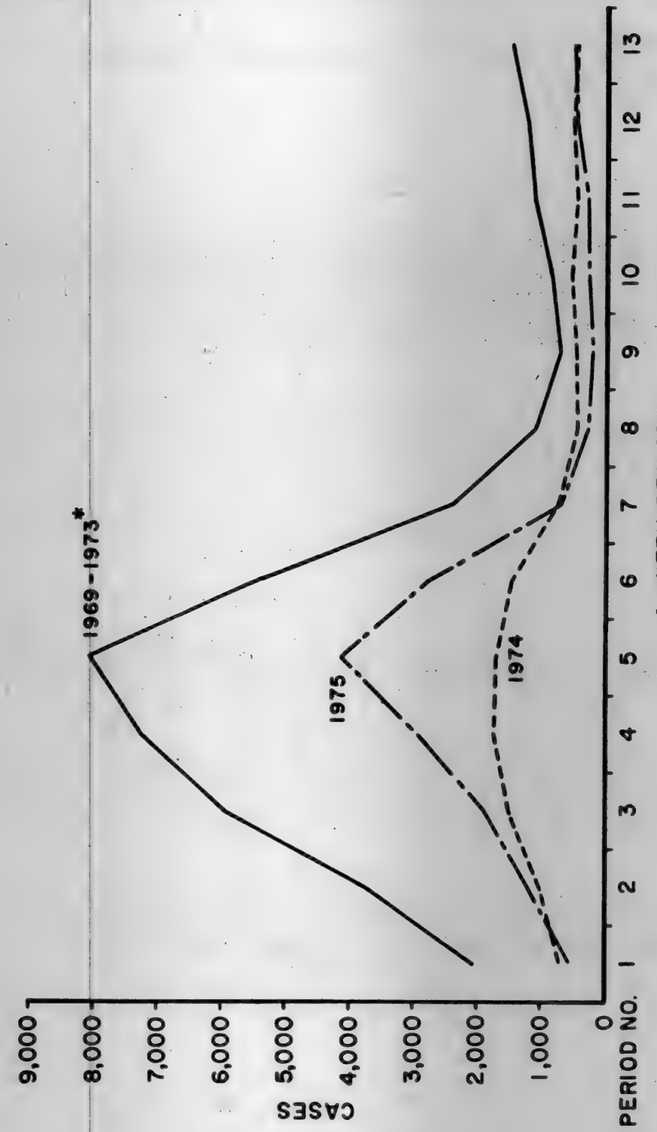

*5-YEAR AVERAGE USED FOR 1969-1973

Source: Center for Disease Control, Bureau of Epidemiology.

Figure 6A

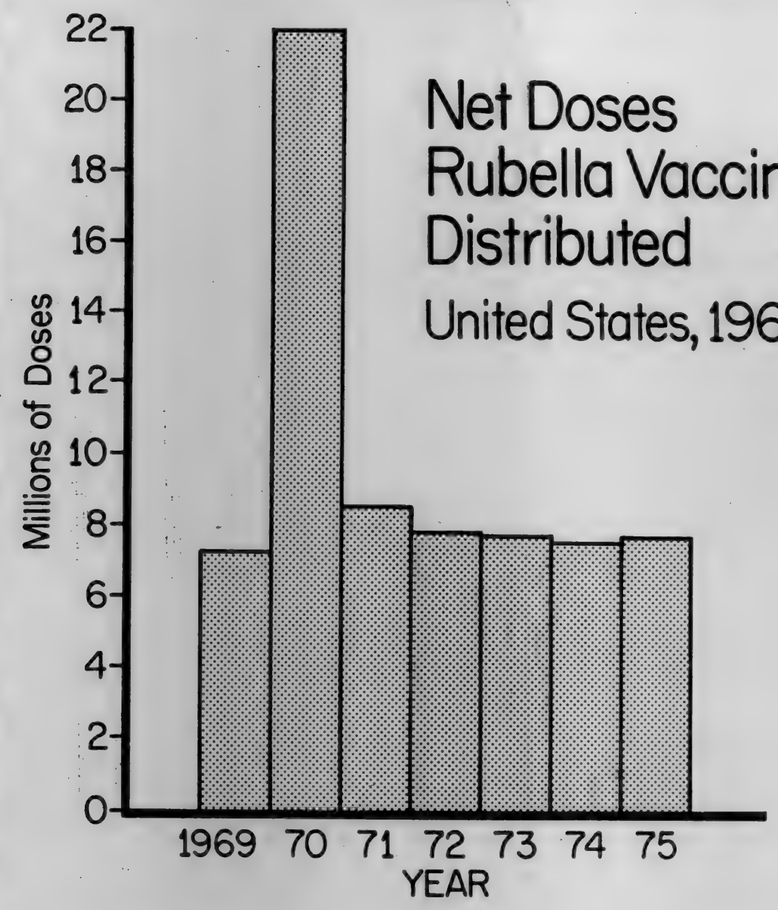

Source: Center for Disease Control

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Figure 7

RUBELLA INCIDENCE, TEN SELECTED AREAS*, UNITED STATES, 1928–1975

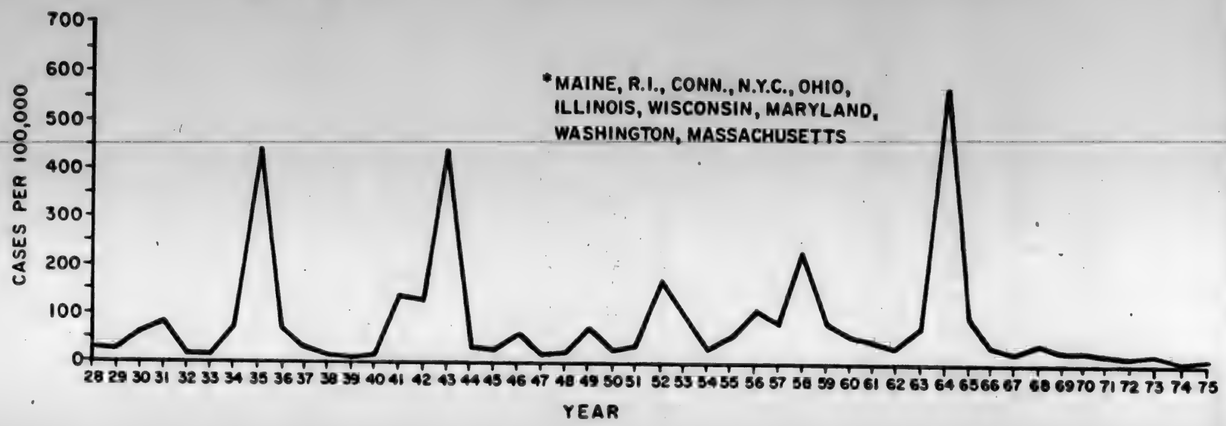

Source: Center for Disease Control, Bureau of Epidemiology.

Figure 8

CASES OF RUBELLA*, BY PERIOD OF ONSET, AND OF CONGENITAL RUBELLA SYNDROME, BY PERIOD OF BIRTH**, USA, 1969-1975

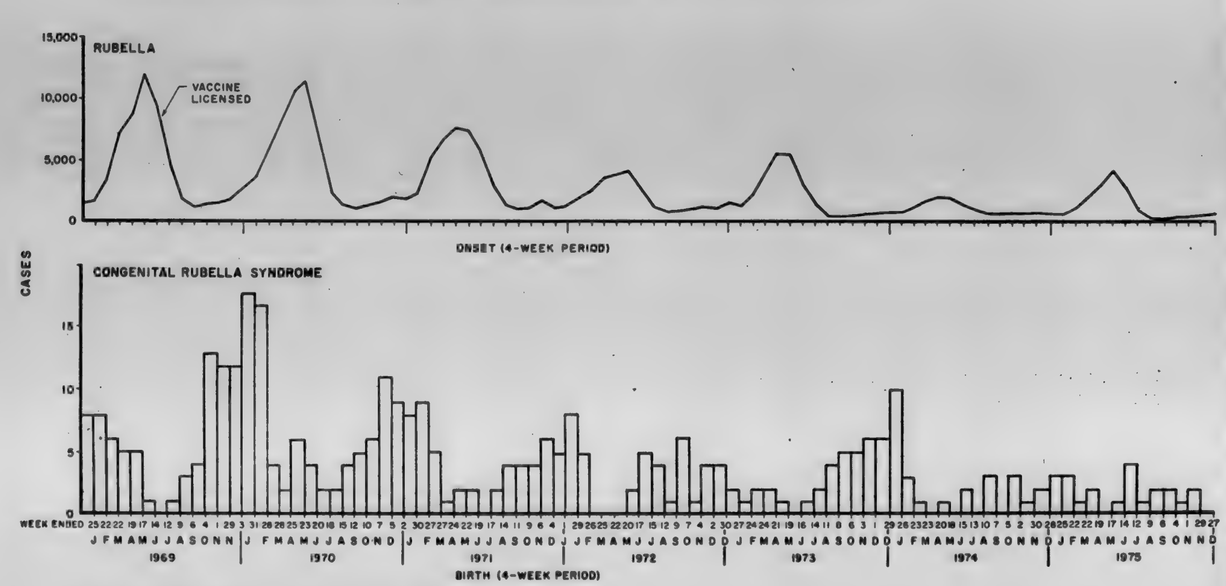

*OFFICIAL TELEGRAPHIC REPORTS FROM STATES AND AREAS
**FROM CRS REGISTRY

Source: Center for Disease Control, Bureau of Epidemiology.

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Peaks in the number of births with CRS are evident at 7 to 9 months after the peaks in rubella virus activity and the number of CRS cases appears to have declined since 1969. It is obvious that reporting of the congenital rubella syndrome must be improved, but despite this, Figure 8 suggests that there has been a decline in the number of cases of congenital rubella syndrome.

The overall evidence presented by all of the studies published thus far on the persistence of antibodies indicates that rubella HAI antibody titers are stable for at least the first 2 to 4 years after vaccination, and that the pattern of antibody decline is the same as that observed after the natural disease.

Subclinical reinfection following exposure to wild-type rubella virus has been reported to occur both after natural immunity and after vaccine-induced immunity. Studies in small groups of institutionalized children or young adults (military recruits) have shown the occurrence of a rise in antibody titer in 2.5 to 10 percent of children with natural immunity, compared with antibody increases in 3.5 to 80 percent of children and young adults exposed to wild-type rubella virus at varying intervals after vaccination. Thus far, the only study concerned with an urban community which experienced a rubella outbreak 9 months after a vaccination campaign reported rises in antibody titer in 12.7 percent of the population vaccinated with HPV–77 DE–5, and in 11.6 percent of susceptibles over the same time period, thus showing that rubella virus had circulated through this community.

The major concern regarding reinfection is related to its significance during pregnancy. Would the fetus of a reinfected women be at risk of infection by the natural virus? The evidence thus far does not support the probability of such an occurrence. Thus, in one study (Ref. 4) it was found that vaccinated children exposed in an epidemic did not become viremic, and the titer of virus in the pharynx and the duration of shedding were both markedly less than that seen in susceptible children studied under the same conditions. Hence, it seem unlikely that in a comparable situation in a reinfected pregnant woman, virus would reach the fetus. To date, there are no published data concerning reinfection of pregnant women vaccinated earlier. Reinfection of women with naturally acquired immunity has been reported, but the number of cases involved is small and the diagnosis has been subject to debate. On balance, it seems that protection of the fetus will be assured if circulating antibodies are present. Definitive resolution of this question obviously must await further study.

Occasional instances of clinical reinfection in individuals either with a natural immunity or a vaccine-induced immunity have been reported but these seem to be of little public health impact.

In rubella, as in measles and poliomyelitis, periodic reinfection may be a mechanism for the maintenance of high titers of antibody. It is well documented that the vaccine has been effective for the prevention of clinical disease in persons who have been adequately immunized, and it is assumed that the same factors which prevent clinical disease following reinfection will also prevent or greatly reduce fetal infection.

Appropriate use of the vaccine is essential to achieve the purpose for which it was developed, viz., to prevent congenital rubella.

2. *Safety.* The concerns for safety are related to toxic, infectious, allergic, or oncogenic factors. The experience with the vaccine thus far attests to its safety over the short term. Field test criteria include prospective enlistment of 5,000 vaccine recipients (with appropriate controls) for long-term followup to detect rare events associated with vaccine administration and/or to detect vaccine-associated events with long latent periods.

a. *Animals.* Tests in animals exclude adventitious viruses. See the preceding section refering to FDA regulations, and also specific product reports. Tests for oncogenicity in animals are negative.

b. *Humans.*

(1) *Adverse reactions.* The primary concern is with joint reactions. A compilation of long persisting joint reactions suggests they can occur but are not common and, in the great majority of cases, symptoms eventually disappear.

The capacity to produce transient arthralgia and arthritis is a property of the virus strain and varies with the age and sex of the recipient. In studies involving children the rates were as follows: the canine kidney vaccine, which is no longer licensed, produced reaction rates between 8.1 percent and 20.7 percent in five clinical studies; the Cendehill vaccine, prepared in primary rabbit kidney cells, produced rates of 5.1 percent and 8.9 percent in two studies; with the HPV–77 vaccine prepared in duck embryo cell cultures, the reaction rates ranged between 1.8 percent and 7.6 percent (six studies). Thus, there is probably no significant difference between the Cendehill and HPV–77 strains in this regard.

These symptoms occur more frequently in adults and more in women than in men, thereby further complicating patient acceptance of these products. No other reactions, including allergic, occur with enough frequency to permit a meaningful evaluation.

(2) *Vaccination of women shortly before or after conception.* One of the hazards of administering rubella vaccine to women of child-bearing age is the potential infection of the fetus by the vaccine virus.

In a report of rubella surveillance the CDC tabulated observations on 343 women who were vaccinated shortly before or after conception (Ref. 4). The pertinent data are given in Table 13a, and show that of the 172 live infants born to this group of mothers (of whom 38 were known to be susceptible to rubella), none showed evidence of rubella embryopathy. However, this same study at CDC clearly demonstrated (as have others) that the vaccine strains can infect fetal tissues and induce histologic changes analagous to those observed to follow infection with wild virus; this is illustrated in Table 14.

Table 13a.—*Outcome of Pregnancies in Women Receiving Rubella Vaccine Shortly Before or After Conception*

Prevaccination immunity status	Number of cases	Outcome of pregnancy			Unborn	Virus isolate
		Abortion		Delivery of live infants		
		Therapeutic	Spontaneous			
Susceptible	70	28	3	36	1	5
Immune	14	1	0	13	0	0
Unknown	259	116	13	121	8	1
Total	343	145	16	172	9	9

Source: Modlin, J. F., K. Hermann, et al., *New England Journal of Medicine, 294:972–974, 1976.*

Table 14.—*Characteristics of Patients With Rubella Vaccine-Like Virus Isolated From Therapeutic Abortion Specimens*

Pre-vaccination immunity status	Gestation at abortion (weeks)	Interval between vaccination and abortion (weeks)	Tissues positive for rubella virus
Unknown	14	16	Fetal eye, placenta.
Unknown	13	2	Fetal kidney, placenta.
Susceptible	6	9	Placenta.
Susceptible	8	5	Decidua.
Unknown	10½	9½	Decidua, placenta.
Susceptible	13½	4	Placenta.
Susceptible	13	20	Fetal eye.
Susceptible	18	12	Fetal bone marrow.

Source: Rubella Surveillance Report, CDC, November 1973.

It should be noted that no differences between the licensed strains were detected in these studies. The actual risk of vaccine virus-induced congenital disease is still unknown. While the recovery of virus from the products of conception suggests a pathogenic potential, the absence of such disease in live born infants of vaccinated susceptible mothers suggests that the risk is at least an order or magnitude less than that associated with wild disease. Continued surveillance in this area is needed.

3. *Benefit/risk.* The cost of providing the necessary health care for, and the support of, 4,000 blind/deaf children with rubella syndrome in the New York City area from the 1964 epidemic is estimated to be $30 million per year for at least another 20 years. This is only a partial cost, since, nationwide, as many as 20,000 infants were recorded to have congenital rubella as an aftermath of that epidemic. The absence of a major epidemic since 1964, the decline in the incidence of rubella, and the decrease in reported cases of rubella empryopathy are clear evidence of the benefits; while the exact contribution of the licensed vaccine to this benefit is not quite as clear as one would like, the Panel concludes that the vaccine deserves primary credit for the alterations that have been noted in the epidemiology of rubella.

The risk of rubella vaccine is limited to two areas: (1) transient arthralgia and arthritis, especially in postpubertal recipients, and (2) accidental vaccination of pregnant women. These factors tend to increase the difficulties of administration to adults but are of little practical significance in vacination of children. All other risks are theoretical and there is no means of including them in calculations which are already imprecise. While the benefit-risk ratio of rubella vaccine is probably not as high as that of measles or pollovirus vaccine, it is already great enough to more than justify its continued licensure.

4. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and the updated recommendations of ACIP.

Recommendations

1. The labeling and package inserts of rubella vaccines should be continuously updated to reflect ACIP recommendations.

2. The Panel suggests that the ACIP recommendations for use of the vaccine in women of child-bearing age be phrased positively, and that specific conditions for their immunization be given, as in the following example: "A high priority adult group for immunization are postpartum women shown to be susceptible to rubella by serological testing. Postpartum females who have not been tested can also be immunized; in either case, women should agree to prevent pregnancy for 2 months after immunization. Any nonpregnant woman of child-bearing age who agrees to prevent pregnancy for 2 months also should be given vaccine."

3. Encourage support of continued and more complete rubella surveillance by CDC.

Review of Individual Rubella Virus Vaccine Products

Rubella Virus Vaccine, Live (Meruvax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* The vaccine is prepared from the duck-cell adapted HPV–77 strain; the virus is grown in duck embryo cell cultures. Each dose (0.5 milliliters) of the reconstituted vaccine contains not less than 1,000 $TCID_{50}$ of rubella virus in terms of FDA reference rubella vaccine, and each also contains 25 mcg of neomycin. The vaccine and the diluent contain no preservative.

a. *Recommended use.* See the generic review.

b. *Contraindications.* See the generic review.

2. *Analysis.* a. *Efficacy.*

(1) *Animals.* No data were submitted by the manufacturer. However, this is of minor relevance in view of the experience in man.

(2) *Humans.* This vaccine was shown to produce seroconversion in approximately 95 percent of vaccinees in clinical trials performend in support of the license application. As concerns the persistence of antibody following inoculation of the vaccine, and specifically with respect to HPV–77 DE–5, i.e., Meruvax vaccine, Weibel et al. (Ref. 5) reported in 1972 on the hemagglutination-inhibiting antibody determinations in a group of 79 children; there was a slight decline in antibody level 2½ years after vaccination and none of the children had become seronegative. Weibel et al. (Ref. 6) reporting on a 5½ year followup the longest to date, found that the titer patterns in children given live attenuated HPV–77 virus were similar to those noted after natural infection, a good indication that the vaccine produces a durable immunity in terms of the humoral antibody response.

b. *Safety.*

(1) *Animals.* The tests employed to ensure the safety of the vaccine for man from the standpoint of adventitious agents, viral or other, are the usual ones demanded by the Bureau of Biologics. However, although precautions are taken to utilize eggs free of avian leukosis virus, the reviewers did not find any mention of the duck infectious anemia virus (DIAV) either as to its recognition that this agent may occur in duck eggs or its possible significance.

(2) *Humans.* From the standpoint of adverse reactions, it is recommended, as mentioned above, that live attenuated rubella virus vaccine not be administered to persons with sensitivities to duck or chicken tissues or feathers, that it not be administered to persons with malignancies or those under treatment with immunosuppressive drugs, nor to individuals with acute febrile illnesses, such as acute respiratory disease. Above all, it should not be administered to pregnant women because of the potential, but as yet unknown, teratogenicity of the attenuated virus.

Although rubella virus has been recovered from the pharynx of institutionalized children who were reinfected, titers of the virus that was shed were very low and a viremia was not demonstrated. The significance of subclinical reinfection in terms of viral transmission, either person-to-person in an epidemic or from the reinfected mother to the unborn child, remains to be determined; however, the low titers of virus involved and the apparent absence of viremia suggest that the hazards of transmission are minimal.

With respect to Meruvax live attenuated rubella virus vaccine, many million doses were distributed over the period June 1969 through December 1972. The most significant of the reported experiences are those involving the nervous system and the most frequently reported reactions were arthralgia and arthritis, as indicated in the following tabulation:

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Types of disorder	Number of patients	Reports per million
Polyneuritis	3	0.125
Convulsion	1	<0.1
Febrile convulsion	1	<0.1
Encephalitis	4	0.17
Myelitis	3	0.125
Arthralgia	22	0.9
Arthritis	13	0.54

According to Merck Sharp & Dohme, the above tabulation lists reported reactions which were temporally associated with vaccination, but a relationship between the vaccination and the reaction has not been established. This method of surveillance for adverse reactions, i.e., reports to the manufacturer, obviously grossly underestimates the true incidence of certain adverse reactions, e.g., arthralgia. Occasionally, mild fever may be encountered as may such local reactions as erythema, induration, tenderness, and regional adenopathy.

Transient arthralgia and arthritis, which are common occurrences in natural natural rubella in adult women, have been noted 2 to 4 weeks after vaccination in up to 40 percent of susceptible women. Such reactions are fewer (7 percent) and milder in females between 13 and 21 years of age. Rarely, a more severe arthritis with joint effusion has occurred. Transient arthralgia and arthritis may occur in nonimmune males, but the incidence is lower than in women.

c. *Benefit/risk.* Transient arthralgia and arthritis, both common occurrences in adult women with naturally acquired rubella, have been reported in up to 40 percent of susceptible women who received the vaccine. These are the major reactions encountered; the others, as tabulated earlier in this report are of comparatively infrequent occurrence. The vaccine, although associated with troublesome and painful arthralgias and arthritis, is essentially free of serious complications, such as those of the central nervous system, so that in weighing benefit against risk, the vaccine in the judgment of the Panel is acceptable. More importantly, there is accumulating evidence that the vaccine is reducing the incidence of natural rubella and there is, at the present time, suggestive evidence that the congenital rubella syndrome is also declining.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription durgs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions—recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Rubella Virus Vaccine, Live (Cendehill Strain) (Cendevax) Manufactured by Recherche et Industrie Therapeutiques, S.A.

1. *Description.* According to the package insert:

When reconstituted, 'Cendevax' is a suspension of the 'Cendehill' strain of live, attenuated rubella virus. The vaccine in prepared by propagation in primary cultures of rabbit kidney cells. Each dose (0.5 ml) of 'Cendevax' contains the equivalent of not less than 1,000 $TCID_{50}$ (tissue culture infectious doses) of the NIH reference rubella vaccine, and not more than 25 mcg of neomycin sulfate. The vaccine and diluent contain no preservative.

a. *Recommended use.* See the generic review.

b. *Contraindications.* See the generic review.

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* No data submitted by the manufacturer. However, animal data are of minor relevance in view of the human data available.

(2) *Humans.* This vaccine was shown to produce seroconversion in 95 to 100 percent of vaccinees in the clinical trials performed to support licensure. There is considerable evidence to show that the presence of detectable HAI antibodies is correlated with protection against disease, and also a body of literature attesting to the capacity of live attenuated rubella virus vaccine to protect against attacks of the disease (see the generic review).

b. *Safety.*

(1) *Laboratory testing.* Comprehensive testing, utilizing bacteriologic media and a variety of animal species, e.g., monkeys, adult mice, sucking mice, guinea pigs, rabbits, and several cell culture host systems is done to detect the potential presence of adventitious agents and the methods employed, representing standard approaches, are acceptable.

(2) *Humans.* The safety of Cendevax rubella vaccine in man has been established through both controlled and uncontrolled clinical trials in the United States and elsewhere. Adverse reactions such as fever, rash, and lymphadenopathy have been reported but the incidence has been very low. Arthralgia appears to be the most troublesome reaction to the vaccine, especially in women. Transmission of the Cendehill strain of rubella virus through the placenta can occur. The virus has been isolated from the placenta on several occasions and, less often, from the decidua from women who have undergone therapeutic abortion following inoculation of vaccine. However, as the manufacturer points out, there has been only one instance in which rubella virus has been isolated from the fetus following maternal vaccination and this was from the femoral bone marrow and the virus was considered to have the characteristics of the Cendehill strain.

c. *Benefit/risk.* See generic review.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions—recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

(1) Gregg, N., "Further Observations on Congential Defects in Infants Following Maternal Rebella" *Transactions of the Opthal Society of Australia,* 4:119–131, 1944.

(2) Center for Disease Control, "Rubella Surveillance, January 1972—July 1973," Center for Disease Control, Atlanta, Ga., 1973.

(3) Modlin, J. F., A. D. Brandling-Bennett, J. J. Witte, C. C. Campbell and J. D. Meyers, "A Review of Five Years' Experience With Rubella Vaccine in the United States," *Pediatrics,* 55:20–29, 1975.

(4) Modlin, J. F., K. Herrman, et al., "Risk of Congential Abnormality After Inadvertant Rubella Vaccination of Pregnant Women," *The New England Journal of Medicine,* 294:972–974, 1976.

(5) Weibel, R. E., E. B. Buynak, J. Stokes, Jr., and M. R. Hilleman, "Measurement of Immunity Following Live Mumps (5 years), Measles (3 years), and Rubella (2½ years) Virus Vaccines," *Pediatrics,* 49:334–341, 1972.

(6) Weibel, R. E., E. B. Buynak, A. A. McLean, and M. R. Hilleman, "Long-term Follow-up For Immunity After Monavalent or Combined Live Measles, Mumps and Rubella Virus Vaccines," *Pediatrics,* 56:380–387, 1975.

Review of Combinations of Generically Different Vaccines

The Panel notes that those generically different viral vaccines that have been found to be safe and effective as single viral products continue to be safe and effective single-component vaccines, when combined into the products reviewed below, are found to meet the following requirements:

1. Each active component makes a contribution to the claimed effect or effects;

2. Combining of the active ingredients does not decrease the purity, potency, safety, or effectiveness of any of the individual active components;

3. If administered according to adequate directions for use, and with heed to warnings against unsafe use, the combined vaccine provides a rational preventive method for a significant proportion of the target population.

The individual vaccine reviews contain information on the safety and effectiveness of each of the active components of the combination products.

No individual product review for Measles and Mumps Virus Vaccine, Live, is included here as this vaccine is not marketed in the United States. It is intended for use in those countries wher routine immunization against rubella is not recommended for young children.

Table 15, compiled by the Bureau of Biologics staff, presents data on seroconversion rates obtained with combinations of measles, mumps, and rubella virus vaccines documenting their effectiveness as antigens.

Table 15.—*Seroconversion Rates in Relation to Vaccine Titer for Combinations of Live Measles, Mumps, and Rubella*

Virus mixture and vaccine lot	Virus titer measles	(Log 10) Per human dose mumps	rubella	Seroconversion rates of double and triple negatives: Measles		Mumps		Rubella	
					Percent		*Percent*		*Percent*
Mumps and rubella:									
a		3.9	2.9			30/31	96.8	31/31	1.0
b		4.5	3.8			133/140	95.0	133/140	95.0
c		4.6	3.9			95/100	95.0	84/100	84.0
d		4.7	3.1			139/144	96.5	132/144	91.7
e[1]		4.2	3.5			131/138	94.9	126/138	91.3
f[1]		4.3	3.6			145/159	91.2	142/159	89.3
g[1]		4.4	2.8			119/122	97.5	114/122	93.4
Group		[2]4.4	[2]3.4			792/834	95.0	772/834	92.6
Totals		[3]3.9–4.7	[3]2.8–3.8						
Measles, mumps and rubella:									
h	3.4	3.7	2.5	30/30	100	29/30	96.7	30/30	100
i	2.8	4.4	3.8	223/237	94.1	224/237	94.5	223/237	93.7
j	2.8	4.0	4.0	209/221	94.6	207/221	93.7	209/221	94.6
k	3.2	4.5	3.3	222/227	97.8	220/227	96.9	209/227	92.1
Field mix	l,m,n	4.1	3.8	26/26	100	26/26	92.8	26/26	100
Group	[2]3.3	[2]4.1	[2]3.3	712/743	95.8	706/743	95.0	698/743	93.9
Totals	[3]2.8–4.1	[3]3.7	[3]2.8–4.0						
Measles and rubella:									
o	3.0		3.6	92/95	96.8			89/95	93.7
p	3.2		3.5	110/110	100			106/110	96.4
q	3.1		3.4	127/128	99.2			122/128	95.3
r	3.2		3.8	42/42	100			41/42	97.6
Group	[2]3.1		[2]3.5	371/375	98.9			338/375	95.5
Totals	[3]3.0–3.2		[3]3.4–3.6						
Measles and mumps: s	3.9	3.8		37/38	97.8	37/38	97.4		
All groups	[2]3.3	[2]4.2	[2]3.4	1120/1156	96.9	1535/1615	95.0	1828/1952	93.6
All groups	[3]2.4–4.1	[3]3.7–4.0	[3]2.8–4.0						

[1] 0.5 ml dose rather than 1.0 ml of these lots reduced virus delivered to recipient by ¦00.3.
[2] Mean.
[3] Range.

Measles, Mumps, and Rubella Virus Vaccine, Live ("M-M-R") and Measles and Rubella Virus Vaccine, Live (M-R-Vax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* Each of the two products contains, in addition to its other components, further attenuated measles virus vaccine which is identical to Attenuvax. For rubella, the HPV–77 strain is used, and for mumps, the Jeryl Lynn strain is used.

2. *Analysis.*

a. *Efficacy.* The efficacy of further attenuated measles virus vaccines has been specifically tested (Ref. 1). In summary, it was found that in any combination tested of measles, mumps, and rubella, the measles component evoked serologic response in 95 percent or more of recipients, which is equal to its efficacy when given alone. Each viral component of the combined vaccine evokes a serologic response in 89 percent or more of the recipients (Ref. 1), comparable to the seroconversion rates noted when each of the vaccine components is used alone. (See also Ref. 6, p. 227.)

b. *Safety.* See generic reviews and appropriate monovalent product reviews.

c. *Benefit/risk.* The benefit/risk ratio for combinations of measles, rubella, and mumps virus vaccines or measles and rubella vaccines appears to be excellent in view of the obvious potential for such an approach in public health and mass immunization programs.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions—recommendations.* The Panel recommends that these products be placed in Category I and that the appropriate licenses be continued because there is substantial evidence of safety and effectiveness for these products.

Measles-Smallpox Vaccine, Live (Attenuvax-Smallpox) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* The vaccine contains sufficient measles virus to give a final product concentration of at least 1,000 $TCID_{50}$/dose; sufficient smallpox vaccine to give a final product concentration of at least 50,000 pfu/dose; meomycin in approximately 25 mcg/dose; and trace amounts of other antibiotics and phenol which is introduced during the processing of the smallpox component since the regulations prescribe that this combined product be bacteriologically sterile (21 CFR 630.86(a)). The label indicates that the measles virus component derives from a more attenuated strain of the Edmonston measles virus (Attenuvax) grown at low temperatures in cell cultures of chick embryo. The vaccinia virus component is prepared from calf lymph which is produced and supplied by Wyeth Laboratories, Inc. The

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lyophilized product is accompanied by a vial of sterile diluent for reconstitution.

a. *Recommended use.* The labeling indicates that the combined vaccine is "recommended for single dose jet gun primary immunization of children one year of age or older against measles (rubeola) and smallpox." The recommended dose of vaccine is 0.3 ml. It is pointed out that infants less than 12 months of age may fail to respond to one or both components of the vaccine due to the presence in the circulation of residual measles and/or vaccinial antibody of maternal origin. Smallpox vaccine alone is recommended for children already immune to measles or for revaccination against smallpox.

The indicated precautions include a prohibition against giving vaccine intravenously; the necessity for burning, boiling or autoclaving the vial and stopper before disposal and sterilizing parts of jet injector; having epinephrine available for immediate use in case of an anaphylactoid reaction; admonition against giving the combined vaccine less than 1 month before or after immunization with other live virus vaccines; deferral of vaccination for 3 months following receipt of whole human blood, ISG, or human plasma; use of due caution in giving vaccine to children with a history of febrile convulsions, cerebral injury, or any other conditions in which stress due to fever should be avoided; and finally, to avoid possible false negative responses, scheduling of any contemplated tuberculin test before giving measles vaccine. Both label and package insert mention how the lyophilized vaccine should be stored and state that unused, reconstituted vaccine should be discarded after 8 hours.

Mention of fever, rash, or both occurring 5 to 12 days after vaccination or at other times during the month following vaccination, the statement that moderate fever occurs occasionally and high fever (over 103° F) less commonly; and that encephalitis and other nervous system reactions have occurred very rarely in vaccinees given the individual vaccines are included under the heading "Adverse reactions." Additionally under the same heading the label mentions thrombocytopenia, purpura, regional lymphadenopathy, febrile convulsions, conjunctivitis, headache, and mild local reactions such as erythema, induration, and tenderness. Local reactions at the site of vaccination in children who have previously received killed measles vaccine are described. A variety of systemic symptoms associated with primary vaccinia are described which may occasionally be severe and include secondary bacterial infection with enlargement of the local lesion, lymphangitis, lymphadenitis, and accessory vesicles around the vaccination site, secondary lesions due to autoinoculation, and the occasional occurrence during or shortly after the height of reaction of vacuolar or papular erythematous skin eruptions which are transient and require no treatment. Also mentioned are the more serious complications including generalized vaccinia, progressive necrotizing vaccinia, and encephalitis.

Labeling contains a section headed "Action of vaccine" which notes that fever and/or rash may develop approximately 5 to 12 days after vaccination, presumably, although not so stated, due to the measles vaccine component. The remainder of this section deals with the usual response to vaccinia virus on primary vaccination. This description conforms to the current definitions of the WHO Expert Committee on Smallpox.

b. *Contraindications.* These are given as (a) sensitivity to egg, chicken, chicken feathers, neomycin, dihydrostreptomycin, polymyxin B, sulfate or chlortetracycline; (b) active untreated tuberculosis; (c) patients receiving therapy with ACTH, corticosteroids, irradiation, alkylating agents or antimetabolites; (d) individuals with blood dyscrasias, leukemia, lymphomas, or other malignant neoplasms affecting the bone marrow or lymphatic systems; (e) various gammaglobulin deficiencies; (f) individuals of any age suffering from eczema, skin conditions, wounds, or burns, or siblings or other household contacts of such individuals; (g) pregnancy; and (h) any febrile respiratory illness or other active febrile infection. No mention is made of the possible use of vaccinia immune globulin (VIG).

2. *Analysis.*

a. *Efficacy.* In the submission, items IV through VI, which deal with efficacy data, animal safety data, and human safety data are handled by reference to: (1) prior submissions for live measles virus vaccine or for combined live measles-smallpox vaccine dried; (2) license applications for Rubeovax and Attenuvax plus the supporting submissions and agenda of various dates; and (3) the license application and clinical data in support of smallpox vaccine-dried, product #72-12 Wyeth Laboratories, Incorporated. In addition, reference is made to attachments which consist of reference lists, a statement of marketing experience with Attenuvax together with summary tables of adverse reactions, and a detailed individual tabulation of serious neurologic disorders and of deaths associated with Attenuvax. The combined product has not been marketed in this country.

b. *Safety.* See above.

c. *Benefit/risk.* This product is a combination of two generically distinct live virus vaccines, which is for administration only by automatic jet injection for primary vaccination against smallpox and simultaneous immunization against measles. Its use is therefore currently limited to those areas of the world where simultaneous measles and smallpox immunization is a routine practice. Both vaccines are well established as effective individually, but they differ with respect to safety. In the case of the vaccinia component, the degree of risk in this country is currently judged to outweigh the potential benefit. In areas of the world where smallpox is, or has recently been endemic, vaccination is a significant benefit. With respect to the measles component, the risk is extremely small and is far outweighed by the benefits provided by protection against the naturally occurring disease.

d. *Labeling.* In the contraindications section of the labeling, the prohibition against vaccination in the presence of febrile respiratory illness or other active infection might be modified by the reasonable provision, "Unless contracting measles or smallpox involves greater risk." The list of contraindications is relatively complete, but the portion dealing with eczema and other skin conditions with special reference to household contacts of persons so afflicted should be in boldfact type or otherwise given special prominence. Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions—recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Rubella and Mumps Virus Vaccine, Live (Biavax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* This is a combination of mumps virus vaccine, live (Mumpsvax) and of rubella virus vaccine, live (Meruvax) (see the descriptions given in reviews of these two vaccines). Each dose of this combined vaccine contains not less than 5,000 $TCID_{50}$ of the Jeryl Lynn strain of mumps virus (grown in chick cell tissue culture) and not less than 1,000 $TCID_{50}$ of the HPV-77 strain of rubella virus (grown in duck cell tissue culture). Each dose also contains 50 mcg of neomycin.

a. *Recommended use.* This product is designed to permit simultaneous immunization of children, age 1 to puberty, against rubella and mumps.

b. *Contraindications.* These are listed as pregnancy or prospect of pregnancy within 3 months; sensitivity to vaccine components, viz, chick or duck egg proteins or feathers, or neomycin; any febrile illness; blood dyscrasis (leukemia, lymphoma, generalized malignancies); and altered resistance from therapy (ACTH, corticosteroid, irradiation, alkylating agents, and antimetabolites).

2. *Anaylsis.* a. *Efficacy.*

(1) *Animals.* Not applicable.

(2) *Humans.* Four lots were administered to 415 children, 7 months to 7 years of age, who were initially without antibody against either mumps or rubella virus. Overall, 94.7 percent developed rubella hemagglutination inhibiting antibodies and 96 percent developed mumps neutralizing antibodies. The antibody responses elicited approximated those induced by either vaccine component given alone, and the pattern of antibody persistence, as measured at 2 years postvaccination was the same as that observed with the monovalent vaccines.

The combined vaccine is presumed to have the protective effectiveness equivalent to that provided by the monovalent vaccines.

b. *Safety.*

(1) *Animals.* The vaccine passed all the required safety tests.

(2) *Humans.* Clinical reactions, including joint involvement and fever, were notably absent among the children during the 28-day follow-up.

c. *Benefit/risk.* The ratio is good; vaccine associated reactions are assumed to occur at the same rate as those observed following the use of monovalent vaccine components.

d. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

3. *Conclusions—recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Reference

(1) J. J. Witte, "Simultaneous Administration of Live or Killed Vaccines," *in* "Symposia Series in Immunobiological Standardization," Vol. 22, Edited by F. T. Perkins, S. Karger, London, pp. 163–171, 1973.

Generic Review of Influenza Vaccines

Background

Unlike smallpox and poliomyelitis, influenza continues to plague man with periodic outbreaks of variable severity. Pandemics, affecting hundreds of millions of persons, may still be expected to occur.

Technologic advances have been contravened by biologic factors which are peculiar to influenza; foremost among these are the genetic instability of the causal viruses, which results in frequent major antigenic changes, and the short-lived immune responses which follow the natural disease as well as vaccination.

Nevertheless, vaccines prepared with virus strains responsible for current influenza have resulted in a significant reduction of cases of disease. A review of the benefit-risk factors clearly indicates that influenza vaccine has prevented thousands of cases of influenza, with most of the well-controlled trials having been conducted in young adults. It is believed that mass use of influenza vaccine will prevent a significant number of deaths, especially in high-risk groups.

Influenza virus vaccine is prepared from the extra-embryonic fluids of influenza virus-infected chick embryos. Whole virus is separated from nonviral egg proteins and debris by several purification steps, and concentrated by density gradient centrifugation and/or ultrafiltration. The virus is inactivated by formaldehyde and suspended in a sodium chloride solution with various buffers. These monovalent aqueous suspensions are titrated, adjusted to give the chick cell agglutination (CCA) unit content desired prior to combination, and pooled with the appropriate A or B strains in proper proportions to give the required CCA unitage per dose. Some producers employ viral disruption procedures utilizing polysorbate and ethyl ether or tri-n-butyl phosphate to prepare "subunit" vaccines.

In interpandemic years the ACIP policy emphasizes prevention of the most serious effect of the disease, i.e., excess mortality, by routine, annual immunization of individuals at high risk. The high-risk population is comprised of persons aged 65 and over, plus younger persons affected with chronic diseases, especially cardiopulmonary, which are believed to heighten vulnerability to a fatal outcome of influenzal infection.

Other groups on which special attention is focused are children and persons in essential positions, such as hospital employees or military personnel. Arguments have been advanced in support of the strategy of immunizing children, especially school children in order to limit, through herd immunity, the spread of the virus. While current interpandemic year recommendations do not emphasize this approach, vaccine formulations and dosage schedules should allow for such usage in the future.

Current evidence indicates that protection against the homologous virus strain persists for at least 1 year and in one study as many as 3 years. However, the present recommendation is for annual vaccination of high-risk groups.

Both monovalent and multivalent vaccines have been used in the past. The 1973 to 1974 formulation, which was submitted for review, was a bivalent one, with unequal amounts of influenza A (700 CCA) and B (300 CCA) viruses. Just how much total antigen should be included in a single dose is still the subject of debate. Experience accumulated during the clinical trials conducted in support of the National Immunization Program of 1976, suggests that the proper dose depends on the previous influenza experience of the vaccinee. (See Addendum following this section.)

Route of immunization has been another topic of debate. Intradermal injection appears to be inferior to either intramuscular or subcutaneous vaccination. While immunization by jet injection induces a high rate of local reactions, these are not of sufficient import to preclude the use of jet injection in mass immunization campaigns, and the resultant antibody responses are equivalent to those induced by intramuscular or subcutaneous vaccination. Intranasal immunization is still considered experimental.

None of the presently available influenza vaccines contains alum or other adjuvants. One product, the ether-tween split vaccine of Parke, Davis & Co. at one time contained aluminum phosphate; this was subsequently deleted from the vaccine when evidence was adduced that the aqueous vaccine was adequate in itself to stimulate antibody formation in adults.

Contraindications are given as follows:

1. The presence of acute respiratory or other active infections.

2. A history of hypersensitivity to chicken, chicken feathers, egg or egg products.

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Analysis

1. *Efficacy.*

a. *Animals.* Many studies in animals, particularly the mouse and ferret, have demonstrated that killed virus vaccines protect against challenge with homotypic live viruses. The antibodies directed against the viral hemagglutinin neutralize infectivity and are responsible for protection against infection. The antibodies against the neuraminidase are believed to inhibit multicycle viral replication and spread of infection within the host and may serve to modify disease if infection does occur. Such models, adapted to the measurement of vaccine immunogencity, can provide basic information useful to the regulatory field. However, no animal model so far developed yields data which correlate consistently with observations in man.

b. *Human.* Inactivated, aqueous, whole virus influenza vaccines of adequate potency have been shown to provide substantial protection during epidemics caused by virus strains identical to or closely related to those contained in the vaccine. More data in support of this statement are available from well-controlled field trials for the Type A virus vaccines than for B vaccines, since the efficacy of the B component in any of the currently formulated vaccines has not been proven. Only a few well-controlled trials have involved the high-risk populations for which the vaccine is particularly recommended.

The protective efficacy of commercially prepared subunit vaccines is not clearly demonstrated. The problem is a two-part one. First is the question whether HI antibody induced by subunit vaccine is as preventive of disease as antibody induced by either whole virus vaccines or natural infection. This question, which is addressed in detail in the product reviews, has been only partially resolved in controlled vaccine, trials; the evidence from experimental animal models and inconclusive trials in humans favors the view that protective of vaccinees is correlated with the level of postvaccination HI antibody without regard to the type of vaccine administered.

The second issue is the capacity of subunit vaccines to stimulate antibody in human subjects. The preponderance of evidence from comparative studies of H_3N_2 subunit and whole virus vaccines suggests that subunit products are equally antigenic in adults but less antigenic in children. Results from 1976 trials of vaccines containing antigens in the A/Swine family indicate clearly that young recipients (those 3 to 10 years old) respond poorly to a single injection of subunit vaccine, when whole virus vaccines at the same or lesser dosage (in CCA units) often stimulate measurable HI antibody. It is likely that the poor response of children, especially to subunit vaccine reflects a lack of prior experience with related antigens. This is supported by the fact that older individuals (over 24 years) respond as well to subunit as whole virus vaccines. It is probable that the satisfactory response of seronegative school-age children and young adults to H_3N_2 subunit vaccines reflects prior experience with the same or related antigens, despite the absense of detectrable homologous HI antibody.

Efficacy data for vaccines prepared by current production methods are provided in the section on Reviews of Individual Influenza Virus Vaccine Products.

In the case of influenza, there are two compelling factors which lead to changes in vaccine formulation. First, the manufacturer regularly changes the component strains as directed by the PHS to conform with shifts in the antigenic makeup of epidemic strains. Evidence of the protective efficacy of current formulation is therefore difficult or impossible to obtain before the vaccine must be released for use. This poses special problems which are addressed under the heading Recommendations below. Second, the manufacturer may change the basic production process as acquisition of basic information and technical knowledge makes a superior or more economic product possible.

Nevertheless, the accumulation of certain data is desirable. For example, this information includes the history of the virus strain or strains to be used, as well as subsequent passage history and evidence of consistency in quality.

2. *Safety.* Local and systemic reactions to influenza vaccines do occur. The most commonly reported reactions are soreness, redness, and swelling at the site of injection and fever, malaise, and headache during the 24 hours following vaccination. These reactions may be briefly disabling and have been reported, on an episodic basis, with undesirable frequency. Such reactions have adversely influenced vaccine acceptance. While there is evidence to support claims that purified whole virus or subunit vaccine as currently produced are less reactogenic than earlier, conventional vaccines, this is now a less relevant factor in recommending one vaccine over another, inasmuch as no licensed products are any longer conventional. However, while major systemic reactions are now rarely reported, there is evidence that, at least in children, subunit vaccines are appreciably less reactogenic than whole virus products.

Febrile reactions are more common in children than in adults. These, as well as other systemic reactions, are in part related to preexisting immunity. Thus, there is an inverse correlation between incidence of systemic reactions and HI antibody against the vaccine strain or history of a recent homologous immunization. In children under 3 years of age, administration of large (adult) doses of whole virus vaccine has been associated with a rapid rise in temperature 6 to 9 hours later and, in a few instances, convulsions. Dosages in this age group which are both immunogenic and of acceptable reactogenicity remain to be established.

Information has accumulated recently on the extraneous, nonviral content of influenza vaccines. The stimulus for this data gathering has been the limited understanding of the factors underlying the variable systemic reactogenicity of the more purified present-day vaccines, and the lethality of some recent formulations for guinea pigs after parenteral injection (done as part of the routine, final safety test). This lethal effect for guinea pigs has been attributed to both the endotoxin and the viral content of the vaccine. Vaccine lots containing less than 0.8 microgram/milliliter (mcg/ml) of endotoxin have not killed guinea pigs, and those containing more were lethal in proportion to the amount of endotoxin present. Endotoxin alone, however, is not entirely responsible.

In the process of these investigations, information was also obtained on the content of diffusable egg protein, total protein, residual formalin, and particulate contaminants visible by electron microscopy. The characteristics (contaminating diffusable chick protein, endotoxin, total protein, and formalin content) of six recent influenza vaccine lots in this respect, as determined by the Bureau of Biologics, are illustrated in Table 16.

Table 16.—*Chemical and Biological Characteristics of Six Lots of Bivalent Influenza Vaccine*

Manufacturer	Vaccine		Total protein [1]	Chick cell protein [1]	Limulus [2] endotoxin	Rabbit pyrogen [2]	Formalin
	Type	CCA					
A	ZPWV	990	239	0.5	0.06	UNDIL.	3.0
B	ZPWV	1150	442	0.5	0.06	1.10	0.9
C	ZPWV	1440	243	<.01	<.001	0	3.0
D	CPWV	1050	1480	0.02	0.20	1,100	4.4
E	TBP	1120	206	10.55	0.02	1.10	16.8
F	ET	1240	114	<.01	0.11	0	6.2

[1] Microgram/dose.
[2] Last dilution which induced a mean temperature elevation of >.5° C.
Key.—ZPWV: Zonally purified whole virus.; CPWV: Chromatograph purified whole virus; TBP: Tri-butyl phosphate; ET: Ether treated.

The reactogenicity and antigenicity of these six vaccines were carefully compared by the Bureau of Biologics and a recent clinical trial. There was no demonstrable association of any contaminant or combination of contaminants with adverse systemic reactions. Further studies which compared vaccines with widely differing endotoxin concentration have confirmed this conclusion. Nevertheless, since endotoxin was considered undesirable in itself, the Bureau of Biologics took steps in the fall of 1974 to limit the permissible content in the following year's vaccines. At the same time, the guinea pig safety test was altered by the stipulation that the vaccine may be inoculated subcutaneously to avoid deaths believed more attributable to inherent properties of the viral antigens than to adventitious toxic compnents.

The extensive experience in the clinical trials of "swine influenza" vaccines in 1976 corroborated these conclusions. Endotoxin content was not related to systemic reactogenicity. Rather, it was clear that split virus vaccines were of low reactogenicity and that the toxicity of whole virus vaccine was related to the viral mass then contained. An additional risk of influenza vaccination became evident in the National Immunization Program in the fall of 1976, namely the excess occurrence of Guillain-Barre-Syndrome (GBS) in persons who had recently received vaccine.

3. *Benefit/risk.* Epidemic influenza is associated with a considerable morbidity and, in certain groups, an excess mortality. Prevention of such disease and death is highly desirable. The risk associated with present vaccines is small, even including the risk of GBS. (See Addendum following this section.) Their efficacy, when they are properly matched against the infecting strains, is between 60 and 90 percent. Thus, the benefit-risk ratio is, from the data available, acceptable. There is, however, a compelling need for efficacy studies in high risk populations so that the true benefit/risk ratio in these target groups can be more precisely assessed.

4. *Labeling.* Labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP.

Recommendations

Since influenza vaccines must, of necessity, be produced with continuous changes in formulation, a review of effectiveness prior to release of a current lot must focus more on the process of manufacture than on specific viral strains. Assumptions regarding a given process must be based on knowledge of safety, antigenicity, and effectiveness of vaccines produced by that process. In addition, recently acquired information on vaccine contaminants raises a number of questions which cannot be answered at this time.

1. *Potency of licensed vaccines.* The present method for standardizing vaccine potency (by CCA units) does not take into account fragmentation and aggregation of viral particles and other possible factors which are clearly of importance in determining the antigenicity and reactogenicity of a vaccine in man. For this reason, the Bureau of Biologics should be encouraged to continue its investigations on the possible supplementary use, or even substitution, of other tests of potency, in particular, suitable animal test models and in vitro measurement for antigenic mass. (See Addendum following this section.)

2. *Presence of nonviral components.* The Bureau of Biologics should establish standards of the maximal acceptable level of nonviral components in influenza vaccines. Regulations cover the endotoxin content, and if adequate quantitative measurements can be developed, the content of nonviral protein and of diffusible chick protein should be similarly covered by regulations.

In addition, efforts should continue by the Bureau of Biologics, National Institutes of Allergy and Infectious Diseases (NIAID), and the Center for Disease Control (CDC) to determine what components of present-day vaccines are responsible for local and systemic reactions in man. An important aspect of such efforts would be prospective studies of representative recipients of a suitable number of consecutive vaccine lots to identify the most reactogenic lots for further study and to determine the reason for the lesser reactogenicity of split-virus vaccines.

3. *Vaccine antigenicity, safety, and efficacy.* It is a characteristic of influenza vaccines that component virus strains need to be changed frequently. It is also probable that manufacturers will from time to time introduce changes in the manufacturing process. Control of the vaccines for changes in the component viral strains and in the manufacturing process is the responsibility of the Bureau of Biologics. The extent and nature of testing in vitro, and in animals and man, necessary with each change to demonstrate the safety and potency of each new vaccine should be, as far as possible, prescribed in detail. The following guidelines are submitted by the Panel to aid the Bureau in its delineation of rules and regulations.

A major change in process is defined as (1) one which alters the nature of the virus so that whole particles are no longer the major antigenic units; (2) one which changes the ratio of the mass of component virus parts (such as hemagglutinin, neuraminidase, etc.) to each other; (3) one which introduces major extraneous components into the vaccine (such as adjuvants, detergents, etc.); or (4) any other change which the Bureau deems is sufficiently significant to require extensive proof of safety and efficacy. A change of this nature will necessitate carefully controlled tests of safety and antigenicity in adults and children. The new product also should be shown to be comparable or superior to vaccines prepared by acceptable earlier processes. In addition, evidence should be presented that a well-designed trial of the efficacy of the vaccine in man is in process. The trial should be expected to provide data concerning the efficacy of at least one of the several antigenic components. The requirements concerning major changes should be enforced retroactively, if the requirements have not been satisfied in relation to a prior major change. In this regard, currently available whole virus vaccines are similar enough to one another that trials of protective efficacy (but not of antigenicity or of safety) carried out with one such vaccine may be considered to apply to all whole-virus vaccines of similar or greater

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potency as established by appropriate laboratory testing.

Minor changes in manufacturing process which would not reasonably be expected to alter either the safety or antigenicity, would necessitate lesser amounts of safety and antigenicity testing, confined to adults. Such requirements would likewise be enforced retroactively, if necessary, for prior minor changes.

Changes in component virus strains, dictated by the Bureau, do not require efficacy tests for protective effect of each vaccine in human subjects. However, particularly in view of the recent experience with A/Swine vaccine, new strains ideally should receive antigenicity testing in a small number of human subjects of a suitably wide age range so that there is assurance of potency in the age groups for which the vaccine is recommended. Antigens of new strains should also be investigated for their immunogenicity, i.e., ability to induce protective immunity, in animal models. Perhaps the Bureau may find it of advantage to have each manufacturer conduct animal immunogenicity trials with his own vaccine and compare it in potency with a standard vaccine.

4. *Special studies.* There are a number of other issues which the Panel believes should be examined by the Bureau, in collaboration with NIAID, CDC, and the ACIP.

a. Vaccine trials in high-risk adult groups are needed, since, although these are the priority target populations, information on efficacy is scanty. The construction of placebo or unvaccinated control groups must take into account the fact that vaccine is recommended in such individuals; hence, only persons refusing offered vaccine would be eligible as controls.

b. Studies should be undertaken of the safey, antigenicity, and protective effect of vaccines in children under 6 years including, in particular, those with no prior influenza infection experience. The problems of dose, vaccination schedule, and toxicity require special investigation. Monovalent vaccines will be required to examine differences in toxicity of Type A and Type B viral components. On epidemiological grounds, prevention of infection among young children would be desirable. Further, the ability to immunize effectively and safely those who have never experienced influenza infection may be of greater importance when the next major antigenic variant emerges and a much larger proportion of the population will fall into this category. As noted in previous sections, in the young age group the advantage lies with subunit vaccines for reactogenicity but with the whole virus product for immunogenicity. The Panel believes resolution of this dilemma is of critical importance. As noted in the Addendum (following this section), the results of the 1976 nationwide clinical trials have provided one solution to this problem, i.e., a two-dose regimen of subunit vaccine.

c. Particularly emphasis should be placed on investigating the protective efficacy of the B component in current vaccines. Although B vaccines have been shown to induce sufficient protection in both civilian and military populations, these formulations contained less antigen than presently recommended, sometimes with an adjuvant. In comparison with A vaccines, B vaccine field trials have been few in number, a fact attributable to the different epidemiology of B infections (Ref. 13). Further, data from one study suggests that natural infection with Type B affords negligible protection against reinfection and associated disease. In addition to well-controlled field trials, consideration needs to be given to volunteer challenge studies to support continued inclusion of B virus, and its amount, in future vaccines.

D. The bureau should periodically review the status of adsorbants and adjuvants in experimental influenza vaccnes, as more data are collected on their safety and efficacy in human subjects.

e. Recent experience with swine influenza vaccines underlines the importance of rare but severe vaccination sequellae. In this particular case, the disease was GBS, but other diseases may also occur with other latent periods and enter into the calculation of benefit-risk ratios. The Bureau, in cooperation with CDC and NIAID, should remain on the outlook for such rare events, following influenza and other vaccines, both live and inactivated. These problems are discussed more fully in the Introductory comments section of this document.

Addendum to Generic Review of Influenza Virus Vaccines

The foregoing review was essentially completed in late 1975 and modified slightly in June 1976 in light of the early results of the nationwide clinical trials of influenza vaccines, sponsored by NIAID in relation to the National Influenza Immunization Program. On January 20, and 21, 1977, the many investigators participating in these trials made formal presentations of their data at a meeting at National Institutes of Health (NIH) in Bethesda. The more than 50 separate presentations and, presumably, the related discussions are to be published in a special supplement of "The Journal of Infectious Diseases." At the same meeting the significant data relating to the possible association between influenza vaccination and GBS were presented by a representative of CDC. The following is a summary of the most important findings and conclusions resulting from the clinical trails and of the problem posed by GBS. Their documentation can be found in "The Journal of Infestious Diseases" supplement and/or (for GBS) contemporary issues of the "Morbidity and Mortality Weekly Report."

The clinical trials had as their objective determination of the dose (or doses) of monovalent (A/Swine) and bivalent (A/Swine plus A/Victoria) influenza vaccines produced by four manufacturers which would induce satisfactory immune response with an acceptably low level of reactions. These trials involved nearly 8,000 volunteers ranging in age from 6 months of 65 years and older and were conducted by over 20 teams of investigators, all of whom followed a common basic protocol. This protocol called for inoculation of healthy or high-risk volunteers in prescribed age groups with randomly assigned, coded preparations, each representing a particular dose of vaccine produced by one of the four manufacturers or an inert placebo. Also required was completion of careful records concerning local and systemic reactions during the 48 hours postinoculation and collection of appropriate blood specimens to determine antibody response. All antibody assays were done—still under code—in the laboratories of CDC.

Reactions to vaccines were related to type and dose of vaccine, the method of inoculation, and the age and immune status of the vaccinees. Method of inoculation (intramuscularly, by needle, or jetgun) was related only to local reactions; these were more common and somewhat more extensive when the jetgun was used. Whole virus vaccines tended to induce more frequent and more serve systemic reactions (fever, headache, malaise, etc.) than did split virus or subunit vaccines. Moreover, there was no evidence that, in persons 3 years of age and older, subunit vaccines had any significant systematic toxicity in the dosage levels tested. The incidence and intensity of systemic reactions with a particular whole virus vaccine tended to increase with vaccine dose especially in the younger age groups. A history of a recent previous homologous vaccine injection or a level of preexisting vaccine-strain specific HI antibody appeared to mitigate reactivity. Within the range of vaccines tested no other factor, e.g., endotoxin content, was related to reactions. The inescapable conclusion is that the principal cause of immediate systemic reactions is something within the virus itself, which is largely lost or masked during the manufacture of split virus vaccines and which is obstructed by viral antibody.

Immune response (measured by HI antibody titer) also was related to type and dose of vaccine and to age vaccinee. For persons 25 years and older, the smallest single doses tested (200 CCA) of vaccines produced by each manufacturer (two whole virus, two split virus) induced acceptable responses to both A/Swine and A/Victoria antigens. In younger individuals, the results were different, especially for response to the A/Swine antigen. Response to whole virus vaccines tended to exceed that to subunit vaccines but no dose tested, even of the more potent whole virus vaccine, induced satisfactory response (HI titer of 1:40 or higher) in seronegative volunteers with acceptable frequency. This outcome suggested that the prior infection experience of persons 25 years and older, i.e., experience with influenza A strains prevalent prior to 1957, had conditioned or primed them immunologically to respond anamnestically to the A/Swine antigen. An obvious general conclusion is that the dose of any specific vaccine needed to induce satisfactory immune response is in large part dependent on the previous influenza antigen experience of the vaccinees.

The relative failure of vaccines in younger person meant that futher trials were necessary. The frequency of systemic reactions to the largest doses of whole virus vaccines tested was unacceptably high, especially in those under 18 years of age. This made it clear that simply increasing the dose of vaccine was not the answer and led to trails of regimens involving two doses of vaccine. The importnat outcome of these trials was that subunit vaccines, in adult doses (200 CCA of monovalent A/Swine or bivalent with 200 CCA of each antigen) proved nonreactogenic and satisfactorily immunogenic in ages as young as 3 years. Trials in still younger children (down to 6 months) were conducted in too few subjects to justify firm conclusions, but the results suggested that, in reduced dose (100 CCA), the two-dose regimen of subunit vaccine also may be successful. Two small doses of whole virus vaccines, while still reactogenic, also proved highly immunogenic. Thus, it appears that influenza vaccine can be used effectively and safely in young children if a two-dose regimen of subunit (and possibly even of whole virus) vaccine is employed. Such a regimen, although not ideal, would be acceptable in the interpandemic period. However, in the face of a threatened pandemic posed by a major influenza A variant, time would be a critical factor and a one-dose vaccination would be highly desirable.

A possible way to achieve this is suggested by studies with highly purified preparations of hemagglutinin and neuraminidase. Although these proved poorly immunogenic alone, combining these with small amounts of whole virus greatly enhanced their immunogenicity. This suggests that a similar addition of small amounts of whole virus to standard subunit vaccines might have a similar enhancing effect.

A further important byproduct of the trials was the result of efforts to quantitate the hemagglutinins and neuraminidase content of vaccines. Methods of measuring hemagglutinin content of vaccines, based on immunodiffusion in antibody-containing agar, show great promise as prospective regulatory tools which may substitute for the CCA test (Ref. 1). In the trials, hemagglutinin levels, although still not precisely predictive, correlated better than CCA content with both the reactogenicity of whole virus vaccines and the antigenicity of all vaccines in some age groups. The methods for neuraminidase measurement are still in development and further research should be encouraged.

The National Immunization Program was initiated effectively as of October 1, 1976. By mid-December some 45 million doses of vaccine, monovalent A/Swine or bivalent A/Swine plus A/Victoria, had been given, almost exclusively to adults (18 years and older). Use in younger persons (other than high-risk) was effectively prevented by lack of the recommended subunit type of monovalent vaccine. As of December 16, 1976 a moratorium on the further use of influenza vaccine was declared because of a possible association between vaccination and occurrence of GBS. As of January 12, 1977, 582 cases had been recognized in the United States with onsets on or after October 1, 1976, nearly 300 of which had received influenza vaccine within 4 weeks prior to onset. Analysis of the available information, including age distribution and age-specific rates, suggests that vaccination was associated with a 10-fold increase in the risk of developing GBS within the month following vaccination. (This increase in risk is estimated at 1 in 110,000 vaccinations.)

The fundamental cause of GBS remains unknown. A widely accepted hypothesis is that it is a form of autoimmune disease which may be triggered in peculiarly vulnerable persons by immune response. Prior reviews implicate naturally occurring acute infections of many types as the most common triggers. The experience in fall, 1976, makes it clear that vaccination, at least influenza vaccination, also can serve as a trigger. Thus, in describing the possible risks associated with influenza vaccine, GBS must be included. This risk of developing the syndrome is estimated at one in 110,000 vaccinations. Although most cases of GBS recover fully, respiratory paralysis results in death in about 3.5 percent of cases. This is an extremely small risk which is far outweighed by the potential benefits of successful immunization.

Reviews of Individual Influenza Virus Vaccine Products

Influenza Virus Vaccine, Bivalent (Flu-Immune) Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* The package circular states that:

Influenza Virus Vaccine, Bivalent Flu-Immune, Lederle is prepared from the allantoic fluid of embryonated chicken eggs infected with influenza virus. The virus is inactivated with formaldehyde and ethylene oxide. The concentrated virus is suspended in a buffered diluent containing sodium citrate, sodium phosphate monobasic and sodium phosphate dibasic. Thimerosal (1:10,000) is added as a preservative and the preparation is further purified by a chromatographic process.

In chromatographic purification the conventionally prepared Influenza Virus Vaccine is passed through a molecular sieve composed of chemically inert, porous, borosilicate spheres. These spheres have controlled size pores which entrap extraneous protein.

Chromatographically purified Influenza Virus Vaccine has significantly less extreneous protein content than conventionally prepared Influenza Virus Vaccine, as measured by protein determinations and electron micrographs. . . .

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.*

a. *Efficacy.*

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(1) *Animals.* Potency data were not submitted.

(2) *Humans.* Data have been submitted on an antigenicity study which may be summarized as follows:

(i) *Investigator.* Peninsular Testing Corporation, North Miami, FL (Annual Progress Report, September 1973).

(ii) *Vaccine.* Flu-Immune-Bivalent. Each 0.5 ml dose contains:

A2/Aichi/2/68–X–31—700 CCA units.
B/Mass/1/71—300 CCA units

(iii) *Population:* Adult volunteers, 17–69 years.

(iv) *Dosage.* Group I—0.5 ml intramuscularly (100 subjects); Group II—0.5 ml subcutaneously (100 subjects); Group III—two 0.5 ml doses, intramuscularly, 6 weeks apart (46 subjects); Group IV—two 0.5 ml doses, subcutaneously 6 weeks apart (43 subjects).

(v) *Results.* Two 0.5 cc vaccine doses spaced 6 weeks apart stimulated a fourfold increase in HI antibody titer in approximately 70 percent of individuals given the vaccine intramuscularly and approximately 64 percent of those given the vaccine subcutaneously. Details of the serologic responses are presented in Tables 17 and 17a.

Table 17.—*Summary of Results Obtained in Antigenicity Study of Flu-Immune, Bivalent*

Vaccine group	Geometric mean titers					
	MASS-B			X-31		
	Preinoculation	6 weeks	12 weeks	Preinoculation	6 weeks	12 weeks
Intramuscular, 1 dose	17.7	141.4	103.1	23.7	214.4	130.6
Intramuscular, 2 doses	18.6	95.5	102.4	25.0	185.4	201.6
Intramuscular, all	18.1	115.7	102.7	24.3	199.0	163.9
Subcutaneous, 1 dose	20.3	83.9	89.0	27.6	138.5	136.8
Subcutaneous, 2 doses	17.9	106.7	86.1	23.1	128.6	129.8
Subcutaneous, all	19.0	95.4	86.5	25.4	148.1	134.0
Combined	18.5	105.4	95.5	24.8	167.0	149.5

Table 17a.—*Summary of Results Obtained in Antigenicity Study of Flu-Immune, Bivalent—Individuals Showing a Fourfold Rise in Titer*

Vaccine group	MASS-B		X-31	
	6 weeks	12 weeks	6 weeks	12 weeks
Intramuscular, 1 dose	30/45 (67%)	28/41 (68%)	32/45 (71%)	23/41 (56%)
Intramuscular, 2 doses	30/47 (64%)	34/45 (76%)	30/47 (64%)	34/45 (76%)
Intramuscular, all	60/92 (65%)	62/86 (72%)	62/92 (67%)	57/86 (66%)
Subcutaneous, 1 dose	30/44 (68%)	27/39 (69%)	32/44 (73%)	23/39 (59%)
Subcutaneous, 2 doses	28/43 (65%)	26/43 (60%)	25/43 (58%)	29/43 (67%)
Subcutaneous, all	58/87 (67%)	53/82 (65%)	57/87 (66%)	52/82 (63%)
Combined	118/179 (66%)	115/168 (68%)	119/179 (66%)	109/168 (65%)

It is assumed that vaccines of this antigenicity will induce a significant degree of protection. However, no studies are mentioned in the submission nor were any found in the recent literature which demonstrate the protective efficacy of Lederle Laboratories vaccine as last prepared. One study employed a Lederle Laboratories vaccine presumably prepared by older methods and demonstrated a protective effect (Ref. 2). Likewise, the X–31 recombinant vaccine described by Kilbourne has been shown to be effective in volunteer challenge experiments.

b. *Safety.* (1) *Animals.* See generic statement. Data on COFAL testing were not given in the producers submission.

(2) *Humans.* In the study cited above, "there were no significant differences (subcutaneous vs intramuscular) in the local or systemic reactivity immediately following vaccine administration. However, there were statistically significant differences observed in the local reactivity at 24 hours post-inoculation. Individuals who were administered vaccine intramuscularly had fewer incidences of erythema (8/95) and induration than the subjects who received the vaccine by subcutaneous administration (34/93)." There were no significant differences in systemic reactivity (e.g., chills=4/95 vs 3/93).

The producer has received 35 written complaints for the many millions of doses marketed.

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review.

3. *Conclusions—Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license be continued because there is substantial evidence of safety and effectiveness for this product.

Influenza Virus Vaccine, Bivalent (Zonomune) Manufactured by Eli Lilly & Co.

1. *Description.* The package circular states:

Influenza Virus Vaccine, Bivalent, U.S.P., Zonomune(R) (zonal centrifuged vaccine, Lilly) is composed of the recommended contemporary strains of influenza viruses. The vaccine virus is grown in embryonated chicken eggs but is not processed by the usual differential centrifugation technics. Instead, the virus is purified and concentrated in a sucrose density-gradient solution by means of a continuous-flow isopycnic centrifugation process. By this procedure, the virus can be removed selectively from the nonviral components of the egg fluid. Amorphous and cellular residue usually found in conventionally produced vaccine (as demonstrated by electron micrographs) is discarded. Furthermore, laboratory studies utilizing gel-diffusion technics have demonstrated a significant reduction in specific soluble chicken-protein components in vaccine manufactured by the Zonomune process as compared with conventionally produced vaccine. As a result of these new production methods, the adult dosage volume has been decreased by half, to 0.5 ml., while retaining full antigenic potency * * *.

* * * Neomycin has been added to the virus inoculum, and negligible amounts remain after processing. The virus is inactivated with formaldehyde solution (no more than 1:10,000 in the final product) and preserved with Merthiolate(R) (thimerosal, Lilly), 1:10,000. Iodoacetic acid was used as a preservative during the processing and does not exceed 0.15 mcg./ml. in the final vaccine. The preparation also contains Gelatin, U.S.P., 0.2 percent, and sucrose, less than 10 percent, in the final product.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.*

(1) *Animals.* See generic statement.

(2) *Humans.* Since Zonomune manufactured by Eli Lilly & Co. was the first zonal centrifuge purified vaccine available, it was extensively tested during the 1968 to 1969 Hong Kong influenza epidemic. There are several studies showing that immunization at that time conferred protection both in adults and in children.

(i) *Antigenicity.* Data adduced in 1967 are provided comparing human reactivity to vaccine (containing Taiwan and Maryland B strains) produced by isopycnic and by Sharples centrifugation. On the basis of equivalent populations in regard to prior immunization status, four lots of isopycnic vaccine produced a rise in HI antibody titer equivalent to that found in Sharples vaccine.

(ii) *Protection.* The following studies have been excerpted from the literature:

(a) *Study I.*

Investigator. Knight et al. (Ref. 3).

Vaccine. A_s/Aichi/2/68 Monovalent. Prepared by continuous flow zonal ultracentrifugation; formol inactivated.

Population. Prisoners, November 1968.

Challenge. Natural epidemic caused by Hong Kong virus strains.

Results. Conclusion based on occurrence of illness in relation to dose. (See Table 18).

There was significantly less illness (5.6 percent) among men who received the three higher doses of vaccine than among nonimmunized men (11.7 percent) ($X^2=5.46$; $P<0.03$). When only febrile cases were considered, the difference between the occurrence of illness among all immunized and nonimmunized men was significant ($X^2=4.46$; $P<0.05$), with even greater differences for higher doses.

Table 18.—*Illness in Vaccinated Volunteers Exposed to Natural Challenge*

Dose of vaccine CCA units	Number vaccinated	Acute respiratory illness	
		Febrile	Afebrile (>99°F)
1285	78	3	1
535	39	1	3
332	59	2	1
137	60	7	2
54	14	2	1
Immunized group	270	15	8
No vaccine	755	76	12

(b) *Study II.*

Investigator. Gwaltney et al. (Ref. 4).

Population. Elderly psychiatric patients, November 1968.

Vaccine. (1) Zonomune, monovalent A_s (400 CCA Hong Kong virus in 0.5 ml); (2) Control-B/Mass/3/66 (Lilly), 400 CCA units in 0.5 ml; (3) Booster Vaccine (Lilly) 1965–70 bivalent formulation.

Dosage. (1) Jet injector, 0.5 ml, 400 CCA A_s/HK; (2) Jet injector (control) 0.5 ml, 400 CCA, B/Mass; (3) Spray: 0.125 cc (100 CCA) nebulized into each nostril and 0.25 cc (200 CCA) into orophraynx during inspiration. The groups are described in Tables 19 and 20.

Results. There was a significant reduction in the influenza attack rate in the group receiving vaccine by jet gun (5.5 percent) or by gun spray combined (5.4 percent) as compared to the controls (14.7 percent) or those receiving vaccine by spray alone (12.2 percent).

(c) *Study III.*

Investigator. Couch et al. (Ref. 5).

Vaccine. A_s/Aichi/2/68; 503 CCA units/ml; 1.0 ml given intra-muscularly. (This vaccine was compared with the A_s/X–31 vaccine (556 CCA units/ml), which is not made by Eli Lilly and Co.)

Population. Adult volunteers (prisoners).

Challenger. A_s/Aichi live virus; first passage HEK 1,000 TCID $_{50}$/0.5 ml; 8 HID_{50} estimated.

Table 19.—*Vaccine Groups and Route of Inoculation of Vaccine*

Vaccine group	Route of inoculation [1]	
	Subcutaneous	Naso-pharyngeal
Jetgun	A_s/HK	B/Mass/3/66.
Spray	B/Mass/3/66	A_s/HK.
Combined (jetgun and spray).	A_s/HK	A_s/HK.
Control	B/Mass/3/66	B/Mass/3/66.

[1] 400 CCA units of each vaccine administered by route shown.

Table 20.—*Influenza Illness Rates in Vaccinated Psychiatric Patients Exposed to Infection During Naturally Occurring A_s/HK Influenza Epidemic*

Vaccine group	Number of persons	Reported	Number of patients		Influenza attack rate/100
			Tested	Positive	
Control	87	14	14	11	14.7
Spray	80	12	12	10	12.2
Jetgun	90	5	4	4	5.5
Combine (jetgun and spray)	88	6	5	4	5.4

Results. When frequency of illness in the vaccinated groups was compared to that in the control group saline, a significant reduction was noted in the group receiving the X–31 vaccine ($p=0.02$) and a borderline reduction in the group receiving the Aichi strain vaccine ($p=0.06$). This is summarized in Table 21.

Table 21.—*Occurrence of Illness in Vaccinated Volunteers Challenged With Live A_s/Aichi Strain Vaccine*

Vaccine group	Number of volunteers	Virus isolated	Results of challenge inoculation		
			4-fold antibody rise	Number ill	Number febrile
Saline					
Control	14	11	11	6	4
A_s/Aichi	15	5	4	1	1
A_s/X–31	14	2	0	0	

b. *Safety.*

(1) *Animals.* See generic review. COFAL test are described.

(2) *Humans.* The submission contains an excellent summary of studies performed by Eli Lilly and Co. staff in 1967 which indicates that Zonomune produce fewer local and systemic adverse reactions than the previous product. Comparisons of Zonomune with other purified vaccines have been submitted by other drug companies which confirm these results.

Data on serious adverse reactions are not submitted. There is at least one report (not mentioned in the submission) of meningoencephalitis following Zonomune (Ref. 6).

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review.

3. *Conclusions—recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Influenza Virus Vaccine, Bivalent (Fluax) Manufactured by Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* The package circular states FLUAX—(Influenza Virus Vaccine, MSD). Bivalent Types A & B, Filter and Zonal Centrifuge Purified, is an aqueous suspension containing the recommended contemporary strains of influenza viruses. The vaccine virus is grown in embroynated chicken eggs and purified by a series of physical separation steps. Cellular residues and other extraneous particulate contaminants are removed by means of sedimentation-clarification of the extra-embryonic fluid. The resultant fluid is further freed of undesirable (non-viral) materials by selective filtration through controlled pore size filters. The final purification step consists of isopycnic banding of the virus in sucrose in a flow zonal centrifuge with selective recovery of influenza virus. Sedimentation analysis of the zonally fractionated vaccine demonstrates the absence of impurities. Formalin is the inactivating agent. Thimerosal 1:10,000 is added as preservative.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* Potency data are provided, with specific reference to stability of vaccines.

(2) *Humans.* Only one study of antigenicity and reactogenicity was presented by the manufacturer for the product as presently prepared.

Study 234 (1969) involved two lots of

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zonal centrifuge-filter purified aqueous vaccine containing A_s/Aichi/2/68, 400 CCA/ml and B/Mass/3/66 and 300 CCA/ml.

Two 0.5 ml doses were given subcutaneously at a 1-month interval to males 17 to 69 years of age. The serologic responses observed are summarized in Table 22.

Table 22.—*Serologic Responses to Vaccine*

	Number with 4-fold greater response/total number tested (by month)								GM titer of HI antibody by month					
	Initially seronegative				All vaccinees									
	A_s/Aichi		B/Mass		A_s/Aichi		B/Mass		A_s/Aichi			B/Mass		
	Months													
	1	2	1	2	1	2	1	2	0	1	2	0	1	2
Lot number of vaccine:														
1121	13/21 (62%)	13/20 (65%)	5/5 (100%)	4/5 (80%)	14/33 (42%)	19/31 (61%)	8/33 (24%)	6/31 (19%)	3	16	20	16	42	31
4/98460	16/22 (73%)	16/23 (70%)	2/3 (67%)	1/3 (33%)	17/33 (52%)	18/34 (53%)	5/33 (15%)	3/34 (9%)	3	22	22	19	37	30
1121														
526451														

In addition to this study, the following statement is made in a Merck Sharp & Dohme supplemental submission:

There are no data to indicate the protective capacity of the specific product in response to natural infection or artificial challenge. However, it is fairly well accepted among influenza virus experts that a level of circulating hemagglutination-inhibition antibody of 1:40 or greater generally correlates with protection. In a series of 6 clinical studies which incorporated zonal centrifuge-purified aqueous type influenza virus vaccine as control, and which involved about 450 persons, approximately 80 percent of the subjects had a 1:40 or greater titer of HI antibody to the A_s influenza virus strain and about 50 percent had similar activity to the B strain. It would be expected that the same general level of protective antibodies would be generated in the population at large.

The data from these six clinical studies mentioned are not available. However, there is recent information obtained by the Bureau of Biologics that influenza vaccine produced by this manufacturer is similar in antigenicity to other whole virus influenza vaccines.

In spite of the claim in the submission that "there are no data to indicate the protective capacity of the specific product," there is one published report where a Merck Sharp & Dohme vaccine was used in April 1969 to prevent Hong Kong influenza (Ref. 7). This vaccine, which was not prepared by the current process (Zonal centrifugation), contained the A_s/Aichi/2/68 strain (CCA unitage unknown) and was administered subcutaneously in 1.0 ml doses.

Some 1,254 Bantu subjects received the vaccine and 413 received placebo; all worked in the same factory. An outbreak of influenza-like disease was observed in May 1969, some cases of which were proved to be Hong Kong influenza. The incidence of clinical influenza in the control group was 31/1,000 and in the vaccinated group was 5/1,000.

b. *Safety.* (1) *Animals.* The released vaccines meet Federal requirements.

(2) *Humans.* In the study summarized in Table 22 above, there were only two cases of local erythema and essentially no febrile or other adverse reactions greater than those noted in controls. It is disturbing, however, that local swelling or induration, and malaise, headache, chills, etc. were apparently not looked for in this study. Additional information on human safety is, however, provided in recent studies performed by the Bureau of Biologics and the manufacturer. In these trials the rates of reactogenicity of this vaccine were similar to those of other whole virus vaccines.

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review. One suggested change is that the reduction in volume (from 1.0 to 0.5 ml) should not be claimed to be an unusual feature of the vaccine, since this has been achieved by all companies presently marketing influenza vaccines.

3. *Conclusions.* a. *Critique.* This Merck Sharp & Dohme submission suffers from the defects seen in others from the same manufacturer. No protective data were submitted by the manufacturer. The matter of protection is dismissed with the statement, "Influenza virus vaccines have been studied so thoroughly through the years that essentially all published efficacy data have a direct or indirect influence on all available commercial vaccines.".

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Influenza Virus Vaccine, Bivalent (Fluzone) Manufactured by Merrell-National Laboratories, Division of Richardson-Merrell, Inc.

1. *Description.* The package circular states:

Influenza Virus Vaccine (Zonal Purified) is prepared from the allantoic fluid of chick embryos infected with Types A_s and B influenza viruses. Each virus is inactivated with formaldehyde, and concentrated and purified in a linear sucrose density-gradient solution using a continuous flow ultracentrifuge. The virus is then further purified by chemical means. The resulting vaccine is more highly purified than vaccine processed by the usual differential centrifugation method as determined by total nitrogen content and electron microscopic studies * * *. Thimerosal 1:10,000 is added as a preservative. The final product contains less than two percent sucrose.

A. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.* (1) *Animals.* No potency data submitted. See generic review.

(2) Humans. Most of the references cited regarding zonal purified vaccines report studies which used vaccines produced by other companies. Two of the citations in the submission refer to data regarding the antigenicity of the A component present in formulations produced by Merrell-National, and a third citation is to a paper on the protective capacity of the A component. No data of any kind were submitted for the B component.

(i) *Antigenicity.* Monovalent vaccines were administered to recruits at the Great Lakes Naval Training Station by Dr. Nicola Tauraso, and the antibody reponse measured 30 days later. The results are summarized in Table 23.

Table 23.—*Antibody Reponse to Two Lots of Zonally Centrifuged A_s/Aichi/2/68 Vaccine, 0.5 ml per Subcutaneous Dose*

Vaccine lot No.	CCA dose [1]	Initially geometric mean titer		Seronegative converting		Initially geometric mean titer		Seropositive converting	
		Pre	Post	Number	Percent	Pre	Post	Number	Percent 4-fold
7145 Z	787	1.0	64	10/10	100	64	256		2/5 AG
7151 Z	772	1.0	206	8/8	100	23	818	7/7	
	100								

[1] These data are from the producer's submission (Table D of attachment 4). An addendum to the attachment stated: "Lots #7145 and 7151 were prepared by zonal purification and contained 400 CCA units per dose (0.5 ml)."

In a second study bivalent vaccine containing 700 CCA units of A/Aichi/2/68 (H_3N_2) and 300 CCA units B/Mass/1/71 per 0.5 ml dose was given subcutaneously to 100 males 24 to 93 years of age, 91 of whom had serologic specimens tested (median age 51) (Ref. 8). Serum antibody responses after 3 weeks were as follows: 62 percent of men with initial serum HI titers of < 160 showed a four-fold or greater antibody response, and the GMT of the entire group rose from 65 prior to vaccination to > 212 following vaccination. Hemagglutination inhibition responses occurred in all seven men with undetectable preexisting antibody (< 10). This group had a final GMT of 83. Antibody rises were seen in 24 of 27 (89 percent) men with prevaccination titers of ≤ 20. Of 48 volunteers with initial HI titers less than a "protective" level (80), 36 (75 percent) reached > 80 in the serum after vaccination.

Nasal antibody was measured in 18 men. One-half showed a four-fold or greater antibody rise.

(ii) *Efficacy.* Stiver et al. administered bivalent vaccine containing 600 CCA units of A_s/Aichi/2/68 antigen and 400 CCA units of B/Mass/3/66 antigen to Air Force recruits during the first 6 months of 1972 (Ref. 9). An outbreak of A_s/Denver/1/72(=A_s/England/72) infection occurred several months after the vaccine was administered. The overall attack rate of influenza was 46.0 per 1,000 in 2,955 unvaccinated men, and 18.4 per 1,000 in 979 vaccinees, a reduction of 60 percent.

b. *Safety.* (1) *Animals.* No data submitted; the product meets FDA requirements. See generic review.

(2) *Humans.* Data available for the two antigenicity trials cited above indicate acceptable percentage of mild to moderate local and systemic reactions. Only six medical complaints were reported for 2 distribution years during which 5 million doses were distributed. COFAL testing is described.

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review.

3. *Conclusions.* a. *Critique.* The study by Stiver et al. provided efficacy data which show a 60 percent reduction in illness even when the epidemic strain was not homologous to the vaccine strain (Ref. 9). There is recent information obtained by the Bureau of Biologics that influenza vaccine produced by this manufacturer is similar in antigenicity to other whole virus influenza vaccines.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product.

Influenza Virus Vaccine, Bivalent (Fluogen) Manufactured by Parke, Davis & Co.

1. *Description.* The package circular states:

FLUOGEN (Influenza Virus Vaccine, Bivalent, Ether-Extracted Antigen) (Types A and B) is composed of the antigen of the strains of influenza viruses recommended* * *. In addition to initial virus purification steps by filtration, ultracentrifugation, and zonal centrifugation, treatment of the influenza virus vaccine concentrate with ethyl ether disrupts the virus, removes a high proportion of egg protein, ribonucleic acid, lipids, and other pyrogenic substances. From this process, the active immunizing antigens are retained at full potency.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.* (1) *Animals.* Potency data were not provided by the manufacturer. Data obtained by the staff of the Bureau of Biologics showed clearly that the Parke-Davis & Co. vaccine, in equivalent CCA content, produced lower mean antibody levels in mice than did whole virus vaccines (refs. 10 and 15). It was estimated that 10 to 100 times the quantity of antigen in terms of CCA units, was required to produce the same effect with ether-split as with whole virus vaccine.

(2) *Humans.* Limited data were provided in the original submission concerning the antigenicity of the product as currently prepared (including the zonal purification step). One supplementary submission included an analysis of a study in children 5 to 14 years of age who, in December 1972, received one or two inoculations (0.5 milliliters each) of bivalent vaccine containing either the X–31 recombinant of A2/Aichi (700 CCA) or the X–37 recombinant of A2/England (700 CCA) plus B/Mass (300 CCA). Diphtheria-tetanus controls were included. The 1-week geometric mean (GM) antibody titers of this group of children are listed in Table 24.

Table 24.—*Antigenicity in Children of X–31 Recombinant of A_s/Aichi and the X–37 Recombinant of A_s/England Viruses*

Vaccine group	Number of children	Serum spec	GMT of HI antibody to virus strain				
			X–31	Aichi	X–37	England	B/Mass
X–31 and B	219	Pre-vacc.	55	57	41	26	16
		1 wk.	213 (3.89)	218 (3.86)	169 (3.99)	114 (4.34)	53 (3.27)
X–37 and B	228	Pre-vacc.	51	54	37	25	16
		1 wk.	276 (5.37)	307 (5.65)	293 (7.85)	219 (8.92)	66 (3.61)
Diph.–tet.	213	Pre-vacc.	57	57	40	25	16
		1 wk.	53 (0.94)	57 (1.00)	39 (0.98)	23 (1.10)	16 (1.00)

[1] Figures in parentheses show the fold-rise in antibody titer.

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The FDA material contains data on a comparative trial of the antigenicity of a nonzonal ether-extracted vaccine with the present vaccine (protocol 150 to 152). The two types of vaccine, either with our without aluminum phosphate adjuvant, were found to be of equivalent antigenicity. Table 25 illustrates the findings on the antigenicity of a nonadjuvanted, zonal centrifugation product, an A2/Aichi/X-31 vaccine.

Table 25.—*Antibody Response to a Nonadjuvanted, Zonally Centrifuged A_2/Aichi/X-31 Vaccine*

Number of volunteers [2]	Route of inoc. (0.5 ml)	HI antibody response [1] to: A_2/Aichi/X-31 (400 CCA units) Pre-vacc.	Post-vacc.	Fold-rise	B/Mass (300 CCA units) Pre-vacc.	Post-vacc.	Fold-rise
31	Subcutaneous	32.05	178.75	5.58	7.85	21.45	2.73
27	Intramuscular	44.40	304.85	6.87	7.55	46.60	6.17

[1] Expressed as geometric mean titer.
[2] Prisoners, aged 21–65 years.

The superiority of the intramuscular route shown in Table 25 above is reflected in all vaccines (nonzonal and aluminum phosphate absorbed) used in this study and is significant when all the data are pooled ($p<0.05$). Considerable data are available concerning the antigenicity of earlier ether-split vaccines, but the details are not included here. In one trial comparing Fluogen with Merck Sharp & Dohme and National Drug zonal purified vaccines, the fold-rise with Fluogen (A_2/Aichi) was 7.84 vs 3.36 and 3.97, respectively, and the fold-rise with Fluogen (B/Mass) was 4.63 vs 3.51 and 2.41. The CAA content in the bivalent Fluogen was greater than that of the two whole virus vaccines (849 vs 743 and 481 for Merck Sharp & Dohme and National products, respectively). This fact might have had some influence on the comparative antibody responses, but it would certainly not have entirely accounted for the differences observed.

Because of the inferior antigenicity of nonadjuvanted ether-tween and other subunit vaccines in mice, there is considerable interest in the response to such vaccines of human subjects without previous influenza experience. As noted in the generic statement, seronegative individuals may or may not have had previous influenza infection. Few adults, or even school aged children, have escaped previous infection with both A and B strains of influenza, and most are, therefore, primed for an anamnestic response to any influenze vaccine they may receive.

Several studies of such seronegative subjects have been provided both by the Bureau of Biologics and in supplementary submissions by the manufacturer. The results of these are summarized in Tables 26D through 26G.

A comparative trial of licensed influenza vaccines was performed by the Bureau of Biologics at the Arkansas Children's Colony (Ref. 12). The subjects were mentally retarded children and adults, 6 to 33 years of age and normal adults, ages 18 to 88. The vaccines were the bivalent A/England/72-B/Mass/71 (700 and 300 CCA units/0.5 ml claimed, 1240/0.5 ml total measured) and B/Hong Kong (500 CCA units/0.5 ml claimed, 576/0.5 ml measured). Dosage was 0.5 ml for those over 12 years and 0.25 ml for those 6 to 12 years. Bivalent vaccine was administered subcutaneously on day zero and the B/HK vaccine at 6 weeks. It should be noted that it is recommended on the package circular that Parke-Davis' product be administered intramuscularly, and that the superiority of the intramuscular route had been previously demonstrated from Fluogen (R) (see above).

In those individuals with measurable pre-existing HI antibody (>1:8), there was no difference between the response to ether-tween split vaccine and the whole virus products. In those with prevaccination levels <1:8, the Parke-Davis products stimulated antibody levels which were, in most cases, lower than those induced by whole virus vaccines (the results are shown in Table 26 below).

Table 26.—*Antibody Response to Whole Virus Vaccine and the Ether-Tween Split Vaccine in Individuals With Prevaccination HI Antibody Titers of <1:8*

Vaccine	Seroconversion rates and HI antibody response at postvaccination intervals and vaccine components shown: A_2 England 6 wks	A_2 England 12 wks	B/Mass 6 wks	B/Mass 12 wks	B/Hong Kong 6 wks	B/Hong Kong 12 wks
Seroconversion						
Whole Virus	86/100	87/100	66/84	77/84	59/169	130/169
P-D ether-split	19/23	[1]16/23	12/16	11/16	[1]12/48	30/48
Geometric mean antibody titers (reciprocal)						
Whole virus	22.8	20.4	17.4	22.3	6.5	13.4
p-D ether-split	17.5	13.3	16.5	[2]13.9	0.0	16.2

[1] $0.05<p<0.1$.
[2] $p<0.01$

More recently a double-blind controlled trial of influenza vaccines containing monovalent A/Swine strains ws carried out in multiple centers throughout the country. Subjects were divided into the following age groups for pusposes of analyses: those over 23 years of age (and thus born before 1953 and likely to have experienced prior infection with influenza viruses preceding the Asian strains); those 17 to 23 years old; and children 6 to 10 years old. Vaccines were adjusted so that potency, as measured by the CCA test, was comparable in the four preparations tested. Two whole virus preparations (Merrell-National and Merck Sharp & Dohme) and two submits vaccines (Wyeth and Parke-Davis) were tested. Vaccine was administered in most individuals by intramuscular injection and in some by jet injection. The results, shown in Tables 26A, 26B, and 26C,

demonstrate clearly that a single inoculation of subunit vaccines in the dosages tested was highly antigenic in the oldest group, inferior to whole virus preparations in young adults, and almost totally ineffective in children. Subsequently, it was demonstrated that a booster dose of subunit vaccine administered 4 or more weeks after the first does stimulated antibody production approximately equivalent to that induced by two doses of whole virus vaccine, even in children as young as 3 years of age.

Table 26A.—*Response to A/NJ Vaccine in Children Ages 6 to 10*

Manufacturer	Dose	No. subjects	Percent with HI antibody titers ≥10	≥20	≥40
Wyeth	100	38	31	5	0
	200	43	33	11	3
	400	44	48	23	9
Parke-Davis	100	44	7	5	2
	200	42	14	12	9
	400	43	14	5	2
Merrell-National	100	39	82	69	44
	200	42	85	74	50
	400	34	85	82	65
Merck Sharp & Dohme	100	35	91	86	77
	200	2	100	100	50
	400	0			
Placebo		40	5	3	0

Table 26B.—*Post Vaccination Antibody Status of All Participants 23 Years and Under*

Manufacturer	Dose	No. subjects	Percent with HI antibody titers ≥10	≥20	≥40
Wyeth	200	43	44	35	28
	400	42	74	64	41
	800	40	80	50	33
Parke-Davis	200	41	46	44	37
	400	41	54	32	22
	800	38	71	50	45
Merrell-National	200	46	80	54	46
	400	32	91	75	56
	800	42	91	67	48
Merck Sharp & Dohme	200	38	92	74	58
	400	49	100	96	86
	800	29	100	93	90

Table 26C.—*Postvaccination Antibody Status of All Participants 24 Years and Older*

Manufacturer	Dose	No. subjects	Percent with HI antibody titers ≥10	≥20	≥40
Wyeth	200	111	80	80	74
	400	106	94	90	85
	800	98	97	94	91
Parke-Davis	200	109	97	96	92
	400	100	96	93	90
	800	116	95	95	93
Merrell-National	200	96	89	84	71
	400	115	97	91	83
	800	99	97	96	87
Merck Sharp & Dohme	200	119	99	98	90
	400	105	99	98	92
	800	106	99	97	83

Comparative studies in seronegative children and adults immunized with H_3N_2 antigens have demonstrated the equivalence of this product, as presently manufactured, to whole virus vaccines. The results of one such trial performed by the manufacturer are shown in Tables 26D and 26E (from Parke-Davis Protocol 150–66). The subjects were healthy hospital employees. Another trial, this one in children is summarized in Tables 26F and 26G. The children were 4 to 13 years of age, and the average age of those receiving Fluogen (R) or whole virus vaccines was 8.25 or 8.09, respectively (Parke-Davis Protocol 150–73). In addition, several other trials have been performed in children, young adults, and, in one instance, elderly subjects.

Table 26D.—*Distribution of 3-Week Postvaccination HI Titers Versus A/Port Chalmers Virus of Seronegative Subjects Given Fluogen or Whole Virus Vaccines: 1974–75 Formulae*

Vaccine	Postvaccination A/P.C. HI titer <10	10–20	40–80	160–320	>640	Geometric mean	Percent with ≥4X increase
Parke-Davis (16) [1]	1	1	3	9	2	129	94
Merck Sharp and Dohme (20)	0	2	8	8	2	113	90
Merrell-National (17)	0	0	7	7	3	160	100
Lilly (21)	0	1	7	6	5	131	95

[1] Number of seronegative subjects.

Source: Final Report, P–D Protocol 150–66. Subjects were adults all of whom received 0.5 ml of intramuscular vaccine containing approximately 700 CCA units of A/PC/1/73 and 500 CCA units of B/HK/5/72 per 0.5 ml. Measured potency not reported.

Table 26E.—*Distribution of 3-Week Postvaccination HI Titers Versus B/Hong Kong Virus of Seronegative Subjects Given Fluogen or Whole Virus Vaccines: 1974–75 Formula*

Vaccine	Postvaccination, B/HK HI titer <10	10–20	40–80	160–320	≥640	Geometric mean	Percent with ≥4X increase
Parke-Davis (25)*	1	5	8	6	3	92	88
Merck Sharp and Dohme (30)	0	1	15	10	4	139	100
Merrell-National (29)	3	5	14	6	1	57	90
Lilly (25)	2	5	9	7	5	82	88

[1] Number of seronegative subjects.

Source: Final Report, P–D Protocol 150–66. See source note, Table 26D.

Table 26F.—*Distribution of 4-Week Postvaccination HI Titers Versus A/Scotland Virus of Seronegative Children Given Fluogen or Whole Virus Vaccines: 1975–76 Formula*

Vaccine	Postvaccination A/Scot HI titer <10	10–20	40–80	≥160–320	640	Geometric mean	Percent with ≥4X increase
Fluogen (21) [1]	2	4	2	9	4	104	86
Whole virus [2] (32)	0	3	5	20	4	171	94

[1] Number of seronegative subjects.
[2] Merck Sharp & Dohme and Merrell-National.

Source: Final Report, P–D Protocol 150–73. Children were 4–13 years of age and received 0.5 ml (>10 years old) or 0.25 ml (<10 years old) of intramuscular vaccine containing approximately 350 CCA units A/PC/1/73, 350 CCA units A/Scotland/840/74, and 500 CCA units B/HK/5/72 per 0.5 ml. Measured potency of the vaccine was not reported. Bleeding before and 4 weeks after immunization.

Table 26G.—*Distribution of 4-Week Postvaccination HI Titers Versus B/Hong Kong Virus of Seronegative Children Given Fluogen or Whole Virus Vaccines: 1975–76 Formula*

Vaccine	Postvaccination B/HK HI titer <10	10–20	40–80	160–320	≥640	Geometric mean	Percent with ≥4X increase
Fluogen (54) [1]	1	9	20	21	3	80	94
Whole virus [2] (71)	1	6	28	29	5	105	98

[1] Number of seronegative subjects.
[2] Merck Sharp & Dohme and Merrell-National.

Source: Final Report, Parke-Davis. Protocol 150–73. See source note, Table 26F.

There are efficacy data for the present product derived from the school study described above. In this study, influenza vaccines or diphtheria tetanus toxoid

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vaccined as a placebo were administered on December 4, 1972, and a booster to those available on January 8, 1973. A small outbreak of A2/England influenza occurred in the school during early January, detected by influenza virus recovery in 10 of 23 cases and rises in HI antibody during this period in 19 percent of the placebo control children. The outbreak, and the efficacy of the vaccine, were measured primarily by school absenteeism. Comparison was made between (1) children who received either of the two influenza vaccines, and (2) those who received a diphtheria-tetanus vaccine plus (3) a larger "control" group of children who attended another school in the same community and received no vaccine. The following is from the discussion section of the manufacturer's submission:

Average total days of absence/100 children/ 15 day observation interval (1500 child-school days) are collected below [presented here in Table 26H], for the influenza vaccinee and nonvaccinee groups respectively, as a function of observation interval. Using these values, various estimates of vaccine efficacy can be derived.

Table 26H.—*Protective Efficacy of Vaccine Evaluated on Basis of School Absenteeism*

Vaccine group (observation interval)	Total number children	Days of absence/1,500 child-days of school		
		1 and 2 [1]	3 [2]	4 and 5 [3]
X-31 plus X-37 vacinees	450	66.7	127.9	92.1
Placebo plus controls	612	61.4	192.9	91.1

[1] Nov. 8, 1972 to Dec 19, 1972.
[2] Jan. 3, 1973 to Jan 23, 1973.
[3] Jan. 24, 1973 to Apr. 7, 1973.

1. From the interval 3 data alone, one obtains (192.9–127.3)/192.9=34.0%, as the protection ratio without correction for noninfluenza associated background absenteeism.

2. Subtraction of the average, pre-Christmas absentee rates from the interval 3 data gives a protection ratio of (131.5–58.6)/131.5=55.4%, corrected for pre-Christmas absentee levels.

3. However, since background absentee rates differed significantly between the first two and last two intervals [see Table 26H], and since the latter period was closest to and continuous with the third, or epidemic interval, post-Christmas absenteeism (intervals 4 and 5) seems the most realistic backgound against which to judge the superimposed, influenza-associated, effect. Correction of the interval 3 data for the post-Christmas background yields (101.8–35.2)/101.8=65.4% as the most reasonable estimate of vaccine efficacy (against absenteeism) in this student population.

Thus, depending on the choice of background, efficacy estimates from a low of 34.0% (without correction from backgound absenteeism), to a high of 65.4% (correcting from immediately adjacent backgound absenteeism) are possible; with the latter seeming to provide the most reasonable value.

This study appears to show a protective effect of Fluogen(R) on epidemic influenza in school children. However, because school absenteeism, rather than true infection and illness rates, was used as an index of vaccine efficacy, and because the control group was diluted with a large number of children from a different school who were not true controls, the Panel considers that further efficacy trials are necessary to corroborate this finding.

Other protection data available refer to older either-split vaccines but the studies were not very well controlled (Refs. 16 and 17).

b. *Safety.*

(1) *Animals.* The vacine is said to be free of live virus and to have passed the general safety tests.

(2) *Humans.* At a time when vaccines were made from Sharples concentrated virus and when local and systemic reactogenicity posed a serious barrier to their general acceptance, ether-Tween treatement clearly reduced the number of febrile response, particularly in children (Ref. 18). More recently, further data have been submitted (Parke-Davis Protocols 150–66 and 150–73) to support the contention that febrile responses, and probably other systemic reactions as well, are less frequent following Fluogen (R) than after present zonally purified vaccines. This difference appears to be particularly clear in children. The results of Protocol 150–66, where Fluogen (R) was compared with three commercial zonally purified whole virus vaccine in healthy hospital employees are shown in Table 26I. Similar results in school children (Protocal 150–73) are shown in Table 26J.

Table 26I.—*Distribution of Subjects With a Local or Systemic Reaction 24 Hours After Vaccination*

	Number of subjects with local reaction			Number of subjects with systemic reaction		
	Yes	No	Total	Yes	No	Total
Fluogen	80	26	86	19	67	86
Whole virus	207	50	257	88	169	257
Total	267	76	343	107	236	343
Chi squared	3.7			3.9		
p	=.053			>.05		
	(1)			(2)		

[1] Not significant.
[2] Significant.
Source: See source note to Table 26D.

Table 26J.—*Distribution of Children With a Local or Systemic Reaction 24 Hours After Vaccination*

	Number of children with local reaction			Number of children with systemic reaction		
	Yes	No	Total	Yes	No	Total
Fluogen	37	83	120	14	106	120
	[1](31)			(12)		
Whole virus	55	73	128	36	92	128
	(43)			(28)		
Total	92	156	248	50	198	248
Chi squared	3.4			9.4		
p	=.065			>.01		
	(1)			(2)		

[1] Numbers in parentheses are percent showing reaction.
[2] Not significant.
[3] Significant.
Source: See source note to Table 26F.

The producer has received 45 written complaints concerning reactions for over 22.8 million doses distributed (of earlier formulations).

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review.

3. *Conclusions.* a. *Critique.* This vaccine is antigenic in individuals who have had prior experience with related influenza strains. This statement appears to hold true whether or not there is measurable preimmunization homologous HI antibody. In those without such experience, the use of this vaccine requires several doses to stimulate protective levels of HI antibody.

One study of protective efficacy has been reported for the vaccine as presently manufactured. A significant protective effect, measured in school absenteeism, was shown in children who, as a group, had responded with the development of antibody. The findings require corroboration in further efficacy trials. The Panel recognizes the difficulty of proving efficacy for influenza vaccines, particularly in interepidemic years, but such proof is clearly needed.

Evidence supports the opinion that this vaccine is less reactogenic than whole virus products.

b. *Recommendation.* (1) The total body of evidence, including that recently developed in tha national dose-response trial of A/swine vaccines, indicates that split virus vaccines are adequately antigenic in persons with appropriate prior immunologic experience. In the case of H_1N_1 and, presumably B/HK antigens, these include most school-age children and older persons. In the case of the A/swine antigen, adequate response in persons under 24 years of age requires more than one dose.

The Panel recommends that this product be placed in Category I and that the license be continued, subject to labeling which clearly indicates the necessity for more than one dose in immunologically inexperienced persons.

(2) Further efficacy trials should be designed and implemented by the manufacturer.

Influenza Virus Vaccine, Bivalent (Chromatograph and Filter Purified Subvirion Antigen) Manufactured by Wyeth Laboratories, Inc.

1. *Description.* The package circular states:

Influenza Virus Vaccine, Bivalent, (Chromatograph and Filter Purified Subvirion Antigen) Wyeth, contains the immunizing antigens of the contemporary influenza virus strains recommended by the U.S.P.H.S. . . . The vaccine virus is grown in the extraembryonic fluids of embryonated chicken eggs and then processed to final vaccine by an improved method different from the usual differential centrifugation techniques yielding whole-virion vaccines. The harvested virus is concentrated and refined by a column chromatographic procedure, retaining full antigenicity while losing large amounts of contaminating egg proteins, lipids, nucleic acids and other amorphous and cellular residues arising in the egg fluids. At the same time, addition of tri(n)butyl phosphate and Polysorbate 80 U.S.P. to the column-eluting fluids effects disruption of the virus to smaller, fully antigenic sub-unit particles. The recovered sub-virion suspension is freed of substantial portions of the disrupting agents by dialysis, and of other undesirable materials by selective filtration through membranes of controlled pore size. In the course of preparation, formaldehyde solution (no more than 1:10,000 in the final product) is used, and thimerosal, 0.01 %, is added as a preservative.

a. *Recommended use.* See generic review.

b. *Contraindications.* See generic review.

2. *Analysis.* a. *Efficacy.*

(1) *Animals.* Data obtained by the staff of the Bureau of Biologics and published in an article by D. W. Barry et al. (Ref. 10) showed clearly that the Wyeth Laboratories vaccine, in equivalent CCA content, produced lower mean antibody levels in mice than whole virus vaccines. Data subsequently submitted by Wyeth Laboratories, with the caveat that the mouse can not be equated with man, showed that the antibody response in mice (both neutralizing and HI) was slower with subvirion vaccine than with whole virus vaccine, but that antibody levels at 4 to 8 weeks, although still lower, were more nearly comparable.

(2) *Humans.* Tables 26A, 26B, and 26C (see review of Parke-Davis influenza virus vaccine) present antigenicity data from recent A/swine vaccine clinical trials. Tables 27 through 34 summarize data from earlier antigenicity studies with A and B antigens. Tables 35 and 36 summarize two studies of protection, one in young adults and one in the elderly. In addition, two studies have noted that this product stimulated neuraminidase-inhibiting antibody, and that among persons lacking prevaccination serum antibody to the hemagglutinin antigen in whole virus or subvirion vaccines, the numbers of responders to the neuraminidase antigen were comparable in each vaccine group (approximately 50 percent) (Refs. 19 and 20).

Table 27.—*Antigenicity Study by Wyeth of a TNBP Purified Bivalent Vaccine* [1]

Vaccine lot No.	Route of innoculation (0.5 ml)	Serum pairs	Virus type	Results initial GMT	Responses		
					Number	Percentage	Fold-rise
78BIV	Subcutaneous	12	A	53	11	92	7.1
00701			B	40	11	92	10.0
78BIV	Intramuscular	10	A	41	8	80	13.2
00702			B	71	10	100	15.1

[1] Study units were 400 CCA units A_1/Aichi/2/68 and 300 CCA units B/Mass/3/66 in 0.5 ml. Subjects were male and female students, 18 to 26 years of age.

Table 28.—*Results of 3 Combined Antigenicity Studies, 1 Including Controls, by Wyeth Laboratories* [1]

Vaccine lot number	Serum pairs	Antibody responses to				
		A_1/Aichi/2/68			B/Mass/3/66	
		No. and percent ≥ 4-fold rise	GMT		No. and percent ≥ 4-fold rise	GMT
			Initial titer	Rise in titer		Initial titer	Rise in titer
78BIV–005	73	71 (97)	37	35.5	67 (92)	104	21.9
78BIV–006	73	67 (92)	37	24.5	67 (92)	70	27.6
78BIV–007	85	78 (91)	53	18.1	82 (96)	98	25.6
Placebo	69	3 (4.3)	36	1.5	16 (23)	89	2.5

[1] Vaccines, dosage, and strains were as in Table 27. The population was male and female students and recruits, 17–38 years of age.

NOTE.—Figures in parenthesis are present.

V 4 5 / 7 4 A P 1 5 8 0 UMI

Table 29.—*Antigenicity Studies by Phillips et al. (Ref. 21) of a Bivalent Vaccine in Children* [1]

	Virus type	Antibody response: No. and percent ≥4-fold rises	Antibody response: GMT Pre-vaccination	Antibody response: GMT 4 weeks post-vaccination
Number of children:				
23	A	31 (94)	8.6	112.2
33	B	21 (64)	1.2	10.9

[1] The vaccine used was as in table 27, given in varying doses from 350 to 1400 CCA units. Subjects were Children 5–9 years of age.

NOTE.—Figures in parenthesis are percent.

Table 30.—*Antibody Response Elicited by Varying Doses of a Bivalent Vaccine in Adults From Studies by Ruben et al. (Refs. 22 and 23)* [1]

Number of CCA units given, virus type A/B	Route	Antibody response: Number with ≥4-fold rises to virus type A	Antibody response: Number with ≥4-fold rises to virus type B	Initial/final HI antibody titer: Virus type A	Initial/final HI antibody titer: Virus type B
40/30	Intradermal	9/9	7/9	16/167	25/239
400/300	Subcutaneous	11/14	13/14	36/247	89/1,176
400/300	Intramuscular	9/10	9/10	25/512	200/1,590
800/600	do	10/10	8/10	20/289	250/1,920
1,600/1,200	do	10/10	4/5	16/380	150/2,400
3,200/2,400	do	10/11	8/11	8/86	25/303
6,400/4,800	do	9/9	8/9	4/258	25/698

[1] The vaccine used was the same as in Table 27. The population was male and female students and recruits, 18 to 25 years of age.

Table 31.—*Comparative Antigenicity Studies in Children and Adults of a Whole Virus and Split Virus Vaccine From a Study by Barry et al. (Ref. 10)* [1]

Vaccine administered	Response of seronegative individual to: A/England 6 weeks	A/England 12 weeks	B/Mass 6 weeks	B/Mass 12 weeks	B/Hong Kong 6 weeks	B/Hong Kong 12 weeks
	Seroconversion					
Whole virus	86/100	87/100	66/84	77/84	89/169	130/169
Wyeth split	[2]15/23	[2]14/23	14/21	16/21	19/52	40/52
	Geometric mean titers (reciprocals)					
Whole virus	22.8	20.4	17.4	22.3	8.5	13.0
Wyeth split	17.0	[2]12.6	14.0	[3]13.5	6.6	13.0

[1] The vaccine used were A/England—B/Mass bivalent (700 and 300 CCA units claimed per 0.5 ml, 1,120 total measured at zero time) and B/Hong Kong (500 CCA units claimed per 0.5 ml, 785 measured at 6 weeks). The population was mentally retarded subjects 6 to 33 years old and normal adults 18 to 88 years old.

[2] p=0.05 in comparison to whole virus vaccines.

[3] p=0.01 in comparison to whole virus vaccines.

Table 32.—*Antigenicity of Bivalent Subunit Vaccines in Naval Recruits with Varying Levels of Pre-existing Antibody From a Study by Rosenbaum, Data Submitted by Wyeth* [1]

Initial titer	HI Ab increases: None	≥2-fold	≥4-fold	GM increase (fold)
A/Alchi				
<lowest dilution (<1:10)	0/30	30/30 [2](100)	28/30 [2](93)	≥0.4x
Placebo group (<1:10)	5/9	4/9	2/9	1.7x
=lowest dilution (1:10)	0/24	24/24 [2](100)	24/24 [2](100)	28.2x
Placebo group	9/16	9/16	9/16	1.8x
≥lowest dilution (≥1:97.8)	3/94	91/94 [2](97)	87/94 [2](93)	27.5x
Placebo group (<1:96.8)	25/40	15/40	1/40	1.3x
B/Mass				
≥lowest dilution (1:127.7)	3/144	141/144 [2](98)	130/144 [2](91)	90.8x
Placebo group (1:98.8)	32/67	35/67	22/67	3.5x

[1] The vaccine, dosage, and strains used were as in Table 27.

[2] Percent.

Table 33.—*Antigenicity of Whole Virus and Subunit Vaccines in Adults* [1]

	Subunit: Conversion ≥2-fold number	Subunit: Conversion ≥4-fold number	Subunit: Titer Initial	Subunit: Titer Post	Subunit: Fold-rise	Whole virus: Number	Whole virus: Conversion ≥2-fold number	Whole virus: Conversion ≥4-fold number	Whole virus: Titer Initial	Whole virus: Titer Post	Whole virus: Fold-rise
Influenza A/Alchi											
Number:											
9	8 (88.9)	7 (77.8)	<10	97.0	≥7.4	12	11 (91.7)	10 (83.3)	<10	33.6	≥6.7
6	6 (100.0)	6 (100.0)	10	179.6	17.9	3	3 (100.0)	3 (33.3)	10	31.5	3.2
18	17 (94.4)	16 (88.9)	44.9	527.8	19.2	21	19 (90.5)	12 (57.1)	46.6	195.0	4.0
33	31 (93.9)	29 (87.9)	≥18.6	210.1	≥11.2	36	33 (91.7)	23 (62.9)	≥10.9	93.3	≥4.7
Influenza B/Mass											
Number:											
13	13 (100.0)	12 (92.3)	<10	75.8	≥15.2	17	16 (94.9)	15 (88.2)	16	40.0	≥6.0
6	6 (100.0)	6 (100.0)	10	226.2	22.6	4	4 (100.0)	4 (100.0)	16	56.6	5.7
14	12 (85.7)	9 (64.3)	34.6	215.4	6.2	15	7 (46.7)	5 (33.3)	46.0	105.5	2.3
33	31 (93.9)	27 (81.8)	≥12.9	144.0	≥11.2	36	27 (75.0)	24 (66.7)	≥12.6	62.3	≥4.9

[1] The vaccines used were subunit, Wyeth lot 75, 0.5 ml intramuscularly and whole, Wyeth Sharples, 1.0 ml subcutaneously; Spring, 1971.

NOTE.—Figures in parentheses are percent.

V 45 / 74 A P 15 80 UMI

Table 34—*Antigenicity of Whole Virus and Subunit Vaccines in Adults From (Kasel, J. A., Progress Report to Bureau of Biologics)*[1]

Initial titer[2]	Lilly vaccine (whole)				Wyeth vaccine (subunit)			
	Seroconversion[3]		GM fold-rise		Seroconversion[3]		GM fold-rise	
	14 d	60 d	14 d	60 d	14 d	60 d	14 d	60 d
A$_2$/England/72								
10	39/60 (65)	43/60 (72)	7.4	10.0	30/46 (65)	30/46 (65)	11.3	10.0
10	14/15 (94)	13/15 (87)	8.8	11.1	17/25 (68)	16/25 (72)	8.2	9.2
10 (32.4)	6/22 (27)	6/22 (27)	>2.1	2.6	[30.5] 16/28 (57)	17/28 (61)	>4.7	>4.6
Total [8.6]	59/97 (61)	62/97 (64)	>5.7	>7.5	[9.2] 63/99 (64)	65/99 (66)	>6.1	>7.9
B/Mass/71								
10	47/57 (82)	46/51 (81)	7.5	2.6	28/34 (82)	25/34 (74)	7.8	6.3
10	14/18 (78)	13/18 (72)	5.2	1.7	23/32 (72)	21/32 (66)	4.8	3.8
10 (28.2)	13/22 (59)	9/22 (41)	2.9	2.1	[29.8] 14/33 (42)	9/33 (27)	2.2	2.2
Total [8.4]	74/97 (76)	68/97 (70)	5.5	4.6	[11.3] 65/99 (66)	55/99 (56)	4.4	3.8

[1] The vaccines used were 700 CCA/Eng/72 and 300 CCA B/man/71; 0.5 ml intramuscularly; 2 weeks later, 500 CCA B/HK/72.
[2] [ ] GM titer ≥ 10.
[3] No. 4 fold or ≥ rise/No. subjects (%).

Table 35.—*Protective Capacity of Whole Virus and Split Virus Vaccines Against Natural Challenge by an Epidemic of A2/Hong Kong Influenza From a Study of Ruben et al. (Ref. 24)*

Study population[1]		Clinical influenza				
Group	Number	Number observed	Number expected	Percent reduction	Significance
Unvaccinated	22,819	168			
Whole virus vaccinated	1,312	2	10	80	$p<0.05$
TNBP (split virus) vaccinated	1,791	5	13	54	$p=0.05$
All vaccines	3,103	8	23	65	$p>0.01$

[1] The Study population was students, age 17 to 22 years. It is clear that when those individuals who received the whole virus (conventional) vaccine are removed from consideration, the protective effect of TNBP vaccine is only marginally significant.

Table 36.—*Protective Capacity of a Bivalent Vaccine in an Elderly Population Against Natural Challenge by an Epidemic of A/England/72 Influenza From a Study by Ruben et al. (Ref. 25)*

	Number of cases	Cases of influenza in		Attack rate, percent[3]	
		Vaccinees[2]	Nonvaccinees	Vaccinees	Nonvaccinees
Floor of home:[1]					
1	7	4 (2)	3 (0)	11	12
2	9	4 (0)	5 (2)	9	15
3	15	5 (3)	7 (1)	14	24
5	25	20 (2)	5 (2)	31	24
All	56	35 (7)	20 (5)	18	19
4	52	2 (1)	50 (9)	67	59

[1] Fourth floor not included in study. Since, through error, vaccine, was administered to only a small number of patients on that floor.
[2] Number in parentheses indicates number from whom influenza virus recovered.
[3] The number of days of fever (had no other symptoms) was significantly reduced ($p < 0.001$) in vaccinees as compared to controls, whether or not influenza.

The data in the studies cited indicate that this subunit or split-virus vaccine is adequately antigenic in persons with prior experience with influenza antigens or related antigens in the vaccine. As with the Parke-Davis vaccine, persons without such prior immunologic experience appear to require more than a single dose.

b. *Safety.* (1) *Animals.* Tests meet requirements; no data were presented.

(2) *Humans.* Several lots of Wyeth Laboratories vaccine as presently produced have been tested at the standard dose level, and at least one vaccine has been tested at a level of 6,400 CCA units of A and 4,800 CCA units of B. All these tests have shown an acceptably low (10 percent) rate of local and systemic reactions in adults. In a comparative trial of commercial vaccines by Barry et al. (Ref. 11), the Wyeth Laboratories product was demonstrated to produce a rate of local and systemic reactions similar to that of whole virus vaccines. Phillips et al. (Ref. 20) noted no local or systemic reactions in 33 children aged 5 to 9 years given varying intramuscular doses (0.25 ml, 0.5 ml, 1.0 ml) of bivalent vaccine containing 700 CCA units of antigen in 0.5 ml.

No severe reactions were reported in an addendum to the inital submission. Avian leukosis viruses have been tested for by the COFAL test.

Considerable information on the safety of Polysorbate 80 is included in the material from the Bureau of Biologics

c. *Benefit/risk.* See generic review.

d. *Labeling.* See generic review.

3. *Conclusions.* a. *Critique.* This vaccine has many characteristics in common with another subunit vaccine produced by Parke, Davis & Co. Antigenicity in seropositive subjects is adequate; the predominance of evidence indicates antigenicity comparable to that of whole virus vaccines in seronegative subjects. Most of the latter have been adults. A study conducted by the Bureau concluded that individuals without previous exposure to influenza virus or with low preinoculation antibody titers responded significantly less will to this vaccine than to licensed whole virus vaccines. A number of the subjects in this study were children.

Because this product has been used for fewer years than whole virus vaccines, field experience and controlled studies coincident with natural challenge are limited. Although several efficacy trials have been completed, this vaccine has not yet been shown clearly to protect against disease. In one instance a marginally significant degree of protection against a homologous strain was shown, and in the other fever was shortened but illness not prevented by vaccine against a related but heterologous strain. It should be pointed out, however, that in the first study the attack rate was less than 1 percent, and in the second elderly subjects were studied, for whom there are few comparable data available for zonally purified whole virus vaccines. Thus, assumption of efficacy is largely based on the antigenicity of the vaccine.

b. *Recommendations.* (1) The total body of evidence, including that recently developed in the national dose-response trial of A/swine vaccines, indicates that split-virus vaccines are adequately antigenic in persons with appropriate prior immunologic experience. In the case of H_0N_2, and presumably B/HK antigens, these include most school-age children and older persons. In the case of the A/swine antigen, adequate response in persons under 24 years of age requires more than one dose.

The Panel recommends that this product be placed in Category I and that the license be continued, subject to labeling which clearly indicates the necessity for more than one dose under certain circumstances.

(2) Further efficacy trials should be designed and implemented by the manufacturer.

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Review of Adenovirus Vaccines

Adenovirus Vaccine Manufactured by Parke, Davis & Co.

1. *Description.* Two adenovirus vaccines were at one time marketed by Parke, Davis and Company: (1) a bivalent vaccine containing adenovirus Types 3 and 7; and (2) a trivalent vaccine containing Types 3, 4, and 7. Neither has been produced for many years, although both are still licensed (the manufacturer makes the comment that "this product formulation has not been marketed for many years"). Most of the comments in this review apply equally to the bivalent and trivalent vaccines.

The manufacturer's description of the bivalent vaccine is as follows:

Adenovirus Vaccine is an aqueous combination of inactivated adenoviruses, types 3 and 7, combined in approximately equal proportions. The viruses are propagated in tissue cultures of monkey kidney cells in a special nutrient medium (Synthetic Mixture No. 199). Inactivation of the viruses is accomplished by treatment with formaldehyde under controlled conditions, supplemented with ultraviolet irradiation and betapropiolactone. Phermerol (benzethonium chloride, Parke, Davis and Company) 1:40,000, is included as a preservative.

Further description of the bivalent vaccine is provided, but it does not

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include any details on the manufacturing method. The basis for selection of the virus strain, and the methods for clarification or purification of the virus, for testing of preinactivation infectivity and potency testing are not given.

a. *Recommended use.* These vaccines, according to the package insert, are for prophylaxis of infection produced by adenoviruses Types 3 and 7, and a single injection of 1.0 cm ^{3}, administered intramuscularly or subcutaneously, is recommended for adults. The dosage for children has not yet been established, nor has the need for booster injections been determined.

b. *Contraindications.* The package insert states: "It is recommended that immunization be deferred in the presence of cerebral damage, active infections, or acute respiratory disease."

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* No data concerning tests of this product in animals were submitted. The literature records that the antigenicity of experimental adenovirus vaccines in guinea pigs is low (Ref. 1). Potency tests are required under 21 CFR 630.24. These necessitate testing each lot in comparison to a standard National Institutes of Health (Bureau of Biologics) vaccine and measuring the neutralizing antibody response. The animal(s) to be used in these tests is not specified.

(2) *Humans.* Data on the antigenicity in man of two bivalent lots and five trivalent lots were submitted and are summarized in Table 37.

Table 37.—*Antigenicity in Man of Bivalent and Trivalent Adenovirus Vaccines* [1]*, Parke, Davis & Co.*

		Serological response to vaccine								
		Number of persons with								
		Preimmunization titer > 1:4			Postimmunization titer > 1:4			Percent of persons responding		
Clinical protocol	Vaccine lot	Type 3	Type 4	Type 7	Type 3	Type 4	Type 7	Type 3	Type 4	Type 7
				Bivalent vaccines						
371–1	024090	45		72	45		62	100		92
371–2	40184	7		15	7		14	100		93
				Trivalent vaccines						
324	081291	17	30	26	16	26	24	94	87	92
	080446	23	30	29	22	26	23	96	87	79
371	8000877	24	30	10	19	16	7	79	60	70
	8000876	22	20	11	16	11	11	73	55	100
381	8000896	10	15	20	10	14	16	100	93	80
Total		148	125	183	135	95	157			
Percent								91	76	86

[1] Bivalent = type 3 and type 7 vaccine. Trivalent = type 3, 4 and 7 vaccine.

Protection data for the Parke, Davis & Co. product were not presented in the original submission, but were extensively reviewed by Parke, Davis & Co. representatives at the meeting of the review panel on April 2–3, 1974. The references cited are numerous. One concerns a hexavalent (Types 1, 2, 3, 4, 5, 7) Parke-Davis vaccine administered to 104 children, which was "moderately" antigenic; there was no change in the number and severity of respiratory illnesses in the year following vaccination as compared to the preceding year (Ref. 2).

In another trial, varying doses of what appears to have been the same vaccine induced greater than two-fold antibody responses in from 7 percent to 76 percent of 63 allergic children, 7 to 12 years of age, depending on dose and serotype. Protective efficacy of the vaccine was not reported (Ref. 3).

Gundelfinger, et al. (Ref. 4) studied a trivalent Parke-Davis vaccine in naval recruits. Twenty percent of the group received vaccine 3 to 5 days after arrival at the basic training installation. Rises in antibody to the vaccine viruses were found in 50 to 70 percent of the vaccines; adenovirus infections were, however, frequent in this population. The rate of reduction of febrile or hospitalized respiratory disease in vaccinees during the third to ninth weeks was calculated by the authors to be 65 percent. In addition, the rate of clinical viral pneumonia in the vaccinated population (0.04/1,000/week) was not significantly different from that in the control population (0.3/1,000/week, $p>0.1$).

Experience similar to this in other military studies has been reported many times with inactivated adenovirus vaccine, with protection rates as high as 90 percent for a Parke-Davis product (Ref. 5). The early studies, summarized by Hilleman suggest that the success of the vaccine depends to a large extent on its potency (Ref. 6).

Studies in the military are, because of the very nature of these groups, short-term, and no efficacy studies in adult civilian populations, or in military recruits, have been conducted over prolonged time periods.

b. *Safety.*

(1) *Animals.* Federal regulations outline the extensive testing required in animals in order to detect possible extraneous agents in adenovirus vaccines. These tests include the following examinations on the inactivated product: inoculation of tissue cultures, with subculturing for detection of SV–40; intracerebral inoculation of mice for lymphocytic choriomeningitis (LCM) land other mouse pathogens; tests (not specified) for *Herpes simiae* virus (B virus) and *M. tuberculosis*; identity tests; tests for live adenovirus; and monkey neurovirulence tests. The marketed vaccine has passed these tests.

The early lots of vaccine undoubtedly contained abundant SV–40 genetic material and, in some instances, low levels of infectious SV–40, since the component vaccine viruses were grown in primary rhesus monkey kidney cells. No comment on this contamination by an adventitious agent was made by the manufacturer in the original submission, but the problem was addressed in a presentation at the meeting of April 2–3, 1974, and changes which would eliminate the SV–40 problem were proposed in the manufacturing precedure.

(2) *Humans.* The vaccine produces few and mild local and systemic reactions. The manufacturer also submitted data on febrile reactions, and the extent of these is acceptable.

The major concern about adenovirus vaccines has been because of the possible oncogenicity for man of both the adenovirus and the SV–40 components. However, the inactivation methods in current use are adequate to eliminate the tumorigenicity of both adenovirus and SV–40 for hamsters, and, in addition, an extensive search failed to implicate adenoviruses in human cancer (Ref. 7). However, there is a lingering sense of uncertainity in the minds of many concerning the potential capacity of an adenovirus vaccine to produce tumors in man, whether or not it contains SV–40, and this uncertainty must enter the benefit-risk ratio in some form.

The marketing data submitted stated some millions of doses of vaccine were sold between 1957 and 1964, and no major untoward reactions were reported.

c. *Benefit/risk.* The possible benefits of any adenovirus vaccine to the civilian population have never been demonstrated. The Panel found the presentation of the Parke-Davis group in this regard, and in particular there cost-benefit analysis, to be unconvincing. Indeed, there are statements in the literature which clearly express the view that adenovirus vaccines are not of value. Thus, Hilleman et al (Ref. 8) state that:

> * * * adult civilian groups, including families, university students, university employees, and selected cases of acute respiratory illness from hospitals or private practice, have shown very low attack rates for adenovirus-caused respiratory disease. Based on current information therefore general use of the [adenovirus] vaccine among such persons is not warranted and cannot be justified.

A similar conclusion comes from Jordan (Ref. 9):

> While the efficacy and desirability of administering adenovirus vaccine to military recruits has been established, the evidence cited indicates that such immunization of civilian populations, including university students and older adults, is not warranted.

The statement is made in the Parke-Davis submission that:

> Unregimented civilians are not ideal study groups and extended and detailed observations are required if the adenovirus contribution to the general etiology of respiratory illness is to be properly assessed. In spite of these logistic problems, a number of studies have been reported which attest to the ubiquity of adenovirus associated disease. While the figures from each of these reports can be considered valid only for the age group and geographical area studied, the epidemiological outline is clear. Five percent or more of significant civilian respiratory disease (increasing to perhaps 10 percent of children) can be attributed to endemic adenovirus infection with types 3 and 7.

Against this stands Brandt's huge survey among children in the Washington, DC area (Ref. 10) which showed that adenoviruses Types 3 and 7, respectively, were recovered from only 1.3 percent and 0.4 percent of 11,490 children with respiratory disease and 0.4 percent and 0.2 percent of 6,606 matched controls and that, of nearly 1,800 adenovirus isolates, the most numerous were Type 1 (26.3 percent) and Type 2 (34.5 percent), Type 5 (10.6 percent) followed by Type 3 (10 percent) and Type 7 (3.3 percent). Admittedly, virus recovery does not identify all actual infections, but it seems doubtful that the proportion of respiratory illness in children is as high as 10 percent. Indeed, using both virus recovery and antibody response, only 5.5 percent of respiratory illness in hospitalized children could be associated with all adenovirus types.

The recent report of Monto and Ullman (Ref. 11) was quoted extensively by the manufacturer to back his contention that adenoviruses (presumably, according to his argument, of the types included in the vaccine) cause 4.5 percent of respiratory illness in a community. The report, however, states that adenoviruses, all types, constituted 4.5 percent of specific agents isolated from respiratory illnesses. A viral or potentially pathogenic bacterial isolate was recovered from 24.9 percent of specimens. Thus, in the study cited, adenoviruses, including types not in the vaccine, were associated with about 1 percent of acute respiratory illnesses. This qualification makes the manufacturer's argument concerning the medical and economic need for his vaccine less than convincing.

Because of these considerations, it seems apparent that the benefits of a bivalent or trivalent adenovirus vaccine are very small or nonexistent. The risk may also be small, but it should be pointed out that the manufacturer's proposal for producing vaccines free of SV–40 and SV–40 genetic material have not been subjected to actual practical experience in either production or clinical testing. The label and package inserts are factually correct. Nevertheless, the experience quoted is that of early military trials, and hence the benefits implied are greater than those to be expected with the vaccine as used in the general population.

3. *Conclusions.*

a. *Critique.* The points at issue are:

(1) The presence of SV–40 and SV–40 genetic material in the vaccine as originally licensed during the period before SV–40 virus was discovered (the manufacturing process covered by the current license would not eliminate the presence of SV–40 genetic material);

(2) The untested feasibility of producing, by the manufacturer's proposed methods, vaccines free of SV–40 and SV–40 genetic material;

(3) The 10-year period since the last production;

(4) The lack of evidence of efficacy in the populations for which the vaccine is recommended by the manufacturer, namely civilian adults;

(5) The lack of efficacy data for any proposed "pediatric" formulation;

(6) The lack of data on the duration of protective effect;

(7) The doubtful need for a vaccine to prevent a very small (apparently less than 1 percent) proportion of respiratory disease;

(8) Because of (1), (2), and (6) above, the benefit/risk ratio is low or incalculable;

(9) The availability of live, orally administered vaccine for use in military populations.

b. *Recommendation.* Because of the issues raised in the critique above, the Panel believes that, based on considerations of effectiveness and need, the only justifiable use for such products would be for the prevention of respiratory disease in military recruit populations. Questions regarding the safety of these products, and the availability of other means for the control of adenovirus disease in such populations, weigh heavily against licensure even for such limited use.

The Panel recommends that this product be placed in Category II and that appropriate license(s) be revoked because there are compelling reasons to assume a lack of safety or effectiveness and an unsatisfactory benefit-risk ratio for this product.

Adenovirus and Influenza Virus Vaccine, Combined Manufactured by Parke, Davis & Co.

1. *Description.* According to the manufacturer's package insert:

Resprogen is a multivalent vaccine designed to immunize against both epidemic influenza and the more common adenovirus infections.

This vaccine is a sterile combination in 0.85 percent sodium chloride of two products adsorbed on an optimum amount (3.5 mg. per 1 cc. dose) of aluminum phosphate: Influenza Virus Vaccine, Polyvalent and Adenovirus Vaccine, Types 3 and 7. The color may vary from buff to a definite pink due to the residual organic indicator contained in the adenovirus vaccine component which is not entirely removed in the adsorption process.

Each 1.0 cc. contains the following strains of influenza virus propagated in developing chick embryos, concentrated and refined by ultracentrifugation and inactivated by ultraviolet irradiation:

Influenza Virus

Type	Strain	Conc. per ml.
A	PR 8	[1] 100 CCA
A1	Ann Arbor/1/57	100 CCA
A2	Japan/170/62 [2]	200 CCA
B	Maryland/1/59	200 CCA
Total		600 CCA

[1] Chicken Cell Agglutinating Units.

[2] Asian Strain.

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Each 1.0 cc. also contains adenoviruses types 3 and 7, in approximately equal antigenic proportions, which have been propagated in monkey kidney tissue cultures and inactivated with a combination of treatment with formaldehyde, ultraviolet irradiation and beta-propiolactone, as required. Thimerosal (mercury derivative), 0.01 percent, is used as a preservative. The combined vaccine meets all requirements of the National Institutes of Health as to safety and potency for both Influenza Virus Vaccine and Adenovirus Vaccine.

It is clear that the influenza virus component of the vaccine is made by an early protocol, according to which only modest efforts at purification were made. Details are not supplied.

a. *Recommended use.* As stated in the package insert, the objective of the vaccine is: "To immunize against both epidemic influenza and the more common adenovirus infections."

The package insert states that the recommended dose for adults 16 years of age and over is two intramuscular injections of 1.0 cm^3 each, given at least 2 months apart. "The dosage in children has not been firmly established." In individuals who have completed an immunizing course of injections, an annual booster dose is recommended prior to November 1.

b. *Contraindications* (as stated in the package insert).

When there is a history of allergy to egg proteins, chicken feathers or chicken dander, the use of products prepared from embryonic fluid of chicken eggs is contraindicated.

Resprogen contains small amounts of streptomycin used in culturing the adenovirus. During the adsorption process most of the antibiotic content is removed. However, consideration should be given to the possibility of allergic reactions in individuals sensitive to this antibiotic, and they should be tested for sensitivity where this possibility exists.

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* See adenovirus vaccine review above.

(2) *Humans.* The data supplied imply that the antibody response to the adenovirus component of the vaccine is the same as for that component alone (see adenovirus vaccine review). However, because the antibody elicited is measured in terms of percent conversion from <1:4 to >1:4, the degree of response cannot be compared. Similarly, the data supplied on response to the influenza virus component are not sufficient to judge the adequacy of the product (percent of vaccine recipients showing seroconversion from <1:5 to >1:5).

A report by Cox et al. (Ref. 12) records antibody responses engendered by several different adenovirus vaccines. The antigenicity of these several vaccines in terms of the seroconversion rate is summarized in Table 38.

Table 38.—*Seroconversion Rates (Neutralizing Antibody) Effected by 3 Different Adenovirus Vaccines Study of Cox et al. (Ref. 12)*

Adenovirus type	Seroconversion rate, percent, at 2 weeks postvaccination—Vaccine[1]			
	No. 1	No. 2	No. 3	Placebo
3	100	82	95	44
4	93	52	52	19
7	78	62	87	24

[1] Vaccine No. 1: Adenovirus types 3, 4, and 7. No. 2: Adenovirus types 3, 4, and 7 plus PR8, PR301, several influenza A viruses, and Great Lakes and Lee influenza B virus. No. 3: Same as vaccine 2, with aluminum phosphate adjuvant added. Vaccines were administered in 1.0 ml doses at 0, 16, and 52 weeks.

No controlled clinical trials for determining the capacity of such vaccines to protect against adenovirus disease have been reported.

Evidence for a protective effect conferred by the combined product is scanty. The literature contains only one study where a Parke-Davis manufactured adenovirus-influenza combination was tested for efficacy (Ref. 13). In this study the reduction in cases of influenza after immunization was similar between the groups receiving influenza vaccine alone, adeno-influenza vaccine or receiving adeno-influenza-para-influenza vaccine. However, statistical significance ($p=0.05$) in the reduction of morbidity was evident only when all three groups were combined (reduction 79 percent).

A mineral oil-arlacel adjuvant combined adenoinfluenza vaccine was found highly protective against both influenza and adenovirus disease in a military population (Ref. 14). Similarly, influenza and adenovirus vaccines administered simultaneously but as separate preparations have been shown to protect against both viruses, although in those studies only the influenza component was made by Parke, Davis and Company (Refs. 15 and 16).

b. *Safety.*

(1) *Animals.* See adenovirus vaccine review.

(2) *Humans.* See adenovirus vaccine review.

The reaction rates to this vaccine are higher than those quoted for adenovirus vaccine alone and are consistent with those seen in earlier years with less highly purified influenza vaccines. Thus, in one study, after a primary injection 28 percent noted local induration and/or erythema, 2 percent systemic reaction only, and 1 percent both. After a booster dose, 33 percent showed a local reaction, 11 percent fever and 7 percent both. In another study almost 50 percent noted a rise in temperature of more than 1° F at 24 hours.

The manufacturer's marketing experience states that several million doses were given in 1959–1965. "Very few complaints of reactivity, local or systemic, were received," but files have been discarded.

c. *Benefit/risk.* See adenovirus vaccine review.

d. *Labeling.* See adenovirus vaccine review. The labeling for the influenza component is not appropriate in the light of current standards.

3. *Conclusions.*

a. *Critique.* The same comments apply here as apply to the adenovirus vaccine. In addition, the influenza virus component has been produced by older methods, and some efficacy and antigenicity studies would be necessary with the combined product if the newer methods were used. It is doubtful, however, that this combined vaccine has any role in civilian medical practice, and its role in the military would be exceedingly limited, for the following reasons:

(1) The combination is not rational.

(i) Adenoviruses do not change in antigenic character.

(ii) Influenza viruses do change and would have to be changed with each substantial antigenic shift in the wild virus.

(2) The composition is inappropriate.

(i) Adenovirus types other than 3, 4, and 7 produce most of the infections and illnesses in civilian populations, particularly in infants and children.

(ii) Influenza antigens are deficient in amount by a factor of 5 to 10.

(3) The recommended usage is contradictory.

(i) Apart from military populations, and perhaps very few civilian groups, the target population for adenovirus vaccine is considered to be young children.

(ii) The target population for influenza vaccine is composed of adults, particularly those at high risk by reason of age or disease.

(4) The vaccine has not been made for some years.

(b) *Recommendation.* The Panel recommends that this product be placed in Category II and that appropriate license(s) be revoked because there are compelling reasons to assume a lack of safety or effectiveness and an unsatisfactory benefit-risk ratio for this product.

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Review of Rabies Vaccine

Rabies Vaccine (Duck Embryo), Dried Killed Virus Manufactured by Eli Lilly & Co.

1. *Description.* The vaccine is a dried suspension of duck embryo tissue infected with fixed rabies virus, which is inactivated with beta-propiolactone; 1:10,000 merthiolate is used as a preservative. The claim is made that the vaccine contains little or none of the "paralytic factor" (presumably myelin) responsible for posttreatment paralysis associated with vaccine of central nervous system origin. The vaccine is stated to meet potency requirements as measured by the National Institutes of Health mouse potency test, and to induce antibodies detectable by the 10th (often) to the 15th day (nearly always) after initiation of the standard series of 14 daily doses.

a. *Recommended use.*

(1) *Risk.* The risk of fatal disease is a compelling basis for use. The argument against giving rabies vaccine unless actual exposure has occurred relates to posttreatment paralysis, which is said to be minimal with duck embryo vaccine. While the bite of an animal known to be rabid results in approximately a 40 percent risk of rabies, little or no risk follows unless there has been an actual lesion or abrasion made by the animal.

Current ACIP procedures for postexposure prophylaxis are recommended, including the prescribed use of antiserum or human antirabies immunoglobulin.

Since there is a suppressive effect of antibody on active response to vaccine, it is recommended that additional doses of vaccine be given at 10 and 20 days after the last usual dose of the series in order to counteract this effect.

Consultation with local health officials about the prevalence of rabies in a given region is advisable before any decision to use vaccine is made. Preexposure immunization is recommended for specified high risk groups.

(2) *Local treatment.* The recommendations of the WHO should be followed, including, if antibody is to be given, infiltration of antiserum or immune globulin around the site of the bite-wound.

(3) *Prognosis.* It has been suggested that postexposure vaccination is most likely to be effective when the incubation period is expected to be more than 3 or 4 weeks; this interval is usually estimated on the basis of the severity and location of the lesion.

With severe exposure, shorter incubation is expected and vaccine failure is more likely, but by no means certain, and hence prompt initiation of therapy is considered essential.

(4) *Dosage and administration.*

(i) *Postexposure.* the minimum course consists of 14 inoculations over a 14-day period. The vaccine is administered subcutaneously over the abdomen; alternate slides are injected each day and a different site used for each dose. A site previously employed for another vaccine or toxoid should not be used.

Because reactions to the vaccine are minimal, and early development of antibody is important, it is suggested that vaccination be inititated promptly in cases of bites to the head, neck, or arm inflicted by a healthy appearing animal (rather than withholding vaccine for up to 10 days if the animal remains healthy) and discontinue administration after 5 days if the animal is still healthy, pending further observation.

In the cases of bites by wild animals (risk of rabies is higher and incubation period may be short), the suggested regiment involves 2 doses of vaccine each day for 7 days and then 7 single daily doses (total 21 doses). Also, the ACIP recommends that if antibody is used, supplemental doses of vaccine should be given at 10 and 20 days after the last dose of the course.

(ii) *Preexposure immunization.* Two equally effective regimens are described: (1) four doses of 1 ml each, three at weekly intervals and the fourth 5 or 6 months later; (2) three doses of 1 ml each, the second after 1 month and the last 7 months later. Either regimen should elicit demonstrable neutralizing antibody levels in over 80 percent of subjects one month after the final dose. While antibody persistence and the frequency with which booster inoculations are required are not known, it is suggested that persistence of immunity could be assured by periodic (every year or two) 1 ml boosters.

Since an antibody response is not consistently induced, the antibody titer must be determined after a course of

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vaccine; (appropriate serum specimens may be sent to the CDC via the local health agency). If no antibody is found, additional doses of vaccine should be given until a response is elicited.

Should mild exposure subsequently occur in persons who do develop antibody, only a single 1 ml booster dose of vaccine is needed. Following severe exposure, five daily doses of vaccine and a booster dose 20 days later should be given.

b. *Contraindications.*

(1) *Precautions.* Use of this vaccine should be avoided in individuals with a history of allergy to chicken or duck eggs or proteins.

The use of steroids postexposure is to be avoided, as these may lower resistance to infection and suppress the antibody response, thereby possibly causing an apprent vaccine failure.

Pregnancy is no contraindication if exposure conditions dictate use of the vaccine.

(2) *Adverse reactions.* Local reactions are common, and later injections in the series may cause flare up in the sites of earlier inoculations; however, these are less frequent and less severe than those associated with nerve tissue vaccine (NTV), a product no longer licensed for manufacture in the United States.

Because the vaccine is a foreign protein, systemic sensitivity to its components may be encountered. Urticaria, respiratory distress (with dyspnea and bronchospasm), abdominal cramps, and nausea have occurred and anaphylactic reactions have been reported. Epinephrine may be helpful in such situations.

Constitutional reactions to the vaccine are difficult to evaluate (patients tend to be apprehensive), but the development of fever, malaise and drowsiness calls for careful observation. Minor neurologic reactions (headache, photophobia, paresthesias, and fatigability) have been reported and major reactions (transverse myelitis, cranial or perepheral palsy, and encephalitis) have been reported rarely. Vaccination should be discontinued if neurologic symptoms develop.

2. *Analysis.*—a. *Efficacy and safety.* The 1972 report of the ACIP states that in the United States, comparative effectiveness can be judged only by reported failures. During 1957 to 1971, there were 6 failures in 125,000 persons treated with NTV for a failure rate of 1:20,800, compared with 12 failures in 310,000 individuals given duck embryo vaccine (DEV) or a failure rate of 1:25,800.

Since these failure rates are not appreciably different, DEV is preferable because of its greater safety.

(1) *Recommendations from the medical literature.* Greenberg and Childress (Ref. 1) reported on 123 persons given DEV and 127 given NTV (Semple type). Duck embryo vaccine induced an earlier antibody response and no CNS reactions as compared with two cases of encephalomyelitis in the NTV group. Both vaccines proved effective boosters in previously immunized individuals. Their findings support the replacement of NTV by DEV.

Powell and Culbertson (Ref. 2) found that DEV protected rabbits against challenge with virus and, in man, induced antibody which neutralized both fixed and street virus.

Rubin et al. (Ref. 3) reviewed retrospectively adverse reactions to DEV used in the United States. Between 1958 and 1971, 424,000 persons had received courses of DEV. A fatal encephalitis developed in two of these, almost certainly rabies in each case, but there was insufficient diagnostic information to be certain. A nonfatal encephalopathy appeared in two others, transverse myelitis in four and cranial and/or peripheral neuropathy, reversible with (steroid) treatment, in five. Thus no fatalities could be attributed with certainty to the DEV, and major neurologic disease was rare and, in general, reversible.

In the same survey, Rubin et al. (Ref. 3) reported 22 instances of anaphylaxis, more than half of which could not be predicted even in retrospect from a history of allergy, etc. However, they noted that prior to their rabies immunization, some of these individuals had received several vaccines containing agents grown in avian tissues.

These authors also reported on a prospective study on the postexposure treatment of 116 individuals and recorded local discomfort in 100 percent of instances, constitutional symptoms during therapy in 33 percent, and anaphylaxis in 0.9 percent. They noted that the figure of 0.5–0.9 percent anaphylaxis is significant, inasmuch as the rate of anaphylaxis associated with administration of penicillin is 0.015–0.4 percent.

Tierkel and Sikes (Ref. 4) reported that giving DEV in a three dose regimen (0, 1, and 8 months) induced antibody in 90 percent of their volunteers.

(2) *Potency testing.* The official United States test for the potency of rabies vaccine is the National Institutes of Health mouse potency test (Ref. 5). Each production lot is compared with the United States reference rabies vaccine and must show a potency ratio of at least 0.3 times this reference standard in order to obtain approval for release by the Bureau. Manufacturing records indicate a rejection rate (failure of potency) of from 3 percent to 10 percent of lots, depending on which reference vaccine was used.

b. *Safety.* See Efficacy above.

c. *Benefit/risk.* The gravity of rabies is such that any vaccine which possesses a fair measure of efficacy, and is virtually nonlethal itself, warrants a favorable ratio.

d. *Labeling.* This should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the **Federal Register** of April 7, 1975 (40 FR 15392) and to updated recommendations of ACIP. The hazard of anaphylaxis should be stressed since this is the most prominent potential reaction to DEV.

3. *Conclusions.*—a. *Critique.* (1) *Efficacy aspects.* Duck embryo vaccine is the only rabies vaccine now available. For obvious reasons, no trails of true efficacy are possible (prevention of rabies by either postexposure therapy or preexposure prophylactic immunization) so that one must rely on ability to induce neutralizing antibody in man as an index of efficacy.

The Advisory Committee on Immunization Practices recommendations urge that rabies antibody be used in postexposure prophylaxis; such administration of immune serum or human rabies immune globulin inhibits an active immune response by the patient. Experience suggests that such inhibition is especially marked with DEV (Refs. 6 and 7).

While there are data indicating that supplementary doses of vaccine 10 and 20 days later (the so called 16-dose course) are adequate to induce an active response after HRIB (Ref. 8), more recent data (Ref. 9) indicate that reliable induction of active response after HRIG requires a 23-dose course of DEV (daily for 21 days and again after 10 and 20 more days). Still more recent data from the CDC, presented to the Panel in June of 1974, indicated that satisfactory response was achieved more reliably in children under age 16 than in adults.

The relative safety of DEV as compared with NTV (see next section) made it possible to consider its use for preexposure immunization in high risk populations. The responses elicited with the regimens recommended are hardly satisfactory and further testify to the inadequate potency of DEV.

(2) *Safety aspects.* Duck embryo vaccine consists of crude embryo extracts containing beta-propriolactone (BPL) inactivated rabies virus. On a comparative basis, it is clearly safer

with respect to allergic CNS sequellae than is NTV. This is supported by data from animal studies and by experience in man.

However, DEV still leaves much to be desired. First, it is not completely devoid of the so-called paralytic factor; second, it contains an abundance of extraneous foreign protein with a demonstrated capability for inducing a variety of allergic reactions; and third, an effort should be made to detect and eliminate (if present) extraneous microorganisms, including avian reticuloendotheliosis viruses that may be present in duck cell substrates. Treatment with BPL plus merthiolate renders any such agents nonviable, but undesirable residual genetic viral material, if present, may persist.

Clearly, there is a need for a new product, one free of extraneous agents and with a greatly reduced proportion of extraneous protein. It is hoped that one of the cell culture vaccines still under study may resolve this situation.

Two such cell-culture vaccines were being studied at the time this report was prepared. Work has stopped on one, a vaccine utilizing virus grown in a baby hamster kidney cell line (BHK), which had excellent antigenic potency and apparent postexposure efficacy in rhesus monkeys (Ref. 10). It has the major theoretical drawback of derivation from a cell line rather than a cell strain or primary cell cultures.

The second tissue culture vaccine, using diploid WI–38 cells for viral propagation, has excellent antigenic potency and exceeds that of DEV by at least a factor of five, in addition to being a much cleaner product. However, recent unpublished data indicate that when it is used for long postchallenge protection of monkeys in an experiment similar to that with the BHK vaccine above, no certain protective effect could be shown (Ref. 13). Very recent preliminary data suggest that it can be used effectively in conjunction with antibody. This vaccine also has been tested on man for preexposure immunization; a three-dose regimen (0, 7, 21 days) induced response in 100 percent of vaccines with antibody levels 10-fold higher than induced by an optimal (0, 1, 6 months) regimen of DEV.

It should be noted that the immunologic phenomena involved in both protection against, and the pathogensis of, rabies are only poorly understood. In particular, recent work with rabies-related rhabdo-viruses and with rabies virus itself has yielded results which are contrary to what might be expected on the basis of classical concepts of immunity and which require further fundamental studies for adequate explanation (Refs. 11 and 12). As examples, immunosuppressed animals (mice) survive longer after challenge inoculation than do normal animals; delayed postchallenge administration of antibody to either immunosuppressed or to normal animals accelerates a lethal outcome; and animals immunized with rabies-related viruses (Lagos bat virus or Mokola virus) develop "neutralizing" antibodies to rabies virsus but are not only not protected against challenge with rabies virus but also die earlier than do controls (Refs. 10 and 11). Along this same line is the early death phenomenon noted by Sikes and other workers and illustrated by data on the postchallenge use of DEV in the mouse foot-pad model; not only did DEV fail to protect mice but the treated animals died earlier (significantly so) than did the untreated controls (Ref. 13).

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. Every effort should be made to encourage the development of a better vaccine. However, DEV should be reviewed again when (and if) a new product is licensed. Furthermore, this generic product should be reviewed frequently as new information about rabies immunity and pathogenesis is developed in animal model systems. Basic research in these areas is obviously required in view of the uncertain basis for presently recommended procedures for immunoprophylaxis.

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Review of Yellow Fever Vaccine

Yellow Fever Vaccine Manufactured by Merrell-National Laboratories, Division of Richardson-Merrell Inc.

1. *Description.* This is the only yellow fever vaccine licensed in the United States. According to the package insert, it is prepared by growing the 17D strain of yellow fever virus in living chick embryos. The vaccine is frozen, dried, and hermetically sealed under nitrogen in glass ampoules. No preservative is added. The product is a 75-percent suspension of embryos (by weight) in distilled water and is to be reconstituted in five volumes of diluent immediately before use.

The vaccine satisfies the potency and other requirements of the Public Health Service (PHS) and the World Health Organization (WHO).

a. *Recommended use.* (1) *Indications.* The vaccine provides active immunity against yellow fever for travelers visiting countries requiring a certificate of vaccination against this disease. Immunization is required of all individuals over 6 months of age.

(2) *Administration and dosage.* Rehydrate the contents of the ampoule

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with the diluent provided, as directed. Shake well, withdraw the contents, and administer 0.5 ml subcutaneously (the dosage is the same for adults and children).

Immunity develops by the seventh day and lasts for many years, but revaccination is required after a lapse of 10 years.

(3) *Special note.* The vaccine retains its potency for at least 12 months if kept in the freezing compartment of a refrigerator. After reconstitution, it should be kept cool and used within 60 minutes. Yellow fever vaccine is available only at officially designated Yellow Fever Vaccination Centers, which are authorized to issue valid certificates of vaccination.

Production and distribution of the vaccine is under the strict control of WHO and PHS.

b. *Contraindications.* Proved or known sensitivity to egg or chick embryo protein is generally a contraindication. Except in high risk areas, pregnant women and infants under 6 months of age should not be vaccinated.

Abnormal immune states (leukemia, lymphoma, generalized malignanacy, and lowered resistance from therapy with steroids, antimetabolites, and radiation) may potentiate vaccine virus infection, and thus consittute a contraindication to vaccination.

(1) *Precautions.* If hypersensitivity to egg proteins is suspected, a skin test should be done with 0.02 ml of vaccine (a tourniquet and epinephrine solution should be immediately available). If uncertainty prevails, intradermal vaccination by the scratch method might be undertaken.

If other live virus vaccines are to be given, they should precede or follow the yellow fever vaccine administration by at least 1 month.

(2) *Adverse reactions.* Fever and/or malaise occurs in 10 percent of the recipients of the vaccine. Encephalitis has occurred, although rarely, in very young infants and usually without sequellae (one death has been reported).

2. *Analysis.* Two types of live virus yellow fever vaccine exist, and both are recognized as acceptable by WHO. The so-called Dakar vaccine, made with mouse passage-adapted "French Neurotropic" strain of virus, is definitely encephalitogenic in man (0.5 percent incidence) and is not recommended by ACIP nor is it licensed in this country.

The other type, produced in chick embryos infected with the 17D strain of virus, is represented by the Merrell-National product, which is the only yellow fever vaccine licensed in the United States (although similar vaccine is produced in other countries). The history of 17D vaccine is interesting and lengthy but only partly relevant to this review.

Wild yellow fever virus is both viscerotropic (in this instance with specific reference to liver disease) and neurotropic. Brief intracerebral passage in mice predictably results in loss of viscerotropism (as shown in rhesus monkeys, which provide an excellent, sensitive model which reflects the disease seen in man). However, neurotropism is retained and, at least for mice, is enhanced as evidenced by a markedly shortened incubation period. The Dakar vaccine is made with virus of this type. Max Theiler and coworkers undertook to develop a strain attenuated for neurotropism as well as viscerotropism by serial propagation of the virus in various types of tissue culture. The 17D line in tissue cultures of chick embryos, from which the CNS tissue had been removed, eventually (passage number 114) satisfied their criteria (negligible disease in intracerebrally inoculated rhesus monkeys) and was shown to produce a safe and effective vaccine for human use. This change proved not to be reproducible, at least at will, although simple passage in intact chick embryos has resulted in a 17D-like virus on one or two occasions.

Since 1937 17D vaccine, produced in chick embryos, has been used on an increasing scale, first in Latin America, and soon on a worldwide basis. In these early years, multiple parallel passages of 17D virus were maintained in tissue culture in different laboratories and often in the same laboratory. Vaccine lots were produced as needed from the then current passage level of these sublines. By 1943, three significant problems had been encountered.

First, failures of the vaccine to immunize were observed. These failures were referable to vaccine lots produced from virus at a very high subculture level (350th passage). Such virus, as was later shown, had become poorly infective for man, although it still poduced lethal encephalitis in cerebrally inoculated mice. This problem was resolved by reverting to earlier passage virus for vaccine production.

Second, a vaccine-associated encephalitis was observed in a few Brazilian children. Review of the testing experience in the yellow fever laboratory in Brazil, where various parallel passage lines of virus were used to make vaccine, revealed that the cumulative occurrence rate of encephalitis in monkeys inoculated with different production lots of vaccine differed appreciably according to the culture passage line used to produce the vaccine (Ref. 1). The significance of this finding was confirmed in large-scale field studies including a carefully controlled trial of vaccines produced from each of five 17D substrains (Ref. 2). This basic problem (and that of diminishing immunogenicity) was resolved by selecting, for production of a master seed lot, the safest substrain at the passage level at which it was employed in the field trial. Secondary seed lots to be used for inoculating producion lots, were prepared from this master seed lot, thereby permitting vaccine production within the confines of a narrow range of passages.

The third problem (chronologically, the second) was the occurrence of serum hepatitis in vaccine recipients. The occurrence of vaccine-associated hepatitis was first recognized in Brazilian populations by Fox et al. (Ref. 3) and later, on a much larger scale, in United States military personnel. The cause was "normal" human serum (heat inactivated at 56° C) incorporated into the vaccine as a source of "innocuous" protein to facilitate lyophilization and subsequent rehydration of the vaccine and to stabilize the vaccine virus once reconstituted. The solution was to omit the serum and to increase the concentration of embryo tissue (fluid) in the final product, thereby providing a protein concentration adequate for lyophilization and virus stability.

A fourth problem did not become apparent until the recognition of avian leukosis virus (ALV) and its almost universal presence in chick embryos. The resolution of this problem is theoretically simple but has proven more difficult in practice. Although a careful follow up study in the United States military did not show any association between human malignancies and yellow fever vaccination, it is clearly desirable to eliminate this extraneous virus (Ref. 4). This has apparently been accomplished in two ways. Draper succeeded by combining neutralization of ALV with passage by the limiting dilution technique whereas Tarauso, et al. achieved separation of the two viruses through graded filtration (Refs. 5 and 6). The resulting 17D virus, free of ALV, was used to produce vaccine seed material which, according to tests reported by them, did not differ from the seed of origin in terms of antigenicity and neurovirulence in monkeys or in immunogenicity and reactogenicity in man (Refs. 7, 8, and 9). On the basis of these findings, this ALV-free seed was judged acceptable by WHO.

In the United States, efforts are in progress to prepare a similar ALV-free seed virus for use in future production of yellow fever vaccine in this country.

The second effort at eliminating ALV from yellow fever was carried out earlier in the Division of Biologics Standards, but it has been found to be unsatisfactory for reasons discussed below.

a. *Efficacy.* The information available in the submission refers only to experience with the original ALV-contaminated vaccine. Extensive worldwide experience with this product, and the similarly derived vaccines produced elsewhere in the world, is highly reassuring with respect to both safety and effectiveness.

The 17D strain is derived from the wild Asibi strain, which is recovered from a Nigerian with a mild attack of yellow fever. In the course of its extended passage in chick embryo tissues, this strain has undergone minor (subtle) change in antigenic character but apparently remains adequately immunogenic against wild yellow fever strains. A review of vaccination experience through 1954 (cited in WHO Monograph No. 30, 1956) indicates that the only significant problem was in infants under 6 months of age, among whom several cases of encephalitis (all with full recovery) occurred.

The only version of the Division of Biologics Standards (Bureau of Biologics) minimum requirements is dated May 18, 1949 and agrees basically with WHO requirements. Production lots are tested for potency (at least 1,000 mouse MLD per dose), safety in guinea pigs, and sterility.

Only the primary and secondary seed lots are tested (all intracerebrally) in monkeys for neurovirulence, circulating virus (index of some retained viscerotropism), and immunogenicity. Merrell-National received the primary seed from PHS in 1952 and has had occasion to produce only three secondary seed lots, which were tested by the Division of Biologics Standards.

Since 1968, several million doses of vaccine have been distributed. A small number of reactions, often of dubious relation to vaccination, have been reported. These included one instance of encephalitis and one death which, after careful autopsy, could not be attributed to the vaccine.

b. *Safety.* See Efficacy above.

c. *Benefit/risk (of ALV-contaminated vaccine).* On the basis of human experience, the 17D vaccine is effective and minimally reactogenic, hence benefit far outweighs demonstrated risk. The known presence of ALV, however, is an undesirable factor of potential, but not yet established, risk.

d. *Labeling.* Since this vaccine is distributed only to officially designated centers, labeling is less important than for commercially available products; however, it is generally adequate. The time of expected acute reactions is not indicated and the possibility that use of the vaccine as a skin test antigen may in fact be immunizing is not considered. In a 1943 report of a vaccine trial in Brazil, data are presented indicating that intradermal inocula containing as little as 10 $TCID_{50}$ of virus induced immunity in all vaccinees (Ref. 9).

3. *Conclusions.*—a. *Critique.* One major problem, not considered previously, requires mention here, viz., no ALV-free vaccine has yet been licensed in this country. This situation exists because (1) the only manufacturer of ALV-free vaccine has not sought a license and (2) the ALV-free seed material produced by the former Division of Biologics Standards has been retested in monkeys by the Bureau of Biologics and found wanting (and also, in effect, by Merrell-National and two or three foreign laboratories). The reasons for this failure to conform the previously reported observations are not clear but may reflect more rigorous and uniform criteria for examining the test animals.

Information obtained during a briefing (March 18, 1974) by Dr. David Barry and others of the Bureau of Biologics indicates that the most important problem is an increased neurovirulence for monkeys, manifested by a clinically severe or fatal encephalitis in 6 of 24 animals (25 percent) and transient weakness in 3 others. Five monkeys died or were killed when moribound. In comparison, only one of 12 animals given the old (ALV-contaminated) seed showed evident weakness and developed severe (but nonfatal) disease. Thus, the new material (two seed lots, one primary and one secondary) failed to pass WHO requirements for neurovirulence. One new seed lot, together with the old seed, also failed to manifest adequate viscerotropism as reflected by viremia detected in mice. However (suggesting that viscerotropism is not a relevant criterion), all lots were highly immunogenic in monkeys. The Brazilian experience, which is not likely to be reproduced suggests that monkey neurovirulence is a valid marker for human risk. While Tauraso et al. (Ref. 10) observed no significant clinical reactions in a limited number of volunteers, the group was probably too small to give conclusive findings and probably too old (all were young adult males) to be sensitive detectors (young children have generally been more prone to give reactions). Thus the problem with the Division of Biologics Standards seed must be accepted as real, and it has both practical and theoretical implications.

On the practical side, the Bureau of Biologics must decide what vaccine should be immediately available in the United States. That now being produced (ALV-contaminated) is "safe" with respect to neurovirulence. Furthermore, Waters et al. (Ref. 4), in their study of cancer mortality among army veterans of World War II in relation to their immunization against yellow fever (ALV-contaminated vaccine), found no evidence that such vaccination had influenced the risk of subsequent malignancy 5 to 22 years later. Thus, it is probable that the presence of ALV is inconsequential. However, it is clearly desirable that vaccines contain no adventitious agents.

The possibility exists that yellow fever virus may have acquired ALV genetic material during the long period of concomitant passage. Hence, even though ALV-free strains of 17D virus are obtained which prove satisfactory with respect to the desired vaccine characteristics, it would seem prudent to explore this possibility.

Efforts by the Bureau of Biologics staff to modernize testing of the vaccine are to be commended. These changes involve: (1) substitution of plaque assay for mouse LD_{50} assay at all levels; (2) revision of criteria of immunogenicity in monkeys (e.g., substitution of parenteral for intracerebral routes of inoculation); (3) efforts to develop shorter and more reliable neurovirulence testing markers in monkeys; and (4) deletion from animal potency and safety testing of criteria involving viremia.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. The availability of a safe and effective yellow fever vaccine produced in the United States must continue. Steps to exclude ALV contamination should be taken as quickly as possible without jeopardizing the safety of the yellow fever virus strain employed. During the interval required to achieve this, the present vaccine should be maintained in use. By whatever means necessary, the Bureau should move to insure that ALV-free vaccine is made available in the United States. If necessary, this effort should include participation by the Bureau's staff in the research that will

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most rapidly lead to development of a new ALV-free seed for acceptable neurovirulence. Modern virologic technology, including virus cloning and genetic studies, will be important in this program.

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Review of Rocky Mountain Spotted Fever (RMSF) Vaccine

Rocky Mountain Spotted Fever Vaccine Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* Rocky mountain spotted fever (RMSF) vaccine is prepared by the method of Cox using yolk sacs and chorioallantoic membranes of embryonated eggs infected with *Rickettsia rickettsii*. This material is purified by ether extraction, inactivated with formaldehyde and ethylene oxide, and contains 0.0037 percent formaldehyde, 0.01 percent thimerosal, and up to 0.04 mg/ml of ethylene oxide. The nitrogen content ranges from 4 to 5 mg/ml. The vaccine is tested for potency and safety by the official methods required by the Bureau of Biologics.

a. *Recommended use.* (Quoted from ACIP, see Ref. 1.)

> Rocky mountain spotted fever vaccine is not recommended for use in the general population because disease is uncommon and the vaccine is of limited effectiveness. However, it is recommended for laboratory personnel working with *R. rickettsii* and might be considered for persons whose occupations result in exposure to ticks in endemic areas. For persons with only recreational exposure to ticks, protective clothing and deticking should be emphasized.

The Lederle label (revised June 1972) follows the recommendations of ACIP except in emphasis, e.g., "Other persons who may be unduly exposed to possible tick bite because of circumstance of environment such as campers, rangers, etc. in endemic areas should be protected by prophylactic vaccination."

b. *Contraindications.* Listed contraindications and precautions follow reasonable and practical guidelines for the inoculation of biological products. A note regarding effect of prior administration of antibiotics affecting immune response is included for unknown reasons.

2. *Analysis.*—a. *Efficacy.* The literature on the efficacy of RMSF vaccine in the protection of man is sparse and provides little basis for any confidence that the vaccine protects against disease although it may perhaps lower the fatality rate. The most recent report, that of DuPont et al. (Ref. 2) describing a comparative study of the active immunity induced in man by inactivated *R. rickettsii* concludes that killed vaccines, which are regarded as efficacious (based on the results of guinea pig protection tests and uncontrolled vaccine studies) are not effective in preventing RMSF in man. Cox in 1959 (Ref. 3) stated:

> Vaccination is an effective method of prophylaxis [and] the vaccines have a definite protective value * * *. The vaccine usually affords complete protection against relatively mild strains, but may be less effective against more virulent ones. Most children are fully protected * * * whereas adults are fully protected only occasionlly.

Although earlier data derived from uncontrolled studies using killed tick-grown vaccine suggested an ameliorating influence, data on the protective capacity of the current egg-grown vaccine are more limited (Ref. 4). It is generally accepted that insofar as guinea pig potency and immunogenicity are concerned, both preparations are comparable (Refs. 2 and 5).

Data to support the induction of a solid immunity in man following vaccination with the Cox-type preparations are lacking. One can state that a number vaccinated adults can still be infected and develop clinical disease even when exposed to low-dose challenge inocula of *R. rickettsii* (Refs. 2 and 6).

The potency test of RMSF vaccine is based on the ability of the vaccine to immunize guinea pigs and to protect them against challenge inoculation, and procedure almost unchanged from 1945. Six or more normal male guinea pigs, weighing approximately 500 grams each, are inoculated subcutaneously with 1 ml of the vaccine under tests.

Ten days after injection, the animals are tested for immunity to a previously determined challenge strain of spotted fever rickettsiae.

The challenge does is injected intraperitoneally and consists of 10 percent infected spleen tissue suspension, or of infected guinea pig blood, or of an appropriate dilution of infected yolk sac suspension. Not less than six normal male guinea pigs are given the same infecting dose of the same material to serve as controls. Both the vaccinated and the conrol animals are observed for 12 days for the effectiveness of the immunization, with body temperatures taken daily during the period.

At least two-thirds of the immunized guinea pigs must not show a temperature elevation above 39.6°C after the third day, nor show overt signs of infection, for the vaccine to be satisfactory. In the control group, at least two-thirds of the animals must show a characteristic temperature curve and other manifestations of infection with the strain of spotted fever rickettsiae used. At least 50 percent should succumb and show the pathological findings characteristics of infection with *R. rickettsii*.

b. *Safety.* The manufacturer's submission noted that for the doses distributed to the general public during 1969 to 1972, there were no complaints. This probably indicated more the failure to report of complaints than inherent safety. The Bureau of Biologics has released nine lots from Lederle in the past 5 years.

c. *Benefit/risk.* The lack of evidence concerning safety plus a similar lack of evidence for effectiveness suggests an unfavorable benefit/risk ratio.

d. *Labeling.* Labeling should be in accordance with conclusions and recommendations of this review.

3. *Conclusions.*

a. *Critique.* Our assessments are predicated on the above review combined with the following considerations:

Recognition that RMSF is increasing in this country (Fig. 6) and that most cases occur in the Southeastern United States (Fig 7). It is referred to as tick-borne typhus by CDC partly to emphasize this latter point. Most cases in this country occur in children (70 percent), and the overall mortaility rate is 5 to 10 percent (Ref. 7).

(2) Recognition that vaccine propylaxis is but one of several measures to control infections and that the vaccine's applicability to the current tick-bone typhus problem in this country is limited to certain occupational and geographical areas (Ref. 8).

(3) The effectivenses of this vaccine in protecting man against RMSF is highly questioned. While a much better vaccine is certainly needed, removal of the present vaccine from the market would make this possibly prophylactic measure completely unavailable.

b. *Recommendations.*

(1) The Panel recommends that this product be placed in Category IIIA and that the appropriate license be continued on an interim basis pending completion of testing and conformance with recommendations of this report because, while there is no substantial evidence of safety and effectiveness, there is information based on published reports and/or physician surveys which may be deemed to be presumptive evidence of safety and effectiveness for this product. Licensure should be continued for a period of 2 years from the date of issuing of the final order based on this proposal during which time the required substantiating data are to be obtained. Further extension of licensure should depend on the development of convincing evidence for increased potency.

(2) If substantiating data can be obtained, consideration should be given to amending current potency standards (using guidelines similar to those specified in the Armed Forces Epidemiologic Board's recommendations for epidemic typhus vaccine) to provide for a defined whole rickettsial organism content and for the use of a reference preparation in a meaningful assay system.

(3) Mobilization of financial support through the Bureau of Biologics, NIH, and other agencies for research in rickettsial diseases and especially for the development of effective prophylactic measures to replace the current vaccine should be considered.

(4) Safety standards for this vaccine should be updated to provide limits for endotoxin content and for the exclusion of latent viruses, mycoplasma, and other extraneous agents prior to inactivation.

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Review of Typhus Fever Vaccine

Typhus Fever Vaccine, Inactivated Manufactured by Lederle Laboratories Division, American Cyanamid Co., Eli Lilly & Co., and Merck Sharp & Dohme, Division of Merck & Co., Inc.

1. *Description.* The Lederle Laboratories typhus fever vaccine is prepared by the method of Cox from chick embryo yolk sacs infected with *Rickettsia prowazekii*. The yolk sac material is purified and inactivated with formaldehyde. The vaccine is diluted in a phosphate buffered solution containing 0.3 molar glycine. Thimerosal (1:10,000) is added as a preservative.

The Eli Lilly & Co. typhus fever vaccine is a suspension of epidemic typhus rickettsias *(Rickettsia prowazekii)* prepared from refined material derived from an aqueous suspension of infected yolk sac membrane. The organisms are inactivated by formaldehyde and suspended in isotonic sodium chloride solution. The vaccine is preserved with thimerosal solution, 1:10,000.

The Merck Sharp & Dohme typhus fever vaccine is described as containing killed *Rickettsia prowazekii* organisms grown on the yolk sac of developing chick embryos, in amounts sufficient to meet standards of potency as specified in 21 CFR 610.10. The diluent is a physiological solution of sodium chloride. The preservative is thimerosal in a final concentration of 1:10,000.

a. *Recommended use.*

(1) *Dosage.*

(i) *Lederle vaccine.* The package insert dated June 1969 recommends, for adults, two subcutaneous injections of 0.5 ml each with an interval between doses of not less than 4 weeks. If this interval is not practical, the second dose may be given prior to embarkation to an endemic area. A booster dose of 0.5 ml should be given at yearly intervals as long as a threat of exposure continues.

For children under 10 years of age, one-half the adult dose is recommended.

(ii) *Merck Sharp & Dohme vaccine.* The Merck Sharp & Dohme vaccine presumably is prepared primarily for the military establishment since the package insert recommends a dosage of one injection of 0.5 ml to be given during basic training, with a reinforcing dose of 0.5 ml to be given to the unit going overseas. Nonmilitary personnel are to receive two injections of 0.5 ml at intervals of not less than 4 weeks. The reimmunization dose is 0.5 cm^3. The package insert is dated February 1963.

(iii) *Eli Lilly & Co. vaccine.* The package insert, dated June 12, 1972, recommends, for adults, a dosage of two subcutaneous injections of 1 ml each with an interval of 4 or more weeks between injections. Booster injections of 1 ml should be administered at intervals of 6 to 12 months for as long as threat of exposure continues. For children the recommended dosage for primary immunization is 0.5 ml on each of the two occasions and the booster injection may be from 0.5 to 1.0 ml according to the individual's age.

Immunization is recommended for such persons as scientific investigators, medical or laboratory personnel, and those whose work brings them into areas where the disease actually occurs, e.g., anthropologists, archeologists, geologists, oil field construction workers, missionaries, etc.

(2) *General comment.* Local reactions showing varying degrees of redness and tenderness, and systemic reactions as evidenced by chilliness, generalized

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aching, headache, and fever, may occur in a variable percentage of individuals receiving typhus fever vaccine.

b. *Contraindications.* Immunization should be postponed in the presence of acute infections. The vaccine should not be administered to persons suffering from debilitating diseases and should not be given to individuals receiving immunosuppressant drugs.

Because it is produced from rickettsii grown in chick embryos, the vaccine is contraindicated in persons sensitive to egg proteins.

2. *Analysis.*

a. *Efficacy.*

(1) *Animals.* Protocols on each commercial lot of vaccine must be submitted to the Food and Drug Administration to show that minimum potency and safety requirements have been met. The safety tests involve mice, guinea pigs, and rabbits, and the procedures are essentially those outlined in the review of rocky mountain spotted fever vaccine prepared by Lederle Laboratories.

(2) *Humans.* Vaccine produced according to the minimum requirements established by NIH was utilized by the Armed Forces during World War II. Most of the evidence as to its efficacy therefore came from the military establishment, primarily the Army, and very few additional data have been added.

In 1947, Sadusk (Ref. 1) reported

* * * in the period January 1, 1942, to December 31, 1945, there were reported in the entire United States Army 64 cases of epidemic typhus, 603 cases of murine typhus and 6,885 cases of tsutsugamushi fever or scrub typhus. There were no deaths during this period from epidemic typhus fever.

While no conclusions can be drawn concerning a reduction in the incidence of epidemic typhus by prophylactic immunization with Cox type ether-extracted typhus vaccine, it appears definite that such vaccination does serve to greatly modify the disease if it occurs in an adequately vaccinated person and does render the deaths from typhus practically nil.

Comments concerning efficacy will be considered further under Critique.

b. *Safety.*

(1) *Animals.* Animal safety tests must satisfy FDA requirements for safety and efficacy.

(2) *Humans.* There is no evidence that the vaccine, when used under normal conditions and in accordance with the precautions given is associated with an unusual incidence of adverse reactions and no fatalities, so far as the Panel is aware, have been reported.

c. *Benefit/risk.* See b. Safety, (2) Humans, above.

d. *Labeling.* This appears to be adequate.

3. *Conclusions.*

a. *Critique.* The most extensive experience with killed typhus fever vaccines has been that of the Department of the Army and it is to this experience that serious consideration was given in evaluating these vaccines. Much of the critique that follows is taken from reports of the Commission on Rickettsial Diseases, Armed Forces Epidemiological Board, and especially that of Dr. Irene B. Fabrikant, presented before the Commission at its annual meeting November 30–December 1, 1972, at the Walter Reed Army Institute for Research, Washington, DC.

Basically the problems are: (1) Although a series of vaccines may pass the minimum requirements, the individual lots may be quite variable in their antigenic composition and potency, and (2) current potency tests are highly unreliable because they are incapable of distinguishing between vaccines of markedly different potency. Because of these variations in antigenic composition and potencies, the antibody response to these vaccines, aside from being unpredictable, has in general been poor.

Studies by the Commission on Rickettsial Diseases have led to a simple procedure for obtaining a direct count of rickettsial bodies contained in a vaccine and this in turn provides an alternative method to complement fixation and animal tests for assaying a vaccine for potency. The development of a simple batch purification technic permits flotation of yolk sac in high density sucrose and provides a means for removing as much as 90 percent of this material from fresh or formalin killed rickettsial preparations. Recovery of rickettsiae, based upon direct counts, is essentially quantitative, and for live rickettsial preparations, there appears to be no loss in the titer of the toxin. It was noted that subcutaneous inoculation of a single dose of such killed rickettsial vaccine preparations into guinea pigs elicited both complement-fixing and toxin-neutalizing antibodies in relatively high titer. The erratic serologic response previously noted in guinea pigs (intraperitoneal inoculation) was in large part obviated.

In sum, therefore, there is now a method for standardizing antigen content on the basis of total rickettsial count and for evaluating immunogenicity by a single-dose guinea pig potency test based on the fact that the serologic response shows a nearly linear relationship between the log of the number of organisms in the dose and the geometric mean titer of toxin neutralizing antibodies.

Recent reports from the Bureau of Biologics (Refs. 2 and 3) describe the production and evaluation of a reference, inactivated epidemic typhus vaccine. Production closely followed procedures recommended by the Commission on Rickettsial Diseases outlined in a previous section. However, laboratory evaluation of potency did not include electron microscope (EM) counts of rickettsiae or tests for development of antibody (complement-fixing and/or toxin-neutralizing) in guinea pigs given a single subcutaneous dose of vaccine as suggested by the Commission. It included, instead, the now discredited two-dose guinea pig potency test and a careful assay of the complement-fixing antigenicity of the vaccine. The former failed to distinguish between vaccine differing by twofold in potency whereas the latter reliably paralleled such potency for vaccine lots representing a parent lot and 3 lots prepared by successive two-fold dilutions of the parent. It also approximately paralleled the immunogenicity of the same lots in clinical trials in man as measured by titer of toxin-neutralizing antibody developed after a single dose of vaccine. Since these trials identified one vaccine lot as acceptable in terms of reactogenicity and as adequately potent (98 percent seroconversion and GMT of 1:32), it would appear that the Bureau of Biologics now has at hand a satisfactory reference vaccine for use in evaluating the potency of future production lots submitted for release.

The clinical trial raised one potentially important question: the apparent narrow range of rickettsial content which is minimally reactogenic but adequately potent. The one acceptable lot was the second in a series of three lots tested which represented successive two-fold dilutions of a parent lot (not tested in man). The first in the series was too reactogenic (5 of 10 recipients experienced significant constitutional symptoms) whereas the third in the series was appreciably less immunogenic (91 percent seroconversion, GMT of 1:16). If the critical range is indeed so narrow (further clinical trials seem indicated to establish this), than it is critically important to be able to evaluate potency for man by a quantitative and reliable laboratory method. While complement fixation (CF) assay of the set of vaccines tested did prove predictive, it is well recognized that rickettsial antigens can be denatured (as by heat) so as to be of greater diminished immunogenicity but without loss of CF reactivity. Thus, laboratory evaluation must include a test for immunogenicity such as the one-dose guinea pig test suggested by the Commission.

b. *Recommendations.* The Panel recommends that this product be placed in Category IIIA and that appropriate license(s) be continued on an interim basis pending completion of testing and conformance with recommendations of this report because, while there is no substantial evidence of safety and effectiveness, there is information based on published reports and/or physician surveys which may be deemed to be presumptive evidence of safety and effectiveness for this product.

Consideration should be given to the establishment of new criteria for safety and potency. Examination of the revised specifications for potency advanced by the Commission on Ricketsial Diseases of the Armed Forces Epidemiological Board might provide a starting point.

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Generic Review of Human Immune Serum Globulin and Specific Human and Equine Immune Serum Globulins

Background

The discovery of antibodies by Karl Landsteiner, the association of antimicrobial substances with particular fractions of plasma, and the more recent appreciation of the molecular basis of humoral immunity provide the background for the prophylaxis or modification of infectious disease processes through the use of concentrated antibody preparations. Alcohol fractionation of the globulin proteins by E. J. Cohn's method is an old and well-tested procedure for concentrating antibodies present in human plasma. Application of the method to pools of plasma prepared from the blood of individual donors provides a product that broadly reflects the antibody spectrum of the general population. The use of such human ISG has afforded clearcut benefits in the modification of Type A hepatitis, prophylaxis against measles, and as replacement therapy in dys- or hypogammaglobulinemias.

In recent years, a more potent and effective ISG has been achieved by selection of blood donors with high antibody titers to a specific virus, e.g., varicella, vaccinia, and rabies. Such virus specific globulin products are in limited supply, and hence are restricted to use in specific clinical situations.

1. *Recommendations of the ACIP.* There are no generic recommendations for the use of ISG. However, the section on hepatitis in "Immunization Against Disease," 1972, CDC, contains specific recommendations for ISG use in hepatitis A. Other sections provide comparable recommendations for other virus-specific preparations.

The following are excerpts from "Immunization Against Disease":

a. *Hepatitis A.* Numerous field studies during the past 2 decades have documented the protection against hepatitis-A conferred by ISG administered before exposure or during the incubation period. Its relative effectiveness depends on timing and dose. When administered before, or within 1 to 2 weeks after exposure to hepatitis-A, in the appropriate dose it prevents illness in 80 to 90 percent of those exposed. However, because ISG may not suppress inapparent infection, long-lasting natural immunity may result.

The decision to give ISG is based on assessing the possible hepatitis exposure. If the exposure could have resulted in infection, ISG should be given.

ISG should be given as soon as possible after a known exposure. Its prophylactic value is greatest when given early in the incubation period and decreases with time after exposure. The use of ISG more than 6 weeks after exposure or after onset of clinical illness is not indicated.

Specific recommendations: Household and institutional hepatitis-A case contacts, hepatitis-A needle exposure, common-source hepatitis-A exposure, chimpanzee handlers and travelers to foreign countries.

b. *Measles.* To prevent or modify measles in a susceptible person exposed more than 48 hours before, MIG or standard Immune Serum Globulin (ISG), 0.1 ml/lb, should be given. He should be given live measles vaccine about 3 months later, when the measles antibody will have disappeared, if then at least 12 months old.

c. *Rabies.* Hyperimmune serum has proved effective in preventing rabies. Its use in combination with vaccine is considered the best post-exposure prophylaxis. However, the only preparation of antirabies serum currently available in the United States is of equine origin. Because horse serum has induced serum sickness in at least 20 percent of those who have received it, it should be used only when indicated.

Hyperimmune equine serum is recommended for all bites by animals in which rabies cannot be excluded and for nonbite exposure to animals proven or suspected to be rabid * * *. When indicated, antirabies serum should be used regardless of the interval between exposures and treatment.

However, in 1974 Human Rabies Immune Globulin (HRIG) was licensed, and since 1977 it has been available in adequate supply (Ref. 1). More recent recommendations by ACIP suggest it as a preferred alternate to hyperimmune serum (Ref. 2). The recommended dose of HRIG is 20 IU/kg. Up to 50 percent of the globulin dose should be used for infiltrating the wound and the rest for intramuscular injection.

d. *Vaccinia. Vaccinia Immune Globulin (VIG).* In its recommendations the ACIP considers the use of VIG prophylactically, in such situations as exposure of susceptible persons to smallpox; exposure of eczematous persons to vaccinated household contacts; to minimize complications of vaccination (when absolutely required) in high-risk groups; and therapeutically for any complications of vaccination. These applications are described in detail in the specific product review. Ostensibly the product is no longer being produced in the United States, and hence its future availability is in doubt.

e. *Varicella-Zoster immune globulin (ZIG).* This is a gamma globulin fraction of high antibody titer (1:128 or greater) prepared from plasma obtained from patients convalescing from herpes zoster; it is not a licensed product and may be used only under an Investigational New Drug (IND) (held by CDC). As of 1972, ACIP (Ref. 3) notes that ZIG has been shown effective in preventing varicella when given within 72 hours of exposure and that still under study is its effectiveness: (1) when given later than 72 hours after exposure; (2) for modification of established varicella or zoster; (3) for prevention of dissemination of herpes zoster; and (4) for control and prevention of varicella outbreaks. At the present "ZIG is indicated for the prevention of varicella in susceptible high-risk individuals who have had close V–Z exposure (e.g., household)." Susceptibility can be determined by the Varicella-Zoster (V–Z) fluorescent antibody test. The recommended dose is 5 cc given intramuscularly.

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f. *Other products.* There are no current recommendations for passive immunization against mumps, poliomyelitis, or rubella.

2. *Other Indications.* The recommendations cited above cover the specific clinical indications where the use of ISG or specific-immune globulins has been shown to be of benefit. Another and widely accepted indication for ISG is its use as replacement therapy in patients with laboratory documented humoral immune deficiency disease. However, although ISG (and occasionally plasma) therapy is an appropriate therapeutic approach, it is in this area of immunodeficiency that the most common abuses of ISG occur. Diagnoses of recurrent lower respiratory tract "infections"; allergies, including asthma; prematurity; and "failure to thrive" are not adequate indications unless accompanied by specific laboratory evidence of immune globulin deficiency. Similarly, exposure of women to rubella in the first trimester of pregnancy has been cited as an indication; however, use of ISG may modify the maternal illness without protecting the fetus while confusing the serologic status (the use of rebella immune globulin might be considered for exposed individuals where abortion is not permitted).

Probably because of the dilution of antibody which occurs in pools of ISG (derived from at least 1,000 donors), it has not been shown unequivocally to be effective in preventing or modifying hepatitis-B, nor in preventing varicella, although in the latter instance there is some evidence that it may alleviate the disease. With the recognition of hepatitis B surface antigen (HB_sAg), and the ability to assay sera for the corresponding antibody (anti-HB_s), large-scale studies were undertaken to determine the prophylactic effectiveness of both ISG and hepatitis B immune globulin (HBIG). As a result of these studies, HBIG was licensed in 1977.

3. *Comments on PHS Regulations.* Public Health Service regulations deal with processing methods, definitions of lot, final product, and potency, and conclude with some general requirements. On the whole, these rules reflect the technology of the 1960's. More quantitative definitions exist for IgG, the relative content of other immunoglobulins and of contaminating serum proteins. There is no consideration of aggregates, which are the presumed cause of severe reactions and which thus preclude administration of ISG directly into the vascular system. There are no regulations governing specific immune serum globulin other than measles immune globulin, the measles antibody level of which is compared with that of a reference preparation; a two-fold variation in the assay is permissible. It may be noted that, for ISG, a measles antibody level of at least one-half that of the same reference preparation is required.

Analysis

1. *Efficacy*—a. *Hepatitis*—(1) *Hepatitis A.* Although no test for assay of hepatitis A antibody has been available until recently, there is abundant clinical evidence demonstrating the efficacy of ISG in the prevention of Type A hepatitis.

Stokes and Neefe (Ref. 5) and Gellis et al. (Ref. 6) found that ISG could control the severity of viral hepatitis (hepatitis A) epidemics, but had limited value in controlling hepatitis caused by transfusion of whole blood or plasma.

Ashley (Ref. 7) found that the incidence of infectious hepatitis (hepatitis A) in an institution for the mentally retarded was reduced tenfold after use of ISG as a prophylactic measure. The dosage was 0.01 ml/lb of body weight.

Brooks et al. (Ref. 8) and Hsia et al. (Ref. 9) showed the prophylactic effectiveness of ISG in reducing the secondary attack rate in small family groups. Exposed untreated children had a secondary attack rate of 25 percent to 35 percent. Adults in the same category had rates of 0 to 4 percent. Children and adults treated with ISG (0.01 ml/lb) had attack rates of 0 to 2 percent and 0 to 3 percent, respectively.

Stokes (Ref. 10) cites a study in which 40 of 50 persons given 0.06 ml of ISG per pound of body weight were immune 9 months later to experimental infections with hepatitis virus (hepatitis A).

The results of five ISG trials described by Krugman (Ref. 11) further confirmed the efficacy of ISG for the prevention or modification of infectious hepatitis (hepatitis A).

(2) *Hepatitis B.* As noted in an earlier section (Other Indications), both ISG and Hepatitis B Immune Globulin (HBIG) are geing evaluated for prophylactic efficacy against hepatitis B under several exposure circumstances, including "needle-sticks" and work in dialysis units. In the meantime, since the potential benefits from the use of both preparations clearly outweigh known risks, HBIG has been licensed for use in instances of possible exposure to hepatitis B.

b. *Measles.* Well before the development and application of measles vaccines, the efficacy of gamma globulin was recognized both for prevention of the disease (when given in the first 2 days following exposure) and for its modification (when given later, or in lower doses). Dose-dependency of the end result was clear, and with the development and application of the Edmonston live attenuated-virus measles vaccine, it became evident that simultaneous administration of antibody was required to minimize side effects. The original recommendation was that 0.02 ml/kg of measles immune globulin be administered with the vaccine. However, excessive amounts of antibody in the specified volume woud render the vaccine inefficacious. Hence, it became necessary to provide immune globulin with known, predetermined antibody content.

With the development of further attenuated vaccines, the need for concurrent administration of gamma globulin was obviated and with it the need for careful definition of the maximum antibody concentration of measles immune globulins. Thus prevention or modification of measles in exposed susceptible individuals is adequately achieved at present with standard ISG preparations. Their release depends in part on a *minimum* concentration of measles antibodies.

c. *Rabies.* Postexposure immunotherapy (or immunoprophylaxis), until recently had undergone relatively little change since its introduction by Louis Pasteur in the last century. The underlying theoretical basis is that, during the usual relatively long postexposure incubation period, an active immune response of sufficient magnitude to overcome infection and prevent disease can be induced. The efficacy of Pasteurian treatment is frequently questioned, but rigidly controlled field trials in man are not feasible. However, there is little doubt that treatment often prevents fatal rabies; failures occur chiefly in instances of severe exposure with a short incubation period. Observations in India of persons bitten by proved rabid animals have clearly shown the protective effect of immunization when vaccine was available and used (the comparison group consisted of persons for whom treatment was not available).

Antirabies vaccines induce the development of serum neutralizing antibody. This process, however takes time. Antibody rarely appears before 10 days but usually is detectable by 15 days after start of treatment. Assuming that protection is mediated by antibody, it is reasonable to expect that providing pre-formed (passive) antibody as vaccine treatment begins will bridge the gap and increase the level of protection. Working in experimental animals, Koprowski (Ref. 12) and Habel (Ref. 13) demonstrated that this is indeed true. Koprowski's work emphasized the need to give immune serum (IS) early, i.e., within 72 hours of exposure, and Habel showed the value of local infiltration of IS around the inoculation site to help localize the virus. There is no evidence to suggest that antiserum given later is of benefit, and indeed studies in experimental animals raise the possibility that it may be harmful. A rabid wolf in Iran provided the first opportunity for a semicontrolled study among severely exposed humans. The numbers were small, but use of IS with vaccine appeared highly, although not invariably, protective, even in one patient whose exposure amounted to intracerebral injection of rabies virus (Ref. 14). Examination of sera obtained serially from these patients showed that the use of IS plus NTV resulted in the continuous presence of antibody after treatment had begun (Ref. 15). Subsequent experience, briefly summarized in part by Johnson (Ref. 16), provides further, fairly extensive documentation of the usefulness of IS. An experimental study in guinea pigs related protection to the severity of challenge; vaccine alone conferred good protection against mild challenge, but against severe challenge, IS was needed in addition to the vaccine (Ref. 17).

Few well-controlled animal studies of postexposure immunotherapy have been conducted until recently. In a series of studies using mice and a viral isolate with relatively long incubation period, Baer and Cleary (Ref. 18) found that the virus tended to remain localized (outside the CNS) longer than had been generally appreciated, up to 16 days in some animals. Additionally, they observed that antiserum alone used soon after viral inoculation tended to prolong the incubation period rather than to prevent the disease.

Sikes et al. (Ref. 19), using rhesus monkeys, compared the protective effect of different vaccines given postexposure, and also the protective capacity of antiserum produced in homologous or heterologous animal species. The results were surprisingly unimpressive with respect to the efficacy of serum alone, and a few animals showed the prolonged incubation phenomenon seen in mice.

Recent observations on rabies-related rhabdoviruses in mice are of some interest. In a study of the postexposure effects of immunotherapy in animals infected with Lagos bat virus, Tignor et al. (Ref. 20) found that if administration of passive antibody to immunosuppressed mice was delayed the outcome was rapidly lethal; the same effects were observed with transfer of spleen cells from immunized mice. Such studies, although indirect, may serve to shed light on poorly understood aspects of the pathogenesis of rabies.

In 1960, standards for antirabies serum were established designating an International Standard (equine) antiserum and defining the International Unit (IU) as the activity contained in 1 mg of the International Standard (Ref. 21). The International Standard Antiserum contains 80 IU per ml, and antisera produced for distribution must be shown to be at least as potent as the International Standard (if first comparison shows this, the antiserum passes; if not, two more comparisons are allowed, and if both are satisfactory, the antiserum is approved).

Until recently, the only antisera available in the United States have been preparations of immune globulin of equine origin, which pose the serious problems of serum sickness and anaphylaxis. Various figures for reaction rates are given, but a report of experience in El Paso is illustrative (Ref. 22). Among 526 patients, the overall occurrence of serum sickness was 16.3 percent, ranging with age from 12.3 percent in the 0 to 5 age group to 46.3 percent above age 15. Disturbingly, patients treated from September 1959 to January 1964 had less frequent reaction problems (10 percent of 351) than did those treated between February and September 1964 (29 percent of 175). This may reflect a dosage effect.

An obvious approach to this problem is to employ homologous (human) antiserum. An early study suggested that production of HRIG is feasible, that it is as protective in animals (three species) as that of equine origin, and that, at least in dogs, homologous antiserum is more effective than heterologous antiserum (which would be eliminated more rapidly) (Ref. 23). In clinical trials in man, Cabasso and colleagues (Refs. 24 and 25) reported that the half-life of HRIG is twice that of equine immune globulin and that a dose of 20 IU does not suppress active response to DEV (16 dose course, 14 daily plus an additional dose on days 24 and 34). Rubin et al. (Ref. 26) confirmed the longer persistence of antibody in patients receiving HRIG but emphasized the need to preclude suppression of an active immune response to the vaccine. More recently, Hattwick et al. (Ref. 27) reported that HRIG in doses of 15 or 40 IU interferred with the response to 16 doses of DEV but not to that in a 23 dose course. This last study provides the basis on which recommendations for the use of HRIG were developed. Currently, this product has largely replaced equine rabies immune globulin. A very recent study describes the treatment of 45 persons in Iran, bitten by rabid dogs and wolves, with a new human vaccine produced in diploid cells; the vaccine given in conjunction with HRIG, protected all of the treated, exposed subjects (Ref. 28).

d. *Vaccinia.* See the specific product review.

e. *Varicella-Zoster*—(1) *ISG.* There are no varicella antibody potency standards for ISG. Of the several studies that have been conducted, only that of Ross (Ref. 29) is noteworthy. He studied the course of chickenpox in 773 children in 318 families. ISG in doses of 0.1 ml to 0.6 ml/lb of body weight was administered to 242 children. He concluded that increasing dosage of ISG given within 3 days of exposure produces an increasing diminution of clinical symptoms but no preventive effect was noted.

Rodarte and Williams (Ref. 30) reported that ISG modified and relieved the symptoms in 11 patients suffering from herpes zoster and 5 children with chickenpox.

Trimble (Ref. 31) reported that two interns who received 0.1 ml of ISG per pound of body weight one week before onset of clinical symptoms experienced unusually mild illness. Two other interns with chickenpox did not receive ISG; one died and one had severe symptoms.

Greenberg (Ref. 32) reported that the administration of 5 ml of gamma globulin to 12 of 29 exposed infants did not alter the attack rate.

(2) *Varicella-Zoster Immune Globulin (ZIG).* Evidence for the effectiveness of ZIG is cited in a paper by Judelsohn (Ref. 33).

In 1969 it was shown that ZIG, a gamma globulin fraction of high-titered (1:128 or greater) plasma from convalescing herpes zoster patients, prevented clinical and laboratory evidence of varicella in susceptible children when given within 72 hours of household exposure. Further studies have shown its prophylactic efficacy in high-risk children.

Although ZIG is not a licensed product, the above evidence led Judelsohn (with ACIP assent) to develop the guidelines for the use of ZIG under an IND as stated in section B, ACIP recommendations.

f. *Mumps.* The following is a summary (which includes several papers cited specifically by one manufacturer) of the pertinent literature concerning the efficacy of mumps convalescent serum and mumps immune globulin. The literature falls into two categories: (1)

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prevention of mumps in exposed individuals, and (2) treatment of patients with clinical mumps to prevent orchitis.

(1) *Prevention of clinical mumps.* Hess (Ref. 34) administered intramuscularly several ml of whole blood from fresh mumps cases to children exposed to mumps, and reported success in prevention of the disease. This paper, lost for many years and then rediscovered, is not now relevant, however, since the product administered was not gamma globulin and the controls were poorly chosen.

In a trial by Regan, (Ref. 35) convalescent serum obtained from adult patients 10 to 20 days after onset was given, subcutaneously, in 3-ml doses to 81 children in six settings; only 1 child developed mumps. Because susceptibility to infection was based only on history, this study is difficult to evaluate, and its apparently good results are not in accord with subsequent experience.

Zeligs (Ref. 36) used 5 ml intramuscular doses of pooled serum from 6 boys just recovered from mumps; of 44 subjects (susceptibility determined by history) exposed 7 days before treatment none developed clinical mumps.

The report of Lewis and Barenberg (Ref. 37) contains no useful data concerning mumps.

Thalhimer (Ref. 38) gave 20 ml of convalescent serum to children and 40 ml to adults, respectively. The serum was administered by physicians to private patients and their observations were recorded in retrospect. The uncontrolled data do not justify the claim that the treatment prevented mumps nor (in another group) to have reduced the severity of orchitis.

Kutscher (Ref. 39) gave 8 to 10 ml of convalescent serum to 51 "susceptible" and exposed boys. Since only one developed clinical illness, he concluded that the serum was "therefore 98.04 percent protective." Again, the uncertain susceptibility of the subjects coupled with lack of controls does not justify the conclusion.

Reed et al. (Ref. 40) gave mumps immune globulin prophylaxis to 56 exposed seronegative individuals during an epidemic of mumps on St. George Island in the Pribilofs; 46 percent of this group developed clinical mumps within 2 to 25 days, an attack rate similar to that among untreated susceptibles in the same population. Moreover, the incidence of orchitis was the same whether or not gamma globulin was given.

Conclusions. The only test of mumps immune globulin for postexposure prophylaxis, in which laboratory determined preexposure susceptibility was known, gave no evidence of a protective effect.

(2) *Treatment of mumps patients.* DeLavergne and Florentin (Ref. 41) took blood from one case of uncomplicated mumps and one case of mumps orchitis and gave 10, 15, or 20 ml subcutaneously.

Of 107 patients not treated, 25 developed orchitis and 9 meningitis. Of 113 patients treated, 5 developed orchitis and 2 meningitis.

Iversen (Ref. 42) studied military patients to whom pooled serum, obtained from other patients 10 to 20 days post-onset of mumps, was given intramuscularly in 40 ml doses. Of 76 cases treated, 21 (27 percent) developed orchitis. Since about 30 percent of untreated patients also developed orchitis, it was concluded that convalescent serum had no effect.

Bailey and Haerem (Ref. 43) summarized all available data and concluded that the results concerning prevention of orchitis were "uncertain." They observed a group of 734 men, ages 18 to 35 with mumps, and established a rate of 19 to 21 percent orchitis. They treated 183 cases with sera (not pooled) collected from patients 3 weeks after onset of mumps, using 10 or 20 ml doses intramuscularly within the first 3 days of parotitis. They observed orchitis rates of 13 percent with the 10 ml dose, and 22 percent with the 20 ml dose but only 4 percent in patients given serum from donors who had orchitis. They concluded that there was no effect, although the last finding was of interest.

Candel et al. (Ref. 44) did an excellent study of the natural history of mumps and mumps orchitis in young adult males. They studied 105 cases of mumps, of whom 75 were controls and 30 were treated on admission with 100 ml of pooled plasma; no difference was noted in the incidence of orchitis between the two groups.

Gellis et al. (Ref. 45) compared the efficacy of gamma globulin prepared from convalescent donors with that from normal donors (Table 39). These products were given alternately in 20 ml doses intramuscularly to patients admitted within 24 hours onset of parotitis; each treated patient, was matched with an untreated control patient.

They concluded that gamma globulin from patients 1 to 3 months convalescent from mumps was effective but that normal ISG was ineffectual.

Reed et al. (Ref. 40) noted that mumps immune gamma globulin (prepared in the same manner as the present product) had no effect on incidence or severity of orchitis. However, these investigators were referring to cases of mumps which developed despite the preexposure use of mumps immune globulin. It would be surprising if the product, having failed to prevent the primary disease, would prevent complications.

Table 39

Gamma globulin prepared from	Group	Number observed	Incidence of orchitis (percent)
Convalescent serum	Treated	51	7.8
	Controls	51	27.4
Normal serum	Treated	67	20.9
	Controls	67	26.8

Conclusions. With one exception (the best designed study, Ref. 45), these studies suggest that convalescent serum or normal gamma globulin exert no obvious effect on the incidence of orchitis. In view of the availability of live attenuated mumps virus vaccine, the need for mumps immune globulin should be small, since the populations that would ordinarily be most at risk (military and institutional) can readily be immunized. With respect to parotitis, however, the Gellis study (Ref. 45) suggests that in postpubertal males early use (within 24 hours) of mumps immune globulin may be of some benefit. If the results of this study can be confirmed using a product, prepared by current techniques, this limited but significant need might justify licensure.

g. *Rubella.* ISG not recommended.

h. *Poliomyelitis.* ISG not recommended.

i. *Immunoglobulin deficiency syndromes.* One investigator concludes from a study of 200 agammaglobulinemic and hypogammaglobulinemic children that a monthly maintenance dose (2 ml to 10 ml depending on weight and age and severity of illness) is indicated. He reports that over a period of 1,057 patient-months prior to ISG therapy, 31 patients were hospitalized; with initiation of ISG therapy, one hospitalization occurred from among these same patients in 723 patient-months.

A British study of 176 patients with hypogammaglobulinemia showed that although the death rate was not reduced in the group in general, the incidence of infections was reduced in children under the age of 10 years (Refs. 46 and 47).

Premature infants with gamma globulin deficiency who were treated with immune serum globulin had a lower incidence of staphylococcal infections than did a similar group of untreated infants (Ref. 48).

In an investigation of hypogammaglobulinemia and its relationship to the allergic diathesis, Goldfarb and Fudenberg (Ref. 49) studied 26 agammaglobulinemic to hypogammaglobulinemic patients. Six of these were congenitally agammaglobulinemic with serum gamma globulin levels of 6 to 100 mg/100 ml. The remainder was classified as hypogammaglobulinemic with gamma globulin levels of 100 to 400 mg/100 ml. The normal range was listed at 800 to 1,200 mg/100 ml. Most of the patients were treated with an empirically determined dose of 10 ml intramuscularly of pooled gamma globulin (provided by the American Red Cross) once a month. Very young children received the same dose. While gamma globulin treatment did not appear to relieve allergic symptoms, 15 of 16 patients treated for 6 months or more showed a decrease in the number of clinically overt infections.

Gordon and Spencer (Ref. 50) also studied hypogammaglobulinemic children who were allergic and suffered from repeated infections. Sixteen of the 17 patients were from families with histories of allergy. These patients responded well to therapy of 2.0 to 4.0 ml of 16.5 percent gamma globulin solution every 4 weeks. All had an acquired hypogammaglobulinemia (five were females), possessed normal isohemagglutinins, and were able to respond to antigenic stimulation.

Conclusions. The foregoing studies, some of which were not well controlled, are consistent in this indication that use of ISG in gamma globulin deficient patients helps to prevent many clinical infections. In all instances, the subjects studied had been shown by laboratory tests to be deficient in serum gamma globulin.

j. *Allergic conditions—"Infectious Asthma."* Brown et al. (Ref. 51) reported that 23 of 29 asthmatic children treated with ISG responded favorably.

Hilman et al. (Ref. 52) concluded from a controlled study of 50 allergic children that there was no significant difference in the effects of ISG over those of placebo in the management of children with allergy.

Redner and Markow (Ref. 53) found in a study of 40 allergic children that minute doses of ISG of placental origin were effective in the control and prevention of various types of allergic manifestations. Harner and Knerr (Ref. 54) reported inconclusive results from a study of 42 asthamatic children at an Army base. Injection of placental ISG reduced asthmatic episodes by 72 percent from the preceding year. However, saline solution and ISG both were equally effective in diminishing wheezing during or after colds.

Conclusion. The above evidence seems inadequate to support the use of ISG for the treatment of patients with allergies and/or asthma.

2. *Safety.* The administration of ISG is not without some risk. Intravenous administration of the only products currently available in the United States is contraindicated, since it can result in serious systemic reactions. One product (pepsin treated ISG) is licensed for intravenous use, but in some 7 years has never been put on the market, possibly because the half-life of the ISG conferred antibodies in the recipients is very short (mean of 4.5 days, range of 10 hours to 8.5 days), although the titers of specific antibody are claimed not to be affected by the pepsin treatment.

Intramuscular administration of the ISG products available is frequently associated with pain and tenderness at the site of injection, and systemic reactions such as fever, diarrhea, and rashes have been reported. Repeated administration can result in sensitization to heterologous IgG genetic determinants and to thimerosal, a preservative present in all ISG preparations. A variety of allergic manifestations has been reported, the most serious being anaphylactic shock. Although the rate of serious complication is stated in one study (Ref. 4) to be as high as 0.66 percent, most investigators have found that ISG is remarkably nontoxic. Over a 25-year period, some 20 to 25 million doses have been distributed. There are few contraindications.

3. *Benefit/risk.* There is no question that ISG and specific immune serum globulins, although probably over-utilized can be of significant benefit in the prophylaxis and/or attenuation of viral diseases. Generally, it seems most practical to utilize ISG to modify only those diseases not amenable to other methods of specific treatment, e.g., hepatitis A. For passive protection, the use of specific immune serum globulin is to be encouraged, albeit for rather limited distribution. In the following outline, benefit/risk ratios have been considered for specific uses of ISG and certain specific immune serum globulin products.

a. *Hepatitis.* (1) *Hepatitis A.* The benefit of ISG has been clearly established for prophylaxis against hepatitis A, and the risk is negligible; hence, the benefit-risk ratio is highly favorable.

(2) *Hepatitis B.* Recent studies, referred to above, point to a proable prophylatic efficacy of HBIG, and possibly also of ISG. In view of the small risk, the benefit-risk ratio for both products must be viewed as favorable (more so for HBIG).

b. *Measles.* For postexposure prophylaxis against measles, the benefit of both ISG and measles specific immune serum globulins has been well established, and the benefit-risk ratio for these products is highly favorable.

While measles specific immune serum globulin was a safe and desirable adjunct to active immunization with Edmonston B virus vaccines, replacement of these vaccines by more attenuated strains of measles virus makes and the combined administration of specific immune serum globulin and vaccine undesirable for two reasons: (a) an extra inoculation is required, and (b) an active unusual response to the vaccine may be suppressed.

c. *Rabies.* (1) *Equine rabies immune globulin.* For rabies antiserum (equine rabies immune globulin), the benefit-risk ratio, as with rabies vaccine, varies with the likelihood of development of actual rabies. The risk of major reactions to equine immune globulin is so high that its use is warranted only when there only when there is a strong likelihood of rabies supervening after exposure. However, there is considerable reason (both theoretical and experimental) to regard its use in conjunction with vaccine as a more effective regimen than vaccination alone, at least when the golbulin is administered within 24 hours of infection. Thus, if HRIG is not available and the probability of rabies exposure great, the benefit-risk ratio must be considered as favorable.

(2) *Human rabies immune globulin.* The risk attending use of HRIG is, as it is for ISG, negligible. Its use in recommended dosage, coupled with an appropriately prolonged course of vaccine to insure active antibody response, should afford the same benefit as does equine rabies immune globulin. Hence, the benefit/risk ratio is highly favorable.

d. *Vaccinia.* See specific product review for VIG.

e. *Varicella.* Zoster immune globulin is not a licensed product. There is no good evidence that ISG will prevent varicella in exposed susceptible individuals, and it is only suggestive that it may exert a favorable modifying effect on the disease. This possible benefit provides at best a weakly favorable benefit-risk ratio; however, any importance it has is diminished by the fact that modification of disease is important chiefly in the case of high risk persons (for whom the much more effective ZIG is available under an IND).

f. *Mumps.* With no evidence for beneficial effect in either prevention of mumps or of mumps orchitis, the

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benefit/risk ratio for use of ISG for these purposes is essentially nil. For mumps immune globulin, see the specific product review.

g. *Rubella.* Although in some cases ISG used prophylactically has been shown to prevent clinical rubella, it cannot be relied upon to prevent infection. Since the most important potential use of ISG in relation to rubella is to prevent rubella infection in exposed pregnant women, the uncertainty of such a result is a major factor in judging the benfit-risk ratio for ISG so used to be unfavorable.

h. *Poliomyelitis.* Prophylactic use of ISG to prevent poliomyelitis has been fully discredited. Hence, for such use, the benefit-risk ratio unfavorable.

i. *Immune globulin deficiencies.* The evidence that continued treatment of patients deficient in gamma globulin with ISG affords relative protection against common infections appears to outweigh the discomfort of the repeated injections and the risk of the rare reactions associated with such use. Hence, for this purpose the benefit-risk ratio is judged to be favorable.

j. *Allergic conditions and "infectious asthma."* With no convincing evidence of efficacy, use of ISG to treat patients with allergies, or who are subject to attacks of "infectious asthma," entails only risk and no benefit and the ratio obviously is adverse.

Critique

The major problem unique to immune serum globulin of nonhuman origin (for example, equine rabies immune globulin) is the frequent induction of serum sickness. To the extent that HRIG is available for the same use, this problem is overcome. Information at this time (September 1976) is that HRIG is fully available. Additional problems are shared by all preparations of fractionated gamma globulin available in the United States. When given intramuscularly (as they should be), they cause pain and persisting local tenderness, the degree increasing with the dose. Also, when given repeatedly, as in the treatment of patients deficient in gamma globulin, sensitization to the common preservative, thimerosal, and even to heterologous IgC genetic determinants may occur. Finally, serious systemic reactions can result if the product, by accident or intent, is administered intravenously. This precludes use of a potentially useful route of administration. As noted previously, the one ISG product licensed for intravenous use has never been marketed in this country.

The beneficial effects of these products depends on the antibodies present (chiefly IgG). Human ISG products are derived from pools of plasma obtained from donors selected for high specific serum antibody titers, either naturally acquired or stimulated (e.g., rabies and mumps) by specific hyperimmunization. Except for measles immune globulin, minimum specfic antibody titers have not been established. ISG is usually produced from large plasma pools (each lot from some 1,000 donors) on the presumption that antibodies to commonly prevalent agents will be present. However, the only assays required are for measles, poliovirus, and diptheria antibodies. To the extent that ISG is used to combat specific viral infections, e.g., hepatitis A and B, rubella, or varicella, knowledge of specific antibody titers for individual lots of ISG would be desirable and could prove valuable in future efforts to evaluate ISG efficacy for such applications as prophylaxis of rubella, varicella, and even hepatitis A.

Recommendations

1. *Product improvement.* The main efforts here should be to determine the necessity for thimerosal as a preservative and, more importantly, to explore further ways to render the gamma globulin product (a) safe for intravenous administration and (b) more stable.

2. *PHS regulations.* These should be expanded to include standards for acceptable composition of each lot in terms of quantity of IgG and relative content of other immune globulins and of adventitious serum proteins. Also, within the limits of applicable technology, lots of ISG should be characterized with respect to important specific antibody titers. At the present time, in view of ACIP recommendations, information concerning antibody levels to measles and hepatitis A is most pertinent. Labeling should include these titers and, with respect to indications for use, should conform to ACIP recommendations. The regulations also should cover ISG, in particular by establishing potency standards which should be reviewed periodically.

3. *Licensure.* The Panel recommends that immune serum globulins licensed for intramuscular use be placed in Category I, and that for ISG, licenses should be continued for specified uses, which currently should include prophylaxis of measles and hepatitis A and the continuing treatment of patients with gamma globulin deficiencies. Usage should be reviewed periodically in conjunction with ACIP which, thus far, has not addressed the full range of possible uses of ISG.

The question of licensure of ISG products for specific viruses is dealt with in the specific product reviews.

Review of Specific Immune Serum Globulin and Specific Human and Equine Immune Serum Globulin Products

Manufacturers who submitted data for currently licensed ISG products are listed below. With one exception, all of these are licensed only for intramuscular use. For these, the preceding generic statements are believed to constitute and adequate review. These ISG products for intramuscular use should all be placed in Category I as safe and effective for approximately indicated purposes.

Abbott Laboratories
Armour Pharmaceutical Co.
Division of Biologic Products, Bureau of Laboratories, Michigan Department of Public Health
Cutter Laboratories, Inc.
Dow Chemical Co.
E. R. Squibb & Sons, Inc.
Lederle Laboratories Division, American Cyanamid Co.
Massachusetts Public Health Biologic Laboratories
Merck Sharp & Dohme, Division of Merck & Co., Inc.
Osterreichisches Institut fur Haemoderivate G.m.b.H.
Parke, Davis & Co.
Travenol Laboratories, Inc., Hyland Division
Wyeth Laboratories, Inc.

Immune Globulin (Human) pepsin-modified "Gammagee-V" produced by Merck Sharp & Dohme, Division of Merck & Co., Inc., and licensed for intravenous use, should be placed in Category IIIA in view of the inadequacy of information concerning its efficacy. The Panel considers that availability of a product of this type is highly desirable and would encourage the manufacturers to develop more extensive data on efficacy.

Immune Serum Globulin (Human) Manufactured by North American Biologicals, Inc.

No data have been provided by the manufacturer for Immune Serum Globulin (Human) for which they were licensed at the time of this review. In the absence of any information from the manufacturer, the Panel can make no determination regarding the relative benefits and risks of this product.

Recommendations. The Panel recommends that this product be placed in Category IIIB and that the appropriate license be revoked pending submission of evidence regarding the safety and effectiveness of this product.

Antirabies Serum Manufactured by Instituto Sieroterapico Vaccinogeno Toscano SCLAVO

1. *Description.* Antirabies serum 'Sclavo' is a sterile aqueous solution of refined and concentrated globulin obtained from the blood of horses immunized against rabies virus.

Preserved with 0.3 percent m-Cresol. Each ml contains 500 units.

The submission described in adequate detail the various phases of production and testing including: production of rabies vaccine to immunize horses (CNS tissue from rabbits infected with CV 12 rabies virus); the regimens for immunizing horses (repeated subcutaneous doses of vaccine until desired neutralizing antibody titer achieved); collection and processing of plasma (ammonium sulfate precipitation of globulin fraction with standard methods of filtration and dialysis); and basic tests for safety and potency in animals.

a. *Recommended use.* For the prevention of hydrophobia in humans the use of antirabies serum in combination with vaccine is considered the best post-exposure prophylaxis. However, because serum of animal may induce serum sickness or acute anaphylactic reactions, it should be used only when indicated.

Antirabies serum is recommended for most exposures classified as severe and for all bites by rabid animals and unprovoked bites by wild carnivores and bats (see chart).

When indicated, antirabies serum should be used regardless of the interval between exposure and treatment.

Of the recommended dose (1,000 units per 40 lb of body weight), "a portion * * * should be used to infiltrate the wound, and the rest administered intramuscularly."

b. *Contraindications.* No contraindication is given as such. Under the heading of "Side Effects/ Precautions" the statement is made that Patients giving a history of allergic symptoms and/or of previous injections of horse serum may be dangerously sensitive and should receive antirabies serum with the utmost caution. Skin and eye tests for sensitivity (both procedures described in detail) are recommended regardless of patient history.

Labeling. In addition to the above material, the labeling and package insert contain a well-presented discussion of sources and types of exposure, the management of biting animals, and the then current ACIP recommendation.

2. *Analysis.* a. *Efficacy.* See generic discussion. Comments made in the generic review concerning the efficacy of equine antirabies sera apply to this product.

b. *Safety.*

(1) *Animal.* This product meets Federal requirements.

(2) *Human.* See generic discussion. Comments made in the generic review concerning the safety of equine antirabies sera apply to this product.

c. *Benefit/risk ratio.* See generic discussion. Comments made in the generic review concerning the benefit/ risk of equine antirabies sera apply to this product.

d. *Labeling.* The label and package insert are reasonable in general, but specific changes should be made. Under "Manufacturer's indications" the statement that serum therapy should be instituted "regardless of the interval between exposure and treatment" is unsubstantiated by any existing data. In view of the lack of data and the inherent serum sickness hazard of this product, the statement is unwarranted and should not appear.

A further fault with the package insert is the failure to cite any contraindications. The statement concerning persons with an allergic history is weak, particularly in view of the present availability of HRIG.

3. *Conclusions.* a. *Critique.* This product has all the limitations of horse serum for use in humans, and as noted in the generic review carries a high risk of serum sickness and other reactions. Its use also complicates the efficacy of rabies vaccine, a point less well discussed in the package insert than might be. Its use is likely to diminish as human rabies immune globulin becomes available; but limited supply of the latter makes it likely that there will be continued need for a supply of equine antiserum for some time to come. Where human rabies immune globulin is not available, the potential benefits of this product, i.e., decreased risk of rabies, clearly outweigh the product's disadvantages.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that licensure be continued at least until adequate availability of preferred human rabies immune globulin is assured. Even when such assurance has been realized for this country (as is now reported to be the case), there presumably will be a need for antirabies serum elsewhere in the world. The package insert should be revised in accordance with the Panel's recommendations.

Antirabies Serum (Equine Origin) Manufactured by Lederle Laboratories Division, American Cyanamid Co.

1. *Description.* Antirabies serum (ARS), a "refined and concentrated" antiserum obtained from hyperimmunized (with fixed rabies virus) horses, contains phenol (0.4 percent) and phenylmercuric borate (1:20,000) as preservatives. Under this heading, the mode of action is described as "delays virus propagation, thus allowing more time for rabies vaccine to induce antibodies."

a. *Recommended use.* ARS is used as an adjunct in postexposure treatment; it should be given as promptly as possible after exposure. Use is indicated in all persons suspected of exposure, *irrespective of interval elapsed since exposure.* Types of possible exposure are described, as is range of incubation periods; emphasis is given to the import of ARS in cases of severe exposure associated usually with short incubation.

b. *Contraindications.* Positive intradermal or conjunctival test for sensitivity is a contraindication unless required as a life-saving measure.

c. *Diagnosis.* A detailed, very good account of diagnosis of rabies in biting animals is provided followed by, *in italics,* the admonition that initiation of treatment should never await results of laboratory diagnostic tests (but when negative, treatment may be terminated).

d. *Treatment.* Detailed instructions following ACIP and WHO recommendations, for management of suspected exposure, including use of ARS are provided. The equine origin of ARS is emphasized as is the necessity for careful history of allergies and a skin test. A procedure for desensitization is outlined for cases when ARS must be given to sensitive individuals. *Precautions* are carefully stated but also, under this heading, the possible occurrence of immediate anaphylactic reactions and of serum sickness is noted.

e. *Processing.* The basic manufacturing process is summarized. Horse blood is drawn into anticoagulant solution, treated, and globulins precipitated by ammonium sulfate. Subsequent steps include neutralization, addition of preservatives, dialysis, reprecipitation, separation in Sharples centrifuge, further clearing, and final concentration. The resulting clear fluid is sterile filtered and ready for quality control.

2. *Analysis.*

a. *Efficacy.* The submission includes abstracts of revelant literature and a

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review (discussed in detail in the generic review).

b. *Safety.*

(1) *Animal.* This product meets Federal requirements.

(2) *Human.* For the finished biological product, the manufacturer stated that *no reactions were reported* (in terms of documented case reports) for the years 1969 to 1974 based on distribution of millions of units in that period.

c. *Benefit/risk ratio.* See generic discussion. The hazard of serum sickness necessarily weighs against ARS as the newly licensed HRIG (Human) becomes available.

d. *Labeling.* The label and package insert are reasonable in general but one specific change should be made. Under "Indications" the statement that serum should be administered to all persons suspected of exposure to rabies "irrespective of the interval between exposure and treatment" is unsubstantiated by any existing data. In view of the lack of data and the inherent serum-sickness hazard of this product, the statement is unwarranted and should not appear.

3. *Conclusions.*

a. *Critique.* The submission documents adequate procedures required to insure potency and freedom from undesired contaminants. It also includes abundant reproductions of published papers, many of which deal more with general management of suspected exposure than with ARS in particular.

b. *Recommendation.* The Panel recommends that this product be placed in Cateory I and that licensure be continued at least until adequate availability of preferred HRIG is assured. Even when such assurance has been realized for this country (as is now reported to be the case), there presumably will be a need for ARS elsewhere in the world. The package insert should be revised in accordance with the Panel's recommendations.

Measles Immune Globulin (Human) Manufactured by Lederle Laboratories Division, American Cyanamid Co.

No data have been provided by the manufacturer for Measles Immune Globulin (Human) for which they are presently licensed. In the absence of any information from the manufacturer, the Panel can make no determination regarding the relative benefits and risks of this product.

Recommendations. The Panel recommends that this product be placed in Category IIIB and that the appropriate license be revoked pending submission of evidence regarding the safety and effectiveness of this product.

Measles Immune Globulin (Human) Manufactured by Parke, Davis & Co.

No data have been provided by the manufacturer for Measles Immune Globulin (Human) for which they are presently licensed. In the absence of any information from the manufacturer, the Panel can make no determination regarding the relative benefits and risks of this product.

Recommendations. The Panel recommends that this product be placed in Category IIIB and that the appropriate license be revoked pending submission of evidence regarding the safety and effectiveness of this product.

Mumps Immune Globulin (Human)-Hyparotin (R) Manufactured by Cutter Laboratories, Inc.

1. *Description.* A solution of gamma globulin prepared from venous blood of humans hyperimmunized with mumps virus vaccine. [Note: package label says "live" but in fact killed mumps virus vaccine is used.] It contains 16.5 percent ± 1.5 percent gamma globulin dissolved in 0.3M glycine and preserved with 1:10,000 thimerosal. * * * Its mumps antibody content is approximately twenty times that of human mumps immune serum * * * [from sera nonreactive for hepatitis associated antigen] * * *. Hyparotin (R) supplies antibodies for the prevention of mumps.

a. *Recommended use.* Hyparotin (R) is indicated in the prophylaxis of mumps * * * should always be given by the intramuscular route and never intravenously * * *. The physician should make sure that his (sic) patient understands that no specific protective or therapeutic end result can be assured in any given case.

There are insufficient data on the relationship between antibody concentration and protective action in mumps to develop a dosage schedule on a firm scientific basis. Although the dosage schedule suggested below has been arrived at empirically, it appears to be effective in some instances in preventing serious sequelae of mumps in older children and adults * * *.

For prophylaxis in children under age 12, 1.5 ml is recommended; for individuals age 12 and older, the dose is 3 to 4.5 ml. For treatment: "Such treatment can be expected to have little or no therapeutic effect * * * it may, if used as heroic doses, prevent complications such as orchitis * * * [at] not less than five times the minimum prophylactic dose and preferably more.

Precautions. Skin tests should not be done. In most human beings the intradermal injection of concentrated gamma globulin cause (sic) a localized area of inflammation which can be misinterpreted as a positive allergic reaction. In actuality, this does not represent an allergy; rather, it is localized tissue irritation of a chemical nature. Misinterpretation of the results of such tests can lead the physician to withhold badly needed human antitoxin from a patient who is not actually allergic to this material. True allergic responses to human gamma globulin given in the prescribed intramuscular manner are extremely rare.

b. *Contraindications.* Individuals known to have an allergic response to gamma globulin.

2. *Analysis.* See generic statement.

a. *Benefit/risk ratio.* The risk associated with the use of gamma globulin intramuscularly is very small. However, since there is no evidence for benefit when used to prevent mumps, the ratio for this purpose must be considered as unfavorable. When used to treat mumps to prevent orchitis, however, some beneficial effect of an analogous product has been reported. If this can be confirmed for this specific product, a favorable ratio would result.

b. *Labeling.* The Advisory Committee on Immunization Practices recommendations do not include the use of mumps immune globulin in any circumstance and therefore cannot be cited. The label is erroneous regarding live vaccine for immunization. The package insert is quoted above.

3. *Conclusions.* a. *Critique.* As discussed in the generic review, the need for mumps immune globulin is limited but significant. The available data, including the excellent study on St. George Island, provide no evidence for its efficacy in prevention of mumps. Most studies directed at treatment of mumps to prevent orchitis employed convalescent serum and yielded negative results. The well-designed study, conducted in 1945, did show a significantly reduced incidence of orchitis, but this required a very large dose (20 ml) of an experimental preparation derived from mumps convalescent serum.

b. *Recommendation.* The Panel recommends that this product be placed in Category II and that the appropriate license be revoked because there are compelling reasons to assume a lack of effectiveness and an unsatisfactory benefit/risk ratio for this product.

Mumps Immune Globulin (Human) Manufactured by Travenol Laboratories, Inc., Hyland Division

1. *Description.* No labels for distribution in final dosage form have been used since 1971. The sole product is for bulk distribution and is described as follows:

Cohn Fraction II. Derived from plasma found nonreactive for hepatitis associated (Australia) antigen by counterelectrophoresis. For manufacturing use only. For export only. Not sterile. Not tested for potency, sterility, pyrogen or stability. Must be sterilized by filtration within 24 hours after dissovling. Suitability of final preparation for human use is responsibility of final processor.

Contains no stabilizer or preservative.

Protein is at least 95 percent gamma globulin by electrophoresis.

The manufacturer no longer markets the product directly, and thus cites no specific indications or contraindications.

2. *Analysis.* See generic statement.

3. *Conclusions.*

a. *Critique.* The comments pertinent in the generic review remain pertinent here. There is perhaps an issue about export, but in view of the total lack of evidence of efficacy in controlled circumstances it is not compelling. No labeling was provided.

b. *Recommendation.* The Panel recommends that this product be placed in Category II and that appropriate license(s) be revoked because there are compelling reasons (namely, complete lack of information concerning this product) to assume a lack of safety or effectiveness and an unsatisfactory benefit-risk ratio for this product.

Vaccinia Immune Globulin (Human) Manufactured by Travenol Laboratories, Inc., Hyland Division

1. *Description.* The following is the description given on the package insert:

Hyland Vaccinia Immune Globulin (Human) is a 16.5 (±1.5) percent solution of the gamma globulin fraction of the serum of healthy adults who have been recently immunized with vaccinia virus. The solution has been made isotonic and stabilized with 0.3 molar glycine. It contains 0.1 percent sodium chloride and 0.01 percent thimerosal as a preservative. The antibody content, as determined by tissue culture virus neutralization tests, complies with the United States potency requirements for the product and is approximately equal to that of the World Health Organization's International Standard for Anti-Smallpox Serum. Hyland Vaccinia Immune Globulin (Human) is similar to investigational-use preparations which have been available through the American National Red Cross.

A somewhat more detailed list of the ingredients is as follows:

Cohn Fraction II (gamma globulin) from vaccinia immune Source Plasma (Human)	16.5 ±1.5g
Glycine (stabilizer) (0.3 molar)	2.25g.
Sodium chloride (viscosity-reducing agent)	0.1g.
Thimerosal (preservative)	0.01g.
Water for injection	q.s to 100 ml.

Bulk powder, nonsterile, for export is also described in the manufacturer's submission. Instructions include proper directions for sterilization and a waiver of responsiblity for the final product by Hyland.

Potency of the final product is tested as follows:

Suitable dilutions of the reference and the lot under test are mixed with a constant amount of vaccinia virus, added to a human cell tissue culture system, and observed for their ability to reduce plaque formation caused by the virus alone. From the dilutions of reference and lot under test which produce a 50 percent reduction of plaques, the ratio of the respective potencies is calculated.

The test procedure is an adaption of tests described in the published literature. The detailed protocol for the test is on file with the Bureau of Biologics. Review of the protocol indicates that this is an adequate potency test.

a. *Recommended use:* (1) Prevention or modification of smallpox. It should be used in conjunction with smallpox vaccination or revaccination.

(2) Prevention or modification of the complications of smallpox vaccinations. VIG may be used prophylactically in vaccination, when necessary, of eczematous children or adults, individuals with virus, individuals with other extensive skin lesions, pregnant women, and those at particular risk of encephalitis.

(3) Prophylaxis in vaccination contacts with eczema or other extensive skin disease, immune deficiency diseases, etc.

(4) Treatment of complications of smallpox vaccination, eczema vaccination, vaccinia necrosum generalized vaccinia, accidental infections of the eye, mouth, etc., and vaccinia infection of burns, impetigo, etc.

Recommended dosage is 0.3 ml/kg for prophylaxis and 0.6 ml/kg or more for treatment. Route is intramuscularly, with warnings against intravenous use.

The recommendations of ACIP are not sufficiently detailed for a package insert, and are as follows:

Prophylactic use. Dose. 0.3 ml/kg by the intramuscular route.

Therapeutic use. Dose and indications. 0.6 ml/kg by the intramuscular route. For eczema vaccinatum, progressive vaccinia, or autoinoculation vaccinia of the eye, VIG may be effective. For severe cases of generalized vaccinia, VIG may be helpful in treatment; but such cases almost invariably have a favorable outcome anyway, provided the primary vaccination site heals. For mild cases of generalized vaccinia or autoinoculation not involving the eye, VIG is generally considered unnecessary. For post vaccinial encephalitis, VIG is of no proved therapeutic value.

b. *Contraindications.* Administration of VIG in the presence of active keratitis has resulted in increased scarring in rabbits. Since it is presumed that a similar response might occur in humans, VIG should not be used in the treatment of keratitis caused by vaccinia virus.

2. *Analysis.*

a. *Efficacy.* (1) *Animal.* None available.

(2) *Human.* Most of the published studies of the value of VIG have used products produced by manufacturers other than Hyland. Nevertheless, it is important to review these since they probably would apply equally well to the material under consideration.

(i) *Prophylaxis of smallpox.* The evidence that VIG is effective, in conjunction with vaccination, in preventing smallpox is good but stems from only a few studies. In one study (Ref. 55) of 75 control (vaccination alone) contacts of smallpox cases, 8 developed smallpox and 3 died. Of 56 VIG (vaccination plus vaccinia immune globulin) contacts, 2 developed smallpox and 1 died. In a larger study (Ref. 56) the figures were as follows: of 379 control contacts (vaccination alone) 21 developed smallpox within 14 days; of 328 VIG treated contacts (VIG plus vaccination), 5 developed smallpox within 14 days. The two groups in this study were well matched in every important respect. The calculated combined reduction of smallpox cases achieved by the addition of VIG to prophylaxis was 70 percent.

One other published study (Ref. 57) provided anecdotal data on the mild illness in two individuals given VIG and vaccine several days after exposure.

(ii) *Prophylaxis of the complications of smallpox vaccination.* Evidence for a prophylactic effect in the prevention of eczema vaccinatum is less clear-cut but is provisionally accepted. This complication occurs infrequently after deliberate vaccination of eczematous individuals, even when prophylaxis is not administered. Kempe estimates that only 1 out of 200 vaccinated eczematous children gets eczema vaccinatum. In the report of Sharp and Fletcher (Ref. 58), one case of mild eczema vaccinatum developed among 290 eczematous persons given VIG prophylactically. Another failure of prophylactic VIG is reported by Sussman and Grossman (Ref. 59). Nevertheless, there is a general impression that such prophylaxis is effective (Ref. 60).

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There is no evidence that VIG prevents the complications of smallpox vaccination in immune deficiency states, immunosuppression, pregnancy, or skin diseases other than eczema. It is nevertheless recommended in situations where vaccination is imperative.

Prophylaxis in the prevention of encephalitis is illustrated best in the report of Nanning (Ref. 61). Antivaccinia gamma globulin (AGG) was administered in a dose of 2 ml to 53,630 Dutch recruits, aged 19 to 22, and a placebo was given to 53,044. Dutch recruits are thought to have an incidence of encephalitis of 1 in 4,000 primary vaccinations and 1 in 50,000 revaccinations. There were 13 cases of postvaccinial encephalitis in the controls and 3 in the prophylactically treated group. This difference was highly significant ($p < 0.001$).

(iii) *Treatment of the complications of vaccination.* The value of VIG in treatment of eczema vaccinatum must be inferred from uncontrolled reports by Kempe (Ref. 62), Sussman and Grossman (Ref. 59), and Sharp and Fletcher (Ref. 58). The mortality of eczema vaccinatum in children under 2 cared for with supportive therapy alone is quoted by Kempe as 30 to 40 percent. In his group given therapeutic VIG, the mortality was 7 percent (9 of 132). In Sussman and Grossman's group, mortality was 1 of 37, and in Sharp and Fletcher's cases, 2 of 47 died. In the last two reports, methisazone was occasionally used in conjuction with VIG in very ill cases. The overall mortality in these reports, then, is 11 of 216, or 5 percent. All three reports are quite emphatic about the temporal relationship between VIG treatment and clinical improvement in almost all cases.

Treatment of vaccinia necrosum is likewise uncontrolled. Some patients appear to respond and others clearly do not (Ref. 62). Again, its use is recommended.

Treatment of less severe complications of vaccination may also be effective. In the instance of generalized vaccinia, the evidence for efficacy is slim indeed, particularly since this diagnosis is often wrong because the rash is confused with various forms of allergic rash in response to vaccination. Patients with accidental inoculation in crucial areas such as the eye, finger, mouth, etc., appear to respond to VIG, but there are no well-controlled data.

b. *Safety.* (1) *Animal.* The product meets the standards of the "General Safety" tests specified in § 610.11 (21 CFR 610.11). Likewise it has passed sterility tests and tests for pyrogenicity in animals.

(2) *Human.* The data for this particular product are not available. However, there is no reason to believe that the human safety differs from that of other immune serum globulins produced by the same manufacturer.

c. *Labeling.* All labeling should conform to FDA's proposed regulations for labeling for prescription drugs used in man as reported in the Federal Register of April 7, 1975 (40 FR 15392) and to the updated recommendations of ACIP.

3. *Conclusions.* a. *Critique.* Vaccinia immune globulin as prepared by Hyland appears to be a useful product as long as smallpox continues to be present somewhere in the world. The evidence for efficacy is at times spotty, but the benefit/risk ratio remains high.

b. *Recommendations.* The Panel recommends that this product be placed in Category I and that the appropriate license(s) be continued because there is substantial evidence of safety and effectiveness for this product. The Panel has been informed that this product is no longer being produced and expresses the hope that this decision be reconsidered since there is a clear, albeit infrequent need.

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FDA Response to the Panel's Recommendations

The FDA is responding to the Panel's recommendations as follows:

1. The Panel recommended that Viral and Rickettsial Vaccines be grouped into regulatory categories as follows:

a. *Category I. Biological products determined to be safe and effective and not misbranded: [and may continue in interstate commerce]* Poliomyelitis Vaccine (Purified), Connaught Laboratories, Ltd., License No. 73; Poliovirus Vaccine, Live, Oral, Trivalent (Orimune), Poliovirus Vaccines, Live, Oral, Type 1, Type 2, and Type 3, (Monovalent) (Orimune), Lederle Laboratories Division, American Cyanamid Co., License No. 17, Poliovirus Vaccine, Live, Oral, Trivalent (Diplovax), Pfizer Ltd., License No. 338; Smallpox Vaccine (in three formulations: Glycerinated Vaccine; Dried Vaccine; Dried Vaccine for Jet Injection), Connaught Laboratories, Ltd., License No. 73; Smallpox Vaccine, Avianized, Lederle Laboratories Division, American Cyanamid Co., License No. 17; Smallpox Vaccine and Smallpox Vaccine Freeze-Dried, Merrell-National Laboratories, Division of Richardson-Merrell Inc., License No. 101; Smallpox Vaccine, Bureau of Laboratories, Michigan Department of Public Health, License No. 99; Smallpox Vaccine (Dryvax), Wyeth Laboratories, Inc., License No. 3; Measles Virus Vaccine, Live, Attenuated (Schwarz Strain), (Lirugen), Dow Chemical Company, License No. 110; Measles Virus Vaccine, Live, Attenuated (M-Vac), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Measles Virus Vaccine, Live, Attentuated, (Attenuvax); Mumps Virus Vaccine, Live (Mumpsvax); Rubella Virus Vaccine, Live (Meruvax); Measles, Mumps, and Rubella Virus Vaccine, Live, M–M–R); Measles and Rubella Virus Vaccine, Live (M–R–Vax); Measles-Smallpox Vaccine, Live (Attenuvax-Smallpox); Rubella and Mumps Virus Vaccine, Live (Biavax), Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Rubella Virus Vaccine, Live (Cendehill Strain) (Cendevax), Recherche et Industrie Therapeutiques, S.A., License No. 430; Influenza Virus Vaccine, Bivalent (Flu-Immune), Lederle Laboratories Division, American Cyanimid Co., License No. 17; Influenza Virus Vaccine, Bivalent (Zonomune), Eli Lilly and Company, License No. 56; Influenza Virus Vaccine, Bivalent (Fluax), Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Influenza Virus Vaccine, Bivalent (Fluzone), Merrell-National Laboratories, Division of Richardson-Merrell Inc., License No. 101; Influenza Virus Vaccine, Bivalent (Fluegen), Parke, Davis and Co., License No. 1; Influenza Virus Vaccine, Bivalent (Chromatograph and Filter Purified Subvirion Antigen), Wyeth Laboratories, Inc., License No. 3; Rabies Vaccine, (Duck Embryo) Dried Killed Virus, Eli Lilly and Company, License No. 56; Yellow Fever Vaccine, Merrell-National

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Laboratories, Division of Richardson-Merrell Inc., License No. 101; Immune Serum Globulin, Abbott Laboratories, License No. 43; Armour Pharmaceutical Company, License No. 149; Bureau of Laboratories, Michigan Department of Public Health, License No. 99; Cutter Laboratories, Inc., License No. 8; Dow Chemical Company, License No. 110; E. R. Squibb & Sons, Inc., License No. 52; Lederle Laboratories Division, American Cyanamid Co., License No. 17; Massachusetts Public Health Biologic Laboratories, License No. 64; Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Osterreichisches Institut for Haemoderivate G.m.b.H., License No. 258; Parke, Davis and Co., License No. 1; Travenol Laboratories, Inc., Hyland Division, License No. 140; Wyeth Laboratories, Inc., License No. 3; Vaccinia Immune Globulin (Human), Travenol Laboratories, Inc., Hyland Division, License No. 140; Antirabies Serum, Instituto Sieroterapico Vaccinogeno Toscano Sclavo, License No. 238; Antirabies Serum (Equine Origin), Lederle Laboratories Division, American Cyanamid Co., License No. 17.

The FDA agrees with the Panel's findings and recommendations and hereby proposes to adopt its conclusions, including proposed labeling revisions concerning product use. Comments and/or additional data on this classification are invited. The following licenses for products in Category I were revoked at each manufacturer's request:

Product	License No.	Manufacturer	Date of revocation
Poliovirus Vaccine, Live, Oral, Trivalent.	338	Pfizer Ltd.	8/12/79
Smallpox Vaccine	101	Merrell-National Laboratories, Division of Richardson-Merrell Inc..	1/3/78
Smallpox Vaccine (Avianized).	17	Lederle Laboratories Division, American Cyanamid Co..	5/24/78
Measles Virus Vaccine, Live, Attenuated (Schwarz Strain), (Lirugen).	110	Dow Chemical Co..	6/21/78
Influenza Virus Vaccine, Bivalent (Zonomune).	56	Eli Lilly and Company.	7/11/77
Influenza Virus Vaccine.	101	Merrell-National Laboratories, Division of Richardson-Merrell Inc..	1/3/78
Yellow Fever Vaccine.	101	Merrell-National Laboratories, Division of Richardson-Merrell Inc..	1/3/78
Immune Serum Globulin.	110	Dow Chemical Company.	6/7/77
Immune Serum Globulin.	258	Osterreichisches Institut fur Haemoderivate G.m.b.H..	7/22/75
Immune Serum Globulin.	43	Abbott Laboratories.	8/15/75

Merrell-National Laboratories, Division of Richardson-Merrell Inc., transferred its manufacturing processes and facilities for manufacturing Smallpox Vaccine, Influenza Virus Vaccine, and Yellow Fever Vaccine, License No. 101, to Connaught Laboratories, Inc. Connaught was issued License No. 711 of January 3, 1978.

Abbott Laboratories transferred its manufacturing processes and facilities for manufacturing Immune Serum Globulin, License No. 43, to Alpha Therapeutic Corp. Alpha Therapeutic Corp. was issued License No. 744 on August 15, 1978.

b. *Category II. Biological products determined to be unsafe or ineffective or to be misbranded and which should not continue in interstate commerce:* Mumps Immune Globulin (Human)—(Hyparotin), Cutter Laboratories, Inc., License No. 8; Mumps Immune Globulin (Human), Travenol Laboratories, Inc., Hyland Division, License No. 140; Mumps Virus Vaccine (Inactivated), Eli Lilly and Company, License No. 56; Mumps Vaccine (Killed), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Adenovirus Vaccine, Parke, Davis and Co., License No. 1; Adenovirus and Influenza Virus Vaccine, Combined, Parke, Davis and Co., License No. 1.

The FDA agrees with the Panel's findings and recommendations concerning these drugs and, in accordance with §§ 601.5 and 601.25(f)(2), FDA intends to publish a notice of an opportunity for a hearing (NOH) to revoke the licenses for these products. Interested persons may comment and/or submit additional data in response to the notice. These revocation proceedings will not be necessary for (1) Mumps Virus Vaccine (Inactivated), the license for which was revoked on April 7, 1977, at the request of Eli Lilly and Company and (2) Mumps Vaccine (Killed), the license for which was revoked on May 24, 1978, at the request of Lederle Laboratories Division, American Cyanamid Company.

Following the publication of standards for inactivated Adenovirus Vaccine in 1957 (see **Federal Register** of September 24, 1957 (22 FR 7560)) several manufacturers were issued product licenses. In addition, two manufacturers received product licenses for Adenovirus and Influenza Virus Vaccine, Combined, Aluminum Phosphate Adsorbed, which is a combination of the Adenovirus Vaccine with another licensed biological product.

During the years subsequent to the issuance of these licenses, it became evident that there were certain persistent problems concerning the contamination of adenovirus with a newly discovered simian virus known as SV40. As a result, licensed manufacturers of these products were advised in October 1964 that no further lots of the inactivated Adenovirus Vaccine could be released until these problems were resolved.

Since 1964, there has been no evidence that these problems have been resolved. In the **Federal Register** of January 3, 1973 (38 FR 48), FDA announced its conclusion that (1) the vaccine cannot be manufactured in a manner that assures its safety, purity, and potency, (2) the additional standards for Adenovirus Vaccine (21 CFR 273.1040 through 273.1045, redesignated as 21 CFR 630.20 through 630.25) should be deleted from the biologics regulations, and (3) the licenses governing any adenovirus vaccines, either singly or in combination, should be revoked. That **Federal Register** announcement also provided a notice of opportunity for a hearing (NOH) to manufacturers of adenovirus vaccines on the Commissioner's intent to revoke all licenses remaining in effect. All manufacturers, except Parke, Davis and Co., requested that their product licenses be revoked. Parke Davis did not respond to the notice. Although no adenovirus vaccine has been released for sale since August of 1964, the Parke Davis product license for these vaccines has not been officially revoked.

The Panel reviewed (as part of their review of pre-1972 licensed products) information on file with the Bureau of Biologics and other information submitted directly to the Panel, including presentations by representatives of Parke, Davis and Co. in April 1974, in support of adenovirus vaccines. The Panel found this information to be inadequate to support the continued licensing and placed

adenovirus vaccines in Category II. Consistent with the procedures established for such products, a NOH covering the Parke Davis vaccines will be published as part of the implementation of the Panel's report. In addition to the lack of proven safety and effectiveness, the agency intends to base revocation, as authorized by § 601.5(b)(2), upon the fact that manufacture has discontinued to such an extent that a meaningful inspection cannot be made. Should the Parke Davis product license for adenovirus vaccines be revoked, a final order also will be published revoking the additional standards for Adenovirus Vaccine.

c. *Category IIIA. Biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in interstate commerce pending completion of testing:* Rocky Mountain Spotted Fever Vaccine (RMSF), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Typhus Vaccine, Lederle Laboratories Division, American Cyanamid Co., License No. 17; Eli Lilly and Company, License No. 56; Merck Sharp & Dohme, Division of Merck & CO., Inc., License No. 2; Immune Globulin (Human), Pepsin Modified, (Gammagee-V), Merck Sharp & Dohme, Division of Merck & CO., Inc., License No. 2.

The FDA agrees with the Panel's findings and recommendations concerning these drugs and, in accordance with § 601.25(f)(3), hereby proposes that products listed in Category IIIA remain on the market and their licenses remain in effect, on an interim basis, pending completion of testing and the submission of acceptable data based on scientifically sound studies (as recommended in the Panel report) to demonstrate efficacy in humans. Such studies shall be in accordance with the Panel's recommendations and § 601.25(h), and shall be completed within 2 years of publication of the final order. Failure to submit adequate data, in the form of a license amendment, within the specified time will result in the publication of a notice of intent to revoke the product license. Comments and/or additional data on this classification are invited.

The additional studies will not be necessary for Rocky Mountain Spotted Fever Vaccine, manufactured by Lederle Laboratories Division, American Cyanamid Co. and Typhus Vaccine, Manufactured by Eli Lilly and Co. At the request of the manufacturers, the licenses for these products were revoked on June 11, 1979 and June 7, 1979, respectively.

The Panel concluded that additional data are needed for the Category IIIA drugs. The absence of such data is a material fact within the meaning of section 201(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(n)) and applicable regulations, § 1.21 (21 CFR 1.21). The failure to disclose a material fact would cause these drugs to be misbranded. Therefore FDA proposes to extend to viral and rickettsial vaccines the requirements in § 601.25(h)(4) that the circular and promotional material for Category IIIA drugs contain a prominent boxed statement referencing the need for further data to establish effectiveness. The boxed statement should appear in the *Indications* section of the labeling. The FDA also proposes to extend to viral and rickettsial vaccines the requirement of § 601.25(h)(5) that a written informed consent be obtained from participants in the requisite additional studies, and that participants receive an explanation of the product and the purpose of the study and a clear opportunity to refuse to participate.

d. *Category IIIB. Biological products for which available data are insufficient to classify their safety and effectiveness and should not continue in interstate commerce:* Poliovirus Vaccine, Live, Oral, Type 1, Type 2, and Type 3, Pfizer, Ltd., License No. 338; Poliomyelitis Vaccine, Cutter Laboratories, Inc., License No. 8; Poliomyelitis Vaccine (Purivax), Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Poliomyelitis Vaccine; Poliomyelitis Vaccine, Adsorbed, Parke, Davis and Co., License No. 1; Poliovirus Vaccine, Live, Oral, Trivalent, Poliovirus Vaccines, Live, Oral, Type 1, Type 2, and Type 3, (Sabin), Wyeth Laboratories, Inc., License No. 3; Smallpox Vaccine, Massachusetts Public Health Biologic Laboratories, License No. 64; Smallpox Vaccine, Merck Sharp & Dohme, Division of Merck & Co., Inc., License No. 2; Immune Serum Globulin (Human), North American Biologicals, Inc., License No. 413; Measles Immune Globulin (Human), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Measles Immune Globulin (Human), Parke, Davis and Co., License No. 1.

The Panel found that many of these products have not been manufactured for a number of years and that the only way to assure that competence currently exists for their production, and to guarantee their safety and efficacy, is to require a new submission when or if the licensee desires to resume marketing. The Panel did not receive sufficient information from Pfizer Ltd., for the monovalent poliovirus vaccines or from the producers for the human immune serum globulins, and could make no determinations regarding the relative benefits and risks of these products. The Panel recommended that the licenses be suspended or revoked pending the satisfactory completion of additional testing because there is no evidence presumptive of safety or effectiveness for the products.

The FDA agrees with the Panel's findings and recommendations concerning these drugs and, in accordance with §§ 601.5 and 601.25(f)(3), intends to publish a NOH to revoke the licenses for these products. In addition to the lack of proven safety and effectiveness with respect to Poliomyelitis Vaccine (Purivax), manufactured by Merck Sharp & Dohme, Poliomyelitis Vaccine, and Poliomyelitis Vaccine, Absorbed, manufactured by Parke, Davis and Co., and Measles Immune Globulin (Human), manufactured by Lederle Laboratories Division, American Cyanamid Co., FDA also intends to base revocation, authorized by § 601.5(b)(2), upon the fact that manufacture has discontinued to such an extent that a meaningful inspection cannot be made.

The following licenses for products in Category IIIB were revoked at each manufacturer's request and revocation proceedings are unnecessary:

Product	License No.	Manufacturer	Date of revocation
Poliovirus Live, Oral, Type 1, Type 2, and Type 3.	338	Pfizer Ltd	8/12/79
Poliomyelitis Vaccine.	8	Cutter Lab., Inc.	12/28/78
Poliovirus Vaccine, Live, Oral, Trivalent (Sabin) Poliovirus Vaccine Live, Oral, Type 1, Type 2, and Type 3 (Sabin).	3	Wyeth Lab., Inc.	9/05/74
Smallpox Vaccine	64	Massachusetts Public Health Biologic Laboratories.	12/22/78
Immune Serum Globulin (Human).	413	North American Biologicals Inc.	5/21/75
Measles Immuni Globulin (Human).	1	parke, Davis and co.	11/4/77

North American Biologicals, Inc., transferred its manufacturing processes and facilities to Merieux Institute, Inc., Miami, FL. Merieux Institute, Inc., was issued License No. 623, on May 21, 1975, for the manufacture of Immune Serum Globulin (Human).

2. The Panel recommended that a public compensation system be established under which the government accepts; responsibility to recompense

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those who suffer damages from the recognized hazards of immunication when licensed vaccines are used.

A similar recommendation concerning a public compensation system was made at the National Immunization Conference held in April 1977. The agency advises that such a public compensation system is a policy issue which is under study by the office of the Secretary, Department of Health, Education, and Welfare (DHEW). If endorsed by the Secretary, implementation of a public compensation system would require Congressional action.

3. The Panel recommended that FDA, acting through the Bureau of Biologics, rather than the Center for Disease Control (CDC) and the Advisory Committee on Immunization Practices (ACIP), should be responsible for promulgating vaccine usage recommendations.

The FDA notes, first, that ACIP now is advisory to the Assistant Secretary for Health and renamed the Immunization Practices Advisory Committee (IPAC). In addition, FDA is cognizant of the Panel's acknowledgement that "in view of the present commendable collaboration between CDC (and its IPAC appendage) and the Bureau of Biologies, the question might appear to be academic * * *." Therefore, because this interaction between the two organizations can be expected to continue, this matter is not an urgent problem at this time. Any further consideration of this issue will be referred to the Office of the Assistant Secretary for Health.

4. The Panel directed several comments to the IPAC concerning its recommendations for the use of various products. The Panel's comments will be discussed with IPAC and the preamble to final rule will advise manufacturers of their conclusions and any additional labeling revisions that may be necessary to accurately reflect PHS policy (see item 5 below).

5. The Panel recommended a number of specific labeling changes concerning manufacturers' labeling. The agency agrees with the Panel's recommendations for labeling changes. The public is invited to comment on the Panel recommendations affecting product labeling. All labeling changes concerning product use will be discussed with the IPAC and other appropriate groups (e.g., the American Academy of Pediatrics Committee on Infectious Diseases). Upon publication of the final rule, FDA will advise manufacturers when to submit appropriately revised labeling to the Bureau of Biologics for review and approval. Such proposed labeling should conform to the Panel's recommendations, as they may be modified by the final rule, and to regulations governing the content and format of labeling for human prescription drugs, as well as the procedures for requesting a waiver from certain labeling requirements, when those regulations become effective for viral and rickettsial products under review (21 CFR 201.56, 201.57, and 201.58, see the **Federal Register** of June 26, 1979 (44 FR 37434)).

6. The Panel recommended that the government study vaccines for possible subtle and/or long delayed adverse effects.

The FDA agrees that studies designed to evaluate such effects are desirable. The agency has already engaged in selected postmarket surveillance studies with other interested government agencies—the CDC, the National Institute of Allergy and Infectious Diseases (NIAID), the National Cancer Institute (NCI), and the Department of the Army. These efforts will be continued as opportunities for meaningful studies present themselves. The FDA has endorsed postmarketing surveillance in its legislative proposals, particularly the drug reform bill presented to the 95th Congress.

7. The Panel recommended that FDA consider ways of improving laboratory techniques for evaluating and updating standards for safety, potency, and effectiveness for some of the reviewed products.

Standards for determining the safety, potency, and effectiveness of viral and rickettsial vaccines are related to the current state of biomedical knowledge and technology. The existing policy of FDA encourages improvement of standards whenever sound and substantiated laboratory and clinical data demonstrate that changes in methods of production and quality control testing will result in a better product. Within this context, and noting that most of the products reviewed by this panel were found to be safe and effective, the FDA agrees with these recommendations. The agency will continue to be cognizant of new procedures which will improve standards for vaccines.

8. The Panel found that licensed viral vaccines which are safe and effective as single viral products are also safe and effective when combined with other licensed viral vaccines. Accordingly, the Panel recommended that the Bureau of Biologic's interpretation of § 610.17 (21 CFR 610.17) concerning permissible combinations of licensed products be modified to allow a licensed manufacturer to purchase and combine another licensed viral vaccine without being licensed for the purchased component vaccine(s).

The regulation on permissible combinations, § 610.17, requires that manufacturers of combination biological products be licensed for the combination product. In addition, to assure that the individual therapeutic, prophylactic, or diagnostic products of the combination product are compatible, safe, potent, and effective, it has been the agency's policy to require the manufacturer of the combination product to obtain a license for each product in the combination as well.

FDA adopts the Panel recommendation and will now permit manufacturers of combination viral vaccine(s) to purchase licensed viral vaccine(s) from another manufacturer(s) and combine them without obtaining a license for the purchased vaccine(s), provided that the manufacturer of the combination product—(1) performs laboratory and clinical studies to demonstrate compatibility, safety, potency, and effectiveness of the combination product (§ 601.2), (2) obtains a license for the combination product, and (3) identifies, in the package insert, the manufacturer of each purchased vaccine component used in the manufacture of the combination product.

9. The Panel recommended the following for both the live and the inactivated poliovirus vaccines:

(i) Research into the seed strains and the substrates used for cultivation of the virus.

(ii) Surveillance of large comparison groups of recipients of vaccines produced in diploid and in simian cell substrates.

(iii) Identification and development of better in vitro marker correlates of the neurovirulence of poliovirus strains used for the live vaccine, and application of appropriate statistical definitions for interpretation of the monkey test for neurovirulence.

(iv) Comparison testing of inactivated poliomyelitis vaccines licensed in the United States and of those used in Europe to determine their relative potency, and reevaluation of the U.S. potency standards in light of these results.

(v) Use of new methodologies, as they evolve, for the detection and elimination of adventitious agents as well as other foreign nucleic acids or proteins from the substrates used for viral vaccine production.

The Panel found, as have other expert groups, that both the live and the inactivated poliomyelitis vaccines are safe and effective. The FDA agrees that it is important to continue to apply scientific advances to vaccine technology.

The FDA has supported and will continue to support research on cell substrates, in vitro and in vivo measures of attenuation, assays for extraneous agents and substances, and alternate strains of virus for vaccine production. As in other areas of biologics research, these efforts involve a productive interchange between FDA and other biomedical research groups in government, academia, and industry.

In cooperation with other national control authorities and the World Health Organization (WHO), FDA has for several years been involved in an analysis of data relating to neurovirulence testing of live poliovirus vaccine in primates. The testing is complex and difficult and is meaningful only insofar as results are shown to be related to predictable vaccine performance in humans. Nevertheless, it is anticipated that data analysis will ultimately serve as a basis for revising and updating the existing standards for neurovirulence interpretation both here and abroad.

A related problem not specifically addressed in the Panel report but discussed by FDA with the Panel in public sessions concerns the international shortage of primates essential for this type of testing and for the required neurovirulence testing of vaccines. In anticipation of this current shortage, FDA established domestic colonies of Rhesus monkeys. Through the funding of such activities by FDA and other HEW components, the supply of polio vacine for the United States and the availability of monkeys for vaccine testing is secure.

The FDA has already been in contact with other national control authorities, the WHO, and other interested parties regarding the need for new data relating to the comparative immunogenicity of inactivated poliomyelitis vaccines produced by differing methodologies. FDA is supporting studies that should provide information on the immunogenicity of these vaccines in humans as well as in animals. With the completion of these international comparative studies, it is possible that the resulting data will serve as a basis for modifying the labeling as well as changing potency standards for inactivated poliomyelities vaccines licensed in the United States.

FDA advises that research by the Bureau of Biologics on new methods for the detection and elimination of adventitious agents and extraneous material in substrates used for vaccine production is in progress. For example, biophysical and biochemical methods have been employed in testing for the presence of type C retroviruses; the interaction between bacteriophage and cell substrates used for vaccine production has been studied; and new systems for tumorigenicity testing of cell substrates have been developed. In addition, the Bureau is supporting extramural studies designed to detect and eliminate adventitious agents and has discussed with manufacturers research on new manufacturing methods that may improve the purity of viral vaccines.

10. Although the Panel found that all licensed smallpox vaccines currently produced are safe and effective, they recommended that the standards in 21 CFR Part 630, Subpart H, be amended, for the improvement of the quality of the product, to require—

(i) Use of the same strain of seed virus by all manufacturers;

(ii) Use of a seed lot system;

(iii) A test for potency by the pock counting method;

(iv) Sterility standards for percutaneous vaccines consistent with those currently required for jet-gun vaccines; and

(v) The elimination of viable bacterial organisms in jet-gun vaccines.

The Panel also suggested that an effort be made to detect other extraneous organisms, in addition to bacteria, in calif lymph vaccines.

The FDA agrees that these suggestions would improve the vaccine's quality. However, the greatly reduced need for smallpox vaccine resulting from the international eradication of smallpox makes it probable that manufacturers may terminate their production of vaccine rather than commit new funds to upgrade existing production methods. Therefore, the agency particularly invites comments on these recommendations, noting that the possible termination of the production of smallpox vaccine may be potentially of more concern than achieving a marginal increase in the benefit/risk ratio by moderately upgrading existing production methods.

As the Panel notes, differing degrees of documentation exist on the effectiveness of the strains of vaccine virus being used in production. Although the Panel found those smallpox vaccines currently produced to be effective, they recommended that the strain with greatest documentation of safety and effectiveness be used by all manufacturers. The FDA will explore the feasibility of such a change with those manufacturers who intend to continue to produce the vaccines.

The FDA agrees that a seed lot system should be used in the production of smallpox vaccine and invites comments on its intention to require those manufacturers continuing production to amend their product license to adopt a seed lot system.

With respect to the use of the pock counting method for potency testing, § 630.73 (21 CFR 630.73) has already been amended to require such testing (see the **Federal Register** of November 19, 1976 (41 FR 51009)).

The FDA will investigate the feasibility of requiring that vaccines meet more stringent sterility standards. The development of new tests for extraneous organisms in calf lymph vaccines and the determination of the tests' usefulness in the manufacture of smallpox vaccine will likely require a collaborative research effort between FDA and the manufacturers.

11. The Panel commented that the required testing of cell substrates for extraneous agents or indigenous viruses should be updated, especially in the duck embryo system, noting the absence of required testing for duck infectious anemia virus (DIAV).

The regulations for live rubella virus vaccine, propagated in duck embryo cell cultures, in § 630.62(b) prescribe that the embryonated eggs used as a source of the tissue for the propagation of rubella virus shall be derived from flocks certified to be free of agents pathogenic for ducks. There are similar regulations for the manufacture of measles virus vaccine, live, attenuated (§ 630.32(b)) and mumps virus vaccine, live (§ 630.52(a)). A report in the *Journal of the National Cancer Institute* (H. G. Purchase, C. Ludford, K. Nazerian and H.W. Cox, 51:489–499, 1973) identifies DIAV as a member of the reticuloendotheliosis virus (REV) group which includes REV isolated from turkeys, spleen necrosis virus isolated from ducks, and chick syncytial virus isolated from chickens. The report states that the members of the REV group are serologically indistinguishable in the fluorescent antibody test. The author noted that antibody indicative of contact with these agents occurred in white Pekin ducks only when they were in contact with wild ducks and not when reared in closed flocks under commercial conditions.

As a result of the Panel's discussions, a manufacturer of measles, mumps and rubella vaccines that are produced in avian cell cultures submitted data demonstrating that closed duck and chicken flocks, from which the embryos used for vaccine production are derived, are free of REV as evidenced by the lack of antibodies specific for those agents.

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In addition, representative lots of measles, mumps, and rubella virus vaccines were tested for REV by the indirect fluorescent antibody method and were found to be free of the agents.

Nevertheless, assurances should be provided that commercial ducks have not contracted DIAV from accidental contact with wild ducks. For this reason, FDA agrees with the Panel's comments that embryonated eggs for propagating viral vaccines should be derived from flocks certified to be free of DIAV as well as any other REV organism. Since the hazard of biocontamination with agents of the REV group applies to measles and mumps virus vaccines as well, manufacturers of live virus vaccines produced in avian tissue should test birds for REV viruses before introduction into the breeding colony and periodically thereafter.

Accordingly, FDA is proposing that §§ 630.32(b), 630.52(a), and 630.62(b) be amended to require that embryonated eggs intended for manufacture of measles virus vaccine, live, attenuated, mumps virus vaccine, live, and rubella virus vaccine, live, be derived from flocks certified to be free of REV. There is no need to change the wording of § 630.52(a) because § 630.52(a) currently states that embryonated eggs for propagating mumps virus shall be derived from flocks certified or tested as prescribed in § 630.32(b).

12. The Panel recommended that the regulations concerning safety tests for rubella vaccines (§ 630.65) should specify the incubation period for the embryonated eggs before and after inoculation with virus, and the subpassage requirement of tests to be employed.

The FDA agrees with the Panel's recommendation. The tests for safety performed on live virus vaccines prior to clarification are designed to detect the presence of possible adventitious agents which may originate from the cell substrate or from personnel processing the vaccine. The tests include a variety of host systems, i.e., adult mice, suckling mice, and at least four different cell cultures as well as media for the detection of bacteria and mycoplasma. The embryonated egg is a classic host for the detection of a variety of adventitious agents and is used in addition to these host systems.

Measles virus vaccine, live, attenuated, mumps virus vaccine, live, and rubella virus vaccine, live, are produced in avian cell cultures, and similar safety tests are applied to all three vaccines. The embryonated egg safety test prescribed for rubella virus vaccine in § 630.65(a)(5) and (6) and (c)(5) and for mumps virus vaccine in § 630.55(a)(5) requires that the test shall be performed as prescribed in § 630.35(a)(5) for measles virus vaccine. Therefore, it is appropriate to specify, in § 630.35(a)(5), the incubation period and subpassage requirements that are appropriate for all three live virus vaccines, and the agency proposes to amend § 630.35(a)(5) accordingly.

The proposed requirements for the inoculation of embryonated eggs (§ 630.35(a)(5)) are based upon generally accepted methods. A description of the methods of inoculation, incubation, harvesting, and subpassaging and their application is found in "Diagnostic Procedures for Viral and Rickettsial Infections," Fourth Edition, American Public Health Association, New York, E. H. Lennette and N. J. Schmidt, Editors, 1969.

13. For influenza vaccines, the Panel recommended that (i) additional controlled trials of safety, antigenicity, and efficacy be required when a major change is introduced into the process of vaccine production, (ii) other possible tests of potency be explored, particularly animal test models and in vitro measurement for antigenic mass, (iii) standards be established for the maximal acceptable level of contaminants such as diffusable chick proteins and other foreign nonviral protein, and (iv) additional special studies be performed.

The FDA agrees with the Panel's findings that additional testing be required for influenza vaccine if major manufacturing changes are made. The establishment licensing regulations, § 601.12 (21 CFR 601.12), require manufacturers to advise FDA of major proposed changes before the changes are made. When major changes in the production of vaccine have been proposed, FDA has required manufacturers to provide experimental in vitro and in vivo data demonstrating the safety and effectiveness of the vaccine produced by the new method.

As the Panel notes, experience over the years has shown that the presence of circulating antibodies directed against the surface antigens of influenza virus generally correlates with protection against the disease. The conclusion by the Panel that the currently licensed inactivated influenza vaccines are effective is in good part based upon this established relationship between antibody levels and vaccine efficacy. The FDA agrees that when major changes in manufacturing are proposed, it is important to evaluate the safety and antigenicity of the modified product by appropriate clinical trials. Experience has shown that such studies can be completed and their results analyzed within a matter of months, making the acquisition of such data entirely practical. Compared to the evaluation of human antibody response (an indirect measure of vaccine effectiveness), the direct determination of effectiveness is far more difficult. The direct measure requires detailed virologic and epidemiologic study of both vaccinated and unvaccinated populations over an extended period of time. Since influenza may not occur or may occur only sporadically in the populations during the period of study, even a large, complex, and costly trial may fail to provide useful results. For these reasons, data of this nature have more often been provided retrospectively, and by studies supported by public funds, than prospectively by vaccine manufacturers.

The FDA believes that direct protection data should continue to be collected whenever epidemiologic circumstances suggest that a reasonable opportunity exists. As in the past, several government agencies (e.g., NIH, CDC, FDA, DOD) as well as industry will be encouraged to participate in such studies, which are best characterized as a continuing documentation rather than an absolute prelicense requirement. The collection of direct protective efficacy data by animal studies is generally feasible within a reasonable time frame. Consequently, laboratory studies in animals and clinical data relating to antigenicity are normally required of manufacturers proposing new or substantially changed inactivated influenza virus vaccines.

The FDA policy is to continually upgrade those laboratory and research techniques, including potency tests, which form the basis of FDA decisions. Several experimental parameters of influenza vaccine potency have been evaluated in vitro and in vivo in laboratory animals. Indeed, the Bureau of Biologics, working with CDC and NIAID, have performed research correlating in vitro potency determinations with antigenicity in clinical investigations and, as a result, in 1978 instituted a new in vitro procedure for assaying potency of influenza vaccines based on content of hemagglutinin.

FDA agrees with the Panel's recommendations concerning the establishment of standards for maximal acceptable levels of nonviral components in influenza vaccine. As soon as sufficient data to develop additional standards for nonviral contaminants are available and evaluated, FDA will propose standards

regarding acceptable levels of nonviral contaminants in influenza vaccines.

Additional special studies were recommended by the Panel, including (i) evaluation of safety, antigenicity and efficacy of influenza vaccines in high risk adults and children under 6 years of age; (ii) evaluation of the protective efficacy of the Type B components; (iii) review of the status of adsorbents and adjuvants in experimental influenza vaccines; and (iv) surveillance of rare but severe vaccination sequellae.

Since 1973, the Bureau of Biologics has supported clinical trials which have demonstrated that the antigenicity and reactivity of influenza vaccines are similar in high risk and normal individuals. Extensive studies evaluating the safety and antigenicity of influenza vaccines in children under 6 years of age were conducted in 1976 as part of the National Influenza Immunization Program and in 1978 with A/USSR/77 vaccines. As previously noted, due to the sporadic nature of influenza epidemics, it is difficult to evaluate field efficacy. However, one study sponsored by the Bureau of Biologics has demonstrated that both a whole and split-product influenza vaccine were protective in a high risk group of children with cystic fibrosis when they were exposed to an epidemic of A/Victoria (Gross, et al., *Journal of Infectious Diseases*, 136:623–632, 1977).

In addition, studies to monitor the benefits and risks of influenza vaccines are in progress in NIAID-sponsored clinical trails in vaccine evaluation centers throughout the United States. Other special studies will be considered as opportunities permit, and will be explored with agencies such as CDC and NIH, which also have interests and responsibilities in these matters.

Concerning the evaluation of the reactivity of the Type B component in relation to the Type A antigens, the immediate issue of the local and systemic reactivity of influenza vaccines in young children has been largely circumvented by using reduced amounts of antigen and divided vaccine dosages. Studies conducted in 1976 and 1977 demonstrated that vaccines containing two Type A antigens (A/Texas and A/USSR) and the Type B component had reactivity low enough to make them acceptable for use in young children. Additionally, field studies sponsored by NIAID to evaluate the protective effectiveness of Type B vaccines are currently in progress.

The FDA agrees that the status of adsorbents and adjuvants used in experimental influenza vaccines should be reviewed periodically. This policy is currently followed by FDA in the review of clinical studies performed under an IND and in support of license applications or amendments.

The FDA agrees that increased surveillance of rare but severe vaccination sequellae is desirable. To aid in this effort, the FDA announced in the **Federal Register** of April 24, 1979 (44 FR 24233) the availability of a proposed regulation requiring records and reports of adverse reactions and product experiences involving licensed biological products. According to the draft proposal, manufacturers of licensed biological products would be required to immediately report any severe (life threatening or fatal) reactions to the Bureau of Biologics. Copies of this draft proposal are available from the Hearing Clerk under docket number 79N–0089. The comment period on the draft proposal ended June 25, 1979.

CDC, in cooperation with the American Academy of Neurology is currently monitoring the nation-wide incidence of Guillain-Barre Syndrom (GDS). This monitoring system will help determine the relative risk of GBS from vaccinations. In addition, the CDC, by Congressional authority, maintains a general vaccine surveillance program for all Federally-supplied vaccines.

14. The Panel recommended that efforts be made to detect and, if present, eliminate extraneous microorganisms, including avian REV, which may be present in duck embryo used for the production of rabies vaccine.

A license application for rabies vaccine produced in human diploid cells is currently under review by the Bureau of Biologics. It is anticipated that the manufacture of duck embryo rabies vaccine will terminate as soon as the product is no longer needed. However, should production continue, the development of procedures for the detection and elimination of extraneous organisms will be discussed with the manufacturer.

15. The Panel expressed concerned that no avian leukosis virus (ALV)-free yellow fever vaccine is available in this country and requested that every effort be made to insure that ALV-free vaccine is made available in the United States.

The FDA is also concerned about this problem and has conducted extensive research in an effort to aid in the development and assessment of a safe and effective ALV-free yellow fever virus strain for vaccine production. These efforts have a high priority and will continue until an ALV-free vaccine is made available in this country.

16. The Panel recommended improving Rocky Mountain Spotted Fever (RMSF) vaccine and typhus fever vaccine by changing current potency standards to require a defined whole rickettsial organism content and by requiring the use of a reference preparation in the assay test to better correlate the potency for humans. In addition, the Panel recommended that the safety standards be amended to establish limits for endotoxin content and to exclude mycoplasma and other extraneous agents prior to inactiviation.

The FDA agrees with the Panel's recommendation to improve RMSF vaccine and typhus fever vaccine. However, with the revocation of Lederle's product license on June 11, 1979, there are no RMSF vaccines licensed for manufacture in the U.S. The U.S. Army Medical Research Institute on Infectious Diseases and the NIAID Rocky Mountain Laboratory are, however, conducting RMSF vaccine studies. These studies are designed to answer questions concerning potency standards, define a whole rickettsial organism content, establish limits for endotoxin content, and provide methods to exclude extraneous agents from RMSF. There has been no active effort to establish a reference RMSF vaccine. However, a reference preparation or one that closely parallels the vaccine the Army is studying will likely result when the clinical trials with the vaccine developed at the U.S. Army Medical Research Institute on Infectious Diseases are finished. The NIAID has also expressed an interest in the question of an improved RMSF vaccine. The FDA has been and will continue to be in close contact with these agencies concerning this matter. Appropriate changes in the regulations will be proposed as soon as requisite laboratory and clinical data have been obtained and reviewed.

The FDA agrees that efforts should be made to improve the potency test method for typhus vaccine, including the use of an appropriate reference, if this Category IIIA product is to continue in interstate commerce. FDA proposes to require that the manufacturers who intend to continue production of this product initiate appropriate studies in accordance with the Panel's recommendations and § 601.25(h) (21 CFR 601.25(h)).

17. The Panel recommended that efforts be made to improve immune serum globulin (ISG) by exploring the possibility of (i) replacing thimerosal as a preservative because of the possibility of sensitization, (ii) developing ISG's that can be safely and effectively administered intravenously and (iii) improving the product's stability.

The desirability of replacing thimerosal as a preservative in

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biologicals is of major concern primarily with intradermally inoculated skin test products and where thimerosal-induced skin reactions may interfere with an accurate diagnostic reading. However, there is no evidence that thimerosal affects either the safety or the effectiveness of ISG, and reactions to thimerosal have presented little if any problem. There are only a few preservatives that have been found to be safe and effective for use in injectable biological products. Other substances, frequently employed as preservatives in nonbiological products, are unacceptable because of interactions with the proteinaceous components of biologicals and because they may also be sensitizing. Extensive research is therefore required to demonstrate the acceptability of any new preservative in each product. Therefore, before considering regulations proposing the replacement of thimerosal in ISG, data must be developed showing that other preservatives are safe and effective. Interested persons are invited to submit data on the safety and effectiveness of other preservatives or single dose forms of globulin products containing no preservative.

The FDA concurs with the Panel that it would be useful to have ISG which can also be safely and effectively administered intravenously (IV–ISG). There has been considerable interest and progress in this area by both the manufacturers and university-based scientists. On October 30 and 31, 1979, FDA, in conjunction with NIH, held an Immunoglobulin Workshop to discuss the characteristics and current or potential uses of immunoglobulins for intramuscular and intravenous administration, including a review of the European experiences regarding the use of IV–ISG. The information provided by this Workshop will aid interested manufacturers and FDA in developing and assessing immunoglobulin preparations suitable for intravenous administration.

The agency concurs that efforts to improve the stability of Immune Serum Globulin and other immune globulins should be pursued. The Bureau of Biologics' Division of Blood and Blood Products has performed studies to assess the stability of Immune Serum Globulin and to develop methods not only for quantitating any physicochemical deterioration of the product that occurs during the dating period, but also for predicting stability (A. M. Young, D. L. Aronson and J. S. Finlayson, " Urokinase-incubation Method for Predicting the Stability of Immune Globulin," *Journal of Biological Standardization*, 6:27–43, 1978). Studies designed to identify factors responsible for instability are continuing.

18. The Panel recommended that the indications for use of ISG included on the labeling conform to IPAC recommendations

The Bureau of Biologics has developed guidelines for the package insert for Immune Serum Globulin. On April 14, 1978, the availability of these guidelines was announced in the **Federal Register** (43 FR 15779). The recommendations of the IPAC, as well as those of other bodies such as the Committee on Infectious Diseases, American Academy of Pediatrics, were used in the development of these guidelines. All manufacturers of the product have now adopted or are in the process of adopting the guidelines. The guidelines, as well as the manufacturers' labeling, will be reviewed periodically for conformity with the best current medical practice, scientific information, and IPAC recommendations.

19. The Panel recommended that the regulations for ISG be modified to include standards for the composition of each lot in terms of quantity and characteristics of immunoglobulin-G (IgG), relative content of other immunoglobulins and of other contaminating serum proteins. Also, within the limits of applicable technology, the Panel recommended that lots of ISG should be characterized with respect to antibody titers against measles, and hepatitis-A viruses.

The agency agrees that revised regulations for ISG should include standards for the quantity and molecular characteristics of IgG, which is the major protein constituent of ISG. At present, the purity of ISG is defined on the basis of electrophoretic mobility (21 CFR 640.103(b)). When more direct methods for defining this purity in terms of IgG have been established and when appropriate limits for the purity and the molecular characteristics of the IgG can be determined, the agency will propose revised regulations that embody these changes. The issue of molecular characteristics is closely related to that of ISG stability, which is addressed in item 17 of this preamble. In general, the amount of contaminating proteins other than immunoglobulins is determined by measuring the percent of immunoglobulins and treating the remainder as contaminating proteins in a manner analogous to that used for albumin (see 21 CFR 640.82(b)). Studies by the Bureau of Biologics' Division of Blood and Blood Products have also dealt with contaminating proteins that may be present in ISG at levels too low to permit detection by protein analyses and hence can only be measured by enzymic assays. If further study supports limits for the content of these proteins in ISG, regulations including such limits will also be proposed.

As regards the establishment of standards for the relative content of immunoglobulins other than IgG, the Division of Blood and Blood Products has completed a survey of the levels of IgG, immunoglobulin A (IgA), and immunoglobulin M (IgM) in products submitted for release by the Bureau of Biologics. The results of this survey show that these levels were relatively constant among different lots prepared by various manufacturers and were virtually the same as those reported in 1967 (Heiner, D. C. and L. Evans, "Immunoglobulins and Other Proteins in Commercial Preparations of Gamma Globulin", *Journal of Pediatrics*, 70:820–827, 1967). Because of this consistency and the expense that would be incurred if these analyses were performed on all lots, the agency does not intend to propose regulations for the relative contents of IgA and IgM. The agency, however, invites the submission of data concerning the effect of IgA and IgM content on the safety and effectiveness of ISG.

As regards antibody testing of ISG, the agency has taken note of a variety of situations in which specific antibody testing is useful. The required testing of globulins for measles antibodies is illustrative of these. The test has utility in (1) providing the user with a product that contains an amount of antibody known to be effective for the prevention or modification of natural measles; (2) providing a general indication that individual ISG lots contain the expected level of antibodies widely distributed in the population; and (3) providing a means of monitoring an antibody level that conceivably might change as a result of alterations in the epidemiology of the disease and the extensive use of vaccines. In addition to tests for measles antibodies, the regulations currently require that each lot of final product be tested for levels of diphtheria and poliomyelitis antibodies (21 CFR 640.104(a)).

For many years ISG has been widely used for the prevention of hepatitis A. In addition to specific studies cited in the Panel Report, general experience has indicated that ISG preparations prepared from large plasma pools are effective for this purpose. The requirement that ISG lots be prepared from plasma pooled from a large number of donors is based in part on the premise that such preparations will include plasma from an adequate number of persons with antibodies to hepatitis A virus (HAV) to assure that the final product consistently contains comparable levels of such antibodies. A test has recently been developed and shown to be useful for measuring antibodies to HAV in ISG. As expected, the antibody levels observed in ISG preparations tested thus far confirm that all contain antibody and the titers fall within a relatively narrow range. These observations are consistent with the considerations mentioned above (the size of donor pools used and the experience suggesting that the ISG appears to be generally effective for immunoprophylaxis of hepatitis A). However, a minimum effective level of antibody for prevention of hepatitis A has not been established. The Bureau of Biologics is currently involved in activities which are expected to be useful in making decisions about the need for HAV antibody standards. These include: (1) measurement of levels of antibody to HAV in representative lots of ISG currently being produced and from past years; (2) preparation of a reference hepatitis A immune globulin to be used as a standard; and (3) work in experimental animal models to determine the effectiveness of ISG preparations of varying antibody content. The agency invites comments on both the appropriate tests and the minimum antibody levels to be met. The FDA intends to publish a proposal covering the specific antibody tests to be applied to ISG.

At this time the agency does not plan to require the inclusion of the antimeasles antibody level on ISG labeling. Manufacturers are currently required to determine the level of antimeasles antibody in each lot of ISG, which may be no less than the minimum effective level set by FDA (21 CFR 640.140 (a) and (b)(2)). Therefore, requiring the inclusion of the assay results on the labeling would provide little meaningful information. It seems likely that the same considerations would apply if measurement of anti-HAV antibody levels becomes a requirement.

20. The Panel found vaccinia immune globulin (VIG) to be a safe and effective product but noted that this product is no longer being produced. This is of concern to the Panel because there is a well-defined, albeit infrequent, need for VIG. The Panel therefore requested that the manufacturers reconsider their decision to discontinue the production of VIG.

The FDA notes the Panel's concern regarding the availability of VIG. Accordingly, the Bureau of Biologics will review this matter with CDC, NIH, DOD and, as appropriate, the licensed manufacturers to assess the degree of need for VIG and to determine what steps might be taken to continue the availability of VIG.

Additional background data, information, and references on which the agency relies in this proposal may be seen in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The FDA has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 701–706)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 601 and 630 of Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

a. In Part 601, by revising § 601.25(h) (4) and (5) to read as follows:

§ 601.25 Review procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use.

* * * * *

(h) *Additional studies and labeling.* * * *

(4) Labeling and promotional material for Bacterial Vaccines and Bacterial Antigens with "No U.S. Standard of Potency," Skin Test Antigens, and Viral and Rickettsial Vaccines requiring additional studies shall bear a box statement in the following format:

Based on a review by the Panel on Review of (insert name of appropriate panel) and other information, the Food and Drug Administration has directed that further investigation be conducted before this product is determined to be fully effective for the labeled indication(s).

(5) A written informed consent shall be obtained from participants in the requisite additional studies for Bacterial Vaccines and Bacterial Antigens with "No U.S. Standard of Potency," Skin Test Antigens, and Viral and Rickettsial Vaccines explaining the nature of the product and the investigation. The explanation shall consist of such disclosure and be so made that intelligent and informed consent be given, and that a clear opportunity to refuse is presented.

* * * * *

b. In Part 630:

1. By revising § 630.32(b) to read as follows:

§ 630.32 Manufacture of live attenuated Measles Virus Vaccine.

* * * * *

(b) *Virus propagated in chick embryo tissue culture.* Embryonated chicken eggs used as the source of chick embryo tissue for the propagation of measles virus shall be derived from flocks certified to be free of Salmonella pullorum, avian tuberculosis, fowl pox, Rous sarcoma, avian leucosis, reticuloendotheliosis virus, and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed to demonstrate freedom of the vaccine from such agents. (See § 630.35(a)(8) for test of avian leucosis.)

* * * * *

2. By revising § 630.35(a)(5) to read as follows:

§ 630.35 Test for safety.

(a) * * *

(5) *Inoculation of embryonated chicken eggs.* A volume of virus suspension of each undiluted virus pool, equivalent to at least 100 doses or 10 milliliters, whichever represents a greater volume, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian, nonavian origin shall be tested as follows:

(i) Embryonated eggs, 10 to 11 days old, shall be inoculated by the allantoic route using 0.5 milliliter per egg. Following incubation at 35° C for 72 hours, the allantoic fluids shall be harvested, pooled and subpassed by the same route into fresh embryonated eggs, 10 to 11 days old, using 0.5 milliliter per egg and incubated at 35° C for 72 hours. Both the initial pool and the subpassage harvest shall be tested for the presence of hemagglutinin. The virus pool is satisfactory if the embryos appear normal and there is no evidence of hemagglutinating agents.

(ii) Embryonated eggs, 6 to 7 days old, shall be inoculated by the yolk sac route using 0.5 milliliter per egg. Following

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incubation at 35° C for at least 9 days, the yolk sacs shall be harvested and pooled. A 10-percent suspension of yolk sacs shall be subpassed by the same route into fresh embryonated eggs, 6 to 7 days old, using 0.5 milliliter of inoculum per egg and incubated at 35° C for at least 9 days. The virus pool is satisfactory if the embryos in both the initial test and the subpassage appear normal.

* * * * *

3. By revising § 630.62(b) to read as follows:

§ 630.62 Production.

* * * * *

(b) *Virus propagated in duck embryo tissue cell cultures.* Embryonated duck eggs used as a source of duck embryo tissue for the propagation of rubella virus shall be derived from flocks certified to be free of avian tuberculosis, the avian leucosis-sarcoma group of viruses, reticuloendotheliosis virus, and other agents pathogenic for ducks. Only ducks so certified and in overt good health and which are maintained in quarantine shall be used as a source of duck embryo tissue used in the propagation of rubella virus. Ducks in the quarantined flock that die shall be necropsied and examined for evidence of significant pathologic lesions. If any such signs or pathologic lesions are observed, eggs from that flock shall not be used for the manufacture of Rubella Virus Vaccine, Live. Control vessels shall be prepared, observed and tested as prescribed in § 630.32(f).

* * * * *

Interested persons may, on or before July 14, 1980 submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 30, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-10870 Filed 4-14-80; 11:24 am]

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Tuesday
April 15, 1980

Part III

Department of Health, Education, and Welfare

Food and Drug Administration

Requirements for Designating Manufacturer's Name on a Drug Product's Label

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 201, 207 and 314

[Docket No. 78N-0320]

Requirements for Designating Manufacturer's Name on a Drug Product's Label

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule specifies the conditions under which a person may be identified on the label of a drug product as its manufacturer. This rule revokes the "man-in-the-plant" policy under which a firm has been permitted to claim to be manufacturer of a drug product on the basis of having placed quality control staff in the plant of a subcontractor. The agency believes that the continued application of the "man-in-the-plant" policy would mislead consumers about who actually manufactured certain drug products.

EFFECTIVE DATES: Effective April 10, 1981, for drugs and drug products initially introduced or initially delivered for introduction into interstate commerce. This document also extends the effective date of § 201.100(e) (21 CFR 201.100(e)), which requires that prescription drug labeling bear the name and place of business of the manufacturer, packer or distributor, to April 10, 1981.

FOR FURTHER INFORMATION CONTACT: Steven H. Unger, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 3, 1978 (43 FR 45614), the Food and Drug Administration (FDA) proposed to amend § 201.1 (21 CFR 201.1) of the agency's general drug labeling regulations to specify the conditions under which a person may be identified on the label of a drug or drug product as its manufacturer. The rulemaking was intended to end the "man-in-the-plant" policy under which a drug firm marketing a product has been permitted to claim to be manufacturer of the product on the basis of having placed quality control staff in the plant of the subcontractor that actually produced the product. The proposal identified 10 manufacturing operations that are important in formulating a drug product. Under the proposal, in order to claim to be the manufacturer of a drug product, a firm must perform all the listed operations that apply to production of the labeled product. If a firm performs none of the applicable operations, it cannot claim to be manufacturer of the drug product under any circumstances. However, if a firm performs some but not all the applicable operations, and still chooses to identify itself as the manufacturer, it must identify itself as the joint manufacturer along with each other firm that performs one or more of the remaining applicable operations. The proposed regulation also specified the conditions under which a person may claim to have performed the listed manufacturing operations.

The agency also proposed to amend the drug registration and listing regulations (1) to prohibit an owner or operator of a drug establishment from registering the establishment, if any part of the establishment is registered by any other owner or operator, and (2) to require that any change made in a registered establishment firm name made within 6 months of the registration of the establishment be supported by a signed statement of the establishment's owner or operator that the change is not made for the purpose of changing the name of the manufacturer under § 201.1.

By the close of the original comment period the agency had received 53 written comments on the proposal. Several complained that the proposal, if adopted, would have an anticompetitive effect on the drug industry by discouraging the use of contract manufacturing. This would happen, the comments asserted, to the extent that the proposal would prevent a drug company from claiming to be sole manufacturer of a product whose manufacture had been contracted out in whole or in part. To assist the agency in responding to these comments the agency asked the Antitrust Division of the Department of Justice for its analysis of the matter. On April 26, 1979, the Department of Justice responded. The response suggested that before attempting an analysis of the effects the proposal might have on drug industry competition, "additional development of the record is needed to assess the probable effects both beneficial and adverse." In the **Federal Register** of June 26, 1979 (44 FR 37234), the agency published a notice which announced the availability of the Department of Justice letter and solicited the submission of data and analyses on the claim that the proposal would have an anticompetitive effect. The notice reopened the comment period for an additional 60 days. During this time the agency received about 20 additional comments. These comments are summarized and discussed in paragraphs 49 through 51 below.

In all, FDA received 73 comments on the proposed rule. These comments have come from trade associations, professional groups, individual manufacturing firms (both brand name and generic firms), pharmacists, teachers, and other interested persons. A summary of the substantive comments and the agency's responses follows:

Need for Rulemaking

1. Many comments questioned the need for making a rule to define who can properly claim on a drug product label to be the manufacturer of the drug product. Several comments contended that the preamble to the proposed rule had failed to identify any specific instance of misinformation about or misidentification of the manufacturer that resulted from labeling practices under previously sanctioned policies. Other comments asserted that, if under the proposed revision, a manufacturer or joint manufacturers were identified on a drug product label, the information disclosed thereby—information about the person or persons who had performed the manufacturing operations needed to produce the product—was neither desired by most consumers nor helpful to them. Several comments argued further that even if consumers did desire this sort of information, it could be obtained or made obtainable elsewhere, for example, by a FDA-prepared pamphlet presumably listing the manufacturing source of all drug products.

While the preamble to the proposed rule did not cite any specific cases of misinformation conveyed to consumers under previously sanctioned labeling policy, it did describe in general terms several labeling practices sanctioned under previous policy that could mislead consumers about who manufactured a drug product. Further the preamble described in detail the "man-in-the-plant" policy and concluded that the "policy is no longer appropriate as a basis for identifying a firm as a manufacturer of a drug or drug product for purposes of section 502(a) and (b)(1) of the act." Also in support of the proposed action the preamble cited hearings on the problems associated with the "man-in-the-plant" practice that were held before the Senate Subcommittee on Monopoly and Anticompetitive Activities and the House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce. Therefore, FDA believes that the proposal adequately demonstrated the existence of policies that permit the use of potentially misleading label information and the consequent need to revise these policies.

The agency strongly believes that all consumers of drug products not only desire, but need, truthful and accurate information about drug products. While FDA has not conducted a survey to establish a consumer preference for nondeceptive labeling, it should be noted that many commentors did state their emphatic support for the proposed rule and stressed that it would ensure that information on drug product labels would be of value to physicians, pharmacists, and lay consumers in making rational drug product selections. Of course, even if consumers did not find the information disclosed under this final rule helpful or informative, the agency would still have a statutory responsibility to ensure that the identification on the drug product label of the name and place of business of the manufacturer, packer, or distributor (as required by section 502(b)(1) of the act) was not false or misleading. This rule carries out that agency responsibility.

The agency does not believe that publishing a pamphlet containing information about the manufacturing source of all drug products, assuming that such a list could be drawn up and distributed, would solve the problem of misleading label information. The problem of misleading drug label information can only be addressed through policies that regulate the kinds of information that can appear on drug product labels.

Definition of Manufacturer

Revisions To Proposed Definition of Manufacturer

2. Many comments criticized the proposed definition of manufacturer as it would affect the label of a product whose manufacture involved the participation of two or more drug firms. Several comments conceded that a definition of manufacturer might be useful but contended that the particular definition proposed prevented "actual manufacturers" from truthfully claiming to be sole manufacturer of a product. In particular, these comments objected to the provision that would require, if no single person performed all the § 201.1(b) manufacturing operations that were needed to produce the product (and the label purported to identify the manufacturer), that all persons who had performed any of the necessary operations be identified on the label as "joint manufacturers." These comments contended that the "joint-manufacturer" concept is deficient in a number of respects, including the following:

a. The naming on a product label of several persons as "joint manufacturers" would make it more difficult for consumers to determine what person was responsible for marketing the product and to identify the person to be contacted for further information about the drug product. As an example, one comment suggested that, if companies x, y, and z are identified on the label as "joint manufacturers", consumers attempting to learn about the product would be as likely to contact x or y as z, even though z might be the only company able to respond to consumer inquiries.

b. If several persons are identified on the label as joint manufacturers, the label would tend to be crowded and perhaps illegible.

c. Requiring a marketing drug firm to identify subcontractors as joint manufacturers would discourage the contracting out of § 201.1(b) operations and would tend, as a consequence, to increase drug prices as well as the concentration of the drug industry.

d. If a company marketing a drug product is unwilling to acknowledge on the label the contribution of other parties, the "joint manufacturer" provision might discourage the identifying of anyone as manufacturer because the marketing company could instead identify itself as distributor of the drug product.

e. The concept is inconsistent with a consumer's understanding of what is meant by "manufacture" or "manufacturer".

f. The joint manufacturing identification would not inform the consumer which steps each of the joint manufacturers had performed in making the product.

g. The concept would threaten an "esteemed and proper prerogative" of business organizations marketing a product to be identified as sole manufacturer of the product.

h. Identifying all persons who performed the operations needed to produce the product would increase the number of defendants named in products liability suits brought by plaintiffs who had been injured by the product.

In addition, several comments contended that the contracting out of certain highly specialized operations such as aerosol filling, lyophilizing, and sterilization by irradiation is common practice and a reasonable response to the economics of drug manufacturing. Several comments suggested that if the manufacture of a product involves the contracting out of one or two operations that are commonly contracted out, the marketing firm that has performed the remaining operations needed to produce the product should have the right to name itself sole manufacturer.

Several comments offered alternative definitions of manufacturer. One suggested that a manufacturer that performs more than one half of the § 201.1(b) operations needed to produce the product should be permitted to designate itself as sole manufacturer. Another suggested that, if a drug firm contracts out certain operations, it should still be permitted to claim to be sole manufacturer if it identifies the subcontractors involved by name and operation performed.

The agency has carefully considered these comments and has decided that certain modifications can be made to the proposed definition that will not sacrifice the consumer's interest in nondeceptive drug product label information but will make it more likely, when two or more firms participate in the manufacture of a product, that a single drug firm will be able to make an appropriately qualified claim to be manufacturer of the product.

As finalized, § 201.1 permits a person who has performed some but not all operations needed to produce the product to represent itself on a drug product label as the product's manufacturer as follows:

a. If the person performs all the manufacturing steps needed to produce the product except for those that are listed in the rule as steps that the agency has found to be commonly contracted out.

b. If the person performs at least one half of the § 201.1(b) operations needed to produce the product and acknowledges the contribution of the other drug firms by stating on the drug product label that "certain manufacturing operations have been performed by other drug firms."

c. If the person performs at least one § 201.1(b) operation and the label appropriately identifies by name and by step performed the persons who have performed the remaining applicable operations. Under this alternative, a label might read, for example, "Made by A, Sterilized by B, Filled by C."

d. The person could still be identified as a joint manufacturer along with all other persons who had performed the remaining manufacturing operations.

The alternatives that are provided carry out the essential purpose of the regulation: under each alternative a person may not truthfully represent itself as manufacturer of a product unless the person has been significantly and personally involved in performing

the manufacturing steps (listed in § 201.1(b)) needed to produce the product. Thus, under none of the alternatives would a drug firm be able to represent itself as manufacturer on the basis of having placed quality control staff in the plant of a subcontractor that actually manufactured the labeled product.

These revisions provide alternative nondeceptive ways for a person to be represented on a drug product label as the product's manufacturer. The alternatives are intended to provide a means of avoiding some of the difficulties the comments attributed to the proposed provisions that would have required the identification of two or more persons on the product label as joint manufacturers. In particular the alternatives are intended to make it more likely that a single person may be identified as manufacturer and thus to reduce whatever tendency existed under the proposed scheme to "crowd" labels, to threaten the "prerogative" of a firm to identify itself as sole manufacturer, to discourage the identification of any person as manufacturer (as the label could identify the distributor instead), and to curtail subcontract arrangements. (For a full discussion of the claim that the proposal would discourage the use of subcontractors and thus have an anticompetitive effect on the drug industry, see paragraphs 49 to 51 of this preamble.)

Drug Firm To Be Contacted for Further Information

3. The agency agrees that the identification on a product label of several persons as joint manufacturers might confuse and mislead consumers as to the proper source of information about the drug product. The alternatives to the joint manufacturing concept should increase the likelihood that a label will unambiguously identify a single person as the proper source of further information about the product. Furthermore, the agency would have no objection to the label explicitly identifying a single person as the proper source of further information about the product. The regulation has been revised by adding a new provision in § 201.1(h)(3) to state that the label may identify a person as the source of further information about the product.

Man-in-the-Plant Policy

4. Several comments argued in support of the "man-in-the-plant" policy and urged that the policy be retained. One comment, which was representative of several others, stated that this policy correctly recognized that the person who contracted for the manufacture of the drug product and who controlled and supervised its production was the person most responsible for its manufacture. The comment asserted that the "mechanical functions of mixing, granulating, milling * * *" could be performed by any person to another's specifications and that what was important was to which person's specifications the product was being manufactured. The comment claimed that consumers were unconcerned about whether a person actually manufactured the product or contracted out its manufacture under the person's supervision and control. The comment concluded that a person who contracts for the manufacture of the product is most responsible for the product, that it is in every sense that person's product, and that consumers would be misled if that person's name did not appear as manufacturer on the drug product label.

FDA does not agree that a person who arranges for a product to be manufactured but who does not perform any of the manufacturing operations needed to produce the product can truthfully represent itself as the product's manufacturer. Section 502(b)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352(b)(1)) requires that the label of a drug or drug product bear the name and place of business of the manufacturer, packer, or distributor. Because the term manufacturer is not defined in that section of the act or in the pertinent legislative history, in defining manufacturer the agency has appropriately considered the word's common or ordinary meaning. As commonly or ordinarily understood, the manfacturer of a product cannot reasonably be taken to identify a person who took no part in the actual production of the product even if that person exercises some degree of supervision and control of the actual manufacturing process.

Further, the agency does not agree that in looking for the manufacturer of a product one should look for the person "responsible" for having the drug made. If drug firm "A" contracts with a subcontractor, drug firm "B," to have a drug product made by "B" to "A's" specification, "A" does in a sense become "responsible" for the drug product's manufacture because without the contract the product would not have been made. However, the contract in itself does not make drug firm "A" the manufacturer because "A" has not actually taken part in the production of the product.

Even if it were true that "any person" could mix, mill, granulate, and perform the other manufacturing processes needed to make drug products, while only a few presumably could write specifications for the product, that would not be relevant to identifying the manufacturer of the product. What is relevant, as indicated above, is the identity of the person or persons who have actually performed the operations needed to produce the product. Finally, the agency along with a number of consumer commentors disputes the contention that consumers are unconcerned about whether the person identified as manufacturer on a product label was in fact the product's manufacturer. And, as discussed in paragraph 1 above, even if there were consumer indifference to the truthfulness of the manufacturer designated on a product, the agency has a statutory responsibility to ensure the label's truthfulness.

Legislative History

5. Several comments contended that the legislative history of section 502(b)(1) of the act (21 U.S.C. 352) does not support the proposed action. The comments suggested that the legislative history indicates that the primary purpose of section 502(b)(1) of the act is to require that one company take responsibility for the drug and to ensure that the name on the label is not merely fictitious. One comment argued that the proposed regulation would not achieve the Congressional intent of clarifying the sponsor of the drug product because it would eliminate the consumer's ability, when two or more firms were identified as joint manufacturers, to identify the responsible company, and therefore to know which company to contact. Another comment argued that the legislative history as cited in the preamble to the proposal did not support that part of the proposed rule that would prohibit a separately incorporated subsidiary from claiming to be manufacturer, if the plant or equipment used in the manufacturing process were owned or leased by the subsidiary's parent corporation.

FDA believes that the provisions of this final rule are consistent with the legislative history of section 502(b)(1) of the act. That history, which is not extensive, suggests that section 502(b)(1) was intended to "prevent the sale of commodities under labels which remain silent with respect to the sponsorship of the products or which utilize merely fictitious names." As finalized, § 201.1 provides a mechanism that both permits the identification of a person responsible for the product and ensures that the identification of the person and the role the person has played in making and/or marketing the product is truthful and nondeceptive.

It should be noted that the purpose of looking at the legislative history of a statute is to illuminate the meaning of the statute and not to replace the statutory language with other language. Section 502(b)(1) of the act specifies that the drug product label must bear the name and place of business of the manufacturer, packer, or distributor, and section 502(a) of the act demands that the information that does appear on the label not be false or misleading. It is thus clearly insufficient for a drug product label to bear the name of a "responsible" person who is neither the manufacturer, packer, or distributor, or to bear the name of a person identified as manufacturer who did not, in fact, manufacture the labeled product.

Dictionary Definition

6. A comment argued that the dictionary definition of manufacturer that was cited in the proposal in support of the proposed action ("to make into a product suitable for use" from Webster's New Collegiate Dictionary) does not support the proposal. The comment asserted that a person makes a drug into a product suitable for use whether the person owns, leases, or simply uses the plant or equipment that is needed in the manufacturing process. Similarly, the comment argued that the conditions set forth in § 201.1(e) (§ 201.1(c) as proposed) under which a person who performs the § 201.1(b) operations can claim to be manufacturer are not consistent with either the dictionary definition or the common and usual understanding of the word "manufacturer." Also, the comment asserted that the dictionary definition is not helpful in determining what manufacturing steps are important in making a product suitable for use and that the definition does not support a regulatory provision requiring that every step in the manufacturing process must be done by a single person.

The comment misunderstands the use to which the dictionary definition was put by FDA. The agency does not regard the cited definition as the definitive statement of the common or ordinary meaning of the word "manufacturer" but rather as a helpful starting point in developing a definition. The dictionary definition is consistent with a regulatory approach that insists that a person who claims to have manufactured a product actually take part in performing the steps needed to produce the product.

Federal Trade Commission Precedents

7. Several comments contended that the Federal Trade Commission (FTC) advisory opinions that were cited in the preamble to the proposal did not support the proposed definition of manufacturer. One comment said the FTC citations demonstrated that it was possible to have more than one manufacturer of a product, and that it was not necessary to identify each manufacturer to satisfy section 502(b)(1) of the act. Another comment said there was no indication that the FTC would require that the firm claiming to be manufacturer perform all manufacturing operations or that the FTC would require the firm to own or lease the manufacturing plant and equipment. Finally, a comment suggested that the FTC statements were not relevant to FDA regulatory concerns because the lay consumers served by FTC regulatory action are less sophisticated than the physicians and pharmacists who are the "consumers" of FDA-regulated drug products.

FDA agrees that the proposed definition of manufacturer was a good deal less flexible than the definitions stated or implied in the FTC opinions. However, FDA believes that the FTC advisory opinions on who may truthfully be represented as "manufacturer" are consistent with the approach of this final rule. A common thread running through the FTC opinions and this regulation is that to justify a manufacturing claim a person must take part in the actual production of the product in a "substantial and significant" way. The two agencies' approaches are also similar in finding that a person or firm who supplies a formula or specifications to a contract packager or a subcontractor, but who does not take part in the actual production of the product, is not the product's manufacturer.

FDA acknowledges that, unlike its own proposal, the FTC opinions cited do not define the conditions for determining whether the person claiming to have performed the manufacturing operations needed to make a product has, in fact, performed them. The absence of these definitional provisions (including the provisions requiring the ownership or leasing of plant and equipment) may well be due to the fact that the cited opinions were not called upon to address the kinds of labeling practices sanctioned by the "man-in-the-plant" policy.

FDA disagrees with the observations that FTC opinions are irrelevant to FDA concerns because the consumers of FTC-regulated products are less sophisticated than the consumers of drug products. First, most consumers of drug products, including prescription drug products, are neither physicians nor pharmacists. Secondly, FDA has no reason to believe that physicians and pharmacists are any less interested than "lay persons" in truthful, nondeceptive information about drug products. Several pharmacist professional groups as well as a number of individual pharmacists urged the adoption of the proposal. Finally, the agency does not agree that the definition of manufacturer should be any different for "sophisticated" professionals than for other persons.

Authority

8. One comment contended that the "man-in-the-plant" policy was primarily an economic issue and argued that economic issues are not related to FDA's statutory mandate and, therefore, are not proper subjects for FDA regulatory action.

FDA rejects this comment. FDA has the responsibility under section 502 of the act to ensure that the information that appears on drug product labels and labeling is not false or misleading. This regulation, which is intended to end a consumer deception, proceeds under paragraphs (a) and (b)(1) of that section. FDA has no doubt that in defining the meaning of manufacturer for purposes of sections 502(a) and (b)(1) of the act, this regulation serves consumers interest in truthful and nonmisleading information about drug products. If consumers' economic interests are also served by less deceptive label information, that does not make the subject matter of the rule an improper subject for FDA regulatory action.

Meaning of "Joint Manufacturer"

9. One comment criticized the concept of "joint manufacturer" contending that the concept is unknown at retail level in American commerce. The comment suggested that in ordinary usage joint "indicates fractional equality as in 50/50 ownership of a home by a married couple." The comment concluded that the joint manufacturer designation would mislead consumers by suggesting equal participation by all persons identified on the label.

While it may be true that the "joint manufacturer" designation suggests to some consumers that each joint manufacturer named on the label participated equally in the manufacturing process, the agency believes that, in general, the term will be correctly understood to mean that the designated persons shared in the production of the product and that no single person performed all steps

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necessary to produce the product. If a person believes, nevertheless, that the joint manufacturing designation might mislead consumers as to the roles of the "manufacturers" named, the person may elect to use the alternative designations outlined in paragraph 2 above.

Temporary Shortages in Capacity

10. Several comments urged that the requirements of the proposal be relaxed to permit a person to claim to be sole manufacturer of a drug product when a temporary shortage in capacity compels the person to subcontract the production of a drug product ordinarily manufactured exclusively by the person.

The agency believes that the public has the right to be assured when a person claims on a drug product label to be the product's manufacturer, that the person has, in fact participated in the manufacture of the product. For this reason the agency does not believe that it can "relax" the regulation to permit a drug company to state or imply that it has manufactured a product when it has not performed any of the manufacturing operations that are needed to produce the product. Of course, if during a time of temporary shortage in capacity, a firm contracts out some but not all of the operations needed to produce the product, it may still be able to claim to be manufacturer under one of the alternatives described in paragraph 2 above.

Unconventional Dosage Forms

11. A comment asserted that the proposal failed to address the problems associated with the labeling for products that, although regulated as drug products, differ significantly from the more conventional dosage forms. A comment pointed to the intrauterine contraceptive (IUD) as an example of a drug product having an other-than-conventional dosage form for which the proposal, it claimed, would be inappropriate. The comment noted that of the 10 listed manufacturing steps in § 201.1(b), the first 8 do not apply to the manufacture of the drug IUD. The comment said the manufacture of the drug IUD involved the assembly of several structural elements supplied from different specialized sources outside of the drug firm. The comment complained that although the drug firm marketing the product performed the essential culminating assembly operations and assumed responsibility for the product, under a literal application of the proposed regulation, if a manufacturer designation were made on the product label, "some six or seven" separate contractors would have to be listed as joint manufacturers.

FDA does not agree that the rule fails to address the problems associated with the manufacture of unconventional dosage forms. The prerequisite for "finding" the manufacture of a product is determining who performed the § 201.1(b) operations that are needed to make the product. The agency is not aware of any drug product whose manufacture does not involve at least one of the steps listed in § 201.1(b). Therefore, the agency doubts there is any drug product that cannot be labeled in compliance with § 201.1.

As indicated in paragraph 41 below, this regulation is not intended to regulate the label of drug components. The operations listed in § 201.1(b) refer to steps performed in the preparation of the finished dosage form, not to steps performed in making the components of the drug. Therefore the fact that the structural "elements" referred to in the comment came from different specialized sources would not compel the drug firm marketing the IUD to acknowledge the suppliers of the structural elements as joint manufacturers. Rather, the determination of who could claim to be manufacturer would be based on the identity of the person or persons who performed the § 201.1(b) steps that did apply to the manufacture of the finished dosage form. If, in the case raised by the comment, the marketing drug firm performed all the listed steps that applied to the manufacture of the IUD (steps 9 and 10 according to the comment) that firm could claim to be sole manufacturer of the drug product.

Space Limitations on Label

12. Several comments suggested that in some circumstances the label may be too small to accommodate the names of several joint manufacturers. One comment suggested that the proposal be revised to indicate which of several joint manufacturers should be included on the label if the label is too small to permit inclusion of all.

Section 502(b)(1) of the act requires that drug labels bear the name and place of business of the manufacturer, packer, or distributor. While the agency does have authority to exempt products packaged in small containers from certain other section 502 labeling requirements, the agency has no such authority with respect to section 502(b)(1) of the act: all drug product labels must bear the name of the manufacturer, packer, or distributor. Therefore, if a firm chooses to meet the section 502(b)(1) requirements by identifying the manufacturer on the label (rather than the packer or distributor), and if it then chooses or is obliged by the terms of this regulation to adopt the joint manufacturer designation, the agency has no authority to permit the deletion from the label of one or more of the names of the joint manufacturers.

Drug Product Labeling

13. A comment stated its support for the aims of proposed § 201.1, but urged that the regulation require that drug product labeling (as defined in section 201(m) of the act) as well as the product label bear the name and place of business of the manufacturer, packer, or distributor. The comment contended that consumers generally do not receive drug products in the original container of a manufacturer and, therefore, generally do not see or have access to its label. The comment suggested that because drug product information is more likely to reach consumers through advertising or package inserts, these should also contain a declaration of the name and place of business of the manufacturer, packer, or distributor.

The agency has undertaken several regulatory initiatives to ensure that prescription drug labeling include the same information about the name and place of business of the manufacturer, packer, or distributor that is required under section 502(b)(1) of the act and § 201.1 of the regulations to appear on drug product labels. Thus, in the regulation revising the requirements for the content and format of prescription labeling (published in the **Federal Register** of June 26, 1979 (44 FR 37434)), the agency required in § 201.100(e) that prescription drug labeling bear conspicuously the name and place of business of the manufacturer, packer, or distributor, as required for the label of the drug under § 201.1. (The effective date of § 201.100(e) has been made the same as this regulation. See paragraph 54 below.) Similarly, the proposed rule to require patient labeling for most prescription drugs (published in the **Federal Register** of July 6, 1979 (44 FR 40016)) would require that patient labeling contain the name and place of business of the manufacturer, packer, distributor, or dispenser in a manner consistent with the requirements of § 201.1 of the regulations.

The agency is also considering the need to propose that over-the-counter (OTC) drug labeling as well as advertising of prescription drug products bear the same information that is required under section 502(b)(1) of the act and § 201.1 of the regulations to appear on drug labels. The agency notes that with few exceptions OTC labeling and prescription drug advertising already contain information as to the manufacturer, packer, or distributor.

As discussed, this regulation does not require that all labeling contain the same information that is required by section 502(b)(1) of the act and § 201.1 of the regulations to appear on drug labels. However, as proposed and as finalized herein the regulation does require, if a drug firm voluntarily includes information in the labeling as to the manufacturer, packer, or distributor, that that information comply with the provisions of § 201.1(b) et seq. The intent of the regulation to subject labeling to the provisions that govern drug labels is made plain in proposed § 201.1(b), which defines manufacturer not only for purposes of section 502(b)(1) of the act (applying solely to labels) but also for purposes of section 502(a) of the act, which applies to all labeling. Further to clarify this intent a new paragraph (1) has been added stating that a drug product is misbranded if its labeling includes information as to the manufacturer, packer, or distributor, and that information does not comply with the provisions of § 201.1. Labeling as defined in the act (section 201(m)) and the regulations (21 CFR 202.1(l)) includes such things as package inserts, brochures, booklets, reference works like the "Physicians Desk Reference" (PDR) and other written, printed or graphic matter for use by medical practitioners, pharmacists or nurses, containing drug information supplied by the manufacturer, packer, or distributor of the drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor.

Type Size

14. One comment suggested that the requirement that the listing of joint manufacturers be printed together in the same type size and style be revised to permit the name of the person who would customarily respond to inquiries about the labeled product to appear in a larger type size and to be more prominently placed on the label than the names of the other joint manufacturers. The comment contended that, if the names of all joint manufacturers were printed together in the same type size and style, consumers would more likely be confused as to the proper person to contact for further information about the product.

Under section 502(c) of the act and the regulations issued pursuant to that section (21 CFR 201.15), the agency is required to ensure that words, statements, and other information that are required by the act to appear on the label or labeling of drugs and drug products be given sufficient prominence and conspicuousness as to render it likely that the information will be read and understood by the ordinary person under customary conditions of purchase and use. By permitting the names of joint manufacturers to be printed separately and/or in different type styles and sizes, the agency believes that it becomes more likely that the less prominently displayed name will not be read. Therefore, the agency does not believe that it can permit the names of joint manufacturers to appear separately or in different type styles or sizes.

While the regulation does not permit the names of joint manufacturers to appear separately or in different type sizes or styles, as indicated in paragraph 3 above, the agency would not object to a statement on the label that identifies which of the persons named on the label should be contacted for further information.

Pharmacists Responsibility

15. One comment expressed overall support for the proposal, but urged that the proposal be revised to clarify the responsibilities of pharmacists in labeling prescription drugs at the dispensing level. The comment noted that, as proposed, § 201.1(a) would state that a drug or drug product is misbranded under sections 502(a) and 502(b)(1) of the act "if its label does not bear conspicuously the name and place of business of the manufacturer, packer, or distributor." The comment argued that this provision, as applied to the labeling responsibilities of pharmacists, would be inconsistent with section 503(b)(2) of the act which, among other provisions, exempts prescription drugs at the dispensing level from section 502(b)(1) of the act. The comment asserted that, if these provisions of the proposal were read literally, the failure of a pharmacist to include information on the label of a dispensed prescription drug as to the manufacturer, packer, or distributor would result in misbranding the drug product under section 502(a) of the act. To prevent that, the comment requested that the proposal be revised to state that § 201.1 does not apply to any drug or drug product dispensed in compliance with section 503(b)(1) of the act.

The proposal was not intended to require that pharmacists identify the manufacturer, packer, or distributor on prescription drug product labels dispensed under section 503(b)(1) of the act. To clarify FDA's intent, paragraph (a) of § 201.1 has been revised to state that it does not apply to any drug or drug product dispensed in accordance with section 503(b)(1) of the act. Thus, there is no affirmative obligation on pharmacists to identify the manufacturer, packer, or distributor on the labels of dispensing containers. However, this does not mean that if a pharmacist voluntarily makes a representation on a drug or drug product label as to the manufacturer, packer, or distributor that the other sections of the regulation would not apply. To the contrary, if the label of a prescription drug product dispensed by a pharmacist does contain a representation as to the manufacturer, packer, or distributor, it must comply with all the provisions of § 201.1 of the regulations regarding the designation of the manufacturer, packer, or distributor.

Preliminary Processes

16. One comment suggested that the listing in § 201.1(b) of drug manufacturing operations be revised to delete references to the operations of mixing, granulating, milling, and sterilizing of the bulk drug substance. The comment claimed that these operations should be deleted because they are "preliminary and intermediate" steps and argued that designation of the person who performs these operations on the label would be meaningless and would produce confusing and misleading labels. The comment gave the following reasons for this judgment:

a. Virtually all raw materials undergo one or several mixing or milling operations between the time they are prepared as a chemical entity and their eventual use as an ingredient in a drug product.

b. While the preliminary or intermediate operations may affect the quality of some dosage forms, subsequent events in production have an overriding effect on the quality of the final dosage form. It is then not relevant whether these operations are performed on the raw material. This is especially true because in most cases, the ultimate manufacturer verifies that the raw materials meet the required characteristics.

c. Similarly, while the sterilization of the bulk drug affects the quality of the dosage form, the subsequent placing of ingredients in the final dosage form is the critical operation which will determine the quality of the product reaching the consumer.

The comment contended that the critical operations are the formulation and placement of ingredients in the final dosage form and stated that it was not in the public interest to identify the person or persons performing the preliminary or intermediate operations.

As explained in paragraph 41 below, the agency did not intend for bulk drug substances or components to be labeled

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in conformity with the provisions determining who could properly claim to be manufacturer of a drug product. The steps that are listed in § 201.1(b) pertain to the production of finished dosage forms and not to the manufacture of drug components. Therefore, the person or persons who perform mixing, milling, granulating, or sterilizing operations in preparing drug components need not be identified on the label of products that incorporate the components as ingredients. Of course, once drug components have been fabricated and are being used as ingredients in the preparation of a finished dosage form, the agency believes that the consumer should be told who is mixing, milling, granulating, or sterilizing the ingredients in manufacturing the finished dosage form. The performance of these operations at that stage of production of the finished dosage form is crucial to the overall quality of the finished dosage form. For purposes of § 201.1, the definition of drug components is the same as that given in the regulations describing current good manufacturing practices for drug products:

"* * * [A]ny ingredients intended for use in the manufacture of a drug product, including those that may not appear in such drug product." (21 CFR 210.3(b)(3)).

Drug Products Manufactured at More Than One Site

17. One comment claimed that the proposal does not recognize the problems posed for the "supervisory manufacturer" when a particular drug, although manufactured completely at two or more sites, is subject to the quality assurance, technological design, and process development of the "supervisory manufacturer." The comment contended that under the proposal, if a drug product is manufactured for the "supervisory manufacturer" at different sites, a different label would be required for the product at each site. The comment concluded that this result would be unnecessarily costly and confusing and there would be a greater probability of mislabeling through manufacturer mistake. Another comment suggested that when a marketing firm has a product made for it by two subcontractors (Firms A and B for example) it should be permitted to label the product "Manufactured by *Firm A* or *Firm B.*"

One purpose of this regulation is to end the deception involved in designating on a drug product label a person as a manufacturer of the product who is not, as the word is commonly and usually understood, the manufacturer of the product. Manufacturer is defined in terms of the performance of certain significant manufacturing operations. If the "supervisory manufacturer" described in the comment fails to perform any of the significant operations applicable, it cannot claim to be manufacturer under this regulation in any circumstance.

The agency appreciates that there may be additional problems associated with compliance with the revised policy for a firm distributing a product manufactured at two or more sites. However, as discussed in paragraph 4 above, the agency does not believe a firm involved in the design and quality assurance of a product that it does not manufacture can truthfully claim to be the manufacturer of the product. If the problems that the comment identified cannot be eliminated through skillful administrative responses, the agency believes they must be viewed as the unavoidable costs of a policy that demands that drug products be truthfully and nondeceptively labeled.

FDA does not believe that it can permit the identification on product labels of the manufacturer through the use of a phrase like "Manufactured by Firm A or Firm B." The agency believes that such a phrase would leave consumers uncertain as to who manufactured the product and that this uncertainty would render the label misleading under section 502(a) of the act.

Finally, the agency does not agree that compliance with the regulation will be confusing to the consumers of the affected drug products. Rather, the agency is convinced that more truthful and less deceptive labels on drug products should reduce and not increase consumer confusion.

Conditions Under Which a Person Can Claim To Be Manufacturer

Full-Time Employment

18. One comment objected to the provision in § 201.1(e)(1) (§ 201.1(c)(1) as proposed) that would condition a person's claim to have performed the manufacturing steps listed in § 201.1(b) on a showing that the majority of the individuals performing the § 201.1(b) manufacturing operations were permanent full-time employees of the person. The comment claimed that this requirement wrongly prevented a person who employed a majority of manufacturing personnel on a permanent part-time basis or on a nonpermanent full- or part-time basis from claiming to be manufacturer. The comment noted that permanent part-time and nonpermanent full-time hiring is used when seasonal products such as special bath oils and hand creams are manufactured for a limited time before a holiday or season. The comments stated that such hiring practices might also be used in the production of small volume products with a long shelf-life for which production may be run only once a year.

The conditions set forth in § 201.1(e) are intended to ensure that a person who is represented on the label of a drug product as its manufacturer performs the required manufacturing operations under conditions that consumers would consider to qualify the person as its manufacturer. The agency agrees that employment by a person claiming to be manufacturer of more than half of the work force on a permanent full-time basis is not commonly understood to be a crucial condition determining that person's status as a manufacturer. Section 201.1(e)(1) is revised accordingly.

19. A comment suggested that § 201.1(e) was too specific and should be deleted. The comment argued that the intent of the manufacturer in regard to its personnel operations and the owning and leasing of equipment used in the manufacturing process should be the controlling criteria in determining who had performed the applicable § 201.1(b) operations. The comment stated that under the proposed requirements it would be possible for a person to perform all manufacturing operations and still be unable to claim to be the drug product's manufacturer. The comment suggested that if, for example, an incorporated subsidiary performed all the manufacturing operations on a drug product in a plant owned or leased by a separately incorporated parent company, neither the subsidiary nor the parent could claim to be the product's manufacturer. The comment claimed that this result would be inconsistent with the agency's intent to end consumer deception.

The agency does not believe that the provisions of § 201.1(e) (§ 201.1(c) as proposed) are too specific or that the intent of the person claiming to be manufacturer should determine the validity of the claim. The conditions set forth in § 201.1(e) are based on the observation that a manufacturer is commonly understood to be a person who has a significant involvement with and control over the employees, plant, and equipment that are needed in the manufacturing process. To the extent that the conditions set forth in that section are specific, that specificity is necessary in the agency's opinion to ensure that the person claiming to be manufacturer has performed the

applicable manufacturing operations under conditions that consumers would consider to qualify the person as manufacturer.

As the comment claims, if an incorporated subsidiary performed all the applicable operations in the manufacture of a product in a plant owned or leased by a separately incorporated parent company, neither subsidiary nor parent could represent itself on the label of the product as the product's manufacturer. While this result may seem somewhat anomalous, the result may be more a theoretical possibility than an actual consequence of the final regulation. However, if a situation arises in which it is impossible for either a parent company or separately incorporated subsidiary to claim to be manufacturer, the agency will carefully consider a request for waiver from the relevant provisions of § 201.1(e).

20. A comment recommended that § 201.1(e) (§ 201.1(c) as proposed) be revised to allow a lessee who enters into a flat fee lease agreement with a subcontractor to claim to be manufacturer of products produced during the term of the lease. The comment noted that § 201.1(e) would prevent a person from claiming to be manufacturer on occasions when the facility and employees are leased on a flat fee basis, in which employees are under the direct control of the lessee but are not considered full-time employees of the lessee. The comment urged that the proposal be revised to state that lessees in such situations would be considered manufacturers.

FDA rejects the comment. The agency believes that the conditions set forth in § 201.1(e) for determining whether a person performs an operation listed in § 201.1(b) must include a requirement that the employees performing the applicable manufacturing operations are employees of the person identified on the label as the manufacturer of the drug product. Central to the common and usual meaning of manufacturer is the notion that the employees responsible for producing the product are employees in fact of the manufacturer. A lessee who enters into a flat fee lease agreement in a situation like the one described in the comment cannot reasonably be considered employer of the individuals working in the plant.

21. A comment asked for clarification of § 201.1(e) (2) and (3) (§ 201.1(c) (2) and (3) as proposed). The comment asked whether under these provisions it would be sufficient for a distributor who wished to be considered manufacturer to lease that portion of the plant and equipment needed to manufacture the labeled product during the time that the product is being produced, or if the distributor would be required to lease the entire facilities for a full 12 months.

The agency advises that to justify the claim to have performed a § 201.1(b) operation, the conditions set forth in § 201.1(e) must apply for the entire period required to perform the applicable operations. The specific terms of § 201.1(e) do not demand that the person who is identified as manufacturer own or lease the manufacturing premises for 12 months or for any other specific period. However, it should be noted that two aspects of this regulation that relate to the drug listing and registration regulations have the effect of requiring in most circumstances that the person whose name is represented on the label as manufacturer continuously own or lease the premises used in the manufacturing process for at least 6 months. Section 201.1(f) (§ 201.1(d) as proposed) provides that the name of the manufacturer under § 201.1 must be the same as the firm name of the establishment (as defined in § 207.3(b)) at which the operations listed in § 201.1(b) were performed when the product was produced. Additionally, as amended in this final rule, § 207.26 requires that a change in a registered establishment's firm name within 6 months of the registration of the establishment be supported by a statement signed by the establishment's owner or operator that the change was not made for the purpose of changing the name of the manufacturer of a drug product under § 201.1 of the regulations. The effect of these provisions together with § 201.1(e)(2) is to ensure that no person can claim to have performed a § 201.1(b) manufacturing operation unless the plant at which the manufacturing operations were performed was registered in the person's name and to require that the person continuously own or lease the plant for at least 6 months.

Separately Incorporated Subsidiary

22. A number of comments objected to the provision in § 201.1(g) (§ 201.1(e) as proposed) which stated that the requirement for declaration of the manufacturer, packer, or distributor can only be satisfied by the actual corporate name (qualified at the option of the labeler by the name of the particular division of the identified corporation) and which prohibits a separately incorporated subsidiary from using the name of its parent company. A comment suggested that no regulatory problem could be attributed to the use of the parent's rather than the subsidiary's name and argued furthermore that in many cases it would be of more informational value to consumers to use the more familiar name of the parent company rather than the name of the subsidiary. Several comments observed that there are many sound business reasons for a company to incorporate a plant as a separate subsidiary rather than operate it as a division. Finally, one comment asked for a "grandfather" exemption from § 201.1(g) for those products that have become associated in the public's mind with the names of particular subsidiaries, divisions, or parent companies.

As stated in the preamble to the proposed rule (43 FR 45617), the agency regards the separately incorporated company as a separate "person" within the meaning of section 201(e) of the act. Therefore, the agency believes that representing the parent company as the manufacturer, packer, or distributor rather than the separately incorporated subsidiary, when the subsidiary is the actual manufacturer, packer, or distributor, would not satisfy section 502(b)(1) of the act or § 201.1 of the regulations.

That the decision to separately incorporate a plant rather than to operate it as a division of the parent company may be taken for the soundest economic reasons is not relevant to a determination of the legal status of the plant or parent company for purposes of section 502(b)(1) of the act and § 201.1 of the regulations. Once a plant is separately incorporated it becomes a separate person for purposes of section 502(b)(1) of the act regardless of the factors that led to the decision to separately incorporate.

FDA does not believe that a grandfather provision exempting certain products from § 201.1(g) is warranted. The agency understands that the practice of some drug companies to identify the parent company as the manufacturer, packer, or distributor instead of a separately incorporated subsidiary may have led consumers to associate particular drug products with the name of a parent company rather than with the name of the actual manufacturer. The consumer confusion that may result from this practice is not a persuasive argument in favor of the agency continuing to sanction the practice.

23. One comment objected to the provision in § 201.1(g) (§ 201.1(e) as proposed) which would only permit the declaration of the actual corporate name contending that a manufacturer should be allowed the option to use individually or in combination the names of the parent company, subsidiary, affiliate, and division.

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Another comment urged that § 201.1(g) be revised to permit a subsidiary to identify not only its name on the drug product label but also the name of its parent company. The comment suggested that the presence of both names when appropriately qualified would not mislead or confuse the consumer. As mentioned in the previous response, the requirement that the label of a drug or drug product bear the name of the manufacturer, packer, or distributor can only be satisfied by the actual corporate name which in the case of a separately incorporated subsidiary would be the subsidiary's name. However, the agency agrees that the identification of the parent company on drug product labels in conjunction with the name of a separately incorporated subsidiary should be permitted at the option of the firm. Section 201.1(g) (§ 201.1(e) as proposed) has been revised accordingly.

Identification of Distributor

Section 201.1(h) (201.1(f) As Proposed)

24. As proposed, this section would prohibit the identification on drug labels of anyone other than the manufacturer, packer, or distributor. This section also states that the appearance on a label of a person's name without qualification is deemed to be a representation that the person is the sole manufacturer of the product. The proposed section also prescribes phrases to be used in identifying a packer or distributor. Under the proposal if a packer were identified, its name would be qualified by the phrase "Packed by ———." Similarly, if a distributor were identified, its name would be qualified by the phrase "Distributed by ———."

25. A number of comments complained that as proposed the regulation would prevent truthful disclosure of information relating to the source and distribution of drug products. The comments disagreed with the contention in the preamble to the proposal that the use of a phrase such as "Manufactured for ———" to identify a distributer would mislead because the consumer who did not closely examine the label might easily misread it and assume the person named was the manufacturer of the product. A comment suggested that there was no evidence of consumer deception to support the prohibition against use of this phrase. Another comment noted that if consumers misread "Manufactured for ———" as "Manufactured by ———" it would be unlikely that "Distributed by ———" would signify to consumers that the product was not manufactured by the company distributing the drug product. Another comment urged that truthful and nondeceptive alternatives to "Packed by ———" and "Distributed by ———" should be allowed. The comment suggested that acceptable phrasing should not be defined in advance as companies would still be subject to misbranding provisions if the language were misleading.

The agency agrees that a distributor should have the option to identify itself using the phrase "Manufactured for ———". Section 201.1(h) has been revised accordingly.

The agency does not agree that acceptable phrasing to identify the distributor should not be defined in advance but rather should be regulated after the fact on a case-by-case basis. The agency believes that for the efficient enforcement of the act it is necessary that the regulated industry be apprised of the criteria under which drug product labeling will be in compliance with sections 502(a) and 502(b)(1) of the act. By specifically identifying what qualifying phrases are permissible, § 201.1(h) provides a precise statement of those criteria. The provision should be useful to both FDA and industry in determining compliance with the act.

"Manufactured for (Firm A) by (Firm B)"

26. One comment noted that the statutes of several States require the identification of both the manufacturer and distributor on the label of prescription drug products. The comment suggested that the phrase adopted by some drug firms marketing products made by others to identify both the manufacturer and distributor—"Manufactured for ——— by ———"—is a nondeceptive way to comply with the State law requirements and at the same time identify the distributor.

The agency agrees that distributors should at their option be permitted to adopt the phrase "Manufactured for ——— by ———". Section 201.1(h) has been revised accordingly.

Distributor

27. One comment urged that § 201.1(h) be revised to permit a distributor to identify itself by stating and fully spelling out the word "distributor". Another comment recommended that a distributor be allowed to identify itself using the phrase "Marketed by ———." The comments suggested that the use of these words to identify a person unambiguously tells consumers that the person identified sells but does not manufacture the product.

The agency agrees and has revised § 201.1(h) to make "Distributor" and "Marketed by" permissible options in identifying the distributor of the product.

Definition of Packer and Distributor

28. One comment asked that "packer" and "distributor" be defined to give guidance to companies that both pack and distribute drug products.

The agency does not believe that the distinction between "packer" and "distributor" for purposes of section 502(b)(1) of the act has presented a regulatory problem. Because these terms, like the term "manufacturer," are not defined in section 502(b)(1) of the act, the agency believes that they should be given their common and usual meaning. The dictionary definition of these two terms is helpful in establishing an adequate basis to distinguish the two terms. Namely, a distributor is one "that markets a commodity," and a packer is one that "packages goods for shipment." Of course, when a company both packs and distributes a drug product, it may at its option identify itself as a packer or distributor or as both packer and distributor.

29. A comment asked that the proposal be revised to permit a packer to be identified by the phrase "Packaged by ———."

The agency agrees with the comment and has revised the regulation accordingly.

"Manufactured by (Firm A) to the Specifications of (Firm B)"

30. Several comments noted that the proposal would prohibit the use of the phrase "Manufactured by ——— to the Specifications of ———". One comment conceded that a prohibition would be appropriate if the distributing firm's specifications were no more stringent than other firms also distributing the product. However, the comment insisted that the phrase should be allowed when (1) the written specifications are in fact more demanding than those generally applied to equivalent drug products when manufactured for other distributors, and (2) when the manufacturer and distributor are both clearly identifed on the label of the drug product. A comment argued that to prohibit the use of labels that specifically name the manufacturer and additionally convey truthful and honest information about the distributor's specifications would raise serious constitutional problems.

FDA rejects these comments. While the agency is no longer prepared to argue (as it did in the preamble to the proposal) that phrases such as "Manufactured for ——— to the Specifications of ———" and "Manufactured to the Specifications of ———" are any more likely to mislead a consumer as to the identity of the manufacturer than the phrases permitted by the final regulation, the agency believes that these phrases can be misleading in suggesting that a product made to one distributor's specifications is superior in quality to equivalent products marketed by other firms. As noted in the proposed rule on therapeutically equivalent drug products, "Except for identified problems of bioinequivalence, FDA is not aware that any therapeutically significant differences currently exist among pharmaceutically equivalent drug products which result from differences between public compendial (or antibiotic) standards and higher internal standards of manufacturers." FDA thus believes that even when the written specifications for a product are more demanding than those of generically equivalent products, the differences in specifications do not ordinarily produce a difference in product quality. Because the phrases cited in the comment have the potential to mislead consumers to believe that a product made to the specifications of one distributor is superior to equivalent products, the agency concludes that these phrases should not be allowed.

31. One comment asked for clarification of the provision in § 201.1(h) (§ 201.1(f) as proposed) which states that "No person except the manufacturer, packer, or distributor may be identified on the label of a drug or drug product". The comment stated its assumption that any one, or any combination of these three persons, may appear on the label. The comment noted that many States currently require identification on a drug product label of both the manufacturer and distributor, if the product is distributed by a person other than the manufacturer.

The applicable statute (section 502(b)(1) of the act) and regulation (21 CFR 201.1), while requiring the identification of the manufacturer, packer, or distributor, do not prohibit a firm from identifying any two or all three of these persons on the same drug label.

"Innovators and Developers"

32. Several comments urged that the regulation allow the product label to bear the name of the innovator or developer identified as such. The comments contended that while usually a product's developer (or innovator) would also be the product's distributor (even if not the product's manufacturer), to identify the developer as a distributor would not fully disclose the extent of that person's contribution.

Although the agency recognizes the valuable contribution that a product developer (or innovator) makes, and agrees that a distributor identification of a developer may be somewhat inadequate, it believes that to permit a developer to be identified as such on the product label would detract from the prominence and conspicuousness that must under section 520(c) of the act be accorded words and statements that are required to appear on the label (including statements required to appear under section 502(b)(1) of the act). Therefore, the agency rejects these comments.

33. One comment stated that § 201.1(h) (§ 201.1(f) as proposed) is deficient in that it allows the identification of the manufacturer with the option to omit the name of the packager or distributor who actually delivers the product into interstate commerce. The comment contended that if a manufacturer produces a product for several distributors who are not identified on the product label, in the event of a recall or mislabeling, it might be impossible to ascertain who was responsible for the product.

This comment incorrectly assumes that the agency has the authority to require the distributor or packer to be identified on the drug product label. No statutory provision gives the agency such authority. What is required under the Federal law is that the drug product label bear the name of the manufacturer, packer, or distributor. The choice of which of these persons or which combination of these persons are to be identified is left to the labeler of the product and to the requirements of State law.

Even without the authority to require that a drug product label identify the person who is directly responsible for introducing the product into interstate commerce, the agency believes that there are adequate mechanisms to determine who, in fact, was so responsible and thus to trace products that are subject to a recall or to an action to correct a misbranding.

Abbreviations

34. One comment urged that § 201.1(h) (§ 201.1(f) as proposed) be revised to permit a label to contain abbreviations of the phrases used to identify the packer and distributor. The comment stated that the use of an abbreviation, such as "Dist.", adequately informs consumers that the named person is not the manufacturer. A comment stated further that the failure to give any facts to support the belief that the use of abbreviations is misleading is itself grounds to invalidate the provision under *Almay, Inc.* v. *Califano*, 569 F.2d 674, 682 (D.C. Cir., 1977).

The agency agrees that abbreviations should be permitted of those phrases that § 201.1(h) allows in identifying the distributor and packer. Such abbreviations, of course, should be clear and unambiguous.

Trademark

35. Several comments noted that § 201.1(h) (§ 201.1(f) as proposed) would limit the persons identified on the drug product label to the manufacturer, packer, or distributor of the drug product. The comments urged that the owner of a trademark who licenses the trademark to another company should also be allowed to be identified on the label as the owner of the trademark. The comments argued that identification of the licensor of the trademark on the label is regarded as good trademark practice. One comment stated that a recent Canadian court decision held that a trademark owner may lose his or her rights in the trademark if the licensed product label does not state who owns the trademark. The comment claimed that other countries follow the Canadian practice. Finally, one comment suggested that along with permitting the identification of the trademark licensor, the proposal should permit the identification on the label of the licensee as a licensee.

The agency did not intend to compromise the rights of a trademark holder in its trademark. Section 201.1(h) has been revised to state that both the licensor and licensee of a trademark that appears on the drug product or product label may be appropriately identified on the drug product label.

Logos

36. Several comments recommended that proposed § 201.1(g) be deleted. That section would require, if a person's name, mark, imprint, or other identifying written, printed or graphic matter (i.e., product "logo") appeared directly on the drug product, that the label state whether the person identified on the product is the manufacturer, packer, or distributor. One comment argued that the provision would discourage the use of logos by persons who might not qualify as the manufacturer under the terms of the regulation. Another comment took issue with the stated justification for the requirement. The comment noted that the preamble justifies the proposed requirement by stating that use of a logo has the potential to mislead consumers by leading consumers to believe that the

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person identified by the logo is the manufacturer. The comment stated that under the proposal the person identified on the dosage form would most likely already have his name and function on the label under the requirement of section 502(b)(1) of the act and this regulation. To require an additional statement, it was suggested, would be needlessly burdensome and a disincentive to put a "logo" on the product.

The agency has carefully considered these arguments and has concluded that proposed § 201.1(g) should be deleted. The agency believes that in the absence of § 201.1(g) there is a risk that a distributor's or packer's logo placed on a finished dosage form may be incorrectly read by consumers as identifying the manufacturer of the product. However, the agency also is sensitive to the possibility that proposed § 201.1(g) would discourage the practice of imprinting identifying marks on final dosage forms of drug products. In light of the value of the logo as a product identifier, the agency has decided not to take any action that might discourage the use of logos.

Conflict With State Laws

37. A number of comments expressed concern about the impact the proposal would have on compliance with State law labeling requirements. One comment noted that there are about 20 State laws relating to manufacturer identifications on prescription drug labeling. The comment stated that many of these laws require that the name of the manufacturer of the finished dosage form appear on the product label. The comment further pointed out that these State laws prohibit the identification of only the distributor or packer, an alternative under existing Federal law. A comment noted that a drug firm may comply with several of these State laws by using phrases such as "Manufactured for Company X by Company Y" or "Encapsulated by Company A" or "Tableted by Company B". The comment stated that the proposal would prohibit the use of these terms which, it argued, clearly indicate the relationship to the drug product of the companies named. Because several of the States have enacted legislation defining who qualifies as the manufacturer of the finished dosage form, the comment argued that any further activity by Federal regulation unnecessarily conflicts with the provisions enacted by the various States.

The agency does not believe that this regulation will conflict with State laws governing the content of drug labeling. A conflict would result from a difference in Federal and State regulation making it impossible to comply with both. The examples of differences between State and Federal law cited in the comment do not demonstrate that conflict.

As finalized, § 201.1 does not prohibit the use of the phrases cited in the comments.

38. One comment claimed that the provision in § 201.1(h) (§ 201.1(f) as proposed) that states that no person, except the manufacturer, packer, or distributor may be identified on the drug product label might be read to conflict with State laws which require the identification of the manufacturer, and, if different, the name of the packer or distributor. The comment suggested that § 201.1(h) might be construed to require drug companies to violate State law and argued that in the absence of any Congressional intent to preempt the field, FDA would not have authority to require compliance with the cited provisions. The comment argued that these State laws are important because they ensure that pharmacists will be able to identify the actual manufacturer, if refills of a prescription must be filled with the product of the same manufacturer.

The agency advises that this comment misreads § 201.1(h). That section does not prohibit the identification on drug product labels of both the manufacturer and distributor or packer or indeed of all three persons. What that section does require is that the drug product label bear the name of at least one of the three persons named. Section 201.1(h) is thus not inconsistent with State laws that require that drug labels bear the name of both the manufacturer and distributor, where a product is distributed by a person other than the manufacturer.

Drug Listing and Registration

39. Several comments complained that it would be difficult if not impossible to comply with the proposed changes in the regulations governing drug establishment registration.

The proposal would revise § 207.20 regulations to provide that no owner or operator may register an establishment, if any part of the establishment is registered by another owner or operator. A comment noted that under present practice, several different corporate subsidiaries may operate out of the same establishment (an establishment being a place of business under one management at one general physical location). The comment stated that local law may dictate such a structuring of business organization: "If a company wishes to take advantage of tax preferences in locations such as Puerto Rico it is necessary to establish separate manufacturing corporations for each new product or group of products it will manufacture in the Commonwealth; therefore, one physical facility may have two or more corporations manufacturing drug products at that facility."

The revision to § 207.20 was intended to permit the easy identification of the person who actually performed the § 201.1(b) manufacturing operations that serve as the basis for the manufacturing claim on drug product labels. Without such revision several persons could register the same manufacturing facilities and the connection between the person claiming to be manufacturer and the establishment at which the § 201.1(b) operations were performed would be made obscure and uncertain.

It should be emphasized that one plant may house several establishments as long as each establishment is physically distinct and separate from the others in the plant. If, as the comment says, each "separate manufacturing corporation" occupies a distinct part of the Puerto Rican facility, each could separately register. In such a case the amendment to § 207.20 makes the operation of two or more related companies in the same plant no more difficult that it has been in the past.

The revision to § 207.20 has been made on the assumption that few establishments are registered in two or more firm names so that compliance with this provision will not significantly disrupt or burden the drug industry. If, in fact, this provision does result in economic hardship for a drug firm that has not adopted the multiple registration device as a basis for deceptive labeling, the agency will sympathetically consider a petition to waive the requirements of the provision.

40. One comment addressed the proposed amendment to § 207.26. The amendment would require that all name changes in establishment registrations made within 6 months of a previous registration change be accompanied by a statement that the change was not made for the purpose of changing the name of the manufacturer of a drug under § 201.1.

The comment recommended that this section should exempt changes to allow firms to conform to the changes in § 207.20 and to maintain current label designations.

FDA rejects this comment. Assuming that at present some establishments are, in fact, registered in two or more names, the delay in effective date to April 10, 1981, should give drug firms sufficient time to ensure that, by the effective date, no establishment is registered in more than one name. Thus, in the 1-year interval, it would not be impossible to conform to the amended provisions. The extended effective date should also give firms sufficient time to exhaust current label inventories.

Scope

Drug Components

41. A number of comments asked for clarification of the regulation as it affects the labeling of bulk drug components, i.e., ingredients intended for use in the manufacture of drug products. Several comments suggested that regardless of the usefulness of the proposal in ensuring truthful and nondeceptive labeling of drug products (i.e., finished dosage forms), the proposed definition of manufacturer would not be suitable to the labeling of drug components. The comment stressed two primary points:

a. The manufacturing operations listed in § 201.1(b) pertain to the manufacture of final dosage forms but not the manufacture of components—the manufacture of components involves synthesizing, purifying, and finishing steps that are not listed in § 201.1(b).

b. Consumers of drug components—chiefly pharmaceutical houses that manufacture final dosage forms—are sophisticated buyers who are unlikely to be mislead by inaccurate labeling practices.

One comment addressed the same issue and complained that a person who takes a drug in bulk form and then performs incoming quality control inspection on the bulk drug, performs all appropriate identity and stability studies, and processes the drug into vials, although subject to good manufacturing practices, is not able under the proposal to designate itself as sole manufacturer. The comment stated that preventing the person from identifying itself as manufacturer is not consistent with the regulatory responsibilities imposed upon it by FDA.

The agency has carefully considered these comments and has concluded that the provisions in § 201.1 (b), (c), (d), and (e) that define the conditions under which a person may be represented as manufacturer for purposes of section 502(b)(1) of the act should not apply to manufacturer designations on drug component labels. As noted in the comments, the manufacturing operations listed in § 201.1(b) are not relevant to the processes involved in the production of drug components. Moreover, the agency is not aware of any regulatory problem in connection with the identification on drug component labels of the name of the manufacturer, packer, or distributor.

As finalized, the regulation states that a person who takes a bulk drug component and performs all the operations listed in § 201.1(b) that are necessary to produce a finished dosage form would be able to designate itself as sole manufacturer of the finished dosage form.

This action exempts drug components from § 201.1 (b), (c), (d), (e), and (f). It should be noted that drug components remain subject to the other provisions of § 201.1.

Radiopharmaceuticals

42. One comment urged that the regulation should not apply to radiopharmaceuticals. The comment claimed that these drugs are unlike other prescription drugs in that they are not dispensed pursuant to prescription but are administered directly to the patient by a professional as part of a total medical diagnostic procedure. Therefore, the comment argued, the economic goals addressed by the regulation are irrelevant because the pharmacist is not involved in drug product selection. Further, the comment argued that the goal is irrelevant to radiopharmaceuticals because the labeling information is directed only at the professional and is never seen by the consumer. Finally, the comment suggested that the regulation would make it more difficult to identify a single person to be contacted for further information about the drug product, and that this result would be especially unfortunate in the case of radiopharmaceuticals with their relatively short half-lives.

The primary purpose of this regulation is to ensure that the representation on the drug product label as to the manufacturer, packer, or distributor truthfully and nondeceptively reveals the connection between the person or persons named and the drug product. This purpose is served by the proper labeling of all drug products, including radiopharmaceuticals. That users of radiopharmaceuticals are professionals rather than lay consumers is not significant in determining whether radiopharmaceuticals should be subject to the standards of accurate and nondeceptive labeling. The agency believes that all users of drug products will benefit by nondeceptive labeling.

As revised, § 201.1(h)(3) permits the identification of a person or persons to whom inquiries about the drug product can be addressed. The identification of such person should make it easier for consumers to solicit and obtain relevant information about all drug products, including radiopharmaceuticals.

OTC Drug Products

43. One comment asked that OTC drug products be exempted from the requirements of the regulation. The comment claimed that the impetus for the proposed revisions to § 201.1 came from concern over the accuracy of labeling for prescription drug products and contended that any possible benefit that might come from extending the proposal to cover OTC drugs was outweighed by a number of disadvantages. In particular, the comment argued that the regulation as proposed would significantly increase label costs for many OTC manufacturers, that it would cause consumer confusion as to who was responsible for the labeled product and who should be contacted for information about the product, and that it would, in many instances, result in the "cluttering" of the drug product label with the names of a number of joint manufacturers.

The agency does not agree that OTC drug products should be exempted from the requirements of this regulation. The agency believes that the need for truthful and nondeceptive labeling information is as important for consumers of OTC drug products as it is for consumers of prescription drug products.

FDA believes that the changes that have been made to the regulation should significantly reduce, if not eliminate, the disadvantages attributed to the proposal. In particular, the changes described in paragraph 2 of this preamble should make it more likely that product labels can be written to avoid the "clutter" and confusion that might result from identifying a number of persons as joint manufacturers. These changes along with the extended effective date should also minimize whatever label costs may result from compliance with revised § 201.1.

Biological Drugs

44. One comment claimed that the regulation would impose labeling requirements on biological products that are inconsistent with present biological drug product regulatory requirements and asked that biological products be exempted from the regulation.

The agency believes that the current regulations and statutes that specifically govern biological products provide adequate assurance that the firm that is represented on the product label as manufacturer has been actually and substantially involved in the manufacture of the product. Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)), which relates

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specifically to biological products, requires that each product be plainly marked with the name, address, and license number of the manufacturer. Thus the labels of biological products unlike the labels for other human drug products (and veterinary drugs) must bear the name of the manufacturer. In addition, § 610.63 of the regulations requires that, if two or more establishments participate in the manufacture of a biological product, the name of each firm appear on the package label. There are, however, a limited number of product licenses that include approval of one step in the manufacturing process done by a contractor. In these few instances the agency has decided that control obligations imposed on the licensee over the one manufacturing step done by a contractor are such that in the opinion of the agency, divided manufacturing responsibility labeling pursuant to § 610.63 is unnecessary. Finally, the licensing of biological drug product establishments as well as the product licensing of a biological products provide an ultimate mechanism to ensure that the person (or persons) claiming to be manufacturer have exercised complete control over the manufacturing process. In light of these specific provisions, the agency concludes that biological products should be exempted from the requirements of § 201.1.

Medical Devices

45. One comment stated that the regulation would establish a precedent which will be claimed by FDA to apply to medical devices. Another comment noted that the definition of manufacturer in the regulation governing the registration and listing of medical devices includes the person developing specifications for a product that is subsequently fabricated to those specifications by another person. The comment asked whether device specifications are so unlike specifications for drugs as to warrant different treatment.

This regulation responds to problems associated with identifying the manufacturer, packer, or distributor on drug product labels. FDA is not aware of comparable problems with respect to medical devices. In the absence of a perceived problem, FDA will not extend the principles established in this final rule to the regulation of the labeling of medical devices.

The agency emphasizes that the definition of "manufacturer" contained in this rule applies only to the labeling of drug products for purposes of section 502(a) and (b)(1) of the act. It does not affect the definition of "manufacturer" for purposes of listing and registration of drugs or medical devices.

Animal Drugs

46. Two comments stated their assumption was that the proposal was directed at human drugs alone and not intended to cover animal drugs. One comment noted that the Congressional hearings held in late summer 1978 to consider the man-in-the-plan policy were concerned with the labeling of human drugs. The comment suggested that the thrust and focus of the proposed regulation was directed to human drugs consistent with this Congressional concern. Two comments suggested that this assumption was reinforced by the fact that the conforming amendments published along with the proposed changes to § 201.1 refer only to Part 314 (21 CFR Part 314) relating to new drug applications and do not refer to Part 510 (21 CFR Part 510) relating to new animal drug applications.

The agency agrees that the focus of the Congressional hearings was with the labeling of human drug products. However, section 502(b)(1) of the act and § 201.1 of the regulation clearly apply to both human and animal drugs. Moreover, the proposed revision to § 201.1 made no distinction between human and animal drugs and on its face did apply to both. Therefore, FDA believes that adequate notice was given in the proposed regulation of agency intent that the revisions to § 201.1 would apply to animal drugs as well as human drugs.

The proposed regulation inadvertently did not contain a conforming amendment to provide for the submission of revised labeling in supplemental new animal drug applications. A conforming amendment to the relevant section of Part 510 (§ 514.8(a)(6)(ii)) will be proposed shortly.

47. One comment, which assumed that the proposal did in fact apply to animal drugs, asserted that it would not accomplish its "stated purpose" to inform the consumer of the responsible party in the event that the consumer encountered a difficulty with the product. The comment asserted that if the manufacturer who does not distribute the product is identified on the animal drug label, the user may initially contact the manufacturer in the event that he or she has a problem with the product and that this result would delay the response of the nonmanufacturing responsible party to the problem. Moreover, the comment argued that since the holder of an approved new animal drug application must assure FDA that any contract manufacturer involved in the production of the product meets the conditions of original approval, it would be misleading to imply by the proposed revision that the nonsponsor manufacturer has the primary responsibility for manufacturing controls as well as safety and efficacy of the product.

As indicated in paragraph 3 above, if there is any potential for confusion regarding who should be contacted for information about the labeled product, the label may specifically identify a person as the source of such information.

If the holder of an NADA (or NDA) for a product is not the manufacturer of that product, the agency believes that it would be false and misleading under section 502 of the act to identify the holder as the manufacturer regardless of the responsibilities borne by the holder. It should be noted that this final regulation does not change the responsibilities of either the sponsor or subcontractor with respect to manufacturing controls or the safety and efficacy of products whose manufacture may be contracted out.

48. One manufacturer complained that employees of the Bureau of Veterinary Medicine had advised the firm that it had to list the manufacturer on the animal drug label and that the listing of the packer or distributor was optional. The comment observed that the listing of the name of the manufacturer was optional.

The agency agrees that the relevant provisions of the statute and this regulation require that the drug product label bear the name and place of business of the manufacturer, packer, or distributor. Thus the choice of which person or persons are to be identified is left to the firms involved. Any informal advice given by the agency to the contrary is in error.

Economic Impact

Anticompetitive Effect

49. As noted earlier a number of comments argued that the proposal would have a substantial anticompetitive effect on the drug industry. The comments suggested that the major drug companies perceived marketing disadvantages in identifying themselves as a joint manufacturer or distributor and therefore might decide to stop contracting out certain drug manufacturing operations and invest the capital necessary to acquire the appropriate hardware and equipment for in-house production. The result, these comments claimed, would be to force

out of business (through economic failure or take-over by larger companies) many small, third-party contract lyophilizers, sterilizers, and aerosol fillers.

To assist the agency in its consideration of this argument, in the Federal Register of June 26, 1979 (44 FR 37234) the agency published a notice reopening the comment period on the proposal to solicit the information needed to evaluate the claimed anticompetitive effect. Evidence was particularly solicited on (1) the extent of and incentives for contract manufacturing, (2) how the proposed changes might reduce such incentives, (3) the extent to which this might lead to reduced use of contract manufacturing, and (4) how costs, competition, and prices might be affected. The notice contained specific questions intended to elicit evidence and comments sufficiently relevant and factual to help the agency determine whether the proposal would have an anticompetitive effect. Of the 20 additional responses received, 3 came from trade associations, 1 from a professional association, 11 from contract manufacturers or packagers, 2 from over-the-counter drug firms, and 3 from small to medium size drug firms. For the convenience of the discussion, the FDA response in paragraph 51 below follows the summary (in paragraph 50) of all significant comments received on the anticompetitive issue. The comment summaries parallel the organizational structure that was used in the June 26, 1979 notice.

What are the incentives for, and what is the extent of, the use of contract manufacturing currently?

50a. The comments suggested that the use of contract manufacturing proceeds mainly from two interrelated business motives: (1) capturing economies of scale not available to individual low-volume operations, and (2) avoiding capital outlays and other expenses for specialized plant, equipment, methods, and expertise in processes that individual firms may not be able to operate efficiently, use fully, or perhaps even afford. These factors, several comments pointed out, may permit small drug firms to avail themselves of specialized production facilities, expertise and experience without which they may not be able to compete successfully with larger firms. And, it was argued, even for larger firms, contract manufacturing permits economic production of products whose volume for the individual firm make them unattractive to produce in-house.

Other comments claimed that contract manufacturing was also of value as (1) an efficient means to handle the production of seasonal items and to handle unanticipated demand for a product customarily made in-house, (2) an efficient mode for pilot plant production of new products in their lower-volume, market-testing stages, and (3) a means of transportation cost savings to large firms through packaging at multiple subcontractor locations. Other comments stressed the value of contract manufacturing in the production of such drug products as penicillin which, if manufactured in-house, could cross-contaminate other products of a diversified manufacturer, and the quality control advantages of a double check by the contractor and the marketer.

A number of comments observed that contract manufacturing was widely and intensively used.

How and to what extent would the proposed changes reduce incentives for the use of contract manufacturing?

b. A number of comments stated that drug marketers have been traditionally reluctant to identify other firm names on product labels and have also resisted identifying themselves as distributors rather than as manufacturers. Several comments reiterated the complaints made in response to the proposal and stated that the changes would confuse consumers as to who was responsible for the product and whom to contact for product information. Moreover, the comments claimed that the revised label information could be "unsettling" to consumers who would suffer losses of product-brand association and consequently lessened confidence in brand-name products. Several comments also argued that the effect of the proposal might be to mislead rather than inform drug product users, who might assume that the products of different marketers made by the same contract manufacturer are identical when they are not.

Several comments contended that the proposal would increase the labeling costs associated with contract manufacturing, which in turn would serve as a disincentive to further use of contract manufacturing. The comments claimed that compliance with the proposed changes would entail destruction of label inventories and purchases of new plates and expenditures on new label runs when contract manufacturers were changed. One comment observed that large marketers may use two or three contract fillers to produce a single product and contended that the proposal would mean increased printing costs as separate label inventories would have to be maintained. A comment also noted that compliance with the proposed revisions would increase the risk of labeling errors.

The operational complexities as well as the costs of these changed labeling requirements, it was suggested, would reduce the incentive to use multiple contractors and to freely shift among contractors, both of which were presented as major advantages of the present system because they produce flexibility, competition, and therefore efficiency, in the production of drug products.

Considering both the incentives for use of contract manufacturing and possible reductions of these incentives associated with adverse marketing reactions, to what extent is it likely drug firms would withdraw from contract manufacturing?

c. Many comments contended that a substantial number of drug companies would reduce their reliance on contract manufacturers if the proposal were adopted. One comment stated that the amount of reduction would depend on "each company's assessment of the extent to which consumers are likely to misperceive that established, known companies use unknown companies in manufacturing their products." Several contract manufacturers said that they had been informed by marketing drug firms that their business relationships would be reduced and possibly ended if the proposal were adopted.

How and to what extent would manufacturing costs, competition, and prices of drug products be affected by withdrawals from contract manufacturing in varying degree?

d. Many comments asserted that production costs would be substantially increased for drug firms that decided to perform in-house the operations formerly contracted out. The comments stated that such firms would be compelled to invest in the capital equipment necessary to begin in-house production. Several comments argued that, given smaller volume productions and less intensive use of equipment, in-house production would be costlier per unit volume than production by subcontractors.

Several comments suggested that the loss of business by contract manufacturers would drive some or many of them out of business and that their reduced numbers would have the direct effect of lessening competition. Other commentors thought it probable that larger drug firms would tend to purchase the assets of contract manufacturers. One comment stated that such a trend already exists but that the proposed rule would accelerate it.

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A comment suggested that the cost of obtaining approval to market new drugs would discourage subcontractors from trying to enter product markets on their own. For many products, a comment argued, marketers would be unwilling either to continue to contract out their manufacturing, or to make the investment necessary to begin in-house production. This would be especially true, one comment claimed, for low-volume products as these products are particularly susceptible to production cost increases. The result, it was claimed, would be to reduce product competition for many products.

Several comments stressed that the proposed changes would put smaller firms to a competitive disadvantage as these firms frequently cannot afford the cost associated with in-house production, whereas larger firms will often be capable of handling a variety of manufacturing processes internally. A comment suggested that, if the proposal were adopted, a smaller company would have no choice but to accept the "marketing disadvantages" that result from identifying the subcontractor as the manufacturer or, alternatively, identifying the small firm as distributor.

Finally, a comment observed that smaller contract manufacturers might be placed at a disadvantage if drug companies who use contract manufacturers prefer to identify larger, "more reputable" contractors on product labels.

Agency Analysis of Claimed Anticompetitive Effect

51. In publishing the June 26, 1979 notice, the agency stated that it did not have available the kinds of information required to meaningfully assess the argument that the proposed rule would have an anticompetitive effect on the drug industry. By reopening the comment period, FDA hoped that the drug firms and trade association that had originally raised the anticompetitive argument would support it with the kind of factual and analytic data that only the drug industry could readily obtain. FDA regrets that that kind of data have not been submitted. In the absence of such data, the agency has been obliged to assess the anticompetitive arguments in terms of the plausibility of their economic rationale. The agency concludes that the revisions to § 201.1 issued today should not significantly affect the competitive structure of the drug industry.

The agency of course agrees with the almost universal observation that the use of contract manufacturing services in certain situations can offer a highly flexible, efficient, and cost-saving alternative to in-house manufacturing. The agency will also concede that a firm that has previously been able to market a product while claiming to be its manufacturer may suffer some marketing disadvantages when it is no longer able to represent itself as the product's manufacturer. From this, however, it does not follow that, on balance, the economic interests of such firms lie on the side of curtailing the use of contract manufacturing and shifting to in-house manufacturing. For such a shift to be in a firm's economic interest, the marketing disadvantages that result from disclosure of the actual manufacturer (or the identification of the firm as the distributor rather than the manufacturer) would have to outweigh the cost disadvantages associated with in-house manufacturing. However, as several comments noted, such shifting would be likely to result in significant cost increases for firms making the shift and would inevitably increase prices as these cost increases were passed on to consumers. And the comments fail to demonstrate—or indeed even to establish grounds for a presumption—that the marketing disadvantages would be sufficiently great to induce firms currently using contract manufacturing services to abandon or reduce their use of these services and accept the cost penalties stated to be involved. (The fact that many drug marketers already acknowledge the subcontractor as the actual manufacturer suggests a truly limited marketing disadvantage in accurate manufacturer identifications.)

Even if some firms using contract manufacturing services did shift to in-house manufacture, it is not clear that, having made the shift, they could successfully compete in marketing their product. In other words, a further condition is also essential to the anticompetitive argument: that many or most of the firms now using contract services could make such a shift successfully in a competitive market. That is, for there to be the possibility of an anticompetitive effect, the firms involved, acting independently, would not only have to adopt unnecessarily costly modes of production but would also have to succeed in passing on the cost increments in product prices despite lower-priced competition from firms who market the same drug products without claiming to be their manufacturers. If, as the anticompetitive arguments imply, the present market is a competitive one, and if contract arrangements are part of its efficiencies, it is hardly plausible that it could be transformed into a less competitive, higher-priced market by the individual decisions of numerous firms. The ability to do so would suggest a degree of market control and concerted action that would belie the existence of a competitive market in the first place. For these reasons, the agency finds the anticompetitive arguments offered by commentors unpersuasive.

While the agency has not been persuaded that the proposed rule would have a significant anticompetitive effect on the drug industry, the comments have influenced the agency's consideration of the need to make the final rule more flexible. A number of the changes made in the final rule (particularly those described in paragraph 2 above) should reduce whatever tendency might have existed under the propsal to reduce the incentives for use of contract manufacturing services.

52. In addition to the comments that suggested that the proposed charges would have an anticompetitive effect on the drug industry, a number of comments were submitted that argued that the direct economic consequences of the proposed regulation would be substantial. The comments contended that if the proposal were adopted, considerable present stocks of labels would have to be destroyed and the products relabeled to comply with the requirements of the regulation. One comment noted that for labeling which may be prepared 6 to 9 months in advance and which is silk screened on glass or on plastic product containers, a labeling change caused by a manufacturing breakdown or scheduling difficulty would require that the misbranded containers be destroyed. Several comments recommended that in light of the direct and indirect cost impacts of the proposal, the agency should file a meaningful economic impact statement.

The agency agrees that there may be some direct cost impacts resulting from adoption of the final rule. The agency considered this impact when determining an appropriate effective date.

In light of the delayed effective date, the agency believes that drug firms will have ample time to exhaust their label inventories so that the need to destroy present stocks of labels and to relabel will be negligible.

For products with silk-screened labeling, the agency also agrees that manufacturing breakdowns, etc., could cause additional labeling costs. Some of these costs, the agency believes, are the unavoidable result of a policy that demands that the information on drug product labels be truthful and nondeceptive. Moreover, many of the potential costs attributable to the proposal should be avoidable under the more flexible and accommodating final rule. Finally, the agency believes that any cost impact that remains can be significantly reduced by skillful management of such contract arrangements, reduced label inventories, and so on.

In preparing the regulatory analysis assessment the agency considered the direct costs that would result from the proposed rule and concluded that these costs were "quite limited." This conclusion did not take into account all direct costs associated with the proposed rule or include all possible indirect costs, particularly with respect to the possible influence of the proposal on the competitive structure of the drug industry. However, in light of the change in the regulation, including the extended effective date, the agency believes that the regulation should not cause a significant economic impact and concludes that there is no reason to revise the initial regulatory analysis assessment.

Effective Dates

53. Several comments objected to the proposed effective date provisions. The proposal stated that the final rule would be effective 60 days after publication in the **Federal Register** (except for proposed § 201.1(f) (1) and (2) which would be effective 12 months after publication). The comments suggested that the 60-day effective date provision would force substantial relabeling, create significant losses in printed labels on hand, possibly disrupt the supply of critical drugs, and significantly increase the demand on existing printing facilities and equipment. As a result, the comments claimed, expenses associated with the labeling of drug products would substantially increase. Comments argued that a 12-month effective date provision would avoid the difficulties attributed to the 60-day provision. Comments asserted that the preamble's justification for a 12-month effective date for proposed § 201.1(f) would apply equally as well to the other provisions of the rule. A comment stated that extending the effective date to 12 months for the entire proposal would be consistent with FDA's policy respecting the permissible time allowed for labeling changes where no apparent safety issue is involved. In addition, several comments urged that instead of basing the effective date on the date of introduction or delivery for introduction into interstate commerce the provision should be based on the date of manufacture or packaging. One comment stated that this revision would ensure a smooth changeover to the new policy for both the manufacturers and for FDA.

For the reasons stated in the comments, FDA has decided to make all provisions of this final rule effective April 10, 1981, for drugs and drug products initially introduced or initially delivered for introduction into interstate commerce. The agency is confident that the delayed effective date should give ample time to exhaust present stocks of labels and to ensure that, on the effective date, all drugs and drug products introduced into or delivered for introduction initially into interstate commerce are labeled in compliance with the provisions of this final rule.

54. In the **Federal Register** of June 26, 1979 (44 FR 37434), FDA issued a final regulation which revised the requirements for the content and format of prescription drug labeling. Section 201.100(e) of that regulation required that all labeling bear conspicuously the name and place of business of the manufacturer, packer, or distributor as required for the label of the drug under § 201.1. As finalized, § 201.1(e) was scheduled to become effective June 26, 1980, or when printing plates were revised in the normal course of business, whichever occurred first. As noted above, the effective date for revised § 201.1 is April 10, 1981. Because the changes to drug labeling mandated by § 201.100(e) are so closely related to the changes that must be made to drug labels under § 201.1, the agency concludes that a single effective date for both final rules is appropriate. The effective date for § 201.100(e) is therefore extended to April 10, 1981. Of course, FDA encourages all drug firms to comply voluntarily with the revised labeling requirements as soon as practicable and before the effective date.

55. One comment stated that FDA has in the recent past issued several final rules which require labeling changes for prescription drugs. The comment noted that each of these regulations (in particular the final rules describing drug current good manufacturing practice and the rule defining prescription drug dispensing container requirements) has a different effective date. The comment argued that compliance with a variety of different effective dates is costly and asked that the effective dates for all of these rules be made uniform.

While the regulations cited in the comment have already become effective, and therefore are no longer candidates for a uniform effective date, as described above, FDA has established a uniform effective date for § 201.100(e) and this final regulation. The agency strongly believes that under certain circumstances uniform effective dates are a desirable means to reduce the costs and burdens associated with labeling revisions. FDA is considering developing a more formal policy concerning uniform effective dates for labeling changes required by regulation for drugs for human use.

Miscellaneous

Trade Correspondence

56. In the 1940's FDA issued two informal opinions regarding who could properly claim to be manufacturer of a drug product: Trade Correspondence 107 issued February 29, 1940, and Trade Correspondence 302 issued August 20, 1940. As these opinions are not consistent with the provisions of this final regulation, they are no longer applicable and are hereby revoked.

Place of Business

57. Section 201.1(i) currently requires that the statement of the place of business of the manufacturer, packer, or distributor include the street address, city, State, and ZIP Code on the product label (the street address may be omitted if it is shown in a current city directory or telephone directory). This section clearly describes what must be included in the address of a domestic manufacturer, packer, or distributor. The section has not specifically stated what must be included in the address of a foreign manufacturer, packer, or distributor. To clarify what must be included, the agency has added a provision in § 201.1(i) stating that for a foreign manufacturer, packer, or distributor, the statement of the place of business shall include the street address, city, and country and any applicable mailing code.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a), 52 Stat. 1050–1051 as amended 1055 (21 U.S.C. 352, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Title 21 of the Code of Federal Regulations is amended as follows:

PART 201—LABELING

1. By revising § 201.1 to read as follows:

§ 201.1 Drugs; name and place of business of manufacturer, packer, or distributor.

(a) A drug or drug product (as defined in § 320.1 of this chapter) in finished package form is misbranded under section 502(a) and (b)(1) of the act if its label does not bear conspicuously the name and place of business of the manufacturer, packer, or distributor.

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This paragraph does not apply to any drug or drug product dispensed in accordance with section 503(b)(1) of the act.

(b) As used in this section, and for purposes of section 502(a) and (b)(1) of the act, the manufacturer of a drug product is the person who performs all of the following operations that are required to produce the product: (1) Mixing, (2) granulating, (3) milling, (4) molding, (5) lyophilizing, (6) tableting, (7) encapsulating, (8) coating, (9) sterilizing, and (10) filling sterile, aerosol, or gaseous drugs into dispensing containers.

(c) If no person performs all of the applicable operations listed in paragraph (b) of this section, no person may be represented as manufacturer except as follows:

(1) If the person performs more than one half of the applicable operations listed in paragraph (b) of this section and acknowledges the contribution of other persons who have performed the remaining applicable operations by stating on the product label that "Certain manufacturing operations have been performed by other firms."; or

(2) If the person performs at least one applicable operation listed in paragraph (b) of this section and identifies by appropriate designation all other persons who have performed the remaining applicable operations, e.g., "Made by (Person A), Filled by (Person B), Sterilized by (Person C)"; or

(3) If the person performs at least one applicable operation listed in paragraph (b) of this section and the person is listed along with all other persons who have performed the remaining applicable operations as "joint manufacturers." A list of joint manufacturers shall be qualified by the phrase "Jointly Manufactured By ————," and the names of all of the manufacturers shall be printed together in the same type size and style; or

(4) If the person performs all applicable operations listed in paragraph (b) of this section except for those operations listed in paragraph (d) of this section.

(d) The Food and Drug Administration finds that it is the common practice in the drug industry to contract out the performance of certain manufacturing operations listed in paragraph (b) of this section. These operations include: (1) Soft-gelatin encapsulating, (2) aerosol filling, (3) sterilizing by irradiation, (4) lyophilizing, and (5) ethylene oxide sterilization.

(e) A person performs an operation listed in paragraph (b) of this section only if the operation is performed, including the performance of the appropriate in-process quality control operations, except laboratory testing of samples taken during processing, as follows:

(1) By individuals, a majority of whom are employees of the person and, throughout the performance of the operation, are subject to the person's direction and control;

(2) On premises that are continuously owned or leased by the person and subject to the person's direction and control; and

(3) On equipment that is continuously owned or leased by the person.

(f) The name of the person represented as manufacturer under paragraph (b) or (c) must be the same as the name of the establishment (as defined in § 207.3(b) of this chapter) under which that person is registered at the time the labeled product is produced. In addition, the name shall meet the requirements of paragraph (g) of this section.

(g) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. A separately incorporated subsidiary shall use its actual corporate name and not the name of its parent company. However, if it chooses, a separately incorporated subsidiary may also identify its parent corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(h)(1) Except as provided in this section, no person other than the manufacturer, packer, or distributor may be identified on the label of a drug or drug product.

(2) The appearance on a drug product label of a person's name without qualification is a representation that the named person is the sole manufacturer of the product. That representation is false and misleading, and the drug product is misbranded under section 502(a) of the act, if the person is not the manufacturer of the product in accordance with this section.

(3) If the names of two or more persons appear on the label of a drug or drug product, the label may identify which of the persons is to be contacted for further information about the product.

(4) If a trademark appears on the drug or drug product label or appears as a mark directly on the drug product (e.g., tablet or capsule), the label may identify the holder or licensee of the trademark. The label may also state whether the person identified holds the trademark or is licensee of the trademark.

(5) If the distributor is named on the label, the name shall be qualified by one of the following phrases: "Manufactured for ————", "Distributed by ————", "Manufactured by ———— for ————", "Distributor: ————", "Marketed by ————". The qualifying phrases may be abbreviated.

(6) If the packer is identified on the label, the name shall be qualified by the phrase "Packed by ————" or "Packaged by ————". The qualifying phrases may be abbreviated.

(i) The statement of the place of business shall include the street address, city, State, and ZIP Code. For a foreign manufacturer, the statement of the place of business shall include the street address, city, country, and any applicable mailing code. The street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply to consumer commodity labels developed or revised after July 1, 1969. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(j) If a person manufactures, packs, or distributes a drug or drug product at a place other than the person's principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or drug product was manufactured or packed or is to be distributed, unless such statement would be misleading.

(k) Paragraphs (b), (c), (d), (e), and (f) of this section, do not apply to the labeling of drug components.

(l) A drug product is misbranded under section 502(a) of the act if its labeling identifies a person as manufacturer, packer, or distributor, and that identification does not meet the requirements of this section.

(m) This section does not apply to biological drug products that are subject to the requirements of section 351 of the Public Health Service Act, 42 U.S.C. 262.

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

2. By revising § 207.20(a) to read as follows:

§ 207.20 Who must register and submit a drug list.

(a) Owners or operators of all drug establishments, not exempt under section 510(g) of the act or Subpart D of this Part 207, that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments). Such owners or operators are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments), whether or not the output of such establishment or any particular drug so listed enters interstate commerce, except that drug listing is not required at this time for the manufacturing, preparation, propagation, compounding, or processing of an animal feed (including a feed concentrate, a feed supplement, and a complete animal feed) bearing or containing an animal drug. No owner or operator may register an establishment, if any part of the establishment is registered by any other owner or operator.

* * * * *

3. By revising § 207.26 to read as follows:

§ 207.26 Amendments to registration.

Changes in individual ownership, corporate or partnership structure location or drug-handling activity, shall be submitted by Form FD–2656 (Registration of Drug Establishment) as amendment to registration within 5 days of such changes. A change in a registered establishment's firm name within 6 months of the registration of the establishment is required to be supported by a signed statement of the establishment's owner or operator that the change is not made for the purpose of changing the name of the manufacturer of a drug product under § 201.1 of this chapter. Changes in the names of officers and directors of the corporations do not require such amendment but must be shown at time of annual registration.

PART 314—NEW DRUG APPLICATIONS

4. By revising § 314.8(a)(6)(ii) to read as follows:

§ 314.8 Supplemental applications.

(a) * * *

(6) * * *

(ii) There are no changes from the conditions of the approved application except for a different and suitable proprietary name of the drug (if one is used) and the name and address of the distributor as used on the label and labeling. The name of the distributor shall be accompanied by a qualifying phrase permitted under § 201.1(h) of this chapter.

* * * * *

Effective date. This regulation shall be effective April 10, 1981, for drugs and drug products initially introduced or initially delivered for introduction into interstate commerce. It also extends the effective date of § 201.100(e) (21 CFR 201.100(e)), which requires that prescription drug labeling bear the name and place of business of the manufacturer, packer, or distributor, to April 10, 1981.

(Secs. 502, 701(a), 52 Stat. 1050–1051 as amended, 1055 (21 U.S.C. 352, 371(a)))

Dated: April 8, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–11081 Filed 4–11–80: 8:45 am]

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federal register

Tuesday
April 15, 1980

Part IV

Department of Energy

Economic Regulatory Administration

Electric Power System Permits and Reports Applications; Administrative Procedures and Sanctions

V 45 / 74 A P 15 80 UMI

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[Docket No. ERA-R-80-03]

Electric Power System Permits and Reports Applications; Administrative Procedures and Sanctions

AGENCY: Economic Regulatory Administration.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposal to implement the provisions of Section 202(e) of the Federal Power Act and Executive Order 10485, as amended by Executive Order 12038. Section 202(e) of the Federal Power Act specifies that the export of electric energy shall be authorized provided that the proposed transmission will not impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE. Section 202(e) further provides the authority to impose such terms and conditions on the export authorization as may be appropriate. Executive Order 10485, dated September 3, 1953, as amended by Executive Order 12038, dated February 3, 1978, establishes the procedures and standards for issuance of a Presidential Permit authorizing the construction, connection, operation and maintenance of electrical transmission facilities at international boundaries.

In accordance with the DOE Organization Act and pursuant to the DOE Delegation Order No. 0204-4, the ERA has been delegated the responsibility by the Secretary of the DOE for the regulation of international electricity exports. It is anticipated that the rules proposed herein will supersede 18 CFR 32.30-32.38 and 32.50-32.52, which ERA has been following pursuant to Section 705 of the DOE Organization Act (42 U.S.C. Section 7295).

DATES: Comments on this proposed rule are invited and should be submitted on or before May 9, 1980. Requests to speak at the public hearing are due by April 22, 1980. Hearing date: April 29, 1980.

ADDRESSES: Mail all comments to: Department of Energy, Docket Control Center, Docket No. ERA-R-80-03, Department of Energy, Office of Public Hearing Management, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Requests to speak at the Public Hearing should be addressed to: Office of Public Hearing Management, Docket No. ERA-R-80-03, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M St., N.W., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900.

ERA Docket Room, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On October 1, 1977, the authority to regulate exports of electricity was transferred to and vested in the Secretary of Energy pursuant to Sections 301 and 402(f) of the DOE Organization Act. Responsibility for the review and consideration of such applications to export electricity was delegated to the Administrator of the Economic Regulatory Administration by the DOE Delegation Order No. 0204-4 (42 FR 60726). Prior to this, authority resided with the Federal Power Commission under Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

The Economic Regulatory Administration advises that it is herein proposing regulations relating to applications for authorization to transmit electric energy to a foreign country and regulations relating to applications for construction, operation, maintenance or connection at an international boundary of facilities for the transmission of electric energy. The new regulations will be incorporated into 10 CFR 205.300 through 205.309, and 205.320 through 205.326, respectively. The final amended rulemakings will supersede 18 CFR 32.30 through 32.38, and 32.50 through 32.52.

Proposed Rule

The proposed rule changes:

1. *Changes to the rule governing authorizations to export electric energy (10 CFR 205.300 to 205.309).* The ERA is expanding the data to be submitted in applications for authorization to export electric energy. Changes made to the existing rules are as follows:

a. All references to "the Commission" have been changed to read "ERA" in accordance with Section 402(f) of the DOE Organization Act (42 U.S.C. Section 7172) and the DOE Delegation Order 0204-4.

b. The definition of who shall apply under § 205.300 of the proposed rule has been changed to specify that the rule is applicable only to electric utilities subject to jurisdiction under Part II of the Federal Power Act. This rewording eliminates confusion caused by the current regulations which state that any "owner of a source of supply of electric energy shall apply" even though the basis for the regulation is Part II of the Federal Power Act.

c. The time of filing prior to initiation of the export has been increased from 30 days to six months to provide sufficient time to publish a **Federal Register** notice inviting public comments and to accomplish the environmental assessment as required by the National Environmental Policy Act.

d. Minor changes have been made in § 205.302 concerning requirements for the contents of an application (previously 18 CFR 32.32(d)). The requirement that a copy of the rates proposed to be charged for the exported electric energy has been removed from this section and placed in § 205.303 as Exhibit A. Additional information is being requested such as the legal name of all partners of the applicant (Section 205.302(b)). Information required concerning electricity to be exported has been expanded to include the address of any other Federal, state or local government agency which may have jurisdiction over the action to be taken in this application. This information will enable the ERA to coordinate the export authorization process with other interested government agencies.

In addition the applicant will be required to submit a description of the facilities to which the electric energy will be delivered in the foreign country, including the name of the owner(s) and the location of the facility(s) and to provide a discussion of the impact of the proposed electricity export on the applicant's present and prospective system, considering overall system reliability, fuel use and system development. The requirement for the applicant to provide this data is necessary so that the ERA can satisfy the requirement in Section 202(e) of the Federal Power Act that the authorization be issued unless "the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination of facilities subject to jurisdiction of the commission."

e. Under § 205.303 the exhibits required have been modified from the requirements in 18 CFR 32.51. As stated above, Exhibit A requires that the proposed rates be filed together with similar information regarding such service if provided within the United States. This exhibit is a consolidation of

provisions found in 18 CFR 32.32(d) and 18 CFR 32.33, Exhibit A. Exhibit C has been amended to delete the scale requirement for the general or key map, while the applicant is now requested to identify the border crossing point by Presidential Permit number.

The requirement (Exhibit E) to show corporate relationships or existing contracts between the applicant and other corporations or governments has been made more specific; however, it is similar to the language found previously in 18 CFR 32.51(c).

The requirement to provide copies of articles of incorporation and bylaws of the applicant company has been deleted.

To ensure the maximum benefits to consumers in the United States each applicant will be required to develop a plan for informing any electric utility with a service area border common with the applicant's prior to any electricity transactions with the foreign utility. Diversity exchanges and emergency transfers are exempted from this requirement (Exhibit F). This new requirement will in part fulfill the coordination review required by the statute and will ensure protection of the public interest.

f. In § 205.304, the exemption from filing certain information in applications for the export of less than 1,000,000 kilowatt hours annually, which was found in 18 CFR 32.34, has been revised to correspond to the new filing requirements. The exemption remains so that low quantity exports authorization applications are simplified.

g. After reviewing the rules pursuant to the DOE's responsibilities under the National Environmental Policy Act of 1969 [42 U.S.C. Section 4321 *et seq.*], the DOE has determined that the proposed action does not constitute a Federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement was prepared and a finding of no significant impact to that effect is hereby issued.

2. *Changes to the regulations for applications for Presidential Permits authorizing construction, connection, operation and maintenance of electric energy transmission facilities at international boundaries (10 CFR 205.320 to 205.326).* These proposed regulations are an expansion of 18 CFR 32.50 *et seq.*, so as to require an application to include more technical and environmental data. The majority of changes are found in § 205.321 concerning the required contents of the application. The application is subdivided into four major subsections:

1. Information about the applicant;
2. Information regarding the facility;
3. Environmental data; and
4. Alternatives to the project.

Changes made in the regulations are as follows:

a. All references to "the Commission" have been changed to read "ERA" in accordance with Section 402(f) of the DOE Organization Act (42 U.S.C. Section 7122) and the DOE Delegation Order 0204-4.

b. The applicant, under § 205.321(a)(2) of the proposed rule, must now include the legal names of all partners and show, under § 205.321(a)(6), that the proposed facility is within its corporate powers and that the applicant has complied with the applicable state laws.

c. The information required in § 205.321(b)(1), (2) and (3) of the proposed regulations is considerably more detailed than that which has previously required. Applicant is requested to provide a technical description of the proposed transmission line(s). Applicant is also required to distinguish facilities already constructed from those proposed to be constructed.

If the applicant proposes to operate the facility at more than 138 kilovolts, additional technical data, such as power transfer capability, effect on power system reliability, system power flow plots, stability analysis, for the applicant and his Fuel Use Regional area are required. Also, data on television and radio interference that may be caused by the proposed transmission line are required to be filed under § 205.321(b)(3). These additional data are required because power system facilities above 138 kilovolts will normally have a significant impact on the adequacy of the bulk power system. Consequently, this required information is necessary to assess adequately the impact of the proposed facility. Facilities operated at less than 138 kilovolts are generally local area feeder lines and will usually have minimal impact on the bulk power system.

d. A major subsection on environmental data has been added to assist the DOE in making a determination as to the necessity for an environmental impact statement in compliance with the National Environmental Policy Act (Pub. L. No. 91-190, 42 U.S.C. Section 4321 *et seq.*) and 10 CFR Part 208.

General environmental data on the border crossing and the connecting transmission line are required in § 205.321(c). The applicant shall provide information on the type of land to be used for the facility and whether the facility will cross or impact upon floodplains, wetlands, or national historic sites. Details regarding right-of-way widths for transmission lines must be included. The environmental data shall also include a list of local threatened or endangered species.

e. Section 205.321(d) requires a brief description of alternatives to the proposed facility and a discussion of whether the alternatives would have a lesser or greater environmental economic impact.

f. A requirement that each application shall be signed and verified by an officer of the applicant is added in § 205.321(a)(7).

g. After reviewing the rules pursuant to DOE's responsibilities under the National Environmental Policy Act, DOE has determined that the proposed action does not constitute a Federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement was prepared and a finding of no significant impact to that effect is hereby issued.

3. *General changes pertinent to both rules occur in the sections concerning transferability, form and style, annual reports and filing fees.*

a. Section 205.305(a) covering transferability remains basically unchanged from 18 CFR 32.35 except that the section which read "shall continue in effect temporarily for a reasonable time thereafter * * *." now reads "shall continue in effect temporarily * * *.", and where it read "provided notice is promptly given in writing * * *.", it now reads "provided notice is given to ERA in writing within 30 days * * *.". A section similar to § 205.305(a) is also added as § 205.322(a). Under § 205.322(c), changes to facilities authorized by permit must have prior approval from ERA and, under subsection (d), permits may me modified or revoked by the President of the United States, or by the Administrator of ERA after public notice and may be amended by ERA upon proper application thereto. A new § 205.305(b) has been added which provides that in the event of a proposed transfer the transferor and transferee will file a joint application, pursuant to §§ 205.300-204.304, and include a statement of reasons for the transfer. A similar section has been added to § 205.322(b).

b. ERA proposes the requirement of an original and ten conformed copies of an application under § 205.307 governing applications for export authorization and § 205.323 governing Presidential Permit applications. 18 CFR 32.37 required that an original and six copies be filed; 18 CFR 32.50 required an original and eight copies.

c. Section 205.308(a) requires persons authorized to export electric energy to file supplements, notices of succession in ownership or operation, notices of cancellation and certificates of concurrence with respect to such energy within 30 days of the action. Applicants are also required to submit an annual report to ERA showing the gross amount of kilowatt hours of energy received or delivered, the cost and revenue associated with the transfer (Section 205.308(d) and § 205.324). Subsections 205.308 (b) and (c) provide that persons authorized to export electric energy shall file a certified copy of the current rate schedule for that energy.

Accordingly, such rates may take effect upon filing with ERA. This departure from FPC procedure is proposed in order to avoid unnecessary United States Federal agency review of rates which generally are the result of arms-length bargaining between two utilities and subject to review by the appropriate governmental agency in the importing nation.

d. The filing fees of $500 and $150 established in §§ 205.309 and 205.325 are identical to fees currently in effect.

e. Requirements that each application must be accompanied by the proper fee in order to be accepted and processed and information on how fee payment is to be made are added in § 205.309 and § 205.325.

Public Hearing and Comment Procedures

1. *Written Comments.* You are invited to participate in this proceeding by submitting information, opinions or arguments, with respect to the proposals set forth in this Notice. Comments should be submitted by 4:30 p.m., e.s.t., May 9, 1980, to the address indicated in the "Addresses" section of this Notice and should be identified on the outside envelope and on documents submitted, with the designation "Procedures for Electricity Export Authorization and Presidential Permit Authorization," Docket No. ERA–R–80–03.

Five copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Office, GA–152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Any information or data submitted which is considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of such information or data and to treat it according to its determination.

2. *Public Hearings.*

a. *Procedures for request to make oral presentation.* The times and places for the hearing are indicated in the "Dates" and "Addresses" sections of this Notice. If you are interested in this proposed rule or represent a person, group or class of persons that has an interest, you may make a written request for an opportunity to speak at the public hearing. Requests to speak must be sent to the address shown in the "Addresses" section and must be received by April 22, 1980.

You should provide a phone number where you may be reached through the day before the hearing. If you are selected to participate in the hearing, you will be so notified on or before April 25, 1980, for the April 29 hearing. You should submit 25 copies of your statement by 4:30 p.m. on April 28, 1980, to Public Hearing Management, U.S. Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

b. *Conduct of the hearing.* We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. ERA may limit the length of each presentation, based on the number of persons requesting to be heard. ERA encourages groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the group.

An official of the ERA will be designated to preside at the hearing. It will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement may be given the opportunity, if time permits, to make a rebuttal statement. Rebuttal statements, if allowed, will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you must submit it in writing to the presiding officer on the day of the hearing. The presiding officer will determine whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

ERA will have a transcript made of the hearing, and ERA will retain the entire record of the hearing, including the transcript, and make it available for inspection at the DOE Freedom of Information Office, Room GA–152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

In consideration of the foregoing, the Department of Energy proposes to add Subpart W of Part 205 of Chapter II, Title 10, Code of Federal Regulations, to read as set forth below.

Issued in Washington, D.C., on April 7, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

It is proposed to amend Part 205, Chapter II of Title 10, Code of Federal Regulations by adding Subpart W—Electric Power System Permits and Reports Applications containing §§ 205.300–205.309 and 205.320–205.326 as follows:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart W—Electric Power System Permits and Reports

Application for Authorization to Transmit Electric Energy to a Foreign Country

Sec.

205.300 Who shall apply.
205.301 Time of filing.
205.302 Contents of application.
205.303 Required exhibits.
205.304 Other information.
205.305 Transferability.
205.306 Authorization not exclusive.
205.307 Form and style; number of copies.
205.308 Filing schedule and annual reports.
205.309 Filing procedures and fees.

Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries

205.320 Who shall apply.
205.321 Contents of aplication.
205.322 Transferability.
205.323 Form and style; number of copies.
205.324 Annual report.
205.325 Filing procedures and fees.
205.326 Other information.

Authority: Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565 (42 U.S.C. Section 7101). Federal Power Act, Pub. L. 66–280, 41 Stat. 1063, (16 U.S.C. Section 792 et seq.). Department of Energy Delegation Order No. 0204–4 (42 FR 60726). EO 10485, 18 FR 5397, 3 CFR, 1949–1953 Comp., p. 970; as amended by EO 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136.

Subpart W—Electric Power System Permits and Reports

Application for Authorization to Transmit Electric Energy to a Foreign Country

§ 205.300 Who shall apply.

(a) An electric utility or other entity subject to jurisdiction under Part II of the Federal Power Act who proposes to transmit any electricity from the United States to a foreign country is a necessary party to an application for this authorization sought under Section 202(e) of the Federal Power Act. The application shall be submitted to the Office of Utility Systems of the Economic Regulatory Administration (ERA).

(b) In connection with an application under §§ 205.300 through 205.309, attention is directed to the provisions of §§ 205.320 through 205.326, of this subpart, concerning applications for Presidential Permits for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country in compliance with Executive Order 10485, as amended by Executive Order 12038.

§ 205.301 Time of filing.

Each application should be made at least six months in advance of the initiation of the proposed electricity export.

§ 205.302 Contents of application.

Every application shall contain the following information set forth in the order indicated below:

(a) The exact legal name of the applicant;

(b) The exact legal name of all partners;

(c) The name, title, post office address, and telephone number of person to whom correspondence in regard to the application shall be addressed;

(d) The state or territory under the laws of which the applicant is organized or incorporated, or authorized to operate. If the applicant is authorized to operate in more than one state, all pertinent facts should be included;

(e) The address of any other Federal, state or local government agency which may have any jurisdiction over the action to be taken in this appliaction and a brief description of that authority;

(f) Description of the facilities to which the electric energy will be delivered in the foreign country, including the name of the owners and the location of the facilities;

(g) Discussion of the impact of the proposed electricity export on the applicant's present and prospective electric power supply system, considering overall system reliability, fuel use and system stability. Applicant shall explain why the proposed electricity export will not impair the sufficiency of electric supply and will not impede or tend to impede the coordination of electric utility planning or operation within the applicant's service area and within the appropriate Fuel Use Electric Region;

(h) The original application shall be signed and verified under oath by an officer of the applicant having knowledge of the matters set forth therein.

§ 205.303 Required exhibits.

There shall be filed with the application and as a part thereof the following exhibits:

Exhibit A. Copy of the agreement or proposed agreement under which the electricity is to be transmitted and all other applicable written instruments regarding the terms and conditions proposed to be charged to the foreign purchaser together with similar information regarding such service if rendered in the United States.

Exhibit B. A showing, including signed opinion of counsel, that such export of electricity is within the corporate power of the applicant, and that the applicant has complied or will comply, with all pertinent Federal and state laws. This showing shall identify the Presidential Permit to be used for the proposed export.

Exhibit C. A general map showing the applicant's overall system and a detailed map highlighting the location of the facilities used or the proposed facilities to be used for the generation and transmission of electric energy to be exported and the point or proposed point of transfer of such energy. The detailed map shall identify the border crossing points by Presidential Permit number whenever possible.

Exhibit D. If an applicant resides or has its principal office outside the United States, such applicant shall designate by irrevocable power of attorney an agent residing within the United States upon whom service of notice and process with respect to transmission of electric energy may be had; a verified copy of such power of attorney shall be furnished with the application.

Exhibit E. A statement of any corporate relationship or existing contract between applicant and any other person, corporation, or foreign government, which in any way relates to the control or fixing of rates for the purchase, sale or transmission of electric energy and which may serve in any way to restrict or prevent competing U.S. companies from extending their activities.

Exhibit F. An explanation of the methodology to be employed to inform other United States electric utilities of the available capacity and energy which may be in excess of applicant's requirements before delivery of such capacity to the foreign purchaser. Diversity exchange and emergency situations are exempted from this requirement. Those materials required by this section previously filed by the applicant with the ERA, since the establishment of the Department of Energy, may be incorporated by reference.

§ 205.304 Other information.

Where the application is for authority to export less than 1,000,000 kilowatt hours annually, applicants need not furnish the information called for in §§ 205.32(g) and 205.303 (Exhibit C). Applicants, regardless of the amount of electric energy to be exported, may be required after filing the application to furnish such supplemental information as the ERA may deem pertinent.

§ 205.305 Transferability.

(a) An authorization to transmit electric energy from the United States to a foreign country granted by order of ERA under Section 202(e) of the Federal Power Act shall not be transferable or assignable. The ERA order granting the authorization may, however, provide that the authorization shall continue in effect temporarily in the event of the involuntary transfer by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for permanent authorization and decision thereon, provided notice is given to the ERA in writing within 30 days accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer and as stated in the initial application for such authorization.

(b) In the event of a proposed voluntary transfer, including transfer of authority to export electricity, the transferee and the transferor shall file jointly an application pursuant to this subsection, setting forth such information as required by Sections 250.300 through 304, together with a statement of reasons for the transfer.

(c) The ERA may at any time subsequent to the original order of authorization, after opportunity for hearing, issue such supplemental orders to the original order as it may find necessary or appropriate.

§ 205.306 Authorization not exclusive.

No authorization granted pursuant to Section 202(e) of the Act shall be deemed to prevent authorization from being granted to any other person or

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entity to transmit electric energy for the same use, or to prevent any other person or entity from making application for such authorization.

§ 207.307 Form and style; number of copies.

An original and ten conformed copies of an application under §§ 205.300 through 205.309 must be filed and must conform in all other respects to the requirements of Section 205.4 through 205.9 of this chapter.

§ 205.308 Filing schedule and annual reports.

(a) Persons authorized to transmit electric energy from the United States shall file all supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy at least 30 days prior to taking such actions.

(b) Person authorized to transmit electric energy from the United States shall also file with the ERA annually by February 15, a certified copy of the current rates charged for the exported energy together with a copy of the rates charged by that person for similar service rendered in the United States.

(c) A change in the tariff arrangement does not require change in the authorization. However, persons authorized to transmit electric energy from the United States shall file with the ERA a certified copy of the changed rate schedule and/or terms for informational purposes related to the determination that such exports are not inconsistent with the public interest, pursuant to Section 202(e) of the Federal Power Act. Such changes may take effect upon the date of filing of informational data with ERA.

(d) Persons receiving authorization to transmit electric energy from the United States shall submit to the ERA, by February 15 each year, a report covering each month of the preceding calendar year detailing the gross amount of kilowatt-hours of energy, by authorized category, received or delivered, and the cost and revenue associated with each category.

§ 205.309 Filing procedures and fees.

Applications shall be addressed to the Office of Utility Systems of the Economic Regulatory Administration. Every application shall be accompanied by a fee of $500.00. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States.

Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries

§ 205.320 Who shall apply.

(a) Any person, firm, co-operative, corporation or other entity who operates an electric power transmission or distribution facility crossing the border of the United States, for the transmission of electric energy between the United States and a foreign country, shall have a Presidential Permit, in compliance with Executive Order 10485, dated September 3, 1953, as amended by Executive Order 12038, dated February 3, 1978. Such applications should be filed with the Office of Utility Systems of the Economic Regulatory Administration.

Note.—Executive Order 12038, dated February 3, 1978, amended Executive Order 10485, dated September 3, 1953, to delete the words "Federal Power Commission" and "Commission" and substitute for each "Secretary of Energy". Executive Order 10485 revoked and superseded Executive Order 8202 dated July 13, 1939.

(b) In connection with applications hereunder, attention is directed to the provisions of §§ 205.300 to 205.309, of this subpart concerning applications for authorization to transmit electric energy from the United States to a foreign country pursuant to Section 202(e) of the Federal Power Act.

§ 205.321 Contents of application.

Every application shall be accompanied by a fee prescribed in § 205.325 of this subpart and shall provide in the order indicated the following:

(a) Information regarding applicant.

(1) The legal name of applicant;

(2) The legal names of all partners;

(3) The name, title, post office address, and telephone number of the person to whom correspondence in regard to the applicant shall be addressed;

(4) Whether applicant company or its transmission lines are owned wholly or in part by a foreign government or directly or indirectly assisted by a foreign government or instrumentality thereof; or whether applicant company has any agreement pertaining to such ownership by or assistance from any foreign government or instrumentality thereof. If so, give full details;

(5) List all existing contracts or other arrangements that the applicant has with any foreign government, or any foreign private concerns, which relate to the purchase, sale or delivery of electric energy;

(6) A showing, including signed opinion of counsel, that the construction, connection, operation, or maintenance of such a facility is within the corporate power of the applicant, and that the applicant has complied with or will comply with applicable state laws;

(7) The original of each application shall be signed and verified under oath by an officer of the applicant having knowledge of the matters therein set forth.

(b) Information regarding the transmission lines to be covered by the Presidential Permit.

(1) A technical description providing the following information: number of circuits, with identification as to whether the circuit is overhead or underground; the operating voltage and frequency; and conductor size, type and number of conductors per phase. If the proposed interconnection is an overhead line the following additional information must also be provided: the wind and ice loading design parameters; a full description and drawing of a typical supporting structure including strength specifications; structure spacing with typical ruling and maximum spans; conductor (phase) spacing; and the designed line to ground and conductor side clearances. If an underground or underwater interconnection is proposed, the following additional information must also be provided: burial depth; type of cable and a description of any required supporting equipment, such as insulation medium pressurizing and forced cooling plants; and cathodic protection equipment. Technical diagrams which provide clarification of any of the above items should be included.

(2) A general area map with a scale not greater than 1 inch=40 kilometer (1 inch=25 miles) showing the overall system, and a detailed map at a scale of 1 inch=8 kilometers (1 inch=5 miles) showing the physical location, longitude and latitude of the facility on the international border. The map shall indicate ownership of the facilities at or on each side of the border between the United States and the foreign county. If the application covers proposed facilities in addition to those already constructed, the maps, plans, and description of the facilities shall distinguish the facilities or parts thereof which have been constructed from those to be constructed;

(3) Applications for a bulk power supply facility which is proposed to be operated at 138 kilovolts or higher shall contain the following bulk power system information:

(i) Data regarding the expected power transfer capability, using normal and short time emergency conductor ratings;

(ii) System power flow plots for the appropriate Fuel Use Electric Region for heavy summer and light spring load periods, with and without the proposed international interconnection, for the year the line is scheduled to be placed in service and for the fifth year thereafter;

(iii) Data on the line design features for minimizing television and/or radio interference caused by operation of the subject transmission facilities;

(iv) A description of the relay protection scheme, including equipment and proposed functional devices;

(v) After receipt of the system power flow plots, the ERA may require the applicant to furnish system stability analysis for the applicant's system and for the pertinent Fuel Use Electric Region.

(c) Information regarding the environmental impacts shall be provided as follows for each routing alternative:

(1) Statement of the environmental impacts of the proposed facilities including a list of each flood plain, wetland, critical widlife habitat, navigable waterway crossing, Indian land, or natural historic site which may be impacted by the proposed facility with a description of proposed activities therein;

(2) A list of Historic Places, as specified in 36 CFR Part 800, which may be eligible for the National Register of Historic Places.

(3) Details regarding the minimum right-of-way width for construction, operation and maintenance of the transmission lines and the rationale for selecting that right-of-way width.

(4) A list of local threatened or endangered wildlife or plant life.

(d) Information regarding alternatives to the interconnection.

(1) A brief description of alternatives to the facility and a discussion of the general environmental impacts of such alternatives.

(e) The original of each application shall be signed and verified under oath by an officer of the applicant, having knowledge of the matters therein set forth.

§ 205.322 Transferability.

(a) A permit issued by the ERA pursuant to Executive Order 10485, as amended, and the facility or any part thereof built pursuant to such a permit shall not be transferable or assignable. The ERA order granting the permit may however, provide that the permit shall continue in effect temporarily in the event of the involuntary transfer of the facility by operation of law (including such transfers to receivers, trustees, or purchases under foreclosure or judicial sale) pending the making of an application for a new permit and decision thereon, provided notice is given to the ERA in writing within 30 days after such transfer accompanied by a statement that the facility authorized by the permit remains substantially the same as before the transfer and as stated in the initial application for such authorization.

(b) In the event of a proposed voluntary transfer of the facility, the permittee and the party to whom the transfer would be made shall file a joint application with the ERA pursuant to this subsection, setting forth information as required by § 205.320 *et seq.*, together with a statement of reasons for the transfer. The application shall be accompanied by a filing fee pursuant to Section 205.325.

(c) No substantial change shall be made in any facility authorized by permit or in the operation thereof unless or until such change has been approved by the ERA.

(d) Permits may be modified or revoked by the president of the United States, or by the Administrator of the ERA after public notice, and may be amended by the ERA upon proper application thereto.

§ 205.323 Form and style; number of copies.

(a) All applicants shall file an original and ten conformed copies of the application and all accompanying documents required under §§ 205.321 through 205.324.

(b) All applications must conform in all other respects to the requirements of Sections § 205.4 through 205.9 of this Chapter. If the application is found to be deficient, the Administrator of the ERA, or a delegate, shall notify the applicant of the deficiencies and will request that the applicant submit revisions or additions to the application.

§ 205.324 Annual report.

Persons receiving permits to construct, connect, operate or maintain electric transmission facilities at international boundaries shall submit to the ERA, by February 15 each year, a report covering each month of the preceding calendar year, detailing by authorized category the gross amount of kilowatt-hours of energy received or delivered and the cost and revenue associated with each category.

§ 205.325 Filing procedures and fees.

Applications shall be forwarded to the Office of Utility Systems of the Economic Regulatory Administration and shall be accompanied by a filing fee of $150. The application fee will be charged irrespective of the ERA's disposition of the application. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States.

§ 205.326 Other information.

The applicant may be required after filing the application to furnish such supplemental information as the ERA may deem pertinent.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today**.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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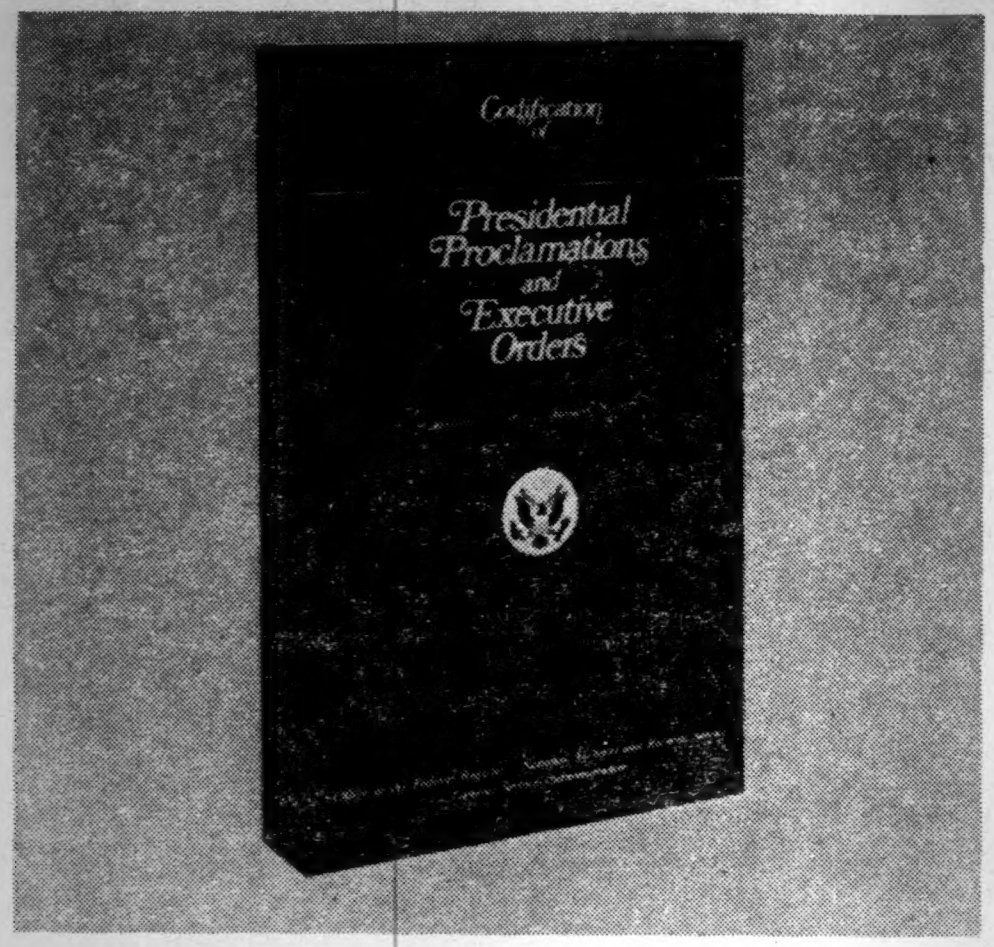

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